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SENATE—*Monday, June 25, 1973*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Loving Father, we thank Thee for the worship and rest of the day just past and for health of body, mind, and spirit. We beseech Thee to go with us into the life of the new week. May serenity, joy, and love be in us the marks of Thy presence, guard us when tempted. Spare us from being trapped by unworthy compromises. Keep us true to truth and true to Thee. May the life we live, by Thy grace and power, be a contribution to the coming of Thy kingdom. For Thy name's sake. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting the nomination of Philip K. Crowe, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 6187. An act to amend section 502(a) of the Merchant Marine Act, 1936;

H.R. 8510. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.R. 8825. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7357) to amend sections 3(e) and 5(1)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bill.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 6187. An act to amend section 502(a) of the Merchant Marine Act, 1936; to the Committee on Commerce.

H.R. 8825. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes; to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 22, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A VISIT TO THE FOLKS IN MONTANA—AND BOZEMAN'S LITTLE LEAGUE BASEBALL TEAM

Mr. MANSFIELD. Mr. President, I had the opportunity to visit the folks in Montana over the weekend, and I found there was great concern about inflation, about Watergate, and other matters. I also found, in a lighter but still serious vein, that the Little League baseball team in Bozeman, Mont., has three young girls on its roster by the names of Teresa Christie, Lynda Gowen, and Rhea Hain.

Some days ago, I read about a situation which developed in the State of Michigan where there was a certain amount of controversy because one girl was on a Little League team and because of that discriminatory factor, that Little League team, unfortunately, was precluded from being recognized by the overall administration of the Little League team's administration.

Frankly, I think it is an outright shame that this has been allowed to occur. I am delighted that Bozeman, Mont., has three young girls on its Little League team and that they are all there not because they are girls but because they are competitively as good or better than the boys. I am happy to note that Bozeman, Mont., defied the ban, at least for now, and I hope it will continue to defy the ban, whether or not it robs them of an opportunity to participate in the State or the national or the international championships.

Mr. President, I ask unanimous consent that an article entitled "Bozeman Defies Ban—For Now," published in the Billings, Mont., Gazette of June 24, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOZEMAN DEFIES BAN—FOR NOW

(By Arthur Otis)

BOZEMAN.—While the Little League world has been shaken nationally by the issue of pigtails on the diamond, girls in Bozeman have been taking their cuts with little fanfare.

Three have made it to the major leagues—the best you can do in the Little League. More are in the minors. No one seems exactly sure how many.

However, their position is tenuous. Little League officials in Bozeman say they don't know what the reaction will be when official rosters are turned into Little League headquarters in Williamsport, Pa. The powers-that-be there have decreed that Little League baseball is a boys-only sport.

"The board voted to go ahead and let them play," says Arnold J. Foss, president of the Bozeman Little League. "There was no softball option open to them. If there had been, the board may not have allowed them to play."

Foss said that if trouble erupts with the head office of the Little League program, the board may have to meet again and reconsider its position.

In the meantime, Lynda Gowen, Rhea Hain and Teresa Christie, all outfielders, keep shagging flies and swinging the bat.

After some initial heckling, the bench jockeys were silenced when the trio turned out to be the equals of their male teammates and superior to some.

They've impressed the coaches, too.

'Rhea, 10, has turned out real well. She's a good fielder, she hustles, she pays attention and takes her cuts," said Harold Veltkamp, a coach for a team sponsored by the Bozeman Police Association.

"I was not in favor of girls playing, but now that Linda's on the team, nobody's going to take her away," said Coach John L. Swenumson. "I think she has changed my mind. If they're good enough to play, they should be allowed to."

William F. Gowan, father of 10-year-old Lynda says his daughter is just a normal little girl. "Except when she is on the field, then she is a real competitor."

Teresa, 10, is probably the best hitter to date among the three. Jim Koelzer, who coaches her, said she poked a few hits into the outfield on her first practice session and has pounded out several hits in league competition.

Until high powers decide differently, the girls will continue playing for the glory of the team, the game of baseball, and in one case, a new pair of tennis shoes.

That's what Lynda's father promised her when she gets her first base hit.

FEDERAL EMPLOYMENT AND ANNUITY PRACTICES

Mr. MANSFIELD. Mr. President, at the last meeting of the Senate Democratic policy committee, a resolution was adopted with regard to Federal employment and annuity practices. The policy committee was constrained to act on this matter because of certain anomalies in the retirement system which result from the freeze on Federal salaries in the higher grades coupled with the cost-of-living escalator for Federal annuitants. A questionable situation could arise when an employee retires to take advantage of the automatic cost-of-living increase in annuity and then is rehired for the same or similar responsibilities. The committee felt that this retire-rehire situation could lead to damage to the retirement structure and precipitate public criticism of the Federal retirement system. In an endeavor to avoid such a situation, the committee unanimously acted to encourage a careful examination of the entire matter by the Civil Service Commission, the Office of Management and Budget, and the Post Office and Civil Service Committee, and to recommend stopgap arrangements insofar as Senate practices are concerned.

Mr. President, I ask unanimous consent that the statement made by the Senator from Montana, now speaking, to the Democratic policy committee on Tuesday, June 12, 1973, and a resolution adopted unanimously by the Democratic policy committee on June 12, 1973, be printed in the Record.

There being no objection, the statement and resolution were ordered to be printed in the Record, as follows:

Statement by the Majority Leader to the Democratic Policy Committee Meeting, Tuesday, June 12, 1973

The freeze on Federal salaries in the higher grades coupled with the cost-of-living escalator for Federal annuitants creates certain anomalies in the retirement system. These anomalies are likely to encourage a search for loopholes in the retirement laws which, in turn, could distort the intent of the retirement system and very likely lead to widespread public criticism. It should be noted at the outset that the staffs of the Legislative Branch are included in the Federal retirement system so what follows applies to Senate personnel as well as to civil servants and other appointees elsewhere in the government.

One anomaly involves, in particular, higher grade employees who are qualified for full or almost full retirement annuity by reason of sufficient years of service but whose salaries have remained frozen at a maximum notwithstanding four recent raises amounting to 22.6% given to other government employees. If these higher grade employees were to retire before July 1, 1973, they would receive a 6.1% increase in their annuity because of the automatic cost-of-living adjustment for annuitants. If they were then rehired for the same jobs from which they retired, they would receive their enriched annuity plus whatever pay was necessary to equal their previous salaries. Even though back at work, their entitlement when they ultimately retire would have been enriched by the 6.1% for the automatic cost-of-living increase for annuitants which is scheduled for July 1, 1973. Having retired, moreover, they would henceforth continue to accumulate towards ultimate retirement any additional automatic cost-of-living annuity increases which might come along as they continue to work. It goes without saying that with a continuing inflation, the accumulations are very significant. There have been nine automatic cost-of-living increases for annuitants within the past nine years; the total increase amounting to 43.8%.

A retire-rehire arrangement of this sort, of course, can be made only with the concurrence of the supervising agency. That is because the reemployment of an annuitant is permitted under the law as a "tool of management," not as an accommodation to employees. The provision has been in effect for many years and occasional, short term usage for management purposes is not reprehensible in any sense. Government should be able to avail itself from time to time of the services of individuals who have retired and who are needed for special assignments and for brief periods.

The Civil Service Commission reports that the practice of rehiring annuitants on this basis is quite common throughout the government. As far as the Senate is concerned, there are 16 reemployed annuitants out of a total of almost 5,000 employees. Of this number, only four were previously employed by the Senate and only two of these have returned, after retirement, to their previous office.

Clearly, there has been no abuse to date in the Senate of this provision of the law and, indeed, the situation elsewhere in the government may be the same. In any event, danger of abuse is only now becoming imminent. With a 6.1% cost-of-living increase for annuitants in the offing on July 1, we could see very soon, "as a tool of management," a flood of retirements and rehirings of employees who are not yet ready to retire permanently. The consequences might very well include the following:

1. Permanent and timely retirements could shrink in the Senate and throughout the government;

2. Federal employee rolls in the higher grades could tend to atrophy and, with turnover shrinking, opportunities for young people to advance in government service would decline;

3. An accumulation of reemployed annuitants in higher appointed positions throughout the government could reflect itself in a growing inertia and stagnation in Federal policies and practices;

4. Public criticism of government retirement practices could intensify;

5. A tendency to get around budgetary limitations in Congressional offices and elsewhere, could appear since, in the case of a reemployed annuitant, only that part of his salary which is not covered by his annuity is chargeable to the hiring office with the balance coming out of the Federal Retirement Fund. Thus, a Member of Congress could conceivably hire several annuitants of a competence which would warrant salaries of $30,000 each but at a charge to his office funds of only five or six thousand per annuitant.

Basically, the danger of abuse arises from the unchecked inflation in the nation. When that is coupled with the freeze on higher salaries, senior employees face financial loss by not retiring. If they are not ready to retire and their supervisor is willing to keep them on "for the good of the government" these employees will be able to avail themselves of the law and continue to work while not losing out on the July 1 and any future cost-of-living increases for annuitants, the advantages of which will come to them when they eventually retire permanently.

Members of Congress, of course, even if so inclined are not in a position to exploit this situation, personally, even though their salaries, too, have been "frozen" through several Federal salary increases. Their "supervisors" are the voters. Thus, unless something is done to modify the situation, to cite an extreme example, it is conceivable that a staff employee of a Senator or a Committee eventually could retire permanently with an annuity in excess of a Congressman's current working salary! For this situation to occur, a senior employee would have to retire, be rehired and remain on for an additional number of years.

This same prospect, of course, could exist anywhere in the government and even for annuitants who do not come back to work, if the inflation continues and the salaries of Members of Congress remain frozen.

If the Senate is going to acquiesce in this situation, it ought to be done with eyes open, recognizing the retirement and reemployment practices involved and making them known to the public. Better still, of course, would be a full and frank reexamination by the Congress, through its appropriate Committees, of the relationship of Federal salary freezes, automatic cost-of-living escalators and basic control over Federal salary scales, with regard to which, the Congress has abandoned a great measure of its legislative powers to unilateral Executive Branch control in recent years.

Majority Policy Committee Resolution on Federal Employment and Annuity Practices

Whereas, continuing inflation, automatic cost-of-living increases to Federal annuitants and the freeze on Federal salaries in the higher grades has created a situation which could distort the intent and jeopardize the fiscal integrity of the Federal retirement system,

The Majority Policy Committee directs:

1. That the Majority Leader bring to the attention of the Minority Leader his analysis of this problem as set forth in the accompanying statement; and

2. That together with the Minority Leader or separately, he communicate this analysis

to the Speaker of the House, to the Civil Service Commission and to the Post Office and Civil Service Committee of the Senate for consideration and comment.

3. The Majority Leader is also directed to communicate, jointly with the Minority Leader or separately, to all Committees of the Senate, to the Civil Service Commission, and the Director of the Office of Management and Budget as an urgent recommendation, that pending clarification of the situation described in the accompanying statement, all reemployment of annuitants by the Federal government, by the same office, agency or department for the same or similar responsibilities from which they may be retired be limited to a period not to exceed six months.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to dispense with the call of the calendar under rule VIII today.

The PRESIDING OFFICER (Mr. TUNNEY.) Without objection, it is so ordered.

CHANGE IN ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, there is a change in the schedule of business which I previously announced to the Senate. It was stated at the conclusion of business last Friday, June 22, that the Senate, at the conclusion of morning business today, would proceed to the consideration of Calendar No. 207, S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections. Because of certain conditions which have developed, that will not be the case.

I ask unanimous consent that instead of proceeding with Calendar No. 207, S. 343, at the conclusion of morning business today, the Senate proceed to the consideration of Calendar No. 226, S. 37, a bill to amend the Budget and Accounting Act of 1921, and that it in turn be followed by Calendar No. 224, S. 2045, a bill to require that future appointments to the offices of Director and Deputy Director of the Office Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I think that a word of explanation would be in order at this point. The bill S. 343 was reported by the Committee on Rules and Administration with only 1 vote—I believe I am correct in saying only 1 vote—registered in opposition thereto, namely, by the distinguished Senator from Alabama (Mr. ALLEN).

Public hearings were conducted on the bill. The bill was discussed in the full committee on several occasions. It was referred to and from the subcommittee twice or more, as I recall. After lengthy discussions and several changes having been made in the bill, it was reported by the committee on June 14.

Late Friday—it was subsequent to the adjournment of the Senate—I began getting phone calls which indicated that there were some problems—serious enough that I thought they ought to be discussed and resolved, if possible, before bringing the bill up on the floor for debate. Several Senators contacted my office in this regard.

It was because of these problems, which surfaced late, and after the program for today had been announced—as a matter of fact, after the whip notice had gone out—that I felt constrained to seek a change in the program. Calls were made yesterday to various Senators, and I think the matter has been resolved to the point that the two bills which the distinguished majority leader has substituted in lieu of my bill can now be called up; and Senators are now appropriately apprised, I think, of the altered schedule in a timely fashion.

LIKELIHOOD OF VOTES THIS AFTERNOON

Mr. PERCY. Mr. President, I should like to address an inquiry to the leadership.

I would like to have a rollcall vote on S. 2045, and it is possible that the Senator from Montana (Mr. METCALF) would want a rollcall vote on his measure. Would the leadership advise what would be the procedure? I presume that we would not have the vote this morning but sometime this afternoon.

Mr. MANSFIELD. Yes. I would anticipate that if the distinguished Senator from Illinois or the distinguished Senator from Montana, at the conclusion of third reading on their bills, want a rollcall vote, it would be forthcoming without any difficulty, and the same applies to any amendments.

Mr. METCALF. Yes. I understand there is going to be an amendment to S. 37. I do not know whether Senator BYRD, who is the author of that amendment, will ask for a rollcall vote, but I will certainly ask for a rollcall vote on final passage of S. 37.

Mr. MANSFIELD. Then, the Senate is on notice that there is a high probability that there will be rollcall votes—and I use the plural—today.

Mr. METCALF. That is correct.

Mr. President, I ask unanimous consent that when the Senate considers S. 37, Mr. Victor O. Reinemer, of the Committee on Government Operations, have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATERGATE AND THE CONSTITUTION

Mr. PERCY. Mr. President, simultaneous with the delivery of this statement on the floor of the Senate, Mr. John Dean is about to begin his testimony before the Senate Ervin committee.

Today, more than ever, we must renew our determination to get the truth about Watergate on the table, and then put this sordid affair, as the President has called it, behind us. We must act decisively to reveal the facts, punish the guilty, exonerate the innocent, and then resolve this crisis, having learned an invaluable lesson from it about the nature, abuse, and arrogance of power. The sooner this happens, the sooner we can get back to the pressing business of the Nation. However, I believe that these objectives can and must be accomplished within the framework of the basic principles of our Constitution.

One need not be a legal scholar to understand that "hard cases make bad law." Basically this means that in cases with bizarre or unusual facts, the law will be strained to reach a just decision. However, in the process of straining the law, a precedent may be established which will be unfortunate if applied in future situations. It is another example of the danger of having the end justify the means, and then having to live with the precedent for years to come.

Each day Watergate raises more distressing questions. Situations unprecedented in the history of our country are debated, and mounting pressure is applied to the President to give a complete accounting to the American people. This process is symbolic of the health of our Government and its ability to deal openly with major problems. I have suggested ways in which the President must deal with Watergate, so that the confidence of the American people can be restored. I would hope that the White House would take back the initiative and leadership in this matter. An in-depth news conference in the near future would be appropriate, in my judgment. Others have made suggestions which are unacceptable, such as the President's testifying under subpena, before the Ervin committee or the grand jury. However, as these pressures build, we should resist the temptation to distort constitutional principles to fit the needs of the moment.

The temptation is seductive, as some of the other proposals which have been offered recently will illustrate. For instance, former Secretary of Defense Clark Clifford has proposed that the Vice President resign and that Congress offer the President several choices for appointment as a new Vice President. The President himself would then resign and the new President would move into the Oval Office, to act as a bipartisan healer of our national wounds. I believe that this plan ignores two basic points.

First, this is not a parliamentary system in which the Government falls when it loses a vote of confidence. Yet, the "Clifford plan" seems to yearn for the added flexibility that such a system would provide in this time of crisis. The Founding Fathers were well aware of this system, and decided against it. If, at this point in our history, we want to change the type of system by which we govern ourselves, then it should be accomplished through constitutional amendment, rather than through this back-door approach. Any suggestion that President Nixon resign in favor of a coalition-caretaker government uses obtuse reasoning to support a preposterous mechanism to achieve what the Democratic Party failed to achieve in the last election. If there were some constitutional provision for holding a new election today, most political analysts would agree that the President would be reelected. However, no such provision exists, and any suggestion that we pretend it exists is, in my judgment, constitutionally offbase.

Second, Richard Nixon was reelected to the office of the Presidency by one of the greatest majorities in history, carrying 49 of the 50 States. More than 60 percent of the voters seemed to say that they supported his overall domestic and foreign policies. Anyone with the slightest regard for our constitutional processes could not easily erase the election results in favor of a President selected, not elected, by a democratically controlled Congress.

In short, the "Clifford plan" violates both the letter and the spirit of the Constitution. We must not permit ourselves to violate the Constitution in the guise of protecting it.

Another proposal now being considered by Special Prosecutor Archibald Cox centers on the possibility of the President being subpenaed to testify before either a grand jury or the Ervin committee. Certainly, the American people want the truth to be aired, and we need to hear a great deal more from the President before Watergate is relegated to history. Yet, his case has never really been made, even by him. The testimony before the Ervin committee has been filled with some very serious charges that need to be answered.

However, the desire to have an answer seems to have clouded some people's memories of the Constitution and its history. Though the President was not intended to be the equivalent of a monarch, he was also not intended to become the stepchild of the Congress. In Federalist 71, Hamilton discussed the necessity of the independence of the coequal branches of Government:

> The same rule which teaches the propriety of a partition between the various branches of power, teaches us likewise that this partition ought to be so contrived as to render the one independent of the other. To what purpose separate the executive or the judiciary from the legislative, if both the executive and the judiciary are so constituted as to be at the absolute devotion of the legislative? . . . It is one thing to be subordinate to the laws, and another to be dependent on the legislative body. The first comports with, the last violates, the fundamental principles of good government.

Hamilton and his peers were very much afraid of one branch of Government dominating another. Their fear was expressed in terms of an overly strong legislature. But, times have changed now, and throughout the last six administrations the executive has generally been dominant. But the principle remains sound. The branches of Government were purposely designed to balance each other.

Though there is considerable question as to how the Supreme Court would rule on a subpena directing the President to testify either before Congress or a grand jury, we should nonetheless consider the effect of such a subpena. Were the Court to decree that such a subpena be honored, a precedent would be set, and from then on Congress could demand that the President appear before it for the purpose of giving testimony whenever it so desired. The price of that subordination would be too high.

It seems to me that this type of precedent would weaken both the executive branch and the doctrine of the separation of powers, by placing the President at the beck and call of Congress. And the President cannot be subordinate to the Congress or the judiciary any more than Senators, Congressmen, or judges can be subordinate to the President, if we are to retain our constitutional system.

Obviously, the Executive has had far too much power for the past several decades. The Congress is now beginning to reassert itself in an effort to become, once again, a full-fledged and coequal partner in the business of running the Government. But the Congress should be very careful that it does not overplay its hand to the point of defying our constitutional history in an attempt to dominate the Presidency.

The President has to choose the procedures through which he will ultimately deal with the questions raised by Watergate. And that must be his decision, because he must live and be judged in history by it. In the field of foreign affairs, the Congress cannot, and shall not, dictate how the President will carry on his negotiations with foreign leaders, as was demonstrated in the just concluded Brezhnev summit meeting. We have the power of the purse and we can exercise it if we choose. We have the power to refuse to ratify or to confirm ambassadors. In that sense, the Congress, and especially the Senate, plays a very important part in working with the Executive in carrying out foreign policies. But we do not dictate to the President. Instead, we use every power given to us by the Constitution to influence, suggest, and sometimes pressure the President toward a certain goal.

In the same way, the Congress cannot dictate to the President the way to handle Watergate. We can offer advice and apply pressure, both public and private, to reach the desired result. That is our prerogative and our duty. But to suggest that, because of the exigencies of the times, we can force the President to take the witness stand in the Senate Caucus Room is once again to say that the end justifies the means. We should have had our fill of that type of thinking by now.

The Constitution provides methods which will permit us to discover the truth about Watergate. But just because these methods are not quick or easy is no reason to succumb to theories which meet the perceived needs of the moment without a thought to their future effect as precedent.

The implied doctrine of separation of powers cannot be so easily glossed over and put aside. Attemps to pervert the doctrine need to be resisted, whether they be in the guise of expanded and outlandish notions of executive privilege, or equally obnoxious suggestions that we solve our problems as if we were a parliamentary system.

The tug-of-war between the three branches of Government was purposely built into our system of government to insure that the lessons our Founding Fathers were taught by both history and logic would not be flouted by the new Nation they formed. When the contest is vigorous, the system thrives. Yet, if one side were to pull the other across the dividing lines established by the Constitution, there would be no winner at all. Power is only effective when it is exercised with restraint. The Ervin committee illustrated this when it postponed John Dean's testimony until after Secretary General Brezhnev and President Nixon had concluded their meetings. This same type of intelligent restraint is now needed to resist efforts, however well meaning, to perform some constitutional sleight-of-hand in the name of truth.

Let us be vigorous in our efforts to find the truth and root out corruption, but let us do it in a way that respects our most basic constitutional principles and history, and preserves them intact for our posterity.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

BAR ASSOCIATION ACTION REQUESTED IN JOHN DEAN MATTER

Mr. CURTIS. Mr. President, according to the Washington Evening Star for June 19, ousted White House Counsel John W. Dean III used funds which did not belong to him for his own personal benefit. These news reports indicate that Mr. Dean used $4,800 collected for President Nixon's 1972 campaign to pay for his honeymoon last year.

If these news reports are true, this situation is very serious. It is a matter that affects every lawyer in the United States and the integrity of the bar. If a lawyer in a high position can, with immunity, appropriate to his own use funds placed in his hands, but which do not belong to him, it goes to the very basis of legal ethics. Lawyers by the very nature of things handle other people's money. Much to the credit of the bar associations, the rules of ethics are very strict on this.

In most jurisdictions if a lawyer intermingles other people's money with his own, he is subject to being disciplined, even though he may not have actually appropriated the money to his own use. Clearly, if a lawyer uses or spends money belonging to another, it is a violation of all ethical standards. It may even constitute a criminal violation.

Therefore, I believe that the appropriate committee of the bar association should take jurisdiction of Mr. Dean's case. The committee should ascertain the facts and if it is true that Mr. Dean spent money belonging to others in the amount of $4,800, or any amount, for his own personal use, such as the expenses of his honeymoon, the bar association should explore the possibility of disbarring Mr. Dean.

If a lawyer in a high Government position serving the most important office in this land can help himself to other people's money without being dealt with, what protection is there for the widows and the orphans and the clients of all categories who must deal with the legal profession? Right now John Dean is the darling of the theatrical set, but the good name of the legal profession demands that the appropriate bar association committee deal with the Dean case.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A concurrent resolution adopted by the Legislature of the State of Texas. Referred to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 16

"Whereas, The Supreme Court of the United States has ruled that membership in both houses of a bicameral state legislature must be apportioned according to population and has thus afforded every citizen of the State of Texas just and equal representation in the legislature of the State of Texas; and

"Whereas, Since 1965 and the passage of Senate Concurrent Resolution No. 24 of the 59th Legislature of the State of Texas, memorializing the Congress of the United States to call a constitutional convention for the purpose of changing the ruling of the Supreme Court, the people of Texas have accepted the wisdom of that decision; and

"Whereas, The people of Texas desire to repudiate Senate Concurrent Resolution No. 24 of the 59th Legislature; now, therefore, be it

"*Resolved* by the Senate of the State of Texas, the House of Representatives concurring, That the Congress of the United States is memorialized to disregard and to consider Senate Concurrent Resolution No. 24 of the 59th Legislature of the State of Texas as a total and complete nullity; and, be it further

"*Resolved*, That Concurrent Resolution No. 24 of the 59th Legislature of the State of Texas is repealed, revoked, and repudiated and has no continuing effect or validity; and, be it further

"*Resolved*, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the congress from this state."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATHAWAY, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 1901. A bill to amend the act of August 20, 1963, as amended, relating to the construction of mint buildings (Rept. No. 93-243).

By Mr. HATHAWAY, from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. 1141. A bill to provide a new coinage design and date emblematic of the bicentennial of the American Revolution for dollars and half dollars (Rept. No. 93-244).

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN) from the Committee on Banking, Housing and Urban Affairs, with amendments:

H.J. Res. 512. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes (together with individual views) (Rept. No. 93-246).

By Mr. McINTYRE, from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. 1410. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve Banks to purchase U.S. obligations directly from the Treasury (Rept. No. 93-248).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1352. A bill to require load lines on U.S. vesels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes (Rept. 93-245).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 6717. An act to amend section 210 of the Flood Control Act of 1968 (Rept. No. 93-250). Referred to the Committee on Interior and Insular Affairs.

By Mr. SCOTT of Virginia, from the Committee on Public Works, without amendment:

S. 1618. A bill to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building" (Rept. No. 93-247).

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment.

S. 1759. A bill authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes (minority views filed) (Rept. No. 93-241).

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 8410. An act to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes (Rept. No. 93-249).

Mr. LONG. Mr. President, I ask unanimous consent to file a report on behalf of the Committee on Finance on H.R. 8410.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that during consideration of this measure, the debt limit bill, the following staff members be permitted on the floor from the Committee on Finance:

From the Finance Committee staff, Michael Stern, Jay Constantine, Jim Mongan, and Bill Galvin.

From the staff of the Joint Committee on Internal Revenue Taxation, Lawrence Woodworth, Mike Byrd, Al Buckberg, and Bob Shapiro.

From the Congressional Research Service, Fred Arner, Joe Humphreys, and Frank Crowley.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ENTITLED "SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS"—REPORT OF A COMMITTEE (S. REPT. NO. 93-242)

Mr. CHILES submitted a report on an original resolution (S. Res. 131) to supplement requests made in Senate Resolution 46, 93d Congress, which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. FULBRIGHT:

S. 2059. A bill to provide for the furnishing by the U.S. Government of foreign economic and humanitarian assistance. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S. 2060. A bill to authorize the Secretary of Transportation to act to assure the continuance of rail services in the northeastern United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 2061. A bill for the relief of J. Dain Connor, Claric June Connor, his wife; Thomas Clayton Connor, David Dain Connor, sons; Nancy Lynn Connor, daughter. Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. CASE, Mr. HUGHES, Mr. PACKWOOD, and Mr. KENNEDY):

S. 2062. A bill to prohibit the introduction into interstate commerce of nonreturnable beverage containers. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2063. A bill to amend the Criminal Code in order to extend protection to officers and employees of the Interstate Commerce Commission. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2064. A bill to amend the laws governing the transportation of hazardous materials. Referred to the Committee on Commerce.

By Mr. STEVENSON (for himself, Mr. ROTH, Mr. ABOUREZK, Mr. HUMPHREY, Mr. ALLEN, Mr. McGOVERN, Mr. BENTSEN, Mr. COOK, Mr. EAGLETON, Mr. NELSON, and Mr. MONDALE):

S. 2065. A bill to clarify the application of the gift tax laws to political contributions made to more than one political committee, and to require the Secretary of the Treasury to notify political committees that they must preserve their financial records for tax purposes. Referred to the Committee on Finance.

By Mr. SAXBE:

S. 2066. A bill to declare a national emergency with respect to energy supplies and to establish in the Executive Office of the President the Office of National Energy Coordinator with certain authority to deal with such emergency. Referred to the Committee on Government Operations.

By Mr. CANNON (for himself and Mr. PELL):

S. 2067. A bill relating to congressional and Supreme Court pages. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FULBRIGHT:

S. 2059. A bill to provide for the furnishing by the U.S. Government of foreign economic and humanitarian assistance. Referred to the Committee on Foreign Relations.

THE INTERNATIONAL DEVELOPMENT ACT

Mr. FULBRIGHT. Mr. President, following the Senate's defeat of a foreign aid bill a year and a half ago, the Senate brought the aid program back to life by passing two bills, one military and one economic, each of which pledged that it "looks to the phaseout of the current program and to establishment of a new one which will command the respect and the support of Congress and the American people." The Committee on Foreign Relations has approved a bill to revamp the military assistance and sales program. Today I am introducing a bill to carry out the second half of that 1971 pledge, one charting a new course for foreign economic assistance.

I realize that there is not sufficient time available at this point for Congress to give proper consideration to this or any other bill which makes major changes in the foreign aid program or its administrative apparatus. I am introducing this bill, not with the expectation of having it passed this session, but in order to indicate the direction in which I think American foreign aid policy should move, as well as to stimulate public discussion and comment for action by Congress next year. I welcome constructive comments on the proposal. There are, however, portions of the bill which I do intend to pursue in connection with the committee's coming consideration of interim economic aid legislation.

Mr. President, the foreign aid program has promised far more than it could deliver. The prospective benefits of foreign aid have been oversold to Congress, to the public, and, most unfortunate of all, to the people of the recipient countries. Revolutionary changes have been promised. But other than the Marshall plan, which cost $20 billion, it is difficult to point to solid, measurable accomplishments from the $118 billion in economic aid the United States has dispensed since World War II.

The success of the Marshall plan has been a principal cause of the failure of our foreign aid policy since that time. The Marshall plan syndrome has guided the aid program for two decades. Massive American aid saved Western Europe from communism, the argument went. Ergo, economic developments, force-fed by U.S. aid, would save the rest of the world from that evil also. Foreign aid would create the good life for everyone, eliminating the misery of poverty, hunger, and disease which supposedly formed the breeding ground for communism. But, we found, the oligarchies in Brazil, the Philippines, Ethiopia, and other recipient countries had little in common with the democratic leaders of Western Europe who were committed to bringing the fruits of economic growth to the masses.

Showplace factories have been built and roads and dams constructed with American foreign aid throughout Latin America, Asia, and Africa. The focus of this policy has been on quantitative change while the real need has been for qualitative change, in the way people live and in the relationship between governors and the governed. As a consequence, much of America's aid has ended up in the mansions, yachts, and limousines of the rich, not the pockets of the poor. American foreign economic aid, by concentrating on economic development without basic social reform, has amounted to little more than the old trickle-down theory, where the rich get richer and the poor get relatively poorer.

Peter T. Bauer wrote recently:

> Progress does not depend on handouts, but on capacities, mores, and institutions.

If, he wrote, "the required conditions other than capital are present, capital will be generated locally or supplied commercially from abroad, to government or to business, so that aid is unnecessary for development. If the other conditions are not present, aid will be ineffective and thus useless." After nearly three decades of experimentation, there is no concrete evidence that external aid is a crucial factor in the social and economic development of poor nations.

In fact, a strong case can be made that the U.S. aid program has only postponed the day of reckoning for many poor nations of the world. If deprived of the steady inflow of American capital and food, some observers have said, these countries would have been forced to take more aggressive steps to solve their own problems, such as over-population relative to food production and the maldistribution of wealth. In an article in the June 3, 1973, Washington Post, William C. Paddock wrote:

> One reason why no drastic action is being taken in the world against the population-food crunch is the false hope that foreign aid provides. So long as there is such false hope, governments will not initiate the action most needed. The time has come then, for aid without AID.
>
> The hungry nations must be helped by not helping them, by letting them know they must solve their own problems and that the only way they can do this is with their own energies and motivation. Most of the developing world knows what needs to be done. We must let them do it.

Unless population growth is brought under control, any foreign aid the United States or the rest of the world funnel into many of the poor nations of Asia, Africa, or Latin America will have little impact on the lot of the common people. Their situation is like the country described by the Queen in "Alice in Wonderland" where "it takes all the running you can do to keep in the same place." James P. Brown wrote in the May 30 New York Times that, although the "Green Revolution" has not been a failure, population growth has wiped out the gains. This year, even with a drought, India expects to harvest nearly twice her 1950–51 production of grain, he wrote. But in that period India's population has increased by about two thirds. As a result "the overwhelming majority remain close to the starvation line."

Economic growth per se also does little to help the lot of the poor if maldistribution of wealth persists. Robert McNamara told a meeting of the World Bank last year that in 10 countries with per capita incomes averaging $145 yearly "the poorest 40 percent of the population receive a per capita income of only $50." In India, he said, some 200 million people subsist on incomes of less than $40 per year and that "it would require more than 30 years before the poorest third of the country could afford an adequate diet" if India depended only on economic growth. An equitable social structure is essential to economic progress for the masses. No amount of foreign aid can buy that.

If a government and the ruling classes deny the people political participation and social justice, foreign aid serves only to further entrench the establishment and perpetuate the status quo. Throughout the world the doling out of U.S. foreign aid to reactionary and repressive regimes has put the United States, a nation founded by revolution, on the side of the "haves" and against the "have nots." Korea, Taiwan, the Philippines, Greece, Brazil, Thailand, Vietnam—all major recipients of foreign aid—are constant reminders of Washington's infatuation with the status quo.

And in many countries the infusion of economic aid in one pocket has only enabled poor countries to take money out of another pocket and spend it for useless military purposes. In the last 20 years, the United States has furnished some $35 billion in military and related aid to the poor countries while providing them with some $43 billion in economic aid. It makes little sense to provide these countries with resources which only enable them to divert other resources into maintaining large, unneeded military establishments.

China could serve as an instructive example of how nations can make the best of what they have. Everyone who knew the old China and has visited the new China appears to be greatly impressed with what the Chinese people have done, on their own, to develop their country. China has pulled herself up by her bootstraps without foreign aid since the Russian technicians left many years ago.

Contrast China with South Korea, often pointed to as an American foreign aid success story. Korea received $586,804,000 in U.S. aid last year, $169,363,000 of it in food aid alone. And, in addition, Korea costs the American taxpayers $600 million more for the 40,000 U.S. troops still stationed there 20 years after the end of the Korean war. With success stories like this, our taxpayers could use some failures.

Mr. President, the Agency for International Development is still geared to running a program where Uncle Sam thinks he knows what is best for the poor nations of the world. As of December 31, 1972, 17 percent of all U.S. Government personnel abroad worked on State Department activities. In contrast, 21 percent of the total worked for the Agency for International Development. A total of 16,293 people, including foreign nationals, were employed by AID and, of those, 12,804 were stationed overseas. The cost of salaries alone amounted to $164 million in the 1972 fiscal year and overall operating costs came to $193 million, 11 percent of the entire appropriation for the year.

A look at AID's country-by-country operating costs is revealing. In Chile AID operating expenses amounted to 99.1 percent of the 1972 economic aid program; they were 68.9 percent of the program in Morocco, 62.9 percent in Zaire, 33.4 percent in Nepal, 43.2 percent in Brazil, and 32 percent in Liberia. And so on down the list which I will insert in the Record.

Overseas spending by AID in the last fiscal year amounted to $329,000,000, a significant factor in our unfavorable balance of payments.

The point is that the administrative apparatus of the foreign aid program is much too large and cumbersome. Under the bill I am introducing, overseas and Washington-based personnel would be reduced to a minimum and the small remaining bilateral aid program operated primarily on a contract basis through nongovernmental organizations.

My bill would also deal with one of the most serious problems facing the developing countries, their growing debt burden. As of the end of 1971 the external public debt of the less-developed countries was $50.7 billion of which $16.7 billion was owed to the United States. The debt servicing obligations of the 80 developing countries increased at a rate of 11.2 percent annually from 1965 through 1971—from $3.5 billion to $6.6 billion. And indications are that it will continue to rise rapidly during the rest of the decade. The debt-service level could reach $20 billion a year by 1979. While the external debt payments are up by 89 percent over this period, exports are up by only 63 percent and the gap between debt-service requirements and ability to pay is widening rapidly. Repayments on AID loans alone are expected to double by 1977, from $202 million to $404 million. A May 21 article about the problem in the Wall Street Journal quoted a United Nations official as saying:

> The only question is whether they can roll over this debt—cover it with new borrowings—as it comes due. They can't pay it.

I do not believe that it is either in our interests or the interests of the poor countries to encourage them to add to their debt burden. If poor countries must borrow, they should do it through the international and regional development banks which are in a position to require conditions for lending that the United States simply cannot impose without involving itself deeply in the internal affairs of the borrowing country. Multilateral lending institutions can require political and social changes as a condition for loans or seek out projects to benefit the masses directly. I point out that the Senate went on record 2 years ago in favor of phasing out the bilateral loan program by 1975. My bill would end the bilateral loan program. It also contains provisions which would ease the foreign exchange squeeze on debtor nations.

Let me explain briefly the basic provisions of the bill.

It would abolish the Agency for International Development and create a U.S. Foundation for International Development. The Foundation would be headed by a President subject to Senate confirmation. Policy would be established by a bipartisan board of directors, all subject to confirmation by the Senate. The Foundation would have the principal responsibility for administering both bilateral and multilateral assistance programs.

The Foundation's bilateral aid program would focus on providing a modest program of technical assistance through contract with nongovernmental organizations, with projects directed at programs to improve human welfare—education, health, and agriculture. To insure local initiative and support, each country would be required to pay at least 25 percent of the costs of a project. All projects would be coordinated with other donors. U.S. Government personnel here and abroad would be kept to a minimum. Present AID missions abroad would be phased out within 1 year, $200,000,000 would be authorized for this program for the first year, including use of funds from repayments on outstanding loans.

Out of the appropriations for technical assistance up to $25,000,000 could be made available for use in a discretionary fund of not more than $500,000 per country, to be administered by the U.S. ambassador, for assistance on small, self-help projects.

Technical training assistance would be emphasized and $50 million per year would be authorized with funds to come out of repayments on outstanding foreign aid loans. The recipient country would be required to pay at least 25 percent of the costs of the training.

The $10 million a year would be authorized, out of development loan repayments, for support through the Department of State of American-sponsored schools abroad, but not more than 15 percent could be spent in any one country.

As to debt arrangement on prior foreign aid loans, the President would be authorized to make agreements of limited amount and duration, which could be rejected by Congress, for:

First, repayment by the poorest debtor countries in local currency in order to meet U.S. expenses,

Second, grants of amounts due from the poorest countries for technical assistance projects, in conjunction with debt forgiveness arrangements by other lending nations, and

Third, use of loan repayments as contributions or interest-free loans to the multilateral development organizations on a 25-percent matching basis.

A $150 million would be earmarked for population and family-planning activities.

It would authorize a total of $240,000,000 in fiscal year 1974 for relief and rehabilitation in South Vietnam, Cambodia, and Laos, compared with the executive branch request of $632,000,000.

The total authorizations in the bill are $881,200,000, a reduction of $1,056,800,000 from the executive branch request. Only $546,200,000 in new appropriations would be required, the remainder would come from repayments on outstanding loans.

Mr. President, I do not introduce this bill with enthusiasm or expectation of acclaim from either my colleagues or my constituents. Foreign aid is not the highest item on my constituents' priority list or the most urgent matter facing Congress. But it is an issue which involves great sums of the taxpayers' money and deserves serious public discussion if we are ever to break away from the unsatisfactory policy that has prevailed for so long.

The bill does not go as far as I would like in revising foreign aid policy. And it will go too far for others who are still wedded to the current approach. My preference would be to call a moratorium on all new U.S. bilateral aid projects and allow a reasonable interval, a year or two, for the recipient countries, other donors, and the international development institutions to appraise the situation. There is now $2.9 billion in the pipeline for bilateral economic aid and, if all new funding were cut off, the foreign aid program would still continue indefinitely. Out of a moratorium would, I believe, emerge a more realistic approach by the world community to the social and economic development problems of the poor. This bill, then, is not being proposed as the optimum solution, but as a measure tempered by the realities of the problem facing the Congress.

I wish to make it clear that this bill is an effort to deal with only a portion of the U.S. overall effort to assist the less developed countries of the world. It focuses only on a limited spectrum of our aid policies. It does not disturb the basic authority for the Public Law 480 program or for contributions to international banks. Nor does it treat with broader issues such as trade preferences, special drawing rights and other more indirect means of assisting and developing countries.

I recognize that, in limiting this bill to activities such as those now being carried out by the Agency for International Development, its scope is quite limited. But because of the complexity of the issues concerning the U.S. relations with the developing countries, I believe that Congress should take the overhaul of U.S. policies toward these countries one step at a time.

Mr. President, Americans are compassionate people with deep concern for their less fortunate fellowmen. They have been more than generous with their tax dollars to help foreign countries. But they have a right to expect measurable results for those expenditures. This has not been the case with the money spent for foreign aid. Our Government's fiscal condition is perilous. The President has urged Congress to exercise fiscal restraint and eliminate nonessential spending. This would reduce the amounts programed for economic aid by $1 billion. It sets forth a new approach which would implement the President's request while continuing a modest program of assistance, geared to human needs, in keeping with America's humanitarian tradition. I hope that it will stimulate public discussion that will lead to major changes in our foreign aid policy and the framework for carrying it out.

I ask unanimous consent to have the text of the bill, a summary of its provisions, and a number of tables printed in the RECORD at this point.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into parts, chapters, and sections according to the following table of contents, may be cited as the "International Development Act":

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PART I—GENERAL PROVISIONS

Chapter 1—Definitions

DEFINITIONS

Sec. 101. For purposes of this Act—

(1) "Foundation" means the United States Foundation for International Development established under section 301 of this Act;

(2) "Board" means the Board of Directors of the Foundation established under section 302 of this Act;

(3) "agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government;

(4) "programs relating to population growth" includes but is not limited to demographic studies, medical, psychological, and sociological research and voluntary family planning programs including personnel training, the construction and staffing of clinics and health centers, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, the dissemination of family planning information, and provision of medical assistance and supplies; and

(5) "prior foreign assistance loan legislation" means the Economic Cooperation Act of 1948, the Mutual Defense Assistance Act of 1949, the Indian Emergency Food Aid Act of 1951; the Mutual Security Act of 1953, the Mutual Security Act of 1954, the Latin American Development Act, and the Foreign Assistance Act of 1961.

Chapter 3—United States Foundation for International Development

ESTABLISHMENT

Sec. 301. (a) There is established, within the executive branch of the United States Government, an independent establishment to be known as the United States Foundation for International Development. The Foundation shall have such functions as may be conferred upon it by this Act and other provisions of law. The Foundation shall be the principal agency within the United States Government with responsibility for administering bilateral and multilateral programs of that Government to assist people of developing countries.

(b) The Foundation shall be under the general policy guidance of the Secretary of State.

BOARD OF DIRECTORS AND PRESIDENT

Sec. 302. (a) The Foundation shall have a Board of Directors composed of 9 directors, appointed in accordance with this section. Six of the directors shall be appointed from private life, and 2 shall be appointed from among officers of the executive branch of the United States Government. All such appointments are to be made by the President, by and with the advice and consent of the Senate. The ninth director shall be the President of the Foundation. The directors shall be appointed without regard to political affiliation.

(b) The Board shall exercise all powers necessary to carry out the purposes, functions, and powers of the Foundation. The Board may delegate to any officer, employee, or agency of the Foundation such powers vested in the Board as the Board deems appropriate.

(c) The directors appointed from private life shall serve for terms of 6 years, except that—

(1) the terms of such 6 members first taking office shall expire as designated by the President of the United States at the time of appointment, 2 at the end of 2 years, 2 at the end of 4 years, and 2 at the end of 6 years, following their appointments; and

(2) any such director apponted to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

The 2 directors of the Board who are also officers of the United States Government shall serve at the pleasure of the President of the United States.

(d) The President of the Foundation shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The President of the Foundation shall serve a term of 6 years, and he may succeed himself. He shall be appointed without regard to political affiliation.

(e) The President of the Foundation and the 6 directors appointed from private life may be removed by the President of the United States only for inefficiency, neglect of duty, or malfeasance in office.

(f) The 6 directors appointed from private life shall be compensated at a rate equal to the daily rate paid under level IV of the Executive Schedule under section 5315 of title 5, United States Code, when engaged in the actual performance of their duties as directors. The other 3 directors shall serve without additional compensation. Any director appointed from private life may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, while away from his home or usual place of business.

(g) Vacancies in the membership of the Board, as long as there are 5 directors in office, shall not impair the powers of the Board to execute the purposes, functions, and powers of the Foundation. Five of the directors in office shall constitute a quorum for the transaction of business.

(h) The Board is authorized to establish such committees of the Board, and delegate such powers to any committee, as the Board deems appropriate to carry out its purposes, functions, and duties.

(i) The Board shall elect one of its directors (other than the President of the Foundation) as Chairman of the Board.

PERSONNEL OF THE FOUNDATION

Sec. 303. (a) The President of the United States is authorized to appoint, by and with the advice and consent of the Senate, a First Vice President of the Foundation and 4 Second Vice Presidents of the Foundation.

(b) (1) The Foundation is authorized to appoint such personnel as it considers appropriate to carry out the functions of the Foundation.

(2) Of the personnel employed in the United States under this subsection, not to exceed 30 may be appointed to, or removed from, positions within the Foundation without regard to the provisions of title 5, United States Code, governing the competitive service. Under such regulations as the President of the United States may prescribe, any individual who is appointed to any such position may be entitled, upon removal from such position, to reinstatement to a posi-

tion occupied at the time of appointment or to a position of comparable grade and salary.

(c) The Foundation may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

DETAIL AND ASSIGNMENT OF PERSONNEL

SEC. 304. (a) Whenever the President of the United States determines it to be in furtherance of the provisions of this Act, he is authorized to detail, assign, or otherwise make available any officer or employee of the United States Government to any office or position with, or to render advice or service to, any foreign government, foreign government agency or international or regional organization, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government or the acceptance of compensation or other benefits from any foreign country or international or regional organization by such officer or employee.

(b) Whenever practicable, details or assignments made under this section shall be made with reimbursement by the foreign government, foreign government agency, or international or regional organization, and any reimbursement made (including foreign currencies) shall be available for the purposes of this Act.

(c) Any officer or employee, while assigned, detailed, or serving under this section, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the agency from which assigned and he shall continue to receive compensation, allowance, and benefits from funds made available under this Act.

GENERAL POWERS

SEC. 305. (a) In order to carry out its functions, the Foundation shall have the following powers:

(1) to adopt, alter, and use a seal, which shall be judicially noticed;

(2) to adopt, amend, and repeal bylaws, rules, and regulations governing the purposes, functions, and powers granted to or imposed upon it by law;

(3) to sue and be sued in its name;

(4) to acquire (including acquiring by gift, devise, bequest, grant, or otherwise), hold, use, or dispose of, upon such terms and conditions as the Foundation determine, any property, real, personal, or mixed, tangible or intangible (including any instrument evidencing indebtedness or ownership) or any interest therein, whether within the United States or without (including real property within the District of Columbia);

(5) to receive services of any kind by gift or otherwise;

(6) to issue letters of credit and letters of commitment;

(7) to make advances, and to make, amend, and carry out such contracts, grants, and other agreements, and enter into such other transactions as assist the conduct of its business, with any person, corporation, organization, or other body of persons, any government or agency of any government, within or without the United States, and with any international or regional organization, which agreements (except for loans) may not extend at any time for more than 5 years;

(8) to exercise the priority of the United States Government in collecting debts from bankrupts, insolvents, or decedents' estates;

(9) to determine the character of, and the necessity for, its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; and

(10) to take such other actions as may be necessary or appropriate to carry out its functions.

(b) The principal office of the Foundation shall be in the District of Columbia. For purposes of venue in civil actions, the Foundation shall be a resident of the District of Columbia.

USE OF FUNDS

SEC. 306. (a) Funds made available for carrying out the provisions of this Act may be utilized for the following:

(1) expenses of attendance at meetings concerned with provisions of this Act;

(2) contracts with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission;

(3) the purchase and hire of motor vehicles abroad, and the purchase or hire, or both, of passenger motor vehicles for official use wthout regard to the limitations contained in sections 638(c)(2) and 638c of title 31, United States Code;

(4) use in accordance with the Foreign Service Act of 1946 (not otherwise provided for;

(5) insurance of official motor vehicles and aircraft acquired for use in foreign countries;

(6) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in any program under this Act, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in any program under this Act;

(7) payment of per diem in lieu of subsistence to foreign participants engaged in any program under this Act, while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations, notwithstanding any other provision of law;

(8) payment of the cost of health and accident insurance for foreign participants engaged in any program under this Act, while such participants are absent from their homes for the purpose of participation in such program.

(9) payment of the cost of health and accident insurance for foreign employees engaged in any program under this Act while those employees are absent from their place of employment abroad for purposes of training or other official duties;

(10) expenses in connection with travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting automobiles to and from a place of storage, and the cost of storing automobiles of such personnel when it is in the public interest or more economical to authorize storage; and

(11) printing and binding without regard to the provisions of any other law, and for expenditures for the procurement of supplies and services, and for administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the performance, amendment, or modification of contracts, and the obligation and expenditure of funds of the United States Government, as the President may determine to be appropriate to accomplish the purposes of this Act.

(b) Any cost-type contract or agreement (including grants) entered into with an educational institution for the purpose of carrying out programs authorized by this Act may provide for the payment of the reimbursable indirect costs of such educational institution on the basis of predetermined fixed-percentage rates applied to the total, or an element thereof, of the reimbursable direct costs incurred.

MISSIONS AND OFFICES ABROAD

SEC. 307. Except as otherwise provided in section 503 of this Act, the Foundation shall not establish or maintain a mission or office in any foreign country unless that mission or office is specifically authorized for that country by law enacted after the date of enactment of this Act.

ANNUAL REPORT

SEC. 308. The Foundation shall, as soon as practicable, after the end of each fiscal year, submit a report to Congress on its activities during the preceding fiscal year.

CHAPTER 5—AGENCY FOR INTERNATIONAL DEVELOPMENT; INTER-AMERICAN FOUNDATION

ABOLITION OF AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 501. The Agency for International Development is abolished.

TRANSFERS

SEC. 502. (a) All personnel of the Agency for International Development (other than the Administrator, Deputy Administrator, Assistant Administrators, Regional Assistant Administrators, General Counsel, and Auditor-General), assets, liabilities, contracts, property, and records of the Agency are transferred to the Foundation. This subsection shall not be construed to prohibit the appointment of an individual holding any such position referred to in this subsection from being appointed to a position in the Foundation.

(b) Personnel transferred under this section may continue to be employed under the appointments in which they were serving immediately prior to the date of such transfer, or may, in the discretion of the Foundation be converted to a personnel status authorized by this Act or by other law, including status as Foreign Service Reserve officers with unlimited tenure.

(c) The President of the United States is authorized to prescribe by regulation, standards, and other criteria for maintaining adequate performance levels for Foreign Service Reserve officers transferred under this section who are serving under unlimited appointments at the time of such transfer. Notwithstanding any other law, any Foreign Service Reserve officer so transferred who fails to meet the standard of performance required by officers of his class shall be retired from the Service and receive benefits in the same amount as provided in section 634(b)(1) of the Foreign Service Act of 1946, unless he is eligible at the time of his separation for (1) an immediate annuity under subchapter III of chapter 83 of title 5, United States Code, or (2) compensation under subchapter I of chapter 81 of such title 5, other than compensation payable concurrently with salary or on account of the death of another individual.

(d) Any Foreign Service Reserve officer transferred under this section, whose services meet the standards required for the efficient conduct of the work of the Service, shall receive an increase in salary to the next higher rate for the class in which he is serving on the first day of the first fiscal year following enactment of this Act, and thereafter, the provisions of section 625 of the Foreign Service Act of 1946, shall apply.

(e) For purposes of section 8336(d) of title 5, United States Code, the Agency for International Development and the Foundation shall be considered to be undergoing a major reduction in force throughout the world for period of one year after the effective date of this Act.

AID MISSIONS AND OFFICES

SEC. 503. The Foundation shall terminate, as soon as practicable (but not later than one year after the effective date of this Act), any mission or office of the Agency for International Development located in a foreign country.

INTER-AMERICAN FOUNDATION

SEC. 504. The President of the United States shall terminate all activities of the Inter-American Foundation not later than one year after the effective date of this Act. The President is authorized to transfer to the United States Foundation established under this Act, contracts, property, and records of the Inter-American Foundation he considers appropriate to enable the United States Foundation to carry out its functions.

PART II—BILATERAL ECONOMIC ASSISTANCE

CHAPTER 11—TECHNICAL GRANT ASSISTANCE

GENERAL AUTHORITY

SEC. 1101. (a) The Foundation is authorized to furnish grants, on such terms and conditions as it may determine, in order to assist in improving living standards of the most needy in the developing countries and areas through programs of technical assistance and cooperation.

(b) Grants made under this chapter shall emphasize programs to improve education, health, control of population growth (as provided in chapter 17 of this Act), and agriculture in the least developed countries.

CRITERIA

SEC. 1102. (a) In providing grant assistance under this chapter and chapter 17 of this Act, the Foundation shall—

(1) to the maximum extent feasible, provide such assistance through contracts entered into by the Foundation with specialized agencies of the United Nations, regional development groups, private voluntary agencies, educational institutions, and individuals;

(2) have technical personnel of other agencies of the United States Government available only if technical personnel not employed by the United States Government are not available; and

(3) employ and have made available, within and outside the United States, the minimum number of United States Government personnel necessary to carry out such chapters.

(b) Any contract entered into with a private voluntary agency (other than educational institutions) shall provide, to the extent practicable, for the sharing of costs in providing any such grant assistance.

FOREIGN COUNTRY RESPONSIBILITIES

SEC. 1103. (a) Developing countries themselves have the responsibility for determining their development priorities requiring assistance from sources outside their borders. Grant assistance shall be provided to a foreign country or an area under this chapter and chapter 17 of this Act only if that country or the countries within that area initiate a request for such assistance.

(b) No such assistance shall be provided until the Foundation assures itself that any country requesting the assistance has sought such assistance from multilateral organizations and no such organization is able to provide the assistance requested.

(c) No such assistance shall be provided any country until the country provides assurances to the Foundation, and the Foundation is satisfied, that such country will provide at least 25 percent of the cost of the entire project, program, or activity with respect to which the assistance is requested.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1104. There are unauthorized to be appropriated to the Foundation, to carry out the provisions of this chapter, not to exceed $100,000,000 for the fiscal year 1974 and $150,000,000 for fiscal year 1975. None of the funds appropriated under this chapter shall be made available for South Vietnam, Cambodia, or Laos.

AMBASSADORS' DISCRETIONARY FUND

SEC. 1105. Not to exceed $25,000,000 appropriated under section 1104 of this Act are made available for small, self-help projects in developing countries. Grants out of such amount may be made, at the discretion of the Foundation, upon receipt of the written request of the United States Ambassador to a developing country, except that not more than $500,000 shall be made available under this section in any one country in any fiscal year. The provisions of section 1103(c) of this Act shall apply with respect to any grant made under this section.

CHAPTER 13—TRAINING AND EDUCATION

SPECIALIZED AND TECHNICAL TRAINING

SEC. 1301. (a) The Foundation is authorized to establish a program providing specialized and technical training (and not general education for police or related training) which shall make available to foreign countries, international organizations, and private agencies, specialized and technical training from both public and private sources in the United States, including any agency of the United States Government.

(b) The program to provide training under this chapter shall be administered by the Foundation in coordination with the Department of State and other agencies of the United States Government sponsoring training in the United States for foreign students.

(c) No training shall be provided under this section unless—

(1) the foreign country, international organization, or private agency agrees to pay, and the Foundation is satisfied that the country, organization, or agency will pay at least 25 percent of the cost of the training and related expenses; and

(2) any individual receiving such training agrees to return to his country, international organization, or private agency, as the case may be, for at least the period of time he has spent in the United States receiving such training.

(d) There are authorized to be made available to the Foundation, to carry out this section, $50,000,000 in dollar receipts received during each of the fiscal years 1974 and 1975 as repayments on loans made under prior foreign assistance loan legislation.

STUDY ON EDUCATIONAL AND CULTURAL EXCHANGES

SEC. 1302. The United States Advisory Commission on International Education and Cultural Affairs shall make a complete study with respect to the feasibility of transferring all functions relating to civilian educational and cultural exchanges of the United States Government to the Foundation. The Commission shall submit to the President and the Congress a report on its study, together with recommendations it considers appropriate, not later than April 30, 1974.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

(a) There are authorized to be made available to the Secretary of State, to carry out the provisions of section 102(b)(3) of the Mutual Educational and Cultural Exchange Act of 1961, $10,000,000 in dollar receipts received during each of the fiscal years 1974 and 1975 as repayments on loans made under prior foreign assistance loan legislation. Not to exceed 15 percent of the amount made available under this section each fiscal year shall be used for schools and hospital centers located in one country.

CHAPTER 15—USE OF REPAYMENTS ON LOANS

REPAYMENT AGREEMENTS

SEC. 1501. (a) The President is authorized to enter into agreements (effective for not more than 2 years) with any foreign country owing amounts remaining due on loans made by the United States Government under prior foreign assistance loan legislation, providing for—

(1) in the case of any least developed country, repayments on any such loan in the currency of that country to the extent that additional amounts of that currency may be needed to meet expenses of the United States Government in that country; and

(2) in the case of any least developed country, to make grants to that country of any amounts so repaid for purposes (A) of financing development projects of the type authorized under section 1101 of this Act within that country, if that country agrees to pay at least 25 percent of the total costs of such project, or (B) of financing costs within that country incurred with respect to training under section 1301 of this Act, or with respect to educational and cultural exchanges with the United States.

To the maximum extent practicable, any agreement with a least developed country under this subsection shall be made in conjunction with other countries receiving loan repayments from such least developed country also agreeing to make similar arrangements for that country.

(b) The President is authorized to enter into agreements (effective for not more than 2 years) with foreign countries providing for—

(1) repayments from loans made under prior foreign assistance loan legislation to be contributed to any multilateral development bank composed of representatives of at least 6 countries or other multilateral development organization (including the United Nations Development Program); and

(2) contributions from such countries to any such bank or organization so that the total amount of all United States contributions to that bank or organization will at no time exceed 25 percent of all contributions so made.

Amounts contributed by any country to the United Nations Development program in accordance with an agreement entered into under this subsection shall not be included in any computation made with respect to section 2102(b) of this Act.

(c) Agreements shall be entered into under this section only with respect to amounts of such repayments which exceed amounts provided for in sections 1301 and 1303 of this Act.

CONGRESSIONAL DISAPPROVAL OF AGREEMENTS

SEC. 1502. (a) The President shall submit to Congress each agreement entered into under section 1501 of this Act. Each such agreement shall be delivered to both Houses on the same day and to each House while it is in session. Not more than one such agreement shall be submitted to Congress in any calendar week.

(b)(1) The President may carry out such agreement effective at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the agreement is submitted to it, unless, between the date of submittal and the end of the 60-day period Congress passes a concurrent resolution stating in substance that the House does not favor the agreement.

(2) For the purpose of paragraph (1) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(c) For purposes of this subsection and subsections (d)-(i) of this section, "resolution" means a concurrent resolution of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the agreement submitted to Congress, under section 1502 of the International Development Act, by the President on ————, 19——.", with the blank spaces being appropriately filled; but does not include a resolution which specified more than one such agreement.

(d) A resolution with respect to an agreement shall be referred to a committee (and all resolutions with respect to the same agreement shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(e) (1) If the committee to which a resolution with respect to an agreement has been referred has not reported it at the end of 20 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the agreement which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same agreement.

(f) (1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an agreement, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(g) (1) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to an agreement, and motions to proceed to the consideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an agreement shall be decided without debate.

(h) If, prior to the passage by a first House of Congress of any such resolution, such House receives from the second House such a resolution, then the following procedure applies:

(1) The resolution received from the second House shall be reported to the first House not later than 3 days after being received.

(2) On any vote on final passage of such resolution, that resolution of the second House shall be automatically substituted for the resolution of the first House.

(i) Subsection (c)-(h) of this section are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subsection (c) of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

FUNDING

SEC. 1503. (a) Currencies of least developed countries received as the result of agreements entered into under section 1501(a)(1) of this Act are authorized to be made available to the President during fiscal years 1974 and 1975 to carry out such agreements.

(b) Of amounts received as repayments on loans made under prior foreign assistance loan legislation—

(1) $100,000,000 in dollar receipts are authorized to be made available to the President, during each of the fiscal years 1974 and 1975, to make grants under agreements entered into under section 1501(a)(2) of this Act, and which thereafter become effective; and

(2) $100,000,000 in dollar receipts are authorized to be made available to the President, during each of the fiscal years 1974 and 1975, to make contributions under agreements entered into under section 1501(b) of this Act, and which thereafter become effective.

CHAPTER 17—CONTROL OF POPULATION GROWTH

GENERAL AUTHORITY

SEC. 1701. (a) The Foundation is authorized to provide assistance for programs relating to population growth in foreign countries and areas, on such terms and conditions as it shall determine, to foreign governments, the United Nations, its specialized agencies, and other international organizations and programs, United States and foreign nonprofit organizations, universities, hospitals, accredited health institutions, and voluntary health or other qualified organizations.

(b) In carrying out programs under this section, the Foundation shall establish reasonable procedures to insure, whenever family planning assistance from the United States Government is involved, that no individual is coerced to practice methods of family planning inconsistent with his or her moral, philosophical, or religious beliefs.

FUNDING

SEC. 1702. Of all funds provided to carry out this Act, not less than $150,000,000 shall be made available in fiscal year 1974 and $175,000,000 in fiscal year 1975 only to carry out this chapter.

CHAPTER 19—RELIEF AND REHABILITATION ASSISTANCE FOR SOUTH VIETNAM, LAOS AND CAMBODIA

STATEMENT OF PURPOSE

SEC. 1901. It is the purpose of this chapter—

(1) to authorize the furnishing of humanitarian relief assistance in South Vietnam, Cambodia, and Laos, with priority to be given to refugee relief, health needs, child care, and aid to war victims;

(2) to assist the people of South Vietnam Laos, and Cambodia to return to a normal peacetime existence in conformity with the Agreement on Ending the War and Restoring Peace in Vietnam, signed January 27, 1973, and the cease-fire agreement for Laos, and any cease-fire agreement that may be entered into with respect to Cambodia; and

(3) to encourage the formation of a multilateral effort, joined in by many countries, to assist in the reconstruction and development of these 3 countries.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1902. (a) To carry out the purposes of this chapter, there are authorized to be appropriated to the President for fiscal year 1974, for assistance to South Vietnam, not to exceed $175,000,000, of which (1) not less than $50,000,000 shall be for projects or programs administered through multilateral organizations and nonprofit voluntary agencies, and (2) not less than $30,000,000 shall be reserved for contributions to a multilateral consortium formed for the purpose of promoting long-term reconstruction and development in South Vietnam.

(b) To carry out the purposes of this chapter, there are authorized to be appropriated to the President for fiscal year 1974, for assistance to Cambodia, not to exceed $35,000,000, of which (1) not less than $7,000,000 shall be for assistance to refugees to be administered through international organizations and nonprofit voluntary agencies, and (2) not less than $6,000,000 shall be reserved for contributions to a multilateral consortium formed for the purpose of promoting long-term reconstruction and development in Cambodia.

(c) To carry out the purposes of this chapter, there are authorized to be appropriated to the President for fiscal year 1974, for assistance to Laos, not to exceed $30,000,000, of which (1) not less than $8,000,000 shall be for projects or programs administered by international organizations or nonprofit voluntary agencies, and (2) not less than $4,000,000 shall be reserved for contributions to a multilateral consortium formed for the purpose and development in promoting long-term reconstruction and development in Laos.

PART III—MULTILATERAL ASSISTANCE

CHAPTER 21—UNITED NATIONS

AUTHORITY TO CONTRIBUTE

SEC. 2101. (a) The Foundation is authorized to make voluntary contributions to United Nations and its agencies (other than for the United Nations Development Program) on such terms and conditions as it considers appropriate.

(b) There are authorized to be appropriated to the Foundation, to carry out this section, $49,000,000 for each of the fiscal years 1974 and 1975.

UNITED NATIONS DEVELOPMENT PROGRAM

SEC. 2102. (a) The Foundation is authorized to make voluntary contributions on a grant basis to the United Nations Development Program, on such terms and conditions as the Foundation considers appropriate.

(b) Contributions to the Program may not exceed—

(1) for calendar year 1974, 40 percent;

(2) for calendar year 1975, 35 percent;

(3) for calendar year 1976, 30 percent; and

(4) for each of the calendar years following 1976, 25 percent;

of the total amount contributed to the Program (including assessed and audited local costs) for each such year.

(c) There are authorized to be appropriated to the Foundation, to carry out this section, not to exceed $90,000,000 for fiscal year 1974 and $115,000,000 for fiscal year 1975.

INDUS BASIN DEVELOPMENT

SEC. 2103. (a) There are authorized to be appropriated to the Foundation for grants for Indus Basin Development, in addition to any other funds available for such Development, not to exceed $15,000,000 for each of the fiscal years 1974 and 1975. Such amounts are authorized to remain available until expended.

(b) There are authorized to be appropriated to the Foundation for loans for Indus Basin Development, in addition to any other funds available for such Development, $51,220,000 less the aggregate of appropriations made under section 302(b) (1) of the Foreign Assistance Act of 1961.

Chapter 23—Multilateral Development Banks

LOAN AUTHORITY

Sec. 2301. (a) The Foundation is authorized to enter into agreements to make loans, without requiring the payment of interest, to multilateral development banks composed of representatives of at least 6 countries for the purpose of making grants and loan interest loans to developing countries—

(1) if other countries agree to make loans to the banks not requiring the payment of interest;

(2) if the amount the Foundation agrees to lend does not exceed 25 percent of the total amount agreed to be lent from all other sources; and

(3) providing that the agreement of the Foundation is not disapproved by Congress.

(b) Of amounts received as repayments on loans made under prior foreign assistance loan legislation, not to exceed $75,000,000 in dollar receipts are authorized to be made available to the Foundation, during fiscal year 1974 and $100,000,000 during fiscal year 1975, to carry out this chapter.

CONGRESSIONAL DISAPPROVAL OF LOANS

Sec. 2302. (a) The Foundation shall submit to Congress each agreement entered into under section 2301 of this Act. Each such agreement shall be delivered to both Houses on the same day and to each House while it is in session. Not more than one such agreement shall be submitted to Congress in any calendar week.

(b) (1) The Foundation may carry out such agreement effective at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the agreement is submitted to it, unless between the date of submittal and the end of the 60-day period Congress passes a concurrent resolution stating in substance that that House does not favor the agreement.

(2) For the purpose of paragraph (1) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(c) For purposes of this subsection and subsection (d) of this section, "resolution" means a concurrent resolution of Congress submitted under this section, the matter after the resolving clause of which is as follows: "That the Congress does not approve the loan agreement submitted to Congress, under section 2302 of the International Development Act, by the United States Foundation for International Development on ————, 19—.", with the blank spaces being appropriately filled; but does not include a resolution which specified more than one such agreement.

(d) The provisions of section 1502(d)–(i) of this Act apply with respect to any resolution submitted under this section.

PART IV—HUMANITARIAN ASSISTANCE

Chapter 31—Disaster and Refugee Relief

AUTHORITY TO PROVIDE RELIEF GRANTS

Sec. 3101. (a) The Foundation is authorized to furnish grant assistance, outside the United States, its territories, and possessions, on such terms and conditions as it may consider appropriate—

(1) for famine and disaster relief and refugee and migration assistance;

(2) for reconstruction or rehabilitation assistance for victims of famine and disasters; and

(3) for aid in the preparation for, or prevention of, the effects of imminent threatened famine or disasters. Assistance under clauses (1) and (2) of this subsection shall be furnished no later than one year after the disaster or famine has ended.

(b) Assistance made available under this chapter shall be provided, to the maximum extent practicable, under the auspices of and by international organizations and the relief agencies or United States voluntary agencies.

SUPPORT OF VOLUNTARY ASSISTANCE

Sec. 3102. The Foundation is authorized to pay transportation charges from United States ports, or in the case of excess or surplus property supplied by the United States Government, from foreign ports, on shipments by the American Red Cross and United States voluntary agencies. Where practicable, the Foundation shall make arrangements with the receiving country for free entry of such shipments and for the making available by that country of local currencies to defray the transportation cost of such shipments from the port of entry of the receiving country or area to the designated shipping point of the consignee.

AUTHORIZATION OF APPROPRIATIONS

Sec. 3103. There are authorized to be appropriated to the Foundation, to carry out this chapter, not to exceed $25,000,000 for each of the fiscal years 1974 and 1975.

PART V—INTERNATIONAL NARCOTICS CONTROL

Chapter 41—Narcotics Control Program

AGREEMENTS ON CONTROLLING NARCOTICS

Sec. 4101. It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the Secretary of State, under the direction of the President, is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970. Notwithstanding any other provision of law, the Secretary of State is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, or processing of, smuggling of, and traffic in nacrotic and psychotropic drugs. The Secretary of State shall suspend assistance (including sales, credit sales, and guaranties) furnished under this or any other Act, and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the Secretary of State determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within th jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the Secretary of State determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

AUTHORIZATION OF APPROPRIATIONS

Sec. 4102. There are authorized to be appropriated to the Secretary of State, to carry out this chapter, not to exceed $25,000,000 for fiscal year 1974. Any amount appropriated under this section is authorized to remain available until expended.

PART VI—GENERAL LIMITATIONS AND MISCELLANEOUS PROVISIONS

Chapter 51—General Limitations

USE OF UNITED STATES ARMED FORCES

Sec. 5101. The furnishing of any assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

FAILURE TO PROVIDE REQUESTED INFORMATION

Sec. 5102. (a) None of the funds made available pursuant to the provisions of this Act shall be used to carry out any project or activity after the expiration of the 35-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations, or expenditures under this Act has delivered to the office of the head of any agency of the United States Government carrying out such provision a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested.

(b) The provisions of subsection (a) of this section shall not apply to any communication that is directed by the President to a particular officer or employee of any such agency or to any communication that is directed by any such officer or employee to the President.

PROCUREMENT

Sec. 5103. (a) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(b) No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(c) In providing for the procurement of any agricultural commodity or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

(d) In providing assistance in the procurement of commodities in the United States, the United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II, except that in the event a participating country by statutes, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

(e) No funds made available under this Act shall be used for the procurment of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity.

(f) The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available under this Act shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case. The President shall also take all appropriate steps to assure that, to the maximum extent possible, countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such assistance.

SMALL BUSINESS

SEC. 5104. Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, American small business shall be assisted in participating equitably in the furnishing of commodities, articles, and services financed with funds made available under this Act—

(1) by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds;

(2) by causing to be made available to prospective purchasers in the countries and areas receiving assistance under this Act information as to such commodities, articles, and services produced by small independent enterprises in the United States; and

(3) by providing for additional services to give small business better opportunities to participate in the furnishing of such commodities, articles, and services financed with such funds.

SHIPPING ON UNITED STATES VESSELS

SEC. 5105. The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954 shall not be governed by the provisions of section 901(b) of the Merchant Marine Act of 1936 or any other law relating to the ocean transportation of commodities on United States-flag vessels.

TERMINATION OF ASSISTANCE

SEC. 5106. Assistance furnished under any provision of this Act may, unless sooner terminated by the President or the head of the agency of the United States Government responsible for carrying out such provision, be terminated by concurrent resolution of Congress.

CHAPTER 53—MISCELLANEOUS PROVISIONS

HOUSING GUARANTIES

SEC. 5301. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) In section 221, strike out "President" and insert in lieu thereof "Overseas Private Investment Corporation established under title IV of this chapter (hereafter referred to in this title as the 'Corporation')".

(2) In section 222—

(A) in subsection (a), strike out "President" and insert in lieu thereof "Corporation"; and

(B) in subsection (b), strike out "President" and "he" and insert in lieu thereof "Corporation" and "it", respectively.

(3) In section 223—

(A) in subsections (a) and (e), strike out the word "President" wherever it appears and insert in lieu thereof "Corporation";

(B) in subsection (f), strike out "agency primarily responsible for administering part I" and "agency" and insert in lieu thereof "Corporation" each time; and

(C) in subsection (i), strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975".

PRIOR FOREIGN ASSISTANCE LOAN LEGISLATION BALANCES

SEC. 5302. Any repayments on loans made under prior foreign assistance loan legislation, which are not needed to carry out sections 1301 and 1303 and chapters 15 and 23 of this Act, shall be covered into the Treasury as miscellaneous receipts.

AMENDMENTS AND REPEALS

SEC. 5303. (a) Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) In section 231(j), strike out "agency primarily responsible for administering part I" and insert in lieu thereof "United States Foundation for International Development".

(2) In section 233(b)—

(A) strike out "including the Chairman,";

(B) strike out the second sentence; and

(C) insert at the end of the first full paragraph the following sentence: "The Board shall elect one of its Directors (other than the President) to serve as Chairman of the Board.".

(3) In section 234(e), strike out "under the authority of section 632(a)" and insert in lieu thereof "from other agencies of the United States Government".

(4) In section 235—

(A) in subsection (a)(4), strike out "June 30, 1974" and insert in lieu thereof "June 30, 1975"; and

(B) in subsection (c), strike out "section 234 (e)" and insert in lieu thereof "section 235(e)".

(5) Subsection (e) of section 239 is amended to read as follows:

"(e) The Board shall provide for adequate internal financial control, including internal auditing."

(6) Strike out subsection (d) of section 240.

(b) Section 103(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "1961, as amended," and inserting in lieu thereof "1961 (as such section existed prior to its repeal by the International Development Act),".

(c) Section 5108(c) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of the third subparagraph (10);

(2) by striking out the period at the end of the subparagraph (11) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following:

"(12) the United States Foundation for International Development, without regard to this chapter (except section 5114), may place a total of 15 positions in the Foundation in GS-16, GS-17, and GS-18."

(d)(1) Section 5313(3) of title 5, United States Code, is amended to read as follows:

"(3) President, United States Foundation for International Development."

(2) Section 5314(15) of such title is amended to read as follows:

"(15) First Vice President, United States Foundation for International Development."

(3) Section 5315 of such title is amended—

(A) by striking out item 5 and inserting in lieu thereof the following:

"(5) Second Vice Presidents, United States Foundation for International Development (4)."; and

(B) by striking out items 6, 52, and 53.

(4) Section 5316 (78) and (128) of such title are repealed.

(e) Part IV of the Foreign Assistance Act of 1969 is repealed.

(f) Section 101 of the Government Corporation Control Act is amended by inserting immediately after "Overseas Private Investment Corporation;" the following: "United States Foundation for International Development;".

(g) The following provisions of law are repealed:

(1) sections 2(c) and 7 of the Migration and Refugee Assistance Act of 1972;

(2) part I of the Foreign Assistance Act of 1961 (other than titles III and IV of chapter 2); and

(3) sections 601–633, 635–641, 643, 645–649, 651–653, and 658 of the Foreign Assistance Act of 1961.

(h) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall thereafter be deemed to be references to this Act or appropriate provisions of this Act.

(i) The repeal of Acts listed in this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection.

SAVINGS PROVISIONS

SEC. 5304. (a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 5303 of this Act shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this Act establish conditions which must be compiled with before use may be made of authority contained in, or funds authorized by, this Act, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 5303 of this Act or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available under provisions of law repealed by section 5303 of this Act shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provision of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

STATUTORY CONSTRUCTION

SEC. 5305. (a) If any provision of this Act, or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and the applicability of such provision to other circumstances or persons shall not be affected thereby.

(b) No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954.

EFFECTIVE DATES

SEC. 5306. (a) Except as provided in subsection (b) of this section, this Act is effective July 1, 1973.

(b) Section 5303(e) of this Act is effective July 1, 1974.

TRANSITIONAL PROVISION

SEC. 5307. Notwithstanding any other provision of this Act, the Agency for International Development shall continue to exist and carry out the provisions of the Act to be administered by the Foundation, and any functions the President of the United States may delegate to the Agency, until such time as the Board of the Foundation holds its first meeting. In no event, however, shall the Agency continue to exist and exercise authority under this section after December 31, 1973.

SUMMARY OF THE MAJOR PROVISIONS OF THE INTERNATIONAL DEVELOPMENT ACT

I. BILATERAL ECONOMIC ASSISTANCE

1. The Agency for International Development would be abolished. It will be replaced by a United States Foundation for International Development which will be controlled by a nine member board of directors.

2. All A.I.D. missions in foreign countries would be phased out over a period of one year. Specific authorization would be required to establish foreign offices of the Foundation.

3. Bilateral assistance to foreign countries would be concentrated on providing technical assistance to the poorest countries for projects in the fields of education, health, population control, and agriculture—areas which directly affect human welfare. A total of $200,000,000 would be authorized for FY 1974 including use of loan repayments.

4. Foreign countries would be required to pay at least 25% of the costs of all technical assistance projects to insure that they have a vested interest in their success.

5. The bilateral development loan program would be terminated.

6. Foundation personnel, here and abroad, would be kept to a minimum and projects would be carried out to the maximum extent possible on a contract basis through private institutions.

7. Small projects administered by the local U.S. ambassador would be encouraged.

8. $50,000,000 would be authorized for specialized and technical training of foreigners in FY 1974, financed out of loan repayments.

II. USE OF REPAYMENTS ON LOANS

1. The President would be authorized to enter into two-year agreements, which could be rejected by Congress, to use repayments on prior foreign assistance loans. An estimated $323,000,000 will be available from loan repayments in FY 1974 increasing to $488,000,000 in FY 1978. Agreements could be entered into for the following purposes:

a. For meeting U.S. expenses within the country;

b. As development grants to least-developed countries in conjunction with similar debt assisting arrangements by other creditor nations—up to $100,000,000 a year authorized for FY 1974 and FY 1975;

c. For contributions to multilateral development organizations along with similar contributions by other countries, up to a maximum of 25 percent of all such voluntary contributions ($100,000,000 authorized for FY 1974); and

d. For interest-free loans to multilateral development banks limited to 25 percent of the amount lent from all sources ($75,000,000 authorized for FY 1974).

III. MULTILATERAL ASSISTANCE

1. The Foundation would have policy responsibility for U.S. multilateral assistance programs as well as bilateral programs, including contributions to United Nations' programs and the international development banks.

IV. ECONOMIC ASSISTANCE TO SOUTH VIETNAM, LAOS, AND CAMBODIA

1. Bilateral economic aid to South Vietnam, Laos, and Cambodia would be limited to relief and rehabilitation assistance; no general reconstruction program would be authorized at this time.

2. A total of $240,000,000 would be authorized for the three countries compared with the $632,000,000 requested by the Executive Branch.

3. Direct assistance through A.I.D. and government channels would be minimized.

4. Specific amounts would be earmarked for administration through international channels and private institutions.

V. MISCELLANEOUS PROVISIONS

1. A total of $150,000,000 from all programs would be earmarked for population assistance programs.

2. $25,000,000 would be authorized for disaster and refugee assistance.

3. $25,000,000 would be authorized for the international narcotics control program.

4. The housing guaranty program would be transferred to the Overseas Private Investment Corporation.

5. The functions of the Inter-American Foundation would be transferred to the new Foundation.

COMPARATIVE DATA ON AUTHORIZATIONS IN THE INTERNATIONAL DEVELOPMENT ACT, THE EXECUTIVE BRANCH'S ECONOMIC AID REQUEST FOR FISCAL YEAR 1974, AND APPROPRIATIONS FOR FISCAL YEAR 1973

[In thousands]

	Appropriation Fiscal year 1973	Executive Branch request	International Development Act
I. Bilateral economic assistance:			
1. Technical assistance grants	$232,500	$251,750	[1] $200,000
2. Training	[2] (42,200)	(2)	[3] 50,000
3. American schools and hospitals abroad	25,500	10,000	[3] 10,000
4. Development loans	[4] 597,609	[4] 645,550	
5. Population	100,000	116,000	[2] (150,000)
6. Indochina	444,700	632,000	240,000
(a) South Vietnam	(313,000)	(475,000)	(175,000)
(b) Laos	(45,000)	(55,000)	(30,000)
(c) Cambodia	(68,000)	(75,000)	(35,000)
(d) Regional programs	(18,700)	(25,900)	(2)
7. Administrative expenses	54,200	58,200	(2)
8. Bangladesh	100,000	(1)	(2)
Total bilateral assistance	1,554,509	1,713,500	500,000

	Appropriation Fiscal year 1973	Executive Branch request	International Development Act
II. Multilateral assistance:			
1. U.N. Development Program	$70,612	$90,000	$90,000
2. Voluntary contributions to other U.N. programs	34,388	44,800	49,000
3. Indus Basin:			
(a) Grants	10,000	15,000	15,000
(b) Loans	12,000	2,200	2,200
4. Additional contributions to multilateral development institutions			[3] 100,000
5. Loans to multilateral development banks			[3] 75,000
Total multilateral assistance	127,000	152,000	331,200
III. Humanitarian assistance:			
1. Disaster and refugee relief	[5] 25,000	[5] 30,000	25,000
IV. International narcotics control	42,500	42,500	25,000
Total all programs	1,749,009	1,938,000	881,200

[1] Includes $100,000,000 obtained from repayments on prior loans under foreign assistance programs.

[2] Funded from other programs.

[3] Financed from repayments on prior loans under foreign assistance programs. Total dollar receipts from loan repayments are estimated at $323,000,000 in fiscal year 1974 and $368,000,000 in fiscal year 1975.

[4] Total program including use of certain loan repayments.

[5] Contingency fund.

FISCAL YEAR 1972 ECONOMIC AID PROGRAM

Country	Population	Overseas operating costs	Per capita cost
Africa:			
Ethiopia	25,200.0	$1,540.0	$0.06
Ghana	9,030.0	850.6	.09
Kenya	10,900.0	870.0	.08
Liberia	1,170.0	1,506.5	1.29
Morocco	15,310.0	1,016.7	.05
Nigeria	66,174.0	4,581.5	.07
Tanzania	13,300.0	607.2	.05
Tunisia	5,140.0	1,019.4	.20
Uganda	9,760.0	672.0	.08
Zaire	22,480.0	928.5	.04
Asia:			
Afghanistan	17,125.0	2,625.6	.25
Bangladesh	72,000.0	135.9	.002
India	547,000.0	1,599.3	.003
Indonesia	121,200.0	1,751.0	.01
Korea	31,793.0	1,545.3	.05
Nepal	11,100.0	847.1	.08
Pakistan	60,000.0	2,729.0	.05
Philippines	38,493.0	1,915.7	.05
Sri Lanka	12,514.0	45.4	.004
Turkey	35,230.0	1,068.3	.03

Country	Population	Overseas operating costs	Per capita cost
Latin America:			
Argentina	$24,352.0	$304.1	$.01
Bolivia	4,931.0	972.8	.20
Brazil	92,237.6	4,044.4	.04
Chile	9,780.0	1,013.0	.11
Colombia	21,100.0	1,926.3	.09
Costa Rica	1,800.0	448.1	.25
Dominican Republic	4,325.0	1,106.0	.26
Ecuador	6,093.0	1,313.6	.21
El Salvador	3,534.0	590.0	.17
Guatemala	5,189.0	1,041.0	.20
Guyana	763.0	665.7	.87
Haiti	4,867.0	54.5	.01
Honduras	2,582.0	1,497.5	.58
Jamaica	2,000.0	161.2	.09
Mexico	48,313.0	97.8	.002
Nicaragua	1,984.0	1,104.6	.56
Panama	1,464.0	1,610.2	1.10
Paraguay	2,386.0	997.4	.42
Peru	13,586.0	1,353.7	.10
Uruguay	2,890.0	534.9	.19
Venezuela	10,400.0	127.9	.01

Country	Fiscal year 1972 economic aid	Overseas operating costs	Percentage
Africa:			
Ethiopia	$19,425	$1,540.0	7.9
Ghana	17,440	850.6	4.9
Kenya	2,150	870.0	40.5
Liberia	4,710	1,506.5	32.0
Morocco	1,605	1,106.7	68.9
Nigeria	24,830	4,581.5	18.4
Tanzania	1,900	607.2	32.0
Tunisia	17,200	1,019.4	5.9
Uganda	5,355	672.0	12.5
Zaire	1,380	928.5	62.9
Asia:			
Afghanistan	26,560	2,625.6	9.8
Bangladesh		135.9	
India	9,575	1,599.3	16.7
Indonesia	121,140	1,751.0	1.4
Korea	25,325	1,545.3	6.1
Nepal	2,532	847.1	33.4
Pakistan	62,485	2,729.0	4.3
Philippines	29,400	1,915.7	6.5
Sri Lanka		45.4	
Turkey	58,945	1,068.3	1.8
Latin America:			
Argentina		304.1	
Bolivia	35,573	972.8	2.7
Brazil	9,350	4,044.4	43.2
Chile	1,022	1,013.0	99.1
Colombia	91,530	1,926.3	2.1
Costa Rica	1,655	448.1	27.1
Dominican Republic	6,815	1,106.0	16.2
Ecuador	4,596	1,313.6	28.3
El Salvador	8,958	590.0	6.6
Guatemala	13,400	1,041.0	7.7
ROCAP (Guatemala)	13,090	1,262.1	9.7
Guyana	12,500	665.7	5.3
Haiti	2,960	54.5	1.8
Honduras	5,325	1,497.5	28.1
Jamaica	1,218	161.2	13.2
Mexico		97.8	
Nicaragua	11,660	1,104.6	9.4
Panama	15,825	1,610.2	10.1
Paraguay	6,681	997.4	14.9
Peru	24,062	1,353.7	5.6
Uruguay	1,355	534.9	39.5
Venezuela	850	127.9	15.0

By Mr. HARTKE:

S. 2060. A bill to authorize the Secretary of Transportation to act to assure the continuance of rail service in the Northeastern United States, and for other purposes. Referred to the Committee on Commerce.

Mr. HARTKE. Mr. President, I introduce for appropriate reference a bill to authorize the Secretary of Transportation to act to assure the continuance of rail services in the Northeastern United States, and for other purposes.

The rail transportation problem in the 19 Northeastern States—already extremely serious—is rapidly approaching a potential national crisis. Depending upon what action is taken by Congress and the executive branch this month there is a grave possibility that the precariously balanced rail transportation system, so vital to the economic health and security of the Nation, could continue down the tortuous path to liquidation.

If one of the bankrupt railroads in the Northeast ceased operation, the consequences could be disastrous to the more than 100 million people living in the region and to the Nation as a whole. For example, a study has disclosed that if the Penn Central were to curtail activity for a period of 8 weeks economical activity in the Northeast would decline at a rate of 5.7 percent. Economic activity in the entire Nation would decline by a rate of 4 percent and the gross national product would decline by 2.7 percent.

These statistics do not convey the seriousness of the problem in human terms. Not only would people be thrown out of jobs, many would go hungry because of the food shortages caused by inadequate transportation facilities in the northeast. The chaos that would afflict the northeast would bring swift economic and personal hardship to the rest of the country as well. To the farmers of the west and south, the lumbermen of the northwest, small and large companies in all States, the hundred million people in the 17 States would no longer be able to receive and consume their goods and services. Disaster—sheer, unmitigated disaster—is the only way to describe what would happen if the Penn Central and other roads of the northeast were to be forced to close down.

In my opinion we cannot let these railroad shut down. Some public officials might argue that no Federal funds should be spent in the short term or in the long term to solve this rail transportation crisis. They would argue that it is better to let the crisis occur and suffer a tremendous loss of Federal tax revenue than to spend a few dollars of taxpayers money to assure a continuing and viable economic system in this country. I for one cannot agree with that approach and am therefore offering today legislation that would assure emergency first aid for the northeast rail system while Congress works diligently to come up with a long-term solution.

The bill I am introducing amends the Emergency Rail Services Act of 1970 so as to authorize the Secretary of Transportation, in the case of an actual or anticipated cessation of essential transportation services by any railroad, to contract with the trustees of such railroad for the continued provision of essential services, or acquire by purchase, lease, or other transfer any equipment and facilities of such railroad and any operating rights over the tracks of such railroad. The present Emergency Rail Services Act authorizes the Secretary to take similar action with respect to those railroads which have accepted loans from the Federal Government. The amendment would broaden that authority to apply to any railroad which has actually ceased operation or is about to cease operations.

Any such service contract, or acquisition would be subject to the approval of the reorganization court and the Interstate Commerce Commission.

Funds to pay for such service contract or acquisition would be available under the provisions of the present Emergency Rail Services Act which authorizes the Secretary of Transportation to issue obligations. The present act authorizes such sums as may be necessary to pay the principal and interest on any obligations issued. The bill I am introducing today amends the existing act to place a ceiling of $250 million on such authorization of appropriations.

In my opinion, it is absolutely essential that we have this kind of emergency backup to avoid the tragic consequences that would result from a significant curtailment of rail services in the northeast. I urge my colleagues to study the provisions of this proposed legislation carefully.

By Mr. HATFIELD (for himself, Mr. CASE, Mr. HUGHES, Mr. PACKARD, and Mr. KENNEDY):

S. 2062. A bill to prohibit the introduction into interstate commerce of nonreturnable beverage containers. Referred to the Committee on Commerce.

NONRETURNABLE BEVERAGE CONTAINER PROHIBITION ACT

Mr. HATFIELD. Mr. President, I rise today to introduce the Nonreturnable Beverage Container Prohibition Act of 1973. I am pleased that the Senator from New Jersey (Mr. CASE), the Senator from Iowa (Mr. HUGHES) and the Senator from Massachusetts (Mr. KENNEDY) and my colleague from Oregon (Mr. PACKWOOD), are joining me in cosponsoring this legislation.

Mr. President, I have become increasingly concerned about what Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University, has called a "counter-ecological growth pattern" behind our environmental crisis. In far too many cases, and particularly since World War II, we have adopted technologies which produce intense environmental impacts, displacing other activities with far less serious environmental impacts.

Transfer from returnable to nonreturnable beverage containers is an outstanding example of a counterecological growth pattern. According to Dr. Commoner, the production of nonreturnable beer bottles increased 3,778 percent per capita during the period between 1946 and 1969. During the same period, production of returnable beer bottles decreased 64 percent per capita.

The result of this growth pattern, which has been accompanied by similar trends in soft drink packaging, has been an increased use of energy and increased litter along our highways and in our parks.

Looking first at the energy question, Dr. Bruce Hannon, assistant professor of general engineering and staff member with the Center for Advanced Computation at the University of Illinois at Urbana, has conducted an excellent study dealing with this topic. He concludes that the energy required to deliver a unit of beverage to the consumer is about three times more in a throwaway glass container than in returnable bottles. He estimates that 19,640 Btu's are necessary to bottle a gallon of beer in 12 ounce returnable bottles while 59,800 Btu's are necessary for nonreturnable bottles and 58,190 Btu's for cans. I found one of Dr. Hannon's statistics astounding:

> If the beverage industry were converted entirely to returnable containers, the 1970 container system energy, which accounts for 0.48% of the total U.S. energy demand, would be reduced by about 40%. The energy savings in 1970 would have supplied the total electrical needs for Washington, D.C., Pittsburgh, San Francisco and Boston for about 5 months, or about 30 billion kilowatt hours.

It should be noted here that this figure includes the energy consumed in the milk container system, although the energy consumption of this system is slight when compared to soft drinks or beer, which constitue about one-half of all beverage and food containers.

As a consumer matter, it appears evident that a return to returnable beverage containers would be beneficial. The purchase price for soft drinks in throwaway glass is 30 percent more than when it is sold in returnable containers. When the consumer purchases a beverage in a returnable container and returns it he pays only a fraction of the cost of the container, whereas the nonreturnable container purchaser pays the entire cost of the container. To this must be added the cost of the disposal of the container, which is increased if it has been tossed out of a car along a highway.

An obvious but important environmental benefit to which I have alluded which would result from the prohibition of nonreturnable beverage containers is litter reduction. My State of Oregon adopted legislation banning nonreturnables last October; the legislation I introduce today is patterned after this bill. The effects of the bill have been followed closely by the Oregon State highway department and other various groups. In April of this year, the Environmental Protection Agency published a report on the progress of the Oregon law, drawing on the highway department data. According to this study, "the beverage container portion of litter decreased by at least 49 percent between the winter of 1971 to 1972 and the winter of 1972 to 1973." This is indeed significant in view of an earlier study by the State of Oregon indicating that beverage containers formed approximately 62 percent of the volume of litter.

Two other trends resulting from Oregon's bottle law were noted in the Environmental Protection Agency report:

> (1) Container usage has been dramatically altered by the law. Less than 1 percent of all soft drinks and 0.5 percent of all beer was being sold in cans as of March 1973, and
>
> (2) The enactment of the law has been attended by an initial loss of 142 jobs. A sizable number of new jobs may be created in the bottling industry to offset these losses.

This last statement is worthy of further comment. A study of the Employment Effects of the Mandatory Depository Regulation by Dr. Hugh Folk, professor of economics at the University of Illinois at Urbana concludes that employment in Illinois would actually be increased by 6,500 jobs following a shift to nonreturnables. This is not to say that there would be no employment difficulties in the transition, and this is a matter which must receive careful review by the Congress, but the creation of new jobs is often ignored during discussions of legislation of this nature.

Mr. President, I believe it is past time that we reexamine the "no deposit-no return" philosophy which we can no longer afford from an environmental or an energy standpoint. Certainly the passage of this legislation would be a good beginning.

Very briefly, the legislation I am introducing today would ban the shipment and sale of nonreturnable beverage containers in interstate commerce and ban all "flip-top" cans. The law would be administered by the Environmental Protection Agency, which is directly to certify acceptable containers.

Mr. President, I ask unanimous consent that the bill be printed in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Nonreturnable Beverage Container Prohibition Act".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that (1) litter composed of beverage containers is a major source of pollution in all areas of this Nation, (2) the collection and disposal of solid waste composed of such containers impose a great cost burden upon the States and their political subdivisions, (3) nonreturnable beverage containers on which no refundable money deposit is required from the consumer pose a threat to health, safety, and welfare of individuals and environment in the United States, and (4) such containers, representing as they do a high cost in the form of litter and solid waste management, should be banned from circulation within and among the several States.

(b) It is therefore the purpose of this Act to assist in solving this problem by preventing the use and circulation of the offending types of nonreturnable beverage containers by banning their shipment and sale in interstate commerce.

DEFINITIONS

Sec. 3. For the purpose of this Act the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "returnable beverage container" means a beverage container which—

(A) has a clear indication thereon, either by embossing or by a stamp, label, or other method securely affixed thereto, of the refund value of the container, or is a glass container designed for a beverage and having a brand name permanently marked thereon which on the date of enactment of this Act had a refund value of not less than 5 cents;

(B) has a refund value of not less than 5 cents or, if certified by the Administrator pursuant to section 4, has a refund value of not less than 2 cents; and

(C) is not a metal container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener;

(3) "beverage" means beer or any other malt beverage, mineral water, or soda water or a carbonated soft drink of any variety in liquid form and intended for human consumption;

(4) "container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, for use in packaging or marketing any beverage;

(5) "interstate commerce" means (A) commerce between any State or territory and any place outside thereof, and (B) commerce within the District of Columbia or within any other territory not organized with a legislative body;

(6) "territory" means any territory or possession of the United States, including the District of Columbia and excluding the Canal Zone.

CERTIFICATION

Sec. 4. (a) (1) To promote the use of returnable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the Administrator shall, upon application in accordance with regulations established by the Administrator not later than ninety days after the date of enactment of this Act, certify beverage containers which satisfy the requirements of this section.

(2) A beverage container shall be certified if—

(a) it is reusable as a beverage container by more than one beverage manufacturer or bottler in the ordinary course of business; and

(B) more than one beverage manufacturer or bottler will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) A beverage container shall not be certified under this section if by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting, or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer or bottler of a beverage sold under a specific name.

(b) (1) Unless an application for certification under this section is denied by the Administrator within sixty days after the filing of the application in accordance with regulations of the Administrator, the beverage container shall be deemed certified.

(2) The Administrator may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the applicant for certification under this section, the Administrator determines the container is no longer qualified for certification, he shall withdraw certification.

(3) Withdrawal of certification shall be effective not less than thirty days after written notice to such applicant and to all known manufacturers and bottlers using such container.

PROHIBITION

Sec. 5. (a) No person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce any beverage container other than a returnable beverage container.

(b) Whoever violates subsection (a) of this section shall be fined not more than $1,000, or imprisoned for not more than six months, or both.

REGULATIONS

Sec. 6. The Administrator shall establish such regulations as are necessary for the purpose of this Act.

EFFECTIVE DATE

Sec. 7. The provisions of this Act shall be effective on the date of enactment of this Act, except that section 5 shall be effective after one hundred and eighty days following such date of enactment.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2063. A bill to amend the Criminal Code in order to extend protection to officers and employees of the Interstate Commerce Commission. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Criminal Code in order to extend protection to officers and employees of the Interstate Commerce Commission, and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2063

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 1114 of the Criminal Code (18 U.S.C. 1114) is amended by deleting the words "or of" after the phrase "Department of Health, Education, and Welfare" and inserting in lieu thereof a comma and by inserting after the phrase "Department of Labor" the following: "or the Interstate Commerce Commission".

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2064. A bill to amend the law governing the transportation of hazardous materials. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the laws governing the transportation of hazardous materials, and ask unanimous consent that the letter of transmittal, section-by-section analysis, comparative text be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2064

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled. That Part I of the subanalysis of title 18, United States Code, is amended by striking out:

"39. EXPLOSIVES AND COMBUSTIBLES____ 831"

and inserting in place thereof:

"39. HAZARDOUS MATERIALS___________ 831".

SEC. 2. Chapter 39 of title 18, United States Code, is amended by striking out the heading "EXPLOSIVES AND OTHER DANGEROUS ARTICLES" and inserting in place thereof "HAZARDOUS MATERIALS".

SEC. 3. The analysis of chapter 39 of title 18, United States Code, is amended by striking out items 832, 833, and 834 and inserting in place thereof:

"832. Transportation of explosives, radioactive materials, etiologic agents, and other hazardous materials.

"833. Marking packages containing explosives and other hazardous materials.

"834. Regulation by the Secretary of Transportation."

SEC. 4. Section 831 of title 18, United States Code, is amended—

(1) by striking out the definitions of "Fuzes", "Fuses", and "Fusees";

(2) by striking out "Interstate Commerce Commission" in the definition of "etiologic agents" and inserting "Secretary" in place thereof; and

(3) by adding a new definition as follows:

"'Secretary' means the Secretary of Transportation."

SEC. 5. Section 832 of title 18, United States Code, is amended—

(1) by striking out the catchline and inserting in place thereof:

"§ 832. Transportation of explosives, radioactive materials, etiologic agents, and other hazardous materials";

(2) by striking out "Interstate Commerce Commission" and "Commission" wherever it appears in section 832 and inserting "Secretary" in place thereof;

(3) by striking out all of subsection (a) before the first proviso and inserting in place thereof:

"(a) No person may transport, carry, or convey within the United States, any dangerous explosives, such as and including, dynamite, blasting caps, detonating fuzes, black powder, or gunpowder, or any radioactive materials, etiologic agents, or other hazardous materials on or in any passenger car or passenger vehicle of any description operated in the transportation of passengers by any for-hire carrier engaged in interstate or foreign commerce by land:";

(4) by striking out "or" preceding "etiologic agents" in the first proviso of subsection (a) and inserting ", or other hazardous materials" after the word "agents".

(5) by striking out "dangerous commodities" in the second proviso of subsection (a) and inserting in place thereof "hazardous materials";

(6) by striking out all of subsection (b) and inserting in place thereof:

(b) No person may transport, carry or convey within the United States liquid nitroglycerin, fulminate of mercury in bulk in dry condition, or other similarly dangerous explosives, radioactive materials, etiologic agents, or other hazardous materials, on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce, by land, except under such rules and regulations as the Secretary shall specifically prescribe with respect to the safe transportation of such commodities. The Secretary shall from time to time determine and prescribe what are hazardous materials and may prescribe the route or routes over which such explosives, radioactive materials, etiologic agents, or other hazardous materials shall be transported.";

(7) by adding the following new subsections (d) through (i);

"(d) Whoever violates or causes to be violated a provision of sections 831–835 of this title, or any order or regulation issued thereunder, is subject to a civil penalty of not more than $2,000 for each violation.

"(e) Whoever knowingly violates or causes to be violated a provision of sections 831–835 of this title, or any order or regulation issued thereunder, shall be fined not more than $2,000 or imprisoned not more than one year, or both; and if the violation results in the death or bodily injury of any person, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"(f) The United States District Courts have jurisdiction, subject to rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of sections 831–835 of this title or any order or regulation issued thereunder, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. When practicable, the Secretary of Transportation shall give notice to a person against whom an action for injunctive relief is contemplated and afford an opportunity to present his views, and, except in the case of a knowing and willful violation, shall give him reasonable opportunity to achieve compliance. However, the failure to give that notice and opportunity does not preclude the granting of appropriate relief.

"(g) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under subsection (f), which violation also constitutes a violation of sections 831–835 of this title or any order or regulation issued thereunder, trial shall be by the court or, upon demand of the accused, by a jury. The trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(h) Actions under subsection (f) may be brought in the district in which the act or omission constituting the violation occurred, or in the district in which the defendant is found or is an inhabitant or transacts business and process may be served in any other district of which the defendant is an inhabitant, transacts business, or may be found.

"(i) In any action brought under subsection (f), subpenas for witnesses who are required to attend a United States District Court may run into any other district."

SEC. 6. Section 833 of title 18, United States Code, is amended—

(1) by striking out the catchline and inserting in place thereof:

"833. Marking packages containing explosives and other hazardous materials";

(2) by striking out the section in its entirety and inserting the following two subsections in place thereof:

"(a) No person may deliver to any carrier engaged in interstate or foreign commerce by land or water, and no person may carry on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce, by land, any explosive or other hazardous material specified in or designated by the Secretary under section 834 of this title under any false or deceptive marking, description, invoice, shipping order, or other declaration, and when required by regulations prescribed by the Secretary, no person may deliver any such explosive or other hazardous material without informing the carrier, in writing, of the true character thereof, at the time such delivery is made, or without plainly marking on the outside of every package containing explosives of other hazardous materials the name of contents thereof.

"(b) No person may represent by marking, certifying, or otherwise, that any container or packaging meets the requirements in regulations prescribed under section 834 of this title, when, in fact, it does not."

SEC. 7. Section 834 of title 18, United States Code, is amended—

(1) by striking out the catchline and inserting in place thereof: "§ 834. Regulation by the Secretary of Transportation";

(2) by striking out subsection (a) and inserting in place thereof:

"(a) The Secretary shall prescribe regulations for the safe transportation within the United States of explosives and other hazardous materials, including radioactive materials, etiologic agents, flammable liquids, flammable solids, oxidizing materials, corrosive materials, compressed gases, and poisonous substances. As specified therein, the regulations prescribed under this subsection apply to all carriers who engage in interstate or foreign commerce whenever they engage in the transportation of explosives or other hazardous materials by land; all shippers making shipments of explosives or other hazardous materials via any carrier who engages in interstate or foreign commerce by land or water; and all manufacturers of containers or packagings which may be used for transportation of explosives or other hazardous materials in interstate or foreign commerce by land or water.";

(3) by striking out "Commission, of its" and "Interstate Commerce Commission" in subsection (b) and inserting "Secretary, on his" and "Secretary", respectively, in place thereof;

(4) by striking out "Commission" wherever it appears in subsection (d) and inserting "Secretary" in place thereof;

(5) by striking out "Commission" and "itself" in subsection (e) and inserting "Secretary" and "himself", respectively, in place thereof;

(6) by striking out "including the Bureau for the Safe Transportation of Explosives and other Dangerous Articles", in subsection (c); and

(7) by striking out subsection (f) in its entirety.

SEC. 8. Section 835 of title 18, United States Code, is amended.

(1) by striking out "Interstate Commerce Commission" and "Commission" wherever they appear and inserting "Secretatry" in place thereof;

(2) by striking out "it may deem necessary or proper to assist in subsection (b) and inserting "he may deem necessary or proper to assist him" in place thereof; and

(3) by striking out subsection (c) and inserting in place thereof

"(c) In administering and enforcing the provisions of sections 831–835 of this title and the regulations prescribed thereunder, the Secretary may exercise all the powers conferred upon him by the Department of Transportation Act and upon the Interstate Commerce Commission by the Interstate Commerce Act, except the functions, powers, and duties reserved to the Interstate Commerce Commission by section 6(f)(1) of the Department of Transportation Act (49 U.S.C. 1655(f)(1)), including procedural and investigative powers and the power to examine and inspect records and properties of carriers who engage in transporting explosives or other hazardous materials in interstate or foreign commerce by land, records and properties of shippers to the extent that those records and properties pertain to the packing and shipping of explosives or other hazardous materials and the nature of such commodities, and records and properties of persons manufacturing, testing, or marking any containers or packaging which may be used for transportation of explosives or other hazardous materials in interstate or foreign commerce to the extent that those records and properties pertain to the production, testing, marking, or distribution of the containers or packaging."

SEC. 9. (a) Section 6(e) of the Department of Transportation Act (49 U.S.C. 1655(e)) is amended by striking out "(4) the following provisions of law relating generally to explosives and other dangerous articles: Sections 831–835 of title 18, United States Code, as amended." and renumbering the succeeding clauses accordingly.

(b) Section 6(c)(1) of the Department of Transportation Act is amended by inserting "(other than those relating to the transportation, packaging, marking, or description of explosives or other hazardous materials)" after the words "aviation safety".

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 6, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith the following:

(1) A draft of a bill "To amend the laws governing the transportation of hazardous materials;"

(2) A section-by-section analysis of the bill; and

(3) A comparative text of the laws showing the proposed changes.

The laws governing hazardous materials are administered by this Department and several of its agencies, and generally this bill is intended to improve the structure and the enforcement mechanism with respect to these laws. Although the enclosed analysis provides a full discussion of the proposed changes, it may be helpful to outline the most important changes.

First, the enforcement mechanism for the laws will be significantly strengthened and refined by adding a provision for civil forfeiture and by adding a provision providing for injunctive relief (section 5). Imposition of the present criminal penalty has proven too blunt and time-consuming to be effective. The proposed provision for civil forfeiture will provide a more flexible and informal enforcement tool.

Second, this bill would expand the area of present regulation to include the manufacturers of packing materials for hazardous materials (section 6). Presently the Hazardous Materials Regulations, 49 CFR 170–180 (hereinafter referred to as the "Regulations"), provide that the manufacturer of the packaging material may inspect the packing materials for compliance with the Regulations, and that the shipper and carrier may rely upon the manufacturer's certification that the materials are in compliance with the Regulations. This system has evolved because it is not possible for the shipper or carrier to independently inspect what are at times the highly sophisticated packaging materials required by the Regulations.

Even though the manufacturer has this key role, the present laws provide penalties only for shippers and carriers. This bill would impose civil or criminal sanctions directly upon manufacturers for mislabeling or falsely certifying their materials.

Third, the bill would also remove existing restraints upon the Secretary's authority to delegate the authority concerning hazardous materials within this Department (section 9). Present legislation decentralizes the authority for hazardous materials, and divides that authority among several subordinate officials of this Department, each of whom is responsible for only one mode of transportation. The bill would enable us to consolidate the functions with respect to hazardous materials within the Office of the Secretary to provide for prompt, single regulatory action.

We recommend early enactment of this legislation by the Congress.

We have been advised by the Office of Management and Budget that there would be no objection to enactment of this legislation from the standpoint of the Administration's program.

Sincerely,

CLAUDE S. BRINEGAR.

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND THE TRANSPORTATION OF EXPLOSIVES ACT

Throughout these amendments to chapter 39 of title 18, United States Code, there are three frequently recurring changes the explanations for which are covered by the following notes.

Note #1—The term "explosives and other dangerous articles" is changed to "hazardous materials" to conform with contemporary usage of the latter term in the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458, 84 Stat. 977, and the Department's Hazardous Materials Regulations, and general transportation industry terminology.

Note #2—References to the "Interstate Commerce Commission" and the "Commission" are changed to the "Secretary" to reflect section 6(e)(4) of Public Law 89–670, which transferred to the Secretary of Transportation all functions, powers, and duties of the Interstate Commerce Commission under sections 831–835 of chapter 39 of title 18, United States Code.

Note #3—Rather than have identical language restated four separate times in sections 832, 833, and 834, the criminal penalty provisions have been consolidated in a new subsection (e) of section 832. This is done primarily to facilitate the addition of a new civil penalty provision for violations of this statue.

Sec. 1—This amends the item in the analysis of title 18 pertaining to chapter 39 in accordance with Note #1, above.

Sec. 2—This amends the heading of chapter 39 in accordance with Note #1, above.

Sec. 3—This amends the analysis of chapter 39 in accordance with Note #1 and Note #2, above.

Sec. 4(1)—This amends section 831, the definition section of the chapter, by deleting the definitions of "fuzes", "fuses", and "fusees". There are technical definitions and appear more appropriately in the Hazardous Materials Regulations (49 CFR Parts 170–189). The terms have only limited application in the statute and are not necessary to an understanding of it.

Sec. 4(2)—This amends the definition of "etiologic agents" in section 831, in accordance with Note #2, above.

Sec. 4(3)—This amends section 831 to state that "Secretary" means the Secretary of Transportation, in accordance with Note #2, above.

Sec. 5(1)—This amends the catchline of section 832 in accordance with Note #1, above.

Sec. 5(2)—This amends section 832 to reflect the authority of the "Secretary" in accordance wtih Note #2, above.

Sec. 5(3)—This amends subsection (a) of section 832 by changing the introductory language from "Any person who knowingly transports, carries, or conveys" to "No person may transcript, carry, or convey". This change is necessary to facilitate removal of the criminal penalty clause in accordance with Note #3, above. The term "knowingly" is more appropriately placed in the criminal sanction of new subsection (e). The words "or other hazardous materials" are added to make 832(a) consistent with section 834. The term "by land" is added for consistency.

Sec. 5(4)—The words "or other hazardous materials" are added for consistency with section 834.

Sec. 5(5)—This amends subsection (a) of section 832 by substituting the term "hazardous materials" for "dangerous commodities" to conform with the revised chapter heading.

Sec. 5(6)—This amends subsection (b) of section 832 by changing the introductory language from "No person shall knowingly" to "No person may", consistent with new subsection (a), and by deleting the penalty sentence, in accordance with Note No. 3, above. The words "hazardous materials" and "other hazardous materials" are added for consistency with section 834.

Sec. 5(7)—This amends section 832 by adding two new subsections (d) and (e), to provide a civil penalty provision and to consolidate the criminal penalty provisions, respectively.

The Hazardous Materials Regulations (49 CFR 170–189), issued under chapter 39 of title 18, United States Code, are directly binding only upon carriers by land and shippers by land or water. Carriers and shippers by air and carriers by water are regulated by other provisions of law administered within the Department of Transportation (see 49 U.S.C. 1472(h) and 46 U.S.C. 170). The statutory provisions regulating carriers and shippers by air and carriers by water each set forth civil penalties for violations. Violations of the regulations issued under title 18 are punishable only by criminal indictment and trial. Thus, a basic inconsistency and inequity has prevailed in application of the various statutes.

Constitutional due process requires every criminal law to be stated clearly and unambiguously, and conviction requires a high degree of proof that is not available without a highly trained staff of investigators. As a consequence, few criminal prosecutions are brought for violations of the Hazardous Materials Regulations and these seldom result in conviction. In addition, the harshness and broad implications involved in a criminal conviction cause a natural reluctance to report many violations of the regulations, or to prosecute the less serious infractions that are reported. The needs of justice demand that the regulated modes of transportation and the shipping industry be treated uniformly and fairly.

Civil penalties, such as those appearing in many other transportation safety statutes have proven by experience to be the most satisfactory means of assuring compliance with regulations issued under those acts, and the most effective means of punishment for violations. Civil penalties imposed administratively are less formal and time-consuming, are subject to administrative compromise, do not have the effect of further burdening court calendars, require a "preponderance of the evidence" standard of proof to sustain the imposition of a penalty rather than a "beyond reasonable doubt" standard, and do not carry the stigma attached to criminal penalties. This amendment is therefore an essential element in the effective regulation of the transportation of hazardous materials.

New subsection (e) retains the criminal penalties formerly imposed for violations where any person "knowingly" does not comply with the regulations. The criminal penalties for infractions which do not result in the death or bodily injury of any person have been amended to provide for the imposition of a $2,000 fine to be consistent with the limits for the civil penalty.

New subsections (f)-(i) provide that the United States District Courts have jurisdiction to restrain violations of the regulations. This jurisdiction again adds to the flexibility of the enforcement process, and is particularly helpful in meeting the needs of an emergency situation that requires a quick response and also in ensuring future or continuing compliance.

Sec. 6(1).—This amends section 833 of chapter 39 by changing the catchline and the body of section 833 to recognize the term "hazardous materials", in accordance with Note #1, above.

Sec. 6(2).—This amends section 833 of chapter 39—

a. by changing "Any person who knowingly delivers", "any person who knowingly carries", and "or any person who so delivers", to "No person may deliver", "no person may carry", and "and no person may deliver", respectively, to be consistent with amended section 832 and to facilitate consolidation of the penalty provisions in accordance with Note #3, above;

b. by changing "Interstate Commerce Commission" to "Secretary", in accordance with Note #2, above; and

c. by adding a new subsection (b) to section 833, to prohibit a false assertion that a container or packaging meets the applicable requirements prescribed by the Secretary for the shipment of hazardous materials. The prescribed packaging for hazardous materials usually is not manufactured by either the shipper or the carrier, but is manufactured by a third party and marked by him with the appropriate "DOT" Specification number prescribed by Part 178 of the Hazardous Materials Regulations (49 CFR 170–189). The "DOT" Specification number marked on a packaging is a certification that the packaging complies with all specification requirements (see 49 CFR § 173.24(c)(1)(i)). It is impracticable to require carriers or shippers of hazardous materials to independently test the containers or packagings to assure they meet the specification requirements. Therefore they are permitted to accept the manufacturer's certification or specification marking as evidence that the containers were manufactured in accordance with applicable specifications (see 49 CFR § 173.22). Chapter 39, however, is only binding upon carriers and shippers of hazardous materials. The Secretary is unable, therefore, through direct regulation or enforcement, to assure the adequacy of the specification containers or packagings prescribed in the regulations. Under new subsection (b) false representation of compliance with those specifications is an offense subject to the penalties described in amended section 832. In addition, the amendment by section 7(2), as discussed below, makes the regulations setting forth those specifications expressly applicable to manufacturers of containers and packagings that may be used for shipment of hazardous materials in interstate or foreign commerce.

Sec. 7(1).—This amends the catchline of section 834 of chapter 39 to reflect the authority of the Secretary of Transportation, in accordance with Note #2, above.

Sec. 7(2).—This amends section 834(a) to reflect the authority of the Secretary in accordance with Note #2, above. New language is added to subsection (a) to make the regulations issued by the Secretary with respect to containers and packagings directly binding upon the manufacturers of those containers and packaging materials. The amendment by section 6(2) makes it an offense to falsely mark or certify that a container or packaging meets the applicable requirements prescribed by the Secretary for the shipment of hazardous materials in interstate or foreign commerce. The necessity for this direct authority is discussed in the analysis of section 6(2), above.

Sec. 7 (3), (4), and (5)—These amend subsections (b), (d), and (e) of section 834 to reflect the authority of the Secretary, in accordance with Note #2, above.

Sec. 7(6)—This amends subsection (e) of section 834 by deleting specific reference to the "Bureau for the Safe Transportation of Explosives and Other Dangerous Articles", now known as the Bureau of Explosives of the Association of American Railroads. This specific reference is not required for the Secretary to effectively utilize the services of the Bureau of Explosives, since the remaining language of subsection (e) affords ample authority for acquiring such assistance. The specific reference, however, has resulted over a period of many years in a multitude of inappropriate delegations of regulatory authority to the Bureau of Explosives. The General Counsel of the Department of Transportation has reinforced the opinion of counsel to the Interstate Commerce Commission that these delegations are inappropriate and should be withdrawn expeditiously. This withdrawal is taking place. The specific reference to the Bureau of Explosives, therefore, is deleted from the statute.

Sec. 7(7)—This amends section 834 by deleting the penalty provisions of subsection (f), in accordance with Note #3, above.

Sec. 8 (1) and (2)—These amend subsections (a) and (b) of section 835 to reflect the authority of the Secretary, in accordance with Note #2, above.

Sec. 8(3)—This amends subsection (c) of section 835 to recognize the term "hazardous materials" and to reflect the authority of the Secretary, in accordance with Note #1 and Note #2, above, respectively.

In addition, subsection (c) is amended to provide the Secretary with express authority to examine and inspect the records and properties of persons who mark any containers or packagings with "DOT" Specification numbers, thereby certifying that the containers or packagings meet the applicable requirements prescribed by the Secretary for the shipment of hazardous materials, to the extent that such records and properties pertain to the production, testing, marking, or distribution of such containers or packagings. This power corresponds to that held by the Secretary to examine and inspect the records and properties of carriers and shippers of hazardous materials. This expansion of authority is needed for the reasons discussed above under the analysis of section 6(2). The present statute does not permit enforcement against such individuals unless they are shippers or carriers.

Sec. 9.—Public Law 89–670, which established the Department of Transportation, transferred functions relating to the transportation of hazardous materials by rail and highway from the Interstate Commerce Commission to the Secretary of Transportation. It further directed the Federal Railroad Administrator to carry out these functions with respect to transportation by rail and liquid pipeline and the Federal Highway Administrator to carry out these functions with respect to transportation by motor carrier. In addition, it transferred all of the functions of the Federal Aviation Administrator and the Federal Aviation Agency to the Secretary, but further directed the Federal Aviation Administrator to carry out all of the safety functions so transferred, including those relating to hazardous materials. These statutory diffusions of authority are further complicated by section 3(e)(4) of Public Law 89–670 which provides that "the functions . . . specified in this Act to be carried out by each Administrator shall not be transferred elsewhere in the Department" except pursuant to a Reorganization Plan. These provisions have introduced an unfortunate element of organizational rigidity into the Department of Transportation. The mandatory requirement that these safety functions vested in the Secretary be carried out by particular subordinate officials was undesirable from the beginning.

The transportation of hazardous materials in the United States and in foreign commerce has become increasingly intermodal in character. For example, almost all shipments by air or sea must first move by rail or motor carrier. Many shipments move by three or more modes. This increasing intermodal nature of the transportation of hazardous materials was recently recognized by the 91st Congress in connection with the enactment of the Hazardous Materials Transportation Control Act of 1970. It is highly desirable that there be maximum uniformity in the regulations and regulatory actions governing the shippers of hazardous materials, particularly with respect to the packaging, marking and labeling of those materials. The combination of statutory provisions that requires the related regulatory authority to be exercised by several subordinate officials of the Department of Transportation, each of whom is responsible for a single mode of transportation, inhibits prompt regulatory action and prevents single actions on intermodal problems, either by direct order of the Secretary of Transportation or by delegation of authority to any source within the Department but outside of the Administration to which the statutory delegation was made. In circumstances not so inhibited, the Secretary could, by the mere wording of a delegation of authority, consolidate duplicate functions and provide for prompt, single regulatory action to be taken with respect to intermodal problems concerning the transportation of hazardous materials.

Sec. 9(a).—This amends section 6(e) of Public Law 89–670 by deleting the provision transferring sections 831–835 of title 18 to the Secretary of Transportation. This removes the administration of sections 831–835 of title 18 from the effect of section 6(f)(3) of Public Law 89–670, and thus reposes in the Secretary the full authority and responsibility to carry out these functions.

Sec. 9(b).—This amends section 6(c)(1) of Public Law 89–670 by excepting the regulatory authority over the transportation of hazardous materials by air from safety functions required to be carried out by the Federal Aviation Administrator. This amendment, together with the amendment made by section 9(a), will allow the consolidation of authority and responsibility essential to effective, efficient regulation of a multimodal industry to the benefit of shippers, carriers, container manufacturers, and the public at large.

[Key: Material not affected is indicated by * * *. Material deleted is indicated by [ ]. New material is indicated by italic.]

CHAPTER 39.—[EXPLOSIVES AND OTHER DANGEROUS ARTICLES] *Hazardous Materials*

Sec.
831. Definitions.
[832. Transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles.]
832. *Transportation of explosives, radioactive materials; etiologic agents, and other hazardous materials*

[833. Marking packages containing explosives and other dangerous articles.]

833. *Marking packages containing explosives and hazardous materials.*

[834. Regulation by Interstate Commerce Commission.]

834. *Regulation by the Secretary of Transportation.*

835. Administration.

* * *

§ 831. Definitions.

* * *

["Fuzes" means devices used in igniting the explosive charges of projectiles.

"Fuses" means the slow-burning fuses used commercially to convey fire to an explosive combustible mass.

"Fusees" means the fusees ordinarily used on steamboats, railroads, and motor carriers as night signals.]

"Radioactive materials" means any materials or combination of materials that spontaneously emit ionizing radiation.

"Etiologic agents" means the causative agent of such diseases as may from time to time be listed in regulations governing etiologic agents prescribed by the [Interstate Commerce Commission] *Secretary* under section 834 of this chapter.

"Secretary" means the Secretary of Transportation.

[§ 832. Transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles.]

§ 832. *Transportation of explosives, radioactive materials, etiologic agents, and other hazardous materials.*

[(a) Any person who knowingly transports, carries, or conveys within the United States, any dangerous explosives, such as and including, dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, or any radioactive materials, or etiologic agents, on or in any passenger car or passenger vehicle of any description operated in the transportation of passengers by any for-hire carrier engaged in interstate or foreign commerce, by land, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both:]

(a) *No person may transport, carry, or convey within the United States, any dangerous explosives, such as and including, dynamite,* blasting caps, detonating fuzes, black powder, or gunpowder, or any *radioactive materials, etiologic agents, or other hazardous materials on or in any passenger car or passenger vehicle of any description operated in the transportation of passengers by any for-hire carrier engaged in interstate or foreign commerce by land*: *Provided, however,* That such explosives, radioactive materials, [or] etiologic agents, *or other hazardous material* may be transported on or in such car or vehicle whenever the [Interstate Commerce Commission] *Secretary* finds that an emergency requires an expedited movement, in which case such emergency movements shall be made subject to such regulations as the [Commission] *Secretary* may deem necessary or desirable in the public interest in each instance: *Provided further,* That under this section it shall be lawful to transport on or in any such car or vehicle, small quantities of explosives, radioactive materials, etiologic agents, or other [dangerous commodities] *hazardous materials* of the kinds, in such amounts, and under such conditions as may be determined by the [Interstate Commerce Commission] *Secretary* to involve no appreciable danger to persons or property: *And provided further,* That it shall be lawful to transport on or in any such car or vehicle such fusees, torpedoes, rockets, or other signal devices as may be essential to promote safety in the operation of any such car or vehicle on or in which transported. This section shall not prevent the transportation of military forces with their accompanying munitions of war on passenger-equipment cars or vehicles.

[(b) No person shall knowingly transport, carry or convey within the United States liquid nitroglycerin, fulminate in bulk in dry condition, or other similarly dangerous explosives, or radioactive materials, or etiologic agents, on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce, by land, except under such rules and regulations as the Commission shall specifically prescribe with respect to the safe transportation of such commodities. The Commission shall from time to time determine and prescribe what explosives are "other similarly dangerous explosives", and may prescribe the route and routes over which such explosives, radioactive materials, or etiologic agents shall be transported. Any person who violates this provision, or any regulation prescribed hereunder by the Interstate Commerce Commission, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.]

(b) *No person may transport, carry or convey within the United States liquid nitroglycerin, fulminate of mercury in bulk in dry condition, or other similarly dangerous explosives, radioactive materials, etiologic agents, or other hazardous materials on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce, by land, except under such rules and regulations as the Secretary shall specifically prescribe with respect to the safe transportation of such commodities. The Secretary shall from time to time determine and prescribe what are hazardous materials, and may prescribe the route and routes over which such explosives, radioactive materials, etiologic agents or other hazardous materials shall be transported.*

(c) Any shipment of radioactive materials made by or under the direction or supervision of the Atomic Energy Commission or the Department of Defense which is escorted by personnel specially designated by or under the authority of the Atomic Energy Commission or the Department of Defense, as the case may be, for the purpose of national security, shall be exempt from the requirements of sections 831–835 of this chapter and the rules and regulations prescribed thereunder. In the case of any shipment of radioactive materials made by or under the direction or supervision of the Atomic Energy Commission or the Department of Defense, which is not so escorted by specially designated personnel certification upon the bill of lading by or under the authority of the Atomic Energy Commission or the Department of Defense, as the case may be, that the shipment contains radioactive materials shall be conclusive as to content, and no further description shall be necessary or required; but each package, receptacle, or other container in such unescorted shipment shall on the outside thereof be plainly marked "radioactive materials", and shall not be opened for inspection by the carrier.

(d) Whoever violates or causes to be violated a provision of sections 831–835 of this title, or any order or regulation issued thereunder, is subject to a civil penalty of not more than $2,000 for each violation.

(e) Whoever knowingly violates or causes to be violated a provision of sections 831–835 of this title, or any order or regulation issued thereunder, shall be fined not more than $2,000 or imprisoned not more than one year, or both; and if the violation results in the death or bodily injury of any person, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

(f) The United States District Courts have jurisdiction, subject to rules 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of sections 831–835 of this title or any order or regulation issued thereunder, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. When practicable, the Secretary of Transportation shall give notice to a person against whom an action for injunctive relief is contemplated and afford an opportunity to present his views, and, except in the case of a knowing and willful violation, shall give him reasonable opportunity to achieve compliance. However, the failure to give that notice and opportunity does not preclude the granting of appropriate relief.

(g) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under subsection (f), which violation also constitutes a violation of sections 831–835 of this title or any order or regulation issued thereunder, trial shall be by the court or, upon demand of the accused, by a jury. The trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(h) Actions under subsection (f) may be brought in the district in which the act or omission constituting the violation occurred, or in the district in which the defendant is found or is an inhabitant or transacts business, and process may be served in any other district of which the defendant is an inhabitant, transacts business, or may be found.

(i) In any action brought under subsection (f), subpenas for witnesses who are required to attend a United States District Court may run into any other district.

[§ 833. Marking packages containing explosives and other dangerous articles.]

§ 833. *Marking packages containing explosives and other hazardous materials.*

[(a) Any person who knowingly delivers to any carrier engaged in interstate or foreign commerce by land or water, and any person who knowingly carries on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce, by land, any explosive, or other dangerous article, specified in or designated by the Interstate Commerce Commission pursuant to section 834 of this chapter, under any false or deceptive marking, descripton, invoice, shipping order, or other declaration, or any person who so delivers any such article without informing such carrier in writing of the true character therof, at the time such delivery is made, or without plainly marking on the outside of every package containing explosives or other dangerous articles the contents thereof, if such marking is required by regulations prescribed by the Interstate Commerce Commission shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from the violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.]

(a) No person may deliver to any carrier engaged in interstate or foreign commerce by land or water, and no person may carry on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce, by land, any explosive or other hazardous material specified in or designated by the Secretary under sec-

tion 834 of this title, under any false or deceptive marking, description, invoice, shipping order, or other declaration, and when required by regulations prescribed by the Secretary, no person may deliver any such explosive or other hazardous material without informing the carrier, in writing, of the true character thereof, at the time such delivery is made, or without plainly marking on the outside of every package containing explosives or other hazardous materials the name of contents thereof.

(b) No person may represent by marking, certifying, or otherwise, that any container or packaging meets the requirements in regulations prescribed under section 834 of this title, when, in fact, it does not.

[§ 834. Regulation by Interstate Commerce Commission.]

§ 834. *Regulation by the Secretary of Transportation.*

[(a) The Interstate Commerce Commission shall formulate regulations for the safe transportation within the United States of explosives and other dangerous articles, including radioactive materials, etiologic agents, flammable liquids, flammable solids, oxidizing materials, corrosive materials, compressed gases, and poisonous substances, which shall be binding upon all carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land, and upon all shippers making shipments of explosives or other dangerous articles via any carrier engaged in interstate or foreign commerce by land or water.]

(a) *The Secretary shall prescribe regulations for the safe transportation within the United States of explosives and other hazardous materials, including radioactive materials, etiologic agents, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances. As specified therein, the regulations prescribed under this subsection apply to all carriers who engage in interstate or foreign commerce whenever they engage in the transportation of explosives or other hazardous materials by land; all shippers making shipments of explosives or other hazardous materials via any carrier who engages in intestate or foreign commerce by land or water;* and all manufacturers of containers or packagings which may be used for transportation of explosives or other hazardous materials in interstate or foreign commerce by land or water.

(b) The [Commission, of its] *Secretary, on his* own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions. Before adopting any regulations relating to radioactive materials the [Interstate Commerce Commission] *Secretary* shall advise and consult with the Atomic Energy Commission.

(c) Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport.

(d) Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is specified by the [Commission] *Secretray*, take effect ninety days after their formulation and publication by the [Commission] *Secretary* and shall be in effect until reversed, set aside, or modified.

(e) In the execution of section 831–835 inclusive, of this chapter the [Commission] *Secretary* may utilize the services of carrier and shipper associations, [including the Bureau for the Safe Transportation of Explosives and other Dangerous Articles,] and may avail [itself] *himself* of the advice and assistance of any department, commission, or board of the Federal Government, and of State and local governments, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law.

[(f) Whoever knowingly violates any such regulation shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from such violation, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.]

§ 835. Administration.

(a) The [Interstate Commerce Commission] *Secertary* is authorized and directed to administer, execute, and enforce all provisions of section 831–835 inclusive, of this chapter to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration, and to employ such officers and employees as may be necessary to carry out these functions.

(b) The [Commission] *Secretary* is authorized to make such studies and conduct such investigations, obtain such information, and hold such hearings as [it may deem necessary or proper to assist it] *he may deem necessary or proper to assist him* in exercising any authority provided in sections 831–835, inclusive, of this chapter. For such purposes, the [Commission] *Secretary* is authorized to administer oath and affirmations, and by subpena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. Witnesses subpenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

[(c) In administering and enforcing the provisions of sections 831–835, inclusive, of this chapter and the regulations prescribed thereunder the Commisison shall have and exercise all the powers conferred upon it by the Interstate Commerce Act, including procedural investigative powers and the power to examine and inspect records and properties of carriers engaged in transporting explosives and other dangerous articles in interstate or foreign commerce and the records and properties of shippers to the extent that such records and properties pertain to the packing and shipping of explosives and other dangerous articles and the nature of such commodities.]

(c) *In administering and enforcing the provisions of section 831–835 of this title and the regulations prescribed thereunder, the Secretary may exercise all the powers conferred upon him by the Department of Transportation Act and upon the Interstate Commerce Commisison by the Interstate Commerce Act, except the functions, powers, and duties reserved to the Interstate Commerce Commission by section 6(f)(1) of the Department of Transportation Act (49 U.S.C. 1655(f)(1)), including procedural and investigative powers and the power to examine and inspect records and properties of carriers who engage in transporting explosives or other hazardous materials in interstate or foreign commerce by land, records and properties of shippers to the extent that those records and properties pertain to the packing and shipping of explosives or other hazardous materials and the nature of such commodities, and records and properties of persons manufacturing, testing, or marking any containers or packaging which may be used for transportation of explosives or other hazardous materials in interstate or foreign commerce to the extent that those records and properties pertain to the production, testing, marking, or distribution of the containers or packaging.*

By Mr. STEVENSON (for himself, Mr. ROTH, Mr. ABOUREZK, Mr. HUMPHREY, Mr. ALLEN, Mr. McGOVERN, Mr. BENTSEN, Mr. COOK, Mr. EAGLETON, Mr. NELSON, and Mr. MONDALE):

S. 2065. A bill to clarify the application of the gift tax laws to political contributions made to more than one political committee, and to require the Secretary of the Treasury to notify political committees that they must preserve their financial records for tax purposes. Referred to the Committee on Finance.

THE CAMPAIGN GIFT TAX ACT OF 1973

Mr. STEVENSON. Mr. President, of all the threats to the integrity of the electoral process, none in the long run is more severe than that posed by large campaign contributions. Big money buys access and favoritism, erodes the public's confidence in the independence of its representatives, and it allows the wealthy to exert influence wholly out of proportion to their numbers.

The activity of large contributors in the 1972 campaign reached unprecedented proportions. The two Presidential candidates received dozens of contributions in excess of $100,000. A list of disclosed contributions of $20,000 and over to one Presidential candidate consumes 24 inches of fine print in the Washington Post. Eighteen individuals gave the Nixon campaign $7.5 million—more than the total amount spent by Lyndon Johnson 8 years ago. Large contributions on that scale take us a dangerously long step from democracy to plutocracy.

The Federal gift tax on gifts to a donee of more than $3,000 in any one year can discourage large contributions. It did not do so in 1972 because in June of that year the Internal Revenue Service issued a ruling—Revenue Ruling 72–355—which set forth a simple, easy-to-follow blueprint for evading the gift tax. Essentially the blueprint calls for dividing a large gift to a candidate into subgifts of $3,000 and under, each of which is channeled to the candidate through a dummy committee. The ruling stated that even if a multitude of such committees had no independent purpose over and above providing financial support for a single candidate, gifts to those dummy committees would successfully avoid the gift tax so long as no two committees had more than one-third of their officers in common. What followed the issuance of this peculiar ruling is described in a statement Phillip S. Hughes, Director of GAO's Office of Federal Elections, filed with the Internal Revenue Service on November 17, 1972:

> We have found widespread use of the device of multiple committees to facilitate the avoidance of gift tax liability by major contributors. This is particularly true of the presidential candidates of the two major parties . . . .
>
> A common practice is for the main campaign committee of a presidential candidate to create numerous additional committees supporting the candidate, each having a different chairman or treasurer for the purpose of meeting the requirement of Revenue Ruling 72–355 that at least one-third of the officers be different. Then a large contributor is advised to make separate gifts to each of the committees in the amount of

> $3,000 or less so that the contributor need not file any gift tax return as a result of his contributions. In some cases, the contributor will simply send a single check or transfer a single block of stock to the main campaign committee with directions that the committee act as his agent in dividing the total amount into portions of not more than $3,000 each and distributing each portion to a separate committee.

If these standards were applicable to personal gifts as well as political contributions, no gift tax would ever be collected, except from the unwary. The fact is, however, that the IRS and the Supreme Court have denounced the use of multiple committees to evade gift tax liability. See *Helvering* v. *Hutchings*, 312 U.S. 393, 396–7. Only in the area of political giving, where the damage is far greater than in purely private realms, are dummy committees condoned by this perversion of the law.

In addition to encouraging large contributions, Revenue ruling 72–355 deprives the Treasury of revenue—(an estimated $4 to $5 million in 1972 alone)—frustrates the reporting and disclosure requirements of the Federal Election Campaign Act of 1971, and undermines public confidence in the impartiality of the Internal Revenue Service. The last point deserves further elaboration.

The circumstances surrounding the issuance of this ruling smack of impropriety. On February 25, 1972, Fred F. Fielding, an aide to then White House Counsel John Dean, wrote a memo to Maurice Stans describing the possible evasion of the gift tax through the use of dummy committees. IRS Assistant Commissioner Peter Wiedenbruch has stated in a deposition that the ruling "did not originate in the customary way." Wiedenbruch indicated that drafts of the ruling were prepared not by career professionals—the usual practice—but by the IRS chief counsel appointed by President Nixon.

On December 7, 1972, I filed a formal statement with IRS urging that Revenue ruling 72–355 be rescinded and the gift tax collected from candidates and their benefactors. The IRS has not acted. The time has now come for the Congress to close this indefensible loophole.

The bill I am introducing provides that gifts to a committee which supports a candidate will be deemed to have been made directly to the candidate, unless the contributor establishes that he could not reasonably have been expected to know which candidate would benefit from his gift.

Enactment of this bill will eliminate a degrading, corrupting, and unlawful tax evasion scheme from our politics. I, therefore, urge its prompt consideration and passage.

CONGRESS MUST MOVE TO LESSEN THE INFLUENCE OF "BIG MONEY" IN ELECTIONS

Mr. ROTH. Mr. President, today I am pleased to join with the distinguished junior senator from Illinois (Mr. STEVENSON) in introducing legislation designed to restrict the role of large-scale contributors in the financing of campaigns. S. 2065 would provide that for gift tax purposes contributions made to a committee which supports a candidate for nomination or election to a public office will be considered to have been made to the candidate. This proviso would apply except when the contributor establishes that he could not reasonably have been expected to know which candidate would benefit from his gift and that he did not earmark it.

This bill would reverse Revenue ruling 72–355, issued by the Internal Revenue Service in June of 1972. This ruling made it possible for large contributors to avoid gift taxes by dividing their gifts into $3,000 amounts or less and directing these gifts to dummy committees. During the 1972 campaign, candidates of both parties made extensive use of this loophole, creating hundreds of such dummy committees.

Revenue ruling 72–355 has had several negative results. First of all, it cost the Federal Treasury $4 to $5 million in lost revenue during 1972 alone. Second, it has confused the enforcement of the Federal Elections Campaign Act of 1971. Finally, but most important, this regulation increased further the influence of "big money" in financing elections. Large contributors were able to channel thousands of dollars into the coffers of their favorite candidates without paying gift taxes.

It would be unfair to imply that all contributors to political campaigns hope to be rewarded in economic or other direct ways for their gifts. American citizens should be able to offer monetary support to candidates and parties in whom they believe. Our political parties require financial support in order to play their essential role of making our democracy a practical reality. Additionally, the ability to garner funds from others increases the possibility that men and women of limited means will be able to run for public office.

However, when the campaign funds of a candidate or a party organization come from a few sources, we are justifiably concerned that in office they may pay too much attention to the wishes of a few large donors. It is not just individuals who deliver sizable contributions, organizations do so too. Further, this dependence on large gifts is clearly not a partisan phenomenon—as both Republicans and Democrats at all levels of government normally place heavy dependence on big contributors.

In recent years we have seen the importance of money in the electoral process increase as campaign become more costly. Candidates and political organizations must devote much of their energies to the collection of funds to pay for the expensive public relations efforts which are often a part of getting elected today.

Candidates, who otherwise offer outstanding qualities, may be eliminated because of their inability to "attract" financial support.

Mr. President, I am convinced that the Congress and States should move on a number of fronts to guarantee that campaign contributions are effectively limited and disclosed. We should look closely at the roles of organizations, as well as individuals, as contributors to campaign chests. Any needed revision in current statutes should be made to achieve these ends.

Nothing less than the integrity of our representative government is at stake. We can ill afford to allow Americans to drift any further into political cynicism and apathy. Yet, how can we expect any other reaction when the objectives of statutes regulating campaign finance are effectively undermined by the sham of creating numerous dummy committees? S. 2065, the Campaign Gift Tax Act of 1973, would contribute to restoration of public confidence in our electoral process as well as lessen the importance of small numbers of large contributors in financing campaigns for nomination and election. I, therefore, urge other Senators to join me in support of this measure.

By Mr. SAXBE:

S. 2066. A bill to declare a national emergency with respect to energy supplies and to establish in the Executive Office of the President the Office of National Energy Coordinator with certain authority to deal with such emergency. Referred to the Committee on Government Operations.

NATIONAL EMERGENCY ENERGY COORDINATION ACT OF 1973

Mr. SAXBE. Mr. President, today I will introduce a bill designed to deal with our pending national crisis with respect to energy supplies and to protect and promote the interests of the people of the United States as energy users. Gentlemen, we are now faced with an energy shortage of emergency proportions. The shortage is so immediate and obvious that Congress is being inundated with legislation that purports to remedy this situation. Unfortunately, none of these acts or bills deal sufficiently with the problem. When the barn is burning, you do not set up committees to discuss buying a new firetruck. Do that and you will lose the barn. In the same respect, if we do not take action to avoid an energy crisis we will find ourselves sitting in the ashes asking what happened.

It is my contention that without a coordinated, cohesive energy policy, we will be faced with a national disaster of staggering proportions. We cannot let this happen. We must not allow our country to be brought to its knees by a crippling shortage of all forms of energy.

Therefore, I submit the National Emergency Energy Coordination Act of 1973. This bill first declares a national emergency with respect to energy supply to last until such a time as Congress declares by law that such emergency no longer exists. Second, it would establish in the Executive Office of the President an office of a National Energy Coordinator. A National Energy Coordinator is needed to coordinate all energy activities of the Federal Government and to provide leadership to the State and local governments and other persons involved in the energy field. We will formulate, implement and enforce policies dealing with wise energy management.

It is imperative that we have a powerful central authority with the ability to direct a comprehensive energy plan. Today there are over 20 agencies, committees, boards, and research groups engaged in energy studies of various types. And, the probability is great that additional agencies or departments will be suggested in the future. Under our present structure we cannot begin to coordinate them all. If our massive expenditures and manpower usage in the energy area are to be put to effective use, all of these programs must be centralized. Our entire economy depends on an adequate supply of energy and it is obvious that we can no longer rely upon a haphazard approach to its development.

My legislation deals with only one matter—the creation of an energy czar who, with the exception of reasonable checks and balances, will have complete command of establishing a national energy policy for these United States. The time has come for us to view the development of energy in a logical and reasonable manner. Unless we coordinate our energy needs with the other priorities on a rational basis, we will revert to a nuts and berries existence before the year 2000.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 383

At the request of Mr. ALLEN, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 383, a bill to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

S. 440

At the request of Mr. ROBERT C. BYRD, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 440, the war powers bill.

S. 782

At the request of Mr. TUNNEY, the Senator from Indiana (Mr. BAYH) and the Senator from Michigan (Mr. HART) were added as cosponsors of S. 782, a bill to amend the antitrust laws of the United States, and for other purposes.

S. 1252

At the request of Mr. BAYH, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 1252, a bill to amend the Controlled Substances Act to establish effective controls, including production quotas, stricter distribution and storage security, and more stringent import and export standards, against diversion and abuse of methaqualone, by placing this depressant substance on schedule II of such act.

S. 1535

At the request of Mr. BELLMON, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1535, a bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees as a part of court costs in civil cases involving the Internal Revenue law.

S. 1550

At his own request, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1550, a bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas.

S. 1605

At the request of Mr. BROCK, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1605, a bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit.

S. 1610

At the request of Mr. MOSS, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 1610, a bill to require the installation of airborne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes.

S. 1646

At the request of Mr. BAYH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1646, a bill to amend the Controlled Substances Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances, and for other purposes.

S. 1765

At the request of Mr. BAYH, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 1765, a bill to establish an independent Board of Parole, to provide for fair and equitable Federal parole procedures, to study the parole procedures provided for released prisoners, and for other purposes.

S. 1845

At the request of Mr. BAYH, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1845, a bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

S. 1868

At the request of Mr. HUMPHREY, the Senator from Indiana (Mr. HARTKE) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors to S. 1868 a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community.

S. 1880

At the request of Mr. HARTKE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1880, the Hobby Protection Act.

S. 1963

At the request of Mr. BELLMON, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1963, a bill to provide for legislative budget review by the General Accounting Office.

S. 2025

At the request of Mr. RIBICOFF, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. MOSS), the Senator from Nevada (Mr. CANNON), the Senator from Michigan (Mr. HART), the Senator from Washington Mr. (JACKSON), the Senator from Texas (Mr. BENTSEN), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 2025, a bill to move up the cost-of-living escalator from January 1, 1975, to January 1, 1974.

INCREASED SOCIAL SECURITY BENEFITS

Mr. BAYH. Mr. President, I am pleased to join my colleague, Senator RIBICOFF, in sponsoring of S. 2025, a bill which would amend title II of the Social Security Act and the Internal Revenue Code of 1954 to establish 1974—rather than 1975—as the first year in which adjustments in benefits, wage base, and earnings limitation, can be made due to increases in the cost of living.

A recent report of the Senate Special Committee on Aging reminds us that social security benefits for millions of older Americans—even with the 20-percent increase—still fall below the Government's own poverty bench mark. In 1973 it is estimated that the poverty standard for the elderly will be $2,100 for individuals 65 or older and $2,640 for aged couples. The 1972 standard was $1,980 and $2,520 respectively.

Even though increases in social security payment levels have reduced the number of elderly citizens with incomes below the poverty level, the ravages of inflation are taking a heavy toll among millions of retired workers whose limited fixed incomes expose them to disproportionate inflationary pressures.

During the past year, I have received several thousand letters from among over 350,000 retired workers in my State of Indiana. They complain, and rightfully so, that recent increases in their social security and railroad retirement benefits have been consumed by inflation, and the rise in prices has had its most serious impact on services or products of special interest to the elderly. These include property taxes; public transportation; maintenance and repair charges for housing; medical services; and food costs.

The proposed amendment if adopted, will make it possible for those who have paid their dues to the Nation's growth, to stretch their modest resources a little farther. It has always been my belief that older citizens have a right to enjoy their retirement years in comfort and dignity.

Mr. President, I ask unanimous consent that chapters II and III of the report by the Senate Special Committee on Aging titled "Developments in Aging: 1972 and January–March 1973" be included in the RECORD at the conclusion of my remarks.

There being no objection, the chapters were ordered to be printed in the RECORD, as follows:

CHAPTER II: PROGRESS, PROBLEMS IN RETIREMENT INCOME

Older Americans had more dollars to spend at the beginning of 1973 than they had at the beginning of 1972.

They had won a 20-percent increase in across-the-board Social Security payments.

They had won other major improvements

later in the year when a pared-down version of H.R. 1[1] was finally passed.

One H.R. 1 provision has still to take effect: on January 1, 1974, the long-awaited "Federalization" of Old Age Assistance will become operative. Under a new Supplemental Security Income program, a floor will finally be placed under the income of all older Americans.

A year later, still another historic step will be taken: to make Social Security benefits "inflation-proof" a cost-of-living adjustment mechanism will go into effect.

These steps forward, however, were voted into law at a time when the cost-of-living—particularly for those items most needed by the elderly—continue to rise at appalling speed.

In addition, even the remarkable legislative victories of 1972 failed in one vital measure of this Nation's effort to promote retirement security—3.1 million older Americans still live in poverty. Many are also hard-hit by the bite taken from their income by the property tax.

To explore the work that still remains—and to consider criticisms of the payroll tax and other features of the present system—the Senate Special Committee has begun hearings on "Future Directions in Social Security."

I. THE DIMENSIONS OF THE 1972 VICTORIES

Social Security Commissioner Robert Ball[2] said at the end of 1972:

"Changes in Social Security enacted in 1972 have so significantly improved and modernized our Social Security program that we can say in truth that we have a *new* Social Security program—one that provides a new level of security to working people of all ages and to their families."

Commissioner Ball's estimate of the situation was based upon these actions by Congress:

A. 72 percent social security increase in last 5 years

Social Security benefits have increased by 71.6 percent[3] in the last 5 years—an unparalleled achievement in the history of the Social Security program. On an individual basis, the four across-the-board benefit raises improved monthly payments by the following amounts:

Beneficiary	Average monthly payments rounded to nearest dollar (current dollars)	
	December 1967	December 1972
Retired worker and wife, aged 62 and over, both receiving benefits	$144	$273
Aged widow	75	138
Retired worker	85	162
Widowed mother and 2 children	224	387

However, rising prices have stripped away a significant portion of these economic advances. For example, the four across-the-board raises have boosted average monthly benefits for retired workers from $86 to $131 in terms of *1968 constant dollars*. Taking into account the inflationary impact for aged widows, the "real" gain has also been considerably more modest: from $76 a month (*in constant 1968 dollars*) to $112.

B. Landmark advances from 20 percent increase

A 20-percent across-the-board increase—enacted into law[4] in July 1972—provided landmark improvements for the Social Security program and its 28 million beneficiaries, including:

1. The largest dollar increase, by far, since the Social Security Act became law in 1935.
2. Cost-of-living adjustments to protect the elderly from the cruel effects of inflation.
3. Removal of nearly 2 million Americans from poverty, and without the necessity of resorting to welfare.
4. Abolition of poverty for approximately 1.2 million individuals aged 65 and above.
5. New and more realistic actuarial assumptions, based upon the concept of rising wages as opposed to the older and more conservative level wage assumption.

C. Public Law 92–603 (H.R. 1)

Further reforms in cash benefit provisions were enacted into law with the passage of H.R. 1, the 1972 Social Security Amendments.[5]

Particularly significant, more than 3 million widows and dependent widowers received an additional $1 billion in annual benefits (beginning in February 1973). Under this new provision, average payments for widows will be increased from $138 in 1972 to approximately $156 in 1973. Moreover this measure will enable an estimated 200,000 elderly widows to escape from the vice-like grip of poverty.

Major changes were also incorporated in the "retirement test": (1) The annual exempt earnings limitation for persons under age 72 was raised from $1,680 to $2,100; (2) For earnings in excess of this amount $1 in benefits will be withheld for each $2 of earnings (under prior law the $1-for-$2 feature applied only to earnings between $1,680 and $2,880. Thereafter, benefits were reduced for each dollar of earnings); (3) Earnings in and after the month in which a person attains age 72 will no longer be included (as under prior law) in determining his total earnings for the year; and (4) the amount of the exempt earnings limitation will be automatically adjusted in proportion to the rise in average earnings, whenever Social Security benefits are raised to reflect cost-of-living increases.

Other important changes included:

An age-62 computation point for men (the same as now exists for women) will be phased in over a 3-year period.

Persons who delay retirement between ages 65 and 72 will be entitled to a 1-percent increase in their Social Security benefits for each year that they continue to work.

A special minimum benefit for the low-paid, but regular worker under Social Security will assure a payment of at least $170 a month for persons with 30 years of covered work experience.[6]

Dependent widowers will be able to receive benefits as early as age 60 (instead of 62), on the same basis as for elderly widows.

II. HOW ADEQUATE IS RETIREMENT INCOME?

Recent Social Security increases have helped to reduce poverty very dramatically for older Americans in the past 5 years. In 1968, nearly 4.6 million persons over age 65 had incomes below the poverty index. It is projected that in 1973, this number will be reduced to 3.1 million—almost 33 percent below the 1968 figure.[7]

Aged poor (noninstitutionalized): Based on family income concept

	Millions
1968	4.6
1969	4.8
1970	4.7
1971	4.3
1972 (estimated)	4.3
1973 (estimated)	3.1

But there is also a substantial amount of hidden poverty among the elderly. Nearly 2 million aged persons are not classified as poor, simply because they live in families with incomes above the poverty threshold. If these individuals were also counted, the number of impoverished aged would swell to more than 5 million in 1973, or almost one out of every four persons 65 or older.

Social Security benefits for millions of older Americans—even with the 20-percent increase—still fall below the Government's own poverty benchmark.[8] Average annual payments for retired workers amounted to $1,944 in 1972, nearly $40 below the poverty threshold for single aged persons. For widows, average benefits were more than $320 under the impoverished standard.

Because Social Security benefit increases are ordinarily pegged to a low base, the elderly usually receive far less in additional money income than workers who are entitled to salary raises. For example, average benefits for retired workers have increased by more than 80 percent (from $85 a month to $162 a month) from 1967 to 1972. On an annualized basis, this percentage increase has boosted the elderly retiree's income by $924. On the other hand, hourly wages for production workers in manufacturing have increased from $2.91 in December 1967 to $3.95 in December 1972, for a 36-percent gain. Even though this percentage increase is less than one-half the percentage raise for the retiree, the wage earner's annual income (assuming he worked full time at 40 hours a week for the full year) would be boosted by $2,163 during this same period, $1,200 more than a retired worker received from Social Security increases enacted during the past 5 years.

Moreover, the Bureau of Labor Statistics Intermediate Budget (estimated at $5,200 for elderly couples and $2,860 for single persons in 1973) is beyond the means of most older Americans. Nearly 11 million aged persons are projected in 1973 to have incomes below this modest standard of living.

A. What retirement income now buys

Over the past 4 years (December 1969 to 1972), the Consumer Price Index has increased by almost 20 percent. All Americans, whether they be young or old, have felt the harsh effects of inflation in one form or another. But older Americans living on limited, fixed incomes have, perhaps, been victimized the most. To a large degree, inflationary pressures have neutralized earlier improvements in Social Security and Railroad Retirement benefits.

Moreover, the rise in prices has often been sharpest for services or products of special importance to the elderly:

Property taxes have jumped by 39 percent, nearly twice the overall increase in the Consumer Price Index. And the impact has been especially severe for the aged because nearly 70 percent own their homes.

Public transportation costs have risen by one-third (32.3 percent) during this same period. Here again, the elderly have been especially hard hit, since many must rely on public transportation because only about 42 percent of all older Americans are licensed to drive. In addition, transportation is the third ranking expenditure in the BLS Intermediate Budget, accounting for about 9 percent of the elderly's limited resources.

Maintenance and repair charges for housing have also increased by nearly one-third (32.1 percent). For the aged this added burden has been onerous because housing is their number one expenditure, accounting for almost 34 percent of their budget.

B. Inflationary pressures intensify

Inflationary pressures intensified at the end of 1972 and in early 1973, squeezing the elderly's budgets even tighter. Spearheaded by a staggering increase in food costs—the second ranking expenditure of the elderly—the Consumer Price Index soared at an annual rate of 6 percent from December 1972 to February 1973. Food prices increased by an astounding 24 percent on an annual basis during this same period.

Once more, the aged have been especially hard hit because they spend about 27 percent of their income for food, compared with 17 percent for all Americans.

III. FUTURE DIRECTIONS IN SOCIAL SECURITY

Senator Frank Church, Chairman of the Senate Special Committee on Aging, was the leader of the Senate effort for a 20-percent Social Security increase in 1972. He also sup-

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ported and welcomed other major victories described in this chapter.

Nevertheless, on January 15, 1973, he opened committee hearings on "Future Directions in Social Security."

In his opening statement, he gave his reasons:

The United States still falls short of one of his personal goals: elimination of poverty among the elderly.

The time has come for "an updating of public understanding about Social Security."

The hearings will pay special attention to the increased contributions rates: the boost in payroll tax from 5.2 percent to 5.85 percent for 1973 through 1977 and the increase in maximum wage base from $9,000 in 1972 to $10,800 in 1973 and up to $12,000 in 1974.

"There is no doubt," said the Senator, "that the increased contributions rate is causing some alarm among workers who this month felt the first impact of the increased payroll tax. It is essential, therefore, that this Committee hear from those who have suggestions for making this payroll tax more equitable for low-income and middle-income workers."

Senator Church added: "It is also essential, in my view, that the contribution system remain in effect. It is the basis of the almost universal confidence that Americans have in Social Security."

A. Commissioner Ball's assessment

Commissioner Robert Ball was the lead-off witness in the committee's opening round of hearings on "Future Directions in Social Security." His assessment of the Social Security program was directed at five major areas:

1. What Social Security is;
2. Who has protection;
3. How much beneficiaries receive;
4. How much workers pay; and
5. Social Security and Public Assistance.

Commissioner Ball emphasized that Social Security offers more than protection against loss of wages because of retirement; it also provides family security. About 19 out of every 20 young children and their mothers have survivors protection under Social Security. In fact, insurance protection for a worker with a wife and two children—where the worker's average earnings are $600—is valued at $89,480 and is guaranteed inflation proof. Nearly four out of five persons aged 21 to 64 (78 million persons) are also insured for disability benefits under Social Security.

Another major point made by the Commissioner is that the contribution rate for the cash benefits program can be stabilized throughout the rest of this century and still meet anticipated increases because of cost-of-living adjustments.

He stated:

"This financing is enough, not only to meet all of the benefit costs and administrative expenses that fall due during this period, but to pay for those increases related to the cost of living." [9]

He concluded by discussing the impact of the new Supplemental Security Income program, as well as the tasks for the Social Security Administration in administering the program.

B. Importance of health costs

A major theme advanced by Nelson Cruikshank (President of the National Council of Senior Citizens) is that genuine retirement income security can never be achieved so long as heavy and unpredictable health costs threaten fixed incomes. In assessing the effectiveness of Medicare, he stated that the program had "succeeded brilliantly" in relieving most older Americans of the major burden of medical care expense and the dread fear of financial catastrophe resulting from acute illness. However, he noted three areas for improvement:

1. Preventing a rapid increase in the cost of health care.
2. Making fundamental changes in the health care delivery system to improve the quality and availability of care.
3. Responding to the long-term care needs of the very old and the chronically ill.

Mr. Cruikshank called for the enactment of the Health Security Act (S. 3 and H.R. 22) to meet the "health crisis our country faces," [10] for the following reasons:

The Act provides the leverage and financial muscle for basic change.

National Health Security guarantees good health care to every American, without regard to a means test.

S. 3 removes barriers to timely care by eliminating deductibles and coinsurance.

The bill is the only practical answer to the economic delivery of health services because it provides health care directly at the lowest possible cost, with no waste of health dollars on private insurance carriers as middlemen and by using advance budgeting to assure effective controls on all health charges.

Mr. Cruikshank urged several interim reforms to improve Medicare and Medicaid. Among his major proposals:

1. Medicare and Medicaid should be merged in a federally administered program.
2. Medicare benefits should be expanded and payable without coinsurance and deductibles.
3. Inpatient hospital services should be covered up to 120 days (present law provides coverage for 90 days before the "lifetime reserve" becomes operative) and without limit if furnished in a nursing home owned by an affiliated with a hospital or comprehensive health service organization.
4. Medicare should be expanded to cover maintenance therapy or costly drug therapy.
5. To build cost controls into the system, doctors who choose to be paid on a free-for-service basis should have their fees predetermined on a negotiated basis, and institutional providers should be paid on a prospectively approved budget basis.
6. A portion of the Medicare program should be financed out of general revenues.

C. Criticisms of the payroll tax

John Brittain, Senior Fellow at the Brookings Institution, directed his testimony at "inequities in the Social Security payroll tax and proposals for reform." His chief criticism of the payroll tax is that "it places this burden on the working poor despite the ability-to-pay criterion that exempts them from the income tax." [11] Brittain asked, "If the ability-to-pay guideline is valid for our largest and fairest tax [the Federal income tax], why should it not also be applied to the Social Security tax?" [12] He also criticized the "regressivity" of the payroll tax, in that it applies a uniform rate for covered wages up to $10,800.

To reform the payroll tax, Brittain offered a number of alternatives. First, he suggested that the payroll tax should be restructured by incorporting exemptions and deductions similar to those under the income tax. This would help to eliminate the tax on families in poverty, which he called the "least defensible feature of the payroll tax." [13] Brittain also suggested that this reform could be supplemented by increasing or removing the ceiling on the taxable wage base (now $10,800).

His second proposal provided for more substantive reforms, including full replacement of the payroll tax by the income tax. He quickly pointed out, however, that this approach may not be legislatively feasible, since it would require an increase in the income tax yield approaching 50 percent. As a more modest alternative, he suggested that the income tax could absorb the employee's share of the payroll tax directly, or the employee's payments could be credited against his individual income tax. Another alternative offered by Britain would be to provide for general revenue financing of Social Security.

D. Concepts behind social security

Fundamental concepts underlying the Social Security program were discussed in detail by J. Douglas Brown (Provost and Dean of the Faculty, Emeritus, Princeton University) and William L. Mitchell (former Social Security Commissioner).

Dean Brown said that contributions and benefits under Social Security are not separate entities, but must be examined together in their totality. "Without this interlock," he says, "you end up with a program of doles financed by general taxation." [14]

He also opposed proposals to remove or substantially reduce the contribution rate for low-income participants, giving this rationale:

"This close integration of contributions and benefits as a matter of right, is the reason why those of us who have worked longest in the development of the OASDI program oppose altering the rate of *contribution* for lower-income participants according to some ancillary test of need. . . . Helping to pay for a benefit to be received as a matter of right is an integral part of the concept. It differentiates social insurance from charity. It sustains self-respect." [15]

But Dean Brown noted that this does not mean that the financing should be borne entirely by contributions from workers and their employers. He advocated Government participation in the financing of a contributory social insurance system, pointing out that the founding fathers of Social Security and earlier advisory councils fully supported this concept.

Additionally, Dean Brown recommended that the "bend point" [16] (set at $110 in 1954) for the wage replacement formula for Social Security be raised. He stated:

"There is good reason to believe that a higher bend point is now justified, even if the slope above that point might need to be slightly less steep. This would give beneficiaries in the lower part of the scale a better adjustment to their normal needs, still graduated according to their past earnings." [17]

Social Security, in the judgment of William Mitchell, was "designed to establish only a floor of protection, with the anticipation that the floor will be maintained so as to reflect social and economic changes—such as improvement in quality of livelihood and changes in wages and prices." [18]

Mr. Mitchell said that the Congress should give priority attention to ameliorating some of the regressive features of the payroll tax. But he opposed removal of the ceiling on the taxable wage base or general revenue financing as a means to implement this goal.

He also emphasized that the new automatic cost-of-living mechanism should not preclude periodic review by the Congress to insure the continued dynamism of the system. Mr. Mitchell concluded by urging that a bipartisan Social Security Board be established to help guide the future destiny of the cash benefits program, Medicare, and the Supplemental Security Income program.

IV. THE PROPERTY TAX DRAIN

Property taxes continued omniously upward in 1972, increasing by more than 9 percent. And the indications are that a disproportionate share of this burden is now shouldered by low- and moderate-income elderly homeowners.

A typical urban family of four turns over about 3.4 percent of its family income to the property tax assessor. But, aged homeowners pay, on the average, about 8.1 percent of their incomes for real estate taxes.

A recent study by the Advisory Commission on Intergovernmental Relations (based upon 1970 Census data) reveals that aged

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homeowners living on less than $2,000 a year pay almost 16 percent of their meager incomes for this regressive tax. Moreover, an estimated 1.5 million elderly households with incomes below $7,000 a year are saddled with property taxes amounting to more than 10 percent of their household income.

Renters also feel the squeeze from high property taxes, since landlords oftentimes shift a major share of this burden to them. Assuming that 25 percent of gross rent constitutes property tax, nearly 70 percent of all aged renters living on less than $5,000—or more than 1.9 million households headed by a person 65 or older—pay the equivalent of 8.75 percent or more of their incomes for property tax.

A. Administration position

At the White House Conference on Aging, President Nixon listed property tax relief as one of his highest priorities for older Americans. He said, "I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans." [19]

No Administration recommendations though were introduced during 1972. However, in an interview with the Star-News, John Erlichman, Presidential Assistant for Domestic Affairs, indicated that specific measures would be outlined in detail "in relatively short order." [20] He also stated that the Administration's goal was to cut property taxes in half for everyone.

The 1973 Message on Human Resources reiterated the pledge to provide property tax relief for the elderly.

B. Report by the Advisory Commission on Intergovernmental Relations

Another major development was the Advisory Commission on Intergovernmental Relations Report,[21] which was issued in January 1973. In a close vote the Commission rejected a proposal for the national government to assist States in establishing programs to provide limited property tax relief to low-income homeowners and renters.[22]

The Commission gave this rationale for its decision:

"Admittedly, there is considerable evidence to support the contention that this particular Federal aid proposal could pass the first test because to date most States have not shielded low-income homeowners and renters from property tax overload situations. This State failure, in turn, clearly undercuts a major national program objective of income support especially through the Social Security system. In the view of the majority of the Commission, however, the proposal failed to meet the second national interest test—that only Federal action could resolve this intergovernmental conflict." [23]

Instead, the Commission reaffirmed its earlier recommendation that the States should take action to shield basic family income from burdensome property taxes.

FINDINGS AND RECOMMENDATIONS

Social Security provides protection against loss of earnings because of retirement, death, and disability for workers and their families. It also keeps more than 12 million persons out of poverty. Without these benefits, millions of individuals would be forced onto the welfare rolls.

Social Security also constitutes the economic mainstay for the vast majority of older Americans. Nearly two-thirds of retired single workers and half of aged couples depend upon Social Security for more than 50 percent of their income. These benefits are almost the sole means of support (over 90 percent of total income) for 32 percent of retired workers and 14 percent of elderly couples.

For these reasons it is crucial that (1) the Social Security system continue to be built upon the soundest possible foundation in a dynamic economy, and (2) the financing of this essential system be equitable for all concerned. As a means to insure the further implementation of these two guiding principles, the Committee on Aging has initiated a comprehensive inquiry into "Future Directions in Social Security." Virtually all major aspects of the Social Security program will be examined in depth by the committee, including:

What can be done to improve the payroll tax;

The treatment of working wives under Social Security;

How can retirement be made more secure for elderly women;

The special problems of elderly members of minority groups, so many of whom never live to age 65;

The retirement test; and

Other crucial issues.

The committee recommends that the income standards under the new Supplemental Security Income program be raised in the near future to a level which can, at long last, abolish poverty for the elderly. Additionally, the committee calls for the adoption of cost-of-living adjustments for the SSI program to protect low-income older Americans from the harmful effects of inflation.

The committee further finds that the property tax burden has now reached crisis proportions in many communities throughout the Nation for millions of elderly homeowners and renters. For this reason the committee urges that a property tax relief program—financed in part by Federal resources—be enacted promptly to shield aged homeowners and tenants from the effects of confiscatory property taxes. This form of assistance should be targeted to States which establish "circuit-breaker" tax relief mechanisms with a "tier" system to direct relief to property owners and tenants most in need. It is also recommended that such a program of Federal assistance be tied, where appropriate, to adoption by the States of certain long-overdue reforms in property tax administration.

FOOTNOTES

[1] H.R. 1—the Social Security Amendments of 1972—was signed into law (Public Law 92–603) on October 30. The new law will provide $2.3 billion in added cash benefits for calendar year 1974. Moreover, Medicare benefits (under Part A Hospital Insurance and Part B Supplementary Medical Insurance) will be increased by more than $2 billion in 1974.

[2] Commissioner Robert Ball headed the Social Security Administration from 1962 until March 17, 1973. He is now a scholar in residence at the Institute of Medicine which is associated with the National Academy of Sciences. Mr. Ball will engage in an appraisal of the Social Security and Medicare programs and alternative approaches to their future extensions and modifications.

[3] Congress approved a 13-percent Social Security increase for 1968, 15 percent for 1970, 10 percent for 1971, and 20 percent for 1972. These four raises add up to 58 percent. However, since each increase is a percentage on top of the last one, the total compounds to 71.6 percent.

[4] Public Law 92–336, approved July 1, 1972.

[5] Public Law 92–603, approved October 30, 1972.

[6] The special minimum monthly benefit is equal to $8.50 multiplied by the number of years of covered employment above 10 years, but not greater than 30 years. The regular minimum Social Security benefit is $84.50 a month. Consequently, the new special minimum payment ranges from $85 a month (for persons with 20 years work experience) to $170 (30 years of covered employment).

[7] The 1972 poverty index is projected by the Social Security Administration to be approximately $1,980 for a single aged person and $2,520 for an elderly couple. In 1973 it is estimated that the poverty standard will be $2,100 for individuals 65 or older and $2,640 for aged couples.

[8] See footnote 7 p. 14, for the poverty index.

[9] "Future Directions in Social Security", Special Committee on Aging, U.S. Senate. Testimony by Commissioner Robert M. Ball, Jan. 15, 1973.

[10] Testimony by Nelson Cruickshank at hearings cited in footnote 9, Jan. 22, 1973.

[11] Testimony by Dr. John Brittain at hearings cited in footnote 9, Jan. 23, 1973.

[12] Ibid.

[13] Ibid.

[14] Testimony of J. Douglas Brown at hearings cited in footnote 9, Jan. 23, 1973.

[15] Ibid.

[16] Social security benefits in 1973 as a percentage of average monthly earnings as defined by the Social Security Administration are as follows for men retiring effective Jan. 1, 1973 at ages 65 and 62 (20 percent reduction), assuming a full-year of earnings in 1972:

AMW	Age 65	Percent	Age 62	Percent
100	$108.80	108.80	$87.10	87.10
200	154.40	77.20	123.60	61.80
300	193.10	64.37	154.50	51.50
400	233.30	58.33	186.70	46.68
(500)	(269.70)	(53.93)	(215.80)	(43.15)
(600)	(309.80)	(51.62)	(247.90)	(41.30)
(700)	(342.50)	(48.93)	(274.00)	(39.14)
(800)	(364.50)	(45.55)	(291.60)	(36.45)
(900)	(384.50)	(42.72)	(307.60)	(34.18)

NOTE.—The higher average monthly earnings shown in parentheses are not possible now for workers retiring at ages 62–65 because earnings in some of the earlier years, when the maximum amount creditable was lower, must be included in the average. The highest average monthly earnings possible for a man retiring at age 65 in 1972 is $472, in 1973, $488, based on work throughout 1972.

The larger amounts and correspondingly larger benefits shown in parentheses may be be payable to workers who become entitled to disability benefits or die at a relatively young age, and in later years for age retirements.

[17] Testimony by J. Douglas Brown at hearings cited in footnote 9, January 23, 1973.

[18] Testimony by William Mitchell at hearings cited in footnote 9, January 23, 1973.

[19] Text of an address by President Richard Nixon to the Delegates to the White House Conference on Aging, Washington, D.C., December 2, 1971, "1971 White House Conference on Aging: A Report to the Delegates From the Conference and Special Concerns Sessions", S. Doc. 92–53, December 1971, p. 129.

[20] The Evening Star and Daily News, "Nixon Target: Property Taxes" by Garnett D. Horner, November 10, 1972, p. A–1.

[21] "Financing Schools and Property Tax Relief—A State Responsibility", The Report in Brief A–40 Advisory Commisson on Intergovernmental Relations, January 1973.

[22] Senator Edmund Muskie and Senator Charles Percy dissented from this decision. In separate statements, both Senators expressed the opinion that a limited Federal program to encourage the States to undertake property tax relief and reform was both justifiable and necessary. (For text of dissenting statements see footnote 21, page 4 of ACIR Report cited previously.) On March 15, 1973, Senators Muskie and Percy joined in cosponsoring legislation—S. 1255, The Property Tax Relief and Reform Act of 1973—to provide such a program of Federal assistance.

[23] Page 4 of report cited in footnote 21.

CHAPTER III: BARRIERS TO HEALTH CARE FOR OLDER AMERICANS

To those who took an optimistic view, early 1972 was a time of high hopes for improved health care for the elderly. Today it is clear that such optimism was not justified. Many barriers continue to stand in the way of older Americans seeking better health care.

But what were the reasons for hope in the beginning months of 1972? Several can be cited.

First, the 1971 White House Conference on Aging had set forth solid recommendations in the health field.[1]

Second, President Nixon, in his 1972 message on aging, cited the high costs of medical care for the elderly and stated that "Older Americans often find that they must pay their *highest* medical bills at the very time in their lives when they are *least* able to afford them."[2] The President seemed aware of the problems and committed to solutions.

Third, President Nixon, in his 1972 health message, stated that:

> An all-directions reform of our health care system—so that every citizen will be able to get quality health care at reasonable cost regardless of income and regardless of area of residence—remains an item of highest priority on my unfinished agenda for America in the 1970's.[3]

Again, the President was indicating special attention to health care problems.

Fourth, Phase II of the Administration's "New Economic Plan" was in high gear.[4] All Americans—and especially the hard-hit elderly—wanted this approach to succeed in putting the lid on soaring health care costs.

Fifth, H.R. 1, the omnibus welfare reform-Social Security bill, was under consideration in the Congress. Its potential was great for effecting needed improvements in Medicare and Medicaid.

What happened to the promise that some saw in early 1972 for more and better health care for the elderly? Answers to this question will be offered in the following analysis.

I. HEALTH CARE COSTS: STILL A MAJOR DRAIN

Health care costs for the elderly are still a major drain, despite Medicare and Medicaid.[5] Hard facts, outlined below, support this conclusion.[6]

Out-of-pocket, per capita direct payments for medical treatment of the aged are now actually higher than they were before Medicare began. In fiscal year 1966, they were $234. In fiscal year 1972, they had climbed all the way to $276, or $42 more than the year before Medicare became law. These out-of-pocket payments do not, however, include the Part B premium charge, which, during fiscal year 1973, will amount to $69.60.

Average expenditures for those 65 and over in fiscal year 1972 were $981, about six and two-thirds times that for the under-19 age group ($147) and about two and two-thirds times that for persons aged 19–64 ($358).

The aged, who constitute only 10 percent of the population, accounted for 27 percent of health expenditures of the national total of $71.9 billion spent for personal health care in fiscal year 1972, because of their greater use of medical care services and their costlier illnesses.

The average annual increase in the Consumer Price Index from 1971 to 1972 for the medical care component was 3.2 percent. Available figures for 1973 show continuing increases: 0.4 percent from December 1972 to January 1973 and 0.3 percent from January 1973 to February 1973.

II. LIMITED HELP FROM MEDICARE AND MEDICAID

Despite the valuable protection afforded by Medicare, in fiscal year 1972 it covered only 42.3 percent of the total health payments of the elderly. (This percentage would be even lower if the Part B premium charge were considered an out-of-pocket payment.) This was the same percentage as that for fiscal year 1971 and represented a drop from 45.5 percent in fiscal year 1969.[7] Gaps in coverage include such major items as essential out-of-hospital prescription drugs and adequate provision for long-term care.

Costs to participants in the Medicare program have been rising steadily since its inception.

The Part B premium, for example, was $3 a month in July 1966. It has been increased several times since then and now stands at $5.80 monthly. In July 1973, this monthly charge will be hiked to $6.30.

The deductible for Part A hospital insurance was $40 when Medicare went into effect in July 1966. This deductible has also been subject to increases since then and reached $72 on January 1, 1973.

Still further increases became effective January 1, 1973. When a Medicare beneficiary has a hospital stay of more than 60 days, he started paying, as of January 1, 1973, $18 a day for the 61st through the 90th day, up from $10 when Medicare was enacted. If he has a posthospital stay of over 20 days in an extended care facility, he began paying, as of January 1, 1973, $9 per day toward the cost of the 21st day through the 100th day, up from $5 when Medicare began.

If a Medicare beneficiary needed to draw on his "lifetime reserve"—the reserve of hospital days a beneficiary can utilize if he ever needs more than 90 days of hospital care in the same benefit period—he started paying, as of January 1, 1973, $36 for each day used, instead of the $20 charge under the original Medicare law.

Significance of H.R. 1

H.R. 1, enacted as Public Law 92–603 in the closing days of the 92d Congress, imposed new cost-sharing requirements under Medicare and Medicaid. The practical effect of these provisions is more financial burdens for the elderly in need of health care. For example, as a result of Public Law 92–603, effective January 1, 1973:

The annual part B deductible under Medicare was increased from $50 to $60;

States which cover the medically indigent under Medicaid were required to impose monthly premium charges;

States could impose copayment and deductible charges on the medically indigent in Medicaid programs; and

States were permitted to subject cash assistance recipients to deductibles and copayments for optional Medicaid services.

No discussion of Public Law 92–603 would be complete without reference to at least some of the gains to Medicare beneficiaries as a result of its enactment. These include the following:

Medicare coverage for the disabled. Nearly 1.7 million disabled Social Security beneficiaries under age 65 are entitled to Medicare coverage, provided they have been entitled to benefits for at least 24 months.

Protection against retroactive denial of payments under Medicare. The Secretary of Health, Education, and Welfare is authorized to establish, by diagnosis, minimum periods after hospitalization during which a patient is presumed to be eligible for extended care or home health coverage.

Payments to Health Maintenance Organizations (HMO's). Medicare beneficiarcies are authorized to enroll in prepaid group health plans, with the Government paying the HMO on a capitation basis.

Home Health Insurance. The coinsurance requirement of 20 percent of the reasonable charges—after the $60 deductible under part B is met—is eliminated for home health services under part B.

Coverage of Persons Needing Kidney Transplantation or Dialysis. Medicare protection is provided against the costs of hemodialysis and kidney transplantation for almost all Americans afflicted with that disease, beginning after the third month of treatment.

These and other positive provisions contained in Public Law 92–603 should not be minimized. They strengthen the Medicare program, and they are important steps forward.

But these harsh realities remain:

1. Since the inception of Medicare, the elderly health consumer has faced steadily mounting costs as a condition of participation; and

2. Public Law 92–603 includes regressive provisions which add to these cost under Medicare and also Medicaid as well.

III. THE ADMINISTRATION PROPOSALS: 1973

How has the Administration reacted to the escalating costs of health care to the Nation's elderly? Two developments are especially noteworthy.

First, in January 1973, the Administration abolished almost entirely its "Phase II" economic controls. It is now relying mainly on voluntary guidelines. But during "Phase III" the health care industry remains under mandatory controls. This is a clear indication that health care costs continue as a major problem.

Second, President Nixon's budget proposals for fiscal 1974 contain recommendations for increased "cost-sharing" by Medicare beneficiaries. Under the Administration's proposals, those on Medicare would be required to pay for:

1. Actual hospital room and board charges for the first full day plus 10 percent of all subsequent charges, instead of—as at present—the $72 deductible and nothing else until the 61st day;

2. The first $85 of doctor bills, instead of the current $60; and

3. Twenty-five percent, as opposed to the existing 20 percent, for physician services after the part B deductible is met.

These recommendations to increase patient "cost-sharing" under Medicare, taken together with a number of related administrative actions, would, according to the Administration's own estimate, reduce the first year 1974 Medicare budget by $893 million.[8] Since this estimate applies to only 6 months of calendar year 1974, it seems reasonable to assume that the total budgetary savings for calendar year 1974 would amount to over $1.7 billion.[9] The elderly would be paying a large portion of this sum out of their own pockets.

The Administration proposals were advanced in the face of:

1. The 1971 White House Conference on Aging health recommendations, which specifically called for "elimination of deductibles, coinsurance, and copayment" under Medicare;[10]

2. References in President Nixon's 1972 messages on health and on aging which cited the need to curb medical costs and recognized the special problems of the elderly in trying to pay for quality health care; and

3. Steadily-rising medical costs confronting the elderly.

The Administration proposals were a major focus of March hearings conducted by a unit of the Senate Special Committee on Aging.

IV. HEARINGS TO EXPLORE "BARRIERS"

On March 5 and 6, 1973, the Subcommittee on Health of the Elderly, chaired by Senator Edmund S. Muskie, opened hearings in Washington on "Barriers to Health Care for Older Americans."

These hearings which will be continued in Washington and elsewhere in the Nation, are meant to serve two purposes.

A. Medicare cutbacks

The first purpose of the hearings is to take an intensive look at the Administration's proposals for Medicare cutbacks. In his opening statement on March 5, Senator Muskie asked this question:

> How can many of our elderly realistically expect to receive adequate medical care, in the face of these proposed Medicare cutbacks?

Secretary Weinberger, testifying before the

Footnotes at end of article.

subcommittee, said that cutbacks would encourage more cost awareness by health consumers and thereby minimize overutilization of medical services. But most Social Security recipients are already painfully aware of the high cost of medical care as they struggle on low budgets. In addition, doctors, not patients, determine utilization.

The Secretary also said that the Administration's proposal would aid long-term hospital patients because they are usually less able to meet costs of care as their stays increase. But, under the Administration plan, only after 92 days in the hospital would Medicare beneficiaries pay less than they do now. And only about 1 percent of the Medicare population is likely to be hospitalized for 92 days or more.[11] *So the Administration would increase "cost-sharing" for about 99 percent of Medicare hospital patients in order to lower costs for about 1 percent.*

Mr. Weinberger further maintained that the Administration proposals would encourage consumers to seek lower-cost alternative health services or facilities. But in many cases such alternatives do not exist.

Points made during the Secretary's two and one-half hours of testimony were challenged by other witnesses. Mrs. Marjorie Cantor, Research Director, New York Office for the Aging, told the human story of what the cutbacks would mean in two typical examples.

Mrs. Cantor's first example concerned the costs to an elderly person for 21 days in a New York City hospital. That is about the average stay for an older person in that city's hospitals. The average daily cost of $110 for semiprivate room and board charges was used. Excluded were laboratory fees, drugs, nursing care, and other items generally completely covered by Medicare after the initial deductible is paid by the elderly patient. Currently, this patient would pay $72 out of his own pocket.

Under the Administration's Medicare changes, the same patient would pay $330, a 358 percent increase in out-of-pocket costs.

In the first example cited by Mrs. Cantor, it was assumed that the Administration proposal would make Medicare patients pay for the actual hospital room and board charges for the first day plus 10 percent of all subsequent hospital room and board charges. Testimony by Secretary Weinberger, however, made it clear that the Administration would require such patients to pay for actual hospital room and board charges for the first day plus 10 percent of *all subsequent charges*. The administration proposal would, therefore, mean even greater out-of-pocket costs to the patient in Mrs. Cantor's first example.

The second example Mrs. Cantor cited involved a chronically, elderly woman with a common ailment of old age, congestive heart failure. In calculating this patient's doctor's bills, the standard fees in New York City were used. It was also assumed that the fees were within Medicare reimbursement schedules and that the patient would not have to pay any additional costs beyond the 20 percent coinsurance. Medicare charges for this patient, under existing law, would amount to $225 in doctor's fees for the year. If the Administration's Medicare cutbacks became law, her out-of-pocket payments for doctor's bills would increase to $285, or almost a one-third jump.

Melvin A. Glasser, Director, Social Security Department, United Automobile Workers, disagreed with the argument that increasing deductibles and copayments has a positive effect in moderating utilization. Glasser and existing studies are equivocal on this point. In addition, he pointed to the lack of evidence that the elderly "overutilize" the health care system relative to other groups.

Professor Charlotte Muller, Center for Social Research, City University of New York, indicated that the changes in Medicare proposed by the Administration would result in standards below those announced for marketable insurance by the Superintendent of Insurance for New York State.

Congressional opposition to the Medicare cutback proposals is running high. Senator Walter F. Mondale, a member of the Special Committee on Aging, introduced on March 26, 1973, a concurrent resolution rejecting the Medicare cutbacks proposed by the President.[12] This resolution has the support of a bipartisan majority of the Senate.

Senator Frank Church, chairman of the Special Committee on Aging, in adding his name as a cosponsor of the Mondale resolution, stated: [13]

Although most of the proposed changes cannot be implemented without Congressional action, confusion and fear already exist among countless senior citizens that the action will be taken. The resolution is designed to express the intent of Congress that the changes not take place.

B. Identifying other barriers

The hearings are also designed to serve a second purpose; the subcommittee will be working toward a fuller understanding of the barriers to health care for the elderly and what can be done to remove them or reduce their bad effects. Senator Muskie, in his opening statement on March 5, identified the issues of particular interest to the subcommittee.

How spiraling health care costs are crippling Medicare and Medicaid.

Why adequate alternatives to needless institutionalization are not being developed and why home health care resources are dwindling.

How fragmentation of medical services is intensifying the health care dilemma, especially in inner cities and rural areas.

Whether coinsurance and deductibles, in fact, serve a socially desirable purpose.

How can Medicare and Medicaid costs be controlled, while assuring equitable treatment for those served by these programs.

How the elderly should be served in whatever national health security program finally comes into being.

V. HOME HEALTH CARE

The lack of adequate home health services is one of the major barriers to better health care for older Americans. As a report to the committee points out: [14]

Medicare and Medicaid erect barriers to the development of home health services;

Home health agencies are declining in number and many others face serious financial problems; and

Not even 1 percent of Medicare expenditures goes to home health care and that figure seems to be getting smaller.

These and other findings are supported in a later GAO study, which also makes these points: [15]

Health care authorities agree "that about 25 percent of the patient population are treated in facilities which are excessive to their needs."

A better matching of hospital patient needs with facilities' services "could result in 81.7 million short-term general hospital days being transferred to alternative health facilities," at a savings of about $3 billion (citing a 1968 PHS cost-effectiveness analysis).

The GAO report concludes that "efforts should be made to exploit all alternatives to acute inpatient care," with special attention to (among others):

Increasing ambulatory outpatient facilities;

Establishing effective preadmission testing;

Converting underused beds to general medical-surgical uses; and

Third-party financing of needed health care regardless of where it is provided.

New information which has reached the committee indicates that the situation is continuing to decline as far as home health services are concerned. For example, the number of certified home health agencies at the end of 1972 is reported to have been 2,221. The figure given as of 1970 was 2,350 and as of December 1971, 2,256.[16]

Findings and recommendations

The promise that some saw in the early months of 1972 for improved health care for the elderly has not been fulfilled. Instead, there have been setbacks which must be reversed if the elderly are to get the better health care they need and deserve.

Health care costs are still a major drain on the limited incomes of the elderly, and this drain is getting worse, not better.

Medicare and Medicaid are limited programs in which costs to participants continue to rise. Public Law 92-603, while making several historic improvements, has negative provisions which further curtail their effectiveness and serve to increase the difficulties faced by the elderly in trying to get decent health care at a cost within their reach.

The committee strongly opposes the Administration proposals for Medicare cutbacks and urges Congress to reject them.

The Subcommittee on Health of the Elderly has initiated hearings on "Barriers to Health Care for Older Americans." Through these hearings—and related reports—the subcommittee plans to identify key barriers to better health care for the elderly and to recommend ways to remove them.[17] One important focus of this effort will be the vital area of home health care.

FOOTNOTES

[1] "1971 White House Conference on Aging: A Report to the Delegates from the Conference Sections and Special Concerns Sessions," reprinted by the U.S. Senate Special Committee on Aging, December 1971, pp. 8–11. (All references to White House Conference on Aging recommendations are taken from this publication.)

[2] Message from the President of the United States Transmitting Recommendations for Action on Behalf of Older Americans, Mar. 23, 1972, p. 10, (H. Doc. 92-268, 92d Cong., 2d Sess.). (All references to the President's message on aging are taken from this document)

[3] U.S. President. Weekly Compilation of Presidential Documents. Vol. 8, No. 10, p. 504. (All references to the President's message on health are taken from this document.)

[4] Under Phase II, a 2.5 percent limit was imposed on rises in doctors' fees and a 6-percent ceiling was clamped on rises in hospital charges. Practitioners, hospitals, and other components of the health field were required to maintain price lists disclosing any changes and to make such lists available to patients. Exceptions to the 2.5 percent and 6 percent standards could be granted in special circumstances.

[5] The limited help from Medicare and Medicaid is discussed in section II of this chapter, which includes a review or recent increased costs to participants in these programs.

[6] The Consumer Price Index figures cited in this section are from *Consumer Price Index*, Bureau of Labor Statistics, U.S. Department of Labor. All other figures in this section are taken from Barbara S. Cooper and Nancy L. Worthington, "Age Differences in Medical Care Spending, Fiscal Year 1972," *Social Security Bulletin*, May, 1973.

[7] These figures are from the *Social Security Bulletin* article cited in footnote 6.

[8] U.S. Department of Health, Education and Welfare press release accompanying the President's fiscal year 1974 budget, Jan. 1973, p. 91.

[9] For additional documentation on this point, see "the Budget of the United States Government, Fiscal Year 1974," H. Doc. 93–15, 93d Cong., 1st Sess., at p. 50 ("Reform

Medicare cost-sharing and implement effective utilization review" entry) and p. 52 ("Strengthen Medicare cost controls and eliminate unnecessary advance payments for hospitals" entry).

[10] At p. 9 of the source cited in footnote 1.

[11] These figures, based on conservative assumptions, have been provided by the Congressional Research Service of the Library of Congress (in response to a request from the committee).

[12] S. Con. Res. 18. Congressional Record, Mar. 26, 1973, p. S5637.

[13] News release from Senator Frank Church, Mar. 23, 1973.

[14] "Home Health Services in the United States," U.S. Senate Special Committee on Aging, April, 1972. This report is also discussed in "Developments in Aging: 1971 and January-March 1972," U.S. Senate Special Committee on Aging, May 5, 1972, pp. 27–28.

[15] "Study of Health Facilities Construction Costs," Report to the Congress by the Comptroller General of the United States, November 20, 1972. All references to and quotations from this study are taken from the official report, No. B-164031(3).

[16] The figures in this paragraph are taken from information supplied to the committee by its home health consultant, Brahna Trager, on Mar. 2, 1973.

[17] One major barrier is the lack of Medicare coverage for essential out-of-hospital prescription drugs. On Jan. 31, 1973, Senator Frank Church, Chairman of the Special Committee on Aging, introduced S. 631. This bill would amend the Social Security Act to provide for the coverage of certain drugs under Part A of Medicare.

NATIONAL RAILROAD PASSENGER CORPORATION—AMENDMENT

AMENDMENT NO. 257

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

TAX INCENTIVES TO CERTAIN PROFESSIONS—AMENDMENT

AMENDMENT NO. 258

(Ordered to be printed and referred to the Committee on Finance.)

Mr. McGOVERN submitted an amendment intended to be proposed by him to the bill (S. 1550) to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas.

Mr. McGOVERN. Mr. President, I am happy to join with Senator TOWER as a cosponsor of S. 1550, a bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas.

The bill has the support of the American Medical Association and the American Optometric Association and is generally recognized as being the most effective means of correcting the maldistribution of health professionals in this country.

For the country as a whole, we do not have enough doctors, dentists, or optometrists to provide adequate health care. Even by conservative estimates, there is a shortage of 48,000 doctors, 20,000 dentists, and over 10,000 optometrists.

And the shortage in rural areas is even more acute. In South Dakota, for example, we have 17 counties with a population of over 59,000 which have no practicing physicians. And for the State as a whole, we have only 551 licensed physicians, which works out to 1 doctor for every 1,254 people. I ask unanimous consent that a table reflecting the number of doctors per county in South Dakota be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOUTH DAKOTA

Counties	Number of doctors	Population
Aurora	0	4,749
Beadle	19	21,432
Bennett	0	3,053
Bon Homme	2	9,229
Brookings	12	20,046
Brown	39	34,106
Brule	3	6,319
Buffalo	0	1,547
Butte	4	8,592
Campbell	0	3,531
Charles Mix	3	11,785
Clark	0	7,134
Clay	11	10,810
Codington	26	20,220
Corson	1	5,798
Custer	3	4,906
Davison	23	16,631
Day	5	10,515
Deuel	1	6,782
Dewey	0	5,257
Douglas	1	5,113
Edmunds	3	6,073
Fall River	6	10,688
Faulk	1	4,397
Grant	6	9,913
Gregory	1	7,399
Haakon	1	3,303
Hamlin	1	6,303
Hand	2	6,712
Hanson	0	4,534
Harding	0	2,371
Hughes	16	12,725
Hutchinson	8	11,085
Hyde	0	2,602
Jackson	1	1,965
Jerauld	1	4,048
Jones	0	2,066
Kingsbury	5	9,227
Lake	7	11,764
Lawrence	14	17,076
Lincoln	2	12,371
Lyman	2	4,428
McCook	2	8,263
McPherson	1	5,821
Marshall	3	6,663
Meade	13	12,044
Mellette	0	2,664
Miner	1	5,398
Minnehaha	124	86,575
Moody	1	3,310
Pennington	77	58,195
Perkins	2	5,977
Potter	2	4,926
Roberts	1	13,190
Sanborn	0	4,641
Shannon	1	6,000
Spink	5	11,706
Stanley	0	4,065
Sully	0	2,607
Todd	0	4,661
Tripp	1	8,751
Turner	4	11,159
Union	1	10,197
Walworth	6	8,097
Washabaugh	0	1,042
Yankton	35	17,551
Ziebach	0	2,495
Total[1]	551	680,000

[1] Approximate.

Mr. McGOVERN. Mr. President, the Congress has taken a number of steps in recent years to help reduce the doctor shortage. Among the best was the Comprehensive Health Manpower Training Act of 1971. That legislation provided for increased Federal funds for medical schools and medical students as well as new programs to train physicians' assistants and other badly needed health professionals. But the laws we have passed have done nothing to encourage health professionals to practice in the communities where they are needed most.

There are many health professionals in America who would like to practice in the more wholesome and less hectic rural areas, particularly among recent medical school graduates. But unfortunately many of them are unable to resist the economic rewards of Park Avenue or Beverly Hills. And so, the rich communities have an over supply while rural areas and the inner cities go begging.

This legislation would help correct that imbalance by increasing the economic reward to those doctors, dentists, and optometrists who choose to practice where they are needed most. I hope it receives the prompt consideration of the Congress.

Mr. President, I send to the desk an amendment to this bill that would clarify what I understand from Senator TOWER is the original intent of the bill. My amendment simply provides that the tax credit would be available for the first 5 years in which a health professional practiced in a physician shortage area.

I ask unanimous consent that the text of the bill and my amendment be printed at the conclusion of my remarks.

There being no objection, the bill and amendment were ordered to be printed in the RECORD, as follows:

S. 1550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to its specifically excluded from gross income) is amended by—

(1) redesignating section 124 as section 125; and

(2) inserting after section 123 the following new section:

"SEC. 124. PHYSICIANS, DENTISTS, AND OPTOMETRISTS ESTABLISHING PRACTICE IN PHYSICIAN SHORTAGE AREAS

"(a) IN GENERAL.—In the case of a physician, dentist, or optometrist who engages in the practice of medicine, dentistry, or optometry, respectively, in a physician shortage area, gross income does not include, at the election of the taxpayer, adjusted gross practice income from such practice in such area to the extent of—

"(A) $20,000 during the first taxable year of such practice;

"(B) $15,000 during the second taxable year of such practice;

"(C) $10,000 during the third taxable year of such practice;

"(D) $7,500 during the fourth taxable year of such practice; and

"(E) $5,000 during the fifth year of such practice.

"(b) LIMITATIONS.—

"(1) TWO-YEAR PRACTICE REQUIREMENT.—The provisions of subsection (a) shall apply to a physician, dentist, or optometrist with respect to practice in a physician shortage area only if he continuously engages in such practice for at least 2 years, commencing with the day on which he first engages in such practice. The preceding sentence shall not apply—

"(A) to a physician, dentist, or optometrist who died during such 2-year period, or

"(B) with respect to any period of disability during such 2-year period.

"(2) PROVISIONS TO APPLY ONLY ONCE.—

The provisions of subsection (a) shall apply to engaging in practice in a physician shortage area only once for any physician, dentist, or optometrist.

"(c) Election.—

"(1) In general.—An election to have the provisions of subsection (a) apply shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations. Such election may not be revoked except with the consent of the Secretary or his delegate and subject to such terms and conditions as the Secretary or his delegate prescribes.

"(2) Designation of first taxable year.—At the time of making an election under paragraph (1), a physician, dentist, or optometrist shall designate his first taxable year of practice in a physician shortage area, for purposes of applying the provisions of subsection (a), as—

"(A) the taxable year in which he first engages in practice in such area, or

"(d) Definitions.—For purposes of this section—

"(1) the term 'adjusted gross practice income' means gross income from the practice of medicine, dentistry, or optometry less any deductions arising out of such practice; and

"(2) the term 'physician shortage area' means any area within a State certified to the Secretary by the Secretary of Health, Education, and Welfare as an area in which there are an insufficient number of physicians practicing medicine to meet the need for medical care of the population of such area.

"(c) Certification by Secretary of Health, Education, and Welfare.—

"(1) In general.—The Secretary of Health, Education, and Welfare shall on or before November 1 of each year (beginning with 1972) certify the physician shortage areas (if any) in each State for the following calendar year.

"(2) Certifications pursuant to state agency recommendations.—In making certifications of physician shortage areas for purposes of this section, the Secretary of Health, Education, and Welfare shall accept the determination as to the number and location of physician shortage areas in a State recommended to him by—

"(A) the State planning agency for such State (as designated pursuant to section 314(a)(2)(A) of the Public Health Service Act), or

"(B) if in such State there is no such agency, or if such agency fails to make a recommended determination within a reasonable time prescribed by him, by such other agency of such State as he finds to be qualified to make such a recommended determination and as the Governor of such State shall have designated to make such a recommended determination;

but only if the agency, in making such recommended determination, has sought the advice and assistance of the State medical societies for such State; and

"(C) the Secretary of Health, Education, and Welfare is satisfied with the adequacy of the criteria employed by the agency as the basis upon which such recommended determination was made.

"(3) Other certifications.—If, in the case of any State, the Secretary of Health, Education, and Welfare does not receive (within such reasonable time as he shall prescribe) a recommended determination with respect to such State which meets the requirements of paragraph (1), he shall (after seeking the advice and assistance of the State medical societies for such State) certify the number and location of the physician shortage areas (if any) of such State on the basis of the most current and appropriate data available to him.

"(4) Effective period of certification.—A certification by the Secretary of Health, Education, and Welfare under paragraph (1) of physician shortage areas in a State shall remain in effect for the calendar year for which it is made. With respect to a physician, dentist, or optometrist who engages in practice in an area so certified during his taxable year beginning in such calendar year and who makes an election under subsection (c) to have the provisions of subsection (a) apply, such certification (A) shall remain in effect for succeeding calendar years, and (B) shall be treated as having been in effect for prior calendar years for purposes of determining the number of taxable years of his practice in such area.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 124 and inserting in lieu thereof the following:

"Sec. 124. Physicians, dentists, and optometrists establishing practice in physician shortage areas.

"Sec. 125. Cross references to other Acts.".

(c) The amendments made by this Act shall apply to taxable years beginning after December 31, 1972.

Amendment No. 258

At the appropriate place add the following new subsection: Section 124(b)(3).

The provisions of subsection (2) shall apply only during the first five years of practice in a designated physician shortage area.

CRIME CONTROL ACT OF 1973—AMENDMENTS

AMENDMENTS NOS. 259 AND 260

(Ordered to be printed and to lie on the table.)

Mr. BURDICK submitted two amendments intended to be proposed by him to amendment No. 248 intended to be proposed by Mr. McClellan to the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

AMENDMENT NO. 263

(Ordered to be printed and to lie on the table.)

Mr. HART. Mr. President, shortly the Senate will consider H.R. 8152, to amend and extend the Safe Streets Act which authorizes the LEAA program of Federal aid to State and local law enforcement.

As the Senator from Arkansas (Mr. McClellan) explained yesterday, the Judiciary Committee has not reported a bill. The House measure has been held at the desk and when it is called up the Senator from Arkansas and the Senator from Nebraska (Senator Hruska) will offer an amendment in the nature of a substitute.

Mr. President, both the House bill and the substitute proposed by the distinguished chairman of the Criminal Laws Subcommittee make many thoughtful and constructive improvements in the management and control of the LEAA program. We can all agree that there are few if any concerns more important to the American people than the problem of crime. But I think we all are also aware that the safe streets program has been beset with problems, controversy, and justified criticism of some aspects of its operations.

In short congressional oversight in the future remains important. It is important for every program if we are to maintain the proper balance of congressional and Executive power and see to it the programs achieve the benefits they are designed to achieve. But in the case of a billion dollar program dealing with perhaps the major domestic concern of Americans and which continues to be beset by problems, the need for continued scrutiny is particularly clear. Accordingly, the House bill would extend the program for only 2 years and provides authorizations for only fiscal year 1974 and fiscal year 1975. Thereafter, LEAA would have to come back to Congress for further authorization.

The substitute offered by the Senator from Arkansas would extend the program for 5 years and provide specific authorization for each of the next 5 fiscal years.

Thus there would not be an opportunity for review of the entire program and its operation—as distinct from more limited appropriations hearings—until June of 1969, as fiscal year 1968 was coming to a close.

I plan to offer an amendment to the substitute offered by the Senator from Arkansas. My amendment would limit the authorization for LEAA to the next 2 fiscal years. Thereafter LEAA would have to come back to Congress and we would have another opportunity in the not too distant future to review how it is working.

My provision matches the language in the House bill on authorization. And it follows the pattern of the original law enacted in 1968 which required the agency to come back for additional authorization after the first few years.

Congress normally does not authorize programs for more than 2 or 3 years at a time. In light of the concern expressed about LEAA 2 years of authorization is appropriate and will insure intensive review in the near future.

I ask unanimous consent that the amendment be printed in the Record at the conclusion of these remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 263

On page 45, lines 24–25, and page 46, line 1, strike out the words: "$1,500,000,000 for the fiscal year ending June 30, 1976; $1,750,000,000 for the fiscal year ending June 30, 1977; and $2,000,000,000 for the fiscal year ending June 30, 1978." and insert in lieu thereof: "and for succeeding fiscal years, such sums as the Congress might authorize."

AMENDMENTS NOS. 273, 274, 275, AND 276

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY submitted four amendments intended to be proposed by him to amendment No. 248 intended to be proposed to the bill (H.R. 8152), supra.

AMENDMENTS NOS. 277, 278, AND 279

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY. Mr. President, I send to the desk to be printed several amendments to H.R. 8152, to provide continued authorization for the Law Enforcement Assistance Administration—LEAA.

These amendments comprise the essential features of S. 1497, the Law Enforcement and Criminal Justice Act of 1973, which I introduced with Senator HART earlier this year.

In essence, the amendments would streamline the funding process and provide means of bringing moneys directly to cities and counties where law enforcement remedies must be developed. Specifically:

First. The first amendment would provide that 75 percent of the total part C block grant funds go directly to local units of government comprised of populations with 50,000 persons or more. This would not affect the percentage allocation of funds among States, but would only insure that those cities and counties with the highest incidence of crime receive a share of funding proportionate to their needs.

Second. The second amendment would improve the Law Enforcement Education Program—LEEP—by providing direct grants to individuals employed in law enforcement and criminal justice so that they can choose the universities that will best serve their professional needs. It would also provide funds to colleges and universities to encourage curriculums in criminal justice planning.

Third. The third amendment would make it clear that planning and implementation of law enforcement programs can be done at the regional, as well as the State and local levels. California has successfully initiated such regional programs, which defray the costs of programs that cannot otherwise be borne by individual localities. But other States have hesitated, apparently because of the ambiguities in the law.

Mr. President, these ideas were developed after many months of study and numerous discussions with law enforcement officials across the country. They have the enthusiastic support of the National League of Cities/Conference of Mayors, law enforcement officials, mayors, district attorneys and police chiefs. I am hopeful that the Senate will include them in its continued authority for the Law Enforcement Assistance Administration.

EXTENSION OF TEMPORARY INCREASE IN DEBT CEILING—AMENDMENTS

AMENDMENT NO. 261

(Ordered to be printed and to lie on the table.)

Mr. BAYH (for himself, Mr. KENNEDY, Mr. MUSKIE, Mr. NELSON, Mr. ABOUREZK, Mr. CLARK, Mr. GRAVEL, Mr. HART, Mr. HASKELL, Mr. HATHAWAY, Mr. HUGHES, Mr. HUMPHREY, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. STEVENSON, and Mr. TUNNEY) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

A DOWNPAYMENT ON TAX REFORM

Mr. BAYH. Mr. President, I am today introducing as amendments to the debt ceiling bill, together with the distinguished Senators from Massachusetts, Maine, and Wisconsin, Mr. KENNEDY, Mr. MUSKIE, and Mr. NELSON, and Mr. ABOUREZK, Mr. CLARK, Mr. GRAVEL, Mr. HART, Mr. HASKELL, Mr. HATHAWAY, Mr. HUGHES, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. STEVENSON, and Mr. TUNNEY, two proposals designed to give the Senate the opportunity to take the big first step towards meaningful tax reform during this first session of the 93d Congress—repeal of the Asset Depreciation Range System and the strengthening of the provisions which require the payment of a minimum tax on tax-exempt preference income. There is, in our view, a clear need for much broader, general tax reform legislation. Hopefully, the Congress will be able to fully address itself to this urgent yet complex problem early in the second session. But this is a matter of sufficient urgency to require us to begin acting on tax reform legislation now. The two proposals which we are suggesting are responsible and modest, and are clearly justified and relatively simple.

I would like therefore, to spend a few minutes discussing with the Members of this body in some detail the history of the Asset Depreciation Range System, why I said when it was introduced by the Treasury in 1971 that it was inequitable and wasteful, and why the way it has operated since that time has proven such predictions correct. My colleague from Massachusetts (Mr. KENNEDY) will similarly offer an explanation to the Senate of the changes in the minimum tax system that we are suggesting.

The Asset Depreciation Range System is an accounting method which subsidizes the cost of capital by allowing a 20-percent increase in the rate of depreciation deductions over the actual useful life of capital assets as defined in the regulations issued by the Treasury Department. It is a direct subsidy payment to these corporations by the Government.

Moreover, ADR comes on top of the 7-percent investment tax credit which is also designed to stimulate investment but does so in a much more equitable and efficient way. The current investment boom sparked by the investment tax credit is now running at a 20-percent rate of annual increase as compared with a normal, average increase in investment of about 10 to 12 percent per year.

Investment is therefore outrunning both personal consumption and Government purchases at all levels. The result is that we are rapidly heading towards a situation of serious overcapacity and are greatly exaggerating the amount of inflation in the capital goods section which as of the most recent monthly figures was running at the disastrous rate of almost 25 percent. This surge in capital investment must be smoothed out. Many economists are now advocating that we suspend the investment tax credit. I believe that the investment tax credit is needed and desirable as an efficient method of stimulating investment. The uncertainty that would be created by turning it off and on would, in my view, create too much instability. The way to accomplish a dampening of the investment sector of the economy is to repeal ADR and to do so now.

The 16th amendment to the Constitution, ratified in 1913, empowered the Congress to levy taxes on "incomes, from whatever sources derived." But over the years since the passage of that amendment, we in the Congress have chosen to depart from that standard and put into the law a special exception for this kind of income or a special deduction for that kind, an exclusion, a waiver, a special low rate, or some other kind of loophole. Every time this was done, it excused some small, privileged group from paying what could and would have been collected if Congress had stuck to the 16th amendment and taxed "income from whatever source derived."

Enactment of major tax reform legislation which we had been promised in the first session of the 93d Congress has now been delayed because of the need to consider trade legislation. I believe, however, that repealing unnecessary and costly tax preferences and restoring fundamental tax equity and justice must be a constant objective of the Members of this body. The recent Presidential campaign and public opinion polls revealed massive public discontent and discomfort with our tax system. Public confidence and faith must be restored in a system which, by its very nature, relies on the voluntary compliance of the overwhelming majority of American taxpayers. We propose these two amendments now, therefore, as a downpayment on major tax reform. As a way in which the Members of the Congress can indicate to the American people their good faith in accomplishing this goal.

For the Members of the Senate who are interested in a more detailed explanation as to the background of the Asset Depreciation Range System I would like to now discuss some of its aspects. In order to really understand the inherent problems with ADR, it is first necessary to examine closely the economic concept of depreciation. Depreciation occurs for many reasons. Many machines such as drills are subject to wear and tear or loss in precision from being used in production. These phenomena imply that the asset will produce fewer items of a given quality and therefore generate less revenue as the machine ages. Depreciation can also occur because of factors not related to production. For example, paint peels and pipes erode whether a structure is used or not. Even if an asset maintains its original value, its current value can decline with age because of obsolescence. That is, newer and more efficient capital goods can be invented and introduced.

The standard economic definition of income is that amount which is consumed while leaving the value of capital or net worth unchanged. Since our Federal tax law is based on income, it is appropriate and fair to require the tax law to allow depreciation as a deduction before the payment of a tax on income. Any tax depreciation system permits the asset owner to deduct the price of the capital from receipts over a period of time.

If the tax law is to treat asset holders fairly, however, tax lives should equal economic lives. In order to have the annual amount of tax and economic depreciation coincide, it is necessary to have the tax depreciation schedules and lives agree with the corresponding economic useful lives. In order to implement this ideal system, it is necessary to have empirical information on annual depreciation and tax lives.

For those few assets which are leased or traded on second hand markets, it is possible to obtain information on both the average amount of depreciation per year and average useful lives. For example, as most American families know all too well, an automobile's value declines about 40 percent in its first year of use and each year thereafter loses about 25 percent of its remaining value. While some cars are destroyed before others, the average life of a car is about 5 years and few endure beyond 10 years. Economic studies in the 1950's showed that for at least a few types of equipment, depreciation was quicker than that then permitted by the traditional straight line method of computing depreciation for tax purposes. Convinced by this information, Congress in 1954 authorized firms to use the so-called "accelerated" depreciation methods of "double declining balance" and "sum of the year's digits" for computing the depreciation on all new structures and equipment.

While this liberalized depreciation schedule was considered a step in the right direction, many people were convinced that the tax lives allowed were too long. The Treasury Department, therefore, undertook a massive study based on company records to determine useful lives for various assets.

This Treasury study resulted in a new policy on depreciation charges and economic lives. First, a set of guideline lives were issued, but only for reasonably broad categories. Second the so called "Reserve Ratio Test" was instituted to determine if the lives taxpayers were claiming—whether equal to the guidelines or not—were consistent with their actual lives.

Since the ADR plan is centered around the guideline lives as announced in 1962, it is important to consider how the guidelines were set. The Treasury Department exhaustively analyzed data from more than 1,000 companies on lives of different types of assets. In addition, data were gathered from tax returns, interviews with spokesmen for various industries, and from foreign countries. For each of the broad classes of assets, the Treasury ranked firms in a given category in order of those with the shortest to those with the longest useful lives. The guideline life was then established at about the 30th percentile. That is if the firms in a given industry using the same capital equipment showed a range of actual useful lives ranging from 10 to 15 years, the guideline for that category of capital goods was established at about 11½ years. Even lower percentiles were chosen when there were foreseeable changes in technology that would further shorten lives through obsolesence. Thus the guideline lives were shorter than those used by most firms in an industry.

Yet even with the 1962 reform there was reason to expect that actual lives would still differ from one firm to another. Not only did the Treasury only specify lives for broad asset and industry groups within which there are important differences in types of equipment and their utilization rates, but the 1962 study found wide variability in lives for specific assets in difference firms.

The 1962 reform also instituted a test to determine if the useful lives claimed for tax purposes by a firm correspond to the actual lives. After a transitional period during which the guidelines could be used, firms were required to meet the so-called "reserve ratio test." This test is based on the relationship between the original purchase price of all assets with a given tax life and their accumulated depreciation.

The tests rests on the principle that once the asset is retired, both its purchase price and accumulated depreciation are removed from the asset and depreciation accounts. For example, suppose the dollar amount of investment on a particular asset has been constant in each year for the past 20 years. Suppose, also, that the tax life of the asset is 10 years. Only assets purchased in the past 10 years will be in the reserve and the investment accounts. Suppose finally that straight line depreciation is used. Then at the end of the year, assets 10 years old will have 100 percent of their purchase price in the depreciation reserve, while those 9 years old 90 percent, et cetera. With equal investment in each year, the depreciation reserve should be equal to one-half of the total purchase price of the assets.

Now suppose that in the above example, the actual life is 20 years. Since assets 10 to 20 years are in use, they will remain in the asset and reserve accounts, though their accumulated depreciation is 100 percent. With these assets included, the ratio of the depreciation reserves to the asset account would rise to 75 percent. Thus the ratio of the reserves to the asset account indicates whether actual lives equal taxed lives.

Since investments and retirements do not follow a smooth, unalterable pattern, the Treasury allowed firms to deviate from the conforming ratio value by 20 percent. An exhaustive study by the Treasury indicated that even with every irregular pattern of growth, investment, and retirement the reserve ratio test would never advocate nonconformity when a firm was conforming, but would nearly always indicate nonconformity when it occurred. Thus, compared with IRS agent surveillance over firms, the reserve ratio test provided a simpler and more uniform method to insure that depreciation charges were reasonable.

The ADR plan made two important changes in these 1962 procedures for equipment which was purchased after 1970. First, the reserve ratio test was eliminated. Second, regardless of the actual useful lives of their assets, firms are allowed to choose any tax life in the range of plus and minus 20 percent of the 1962 guideline lives. This, of course, has already been a valuable option for firms since the taxpayer can obtain an interest free loan or subsidy from the Government by choosing the shortest possible tax life. A 20-percent reduction in depreciable lives for a ten year asset computed by the straight line method implied, for example, a 2-percent decrease in the price of the asset. Moreover, as I have indicated, the actual lives economically exceed the guideline lives for many firms because of the different replacement policies of firms and because the Treasury only established guidelines for broad industry and asset groups within which there can be substantial variation. Thus, it is quite possible for some firms to be given up to a 50 percent or 75-percent reduction in tax lives.

There are several other features of the reserve ratio test that are relevant to ADR. Prior to 1962, depreciation policy had been in part determined by agent-taxpayer negotiation and by tradition. Thus, the reserve ratio computed in 1962 need not have been in conformity with new lives chosen by firms. For this reason a transition period was allowed during which firms were supposed to be moving toward conformity of tax and actual lives. This transition period was supposed to be over in 1965, but a study at that time indicated that few firms could meet the reserve ratio test. However, even after the passage of nearly 10 years many companies had not moved toward meeting the reserve ratio test. Thus, in eliminating the reserve ratio test ADR rewarded those who had been understating the useful lives of their assets and ignoring the requirement that they move toward conformity.

Second, the reserve ratio test was designed to replace a system in which a revenue agent administered the provision allowing deduction of a "reasonable allowance." The ADR plan not only does away with the reserve ratio test, but it makes wholly unnecessary any effort on the part of agent or firm to relate tax lives to the actual lives. Thus, the requirement that depreciation be fair and reasonable which had been a cornerstone of our tax policy for generations was eliminated.

In my previous discussion I have indicated that ADR would lower the rental price of equipment. Assuming firms were in a profit maximizing equilibrium to begin with, such changes would cause firms to switch to a more equipment intensive production process.

Businessmen try to maximize their profits. They have therefore purchased more investment goods since the introduction of ADR. But if available resources are fully employed, more resources for investment can only be obtained by reducing consumption, Government expenditures, inventories, net exports or investments in structures. Thus the ADR proposal is not simply a tax break for business. It is also reordering national spending priorities—toward investment in equipment and away from other areas.

Because of ADR's subsidy, businessmen can afford to pay higher prices to obtain resources. The higher prices of equipment will be translated into higher prices for industrial raw materials. Businesses will also find it worthwhile to bid up interest rates to obtain funds. While the higher interest rates may induce some people to consume less and save more, the major impact of such a policy will be to divert funds from other investments, particularly housing.

As I have explained earlier, the guideline lives are only specified by broad investment and industry classes. Thus the ADR plan is more generous to some categories of investment or firms than others. Those goods whose actual lives exceed the guideline lives by the largest amount will receive the most benefit. Hence, these assets or industries will be expanded relative to other assets or industries. But one criterion of tax policy is that any tax should be neutral between industries or goods unless there is a divergence between social and private costs or benefits. In this case there is no correspondence between the differential tax advantages and such divergences. Thus the ADR plan causes a misallocation of economic resources and in the present economic climate, the one thing we do not need is additional investment incentives. The current investment boom sparked by the investment tax credit is already outrunning personal consumption and Government purchases at all levels. The surge in capital investment needs to be smoothed out and I for one, would prefer that we eliminate ADR and keep the investment tax credit. In sum, by eliminating ADR we can strike a major blow for tax reform and also meet the needs of current economic policy.

The ADR plan not only gives various industries and goods different advantages but it gives a greater advantage to those firms in an industry which follow the most conservative replacement policy. This particular feature of the plan has an extremely perverse effect. Assume that two firms produce the same output, but that because of poor management one firm retains equipment too long. This inefficient, technologically backward firm should be encouraged to modernize. The best ways to force it to modernize are for the owners of the firm either to realize that the other firm is making extra profit with its newer equipment, or for the other firm to charge less and take over the market. Under the pre-ADR system, the inefficient firm bore two burdens: The firm has higher operating costs and it pays a higher effective tax rate since it cannot use the shorter tax lives of the more efficient firm. Under the ADR plan the inefficient firm is rewarded for imposing higher costs on the economy by having its tax burden lightened.

Most of the equity and efficiency problems that I have discussed have been acknowledged at one time or another by the various Treasury officials. What justification then could they have had for ADR? In the hearings held in May 1970 at which I testified, the Treasury's main argument apparently was that the Reserve Ratio Test was not enforceable because it was not enforced during the transition period during which Congress had determined it should not be enforced. That is, under the 1962 Act as amended in 1965, firms were allowed during a transition period to claim guideline lives without question by the IRS and without penalty if the guideline lives were subsequently proven to be too short.

The Treasury was apparently worried that since, as noted earlier, firms were not in conformity with the guideline lives, businesses would try to prove that the lives they were using were appropriate. If many firms were to have gone to court over this issue, there could have been very high administrative and enforcement costs. The problem with the argument is that it hardly justifies instituting the inequities of a system in which tax lives are set substantially below the average.

Just how much is ADR costing the American taxpayer? As members of this body who have had occasion to examine the problem of tax reform know, the game of revenue estimates is often confusing and often subject to manipulation. At the time of the Revenue Act of 1971, the Treasury estimated a revenue loss of some $2.4 billion for fiscal 1974. Recently, however, when I made inquiries with the Treasury as to whether they had more current estimates available as to revenue loss, I was told that they were now estimating the revenue loss to be about $1.2 billion for fiscal 1974, though these figures had not yet been officially published. While I have no way to verify these figures, assuming that they are correct, the fact that businesses have not moved to adopt ADR as rapidly as previously expected also cuts against the administration's argument that ADR was necessary as an investment stimulus. If ADR has a going investment incentive, why have firms not moved more quickly to adopt the preposal? Its complexity also appears to be discriminating against the smaller business firms. Since current Treasury data indicates that the system is being adopted by the large conglomerates but not the smaller proprietorships and partnerships. Apparently, the complex provisions can only be interpreted by the larger firms.

As to the revenue that will be raised by the repeal of ADR, at my request estimates were prepared by the Joint Committee on Internal Revenue. Because of the fact that we do not propose to repeal ADR retroactively but rather as of the end of 1973, the revenue increase is considerably less then the revenue loss incurred by continuing ADR since property placed in service in the interim would not be affected. The Joint Committee estimates show an increase in Federal tax receipts of about $400 million for fiscal 1974, $1.1 billion for 1975, and $1.5 billion for 1976.

Finally, Mr. President, I would like to touch briefly on our proposal on repeal of the provisions allowing for the deduction of other Federal taxes paid in computing the minimum tax which will be discussed at greater length by Senator KENNEDY. At my request, Mr. Benjamin Okner, the distinguished senior fellow at the Brookings Institution prepared revenue estimates on the effect of the enactment of this provision. He found that adoption of this provision will increase revenues in fiscal 1974 by $476 million. The tax increase would be confined to taxpayers with very high adjusted gross incomes. Over 85 percent of the total revenue increase comes from those with incomes of $100,000 or more, and over 36 percent from taxpayers with incomes of over $1 million. Likewise, as might be expected, the number of taxpayers who would pay more is also quite low. In 1972, the last year for which actual Treasury statistics are available, only 63,441 taxpayers were subject to any minimum tax at all.

Mr. President, my explanation has been somewhat lengthy. The details of the problem and its background are somewhat complex. The point is that there can be little controversy on the inequities contained in these two aspects of our tax laws. In my view and that of my colleagues we must convince the American taxpayer that we are serious about meaningful tax reform, that as their representatives, we are not willing to permit the tax laws to be tailored to the special interests who are, as we all know, well represented in Washington. I strongly urge the Senate to act favorably on these proposals.

I ask unanimous consent that the texts of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to printed in the RECORD, as follows:

AMENDMENT No. 261

At the end of the bill insert the following:

SEC. —. (a) Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives) is amended by striking out the second sentence.

(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

AMENDMENT NO. 262

(Ordered to be printed and to lie on the table.)

STRENGTHENING THE MINIMUM TAX

Mr. KENNEDY. Mr. President, on behalf of Senators BAYH, MUSKIE, NELSON, and myself, together with Senators ABOUREZK, CLARK, GRAVEL, HART, HASKELL, HATHAWAY, HUGHES, HUMPHREY, MCINTYRE, MONDALE, MOSS, STEVENSON, and TUNNEY, I send to the desk an amendment to H.R. 8410, the debt ceiling bill, and I ask that it may lie on the table and be printed.

The purpose of this amendment is to strengthen the minimum tax by eliminating the so-called "deduction for taxes paid," which has become one of the largest, most notorious, and least justified loopholes in the Federal income tax law. On the basis of estimates for the current calendar year, the amendment will generate increased tax revenues totaling $580 million, based on a $330 million increase in individual income tax liability and a $250 million increase in corporate income tax liability.

The minimum tax is the imaginative technique enacted by Congress as part of the Tax Reform Act of 1969, in an effort to insure that all citizens with substantial income would pay at least some tax on their income, thereby ending the gross tax inequity by which thousands of wealthy taxpayers were able to use the loopholes in existing law to avoid large amounts of taxes they ought to pay, or even to avoid taxes altogether.

In effect, the minimum tax is supposed to be a "bucket under a sieve." It is designed to impose a modest tax on all income that slips otherwise untaxed through the many loopholes in the existing Revenue Code. If the minimum tax fulfills its function, no one with substantial income would be able to avoid paying a fair share of taxes on his income.

Unfortunately, the minimum tax does not adequately fulfill its function. In 1970, the first full year of operation, the revenue yield was a paltry $117 million, compared to an anticipated yield of $290 million when it was enacted in 1969. Thanks to the exemptions and deductions written in at the beginning and in subsequent years, the minimum tax is itself a loophole-ridden tax—minimum in impact as well as name. As such, the minimum tax is the most aptly named provision in the tax laws. Instead of being a "bucket under a sieve," it is instead simply another sieve under the existing sieve.

The daily headlines are still replete with descriptions of individuals who, in spite of the minimum tax, are able to use the loopholes in the present tax system to avoid paying any tax at all. Countless more are able to use the system to reduce their taxes to insignificant amounts, or to avoid paying their fair share. We know far too little about these practices today, but what we do know is enough to make us realize that we are looking only at the tip of an enormous iceberg.

We already know enough, however, to decide that our first priority in tax reform should be to write a minimum tax that works. We can strike a major blow for tax justice in the Nation, by guaranteeing that no one, no matter how well he plays the loophole game, will be able to escape at least his fair share of the minimum tax.

The step we can take today is to close the largest single loophole in the minimum tax, the arbitrary deduction allowed for taxes paid. This deduction, written into the minimum tax at the 11th hour as a Senate floor amendment in 1969, is a large and unjustified windfall for those who have substantial income from tax loopholes, but who also happen to have large amounts of other income already subject to tax.

I call this particular deduction the "executive suite" loophole, because it allows highly paid executives to use their large salaries to shelter large amounts of tax preference income against the minimum tax. Surely, simply because a wealthy individual pays taxes on his salary just like everybody else, it does not follow that the taxes he pays should give him free entry to the "loophole club" by allowing him to amass large amounts of sheltered income, free not only from the regular tax, but from the minimum tax as well.

The loophole operates this way: First in calculating the minimum tax he owes, an individual calculates his "income from tax preferences," the income he derives from the various loopholes and tax shelters now in the law. With a few notable exceptions, the list of tax preferences in present law is relatively comprehensive, including income from such well-known loopholes as percentage depletion, the excluded half of capital gains, and accelerated depreciation. Thus, once the "income from tax preferences" is calculated, it provides a reasonably accurate measure of the amount of an individual's real income that escapes tax under current law.

The second step in the calculation of the minimum tax is to calculate the amount of regular taxes paid on other income and deduct that amount from the amount of tax preferences. In the case of individuals with both large prefence income and large regular taxes, the deduction for taxes paid is of substantial benefit, and may well be susbtantial enough to completely offset the total amount of tax preference income. The benefit of this deduction is dramatically enhanced by a separate provision in present law, added in 1970, which allows a 7-year carry forward of the deduction. Thus, if an individual's regular tax bill in the present year is more than enough to offset his tax preference income for the year, he can carry forward the excess amount of regular taxes and apply it to reduce his tax preference income in future years, thereby avoiding the minimum tax for years on end.

Third, and finally, the amount of the minimum tax owed is calculated by taking 10 percent of the tax preference income, as reduced by the "taxes paid" deduction and also by a separate deduction that exempts the first $30,000 of preference income from the minimum tax.

The actual impact of the minimum tax is shown in the following table, which is taken from a publication of the Internal Revenue Service earlier this year, giving preliminary statistics of income on individual tax returns for 1971.

Number of returns with tax preferences	98,205
Number of returns with minimum tax	23,889
Amount of tax preferences:	
Returns with minimum tax	$3,961,964,000
Returns with no minimum tax	2,257,724,000
Total	6,219,687,000
Amount of minimum tax paid	163,887,000

The lesson from these figures is clear. For 1971, $163 million in minimum tax was paid on total reported tax preference income of $6.2 billion, yielding an average effective minimum tax rate of only 2.63 percent, even though the statutory rate is 10 percent.

Further, of the 98,000 individuals who reported tax preferences, 74,000 paid no minimum tax at all, even though they had tax preference income of nearly $4 billion. And, of the remaining 24,000 individuals who actually paid some minimum tax on their preferences totaling more than $2 billion, the minimum tax they paid was at an effective rate of only 4.13 percent. Thus, 75 percent of the individuals, with 64 percent of the total reported tax preference income, escaped the minimum tax altogether.

In large part, the reason for this enormous avoidance of the minimum tax is the deduction allowed for regular taxes paid. The obvious inequity of this deduction is demonstrated by the following example. Individual A, who has $100,000 in tax preference income and who also pays $100,000 in taxes on his regular income, is in the position of owing no minimum tax at all, even though he enjoys the benefits of sizable income from tax loopholes. But because he also owes substantial taxes on his nonpreference income, he escapes the minimum tax altogether. By contrast, individual B, who has $100,000 in tax preference income but has no regular taxes to pay, is in the position of owing $10,000 minimum tax. Clearly, as the above IRS figures indicate, large numbers of citizens with vast amounts of tax preference income are in the position of individual A, and are able to enjoy their loophole income without the requirement of paying any minimum tax.

Thus, the minimum tax works reasonably well in the case of individuals who pay little or no regular taxes, but it contains a gaping loophole in the case of individuals who pay substantial regular taxes. To me, there is no justification for allowing this loophole in the minimum tax to remain open. Simple tax justice requires that the minimum tax be applicable even-handedly to all preference income. The amendment we are proposing today will achieve that result by eliminating the deduction for taxes paid.

At the same time, the amendment will provide substantial new revenues for the Treasury—$250 million for corporations, and $330 million from individuals, for a total revenue gain of $580 million. The gain from individuals is derived by income class according to the following table:

Adjusted gross income class (thousands)	Number of returns (thousands)	Increase in tax liability (millions)
$0 to $3		
$3 to $5	(1)	(2)
$5 to $7	(1)	(2)
$7 to $10	(1)	(2)
$10 to $15	(1)	(2)
$15 to $20	(1)	(2)
$20 to $50	11	4
$50 to $100	22	28
$100 and over	30	299
Total	63	330

(1) Less than 500.

(2) Less than $500,000.

Note: Items do not necessarily add to totals because of rounding.

Thus, the revenue gain is derived largely from individuals in the highest income brackets—those reporting $100,000 or more a year in adjusted gross income, for whom the 10 percent minimum tax is little more than a slap on the wrist in any event. Yet, the revenue gain is substantial, because so many taxpayers in this income category now enjoy the unjust benefit of the "taxes paid" deduction.

To me, this is one loophole that should be closed now, without waiting for comprehensive reform legislation to reach the Senate floor. The injustice of the loophole is so clear, and the revenue loss is so substantial, that Congress should delay no longer. Taxpayers similarly situated with respect to loophole income should pay a similar minimum tax. The deduction for current taxes was an unwise Senate floor amendment offered in 1969, and its injustice is now so obvious that a Senate floor amendment is appropriate to delete it. By acting now to eliminate this particularly flagrant loophole, we can provide a solid downpayment on tax reform, and Congress should not hesitate to act.

If we are serious about tax reform, then the minimum tax is the place to begin, because it symbolizes all the other loopholes we have to close. The Internal Revenue Code is America's biggest welfare bill of all, but the richest benefits of tax welfare go entirely to the Nation's wealthiest individuals and largest corporations, who have the assets and the power to play the loopholes well. It is time to end this backdoor welfare for the privileged and the special interests, and the time to start is now.

Tax reform can provide dollars to reduce the budget deficit; dollars for social security benefits, dollars for homes and jobs and schools and health, dollars for policemen and drug control; dollars for transportation and the environment; dollars to reduce the soaring burden of property and payroll taxes; dollars for revenue sharing with State and local governments—in short, dollars to meet all the urgent national priorities that are being set by Congress, the administration, and the American people. I urge the Senate to adopt the amendment.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 262

At the end of the bill insert the following:

SEC. —. (a) Section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 10 percent of the amount (if any) by which the sum of the items of tax preference exceeds $30,000."; and

(2) by striking out subsection (c).

(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

FURNISHING OF DEFENSE ARTICLES TO FOREIGN COUNTRIES—AMENDMENT

AMENDMENT NO. 264

(Ordered to be printed and to lie on the table.)

Mr. ROTH (for himself and Mr. MONDALE) submitted an amendment intended to be proposed by them jointly to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

AMENDMENTS NOS. 269 AND 270

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted two amendments intended to be proposed by him to the bill (S. 1443), supra.

AMENDMENT NO. 271

(Ordered to be printed and to lie on the table.)

Mr. BEALL submitted an amendment intended to be proposed by him to the bill (S. 1443), supra.

EDUCATION OF THE HANDICAPPED ACT—AMENDMENT

AMENDMENT NO. 265

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted the following amendment intended to be proposed by him to the bill (S. 896) to amend the Education of the Handicapped Act and for other purposes:

AMENDMENT NO. 265

On page 10, following line 20, insert the following new section:

Sec. 13. Tutorial and Related Instructional services for Homebound Children.

SEC. 13. The Education of the Handicapped Act (20 U.S.C. 1421–1426) is amended by adding at the end thereof a new part H as follows:

"PART H—USE OF COLLEGE STUDENTS AS TUTORS AND INSTRUCTIONAL ASSISTANTS FOR HOMEBOUND CHILDREN

"AUTHORIZATION OF PROGRAM

"SEC. 671. (a) The Commissioner is authorized to make grants to State education agencies to enable them to develop and carry out programs, at their and at local educational levels, to provide, through the use of students in institutions of higher education, tutoring and instructional assistance, under the supervision of a qualified teacher, for homebound handicapped children who, though able to benefit from preschool, elementary, or secondary education, are prevented by their handicaps, by lack of facilties, or because they experience special difficulties when in school from attending school. Homebound children for whom services under this part may be provided include but are not limited to those suffering from developmental disability and those as defined under section 602, paragraphs (1) through (15), and such services may be provided to children who are homebound for short or long terms.

"(b) For a local educational agency to receive assistance under this part from a State education agency, it shall make a proposal to the State educational agency for a tutorial or instructional assistance program to be carried out through a cooperative arrangement with one or more institutions of higher education. The local educational agency shall give assurances that—

"(1) in selecting students to participate, (A) special consideration will be given to veterans qualified for vocational rehabilitation under chapter 30 of title 38, United States Code, and to other handicapped students (provided in either case that their handicaps do not make their working with homebound children ineffective) and (B) among students otherwise equally eligible to participate in the program, preference will be given to those having greater financial need.

"(2) the program will be administered by the local educational agency in accordance with its rules and regulations relating to homebound instruction.

"(3) participation in the program will not interfere with the academic progress of participating students,

"(4) compensation paid to participating students will be set by agreement between the local educational agency and the student's institution, the maximum to be established at the direction of the Commissioner. In no case shall the compensation be established below the prevailing minimum hourly wage,

"(5) funds will be used in such manner as to encourage equipping the homebound handicapped children for eventual full assimilation by society, with every effort to avoid development of a segregated, permanent system of education for the handicapped, and

"(6) Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local, and private funds.

"APPLICATION

"SEC. 672. (a) The Commissioner shall make grants under this part to State educational agencies on the merits of their proposals to him which shall be submitted on such application forms and under such guidelines, as he shall prescribe. Proposals shall contain, among other information as required by the Commissioner (1) all data from local education agencies' proposal to the State, as is required to support the total amount of funding requested by the State; (2) the State's detailed plans for conducting, or providing for the conduct of, evaluation of the program supported under this part; and (3) the State's detailed plans for locating and identifying all of its homebound children who could benefit from this program.

"(b) An amount not to exceed 10 per centum of the total funds awarded to a State under this part shall be available to the State for it and its local education agencies to administer the program.

"AUTHORIZATION AND APPROPRIATION

"SEC. 673. There are hereby authorized to be appropriated $55,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for fiscal year ending June 30, 1975, and for fiscal year ending June 30, 1976, for carrying out the provisions of this part.

"ALLOTMENTS TO STATES

"SEC. 674. All of these sums shall be granted at the discretion of the Commissioner; however, the Commissioner shall set aside 25 per centum of the total appropriation and preliminarily allocate (but not automatically grant) to each State (as defined by section 602(6)) an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States. The Commissioner shall approve or disapprove applications from the States, and any funds preliminarily allocated to a State whose application is disapproved, or which fails to file timely application, shall be added to, and be included for distribution under, the remaining 75 per centum of the funds. The Commissioner shall not disapprove any State's application until he has offered and (if the State accepts his offer) provided technical assistance to that State in an effort to bring that State's application to a level of approvable quality, so that the State may then be granted its proportionate share of the 25 per centum set aside, and, if then applicable, an appropriate portion of the remaining 75 per centum."

HOME RULE FOR THE DISTRICT OF COLUMBIA—AMENDMENTS

AMENDMENTS NOS. 266, 267, AND 268

(Ordered to be printed and to lie on the table.)

Mr. SCOTT of Virginia submitted three

amendments intended to be proposed by him to the bill (S. 1435) to provide an elected mayor and city council for the District of Columbia, and for other purposes.

CHANGE IN FEDERAL ELECTION DAY—AMENDMENT

AMENDMENT NO. 280

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the bill (S. 343) to designate the Tuesday next after the first Monday in October as the day for Federal elections.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 150

At the request of Mr. ALLEN, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of amendment No. 150 intended to be proposed to S. 1835, a bill to amend title 38, United States Code, to increase the maximum amount of servicemen's group life insurance to $20,000 to provide full-time coverage thereunder for certain members of the Reserves and National Guard, to authorize the conversion of such insurance to veterans' group life insurance, and for other purposes.

ADDITIONAL STATEMENTS

KNIPP & CO., ARCHITECTURAL WOODWORKERS

Mr. BEALL. Mr. President, the next time you notice the intricate woodworking in the House and Senate galleries, you will be pleased to know that it was done by a Baltimore architectural woodworking firm. The firm of Knipp & Co. has been in business for over a century making custom cabinets and carving furniture with the White House and the Capitol being longstanding clients.

Architectural woodworking is a little done art these days and much of the carving has to be farmed out to Maryland Eastern Shore artisans and craftsmen in New York and North Carolina. But Franklin Knipp, Jr., the firm's head, has said that he has found many young apprentices who like the idea of working with their hands.

Knipp & Co. has had a long and distinguished career. In addition to their ornate designs in the Capitol galleries, the firm has made the Speaker's desk used for state of the Union messages and 500 carved chairs for the House of Representatives.

Mr. President, I ask unanimous consent that the article entitled "Into the White House Woodwork," by Mike Powell from the June 3, 1973, News American be printed in the RECORD so that my colleagues can share this informative article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTO THE WHITE HOUSE WOODWORK

(By Mike Powell)

Next time you visit the U.S. Capitol and enter the House or Senate galleries, note the handsome paneling on the big door frames. It was made in Baltimore by one of the nation's most prestigious producers of architectural woodwork.

Knipp and Company, which has been in the cabinetmaking and custom furniture business for more than a century, also made the speaker's desk from which the President gives his annual State of the Union message, plus 500 curving chairs for member of the House of Representatives.

The White House has been a client since the days of William Howard Taft, when Knipp was retained to design and build furniture to accommodate his 340-pound frame. It later built a handcarved stand for President Harding's inaugural and was entrusted with major responsibility and involvement in the renovation of the Executive Mansion during the early 50s.

"In those days, I spent more time in the White House than Harry Truman," says H. Franklin Knipp, Jr., who now heads the family business.

"Plans called for the removal of the entire inner content of the mansion, but the interior had to be restored without sacrificing the historic spirit of the place.

"We furnished and installed all the woodwork and carving—from floor to ceiling—in the East Room and also the wainscotting, trim and doors of the second floor rooms, including the Lincoln Room and the President's quarters.

"The English oak paneling was eased from the walls of the State Dining Room and brought to our shop for repairs. During Teddy Roosevelt's administration some of the cornice carvings had been removed to make room for his big game trophies, and these, of course, had to be reproduced."

Little hand-carving is done nowadays at Knipp's modest two-story plant on South Hanover Street simply because it's a vanishing art. Since the retirement of the last full-time carver two years ago, most of the work has been farmed out to an Eastern Shoreman and to artisans in North Carolina and New York.

Architectural woodwork accounts for 70 per cent of Knipp's sales. The rest is custom cabinet work, often board room tables, credenzas, special desks and similar commercial-type pieces.

Most of the orders come through architects and interior designers. Requests from private customers aren't refused, but if you want a copy of the high-back chair shown in your grand-parents' wedding photo, you'd better be prepared to pay $200—just for the labor.

Half of the company's 20 cabinetmakers are Poles and Ukrainians who emigrated to this country after World War II. Also on the payroll are Jamaicans, Lebanese, Israelis, Spaniards and Hungarians.

"Some of our competitors go to Europe to recruit skilled craftsmen," Franklin Knipp says, "but we find most of our men through World Church Services. And, happily enough, American youngsters are showing interest in the apprenticeship program in our field. Five years ago, kids coming out of college weren't willing to take a job working with their hands. Today a lot of them like the idea."

Founded in the fall of 1868 by John Christian Knipp, one of ten children of a German immigrant, the firm started as a furniture shop on Franklin Street.

John was in business only a year when his wood-carving artistry won a special award from the Maryland Institute. His brother, George, became a partner in 1871, and a move was made to Howard Street. George did mostly plumbing work. John continued with the custom furniture and also made bank counters, mantels and other interior decorations.

In 1900, Standard Oil commissioned the firm to create designs for the Paris Exposition. It later prepared displays for the St. Louis World's Fair.

The Knipps, who had branched out into marine construction in the closing days of the Baltimore Clipper trade, stepped up their joinery work during World War I. At the outbreak of World War II, they suspended cabinet and woodwork operations completely and turned all of their facilities over to marine construction.

The joinery business is now pretty much a thing of the past.

"There's not much of it up for grabs," says Franklin Knipp. "Little wood is being used on ships because of fire regulations, though we do make marine furniture—mostly dressers, sideboards and bars.

"Fireproofing has become such an issue that it's discouraging the use of wood in all sorts of installations. Each municipality seems to have its own specifications as to how much wood can be used in a certain area. In New York City, for instance, samples have to be submitted and tested before a job can be approved.

"There are no testing requirements in the District of Columbia, but a letter authenticating the use of a fireproof basswood core is essential. The ceiling that we're in the process of doing for the International Monetary Fund in Washington consists of three-by-four-inch ribs with a fireproof core. To dress up the ribs, we're applying a teak veneer, 1/40th of an inch thick."

Knipp jobs range in size from little teak boxes in which ship sponsors carry home the fragments of the champaign bottles that launched the ship to million-dollar installations—for example, the paneling, benches and witness stands for a total of 15 New York City courtrooms and the cabinetwork for the adjoining judges' chambers.

Recent projects include the woodwork for all of the public rooms in the new Loew's Hotel at L'Enfant Plaza in Washington and for DuPont's executive offices in Wilmington. Now in work are railings and partitions for the restoration of the old Supreme Court chamber at the Capitol, executive dining areas for the McGraw-Hill Building in New York and paneling for the Sarah Mellon Scaife Museum in Pittsburgh.

Among the many local examples of the firm's craftsmanship are paneling in the Basilica of the Assumption, the chancel furniture at Grace Methodist Church and executive offices in the Commercial Credit, Blaustein and Sun Life buildings.

Franklin and his younger brother, Stephen, run the business as a team, dividing the sales work, engineering their own jobs through the plant, then following through on the installation. Their righthand man is Frank Vecera, who started as an apprentice in 1949 and two years later was laying out the curved seats for the House of Representatives. He did it so well that he was promoted to shop foreman and has since become plant superintendent.

Visitors to the Brooklyn plant can sit in replicas of the House of Representatives chairs in the waiting room on the second floor. The drafting rooms and shop area are just beyond. The mill men work downstairs.

The atmosphere throughout is as friendly as that of a country store. The clean smell of wood and the shavings on the floor in the shop heighten the old-fashioned mood. Somehow the place doesn't look as if it's up to the challenges of modern business. But Knipp craftsmen are quietly turning out $1 million worth of woodwork a year.

SPECIAL SUPPLEMENTAL FOOD PROGRAM

Mr. EAGLETON. Mr. President, last September the Congress passed and the President signed into law a bill authorizing and directing the Secretary of Agriculture to carry out a 2-year pilot program of grants to States to make available supplemental foods to pregnant and lactating women and infants who are medically determined to be at nutritional risk.

This program is not to be confused with—and the Congress intended it to be carried out in addition to—the existing supplemental food program under which the Department of Agriculture makes food packages available to local agencies for distribution to women and infants.

Public Law 92–433 directed the Secretary to spend $20 million of section 32 funds for the pilot program in fiscal 1973 and authorized the appropriation of $20 million for fiscal 1974.

As fiscal 1973 draws to a close, the Department has not yet issued proposed regulations to implement the pilot program, although Assistant Secretary Yeutter recently assured the Senate Select Committee on Nutrition and Human Needs that proposed regulations will be issued shortly.

Naturally enough, among those persons interested in this program there are some divergent views as to what its emphasis and structure should be. It is my hope that the regulations issued by the Department will reflect serious consideration of the recommendations of all interested persons.

Last month, 40 persons from around the country, the majority of them associated with supplemental feeding programs, participated in a conference in Washington called by the Children's Foundation. This conference developed a series of recommendations for the implementation of the new special supplemental food program.

Mr. President, I ask unanimous consent that the recommendations of the Emergency Committee for the Survival of Women and Children be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECOMMENDED GUIDELINES FOR THE SPECIAL SUPPLEMENTAL FOOD PROGRAM

Proposed by the Emergency Committee for the Survival of Women and Children at a conference called by The Children's Foundation.

AGENCY FOR THE AWARD OF GRANTS

The Department of Agriculture will select local grantees. State health departments or comparable agencies will act simply as conduits for grants from USDA to local agencies organizations.

ELIGIBILITY STANDARDS FOR THE AWARD OF GRANTS

A. Public or Private:

Any public health or welfare agency, Indian tribal organization, or private nonprofit organization which includes or has access to health facilities may receive grants for the program. Programs must be established in an area without regard to whether the Food Stamp or Direct Food Distribution Program is in effect in that area.

B. Community Control:

At least one-third of the grants will be made to private poor people's organizations.

C. Demonstrated Interest:

There must be demonstrated interest in the program on the part of health professionals, supplemental food distributors, and consumers. Demonstrated interest may be indicated by past performance in providing a similar service or by documents showing the intent of each group to cooperate in implementation.

However, in areas lacking demonstrated interest on the part of health professionals or food distributors, the Department shall encourage such cooperation.

D. Ethnic Diversity:

To provide the experience and data on which to base a comprehensive national program, grantees will include all minority groups—Blacks, Chicanos, native Americans, migrant workers, Appalachians, and Orientals.

E. Socio-demographic Diversity:

Grantees will include a cross-section of rural, urban, suburban areas.

F. Need:

All other factors being equal, need will be taken into account. (Given the current appropriations level, it is not possible to consider need as primary.) Need should be measured in terms of (1) infant and maternal death rates, (2) other poverty parameters, or (3) rates of participation in other food programs.

ELIGIBILITY STANDARDS FOR PARTICIPATION

A. Pregnant and nursing women at nutritional risk include women from low-income populations which exhibit one or more of the following characteristics:

Inadequate patterns of growth (underweight, obesity, stunting).

Incidence of anemia in significant numbers below the I.C.M.N.D.. "acceptable" standard.

Incidence of prematurity higher than the national average.

Evidence of high risk pregnancy shown by previous history of miscarriage, premature births or anemia.

Significant numbers of pregnant women under 18 years of age

The term "nursing women" refers to all women up to 12 months after delivery.

B. Children under four years old who are at nutritional risk include children from low-income populations which exhibit one or more of the following characteristics:

Deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight.

Parameter of nutritional anemia.

Members of low-income populations where nutritional studies have shown inadequate infant diets.

C. Residents of areas served by clinics determined to have significant numbers of infants and pregnant and nursing women at nutritional risk may participate "Significant numbers at nutritional risk" are indicated by infant and maternal death rates higher than the national average.

D. In addition, recognizing the assistance of pockets of poverty, the following individuals outside the clinic area may participate:

1. Any person who receives or would receive free or substantially free medical care.
2. Any person with income under the guidelines for free or reduced price lunch—with upward flexibility at state discretion.
3. Any person who receives public assistance.
4. Any person eligible for or actually enrolled in a Children and Youth or Maternal and Infant Care Project.

Eligibility must be based on current need.

PROJECT COMPONENTS

A. One Category:

All four eligibility categories must be served by every program, i.e., pregnant and post-partum women, infants, and children under four years old. Commodities Supplemental food programs may, however, receive Special Supplemental grants for feeding fewer than four age groups, as long as the other age groups are covered by other components of the program.

B. Nutrition Education:

Nutrition education must be a part of each project.

C. Outreach:

Outreach and public information should be done to the greatest extent feasible by members of the poor community.

D. Food Assistance:

1. Supplemental foods are foods containing nutrients known to be lacking in the diets of populations at nutritional risks and, in particular, those foods and food products containing high-quality protein, iron, calcium, Vitamin A, and Vitamin C. Such terms also includes infant formula.
2. Engineered foods—No program may rely primarily on engineered foods. This term does not include enriched staples such as enriched bread or cereals or infant formula. No engineered foods may be used unless they have met F.D.A. approval.
3. Individual needs—Each program should attempt to tailor assistance to the needs of each individual.
4. Commodity Supplemental Foods—Surplus foods, if used, must be complemented by non-surplus foods.

E. Delivery Systems:

A hybrid program which uses commodities from the Supplemental Food Program and cash from the Special Supplemental Food Program will ensure continuation of the best features of the existing program, namely the low cost of surplus food, while eliminating the worst aspects through the provision of cash for administration, for commodities above parity, and for special foods such as infant formula.

Recognizing the emergency nature of pregnancy, no more than one day may elapse between certification and the availability of food.

F. Program Evaluations:

The primary purpose of the Special Supplemental Food Program evaluation is not to duplicate existing medical research but to determine the effectiveness of various delivery systems.

1. Evaluation of Medical Effects:

A. Acknowledging that the relationship between malnutrition and mental and physical damage is well established scientifically, the medical evaluation should be limited to basic, simple parameters such as maternal and infant morbidity, maternal, perinatal, and infant mortality.

B. The scientific goals of the medical evaluation may not influence eligibility to participate in programs. No control groups may be used, nor may a woman or child be excluded from the program for reasons related to the medical evaluation. Participants in all presently existing Supplemental Food Programs may transfer to Special Supplemental Food Programs in their area without regard to the status of the medical evaluation previously undertaken by the original program. Education, not coercion, should effect necessary controls. Although institutional settings should be permitted for the sake of variety, non-institutionalized settings should not be forbidden in the name of experimental rigor.

2. Evaluation of Delivery Systems:

Cost-benefit analysis.

Analysis of drop-outs and no-shows and ways to remedy this problem, such as telephone calls and home visits by members of the poor community.

Analysis of outreach.

Analysis of economic effects on taxes and purchasing power.

EDUCATION INDIAN STYLE: A HAPPY SCHOOL AT ROUGH ROCK, ARIZ.

Mr. FANNIN. Mr. President, the Rough Rock Demonstration School located on the Navajo Reservation in Arizona is a superb example of the effort that is being made by our Indian citizens to strengthen their own educational programs. Recently, the Carnegie Corporation of New York printed an article on the Rough Rock School in its publication, Carnegie Quarterly, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDUCATION INDIAN STYLE: A HAPPY SCHOOL AT ROUGH ROCK

The decibel level of noise is an uncommon criterion of a good school, but it is precisely the laughter and shouts of more than 400 children at the Rough Rock Demonstration School which have attracted widespread admiration. Buried deep in the sprawling Navajo reservation in northeastern Arizona, the long cinder-block school, except for the sea of mud that surrounds it in a rainy year, looks hardly different from many suburban schools. Rough Rock's students, too, seem similar to those of a good suburban school, yet they present a vivid contrast to typical Indian students whom one teacher remembers as "uncomfortably silent, with bowed heads, and eyes seemingly always focused on their feet."

If laughter is an unusual measure of success, Rough Rock is an unusual Indian school on two counts: it is community-run and community-operated, and it provides bilingual education. For Indians, this is a real change from nearly a century's experience during which the Bureau of Indian Affairs (BIA), church missions, and a few public schools have provided an "Anglo," or white man's, education for Indian children, most often in boarding schools because roads were rough or distances great.

But the typical school's distance from the homes has been greater psychologically than physically. In attempts to cut off parents from their children's schooling—because it has long been felt that Indians would have very little of value to contribute—schools have often cut off parents from children. And the homesick, lonely youngsters that result from this are likely to be poor learners and early dropouts. Ironically, the underlying creed of many such schools has been to make Americans out of Indians (who are, of course, the first Americans), as though it were impossible for an Indian child to share two cultures. The pressure of such a philosophy has forced a choice between the Navajo heritage and worldly—that is to say Anglo—success. And all of this has coincided with the problems of children who already had to cope with life in neglected communities beset by unemployment that sometimes reached over 65 percent, an unusually severe alcohol problem, and, most debilitating of all, a sense of low self-esteem.

Historically, schooling has not only taken six-year-old children from the family and put them into the dreary life of boarding school, but it also has discouraged them from speaking privately in Navajo (the only language over 80 percent know), and forbidden it in the classroom. White teachers, who come and go with discouraging rapidity, have often adopted the attitude that children who are linguistically different are surely disadvantaged—often a code word meaning slow. Few teachers recognize, respect, or can deal with a cultural style that disapproves of getting ahead or dislikes rigid schedules.

Instead, too many come to expect little from their Indian pupils and accordingly teach with low standards. And in this sorry spiral, the students themselves become imbued with a sense of failure. It is hardly surprising that the dropout rate may reach over 50 percent.

When the people of Rough Rock, a traditional and cohesive community, took over their school six years ago, there were many misgivings. The Office of Economic Opportunity and the Bureau of Indian Affairs, the primary funders, were examining something that had not been thought possible (even though it *had* been tried and proved successful when two Indian nations ran schools of their own throughout much of the 19th century); that a school which could cherish the heritage and philosophy of the Indian could prepare its young people for an effective role in modern life. But if the continuity of the experiment does not speak to its success, the consistency of the good reports and smiling faces does.

Bicultural, bilingual education allows the Indian child to get the psychological support he needs by learning respect for his own culture and to get the education he needs to function in the wider world. All of the youngest classes are taught in Navajo. Most students know colors and how to count in Navajo, so they are able to broaden the knowledge they have gained in their homes; they do not have to "redo" what they already know in English. "The kids start off learning something, and they know it," says the school's director Dillon Platero, the quiet-spoken, optimistic catalyst for Rough Rock's ambitious undertakings. "They are happy in learning and in learning in their own language, and this makes them eager to know more."

In the middle grades, English is introduced into classes, and the teachers notice no fall-off in either attitude or performance. This is an important breakthrough. The typical pattern in Indian education is for student achievement to decline dramatically in about the fourth grade. Teachers describe their pupils as suddenly apathetic, difficult to motivate, and often hostile. It is at this point, experts, say, that the children begin to feel the stigma of being considered part of a second-rate culture by whites, the antagonism that Navajo grandparents feel towards schools that may take their children away from "the Navajo way," and the scorn some Navajos show for those who have made good by "trying to be white men." And such cross-cultural conflicts are intensified by texts which bear little relation to Navajo life or values. Educators have slowly come to concede that forcing an Anglo education on Indian children may be as serious a psychological mistake as it is a pedagogical error.

THE NAVAJO WAY

All this is avoided at Rough Rock where the school has gone out of its way, if not to blend two cultures, to respect both. And to reinforce this, the school has worked on creating books and curriculum materials based on the traditions, values, and stories of "the Navajo way"—from Navajo history of how the world began to folk stories about a wily coyote that always seems to get outsmarted.

A Corporation grant has helped to make this work possible. The grant was made not only because the project was important in its own right, but also because of the growing belief that troubled people—Indians, the poor, or whoever—often know their own problems all too well and with support can best help themselves. Moreover, the self-confidence and pride that self-help projects such as Rough Rock clearly initiate are perhaps the most important prerequisites for success in learning, and perhaps for success in general.

For instance, although many teachers at Rough Rock have been inventive in creating curriculum materials rather than relying on books which talk about fathers who work in downtown offices or summer trips to the seashore, even the best non-Navajo teachers are at a disadvantage when it comes to knowing Indian life and grasping a real sense of its values. But with Rough Rock's new books, written not only for, but by, Indians, the teachers say that children feel more pride in their own culture and become more aggressive learners.

The books are important, too, because they help show families the positive way the school feels about Navajos. Community control, of course, can take much of the credit for this. After all, the school is sponsored by the Navajo organization DINÉ, an acronym for Demonstration in Indian Education, but which also means "the people" in Navajo. Mothers and fathers vote their approval of what is happening by dropping in on classes. Highly respected medicine men pass on their knowledge to the school's students, and classes make traditional Navajo fry bread instead of popcorn for after-school snacks. Parents, who live in the dorm with the few children who cannot make it home every night, rotate throughout the year so that as many families as possible will feel close to the school. And unlike the case in many boarding schools, even the children who must live at the school go home every weekend.

WHAT IS SUCCESS?

One question still troubles those who are attracted to Rough Rock: Is a school a success if its students are happy and active and the community satisfied with the learning, or should success be measured in more concrete terms such as the academic achievement of its students? The community school board insists that it is the best judge of the quality of the learning going on and will not allow the use of standardized tests, which it feels are too culturally biased to be very useful.

Perhaps a more revealing answer comes from other Indian schools and communities which are exploring the worth of having bilingual education. At a recent conference on bilingualism which are expected to attract only 150 people, nearly 1,200 showed up—both those who spoke only Navajo and those who spoke only English. Educators and researchers alike applauded bilingualism. They pointed out the documented increase in achievement of Spanish-speaking children taught in two languages over those who were taught in English alone. The academics were supported by some officers of the Navajo Tribal Council. Even the BIA, a long-time conservative force, seems to be ending the fight against bilingualism—at least, at headquarters. In fact, this year the BIA initiated pilot projects in bilingual education in classrooms in eight different schools. And some 20 different projects in other tribes are under way in the Southwest.

As disdain for bilingualism turns to acceptance, curriculum development becomes increasingly important because the average teacher is extremely dependent on materials. Without further development of these materials, bilingualism will not go forward as fast as it might. Rough Rock has already had a second printing of some of its books and is using profits from those sold to other schools to create new books and materials in Navajo.

Community control is, of course, a more political issue, and it threatens traditions more directly. While more and more schools are following Rough Rock's lead in bilingual education, some local school authorities and tribal leaders hesitate to come out for community control such as Rough Rock has pioneered. They wonder how it would affect their authority, and they question whether communities with less cohesion and fewer dynamic leaders than Rough Rock are "ready" for it at this time.

Yet one of the most notable successes at Rough Rock is how community control of the school has evolved into community development. Development, in an educational sense, includes the opening of a high school and pressure for a national Navajo Curriculum Center.

Development in an economic sense is even more startling. The school has become an important economic base for the community where unemployment or underemployment haunts nearly every family. Dormitory parents and cafeteria workers are helped with paychecks from the school. More important, while only three years ago Navajos worked in classrooms as teacher aides, now six are teachers who bring home professional salaries. And in conjunction with the University of New Mexico the school is busy training an additional 30 teachers, mostly Navajos who would never have been admitted—or even thought of seeking admission—to a regular college program.

Still another source of jobs will mushroom as the demand for curriculum materials grows. The community plans to do the printing at Rough Rock, not only to keep close control of the materials, but also to bring more jobs to the community. In the meantime, a new food cooperative will give Navajos the jobs once monopolized by Anglos. And a crafts co-op will see that weavers will earn $700 on a rug worth $800, not the $200 worth of goods that a trader would offer.

But the problems are far from over. New ventures like the high school have serious growing pains, more Navajos must be prepared for teaching to end the rapid turnover that comes from the community's isolation, money is tight, and new economic enterprises are very demanding of the community's hardworked professionals. In spite of this, the community's school and the community itself will probably succeed, because, says Dillon Platero, "Once you have a little bit of success, you get the urge for more."

AN IDEA WHOSE TIME HAS COME

Mr. CRANSTON. Mr. President, a Los Angeles Times story yesterday carried the results of the Gallup poll which showed that 58 percent of the American people believe the Federal Government should support political campaigns and that private contributions should be prohibited. The poll further showed that 74 percent of the American people support full public disclosure of campaign contributions in excess of $100, for State and local officers as well as Federal.

Mr. President, I am extremely pleased to see these findings. When an idea which is consistent with the highest principles of our electorial democracy also has widespread popular support, there is no excuse for delaying its enactment. Public financing of Federal election campaigns is an idea whose time has come.

Mr. President, I ask unanimous consent that the Los Angeles Times article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Candidate Aid Idea Favored, Poll Reveals

Princeton, N.J.—By a 2–1 margin, the American public favors a plan under which the federal government would provide a fixed amount of money to pay election campaign costs of candidates for the Presidency and the Congress, a Gallup Poll survey shows.

Those interviewed also voted overwhelmingly (74%) in favor of passing laws at the state level that would require political candidates for state and local offices to make public all contributions in excess of $100.

To gauge public opinion toward government subsidies, this question was asked:

"It has been suggested the federal government provide a fixed amount of money for the election campaigns of candidates for the Presidency and Congress and that all private contributions from other sources should be prohibited. Do you think this is a good idea or a poor idea?"

Here are the national figures and the breakdowns by political affiliation:

[In percent]

	Good idea	Poor idea	No opinion
National	58	29	13
Republicans	44	37	19
Democrats	64	25	11
Independent	60	29	11

Approval of the proposal is widespread among all population groups, but considerable differences in opinion occur between Republicans and Democrats.

Less than half (44%) of GOP voters think financing of campaigns for federal office is a good idea. In contrast, nearly two-thirds (64%) of Democrats like the idea.

Among those identifying themselves as independents, six in 10 think the idea is a good one.

Although current feeling favors the idea nationally by a 2–1 majority, Americans have voted against federal financing of political campaigns in past Gallup surveys.

In December, 1938, and in March, 1940, the Gallup Poll asked this question:

"Instead of the Republicans and Democrats getting their money from private contributions, would you favor having Congress appropriate $6 million each to the Republican and Democratic parties once every four years for campaign purposes with proportionate amounts to minor parties?"

The results:

[In percent]

	Yes	No	No opinion
December 1938	25	58	17
March 1940	32	54	14

The sum of $6 million in 1938 would be equivalent to approximately $26 million today.

Nearly three in four in the survey (74%) said they would like to see a law passed in their state similar to the one recently enacted in New Jersey that requires accounting of campaign funds in excess of $100. Only one person in seven (14%) opposes the proposition.

This question was asked:

"One state has recently passed a campaign financing law which would require political candidates and parties to make public all contributions over $100 received directly or indirectly. Would you like to see a similar law passed in your state which would apply to all candidates running for state and local offices?"

The national figures and breakdowns based on political affiliation are:

	Yes	No	No opinion
National	74	14	12
Republicans	65	20	15
Democrats	78	12	10
Independents	76	14	10

The findings reported today are based on interviews with 1,552 adults interviewed in more than 300 localities during the period June 1–4.

OPPOSITION TO RECOMMENDED PAY RAISE FOR MEMBERS OF CONGRESS

Mr. GOLDWATER. Mr. President, recently a special Federal salary commission recommended a pay increase for Senators and Congressmen of nearly 30 percent. This recommendation comes at a time when cost-pinched Americans are doing their best to make ends meet in the face of rapidly rising cost-of-living items.

Recently a newspaper in my hometown, the Arizona Republic of Phoenix, published a lead editorial entitled "Madness on Potomac." The editorial is blunt and to the point. It not only speaks for itself but for many Members of Congress, myself included, who disagree with the recommendation of the salary commission. I ask unanimous consent that the editorial which was published June 14, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Madness on the Potomac

Members of the United States Senate and the House of Representatives are the only organized working groups who get the nation's highest pay raises by simply not asking for them.

It is a slick technique. And unless cost-pinched voters of America sway Congress with a deluge of outrage, the august lawmakers may pull off another salary coup.

A special federal salary commission has recommended new pay levels of $55,000 per year for senators and congressmen. That's nearly a 30 per cent pay increase over the $42,500 they now receive.

The present salary is 41 per cent over the $30,000 paid up until 1969 when the most recent increase went into effect.

Under rules of Congress, salary increases take effect without approval or disapproval of the members. Thus, no congressman can be accused of seeking a boost. Without any vote being recorded, a congressman might even claim to constituents that, alas, he really didn't want the raise.

One attempt was made in 1969 by Rep. H. R. Gross, R-Iowa, to vote down the raise to $42,500, but House leaders defeated any roll call.

A few voices of reason still rise in Congress. Rep. Donald Brotzman, R-Colo., is attempting to change the rule, and force congressmen to vote yea or nay on any pay raise. Taxpayers would know the nest-featherers at a glance.

But beyond the technique Congress uses to grease through pay raises is the question of equity. Few members in Congress could explain to taxpayers why wages out in the hinterlands are held by law to 5.5 per cent, while Congress can approve its own 30 per cent windfall.

Members of Congress also enjoy excessive emoluments of the office, in relation to the work. Congressional Quarterly notes that the speaking and writing circuit is a gold mine for those who don't want to sit and conduct the nation's business while on the public payroll.

Sen. Hubert Humphrey earned $83,451 in 1971 in speaking and writing fees—while also collecting $42,500 in salary. Sen. Mark Hatfield pulled in $39,338 for speaking and writing. And so the list goes.

Haircuts for congressmen are less than $2, while senators get theirs free. Hospital care at government hospitals is based on a small room charge. Steam baths and swimming facilities are on premises in Washington.

And heaven knows the number of other cost-free services rendered to lawmakers by taxpayers and interested lobbyists and Washington hangers-on.

The hint that a $55,000 pay level is needed is an outrage.

Approving it would be madness.

NEED FOR MANDATORY FUEL ALLOCATIONS

Mr. HUMPHREY. Mr. President, whether the fuel shortage is real or contrived, the serious problems accompanying the inability or unwillingness of oil companies to supply independent distributors are growing more and more critical.

Independent distributors are relied on to supply local public services, bus and other transit authorities, essential fire and police facilities, garbage collection systems, hospitals, and other vital services requiring a guaranteed fuel supply.

Independent distributors also are relied on to supply gasoline, diesel oil and propane to our Nation's farm communities. Without these fuel supplies, food will be scarce, farmers will face financial ruin, and consumers will be paying exorbitant prices for groceries to feed their families.

The relationship between food and fuel has never been more evident than it is in this year of 1973. Farmers have planted an additional 40 million acres. These new acres have gone into corn, soybeans, wheat, and cotton—all of which take large amounts of fuel for the planting, plowing, harvesting, processing, drying, and the movement of crops to market. A delay at any point in the food production process can jeopardize the entire crop.

For example, if there is an interruption in fuel supply when farmers are drying either corn or soybeans—that goes beyond 24 to 48 hours—the crop is destroyed. There is no crop. All you have is something for silage.

All that is needed is a drop of from 10 to 15 percent in production of corn and soybeans and we will have an international food crisis.

Mr. President, the Department of Agriculture estimates fuel needs for June were about 615 million gallons of gasoline, which is about 8 percent higher than for June a year ago. Furthermore, the use of diesel fuel has skyrocketed 19 percent over the past year.

The voluntary fuels allocation program is based upon the amount of fuel used in 1972. It does not take into account the fuel farmers need for the additional amount of acres that have been planted.

It is urgent that the administration act immediately to begin a mandatory fuels allocation program. The voluntary program has not been working. Most persons who testified at the recent hearings before the Oil Policy Committee urged a mandatory program. They did so not with any great sense of happiness. They did so because there is no other alternative.

Since mid-May the Office of Oil and Gas, which is administering the voluntary allocation program, has received more than 1,058 formal complaints from all across the Nation. That Office is trying to find solutions to these problems, but it is understaffed, and each day more complaints are registered.

We obviously need a mandatory plan with some teeth in it. We cannot continue to permit reports of shortage to gather dust in some office in Washington while the farmer goes without the fuel he so desperately needs.

I have received reports that the administration plans to announce a mandatory program in the near future. I certainly hope these reports are accurate, and that a mandatory plan is put into effect immediately.

Not only is a mandatory plan urgently needed now to assure that the Nation's vital services get the fuel they need, it is also urgently needed because oil companies now are sounding warnings about home heating fuel shortages next winter.

Fuel shortages next winter would affect not only homes but also schools and hospitals and industry itself.

I ask unanimous consent that two newspaper articles relating to the subject of the fuel shortage be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, June 13, 1973]

Heating-Oil Shortage—Outlook Is Tight

(By John Dillin)

Atlanta.—Americans who heat their homes with fuel oil could experience supply shortages for the first time next winter because of the energy crisis.

It is conceivable, officials say, if the winter is very cold, that some homes could run completely out of oil—but they discount that chilly prospect as unlikely.

The Midwest appears most vulnerable to shortages, with the Northeast also in some danger.

Well-informed sources in government and industry disagree somewhat on the seriousness of the heating oil situation. Some are guardedly optimistic, while others say the supply outlook gets grimmer the more one studies it.

Meanwhile, the Justice Department Tuesday filed an antitrust suit against Texaco, Inc., and an independent refiner claiming they entered into an agreement to restrain the sale of gasoline to independents.

Ron Streets of the American Petroleum Institute emphasizes the brighter side: "Right now our distillate [fuel oil] picture looks pretty good. Our stocks are 11 or 12 million barrels [about 10 percent] above this time last year. I don't think there will be as severe a problem next winter as we had last winter."

ANOTHER VIEW

On the other side is Lawrence Goldstein, economist, of the Petroleum Industry Research Foundation, Inc. "We see a problem." he says, "a whole host of problems. It could be very bad toward the end of winter."

A variety of factors weigh on the fuel-oil supply and make analysis difficult.

"You will get conflicting opinions," says Robert Nespeco, staff engineer with the National Oil Fuel Institute. "There's no easy answer. There are so many variables."

James West of the U.S. Office of Energy and Minerals says the outlook is "not too clear for November and later. It looks as if it will be tight—perhaps not as tight as last year. We're hoping we don't get the same early cold weather in the Midwest this year," he adds.

ORDINARY SCHEDULE

Ordinarily fuel oil reserves would start growing now during warm weather months and would reach a peak in October prior to the heating season. Gasoline stocks normally peak in March prior to the summer driving season.

However, as fuel supplies have tightened, this tidy schedule has started to go awry. Peak production schedules for fuel oil this spring had to be extended beyond optimum dates because of shortages. This threatened summer supplies of gasoline.

If gasoline supplies run severely short late this summer, high levels of gasoline production will have to be extended into the fall, thus threatening the winter fuel-oil supply.

Last winter, says Mr. Nespeco of the National Fuel Oil Institute, no regular fuel-oil customers were denied normal supplies. But a number of potential customers who wanted fuel on an emergency basis were turned down.

FACTORS INVOLVED

Analysts will be watching several areas, any one of which could either help improve, or worsen, the fuel-oil outlook, Among them:

Imports. President Nixon has thrown open the gates to foreign oil in hopes of alleviating the energy squeeze. But very little oil may be available.

Europe presently has most of the world's unused refinery capacity. The continent's refineries primarily produce distillate fuel oils (like home heating oils) and high-sulfur residual oils of the type used in power plants.

Stringent U.S. restrictions against high-sulfur oil will keep out Europe's residuals, and some analysts express doubts that Europeans will be willing to produce and sell much additional lightweight oil for U.S. use while Europe builds up massive surpluses of residuals. In Europe, residuals comprise about 30 percent of each barrel of refined oil.

Weather. Most sources agree that if next winter is extremely cold there will be supply problems. Only the severity of those problems is in doubt.

Conservation. U.S. motorists could end the fuel squeeze overnight if they would more carefully ration their driving. Every gallon of gasoline saved this summer means another gallon of fuel oil available next winter.

Natural gas. Supplies are expected to remain unchanged from last year, when numerous industries were forced to shut down temporarily because of gas shortages. Continued shortages will drive additional industries in search of fuel-oil substitutes.

Public utilities. Rising electrical consumption is further squeezing supplies. Utilities have been forced by law to replace high-sulfur coal and residual oil with lighter, cleaner distillates, especially along the East Coast.

For the customer, all of this certainly means higher prices as U.S. firms scramble in the crowded world markets for any available oil. For homeowners in the Midwest and Northeast, it also may be a signal to fill your oil tanks now, before the cold weather rush begins.

[From the Washington Post, June 7, 1973]

CITIES ACROSS UNITED STATES CUTTING FUEL USE

(By Susanna McBee)

Caught in a tightening fuel pinch, cities across the country are paying skyrocketing prices for gasoline and heating oil, and some are cutting back on the use of municipal cars.

"Unless the urgent fuel needs of the nation's cities are immediately met, cities will be unable to perform their essential governmental functions and services," the National League of Cities and U.S. Conference of Mayors said this week. The League and Conference represent 15,000 municipalities.

One city, San Antonio, Texas, began yesterday to reduce lighting in city buildings—including police and fire departments and libraries—by 50 per cent because of a shortage of natural gas, which fuels its municipal electric utility plant.

San Antonio officials have set city building thermostats at 78 degrees, instead of the usual 70 to 72 degrees, to cut air conditioning costs. They have also shortened the hours that street lights are burning and have stopped lighting parks and ball fields that are not in use.

In Seattle, Washington, the police department has cut by one hour the time that patrol cars are on the street during each eight-hour shift. Instead of driving, officers must walk beats during that hour.

Other city departments have been ordered by Mayor Wes Uhlman to cut gasoline consumption by more than 15 per cent. His order came last month after the Union Oil Co. notified the city that its gasoline allocation of about 2.3 million gallons a year would be cut in 15 per cent.

In Los Angeles, where municipal gasoline costs are expected to exceed $3 million this year compared with $2 million last year, all departments, including police, have been asked to double up on auto travel and cut gas use by at least 10 per cent.

Purchasing Director Warren L. Lintz said the new policy means that police "will make one trip rather than two on non-emergency calls such as investigations."

Norfolk, Va., City Manager G. Robert House Jr. has asked department heads to recommend ways to cut gasoline consumption. He expects all departments except police and fire to make the cuts.

The city has asked for at least eight bids from gasoline suppliers and so far has received no definite bid. Its chief supplier last year, British Petroleum, has offered only a month-to-month allocation guaranteeing only 70 percent of what the city received in 1972.

Robert M. Martin, purchasing agent for Lynchburg, Va., faced with a .25 per cent increase in regular-gasoline costs, has asked all city departments, including police and fire, to reduce nonessential travel. Firetruck drivers will no longer idle their engines for long periods, and police will not run their engines while listening to their two-way radios, he said.

So far city cutbacks seem relatively minor, and President Nixon's energy adviser, Charles J. DiBona, assured Congress yesterday that the fuel shortage will not interfere with essential municipal services.

However, many cities are reporting that they are forced to pay gigantic price increases and are facing continuing shortages.

Detroit, for example, paid 47 per cent more last month than it did in May, 1972, for gasoline. "Our requirements for this month are covered only up to the 15th," said Art Cope, commissioner of purchases and supplies. "Normally we're six-months ahead."

Carl Riedy, Detroit's representative in Washington, added, "We have no guarantee on price, no guarantee on delivery. The oil companies really have us over a barrel."

Cincinnati is paying 35 per cent more for gasoline this year than it did last year and 13 to 35 per cent more for diesel fuels.

Lakewood, Colo., a city of 120,000 people near Denver, is so low on gasoline that it is sending its cars and trucks to local gas stations, where they have to pay retail prices.

City Administrator Walter C. Kane said Lakewood had a one-year contract with Gulf Oil Corp. signed last June, "but the company reneged last November and said, 'If you don't like it, you can sue us.' Now we're down to 600 gallons for a fleet of 200 police cars and other vehicles, and there's no other source in sight."

Philo Hutcheson, Gulf's spokesman here, said the contract was dropped "because we had really critical supply problems." Noting that a substitute Lakewood supplier had also stopped selling to the city because of supply problems, Hutcheson said Gulf "is taking another look" at picking up its old contract.

The District so far has been unaffected by the fuel shortage except for a nearly 3.5-cent increase that the Metro bus system is paying for diesel fuel.

"TAKE A NEIGHBOR TO WORK" DAY

Mr. TOWER. Mr. President, today is "Take a Neighbor to Work" day in Houston, Tex.

Several months ago, the 50-member Teen Council of Foley's Department Store submitted to the Honorable Louis Welch, mayor of Houston, a proposal for declaring 1 day as a carpool day in the city in order to focus the citizens' attention on the city's transit problems and involve them in a project highlighting the critical issue of urban transportation. The Teen Council has now been joined by a number of civic organizations, such as the League of Women Voters, Citizens Environmental Coalition, and the chamber of commerce, in making this day a success.

The Houston-Galveston area has been designated by the Environmental Protection Agency as one of this country's urban areas with serious problems in meeting ambient air standards because of its transportation situation. I am pleased to see the citizens of this city make a community effort to become informed and the encouragement of every citizen to do something about it. Carpooling is definitely a step in the right direction and I think that the city of Houston, and especially the Teen Council, should be highly commended for its efforts.

GENOCIDE—CRIME AND PUNISHMENT

Mr. PROXMIRE. Mr. President, it is essential, when considering ratification of the Genocide Convention, that we understand what specifically constitutes the crime of genocide. As spelled out in article III of the treaty, the following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Once it is understood what acts may be punished, the question that logically follows is one of who will be punished. Article IV states:

> Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

THE EMPHASIS IS ON "PERSONS"

Clearly, the article stresses that persons, as opposed to governments, would be punished. However, it is the government's responsibility to see that the culpable people are punished, be they constitutional rulers, public officials, or private individuals. Although it is doubtful that genocide could be carried out without the approval of the government of the country in which it took place, it is simply unrealistic to believe that a government actually can be punished.

Looking at this matter objectively, the Senate Foreign Relations Committee stated this year:

> There is nothing the international community could effectively do to prevent and punish government-instigated genocide in any case.

Of course, charges may be made to the United Nations or to the International Court at The Hague, but all that these bodies are usually able to do is bring moral pressure on the offenders. While a successor government could press charges against its previous government's officials for genocidal actions, there is no way to punish a government in power.

The importance of the Genocide Convention is that it pledges those nations which have ratified it to look upon genocide as an international crime to be prevented and punished. Over 75 other nations have already ratified this outstanding human rights document. Mr. President, I urge the Senate of the United States to delay no longer in assenting to this treaty.

AMERICA'S NEED FOR EXPANDED INTERNATIONAL TRADE

Mr. GOLDWATER. Mr. President, I doubt if there is a single Member of this body who will dispute the claim that the United States has a great need for expanding its international trade.

As our dollar difficulties deepen on foreign exchanges, it becomes more important than ever that our trade reflect a favorable balance for this country in the months and years to come.

In recognition of this need, Mr. President, the Nixon administration has proposed a "Trade Reform Act of 1973" which includes sweeping recommendations for meeting this difficult problem.

Mr. President, while I recognize the need for expanded international trade and endorse the concept of freer trade abroad, I am also concerned with fair treatment for American products overseas. In this connection, my most immediate concern is for the removal of some unfair restrictions which exist abroad against the sale of Arizona citrus products.

And, Mr. President, while I have some reservations about certain portions of the Trade Reform Act, I recognize its enormous importance to the future of our economy. Recently, I came across an exceptionally well-written speech on the Trade Reform Act which I believe should be read by all Members of Congress. The speech, entitled "America's Need for Expanded International Trade" was delivered April 25 at Jefferson State Junior College in Birmingham, Ala., by Mr. J. Dapray Muir, assistant legal advisor for economic and business affairs in the State Department. I ask unanimous consent that this speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AMERICA'S NEED FOR EXPANDED INTERNATIONAL TRADE

As the President has remarked on so many occasions, the world has entered into a new era in which there are new mediums of international competition. Hopefully, war and preparations for war will become passe, and alliances and security arrangements will occupy ever decreasing attention from our policy planners and diplomats.

Few governments are any longer dominated by elites who justify their position by expertise with arms. Most governments—whether Eastern or Western, whether capitalist or communist—reflect the need of business and economics, for which markets and profits are more important than victories and colonies. The new elites are motivated by the same objectives: domestic prosperity and a high standard of living for their people. Attainment of these goals involves certain conditions, however, for which nations must increasingly compete. These include access to raw materials, access to advanced technology, access to capital investment, high wages, and sufficient exports to sustain a favorable balance of payments.

The United States is no exception to these conditions, but for the first time, it is required to actively compete. No longer is "fortress America" economically feasible. The United States is no longer self-sufficient in a growing number of raw materials on which it depends. These include petroleum, aluminum, chromium, natural gas, and lumber. Our technology is no longer unique and unaccessible. New steel processes only recently being adopted for United States production were developed in Western Europe and are a part of their existing plant; the Japanese and French are well advanced in the design and development of computers; and the newest developmental work in aviation, supersonic transport, has been undertaken by a joint venture of England and France. Indeed, capital investment is no longer assured; domestic industries must compete for investment dollars with business opportunities all over the world, and, as in the case of steel, additional investment may be threatened where there is fear of increased imports of competitive products. Finally, our exports no longer pay for our imports. In 1972, our trade deficit exceeded $6 billion.

These circumstances, most of which are new or at least of new proportions for the United States, pose a challenge to our very way of life. We can no longer be assured that our goods will be competitive in world markets; that we can export sufficient quantities of goods to pay for the imports of raw materials necessary to our economy; or that we will continue to have infinite quantities of reasonable priced energy.

President Nixon has recognized these challenges from the outset of his administration. During the four years in which he has been in office, he has taken a number of important steps to insure that the United States and our way of life can survive these major changes in circumstance. I am going to mention but a few.

As the markets in Europe and Asia have become increasingly competitive and in some cases protectionist, the President began to look around for new markets for American exports. He observed that two of the greatest economies in the world—that of the Soviet Union and of mainland China—were effectively barred to United States trade, by virtue of misunderstandings and legal constraints which in many cases were no longer justified by evolving political relationships. In May of 1972, President Nixon personally visited the Soviet Union, and in his meetings with Brezhnev and Kosygin, ways of opening this vast market to United States goods were among the most important matters discussed. It was agreed that a joint commercial commission would be established to explore means of developing trade between these two countries. There quickly followed a trade mission to Moscow and Warsaw, and in October, 1972, an agreement was signed which seeks to eliminate the principal legal barriers to such trade and to develop a framework which would be conducive to increased commercial contacts between these two great economies. Export-Import Bank credits were extended by the United States and a promise was made to seek repeal of 1948 legislation requiring discriminatory tariff treatment for products by the Soviet Union. In return, the Soviet Union would assure nondiscriminatory tariff treatment for U.S. products, and would also facilitate the operations of American companies seeking to do business in Moscow, including concessions relating to offices, employees, and settlement of commercial disputes.

The importance of trade between the U.S. and the Soviet Union cannot be overemphasized; the Soviet Union is a reservoir of vast quantities of raw materials of interest to the U.S.; and its market potential for consumer type products and machines for making such products is immense. Its interest in our consumer type products and technology is reflected in the tableware factory being constructed with American machinery in Kiev; in addition, natural gas contracts are being considered by Occidental Petroleum.

For these reasons, the nondiscriminatory tariff treatment for Russian products which is the precondition for the increased trade contemplated by the October Trade Agreement, and which the President has, in his Trade Reform Act of 1973, requested Congress to enact, are of great importance.

The Trade Reform Act which was submitted by the President two weeks ago, is of great importance to American exports in another respect, as well. This Fall, negotiations for the liberalization of international trade will begin among the major trading countries in Geneva. While tariff duties on a number of products have been reduced through negotiation over the past twenty-five years, there remain a number of tariff barriers of great concern to U.S. industries, and an increasing number of barriers to U.S. exports which do not involve tariff duties. These latter include practices ranging from quotas for certain U.S. products to customs practices which cause delay in shipments. The bill which the President has just submitted will give him the authority to negotiate with these countries for the elimination of such barriers—both tariff and non-tariff. His power to independently negotiate mutual agreements as to tariffs would extend for five years; agreements as to the elimination of nontariff barriers, which usually involve complicated collateral considerations, would become effective only with the acquiescence of Congress, except for a few matters closely related to the assessment and collection of duties, which he would be entitled to adopt independently. This legislation will also empower the President to take certain steps against imports from countries which unfairly discriminate against U.S. exports and from countries which obtain a competitive advantage in third-country markets by subsidizing exports. While similar provisions have long been a part of our laws, the new act will expressly permit the exercise of such powers in the event of a balance of payments crisis and will otherwise make refinements and amendments necessary to increase their effectiveness.

In recent weeks, the President has also sent forward a message to Congress outlining new policies with respect to our energy needs. As I mentioned earlier, the United States is required to import increasing quantities of petroleum from the Middle East and elsewhere. These imports entail important security considerations—the same considerations which led President Eisenhower in 1958 to impose limitations on the quantities of petroleum which could be imported into the United States. For example, how would we protect, in case of an emergency, the vast numbers of tankers which will be required to ply extended sealanes between the United States and the Middle East? Now, however, new discoveries within the United States have been unable to keep up with increases in our demand for petroleum, so that increased imports are a necessity. In recognition of this, the President has essentially terminated the quota limitations, admitting whatever quantities may be needed. In order to curb inflation, he has eliminated tariffs on petroleum, imposing only certain license fees on imports previously barred by the quotas. The President recognized, however, that our balance of payments situation, as well as the national security considerations which I have just mentioned, make it increasingly important to limit our dependence on foreign petroleum. For these reasons, he announced a major increase in funds for development of alternative sources of energy available domestically. These include geothermal sources, coal liquifaction and nuclear fission and fusion. In the interim he has urged the simplification of licensing procedures for new plants utilizing existing nuclear technology, and that for the interim, there should be greater reliance on coal, of which we have an abundance. To increase the development of domestic natural gas resources, he has requested that natural gas from newly discovered sources be permitted to be sold at unregulated, market prices, which will be somewhat higher than the current regulated price. This economic incentive should result in increased exploration by our domestic natural gas producers.

Lastly, but not least in importance, he has urged a new "energy ethic", in which conservation will be part of the thinking of each and everyone of us.

The disparity of national interests with respect to exports and imports and with respect to access to raw materials is infinitely preferable to armed conflict—let there be no misunderstanding, however, but that economic competition is no less real. What is at stake is our standard of living, our way of life, and for these reasons, regardless of how remote international trade may seem, these initiatives are deserving of your interest and support.

THANKS TO SUPPORTERS OF WALK A MILE FOR YOUR HEALTH DAY

Mr. PROXMIRE. Mr. President, over the past few months I have been involved in an effort to persuade Americans to get in shape and keep healthy. This effort will culminate next Sunday on Walk a Mile for Your Health Day.

Preparations for this day, particularly the efforts to publicize it, involved work a Senator is not usually familiar with. The successful results we have had so far could not have been realized without the help of a number of people who contributed their expertise, their time, and their resources to further Walk a Mile for Your Health Day.

First, eight of my distinguished colleagues here in the Senate, of all political persuasions, took a few minutes last week to walk here in Washington to demonstrate their commitment to health and hopefully to persuade others to do likewise. Senators Harry F. Byrd, Jr., Lawton Chiles, Jacob K. Javits, Mike Mansfield, George McGovern, Gaylord Nelson, Bob Packwood, Strom Thurmond and myself made the walk, and I am sure many others would have joined us had their schedules permitted it.

The endorsements and assistance of four major health and fitness organizations have also been of great value. The President's Council on Physical Fitness and Sports, long known and respected for its many fitness and sports programs, received the idea for Walk a Mile for Your Health Day warmly and on short notice. Its director of information, V. L. Nicholson, was most helpful with advice and support. The American Heart Association and two of its staff in New York, Paul Archambault and Irv Lewis, helped with an endorsement from executive director William Moore, and with publicity advice and assistance. The American Medical Association through Howard Lee Cook, in Washington, expressed its official endorsement through Dr. Ernest B. Howard. The Amateur Athletic Union and its president, David Rivenes, were also enthusiastic and helpful.

Two individuals also aided very substantially with time, resources, and expertise. Robert Rodale, the respected publisher of health and other periodicals from Emmaus, Pa., was generous with his enthusiasm and support. Without his help, television publicity for the day would have been scanty. Jim Truelove, public service director for WRC–TV, the Washington-area NBC affiliate, was unstinting with his advice and efforts to develop and execute a good radio and television publicity campaign.

Members of the press and the Senate Recording Studio also were of great assistance.

Perhaps most thanks is due, however, to the young man who started the idea: Bruce Ruska, of Chatham, Mich., who was so inspired by a walk down a country road last January that he wrote me a letter about it, suggesting the day. I liked the idea on the spot.

To tell of these individuals and organizations, I extend my gratitude. Hopefully we will be able to continue this effort next year to maintain an American interest in physical fitness and health.

WILLIAM WARDER OF LAS VEGAS, N. MEX.

Mr. DOMENICI. Mr. President, earlier this month the Senate voted overwhelmingly to authorize several million dollars in Federal assistance to the arts in our country. I believe this historic event came about largely from the realization that our citizens have a largely untapped creative instinct often ignored in our educational institutions and in our homes.

One person in the State of New Mexico has had a large role in awakening our residents to the importance of the creative side of ourselves. Mr. William Warder, the artist-in-resident with the local schools in Las Vegas, N. Mex., under the National Endowment for the Arts has opened the spirits of our young people—reminding them of their potential as human beings.

When Mr. Warder speaks of his work with the young people, he uses such phrases as "recognizing the creative nature of people," "creativity should be developed in each person—not only in the obvious arts, but in our thinking," "the arts are more than just 'frill' to a school curriculum; more than just 'subject matter.' "

A recent report by the Office of Education was more than supportive of Bill Warder's program in our State. I would like to quote from one segment of the report:

> This program has placed a more significant meaning of the function of an art program than do the existing concepts held by educators or the agencies subsidizing this program. The meaning of an art program as presented in this report is essentially as a human development effort as opposed to the idea that art is a subject or an aesthetic area of experience or enrichment for people. The presentation has been that art is an opportunity for developing the really important human trait of creativeness and individuality which is so dismally neglected by the rest of the educational process. It has been presented less as art and more as life, less as artist and more as human being, so that the specifics of painting and painter are subordinated to the particular gift and nature of each individual. The result desired being the development of self-realization, dignity, self-worth, and personal pride.

Bill Warder has had the thanks of his many students and colleagues for his contributions and for his philosophy of life. I would like to add my own appreciation at this time.

LAST VETERAN OF U.S. INDIAN WARS

Mr. HARTKE. Mr. President, on Monday June 18, 1973, Fredrak Fraske, the last known surviving veteran of the Indian Wars died in Chicago at the age of 101.

Mr. Fraske's service antedated that of all 29 million American veterans alive today—one of every seven of the population—who are veterans of all wars past and present.

Mr. Fraske symbolized the millions of people who came to this country seeking a better way of life and who were willing to expend their abilities toward that goal.

It is after the guns fall silent that veterans like Fredrak Fraske returned to their homes and quietly assumed the responsibility to engage in a much greater endeavor—the struggle to bring peoples of divergent races and beliefs to live and cooperate together, and to eliminate all remaining traces of vengeance, acrimony, and bitterness. This is an endeavor in which this Nation is still deeply involved.

Mr. President, I ask unanimous consent that an article that appeared in the Washington Post of June 21, 1973 on the passing of Fredrak Fraske be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Last Known Veteran of U.S. Indian Wars

(By Jean R. Hailey)

Fredrak W. Fraske, the last known surviving veteran of the Indian wars, died Monday in Chicago. He had marked his 101st birthday in March.

Not a particularly talkative person, Mr. Fraske had more or less shrugged off the role he played in helping to serve his country.

"The Indians weren't bad eggs. Not more than anyone else, other than they've been abused. They were very fine people. We had no serious trouble with them," he said in a 1966 interview.

Actually, he was never involved in any major battle with Indians. He said about the "wildest" thing he had to say about the "Wild West, was that the soldiers and residents were not so tame.

"Cheyenne was quite a wild town. Cowboys and soldiers going into town would get into scrapes and shoot out all the lights, and generally cause havoc," he explained.

Mr. Fraske had served at Fort Russell near Cheyenne. Born in Posen, Germany, he had immigrated to this country and enlisted in the Army at the age of 21 because he "needed a job" to help his mother support a family of seven. His salary then was $9 a month.

He enlisted for a five-year term in 1894 but was discharged earlier than his full term in 1897 because the Indians had become peaceful by then.

His discharge noted "service honest and faithful." Most of his service was as a medical corpsman. He was a private in F Company of the 17th Infantry Regiment.

He recalled once that his unit was sent to Idaho in 1894 to send some Indians back to a reservation at Pocatello, and the mission was successful and peacefully accomplished. As Mr. Fraske said, there was "no shooting, no prisoners, and no trouble."

Mr. Fraske became a naturalized citizen after his discharge and worked as a painter until he was 65, when he was prohibited by union rules from climbing scaffolds.

He continued to work then as a building guard until he was 88. Almost blind at the time of his death, he had lived with his daughter, Lillian Fraske, in Chicago for many years.

Although he remained in her home instead of going to a Veterans Administration hospital, he received special VA care.

"He didn't know too much about today's world. When the men went up to the moon, he said, "What are they doing there? We aren't throwing garbage on their heads. Why don't we leave the moon alone," Miss Fraske said.

President Nixon, in a message to Mr. Fraske on his 100th birthday, said homage must be paid to "the heroes of the past whose sacrifices made possible the America we have today."

Donald E. Johnson, administrator of Veterans Affairs, commented yesterday:

"The death of Mr. Fraske marks the end of an era in our history. It was men like Mr. Fraske whose gallant service to this nation helped to develop the West and unite our entire country into one nation—a citadel for free men."

THE DEATH OF MERCER BRISSEY

Mr. THURMOND. Mr. President, last month, the people of South Carolina lost an outstanding public servant, Coroner Mercer Brissey of Greenville. I knew Mercer for many years and he possessed all the qualities of leadership, integrity, and courage. His untimely and tragic death will be mourned by his friends and constituents for many years to come.

An editorial about Mercer Brissey recently appeared in Insight, a magazine about Greenville County. Mr. President, I ask unanimous consent that the article entitled "Brissey Was One of the Best Liked Public Officials," which appeared in the June issue of Insight magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRISSEY WAS ONE OF THE BEST LIKED PUBLIC OFFICIALS

Mercer Brissey was one of Greenville's most universally liked citizens who had attained public esteem over the years as a solid business man, a churchman, husband and father, a community leader who gave freely of his time and energies to many things, such as chairman of the March of Dimes for crippled children, as commissioner for the Wade Hampton fire district, and in his public capacity as coroner for Greenville County.

He had been only a few months into his second term as county coroner, a job which required him, day and night, to view death in its many and ofttimes terrible forms at the scenes of violence and determine their causes.

It was ironic that violence came to him for the last time in his life in early May, violence in the form of a brutal beating by four angry young long-haired men that might have contributed to his untimely death at the age of 54.

Brissey had been bothered by a heart ailment for nearly two years and was under a physician's care when tragedy struck him at the garage and wrecker service he owned and operated with his brother in downtown Greenville.

Brissey had, on that fateful morning, attended the trial of Highway Patrolman Paul Ferrell in the traffic death last Dec. 12 of Thomas A. Thackston as part of his duties as coroner. When Ferrell was cleared of blame, Brissey crossed the courtroom to talk quietly with Thackston's widow. It was a characteristic example of Brissey's compassionate nature, which he had demonstrated on many occasions.

Then, instead of returning to his office downstairs, he, for some reason, decided to drive over to his garage.

Many say it was the finger of fate that pointed the way.

The four angry young men drove up while Brissey was there. They demanded the automobile belonging to one of them, a car that city police had ordered pulled in by Brissey's wrecker service until the proper owner cleared it through the police department. Police had noticed two of the young men pushing the car on a road and, since neither of them could show a registration paper for it, the police ordered it pulled in.

Brissey explained to the four callers that he could not let them take the car until they had cleared it with the police department. They argued and witnesses said they began cursing Brissey, who then ordered them to get off his property. Witnesses told police the men attacked Brissey, beating him with their fists, a two-by-four board and a broom handle. An employee went to help Brissey and he was also beaten, police said.

When police arrived in response to an emergency phone call they blocked the car of the four men as they attempted to escape in it. Police said Brissey was bleeding about the head and face and told them, "Arrest them all." He then collapsed without another word. He was pronounced dead at the emergency room upon arrival there.

An autopsy revealed that Brissey had died of a heart attack following the fight. The four men were charged with murder in warrants signed by city police and were released on bonds set by Judge Frank Eppes pending trial. However, attorney Richard James, representing three of the accused, said it could not legally be more than simple assault since Brissey died of heart failure and that he intended to move later for a change of venue (to move the trial elsewhere) because of prejudicial publicity. These are matters to be ironed out by the circuit solicitor and judge and finally the jury.

The accused men are Donnie Woodrow Galloway, 23, of Easley, who is represented by attorney G. Ross Anderson of Anderson; Larry Guy Adcox, 25, and Robert Carl Robinson, 23, both of Easley, and Ferninande Santana, 23, of Greenville and formerly of New York, who are represented by James and attorney Jack Lynn.

Immediately following his death Brissey was eulogized in a resolution by Greenville legislators and was passed by the South Carolina House and Senate describing him as a humanitarian of high character. The resolution said Brissey "earned the admiration and respect of all those who knew and worked with him. He was a fine human being who cared deeply for his fellow man. The example he set as coroner for Greenville County will serve as a guide for all those who wish to pursue a career of public service."

Brissey's secretary, Mrs. Marjorie R. Summey, wrote feelingly to Insight's editor: "Mercer Brissey was a wonderful employer as well as a sincere and honest coroner. It was my privilege to have been his secretary for only one year, but in that time I gained a great respect for his stamina in spite of his heart condition. Let me say, too, that he felt great compassion for the families of each and every victim of crime or traffic. He took time in his busy schedule to write letters of personal condolences to as many families as he possibly could. No one man could have done more, and we all will miss him."

This writer can add little but to echo those sentiments, having known and admired Mercer Brissey since boyhood, having grown up in the same neighborhood, played sandlot baseball with him and in later years felt a glow of pleasure every time our paths would cross in business or pleasure. He was a proud, courageous and useful man who deserved a better fate than the tragedy he met at the end of his life.

PHASE IV WAGE-PRICE CONTROL PROGRAM URGENTLY NEEDED

Mr. PROXMIRE. Mr. President, the adoption of an effective phase IV wage-price control program is one of the most urgent requirements before the country. Moreover, time is of the essence; we cannot afford delay.

Prices continue to skyrocket upward both on the wholesale and retail level. The dollar continues to flutter downward—obviously because foreign institutions and individuals are more disenchanted than ever with U.S. capability to put its own house in order. Labor is growing more restive by the day as their real wages decline—a result of the fact that phases II and III were much more effective in holding down wage increases than in holding down price increases. As a matter of fact, price increases accelerated during phase III. Since phase III was announced in January, consumer prices have risen at an annual rate of 8.4 percent while wholesale prices have skyrocketed at an annual rate of 20.7 percent.

The Joint Economic Committee spent approximately 1 month in hearings on the subject of stabilization policy during the past year and the banking committees of both Houses likewise invested heavily of their time in enacting legislation authorizing the President to impose controls. Yet, the problem continues unabated and, in some respects, is worse than ever.

As I have said many times, this Nation cannot afford the kind of defective wage-price operation that we have tolerated from the administration. It is obvious to a great majority of competent observers that a more complete, more equitable and better enforced program must be put into effect as soon as possible.

I would like to call to the attention of my colleagues a most interesting article in the June 23 issue of Business Week entitled, "Tougher But More Selective Controls." Among other things, it states that the forthcoming controls will be more selective than before, concentrating on industries showing major inflationary pressures, and that there will be more emphasis on actual price increases rather than on profit margins which under the previous programs proved too broad a net to limit sharp increases on specific items. The article also indicates that the investigation and enforcement aspect of the program will be beefed up and that IRS has added 1,000 new staff.

If these predictions are true, they are welcome. All the evidence that I have seen indicates that the program up to now has been much too weakly enforced.

Violations are widespread and follow-up is most inadequate. So far as profit margins are concerned, they, too have been a failure. Clearly, they have not prevented sharp increases on important commodities and they give rise to additional inequity in the sense that they permit the bigger company much greater freedom to increase individual prices than the little fellow.

In respect to concentrating on the problem areas, the Joint Economic Committee has recommended on numerous occasions that any wage-price program must concentrate on the large units for the obvious reason that they have tremendous market power, and on those other industries that give rise to particular problems. Lumber is a case in point. I would hope that the administration comes to recognize the validity of this approach.

Mr. President, I ask unanimous consent to have the article reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOUGHER BUT MORE SELECTIVE CONTROLS

As President Nixon's battered wage-price controllers take advantage of the 60-day freeze to design Phase IV, the outlines of control policy are still more shadow than substance. But there are already some suggestions of what businessmen may be living with:

Exceptions to the price freeze may be easier to get than they were in the 1971 freeze because the economy is tighter now.

The freeze itself may be ended selectively instead of across the board and all at once.

Phase IV price controls will be more selective than before, concentrating on industries that show major inflationary pressures.

There will be more emphasis on actual price increases than on the profit-margin rule, which under Phases II and III allowed price hikes within certain limits that left a lot of discretion to businessmen.

Formal consultations on the new controls effort will begin next week, with a meeting scheduled for Tuesday at the office of Herbert Stein, chairman of the Council of Economic Advisers and a member of the Cost of Living Council. The guest list now includes a wide cross-section of the economics profession: Hendrik Houthakker, former Republican CEA member; Paul McCracken, Nixon's first CEA chairman; Alan Greenspan, president of Townsend-Greenspan & Co. and an adviser to President Nixon; Arthur Okun, CEA chairman under President Johnson; Kermit Gordon, CEA member under President Kennedy; Arnold Weber, CLC executive director during Phase I; and C. Jackson Grayson, Jr., head of the Price Commission on Phase II. The meeting, scheduled from 10:30 a. m. to 3:30 p. m., probably will include other Administration insiders.

The responsibility. The ultimate form of Phase IV, of course, will be up to the President, apparently with considerable advice from his new key White House adviser, Melvin Laird (page 97). But the tough job of designing the program and clarify the options remains under John Dunlop, director of the CLC. Indications are that Dunlop will delegate some of the price-policy tasks to a new and relatively unknown official: John W. Larson. A 37-year-old former White House official with an undergraduate degree in economics, Larson was about to leave Washington this month to return to his California law practice when Dunlop flagged him down.

CLC insiders were not certain how much authority Larson might be given, but speculation ranged from the job of coordinating consultations during the development of Phase IV to a much more sweeping role in administering the newly evolving price policy. In recent months, Larson has earned Dunlop's respect for shaping one of Phase III's few successes, the effort to turn lumber prices down by federal action to boost supply. Before that, Larson worked as Assistant Secretary of Interior and, briefly, as chief of staff for Agriculture Secretary Earl Butz in his capacity as counselor to the President on natural resources.

Larson's approach to controls seems to parallel that of his likely new boss, Dunlop. He prefers to work out inflationary problems primarily on an industry-by-industry basis, once the fundamentals of fiscal and monetary policy have been set properly.

Collecting data. Meanwhile, the raw material on which the price controllers will base their Phase IV decisions is filtering into Washington. It comes from quarterly reports (form CLC–2), which the nation's 800 largest companies—those with sales of $250-million or more—had to file with the CLC by June 21. To supplement this, CLC has ordered 2,300 smaller companies, with sales of $50-million or more, to file similar data by June 30.

This information goes to the CLC's Office of Price Monitoring, where it will be used to get a better fix on where inflationary pressures are worst and to help launch Nixon's promised "profit sweep" to find violators of the Phase III rules. By mid-July, says Bert Concklin, head of the freeze operations, Internal Revenue Service investigators will be checking facts and books at corporate headquarters. IRS has 3,000 field men to do this work, 1,000 of them recently added to its staff.

Two industries—chemicals and electrical machinery—already have been mentioned as candidates for price roll-back orders. Others, say some Washington sources, include rubber, fertilizer, nonferrous metals, manmade textiles fibers, and paper.

New approach. As Phase IV materializes, it is certain to involve new rules and perhaps new regulatory bodies in specific problem industries. Part-time Presidential adviser John B. Connally said Wednesday that Phase IV may involve "a different approach this time." He went on, "I think mandatory controls might well be placed on various industries where the greatest problems exist over a long period of time."

Economists have been saying for months that the current siege of inflation is reminiscent of the early Korean War period, when an industry-by-industry approach to price stabilization was imposed. And though no one in the Administration is talking about price-setting item by item, the idea of looking at key industry prices rather than profit margins seems to be gaining favor. Says one top CLC official: "There's a lot more interest in that than there used to be. The other way didn't work."

The fate of the profit-margin rule is the big question. Created in the early days of Phase II, the current version generally forbids companies to boost average prices by more than 1.5%, since the beginning of Phase III, if the increases push profit margins above the average of the best of several recent fiscal years.

The CLC may yet find a way to salvage this or to tailor it to fight inflation better in specific industries. The controllers could, for instance, force business to swallow cost increases from the past that have so far not been funneled into their price structures. Base-period constraints could be tightened in sectors that have jogged the price indexes. And the 1.5% price increase exemption—which allows companies to raise average prices by this amount with no profit constraint—may be erased from the books.

The freeze rules. As for the freeze itself, officials under James W. McLane started quickly to spew forth rules. They rejected a total takeover of the freeze I regulations, although most of the 1971 rules probably will be disinterred for freeze II. But to avoid a painful burst of inflation once the freeze is over, its demise may be selective, industry by industry, depending on where inflation pressures are worst. And even while it remains in effect, the controllers will be more willing to grant exemptions and exceptions than they were last time around. In the first freeze, the hard-nosed CLC allowed only five exemptions out of 6,000 requests. "There will have to be more this time because the economy is tighter," says McLane, "but a freeze is a freeze."

McLane has already set up a national network of freeze enforcers and interpreters in 58 district IRS offices, and he hopes to clear his desk of new requests for exemptions and exception requests every three or four days. He plans a daily flow of new rulings in the form of the familiar Phase I Q&As. So far this workload has meant weekends and 14-hour days for the CLC official and key staffers, in new offices across the street from the CLC headquarters in downtown Washington.

Problem cases. During the freeze's first week, no exceptions or exemptions were granted by the Freeze Policy Group, which meets daily at 5 p.m. to help McLane clear problem cases. The policy group, with CLC Director Dunlop as chairman, includes McLane, CEA member-designate Gary Seevers, Assistant Treasury Secretary Edgar Fiedler, Assistant Agriculture Secretary Don A. Paarlberg, and Assistant Commerce Secretary-designate Sidney Jones.

The high-legel attention that CLC is giving daily to exemption requests points up the concern of key officials about imposing a rigid freeze on markets that are already strained by demand pressures. Concern during the first phase of the freeze is focused particularly on food. Although the freeze rules seem to leave prices free at the farm gate, the clamp on prices after the first sale has in essence placed a freeze on primary producers, too. In effect, nobody will buy them to resell at a loss. Officials fear that this rule may prove a serious handicap for some fresh fruit and vegetable producers whose products usually hit a seasonal price peak in August.

CLC analysts are also worried about poultry, which they contend was caught by the freeze at a price below producer costs. Meat prices, under a special ceiling well before the freeze, are another worry for planners. According to some reports, these prices are already bumping the ceilings, cattle are being held off the market, and meat shortages are feared. Says Kenneth Fedor, economist in charge of policy review for the freeze group, "There are a lot of stories about problems, but it's tough to get facts."

SOLOMON BLATT, SPEAKER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES

Mr. THURMOND, Mr. President, when the 1973 session of the South Carolina General Assembly adjourns in a few days, the distinguished speaker of the house of representatives, Solomon Blatt, will retire from his presiding position.

He will continue his valuable service as a representative from Barnwell County which began in 1933, but he will conclude a record 33 years as presiding officer. Although Speaker Blatt and I did not always agree on all issues he has made great contributions to the welfare and progress of South Carolina during a long and distinguished career of public service.

His outstanding record of leadership has made our State a better place in which to live and work. In times of depression, war, and development, his guidance and his forceful insistence on constitutional principles and fiscal soundness have shepherded our legislative deliberations.

When Solomon Blatt came to the State legislature in the depression year of 1933, the State budget was $6 million. As an illustration of the development of South Carolina during the intervening years, the appropriations bill which Speaker Blatt signed recently authorizes spending of more than $900 million. Throughout this growth in State spending and resources, fiscal responsibility has been the benchmark for legislative considerations. Speaker Blatt has been one of the staunchest adherents to that quality of State monetary planning.

His record at the helm of the South Carolina House surpasses that of any other legislative presiding officer in the Nation. The merit of his service has kept him at the speaker's post since 1937, with the exception of 4 years.

Solomon Blatt was born February 27, 1896, in Barnwell County. A lawyer, he was graduated from the University of South Carolina Law School and served on the University of South Carolina Law Board of Trustees for many years. Prior to entering the legislature, Mr. Blatt served on the staff of Gov. Ibra C. Blackwood of South Carolina. It was a first step into public life, leading toward his distinguished legislative career. Two years after entering the house he was elected speaker pro tempore and 2 years later, speaker.

Mr. Blatt has had an exemplary career throughout his tenure as speaker. Not only his home county but the legislature and the entire State will benefit from his continued service in the House. His strong voice and wise counsel are bound to be a major part of debate and deliberation for years to come.

Mr. President, a number of newspaper articles and editorials have been published recently about Mr. Blatt and his retirement as speaker of the South Carolina House of Representatives. I ask unanimous consent that several of these articles be printed in the Congressional Record at the conclusion of my remarks. They are as follows: "Blatt Scans Long Years in State House," The News and Courier, Charleston, S.C., April 8, 1973; "Sol Blatt To Lay Down House Gavel," The State, Columbia, S.C., May 3, 1973; "Blatt Resigns Speaker's Post," The Greenville News, Greenville, S.C., May 3, 1973; "Blatt Resigns Speaker's Post," The News and Courier, May 3, 1973; "Blatt To Resign As House Speaker After 34 Years," The Columbia Record, Columbia, S.C., May 3, 1973; "Blatt To Put Down Gavel But To Remain in House," Charleston Evening Post, Charleston, S.C., June 6, 1973; "Blatt Will Not Quit House, Gives Up Speaker's Seat," Greenville Piedmont, Greenville, S.C., June 6, 1973; "Blatt Will Not Play Dead," The State, Columbia, S.C., June 7, 1973; "Blatt Delivers Farewell as Speaker of South Carolina House," The Spartanburg Herald, Spartanburg, S.C., June 7, 1973; "Blatt To Bow Out as House Speaker," The News and Courier, Charleston, S.C., June 7, 1973; "Down as Speaker, But He'll Be There," the Spartanburg Herald, Spartanburg, S.C., June 8, 1973; "Blatt's Farewell Speech Reflects South Carolina Progress," The State, Columbia, S.C., June 8, 1973.

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

[From the Charleston, News & Courier, Apr. 8, 1973]

Blatt Scans Long Years in State House

Columbia.—Rep. Solomon Blatt, D-Barnwell, said Tuesday he would resign at the end of this legislative session as speaker of the South Carolina House of Representatives, a position he has held for 32 years, longer than any other legislator in the history of the United States.

Blatt, in an exclusive interview with The Associated Press, said, "In the 78 years I have lived, I have lived up to my word. And, although I am going to submit my resignation, I do it against the wishes of a great majority of the House of Representatives."

Blatt was referring to an announced agreement made with Rep. Rex Carter, D-Greenville, the House Speaker pro tempore in the fading days of the 1972 session. Carter had said he would challenge Blatt for the speaker's post. The two men agreed that Blatt would be unopposed for the speakership in 1972, but that the veteran Democratic lawmaker from Barnwell County would step down at the end of the 1973 session.

There have been reports that pressure from some House members had convinced Blatt to reconsider his agreement.

But, in the interview he said:

"When I submit my resignation as speaker, I do it because the load has become heavy. It has been heavier in the past, but in my younger days I was able to carry a larger load on my shoulders without feeling any pain.

"Secondly, I have been advised by my physicians that I should lighten my load at my age. I say I have no fear of defeat. God has been good to me by letting me live to 78 years of age. And my people of Barnwell County have been good to me by returning me so many times to office. My colleagues have been so good to me, by pledging their support and by electing me speaker so many times. I have been speaker longer than any man in the history of the United States, and what I am told, longer than any man in the history of the world.

"I feel honored by being speaker, and I hope that I have in some way, during my years here, made a contribution to the progress of my state and the welfare of its citizens. This was my ambition, and this I have tried to do. And when I do step down, I do not want to get on the floor of the House and play dead. I am going to be an active man on that floor, having a good time fighting for that which I believe to be right, and fighting to kill that which I believe should die."

Blatt, seated behind his large desk in his State House office, looking far, far younger than his 78 years, and attired nattily in a pin-stripped blue suit, and a wide dark blue tie, also talked of many other things in the far-ranging interview.

Here are the questions and here are the answers from the lawmaker who first was elected to the House of Representatives 40 years ago.

On his pending resignation as House Speaker:

"Never a day passes that I do not receive a telephone call asking me not to step down. Never a day passes that someone doesn't come into this office and ask me not to resign. I believe 80 per cent of my colleagues in the House want me to remain as speaker. I have always tried to be fair. I have been fair to the blacks in the House and to the Republicans. I have learned that a good Democrat and a good Republican always vote the same way. A bad Democrat and a bad Republican always vote the same way."

On welfare:

"When I first entered the political field, the poor were taken care of very poorly by the counties, in poor homes where they were furnished a house and some wood and some food. But back in those days, the children cared more for their parents, apparently, than we find in many instances at this time. Whatever a son had he was willing to help his mother and father and was willing to divide with them. There is now much more effort to take care of those in need, but in doing so I am afraid they are taking care of some who are not in need."

Blatt continued, "I oppose providing for those who can take care of themselves. I would vote for any reasonable tax to take care of anyone who was hungry and unable to earn a livelihood. I would support any reasonable tax to provide clothing for the naked, if they were not capable. I would also provide any medical attention for those who could not provide it for themselves. But, I see in a number of instances people getting aid who are capable of providing for themselves. I see people driving up in big cars and then buying food with food stamps. I think this is wrong."

On a recent House approved bill to exempt prescription drugs from the state sales tax:

"I don't believe a single member of the General Assembly should be exempted from paying a sales tax on medicine. There should be exemptions for those who are needy, but not for those who can pay. However, the majority of the House voted for this blanket exemption. I am getting an exemption on prescription drugs now because I am over 65 years of age, but I think that it is wrong. I can afford it, and I should pay it. If some of those over 65 can't afford it, they should be exempt."

On politics:

"A politician has got no business holding public office, he should be a statesman. But, politics has been in government ever since there has been a government, and it always will be. Politics was played back in 1933 when I first came here.

"We had men who kept their ears attuned to the ground to listen to the songs being sung by the people back home and they voted accordingly. They didn't vote on the actual situation, I mean that which is right and that which is wrong. The younger generation seems to be more liberal than the politicians in those days. Remember, it is conservatism that builds the bank that provides the funds, that which was stored away, that takes care today of the old, the needy and the sick."

On race relations:

"There have been substantial changes in this field, and it is proper that some changes be made. The pity about it is that we didn't on our own make these changes without being forced into the position of making the changes.

"I have observed the conduct of the blacks in the legislature, and one or two of them have done an outstanding job. They have made quite a contribution to the progress of this state. But, some minority groups, some I said, are trying to go too far, too fast. My philosophy of life is that a man should be allowed to travel as far down the road of life as his ability, his character, his dedication and his integrity will allow him to go.

"There should be no road blocks in his path as he walks the road of life. I don't think I should be forced to accept anyone in my law firm, if I don't want them there. I know better who will help my law firm, than someone in Columbia or in Washington. They could hurt my business, and this could keep me from making as large a contribution as I wished to my government."

[From the Columbia State, May 3, 1973]

SOL BLATT TO LAY DOWN HOUSE GAVEL

(By Robert M. Hitt III)

House Speaker Solomon Blatt showed the emotions behind the man Wednesday night at a testimonial dinner in his honor at the Wade Hampton Hotel.

The speaker was visibly moved during a filmed presentation of his illustrious career as an influential legislator prepared by former newsman John K. Cauthen.

The dinner was sponsored by friends and colleagues of the speaker in recognition of his contributions to the state.

Federal Judge Donald S. Russell, who made the testimonial address, characterized Blatt as a man of unimpeachable integrity who has "always been a man of high principle. . . He has not only been incorruptible in financial but in his fidelity of principle."

Russell said, "Whether you agree with him or not you have to respect the integrity of his views."

Blatt jumped to his feet at the end of Russell's address to hug his old friend and colleague.

Seated next to his lovely wife, Ethel, Blatt was physically moved and strained to hold back his emotions during Russell's talk.

Gov. John C. West rose to tell the audience, consisting of congressmen and friends of the speaker, that a building to be built in the capitol complex will be named after the speaker. The governor also presented Blatt with a certificate that replicates the plaque that will be placed in the bulding.

Blatt rose to respond and said, "I'm about the happiest man in the world. This night is the night of nights—this honor will stay with me until day is no more."

The Barnwell lawmaker also told the group, "I will tender my resignation in July so that my successor can be elected before the session adjourned."

Speaker Pro Tempore Rex L. Carter called "Mr. Speaker" more than a legend in his own time and praised him as a "leader of generations after generations of members of the House of Representatives."

The dinner was highlighted by a film prepared by former Charleston News and Courier reporter John K. Cauthen. The biographical report detailed the life of "Mr. Speaker" beginning with his father, Nathan Blatt, who was a Russian immigrant. It told the story of how a Blackville native rose to the heights of the most powerful and influential legislator in the history of South Carolina. The film is to be broadcast on SCETV today at 9:30 p.m. and rebroadcast on Sunday.

[From the Greenville News, May 3, 1973]

BLATT RESIGNS SPEAKER'S POST

(By Douglas Mauldin)

COLUMBIA.—His voice choking with emotion, Solomon Blatt tendered his expected resignation as speaker of the House Wednesday night to set the stage for election of a successor before the current legislative session ends.

Speaker Pro Tem Rex L. Carter of Greenville, who has waited in the wings for 16 years for the chance to become speaker is virtually assured of winning the election.

"All good things must come to an end," Blatt said haltingly at the climax of a testimonial dinner attended by a host of state and federal dignitaries and legislators in honor of his impending retirement.

"I will at the request of my family and doctor tender my resignation during this session, effective in July, so my successor may be elected before adjournment."

"As I retire as speaker, I do so with the knowledge that I have never done a single act reflecting discredit on me, my family and friends. I hope I have contributed to the progress of this state."

Blatt, in his 34th year as speaker, has served longer as head of a legislative body than anyone in the history of the country.

The son of a Russian immigrant, he was elected to the House in 1932 from Barnwell County and forged his way to the top where he earned a reputation for fiscal stability and as a tough but fair fighter.

Gov. John C. West announced that a new building in the state capital complex will be named in honor of the 77-year-old Blatt and will have a suitable plaque calling attention to his years of public service and dedication.

The retirement dinner, carried statewide live on the South Carolina Educational Television Network, featured a 25-minute film on Blatt's life and an address by U.S. Fourth Circuit Court of Appeals Judge Donald S. Russell, former governor and president of the University of South Carolina.

Blatt's resignation was in keeping with an agreement reached between him and Carter two years after the Greenville lawmaker had begun efforts to unseat the long-time speaker.

The speaker appeared to be overcome with the outpouring of tributes from a broad section of government leaders, state and federal judges, and state legislators who joined hundreds of his friends for the affair.

"I thank you for the bright light of this night," Blatt said in an emotion-ridden voice, "I pray I'm worth all of this."

Russell, who first knew Blatt when the former was law clerk for the late Gov. James F. Byrnes offered glowing tributes to the speaker, calling him a man of heart, emotion, strong character, principle and fairness.

While Blatt was an outstanding lawyer, Russell said at one point, that was never his prime interest. What was his calling, Russell said was "being a public servant, to contribute to the betterment and improvement of the state.

"When he decided to dedicate his life to public service, he didn't pick the palm without dust. He went into the pit of politics to fight it out. There's where he's been ever since."

Russell said the speaker was a man of unimpeachable principle whose reputation was fairness to all regardless of the consequences. "He never had pliability of principle," the judge said. "Not only is he uncorruptable financially, but greater honor to him, incorruptible in his fidelity to principle.

He has always been true to his principles, whether you agree with him or not, you have to respect the integrity of his views."

Russell said South Carolina has maintained a balanced state budget over the years in large measure because of Blatt, who got a House rule passed requiring expenditures to be within expected revenues before the general appropriations bill passed.

"He is not faint hearted," Russell continued, "he is your friend day in and day out, with you always."

Blatt was also described as a "friend and protector" of the University of South Carolina.

"Maybe there never will be another Sol," Russell said, "but the wishes of all of South Carolina is there may be another."

Gov. West praised Blatt in brief remarks on behalf of the people "for all your long and dedicated service" in announcing plans for the Blatt state office building. He said the building will be "physical evidence of the Blatt legend."

Rep. Carter, presiding at the dinner called Blatt, "a man more than legend in our time, firm, kind, fearless, honorable, faithful presiding officer."

The speaker pro tem said it was "beyond the realm of possibility" to put in words what Blatt had meant to the state in 40 years of public service, most of which has been as speaker.

He praised the speaker for having a "maximum of integrity and impartiality" and said it has been his proud honor to serve beside him.

[From the News and Courier, May 3, 1973]

BLATT RESIGNS SPEAKER'S POST

COLUMBIA.—Veteran South Carolina House Speaker Solomon Blatt Wednesday night announced his resignation from the post he had held for 34 years.

Blatt, who has been speaker of the South Carolina House longer than any other state House speaker has held a similar post, said his resignation was effective in July of 1973 so that the House may elect his successor.

The announcement came at a testimonial dinner here for the veteran speaker. A 25-minute film of Blatt's life was shown and U.S. Circuit Judge Donald Russell delivered the main address.

Blatt's resignation paves the way for Speaker Pro Tem Rex L. Carter, D-Greenville, to become the next speaker of the South Carolina House.

Blatt's resignation was the result of an agreement with Carter some two years ago. Carter had announced that he would run against Blatt for the speaker's job but after a meeting an agreement was reached that Blatt would step down this year if Carter agreed not to oppose him in 1971.

"All good things must come to an end," Blatt said, "I will, at the request of my family and my doctor tender my resignation during the session effective in July so my successor can be elected before adjournment."

"As I retire as speaker I did so with the knowledge that I have never done a single act reflecting discredit on me, my family or my friends," he said, "I hope I've contributed to the progress of this state."

Gov. John C. West said that a new building in the capitol complex was being named after the Barnwell lawmaker, who was first elected to the House from Barnwell county in 1933.

[From the Columbia Record, May 3, 1973]

BLATT TO RESIGN AS HOUSE SPEAKER AFTER 34 YEARS

A South Carolina institution will be gone next year when House Speaker Solomon Blatt steps down from the post he's held 34 years.

Blatt formally announced his resignation last night from the job as speaker of the South Carolina House of Representatives. Blatt, who has been in the House from Barnwell county since 1933, said his resignation would be effective in July, to give the House a chance to choose his successor.

Blatt has been speaker of the House longer than any other House speaker in America. The announcement of his resignation came at a testimonial dinner led by U.S. Circuit Judge Donald Russell and various other lawmakers and judicial officials.

Blatt's resignation paves the way for Speaker Pro Tem Rex L. Carter, D-Greenville, to become the next speaker of the South Carolina House.

Carter had announced two years ago that he would oppose Blatt for speaker. Blatt has been without opposition since 1953. The two men met and agreed that Blatt would step down as speaker in 1973 if Carter would agree not to run against him in 1971.

"All good things in life must come to an end," Blatt said yesterday. "I will, at the request of my family and my doctor, tender my resignation during the session effective in July so my successor can be elected before adjournment."

"As I retire as speaker, I do so with the knowledge that I have never done a single act reflecting discredit on my family or friends," he said. "I hope I've contributed to the progress of this state."

Blatt, the son of Russian Jewish immigrants, is 77.

[From the Charleston Evening Post, June 6, 1973]

BLATT TO PUT DOWN GAVEL BUT TO REMAIN IN HOUSE

COLUMBIA.—Solomon Blatt, who in the 34 years he has presided over the South Carolina House has become a political institution in the Palmetto State, today formally tendered his resignation as Speaker.

Blatt, in an emotional farewell address at a joint session of the General Assembly, said his resignation would be effective at midnight July 31.

He said that in submitting his resignation as Speaker today, "I conclude a phase of my public service with a full heart, with fond recollections, with love for my colleagues in the House and Senate, and with deep satisfactions outweighing, I hope, the mistakes of which I have been guilty."

The House chamber was packed with lawmakers, government officials, educators, relatives and long-time friends of the 77-year-old Barnwell attorney.

He suggested to the House that they proceed immediately with the mechanics of electing a new Speaker "so that the office will be filled in the event the House adjourns prior to the effective date.

"I want it certain that we will have an elected Speaker who will take the oath of office upon my retirement," he said. "The oath of office can be given to the Speaker the day following my resignation upon his election prior to that date."

Blatt said while he is stepping down as Speaker, he will not resign from the House and will be a candidate for re-election as representative from Barnwell County next year.

"I will be on the floor and will not play dead," he said. "I shall be an active representative of the people on the floor of the House and I will continue to give every ounce of my strength to do those things which I believe to be in the best interest of the people of South Carolina."

Blatt had praise for the many members of the House with whom he has served since he was first elected in 1933.

He offered his full cooperation to his successor, saying he was sure that the new Speaker "will receive the same measure of confidence and cooperation as I have experienced from the members of the House and the people of South Carolina."

Rep. Rex Carter, D-Greenville, presently the speaker pro tempore, is the only announced candidate for the post Blatt is leaving.

[From the Greenville Piedmont, June 6, 1973]

BLATT WILL NOT QUIT HOUSE, GIVES UP SPEAKER'S SEAT

(By Robert Green)

COLUMBIA.—Solomon Blatt announced today that he would resign July 31 as speaker of the South Carolina House, a post he has held longer than anyone in Palmetto state history, but would remain a member of the legislature.

In a dramtic speech to both houses of the General Assembly, the 77-year-old Blatt said he will be a candidate for reelection and "will be on the floor and will not play dead."

His announcement fulfilled a pledge made Nov. 2, 1971, to quit in the middle of this year and permit Speaker Pro Tempore Rex Carter of Greenville to seek the post.

Carter had planned to challenge Blatt in 1972 and claimed he had the votes to unseat the veteran speaker.

"I step down without any bitterness in my heart, but with a heart full of love for all of you who have been so kind to me and who are responsible for so many honors that have come my way," said Blatt.

He urged that a successor be elected immediately, "so that we will not be without the services of these officers in the event there is an adjournment of the house prior to the effective date of my resignation."

While Carter is regarded as the leading candidate for the post, Majority Leader Julius Baggett of McCormick County has also been mentioned as a possible candidate.

Blatt, a native of Barnwell, has been a member of the house since 1933 and its speaker—except for a four-year period from 1947 to 1951—since 1937.

His 33 years as speaker is believed to be a record unequaled by any state legislative speaker in the nation. No speaker in South Carolina has ever matched it.

The announcement brought to an end the last of the "Barnwell Ring" that ruled the South Carolina legislature for most of the past four decades.

Edgar A. Brown, also a Barnwell lawyer, retired last year after 52 years in the General Assembly, 30 of them as president pro tempore of the Senate.

In his 23-page speech, Blatt emphasized his insistence on balanced budgets and recalled South Carolina's financial situation when he entered the legislature at the height of the depression.

"Matters could hardly have plunged to lower depths than we faced at that time—when we had to cut back from a $9 million appropriations bill in 1932 to a $6 million total in 1933," he said.

Blatt noted that a statewide property tax was still on the books.

"I remember that the first speech I ever made in the house was a plea for the utmost in economy so that the homes of our people would be saved from tax executions," he said.

"It was, I think, a pretty good speech and it made the headlines."

Blatt was elected speaker pro tempore in 1935 and narrowly defeated Rep. L. Caston Wannamaker of Chesterfield for the speakership two years later.

"We emerged from the depth of the depression with complete knowledge that economic disaster can overtake the whole nation with a suddenness so acute that it came almost overnight, starting with the crash in Wall Street.

"We learned that paying our own way with balanced budgets should always be a way of life in government and private affairs.

"It is my hope that this legislature and those to follow will continue rigidly to respect that financial philosophy."

The speaker was graduated from the University of South Carolina in 1917 and has been a staunch ally of the school's in getting bigger legislative appropriations.

"It would not be Sol Blatt speaking if I did not make mention of the University of South Carolina," he said. "My love for the university is well known.

"It meant so much to me as a young man to learn and to get to know people and to be in the midst of the action on campus."

Blatt said it has been a source of tremendous satisfaction" for him to see this growth of all six state-supported institutions of higher education.

"I am proud of the leadership at these institutions, the fine faculties at each and the contribution that these institutions have made toward a greater and better South Carolina," he said.

Blatt said he hoped the state government would continue a close alliance with business and industry that he termed the "greatest thrust for progress in South Carolina."

I have never been concerned or frightened when accused, as I have been from time to time, of wanting to make possible more profitable business and industry, thereby providing more compensation for labor, higher appropriations for public health and education, more advanced agriculture, better value received for tax dollars or the other solid principles which are the ingredients of which success is made," he said.

Legislative leaders have speculated that Blatt, although still vigorous despite his age, might quit the legislature altogether.

But he said:

"While I step down as speaker, I will not resign from the house and I will be a candidate for re-election in Barnwell County in the election next year, and I will be on the floor and will not play dead.

"I shall be an active representative of the people on the floor of the House and I will continue to give every ounce of my strength to do those things which I believe to be in the best interest of the people of South Carolina and by the same token I shall use every ounce of my strength to help defeat every piece of legislation that will be harmful to and against the best interest of the people of our state, and especially those who have invested their millions in South Carolina, giving employment to thousands of our people who earn a good livelihood and who have given a good day's work for a good day's pay."

Rep. R. J. Aycock, D-Sumter, 79-year-old chairman of the house ways and means committee presided over the House during the speech at Blatt's request. Aycock served one term in 1935 and 1936 and was reelected in 1949, serving since.

"He and I have been here for a long time . . . and have been friends for a long time," Blatt said Tuesday when he made the request. "I love and respect him."

[From the Columbia State, June 7, 1973]

BLATT: WILL NOT PLAY DEAD—VETERAN STEPS DOWN AS SPEAKER JULY 31

(By Robert G. Liming)

Choking back tears, veteran House Speaker Solomon Blatt vividly recalled 41 years of legislative service Wednesday and formally announced his plans to retire next month from the post he has forged into one of the most powerful offices in state government.

The 77-year-old lawmaker, his voice filled with emotion and tears in his eyes, told an audience of fellow legislators, state officials, friends and family in the packed chamber of the S.C. House of Representatives that he will retire as speaker, a job he has held for more than three decades, at midnight on July 31.

However, the Barnwell County representative made it a point of saying that his retirement as presiding officer of the lower chamber would have no effect on his intention of continuing to represent the people of his county in the halls of the State House.

"While I step down as speaker, I will not resign from the House and I will be a candidate for re-election in Barnwell County in the election of next year, and I will be on the floor and will not play dead," Blatt said as he drew enthusiastic applause from his legislative colleagues.

His voice quivering Blatt continued, "I shall be an active representative of the people on the floor of the House and I will continue to give every ounce of my strength to do those things which I believe to be in the best interest of the people of South Carolina. . . ."

Blatt, who has been a member of the House since 1933, was first elected speaker in 1937 and with the exception of a four-year period between 1947 and 1951 has held the reigns of leadership continuously. His 33 years as presiding officer marks the longest tenure for a presiding officer in state history.

His decision to step down was the result of an agreement made last year that provided that Blatt would give up the post in 1973 to allow Speaker Pro Tempore Rex L. Carter, D-Greenville, to offer for the post. Carter is now the only announced candidate for the top job.

"I step down without any bitterness in my heart, but with a heart full of love for all of you who have been so kind to me and who are responsible for so many honors that have come my way," he said.

Blatt, his voice affected by a sore throat, called on the House to move quickly to name his replacement and vowed his "full cooperation to the newly elected speaker."

Throughout the 30-minute speech the outspoken speaker recalled his first days in the General Assembly at the height of the depression and traced, with obvious pride, the growth of the state to the present day and time.

"I rejoice because, emerging from the early beginning of the depths of the depression in the early thirties, I have been able to share in the most incredible surge of progress South Carolina has experienced—a surge combined of good government and educational, economic, and social strides forward," Blatt said.

Attending the address with Mrs. Blatt was their son, Solomon Blatt, Jr., a U.S. district judge, and other members of the Blatt family—as well as former Gov. Robert E. McNair, University of South Carolina Basketball Coach Frank McGuire and Henry J. Cauthen, head of the S.C. Educational Television Network.

Blatt said the depression served as an "unforgettable lesson" by teaching lawmakers that "paying our own way with balanced budgets should always be a way of life in government and private affairs.

"It is my hope that this legislature and those to follow will continue rigidly to respect that financial philosophy," he added.

The speaker drew a strong round of applause when he said, "Let us never in this land of plenty fail to provide reasonably for the older people, the sick, the troubled, the hungry and the disabled. We have too much abundance and the potential for so much more that it would be inhuman for anybody to go hungry, homeless or ill without fair attention.

"But when there are able-bodied people and jobs to be done, whether the job happens to be precisely what a person wants, then we must not force the willing people to take care of those who could take care of themselves if they wanted to and tried. As more and more people see others getting by without working, it causes others to join the ranks of loafers and parasites," he added.

Blatt made no specific mention of the myriad of politicians, judges and state leaders he has dealt with over the years, but chose instead to offer a blanket tribute to all of them.

"Our governors, our judges and our legislators and our other public officials during my time have been of such outstanding quality and character that I would not attempt to call names because so many people have meant so much to what has brought South Carolina forward. I would not dare to attempt to name an all-time, all-star team," he said.

Blatt said, "Good, sensible, honest government is the answer to so much of what makes things go in the right directions, and is the cornerstone of permanent progress. We have worked hard for good government for many years, and you cannot afford to backslide by supporting policies which may sound good on a short term perspective, but will not stand up under the test of time."

At the close of his remarks Blatt wiped the tears from his eyes and walked down the main aisle from the rostrum to the thunderous applause of a lengthy standing ovation.

The House then by a unanimous vote agreed to award the veteran lawmaker the title of "speaker emeritus" as a token of esteem and respect.

[From the Spartanburg Herald, June 7, 1973]

Blatt Delivers Farewell as Speaker of South Carolina House

Columbia.—Solomon Blatt, a small-town lawyer who came to Columbia as a young man and stayed to become one of the most powerful political figures in the state's history, formally announced Wednesday that he is retiring as speaker of the South Carolina House.

With tears welling in his eyes and his booming voice choked with emotion, the 77-year-old Democrat delivered what he had described as "somewhat of a farewell address" before a joint session of the General Assembly.

A packed chamber of relatives, friends, political notables and lawmakers past and present listened attentively as Blatt reminisced about his 41-year legislative career and detailed his plans for retirement as presiding officer.

The 30-minute speech was interrupted on several occasions by applause, but the loudest reaction came when Blatt announced that although he is laying down the gavel, he will not give up his seat in the house.

"I will be a candidate for reelection in Barnwell County in the election of next year, and I will sit on the floor and will not play dead," he said, his deep voice ringing to the rafters of the State House. "I shall be an active representative of the people on the floor of the House and I will continue to give every ounce of my strength to do those things which I believe to be in the best interest of the people of South Carolina."

Blatt said his resignation as speaker would be effective at midnight July 31, and he urged the House to act promptly in electing a successor. The speaker pro tempore, Rep. Rex L. Carter, D-Greenville, is the only announced candidate for the post.

Blatt was first elected to the House in 1933, and became speaker in 1937. He did not seek the post in 1947 and 1949, but was re-elected speaker in 1951 and has served continuously since that time.

His 34 years as speaker is the longest tenure for a presiding officer of a legislative body in the nation's history.

Blatt's resignation was not unexpected. He had announced earlier this year that he would step down at the end of the current session on the advice of his physician and at the urging of his family.

Noting that his legislative career began during the depression years, the veteran lawmaker said he was pleased to "have been able to share in the most incredible surge of progress South Carolina has experienced."

He said the "unforgettable lessons" of the depression era taught that "paying our own way with balanced budgets should always be a way of life in government and private affairs."

"It is my hope that this legislature and those to follow will continue rigidly to respect that financial philosophy."

He said that in submitting his resignation as speaker, "I conclude a phase of my public service with a full heart, with fond recollections, with love for my colleagues in the House and Senate, and with deep satisfactions outweighing, I hope, the mistakes of which I have been guilty."

Blatt offered his full cooperation to his successor and pledged, "my full support in every instance when that which he suggests in my judgment meets that which is required for the best interest of the people of South Carolina."

He also had some fatherly words of advice for his fellow lawmakers, most of them many years younger than himself.

"Good, sensible, honest government is the answer to so much of what makes things go in the right directions, and is the cornerstone of permanent progress," he told them. "We have worked hard for good government for many years, and you cannot afford to backslide by supporting policies which may sound good for a short term prospective but will not stand up under the test of time."

Blatt To Bow Out As House Speaker

Columbia.—Expressing sadness and at the same time gratitude for his many years of service, Solomon Blatt Wednesday announced that on July 31 he will relinquish his post as Speaker of the South Carolina House, a position he has held longer than anyone in the state's history.

However, Blatt, 77, his voice quivering with emotion and tears in his eyes, told a joint session of the General Assembly that he will remain an active member of the House and will seek re-election in 1974.

"I shall be an active representative of the people on the floor of the House and I will continue to give every ounce of my strength to do those things which I believe to be in the best interest of the people of South Carolina," Blatt said, adding, "I will be on the floor and will not play dead."

Blatt, a native of Barnwell, has served in the House since 1933 and as its speaker—except for a four-year period from 1947 to 1951—since 1937.

Upon completion of the address, the House by acclamation elected Blatt Speaker Emeritus.

Veteran Rep. R. J. Aycock, D-Sumter, a long-time friend of Blatt's, who, at the speaker's request presided over the chamber during the address, expressed the gratitude of the House that Blatt would continue to serve.

Rep. Charles Plowden, D-Clarendon, recognized Blatt's wife, who was in the House chamber for the address. Plowden expressed appreciation to her for the "sacrifice of sharing your husband's time" to permit him to work for the people of South Carolina.

Blatt's announcement of his retirement fulfilled a pledge made Nov. 2, 1971, to give up the speakership this year to allow Speaker Pro Tempore Rex Carter of Greenville to seek the post.

Carter had planned to challenge Blatt in 1972 and claimed he had the votes to unseat the veteran speaker.

"I step down without any bitterness in my heart, but with a heart full of love for all of you who have been so kind to me and who are responsible for so many honors that have come my way," said Blatt, who was hindered somewhat in his address by a throat irritation.

Blatt urged that the House elect a new speaker before the legislature adjourns and pledged his "full cooperation to the newly elected speaker and pledge him my full support in every instance when that which he suggests in my judgment meets that which is required for the best interest of the people of South Carolina.

Blatt's 33 years as speaker is believed to be a record unequaled by any state legislative speaker in the nation.

His retirement brought to an end the last of the "Barnwell Ring" that ruled the South Carolina legislature during most of the past four decades.

Edgar A. Brown, also a Barnwell attorney, retired last year after 52 years in the General Assembly, 30 of them as President Pro Tempore of the Senate.

Blatt did not mention Brown, or any of the other state officials with whom he has served, by name.

"Our governors, our judges and our legislators and our other public officials during my time has been of such outstanding quality and character that I could not attempt to call names because so many people have meant so much to what has brought South Carolina forward," he said.

"I would not dare to attempt to name an all-time, all-star team."

In his address, Blatt reflected on his legislative career and recalled that the depression of the 1930s convinced him that "paying own way with balanced budgets should always be a way of life in government and private affairs."

"It is my hope that this legislature and those to follow will continue rigidly to respect that financial philosophy," he said.

Blatt said South Carolina's progress can be attributed to a "wholehearted good relationship between government, education, business, labor and industry such as has been experienced in recent years.

"We would never be where we are today had not there been such a combination of constructive efforts and results," he said.

Blatt also referred in the speech to a historic struggle between then Gov. Olin D. Johnston and Highway Commissioner Ben Sawyer for control of the State Highway Dept. in 1937.

Blatt sided with Sawyer, while Johnston backed Blatt's opponent for speaker, Rep. L. Caston Wannamaker of Chesterfield. Blatt won on a 62–57 vote—and Johnston failed to gain control of the Highway Dept.

"The highway program and all that it would mean to progress in every phase of life developed rapidly, and this brought the whole state more closely together," he said.

"Largely with my election as speaker, sectionalism began disappearing, he said. "Education for all of our people was being opened up by easier transportation.

"We began to clear the way for industrial development on a scope which we know today could hardly have been dreamed of in the early thirties."

[From the Spartanburg Herald, June 8, 1973]

DOWN AS SPEAKER, BUT HE WILL BE THERE

Most of the people living in South Carolina were not even born when Solomon Blatt first wielded the gavel as Speaker of the S.C. House of Representatives.

He was first elected to the position in 1937. Except for four years, 1947–51, he has been the House's presiding officer ever since.

In 1947, by the way, Bruce Littlejohn of Spartanburg was elected Speaker. He resigned in 1949 to become a circuit judge. Since 1967, he has been a justice of the State Supreme Court.

Rep. Blatt's 33 years as Speaker is the longest tenure for a presiding officer in state history. Presently, he has served in that capacity longer than anyone active in any legislature in the nation.

The record during those years gives him ample justification for what he said in his resignation speech:

"I rejoice because, emerging from the early beginning of the depths of the depression in the early thirties, I have been able to share in the most incredible surge of progress South Carolina has experienced—a surge combined of good government and educational, economic and social strides forward."

Mr. Blatt and his colleague from the same county of Barnwell, former Sen. Edgar A. Brown, frequently have been credited with maintaining a firm fiscal responsibility for South Carolina.

For decades, they certainly provided a strong continuity of legislative government—during depression, war and recovery.

Blatt is resigning the speakership in accord with an agreement he made with Rep. Rex Carter of Greenville after Carter launched a campaign for the position two years ago. The arrangement was that Carter would not force a showdown but that Blatt would resign at the end of the 1973 session. Carter is the only announced candidate to succeed Blatt.

Characteristically, the spunky Barnwell lawyer departed with tears in his eyes but with pride's banner high.

Said he: "While I step down as speaker, I will not resign from the House and I will be a candidate for reelection. . . . I will be on the floor and will not play dead. I shall be an active representative of the people on the floor of the House and I will continue to give every ounce of my strength to do those things which I believe to be in the best interest of the people of South Carolina."

[From the State, June 8, 1973]

BLATT'S FAREWELL SPEECH REFLECTS SOUTH CAROLINA PROGRESS

In a voice ravaged by a bad cold and the emotions of the moment, Speaker of the House Solomon Blatt announced his resignation as House leader in a speech that put into context the progress that South Carolina has made since he took the oath of office in January, 1933.

Even younger representatives who have resented Mr. Blatt's power and longevity in recent years could not help reflecting that this was a moment to remember in the history of this state.

The 77-year-old Barnwell lawmaker has served as Speaker for 33 of the 41 years he has been in the House. That is a remarkable period to hold a position in the top leadership of government. Beginning with John Matthews of St. George Parish in 1779. 48 men have served as Speaker of the S. C. House. Mr. Blatt's tenure is by far the longest; indeed he is thought to have served as a legislative presiding officer longer than any person in the nation's history.

His career as Speaker is remarkable not only for its length but for the momentous changes that have taken place in South Carolina during the period. No one passage in the Speaker's address pointed this up better than the one in which he discussed the size of the state budget when he first entered the House. In that first year—1933—it was necessary to cut 1932's $9 million appropriations bill back to $6 million in order to cope with the emergency conditions of the Depression. His first speech was "a plea for the utmost in economy so that the homes of our people would be saved from tax executions."

It is a theme that Mr. Blatt has repeated many times during his years in the House, and again on Wednesday he called again for the legislature to "continue rigidly to respect that financial philosophy."

Legislators now putting the finishing touches on a $909 million appropriations bill could appreciate how far the state has come since that $6 million budget of 1933.

Although Mr. Blatt's conservatism has often been blamed for impeding the state's progress, the tangible benefits purchased with the extra dollars available in recent decades—many of which were cited in the speech—add up to a record of substantial progress. "Good, sensible, honest government . . ." he said, "is the cornerstone of permanent progress."

Even though there are outcroppings of racial prejudice in his record, Mr. Blatt reflected changes that have taken place within himself and within the state when he said, "I am proud to live in a state where no longer a man's religious views, political affiliation, or the color of his skin in anywise prevents him from walking the road of life to a distance far beyond that he expected in the years gone by. . . ."

He expressed pleasure that the all-male, all-white, all-Democratic House is no more and added, "It has been my observation that a good Democrat and a good Republican and a good black, along with a good white, will vote a vote that is in the best interest of the people as they see it, and a bad Democrat, a bad Republican, a bad white, and a bad black will vote which is not always in the best interest of all South Carolinians."

Stripped of the oratorical flourishes that are a Blatt trademark, this was a thoughtful and generous farewell address. It was doubtless only the first chorus of his swan song. He will not step down as Speaker until July 31. Next year he will run again as a representative from Barnwell and, if re-elected, continue his service from the floor of the House. And he will carry the rare title of Speaker Emeritus, a well-deserved honor bestowed on him by his colleagues.

His many friends look forward to sharing a glass of Old Crow and swapping political stories with Sol Blatt for years to come.

UTAH STATE LEGISLATURE RESOLUTION ON CENTRAL UTAH PROJECT

Mr. MOSS. Mr. President, one of the most crucial problems facing Utah is full financing of the initial phase of the central Utah project and final clearance of the Environmental Impact Statement on this project. It is this project which will bring municipal, industrial, and irrigation water to the heartland of Utah. If it is not completed quickly, people in the heavily settled Wasatch Front area of Utah will run out of water. Already some 50,000 people in Salt Lake Valley are using surplus water, which would disappear should there be 1 or 2 dry years instead of the exceptionally good water years we have had recently. Very quickly water would have to be rationed, and no new construction would be permitted.

In an extraordinary session of the State Senate convened by the Governor last week, the Utah State Senate passed a resolution asking increased funding for fiscal 1974 for the Bonneville, Upalco, Jansen, and Uintah units of the central Utah project, and immediate filing with the Council on Environmental Quality the Evironmental Impact Statement for the project which is now in the office of the Secretary of the Interior. Construction work on the Bonneville unit has practically come to a halt.

I ask unanimous consent that the full text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.R. NO. 1—CENTRAL UTAH PROJECT

A resolution of the Senate of the State of Utah, requesting the Congress, the President, the Office of Budget and Management, and the Department of Interior of the United States to make funds available for the construction of the initial phase of the Central Utah project and requesting the Secretary of Interior to forthwith file the environmental impact statement

Be it resolved by the Senate of the State of Utah:

Where, the growth of the State of Utah is directly related to the ability to develop and utilize its water resources; and

Whereas, water resource development relieves social problems by permitting opportunities for full employment and rural development and improving the urban environment and economic growth; and

Whereas, the continued growth of the State of Utah is directly dependent upon the development and utilization of its legal entitlement to Colorado River water, as set forth in the Colorado River Compact of 1922 and the Upper Colorado River Basin Compact of 1948, to meet increasing municipal, industrial, recreational, and agricultural requirements; and

Whereas, the official state water plan for the State of Utah is predicated and dependent upon completion of the initial phase of the Central Utah Project, including the Bonneville Unit, the Upalco Unit, the Jensen Unit, and the Uintah Unit; and

Where, the Bonneville Unit of the Central Utah Project is now under construction, and approximately $80,000,000 have been spent thereon, but construction has not proceeded to a point, where any substantial amount of water is available to meet critical municipal needs; and

Whereas, the Central Utah Water Conservancy District, in reliance on the diligent prosecution of work by the United States on the Bonneville Unit has contracted for the construction of a water treatment plant at a cost of more than $8,000,000, and the United States has substantially completed an aqueduct to bring water to the plant and deliver the treated water to interconnect with existing systems, and said aqueduct and water treatment plant are dependent on diligent prosecution of construction on the Bonneville Unit for a water supply; and

Whereas, the Utah State Legislature, with the Governor concurring, in its 37th, 38th and 39th Sessions urged the congress of the United States, the President, and the Department of Interior to appropriate funds to accelerate the planning and construction of the Central Utah Project; and

Whereas, an environmental impact statement has been prepared, but has not yet been filed by the Secretary of Interior and construction work under the Bonneville Unit has essentially come to a halt; and

Whereas, the project has been consistently underfunded; and

Whereas, the governor of the State of Utah has urged that funds be made available for such construction and that such environmental impact study be filed.

Now, therefore, be it resolved, that the senate of the State of Utah, does hereby request that the applicable environmental statement be filed promptly with the Council of environmental Quality, and that the Congress of the United States fully fund the Bonneville Unit, so that work can commence on the Currant Creek Dam and other facilities necessary to make municipal water available at the earliest possible time to Salt Lake and Utah Counties, and to meet the municipal needs of other areas within the District, where critical shortages have developed for municipal water.

Be it further resolved, that the secretary of state of Utah is directed to send copies of this resolution to the President of the United States, the Secretary of the Interior, the Senate and House of Representatives of the United States, and the Senators and Representatives representing the State of Utah in Congress.

ASSISTANCE TO LIBRARIES

Mr. HUDDLESTON. Mr. President, in the next several weeks the Congress will be called upon to vote on the President's recommendation that categorical assistance to libraries be terminated. I believe we will gain a deeper appreciation of the value of outstanding library services by recognizing the contributions one woman, Miss Margaret Willis, has made to the State of Kentucky.

In 1952, while head of circulation for the Louisville Public Library, Miss Willis was one of the original volunteers in the Kentucky Bookmobile project which was a very successful campaign supplying books to rural areas Her volunteer efforts in this campaign led to her appointment as Assistant to Miss Jane Porter who was then director of the State Library Extension Division. In 1956, Miss Willis succeeded Miss Porter as director and in 1962 the Kentucky General Assembly gave the Library Extension Service departmental status naming Miss Willis as State librarian.

Under her 20 years of progressive leadership the original bookmobile effort consisting of 10 panel trucks was expanded to a fleet of over 100 fully equipped bookmobiles, the Nation's largest, serving 97 counties. The bookmobile services continue to enrich Kentuckians not merely as a convenience, but as a source of intellectual and cultural knowledge which would be otherwise unavailable to many—particularly to those in disadvantaged or isolated areas of our State.

The State Department of Libraries under Miss Willis' leadership has helped to meet this challenge by providing a variety of innovative library services. New library facilities include 67 new or renovated libraries, and new methods of linking libraries with their users through special programs and a communication network. Particular notice should be made of services to the blind and physically handicapped, for whom books on tape and in braille can help to bridge their dreadful isolation. Unfortunately, Miss Margaret Willis is now retiring as State Librarian of Kentucky. However, with further encouragement to our Nation's library system her footsteps will be filled by others dedicated to the spread of knowledge.

DRURY COLLEGE AND BOB HOPE

Mr. SYMINGTON. Mr. President, last month an outstanding Missouri institution of learning, Drury College of Springfield, Mo., honored a famous American, Bob Hope, awarding him the honorary degree of Doctor of Humane service.

Because the introduction of Mr. Hope was outstanding, I ask unanimous consent that said introduction, delivered by the Drury Dean of Students, William T. Maynard, be printed at this point in the RECORD; and also that Mr. Hope's address at that time be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITATION FOR MR. HOPE'S HONORARY DOCTORATE AS DELIVERED BY DRURY DEAN OF STUDENTS WILLIAM T. MAYNARD

Mr. President: I have the honor of presenting to you the credentials of a man who has become a legend in his own time. He has created more laughter and gladdened more hearts than any other person in our time. There are more than 800 awards which cite him for his humanitarian and professional activities. A recipient of the Peabody Award for his memorable television special from the Soviet Union, the Gene Hersholt Award for outstanding service to man, and the Herbert Hoover Memorial Award from the Boys' Club of America, our honored guest was also named entertainer of the year two consecutive years by the American Guild of Variety Artists. He has received both a motion picture Oscar and a television Emmy. The author of six books with another soon to be published, he has appeared in over fifty motion pictures, 250 television specials, and on over 1,000 radio programs.

Described by an American President as America's most prized ambassador of good will, he has received the People-to-People Award from the late President Eisenhower, the Congressional Gold Medal presented by the late President Kennedy, and the Medal of Freedom presented by the late President Johnson.

His significant contribution to the Eisenhower Medical Center and the St. Louis Children's Hospital are but two of the literally hundreds of examples of his concern and compassion for others. Characterizing the nature of his humane service through the years is an inscription on a plaque in the St. Louis Children's Hospital, "Bob Hope has turned the gift of laughter into a promise of health for children."

Perhaps his greatest gift and his greatest service to humanity has been his unmatched ability to provoke people from all stations of life to laugh at themselves. It is my pleasure, President Everheart, to present to you, to receive at your hands the degree, Doctor of Humane Service, Mr. Bob Hope.

MR. HOPE'S SPEECH AT DRURY COLLEGE ON MAY 27, 1973

You know, I never stop being thrilled at the honor of receiving an honorary degree . . . me, the original drop-out kid! But really, it's a reminder once again that if they're giving people like me honorary degrees, there really must be a crisis in education . . . I'm only kidding. . . .

The doctorate you've bestowed on me is indeed an honor. For a man whose only contact with sheepskin is one summer spent as a shepherd in Montana . . . I feel justifiably reticent on the subject of education. But I appreciate its value, since all my children went to college and when I sent them letters refusing to raise their allowance, they not only refuted me with brilliant logic, but corrected my spelling.

This is a great day . . . everybody is proud of you . . . your teachers and your parents . . . you can't forget them on a day like today. They're the ones who really made it possible. Many of them sacrificed a great deal sending you to school. But once more you see what it means to care. When you stop to think about it, you're kind of their memorials . . . it's the one really permanent thing they can leave behind. So you see, you've got quite a responsibility . . . quite a challenge.

If there was ever a time when Americans needed to live, to laugh, and to pull together, it's right here and right now. We need people with courage, patience, tolerance, and above all a sense of humor. A person can have that no matter what his age or his hair style.

Time was when there were more pickets on our campuses than there were library cards . . . more protesters than pupils. But things and times have changed, thank the Lord, and I think it's fair to say that today's college campus has a new kind of maturity . . . a thoughtful, more alert student body . . . sensitive to the changing world.

And it is a world of change because even though there are still sparks flying . . . in Southeast Asia and other spots on this planet that don't seem to want to cool it . . . we're approaching some semblance of world peace and it's beginning to make some of the hurt go away.

Last Thursday at the White House we did a big welcome home show for our P.O.W.'s. It's amazing how most of them taught us a lesson in keeping faith, while a few people back home had pretty well given up on this Nation! Those P.O.W.'s . . . their gratefulness and total happiness at getting back to the land of liberty, really pounded home the old chestnut that you never really appreciate something precious until you lose it . . . and that goes for liberty, too.

It could be that Americans are picking up some sophistication in this old world. We've been through a lot. We're no longer the brash and cocky young kids on the block. We've added a few broken bones, and scars, and lost lives, and dented souls. But even with our new knowledge of old mistakes, this is no time to let down our guard. As I said before, maybe it's a time for all of us to pull together and stand up for some of the principals that put this place together and held it through a lot of rough flack. We do have strength and we should use it in the right direction.

Even a world at peace doesn't mean we're out of trouble as a people. There'll always be some problems . . . fences to be mended and issues to be sorted and ironed out.

And you people . . . the generation that has already made a bold and daring impact on the world, will be the folks to do the solving, the mending, the sorting, and the unwrinkling.

This Nation served us well. It was never perfect and we never expected it to be. But it was always free because we just wouldn't settle for anything less.

What you're inheriting is not an accident. No sir . . . it's put together on the shoulders of people who, believe it or not, were once as young as you. People who had the guts to pull themselves out of a depression by their bootstraps. People who gave up their lives in strange countries fighting strange evils named Hitler and Tojo and Mussolini. People who in their own way, big or small, said, "Hey, let's make this place better for our children." And they did . . . they made it better . . . not perfect.

I took a good look at you graduates today and I think that we will be putting our world into good hands when we turn it over to you. For you are capable of doing anything you want to do and you have the equipment to do it . . . a solid academic base and the clear-eyed vision of youth . . . and hope you will be able to carry out your tasks, more wisely than ours.

Don't be afraid to listen to the voices of experience, but never be intimidated by an empty echo of the past. Foolish thoughts are not the exclusive province of the living . . . hear the other guy's case . . . you'll get your turn.

When you make a mistake, isolate it. Rip it apart . . . x-ray it . . . find out what went wrong and why . . . use it as a vaccine to guard you against a further error of the same species. A good blunder now and then can be your closest ally.

This year over a million graduates will be picking up their degrees. A million graduates . . . that's a lot of hair . . .

If this keeps up, I may sink my money in mortarboard.

We happen to have latched onto one of the favored spots on this crazy planet of ours and so far we've tried to share its bounty. We extend a helping hand to those who need help . . . we send shiploads of medicine and food to the sick and the hungry . . . we lend our know-how and capabilities to the emerging and underprivileged nations.

And each year the colleges and universities give us the machinery to carry on this work . . . you. You're the machinery. That's why the faculty has worked so hard on you . . . to get the kinks out!

Out of this untamed mass of talent will come a mountain of innovation . . . an explosion of animated, dynamic new concepts.

This Nation may be skidding toward a crisis of mineral energy, but there's no shortage when it comes to the energy of young minds. Colleges like Drury are warehouses of raw intelligence . . . quarries of wisdom.

You are truly fortunate to have been raised in these most challenging of times . . . in this most decent of nations. And America is lucky to have fathered a breed of sons and daughters like you. Men and women who will keep our glorious country honest. Praise it when it is right . . . change it when it is wrong.

Only a hardy and dedicated lot could have survived these past four years of school. You've acquitted yourselves handsomely. Soon your country will come to experience the pride in you that your family already feels.

I'm sure that somewhere among this term's graduates are our future Jonas Salks, Neil Armstrongs, Pearl Bucks, George Gershwins, Henry Kissingers, and Stu Symingtons. . . . America has made its mistakes and it's far from perfect. But despite everything, it's still the hope of the world . . . and you graduates are the hope of America!

With the aid of a microscope to look in, and telescope to look out, man has constantly been digging deeper and further into those secrets that nature seems in no hurry to reveal. But perhaps one or more of you will catch that one elusive fact, that one bit of information that will get us closer to wiping out some disease, or reaching a distant planet, or . . . and this is most important . . . bringing people together in a lasting peace.

I am not worried about the future of this graduating class. I have more than a casual knowledge of Drury College . . . and the nature of its student body. For eleven years the production coordinator of our television show was a former student of Drury. Her name was Joan Maas and she was one of the most thoroughly warm, bright, funny and wonderfully humane people that it has been my privilege to know. We called her "Bolivar." That's where she was raised. That's where she lies now. We have never been able to replace her. We miss her to this day.

I'm most honored to accept this degree. I accept it with the knowledge that you are giving it to me as one of the greatest tributes a university can bestow upon anyone. I know some fine people who have worked real hard to earn the real things here. I'll try to be deserving of the honor.

Thank you.

RAILROAD RETIREMENT AMENDMENTS

Mr. PEARSON. Mr. President, prior to adjournment on Friday, June 22, the Senate approved the conference report on the Railroad Retirement Amendments of 1973. This legislation is of first importance to 1 million railroad retirees and their dependents, as well as more than half a million railroad employees in active service.

But most important from the standpoint of Congress, this measure (H.R. 7200) reflects substantially the terms of an agreement reached through nationwide collective bargaining between representatives of the major railroads and rail labor. The timely submission of these railroad retirement amendments to the President is possible this week only because both management and labor negotiated in good faith in coming to grips with the difficult problems confronting the railroad retirement system.

H.R. 7200 extends the present temporary retirement benefit increases enacted in 1970, 1971, and 1972, of 15 percent, 10 percent, and 20 percent, respectively, for 18 months—until December 31, 1974. In addition, it liberalizes retirement eligibility for employees, permitting those with 30 years service who have attained the age of 60 to retire without actuarial reduction of their annuities. The bill also reduces the tax which rail workers pay for their retirement program, from 10.6 percent to 5.85 percent of taxable pay. The railroads' contribution is increased from 10.6 to 15.35 percent of their employees taxable earnings.

Thus, Mr. President, the railroad retirement payroll tax is reduced to that level which an individual would pay if he were covered by social security. Congress has kept faith with railroad employees by continuing the urgently needed retirement increases enacted over the past years. And the higher rail management contributions to the retirement fund, under the terms of title II of H.R. 7200, will be passed along to users of the rail system by means of accelerated procedures for a general rate increase.

The labor-management agreement provides a 4-percent increase in wages, as well as the 4.75-percent reduction in employee payroll taxes. Thus, under the terms of the agreement, as now ratified by Congress, each rail employee will realize an effective increase of 8.75 percent in his income. I believe this is justified, and I would commend both labor and management for their statesmanlike approach in the negotiations.

LONG-TERM RAILROAD RETIREMENT SOLUTION

Mr. President, in 1970 Congress appointed a Commission on Railroad Retirement to study thoroughly the system and to make recommendations for restructuring it. The principal recommendation of the Commission called for the establishment of a two-tier framework. Tier 1 would provide employees with regular social security benefits, financed under the social security laws. Tier 2 would provide a completely separate supplementary retirement plan administered by the Railroad Retirement Board.

But while recommendations of the Commission are being reviewed, the temporary relief granted by H.R. 7200 is necessary.

I am heartened by the cooperation which has been demonstrated between labor and management in their commitment to resolve the complex and long-term problems of the railroad retirement system. The agreement between these two groups on H.R. 7200 was made voluntarily and, although the bill does not provide a permanent solution, I am confident we are on the verge of creating a sound and workable system which will solve the financial insolvency of the present railroad retirement fund.

Mr. President, I would invite the attention of Senators to one important provision of H.R. 7200 as approved by the conference committee:

> The Congress hereby declares its intent to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system.

This is the commitment that Congress now makes to our Nation's rail employees and their families. It is a commitment which should be kept. And I am confident that it can be kept.

Mr. President, the terms of H.R. 7200 reflect the cooperative efforts of rail labor, rail management, the House Committees on Interstate and Foreign Commerce and Ways and Means, as well as the Senate Committees on Labor and Public Welfare, Commerce, and Finance. H.R. 7200 proves that timely action can be undertaken to achieve results—if a positive spirit of cooperation and good faith prevails.

Before January 1, 1975, the railroad retirement system should be established on a sound fiscal basis. The rights and privileges of railroad employees must be protected. The spirit of cooperation which makes enactment of H.R. 7200 possible this week will be instrumental in achieving these long-term goals.

UTAH'S GOVERNOR AND LEGISLATURE SUPPORT KAIPAROWITS POWERPLANT

Mr. MOSS. Mr. President, on June 13 of this year Secretary Rogers Morton announced the intention of the Department of Interior to disapprove applications for right-of-way permits for the construction of a coal-fired electric generating plant on the Kaiparowits Plateau in southern Utah.

This shocking announcement was made in spite of the fact that a million dollar environmental impact statement was due to be filed with the Interior Department by the applicants within days after the announcement was made. This study was the result of 3 years research, and had led to changes in plant location, reduction in the megawatts to be produced, and the installation of more effective pollution control technology. Yet the protection brought by these changes and the information contained in this huge, two-volume study could not have been adequately considered by the Department of Interior, since the report was filed several days after the decision was made.

It is my understanding that the Department is now reviewing its decision. I hope that the deliberations will give heavy weight to the opinion of the State of Utah, as expressed by a resolution passed a few days ago by the State Senate in an extraordinary session. The State of Utah is clearly on record in support of the Kaiparowits powerplant, recognizing that the total environment of man, including jobs, income, recreation, and other factors must be considered in such decisions. I believe those who have followed this issue for the past 11 years will find it useful to have the entire resolution available, and I therefore ask that it be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.R. No. 2—Development of Kaiparowits Generating Plant, 1973 Extraordinary Session

A resolution of the Senate of the State of Utah, memorializing the President of the United States, the Secretary of the Interior, and the Congress of the United States to approve and assist the development of a coal-fired electricity generating plant in the Kaiparowits plateau area of southern Utah

Be it resolved by the Senate of the State of Utah:

Whereas, there are vast unused reserves of low-sulfur coal in the Kaiparowits Plateau area of Utah which are available for use in the development of electrical power; and

Whereas, the State of Utah has considered the generation of electrical power for local use and for sale out of state to be so desirable that it has set aside sufficient water from its allocation of the Colorado River to make the operation of a large generating station possible; and

Whereas, the generation of large amounts of electricity would help solve the national problems of power shortages, dependence on fuel importation, and the national balance of payments; and

Whereas, the development of these two natural resources, presently lying dormant in the ground or flowing by unused, will be a great economic asset to the State of Utah and particularly to the southern Utah counties which now suffer economic depression; and

Whereas, the Senate of Utah believes that the total environment of man, including jobs and income, home life and recreation, education and culture, as well as fresh air and clear vistas, must be considered in making development decisions; and

Whereas, the proposed development of the Kaiparowits power generating plant has been carefully and intensely studied for more than 11 years and indications are that this generating plant can be the most efficient and cleanest coal-burning generating station in the world; and

Whereas, the utility companies involved with the Kaiparowits plant have developed a million-dollar environmental impact study which was not considered by the Department of the Interior when the recent decision was made not to allow construction; and

Whereas, the utility companies have for the past several years been conducting research on and development of systems and equipment to remove environmentally objectionable materials from the stack emissions; and

Whereas, current evidence indicates that this plant at Kaiparowits can be added to those already built or planned for the area and still comply with all present local, state, and federal environmental guidelines; and

Whereas, the Senate of Utah considers that this decision should not be made unilaterally in Washington without considering all the facts presently available and without the concurrence of the representatives of the people of Utah; and

Whereas, the Governor of the State of Utah has urged that the decision of the Secretary of the Interior be reversed and development of this power generating plant be commenced.

Now, therefore, be it resolved, by the Senate of the State of Utah, that the President of the United States, the Congress of the United States, and the Secretary of the Interior be requested to reconsider the recent negative decision of the Secretary of Interior and are urged to consider the additional information now available concerning the total environment of the area and its people and request they work with the people of Utah in developing our state's natural resources to the benefit of Utah, the West, and the Nation.

Be it further resolved, that the Senate of the State of Utah call upon the delegations of the State of Utah and surrounding states in Congress to work diligently for the implementation of this resolution.

Be it further resolved, that the Secretary of the State of Utah is directed to send copies of this resolution to the President of the United States, the Secretary of the Interior, the Senate and House of Representatives of the United States, and the Senators and Representatives representing the State of Utah in Congress.

HATCH ACT REFORM

Mr. MOSS. Mr. President, the Supreme Court has today handed down a decision upholding the constitutionality of the Hatch Act's prohibition against Federal employees taking an active part in political campaigns. This decision, U.S. Civil Service Commission against National Association of Letter Carriers, overrules a district court decision that held the prohibition against political activity to be unconstitutionally vague.

I am disappointed in the Court's ruling on this matter and would concur with the arguments of the three Justices who have dissented from the majority. Allow me to quote one portion of Mr. Justice Douglas' dissent:

> We deal here with a First Amendment right to speak, to propose, to publish, to petition Government, to assemble. Time and place are obvious limitations. Thus no one could object if employees were barred from using office time to engage in outside activities whether political or otherwise. But it is of no concern of Government what an employee does in his or her spare time, whether religion, recreation, social work, or politics is his hobby—unless what he or she does impairs efficiency or other facets of the merits of his job. Some things, some activities do affect or may be thought to affect the employees' performance. But his political creed, like his religion, is irrelevant. In the areas of speech, like religion, it is of no concern what the employee says in private to his wife or the the public in Constitution Hall. If Government employment were only a "privilege", then all sorts of conditions might be attached. But it is now settled that Government employment may not be denied or penalized "on a basis that infringes his constitutionally protected interests—especially his interest in freedom of speech." See *Perry v. Sanderman,* 408 U.S. 593, 597.

The basis of Justice Douglas' dissent is that the Federal employee should not be denied certain basic political rights that are granted to other citizens. I find his argument compelling.

For more than 30 years, Federal employees have been prohibited from active participation in our democratic process. The Hatch Act, which was enacted in 1939 for the purpose of protecting Federal employee political rights, has instead served only to deny them.

Government workers today are not permitted to:

First. Express public support for a candidate—lest it be construed as part of a campaign;

Second. Write a newspaper article or a pamphlet supporting a political candidate or commenting on a political issue;

Third. Distribute campaign material;

Fourth. Solicit funds for candidates;

Fifth. Serve as a delegate to a political convention;

Sixth. Or serve as an officer in a political organization.

I have believed for some time that most of these all pervasive prohibitions could be removed without endangering the ability of the Government worker to perform his official duties or to maintain his own political independence.

Last year I introduced a bill that would allow Government workers to express their political opinions, serve as delegates to conventions, become campaign managers, and run for office at the local level. I have reintroduced this bill in this Congress and I believe there have been bills introduced by other Senators that also call for reform of the Hatch Act.

Mr. President, we have not pushed ahead with this legislation until now because we have felt it prudent to wait until the Supreme Court settled the constitutional questions. Although I am certainly disappointed in the decision that the Court has finally handed down, there is really no point in quarreling further with the decision, for it is well within the power of Congress to proceed now with revision of the law. The Court has held simply that Congress can forbid certain types of political activity. And what Congress did in 1939, it obviously has the power to undo in 1973.

So, I call upon Congress to proceed as quickly as possible to remove the political straightjacket in which we have placed our Federal employees.

CAUGHT IN THE PRICE FREEZE

Mr. RIBICOFF. Mr. President, when the administration announced its 60-day freeze recently, I pointed out that it failed to place controls on raw agricultural products. I feared that this would mean that many food processors, wholesalers and retailers could be caught in a price squeeze. Price increases at the farm level could be passed on to them but they cannot pass on any costs.

Unfortunately, these fears are being realized.

Today I received a letter from Mr. Chester Hale the treasurer of Eggs, Inc., an egg producing business in Brooklyn, Conn. His case is typical of egg producing concerns throughout the country.

As a result of the freeze and its lack of controls over farm prices there is a possibility that the feed supplier for Eggs, Inc.—H. K. Webster Co. of Lawrence, Mass.—will not be able to continue supplying feed to Eggs, Inc. The Webster Co. has pointed out to Mr. Hale that while it cannot pass on any price increases, it must bear the burden of paying higher prices for the grain it buys to make feed. Corn, for example—a major ingredient in feed for laying hens—is not frozen and has continued to climb in price since the freeze went into effect. As H. K. Webster Co. put it in a letter to its feed customers—

> We shudder to think of telling customers we cannot supply this feed, but unless relief is forthcoming, there is a distinct possibility that we may have to withdraw from the market at some point during the 60-day freeze period.

I, too, shudder at that prospect. If a price freeze is to be successful it must apply controls all along the line. Raw agricultural products cannot be exempt.

Companies such as Eggs, Inc., cannot continue to operate if feed prices continue to skyrocket. In the last year feed prices have doubled. In June of 1972 Eggs, Inc., paid $3.70/hundredweight. On June 18, 1973, feed prices were $7.31. This increase in feed prices meant that the cost of producing a dozen eggs went up by 15 cents in a year. And this does not even include the increase in labor costs, capital equipment, and hens.

It is time to put some teeth into price controls by putting raw agricultural products under control.

Businesses such as Eggs, Inc. are vital to this Nation's economy. We must not force them out of business because of ill-considered Government programs.

Food processors are forced to cope with increased prices for uncontrolled raw agricultural products. But they are unable to pass these costs along. For example, General Foods has announced that it may stop buying certain products because the ceiling price they are allowed to charge is lower than the price they have to pay for the raw products.

I ask unanimous consent that letters from Eggs, Inc., and H. K. Webster Co., be inserted at this point in the RECORD.

I also ask unanimous consent to include in the RECORD an article from the New York Times pointing out that the wage-price freeze may result in food shortages.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EGGS, INC.,
Brooklyn, Conn., June 21, 1973.

Senator ABE RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR, in line with our previous correspondence, we are inclosing a copy of a letter from our feed supplier which points out the gravity of the present feed situation.

We have 100,000 laying hens that require 100 tons of feed weekly. Lack of profit is no longer our only concern, because lack of feed means our liquidation.

We continue to urge legislation which would curtail exports of feed grains during the present price freeze to ease domestic supplies.

With our egg prices frozen we cannot survive with higher feed costs, nor can our poultry survive without feed.

Very truly yours,
CHESTER HALE,
Treasurer, Eggs, Inc.

H. K. WEBSTER COMPANY, INC.,
Lawrence, Mass., June 20, 1973.

DEAR SATELLITE FEED CUSTOMER: As you will have noted, our current price card, dated June 18 reflects President Nixon's new price freeze order requiring companies not to exceed the highest price level quoted during the period June 1–8. In our case, this meant we were forced to roll back prices an average of $5.60 per ton, since, as you know, prices went up on our quotation of June 11th. For the immediate future, it would seem that the prices quoted for June 18 would remain in effect.

We certainly do not begrudge the immediate benefits this provides our customers. However, we feel compelled to alert you to the magnitude of the problem facing not only the H. K. Webster Company, but most other feed manufacturers as well. The fact is that most of us were dragging behind the market as much as we dared, giving our customers as much of a break as we could, in view of the extrordinarily high level of prices. As a result the freeze caught all of us at price levels substantially below the actual market level of grain and feed ingredients used in poultry feeds. Furthermore, one major ingredient, corn is not frozen and has continued to climb in price since the freeze went into effect. This obviously means that, far from making any profit on sales of Satellite Feeds, we are already incurring losses and these losses will grow more susbtantial every day and every week that the price freeze remains in effect.

We do not tell you this for the purpose of seeking your sympathy, because we don't believe much can usually be accomplished by bothering our customers with our problems. We are relating this because the situation is so serious that it may eventually pose critical problems for you in terms of available feed supply. In short, we do not know how long we will be able to sell Satellite Feeds if we are to be forced to take big losses. We shudder to think of telling customers we cannot supply their feed, but unless relief is forthcoming, there is a distinct possibility that we may have to withdraw from the market at some point during the 60 day freeze period. Nor would the supply problem be easily resolved, because other feed manufacturers who are in the same boat may not be eager to take on additional customers which add to their losses. We hope this alarming possibility doesn't materialize, but we feel that we must draw it to your attention at this time.

Sincerely,
DEAN K. WEBSTER, *President.*

[From the New York Times, June 25, 1973]

FOOD PROCESSORS PREDICT SHORTAGE

(By Philip Shabecoff)

WASHINGTON, June 24.—A number of food processors and canners are raising the specter of food shortages with disclosures over the last few days that they have already cut or are considering cutting delivery of some products because of the Nixon Administration's price freeze.

Some processors, including the General Foods Corporation, have stopped taking orders for some product lines, saying that they would lose money because their ceiling price during the freeze is lower than the price of the raw product.

More processors report that they are shipping on a day-to-day basis and may soon have to shut down some of their production lines.

LETTER CIRCULATED

Representative Peter A. Peyser, Republican of Westchester, citing the decision of General Foods and other processors to cease selling certain product lines, is now circulating a letter among fellow Congressmen asking them to join in an appeal to the White House to impose an immediate freeze on prices of raw agricultural products.

Unless a ceiling is placed on farm goods, Mr. Peyser said, there will inevitably be a black market or consumers will be deprived of marketplace choices.

However, some food industry experts and consumer advocates charge that the canners are using scare tactics to persuade the Administration to allow them to pass on to the consumer the increases in raw agricultural prices.

Rodney Leonard, director of the Community Nutrition Institute, asserted that the food processors were trying to "test the Government's resolve to stick to the freeze." He said that while some processors might be facing a cost squeeze, particularly those processing grain products, most had contracted for their raw materials early last winter and have long since adjusted their prices for the new crop.

And an executive of a major can manufacturing company scoffed at the reports that canners would take their products off the shelves. He said that orders for cans were not abating and that all processors had production "in the pipeline and could not halt shipments even if they wanted to."

However, the president of the National Canners Association, Charles J. Carey, said in a telephone interview that unless changes were made in the freeze program, "a lot of products will never get to market."

Mr. Carey said that this was the beginning of the season for most produce and "a lot of contracts have not been consummated yet" between growers and processors. The growers, he explained, are asking prices substantially higher than last year's, while the canners and processors are often frozen at last year's prices.

He cited peaches as one example. One of the major canned fruits, peaches cost the processors about $75 a ton last year. This year, Mr. Carey reported, growers are asking more than $110 a ton.

Meanwhile, he asserted, the growers have increased costs and will not reduce prices even if the canners cannot afford the same orders as last year. The result, he said, will be that some smaller canners will stop production entirely and most peach canners will exercise options in their contracts and produce at a much lower level during the freeze.

A number of products have already started to disappear from production lines, Mr. Carey said. One, he said, is pork and beans, a reflection of a 25 per cent rise in the price of beans since the last harvest. Other items likely to be affected soon are tomatoes, peas, cherries and seafood, he added.

WILL HAVE NO CHOICE

"Unless something is done awfully fast to allow us at least to pass through our costs, canners will have no choice but to contract supplies," the canning industry executive asserted. He said that a freeze on raw agricultural prices would have no effect at this point because these prices were already so high.

A spokesman for General Foods said that because of the freeze pressures the company had taken action to cut off new orders on some of its frozen foods, particularly raspberries and strawberries. The big company is also halting shipments of chocolate and coconut to its industrial customers, the spokesman said.

"We are not looking to book any business when we have to sell at a loss," the official said. "Unless we can pass through our costs we are simply going to store some of the crops until the freeze is over. This will not result in an immediate emptying of shelves, because retailers still have some stocks. But it could mean shortages later on."

An official of Oconomowoc, Inc., a Wisconsin-based processor that cans vegetables for chain-store house brands and for institutions such as schools and hospitals, said it was limiting the size of the orders it accepts. He also said that institutional buyers were having trouble getting food supplies because they operate on a low-bid system and canners were reluctant to take a low price during the freeze period.

A spokesman for Del Monte, one of the nation's biggest canners, described the current situation as "scary and confused" and said that the company had not yet decided whether to start taking its products off supermarket shelves.

He reported, however, that one of the company's subsidiaries, the Purky Pie Company, had been unable to get any new shortening because of skyrocketing prices for soybean oil and would have to stop production of its pies fairly soon.

Ray Robinson, of the Robinson Shrimp Company in New Orleans, told an interviewer by telephone that because of the squeeze between prices for raw and processed shrimp he was exporting more of his canned shrimp to Europe—where there is no price freeze.

FURTHER DEVELOPMENTS ON THE DROUGHT IN WEST AFRICA

Mr. HUMPHREY. Mr. President, President Nixon recently wrote a letter to United Nations Secretary General Waldheim announcing that he had designated Dr. Maurice J. Williams Special U.S. Coordinator to coordinate more effectively our emergency relief efforts to the six drought-stricken African countries and to plan our part in a rehabilitation program.

President Nixon also stated that we stand ready to provide further support for internal transport and to provide additional assistance to help overcome the profound effects of this tragedy.

I welcome these developments and hope that additional transport assistance and a major U.S. commitment to rebuilding these economies are indeed forthcoming.

In the hearings I held as chairman of the Senate Africa Subcommittee on June 14, it became evident that a lack of effective coordination was one of the major problems hindering emergency relief efforts. I hope Mr. Williams will be able to coordinate the various aspects of U.S. assistance and help in the coordination of international relief efforts.

The critical need for an adequate, well-coordinated international relief effort is revealed in yesterday's New York Times article, "Six Million Africans May Die in Famine by October." This article quotes relief workers as stating that if adequate assistance does not reach many communities before they are totally isolated by the rains, millions will die of starvation. It gives a vivid account of the tremendous suffering and unnecessary deaths already caused by the drought.

Mr. President, I ask unanimous consent that President Nixon's letter to the Secretary General and Thomas A. Johnson's article be included in the RECORD.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C.

His Excellency Dr. KURT WALDHEIM,
Secretary General of the United Nations,
United Nations, New York.

DEAR MR. SECRETARY GENERAL: I fully share the concerns which you have expressed to Ambassador Scali for the millions of persons who are suffering from the terrible drought in the Sahelian nations of West and Central Africa. For many months reports from United States and United Nations representatives and from the governments themselves have related graphically the growing effects of the worst drought of this century in the African Sahel. Those of us who have been spared this scourge have been responding to the crisis, but more must be done, as you have said. The United States stands prepared to commit further resources as needs are identified.

As you know, the United States response has been carried out on several fronts. We have increased the amounts of foodgrains destined for these nations through both American programs and the World Food Programs. By mid-summer, 156,000 tons of grain valued at nearly $19 million will have arrived in West African ports or in the interior states of Mali, Upper Volta, Niger and Chad. Two million dollars in disaster relief funds have also been made available. United States Air Force aircraft, and those of other donors, are airlifting grain to stricken nomads and farmers in remote districts of Mali and Chad. Animal feed and vaccines are being distributed to save as much livestock as possible. Medicines are being provided to combat malnutrition and potential epidemics. In response to a request from Director General Boerma, the Agency for International Development has provided a logistical planning expert to the Food and Agriculture Organization of the United Nations and our staffs in West Africa are being augmented to improve our ability to deliver what is needed to the right place at the right time.

We share your concern that the problems of dealing with the immediate emergency will become even more difficult as the rains begin and road transport problems increase. We therefore stand ready to provide further support for internal transport, as specified needs are identified.

As you have recognized, this region is faced not only with the immediate needs of feeding the hungry but also of rehabilitating water and forage resources, livestock herds and grain producing facilities to permit a long range recovery from the devastating effects of the drought. This effort will require close collaboration among African leaders and the donor community. As specific rehabilitation needs are more clearly identified, and as it becomes clearer what others are ready to do, the United States will be prepared to provide additional assistance for the Sahel to help overcome the profound effects of this tragedy.

In order to coordinate more effectively our emergency relief efforts and to plan our part in a rehabilitation program, I intend to designate Mr. Maurice J. Williams as a Special United States Coordinator. He will cooperate closely in his work with Director General Boerma and with other governments—so that the work of relief and rehabilitation can go forward as expeditiously as possible.

Sincerely,

——, ——.

SIX MILLION AFRICANS MAY DIE IN FAMINE BY OCTOBER

(By Thomas A. Johnson)

AZZAL, NIGER, June 16.—Suleman Aji sat in the shade of a palm tree with other Bouzou and Tuareg tribesmen until the merciless sun went down last night and this oasis was engulfed in cooling darkness. It was clear that the supply of millet and powdered milk was not coming from town.

The tribesmen, who have lost most of their camels, sheep and goats to a five-year drought and famine, returned this morning when a Land-Rover arrived from Agadez, 10 miles south of here. "Now we will eat for at least one more day," Mr. Aji remarked matter-of-factly to a visitor to the inhospitably parched region of this equatorial country, where the sun has blackened the rocks.

The band of six French-speaking nations of the southern Sahara are suffering from drought and the desert herdsmen here and the millet and peanut farmers to the south who make up 90 per cent of the region's more than 25 million people depend on the almost daily food deliveries to stay alive.

For many people in Niger, Mauritania, Senegal, Mali, Upper Volta and Chad, life is synonymous with hunger, United Nations relief workers have warned that as many as six million could die of starvation by October. They estimate that more than a third of the area's livestock have perished.

Travelers in the region hear from herdsmen and farmers that many have died of starvation. Government spokesmen report that hunger and weakness have contributed to untold deaths from disease.

"Meningitis in Chad, a cholera flare-up in Senegal and outbreaks of measles in Mali and Niger have caused many deaths," a European * * * "Many of the victims probably would have survived if they had not been so undernourished."

Most relief workers in the region, both African and European, would agree with the grave conclusions of David McAdams, mission director for the United States Agency for International Development in Senegal, Mali and Mauritania, who said: "From our investigations no one is dying at this moment just from starvation. But if supplies are halted and the summer rains isolate entire communities, we could be standing on the brink of disaster."

For Mr. Aji, the black tribesman in Azzal, disaster is already at hand. Disease has taken several relatives and friends. The lack of rain, combined with 140-degree temperatures and hot, blowing sands, has destroyed pasture land, and the livestock that gave him both a living and status have perished.

"I raised camels, cattle, sheep and goats and some donkeys too," he told a visitor to the straw-hut compound he shares with two wives, six children and an aged mother. "All the animals are dead—more than 150, except for the goats."

The goats are penned in the compound. In the morning the children take them across the sun-blackened rocks—an area that resembles photographs of the moon's surface—to search for a few leaves left on an occasional desert bush.

Every few days, after Mr. Aji's wives and his mother have fashioned 10-foot lengths of rope from dried palm fronds, he takes them to Agadez, where he sells them for 5 cents each. In the central market there 5 cents will buy about a quarter of a pound of millet—often used in the United States for birdseed.

Asked why he stayed, he answered without hesitation: "Should not a man stay with the woman who gave birth to him?"

FAMILIAR SCENES PREFERRED

Farther north, Ahmad Umale, a Tuareg who lost 20 camels to the drought, said in answer to the same question: "One should never go where the old men have not marked the waterholes."

And Ahmadu Kieta, who just planted the last of his millet seeds in the sand near Oullam, said: "Where would we go? We would be just as destitute anyplace, else, and also far from home."

Nonetheless, many thousands of Arab and black herdsmen and farmers have left their homes and camping areas in what officials are describing as the region's largest migration in recent history.

In some cases whole villages, with their herds, are on the move. Herds from Mauritania, where officials say 75 per cent of the livestock have perished, are being taken as far south as Gambia.

Although farmers have been returning to plant crops after the first rains, many of the herdsmen who lost their flocks have become a large, dependent class of refugees. Several cities, among them Nouakchott in Mauritania, and Mopti, in Mali, have doubled and trebled in size in recent months.

"For many of the nomads the loss of the herds built up over many generations will mean an end to their nomadic way of life," a Niger Government worker conceded, departing from generally cautious official statements.

Niger, like the other nations hard hit by the drought, has a long-range plan for the resettlement of nomads in more fertile areas farther south. For many this will not be easy.

Mrs. Sodinge Kaou, a member of the wide-ranging, cattle-raising Fulani tribe recently led a group of women and children into Tahoua, Niger, in search of food. They wanted it for their menfolk who were in the desert tending the 4 remaining head of a herd of 25 cattle.

DON'T LIKE CITY LIFE

The women received a two-day supply of millet and returned to the desert. According to Mrs. Kaou, the 11 people in the family group will stay with their cattle in the desert as long as they can. "We do not want to live in the city," she added.

Other Fulanis, having lost their cattle, line up daily in the growing refugee centers with Hausa farmers, who had to eat their seed crops, and Arab herdsmen, who also lost their livestock.

Many of the herdsmen, desperate over their losses, are convinced that they must change their way of life.

A youthful Tuareg, Asumana Umale, who fled from the desert near Kidal, Mali, told a visitor: "We will try farming if we must—we must eat."

How many people in the region are living on the day-to-day emergency food grants has not been established, nor is it known how many are in the food-distribution centers or wandering in neighboring countries.

Statistics in these poor, underdeveloped and inaccessible countries are at best rough guesses. There is a multiplicity of languages and peoples, and illiteracy is thought to grip about 90 per cent. Roads and telephone communications are extremely poor if they exist at all.

"We thought we had some 70,000 in Agadez but already we have registered more than 82,000 for food grants," said the district commissioner, Fodi Djingarey.

The current crisis is the result of a steady five year decrease in annual rainfall, which cut farm production by 30 to 50 per cent. Range and pasture land is depleted and grain reserves and seed supplies are gone in most areas.

Water tables have been lowered so that many wells have dried up, and there is no equipment to dig them deeper. West African rivers—the Niger, the Senegal, the Bandama and the Volta—are at their lowest in six decades.

The region is the scene of an intensive international battle against time, with African and foreign relief workers attempting to stockpile food before the summer rains destroy unpaved roads and effectively isolate many thousands of people. With the help of the United Nations Food and Agriculture Organization, more than 700,000 tons of grain and powdered milk will be brought into the region before October, when it is hoped, harvests will abate the emergency.

The major contributors include the United Nations, the European Economic Community, the United States, France, West Germany, and Soviet Union, Canada and China. Some 50,000 tons of animal feed are to arrive before August, and the rains should restore some pasture.

Most of the supplies are landed by ship in ports from Dakar, Senegal, to Port Harcourt, Nigeria; Algeria has sent some across the Sahara by truck. Trains and truck convoys carry them to principal cities, and military aircraft—French, Soviet, West German, Belgian and American—ferry loads to outlying areas.

The emergency will build steadily during the coming weeks as expected rains, light or heavy, hamper the delivery of relief supplies.

"This is what we all fear," said a Belgian Air Force Captain, Daniel Brams, a navigator on a C-130 carrying millet from Niamey, Niger, to Agadez and Ahrli. "If we cannot stockpile enough in these districts that will be cut off, many, many people will die of starvation."

ILLINOIS, URBAN RENEWAL, AND HUD'S FISCAL YEAR 1974 BUDGET

Mr. PERCY. Mr. President, I had the honor last Thursday morning to join the distinguished Senator from Illinois (Mr. STEVENSON) in hosting a breakfast for the Illinois congressional delegation at which we heard from a delegation composed of the mayors of several Illinois cities and the representatives of the mayors of several others.

The message these urban leaders brought us from Bloomington, Carbondale, Chicago, Danville, Decatur, East St. Louis, Peoria, and Rockford was that the fiscal year 1974 budget proposal of the Department of Housing and Urban Development made it virtually impossible to carry out plans for urban renewal and community development projects which, in many cases, had been many long, hard years in the making.

These leaders presented a very persuasive case not only for increased funding in fiscal 1974 for the community development programs which HUD proposes to fold into a community development special revenue sharing program as of July 1, 1974, as well as for lifting the moratorium on subsidized housing programs pending the outcome of an intensive evaluation of these programs, but also for some continuity in the rules under which local jurisdictions are required to operate in order to receive Federal financial assistance.

I was pleased to report to the group that the Senate Banking, Housing and Urban Affairs Committee had just the previous day reported legislation which extends most Government housing programs for 1 year, lifts the moratorium on housing subsidy programs, and requires the Secretary to "immediately cease any suspension" or withholding of funds for Federal housing-assistance programs and to stop delaying or withholding applications for these programs.

I personally favor the revenue-sharing concept for community development programs and I believe Congress should and will pass an effective bill on this subject very soon. However, I feel it is wrong to unilaterally terminate and suspend programs on which many communities depend without alternative ones in place. At the very least, not enough care has been given to the transition-year problems of local officials in Illinois and around the country. I think the House Appropriations Committee action in providing funds sufficient to maintain current levels of activity under urban renewal—rather than to rely solely on what is in the pipeline—may be the most appropriate way to proceed.

The junior Senator from Illinois (Mr. STEVENSON) and I, together with our distinguished colleagues from the other body who attended the breakfast, Mr. ANDERSON, Mr. ANNUNZIO, Mrs. COLLINS, Mr. MADIGAN, Mr. PRICE, Mr. RAILSBACK, and Mr. ROSTENKOWSKI, and staff representing Mr. COLLIER, Mr. ERLENBORN, Mr. FINDLEY, Mr. GRAY, Mr. HANRAHAN, Mr. MCCLORY, Mr. METCALFE, Mr. MICHEL, Mr. O'BRIEN, and Mr. YATES were pleased to have the opportunity to listen to these local officials and to learn from them the dimensions of the problem they are facing this year in urban renewal and community development.

I believe my colleagues as well as officials of the executive branch will be interested in a document prepared by these cities because their experience may be duplicated elsewhere in the United States. I ask unanimous consent that the document entitled "Cities Report on Urban Renewal" be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

CITIES REPORT ON URBAN RENEWAL

PREFACE

The Cities of Illinois would like to thank those who were able to attend this breakfast meeting. Needless to say, without your support this meeting would not have been called.

The delegation of cities need not spend long hours explaining their fears and concerns over recent changes in Federal Policy regarding community development and housing. All that need be said is that problems, quickly reaching the crisis stage, are attacking Illinois' cities. In order to fully inform you of these problems the cities decided to request this meeting. The intent is to inform and bring you up to date as to the recent events as they are occurring on the local level.

Enclosed, herein, are brief summary papers prepared by several cities who wanted to take the opportunity to express, not only verbally, but in writing, the problems now being encountered. This booklet is for your examination at your convenience.

ROCKFORD, ILL.

For three years the City of Rockford, Illinois, has assumed its rightful role of leadership by encouraging and assisting local community development efforts to upgrade the physical and social environment. The goal of restoring and conserving the City's neighborhoods, whether it be the Central Business District or a residential area, is supported and stressed by key local figures. The realization that many areas of our city were built in a different time for a different function has been evident as two key forces of unplanned growth and urban decay attack vital parts of Rockford, Illinois.

The objectives of the City were clear and to the point:

Maintain a physical, economic and social environment compatible for its citizens.

Strengthen the Central Business District in order to increase retail activity, taxable values and job opportunities.

Establish a pattern for the orderly physical and economic growth to eliminate the substandard and obsolescent buildings that act as blighting influences and detract from the well-being of the City.

Achieve development which would be both functionally and aesthetically pleasing.

Encourage the private sector to develop new commercial, industrial, and residential areas in our city.

In order to achieve the goals of urban redevelopment, Rockford sought and received Federal funding for a Neighborhood Development Program consisting of three areas—Central Business District, Sa-Grant and Northwest.

Central business district

A large land mass containing over 600 acres of prime commercial, industrial and residential land was defined as the Central Business District area. Concentrated activities were focused on an area encompassing fifteen blocks. A viable redevelopment plan was formulated with certain activities scheduled and dependent upon the successful completion of other activities. A program to acquire key blocks in order to make them available to developers was undertaken in the Spring of 1970. Within a short time period the Urban Renewal Program has successfully purchased six and one-half blocks, out of nine, within the designated areas.

The Urban Renewal Program has successfully relocated seventy-nine businesses, demolished three of the six and one-half blocks currently under its control, and has sold two of its downtown blocks to date. The Urban Renewal Plan calls for concentrated redevelopment efforts by the City and the public sector in order to achieve a truly integrated downtown development.

The attainment of this goal is in sight. As already stated, over two-thirds of the property contained in the Central Business District area has been acquired for the purpose of redevelopment. By the end of 1973 the City of Rockford will have 17 million dollars of new construction going on in its downtown core, with an anticipated 40 million dollars yet to come. Needless to say, this is the biggest building boom that the downtown has experienced since its inception, and it has greatly increased the employment of construction workers, architectural firms, building suppliers, and many other construction related activities.

As of January 1973, the prognosis for a successful project was dimmed. With the receipt of official policy memoranda constraining the use of the Grant money to acquire property the City lost one of its major redevelopment tools. The scheduling of activities which, do to its importance, is computer operated, was automatically invalidated. What appeared to be a four year acquisition program to provide marketable land parcels was put in a total state of "limbo."

There are many other problems surfacing at this point in time. The City currently has under its control, half of a prime downtown block that cannot be totally assembled because of the prohibition against acquisition. Thus the City is left with a valuable piece of property in a "limbo" status that could be assembled were the prohibition of land acquisition lifted. Needless to say, there have been several inquiries from private developers concerning the assemblage of this prime block, and due to the inability of the City to carry out its activities, the faith of the private sector has been shaken by this change in events.

The City of Rockford in its original planning recognized that one of the major deficiencies is the lack of sufficient and convenient parking. In order to provide parking, the City committed itself to construct three anchor parking decks of which one is currently under construction. Suffice to say, without the capability to acquire land for the additional parking structures, the over all success of the program will be seriously jeopardized.

Residential program—northwest and SA-grant

The residential program of the City of Rockford is comprised of two distinct neighborhoods. The primary tool to be used in both neighborhoods was 312 Rehabilitation Loan Program, the 115 Rehabilitation Grant Program. The City has always recognized the need to conserve and upgrade its declining neighborhoods, and with the Neighborhood Development Program the City encouraged neighborhood conservation. During this three year period, the City encouraged homeowners and property owners to take advantage of the available loans and grants. Even though the bureaucratic "red tape" has often slowed the rehabilitation program, real progress has been made.

During the past several months the City of Rockford averaged eight new rehabilitated houses a month. Due to this level of activity the citizens, who were at one time apathetic and apprehensive, are now requesting rehabilitation assistance. For three years the City made commitments, formed citizens groups, urged neighborhood participation because it was felt that progress in conserving the City's neighborhoods would be achieved. The major obstacle to success is the elimination of the 312 Rehabilitation Loan Program. By removing the 312 Program the creditability of the Urban Renewal Program and the locally elected officials who urged these neighborhoods to participate in the Rehabilitation programs, is jeopardized.

Citizens of these two rehabilitation neighborhoods do not understand, after three years of considerable urging and after they have seen positive results of what rehabilitated housing can do for their neighborhoods, why they should be refused the opportunity to receive low interest loans. The seriousness of this credibility gap pervades into other issues as well. The "I told you so" attitude which was quickly diminishing is being heard by more and more.

SUMMARY

The task of rehabilitating and redeveloping decaying cities is not easy. Although many Federal programs have not achieved their goals as Congress intended, it behooves all of us to understand the problems created by prohibiting land acquisition, eliminating rehabilitation programs, and cut-backs in Federal funding.

The private sector, on whom we place the burden of commercial, industrial, and residential redevelopment will not sit idly by until the City has adequate money to carry on achivities. The need for alternative funding vehicles, such as community development revenue sharing, is quite apparent, but it is not the cure-all for urban problems. The need exists for a smooth transition between the termination of HUD's categorical grant program, and revenue sharing. To ignore the fact will seriously jeopardize the stride many cities have made toward meeting the goals of urban redevelopment.

PROGRAM SUMMARY—ROCKFORD, ILL., NDP ACTION YEAR 1970–73

	Activity units	Cost
Real estate acquisition (parcels):		
Residential	71	$610,000
Commercial	72	4,407,971
Total	143	5,017.971
Relocation:		
Families	29	
Individuals	9	
Business concerns	103	
Total	141	
Demolition:		
Residential	58	4,266
Nonresidential	31	114,470
Total	89	118,736
Land marketing:		
Residential	600,000	[2] 60,000
Commercial	[1] 560,000	[2] 1,500,000
Total	[1] 1,160,000	[2] 1,560,000
Rehabilitation:		
Grants	20	70,000
Loans	10	175,000
Total	30	245,000

[1] Square feet.
[2] Resale value.

PEORIA, ILL.

Peoria's efforts to deal with the horrible problems of blight which grip this inner city date back to 1960. It was then that the local leaders recognized that the blighting conditions, particularly in the south side section, had to be corrected. However, in the spring of 1960, the voters in Peoria turned down a bond issue by a margin of 2 to 1, so that the inner city was destined to continue its rapid rate of decline, tempered only by rising expectations over the years, expectations that consistently ended in disappointment and frustration until May of 1972.

At that time, the City of Peoria was awarded a 2.1 million dollar loan and grant from the Federal Government to operate its Neighborhood Development Program for the first action year. However, by that time, it was more than just the south side of the city needing treatment. It was a massive, 1500-acre area which is virtually all the residential area in the inner city needing help. In order to fully appreciate the enthusiasm that has developed in Peoria during the past year for the Neighborhood Development Program, one needs to have more historical background covering the frustrating years between 1960 and 1972. To be sure, those years brought no overall improvement to conditions in the inner city. Those years brought only worsening physical conditions to the buildings and growing frustration and pain to the city's poor, elderly, and racial minorities who were forced by economic factors to live in the inner city.

Seven years after the unsuccessful referendum, the City took another step in hopes of finding a method of attacking the ever-worsening conditions in the near south side. In 1967 the Peoria City Council initiated activities toward studyng the possibiltes of applying for a Federally-assisted urban renewal program. With full recognition that there was an extremely lengthy backlog of applications pending before HUD, the City Council decided not to pursue the Federally-assisted program at that time, but rather turned their efforts to other areas in an attempt to find funds to solve the increasing problems of blight.

In 1968, as a means of raising money to carry out a renewal program, the City Council imposed a utility tax. In November of that year, for the first time in the long history of Peoria, money was being generated to pay for south side renewal. As a result of the tax, the City was able to budget 1.4 million dollars for the local urban renewal program in its 1969 spending guide. But, even as this tax money was starting to flow, the abolition of the tax was being charted by those who opposed this approach: that of using local money for urban renewal.

In May of 1969 a newly elected City Council voted to repeal the utility tax that was providing money for the local urban renewal program and on July 1, 1969, the utility tax was stopped. The City Council voted on July 23, 1969, to seek Federal Title I funds under the conventional urban renewal program. The application requesting assistance under the conventional program was delivered to the Chicago office of HUD some three months later.

In November of 1971, with demolition in the urban renewal target area being carried out with utility tax money, the City abandoned hope for approval of the pending application and initiated efforts to apply for funds under the Neighborhood Development Program. In April, 1972, HUD approved a 2.1 million dollar loan and grant application of a Neighborhood Development Program for a first action year ending in May of 1973.

The First Action Year has now been extended to June 30, 1973, to allow additional time for the completion of the HUD review of Peoria's application for Second Action Year funds. This First Action Year has seen the acquisition of 77 parcels of land and the relocation to standard housing of 72 households. Demolition crews are working now to clear the land of some 118 structures to prepare the area for redevelopment. The redevelopment bid package has been prepared and will be distributed on July 2 in anticipation of redevelopment bids which are to be received on August 31.

If funding is not maintained for the Second Action Year, some 22 families will be stranded in the Target Area. The moratorium on subsidized housing has already discouraged many redevelopers. Reduced funding for the Second Action Year would necessitate a cutback in planned site improvements in the area. Redevelopment without subsidized housing and without adequate site improvements is very unlikely.

We have included in the Second Action Year application planning monies to maintain our level of effort to assure redevelopers and the total Peoria community that something will happen, that this long renewal effort will not be abortive. Developers must know that the community efforts will continue around the project area. The community must know that the plan is available to implement community development revenue sharing monies if that, too, is not proved to be a false promise.

The past several months have seen Peoria's Urban Renewal staff assembled and trained. We have launched an intensive planning effort which has strong programs of citizen participation and decision making. We have been informed by HUD personnel that our citizen participation program is among the most sophisticated in the urban renewal program today. During the long years of trying to get the program under way the City had difficulty in obtaining and keeping an experienced urban renewal staff capable of carrying out a successful program. We had little or no continuity of our key staff during those frustrating years.

Residents of the 1500-acre inner city NDP area have formed an active urban renewal advisory committee which is playing an important role in the process of neighborhood planning. The Peoria Urban Renewal Advisory Committee represents the hopes and desires of nearly 40,000 people, nearly one-third of the residents of the City of Peoria who now live in an area which, in many parts, already constitutes a slum and is rapidly deteriorating in other sectors. The Department of Urban Renewal and its consultants have worked closely with the Peoria Urban Renewal Advisory Committee in formulating goals, objectives and project plans for the future inner city area. The strong role played by the citizens groups and their intense involvement in the decision making process, along with the staff of the Urban Renewal Department and its technical consultants, represent the tools needed to deal with the problems of slum and blight. In short, Peoria is ready as it has never been before, to move along with the task of rebuilding.

The forty-acre target area reported as the high-priority item for the Peoria NDP, contains some of the worst housing conditions to be found in any urban renewal area. The forty-acre target area is so located and has such configuration that it cannot be dealt with in segments. The forty-acre tract is viewed as a single unit and no prudent investor-developer would be willing to purchase a portion of the tract without positive assurance that the forty acres will be cleared for his redevelopment. The LPA has promoted the forty acres as a single disposition tract and we have achieved significant interest from knowledgeable and capable redevelopers in purchasing this land. The LPA conducted a "redevelopers workshop" in January of 1973 for the purpose of exposing the forty-acre tract to approximately twenty-five different investors and developers who have previously expressed interest in the purchase of the forty acres. In keeping with the policy in Peoria of reporting openly all aspects of the urban renewal program this "workshop" was extensively covered by the newspapers, radio stations, television stations and was attended by numerous citizens groups and civic organizations desirous of promoting redevelopment in the forty acres. We must continue our efforts of marketing this forty acres during the coming year.

The Peoria Redevelopment Office hopes, through continued urban renewal activities to expand the housing supply for low and moderate income families; to seek greater social and economic balance and stability for our citizens; to accomplish physical renewal and social revitalization of areas with critical and urgent need; and to eliminate environmental blight. The stated and implified commitments made by the City and HUD are so strong that if we are not permitted to continue with our program of renewal, the community will lose the confidence it has in the Department of Housing and Urban Development and in the Federal Government.

Peoria has not been sitting idly by and waiting for the Federal Government to solve local problems. We have raised local funds to commence the process of restoring housing and eliminating blight in the inner city area. We have overcome the situation with respect to citizen support. We have gained a mandate of support from the citizens of Peoria, not only to continue urban renewal, but to expand the program into other areas of the community and to accelerate program activities. We have achieved a high level of respect among the City Council for the Urban Renewal Department and the entire NDP process. It took many years to convince some community leaders that a Federally funded program was the route to follow. Many were convinced that it could not be successful. In recent months they have seen the process working in Peoria. They are fearful that the Federal Government may withdraw what they felt was a strong commitment to the forty-acre area. The confidence of the people and the city leadership may be shattered and perhaps lost without the additional clearance of slum and blighted areas and the hope for eventual redevelopment of these areas. It is hard to imagine but conditions within the inner city will probably worsen without assistance.

The Impact of Federal Reductions in Funding Levels, East St. Louis Model Cities Agency

The Demonstration Cities and Metropolitan Development Act, enacted by Congress in late 1966, has proven to be the major link toward the development of a national urban growth policy. The Act, as amended, has offered strong inducements for local government reform measures and experimentation.

The results, some of which are of dubious value have, overall, provided for a public form of solid issues upon which to base more enlightened legislation and continue existing successful projects.

In East St. Louis and other cities across the nation, cutbacks in funding levels threaten to destroy the fabric of local government and is viewed as a retrenchment from the Congressional commitment to improve the quality of life in urban America.

The cutbacks appear to be capricious and arbitrary.

In East St. Louis, the foundation of local government and most other private and public endeavors, rests on federal discretionary and categorical funding due to a total collapse of the private economy. Education, health services, public safety, transportation and housing are a few urban systems locally that have no redress or promise of assistance without strong federal support.

The federal cutbacks in East St. Louis are, in effect, dismantling the gains the City has made in employment, government reform, citizen participation and improved delivery of social services.

The funding reductions have also crippled any remaining hope of leveraging private sector development. Indeed, cutbacks threaten to entrench traditional apathy and feelings of futility.

The accompanying charts and diagrams graphically display the effects of measured gains against the pending reductions.

The City of East St. Louis, under its base Model City grant and Planned Variations supplement funding, was able to operate at a level of nearly $16 million. Fiscal year 1973 represents a drastic funding reduction. Less than 10 per cent of this reduction in personnel, services and capital improvement costs can be supported by local funds.

A strategy statement from the CDA Fifth Action Year indicates:

(1) Salaries for all staff currently funded by CDA projects were projected to run to a total in excess of two million dollars for the period October 1, 1973, to June 30, 1974. The grant offered by HUD was $1,289,000 only.

(2) The City had already committed all regular funds for its 1973 fiscal year, ending December 31, 1973.

(3) The City had already committed all funds to be received from General Revenue Sharing through 1973 as part of its program to establish fiscal solvency for the first time in many years. Points two and three taken together means that the City had no capacity to take over funding of Model Cities projects before January, 1974.

(4) The City anticipated the termination of EEA Section 6 in October 1973 and EEA Section 5 in January 1974. This would mean loss of ten policemen, six firemen, and other personnel of importance in the struggle to establish an adequate service level for the City.

Aside from the disruption of basic City services and capital improvement needs, the cutbacks have drastically hindered planning and coordination among service organizations which have had their funding terminated by the Model City Agency (See Projects Discontinued Chart).

City Departments that are suffering from funding level reductions will not be able to effectively implement or coordinate their activities with outside agencies, thereby weakening service delivery systems established under prior Model City action years.

The City-wide Planned Variations program established last year no doubt increased the capacity of local government to negate many problems. As the accompanying charts explain, this capacity will be weakened substantially and will cripple any efforts at further strengthening delivery systems when those systems are not rationally planned and executed.

9 MONTH PROJECTION OF CURRENT STAFF SALARIES

Grant number and title	Current staff salaries	Current staff
V-1 Community school	$103, 492. 61	31
V-2 Washington school aides	12, 509. 64	3
V-3 Special education	46, 500. 00	11
V-4 Dental service	79, 278. 00	7
V-5 Comprehensive nutrition	11, 239. 68	6
V-6 Health code enforcement	191, 021. 11	22
V-7 Lead poisoning	35, 607. 96	6
V-8 Mary Brown center	43, 487. 00	6
V-9 Child care	100, 000. 00	62
V-10 Family planning	75, 000. 00	12
V-11 Recreation	74, 883. 00	15
V-12 Professional police	45, 009. 48	5
V-13 Juvenile adjustment and correctional center	11, 435. 00	1
V-14 Legal Department	43, 659. 41	10
V-15 Urban Affairs Department	113, 343. 00	18
V-16 Civil Rights Department	21, 120. 38	3
V-17 Personnel Department	26, 325. 14	3
V-18 Rush City Co-Op	10, 493. 04	3
V-19 Research and industrial development	40, 495. 00	3
V-20 Home improvement program for the elderly	37, 142. 93	
V-21 Relocation	19, 931. 00	3

PROJECTS DISCONTINUED FROM 4TH-ACTION YEAR MODEL CITIES PROGRAM—EAST ST. LOUIS COMMUNITY DEVELOPMENT DEPARTMENT

Project title	Project number	4th-year project budget	Operating agency
Basic adult education	F-2	$40, 000	School district No. 189.
Vocational secondary education	F-3	50, 000	Do.
Comprehensive nutrition	F-5	70, 000	City HEW/MEHSC.
Park maintenance and supervision	F-11	77, 000	Public Works Department.
High school athletic facility	F-12	75, 000	School district No. 189.
Broadway and 4th Street Park	F-13	57, 886	Community Development Department.
Senior citizen skill development	F-14	20, 513	City HEW Department.
YODI equipment and transportation	F-15	16, 684	Young Disciplies, Inc.
Khoury League baseball park construction.	F-16	50, 000	Communtiy Development Department.
Work studies program	F-20	54, 000	State Community College.
Rush City Co-Op	F-24	25, 000	People's Cooperative.
Small business assistance	F-25	76, 420	ACDC.
Project Life Co-Op	F-27	10, 000	Project Life Co-Op.
Non profit housing seed capital	F-28	75, 000	Community Development Department.
R-104 Street improvement	F-29	150, 000	Do.
Home improvement services	F-30	50, 000	E. St. Louis Youth Council.
Street resurfacing	F-32	$543, 583	Public Works Department.
Painting of streets and safety zones	F-33	20, 000	Do.
City garage services	F-34	11, 000	Do.
Street cleaning	F-35	17, 950	Do.
Refuse collection	F-36	94, 450	Do.
Fire equipment update	F-37	50, 000	Fire department.
Expansion of city office space	F-40	153, 839	Building department.
Lot and alley trash collection	F-41	228, 442	Public Works Department.
Public facilities improvement	F-42	42, 500	Building department.
Tree trimming, planting and beautification.	F-43	36, 150	Public Works Department.
Sewer system maintenance	F-44	50, 250	Do.
Land fill operation	F-46	56, 250	Do.
Alley maintenance and surfacing	F-47	298, 241	Do.
Citizen participation transportation	F-49	35, 000	Community Development Commission.
Quick copy plant	F-52	30, 000	Office of Management and Budget.
Total projects discontinued		2, 502, 158	

5TH-YEAR PROJECTS

Grant number and title	9-mo basic program	Staff	3-mo program	Staff
Education:				
V-1 Community school	$60, 500	13		
V-2 Special education	33, 000	10		
Health:				
V-3 Dental service	79, 278	7		
V-4 City HEW Department	88, 938	13	$34, 027	9
Social services:				
V-5 Mary Brown center			13, 178	5
V-6 Child care	100, 000	60		
V-7 Family planning	75, 000	12		
Recreation and culture: V-8 Recreation	40, 000	9		
Crime and delinquency:				
V-9 Police (including EEA sec. 6)	136, 693	17		
V-10 Legal Department			14, 553	10
Manpower:				
V-11 Urban Affairs Department	70, 014	11		
V-12 Civil Rights Department			7, 038	3
V-13 Personnel Department			8, 775	3
Economic development: V-14 Research and Industrial Development			13, 498	5
Relocation: V-15 Relocation	$19, 931	3		
Environmental Protection and Development:				
V-16 Demolition	33, 994	4	$22, 500	9
V-17 Community Development Department			12, 942	5
V-18 Dog and pest control	30, 989	6		
V-19 Engineering Department			21, 252	7
Citizen participation: V-20 Community Development Commission	27, 195	4		
Evaluation and Information:				
V-21 Program evaluation			12, 588	4
V-22 Data processing			8, 613	4
Administration:				
V-23 Office of Management and Budget	29, 788	3	7, 960	3
V-24 Purchasing			6, 300	2
V-25 Federal Fiscal Division	54, 193	7		
V-26 City planning	33, 717	4		
V-27 CDA Administration	175, 614	21		
Total	1, 088, 844	204	200, 156	72

Staff reductions

FY 1973

Funding Level: $5,883,000.
Staff: 344 (one year).

FY 1974

Funding level: $1,289,000.
Staff: 204 (9 months); 70 (3 months).

	Percent
Percent reduction in overall staff	21
Percent reduction in funding level	21
Number of projects discontinued	11
Percent projects discontinued of total projects	31

CITY OF DANVILLE,
Danville, Ill., June 15, 1973.

Mr. BARRY M. FELDMAN,
Urban Renewal Department, City of Rockford, City Building, Rockford, Ill.

DEAR MR. FELDMAN: At our meeting in Bloomington you requested a letter setting forth the problems that we have had as far as withdrawal of Urban Renewal funds. Mr. John Weaver, Plan Director, was requested to prepare this letter but he evidently has not done so and, therefore, I will attempt to cover it in this letter.

We have an urban Renewal Project which is very well on its way and have made an Amendatory Application. It is my understanding that these funds have been allocated and, therefore, the present actions will not affect this.

We hired a consultant to put in an application for a Neighborhood Development Project. This would have involved possibly $3,000,000 with a potential of at least $9,000,000 outside investment. This application has been rejected.

We also employed our engineers to put in an application for $300,000 for sewer extensions. We are in the last phase of a $9,000,000 sewer program and requested these additional funds in order to provide for an extension of the sewer program to take care of property which has been annexed since the original program was designed. This application has been rejected.

We have also been working on an open space acquisition for a park. This would have involved at least $70,000 in private funds in connection with this program.

We have been encouraged in all of these programs and if there are no funds available within the next year, it will certainly curtail the activities of the City of Danville.

Very truly yours,
ROLLAND E. CRAIG,
Mayor.

URBAN RENEWAL FUNDING, CITY OF CHICAGO

The cutback in Federal Funds in the City of Chicago has crippled the Urban Renewal efforts both in the public and private sector. With the closing out of the Neighborhood Development Program, there remains only 11 conventionally financed Urban Renewal Programs in the City of Chicago, and with these projected to be closed out by June 1974, without some type of Federal Housing Program, the City of Chicago will have to carry the Urban Renewal programs on a low key basis if they are to continue at all.

During the past two years, the Department of Urban Renewal staff has been cut from 709 employees to a present level of 351 and the level of spending dropped from over 35 million dollars annually to a low of 11 million dollars. The effect of this curtailment of Federal Revenue to Chicago has severely hampered efforts of this Department to carry out its commitments to Community Organizations and Businessmen throughout the City.

The cancellation of the Neighborhood Development Program has affected 22 Urban Renewal Areas located throughout the City. Commitments for the sale of land to Community Organizations for housing developments have been stopped since the completion of acquisition cannot be carried out. The monies necessary to provide the much needed educational and park facilities in the inner City is now withdrawn and the continuation of abandonment of buildings is reaching high proportions because of the lack of Federal subsidies to help rehabilitate the structures.

The overcrowding conditions continue to mount in deteriorated buildings in the inner City Area where federal programs were once operating and now without some sort of commitment from the Federal Government, these areas will become the cause for building abandonment, fires, vandalism, crime, and ultimately desolate open areas with no economic value.

If the trend continues we will find that a continuation of middle class Americans in all major cities will continue their flight to the outlying suburbs and the large major cities of this country will become nothing but concentrations of poor and minority groups who cannot afford to move elsewhere.

The City of Chicago today faces many of the same problems that major cities are experiencing due to the cutback of Federal Revenues and the Moratorium of Subsidized Housing until 1974. The cities alone cannot resolve this problem, a program must be established to help the large cities solve the critical housing shortage within the economic limits of the residents of the area.

The following is a brief analysis of the effect of cancellation of reservations for Year II Neighborhood Development Program and cutback in the Federally funded Conventional Projects:

Congressional District 1

In the area immediately south of the Loop, east of the Dan Ryan Expressway, the Department of Urban Renewal has been engaged in several Urban Renewal programs both conventional and under the Neighborhood Development Program.

The North Kenwood-Oakland Area, located between Pershing Road and 47th Street, I.C.R.R. and Martin Luther King Drive, contains areas which are characterized by burned out, vacant and abandoned buildings, and vacant lots scattered throughout the project. Although this area is also part of the Model Cities Area, the Urban Renewal Department proposed to undertake a major program of removing these slum buildings and assembling land for development of housing, shopping, and recreational and educational facilities which are greatly needed in this area.

Every day this area continues without some public action it will become worse. The need for new streets, public utilities and housing will prevent private developers from coming into the area and reviving it.

Another area in which much publicity has been given both locally and nationally is the Woodlawn Area. The entire Woodlawn Area is located between 60th and 67th, Cottage Grove Avenue to Stony Island.

The City and Federal government have participated in two projects within the Woodlawn Community in which over 500 units were built under the 221d(3) program and currently ground has just been broken for an additional 214 units under the 236 program. Although these are significant improvements in this area, the remainder of the Woodlawn Area is decaying rapidly, and threatens the success of the new housing developments. Buildings are being burned, owners are walking away from their properties to avoid the taxes and improvements to meet building codes, and the main shopping area along 63rd Street is being abandoned and deteriorating very rapidly. The area of 65th and Drexel Avenue is becoming a vast open area where buildings have been demolished because of code violations.

The City under the Neighborhood Development Program was proposing several projects within the Woodlawn Area to help revitalize it, also a program of rehabilitation was proposed for the area at the southern end of Woodlawn. However, due to the moratorium of Federal funds and subsidized housing developments, this area will become slum and blighted with no hope of rehabilitation.

The 67th-Stony Island Project Area which was part of the Neighborhood Development Program is currently being carried out with local funds. In order to complete the commitments made to property owners in the project which was to provide for the widening of Stony Island Avenue and develop a park for a School, the City will spend over 2 million dollars of its own monies to complete this portion of the project. However, this could have been averted if the Federal funds were not cut off.

Finally, rehabilitation efforts in the West Woodlawn Area are slowly coming to a halt due to lack of availability of help through the Code Enforcement Program which is not being funded.

Congressional District 5

The 87th-Mackinaw Project was partially carried out under the Neighborhood Development Program. One portion was sold and 357 units were constructed under Section 236; however, the Department of Urban Renewal still has over 10 acres of land to be sold for over 250 dwelling units but this area cannot be developed until new public utilities and streets of adequate size to handle the increased density proposed are completed. The amount estimated to take care of these improvements is in excess of 1 million dollars to replace the sewers and streets and provide recreation facilities. With the exception of 357 new units, the remaining area of some 80 areas is in very poor condition with vacant lots scattered throughout the project and homes in very bad condition.

Congressional district 5

The area known as the "Gap Area" which is located between 31st and 35th Street—Martin Luther King Drive and State Street, contains a mixture of dilapidated housing units, vacant and abandoned commercial structures and vacant land.

This project area abuts several completed conventional Urban Renewal projects and its existence has a detrimental affect upon the new housing that surrounds it. The area has a history of fires. The Department of Urban Renewal proposal was to redevelop the entire area for housing, new school/park complex and expansion for IIT. With the carrying out of this development it would have completed a total renewal of the entire area from 25th to 35th Street, Dan Ryan Expressway to Lake Michigan.

One of the City's largest Conservation Areas—Englewood—has been greatly affected by the cutback in funds. Included within the area are two conventional projects—Central Englewood (Ill. R–47 (LG)) a commercial/retail rehabilitation project, and Southeast Englewood (Ill. R–31 (LG)) a residential rehabilitation project. The remaining portion of Englewood was part of a Neighborhood Development Program in which a program of rehabilitation and spot clearance was proposed. Due to the lack of funds the area is not showing signs of deterioration, especially along the major thoroughfares. Landlords are abandoning their buildings, vandalism is on the upswing and without some Federal funds to provide services for this area, we can anticipate a rapid decline in the quality of housing in Englewood.

Congressional District 7

This area generally encompasses the west side of Chicago in which are located a number of projects which were undertaken under the Neighborhood Development Program. The Roosevelt-Halsted project which was one-half completed under the Neighborhood Development Program has come to a complete stop with 272 housing units, which is Phase I, of 1,000 Section 236 proposed for: the remaining units are now in doubt and the completion of the project cannot go forward until more Federal assistance is available. The area, as is, does not currently lend itself to suitable living environment because of the dilapidated structures east of the housing development.

Another area, called the Central West Project, has been partially renewed under the Neighborhood Development Program and other local agencies, namely, the Public Building Commission and Chicago City College. However, the proposed housing sites cannot be developed because of the current moratorium in subsidized housing and lack of Federal funds needed to carry out the remaining renewal activities to assemble the land for a suitable site. Without more Federal funds for Central West, the area will look like a checkerboard, partially redeveloped and the rest slum and blighted. If Federal funds were supplied for the area, over 500 units for low and moderate income families could be built immediately, new parks and recreation areas could be developed and new schools could be completed. Without the Federal assistance the area will just deteriorate further and continue to be a slum area with no hope of revitalizing itself.

The Lawndale Conservation Area has been struggling to retain its indentity as a decent area to live in. During the past 4 years, Lawndale has struggled through Code Enforcement Program and the Neighborhood Development Program as mechanism to revitalize the Community. With both of these programs hopelessly at a standstill, it appears that Lawndale will continue to decay at an accelerated rate. Community organizations have banded together to help upgrade the community. The City has committed itself to the purchase of over $300,000 of land to develop 88 units of housing on the south side of Roosevelt Road at Kedzie; however, this development cannot be built as planned until housing subsidy funds are made available.

Also, the Chicago-Orleans Project was part of the Neighborhood Development Program, of which 8 acres of approximately 40 were purchased for new housing for families of low and moderate income. Subsidy funds are essential for the completion of this project of 350 units. This area lies just east of Cabrini Green Public Housing Project and would have upgraded the entire Community.

Congressional District 8

This area contains Phase II of Lincoln Park in which there is a need for Rehabilitation and Spot Clearance; however, very little assistance can be given to the residents of this area now because the funds providing these services through the Neighborhood Development Program have been shut off.

Also, the Clybourn-Ogden project which is nearly one-half acquired and cleared, is proposed for industrial development which would provide badly needed jobs and income for the residents of the area. Federal funds are needed to complete this development.

In the Ohio-Central project, the City invested a million dollars to complete the acquisition, demolition and relocation in order to fulfill a commitment to the Community to provide land for a new school facility and 200 units of housing for the elderly. However, rehabilitation services for the remainder of the area had to be discontinued because of lack of funds, and the new housing may not be built without subsidy funds.

Congressional District 9

The Uptown Conservation Areas was also part of the Neighborhood Development Program. The City committed to the Community of Uptown a better living environment through the development of a new middle school/park facility and a new junior college. In addition, rehabilitation services would be provided on a large scale along with the development of a new shopping area.

This area is a transient area and it was felt with the influence of all the amenities mentioned above, it could reverse its downhill trend and revive the area; however, now that there is no Federal funding, the City cannot keep its commitments to the Community. But the City is spending over $600,000 to complete the acquisition for the new middle school. All of the other activities have come to a halt. The Community has become frustrated and demands action and the only action we can provide is what the Federal funds can provide us.

Finally, an area bounded by Vine, Willow, Orchard, and North Avenue, in the Lincoln Park neighborhood, is an area of complete disaster. Seventy-five percent (75%) of the area has been cleared and 25% remains. A housing proposal by the Neighborhood Commons Corporation for 278 units, has been submitted to the City; however, due to lack of Federal funds, the remainder of the area has not been acquired. The activated cost would be $700,000. The need for housing in the area is urgent, especially for the families of low and moderate income housing. This project will soon die unless Federal funds are provided.

In summarizing, before the Neighborhood Development Program had been halted and a moratorium on any Federal funds, the City had 13 Field Offices working with Community Organizations and individuals with problems. Now there are only 6 offices left with a minimal staff. The City of Chicago has been paying the cost of these services with local funds. The time has come for the Federal Government to share the responsibilities in providing these services on a continuing basis. In order to carry out the programs that were started by the City and Federal Government under the Neighborhood Development Program, over 40 million dollars is needed and with that over 6,000 new housing units could be built and at least 1,000 units per year rehabilitated, along with new utilities, streets, schools and recreation areas to serve the renewed neighborhoods.

CARBONDALE, ILL.,
June 14, 1973.

MEMORANDUM

To Honorable Neal E. Eckert, Mayor, Mr. Eldon L. Gosnell, Urban Renewal Director.
From Dr. John A. Cummens, Urban Renewal Disposition Officer.
Re Impact on Carbondale if Urban Renewal Funds are Terminated as of July 1, 1974.

Recent developments concerning the funding of urban renewal for fiscal year 1973 and the decisions to not fund urban renewal for fiscal year 74 have prompted the reassessment of the impact on the City of Carbondale should these policies be activated. For the City of Carbondale whose 1972–73 budget, excluding Federal funds, amounts to $7,350,000.00, the loss of 3.6 million dollars in urban renewal funds would come as a considerable shock, with far reaching detrimental effects to the financial, physical and social aspects of community life.

To understand the long range commitments on the part of the Federal Government with respect to the elimination of slums and blight, a short summary of selected pertinent facts of the history of urban renewal project activities in Carbondale, Illinois, is presented here. There have been four project areas in the City. 1.) Ill. R–72 (1936–1969) is adjacent to Southern Illinois University. The project has been closed out. 2.) In Ill. R–77 (1969–1973), all activities have been completed except disposition of the remaining 12 parcels. 3.) NDP A–3–1 (1969 to the present) is a pilot project area of the Northeast neighborhood of Carbondale, the most severely blighted slum area in the City. 4.) NDP A–3–2 (1972 to the present) constitutes the remainder of the Northeast neighborhood in which only very limited acquisition and relocation activities have taken place. As of May 31, 1973, all the project activities of the Urban Renewal Program have resulted in the following: 213 parcels of land have been acquired; 147 substandard structures have been demolished; 924 families, individuals, or businesses have been relocated to standard housing and/or facilities; in excess of 2.3 million dollars has been spend to acquire the parcels; almost 1.2 million dollars has been spent to relocate the families, individuals and businesses in the project area; the total land disposition activities for the project areas have resulted in the sale of 24 acres for $988,784 or $41,200 per acre.

The clearing of blight and deteriorating structures from land has resulted in the following redevelopment activities in the City of Carbondale: 1.) the preparation of the future site of the Department of Recreation Complex at Southern Illinois University; 2.) acquisition of needed land for expansion of university classroom and office building facilities; 3.) acquisition of land by the LHA for public housing; 4.) land for expansion of elementary school facilities; and 5.) the site for the Model Cities Neighborhood Facility (28,000 square feet) which is now under construction, a building whose total value is over one million dollars.

In discussing the particular impact of the cut-off of funds to urban renewal for fiscal year 74, it is necessary to concentrate on NDP A–3–1 and NDP A–3–2 (the total Northeast neighborhood of Carbondale comprising approximately one-fifth of the City's land area and 10 percent of the population) which comprise the present renewal activities. Also relevant for consideration is the proposed NDP A–3–3 area, for which an application has been received by the HUD area office, and which comprises part of the Northwest neighborhood of Carbondale and 13 percent of the total population of the City.

1. HUD COMMITMENTS TO THE CITY OF CARBONDALE

As shown above, there has been an increasing and continuing support of renewal activities in the City of Carbondale on the part of the Federal Government. Through the funding of projects and the responses by HUD staff during site conferences, the repeated assurances and conversations, and the correspondence both formally and informally, the City of Carbondale has been reasonably assured that commitments to the elimination of slums and blight would be continued based on the performances of the City. The City has thereby entered into several activities and mutual commitments to facilitate its continued success in urban renewal activities and thereby to secure continued HUD funding. In fact, the City and HUD entered into an "Annual Arrangements Agreement" in 1972. With respect to the NDP A–3–1 and NDP A–3–2 areas, considerable planning and engineering monies have already been spent to achieve the necessary sophistication for handling categorical grants. For the NDP A–3–1 and NDP A–3–2 areas in the Northeast neighborhood, over one-half million dollars has been spent on planning and engineering studies for the redevelopment of the area. The LPA has completed structural surveys, engineering and design surveys and plans for street improvements. An Economic and Market Analysis Study (EMAS), at a cost of $13,500, has been conducted to determine the economic and market potential for the redevelopment of the area.

These and other activities, such as the development of the Workable Program and the Comprehensive Housing Survey, have been carried out by the City, often times utilizing staff and monies from city sources, based on the Congressional design of urban renewal legislation in which planning and execution monies would be preliminary to the continued funding of the Federal share to the commitment of the complete redevelopment of these blighted areas. Thus there have been rising expectations as to the viability and continuation of urban renewal activities based on information given by the LPA in terms of HUD communications and official assurances as well as the investment of actual dollar allocations for redevelopment over the past several years.

The NDP A–3–3 area was originally presented to HUD in 1972 as a FACE program. At a local conference with several HUD officials from the area office and at their request, the form of the application for the program was changed to that of a NDP area. The profile of this neighborhood still remains largely that of rehabilitation with limited clearance of blighted structures. It was to be an effort to control the spread of deterioration and blight which had just begun to rise in the neighborhood. With the rejection of this application on the basis of inadequate Federal funding, per the Administration's impoundment of Urban Renewal funds and the Hyde memoranda, there is now no program for the control of deterioration in this neighborhood. The more comprehensive NDP project would have covered all neighborhood problems including housing conditions, streets, water and sewer inadequacies. Structural and land use surveys have been conducted and urban renewal project activities have been projected for 1973–74, including television survey of the sanitary sewer system.

What are the results, then, of the pull back on the part of the Administration as the result of the Hyde memoranda which have been used as justification and *modus operandi* for the failure to honor commitments previously offered. 1.) There will be *no* NDP A–3–3 Project. 2.) There will be *no* NDP A–3–2 Project. 3.) There will be *no* acquisition or relocation in the NDP A–3–1.

The growing blight in the Northwest neighborhood (NDP A–3–3) can be expected to continue until this neighborhood develops into Carbondale's second slum area. This unchecked development, due to a lack of funds for rehabilitation loans and grants and for necessary monies for improvements of streets and utilities, seems likely. In the Northeast neighborhood all activities for fiscal year 74 are aimed solely at the close out land inventory and only *limited* related site improvements. In the NDP A–3–1 area the improvements which have been to date in the Northeast neighborhood will be almost totally negated or wiped out by the cessation of urban renewal activities for one to two years since the project is presently only 25 percent completed. Total success depends upon carrying out the planned development for the entire neighborhood. Fiscal year 1973–74 *is not a continuation* of the plans for the project area to a point where special revenue sharing will take over. At a point where added dollar commitments are needed and has been expected to preserve the momentum and continuity of the program, the HUD demand is to gear down. After the year of gearing down, much activity will not be carried at the projected level, this will be followed by a gap of at least 18 months to two years of inactivity due to the inadequate or unavailable local funds. Seven years of citizen participation, commitment demonstrated by local government action, as well as the investment of millions of dollars in Federal funds and the build-up of local potential to meet redevelopment needs will be set aside.

The substandard conditions of the neighborhood and the housing which originally justified funding of the NDP still exist today. Three hundred fifty (350) substandard houses of the total of over 700 dwellings in the Northeast area still stand. Seventy-five percent (75%) of the blighted conditions still exist. Seventy percent (70%) of the substandard streets and the updating of water and sewer lines will not be reconstructed and no new sidewalks along with street construction can be expected to be built in a neighborhood where sidewalks and storm sewers are the exception rather than the rule. The damage to the potential local builders to meet the housing needs with a gearing down and creation of hiatus in Federal funding will be disastrous. With the current rise in the cost of building homes at 15 percent per year, a two year delay will raise the cost of a $20,000 home to $26,450. This amounts to approximately a 32.3 percent increase in the cost of supplying standard housing to an area where substandard housing accounts for 50% of the homes. The delay in urban renewal activities has already cost Carbondale 36 units of public housing in one project alone. This was due to the soaring cost of constructing the units. The rise of salaries and wages, and the other aspects of engineering and administration in the two year interim, created by this failure to honor the national commitment to better housing, will generate a national and local tragedy.

As a result of gearing down the present level of urban renewal activities and drawing back activities to this year's boundaries, situations in the Northeast area such as open ditch drainage and severe ponding will continue to severely and adversely affect the health and safety of the neighborhood residents. This will also necessitate suspension of plans for completion of improvements for a 27 acre city-owned public park within the neighborhood, an area also plagued by periodic flooding and erosion problems. In addition to areas in the neighborhood not to be acquired and redeveloped, economic and market damage will result from the present HUD policies with respect to the sale-ability of present disposition parcels. Discontinuation of the acquisition of parcels will leave incomplete, small and unmanageable disposition lots. The corrections called for in the planning design will not be met, thereby creating incongruities with physical situation of lots, and irregularities with respect to the new city zoning requirements. If the plans for the neighborhood had been carried out, the entire Northeast area would have conformed to the most recent thoroughfare, zoning and land use requirements of the City. Severe problems with parcels on the flood plain, or those which are subject to periodic flooding, can not be corrected without necessary site improvements. For example, one disposition block in the NDP A–3–1 area containing 400,000 square feet is cut in half by a large open drainage ditch. The plan calls for multifamily development of this block. However, necessary improvements to the periodic flooding problem and acquisition of parcels to complete saleable disposition tracts cannot be carried out. We will be unable therefore to provide the improvements promised to interested developers. As a consequence, this block may sit vacant and unused or be under-utilized with the economic and market recommendations of Real Estate Research Corporation's findings in the EMAS of 1972–73.

The Economic and Market Analysis Study for the entire Northeast neighborhood highlights, in terms of recommendations, the severe dilemma created by termination of commitment to an on-going project for redevelopment. Three hundred fifty to four hundred seventy (350–470) *new* living units for low and moderate income and elderly housing are required. Fifteen to thirty-five (15–35) acres *in addition* are needed to be acquired in order to meet the demands of housing and commercial development of the neighborhood. The older commercial area in the Southwest sector will not survive economically and will go under unless rehabilitation funds and SBA loans can be made available. Two point two (2.2) acres for light industrial development are needed in order to provide resources for local employment of neighborhood residents. Five to ten (5–10) acres of mini-parks are necessary for the health and safety of the residents, a proposal which has had wide support with the area residents and with the city. Retail commercial areas adjacent to the Model Cities Neighborhood Facility is necessary to act as a supportative feature of activity to the programs and community activities of the facility. These recommendations, it must be understood, are *minimum requirements* in the next 3 to 5 years for development of existing housing, living and economic conditions in this neighborhood in Carbondale. Failure to provide these minimum requirements will have disastrous effects for the development carried out heretofore as well as continued deterioration of the neighborhood.

2. LOCAL COMMITMENTS

a. Policy decisions

In response to the requirements set by the Federal Government for receipt of funds for redevelopment of slums and blighted areas, the City of Carbondale has taken several steps to gear-up planning and redevelopment agencies to meet the local needs and Federal funding requirements. The City planning facilities and staff have been increased, and activities in the rezoning of deficient areas and preparation of land use maps have been undertaken. Besides preparation of the Workable Program under a 701 Grant, the City Planning Department is currently preparing a Comprehensive Household Survey, and the impetus for these surveys and preparations has been that the immediate solution to the documented problems and deficiencies can be reasonably expected. Continued funding of urban renewal activities in the City has led the city government to project the alleviation of blighted conditions in the deteriorated areas mentioned in Section 1.

The 12.6 million dollar five year Capital Improvements budget for the City, as approved by the City Council, was premised on the strong assurance of continued funding for the entire Northeast neighborhood redevelopment area, and the addition of the Northwest neighborhood project. Although it is understood that no legal commitment was made, the several conferences in Carbondale and Chicago with HUD personnel lead the City Government to conclude that their action would be supported by continued commitment from HUD to at least the present funding level and to the addition of areas requiring complete redevelopment or rehabilitation.

The City has concluded that programs in areas of serious concern could be reasonably undertaken while Federal funds were available to continue activities of redevelopment in the NDP areas. It is in light of the continued renewal activities, which have helped the housing conditions for several Carbondale families, that the fulfilling of project commitments after July 1, 1974, had been expected. Twenty-three (23) project area families or individuals have been located to new homes, all of them within the project area. Sixty-eight (68) project area families or individuals have been relocated into existing standard homes, some in the project area and almost all in the City. This represents commitments on the part of the local housing industry and commitment on the part of many local institutions and agencies to provide the necessary help for relocated persons. Juxtaposed to this are the glaring omissions in the 1973–74 budget for the total A–3 areas, thus the *omission* of the acquisition of 53 substandard parcels at a cost of $538,000, thus the *omission* of the relocation of 48 families, individuals and businesses at $555,000. Thirty (30) substandard structures will *not be* demolished, and site improvements totaling $836,245 will *not* be constructed. To reduce the growing blight in Carbondale, 35 loans and grants for rehabilitation for a total of $122,500 were to have been allocated, and 50 loans of varying amounts were to have been processed. The total withdrawal of the HUD commitment to the elimination of the most severe blight and economically disadvantaged social conditions in Carbondale amount to $3,768,745. Again, this must be seen in light of the successes to relocate people from substandard homes to standard homes within the City.

b. Money commitments and the private sector

Through the availability of urban renewal funds for redevelopment in Carbondale, the cash flow on the local level has generated monies in terms of non-Federal investments. One instance is the private financing of project financing notes for 2.9 million dollars this year. The results of this private financing is that $52,000 or $329.93 per day, will be paid to the lending institution. Four local banks handle deposits of several million dollars for the day-to-day disbursement involved in urban renewal activities. A typical month's total of cash on hand (not counting outstanding checks) totals $93,250. These monies would not be available locally for these financial institutions in fiscal 74. The increase in the local tax base cannot be directly computed at this time, but the extent of the continued growth of slum conditions and blighted areas have debilitated the entire Northeast neighborhood to the point that lending institutions have refused to make even small rehabilitation loans due to the general condition of the neighborhood itself.

Urban Renewal activities in Carbondale will be virtually discontinued as the result of the cut-off of funding as of July 1, 1974, including many jobs for local citizens. For example, during the 1972–73 action year, over $385,000 was paid in fees and wages for contracts ranging from demolition and road construction activities to property maintenance and landscaping. This figure does not represent total salaries and wages generated nor the administrative line in the urban renewal budget. Part of the ongoing activities in the project area is a contract with the Citizens' Participation Organization providing for personnel in the neighborhood on-site office. These personnel are all neighborhood, minority residents, and the contract for these services is $12,000 per year. The absence of urban renewal funding would necessitate closing this office which serves the area people immediately in their problems with neighborhood conditions and redevelopment activities.

The generation of building trade activities with respect to the 23 new homes that have been constructed as a result of urban renewal acquisition and relocation activities, has benefited local builders entirely, most of them minority residents. Without acquisition and relocation activities beginning July 1 of this year, no such housing construction stimulus will be provided.

c. *Relation with other local, regional, and Federal programs*

Over the years the commitment of Federal funds to redevelopment activities in Carbondale has been with the aim of raising the quality of the neighborhood's environment in the renewal areas. To this end urban renewal has participated in the sale of land to the LHA for construction of standard housing. However, 150 year-round housing units in the Northeast Carbondale area (NDP A-3-1 and NDP A-3-2) lack all or some plumbing facilities and 105 units have overcrowded conditions of 1.01 or more persons per room. In Northwest Carbondale 30 year-round housing units lack all or some plumbing facilities and 35 have overcrowded conditions of 1.01 or more persons per room. There has been a commitment to provide adequate housing in Carbondale. The issue is that much has been done but that much still remains to be done, especially in these two neighborhoods in Carbondale. The advances in living unit construction has been a start but is not sufficient. Carbondale has 250 units of 236 housing, 170 units of housing for the elderly and 234 units of public housing. One hundred two (102) public housing units have been built in the Northeast neighborhood and the condition of these housing units as viable units for neighborhood residents depends upon the physical improvements planned by urban renewal to keep their condition from becoming blighted by the surrounding conditions. Thus, in Carbondale there has been demonstrated efficiency in providing housing for its citizens. There are strong needs to provide additional housing and an even stronger commitment to protect the housing investment of local and governmental funds by controlling the slum and blighted conditions in the Northeast and Northwest neighborhoods.

Carbondale exhibits a need for continued planned development, and urban renewal has heretofore been the only vehicle, whereby acquisition was possible in support of a plan. It has also been the only vehicle in terms of which people in slum conditions have been able to move into adequate, safe, and decent standard housing, by the means of urban renewal relocation payments.

Without continued development of the Northeast neighborhood, FHA, which requires street improvements for it to insure residential development, has indicated to the City that continued support from this sector may not be forthcoming in the future. Local and regional developments and lending institutions have flatly stated that monies cannot be made available for further redevelopment because of the physical ponding and flooding conditions in the NDP areas (due to in part to inadequate storm sewer drainage); and the general substandard conditions which comprise 65 percent of the structures and the marginal condition of others which require rehabilitation.

The horrifying paradox of the failure to complete development of the neighborhood is heightened by the disastrous situation in which the Model Cities Neighborhood Facility is now placed. It is in this setting of extreme blighted conditions, dilapidated and overcrowded housing that this one million dollar building is situated. The investment of Federal funds has thus created a situation in which due to the failure of commitment, a tremendous community asset may languish because funds for redevelopment are not made available. This facility was designed to provide offices for social service agencies, as a facility for job training of neighborhood residents and as a community and city meeting place. It is surrounded by open drainage ditches, curbless and gutterless streets, slum, blight and deteriorating homes. The EMAS called for the construction of a supportative commercial center adjacent to the Model Cities Neighborhood Facility. Now, the development of this commercial district is no longer possible; no longer are monies available for such a task.

Thus Carbondale is faced with one neighborhood comprising one-fifth of the City's land area that will continue to be a deteriorated and unsafe and unhealthy neighborhood. In addition, citizens face the untendable prospect of wide-spreading blight in the Northwest neighborhood and the sudden withdrawal of a commitment on the part of their Federal Government to provide assistance. Citizen participation in the redevelopment activities in Carbondale, especially the residents in the Northeast negihborhood, has been extremely active. They have been involved as members of studies which have been used for planning activities, and also in housing, rehabilitation, relocation, economic-market and engineering studies. Under the Model Cities Program they have organized as the Northeast Congress, with a Physical Task Force working directly with Urban Renewal staff members. In all capacities they have intimately and vocally demonstrated an understanding of the redevelopment process, analyzed the conditions of their neighborhood and socially assessed the development at each stage. The skepticism that something could be done and *would* be done to correct the blighted conditions has been won over the cost of hours and hours of meetings, consultations, and interpersonal contacts. Their land has been bought, some of them have been relocated their neighborhood is presently torn asunder by the current physical improvements and they are on the verge of realizing that their expectations are not to be realized. It is impossible to assess the political and social consequences of turning on and turning off a militant citizenry for whom the tensions and emotions involved in urban renewal development have become a way of life. Loans are not available to the citizens for renewal and rehabilitation from the private sector and now citizens whose capabilities in planning and developing their community have been heightened by their involvement in the planning process of urban renewal must submit to angry frustration.

BLOOMINGTON, ILL.

The City of Bloomington has been involved in two Neighborhood Development Programs for the past three years.

One area includes the Central Business District and its adjacent residential area. This residential fringe is vital to the Central Business District to provide housing for persons employed in the CBD as well as many retired people who find it necessary to live close to shopping, churches, medical services and entertainment. The Application for the 4th Action Year provided for acquisition of sites for the construction of scattered site low income public housing. Continued rehabilitation is a must if the remaining housing units are to be preserved in a standard condition. Loss of these units and the failure to provide new low income units will create a further shortage of low and moderate income housing. Redevelopers who are considering expanding considerable amounts of money to redevelop sites acquired and cleared by the LPA during the prior three years are reluctant to proceed if further activities by the Program are delayed. The plans for the area, approved by the LPA and HUD, provide for the elimination of these blighted areas and would provide a stabilization of the neighborhood. A delay in funding would leave adjacent areas in a blighted condition.

The Forty Acres Area is a residential neighborhood in which Neighborhood Development Program activities have been carried on by the LPA for the past three years. In addition to NDP funds, Open-Space funds have been used on an interior park and on an adjacent park to provide recreational facilities for the neighborhood. It is anticipated that two more years will be required to finish acquisition of the scattered structures that are structurally substandard. The delay in the acquisition of these scattered buildings may cause adjacent properties to deteriorate resulting in even more expenditure of both public and private funds. A site for a small neighborhood shopping area was planned and partially acquired. The delay will cause the possible abandonment of this much needed facility. Plans for additional public improvements must be delayed which will result in property owners reconsidering improvements to their property.

Possibly the most important impact of the delay that would result if no interim funding provisions would be the loss of confidence in the LPA and HUD that has built up during the past years.

TORRENCE PARK URBAN RENEWAL PROJECT— ILLINOIS: R-100, DECATUR, ILL.

The City of Decatur is engaged in a conventional urban renewal project within the northeast quadrant of our City. This project was approved by the Department of Housing and Urban Development on June 26, 1972. The contract with the federal government was executed on November 20, 1972. The Capital Grant for this project is in excess of $2.1 million.

Since the commitment has been made for this project, urban renewal in Decatur is a reality; however, the integrity of the project is in jeopardy in light of the lack of funding for HUD programs. The reason that I make this statement is that our urban renewal plan designates a portion of the redevelopment area for low income housing. This housing obviously can only be provided by our local housing authority. The Decatur Housing Authority cannot receive approval of their application for 60 units of low income housing within our urban renewal project boundaries under current funding conditions. I am sure you are all aware of the fact that when an urban renewal plan is adopted it must be followed exactly unless a change is made in the reuse proposals. It is our contention that if the reuse plan must be changed the project area residents would question the City's integrity and I also would have a question regarding the feasibility of a change in the reuse plan.

In addition to our local housing authority being stopped from constructing low income housing in the renewal project area, the lack of HUD appropriations has and will continue to affect our rehabilitation program within the urban renewal area. The urban renewal plan for our project indicates that the area will not be totally cleared but 48 dwelling units wil be rehabilitated to meet City code standards. The lack of 312 loans causes the rehabilitation portion of the project to be questionable. With the information available to us at this time we seriously doubt that the residents of the rehabilitation area will be able to secure private financing in order to rehabilitate their properties according to the urban renewal plan.

In summary, I, as a representative of the City of Decatur, respectfully request that consideration be given to appropriating sufficient funds to carry on projects such as Decatur's until such time as a replacement program is available. I did not come here to address myself to the question of HUD categorical grants versus the Better Communities Act or other types of special revenue sharing but only to impress upon this esteemed group the fact that projects throughout the United States are in danger of collapsing because the funds have been stopped without due consideration being given to the replacement of those programs.

RECLAMATION PROJECTS IN THE STATE OF COLORADO

Mr. DOMINICK. Mr. President, the importance of water to my State of Colorado cannot be overemphasized. Recently a statement was directed to the Senate and House Public Works Subcommittees of the Appropriations Committees after being signed by all members but one of the Colorado congressional delegation. I have appeared before each committee to testify as to the importance of certain previously authorized water projects.

The Senate and House of Representatives of the first regular session of the 49th General Assembly of the State of Colorado have adopted Senate Joint Memorial No. 13 which stresses the importance of continued funding for these projects.

Mr. President, I ask unanimous consent that a copy of the joint statement of the congressional delegation and a copy of memorial No. 13 be printed in the RECORD. I would also like to have printed a copy of my own testimony before the two committees.

There being no objection, the joint statement was ordered to be printed in the RECORD, as follows:

SENATE JOINT MEMORIAL NOS. 13

Memorializing the Congress of the United States to appropriate funds for fiscal year 1974 to continue advanced planning and initial construction of certain Federal Reclamation projects in the State of Colorado

Whereas, During the period 1964–1972, the Congress of the United States has authorized the construtcion of nine federal reclamation projects in the State of Colorado upon which construction has not yet started, namely: The Animas-La Plata, Closed Basin, Dallas Creek, Dolores, Fruitland Mesa, Narrows, San Miguel, Savery-Pot-Hook, and West Divide projects; and

Whereas, Over twenty years of planning and effort, over ten million dollars in federal funds, and over five million dollars in state and local funds have been devoted to these projects; and

Whereas, These projects, individually and collectively, will provide urgently needed municipal, industrial, and agricultural water supplies, will greatly assist in the control of damaging floods, and will greatly enhance outdoor recreational opportunities in this state; and

Whereas, Two of these projects were designed to provide adequate water supplies to the two Ute Indian tribes residing in southwestern Colorado, and to thereby materially improve the welfare and economic circumstances of the people of those tribes; and

Whereas, These authorized projects, individually and collectively, will provide great economic benefits to the people of the State of Colorado; and

Whereas, No funds have been recommended in the President's budget message to the Congress to complete the advance planning and to initiate construction on any of the aforementioned nine authorized reclamation projects in Colorado; now, therefore,

Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the General Assembly of the State of Colorado declares it to be in the interest of the people of the State of Colorado that all appropriate steps be taken to secure the appropriation of funds by the United States Congress for use during the 1974 fiscal year so as to provide for the continuation of advance planning and the initiation of construction, where applicable, upon those authorized federal reclamation projects in Colorado named in this Memorial.

Be It Further Resolved, That copies of this Memorial be sent to the President of the United States, the Governor of the State of Colorado, each member of Congress from the State of Colorado, the Executive Director of the Department of Natural Resources of the State of Colorado, and the Colorado Water Conservation Board.

STATEMENT BEFORE THE SUBCOMMITTEE ON PUBLIC WORKS, COMMITTEE ON APPROPRIATIONS, MAY 1, 1973

As members of the Colorado Congressional Delegation, we urge an addition to the Public Works Appropriations bill being considered by the Appropriations Committee the sum of not less than $3.1 million for fiscal year 1974 for several previously authorized reclamation water projects in the State of Colorado.

The President's budget message contained no funds for advance planning or construction on the nine authorized reclamation projects within our state. To date, over ten million dollars in federal funds and over five million dollars in state and local funds have been invested in these projects. Over twenty years of planning and effort have gone into each of the projects in bringing them to their present authorized status. The projects which have been previously authorized by the Congress, their estimated costs and the funds expended as of June 30, 1972, are as follows:

Project	Estimated cost	Federal funds expended June 30, 1972
Animas-La Plata	$118,000,000	$1,314,000
Closed Basin	19,000,000	310,000
Dallas Creek	41,000,000	1,069,000
Dolores	90,000,000	1,263,000
Fruitland Mesa	43,000,000	1,549,000
Narrows	78,000,000	1,775,000
Savery-Pot Hook	48,000,000	1,074,000
San Miguel	72,000,000	1,074,000
West Divide	107,000,000	1,012,000
Total	616,000,000	10,440,000

For fiscal year 1973, Congress appropriated funds for all of these authorized projects with the exception of Closed Basin. These funds were appropriated to carry on advance planning and in some cases to initiate construction. The President has recently directed that all of these funds be impounded with the exception of $500,000 to be utilized in determining the salinity effects of the various projects on the Colorado River. In his budget message to the Congress, the President recommended no funds for any of the projects for fiscal year 1974. For the reasons hereinafter set forth, we strongly request an appropriation in an amount which will allow the work of almost twenty years to continue.

Realizing the urgency of reducing and controlling federal spending, the Colorado Water Conservation Board, which has as its duty the conservation of waters of the State of Colorado, held a special meeting of its Board of Directors on March 21, 1973. At that meeting, each of the water conservancy districts, which were organized to sponsor and operate these projects, was invited to be heard. After a full consideration of these projects, the following priority scheduled for the funding of authorized reclamation projects in Colorado was adopted:

Project	Fiscal year 1974	Fiscal year 1975	Fiscal year 1976
1. Narrows	[1] $1,500,000	$4,000,000	$10,000,000
2. Dallas Creek	[2] 250,000	3,000,000	10,900,000
3. Dolores	450,000	225,000	3,100,000
4. Fruitland Mesa	[2] 500,000	6,000,000	14,700,000
5. Animas-La Plata	400,000	550,000	1,870,000
6. Savery-Pot Hook		[2] 250,000	795,000
7. Closed Basin		50,000	50,000
8. San Miguel		100,000	100,000
9. West Divide		[2] 100,000	[2] 100,000
Total	3,100,000	14,275,000	41,615,000

[1] $250,000 from budgetary reserve.
[2] From budgetary reserve.

We have reviewed these priorities and the requested appropriations for fiscal year 1974 and unanimously adopt the recommendations of the Colorado Water Conservation Board for fiscal year 1974 and request that the amount of not less than $3.1 million be added as an appropriation.

The importance and the particular features of each of the projects are set forth as an addendum to this statement, which addendum has been prepared by the Colorado Water Conservation Board.

In addition to the individual merits of each project, there are two considerations to which we direct the attention of your Committee in further support of an appropriation for fiscal year 1974:

(A) Animas-La Plata, Dallas Creek, Dolores, Fruitland Mesa, San Miguel and West Divide are participating projects in the Upper Colorado River Storage Project authorized by the Colorado River Basin Project Act of 1968. Under Section 501(b) of that Act, the Secretary of the Interior was directed to proceed with the construction of these projects concurrently with the construction of the Central Arizona Project. As a matter of law, the requested appropriation should be included in order that these projects can be developed concurrently with the Central Arizona Project.

(B) In November 1972, the Department of Justice on behalf of the United States Government and the Ute Mountain and Southern Ute Indian Tribes of Southwestern Colorado filed a civil action in the United States District Court for the District of Colorado (Civil Action No. C–1497) in which suit the United States seeks to have its water rights and the water rights of the Indian Tribes established in the San Juan River Basin in Southwestern Colorado. Although these claims have not as yet been defined in amount, they are known to represent large quantities of water. Because of the legal precedents established by the United States Supreme Court in *Winters* v. *United States*, 207 U.S. 564 (1908) and *Arizona* v. *California*, 343 U.S. 546 (1963), it is expected that the water rights claimed by the Indian Tribes will receive priority dates as of the establishment of the various reservations which priority dates will be senior in right to all of the water rights now in use in the San Juan Basin.

The Dolores and Animas-La Plata projects would provide a total of 85,000 acre feet of water to develop the resources of the two Ute Indian Tribes. Efforts are being made to further maximize Indian participation and development within the project area. The Southern Ute and Ute Mountain Indian Tribes have strongly supported the Animas-La Plata and Dolores reclamation projects. Prior to authorization of the projects, both tribes on numerous occasions appeared before the Committees of Congress urging authorization and construction of the projects. The Tribal Councils of each Tribe have expressed the opinion that they are much more interested in obtaining "wet" water from the Dolores and Animas-La Plata projects than they are in receiving a "handful of paper water rights" with no facilities with which to put them to use.

For the reasons hereinbefore set forth we urge your Committee to appropriate funds for those previously authorized water projects in the State of Colorado.

We understand that the House Appropriations Public Works Subcommittee has scheduled hearings for the week commencing May 14, 1973, and that the Senate Appropriations Public Works Subcommittee has scheduled hearings for May 14–17 and May 21–24. We request time to appear and further request that time be scheduled for an appearance by the Honorable John Love, Governor of the State of Colorado, and Mr. Felix L. Sparks, Director, Colorado Water Conservation Board, in order to testify concerning these requests.

PETER H. DOMINICK,
U.S. Senator.
DONALD G. BROTZMAN,
Member of Congress.
JAMES P. JOHNSON,
Member of Congress.
WILLIAM L. ARMSTRONG,
Member of Congress.
FLOYD K. HASKELL,
U.S. Senator.
FRANK E. EVANS,
Member of Congress.

STATEMENT OF SENATOR PETER H. DOMINICK BEFORE THE PUBLIC WORKS SUBCOMMITTEE, MAY 15, 1973

Mr. Chairman, I appreciate the opportunity to personally appear before your Committee to testify to the importance of funding for several previously authorized water projects in the State of Colorado. The President's proposed budget contained no funds for advanced planning or construction on the nine authorized reclamation projects within Colorado. Over ten million dollars in federal funds and over five million dollars in state and local funds have been invested in these projects. Over twenty years of planning and effort have gone into each of the projects. The projects previously authorized are: Narrows, Dallas Creek, Dolores, Fruitland Mesa, Animas-La Plata, Savery-Pot Hook, Closed Basin, San Miguel, and West Divide. I have listed these in the order of priority for funding as established by the Colorado Water Conservation Board after meeting with representatives from each of the water conservancy districts.

The importance of these projects and data supporting my request that funds of not less than $3.1 million be made an addition to the Public Works Appropriations bill are set forth fully in a statement which I sent to you on May 1 with the request that it be made a part of the hearing record. That statement has the support of my colleagues, Senator Haskell and Congressmen Armstrong, Brotzman, Evans, and Johnson—all members of the Colorado Congressional Delegation.

Colorado is deeply concerned about these projects. At the time when the Central Arizona project was authorized, there was a large concern that Colorado water would be used in other areas and would be completely lost insofar as appropriation for use in Colorado. Because of this real and very justified concern, an agreement was reached that Colorado's West Slope projects would proceed concurrently with the Central Arizona project in order that all projects would be completed together and would take their respective allocations of water at the same time. In the budget proposed by the White House, Central Arizona is continued but not the Colorado projects. The elimination of these Colorado projects from the budget raises serious legal questions and represents a breach of the previous agreement. Congress can fulfill its commitment to Colorado by appropriating funds for these projects. Animas-La Plata, Dalls Creek, Dolores, Fruitland Mesa, San Miguel, and West Divide are the participating projects which should proceed concurrently with the Central Arizona project.

Mr. Chairman, in addition, the Animas-La Plata and Dolores projects would provide a total of 85,000 acre feet of water to develop the resources of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe. Chairman Albert Wing of the Ute Mountain Ute Tribe and Chairman Leonard C. Burch of the Southern Ute Tribe have met with the Interior Department to discuss these projects and the relationship these projects bear to a civil action filed in the U.S. District Court in Denver by the Department of Justice last fall. That suit seeks to have water rights for these Indian tribes established. It is expected that the water rights claimed by the Indian tribes will receive priority dates as of the establishment of the various reservations, which priority dates would be senior in right to all of the water rights in the San Juan Basin.

The Southern Ute and Ute Mountain Ute Indian tribes have strongly supported the Animas-La Plata and Dolores reclamation projects. Prior to authorization of the projects, both tribes on numerous occasions appeared before the Committees of Congress urging authorization and construction of the projects. The Tribal Councils of each tribe have expressed the opinion that they are much more interested in obtaining "wet" water from the Dolores and Animas-La Plata projects than they are in receiving a "handful of paper water rights" with no facilities with which to put them to use.

The Narrows project has significant flood control features. The recent flooding in Colorado and the resultant damage, which is in the millions of dollars, is a tragic illustration of some of the benefits that could be derived from the Narrows project when complete.

There appear to be reservations as to whether the Dallas Creek project should be commenced. Narrows, Fruitland Mesa and Dallas Creek are ready for construction. The question of whether a majority of Colorado citizens in the Dallas Creek project area are in favor or opposed should be answered at the time of the vote on the repayment contract with the Bureau of Reclamation. Accordingly, I believe that the Dallas Creek project has to be put in a position to go forward if this is the wish of those in the project area.

Mr. Chairman, thank you for allowing me time to appear. These projects are extremely important to Colorado and the nation. I ask your careful consideration for funding not less than $3.1 million in accordance with our previously submitted statement.

THE MUTUAL DEVELOPMENT AND COOPERATION ACT

Mr. HUMPHREY. Mr. President, the New York Times today carried an editorial praising the Mutual Development and Cooperation Act. This is proposed legislation, which Senator AIKEN and I introduced on Wednesday, June 20.

It points out that the President in his state of the world message stated that U.S. bilateral aid should be refocused into population planning, agriculture, health, and education. The Mutual Development and Cooperation Act provides for this essential refocusing of U.S. assistance.

The President also stressed the need for dealing with recipient nations as partners. The proposed legislation does this by changing the name of the Agency for International Development to the Mutual Development and Cooperation Agency and by emphasizing the importance of the developing countries, freely determining their own economic policies and priorities.

President Nixon has been concerned throughout his administration with the effective coordination of all areas of Government policy. This legislation provides for such coordination in our policy toward developing countries.

Finally, this legislation furthers the goal of increasing U.S. exports by providing import credit to the least developed countries on terms they can afford.

As the editorial points out, this legislation deserves the support of both parties, of both Houses of Congress, and of the executive as well as the legislative branch. It provides for the restructuring of U.S. assistance policy. All who have been concerned with that policy would agree this is long overdue.

Mr. President, I ask unanimous consent that today's New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MUTUAL COOPERATION

In his State of the World Message last month President Nixon told Congress he had "long been convinced that we needed major improvements in our foreign assistance program." The President cited progress already made toward refocusing bilateral aid into such key areas as population planning, agriculture, health and education. He further stressed the need for increased coordination of aid efforts and for dealing with recipient nations as partners.

That Presidential challenge has been picked up by a bipartisan majority in the House Foreign Affairs Committee which is in the process of revising the Administration's own unimaginative foreign assistance bill along lines that closely parallel Mr. Nixon's stated priorities. Among other things, the new aid bill would:

Break down the President's $1-billion request into new sectoral categories: "food production, rural development and nutrition; population planning and health; education, public administration, and human resource development"—roughly the same areas into which Mr. Nixon has said the program is already moving.

Change the name of the Agency for International Development to the Mutual Development and Cooperation Agency, thus emphasizing the partnership approach the President has favored.

Give the administrator of the new agency responsibility for coordinating all United States actions affecting development of the less-developed countries, strengthening the efforts the Administration has already made toward better coordination of assistance-related activities.

In addition, the Congressmen would create a new Export Development Credit Fund, funded by public bonds. The Fund would utilize repayments from outstanding development loans to subsidize the interest rates on export credits to the poorer countries, thus boosting United States exports in an area where they have been lagging and enabling low-income countries to purchase American goods and services needed for their development.

At a time when executive-legislative relations have been strained by acrimonious disputes over a wide range of issues it is refreshing to see a Congressional initiative which so imaginatively pursues the President's own stated objectives. The House proposals for foreign aid offer an opportunity for mutual cooperation between the Administration and both houses of Congress that should not be missed.

COLORADO WILDERNESS AREAS

Mr. DOMINICK. Mr. President, on June 11 my distinguished colleague, Senator HASKELL, chairman of the Public Land Subcommittee of the Senate Interior and Insular Affairs Committee, held hearings in Denver, Colo. The purpose of these hearings was to take testimony with respect to three proposed wilderness areas in Colorado—Flat Tops, Weminuche, and Eagles Nest.

Senator HASKELL and I had earlier introduced three bills on these proposed areas—S. 702 to establish the Flat Tops Wilderness Area, S. 1863 to establish the Weminuche Wilderness, and S. 1864 to establish the Eagles Nest Wilderness.

I was very pleased that hearings were scheduled in Colorado and I was pleased also to have had the opportunity to testify on these three proposed areas. Mr. President, I would like to ask unanimous consent that my statement of June 11 be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PETER H. DOMINICK

Mr. Chairman, I am pleased to be present at this hearing at which we will take testimony covering three proposed Wilderness Areas for Colorado—Flat Tops, Eagles Nest and Weminuche. It is particularly appropriate that these hearings have been scheduled to be held in Colorado. All too often our legislative hearings are held in Washington rather than in the state which would be most concerned with the proposed legislation. I compliment my colleague, Senator Haskell, for scheduling these hearings in Colorado on this important subject.

Last week I completed a tour of twenty counties in Western Colorado during the Memorial Day recess. I traveled over 1750 miles and had the opportunity to go through the country in which these proposed areas are located and talk to our fellow Coloradans about the Wilderness Area concept. There can be no qeustion that we live in a most beautiful area of this country. We have been uniquely blessed with an environment that cannot be found in any other state. We have a commitment and responsibility to ourselves, our children, generations of future Coloradans and our nation to preserve and protect significant portions of that environment. This hearing will be another step toward that goal.

The bill to establish the Flat Tops Wilderness Area (S. 702) was introduced in the Senate on February 1 of this year. This legislation would give permanent wilderness protection to one of the most magnificent de facto wilderness areas in Colorado. It would encompass the existing Flat Tops Primitive Area. In addition to the interesting geology of the White River Plateau, the area provides habitat for many species of wildlife. Among them are elk, mule deer, black bear, bighorn sheep, bobcat, coyote, badger, fox, beaver, marten, mink, weasel, snowshoe rabbits, blue grouse, ruffled grouse, white-tailed ptarmigan, eagles, hawks, and migratory water fowl. There are more than thirty high mountain lakes in the area, and several excellent trout streams, including the South Fork of the White River, which is considered to be one of the best streams in the state for native cutthroat trout.

This bill is similar to S. 1441, which passed the Senate on October 10, 1972, and provided for an area of 202,000 acres. One of the areas that was excluded from S. 1441 was the South Fork of the White River. The question of whether the South Fork should be included has been the subject of continuing discussion.

The area designated G–1 on the Forest Service map referred to in the bill contains 10,716 acres and is intended to include the South Fork of the White River. This area contains 195 acres of patented land in two tracts, some of which is developed with buildings and other structures. The question of whether to include this area centers around the available water resources and its relationship to the development of the vast oil shale deposits.

The sentiment in favor of including this area is overwhelming. There is no argument that the South Fork of the White River is one of the most beautiful and unspoiled trout streams in the world. I am also mindful that the Wilderness Act specifically provides that the President may authorize prospecting for water resources, the establishment and maintenance of new reservoirs, power projects, water conservation works, transmission lines, and other facilities within a wilderness area if needed in the public interest.

With this background, I feel that the area involving the South Fork of the White River should be fully considered at the time of our hearing, and, accordingly, I included it. I do not wish to limit the use of this water, if it is the only practical source for the future development of oil shale. The Wilderness Act, however, provides the necessary protection.

Mr. Chairman, the Flat Tops bill (S. 702) represents the 202,000 acres previously considered in the bill which passed the Senate late in the 92nd Congress, together with an additional 10,716 acres to include the South Fork of the White River—for a total of 212,716 acres.

I have received hundreds of letters regarding the Flat Tops bill since its introduction. All have been favorable with the exception of two letters received from persons who apparently are opposed to the Wilderness Area concept per se. I am also pleased to report that the Flat Tops bill has the support of most groups affected by its provisions.

Mr. Chairman, I am aware that as a result of these hearings, certain small changes may become necessary in the boundary designated for Flat Tops. That, of course, is one of the main reasons for the hearing so as to obtain as much input as possible from individuals and groups in order that the final proposal will reflect and represent the wishes of those most directly affected.

Mr. Chairman, I would now like to turn to the proposed Eagles Nest Wilderness (S. 1864), which is included in the boundaries of the Arapaho and White River National Forests in Eagle and Summit Counties, all in North Central Colorado. It is approximately 60 miles west of Denver and 50 miles east of Glenwood Springs. Its boundary is accessible from I–70, U.S. Highway 6, U.S. Highway 40, State Highway 9, and graded forest roads. The name Eagles Nest Wilderness is derived from Eagles Nest Mountain, the most prominent feature of the area seen from the Blue River Valley. One of the first proposals by the United States Forest Service for Eagles Nest was for a 71, 785-acre area, then increased to 87,755 acres. The increase is in the North Fork Piney River area and the Buffalo Mountain-North Tenmile Creek area. The response received as a result of public hearings held in 1970 was without precedent. I am advised that over 22,000 responses were received by the Forest Service and 74 per cent supported a proposal of the 1970 Citizens Coalition for an area of 125,000 acres for Eagles Nest. It is significant that on October 22, 1970, Governor John Love wrote to Mr. William Lucas, Regional Forester of the Forest Service, and set forth Colorado's support for a 125,000-acre area for Eagles Nest.

For those interested in additional background on the development of Eagles Nest Wilderness, I direct your attention to an article in *Colorado Magazine* which appeared in the May–June 1972 issue. Now that the Eisenhower Tunnel has been opened, the Eagles Nest Wilderness Area will be readily accessible to Denver's 1.5 million residents.

Mr. Chairman, now let me turn to S. 1863, our bill proposing the Weminuche Wilderness, which was introduced on May 22 by my colleague, Senator Haskell, and which I cosponsored. The proposed Weminuche Wilderness is included within the boundaries of the Rio Grande and San Juan National Forests in Hinsdale, La Plata, Mineral and San Juan Counties—all in Southwest Colorado. It is approximately 25 miles northeast of Durango and 40 miles west of Monte Vista. Access is by graded forest roads from U.S. Highway 160, U.S. Highway 550 or State Highway 149. Numerous opportunities exist for camping, hiking, mountain climbing, riding, backpacking, nature study and the enjoyment of scenic natural environment. Hunting and fishing are excellent as well. The area would be named after the Weminuche Indians, a subtribe of the Ute Indians.

The Weminuche bill, which we have introduced and which is intended to serve as a focal point for testimony at this hearing is based on boundaries set forth by the Wilderness Society in their map of January of this year. This proposal is for a wilderness area of 440,000 acres. There are other proposals and the hearings which are being held will give all of us an opportunity to examine the positions and proposals of several groups and individuals. After each of the oral and written statements is received and reviewed, we shall be in a position to finalize our thoughts as to the specific boundaries that should be designated for the Weminuche area.

Mr. Chairman, Colorado has a land area of approximately 66.5 million acres, 35 per cent of which is owned by the federal government. The wilderness bills which we are considering would add approximately 760,000 acres to the Wilderness System in Colorado. At the present time there are 280,000 acres in the Wilderness System. There is no question that Flat Tops, Eagles Nest, and Weminuche should be included as wilderness areas. These hearings will assist in determining their boundaries. Thank you.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

SENATE CONFIRMATION OF DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of S. 37, which the clerk will report.

The bill was stated by title as follows:

A bill (S. 37) to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget.

The Senate proceeded to consider the bill which had been reported from the Committee on Government Operation with amendments on page 2, in line 1, after President," insert "by and"; beginning in line 12, strike out

SEC. 2. The amendment made by the first section of this Act shall apply to any appointment made to the office of Director of the Office of Management and Budget and to the office of Deputy Director of the Office of Management and Budget and to any occupant of such offices on and after the date of enactment of this Act.

and insert in lieu thereof:

SEC. 2. The amendment made by the first section of this Act shall take effect—

(1) insofar as such amendment relates to appointments to the office of Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office; and

(2) insofar as such amendment relates to appointments to the office of Deputy Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office.

SEC. 3. The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970 are transferred to the office of Director of the Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

So as to make the bill read:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Budget and Accounting Act of 1921, 1921 (31 U.S.C. 16) is amended to read as follows:

"SEC. 207. There is in the Executive Office of the President an Office of Management and Budget. There shall be in the Office a Director and a Deputy Director, both of whom shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of Director he shall act as Director. The Office, under such rules and regulations as the President may prescribe, shall prepare the budget, and any proposed supplemental or deficiency appropriations, and to this end shall have the authority to assemble, correlate, revise, reduce, or increase the requests for appropriations of the several departments or establishments.".

SEC. 2. The amendment made by the first section of this Act shall take effect—

(1) insofar as such amendment relates to appointments to the office of Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office; and

(2) insofar as such amendment relates to appointments to the office of Deputy Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office.

SEC. 3. The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970 are transferred to the office of Director of the Office of Management and budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

ORDER OF BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, S. 1443, remain in a temporarily laid aside status until——

Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, S. 1443, remain in a temporarily laid aside status until the disposition of S. 37, or until the close of business today, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on the disposition of S. 37, under the order entered by the distinguished majority leader, the Senate will proceed to the consideration of S. 2045. I ask unanimous consent that the unfinished business (S. 1443) again be temporarily laid aside and remain in a temporarily laid aside status until the disposition of S. 2045 or until the close of business today, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONFIRMATION OF DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

The Senate continued with the consideration of the bill (S. 37) to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget.

Mr. METCALF. Mr. President, S. 37 was introduced on the very first day that we could introduce bills in this Congress—January 4, 1973. In the first meeting of the Government Operations Committee, S. 37, a bill to provide for the confirmation of the offices of Director and Deputy Director of the Office of Management and Budget was considered.

When S. 37 was introduced, it applied to all prospective holders of these offices—Director and Deputy Director of the Office of Management and Budget. The two incumbents to the position had not been nominated. While the original bill was in consideration before the Government Operations Committee, the Senator from North Carolina (Mr. ERVIN) and I cosponsored and introduced S. 518, which provided for the confirmation of the present incumbents. By that time President Nixon had appointed the present members who are now holding office as Director and Deputy Director of OMB.

That bill was cosponsored by every member of the Government Operations Committee and passed by a substantial vote on the floor.

As the Presiding Officer will recall, that was the bill that was vetoed by President Nixon. President Nixon in his veto pointed out that he thought it was unconstitutional to proceed to change the rule, as he said, in midstream for two officers already serving. And he seemed to assume that if the Senate were to vote on the confirmation of the two incumbent members of OMB, the Director and Deputy Director, they would not be confirmed by the Senate. I do not agree with that assumption. I think that there would be strong support for the confirmation of the two present members.

OMB has become such a powerful policymaking office and has so many outstanding additional duties that the Director and the Deputy Director of the OMB are more powerful than most of the Cabinet members.

OMB is no longer the small agency of accountants which was transferred to the Executive Office from the Treasury Department some 34 years ago to help the President prepare a budget. Rather, it has become a superdepartment with life or death powers over the expenditure of funds, the development of programs, the management of Government, and the careers of Federal employees.

In the name of the President, it has become the chief administrative office of the Government. It determines line-by-line budget limitations for each agency, including the regulatory arms of Congress, beyond which the agencies are forbidden to tread in the Halls of Congress. After Congress appropriates the money and determines its own priorities, it is the OMB that puts together the program of impounding those funds in accord with the President's priorities. After Congress passes a law, it is the OMB that writes the guidelines and regulations for the agencies to be followed in the enforcement of the congressional mandate. While the Congress is considering legislation, it is the OMB that coordinates the Executive's legislative recommendations and orchestrates the flow of information which is sought by Congress in making its judgment.

When agencies disagree with each other, the OMB resolves the conflicts. When agency heads strike out on their own, it is the OMB that pressures bureaus and divisions of the agency to force the agency heads back into line.

The OMB is empowered to do other things that have a direct impact on Government policy. Under a 1970 reorganization plan, it has obtained a major role in developing management systems, improved executive talent, informational systems, and program evaluation.

It monitors and coordinates the approval and administration of grants-in-aid to the States and municipalities, including direct oversight of Federal regional office coordination.

It has the sole power to clear information and investigatory requests to be submitted by all agencies, including the regulatory agencies, under the Federal Reports Act.

It oversees the management and expenditures of national security programs, international programs, natural resource programs, and other matters directly affecting the economy and security of the country.

It makes the ultimate recommendations on the settling of claims on defense contracts, and it approves all fiscal methods of "shoring up" large defense contractors.

The point is that the Office of Management and Budget today is an operating, decisionmaking, administrative agency just as surely as are the Department of Defense; the Department of HEW, HUD, and Transportation; and the other operating agencies. It interprets and implements congressional policy, and, on occasion, appropriates the legislative function to itself, or in the alternative emasculates what Congress has done.

Far from being merely a personal adviser to the President, the Director of the OMB is the top administrative officer of the executive branch, and as such should be directly responsive to Congress as well as to the President.

It would therefore seem to me that even though President Nixon has vetoed the previous bill, we should again call to the attention of Congress and the people of the United States the power and influence of this very important and significant office which has hundreds of employees. As the present Presiding Officer, the Senator from Utah (Mr. MOSS) knows, there is with every little item that has cleared the Office of Management and Budget an item saying that it is in accord with the President's policy.

So, no matter who is presently Director or Deputy Director of the Office of Management and Budget, it is important and significant that we declare that this office that has such great power and influence and almost awesome responsibility, will in the future be subject to confirmation by the Senate.

We confirm second lieutenants, ensigns, and all sorts of deputy directors, and assistant Cabinet members. Yet such great and powerful officers of the Government such as the Director and Deputy Director of the OMB are not subject to confirmation.

The President suggests that this is a personal office of adviser to the President and that therefore it could not be equated with members of the President's Cabinet. But, we confirm the Director of the Office of Emergency Preparedness, the Director of the Office of Science and Technology, and of the Office of Telecommunications, all of whom are more personal advisers to the President than is the Director of the OMB. The Director of the OMB has powers that go into every part of governmental operations.

Therefore I urge the Senate, prospectively, for future incoming Directors and Deputy Directors of OMB, to pass the pending bill.

The pending bill has been amended by the Senator from North Carolina (Mr. ERVIN) to provide for several propositions that were added to S. 518 in the House. The bill has some provisions of the Reorganization Act that seem to be appropriate when considering the OMB. However, substantially it is a bill which simply says that in the future any Director or Deputy Director of the OMB who is appointed will be subject to confirmation.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is the bill open to amendment at this time?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

[Putting the question.]

The first committee amendment was agreed to.

Mr. METCALF. Mr. President, there are three other committee amendments.

The PRESIDING OFFICER. The Senator from Montana is correct.

Mr. METCALF. Mr. President, the other amendments would put the bill in line with the previous amendments to S. 518 in the House of Representatives. These amendments are simply technical and clerical in nature. Therefore, I ask unanimous consent that the remaining committee amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection to the remaining committee amendments being considered en bloc? The Chair hears no objection, and it is so ordered.

Mr. METCALF. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc, and they will be considered as original text for the purpose of amendment.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, after line 10, insert the following:

SEC. 4. The Director and the Deputy Director of the Office of Management and Budget shall each serve for a term of 4 years beginning at noon on January 20 of the year in which the term of the President begins, except that (1) the term of the Director and Deputy Director serving on the date of the enactment of this Act shall begin on such date and shall expire at noon on January 20, 1977, and (2) any individual appointed to fill a vacancy in the Office of Director or Deputy Director occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the unexpired portion of such term. Nothing in this subsection shall be construed to affect the power of the President to remove the Director or Deputy Director.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the distinguished Senator from Montana (Mr. METCALF) on his actions in committee which have lead to the preparation of the bill pending before the Senate today. I congratulate him on his statement in support of the bill. I am in full agreement with him on the necessity for requiring confirmation of the Director and Deputy Director of the Office of Management and Budget.

As the Senator from Montana has so correctly stated, the Director of the OMB has what we might refer to as virtual life and death authority over programs and projects that are ordered by the Congress and for which funds are appropriated by Congress—funds which run into the scores of billions of dollars.

The President is required to return to the people every 4 years to give an accounting of his stewardship. We in the Senate are required to return to the people every 6 years and give an accounting of our stewardship. The Members of the other body are required every 2 years to return to the people and report on their records of service and stand at the bar of public judgment. Why should not the Director and Deputy Director of OMB have to go before the elected representatives of the people and stand the test of examination?

As the distinguished Senator from Montana has pointed out, the Director of the Office of Management and Budget is in a far more powerful position than is any Cabinet officer to determine whether moneys will be spent, whether moneys will be requested, what programs will be funded, and what moneys will be impounded. And by virtue of this fact, that official, who heretofore has not been required to undergo confirmation by the Senate, ought to have to come before the elected Representatives of the people and be confirmed before entering upon the duties of the very important and powerful office of Director of the OMB. And the same can be said for the Office of Deputy Director.

My amendment would require that the Director and Deputy Director of the OMB, while remaining subject to removal by the President, would serve at the will and pleasure of the President only for a term of 4 years, and if reappointed by either a new President or a President who had been reelected, the Director and the Deputy Director would have to be reconfirmed by the Senate. In this way, they would be required to give an accounting of their stewardship during the years of their previous tenure of office.

This would give the Members of the Senate an opportunity to study the records of the Director and the Deputy Director, to pass judgment on the efficiency with which those men have handled their work, give Congress an opportunity to review the positions that were taken by the Deputy and the Director during the previous 4 years with respect to the impoundment of funds, with respect to recommendations to the Chief Executive on programs and projects, and with respect to the administration of the programs that have been enacted by Congress through legislation passed by both Houses.

I hope that the Senator from Montana will accept my amendment, which I think is an important amendment. He will recall that I added a similar amendment to the bill which some time ago passed both Houses and was vetoed. The present measure is different, in that it is prospective in nature only. There is nothing personal about it with respect to the present Director of the Office of Management and Budget, and there is nothing personal about this bill with respect to the present President. But looking forward down the road, it seems to me that it would be wise on the part of Congress to secure to itself a judgment as to whether or not an individual appointed to the office of Director and/or to the office of Deputy Director of OMB has the necessary experience and training and is properly equipped to handle the important work of that office, and, if reappointed, a judgment as to the quality of his past performance.

Mr. PERCY. Mr. President, I should like to indicate my full support of the pending bill as well as of the amendment offered by my distinguished colleague from West Virginia. I have participated in hearings in depth on this matter; I have discussed it at great length with members of the White House staff as well as the present occupant of this high office.

For anyone to conceive that the Office of Director of Management and Budget, or that of Deputy Director, would be an inferior office as described by the Constitution which, if it were, Congress could then delegate to the executive branch of the Government the power to make such appointments, I think is ludicrous. But even if that were true, the stated reasons for the veto of the previous bill have now been answered, and it would be my hope that this bill could be signed by the President after enactment by the House of Representatives.

Speaking as the ranking Republican member of the Committee on Government Operations of the Senate, I feel that the proposed procedure would strengthen our position materially as to those high positions such as that of Director or Associate Director of the Office of Management and Budget, to be sure that the will of Congress is exercised in these matters, and that the men and women who hold these high positions recognize that, while appointed by the President, they must and should be responsible to Congress, as was intended by the Constitution.

Mr. METCALF. Mr. President, I am certainly hopeful that the Senate will agree to the amendment offered by the Senator from West Virginia. So many times, Mr. President, we have these appointees—and this is very important—who come to Government in these high positions directly from business, the academic world, or a professional position, and we have only their record in their own professions or their own businesses, or as university professors, upon which to judge them. Four years later, we would have a record as to their service in the jobs for which they were appointed.

I hope that sometime in the future I can work with the Senator from West Virginia to get a general legislative act to provide for the reconfirmation of all positions required to be confirmed, either by the Constitution or by statute, every 4 years, with a new confirmation, so that we can, the second time around, judge them on their job performance rather than on the basis of their past records in other fields.

This is the first step. This step says we should judge the Director and the Deputy Director of OMB. I think we should take this first step hopefully, toward the long journey of making all officers subject to reconfirmation.

I accept the amendment.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my thanks to the Senator from Illinois (Mr. PERCY) for his support of my amendment, and to the Senator from Montana (Mr. METCALF) for his support and acceptance of the amendment.

I feel, as I have previously stated—and as the Senator from Montana has so well said—that the time has come when the Congress should cease giving Presidential appointees what amounts to a blank check after they have been confirmed, to have the freedom to cite executive privilege, to just plain fail to appear before congressional committees when called, and to control the activities of their departments or agencies without regard to the intent of Congress as to their direction for 4 years or 8 years, secure in the knowledge that they will not have to come back before Congress, to be held accountable for their acts, once they are confirmed by Congress.

The Senate some time ago passed my bill which would require Cabinet officers to be reconfirmed after 4 years of service. I have also introduced legislation that would require the Director and the Deputy Director of the FBI to be reconfirmed after 7 years. I am not particularly wedded to the figure 7, but I think there should be some set tenure for the Director and Deputy Director of the FBI. I have also introduced legislation that would require the Director of the new Mine Enforcement Safety Agency to be confirmed by this body.

Mr. President, I again thank the distinguished Senator from Montana, first for his leadership in bringing this bill to the floor, and secondly for his support and acceptance of my amendment.

I feel that there ought to be a yea-and-nay vote on this amendment. I think it would be useful for the RECORD to show what kind of support there is for a 4-year term for the Director and Acting Director of OMB.

I will ask for a yea-and-nay vote——

Mr. METCALF. Could we have a quorum call?

Mr. ROBERT C. BYRD. I would suggest, may I say to the distinguished Senator—in view of the fact that the schedule was changed hastily because of extenuating circumstances which I thought reasonably prevented taking up S. 1443 as was originally planned—that Senators should not have to answer a rollcall before noon today, because they certainly have not been alerted more than just a few hours ahead of the announced rescheduling today of the program. For that reasoin, I would ask unanimous consent—does the Senator from Montana intend to ask for a vote on the passage of the bill?

Mr. METCALF. I do.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a vote occur on my amendment to this bill at the hour of 12:30 p.m. today and that immediately following the vote on my amendment, a vote occur on the passage of the bill, unless the Senators would like to reserve 5 minutes on each side in the event someone wishes to explain the bill or questions are asked.

I revise my request—I ask unanimous consent that the vote on my amendment occur at 12:45 p.m. today and that the vote occur on the passage of the bill immediately following disposition of my amendment, and that rule XII be waived.

Mr. PERCY. Mr. President, reserving the right to object—and I do not intend to do so—would it be in order for us at the same time we ask for the yeas and nays to also ask for a rollcall vote on S. 2045 which I intend to introduce immediately following this action?

Mr. ROBERT C. BYRD. Yes. Mr. President, I ask unanimous consent that it be in order to order at any time, with one show of seconds, a vote on my amendment, a vote on the bill by the Senator from Montana (Mr. METCALF) and a vote on the bill by the Senator from Illinois (Mr. PERCY), S. 2045, waiving rule XII on the latter.

Mr. PERCY. That is 10 minutes for rollcall votes after the first 15-minute rollcall.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER (Mr. MOSS). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I also ask unanimous consent that the Senator from Illinois (Mr. PERCY) may have 5 minutes on his bill following the vote on the bill by the Senator from Montana (Mr. METCALF).

Mr. PERCY. Mr. President, no time will be necessary for discussion at that time. I think the votes can go one right after the other, because all discussion we need on the bill will be carried on well before the hour of 12:45 p.m. today.

Mr. ROBERT C. BYRD. Very well. Shortly, I will send an amendment to the desk to the bill by the Senator from Illinois (Mr. PERCY). I will not ask for a yea-and-nay vote on that amendment, because the RECORD will show what the yea-and-nay vote will be on the same amendment to Mr. METCALF's bill.

Mr. President, I ask unanimous consent that a vote occur on the bill by the Senator from Illinois (Mr. PERCY) immediately following the vote on the bill by the Senator from Montana (Mr. METCALF).

May I say this: I will immediately ask unanimous consent to set the present bill aside and take up the bill by the Senator from Illinois (Mr. PERCY) and will then offer my amendment to his bill which I understand he will accept.

Mr. PERCY. Mr. President, reserving the right to object, just so the Senator from Illinois understands the procedure now, all debate will be completed shortly on both bills including the amendment, but beginning at 12:45 p.m. today the vote will occur on the amendment, to be immediately followed without debate by a vote on S. 37, and immediately following, without debate, a vote will occur on S. 2045.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. PERCY. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

SENATE CONFIRMATION OF CERTAIN OFFICERS IN THE EXECUTIVE DEPARTMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill, S. 37, now be temporarily laid aside, until 1:45 p.m. today, and that the Senate proceed now to the consideration of S. 2045.

The PRESIDING OFFICER. The Chair would ask the Senator from West Virginia, did he not mean 12:45 instead of 1:45?

Mr. ROBERT C. BYRD. I did, and I thank the Chair. I ask unanimous consent that S. 2045 now be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

S. 2045, to require that future appointments to the Offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President be subject to confirmation by the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PERCY. Mr. President, S. 2045 requires Senate confirmation of future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, which was established by the Budget and Accounting Act of 1921 and Reorganization Plan No. 2 of 1970; Executive Director of the Domestic Council, which was created by Reorganization Plan No. 2 of 1970; and Executive Secretary of the National Security Council, which was established by the National Security Act of 1947.

Mr. President, this bill is a composite of two bills, S. 518 (S. Rept. No. 93-7) and S. 590 (S. Rept. No. 93-47), previously passed by the Senate. The requirement for the confirmation of the current Director and Deputy Director of the Office of Management and Budget was contained in S. 518, which passed the Senate on February 5 by a vote of 63 to 17. The present bill, S. 2045, requires the confirmation of these two officers but makes the requirement prospective rather than retroactive, thus removing the major ground on which S. 518 was vetoed.

The requirement for confirmation of other statutory White House officers was contained in S. 590, which was passed by the Senate on May 9 by a vote of 72 to 21. S. 590 required confirmation of the chief operating officers of the Domestic Council and the National Security Council, and also contained a requirement for the confirmation of the Executive Director of the Council on International Economic Policy. This last officer is not included in S. 2045, because a requirement for confirmation of this officer on July 1 of this year is contained in S. 1636, the International Economic Policy Act extension, which was passed by the Senate on June 22.

Mr. President, with the passage of S. 2045 and S. 1636 the Senate will have asserted again its will that the statutory officers in the Executive Office of the President should be subject to confirmation. I submit that the Senate has considered this question very thoroughly during the course of the year. We have voted overwhelmingly several times to require confirmation of these officials. I therefore suggest we can proceed to vote on this bill without further discussion.

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair, are there any committee amendments which would have to be agreed to prior to the presentation of my amendment from the floor at this time?

The PRESIDING OFFICER (Mr. ALLEN). There are no committee amendments.

Mr. ROBERT C. BYRD. I thank the Chair and send my amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 1, line 3, after "That" insert "(a)".

On page 1, after line 8, insert the following:

(b) The Director and the Deputy Director of the Office of Management and Budget shall each serve for a term of 4 years beginning at noon on January 20 of the year in which the term of the President begins, except that (1) the term of the Director and Deputy Director serving on the date of the enactment of this Act shall begin on such date and shall expire at noon on January 20, 1977, and (2) any individual appointed to fill a vacancy in the Office of Director or Deputy Director occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the unexpired portion of such term. Nothing in this subsection shall be construed to affect the power of the President to remove the Director or Deputy Director.

On page 2, line 8, after "Act" insert "(other than the provisions of subsection (b) of the first section)".

Mr. ROBERT C. BYRD. Mr. President, this amendment accomplishes the same purpose as the amendment which I offered to the bill S. 37. It would require reconfirmation of the Director and Acting Director of the Office of Management and Budget if they are reappointed. It would set a 4-year term for both those offices.

Mr. PERCY. Mr. President, the Senator from Illinois is very much pleased to accept the amendment offered by the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) as an improvement in the bill, for the same reasons as the Senator from Illinois has previously stated on the floor, the amendment being incorporated in S. 37.

Mr. METCALF. Mr. President, I want to express again my complete accord with the legislation introduced by the Senator from Illinois, S. 2045. It corrects a vacuum we have left in important, significant, and powerful offices of the administration. These should be subject to confirmation. They should be subject to confirmation every 4 years. A man who has served for 4 years should not have to fear confirmation of his nomination by the Senate if he has performed his job well.

So, for the same reasons that were given for confirmation of nominations for the Offices of Director and Deputy Director of OMB, nominations for these two additional offices should also be confirmed.

I completely concur and am in accord with S. 2045 and with Senator Byrd's amendment thereto, and I urge the passage of the bill.

Mr. ROBERT C. BYRD. Mr. President, I wish to express appreciation to the distinguished Senator from Illinois (Mr. PERCY) for his expression of support for my amendment and for his acceptance thereof.

I also wish to express my thanks to the distinguished Senator from Montana (Mr. METCALF) for his renewed expression of support of my amendment.

Mr. President, if there be no further debate at this time, I ask unanimous consent that S. 2045 be set aside, following the formal acceptance of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. And that at that time, once the Chair has put the question on my amendment, if it is agreed to, the Senate then resume consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The bill will be postponed until action is taken by the Senate on S. 37.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The PRESIDING OFFICER. The Senate will now resume the consideration of the unfinished business, which will be stated by title.

The legislative clerk read as follows:

> A bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

UNANIMOUS-CONSENT AGREEMENT ON LENGTH OF ROLLCALL VOTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—I am not sure the request was made, but it was intended to be made—that after the first rollcall vote today, the time on succeeding rollcall votes be limited each to 10 minutes, with the warning bell sounded after the first 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I will recapitulate what the voting situation will be, to make sure that both cloakrooms may properly alert all Senators.

At the hour of 12:45 p.m. today, the Senate will proceed to vote—and it will be a yea-and-nay vote—on my amendment to S. 37. That will be a 15-minute rollcall vote.

Immediately upon the disposition of the Byrd amendment, the Senate will proceed to vote no passage of S. 37, a bill to amend the Budget and Accounting Act to require the advice and consent of the Senate for the appointment of the Director and the Deputy Director of the Office of Management and Budget. That will be a 10-minute rollcall vote.

Immediately upon the disposition of S. 37, a vote will occur—and it will be a 10-minute yea-and-nay vote, also—on the bill by Mr. Percy, S. 2045, to require that future appointments to the offices of Director and Deputy Director of OMB and certain other offices in the Executive Office of the President, be subject to confirmation by the Senate.

Am I correct in my statement?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ORDER OF VOTES TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the first vote of the three votes which will occur back-to-back today, and which were to have begun at 12:45 p.m. under the previous order, occur instead at 1 o'clock p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COST OF MAINTAINING U.S. TROOPS IN EUROPE

Mr. MANSFIELD. Mr. President, I am in receipt of a letter from an old friend from Billings, Mont., in which he encloses an article entitled "You Pay $56,667 Per Man." The article was written by Ray Howard and was published in the Billings Gazette of Billings, Mont. It has to do with the maintenance of over 300,000 military personnel in Europe, and in addition to that, there are approximately 225,000 dependents.

The article carries an announcement to the effect that the Pentagon has stated that we are going to support 300,000 men in Europe again this year and the same Pentagon generals estimate that the cost of those 300,000 men is going to be $17 billion.

I would hazard the estimate that whereas it cost $14 billion for the U.S. military personnel in Europe 2 years ago, since that time the figure has increased to $16 billion. In February of this year the Department of Defense announced that the figure would be increased to $17 billion, and with the continued devaluation of the dollar, now on a float status, it would be my assumption that the cost of those troops in Europe—almost 30 years after the end of the war—would be rapidly approaching $18 billion.

But even on a $17 billion figure, which I think is now outdated, these figures mean that the men in Europe are costing about 20 cents out of every dollar of Federal income taxes, since $17 billion is about 20 percent of projected personal income tax collections.

The article states:

> But most interesting of all is how these 2 figures go together—$17 billion to support 300,000 men. Run those through your pocket calculator just one time.
>
> It comes to $56,667 per soldier.

Mr. President, I ask unanimous consent that excerpts from the letter and the article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

June 19, 1973.

Senator Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield, Regarding the enclosed item Mr. Howard evidently did his homework to come up with the figures listed.

I know you have several times made resolutions to cut U.S. troop strength in Europe and I am in full accord. Why in God's name should we still maintain such an army in Europe more than 30 years after the war? Particularly when Europe shows very little intention to return the favor. Witness the latest gleeful kicking around of the dollar.

Frankly, why should we continue to maintain any Army there, and let Europe dictate their terms to us, while we meekly continue to subsidize them?

You Pay $56,667 Per Man

(By Ray Howard)

The Pentagon has announced that we are going to support 300,000 men in Europe again next year. The same Pentagon generals estimate that the cost of those 300,000 men is going to be $17 billion.

Now those are very important figures.

They mean that we are going to dump billions of dollars in Europe so we can topple our already tipsy balance of payments situation. That means more devaluations and more inflation for the folks back home.

Those figures also mean that the boys in Europe are costing you about 20 cents on every dollar of federal income taxes you pay, since $17 billion is about 20 per cent of projected personal income tax collections.

But most interesting of all is how those figures go together—$17 billion to support 300,000 men. Run those through your pocket calculator just one time.

It comes to $56,667 per soldier!

We are spending $56,667 for every private, corporal, sergeant, captain, colonel and general stationed in Europe. But official budget figures say that pay and allowances average on $7,550 per man.

So what happens to the missing $49,117?

Well, there is a lot of support needed, according to the Pentagon generals. That $56,667 per man includes food, shelter, guns, tanks, ammunition, helicopters, supply dumps and other expensive toys.

But no matter how you cut it, $56,667 soldiers don't come off as much of a bargain. By comparison, $10,000-a-year schoolteachers look cheap. And $9,500 cops look like a steal.

But that's just my opinion. What we need are facts. So I decided to do some checking with some famous civilian generals. For example, I contacted the big auto general, General Motors. And the two food generals, General Foods and General Mills. Then the utility brass, General Telephone. I also scrubbed the figures on General Electric, General Dynamics and General Tire.

How much do they spend per employe?

It must be over $70,000 per man at General Motors because auto workers make a lot more than privates, and corporate officers make a lot more than Army officers. And General Motors has $18 billion in machinery, factories, supplies and stuff to cover each year.

Surprise, counting all 1971 costs, including taxes, General Motors spent only $4,000 per employe. That's 40 per cent less than the Pentagon generals are spending on our boys in Europe. In 1971 General Motors made profits of $1.9 billion. But if he had spent $56,667 per employe, General Motors would have lost $15.5 billion!

General Electric? On the same basis, he spent only $25,000 per employe—or less than half of what the Pentagon spends on a boy in Europe. Wait until the electrical workers hear about that.

General Telephone was even more efficient in 1971. He spent only $21,000 per telephone man. And that included executive airplanes, executive toilets, executive expense accounts—the works. If General Telephone had spent $56,667 per employe in 1971, he would have lost about $6 billion.

If General Foods had spent $56,667 per employe in 1971, he would have lost over $300 million. His competitor, General Mills, spent only $33,000 per cereal man in 1971. But if he had been as big with your buck as the Pentagon was, General Mills would have lost over $700 million.

General Tire was no exception. He made $49.8 million in profits in 1971. But if that rubber general had spent money like the Pentagon generals, he would have lost 8 big billion.

How about General Dynamics? This general is a defense contractor, which often means he is extremely inefficient. Maybe so. But the data says that he spends only $28,000 per employe—or less than half of what the Pentagon spends per man in Europe.

Let's sum it all up.

In 1971, the seven civilian generals made profits of almost $3 billion. They employed 1.5 million people. Their average cost per employe was $30,000. But if they had spent money like the Pentagon generals, the seven civilian generals would have lost $36.6 billion in 1971.

And you think you are being taken at the meat counter?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12 NOON TODAY

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 12 o'clock noon today.

The motion was agreed to; and at 11:30 a.m. the Senate took a recess until 12 o'clock noon; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for a show of seconds on the three yea and nay votes which have already been ordered by unanimous consent.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that the distinguished Senator from North Carolina be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION TO INCREASE THE SUMS ALLOTTED TO THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 132

Resolved,

SECTION 1. That the first sentence of Section 6 of Senate Resolution 60, which was adopted on February 7, 1973, is hereby changed to read as follows: "The expenses of the Select Committee through February 28, 1974, under this resolution shall not exceed $1,000,000, of which amount not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ERVIN. Mr. President, I submit this resolution with the concurrence of all the members of the committee and with the cosponsorship of the vice chairman of the committee, Senator BAKER. The matter has been cleared with the leadership of the Senate on both sides of the aisle and with the Committee on Rules and Administration.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 132) was agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

Mr. FULBRIGHT. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on S. 1443, to furnish defense articles and services to foreign countries and international organizations.

Mr. FULBRIGHT. Mr. President, the bill before the Senate today culminates a number of years of effort by the Foreign Relations Committee to overhaul the foreign military aid program. It does not go as far as I would like, and it goes too far for the executive branch. Thus, on balance, the bill strikes a middle ground which, I hope, will meet with the approval of a substantial majority of the Senate. Let me explain the bill's basic provisions briefly.

S. 1443 will phase out the military grant assistance program over a 4-year period and permit loans on concessional terms for the countries being phased out.

The bill requires a 25-percent payment in foreign currency for grant aid, which will be available to meet U.S. expenditures within the country. The United States is now spending dollars at the rate of $375 million a year in the 10 countries which are the top recipients of military grant aid. This year those countries will receive $580 million in military grant aid, including excess arms and equipment. The bill thus requires true burden sharing which, we are told, is the basic meaning of the Nixon doctrine.

The bill would also phase out all military aid missions over a 4-year period. It requires that all transfers of naval vessels be under the authority of the new act, ending the existing practice where ships could be furnished to foreign governments under a number of different authorities, carrying out a recent recommendation by the General Accounting Office.

As to surplus arms and equipment, the bill requires that this material be used to the maximum extent possible to save U.S. tax dollars and stop the abuses revealed in a recent General Accounting Office study of this program.

Military credit sales to the underdeveloped countries would be financed to the maximum extent possible through the guaranty of commercial bank loans, thus cutting down on the amount of tax dollars tied up in loans. The prohibition on Export-Import Bank loans to finance arms sales to the developing countries would be removed. But Export-Import loans would not be eligible for coverage under the guaranty program, the Bank's normal credit criteria would still apply. A fixed ceiling would continue on total credit sales allowed to these countries, as under existing law.

In the current fiscal year, 84 percent of all U.S. arms sales to foreign countries are being made through Government channels. The ultimate objective of this bill is to get the State and Defense Departments out of the arms sales business and put these transactions on a free enterprise, commercial basis where the Government's role is only that of passing on applications for export licenses.

The bill also authorizes all grant aid and supporting assistance on a country-by-country basis, thus ending the situation where the President had complete freedom to allocate the lump sums Congress provided.

The bill ends funding of military aid to Vietnam and Laos from the defense budget, as the committee has recommended since 1971. Now that U.S. involvement in the hostilities has formally ended, there is no reason to treat these two countries any differently from other aid recipients.

The provisions relative to military aid to Indochina would authorize one-for-one replacement of arms and munitions for both South Vietnam and Laos in accordance with the provisions of the Vietnam and Laos cease-fire agreements. Replacement would be provided on the basis of lists previously filed with the respective international control commissions. General subsidization of the South Vietnamese or Laotian forces is not authorized.

The bill authorizes $150,000,000 in military aid for Cambodia for fiscal year 1974. If a cease-fire agreement is reached munitions furnished to Cambodia shall be strictly in accordance with the terms of the cease-fire agreement.

In the event of a new offensive by enemy forces, the President could provide unlimited arms and munitions to South Vietnam by declaring the Vietnam cease-fire agreement null and void insofar as the United States was concerned.

I should add that I believe that "unlimited" is not strictly unlimited. The normal authorization and appropriation limitation would still govern.

Quarterly reports from the President would be required concerning all U.S. assistance to South Vietnam, Laos, or Cambodia, the nature and extent of the official American presence, and the general status of implementation of the cease-fire agreement.

The committee recommends an authorization for military grant assistance for fiscal year 1974 of $420,000,000 but from that would be deducted for 25-percent foreign currency payment required under the bill, reducing significantly the overall cost to the taxpayer. A separate item of $25,000,000 is included for military training. These compare with the administration's budget request of $685,000,000, a reduction of $250,000,000.

For military credit sales, the bill authorizes $200,000,000, a reduction of $325,000,000 from the budget request. Ninety-five million dollars for supporting assistance is authorized, a reduction of only $5,000,000 from the budget request.

The specific authorizations in the bill total $740,000,000 compared with the executive branch request of $1.31 billion, a reduction from the budget request of $570,000,000. Substantial additional savings from the amount budgeted can be anticipated from the restrictions on military aid to the nations of Indochina. I wish to point out, however, that the funds authorized in this bill represent only a small portion of the overall foreign aid program. The executive branch has requested a total foreign aid package of $8.6 billion for the 1974 fiscal year, more than 10 times the specific authorization in this bill. For the current fiscal year the total foreign aid program is estimated at $9.5 billion. So the reductions made by the committee are modest, indeed, compared with the overall foreign aid picture.

Mr. President, in the last year and a half the Senate has rejected two foreign aid bills. No foreign military aid authorization bill was enacted for the current fiscal year. The bill reported by the committee on March 14 lies dead on the calendar because the executive branch succeeded in getting Congress to provide the money for the foreign aid program although no regular authorization or appropriation bills were passed. This was accomplished by use of a continuing resolution. And this notwithstanding a provision of law which states that appropriations for foreign aid cannot be spent unless there is a valid authorization. And there are indications that the executive branch hopes for repeat action for the next fiscal year in order to avoid congressional policy initiatives, such as those in this bill.

Following the Senate's defeat of the foreign aid bill in 1971, the committee reported two bills separating military from economic aid. Each bill stated that it was an interim measure which "looks to the phaseout of the current program and to establishment of a new one which will command the respect and the support of Congress and the American people." This bill, approved by the committee by a vote of 14 to 3, is an effort to fulfill that pledge to chart a new course for military aid.

Twenty-six years ago, with the Greek-Turkish aid program, the United States began a program of economic and military aid whose purpose was to contain communism and promote the growth of democracy around the world. Today the problem is not the fall of friendly dominoes to communism but their fall to military rule. Totalitarianism comes in many forms, including the outward trappings of democracy. Totalitarianism of the right should be as offensive to Washington as totalitarianism of the left. But the major recipients of our military aid—Vietnam, Cambodia, Korea, Thailand, the Philippines, Greece, and Taiwan—are hardly paragons of democratic government. Yet, in the lexicon of the military aid program, they are all "free world" countries—our kind of folks.

The world of a quarter of a century ago, which spawned the military aid program, bears little relation to the world of today. The hot wars have cooled and the cold war moderated. Yet the policies of that era linger on in the military aid program. It is time to wipe out this relic of the past. The bill before the Senate is a significant step toward that objective.

In his January inaugural address President Nixon said that—

> The time has passed when America will make every other nation's conflict our own, or make every other nation's future our responsibility, or presume to tell the people of other nations how to manage their own affairs . . . So let us encourage individuals at home and nations abroad to do more for themselves.

That, I understand, is the basic thesis of the Nixon doctrine.

By the end of this fiscal year, the U.S. taxpayers will have provided $180 billion in assistance to foreign countries since the end of World War II, $80 billion of that in military and related aid. That flow of military aid will continue unless Congress acts to make the nations of the world look to their own resources—not to the United States—for the setting of their defense priorities. Too many nations around the world have become overly dependent on the taxes paid by the American people.

Sixty-five percent of our administrative budget goes for war-related expenses. Seven percent of our GNP, a vastly imprecise and misleading measure of our wealth at best, is spent for military purposes. And some $5 billion per year is spent on military and related foreign aid. Contrast this with Japan which spends less than 1 percent of its GNP for military purposes and has no military aid clients. Our NATO allies spend, on the average, about 4 percent of GNP for defense while the cost of U.S. forces committed to NATO now runs about $17 billion a year. Wherever one looks the rich nations expect the United States to subsidize their defense.

The Peterson Commission report put the problem this way:

> The United States now devotes seven percent of its GNP for defense expenditures. In part, these security responsibilities make it possible for our allies to spend less themselves on military security. As a group, their defense expenditures as a percentage of GNP are perhaps half those of the United States.

Mr. President, the U.S. financial house is in disorder, largely due to the accumulated effects of many years of overcommitment abroad. Our Government's zealous determination to control and shape the destinies of much of the world has brought our Nation to a state of financial exhaustion. Since 1965, the Federal debt has increased by $150 billion, interest on the national debt has doubled, the defense budget is up by 50 percent, and the cost of living by 38 percent. The statistical picture is bleak, indeed.

For too many years we have lived beyond our means abroad, maintaining vast military forces and bases, lending and giving away our resources, and watching complacently while those we aided seized our markets. With a part of the money we have given away or loaned abroad, foreign countries are buying our land here in the United States, our minerals, and our factories, at depreciated prices due to the devaluation of our currency. Surely it is time to stop this improvident and foolish alienation of our basic resources, upon which our livelihood depends.

The $50 billion balance-of-payments deficit our Nation has incurred over the last 3 years is directly related to overcommitment abroad and the lessening of world confidence in the U.S. ability to put its house in order. Military operations abroad alone account for a $5 billion drain each year on our balance of payments. Two years ago we ran a $2 billion trade deficit, the first time in our history. Last year that deficit rose to $6.4 billion. Phasing out the military aid program will be one small step toward lowering the American profile abroad and reducing unnecessary spending.

In recent years many Members of the Senate have expressed concern over the growth in the power of the President over foreign policy. The Senate, and Congress as an institution, can influence policy—foreign or domestic—only to the extent it is willing to use the power it has. If Congress is to regain its role as the fundamental source of national policy, as the Founding Fathers intended, it must rid itself of its "What-does-the-President-want?" mentality. It must have the courage to take the initiative in matters like foreign aid. If not, the initiative will forever remain with the executive bureaucracies and with the President. In recent years the Senate has attempted to restore a proper balance between Congress and the President in the making of foreign policy. This bill is but another initative in that direction and, hopefully, will lead to congressional initiatives in other areas as well.

The committee hopes that the Senate will demonstrate that on military aid and sales policy it has the will, as well as the desire, to chart a new course, one which is geared both to the realities of the world today and the depleted state of our national pocketbook.

I ask unanimous consent to have a number of tables printed in the RECORD at this point.

There being no objection, tables were ordered to be printed in the RECORD, as follows:

FOREIGN MILITARY SALES BY DEVELOPED AND LESS DEVELOPED COUNTRIES

[In thousands of dollars]

Distribution	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972	Total, fiscal years 1968–72	Estimated: Fiscal year 1973	Estimated: Fiscal year 1974
Developed countries:[1]								
FMS cash	546, 565	1, 002, 012	665, 096	1, 067, 482	2, 258, 976	5, 540, 131	2, 863, 800	3, 663, 600
FMS credit	130, 021	104, 260		13, 211		247, 492		20, 000
DOD direct	(37, 000)	(75, 000)				(112, 000)		
DOD guaranty	(93, 021)	(29, 260)		(13, 211)		(135, 492)		
Total	676, 586	1, 106, 272	665, 096	1, 080, 693	2, 258, 976	5, 787, 623	2, 863, 800	3, 683, 600
Less developed countries:								
FMS cash	167, 236	115, 993	139, 463	293, 977	613, 685	1, 330, 354	366, 500	234, 500
FMS credit	132, 811	176, 900	70, 000	730, 201	550, 000	1, 659, 912	550, 000	740, 000
DOD direct	(66, 806)	(150, 090)	(70, 000)	(687, 833)	(329, 500)	(1, 305, 039)		
DOD guaranty	(66, 005)	(26, 000)		(42, 368)	(220, 500)	(354, 873)		
Total	300, 048	292, 894	209, 463	1, 024, 178	1, 163, 685	2, 990, 266	916, 500	974, 500
International organizations:								
FMS cash	18, 582	10, 342	36, 242	18, 578	39, 765	123, 509	50, 000	30, 000
FMS credit (direct)	52					52		
Total	18, 634	10, 342	36, 242	18, 578	39, 675	123, 561	50, 000	30, 000
Worldwide:								
FMS cash	732, 383	1, 128, 347	840, 801	1, 380, 037	2, 912, 426	6, 993, 994	3, 280, 300	3, 928, 100
FMS credit	262, 884	281, 160	70, 000	743, 412	550, 000	1, 907, 456	550, 000	760, 000
DOD direct	(103, 858)	(225, 900)	(70, 000)	(687, 833)	(329, 500)	(1, 417, 091)		
DOD guaranty	(159, 026)	(55, 260)		(55, 579)	(220, 500)	(490, 365)		
Total	995, 268	1, 409, 508	910, 801	2, 123, 494	3, 462, 426	8, 901, 450	3, 830, 300	4, 688, 100

[1] As listed by executive order for interest equalization purposes.

Note: Total may not add due to rounding.

U.S. FOREIGN MILITARY SALES—FISCAL YEARS 1968–74

[In millions of dollars]

	Fiscal year 1968	1969	1970	1971	1972	1973 estimate	1974 estimate
Government arms sales	995	1, 409	910	2, 123	3, 462	3, 830	4, 688
Commercial sales	352	340	528	545	580	694	726
Total	1, 347	1, 749	1, 438	2, 668	4, 042	4, 524	5, 414

SECURITY ASSISTANCE: SUMMARY OF PROGRAMS, BY AREA AND COUNTRY, FOR FISCAL YEAR 1974

[In thousands of dollars]

	Total	Grant military assistance	Foreign military credit sales	Security supporting assistance	International military education and training program
East Asia and Pacific:					
Cambodia	173, 000	167, 194			5, 806
China	65, 500		65, 000		500
Indonesia	22, 800	20, 826			1, 974
Korea	266, 200	238, 789	25, 000		2, 411
Laos					
Malaysia	19, 200		19, 000		200
Philippines	22, 900	19, 269	3, 000		631
Thailand	87, 212	55, 762	15, 000	15, 000	1, 450
Vietnam	300				300
Regional	28, 300	28, 300			
Total, East Asia and Pacific	685, 412	530, 140	127, 000	15, 000	13, 272
Near East and South Asia:					
Afghanistan	215				215
Greece	65, 000		65, 000		
India	200				200
Iran					
Israel	325, 000		300, 000	25, 000	
Jordon	101, 100	35, 632		65, 000	468
Lebanon	5, 150		5, 000		150
Nepal	30				30
Pakistan	243				243
Saudi Arabia	20, 200		20, 000		200
Sri Lanka (Ceylon)	50				50
Turkey	163, 000	85, 501	75, 000		2, 499
Regional	50				50
Total, Near East and South Asia	680, 238	121, 133	465, 000	90, 000	4, 105
Africa:					
Ethiopia	11, 250	10, 454			796
Ghana	50				50
Liberia	100				100
Mali	50				50
Morocco	13, 000		12, 000		1, 000
Senegal	20				20
Tunisia	5, 300	2, 476	2, 500		324
Zaire	3, 900		3, 500		400
Regional	80				80
Total, Africa	33, 750	12, 930	18, 000		2, 820

	Total	Grant military assistance	Foreign military credit sales	Security supporting assistance	International military education and training program
Latin America:					
Argentina	23,150		22,500		650
Bolivia	8,450	3,996	4,000		454
Brazil	56,800		56,000		800
Chile	11,000		10,000		1,000
Colombia	15,800		15,000		800
Dominican Republic	1,330	796			534
Ecuador	500		500		
El Salvador	2,935	400	2,000		535
Guatemala	1,600	1,080			520
Honduras	1,435	400	500		535
Mexico	2,640		2,500		140
Nicaragua	1,460	1,023			437
Panama	480	230			250
Paraguay	1,050	550			500
Peru	20,900		20,000		900
Uruguay	3,400	1,000	2,000		400
Venezuela	16,000		15,000		1,000
Regional	1,735	525			1,210
Total, Latin America	170,665	10,000	150,000		10,665
Europe:					
Austria	30				30
Finland	20				20
Malta	9,500			9,500	
Portugal	800	323			477
Spain	6,400	3,026		3,000	374
Regional	50				50
Total, Europe	16,800	3,349		12,500	951
Nonregional costs:					
Administrative expenses	95,135	93,948			1,187
U.N. Forces, Cyprus (UNIFCYP)	4,200			4,200	
Other	2,355			2,355	
Total, nonregional	101,690	93,948		6,555	1,187
Total, obligational authority	1,688,555	771,500	760,000	124,055	33,000
Less—					
Recoupments/recoveries	−64,055	−40,000		−24,055	
Reimbursements	−6,945	−5,100		−1,845	
Net private credit	−228,000		−228,000		
Transfers	−69,500	−69,500			
New obligational authority	1,320,055	656,900	532,000	98,155	33,000

TRANSFERS OF U.S. RESOURCES TO FOREIGN NATIONS—WORLDWIDE DISTRIBUTION, BY PROGRAM

[In thousands of dollars]

	Fiscal year 1972 actual	Fiscal year 1973 estimated	Fiscal year 1974 proposed
Grand total of all U.S. resources transferred	9,278,578	9,511,259	8,643,349
Security assistance (subtotal)	6,040,039	5,945,192	4,111,417
Military assistance program	549,892	589,100	771,500
Distributed by country	(527,813)	(453,028)	(648,727)
Not distributed by country	(22,079)	(136,072)	(122,773)
International military education and training program			33,000
Distributed by country			(30,123)
Not distributed by country			(2,877)
Military assistance service funded	2,584,100	2,735,000	1,870,800
Distributed by country	(2,584,100)	(2,735,000)	(1,870,800)
MAAG administrative costs—Military department funded	95,157	96,110	52,409
Distributed by country	(95,157)	(96,110)	(52,409)
Transfer of defense stocks	252,421		
Distributed by country	(252,421)		
Excess defense articles	107,318	185,000	185,000
Distributed by country	(107,316)	(184,000)	(185,000)
Not distributed by country	(2)	(1,000)	
Ships transfers, distributed by country	159,696	121,000	6,500
Real property transfers	631,128	721,091	244,553
Security supporting assistance	593,226	627,891	124,055
Distributed by country	(577,883)	(606,786)	(117,500)
Not distributed by country	(15,343)	(21,105)	(6,555)
Foreign military credit sales	550,000	550,000	760,000
Distributed by country	(550,000)	(550,000)	(760,000)
Export-Import Bank military loans	190,000	100,000	(1)
Distributed by country	(190,000)	(100,000)	(1)
Public Law 480 (sec. 104(c), distributed by country	(67,060)	(157,900)	(162,080)
Purchase of local currency (Vietnam)	327,100	220,000	63,600
Indochina postwar reconstruction (subtotal)			630,945
Distributed by country			(614,000)
Not distributed by country			(16,945)
Development assistance (subtotal)	3,238,540	3,566,067	3,900,987
Agency for International Development	(1,474,228)	(1,334,491)	(1,338,314)
Development loans, distributed by country	535,700	493,400	596,000
Not distributed by country	68,350	99,600	49,000
Development grants, distributed by country	111,726	98,603	102,725
Not distributed by country	66,657	73,897	84,525
Population programs, distributed by country	27,842	32,717	37,071
Not distributed by country	11,904	11,306	9,675
South Asian relief	194,422	101,100	500
American schools and hospitals abroad, not distributed by country	19,987	25,532	10,000
International organizations and programs, not distributed by country	182,037	145,631	177,122
Administrative expenses, not distributed by country	58,628	57,159	57,875
Administrative expenses, state	4,448	4,420	5,100
International narcotics control and contingency fund, distributed by country	49,812	12,617	20,481
Not distributed by country	17		
Contingency fund, undistributed		12,773	30,300
Narcotics, undistributed			9,738
Program support and interregional activities, not distributed by country	142,696	165,736	148,202
Peace Corps, distributed by country	50,314	50,715	51,463
Not distributed by country	3,855	7,227	6,543
General support	20,931	22,898	18,995
Public Law 480, distributed by country	1,025,115	1,072,410	976,575
Not distributed by country	96,888	9,790	22,345
Ocean freight	190,510	162,500	117,700
Grants of title I, section 204	3,001	2,000	1,000
Private trade entities		13,400	10,000
Emergency reserve			19,180
U.S. contributions to international Financial Institutions:			
IBRD:			
Paid-in capital	12,300		
Callable capital	(110,700)		
International Development Association		320,000	320,000
Inter-American Development Bank:			
Paid-in capital	75,000	25,000	25,000
Callable capital	(136,800)	(168,400)	(168,380)
Fund for Special Operations		225,000	500,000
Asian Development Bank:			
Paid-in capital			24,200
Callable capital			(96,800)
Special funds			100,000
State Department migration and refugee programs, not distributed by country	14,895	12,067	7,600
Inter-American Foundation	2,847	3,473	13,285
Pan American Highway	343		
Darien Gap Highway	9,755	20,000	30,000
Mutual Education and Cultural Exchange	29,579	32,563	38,557
Nonregional	11,226	12,437	14,443
Trust territories of the Pacific	55,581	63,903	66,000
Contributions to international organizations (State Department)	162,172	176,191	199,787

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[1] Not available.

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1974—PROGRAM BY COUNTRY

[In thousands of dollars]

	Security programs									Development and reconstruction economic programs								
	Military Program									Agency for International Development				Other programs			Total military and economic fiscal years—	
	Military assistance grants	Foreign military credit sales	Excess defense articles [1]	Military service funded	International military education and training program	Ship loans [1]	Total military	AID supporting assistance	Total security	Development assistance	Indochina postwar reconstruction	International narcotics control	AID development and reconstruction total	Peace Corps	Public Law 480	Total economic	1974	1973
Latin America	10,000	150,000	8,000		10,665		178,665		178,665	272,737		1,927	274,664	17,634	79,043	371,341	550,006	613,588
Argentina		22,500			650		23,150		23,150			310	310			310	23,460	15,550
Bahamas												15	15			15	15	
Barbados												12	12			12	12	
Bolivia	3,996	4,000	700		454		9,150		9,150	23,679		4	23,683		8,836	32,519	41,669	37,287
Brazil		56,000			800		56,800		56,800	6,000		100	6,100	3,232	7,947	17,279	74,079	48,783
British Honduras														188	180	368	368	
Chile		10,000			1,000		11,000		11,000	572		75	647	414	2,371	3,432	14,432	13,342
Colombia		15,000			800		15,800		15,800	63,493		238	63,731	1,761	16,442	81,934	97,734	113,106
Costa Rica										1,065			1,065	562	1,346	2,973	2,973	2,851
Dominican Republic	796		300		534		1,630		1,630	10,894			10,894	541	9,708	21,143	22,773	31,340
Ecuador										4,361		300	4,661	1,284	7,420	13,365	13,365	21,867
El Salvador	400	500	300		535		1,735		1,735	9,564			9,564	411	604	10,579	12,314	16,438
Guatemala	1,080	2,000	300		520		3,900		3,900	12,807			12,807	656	3,574	17,027	20,927	31,688
Guyana										4,172		2	4,174		500	4,674	4,674	11,880
Haiti										8,900			8,900		2,123	11,023	11,023	7,251
Honduras	400	500	300		535		1,735		1,735	18,026			18,026	775	790	19,591	21,326	21,012
Inter-America programs										15,800			15,800			15,800	15,800	16,880
Jamaica										7,939		26	7,965	981	1,712	10,658	10,658	12,137
Mexico		2,500			140		2,640		2,640			375	375			375	3,015	2,087
Netherlands Antilles												3	3			3	3	
Nicaragua	1,023		1,500		437		2,960		2,960	18,553			18,553	451	1,300	20,304	23,264	9,489
Panama	230		300		250		780		780	13,062		20	13,082		1,100	14,182	14,962	24,002
Paraguay	550		1,300		500		2,350		2,350	6,273		22	6,295	416	2,490	9,201	11,551	11,215
Peru		20,000			900		20,900		20,900	3,778		250	4,028	1,080	4,850	9,958	30,858	29,793
ROCAP										13,260			13,260			13,260	13,260	28,056
Trinidad and Tobago																		90
Uruguay	1,000	2,000	3,000		400		6,400		6,400	1,170		135	1,305	117	4,700	6,122	12,522	32,092
Venezuela		15,000			1,000		16,000		16,000	359		40	399	1,285	700	2,384	18,384	17,950
Caribbean regional										5,750			5,750	791		6,541	6,541	21,788
Economic regional programs										23,260			23,260		350	23,610	23,610	34,927
Regional military costs	525				1,210		1,735		1,735								1,735	687
Regional Support (Peace Corps)														2,699		2,699	2,699	
Asia, total	651,273	592,000	175,000	1,870,800	17,377	6,500	3,312,950	105,000	3,417,950	447,079	614,000	18,504	1,079,583	16,455	824,935	1,920,973	5,338,923	5,771,163
Near East and South Asia, subtotal	121,133	465,000	65,000		4,105	6,500	661,738	90,000	751,738	272,889		15,425	288,314	4,608	278,160	571,082	1,322,820	1,515,532
Afghanistan					215		215		215	17,587		300	17,887	1,348	8,250	27,485	27,700	32,534
Arabian Peninsula														434		434	434	
Bangladesh										55,500			55,500		66,344	121,844	121,844	
Ceylon (Sri Lanka)					50		50		50						17,032	17,032	17,082	14,172
Cyprus															650	650	650	3,960
Egypt															700	700	700	
Greece		65,000					65,000		65,000								65,000	95,954
India					200		200		200	76,500			76,500	514	40,358	117,372	117,572	275,365
Iran														1,322		1,322	1,322	2,836
Iraq															100	100	100	
Israel		300,000					300,000	25,000	325,000						58,865	58,865	383,865	95,342
Jordan	35,632		15,000		468		51,100	65,000	116,100	1,100			1,100		4,484	5,584	121,684	44,242
Lebanon		5,000			150		5,150		5,150			75	75		3,500	3,575	8,725	5,305
Nepal					30		30		30	9,000			9,000	990	250	10,240	10,270	3,733
Pakistan					243		243		243	63,492		50	63,542		59,500	123,042	123,285	18,540
Saudi Arabia		20,000			200		20,200		20,200								20,200	
Syria																		216
Turkey	85,501	75,000	50,000		2,499	6,500	219,500		219,500	42,510		15,000	57,510		6,112	63,622	283,122	219,725
Yemen Arab Republic										7,200			7,200		100	7,300	7,300	1,026
Yemen Democratic Republic															120	120	120	90
Economic regional programs																		6,572
Regional military costs					50		50		50								50	419,059
UNRWA (Palestine refugees)															11,795	11,795	11,795	
Unallocated																		110,000

East Asia and Pacific, subtotal	530,140	127,000	110,000	1,870,800	13,272		2,651,212	15,000	2,666,212	161,050	614,000	3,079	778,129	10,551	546,775	1,335,455	4,001,667	4,255,631
Burma															49	49	49	621
Cambodia	167,194		7,000		5,806		180,000		180,000		75,000		75,000		30,934	105,934	285,934	330,059
China (Taiwan)		65,000			500		65,500		65,500								65,500	109,142
Hong Kong																		126
Fiji														578		578	578	
Indonesia	20,826		7,000		1,974		29,800		29,800	101,413		18	101,431		118,581	220,012	249,812	244,365
Korea	235,789	25,000	43,000		2,411		309,200		309,200	27,011			27,011	1,904	152,790	181,705	490,905	586,804
Laos			3,000	311,200			314,200		314,200	910	55,000	1,500	57,410		1,505	58,915	373,115	416,799
Macao															50	50	50	
Malaysia		19,000			200		19,200		19,000					2,391	271	2,662	21,862	4,047
Micronesia														1,593		1,593	1,593	
Philippines	19,269	3,000	7,000		631		29,900		29,900	28,716		265	28,981	1,617	39,633	70,231	100,131	83,916
Solomon Islands														19		19	19	
Southeast Asia Rice Reserve															10,200	10,200	10,200	
Southeast Asia regional											9,000		9,000			9,000	9,000	
South Pacific Commission														3		3	3	
Singapore																		45
Thailand	55,762	15,000	8,000		1,450		80,212	15,000	95,212	1,500		1,114	2,614	1,699	16,342	20,655	115,867	110,424
Tonga														342		342	342	
Vietnam			35,000	1,559,600			1,594,600		1,594,600	1,500	475,000	182	476,682		176,420	653,102	2,247,702	2,331,166
Western Samoa														405		405	405	525
Economic regional programs																		24,717
Regional military costs	28,300				300		28,600		28,600								28,600	12,875
Asia regional subtotal										13,140			13,140	1,296		14,436	14,436	
Regional programs										13,140			13,140	1,296		14,436	14,436	
Africa	12,930	18,000	2,000		2,820		35,750		35,750	[2]159,680		50	[2]159,730	23,913	86,492	270,135	305,885	370,643
Algeria															1,306	1,306	1,306	
Botswana										(*)			(*)	542	2,300	2,842	2,842	10,142
Burundi										(*)			(*)		385	385	385	920
Cameroon										(*)			(*)	885	219	1,104	1,104	1,080
Central African Republic										(*)			(*)	68	140	208	208	210
Chad										(*)			(*)	509	55	564	564	591
Congo (Brazzaville)															400	400	400	1,800
Dahomey										(*)			(*)	499	1,009	1,508	1,508	839
Ethiopia	10,454		1,000		796		12,250		12,250	[2]17,480			[2]17,480	2,483	540	20,503	32,753	32,127
Gabon										(*)			(*)		5	5	5	
Gambia										(*)			(*)	333	290	623	623	1,363
Ghana					50		50		50	[2]13,265			[2]13,265	1,560	10,217	25,042	25,092	48,030
Guinea										(*)			(*)		5,550	5,550	5,550	4,970
Ivory Coast										(*)			(*)	1,153	400	1,553	1,553	2,176
Kenya										[2]10,440			[2]10,440	1,845	431	12,716	12,716	5,996
Lesotho										(*)			(*)	224	2,216	2,440	2,440	2,072
Liberia					100		100		100	[2]3,150			[2]3,150	2,498	1,685	7,333	7,433	9,542
Malagasy										(*)			(*)		370	370	370	510
Malawi										(*)			(*)	266	196	462	462	655
Mali					50		50		50	(*)			(*)	352	750	1,102	1,152	1,870
Mauritania										(*)			(*)		105	105	105	1,170
Mauritius										(*)			(*)	126	1,226	1,352	1,352	1,460
Morocco		12,000			1,000		13,000		13,000	[3]7,617			[2]7,617	1,292	22,714	31,623	44,623	60,111
Niger										(*)			(*)	677	900	1,577	1,577	2,204
Nigeria										[3]7,655			[2]7,655	27	60	7,742	7,742	24,500
Rwanda										(*)			(*)		283	283	283	360
Senegal					20		20		20	(*)			(*)	764	1,263	2,027	2,047	2,429
Seychelles										(*)			(*)		70	70	70	60
Sierra Leone										(*)			(*)	1,366	1,337	2,703	2,703	3,423
Somali Republic															10	10	10	450
Sudan										[2]5,400			[2]5,400		4,676	10,076	10,076	180
Swaziland										(*)			(*)	582	790	1,372	1,372	479
Tanzania										[2]5,840			[2]5,840		1,800	7,640	7,640	7,770
Togo										(*)			(*)	933	639	1,572	1,572	1,254
Tunisia	2,476	2,500	1,000		324		6,300		6,300	[2]9,358		50	[2]9,408	880	17,721	28,009	28,009	36,013
Uganda										360			[2]360		200	560	6,860	3,151
Upper Volta										(*)			(*)	574	1,037	1,611	1,611	3,708
Zaire		3,500			400		3,900		3,900	[2]7,125			7,125	1,718	2,487	11,330	15,230	15,117
Zambia										(*)			(*)		710	710	710	320
Regional programs:																		
Central West Africa										[2]37,615			[2]37,615			37,615	37,615	24,085
East Africa										[2]1,600			[2]1,600			1,600	1,600	1,600
Southern Africa										[2]12,428			[2]12,428			12,428	12,428	8,200
Africa regional										[2]18,547			[2]18,547			18,547	18,547	23,904
Regional military costs					80		80		80								80	21,752
Self-help projects										[2]1,800			[2]1,800			1,800	1,800	2,050
Regional support (Peace Corps)														1,757		1,757	1,757	

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1974—PROGRAM BY COUNTRY—Continued

[In thousands of dollars]

	Security programs									Development and reconstruction economic programs								
	Military Program									Agency for International Development				Other programs			Total military and economic fiscal years—	
	Military assistance grants	Foreign military credit sales	Excess defense articles[1]	Military service funded	International military education and training program	Ship loans[1]	Total military	AID supporting assistance	Total security	Development assistance	Indochina postwar reconstruction	International narcotics control	AID development and reconstruction total	Peace Corps	Public Law 480	Total economic	1974	1973
Europe	3,349				951		4,300	12,500	16,800					4	8,450	8,454	25,254	49,859
Austria					30		30		30								30	24
Finland					20		20		20								20	
Iceland															1,000	1,000	1,000	650
Italy																		2,600
Malta								9,500	9,500					4	350	354	9,854	9,710
Portugal	323				477		800		800						7,100	7,100	7,900	2,905
Spain	3,026				374		3,400	3,000	6,400								6,400	33,861
Regional military costs					50		50		50								50	109

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[1] In legal value—at ⅓ average class acquisition costs.
[2] Self-help funds Africa only.

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1974—PROGRAM REGIONAL SUMMARY

[In thousands of dollars]

	Security programs									Development and reconstruction economic programs									
	Military programs									Agency for International Development				Other programs				Total military and economic fiscal years—	
	Military assistance grants	Foreign military credit sales	Excess defense articles[1]	Military service funded	International military education and training program	Ship loans[1]	Total military	AID supporting assistance	Total security	Development assistance[2]	Indochina postwar reconstruction	International narcotics control	AID development and reconstruction otal	Peace Corps	Public Law 480	International financial institutions[3]	Total economic	1974	1973
Summary all programs	771,500	760,000	185,000	1,870,800	33,000	6,500	3,626,800	124,055	3,750,855	1,295,814	630,945	42,500	1,969,259	77,001	1,146,800	920,000	4,113,060	7,853,915	8,431,483
Latin America	10,000	150,000	8,000		10,665		178,665		178,665	272,737		1,927	274,664	17,634	79,043		371,341	550,006	613,588
Africa	12,930	18,000	2,000		2,820		35,750		35,750	159,680		50	159,730	23,913	86,492		270,135	305,885	370,643
Europe	3,349				951		4,300	12,500	16,800					4	8,450		8,454	25,254	49,859
Asia, total	(651,273)	(592,000)	(175,000)	(1,870,800)	(17,377)	(6,500)	(3,312,950)	(105,000)	(3,417,950)	(447,079)	(614,000)	(18,054)	(1,079,583)	(16,455)	(824,935)		(1,920,973)	(5,338,923)	(5,771,163)
Near East, South Asia, subtotal	121,133	465,000	65,000		4,105	6,500	661,738	90,000	751,738	272,889		15,425	288,314	4,608	278,160		571,082	1,322,820	1,515,532
East Asia and Pacific, subtotal	530,140	127,000	110,000	1,870,800	13,272		2,651,212	15,000	2,666,212	161,050	614,000	3,079	778,129	10,551	546,775		1,335,455	4,001,667	4,255,631
Asia Regional, subtotal										13,140			13,140	1,296			14,436	14,436	
Other	93,948				1,187		95,135	6,555	101,690	416,318	16,945	22,019	455,282	18,995	147,880	920,000	1,542,157	1,643,847	1,621,312
Administrative and other expenses, State																			4,918

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[1] In legal value—at ⅙ average class acquisition costs.
[2] Includes AID and State administrative expenses, and contingency funds.
[3] Includes International Development Association, Inter-American Development Bank, and Asian Development Bank.

COMPARATIVE TABLE ON AUTHORIZATIONS FOR MILITARY ASSISTANCE, MILITARY CREDIT SALES, AND SUPPORTING ASSISTANCE PROGRAMS

[In millions of dollars]

Program	Fiscal year 1973 continuing resolution rate	Fiscal year 1974 executive branch request	Committee recommendation, S. 1443
I. Military grant assistance	[1] 533	[1] 652	[1] 420
II. Military training	([2])	3	25
III. Military credit sales	400	525	200
1. Credit sales ceiling		(760)	(700)
(a) Earmarked for Israel.			(300)
IV. Supporting assistance (outside Indochina)	149	100	95
Total, all programs	1,082	1,310	740

[1] Excludes military aid for South Vietnam and Laos. S. 1443 authorizes the furnishing of "armaments, munitions, and war materials" for South Vietnam and Laos on a 1-for-1 replacement basis without specifying a dollar amount.

[2] Included in military grant assistance.

MILITARY GRANT ASSISTANCE

[In thousands of dollars]

Country	Fiscal year 1973 continuing resolution rate	Fiscal year 1974 executive branch request	Committee recommendation, S. 1443
Military grant assistance:			
1. South Korea	134	261	119
2. Turkey	67	98	49
3. Thailand	36	58	34
4. Jordan	34	39	30
5. Philippines	16	21	13
6. Indonesia	16	23	13
7. Ethiopia	8	11	7
8. Spain	9	5	5
9. Cambodia	142	181	150
10. Republic of China	9	6	
Total military grants	[1] 533	[1] 652	420

[1] Total amount of NOA for all countries, not just those listed

SUPPORTING ASSISTANCE

[In thousands of dollars]

	Fiscal year 1973	Request fiscal year 1974	S. 1443
Supporting assistance:			
1. Israel	50	25	50
2. Jordan	50	65	35
3. Thailand	13	15	7
4. Spain	3	3	3
5. Malta	14	9	
6. U.N.-Cyprus	2	4	
Total supporting assistance outside Indochina.	149	100	95

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I offer an amendment, which I send to the desk and ask to call up at this time.

The PRESIDING OFFICER. Except by unanimous consent, the amendment would not be in order until the committee amendment has been agreed to.

Is there objection to the consideration of the amendment at this time? The Chair hears none, and the clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, before line 1, in the table of contents, insert immediately below item 3110, the following new item:

"Sec. 3111. Aid to Greece."

On page 41, between lines 3 and 4, insert the following:

AID TO GREECE

SEC. 3111. The Congress declares that it is the policy of the United States Government to provide military assistance and military sales, credit sales, and guaranties to or for the Government of Greece only when that government fulfills its obligations under the North Atlantic Treaty, including both adherence to the political principles stated in the preamble to the Treaty and the maintenance of its capability to perform common defense functions assigned under the current North Atlantic Treaty Organization defense plans. Therefore, no military assistance and no sales, credit sales, or guaranties shall be provided to or for the Government of Greece under this or any other law on and after the date of enactment of this Act until the President (1) undertakes a comprehensive review, after such date, of United States policy toward Greece, (2) has made a full report with respect to such review to Congress, and (3) finds and reports to Congress that, as a result of such review, the Government of Greece is in full compliance with its political and military obligations under the North Atlantic Treaty. The provisions of this section shall not apply to funds obligated prior to such date of enactment.

Mr. PELL. Mr. President, this is a very simple amendment that provides that no more military assistance, sales, credit sales, or guarantees shall be provided to Greece under this or any other law until our President has taken 3 steps: First, undertaken a comprehensive review of U.S. policy toward Greece; second, has made a report with respect to such review to the Congress; and, third, finds and reports to Congress that, as a result of such review, the Government of Greece is in full compliance with its political and military obligations under the North Atlantic Treaty. The provisions of this section shall not apply to funds obligated prior to date of enactment.

My reason for offering the amendment stems from the events which have occurred in Greece recently. Greece's fleet is confined to the Bay of Salanis because they are not trusted outside in the Mediterranean. Aircraft are grounded in the central portion of Greece, and pilots are not permitted to take off because, again, of a lack of trust.

We find that many of the people who appreciated the good things that may go with a junta, in a sense because of their greater feeling of prosperity, have now grown discouraged because of the inhibitions and restrictions that have accompanied that increased sense of well-being. And so we find a dangerous situation. We find the possibility of a vacuum increasingly filled from the left.

Mr. President, as Senators are well aware, Greece has been ruled for the last 6 years by a military junta which overthrew a popularly elected government in April 1967, then wrote its own constitution and has, ever since, proceeded to deny to the Greek people even the most fundamental rights and freedoms. The repressive practices of the junta which have included the systematic suppression of all potential political opposition, thousands of arrests, and many instances of torture are well known and fully documented.

Many Americans have long felt that it is morally indefensible for the United States to provide assistance to such a regime or for our Government to maintain warm and friendly relations with these self appointed Greek leaders whose barbaric and totalitarian practices have made their Government a parish within the European community. The administration, however, has consistently argued that the junta was moving in the direction of democratic government and that, in any event, U.S. aid should be continued in order that the Greek armed forces could be able to defend their own country, to participate in the defense of NATO's southern flank, and so that U.S. forces could be assured to continued unrestricted use of Greek facilities.

In justifying its proposed fiscal year 1973 military assistance and foreign military sales program to the Congress the administration presented this grim warning:

> Greece itself, if its military posture were weakened, would be susceptible to aggression—political or military—by the Warsaw Pact. Its loss to the Communists would deprive the rest of the Alliance of existing air and naval bases and vital communications facilities linking NATO's southeastern flank with the center and would seriously upset the present political balance between East and West. Without a strong, effective Greece, Turkey is in jeopardy and the eastern Mediterranean is more open to increased Soviet expansion.

That same year the administration further explained Greece's importance to the United States as follows:

> The United States has a special interest in the security of Greece and the effectiveness of its armed forces, as well as in Greek participation in the North Atlantic Alliance. Two irreplaceable assets which Greece offers the United States from a military standpoint are a strong NATO member on the eastern flank and availability of bases and facilities to support U.S. requirements in the eastern Mediterranean.

Even if one chooses to ignore considerations of morality or the incompatibility of the junta's political principles with our own, and instead assesses U.S. relations with Greece solely in terms similar to those suggested by the administration, there should be growing concern within our Government over the recent course of events in Greece.

Quite recently, as Members of this body know, conditions in Greece have taken yet another downward turn. The junta has further abridged its own constitution—a constitution which was already a mockery of the Greek democratic heritage—by abolishing the monarchy and proclaiming a "presidential parliamentary republic." In establishing this "republic," however, the junta carefully avoided going so far as to bestow upon its unfortunate subjects any of the rights and liberties which are considered to be the essential attributes of a republic. In addition, presumably out of fear for its own survival, the junta has severely restricted the movements of Greek air and naval forces and arrested many of their senior military officers.

It is my belief that the security of Greece is today seriously threatened, not from external aggression but as a result of a deteriorating domestic political situation brought about by the dictatorship of the junta. If Greece is as important to our own security and to NATO defense plans as the administration contends, then it is incumbent upon us to rethink our policy of support for a regime which in the opinion of many observers is driving Greece inexorably toward political upheaval.

The executive branch presentation which I cited earlier referred to the danger of Greece being "susceptible to aggression—political or military—by the Warsaw Pact." Setting aside the possibility of an overt military attack on Greece by the Warsaw Pact nations, a contingency which apparently no competent military authority considers at all likely and which only the most unreconstructed cold warrior could believe possible, the question of Greece's susceptibility to political aggression is worth considering. Executive branch officials have, on occasion, expressed vague fears about a "defection" from NATO by Greece but such allusions appear to have little basis in fact and are best interpreted as an effort to prey on the anxieties of the uninformed. Certainly they will impress no one who is familiar with the devotion of the Greek people to democratic principles and the traditional loyalty of the Greek armed forces to the Western Alliance. It is not far fetched, however, to imagine Greece being seized by political turmoil as a result of the rising tide of resistance to the junta evident in virtually every segment of Greek society. Under conditions of extreme public unrest it is possible that Communist elements in Greece—elements, which, incidentally, the junta has not pursued with the same fervor which has characterized their persecution of liberal democratic critics—might seek to exploit popular opposition to the junta.

All available evidence indicates that internal opposition to the junta is steadily gaining strength. Earlier this year Greek university students, traditionally a politically passive element, challenged the junta by calling for the right to elect their own leaders and for an end to government interference with academic freedom. The savagery with which their demonstrations were suppressed testifies to the junta's fear of popular sympathy for the students. Seven of the top 10 leaders of the Greek Orthodox Church have lately registered their disapproval of the junta's interference in church affairs and, most recently, a group of officers of the Greek Navy apparently sought to organize at least a demonstration of their opposition to the junta, a move which the junta seized on to justify its latest manipulation of the Greek political process. While I cannot vouch for the accuracy of reports regarding the motives and intentions of these naval officers, the dedication of the Greek officer corps to democratic principles is well known. Indeed it is for that very reason that during the 6 years of its reign the junta has systematically sought to eliminate from the armed services their more senior and most respected commanders, particularly those with the greatest exposure to other NATO political systems.

For some time informed observers, both within Greece and abroad, have expressed concern over the harmful effect of the junta's policies on the capability of the Greek Armed Forces to defend the southern flank of NATO. The purge of the Greek Armed Forces, the recent confinement of the Greek Navy to the Port of Salanis and the limitations placed on the Greek Air Force undoubtedly mean that there has been further erosion of Greek defense capability. On June 18, the Washington Post contained a long and thoughtful appraisal of the current situation in Greece written by Bernard D. Nossiter, who had this to say with regard to the impact of recent events in Greek military capabilities:

> But, above all, the government must be concerned about the unrest in the military. For a nation described regularly in Washington and elsewhere as a bastion of NATO's southern flank, Greece presents a curious picture.
>
> The navy is currently regarded by some Western diplomats as an empty shell, and the commander of nearly every destroyer, submarine and torpedo boat is under arrest. The air force is reportedly filled with anti-government officers. Its planes were grounded after the navy mutiny was exposed, lest the pilots imitate the destroyer "Velos" whose captain and six officers broke away from a NATO exercise for asylum in Italy.
>
> In the army, suspect officers have been sent to the north along with the drafted students, manning Greece's border with its Communist neighbors. The army's crack units are not confronting a foreign enemy, but, according to western sources, are mostly posted around Athens to insure the lid stays on at home.

I ask unanimous consent that this article be printed at the conclusion of my remarks.

The thrust of the assessment which I have just quoted is concurred in by many prominent Greek military authorities. Earlier this year, for example, four of the most senior generals of the Greek army, officers who had never before taken any political initiative, warned in a public letter that the morale, the battleworthiness and the faith of the Greek armed forces had been badly shaken as a result of the junta's rule.

These same generals also called attention to another danger which our policymakers can no longer ignore. They expressed the view, which is widely shared by other observers, that U.S. support of the military junta has led to "an increasing anti-American spirit" among the people of Greece. Recalling the emphasis which the executive branch has placed upon our need for continued access to Greek facilities in order to protect U.S. interests in the Mediterranean, one must wonder why the administration is so insensitive to the consequences of its repeated demonstrations of friendship for the junta. The reason why Greek ports and airfields are so important to us is that there is no country other than Greece in the western Mediterranean—including Turkey—which is willing to allow similarly unrestricted use of its bases by U.S. forces. Underlying this situation is the unpleasant reality of the widespread anti-American sentiment throughout the area. As a result of its uncritical embrace of an increasingly unpopular government the administration appears to be well on the way to creating a similar situation in Greece.

Finally, to refer once more to previous statements of the administration regarding Greece, it is said that the United States has a "special interest" in Greek participation in the North Atlantic Alliance. The fact is that the policies of the Greek junta are a highly devisive issue within the Western European community and within the Alliance itself. Condemnation of the junta by members of the Council of Europe, for example, grew so strong in 1969 that the junta withdrew from the Council just before being expelled. It is said on good authority that during the recently concluded NATO ministerial meeting in Copenhagen, the United States expended a great deal of diplomatic effort in seeking to avert a similar crisis within NATO.

In this connection it is worth again recalling the preamble to the North Atlantic Treaty which states that parties to the treaty "are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law." The Greek Government accepted these obligations when it acceded to the treaty in 1952, but I believe it safe to say that no one, even the most unabashed apologist for the colonels, would contend that the junta has honored them.

To date the administration has given little or no evidence that it recognizes the validity of the concern which is widely expressed by those familiar with Greek affairs regarding the possible long-term consequences of the junta's role and its American connection. To date the administration has ignored suggestions which I and other Members of this body have made regarding the need for a review of United States-Greek relations. The administration apparently hopes that by ignoring the Greek problem it will go away.

I believe that the time has come for the Congress to insist that the executive branch remove its head from the sand and recognize the seriousness of this situation before it is too late. I intend to offer an amendment today which I hope will result in a reappraisal of U.S. policy toward Greece and which will insure that in the future U.S. military assistance will not be provided to Greece unless that government is in compliance with all of its undertakings under the North Atlantic Treaty.

The amendment which I am offering is not an effort to interfere in the internal affairs of Greece or to penalize the

Greek people because we in the United States do not approve of the policies of the junta. The amendment has a wholly positive purpose which is to focus attention on the inconsistency and shortsightedness of the administration's present policy of supporting a government whose every action is antithetical to the principles of the Atlantic alliance. The amendment simply states that it shall be the policy of the U.S. Government to extend military assistance and military sales credits to the Government of Greece only when that government fulfills its obligations under the North Atlantic Treaty. In order that the Congress may have some basis for determining whether such compliance exists, the amendment requires that the President undertake a comprehensive review of U.S. policy toward Greece to include an examination and finding regarding the present Greek Government's perfomance with regard to both the political and military obligations of the treaty, and to report fully its findings to the Congress.

As a practical matter the amount of military assistance affected by the amendment is small. No grant aid to Greece has been proposed by the executive branch for fiscal year 1974, but credit sales of some $65 million are anticipated. The amendment would not affect aid in the pipeline from previous year's authorizations.

I suppose that it can and will be argued that no matter how repugnant the internal political practices of the present Greek Government may be, they are beyond the purview of the Congress. On the other hand there can be no question regarding the right of the U.S. Government to insist upon compliance on the part of another country with the terms of a treaty to which we have both adhered. In this instance the Congress is clearly within its rights in insisting that the Greek Government comply with its solemn obligations under the North Atlantic Treaty.

The Greek junta may choose to continue to ignore those obligations but, if it does so, it cannot expect the U.S. Congress to close its eyes to that fact. Similarly, I reject in advance the argument which may be heard this year, as it has in the past, that because Greece may appear to be fulfilling its military obligations we should overlook the refusal of its present leaders to honor the equally explicit obligation to "safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law." To accept such an argument would be tantamount to saying that military establishments are more important than democracy.

I reject the motion that either friends or enemies with whom we have treaties should have the right to selectively honor their obligations. We have, for far too long, allowed the junta to derive the benefits of U.S. military assistance which flow from Greek military participation in the alliance while disregarding its responsibility to assure its own citizens their individual rights and liberties the protection of which is the underlying reason for the alliance itself.

I believe that it is not unreasonable to subject our military assistance to Greece to the conditions which I have described. I urge all those who value the traditional friendship of the Greek and American peoples and who value Greece as an ally in the cause of freedom to support this amendment.

I ask the chairman of the Foreign Relations Committee if he would be willing to accept it.

Mr. FULBRIGHT. Mr. President, we have had somewhat similar amendments before with regard to Greece. I personally have supported those amendments. I have no disposition to oppose it. I am perfectly willing to accept it and take it to conference if there is no serious objection to it.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I wonder if his amendment was presented in the deliberations of the Foreign Relations Committee.

Mr. FULBRIGHT. It was not submitted to the committee.

Mr. PELL. It is not a committee amendment.

Mr. GRIFFIN. I understand it is not a committee amendment, but the sponsor of the amendment is a member of the Foreign Relations Committee. I wonder if he submitted it in the committee.

Mr. PELL. No, it was not submitted in committee. It was an amendment I had drafted about a week later. I have offered several amendments on this issue previously, but not for about 2 years.

Mr. GRIFFIN. It is perfectly in order for the Senator to do it. I would think that such an amendment would have been considered in committee, so there might have been some hearings or opportunity to get reaction to it. It is an unprinted amendment. I would not want to think we would just want to accept it this morning.

Mr. FULBRIGHT. The Senator does not have to. He could have objected to taking it up if he wished to.

Mr. GRIFFIN. I did not know what the amendment was.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER (Mr. HART). Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 1, in the table of contents, after the line "Sec. 103. Prior authorizations.", strike out:

Sec. 104. Authorizations for Laos and South Vietnam.
Sec. 105. Eligibility.

And insert:

SEC. 104. Eligibility.

In the table of contents, on page 2, after the line "Sec. 2108. Special military assistance report.", strike out:

SEC. 2109. Repeal of military grant assistance authority.

And insert:

SEC. 2109. Authorizations for South Vietnam, Laos, and Cambodia.
SEC. 2110. Repeal of military grant assistance authority.

In the table of contents, on page 3, after the line "Sec. 3108, Public Law 480.", insert:

SEC. 3109. South Vietnam, Laos, and Cambodia.
SEC. 3110. Access to certain military bases abroad.

On page 4, after line 8, insert:

(c) The Secretary may advance to or reimburse an agency of the United States Government, out of appropriations made available to the Secretary under this Act, such sums as he considers appropriate for expenditures to be incurred by that agency in carrying out any purpose of this Act which has been delegated to that agency and for which the appropriation is made. Any funds so advanced may be withdrawn by the Secretary, but only upon certification of the head of the agency that such funds to be withdrawn are no longer necessary to pay for obligations so incurred.

On page 8, line 19, after the word "that", strike out "service." and insert "service; except that the pay and allowances of United States Government personnel shall not be included as administrative expenses for purposes of chapter 21 of this Act."; in line 23, after the word "Prior", strike out "Authorization" and insert "Authorizations"; on page 9, after line 9, strike out:

AUTHORIZATIONS FOR LAOS AND SOUTH VIETNAM

SEC. 104. June 30, 1973, no sale, credit sale, or guaranty of any defense article or defense service shall be made, or any military assistance (including supporting assistance) furnished to Laos or South Vietnam directly or through any other foreign country unless that sale, credit sale, or guaranty is made under, or such assistance is furnished under this Act. The provisions of this section shall not apply to funds obligated prior to July 1, 1973.

On page 10, at the beginning of line 5, change the section number from "105" to "104"; on page 12, at the beginning of line 13, strike out "one hundred and twenty days" and insert "120 days"; on page 13, line 13, after the word "within", strike out "one hundred and twenty" and insert "120"; on page 14, line 7, after the word "countries", strike out "and international organizations"; on page 16, at the beginning of line 10, strike out "countries and international organizations" and insert "countries"; in line 17, after the word "excluding", insert "agencies of the"; in line 18, after the word "Government", strike out "agencies"; in line 19, after the word "countries", strike out "and international organizations"; on page 18, at the beginning of line 6, strike out "pursuant to" and insert "under"; on page 19, line 4, after the word "governments", strike out "and international organizations"; in line 18, after June 30,", strike out "1975" and insert "1977"; on page 20, line 10, after "June 30," strike out "1975" and insert "1977"; in line 13, after "July 1,", strike out "1975" and insert "1977"; in line 15, after "Sec. 2103.", insert "(a)"; in line 17, after the word "exceed", strike out "$250,000,000" and insert "$270,000,000"; after line 20, strike out:

Country:	*Amount*
(1) Republic of Korea	$110,000,000
(2) Turkey	46,000,000
(3) Thailand	31,000,000
(4) Jordan	27,000,000
(5) Philippines	12,000,000
(6) Indonesia	12,000,000
(7) Ethiopia	7,000,000
(8) Spain	5,000,000

And, in lieu thereof, insert:

Country:	*Amount*
(1) Republic of Korea	$119,000,000
(2) Turkey	49,000,000
(3) Thailand	34,000.000
(4) Jordan	30,000,000
(5) Philippines	13,000.000
(6) Indonesia	13 000,000
(7) Ethiopia	7,000,000
(8) Spain	5,000,000

On page 21, at the beginning of line 1, insert:

(b) Of the funds appropriated to the Secretary under subsection (a) of this section for fiscal year 1974, not to exceed $25,000,000 may be made available to provide excess defense articles to foreign countries and international organizations not referred to in subsection (a).

At the beginning of line 8, strike out "105" and insert "104"; on page 22, line 21, after the word "furnished", insert "under this chapter"; on page 25, line 10, after the word "of", insert "any other kind of"; in line 12, after the word "to", strike out "50" and insert "25"; in line 25, after the word "furnished", strike out "to a foreign country under an agreement with that country which" and insert "to—"; on page 26, after line 2, insert:

"(1) a foreign country under an agreement with that country which"; in line 7, after the word "such", strike out "agreement." and insert "agreement; or (2) South Vietnam, Laos, or Cambodia under section 2109 of this Act."; on page 27, after line 21, insert a new section, as follows:

AUTHORIZATIONS FOR SOUTH VIETNAM, LAOS, AND CAMBODIA

SEC. 2109. (a) (1) There are authorized to be appropriated to the Secretary of State such sums as may be necessary to provide armaments, munitions, and war materials for South Vietnam and Laos under this chapter.

(2) The President may order armaments, munitions, and war materials from the stocks of the Department of Defense to carry out this subsection, subject to subsequent reimbursement therefor from subsequent appropriations available under this subsection. The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to the value of such orders under this subsection.

(b) There are authorized to be appropriated to the Secretary of State not to exceed $150,000,000 for fiscal year 1974 to provide assistance to Cambodia under this chapter.

On page 28, at the beginning of line 15, change the Section number from "2109" to "2110"; at the beginning of line 16, strike out "2103–2108" and insert "2103–2109"; at the beginning of line 17, strike out "1975" and insert "1977"; on page 29, line 19, after the word "to", strike out "25" and insert "15"; on page 30, line 8, after the word "furnished", strike out "to a foreign country under an agreement with that country which allows" and insert "to— (1) a foreign country under an agreement with that country which allows"; in line 15, after the word "such", strike out "agreement." and insert "agreement; or (2) South Vietnam, Laos, or Cambodia."; on page 31, at the beginning of line 2, strike out "Sec. 2501. (a) By not later than June 30, 1975, all the functions of a military assistance advisory group, a military mission or other organization of the United States Government in a foreign country performing activities similar to any such group or mission" and insert "Sec. 2501. (a) The total number of United States Government personnel assigned or detailed, as of June 30, 1973, to military assistance advisory groups, military missions, and other organizations of the United States Government performing activities similar to such groups and missions, shall be reduced—

(1) by at least 25 percent by June 30, 1974;

(2) by at least 50 percent by June 30, 1975; and

(3) by at least 75 percent by June 3, 1976. By not later than June 30, 1977, no personnel shall be so assigned or detailed, and all the functions of any such group, mission, or organization"; on page 32, line 6, after "July 1,", strike out "1975" and insert "1977"; in line 24, after the word "exceed", strike out "$80,000,000" and insert "$95,000,000"; on page 33, in the matter following line 3, strike out (2) Jordan................$20,000,000" and insert "(2) Jordan....$35,000,000"; at the beginning of line 6, strike out "public safety program.' and insert "police training or related program for a foreign country."; in line 10, after the word "Of", insert "Military"; in line 16, after the word "organization", strike out "except under the provisions of this Act" and insert "only in accordance with the provisions of this Act and, in the case of any battleship, aircraft carrier, cruiser, destroyer, or submarine, only if such transfer is specifically authorized by law"; on page 34, line 8, after "Sec. 3103.", insert "(a)"; at the beginning of line 16, insert "of the United States Government": at the top of page 35, insert:

(b) The provisions of subsection (a) of this section shall not apply to any communication that is directed by the President to a particular officer or employee of any such agency or to any communication that is directed by any such officer or employee to the President.

On page 39, after line 5, insert a new section, as follows:

SOUTH VIETNAM, LAOS, AND CAMBODIA

SEC. 3109. (a) After June 30, 1973, no sale, credit sale, or guaranty of any defense article or defense service shall be made, or any military assistance (including supporting assistance) furnished to South Vietnam or Laos directly or through any other foreign country unless that sale, credit sale, or guaranty is made, or such assistance is furnished, under this Act. The provisions of this subsection shall not apply to funds obligated prior to July 1, 1973.

(b) Any sale, credit sale, or guaranty made, or assistance provided under this Act to South Vietnam, Laos, or Cambodia shall be made or furnished with the objective of bringing about peace in Indochina and strict implementation of the cease-fire agreements in Vietnam and Laos and any cease-fire agreement that may be reached in the future with respect to Cambodia.

(c) Armaments, munitions, and war materials may be provided to South Vietnam and Laos under any provision of this Act only for the purpose of replacing, on the basis of piece for piece and with armaments, munitions, and war materials of the same characteristics and properties, those armaments, munitions, and war materials destroyed, damaged, worn out, or used up (1) in the case of South Vietnam, after January 27, 1973, and which are included on lists previously furnished by the Government of South Vietnam to the International Commission of Control and Supervision for Vietnam, and (2) in the case of Laos, after February 21, 1973, and which are included on lists previously furnished by the Government of Laos to the International Commission of Control and Supervision for Laos.

(d) If a cease-fire agreement is entered into with respect to Cambodia, then, commencing with the date such agreement becomes effective, armaments, munitions, and war materials shall be provided Cambodia under this Act only and strictly in accordance with the provisions of such agreement.

(e) Armaments, munitions, and war materials may be provided to South Vietnam without regard to the provisions of subsection (c) of this section if the President finds and reports to Congress that the Agreement on Ending the War and Restoring Peace in Vietnam, signed in Paris on January 27, 1973, is no longer in effect. No armaments, munitions, or war materials may be provided in accordance with this subsection, however, until the President has reported such finding to Congress.

(f) The President shall submit to Congress within 30 days after the end of each quarter of each fiscal year, a report on (1) the nature and quantity of all types of foreign assistance provided by the United States Government to South Vietnam, Laos, and Cambodia under this or any other law, (2) the number and types of United States personnel present in, or who are involved in providing such assistance to, such countries and who are paid directly or indirectly with funds of the United States Government, and (3) the general status of the implementation of all cease-fire agreements with respect to Indochina. For purposes of this subsection, "foreign assistance" and "provided by the United States Government" have the same meanings given those terms under section 3301(d) of this Act.

On page 41, after line 13, insert a new section, as follows:

ACCESS TO CERTAIN MILITARY BASES ABROAD

SEC. 3110. None of the funds authorized to be appropriated by this Act may be used to provide any kind of assistance to any foreign country in which a military base is located if—

(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

(2) personnel of the United States carry out military operations from such base; unless and until the President has determined, and informed the Congress in writing, that the government of such country has, consistent with security, authorized access, on a regular basis, to bona fide news media correspondents of the United States to such military base.

On page 45, line 13, after the word "country;", insert "and"; in line 16, after the word "or", strike out "guaranty; and "(3) 'value' means value at the time of transfer except that in no case shall any commodity or article of equipment or material be considered to have a value less than one-third of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government." and insert "guaranty."; on page 48, line 6, after the word "Act", insert a comma and "the Foreign Assistance Act of 1961,"; on page 49, line 4, after the word "Act", insert a comma and "the Foreign Assistance Act of 1961,"; in line 24, after "(except section 7);", strike out "and"; at the top of page 50, insert:

(6) section 108 of the Mutual Security Appropriation Act, 1956; and

At the beginning of line 3, strike out "(6)" and insert "(7)"; and, on page 51, line 24, after the word "as", strike out "amended, or section 7307 of title 10, United States Code" and insert "amended"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into parts, chapters, and sections according to the following table of contents, may be cited as the Foreign Military Sales and Assistance Act":

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PART I—GENERAL PROVISIONS

Chapter 1.—Coordination; Definitions; Certain Authorizations; Eligibility

SEC. 101. (a) Under the direction of the President, the Secretary of State shall be responsible for the direction and continuous supervision in carrying out the provisions of this Act. The responsibilities of the Secretary shall include, but not be limited to, determining whether sales, credit sales, or guaranties shall be made and other assistance (and the kind thereof) shall be provided a foreign country or international organization under this Act, and, if so, the amount or value thereof.

(b) The President shall prescribe appropriate procedures to assure effective direction and control by the Chief of the United States Diplomatic Mission in each country with respect to all activities and programs carried out under this Act within that country. The Chief of the Diplomatic Mission shall insure that sales, credit sales, and guaranties made and other assistance provided under this Act are coordinated with political and economic considerations, and he shall be responsible for the submission of all recommendations pertaining to such sales, credit sales, guaranties, and other assistance in that country.

(c) The Secretary may advance to or reimburse an agency of the United States Government, out of appropriations made available to the Secretary under this Act, such sums as he considers appropriate for expenditures to be incurred by that agency in carrying out any purpose of this Act which has been delegated to that agency and for which the appropriation is made. Any funds so advanced may be withdrawn by the Secretary, but only upon certification of the head of the agency that such funds to be withdrawn are no longer necessary to pay for obligations so incurred.

DEFINITIONS

SEC. 102. For purposes of this Act—

(1) "agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government;

(2) "armed forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard;

(3) "commodity" includes any material, article, supply, goods, or equipment furnished for nonmilitary purposes;

(4) "defense article" includes—

(A) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(B) any property, installation, commodity, material, equipment, supply, or goods furnished for military purposes;

(C) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(D) any component or part of any article listed in this subsection; but shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving restricted data;

(5) "defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include restricted data as defined by the Atomic Energy Act of 1954, as amended, and data removed from the restricted data category under section 142d of that Act;

(6) "defense service" includes military training, and any service, test, inspection, repair, publication, or technical or other assistance, or defense information furnished for military purposes;

(7) "excess defense articles" means the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which are excess to the needs of the Department of Defense for other than military assistance purposes at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act;

(8) "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity;

(9) "military training" includes formal or informal instruction, for military purposes, of foreign students by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces;

(10) "officer or employee" means civilian personnel and members of the Armed Forces of the United States Government;

(11) "services" include any service, repair,

training of personnel, or technical or other assistance or information furnished for nonmilitary purposes;

(12) "surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and anticipated exports for United States dollars, as determined by the Secretary of Agriculture; and

(13) "value" means—

(A) with respect to an excess defense article, the actual value of the article, but not less than 33⅓ percent of the amount the United States paid at the time the defense article was acquired by the United States;

(B) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value, plus a proportional share of the administrative expenses incurred by the United States Government in supplying such article;

(C) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this Act, the contract or production costs of such article plus a proportional share of the administrative expenses incurred by the United States Government, in supplying such article; and

(D) with respect to a defense service, the cost to the United States Government of such service plus a proportional share of the administrative expenses incurred by the United States in providing that service;

except that the pay and allowances of United States Government personnel shall not be included as administrative expenses for purposes of chapter 21 of this Act.

PRIOR AUTHORIZATIONS

Sec. 103. (a) Notwithstanding any provision of law enacted before the effective date of this Act, no money appropriated to carry out any provision of part II or part III of this Act shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any provision of part II or part III of this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this subsection which specifically repeals or modifies the provisions of this section.

(d) The provisions of this section shall not apply to, or affect in any manner permanent appropriations, trust funds, and other similar accounts administered as authorized by law.

ELIGIBILITY

Sec. 104. (a) No defense article may be furnished to any foreign country under this Act unless that country shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such article by anyone not an officer, employee, or agent of that country;

(B) transfer, or permit any officer, employee, or agent of that country to transfer such article by gift, sale, or otherwise; and

(C) use or permit the use of such article for purposes other than those for which furnished; and

(2) it will maintain the security of such article, and will provide substantially the same degree of security protection afforded to such article by the United States Government.

(b) In considering a request for approval of any transfer of a defense article to another country, the President shall not give his consent to the transfer unless (1) the United States itself would transfer the defense article under consideration to that country, and (2) prior to the date he intends to give his consent to the transfer, the President notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended consent, the justification for giving such consent, the defense article for which he intends to give his consent to be so transferred, and the foreign country to which that defense article is to be transferred.

(c) The President shall not give his consent to the transfer of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war unless (1) the foreign country requesting consent to transfer agrees to demilitarize such defense article prior to transfer, or (2) the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense article, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

PART II—MILITARY SALES, CREDIT SALES, AND GUARANTIES

Chapter 11.—Authorizations

REDUCTION IN GOVERNMENT PARTICIPATION

Sec. 1101. In order to reduce the role of the United States Government in the furnishing of defense articles and defense services to foreign countries and international organizations, and return such transactions to commercial channels, the United States Government shall reduce its sales, credit sales, and guaranties of such articles and defense services as soon as, and to the maximum extent, practicable.

CASH SALES FROM STOCK

Sec. 1102. The President may sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any foreign country or international organization if such country or international organization agrees to pay not less than the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interests of the United States, within a reasonable period not to exceed 120 days after the delivery of the defense articles or the rendering of the defense services.

PROCUREMENT FOR CASH SALES

Sec. 1103. (a) Except as otherwise provided in this section, the President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any foreign country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due, and (3) to pay the United States Government an amount equal to the administrative costs incurred by the Government in procuring such defense articles and defense services under this section.

(b) The President may, when he determines it to be in the national interest, accept a dependable undertaking of a foreign country or international organization with respect to any such sale, to make full payment within 120 days after delivery of the defense articles, or the rendering of the defense services. Appropriations available to the Department of Defense may be used to meet the payments required by the contracts for the procurement of defense articles and defense services and shall be reimbursed by the amounts subsequently received from the country or international organization to whom articles or services are sold.

(c) No sales of defense articles shall be made to the government of any economically developed country under the provisions of this section unless such articles are not generally available for purchase by such country from commercial sources in the United States.

CREDIT SALES

Sec. 1104. (a) Except to the extent otherwise provided in this section, the President is authorized to finance procurements of defense articles and defense services by less-developed foreign countries on terms requiring the payment to the United States Government in United States dollars of—

(1) the value of such articles or services within a period not to exceed 10 years after the delivery of such articles or the rendering of such services; and

(2) interest, on the unpaid balance of that obligation for payment of the value of such articles or services, at a rate equivalent to the current average interest rate, as of the last day of the month preceding the financing of such procurement, that (A) the Export-Import Bank of the United States charges for obligations of similar purposes and comparable maturities, or (B) the United States Government pays outstanding marketable obligations of comparable maturity, whichever is greater.

(b)(1) For the period from July 1, 1973, through June 30, 1975, the President is authorized to finance such procurements by any foreign country receiving defense articles and defense services during fiscal year 1973 under the Foreign Assistance Act of 1961 on terms providing for the payment of the value of such articles or services in the currency of that country and without the payment of any interest. The total amount of procurements by a foreign country financed under this paragraph shall not exceed in any fiscal year the total amount of such articles and services (other than military training) furnished that country under chapter 2 of part II of that Act during fiscal year 1973.

(2) For the period from July 1, 1975, through June 30, 1978, the President is authorized to finance procurements by any foreign country receiving defense articles or defense services during fiscal year 1973 under the Foreign Assistance Act of 1961, on terms providing for the payment, in the currency of the country (to the extent that the President determines that payment in that currency is needed to pay for all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961), (A) of the value of such articles and services but not to exceed the amount of such articles and services (other than military training) furnished that country in fiscal year 1973 under chapter 2 of part II of the Foreign Assistance Act of 1961, and (B) at a rate of interest of not less than 3 percent a year.

GUARANTIES

Sec. 1105. (a) The President may guarantee any individual, corporation, partnership, or other juridical entity doing business in the

United States (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to less-developed foreign countries. Guaranties shall be made under this section whenever possible rather than credit sales under section 1103 of this Act, in order to minimize outlays by the United States Government in carrying out this part. Fees shall be charged for such guaranties.

(b) The President may sell to any individual, corporation, partnership, or other juridical entity (excluding agencies of the United States Government) promissory notes issued by less-developed foreign countries as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 1104 of this Act, and may guarantee payment thereof.

(c) Funds made available under section 1106 of this Act shall be obligated in an amount equal to 25 percent of the contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 25 percent of the contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1106. There are authorized to be appropriated to the Secretary of State to carry out this part not to exceed $200,000,000 for the fiscal year 1974.

Chapter 13.—Ceilings

AGGREGATE CEILINGS

SEC. 1301. The aggregate total of credits, or participations in credits, extended pursuant to this part (excluding credits covered by guaranties issued under section 1105(b) of this Act) the face amount of guaranties issued under section 1105(a) and (b) of this Act, and the amount of assistance extended by the Export-Import Bank of the United States to finance notes of defense articles and defense services to less-developed countries shall not exceed $700,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only.

REGIONAL CEILINGS

SEC. 1302. (a) The aggregate of the total amount of military assistance under part II of this Act, of cash sales under sections 1102 and 1103 of this Act, of credits, or participations in credits, financed under section 1105 (b) of this Act, of the face amount of contracts of guaranty issued under section 1105 (a) and (b) of this Act, and of transfers of vessels and boats under this Act, shall, excluding training, not to exceed $150,000,000 in each fiscal year for Latin American countries.

(b) The aggregate of the total amount of military assistance under part II of this Act, of cash sales under sections 1102 and 1103 of this Act, of credits, or participations in credits, financed under section 1104 of this Act (excluding credits covered by guaranties issued under section 1105 (b) of this Act), and of the face amount of contracts of guaranty issued under section 1105 (a) and (b) of this Act, shall, excluding training, not exceed $40,000,000 in each fiscal year for African countries.

Chapter 15.—Administrative and Fiscal Provisions

PAYMENTS RECEIVED

SEC. 1501. (a) Cash payments received under sections 1102 and 1103 of this Act and advances received under section 1104 of this Act shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

(b) Amounts received from foreign governments as repayments for credits extended under section 1104 of this Act, amounts received from the disposition of instruments evidencing indebtedness, and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury.

CREDIT STANDARDS

SEC. 1502. The President shall establish standards and criteria for credit and guaranty transactions under sections 1104 and 1105 of this Act in accordance with the provisions of this Act.

PART III—MILITARY ASSISTANCE

Chapter 21.—Military Grant Assistance

GENERAL AUTHORITY

SEC. 2101. From July 1, 1973, through June 30, 1977, the President is authorized to furnish military grant assistance under this chapter on such terms and conditions as he may determine, to any foreign country which is otherwise eligible to receive such assistance, by—

(1) acquiring from any source and providing any defense article or defense service (other than military training); and

(2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to United States missions in foreign countries to perform duties of a noncombatant nature in carrying out duties (other than military training) in carrying out the provisions of this Act.

TERMINATION OF AUTHORITY

SEC. 2102. (a) The President shall gradually reduce assistance provided under this chapter so that, by not later than June 30, 1977, no assistance shall be provided under this chapter.

(b) The provisions of subsection (a) of this section shall not apply to funds obligated prior to July 1, 1977.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2103. (a) There are authorized to be appropriated to the Secretary of State to carry out this chapter, not to exceed $270,000,000 for fiscal year 1974, which sum shall be allocated and made available to or for each of the following foreign countries and not in excess of the amount specified for that country:

Country:	*Amount*
(1) Republic of Korea	$119,000,000
(2) Turkey	49,000,000
(3) Thailand	34,000,000
(4) Jordan	30,000,000
(5) Philippines	13,000,000
(6) Indonesia	13,000,000
(7) Ethiopia	7,000,000
(8) Spain	5,000,000

(b) Of the funds appropriated to the Secretary under subsection (a) of this section for fiscal year 1974, not to exceed $25,000,000 may be made available to provide excess defense articles to foreign countries and international organizations not referred to in such subsection (a).

CONDITIONS OF ELIGIBILITY

SEC. 2104. (a) In addition to the provisions of section 104 of this Act and such other provisions as the President may require, no defense article shall be furnished to any foreign country under this chapter unless that country shall have agreed that—

(1) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of any such article;

(2) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such article which is no longer needed for the purpose for which furnished; and

(3) any funds received by that country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this chapter, will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) Any foreign country which hereafter uses defense articles or defense services furnished such country under this Act, the Mutual Security Act of 1954, as amended, or any predecessor foreign assistance Act, in substantial violation of the provisions of this chapter or any agreements entered into under any of such Acts shall be immediately ineligible for further assistance.

EXCESS DEFENSE ARTICLES

SEC. 2105. (a) The value of any excess defense article furnished under this chapter to a foreign country or international organization by any agency of the United States Government shall be considered to be an expenditure made from funds appropriated under section 2103 of this Act. Unless such agency certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is canceled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the appropriation made under section 2103 of this Act for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the appropriation made under section 2103 of this Act for the current fiscal year, upon delivery of such article, if at the time of delivery the stock status of the article is determined, in accordance with section 102 (7) and (13) of this Act, to be nonexcess.

(b) Excess defense articles shall be provided whenever possible rather than providing such articles by the procurement of new items.

SPECIAL MILITARY GRANT ASSISTANCE ACCOUNTS

SEC. 2106. (a) Except as otherwise provided in this section, no military grant assistance shall be furnished under this chapter to a foreign country unless the country agrees—

(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 25 percent of the value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of any other kind of military assistance to be made to that country, an amount equal to 25 percent of each such grant; and

(2) to allow the United States Government to use such amounts from that special account as may be determined, from time

to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) The provisions of this section shall not apply in any case in which military grant assistance is furnished to—

(1) a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that grant assistance, if the Senate has given its advice and consent to such agreement; or

(2) South Vietnam, Laos, or Cambodia under section 2109 of this Act.

(c) If a special account is established for that foreign country under section 2303 of this Act, any currencies in that account shall be transferred to and consolidated with the special account established under such section 2303. The special account of that country shall thereupon be closed. Any currencies that would be placed in the special account established under this section for that country, but for the enactment of this subsection, shall be deposited directly in the special account of that country established under such section 2303. If a special account has been established for a foreign country under such section 2303 prior to establishing a special account under this section, then any currencies that would have been deposited, but for the enactment of this subsection, in the account established under this section, shall be deposited directly into the account established under such section 2303.

MILITARY ASSISTANCE INFORMATION

SEC. 2107. Notwithstanding any other provision of law, that portion of any record showing the name of any foreign country or international organization and the amount of military assistance intended to be provided, or that has been provided, by the United States to such country or organization for any fiscal year under this or any other law shall be made available to the public, and that portion of the record shall not be withheld from public disclosure by designating such record as classified information.

SPECIAL MILITARY ASSISTANCE REPORT

SEC. 2108. Not later than January 31, 1974, the President shall transmit to Congress a report on all military assistance agreements entered into under this chapter, chapter 2 of part II of the Foreign Assistance Act of 1961, and prior comparable provisions of law and which are in effect as of December 31, 1973. Such report shall list those agreements which the President believes should be continued beyond the date such assistance is to be terminated under the provisions of this chapter and include a detailed justification for continuing each such agreement.

AUTHORIZATIONS FOR SOUTH VIETNAM, LAOS, AND CAMBODIA

SEC. 2109. (a) (1) There are authorized to be appropriated to the Secretary of State such sums as may be necessary to provide armaments, munitions, and war materials for South Vietnam and Laos under this chapter.

(2) The President may order armaments, munitions, and war materials from the stocks of the Department of Defense to carry out this subsection, subject to subsequent reimbursement therefor from subsequent appropriations available under this subsection. The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to the value of such orders under this subsection.

(b) There are authorized to be appropriated to the Secretary of State not to exceed $150,000,000 for fiscal year 1974 to provide assistance to Cambodia under this chapter.

REPEAL OF MILITARY GRANT ASSISTANCE AUTHORITY

SEC. 2110. Sections 2101, 2102(a), and 2103–2109 of this Act are repealed on July 1, 1977. Any special account of a foreign country established under section 2106 of this Act shall continue in existence until the currencies in that account are expended for the purpose specified in such section 2106, except that if a special account is established for that country under section 2303 of this Act, such currencies shall be transferred to and consolidated with the currencies in that account established under such section 2303. The special account of that country established under this section shall thereupon be closed.

Chapter 23.—Military Training

GENERAL AUTHORITY

SEC. 2301. The President is authorized to furnish, on such other terms and conditions as the President may determine, military training to any foreign country or international organization. After June 30, 1974, no such training shall be conducted outside the United States except by specific authorization of law.

AUTHORIZATION OF APPROPRIATION

SEC. 2302. There are authorized to be appropriated to the Secretary of State, to carry out the provisions of this chapter, not to exceed $25,000,000 for fiscal year 1974.

SPECIAL MILITARY TRAINING ACCOUNTS

SEC. 2303. (a) Except as otherwise provided in this section no military training may be furnished under this chapter to a foreign country unless that country agrees—

(1) to deposit in a special account established by the United States Government amounts of currency of that country equal to 15 percent of the cost of the military training furnished; and

(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) The provisions of this section shall not apply in any case in which military training is furnished to—

(1) a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that training if the Senate has given its advice and consent to such agreement; or

(2) South Vietnam, Loas, or Cambodia.

RESTRICTION ON TRAINING FOREIGN MILITARY STUDENTS

SEC. 2304. The number of foreign military students to be trained in the United States in any fiscal year, out of funds appropriated pursuant to this chapter, may not exceed a number equal to the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal year.

Chapter 25.—Military Assistance Advisory Groups and Missions.

TRANSFER OF FUNCTIONS

SEC. 2501. (a) The total number of United States Government personnel assigned or detailed, as of June 30, 1973, to military assistance advisory groups, military missions, and other organizations of the United States Government performing activities similar to such groups and missions, shall be reduced—

(1) by at least 25 percent by June 30, 1974;

(2) by at least 50 percent by June 30, 1975; and

(3) by at least 75 percent by June 30, 1976. By not later than June 30, 1977, no personnel shall be so assigned or detailed, and all the functions of any such group, mission, or organization shall be transferred to the Chief of the United States Diplomatic Mission to that country. Upon the transfer of such functions, that group, mission, or organization, as the case may be, shall cease to exist.

(b) On and after July 1, 1973, the total number of military attachés assigned or detailed to the United States Diplomatic Mission of a foreign country shall not exceed by 25 percent the total number of military attachés authorized to be assigned or detailed to that mission on June 30, 1973.

AUTHORIZING MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS

SEC. 2502. On and after July 1, 1977, no military assistance advisory group, military mission, or other such organization of the United States Government in a foreign country shall be established or continued unless such group, mission, or organization is authorized by law specifically for that country and the foreign country agrees to reimburse the United States Government for the entire cost of such group, mission, or similar organization.

Chapter 27.—Supporting Assistance

GENERAL AUTHORITY

SEC. 2701. The President is authorized to furnish supporting assistance to foreign countries, eligible to receive assistance under this Act on such terms and conditions as he may determine, in cases in which important security interests of the United States are involved.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2702. (a) There are authorized to be appropriated to the Secretary of State to carry out this chapter, not to exceed $95,000,000 for the fiscal year 1974, which sum shall be allocated and made available to or for each of the following foreign countries and not in excess of the amount specified for that country:

Country:	*Amount*
(1) Israel	$50,000,000
(2) Jordan	35,000,000
(3) Thailand	7,000,000
(4) Spain	3,000,000

(b) No part of any appropriation made available to carry out this or any other law shall be used to conduct any police training or related program for a foreign country.

PART IV.—MISCELLANEOUS PROVISIONS

Chapter 31.—General Limitations

TRANSFERS OF MILITARY VESSELS AND BOATS

SEC. 3102. Notwithstanding any other provision of law, no vessel or boat of the United States Government (including, but not limited to, any battleship, aircraft carrier, cruiser, destroyer, or submarine) may be sold, loaned, leased, given, or transferred by any other means to a foreign country or international organization only in accordance with the provisions of this Act and, in the case of any battleship, aircraft carrier, cruiser, destroyer, or submarine, only if such transfer is specifically authorized by law.

USE OF UNITED STATES ARMED FORCES

SEC. 3102. The making of any sale, credit sale, or guaranty, or the furnishing of any assistance, under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use

Armed Forces of the United States for the defense of any foreign country.

FAILURE TO PROVIDE REQUESTED INFORMATION

SEC. 3103. (a) None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity after the expiration of the 35-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations, or expenditures under this Act has delivered to the office of the head of any agency of the United States Government carrying out such provision a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested.

(b) The provisions of subsection (a) of this section shall not apply to any communication that is directed by the President to a particular officer or employee of any such agency or to any communication that is directed by any such officer or employee to the President.

PROCUREMENT

SEC. 3104. (a) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(b) No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(c) In providing for the procurement of any agricultural commodity or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended, for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

(d) In providing assistance in the procurement of commodities in the United States, the United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II, except that in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

(e) No funds made available under this Act shall be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity.

(f) The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available under this Act shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case. The President shall also take all appropriate steps to assure that, to the maximum extent possible, countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such assistance.

SMALL BUSINESS

SEC. 3105. Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this Act by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds.

SHIPPING ON UNITED STATES VESSELS

SEC. 3106. The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954, as amended, shall not be governed by the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended, or any other law relating to the ocean transportation of commodities on United States flag vessels.

TERMINATION OF ASSISTANCE

SEC. 3107. Assistance (including sales) provided under any section of part II or part III of this Act, may, unless sooner terminated by the President, be terminated by concurrent resolution of Congress.

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SEC. 3108. Section 104(c) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the semicolon at the end of such section and inserting in lieu thereof a comma and the following: "except that no agreement may be entered into under this subsection (c) unless such agreement has been specifically authorized by legislation enacted after the date of enactment of the Foreign Military Sales and Assistance Act;".

SOUTH VIETNAM, LAOS, AND CAMBODIA

SEC. 3109. (a) After June 30, 1973, no sale, credit sale, or guaranty of any defense article or defense service shall be made, or any military assistance (including supporting assistance) furnished to South Vietnam or Laos directly or through any other foreign country unless that sale, credit sale, or guaranty is made, or such assistance is furnished, under this Act. The provisions of this subsection shall not apply to funds obligated prior to July 1, 1973.

(b) Any sale, credit sale, or guaranty made, or assistance provided under this Act to South Vietnam, Laos, or Cambodia shall be made or furnished with the objective of bringing about peace in Indochina and strict implementation of the cease-fire agreements in Vietnam and Laos and any cease-fire agreement that may be reached in the future with respect to Cambodia.

(c) Armaments, munitions, and war materials may be provided to South Vietnam and Laos under any provision of this Act only for the purpose of replacing, on the basis of piece for piece and with armaments, munitions, and war materials of the same characteristics and properties, those armaments, munitions, and war materials destroyed, damages, worn out, or used up (1) in the case of South Vietnam, after January 27, 1973, and which are included on lists previously furnished by the Government of South Vietnam to the International Commission of Control and Supervision for Vietnam, and (2) in the case of Laos, after February 21, 1973, and which are included on lists previously furnished by the Government of Laos to the International Commission of Control and Supervision for Laos.

(d) If a cease-fire agreement is entered into with respect to Cambodia, then, commencing with the date such agreement becomes effective, armaments, munitions, and war materials shall be provided Cambodia under this Act only and strictly in accordance with the provisions of such agreement.

(e) Armaments, munitions, and war materials may be provided to South Vietnam without regard to the provisions of subsection (c) of this section if the President finds and reports to Congress that the Agreement on Ending the War and Restoring Peace in Vietnam, signed in Paris on January 27, 1973, is no longer in effect. No armaments, munitions, or war materials may be provided in accordance with this subsection, however, until the President has reported such finding to Congress.

(f) The President shall submit to Congress within 30 days after the end of each quarter of each fiscal year, a report on (1) the nature and quantity of all types of foreign assistance provided by the United States Government to South Vietnam, Laos, and Cambodia under this or any other law, (2) the number in, or who are involved in providing such assistance to, such countries and who are paid directly or indirectly with funds of the United States Government, and (3) the general status of the implementation of all cease-fire agreements with respect to Indochina. For purposes of this subsection, "foreign assistance" and "provided by the United States of Government" have the same meanings given those terms under section 3301 (d) of this Act.

ACCESS TO CERTAIN MILITARY BASES ABROAD

SEC. 3110. None of the funds authorized to be appropriated by this Act may be used to provide any kind of assistance to any foreign country in which a military base is located if—

(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

(2) personnel of the United States carry out military operations from such base;

unless and until the President has determined, and informed the Congress in writing, that the government of such country has, consistent with security, authorized access, on a regular basis, to bona fide news media correspondents or the United States to such military base.

Chapter 33.—Reports and Information

ANNUAL FOREIGN ASSISTANCE REPORT

SEC. 3301. (a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

(3) the aggregate dollar value of all weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war, and the aggregate dollar value of each category of such implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year;

(4) all exports of significant defense articles on the United States munitions list to any foreign government, international organization, or other foreign recipient or purchaser, by the United States under this Act or any other authority, or by an individual, corporation, partnership, or other association doing business in the United States, including but not limited to, full information as to the particular defense articles so exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and such other information as may be appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad; and

(5) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1) through (3) of this subsection.

(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

(d) For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country; and

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

QUARTERLY REPORTS

SEC. 3302. Commencing with the fiscal year which begins July 1, 1973, the Secretary of State shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, within 30 days after the end of each quarter of each fiscal year, a written report with respect to such quarter on—

(1)(A) sales, credit sales, and guaranties made to or on behalf of each foreign country under chapter 11 of this Act, giving in detail each country to or on whose behalf such sales, credit sales, and guaranties were extended, and the terms and conditions of such sales, credit sales, and guaranties (including the guaranty fee and the person extending the credit so guaranteed), (B) forecasts of sales, credit sales, and guaranties to that foreign country for the remainder of the fiscal year in which the report is transmitted and the next succeeding fiscal year, and (C) the balance remaining to be paid by that country on each loan made or guaranteed under such chapter;

(2) the total value for each foreign country of all deliveries of excess defense articles, including a specification for each country of the aggregate original acquisition costs and the aggregate value at time of delivery of such articles;

(3) the total value of all defense articles and defense services provided each foreign country under this Act or any other provision of law, specifying separately for each such country (A) the total value of defense articles and the total value of defense services provided that country, and (B) each provision of law under which such articles and services are provided and the total value furnished under each such provision; and

(4)(A) the number of United States Government personnel detailed or assigned to each military assistance advisory group, military mission, or other organization of the United States Government in each foreign country performing activities similar to any such group or mission, (B) the number of such personnel detailed or assigned to the Chief of the United States Diplomatic Mission to that country performing primarily military advisory duties, (C) the number of such personnel so detailed or assigned to each such group, mission, organization, and diplomatic mission on the first day of the fiscal year with respect to which such report pertains, and (D) the number of such personnel so detailed or assigned to each such group, mission, organization, or diplomatic mission on the last of the quarter of the fiscal year with respect to which that report pertains.

PRESIDENTIAL FINDINGS AND DETERMINATION

SEC. 3303. (a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the International Development Act, the Foreign Assistance Act of 1961, or the Foreign Assistance and Related Programs Appropriations Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the International Development Act, the Foreign Assistance Act of 1961, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

Chapter 35.—Effective Date; Repeals; Technical Provisions

EFFECTIVE DATE

SEC. 3501. This Act is effective July 1, 1973.

LAWS REPEALED

SEC. 3502. (a) The following provisions of law are repealed:

(1) part II of the Foreign Assistance Act of 1961;

(2) sections 634, 650, 654, and 657 of the Foreign Assistance Act of 1961;

(3) the Foreign Military Sales Act;

(4) the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, as amended (except section 12);

(5) the Special Foreign Assistance Act of 1971 (except section 7);

(6) section 108 of the Mutual Security Appropriation Act, 1956; and

(7) section 712 of title 10, United States Code.

(b) Any amounts in the separate fund account established under section 524 of the Foreign Assistance Act of 1961, and any amounts that would have been paid into such fund but for the repeal of such section, shall be covered into the Treasury as miscellaneous receipts. There are authorized to be appropriated such sums as may be necessary to pay liabilities incurred by the United States in providing military assistance on credit and guaranty terms under part II of the Foreign Assistance Act of 1961.

(c) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act.

(d) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection.

SAVING PROVISIONS

SEC. 3503. (a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 3502 of this Act shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this Act establish conditions which must be complied with before use may be made of authority contained in, or funds authorized by, this Act, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 3502 of this Act or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available pursuant to provisions of law repealed by section 3502 of this Act shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provision of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

STATUTORY CONSTRUCTION

SEC. 3504. (a) If any provision of this Act, or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and the applicability of such provision to other circumstances or persons shall not be affected thereby.

(b) No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended.

Mr. MONDALE. Mr. President, on behalf of myself and the senior Senator from Delaware (Mr. ROTH), I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, before line 1, in the table of contents—

(1) strike out—

"Chapter 35.—Effective Date; Repeals; Technical Provisions"

and insert in lieu thereof—

"Chapter 35.—Miscellaneous";

and

(2) immediately below item 3504 insert the following:

"Sec. 3505. International conference on conventional arms.".

At the end of the bill, add the following:

"INTERNATIONAL CONFERENCE ON CONVENTIONAL ARMS

"SEC. 3505. (a) It is the sense of the Congress that the rapidly expanding international trade in conventional arms—

"(1) constitutes a severe and wasteful drain on finite world resources, particularly on the seriously limited resources of the less-developed nations;

"(2) does not in general contribute to international stability, but serves primarily to escalate the levels of potential violence among nations; and

"(3) could be curtailed through the cooperative efforts of the supplying nations, if those nations were to negotiate and implement certain limitations on production and distribution of conventional arms; that such limitations, if designed with appropriate provisions, could be implemented without jeopardizing the security of any nation; and that, because the number of nations acting as major suppliers of conventional arms is far smaller than the number of nations acting as purchasers, such agreements among supplying nations are a promising method of curtailing arms transfers and would not therefore represent an unreasonable encroachment upon the sovereignty of the recipient nations.

"(b) It is further the sense of the Congress that the United States should properly assume a leadership role in bringing about such cooperation, and should be prepared to demonstrate restraint in its own sales in order to create a climate conducive to international supplier-nation cooperation.

"Therefore, the President is directed—

"(1) to undertake a concerted effort to convene an international conference within 18 months after the date of enactment of this Act among representatives of the United States, the Union of Soviet Socialist Republics, Great Britain, France, the Federal Republic of Germany, the People's Republic of China, Sweden, Czechoslovakia, and Canada, and other countries which are acting as major international arms suppliers, on the subject of conventional arms transfers, for the purposes of—

"(A) negotiating, among supplying nations, at the earliest possible moment, an agreement which would place a workable ceiling on such transfers; and

"(B) establishing a mechanism through which, once such a ceiling has been achieved, the level of arms transfers may be progressively reduced; and

"(2) to make a detailed report to the Congress within 6 months after the date of enactment of this Act on the progress of this effort.".

Mr. MONDALE. Mr. President, my amendment to the Foreign Military Sales and Assistance Act would direct the President to convene an international conference on conventional arms. The purpose of such an international conference of arms supplying nations would be to negotiate, at the earliest possible moment, an agreement which would place a workable ceiling on such arms transfers, and establish a mechanism through which, once such a ceiling has been achieved, the level of arms transfers may be progressively reduced.

My amendment would also direct the President to make a detailed report to the Congress within 6 months on the progress of this conference.

Mr. President, during last week's summit with General Secretary Brezhnev, the President signed a new "Declaration of Principle" setting out guidelines for achieving a treaty limiting the number and quality of strategic nuclear weapons. This is a hopeful accomplishment.

While attention is focused on progress toward the further limitation of strategic weapons, the need to control the international trade in conventional arms is ignored. Yet, the international trade of conventional arms has reached such proportions that world peace may be threatened less by the prospect of immediate nuclear warfare than by the escalation of local conflicts, fought with conventional arms, which can expand into wars between major powers, fought with nuclear arms.

There is a little-noticed irony in two major decisions taken by the administration in recent weeks. At a time when starvation and famine haunt Western Africa, the President announced that as a part of his phase IV policy he is seeking greater authority to limit our agricultural exports. In the same month, the President authorized the sale of F-5E military aircraft to Chile, Argentina, Brazil, Colombia, and Venezuela. Several weeks ago, the administration also concluded an agreement in principle to sell F-4 Phantom fighter bombers to Saudi Arabia and possibly Kuwait. In March, the administration announced that it was resuming the sales of arms to Pakistan and India. And Iran has purchased some $2 billion in arms in the past year and a half.

As George Thayer writes in the War Business: The International Trade in Armaments:

> No nation has spoken so passionately in favor of nuclear controls, yet no nation has been so silent on the subject of conventional arms controls. Nor has any nation been as vocal in its desire to eradicate hunger, poverty and disease, yet no nation has so obstructed the fight against these ills through its insistence that poor countries waste their money on expensive and useless arms.

In a seemingly desperate effort to counter the disastrous effects on our balance of payments of our profligate military expenditures abroad, the administration has moved, over the past 2 years, full force and with no congressional or public debate, into the international arms trade business.

U.S. arms sales on a government-to-government basis will reach nearly $4 billion in fiscal 1973, which ends June 30. This figure is approximately double the fiscal 1971 sales of $2.07 billion and quadruple the fiscal 1970 sales of $914 million.

Indeed, the Pentagon's Defense Security Assistance Agency, which negotiates arms sales with foreign governments, has 13 employees in the sales division who do nothing else but sell arms.

Having undergone years of waste and violence, are we trying to redeem ourselves by contributing to waste and violence on the part of others—particularly the less developed nations?

A recent U.S. News & World Report article entled, "Now: A Worldwide Boom in Sales of Arms," concluded that—

> While world leaders talk hopefully of a "generation of peace," the world goes right on buying and selling at a record rate.

Due to the efforts of my distinguished colleague, the Senator from Delaware (Mr. ROTH), the Arms Control and Disarmament Agency was required to submit to Congress a comprehensive report on the international transfer of conventional arms from producing to recipient countries. The findings of this study make it clear that an international conference on conventional arms control is greatly needed. According to the study, prospects are that international arms sales will expand still further in the years ahead, as arms-supplying nations develop new weapons systems and begin seeking markets for outdated equipment. As this occurs, effective arms control may become even harder to achieve.

The report shows that the value of world arms trade, in current dollars, has increased from $2.4 billion in 1961 to $6.2 billion in 1971. As arms transfers among the developed countries has stayed relatively level during this period, most of the increase was in grants and sales to developing nations—particularly in areas of conflict or confrontation such as Latin America and the Middle East.

This 1971 total of $6.2 billion in arms transfer is equivalent to about 3 percent of the total world military expenditures for that year—$216 billion.

And the world's leading arms merchant is the United States, which transferred $22.8 billion in conventional arms during the 10-year period. Approximately half of these transfers were in the form of sales. Currently, the United States is the source of more than one-half of the world arms trade in terms of dollar value.

The Soviet Union is in second place with an estimated $14.8 billion in conventional arms transfers during the 10-year period. In 1961, the Russians exported an estimated $800 million in arms. Shipments climbed steadily since then, to about $1.5 billion in 1971. During the period, the U.S.S.R. was the largest single exporter of arms to South Asia, Africa, and Latin America.

Other Western nations are also becoming increasingly active in sending arms to the underdeveloped world. French Mirages have been steadily flowing into the Middle East and Libya and there are reports that British Hunter jets and Lightning jets are being sold to Middle Eastern states. Even the People's Republic of China, a comparatively much poorer country, has been a major source of military supplies for Pakistan. The other major arms exporters are, in order of sales, Czechoslovakia, the Federal Republic of Germany, Canada, and Sweden, and for that reason they have been designated in my amendment as participating countries.

I applaud the present activities of the Geneva-based Conference of the Committee on Disarmament—CCD. This 25-nation organization is composed, of recipient as well as supplier nations, and does not include two of the major arms suppliers—France and the People's Republic of China.

The CCD has mainly directed its efforts to the control of chemical and biological weapons, and these efforts should certainly be continued. But I believe that the issue of conventional arms transfers is urgent enough to warrant its own conference with its own goals.

In a memorandum to the President requesting Presidential approval of the extension of credit to five Latin American governments in connection with the sale of F-5 military aircraft, the Secretary of State wrote that our efforts to limit the introduction of jet fighters to Latin America had failed:

> Latin American governments had simply turned to Europe for their military requirements.

Based on this reasoning, our military supply policy toward Latin America—based on the principles that the United States should avoid becoming a party to arms escalation and arms races in Latin America and should encourage the allocation of resources to economic and social development as against unnecessary military expenditures—was abandoned.

The ultimate objective of the Foreign Military Sales and Assistance Act, to which my amendment is attached, is according to Senator FULBRIGHT:

> To get the State and Defense departments out of the arms sales business and get these transactions back to a free enterprise, commercial basis, where they belong.

It is thus consistent with the overall objective of this bill that the U.S. Government should resume its leadership role—by demonstrating restraint in its own sales—in order to create a climate conducive to international suppliernation cooperation. An international conference which would set a workable ceiling on arms transfers—perhaps at 1970 levels—would create a situation in which there would be no vacuum for other nations to fill.

It has also been argued that the expansion of our arms sales is necessary to help offset our balance-of-payments deficits.

We should not rely on the expansion of our arms trade sales to correct our balance-of-payments deficit. It is a cheap way out—and a dangerous way which will lead to the further impoverishment of the world's poor.

Our Nation is not so morally or economically weak that it must rely on the export of weapons of death to correct our balance-of-payments deficit.

Mr. President, our Government must direct its export promotion techniques to expand our exports of nonmilitary technology, durable goods, and agricultural products.

We must sell more butter and less guns.

It is also argued that arms sales to less-developed nations give us leverage over the military policies of our customers and hence some power of restraint. But has not our experience too often been that arms transfers make us the hostage of these countries as our honor becomes entangled with their military performance?

My amendment also acknowledges that some of the recipient nations do have legitimate national security needs which warrant arms sales to them. Therefore, limitations, if designed with appropriate provisions, could be implemented without jeopardizing the security of any nation. Indeed, the thrust of my amendment is directed to collective restraint of the practice of aggressively peddling arms—recognizing that security threats to potential recipients often exist more in the imaginations of the donors than in the real needs of the recipients.

Building a momentum for serious consideration of conventional arms control agreements is an urgent task. The coming years could mark the achievement of significant agreements aimed at redirecting national efforts—away from the destructive and wasteful obsession with military arms sales, and toward raising the standard of living and improving the quality of life, particularly in the less-developed countries.

The President is directed to undertake a concerted effort to convene this conference within 18 months. The conference would appropriately parallel the international nuclear arms review conference mandated by articles 6 and 8 of the Nonproliferation Treaty which is scheduled for 1975.

Mr. President, the largest suppliers of arms must discuss and negotiate limiting the flow of arms. As the Christian Science Monitor realistically editorialized in a 1972 series entitled, "The New Arms Merchants":

> It would be folly indeed for the world's powers to congratulate themselves on controlling the nuclear demon, which is causing no actual destruction, while ignoring the grim daily havoc caused by conventional arms or surplus weapons.

Mr. President, I would be hopeful that the distinguished floor manager, the distinguished Senator from Arkansas, would be willing to accept the amendment.

Mr. FULBRIGHT. Mr. President, as I understand it, this amendment is directed toward achieving a control on the flow of conventional arms to other nations. The amounts involved in current sales are outrageous; and the expenditures place a tremendous burden on many of these nations.

We should realize also that much of the money given in aid is used to buy arms and that the recipient country gets nothing, but the useless arms which we induce them to purchase.

I think the amendment is a very good amendment. It seeks to find some way of putting a control on the outrageous amount of aid supplied in the form of weapons.

I am in favor of the amendment. I am willing to accept the amendment. I think it is consistent with our declared purposes of trying to control the proliferation of arms of all kinds.

Mr. President, I am willing to accept the amendment.

LIMITS ON TRANSFER OF CONVENTIONAL ARMS

Mr. ROTH. Mr. President, I am pleased to join the distinguished senior Senator from Minnesota as a cosponsor of an amendment directing the President to undertake a major international effort to convene a conference of weapons-supplying countries to study ways of limiting the transfer of conventional arms.

I have been long concerned that although our Government and President have been taking the leading role in seeking realistic means of limiting nuclear weapons and reducing the dangers of nuclear warfare, we have tended to neglect another very important aspect of the arms race—the massive trade in conventional weapons. Yet all the wars fought since the end of World War II have been fought with conventional arms and in developing, rather than developed countries. Because of the failure of international peace-keeping mechanisms, these tragic "limited" wars have killed thousands of people, caused untold suffering, and have rarely had results other than continued stalemate and bitterness for the countries involved.

What could be sounder policy than for the supplying countries, who often through their foreign aid programs are indirectly paying for these wars, to join together in seeking to put limits to the introduction of vast amounts of sophisticated weapons into lesser-developed countries?

Last year, I was the principal sponsor of an amendment that required the Arms Control and Disarmament Agency to conduct a comprehensive study of potential control mechanisms covering conventional weapons and new U.S. policies that could contribute to restraint and to report to Congress. Last week I was informed by responsible officials of the Agency that the final report is nearing completion, contains specific recommendations, and should be available later this summer.

One way to build upon this beginning is to start our efforts now to convene an international conference to discuss conventional arms agreements. Hopefully, the ACDA report on conventional arms transfer will suggest other methods of achieving international restraints or will help to generate specific proposals which could be presented at such a conference. I want to compliment the senior Senator from Minnesota for his amendment proposing such a conference, and I wholeheartedly endorse it as one of the many ways we might achieve progress in this most complex and difficult aspect of the arms race.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. FULBRIGHT. Mr. President, if there be no further amendment to be proposed, we might have a third reading.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent to proceed for 2 minutes out of order.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator may proceed for 2 minutes.

THE MASSACRE OF THE INNOCENTS

Mr. HARTKE. Mr. President, I think we witnessed this weekend another great tragedy in American life when we saw, with our own eyes by virtue of television, the actual destruction not only of food and fiber, but, more important than that, the destruction of small chickens in a fashion almost beyond belief. That was probably one of the most significant things that occurred this weekend, because is was reminiscent of some of the things that happened back in the early 1930's, when we saw little pigs being killed while people remained hungry.

Here in this Nation we now see a situation where chicken, which has been considered an alternative to the high prices of pork and beef, will no longer be available cheaply, because they are killing the little chickens by the thousands, so that even that source of food for American families will soon be priced out of reason.

This may seem more or less an emotional reaction on my part, but I think it demonstrates once again the complete lack of any kind of economic plan in this country. This is the richest Nation in the world, and yet we not only have people who are hungry, but millions of others with poor nutrition, and a farm program directed toward austerity and cutbacks in production. We also have price controls which, in and of themselves are destructive of market prospects.

A complete reevaluation of our economic policy is not only in order, it is long past due. If this administration has a stock plan, it is high time they revealed it to the people. If they do not want to reveal it to Congress, they at least ought to tell the people where they are going.

This is a program without any meaning, and the result, as we have seen, is the destruction of little chickens in a fashion which is shocking in this modern day.

Secretary of Agriculture Butz should answer to the American people for the destruction of these small chicks.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

Mr. HATHAWAY. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 3, in the table of contents, immediately below item 3303, insert the following:
>
> "Sec. 3304. Public disclosure of certain munitions control licenses."
>
> On page 48, between lines 9 and 10, insert the following:
>
> PUBLIC DISCLOSURE OF CERTAIN MUNITIONS CONTROL LICENSES
>
> Sec. 3304. Section 414 of the Mutual Security Act of 1954 is amended by adding at the end thereof the following new subsection:
>
> "(e) An application for an export license (other than a temporary license and an in-transit license) filed by anyone except the United States Government or an agency thereof, which the President intends to approve under regulations prescribed to carry out this section, shall not be approved, and no such license shall be issued, until the following information with respect to such application and license is published in the Federal Register at least 30 days prior to the approval or issuance of the license:
>
> "(1) the items to be exported under the license;
>
> "(2) the quantity of each such item to be furnished; and
>
> "(3) the name and address of the consignee and of the ultimate user of each such item."

Mr. HATHAWAY. Mr. President, I ask unanimous consent that a member of my staff, Miss Elinor Bachrach, be allowed privilege of the floor during the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, the amendment I have offered would provide public notice of arms sales transactions through private commercial channels, by requiring publication in the Federal Register of certain information contained in arms export license applications which the Federal Government intends to approve at least 30 days prior to the approval or issuance of such license.

The purpose of this amendment is to give the Congress and the public more information about and more control over commercial sales of arms to foreign countries, and to particular parties within those countries. My amendment complements Senator Nelson's amendment giving both Houses of Congress oversight over U.S. Government sales of arms abroad, of which I am a cosponsor. Since allowing only congressional oversight of commercial arms sales would tend to place an excessive burden on the committees involved, I feel that public notice of intended sales in this area, for the scrutiny of informed members of the public as well as the Congress, provides a better means of achieving the purposes of this amendment.

At present, commercial sales make up only a small part of the total volume of U.S. foreign military sales—16 percent in fiscal year 1973. However, I anticipate that this proportion will rise in the coming years, with the phaseout of military grant assistance provided for in this bill. This appears, indeed, to be the logical conclusion to draw from the language of the report of the Foreign Relations Committee on S. 1443:

> A basic purpose of this act is to get the U.S. Government out of the arms sales business and return such transactions to commercial channels.

This being the case, I feel it is essential that Congress and the public be given more information on and thus more control of commercial arms sales to foreign countries.

In addition, I should point out that quantity of sales is not necessarily an exact reflection of the importance of those sales. Whereas some countries may buy large quantities of arms solely for reasons of national preparedness, in other countries the purchase of small quantities of military armaments by particular groups may be sufficient to carry out a military coup or a devastating campaign of domestic terrorism. I believe strongly that the U.S. Government should not be authorizing the sale of arms for these purposes. Public notice of intended issuance of arms export licenses should provide the Federal Government with additional information from the public on the possible consequences of such sales, and should also give the Congress an opportunity to exercise more effective oversight of arms sales transactions.

At present, the licensing of arms sales to foreign countries, both commercial and Government sales, is handled by the Office of Munitions Control in the State Department. This office transacts its current business in complete confidentiality. The State Department is required to provide regular reports to the Congress on export licenses issued for arms sales. However, the most recent report received by the Foreign Relations Committee covers the period January through June 1971. Not only is this information provided long after the fact of the license issuance, but it is also the case that the information itself is of a sketchy nature. For instance, the report shows only the country to which arms have been sold, and not the specific recipient of those arms, which may or may not be the government of that country. In view of all this, I think it is obvious that there is not adequate monitoring of arms sales from the United States to other countries, either by the public or by Congress. Given the sensitivity of such sales and the potential consequences, I believe that passage of my amendment will provide an essential aid to congressional oversight of commercial arms sales abroad.

The amendment I am offering today has exactly the same purpose as the one I introduced on May 22, which has been printed as amendment No. 144 to S. 1443. I have, however, modified the language to clarify the intent. The following are the basic points in the amendment:

It applies only to commercial sales of arms under the export licensing provisions of the Mutual Security Act of 1954.

It covers applications for export licenses which the Federal Government intends to approve, under the regulations prescribed for the issuance of such licenses. Exempted are applications for temporary licenses and in-transit licenses, neither of which involve permanent sales of arms from a U.S. company to a user in a foreign country.

It requires that at least 30 days prior to the approval or issuance of such an export license, there shall be published in the Federal Register the following information taken from the license application:

First, a listing of the items to be exported under the license;

Second, designation of the quantity of each such item to be furnished;

Third, the name and address of the consignee and of the ultimate user of each such item.

SENATE CONFIRMATION OF DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. The hour of 1 p.m. having arrived, the Senate will now proceed to vote on the amendment of the Senator from West Virginia (Mr. ROBERT C. BYRD) to S. 37.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD: I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. NUNN), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Iowa (Mr. CLARK), the Senator from Delaware (Mr. BIDEN), and the Senator from Colorado (Mr. HASKELL) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HASKELL), and the Senator from Georgia (Mr. NUNN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from North Carolina (Mr. HELMS) is necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. TAFT) are absent on official business.

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from North Carolina (Mr. HELMS). If present and voting, the Senator from Ohio would vote "yea" and the Senator from North Carolina would vote "nay."

The result was announced—yeas 65, nays 20, as follows:

[No. 217 Leg.]

YEAS—65

Abourezk
Aiken
Allen
Bayh
Beall
Bentsen
Bible
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Domenici
Eagleton
Eastland
Ervin
Fulbright
Gurney
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Young

NAYS—20

Baker
Bartlett
Bellmon
Bennett
Buckley
Curtis
Dole
Dominick
Fannin
Fong
Goldwater
Griffin
Hansen
Hruska
Javits
McClure
Saxbe
Scott, Va.
Thurmond
Tower

NOT VOTING—15

Biden
Clark
Cotton
Gravel
Haskell
Helms
Hughes
Kennedy
Mathias
Muskie
Nunn
Sparkman
Stennis
Taft
Williams

So Mr. ROBERT C. BYRD's amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. NUNN), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), and the Senator from Colorado (Mr. HASKELL) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Colorado (Mr. HASKELL), and the Senator from Georgia (Mr. NUNN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from North Carolina (Mr. HELMS) is necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. TAFT) are absent on official business.

If present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

The result was announced—yeas 72, nays 12, as follows:

[No. 218 Leg.]

YEAS—72

Abourezk
Aiken
Allen
Baker
Bayh
Beall
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Griffin
Gurney
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Young

NAYS—12

Bartlett
Bellmon
Bennett
Curtis
Dole
Fannin
Goldwater
Hansen
Hruska
Scott, Va.
Thurmond
Tower

NOT VOTING—16

Biden
Clark
Cotton
Cranston
Gravel
Haskell
Helms
Hughes
Kennedy
Mathias
Muskie
Nunn
Sparkman
Stennis
Taft
Williams

So the bill (S. 37) was passed, as follows:

S. 37

An act to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the offices of Director and Deputy Director of the Office of Management and Budget and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), is amended to read as follows:

"SEC. 207. There is in the Executive Office of the President an Office of Management and Budget. There shall be in the Office a Director and a Deputy Director, both of whom shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of Director he shall act as Director. The Office, under such rules and regulations as the President may prescribe, shall prepare the budget, and any proposed supplemental or deficiency appropriations, and to this end shall have the authority to assemble, correlate, revise, reduce, or increase the requests for appropriations of the several departments or establishments.".

SEC. 2. The amendment made by the first section of this Act shall take effect—

(1) insofar as such amendment relates to appointments to the office of Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office; and

(2) insofar as such amendment relates to appointments to the office of Deputy Director of the Office of Management and Budget, immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office.

SEC. 3. The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970 are transferred to the office of Director of the Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

SEC. 4. The Director and the Deputy Director of the Office of Management and Budget shall each serve for a term of four years beginning at noon on January 20 of the year in which the term of the President begins, except that (1) the term of the Director and Deputy Director serving on the date of the enactment of this Act shall begin on such date and shall expire at noon on January 20, 1977, and (2) any individual appointed to fill a vacancy in the office of the Director or Deputy Director occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the unexpired portion of such term. Nothing in this section shall be construed to affect the power of the President to remove the Director or Deputy Director.

The title was amended so as to read: "A bill to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes."

SENATE CONFIRMATION OF CERTAIN OFFICERS IN THE EXECUTIVE DEPARTMENT

The PRESIDING OFFICER (Mr. NELSON). Pursuant to the previous order, the Senate will now proceed to vote immediately on S. 2045.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that at this time I may be allowed 2 minutes notwithstanding the previous order to proceed immediately to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend. May we have order in the Senate? Will Senators who wish to confer with each other confer in the cloakroom?

The Senator from Pennsylvania may proceed.

PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, I rise to ask the distinguished majority leader what signals are hoisted for this week. Is there a yellow signal up, or do we have a red alert?

Mr. MANSFIELD. Both, I suppose. But I would say that the danger signal is up because of the schedule which confronts the Senate this week.

As the joint leadership has tried to indicate, we are doing our best to try to bring about the beginning of the recess at the conclusion of business this coming Saturday. If we do not complete our business then, we will have to come in the following Monday and Tuesday because of the press of events over which we have little or no control, but over which the Senate has a great deal of control.

However, we are shooting for a Saturday night adjournment. The pending business presents a heavy schedule for all of us: Furnishing of defense articles to foreign countries, other legislation such as war powers, the continuing resolution, setting a day for Federal elections, District of Columbia home rule, agriculture appropriations, HUD appropriations, the omnibus crime control bill that includes the LEAA extension, various and sundry conference reports, H.R. 7445, to amend the Renegotiation Act of 1951, the debt limit extension and so on.

We are coming in early for the rest of this week. The Senate will stay in session as late as possible to bring about a reasonable adjudication of the business. On behalf of the joint leadership I am appealing to all Senators who may have engagements this week to cancel them, to stay close to Washington so we can get on with the Nation's business, because it will take the cooperation of every Senator if we are to come anywhere near completing the schedule which has been outlined.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader for the warning. If any fireworks are to be displayed, they will have to be displayed here.

SENATE CONFIRMATION OF CERTAIN OFFICERS IN THE EXECUTIVE DEPARTMENT

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. NUNN), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), and the Senator from Colorado (Mr. HASKELL) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HASKELL), and the Senator from Georgia (Mr. NUNN), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from North Carolina (Mr. HELMS) is necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. TAFT) are absent on official business.

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from North Carolina (Mr. HELMS). If present and voting, the Senator from Ohio would vote "yea" and the Senator from North Carolina would vote "nay."

The result was announced—yeas 64, nays 21, as follows:

[No. 219 Leg.]

YEAS—64

Abourezk
Allen
Baker
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Domenici
Dominick
Eagleton
Eastland
Ervin
Fulbright
Griffin
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker

NAYS—21

Aiken
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Curtis
Dole
Fannin
Fong
Goldwater
Gurney
Hansen
Hruska
Saxbe
Scott, Va.
Stafford
Thurmond
Tower
Young

NOT VOTING—15

Biden
Clark
Cotton
Gravel
Haskell
Helms
Hughes
Kennedy
Mathias
Muskie
Nunn
Sparkman
Stennis
Taft
Williams

So the bill (S. 2045) was passed, as follows:

S. 2045

An act to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Director of the Office of Management and Budget and the Deputy Director of that Office (originally established by section 207 of the Budget and Accounting Act, 1921, and redesignated by section 102 of Reorganization Plan Numbered 2 of 1970) shall be appointed by the President by and with the advice and consent of the Senate.

(b) The Director and the Deputy Director of the Office of Management and Budget shall each serve for a term of four years beginning at noon on January 20 of the year in which the term of the President begins, except that (1) the term of the Director and Deputy Director serving on the date of the enactment of this Act shall begin on such date and shall expire at noon on January 20, 1977, and (2) any individual appointed to fill a vacancy in the office of Director or Deputy Director occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the unexpired portion of such term. Nothing in this subsection shall be construed to affect the power of the President to remove the Director or Deputy Director.

SEC. 2. The Executive Director of the Domestic Council (established by section 203 of Reorganization Plan Numbered 2 of 1970) shall be appointed by the President by and with the advice and consent of the Senate.

SEC. 3. The Executive Secretary of the National Security Council (established by section 101 of the National Security Act of 1947) shall be appointed by the President by and with the advice and consent of the Senate.

SEC. 4. The provisions of this Act (other than the provisions of subsection (b) of the first section) shall apply to appointments made after the date of enactment of this Act.

AUTHORITY OF THE SECRETARY OF THE SENATE TO MAKE NECESSARY TECHNICAL AND CLERICAL CORRECTIONS IN ENGROSSMENT OF S. 2045 AND S. 37

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to make any technical or clerical corrections which may be necessary to carry out the legislative intent of the authority of the amendment—which would be my amendment—which was offered to and accepted on both S. 2045 and S. 37, which were earlier passed by the Senate, in their engrossment.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Maine (Mr. Hathaway) to S. 1443. The question is on agreeing to the amendment.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 220 Leg.]

Aiken
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Church
Cranston
Dominick
Fulbright
Griffin
Hansen
Hathaway
Humphrey
Jackson
Javits
Johnston
Mansfield
McGovern
Nelson
Pell
Randolph
Saxbe
Scott, Pa.
Scott, Va.
Thurmond
Tower

The PRESIDING OFFICER (Mr. Hansen). A quorum is not present.

Mr. FULBRIGHT. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Hansen.) A quorum call is in progress. A parliamentary inquiry is not in order.

Mr. FULBRIGHT. Mr. President, is a motion to recess in order?

The PRESIDING OFFICER. A motion to recess is in order, inasmuch as there is an order therefor.

Mr. FULBRIGHT. Mr. President, I move to recess.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Hansen). The question is on agreeing to the motion of the Senator from Arkansas.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. FULBRIGHT. Mr. President, a point of order. Is that debatable?

The PRESIDING OFFICER. A quorum is not present. The question is on agreeing to the motion to recess——

Mr. JAVITS. Mr. President, I demand the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas to recess.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Gravel), the Senator from Alaska (Mr. Church), the Senator from Iowa (Mr. Hughes), the Senator from Maine (Mr. Muskie), the Senator from Georgia (Mr. Nunn), the Senator from Alabama (Mr. Sparkman), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden), the Senator from Iowa (Mr. Clark), and the Senator from Colorado (Mr. Haskell) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Colorado (Mr. Haskell), and the Senator from Georgia (Mr. Nunn) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from North Carolina (Mr. Helms) is necessarily absent.

The Senator from Maryland (Mr. Mathias) and the Senator from Ohio (Mr. Taft) are absent on official business.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from North Carolina (Mr. Helms) would vote "nay."

The result was announced—yeas 1, nays 83, as follows:

[No. 221 Leg.]

YEAS—1

Abourezk

NAYS—83

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—16

Biden
Church
Clark
Cotton
Goldwater
Gravel
Haskell
Helms
Hughes
Mathias
Muskie
Nunn
Sparkman
Stennis
Taft
Williams

So Mr. Fulbright's motion to recess was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Maine (Mr. Hathaway) to S. 1443.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I want to say, in explanation of the motion to recess, that we had had a quorum call going on for approximately an hour and a half, with no action and no movement. Only two or three Members were on the floor. There was a quorum call, and 33 Members answered. That is why I moved to recess, simply to try to get some action.

We are nearing the end of this fiscal year, and we are told daily that we are under great pressure to pass this and other legislation; and I thought it was important at least to bring into the open just what the purpose is on both sides.

Mr. COOK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COOK. Mr. President, we are in the process of holding hearings on a nominee for the FBI, and I am wondering, if this is the practice, whether it would be wiser every morning to object to the fact that committees should meet while the Senate is in session.

Mr. FULBRIGHT. I think it is a good idea, if we are really serious about getting legislation through.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, the joint leadership made a plea to the Senate to expedite the tremendous amount of legislation which confronts us this week. We cannot force the Senate to do anything which the Senate will not do. It takes the Senate collectively to handle the situation which confronts us. I understand that the distinguished Senator from Rhode Island is to offer an amendment and that the distinguished Senator from Texas has two amendments. There are others. I hope we will not be confronted with another situation such as this.

I commend the distinguished Senator for using his option and highlighting what confronts us at this time. Here it is only Monday, and we cannot get on with the business; and we are forced—in unusual circumstances, by the way—to put in a quorum call in the middle of the day.

I plead with Senators to face up to their responsibilities and to be on the floor as much as possible. Committees are meeting, and perhaps we will have to object to their meeting from now on, because the primary place for a Senator is in this Chamber.

Mr. COOK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COOK. It is the leadership that requests every morning, when the Senate goes into session, that the committees be allowed to meet during the session of the Senate on that day, and I am wondering whether we are not being counterproductive.

Mr. MANSFIELD. I would not answer in the affirmative to the query just raised by the distinguished Senator from Kentucky, because we try to do our best to accommodate the committees. The committees want to meet. If they do meet, they should be ready to come to the floor to participate in votes. I do not feel too bad about the ordinary committees, but I do feel a little bad about committees with special responsibilities—in this case, the new Director for the FBI; in the Committee on Armed Services, a new Secretary of Defense, and so forth.

Mr. COOK. We do not have any objection to coming to the floor and voting.

Mr. FULBRIGHT. Mr. President, we are ready to vote.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. MANSFIELD. The committee meetings are not the problem.

Mr. COOK. Very well.

Mr. FULBRIGHT. Mr. President, the pending amendment is a relatively innocuous amendment. We were prepared to vote on it, but the quorum call was put in. We had a slow quorum call. We waited as long as we could and nothing happened for an hour and a half. Two amendments are ready for action. I was only seeking to move forward. They are not important to the basic fundamentals.

Mr. COOK. I understand.

Mr. FULBRIGHT. I am trying to get some action. I am ready to vote. We have the Pell amendment, and a similar amendment has been before the Senate before. If we can move along, that is all I want to do.

Mr. COOK. I agree with the Senator.

Mr. FULBRIGHT. We were getting to the point where there was no action at all. All this amendment does, and I refer to the amendment by the Senator from Maine, is to provide for publication in the Federal Register on the sale of arms.

Mr. AIKEN. Mr. President, I understand we will soon be voting on the amendment proposed by the Senator from Maine. I do not know what the amendment provides because it is not printed. I understand it provides for publishing a report of all arms supplied to any country anywhere in the world, and the kind of arms, and so forth.

This amendment would escalate the arms race because if we say to one country that we sold a neighboring unfriendly country so many shells, so many planes, so many guns, then that country would be in the market for more from some source.

The amendment would be a godsend to the manufacturing plants that supply the world with arms and equipment for killing off each other. I do not know whether all the arms they buy would come from the United States or not, but it is my opinion that this would simply provide an incentive to an arms race if we published a statement showing how much each country received and how much they have on hand.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

The Senator may proceed.

Mr. AIKEN. It might build up tremendous business for our munitions manufacturers, but as for insuring the peace of the world, I cannot see it and I cannot vote for the amendment.

Mr. GRIFFIN. Mr. President, I rise to associate myself with the opposition to the so-called Hathaway amendment expressed by the Senator from Vermont.

I can understand the frustration expressed by the distinguished chairman of the Committee on Foreign Relations because consideration has not been swifter on this amendment. But it should be pointed out that this is not a printed amendment. It is an unprinted amendment, submitted at the desk. Most Senators even now do not know the wording of the amendment. It has taken some time to try to determine the implications and impact of the amendment.

On its face, the amendment appears rather simple and innocuous. It speaks in terms of publishing 30 days advance notice in the Federal Register of the fact that an export license is being considered. As I understand it, at the present time regular reports are submitted to the appropriate committees in Congress at intervals of 6 months, advising of export licenses that are granted.

The Hathaway amendment would be a radical change in the procedure—a change which could be very mischievous.

The amendment provides, in effect, that an arms sale must be delayed 30 days while notice is published. Not only would this trigger an arms race, as the Senator from Vermont has pointed out, it could operate as a very serious obstacle in a situation where time is of the essence. I refer, for example, to a situation that could arise in the Middle East. Under the amendment, we would have to delay a sale for 30 days—which could be too long to be helpful.

This amendment has not been given adequate consideration and the Senate committee has not had an opportunity to get the views of the administration. Therefore, it should be rejected under the circumstances which are presented.

Mr. PELL. Mr. President, I ask unanimous consent that the name of the junior Senator from Washington (Mr. JACKSON) be added as a cosponsor of my amendment, concerning aid to Greece.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I believe the arguments of the distinguished Senator from Vermont and hopefully the ones I have added to that, should be sufficient reason for the Senate to reject the amendment. I am ready to vote.

The PRESIDING OFFICER. The question is on the amendment.

Mr. HATHAWAY. Mr. President, I would like just a few moments to answer some of the arguments made by the Senator from Michigan.

First, he contends this was not a printed amendment. This amendment was sent to the committee on May 22, over a month ago. It has been altered, but very slightly. That is why it is unprinted at this time. The substance is the same as the measure that was before the Committee on Foreign Relations on May 22. There has been ample opportunity for them to study it. The administration has commented on the amendment in writing, and I presume the other side has copies.

The Senator said we already received notice, that under the regulations the State Department is supposed to notify the appropriate committee 6 months after licenses have been granted. Assuming this would be fair notice, and I do not think it is, the State Department is so far behind that we are not receiving these notices now until a year and a half afterward.

But that is not the issue. What we want is prior notification so that members of the public and particularly Members of Congress can complain if there is any proposed sale of armaments to any country throughout the world, any private individual or group of individuals.

Contrary to what otherwise is argued, this would not escalate the arms race but would deescalate the arms race. There would be pressures from the public to prevent some of these sales. That is the purpose of the amendment. The Senator said there might be an emergency situation, like sending arms to Israel. The United States Government can make that sale and it does not have to rely on individuals to do it.

Without further ado, Mr. President, I urge Members of the Senate to support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine (Mr. HATHAWAY). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Georgia (Mr. NUNN), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), and the Senator from Colorado (Mr. HASKELL) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), and the Senator from Iowa (Mr. CLARK) would each vote "yea."

On this vote, the Senator from Iowa (Mr. CLARK) is paired with the Senator from Georgia (Mr. NUNN).

If present and voting, the Senator from Iowa would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from North Carolina (Mr. HELMS) is necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. TAFT) are absent on official business.

The Senator from Tennessee (Mr. BAKER) and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

The result was announced—yeas 41, nays 44, as follows:

[No. 222 Leg.]

YEAS—41

Abourezk
Bayh
Bible
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cranston
Fulbright
Hart
Hartke
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Kennedy
Long
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Tunney

NAYS—44

Aiken
Allen
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Cook
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Javits
Johnston
McClure
McGee
Pearson
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stafford
Stevens
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—15

Baker
Biden
Clark
Cotton
Goldwater
Gravel
Haskell
Helms
Hughes
Mathias
Nunn
Sparkman
Stennis
Taft
Williams

So Mr. HATHAWAY'S amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 17, 20, 22, 23, 35, 45, 60, 68, 81, and 83 of the bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate numbered 11, 18, 19, 25, 34, 38, 42, 43, 46, 51, and 84, and concurred therein, severally with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island; and

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bills.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

The PRESIDING OFFICER (Mr. FANNIN). The question occurs on the amendment of the Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, I yield to the distinguished junior Senator from Washington.

Mr. JACKSON. Mr. President, as I understand it, the Pell amendment on aid to Greece is the pending amendment.

The PRESIDING OFFICER. The Senator from Washington is correct.

Mr. JACKSON. Mr. President, I want to speak very briefly on this particular amendment.

I have followed with growing concern the developments in Greece. Over a period of time now we have been reassured by our Government and the Greek Government that some real progress would be made toward returning to normalcy. Every time a promise has been made, we find that repression continues.

What I am concerned about relates to the ability of Greece to discharge its responsibilities to NATO. One can talk all that one wants to talk about the internal situation in a country being its own business. However, the facts are, Mr. President, that the internal situation in Greece has deteriorated each month and each year as a result of this regime.

Mr. President, some very thoughtful people who follow the goings on in NATO—some outstanding officers and professional soldiers who have only one concern, and that is the security of Western Europe and the Mediterranean area—have expressed their continuing concern about the developments in Greece.

I can say to the Senate that one very high ranking, retired officer who served overseas in connection with a NATO assignment has conveyed to me his deep concern about the events in Greece. As a result of the latest defection of naval officers, we have a situation now in which the ability of the Greek Government to make a viable contribution to its NATO commitment is in serious question.

Mr. President, I am pleased to cosponsor the amendment of the distinguished Senator from Rhode Island (Mr. PELL) in an effort to see if we cannot jar some sense into the leadership of Greece. My concern runs directly to the ability of the Greek Government to fulfill its commitment to NATO. The course that government is following at this time, with all of the repression that is evidenced there, is disgraceful. So I would hope that the Senate would express its deep concern about the developments in Greece by agreeing to the pending amendment.

This amendment does not cut off all aid. However, it does require the President to make the kind of certification that I think is entirely appropriate in view of the circumstances.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JACKSON. I yield now to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. Mr. President, so as to clear up any ambiguity on the part of anyone and to be the devil's advocate for the moment, I ask the Senator from Washington, who has been very close to the NATO Alliance and who has been a student of its development, whether he sees anything in this that would compel Greece to withdraw from NATO?

Mr. JACKSON. Not at all. On the contrary, it is an effort to nudge the Greek Government to make a viable contribution to NATO. I point out that I have talked with a former high ranking Greek officer who has left and is now with an American company. This is a very responsible, sober, and sensible man. He is a moderate individual. That man informed me—and he has kept current with all that is going on in Greece—that the military competence of the Greek Government is a hollow shell. The last development concerning the Greek Navy was the straw that broke the camel's back.

The deep concern comes from people who want to see to it that Greece is capable of making a real contribution to NATO.

Mr. President, I believe the amendment of the Senator from Rhode Island is just the right dose of medicine that is needed and that this is the right time.

I know that both Senators from Rhode Island feel as I do about a strong commitment to NATO. It is in that context that I believe the amendment is offered.

Mr. PASTORE. Mr. President, the reason I asked the question is that the argument has been made from time to time that we have to pussyfoot around a little and tread a very close line with reference to giving military aid and, in the past, economic aid, only because if we did not do so, this would happen or that would happen and it would weaken the alliance and they might withdraw from NATO.

Does the Senator from Washington see anything like that happening there?

Mr. JACKSON. I do not.

When I heard from this great and outstanding American who got in touch with me about the Greek situation I made some remarks on the floor of the Senate on June 13, expressing my concern. His message was enough for me. I know the man as a responsible individual, a man who is very much concerned.

I believe that it is time we do something about the situation.

Mr. President, I opposed military aid to Greece in connection with a tougher amendment a year ago, and a year before that.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my remarks made on June 13, 1973, in connection with my statement headlined "Greece, NATO, and U.S. Policy," appearing on page S11036.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

GREECE, NATO, AND U.S. POLICY

Mr. JACKSON. Mr. President, the NATO Council of Ministers will be convening in Copenhagen on June 14. It is fair to say that the Ministers will be confronted by questions of exceptional difficulty. The alliance, so successful in the past, now operates in an atmosphere of uncertainty—over America's future role, over the Soviet Union's future intentions, over Europe's commitment to its own defense, over the strategic and political implications of recent changes in the global military equation.

The meeting in Copenhagen thus promises to be a trying one. Given the range of problems explicit and implicit—more than sufficient to occupy the 2-day conference—I hope I will be forgiven for urging an additional timely matters for the Ministers' consideration. I refer to political conditions in Greece and their implications for the future effectiveness of the alliance.

Strategically speaking, Greece plays an important role in the overall defense of the West. It helps guard the "soft underbelly" of Europe, and is well situated for the protection of Western interests in the Mediterranean and the Middle East. This perception of the relationship between the Mediterranean area and the "Atlantic world" is what contributed to Greece's inclusion in NATO in the first place.

Yet NATO is far more than an ad hoc arrangement for military collaboration. The North Atlantic Treaty makes it explicit that the signatories are committed not only to the defense of each other's territory but to "the principles of democracy, individual liberty and the rule of law" and to "strengthening their free institutions." And it is these basic values of the alliance—the links which bind it together—that are called into question by the military dictatorship in Greece.

I regard the subversion of the democratic order in Greece as a serious matter, and an appropriate concern for alliance partners committed to the defense of free peoples. In Greece today, legitimate political activity has been suppressed, and free expression in the cultural sphere abolished. And while participation in NATO is an undertaking of the Greek Government, it is increasingly clear that the unrepresentative character of that Government makes the commitment of the Greek people less than certain.

Given these circumstances, the "business-as-usual" approach of the U.S. Government strikes me as fundamentally unwise. In particular, if the justification for the present policy rests on the premise that Greek forces are vital to the common defense effort, that justification has about evaporated.

It is now undeniable that the Greek regime has met with considerable resistance within the military itself, as recent events in the Greek Navy clearly show. How, then, is the security of the eastern Mediterreanean enhanced by Greek Armed Forces when key elements of those forces are demoralized or are not on station because they cannot, in good conscience, support a government which has abrogated the liberties of their fellow citizens? How will a regime, so lacking in support that it must resort to brutality in enforcing its writ, command the loyalty of its people at a time of crisis?

Thus, the suppression of individual liberty, the lack of a genuine popular base for the regime, and the fissures between the Government and the military all make Greece a serious problem for the alliance. In particular, thoughtful statesmen—in Europe and North America—know the difficulty of generating support among their own constituents for a policy which seems to acquiesce in the fait accompli of the present Greek authorities. Indeed, such a policy will ultimately be self-defeating, and it is now time to realize that.

Mr. President, I recognize that a certain portion of what is happening in Greece represents the result of deep divisions in Greek society. The history which led to the rise of the colonels cannot be repealed, and outsiders simply cannot restructive Greek politics in accordance with their own ideas.

But there are certain positive steps that can be taken. I would hope, for example, that the American Government would abandon the wholly fictitious notion that "progress toward constitutional government" exists in Greece, and that it set aside this fiction as the official rationale for our military aid. Instead, I would prefer a policy which conditions such aid on real progress toward free institutions. A genuinely open and unrigged popular referendum on the recent decree abolishing the monarchy must be insisted upon as a minimum demonstration of such progress.

Second, I understand that the NATO foreign ministers may be asked to express themselves on the importance of political liberalization in Greece. I hope the United States will adopt an affirmative attitude toward such a move, and not seek either to evade the issue or water down explicit language on the subject.

Obviously, Mr. President, such actions on our part will not lead to the immediate restoration of individual liberty and democratic procedures in Greece. But they are a good way to begin implementing a forward-looking and productive policy, consistent with both our NATO treaty commitments and our own political traditions.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. AIKEN. Mr. President, would the Senator yield?

Mr. JACKSON. Mr. President, is it all right with the Senator from Rhode Island if I yield?

Mr. PELL. Absolutely.

Mr. AIKEN. Mr. President, if the 6th Fleet has to withdraw from Greece—and this may be a first step toward that action—where would the 6th Fleet be stationed? Is there any other place?

Mr. PELL. If the 6th Fleet were to withdraw from Greece, the destroyers would go from Athens back to Rhode Island, which is where they should be. However, that is not the only reason that I have offered this amendment. I have offered similar amendments long before withdraw from Greece, the destroyers would be back in Rhode Island which would be a location that would be cheaper and better.

Mr. AIKEN. Mr. President, I can understand the feelings of the Senator from Rhode Island perfectly. On the other hand, I am wondering if this could conceivably be the start to withdrawing the 6th Fleet from the eastern Mediterranean. And I wonder whether the Senator is now getting even with the Greeks or with some other friendly Mediterranean nation.

Mr. JACKSON. Mr. President, the Senator from Vermont knows my views. I feel very strongly about the need to maintain the 6th Fleet in the Mediterranean. The destroyers can operate out of Italy. I would ask the Senator from Vermont where they operated before they went into Greece. They operated out of both countries.

Mr. AIKEN. Italy does not want them. They have made that plain.

Mr. JACKSON. Were they ineffective before the Greek base was set up?

Mr. AIKEN. I think the 6th Fleet has been the most important instrument we have had for the protection of Israel.

Mr. JACKSON. I agree with the Senator.

Mr. AIKEN. I do not think we should withdraw that defense.

Mr. JACKSON. The Senator knows that that is not the proposal. The Senator knows the 6th Fleet has been in the Mediterranean for years. They have been in Athens only a little over a year.

Mr. AIKEN. They had to wind up in Greece because they could not stay in the other places. We have had pretty good relations with Greece, and they have probably been the strongest factor we have had in insuring Israel of our support in a crisis—certainly much stronger than all the millions of dollars we have put through the Appropriations Committees for them. I am just thinking what if the Greeks said to us, "We don't need you any more, go home?"

Mr. JACKSON. Did the Senator support all the Israeli military credit aid amendments?

Mr. AIKEN. I believe I have supported the ones that were sufficient for maintaining Israel's superior positions in the Middle East. However, I do not like to see Israel put up for auction every year.

Mr. JACKSON. I did not say that. I asked the Senator if he had voted for the Jackson amendments on military credits for Israel.

Mr. AIKEN. I voted for the 6th Fleet, because I felt that it was of greater importance for the protection of Israel than all the money that was offered. I did vote against the proposal to take the aid out of the Foreign Relations Committee's jurisdiction.

Mr. JACKSON. I think we have proved two things, Mr. President, in this colloquy: The Senator from Vermont did not vote for appropriations for military credits for Israel, the nation that he has expressed his concern about——

Mr. AIKEN. Oh, but the Senator from Vermont did. The Senator from Washington is in error.

Mr. JACKSON. Although the Senator from Vermont originally—on September 1, 1970—supported my amendment—section 501—to the Defense Procurement Act of 1971, which authorized the President to extend unlimited military credits to Israel, on July 31, 1972, he voted against my amendment which extended that authorization. The Senate adopted my original amendment by a vote of 87 to 7 and it adopted the extension of the authorization by a vote of 76 to 9.

I would also point out that on November 23, 1971, the Senator from Vermont voted for a procedural motion to defeat my amendment appropriating $500,000,000 in military credits for Israel based on the authorization in section 501, and, when the procedural motion failed by a vote of 14 to 81, he voted against—I repeat, against—the appropriation itself. My amendment to the appropriations bill was adopted by the Senate by a vote of 81 to 14.

But, Mr. President, there is no need to belabor this point.

Mr. AIKEN. No.

Mr. JACKSON. Everyone knows that the 6th Fleet was effective prior to the time we had a base in Greece. It has been operating in the Mediterranean all these years. Mr. President, it is just common horsesense that if the democratic order in Greece continues to be subverted, and the best people, the best professionals they have had in their military service, are driven out, Greece's contribution to NATO will end up at zero. I must say that is my concern. That is why I am joining with the Senator from Rhode Island, the principal sponsor of this amendment. I think it is high time that we blow the whistle on the operations of the Greek colonels.

Mr. AIKEN. It may be, Mr. President, that I would sometimes agree with the Senator from Washington that we should get our forces out of the Mediterranean completely, but I do not think we should right now. We should wait until the countries of Eastern and Western Europe have had their meeting, and see if they cannot get together on more agreeable, compatible terms.

Mr. PELL. I thank the Senator from Vermont. I would add that there is no intention whatsoever to withdraw the 6th Fleet, but rather a desire to make sure that the bases from which it operates are secure, to make sure that we have a viable military force there in the present situation, where our Air Force is grounded because we are worried that the pilots might fly off if we give them enough gasoline, and where the big ships are kept in port because they do not trust them out in the Mediterranean.

Mr. AIKEN. Mr. President, the Senator from Rhode Island is making a good argument for continuing the Azores bases.

Mr. PELL. The Senator knows my feelings are mixed about the bases on the Azores, but I support the people of Portugal.

Mr. DOMINICK. Mr. President, I have not, to this point, engaged in the debate, but I took the liberty of going to the desk and reading the amendment. Since there is not a copy of the amendment on any Senator's desk, so it is a little hard to understand what we are talking about, until such time as we do get a copy of it.

Mr. PELL. Here is a copy.

Mr. DOMINICK. I thank my friend from Rhode Island. I will say for the record I find there are a number of phrases in this amendment which are substantially different from what I think the Senator from Washington thought they were. I assume he has read it carefully, but maybe he has not. In any event, I would like some enlightenment on it.

It says that it is our policy to provide military assistance and military sales, credit sales, and guaranties to or for the Government of Greece only when that Government fulfills its obligations under the North Atlantic Treaty.

Well, let us just take that, to start with. There is not a single one of the NATO countries which fulfills its agreement under the North Atlantic Treaty with the exception of the United States. Even now we are not in full agreement. So I would presume that if we take that as a criterion, as to whether or not we are going to make credit sales or military sales to anybody, we could say we are not going to give to any single country in the NATO organization as a whole, because we do not know whether they are going to live up to the agreement.

That is one of the reasons why we are trying to get an agreement with the Warsaw countries and the U.S.S.R. to try to have military reduction of force, so that we would not have agreements, which we are supposed to have, which will provide that we have a certain number of defense forces. both military and naval.

Then we say, in addition:

> Including both adherence to the political principles stated in the preamble to the Treaty and the maintenance of its capability to perform common defense functions.

The only people who can decide whether or not we are going to make any military sales, give any military assistance, or give credit, are not the 535 Members of Congress. Perhaps some of us who are on Appropriations or Foreign Relations—although I very much doubt it, I say with much respect—or some members of the Armed Services Committee, may have some concept of what is meant by the military structure. But there are doggone few of us, and there are a great number of people who do understand this; who do understand the need for a viable defense force in that area. They are the ones who make the decisions as to whether we ought to make the sales.

But this amendment makes a full prohibition until such time as—

> The President undertakes a comprehensive review * * * of United States policy toward Greece, (2) has made a full report with respect to such review to Congress, and (3) finds and reports to Congress that, as a result of such review, the Government of Greece is in full compliance with its political and military obligations under the North Atlantic Treaty.

This is great. It sounds great that people shall make a review to decide what we are going to do.

But I would say to the Senate that we do that every time. We are trying to encourage Greece to go along with NATO. That is an extremely important section of our eastern Mediterranean frontier that we are going to have to defend, if we are going to defend all the equipment they need to participate in the defense. It does not make any sense to me to do that. It seems to me also to reduce our bargaining position, which I understand would be threatened, if we get some changes made in the way of an agreement that they do not happen to like in Greece, or that a Senator does not like. As far as interfering in the internal affairs of the country is concerned—and we have had just about enough of that in any type of situation—and this is definitely an attempt to try to make a change in the internal structure in Greece—and the Senator from Washington (Mr. JACKSON) has almost said that in the process of his own colloquy—I would say that this is something the U.S.S.R. should not be involved in, in any form of structure. When we are talking about trying to live up to our obligations to NATO, we might just as well try to forget it because we do not have a single country in the NATO organization living up to its obligations.

Mr. PELL. Mr. President, in very brief response to the Senator from Colorado, I would agree with what he is saying, namely, that all the members of NATO are not in 100-percent compliance, not even this country, but we are more in compliance than any other country. But life is a question of degree, it is not all black or white. The Greek situation is unique among the NATO countries, where we find the Greek regime cannot rely on its own military forces. These forces cannot let out on maneuvers because they might run away. It is almost as if they were in some Iron Curtain countries, trying to get out.

From the political point of view, Greece is the only nation absent, when we go to the North Atlantic Assembly of NATO.

There we find a line of empty desks and the sign "No Greeks."

It would seem, therefore, to give cause for the need for reexamination.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I want to say in reply that if this amendment goes to the point of whether we like or dislike a particular form of government, I would agree with the Senator from Rhode Island. I do not like the Greek form of government, either. On the other hand, I do not like the U.S.S.R.'s form of government, and we are trying to do something about that in the way of getting more peaceful agreements.

I also do not like the form of government of the People's Republic of China. That is a miserable, doggone government. We are trying to do something there. I could name all kinds of other governments around the world with which we are living peacefully and at the same time trying to create an attitude of stability within the area, although we do not agree with their governmental form at all. So when we say we do not like the form of the Greek Government, that does not have a thing to do with defense requirements in the eastern Mediterranean. I would say that what we are talking about here is an effort to try to maintain stability and peace in that area. We are not going to get it by this mendment.

Mr. PELL. I thank the Senator from Colorado.

Mr. ALLEN. Mr. President, I should like to ask the distinguished Senator from Rhode Island: Does the present law require, before any military assistance is given to the government of Greece, that the President certify that the giving of any such assistance will be helpful to the defense of the United States?

Mr. PELL. That is correct. That is the present law. The pending amendment goes a bit further, is a bit stronger, in view of the fact that the situation in Greece has deteriorated since this law was first enacted.

Mr. ALLEN. Deteriorated in what way?

Mr. PELL. Deteriorated from the viewpoint that they have no representation in the North Atlantic Assembly. The situation has also deteriorated to the extent that never before in the history of NATO have ships under arms sought to defect from their government. This happened within the last few weeks. No other country in the history of NATO has had its form of government changed by fiat, which is what the Greek regime has sought to do. These last two changes have occurred since the law was first written.

Mr. ALLEN. Is this amendment, then, aimed at the Government of Greece in an effort to get the Greek people to change their form of government?

Mr. PELL. No. It is meant basically to nudge the Greek Government, no matter what style it is, dictatorship or Fascist group, whatever it is. But the Greek Government has shown it is ineffective to meet its obligations under the NATO treaty as of a month ago, demonstrated when, during an exercise at sea, a Greek destroyer defected. So it is obvious that they are not able to carry out their obligations under NATO.

Mr. ALLEN. The Senator said, I believe, that none of the nations, not even the United States, has lived up to its treaty obligations under the NATO pact.

Mr. PELL. To a degree.

Mr. ALLEN. Then why does not the Senator direct his amendment against those other nations?

Mr. PELL. Because I said it was a question of degree. The other nations are far more in compliance, and the United States most of all; but of all the nations, Greece is the one not able to carry out its obligations under the treaty, and that is the reason for this amendment.

Mr. ALLEN. The Senator feels, then, that when an ally is not able to do as much as it formerly did, it should be discarded as an ally?

Mr. PELL. We are not discarding Greece as an ally. I am saying that before we extend credit sales and provide more money down the ineffective rathole of the Greek military machine, we should examine the matter fully so that the taxpayers' dollars will be well spent and will be certified by the Government.

Mr. ALLEN. Under existing law, the President would have to certify that that assistance would be in defense of the United States, would he not?

Mr. PELL. That is correct. He would. But under the pending amendment, it would be a little bit tougher. He would have to certify that all was in compliance with the political and military obligations under the treaty.

Mr. ALLEN. Have any other NATO pact nations found any fault with the Greek Government and imposed, in effect, sanctions on that Government, as the Senator seeks to do here?

Mr. PELL. Just about every one of them, as was shown in the Council of Europe from which Greece withdrew to avoid being thrown out. So I would say that what we are doing here is what other NATO nations would have liked us to do some time ago.

Mr. ALLEN. Under de Gaulle, then, did not the French Government ask the United States to withdraw its troops—our NATO troops—from French soil?

Mr. PELL. They asked us to withdraw our troops from there, but France has always participated in the meetings at NATO and has continued to have an ambassador at Brussels. France has participated to the full in the North Atlantic Assembly.

Mr. ALLEN. The Senator never found any fault with the French action, did he?

Mr. PELL. I did not offer an amendment, but I know I was concerned by it. I would have supported an amendment at that time if it had been offered.

Mr. ALLEN. The Senator would hope, then, that his amendment might have an effect on the form of government that the Greeks have?

Mr. PELL. I would hope it would bring a stronger government, a government that could secure the allegiance of its people. What is at stake now is that Greece has, as with many dictatorships, a government at the top that does not have the allegiance or the loyalty of the people underneath. Greece has a government and a military ally, yet its sailors cannot be trusted with the weapons of war, so that we have an ineffective ally.

Mr. ALLEN. Would it be possible, in the Senator's judgment, for the present Government of Greece to comply with its obligations under the NATO Pact sufficiently to suit the distinguished Senator from Rhode Island?

Mr. PELL. Very easily, indeed, by carrying out what the junta said it would do many years ago, and that was to go ahead with some form of elections in order to get the loyalty, the respect, and the allegiance of the people.

Mr. ALLEN. The Senator, then, is finding fault with the internal operations of the Greek Government rather than with its obligations under the NATO Pact, is he not?

Mr. PELL. I believe one comes from the other—the chicken and the egg situation. The present dictatorial form of government produces a situation where there has finally come to the surface the fact that it cannot maintain the allegiance of its own armed forces.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield?

Mr. ALLEN. Let me ask just one or two more questions; then I shall be happy to yield to the Senator from Massachusetts for such questions as he desires.

Does the Senator from Rhode Island believe that it would be advantageous to the United States to lose the Greek ports as more or less the home ports of the 6th Fleet?

Mr. PELL. Speaking from a strictly military point of view, when we ask the admirals about that—it is interesting—they will say that we have sufficient tactical and strategic means to maintain the 6th Fleet at sea. From the point of view of the sailors, in order to insure their reenlistment and have their families with them, it would be much more preferable to have the home ports. But from a military point of view, many military people will say that the fleet could be oiled, fueled, and provisioned at sea.

Mr. ALLEN. One final question: Does the Senator think that Congress should tell the Greek people the form of government that they shall have?

Mr. PELL. No. I do not think we should tell anyone the form of government they shall have, but when we form a brotherhood of brothers or an alliance based on certain principles, and you find that one of your brothers has wondered farthest from them, then you have an obligation to tell that particular brother that he has strayed.

Mr. ALLEN. Does the Senator feel that any NATO nation that becomes less able to carry out its obligations under the NATO Pact should have all assistance withdrawn from it by the U.S. Government? Is that right?

Mr. PELL. No. What I am saying is that when it goes to the extreme degree, as has happened in Greece, some effort should be made—and this is what this amendment does—to try to make sure that that country will be an effective military partner and ally, and the President should so certify.

Mr. ALLEN. I thank the distinguished Senator.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I have listened to the debate on the Senator's amendment this afternoon and to the views of those who are concerned about the United States' interfering in the internal affairs and domestic affairs of Greece. Is it not true that over the period of recent history, from the time of the coup, a great deal of the military equipment provided by the United States for the purpose of enhancing the NATO shield has actually been used for internal police purposes?

Mr. PELL. That is correct—particularly, a great deal of the equipment that went there some years ago.

Mr. KENNEDY. So, actually, we are already in a position in which we have been interfering effectively with the internal affairs of Greece, because we have been identified with a group in Greece which has failed to respect the most fundamental concepts of democracy and human rights. The Senator from Rhode Island has been a leader in this area and has been concerned over reports that, as a matter of Government policy in Greece, some of the most heinous kinds of torture we have seen in recent times among the civilized nations of the world are being used in Greece.

Mr. PELL. Absolutely. As am I, the Senator is a reader of Mr. Carroll's Alice in Wonderland. We have a peculiar view that one interferes in a nation's internal affairs if one ceases to interfere by not extending assistance. On the other hand, if you do not extend assistance, you are considered to be interfering. It should be exactly the opposite. Alice in Wonderland and the U.S. Senate have the same view in this respect very often.

Mr. KENNEDY. I appreciate the response of the Senator.

It appears to me that the United States has been interfering in the domestic affairs of Greece in recent years by strengthening the military regime; and the military regime in turn, has been effectively using the military aid and assistance and grants and other aid that the United States has afforded Greece, aid made available with the intention that it would be used to strengthen the NATO alliance against the potential threat from the east.

So far from interfering in the internal affairs of Greece, I think that those of us who are interested in noninterference can support the Senator's amendment with great strength. I urge Senators to vote accordingly, and I commend the Senator from Rhode Island.

Mr. PELL. I thank the Senator from Massachusetts.

I am ready to vote, Mr. President. Is the Senator from New York ready to vote?

Mr. JAVITS. I am ready to vote. Based upon my experience with the NATO organization, I think the amendment has been drafted correctly this time, because this is really the test: What is the international commitment to free institutions of Greece? I will say that under the existing conditions, it probably will take some time—I do not like to estimate it in days, months, or whatever—to phase in a system which is a parliamentary system. But, as the chairman of the Committee of 9, for the review of NATO, and so forth, this is a very real bone in NATO's throat. The way the amendment has been drafted, I think it will accommodate the parameters of the decision I have described, so I intend to vote "aye" on the amendment.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment to the Pell amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Strike out all that follows the first sentence, and insert in lieu thereof: "Accordingly, the President is directed to request, through appropriate channels, that the North Atlantic Treaty Organization undertake a review to determine whether the Government of Greece is in compliance with its political and military obligations under the treaty, and to report promptly thereon to members of the organization. If the North Atlantic Treaty Organization determines and reports that the Government of Greece is not in compliance with its political and military obligations under the treaty, then no military assistance and no sales, credit sales, or guarantee shall thereafter be provided by the United States to or for the Government of Greece under this or any other law."

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, the amendment of the Senator from Rhode Island presents a very difficult question. Many of us are in sympathy with what he is trying to achieve and that is to indicate a certain amount of displeasure with the situation as we see it. Yet I think the amendment as it is worded is not a very good approach. It puts the President of the United States in a position—and I am speaking of the amendment of the Senator from Rhode Island—of being forced to find and report to Congress that the Government of Greece is or is not in compliance with its military and political obligations under the NATO Treaty.

I would think the Senator would not want the President of the United States to have to do that. It seems to me that it would be counterproductive. It would be exactly the opposite of what the Senator would really want.

I am also troubled by the fact that under the Pell amendment we would be taking it upon ourselves to make a determination as to whether or not the Government of Greece is in compliance with its obligations under the NATO Treaty.

It seems to me that if we are going to determine whether we are going to provide any assistance at all to Greece and condition it on compliance with treaty obligations, then we ought to ask the North Atlantic Treaty Organization to determine whether or not Greece is in compliance with its obligations, rather than attempt to make a unilateral determination.

To be sure, we can decide whether we want to grant aid to Greece. We can do that without relation to NATO obligations. But if we are going to condition it, as the Senator from Rhode Island has done in his amendment, on compliance with treaty obligations under NATO, it seems to me it would be well to ask NATO to make the judgment.

Mr. AIKEN. As far as I know, we do not grant military aid to Greece, as aid is interpreted.

Mr. GRIFFIN. We are free to withhold it.

Mr. AIKEN. Whether or not this amendment is agreed to, we do not give them any, anyway.

Mr. GRIFFIN. The Senator is correct. So I offer the amendment which I have sent to the desk.

It seems to me a more appropriate step, particularly if we are going to condition our action on compliance or noncompliance with treaty obligations under NATO.

Mr. AIKEN. In other words, we are asked as a country to find whether Greece is guilty or not guilty. If we do that for Greece, we then may be called upon to judge other countries in the world to determine whether they are good or bad under the NATO treaty.

Mr. GRIFFIN. It would be like having us deciding unilaterally that a country is in violation of its United Nations obligations.

Mr. AIKEN. I cosponsored a bill with the Senator from Minnesota (Mr. HUMPHREY) the other day, S. 2026, the new economic aid bill, in which we emphasized that the purpose of our legislation is to help the poor people of the country and not to get control of their governments. If that applies to the economic aid bill, then it should apply to other bills.

We may have gone too far in trying to get control of other countries. I do not think the Greek Government is perfect. It would be most unusual if it were. I think some people who have dissented from the Greek Government were justified, but I do not think it is up to us to determine whether a country is guilty or not guilty of something, when we have international organizations which can make that judgment.

Mr. GRIFFIN. The Senator from Vermont makes my point very well. I thank the Senator.

Mr. PELL. I appreciate very much the position of the Senator from Michigan as well as that of the Senator from Vermont. I comprehend their view.

However, I think, as with every question, there is involved the point from which the situation is viewed. I think that if the Senate were to agree to the amendment offered by the Senator from

Michigan, we would then really be in the position of letting a foreign national group—NATO—tell us what we should do with respect to our credit sales. I am not sure we want to be in that position. If we want to confer with our Ambassador to NATO, we can do that.

In the last several years we have done all that we were able to do to prevent a discussion of the Greek question in NATO. We were afraid that if the Danes and the Norwegians expressed their unhappiness about it, the situation would erupt further than we wanted it to. It might have had the result that happened with respect to the Council of Europe—ejection. We did not like to see that happen.

The Senator from Michigan and I have been to the North Atlantic Assembly. It is very sad to see the empty spot where the Greek people should be represented.

I urge Senators to agree to the amendment as originally presented.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. GRIFFIN. I hope we can have one point clear in the record. That is, whether or not the Senator's amendment is or is not agreed to, with or without my amendment, the United States is still free to provide assistance or not to provide assistance to the Greek Government. Is that correct?

Mr. PELL. The Senator is absolutely correct.

Mr. GRIFFIN. The specific thing about the amendment of the Senator from Rhode Island is that he would make it impossible to provide assistance to the Greek Government, only after a finding that the Government of Greece was not in compliance with its military or political obligations under the NATO treaty.

So the question is, as my amendment seeks to point out, Who should make that determination? Should we make it? Should the President be forced to make it? We put the President, it seems to me, in a very difficult situation where he is almost being asked to come up with findings that would be exactly contrary to the position of the Senator from Rhode Island. By doing that, he could go ahead and authorize sales to the Greek Government. But if that obligation is placed where it belongs, it is with the treaty organization, and it seems to me that the treaty organization should determine whether it is in compliance with its obligations.

Mr. PELL. I see the Senator's point. However, either way our Government is placed in a difficult position. The reason is that the Greek Government, which is a charter government, does not command the full military force of those who wear its uniform. What we would be doing if we adopted the approach of the Senator from Michigan would be turning the decision over to NATO, and conceivably it could end with the expulsion of Greece from NATO, which is what happened in the Council of Europe when it was opened up for a discussion of the Greek question.

If we adopt the Senator's amendment, it could prove dangerous. It might have the opposite effect of what he intends.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Alabama (Mr. Sparkman), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden), the Senator from Iowa (Mr. Clark), and the Senator from Colorado (Mr. Haskell) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark), and the Senator from Iowa (Mr. Hughes) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from North Carolina (Mr. Helms) and the Senator from Idaho (Mr. McClure) are necessarily absent.

The Senator from Maryland (Mr. Mathias) and the Senator from Ohio (Mr. Taft) are absent on official business.

If present and voting, the Senator from North Carolina (Mr. Helms) would vote "yea."

The result was announced—yeas 36, nays 52, as follows:

[No. 223 Leg.]

YEAS—36

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Brock
Brooke
Buckley
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Long
Nunn
Packwood
Percy
Roth
Scott, Pa.
Scott, Va.
Stafford
Stevens
Talmadge
Thurmond
Tower
Young

NAYS—52

Abourezk
Bayh
Bellmon
Bentsen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Fulbright
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Stevenson
Symington
Tunney
Weicker

NOT VOTING—12

Biden
Clark
Gravel
Haskell
Helms
Hughes
Mathias
McClure
Sparkman
Stennis
Taft
Williams

So Mr. Griffin's amendment to Mr. Pell's amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Rhode Island. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Alabama (Mr. Sparkman), the Senator from New Jersey (Mr. Williams), are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden), the Senator from Iowa (Mr. Clark), and the Senator from Colorado (Mr. Haskell) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce, that, if present and voting, the Senator from Iowa (Mr. Clark), the Senator from Iowa (Mr. Hughes), and the Senator from Alaska (Mr. Gravel) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from North Carolina (Mr. Helms) and the Senator from Idaho (Mr. McClure) are necessarily absent.

The Senator from Maryland (Mr. Mathias) and the Senator from Ohio (Mr. Taft) are absent on official business.

The Senator from Connecticut (Mr. Weicker) is detained on official business.

If present and voting, the Senator from North Carolina (Mr. Helms) would vote "nay."

The result was announced—yeas 46, nays 41, as follows:

[No. 224 Leg.]

YEAS—46

Abourezk
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Cranston
Eagleton
Fulbright
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Tunney

NAYS—41

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Case
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Long
Nunn
Packwood
Pearson
Percy
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stafford
Stevens
Talmadge
Thurmond
Tower
Young

NOT VOTING—13

Biden
Clark
Gravel
Haskell
Helms
Hughes
Mathias
McClure
Sparkman
Stennis
Taft
Weicker
Williams

So Mr. Pell's amendment was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the Hathaway amendment was rejected.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 253

Mr. NELSON. Mr. President, I call up my amendment No. 253.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, immediately below item 1106 in the table of contents, insert the following: "Sec. 1107. Congressional approval.".

On page 17, between lines 14 and 15, insert the following:

"CONGRESSIONAL APPROVAL

"SEC. 1107. (a) Prior to making any sale, credit sale, or guaranty to any country under this part exceeding $25,000,000, and prior to making any sale, credit sale, or guaranty to any country under this part in any fiscal year, the amount of which, when added to all other sales, credit sales, and guaranties made during such year to that country will exceed $50,000,000 for that fiscal year, the President shall transmit a written report to the Senate and the House of Representatives on the same day giving a complete explanation with respect to such proposed sale, credit sale, or guaranty. Any such report shall not include an explanation relating to more than one proposed sale, credit sale, or guaranty.

"(b)(1) The President may make such sale, credit sale, or guaranty thirty days after the report has been so transmitted unless, before the end of the first period of thirty calendar days of continuous session of Congress after the date on which the report is transmitted, either House adopts a resolution disapproving the sale, credit sale, or guaranty with respect to which the report is made.

"(2) For purposes of paragraph (1) of this subsection—

"(A) the continuity of a session is broken only by an adjournment of the Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

"(c) Subsections (d) through (k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(d) For purposes of subsections (c) through (k) of this section, 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: 'That the does not approve the (sale, credit sale, guaranty) for and explained in the report transmitted to Congress by the President on , 19 .', the appropriate phrase within the parentheses being selected, the first blank space therein being filled with the name of the resolving House, the second blank space therein being filled with the name of the foreign country on whose behalf the sale, credit sale, or guaranty is made, and the other blank spaces therein being appropriately filled with the date of the transmittal of the report; but does not include a resolution specifying more than one sale, credit sale, or guaranty.

"(e) If the committee, to which has been referred a resolution disapproving a sale, credit sale, or guaranty, has not reported the resolution at the end of ten calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same sale, credit sale, or guaranty which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same sale, credit sale, or guaranty), and debate thereon is limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same sale, credit sale, or guaranty.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a sale, credit sale, or guaranty, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(i) Debate on the resolution is limited to not more than two hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a sale, credit sale, or guaranty, and motions to proceed to the consideration of other business, are decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a sale, credit sale, or guaranty are decided without debate."

Mr. NELSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I shall just read a brief explanation of the amendment. It deals with the question of requiring an opportunity for Congress to debate and discuss any military sales in an amount of $25 million for any single sale to any country, or cumulative sales of over $50 million in 1 year.

The U.S. Government sells vast sums of military arms to nations worldwide without regard for congressional or public opinion. The Department of Defense is consulted. The manufacturers of military arms and the providers of military services are consulted. But Congress is hardly informed of these transactions, much less consulted as to their propriety.

As it stands now, the executive branch of the Government simply presents Congress and the public with accomplished facts. We sometimes learn about U.S. arms transactions with foreign nations only because of the diligent efforts of the press.

There is at present no practicable statutory requirement for reporting to Congress. There is no legislative procedure to exert overall control over these arms deals before they are finalized. And there is no way to exert effective oversight authority and monitor the impact of these deals after they are negotiated.

Recently, for example, the newspapers have carried reports of planned arms sales to Latin America and to several Persian Gulf nations—Saudi Arabia, Iran, and Kuwait.

In fact, it is difficult these days to open the newspapers without coming across unexpected reports of another U.S. multimillion-dollar arms deal with another small nation somewhere.

Iran has contracted to buy $2 billion worth of U.S. arms in this fiscal year alone. We have agreed to sell Saudi Arabia a million dollar's worth including F-4 Phantom jets, America's most advanced fighter bomber.

Kuwait, a tiny nation with just 800,000 population and an army of 7,000, has signed up for close to $600 million for American arms and services, including U.S. tanks, planes, antiaircraft missiles, and helicopters. Even they are negotiating for F-4's.

And other lower Gulf states—Bahrein, for example—are in line to receive arms.

In Latin America, President Nixon authorized sale of F-5E international fighters to Argentina, Brazil, Chile, Colombia, and Venezuela, ending in one sweep a 5-year ban on sale of sophisticated military equipment such as jet aircraft to underdeveloped countries. There is not yet a formal agreement, but the Brazilians are talking about 48 F-5's at about $2.5 million apiece.

Perhaps these transactions—in the Persian Gulf, in Latin America, anywhere—have merit. Perhaps they do not. Without debating the merits of these sales, it seems to me that they represent such a qualitative change in our involvement in the Persian Gulf area and such a significant turn in our Latin American relations, that Congress must be afforded the opportunity to deliberate on these matters as well as on all other military sales agreements entered into by the U.S. Government.

It is ironic that the American public learned of these new deals in the Persian Gulf only after the American media picked up an Agence France-Presse report and pressed the State Department spokesman to officially confirm the fact that we have an agreement in principle to sell Phantoms to Saudi Arabia and that we are negotiating a giant deal for arms to Kuwait. So, too, the American public only learned about the negotiations for sale of jets to Brazil from a report originating from Brazil.

The executive branch involves the United States in military situations throughout the world without congressional and public debate or discussion. The sums here are vast. For 1972—the most recent figures available on foreign military sales credit and cash—show a total of $3.46 million. The figures for 1973 and 1974 may very well be much higher.

These military sales constitute major foreign policy decisions which involve the United States in military activities without sufficient deliberation. This has gotten us into trouble in the past and could easily do so again.

These matters require serious deliberation by the Congress and should not be left exclusively to the executive branch.

If Congress is serious about reasserting congressional partcipation in foreign affairs and exercising its full responsibility in the formulation of American foreign policy, reviewing foreign military sales is a good place to start.

This amendment to the Foreign Military Sales and Assistance Act would give Congress the opportunity to consider—and if necessary, reject—foreign military sales according to prescribed conditions.

The proposal requires the President to report to both Houses of Congress his military sales plans when any single deal for cash or credit to any one country amounts to over $25 million. If, after 30 days from the time the President makes his report, neither House objects, the sale will be permitted. Agreements with one country with a cumulative value of over $50 million in 1 year will also be subject to this procedure for congressional deliberation.

This legislative approach has several important historical precedents. The Reorganization Act—Chapter 9 of title 5, United States Code—uses this procedure for congressional approval of reorganization plans of the executive branch. Congressional approval of Presidential plans to increase pay for executive level employees, Members of Congress, the Supreme Court, and the Cabinet is similarly provided for in title 2, United States Code, section 359. Moreover, when the President sends Congress an alternative pay plan for Federal employees, the Reorganization Act concept is also embodied in that legislation, title 5, United States Code, section 5305.

In closing, let me reemphasize the importance of these foreign military sales. The Foreign Relations Committee in its report on S. 1443, estimates that our foreign military sales will rise from $3,462 millon in 1972 to $3,830 million in fiscal year 1973 and $4,688 million in 1974. As of fiscal year 1972 we were selling arms to 68 nations worldwide.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of this amendment.

Senators CRANSTON, HUGHES, MCGOVERN, PELL, and HATHAWAY.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. NELSON. I yield.

Mr. MAGNUSON. What provision is made if Congress is not in session?

Mr. NELSON. It provides that it shall be before Congress for 30 days. Any recess period, such as a 3-day recess, does not count; and in tabulating the 30 days, if Congress adjourns, the days are not counted until Congress returns.

Mr. MAGNUSON. In other words, if they made a decision—say Congress recessed in December, which we will probably do this year—then they would have to wait until we got back.

Mr. NELSON. That is correct.

Mr. MAGNUSON. So the sales would be suspended, in effect, from this procedure, when we are in recess or in adjournment.

Mr. NELSON. That is correct. We would not count the days of the recess or the adjournment, that is correct.

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. FULBRIGHT. May I ask a question along the lines that the Senator has asked. The customary way of making the sales is, really, to negotiate contracts. They would be prospective. We are not thinking about the sale of arms out of a store. We do not sell airplanes or that type of thing off the shelf. So the 30 days would not be a serious interference with normal procedures in getting these large contracts.

For example, in Saudi Arabia, there has been talk about it, and I do not think it has been finalized yet, but there has been in the neighborhood of $500 million mentioned and that will be over a period of 4 or 5 years, probably. On planes, like the F-4, which cost $2 or $3 million each, it takes quite awhile for the contract to be implemented. So I should think the point the Senator makes about the 30 days would not be a serious interference with what is now the customary practice in the way of sales. Is that contrary to the Senator's thinking?

Mr. NELSON. No. I would not think it would make much difference one way or the other. None of these agreements are concluded in a period of 30 days anyway.

Mr. FULBRIGHT. They involve materiel and implements of war that take a considerable time to make the contract and——

Mr. MAGNUSON. Deliveries do, too.

Mr. FULBRIGHT. Yes. They are all stretched out. I do not see that there would be any serious interference with the normal procedures which are being followed now.

Mr. NELSON. Once the agreement is made between the United States and another country, then, as I understand it, the United States negotiates with the manufacturer on behalf of the purchasing country.

Mr. FULBRIGHT. That is right.

Mr. NELSON. Then they have to wait for what comes off the production line, and then they have to wait for shipment to that country. Sales of that kind may take many months or years. As the Senator suggests, some of the agreements extend over 4- or 5-year periods.

Mr. FULBRIGHT. I have another question: This amendment does not apply to planes or instruments of war already in the pipeline or in the process of being completed; it applies to prospective agreements or to any new agreements or contracts made; is that not correct?

Mr. NELSON. That is correct.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSTON). The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. NELSON) No. 253.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), the Senator from Colorado (Mr. HASKELL), and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), and the Senator from Iowa (Mr. HUGHES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from New York (Mr. JAVITS), and the Senator from Idaho (Mr. MCCLURE) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. TAFT) are absent on official business.

If present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

The result was announced—yeas 44, nays 43, as follows:

[No. 225 Leg.]

YEAS—44

Abourezk
Bayh
Bible
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Hart
Hartke
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Kennedy
Magnuson
Mansfield
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Weicker

NAYS—43

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Johnston
Long
McClellan
McGee
Montoya
Nunn
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stafford
Talmadge
Thurmond
Tower
Young

NOT VOTING—13

Biden
Clark
Gravel
Haskell
Helms
Hughes
Javits
Mathias
McClure
Sparkman
Stennis
Taft
Williams

So Mr. NELSON's amendment (No. 253) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I call up the amendment that I send to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The amendment is as follows:

On page 31, strike out line 24 and all that follows through and including line 3 on page 32 and insert in lieu thereof:

"SEC. 2702 (a) There are authorized to be appropriated to the President to carry out this chapter not to exceed $125,000,000, of which not less than $50,000,000 shall be available solely for Israel."

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, there will be no further votes this evening. I would ask the distinguished acting Republican leader if he would consider the possibility of a unanimous-consent agreement, under the regular procedure, by means of which on the McGee-Javits amendment, which is now pending, which is to begin at the conclusion of the recognition of the two leaders tomorrow, there would be a time limitation of 2 hours, the time to be equally divided between the Senator from Wyoming (Mr. McGEE) and the distinguished Senator from Arkansas (Mr. FULBRIGHT), the manager of the bill.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, I respond by saying: Subject to the satisfaction of the Senator from New York (Mr. JAVITS), if it is satisfactory to the Senator from Wyoming.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLEN. The distinguished majority leader said there would be no further votes tonight. May I pose the inquiry as to what the situation would be if some Senator moves to reconsider the vote by which the Nelson amendment was agreed to?

Mr. MANSFIELD. The majority leader would be proved a liar.

Mr. ALLEN. The Senator from Alabama would not want that to happen. He thinks he could not carry that burden of proof against the distinguished majority leader.

Mr. MANSFIELD. I am not so certain.

Mr. ALLEN. Could there be an agreement that such a vote will be taken tomorrow? What would the wishes of the majority leader be?

Mr. MANSFIELD. As I understand the rules, as long as there has been no motion to reconsider, the matter is still open.

Mr. ALLEN. Yes, the matter is still open, but my point is that the Senator from Montana has already said there would be no further votes.

Mr. MANSFIELD. Tonight.

Mr. ALLEN. Yes. But it may be that the motion would be made tonight.

Mr. MANSFIELD. Well, Mr. President, may I say that the majority leader does not think there will be any more votes tonight.

Mr. ALLEN. Very well.

Mr. MANSFIELD. Mr. President, what about the agreement?

The PRESIDING OFFICER. A motion to reconsider is not in order while an amendment is pending. An amendment is now pending, so a motion to reconsider could not be made until that amendment was disposed of.

Mr. MANSFIELD. Does the Senator wish at this time to reconsider the vote by which the Nelson amendment was agreed to?

Mr. ALLEN. Mr. President——

Mr. MANSFIELD. I would be willing to ask the Senator from Wyoming to withdraw his amendment temporarily, if the Senator knows someone on the right side who wants to and who is prepared to make a motion to reconsider.

Mr. ALLEN. Only 87 Senators voted on the amendment. It might be that some Senator who did not vote or come to the Chamber, or some Senator who voted with the prevailing side, would like to see the vote by which the amendment was agreed to, reconsidered. The Senator from North Carolina, the Senator from Alabama feels, might wish to make that motion.

Mr. TOWER. Mr. President, will the Senator yield for a parliamentary inquiry.

Mr. MANSFIELD. I yield.

Mr. TOWER. We are going to recess tonight. Therefore, when we meet tomorrow we will be continuing this legislative day, and a motion to recommit would be in order.

Mr. ALLEN. It would be in order whether we recessed or adjourned, for that matter.

Mr. MANSFIELD. It just means that it would not be in order at that time, so long as the McGee-Javits amendment is pending.

The PRESIDING OFFICER. In answer to the parliamentary inquiry, whether there is a recess or adjournment the motion to reconsider is not in order so long as the amendment is pending.

Mr. TOWER. But it would be in order at any time during the consideration of this bill.

The PRESIDING OFFICER. After consideration of the McGee amendment and when no other amendment is pending.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the McGee-Javits amendment—First, do we have the agreement on the time limitation on the McGee amendment?

The PRESIDING OFFICER. There has not been a motion. Is that in the form of a motion?

Mr. MANSFIELD. Yes. Has the unanimous consent proposed by the Senator from Montana vis-a-vis the Javits-McGee amendment been agreed to?

Mr. NELSON. I object.

Mr. MANSFIELD. Now, Mr. President, I ask unanimous consent, in view of the interest shown by the distinguished Senator from Alabama, that the pending amendment be laid aside temporarily.

The PRESIDING OFFICER. Let the Chair correctly understand the parliamentary situation. Did the Senator from Montana move for the unanimous-consent agreement?

Mr. MANSFIELD. I thought the Chair ruled that the unanimous-consent request had been agreed to.

The PRESIDING OFFICER. No. If that motion is made—is there objection?

Mr. GRIFFIN. Mr. President——

Mr. MANSFIELD. Now, Mr. President, I ask for the yeas and nays on the McGee-Javits amendment.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the McGee-Javits amendment be laid aside temporarily.

Mr. NELSON. I object.

The PRESIDING OFFICER. The question is on agreeing to the motion for unanimous consent on the debate limitation of 2 hours.

Mr. MANSFIELD. I thought that three times I had been assured by the Chair that the unanimous-consent request setting a time limitation on the McGee-Javit amendment had been agreed to.

Mr. ALLEN. I object.

The PRESIDING OFFICER. The Senator from Montana inquired of the Senator from Michigan if those limitations would be correct, and the Senator from Michigan related that he understood the Senator from New York had no objection. But the motion was not made and we did not have that unanimous consent.

Mr. GRIFFIN. Mr. President, the Chair means the unanimous-consent request——

Mr. MANSFIELD. I had made the unanimous-consent request, but I guess the Chair had not acted on it.

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. The pending business is the McGee-Javits amendment.

The PRESIDING OFFICER. Unless the unanimous-consent motion is reconsidered.

Mr. MANSFIELD. I understand that the Senator from Alabama——

Mr. ALLEN. Mr. President, I reserve the right to object, unless the distinguished Senator from Wisconsin will agree that the amendment may be laid aside temporarily.

If I make an objection to the request of the Senator from Montana, the Senator from Wyoming can withdraw his amendment on his own initiative.

Mr. MANSFIELD. That is correct. He could, if he wanted to.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the McGee amendment.

Mr. McGEE. Mr. President——

Mr. MANSFIELD. Mr. President, I ask

for the yeas and nays on the McGee amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Now I will take my seat.

Mr. McGEE. Mr. President, I wanted to inquire into the parliamentary situation. I find myself caught in a situation I know not what about. Is it possible for me to withdraw my amendment for the time being under the rules of the Senate?

The PRESIDING OFFICER. Now that the yeas and nays have been ordered, it would take unanimous consent.

Mr. McGEE. I ask unanimous consent that it might be withdrawn.

Mr. NELSON. I object.

Mr. McGEE. I simply was demanding equal time with the majority leader in seeing that we got the same ruling.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Alabama, in view of the situation which has developed, about which evidently nothing can be done this evening, I ask unanimous consent that there be a 2-hour limitation on the pending amendment, the time to be equally divided between the distinguished Senator from Wyoming (Mr. McGee) and the distinguished Senator from Arkansas, manager of the bill (Mr. Fulbright).

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—we should make provision, I suggest to the distinguished majority leader, in the event there is an amendment to the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a limitation of 30 minutes on any amendment to an amendment, 15 minutes to a side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NELSON. Mr. President, I wonder if I may inquire of the majority leader——

The PRESIDING OFFICER. If the Senator will excuse the Chair, is the agreement to go into effect in the morning?

Mr. MANSFIELD. In the morning, after the conclusion of the time allotted to the joint leadership and any morning business that might ensue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, the Senator from Alabama suggested that some Senator was missing who would vote the other way, and I think I know of a couple of Senators who are also missing. It seems to me that all Senators should have an opportunity to look at the vote and look over what was said. I have objected to setting aside the McGee-Javits amendment. I do not mind staying here late in the evening, but are there any assurances that no unanimous consent will be asked by either side to vote later on?

Mr. MANSFIELD. Not as far as the McGee amendment is concerned, because, while the amendment has been laid before the Senate, the time on it will not begin running until sometime around 10:15 a.m. tomorrow.

Mr. NELSON. About the only way I can protect my rights is to have a quorum call at about 7 o'clock.

Mr. MANSFIELD. No; I think it is understood, and I trust the judgment and the word of all Senators, spoken or unspoken, that there will be no further votes tonight. I have to be careful what I say. For the time being, we will let it go at that.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wonder if the Senator from Wisconsin might agree to a time certain to vote tomorrow on the motion to reconsider?

Mr. NELSON. I would have no objection to that.

Mr. GRIFFIN. Because then it can be made at some definite time.

Mr. MANSFIELD. Mr. President, if the distinguished Republican leader will yield, I ask unanimous consent that the vote on reconsideration of the vote on the Nelson amendment occur immediately after the vote on the McGee-Javits amendment.

Mr. TOWER. Mr. President, provided there is such a motion to reconsider.

Mr. GRIFFIN. Perhaps under those conditions the Senator from Wisconsin would allow the motion to be made.

Mr. NELSON. I have no objection to a motion being made, on the agreement that the vote follow immediately after the McGee-Javits amendment vote.

Mr. HELMS. Mr. President, I make such a motion.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the McGee amendment be laid aside temporarily for the purpose of making such a motion.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Now I ask unanimous consent, if the Senator from North Carolina will pardon me—and he understands the situation—that immediately after the vote on the McGee-Javits amendment there be a vote on the motion to reconsider the vote by which the Nelson amendment was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I make that motion.

The PRESIDING OFFICER. The motion to reconsider is made.

Mr. MANSFIELD. Mr. President, on that motion, I ask for the yeas and nays.

The yeas and nays were ordered.

EDUCATION OF THE HANDICAPPED AMENDMENTS OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. Randolph) be recognized at this time; and if he is recognized, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 227, S. 896.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 896) to amend the Education of the Handicapped Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 3, beginning in line 1, insert:

ADVISORY COMMITTEE

SEC. 3. (a) Section 604(b) of the Education of the Handicapped Act is amended by adding at the end thereof the following new sentence: "The Advisory Committee shall continue to exist until July 1, 1976.".

(b) Section 604 of such Act is amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated for the purposes of this section $100,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years.".

On page 3, beginning with line 13, insert

SEC. 4. (a) Section 611(a) of the Education of the Handicapped Act is amended by inserting before the period the following: "in order to provide full educational opportunity to all handicapped children.".

On page 3, beginning in line 17, strike out "Sec. 3(a)" and insert "(b)"; in line 21, strike out "$300,000,000" and insert "$65,000,000"; at the end of line 22, strike out "$400,000,000" and insert "$80,000,000"; and in line 24, strike out "$500,000,000" and insert "$100,000,000".

On page 4, at the beginning of line 1, strike out "(b)" and insert "(c)"; and beginning in line 4, insert:

ADDITIONAL STATE PLAN REQUIREMENT

SEC. 5. (a)(1) Section 612(a)(2) of the Education of the Handicapped Act is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

(2) Section 612(a) of such Act is amended by inserting at the end thereof the following new paragraph:

"(3) Effective after June 30, 1973, no State shall, in any fiscal year, be required to expend amounts allotted pursuant to this section to carry out the provisions of paragraph (1) of section 613(b) unless that State receives an amount greater than the amount allotted to that State for the fiscal year ending June 30, 1973.".

(b) Section 613(a)(1) of such Act is amended by striking out "$100,000" and inserting in lieu thereof "$200,000".

(c)(1) Section 613 of such Act is amended by redesignating subsections (b), (c), and (d) of such section, and all references thereto, as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

"(b)(1) Any State which desires to receive a grant under this part for any fiscal year beginning after June 30, 1975, shall submit to the Commissioner for approval by December 31, 1974, through its State educational agency an amendment to the State plan required under subsection (a), setting forth in detail the policies and procedures which the State will undertake in order to assure that—

"(A) all children residing in the State who are handicapped regardless of the severity of their handicap and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

"(B) the policies and procedures will be established in accordance with detailed criteria prescribed by the Commissioner to protect the confidentiality of such data and information by the State;

"(C) there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal; and

"(D) the amendment submitted by the State pursuant to this subsection shall be available to parents and other members of the general public at least thirty days prior to the date of submission of the amendment to the Commissioner.

For the purpose of this part, any amendment to the State plan required by this subsection and approved by the Commissioner shall be considered, after June 30, 1975, as a required portion of the State plan.

"(2) The requirement of paragraph (1) of this subsection shall not be effective with respect to any fiscal year in which the aggregate of the amounts allotted to the States for this part for that fiscal year is less than $45,000,000.".

(2) Section 613(e)(1) of such Act (as redesignated by this section) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)".

(d) The amendment made by subsections (a)(1) and (b) of this section shall be effective in any fiscal year or which the aggregate of the amounts allotted to the States for that fiscal year for carrying out part B of the Education of the Handicapped Act is $45,000,000 or more.

On page 6, in line 21, after "SEC." insert "6"; and at the end of line 25, strike out "$75,000,000" and insert "$37,000,000".

On page 7, at the end of line 1, strike "$90,000,000" and insert "$53,000,000"; in line 3, strike out "$110,000,000" and insert "$70,000,000"; at the beginning of line 9, after "SEC." strike out "5" and insert "7"; at the beginning line 12, strike out "$103,000,000" and insert "$40,500,000"; in line 13, strike out "$110,000,000" and insert "$45,000,000"; at the end of line 14, strike out "$115,000,000" and insert "$50,500,000"; in line 20, after "SEC." strike out "6" and insert "8"; and in line 24, strike out "$50,000,000" and insert "$10,000,000".

On page 8, at the beginning of line 1, strike out "$55,000,000" and insert "$14,000,000"; in line 2, strike out "$60,000,000" and insert "$18,000,000"; in line 8, after "SEC." strike out "7" and insert "9"; at the end of line 12, strike out "by striking out '$20,000,000' and inserting in lieu thereof '$35,000,000.'" and insert to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purposes of carrying out this part there are hereby authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $18,000,000 for the fiscal year ending June 30, 1975, and $22,000,000 for the fiscal year ending June 30, 1976, and for each succeeding fiscal year thereafter.".

On page 9, in line 2, after "SEC." strike out "8" and insert "10"; in line 6, strike out "$35,000,000" and insert "$5,000,000"; in line 7, strike out "$40,000000" and insert "$7,500,000"; in line 8, strike out "45,000,000" and insert "$15,000,000"; and beginning in line 13, insert—

AMENDMENT TO VETERANS-COST-OF-INSTRUCTION PAYMENTS OF THE HIGHER EDUCATION ACT

SEC. 11. (a) Paragraph (1) of section 420 (a) of the Higher Education Act of 1965, as amended, is amended by—

(1) inserting "(A)" before "110"; and

(2) inserting before the period a comma and the following: "or (B) 10 per centum of the total number of undergraduate students in attendance at such institution during such academic year".

(b) The amendments made by subsection (a) shall be effective on the date of enactment of this Act and with respect to all appropriations available for obligation under such section 420 on such date.

IMPACT AID PAYMENTS IN AREAS EXPERIENCING DECREASES IN, OR CESSATION OF, FEDERAL ACTIVITIES

SEC. 12. In the case of any local educational agency which experiences a decrease in the number of children determined by the Commissioner of Education under section 3 of the Act of September 1950 (Public Law 874, Eighty-first Congress) of 10 per centum or more of such number—

(1) during the fiscal year ending June 30, 1974, or the fiscal year ending June 30, 1975; or

(2) during the period beginning July 1, 1973, and ending June 30, 1975;

as the result of a decrease in, or cessation of, Federal activities affecting military installations in the United States announced after April 16, 1973, the amount to which such agency shall be entitled under such Act, as computed under section 3(c) of such Act, for any fiscal year ending prior to July 1, 1978, shall not be less than 90 per centum of the amount to which that agency was entitled during the preceding fiscal year.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Handicapped Amendments of 1973".

BUREAU FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 2. (a) Section 603 of the Education of the Handicapped Act is amended by inserting "(a)" after "SEC. 603." and by adding at the end thereof the following new subsection:

"(b)(1) The bureau established under subsection (a) shall be headed by an Associate Commissioner of Education who shall be appointed by the Commissioner and who shall report directly to the Commissioner, be compensated at the rate specified for, and placed in, grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) In addition to such Associate Commissioner, there shall be placed in such bureau four positions for persons to assist the Associate Commissioner in carrying out his duties, and such positions shall be placed in grade 16 of the General Schedule set forth in section 5332 of title 5, United States Code."

(b)(1) The positions created by subsection (b) of section 603 of the Education of the Handicapped Act shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code, and such positions shall be in addition to, and without prejudice against, the number of positions otherwise placed in the Office of Education under such section 5108 or under other law.

(2) The amendments made by subsection (a) shall become effective upon the enactment of this Act.

ADVISORY COMMITTEE

SEC. 3. (a) Section 604(b) of the Education of the Handicapped Act is amended by adding at the end thereof the following new sentence: "The Advisory Committee shall continue to exist until July 1, 1976.".

(b) Section 604 of such Act is amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated for the purposes of this section $100,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years.".

GRANTS TO THE STATES

SEC. 4. (a) Section 611(a) of the Education of the Handicapped Act is amended by inserting before the period the following: "in order to provide full educational opportunity to all handicapped children.".

(b) Subsection (b) of section 611 of the Education of the Handicapped Act is amended to read as follows:

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $65,000,000 for the fiscal year ending June 30, 1974, $80,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976."

(c) The amendment made by subsection (a) shall become effective and shall be deemed to have been enacted on July 1, 1973.

ADDITIONAL STATE PLAN REQUIREMENT

SEC. 5. (a)(1) Section 612(a)(2) of the Education of the Handicapped Act is amended by striking out "$200,000" and inserting in lieu thereof "$300,000."

(2) Section 612(a) of such Act is amended by inserting at the end thereof the following new paragraph:

"(3) Effective after June 30, 1973, no State shall, in any fiscal year, be required to expend allotments allotted pursuant to this section to carry out the provisions of paragraph (1) of section 613(b) unless that State receives an amount greater than the amount allotted to that State for the fiscal year ending June 30, 1973.".

(b) Section 613(a)(1) of such Act is amended by striking out "$100,000" and inserting in lieu thereof "200,000".

(c)(1) Section 613 of such Act is amended by redesignating subsections (b), (c), and (d) of such section, and all references thereto, as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

"(b)(1) Any State which desires to receive a grant under this part for any fiscal year beginning after June 30, 1975, shall submit to the Commissioner for approval by December 31, 1974, through its State educational agency an amendment to the State plan required under subsection (a), setting forth in detail the policies and procedures which the State will undertake in order to assure that—

"(A) all children residing in the State who are handicapped regardless of the severity of their handicap and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

"(B) the policies and procedures will be established in accordance with detailed criteria prescribed by the Commissioner to protect the confidentiality of such data and information by the State;

"(C) there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal; and

"(D) the amendment submitted by the State pursuant to this subsection shall be available to parents and other members of the general public at least thirty days prior to the date of submission of the amendment to the Commissioner.

For the purpose of this part, any amendment to the State plan required by this subsection and approved by the Commissioner shall be considered, after June 30, 1975, as a required portion of the State plan.

"(2) The requirement of paragraph (1) of this subsection shall not be effective with respect to any fiscal year in which the aggregate of the amounts allotted to the States for this part for that fiscal year is less than $45,000,000.".

(2) Section 613(e)(1) of such Act (as redesignated by this section) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)".

(d) the amendment made by subsections (a)(1) and (b) of this section shall be effective in any fiscal year for which the aggregate of the amounts allotted to the States for that fiscal year for carrying out part B of the Education of the Handicapped Act is $45,000,000 or more.

CENTERS AND SERVICES

SEC. 6. (a) Section 626 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 626. For the purpose of carrying out this part, there are authorized to be appropriated $37,000,000 for the fiscal year ending June 30, 1974, $53,000,000 for the fiscal year ending June 30, 1975, and $70,000,000 for the fiscal year ending June 30 1976.".

(b) The amendment made by subsection (a) shall become effective and shall be deemed to have been enacted on July 1, 1973.

PERSONNEL TRAINING

SEC. 7. (a) Section 636 of the Education of the Handicapped Act is amended by striking out that part thereof which follows "this part", and inserting in lieu thereof "$40,500,000 for the fiscal year ending June 30, 1974, $45,500,000 for the fiscal year ending June 30, 1975, and $50,500,000 for the fiscal year ending June 30, 1976.".

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted July 1, 1973.

RESEARCH

SEC. 8. (a) Section 644 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purpose of carrying out this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, $14,000,000 for the fiscal year ending June 30, 1975, and $18,000,000 for the fiscal year ending June 30, 1976.".

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

INSTRUCTIONAL MEDIA

SEC. 9. (a)(1) That part of section 652(b) of the Education of the Handicapped Act which precedes clause (1) is amended by inserting "(either directly or by grants or contracts)" after "authorized".

(2) Section 654 of such act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purposes of carrying out this part there are hereby authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $18,000,000 for the fiscal year ending June 30, 1975, and $22,000,000 for the fiscal year ending June 30, 1976, and for each succeeding fiscal year thereafter.".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1973.

SPECIFIC LEARNING DISABILITIES

SEC. 10. (a) Section 661(c) of the Education of the Handicapped Act is amended by striking out "$12,000,000" and all that follows down to but not including the period at the end of such section and inserting in lieu thereof the following: "$5,000,000 for the fiscal year ending June 30, 1974, $7,500,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

AMENDMENT TO VETERANS-COST-OF INSTRUCTION PAYMENTS OF THE HIGHER EDUCATION ACT

SEC. 11. (a) Paragraph (1) of section 420 (a) of the Higher Education Act of 1965, as amended, is amended by—

(1) inserting "(A)" before "110"; and

(2) inserting before the period a comma and the following: "or (B) 10 per centum of the total number of undergraduate students in attendance at such institution during such academic year".

(b) The amendments made by subsection (a) shall be effective on the date of enactment of this Act and with respect to all appropriations available for obligation under such section 420 on such date.

IMPACT AID PAYMENTS IN AREAS EXPERIENCING DECREASES IN, OR CESSATION OF, FEDERAL ACTIVITIES

SEC. 12. In the case of any local educational agency which experiences a decrease in the number of children determined by the Commissioner of Education under section 3 of the Act of September 1950 (Public Law 874, Eighty-first Congress) of 10 per centum or more of such number—

(1) during the fiscal year ending June 30, 1974, or the fiscal year ending June 30, 1975; or

(2) during the period beginning July 1, 1973, and ending June 30, 1975;

as the result of a decrease in, or cessation of, Federal activities affecting military installations in the United States announced after April 16, 1973, the amount to which such agency shall be entitled under such Act, as computed under section 3(c) of such Act, for any fiscal year ending prior to July 1, 1978, shall not be less than 90 per centum of the amount to which that agency was entitled during the preceding fiscal year.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that staff members of the Committee on Labor and Public Welfare be permitted in the Chamber during consideration of this measure——

Mr. ROBERT C. BYRD. Mr. President, will the Senator identify the staff members?

Mr. RANDOLPH. Yes; I am going to. Patria Forsythe, Anne Hocutt, Roy Millenson, Michael Francis, Jonathan Steinberg.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, this is important legislation, even though it comes toward the end of the day. We seek to extend, through this bill, the Education of the Handicapped Act.

I am gratified that standing with me in the Chamber at this time is the Senator from Vermont (Mr. STAFFORD), who is the ranking Republican member of our Subcommittee on the Handicapped. He has knowledge of this legislation, its importance, and he may wish to be heard.

It is a privilege to present to the Senate S. 896, which will continue programs under the Education of Handicapped Act, for 3 years. This legislation reauthorizes vital programs for handicapped children and youth, presently being administered in the Bureau of Education for the Handicapped in the U.S. Office of Education. I am pleased that this measure has received the unanimous support of the members of the Labor and Public Welfare Committee.

Since January of 1967, a small investment of funds has caused the ferment which has produced and developed a variety of programs to provide supportive services to aid the education of handicapped children. These programs include support for training professional personnel, specific research funds, instructional media, demonstrations, exemplary projects and grants-in-aid to States to assist them in the development of their priorities to improve educational services to handicapped children. The Bureau itself has demonstrated the advantage of having all the legislation related to the education of the handicapped administered in one place in the Office of Education. It is the advantage of program coordination—the ability to focus efforts on the particular problems of education for these children. The Bureau of Education for the handicapped makes it possible to coordinate the funds for the important components (research, training, and service), to be organized under one authority rather than scattered throughout the various agencies in the Office of Education.

The Subcommittee on the Handicapped which I am privileged to chair, conducted 3 full days of hearings—March 20, 21, and 23. The more than 40 witnesses came from every walk of life, including parents, handicapped persons, representatives of major professional and volunteer organizations, movie, television and sports world figures, students, State representatives, State directors of special education programs, former Office of Education officials, university and school faculty members. All agree that their experience with the Bureau of Education for the Handicapped and its programs had been one that produced positive results. The witnesses stressed the importance of the leadership and technical assistance they received from the Bureau of Education for the Handicapped.

During the field hearings on S. 6 "the education of all handicapped children act" introduced by Senator WILLIAMS, the able chairman of the Senate Committee on Labor and Public Welfare, witnesses related how important it was to have a focal point in the U.S. Office of Education. It is quite clear that efforts of the Bureau of Education for the Handicapped are directed toward the breaking down of the traditional redtape and jurisdictional barriers of institutions, and the direction of the programs are designed with the handicapped child as the center of all activities. The administration in the Bureau of Education for the Handicapped have made possible a cooperative and coordinated venture with all Federal, State, local, and private agencies, services to handicapped children and youth. After carefully studying documentation of the cost effectiveness of these programs as well as the services achieved I am convinced that this is the most economical way to provide the supportive resources to our handicapped children.

You will note that our committee made a sincere effort to keep our authorizations realistic. The figures for fiscal year 1974 are $425 million less than those originally proposed in S. 896; for fiscal year 1975 they are $512 million less; and for fiscal year 1976 they are $589,500,000 less. Overall, the authorization figures in the reported bill are $1,527 million less than in S. 896 as introduced.

It should be further noted that the authorization for fiscal year 1974 is actually $313,500,000 less than the existing fiscal year 1973 authorization of $483 million. What we have done is attempted to match the authorizations to the anticipated appropriations.

There are seven parts to this legislation which authorize the continuation of:

First. The Bureau of Education for the Handicapped and a National Advisory Committee on Handicapped Children and Youth.

Second. Grants to the States and outlying areas to assist them in initiating, expanding and improving programs for the education of the handicapped. Additionally, States are now required to submit to the Commissioner of Education for approval a plan setting forth in detail the policies and procedures for the identification, diagnosis, and evaluation of all handicapped children residing within the State.

Third. Grants for centers for deaf-blind children, experimental preschool and early education programs and regional resource centers for handicapped children.

Fourth. Grants to institutions of higher education, junior and community colleges to assist in the recruitment and training of special education personnel as well as physical education personnel.

Fifth. Grants and contracts to support research and demonstration projects related to both special education and physical education.

Sixth. Authorize the National Center on Educational Media and Materials for the Handicapped, which will serve as the centralized agency to coordinate all programs of instructional media centers and captioned films, services.

Seventh. Authorized special programs of identification and services to children with learning disabilities.

In addition, during committee consideration, two amendments were adopted to secure more equitable distribution of veterans-cost-instruction grants under the Higher Education Act and to provide a more orderly phaseout of impact aid (Public Law 874) for school districts whose payments will be reduced due to cutbacks on military installations.

Mr. President, the problems affecting handicapped children must be solved. The pending measure, S. 896, has been carefully reviewed and it encompasses an essential program to continue the effort of Federal aid for the education of handicapped youth. I strongly urge approval of this legislation and I hope that the vital programs it authorizes will be fully funded. Our Nation must insure that the handicapped child has access to his rightful share of America's opportunities.

Mr. STAFFORD. Mr. President, I join in the statement that has just been made by the distinguished Senator from West Virginia (Mr. RANDOLPH), who has been chairman of the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare with such distinction this year.

I have been privileged to serve under his leadership on the committee. I would like to be associated with what the Senator from West Virginia has just said.

Mr. President, let me very briefly note that there are 7 million—1 million of preschool age—deaf, blind, retarded, speech-impaired, motor-impaired, emotionally disturbed, or other health-impaired children in the United States who require special education programs. Although these children represent approximately 10 percent of the school age population—a conservative estimate—and although the number of children receiving special help has grown from 2.1 million to nearly 3 million in the past 5 years, current data indicates that less than 40 percent are receiving an adequate education.

It is the committee's belief that good education programs are an investment rather than merely an expenditure of funds, for even the most severely handicapped child can be made less dependent through education. It costs taxpayers about $250,000 to support a totally dependent person over his lifetime in an institution. Given the opportunity, these children can become self-sufficent, productive members of society, rather than remaining dependent on society. Therefore, from both a humanitarian and an economic standpoint, it is obvious that an adequate education must be made available now for all handicapped children.

Mr. President, it is for that reason that I and the other members of the subcommittee and the full committee have joined with the Senator from West Virginia in urging that the Senate pass S. 896, a bill to amend the Education of the Handicapped Act and to extend the program for 3 years.

Mr. HUMPHREY. Mr. President, I am deeply interested in this program. I do want to thank the distinguished Senator from West Virginia for his leadership and also want to thank the distinguished Senator from Vermont and the other members of the subcommittee and the full committee. However, I must say that I am deeply disturbed over the amounts that are contained in the bill. I have some interest in this subject matter.

My wife served for several years on the President's Committee for the Mentally Retarded. Our family has done considerable work in the field of the education and training of the handicapped. It has been said that approximately 70 percent of the school age population are handicapped, whether brain injury, mental retardation, blind, deaf, emotional instability, or whatever the case may be. Yet, only about 40 percent of those receive what one would call a good education.

Despite that, Mr. President, the circuit courts have ruled, and it has not been upset by any Supreme Court ruling, that a handicapped child is entitled to the same type of high quality education as a normal child. In fact, in decision after decision in Federal and State courts, this doctrine of full and equal educational opportunity has been established for all children, including the handicapped.

I note that Congress, when it comes to dealing with the problems of the handicapped, always finds some reason for not doing what it should do. We have spent vast sums of money for the economically deprived. I support that endeavor. That is covered in title I of the Elementary and Secondary Education Act. That is very good legislation, and the authorizations under that title are much needed.

I have deep concern about the reductions that have been recommended by the administration through the Office of Management and Budget relating to title I funds under the Elementary and Secondary Education Act. I believe that it is being irresponsible to deny the funds that are needed for those who may be the children of the families of poverty, or, as we put, it, to deny funds for those that are deprived. There are those of us who think that deprivation can be more than economic. As a matter of fact, that may lend itself more readily to remedy than otherwise.

A person with learning inabilities is deprived, and that deprivation is every bit as significant. That child suffers whether he comes from the poorest family in the Nation or from one of the richer families. Children who suffer learning disabilities or who suffer from cultural deprivation are entitled to consideration.

This proposal of the Senate is directed toward those inadequacies and those limitations of the human mind and body, those who suffer from what we call physical or mental handicap. This has been defined in specifics, such as those who are blind, deaf, have severe learning disabilities, or who are mentally retarded. They are the victims of mental illness, emotional instability, or any of the other specifics.

I am simply pointing out that the time has come for Congress to face up to the responsibility of helping those who really need the help. I happen to know that there are thousands and thousands of young people, children, and others who are not getting the special education that we talk about in this act or under the declaration of purpose as certified by Congress. I know that classrooms are being closed down in the field of special education because there are not adequate funds to keep them open. I know that there has been a shortage of teachers specially trained for children who have severe learning disabilities.

The bill before us, of course, provides for training centers, provides for funds for colleges to train the teachers who have the need of such training for the purposes of special education. I speak tonight at this late hour to make my voice heard here because as one Senator I am a little weary of our constantly worrying about whether we are going to appropriate or authorize too much money for this area of human need.

There is no area of human need that is greater than this. Just as we learned in the Veterans' Administration years ago that we could give specialized medical and psychiatric attention to those who were so-called mentally ill, and thereby restore them to normal living and thus greatly reduce the cost of that medical care, I want to say once again that by special education for those who are physically or mentally handicapped, we not only can brighten the lives of the recipients of the education, but we can save the taxpayers millions of dollars. Indeed, we can see that many of these people who are today suffering from severe learning disabilities become skilled or semiskilled, can become sufficiently well educated to care for themselves.

But whatever may be the result of the educational experience, the individual who is called handicapped as defined in this proposed legislation deserves a full measure of justice—a full measure, not a teaspoon, not a cupful, but a full measure. I notice that a number of these proposed authorizations which were made in the first place have been severely cut.

For example, for personnel training, on page 7, the figure of $103 million has been reduced to $40.5 million for the fiscal year ending June 30, 1974, the figure has been reduced from $110 million to $45.5 million for the fiscal year ending June 30, 1975, and the figure of $115 million has been reduced to $50.5 million for the fiscal year ending June 30, 1976. Likewise, there are other areas in the bill in which there have been very substantial reductions of figures, such as for grants to States under section 4.

For the purpose of making grants under this part, there are authorized to be appropriated $300 million, and the figure has been reduced to $65 million for the year ending June 30, 1974. The figure was $400 million, and it has been reduced to $80 million for the fiscal year ending June 30, 1975.

Mr. RANDOLPH. Mr. President, may I interrupt the Senator at that point?

Mr. HUMPHREY. I yield.

Mr. RANDOLPH. I concur, of course, with what the able Senator from Minnesota is saying. It should be noted, however, that our subcommittee developed a realistic measure—one that can and must be fully funded. I would point out that the administration requested for fiscal year 1973 under the grants to the States program only $37.5 million. So we are faced with a problem that the Senator can understand.

Mr. HUMPHREY. Is the Senator talking about the action of the Office of Management and Budget?

Mr. RANDOLPH. That is correct.

Mr. HUMPHREY. In other words, for fiscal year 1973, which is the year we are now in up until the date of June 30 of this year, the amount has been reduced back to $37,500,000?

Mr. RANDOLPH. Yes. The Congress authorized $220 million for the grants to the States program for fiscal year 1973.

Mr. HUMPHREY. I am very glad that the Senator brings this to my attention, because I want the record to be very clear—unmistakably clear—that the Senator from West Virginia is one of the most kind, compassionate, and generous men I have ever known. I know of his deep interest in education, particularly in the care of the handicapped, the unemployed, the distressed, whatever group it may be, and my remarks were directed toward what I know are the pressures that have been brought to bear on this legislation.

I was very much upset when the President vetoed the act for the handicapped, and I spoke with considerable emotion in the Chamber. I only wish I had done a better job, because to me it was inconceivable that we should not have overridden that veto.

Mr. RANDOLPH. But we have come back with another bill for a rehabilitation program. We are not stopping.

Mr. HUMPHREY. Oh, the Senator was tenacious and persevering. He came back, I know that. I am simply saying that I deeply resent the administration's efforts to cut these funds. I know we face the possibility of veto, but I did not come back to the U.S. Senate to please the President or the Director of the Office of Management and Budget. One of the reasons I tried to get back to the Senate is this legislation right here, because I have visited literally dozens of schools in which the children were mentally retarded. I know a great deal about it. I have been into literally dozens of hospitals in which there are the handicapped. This goes to my heart, my soul, and my purpose in life, and I am not going to quit talking about this kind of legislation until we do better.

I know that this is a step in the right direction, and I know that this kind of legislation does not get even the attention that a piece of military assistance legislation gets, but it is much more important to this country than all the military assistance we are going to provide in the bill we have been working on this afternoon. As far as I am concerned, the Military Assistance Act is useless compared with this legislation. Therefore, of course, I am grateful that the committee has brought this legislation to us.

But I want to say that I am not content with the minimum amount of support that we give. I believe we ought to go the extra mile. I think the country can afford it. When I read about the profits, when I read about the unbelievable prosperity that some people enjoy, I think that we can afford to take care of what the Scriptures call "the least of these." These are the people who need help more than anyone else. I know that the poor need help. I am for it, and my record shows that. But if we really want to meet someone who is poor, meet a mentally retarded child. If we really want to see some anguish, see that child's family. Then, if we really want to break someone's heart, see what it means to have a mentally retarded or physically handicapped child denied the chance for a decent education because the Government of the United States pennypinches.

We ought to be pouring the money into this program, because it works. This is a program that works. We are putting as much money into trying to prevent people from hijacking airplanes as we are to take care of handicapped children, and I want to get my priorities straightened out.

I do not want my remarks to be interpreted, may I say with all the assurance I can command, as criticism of either Senator here. I know the limitations of what they are up against, but I refuse to shut up in the Senate about this issue, because, just as we have done many things here that it took a long time to get done, I am going to keep at it until we break through this crust of indifference in the higher echelons of the Government about the care of the physically and mentally handicapped.

When I was Vice President of the United States, I attended every meeting that was directed toward this purpose. Today, we cannot find anyone else on the President's Committee for the Employment of the Handicapped except a Senator like my dear friend from West Virginia and or our good friend from Vermont (Mr. STAFFORD). But as the Vice President, I was there. I will tell you, Mr. President, that I have been fed up with what I consider to be executive indifference to this great need in our country.

Of course I shall vote for the bill. I know that if we expand it and we go too far, we will go down the drain. I realize the art of the possible. I am a legislator of many years' experience. But I want to make the record clear once again to the Director of the Office of Management and Budget, to the Secretary of HEW, and to the President of the United States, that rather than telling a committee of Congress to go slow, that President, that Secretary, and that Director should, in the name of human decency and compassion, be telling Congress to move ahead with giant strides.

Mr. President, that is what I am trying to do as one Senator.

Mr. RANDOLPH. Mr. President, I would never want the voice of the distinguished Senator from Minnesota (Mr. HUMPHREY) to be stilled. He has pledged to continue the crusade for justice to this segment of our population, and I deeply appreciate his commitment.

Included in the measure is an amendment that will call for the identification, location, evaluation, and practical ways for determining which children are currently receiving needed special education and related services, and which children are not currently receiving needed special education and related services. The distinguished chairman of our full committee, Senator WILLIAMS, offered this amendment in subcommittee, and it was unanimously accepted with enthusiasm by the members of both the Subcommittee on the Handicapped and our full committee. This provision will be a significant part of our efforts in the future to secure increased program funding to aid in the education of handicapped children. This is a goal toward which we must continue to strive.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. RANDOLPH. Mr. President, I send to the desk an amendment to make a technical correction in the bill.

The clerk will state the amendment of the Senator from West Virginia.

The assistant legislative clerk read as follows:

On page 4, line 1, strike out "(a)" and insert in lieu thereof "(b)".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 896) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 896

An Act to amend the Education of the Handicapped Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Handicapped Amendments of 1973".

BUREAU FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 2. (a) Section 603 of the Education of the Handicapped Act is amended by inserting "(a)" after "SEC. 603." and by adding at the end thereof the following new subsection:

"(b) (1) The bureau established under subsection (a) shall be headed by an Associate Commissioner of Education who shall be appointed by the Commissioner and who shall report directly to the Commissioner, be compensated at the rate specified for, and placed in, grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) In addition to such Associate Commissioner, there shall be placed in such bureau four positions for persons to assist the Associate Commissioner in carrying out his duties, and such positions shall be placed in grade 16 of the General Schedule set forth in section 5332 of title 5, United States Code."

(b) (1) The positions created by subsection (b) of section 603 of the Education of the Handicapped Act shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code, and such positions shall be in addition to, and without prejudice against, the number of positions otherwise placed in the Office of Education under such section 5108 or under other law.

(2) The amendments made by subsection (a) shall become effective upon the enactment of this Act.

ADVISORY COMMITTEE

SEC. 3. (a) Section 604(b) of the Education of the Handicapped Act is amended by adding at the end thereof the following new sentence: "The Advisory Committee shall continue to exist until July 1, 1976.".

(b) Section 604 of such Act is amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated for the purposes of this section $100,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years.".

GRANTS TO THE STATES

SEC. 4. (a) Section 611(a) of the Education of the Handicapped Act is amended by inserting before the period the following: "in order to provide full educational opportunity to all handicapped children.".

(b) Subsection (b) of section 611 of the Education of the Handicapped Act is amended to read as follows:

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $65,000,000 for the fiscal year ending June 30, 1974, $80,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976."

(c) The amendment made by subsection (b) shall become effective and shall be deemed to have been enacted on July 1, 1973.

ADDITIONAL STATE PLAN REQUIREMENT

SEC. 5. (a) (1) Section 612(a) (2) of the Education of the Handicapped Act is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

(2) Section 612(a) of such Act is amended by inserting at the end thereof the following new paragraph:

"(3) Effective after June 30, 1973, no State shall, in any fiscal year, be required to expend amounts allotted pursuant to this section to carry out the provisions of paragraph (1) of section 613(b) unless that State receives an amount greater than the amount allotted to that State for the fiscal year ending June 30, 1973.".

(b) Section 613(a) (1) of such Act is amended by striking out "$100,000" and inserting in lieu thereof "$200,000".

(c) (1) Section 613 of such Act is amended by redesignating subsections (b), (c), and (d) of such section, and all references thereto, as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

"(b) (1) Any State which desires to receive a grant under this part for any fiscal year beginning after June 30, 1975, shall submit to the Commissioner for approval by December 31, 1974, through its State educational agency an amendment to the State plan required under subsection (a), setting forth in detail the policies and procedures which the State will undertake in order to assure that—

"(A) all children residing in the State who are handicapped regardless of the severity of their handicap and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

"(B) the policies and procedures will be established in accordance with detailed criteria prescribed by the Commissioner to protect the confidentiality of such data and information by the State;

"(C) there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal; and

"(D) the amendment submitted by the State pursuant to this subsection shall be available to parents and other members of the general public at least thirty days prior to the date of submission of the amendment to the Commissioner.

For the purpose of this part, any amendment to the State plan required by this subsection and approved by the Commissioner shall be considered, after June 30, 1975, as a required portion of the State plan.

"(2) The requirement of paragraph (1) of this subsection shall not be effective with respect to any fiscal year in which the aggregate of the amounts allotted to the States for this part for that fiscal year is less than $45,000,000.".

(2) Section 613(e) (1) of such Act (as redesignated by this section) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)".

(d) The amendment made by subsections (a) (1) and (b) of this section shall be effective in any fiscal year for which the aggregate of the amounts allotted to the States for that fiscal year for carrying out part B of the Education of the Handicapped Act is $45,000,000 or more.

CENTERS AND SERVICES

SEC. 6. (a) Section 626 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 626. For the purpose of carrying out this part, there are authorized to be appropriated $37,000,000 for the fiscal year ending June 30, 1974, $53,000,000 for the fiscal year ending June 30, 1975, $70,000,000 for the fiscal year ending June 30, 1976.".

(b) The amendment made by subsection (a) shall become effective and shall be deemed to have been enacted on July 1, 1973.

PERSONNEL TRAINING

SEC. 7. (a) Section 636 of the Education of the Handicapped Act is amended by striking out that part thereof which follows "this part", and inserting in lieu thereof "$40,500,000 for the fiscal year ending June 30, 1974, $45,500,000 for the fiscal year ending June 30, 1975, and $50,500,000 for the fiscal year ending June 30, 1976.".

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted July 1, 1973.

RESEARCH

SEC. 8. (a) Section 644 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purpose of carrying out this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, $14,000,000 for the fiscal year ending June 30, 1975, and $18,000,000 for the fiscal year ending June 30, 1976.".

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

INSTRUCTIONAL MEDIA

SEC. 9. (a) (1) That part of section 652(b) of the Education of the Handicapped Act which precedes clause (1) is amended by inserting "(either directly or by grants or contracts)" after "authorized".

(2) Section 654 of such act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purposes of carrying out this part there are hereby authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $18,000,000 for the fiscal year ending June 30, 1975, and $22,000,000 for the fiscal year ending June 30, 1976, and for each succeeding fiscal year thereafter.".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1973.

SPECIFIC LEARNING DISABILITIES

SEC. 10. (a) Section 661(c) of the Education of the Handicapped Act is amended by striking out "$12,000,000" and all that follows down to but not including the period at the end of such section and inserting in lieu thereof the following: "$5,000,000 for the fiscal year ending June 30, 1974, $7,500,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

AMENDMENT TO VETERANS-COST-OF-INSTRUCTION PAYMENTS OF THE HIGHER EDUCATION ACT

SEC. 11. (a) Paragraph (1) of section 420 (a) of the Higher Education Act of 1965, as amended, is amended by—

(1) inserting "(A)" before "110"; and

(2) inserting before the period a comma and the following: "or (B) 10 per centum of the total number of undergraduate students in attendance at such institution during such academic year".

(b) The amendments made by subsection (a) shall be effective on the date of enactment of this Act and with respect to all appropriations available for obligation under such section 420 on such date.

IMPACT AID PAYMENTS IN AREAS EXPERIENCING DECREASES IN, OR CESSATION OF, FEDERAL ACTIVITIES

SEC. 12. In the case of any local educational agency which experiences a decrease in the number of children determined by the Commissioner of Education under section 3 of the Act of September 1950 (Public Law 874, Eighty-first Congress) of 10 per centum or more of such number—

(1) during the fiscal year ending June 30, 1974, or the fiscal year ending June 30, 1975; or

(2) during the period beginning July 1, 1973, and ending June 30, 1975;

as the result of a decrease in, or cessation of, Federal activities affecting military installations in the United States announced after April 16, 1973, the amount to which such agency shall be entitled under such Act, as computed under section 3(c) of such Act, for any fiscal year ending prior to July 1, 1978, shall not be less than 90 per centum of the amount to which that agency was entitled during the preceding fiscal year.

Mr. RANDOLPH. Mr. President, I move that the vote bv which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, at this point I express my gratitude to the able chairman of the Committee on Labor and Public Welfare, Senator WILLIAMS; the ranking minority of the full Committee on Labor and Public Welfare, Senator JAVITS; and the ranking minority member of the Subcommittee on the Handicapped, Senator STAFFORD. These Senators have worked long and hard hours on this legislation and are truly dedicated to the education and welfare of handicapped individuals.

I also thank the members of the Subcommittee on the Handicapped and the members of the Committee on Labor and Public Welfare for their support of and enthusiasm for this bill.

ORDER FOR RECOGNITION OF SENATORS PROXMIRE, PERCY, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Illinois (Mr. PERCY) for not to exceed 15 minutes; and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McINTYRE ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday next, after the orders previously entered for the recognition of Senators, the distinguished Senator from New Hampshire (Mr. MCINTYRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the conclusion of the orders for the recognition of Senators tomorrow, the Senate resumes the consideration of the unfinished business, S. 1443.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM TOMORROW TO 9 A.M. ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 9 a.m. on Wednesday, June 27, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD A BILL AT DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill, H.R. 8510, be held at the desk pending the report of the Senate companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes: Senators PROXMIRE and PERCY; after which the Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 5 minutes. The Senate will then resume the consideration of the unfinished business, S. 1443, Defense Articles Furnished to Foreign Countries.

The pending question at that time will be on agreeing to the amendment of the Senator from Wyoming (Mr. MCGEE) and the Senator from New York (Mr. JAVITS), on which there is a limitation of 2 hours.

The yeas and nays have been ordered on the amendment, and it is hoped that the vote may occur by or before noon if time can be yielded back.

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. I want to emphasize that on the agreement for a limit of not to exceed 2 hours, it is conceivable the vote could come earlier than the 2 hours. Is that not correct?

Mr. ROBERT C. BYRD. That is correct.

Senators are alerted to the fact that there will be several rollcall votes tomorrow.

RECESS TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to, and at 6:08 p.m. the Senate recessed until tomorrow, Tuesday, June 26, 1973, at 10 a.m.

NOMINATION

Executive nomination received by the Senate June 25, 1973:

DIPLOMATIC AND FOREIGN SERVICE

Philip K. Crowe, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

HOUSE OF REPRESENTATIVES—*Monday, June 25, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, offered the following prayer:

The kingdom of God is not meat and drink; but righteousness and peace and joy in the Holy Spirit.—Romans 14:17.

O Thou who art the Author of life and liberty and the Companion of our pilgrim way, we turn from the tumult of these trying times to the quiet shelter of Thy presence where we can be still and know that Thou art God.

Through all the confusion of conflicting circumstances show us the path of Thy will for our troubled age and give us the courage to work on it.

Strengthen us for the duties of this day and sustain us with Thy spirit that we fail not man nor Thee. So may our hearts be steadfast, free from stress and strain, and filled with peace and power: For Thine is the kingdom, the power, and the glory forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7200) entitled "An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5383. An act to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes;

H.R. 6330. An act to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia; and

H.R. 8537. An act to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7528) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Moss, Mr. Symington, Mr. Cannon, Mr. Goldwater, and Mr. Curtis to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 795) entitled "An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Pell, Mr. Nelson, Mr. Eagleton, Mr. Mondale, Mr. Javits, and Mr. Taft to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 9. An act to consent to the Interstate Environment Compact;

S. 268. An act to authorize the Secretary of the Interior, pursuant to guidelines established by the Executive Office of the President, to make grants to assist the States to develop and implement State land use programs and to coordinate land use planning in interstate areas; to coordinate Federal programs and policies which have land use impacts; to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands; to make grants to Indian tribes to assist them to develop and implement land use programs for reservation and other tribal lands; to encourage research on and training in land use planning and management; and for other purposes;

S. 433. An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes;

S. 925. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

S. 1636. An act to amend the International Economic Policy Act of 1972;

S. 1994. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 95. Joint resolution relating to the taking of the 1974 Census of Agriculture.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON PUBLIC WORKS-AEC APPROPRIATIONS, 1974

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the public works for water and power development and Atomic Energy Commission appropriation bill for 1974.

Mr. RHODES reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to announce that the nine bills from the Committee on Ways and Means originally scheduled for today will be called up tomorrow instead at the request of the committee chairman.

On tomorrow the reports on the bills will have been available for the required 3 days.

TRAGIC DEATH OF THE HONORABLE JAMES V. SMITH

(Mr. STEED asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEED. Mr. Speaker, it is my sad duty to inform the House of the tragic and untimely death on Saturday last of our former colleague and friend, Hon. James V. Smith of Chickasha, Okla.

Mr. Smith was killed as a result of an accident and fire that occurred in his wheatfield near Chickasha about 2:30 o'clock in the afternoon.

He served as a Member of the 90th Congress and then became Administrator of the Farmers Home Administration, where he served with outstanding distinction until this year. The greatest achievements in the history of the FHA was made during his tenure as Administrator. Upon his retirement earlier this year he was honored by a special order in the House in which a large number of Members who had served with him participated.

He is survived by his widow, Mrs. Mary Belle Couch Smith, and three children, Jay, Sarah and Lee Ann, all of the home in Chickasha.

Funeral services will be held Tuesday, June 26, at 1:30 p.m., in the Central Church of Christ in Chickasha.

My wife joins me in extending condolences to the family.

PROPOSED AMENDMENTS TO LABOR-HEW APPROPRIATION BILL

(Mr. MICHEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, tomorrow when we consider the Labor-HEW appropriation bill I expect to offer a package of amendments that would have the effect of reducing the overall expenditure level in the bill by some $631 million.

The overall bill covers approximately 370 individual line items, but my amendment will cover only 26. For those unfamiliar with the bill it would be rather difficult to determine precisely what effect my amendments would have by a simple printing of the text of the amendment, so I shall include a table in the Record today. I have just received unanimous consent to extend my remarks and include a table in the Extensions of Remarks, setting forth the specific items with figures showing the level of expenditure in the current fiscal year 1973, the President's budget figure for the item in fiscal year 1974, what was recommended by the full committee in the bill, the amount of my proposed amendment and, finally, the figure for the items covered if my package of amendments should be adopted.

PROPOSED AMENDMENT TO WAR POWERS RESOLUTION

(Mr. DENNIS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. DENNIS. Mr. Speaker and Members of the House, when we consider the war powers resolution, House Joint Resolution 542, on Wednesday afternoon under the 5-minute rule, I intend to offer as an amendment, in the nature of a substitute, a war powers bill which I have drawn which would differ in several important respects from that resolution, notably in the fact that under my bill an affirmative vote on the part of the Congress would be necessary in order to require the President to terminate hostilities abroad rather than permitting the expiration of a time by inaction on our part which would bring such hostilities to a close.

Mr. Speaker, I insert in the Record at this point my proposed amendment:

Amendment Offered by Mr. Dennis in the Nature of a Substitute to the Bill, House Joint Resolution 542, as Reported

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. In the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, the Armed Forces of the United States shall not be committed to combat or introduced into a situation where combat is imminent or likely at any place outside of the United States, its territories and possessions, without prior notice to and specific prior authorization by the Congress, except in case of emergency or necessity, the existence of which emergency or necessity is to be determined by the President of the United States.

Sec. 2. Whenever, in the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, the President of the United States nevertheless determines that an emergency or necessity exists which justifies such action, and shall, by consequence, commit the Armed Forces of the United States to combat or shall introduce them into a situation where combat is imminent or likely at any place outside of the United States, its territories or possessions, without prior notice to and authorization by the Congress, as is provided and authorized in such cases under and pursuant to the provisions of section 1 of this Act, the President shall report such action to the Congress in writing, as expeditiously as possible and, in all events, within twenty-four hours from and after the taking of such action. Such report shall contain a full account of the circumstances under which such action was taken and shall set forth the facts and circumstances relied upon by the President as authorizing and justifying the same. In the event the Congress is not in session the President shall forthwith convene the Congress in an extraordinary session and shall make such report to the Congress as expeditiously as possible and, in all events, within forty-eight hours from and after the taking of such action.

Sec. 3. Not later than ninety days after the receipt of the report of the President provided for in section 2 of this Act, the Congress, by the enactment within such period of a bill or resolution appropriate to the purpose, shall either approve, ratify, confirm, and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove and require the discontinuance of the same.

Sec. 4. If the Congress, acting pursuant to and under the provisions of section 3, shall approve, ratify, and confirm and shall authorize the continuation of the action taken by the President and so reported to the Congress, the President shall thereafter report periodically in writing to the Congress at intervals of not more than six months as to the progress of any hostilities involved and as to the status of the situation, and the Congress shall, within a period of thirty days from and after the receipt of each such six-month report, again take action by the enactment of an appropriate bill or resolution, to either ratify, approve, confirm, and authorize the continuation of the action of the President, including any hostilities which may be involved, or to disapprove and require the discontinuance of the same.

Sec. 5. If the Congress shall at any time, acting under the provisions of section 3 or section 4, disapprove the action of the President and require the discontinuance of the same, then the President shall discontinue the action so taken by him and so reported to the Congress, and shall terminate any hostilities which may be in progress and shall withdraw, disengage, and redeploy the Armed Forces of the United States which may be involved, just as expeditiously as may be possible having regard to, and consistent with, the safety of the Armed Forces of the United States, the necessary defense and protection of the United States, its territories and possessions, the safety of citizens and nationals of the United States who may be involved, and the reasonable safety and necessities, after due and reasonable notice, of allied or friendly nationals and troops.

Sec. 6. For the purposes of this Act the Panama Canal Zone shall be taken and deemed to be a territory or possession of the United States.

Sec. 7. Nothing contained in this Act shall alter or abrogate any obligation imposed on the United States by the provisions of any treaty to which the United States is presently a party.

Sec. 8. If any provision of this Act or the application thereof to any particular circumstance or situation is held invalid, the remainder of this Act, or the application of such provision to any other circumstance or situation, shall not be affected thereby.

Sec. 9. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 272]

Abdnor
Adams
Anderson, Calif.
Andrews, N.C.
Ashbrook
Badillo
Beard
Bell
Blatnik
Breaux
Burke, Calif.
Burlison, Mo.
Chisholm
Clark
Danielson
Davis, S.C.
Delaney
Dellums
Derwinski
Diggs
Eckhardt
Fisher
Flynt
Ford,
William D.
Gibbons
Gray
Gross
Gubser
Guyer
Hanna
Heinz
Hogan
Ichord
Jarman
Jordan
Landrum
McCormack
McKinney
Maraziti
Mills, Ark.
Minish
Moorhead, Pa.
Moss
Murphy, N.Y.
O'Neill
Patman
Pepper
Powell, Ohio
Price, Tex.
Reid
Rodino
Rooney, N.Y.
Ryan
Stokes
Thompson, N.J.
Wiggins
Young, Alaska

The SPEAKER. On this rollcall 376 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 7447, SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 19, 1973.)

The SPEAKER. The gentleman from Texas is recognized for 30 minutes.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks in the Record in regard to the pending conference report on the supplemental appropriation bill and also on each of the amendments in disagreement, and that all Members may have permission to insert tables and extraneous matter in connection with their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I am not going to try to make a dramatic speech, but what I am about to say is significant and important and it relates to what the conferees have done on this bill and to what all of us as Members of the Congress have done on appropriation bills since the current fiscal year 1973 began on July 1, 1972.

This bill is for about $3.3 billion, not as large as the $32 billion Labor/HEW bill which will be before us tomorrow, but it seems to me it does merit discussion and explanation.

The conference report we bring to the House is for the last appropriation bill relating to fiscal year 1973 which will be considered by the Congress. It is the 18th appropriation bill to be considered by the Congress during this fiscal year, which began last July 1.

The conference agreement totals $3,362,845,279, which is $244,260,225 below the budget estimates. It is under the Senate-passed bill by $336,394,000.

We did not go over to the other body and capitulate to all of the increases that were made. This is evidenced by the fact that we are below the Senate-passed bill by $336 million.

The conference agreement is $507 million above the House figure, because quite a number of the additional spending proposals were considered in the other body but, because of the timing of these requests, were not considered by the House.

The Senate did consider additional budget estimates of more than $444 million which were not before the House. These new estimates were nearly all for expenses associated with recent flood disasters.

Mr. Speaker, the conference report, of course, is available in the chamber and appears in the RECORD of June 21. I will highlight some of the actions in the conference report.

The bill when it left the House totaled about $2.8 billion. About 86 percent of the programs in the bill was for uncontrollable items. The largest item was $900 million to pay act costs. There was also $614 million for grants to States for public assistance. Public assistance always tends to be higher than the original budget estimates. There was also $370 million for flood and disaster relief programs and $190 million for civil service retirement.

Other uncontrollable items include retired military pay, firefighting costs, Federal workmen's compensation, and claims and judgments.

Another 8 percent of the bill was for higher education items, for which budget estimates were transmitted in the January budget.

The bill as it left the House was $307 million under the budget estimates. The Senate bill was $92 million above the budget. The conference report we bring is $224 million under the budget.

Mr. Speaker, as I have said, the conference figure is $507 million over the House bill. This amount is comprised of the following items: $325 million for SBA disaster loans; $52.5 million for flood related items; $50 million for nutrition programs for the elderly; $30.8 million for education programs; $20 million for the veterans' medical school activities, in which many Members are interested; and $29 million for all other items.

The conference agreement as I said is $336 million under the Senate bill. Much of this difference is represented by the deletion of funds for programs for which there were no budget requests or for which, in fact, the Congress had already appropriated money. The Senate add-ons, in other words, amounted to double appropriations in many instances and were not agreed to in conference.

Mr. Speaker, it took five sessions to get agreement not to make double appropriations for these items. In 10 different items the Senate provided $174 million for health-related items above the House version. The House position is that these funds, except for $7 million, were already available but are not being utilized by the administration. The Senate reluctantly concurred in this position and receded in all items except for the $7 million. We carry certain language in the conference report in regard to the failure of the Executive to expend the funds appropriated by the Congress for the purposes for which they were appropriated.

Mr. Speaker, as indicated, this is the last appropriation bill of the fiscal year. The Congress has considered budget requests for appropriation bill items during this fiscal year of about $182 billion.

A lot of the expenditures of the Government are made without current action of the Congress, such as about $23 billion for interest on the national debt, which is a permanent appropriation which, therefore, does not require annual action. The largest block of items are represented by the trust funds, particularly the social security fund.

In its action on the appropriation bills—I hope the Members will get this figure—the House has reduced requests by about $5.4 billion. Senate action on the appropriation bills it has considered has resulted in decreases amounting to $2.2 billion.

In final action on the appropriation bills for the fiscal year which ends this Saturday, the Congress itself will have reduced requests by an amount aggregating some $5.3 billion. These amounts include inaction on some $966 million net downward amendments contained in the budget submitted to Congress in January.

Mr. Speaker, on the second supplemental there were 84 Senate amendments. We had five separate conference meetings on the bill. Your House conferees did, in my opinion, a good job, and I urge adoption of the conference report.

I would say, in addition to the conference report, there are certain items brought back in disagreement, and there will be time after the adoption of the conference report for consideration of these amendments in disagreement.

Mr. ADDABBO. Will the gentleman yield for a question?

Mr. MAHON. I will be glad to yield to my friend in a moment.

The main item in disagreement relates to the war in Southeast Asia. The House of Representatives, when the supplemental bill passed the House originally, provided that none of the funds in the second supplemental appropriation bill could be used to support directly or indirectly combat activities in, over, or from off the shores of Cambodia by U.S. forces. This was a limited restriction on the President. It was not all-inclusive, because it only applied to funds that were in the House version of the supplemental bill.

When the bill went to the other body an amendment was adopted known as the Eagleton amendment which went well beyond the action of the House. Our action was that no funds in the supplemental bill could be used for bombing in, over, or off the shores of Cambodia. In the Senate, language was included to say no funds in the second supplemental bill and no funds otherwise available to the administration under any other act may be used for combat activity by U.S. forces in, over, or from off the shores of Cambodia or in or over Laos. That is the controversial item which will be considered after we have adopted the conference report.

I now yield to the distinguished gentleman from New York (Mr. ADDABBO), a member of the Committee on Appropriations.

Mr. ADDABBO. Thank you very much, Mr. Chairman.

As a point of clarification for what is going on, with reference to the so-called Long amendment, am I correct to say that this item, which is item 10 in the conference report, which added the words "or in or over Laos by U.S. forces"—am I correct that the committee will offer an amendment to recede and concur?

Mr. MAHON. Yes. In the conference, the House agreed to a Senate amendment. The original House language read as follows:

> None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia by the United States forces.

That was in the House version of the bill which was an amendment by the gentleman from Maryland (Mr. LONG).

Then the Senate expanded that language in amendment 10 by adding the words: "or in or over Laos" by U.S. forces. The gentleman is correct.

Mr. ADDABBO. Will the gentleman yield further for a question?

Mr. MAHON. I am pleased to yield.

Mr. ADDABBO. Will the committee's motion be to recede and concur to amendment 10?

Mr. MAHON. What is in the conference report? We have agreed to include Laos.

Mr. ADDABBO. And as to amendment No. 11, which referred to my amendment, which deleted all transfer authority of funds included, I believe $120 million of additional transfer authority, with the proviso that none of the funds can be used directly or indirectly, in, over or from off the shores of Cambodia or Laos by U.S. forces—as to that amendment, will the chairman move that the House recede and concur?

Mr. MAHON. As the representative of the conference in the House, I will move to recede and concur in the Senate amendment with an amendment. The Senate increased the original transfer authority figure from $750 million to

$920 million. It now develops that since the fiscal year is so near to an end it would not be possible for these funds to be fully utilized, so we agreed to provide $825 million of transfer authority which is not new money in lieu of $920 million. It is an increase of $75 million in transfer authority.

Mr. ADDABBO. Mr. Speaker, will the gentleman from Texas yield further for a question?

Mr. MAHON. I yield to the gentleman from New York.

Mr. ADDABBO. On page 60 of the supplemental bill, amendment No. 83, section 305, reads:

> None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

This is the so-called Eagleton amendment. Will it be the position of the Chairman to move that the House recede and concur in this amendment?

Mr. MAHON. No, the Chairman's position would be to maintain the position of the House with respect to combat activities in Southeast Asia, including Cambodia. And I will move to insist upon our disagreement to the Senate amendment numbered 83 which has just been read by the distinguished gentleman from New York.

Mr. ADDABBO. I thank the chairman.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I would ask the gentleman from Texas if I am correct in my understanding that we have amendment No. 10 which appears in the conference report, and as to that amendment the gentleman from Texas is going to make a motion for the House to recede and concur. This amendment then does not contain the language of the Eagleton amendment?

Mr. MAHON. The gentleman from Pennsylvania is right. Amendment No. 10 is not the Eagleton amendment. Amendment No. 10 relates to the Long amendment which banned the use of funds in the bill for the war in Cambodia by U.S. forces, and, of course, the Senate added:

> "or in or over Laos" by United States forces.

And the House concurs in this language. This is in the conference report. It is not an item in disagreement.

In other words, our action here is in support of the position as expressed by the House on the Long amendment.

Mr. WILLIAMS. If the gentleman from Texas will yield still further, then on amendment No. 83 is it the gentleman's intention to move that the House retain its position on amendment No. 83 because amendment No. 83 actually contains the language of the Eagleton amendment?

Mr. MAHON. The gentleman is correct. On amendment No. 83 we are in disagreement, and that is where the issue will be determined.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield for a further question?

Mr. MAHON. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Speaker, I am a little bit confused. As I understand, the chairman, the gentleman from Texas (Mr. MAHON) is defending the position of the House with respect to the preclusion of the use of funds in this bill for expenditures in combat operations in Cambodia, and we are receding and agreeing to the Senate proposals with respect to the use of funds in this bill with respect to combat operations in Laos. However, with respect to the Senate position in the Eagleton amendment, that precluded funds from other bills being used for combat operations in Cambodia and Laos, as I understand the Chairman, the gentleman from Texas (Mr. MAHON) interprets the position of the House to be against that?

I just cannot understand the differentiation as to why the gentleman would interpret the position of the House to favor the exclusion of funds from this bill, but not indirectly to exclude funds from other bills already enacted by the Congress. The Senate interpreted the exact same operation that this House has expressed objection to.

Mr. MAHON. I propose to defend the position of the House rather than to succumb to the wishes of the other body.

The House itself will have an opportunity to determine whether or not it wishes to stand by its decision or whether to adopt the more restrictive language which was added in the other body. The restrictions in the House bill should be sufficient to let one and all understand that we hope that the efforts of the President to bring the war to an acceptable conclusion will be successful.

Mr. LEGGETT. Will the gentleman yield for another question?

Mr. MAHON. I yield to the gentleman from California.

Mr. LEGGETT. I do not mean to press the gentleman too hard. I know this will be brought out in the discussion. What would be a reasonable rationale for differentiation between the limitation of funds in the supplemental bill that precludes certain actions as far as combat operations by the Pentagon in Southeast Asia is concerned, but not extend that to the other money that we already have appropriated over which we still have control?

Mr. MAHON. There are several reasons. In the first place, it is appropriate to abide by our general procedures and rules and deal only with funds that are contained in the bill under consideration. It is not our practice to go beyond the purview of the bill which is before us.

In the second place, staying with the House's position gives the President a little more flexibility in dealing with the matter of Southeast Asia. In view of all the facts and circumstances, and in view of the fact that the fighting in South Vietnam is apparently receding week by week and gives promise of stability in Southeast Asia, it is thought that some degree of flexibility should appropriately be provided. That is my position.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I think there is another very valid reason, and that is that the Senate has always been wrong on this issue, and the House has always been right. Why should we succumb now to a body that has been wrong over the whole period of time, when we have our POW's at home and we do not have our MIA's accounted for?

Mr. MAHON. I will say this, that we need stability in the legislative branch of Government, and I think the House of Representatives is in a good position to provide stability at this time.

Mr. LONG of Maryland. Mr. Speaker, will the chairman yield?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. There are several things I would appreciate having clarified, and perhaps some of the other Members would, too. The language of the Eagleton amendment would cover a great deal of money, perhaps $8 or $10 billion—who knows. These are funds that have been piled up in funds previously appropriated; is that not so?

Mr. MAHON. These are funds that are appropriated for specific purposes—for support, for operation and maintenance, and so on. These are funds that are expended during the year for which they are appropriated.

Mr. LONG of Maryland. The second supplemental, of course, is being passed now with only a few days left in the fiscal year.

Mr. MAHON. Yes.

Mr. LONG of Maryland. Five or six days—I do not know exactly how many there are. I wonder if the Chairman could tell us just what the impact of the second supplemental is, the impact of 5 or 6 days after the fiscal year has expired.

Mr. MAHON. We will have a validating clause. If we do not take action by Wednesday it is my understanding many people will go without pay. We must act responsibly, and we need to get this bill to the White House as soon as possible.

Mr. LONG of Maryland. That was not the essence of my question, Mr. Chairman. I am assuming we are going to pass this between now and the end of the fiscal year.

What I need to know and what I would like to know is whether the bill has any impact so far as the nine bills to provide funds, that is impact as far as the battle in Cambodia and Laos after the 1st of July, because this is the second supplemental and presumably it covers only the balance of the fiscal year 1973, and a new fiscal year begins for 1974.

Mr. MAHON. As the gentleman knows, while we will have passed nine of the major appropriation bills by the end of this week, they have not cleared the other body nor have they been enacted into law. So later this week, perhaps even tomorrow, we will have a continuing resolution which will provide for funds for all departments and agencies that do not yet have appropriations for the fiscal year 1974, which begins next week.

Mr. LONG of Maryland. It is still not clarified so far as I am concerned. What I want to know is, is this just more or less an academic exercise which pertains only to the next 4 or 5 days, or will the second supplemental, if it contains this language, forbid any use of all this $8 or $10 billion previously appropriated to be spent next year, quite regardless of what is contained in the continuing resolution if that passes?

Mr. MAHON. Normally the most restrictive provision would apply under a continuing resolution. I realize that we are approaching the end of the fiscal year and that we will have to take action. A motion on the continuing resolution to strike all the funds for any purpose will not be subject to a point of order.

Mr. LONG of Maryland. As the gentleman knows, the Eagleton language cannot be applied in the House to the continuing resolution because, in my understanding, it would be out of order for us to refer to past legislation in the continuing resolution so far as the previous acts are concerned. Is that correct or am I wrong?

Mr. MAHON. It is a joint resolution to continue operation of the Government as a result of failure of appropriation bills to be enacted into law. Defense is one of the departments of the Government to be covered under the continuing resolution. I would assume that a motion to restrict the use of funds to be used in a certain way would not be subject to a point of order.

Mr. LONG of Maryland. Supposing, Mr. Chairman, we do not know now, and this is in the future, but supposing the continuing resolution which we pass sometime this week contains no language forbidding combat operations in Cambodia, does not contain either the Long amendment language or the Eagleton amendment language, will the second supplemental carry over into the next fiscal year so far as combat operations in Cambodia?

Mr. MAHON. It may or may not. It is not in my opinion a clear cut issue.

PARLIAMENTARY INQUIRY

Mr. LONG of Maryland. Mr. Speaker, may I direct a parliamentary inquiry to the Chair to get a ruling on that question, whether if no language of any kind forbidding combat operations in Southeast Asia passed in the continuing resolution, whether the language of the second supplemental then carries on beyond June 30, a few days hence?

The SPEAKER. The question which the gentleman raises goes to the merits of the legislation.

Mr. LONG of Maryland. No; it does not.

The SPEAKER. On that the Chair has no ability to rule.

Mr. LONG of Maryland. I respectfully disagree, Mr. Speaker.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, I would like to reply to the question of the gentleman from Maryland by saying as far as this Member is concerned, who served as one of the conferees, if the language in the bill before us is passed by this body we are shut off in Cambodia and Laos, we are shut off after passage and Presidential signature. We are shut off, period.

This, in essence, is legislation upon an appropriations bill. The language of the amendment is very clear. It specifies that it is "Under this or any other appropriation."

Mr. LONG of Maryland. Heretofore—heretofore appropriated. I wonder whether that applies to a continuing resolution which has not yet been passed, and of course cannot be construed as language. In other words, the language of section 305 of the Eagleton amendment says that none of the funds herein appropriated under this act or heretofore appropriated under any other act, so it does seem to me that this language would not govern the continuing resolution.

Consequently, I am trying to get a parliamentary answer to the question: When we are voting on this, are we merely voting on something which applies to the previous funds and these funds appropriated up to the 30th of June, or does this carry forward? And therefore, does it cease on June 30 or carry forward after July 1?

Mr. WYMAN. Mr. Speaker, it depends upon the order in which such bills are passed. If we pass this first and then we pass a subsequent provision in a continuing resolution, should this change in any way what is done here today the subsequent or later provision would control. We are going to have a chance to vote on this today and then another chance in just a few days to vote on exactly the same thing or a variation if the question comes to us on a continuing resolution. The problem with the present language exists in the words "heretofore appropriated" which would not apply to moneys made available subsequently under a latter continuing resolution.

Mr. MAHON. Mr. Speaker, we do not know at this time, of course, what the House will do.

Mr. Speaker, under leave to revise and extend my remarks and include extraneous material, I insert at this time a summary table or budget estimate and House, Senate and conference action on items in the bill:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—SUMMARY

Chapter No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action	Conference action compared with—		
						Budget estimates	House bill	Senate bill
	TITLE I—GENERAL SUPPLEMENTALS							
I	Agriculture—Environmental and Consumer Protection:							
	New budget (obligational) authority	$47,100,000	$33,387,000	$72,105,000	$59,387,000	+$12,287,000	+$26,000,000	−$12,718,000
	By transfer from sec. 32		(21,960,000)	(21,960,000)	(21,960,000)	(+21,960,000)		
II	Defense:							
	New budget (obligational) authority:							
	1973	143,500,000	123,627,000	123,627,000	123,627,000	−19,873,000		
	1972	30,400,000	17,598,000	22,598,000	21,248,000	−9,152,000	+3,650,000	−1,350,000
	1971	72,001,000	16,958,000	23,834,000	20,000,000	−52,001,000	+3,042,000	−3,834,000
	1969	7,947,225	50,000	165,000	151,000	−7,796,225	+101,000	−14,000
	Total	253,848,225	158,233,000	170,224,000	165,026,000	−88,822,225	+6,793,000	−5,198,000
	By transfer	(500,000,000)		(170,000,000)	(75,000,000)	(−425,000,000)	(+75,000,000)	(−95,000,000)
III	District of Columbia:							
	Federal funds: New budget (obligational) authority	8,500,000		8,500,000		−8,500,000		−8,500,000
	District of Columbia funds: New budget (obligational) authority	(65,430,000)	(64,830,000)	(64,830,000)	(64,830,000)	(−600,000)		
IV	Foreign Operations: New budget (obligational) authority	738,000	700,000	700,000	700,000	−38,000		
V	Housing and Urban Development, Space, Science, and Veterans			25,000,000	20,000,000	+20,000,000	+20,000,000	−5,000,000
VI	Interior and related agencies:							
	New budget (obligational) authority	$96,498,000	$57,638,000$	$100,666,000	$67,281,000	$−29,117,000	+$9,643,000	−$33,385,000
	By transfer	(13,250,000)	(8,600,000)	(8,429,000)	(8,179,000)	(−5,071,000)	(−421,000)	(−250,000)
VII	Labor, and Health, Education, and Welfare:							
	New budget (obligational) authority	1,163,715,000	1,028,844,000	1,358,084,000	1,116,784,000	−46,931,000	+87,940,000	−241,300,000
	By transfer	(42,000,000)		(42,000,000)		(−42,000,000)		(−42,000,000)
	Limitations on administrative and nonadministrative expenses	(148,107,000)	(147,649,000)	(147,649,000)	(147,649,000)	(−458,000)		
VIII	Legislative branch:							
	New budget (obligational) authority	20,502,250	20,597,250	20,886,250	20,597,250	+95,000		−289,000
	By transfer	(298,000)	(298,000)	(298,000)	(298,000)			
IX	Public Works	85,200,000	70,600,000	103,600,000	103,350,000	+18,150,000	+32,750,000	−250,000

						Conference action compared with—		
Chapter No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action	Budget estimates	House bill	Senate bill
	TITLE I—GENERAL SUPPLEMENTALS—Continued							
X	State, Justice, Commerce, and Judiciary:							
	New budget (obligational) authority:							
	1973	523,568,000	215,835,000	563,258,000	541,572,000	+18,004,000	+325,737,000	−21,686,000
	1972	26,000	26,000	26,000	26,000			
	Total	523,594,000	215,861,000	563,284,000	541,598,000	+18,004,000	+325,737,000	−21,686,000
	By transfer	(1,000,000)	(500,000)	(1,000,000)	(1,000,000)		(+500,000)	
XI	Transportation:							
	New budget (obligational) authority	49,646,000	43,883,000	43,883,000	43,883,000	−5,763,000		
	Intergovernmental transactions	(24,669,000)	(24,669,000)	(24,669,000)	(24,669,000)			
	By transfer	(3,250,000)	(3,250,000)	(3,250,000)	(3,250,000)			
XII	Treasury, Postal Service, and General Government	315,667,000	305,539,000	309,527,000	309,527,000	−6,140,000	+3,988,000	
XIII	Claims and Judgments	23,108,029	20,368,059	23,108,029	23,108,029		+2,739,970	
	Total, title I—General supplementals:							
	New budget (obligational) authority:							
	1973	2,477,742,279	1,921,018,309	2,752,944,279	2,429,816,279	−47,926,000	+508,797,970	−323,128,000
	1972	30,426,000	17,624,000	22,624,000	21,274,000	−9,152,000	+3,650,000	−1,350,000
	1971	72,000,000	16,958,000	23,834,000	20,000,000	−52,001,000	+3,042,000	−3,834,000
	1969	7,947,225	50,000	165,000	151,000	−7,796,225	+101,000	−14,000
	Total	2,588,116,504	1,955,650,309	2,799,567,279	2,471,241,279	−116,875,225	+515,590,970	−328,326,000
	By transfer	(559,798,000)	(34,608,000)	(246,937,000)	(109,687,000)	(−450,111,000)	(+75,079,000)	(−137,250,000)
	Limitation on administrative and nonadministrative expenses.	(148,107,000)	(147,649,000)	(147,649,000)	(147,649,000)	(−458,000)		
	Intragovernmental transaction	(24,669,000)	(24,669,000)	(24,669,000)	(24,669,000)			
	TITLE II—INCREASED PAY COSTS							
	New budget (obligational) authority	1,018,989,000	899,891,900	899,672,000	891,604,000	−127,385,000	−8,287,900	−8,068,000
	By transfer	(88,237,036)	(87,543,536)	(87,969,776)	(87,969,776)	(−267,260)	(+426,240)	
	Limitation on administrative and nonadministrative expenses	(1,458,700)	(1,458,700)	(1,458,700)	(1,458,700)			
	Grand total—Titles I and II:							
	New budget (obligational) authority:							
	1973	3,496,731,279	2,820,910,209	3,652,616,279	3,321,420,279	−175,311,000	+500,510,070	−331,196,000
	1972	30,426,000	17,624,000	22,624,000	21,274,000	−9,152,000	+3,650,000	−1,350,000
	1971	72,001,000	16,958,000	23,834,000	20,000,000	−52,001,000	+3,042,000	−3,834,000
	1969	7,947,225	50,000	165,000	151,000	−7,796,225	−101,000	−14,000
	Total	3,607,105,504	2,855,542,209	3,699,239,279	3,362,845,279	−244,260,225	+507,303,070	−336,394,000
	By transfer	(648,035,036)	(122,151,536)	(334,906,776)	(197,656,776)	(−450,378,260)	(+75,505,240)	(−137,250,000)
	Limitation on administrative and nonadministrative expenses	(149,565,700)	(149,107,700)	(149,107,700)	(149,107,700)	(−458,000)		
	Intragovernmental transaction	(24,669,000)	(24,669,000)	(24,669,000)	(24,669,000)			

Mr. SIKES. Mr. Speaker, the events of last week during the summit conference between President Nixon and Mr. Brezhnev attest to a degree of progress in the search for world peace. But if you read the fine print of the agreements that were signed, we find nothing which says Brezhnev will use his power to bring hostilities to an end in Indochina. The fact that there is no such written understanding should make it clear that the search for peace is to be on Soviet terms and by what means they choose to pursue.

Mr. Brezhnev may not have sufficient influence with North Vietnam to induce that country to forgo the use of force in its goal to overrun all of Indochina. But his country is the principal supplier to North Vietnam, and as the principal supplier, he assuredly can influence the nation's policies.

What the Brezhnev visit really means is that the United States is sufficiently strong militarily that the Russians realize the sounder course in seeking world domination for communism is through trade and diplomacy, with little wars thrown in where they serve a proper purpose for acquiring additional territory.

If we want to keep securely on the road to peace, we will negotiate whenever and wherever there is someone who will talk of peace in a meaningful way. But we must also maintain a policy which makes it clear that we are not ready to lie down and play dead. World communism respects us because we have not allowed ourselves to be bluffed out or forced out of the picture as a world power. They still have to reckon with us and this slows down their timetable, but they accept facts.

Thus far they have accepted the fact that we will not abandon Indochina. The Congress can totally undermine what has been accomplished through military might and through diplomacy in 10 grueling years by voting today to stop the residual American military action which is taking place there.

The question before the House is: Shall we, at this point in time when U.S. combat activity in Southeast Asia has been reduced to a very low level, preclude the President from pursuing a course of action which he and his advisers deem to be in the best interest of the United States?

I do not feel that such action is appropriate.

We are not confronted with a situation in which there are 500,000 U.S. ground combat troops in Southeast Asia. Those troops have been brought home.

We are not confronted with a situation in which hundreds of Americans are being held as prisoners in North Vietnam. The prisoners are home.

We have wound down the war.

The loss of American lives in Southeast Asia has almost ended. There is little risk for those participating in our present air operation.

The Lon Nol government in Cambodia has been allied with the United States since its inception. It came into being at a time when our military position in South Vietnam was threatened because of the heavy shipment of supplies through the Port of Sihanoukville in Cambodia. At that time, the Government of Cambodia permitted supplies to be shipped into the Port of Sihanoukville and across Cambodian territory to Communist troops in and adjacent to South Vietnam.

The Lon Nol government assumed power in Cambodia, forced Prince Sihanouk to leave the country, and stopped the flow of supplies to the Communists through this route.

This was a major factor in the achievement of a stable military situation of a cease-fire.

Today, the Lon Nol government is under heavy military pressure from Communist forces. Air support by U.S. forces is playing a major role in slowing the Communist advance. The military position of the Lon Nol government will be seriously degraded if U.S. air support ceases.

Our support of the Government of Cambodia is moderate. We have no troops there. We have been assured that none will be sent. The cost is small when compared with the massive expenditures in South Vietnam a few years ago.

Assistance to Cambodia is important to the maintenance of the peace in Vietnam for which we paid so dearly in lives and treasure. If we turn our backs on the Cambodians who have worked for the same goals we have worked for, the impact on the Government of South

Vietnam will be to raise doubts about the determination of the United States to continue to support that government as well. The will of the South Vietnamese to withstand the continuing pressure from North Vietnam will be eroded.

And if we abandon our friends in Cambodia, what will be the effect on our SEATO ally, Thailand?

The opportunity for self-government for Southeast Asia that we fought for so many years to maintain, now hangs in the balance.

We must not snatch defeat from the jaws of victory.

We should support the President and defeat the Eagleton amendment.

We are not getting involved in another war in Indochina. There are no ground troops there for such an involvement. There are no plans to send them back. But the bombing in Cambodia has prevented a precipitate takeover of that country by the Communists. Had there not been bombing, Phnom Penh would have fallen. With Phnom Penh goes Cambodia. With Cambodia goes the Port of Sihanoukville and direct short access to South Vietnam for Communist supplies. There would be no further requirement for the long trip down through Laos on the Ho Chi Minh Trial. The timetable for the fall of the entire area to communism could be advanced 5 years by what the House does today.

I would hope that we who serve in Congress would not want it said these are the men and women who made a mockery out of all of the blood and tears and treasure that our country expended to try to give self-determination to Indochina. That is what can well be said if we refuse to allow the President to continue his efforts to extricate us in an orderly manner—something which has almost been accomplished. We are almost out and this has been done without abandoning the principles for which we have stood so long.

Mr. FLOOD. Mr. Speaker, I would like to comment briefly on the recommendations of the House conferees relating to the Labor-HEW chapter of the supplemental appropriations bill. There were 23 amendments in disagreement between the House and Senate in chapter VII. The House conferees receded in nine of these, the Senate conferees receded on six, and compromises were reached on eight.

We agreed to amounts proposed by the Senate for the physician shortage area scholarship program, for the Family Practice of Medicine Act, for construction of certain hospitals, for the nutrition program for the elderly, and for construction of the National Center for Deaf/Blind Youths and Adults.

We compromised with the Senate on the amounts which they included in the bill for higher education, education for the handicapped, and vocational rehabilitation.

On the other hand, we simply could not agree to a number of Senate amendments appropriating amounts totaling $211,800,000 which had already been appropriated once by the 1973 continuing resolution.

The reason that these funds were added to the supplemental in the Senate is that, although they have been appropriated, they are in excess of the President's revised budget estimates for fiscal 1973, and, therefore, have not been released for obligation by the Office of Management and Budget. Our position was, and is, that additional appropriations cannot possibly cure this situation. Surely, appropriating the same funds over and over again is not the answer to the impoundment problem. After lengthy discussion in a series of meetings, we were able to persuade the Senate conferees to yield on this matter. As indicated in the statement of the managers, we are in agreement that the impounded funds should be released.

Mr. Speaker, as agreed to in conference, title VII of the supplemental appropriation bill appropriates a total of $1,116,784,000 which is $87,940,000 more than the House bill, $241,300,000 below the Senate, and $46,931, below the budget request.

Mr. PODELL. Mr. Speaker, passage of the Senate version of the supplemental appropriation's bill is vital if this Nation's determination to end the American bombing of Cambodia and Laos is to succeed. Although both the House of Representatives and the Senate have passed legislation which unequivocally expresses our intent that the bombing cease, the Senate language contained in the Eagleton amendment is the best method for implementing this urgent task.

As has been pointed out, the legislation adopted by the House provides a loophole for the administration allowing it to draw upon funds previously appropriated. It furthermore fails to extend the prohibition to Laos.

The administration has made it clear that the President would utilize this loophole. He would disregard the voice and sentiments of the House, the Senate, and the American people, in their struggle against the continuous bombing that has taken place since the signing of the Paris Agreement and the proclamation of "peace with honor" on January 27, 1973.

As long as Mr. Nixon intends to push his constitutional powers to, and beyond, their limits, as long as he considers himself empowered to do anything he believes necessary in prosecuting the war, the Congress must set very clear and exact boundaries for his actions.

In recent weeks, the President has taken several steps indicating a desire to restore strained relations with the Congress. As yet, they have been mainly cosmetic. If the President has really learned the dangers of isolation and concentrated power, and desires substantive change he will end the bombing in Cambodia and Laos, until such time as he has asked for and received congressional authorization.

The administration's continuance of the bombing is already in jeopardy due to lack of congressional authorization and lack of support. The House version of the bill, while not enough to put a final stop to the tons of bombs wreaking havoc upon Indochina was a long awaited victory in the fight to end the war. The logical followup for this House is to follow the lead of the Senate in making our wishes binding.

Mr. ROSTENKOWSKI. Mr. Speaker, today, as we consider the conference report accompanying the second supplemental appropriations bill (H.R. 7447) I cannot help but note that it has arrived from conference with the Senate amendment for $44.5 million for summer jobs for youth in fiscal year 1974 eliminated. In its place the conferees have substituted the language:

> It is the intent of the conferees that at least as many Neighborhood Youth Corps summer job opportunities should be provided from this source (i.e. Manpower Training Services) as were provided in last summer's program.

An unobligated $375,297,000 appropriated for manpower training is quoted in the report as the funds that should be used by the Department of Labor to provide these jobs.

It appears to me that, from our experiences during the last 4½ years, the Congress should be very much aware of the lack of concern this administration has for "legislative intent." In view of this, it eludes me how we can assume, at this late date, that, by requesting the expenditure of funds, those funds will in fact be expended.

Since 1968, Mr. Speaker, the Neighborhood Youth Corps has undergone the most tenuous funding procedures that I have witnessed in my 15 years in this body. It has suffered severe underfunding, and each year crash appropriations were provided by Congress only days before these programs were scheduled to commence.

This summer, however, absolutely no money has been provided for the Neighborhood Youth Corps as such. The President has proposed, and is implementing, a token summer job program by making use of emergency employment funds, never intended for such a purpose. In my city of Chicago, this action represents a two-thirds cut in the Neighborhood Youth Corps enrollment from summer 1972.

Of all of our youth programs, the Neighborhood Youth Corps has been the most productive, the most beneficial, and the most successful. It has provided jobs, training and educational advantages to youngsters in our inner-city neighborhoods who could not have otherwise acquired these essential opportunities.

Mr. Speaker, by our lack of strong positive action in this most urgent area of summer jobs for youth, we are paving the way for the demise of this program and denying our obligation to our Nation's most precious commodity—our youth.

The SPEAKER. The gentleman from Texas has consumed 30 minutes.

Mr. MAHON. Mr. Speaker, the time available to this side has expired.

Mr. CEDERBERG. Mr. Speaker, we have no requests for time on this side.

The distinguished chairman has explained the bill. We had colloquy here which I think is self-explanatory.

Mr. MAHON. Mr. Speaker, I move the

previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: Page 6, after line 22, insert:

Section 735 of the Department of Defense Appropriation Act, 1973, is amended by deleting "$750,000,000" and inserting in lieu thereof "$920,000,000": *Provided*, That on and after the date of enactment of H.R. 7447 of the 93rd Congress (a bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes), no funds may be transferred under the authority of section 735 of the Department of Defense Appropriation Act, 1973, to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the sum of $920,000,000 named in said amendment insert the following: "$825,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 10, after line 20 insert:

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $3,100,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 11, line 6, strike out "$38,425,000" and insert "$38,948,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert the following: "$39,563,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 11, line 8, strike out "3,600,000" and insert "$3,429,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert the following: "$3,179,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: Page 11, strike out line 11, and insert: tion": *Provided further*, That none of the funds currently available or made available under this Act shall be obligated or expended to change the boundaries of any region, or abolish any region, of the National Forest System of the Forest Service.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendments of the Senate numbered 20 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 9, after line 17, insert:

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $2,868,000, of which not to exceed $1,200,000 shall be for grants-in-aid as authorized by section 9(1) of Public Law 92–236, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 12, line 1, insert:

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17 of Public Law 92–578, $350,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: Page 12, after line 22, insert:

MANPOWER ADMINISTRATION

MANPOWER TRAINING ACTIVITIES

For an additional amount for "Manpower training activities", to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, $44,500,000, to remain available until September 30, 1973: *Provided*, That this appropriation shall not be available for the purposes of section 106(d) and 309(b) of said Act.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, this amendment makes available beyond July 1 the sum of $44.5 million for manpower training, for summer jobs and so forth.

Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

MANPOWER ADMINISTRATION

MANPOWER TRAINING SERVICES

Of the amounts heretofore appropriated under this heading for fiscal year 1973, $44,500,000 shall remain available until September 30, 1973, to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended: *Provided*, That these funds shall not be available for the purposes of sections 106(d) and 309(b) of said Act.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: Page 14, after line 14, insert:

For an additional amount for "Health manpower" to remain available until expended to carry out the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress), $100,000 and $27,300,000 to carry out section 309(c) and titles VII and VIII of the Public Health Service Act: *Provided*, That of this amount $6,300,000 shall be for capitation grants to schools of veterinary medicine, optometry, podiatry, and pharmacy; $10,000,000 shall be for capitation grants to schools of nursing and $2,000,000 shall be for financial distress grants to such schools; $4,000,000 shall be for graduate public health training; and, $5,000,000 shall be for allied health support.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

For an additional amount for "Health manpower" to remain available until expended to carry out the Family Practice of Medicine Act of 1970 (S. 3418, 91st Congress), $100,000.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 15, line 1, insert:

For an additional amount for "Health manpower" to remain available until expended to carry out the Physician Shortage Area Scholarship Program (subpart III of part F of title VII of the Public Health Service Act), $2,000,000.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: Page 15, after line 17, insert:

EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $26,300,000, to remain available until September 30, 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out, to the extent not otherwise provided, the Education of the Handicapped Act; $13,800,000 which, together with $12,500,000 heretofore appropriated for this purpose, shall remain available until September 30, 1973.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: Page 16, line 16, after "$150,000,000" insert: : *Provided further*, That the following amounts shall remain available until September 30, 1973: $15,360,000 for language training and area studies until title VI of the National Defense Education Act and the Mutual Educational and Cultural Exchange Act of 1961; and $15,000,000 for university community services, $10,000,000 for aid to land-grant colleges under section 22 of the Act of June 29, 1935; $17,857,000 for library programs as authorized by title II (except section 231) of the Higher Education Act, and $25,000,000 for veterans cost-of-instruction payments, for which funds were appropriated in Public Law 92-607.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: In lieu of the $15,360,000 named in said amendment insert the following: "$13,860,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 17, after line 10, insert:

SOCIAL AND REHABILITATION SERVICES

Funds contained in the Supplemental Appropriation Act, 1973 (Public Law 92-607) for grants under section 103 of the Rehabilitation Act of 1972 shall be availale for grants under section 2 of the Vocational Rehabilitation Act: *Provided*, That such funds made available for grants under section 2 shall not exceed $610,000,000 and that allotments to States under such section shall not, in the aggregate, exceed $615,000,000: *Provided further*, That the $5,000,000 contained in such Supplemental Appropriation Act, 1973 (Public Law 92-607) for the construction of the National Center for Deaf/Blind Youth and Adults, as authorized by said Vocational Rehabilitation Act, shall remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein with an amendment, as follows: In lieu of the matter proposed by the first proviso of said amendment insert the following: "*Provided*, That such funds made available for grants under section 2 shall not exceed $590,000,000 and that allotments to States under such section shall not, in the aggregate, exceed $600,000,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: Page 18, line 4, after "1973" insert: ": *Provided*, That funds in the amount of $100,000,000 contained in the Supplemental Appropriation Act, 1973 (Public Law 92-607), to carry out title III of the Older Americans Act of 1965, shall remain available until December 31, 1973, to carry out title III of the Older Americans Comprehensive Services Amendments of 1973 (Public Law 93-29)".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46: page 19, after line 2, insert:

ACTION

For expenses necessary for ACTION to carry out the provisions of title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044-3044e): $42,000,000, to be derived by transfer from funds appropriated for this purpose in the Supplemental Appropriation Act, 1973 (Public Law 92-607), of which $8,000,000 shall remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

Funds in the amount of $8,000,000 contained under this heading in the Supplemental Appropriation Act, 1973 (Public Law 92-607), to carry out the provisions of Title VI of the Older Americans Act of 1965, as amended, shall remain available until expended.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: Page 27, after line 14, insert:

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

For an additional amount for "Water resources planning", $500,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert the following: "$250,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 60: Page 34, after line 15, insert:

NATIONAL HIGHWAY SAFETY ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

Not to exceed $2,000,000 shall be available until June 30, 1974, from amounts heretofore provided for the Traffic Safety Program and Research and Analysis Activities in the appropriation granted under this heading in the Department of Transportation and Related Agencies Appropriation Act, 1973, and the Supplemental Appropriations Act, 1973, to carry out the provisions of the Motor Vehicle Information and Cost Savings Act (Public Law 92-513).

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

State amendment No. 68: Page 38, after line 17, insert:

SENATE

CONTINGENT EXPENSES OF THE SENATE

"Inquiries and investigations", $276,240, to be derived by transfer from the appropriation "Salaries, Officers and Employees", fiscal year 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 81: Page 50, after line 1, insert:

OFFICE OF CHILD DEVELOPMENT

"Child Development", $150,000, to be derived by transfer from the appropriation for

"Special benefits for disabled coal miners", fiscal year 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 83: Page 60, after line 13, insert:

SEC. 305. None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House insist on its disagreement to the amendment of the Senate numbered 83.

PREFERENTIAL MOTION OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. GIAIMO moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein.

Mr. MAHON. Mr. Speaker, I demand a division of the question.

The SPEAKER. The question is, shall the House recede from its disagreement to the amendment of the Senate numbered 83?

The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I moved that the House insist on its position banning all funds in the bill for combat activity in Cambodia.

This does not ban all funds available to the Department of Defense, but it would disallow the use of any in the bill and give a clear signal of the intent of the Congress that the President proceed with the utmost caution. In other words, it does not absolutely slam the door and say that the President under no circumstances can use any funds available to the Department of Defense in connection with the continuation of his efforts to resolve the difficulties which have been encountered in Southeast Asia.

The gentleman from Connecticut has moved that the House recede and concur in the Senate amendment. In other words, the gentleman from Connecticut has moved that the President be denied the use of any funds from any source as he struggles to try to bring this war to some kind of satisfactory conclusion in Southeast Asia.

Of course, we recognize this has a very clear and definite relationship to the cease-fire situation in South Vietnam.

I have demanded a division of the question. The question before the House at this time is not that we recede and concur with the Senate amendment, the Eagleton amendment, but really the question now is shall we recede and, if we determine that we do recede, then we will decide where to go from there.

However, I appeal to the House not to recede, but rather, to stand by its previous position and in opposition to the all-inclusive Eagleton amendment which was placed in the bill by the other body.

Mr. Speaker, I would hope that the House would vote not to recede but, rather, would stand firm in its previous resolution which has gone far enough in dealing with this matter at this time.

We will have other opportunities to deal with the situation, but at this time this seems to be a reasonable course to follow and a reasonable position for all Members of this body to take.

Mr. Speaker, I urge that the motion to recede and capitulate to the Senate be defeated.

Mr. GIAIMO. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Do I understand that the chairman intends to introduce an amendment, if the motion to recede fails, or is it merely to divide and have a straight vote on the motion to recede?

Mr. MAHON. The question is whether the House votes to recede, which I trust it will not. Where we go from there is a matter that will be determined after this vote. There are various courses we could follow, but the issue here is clearly drawn, and I ask for a division of the question in order that the issue might be clearly drawn by the House. The issue here is shall we recede and capitulate to the Senate. Shall the House capitulate and take what is interpreted by many as an indefensible act at a time when negotiations are under way and when the chances appear to be good that the war in Southeast Asia will indeed be brought to an honorable and reasonable and satisfactory conclusion.

Mr. GIAIMO. Will the gentleman yield further?

Mr. MAHON. I yield further to the gentleman from Connecticut.

Mr. GIAIMO. Will the gentleman not concede that by agreeing to amendments 10 and 11 the House has in fact indicated, as has the gentleman, that we want to limit the usage of funds which are presently in the supplemental bill—we want to limit them so that they cannot be used for bombing in Cambodia. Is that not so?

Mr. MAHON. The House took advantage of a parliamentary situation to express its concern over the developments in Cambodia and to send a signal to the President and to the world that we would withhold certain funds but not all funds for further combat activity in Southeast Asia.

Mr. GIAIMO. Mr. Speaker, if the gentleman will yield further, the House indicated that the House wanted to withhold bombing funds for Cambodia from all funds available to the House, which meant it could withhold all of the funds in the supplemental bill. The Senate, because of the fact that it has different rules, was able to go beyond that and withhold not only the funds that were before us for consideration in the House in the supplemental bill, but all funds in former or prior appropriation bills which have been passed.

The point I make is that the House by its decision several weeks ago clearly stated that we want none of the funds used for bombing.

Mr. MAHON. The action of the House speaks for itself. The action of the House was that no funds in the supplemental bill should be used for continuation of combat in Cambodia.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. ADDABBO. Then, Mr. Speaker, if it is the will of the House that, as to the supplemental bill, if it passes, all bombing stop with these funds, and all funds previously appropriated, then we should vote for the motion offered by the gentleman from Connecticut to recede; is that correct? If we just want to limit the bombing where you cannot bomb with 1 dollar, but then you can use the other $9 to kill anyone you want, then we should vote down the motion offered by the gentleman from Connecticut, is that correct?

Mr. MAHON. The House has indicated its concern about the war in Southeast Asia with the Long amendment, and the House has taken appropriate action today with respect to Senate amendments 10 and 11. The words of the House language speak for themselves. My motion is that we insist upon the position of the House and not capitulate to the other body.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, as the author of the Long amendment which has just been passed, or approved by the conference committee earlier here, I want to say that normally I would like to stick to pride of authorship and insist on my own language. I also like, wherever I possibly can, to stick with the House, because I believe the House should be preeminent in appropriation bills. But this is a principle that rises above pride of authorship, and the idea of appropriations originating in the House, and therefore I feel that the Eagleton amendment gives us the strongest possible language we can get from this supplemental. Consequently, I will support the motion offered by the gentleman form Connecticut (Mr. GIAIMO).

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, with reference to the language presently before the House, the chairman asks that we insist upon our disagreement with the other body. If the Senate added language remains in the bill, I ask the Chairman, could the United States take any military action insofar as trying to rescue or otherwise return any of our men missing in action, the "MIA's," as they have become labeled at this time; could we do anything about their rescue under the restrictions of this language if it became law?

Mr. MAHON. I yielded to the gentleman from New Hampshire to express his own views. He is an able and dedicated member of this body.

Mr. WYMAN. Then, Mr. Speaker, if I might be permitted to answer my own question in rhetorical fashion, I believe it self-evident that this language would prohibit any military action by this country directed toward finding or returning our missing combatants, or any MIA's or U.S. civilians missing in action, or any rescue operations over there. I do not believe we should take such a position.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

Mr. MAHON. Mr. Speaker, I will withhold my moving of the previous question until the gentleman from Michigan, the minority leader, states his parliamentary inquiry.

The SPEAKER. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, my parliamentary inquiry is this: Am I correct, Mr. Speaker, that a "no" vote on the motion offered by the gentleman from Texas (Mr. MAHON) to recede would uphold the House position on the supplemental?

The motion offered by the gentleman from Connecticut (Mr. GIAIMO) was to recede and concur, but the Chairman, the gentleman from Texas (Mr. MAHON) divided the question, and the vote is on a motion to recede. Therefore a "no" vote on the motion to recede would uphold the position of the House?

The SPEAKER. The Chair can state that if the "no" vote prevails, the next vote would be on the motion to insist on the House's position.

Mr. O'NEILL. Mr. Speaker, will the gentleman withhold his motion at the present time?

Mr. Speaker, will the gentleman from Texas yield me 3 minutes?

Mr. MAHON. I yield 3 minutes to the majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I have taken this well on this issue so many times. I rise today in strong support of the Giaimo amendment, which is in reality the Eagleton amendment. It is the only way for the House to get across its emphatic and unequivocal message to the Nixon administration that we want the bombing in Cambodia to stop immediately.

On May 10, 1973, we passed the Addabbo-Long amendments to prohibit the use of money in the second supplemental for the bombing of a country in which the United States was not formally at war. As a matter of fact, in my arguments at that time, I said we had no treaties and no agreements with Cambodia. They did not even come in under SEATO when they had the opportunity to do so.

We have heard Mr. Kissinger. Along the line he told us the same story we had heard so many times—the light at the end of the tunnel. I do not like the light at the end of the tunnel. I do not like the fact that we have lost two or four boys in Cambodia already. I do not know how many men we have lost over there, but I should hate to see us in the same position as we were in the Vietnam situation.

On May 31, the Senate was forced, after the Addabbo amendment, to adopt the Eagleton amendment to bar the use of either new funds or funds already appropriated for the continued bombing of Cambodia or for any renewed war bombing in Laos. Why did they do that? They did it because the administration had ignored the action of this Congress and announced contemptuously its intention to use previously appropriated funds to pay for the continuation of the bombing.

The President took an utter disregard of the action taken by this House, and I think that the only way to get to the crux of the whole problem is to stop the bombing over there. I think it is the will of this Congress to follow suit today with the Giaimo amendment, and I hope the Giaimo amendment is adopted.

The administration's contemptuous arrogance to do what it wants rather than what the American people want as expressed through their representatives in Congress makes this step necessary.

The American people do not want another Vietnam. This vote is a conscience vote; it is a vote to stop the bombing with the strongest weapon that Congress has—the power of the purse.

Let us vote to stop the pipeline of funds for bombing in Cambodia. I think the time to act positively is at hand, for if we had taken such steps in 1963 or 1964 to use our constitutional power of the purse to cut off funds for our involvement in Vietnam, we might well have prevented that tragic and divisive American morass.

We do not want another Vietnam. We turned the corner in reasserting our prerogative of making war and peace when the Members of this House voted for the first time on May 10 to cut off funds for the bombing. Yet, the President did not heed our voice.

Yes, we have turned the corner and there is no turning back. A favorable vote on the Giaimo motion gives the House an opportunity to make its will stick this time. It is an imperative step which we must take.

There is no other alternative.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, it seems to me that people of strong convictions on both sides of the aisle have an obligation and responsibility today to vote "no" on this motion to recede. I do not think this is a partisan issue because over the last 2, 4, 6 years people on both sides of the aisle have stood up and been right. Our friends on the other end of the Capitol have been wrong.

We have a cease-fire in South Vietnam; we have a cease-fire in Laos, not because of the actions of the other body, but because of the conviction and the votes of a majority of the Members in the House of Representatives. The truth is a very difficult and complicated puzzle is about to be completed. We have peace. We have a decrease in the fighting in South Vietnam. The bombing in North Vietnam has been ended. The POW's are back. We have a cease-fire in Laos, and we are practically at the point of putting the last piece in the puzzle, the last link in the chain.

Yes, my friend, the gentleman from Massachusetts, has said that Dr. Kissinger has come back and said we see the light at the end of the tunnel.

The light that Henry Kissinger has brought back has been a cease-fire, peace, and the return of the prisoners of war. I am going to stick with the guy who made this possible and not in the last minute of the last quarter succumb to the people who have been wrong all the time. It kind of reminds me of a ball game where your side is ahead because we had the right strategy, and then just at the last minute when we can see all of our efforts to achieve something meaningful, we walk off the field and turn over the ball game to the people who have been wrong whose strategy has been an error. I do not understand that.

Yes, the gentleman from Michigan (Mr. CEDERBERG) and the gentleman from New Hampshire (Mr. WYMAN) have made two very good points. If we want any possibility of verifying on the missing in action people, we had better vote "no" and give to the President the last military option that he has to convince the North Vietnamese and others that they have to give us that chance for a verification of the MIA's in Indochina.

Yes, we have some U.S. civilians in Laos and we have some U.S. civilians in Cambodia. If we capitulate and follow the advice and the votes of those people who have been dead wrong for the last 4 years, we could very well be putting into jeopardy the lives of those civilians, our fellow Americans.

Yes, Mr. Speaker, this is not a partisan issue because there has been this longstanding effort on the part of many in this body on both sides of the aisle to stand up to the people who were dead wrong for so long. It is just incomprehensible to me, almost unbelievable, that at this juncture when we have high-level negotiations going on right now attempting to put together a government that will bring about a cease-fire in Cambodia, that will shore up what we have achieved in Vietnam and what we have achieved in Laos, that we should think about undercutting the President and Dr. Kissinger. We just have to, in my humble judgment, be firm and strong in the waning minutes of the most important ball game that we have played in this body in a long time.

Mr. Speaker, I urge the Members to vote "no."

Mr. MAHON. Mr. Speaker, we have been over this ground. Various Members on both sides of the aisle have expressed their views today and on previous days and in previous weeks and months.

Mr. Speaker, I now move the previous question on the motion to recede.

The previous question was ordered.

The SPEAKER. The question is: Will the House recede from its disagreement to Senate amendment numbered 83?

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. GIAIMO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 172, present 1, not voting 25, as follows:

[Roll No. 273]

AYES—235

Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Barrett
Bennett
Bergland
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Calif.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Chisholm
Clark
Clausen, Don H.
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Hamilton
Hanley
Hansen, Wash.
Harrington
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
Macdonald
Madden
Madigan
Mallary
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Perkins
Peyser
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Shipley
Sisk
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Stokes
Stubblefield
Studds
Sullivan
Symington
Symms
Taylor N.C.
Teague, Calif.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Ga.
Zwach

NOES—172

Arends
Armstrong
Bafalis
Baker
Bevill
Bowen
Bray
Breckinridge
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dennis
Devine
Dickinson
Dorn
Duncan
Edwards, Ala.
Erlenborn
Evins, Tenn.
Flood
Flowers
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Gettys
Goldwater
Goodling
Grover
Gubser
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hays
Hébert
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Keating
Kemp
King
Kuykendall
Landgrebe
Latta
Lott
Lujan
McCollister
McEwen
McFall
McSpadden
Mahon
Mailliard
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Brien
Passman
Pettis
Pickle
Poage
Price, Tex.
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, N.Y.
Spence
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Thornton
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

PRESENT—1

McKay

NOT VOTING—25

Abdnor
Adams
Anderson, Calif.
Ashbrook
Badillo
Beard
Bell
Blatnik
Breaux
Burlison, Mo.
Danielson
Derwinski
Fisher
Flynt
Gray
Gross
Hanna
Landrum
McKinney
Mills, Ark.
Moss
Pepper
Rooney, N.Y.
Thompson, N.J.
Young, Alaska

So the preferential motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Moss for, with Mr. McKay against.

Mr. Bell for, with Mr. Derwinski against.

Mr. Thompson of New Jersey for, with Mr. Fisher against.

Mr. Badillo for, with Mr. Young of Alaska against.

Mr. Blatnik for, with Mr. Ashbrook against.

Mr. Anderson of California for, with Mr. Rooney of New York against.

Mr. Danielson for, with Mr. Beard against.

Until further notice:

Mr. Adams with Mr. Flynt.

Mr. Breaux with Mr. Hanna.

Mr. Gray with Mr. Abdnor.

Mr. Burlison of Missouri with Mr. Mills of Arkansas.

Mr. Landrum with Mr. Pepper.

Mr. McKinney with Mr. Gross.

Mr. McKAY. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Moss). If he had been present, he would have voted "aye." I would have voted "no." Therefore, I vote "present."

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. MAHON moves that the House concur with the amendment of the Senate numbered 83 with an amendment, as follows: In lieu of the matter inserted, insert the following:

"SEC. 305. After September 1, 1973, none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces."

Mr. MAHON. Mr. Speaker, this preferential motion is slightly different from the Senate language. The amendment reads:

SEC. 305. After September 1, 1973 none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities, in, over, or from off the shores of Cambodia or in or over Laos by United States forces.

None of the basic language would be changed under the preferential motion which I have offered. We would under the preferential motion simply extend the time at which the Senate language would become effective.

What we do is we insert two words and five figures as follows—and here is what we will be voting on:

After September 1—

That is 60 days into the new fiscal year—

After September 1, 1973, none of the funds herein appropriated under this Act or heretofore appropriated under any other act may be expended to support directly or indirectly combat activities in or over or from off the shores of Cambodia or in or over Laos by United States forces.

This gives the President 2 additional months in which to try to work out a solution in Cambodia which will not leave Cambodia a major threat to the cease-fire in Vietnam.

It does not seem to me that those who voted with the majority a few months ago should object to giving the President a little more time to use diplomatic means to achieve the purposes of the so-called Eagleton amendment.

Now, should we give the President 60 more days in which to try to settle this matter and shore up the cease-fire in Southeast Asia?

We gave President Johnson and President Nixon a total of about 8 years in which to get a cease-fire in Vietnam.

Finally the cease-fire was agreed to on the 27th day of January. Since that time we have had February, March, April, May, and June—5 months.

The rainy season in Southeast Asia is now approaching, and the opportunities for combat activity are not very great. So mainly this would provide time for negotiations. And while I do not know what the position of the administration would be on this amendment I know that the administration would like to have additional time. It seems to me that a 2-month period would not be an unreasonable length of time.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I would ask the gentleman from Texas is it not true that since we last voted on this subject in the House that there have been two significant events? One of them an agreement reached in Paris for a more detailed enforcement of the cease-fire, and, second, what has certainly been, at least in my opinion, a very successful meeting between the President and the leader of the the Soviet Union. And is it not possible, I would ask the gentleman from Texas, that something might have been at least broached at the summit meeting that could conceivably lead to a cease-fire in Cambodia if we do not put this restriction on immediately?

Mr. MAHON. It does seem reasonable to me to give the President additional time, until September first, in order to try to negotiate and make it more possible that the sacrifice of tens of thousand of lives and billions of dollars in Southeast Asia shall by no means have been in vain.

I do not want to see the Congress take the responsibility of depriving this country of the means of bringing this conflict, this long and difficult conflict, to an end. This responsibility should be assumed by the President, and it will be assumed by the President, at least for the next 2 months, if my motion is agreed to.

Mr. STRATTON. My Speaker, if the gentleman will yield further, in other words, the motion offered by the gentleman from Texas, (Mr. MAHON) if I understand it correctly, is to try to achieve a cease-fire in Cambodia so that we can get an end to the war in all of Indochina, is that correct?

Mr. MAHON. That is right.

Mr. STRATTON. Mr. Speaker, if the gentleman will yield further, as I stood in the door as people were coming in to vote on the last motion, and were asking what the vote was on, some of my colleagues were saying that they should vote "yes" so as to end the war in Cambodia. But, if I understand the situation correctly, the motion offered by the gentleman from Texas is designed to achieve a real end to the entire Indochina war. Is that correct?

Mr. MAHON. The gentleman is correct.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I would ask the gentleman from Texas whether this preferential amendment would affect a continuing resolution? If a continuing resolution were passed before these 60 days have passed, would this 60-day delay apply to the continuing resolution?

Mr. MAHON. In reply to the gentleman from Maryland I would say that the continuing resolution will have to speak for itself. I cannot prejudge what would be in the continuing resolution. But if the House votes to give the President these 2 additional months then a continuing resolution might very well follow the same pattern.

Mr. LONG of Maryland. In other words, it is conceivable to have a continuing resolution in which we would be getting a cutoff of funds, depending on when the continuing resolution passed the Congress as a whole relative to this time period?

Mr. MAHON. It is a matter for the Congress to determine what it wants to do about this motion, and I cannot prejudge what will be contained in the continuing resolution.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I would state to the gentleman from Texas that if his preferential motion carries then it would have to go back to a conference, is that correct?

Mr. MAHON. The gentleman from New York is correct; we would have to go back to conference with the other body, unless the other body accepts what appears to me to be a reasonable position. I would hope it would be accepted by the other body, and that the bill would then go to the President.

Mr. ADDABBO. We are willing, then, to stall all of our domestic programs just to give the President the right to bomb for another 2 months.

Mr. Speaker, I do not think that is the will of this House.

Mr. REID. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. REID. Mr. Speaker, I thank the gentleman for yielding.

If I understand the gentleman correctly, the gentleman takes the position that the responsibility in this matter should be assumed by the President.

In my judgment, it is the Congress—not the President—which should take this responsibility. I think the Constitution is clear on this point, that Congress should decide and Congress should be the branch to declare war. Frankly, I think the American people have made a judgment that this war should be ended, so I hope the House will vote down the Mahon amendment and assume the responsibility to end the war and the bombing now.

I thank the chairman for yielding.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Speaker, as I understand the situation, if the gentleman's motion were to carry, we would then find ourselves in the position that by virtue of amendments 10 and 11 we would be prohibited from using funds in the Supplemental Bill to bomb in Cambodia, but until September 1 they could use moneys other than the funds in the supplemental bill to bomb in Cambodia, by virtue of the gentleman's September 1 suggestion in his amendment; is that correct?

Mr. MAHON. Amendment No. 10——

Mr. GIAIMO. 10 and 11.

Mr. MAHON. 10 and 11.

Mr. GIAIMO. Which the gentleman has agreed prohibits bombing immediately.

Mr. MAHON. Yes, as far as the funds in this bill are concerned.

Mr. GIAIMO. Therefore, they could not use supplemental funds for bombing?

Mr. MAHON. That is right.

Mr. GIAIMO. But if the gentleman's present amendment carries, we would have an inconsistency. We would be telling them by virtue of amendments 10 and 11 they cannot use money effective immediately upon the enactment of the supplemental into law, but they could use moneys appropriated earlier to bomb until September 1. There does not seem to be any philosophy or rationale to this. We do one thing on one hand and take it away on the other. I submit that the House and Senate have clearly and unequivocally, and with a substantial vote, indicated they want a termination of bombing in Cambodia now.

Therefore, I would urge defeat of the gentleman's amendment.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, during the three terms that I have been in Congress we have been in complete agreement on one thing. That is to get away from Vietnam as quickly as we can. But we have been in complete disagreement on the method of doing it, and that has been going on for all the time I have been here. We have had vote after vote to see whether or not we would decide what to do instead of the President. Over this time we have left the responsibility with the President. He has gotten a cease-fire; he has gotten the prisoners of war back; and he is now in the stage of negotiation. The truth is we agree on another thing: We do not want to bomb any more in Southeast Asia. But where is our confidence?

Today, Mr. Speaker, we are acting like the President cannot wait to bomb everything in Southeast Asia. The truth is the President needs all of the strength that we can give him in his negotiations. He is not trying to bomb, but he is trying to have some strength in negotiations, and if they do not keep their part of the agreement, where does that leave the United States in its negotiations?

It looks as though it has kind of gotten out of style to say thanks to the President or that we are proud of him. Here is a man who has accomplished what we have today, and it looks as though everybody wants to tap him on the head.

The Members have spoken. We are going to take the money out of bombing. But for once let us at least act like we are on the same side. I urge the Members to give the President 60 days to complete the negotiations.

Mr. MAHON. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, the gentleman from North Carolina has mentioned that negotiations are going on at the present time. That is very accurate. They are highly classified. They are aimed at putting together a government in Cambodia. They are reasonably optimistic of success. And if those negotiations are successful, we will have a cease-fire and the bombing will stop.

It is my judgment that it is worth a gamble. I believe the administration would not ask for anything beyond the 60 days. I do think for a short period of 2 months, 60 days, when we have gone as far as we have with the success that we have, it is an honorable and proper position for the Members of the House or a majority thereof to support this extension for 60 days to achieve a final, conclusive and effective settlement in Indochina.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield 2 minutes to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I think the House just expressed its will. I think the will of this House is that we do not want to see the loss of one more American boy. One more American boy is one too many. It is fine to talk about the air strikes; but what mother would like to have her own son conducting those air raids; what mother would like to see her own son over there.

We are talking about negotiations. As I have already said before, we have nothing to do with Cambodia. We have had no treaty with them. We asked them to come into SEATO, and they did not. As far as I know this is a civil war in which we are going to bomb and bomb and until we can get them together. I do not know if we can ever accomplish that goal.

But one thing I say, I think it is the will of the American people as expressed here clearly this afternoon, that this war should end and this bombing should stop, the minute the President of the United States signs this bill into law. And I hope he will never think of doing otherwise, because this is the will of Congress, the expression of the people who represent the grassroots of America.

Mr. MAHON. Mr. Speaker, what we have involved here is what is best for every American boy, indeed, every American citizen, our entire Nation. The question is: What is in the short- and long-range best interest of the United States? I happen to feel that the acceptance of the motion which I have offered is in the best interest of the Nation and of all American citizens. I would like to read the amendment again in order that our minds may be refreshed as to what we are voting upon:

> After September 1, 1973, none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

Mr. BLACKBURN. Mr. Speaker, our operations in Indochina during the past few months suggest we may be suffering from an ailment to which successful politicians are prone: believing one's own rhetoric. The January cease-fire agreement signaled the failure of the U.S. mission in Indochina. In essence it amounted to a protocol for American military disengagement from Vietnam. On this, since it was what both sides wanted, there was a meeting of minds. And the disengagement, which included the release of American POW's in correlation with the withdrawal of American troops, was carried out just about on schedule.

Concerning everything else there had been no genuine meeting of minds. Disengagement apart, the other matters referred to were what the fighting had been about all these years. Since the fighting had been inconclusive, these matters naturally could not be settled just by writing a lengthy text. Apart from the sections dealing directly with the disengagement and the prisoners' return, the agreement is ambiguous, unrealistic, and unworkable. And in the event it is not working—we have witnessed continuous and flagrant violation of the peace treaty by the North Vietnamese Communists contrary to what the administration's rhetoric would like us to believe.

Interestingly enough, when our policy spokesmen seek to justify the renewed bombing of Cambodia or Laos, the episodic suspension of mine removal, or the threat of no future aid to Hanoi, they refer not to any specific clauses of the written agreement but to secret "understandings" that Henry Kissinger is now alleged to have reached with Le Duc Tho, although when presenting the text of the agreement to newsmen and the world, Kissinger thrice denied the existence of any secret understandings.

When boiled down to its essence, the agreement is a narrow, uninspiring, and in truth humiliating document. It is hardly surprising that the spokesmen for the administration covered it with a good deal of rhetorical sauce in serving it up to the citizens and voters. We had won, we heard, "peace with honor," and had taken a big stride toward "lasting peace." We had honored our commitment, our men would be coming home "with heads high," et cetera.

What has been happening in Indochina since the signing of the original and followup agreements is what anyone who had made a correct assessment of its meaning expected to happen. But to those who believed the agreement really did signify peace and the fulfillment of the basic American commitment—that is, defeat of the Communists' struggle to take power in all Indochina—what the Communists throughout Indochina have been doing is a "violation" of the cease-fire and a sabotage of peace that merits punishment.

Moreover, what has been happening tends to clarify the true meaning of the agreement, and thus to prick the inflated rhetoric which surrounds it.

Our bombers remain over Cambodia, and a few now and then over Laos. The rhetoric demands them. There is no need for the bombers in order to carry out the essence of the agreement—the U.S. military withdrawal and the POW release. That has already been accomplished, and the bombings only risk re-engagement and a new lot of POW's. In the Cambodian conditions the military efficiency of B–52's is minimal. They will have no long-term effect on the chaotic political situation on the ground. It will be unable, specifically, to salvage the Lon Nol government. But for us to have "done nothing" about the Communist moves toward power in Cambodia would have exposed the emptiness of the "peace" agreement. It seems that no one is yet willing to face the simple Vietnam reality, or to ask us to face it with them. The fact is that we have failed in our Indochina mission primarily because of our no-win policy.

There is no doubt in my mind that the security of South Vietnam, Laos, and ultimately Thailand, will depend on what happens in Cambodia. While the Soviet Union and Red China, despite all their rhetoric about detente, continue in every way to support Hanoi's aggression in Indochina, we have placed handcuffs on the legitimate government of South Vietnam, paralyzing its defenses. I am convinced that with American withdrawal the future of Indochina should be determined by the people of Indochina and I am convinced that the South Vietnamese Government and its forces are able to take care of the Communist aggressor and to enforce the peace treaty. We are not there anymore. It is their war. We must now free the South Vietnamese to act and react as their national security demands and as the matter of freedom in that part of the world requires.

I would like to address a question to the policymakers of the United States: "Why is it necessary for the American Air Force to be bombing in Cambodia when the South Vietnamese armed forces, trained and adequately equipped by the United States, are able to take care of the situation themselves without our involvement and without creating new American POW's in the hands of Communists?"

I would also like to address a question to the highest office of the United States: "Would you, Mr. President, be able to sleep well at night knowing that you have a burglar in your home?" And that burglar in South Vietnam numbers some 170,000 well-equipped North Vietnamese Communist regulars.

It is Nixon's doctrine that the South

Vietnamese themselves handle their internal hostilities and their national security. It is a gross form of sophistry that a "peace" agreement stands as a threat to her very survival. Therefore, the South Vietnamese should be permitted to fight in the same unconstrained manner that Moscow and Peking are supporting the Hanoi Communists in their quest for the Communist victory in Indochina. In this situation, there are only two necessary functions for the United States: one, to provide logistic support for the South Vietnamese forces and, two, to make sure that there is no Red Chinese or Soviet direct intervention in Indochina.

Today, when I vote for the curtailment of funds for bombing in Cambodia, I want at the same time to make it clear to the Communist aggressors from Hanoi that my vote does not represent an act of appeasement but rather a strong position against our present ambiguous policy in Indochina.

My vote should be understood as support for the struggle of the free people of Indochina under the leadership of their government in Saigon.

Mr. ADDABBO. Mr. Speaker, I would urge my colleagues to support the Eagleton amendment by instructing the House conferees to accede to the Senate version of the second supplemental appropriations bill on this point.

I would also urge that all of those who supported the Addabbo amendment and the Long amendment when the bill was before the House May 10, also support the Eagleton amendment. This is truly the best opportunity to strike a blow for peace that Members of this House have yet encountered.

You will recall that when we passed the Addabbo and Long amendments last month, the then-Secretary of Defense Elliot Richardson announced the administration would use other funds to continue bombing Cambodia. The Senate reacted to that policy by overwhelmingly approving the Eagleton amendment which applies the congressional ban on bombing to all appropriated funds.

Let there be no mistake; the administration has thrown the gauntlet to the Congress on the matter of war. If we fail to pass the Eagleton amendment, we are forfeiting the congressional right to determine when and how this Nation will go to war. A vote against the Eagleton amendment is a vote to give the Pentagon a free hand to rain death and destruction where it will, with no need to consult the people.

I believe we face today a direct confrontation to the Congress to back up its earlier expression against the bombing of Cambodia. I believe the authority of the Congress to order a halt to unauthorized bombing is being challenged here so that the administration can contend Congress did not really want to halt the bombing. I believe that if we fail to approve the Eagleton amendment, the bombing will not only continue, it will eventually escalate.

And so, although this bill would expire at the end of this week, the vote on this amendment is no idle gesture. If the House is willing to stand up for the position we assumed a month ago, we will have delivered a decisive blow for peace.

Should we now cringe from the challenge, we will be falling into a chasm that could be as deep and as dreadfully expensive as was Vietnam.

Our only alternative is to reassert our authority by voting to stop the use of appropriated funds for unauthorized bombing or other military activities which have not been approved by Congress.

And of those who would again appeal to the Congress not to "tie the hands of the President," let us admit we have heard those words for a decade, during which our Nation sank even deeper into a quagmire from which there was nearly no return.

There comes a time when the Congress must tie the hands of a President if it is to be responsible. Is there one person in this Chamber who would not do it differently if we now had the Gulf of Tonkin Resolution before us again? At times, the Congress must assert its rights. This is such a time. More than any body of government, we in this House represent the will of the people, and that will has been clearly expressed: no more war.

We have given our word to the people there will be no more war in Cambodia by American fighting men. The world has looked upon that House action, and will be watching what we do here today. We must remove the funds so necessary to further bombing. We must approve the Eagleton amendment.

Mr. ANDERSON of Illinois. Mr. Speaker, I support the motion to recede and concur in the position of the Senate on the so-called Eagleton amendment to this supplemental appropriations bill. That amendment states quite simply that none of the funds appropriated under this act or any previous act may be used to support U.S. combat operations in, over, or off the shores of Cambodia or in or over Laos. When this supplemental was first before us on May 10 of this year, I voted for the so-called Long amendment to prohibit the use of any funds in this bill for U.S. combat operations in Cambodia. That amendment passed this body by a vote of 224–172. It seems to me that the Eagleton amendment is both the logical and necessary extension of the position this body took back on May 10 for it would insure that the clear will of the Congress is observed with respect to halting American bombing activities in Cambodia. Either we were serious about stopping the bombing back on May 10 or we were not, and the vote on the Eagleton amendment today is the true test of our sincerity, our seriousness and our firmness of resolve in adopting the Long amendment.

As I stated at the time of our original vote on this issue, I have yet to hear or read one legal justification for what we are currently doing in Cambodia. We are told that we must bomb Cambodia to save the peace in Vietnam, but there is nothing in the peace agreement which authorizes such an enforcement mechanism. Indeed, our bombing is in clear contravention of the peace agreement.

Mr. Speaker, I think we must recognize here today that peace in Vietnam cannot be delivered from the bomb bay of a B–52 over Cambodia; peace in Vietnam can only be delivered by the people of Vietnam.

We are told that no new authority is needed to bomb Cambodia—that it is simply an extension of the authority which the President had to wage war in South Vietnam. But the fact is, with the repeal of the Gulf of Tonkin resolution, the only authority left to the President was to safely disengage our troops and secure the release of our prisoners of war. Indeed, when the President announced our invasion of Cambodia back in the summer of 1970, he made the following pledge, and I quote:

> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find it is necessary to protect the lives and security of our men in South Vietnam.

Mr. Speaker, all of our troops have been disengaged and our prisoners returned. That authority has been terminated.

We are told that we must bomb Cambodia to save the Lon Nol regime. But we have no such military commitment to that regime, and no authority resides in the Presidency to undertake such a mission without the prior consent of the Congress.

In conclusion, Mr. Speaker, the vote today on the Eagleton amendment is the first of two important votes this week in this body on the proposition that the Congress must reassert its constitutional war powers. If we have learned nothing else from our tragic involvement in Vietnam, I hope we have learned that the Congress must exercise its constitutional responsibilities in committing American forces abroad if that commitment is to have the sustained understanding and support of the American people. Without the exercise of that rightful role, and without that understanding and support, our system will again be stretched beyond the stress point and we will again be tossed into the terrible and tragic turmoil which wracked our society during the decade of the sixties. I for one do not want to see a repeat of that experience in the seventies. By our vote on the Eagleton amendment today we have a clear opportunity to demonstrate that we do not want Cambodia or Laos to become the Vietnam of the seventies. I therefore urge support of the motion to recede and concur in the position of the Senate conferees on the Eagleton amendment.

Mr. DAN DANIEL. Mr. Speaker, the American Legion is opposed to congressional efforts to eliminate funds the President may use in his discretion to support U.S. bombing in Cambodia and Laos. We are especially opposed to amendments proposed by the Senate which would cut off funds for bombing and other combat operations not only in supplementary appropriations bills but also end such use of all past and future appropriations.

We urge Members of the House of Representatives not to tie the hands of the President thereby hamstringing American military support of the legitimate Governments of Cambodia and Laos. Both of these nations face heavy aggression from North Vietnam in complete and blatant violation of Hanoi's pledges contained in the January 27, 1973, Vietnam cease-fire agreement and confirmed in the June 13, 1973 reaffirmation of that pact.

Our President is trying to negotiate a real cease-fire in Cambodia. It would be most unfortunate for Congress to cripple his most potent weapon for achieving peace there. We are certain that, without American support, Cambodia and Laos will fall before the military pressure of North Vietnam and become Communist. Not only would this be a tragedy in those nations, but it would also bring almost irresistible pressure upon the Republic of Vietnam which is valiantly and successfully defending its own independence and right of self-determination.

I, reluctantly but urgently, ask you to support the original House amendment cutting off only the use of funds in the fiscal year 1973 supplemental appropriation bill for Cambodian and Laotian operations. We sincerely hope this more limited restriction would afford the Cambodian and Laotian Governments sufficient breathing room to negotiate an honorable peace agreement and prevent the loss of both countries to communism.

Mr. LEGGETT. Mr. Speaker, I rise in support of the motion to recede on the Eagleton amendment.

About 10 years ago we were told that our intervention was necessary in order to prevent the collapse of all of our allies in Asia; a few years after that the justification changed to the protection of South Vietnam's right of self-determination; and then we were told that we need to stay in so that we can protect our POW's and the withdrawal of our troops.

Last month, when the Defense Supplemental bill was before this body, the argument had changed once again. At that time we heard that a termination of the bombing would pull the rug out from Dr. Kissinger's sensitive negotiations with the North Vietnamese. Well, those negotiations have been concluded, and as we have discovered, there was not much to pull the rug out on.

Despite the empty rhetoric of the second Paris accords, the war and the bombing continue. And there is no end in sight.

As of the beginning of May the United States was pouring some 870 tons of bombs per day on the indigenous Cambodian insurgents. The fact that after 19 years of involvement in Indochina we are still bombing in Cambodia is disturbing enough, but it is made even more idiotic by when we realize that this amounts to 87 tons for every Communist KIA.

If this body chooses to continue the bombing in Cambodia I think we should at least know what we are getting for our money. The answer is, not much.

Recently, two staff members of the Senate Foreign Relations Committee traveled for a month in Indochina. They found that, contrary to popular belief, the United States continues to be heavily involved in Indochinese political and military affairs. Despite this deep involvement, however, our allies in Southeast Asia are no more capable of defending themselves than they were years ago.

According to Mr. James Lowenstein and Mr. Richard Moose of the Senate Committee, the situation in Cambodia is particularly acute. Let me quote from their report.

> Upon our arrival in Cambodia we found it generally agreed among all observers that the political, military and economic performance of the Lon Nol government had reached an all time low. Furthermore, it was our impression that the feeling of apathy and futility on the part of government officials was so profound that it obscured any sense of crisis which, by any Western standards, they should have felt given the facts of the situation.
>
> In the military sphere, the Cambodian armed forces, which had never recovered from the Chenla II debacle in the fall of 1971, were facing a Khmer Communist movement that had gained remarkably in strength since that time, a fact that many Cambodian officials, both civilian and military, refuse to admit. In the political sphere, as a result of manipulated presidential and parliamentary elections, compounded by the universally abhorred machinations of Lon Nol's younger brother, Lon Nol had alienated almost all of those who had supported him in the past. In the economic sphere, prices were rising at an alarming rate, food and other commodities were becoming increasingly scarce and the budget was virtually out of control.
>
> Most observers with whom we talked felt that what Cambodia most needed to do was to get out of the war, but Lon Nol appeared both incapable and unwilling to do so except on his own terms.

So the outlook for the Cambodian Government is pessimistic, and it is expected to remain so for same time, with or without U.S. support.

Since 1970 the United States has committed $226 million in economic aid to the Cambodian Government, and since 1972 Lon Nol has received over $300 million in military aid from us. Moreover, over the last few years, we have transferred millions of dollars worth of military equipment to the Phnom Penh Government at little or no cost to their military assistance program.

Look what we have received in return. A government that has managed to lose two-thirds of the country to a tenuous coalition of local insurgent groups, alienated its staunchest supporters through dictatorial actions, and waste millions of dollars of U.S. economic and military assistance through widespread graft and corruption.

On this last point, the Senate staff found that while we are supporting a Cambodian armed force monthly payroll that numbers 278,430 personnel, the Cambodian Minister of Information has indicated that there are only 180,000 real soldiers on duty.

I think that it is high time that we put an end to this folly once and for all. I urge that the House adopt the Eagleton amendment to cut off all funds for the bombing and combat action in Cambodia and Laos.

Mr. SYMMS. Mr. Speaker, here we go again. Hawks versus Doves—where are the tigers?

Mr. Speaker, once again the House is asked to support White House policy in Southeast Asia. My question is, how long is this going to go on? Every year we hear the same argument that it is about over, that we are about to achieve an honorable peace. Mr. Speaker, I suggest to you and my colleagues that there is no way we will achieve an honorable peace in Southeast Asia because an honorable peace by my definition is victory not compromise or appeasement with the Communists. This administration has had 4 years to end this war. In my opinion the only reason we are not still shooting in Vietnam is because the President finally hit Hanoi where it hurt last December. But why did he wait 4 years to do it? I come from the old school that believes that war is hell and that wars are to be won as soon as possible and by what ever means necessary. I am tired of playing touch football with the Communists.

Mr. Speaker, I have been told by military generals familiar with the situation that the South Vietnamese are capable of cleaning out the Communists in Cambodia and Laos but that they are being prohibited from doing so by the United States. Apparently, the only way Kissinger could get Hanoi to agree to the cease-fire was to promise them that the United States would hold South Vietnam in tow and not let them defeat the Communists. Therefore, it appears to me that the South Vietnamese Army would be more effective against Hanoi than the bombers are over Cambodia. Perhaps if the Congress takes the bombers away from the President he will be forced to turn the South Vietnamese loose and allow them to really win for a change and halt the Communist advances in Cambodia and Laos. I for one will vote to stop continued air action over Cambodia until the President agrees to let South Vietnam defend itself and demonstrates his desire to defeat communism in Southeast Asia.

Mr. Speaker, I am sure that as result of my vote today that some people will try to say that I am supporting the doves. Unfortunately, the conflict between my colleagues over the war policy in Vietnam has been between those who wanted to give up and bug-out and those who supported the administraion no-win policy for the last 8 years. But what happended to the third alternative of going all out to win as soon as possible? I think that the big mistake made by conservatives throughout the Vietnam conflict was letting themselves be trapped into supporting a no-win policy as the only alternative to the advocates of surrender or bugging-out. Mr. Speaker, I have had it; I say either put up or get out and let South Vietnam do what we were afraid to do—win. This motion tells the President we have 60 days to come home.

Mr. MILFORD. Mr. Speaker, when this bill first came before the House on this past 10th of May, I voted for the Addabbo amendment. The reason for my vote was spelled out in a statement that can be found on page 15307 in the Congressional Record of that date.

In all honesty, I was very reluctant to cast my vote for the Addabbo amendment. In the past, I had supported the President's position in the Vietnam involvement.

As explained in my statement in the Congressional Record of that date, Cambodian operations are illegal, in that the Congress has not declared war on that nation nor authorized the operation by concurrent resolution.

By means of the Addabbo amendment, the Congress clearly served notice that the President was acting on his own and therefore must bear the full brunt of his actions.

Today, I voted against the proposition that would have totally and immediately stopped all Cambodian action.

On the surface, this vote would appear to be inconsistent with my support of the Addabbo amendment. It is not. By means of the Addabbo amendment, we simply said, "Congress will not authorize further funds to conduct a war until it is legally declared either by formal declaration or by concurrent resolution." At that time, I felt that if we had approved the funds, it would have been construed as congressional approval of the war.

When the Addabbo amendment was on the floor, all Members agreed that the amendment would not stop the Cambodian operation. Sufficient funds already existed for the President to continue the operation for a limited period of time.

Today, the House considered a new amendment that had been inserted by the Senate—the Eagleton amendment. This amendment was much more restrictive than the Addabbo amendment. The new amendment would immediately stop all action in Cambodia and Laos. In effect, this constitutes a "battlefield" decision.

I voted against this new amendment. In short, I do not feel that I have enough information at hand to intelligently decide on whether or not operations should end immediately in Southeast Asia.

As a Congressman, I do not have available vitally important intelligence reports, confidential embassy reports, battlefield situation reports and other classified information that must be considered when deciding whether or not to cease immediate combat action.

The President has all of this information and a trained staff to evaluate it. He is in a position to make such a decision. Furthermore, I have been assured by respected senior Members of the Congress that sensitive negotiations are in progress wherein the bombing is an important factor.

Therefore, what I have tried to do, within my limited capabilities—I can only vote yes or no to specific propositions that come onto the floor—is to say to the President and the public the following:

First. Present operations in Cambodia and Laos are illegal in that these operations have not been authorized by the Congress.

Second. No future appropriations of funds will be made for these operations because it would infer that Congress approved them.

Third. If the President, in accordance with our Constitution, will come before the Congress or even the appropriate committees—in executive sessions—and justify the need for additional combat operations, I will go along with the committee's advice.

Fourth. In the absence of congressional consent, the President becomes totally responsible for all combat operations and the consequence that may follow.

Fifth. Recognizing the fact that the President has access to vital classified information, that is not available to the Congress, I would not inject myself by making "battlefield decisions" by immediately stopping combat action occurring on the fringes of a major war. Parenthetically, I shall not be a party to allowing the limited combat action to expand into another major involvement.

In summary, we are dealing with two wrongs. The President is wrong in conducting an illegal action. The Congress is wrong in attempting to make a battlefield decision when it does not have the information at hand to intelligently make such a decision. Everyone is familiar with the old adage "two wrongs do not make a right."

Through the voting pattern that I have followed, the President has a few more days to wind up his war and, during this time, he is on his own. By disapproving further appropriations, the Congress has limited his time in Cambodia and served notice that it does not approve of the action.

Mr. COTTER. Mr. Speaker, I rise in support of the Eagleton amendment.

I would have hoped that such action in this Chamber would not be required. For several years now, it has been increasingly obvious that public and congressional dissatisfaction with the administration's war policies has been growing. Four and one-half years ago, the President was elected on a pledge to end this war. But the war has not ended—it has merely been transformed to a less visible, less politically unpopular method of destruction. For more than 100 consecutive days, American bombs have been dropped over Cambodia. Of the 200 planes used to bomb North Vietnam at the height of our saturation raids last year, not one has yet been reassigned from their bases in Guam, Thailand, and elsewhere. Mr. Speaker, the time has come—in fact, is long overdue—to put a stop by congressional mandate to this tragic error in policy.

I have been a part of the effort to put an end to our military involvement in Southeast Asia ever since I came to Congress. I was a cosponsor of the Vietnam Disengagement Act of 1971. I was a signer of the "O'Neill letter," signifying intent to vote for all amendments that would end the war by congressional action. I was a vigorous supporter of the Mansfield amendment which tied withdrawal to return of our prisoners of war.

Now that our POW's are returned, however, there can be no continuation of our past rationale of military activity to secure their release. In fact, continued bombing exposes more Americans to the risk of injury, death, or capture, aside from the devastating effect it has on morale, both at home and in the military.

Aside from the lack of military justifications for this tragic and divisive policy is the fact that millions of dollars are needlessly being spent to pursue it. Currently it costs $100 million a month to bomb. I have, on April 20 of this year, written to President Nixon, deploring the mentality that has led up to our present position, and still maintained that there are not enough funds available for our domestic problems of housing, illness, and unemployment.

Mr. Speaker, the time is here for action to end, once and for all, our military activity in Southeast Asia. The Eagleton amendment would accomplish this by extending the prohibition on use of funds voted by the House of Representatives on May 10 to past appropriation bills, and to activities in and over Laos, as well as Cambodia. There can be no question that congressional authority exists to enact such a ban under article I, section 8 of the U.S. Constitution.

For too long now, the Congress has, either by permission or by omission, permitted its powers regarding war actions to be abused and usurped by the executive branch. Even in the face of continuing displeasure voiced by the Congress, the President has persisted in his war policies. Mr. Speaker, we must act now to positively end the tragedy, the agony, and the divisiveness brought on by this war. I urge my colleagues in this Chamber to concur with the Senate and finally end the use of American men, money, and material on the ground and in the skies of Southeast Asia, by voting for the Eagleton amendment.

Mr. BROOMFIELD. Mr. Speaker, I rise in support of the conference report and the Senate provision to cut off funds for additional bombing of Cambodia.

Throughout the long and torturous history of American military participation in Southeast Asia, I have supported administrations of both parties in their efforts to achieve an honorable and lasting peace in Vietnam.

My position, Mr. Speaker, was simply this: As long as we were pursuing peace at the negotiating table, as long as American prisoners were in North Vietnam and as long as our troops were still stationed in the south, unilateral disengagement by the United States would have been contrary to the best interests of long-term peace throughout Indochina and a direct threat to the security of American troops. I stand by that judgment.

However, we are now faced with a new set of circumstances, a decidedly different situation, when we are asked to grant still one more extension of the bombing of Cambodia.

Our troops have been safely withdrawn. Our prisoners of war have been repatriated and the painstaking search for our missing-in-action continues even now in the south. Dr. Kissinger has had ample time to conduct additional negotiations with Le Duc Tho and substantial progress has been made in this area.

The three goals which motivated my opposition to past fund cutoffs have been achieved and, therefore, I can no longer support the bombing of Cambodia.

Mr. Speaker, the time has come for us to eliminate completely our operations in Indochina. Rather than taking a step backward into the turmoil and uncertainty of renewed and possibly expanding military activities, it is now time for us to look forward to a new era of peaceful negotiation and settlement in this troubled area of the world.

This is not a simple goal; it will not be won easily. Neverthless, we must undertake this new approach—an approach which coincides with the realities of today and not of the past. For these reasons then, Mr. Speaker, I am moved to support this measure to cut off the bombing in Cambodia.

Mr. BOLAND. Mr. Speaker, Members of the House this afternoon have an opportunity to cut off all funds for American bombing and combat support activities in Cambodia and Indochina.

Had I been a member of the House conferees meeting with Senators on the second supplemental appropriations bill for fiscal year 1973, H.R. 7447, I would have supported the so-called Eagleton amendment, which was the major issue in disagreement on this bill.

When the bill was before the House, I supported the antiwar funds amendment to cut off all funds in the second supplemental appropriations bill for the remainder of this fiscal year.

The Eagleton amendment in the Senate goes beyond the House position. It applies to funds in this bill and all previous appropriations, and adds Laos in addition to Cambodia with respect to prohibition on bombings and combat activities.

Mr. Speaker, I feel that now is the time for Congress to exercise its prerogative and duty through the power of the purse to let the White House know we want to put an end to the killing and maiming by American forces in Southeast Asia.

Therefore, I support and will vote for the Giamo preferential motion for the House to recede and concur with the Senate on the Eagleton amendment. Lets put an end, once and for all, to American participation in the ugly Indochina war.

Mr. WALDIE. Mr. Speaker, today's vote by the House curbing the President in his enthusiastic bombing policies over Cambodia and Laos, is truly a historical occasion.

Though it is sad that consciousness of the tragedy of Indochina took so long to permeate the House, it is nonetheless an important occasion that such awareness now exists.

The blood and needless sacrifice of Vietnam will always be a blot on our national honor but that blot may now be of lesser magnitude than would have been the case without today's votes.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to concur with an amendment.

Mr. EVANS of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Has the previous question been moved?

Mr. MAHON. Mr. Speaker, I have moved the previous question.

The SPEAKER. The previous question has been moved on the motion. Until that has been disposed of, the Chair is without power recognize any Member for any other purpose.

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Texas.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. EVANS of Colorado. Mr. Speaker, a parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair is not going to allow any further interruptions.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry. Was that a vote on the previous question?

The SPEAKER. The question was on the motion.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 204, nays 204, present 1, not voting 24, as follows:

[Roll No. 274]

YEAS—204

Arends
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Brooks
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Devine
Dickinson
Dorn
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Flood
Flowers
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Gilman
Goldwater
Goodling
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McCollister
McEwen
McFall
McSpadden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Pettis
Poage
Powell, Ohio
Price, Tex.
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—204

Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Barrett
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Broomfield
Brotzman
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Hamilton
Hanley
Hansen, Wash.
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
Macdonald
Madden
Mallary
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sandman
Sarbanes
Schroeder
Seiberling
Shoup
Sisk
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steele
Stokes
Studds
Sullivan
Symington
Taylor, N.C.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Ga.

PRESENT—1

McKay

NOT VOTING—24

Abdnor
Adams
Anderson, Calif.
Ashbrook
Badillo

Bell
Blatnik
Breaux
Burlison, Mo.
Danielson
Derwinski
Fisher
Flynt
Gray
Gross
Hanna
McKinney
Mills, Ark.
Moss
Pepper
Rooney, N.Y.
Teague, Tex.
Thompson, N.J.
Young, Alaska

So the preferential motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. McKay for, with Mr. Moss against.

Mr. Derwinski for, with Mr. Bell against.

Mr. Fisher for, with Mr. Thompson of New Jersey against.

Mr. Young of Alaska for, with Mr. Adams against.

Mr. Ashbrook for, with Mr. Breaux against.

Mr. Rooney of New York for, with Mr. Danielson against.

Mr. Teague of Tevas for, with Mr. Burlison of Missouri against.

Until further notice:

Mr. Blatnik with Mr. Flynt.

Mr. Gray with Mr. Pepper.

Mr. Hanna with Mr. Abdnor.

Mr. Mills of Arkansas with Mr. Gross.

Mr. Anderson of California with Mr. Badillo.

Mr. McKAY. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Moss). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion to concur offered by the gentleman from Connecticut (Mr. GIAIMO).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 84: Page 60, after line 19, insert:

"SEC. 306. No part of any appropriation contained in this or any other Act, or of funds available for expenditure by any corporation or agency shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"SEC. 306. No part of any appropriation contained in this or any other Act, or of funds available for expenditure by any corporation or agency shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

"SEC. 307. Appropriations and authority provided in this Act shall be available from June 5, 1973, and all obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making continuing appropriations for the fiscal year ending June 30, 1973, and for other purposes.

Mr. CEDERBERG reserved all points of order on the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRIVILEGES OF THE HOUSE—NEW JERSEY AGAINST JAMES M. TURNER AND CHARLES LENTINE

The SPEAKER. The Chair recognizes the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Speaker, I rise to a question of the privileges of the House.

I have received a subpena to testify before the Superior Court of New Jersey at Mercer County, Trenton, N.J., at 9:30 a.m. on June 25, 1973. In the case of New Jersey against James M. Turner and Charles Lentine.

Under the precedents of this House I am unable to comply with this subpena without the consent of the House. The privileges of the House being involved.

I therefore submit the matter for the consideration of the House.

I send the subpena to the desk.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[In the Superior Court of New Jersey, Law Division, Criminal]

STATE OF NEW JERSEY, PLAINTIFF V. JAMES M. TURNER AND CHARLES LENTINE, DEFENDANTS

[In the superior court of New Jersey Law Division, Criminal]

The State of New Jersey, to: Congressman John E. Hunt, 67 Cooper St., Woodbury, N.J.

You are hereby commanded to attend and give testimony before the above named Court before Judge Arthur A. Salvatore, court house, Mercer County, 4th floor, Trenton on Monday, June 25th, 1973, at 9:30 o'clock A.M., on the part of defendant, Turner in the above entitled action.

Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a Civil Suit and punishment for contempt of Court.

June 22, 1973.

MORTIMER G. NEWMAN, Jr., *Clerk*.

Roy D. Cummins, Esq., Attorney for defendant, Turner.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 464) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 464

Whereas Representative John E. Hunt, a Member of this House, has been served with a subpena to appear as a witness before the Superior Court of New Jersey at Mercer County, Trenton, New Jersey, at 9:30 a.m. on the twenty-fifth day of June, 1973 to testify in the case of State of New Jersey against James M. Turner and Charles Lentine; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative John E. Hunt is authorized to appear in response to the subpena of the Superior Court of New Jersey, in Mercer County; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be sumitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES DURING WEEK OF JUNE 25, 1973

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 454 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 454

Resolved, That it shall be in order for the Speaker at any time during the week of June 25, 1973, to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII.

Mr. MADDEN. Mr. Speaker, on Thursday, June 21st, the Committee on Rules considered and adopted House Resolution 454. House Resolution 454 provides that it shall be in order for the Speaker at any time during the week of June 25, 1973, to entertain motions to suspend the rules, not withstanding the provisions of clause 1, rule XXVII of the Rules of the House.

Mr. Speaker, House Resolution 454 will allow the Members to spend the holiday week of July 4th with their families. I urge its adoption.

Mr. MARTIN of Nebraska. Mr. Speaker, I approve of this resolution, I have no further requests for time.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman's yielding.

I must say in all honesty I do not understand why we should have Christmas in June. This House resolution in effect waives the lay-over period for consideration of conference reports before this body. I think it is unnecessary and totally unwarranted. I think the House will make a terrible mistake if it decides to adopt this kind of resolution in the middle of the year.

I can at least justify to some extent the willingness of the House during the last week of the session to suspend the rules in order to complete our business. This resolution suspends the rules in a period of time in the middle of the year when we are coming back in July to be here for the month of July. We know we will be back here in September after Labor Day. I find absolutely no reason why the House should adopt this resolution.

I will say to the distinguished chairman of the Committee on Rules and the distinguished ranking member that I strongly object to the resolution, and I hope that the House will vote it down.

Mr. MARTIN of Nebraska. Mr. Speaker, I should be glad to offer the gentleman an explanation if he cares to have one.

Mr. STEIGER of Wisconsin. I should appreciate having one.

Mr. MARTIN of Nebraska. Mr. Speaker, the need for this resolution is in regard to conference reports that might come back before June 30, the end of the fiscal year. We have a very important conference report in regard to the debt limit. If it comes back on Thursday or Friday of this week, there would be no time to consider it before the July 4 recess under the 3-day rule. This would suspend the 3-day rule.

I have the utmost confidence in the Speaker. He is only going to utilize the prerogative we give him under this resolution in cases of emergency, and I think it perfectly fair and proper that he should do so.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate that explanation by the gentleman from Nebraska, but if that is the case, then let us adopt a resolution that says we can waive this 3-day rule on conference reports for the debt ceiling bill. This is a blanket waiver for all bills. It is totally unjustified, and I intend to vote against it.

Mr. MARTIN of Nebraska. This resolution was agreed to by the leadership of both parties in the House.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding. What are the other bills that may come back from conference, if this is so important to establish such a blanket waiver of the rules?

Mr. MARTIN of Nebraska. I could not answer the gentleman, because I do not know what bills will be agreed upon in conference between now and next Friday.

Mr. ROUSSELOT. The reason I tend to agree with the gentleman from Wisconsin is that if this is one specific conference report that maybe needs emergency attention, why not make just that specific exception? Why make it such a blanket rule? We may come up with a deadline time on Friday next, and I just do not think it is good procedure. Suddenly we may have 5 or 10 or 15 different conference reports, and we would not have adequate time to know what the real changes are.

Mr. MARTIN of Nebraska. I am sorry the gentleman does not have sufficient confidence in the leadership on both sides of the aisle to trust them.

Mr. Speaker, I refuse to yield any further.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 276, nays 129, not voting 28, as follows:

[Roll No. 275]

YEAS—276

Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Aspin
Barrett
Bennett
Bergland
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burton
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cochran
Cohen
Collier
Collins, Ill.
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg

Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Horton
Hosmer
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
McCormack
McDade
McFall
McKay
McSpadden
Macdonald

Madden
Madigan
Mahon
Mailliard
Mann
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes

Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Stephens
Stokes

Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walsh
Ware
Whalen
White

Whitten
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—129

Archer
Arends
Bafalis
Baker
Beard
Biester
Blackburn
Bray
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Butler
Byron
Carter
Clancy
Clawson, Del
Cleveland
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
du Pont
Erlenborn
Esch
Eshleman
Findley
Fish
Forsythe
Frelinghuysen

Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Grover
Gubser
Gude
Hammerschmidt
Harsha
Harvey
Hastings
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Huber
Hudnut
Hunt
Hutchinson
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Lott
Lujan
McClory
McCloskey
McCollister
McEwen
Mallary
Maraziti
Martin, N.C.
Mathis, Ga.
Mayne
Miller
Minshall, Ohio
Mitchell, N.Y.

Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
Obey
Parris
Pettis
Peyser
Powell, Ohio
Price, Tex.
Rarick
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruth
Satterfield
Saylor
Scherle
Sebelius
Shriver
Snyder
Spence
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Treen
Vander Jagt
Veysey
Wampler
Whitehurst
Widnall
Wiggins
Winn
Wylie
Young, Fla.

NOT VOTING—28

Abdnor
Adams
Anderson, Calif.
Ashbrook
Ashley
Badillo
Bell
Blatnik
Breaux

Burlison, Mo.
Danielson
Derwinski
Fisher
Flynt
Gray
Green, Oreg.
Gross
Hébert
Long, Md.

McKinney
Michel
Mills, Ark.
Moss
Pepper
Railsback
Rooney, N.Y.
Thompson, N.J.
Young, Alaska

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Michel.

Mr. Hébert with Mr. Railsback.

Mr. Rooney of New York with Mr. Ashley.

Mr. Breaux with Mr. Abdnor.

Mr. Adams with Mr. Badillo.

Mr. Blatnik with Mr. Derwinski.

Mr. Anderson of California with Mr. Fisher.

Mr. Danielson with Mr. Bell.

Mr. Gray with Mr. Flynt.

Mrs. Green of Oregon with Mr. Gross.

Mr. Moss with Mr. Young of Alaska.

Mr. Pepper with Ashbrook.

Mr. Mills of Arkansas with Mr. McKinney.

Mr. Burlison of Missouri with Mr. Long of Maryland.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ATOMIC ENERGY COMMISSION AUTHORIZATION, 1974

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 447

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8662) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 447 provides for a 1-hour open rule on H.R. 8662, a bill to authorize appropriations for the Atomic Energy Commission for fiscal year 1974.

The total cost of the bill is the authorization total of $2,429,055,000. Of this total, $1,740,750,000 is authorized for Operating Expenses and $688,305,000 is authorized for Plant and Capital equipment.

Authorizations made in the bill include those for programs such as applied energy technology, space nuclear systems, physical research, such as metallurgy and materials research, and biomedical and environmental research.

The $2,429,055,000 total authorization is approximately $174,420,000 below the authorization for fiscal year 1973.

Mr. Speaker, I urge adoption of House Resolution 447 in order that we may discuss and debate H.R. 8662.

Mr. ANDERSON of Illinois. Mr. Speaker, today we are considering House Resolution 447, which provides for the consideration of H.R. 8662, authorizing appropriations for the Atomic Energy Commission for fiscal year 1974. This is an open rule, with 1 hour of general debate.

The purpose of H.R. 8662 is to authorize funds for the Atomic Energy Commission for fiscal year 1974.

The total cost of this bill is $2,429,055,000. Of this, $1,740,750,0000 is for operating expenses, and $688,305,000 is for plant and capital equipment.

The authorization in this bill is $103,495,000, or about 4.1 percent less than the amount requested.

The committee acted to reduce funds for some programs—notably there was a reduction of $142 million in the Commission's nuclear weapons program—and to provide for modest increases in other programs—namely, reactor development and technology, controlled research, and the development of medical isotopes.

The committee added $2 million in order that detailed planning could commence on a second liquid metal fast breeder reactor demonstration project. This action is in consonance with overall planning for the development and demonstration of the liquid metal fast breeder reactor as announced by President Nixon.

Mr. Speaker, I urge the adoption of House Resolution 447 in order that the House may begin debate on H.R. 8662.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8662) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8662, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from California (Mr. HOSMER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I yield myself such time as I may consume.

The AEC authorization bill for fiscal year 1974 has been carefully considered by the Committee. The Committee has reviewed the Commission's budget request and recommended changes in the funds for several of the AEC's programs in accordance with its own view of the national priorities. The Committee's recommendations are founded upon the testimony received in seven public and three executive hearings and extensive material which is included in the hearing record.

This bill authorizes appropriations totaling $2,429,055,000 for the coming year. That amount is approximately 4.1 percent less than the amount requested by the Commission and about 6.7 percent less than was authorized for fiscal year 1973.

Approximately 52 percent of the Commission's fiscal year 1974 estimated program costs will be for civilian programs. The remainder will be military applications of atomic energy. The civilian portion of the AEC's programs includes $128.8 million in operating costs for the high energy physics program for which the AEC acts as principal funding agent for the entire Federal Government.

The Committee reduced the budget request by $103,495,000.

The bill is $174,420,000 less than the 1973 authorization.

OPERATING FUNDS

Turning to the bill itself, the individual sections are explained in the section-by-section analysis beginning at page 43 of the committee report. Section 101(a) would authorize $1,740,750,000 for operating expenses. This total figure consists of the components listed in the table on page 3 of the committee report. Each portion of that table is discussed in detail in the committee report beginning at page 6. The committee has recommended several adjustments to the AEC's requested authorization. The net total of these adjustments is a reduction of $12,500,000.

I would like to highlight some of the significant areas affected by the committee's recommendations. Recognizing the Nation's need for increasing amounts of clean energy, the committee recommended increases of $15 million for electric power for the operation of the gaseous diffusion plants, which provide nuclear fuel. The committee increased AEC's request for civilian nuclear reactor development by $7.9 million. This amount includes $2 million for preliminary studies for a second LMFBR demonstration plant. The committee also added $10.6 million for applied energy technology, and $8.5 million for controlled thermonuclear research.

The committee was also aware of the need for fiscal responsibility. In this regard, it recommended the elimination of advanced engineering development programs for two new atomic artillery shells—$15 million—and a general reduction of $35 million in other weapons activities.

CONSTRUCTION FUNDS

With regard to the plant and capital equipment portion of the budget, contained in section 101(b) of the bill, a total of $688,305,000 is recommended. This is a reduction of $90,995,000 from the amount requested by the AEC.

The bill authorizes $145,225,000 for new construction projects, $172,300,000 for capital equipment not related to construction, and $370,780,000 in increases in authorization for previously authorized projects.

The major changes recommended in this area are an $80 million reduction for certain classified facilities and a denial for a request for $12 million for production facilities for two new atomic artillery shells. This reduction, coupled with the reduction of $50 million in operating expenses which I mentioned earlier, results in a total reduction of $142 million in nuclear weapons efforts. I should stress that the committee's recommendations in the weapons area do not, in our judgment, impair the national defense.

The committee also recommended the addition of $2.5 million for necessary modifications to the Transient Reactor Test Facility consistent with the increased emphasis on the fast reactor safety program.

Sections 102, 103, and 104 of the bill set forth certain limitations regarding the application of the funds authorized by this bill. These are similar to provisions incorporated in previous authorization acts. However, this year, the committee recommended the addition of two new subsections in section 102 which would clarify the AEC's authority to incur obligations beyond amounts specifically set out for each line item construction project.

Section 106 provides for rescission of two previously authorized projects which are no longer necessary. The total authorization for those two projects was $2.75 million of which $500,000 was applied to reduce the new obligational authority for fiscal year 1972 and $750,000 is being so applied for the fiscal year 1974 request.

CONCLUSION

These are the highlights of the bill, Mr. Chairman. The bill provides for the minimum authorization which the committee believes is necessary to carry out at a viable level the essential programs and activities of the Commission. I urge its favorable consideration.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 8662, a bill to authorize appropriations to the Atomic Energy Commission for fiscal year 1974.

My distinguished colleague from Illinois, Chairman PRICE, has already summarized the highlights of the bill now before you, including those committee actions which constitute a significant increase or decrease to the program amounts requested by the administration. As indicated, a significant reduction recommended by the Joint Committee concerns the Commission's nuclear weapons program. I concur in the Committee action but do not propose to comment further at this time. Rather, I would like to comment upon some of the recommendations by the Joint Committee, expressed in its report, which pertain to the work directed toward contributing to solutions of the energy problems which face our Nation.

The committee has given full support to the liquid metal fast breeder reactor development program and has recommended modest addition of funds for other reactors upon which development is continuing. The committee added a total of $7 million to the high temperature gas reactor, the molten salt reactor and related programs.

The Joint Committee has recommended the addition of $8.5 million for the controlled thermonuclear research program. This would bring to a total of $53 million the amount authorized for the operating expenses of this program during fiscal year 1974. The additional funding would permit acceleration of program effort in areas such as fusion reactor technology, three-dimensional plasma computer simulation, toroidal superconducting magnet development and offsite research.

The committee has also recommended additional funding so that the Commission can begin energy development work on the hydrogen cycle technology, geothermal and solar energy, including provision for cooperative AEC-industry ventures to test geothermal technology.

With respect to peaceful applications of nuclear explosives, the committee approved the $3.2 million requested by the administration for gas stimulation technology development and $600,000 for explosive research, development, and testing. Further, the committee recommended an addition of $800,000 for the specific purpose of evaluating hydrofracturing and other conventional approaches to gas stimulation.

I should point out that the committee has recommended an addition of $15 million for spot purchases of power in order that the Commission would be able to take advantage of such opportunities as may arise to buy additional electric power in order to operate its uranium enriching plants at somewhat higher capacity than would be possible under the budget request. Because of the lack of funds this past year, the Commission has not been able to pick up spot purchases of energy at a reasonable cost which would have produced enriched uranium at a lower incremental cost than the current average selling price of $32 per separative work unit. Projected demand curves pertaining to the supply of enriched uranium for the operation of nuclear power reactors to aid in meeting this country's electrical needs increase dramatically in the early 1980's. It behooves us to preproduce additional material now at a time when the enrichment plants are not being operated at their full capacity.

We, in this Nation, are clearly considerably more advanced in the technology for enriching uranium than other nations throughout the world. In our own best interests, we should make the best of this situation. The highly developed nations of the world have recognized the advantage of generating electric power by nuclear means. They have made long-term commitments to use light water power reactors which require enriched uranium. We should avail ourselves of the opportunity which presents itself to us to sell this enriching service to others and thereby substantially improve our balance of trade with foreign nations. In the coming fiscal year, the AEC estimates expected revenue of $580 million from the operation of its enrichment plants. The demand for uranium enriching services is expected to increase exponentially in the years ahead.

The problem of assuring adequate enriching capacity to meet this country's projected needs and the needs of our foreign customers in the 1980's is a significant matter. A decision must be made very soon concerning the provision of additional enriching capability in this country, whether it be privately funded or otherwise. In connection with the enriching problem, I am pleased to report that recent information furnished the committee by the Atomic Energy Commission suggests that the progress being made on the efficacy of the centrifuge is such that it can now be considered a real candidate for the production of enriched material needed to satisfy the increase in demand.

I believe that the Joint Committee's recommendations strike a good balance of providing adequately for programs relating to our national security while concurrently giving proper emphasis to Commission's energy development programs. At the same time we have recommended reductions in the budget request by over $100 million.

I urge a favorable report by this committee on the bill.

Mr. PRICE of Illinois. Mr. Chairman, I have no requests for time.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, although it has the largest dollar cost in the physical research program, the high energy physics research program in the United States is proceeding at a pace which is relatively slower than that enjoyed outside this country. The Joint Committee's recommendation of $128.8 million for the high energy physics operating expenses represents a $4.4 million increase over estimated fiscal year 1973 costs. While this might seem an unwise expenditure to some concerned with societal requirements, I would point out that the pursuit of science does pay off and that technology is not all bad.

High energy physics is supported because it leads to a greater understanding of the basic composition and behavior of the matter which constitutes the world about us. It probes at the very heart of nature's most fundamental aspects which have important implications. There is every reason to anticipate that benefits will evolve directly from the fundamental knowledge gained from the studies going on in high energy physics today. History reveals that advances in fundamental research have had a significant beneficial impact on life in subsequent generations, though these benefits were not specifically foreseen at the time basic breakthroughs were achieved, but generally ranged from 20 to 50 years thereafter. A significant example is the development of nuclear energy which arose from what was then high energy physics research in the 1920's and 1930's.

Nuclear powerplants have come to fruition as a practical controlled energy source only in the past decade.

To maintain the present state of technology and to insure that an adequate technological base is laid for future generations, it is vital that we pursue a large spectrum of research activities—from purely applied research with its more immediate payoff to relatively speculative and exploratory basic research with its longer term potential for payoff.

The U.S. leadership in high energy physics, which is recognized throughout the world, has resulted from past support by the Congress. This U.S. program is emulated by many of the leading nations in the world and is the envy of others.

I would like to mention that the National Accelerator Laboratory near Batavia, Ill., is operating routinely at 300 billion electron volts, 50 percent greater than the design energy of 200 GeV. As part of the cultural agreement between the United States and the Soviet Union, some five to six Russian scientists and their families are now at the NAL performing experiments. If for no other reason, the exchange of top level scientists between the United States and U.S.S.R. should make the high energy physics program of great value to the United States because of increased mutual understanding and respect among these people.

In conclusion, I would like to state that the Joint Committee has recommended adding $300,000 to the high energy physics program to take advantage of the unique operating characteristics of the two-accelerator system called the BEVALAC available at the Lawrence Berkeley Laboratory. This unique arrangement will allow acceleration of all atoms, from hydrogen through the heaviest, at viariable energy against a multitude of targets. This form of research, called heavy ion research, could lead to vastly increased knowledge which would be of great value in medicine, nuclear energy systems, metallurgy and other fields.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the bill, and call particular attention to two of the Commission's high-priority programs which will be expanded and strengthened in the legislation before us.

As has been noted, the overall authorization comes in below the total budget request, most of the reductions being in the area of military applications. But there are a number of programs that the Commission and the joint committee have considered to be high priority programs, one is the reactor safety program, including the water reactor safety research covering reactors now in operation as well as the two developmental programs, that is, the liquid metal fast breeder reactor, and the high temperature gas-cooled reactor. The second of these high priority Commission programs is that involving waste management.

Mr. Chairman, I would like to discuss briefly these two programs.

REACTOR SAFETY RESEARCH PROGRAM

The Joint Committee on Atomic Energy has studied in considerable depth the Commission's reactor safety research program, not only for light water reactors which are now in commercial use but also for other reactor concepts under development—the liquid metal fast breeder reactor, the high temperature gas reactor, and others. It is interesting to note that almost one-half of the $66 million requested by the Commission for fiscal year 1974 concerns research in connection with the safety of light-water reactors of the type now being operated on utility systems in this country—at present 30 reactors with a capacity of over 15 million kilowatts.

Light-water reactor safety research programs have been underway for about two decades and, although the Commission no longer does development work on these reactors, they do carry out necessary research programs intended to demonstrate safety margins believed to exist in present designs. The Commission carries out a variety of tests including destruction or near-destruction of fuel elements, fuel bundles, and certain components of engineered safety systems. The loss of fluid test—LOFT—expected to commence next year, involves verification of partial core and full core behavior under simulated accident conditions. This test is to be conducted at a remote site, the National Reactor Testing Station in Idaho.

On May 15 the Atomic Energy Commission announced a restructuring of certain portions of its principal staff including the establishment of a separate Division of Reactor Safety Research reporting directly to the general manager. This new arrangement separates the reactor safety research program from the developmental activities of the Commission except for those reactors now under development. The new division will, however, develop independent capability in reactor safety research on all types of nuclear power reactors.

Major portions of the Commission's reactor safety research program concern special features of the liquid metal fast breeder reactor. It is well-known to reactor designers that reactor safety is an inherent feature of design. The fundamental responsibility for the safety of a reactor system rests with the designer, whether he be an AEC contractor or engaged in the design of reactors for private industry. He must be able to defend his design and be cognizant of all experimental data and experience accumulated on similar reactor designs utilizing such information as may be appropriate.

The Commission's program for safety studies and experimentation related to the safety of liquid metal fast breeder reactors, estimated at $30 million for the coming year includes work on breeder fuel safety loops, liquid metal coolant behavior, fuel-coolant interaction and related studies, calculations and experiments.

It was judged especially important by the Committee to add to the construction projects requested by the administration a $2.5 million construction project authorization which would improve the existing transient reactor test facility—TREAT—at the Idaho test station. This facility permits testing of fast breeder fuel pins and fuel assemblies under simulated accident conditions far more severe than expected in normal service. Such tests permit a detailed assessment of possible accident dynamics which improve understanding of the dynamics of fast breeder fuel behavior so that fuel specifications can be more definitively established and the course of hypothetical accidents better understood.

Some data gathered as a consequence of the overall reactor safety research program are applicable to light water reactor design and liquid metal fast breeder reactor design alike.

Both kinds of reactor design are subjected to a detailed safety review by the AEC regulatory staff and by the Statutory Advisory Committee on Reactor Safeguards prior to the granting of licenses. These reviews may develop a case for an increase in safety margins, either in the form of redundancy of equipment or diversity of sensing devices and other equipment. The reactor designer proposes designs which he believes adequate to provide protection to the facility workers and to the public health and safety. The safety review, if it results in modification, invariably requires a more conservative, rather than a less conservative design.

As the committee has stated in its report on the bill, there is no limit to the amount of reactor safety research which can be carried out in the name of safety. The committee's responsibility, as we see it, is to judge whether the proposed budget provides funding which is adequate to fulfill to research needs and thereby increase our fund of knowledge upon which these safety determinations are based. We believe that the $66 million recommended by the committee in its report on this bill is appropriate for this purpose.

COMMERCIAL HIGH-LEVEL WASTE MANAGEMENT AND TRANSPORTATION

The nuclear waste management and transportation program established by AEC to take care of the high-level wastes from commercial power reactors is a small but vital link in the overall plan to bring nuclear generated electricity into our homes, office, and commercial establishments. I strongly recommend that this program be funded at the requested $15 million for fiscal year 1974.

As has been said many times before, it is the empty barrel and the empty head which make the most noise. Those who know essentially nothing at all about nuclear waste management and transportation are generally the most vociferous in decrying the dangers inherent in nuclear fuel reprocessing, transportations, and eventual burial.

High-level radioactive waste from the processing of spent fuel from commercial power reactors will be a stable solid material sealed in stainless steel canisters. Each canister will have multiple encapsulation. The waste can be held at the reprocessing plant up to 10 years at which time it must be shipped to the AEC for permanent management.

Between 1983 and the year 2010, an estimated 500,000 cubic feet solid waste sealed in stainless steel containers will be delivered to the AEC. Incidentally, 500,000 cubic feet is equivalent to the volume which would be occupied by a college-style football field 360 feet long, a hundred feet wide, and 14 feet high. As you can see, the waste material generated in a 27-year period could be easily placed in a small corner of the United States. But that is not the plan.

The encapsulated solid wastes will initially be stored in air—or water-cooled facilities located on or just beneath the surface of the Earth. While in such surface or near-surface storage, all containers will be easily retrievable and will be continuously monitored and maintained, if necessary, to assure that the contained waste is completely isolated from the biosphere. The AEC plans to continue design work and site selection during fiscal year 1974 for a storage facility. Early studies have indicated that no unique factors will be involved in designing such a storage facility. This indicates that most any site which would be suitable for a commercial power reactor or reprocessing plant would also be suitable as a storage facility. Construction of a retrievable surface storage facility should start within the next 2 or 3 years and should be finished well ahead of the expected 1983 date for receipt of the first commercial waste.

It does not appear to be a question of whether man keep the nuclear waste material from the biosphere; however, since this material must be monitored for thousands of years, it becomes a question of how long he is willing to continuously monitor it. For this reason, work is continuing on a development program to furnish the remaining information necessary to prove conclusively that high-level waste may be safely emplaced for geologic periods in a bedded salt mine. The final phase of the development program will be the construction and operation of a pilot plant in which in situ tests can be made on a thousand or so commercial waste containers stored in bedded salt under full operating conditions. In the pilot plant all waste containers will be easily retrievable. Construction of the pilot is expected to start in the next 3 years. A bedded salt field in eastern New Mexico, a field which has been quiet technically for millions of years, is one site under consideration for the pilot plant.

Transportation of the solid material will be in the multiple encapsulated canisters similar to those used for shipping the more highly radioactive spent fuel from reactors to the fuel reprocessors. These casks will meet all AEC and Department of Transportation requirements.

To return to my previous statement about the empty heads making the most noise, I can assure you that those who have already taken up the cudgel against the transportation of nuclear wastes, like the learned junior high school physics teacher from Prince Georges County, are probably totally unaware about the large number of trips which have been safely accomplished with spent fuel elements from other than commercial reactors and which have covered thousands of miles per trip.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I rise in support of H.R. 8662, authorizing appropriations for the Atomic Energy Commission for fiscal year 1974.

It is particularly appropriate—and I am pleased—that the Joint Committee on Atomic Energy has here proposed an increase in operating funds of $8,500,000 over the AEC's request of $44,500,000 for the controlled thermonuclear research program. The successful development of fusion power will provide us—and people throughout the world—with a new energy source, with the fuel drawn from the oceans of this Earth. The benefits to the United States and to other nations of an unlimited and environmentally attractive energy source have been obvious and are growing more important by the day.

The scientists and engineers working for the AEC on this CTR program are a remarkable group. Their competence and dedication are outstanding. The problems they have solved, and those they must yet solve, are perhaps the most sophisticated that any group has faced. Recently their progress has been very substantial. Experiments at the Princeton Plasma Physics Laboratory and the Oak Ridge National Laboratory in my congressional district have been of major significance. They have shown that our understanding of the fundamentals of controlled fusion is basically correct, and predictions therefrom are being experimentally verified. As examples, these scientists have just demonstrated for tokamak configurations a valid method of heating the plasma, that size scaling is favorable, and that reactor level plasma densities are achievable.

As a result of these recent successes, certain key areas now sorely need substantial funding increases to take advantage of opportunities to quickly press forward. It would be tragic to see the CTR program limited in dollars when it is not limited in capability and understanding. I therefore believe it is in the Nation's best interest that this work on an energy source of such tremendous potential receive the full funding the joint committee has recommended.

The Atomic Energy Commission has been looked to for guidance and support relative to future manpower needs so necessary for peaceful uses of the atom to reach fruition through Government and private efforts. Although there are demands for many types of people, nuclear-oriented engineers and specialists in radiation protection and environmental protection are most critical. The demand for such individuals is rapidly increasing as more and more nuclear power plants are planned to meet the growing energy crisis safely, economically, and with less impact on our environment.

I have been advised that it is now estimated that the supply of these necessary people will be less than one-half the numbers required unless new programs are mounted to counteract the adverse effect of falling engineering enrollments and generally lowered Federal support of graduate students. A study committee of the American Nuclear Society estimates that for the period of 1975 through 1980 a total of 10,500 nuclear engineering graduates will be required against a supply of perhaps 3,800 graduates.

In the important field of radiation protection, the AEC estimates a potential demand/supply ratio of about 2.6 to 1.

And, of course, as overall engineering enrollments and financial support fall, institutions with programs broad enough to produce manpower for the atomic energy field must cut back their courses and staffs—thus prolonging the growing shortages of manpower needed by the AEC, its contractors, and the atomic field in general.

In the years that AEC had fellowships and/or traineeship programs, it has supported over 3,700 individuals in graduate studies, with about 3,000 of these representing nuclear-related engineering and radiation protection. These individuals have had a strongly beneficial impact on the atomic energy field as it exists today. Support by the AEC appears necessary to begin correcting the growing imbalance between nuclear manpower supply and demand. Thus, the joint committee amendment to provide the AEC $1 million for this effort is a wise decision.

The proposed fiscal year 1974 authorization also provides an additional $15 million beyond the amount requested by the Commission for purchase of power to run the uranium enrichment plants at Oak Ridge; at Paducah, Ky.; and Portsmouth, Ohio. Since projected costs for electric power are not accurately predictable, and in light of recent trends of these costs, it is likely that these additional moneys will prove necessary to permit operating the plants at planned power levels.

Seasonal or short-term power in excess of that covered by long-term contracts is sometimes also available at reasonable prices on short notice. Purchase of such additional quantities of power will permit production of enriched uranium addition to that produced at planned power levels and will help to delay the time when new uranium separation capacity will be required.

The availability of adequate supplies of enriched uranium is essential to permit operation of the Nation's planned nuclear power reactors. We are all aware of the power shortages facing this Nation. The enriched uranium will help fuel nuclear power plants so vitally needed to contribute the electrical power upon which our economy depends.

I continue to support the many vital activities of the Atomic Energy Commission in various areas. The benefits which can and do accrue to the benefit of all of us—from meeting energy needs to medical diagnosis and treatment—are immense. I urge my colleagues to support H.R. 8662.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I am most pleased that the Joint Committee on Atomic Energy has proposed a substantial increase in the authorizations for the controlled fusion program and for geothermal energy research.

With our reserves of fossil fuels declining it is important that research and development be carried out to develop other sources of energy. Geothermal energy appears to be particularly attractive to us in the West and it has the advantage of being pollution free. Last year the Office of Management and Budget impounded the small appropriation for research in this area. I hope that the recent fuel shortages have impressed upon the OMB the wisdom of AEC research on geothermal energy technology so that they will put to use the funds appropriated by this Congress.

The controlled fusion program is especially worthy of our support, I think, due to its almost unlimited potential. Not only would a fusion reactor be nearly pollution free, but the fuel source—basically seawater—is unlimited. Furthermore, the energy efficiency of a fusion powerplant would be much greater than that attainable with fission reactors; consequently, the problem of thermal pollution would be greatly reduced. There is also the possibility of developing direct conversion of energy into electricity with a fusion reactor. While this admittedly is further off, it still remains technically feasible.

Another dividend from the development of controlled fusion may be found in the area of waste disposal. Scientists working on fusion research programs have suggested the possibility of developing a fusion torch to be used as a waste disposal system. Such a device would literally vaporize any and all materials thus providing an answer to the increasing problem of waste disposal.

Of course Federal funds for research and development of alternate energy sources such as controlled fusion and geothermal energy is not the real answer to the problem. What is really needed is for the private sector to get more involved in this kind of R. & D. Hopefully, the work done so far, and the advances made by Government funded programs will encourage private enterprise to invest more heavily in these areas. Gulf Oil Co. and KMS Industries have been using private funds for research on controlled fusion for several years now. Both of these companies, by the way, have made some very significant breakthroughs in their efforts. I hope that the Federal Government will do everything possible to encourage increased involvement of private enterprise in the development of advanced energy sources such as fusion and geothermal energy.

I hope that the Congress will support the joint committee's recommendation. The AEC is one of the few Government agencies which gives the American taxpayers their money's worth in beneficial returns.

Mr. RONCALIO of Wyoming. Mr. Chairman, I am opposed to the further expenditure of funds for the Atomic Energy Commission's so-called Plowshare program. The purpose of this program is to utilize nuclear explosions for peaceful purposes. Under this program, there have been a number of nuclear detonations for gas stimulation which have been termed "successful" but the Nation is yet to see one ounce of gas flow into the pipelines which go to the consumers of America.

Project Gasbuggy, which was detonated on December 10, 1967, near Farmington, N. Mex., and Project Rulison which was detonated September 10, 1969, near Grand Valley, Colo., both now contain water. It concerns me that this water is contaminated with nuclear material and may flow into nearby streams and rivers.

In this connection I would like to point out that a recent study sponsored by the National Science Foundation concluded that Project Rulison was an economic failure. At a cost of $11 million it is yielding gas that would be worth only $1.5 million if it were of high quality and uncontaminated, which it is not.

The Rio Blanco multinuclear detonation experiment or pilot test which was recently conducted in Colorado is about to be opened up by AEC experts to determine first hand what happened. If it follows the pattern of previous experiments the AEC will determine that it was "successful." More money will be spent but still we will not have a product which will ease the energy shortage. The follow-on experiment to Rio Blanco was scheduled to be Wagon Wheel and was to be detonated in Wyoming.

It is my understanding that the full field development of multiple nuclear explosives underground such as occurred in Rio Blanco and which are contemplated in Wagon Wheel would mean 5,000 wells and 3 to 5 times that many detonations pounding the Earth under the citizens of Colorado and Wyoming.

It is my opinion that it is unreasonable to use the people of my State, or any other State, to assume the burden of this untried technology. It is also farfetched to believe that thousands of nuclear detonations underground would not in some significant way pollute the waters of the Colorado river system.

I believe that underground nuclear technological programs such as those being pressed by the AEC under its Plowshare program are uneconomical and potentially dangerous to our environment. They do little, if anything, to ease the energy shortage. In fact, an argument can be made that they actually detract from the search for ways to ease the energy shortage by taking funds from more realistic conventional ways to meet the energy crisis.

I strongly believe that funds totaling about $3 million should be programs to develop the peaceful uses of atomic energy through our highest priority nuclear energy development effort, thermonuclear research or other energy program. These efforts will aid our Nation in easing the energy crisis which has rapidly enveloped us.

Mr. FRENZEL. Mr. Chairman, I do believe that in our search to broaden energy sources, we have placed disproportionate reliance and a disproportionate share of our resources on the liquid metal fast breeder reactor. There are a wide range of various energy sources which are not being developed very quickly. Compared to the financial support of the LMFBR, our support for the development of other energy sources, with the exception of coal gasification and fusion, are minimal.

In my judgment this country's interests are best served, given a fixed amount of energy development funds, by spreading those funds through promising sources. For instance, our expenses for solar energy have been miniscule. Our fuel cell research last year was zero. Our expenses for geothermal research were less than those for solar energy. I believe that these important energy sources should be developed or at least investigated at a greatly accelerated rate.

In addition, our development of the LMFBR was, in the opinion of the AEC, started late. It has been hurried, and the difficulties of speeding up a development like this are unknown, but they carry high risks. Personally I would prefer a slowdown in the development of the LMFBR demonstration project so we can be sure that safety testing has been completed satisfactorily. A slowdown would also allow the environmental reports required under the National Environmental Protection Act to be completed. I understand that there is at least one court case pending due to lack of such report.

More importantly, a slowdown of the LMFBR program would allow use of our scarce energy development resources for other energy source developments.

Mr. VANIK. Mr. Chairman, in time of crisis we must reexamine our priorities. The events of the past year have made it clear that the problem of energy shortages will be with us for years to come. To meet this problem we have placed a heavy reliance on the atom. As President Nixon stated in his recent energy message:

> The major alternative to fossil fuel energy for the remainder of the country is nuclear energy.

We have already made an enormous commitment to civilian nuclear power programs. Although nuclear power provided only 3 percent of the Nation's total electrical output in 1972, in New England nuclear power provided 15 percent of the region's electrical output. In the Midwest, Commonwealth Edison produced 23 percent of its capacity by nuclear power and it is now over 30 percent this year. By the year 2000, the National Petroleum Council projects that nuclear power will become the single most important source of domestic energy.

We are charging headlong down the path of atomic power without adequately assessing the alternatives before us—

energy conservation, coal gasification, solar energy, geothermal energy and others. Any rational solution to the many complex problems that have combined to create our energy crisis demands that we assess all the alternatives available before we become overcommitted to one. I have submitted legislation that will enable the Federal Government to assess all possible technologies and order research priorities with confidence and responsibility.

I am concerned that we have distorted our priorities on energy research and development. In the President's budget for fiscal year 1974 roughly 74 percent of the total funding for energy research and development went to civilian nuclear research. At the same time, the promising technologies of solar and geothermal energy received only $16 million. This distortion of funding effort has added to the illusion that nuclear power is a cure-all. Unfortunately, this illusion dangerously obscures the broad questions of safety which underlie civilian reactor development.

The major thrust of the Commission in civilian reactor development has been the breeder reactor. The concept of the breeder reactor is appealing because it artificially produces its own fuel. Of the three alternative breeder reactors, the Commission selected early the liquid metal fast breeder reactor—LMFBR—over the two other alternatives—the molten salt breeder reactor—MSBR—and the gas cooled fast breeder—GCFR. Prof. Manson Benedict, of the Massachusetts Institute of Technology and a strong supporter of the breeder program, has criticized the Commission for proceeding too fast with the LMFBR. More time, he maintains, should be spent exploring the MSBR and the GCFR. He further states:

> I know of no one so bold as to claim for the liquid metal fast breeder reactor such an inherent advantage. Thus, the AEC's breeder program lacks balance . . .

Other, more serious doubts have been raised over the too hasty development of the LMFBR. Concern over the LMFBR arises because the breeder reactor is inherently less stable than the thermal reactors which have been used up to the present. The potential dangers of the breeder reactor are far greater than present day reactor design.

These dangers were pointed out by the U.S. court of appeals when it ruled on June 12 that the Atomic Energy Commission must file an environmental impact statement on the entire fast breeder program. I would like to quote at length from the court's decision because I believe it points out some essential points that Congress must consider in this legislation before us. The court wrote:

> It is evident that the (LMFBR) program presents unique and unprecedented environmental hazards. The Commission itself concedes it is expected that by the year 2000 some 600,000 cubic feet of high-level concentrated radioactive wastes will have been generated. These wastes will pose an admitted hazard to human health for hundreds of years, and will have to be maintained in special repositories.

The Court saw that the unresolved safety hazards surrounding the breeder programs necessitated that a full and complete review of the environmental impact of the program be made. In view of this decision, I am surprised to see the committee recommend that we proceed with a second LMFBR demonstration plant in addition to the present test plant at Oak Ridge, Tenn. The committee has added an additional $2 million to this authorization bill for this purpose. As the committee stated in its report:

> It appears clear that at least a second breeder demonstration plant will be needed in order to assume timely development of reliable and economic fast breeder reactors.

In other words, what we see in the committee's recommendation is an unwarranted national commitment to a dangerous and unproven technology.

This wholesale commitment to nuclear power is unwarranted in view of the many promising alternatives available to us. One of the most promising—but at the same time most neglected areas—is solar energy. The Solar Energy Panel of the National Science Foundation and NASA, in a recently published report, concludes that there presently are no technical barriers to the wide application of solar energy in the United States. By the year 2000, the panel estimates, solar energy could economically provide up to 35 percent of building heating and cooling needs, 30 percent of the Nations gaseous fuel, 10 percent of its liquid fuel, and 20 percent of the electrical energy requirements.

The direction this authorization bill takes us in energy development is significant. Because of the long leadtimes associated with the development of any alternative to fossil fuels, the decisions we make today will determine the technologies of tomorrow. We must not continue to proceed in callous disregard of the public welfare. We can no longer afford the illusions of nuclear power. The time has come for serious assessment of all alternatives, not only in terms of their potential benefit, but also in terms of their potential environmental hazards.

I would like to serve notice on the committee and the commission that this may be the last authorization for AEC which I will be able to support—we must begin to look at our energy problems comprehensively by exploring all the options before us. While atomic energy offers an appealing solution for the future, there are serious safety questions which must be resolved. In turn, other available technologies should be explored fully and completely in order to determine their rightful contribution to the solution of our future energy needs. The difficult obstacles before us require imagination and leadership.

It is up to Congress to provide both.

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment to allow States to set stricter standards than the AEC for the discharge of radioactive effluents from atomic power plants.

Mr. Chairman, as my distinguished colleagues will remember, last year when the House considered the Water Pollution Control Act, I offered an amendment similar to that proposed today by my colleague from New York. At that time, I urged the House to recognize the rights of States to have a voice in dealing with the public health and environmental effects of the mammoth nuclear power plants that have begun to litter their landscapes. Today, I reiterate my conviction that no State should be expected to accept the grave risks of these plants to the safety and health of its citizenry without the option of being able to set standards more stringent than those set by the Federal Government. If ever there was a case for States' rights, this is it.

The amendment offered by the gentleman from New York will simply give to the States a voice in deciding what kinds and amounts of radioactive wastes may be discharged from nuclear power plants into their waters. I might remind my colleagues that numerous States have already petitioned to do this, and the National Governors Conference as far back as 1969, adopted a policy which holds in part that—

> States have and must retain the authority to establish additional environmental controls as required by special conditions.

I wish also to clarify that this amendment will in no way allow States to jeopardize the lives of people by setting standards lower than those set by the AEC. Rather, it lends itself to the formulation of higher, safer standards. In addition, I would like to respond to those proponents of nuclear power who are concerned that this amendment will enable States to impose such restrictive standards as to effectively exclude nuclear facilities within their borders. The fact of the matter is that there are already many other ways in which a State government, if it wished, could curtail expansion of nuclear power generating capacity. It can refuse to issue certificates of convenience and necessity for construction and operation of new power plants; State Public Utility Commissions can forbid use of expensive nuclear power by their rate determinations. This amendment we are considering does not give any new or unique power to the States; it simply reaffirms the full range of their present authority under our Federal system.

Mr. Chairman, the perils of nuclear power are too grave and too intricately related to the health and safety of a State's citizenry for the State to be excluded from having a say in setting emission standards. It is a fundamental State's right to provide for the well-being of its citizenry; by adopting this amendment, we reaffirm this right and act in the best interests of every American. I urge adoption of the amendment.

Ms. HOLTZMAN. Mr. Chairman, I am opposed to the Atomic Energy Commission authorization—$2.5 billion—for fiscal year 1974. My opposition is based on two alternative themes. First, I believe that the authorization overemphasizes the necessity for a further commitment of our budget to additional nuclear weapons systems at a time when we are already overwhelmingly prepared to defend ourselves and at a time when we are supposedly reaching a détente with the Communist powers. Second, this authorization places too little emphasis on harnessing our nuclear resources for safe civilian uses, especially to relieve the pressure brought on by our present energy crisis.

I am appalled to find that this bill includes an authorization for almost a billion dollars for nuclear weapons, including $426 million for production and surveillance and another $126 million for atomic weapons systems. I am also dismayed at the dearth of information offered to the Congress by the Joint Atomic Energy Commission as to what use this money is being put. At a time of rampant inflation, it is irresponsible to commit our constituents' tax dollars to unknown—but plainly unnecessary—projects.

Moreover, it seems to me that our nuclear stockpile is already incredibly adequate to repulse any nuclear attack. An excellent example of nuclear "overkill" is the request for over $80 million for a reactor for the Trident submarine at a time when this country's existing atomic submarine fleet will soon have the capacity to launch well over 6,000 nuclear missiles. By approving this authorization, we are in effect allowing the executive branch to put its foot in the door for this useless weapons system. We will soon be asked to approve $1.7 billion for the Trident project for this fiscal year. When Trident submarines are fully developed we will have spent over $13 billion on their production.

The irony is that we are authorizing these huge expenses at a time when the President has supposedly reached dramatic agreement with the Soviet Union to halt the development of nuclear weapons. How can we applaud the détente and at the same time approve huge expenditures for more nuclear weapons?

I think it is time that the Congress viewed our military nuclear weaponry with a critical eye and began to make serious judgments as to whether these weapons are really necessary.

At the same time, I am deeply disturbed about the lack of commitment that this bill represents to the peaceful and safe use of our nuclear capacity. The American people have long been led to believe that our nuclear power could be harnessed and used for positive efforts. This bill belies that hope.

It is my belief that this bill represents an insufficient attempt to utilize atomic power to alleviate the present energy crisis we are confronting. Not enough money is devoted to the development of safe, ecological, and efficient use of nuclear energy to generate power. I have been informed that nuclear powerplants presently operate at approximately 50 percent capacity because there is a fear that to run them at any greater capacity would create an unacceptable hazard to public safety and health. Moreover, we are already well aware of the ecological problems associated with nuclear power and too little money is devoted in this bill to correcting these hazards.

Finally, I am deeply concerned about this bill's failure to address seriously the well-known hazards to the public of storing nuclear wastes. It seems to me unacceptable to require the American public to become in effect neighbors of waste storage facilities through which leakage of radiation could endanger our health and pollute our country—if not the world—for generations to come. We cannot continue recklessly to utilize more and more nuclear energy without developing means of assuring the public that nuclear waste products are safe.

Surely we have learned the bitter lesson that improvements in technology can have on our environment. Yet instead of developing safeguards against nuclear pollution this bill authorizes only small amounts for research and development in this area.

I think the authorization would better serve our country if its main focus were on our real needs—new, safe, and efficient energy for peaceful uses.

Mr. PRICE of Illinois. Mr. Chairman, I have no requests for time.

Mr. HOSMER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $1,740,750,000 not to exceed $128,800,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 74–1–a, additional facilities, high level waste storage, Savannah River, South Carolina, $14,000,000.

Project 74–1–b, replacement ventilation, air filter, F chemical separations area, Savannah River, South Carolina, $5,200,000.

Project 74–1–3, calcined solids storage and plant safety improvements, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, $3,000,000.

Project 74–1–d, cooling tower fire protection, gaseous diffusion plants, $3,300,000.

Project 74–1–e, new purge cascade, gaseous diffusion plant, Oak Ridge, Tennessee, $5,900,000.

Project 74–1–f, plant liquid effluent pollution control, gaseous diffusion plants, $8,000,000.

Project 74–1–g, cascade uprating program, gaseous diffusion plants (partial AE and limited component procurement only), $6,000,000.

Project 74–1–h, transuranium contaminated solid waste treatment development facility, Los Alamos Scientific Laboratory, New Mexico, $1,650,000.

(2) ATOMIC WEAPONS.—

Project 74–2–a, weapons production, development, and test installations, $10,000,000.

Project 74–2–b, acid waste neutralization and recycle facilities, Y–12 Plant, Oak Ridge, Tennessee, $1,700,000.

Project 74–2–c, high energy laser facility, Lawrence Livermore Laboratory, California, $20,000,000.

Project 74–2–d, national security and resources study center (AE only), site undesignated, $350,000.

(3) REACTOR DEVELOPMENT.—

Project 74–3–a, Liquid Metal Engineering Center (LMEC) facility modifications, Santa Susana, California, $3,000,000.

Project 74–3–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $2,000,000.

Project 74–3–c, emergency process waste treatment facility, Oak Ridge National Laboratory, Tennessee, $1,300,000.

Project 74–3–d, modifications to reactors, $2,000,000.

Project 74–3–e, modifications to TREAT facility, National Reactor Testing Station, Idaho, $2,500,000.

(4) PHYSICAL RESEARCH.—

Project 74–4–a, accelerator and reactor improvements, high energy physics, $1,700,000.

Project 74–4–b, accelerator and reactor improvements, medium and low energy physics, $600,000.

(5) PHYSICAL RESEARCH.—

Project 74–5–a, computation building, Stanford Linear Accelerator Center, California, $2,900,000.

(6) BIOMEDICAL AND ENVIRONMENTAL RESEARCH.—

Projects 74–6–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $1,300,000.

(7) GENERAL PLANT PROJECTS.—$47,825,000.

(8) CONSTRUCTION PLANNING AND DESIGN.—$1,000,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $172,300,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (5), (6), and (8) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project authorized under subsections 101(b) (1), (2), (3), and (4) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

(e) The total cost of any project authorized under subsections 101(b) (5), (6), (7), and (8) shall not exceed the estimated cost set forth for that project by 10 per centum unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between

"Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b) (1), project 71-1-e, gaseous diffusion production support facilities, the figure "$72,020,000" and substituting therefor the figure "$105,900,000", (2) striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "$34,400,000" and substituting therefor the figure "$172,100,000", and (3) striking from subsection (b) (9), project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, the figure "$69,000,000" and substituting therefor the figure "$193,000,000".

(b) Section 106 of Public Law 91-273, as amended, is further amended by adding the following sentence at the end of the present text of subsection (a) thereof: "Notwithstanding the foregoing, authorization of additional appropriations for the conduct of Project Definition Phase activities subsequent to the execution of the aforementioned cooperative arrangement, in the amount of $2,000,000, is hereby authorized.".

(c) Section 101 of Public Law 92-314 is amended by (1) striking from subsection (b) (1), project 73-1-d, component test facility, Oak Ridge, Tennessee, the figure "$20,475,000" and substituting therefor the figure "$26,675,000", and (2) striking from subsection (b)(5), project 73-5-h, S8G prototype nuclear propulsion plant, West Milton, New York, the figure "$56,000,000" and substituting therefor the figure "$125,000,000".

SEC. 106. RESCISSION.—(a) Public Law 91-273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71-5-a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(b) Public Law 92-314 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73-1-i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Chairman, I offer a technical amendment to correct a printing error.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Illinois: Page 4, line 7, at the beginning, strike out "Projects" and insert "Project".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL

Mr. PODELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PODELL: Page 8, after line 4, insert the following new section:

"SEC. 107. Section 274 of the Atomic Energy Act of 1954 is amended—

"(1) by striking out paragraph (6) of subsection a. and inserting in lieu thereof the following:

"'(6) to give full recognition to the legitimate interest and responsibility of each State in matters pertaining to the public health and safety.";

"(2) by striking out "No agreement" in subsection c. and inserting in lieu thereof "Subject to subsection o., no agreement"; and

"(3) by adding at the end thereof a new subsection as follows:

"'o. Nothing in this Act shall be construed to prevent and State from regulating concurrently with the Commission the discharge or disposal of radioactive effluents from the site of a utilization or production facility in such State, if—

"(1) the requirements or standards imposed by such State are for the protection of the public health and safety, and

"'(2) action permitted or tolerated by such State with respect to the discharge or disposal of such effluents is not specifically prohibited by the Commission."

Mr. PODELL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PODELL. Mr. Chairman, under present law the AEC has sole authority for regulating the level of emissions from atomic reactors. Regardless of local conditions the States are forbidden from interfering on their own behalf. I am offering this amendment today to H.R. 8662 to allow the States to decide for themselves if stricter standards are necessary.

For, it is more than a State's right to protect the health of its citizens. It is its responsibility.

This amendment would not water down the AEC's obligation to set minimum health and safety standards, it would simply allow each State to provide the maximum protection they need.

I am pleased to say that many of my colleagues, led by Congressman DONALD FRASER of Minnesota have introduced a variety of bills to accomplish this goal. Unfortunately, these bills have languished in committee for the past 4 years. For this reason I have chosen another vehicle to bring this issue before the House.

There has been a continuing debate in the scientific community on acceptable emission levels. Several States concerned about these differences and the exclusive claims of authority by the AEC have attempted to assert their prerogatives on the matter. The State of Minnesota, for example, has been in the forefront of this fight. Strict standards set up by that State were challenged in the courts.

I am happy to say, however, that the Southern Governors' Conference along with 14 other States, either filed friend of the court briefs or asked to be joined as appellants with the State of Minnesota. Unfortunately, the Supreme Court upheld the lower court's decision and ruled that Congress and preempted the States' regulatory authority. It is now time for Congress to return that authority. Each State must be given the ability to insure the safety of its citizens.

At this point I want to assure my colleagues that this will not hamper the production of energy. Sophisticated technology already exists which is capable of reducing the radiation hazard.

This amendment is aimed solely at protecting public health and safety. It certifies the States' obligation to step in when the Federal interest in health and safety proves insufficient.

When the AEC's current plans are realized there will be 171 atomic plants operating in 33 States and Puerto Rico, producing an atomic fallout that cannot be ignored. Billions of gallons of atomic waste are in storage, while the AEC continues to search for effective and acceptable means of disposal. These wastes, mostly liquid, will remain radioactive for 1,000 years—but they are stored in tanks made of 20th century materials. Their iron and steel containers will rust and rot and leak their deadly contents long before the AEC finds a way to safely dispose of them.

It is impossible for uniform national standards to meet the specialized needs of each and every community. Radiation exposure presents a dangerous threat to the health of our citizens. The public demands the fullest protection possible, both on the Federal and State level. Passage of this amendment today will help guarantee that protection.

I might say in addition that in 1969 when this legislation was first introduced, the National Governors Conference wholeheartedly supported this measure.

I ask my colleagues in the House today to join with me in protecting the rights of each and every State of this Union to decide for themselves those emission levels that will protect the safety of their citizens.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the proposed amendment. I think this amendment deserves more serious consideration. I should like to point out that H.R. 2314 and H.R. 2315 have been introduced in the present Congress. These bills also would amend the Atomic Energy Act of 1954 to permit the states to regulate radioactive effluents currently with the Atomic Energy Commission and would have the same effect as this amendment. Comments on these bills have been requested from the AEC, the Department of Justice, and the EPA. The comments from the AEC have cited the potential danger of conflicting standards and dual regulation. Additionally, the Department of Justice has pointed out that manner in which these bills have been drawn would limit design flexibility and perhaps even dictate design. Moreover, the Department of Justice is opposed to the enactment of either of these bills in their present form because they may not accomplish their stated objective and because they may involve the Federal Government in litigation if enacted. When we go back into the House I will insert copies of the comments from the AEC and the Department of Justice at this point. I would urge that further consideration of this amendment be postponed until both the Joint Committee and the Congress have had adequate opportunity to study the impact of these bills in the light of the danger of conflicting standards and the problems raised by the Department of Justice.

The letters referred to follow:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., May 23, 1973.

Mr. EDWARD J. BAUSER,
Executive Director, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. BAUSER: This is in response to your request for AEC comments on H.R. 2314, H.R. 2315 and S. 1190, three identical bills "[t]o amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents."

The bill would, if enacted, amend section 274 of the Atomic Energy Act of 1954, as amended, in three places. Subsection a. of section 274 would be amended by striking out the present paragraph (6) which states that it is the purpose of section 274 "to recognize that, as the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable" and by adding in lieu thereof a new paragraph (6) which would state that it is the purpose of section 274 "to give full recognition to the legitimate interest and responsibility of each State in matters pertaining to the public health and safety." Subsection c. of section 274, which specifies those areas over which the AEC may not relinquish regulatory authority and responsibility to the States, would be amended by striking out "No agreement" and adding in lieu thereof "Subject to subsection o., no agreement." Finally, H.R. 2314, H.R. 2315 and S. 1190 would amend section 274 by adding a new subsection o. to provide that "Nothing in this Act shall be construed to prevent any State from regulating concurrently with the Commission the discharge or disposal of radioactive effluents from the site of a utilization or production facility in such State, if—(1) the requirements or standards imposed by such State are for the protection of the public health and safety, and (2) action permitted or tolerated by such State with respect to the discharge or disposal of such effluents is not specifically prohibited by the Commission."

As you know, the Atomic Energy Commission has long recognized and supported the interest of the States in the radiological protection field. Under the leadership of the Joint Committee, the virtually unique Federal-State amendment to the Atomic Energy Act (section 274) has provided the statutory framework for a cooperative program under which a portion of the AEC's regulatory authority has, by formal agreement, been relinquished to the States. The AEC, however, has not been authorized to relinquish to the States its responsibilities under the Atomic Energy Act for the licensing and regulation of nuclear power reactors.

In the newest type of AEC-State relationship, a number of interested States will collaborate jointly with the AEC on effluent and enviromental monitoring around nuclear facilities in the respective States. By this program individual State agencies, under contract to the AEC, collaborate with AEC's regulatory staff in carrying out independent measurement—audits of the radioactive effluent and environmental monitoring programs of licensees in that State. We believe this program will provide valuable benefits both to the States and the AEC.

The imposition of conflicting and non-uniform standards was one of the evils that the Congress specifically sought to avoid, and succeeded in avoiding, in enacting section 274 of the Atomic Energy Act. The enactment of H.R. 2314, H.R. 2315 or S. 1190 would create an obvious potential for the imposition of conflicting and non-uniform standards.

On the Federal level, the imposition of conflicting and non-uniform standards as well as dual regulation have thus far largely been avoided in the area of radiation protection through the efforts of the agencies themselves, as well as those of the Federal Radiation Council whose statutory purpose, as you know, was to advise the President with respect to radiation matters, directly or indirectly affecting health. This included guidance to all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with the States. The functions of the Federal Radiation Council are now exercised by the Environmental Protection Agency pursuant to the provisions of Reorganization Plan No. 3 of 1970. We feel that it is not only in the interest of public health and safety but also in the interest of the public in the development of its electrical power resources that there be consistent and uniform standards in this area.

For these reasons, the Commission is opposed to the enactment of H.R. 2314, H.R. 2315 and S. 1190. We would note that the standards pressed by the few States that have attempted to enter this area of radioactive effluents have generally been in the range of our proposed numerical guides for light-water-cooled nuclear power reactors to keep radioactivity in effluents "as low as practicable" (36 F.R. 11113, June 9, 1971).

The AEC is sympathetic to the interests of the States in protecting the health and safety of their citizens and is anxious to continue and extend the cooperative activities described earlier. We want to explore with them, and this Committee, better ways of accomplishing our mutual goals. This is clearly contemplated by section 274 of our Act. If the Joint Committee believes it should consider further the concept of vesting the States with more authority in the atomic energy area, we recommend that it be done after a careful congressional evaluation of State capabilities in the area and within the existing section 274 framework.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

L. MANNING MUNTZING,
Director of Regulation.

DEPARTMENT OF JUSTICE,
Washington, D.C., June 20, 1973.

Hon. MELVIN PRICE,
Chairman, Joint Committee on Atomic Energy, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 2314 and H.R. 2315, two identically worded bills which concern the exercise by states of concurrent authority with the Atomic Energy Commission over the discharge or disposal of radioactive effluents from nuclear power facilities. The bills, in effect, would overrule the decision of the United States Court of Appeals for the Eighth Circuit (affirmed summarily by the Supreme Court) in *Northern States Power Company* v. *Minnesota*, 447 F.2d 1143.

This Department expresses no opinion on the wisdom or desirability of authorizing the states to exercise concurrent authority in this highly controversial area of environmental concern. Our inquiry is limited to a consideration of whether the proposed bills will accomplish their stated objective and the range of possible litigation involving the Federal Government if the bills are enacted. Our conclusion is that significant ambiguities exist on these questions which should be the subject of further drafting effort if the purpose of the bill is to be achieved.

The relevant language in the statute as it is proposed to be amended which establishes the regulatory authority of the states is found in a combination of Sections K and O of Section 274. These read as follows:

(K) Nothing in this section shall be construed to affect the authority of any State or local agency to regulate activities for purposes *other than protection against radiation hazards*. (Emphasis added)

(O) Nothing in this Act shall be construed to prevent any State from regulating concurrently with the Commission the *discharge or disposal* of radioactive effluents from the site of a utilization or production facility * * *. (Emphasis added)

* * * * *

It is very clear that the proposed amendment would not allow states to regulate generally to protect against radiation hazards but would only allow regulation of discharge or disposal. As the court noted in the *Northern States Power* case, it is difficult to distinguish between operational features and waste disposal features of a particular facility. The method and level of waste disposal probably is functionally related to the design of the reactor. To limit disposal of wastes almost of necessity would limit design flexibility, perhaps even dictate a particular design.

The proposed bill disclaims any intent to regulate facility design. The language of the bill is insufficient to authorize the exercise of that level of regulatory authority. Yet the authority which it does authorize will inevitably lead to conflict with Atomic Energy Commission regulation.

The Department of Justice is opposed to the enactment of either of the proposed bills in their present form.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

MIKE MCKEVITT,
Assistant Attorney General.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, much as I would like to support the gentleman from New York, as a practical matter it is impossible to establish any legislative control with the winds and currents and velocities and movement of the emissions. It is as impossible as it would be to control the movement of water from hurricanes and things like that. We know the sad experience we had just a year ago in June, when Hurricane Agnes was coming up on a very nice orderly course, but around Elmira, N.Y., the wind shifted and the hurricane came down and drowned the State of Pennsylvania. The same thing is true at Ligonier, Pa., where we get fallout from the Gary, Ind., steel mills, and below us in West Virginia they get the fumes from the Pittsburgh works. We just cannot control the air currents and the emissions which travel in the air and we cannot control the speed of the winds, the air currents, the density, and so on.

We might be putting ourselves in the position of voting for something we cannot enforce. We cannot establish rules on this. Suppose we have in Pennsylvania and New York two different sets of emission controls and we had an atomic energy plant in Pennsylvania—and we do have one built in Shippensburg—and suppose the wind takes the emissions to New York. Who are we going to sue? How are we going to stop the winds? How can we get an injunction to close down and keep from operating a plant which is in accordance with their State law? How do we stop that?

Mr. PRICE of Illinois. Mr. Chairman, the gentleman is exactly correct.

I believe that the Congress should consider the concept in vesting the States with more authority in the atomic energy area. However, I recommend that this be done only after a careful congressional evaluation of the capabilities of the various States in this area and within the existing framework of section 274. In view of the far reaching impact of this amendment on the availability of electric generating capacity and the public health and safety, its substance deserves far more serious consideration than we can give it on the floor at this time.

Also, Mr. Chairman, in view of the far reaching impact of some of the points brought out by my colleague, the gentleman from Pennsylvania (Mr. Dent), I urge the Committee to reject this amendment.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. PODELL. Mr. Chairman, the gentleman from Pennsylvania said better than I just why my amendment should pass:

For the simple reason that the Atomic Energy Commission in setting forth national standards would be unable to cope with the variable the gentleman from Pennsylvania set forth. It is for this very reason that I insist that the States have the right to set their own standards, because, as the gentleman from Pennsylvania said so well——

Mr. PRICE of Illinois. Mr. Chairman, I have only a second remaining.

I would say that I took the argument of the gentleman from Pennsylvania to be in reverse of what the gentleman from New York thinks. I think he supports the contention of our committee.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. Podell and by unanimous consent, Mr. Price of Illinois was allowed to proceed for 1 additional minute.)

Mr. PODELL. Mr. Chairman, will the gentleman yield further?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. PODELL. Mr. Chairman, the gentleman from Pennsylvania said so well how the problems in the State of Pennsylvania are so much different from those in any other state.

Mr. PRICE of Illinois. Mr. Chairman, the gentleman stated a universal problem.

Mr. PODELL. Mr. Chairman, each State does have a problem of its own. All I seek by my amendment is to give the States of this country the right to set their own emission standards, because they do have problems separate and apart, provided those emission standards are stricter than that set forth by the Federal Government.

Mr. PRICE of Illinois. We could have 50 different emission standards, all apropos to one type of situation, and we would have a state of confusion. The effluent, the emission from the atomic plant does not stop at State boundaries.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Chairman, I would like to support the amendment of the gentleman from New York, but one question bothers me.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(At the request of Mr. Matsunaga and by unanimous consent, Mr. Price of Illinois was allowed to proceed for 1 additional minute.)

Mr. MATSUNAGA. Will the gentleman from Illinois yield further?

Mr. PRICE of Illinois. I yield further to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Chairman, supposing every State in the Union passes a law prohibiting any radioactive waste to be buried within the boundaries of each State; what then?

Mr. PODELL. Mr. Chairman, the requirement as to the States will not ease the standards, but only make them stricter so that in the event a State decides that the standards set forth by the Atomic Energy Commission are not sufficient to protect the health and public safety of its citizens, that State has this right to set additional standards.

Mr. MATSUNAGA. Exactly; and if every State in the Union determines that the Federal standards are too low, and in order to protect the health and safety of its own people within the State, it legislates that no radioactive waste shall be buried within the borders of the State, where would we be then? Would not the entire atomic energy program come to a halt?

Mr. PODELL. Mr. Chairman, this only refers to the standards on emission, not construction of facilities.

Mr. PRICE of Illinois. Mr. Chairman, the Atomic Energy Commission already has set the standards as low as practical. How can we get any lower than that?

Mr. HOSMER. Mr. Chairman, I also rise in opposition to the amendment.

In 1959, the Atomic Energy Act of 1954 was amended to add a new section 274. This section authorized the AEC to delegate certain of its regulatory authority over the uses of source, byproduct, and small quantities of special nuclear materal to the States. As of June 1, 1973, the AEC had entered into appropriate agreements with the 24 States under this authority.

When enacting this legislation, the Joint Committee recognized the potential dangers of conflicting, overlapping, and inconsistent standards in different jurisdictions. Differing standards could affect the economics of the plant and availability of nuclear powerplants, and the public safety. In its report, the Joint Committee stated its belief that it was important that the radiation standards adopted by the States under these agreements should either be identical or compatible with those of the Federal Government.

Moreover, the committee specifically stated that it was not intended to leave any room for the exercise of dual or currrent jurisdiction by States to control radiation hazards by regulating byproduct, source, or special nuclear materials. The intended purpose of section 274 was to have the material regulated and licensed by the Commission or by the State and local governments, but not both. Section 274 was also intended to encourage States to increase their knowledge and capabilities and to enter into agreements to assume regulatory responsibilities over such materials.

On the Federal level, conflicting and nonuniform standards as well as dual regulations have, thus far, largely been avoided in the area of radiation protection through the efforts of the agencies themselves. In the past, the Federal Radiation Council, whose statutory purpose was to advise the President with respect to radiation matters, directly or indirectly affecting health provided guidance to all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States. The function of the Federal Radiation Council is now exercised by the Environmental Protection Agency.

In the interest of the public health and safety and the interest of the public in having available needed nuclear power electric generating plants, there should be consistent and uniform standards in this area. For these reasons I would oppose the amendment.

Mr. Chairman, one thing which has become clear since the introduction of atomic power in the world in 1945 is that it is just not very local. This amendment defies that common knowledge and would try to localize this very important question of regulating the discharge of radioactive material and the storage of radioactive waste. It is something like trying by statute to repeal the law of gravity.

The gentleman from New York who introduced the amendment represents a city that has more people than 8 or 10 States in this country. That is how anomalous this situation is. There are 50 States, 48 of them in the continental United States. Regulation of radioactive waste and radioactive effluent discharge is nothing that in any way can possibly be confined to any single State. It can be handled effectively and regulated safely, if it is handled under proper authority. That, of course, is the power and is the duty of the U.S. Atomic Energy Commission.

Mr. Chairman, as a matter of fact, when the Atomic Energy Act of 1958 was first being considered it was at the time when the atom was taken out of the Government womb and the peaceful atom freed to become the productive force in society and for the economy of our country. At that time, this very issue was carefully gone into.

It took several days to attempt to devise language which, incidentally, finally was blessed by the court, that preempted this kind of regulation in the Federal Government. The reason why the law was passed so carefully in that context was exactly as the gentleman from Illinois has pointed out, to prevent the licensing and regulation in this area being relegated to a state of confusion, which certainly it would be if 50 different jurisdictions were free to get into it.

It is a mischievous amendment. It is an amendment that would allow any State's group of lobbyists to attempt to hold the whole nuclear industry for ransom by extraneous and irrelevant and unnecessary regulations in that State. It would totally balkanize this entire business of enforcing, on behalf of the people of the United States, safety in the nuclear area. It would certainly encourage anarchy in this entire area.

It is no wonder the National Conference of Governors, which several years ago once recommended this thing, dropped it like a hot potato and has let it get cold ever since then.

There is no sense to it. There is no rhyme to it. There is no reason to it. It would be a backward step. It would be a step that would make it difficult, if not impossible, after the mischievous workings were accomplished, to provide the people of this Nation with nuclear electricity power which they will have to have if we are to continue as a member, as a modern economic state, in a community of nations.

Let me also say, so far as the waste storage is concerned, if we are going to give every Tom, Dick, and Harry in every State legislature who wants to have his gummy fingers go over the licensing and regulation of atomic waste, then we are really going to get ourselves in a mess.

That is exactly the kind of a situation the gentleman from New York would invite by the language he seeks to insert into this bill. If he wants to put in a special bill and have hearings on it, he cannot only educate a lot of people, but he can probably gain greater understanding for the Members of Congress on it. To swoop down on the floor some Monday afternoon with an amendment like this I do not believe is the proper time or the proper place or forum for its consideration in any form.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield briefly to the gentleman from New York.

Mr. PODELL. The gentleman, I am certain, is aware that legislation of this kind has been introduced each year by a number of Members of the House of Representatives, for the past 4 or 5 years, at least, that I know of.

In addition to that, in 1972—not 1969, but 1972——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PODELL. Mr. Chairman, I ask unanimous consent that the gentleman from California may have 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I want to set the record straight on misinformation being generated about the amendment.

In the first place, the amendment is confined to the site of a production unit; that is, only the State which has the unit in it can control the waste disposal we are talking about. The problem of interstate flow of radiation disposal is not involved. That would continue to be controlled by the Atomic Energy Commission with its Federal standards.

In my State, we had a major nuclear powerplant under construction in 1969, and because it was a new proposal, we hired technical advisers. These advisers, knowledgeable and skilled in this area, set a certain number of conditions, some of which were not in conformity with AEC standards. Our power company went to court, objecting to the State's imposing stricter standards, on the ground that the AEC had preempted all the regulatory authority. Unfortunately, our power company was upheld in its contention, and that is the reason for this amendment.

Mr. Chairman, the fact of the matter is that all of the knowledge in this country is not to be found in one single Federal agency. For example, there is the problem of X-ray radiation.

Who controls that? Not the Atomic Energy Commission. X-ray radiation is now being regulated by State governments. Radioactive emissions from atomic machines such as cyclotrons are not under AEC jurisdiction. State radiological health officers, therefore, already have considerable experience with the subject. Minnesota, by special agreement with Northern States Power, has assumed responsibility for an in-plant monitoring program of radioactive emissions which is more extensive than any currently underway by the AEC.

State governments are not always foolish, they are not always stupid. They are sometimes wise, and they are occasionally even wiser than some Federal agencies, particularly an agency whose record leaves something to be desired, if I may say so.

What we are saying is this: That the AEC should set Federal standards. The amendment offered by my colleague from New York (Mr. PODELL) would leave the AEC's existing regulatory program intact, but it would enable a State like Minnesota to issue tougher regulations if it chose to do so. If a State in trying to protect the health, welfare, and safety of its people, wants to set acceptable standards, then there is an argument that can be made for that. We are asking that the States have that authority.

Mr. Chairman, would there be constraints on State action? If a State began to say, "No, we want standards that are unreasonably high," then that State would have to pay the penalty of not having any powerplants built. So there are automatic restraints on a State to keep it from being overzealous in the application of standards.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. Let me make just one other point first.

Mr. Chairman, all other forms of production of power are regulated by the States. If somebody wants to build a coal-burning plant, the question of how much air pollution can take place and how much thermal pollution can take place is under the control of the State.

Who will get up on the floor and say that the States have been wildly zealous and have set standards that will stop plants from being built? Perhaps an argument can be made against stricter regulation, but who can argue that wise control cannot be found in the States?

Mr. HOSMER. Mr. Chairman, will the gentleman from Minnesota (Mr. FRASER) yield?

Mr. FRASER. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, what the gentleman has said is that the States can go ahead and put very strong restraints on. Certainly there would not be any nuclear reaction powerplants built, say, in Minnesota, but that does not mean that Minnesota is going to be without electric power. All Minnesota is trying to do by that means is to export its problems to some other State and import electricity, and leave whatever contamination, pollution, or degradation that follows the supply of large amounts of the production of electricity to some other State. This is just a way of going about trying to vulcanize the United States.

Mr. FRASER. Mr. Chairman, I assume then that the gentleman argues that all powerplants, whether they burn coal, or whether they burn oil, or whatever they burn, ought to be under Federal regulation, because exactly the same argument would apply: If we do not have Federal standards, we are going to balkanize the origin and production of power.

Mr. Chairman, that has not, in fact, happened.

Mr. HOSMER. Mr. Chairman, will the gentleman from Minnesota (Mr. FRASER) yield?

Mr. FRASER. I yield to the gentleman from California (Mr. RYAN).

Mr. HOSMER. Mr. Chairman, by many of the conventional forms of production we can produce electricity within the borders of a single State without having any external effect whatsoever in that State. However, in the case of nuclear reactors, there is a risk, however small, that you may export problems to many other States.

Mr. FRASER. Well, the gentleman recognizes that the Atomic Energy Commission has set minimum Federal standards that will protect abutting States. Now, we are talking about a State which in its wisdom desires to protect the safety, health, and environment of its residents.

Mr. HOSMER. Mr. Chairman, I know

what the gentleman is talking about. They are talking about the exportation of problems and the troubles to another State while taking advantage of the nuclear capacity of the gentleman's State itself.

Mr. FRASER. All I can say is that I can now understand why these bills have not made more progress. If that is the kind of reasoning the committee uses, I can understand the problem.

Mr. RYAN. Mr. Chairman, will the gentleman from Minnesota (Mr. Fraser) yield?

Mr. FRASER. I yield to the gentleman from California (Mr. Ryan).

Mr. RYAN. Mr. Chairman, is the purpose of this amendment simply to allow an individual State to make statutory standards which the AEC has not set?

Mr. FRASER. The gentleman is correct.

Mr. RYAN. So, in fact, as a result of the action of the State of California in setting controls higher than the Atomic Energy Commission, it is for the protection of its residents in setting statutory standards higher than the AEC has already set; otherwise they would not do so?

Mr. FRASER. The gentleman is correct. Mr. Chairman, nuclear technology has reached a point at which radioactive emissions can be kept at significantly lower levels than those permitted by the Atomic Energy Commission. No industry has the right to pollute the environment more than is absolutely necessary. Radioactive emissions should be kept at levels as low as feasible and as low as are reasonable to the citizens directly concerned.

In view of widespread debate among scientists about the adequacy of the AEC's regulatory program, States, if they so decide, should be empowered to keep emissions below levels prescribed by the Commission. The amendment before you will clearly establish this principle in the law.

Thirty nuclear powerplants are now in operation in this country, 60 are being built, and 75 are planned, with reactors on order, for a total projected generating capacity of 147.8 megawatts. The latest AEC forecast, issued in March 1973, predicts that whereas nuclear power now provides about 4 percent of the electricity used in this country, by the end of the century, it will account for 60 percent of our electric power needs.

During the next few years critical decisions will have to be made about the amount of radioactive wastes these plants will discharge into the air and water of the people living nearby. The amendment before you today is designed to recognize the legitimate interests and responsibilities of States in protecting the health, safety, and environment of their citizens. I think that the right of a State to establish stricter standards than the AEC's ought to be sustained.

Ms. ABZUG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment submitted by the gentleman from New York.

The problem has been in the guidelines which are in use by the Atomic Energy Commission. There is obviously a large belief of scientific opinion on the subject of radiation and emission standards which suggests that the Atomic Energy Commission, although it may be very busily involved in other things, is not sufficiently concerned with the problem of regulating it effectively.

Now, there are variances and differences in radiation and emission standards. As I understand the gentleman's amendment, it would not in any way stop the AEC from carrying out its regulating function. Rather, it allows the States to work out concurrently standards for emissions which may be more stringent.

I do not understand why there should be objections to this amendment in view of the fact that the gentleman's resolution speaks of concurrent regulatory power to the States. It seems to me it would permit the States which have had specific instances of high radiation effects and emissions, which have been provable in a number of areas in this country, to be able to come to the agency and say, "We have to protect our citizens. The radioactive effect is very serious in our area because of complex reasons which scientists can get into"—and we do not want to get into this here in this body—"and we would like to impose statutory standards on emissions higher than the minimum set by the Atomic Energy Commission." This is based on provable facts.

Mr. HOSMER. Will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman.

Mr. HOSMER. If the gentlewoman's logic is logical, then there is no logical reason why it should be according to State lines and boundaries. If she wants to protect somebody, why leave it up to the States? Why not leave it up to the counties, the cities, or the boroughs?

What the gentlewoman intimates is there is nobody protecting the American public against nuclear radiation and therefore States have to do it. The fact is that the U.S. Government has been doing this for years. You have had the safest body politic that this world has ever known insofar as radiation is concerned. There has never been a member of the public damaged by nuclear activity of a peaceful nature in this country.

I think that should be a little bit reassuring to somebody and some reasonable evidence that someone is doing some kind of a good job in taking care of this problem.

Ms. ABZUG. It is my understanding the effects of radiation cannot be or are not immediately visible. Sometimes it is like a rash and may come out in the next generation of our children.

There is also a body of scientific opinion which indicates guidelines which the Atomic Energy Commission has been using have not been revised in many years, and in any case it is evident from the body of opinion I have been reading that there have not been the kinds of revisions of those guidelines which may seriously affect radiation in many areas.

Therefore I urge support of the amendment offered by the gentleman. It is not heresy but is something in the cards.

Mr. WOLFF. Will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman.

Mr. WOLFF. One point I would like to make. The gentlewoman said something to the effect that AEC standards have not been revised, but they have been revised, made stricter, because of the pressures of various States, Minnesota in particular, who have called for a revision of the standards. In other words, AEC standards were at the urging of those who seek to protect the populace and are approximately one-tenth of what have heretofore been the permissible limits.

Ms. ABZUG. I beg your pardon. I do not want to interrupt the gentleman, but you are confusing us, I think. Minnesota is seeking an upward revision in the standards.

Mr. WOLFF. They are seeking to make the standards more stringent.

Ms. ABZUG. That is correct.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from California (Mr. Hosmer) has mentioned that section 274 of the Atomic Energy Act of 1954 authorized the Atomic Energy Commission to delegate certain of its regulatory authority over the use of source, byproduct, and small quantities of special nuclear material to the States in 1959. The gentleman also mentioned that as of June 1, 1973, the AEC had entered into appropriate agreements with 24 States under this authority. Therefore 26 of our States have not, as of this date, taken advantage of our invitation to formulate a State atomic regulatory body.

In response to a request by the Joint Committee on Atomic Energy, the Atomic Energy Commission conducted a comprehensive evaluation of these agreement State programs to obtain information about the quality of the programs and the adequacy of their funding. Although it was felt there were areas which could be improved in all agreement programs, 24 of the 26 programs reviewed were found to be adequate to protect the health and safety. Two of these programs were found to be inadequate. However, the problems in both of these programs appeared to be primarily one of program management and personnel, and the AEC has initiated corrective action. Many of the States do not wish to finance a regulatory body to duplicate the Federal responsibilities.

The General Accounting Office recently completed a study of the AEC's State agreement programs. The Comptroller General found the States have been making a concerted effort to exercise strong radiation control programs and that the AEC has been assisting, and cooperating with, the States in these efforts. The GAO noted a number of areas in which the administration of the agreement State programs could be strengthened. Among other things, the report cites the need for the development and implementation of on-the-job training and evaluation programs to provide State personnel with the needed experience in evaluating license applications and inspecting licensed facilities prior to the consummation of an agreement with the AEC. The report also cites the need for additional guidance to the States which would set out: First, the main information necessary in license applications necessary to support the issuance of licenses; and second, areas which could be covered during the inspections of various types of licenses.

I would like to point out that one of the objectives of section 274 of the Atomic Energy Act is to increase the knowledge of the States and their capabilities with regard to this control of limited amounts of radioactive materials. I would also like to point out that, as of this time, 36 States have not availed themselves of this opportunity. Until such time as all the States have demonstrated sufficient competence in this highly important area, I believe that the Congress should be hesitant to confer additional authority upon the States to control the radiation in the effluent from nuclear reactors without careful consideration.

The Podell amendment is well intentioned but it is unnecessary. Not only is it unnecessary but would be a dangerous departure from a procedure that has proven to be 100-percent effective.

Mr. Chairman, we are dealing with a very complicated matter. It is a matter which is not susceptible to easy interpretation. I can assure my colleagues in the House that there are no monsters on the Joint Committee on Atomic Energy. We have held hearings on radiation standards and we have 10 or 15 of those volumes; they would stack probably this high [indicating] if we had them all in here, and we have watched this very carefully ever since the program started because we realize the danger of it.

Let me just pose one statement of fact: We have been operating nuclear reactors in the United States since before Hiroshima and Nagasaki—and that was back in 1945—and there has never been one case where the workers or the public have been radiated or damaged by radiation in any of the civilian reactors. In none of those commercially licensed reactors has there been one case of radiation injury. That is since 1945, some 27 years. We have over 100 nuclear submarines that are now in operation and in the small confines of those submarines in each of them we have 100 or more of our servicemen living in them, and they sleep within 10, 15, or 20 feet of the reactor. These are powerful reactors. They are not the little research reactors that we have in some of the universities; these are powerful reactors. There has never been a case of radiation injury in any of those places. Why? Because of the standards and the criteria which have been laid down which do not permit enough radiation to harm these people. That is the reason. Who promulgated those regulations? The Atomic Energy Commission promulgated those regulations and those rules, and the Atomic Energy Commission did it under the oversight of the Joint Committee on Atomic Energy. They did this job. And I feel that the apprehensions that are being expressed are unnecessary.

Let me go back further. In 1959 we said that if the States wanted to come in and participate in the monitoring of radioactive substances and radiation exposures, and things like that, they could do so. We passed a statute right on the floor of this House agreeing that we could do it, under the scrutiny of the Atomic Energy Commission, so that they would not make unwise regulations or rules which would be dangerous, although they might think that they would be along the line of safety.

How many States have taken advantage of that statute? Twenty-four of the 50 States have taken advantage, and have set up small atomic regulatory bodies in their States. Some of the States are coming to us and asking the Federal Government now to take over the expense of it, because they realize not only are they inadequate to do the job, but it is expensive and it is duplicative of what the Federal Government is doing. Twenty-six of the States have not even shown an interest in regulating radiation exposure. There are some things that one cannot turn over to the States.

We would not turn over to the States the price of airplane fares from here to Los Angeles. Would there be a different fare as it passed over each State? Of course not. If it is in interstate commerce do you turn it over to the States? Of course not. This is a nation, this is not a little back-alley locality. We cannot deal with national problems by local regulations. So this does not lend itself to local regulations.

The gentleman from Minnesota said something about the situation in Minnesota. That was the case, I believe, of the Northern States Power Co. against Minnesota. They sought to set different radiation standards. They went to the U.S. Court of Appeals, and the Eighth Circuit Court held that the Atomic Energy Commission Act of 1954, as amended, preempted the power of the individual States to set radiation standards. Why did they find that way? Because it was the law of the land, and this Congress has reaffirmed it time and time again. So my friends are well motivated.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HOLIFIELD was allowed to proceed for 2 additional minutes.)

Mr. HOLIFIELD. But they are not well informed on the background of this matter. I assure the Members that we on the Atomic Energy Committee feel very deeply our responsibility. It is our lives and our children and our grandchildren that are involved in this matter.

I happen to have 15 grandchildren. Do the Members think I would be standing up here arguing for something that would be unsafe to those 15 grandchildren? Of course not.

It is a matter of being informed in the subject matter and doing the thing that is safe for the Nation. We cannot do it by States or by cities or by counties, because in the event of the release of effluents into a river—in New England it might go through six States—in the event that there was a nuclear accident of some kind, the gaseous clouds might cover a number of States. We do not think that those things will happen. They have not happened, and there is a redundancy of safety built into these reactors that have kept them from happening.

So we are fooling with a very dangerous amendment here which my friends do not understand as to the extent of the danger. I just say that this amendment is not a proper amendment. It should be defeated.

Mr. WOLFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman in the well (Mr. HOLIFIELD) who has been associated with the nuclear atomic energy field for so many years, has done an outstanding job in his work in the House, and contributed so much to the progress of nuclear power in the Nation. However, I must take this opportunity to oppose the gentleman from California and rise in support of the amendment of the gentleman from New York to allow States to set stricter standards than the Atomic Energy Commission for the discharge of radioactive effluents from atomic and nuclear powerplants. Scientists have agreed that there is no safe limit to radiation or exposure to radiation.

As my colleagues will remember, last year when the House considered the Water Pollution Control Act, I offered an amendment similar to the one offered by my colleague, the gentleman from New York (Mr. PODELL). At that time I urged my colleagues to recognize the rights of States to have a voice in dealing with the public health and environmental effects of the mammoth nuclear powerplants that have begun to proliferate and litter our landscapes. Today no State should be expected to accept the grave risks of these plants. We are not talking about the risks of explosion; we are not talking about the risks of implosion. What we are talking about are the long-term risks of the effluents that come from these plants.

I might at this point say that there are some effluents that come from these plants that have a half-life of 10,000 years. It is not just our grandchildren we are worried about, but we are worried about future generations.

The amendment offered by the gentleman from New York would simply give the States a voice in deciding what kinds and amounts of radioactive wastes may be discharged from nuclear powerplants into areas. I might remind my colleagues that numerous States have already petitioned to do this, and the National Governors Conference as far back as 1969 adopted a policy which holds that the States have and must retain the authority to establish additional environmental controls as required by special conditions.

I also wish to clarify this amendment would in no way allow States to jeopardize the lives of people by setting standards lower than those set by the AEC. Rather, it lends itself to the formulation of higher, safer standards.

In addition, I should like to respond to those proponents of nuclear power who are concerned that this amendment will enable States to impose such restrictive standards as to effectively exclude nuclear facilities within their borders. The fact of the matter is that there are already many other ways in which a State government, if it so desired, could curtail expansion of nuclear power generating capacity. It can refuse to issue certificates of convenience and necessity for construction and operation of new powerplants. State public utility commissions can forbid use of expensive nuclear power by their rate determinations.

This amendment we are considering does not give any new or unique power to the States; it simply reaffirms the full range of their present authority under our federal system.

Mr. Chairman, the perils of nuclear power are far too grave and too intricately related to the health and safety of a State's citizenry for the State to be excluded from having a say in setting emission standards.

It is one of the fundamental State's rights to provide for the well-being of its citizenry. By adopting this amendment we would reaffirm this right and act in the best interest of every American.

Mr. Chairman, I urge adoption of this amendment.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, if the gentleman is worried about radiation and wants to protect the public from radiation, I suggest to the gentleman there is a wide open field in the instances of man-made radiation that are being used in the medical, dental, and other fields throughout the country, where we have had a terrible time trying to get the States to do anything about them. Finally we had to pass a Federal law to require certain standards, and the law does not go into effect for a while, so if the gentleman wants to really hit an area where the people need protection, I suggest he go in and make the people take care of their X-ray machines.

Mr. WOLFF. I think the gentleman is entirely correct in what he has said. It is what he has not considered that troubles me.

There is one point he fails to mention, and that is we have enough radiation already, and we do not need added radiation to inflict upon our citizenry.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, will the gentleman from Illinois, the distinguished chairman of the joint committee, answer a question? In the gentleman's discussion he indicated there were at least two bills which do attempt to do the same thing that the Podell amendment does which is now pending before this committee. The gentleman from California (Mr. HOLIFIELD) indicated that there had been many hearings on safety, and so on. Can the gentleman tell us today whether he has had definite hearings scheduled on those two bills?

Mr. PRICE of Illinois. At the moment we do not have hearings scheduled, but undoubtedly before the year is over we will touch on this subject again, as we do every year, and we have reports on these two bills from the Department of Justice and the Atomic Energy Commission and they recommend against both bills.

I might also say we have already started comprehensive safety hearings and we are going to get more details now that we have the authorization bill behind us. We started the hearings in the latter part of January. We had a recent hearing on it and we will go into more detail on the comprehensive safety matter.

Mr. FRENZEL. I thank the gentleman. The reason why I raise the question is that the gentleman from California (Mr. HOSMER) indicated this amendment came late in a day, on a Monday afternoon, when people were not able to evaluate it, and suggested that perhaps it was something being slipped in.

I would like to advise the gentleman I have authored amendments which had a similar effect to the Podell amendment, and the gentleman from Minnesota (Mr. FRASER) also has done so. We have never been able to get a hearing from this committee. I think it is appropriate that the House consider this amendment on its merits today, but all of us would feel a great deal better if there were definite hearings scheduled on any one of these bills.

Mr. PRICE of Illinois. Mr. Chairman, if the gentleman will yield, I am surprised to hear the gentleman say he has not been able to get a hearing. We have had hearings on substantially the same bills previously submitted.

Mr. FRENZEL. I appreciate the opportunity to appear before the committee, and yet I do not recall that the committee's attention was ever directed to one of these bills specifically.

Mr. PRICE of Illinois. Mr. Chairman, maybe it was not the same number on the bill but it was the same subject matter.

Mr. FRENZEL. Is it the gentleman's intention, or is there a possibility, that there will be hearings on the bill which was offered by my colleague, the gentleman from Minnesota?

Mr. PRICE of Illinois. If the gentleman requests a hearing it will certainly be given a hearing.

Mr. FRENZEL. I would appreciate getting another hearing.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. I appreciate the gentleman yielding.

Mr. Chairman, I might say the Chairman is right. He did hear a bill I introduced, very similar to this, 2 years ago.

Mr. FRENZEL. I thank the gentleman from New York.

Mr. Chairman, I urge the committee to adopt the Podell amendment.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, is the gentleman aware that the following States in 1972 filed amicus curiae briefs with the court in the Minnesota case, they were that interested: Arkansas, Delaware, Iowa, Illinois, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Dakota, Pennsylvania, Utah, Vermont, Virginia, West Virginia, Wisconsin, and the territory of Guam? Is the gentleman aware that each one of these States thought that it was so important to the State, their particular State, that they actually filed a brief in the Minnesota case?

Mr. FRENZEL. Mr. Chairman, we were pleased to have their help.

Mr. Chairman, In support of the Podell amendment. I have long been a vigorous supporter of the right of each State to establish more stringent regulations than those set by the Atomic Energy Commission. I have introduced a series of bills, all of which seek to give the States more self-regulation rights.

My own State, Minnesota, was engaged in a long court case which was finally decided unfavorably. It only sought to give its citizens a greater degree of protection than the AEC thought necessary.

The Podell amendment is not identical to any of my suggestions, but it is similar to several of them. I endorse its principle and concept enthusiastically. Those of us who have repeatedly voted in favor of the concept of the new federalism, especially where it concerns money, cannot allow Congress to say "poppa knows best" with respect to the safety of our citizens.

I am very concerned that this amendment will fail because of the complicated nature of this committee's jurisdiction. Amendments of this kind are traditionally not accepted. If the Podell amendment fails, I am sure it will be because the Members will feel it is too complicated and too few hearings have been heard on it.

I know that the Members of this body will be pleased to hear that the Joint Atomic Energy Committee may schedule hearings on an almost identical bill authored by my colleague from Minnesota (Mr. FRASER). These vitally needed hearings will provide an excellent background both for consideration of the Fraser bill and for future consideration of such amendments as the one offered by the gentleman from New York today. I would like to establish very strongly that any vote in the House today should not and must not jeopardize the hearings of the bill of the gentleman from Minnesota.

In conclusion, while I strongly support the Podell amendment, I submit that a possible defeat will be due to a lack of hearings rather than a rejection of the concept. I hope the fate of this amendment will not have any effect on the schedule of the Joint Atomic Energy Committee.

Mr. ECKHARDT. Mr. Chairman, I rise to speak against the amendment.

Mr. Chairman, I am most reluctant to appear here in a field in which the Atomic Energy Committee is particularly conversant, and I would not do so but for the fact that the committee upon which I sit, the Committee on Interstate and Foreign Commerce, has had an overlapping concern with the question of powerplant siting. I think the nature of that concern needs to be elucidated in considering the amendment.

I am further most reluctant to speak against my colleague on that committee, whose amendment is before us at the present time, and with Members of this House, particularly from the State of New York, whom I consider among those most concerned with the question of pollution.

However, I think I need yield to no one with respect to my concern about conservation and about clean air and about clean water. I will say this: There will come a time when we are going to have a deal with this question of powerplant siting. That will include consideration of the location of powerplants. We must consider the question of providing less "stops" with respect to determination of where powerplants may be located. We must subordinate the question of local interest to that of national interest in this entire field.

Mr. Chairman, I am in favor of giving a stronger voice to those concerned with pollution. I am in favor of giving a stronger voice to those who are concerned with conservation. I am concerned with giving a stronger voice to those who would protect the environment, but I am not in favor of doing this on a State-by-State basis.

What happens if a State, which I shall call the State of "Euphoria," wants to keep itself pristine pure from environmental contamination, but in so doing it requires a neighboring State to pollute the environment in that State in order to afford electricity, perhaps, to the State of Euphoria's own cities? Can we possibly treat this as a local concern?

This is not just a question involving atomic energy. When we finally reach this problem—and we really have reached it but we simply have not grappled with it—when we finally do grapple with the problem, we are going to have to concern ourselves with this question of atomic energy. We are going to have to be concerned about questions like thermal pollution. We are going to have to be concerned with every other aspect of the generation of electricity in the United States. It seems to me that if we should pass this amendment, we would be setting up in advance of the confrontation of the general question an additional barrier.

Therefore, I would urge that we not act on this matter on the floor of this House by amendment. If the matter is to be seriously considered, it should be considered with the deepest seriousness before the main committee and before the Committee on Interstate and Foreign Commerce on which I sit.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, is it not a fact that the gentleman from Texas and I serve on the Committee on Interstate and Foreign Commerce, and last year we had hearings on powerplant siting?

Mr. ECKHARDT. That is correct.

Mr. PODELL. Does the gentleman recall how many days upon days we sat on hearings on powerplant siting?

Mr. ECKHARDT. Eight days, I believe.

Mr. PODELL. Did the committee sit and try to arrive at a conclusion?

Mr. ECKHARDT. The committee sat and tried to arrive at a conclusion, but it came a good long way from reaching one.

Mr. PODELL. It was unable to do so. It is this Member's opinion that the committee could sit for another 80 days and still not arrive at a conclusion on that same measure. That is one of the reasons why this Member feels each State must assert for itself its own responsibility for the health and safety of its people.

That is why this Member asks only for stricter standards. We would not seek to abolish the jurisdiction of the Atomic Energy Commission. We would only say in those instances when a State desires—and it is purely permissive—it may enforce stricter standards.

I certainly feel the gentleman from Texas is entirely correct that one day in the next 10 years we are going to have to decide powerplant siting.

Mr. HANSEN of Idaho. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with respect to the advisability of individual States having the authority to set more comprehensive nuclear plant emission standards, I suspect that the gentleman offering the amendment is not up to date with what has been transpiring in the past several years both in terms of the AEC's attention to the design of nuclear plants and, indeed, to the actual emissions from operating plants.

Initially AEC regulations applicable to emission rates with respect to nuclear facilities were such that an individual living at the site boundary fence 24 hours a day, 365 days a year could receive a radiation dose equivalent to the Federal Radiation Protection Guide—500 millirem per year. Annual surveys conducted at existing nuclear plants had revealed that most facilities found that they could keep emissions well below this level, many in the range of 1 to 5 percent of the allowable rate.

In June of 1971, the Commission proposed an amendment to its regulations establishing light water reactor design objectives which would keep releases of radioactive materials "as low as practicable." This has been interpreted to be such that boundary doses be held to 1 percent of the still applicable Federal Radiation Protection Guide.

Obviously there is no need for the States to attempt to further regulate these miniscule releases. It would result in duplication and confusion within a State, as well as among neighboring States.

I oppose the amendment.

Mr. KOCH. Mr. Chairman, I rise in support of the Podell amendment.

Mr. Chairman, I am somewhat surprised by some of the arguments that have been presented on the floor in opposition to the amendment.

The distinguished chairman of the committee, in indicating why there was no need for the amendment said that only 26 States had taken advantage of the existing section of the law which does not give them the right to make this decision but which would have some input into the decision. He thought that showed a lack of interest.

If 26 States are willing to deal with something which does not give them power at all, would it be surprising if more States took the position, "If we really had power we would indeed participate in the decision to be made." I believe that is exactly what would happen.

In addition to that, what shocks me even more, because I have such high regard for the distinguished gentleman from Texas (Mr. ECKHARDT) is that he takes the position this amendment is not to the advantage of the country and that we ought not to permit the States to deal with this on a local basis.

Why do we permit States to deal with the slaughter of chickens and beef on a local basis? That is to say, the Federal Government has minimum standards, but when one wants to import from one State to another State can have higher standards to protect its people.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from Texas.

Mr. ECKHARDT. It is because there are not a series of some 40 or 50 chicken slaughtering houses which must act in concert with each other to supply all of the chickens of the United States and to continue to produce the complete supply under something like a monopoly situation.

Mr. KOCH. I understand that argument, but I do not believe it holds true in this case. There is even a broader area involved.

I have never heard the gentleman from Texas opposing the situation applying to an ordinary steam generating plant or a conventional plant generating electricity, which comes from coal or oil, which are presently under the jurisdiction of the States and any State can have higher standards than might apply in other States. I have never heard the gentleman say that Con Ed in New York, which provides energy not simply for the city of New York, but is part of a grid, should be required to build only according to Federal standards.

Would the gentleman say that he wants every electric generating producer in this country to be subject solely to Federal minimum standards, or would he allow the State of Texas to have a higher standard?

Mr. ECKHARDT. If the gentleman will yield further, we did precisely the same thing with respect to preempting the field with respect to automobile emissions, with one exception.

Mr. KOCH. Where was that?

Mr. ECKHARDT. The State of California.

Mr. KOCH. The State of California. Why was that?

Mr. ECKHARDT. Because the State of California had been a leader in the field before the Federal act was enacted.

Mr. KOCH. Mr. Chairman, if the State of New York, thought itself to be a leader in this field, and does not want atomic energy plants that do not meet higher than Federal standards, should it be compelled to give way to the gentleman's acceptance of lower Federal standards?

Mr. ECKHARDT. The standards should not be set on whether a State thinks it is a leader in the field; it should be on whether it is actually a leader in the field.

Mr. KOCH. Mr. Chairman, let us pursue that.

In my judgment, this bill does exactly that, because, at least as I read this bill, it says that the State standards cannot be less than the Federal standards; they have to be more stringent.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. KOCH. Yes, I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, it does not strictly say that.

Mr. KOCH. I think it does.

Mr. ECKHARDT. It says that the standard must not be prohibited by the Federal standard. It does not say that the State standard must be more restrictive.

Mr. KOCH. Mr. Chairman, would the gentleman withdraw his objection to the Podell amendment if the language were clearer or if the leigslative history made is clear that the standards under the amendment had to be higher if they were to come into effect, higher than the Federal standards?

Mr. ECKHARDT. No, sir.

Mr. KOCH. Then the gentleman's opposition to the amendment really makes a debater's point.

In further explanation of my support for this amendment, I would just like to make a few more remarks.

With the proliferation of nuclear power plants, it is desirable that States wanting to do so become involved in considering the adequacy of safety standards set by the AEC relating to projects in their respective states. In my opinion, States such as New York, which are particularly concerned about the discharge of radioactive effluents, ought to be able to establish additional, more restrictive environmental standards if those States do not consider the AEC Federal standards to be adequate safeguards. The AEC has not demonstrated infallibility in these decisions.

It is estimated that within the next 20 years at least 164 new sites will be needed for nuclear plants. Critical decisions will have to be made in the next few years as to the kind and quantity of wastes that may be discharged into the local environment. Certainly the States are in the best position to determine their own special environmental needs, and they are, in addition, fully capable of making use of the available expertise needed to set stricter regulatory standards.

A year ago, in April 1972, however, the Supreme Court ruled that the Federal Government under the Atomic Energy Act has sole authority to regulate radioactive wastes. Thus, with this ruling, Minnesota's laws setting more stringent standards were in effect erased by the AEC's regulatory authority.

This amendment would firmly establish the right of States to impose regulations more restrictive than those set by the AEC, and I urge my colleagues here in Congress to join in support of this essential legislation.

Mr. ECKHARDT. Mr. Chairman, I am opposed to it on two grounds, and I say this to this body: It would be worse in two respects than what I would consider the necessary criteria for support of the amendment.

Mr. RONCALLO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from the great State of New York, a State whose peace, tranquillity and well-being will be significantly affected by the outcome of this legislation.

I see no overriding public interest in denying the States the right to set standards stricter than the minimal ones set down by the AEC. Without such an overriding interest, I believe that the best government is that closest to the people. I have supported this concept with respect to airport curfews; I have supported it on health standards for meat; and I support it here on radiation exposure hazards. These are the people that are going to have to live with these facilities in their backyard—not the AEC and not us here in Washington.

I agree completely that we need to explore alternative sources of energy, but at the same time, we must be mindful of the environment and the health and safety of future generations. There are extra costs involved in greater protection, but they are minimal compared with the high costs of nuclear facility construction and operation. The point is that greater protection from radiation hazards are within the present state-of-the-art.

There are always trade-offs: efficiency against safety, progress against the environment, guns against butter. The people of the individual States should have the right to decide where this trade-off should be balanced, using the national AEC standards as a minimum. I sincerely hope that this amendment will pass, and that we will return this unneeded centralized power to the States.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

I know it is considered a great idea to give the States the right to impose stricted standards than the AEC imposes. The obvious reaction is: What in the world could be wrong with that?

There are several things wrong with it.

In the first place, it is based on a totally false premise that the various States have the competence and the staff to do a better job, or to do a job that even remotely approaches the quality of work that has been done by thousands of scientists working for the Atomic Energy Commission and under contract for the Atomic Energy Commission during the last 25 years.

I think it is safe to say, Mr. Chairman, that there is no subject in human history that has ever received the intense, thoroughgoing scientific research that this subject of radiation safety has received under the direction of the Atomic Energy Commission. These standards which are set by the Atomic Energy Commission and reinforced by those of the International Agency for Atomic Energy. After all, other nations are concerned with radiation safety, and confirm our standards which are in effect in every State.

Mr. Chairman, the question was raised a few moments ago in the debate about whether or not the AEC has imposed stricter standards during recent years.

As a matter of fact, the standards have repeatedly been made more strict. I worked in a radiation laboratory for some 20 years. During that time, standards were made stricter on several occasions. Several years ago, the Atomic Energy Commission came to the conclusion that even though it was the considered opinion of responsible scientists studying research information on this subject, that the standards were completely adequate the way they were.

Nevertheless, standards were reduced, not by the factor of 10, but by the factor of 100. We now operate our nuclear power plants under these more restrictive standards because it is practical to do so; but in addition, Atomic Energy Commission has now required that the plants be operated with emissions "as low as practicable," and there is no way to get lower than that.

Incidentally, in the State of Minnesota the expert for the State who set their standards originally recommended some which were less restrictive than AEC standards.

Mr. Chairman, the second point is that there is a misconception that the various States are somehow in competition with the Atomic Energy Commission. This is not true. About half of the States, the agreement States, as we call them, under legislation enacted by the Congress, have programs where these States are voluntarily carrying out monitoring and controlling programs, enforcing AEC radiation standards and controlling all affairs dealing with nuclear and radiation problems in their States, except those having to do with licensing and operation of nuclear reactors.

The next misconception is that introduction of emission in the air and production of energy is an intrastate matter having impact only within the originating State. That may have been true in 1920, but it is not true today. Two weeks ago when New York City had to cut its voltage back by 7 volts, we cut the voltage back here in Washington, D.C., so that we here in Washington could send energy across the various State borders into New York City, so New York City would not have to cut back more than 7 volts.

The entire west coast, where I live, is made up of interstate regional power pools connected with interties that are 1,000 miles long, such as the one running from the Bonneville Power Administration in the State of Oregon to Los Angeles.

For any State to assume it has the right to dump its environmental problems into another State, while benefiting from cheap, clean imported energy is unconscionable, and should be rejected by this body.

Finally, the gentleman from New York says his amendment would simply permit the States to set stricter standards. That is exactly what it does, and certainly it sounds attractive. It is very much like saying that we will have air quality standards that will meet a certain level whether or not we have the technology to do so. It is similar to saying that we will have all of the water in this country bathtub pure; but this is not possible. The fact is that what the amendment does is to give every State a hunting license and gives every environmental group, well intentioned or not, an opportunity to exert pressure to set standards so low that a nuclear reactor cannot be operated in that State.

I suggest this is an unconscionable approach and should not be supported.

Finally, the gentleman stated it is impossible for national standards to meet the individual needs of each State. Ladies and gentlemen, that is nonsense. There are no environmental conditions that do or may exist anywhere in this country that have not already been taken into account by a factor of at least 100 times under the existing standards established by the Atomic Energy Commission.

Mr. Chairman, this amendment should be rejected.

Mr. PODELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Forty-five Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device and the following Members failed to respond:

[Roll No. 276]

Abdnor
Adams
Alexander
Anderson, Calif.
Ashbrook
Badillo
Beard
Bell
Blatnik
Bolling
Breaux
Burlison, Mo.
Carey, N.Y.
Chisholm
Clark
Danielson
Derwinski
Diggs
Dingell
Fisher
Flynt
Ford, William D.
Fraser
Gray
Green, Oreg.
Gross
Gubser
Hanna
Hébert
Horton
Jarman
King
Long, Md.
Melcher
Michel
Mills, Ark.
Moss
Nichols
Owens
Reid
Rooney, N.Y.
Rosenthal
Runnels
Steiger, Wis.
Teague, Tex.
Thompson, N.J.
Wilson, Charles H., Calif.
Young, Alaska

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8662, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 385 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

PARLIAMENTARY INQUIRY

Mr. PRICE of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PRICE of Illinois. Mr. Chairman, will the Chair state the number of amendments on this bill which are at the Clerk's desk?

The CHAIRMAN. There is one amendment pending and there are three amendments at the Clerk's desk.

Mr. PRICE of Illinois. Mr. Chairman, the Committee hopes to dispose of the pending amendment and any other amendments as quickly as possible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PODELL. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 266, not voting 31, as follows:

[Roll No. 277]

AYES—136

Abzug
Addabbo
Andrews, N. Dak.
Armstrong
Ashley
Aspin
Bafalis
Barrett
Bennett
Bergland
Biaggi
Biester
Bingham
Bowen
Brademas
Brasco
Brotzman
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Fla.
Burton
Carey, N.Y.
Carter
Chappell
Clay
Cohen
Collier
Conable
Conte
Conyers
Coughlin
Delaney
Dellums
Drinan
Dulski
du Pont
Evans, Colo.
Fascell
Fish
Flood
Ford, William D.
Fraser
Frenzel
Frey
Fulton
Gibbons
Gilman
Grasso
Green, Pa.
Grover
Gude
Gunter
Hanrahan
Harrington
Harsha
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holtzman
Horton
Howard
Hungate
Jarman
Johnson, Colo.
Karth
Kastenmeier
Koch
Kyros
Leggett
Lent
McClory
McDade
McSpadden
Mallary
Mazzoli
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Nedzi
Nelsen
Nix
Obey
O'Hara
Pike
Podell
Quie
Randall
Rangel
Rees
Reuss
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncallo, N.Y.
Rosenthal
Roy
Roybal
Ryan
Sarbanes
Saylor
Schneebeli
Schroeder
Seiberling
Skubitz
Smith, N.Y.
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Studds
Symington
Thone
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Wiggins
Wolff
Wyatt
Wydler
Yates
Young, Fla.
Young, Ga.
Zwach

NOES—266

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Annunzio
Archer
Arends
Baker
Bevill
Blackburn
Boggs
Boland
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Mass.
Burleson, Tex.
Butler
Byron
Camp
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Ill.
Collins, Tex.
Conlan
Corman
Cotter
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Findley
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Ginn
Goldwater
Gonzalez
Goodling
Griffiths
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McCloskey
McCollister
McCormack
McEwen
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Milford
Miller
Minshall, Ohio
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
O'Brien
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roncalio, Wyo.
Rooney, Pa.
Rose
Rostenkowski
Roush
Rousselot
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarasin
Satterfield
Scherle
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wylie
Wyman
Yatron
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NOT VOTING—31

Adams
Anderson, Calif.
Ashbrook
Badillo
Beard
Bell
Blatnik
Bolling
Breaux
Burlison, Mo.
Chisholm
Danielson
Derwinski
Diggs
Fisher
Flynt
Gray
Green, Oreg.
Gross
Hébert
King
Michel
Mills, Ark.
Moss
Owens
Reid
Rooney, N.Y.
Sisk
Talcott
Thompson, N.J.
Young, Alaska

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Ms. ABZUG: Page 5, after line 25, add the following new subsection:
>
> "(f) It is the sense of Congress that the President of the United States (1) should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and (2) should set forth promptly a new proposal to the Government of the Soviet Union and other nations for a permanent treaty to ban all nuclear tests."

Ms. ABZUG. Mr. Chairman, today we seem to be closer than ever before to a comprehensive test ban treaty. I need not tell the Members of this House how essential it is to continued life on this planet to get nuclear weapons under control once and for all. The threat of a holocaust seems far from us today, but it is never really absent. Any crisis is possible as long as we do not have international agreement.

The important thing I wish to express today is that we have, I think, an obligation to express our view and the sense of this House to the President with respect to the testing of nuclear weapons.

Such experts as Ambassador Averell Harriman, our negotiator for the partial test ban treaty of 1963, which, as you will recall, was an atmospheric test ban, think the time is ripe to expand the ban on atmospheric tests to underground testing. This would fulfill our pledge made a decade ago to end for all time the testing of nuclear weapons and could be the single most important element in reinforcing the Nonproliferation of Nuclear Weapons Treaty and reduce the chance of the spread of nuclear weapons to other nations.

Now, the objection that has always been raised to making a comprehensive test ban treaty has been the fact that there has to be inspection, on-site inspection.

The Senate Committee on Foreign Relations, after hearing expert testimony, recently concluded such substantial progress in verification and detection has been made that the United States and the Soviet Union could conclude an agreement without on-site inspection.

Indeed, in the Nixon-Brezhnev agreements which have recently, in the last week been expressed to limit such an important thing as strategic offensive arms, it was stated that national technical methods of verification will be used to assure compliance with any accord that they may finally reach. This means that each nation will use its own methods of verification which are mainly through satellite reconnaissance photography and various electronic devices, with no onsite inspection.

Bearing this in mind, the Senate Committee on Foreign Relations reported out Senate Resolution 67 which also urged that the United States move promptly and judiciously toward a comprehensive agreement. It essentially used the same words that I am suggesting to the House today in my amendment. There is obviously no need whatsoever to continue testing if we are prepared to enter into agreements which limit the strategic nuclear weaponry. The agreements that have been entered into in the past week suggest that there can be cooperation for peaceful energy. These are not involved in any way in the amendment I am proposing. I am talking about the testing of nuclear weapons. I am merely suggesting that the atmospheric test ban treaty which we now have on the books should ultimately become a comprehensive test ban treaty, and that it would be appropriate to amend this bill to recommend moving forward toward a test ban treaty.

We have been lucky so far, but we really do not know, and it may take generations to determine what the effects of radiative fallout actually are. We know that in connection with the Amchitka test, millions of fish, sea otters and other wildlife were killed. We were simply very lucky that many human beings were not killed also.

But, Mr. Chairman, I believe we cannot continue to accept these casual gambles with the ecology, with the lives of our citizens and those of other nations. Nor should we continue to gamble with the peace in the world.

True security of this Nation lies not in overkill and instruments of destruction, but in the health and well-being of our citizens, the soundness of our economy, and the way in which we can create reduction in world tensions.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the proposed amendment to delete funding for the U.S. nuclear weapons test program.

I would bring to your attention the fourth principle agreed to June 21, 1973, by the President of the United States and the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Brezhnev, on an agreement for "Basic Principles of Negotiations for Further Limitation of Strategic Offensive Arms." The fourth principle states that limitations on strategic offensive arms must be subject to adequate verification by national technical means. This would mean that a complete test ban, as a means of limiting strategic arms, would have to be policed by national means alone with no onsite inspection permitted.

I support a verifiable comprehensive test ban, which also has been stated to be the objective of the administration. However, we are not in a position at this time to verify a comprehensive test ban by national means alone. I would like to point out that I held extensive hearings in October 1971 and my subcommittee issued a report entitled "Status of Current Technology To Identify Seismic Events as Natural or Man-Made." It was concluded then, and the conclusion still holds that we have no valid method for verifying by national means alone that a comprehensive test ban is being fully observed.

Of even greater importance to the requirement of continued testing is the fifth principle of the same agreement which reads and I quote:

> The modernization and replacement of strategic offensive arms would be permitted under conditions which will be formulated in the agreements to be concluded.

As those of us familiar with the nuclear weapons program have said many times, unless we can modernize individual weapon systems as well as replace them from time to time, we cannot maintain confidence in their capabilities. It is obvious from principles four and five that the leaders of our Nation and of the Soviet Union are in agreement that nuclear testing is a means of keeping world conditions stable because we expect that our deterrent forces will respond as predicted, if necessary.

I oppose this amendment which is designed to force the United States to unilaterally stop testing nuclear weapons as not being in our national interest.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I understand the amendment that has been proposed by the gentlewoman from New York, it is that: one, have the President propose an immediate suspension of nuclear testing; and two, have him set forth that new proposal to the Government of the Soviet Union and other nations for a permanent Test Ban Treaty.

Negotiations toward a comprehensive Test Ban Treaty have been conducted since the limited Test Ban Treaty was agreed to in 1963. I know of no reason why, if the United States should unilaterally cease nuclear weapons testing, it might by some means cause other states, which also possess nuclear weapons, to cease testing.

During our weapons hearings, the comitee members were in general agreement that there are unique advantages associated with the nuclear testing program. As long as the SALT agreements permitted qualitative improvements to existing weapons and the development of new weapons, it would have been sheer folly for the United States to stop that phase of the weapons development program which assures a workable system. Nuclear testing provides an opportunity to study and evaluate nuclear effects. Without an understanding of nuclear effects it would not be possible to reduce the collateral damage associated with some nuclear weapons and to review and evaluate the effectiveness of certain warheads. Nuclear testing provides confirmation on the reliability of the U.S. stockpile of nuclear warheads. Such reliabilty becomes all the more essential when one considers possible limitations resulting from future SALT agreements. Nuclear weapons technology, contrary to the belief of the uninformed and unknowledgeable, is not a mature field and not one that lacks fruitful areas of investigation. For example, precision guided munitions delivery systems open a new field for nuclear development. This was pointed out in the joint committee's authorization report. Such guided munitions coupled with low yield nuclear warheads which would be designed for minimum collateral damage could significantly increase the deterrent impact of our tactical nuclear forces.

To indicate that the Soviets are in agreement with this concept of modernization, I would like to point to the fifth principle of the agreement signed June 21 by the President and by Secretary General Brezhnev concerning further limitations of strategic offensive arms. The fifth principle allows for modernization of individual weapons systems as well as their replacement; thus, both sides, over time, can retain confidence in their capabilities. It is further stated that the conditions for introducing more modern systems and replacing old ones will be carefully negotiated. The exact language of the fifth principle reads as follows:

> The modernization and replacement of strategic offensive arms would be permitted under conditions which will be formulated in the agreements to be concluded.

Those familiar with what is necessary to maintain stability and detente in the world between the two nuclear superpowers have stated many times that it is confidence in one's weapon systems, not doubt, which provides stability.

In conclusion, I would like to state my belief, and that of millions of Americans, in the old adage about self-preservation requiring that one keep one's powder dry. In this day and age, the powder is our nuclear deterrent and we will keep it dry only by keeping it modern and by convincing possible antagonists that it could be used if necessary.

I should like to reiterate to the House that this business of arms control and disarmament by negotiation and by agreement is, indeed, quite a delicate procedure. It is the kind of thing that has to be done skillfully by those in charge of negotiations, and it is definitely not the kind of thing that lends itself to second-guessing and over-the-shoulder advice and back-seat driving from the Congress of the United States. It is a delicate thing that requires that we not sling a sledge hammer around while we are going about it.

As has been mentioned, the seven principles that Brezhnev and Nixon agreed to last June 21 are those that take these two formerly adversary nations steps further down the road to agreements which will eventually insure that peace between them is protected and preserved. But if we try to come in with some thing like this, from the outside, a reiteration of well worn suggestions that have been kicking around the international conference tables for years and years and have gotten no place, obviously that is not going to be a bit of help in this magnificent effort that is being made by President Nixon to bring about a more peaceful world by the process of enforceable arms control and disarmament agreement, or a series of them.

For that reason I suggest and urge and plead for the defeat of this well-intentioned but ill-advised move.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

The question was taken; and on a division (demanded by Ms. ABZUG) there were—ayes 12, noes 82.

So the amendment was rejected.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Ms. ABZUG: Page 5, after line 25, add the following new subsection:
>
> "(f) The Commission shall not grant or renew any license permitting the Trustees of Columbia University in the City of New York to operate or fuel any nuclear reactor within the City of New York. Any such license currently outstanding, is hereby revoked, effective immediately upon the enactment of this Act."

Ms. ABZUG. Mr. Chairman, this amendment is addressed to a safety problem which affects my district and which in one form or another affects other congressional districts throughout the country. The amendment in effect would prohibit Columbia University from operating a nuclear reactor, whose safety is as yet unproven, at its campus in the middle of densely populated Manhattan Island.

Community opposition to the Triga II pulsing nuclear reactor goes back nearly a decade, to the time when it was first proposed. In addition to many citizens in the community at large, organizations seeking to prevent the fueling and operation of this reactor include the Riverside Democrats, the Morningside Renewal Council, and Planning Board No. 9

In April 1971, the AEC trial board recommended the denial of Columbia's application for the reactor permit on the ground that there was insufficient evidence that the reactor could be operated safely. I understand that in the nearly 30 years since the AEC was created, this is the first denial on such ground. Regrettably, the AEC appeals board reversed the decision of the trial board and the community is near the end of its available legal remedies in its effort to protect itself.

This Triga II reactor, while smaller than some others, pulses up to 250,000 kilowatts of atomic power once every 6 minutes. At the time of the pulse, the reactor is as powerful and as dangerous as a substantially larger one. While in operation, the reactor continually releases a stream of radioactive Argon 41 into the atmosphere. This isotope, while having a half life of only a few hours, can easily be breathed into the lungs and become absorbed into the bloodstream within that time. It is especially dangerous to infants and fetuses, who may receive it from the blood of their mothers, because of their small mass and relative lack of resistance. The Argon 41 particles are to be released into the atmosphere from a stack which is not even as high as the apartment building across the street, and can immediately blow down onto the sidewalk or into nearby apartments.

In our conversations and discussions about this matter, President McGill of Columbia University has conceded in talks that siting the research reactor on the campus was a mistake and that there was no academic justification for it. Although Dr. McGill has said it is not likely that the reactor will be put into operation, he is averse to making such an announcement publicly. We are seeking to deny Columbia the right to fuel this reactor.

The disposal of spent fuel from the reactor is another problem. Present plans call for the spent fuel to be taken through the community in a casing that is tested to withstand auto crashes at speeds only up to 30 miles per hour. What is to happen to our community if someone traveling at 40 miles per hour runs into a truck carrying this still-deadly atomic waste?

Columbia has yet to demonstrate any public benefit resulting from this reactor, let alone grounds for placing it in the midst of Manhattan instead of in an area of lower population density. Students have access to reactors at locations in New Jersey and out on Long Island, and nearby hospitals can obtain any needed isotopes commercially at reasonable cost.

Mr. Chairman, I am not opposed to the peaceful application of atomic energy, but we do have a responsibility to see to the security of our citizens and their homes and their neighborhoods. We should not permit this reactor to be placed in the center of so densely populated a community in the absence of evidence that it is safe and in the absence of evidence that it is academically required or feasible.

Mr. Chairman, I think we have to begin thinking about what will be beneficial to the development of peaceful energy, but also not harmful to the people and citizens in so doing. This is an expendable reactor. I would urge the support of this amendment from my colleagues.

Mr. HOSMER. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I wonder if the gentlewoman from New York realizes that one of these reactors which she has been talking about has been operating over 7 years on the Bethesda Naval Hospital grounds without danger to anybody?

Ms. ABZUG. Mr. Chairman, that may be the situation here. I have not judged it, but I am coming from an academic community in which many scientists are in disagreement. Since it is not operative and since, as I said, it is not academically justified and since there is an amount of risk, I think we should try to act to protect the people.

Mr. HOSMER. Mr. Chairman, just to get things back into perspective with respect to Triga reactors, I think it should be pointed out that there are 60 or more reactors utilized for university research and teaching purposes throughout this country, many of these have been in operation since 1957. There is one at

Bethesda which has been operating for years with respect to the Triga reactor, there are reactors of this type operating at the Universities of Arizona, Illinois, Michigan, and Idaho. All of these reactors operate at less than one megawatt thermal power steady state conditions. The Triga reactor can be operated in a special mode which permits short bursts of a fraction of a second which are controlled by the inherent stability of the reactor design. There is no need for public concern off campus. In the history of operation of these reactors no problem has been created with respect to public health and safety. It is noteworthy that these reactors are located within or adjacent to the physics or nuclear engineering classrooms. It appears to me that if the people of Morningside Heights have objection to the operation of the Columbia reactor, they should have the right to express this objection, and I believe that they have had this opportunity before the AEC licensing board and in the courts where this matter now rests. There will be no loading of fuel or reactor operation until the case is properly disposed of.

I believe if the trustees of Columbia University wish to provide a nuclear reactor for education of the students there, they should have the right to seek a license from the Commission to do so. I do not believe that this Congress should arbitrarily legislate that Columbia University may not have a research and education type reactor while other universities throughout this country are free to operate these reactors routinely for the benefit of their students. That is why I opposed the amendment proposed last year by the gentlewoman from New York (Ms. ABZUG) and why I oppose it again this year.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

As I recall, the gentlewoman from New York offered a similar amendment to last year's AEC Authorization Act. That amendment was rejected.

At the present time, the matter of a license which would authorize the operation of a Triga Mark II research reactor at Columbia University is under review by the U.S. Court of Appeals for the Second Circuit. An Atomic Safety and Licensing Appeal Board had found that the operation of this reactor presented no significant safety or environmental problems and that all the requirements necessary for the issuance of a license had been met. The intervenors in these regulatory proceedings, the Morningside Renewal Council, Inc., and the Riverside Democrats, Inc., filed a petition for review of this decision with the court of appeals. Pending the outcome of this appeal, no license would be issued by the AEC without giving the parties 30 days' notice in which they could file an injunction. The case was argued on March 12, 1973, and the parties are presently awaiting a decision.

The administrative procedures established under the Atomic Energy Act for protecting the health and safety of the public have proven to be more than adequate. Moreover, the rights of the public in the administrative process are further protected by the availability of judicial review.

At the present time there are over 115 research reactors operating in this country. Over 50 of these research reactors are on university campuses. There is no reason for singling out the research reactor on the Columbia campus for special treatment. The determination of the safety of these reactors should be left to the expertise available in the administrative process and the protection afforded by the judicial review. For these reasons, I oppose the amendment.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentlewoman from New York stated that this reactor was designed so as to release radioactive argon into the atmosphere in a crowded city neighborhood. Is that correct?

Mr. PRICE of Illinois. Mr. Chairman, I do not think it is possible for any release of any radioactive material outside of the building it is in or outside of the reactor itself. I do not think it is possble.

Mr. SEIBERLING. The gentlewoman from New York referred to a stack which would go into the atmosphere at an elevation lower than the apartment house across the street. Is that so?

Mr. PRICE of Illinois. Mr. Chairman, I do not think it is possible for any emission to come from that stack which would be harmful to anyone.

Mr. SEIBERLING. Is the gentleman saying that there will be no emissions, or they will not be harmful?

Mr. PRICE of Illinois. It is possible there could be, but certainly they would not be radioactive to the extent that there would be any public safety problem.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, this radioactive argon which the gentlewoman from New York brought up in these reactors is contained. It is not allowed to get out into the atmosphere. It is contained until it deteriorates and loses its radioactivity, which is wthin a matter of hours.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO of Wyoming: Page 1, line 9, before the period insert the following: ", and not to exceed $800,000 for applications of underground explosives (Plowshare) under the applied energy technology program category (with any additional authorization otherwise contemplated for applications of underground explosives (Plowshare) being available instead for controlled thermonuclear research)"

Mr. RONCALIO of Wyoming. Mr. Chairman, I will say to my colleagues that I have inserted in the CONGRESSIONAL RECORD on two occasions in the past week, and have circulated to congressional offices, the detailed, factual material which I hope will be accepted in support of my amendment.

This is not much of an amendment. We are dealing with an authorization today that will exceed $2.4 billion. Out of the $2.4 billion I am before the Members asking that a specific, minute amount of $3.8 million not be spent for Plowshare, and that instead it be spent to help on thermonuclear research so that we can get to fusion, which is the ultimate answer to all of the problems of the energy crisis.

To spend the money on the Plowshare program is to waste the money.

Using the AEC's own figures, from the Livermore Laboratory, from those tremendous technicians who know what they are doing, we can see this is a waste of money.

The AEC has estimated that 100,000 barrels of tritiated, radioactive water will be biproduced from each nuclearly stimulated well. There will be enormous disposal problems. With 5,680 wells to be so stimulated, that is 568 million barrels, or about 55,000 acre-feet of tritiated water that must be dispensed of.

I can guarantee that most of that will be in Wyoming. Some of it will be in Idaho. Some it it will be in Colorado.

These wells will have a three to six kiloton device in each one, and that will bring on a great deal of water contamination.

As to the water contamination, on ground water, that has entered Gasbuggy through a defect in the well casing. There is speculation that the water is now entering the Rulison Cavity. That means that strontium-90 will be present, and once dissolved will have 1,500 years of life.

As to this mixing of aquifers, let me say to those Members who come from Texas that they may be interested in hearing this.

It is a sad commentary, on this day of our Lord, June 25 in the year 1973, that there are more Members of the House of Representatives out in the ante-rooms listening to John Dean on television than there are on the floor of the House today.

Let me say to the Members from Texas that they have an aquifer at San Antonio which is 80 miles long and 25 miles wide, with the freshest, sweetest water in the world. I can visualize what that State delegation would do if somebody proposed an underground nuclear stimulation around that aquifer. Yet we have a problem of 5,680 wells throughout the Rocky Mountain West.

On the reinjection of tritiated water, the U.S. Geological Survey's study demonstrates the correlation between injection of water into deep formations and ground movement, and this constitutes a danger to the entire Colorado River Basin. That is the talk of the physicists, and the talk of the chemists, of the dedicated men of research talking about the Colorado River Basin.

On the uranium supply, my friends, the use of uranium in devices would detract considerably from the required uranium resources for the reactor program. There is already a lag in uranium exploration and extraction. The AEC projects it will require 120,000 tons of uranium annually by 1990, yet only 13,900 tons were produced in 1972. We cannot afford this detraction from the reactor program.

Even if they bring this stuff into the fields and blow it up we will have absolutely no return. They are on the fifth well, coming up, and they have not got 1 cubic foot of commercial gas yet, not 1 cubic foot.

Permeability is not achieved. Many of the men who have worked with the oil companies have told me this, the geologists, that at the great depth with the pressures created the fractures will not remain open but will be forced closed again. There will be no long-term permeability. The glazed chimney with closing fractures. Conventional hydrofracturing induces sand or other propping agents into fractures to hold them open.

None of the companies did that in the past 8 years. They sat on their backsides and waited for nuclear power, and nuclear power did not come.

On Rulison economics, the University of Colorado study showed that Rulison cost over $11 million and produced only $1.5 million worth of low-quality, radioactive gas. That is wasted and unusable.

On the economics of nuclear-stimulated gas, that does not hold up. My arguments sustain that.

As to energy expended in nuclear devices, approximately 4 billion Btu's of energy are released with each kiloton of explosive yield.

Mr. Chairman, if we keep this up, in 1 year's detonation of these fields involved, we will be expending more energy than would be generated by electricity in this whole Nation last year. These are facts that I wish we would give some thought to. The conventional methods and alternatives have been diminished and set back because of these tests.

Experts on hydraulic fracturing state that fracturing treatments can now reach more than a thousand feet out, 500 to a thousand feet from producing wells.

Mr. Chairman, I submit to the Members that if this program is carried out, we still will need $800,000 with the Plowshare program, in contrast with what should be spent for hydraulic systems and other systems available for getting at the gas immediately.

Mr. Chairman, here is one additional matter:

The transfer would result in a mere $3 million over to the Geothermal Nuclear program that my colleague, the gentleman from Washington (Mr. McCormack) received for this year, and in this way it can go in the direction where the money can ultimately do us some good.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Roncalio of Wyoming was allowed to proceed for 1 additional minute.)

Mr. RONCALIO of Wyoming. Lastly, Mr. Chairman, I would like to say that even though Wagon Wheel is as good as dead—actually it is as dead as a doornail—this program cannot do a capable job either. Even though Wagon Wheel is as dead as a doornail, these arguments must be made to our people, that we cannot allow $1 to be spent for this purpose, and we cannot allow this Plowshare program to develop. It has been a false God. It has been a bad, bad sign. I submit that you cannot build any Panama Canals through atomic energy with this program, you cannot get natural gas by this device, and we should use the money for fusion and fusion research and get the figures on this program and get on with the things that have to be done instead of wasting our time as we have.

Mr. HOSMER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment which would delete the funding for the Plowshare program. The Plowshare program is dedicated to the application of underground nuclear explosions for the recovery of natural resources. The Plowshare effort in recent years has been directed almost entirely toward developing technological options which could be used to help alleviate our Nation's current and predicted energy shortages. The recovery of natural gas from deep, tight, underground formations, gas which is generally considered unobtainable economically by conventional stimulation methods, has been the objective of three experiments. The latest of these experiments, Rio Blanco, the third was detonated on May 17, 1973, in western Colorado. Production testing of this well is scheduled for later this year.

The need for additional natural gas from U.S. resources is obvious to all in this Chamber. About 300 trillion cubic feet of gas underlying certain sections of the Rocky Mountain area, which do not now seem obtainable by other means, may be made recoverable through nuclear detonation stimulation. The technology is now undergoing feasibility evaluation. Future experiments should be dedicated to the study of economic feasibility.

Despite the obvious potential value of nuclear gas stimulation research to make available another energy option, there are those who would deny the United States the opportunity to even investigate the experimental feasibility, let alone the economic feasibility. It has been stated by opponents of the Plowshare program that water is entering the chimney of the Rulison Plowshare experiment which was conducted in September 1969 in western Colorado. The statement is completely incorrect. The AEC and its associate in the project, CER—Geonuclear, have definitive proof that water has not and is not entering the Rulison cavity, sometimes called the chimney. The proof is that the measured concentrations of tritium in chimney water, which is formed at the time of detonation has remained constant during the testing of the well. An influx of new water in the chimney would result in reduced tritium concentrations. The concentrations have not changed.

I bring up this question of water entering the chimney because it is probably the point most generally argued in opposition to Plowshare. All kinds of horror stories are raised which envisage water pouring into the Plowshare chimneys, becoming contaminated, and then being spread throughout the West. This is science fiction, not fact.

Another argument used against the Plowshare program is that the tests are uneconomical since the value of the gas produced would not pay for the costs. In the Rulison test in 1969 and the Rio Blanco test in 1973, two gas stimulation experiments, the majority of the expense was borne by civilian energy companies. If companies like Austral Oil and Equity Oil are willing to spend their funds on experiments to search for ways of developing new sources of clean fossil fuels, I think they should be commended and not castigated for trying to maintain the self-sufficiency of these United States in an energy hungry world.

The joint committee has recommended that $800,000 be added to the $3.8 million requested for the Plowshare program. This $800,000 would be used for hydrofracturing studies and experiments in those same areas where nuclear stimulation experiments have been done. This will be a vivid demonstration of "putting your money where your mouth is" in terms of comparing hydrofracture, as recommended by some of our colleagues, to nuclear cracking and stimulation. I strongly recommend that the total funding of $4,600,000 be authorized for the Plowshare program.

Mr. Chairman, the gentleman from Wyoming (Mr. Roncalio) has said so many things in opposition to this amendment that it is a little hard in 5 minutes to try and assemble them and put them together.

In essence, what the Plowshare program is, is this: Just as the name implies, it is an effort to hammer the violent warlike atom into a peaceful atom that will benefit this country and take care of some of its needs. Of course, we know today that one of the basic and vital needs of the country is additional sources of energy, and one of the programs of Plowshare, as has been indicated, is the stimulation of the production of gasoline from shale formations which are not porous and, therefore, do not permit the gas to flow through once a well is drilled.

Mr. Chairman, nuclear or conventional stimulation will increase the area from which gas can flow and thereby enlarge the amount of gas that can be recovered.

Now, Mr. Chairman, in the Rulison operation, there have been no leaks. Incidentally, the gentleman from Wyoming (Mr. Roncalio) said it has leaked, but it has not leaked. The AEC has made no bones about this, because it has not leaked, because the concentration of tritium in the water at Rulison which was created when the device went off has not diminished in any way, shape, or form. Therefore, the proof is positive. The gentleman is completely in error in what he tried to tell us.

Mr. Chairman, this is the type of thing that we have had to combat when we have come up with these kinds of advanced efforts to do some good for the country.

Now, I want to emphasize that there is no intention or no reason for large numbers of shots to go off. By the conventional stimulation, by just pushing, under pressure, large amounts of water linked with a gelatinous sand that will create these kinds of cracks that you get with the nuclear type of stimulation, by a combination of these two techniques, using one in areas where you can and using the other in areas where you cannot use the conventional techniques, we can combine and in a synergistic fashion make a field that will today not produce gas and energy for the good of the country into a field that does produce gas and energy for the good of the country.

Mr. RONCALIO of Wyoming. Will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. The gentleman said that I am in error when I talk about foolproof development. I used the figures of Livermore with regard to foolproof development. They said that, and they are not my figures.

Mr. HOSMER. Those figures were made several years ago before conventional stimulation was one of the things that came across the board. They used old figures.

Mr. Chairman, I urge that this amendment be defeated as have been the others and that the bill be passed without amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of my colleague from Wyoming.

There seems to be a lot of Plowshare activity going on full fledged in my State of Colorado. I do not think any of us want to prevent the United States from finding new sources of energy. We all want new safe sources of energy.

This is not an antienergy vote. The question is how to expend the public funds most effectively in order to find the best sources and the safest sources in the most rapid manner we can. We are in an energy crisis. Plowshare activities have not proven profitable or productive. There are better more efficient ways to spend the public's money. Therefore I commmend the gentleman from Wyoming, and I yield back the balance of my time.

Mr. LUJAN. Mr. Chairman, I rise in opposition to the amendment. I reluctantly rise to oppose the amendment offered by my good friend from Wyoming.

I, too, was very concerned about the thing that the gentleman from Wyoming talked about and whether we should continue with this project or go ahead and forget all about it.

Just a short time ago I took the opportunity to visit Rio Blanco at the time the shot was set off. The gentleman proposing the amendment and I, along with some other people, were in a helicopter a few hundred feet up in the air away from the wellhead and so close, in fact, that we felt the shock wave as it came through. Within an hour we were at the wellhead in the place where the explosion had taken place.

I must say, not really meaning it, I was a little disappointed, as a matter of fact, in that it looked no different than any other piece of ground I had ever seen. I expected to see some great cracks in the earth or crevices created by this explosion.

Mrs. SCHROEDER. Will the gentleman yield?

Mr. LUJAN. I yield to the gentlewoman.

Mrs. SCHROEDER. You are aware of the fact that in Rio Blanco there will be many more explosions and the fact that that explosion you witnessed did not release gas commercially?

Mr. LUJAN. I do not know at the moment that there are going to be other explosions. The Wagon Wheel project was cut out. But I do know, or at least I think it will be possible to get some gas and it will be tested shortly for radioactivity. The Rulison gas many people think is ready to be sold commercially. Until such time as they have an opportunity to test the Rio Blanco gas—and I understand applications are being held off—it is possible it will be quite feasible to sell the Rulison gas commercially now.

Mrs. SCHROEDER. I understand there will be many many more nuclear explosions before there will be any commercial production at Rio Blanco.

Mr. HOSMER. Will the gentleman yield?

Mr. LUJAN. I yield to the gentleman.

Mr. HOSMER. There are definitely no plans at the moment for any explosions whatsoever. We are still in the process of getting a final analysis out of Rulison and out of Rio Blanco. There will be, once these two experiments have been analyzed, no doubt further experiments or actual production that would be planned. The whole game here is not to play with explosive nuclear devices but to produce devices and put them together with some geology that can do something for the energy situation. So, of course, we will go ahead with it and we will go ahead with it only if it is productive and only if it can be done without a nuclear risk to the general public if it is done.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, reference was made to many more programs. This program was the whole program. It has been a research and development program. It has been going on for about 5 or 6 years. There have been only three test shots, and so far as I know there is no immediate plan for another test shot, there could be later on, and possibly there will be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. UDALL) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8662) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 4, not voting 31, as follows:

[Roll No. 278]

YEAS—398

Abdnor
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington

Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Abzug
Conyers
Holtzman
Schroeder

NOT VOTING—31

Adams
Anderson, Calif.
Ashbrook
Badillo
Beard
Bell
Blatnik
Bolling
Breaux
Burlison, Mo.
Chisholm
Conable
Danielson
Derwinski
Fisher
Flynt
Gray
Green, Oreg.
Gross
King
Kluczynski
Michel
Mills, Ark.
Moss
Owens
Peyser
Reid
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Owens.
Mr. Rooney of New York with Mr. Gross.
Mr. Kluczynski with Mr. Michel.
Mr. Breaux with Mr. Ashbrook.
Mr. Blatnik with Mr. Young of Alaska.
Mr. Mills of Arkansas with Mr. Bell.
Mr. Burlison of Missouri with Mr. Beard.
Mr. Adams with Mr. Badillo.
Mr. Anderson of California with Mr. Fisher.
Mr. Moss with Mr. Peyser.
Mrs. Green of Oregon with Mr. Derwinski.
Mr. Gray with Mr. Conable.
Mrs. Chisholm with Mr. Danielson.
Mr. Flynt with Mr. Steiger of Arizona.
Mr. Reid with Mr. King.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1994) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $1,740,750,000 not to exceed $128,800,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) Nuclear Materials.—

Projects 74–1–a, additional facilities, high level waste storage, Savannah River, South Carolina, $14,000,000.

Project 74–1–b, replacement ventilation, air filter, F chemical separations area, Savannah River, South Carolina, $5,200,000.

Project 74–1–c, calcined solids storage and plant safety improvements, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, $3,000,000.

Project 74–1–d, cooling tower fire protection, gaseous diffusion plants, $3,300,000.

Project 74–1–e, new purge cascade, gaseous diffusion plant, Oak Ridge, Tennessee, $5,900,000.

Project 74–1–f, plant liquid effluent pollution control, gaseous diffusion plants, $8,000,000.

Project 74–1–g, cascade uprating program, gaseous diffusion plants (partial AE and limited component procurement only), $6,000,000.

Project 74–1–h, transuranium contaminated solid waste treatment development facility, Los Alamos Scientific Laboratory, New Mexico, $1,650,000.

(2) Atomic Weapons.—

Project 74–2–a, weapons production, development, and test installations, $10,000,000.

Project 74–2–b, acid waste neutralization and recycle facilities, Y–12 Plant, Oak Ridge, Tennessee, $1,700,000.

Project 74–2–c, high energy laser facility, Lawrence Livermore Laboratory, California, $20,000,000.

Project 74–2–d, national security and resources study center (AE only), site undesignated, $350,000.

(3) Reactor Development.—

Project 74–3–a, Liquid Metal Engineering Center (LMEC) facility modifications, Santa Susana, California, $3,000,000.

Project 74–3–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $2,000,000.

Project 74–3–c, emergency process waste treatment facility, Oak Ridge National Laboratory, Tennessee, $1,300,000.

Project 74–3–d, modifications to reactors, $2,000,000.

Project 74–3–e, modifications to TREAT facility, National Reactor Testing Station, Idaho, $2,500,000.

(4) Physical Research.—

Project 74–4–a, accelerator and reactor improvements, high energy physics, $1,700,000.

Project 74–4–b, accelerator and reactor improvements, medium and low energy physics, $600,000.

(5) Physical Research.—

Project 74–5–a, computation building, Stanford Linear Accelerator Center, California, $2,900,000.

(6) Biomedical and Environmental Research.—

Project 74–6–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $1,300,000.

(7) General Plant Projects.—$47,825,000.

(8) Construction Planning and Design.—$1,000.000.

(9) Capital Equipment.—Acquisition and fabrication of capital equipment not related to construction, $172,300,000.

Sec. 102. Limitations.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (5), (6), and (8) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project authorized under subsections 101(b), (1), (2), (3), and (4) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

(e) The total cost of any project authorized under subsections 101(b) (5), (6), (7), and (8) shall not exceed the estimated cost set forth for that project by 10 per centum unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954 as amended.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$72,020,000" and substituting therefor the figure "$105,900,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$34,400,000" and substituting therefor the figure "$172,100,000", and (3) striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, various locations, the figure "$69,000,000" and substituting therefor the figure "$193,000,000".

(b) Section 106 of Public Law 91–273, as amended, is further amended by adding the following sentence at the end of the present text of subsection (a) thereof:

"Notwithstanding the foregoing, authorization of additional appropriations for the conduct of Project Definition Phase activities subsequent to the execution of the aforementioned cooperative arrangement, in the amount of $2,000,000, is hereby authorized.".

(c) Section 101 of Public Law 92–314 is amended by (1) striking from subsection (b)(1), project 73–1–d, component test facility, Oak Ridge, Tennessee, the figure "$20,475,000" and substituting therefor the figure "$26,675,000", and (2) striking from subsection (b)(5), project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, the figure "$56,000,000" and substituting therefor the figure "$125,000,000".

SEC. 106. RESCISSION.—(a) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–5–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(b) Public Law 92–314 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8662) was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, with regard to rollcall No. 273, I was detained on official business and did not return until after the vote was taken.

Had I been present, I would have voted "aye."

Also, Mr. Speaker, on rollcall No. 274, I was again detained on official business and did not return until the vote was taken.

Had I been present, I would have voted "no."

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 542, WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 456 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 456

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President. After general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Nebraska (Mr. MARTIN) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 456 provides for an open rule with 3 hours of general debate on House Joint Resolution 542, a resolution concerning the war powers of Congress and the President.

The joint resolution provides that the President make a formal report to the Congress whenever, without a declaration of war or other prior specific congressional authorization, he takes significant military action, by either the commitment of U.S. Armed Forces to hostilities outside the United States, the commitment of combat-equipped U.S. forces to any foreign nation, or the substantial enlargement of combat-equipped U.S. forces already in a foreign nation.

House Joint Resolution 542 also denies to the President the authority to commit U.S. Armed Forces for more than 120 days without specific congressional approval.

The Committee on Foreign Affairs does not expect any new costs as a result of enactment of this legislation.

Mr. Speaker, the framers of the Constitution were explicit in their desire that the ultimate warmaking powers be in the hands of the Congress, the representatives of the people.

This is a salutary proposal. I commend the distinguished Committee on Foreign Affairs, after long deliberations on the subject, for bringing forth this resolution to be considered by the House.

I therefore urge the adoption of House Resolution 456 in order that we may discuss and debate this very important measure, House Joint Resolution 542.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as the gentleman from Florida has explained, House Resolution 456 provides for an open rule and 3 hours of debate on House Joint Resolution 542, the war powers resolution of 1973.

The resolution directs the President to consult with the Congress before and during the commitment of U.S. forces to hostile situations.

This resolution requires the President to report to the Congress within 72 hours whenever, without specific congressional authorization, he commits U.S. forces to hostile situations, or places, or substantially increases U.S. forces on foreign soil.

Section 4(b) provides that within 120 days after the report is submitted the President is to terminate any commitment of U.S. troops covered by the report unless Congress specifically authorizes the commitment.

Congress is also allowed to order the President to disengage from combat operations at any time before the 120-day period ends through passage of a concurrent resolution. Generally a concurrent resolution does not require a signature by the President.

I should like to analyze very quickly and briefly, Mr. Speaker, some of the provisions in this joint resolution.

First of all, it requires the President to report within 72 hours to the House and Senate in respect to hostile action by the U.S. military. Then the resolution sets forth five different reasons which the President must report in writing explaining his actions.

One of these is as follows: The estimated financial cost of such commitment or such enlargement of forces.

Mr. Speaker, it is virtually impossible for the President or any other individual to make an estimate as to the cost of future activities in this area. This is just one of the weaknesses in this bill.

Then it provides in section 4(b) that within 120 calendar days after a report is submitted or is required to be submitted, pursuant to section 3, the President shall terminate any commitment or remove any enlargement of the Armed Forces overseas.

Mr. Speaker, I note that the bill says:

> Within 120 calendar days after a report is submitted or is required.

Evidently the authors of this legislation are not sure the President will comply with it. Evidently the authors of this bill are not sure that the President constitutionally has to respond to this action by the Congress itself, because they have put in the phrase, "or is required to be submitted."

Mr. Speaker, let us take a look at section 4(c). It states as follows:

> Notwithstanding subsection (b), at any time that the United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of the Congress, such forces shall be disengaged by the President if the Congress so directs by concurrent resolution.

The Commission on Rules, Mr. Speaker, has held extensive hearings on the impoundment legislation. This legislation on which we have held our hearings was authorized by the gentleman from Texas (Mr. MAHON), the chairman of the Committee on Appropriations. Senator ERVIN, one of the foremost authorities in Congress on the Constitution, testified before our committee.

The bill of the gentleman from Texas (Mr. MAHON) has a similar provision in regard to a concurrent resolution countermanding the impoundment of funds by the President. It states that if the funds are impounded and the Congress acts within 60 days, with a concurrent resolution, the funds would immediately be released.

Mr. Speaker, I questioned Senator ERVIN on this point. Let me read from the colloquy I had with Senator ERVIN on the day that he testified. This is Mr. Martin speaking:

> Senator, the legislation which we have before us today provides for a concurrent resolution to be passed by the Congress if we wish to override or disagree with impoundment of funds. I would like to quote from Jefferson's Manual in regard to the House:
>
> "A concurrent resolution is binding on neither House until agreed to by both. Since not legislative in nature it is not sent to the President for approval."

Then I proceed as follows:

> Then I would like to quote from Cannon's Precedents of the House:

This is volume 7, page 150:

> "A concurrent resolution is without force and effect beyond the confines of the Capitol."

Then I proceed as follows:

> Then I would like to quote from section 7, article I of the Constitution, which I think you referred to, and it states as follows:
>
> Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary, except on the question of adjournment, shall be presented to the President of the United States and before the same shall take effect shall be approved by him or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives.
>
> The legislation we have before us providing for a concurrent resolution does not provide nor give to the President the power to veto. It seems to me it is in violation of Cannon's Precedents of the House and the Constitution itself.
>
> Senator ERVIN. It is because it has legislative effect. That is what it is designed to have. You cannot pass a resolution which is not subject to the Presidential veto which has legislative effect. This certainly has legislative effect.
>
> Mr. MARTIN of Nebraska. Then, in your opinion, the President would have the power to veto a concurrent resolution action by the Congress?
>
> Senator ERVIN. That is right. That would be the second time he would have a chance to veto the same proposition really.

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 2 additional minutes.

Consequently, Mr. Speaker, you can see that section 4C does not have much substance as far as the Constitution is concerned and as far as Senator ERVIN's testimony before our committee on impoundment legislation is concerned.

Mr. FRELINGHUYSEN. Will the gentleman yield to me on that point?

Mr. MARTIN of Nebraska. I yield to the gentleman.

Mr. FRELINGHUYSEN. As a member of the Committee on Foreign Affairs, I would like to congratulate the gentleman for pointing out some of the weaknesses in the language and provisions of the joint resolution.

With respect to the concurrent resolution proposal, the pros and cons and the wisdom and constitutionality of that provision were discussed in the committee. It should be pointed out at the outset of this discussion—and I hope we have a reasonable discussion—that the reason for the concurrent resolution was an awareness on the part of the proponents that if a joint resolution were the mechanism with which to express disapproval, the President would have to participate.

This is a deliberate attempt to bypass the necessity of an operation which would be legislative in effect. The assumption is a situation which involves a President who would be presumably in an opposite camp, opposing what the Congress is trying to do. It is this aspect of the resolution which disturbs me most of all. The feeling is that there has to be independence from the President with respect to these judgments. However, the very confrontation which is being invited by sections 4B and 4C are likely to provoke a situation involving the basic constitutionality of what is being attempted. It surely is not eliminating any of the problems that presently exist with respect to the relationship between the executive and the legislative branches.

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself 2 additional minutes.

I yield further to the gentleman.

Mr. FRELINGHUYSEN. The colloquy between you and Senator ERVIN points up the weaknesses of the concurrent resolution.

But I do want to point out a concurrent resolution is proposed for a specific reason, namely, to avoid the necessity for Presidential involvement in the process of expressing disapproval of a Presidential action.

Mr. MARTIN of Nebraska. I appreciate the gentleman's remarks, and I believe he is exactly right. I think this will raise more constitutional questions than we have at the present time.

Mr. WOLFF. Will the gentleman yield?

Mr. MARTIN of Nebraska. I yield very briefly to the gentleman.

Mr. WOLFF. I refer the gentleman to the committee report. I am also a member of the Committee on Foreign Affairs, as was the gentleman who preceded me. In the report the use of a concurrent resolution is discussed at length. It evidences how, during World War II, this device was used on the Lend-Lease Act, the Price Control Act, the War Labor Act, and so forth. So that the device of concurrent resolution has been used in the past constitutionally and effectively.

Mr. FRELINGHUYSEN. Will the gentleman yield again on that point?

Mr. MARTIN of Nebraska. I yield to the gentleman.

Mr. FRELINGHUYSEN. I might say the illustrations used in the committee report with respect to concurrent resolutions involve powers granted by the Congress to the President during a time of hostilities with the proposal that those powers can be terminated by concurrent resolution. Here we are talking about the constitutional power of the President. This is an attempt to deny or abrogate that power.

So the situation with respect to the concurrent resolutions developed during a war-time period is quite different from their attempt to curtail Presidential power over the disposition of troops as the Commander in Chief.

Mr. MARTIN of Nebraska. I appreciate the gentleman from New Jersey pointing that out.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I think that the gentleman from Nebraska (Mr. MARTIN) is rendering a service in pointing to the concurrent resolution provision on the war powers legislation now before us. I assume, however, that the gentleman has no objection to the form of the rule that is now pending. Am I correct on that point?

Mr. MARTIN of Nebraska. I am not objecting to the rule. I want the House to be able to work its will, and to debate this matter carefully and they will have 3 hours in which to do that.

Mr. FINDLEY. I appreciate the clarification, because there is quite an extensive set of precedents which support the use of concurrent resolutions. The precedents go well beyond those cited in the committee report; they are very extensive. We have broad scholarly support for this position. But, Mr. Speaker, I think it would be more appropriate for me to reserve discussion on that until we are in the Committee of the Whole in order to have a more extended time to debate it.

Mr. MARTIN of Nebraska. I would suggest that the gentleman from Illinois withhold his remarks on these matters until we are in the Committee of the Whole.

Mr. DU PONT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Delaware.

Mr. DU PONT. Mr. Speaker, I do not want to prolong the debate on the rule, but I do think the gentleman from New Jersey misstates the constitutional argument very seriously as to what power is delegated by whom. The war power rests in the Congress, and that is why we can use a concurrent resolution, and the Presidential power is not involved when it comes to war making. I will expand on that further when we get into the general debate during the Committee of the Whole. But I do want to add that the gentleman from New Jersey (Mr. FRELINGHUYSEN) was here and voted for the Gulf of Tonkin Resolution—I am sorry, I do not know whether the gentleman voted for or against the Gulf of Tonkin Resolution—but the gentleman was here when the debate was going on on the Gulf of Tonkin Resolution which included a concurrent resolution repealer, and there was no debate in the House of Representatives as to whether that was constitutional or not. So, we have plowed this ground many times before, and I do not think we have a prima facie case so far as constitutional interpretation is concerned.

Mr. MARTIN of Nebraska. Mr. Speaker, I would hope that this debate would be deferred until after the rule is adopted.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the rule.

Mr. Speaker, I think the House Foreign Affairs Committee is to be commended on bringing to this body what is basically a sound and strong war powers bill. I have felt for some time now that the Congress must take affirmative action to in this area, especially in view of our tragic Vietnam experience. On May 23 of this year I introduced my own war powers bill, H.R. 8066, the Defense Emergency Procedures Act of 1973.

Like the Zablocki bill, my bill would require prior consultation between the President and Congress on committing American forces overseas, would require that President to make a full report in writing to the Congress when forces are committed, and would provide procedures whereby the Congress could approve or disapprove that action. Unlike the Zablocki bill, my bill would have terminated the President's authority to use troops without specific authorization after 90 days instead of 120 days, would require that early termination of the President's authority could only be achieved by enactment of a bill or joint resolution rather than by passage of concurrent resolution, and would have established a new Joint Committee on National Security to consult with the President on decisions to commit troops and to advise the appropriate committees of Congress with respect to related legislation.

While a good part of our debate will be consumed today and on Wednesday in discussing the proper mechanics of a war powers bill, the truly important aspect of this whole exercise, it seems to me, is that the Congress is now willing to face up to its war powers responsibilities under article I of the Constitution by prescribing certain guidelines and procedures for the Congress and the President to follow in those situations in which we are committed to hostilities without a clear declaration of war. Such situations were not anticipated to be a problem when our Constitution was originally written, but with the advent of the nuclear age, the so-called undeclared war has become more the exception than the rule due to both modern diplomatic and technological realities and developments. These same realtities and developments have given rise to the strong chief executive in the conduct of foreign policy and response to international military crises.

But the protracted conflict in Indochina and its consequences have given us good cause to reassess the wisdom in arrogating so much power to one person without the participation of the legislative branch in decisions which may involve a major and prolonged commitment. In my testimony before the House Foreign Affairs Committee in July of 1970 on war powers legislation I noted the growing unease and alarm pervading the general public and the Congress over this imbalance between the President and Congress. To quote from that testimony:

> This sudden upsurge of concern, of course, is not difficult to explain: it is the direct product of a long, bitter, divisive war which has been almost exclusively an Executive undertaking. If the traumatic Vietnam experience teaches us anything, it is that such heavy commitments of American blood and treasure must have strong democratic sanction if they are to be sustained, they cannot be entered into by stealth, dissumulation, and deliberate ambiguity on the part of the Executive . . . We simply cannot afford to undertake another major commitment in which we begin to falter in midcourse because of public confusion over the purposes and legitimacy of Executive initiated actions.

I think those words ring just as true today and explain the basic need for the type of legislation which we are today considering. The time has come to right that imbalance in a responsible manner and to reinvolve the Congress in the war making process. I think the American people fully expect this of us and I think we owe it to the American people after what we have just gone through.

Mr. MARTIN of Nebraska. Mr. Speaker, I support the rule, and urge its adoption.

Mr. FISH. Mr. Speaker, today we are debating not only a piece of legislation but a principle. We are called upon to determine whether or not the institution of the Congress has the will to recapture its proper constitutional role with respect to warmaking.

The history of a President engaging in military operations without direct congressional authorization can be traced back to Andrew Jackson. But these occurrences have become frighteningly common since World War II, spurred by the cold war, and the expansion of our defense role throughout the world. As Henry Steele Commanger has noted:

> Five times in the past ten years Presidents have mounted major military interventions in foreign nations without prior consultations with the Congress.

It is not necessary to belabor the sad history of this country's involvement in Indochina. Had our recent history been different, this legislation would still be needed. It will assure deliberation over our purpose militarily and it will provide the mechanism for insuring unity if that purpose is warranted. The time has come for Congress to reaffirm and clarify its powers regarding the commitment of U.S. forces to any armed conflict, as the framers of the Constitution so clearly intended. We are not assuming in this bill an initiative or a prerogative of the executive. Rather, we are implementing our function which is to oversee government.

As reported by the House Committee on Foreign Affairs, House Joint Resolution 542 does not restrict the President's flexibility to deal with an emergency military situation. This is important. As Commander in Chief he has the responsibility to repel an attack on the United States. Wisely, the bill speaks only to commitments to hostilities abroad. It requires that the President report to Congress within 72 hours after he commits U.S. Armed Forces to hostilities abroad, where there has been no prior specific congressional authorization. Furthermore, the resolution states that unless Congress enacts a declaration of war or a specific authorization for use of U.S. Armed Forces within 120 days after the submission of the report, then the President must terminate all such activities.

Mr. Speaker, it is important that the House of Representatives accept the principle of war powers legislation. The procedures for a congressional role contained in this resolution are reasonable, workable, and acceptable. It is an implementation of the Constitution not a change in our basic law.

I strongly urge the House to act favorably on the war powers resolution. The national interest requires Congress to share responsibility with the executive at the onset of all wars. We owe it to ourselves and to the American people whom we serve.

Ms. ABZUG. Mr. Speaker, I join in appealing to my colleagues to follow up their historic vote of May 10 by approving today a total ban on the use of any funds to finance American bombing in Cambodia and Laos.

When the House took its unprecedented action last month it was responding to the overwhelming desire of the American people to end once and for all U.S. military intervention in Indochina.

Our vote was limited to a denial of a request by the Department of Defense for "transfer authority" to use funds to pay for military activities in and over Laos and Cambodia, but the significance of our action was clear to the entire world. For the first time this body had acted in a decisive way to say no to the administration's policy of massive terror bombing in a distant and tiny Southeast Asian land.

During the debate last month there were some expressions of concern that a stand by the House at that point might undercut Henry Kissinger in his negotiations in Paris. The Paris talks have come and gone, and we have heard Mr. Kissinger's declaration that there is nothing in the new agreement that commits the United States to cease the Cambodian bombing.

We also have heard the testimony on June 18 of James R. Schlesinger, the proposed new Secretary of Defense, who defended the bombing as necessary. He also made the arrogant claim that the bombing in Cambodia lies within the constitutional authority of the President, a statement for which there is no basis in fact. Mr. Schlesinger also held out the possibility that the administration might decide to resume bombing in Vietnam under certain circumstances, presumably without any authorization from Congress.

Clearly, if this House leaves it up to the administration to decide when to end the bombing, that day may not come until all of Cambodia is turned into a wasteland. It is already on the way to becoming that. In April, a near record of 54,725 tons of bombs were dropped on Cambodia, the equivalent of two and one-half Hiroshimas. Observers reported that because of the escalated Cambodian bombing, the "devastation of the countryside and the movement of refugees have reached unprecedented levels." Civilians, including children, are being slaughtered. Hospitals and schools are being bombed, reportedly by the Cambodian air force under the direction of American commanders.

A report in April by a study mission representing the Senate Judiciary Subcommittee on Refugees presents a tragic portrait of a tiny nation, caught in a civil war, undergoing agonizing punishment from the skies, with men, women, and children the victims of bombs dropped by American Air Force men who do not even see the havoc they create. Inevitably, of course, some American planes have been shot down and new American prisoners of war are being created, but what happens to them pales in comparison to what is happening to the people of Cambodia.

The Senate subcommittee report points out that in the 3 years since the United States invaded Cambodia—ostensibly to end the war in Vietnam—at least one-third of Cambodia's population, some 2 million people, have fled the bombing and battle in the countryside. It has become a nation of refugees. Thousands of civilian casualties have been reported. Orphans number some 260,000. Over 50,000 war widows have registered with the government.

And the report said:

> Nowwhere is the tragedy in Cambodia better seen than in the gaunt faces of the thousands of hungry children our Subcommittee mission saw—little bodies thrown together in makeshift camps, the human debris of the bombing and war.

This once rich rice-exporting land now imports 75 percent of the rice it consumes. War damage to civilian and government installations totals over $2 billion. Nearly 45 percent of the hospital facilities have been destroyed. Over 40 percent of the roads are destroyed or damaged. More than one third of the bridges are out. These are the blessings American air power has brought. And presiding over this destruction of a nation is the feeble, discredited, and unpopular Lon Nol regime.

No end to the bombing is in sight unless we act. Henry Kamm of the New York Times reports that there is "no likelihood that the Cambodian armed forces can reach a level of competence that will make the use of American air power less needed." About the only act of independent self-defense Lon Nol has reportedly been able to mount was his regime's recent arrest of astrologers who had predicted his ouster.

We have a choice today. We can vote to accept the Eagleton amendment and thus end the unimaginable suffering of the Cambodian people. Or we can stand pat any say, Yes, last month we voted to limit funds for bombing, but only until the end of June, and after June the administration has our blessing to continue its unconstitutional, cruel, and wanton bombing of a nation that in no way affects our security or represents any threat to our people or Government. We are voting today to prohibit the use of transfer funds for this kind of activity. How could we then turn around and permit the use of other funds for it?

I do not believe we can do that. I do not believe that we can welcome the detente and hopes for world peace represented by the Brezhnev visit and at the same time continue this policy of madness in Indochina.

We have, in this House by our vote, the power to save human lives. We have the power to save billions of dollars by stopping the bombing. We have the power—and the duty—to reassert our constitutional authority to make and unmake war.

Let us choose to make peace.

Mr. MITCHELL of Maryland. Mr. Speaker, I rise today in support of House Joint Resolution 542, although, to be honest, there are parts of the bill which should be unnecessary, although unfortunately they are not. I am referring to the consultation and reporting clauses of the bill. It seems to me that it should have been the natural state of affairs for the executive branch, as it sought to concentrate more and more of the powers of troop commitment, hostility escalation and arms provision in its own domain to grant Congress the token respect of periodic reports and occasional conferences.

However, the last few decades of Executive activity in this area are surprisingly devoid of any consideration of the constitutionally invested authority of Congress to make the vital decisions of troop and materiel commitment to conflict areas. Therefore we find ourselves in the almost embarrassing position of having to legislate two points which should have been the simplest products of courtesy and logic.

Moreover, I do not understand what possible objections there could be to the requirement that the President file a report within 72 hours, stating the nature and scope of a major action to be taken in the name of the American people. Certainly, the President has adequate staff to prepare such a report. We are assuming that he has sufficient evidence to substantiate the need for the action or it should not be taken. As for the basic concept of accountability which is being broached by several of my colleagues, this is not even a question for discussion. It was decided several hundred years ago in the constitutional conventions which formed this Government that each branch of Government and every elected official within each branch, was to be directly accountable to the people.

Certainly much has changed since that time, but if you start to talk about changing the basic principle of accountability then you had better realize that you are talking about changing, and sacrificing, the entire democratic structure of our Government.

However, it is the congressional action section of the bill which provides the meat of the legislation and thus is the greatest subject of controversy. The question here is not what type of say we want in the manipulation of this country's vital resources, the most vital of which is still her man, and woman, power, but if we want any say at all. The degree of our control is a matter which will be decided by the dictates of the individual situations. Whether or not we have any say at all, is a question to be solved by us here, this week, in our passage of a war powers resolution.

But to pass a war powers resolution without a meaningful congressional activity clause is, well, to simply go on passing—passing by your responsibility to the thousands of people whose multiple voices are combined in your one voice, passing by your responsibility to the thousands of young men who may, in the future, have to fight and die for a decision made in the White House, passing by your responsibility to the Constitution which assumes, that as a Congressman, you want a meaningful say in the foreign affairs of your country.

There are two objections voiced against the stipulation of a 120-day period during which time Congress may halt action and after which time action will be automatically halted unless otherwise stipulated by congressional ruling. These two objections are, basically, that the President will in time of crisis, launch an unusually hostile attack, feeling "pushed" by the 4-month limit.

The other is that a peace settlement will be put off until the end of the 4-month period at which time the United States will lose whatever bargaining power she had. The reasonings behind these two objections, generally put forth by the same people, are mutually annulling. The first idea assumes the possibility of a phenomenally rapid escalation; the second, of an equally phenomenal deescalation. Now, in the wake of our 10-year involvement in Vietnam, this argument takes on a particular significance. During that time, two very powerful, yet very different Presidents told us time and again of the need for time.

For 10 years, it was more time that they needed. If we had to make the distinction, some would argue that it took us 5 years to escalate and 5 years to deescalate. And that was merely for an undeclared war in an area the size of New Jersey. It is hard then for me to view with any alarm objections made, based on the possibility of substantive escalation or deescalation within a 4-month period.

Again, I stress the fact that we are here to discuss a war powers resolution, not a war courtesy resolution. The power in this resolution lies in the congressional action section. If we refuse to accept that section, we are just wasting our time here today.

If the third section is the congressional ability clause, then the fourth is certainly the congressional responsibility clause. By outlining a definite time sequence to be followed, it insures that Congress will act with the same effectiveness, in terms of thoroughness and speed, that we are demanding of the executive branch. It emphasizes our contention that we are not afraid to accept the rigors of crisis situations. It emphasizes, too, that as large a body as Congress is, it will not accept the characterization of a lumbering bear whose cumbersome nature and slow movements impede, rather than expedite, the course of government, and I am including here the activities which result from our commitments abroad.

Another source of disagreement seems to be the question of whether or not a war powers resolution should cover our present commitments. I assume that this is a point of contention since Mr. Dennis' substitute bill specifically exempts our present commitments in crisis areas. The question as I see it is: Are we going to pass a bill saying, "Yes, we are going to be effective—tomorrow," or "Yes, we will be effective today."

Let me stress the fact that House Joint Resolution 542 does not tie the President's hands. It merely slows them up to the point where we can see what they are doing. There is a carefully inserted provision in the bill which allows for the necessity of an instantaneous decision in the case of nuclear attack. However, in the wake of General Secretary Brezhnev's visit it should be obvious that the administration itself seeks an emphasis on detente legislation and no longer on legislation a la Joseph McCarthy.

It is still true that the best philosophy of postattack recovery is preattack restraint. And the best assurance of preattack restraint is the proper filtering of decisions through both the branches of Government responsible for making them.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending resolution, House Joint Resolution 542.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 542, with Mrs. GRIFFITHS in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 1½ hours, and the gentleman from California (Mr. MAILLIARD) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the resolution which we are considering today, House Joint Resolution 542, gives this Congress a historic opportunity to correct the imbalance in warmaking powers, which through the practice of recent years have swung too heavily to the President. I think it was very succinctly stated in the opening statement, the opening sentence, indeed, of our first witness during the hearings in this session of Congress. It was the Senator from New York, Senator JAVITS. I think he put the issue in perspective, and I quote:

> There is no longer any serious argument as to the existence of a constitutional crisis over the exercise of the nation's war powers.

The pertinent question is what will the Congress and the President do about this crisis? The defacto concentration of plenipotentiary war powers in the hands of the President has subverted the letter and the spirit of the Constitution. The issue of war powers is undoubtedly one of the most complex and challenging we will ever face. It involves important and intricate constitutional questions which go to the very heart of our democratic system.

The legislation before us deals with a democratic control over that most vital of national decisions: the declaration to go to war. The issue of war powers is a subject that, as I said, is subject to delicate constitutional consideration. In the final analysis, however, the question is quite simple: whether we do or do not believe in our Constitution, whether or not we believe in the unlimited power in this area, and whether this unlimited power should rest with one man—the President of the United States, whether or not we believe in the checks and balances system of the legislative and executive branches, whether or not we believe in ourselves and the oath of office we took.

Madam Chairman, at the conclusion of the debate on this issue of war powers, I am confident our colleagues will decide the question on its merits. That is as it should be. The basic question is whether House Joint Resolution 542 is a practical, equitable, and effective legislative answer to the problem of how this Nation's warmaking powers should be exercised and by whom.

In an effort to help answer that question, allow me to outline briefly some of the background and history of this legislative proposal, as well as the intent and effect of the provisions. As the Members know, this House has passed warmaking powers three times, in the last Congress twice.

Madam Chairman, in the 91st Congress House Joint Resolution 1355 passed the House by a vote of 280 to 39 on November 16, 1970. The Senate failed to act.

In the 92d Congress House Joint Resolution 1 was introduced and passed the House by a voice vote on August 2, 1971. The Senate passed its own version and a parliamentary snarl ensued, and the House was required to act again to pass its version, and it did, by a vote of 344 to 13 on August 14, 1972. In this, the 93d Congress, 30-some bills and resolutions were introduced, and a listing of the sponsors of the bills appears on pages 2 and 3 of the report by the committee on this war powers resolution. This fact certainly is ample evidence that the subject has deep interest.

Hearings were held and the subcommittee has gone into depth in its study and consideration of all the bills introduced in this session of Congress. After 4 days of markup in the subcommittee and 3 more days in the full committee, we reported the bill, Madam Chairman, that is before us for consideration. Throughout that extensive effort our primary objective was to find a workable and equitable solution which would reaffirm the constitutionally given authority of Congress to declare war.

Given that goal of restoring the balance between the executive and the legislative branches intended by the Founding Fathers, the committee was at the same time very sensitive to the President's constitutional war powers. For example, we were determined to avoid any approach defining or codifying the war powers of the President. Such an action would draw rigid lines between the Congress and the President in the area of warmaking powers.

We were also highly cognizant of the President's right to defend the Nation against attack without prior congressional authorization in extreme instances such as nuclear attack or direct invasion. On the basis of the deepened understanding provided in the hearings and from observations over the recent years, it became increasingly evident that the problem did not center on such extreme circumstances. Rather the main difficulty involved the commitment of the U.S. troops, Armed Forces, exclusively by the President without congressional approval or adequate consultation with the

Congress in overseas areas, in foreign countries.

I have gone into both the background of the issue and the complexity of the constitutional questions which governed the committee in an effort to show the challenge we faced. Clearly the problem demanded a balanced and delicate solution and a solution was born of consensus. I believe House Joint Resolution 542 represents that solution. As a consensus I believe House Joint Resolution 542 meets also the test as demonstrated by the subcommittee's vote of 9 to 1 and the full committee's favorable vote of 31 to 4 with one Member voting "present."

Briefly, the legislation does the following:

Directs the President in every possible instance to consult with the leadership and appropriate committees of Congress before, and regularly during, the commitment of U.S. Armed Forces to hostilities or situations where hostilities may be imminent;

Requires that the President make a formal report to Congress whenever, without a declaration of war or other prior specific congressional authorization, he takes significant action committing U.S. Armed Forces to hostilities abroad or the risk thereof, he places or substantially increases U.S. combat forces on foreign territory;

Provides for a specific procedure of consideration by Congress when a Presidential report is submitted;

Precludes the President from committing U.S. Armed Forces for more than 120 days without specific congressional approval, while also allowing the Congress to order the President to disengage from combat operations at any time before the 120-day period ends through passage of a concurrent resolution;

Stipulates a specific congressional priority procedure for consideration of any relevant bill or resolution which may be introduced. In this connection, Madam Chairman, I wish to reassure you and the other members of this distinguished committee that these provisions of House Joint Resolution 542—Sections 5 and 6—are in no way intended to bypass or otherwise violate your proper jurisdiction. First and foremost, these two sections are intended as so-called antifilibuster provisions. Their purpose is to protect the interests of Congress.

Specifies that the measure is no way intended to alter the constitutional authority of the Congress or the President, or the provisions of existing treaties; and

Provides that the resolution would apply to those commitments which are in progress on the date of its enactment into law.

In conclusion, I can assure you, Madam Chairman, that House Joint Resolution 542 is the result of much serious thought, comprehensive review, and many hours of careful deliberation. In short, it fulfills our determined objective of providing a means whereby the President and the Congress can work together in mutual respect and maximum harmony toward their ultimate, shared goal of maintaining the peace and security of the Nation.

Madam Chairman, I urge the adoption of the war powers resolution without amendment.

Madam Chairman, in an effort to give every Member an opportunity to discuss this very intricate legislation, I will withhold a detailed explanation for others of the subcommittee and the full committee to pursue the debate, and we shall all on the committee attempt to try to reply to the intricate questions and the pointed questions that may be asked of us.

Mr. FINDLEY. Madam Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. FINDLEY. Madam Chairman, I have had the great pleasure of working closely with the gentleman from Wisconsin on the subject of war powers now for a least 3 years, perhaps longer, and I have had a chance to witness firsthand the diligence with which he has approached the problem, his patience, his willingness to listen to all viewpoints, his determination to see it through, until we finally get a proper war powers bill on the statute books.

It has not been an easy task. I know that his efforts are largely responsible for the fact that on two previous occasions this body did approve a war powers bill. His efforts are also largely responsible for the fact that despite the fact that these two initiatives did not lead to a law, he nevertheless had the determination to bring the subject back out, to work out a different approach. I certainly commend the gentleman.

I think his efforts will be considered in the light of history as a great contribution to the longtime efforts which many people have been involved in, to try to establish a proper relationship between the legislative branch and the President in this most vital of all fields of government action.

Mr. ZABLOCKI. Madam Chairman, I thank the gentleman from Illinois for his very generous and kind remarks. I would be remiss if I did not call the attention of our colleagues to the fact that the gentleman from Illinois has indeed contributed much to the consideration of war power resolutions over the years.

The reporting section was drawn entirely as a result of his efforts, as well as section 4(c) which has come under question and debate earlier.

Madam Chairman, as he has in the subcommittee and in whole committee, I know that when we discuss the legislation in detail, he will most adequately defend his position and that of the committee.

I also wish to commend the chairman of the Committee on Foreign Affairs (Mr. MORGAN) for his wise counsel and assistance. I also wish to thank the members of the subcommittee for their help, and for the contribution of the other cosponsors of the resolution.

Mr. ICHORD. Madam Chairman, wll the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Madam Chairman, I want to commend the gentleman in the well for the leadership which he has demonstrated and exerted in this legislation.

When we deal with the subject of war powers, we are in the area of shared powers of the Congress and of the President. It is almost impossible to draw a precise line where the power of the President begins and the power of the Congress ends, and vice versa.

However, I think that the committee and the gentleman have done a very good job in this respect. Even more important than defining or limiting powers is the act of setting up a mechanism whereby both the Congress and the President can exercise their shared powers.

However, I do have a question on page 3, section 4(b), wherein it is stated:

> (b) Within one hundred and twenty calendar days after a report is submitted or is required to be submitted pursuant to section 3, the President shall terminate any commitment and remove any enlargement of United States Armed Forces with respect to which such report was submitted, unless the Congress enacts a declaration of war or a specific authorization for the use of United States Armed Forces.

I would like to ask the gentleman, and this is what concerns me about the wording of the legislation: Does the gentleman believe that the Gulf of Tonkin Bay resolution would satisfy this requirement of a specific authorization for the use of U.S. Armed Forces?

Mr. ZABLOCKI. Madam Chairman, the direct reply to that question is "yes." The Tonkin Gulf resolution would satisfy the provisions of that section, of this resolution, section 4(b).

I might say to the gentleman from Missouri that Presidents in recent years and over the history of our country have assumed certain warmaking powers, and the Congress was silent too often. Our intentions in this legislation are to bring us into the formation of policy. Therefore, we have provided for, in a section of the proposal for consultation to the extent possible. We have provided for the President to report to us. Specific congressional actions will follow, thereby taking care of some of the concerns of many that the Congress may not act. Therefore, the congressional priority procedure was included in the legislation.

Section 4(b) would require affirmative congressional action within 120 days. I cannot imagine that at a time when the President commits troops a resolution would not be introduced by one Member of Congress in either body which would require either the affirmation, the approval of the President's action, or a resolution disapproving it.

Therefore, the very introduction of a resolution would trigger the legislative procedure by which the Congress would thereby be required to act. House Joint Resolution 542 provides for affirmative action.

Mr. ICHORD. I believe I understand the gentleman in the well, but I am still concerned about the extreme difficulty we get into as a free Nation when we are involved in an undeclared war. Regardless of how one has felt about the war in Vietnam, one of the main difficulties was that the Government of the country had defined certain objectives but did not have the body of law to protect the objectives of the U.S. Government. That is, we had so many acts on the part of many citizens both within and without the country which, in a time of declared war, would have been treason. Never again do I want this Nation to become involved in another undeclared war.

We are still not solving the problem as to how we protect the aims and objectives of the Government if we do not have a declared war.

Mr. ZABLOCKI. From the testimony we received during the hearings I believe it can be assumed that declared wars are probably something for the pages of history.

I might say to the gentleman, with the reporting requirements and the consultation required of the President, I believe the Congress will be in a much better position to deal not only with the commitment of troops but also with the problem the gentleman from Missouri raised.

Mr. ICHORD. I agree with the gentleman that I believe it would be better than having nothing at all, but I am still concerned about our getting involved again in an undeclared war situation.

Mr. ZABLOCKI. I might say to the gentleman from Missouri that we are all concerned about that development. Therefore, this legislation is before us today, not only to allay our concern but also to bring about a solution to the problem.

Mr. YOUNG of Florida. Madam Chairman, this is too important an issue to be discussed before an empty House. I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Twenty-five Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 279]

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Archer
Ashbrook
Ashley
Badillo
Baker
Beard
Bell
Bergland
Bingham
Blatnik
Boland
Bolling
Bowen
Breaux
Broomfield
Burke, Calif.
Burlison, Mo.
Byron
Carney, Ohio
Cederberg
Chisholm
Clark
Clay
Conable
Conyers
Coughlin
Crane
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Derwinski
Diggs
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fisher
Flynt
Fraser
Gray
Green, Oreg.
Gross
Gubser
Hansen, Wash.
Harvey
Hawkins
Hays
Hébert
Heckler, Mass.
Hogan
Hunt
Johnson, Pa.
Jones, Ala.
Karth
King
Kluczynski
Koch
Kuykendall
Landrum
Mathias, Calif.
Meeds
Michel
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Mizell
Moorhead, Pa.
Moss
Murphy, N.Y.
Nichols
Nix
Owens
Patman
Pepper
Peyser
Powell, Ohio
Railsback
Rees
Reid
Riegle
Roe
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Runnels
Sandman
Sikes
Steiger, Ariz.
Stubblefield
Sullivan
Symms
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Van Deerlin
Whitten
Widnall
Wyatt
Wydler
Yates
Young, Alaska
Zion
Zwach

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. Griffiths, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 542), and finding itself without a quorum, she had directed the Members to record their presence by electronic device, whereupon 320 Members recording their presence, a quorum, and she submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRWOMAN. When the point of order that a quorum was not present was made, the gentleman from Wisconsin (Mr. Zablocki), had the floor and had consumed 19 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki).

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I should like to join with my colleagues who have complimented the gentleman from Wisconsin for his pioneering effort in this very difficult and important field. I join unreservedly in that compliment, even though I, unfortunately, do not agree with the gentleman's bill. I do agree with the gentleman's intent on the subject of war powers, but there are certain features of the gentleman's bill which give me great concern.

When we rose here a minute ago, the gentleman from Missouri had been talking with the gentleman about section 4 (b). That section gives me great concern, too, because that section says that the President must make a report of committing troops to combat when there has been no declaration of war, and that then within 120 days, after that report has been submitted, his authority to conduct the hostility expires, unless the Congress in the meantime has affirmatively acted either to declare war or to otherwise approve the action taken.

Mr. ZABLOCKI. Or disapprove.

Mr. DENNIS. That is right, but if it is disapproved, of course, it would expire. The point I am making is that under the gentleman's bill there is no question but what the very important policy determination of whether hostilities should continue or not can be decided by our inaction. In other words, if we do not do a thing in the Congress, when the 120 days have expired, we have thereby made the fateful decision that the hostilities commenced by the Executive should end.

I submit to the gentleman that we should have the authority—and the gentleman's bill I know grants that—to require the Executive under those circumstances to terminate his action, but it seems to me only fair and proper that if we want to take an important step at that time, we should be required to take some vote affirmatively to terminate.

As the gentleman knows, I, myself, have a war powers bill before the Congress which so provides. Under my bill if there has been no declaration of war or any attack on the United States—the bill does not apply in those two cases—and the President, nevertheless, commits troops to combat, he must make a report to us, and within 90 days, under my proposal, we must vote it up or down. We have to vote, but we do not make him stop unless we vote it down.

I cannot help but suggest to the gentleman—and I am very, very sincere about this—that if we are going to take such an important step and determine such important policy, we should do it by an affirmative vote, not just by letting 120 days drift by without acting, which then automatically ends the authority to conduct the hostility.

Mr. ZABLOCKI. May I say to the gentleman from Indiana very sincerely that we certainly appreciated the impact the gentleman made in this area of discussion when he testified before the subcommittee. Certainly we are fully cognizant of his interest and the legislation he has introduced, and we gave it full consideration.

Let me point out, however, where the gentleman's proposal does not, indeed, return the balance in the war powers area, as does the provision of section 4(b) that within 120 days Congress must act affirmatively.

Indeed, if it might not be able to pass any legislation, such a situation could, I might add, develop because, as in the gentleman's bill, if the Congress would pass legislation disapproving the President's commitment of troops and if it were a bill or a joint resolution the President could veto it. If the President would veto the bill it would take a two-thirds vote of Congress to override. Under the provisions of section 4(b) if the President vetoes and there is not sufficient strength to override, then a resolution of disapproval is not enacted and after 120 days the commitment of troops must cease. This could not happen under the gentleman's proposal.

As for the gentleman from Indiana's proposal, I further humbly submit that it gives the President more power than he has now. Indeed, the President in the gentleman's proposal could veto a congressional bill of disapproval. If we did not have a two-thirds majority the troops could remain.

We have given this matter some consideration. If we want to bring in meaningful legislation we must close all these little loopholes in war powers legislation.

Mr. WOLFF. Madam Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. WOLFF. Madam Chairman, I would say so far as the Congress not declaring war, this is an action in itself because the full power—and I do not agree with those who say it is shared power—to declare war resides in the Congress of the United States. I quote John Marshall:

> The war powers being by the Constitution vested in the Congress, the actions of that body alone can be resorted to as our guide.

The mere fact that the Congress does not declare war is in itself an affirmative action.

Mr. ZABLOCKI. We do intend to complete the general debate tonight, Madam

Chairman. We have a heavy schedule for the entire week. This is important legislation. We would want every Member of the Congress to be here for the debate and we will have a further opportunity on Wednesday when we read the bill for amendment under the 5-minute rule. We must finish the debate tonight and I hope we will not have any interuptions. I want to make the announcement that we will finish debate whatever the hour. Within the 3 hours, we will hear everybody's views and try to answer the questions.

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Indiana for a question.

Mr. DENNIS. I am sure the gentleman has given my bill the utmost consideration, there is no question about it in my mind, and I wish the gentleman had arrived at a different solution, but under my bill as the gentleman knows, if there has been a declaration of war or attack on this country the bill does not apply at all, and the bill further says that we in Congress must be consulted first except in emergencies.

It is only in emergency that the President is going to be able to commit troops without consulting us, under the terms of my bill, but if he does that then it just seems to me if we want to call him off and end it, it is only in an emergency situation where he can do it at all, and it ought to be incumbent on us to tell him our views and to vote them, and we should not decide a question like that just by letting 120 days go by and not doing anything.

I would say to the gentleman, in my humble opinion under the legislative setup in the Constitution, we cannot pass a binding law and completely circumvent the Executive as the gentleman tries to do with his resolution, if we try to act to stop the war. If our action is going to have the binding force of law, it has to be reported to the Executive. We cannot avoid the problem of the veto because it is built into the constitutional scheme.

Mr. ZABLOCKI. Madam Chairman, this resolution is, as I said, a double-barreled attempt to deal with the issue of war powers in a legislative manner.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Madam Chairman, I wonder if I misheard what the gentleman said. Did I understand the gentleman to say that a decision had been made in subcommittee against positive action by Congress to upset a Presidential determination to use troops? Did he describe that decision as, "We must close all these little loophopes?"

Is the gentleman suggesting that the President's authority to commit troops overseas is a "little loophole" that Congress must close? I wrote down what I thought I understood the gentleman to say. I can hardly believe my ears, if he is describing the situation that is presented to us by 4(b) as simply an attempt by his subcommittee to close "little loopholes" now available to our Chief Executive.

Mr. ZABLOCKI. Madam Chairman, that is not the interpretation at all. If we are going to reassert our constitutional obligation and responsibility, and bring balance in the warmaking powers area, it is necessary that we take such steps and enact such legislation wherein a veto will not negate the outcome a majority of Congress wishes to bring about. In so doing, I point out to the gentleman, 4(b) closes that "little loophope" of a veto that the President can use in vetoing actions of the majority of the Congress or the majority of the people of the United States. The President could veto and it would require two-thirds of Congress to overrule him. That is what I was referring to.

Madam Chairman, I reserve the balance of my time.

Mr. MAILLIARD. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am glad the House is considering this war powers resolution, but I do very much regret that a matter as important and precedent setting as this should be debated so late with so few Members to hear the debate.

But, Members of this body ought to have the opportunity to discuss this resolution, and this is one of the reasons I voted in the Foreign Affairs Committee to report the resolution, even though I have considerable misgivings about it.

Madam Chairman, I want to join those who have commended and complimented the distinguished chairman of the subcommittee. As ex officio member of that subcommittee, I attended as many of the hearings and as much of the markup as I could, and he certainly gave full attention to the rather delicate and complicated problems that are involved here.

Members will recall that on three prior occasions the House has passed legislation concerning war powers. Twice in the 92d Congress we approved the language of House Joint Resolution 1, which contained sections calling upon the President to consult with the Congress before involving the Armed Forces of the United States in conflict, and then report to the Congress all actions taken without specific prior authority by the Congress.

While I supported these resolutions and still strongly support the consulting and reporting provisions of the resolution before us, I must say that I have reservations—serious reservations—over some of the operating provisions that have been added to this year's bill. In particular, I am concerned, as others who have already spoken have expressed their concern, over section 4(b), through which the President can be forced to act as a result of the failure of the Congress to act.

Under section 4(b), the President will be required to terminate any commitment and to remove any enlargement of the U.S. Forces with respect to which a report would be required and had been submitted to Congress, unless the Congress enacts a declaration of war or some specific authorization for the use of the U.S. Armed Forces. The effect of 4(b) would be to permit the exercise of congressional will through inaction.

Surely the Congress ought to exercise its powers in a positive way by voting "yes" or "no."

There are some other sections that we ought to look at very carefully. Section 4(c) provides that the Congress can by a concurrent resolution force the President to disengage U.S. Forces when they are engaged in hostilities without a declaration of war or other specific authority. The constitutionality has been questioned by many people, and there are many distinguished lawyers, of which I cannot claim to be one, who suggest that such a concurrent resolution cannot be made binding on the President since it does not comply with the constitutional requirement that anything with legislative effect be presented to the Chief Executive for his approval or disapproval.

Madam Chairman, I could discuss the provisions of this resolution at great length, but I believe we know already from the debate what the principal and significant points are, over which we should be concerned. The gentleman from Wisconsin (Mr. ZABLOCKI) has already discussed the joint resolution very effectively. Other Members are interested in expressing their views.

In conclusion let me say that when the time comes I expect to support the efforts of two members of our committee, the gentleman from Alabama (Mr. BUCHANAN) and the gentleman from Ohio (Mr. WHALEN) to amend section 4(b) to correct the shortcomings I have described and basically to conform pretty much to the provisions that are in the bill which was introduced by the gentleman from Indiana.

I would urge support of this amendment. I believe then we would have a good measure. If the amendment could be adopted I would vote "yea" on final passage. As it is, I have very serious reservations.

I should like also to mention in passing that I expect to offer what I feel will be a perfecting amendment to provide for contingencies, when the President may have to continue hostilities after he has been directed to cease them in order to disengage our forces with reasonable safety. There is such a provision in the Senate bill. I do not know whether it was discussed in subcommittee, but it would seem to me it is almost essential to have some mechanism by which, if the Congress should act positively, or after 120 days, if the automatic provision remains in the bill, the President could take action. If the 120 days are up and he has to undo whatever he has done it would seem to me certainly we would want to let him have authority to let the troops fight their way out with maximum safety, instead of just having a pell-mell automatic dropping of guns and leaving.

I suppose one could say it was implied. I believe the Senate was wise to include the provision. If under those circumstances he certifies to the Congress that this is the situation and in order to safely withdraw from hostilities the hostilities must go on for a given period of time, this would give him legal authority to do it.

I do not agree with too much of the

Senate bill, but I believe this is one provision we should copy.

Mr. SKUBITZ. Madam Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Kansas.

Mr. SKUBITZ. On page 4 are we really saying that the President shall terminate any commitment and remove any enlargement of U.S. Armed Forces unless the Congress enacts a declaration of war or a specific authorization for the use of U.S. Armed Forces, on the basis of something similar to the Gulf of Tonkin Resolution?

Mr. MAILLIARD. That is precisely what we are saying, yes.

Mr. FINDLEY. Madam Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman.

I appreciate very much the gentleman mentioning the possibility of a perfecting amendment. I noticed the language in the Senate bill, and I felt that it was not necessary, that it was understood. Nevertheless, I am sure the gentleman is sincere in presenting this as a problem which has to be faced.

As a courtesy to the Members of this body, I wonder if the gentleman would read the language into the Record at this time, so that it would be in the printed Record and therefore we could examine it in advance, for consideration on Wednesday?

Mr. MAILLIARD. I will say to the gentleman that I may be able to do that before the debate is over. The Senate language does not apply directly to our joint resolution. It had to be rewritten, and I do not have the text yet.

Mr. ZABLOCKI. Madam Chairman, I yield 8 minutes to the gentleman from North Carolina (Mr. Fountain).

Mr. FOUNTAIN. Madam Chairman, the issue of war or peace has troubled mankind since the creation.

Time and time again throughout history, that awesome question has confronted every nation. The way in which nations have answered that question has often determined their fate and affected the lives of millions of people—for better or for worse.

Sometimes the answers brought forth turmoil and terror. Kingdoms were lost, empires crumbled, and democracies were subjugated by dictatorships.

In other cases, the answers have resulted in democracy—as in the American Revolution—and have brought about the defeat of vicious aggression—as in World War II.

Always unwelcome, this question of war or peace is probably the most significant and far-reaching question any nation is ever compelled to face up to. In a democracy, surely the question is not to be answered by one man alone.

Consequently, our debate today, establishing responsible guidelines relative to the war powers of the Presidency is a crucial one. The manner in which we settle it will have long-lasting effects on the future of democracy in our country.

Our Founding Fathers very wisely divided up the powers of the Federal Government, defining and limiting the powers of each of the three branches, and limiting overall power as well, knowing that unlimited government is tyranny.

The Congress, and only the Congress, was given the constitutional authority to declare war. But, as we have all observed, down through many years this power has been dangerously eroded.

No President, however sincere and dedicated, ought ever to have unlimited power to commit our Nation to war, without the express approval of the Nation through its duly elected, locally responsible representatives, in the Congress of the United States.

America must profit by the sorrowful lessons learned on the mainland of Asia during the course of the past three decades.

Congress never declared war, nor did it take other clear-cut affirmative action during the Korean police action. It never formally declared war during the Vietnam conflict, although the Gulf of Tonkin Resolution was looked upon by many as having produced that effect.

As a result, confusion and uncertainty throughout the Nation has existed about the purpose and objectives of our military commitment. As the costs in men and treasure escalated, disunity and dissension, confusion and frustration, and fears and doubts increased.

Such a situation just must never be allowed to develop again.

We must make every effort to prevent our Nation from ever again embarking on full-scale war without the full moral sanction and support of the American people.

In practical effect, this means that without further delay, we the elected representatives of the people of the United States must act. We must never let ourselves become involved in another war without appropriate affirmative action by the Congress.

That is the purpose and effect of the measure before the House today—House Joint Resolution 542, the War Powers Resolution of 1973.

This landmark measure simply reaffirms congressional responsibility under the Constitution. It would require the President to act within constitutional limits, in any commitment of U.S. forces abroad.

The resolution calls for prompt Presidential consultation with the Congress in any such situation. It provides a procedure for consideration by Congress, when U.S. forces are committed, and it requires a withdrawal of those forces if congressional approval is not forthcoming in 120 days.

This resolution was shaped by the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am a member.

It is the fourth such resolution on war powers to be reported by that subcommittee in the last 3 years. Moreover, it is the most comprehensive and strongest measure to be reported.

After careful study and consideration of the voluminous testimony before the subcommittee on the issue of war powers, I am convinced that the proposal we are debating today neither takes away from, nor adds to the constitutional rights or powers of the President.

In other words, the constitutional authority of both the President and the Congress are left intact. We couldn't change their respective powers, if we tried to, not by legislation.

What the resolution does do, however, is require the President to use his constitutional authority in a responsible manner, when he deems it necessary to involve the United States militarily overseas.

At the same time, House Joint Resolution 542 places a burden on the Congress to act responsibly in addressing itself to such situations.

Some Members have expressed uneasiness about the mechanism provided in section 4(b) of the resolution, which would require that any commitment of U.S. Armed Forces to military action must end after 120 days, if Congress has not acted affirmatively to endorse the President's action.

I believe this section to be the key to effective war powers legislation. Perhaps the period for congressional action should be shorter or longer—30 days, 60 days, 90 days, or 120 days as provided by this measure. On that, reasonable men may differ—and compromise.

There can be no compromising, however, on the issue of affirmative action as provided in section 4(b). The people of the United States must at some point be permitted to have their voices heard through their elected representatives in the Congress.

Opponents of the provision have suggested that we run the risk of requiring the President to disengage from combat abroad simply as a result of congressional inaction.

Such a view demeans the seriousness with which the Congress conducts its responsibilities in issues of war and peace. The attitude proceeds from a kind of "worst case analysis" which overlooks the totality of the war powers resolution and the political environment which would prevail if events triggered its procedures.

Under the resolution, the President would be expected to consult with congressional leaders before making decisions which would send American fighting men abroad into combat.

Under the resolution, the President would be required to report to the fullest extent possible on objectives and scope of the commitment he had undertaken.

Without question, legislation calling for an affirmation of the President's action would be introduced into the Congress, probably immediately after the commitment.

After all, it takes only one Member of either body—1 out of 535—to drop in such a bill or resolution of support for the President.

Once that single bill is introduced, the procedures which require congressional action would be set in motion, and a final vote would have to be taken in both Houses before the 120-day period ends.

Under these circumstances, it is impossible to see Congress not acting at all. It must act and it will act.

I, therefore, urge that this body reject any attempts to delete section 4(b)—a deletion which would destroy the heart of the resolution.

Madam Chairman, I have stood with three Presidents on the need for protecting the American commitment in Vietnam. Once our forces were fighting there, once our honor had been committed, I believed we had to see the conflict through.

This was particularly impressed upon me during a study mission to the Far East in 1969. Our group met with the distinguished Prime Minister of Singapore, Lee Kuan Yew.

He impressed upon us that the United States as the "bulwark of freedom"—those were his very words—could not leave Asia under conditions of defeat, surrender, or disgrace. His words were, indeed, convincing.

At the same time I have supported our Vietnam commitments, however, I have had grave misgivings about the lack of consultation and cooperation between the Executive and the Congress about the conflict in Southeast Asia.

The Congress has not been permitted to play the role in these hostilities which the Constitution mandates. Consequently, we must have more concrete guidelines for both the President and the Congress, if we are to avoid repetition of past mistakes.

Madam Chairman, we are pondering matters of great significance today. The outcome of these deliberations may well affect future decisions on war and peace for this Nation.

Let us hope and pray that we will never again be forced to make such decisions. Recognizing the possibility of such decisions in the future, however, let us be prepared to reach a national consensus on a course of action before the Nation has become irretrievably committed.

That is the purpose of the war powers resolution of 1973. I urge its adoption.

Mr. MAILLIARD. Madam Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Madam Chairman, I feel constrained to begin by expressing regret that we should be discussing one of the most important pieces of legislation to be considered this year at so late an hour. No necessity compels us to do so. I might point out that it is now 12 minutes past 7 and I am the fourth speaker on this proposal. I regret that this should be the case because I sense a feeling among proponents that we should not debate the issue at all. In fact, during the quorum call just now I was asked if I would not submit my remarks for the RECORD. If I would do so, it was suggested that others who were planning to speak would do likewise. It is my opinion that what is involved in this legislation is too important for us to treat this so casually.

Quite obviously there are men and women with good intentions who are supporting this joint resolution. But as I said when I appeared before the Committee on Rules, good intentions do not make good legislation. My misgivings about this particular joint resolution, as it is now phrased, are monumental.

While I respect my colleague, the gentleman from Wisconsin (Mr. ZABLOCKI) I do not agree with him—in fact, I emphatically disagree—that this is a practical solution.

I do not think it is effective. I do not think it is fair. I do not think it is equitable. Above all I do not think it is workable. I do not think it is sensitive to the President's constitutional war powers. I do not think it is a delicate solution. I do not think there has been any subversion of the letter or spirit of the Constitution which makes this ill-advised effort in order.

Likewise I disagree with my eloquent friend, the gentleman from North Carolina. I do not think it will avoid the repetition of past mistakes. In fact, I can see nothing that would justify the resolution as written except a compulsion for self-assertion on the part of Congress.

I know that Members of the House have all received letters concerning this resolution, some urging support for the measure as it came out of committee, and others urging major changes in its language.

My purpose here tonight is to examine briefly the reasons for the resolution. What is it that we seek to accomplish? What is the mechanism proposed to achieve these goals? And even more importantly, what is the likely result should this resolution as written be enacted?

In recent years many Americans in Government as well as in private life have voiced concern over what they see as a diminution of the historic role of Congress as the final arbiter of war and peace. The proponents of House Joint Resolution 542 would have us believe that this measure addresses itself to that problem and helps correct it. In fact, nothing could be further from the truth.

The obvious spot to look to determine the purpose of the legislation is the report of the committee and, I might say, the statements of the proponents.

Let us look at the report. On page 3 it asserts that the Cambodian incursion of May 1970, caused many Members to be disturbed by the lack of consultation with Congress. Another reference on page 5 is to the commitment of U.S. Forces exclusively by the President without congressional approval or adequate consultation with the Congress.

Madam Chairman, if all that were involved in this resolution were the importance of emphasizing the necessity for adequate consultation and reporting by the executive to Congress, I would be for it, as I have been in favor of previous war powers resolutions.

Mention has been made by several Members with respect to the fact that the House has acted favorably in previous years on war powers resolutions, but this resolution is quite different from what we have approved before. What we have approved previously was basically to underscore the necessity of Congress getting updated and adequate information so it could play its historic constitutional role.

In another place, on page 5 the committee's aim was "to reaffirm the constitutionally given authority of Congress to declare war." The report also declares on page 4:

> To restore the balance provided for and mandated in the Constitution, Congress must now reassert its own prerogatives and responsibilities.

In his letter to Members, the chairman of the Committee on Foreign Affairs (Mr. MORGAN) talked of balance, and the gentleman from Wisconsin has also talked of balance. Dr. MORGAN said:

> There is growing opinion in and out of Congress that in recent years the balance of war-making powers in practice has swung too heavily to the President.

Certainly I do not argue over the need for any President to consult closely with Congress, especially on matters involving the use of our troops. There is a need for him to report fully and frequently on the nature of threats to peace or the reason for an outbreak of hostilities.

For this reason I fully support the approach of section 3 of House Joint Resolution 542. However, I agree with the gentleman from Nebraska (Mr. MARTIN) that it is unwise to include in those requirements an extension of the financial cost of a commitment of troops. The information would be of little value to us in deciding whether the initiative taken by the President was good, bad, or indifferent, and it might well be of substantial help to an enemy in determining the depth of our commitment of troops overseas.

I should point out in another place in the committee report, at the top of page 9, in commenting on section 3, it states that compliance "will provide the Congress with adequate information on which to base its deliberations and possible actions" regarding the President's commitment of forces. I agree with that statement. But if information furnished under section 3 will provide an adequate basis for action by Congress, why is there any need for the unfortunate language of section 4?

The gentleman from Wisconsin (Mr. ZABLOCKI) has attempted to provide an answer. He said it is to correct an imbalance. If there is an imbalance that requires a reassertion of our right to declare war, I do not see why that should be necessary. Surely no one has ever doubted that the Constitution specifically grants Congress that important power.

And I doubt very much, though I wish it were the case, that the gentleman from Wisconsin is correct in saying that declared war is something for the pages of history. Time alone will tell, but I assume if we are to prove anything by this exercise, it is to remind us that we have the inescapable obligation of declaring war if circumstances so indicate. So why is there now need to reassert this particular power of declaring war? And just what are the other powers which must be reasserted to restore balance? And why must these unspecified powers be reasserted at this particular time?

The gentleman from Pennsylvania (Mr. MORGAN) says approval of House Joint Resolution 542 will express our "willingness"—this is his expression—to accept responsibilities in the war powers which were "intended" by our forefathers. Surely he does not mean that Congress has delegated or could delegate other powers given to us by the Constitution.

And has Congress shown itself unwilling? And what is the meaning of the cryptic statement that Congress must reassert responsibilities which were "intended" by our Founding Fathers? At this late date is the Foreign Affairs Committee trying to spell out the intentions of those who wrote the Constitution? If so, just what responsibilities did the Founding Fathers intend to give Congress?

The proponents of this legislation consider section 4 the core, or the key, as the gentleman from North Carolina put it, of the proposal. The provisions of section 4 in my opinion lie at the heart of the problem. They taint the entire effort.

Mr. STRATTON. Madam Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. STRATTON. Madam Chairman, I congratulate the gentleman from New Jersey for the very reasonable and sensible analysis he is giving of this legislation. His contribution in the committee report was outstanding and I think his contributions in connection with the debate on this legislation have been outstanding. We are legislating here, and I hope to have something to say myself on that point in a few minutes, in a highly charged, emotional atmosphere where fact is fiction and fiction is fact, and I think the gentleman from New Jersey is one of the few sound heads in the Congress today on this subject. We can all feel what the temper of the House is, but the remarks of the gentleman are going to ring true in years to come.

Mr. FRELINGHUYSEN. I thank the gentleman from New York for his compliments.

My real regret about the nature of this debate is that it seems to have been taken casually by too many Members. I have no intention of calling attention to the fact that there are relatively few Members on the floor, but I would hope we are going to have a discussion, pro and con, of some of the unwise provisions of this bill before the debate concludes. I do not know whether it is supposed to be a threat that we may be here until midnight, but I think it is unfortunate that we should have begun the debate after 6 o'clock and that we have come such a short way into the debate by almost 7:30.

In any event, the framers of the Constitution, as I was saying, had flexibility in mind when they deliberately refrained from closely defining the responsibilities of the legislative and the executive branches with respect to the power to make war. Section 4(a) and section 4(b), on the other hand, seek to develop a mechanism under which the President and the Congress would necessarily have to follow a rigid series of procedures.

Section 4(b), in the words of the committee report, seeks "to deny the President the authority to commit U.S. Armed Forces for more than 120 days without specific approval"—by Congress, of course. This termination of our involvement in hostilities and the enforced withdrawal of our forces is unconditional. It must be done without regard even to the safety of our Armed Forces.

Let us examine the reasons given for this language. Unquestionably, a basic purpose must be to force Congress to reassert itself; that is, declare war, specifically support the President or specifically oppose him. In simple terms, its purpose is to goad Congress to discharge one of its fundamental responsibilities.

Somehow, it seems to me sad and unjustified that there should be this feeling that Congress is weak kneed, that we are reluctant or even incapable of action, that we must be reminded of the urgency of fully considering the implications of hostilities in which our own troops are involved.

But, perhaps section 4(b) needs to be read again. It aims, the committee report says, "to deny the President the authority" to commit our forces for more than 120 days. This is an extraordinary proposition. Especially as this denial will occur if there is a failure to act on the part of Congress. The language tacitly assumes that the President, as Commander in Chief, has the power under the Constitution to commit our troops in times of crisis.

If he has that power, and I hope there is no argument on that point, how can that power be denied him? How can it be abrogated by the passage of a fixed time schedule? The gentleman from North Carolina says there is no power taken away from anyone under this proposal, that nothing is given to Congress or taken away from the President. Well, what is this attempt to deny the authority to the President except an attempt to deny a power which he has under the Constitution as Commander in Chief?

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Madam Chairman, I was going to ask the gentleman from New Jersey if the President, as Commander in Chief, has a constitutional right in the case of an emergency such as an attack upon the United States, to deploy troops, perhaps on the high seas or even in Europe, and I think he does have that constitutional right. How can we say that that constitutional right expires at the conclusion of 120 days because we do not reaffirm it by a vote in this body?

Mr. FRELINGHUYSEN. Madam Chairman, to answer the gentleman's question, I consider as a practical matter, if there is authority in the President to take these actions, the lapse of a time period could not deprive him of that power.

We should be pragmatic about what we are discussing. The proponents of this resolution realize that inaction is the strongest weapon Congress has. We have had Vietnam as a problem for 10 years, and until today we did not take any positive, direct action with respect to winding down that war.

The CHAIRWOMAN. The time of the gentleman has expired.

Mr. MAILLIARD. Madam Chairman, I yield 1 additional minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Madam Chairman, the fact of the matter is that there is little likelihood in many cases that Congress will move in any direction, so the deliberate intent of this resolution is to have congressional inaction kick off a key change in national policy. I think this is objectionable. I think it is unconstitutional. Our past record underlines the basic responsibility of Congress, as the gentleman has pointed out earlier, at the very least, positive action by Congress should be required if there is to be a change in the national course begun by the President under his constitutional authority as Commander in Chief.

Mr. DENNIS. Madam Chairman, if the gentleman will yield again, in the time remaining, I wonder if the gentleman has any thought on the different but equally interesting subject as to whether, had this resolution been in force at the time we got into Vietnam, it would in fact have done anything to prevent that involvement?

Mr. FRELINGHUYSEN. Madam Chairman, I am glad the gentleman asked me that question. If I had more time, I would be glad to answer at length. It would not. I was here when we passed the Tonkin Gulf resolution. Had a President of the United States said, "The best way to defend the people, I believe, and to protect our security is to declare war," we would have declared war.

The conclusion, Madam Chairman, let me say that this attempt to limit the President's ability to defend the United States—by failure of Congress to take affirmative action—strikes me as inexcusably irresponsible. Proponents argue that a fixed time period allows Congress the necessary time to become knowledgeable about the nature of the crisis and then to decide whether to support him or not. But, are we in Congress so impotent that we must attempt to transform our inability to act into a positive policy action? Does commonsense not tell us this is a dangerous course?

It must be obvious, moreover, that if the President can exercise his authority with reasonable assurance only for the 120-day period that he will act differently than he would if he faced no such deadline. Could we in Congress seriously expect that a President would merely stand by to await the ponderous inaction of Congress to undermine his considered course of action? To win support for his actions, he might hurriedly accelerate the fighting, he might "go for broke" when he otherwise would move more deliberately. He might turn a relatively minor affair into a situation calling for the upholding of national honor. Similarly, an enemy might avoid coming to terms with our Government, in the hope that with the passage of time the President's authority would expire.

This 120-day limitation, it seems to me, represents an attempt to deal with an unforeseeable future situation, almost surely of critical importance to our Nation's security, in a way which might well jeopardize our national interests. Its strict definition, in advance, of our mode of operations, would have the effect of upsetting, and quite possibly destroying, the flexibility by which successful policy decisions are reached.

Hard as it is to believe, section 4b as now written could create a situation in which no one in the U.S. Government—neither the President, nor the Congress—would have the responsibility for handling a national security crisis. The section provides that if the Congress fails to act—fails neither to approve or disapprove the deployment of forces abroad to meet a security crisis—then the President is enjoined from continuing the deployment.

In other words, let us assume that at some time in the future a situation arises which threatens American security. The President meets it by deploying U.S. forces abroad. He reports that action to the Congress. The Congress is unable either to approve or disapprove the Presidential action. After 120 days, regardless of the situation and regardless of the threat to the United States, the President is enjoined from continuing to act to meet the situation in his best judgment. The threat to U.S. security continues, and there is no one in the U.S. Government willing and legally able to take the responsibility for making the decisions necessary to meet the crisis.

It is one thing for the Congress to insist upon being able to participate in the decision to deploy forces abroad. But, surely it is altogether another thing to say that if the Congress is unable or unwilling to make a decision, then the President also should be legally required to share that paralysis. Must Congress, in its desire to "assert itself," leave this country incapable of taking the steps necessary to meet some future threat to the security of our people? Surely not. Yet that is exactly what section 4(b) would do.

The manifold constitutional and national security problems created by the 120-day provision of section 4(b) are compounded by section 4(c). This section provides that hostilities and deployments initiated by the President may be terminated by Congress alone at any time within the 120-day period by means of a concurrent resolution. Concurrent resolutions, of course, do not carry the weight of law. Previous legislative use of a concurrent resolution—primarily during the Second World War—provided for the recall of additional powers granted the Executive by Congress. In contrast, its use in House Journal Resolution 542 simply represents a bald effort to terminate existing constitutional authority. Under such a theory, Congress could decide tomorrow that henceforth it could negate by concurrent resolution any legislation it has ever passed.

Furthermore, it is doubtful that this provision could ever be workable. As Presidents have throughout our history, it is predictable that a Chief Executive will ignore a concurrent resolution if he does not agree with it. It seems to me particularly unwise to invite him to do so at a time of national crisis.

Sections 4 (b) and (c) do not aid in clarifying a twilight zone of authority between Congress and the President. Rather, they succeed in raising a host of new problems. In the past decade the United States has gone through a searing experience in Indochina. During that period the executive branch proved to be less than forthcoming in its relationship with Congress.

I, for one, desire, indeed expect, the Executive to report fully and consult closely with Congress, particularly during times of crisis. For that reason, I wholeheartedly support the reporting and consulting approach to warpowers legislation. The role of Congress would be enhanced by legislation which would spell out the circumstances under which complete information would be provided promptly. At that point Congress can best be able to decide what legitimate, and constitutionally appropriate, steps it should take.

I should like now to digress. Our role in the war in Indochina—the obvious motivating force behind House Joint Resolution 542—is virtually at an end.

Had House Joint Resolution 542 been on the books 10 years ago it would not have changed the role of Congress in that conflict, or in its resolution. It would have given us no powers we did not already possess, nor would have given us the wisdom to know what course to take. It is almost certain, had a 120-day deadline been in effect at the time of the incident in the Gulf of Tonkin that Congress would have voted approval of President Johnson's decisions, or indeed have made a declaration of war. That kind of action would not have made our struggle in Vietnam any easier, in fact, it would have tied us more tightly to the massive involvement which followed.

In trying to discover a more effective role for Congress to play—particularly in times of national crisis—we should not be tempted to embrace anything that appears at first glance to contain "strong" provisions. House Joint Resolution 542, while certainly insuring an important role for Congress, so perverts the warmaking process that there could be confusion and confrontation within our system at a time of major crisis. We should recognize the truth of what Justice Goldberg once said, "The Constitution is not a suicide pact." The war power, we should remember, is the power to wage war successfully.

Mr. ZABLOCKI. Madam Chairman, I yield 5 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Madam Chairman, as I said a moment ago in the colloquy with the gentleman from New Jersey (Mr. FRELINGHUYSEN), I believe this debate is taking place today in a kind of Alice in Wonderland situation, where we are really forgetting what the true facts are. We are setting up some fictions; we are setting up some straw men, and then we are knocking them down.

I do not know whether I can get my remarks in in 5 minutes, but I believe there are some things that ought to be said in this debate and ought to be in the RECORD to be read.

One of them certainly is the concept that we got into Vietnam because this Congress was unable or unwilling to act; that somehow or other the President slipped this war over on us when we were not looking and we are only now getting around to retrieving the "balance of power" between the House and the White House.

That, of course, is utter hogwash. Anybody who was here in Congress during the long time of the Vietnam war, under President Kennedy, President Johnson and President Nixon, knows that this House repeatedly supported the action that was taken. There is no question about that.

I was here at the time of the Tonkin Gulf resolution, along with the gentleman from New Jersey, and this House could hardly restrain ourselves from rushing to put that measure through and send it on the way to the Senate by a unanimous vote. In fact, there were only two who voted against it in both Houses, and both of them failed to return to the Senate the next time they were up for reelection.

So there is no question about the fact that the Congress had plenty of opportunity to repeal the war if we had wanted to, and this thing was not slipped over because of some failure on the part of the Foreign Affairs Committee to devise proper legislation to equal out the balance of power.

Oh, there has been a lot of talk in this session about the need for Congress reasserting its control and taking away some of the powers the White House has stolen from us. Well, the one area where there is no question about our authority to control is in appropriations, in the budgetmaking process. We have got the purse strings, all right, and no constitutional lawyer would ever dispute that fact. But there are a lot of constitutional lawyers who have trouble in trying to decide exactly where the President's powers as Commander in Chief end and the congressional power to declare war begins.

One can get lawyers on both sides of that issue, and we could argue until the cows come home on it. But here we are, 3 or 4 days away from the beginning of fiscal year 1974, a year when we are supposed to be asserting the independence of the Congress, and the authority to exercise our powers. And yet we have still not even come up with an alternate budget to the one the President has proposed for 1974 back in January.

There have been a few Members of the other body who have devised an alternate congressional budget of their own. But I have been urging the leadership of the House, "If you do not like the President's budget"—and I do not like it too much myself—"then let us come up with an alternate budget." But we still have not gotten it. And we are dragging our feet in developing budget control legislation. We are still back today in the old business of passing individual appropriation bills without knowing what they are likely to add up to.

So the one authority we have the clearest and most certain ability to exercise we refuse to exercise; but here we are trying to take away the powers of the President as Commander in Chief under certain dubious interpretations of constitutional distribution of power.

Of course, everybody knows what we are really doing here. We are trying to repeal the Vietnamese war. And we are doing it after that war has come to an end, or very largely to an end. It was an unpopular war; there is no question about it. I do not believe it has been especially popular in my district. But I have stuck with it because I believe it was in keeping with all our efforts since World War II to create a world of stability and free of aggression. I stuck with President Kennedy. And I believed that just because we changed from President Kennedy to President Johnson was no reason to change my opinion that our commitment over there was proper, so I did not change my mind under President Johnson, and I did not change it later on when President Nixon became President and continued a policy carried on under three previous Presidents.

But it is an unpopular war, no doubt about that, and now has finally gotten out of the way. Let us not forget that the Congress continued to support this war at every opportunity, including under President Nixon. But now, that it is finally over, we are going to try to square ourselves with the voters by repealing the Vietnam war by putting this legislation on the books.

Actually, as the gentleman from Indiana (Mr. DENNIS) pointed out, if it had been on the books at the time it would not have done any good anyway.

Madam Chairman, just to show that I am not choosing up political sides here tonight, let me say that this reminds me of another futile action, equally futile and equally ridiculous, and equally based on a fiction. That is the 22d amendment to the Constitution, which was an attempt to repeal the third and fourth terms of President Franklin Delano Roosevelt years after he was in his grave. The Republicans could not defeat him, so when the finally got control of Congress, they tried to constitutionally amend those third and fourth terms out of existence. They did it all right, but they lived to regret it when President Eisenhower became President, because if he had not been mortal he might still be our President. The Rebublicans regretted that amendment in 1960 and we will live to regret this bill if we pass it in the form it has come out of the committee.

The CHAIRWOMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. ZABLOCKI. Madam Chairman, I yield the gentleman 1 additional minute.

Mr. STRATTON. Madam Chairman, I thank the distinguished gentleman for yielding me another minute.

The thing that disturbs me most about this legislation is that it is based on the assumption that somehow the people of the United States are going to elect a devil and put him in the White House and, therefore, we have got to watch him and tie him up with legislative restrictions. But this bill is not going to prevent that kind of individual in the White House from getting us into trouble, because he would still be the Commander in Chief of the Armed Forces and he would still have at his fingertips the nuclear button. And if he really wanted to get us into war, if he really wanted to get us into trouble, he could always push that button and no legislation—certainly not this legislation—would ever prevent that.

We simply cannot pass a law to prevent everything that we do not like. This Government of ours could never have functioned as long as it has if there had not been some element of mutual understanding and mutual respect between all three of the branches. And not even this legislation is going to repeal that very necessary part of a functioning democracy.

Actually, Madam Chairman, this effort to try to set some kind of outside control over the Nation's military activity is nothing new. I served back in 1941 as a congressional secretary here and I can remember that one of the more famous House Members then was a gentleman from Indiana, Louis Ludlow. Louis Ludlow was the author of the Ludlow amendment, which was designed to keep America out of war especially another world war, simply by requiring a national referendum before we could go to war. Think what might have happened on December 7, 1971, if we could not have moved at Pearl Harbor until after a national referendum had been held.

What we would really be doing if we were to pass this legislation is undermining the proper power of the President to speak for the country in foreign affairs. Think, for example, what might have happened during the 1962 Cuban missile crisis had President Kennedy been restricted by this kind of legislation. Would Khrushchev have taken President Kennedy's threats to invade Cuba seriously if this legislation had been on the books?

And in that connection, incidentally, let me say to my Democratic friends who are supporting this legislation so strongly that we ought not to overlook the fact that some day we may have a Democratic President in the White House again—in fact that is likely to be the case. I would say, before this legislation would actually make much difference in our foreign affairs. Do you really want to hamstring a new Democratic President as he tries to provide some worldwide leadership in building a peaceful and stable world?

Actually the real effect of this legislation, if it passes, will be to undermine our deterrent power rather than enhance it, because a great deal of deterrent power depends on keeping the enemy guessing about just what we are likely to do. This bill would remove a significant portion of that element of predictability.

Likewise, this legislation would certainly impair our current treaty commitments, especially in connection with our NATO Alliance in this new year of Europe." Surely this is not the time to give one more body blow to one of our most successful measures of foreign policy—our NATO Alliance.

The fact is this legislation will not make us more secure. It will simply force our enemies or our competitors, if you wish to call them that to shift their tactics just a little bit. Instead of attacking us directly, as the Japanese did at Pearl Harbor—and thereby turned a strongly anti-war Nation overnight into a strongly pro-war Nation—a future potential enemy would simply nibble away at our rights and interests, and perhaps even our territory, bit by bit the old salami technique, and never so dramatically as to precipitate a strong and obvious majority in the Congress.

This of course is what Hitler did successfully for 3 years in Europe, in the Rhineland, in Austria, and in Czechoslovakia. And it is what some people believe some Soviet leaders would like to be able to do in Western Europe, to bring about the "Finlandization" of that contingent, weaken its will to resist, and nibble away at its territory and its interests.

So I do not support this legislation, Madam Chairman.

I am especially disturbed over the provision of this bill which other speakers have referred to, which permits inaction on the part of Congress to override and rescind an action of the President.

If we are not to undermine the credibility of our country and our vital deterrent power, I believe the legislation should be amended to require positive action of disapproval on the part of Congress to override the President. The gentleman from Indiana (Mr. DENNIS) has offered an amendment along these lines, I would support his amendment, and if it is not successful shall myself offer a simpler amendment along the same lines. We have a precedent for this action in the Reorganization Act, and I believe something like it would be far more acceptable than the present wording of the bill.

Mr. MAILLIARD. Madam Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Madam Chairman, I have already paid my compliments to the distinguished chairman of the subcommittee which brought this bill before us today. I would like also to compliment several other members of the Committee on Foreign Affairs. The gentleman from Pennsylvania (Mr. MORGAN), the chairman, rendered great service to this body when he sent a "Dear Colleague" letter to all of us outlining his views, and I think eloquently so.

Also, on the Democratic side my colleague, the gentleman from Florida (Mr. FASCELL) nearly 4 years ago dropped into the hopper a war powers bill. This by coincidence happened within a few days of when I introduced my first proposal. I also compliment the gentleman from Minnesota (Mr. FRASER) and the gentleman from New York (Mr. BINGHAM).

Over these years I have certainly learned a lot about this bill. I do not pretend to be an expert at this point, but I have learned a lot from the discussion and the deliberations and the consideration now of three different bills which have come to the floor.

Madam Chairman, I also want to pay my compliments to two Republican first-term members of the Committee on Foreign Affairs, the gentleman from Pennsylvania (Mr. BIESTER) and the gentleman from Delaware (Mr. DU PONT). Both of them have contributed greatly to the deliberations of the subcommittee.

It is very clear to me after the experience of the past 4 years that our

Founding Fathers deliberately left some aspects of the war powers relationship very unclear.

Both the Congress and the President were given the tools for warmaking. These powers were in parallel to a surprising extent, and it may well be that our forefathers deliberately set the stage for a struggle between the Congress and the President in this very imporant field. In any event, the struggle has certainly ensued, and the debate here this evening is a part of that struggle. Regardless of what we do with this resolution in this Congress, I dare say the struggle will continue in some form and no doubt will continue as long as the Republic survives.

The President has obvious advantages. He has the opportunity for very swift action, even secret action. He has the unified branch of the Government. He is the one ultimately who makes the decision. No cumbersome parliamentary procedure is required for the President to reach a decision of policy, whether it applies to war policy or otherwise. He can act with dispatch.

He also has vast resources at his disposal which are much greater and much more effective than those available to the Congress to rally public opinion behind a course of action.

If we were to adopt a very strict reading of the Constitution and the minutes of the debates of the Constitutional Convention as kept by James Madison, we would probably be considering here a bill which would prohibit the President from doing anything with military force beyond the borders of the United States unless he had advance approval of the Congress. That would be pretty close to what I deem to be the intent of at least the majority of those who took part in the formation of the Constitution. But it is obvious that that procedure has not been regarded as proper by most of the Presidents throughout history, and in my view it does not accord with modern day necessities.

Almost every President in this century has seen at least one situation in which he felt a necessity to act, without in advance getting policy approval of the Congress. Was he acting in an unconstitutional and unlawful manner when he did this? How can anyone really decide, because the Supreme Court traditionally shies away from any ruling which settles issues of war powers between the Congress and the President.

Those of us sitting here in this body might well argue that President Kennedy exceeded his authority when he sent 18,000 troops to Vietnam—I think it was in 1962—and shortly thereafter converted them into combat forces. Where was his authority for so acting? Well, he did not have the necessity for finding an authority, because Congress made no reaction and expressed no approval or disapproval of what he had done. But still the cloud hangs over that decision.

I think this bill approaches the problem in a very rational manner, recognizing that there will be certain circumstances in which future Presidents will act without getting advance authority from the Congress in committing forces beyond our borders, but it provides a couple of, I think, very reasonable and very rational safeguards.

It provides, first of all, that the President may not continue this course of policy to which the Congress has not yet assented beyond 120 days. No President is going to want to be left high and dry and any President deciding on a course of action, whether it be the commitment of military forces in a foreign field or engaging in hostilities there, is going to think carefully before he gets himself in a position from which he may have to retire after 120 days. He is going to think carefully before making the fundamental decision, and then, once he has made that decision and set in train the sequence of events which will eventually terminate with the expiration of that period, he will surely use that time interval to try to sell his position to the Congress. He will not want to be left high and dry.

The other safeguard that this joint resolution puts into the statute is the authority of the Congress, which I say is a very reasonable and proper application of its war powers under the Constitution, to require the President to disengage from hostilities at any time by a simple majority of both Houses.

That is the concurrent resolution approach.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. FINDLEY. I am glad to yield to my friend from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

In his defense of the 120-day provision the gentleman seems to be suggesting that a President as Commander in Chief would take a decision to commit troops lightly really unless there were language that he could commit troops only for a period of 120 days.

Mr. FINDLEY. No. That interpretation is not justified. Under the terms of section 4, I think he would be much more careful in making a decision. I do not want to suggest that any President would take lightly the commitment of military force any place in the world, but there are degrees of care and reflection.

Mr. FRELINGHUYSEN. The gentleman suggests that the President would use the time to sell his position. This may well be one of the weaknesses of the proposal, because a President may escalate hostilities in order to sell the country on the advisability of the course of action he is undertaking.

In other words, it may have quite the opposite effect from what the gentleman is assuming. This proposal may well keep a President from making a wise decision with respect to commitment, or it may have him make an over commitment in order to emphasize the gravity of the situation.

Mr. FINDLEY. I argue exactly the opposite.

Mr. FRELINGHUYSEN. I know the gentleman does.

Mr. FINDLEY. The certainty, absent congressional approval, which would confront the President that on the expiration of the 120-day period he would have to withdraw any enlargement of his forces, disengage them from hostilities, would surely cause him to exercise the most extreme care before he made a fundamental commitment.

Furthermore, he would also be impelled to great care by the knowledge that at any point from the first day forward a majority vote of both Houses could direct him to disengage from that commitment.

I might add, Madam Chairman, that I would be glad to keep on yielding here to the Members, but I know the constitutionality of the concurrent resolution exists as an issue, and I suspect from what the gentleman from Wisconsin has said, time will run short before we know it. So, I would like to take a little time at this point to deal with that and related questions.

The war powers resolution of 1973 contains the machinery to assure more effective participation by Congress in future national decisions involving war and peace. First, in section 3 it requires the President to report to Congress any time he commits Armed Forces to hostilities outside the United States; commits Armed Forces equipped to combat to the territory, airspace, or waters of a foreign nation; or substantially enlarges the number of Armed Forces equipped for combat already located in a foreign nation. This provision is virtually identical to one which passed the House overwhelmingly in each of the last two Congresses.

While it is highly important that Congress be involved intimately in decisions which actually engage our forces in military hostilities, it is also essential that we be similarly involved in decisions which place our forces in circumstances where armed conflict may later develop.

The decision to place U.S. Armed Forces in foreign areas where hostilities may subsequently break out could well have greater and graver implications than a subsequent decision authorizing such forces to continue—or discontinue—their engagement in actual hostilities.

Certainly, the political, psychological, and emotional factors present when the earlier decision is made would be much more conducive to thoughtful, objective deliberation than later when guns are blazing. On the later occasion, our forces and our flag would be under attack. Concern would center on the safety of our forces and the broad—and important—questions of national honor, prestige, and influence. At that juncture, the wisdom of our presence could not receive the same dispassionate consideration that would have been possible earlier.

Most Americans, I would judge, today believe the United States acted unwisely when it first placed forces equipped for combat in South Vietnam. They would like to turn the calendar back and not have them there at all, regardless of the consequences for the South. But, primarily because our forces and our flag were under attack, many of these same people opposed a quick departure of our forces, and as today's votes show clearly, many Congressmen still support the bombing of Cambodia.

Unfortunately, the Congress did not deal directly and promptly with the question as to whether the initial commitment of forces equipped for combat to Vietnam was either constitutional or in the national interest.

Congress was never called upon to grant specific approval in connection with the stationing by President Kennedy of 16,000 troops equipped for combat in Vietnam in 1962, troops which were initially identified as military advisers but soon were given direct combat responsibility.

While we cannot turn the calendar back, hopefully we can profit from this experience. You can establish rules which will enhance the likelihood that in similar future circumstances—before fighting breaks out—Congress will receive promptly a formal written report from the President detailing and justifying the steps he has ordered. Upon such a report, hearings could be expected. Congress, if it deemed such advisable, could pass judgment on the wisdom, propriety, constitutionality, and necessity of the action reported.

Under sections 2 and 3 of the war powers resolution, the President must give attention to a detailed report to Congress at the very time he ponders a decision to commit military forces to foreign territory or to enlarge substantially forces already there. At the very least, this would remind the President and his advisers forcibly and before the commitment is made of congressional responsibility and authority in this area.

As a practical matter, this reporting requirement should also cause the President to consult directly with the legislative branch before making the final decision on force commitment.

Had Senate Joint Resolution 1 been law, it would have required a prompt, written detailed report on:

The Berlin airlift following the blockade of that city in 1948.

The intervention of U.S. troops in Korea in 1950.

The enlargement of our forces in Europe in 1951.

The sending of reinforcements to Berlin after the German border was closed in 1961.

The deployment of our troops in Thailand in 1961–62.

The various troop build-up stages in Vietnam through August 1964, when Congress approved the Gulf of Tonkin resolution.

The sending of Marines to the Dominican Republic in 1965.

The bombing of Laos in early 1971.

Present activities over Cambodia.

These are some of the major events since the end of World War II involving American troops in which neither prior nor subsequent congressional approval was sought by the President.

Each of these force movements was undertaken without specific prior authorization of the Congress. Each involved armed conflict or the definite risk thereof. Most importantly, several of the instances would not have invoked the provisions of the war powers bill sponsored by Senator JAVITS and widely endorsed in the U.S. Senate, while each would have required a report to Congress under House Joint Resolution 542.

Had this reporting requirement been in effect in 1962 when the number of U.S. advisers in Vietnam was raised from 700 without combat gear to 16,000 equipped for combat, President Kennedy would have been required to explain promptly and in writing to Congress the circumstances necessitating his decision, the constitution or legislative provisions under which he took such action, and his reasons for not seeking specific prior congressional authorization.

This reporting requirement of itself might have caused sober second thoughts by the President. It might have caused him to reconsider. If he went ahead, the report on the action would have provided Congress with a formal document on which to hold hearings.

Certainly the consideration of the report in 1962 would have been in circumstances more favorable to objectivity than existed when the Gulf of Tonkin resolution was passed in 1964.

To be sure, this procedure provides no guarantee that the Congress will undertake an examination of the report, but the basic information and opportunity would be at hand.

Reports would be required within 72 hours, with the modest exceptions listed, whenever forces equipped for combat are sent to foreign areas for any purpose.

Would the reports be so numerous as to bog down both the executive and legislative branches? Based on past history, the answer must be "No." Reports would be required only when the original force commitment is made, or when forces are substantially enlarged. Additional reports would not be required as personnel and equipment are rotated.

"Substantially" is open to varied definitions, but, I do not feel, admit of too much flexibility or is overly vague. A thousand additional men sent to Europe under present circumstances clearly would not "substantially enlarge" our 300,000 men already stationed there. A thousand men sent to Guantanamo Bay, Cuba, to "beef up" a 4,000-man contingent there would indeed be "substantial."

During consideration by the committee of the resolution, a question was raised as to the necessity and wisdom of requiring the President to include within his report "the estimated financial cost of such commitment or such enlargement of forces." Some thought "that information would be of no particular value to Congress," forgetting that when it was costing us more than $25 billion a year to fight the Vietnam war, that fact seemed quite important to most Americans who were beset by problems of inflation and poverty caused by the incredible expense of that war.

Some also questioned whether the financial information also "might be extremely revealing to an enemy." Yet, they raised no similar objection to the requirement that the President include in his report "the estimated scope of activities." Nor do they worry that in any case, the President will be required to outline the costs of a military commitment in the next defense or supplemental appropriations bill.

The aim of the reporting requirement is to facilitate the fulfillment by Congress of its responsibility for committing the Nation to war, and also its responsibility to "provide for the regulation of its Armed Forces."

Congress can hardly regulate the Armed Forces as the Constitution requires if it does not even know where they are or where they are being sent.

This expanded reporting requirement would place congressional influence far closer to the points and moments of great decision. It would require the President and his advisers to give thorough consideration to the judgment and reaction of Congress, as well as to the relevant provisions of laws, treaties, and the Constitution, to which they must turn for authority. Consideration of legal justification would become part of the decisionmaking process—not a subsequent exercise of small importance in which State Department lawyers handcraft a legal garment to cover the subject long after the military action has been decided upon and undertaken. And the Congress, charged under the Constitution with the power to commit the Nation to war, would be better equipped to fulfill its responsibility.

If enacted, House Joint Resolution 542 will establish for the first time in our history a formal statutory relationship between the President and the Congress with respect to the stationing of military forces on foreign territory.

For the first time the President will be required to inform the Congress promptly and in detail as to what he is doing with military forces abroad and why.

Second, the war powers resolution provides that within 120 days after receiving this report, the Congress must specifically authorize the commitment of troops reported by the President or the troops must be withdrawn.

Third, within the 120-day period, Congress may by concurrent resolution order the disengagement from hostilities of American troops committed without specific congressional authorization.

This latter provision is the safety valve of the resolution. It serves the dual function of permitting the President maximum flexibility to commit troops for a relatively long period of time—120 days. At the same time, it permits the Congress to fulfill its constitutional responsibility to decide by majority vote whether the Nation shall continue at war.

Some objections have been made to the use of a concurrent resolution for this purpose. An examination of 200 years of American history, as well as the writings and opinions of the most prominent constitutional and legal minds of this century convinced me, and presumably the Foreign Affairs Committee that the use of a concurrent resolution to terminate hostilities is both constitutional and wise policy.

Use of a concurrent resolution to disapprove Presidential action is hardly new. Beginning in the 1930's, Congress regularly incorporated provisions for a legislative veto in legislation authorizing the President to effect a reorganization of agencies in the executive branch of the Government. All of the dozen or so Reorganization Acts of this century have contained a provision that disapproval of the President's plan by either House of Congress would preclude the President from putting his plan into effect.

In the last decade five different reorganization plans submitted to Congress by the President have been vetoed by simple resolutions, three times by the House. On June 15, 1961, the House vetoed President Kennedy's plan to reorganize the Federal Communications Commission. On July 20, 1961, the House vetoed the President's plan to reorganize the National Labor Relations Board. On February 21, 1962, the House vetoed the President's reorganization plan for the Housing and Home Finance Agency. Many members of this body were present for these votes, as well as several more recent votes approving reorganization plans, and I do not recall even a whisper of criticism of this procedure as being unconstitutional.

The precedents for use of a simple or concurrent resolution go far beyond reorganization plans. According to the Library of Congress:

> Most of the important legislation enacted for prosecution of World War II provided that the powers granted to the President should come to an end upon adoption of a concurrent resolution to that effect.

Among the examples that the Library cites were:

> Lend-Lease Act of March 11, 1941.
>
> First War Powers Act of December 18, 1941.
>
> Emergency Price Control Act of January 30, 1942.
>
> Stabilization Act of October 2, 1942.
>
> War Labor Disputes Act of June 25, 1943.

Other precedents where the effect of law is achieved by resolutions not submitted to the President include:

> Amendments to the Constitution.
>
> To set aside suspensions of the deportation of aliens by the Attorney General under authority vested in him by the Alien Registration Act of 1940.
>
> To disallow or set aside dispositions of federally owned property, including obsolete vessels owned by the Department of the Navy and surplus rubber plants.
>
> To reject executive agreements with other nations providing for the exchange of atomic energy materials.
>
> To override a Presidential determination not to abide by an import duty increase recommendation of the Tariff Commission.
>
> To effectuate allocations of highway aid to the States recommended to Congress under the Federal Highway Act of 1956.
>
> To terminate foreign aid to a given country.

Two precedents are particularly significant and relevant to the war powers bill. The Middle East resolution and the Gulf of Tonkin resolution both provided for the commitment of U.S. forces to hostile action, and both provided for the termination of that commitment by concurrent resolution.

The use of concurrent resolutions for such purposes has also been cited approvingly by the Supreme Court. In 1941, in the case of Sibbach against Wilson & Co., the validity of the Rules of Civil Procedure for the district courts of the United States was challenged. The Court stated:

> Moreover, in accordance with the Act, the rules were submitted to the Congress so that that body might examine them and veto their going into effect if contrary to the policy of the legislature.
>
> The value of the reservation of the power to examine proposed rules, laws and regulations before they become effective is well understood by Congress. It is frequently, as here, employed to make sure that the action under the delegation squares with the Congressional purpose . . . That no adverse action was taken by Congress indicated, at least, that no transgression of legislative policy was found.

In addition to the dozens of precedents, most legal authorities agree that the Congress may use a concurrent resolution as a means of checking Presidential decisions. The most eminent constitutional lawyer of the century, Prof. Edward S. Corwin, has written:

> It is generally agreed that Congress, being free not to delegate power, is free to do so on certain stipulated conditions. Why, then, should not one condition be that the delegation shall continue only as long as the two houses are of the opinion that it is working beneficially . . . To argue otherwise is to affront common sense.

Prof. Louis Henkin, of the University of Pennsylvania and Columbia University, author of a recent book entitled "Foreign Affairs and the Constitution," agrees. Speaking of the use of concurrent resolutions he states:

> By the devices described, Congress is not repealing or modifying the original legislation but is exercising power reserved in that legislation. Surely Congress should be able to recapture powers it delegates to the President without the consent of the agent.

The Senate Foreign Relations Committee has been considering a bill which would permit the Congress by concurrent resolution to repeal Executive agreements. Testifying in favor of the constitutionality of this approach have been: former Supreme Court Justice Arthur Goldberg; Prof. Richard Falk of the Woodrow Wilson School at Princeton; and Prof. Henry Field Haviland, Jr., director of the Fletcher School of Law and Diplomacy at Tufts University.

Prof. Raoul Berger of Harvard University, who testified before the National Security Subcommittee on the war powers bill and who reviewed section 4 (c) containing the concurrent resolution approach, has written:

> Of course, I vastly prefer your concurrent resolution approach to the view that a presidential war may be terminated only by joint resolution, which requires the concurrence of the President. The latter approach represents still another abdication. . . .

Several attorneys general have also supported the constitutionality of the legislative veto, beginning as early as 1854. In that year, Attorney General Cushing stated:

> Of course, no separate resolution of either House can coerce a Head of Department, unless in some particular in which a law, duly enacted, has subjected him to the direct action of each; and in such case it is to be intended, that, by approving the law, the President has consented to the exercise of such coerciveness on the part of either House.

In 1949, a memorandum prepared by the Department of Justice found the two-House form of the veto to be definitely constitutional.

One of the notable exceptions to this overwhelming preponderance of legal opinion in favor of the use of concurrent resolutions for this purpose is former Attorney General and now Secretary of State William P. Rogers. In 1958, he delivered an opinion to President Eisenhower that the concurrent resolution might be so used only if a two-thirds vote were required. Thus, it is not surprising that today, as Secretary of State, he takes a dim view of the legislative veto, despite the weight of historical precedent and legal opinion against his position.

The use of a concurrent resolution to require the President to disengage U.S. troops from hostilities is also wise policy.

This resolution recognizes that often the President has assumed the power to engage U.S. forces in hostilities, going far beyond what can be justified on the basis of his Commander in Chief function, and in the absence of any specific delegation of authority by Congress. Realizing that certain circumstances might make such an assumption of power necessary and desirable, the committee does not attempt to preclude the President from acting in such circumstances.

In the Senate, the Javits bill which passed that body last year, takes just the opposite approach. The Senate Foreign Relations Committee has spelled out four circumstances only in which the President may employ U.S. troops in hostilities without first coming to Congress for approval.

The House Foreign Affairs Committee felt it would be unwise to draw such rigid lines between the President and Congress, or to define in advance all of the circumstances under which the President could act. To do so might prevent the President from acting in a crisis situation. It might cast doubt upon our U.S. defense commitment at home or elsewhere in the world.

In order to preserve the maximum amount of flexibility in the war powers resolution, the Foreign Affairs Committee does not attempt to preclude the President from acting in a circumstance where he determines that the need for action is immediate and precludes prior congressional authorization. Realizing that the standards are vague, the House bill requires the President to explain and justify to Congress why he has assumed the power to commit troops to hostilities. If Congress approves of the assumption of power, it may ratify it. If it does not approve, it may let the powers lapse after 120 days, or terminate them sooner by concurrent resolution.

The point is that the Constitution delegates the authority to declare war to the Congress, not to the President. It is Congress which must raise armies and navies, make rules governing them, call forth the militia, and organize and pay for it all. The President's only constitutionally specified power is that of Commander in Chief, which is hardly a mandate for Presidential warmaking.

The war powers resolution would in no way inhibit the President from using troops to defend the United States or repel attacks. Congress may by concurrent resolution order disengagement of U.S. troops from hostilities only when they "are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of the Congress." Thus, if there is an attack upon the United States itself, a concurrent resolution would not be appropriate. And I might add surely, no Member of Congress would wish to disengage our troops under such circumstances.

Finally, if the House in its wisdom decides to retain section 4(b) requiring that Congress act within 120 days to ratify the commitment of troops, then it would be logically inconsistent for the House to delete section 4(c) or to require a joint resolution of disapproval.

Under section 4(b), after 120 days the Congress may by inaction force the President to terminate a commitment and disengage troops engaged in hostilities abroad. It would be ironic indeed if the Congress could require the President to disengage our troops by inaction, but could not require the President to disengage those same troops by passing a concurrent resolution as provided for in section 4(c).

Section 4(c) of the war powers resolution provides a means of preserving congressional authority and augmenting congressional control in an area that presently is not subject to effective control through Congress' traditional oversight powers. It strengthens the checks and balances which the Founding Fathers put at the base of our political system. And, at the same time, it preserves essential flexibility to the President.

No attempt is made to equate the process by which amendments to the Constitution are proposed and section 4(c) of the war powers resolution. The constitutional amendment procedure is cited as one example of a resolution which is not submitted to the President for signature, as section 7 of the Constitution would seem to explicitly require, but which nevertheless has the effect of law.

The amendment procedure simply states:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of the Constitution, when ratified by the Legislatures of three fourths of the several States. . . .

The Constitution does not state whether the President shall sign a resolution proposing an amendment, and therefore the explicit requirement of section 7 of the Constitution would seem to require that the President sign constitutional amendments. As early as 1798, the Supreme Court decided in Hollingsworth against Virginia that a Presidential signature was not required, section 7 of the Constitution notwithstanding.

Thus, although the ratification by three-fourths of the State legislatures might be analogous to a Presidential signature, it cannot be squared with the explicit constitutional requirement that "Every order, resolution, or vote—shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him."

Again, the exceptions are legion.

Hinds Precedents is anything but conclusive upon the question of whether such a concurrent resolution must be presented to the President for signature. In chapter XCII, Hinds states:

> "*In general,* orders, resolutions, and votes in which the concurrence of the two Houses is necessary must be presented to the President on the same conditions as bills" (emphasis added).

He then goes on to say:

> Although the requirement of the Constitution seems specific, the practice of Congress has been to present to the President for approval only such concurrent resolutions as are legislative in effect.

Thus Hinds acknowledges that there are exceptions.

Hinds stopped compiling his precedents in 1907. Since then, as noted in the response to question one, literally dozens of bills have specified that Congress may by concurrent or simple resolution take legislative action. Hinds would today have a whole new body of precedents to compile.

No example has been found wherein the Congress used a concurrent resolution to repeal the President's authority under the five bills cited above. However, Congress has five times in the last decade used a simple resolution to repeal the President's authority to carry out certain reorganization plans he has proposed.

President Franklin D. Roosevelt asked his Attorney General to prepare a memorandum questioning the constitutionality of section 3(c) of the Lend-Lease Act of 1941, which provided for Congress to terminate the delegation of powers contained in the act by a concurrent resolution. The memorandum was never made public and was found in Roosevelt's private papers after his death. Roosevelt signed the Lend-Lease Act without a whisper of dissent. Thus, it can hardly be said Roosevelt's private dissent on this one section of the act negates 200 years of constitutional history.

The attempt by Roosevelt to reserve the judgment upon the effectiveness of repeal by concurrent resolution by means of a written dissent—private or public—while signing the bill into law at the same time is of no force for yet another reason. Returning to Hind's precedents, in paragraph 3492 we find that in 1842, President Tyler signed a bill and filed with it his reasons for doing so:

> Mr. John Quincy Adams, of Massachusetts, said that this message was a novelty in the history of the country. The Constitution required the President, if he approve a bill, to sign it and not accompany his signature with reasons. After dwelling on the dangers of the precedent Mr. Adams moved that the message be referred to a select committee.

The report of that committee referring to the President states:

> No power is given him to alter, to amend, to comment or to assign reasons for the performance of his duty. His signature is the exclusive evidence admitted by the Constitution of his approval, and all addition of extraneous matter can, in the opinion of the committee, be regarded in no other light than a defacement of the public records and archives.

Thus, while the Roosevelt memorandum is an interesting historical footnote, it is neither constitutional nor relevant to the subject under consideration. If Roosevelt felt that the concurrent resolution was unconstitutional, then according to the Constitution he should have vetoed the Lend-Lease Act so stating. Anything less was null and void.

It is a fact that Congress repealed the Gulf of Tonkin resolution with an amendment to the military sales bill, rather than acting upon the concurrent resolution passed by the Senate. This was a matter of convenience, not of constitutional principle. The record does not show any support whatsoever for inferring that the House acted as it did out of fear that a concurrent resolution was insufficient. What is clear is that the Senate obviously felt that a concurrent resolution was sufficient to repeal the Gulf of Tonkin resolution.

The "necessary and proper" clause of the Constitution states:

> The Congress shall have power . . . to make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . . .

The war powers resolution is a joint resolution which must be signed into law by the President in order to have effect. If the "necessary and proper" clause is held to preclude the use of concurrent resolutions such as in 4(c), then it must also be held to prohibit the use of concurrent and simple resolutions for virtually all purposes I have enumerated. Such a result would be absurd and obviously at variance with the intentions of the Founding Fathers and 200 years of constitutional history.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. YOUNG of Florida. Madam Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Forty-two Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 280]

Abzug
Adams
Addabbo
Alexander
Anderson,
 Calif.
Anderson, Ill.
Archer
Arends
Ashbrook
Ashley
Badillo
Baker
Barrett
Beard
Bell
Bevill
Biaggi
Bingham
Blatnik
Bolling
Bowen
Brademas
Breaux
Brooks
Broomfield
Brown, Calif.
Burke, Calif.
Burlison, Mo.
Butler
Byron
Carey, N.Y.
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Conable
Conyers
Corman
Crane
Daniel, Dan
Danielson
Davis, Ga.
Davis, Wis.
Derwinski
Dickinson
Diggs
Dorn
Drinan
Dulski
Edwards, Calif
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Fisher
Flynt
Ford,
 William D.
Forsythe
Fraser
Frey
Froehlich
Fulton
Fuqua
Gettys
Gray
Green, Oreg.
Green, Pa.

Gross
Gubser
Guyer
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Heckler, Mass.
Hillis
Hogan
Horton
Howard
Hungate
Hunt
Hutchinson
Johnson, Pa.
Jones, Ala.
Karth
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Lehman
Long, Md.
Madigan
Martin, Nebr.
Mathias, Calif.
Meeds
Mezvinsky
Michel
Mills, Ark.
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Nedzi
Nelsen
Nichols
Nix
O'Hara
Owens
Patman
Perkins
Peyser
Pickle
Pike
Poage
Powell, Ohio
Preyer
Railsback
Rangel
Rarick
Rees
Reid
Rhodes
Riegle
Robison, N.Y.
Roe
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Runnels
Ruth
Ryan
St Germain
Sandman
Satterfield
Scherle
Schneebeli
Shipley
Shriver
Sikes
Sisk
Smith, N.Y.
Stanton, James V.
Stark
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Symms
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Treen
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, S.C.
Zion

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution House Joint Resolution 542, and finding itself without a quorum, she had directed the Members to record their presence by electronic device, whereupon 236 Members recorded their presence, a quorum, and she submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair would like to advise the Members that 1 hour and 36 minutes of time remain, and 100 Members are a quorum.

Mr. MAILLIARD. Madam Chairman, I yield 8 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Madam Chairman, I rise in support of House Joint Resolution 542, a bill which I believe offers the Members of this body an opportunity to reassert the powers authority vested in them by the Constitution. As a member of the subcommittee which drafted the bill, and as one of its sponsors, I believe it is a strong bill, a good bill, and one that deserves passage.

When the subcommittee began their extensive deliberations on war powers legislation, I will be frank to admit that I was skeptical about our ability to draft a bill which effectively reasserted the warmaking powers of the Congress but which also retained sufficient flexibility to comport with the design of the Constitution. As the hearings and markup sessions concluded, I was convinced that the committee had not only drafted a workable bill, giving Congress an effective role in warmaking powers but that passage of the bill is essential if the Congress is going to fulfill its constitutional obligations.

The need for this legislation does not simply arise out of the tragic involvement in Southeast Asia. I think the war in Vietnam represents the culmination of a historical decline in the assertion of congressional prerogatives in warmaking authority. In the early days of the Republic, the executive and the Congress worked in close cooperation with one another, often resulting in the President deferring to the opposition, to an active Congress. By World War II the Executive made commitments abroad totally independent of the will of the Congress; after World War II, in Korea, the Dominican Republic and Southeast Asia, the warmaking powers had shifted completely from the Congress to the Executive after the fact. Absent any positive action by the Congress, there is little evidence to suggest this trend will reverse. Continued acquiescence by the Congress, can only lead to a domination by the Executive in warmaking authority in direct conflict with the intent of the framers of the Constitution. While it is naturally more expedient to conduct warmaking functions through the Executive alone, the drafters of the Constitution consciously avoided concentrating in the Executive the authority to unilaterally lead the country to war. In retrospect, this country has moved too far from this ideal. We can no longer allow the institutional advantages of the Executive to become justification for further erosion of congressional warmaking power.

Much will be heard in debate today about the Constitution, about what that Constitution says or does not say about the war powers of the Congress. I would like to address myself to that specific question.

I believe that the Constitution gives to the Congress, not to the Executive but to the Congress, the power to commit the United States to a cause of war. Debate during the Constitutional Convention made it very clear that the delegates felt that the risk of economic and physical sacrifice during a war, and the serious legal and moral consequences that flow from the use of force against a foreign sovereign, were sufficiently grave that the elected representatives of the people should express their approval of such action.

Of course the practice has been very different from the theory; we have seen an almost total erosion or perhaps abdication of congressional input into foreign policy decisions. The Executive has been preeminent.

All Members of this body have heard the arguments in support of expanded Executive power. I think most of the arguments are based on Executive practice rather than on the letter and spirit of the Constitution itself. Both the Constitution and the notes taken at the Constitutional Convention add great weight to the argument that Congress, not the President, was to be vested with the dominant role in warmaking powers. I think it is significant that the Constitution contains six express grants of warmaking and related authority in article I, section 8, clauses 11, 12, 13, 14, 15, and 16. In comparison there is only one such grant of authority for the President under article II, section 2, which vests him with the powers of Commander in Chief of the Armed Forces.

The notes made by both Hamilton and Madison at and after the Constitutional Convention support the theory that the Congress was preeminent in the field of warmaking. The American Constitution was going to avoid the European example of giving to the Executive broad powers to unilaterally commit the Nation to war. Even though Hamilton argued that foreign policy was inherently an Executive function, implementation of that policy must depend on the independent authority of the Congress. Against this background, I find unpersuasive arguments that cite the Commander in Chief clause as the basis for the grant of broad, independent warmaking authority. On the contrary, I think the limited references to the President's authority make him, as Hamilton stated, "The first general and admiral of the confederacy."

At the very least the Constitution and its legislative history show that Congress and the President were intended to be partners in warmaking. The weight of evidence suggests that Congress was intended to be the dominant partner, retaining the independent authority to commit the Nation to hostilities.

The practice of the Executive, however, has resulted in a total reversal of the letter and spirit of the Constitution. As Members of Congress sworn to uphold the Constitution, we have a duty to protect and exercise the powers granted to us by the Constitution. We have a clear choice of action. We can condone that reversal that has taken place and allow the practice of history to dominate the express provisions of the Constitution. That choice, I believe, would effectively abandon the ideal proposed by the drafters of the Constitution. Our alternative is to reverse the trend of history, and restore Congress to a position of partnership in shaping warmaking policy. House Joint Resolution 542 is, in my estimation, a bill which closely reflects the intent of the Constitution, and would set in motion the machinery necessary for making Congress an effective force in shaping the Nation's armed policy abroad.

First, House Joint Resolution 542 would give the Congress the ability to fulfill its constitutional responsibilities for warmaking powers. The consultation provisions and the reporting requirements will give the Congress the intelligence necessary to carry out the obligations mandated by the Constitution. In the past, the Congress has not had adequate information to effectively direct foreign policy decisions, particularly when complex issues about directing a war were at issue. By requiring the President to keep the Congress abreast of significant changes in our foreign policy posture, the Congress will be able to impact the policy at each stage of development. This stands in sharp contrast with the present practice of coming to Congress after the commitments have already been made.

Second, section 4 gives Congress the capacity to exert greater control over the Executive's commitment of Armed Forces abroad. I think the heart of this section is subsection C which provides that the Congress may direct, by concurrent resolution, the President to disengage from hostilities. I think this procedure is fully consistent with the Constitution. If the President was going to abide by the letter of the Constitution he would have to have the support of a majority of both Houses of Congress. In fact, a simple majority in one House could block a declaration of war. Therefore, if a President acts without the prior consent of the Congress, it logically follows that a simple majority of both Houses should be able to direct him to disengage from hostilities. We have simply reversed the chronology of the legislative process because the Executive decided to act prior to congressional authorization. It has been argued that if the Congress passed a bill requiring the President to disengage Armed Forces abroad, the President could veto it and both Houses of Congress would have to pass it by two-third vote before it became binding. I do not think that the framers of the Constitution intended to create this obstacle to withdrawing the Nation from a course of war when the President acted unilaterally. To remove any doubt about procedure, section 4(c) should be enacted to reaffirm the ideal that the Congress and the President are partners in warmaking. I think that is wholly appropriate that when the majority of both Houses disagrees with a course of action, then the President no longer has the authority to act unilaterally. Without the approval of both Houses of Congress there can be no valid warmaking power.

In another sense this bill conditionally delegates to the President the provisional authority to commit Armed Forces abroad. In the context of modern diplomacy, I think that such a grant is a necessary expedient. It recognizes the need to give the President flexibility in protecting national security. At the same time, however, Congress retains its right to withdraw that conditional delegation of authority.

Unfortunately, we have little judicial precedent to look to for guidance. I want to point, however, that as Members of Congress we are sworn to uphold the Constitution. We ourselves have the ability to make precedent. While I have heard objections that this bill contains provisions of dubious constitutionality, I do not see how a return to the letter and spirit of the Constitution could be considered questionable. We are not creating any new policies here; we are simply trying to reverse the persistent erosion of our constitutional obligations. In fact, I have serious doubts about the exercise of Presidential authority that we have witnessed in the last 50 years. Critics of this bill refer to Presidential powers which I see as supported only by the gloss of practice. Nowhere in the Constitution do I see a requirement that two-thirds of both Houses are required to make a President disengage from hostilities that he initiated unilaterally, without prior consent of Congress. Perhaps that is the direction that our history has taken us: However, I am not ready to abandon the letter and spirit of the Constitution for the interpretation by the gloss of practice.

I urge the Members to read this bill in the context of the checks and balances embodied in the Constitution. The drafters intended to safeguard the Nation against unchecked Executive decisions to commit the country to a trial of force. While institutional advantages have caused the Congress to delegate its responsibilities in foreign policy and warmaking authority, this should not obviate the need for requiring safeguards from the body most directly representative of popular sentiment. I can think of no decision that is more important to bring before the people than the commitment to war. Such a decision involves a risk of great economic and physical sacrifice that should not be incurred without approval from the people and their elected representatives. The very act of war entails moral and legal consequences so significant that an expression of popular approval should be required. I believe that House Joint Resolution 542 provides that Members of this body with the instrument that will insure the awesome decision to go to war will be brought directly before the body most directly of the people, a result that was intended by the Constitution.

DETAILED ANALYSIS OF THE CONSTITUTIONAL BACKGROUND OF HOUSE JOINT RESOLUTION 542

It has been frequently contended that the powers conferred on the Congress by article I, section 8 and those conferred on the President in article II, section 2 are logically incompatible. While there is an apparent conflict over the delegation of warmaking authority, there is ample evidence to show that the drafters of the Constitution intended to give the Congress the primary responsibility for making war, consciously avoiding the pattern of broad authority enjoyed by the monarchs of that period.

Because article I, section 8 is the only instance where warmaking powers are expressly mentioned, constitutional scholars have attached great significance to the amendment that changed clause 11 from the power to "make war" to the power to "declare war." Some have suggested that the change was designed to restrict the role of Congress to a more formal or ceremonial function, implying that the substantive responsibility lay with the Executive. The debate was not well reported, but there is strong evidence that the amendment was in no way intended to weaken congressional prerogative. This view is reinforced by the notes of both Hamilton and Madison. Hamilton later wrote in the Federalist that the Executive normally had the power to embark on war, but in the United States this power was deliberately reserved for the legislature. There is additional evidence, supporting the contention that the change in wording was designed to relieve Congress from the day-to-day responsibility for conducting war. The most expansive views that is supportable is that the wording would make clear that the President had the authority to repel sudden attacks.

In contrast to this evidence supporting congressional preeminence in warmaking authority, the Executive has only been given express authority to be the Commander in Chief of the Armed Forces. This is hardly a persuasive grant of broad authority in contrast to the specific grants conferred upon the Congress. A strict reading of that clause would make the President, as Hamilton termed it, the "first general and admiral of the Confederacy." The President's authority, however, has been considerably expanded by the interpretation of article II, sections 1 and 3, which give the President executive power and require him to take care that the laws be faithfully executed. This has been construed to mean that the President has the power to enforce the laws of the United States by any means he finds necessary—In re *Neagle*, 135 U.S. 1—and in practice this has meant that he has the power to maintain internal order and repel sudden attack.

Analysis of this legislative history suggests that the framers never intended troops to be used outside the country without congressional consent. Since neither a standing army or navy was thought necessary by the framers any military venture would have by necessity required congressional authorization of the expedition by raising troops or calling up the militia. Even where troops were available for foreign deployment, the Executive came to the Congress during the Nation's first 25 years under the Constitution. Despite this intent and early practice, rapid expansion of Presidential use of power abroad took place. The expansion began with the theory that the duties of the President included the power to protect U.S. citizens and property abroad. By the end of the 19th century, the power had expanded to the point where the executive power included a great variety of interests defined as foreign policy objectives.

Concurrent with this development of foreign policy powers, the President was recognized to have the inherent power to conduct the national defense. Foremost in the minds of those who recognized the importance of such powers was the fear of a territorial invasion. In the modern context, however, global confrontation gave rise to the notion of linking the national interest to extraterritorial security interests. This recent expansion of power leads the power of the President into collision with the warmaking powers of the Congress. While it is well recognized that the President must still be left with the power to judge in the first interest whether a given event constitutes an imminent threat to our survival and demands a response which leaves no time to seek the Congress acquiescence in that decision. This limited discretion falls far short of the assumption that the President, because of his defensive powers, may act unilaterally whenever the interest jeopardized is labeled as a "vital security interest." The authority for the unilateral acts taken by the Presidents in the last 20 years rest on questionable constitutional grounds, and at minimum represents policy which the Congress must seek to curtail.

Early American history indicates that the result we have reached today was by no means inevitable. We have endowed increasing amounts of authority in the President yet this seems to be based in expediency rather than necessity.

In the first 125 years of the Republic, there was genuine cooperation between the President and the Congress, often resulting in deference to the legislative will regarding the initiation of foreign conflicts. At one point Jefferson refused to permit the American naval commanders to do more than disarm and release enemy ships guilty of attacks on the United States until he had received congressional approval for the First Barbary War. Congress took an active role in opposing executive action—Pierce in Cuba, Seward in Alaska, and Grant in Santo Domingo, and the Executive acquiesced.

Between 1900 and 1945, close cooperation between the Executive and the Congress became the exception rather than the rule. The trend gained full momentum under Theodore Roosevelt. He acted unilaterally in South America and in the Orient, when he sent several thousand troops to the Boxer Rebellion. Franklin Roosevelt continued the practice of bypassing the Congress by exchanging 50 destroyers for British bases in the Western Atlantic, by occupying Iceland and Greenland and by ordering the Navy to convoy ships carrying lend-lease supplies to England.

We entered a period of almost total acquiescence by the Congress in the 1950's and 1960's. The broad blanket of national security interest provided the basis for a bipartisanship support which led us through the cold war. Formosa, Korea, Lebanon, Cuba, the Dominican Republic, and the initiation of the war in Southeast Asia were all Presidential decisions.

Understandably, the shift to Presidential hegemony in warmaking authority did not occur without reason. The executive branch proved to be institutionally superior to the Congress for conducting wars and even for initiating them. The Executive has the advantage of unity of office and purpose as well as the command of a vast intelligence network. The Executive also has the ability to act quickly and in secret, two attributes not commonly associated with the Congress. This, however, is not to suggest that Congress should not still be the ultimate repository of warmaking powers. To the contrary if the framers had decided that expediency and secrecy were the premium qualities in warmaking, they would have vested the power in the President. Instead they decided that warmaking must necessarily involve popular approval, and the power should lie with the Congress. We must not substitute expediency for the wisdom of the framers in establishing their ideal of government.

If Congress has not been adequate as the body to make warmaking decisions, then the institution must be changed to meet the need. Unfortunately history shows that we have too easily cast off constitutional duties to the Executive, because of its institutional superiority. We must reform our institution so that it meets the demands of the times and enables us to implement the duties delegated to us under the Constitution.

I believe that House Joint Resolution 542 makes the necessary institutional changes so that Congress may once again, effectively and responsibly discharge its warmaking powers and duties. First, the bill will enable the Congress to have the ability to participate in warmaking decisions. Under the reporting provisions of the bill, Congress will be provided with a steady flow of information about our foreign policy posture position abroad, especially as it related to potentially hostile activities. This will be an important factor in making sure that the Congress will not be confronted with a situation that is so well developed that the events themselves have dictated future courses of action. Too often in the past Congress has been handed a fait accompli and given little choice but to approve and finance the action. I think the consultation provision and the broad reporting requirements will arm the Congress with the means to become a responsible partner in foreign policy.

Beyond the reporting provisions which will give the Congress the ability to carry out its warmaking responsibilities, section 4 of House Joint Resolution 542 is the fulcrum which will give the Congress the legislative leverage to assert its warmaking authority. The bill not only provides a time limit on a President's commitment of troops without prior congressional authorization, but it provides for the termination of such commitment by concurrent resolution passed by both Houses of Congress. This is at the heart of the bill and embraces a policy which I think accurately reflects the intention of the framers of the Constitution. Because questions have been raised about its constitutionality, I would like to discuss this mechanism in some detail.

As the committee report notes, the use of a concurrent resolution to veto executive action has become a common legislative device in the last 40 years. The report covers this aspect adequately, and I would only point out that the Gulf of Tonkin resolution, which provided for termination of authority by concurrent resolution was passed with no debate over that particular provision, nor was there any question about its constitutionality when it was signed into law by President Johnson.

I think the theoretical basis for this procedure is well-founded and based in the Constitution. The Constitution grants to the Congress warmaking powers, and under recognized constitutional precedent, the Congress may delegate authority with which it has been vested. Congress may also retract that which it delegates; this is the legal justification for the disapproval of reorganization plans by simple resolution. House Joint Resolution 542 makes such a provision grant of authority by giving the President the power to commit troops abroad without prior consent of Congress. He does so, however, under the condition that Congress may retract that authority by majority vote of both Houses. This does not run counter to article 1, section 7, because Congress has simply delegated power in advance and since they are the source of that power, the moment the power is terminated by concurrence of both Houses, the President's provisional authority has been terminated. The essence of this argument is supported by Harvard's well-known constitutional law expert, Paul Freund. I wrote him a letter requesting his opinion of the constitutionality of section 4(c) and I am enclosing the text of his reply at this point in the Record:

June 12, 1973.

Hon. Pierre S. du Pont,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman du Pont: I am glad to respond to your letter of June 1, inviting an expression of my views on the validity of section 4(c) of H.J. Res. 542, providing that a concurrent resolution of both Houses of Congress may require the President to disengage military forces from action outside the territory and territorial waters and airspace of the United States, where the commitment of armed forces was made without prior authorization of Congress.

During the past thirty-five years Acts of Congress have not infrequently provided that in administering the Act operative legal effect is to be given to a concurrent resolution or to the action of one House. This practice has brought forth discussion in and out of Congress on the constitutional aspects of the subject. A survey of pertinent legislation and commentary as of 1953, is contained in Ginnane, "The Control of Federal Administration by Congressional Resolutions and Committees," 66 Harv. L. Rev. 569 (1953).

The present question, however, lies in a narrow compass. It is well to indicate that it does *not* involve the situations listed below, each of which raises distinct questions:

1. Disapproval of executive action by one House, or by a Committee or other agency.
2. Disapproval by concurrent resolution of executive action in a matter over which the President has paramount constitutional power—e.g., the appointment of executive or military officers.
3. Disapproval by concurrent resolution of executive action in a matter committed by Act of Congress to the executive—e.g., the Reorganization Act of 1939 and its successors.
4. Termination of statutory authority by concurrent resolution. See Robert H. Jackson, "A Presidential Legal Opinion," 66 Harv. L. Rev. 1353 (1953).

The present question arises in a field where the legislative and the executive branch each has its constitutional responsibilities, the Congress (by ordinary legislation) to declare war, the President to act as Commander in Chief. The President, it may be premised, has emergency powers to protect American interests abroad by commitment of armed forces, but the plenary power to engage in continuing hostilities is vested in Congress. Congress may authorize the continuance of the Presidential action through ordinary legislation. If, on the other hand, Congress is unwilling to prolong the emergency action into a state of war it may assert its authority for that purpose. The most appropriate medium for such assertion by Congress is a concurrent resolution. In this way it makes clear that one crucial element in the lawmaking process necessary for the making of war is lacking—the approval of Congress.

My conclusion is that, on the substantive premises of the bill, the provision respecting a concurrent resolution is a valid and appropriate measure, and does not raise constitutional issues of the kind mooted in connection with other categories of legislation.

With kindest regards,

Sincerely yours,

PAUL A. FREUND.

The concurrent resolution mechanism is also supported by logical analysis of the legislative process. For example, if the President were faced with a situation where no emergency existed and he came to the Congress for authorization this would comport with the intention of the Constitution. The Congress would proceed to consider either a declaration of war or antecedent authorization for use of Armed Forces abroad. Under the normal process the majority of one House could block the authorization and the President would lack the authority under the Constitution to proceed unless some extraordinary national security issue were at stake. Yet if the President decides to act unilaterally, under extraordinary circumstances, the Congress would have to vote by majority of both Houses to require disengagements. The opponents to section 4(c) then would argue that the Congress would have to vote by two-thirds if the President decided to veto the measure. The result is logically inconsistent. What it boils down to is that if the President goes to the Congress as he was supposed to under the Constitution a simple majority of one House can defeat his actions. Yet if the President acts unilaterally, without prior consent from Congress, in a manner not expressly recognized in the Constitution, but accepted as an extraordinary power, then the House must vote by two-thirds in each House to terminate his actions. This is an unreasonable obstacle to congressional assertion of power. It also would encourage the President to act first, because it takes far more opposition in Congress to defeat his actions.

The concurrent resolution is fully consistent with the design of the framers. Since war powers were expressly given to the Congress, logically all war power must flow from Congress. The President's authority then must be delegated by the Congress. Once the majority of both Houses withdraw that delegation of authority, his provisional authority has expired and he must accede to the will of Congress.

Mr. DENNIS. Madam Chairman, will the gentleman from Delaware (Mr. DU PONT), yield?

Mr. DU PONT. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Madam Chairman, may I ask, does the gentleman believe that if the Congress passes a concurrent resolution under section 4(c) calling for the ceasing of hostilities, that resolution has the force and effect of law binding upon the President?

Mr. DU PONT. Yes, sir, I do, because we have the warmaking power to start with, and we are carving out of that an exception and we are giving the President the right to conduct warmaking operations until such time as the two Houses by a simple majority agree we should not do it.

Mr. DENNIS. If the gentleman will yield briefly, I would like to point out to him that Professor Corwin, in discussing article I, section 7, clause 3 of the Constitution which says every order, resolution, or vote in which the concurrence of the Senate and the House may be necessary shall be presented to the President, he states that means every resolution or order which is to have the force of law. "Necessary" here, he says, means necessary if a resolution is to have the force of law. A concurrent resolution is merely for a housekeeping matter for the Congress. The gentleman says this resolution has the force of law.

Mr. DU PONT. I do not believe when the Congress is carving out an exception that that rule applies. I would cite a letter I have which I will make a part of the RECORD from Professor Freund of the Department of Constitutional Law at Harvard University, which states in response to a specific question about 4C:

> My conclusion is that, on the substantive premises of the bill, the provision respecting a concurrent resolution is a valid and appropriate measure, and does not raise constitutional issues of the kind mooted in connection with other categories of legislation.

So, in conclusion, I believe it is constitutional to have a delegation of power to the President taken back by a simple concurrent resolution, and I believe that is the heart of the bill.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. DU PONT. I yield to the gentleman.

Mr. FRELINGHUYSEN. The gentleman suggests that a delegation of power by the Congress can be rescinded by a concurrent resolution. The gentleman from Illinois also talked about delegation of power by the Congress to the President. However, I thought that what we are talking about is the constitutional authority of the President as Commander in Chief to commit troops overseas. Is the gentleman contending that the President has this power only because Congress in some way delegated it to him?

Mr. DU PONT. I do not know of anything in the Constitution that talks about the power of the President to commit troops overseas.

Mr. FRELINGHUYSEN. No one suggest the Constitution spells that out in one way or another. The gentleman is not answering my question. I am asking if he is suggesting the President's authority, and his decision to commit troops overseas, is unconstitutional unless the Congress specifically delegates that power to him, or specifically authorizes that use of troops before he makes the decision?

Mr. DU PONT. No. I am saying when the President commits troops or commits the Nation to a course of war he has an obligation to get congressional approval for that course. I think the Constitution is pretty clear on that.

Mr. ZABLOCKI. Madam Chairman, I yield such time as he may require to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Madam Chairman, I rise in support of House Joint Resolution 542 and am proud to be a cosponsor of this legislation which provides that the United States not be taken into any future war except a purely defensive action for a limited period of time unless the war has been declared by Congress.

I do not think that we should permit our Nation to be engaged in another war unless the war has a sufficient degree of public support to cause Congress, in its collective judgment, to vote a declaration of war. In my opinion, the President should not be permitted to conduct a future war at his own discretion. Congress should specify and assert its proper constitutional responsibility to share in committing our nation to war.

I believe that this procedure is in line with the Constitution which empowers Congress to declare war and empowers the President to respond to sudden attacks and to conduct the war once it has been declared.

Mr. BELL. Madam Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Madam Chairman, many times throughout the history of our country American troops have been committed to combat without the formal approval of the U.S. Congress. Indeed, after World War II U.S. troops have been involved in two major conflicts without any formal declaration of war. It seems to me, therefore, that one of the important problems confronting the Congress as we enter this post-Vietnam era is to enact war powers legislation which would accomplish two things:

First, as suggested by the distinguished chairman of the subcommittee (Mr. ZABLOCKI) we need a vehicle which would redress the imbalance in the warmaking power. At the present time, without a declaration of war, the President has taken this opportunity of committing American troops without the possibility of congressional rejoinder.

Congress, of course, has seen fit not to use its appropriation powers in response, at least, up until today.

Second, we need a bill which would give to the Congress an opportunity to express its views on the important question of war or peace, life and death of American servicemen.

I think that the measure which was brought out by the subcommittee headed by the gentleman from Wisconsin (Mr. ZABLOCKI) goes a long way toward meeting these objectives. I, therefore, would like to add my compliments to the gentleman from Wisconsin (Mr. ZABLOCKI) and to the members of the gentleman's subcommittee for the very fine work that they have done.

I do believe, however, that the measure which is before us is defective. Its principal defect, insofar as I am concerned, is found in section 4(b). Section 4(b), as has already been discussed, permits the Congress by inaction to arrive at a major policy decision regarding the most significant matter confronting the U.S. Congress—the question of war or peace. I think that is wrong.

I think it is wrong for three reasons: First, as written section 4(b) perpetuates an imbalance in the warmaking power. It merely shifts shoes from one foot to the other, from the President to the Congress.

Second, it perpetuates the tendency on the part of Congress to abdicate its responsibilities in dealing directly with the major issues confronting our country.

And, third, it may deny to the Members of Congress the opportunity to voice their views on this major question of war or peace, life and death of American servicemen.

In the light of this deficiency, therefore, I intend at the appropriate time this Wednesday to offer an amendment to section 4(b).

Madam Chairman, I would like to read this amendment for the record, so that the Members of the House will have an opportunity to review it in the days ahead.

The amendment reads as follows:

> Within 120 calendar days after a report is submitted or is required to be submitted by the President pursuant to section 3, the Congress by a declaration of war or by the passage within such period of a resolution appropriate to the purpose, shall either approve, ratify, confirm and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove, in which case the President shall terminate any commitment and remove any enlargement of the United States armed forces with respect to which such report was submitted.

Madam Chairman, I feel that this amendment, if adopted, will do two things. First, it will provide balance to the warmaking powers. It will assure equality between the President and the Congress. Second, it will give the Congress an opportunity to voice its opinion, to express its views—one way or another—with respect to the question of war or peace.

I therefore hope that this amendment will be adopted at the appropriate time.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Madam Chairman, I would like to commend the gentleman from Ohio for his statement, and to ask the gentleman if the gentleman is not fearful that proponents of this measure may not feel that inaction by Congress is a key to what they consider a way of bringing balance?

I would guess there has been inaction, and inaction characterizes Congress in a number of areas, that it is felt that the only way to reverse national policy is by having something happen if Congress does not act. That is the thing that makes me fearful of the prospect for success of what the gentleman from Ohio is arguing. If the effort is to underline the necessity of Congress to face up to its own responsibility, how could we be against it? But if it refuses to face up to its responsibilities, to say they approve or disapprove, then we get a change by the passage of time. There is an important principle involved, recognizing that it is an issue the Congress is reckoning with.

Mr. WHALEN. I would agree with the gentleman that if the present language is retained in section 4(b), it would, in my opinion at least, mean that Congress is not facing up to its responsibilities. We hear a great deal of talk these days about Congress reasserting itself. Certainly I think we are just going from one extreme to the other. What I seek to do through this amendment is to provide balance.

Mr. DU PONT. Madam Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Delaware.

Mr. DU PONT. Under the gentleman's amendment if both Houses acted to either approve or disapprove, it is very clear what would happen. What would the gentleman's opinion be if one House passed a resolution of approval and the other House either defeated that resolution or passed a resolution the other way? Would the President then be able to carry on, or would he have to withdraw?

Mr. WHALEN. I am afraid I am unable to answer the gentleman's question at this time. I have studied this question in considerable depth, and I get different sets of answers. One might equate it with a declaration of war, where failure to declare war in one House would mean that there is no war declaration. On the other hand, I have received advice that it is necessary that both Houses must agree.

Let me say this. I intend to research this further, and at the time the amendment is introduced, I would hope to have a more specific answer.

Mr. FINDLEY. Madam Chairman, would the gentleman yield for a question?

Mr. WHALEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. The gentleman is using the word "resolution." Does that mean a concurrent resolution or a joint resolution?

Mr. WHALEN. I use the word "resolution" advisedly. This may be either a joint resolution or a concurrent resolution, to be decided at the time that such report is submitted to Congress. Specifically, then it could be either a joint or a concurrent resolution.

Mr. FINDLEY. If section 4(c) remains in the bill, as I trust it would, this provides for termination of hostilities by concurrent resolution. Then would not the presumption be that the reference to the resolution in the preceding subparagraph would also have the same meaning?

Mr. WHALEN. I do not think so. The resolution is intentionally flexible. It gives to the appropriate committees the opportunity to handle it either in terms of a concurrent resolution or a joint resolution, whichever they see fit.

Mr. FINDLEY. It seems to me the lack of precision leaves the status of war authority, therefore, too much up in the air.

Mr. BIESTER. Madam Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. I should like to ask a question concerning the gentleman's proposed amendment. In the event that both Houses took action by a majority, would that bind the President, even though he might disagree with it? In other words, would it be subject to a veto in which both Houses would have to marshal a two-thirds majority, to restrain the President from continuing the action he initiated?

Mr. WHALEN. If it were a concurrent resolution, it would be, in my opinion, that it would bind the President. It would not be subject to a veto. If it were a joint resolution, it would, of course be either accepted or rejected by the President.

Mr. BIESTER. Is it the intent of the gentleman in proposing the amendment that the language 'resolution" means a concurrent resolution? In other words, does the gentleman intend by this amendment to make limitation possible by majority rule of the Congress or by a two-thirds vote?

Mr. WHALEN. I have responded to the gentleman from Illinois that this would be decided at the time the report required by Section 3 was submitted to the Congress. This would be determined by the appropriate committees as to whether it would be a concurrent resolution or a joint resolution.

Mr. BIESTER. I thank the gentleman.

Mr. ZABLOCKI. Madam Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Madam Chairman, we have several choices. One which has been suggested is to do nothing. I find that suggestion very difficult to live with. I think all Members of Congress find it extremely difficult to live with, too The Congress in recent years has three times by action decided we ought to do something and has previously adopted three resolutions.

This debate is not a new one. It has been raised for a long time. I can remember many campaigns, as other Members can also, in the last 18 years in which the principal issue or a major issue was the fact that the President had exceeded his authority and had involved the American people in warfare. I do not need to itemize those for the Members, whether it was Korea, Vietnam, or some other action.

So Congress has been concerned and, one way or another, we want to speak and say something. We can debate the constitutional issues, and we should—what it means for the Congress to declare war and what the powers of the President are as Commander in Chief of the Army and Navy. By the way, I have been very curious about whether he is Commander in Chief of the Air Force and the Department of Defense. I will leave that question for another time.

But the Constitution is really quite explicit that the President is Commander in Chief of the Army and Navy.

Madam Chairman, over 160 times, for one reason or another, the manpower of this country has been committed to war. This has occurred because of, in spite of, or without regard to the gray area that exists between the constitutional responsibilities and prerogatives of Congress declaring war and the Executive acting in his own capacity as Commander in Chief.

It has been suggested that we do not need to take the kind of action proposed in this resolution because we have the power of the purse and therefore we could stop the President. I humbly submit to the Members that is impossible.

Unless we bring down the entire Government there is no way by stopping any current appropriation that we can do that, or to go back and pick up past appropriations which the President has the power to spend. If the President claims he is exercising his right under the Constitution and spends the money, we have no choice. We may have a clear-cut, beautiful issue and we would be presented with the question whether we want to impeach our Chief Executive; but we do not stop the war that way and we do not stop expenditures. If the Chief Executive claims or exercises the power as the Commander in Chief without a declaration of war by the Congress to push the button on the atom bomb, the fact that we cut off his money will not stop him from pushing the button. Furthermore the issue would be moot.

Another choice we have is that we can adopt the pending resolution, as controversial as it may be in the minds of some. The constitutional questions are important and should be debated although it seems to me the committee has made it quite clear in its reiteration of the well recognized principle of law that no congressional act can modify the Constitution. What is important is the fact that the Congress speaks on the issue of war and peace by the determination reflected in the pending resolution.

However, let us assume for a moment the pending resolution is unconstitutional because it is a denial or a mitigation or in some way attempts to modify the power of the President under the Constitution—of course we cannot do that. The President has certain powers under the Constitution. If he claims and exercises his right under the Constitution contrary to the intent of this bill, he has to do it in the face of the expressed intent and will of the Congress of the United States. He can do it; he can disregard the will of Congress but he will have to swallow very hard to do it. Some people allege Presidents have been disregarding the expressed will and intent of the people either as expressed by the people themselves or by their Representatives in the Congress, so we would not be faced with a new issue but at least for the first time this resolution would have on the statute books the expressed will of Congress.

I want to get to the third alternative which has been recommended today. It has been suggested that the Congress should act affirmatively, and the way we do that is to amend 4(b) of the pending resolution. The truth of the matter is if we examine that proposition very carefully and amend section 4(b) of this resolution, we would be doing nothing but reiterating the powers which Congress already has. The issue would be more clearly presented by an amendment to repeal section 4(b) or to vote against the bill.

Because the truth of the matter is, if the Congress can act any time it wants to anyway, and we amend section 4(b) to eliminate the 120 day requirement and state that there must be an affirmative vote of the Congress, we are saying that we do not want to vote on the issue now, but wait until sometime in the future, then we will vote. Of course, we have that right anyway.

So, what do we say if we amend 4(b) as suggested? Answer: Nothing.

A vote for this resolution is a vote for specific congressional action now.

The time to act affirmatively is now on this resolution. We are saying in a very limited and careful way that Congress wants to be consulted at the very beginning if it is at all possible; then we would expect the President to terminate under those very limited conditions set forth in the resolution unless the Congress again positively acts again.

So under the pending resolution Congress would be required to act twice.

That is an affirmative action now, not only some affirmative action in the future. This resolution does not tie the right of the Congress to act affirmatively again if it so desires by a very simple priority procedure whereby any single member can offer a resolution that must come to the floor.

It seems to me that we have given Congress two opportunities instead of one to act on the matter. So I say that what is involved here is primarily the principle of the Congress stating right now in this resolution how it feels on future commitments of U.S. forces by the President.

We have been struggling with this issue a long time. This committee has worked very hard over many years. I commend the distinguished gentleman Mr. Zablocki from Wisconsin and the members of his subcommittee who together with the chairman of the full committee the distinguished gentleman from Pennsylvania (Dr. Morgan) brought this bill to the floor of the House on four occasions.

Madam Chairman, as a cosponsor, I rise in strong support of House Joint Resolution 542, the War Powers Resolution of 1973. Again I reiterate that the chairman of the Subcommittee on National Security Policy and Scientific Developments, Congressman Zablocki, is to be commended for his leadership and perseverence in pursuing this vital legislation.

The need for legislation to clarify the respective responsibilities of the Congress and the President under the Constitution to initiate, to conduct, and to conclude armed hostilities with other nations became clear to me in May of 1970 when U.S. Armed Forces were committed to combat in Cambodia without prior congressional consultation or authorization. In response to the clear need for an affirmative statement of the congressional responsibility in committing U.S. combat forces I had drafted a bill, H.R. 17598, which I introduced on May 13, 1970. I hoped that this proposal would serve as a vehicle for a reappraisal of the war powers issue and a catalyst for a discussion of the vital constitutional issue involved.

Chairman Zablocki concurred with the critical need for a review of the respective congressional and executive powers and held extensive hearings during the summer of 1970. Out of those hearings came the first war powers resolution, House Joint Resolution 1355.

The 1970 resolution reaffirmed the constitutional right of Congress to declare war and stated the sense of Congress that the President should consult with Congress "whenever feasible" before sending U.S. troops into conflict. The proposal also directed the President to report to Congress whenever he committed troops into combat, sent combat-ready troops into foreign territory or enlarged the number of U.S. troops in another nation "without specific prior authorization by Congress."

The House passed the resolution by an overwhelming majority in November of that year, but the Senate failed to act.

In 1971 the chairman reintroduced the War Powers Resolution and I was pleased to join as a cosponsor again. The new resolution, House Joint Resolution 1, deleted the phrase "whenever feasible," and declared it the "sense of Congress that the President should seek appropriate consultations with Congress before involving" U.S. forces in armed conflict. The resolution passed the House again, by voice vote.

Legislation passed by the Senate last year differed markedly from the resolution adopted twice by the House. Efforts in conference to resolve the major differences between the two proposals were unsuccessful, and the issue was left unresolved.

The resolution we are considering today is by far the best proposal submitted to this House for our consideration. It is well balanced and achieves, I believe, the objective we have all sought—namely, to define the relationship within which the Chief Executive and the Congress could separately and collectively exercise their respective constitutional responsibilities and preserve the peace and security of the Nation.

In addition, I believe it represents a significantly less rigid position vis a vis the Senate proposal, and its approval may make possible enactment of effective legislation. It is imperative that this be done.

A key to the pending resolution is the provision for prior and ongoing consultation by the President with the leadership and appropriate committees of the Congress. This is of course essential. There is, in my judgment, no matter of such a sensitive nature that it could not be entrusted to Members of the Congress. And we must have the benefit of full knowledge if we are to exercise our role in the most responsible way.

I have urged throughout our committee's consideration that the strongest possible provision be made requiring consultation. It serves a twofold purpose. Not only do we have the benefit of all the facts, but I believe, we as Members of Congress could make a significant contribution to the Executive's judgment.

The resolution clearly recognizes, as it must, that in some instances military action absent a declaration of war may be taken. In any such instance involving the commitment of U.S. forces to hostilities outside of the United States, commitment of combat-equipped forces to any foreign nation, or the substantial enlargement of combat-equipped U.S. Forces already in a foreign nation, the President is required to submit within 72 hours to both Houses a written report clearly setting forth the circumstances necessitating his action, the authority under which he took that action, and the anticipated scope and cost of the action.

Unlike the legislation passed last year by the Senate and reported again this year by the Foreign Relations Committee, House Joint Resolution 542 does not seek to define those kinds of action which can be taken absent a declaration of war. To do so, in my mind, would further expand the President's authority as Commander in Chief. Under the House proposal, it is up to the President to justify his action and cite the statutory or constitutional authority under which he acted. To specifically define his authority as S. 440 seeks to do, would give the President statutory authority he does not now have. House Joint Resolution 542 avoids this, and in addition specifically states that the proposal does not add to any existing powers of the President.

A significant change in House Joint Resolution 542, not included in proposals considered by the House previously, would terminate within 120 days authority for the continued commitment of U.S. Forces unless the Congress takes specific action to declare war or authorize the continued use of the Armed Forces.

The other body has proposed that emergency authority exercised by the President shall terminate within 30 days unless the Congress acts to authorize its continuation.

I have argued that such a requirement would place the Congress in the position of ratifying, in a pro forma manner, action taken by the President. A call by the President to protect the national security, and "rally round the flag," would build strong sentiment and emotion that I can scarcely imagine that the Congress would not quickly act to authorize action.

On the other hand, I believe that a 120-day period may be a sufficiently lengthy time to allow emotions to subside and to permit a careful study of all facts in proper perspective. The Congress and the country could then be able to make a rational decision on whether the impending action warrants the continued commitment of the U.S. forces.

It is important that there be some boundary of the discretionary authority which the President must have. I think the proposal embodied in House Joint Resolution 542 meets the objections of emotional ratification, and provides that boundary.

This bill's applicability to the ongoing conflict in Southeast Asia is vital. It is because of our military involvement there, and the extremely broad interpretation of Presidential "Commander in Chief" powers to continue and expand that involvement, that has led to this debate and all those that have preceded it.

The House has again today reiterated its opposition to further military involvement in Southeast Asia, and the bombing of Cambodia and Laos. Despite the "end" of the Vietnam war, the signing of two peace agreements, and the clear message of the people and the Congress, however, the President continues the bombing, with no authority. The administration has made it clear that regardless of whether the Congress denies funding for the bombing, funds will be made available.

It is such a situation we must guard against. We must never again let our country go to war, piece by piece, as we have done in Southeast Asia.

The responsibility belongs in the Congress to insure against that possibility. The responsibility, under the Constitution, of committing U.S. troops to armed conflict is one shared by the legislative and executive branches of Government. The balance between the two branches has swung heavily to the executive and we must act now to restore it.

I urge your strong support of House Joint Resolution 542.

Mr. MAILLIARD. Madam Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Madam Chairman, running through the course of this debate has been the recurring theme that Congress ought act to affirm and fulfill its constitutional responsibilities in the event of military action initiated by the President. In the face of a presidential emergency action, Congress should stand up and speak out in approval or disapproval.

I find it very hard to understand, therefore, why it would not be a good idea to not only require the reporting and the consultation as this bill will do, by the President with the Congress but also to mandate action by the Congress itself, as the amendment which will be offered by the gentleman from Ohio (Mr. WHALEN), and a similar amendment offered by me in the committee would do.

Congress has a responsibility under the Constitution, and a responsibility to the American people to take definite, positive action in such a situation. Yes, this our prerogative, and Congress must act in response to the Presidential action; up or down; yea or nay.

This is positive action, and I would submit it is preferable action to the provision of the present bill in section 4(b), which would simply say that if Congress does nothing at all, a major policy decision is made thereby.

There has been reference made to the requirements of section 5 in this resolution as to what shall be required and in case a resolution is presented on this subject. May I refer to the language of the bill, section 5(a):

> SEC. 5. (a) Any resolution or bill introduced pursuant to section 4(b) at least forty-five days before the expiration of the one hundred and twenty-day period specified in said section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Senate Foreign Relations Committee, and *one such resolution or bill* shall be reported out by such committee, together with its recommendations, not later than thirty days before the expiration of the one hundred and twenty-day period specified in said section.

There may be 50 differing resolutions offered. The bill says that they shall be referred to the Committee on Foreign Affairs in the House and to the Committee on Foreign Relations in the Senate, and that one such resolution or bill shall be reported out by such committee. Who shall decide what resolution or bill shall be reported out by the committee, of the many which may be offered? Who shall determine that the chairman of the Foreign Relations Committee of the other body will bring the same kind of resolution as the chairman of the Committee on Foreign Affairs might? They might be entirely opposite resolutions.

How can we be sure that we will not get into a confused state by the differing actions of these committees in the two bodies, so that we shall end up with the 120 days expired and no action taken by the Congress, so the President would be forced to withdraw the troops, although it might be not in the national interest to do so?

I would suggest that as written this joint resolution in this and other respects is a defective resolution.

I would further suggest in my own humble opinion it is not very easy to spell out the war powers of the President or what they may or may not be except by amendment to the Constitution, which this body and the people together could do if we saw fit to do it and could agree on the spelling out of the powers.

I would agree that we could cut the money off, as others have suggested, to stop an action. I would say to my friend from Florida that nothing would preclude the President from pushing the button on the 119th day under this measure, if he proposed to push the button for a nuclear holocaust, God forbid.

I would say, however, Madam Chairman, we have the opportunity to make this joint resolution a better joint resolution. We have the opportunity to make it one which will mandate the Congress to act, not to evade action or legislate by inaction.

Mr. KEMP. Madam Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman yielding. I agree with the gentleman's statement that it is difficult to rigidly define those areas constitutionally in which the Commander in Chief is going to be allowed to be Commander in Chief.

My question is, would it not perhaps preclude the possibility of successful quiet diplomacy if in fact this is brought to a vote in the Congress within 120 days, on an issue that might very well be resolved, as I say, through quiet diplomacy; that is, the visit by the President to the 6th Fleet at the time of the Soviet-backed Syrian invasion of Jordan a few years ago?

Are not some of the successes of this administration and previous administrations in international affairs better handled at a quiet level, rather than exacerbated by bringing them to a head?

Mr. BUCHANAN. I would say to my friend that I would assume when the President commits American forces to some kind of combat situation that the situation is somewhat exacerbated already, and it would hardly seem an appropriate time for quiet diplomacy.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MAILLIARD. Madam Chairman, I yield the gentleman 2 additional minutes.

Mr. BUCHANAN. I thank the gentleman for yielding additional time.

Is my friend from New York suggesting that he thinks the present section 4(b) is a better provision than that we would offer?

Mr. KEMP. I have not made up my mind. That is what I stated. I am listening to the debate.

There is a very definite influence of the 6th Fleet or the 7th Fleet. Incidentally, it did not bring about a war in the Mideast. It was one of those areas in which the President made a successful maneuver.

Once a President either activates or visits the 6th Fleet or the 7th Fleet, in the Formosa Straits, he has taken, at least as I understand it, some type of action which might prevent war or bring on war. But it has been successful in many instances.

Mr. BUCHANAN. May I say to my friend that the chances are very great in many instances this could be handled within the 120 days. Congress would have 120 days to act up or down.

I would also say that the President might, by quiet diplomacy, convince the Congress of the rightness of his cause, to give him approval of his action.

That is provided for in the amendment which permits approval as well as disapproval. I would hope that would be the case in such instances. I would further note the language of the Whalen-Buchanan amendment provides for the action it mandates either by declaration of war or the passage of a resolution appropriate for the purpose. Again, this could be a resolution specifically approving a specific and limited action by the President or such broader approval or disapproval the Congress might in its wisdom grant. Congress would be free to act according to its best judgment, but would be required to take definite action on what would surely be an issue of the first priority in an area in which in my judgment the Constitution itself mandates the Congress to assume responsibility and exercise authority.

Mr. ZABLOCKI. Madam Chairman, will the gentleman yield?

Mr. BUCHANAN. I am glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. But the provisions in section 4(b) and 4(c) do not preclude the Congress from giving similar approval in an expeditious manner, approving the President's commitment of troops or whatever action he has taken.

Mr. BUCHANAN. Yes. I am glad the gentleman mentioned that for the sake of legislative history.

I would say what we seek to do is to mandate action by the Congress. I think this is what the American people want of us, that we act and not fail to act, that we accept our responsibility and not evade it.

Mr. ZABLOCKI. Madam Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Madam Chairman, I rise to ask first a few questions.

I would like to know how the bill would have been interpreted in a situation which is not at all a modern day situation and perhaps is one from which we may extract the heat of passion today. I shall pose the question to the gentleman from Wisconsin (Mr. ZABLOCKI) rather in the nature of a hypothetical question than in the nature of an historic fact, because the historic facts may be somewhat in dispute.

Madam Chairman, in 1914 the United States was engaged in certain difficulties with Mexico. Several U.S. sailors were arrested in Tampico. At that time Vittoriano Huerta was the rather dictatorial President of Mexico, and there was a revolution going on in that country. We had originally given him clandestine support but we had gotten tired of him—he was pretty dictatorial—and we were more or less favorable to Carranza.

So on April 14 certain U.S. troops seized the Port of Vera Cruz in order to prevent a German merchantman from bringing arms to Huerta.

Madam Chairman, would that in the gentleman from Wisconsin's opinion, be one of the acts referred to in section 3(1) on page 2, that is "committing the U.S. Armed Forces to hostilities outside the territory of the United States, its possessions and territories"?

Mr. ZABLOCKI. Yes, it would.

Mr. ECKHARDT. Then, had that occurred, the procedures involved in the remainder of section 3, that is, the President's requirement to give 72 hours' notice to the Speaker and other authorities and to give the circumstances and the constitutional and legislative provisions under which the authority existed, would have had to be carried out, I assume. And then congressional action would be provided under section 4.

Madam Chairman, the thing that troubles me is the language under section 8(c) providing that nothing in this act "shall be construed as granting any authority to the President with respect to the commitment of U.S. Armed Forces to hostilities or to the territory, airspace, or waters of a foreign nation."

It would seem to me that the application of section 8 of the act would recognize that President Wilson's act was illegal in the first place.

Now, is the gentleman saying that because of the provisions of section 3, he is acting legally until he is called on to remove the troops, although he would have been acting illegally, as I read the language under section 8(c)?

Mr. ZABLOCKI. Madam Chairman, the reason for section 8(c) is to make clear that the resolution does not add any additional powers to the Executive. I should add that resolution does not detract any power from the President when he acts under the Constitution as Commander in Chief.

In the specific case of President Wilson, to which the gentleman from Texas (Mr. ECKHARDT) refers, President Wilson requested authority to use the Armed Forces 2 days before they were actually landed, and Congress passed a joint resolution giving him such authority the day after they landed.

Mr. ECKHARDT. But do I not recall that Admiral Mayo, commander of the American Fleet, when the sailors were arrested in Tampico, issued an ultimatum to the Mexican Government of Huerta that they give a salute to the American flag or else action would be taken?

There was not any authority for that at the time, was there?

Mr. ZABLOCKI. The President ordered the fleet to move, but, as I understand it, he then came to the Congress to ask permission to act.

Mr. ECKHARDT. Under this act, could the President act first and then report immediately afterward?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZABLOCKI. I yield to the gentleman 1 additional minute.

Mr. ECKHARDT. Could the President have acted without prior authority so long as within 72 hours he reported it to the Congress in a situation of the type I have described?

Mr. ZABLOCKI. Yes, but the resolution does not add to the President's power. And under 4(b) the President could continue the commitment for 120 days unless Congress took positive action approving or disapproving.

Mr. ECKHARDT. Since my time is very short, I would say if that be true, then I think this act purports to expand the President's constitutional authority and give him authority to act, at least during that 120 days, far beyond the provisions of the Constitution.

The best discussion of the President's authority I think is in Hamilton's Federalist paper 69 wherein he says:

> The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same as that of the king of Great Britain——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ZABLOCKI. I yield the gentleman 1 additional minute.

Mr. ECKHARDT. He continues:

> But in the substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces as First General and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies, all of which by the Constitution under consideration, would appertain to the legislature.

I submit that the action of Wilson in that case, if it were permitted for 120 days, would have utterly destroyed Huerta, because by July he had had to resign, the customhouse at Vera Cruz having been at that time commandeered or at least restricted by American forces in that area.

Mr. BELL. Madam Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Madam Chairman, we are debating here this evening probably the most fateful and important matter that either this Congress or any other Congress is likely to debate. The fact that we are forced to do it at 9 o'clock in the evening and to largely empty benches is not merely unfortunate, it is outrageous. This is not only an important question we are debating, but it is an old one which has been with us more or less throughout the history of the Republic and it is one on which it is very difficult to draw legislation, because it inevitably involves constitutional questions. It has a long and interesting history which might be discussed if we had time.

The gentleman from Wisconsin and the majority of the committee have produced a bill here for which we can thank them whether we agree with them or not, because it raises a topic for debate which ought to be debated and considered in this Congress.

In spite of the work which has gone into that bill by the distinguished committee, the distinguished chairman and the distinguished subcommittee chairman, for all of whom I have the very greatest respect, I submit to you that there are at least four serious and, I think, fatal drawbacks to House Joint Resolution 542.

One is the matter which we have discussed at considerable length here today, that which has the Congress set vital policy in this vital field, not by doing something, but by failing to do anything. I feel that is a very great weakness in this bill. And of course I would support the amendment to be offered by the gentleman from Ohio (Mr. WHALEN). But, as I will discuss with you in a moment, I have a bill of my own on this subject, which is a complete bill, and which, if the parliamentary situation permits, I shall offer as a substitute, that will likewise care for that same situation, in the same way, and also do certain other things.

Mr. STRATTON. Madam Chairman, will the gentleman yield?

Mr. DENNIS. I will be happy to yield to the gentleman from New York.

Mr. STRATTON. Madam Chairman, I just want to say to the gentleman that I think his bill is an excellent bill, and I certainly would support it if the gentleman offers it, and if the parliamentary situation does not prevent its acceptance, then I have a similar version which I intend to offer at the proper time.

I think what the gentleman from Indiana wants to do is to require positive action by the Congress as being the proper way to proceed. And I commend the gentleman for his efforts.

Mr. DENNIS. I thank the gentleman from New York for his assistance and support.

The second thing which I feel is a serious drawback to the committee bill is this matter of providing that if we wish to discontinue hostilities which have been instituted, we can do it by a concurrent resolution. I do not want to belabor the point unduly, but I think this is something which, if it means anything, if it is going to restrain the executive, has to have the binding force of law. I submit to the Members that all the authorities say that if we are going to do something which has the force of law, something which is legislative in character, then we have to go through the normal legislative process, which, for better or worse, requires presentiment to the executive. I think there may be an amendment offered on that subject.

Thirdly, the committee bill applies to existing hostilities. And while that is not as important as it would have been while the Vietnamese war was in progress, I still think it is better to look calmly toward future actions rather than try to deal in this legislation with something in which we are already involved. We do not know what we will be involved in when and if the measure is ever adopted. We may be in a war in the Middle East, for instance, by the time this becomes a law, and under this committee bill it applies even though the hostilities started before this bill was passed.

Mr. WOLFF. Madam Chairman, if the gentleman will yield, does the bill provide for a specific war, or is it for all wars?

Mr. DENNIS. Of course it is for all wars. But the point I am making is that the committee bill says it applies to those which are presently existing. So I suggest it might be wiser to make it apply only to wars which come into being after the statute has been enacted.

Mr. WOLFF. It does not say presently existing wars; this says wars that are in progress at the time of passage.

Mr. DENNIS. Presently in progress at the time of passage, so they have to be presently existing, they started before the passage of the resolution.

Mr. WOLFF. So we should disregard that war, then?

Mr. DENNIS. It would not disregard it under this bill. What I am saying to the gentleman from New York is that I think it would be a wiser measure if we did not try to apply it to something which is already in progress when we passed it.

The gentleman may disagree with me, but that is a matter of opinion.

The fourth problem—and this is a point which I cover in my bill and which is not covered in the committee bill, and which I think is a very important point in my bill—I provide that not only must we vote approval or disapproval within 90 days after the initial commitment of troops, if there has been no declaration of war, or no attack on this country.

But also the President must make periodic reports, if we approve in the first instance, of the progress of affairs, of the progress of hostilities, if any, at intervals not to exceed 6 months; and within 30 days after each one of those subsequent 6-months reports we must again vote approval or disapproval. In no case, under my bill, do we stop the action unless we vote disapproval, but we do have a recurring opportunity to do that, a continuing oversight of the situation; and in each case, both the first time within 90 days and thereafter every 6 months, within 30 days, we are required to vote. We have to act. If and when we disapprove, then the President has to call off the troops.

My bill also does not apply to hostilities which might be existing before it became law, and it does not affect existing treaty obligations, whatever they are, which I do not attempt in the bill to define.

I am going to suggest to the Members that a bill to be successful in this field has to be one which provides for congressional participation, which also does not hamstring the Executive, and which allows flexibility and action on the part of both of them. I have made a very serious effort, I will say to the committee, to draw that kind of a bill.

I would also like to suggest that I suppose we are trying to adopt a measure which will be passed into law and which might stand some possibility, even, of overriding a possible Executive veto. I suggest to the Members that the bill I have drawn has a better change to pass and a better chance, if that situation should arise, to sustain itself against any possible Presidential veto than does the committee resolution.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I should like to commend the gentleman for his statement, because he does underline some very serious weaknesses of the proposal as it is written. I think it also should be emphasized that the gentleman from Texas underlines another weakness which is very dimensional, and that is the extent to which the proposal perhaps inadvertently may expand Presidential authority far beyond what is presently understood to be the limits of his constitutional power. So we have both a contraction and an expansion. We have limitations imposed on him and in an arbitrary and probably unconstitutional way.

I think all of this is reason for the general concern about the wisdom of what has been proposed.

Mr. DENNIS. I agree with the gentleman from New Jersey, and I will say any legislation in this field is extremely difficult. I came to the conclusion only somewhat reluctantly, and after a great deal of study, even that anything should be attempted, but I believe there has been sufficient erosion of congressional power to justify the effort, providing we can do something with which we have a chance to live, something which can actually operate, something which merely gives the Congress—and that is all I am doing—a tool to use rather than the meat ax approach of the appropriation process, I propose a measure which will permit us to go ahead, and to discharge our function in this field under the Constitution.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. ZABLOCKI. Madam Chairman, I yield 1 minute to the gentleman from Texas.

Mr. MILFORD. Madam Chairman, I am strongly in favor of a war powers resolution that would once again return to the Congress its constitutional power to declare war or combat actions.

I am strongly against House Joint Resolution 542, in its present form. This resolution is dangerous to this Nation, as it is drafted.

War or combat actions—in any Nation—come about only as a last resort. With modern-day weapons, all-out war of the World War II variety will probably never occur again. I think it is obvious to all that no country could win a nuclear war.

Therefore, I do not believe that this Congress shall ever again be assembled for the purpose of declaring war in the sense written in our Constitution.

Combat actions are another story. The limited war is a distinct possibility, indeed, a probability. The world is seeing many of these limited action combat engagements. In all probability, there will be many more before the world learns that we can live together without killing each other.

House Joint Resolution 542, in its present form, does not face up to the realities of limited wars. This resolution demands that the President consult with the Congress. I strongly agree with this provision. He should consult with the Congress.

However, House Joint Resolution 542 does not provide for a practical way for the President to communicate with the Congress. This failure negates the value of a war powers act.

Wars are conducted as a result of data accumulated from highly classified intelligence information. Wars are conducted on the basis of supersensitive involvements that have a vital effect on the nations concerned. These are not matters that one can print in the CONGRESSIONAL RECORD.

Therefore, in House Joint Resolution 542 we are saying, "Mr. President, by law you must come over here to Congress and tell us all of our national secrets before you can take actions that might be vital to our survival." This is ridiculous.

On the other hand, as I stated earlier, I think it is vital that the President should consult with the Congress before committing this Nation to a combat action.

House Joint Resolution 542 does not provide a vehicle for responsible congressional communications. The lack of such a vehicle is the prime reason why the President has been unable to report to the Congress on the Vietnam and Cambodian operations.

No individual Member, no committee, nor the leadership structure has the necessary intelligence and information to make a decision to commit or not commit troops into a combat action. That information is available only to the administration.

As presently structured, the administration has no congressional committee or organization with which it can share super-secret information responsibility. Sure, the President can go to the Foreign Relations Committee or Armed Services Committee and give them a briefing. However, under present House rules, individual Members—at their own discretion—can print it in the papers the next day.

Obviously, that is no way to run a war. An army must have only one commander. It cannot have 536, particularly when 535 of them do not have access to the classified data necessary to make reasonable decisions.

Since the olden days of declared wars, the United States has become dependent upon other nations for its survival. Our energy imports are a good example of our dependence upon others. No longer can we say that actions in other lands are none of our business. Seemingly immaterial spats between small nations in other parts of the world, may sometimes have a vital bearing on our survival.

It is very important that this Nation have the ability to respond rapidly and decisively, under these circumstances. As a practical matter, the President could not consult sensibly with the Congress under the present provisions of House Joint Resolution 542.

In order to give the President a practical means of carrying out the desires of all Members of Congress, we have got to establish a responsible vehicle for the President to communicate with in the Congress.

This vehicle could consist of a select committee of responsible Members that are nominated by the Speaker and elected by the House. This select committee must be prohibited, by law under penalty of prison, from revealing the classified information provided by the President. Having been elected by the House, these committee members would represent the sense of the Congress. In this manner the President would have a valuable input that is not now available to him.

I had considered trying to introduce an amendment to House Joint Resolution 542, that would establish such a committee. After consideration, I decided that this would be unwise. Being a new Member, I did not feel that I had the experience to author such an amendment. Furthermore, it should be carefully drawn by committee action, rather than the dubious means of a floor amendment.

Therefore, at the appropriate time, I hope there will be a motion to recommit this bill to committee with the hope that this vital factor will be added. By the addition of a responsible War Powers Committee, both the Congress and the President will be better equipped to make the awesome decision to use or not use American troops in a combat action.

When the motion to recommit is made, I would hope each of you would support it.

Mr. MAILLIARD. Madam Chairman, I have no further requests for time.

Mr. ZABLOCKI. Madam Chairman, I yield 5 minutes to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Madam Chairman, as I rise today to speak in support of the War Powers Act of 1973, I am aware of the gravity of this bill and its implication for our Nation and, indeed, for the entire world. It is because of the significance of this piece of legislation that I wish to commend the thoughtful and incisive work of Chairman MORGAN and Chairman ZABLOCKI who chairs the subcommittee and the members of the National Security Policy Subcommittee. Theirs was no easy task, for in this bill we see the lessons of history, the immortal concepts imbedded in the American Constitution, and the results of intensive and emotional debates on our national structure of government that have raged over the last several years.

Yet the fact that this proposal has been the subject of deep controversy within and without the organs of government should not urge us to the shelter of further procrastination and inaction; indeed that should be the very cause of our present determination to act responsibly and pass this bill. It is no secret that our branch of government, the Congress of the United States has come under increasing criticism from our people for having abdicated its full role in many substantive areas of Federal policymaking. Nor are we unaware that in many quarters the legislative arm is viewed if not quite with contempt, then certainly with something less than the minimal respect due to the body which forges the policies that guide our Nation's destiny. This sorry state is partially of our own making, for many times we have sought refuge in our own self-doubts, and we have yielded to Executive who have told us that we do not share the wisdom, or the foresight, or the concern for the general well-being of our people that the Executive can assert.

With this viewpoint I cannot disagee more vigorously. But of much greater significance, the very Constitution of this land, which each and every one of us takes a solemn oath to protect and defend, paints a strikingly different picture. It would hardly be necessary for me to read the words of that brilliant instrument to my colleagues to show our role in the operation of our National Government; nor do I desire to lecture on the meaning of separation of powers as it applies to the division of responsibility between the President and the Congress. Rather, I will focus in on the war power, as it is described in the articles on the President, and on the Congress. Article II, section 2, defines the powers of the Executive with respect to the military operations of the United States:

> The President shall be the Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; . . . To the Congress, the Constitution assigned numerous legislative war powers, among them, in article I, section 8, "To declare war."

The very words of the Constitution would seem to present the case quite clearly—the Congress is to declare the wars in which our Nation is to engage, and the President is to be the military commander of our forces in fighting those wars. It might be argued that this approach is too simplistic; that there are too many variations and unpredictable situations that can arise to adhere too closely to this scheme. Indeed it might be argued that the founders could not have meant that there should be no flexibility in this arrangement, for there would be too much danger from our enemies to cast such a rigid die. And to a certain extent this is true. Yet if we look to history—if we look to the words and the writings of those who forged the United States of America from the 13 Colonies, we will see very clearly what the original intent was, and where there was room for reasonable men to differ.

Alexander Hamilton, one of the drafters who most strongly supported the concept of a powerful executive, defended the proposed Constitution in the "Federalist Papers" with great vigor. In his discussions of the war powers, he compared the role of the new American Federal Executive with the then Governor of New York and the powers of the King of England by writing:

> The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the union. The King of Great Britain and the Governor of New York have at all times the entire command of all the militia within their several jurisdictions. In this article therefore the power of the President would be inferior to that of either the monarch or the governor.
>
> The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the Supreme Command and Direction of the Military and Naval Forces, as First General and Admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the constitution under consideration, would appertain to the legislature.

When Hamilton wrote those words, he was at the same time arguing for a strong executive in matters involving the conduct of war—that is, he was well aware that the President must have full authority to direct the military operations of the Nation in conflict. But in distinguishing from the powers of the King, he was clearly saying that role of the Commander in Chief was a military one, not a policy role. This view was seconded by Madison in the same series of writings, who states quite bluntly:

> Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, the fundamental doctrine of the constitution, that the power to declare war, including the power of judging the cause of war, is fully and exclusively vested in the legislature; that the Executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war.

Again, as though guiding our own deliberations, the founders denied the authority of the Commander in Chief to bring the Nation into a war, but rather looked only to his power to guide the Nation once the Congress had so directed. This historic interpretation is quite different from the situation in which we have found ourselves over the last two or three decades, where proponents of the Presidency seem to be claiming that the power of the Commander in Chief is what he himself defines it to be in any given circumstance. This is simply not the intent or the content of the Constitution under which we operate.

In Madison's words again:

> Those who are to conduct the war, cannot in the nature of things be proper or safe judges, whether a war ought to be commenced, continued or concluded.

Mr. Gerry of Massachusetts commented in the Constitutional Convention, he "never expected to hear in a republic a motion to empower the Executive alone to declare war." And indeed that motion was wisely defeated by an overwhelming margin.

In no way, of course, does the constitutional scheme inhibit the Executive, as Commander in Chief and as head of the Government, from acting to repel attacks on American soil, to defend American troops from attacks overseas. But what the Constitution does prohibit, is the President acting unilaterally to begin hostilities. This country has separated the military from the civilian function, and indeed has subjugated the military to the civilian authorities, for precisely that reason.

This view was specifically upheld by the Supreme Court of the United States, in the 1850 case of Fleming against Page, which bluntly held that when the President assumed the role of Commander in Chief, "his duty and his power are purely military." The theory that the Commander in Chief has large powers first appeared during the Civil War, but this was justified, as Lincoln repeatedly said, by the emergency of rebellion and invasion. Indeed, it was Congressman Abraham Lincoln who perhaps most clearly delineated the reasons for strictly inhibiting the role of the Executive as Commander in Chief, when he said:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose . . . kings have always been involving and impoverishing their people in wars, pretending, generally, if not always that the good of the people was the object. This, our constitutional convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the constitution so that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our presidents where kings have always stood.

I can find few better words to concisely express the critical need for our action on the War Powers Act of 1973 that is now before us. If Presidents have accumulated unto themselves the powers that are rightfully ours, then we must put a halt to that practice, for preserving and protecting the Constitution is what we are sworn to do.

It is surely not enough to state that Presidents have acted in such and such a manner in the past; indeed that very argument was made and rejected in the steel seizure cases before the Supreme Court 20 years ago. The accretion of power beyond the strict confines of constitutional definition does not change the Constitution and does not alter our form of Government. Mere repetition does not make a mode of procedure proper and acceptable, nor, most emphatically, does it make that procedure part of the Constitution. Ours is not an elective dictatorship. It is a government in which all elected officials have carefully limited powers. As long as the Constitution reads as it does, and as long as we believe that the framers understood the actions they took, then it is our duty to retain the power to declare war, restate it as we must in this resolution, and not allow the Executive, any Executive, to take that power unto himself.

People have argued this concurrent resolution is not binding upon the President—what we are saying here is that the Constitution is binding and the President is bound by the Constitution.

Mr. ZABLOCKI. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Madam Chairman, I have some reservations about the resolution as it stands, and I am going to suggest some amendments.

Madam Chairman, the war powers resolution before us seems to me to grant war powers to the President which are those of the Congress under the Constitution; and which should stay there. I would prefer instead to have a more modest proposal.

For instance, section 2 could read:

> The President shall consult with the leadership and applicable committees of Congress before substantially enlarging United States Armed Forces in any foreign nation; or before placing any United States Armed Forces in any foreign nation where none had been immediately prior to such placement.

Then all of page 2 could be stricken down to line 19 and that could be amended to read "Sec. 3. The President upon doing any of the things set forth in Sec. 2 shall submit within seventy-two."

Then at page 3 line 1 add after the semicolon the word "and". Then strike lines 2 and 3 of page 3; and at line 4 thereof strike the letter "E" and replace with "D." Strike lines 9 through 25 at page 3.

Strike lines 1 through 12 on page 4.

Strike line 14 on page 4, and substitute the following:

> SEC. 4. Any resolution or bill introduced to terminate the utilization of United States armed forces as above described. Strike lines 15, 16, 22 and 23 of page 4. Strike the word "section," line 17, said page. Strike line 21, page 4 and substitute the following mendations, within thirty days.

Strike lines 5, 6, and 7, page 5, and substitute "and shall be reported within fifteen days. The resolution or bill so reported." Strike lines 12 through 25, page 5, and lines 1 through 14, page 6.

Renumber sections 8, 9, and 10 to read sections 5, 6, and 7. At line 8, page 7, strike "3" and substitute "2".

Madam Chairman, as the measure stands before us unamended, it clearly grants to the President power to involve our country in war. Although I presume Congress can legally grant that power, since it can declare war itself, I think there is great wisdom in not granting these war powers to the President. If the bill remains unamended, I therefore intend to vote against, as I have previously done on similar proposals in the past.

Mr. ZABLOCKI. Madam Chairman, I yield such time as he may consume to our Chairman, the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Madam Chairman, I rise in support of House Joint Resolution 542, the War Powers Resolution of 1973.

As you know, I have been chairman of the Committee on Foreign Affairs since 1959.

During that period, few—if any—bills have had more thorough study than the measure which is before us today.

In fact, a major portion of House Joint Resolution 542 already has been debated and approved by the House no less than three times.

In the present Congress—despite past

House approvals—we once again gave the question of war powers very careful consideration.

The subcommittee chaired by the gentleman from Wisconsin, (Mr. ZABLOCKI) once again held extensive hearings on the many war powers bills and resolutions which were referred to the Committee on Foreign Affairs.

There were some 37 proposals. Each one of them was given careful consideration in the formulation of the measure which is before us today.

During 6 days of hearings, the subcommittee heard 16 witnesses, including eight Members of this body.

The subcommittee subsequently considered all suggested approaches to war powers and after four long sessions came up with the draft which was introduced as House Joint Resolution 542.

The full Committee on Foreign Affairs devoted three full sessions to perfecting the subcommittee version. The result is—I believe—a measure which represents a consensus of views on how Congress should legislate in this vital area.

Madam Chairman, since I have been in the Congress, the United States has participated in two major conflicts. Each one of those conflicts has raised important constitutional problems concerning war powers.

On June 25, 1950, North Korean troops crossed the borders of South Korea triggering the Korean war.

On June 27, President Truman announced that he had ordered U.S. air and ground forces to give the Korean Government troops cover and support. Following a United Nations resolution calling on members to stop this aggression, President Truman ordered American ground troops to repel the North Korean attack.

Congress was not called upon to declare war at the time of the invasion in Korea.

At that time it was believed by many in the executive branch, and in the Congress, that by becoming a member of the United Nations, the United States was obligated by U.N. commitments, including commitments to international police actions, and that it would be within the power of the President alone to see that those commitments were carried out.

Although the Congress did not formally accept this position, neither did it as a whole contest the right of the Executive to respond to the call of the United Nations Security Council.

Some members, however, were outspoken in their view that power of Congress had been usurped. Among them was the great Republican Senator from Ohio, Senator Robert Taft.

As the war continued into 1951 and 1952, Senator Taft's views gained more and more support.

Some of you may recall that the Korean conflict came to be called "Truman's War." Unfair as that may have been, the phrase reflected that this was a Presidential war since Congress had not declared it or given specific authorization to the hostilities.

In more recent years, the Vietnam war has provided the basis for similar criticisms. The legal authority of the President to deploy American Armed Forces into hostilities in Indochina has been under constant attack.

Many of us have believed that the Gulf of Tonkin resolution—with its broad and strong wording—provided authority to the President to conduct hostilities in Vietnam.

The present administration, however, has said that its authority for continued pursuit of the conflict was not derived from the Gulf of Tonkin resolution.

Because there has been doubt and confusion over the right of the President to conduct large-scale military actions in Vietnam without specific prior approval from Congress, national disunity over the war was accelerated.

Today, a similar situation exists with regard to the continued bombing in Cambodia.

Many observers believe that continuation of those operations requires that the President ask the Congress for specific authorization. Once again there is confusion and the Nation is divided.

As the result of our country's experience in Korea and Vietnam, one lesson should be clear by now to everyone:

Congress must play its rightful role in warmaking—not only to satisfy the demands of the Constitution—but also for the practical reason of creating the national unity and purpose which are necessary for the success of our national effort.

Our national security, no less than our national heritage, demands that Congress fully participate in the decision to go to war.

In a statement before a House Foreign Affairs subcommittee last year, the Hon. McGeorge Bundy, a former Assistant for National Security Affairs to both Presidents Kennedy and Johnson—stated that the most serious foreign policy problem facing the United States is the breakdown of effective relations between the executive branch and the Congress.

He noted that the breakdown was most conspicuous—and damaging—with regard to the Vietnam conflict.

I believe we all recognize the need for re-creating a good working relationship between the White House and the Congress on vital foreign policy and security issues.

Congress must not play a junior partner role where decisions involving the commitment of American troops is involved. Neither should we attempt to force such a secondary role upon the President.

Our objective must be to foster a cooperative relationship which will prevent the discord over war powers which has plagued the Nation for a number of years.

House Joint Resolution 542 fulfills that objective. The resolution does not attempt to impose precise and inflexible definitions of the war powers on either the President or the Congress.

The resolution does not attempt to describe specific conditions in which the President may or may not deploy troops—for that, too, would introduce elements of rigidity into our national security system.

Rather, this resolution sets forth a procedure for insuring that whenever a significant number of American forces are deployed into combat for a significant length of time by the President, the Congress must give its assent.

Passage of this resolution and its acceptance by the President would open a new era in the relations between the Congress and the Executive in dealing with the war powers of this Nation.

Therefore, I urge this body to give its approval to House Joint Resolution 542—as reported from the Committee on Foreign Affairs.

Mr. TIERNAN. Madam Chairman, I rise to speak in favor of House Joint Resolution 542 which will place significant restraints on the President's ability to commit U.S. Armed Forces abroad without prior congressional approval.

In the past 20 years we have seen a growing willingness by our Presidents to bypass congressional approval of involvement of American Armed Forces in undeclared conflicts. At the same time, there has been a continuing usurpation of congressional power by the Executive.

Both the 91st and 92d Congresses attempted to deal with these problems by considering war powers legislation. Both times I argued vigorously that the Congress should act to prevent any further erosion of the congressional power to make war. Unfortunately, the House and Senate were never able to agree on a formula to limit the President's power to involve the United States in "undeclared wars."

It is my sincere hope that the House of Representatives will approve House Joint Resolution 542 and that the Senate will follow Senator FULBRIGHT's suggestion to adopt similar language.

If we are to "preserve, protect, and defend the Constitution of the United States," we must act now. Too many times the Congress has shirked its duty and abandoned its authority to declare war through inaction or by underwriting the illegal actions of a President by enacting resolutions which give him a carte blanche in the area of military operations overseas.

Today we must realize our responsibility under the Constitution and our duty to the American people to preserve our democracy by once-and-for-all limiting the President's ability to wage aggressive undeclared wars.

As written, House Joint Resolution 542 would allow the President to preserve the security of the United States in case of a national emergency. I agree that the President must have the power to defend the United States in case of an attack. But I believe that no single man should have the power to commit our lives and resources to the future Vietnams of the world.

The intent of our Founding Fathers is clear. Article I, section 8, of the Constitution specifically gives to the Congress the power to declare war and make rules for the regulation of Armed Forces. The writings of Jefferson, Madison, Monroe and others make it perfectly clear that no warmaking power is given to the President.

Lincoln reiterated this when he said:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure.

We in Congress do not seek to reclaim our right to declare war because we are any wiser than the President. We do so first and foremost because the future of our democratic form of government, as envisioned by our Founding Fathers and established by the Constitution, is at stake. Second, it is my belief that Congress would use this authority more sparingly than the President, as one man, would. For war is the most crucial issue anyone can deal with, and it should not and cannot be easy to initiate.

Open debate by the Congress may bring up risks otherwise overlooked or alternative courses never considered. It substitutes the experience of many voices for that of one at a time when no objection is too small. And it may well serve to secure the consent of our citizenry, certainly a vital factor as the Vietnam war has so painfully proved. The President reaches his decision to go to war through private processes, inaccessible to the individual citizen, Congress provides that accessibility. Without the moral sanction of the American people, the consequences of war are no less destructive here in our own country than where the bombs are falling. Only by returning to the dictates of the Constitution can we guarantee that we will never again go to war without the support of our citizens.

The war power resolution is the most important consideration on which we will undertake during this Congress. I urge every Member of this body to vote in favor of this measure.

Mr. PODELL. Madam Chairman, the time has come for the Congress of the United States to reassert its position of equality with the executive branch. For too long, have we allowed ourselves to be exploited as a rubberstamp for Presidential supremacy. This legislation, House Joint Resolution 542, which severely limits the circumstances under which the President can commit U.S. troops abroad without congressional approval, can be the first nail in the coffin of congressional complacency.

The Constitution gives the Congress the power to declare war. Clearly, it was the intention of the framers of our government to employ the collective wisdom of both the executive and legislative branches, before committing our Nation to armed conflict. Yet, today we are told that a declaration of war would probably mean nuclear holocaust. We have been forced to swallow an expansive set of national commitments which have escaped the careful consideration of this body. The founders of our Government placed a grave responsibility on the shoulders of Congress and we can not shrink from it and still fulfill our duties of office.

This legislation would not in any way inhibit the ability of the Commander in Chief to respond to a direct threat to the security of our Nation. It would only ensure that the Congress be given the maximum opportunity to advise and consent in all hostilities. Our Nation cannot afford any more errors of judgment in our foreign policy. One small mistake could easily drag us down into the quagmire of overbroad commitments and entangling hostilities.

If there is one lesson that can be learned from the events of the sixties, it is that no one man should be allowed to monopolize our foreign policymaking process. Full public discussion, whenever feasible, is an essential ingredient in the working of a democracy. Certainly, the recent agreements signed by the world's two major nuclear powers amplifies the need, and increases the opportunity, for reasoned debate. The Presidency is often an isolated and lonely office. It is the duty of Congress to make sure the will of the people is heard and adhered to.

Some of the most significant provisions of this legislation are those that deal with the obligation of the executive to keep both the Congress and the American people promptly informed of all commitments abroad. Overclassification and excessive secrecy have plagued our Nation throughout the last decade. Both the legislative and executive branches must learn to cooperate in pooling their research and analysis, since information is the key to any rational foreign policymaking.

How many more billions of dollars must this Nation spend before Congress is willing to assert its authority? How many more lives must be lost? This Nation cannot afford another Vietnam while Congress retreats from its constitutional responsibilities. The time to act is now. I urge all my colleagues to join me in support of this long overdue legislation.

Mr. PARRIS. Madam Chairman, I would like to take this opportunity to comment upon what I consider to be a very serious, and indeed dangerous, fault in the legislation which we have before us. Specifically, I refer to section 4(b) of House Joint Resolution 542, which in actuality denies to the President of the United States the authority to commit U.S. Armed Forces into combat without specific congressional approval.

According to section 4(b) as it is now worded, it is required that pursuant to section 3 of the bill, within 120 days after a report is submitted or required to be submitted, the President shall terminate any commitment and remove any enlargement of U.S. Armed Forces with respect to which such report was submitted, unless the Congress either enacts a declaration of war or a specific authorization for the use of our Armed Forces.

I would like to respectfully submit to my colleagues that the Congress cannot and probably would not "clear its throat" in 120 days unless language is written into this bill which would require some affirmative congressional action in that time period.

Under the Constitution, the power "to make war" is jointly shared by the legislative and executive branches of our Government. For this reason I firmly support legislation which would strengthen and enhance the flow of information to and between both branches, so that both may wisely exercise their constitutional responsibilities in case of impending or present foreign crises. Section 4(b) goes beyond this objective, in strengthening the warmaking powers of the Congress at the expense of those of the Executive.

It is my understanding that a number of amendments to House Joint Resolution 542 will be offered to delete this objectionable provision, substituting language which would require some type of affirmative congressional action within a specific time period after the submission of the President's report on his action in committing U.S. Armed Forces.

Specifically, I would like to direct my colleagues' attention to H.R. 8898, legislation introduced by my friend Mr. REGULA, which I have cosponsored, and which I understand may be offered all or in part as a substitute to House Joint Resolution 542. According to the provisions of this bill, if, in the case of a national emergency, the President should commit U.S. Armed Forces into combat, the President would submit to Congress within 24 hours a report of his actions. Congress would then be required to then take affirmative action, within 90 days after the receipt of the President's report, either approving or disapproving this commitment of U.S. Armed Forces. If the Congress should approve his actions, the President would nevertheless be required to report back to the Congress at 6-month intervals on the progress of the hostilities in question. In the event of congressional disapproval, the Armed Forces would be required to be withdrawn as expeditiously as possible. Lastly, but most important, in the event the Congress failed to take any action to either approve or disapprove the President's action, this would in fact constitute approval of the commitment of U.S. Armed Forces.

I support the provisions of H.R. 8898, and I hope my colleagues will do likewise in the upcoming debate on House Joint Resolution 542.

Mr. BINGHAM. Madam Chairman, House Joint Resolution 542, the "war powers resolution of 1973" of which I am proud to be a cosponsor, is of major importance. It reflects successful efforts by the Foreign Affairs Committee, and especially the subcommittee which originated the legislation, to achieve a compromise bill supported by an overwhelming majority of the committee's members.

I especially want to compliment the chairman of the subcommittee, Mr. ZABLOCKI, for his outstanding leadership in this regard.

House Joint Resolution 542 is superior in a number of respects to its sister bill in the Senate, S. 440, which shares the same laudable purpose—of defining the powers of the President to engage in military hostilities abroad without a congressional declaration of war.

For one thing, S. 440 yields to the temptation to try to define future circumstances in which a President can commit U.S. Armed Forces to hostilities without prior congressional authorization. This raises a double-edged problem. If we give a President broad blanket authority to send troops into battle whenever he judges that there is an imminent threat to the United States, or its forces or citizens anywhere, as provided by S. 440, we are giving the White House what could become a blank check. On the other hand, if we try to spell out more restricted circumstances in which a President could take action, how do we know that we may not be unduly tying his hands in some unforeseeable future crisis which genuinely threatens our national security?

In my own proposed war power bill (H.R. 5669) I avoided this unnecessary effort to foresee all situations in which the President might have legitimate need to use troops. I am happy that House Joint Resolution 542 also avoids this possible pitfall.

In this and other respects I feel that House Joint Resolution 542 is reasonable and responsible legislation which would go far toward reasserting the Congress constitutional power in this area. I strongly urge its adoption.

I will reserve further comments on the substance of the resolution until we reach the amendment stage on the bill.

Mr. BURKE of Florida. Madam Chairman, I must rise in opposition to the passage of House Joint Resolution 542, the war powers resolution of 1973, because I honestly feel that it is a mistake to attempt to draw rigid lines between the President and the Congress in the area of warmaking. Furthermore, even if this action was desirable, it should not be done by a joint resolution of Congress, but instead by a constitutional amendment. In my humble opinion and in the opinion of many lawyers, most of the important provisions of House Joint Resolution 542 would probably be declared unconstitutional.

The term "war powers" may be defined as the authority inherent in national sovereignties to declare, conduct, and to conclude armed hostilities with other nations. The U.S. Constitution reserves the following powers expressly to the Congress in article 1, section 8:

> 11. To declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water;
>
> 12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;
>
> 13. To provide and maintain a Navy;
>
> 14. To make rules for the government and regulation of the land and naval forces;
>
> 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;
>
> 16. To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States; and
>
> 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this constitution in the Government of the United States, or in any department or officer thereof.

The war powers of the President are however expressed in article II, section 2, which states:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

Our Founding Fathers wisely left an element of flexibility in the authorities of Congress and the President, and this has enabled Presidents to employ the power which this flexibility has allowed to encourage peaceful resolvements of potentially dangerous situations.

Although I support the constitutional grant giving authority to the Congress to declare war, nevertheless, at the same time, I support more the President's right to defend our Nation against attack or even possible attack without prior congressional authorization.

We must give the American voter and the American system of elections full credit for selecting in most instances able men to be our Presidents.

Madam Chairman, the President must have the confidence and support of the American people in order for him to be elected to office. His actions as President are similarly subject to public opinion. It is most ironic that House Joint Resolution 542, which is before us today, and was constructed with an eye toward the unfortunate experiences in the mid-1960's, would not have prevented our steadily deepening involvement in Vietnam had it been on the books since 1789. Except perhaps by hindsight, there is no reason to believe that the Congress would not have acted through the mechanism set forth in House Joint Resolution 542, had it been in effect at the time of the Gulf of Tonkin incident, to declare war, if this had been the action requested by President Johnson.

Yet today we are trying to close the barn door after the horse is already out, with this war powers legislation, but what we are likely to do is to splinter the door into fragments so that passage either way through the door is dangerous and the control of the horse is impossible.

Constitutional powers should not be tampered with lightly. Our system of government has worked well for almost 200 years, and I honestly feel that history will reflect that the action being contemplated by the House today, would work to the detriment of our system of government and against the best interests of the American people in the future.

Specifically, section 4 (b) and (c) of House Joint Resolution 542 are in my opinion against the best interests of the United States. Section 4(b) provides that the President at the end of 120 days, without regard even to the immediate safety of our Armed Forces, must terminate any involvement of U.S. Forces in hostilities outside the United States, and withdraw newly dispatched combat forces from the area of any foreign country unless the Congress by that time has enacted a declaration of war or specifically authorized the use of our Armed Forces. Section 4(c) provides that hostilities and deployments may be terminated by Congress alone at any time within the 120-day period, by means of a concurrent resolution having no force of law.

As a practical matter we all know that the Congress does not always move as quickly as it should and a legislative deadlock might develop thereby making it necessary to withdraw troops already committed to combat after 120 days. My colleagues, this is a chaotic way to conduct military actions, or for that matter to conduct a government. It is highly undesirable for Congress through its own inaction to be able to determine whether a course of Presidential action should be continued.

Under present law, if the Commander in Chief orders our forces to deploy or to engage in hostilities, Congress may effect such action if it wishes, by use of constitutionally granted powers. But seeking to provide that a concurrent resolution shall have the force of law, we are embarking on an extremely dangerous and probably unconstitutional course of action.

Decisions of war and peace by the United States should not be developed by confrontation between the Congress and the Executive, but rather it should be developed by a maximum amount of cooperation between the two branches. I therefore urge that you recognize that this is bad legislation before us today and it should be defeated. It is my opinion that the constitutional authorities presently in existence are sufficient allocations of the war powers between Congress and the executive branch.

Mr. HOLIFIELD. Madam Chairman, I intend to vote for passage of the war powers resolution of 1973, and I commend the Committee on Foreign Affairs for once again bringing this important measure before the House.

In my view, the war powers resolution does two things:

First, it helps to fill a long existing constitutional void.

Second, it more clearly defines the warmaking powers of the President and guarantees the participation of the Congress in the foreign policy of this country—especially where that policy is enforced by the use of military power.

I want to emphasize that the Congress, not just the other body, has a constitutional role in foreign policy. This House has for too long refused to assert its powers and has, too often, confined its foreign policy role to the appropriations process.

As written, our Federal Constitution is silent in numerous instances with respect to the exercise of congressional, judicial and Presidential powers. Those who drafted the Constitution could not possibly have foreseen the growth of a technological society, or the great complexities of our foreign relations in a nuclear age. During crisis after crisis we have been left floundering in a thicket of controversy over "inherent powers," "assumed authority," and claims of usurpation of the powers of one branch of Government by another.

The constitutional voids and gray areas having to do with the warmaking powers became apparent very early in our national history, and we have had to deal with international situations continuously from 1798 until now without constitutional or statutory guidance.

For example, the hearings of the Foreign Affairs Committee on the war powers resolution list 199 instances where the United States has engaged in military action abroad without a declaration of war—from the naval war with France in 1798 to the Jordanian-Syrian crisis of 1970.

Contrasted with these 199 instances of Presidential action—supported by the Congress—the Congress has declared war only 5 times.

Both declared and undeclared wars have resulted in great criticism and distrust of both the Presidency and the Congress. As a result, our democratic processes of government have often become strained and distorted, as they are today.

I believe it is now time to end this distortion and confusion which has plagued us for so long, by defining the roles of Congress and the President with respect to undeclared wars. Our position in the world and our relationships with other governments make such action mandatory.

Early this year, the State Department furnished each of us with a 420-page document listing the treaties and agreements which we have in force with dozens of other countries.

Many of these treaties and agreements, which we in the House had no part in making, call for military action by the United States. Without doubt, if we are to carry out our solemn agreements with other nations, while serving our own best interests, an undeclared war or the commitment of troops abroad will be necessary in the future.

In fact, we would not want to take the grave step of formally declaring war in most cases because of the grave international implications involved in such a step.

The resolution before us is not addressed to any particular war or military action. It does not criticize, nor is it aimed at any President. It does not affect the President's flexibility in dealing with any future international crisis.

These are the things that the resolution will do:

It assures that the Congress—including the House at long last—will be fully consulted and will decide whether to commit the lives of those we represent to a foreign conflict.

Also, the Congress will be provided, at long last, with sufficient information to permit it to intelligently exercise its constitutional duties and prerogatives in these situations.

Most importantly, passage of this resolution will apply the rule of law to these future Presidential actions in the foreign policy area.

The 43 California Members of this House represent more than 10 percent of the young men who would be called upon to fight an undeclared war. Our constituents would be called upon to pay a high share of the costs of such a war. And the odds are that more of our constituents would be buried in the course of any such war.

For no other reasons than these, California's people are entitled to their voice in these matters through their elected representatives.

But there are better reasons for supporting the war powers resolution. These are:

The preservation of representative government in all facets of our national life;

The preservation of the Congress and of this House as the representatives of the will of the people; and

The preservation of the rule of law versus the rule of men.

In conclusion, let me say that I have no desire to inhibit any President or future Congress in the ability to move in our own national interest. If I believed that this resolution would do so, I would not support it.

This resolution will not inhibit the President or the Congress. It merely assures that we, the elected representatives of the people, will help decide whether future foreign military operations are in fact in the national interest.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This measure may be cited as the "War Powers Resolution of 1973".

Mr. ZABLOCKI. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 542), concerning the war powers of Congress and the President, had come to no resolution thereon.

POULTRY CRISIS

(Mr. KAZEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, I rise to call attention to a crisis facing poultry growers and processors in my south Texas district, and to warn that their problem looms from one end of the country to the other. I was in my district over the weekend, and I talked to poultrymen who are drowning and gassing young chickens because they see no way to recover the money it would cost to feed them. They are destroying eggs because they cannot now expect to provide fryers and broilers to the Nation's markets at a break-even point, let alone gaining a reasonable return for their labor and investment.

There is a strong possibility that chickens and eggs will disappear from the retail markets of the Nation. Every one of us knows that the family budget is being strained these days. With some reluctance, we have recognized the need for controls. But the goal is to stop the rise in the cost of living, not to eliminate a major source of protein in our daily diets.

I have communicated my concern to the President. I have told him that the June 1 to 8 base period for price controls is striking the poultry industry with burdens it cannot sustain. In that period, retailers were pushing chickens in their stores as "loss leaders," but they cannot continue those losses, so they are canceling orders to the poultrymen at a time when feed ingredient prices are the highest in history.

I have urged the President, for action, by Executive order which will save the poultry industry and protect the family food shoppers of the country.

I shall counsel with other Members from districts where poultry production and processing is important to the economy, but I also call on every Member of this House to become concerned in this problem because it is one that vitally affects the entire Nation. An adjustment of price controls is essential if we are going to continue to have poultry and eggs in our retail stores and on our dinner tables.

IMPOUNDMENT LEGISLATION REPORTED BY RULES COMMITTEE

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on last Thursday, June 21, the Rules Committee reported H.R. 8480, the impoundment control bill to the floor of the House which will be considered by the membership after the Fourth of July recess.

This legislation, if enacted into law, will require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding and to establish for the fiscal year 1974 a ceiling on total Federal expenditures.

The Rules Committee held nine public hearings and took testimony from many Members of Congress, Government departments, and also from Senator SAM J. ERVIN, JR., who is the sponsor of an impoundment bill reported by the Senate some weeks ago.

Members of the House and Senate have been receiving many complaints regarding the impounding of funds on legislation and various programs enacted into law by the Congress during the last dozen years. I know the Members of Congress when they return home over the Fourth of July recess will receive plenty of protests from the public and various organizations on the curtailment and in some cases complete abatement of legislative projects enacted into law by the Congress. The curtailments and impoundments have also halted or greatly reduced urban renewal projects, housing, pollution, education, and other programs passed by the Congress.

Mr. Speaker, I ask unanimous consent to include with my remarks excerpts from the New York Times of yesterday, Sunday, June 24, 1973, setting out the astounding conditions existing in New York, New Jersey, and Connecticut, caused by cuts of funds in health programs. The facts set out in these articles as reported by health officials in this area are similar to what is taking place all over the Nation, especially in urban centers.

[From the New York Times, June 24, 1973]

HEALTH OFFICIALS SAY NIXON'S CUTS WOULD HURT POOR—PROPOSED REDUCTIONS IN AID CALLED THREAT TO VITAL MEDICAL PROGRAMS

(By Martin Tolchin)

WASHINGTON, June 23.—Health officials in New York, New Jersey and Connecticut warned today that President Nixon's proposed cuts in funds for health programs, estimated at $1.2-billion, would curtail and terminate vital health services to the urban poor.

MAJOR REDUCTIONS

Dr. Franklin M. Foote, Connecticut's Commissioner of Health, typified the dismay of health officials in the tristate area. "It's going to hurt the things we're doing in the field of prevention and community preventive programs, and two programs in our bigger cities, aimed at low-income disadvantaged groups, are going to be curtailed," he said.

How deeply will the cuts be felt? "If it happens to be your child who gets a case of measles because of lack of immunization, and he becomes mentally retarded, you would consider it a serious thing," Dr. Foote said.

The major reductions in the proposed Federal health budget are in the areas of health manpower grants and contracts (from $673.5-million in 1972 to $440-million in 1973 to $382-million for the coming year); preventive health services (from $88-million to $157-million to $125-million); health manpower construction (from $161-million to zero).

The proposed cuts have created a pervasive feeling of despair in medical circles in New York, according to local health officials.

"The magnitude of the Federal research cuts is creating a gloomy concern about the future of the medical profession in New York City," said Gordon Chase, the city's Health Services Administrator. He estimated that the cuts would cost the city's eight medical schools and 161 hospitals up to $50-million.

CONCERN ABOUT FUTURE

"New York State's the principal medical center of the nation," said Senator Jacob K. Javits. "The cuts mean that we will curtail the future medical capability of our country."

In the tristate area, the cutbacks in Federal funds for both research and programs are viewed with despair.

"The Federal cutbacks is a matter of great seriousness to this department and one which will have its principal effects on research and direct services to the urban poor," said Kearney L. Jones, the New York State Health Department's director of financial and administrative services.

CITY LISTS THE EFFECTS IT EXPECTS FROM CUTS

The city's Health Services Administration said President Nixon's proposed cutbacks in Federal health funds would probably result in the following:

Reduction in the city's maternal and child health services by $8.5 million.

Layoffs of 10 to 20 per cent of the faculties of the city's eight medical schools.

Termination of 17 medical residencies at Montefiore Hospital and curtailment of nursing education at Beth Israel Hospital.

Elimination of the X-ray technician training program at Bellevue; loss of $1 million in scholarships for nurses and technicians at Kings County.

Curtailment of the outpatient department at Mount Sinai Hospital and ambulatory care at Gouveneur Hospital.

Curtailment of graduate health-planning programs at Columbia University and New York University, as well as the Columbia University School of Public Health and administrative programs in health care at Columbia, N.Y.U. and the City University.

FEDERAL FINANCING OF HEALTH PROGRAMS

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, the Health Service and Mental Health Administration is turning into a policymaker's wonderland.

First it proposed that in order to qualify for HSMHA support now, health services delivery projects must be able to prove they can do without such support later. They must be able to show in advance that they can become self-sustaining community-based operations. I want to commend the gentleman from Florida (Mr. ROGERS) for alerting the Congress to this vicious, callous bureaucratic misinterpretation of congressional intent policy, which applies to family health centers, health maintenance organizations, migrant farm worker projects, and others for alcoholism and drug abuse.

Now HSMHA is proposing that effective July 1, fees be charged for the training of public health personnel conducted by the Center for Disease Control. The estimated "fee range" per student day for laboratory courses would be $35 to $100 for example, and would apply to all public health training courses given by CDC for Federal, State, and local agencies, private industries, universities, and others.

I include these new regulations as they were published in today's Federal Register:

[Department of Health, Education, and Welfare, Public Health Service]

CENTER FOR DISEASE CONTROL

(Direct Training—Fees; Notice of Proposed Rulemaking)

Section 311(b) of the Public Health Service Act (42 U.S.C. 243(b) authorizes the Secretary of Health, Education, and Welfare to train personnel for State and local health work.

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, proposes to amend subchapter E of chapter I, title 42, by adding a new part 65, as set forth below. Part 65 would establish a new policy with respect to the training of public health personnel conducted by the Center for Disease Control, Health Services and Mental Health Administration, beginning July 1, 1973, by requiring generally the payment of fees to meet training costs. The notice contains a proposed range of fees, the precise amounts to be determined on the basis of the estimated costs related to the conduct of a particular course. A waiver provision is also included, essentially, to assure the maintenance of a sufficient number of qualified public health workers necessary to carry out disease control functions of critical regional and national concern.

Written comments are invited. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be submitted in writing, in triplicate, to the Regulations Officer, Center for Disease Control, Building 1, room 204, 1600 Clifton Road NE., Atlanta, Ga. 30333.

Budgetary considerations require the effective date to coincide with the start of the new fiscal year. Accordingly, notice is also given that relevant material must be received on or before July 9, 1973, to be considered. All comments received in response to this publication will be available for public inspection during normal business hours at the foregoing address. It is proposed to make the regulations effective July 1, 1973.

Dated June 1, 1973.

HAROLD O. BUZZELL,
Administrator, Health Services and Mental Health Administration.

Approved June 20, 1973.

CASPAR W. WEINBERGER,
Secretary.

PART 65—FEES FOR DIRECT TRAINING

Sec.
65.1 Establishment of fees.
65.2 Definitions.
65.3 Schedule of fees.
65.4 Application procedures.
65.5 Payment procedures.
65.6 Refunds.
65.7 Waivers.

Authority.—Sec. 501, 65 Stat. 290; 31 U.S.C. 483a.

§ 65.1 Establishment of fees.

Except as otherwise provided in § 65.7, effective July 1, 1973, a fee shall be charged for all students receiving direct training conducted by the Center for Disease Control.

§ 65.2 Definitions.

(a) "CDC" means the Center for Disease Control.

(b) "Direct training" means all public health training conducted directly by CDC through courses for employees or representatives of State and local governmental agencies, other Federal agencies, international agencies, private industries, universities, other non-CDC agencies and organizations, and private individuals.

§ 65.3 Schedule of fees.

(a) Following are estimated fee ranges:

[*Fee per student day*]

Classroom courses	$25–$75
Homestudy courses	6– 15
Laboratory courses	35–100

(b) The fees specified in paragraph (a) of this section are based upon an analysis of the cost of previous courses and are, therefore, subject to revision. Fee ranges are given to indicate that fees may vary according to course design and facility location, i.e., whether a student attends a headquarters course or a field course. Up-to-date fee schedules for regular training courses will be available from the CDC headquarters offices and will be published in an addendum to the CDC Training Bulletin (available on request) and, when necessary, a general notice will be published in the FEDERAL REGISTER. The fee for special training efforts will be based upon the training requirements agreed upon between the requester and CDC.

§ 65.4 Application procedures.

Specific training information, including application procedures, may be obtained from CDC headquarters offices and the CDC Training Bulletin. Applications for enrollment in direct training courses shall be made on form HSM 319–A (CDC) and submitted to CDC. Requests by organizations for field courses and special training efforts should be made in writing to CDC at the following address: Center For Disease Control, Attention: Training, Atlanta, Ga. 30333.

§ 65.5 Payment procedures.

Upon notification of acceptance in a direct training course, applicants shall submit payment of fees as follows:

(a) Federal agency applicants shall submit a letter identifying the agency and office to be billed, the agency order number, and any code number or other necessary billing information.

(b) State and local agency applicants shall provide similar billing information or submit check payable to the Center for Disease Control.

(c) All other applicants shall submit a check payable to the Center for Disease Control prior to the commencement of the course.

§ 65.6 Refunds.

Fees may be refunded in full provided (1) notice of withdrawal is received no later than 10 days before commencement of the training and (2) the withdrawal does not result in cancellation of a course because of insufficient funds to produce the training. Fees will be refunded when an application is not accepted, when a course is oversubscribed, or when a course is canceled.

§ 65.7 Waivers.

(a) CDC may waive the fee requirement when such waiver is judged to be in the public interest. Requests for waiver shall accompany completed applications for training or shall be submitted by organizations during arrangements for training. Waiver requests shall be submitted in writing and must include (1) an explanation of the relationship of the applicant's job to the training desired and (2) a justification for waiver of the fee, which explains how the training relates to the achievement of national goals of concern to CDC and why a waiver is needed.

[FR Doc.73-12675 Filed 6-22-73;8:45 am]

INDEPENDENCE FOR THE BAHAMAS

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, 2 weeks from tomorrow the islands where Christopher Columbus 481 years ago first set foot on the "new world" will finally achieve their full political independence. I refer, of course, to the Bahama Islands which are scheduled to become independent from Great Britain on July 10. I have asked for a special order to address the House on July 10 to mark Bahamian Independence Day and as chairman of the Subcommittee on Inter-American Affairs I would like to take this opportunity to invite all of you to join me in making remarks on that occasion.

Today, Mr. Speaker, I would like to note a memorial to Congress from the House of Representatives of my own State of Florida urging Congress to extend our congratulations to the Bahamas on the celebration of their independence.

The text of the resolution sponsored by Representative Gwendolyn S. Cherry and approved by the Florida House reads as follows:

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES URGING CELEBRATION OF THE BAHAMA ISLANDS INDEPENDENCE DAY, JULY 10, 1973

Whereas, on October 12, 1492, Christopher Columbus landed in the Bahamas on an island he christened San Salvador, now known as Watling Island, and

Whereas, in 1629 the English King Charles I granted Sir Robert Heath, attorney general of England, territories in America, including "Bahama and all other Isles and Islands lying southerly there or neare upon the foresayd continent . . .", and

Whereas, Captain William Sayle landed on the abandoned islands in July of 1647 with seventy prospective English settlers, but the colony did not prosper, and

Whereas, John Wentworth was appointed the first governor of the Bahamas in 1671, and Captain Woodes Rogers was appointed the first Royal Governor in 1718, and

Whereas, the United Kingdom Emancipation Act came into force in the islands in 1834, the first step toward freedom and equal rights for the inhabitants of the islands, and

Whereas, the colony achieved full internal self-government in January 1964, and

Whereas, the Bahamas make notable contributions to the economic life of the Caribbean area through the production of wood products and salt, and through the fishing and tourist industries, and

Whereas, the Bahamas will enjoy full independence on July 10, 1973, free from foreign rule to chart her own course in world affairs, now, therefore,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is hereby urged to extend by appropriate means to the government and people of the Bahama Islands official congratulations upon the celebration of Independence Day in the Bahamas, July 10, 1973, and that necessary steps be taken that the people of the United States may officially partake in the observance of said day.

Be it further resolved that copies of this memorial be dispatched to the President of the United States, the Prime Minister of the Bahamian government, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

LEGISLATIVE SUMMARY

Urges Congress to offer official congratulations to the people of the Bahamas on the celebration of their Independence Day, July 10, 1973.

FEEDING THE WORLD AT EXPENSE OF THE AMERICAN CONSUMER

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, the purpose of my taking the well is to call to the attention of the Members of this body the seriousness of what could very well amount to a critical shortage of food in the immediate months ahead. Many of my colleagues who have rural districts are aware of the extraordinary action taken by the U.S. Department of Agriculture last Thursday when they asked the Chicago Board of Trade to limit the normal operation of future trading of soybeans and soybean meal. The reasons for suspending trading on soybeans were based on reports that there will be only an estimated 40 million bushels of beans available in the entire United States on September 1. This is only a 2-week supply.

The severe shortage came about because of the unprecedented large sale of soybeans to Japan and Russia. As a result of the scarcity of beans, the commodity brokers have actually traded in both beans and meal and the price of these commodities has risen rapidly.

My concern, Mr. Speaker, is that the broiler producers, the cattle feeders and the hog growers throughout America are thoroughly disillusioned as to what the future may hold and they hesitate to plan. Many, in fact, are suspending operations which certainly point out to me the very real possibility of a food shortage this fall.

Last week, I received a call from Miller Poultry Co. of Piedmont, Ala., which is one of the largest broiler producers in my State. This firm—based on the average consumption of chicken by Americans—produces enough broilers annually to feed more than 300,000 Americans. The president of the company, Mr. Charles Miller, told me that within the past 2 weeks, he has sold to the egg breaking plants more than 1,200 cases of eggs which would normally go into his incubators for hatching purposes. He received 47 cents per dozen for those eggs which cost him approximately $1 per dozen to produce from his breeding flocks. Dr. Miller also told me that he elected to destroy some 50,000 day-old baby chicks rather than place them with his broiler producers who would normally feed them out for the market. He will have no eggs in his incubators this week which means that the chickens which would normally go to food chains in Washington, Chicago, and New York in August and September will not be available. Why is Mr. Miller having to take this action? A year ago, he was paying $115 per ton for 49 percent bulk soybean. Now he is paying $460 per ton—a 400 percent increase in the short period of 12 months. That is reason enough.

Mr. Speaker, this is not an isolated case. The same situation exists in many segments of agriculture. I have repeatedly called these facts to the attention of the Secretary of Agriculture and I have joined with other concerned colleagues of this Congress in asking that a moratorium be placed on future exports of soybeans until we determine what we may expect from the new crop.

While I am pleased that America is producing enough to feed the less fortunate nations around the world, I am nevertheless convinced that it would be tragic if we should be so shortsighted that we fail to take care of our domestic requirements. The exorbitant high price of soybean meal can mean only one thing—a further increase in the price of food to the American consumer. I think that this is a rather expensive way to improve our relations with foreign countries. What we are doing is feeding the world at the expense of the American consumer.

HOW TO SETTLE OUT OF COURT

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues, the following newspaper articles outlining the Nation's first televised Better Business Bureau voluntary arbitration hearing that took place within my congressional district.

It should be significant to all those who are concerned about the consumer that the Better Business Bureau is endeavoring, through the mechanism they established in Santa Barbara, to resolve consumer-business problems that occur in the marketplace. I would like to commend Mr. Leonard Kummer, president and tribunal director of the Better Business Bureau of the Tri-Counties, Inc., and Mr. John E. Greene, executive director, for their unique approach to consumer-business problems.

The articles follow:

BBB ARBITRATION: HOW TO SETTLE OUT OF COURT

(By Chet Holcombe)

The nation's first public arbitration hearing was conducted here yesterday by the Santa Barbara Better Business Bureau as a pilot case to demonstrate such a voluntary effort to settle a consumer complaint without need of lawyers, courts or any other expense.

Under the glare of network television floodlights, and with radio and newspaper reporters noting every word, Lawrence D. Cohn, a businessman serving as arbitrator, heard the 1½-hour dispute at the community room of Santa Barbara Savings and Loan Assn., 1035 State St.

A couple of dozen persons, mostly from the news media, heard Mrs. John H. Peters Jr., 3954 Carol Ave., bring her complaint against the Furniture Guild, 89 S. Patterson Ave. It was the second local BBB arbitration, the first to be public.

Mrs. Peters, surrounded by her family, charged that twice the fabric on her living room furniture had failed to give satisfactory service despite "guarantees" by the store's salesman and manager. Thomas Gates, the store manager, denied this, saying the fabric had given normal wear, was not guaranteed, and had already been replaced once. He said a whole new set of a chair, love seat and sofa, had already been substituted for the original set.

Cohn, an account executive with the Financial Advisory Clinic, decided that the furniture company was not obligated to replace the furniture or fabric. He ruled that the Furniture Guild would pay for the cleaning and protective spraying of the fabric.

Robert Love, General manager of the store, said afterwards that he was satisfied with the verdict. But he was taking it a step farther, giving Mrs. Peters the right to choose any new set of living room furniture with any fabric. "The point shown here is that the customer got to see that she received, through arbitration, full satisfaction," Love added.

Mrs. Peters declared that she was happy with the hearing. "It reveals to all persons that they have a fair chance to air their complaints against merchants to a third party, free of charge, with no lawyers nor courtrooms required," she said.

The events, observed by James Keating of the California Department of Consumer Affairs, Sacramento, and Dean Determan, Washington, D.C., counsel for the National Council of the Better Business Bureaus, and other BBB officials, began with an inspection by all parties of the three pieces of furniture under dispute at the Peters' modest home. Lights, cameras and recorders were there.

Then the parties went to the hearing room downtown.

Leonard W. Kummer, BBB tribunal director, explained that the names of five persons from among 89 local citizens on the master list of arbitrators were submitted to both parties. Of the five, the disputants agreed on Cohn, and he was sworn in earlier.

John Greene, Better Business Bureau general manager, made the hearing arrangements, and Mrs. Anne Milliken served as notary, swearing in all participants and witnesses, who agreed that the voluntary arbitration would be binding and that it would be public.

Mrs. Peters explained that she and her husband, a carpenter, bought the three pieces of furniture on July 15, 1972, and, the fabric began to shed and fade, although she understood the salesman, James Johnstone, to say that the furniture and the fabric were "the finest" and "guaranteed."

Her husband explained that the first complaint was made last Aug. 29, and the new furniture was delivered last Jan. 19. Again in April, a complaint was made, and on May 3 a factory representative came to the house and said the wear on the furniture was normal. And the store refused to replace the fabric again. Peters said, however, that Ray Gonzales, store service manager, had promised to replace the fabric with more expensive polyester. A friend, Mrs. Lela Pelton, criticized the fabric. Peters' mother, Mrs. Madeline Peters of Jackson, Calif., told of seeing the fabric of the first furniture "in bad shape."

Gates, the store manager, said that through a breakdown in communication, his word to Gonzales that the store could not replace the fabric the second time with more expensive fabric was not passed on to Mrs. Peters. When the second furniture was delivered in January, she was disappointed.

However, the store did not hear from her again until April, Gates said. Gonzales said he had asked Gates about the request for the new fabric, which Gates turned down—but Gonzales did not so notify Mrs. Peters.

Pat Callahan, a representative of De Lux Furniture Co. of Los Angeles, testified that the fabric is a moderately priced, rough, burlap-type linen, which gives good service under normal wear conditions. He read a laboratory report from the Apollo Chemical Co. in North Carolina, certifying tests by the Slater Fiber Testing Bureau of New York City, which showed the fabric to be "100 percent satisfactory."

Laurie Jacobson, of the Jacobson Furniture Co., called as an expert witness, said the test, of course, was not with the exact material on Mrs. Peters' furniture, although it was similar material. He said that no furniture store can guarantee any fabric, although the wood and upholstery can be guaranteed. He questioned the "sales pitch" made by the store, but noted that the fabric had been given a protective spray, which normally should protect it for two years.

James Johnstone, the salesman, said he had been on the job two months when he sold the furniture to Mr. and Mrs. Peters and did not remember the "exact case." "Normally, under those conditions," he said, "I do not make guarantees on the fabric, only to say that the customer's satisfaction is guaranteed. I would not have said it was our best quality, selling for $500. I know that herculons, vinyls and polyesters are better and more expensive."

Love, the general manager, agreed with Johnstone's remarks, and added that "we do not authorize salesmen to promise anything about the fabrics, but, on the first time around, we guarantee all our merchandise."

Then Cohn recessed the hearing for 15 minutes. He came back to announce his ruling.

ARBITRATION HEARING GETTING FULL EXPOSURE

The initial arbitration hearing held here last Saturday by the Better Business Bureau of the Tri-Countries, as an example of the new free informal method of solving customer complaints open to business, is getting full news media exposure.

Tonight Los Angeles TV Channel 4 will air film taken of the hearing during the 5 p.m. news show, while the "Today" morning program will use portions of the film "sometime this week" out of New York.

Channel 11, Los Angeles, carried a filmed report on Saturday night, while KFWB-AM radio, Los Angeles, broadcast it live on the air Saturday morning. The Los Angeles Times, as well as the News-Press and Radio Stations KTMS and KIST, covered the 1½-hour hearing.

In addition, Channel 3, KEYT (ABC) a local Santa Barbara station carried the Arbitration Hearing.

THE BREZHNEV VISIT

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Brezhnev visit is a credit to the leaders of both countries. We are talking with each other. When people talk, there is a prospect for resolving differences amicably. Between Russia and the United States there are many differences. Primarily these arise from a difference in philosophy of government, not differences between people. Russians and Americans always have gotten along well together when the opportunity was presented.

These are the two great superpowers. One has a government of controlled enterprise, the other a government of free enterprise. There is a basic struggle to determine which concept will prevail in the world of the future. There have been apprehensions that this could only be determined by war. Now the prospects are that the future will be determined through peaceful means.

There was a measure of agreement between Mr. Nixon and Mr. Brezhnev. It is a helpful sign. The true tests still lie ahead. One measure is in what will happen in Indochina. Understandably, Mr. Brezhnev cannot dictate to North Vietnam. Red China is also very much in the picture there. But the fact remains that Russia is the principal supplier to North Vietnam, and Russia can have a very strong influence there if Mr. Brezhnev chooses.

There is nothing in the Washington agreements to indicate a strong effort by Russia to bring peace in Indochina. In reality there is nothing in the agreements to indicate an abandonment of any of the Communist aims for world domination. The Communists simply are making it clear they prefer to achieve their goals through trade and diplomacy.

We should not go overboard in Russia's behalf because Brezhnev was nice to our President during the discussions. We still need to keep our powder dry and our guard up. Communism is still communism, and communism seeks to control the world. None of this takes away from the fact that Brezhnev's visit to Washington and Nixon's proposed visit to Moscow are hopeful signs for growing accord on many matters of concern to both nations and to the world. These things strengthen the prospects for eventual peace.

THE SPECIAL CONSTITUTIONAL POWER AND DUTY OF IMPEACHMENT BY THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from California (Mr. MCCLOSKEY) is recognized for 60 minutes.

Mr. McCLOSKEY. Mr. Speaker, I have taken this special order tonight to speak in favor of House Resolution 431, introduced by my colleague from California (Mr. STARK). That resolution would direct the four agencies now investigating the Watergate incident to submit to the House Judiciary Committee any information necessary and pertinent to the issue of Presidential misconduct.

In support of the resolution, I should like to continue the discussion of the constitutional history and concept of impeachment which was begun on June 6, 1973. In view of the lateness of the hour, I will not repeat that portion of my comments on June 6 which were cut short by the lack of a quorum. Those comments are set forth in full at pages 18397 through 18402 of the Congressional Record of June 6.

On that date, I sought to discuss the concept first advanced by the gentleman from Michigan (Mr. Gerald Ford) 3 years ago when he said that the House of Representatives, in impeachment matters, serves both as prosecuting attorney and grand jury. These are two separate functions. The first is investigatory; the second deliberative and judicial. The function of the prosecuting attorney is to ascertain whether probable cause exists that an individual may have committed an indictable offense. The function of a grand jury is to then discover whether a majority of its members believe the defendant to be guilty of such offense. Only if the second condition is met does an indictment become a reality. This would also be the case with an impeachment by the House of Representatives.

In my earlier remarks, I suggested only the first step by the House, the initiation of the investigatory procedure. It was my belief then, and that belief is stronger today, the facts have been presented to the House and to the public at large which would put an ordinary prosecuting attorney on notice that there is probable cause to believe that an impeachable offense has occurred.

Since the House is the only body in our system of government which can act with respect to Presidential misconduct, I suggested that the House has a corresponding duty to investigate when facts showing probable cause were presented. Since making that suggestion, a number of Members have advanced further recommendations. A resolution, House Resolution 380, has been introduced by two of our colleagues, the gentleman from Florida (Mr. Pepper), and the gentleman from New York (Mr. Rangel), calling for the appointment of a select committee of investigation. House Resolution 431, which I support today, directs that there be submitted to the House Judiciary Committee any information necessary and pertinent to impeachment which may be ascertained by the special prosecutor appointed by the Attorney General, the chairman of the Senate select committee, the Attorney General, and the Director of the FBI.

The gentlewoman from New York (Ms. Abzug) joined by the gentlewoman from California (Mrs. Burke) and the gentleman from California (Mr. Dellums) has urged that the House initiate its own inquiry or that a committee be established or designated to maintain liaison and receive information from the special prosecutor and the Senate select committee. The gentleman from Maryand (Mr. Mitchell) has concurred that there is a duty on the House to now act in some way to learn the facts.

The gentlewoman from Colorado (Mrs. Schroeder) has suggested that the President voluntarily appear before the Senate select committee, as did our first Republican President Abraham Lincoln, under similar circumstances over a century ago. The gentleman from California (Mr. Leggett) has affirmed the propriety of Presidential testimony to the Congress.

The Senator from Michigan (Mr. Griffin) and others have suggested that the President hold a press conference to answer questions fully and candidly in the manner of a British Prime Minister before Parliament.

The gentleman from Virginia (Mr. Daniel) has suggested that the House await the resolution of court proceedings before acting. The gentleman from Florida (Mr. Young) and the gentleman from Michigan (Mr. O'Hara) has properly expressed the hope that any discussion in the House be restrained and prudent, and that we avoid trial by hearsay and innuendo.

The gentlemen from Ohio (Mr. Seiberling) and the gentleman from New York (Mr. Rosenthal) have raised questions as to what, if any, procedure should be followed.

The gentleman from South Carolina (Mr. Davis) is concerned that the money to report our discussions of this subject might be better spent for day care centers, and the gentleman from Indiana (Mr. Landgrebe) has said that the subject is so important as to require a quorum.

The gentleman from Michigan (Mr. Conyers) has said:

> It is time that the House began to face the fact that it alone must resolve the issue for the American people. In saying this, I am not necessarily suggesting that impeachment proceedings be instituted now.

I agree with both of these statements by the gentleman from Michigan: That the House has a duty to resolve the issue of Presidential misconduct, and that impeachment itself is not yet the issue before us.

In this I agree also with the letter circulated by the gentleman from New York (Mr. Carey) and the gentleman from Pennsylvania (Mr. Rooney) joined in by a number of our colleagues, asking that further discussion of the actual remedy of impeachment be withhold pending investigation by the Judiciary Committee.

The letter, dated June 12, 1973, states in part:

> Until the Judiciary Committee has completed preliminary action in the form of a study, investigation or hearing, it is inappropriate for the House to proceed, in even the semblance of a body convened, to discuss the issue of impeachment of the President of the United States.

I quite agree. Let us forebear from discussion of the second step, impeachment until the first step, the investigation, is completed by an appropriate House committee.

But let us get that investigation under way. The desire to protect the President from unfair prejudgment or untimely prosecution should in no way deter us from a full and fair investigation of the facts and circumstances which may or may not establish that an impeachable offense has occurred.

To fail to investigate in the face of facts showing probable cause of an impeachable offense would be to shirk our constitutional responsibility.

Such failure could well lead to an increasing public suspicion that we Members of the House, being politicians, are now joining in the very type of coverup of the political misdeeds of fellow politicians which the political operatives of the White House staff and Committee to Reelect the President have accomplished for so long a period of time.

It is no secret that the people at large, at this stage of our history, if not since the inception of the republic, tend to consider all politicians of dubious veracity and honesty. With such a substantial number of our highest governmental officials now being fired or indicted, resigning, claiming the fifth amendment, or going to jail, how could it be otherwise.

We Members of the House probably need to face the fact that all of us are, by definition, also members of the political profession. To paraphrase H. L. Mencken, the public may, and often does, conceive of all professions as "conspiracies against the public." When one member of a profession is under public challenge, whether it be the legal, medical, engineering or news gathering profession, it is only too common to see the profession close ranks to protect one of their own in order to mistakenly seek to promote public confidence in the profession itself. I doubt that the public is fooled, particularly in today's circumstances and in view of the widely held public disdain for politicians in general. If we are to restore public faith in the political profession, it is incumbent on us to remove any doubt that we are dragging our heels in the ascertainment of the truth about one of our own.

Another result of continuing failure on our part to at least set up a House procedure to receive, catalog, and evaluate the evidence against the President can be to unduly prolong the tortuous and difficult period which the Nation must endure until this matter is finally resolved.

There is much to do on the part of Congress. The argument that we should put Watergate behind us and get about our business is a valid one. It is properly emphasized by the letter from Messrs. Carey and Rooney to which I have alluded earlier.

How then can we justify the additional delay of waiting until all court and Senate proceedings are completed before even beginning a task that only the House can perform? When the gentleman from Virginia (Mr. Daniel) suggests that we wait until the court proceedings are terminated, what amount of time is he thinking about?

The first events of Watergate were discovered on June 17, 1972, over a year ago. Because of deception, delay, and perjury, the first criminal trials did not commence until January, and only in the last few weeks has the Special Prosecutor begun the long and painful process of investigation and criminal litigation to force out the ultimate truth.

The Senate committee investigation

was authorized nearly 5 months ago, but it may be weeks before their task is finished.

These successive delays in achieving a final resolution of the issue can only continue to divert our attention as legislators from the monumental problems which face the Nation; such delays will further confuse the other countries of the world who look to us for leadership; for us to add to the delay before final disposition of this matter also delays the return of a full confidence on the part of the American people that their Government is back on track, operating honestly and with competence.

For all of these reasons, I think it worth repeating the words of the distinguished gentleman from Michigan (Mr. CONYERS):

> It is time that the House began to face the fact that it alone must resolve for the American people the issue of presidential misconduct.

Three years ago we did exactly that when the other distinguished gentleman from Michigan (Mr. GERALD R. FORD) made his celebrated charges against Justice Douglas. The House Judiciary Committee investigated the facts and allegations and duly reported its conclusion that Justice Douglas was innocent of any impeachable offense on the basis of the facts presented.

So also can it be with the President if the far graver facts and circumstances thus far admitted by him turn out to be less than the elements necessary to find him guility of an impeachable offense. What are the facts which thus far indicate probable cause that the President has committed an impeachable offense? I have prepared this address without reference to the testimony which John Dean has given to the Senate Select Committee earlier today, and I will omit any mention of that testimony.

I would like also to omit in this discussion any evidence that would not be admissible in a court of law.

In my remarks of June 6, I discussed three felonies, the elements of which appeared to have been met by the facts of Presidential conduct or by the President's own admissions. These were the felonies of accessory after the fact, (title 18, U.S.C. section 3) misprison of felony (title 18, U.S.C. section 4) and obstruction of Justice (title 18, U.S.C., sections 1505 and 1510).

Essentially these crimes involved the President's knowledge of criminal conduct on the part of members of his own White House Special Investigations Unit, Mr. Liddy and Mr. Hunt, the concealment of that knowledge, and the taking of active steps to prevent the apprehension, prosecution, and conviction of those individuals and others who might have participated in the criminal conduct involved.

They did not include those additional crimes which may have occurred in connection with campaign tactics, fundraising, the handling of the Ellsberg trial, or Watergate and its subsequent coverup, with respect to which the involvement of the President, if any, is still only the subject of suspicion or speculation.

On June 7, 1973, however, a wholly new issue was raised, that of the July 15, 1970, decision memorandum, of the President.

In that decision memorandum, the President of the United States concedes that he authorized, knowingly and deliberately, the violation, not just of the legal rights of American citizens, but of their constitutional rights.

In so doing, he violated not only his oath, but his duty to see that the laws are faithfully executed.

Article II, section 1 requires of the President:

> Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

One of the provisions of the Constitution which the President has sworn to preserve, protect and defend is the fourth amendment which reads:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

What did the President do on July 15, 1970, with respect to the peoples' right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures?

The answer is that he deliberately elected to authorize the violation of the rights protected by the fourth amendment. He did so after carefully considering the fact that the actions he was authorizing were illegal. The recommendations the President received and considered before authorizing illegal conduct were explicit in defining the illegality involved.

Let me quote from those recommendations made to the President:

> Mail coverage recommendation: Restrictions on legal coverage should be removed.
>
> Also, present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.
>
> Covert coverage is illegal and there are serious risks involved. However the advantages to be derived from its use outweigh the risks.
>
> D. Surreptitious entry recommendation: Present restrictions should be modified to permit procurement of vitally needed foreign cryptographic material.
>
> Also, present restrictions should be modified to permit selective use of this technique against other urgent security targets.
>
> Rationale: Use of this technique is clearly illegal: it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion.

The President's response has been admitted by him in his speech of May 22, 1973. In that speech he stated that on July 23, various agencies of Government were notified by memo of the options he had approved.

Those options were again explicit. Let me quote from the decision memorandum itself:

> TOP SECRET DECISION MEMORANDUM
>
> THE WHITE HOUSE,
> *Washington, D.C., July 15, 1970.*
>
> TOP SECRET
>
> (Handle via Comint Channels Only)
>
> Subject: Domestic Intelligence.
>
> The President has carefully studied the special report of the Interagency Committee on Intelligence (ad hoc) and made the following decision: . . .
>
> 3. Mail Coverage: Restrictions on legal coverage are to be removed, restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of security interest.
>
> 4. Surreptitious Entry: Restraints on the use of surreptitious entry are to be *removed*. The technique is to be used to permit procurement of vitally needed foreign crytographic material and *against other urgent and high priority internal security targets*. (emphasis added)

From the President's own admission, it therefore seems clear that in this memorandum decision dated July 15, 1970, and published to the agencies involved on July 23, 1970, the President was directly granting to the intelligence agencies of the U.S. Government and particularly the FBI, the authority and implicit direction to conduct acts which were not only illegal, but were unconstitutional. Only because of the objections of the Director of the FBI, J. Edgar Hoover, was the President's order subsequently rescinded.

The incredible nature of the President's action cannot be overstated. He deliberately and knowingly violated his oath of office to protect, preserve and defend the Constitution.

In light of such conduct, what is the duty of the House of Representatives, whose Members also take an oath to support the Constitution?

Do we wait for action by the Justice Department or Senate?

Do we not owe at least the duty to inquire into the President's conduct subsequent to July 15 1970, in view of his admitted actions on that date?

We know that a year after authorizing illegal activity by the FBI, the President created his White House Special Investigations Unit, apparently to do that which the FBI had expressly refused to do. The inference that the primary purpose of the Unit to accomplish illegal surveillance is not an unreasonable one.

The Special Investigations Unit conducted at least one buglary, that of the psychiatrist's office in southern California; several of its members were subsequently involved in the breaking and involved in the breaking and entering of the Watergate.

The President on May 22 said he "neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics," but significantly, the President did not say that he never authorized nor encouraged the type of illegal conduct performed by the members of the Special Investigations Unit.

The silence of the President on this point thus far is deafening. This provides yet another reason to support House inquiry. Also, where before we could perhaps rely on the presumption that the President would speak the truth, we can no longer grant this presumption with confidence.

I have spoken before of historic California jury instructions with which the President, a California lawyer, was presumably once familiar.

One of those instructions contains this language:

> A witness willfully false in one material part of his testimony is to be distrusted in others.

We know now, again by the President's own admission, that he was willfully false in his prior statements about the Watergate coverup. He first said that he had ordered a full investigation. He then admitted that he had directed his aides to prevent a full investigation. His latter instructions were faithfully carried out. Deception and coverup are not ordinarily the distinguishing characteristics of innocence. When they are also characteristics of Presidential conduct, even their discussion is painful.

Why, then, should we prolong the difficulties of this discussion unduly? A year after Watergate, the issue is still very much before us, partly because the processes of legislative inquiry waited until the conclusion of the first judicial inquiry, the trial of the first seven Watergate defendants.

Then, too late, we found that secrecy and deception by the President had prevented a fair and complete judicial ascertainment of the full truth about Watergate.

If we wait again to commence a House investigation, we could add months to the time required to finally resolve the matter.

There would seem to be no harm in adopting a resolution such as that offered by the gentleman from California (Mr. STARK) to ask the agencies presently investigating the Watergate affair to submit to the House Judiciary Committee any information necessary and pertinent to Presidential misconduct.

If and when such evidence should become persuasive of guilt of an impeachable offense, the distinguished members of the Judiciary Committee will no doubt speedily advise the House.

To commence our investigation now would also help meet the duty so properly spelled out in the letter of the gentlemen from New York (Mr. CAREY) and Pennsylvania (Mr. ROONEY):

> By the maintenance of a continuum in our government, we can prove that no action of any individual or group of individuals in any part of the system can stall or stagnate our effecting the people's will through the Congress.

I would, therefore, recommend that we enact House Resolution 431 without delay, that the House be on record that we will give immediate and careful attention to such evidence as may be adduced by the several bodies not looking into the conduct of the administration since July of 1970.

That is not to prejudge the President's guilt, nor is it to even suggest that the evidence will be indicative of such guilt. Hopefully the evidence will indicate that no guilt exists, that the circumstances which now point to the President's guilt can be satisfactorily explained. What adaption of House Resolution 431 will do, however, is make it clear that the House of Representatives is meeting its own constitutional responsibilities, that we reaffirm the principle that we are a government of law, not of men, and that we will subject our highest leader to the same test of that principle as we would any other citizen of a nation which seeks justice for all.

CONGRESS CANNOT LEGISLATE PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, today the House agreed to the Eagleton amendment with its prohibitions on the expenditure of funds to support directly or indirectly combat activities in, over, or from off the shores of Cambodia or in or over Laos by U.S. forces. My vote reflects my sincere belief that this amendment would undermine our efforts to achieve a lasting peace throughout Indochina and calls into question our determination to maintain agreements anywhere in the world, at a time when our President and Mr. Kissinger have made such great progress toward reducing tensions through negotiations.

Mr. Speaker, there is no question that we all share the same desire to achieve a lasting peace. Our differences lie in the way to achieve that peace I submit, we are closer to a lasting peace today, not because of weakness but because of our determination to be credible.

It is tempting to withdraw from our obligations as a world power and turn inward to our own problems. It is a temptation which has been yielded to by ourselves and by others in the past and each time has brought disaster.

To succumb to the lure of isolationism brings, as Chamberlain found to his sorrow, not even "peace in our time."

Hegel once said:

> The only thing we learn from history is that no one ever learns from history.

Mr. Speaker, we cannot afford the luxury of not learning from the lessons of history.

History clearly shows that the road to peace lies in the possession of adequate force and in the recognition by an aggressor, or by a potential aggressor, of a Nation's determination to use that force if necessary.

Through the signing of the January 27 peace agreement the United States obtained the honorable withdrawal of American military forces, the return of our POW's, and provided the people of South Vietnam with the opportunity to decide, by political means, their future destiny.

That peace agreement was won and our prisoners returned—not through begging and dealing from weakness as some would have had us do—but because the President did not hesitate to take firm action and because the Congress stood firm behind the President throughout his crucial negotiations. Our vote today will not end the war, it will mean more war in Cambodia and an invitation to North Vietnam to further trespass on the terms of the Paris agreement with regard to Laos and South Vietnam.

What would Congress do if North Vietnam uses Cambodia from which to attack Thailand, our SEATO signatory and ally? One shudders to think of the far-reaching implications of this action. From Southeast Asia to the Middle East, our credibility is the first line of defense against potential aggression. If no one believes in our word or in our agreements, we will have ushered in an era not of negotiations but of trepidation and self-doubt not worthy of a world leader.

Is air power an important tool in enforcing compliance?

A returned POW, Air Force Colonel Risner, described the effect of the B-52 raids in North Vietnam in bringing the peace settlement:

> We knew they were B-52's and that President Nixon was keeping his word and that the communists were getting the message.
>
> We saw reaction in the Vietnamese that we had never seen under the attacks from fighters. They at last knew that we had some weapons they had not felt, and that President Nixon was willing to use those weapons in order to get us out of Vietnam.

Air power helped lead to the cease-fire in Laos 2 weeks after the Paris signing. What about our MIA's?

There are no more tragic victims of war than the families of MIA's. These families are destined to continue their life never fully knowing whether their loved one may still be alive in some far off corner of the world.

Mr. Speaker, the only way to help these more than 1,300 American families get a satisfactory accounting of our MIA's is to allow the President the discretion to continue as necessary to force the North Vietnamese to live up to the terms of the Paris agreement with its section on prisoners of war and missing in action. On one hand some would prohibit the President from using the "stick" of airpower, on the other hand the "carrot" of any aid to North Vietnam is also prohibited. I ask the question, What do we tell the people who want a full accounting of our MIA's? several of which live in western New York, and two, Bob Rousch and Don Lyon are friends of mine.

The fear has been stated by my colleagues that the bombing in Cambodia could be the first step in drawing us into another morass like Vietnam. This is simply not possible under present law.

As stated in section 7(a) of the Special Foreign Assistance Act of 1971:

> In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of U.S. ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

The Foreign Assistance Act of 1971 contains further restrictions, limiting our mission in Phnom Penh to a maximum of 200 U.S. employees and 85 third-country nationals paid with U.S. funds.

So, under law there can be no U.S.

ground troops in Cambodia, no U.S. advisers and no possibility of paid third-country military forces.

President Nixon has strictly abided by these limitations which Congress has passed and there is no possibility of an expanded war—another Vietnam—without the consent of Congress.

As President Nixon has stated, our actions in Cambodia are "not aimed at renewing the war." Our only objective is "to preserve and strengthen the peace."

And, on May 8 of this year Secretary Rogers said:

> We will not slide into another Vietnam. We will not introduce American ground forces. We are not committed to any particular Cambodian government. Our only purpose is to insure that the Paris peace agreement is observed.

We are providing air support in Cambodia—at the request of the Cambodian Government—to force the North Vietnamese to live up to section 20 of the January peace agreement which stipulates that—

> The parties participating in the Paris Conference on Vietnam shall strictly respect the 1951 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, and shall respect the neutrality of Cambodia and Laos.
>
> They will undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.
>
> Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions, and war materiel.
>
> The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.
>
> The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's international affairs.

These provisions are clear and the text of the joint communique issued at the conclusion of meetings in Paris between Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs, and Le Duc Tho, representative of the Democratic Republic of Vietnam, June 13, 1973, reiterates Article 20 as follows:

> (13) Article 20 of the Agreement, regarding Cambodia and Laos, shall be scrupulously implemented.

On January 28, 1973, the day the Vietnam cease-fire went into effect, President Lon Nol ordered his forces to cease all offensive activities and urged the enemy to follow suit. He repeated his willingness to enter into direct negotiations to turn a de facto cease-fire into a more definitive settlement.

The United States welcomed these measures, suspended our own combat air operations in support of the Khmer forces, and hoped that the North Vietnamese and the Khmer insurgents would respond favorably. Unfortunately, then—and since—the Communist side rebuffed this gesture and all other efforts by the government to inaugurate contacts with a view to ending the fighting.

Instead, Hanoi to date has chosen to pursue its aggression in Cambodia. Indeed, since the Vietnam and Laos settlements, Communist military operations in Cambodia have reached new levels. Widespread attacks have continued chiefly against the important lines of communications and the population centers.

The only objective of our assistance to Cambodia is the full implementation of the Vietnam accords and an end to the fighting in Cambodia which threatens the peace in Vietnam and ultimately throughout all Southeast Asia. The bombing will cease tomorrow if the North Vietnamese will only abide by the provisions of the treaty which they signed.

In a June 20, 1973, letter to the editor which appeared in the Washington Post, His Excellency Um Sim, Appointed Ambassador of the Khmer Republic noted that—

> The figure of 5,000 North Vietnamese troops on Khmer soil as published by The Post is too low. According to our intelligence sources, the estimated strength of the North Vietnamese troops is put at no less than 45,000, one-third of which is involved in combat support of the Khmer insurgents.
>
> Contrary to the stipulation in the Paris Peace Agreements requiring the withdrawal of all foreign forces from the Khmer Republic, soon after the agreements were signed, new North Vietnamese activities on Khmer territory could be observed: Not only was there no evidence of North Vietnamese withdrawal but enemy movements back and forth in the border areas were on the increase and new troops and war material were flowing into the Khmer Republic from Lower Laos through the Ho Chi Minh trail. Therefore, the North Vietnamese are blatantly violating the Paris Peace Agreements as well as the independence, sovereignty, neutrality and territorial integrity of the Khmer Republic. Furthermore, their presence in our country represents a threat to us and to the peace and stability of the region.

Former Under Secretary of State, Eugene V. Rostow, made some excellent points in a recent New York Times article which I would like to quote at this time:

> In the light of first principles, the action of the House of Representatives in cutting off funds for bombing in Cambodia must be considered constitutionally irresponsible. At a particularly inappropriate moment, it would reduce the possibility of fulfilling policies to which the nation has been committed by the cooperative decisions of five Presidents and every session of Congress since President Truman's time.
>
> It is often said that Congress has never consented to military activities in Cambodia or Laos. This is simply not true. After the SEATO Treaty was ratified, Presidents Eisenhower, Kennedy, Johnson and Nixon, with full and repeated bipartisan support from Congress, decided to act under that treaty to protect South Vietnam against armed attack from North Vietnam. Unless Congress and the President should abrogate the SEATO Treaty, that policy continues to be the foundation for the nation's course in the area.
>
> It is manifestly impossible to assure the security of South Vietnam if hostile forces operate against it from sanctuaries in Cambodia and Laos. This was the premise of the Geneva Agreement of 1962, through which the Soviet Union promised us that North Vietnamese troops would withdraw from Cambodia and Laos. Many believe that the Vietnam misery stems from Kennedy's failure to insist on the fulfillment of that agreement. The 1962 promise was repeated by North Vietnam in the January cease-fire agreement and endorsed by the major powers who signed the Act of Paris of March 2.
>
> At this tense and precarious moment in the Indochina conflict, indirect nibbling at our long-standing policy in the area is peculiarly inappropriate. Having fully and repeatedly authorized the goals of that policy, Congress should not now deny the President the best available means to make our policy good.
>
> In the Paris agreements of January and March, 1973, the President has achieved a settlement which, on paper at least, satisfies the purposes for which President Eisenhower and the Senate of his day made the basic commitment to protect the territorial integrity and political independence of South Vietnam. The Paris cease-fire agreements—fully within the President's authority—do not alter the underlying position of the United States in Indochina, as a matter either of international or of constitutional law. They do, however, provide a new and important basis for our continued action.
>
> It has been the fundamental rule of our foreign policy since Truman's time that we cannot allow unilateral change in the relationship between the United States and the Soviet Union to be achieved by force.
>
> In an age of nuclear bipolarity, that rule is even more essential to the possibility of detente, and then of peace, than it was when it was announced in 1947. Congress has many powers. But it cannot legislate the end of the cold war.

Mr. Speaker, I include at this point in my remarks the section concerning the scope of Presidential authority which was included in the minority views contained in the conference report on the Second Supplemental Appropriations Act:

Scope of Presidential Authority

Withdrawal of existing Congressional authority for air combat operations in Cambodia could well provoke a Constitutional crisis and would contravene the authority of the President to effectuate the provisions of Article 20 of the Paris Agreements.

Prior to January 27, 1973, there was little question that the President had the authority to use the means at his disposal to bring the conflict in Southeast Asia to a conclusion and, as we are all aware, the means used have been military, political and diplomatic in character.

The lower and intermediate federal courts regularly dismissed actions based on challenges to this authority and the Supreme Court has regularly found no error in these decisions.[3]

The legal rationale underlying this authority of the President to prosecute the

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[3] See *Massachusetts* v. *Laird,* 451 F. 2d 26 (C.A. 1); *Luftig* v. *McNamara,* 252 F. Supp. 819 (D.D.C.), affirmed, 373 F. 2d 664 (C.A. D.C.), cert. denied, 387 U.S. 945; *Mora* v. *McNamara,* 387 F. 2d 862 (C.A. D.C.), cert. denied, 389 U.S. 934; *Velvet* v. *Nixon,* 415 F. 2d 236 (C.A. 10), cert. denied, 396 U.S. 1042; *Davi* v. *Laird,* 318 F. Supp. 478 (W.D. Va.) *United States* v. *Holmes,* 387 F. 2d 781 (C.A. 7), cert. denied, 391 U.S. 936; *Ashton* v. *United States,* 404 F. 2d 95 (C.A. 8), cert. denied, 394 U.S. 960; *Kalish* v. *United States,* 411 F. 2d 606 (C.A. 9), cert. denied, 396 U.S. 835; *United States* v. *Bolton,* 192 F. 2d 805 (C.A. 2); *Mottola* v. *Nixon,* 464 F. 2d 178 (C.A. 9); *Orlando* v. *Laird,* 443 F. 2d 1039 (C.A. 2), cert. denied, 404 U.S. 869; *Da Costa* v. *Laird,* 448 F. 2d 1368 (C.A. 2), cert. denied, 405 U.S. 979; *Atlee* v. *Richardson,* 347 F. Supp. 689 (E.D. Pa.), affirmed per curiam ——— U.S. ———, Mar. 20, 1973, reported at 41 L.W. 3524); *Mitchell* v. *Laird,* ——— F. 2d ——— (C.A. D.C.), (decided Mar. 20, 1973, Doc. No. 71–1510).

Vietnam hostilities may be summarized in the following way.

First, the President's power to use the Armed Forces of the United States does not depend on a formal declaration of war.

The power to declare war is set forth in article I, section 8 of the Constitution. The pertinent language reads:

"The Congress shall have power . . . To declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water . . ."

The text of the Constitution itself demonstrates that the framers were aware that there could be hostilities without a formal declaration of war; otherwise, there would have been no need for them to authorize Congress separately to grant letters of marque and reprisal, clearly a hostile action.

Accordingly, the Supreme Court has recognized from the earliest years of the existence of this nation that a state of war may legally exist without a formal declaration of war.[4]

Secondly, under the Constitution, the power to conduct undeclared hostilities belongs to the President and Congress exclusively. Although there have been, of course, numerous differences of opinion within the Congress concerning the President's policies on ending the war, at no time in the past has Congress manifested an intention to terminate the authority of the President to bring the war to a close pursuant to those policies. Thus, Congress has consistently rejected proposals to withdraw congressional authority by cutting off appropriations for the war. And neither the repeal of the Tonkin Gulf Resolution nor the passage of Section 601 of the Armed Forces Appropriation Authorization Act of 1972 was intended as a termination of authority for these policies.[5]

In addition to initial Congressional authorization for the war and subsequent Congressional participation in the process of ending the war through a negotiated settlement, the President also has certain constitutional authority under Art. II of the Constitution. While the scope of this authority is widely debated, there is little question that substantial Constitutional authority is allowed the President, apart from express Congressional powers.

It can thus be seen that heretofore there was no occasion for an adjudiction of the proper scope of the Constitutional powers of the President as opposed to those of the Congress in the conduct of the conflict in Southeast Asia. In fact, the two branches have been content to jointly exercise full Constitutional authority, without a delineation of their respective shares of that total authority.

The Agreement on Ending the War and Restoring Peace in Vietnam signed on January 27, 1973, embodied a plan for the termination of the conflict to which the parties agreed.

The actual termination of the conflict, however, remained contingent on the implementation of the Agreement. That implementation has not yet been accomplished in full, particularly with respect to the provisions of Article 20 as they relate to Cambodia. Consequently, the conflict in that portion of the battlefield continues. It follows that the President's existing authority to use military, political and diplomatic means to fully terminate the conflict must also continue. The mere signing of the Paris Agreement on a plan for terminating the conflict could not in itself terminate such authority of the President or, in any way, change the authority or responsibility of the Congress.

The withdrawal of all U.S. Armed Forces from South Vietnam and the return of all U.S. prisoners has not created a fundamentally new situation in which new authority must be sought by the President from the Congress to carry out air strikes in Cambodia or Laos. The issue more accurately stated is whether the constitutional authority of the President to continue doing in Cambodia what the United States has lawfully been doing there expires with the withdrawal of U.S. armed forces for Vietnam and the return of the American prisoners despite the fact that a cease fire has not been achieved in Cambodia and North Vietnamese troops remain in Cambodia contrary to clear provisions of the Agreement. In other words, the issue is not whether the President may do something new, but rather whether what he has been doing must automatically stop, without regard to the consequences even though the Agreement is not being implemented by the other side.

The Agreement signed on January 27, 1973, represented positive action consistent with U.S. objectives. Article 20 of the Agreement recognizes the underlying interrelationship in all the countries of Indochina and requires the cessation of foreign armed intervention in Laos and Cambodia. The importance of this article cannot be overestimated, because the continuation of hostilities in Laos and Cambodia and the presence there of North Vietnamese troops threatens the right of self-determination of the South Vietnamese people, which is guaranteed by the Agreement.

It should be self-evident that unilateral cessation of our United States air combat activity in Cambodia without the removal of North Vietnamese forces from that country would undermine the central achievement of the January Agreement. Since the President was fully empowered to enter into this Agreement, his powers under Article II of the Constitution must be construed to be adequate to prevent a self-defeating result.

To construe the President's authority otherwise is to suggest that the Constitution which has permitted the United States to negotiate a peace agreement—a peace that guarantees the right of self-determination to the South Vietnamese people as well as the return of United States prisoners and withdrawal of United States armed forces from Vietnam—is a Constitution that contains an automatic self-destruct mechanism designed to destroy what has been so painfully achieved.

By placing intended prohibitions on Presidential alternatives in this area, the Congress would withdraw its support as a basis of the President's authority to conduct air combat operations in Cambodia and Laos and provide a clear confrontation between the President and Congress.

This raises the question of the scope of the President's Article II powers in opposition to Congressional powers under Article I.

One must recognize that the scope and application of the President's powers under Article II of the Constitution are rarely free from dispute. Thus, the Congress is granted the powers "to provide for the common defense", "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water", "to raise and support armies", "to provide and maintain a navy", "to make rules for the government and regulations of the land and naval forces", and to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . ."[6] On the other hand, the Constitution provides that "the executive power shall be vested in a President," that he "shall be a Commander-in-Chief of the army and navy of the United States," and that "shall take care that the laws be faithfully executed."[7] The President is also given the authority to make treaties with the advice and consent of two-thirds of the Senate, to appoint ambassadors with the advice and consent of the Senate, and to receive ambassadors and other public ministers.

The proceedings of the Federal Constitutional Convention in 1787 suggest that the ambiguities of this division of power between the President and the Congress were deliberately left unresolved with the understanding that they were to be defined by practice. There may be those who wish the framers of the Constitution would have been more precise, but it is submitted that there was great wisdom in realizing the impossibility of foreseeing all contingencies and in leaving considerable flexibility for the future play of political forces. The Constitution is a framework for democratic decision and action, not a source of ready-made answers to all questions, and that is one of its great strengths.

This was most recently and instantly recognized by the Supreme Court in March of this year when it summarily affirmed the District Court's opinion in the case of *Atlee* v. *Richardson, supra*. In short, it is simply impossible to receive legal assurance of the scope of the President's Article II powers since to do so would require the adjudication of a "political question" which is beyond the judicial power conferred by Article III of the United States Constitution.

Thus, the Committee's action in this regard raises the spectre of a severe Constitutional confrontation between two branches of our government which earlier operated as partners in this effort.

Mr. Speaker, we are once again facing a critical test of our national will and it is a test we must not fail. What is at stake is not simply the fate of a small Southeast Asian country. What is at stake is our Nation's credibility as a world power.

Walt W. Rostow, a key foreign policy aide to Presidents Kennedy and Johnson, has said in his latest book, "The Diffusion of Power":

> With hindsight, I would judge Kennedy's failure to move promptly and decisively to deal with the violation of the Laos Accords the greatest single error in American policy in the 1960's; for before too long he and his successor were confronted with the "waning situation" a good many of us had feared might emerge in Vietnam. By our failing to enforce the Laotian agreement with military force, then, Laos became a corridor for North Vietnam, a corridor which Hanoi used to shovel troops into South Vietnam.

Mr. Speaker, it seems to me the result of the congressional decision to destroy President Nixon's ability to move promptly and decisively to deal with violations of the Vietnam cease-fire, could be the undoing of all our efforts to prevent Indochina from falling to the Communists.

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[4] *Bas* v. *Tingy*, 4 U.S. (4 Dall.) 37, 39, 43 (1800) See also *Prize Cases*, 67 U.S. (2 Black) 635, 668, 1863), where it is said that "war may exist without a declaration on either side."

[5] E.G., See Section 502 of the Armed Forces-Military Procurement Act, of 1971, Pub. L. 91–441, 84 Stat. 905, 910; Section 838 of the Defense Appropriation Act of 1971, Pub. L. 91–668, 84 Stat. 2020, 2036–2037; Sections 501 and 505 of the Military Procurement Appropriation Act, 1972, Pub. L. 92–156, 85 Stat. 423, 427–429; Section 738 of the Defense Appropriation Act of 1972, Pub. L. 92–204, 85 Stat. 716, 734; Sections 601 and 602 of the Military Procurement Appropriation Act, 1973, Pub. L. 92–436, 86 Stat. 734, 737–738; Section 737 of the Defense Appropriation Act, 1973, Pub. L. 92–570, 86 Stat. 1184, 1202–1203; and Sec. 7 of the Special Foreign Assistance Act of 1971 (Pub. L. 91–652, Jan. 5, 1971, 84 Stat. 1942).

[6] U.S. Constitution, art. I, sec. 8.

[7] U.S. Constitution, art. II, secs. 1 and 2.

If we are not credible in Southeast Asia, if we treat the Paris agreement as a scrap of paper to be violated at will by the Communists, we cannot expect to be credible in our negotiations in Europe, in the Mideast or anywhere in the rest of the world. The achievement of important agreements with the Russians on SALT, trade, and troop reductions depend crucially on their assessment of U.S. strength of will and commitment. A failure by the United States to deal with the blatant violations of article 20 of the Paris agreement would call into question the U.S. credibility and determination to enforce negotiated agreements which underlie the generation of peace we all seek.

Mr. Speaker, I think it is particularly fitting on this day to close with the words that Alexander Solzhenitsyn wrote in his acceptance statement upon his award of the 1970 Nobel Prize for literature:

> The spirit of Munich has by no means retreated into the past: It was not merely a brief episode. I even venture to say that the spirit of Munich prevails in the 20th Century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles. The spirit of Munich is a sickness of the will of successful people; it is the daily condition of those who have given themselves up to the thirst after prosperity at any price, to material well-being as the chief goal of earthly existence. Such people—and there are many in today's world—elect passivity and retreat, just so as their accustomed life might drag on a bit longer, just so as not to step over the threshold of hardship today—and tomorrow you'll see, it will all be all right.

ONLY IF ATTACKED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN), is recognized for 10 minutes.

Mr. STEELMAN. Mr. Speaker, it is my personal philosophy that the United States should go to war only if our shores are attacked or there is a clear threat to our national security. In retrospect, Vietnam met neither of these two tests, but it is of no value to dwell on past mistakes, we must now go forward to build a stable peace in the world.

The United States made two mistakes in Vietnam—the first was going there to fight at all and the second was not fighting to win once we got there.

The Cambodian operation has all the potential of becoming another Vietnam—in the money that the United States is spending, the American casualties, the potential for prisoners of war and men missing in action and the further domestic discord in our own country. Cambodia is not worth another American life nor another American dollar.

I have supported the administration in its policy toward Southeast Asia until now. However, the spending of additional millions of dollars for bombing in Southeast Asia seems to be economically and humanistically unwise, and totally against the will of the people.

Six weeks ago I supported the administration by voting for more funds for its Cambodian bombing policy. I did this so National Security Advisor Henry Kissinger could complete his Paris negotiations with the North Vietnamese and also because the monsoon season would arrive within 6 weeks to further improve the position of the Government of Cambodia.

The Cambodian people have not rallied around their Government and the accords recently reached in Paris are apparently unacceptable to both sides. I do not expect the agreement to resolve fully the Southeast Asian situation.

Therefore, today I voted against appropriating more money for Cambodian and Laotian bombing raids. We have done our part, paid too high a price and it is time to turn our attention to pressing domestic concerns.

IMPROVING THE APPROPRIATIONS PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, today I insert in the RECORD the fourth of five articles which I have had prepared as a discussion of the Federal budgetmaking process. The first of these articles appeared in the CONGRESSIONAL RECORD on Wednesday, June 20. They have been appearing in the RECORD on a daily basis since that time.

IV: IMPROVING THE APPROPRIATIONS PROCESS

The 1974 budget recommendations submitted to Congress by the President propose an unusually large number of program cuts. These have spurred a sharp clash between the President and Congress.

Although total spending would be $19 billion higher than the previous year, some 100 programs are ticketed for termination or curtailment. In effect, the President is trying to roll the budget back to the pre-1960 era, undoing many of the domestic commitments launched by Presidents Kennedy and Johnson.

Meanwhile, even in the post-Vietnam era, President Nixon continues to recommend large increases in defense spending. The $5.5-billion hike proposed for defense is the largest single increase in the 1974 budget, and defense continues to be the largest single item in the budget—some $85 billion for fiscal 1974. Spending is $30 billion higher than in 1964, before the large scale involvement in Vietnam.

Today, the President's meat axe is aimed at domestic programs. Particularly hard hit are aid for rural areas and cities, as well as health programs. Rural America long has been one of the neglected areas of the United States, with inadequate economic investment and job opportunities, declining and aging populations, and inferior public facilities. Over the years, the federal government has come to the aid of rural citizens by bringing electric and telephone service to the countryside, supporting the construction of water and sewer facilities, encouraging farmers to engage in efficient environmental and conservation practices, and assisting businesses in locating in depressed areas. Now the President proposes to put an end to many of these worthwhile endeavors. Rural electrification loans are to be made more costly and difficult to obtain, water and sewer grants to be converted into loans which have to be repaid, the Economic Development Administration which operates primarily in rural areas is to be disbanded.

Fortunately, the President's budget is only a recommendation that must undergo the careful consideration of Congress. Congress desires to practice economy and to discontinue programs which have outlived their usefulness. But such action requires a program by program determination, not the wholesale abandonment of commitments to our rural people. Congress has moved to keep the funds available for rural environment assistance and it has reached a compromise with the White House that will enable communities to obtain rural electrification loans. There is a strong likelihood that economic development will be kept alive and that efforts to raise the economic capabilities of small communities will be continued.

Our cities also have been victimized by the President's budget. The President has proposed to end a dozen or more community development programs and to replace them with a single program—called special revenue sharing—which would award lump-sum federal grants to states and cities. Such familiar programs as model cities and urban renewal would be eliminated. The President argues that his approach would give local governments more discretion and flexibility in spending their federal dollars; however, the Congress has grave reservations about several aspects of the proposal. For one thing, it now appears that the consolidated program will have less money than the separate activities funded individually. Moreover, funding for special revenue sharing is to be delayed a full-year with the inevitable result that the federal "pipeline"—money in transit—will be drained. Furthermore, financial support for certain cities will drop sharply, especially for those now participating in model cities.

The President's budget message boasts that health spending will reach an all-time high in 1974. That is true because of the mandates of medicare, medicaid and other health programs enacted by Congress—not because of initiatives by President Nixon. Quite the contrary, his 1974 budget cuts back on a number of major health programs. The honor roll of programs the President doesn't like includes hospital construction, which since its start in 1946, has led to the building of thousands of new facilities across the country. More than 50 regional medical centers would be closed on the grounds that they haven't delivered the expected improvements in the treatment of cancer, heart disease, and other illnesses.

The opposite reasoning is used to justify a proposal to end federal support of 500 community mental health centers. The argument is that these have proved so successful that they ought to be turned over to local governments.

The budget also proposes to reduce medicare benefits for the elderly, requiring them to pay a much higher share of doctor and hospital charges. Poor people who happen to be adults no longer would qualify for dental care because, the Administration says, people don't die from cavities or diseased gums.

The cruel logic in the health budget is applied to dozens of other programs. Special federal efforts to provide summer jobs for teenagers are to be ended, as would a program to assist the unemployed. With unemployment still at the five-percent level, and much higher in the ghettos and among youth, this is not the right time to drop programs that make it possible for persons out of work to climb back to self-sufficiency.

Nor is this the time to call a sudden halt to federal housing programs. Without consulting Congress, the President in January of this year, imposed an 18-month suspension on most housing activities, particularly those designed to give some hope to poor people. Federal aid to libraries is to be reduced to zero, presumably because all Americans are wealthy enough to purchase books without going to the library.

In short, 1974 is the year in which the budget declares that our cities are safe and rebuilt, the war on poverty is ended, that jobs and good housing are available for all, that illness has been conquered, and that libraries and general literacy need no encouragement. It would be funny—except that all these strange decisions are entrenched in the President's budget.

The feeling in Washington is that the final product will look substantially different from what the President recommended. Congress will not turn away from the aged or the sick, from the poor and from the young.

This does not mean that Congress will go on a spending spree. Rather, Congress will do the job given it by the Constitution—to set America's policies and priorities. Within the overall spending level, whether proposed by the President or imposed by law, Congress will shift 1974 funds to give greater emphasis to the domestic needs of our people.

AN OPEN LETTER TO MR. BREZHNEV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, I include an open letter to Mr. Brezhnev on his departure from America on June 25, 1973:

WILL THE INTERESTS OF 3 MILLION SOVIET JEWS BE LOST TO THE COMMERCIAL INTERESTS OF U.S. BUSINESSMEN?

(By ROBERT F. DRINAN, Member of Congress)

Mr. LEONID I. BREZHNEV,
Communist Party Secretary,
Moscow, U.S.S.R.

DEAR MR. BREZHNEV: I wish that I could be more satisfied and more gracious in this letter written to you on the day of your departure after a stay of one week in the United States. I had hoped for many pronouncements during your days here. I read with the utmost care every statement which you made and every single accord which you signed.

I feel compelled to write about my disappointment that nothing very clear, convincing or promising was said by you or your associates during your days in the United States with respect to the status or the emigration of Jews from the Soviet Union.

On Sunday, June 17, 1973 I participated in an extraordinarily moving rally of more than 10,000 people on the West Steps of the United States Capitol. These thousands of American citizens wanted you to hear their anguished plea for freedom for the three million Soviet Jews. The speakers at this event and particularly Senator Henry M. Jackson made it very clear that they did not want to block the implementation of U.S.-Soviet trade agreements but that at the same time they felt compelled by their convictions and their conscience to use the enactment of these agreements to strike a blow for the freedom of emigration for those Russian Jews who desire to go to Israel.

You are quoted, Mr. Brezhnev, as stating that the education tax has now been waived except for young people who receive government scholarships and have not yet gone to work. You are also quoted as contending that 90% of the visa applicants were granted visas. You also indicated that Jewish emigration would be maintained at the level of 30–40,000 persons per year.

Senator Hubert H. Humphrey made notes at the four hour luncheon indicating that you had cited figures showing that of the 61,000 Jews who last year applied to leave the Soviet Union, 60,200 applications were granted. Senator Humphrey also said that you reported that of 11,400 applications for Jewish emigration received in the first 5 months of 1973, 10,000 were granted.

I am sure that you are aware that these statistics have been challenged by those who are best informed about the problems of Soviet Jews. Senator Jackson put it this way on the Senate floor on June 20, 1973: "What the Brezhnev numbers cover up is an organized system of repression in the Soviet Union that terrorizes and intimidates those who wish to emigrate to the point where they are afraid to apply . . . applicants are brutally harassed and mistreated by the Secret Police, and many have been sent to the infamous labor camps, to prison and to mental institutions."

The undeniable fact is that American Jewish leaders can count at least 116,000 applications by Soviet Jews which have not been acted upon. Your statement that 60,200 persons have been given permission to leave does not harmonize with the verified fact that only 32,000 have actually left the USSR.

I expect to vote on behalf of the Jackson-Vanik amendment next month. But even if that particular amendment becomes law it will not preclude the use of a new set of devices which have been invented to prevent educated Jews from applying to leave Russia or to stop them from leaving after they have applied for an exit visa.

One of those devices is a character reference. A Russian citizen must attach to his application to leave a character reference from his employer. Not infrequently the employers of Jews take the occasion of the application for an exit visa to request fellow employees to furnish evidence of negligence or personal misconduct on the part of the Soviet Jew who desires to leave Russia.

Another device to make it more difficult if not impossible for many educated Jews to leave Russia is the state secrets law which holds that no one who has ever been given access to secret information can leave the country for five years.

These devices are in addition to the chief deterrent, namely the fact that those who apply to leave usually lose their job.

Despite all of these devices and deterrents it is astonishing that more than 100,000 of Russia's three million Jews have asked to leave their country.

On May 21, 1973 I spoke on the phone with a Russian Jew who lives in Moscow. On that day I wrote to His Excellency Ambassador Anatoly F. Dobrynin with a request for information about the status of the application made by this Soviet Jew to emigrate to Israel. This man had applied to leave Russia in July, 1971. He immediately lost his job. This individual has his doctorate in metallurgy and did distinguished work in that field. This individual has submitted his application some 5 or 6 times over the past two years. The only possible explanation which has been offered to him for the denial of his application which has been offered to him for the denial of his application is the false allegation that he has done classified work and is therefore not permitted to leave the U.S.S.R. This learned scientist assured me that all of his writings have been published in learned periodicals and that he was never at any time involved in secret or classified work.

Ambassador Dobrynin has not seen fit to even acknowledge my letter of May 21, 1973. I have written on several occasions to Ambassador Dobrynin about other cases of Russian Jews and on no occasion has your Ambassador ever had the courtesy to reply to my inquiries.

In May and June of 1972 I spent several days in Israel talking to a large number of recently arrived Soviet Jews. I feel that I am relatively well informed about the long history of oppression of the Jewish people in the USSR.

I obtained the impression from your comments about Soviet Jews during your past week in America that you felt that this problem was unimportant and irrelevant to the East-West trade agreements which you are seeking. As far as I have read, however, you did not again assert that the problem of Soviet Jewish emigration is one that relates only to the internal affairs of Russia.

It seems probable that in the next month Congress will be asked to extend a variety of preferential trade arrangements, including most-favored-nation treatment, to your nation. As you are well aware, the economic benefits of increased Soviet-American trade lie heavily in the favor of the Soviet Union, at least in the immediate future. But even if the United States were to gain considerable commercial advantage from U.S.-Soviet trade, I would hope that the United States would use the considerable economic leverage available to seek moral and political concessions from your country so as to extend the frontiers of freedoms. Such moral action is in my judgment demanded when the question relates to the fundamental right to emigrate—a right which your great nation has endorsed in the United Nations Universal Declaration of Human Rights. Nonetheless, this is a right which is being consistently denied your citizens in both overt and convert ways.

There are larger questions of basic human rights and freedoms involved. While Soviet Jews may be the foremost victims of the policies of domestic repression carried out by your government, they are hardly the only victims. All Soviet peoples suffer from the denial of free speech, the denial of freedom of information, the refusal of the right to practice religious beliefs, and the lack of consent of the governed. While you have commendably liberalized the foreign policy of the Soviet Union—to the extent that you now joke with and offer cocktail toasts to former arch-enemies—it is true nonetheless that this liberalization of Soviet policy abroad has been accompanied by a fierce acceleration of oppression at home.

There is no one, Mr. Secretary, in either of our nations who does not want a detente now and always. For too long both of our great nations have labored under the harsh shadow of the Cold War. You are to be praised for your contribution to the great improvements in Soviet-American relations that have occurred in recent years. But the differences between our countries cannot be erased through cosmetic improvements in relations, and, I believe, will never truly be bridged unless the government of the Soviet Union respects the basic human rights and freedoms of its citizens, and agrees to those principles which unite the civilized community of nations. For this reason I will continue to urge that Congress and the President of the United States view Soviet-American trade, in particular, from a stance that links economic concessions on our part with political responses on your part. Even if you do not choose to view Soviet Jewish emigration as a moral issue, as I do, I will seek to have you feel its impact in political and economic terms, which I am sure you can understand.

I wish to remind you, Mr. Brezhnev, that the American government has acted in behalf of Soviet Jews before—first in 1869 when President Ulysses S. Grant intervened with Czarist authorities to seek the prevention of the contemplated expulsion of 20,000 Jews from an area of Southwestern Russia. 10 other American Presidents, according to Dr. William Korey, Director of the B'nai B'rith United Nations office, have "intervened directly or indirectly on behalf of Russian Jewry during the last 100 years."

On at least four occasions Congress itself acted to help Russian Jews, first in 1879 when the House of Representatives adopted a resolution criticizing Czarist policies denying Jews the right to own real estate.

On another occasion the Congress terminated an 80-year old Russian-American commercial treaty. This action was taken on December 6, 1911, as an effort largely sparked by the desperate plight of Russian Jews. Then as now the American Secretary of State argued for the "quiet diplomacy" approach!

I wish to reiterate that I stand firmly in favor of continuing improvements in Soviet-American relations. I welcome the detente. But I am prepared to see the growth of the detente delayed for a short period, if necessary. The United States must, in fairness to itself, to the treaties which it and the Soviet Union has already placed their signatures upon, to the U.N. Declaration of Human Rights, and for the basic decency of Jews in the Soviet Union, insist that the commercial benefits of Soviet-American trade not be placed above the basic moral rights of the people of your nation.

INTRODUCTION OF THE TRADE IMPROVEMENT ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK), is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, the House Ways and Means Committee is presently entering its second week of executive session deliberations on H.R. 6767, the Trade Reform Act of 1973. It is expected that the committee will complete its work by about July 19 and report out a bill for consideration by the House of Representatives prior to the August recess.

This trade bill will probably be the most important legislation considered by the 93d Congress. It has the potential for enormous impact on our economy and on the entire world's economy and system of international monetary transactions. It is imperative that this legislation be most carefully studied, considered and debated by every Member of Congress and by the entire Nation.

EXCESSIVE GRANT OF AUTHORITY TO EXECUTIVE

Not only does this legislation have the potential for enormous economic impact, but it is important in terms of the growing debate over the balance of powers in our system of government. The principal legislation being considered by the committee, H.R. 6767, is the administration-backed bill. It provides enormous, unprecedented grants of authority for the President to eliminate or to establish tariffs and quotas. The administration has said that this bill is only a 5-year authority. But under various sections of this bill, sections such as 403, the Congress is giving the President permanent, less controls over imports and—as it follows—exports.

The House will be spending 2 days this week debating the war powers resolution—a bill designed to restore the role of Congress in international affairs and military commitments. It is ironic that in this same week, the House Ways and Means Committee will be proceeding with H.R. 6767, a bill which gives away congressional control and oversight of international trade, abandons one of the oldest and originally most important powers of the House of Representatives—the taxing power provided by tariff and customs duties, and further gives up congressional control over the direction and course of the American economy.

This bill, H.R. 6767, must be thoroughly rewritten. Controls over the powers of the Executive must be established.

THE NEED FOR SELF-EXECUTING LEGISLATION

This bill must also be made self-executing and self-enforcing. The present language of H.R. 6767 invites political pressure and political corruption. It is a tool that can be used for or against particular industries and regions of the country. In recent years we have seen campaign pledges and contributions apparently influence the level of textile imports, increase dairy price supports, and affect regulations on the flammability of rugs.

Regardless of time, regardless of administration, regardless of party, it is bad legislation which gives enormous discretion to a few individuals to bestow fantastic economic benefits on selected industries and special friends.

OTHER IMPROVEMENTS NEEDED IN H.R. 6767

In addition to amending this legislation to provide guidelines and controls over executive discretion and to make it more self-executing, this proposal, H.R. 6767, must be overhauled to correct a number of basic structural flaws.

INTERNATIONAL TRADE POLICY

Title IV deals with international trade policy management and is a sweeping delegation of authority to the President to prevent or to control excessive balance-of-payments surpluses and deficits. Three times since the summer of 1971, the world monetary markets have been convulsed by currency crises. The first crack in the post World War II system was the dollar crisis of August 1971, when the dollar's value was changed for the first time since the Bretton Woods Agreement of 1944. The following summer saw a severe sterling crisis in England. This January and February, the dollar again came under pressure, billions flowed into the central banks of the stronger European currency countries and into the Bank of Japan—but the inevitable devaluation could not be resisted. The Treasury Department indicates that support of the value of the dollar cost the United States about $400 million in 1971, but only about $4 million this past February—though an appropriation of $2.2 billion was required after that devaluation to provide for contingent obligations of the United States to the various international banks and monetary funds.

I recite these facts to point out that the world appears to have entered a series of monetary convulsions. Some would say that the dollar is still under so much pressure that we are, in fact, in a third dollar crisis.

The problem is—title IV does little or nothing to help solve these problems. It is more of the same old discredited policies of the past. This title gives the administration dictatorial powers to cut off trade or increase trade—either on a worldwide basis or with specific foreign nations. This title does not provide for flexibility or the possibility of flotation—a form of which has really worked quite well for the last several months and which has successfully served Canada for some 15 years and Brazil for the past 5 years. Instead, title IV takes the world back to the system of fixed rates, with all the resulting pressures and distortions that that system can create—but with the new distortions in trade manipulation provided by title IV.

INADEQUATE TRADE ADJUSTMENT ASSISTANCE

Title II of H.R. 6767 provides for company and worker assistance in industries adversely affected by imports. This title is also woefully inadequate. Special benefits for older workers who are displaced from their jobs as a result of imports are eliminated. The subsistence allowance for workers who travel to another town or city for a retraining program is $5 per day—the same subsistence amount allowed 11 years ago in the Trade Expansion Act of 1962. Under the administration's bill, the average worker in every State except Alaska would receive less under the administration's adjustment assistance formula than he would under the 1962 Trade Expansion Act formula. Not only would he receive less, but the duration of his benefits would be, in general, cut in half. Finally, the worker displaced from his job because of imports would be offered job retraining assistance under the administration's proposed manpower revenue sharing plan—yet this is a plan which provides for severe cutbacks in the level of job retraining funds.

FREEDOM OF EMIGRATION

The provisions providing for the extension of most favored nation trading status—increased trade with the Soviet Union and other State-controlled economies—fail to include the requirement that such nations permit freedom of emigration. The administration's bill omits this requirement, despite the clearly stated concern of the Congress on this issue—a concern expressed in the House by a freedom of emigration amendment sponsored by the chairman of the Ways and Means Committee and myself and which is cosponsored by an unprecedented 282 Members of the House and by 77 Members of the other body, led by the junior Senator from Washington, Mr. JACKSON.

The administration's bill, H.R. 6767, is totally lacking in an adequate, self-enforcing consumer protection section. The national security clauses are—once again—toothless, and there is no attempt to provide for some limitations on import market penetration and the resultant destruction of basic American productive capacity.

As I said previously, Mr. Speaker, it is obvious that this trade legislation must be extensively overhauled and amended.

INTRODUCTION OF NEW LEGISLATION: H.R. 8943

In an effort to provide some alternative and compromise language, I have just introduced legislation, H.R. 8943, entitled "The Trade Improvement Act of 1973." This is a comprehensive bill, considerably more extensive and more detailed than the administration's proposal.

It is not my expectation that this bill will be accepted or adopted in whole. But it is my hope that some of the language and the concepts contained in this bill will be accepted as amendments and as part of the effort to improve the quality of the final trade bill considered by this Congress.

The core of the legislation which I have introduced is H.R. 6767, the administration bill. But I have tried to go through the various provisions of that legislation and eliminate or at least place limitations on the excessive grants of power which it gives to the Executive.

Another major source for the ideas contained in my bill is the Trade Expansion Act of 1962, updated, as well as some of the provisions of the trade bill of 1970—a bill which failed to be enacted into law. The worker and company adjustment provisions are drawn from legislation, H.R. 8723, recently introduced by Congressman Donald Fraser and myself. I have also drawn some provisions—principally tax provisions—from the language of the Burke-Hartke legislation. Finally, I am hopeful that there is a good portion of new ideas in this legislation, drawn from suggestions and concepts which came out of the committee's public hearings.

In short, this is a compromise bill. It is a bill which drops the worst features of other legislation and brings together some of the best proposals from a wide variety of sources.

MAJOR PROVISIONS OF H.R. 8993: BASIC AUTHORITY

Title I of the legislation provides for the basic negotiating authority for the President in both tariff and nontariff barrier questions for a 5-year basis. Unlike the administration bill, however, H.R. 8943 places limits on how much the President can lower or increase tariff barriers. In this respect, it is similar to the 1962 and 1970 trade acts. In addition, under the administration bill, the President appears to have a great deal of discretion as to negotiating away nontariff barriers and wide latitude on whether or not to seek congressional approval of NTB negotiations and agreements. The legislation which I have introduced would require that all NTB agreements be submitted to the Congress and all such agreements may be vetoed by the passage of a simple resolution by either Chamber.

ADVERSE MARKET PENETRATION

Title II of H.R. 8943 deals with fair and unfair import competition as well as the issue of excessive and adverse market penetration. In essence, the provisions of this title are similar to titles II and III of H.R. 6767 and require action on the part of the President to make determinations in the case of workers and firms injured by imports. It requires actions by the President in countervailing duty and antidumping cases. In addition, this title contains a new provision which puts forth the concept of adverse market penetration and the need for the maintenance of necessary industrial production. Under this provision, the President is directed to determine when foreign market penetration becomes unreasonable and threatens the industrial health of a major sector of the American economy. Once such a determination is made, he is empowered to impose controls on further market penetration.

COMPREHENSIVE TRADE ADJUSTMENT ASSISTANCE

Title III of H.R. 8943 is the Trade Adjustment Assistance Act introduced by Representative Donald Fraser and myself on June 15. This bill provides for comprehensive and adequate assistance to firms, workers, and communities who have been adversely affected by imports. This legislation is described in detail in the June 15 Congressional Record on pages 19862 through 19864.

INTERNATIONAL MONETARY ADJUSTMENTS

Title IV of H.R. 8943 is similar to the administration's proposal for new authority to deal with surplus and deficit balance of payments problems—with several important exceptions. First, it limits the President's authorities for unilateral action in a number of important ways. Second, it provides language which encourages a more flexible range of exchange rates rather than set and fixed exchange rates.

MFN AND FREEDOM OF EMIGRATION

Title V of the legislation which I have introduced is similar to the language in the Trade Reform Act and provides for the extension of most-favored-nation treatment to the Soviet Union and Eastern bloc countries. The major change in my proposal is the inclusion of what is known as the Mills-Vanik-Jackson amendment or the freedom of emigration amendment. There can be no extension of most-favored-nation status, indeed, there will probably be no trade bill if the freedom of emigration language is not included.

GENERALIZED PREFERENCES

Title VI of H.R. 8943 parallels the administration bill, but with an important change. Under the administration bill, if tariffs are reduced for a lesser developed country, they must be reduced to zero. There is no middle ground, no partial preference authority. My proposal allows the President to provide a range of preferences to assist these nations in their growth and industrial development.

CONSUMER PROTECTION

Title VII of my proposal is a totally new title which provides for the suspension of import restrictions and tariff duties during periods of abnormal inflation. In addition, it provides for mandatory export controls when the consumer price index of an exported item increases at a rate significantly above the rate of increase of the total Consumer Price Index. In addition, this title provides for complete repeal of the Meat Import Quota Act of 1964 as well as the elimination of tariff duties on imported meats. The President has recently announced his support for the elimination of these tariff duties, and, given the worldwide shortage of meat, continuation of the Meat Import Quota Act is absolutely senseless.

NATIONAL SECURITY

Title VIII is a new national security title that provides some teeth to the previous national security sections—sections which have been all but useless. In particular, this section provides for the development of a national defense register of articles which are essential for the defense of the United States in case of war—articles which we must be capable of producing ourselves.

TAX REFORM

Title IX is a strong international tax reform section which fills in the many gaps left by the administration's extremely weak tax "reform" proposals. In addition to providing for repeal of the Western Hemisphere Trade Corp. deduction and the DISC provisions, this title changes the foreign tax credit to a deduction, eliminates deferral on taxation of foreign income, removes certain rapid depreciation tax advantages on investments abroad, and provides several other smaller changes in the tax code. The need for reform in the taxation of international income is increasingly obvious. Last year, I made a study of America's largest 100 corporations. Out of 45 corporations for which data was available for tax year 1971, 5 paid no taxes on $382 million in taxable income. At the present time, my staff and I are in the process of up-dating this study and it appears that the results of this study for tax year 1972 will be even more dramatic—and will involve phenomenally low tax rates for a large number of multinational corporations. In most cases, these multinational corporations have been able to use special tax provisions on their foreign income to offset or reduce their U.S. Federal corporate tax rate. This type of abuse must be eliminated.

ADDITIONAL PROVISIONS

Title X, the final title of this new proposal, is similar to title VII of the administration bill in that it contains various miscellaneous "roundup" provisions and definitions. But in my proposal, this title also includes new sections which—

First, provide for greater coordination of American trade, investment, and international monetary policy.

Second, prohibit Export-Import Bank guarantees and loans at below commercial market or subsidized rates;

Third, prohibit trade and transportation to and from the United States by SST's until it is certain that they pose no environmental dangers;

Fourth, embargo trade with countries that fail to cooperate in international drug control or environmental protection efforts;

Fifth, provide for the amendment or termination of the Canadian-American Automotive Parts Agreement of 1965—an agreement in which the United States has not received adequate reciprocity;

Sixth, provides for studies on the role of multinational corporations in currency speculations, the creation of an Organization of Oil Importing Countries, and investigations of the impact of oil imports on the future balance of payments of the United States;

Seventh, places controls on the export of American job-producing technology;

Eighth, and requires the Treasury Department to work for the collection of foreign debts owed the United States.

It is obvious that a good bill is needed. It is obvious that compromises are needed. I am hopeful that this legislation which I have introduced will help the committee and the Congress develop a better bill, one that brings together the best from many sources.

THE SUMMIT IN RETROSPECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, yesterday, Secretary Brezhnev concluded his visit to the United States amid celebrations and fanfare. This visit will probably be long-remembered as a turning point in the history of East-West relations. It would seem that, after 28 years, the Cold War has finally ended.

The number and kind of agreements signed demonstrate that the Soviet Union is quite anxious to reap the benefits of detente. Not the least of these benefits will be the opportunity to share in the fruits of American technology.

However, the Soviet Government must realize that, if it is truly committed to the idea of detente, there can be no one-sided deals. It is not truly detente if the Soviet Union only takes, and the United States only gives. In that respect, the Soviet Union must show its commitment to the principles of detente by acting in consonance with certain basic moral principles.

That means that the restrictions on foreigners in the Soviet Union will have to be eased. It means that there must be no harassment of Western ideas, for the free flow of ideas between Russia and the United States is a key element of this much talked about détente. And it means that the Russians will have to make some positive showing that the restrictions placed on Jews are being ended.

We keep hearing that the exit tax has been suspended, that more and more Jews are being permitted to leave Russia now than ever before. However, there is little tangible proof of these assertions. And further, there are reports coming from the Soviet Union of increasing numbers of arbitrary refusals of permission to emigrate.

It is sad to have to repeat the same thing so many times, but in this case it is necessary to make sure that my point is taken. It is still a dangerous thing to be a Jew in Russia, particularly if you are a Jew who wants to leave for Israel. The newest game the Russian officials are playing is refusing to grant visas on the false ground of "national security." More often than not, the security excuse is one that has been drummed up to give a patently arbitrary refusal the cloak of legitimacy, in response to pressure from concerned people in the United States. The Russians are aware that they are being carefully scrutinized and they are taking great pains not to antagonize the United States.

It has been said before, and will be again, that the Russians need us more than we need them. Everything they hope to buy from us under the new trade agreements also has a market here at home. Almost every agreement signed by Nixon and Brezhnev will make little or no direct impact on the world political situation, and will not in and of themselves bring the world closer to real peace. For all of Secretary Brezhnev's good-humored posturing, we must not forget that he is the head of a government that imprisons dissenters in insane asylums and harrasses those who wish to express their Jewish identity.

I hope that my colleagues will not be so completely won over by Secretary Brezhnev's good humor that they will forget that a genuine détente requires both sides to make many accommodations.

Mr. Speaker, I have attached a list of Jewish citizens of the Soviet Union who have applied for exist visas and have been denied for "national security reasons." This list illustrates better than any words I could choose just what it means to be a Jew in Russia today. I hope that my colleagues will study this list carefully, and learn the painful lesson it teaches:

PERSONS DENIED EXIT VISAS ON FALSE GROUNDS OF "NATIONAL SECURITY"

David Azbel, born in 1911. ScD, professor Specialist of chemical equipment and technology. Many works published in USSR and abroad. Has been teaching at the USSR Polytechnical College by correspondence. No secret work performed. Applied in April 1972. Motive of refusal: "Your mother-in-law stays in the USSR. We will not break up your family."

Anatole Galperin, born in 1930, mathematician. Worked in econometrics and planning in civilian industry. No secret work performed. No secret publications. Since 1972 works in a bank. Applied in November 1971. Wife doesn't work.

Evsei Ratner, born in 1899; ScD, professor (retired for 5 years). Biologist, specialized in plant physiology. Never performed any secret work nor participated in any secret publications. Practically all his relatives, including his only daughter and granddaughter live in Israel; six refusals. Last reason given: "We don't feel like letting you go." His wife, Ktizia is 69.

Benjamin Levich, born in 1917; ScD, professor, corresponding member of the Academy of Sciences of the USSR. Specialist in theoretical physical chemistry. Has not been engaged in any classified work since 1950. All his scientific findings have been widely publicized since then in Soviet and foreign journals. Applied in March 1972. Dismissed after that from Moscow University and demoted in the Institute of Electrochemistry of the Academy of Sciences. Son, Alexander Levich; born in 1944, corrosion engineer. Worked in a plumbing and sewerage institute. Dismissed after applying for visa (February 1972). Does unskilled work. No secret work ever performed. Son, Evgoeni Levich, born in 1948; ScD (in 1969). Specialist in theory of processes occurring in stars. Has never done any classified work. All his papers have been published in Soviet or western scientific journals. Applied in March 1972. Recently seized by force and sent to Arctic Circle as an army private. Wife (Tanya, translator of fiction is now out of work.

Anatole Libgober, born in 1949. Specialist in abstract mathematics. Worked in a college. Applied in January 1972. Since then works as a repairman in redecorating apartments. No secret work ever performed, no secret publications.

Kirill Khenkin, born in 1916. Philologist (Licencie es Lettres, Paris University, specialized in comparative literature). Since 1945, a radio journalist and translator at Radio Moscow, lat rea translator of French classical fiction and literature in social sciences. No secret work performed. Applied in September 1972. Visa granted in November 1972. Visa cancelled without explanation in December 1927. Since then out of work. Refused to take back Soviet citizenship (Israeli citizenship granted in April 1973), wife, Irina, born 1937. Former journalist. Since 1968 a free lance screenplay writer.

Michael Babel, a specialist in energetics. Since 1967 a designer of current converters in civilian industry. No secret work performed, no secret publications. Applied in January 1972. Dismissed in June, same year, and works outside his specialty. Wife, Helen, a designer in engineering industry. No secret work performed. Out of work since March 1971.

Solomon Inditsky, born in 1912. Engineer in a plant of electromechanical equipment until February 1972. Retired since then.

Valery Panov, (Leningrad), born in 1939. Star dancer of the Kirov Ballet Company, State prize winner, Artist Emeritus of the RSFSR. Wife, Calina Bogozina, prima ballerina. Both dismissed from work.

Leonid Tarasiuk, born in 1927. Master of Science, art critic. Worked, before dismissal at the Hermitage Museum of Leningrad. Refusal of visa confirmed recently on the grounds of "state interest."

Vladimir Slepak, born in 1927, Radio-Engineer. From 1957 to 1969 worked in a research Institute dealing with television. Has not worked in his field since April 1969. Applied for visa in April 1970. Visa refused in July 1970. Presently out of work. A family of four. Wife, Maria, a retired physician.

Valery Krijak, born in 1939. Mechanical engineer. From 1966 to 1972 worked on designing of equipment for automobile repair plants and cars for municipal use. Applied in February 1972. Visa refused in June 1972. Works as an elevator mechanic. Wife, Valeria, born in 1938, an engineer-metallurgist. From 1963 to 1972 worked as an inspector of and keeping of precious metals in jewelry stores, dental clinics, etc. Applied in February 1972. No secret work performed.

Isaak Dymshitz, born in 1926. Mechanical engineer. From 1962 to 1970 was designing heating appliances of general industrial use. Then, until 1972, a designer of sales equipment. Applied in October 1971. Since February 1972 a night watchman and postman. No secret work ever performed.

Hirsh Toker, born in 1931, an electrician worker. Since 1966 works in a button plant. No secret work performed.

Benjamin Gorokhov, born in 1928. A screenplay writer. Applied in October 1972. No secret work performed.

Boris Einbinder, born in 1940. Physicist. Specialist in theoretical physics. From 1967 to 1971 worked as a research scientist at the Institute of Physical Chemistry of the Academy of Sciences. No secret work performed, no secret publications, no access to classified material. Applied for visa in December 1971. Since then a private tutor. Wife, *Marianne*, a clerk until 1970. Presently out of work.

Levi Libov, born in 1932. Master of Science in metallurgy. Until 1969 worked in a factory, then until July 1971 in the Institute of Rare Metals. Applied for visa in 1971, being dismissed became plumber and repairman. No secret work performed, no secret publications.

Leonid Koshevoi, born in 1932, a designer of supplementary telephone equipment. No secret work performed, no secret publications. Applied in November 1972. Wife, *Irina*, born in 1937, engineer in telephone and telegraph communications. At her place of work, compiled public data on patents in this field. Took no part in secret work. No secret publications. Applied in November 1971, refusal in February 1972.

Victor Polsky, born in 1930, Master of Science, an engineer physicist. Worked on developing X-ray equipment for civil industry and medicine. No secret work, no secret publications. Applied for visa in November 1970; dismissed in March 1971. Teaches privately. Wife, *Helen*, born in 1935. Engineer in radiotechnology. 1960–1970—designer of supplementary equipment. No secret work performed, no secret publications. Out of work since 1970.

Iona Koltchinski, 21. Applied for a visa after graduating from high school. Reapplied later. No answer—but two years later in a hard labor camp where he was made to perform his military service.

Yuri Miloslavski, born in 1947 (Kharkov). Poet and journalist. Has worked as an actor in a puppet theater, then as an local announcer and journalist of a factory newspaper. Has been refused permission to leave and told that he could not apply again before 1976 because of "secrecy considerations." Wife, *Irina,* 26, graduated last year from Kharkov University. Out of work.

Vladimir Mash, born in 1925. Doctor of Economics, professor. Since 1963 worked in the Central Economic-Mathematical Institute of the Academy of Sciences developing econometric methods from planning computation in civil industry. No secret work performed, no secret publications. Applied in April 1972.

Eitan Finkelstein (Vilnius), born in 1942. Engineer-physicist, ScD. Worked in the Institute of Technical Physics. For seven years has performed occasional jobs. Applied in 1970.

Vitaly Rubin, born in 1922, Master of Science, specializes in History and Philosophy of ancient China. Worked for the Institute of Information and the Institute of Oriental Studies of the Academy of Sciences. Applied in February 1972, refused in July 1972. Presently is secretary to a blind man to whom he reads.

Dina Beilina, born in 1939. Mechanical engineer. Worked from 1962 to 1972 on non-classified problems of automation-mathematics: description of technological processes in chemical industry. Has not worked since 1972. Applied in January 1972.

Joseph Begun, born in 1929, electrical engineer, Master of Science. 1968–1969, research fellow at the Radiotechnical Institute. 1969–1971, mathematics instructor in the College of Agricultural Engineers. Since April 1971, private tutor. Applied for visa in April 1971, refusal in August 1971.

Grigory Svetchinsky, born in 1940, chemical industry automation engineer, works at the Chemical Machine Building College, working out automatized laboratory plants for the study of microbiological processes. No secret work performed. Since May 1971 up to February 1973, out of professional work. Applied for visa in June 1971, refusal in October 1971.

Pavel Abramovich, born in 1939, radio engineer. In 1968–1970 at Research Institute, worked out elementary logical schemes. In 1970–1971, computer maintenance. Since November 1971 a private tutor. Applied for visa February 1971; refusal in April 1971. Wife, *Marta Balashinskaya,* born in 1940, electrical engineer. Up to 1970 worked in the Research Institute of Applied Physics; on photoelectric apparatus. No classified publications. Since September 1970, out of work.

Nathan Faingold, born in 1930, radio engineer up to 1967, since then an artist. Applied for visa in November 1971, refusal January 1972. His wife a school teacher out of work.

Vladimir Roginsky, born in 1939, physicist, Master of Science. During 1965–1968, theoretical physics instructor at Moscow Physiotechnical College. During 1968–October 1971, research fellow in the theoretical department of the Institute of Theoretics and Experimental Physics. Studying abstract problems of elementary particles, having no applied value. Never participated in classified studies; all his works published. Scientists from Western countries worked in the same department. Since October 1971, private tutor. Applied for visa in November 1971, refusal February 1972. His wife is a school teacher, out of work.

Victor Faermark, born in 1941, profession: chemical technology, specialization—physical chemistry. Worked at the Moscow Electronic Machine Building College on study of gas transport reactions. Applied for visa in November 1971, refusal in December 1971. Now secretary. Wife, Calina Sinyavskaia, 24, English teacher—out of work.

Vladimir Shakhnovski, born in 1941, mathematician. Worked as an engineer at Moscow University, programming for computers. Since May 1971, laborer in a shop. Applied for visa in December 1972, refusal in April 1973.

Alexander Luntz, born in 1924, mathematician, Master of Science. Up to November 1972 worked in the Institute of Electronic Computers. Theoretical works on mathematical statistics, numerical methods and applications in medicine cybernetics. Had no clearance. Since November 1972 private tutor. Applied in January 1973, refusal in April 1973. Wife out of work.

Susanna Figner, born in 1916, engineer on electrical measurements, up to December 1971 in the Institute of Semiconductor Apparatus Constructing. Working on maintenance of standard equipment. Now a clerk in a hospital. Applied for visa in February 1971, refusal in June 1972.

Victor Mandeltzweig, born in 1939, physicist, Master of Science. During 1962–February 1972, worked in the Theoretical Department of the Institute of Theoretical and Experimental Physics, studying abstract problems, having no application. Never took part in classified works and never used classified documentation. All works published. Western scientists worked in the same department. Applied for visa in February 1972, refusal in April 1972. Now a private tutor.

Vitali Raevsky, born in 1930, engineer-technologist in physical chemistry. Master of Science. From 1967 to 1970 worked in the State Research and Designing Institue. Since 1970 and up to now, in the Laboratory of Chemical Packaging. Has no secret publications. Applied for visa in February 1972, refusal in April 1972.

Mark Nashpitz, born in 1948, dentist. Up to May 1972, worked in a hospital. Now out of work. Applied for visa in February 1971, refusal in April 1971.

Mosei Belfor, born in 1939, engineer in electronics. From 1968 to 1971 no classified work. Since 1971 does unskilled work. Applied for visa in December 1971, refusal in February 1972.

Alexander Lerner, born in 1913, ScD, specialist in cybernetics, professor. Worked at the Institute of Controls of the Academy of Sciences on the theory of large scale systems and on mathematical methods in medicine. No classified work since 1960. Now out of work. Applied for visa in November 1971, refusal December 1971.

Boris Tzitlyonok, born in 1944, a factory worker. Up to 1969, worked at the Moscow plant of electromechanical apparatus, assembling electrical motors, described in any reference book. Never had access to classified material. Since 1969 works in a shop, unloading trucks. Applied for visa in May 1971, refusal in November 1971.

Yuli Kosharovski, born in 1941, radio engineer. Since 1968, worked as an engineer in Research Institute of Labour Hygiene and Professional Diseases. Work is classified. Since 1971, laborer in shops. Applied for visa in 1971, refusal in March 1971.

Vladimir Prestin, born in 1934, electrical engineer. Up to April 1969, worked at the Research Institute of Computer Techniques, taking part in constructing computers, for industry. Since then, no work in his field. Now a clerk at a repair office. Applied in November 1970, refusal in March 1971. His wife is out of work since July 1970.

Ilya Korenfeld, born in 1923, mechanical engineer in machines and tools. From 1966 to 1971, worked on completing equipment for new plants. Now, metal craftsman. Applied for visa in March 1971, refusal in May 1971. His wife is out of work.

Victor Brailovsky, born 1935, electrical engineer. Up to 1973, at the Institute of Control Computers—worked out mathematical algorithms, programing and solving applied problems. Applied for visa October 1972, refusal January 1973. Now a private tutor. Wife, *Irina,* born in 1936, mathematician, Master of Science. Up to 1973 worked at the Computer Centre of Moscow University. No classified work, no access to secret information. All the results published in open press. Since 1972, common computer programmer.

Alexander Voronel, born in 1931, ScD, physicist, professor. Worked as a head of a department at the Research Institute of Physical Technical and Radiotechnical Measurements, and professor of Moscow Physical Technical College. Worked out experimental and theoretical studies on condensed state physics. All the works published have no applied or military significance. Up to 1969, had formal classification corresponding to his post without using it and was deprived of it. Out of work now. Applied for visa in May 1972, refusal in August 1972. His wife is a writer.

Isaak Poltinnikov, Novosibirsk, born in 1921. Physician-oculist; worked as a physician in the army up to March 1971. Didn't take part in secret works. In 1972 deprived of officer rank and of a pension. His wife (born 1923) and daughter are physicians, now out of work. Applied for visa in January 1972.

Alexander Roisman, born in 1923, mechanical engineer. For six years hasn't been using clearance. Worked as a furniture designer. His wife is a physician. Applied for visa in May 1972, refusal in March 1973; since 1972 out of work.

Grigori Teitelbaum, born in 1923, profession: magazine photographer. Up to November 1971 worked as a special correspondent of the "Turist" magazine, making postcards and photobooks for children. Now unemployed. War: disabled person, gets a pension of 34 rubles. Applied for visa in March 1972. Wife a teacher of domestic science, unemployed since 1971.

Michail Rigik, born in 1941, engineer on technology of semiconductor materials. From September 1968 to February 1971 worked at the production of semiconductor integrated circuits. From January 1971 never dealt with closed works. From February 1971 worked as an engineer in design office, dealt with automation of Petroleum pump stations. Applied for visa in October 1972, refusal in January 1973. In October 1973, was dismissed. Now unemployed. His wife, Olga Kazakevich, a teacher, doesn't work.

Mark Novikov, born in 1919, electrical engineer, deals with photoelectronics. Worked as a qualified worked up to 1971 at the Institute of Space Research of the Academy of Science, working out the installations for receiving the luminous radiations. Applied for visa in February 1972, refusal in June 1972. At present, works as an electrician.

Jakov Pisarevski, born in 1937, engineer-electrician on automation and telemechanics. From 1967 works in the field of television broadcasting, using the materials of open character. Applied for visa in November 1971, refusal in February 1972. From April 1972, unemployed. Wife is a designer, unemployed since 1970.

Ida Nudel, born in 1931, economist, works from 1954. From 1968 to January 1972, worked at a project for the Institute of Biosubstantiation of Construction. In January of 1972 was dismissed. Applied for visa in November 1971, refusal in December 1971. At present, a simple worker.

Izabella Novikova, born in 1943, electromechanic engineer. From 1968, worked at the plant of electromechanical apparatus. Description of this apparatus was published in open press. From May 1971, doesn't work as a qualified worker. Applied for visa in November 1971, refusal in January 1972.

Stella Goldberg, born in 1932. Applied for visa in July 1970, refusal in September 1970. Has son of 5 years of age; mother-in-law (pensioner). Profession—a pianist.

Riva Feldman, a school teacher for the past 5 years, before that worked in the kindergarten. At present, unemployed. Son, *Vladimir*, worked as an elevator worker, now unemployed. Son, *Ephym*, before 1970 worked as a cook. In 1970–72, served in the army. At present, an elevator work. Applied for visa in March 1971, refusal in May 1971.

Arkadi Rutman, born in 1949, graduated from the Institute of Culture in 1970; the conductor of the orchestra of Russian instruments. 1970–71, served in the army. From November 1971 to May 1972, the cultural organizer in the boarding school of the recipients of a special pension. From June 1972, works at Moscow society of musical orchestras. Applied for visa in November 1972. Refusal in February 1973.

Solomon Shmidt, born in 1916, a technician, power specialist. From 1971 to now, works at a trust, connected with power equipment. Never worked with secret documents. Applied for visa in March 1972, refusal in October 1972. He lives in the town of Podlipki. Motivation for his refusal was the following: ". . . could hear the talks of people working at different enterprises in Podlipki." His son, born 1952, was dismissed from the Institute in 1972. Wife, born in 1924, is a planner.

Victori Apidus, born in 1921, mechanical engineer, last place of work: automobile and automotor Research Institute. Candidate of technical science, was never classified, has 40 published works, also abroad. Applied for visa in August 1972, received permission in October; then the visas were detained. In November 1972, refusal "on state grounds." At present, unemployed. Wife, Henrietta Shoolyanskaya, architect. Has two daughters. Early and in present time, works at "Moscow Project Bureau—I." Never classified.

THE RETIREMENT OF FRANK E. BATTAGLIA

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, it is with regret that I have learned of the impending retirement of a great friend of the Congress. One who has served it so well as Dean of the Corps of Official Reporters of Debates of the House of Representatives. I refer to Frank E. Battaglia, who will soon complete 30 years of service which of course entitles him to retirement benefits.

From my observation of Frank, he is indeed a highly dedicated person possessive of great competence, mild manners, and blessed by a delightful personality; all characteristics which tend to describe him as a top caliber citizen who has served our Nation in an exemplary manner.

In the way of background, Frank was born and raised in New York City, worked his way through several years of the City College of New York, Fordham Law School, New York City, and utilized the skill in several secretarial jobs while attending night school: He attained the skill for verbatim shorthand reporting as a result, and subsequently worked as a freelance shorthand reporter in practically every court in New York City. He took depositions in several States in the Northeast section of the country.

Frank decided to come to Washington, D.C., after hearing of the need for shorthand reporters, where he reported for various Government agency hearings, subsequently confining his work as a freelance reporter to congressional committee hearings. He was appointed as an Official Reporter of Debates of the House of Representatives in 1943 by the Honorable Sam Rayburn.

In recognition of Frank's love for the House of Representatives, I know that retirement, despite its joys, does not come easy for him. But again, knowing him as I do, I am confident that this adjustment will be a good one, I pray that the years ahead will provide him with an abundance of God's choicest blessings, good health, and happiness. Certainly he has indeed earned the gratitude of the entire Congress.

WORDS OF CAUTION

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I want my colleagues to know of an experience I am having with the Department of Housing and Urban Development. We have heard a great deal about the relaxation of tension between the White House and Congress through the initiation of a more open policy of communication by the executive branch. The President himself alluded to this at the time he signed into law a bill which would continue for 1 year a wide variety of Federal health programs.

For those who view this as the end of the long, dark night of executive isolation from Congress, I have words of caution.

We are all aware of the arbitrary and probably illegal, impoundment of Federal housing and community development funds and the termination of a whole host of programs sponsored by the Department of Housing and Urban Development.

Caught up in that action was an application submitted by the city of Norwich, N.Y., for participation in the Federal public housing program. Since 1969, Norwich has been working to receive Federal support for some 90 units of housing for its elderly citizens.

Despite the fact that Norwich has twice come down to the wire on approval for its housing, the Department has now taken the position that its high and mighty moratorium on housing programs has doomed the Norwich effort again.

I have studied the record, and while I still feel that the moratorium is an arbitrary and capricious act on the part of the Secretary, I also feel that there is merit to processing the Norwich application even under the terms of the moratorium.

I have been trying for 2 weeks to pass this message on to the Secretary of Housing and Urban Development. Locked up in his air-conditioned ivory tower down at L'Efant Plaza, the Secretary fails to return phone calls. I have been trying to call the coach, and the water boys call me back.

If there is isolation, if there is bad feeling, if there is tension, between Congress and the executive branch, we have to look no further than similar acts of discourtesy and disrespect for Congress—and for the people. It is no insult to me that the Secretary will not respond. It is an insult to the people of Norwich in whose behalf I am attempting to call.

Secretary Lynn would do well to look to his relations with the Congress, unless his mandate is to deliberately antagonize Congress and continue to develop as lousy a relationship as possible with Members of the majority side of the House. I serve on the Banking and Currency Committee, the body which authorizes the programs of the Department of Housing and Urban Development.

I intend to continue to press the Secretary to meet with me and with citizens from Norwich in an effort to rescue their senior citizens housing program. I am convinced that the Department made a mistake in its handling of the Norwich application, and I would like to see that mistake rectified.

RETIREMENT OF PRESIDENT EAMON DE VALERA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today it is my great pleasure and deep honor to congratulate the oldest head of state in the world, President Eamon De Valera of the Republic of Ireland, on his nearly 60 years of exemplary service and devotion to the Emerald Isle, on the day of his deserved retirement, after 14 years in the office of the Presidency.

President De Valera, born, I am proud to state, in my constituency on October 14, 1882, at Lexington Avenue and 51st Street, was foremost among those instrumental in the independence struggle for Ireland, both in fighting and in diplomacy. Yet "Dev" as he is universally called, had the foresight and ability to lead the Ireland of the martyrs, of the Easter Rising and the Black and Tans, into the modern, prosperous country it is today. As the head of state, President De Valera has led Ireland this very year into membership into the European Economic Community displaying the statesmanship of a nationalist who realized his country's aspirations could only be met through transcending narrow state boundaries in a wider international framework.

President De Valera was able to combine in a rare synthesis the energies and skill of the fighter the qualities of the diplomat, and the wisdom of the statesman. As the New York Times today said:

> Most of the great figures of modern Irish history—Wolfe Tone, Daniel O'Connell, Charles Parnell, Padraic Pearse, James Connolly and Michael Collins—failed, and usually were martyred in the process. Mr. De Valera suceeded and survived. By doing so, he managed to transform heroic Ireland into what is, with all its deficiencies and backwardless—a living, functioning country.

Today, we honor this native son of the sidewalks of New York the George Washington of his country, our own son and Ireland's Eamon De Valera As a comment on a great career, we can all say: "Well done."

PRISON REFORM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the reform of our prison system deserves continuing attention. Unfortunately, however, the loudest cries for such reform are usually heard following prison disturbances. Out of sight, out of mind too often applies to prison reform.

Progress is being made, however, in the Senate where Senator BURDICK's Subcommittee on National Penitentiaries is working on a family furlough bill which will permit prisoners to visit their homes up to 31 days a year. The concept of family visitation is one which I have pressed since March 1972 when I introduced the first family visitation bill. Such legislation allows for the family contacts and conjugal relationships which are so important if we are to rehabilitate an individual during his incarceration. It is significant to note, too, that Norman Carlson, Director of the Bureau of Prisons also supports this concept and has testified before the Subcommittee on National Penitentiaries to that effect.

Legislation, especially in the prison reform area, is slow in realization. And so in the interim we must continue to monitor the administration of the prisons under current laws. With that thought in mind, I would like to bring to the attention of our colleagues some correspondence that I have had which relates to one aspect of family visitation. The problem was brought to my attention by the Fortune Society which is doing exemplary work in the area of prison reform. I am pleased to report, at least from the most recent letter that I have received from Norman Carlson, that the situation has been remedied. The correspondence follows:

THE FORTUNE SOCIETY,
New York, N.Y., April 3, 1973.

Congressman EDWARD KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: We are enclosing for your consideration a letter from a Federal prisoner, Mr. ———.

We would hope that your office would make inquiry into this situation. Of particular interest is the attempt to pit Gentile against Jew by stating that any protest by Jewish inmates will result in Protestant prisoners being denied their visitors.

It is an old prison attempt to divide prisoners—Black against White, Gentile against Jew, etc.

None of this seems to have anything to do with rehabilitation. What better form of imposing new values than to permit a Jewish man to share a Passover Seder with his wife, girlfriend, or sister?

When the four questions are asked at the Atlanta Passover Seder they may find some startling new answers.

Thank you for your consideration of this matter.

Cordially,

DAVID ROTHENBERG,
Executive Director.

ATLANTA, GA.,
March 28, 1973.

DEAR DAVID: Naturally I have a problem, so here I go again.

The Jewish Community was informed today by Mr. Rigsby, Associate Warden, that we will not be permitted female guests at our Passover Seder:

When asked why, no reason was given. I brought to his attention that a Protestant group (yoke fellows) are permitted and have in attendance female guests: (10–12 in attendance).

When I brought out the fact that this is not right, and is discrimination, he said "If you bring this to a court action, I will put a stop to the "yokefellows" having female guests, now if you want that, go ahead and file."

So, what he is saying is, it is alright for the Protestants to have guests (female) and we are not and if we cause a scene, he will stop all groups of having female guests, and it will be our fault.

How about a little help in this area David—Is it because I'm a Jew, that I am not permitted to talk to a female, the Rabbi's wife, or wives of our invited guests.

Seems we Jews need another miracle David—

Shalom,

——— ———.

ATLANTA, GA.,
March 28, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I am undoubtedly wearing out your complaint department, but when my rights and religious affiliations are curtailed, my Jewish blood starts to boil.

I, (the other members) was informed, that we could not have female guests at our Passover Seder. This information was told to me (personally) by Mr. Rigsby, Associate Warden.

I brought out the fact that the Protestant group, "Yoke fellows" are permitted, and do have numerous female guests at their functions.

Mr. Rigsby admitted this fact and stated that if we (the Jewish Community) created any scene, or court action, he would have no alternative, but to stop all female guests from entering the institution.

He left me with the impression that if we created a scene, it would be the Jewish Community's fault if female guests were stopped, as he wouldn't allow any group in the future this privilege.

In other words, if I were Protestant, I could have female guests, but since I am a Jew, I cannot.

I, along with others in our community, would indeed, desire to bring this matter into the Courts, as there are many decisions that would put our cause in the courts favor.

But, we are hesitant, as we do not want to be blamed, if other female guests are forbidden entrance to the institution.

There is no valid reason, none, that this institution could give for denying the Jewish Community female guests.

I have been a federal prisoner almost two years, and I have never in my life, between Leavenworth and Atlanta, seen such discrimination.

It's even a crime to be a Jew in the federal prison system.

Shalom,

——— ———.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 6, 1973.

NORMAN CARLSON,
Director, Federal Bureau of Prisons,
Washington, D.C.

DEAR MR. CARLSON: Please find enclosed the letter which I have received from David Rothenberg and his enclosure from ———.

Subject to your existing procedures, I would appreciate your comments on this situation. There has been a great deal of problems in many institutions regarding the practice of religion. In that the practice of religion is one of the basic rights of the United States, I hope that when you have investigated this case, you will find that no group is experiencing preferential treatment.

Your interest in this inquiry is appreciated.

Sincerely,

EDWARD I. KOCH.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 6, 1973.

DAVID ROTHENBERG,
Executive Director, the Fortune Society,
New York, N.Y.

DEAR DAVE: I have contacted Mr. Carlson regarding your latest letter and enclosure from Mr. ———. I will be in touch with you as soon as I have received a response. The issue of the practice of religion and the problems incurred within the prison system, is one that is of great concern to me and I will do what I can to see that this case is resolved to the satisfaction of all concerned. I have notified Mr. ——— of my interest in his case.

Sincerely,

EDWARD I. KOCH.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 6, 1973.

——— ———,
Atlanta, Ga.

DEAR MR. ———: David Rothenberg of the Fortune Society has forwarded your letter to me. I have contacted the Director, Mr. Carlson and I will be in touch with you as soon as I have received a reply. Please be assured that I will do what I can to see that this problem is resolved to your satisfaction.

It is a pleasure to be of assistance.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF JUSTICE,
BUREAU OF PRISONS,
Washington, D.C., May 22, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: The following responds to your letter of April 6, 1973, and the attached letters from the Fortune Society and Mr. ———, who is at the United States Penitentiary, Atlanta, Georgia. The letters received have asked that you investigate a situation that occurred at Atlanta and would appear to be Anti-Semitic in nature.

Mr. ——— is serving a five-year term for violation of the National Motor Vehicle Theft Act. He was sentenced on February 14, 1972, and is eligible for parole at the discretion of the United States Board of Parole. He had an initial parole hearing on May 16, 1972, but was not paroled. The Parole Board will further consider him for parole in March 1974. If not paroled then, or at a subsequent hearing, he is scheduled for mandatory release on June 12, 1975, less any adjustment for extra good time.

The Atlanta staff advises that the Jewish men were not permitted to have females attend a Passover Seder that was held in the staff dining hall at Atlanta. This disapproval was based on the fact that any female guest would have to go through the main portion of the institution to reach the staff dining hall. To have permitted female guest to travel the only available route to the staff dining hall would have left open the possibility of a disturbance, or at a minimum, the possibility of exposing any female guest to possible embarrassing comments by men in the population.

The Yoke Fellows, a non-denominational group, had female guests at three of their quarterly meetings. These guests were wives of outside sponsors of this particular activity. The meetings held by this group were held in an area not located within the central part of the institution and to which the degree of access could be strictly controlled. On March 16, 1973, it was decided that no more female guests would be permitted at the Yoke Fellows meetings This decision was based on two facts. The attendance of female guests had been arranged by a chaplain without the knowledge of the Associate Warden responsible and also without the knowledge of the Warden. Secondly, at the last quarterly meeting a well endowed female guest was the object of some very unfavorable remarks and to preclude further incidents of this nature it was decided that no more female guests would be permitted to attend religious functions being carried on within the institution.

The foregoing action should not be viewed as termination of a long standing practice of permitting female guests to attend various religious functions but should be viewed in the light that an undesirable situation which should not have developed in the first place was corrected. Furthermore, there have been no denial to any Jewish inmate to the right to practice his religious convictions. The Passover Seder was held and those Jewish inmates desiring to attend were able to do so. It is our policy to support all legitimate religious groups as far as conditions permit. We do not believe that because women cannot attend religious services or functions that it is a denial of a right to practice one's religious beliefs or convictions.

Thank you for your interest in this matter. If we can be of further service, please contact us.

Sincerely,

NORMAN A. CARLSON, *Director*.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1973.

Mr. NORMAN A. CARLSON,
Director, Bureau of Prisons, Department of Justice, Washington, D.C.

DEAR NORMAN: I would like to call to your attention correspondence I have had with your office, and in particular, the most recent letter dated May 22nd, signed for you by Ray Gerard. In my opinion the response is most unsatisfactory and I cannot believe it reflects your personal point of view, particularly since you are one of the major supporters of my legislation to provide conjugal and family furloughs. That legislation is predicated on the need to try to maintain some female companionship for prisoners. To take the position that you will now ban all female guests on the basis that "To have permitted female guest to travel the only available route to the staff dining hall would have left open the possibility of a disturbance, or at a minimum, the possibility of exposing any female guest to possible embarrassing comments by men in the population" astonishes me.

Such a statement assumes that prisoners as a group are animals. Don't you think that if prisoners really understood that the attendance of females—their wives, sisters and sweethearts—at religious or other functions were subject to their good behavior under those social circumstances, they in fact, would do everything possible to keep that privilege? I do.

There will, of course, be an occasion when some prisoner who would be a boor on the outside as well as on the inside, will engage in some "very unfavorable remarks," but should such an isolated incident so adversely affect the whole prison population? I think not.

All of us, yourself included, are constantly talking about the reform of the prison system—to remove the barbarism—to deal with the homosexual assaults occasioned by loss of female companionship, and finally, to develop prison programs which would permit work leaves during the day and the operation of half way houses. Does it make any sense to take a backward step, which this rule does in my judgment, when it prevents female guests from attending the few functions heretofore permitted at the Atlanta Prison?

My interest in this matter far transcends the initial communication which related to possible anti-semitism. It would appear that what is involved is not anti-semitic, but antihuman. I urge you to reconsider the directive.

Please do let me know your decision in this matter.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF JUSTICE,
BUREAU OF PRISONS,
Washington, D.C., June 20, 1973.

Hon. EDWARD I. KOCH,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Thanks for your telephone call concerning our letter to you of May 22, 1973.

I want to apologize for the confusion that our earlier letter caused. In talking with Warden Henderson at Atlanta, he informs me that females are permitted to come into the institution in order to participate in entertainment and religious programs for the institution population.

The incident referred to in our May 22 letter resulted in the decision not to allow female guests to attend such programs if they are not active participants. As recently as last Sunday, a Salvation Army group which included female participants visited the institution and participated in a religious program. Such participation will be continued in the future.

If you have any further questions, please feel free to contact me.

Sincerely,

NORMAN A. CARLSON, *Director*.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1973.

DEAR MR. ———: I am enclosing for your information a letter received from Norman Carlson dated June 20, 1973 which hopefully resolves the problem which you raised in your letter of March 28, 1973.

Do please let me know if the situation as reported by Mr. Carlson is otherwise. I know that directives are sometimes not applied by those executing them in the way the administrators intend them to be. And I am certain Mr. Carlson would like to be apprised if that were the case here. Hopefully the situation is now resolved in a way that all of us can consider a just and humane resolution.

All the best.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1973.

DAVID ROTHENBERG,
Executive Director,
The Fortune Society,
New York, N.Y.

DEAR DAVE: I am enclosing a letter dated June 20, received from Norman Carlson which I hope resolved in a reasonable and humane way the matter of visitation by female guests at the Atlanta prison.

Sincerely,

EDWARD I. KOCH.

THERE CAN BE DIVERSITY IN EDUCATION

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the American ideal of freedom of choice is presently being threatened by severe financial pressures. The alternative of nonpublic education on the elementary and secondary levels is subject to rising costs and, hence, increased tuition. Increased tuition produces deflated enrollments. In the State of New York, alone, more than 800,000 children would flood the public schools if the nonpublic schools were to close. This would place a major additional burden upon the taxpayers and produce utter chaos in the schools.

The tenet of church-State separation does not intend to exclude educational diversity in this country. In my opposition to the granting of direct aid to parochial and other private schools, I seek to preserve the stated principle, yet insure, through a tax credit system, the existence of alternatives.

In the interest of continuing to make available the option of a nonpublic education, as well as keeping reasonable levels of taxation for the maintenance of our public school system, I urge the passage of tax credit legislation. This legislation would provide to the parents of children in nonpublic school a tax credit for a portion of the tuition which they pay. The proposed bill would allow those paying tuition to take a tax credit of 50 percent or $200, whichever is the lesser. Such credits would sustain the fundamental right of parents to select the form of education they desire for their children.

Parents of nonpublic schoolchildren pay a double tax. They support, without debate, the public educational systems of their communities. In light of soaring costs, the Congress must ease the pressure on these families. If the nonpublic schools were to close, there would be an influx of at least 5,000,000 students into the public system at the estimated cost of $858 per child. For the financial and educational well-being of all Americans, I strongly advocate the enactment of tax credit legislation.

THE SUMMIT MEETINGS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon and Soviet Communist Party Chief Leonid Brezhnev last weekend concluded a series of meetings at the summit which produced a number of steps toward world peace. Observers of these summit meetings must conclude that the fruits of the Nixon-Brezhnev conference constitute historic advances in the quest for what Mr. Nixon calls "a generation of peace."

The United States and the Soviet Union last Friday agreed formally to consult each other whenever there is a risk of nuclear war and to refrain from any "threat or use of force" that would jeopardize world peace. Furthermore, in this "Agreement on the Prevention of Nuclear War," the two nations joined in an alliance against nuclear confrontation, pledging that they would work together to maintain world peace and to avoid serious international confrontations.

Earlier last week—on Thursday—President Nixon and Soviet leader Brezhnev signed a Declaration of the Seven Principles, which promises to pave the way for a second Strategic Arms Limitation—SALT—Agreement. The guidelines are similar to the joint United States-Soviet pronouncement in May 1971 that broke the impasse in the stalled SALT I negotiations.

The Seven Principles Agreement commits the United States and the U.S.S.R. to conclude a treaty limiting offensive nuclear weapons by 1974; pledges both nations to a permanent limitation on strategic nuclear weapons; and broadens the SALT II talks to include qualitative improvements in offensive nuclear weapons. It also commits both sides not only to the limiting of such weapons but also to an actual reduction of strategic weapons.

Mr. Nixon and Mr. Brezhnev also signed an agreement calling for increased cooperation in developing peaceful uses of atomic energy—the first such practical agreement between the United States and the U.S.S.R. on a working level. Both sides are seeking a breakthrough that might result in the development of a nuclear reactor producing pollution-free electrical energy.

Mr. Speaker, as the summit meetings concluded Mr. Brezhnev invited Mr. Nixon to visit Moscow next year and Mr. Nixon accepted. That 1974 summit might well be the occasion for signing of a broad treaty limiting offensive nuclear weapons, just as the 1972 summit in Moscow saw the signing of the treaty limiting defensive nuclear weapons.

Mr. Speaker, there is no question but that the summit meetings we have just witnessed have strengthened peaceful relations between Washington and Moscow and have been most fruitful and productive. As we continue to build on this foundation, we can look forward to peace not only for this generation but beyond.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. O'NEILL requests leave of absence for Mr. DANIELSON for today and June 26, on account of illness in family.

Mr. GERALD R. FORD requests leave of absence for Mr. GROSS, for today and tomorrow, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. VEYSEY) to revise and extend their remarks and include extraneous material:)

Mr. STEELMAN, for 5 minutes, today.

Mr. FASCELL, for 30 minutes, on July 10, and to revise and extend his remarks.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 15 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. VANIK, for 15 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. HUNGATE, for 30 minutes, June 26, 1973.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL, and to include extraneous material.

Mr. PRICE of Illinois to include extraneous matter with his remarks today on the Podell amendment in the Committee of the Whole.

Mr. HUNGATE and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,615.

(The following Members (at the request of Mr. VEYSEY) and to include extraneous material:)

Mr. HANSEN of Idaho.

Mr. RONCALLO of New York in four instances.

Mr. DERWINSKI.

Mr. QUIE in three instances.

Mr. BROYHILL of Virginia.

Mr. HUBER in two instances.

Mr. GROVER.

Mr. BOB WILSON of California in two instances.

Mr. FRENZEL in three instances.

Mr. COHEN.

Mr. KEATING.

Mr. TALCOTT in three instances.

Mr. KEMP.

Mr. WYMAN in two instances.

Mr. WYATT.

Mr. FISH.

Mr. ABDNOR.

(The following Members (at the request of Mr. GINN) and to include extraneous material:)

Mr. EVINS of Tennessee.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. LONG of Louisiana in five instances.

Mr. SARBANES in five instances.

Mr. MITCHELL of Maryland.

Mr. MOLLOHAN.

Mr. DRINAN in three instances.

Mr. HARRINGTON in four instances.

Mr. HICKS.

Mr. WILLIAM D. FORD in two instances.

Mr. ROE in three instances.

Mr. HAWKINS.

Mr. BINGHAM in three instances.

Mr. WALDIE in three instances.

Mr. CULVER in six instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 9. An act to consent to the Interstate Environment Compact; to the Committee on the Judiciary.

S. 268. An act to authorize the Secretary of the Interior, pursuant to guidelines established by the Executive Office of the President, to make grants to assist the States to develop and implement State land use programs and to coordinate land use planning in interstate areas; to coordinate Federal programs and policies which have land use impacts; to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands; to make grants to Indian tribes to assist them to develop and implement land use programs for reservation and other tribal lands; to encourage research on and training in land use planning and management; and for other purposes; to the Committee on Interior and Insular Affairs.

S. 433. An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 95. Joint resolution relating to the taking of the 1974 Census of Agriculture; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island; and

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5157. An act to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island.

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes.

H.R. 7357. An act to amend sections 3(e) and 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes.

ADJOURNMENT

Mr. BENNETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 26, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1070. A letter from the Mayor-Commissioner, the District of Columbia, transmitting a draft of proposed legislation to amend the Horizontal Property Act of the District of Columbia; to the Committee on the District of Columbia.

1071. A letter from the Secretary of Health, Education, and Welfare, transmitting the Annual Report of the National Institute on Alcohol Abuse and Alcoholism for fiscal year 1972, pursuant to section 102(1) of Public Law 91-616; to the Committee on Interstate and Foreign Commerce.

1072. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of May 1973, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1073. A letter from the Acting Secretary, the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize the President to enter into agreements establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security systems of other countries; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 8547. A bill to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand; with amendment (Rept. No. 93-325). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Select Committee on Crime. Report on Organized Criminal Influence in Horseracing (Rept. No. 93-326). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. H.R. 8947. A bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-327). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 636. Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes (Rept. No. 93-328). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EVINS of Tennessee:

H.R. 8947. A bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes.

By Mrs. BURKE of California:

H.R. 8948. A bill to direct the Secretary of Transportation to make an investigation and study of the feasibility of a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY of Ohio:

H.R. 8949. A bill to amend title 38 of the United States Code relating to basic provisions of the loan guaranty program for veterans; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Georgia (for himself and Mr. STEPHENS):

H.R. 8950. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT (for himself and Mr. GAYDOS):

H.R. 8951. A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any issuer whose securities are registered under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 8952. A bill to amend title 39, United States Code, to provide that proposed changes in postal rates and classes shall not be effective unless approved by Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H.R. 8953. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. KYROS:

H.R. 8954. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHMAN (for himself, Mr. SARBANES, Mr. HECHLER of West Virginia, Mr. FULTON, Mr. EILBERG, Mr. HELSTOSKI, Mr. BINGHAM, Mr. ROSENTHAL, Mr. SHIPLEY, Mr. DIGGS, Mr. CONYERS, Mrs. COLLINS of Illinois, and Mr. KOCH):

H.R. 8955. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes; to the Committee on Ways and Means.

By Mr. McSPADDEN:

H.R. 8956. A bill to amend title 5 of the Housing Act of 1949, to broaden the categories of families eligible to purchase homes on certain lands developed by public and private nonprofit organizations, and for other purposes; to the Committee on Banking and Currency.

By Mr. MEEDS:

H.R. 8957. A bill to provide for the Secretary of the Department of Health, Education, and Welfare to assist in the improvement and operation of museums; to the Committee on Education and Labor.

H.R. 8958. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the disposal of certain excess and surplus Federal property to the Secretary of the Interior for the benefit of any group, band, or tribe of Indians, to the Committee on Government Operations.

By Mr. ROBISON of New York:

H.R. 8959. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Commitee on House Administration.

By Mr. ROBISON of New York (for himself, Mr. STEIGER of Wisconsin, Mr. ANDERSON of Illinois, Mr. BRASCO, Mr. BROWN of California, Mr. DELLUMS, Mr. DENT, Mr. FRENZEL, Mr. HARRINGTON, Mr. MOSHER, Mr. REES, Mr. STARK, and Mr. WON PAT):

H.R. 8960. A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program; to the Committee on Foreign Affairs.

By Mr. ROBISON of New York (for himself, Mr. STEIGER of Wisconsin, Mr. ANDERSON of Illinois, Mr. ADDABBO, Mr. BUCHANAN, Mr. CLEVELAND, Mr. DERWINSKI, Mr. HANSEN of Idaho, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mr. KEMP, Mr. KING, Mr. MAILLIARD, Mr. RHODES, Mr. RONCALLO of New York, Mr. SMITH of New York, Mr. WARE, Mr. BOB WILSON, and Mr. WHITEHURST):

H.R. 8961. A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H.R. 8962. A bill to amend the Foreign Assistance Act of 1961 to require an annual report to the Congress concerning expenditures for U.S. participation in the North Atlantic Treaty Organization; to the Committee on Foreign Affairs.

By Mr. STARK:

H.R. 8963. A bill to amend title 18 of the United States Code to prohibit the manufacture, sale, purchase, transfer, receipt, or transportation of handguns and handgun ammunition, in or affecting interstate and foreign commerce, except for, to, or by, certain pistol clubs, law enforcement officers, and members of the military; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself, Mr. ROBISON of New York, Mr. ANDERSON of Illinois, Mr. BUCHANAN, Mr. CLEVELAND, Mr. DERWINSKI, Mr. HANSEN of Idaho, Mr. HECHLER of West Virginia, Mr. KEMP, Mr. KING, Mr. MAILLIARD, Mr. MOLLOHAN, Mr. RHODES, Mr. RONCALLO of New York, Mr. WARE, Mr. WHITEHURST, and Mr. BOB WILSON):

H.R. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself, Mr. Robison of New York, Mr. Anderson of Illinois, Mr. Addabbo, Mr. Brown of California, Mr. Dellums, Mr. Dent, Mr. Fauntroy, Mr. Frenzel, Mr. Harrington, Mr. Hastings, Mr. Mosher, Mr. Rees, Mr. Smith of New York, Mr. Stark, Mr. Won Pat):

H.R. 8964. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 8966. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for amounts paid for planting, raising, and harvesting a vegetable garden; to the Committee on Ways and Means.

By Mr. YATRON (for himself and Mr. Moakley):

H.R. 8967. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. RANGEL (for himself, Ms. Abzug, Mr. Conyers, and Mr. Roybal):

H.R. 8968. A bill making appropriations for the Office of Economic Opportunity for the fiscal year ending June 30, 1974; to the Committee on Appropriations.

By Mr. COLLINS of Texas:

H.J. Res. 637. Joint resolution proposing an amendment to the Constitution of the United States to prevent forced busing and to prevent federally required job quotas; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 638. Joint resolution to authorize and request the President of the United States to issue a proclamation designating October 14, 1973, as "German Day"; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. Hechler of West Virginia, Mr. Mitchell of Maryland, Mr. Brown of California, Mr. Koch, Mr. Rangel, Mr. Bingham, Mr. Harrington, Mr. McCloskey, Mr. Moakley, Mr. Rosenthal, Mr. Badillo, Mr. Dellums, Mr. Waldie, Mr. Rees, Mr. Stokes, and Mr. Roybal):

H. Res. 465. Resolution to provide the House of Representatives with pertinent information with respect to the possible grounds for impeachment of the President of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SHOUP:

H.R. 8969. A bill for the relief of Jung Sup Shin; to the Committee on the Judiciary.

By Mr. SNYDER (by request):

H.R. 8970. A bill for the relief of William T. Owens; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

264. By the SPEAKER: Memorial of the Legislature of the State of Utah, relative to Federal assistance to aid the low- and moderate-income people to obtain adequate housing; to the Committee on Banking and Currency.

265. Also, memorial of the Legislature of the State of Florida relative to accounting for servicemen missing in Southeast Asia; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

244. By the SPEAKER: Petition of the 24th Saipan Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to amending the Micronesian Claims Act; to the Committee on Foreign Affairs.

245. Also, petition of Frank T. Richardson, chairman, Research and Development Committee, Board of Public Transportation of Morris County, N.J., relative to recommendations for the railroad passenger service; to the Committee on Interstate and Foreign Commerce.

246. Also, petition of Girard Luck and others, San Francisco, Calif., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ENERGY SAVING TIPS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Monday, June 25, 1973

Mr. JAVITS. Mr. President, the developing shortage of gasoline, heating oil, and electricity poses a serious problem to the constituents of New York and to the citizens of the United States as a whole. The possibility that the supply of energy may be curtailed has created a deep feeling of anxiety among the American people. As an individual, the citizen believes there is little he can do to alleviate the energy crisis.

I do not believe that the American citizen is powerless. If we make a concerted effort—as individuals and as a society—I believe we can have a positive effect on the effort to conserve energy.

With this goal in mind, Concern Inc., a public service organization, has published a pamphlet containing energy saving tips for the consumer. I ask unanimous consent that excerpts from this pamphlet be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Ways To Conserve Energy

TRANSPORTATION

Moving people and freight accounts for about 25% of the energy consumed in the United States. Half of this amount is used by automobiles.

Larger cars with more powerful engines consume more fuel than small ones. For example, a car weighing 5,000 lbs. uses over twice as much fuel as one weighing 2,000 lbs. Other features such as air conditioning and automatic transmission contribute to fuel consumption.

Buy a car no larger or more powerful than you need, without unnecessary features.

Walk and ride bikes. Half of all automobile trips now cover less than 5 miles.

Ride public transportation where available.

Organize car pools.

Encourage the building of better public transportation systems in your community.

Have your car periodically maintained and keep it tuned up.

Good driving habits can cut your fuel consumption in half.

Speeding is a costly consumer of fuel. The average car driven between 75 and 80 miles per hour will consume almost twice as much fuel per mile as the same car driven at 50 miles per hour.

On the road, accelerate smoothly and ease into stops.

Do not race the engine.

Instead of idling the engine to warm it up in winter, drive slowly for the first quarter mile.

Do not leave your engine running longer than 3 minutes while waiting.

HEATING AND COOLING

To conserve energy in heating

Consider making changes and improvements in your own home. If you follow these recommendations you can save 50% on your fuel bill.

Install or increase insulation.

1. Where winters are moderate use:

3½'' ceiling and wall insulation for gas heat.

6'' ceiling and 3½'' wall insulation for electric heat.

2. Where winters are severe use:

6'' ceiling and 3½'' wall insulation for gas heat.

9'' ceiling and 3½'' wall insulation for electric heat.

3. Check attic floor insulation. 6'' is adequate.

Weatherstrip and caulk windows and doors.

Install storm windows and doors. Check for other air leakage, particularly in the attic.

Where glass area is large, install double pane or insulating glass.

Have furnace checked once a year and change filters frequently.

To Cut Use of Energy in Heating:

Close damper in fireplace when not in use.

Lower thermostat for sleeping. We suggest 60°.

By lowering the daytime setting of your thermostat by 1° you use 3% to 4% less fuel. By lowering it 5° you use 15% to 20% less fuel.

Insulate your body—wear a sweater.

Discourage over-heating of public buildings, particularly schools and libraries. Pressure managers of public buildings to conserve energy.

To conserve energy in cooling

Insistence on good architectural design in your own community can substantially reduce energy needs for cooling.

All buildings should have windows that open.

Encourage the design of buildings with less glass.

Shade windows from direct sunlight. Preferably shade them from the outside with trees, window vines, shutters that close, awnings or roof overhangs.

Close light-colored draperies to the sunlight. This can reduce heat gain by 50%.

Follow tips in Heating Sections on insulation and air leakage.

To Cut Use of Energy in Cooling:

Illuminate less.

1. Light fixtures give off most of their consumed energy in heat. This pushes the need for aid conditioning sales. The main function of office air conditioning is to remove heat from excessive interior lighting.

2. Cut out all non-essential night lighting at home and encourage less nighttime illumination of public buildings.

3. Large areas should be served by more than one switch.

Discourage open refrigerator units in supermarkets to display frozen vegetables and dairy products.

Complain about over-cooling in public places; particularly theatres, restaurants and supermarkets.

Avoid using air conditioner unless whether is intolerable.

HOUSEHOLD APPLIANCES

Currently 20% of our total energy and 30% of our electric energy output is consumed in the home. Efficiency of our appliances is the key to saving in this area.

The process used to generate electricity is very inefficient now. For every three units of energy produced two are discharged into the atmosphere as waste heat and one is changed into electricity. Up to 10% of the electricity generated at the plant may be lost during its transmission to your home. Gas appliances are 2 to 3½ times more efficient than electric ones in their overall energy use.

Water Heating

Heating water for your home can, literally get you into hot water—financially! Your water heater, be it electric, gas or oil fed, is the most expensive appliance to operate after the furnace and the air-conditioning unit. It accounts for about 15% of your utility bill. It feeds the ever-active washing machine and dishwasher. Therefore . . .

Whenever possible run washing machine on cold water.

Do not wash dishes under hot running water.

Air Conditioner Units

Installing the correct size and most efficiently designed unit can cut your power consumption for this appliance in half.

To determine the efficiency, check the numbers on the back of the machine. Divide the BTU per hour rating by the number of Watts input. You will get a number ranging from 4.7 to 12.2. The higher the number the more efficient the machine. This efficiency check can also be made for clothes dryers.

The most efficient unit of the correct size will guarantee the lowest overall cost and least pollution.

Refrigeration

The frost-free refrigerator requires 50% more energy to operate than a standard model. The standard model costs between $2 and $4 per month to operate, the frost-free model costs $3 to $6.

The side-by-side refrigerator freezer uses up to 45% more energy than the conventional model.

The average size food freezer costs approximately $4 per month for energy.

If you really need one (most families do not), be aware that a well-stocked freezer requires less energy to operate than a partially full one.

Cooking

The stove accounts for 5% to 7% of your utility bill. Self-cleaning ovens are large consumers of energy.

Use self-cleaning feature sparingly.

Use proper size pans for burners to avoid waste heat.

Lighting

Fluorescent lights are about 4 times as efficient as incandescent lights, and last 7 to 10 times as long. Twenty percent of the electricity received by a fluorescent tube is converted to light, whereas 5% is converted to light when the incandescent bulb is used.

Use lights in specific work areas, instead of lighting the entire room.

Turn off lights when room is not in use.

Television

Color television sets consume more energy than the same type black and white model. Solid state sets (both color and black and white) consume less energy than filament (tube) sets. Larger screens consume more energy than smaller screens.

Sets that have the instant turn-on feature are consuming electricity 24 hours a day. This feature costs more for the initial purchase and more to operate and maintain.

If you have a television set with the instant turn-on feature, unplug set when not in use.

Small appliances

Electric energy consumed by small appliances constitutes nearly 10% of all residential demand which is more than 3% of our total electric energy demand. This 3% becomes significant when compared to the AEC's use of 5%, the aluminum industry's use of 7% and the steel industry's use of 5% of our electric output.

Eliminate use of unnecessary applicances.

General tips for household appliances

For all gas appliances a switch-operated electric starter can be substituted for continuous burning pilot lights. (At least 10% of the natural gas consumed goes to keep pilot lights burning.)

Optional extras on all appliances use extra energy. Remember that you have the option *not* to buy them.

Demand improved appliance design. Increased insulation would lower energy requirements.

Try to avoid using your appliances during peak periods of energy use.

INFORMATION AND REFERRAL SERVICE FOR AUTISTIC CHILDREN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. HARRINGTON. Mr. Speaker, last Friday I indicated that during this week—National Autistic Children's Week—I would be including in the RECORD pertinent articles and information regarding autism and the effect on its victims. Today, I would like to discuss the Information and Referral Service for the Mentally Ill of the National Society for Autistic Children. This service is an invaluable aid for parents of children who show the signs of autism.

Although I described the symptoms last Friday, it would be helpful to briefly describe them here. The first symptom of childhood autism is a severely handicapped speech. This can be coupled with an impaired lack of social relatedness and/or an extreme distress for no discernable reason due to minor changes in environment. Other symptoms include: An unusual reaction to perceptual stimuli such as "looking through" objects or poor eye contact; hyperactivity; an insensitivity to pain; and a deterioration in functioning after normal development.

Parents who are concerned that their child may be autistic should contact the Information and Referral Service of the National Society for Autistic Children. This agency, which is headed by the past president of NSAC, Mrs. Ruth C. Sullivan, provides more than 20 services for parents and other interested persons in the care and treatment of mentally ill children. These services include:

First. Names and addresses and other information about day and residential schools, private, and public.

Second. Names and addresses and other information about camps which take mentally ill children.

Third. Names of cities and States where mentally ill children are educated in the public school system.

Fourth. Names of public mental hospitals with good children's unit—almost nonexistent.

Fifth. Names of other parents in general geographical area with same problems.

Sixth. How to effectively organize to get community services for mentally ill children.

Seventh. Diagnostic and evaluation centers.

Eighth. Legislative news and information at national and State levels.

Ninth. Legal rights of mentally ill children.

Tenth. Up-to-date news of new programs.

Eleventh. Sources of funds for mentally ill children, public and private.

Twelfth. News and information of new treatment, education, methods, research, and other data.

Thirteenth. List of colleges and universities which offer training in field of childhood mental illness.

Fourteenth. List of sources of funds for teacher training.

Fifteenth. Library service dissemination of selected articles, reprints, books, and so forth, including bibliographies, and book reviews.

Sixteenth. Health insurance information.

Seventeenth. Trust fund information.

Eighteenth. Income tax information.

Nineteenth. Recreational facilities, plans, news.

Twentieth. News on international scene.

Twenty-first. Lists of contracts with societies for autistic children in other countries.

The Information and Referral Service not only supplies information, but in the interest of having the complete list of services available, also accepts any further information from interested individuals and organizations.

This agency provides invaluable assistance to those agencies and people who need to know more about autism. Mrs. Sullivan may be contacted by writing to her at 101 Richmond Street, Huntington, W. Va. 25702. I hope that my colleagues and other interested persons who wish to know more about this disease and possible forms of care for autistic or mentally ill children will contact this agency.

TRADE WON'T INSURE PEACE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. HUBER. Mr. Speaker, Paul Greenberg, whose column appears from time to time in the Detroit News recently wrote a very perceptive column in my view entitled "Trade Won't Insure Peace," which I thought was very worthwhile. Therefore, I would like to share it with my colleagues in the House. The article follows:

[From the Detroit News, June 20, 1973]

TRADE WON'T INSURE PEACE

(By Paul Greenberg)

As Leonid Brezhnev negotiates with President Nixon it might be prudent to take a closer look at the advantages of trading with the USSR. Doing business with the Russians hasn't always insured either peace or profit.

The last grain deal with the Soviets is still reflected in the price of meat to the American consumer. Nor is trade invariably a force for peace, as anyone will testify who remembers all the scrap iron that Americans sold to Japan before the Second World War—and the form in which much of it came back.

The military emphasis of the Soviet economy already allows the Soviet bloc a general 3–1 superiority over NATO countries in Europe. The most effective pressure on the Soviet Union's military priorities comes from within: the increasing demand for more consumer goods. If the West supplies those needs on bargain terms, without demanding some relaxation in Soviet attitudes, what incentive will Soviet leaders have to cut back on military expenditures?

Get set for a lot of high-toned generalizations about how increased trade with the Russians is bound to make them more receptive to the free exchange of ideas, too. But the Soviet leadership already is taking steps to counteract such dangerous tendencies. The latest shake-up put representatives of the military and internal security in the Politburo for the first time in years.

This won't be the first time that American capitalism has been given a crack at the Soviet market. Immense projects, from automobile assembly lines to steel factories, were organized and financed in the Soviet Union by Americans in the 1920's and 1930's, which was just when Joseph Stalin was tightening his grip on the country.

Assurances that the Soviet Union is changing slowly for the better are as old as the Soviet Union. Ask Solzhenitsyn. Or Mehdvedev. Or any uncensored, unbeholden, writer. The news from the Soviet Union certainly seems as Soviet as ever.

Brezhnev, modest leader of the Soviet Communist Party, has just awarded himself the Lenin Peace Prize. This year Comrade Brezhnev also prevailed on Comrade Brezhnev to give the May Day speech from atop Lenin's Tomb; the television cameras scarcely had time for any other member of the formerly collective leadership.

Isn't it reassuring to be told about the great changes in Russia and the disappearance of the cult of personality?

The lure of the Soviet market is strong but there ought to be some more thought given the strategic consequences of trading with the Soviets on their terms and with our credits. For a President fully aware of the need for some hard bargaining with friends, Mr. Nixon has yet to prove himself a Yankee trader in dealing with the Russians. The results of that last wheat deal alone were enough to defend the President against the old epithet, "Tricky Dick."

Trade alone will not ensure peace. It's the terms of the trade that count and whether this country can win political concessions in return.

It would be a tragedy of diplomacy if trade with the Soviet Union, with all its potential as a discreet lever on Soviet policy, were instead to become the sole goal of American negotiators.

In that case the trade that could have softened the Soviets' policies will only allow them to continue devoting a huge portion of their budget to weaponry and repression. And the mistakes of the wheat deal would be repeated on a calamitous scale.

DEDICATION OF ETHEL ANDRUS GERONTOLOGY CENTER

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, June 25, 1973

Mr. BEALL. Mr. President, February 15, 1973, ceremonies were held to mark the dedication of the Ethel Andrus Gerontology Center. Dr. Nathan Shock, the Director of the National Institutes of Child Health and Human Development's Gerontology Research Center addressed himself to a thoughtful analysis of the role of biomedical science in improving the well-being of the aging.

Last December, I visited Dr. Shock and toured the facilities of the Gerontology Research Center which is located in Baltimore, Md. I was impressed by the work being done by the National Institutes of Health in the field of aging. Dr. Shock is recognized as one of our Nation's leading experts in gerontological research and I believe his remarks will be of interest to my colleagues.

Mr. President, I ask unanimous consent that the text of Dr. Shock's statement be printed in the RECORD at the conclusion of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"BIO-MEDICAL SCIENCE: PROSPECTS IN AGING"

(By Dr. Nathan W. Shock)

It is indeed an honor and privilege for me to participate in the dedication of the Ethel Percy Andrus Gerontology Center. This is an important occasion since it marks the culmination of the joint efforts of a great university, an organization of retired people, and governmental agencies in providing a resource to increase our understanding of aging and to improve the status of aging people. The American Association of Retired Persons is to be congratulated on their foresight in supporting both training and research and in recognizing that research represents an investment in the future. This Center has a unique opportunity. Located within and integrated into the university community, it has available great resources for both training and research. Past performance has demonstrated that these functions can be adequately carried out under the able leadership of Dr. Birren.

I have been asked to review with you some of the prospects for advances in biomedical research which will have an impact on aging. In order to do this I shall outline what I regard as appropriate goals for research on aging and where we stand with respect to a number of aspects of aging research, with an indication of where I think significant advances will be made.

TO IMPROVE THE QUALITY OF LIFE

In my opinion, the ultimate goal of all research on aging is to improve the performance and well-being of older people. The goal is to improve the quality of life in the later years by reducing the incidence of disabilities which now afflict many elderly people. Although we will undoubtedly have an impact on average life span, the extension of life in itself is not a worthy goal for gerontologic research.

It is obvious that improvement of the quality of life involves a broad spectrum of conditions which includes not only health and vigor but also the general social climate, such as a definition of the role of elderly people in our society, and many conditions of living such as income level, housing, and the availability of community resources to elderly people. However, health and physical capabilities serve as a cornerstone to the good life. It is to these aspects of the problem that I shall address my remarks.

QUANTITATIVE ASSESSMENT

In order to achieve our goal of maintaining health and vigor to advanced old age, we must first of all assess in quantitative terms the differences between young and old members of the population. These descriptive studies must begin with a detailed evaluation of the functional capacities of individual organ systems, both under resting conditions and, more importantly, to evaluate the capacity of an organ system to adjust to demands imposed by the stresses of daily living. Such descriptive studies will range from the performance of the total animal to the changes that occur in biochemical processes that take place within tissues, cells, and their subunits such as mitochondria and other subcellular elements. Although such studies may not be very exciting, they are essential as a first step in the study of aging.

UNDERLYING MECHANISMS

Once the range of differences attributable to age have been defined the next step in research is to define the underlying mechanisms which induce these changes. Such information on the basic biological mechanisms of aging is essential for the development of rational methods which can ultimately be applied to improve the lot of humans. These experiments on the basic biological mechanisms of aging require studies on animal models. The specific animal chosen will depend upon the questions which are being posed by the investigator. For experiments designed to test hypotheses about the effects of nutrition on aging, the rat or mouse may be the animal of choice. In other experiments designed to test the effects of temperature on aging a cold blooded animal such as the rotifer or fruit fly may be more appropriate. Other studies designed to test hypotheses about the transfer of information in a cellular system will abandon the whole animal and will utilize cells and tissues which are cultured in isolation. All of these models and approaches will derive bits of information and test specific hypotheses which will ultimately lead to an understanding of what aging is all about.

RESEARCH RELEVANCE

With today's emphasis on relevance we may well ask what research is relevant to aging. Obviously the descriptive studies of age differences, both in humans and in other animal species, is relevant to our questions about aging. However, as pointed out previously, such studies are not apt to identify the basic mechanisms of aging. Similarly, studies which attempt to show the effect of some treatment or alteration in living conditions on life span of animals may be regarded as relevant. However, unless the experimental intervention is based on valid assumptions about the nature of aging chances of success are small. Even if successful on an empirical basis, generalization of the findings to other species and other populations may fail.

Some may demand that studies relevant to gerontology should always compare measurements made at, at least two points in time over the adult life span. However, in my opinion, strict application of any of these criteria would seriously limit the future of research in gerontology because relevance changes with time and circumstances. Often, basic research done at an earlier time with no thought of solving a practical problem has become highly relevant to a practical problem at a later date. For example, the many man hours that went into the detailed classification of various species and strains of mosquitoes had little relevance to any practical problem at the time the work was being done. However, years later this detailed information was of critical importance in showing that one specific strain of mosquito was responsible for the transmission of malaria.

Similarly, the extensive work devoted to working out the detailed chemical structure of hemoglobin proved to be of basic importance in explaining the etiology of sickle cell anemia, which is due simply to the misplacement of one amino acid in the very large hemoglobin molecule. I am sure that the organic chemists studying the formation of polymers were completely unaware that their work would be so important to cardiovascular surgeons in the repair of blood vessels in the human. The development of the oral contraceptives was possible only because of the long history of basic research beginning in 1849 when Berthold first identified the male sex hormone.

Many streams of basic science research ranging from the discovery of the physiological mechanisms of ovulation to the determination of the synthesis of estrogens and progesterone finally culminated in the solution of a very practical problem. In view of the current emphasis on cellular theories of aging, it is apparent that gerontologists must be in the front line of current research on how cells work, repair themselves, and die.

GERONTOLOGY: AN INFANT SCIENCE

As a science, gerontology is still in its infancy. Although sporadic studies of aging appeared in the scientific literature from time to time, it was not until 1939 that any systematic presentation of the field of gerontology was available in the literature. Cowdry's book, "Problems of Aging", prepared under the sponsorship of the Macy Foundation, presented for the first time a summary of the literature on all aspects of aging. It made gerontology visible as a field of scientific study. Formation of the American Geriatrics Society (1942) and the Gerontological Society (1945) gave further visibility to the field and offered opportunities for discussions among investigators interested in specific aspects of aging. Another milestone in advancing gerontology was the publication of the "Classified Bibliography of Gerontology and Geriatrics" in 1951. This bibliography, with supplements in 1957 and 1963 and with quarterly supplements in the Journal of Gerontology since then, has made the widley scattered literature on aging accessible to students and investigators.

The establishment of the International Association of Gerontology in 1950 has also played a key role in the development of gerontology. The first meeting of the IAG, stimulated by Dr. V. Korenchevsky of Great Britain, was held in Liege, Belgium under the leadership of Prof. L. Brull.

The meeting drew only 95 participants from 14 countries. In contrast, the 9th International Congress of Gerontology, held in Kiev, U.S.S.R., in July 1972 under the leadership of Prof. Chebotarev, brought together over 2,000 professionals from 45 different countries. With this rising tide of interest in the problems of gerontology, research institutes and centers on aging have been established in Switzerland, France, Soviet Union, Czechoslovakia, Romania, Hungary, Germany, Italy, Japan, the Netherlands, and Norway. Increased support for aging research through the programs of the National Institutes of Health, National Science Foundation, Veterans Administration, and others have led to the establishment of centers for aging research at Duke University, the University of Chicago, Case Western Reserve, Syracuse University, Pennsylvania State University, Philadelphia Geriatric Center, Yeshiva University, the Masonic Research Laboratory in Utica, University of Louisville, West Virginia University, Washington University (St. Louis), the Boston V.A. Hospital, Bay Pines V.A. Hospital (Florida), the University of Miami, the Gerontology Research Center (Baltimore), and, of course, the University of Southern California.

The number of investigators working on problems of aging has greatly increased over the past 10 years. During this relatively short period of time there has also been a significant shift in the direction of research. Up to now, emphasis has been placed on identifying age differences. It is now clear that we must turn to the definition of age changes. This can be done only by making repeated observations on the same individual as he ages. It is now recognized that aging is a process which involves the total developmental sequence including events and conditions occurring early in the lifespan that may have profound effects later on.

Another marked change in the nature of gerontological research which has occurred over the past 4 or 5 years is the shift from descriptive studies to investigations on the mechanisms which produce age changes or age differences. Recent advances in knowledge about cell biology and the development of new methods and techniques now make it possible to investigate the biological mechanisms of aging. Although I do not regard extension of life span as a worthy goal for gerontological research, many do. Some gerontologists are of the opinion that dietary and other manipulations of the environment could readily add 10 to 15 years to the average life span while others have predicted that by the year 2000 it may be possible to double the average human life span. Such predictions have precipitated extensive discussions about the social and economic effects of such a radical change in the composition of the population. I should like to take a moment to present my assessment of the probability that marked changes in the average life span will take place in the foreseeable future.

DEATH AND AGE

One of the basic biological facts of aging is that the probability of death increases logarithmically with age. In humans, after the age of 30 to 40 years death rates double every 8 years. The general relationship between the logarithm of death rate and age is a straight line plot with many different species of animals. In short lived strains such as the rat where the average age of death is about 2 years the slope of this plot is very steep. In the dog, with an average age of death at 12 years, the slope is less steep and in the human, with an average age of death of 69–70 years, the slope is even less. Thus the slope of the Gompertz plot is determined primarily by genetic factors.

When improved social and medical conditions result in a lengthening of life span the curve relating log mortality rate to age simply shifts to the right but the slope is not changed. For example, the curve for mortality in the United States in 1900, when the average life span was approximately 40 years, is some 5 years to the left of the current curve where average age of death in the United States is approximately 69 years. We can expect some further shift in the intercept of the Gompertz plot over the next 10 to 20 years as has occurred in the past. Actually, there has been no substantial change in the average age of death in males in the United States since 1960, although the average age of death of females continues to increase. It has been estimated that the total elimination of cancer and heart disease as a cause of death would add only 5–6 years to the average life span. Thus continued research on diseases which are currently the primary cause of death among older people can be expected to increase average life span by only a few years. Any doubling of the human life span would certainly require alterations at the genetic level. Although genetic engineering is regarded as a potential goal for the future, it is improbable that alterations in the genetic pattern of aging will be achieved in the foreseeable future.

DISEASE AND ANXIETY

Currently, one of the major problems of older people is the disability associated with disease and the anxiety generated about the loss of freedom and function as well as the economic costs. Research on cardiovascular diseases, especially arteriosclerosis, will have direct effects in improving the quality of life. Reduction of the disability involved in cancer, stroke, and hypertension will undoubtedly result from advances in bio-medical research.

Although the advances in surgery which have made possible transplantation of organs, such as kidneys and hearts, have been spectacular, the associated costs and other problems will severely limit the application of these tecniques to elderly people. None of them can be thought of as available to large numbers of the population and hence can hardly have any significant impact on an aging population as such.

Although biomedical research directed toward preventing or curing diseases which kill will have an impact on life span, there are other diseases which produce widespread disability among elderly people. Arthritis and emphysema are diseases which head this list. Research which will lead to a reduction in the incidence of these diseases may have more impact on improving the quality of life of more people than would a cure for cancer. Expanded and intensified reesarch on these crippling diseases will have a major impact on the quality of life for many elderly people.

THERAPEUTIC INTERVENTION

Other biomedical research will undoubtedly be directed toward the development of therapeutic interventions to reduce the impact of aging. At present, few of these interventions are based on sound knowledge about the basic biology of aging. The inclusion of antioxidants in the diet as proposed by Harman is based on the assumption that aging is related to the formation of free radicals which may have a deleterious influence on cellular function. Harman has reported experiments in which the average age of death of rats fed an antioxidant was increased by 25–30%, although the maximum life span of the treated animals was no greater than that of the controls. The results in the animal experiments are promising but more work will need to be done before the method can be applied to human populations.

REJUVENATION

Since 1960 reports have appeared in the literature which claim rejuvenating effects from the administration of procaine. This procedure, first evolved by Dr. Anna Aslan, has a long list of world famous people who claim to have obtained beneficial results. However, no carefully controlled experiments have been carried out which would make it possible to judge the merits of the procedure.

Cellular therapy has also been reported as having beneficial effects. This procedure, publicized primarily through the clinic of the late Dr. Paul Niehans, involves the injection of suspensions of fetal cells. Here again the procedure, which is potentially dangerous, has not been adequately evaluated. The injection of crude preparations of DNA or RNA has been offered as a means to improve memory and mental function in aging people. This procedure, like the others mentioned above, has little or no scientific rationale and, in fact, there are cogent reasons to believe that they would not be effective. Although we will undoubtedly see additional nostrums proposed to reduce the effects of age, until we have a clear understanding of the cellular mechanisms involved in aging, chances that any of these procedures will be effective are exceedingly slim. The future for gerontology seems to me to lie more in pursuing fundamental questions rather than testing unknown nostrums.

PHYSIOLOGY AND AGING

As a result of descriptive studies carried out over the past 10–15 years we have learned a good deal about the physiological aspects of aging. Time will not permit a detailed review of specific experimental results obtained from tests on normal men aged 20–95.

Instead, I shall try to give you a few generalizations which I believe are valid. First of all, not all physiological functions show changes with age, especially when the measurements are made under basal or resting conditions. Many of the constituents of the blood show little or no change with age. Characteristics such as blood sugar, blood acidity, osmotic pressure, etc. do not change significantly with advancing age. These are, in general, characteristics which must be closely regulated in order to provide the proper environment for the cells of the body to function.

On the other hand, there are many physiological characteristics which show gradual decrements over the entire age span. Characteristics such as the amount of blood pumped by the heart, kidney function, lung function, etc. show a small but continuing decrement over the entire life span. Since measurements made at each decade represent different subjects, these results indicate only age differences or, perhaps better expressed, represent differences between people of different ages. It is obvious that age changes can be recorded only if repeated observations are made on the same subject as he ages. Such longitudinal studies are extremely difficult to organize and to operate. However, one such longitudinal study has been in operation at the Gerontology Research Center since about 1958. A total of some 650 active males living in the community have been tested at 18-month intervals over the intervening years. The subjects range in age from 20 to 96 years. Preliminary analysis of these observations indicate that age changes, at least over the age span of 20 to 60 years, are not as marked in individual subjects as would be predicted from the average cross-sectional curve. In some physiological characteristics, decre-' ments in function proceed at an accelerating rate after age 70. However, it must be remembered that, although 14 years is a long time in the life of the investigator, it is but a short part of the entire life span of the individual. This study is continuing and when data for the next 10 or more years are available on these subjects a more definitive picture of aging and the precursors of disability can be identified.

INDIVIDUAL DIFFERENCES

All of the observations on physiological characteristics emphasize the marked individual differences in the way people age. For example, some 80-year-old subjects have resting cardiac outputs that are as good as the average 50-year-old. The critical question is whether such individuals were superior to the average person when they were 40 years old or whether they have simply been able to maintain the performance of the average 40-year-old for a much longer period of time. This is a question which can be answered only by the long-term longitudinal study.

It is also clear that there are very marked differences in the average rate of aging among different organ systems. For example, the decrement in nerve conduction velocity between 30-year-olds and 80-year-olds is only about 5–10%, whereas the difference in kidney function is about 50% and the ability to perform manual work is almost 60%.

It is also clear that age differences are most apparent in tests which involve a response to some stressful situation. For example, resting blood sugar levels show no differences between young and old. However, when the blood sugar is increased by the oral administration of glucose or by its intravenous injection the rate at which the blood sugar level returns to normal is much slower in the old than in the young. The amount of physical work and the maximum oxygen uptake is substantially less in the old than in the young.

Furthermore, the rate of recovery of blood pressure, respiration, and heart rate after a standard amount of physical exercise is slower in the old than in the young. This slowing of response seems to be a general characteristic which extends from many behavioral and psychological characteristics to responses at a cellular level. For example, reaction time is slower in the aged and the age decrement is greater in choice and complex reaction tasks than in simple responses. At a cellular level is has been shown that the primary age difference is the rate at which enzymes are formed rather than the total amount. It takes the old cell more time to get started in producing the enzyme after an adequate stimulus, although the final amount of enzyme produced may be the same in the old as in the young.

BREAKDOWN OF CONTROL MECHANISMS

In my opinion, aging in the total animal may be primarily a reflection of the breakdown in control mechanisms. For example, the reduced ability of the older individual to remove excess glucose from his blood cannot be ascribed to the inability of the pancreas to produce insulin or a reduced utilization of glucose in the tissues. The delay in glucose removal is due primarily to a reduction in the sensitivity of the cells of the pancreas to the rise in blood sugar. In other words, the blood sugar must rise to a higher level in the old subject than in the young before insulin is released. Similarly, the decrease in heart rate in response to a rise in blood pressure is significantly greater in the young than in the old. The sensing cells in cartoid tissue of the old animal are less sensitive to the rise in blood pressure. Other evidence of the effect of impairment in control mechanisms is shown by the fact that the age decrement in performance of work tested on the bicycle ergometer is substantially greater than the decrement in strength of the muscles which carry out the work. Performance of the coordinated movements involve control mechanisms that are not required in measuring the strength of individual muscles. These are but a few of the examples of the breakdown in control mechanisms with advancing age. The same general concept also applies to cellular mechanisms and represents a fruitful area for future research.

The age decrement in reserve capacities of a number of organ systems results from the loss of cells or functioning units. The loss of nephrons from the kidney, of muscle fibers, and even neurons can be demonstrated by both physiological and histological techniques. It is therefore apparent that the important problem for gerontologists is the question of what factors determine cell loss and cell death. These questions lead to studies related to biological theories of aging.

BIOLOGICAL THEORIES

Over the past 5 to 10 years, great progress has been made in formulating biological theories of aging. This has come about, first of all, because of the current trend in gerontological research to emphasize investigations on the mechanisms of age changes and from the rapid strides that have been made in the understanding of basic mechanisms of genetic control of cellular processes. During this period some theories of aging highly popular 10 years ago have all but been abandoned. For example, in the 1950s a great deal of effort in the field of aging was based on a presumption that since exposure to radiation reduces life span, radiation mimics aging. We now know that this is not necessarily the case and investigators have turned to other areas.

In 1956 Comfort identified some 30 different theories of aging, few of which were stated in terms appropriate for experimental testing. Today there are only 3 or 4 biological theories of aging which seem to be worthy of consideration. Thanks to advances in modern technology, many of these hypotheses can now be stated in terms which can be tested in the laboratory. It is here that I believe major advances will be made in the foreseeable future.

GENETIC CODE

The observation that each animal species has its own finite life span suggests that the genetic code of any organism carries within it not only a program for developmental sequences of on-going life processes but also for aging and death. Support for theories of pre-programmed aging has been provided by tissue culture studies which indicate that cells are capable of only a limited number of divisions after which they age and die and that cells from young animals can divide more often than those from old ones. The mechanism for this apparent turning off of cell division at a certain point in time is unknown. Research in molecular genetics has shown that in bacteria one portion of the DNA genetic code can turn off the expression of another portion. If similar events occur in higher animals they could constitute an aging mechanism and identification of factors involved at a certain point of the process could lead to the modification of aging at this basic level.

In any cell the information stored in the genetic code as determined by the structure of the DNA molecules must be transcribed and translated in various steps until the final protein or enzyme molecule required or manufactured by the cell is produced. There are many steps in this process and one of the popular theories of aging is that errors occur which result in slight deviations in the form or structure of the protein molecule which renders it incapable of performing its usual function. Errors may occur in the transcription and formation of messenger and other types of RNA or errors may be introduced in translation of the code with the incorporation of a specific amino acid into a protein chain. Studies on the DNA-protein complex represent an area of research which seems to have a high probability of defining casual relationships in aging. Although great advances in technology have been made, the solution of these difficult problems will require further advances. For example, one of the key stumbling blocks to research in this area is the lack of methods to obtain homogeneous cell populations from specific tissues. This is because a tissue or organ contains a variety of cell types. For example, the brain contains not only neurons but a great many glial cells and other supporting structures. It has already been shown that the metabolic processes of the glial cells are quite different from those of neurons. It is obviously inappropriate to study biochemical or enzymatic characteristics of homogenates or even mitochondrial preparations which will arise from an unknown proportion of glial vs. neuronal cells.

Final substantiation of the error hypothesis will require the identification of misformed molecules. At the moment we do not have technology which will permit identification of small aberrations which may appear in only 5 or less per cent of the total molecular species. In addition, techniques for labeling nucleic acids *in vivo* in non-dividing cells must be devised. With the rapid expansion of new information provided by basically oriented scientists in biology, biochemistry, immunology, and physics, I am confident that these technical problems can be overcome and ultimately we will be able to describe in detail the basic mechanisms of cellular aging.

CROSS-LINKING THEORY

Among the non-genetic hypotheses about the basic biological mechanisms of aging, the cross-linking theory remains viable. It has been shown that with advancing age cross-links form within the molecular structure of connective tissue fibers which results in a loss of elasticity of many tissues, such as the skin, which is characteristic of aging. Although the loss of elasticity of many tissues with age may not be the basic cause of aging, the ability to inhibit or to reverse the formation of cross-links in connective tissue would certainly increase the quality of life for many elderly people. Investigations on this problem have taken two directions: (1) Attempts to inhibit the formation of cross-links, and (2) to break down cross-links once they have formed. Thus far, neither approach has been successful but with the knowledge of the chemical process which needs to be inhibited or reversed success may ultimately be achieved. In fact, it has recently been claimed that low molecular weight enzymes capable of breaking down the cross-links in old collagen have been derived from soil bacteria. The claim that similar cross-linking occurs in intracellular proteins and thus explains decrements in cell function requires extensive exploration.

CELLULAR AGING

Investigations on regulatory processes in cells will undoubtedly tell us a great deal about aging at a cellular level. Slight changes in the chemical composition of cells and the interaction between cellular elements may be of great importance in maintaining the life of a cell. Slight changes in ionic strength or in calcium concentration may be the important point of regulation which slows down the response of the cell to a stimulus. Current work on binding sites, on cell membranes, and the mechanism of the action of hormones on intracellular processes may yield important information about aging.

The role of cyclic AMP in regulating cellular metabolism has been identified only recently. What its role may be in aging is still unexplored. Similarly the discovery of the regulatory effects of prostaglandins offers a new approach to studies of aging at the cellular level. The synthesis of new polymers which are capable of penetrating cell walls offers a potentially exciting method of introducing large molecules into cells for experimental purposes. All of these new developments place new methods and approaches in the hands of experimental gerontologists.

IMMUNOLOGY

Modern advances in immunology offer a fertile field for studies on aging. The importance of maintaining an effective defense against infectious agents is well known. An effective defense depends on the formation of antibodies by the immune system. Production of antibodies reaches a peak during adolescence and then declines. In some animals this decline is so dramatic that senescent animals retain only one-tenth the immune capabilities of younger ones. Studies on this decrease in immune competence show that the defect lies primarily in the cells which produce the antibodies and that this defect is related to the reduced ability to divide. If the senescent animal could be provided with a new supply of young cells of a thymus or spleen this defect might be rectified. This will certainly be a fruitful area for research.

The immune system also protects the animal against the introduction of foreign protein or cells into the body. This is the basis for the rejection phenomenon which occurs when organs or tissues are transplanted from one animal to another. In young animals the immune system is extremely sensitive in distinguishing between cells that are a normal part of the animal and those that are slightly different because they grew in a different animal. Even slight genetic differences can be detected. It is believed that with advancing age some cells of the body may undergo genetic changes or mutations. Under normal circumstances, these mutated cells are recognized as different by the immune system and are destroyed by specific antibodies. With advancing age the immune system may make mistakes in the formation of antibodies so that they destroy some of the normal cells of the body as well as the aberrant ones. This results in the development of so-called auto-immune diseases as well as the loss of normal cells which may contribute to aging. Modern techniques of immunology have opened the door for intensified research on ways of rejuvenating the immune system and maintaining its sensitivity and ability to generate specific antibodies.

IMPORTANT NEW DISCOVERIES

In summary, it seems to me that aging research is on the threshold of important new discoveries that can ultimately lead to an improvement in the quality of life of older people. Rapid advances in the technology of molecular biology offer opportunities for investigating basic biological mechanisms that have never been available before. Increased interest among young scientists gives promise that many of these well trained younger people will see the challenge of research in aging and make valuable contributions. The current trend in research is more and more toward the investigation of mechanisms, although a great deal still remains to be done at the descriptive level. With its commitment to teaching and research in aging the Ethel Percy Andrus Gerontology Center will, I am sure, play a major role in bringing to the attention of all scientists in the university community the challenges of aging research. It will, I am sure, serve as an effective catalyst to advance the cause of gerontology.

JOB OUTLOOKS FOR 1970'S

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Monday, June 25, 1973

Mr. JAVITS. Mr. President, every 2 years the Bureau of Labor Statistics of the U.S. Department of Labor publishes a handbook detailing occupational perspectives.

The Occupational Outlook Handbook has proven to be a valuable tool for counselors and teachers in assisting students in making career choices. In addition, the handbook may be particularly helpful to Vietnam era veterans who are unfamiliar with the current employment market. For the veteran who wishes to further his education, the handbook can prove extremely helpful in selecting courses of study.

The Occupational Outlook Handbook offers an overview of employment prospects in a wide range of occupations including foresters, aerospace engineers, teachers, railroad conductors, receptionists, State police officers, and plumbers. Over 250 occupations are listed.

The handbook also contains projections of changes that are expected to occur between 1970 and 1980. For example, during the 1970's professional and technical jobs, which usually require college level training, are expected to increase faster than those in any other occupational group. Nonetheless, 8 out of every 10 jobs open will not require a college degree.

The Bureau of Labor Statistics is to be commended for its efforts in compiling the employment information contained in the handbook.

LABOR-HEW APPROPRIATIONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. MICHEL. Mr. Speaker, tomorrow when we consider the Labor-HEW appropriation bill I expect to offer a package of amendments that would have the effect of reducing the overall expenditure level in the bill by some $631 million. The overall bill covers approximately 370 individual line items, but my amendment will touch only 26.

For those unfamiliar with the bill it would be rather difficult to determine precisely what effect our amendment would have by a simple printing of the text of the amendment, so I shall include prepared setting forth the specific items with figures showing the level of expenditure in the current fiscal year 1973, the President's budget figure for the item in fiscal year 1974, what was recommended by the full committee in the bill, the amount of my proposed amendment, and finally what the figure for the item would be if my package of amendments should be adopted. The explanation in the table for each reduction will be reduced to its briefest form, but we will of course have extensive arguments and explanations in support of our position during general debate and when the bill is read for amendment.

I should say further, Mr. Speaker, that the manner in which I shall offer the amendment will be similar to that used by Mr. Joelson and Mr. HATHAWAY in years past when they offered packages of amendments to increase our bill. Members will have an opportunity to accept or reject the package of amendments with a single vote. This does not foreclose Members from offering amendments to my amendment or from offering amendments to any of the other items in the bill as they see fit when the bill is read for amendment.

Finally, Mr. Speaker, there is no question in my mind but that in its present form the Labor-HEW bill will surely have to be vetoed, and we went through that exercise two times during fiscal year 1973 and ended up operating the entire year under a continuing resolution. I am sure the vast majority of Members would agree that we do not want to go that route again this year. We have an opportunity here to make a significant reduction, and moreover it can be defended in good conscience. I do hope Members will give serious consideration to what I am proposing and support my amendment.

I include the following:

PROPOSED AMENDMENT TO FISCAL YEAR 1974 LABOR-HEW APPROPRIATION BILL

Appropriation/activity	Fiscal year 1973 operating level	Fiscal year 1974: President's budget	Fiscal year 1974: Recommended in bill	Proposed amendment	Fiscal year 1974 revised bill
Mental health:					
General mental health:					
Research—Reduce ½ of the increase over the budget	$79, 349, 000	$80, 489, 000	$89, 289, 000	—$4, 400, 000	$84, 889, 000
Training—Maintain faculty support; eliminate increased student support	81, 841, 000	71, 876, 000	110, 000, 000	—19, 540, 000	90, 460, 000
Construction of Centers—Eliminate new construction			15, 000, 000	—15, 000, 000	
Staffing of centers—Reduce ½ of the increase over the budget	125, 100, 000	[1] 125, 250, 000	163, 698, 000	—19, 224, 000	144, 474, 000
Alcoholism:					
Research—Reduce ½ of the increase over the budget	6, 882, 000	6, 901, 000	8, 901, 000	—1, 000, 000	7, 901, 000
Training—Maintain institutional support; eliminate increased student support	3, 546, 000	3, 763, 000	4, 763, 000	—1, 000, 000	3, 763, 000
Community programs—Retain project grants; eliminate increase in formula grants	30, 000, 000	30, 000, 000	40, 000, 000	—10, 000, 000	30, 000, 000
Health services planning and development:					
Medical facilities construction—Retain funds for ambulatory care facilities and modernization	2, 000, 000		197, 200, 000	—87, 200, 000	110, 000, 000
National Institutes of Health:					
Research grants—Reduce ½ of the increase over the budget	587, 004, 000	582, 882, 000	700, 079, 000	—58, 597, 000	641, 482, 000
Research training—Hold program to 1973 operating level (excludes amendment for cancer, heart and lung)	149, 842, 000	125, 994, 000	180, 292, 000	—26, 281, 000	154, 011, 000
General research support grants—Reduce ½ of the increase over the budget	26, 124, 000	17, 000, 000	55, 000, 000	—19, 000, 000	36, 000, 000
Health manpower:					
Health professions:					
Capitation grants—Reduce ½ of the increase over the budget	152, 200, 000	152, 500, 000	187, 277, 000	—17, 389, 000	169, 888, 000
Special projects—Reduce ½ of the increase over the budget	34, 400, 000	34, 000, 000	53, 000, 000	—9, 500, 000	43, 500, 000
Construction—Reduce ½ of the increase over the budget			100, 000, 000	—50, 000, 000	50, 000, 000
Dental health activities—Eliminate the increase	12, 979, 000	12, 991, 000	14, 979, 000	—1, 988, 000	12, 991, 000
Educational assistance—Eliminate the increase; adequately covered by the educational initiative awards	8, 905, 000	5, 000, 000	9, 320, 000	—4, 320, 000	5, 000, 000
Nursing support:					
Construction grants—Reduce ½ of the increase over the budget			20, 000, 000	—10, 000, 000	10, 000, 000
Schools of public health—Reduce to operating level for fiscal year 1973	15, 571, 000		22, 231, 000	—6, 660, 000	15, 571, 000
Allied health support—Reduce to operating level for fiscal year 1973	22, 705, 000		38, 705, 000	—16, 000, 000	22, 705, 000
Education:					
Elementary and secondary education:					
Title I—Apply "hold harmless" at both 1972 and 1973 operating level using 1970 census data	1, 585, 185, 000	[2] 1, 585, 185, 000	1, 810, 000, 000	—97, 000, 000	1, 713, 000, 000
Bilingual education—Reduce ½ of the increase over the budget	35, 080, 000	35, 000, 000	45, 000, 000	—5, 000, 000	40, 000, 000
Occupational, vocational and adult education—Basic vocational education programs—Reduce ½ of the increase over the budget	450, 827, 000	[2] 450, 827, 000	501, 341, 000	—25, 000, 000	476, 341, 000
Higher education:					
Language training and area studies—Reduce ½ of the increase over the budget	2, 360, 000	1, 360, 000	12, 360, 000	—5, 000, 000	7, 360, 000
Library resources—Reduce to ½ of increase over the operating level for fiscal year 1973	137, 730, 000		176, 209, 000	—19, 240, 000	156, 970, 000
Social and rehabilitation services:					
Developmental disabilities—Reduce to 1973 operating level (the States currently have $20,000,000 in unexpended formula funds)	$21, 715, 000	$21, 715, 000	$32, 500, 000	—$10, 785, 000	$21, 715, 000
Subtotal, amendments for HEW				—539, 124, 000	
Office of Economic Opportunity	790, 200, 000	143, 800, 000	333, 800, 000	—92, 500, 000	241, 300, 000
Total amendments				—631, 624, 000	

[1] Excludes out-year costs of $346,750,000.

[2] Level proposed for inclusion in Better Schools Act.

	Budget authority
Amount subcommittee over budget	$1, 264, 352, 000
Proposed amendments	—631, 624, 000
Total amount still over budget request	+632, 728, 000

A. TERRY WEATHERS, LEADER IN EDUCATION, RETIRES FROM FARMINGDALE SCHOOL BOARD

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. RONCALLO of New York. Mr. Speaker, in a few days Mr. A. Terry Weathers will retire after 15 years of service as a trustee of the Farmingdale, N.Y., School Board. This Wednesday, New Yorkers will recognize his contributions to education at a testimonal dinner at the Four Seasons Country Club in Woodbury, L.I.

I am confident that this dinner will not indicate an end to Mr. Weathers' service to his community, but rather like a graduation, will serve as the commencement of a full and rich retirement.

So that my colleagues will know of the outstanding efforts A. Terry Weathers has undertaken on behalf of our youth, I include at this point in the RECORD my letter to him on the occasion of his retirement.

CONGRESS OF
THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1973.

Mr. A. TERRY WEATHERS,
Farmingdale, N.Y.

DEAR TERRY: It was with considerable dismay that I learned you were retiring at the end of this month after 15 years on the Farmingdale School Board. Your presence will be sadly missed.

During your long and distinguished career you have earned the respect and admiration of your colleagues and the entire community as a real gentleman. As Board President and as Finance Chairman, you have been ever-mindful of the individual homeowner, fighting to keep taxes in line and pressing for a raise in the state-aid ceiling. Through all this, however, you have always insisted that quality education for the children of Farmingdale not be sacrificed.

All of Long Island owes you an even larger debt, for your interests have not been confined to a single community. You were the guiding light in the founding of the Nassau-Suffolk School Boards Association and its first President. Your expertise as a statewide leader in education was recognized when you were chosen to serve as President of the New York State School Boards Association.

I regret that the heavy legislative schedule of the House of Representatives does not permit me to join with your other friends and well-wishers at the testimonial dinner in your honor on June 27. I sincerely wish I could be present to congratulate you in person. Although you are taking leave of your active role on the Board. I am confident that your retirement years will be as full and creative as the ones you have devoted to the service of your community.

Sincerely,

ANGELO D. RONCALLO,
Member of Congress.

DEDICATION CEREMONY OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CALIF., FEBRUARY 12, 1973

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BRADEMAS. Mr. Speaker, in February of this year, I was privileged to participate in the dedication of magnificent new facilities for the Ethel Percy Andrus Gerontology Center, at the University of Southern California in Los Angeles.

The Andrus Center, Mr. Speaker, is one of the largest gerontological institutions in the world, and it is dedicated to improving our understanding of the processes of aging, and the problems of the elderly, through support of research in the biological and social sciences as well as graduate training and community service programs.

It seems to me that some words spoken at the dedication ceremony by Dr. John Hubbard, president of the University of Southern California, are of great significance to those of us interested in the elderly and research on their problems.

Said Dr. Hubbard:

The University of Southern California sees the study of aging as an area rich with information for the scientists and laden with promise for his fellow human being. We at USC share with you a particular view of age. Far from being the end of the line, it is a beckoning of opportunity—a time for the fulfillment of great potential.

Mr. Speaker, I include the proceedings of the official dedication ceremony at this point in the RECORD.

ETHEL PERCY ANDRUS GERONTOLOGY CENTER DEDICATION CEREMONY, FEBRUARY 12, 1973

JAMES BIRREN

I am James Birren, the Director of the Center that we are going to dedicate this morning and it is my pleasure to call upon the Rev. Alvin Rudisill, Chaplain of the University, to pronounce the invocation for the dedication of the Ethel Percy Andrus Gerontology Center. The Reverend Rudisill.

REVEREND RUDISILL

Let us pray. Glorious and mighty and majestic is the name of the Lord. His praise is to be proclaimed by all the peoples. Bless and dedicate thee this Ethel Percy Andrus Gerontology Center. Here may learning and research flourish so that the well-being and comfort of older men and women may be provided for.

Help us all to recognize that our steps are guided constantly by the paths they have already walked and our future brightened by the dreams they have dreamed.

Inspire us this day to live in faith, hope and love in a world at peace. Amen.

DR. JAMES BIRREN

Thank you.

We of the Center are very thrilled that so many distinguished friends and guests are with us this morning, and I would like to welcome old friends and about-to-be friends to participate in this dedication that we have been looking forward to so long.

From 50 states have come representatives of the Association of Retired Persons and the National Retired Teachers Association to be with us.

There are also among you many individual donors that have made this event possible. There are students, faculty, alumni and interested persons from the community.

I feel at the moment that we are really just at the beginning of a new era in our concepts about the nature of the human life span. It is interesting that it developed that this is Lincoln's Birthday, and I think it is so appropriate a choice because on this day that we dedicate the building we are reminded of the fact that Ethel Percy Andrus was also the principal of the Abraham Lincoln High School. I understand that she had the name changed because she admired him so much.

Just as she put her energies into the freeing of retired persons from the limitations that are arbitrarily placed on them, I feel today that in dedicating this building we are both freeing our concept about the nature of our lives and dedicating our energies to enlarging our prospects for fuller lives through research.

I think those of you that are facing the building and have had the opportunity of going through it, and I hope that many of you will, are pleased with the beauty of this building. A building such as this doesn't happen quickly or casually. It requires talent and experience. The Board of Trustees of the University selected very well when they chose Edward Durrell Stone as the architect for this project. Many of you know him for his design of the Kennedy Center for the Performing Arts in Washington, D.C.

On this campus he is known also for two other structures of note: the Waite Phillips Hall and the Von Kleinschmidt Center and related facilities.

May I present to you Mr. Stone.

EDWARD DURRELL STONE

Well, it's a great honor for me to be here and it would be less than fair if I didn't rate the University of Southern California as my favorite client since, as has already been pointed out, we have had an opportunity to work here before.

In designing a building for a campus, of course doing eclectic architecture is a dirty word, but this campus does have time honored traditions in the Romanesque style and I guess this building takes a bow to that heritage, as does Von Kleinschmidt and the other building we have done.

It has been said that great buildings, if they become great, are the result of great clients and that has certainly been my happy experience here. Mr. Firestone, of the Trustees, and Norman Topping I fancy are my friends and it is nice to greet President Hubbard and work for him.

Architecture is not like the work of painters or sculptors—who are one man working in a garret—as we have the client participate as you might suspect, since architecture involves an element of cost. It might be said that architect's work really is reconciling dreams with dollars. Here on the campus is an old friend of mine, Tony Lazzaro. He is in charge of campus development and planning. He, fortunately, makes the architect look good which is very hard for anybody. However, he describes what goes in the buildings and he also knows what they should cost, so we are in a happy position of reconciling dreams to dollars largely thanks to Tony.

I can't help but speak with some pride that this is $80,000 below the budget. Clients always like to hear that and like for that to happen and that has been the history of past work we have done here. We have always met the budget. I'm not up here putting in a commercial, though it sounds like it. These are the facts though and I am largely attributing this to Tony and his Department.

Some of the money which we spent, I hope judiciously, came from the efforts of many people. The American Association of Retired Persons and the National Retired Teachers Association combined their energies to raise the funds for the building. We have had marvelous help from Meyers Brothers, the contractor, who had a Mr. McGalliard and Sons who performed this beautiful brick work.

Incidentally, Norman Topping and I picked this brick out for the Von Kleinschmidt Center, so I hope you recognize it, Norman.

In short, this is a very, very happy occasion for the architect, especially when it is shared by friends. To build a building of this importance and purpose is a very inspired opportunity. And I might say it is very timely as far as far as I am concerned because I made my debut along the turn of the century, and as I reckon that is about 70 years ago but I have a young wife who thinks there is hope for me. I always have to boast about that.

The Stones, my family, have always lived much longer than anybody ever thought they should and that is likely to be the case with me. But it is ensured now that we have a facility of this sort, and I am very happy about it, personally.

In other words, I hope that people who look at this building find it palatable to the eye. I do. And I have to be honestly arrogant and admit that I think it is very beautiful, and I hope serves the University of Southern California and the people of this part of the state well.

I think this attendance here is incredible. You know, I was here at nine this morning and everybody was already in their seats. That speaks well for what happens in Southern California and what will happen more so when this building functions.

Thank you very much.

DR. JAMES BIRREN

Thank you, Mr. Stone, and for what you have done for us here. Mr. Stone mentioned that the construction firm was the Meyer Brothers, and they were responsible for this beautiful brickwork. I was hoping that Mr. Ray Meyer would be here this morning. If he is here this morning, I would like to recognize him. Would you come forward a moment?

MR. RAY MEYER

Well, I don't think after those words by Mr. Stone that I need to say anything about this building, but we are very proud, Meyers Brothers Construction Co., to have built many structures that we have built on the campus. It has been a real pleasure to work with all of the men here. They are a great bunch of fellows. Thank you.

DR. JAMES BIRREN

The Center, and the building of course, fits into the total campus and the man that is responsible for the big and little things about the expanding University of Southern California is the President, Dr. John Hubbard. I would like to introduce him and present him to you at this time.

DR. JOHN HUBBARD, PRESIDENT

Thank you, Jim, ladies and gentlemen. This certainly is is a most welcome day for us all. Andrus Center means so much to so many that I can only characterize its significance as universal.

Even to describe the Center's significance to USC alone would certainly take up the rest of this morning. So let me just say that we are enormously pleased and grateful to the thoughtful donors who made this building possible.

The University of Southern California sees the study of aging as an area rich with information for the scientists and laden with promise for his fellow human being. We at USC share with you a particular view of age. Far from being the end of the line, it is a beckoning of opportunity—a time for the fulfillment of great potential.

With these splendid new facilities and the dedicated men and women who will use them, we have the greatest hope for what can be accomplished in the Andrus Center. For the aging, and for men and women of every age.

This magnificent Center precisely exemplifies the future development of the entire University of Southern California. We of the University will be devoting more of our intellectual resources and academic facilities to the challenges confronting society and its individual members. This is the approach of the Gerontology Center. With its challenge-oriented programs, the possibilities for meaningful research and teaching are limitless.

There is no question, of course, about the field of Gerontology. We are proud that USC can lead in this development, thanks to the existence of the Andrus Center.

Our deepest appreciation goes to all of you who put the vital bricks of this building together with your enlightened concern and superb effort.

Thank you.

DR. JAMES BIRREN

At the time the Center was approved by the Board of Trustees, and Dr. Topping was President, Mr. Leonard K. Firestone was Chairman of the Board of Trustees. I would like now to invite his comments as we are in front of this building that he approved. Mr. Firestone.

LEONARD K. FIRESTONE

Thank you. Honored guest, ladies and gentlemen. I had not intended to include in my short remarks what I am about to say about Mr. Stone. Having been associated with him for 10 or 12 years, and hearing him this morning make his remarks to you, it occurred to me that how anybody as soft-spoken and as low key as he is can develop and create such majestic and beautiful buildings and architecture as he does.

Then I heard just a short time ago that in June he married a very young lady, and when I add to that the dramatic things that he has done architecturally I have just got to come to the conclusion that he has got a lot more on the ball than you just think he has, casually meeting him.

And I wanted to take this opportunity, too, to thank Mr. Stone for all he has done for me and done for this University. He probably exemplifies some of the things that Mr. Davis was talking about just a few moments ago.

It is a particular pleasure for me to be asked to speak on this occasion. When the Gerontology Center was established at USC in the sixties, it was my honor to serve as Chairman of the University's Board of Trustees. We were very proud of the beginning the Center was making then. Today everyone associated with the Center has good reason for continuing pride. The work done by Gerontology faculty and staff over the years has been of the highest quality. They certainly deserve this excellent new building.

It is my privilege to convey, on behalf of the Board of Trustees, the thanks of the University to all those who made possible the Ethel Percy Andrus Gerontology Center.

As you know, this beautiful structure is the product of many, many thousands of individuals—dedicated people who worked to fulfill the dreams of a distinguished alumna of the University of Southern California.

My associates and I are confident that her dreams will be fulfilled by those who use the Center. We are confident that there will be new light on human life—that living will be made brighter for all.

For the Board and for myself, please let me specifically thank Mr. Davis, the members of the American Association of Retired Persons and the National Retired Teachers Association, and all the loyal Trojans who contributed to the Center through the USC Alumni Fund.

My fellow trustees and I are proud to be associated with the Andrus Center and that it is a part of USC. We are proud that all of us together are taking part in a great pioneering effort on behalf of humanity.

Together, we are involved in a noble purpose.

It is a purpose which we see greatly advanced this day.

Thanks to all of you for your help.

DR. JAMES BIRREN

Thank you, Mr. Firestone.

The success of a contemporary University no longer just depends upon the quality of research, its scholarship and its educational programs, but the extent to which it maintains a two-way channel with the community of people that nourish it. You.

Facilitating this communication from the point of view of the retired persons themselves, is a man who effectively represents the interests of retired persons in this country. Mr. Bernard Nash is the executive director of the American Association of Retired Persons, and the National Retired Teachers Association.

As was mentioned earlier, the membership of these associations now numbers over 5,000,000. That's many more people than some states have in their population. It's over one-quarter of persons over the age of 65. An impressive growth.

Before he assumed this position, Mr. Nash was a deputy commissioner of the Administration on Aging where, among other things, he promoted the Foster Grandparent Program.

As a young man, we feel he is one of our Grandparents. I would like to invite our Grandparent to speak to us.

MR. BERNARD NASH

Now I have a new identity. Thank you, Dr. Birren.

You heard Mr. Davis describe to you the "early family" that worked with Dr. Andrus in identifying the dreams and the goals of our Association. More than 500 leaders assembled here today, of the two associations, represent the extended family of Dr. Andrus. A family that now numbers over 5,000,000. We achieved that mark about two and one-half weeks ago.

While only a few of them knew Dr. Andrus personally, they know well her philosophy of service to others. A knowledge that has been confirmed by countless acts of kindness and self-denial in communities throughout our nation. And confirmed it in a very meaningful way through the role in helping to make possible this Center.

More than 400,000 individual members contributed funds to this memorial to our founder. Millions more contributed their time and their prayers over the past five years since her passing to this great gift for humanity.

A beginning

Dedication of the Center today represents for our Association not an end but a beginning. We shall continue to work with the dedicated staff of the Center, and of this University in pursuit of our mutual goals—to change for all time the very meaning of growing old. To destroy forever the myth and the stereotypes and the prejudices that downgrade and ignore the ability and the potential of older persons as individuals and as members of our society.

Just as this magnificent structure will commemorate, for as long as it stands, the noble goals of dignity, purpose and independence which Dr. Andrus espoused for older citizens, so will our continuing association with the work done here symbolize the validity of that philosophy as we work together to achieve those goals.

DR. JAMES BIRREN

Thank you, Grandfather Nash.

I would hardly need to introduce the next two persons to the Associations themselves for they are their Presidents. And I hope indeed, they will become equally well-known on this campus. I will perhaps present them to you one at a time.

First of all we have Mr. Foster Pratt, the current President of the American Association of Retired Persons.

MR. FOSTER PRATT, PRESIDENT AARP

Dr. Hubbard, this key we know will unlock the doors to this magnificent Center. It is our prayer that this Center will become a key to unlock the secrets of aging and human development.

Accept it with our assurance of continued support and our admonition to the dedicated staff already at work here to carry on.

DR. JAMES BIRREN

To represent the National Retired Teachers Association is the President-Elect, Mr. Raymond Ast.

MR. RAYMOND AST, PRESIDENT-ELECT, NRTA

Dr. Hubbard, ladies and gentlemen, thank you, thank you very much.

We who are old are supposed to dream dreams, and you who are young are supposed to have visions. As I and Foster present to you, on behalf of our members, the keys of this marvelous Center it is our hope that our dreams and your visions will merge so that in the work that we do here together we can make real the vision of Isaiah for future generations; enabling them to renew their strength, to run and not be weary, to walk and faint not.

DR. JAMES BIRREN

Also to participate with us is the immediate Past President of the Retired Teachers Association, Mrs. Katherine Pearce, and Mr. Fred Faassen, the immediate Past President of the American Association of Retired Persons.

I would like them to rise and participate in cutting the ribbon that binds the building.

In this process we are going to have a pair of ceremonial scissors first, but then we are to have a more cutting pair, as well, but the photographers want the ceremony.

MRS. KATHERINE PEARCE

Dr. Birren, Dr. Hubbard, honored guests and friends.

Many of you will recall that less than two years ago we gathered at this site to participate in the groundbreaking ceremony that marked the beginning of the construction of this Center.

As we cut the ribbon today, symbolizing the formal opening of the completed structure, it provides ample evidence of what talented people can accomplish in a short period of time.

As the artist, the craftsmen and the laborers pooled their energies and talents to create this beautiful building, so may those from the disciplines who labor from within the building likewise prove their talents and energies to create a beautiful structure for the human spirit.

MR. FRED FAASSEN

Well Mrs. Pierce, using scissors to cut this ribbon is much easier than breaking ground with a shovel, and it is far more rewarding. For it is evidence that our Associations not only set goals but see them through to completion.

More importantly, it means that Dr. Birren and his staff can now unify and expand their work to achieve more fully the goal of Dr. Andrus which she set of insuring for all older Americans—lives of dignity, independence and purpose.

DR. JAMES BIRREN

I don't think you knew that your two presidents were such cut-ups.

Now you have evidence that those two presidents are sharp as well.

We now have an innovative event for the dedication of the building. The concept developed that we should have a time capsule that would be opened in the year 2000, in which might be placed our predictions about the future of retirement and aging.

To assist us in this event are Miss Cecilia O'Neil, who was President of the National Retired Teachers Association at the time the concept of this Center developed, and joining her will be Mr. George Schluderberg who was President of the American Association of Retired Persons at the onset of the project.

I would be pleased to say that we have two student fellowships named after them the following year, as well for which we are deeply grateful. To receive the time capsule will be Lisa Pomeroy who is the President of the Student Council of the Gerontology Center. It is worthwhile to note that she was one of the recipients of this scholarship that enabled her to continue in her graduate studies.

MISS CECILIA O'NEILL

Dr. Hubbard, Dr. Birren, distinguished guests and fellow members of the American Association of Retired Persons and of the National Retired Teachers Association and friends.

For those of us who knew Dr. Andrus personally, who loved her and worked with her, this dedication event has prompted emotions of cherished and treasured memories.

Every remembrance of the very special joy that Dr. Andrus brought to every human encounter.

But we have also been looking ahead and 25 years from now when the time capsule we place within this Center today is opened, that generation of Americans will read with special appreciation, we trust, of our generations hopes and dreams for the quality of life that will then exist for all Amercians.

To describe the contents of the time capsule, I have the pleasure of calling upon my former associate, Past President of the American Association of Retired Persons, Mr. George E. Schluderberg. Mr. Schluderberg.

MR. GEORGE SCHLUDERBERG

Fellow retirees, members of the Staff of the University of Southern California.

Certainly we don't want the future to forget what we have done here today. When this time capsule is opened in the year 2000, officials of this Center then—with interest and with curiosity—will greatly enjoy the contents therein.

THE NATIONAL HOUSING ACT OF 1968

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. WALDIE. Mr. Speaker, in the National Housing Act of 1968, Congress committed the Federal Government to a schedule of housing construction that would adequately provide for projected housing needs. The national housing goals production schedule adopted by the administration in 1970 called for the production of approximately 600,000 low- and moderate-income housing units in each year from 1973 through 1980.

After the careful calculation of what our housing needs will be and the establishment of programs to administer funding, the Nixon administration announced in January of this year that it was cutting off funds for all newly approved projects for subsidized housing, water and sewer grants, open space grants and public facility loans.

Mr. Speaker, I have become greatly concerned with not only the dismantling of the present Federal public housing programs, but with the lack of commitment to the goal of providing adequate housing for all citizens that this action signifies. I have written all the directors of housing authorities in California requesting information as to how the freezing of funds has specifically affected their programs. Their response was one of deep disappointment over the administration's actions and of unanimous support for actions of Congress that would reinstate these appropriations. Statements from some of the letters I have received follow:

In the city of Los Angeles, there are only 14,000 units avalable for low-income families and the elderly compared with an estimated minimum need of 88,500 units—despite this fact, HUD has cancelled the housing authority's application for new construction.

San Francisco officials have written that the President's "freeze" on public housing funds has halted the planned construction of over 11,000 units in the Bay Area—while there are over 6,000 applicants waiting for available units in San Francisco alone.

In Sacramento, officials estimate that roughly $87 million will be lost to the Sacramento economy as a result of the President's actions, and that, further, this will represent the loss of nearly 19,000 jobs.

In the city of San Diego, HUD has held up approval of an application for 1,000 leased housing units under secton 23 and an application for 500 units of housing for the elderly under the Turnkey development program.

In the city of Santa Barbara, applications for 600 units of Section 23 leased housing have been on file with HUD since 1970. To date, the local housing authority has been successful in obtaining only 250 units of Turnkey conventional bid housing and 330 units of section 23 leased housing.

The Oakland Housing Authority has been unable to initiate planning for 800 units for which construction was expected to begin in 1975.

In Alameda, 2,886 families are on waiting lists for housing and there are only 650 units now under contract to be built.

In Berkeley, the housing authority has been tapping its reserves at the rate of approximately $10,000 per month, due to administration's failure to provide an adequate operating subsidy.

The housing authority of the city of Long Beach writes that they have faced great financial difficulty due to the cuts in their operating subsidies, and this situation has threatened their ability to properly operate existing units as well as plan for new construction.

In San Bernardino, officials state that the current levels and methods of funding have prohibited their operating a program that even begins to provide adequate housing for low-income families.

The housing authority of Contra Costa County is having "to trade off units now under contract for assistance because of the administration's continuing refusal to consider any increase in subsidy to cover the increase of rentals in the private market."

In Kings County, the housing authority reports that the President's impoundments have "stopped all proposed plans for additional housing."

The director of the housing authority of the city of Madera expressed his frustration well:

> As I am sure you are well aware, many efforts have been made on the part of housing authorities and redevelopment agencies toward the release of these impounded funds. All their efforts have been to no avail. We don't know yet from one day to the next where we stand in this particular situation.

From the San Joaquin County Housing Authority, I have learned that "production of housing for low-income and the elderly has come to a standstill."

Within the jurisdictions of the Imperial Valley Coordinated Housing Authorities, there are 626 units of public housing currently available and there are 448 families on waiting lists for housing—all additional production has been brought to a halt due to the funding freeze.

In Kern County, the administration has stopped the expenditure of $6,630,000—$3,250,000 for new housing construction and $4,764,000 for modernization of housing built prior to 1954.

The housing authority of Yolo County has had to reduce its operating reserves to what they consider to be a critical level of only $31,920. Additionally, HUD has informed them that they will not be allowed to exceed operating subsidies of $25,608 in the next fiscal year, while the authority has determined that an operating subsidy of $103,000 is needed.

The housing authority of the city of Eureka has applied for $451,500 to build 250 units which are urgently needed to replace a part of the 430 housing units deleted by the construction of a freeway through Eureka—their application has been denied by HUD. This authority, which also operates housing projects for Humboldt County, has been denied $271,500 for the construction of 150 units in the county. To put these funding denials in perspective, there are 500 applications for public housing on file with the Eureka Housing Authority.

Officials in the housing authority of Ventura County have written me that their application for 400 units of leased housing has been turned down and that there are over 350 people on lists waiting for housing to become available.

In Inglewood, insufficient operating subsidies and the lack of special subsidy funding have, according to officials, completely undermined the fiscal integrity of the local housing authority.

In Santa Paula, with 580 families and elderly applicants on the waiting list for housing, HUD has disapproved an application for 50 more units under the section 23 leased housing program.

In San Luis Obispo, voters approved the construction of 150 additional units but HUD has failed to make the funds available.

In Pleasanton, the housing authority had actually signed a preliminary loan contract for the construction of 150 units—since January 5, this contract has been rescinded.

In Napa, the authority has had to place tenants in substandard units due to the great disparity between offered rental payments and market value.

The local authority in Fairfield says that they may have to lease substandard homes to meet the needs of the community.

In Cedarville, the Modoc-Lassen Indian Housing Authority made a request for additional funding after having made a mistake in their original funding application due to HUD's invoking an arbitrary deadline for submission of the application.

In San Buenaventura, applications for nearly $2.5 million in housing funds have been denied and returned as of May this year.

Mr. Speaker, the widespread ramifications of these actions by the administration are self-evident when we consider that fully 30 million Americans are inadequately housed in unsafe, unhealthy, overcrowded quarters. The administration's actions will make it nearly impossible for many low- and middle-income Americans to find reasonably priced housing in the foreseeable future.

For example, in some metropolitan areas construction costs are so high that it is impossible to build multifamily housing at a cost that would permit rents to be held under $125 a room per month without Government assistance. But, when Federal subsidies are combined with State and local subsidies, rents can be reduced to approximately $45 a room per month.

The elimination of these programs will, therefore, retard greatly the level of construction that can be maintained in the future. In HUD's Regional Area No. 9, including Nevada, Arizona, and California, the number of funded applications as of January 5, 1973, the cutoff date, was 38,129 units, while unfunded applications numbered 31,887 units—nearly 46 percent.

Nationally, the estimated reduction in total new subsidized housing starts in calendar year 1973 would be about 72,000 from 1972. In the first half of 1974 an estimated 129,000 units might be started and in the second half of 1974 perhaps enough additional starts might be made to produce an annual total of roughly 200,000 starts making for another 72,000 decline between 1973 and 1974, or a decline of 144,000 from 1972 to 1974. Most significantly, this policy leads to the expectation of practically no subsidized starts in the latter part of 1974 and in 1975.

The cutback in the Federal Government's funding of housing construction is unfortunately taking place at a time of high prices and low production in the nonsubsidized housing market. My State of California accounts for more than one-half of the new units built in the western region of the country. During the last quarter of 1972, the median price of a house sold in the West was $28,900, about 13 percent higher than a year previously.

At the same time, mortgage interest rates have been increasing. In San Diego, San Francisco, and San Jose the effective interest rates on FHA-insured and VA-guaranteed home loans closed in February of this year averaging close to 7¾ percent. As a result, the inventory of unsold homes has been building up, and the rate of building permit issuances has been dropping off. In the early part of this year, the units in structures for which building permits were issued, the units in structures for which building permits were issued in the West were at a seasonally adjusted annual rate of 507,000, compared with 609,000 a year earlier. The alternative of renting also has become more expensive as rents have risen about 2.7 percent a year in San Francisco and slightly over 2 percent a year in San Diego.

Mr. Speaker, in view of the obvious need for the funding of programs to keep housing construction at a level that will produce enough units for the Nation's future needs, what possibly could be the reasons for the administration's reasons for cutting off funds for Federal housing.

When former Secretary Romney announced the administration's actions, he noted that budgetary considerations had contributed to the decision to cut housing funds, but then, most disturbingly, he referred to fraudulence connected with the administration of the program and to the rapes, thefts, and muggings that seem to plague subsidized housing projects as having also contributed to this decision.

In reference to the issue of fraudulence, the Secretary was clearly using an administrative problem, arising from inadequate quality standards and regulation, as a basis for dismissing the value of the entire concept of federally funded and administered subsidized housing programs. Second, with respect to the crime problem, this unfortunate circumstance cannot in any way be logically considered to have resulted from the Federal Government's construction of multifamily housing for such housing will have to be built to meet future needs whether it is built by the Federal, State, or local governments. Instead, our failure to adequately provide community development and supportive social programs for those citizens for which we construct new housing has allowed criminal activity to focus in these housing projects.

Under examination the reasons appear incredibly weak, and yet it is for these reasons that the administration has curtailed housing funding and has so adversely affected the total economy. It is estimated that these actions will cost the economy $8 billion over the 18-month period. However, just as importantly, it is estimated that 230,000 jobs will be lost over the next 2 years due to the cutoff of funds. With unemployment running at extremely high levels and interest rates and building costs ever increasing, the administration's insensitivity to the problems of the citizens and local communities of this country is revealed in a most disturbing light.

To this point I have been limiting my remarks to the termination of Federal funding for subsidized housing, but the Administration has also cut off funds for sewer and water grants and public facility loans. As long as no new approvals are permitted under these programs, nonsubsidized housing will also be slowed down. In a number of metropolitan areas, a shortage of adequate sewage facilities has caused State and county authorities to place a moratorium on new building permits. Restrictions on the issuance of these funds is expected to reduce nonsubsidized housing production by 11 percent from 1972 to 1973, 10 percent from 1973 to 1974, and 20 percent between 1972 and 1974.

Mr. Speaker, we cannot allow the President through his totally arbitrary exercise of power to frustrate the will of Congress and disregard the needs of the poor and the inadequately housed of our Nation. The same authority we used to originally fund the Federal housing assistance programs must be exercised to enact "anti-impoundment" legislation which will require the President to spend the appropriations Congress makes.

I urge all Members of Congress to fully weigh the harmful effects of the administration's actions on communities throughout the Nation, when Congress considers anti-impoundment legislation.

LABOR-HEW APPROPRIATION BILL, TITLE I, ESEA

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. QUIE. Mr. Speaker, the Education and Labor Committee has been studying title I of the Elementary and Secondary Education Act throughout these first 6 months of 1973.

The appropriations for this title in the appropriations bill to be considered tomorrow will cause our committee and this Congress and the States involved some serious difficulties. The problems are these—the bill carries a "hold-harmless" feature that no State shall receive less than it received in fiscal year 1972, but without substantial increases in appropriations some States are just not entitled to that appropriation and should begin the transition to lesser amounts.

In fiscal year 1972, the allocation for title I, ESEA, was based on the 1960 census. The 1970 census has shown that in the Nation as a whole, there are 46-percent fewer children from families with incomes of $2,000 or less as there were in 1960. Many States lost 15 to 25 percent more than that—the largest drop was practically 70 percent—while others either stayed relatively steady or had net gains—the highest was 23 percent.

To continue to pay those States which have lost 60 and 70 percent of their low-income population the same amount as if they still had those children in attendance is simply ridiculous. The committee bill by holding every State harmless to 1972, when the 1960 census was still being used, continues to pay States on the basis of information that was 14 years old. I think it would be better if we let those States phase into reality. I would suggest that they receive only three-fourths of the difference between the amount they would have received in 1974 without the committee floor and the amount provided for in the committee bill. Since the committee bill is based on 1972 and most of these States did have their grant levels reduced some in fiscal 1973, the effect would still provide most of these States with more money than they had in 1973. For these States it would prevent them from going back up to the 1972 level. In four States it would reduce grants slightly below 1973, representing about a 3-percent aggregate loss for those four States.

The General Education Subcommittee of the Education and Labor Committee seems inclined, at this time, to raise the income level from $2,000 to at least $3,000, and some want to go to $4,000. This would substantially reduce the weighting of AFDC in the formula. Under these circumstances it is foolish to allow those States which benefit greatly from the current formula, but which would not gain as much under various revisions being considered by our committee, from receiving an artificially inflated amount for this 1 year.

When title I was first enacted, AFDC was conceived of as a minor adjustment to the formula. Today in at least two States 70 percent of the children counted for the formula are those on AFDC. This is an incredible story of a tail that has learned to wag the dog. Further, AFDC is not a good indicator of educational need. As witnesses from HEW's Social and Rehabilitation Service pointed out in a hearing before our committee 2 weeks ago, AFDC is a program that is distinctly antirural and there is good evidence that there are certain racial and ethnic groups who simply refuse to go on welfare. In half the States, a family cannot receive aid if the father is present in the home. To base aid to education on such factors, including an incentive in the form of money for the schools if the father is absent from the family, is the height of folly in our social policy. Generally speaking, those States which would gain because their AFDC rolls have increased from 400 to 600 percent in a 10-year period should not receive that amount until our committee determines the future formula later this year.

I think any State should be permitted to receive at least 10 percent more than it did in 1972. Any State gaining more than 10 percent should be held to one-half the gain over the 10-percent growth. In almost all States these adjustments would be rather minor. In four States they would be $300,000 or less. In only one State would the figure exceed $2.5 million.

In sum, we should free the authorization committee to come up with a good formula while at the same time permitting the 1970 census to come into effect.

LONG ISLAND AEROSPACE KNOW-HOW PERFORMS FLAWLESSLY IN SKYLAB

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. RONCALLO of New York. Mr. Speaker, when nearly everything else was going wrong with the Skylab, one thing was going right. That was the experimental waste management system developed by Fairchild Republic Co. of Farmingdale, Long Island. The following excerpts from Skylab radio transmissions will give you some idea of the high regard the astronauts themselves had for the high quality work turned out in the 3d Congressional District of New York:

Capt. Pete Conrad, Skylab commander: "The waste management and hygiene equipment turned out to be a fantastically pleasant surprise. I probably was the most adamant against the fact that the collection equipment would work and we have all discovered pleasantly that it works in an absolutely outstanding manner and I have to rate it as excellent."

Paul J. Weitz, Skylab pilot: "I . . . have been deliriously happy and surprised with the operation of the . . . waste equipment."

Dr. Joseph P. Kerwin, Skylab scientist pilot: "Incidentally, I do not know whether we stated before, but we owe our greatest appreciation in part to the people who designed the waste management system. It has worked much better than anticipated and has been essentially trouble free and not terribly time consuming."

HISTORY OF BROKEN TREATIES RAISES WARNING FLAG OVER CURRENT SOVIET NEGOTIATIONS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. EVINS of Tennessee. Mr. Speaker, certainly we all wish President Nixon success in the recent negotiations with Soviet Chairman Leonid Brezhnev just concluded.

However, the lessons of history clearly teach that the record of Russia with respect to keeping its word with the United States and others is a negative record of broken treaties and agreements in many areas.

In this connection, because of the interest of my colleagues and the American people, I place in the Record my recent newsletter, Capitol Comments:

History of Broken Soviet Treaties and Agreements Raises Red Warning Flag Over Current Negotiations

This week, President Nixon and Soviet Political Boss Leonid Brezhnev have been engaging in a series of conferences, hopefully towards promoting peace and better understanding.

Certainly all of us wish the President success in his negotiations with the Russian leader—but a word of caution is in order. Based on Russia's long record of broken treaties and agreements, any proposed agreement should be viewed with reservation—especially those relating to disarmament which concern the national security of the United States.

There is speculation that the United States and Russia may make further commitments limiting the amount and type of nuclear weapons each Nation may have in its possession. It is known that the President and the Russian Chairman discussed a new arms control formula as the basis for a further agreement as a part of the Strategic Arms Limitation Talks (SALT)—concerning multiple warhead delivery systems and other complex military issues.

The President during his earlier visit to Russia signed an arms control agreement—SALT I—which many interpret as giving the Soviet Union a clear superiority in intercontinental ballistics missiles—the delivery systems for nuclear bombs. Under this agreement, the United States is limited to 1,054 missiles while the Russians can have 1,618—a superiority of 564 ICBMs for the Russians.

According to respected and reliable authorities, the Russian missiles are larger than the largest United States ICBMs and can carry a payload four times as heavy as our missiles.

SALT I also limited the United States to 44 nuclear submarines while permitting the Soviet Union to have 62—a superiority of 18.

The current question now is whether the United States will also compromise its current lead in multiple warhead weapons systems. A multiple warhead, as the name indicates, can include a number of nuclear bombs in a single warhead that can be directed to separate targets from a single missile firing. The crucial importance of these weapons is two-fold: The first is that this is the one area in which the United States has a clear superiority, and secondly, multiple warheads (or MIRVs) by their very nature to some extent compensate for the United States inferiority in the number of missiles.

It is reported that those who play deadly theoretical war games in the Department of Defense can conceive of a situation where an overpowering Soviet superiority in nuclear weapons could result in a surprise first strike that would knock out this Nation's land-based missile sites in the United States and Europe. This is all speculation, of course, but this demonstrates the sensitive, crucial and momentous nature of further nuclear arms limitations.

Another important point is that assuming Chairman Brezhnev is sincere and intends to keep agreements which he makes, he will not always be the Chairman. As a matter of fact, the Washington press is speculating that the success or failure of the current talks may have some bearing on how long he holds power because the militaristic group in the Kremlin is known to oppose his efforts to achieve a reconciliation with the United States. This, of course, places further pressure on the President to reach agreements that Brezhnev can point to at home as examples of the success of his policy of detente and reconciliation with the United States.

Premier Stalin once said: "Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood."

In line with this Stalinist philosophy, the House Foreign Affairs Committee, in a report dated September 27, 1961, cited 45 specific Soviet violations of international treaties and agreements—a history of flagrant violations and breaches of faith by the country with which we are currently negotiating.

Someone has said that the United States has never lost a war or won a conference. Our record in the last category makes many observers skeptical. The Russians are such hard bargainers that the United States usually winds up on the short end of the deal—whether in nuclear weapons or commercial items.

The grain deal, for example, was extremely favorable to the Soviet Union. This $1.2 billion deal with the Soviet Union depleted American wheat and grain reserves, contributed to inflation in the United States, increased the price of food to American consumers and feed to farmers, and resulted in major dislocations of our rail freight system.

On top of this, the Russians, which have the second largest gold reserve in the world, bought the grain on this basis—$700 million with depreciated dollars which they bought with their gold from Swiss bankers and $500 million on low interest credit. In other words, if the United States had insisted on payment in gold rather than in devalued dollars, it would have been to our distinct advantage. In the first place, the United States obviously needs to bolster its gold reserves to strengthen the dollar which has now been twice devalued and depleted. As the price of gold is rising steadily while the dollar declines in value abroad, payment in gold would have strengthened the dollar and our gold reserve.

And the Russians desperately wanted the wheat because of a poor harvest so this Nation was bargaining from strength, and yet, the United States subsidized the deal by guaranteeing Russia a certain price for wheat—$1.63 per bushel. However, when the international grain brokers began purchasing gold to fulfill the United States commitment, the price of wheat rose and the United States paid the difference to these brokers between the guaranteed price and the increased price to the tune of hundreds of millions of dollars.

With further arms and commercial agreements pending, let us hope that history will not repeat itself in the current negotiations for—on the record—it is difficult to have faith in any agreement with Russia.

Beware of the Bear, Mr. President.

ANDRUS GERONTOLOGY CENTER

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 22, 1973

Mr. HANSEN of Idaho. Mr. Speaker, I want to bring to the attention of my colleagues an address, delivered by Dr. Ruth B. Weg, associate director for training of the Ethel Percy Andrus Gerontology Center, which describes the need for trained specialists in aging if we are to be successful in our efforts to improve the lives of America's 20 million older Americans.

Dr. Weg's remarks, Mr. Speaker, were delivered during the week of February 12, when the University of Southern California dedicated impressive new facilities for the Andrus Center.

Said Dr. Weg with regard to training in the field of aging:

> The decade of the 1970's is the decade in which major plans for training must be put into effect. Crucial to the national effort to provide training at all levels is the development and implementation of programs to train the trainers.
>
> A little more than one-third of a million people are working today, with and for, 21 million older Americans. In 1968 the then-retiring Secretary of Health, Education, and Welfare, Wilbur Cohen, predicted that more than a million workers will be needed in 1980—only 7 short years away.

Mr. Speaker, I insert in the RECORD Dr. Weg's cogent analysis of the training needs with reference to the elderly, and the efforts of the Andrus Center to help meet those needs:

EDUCATION AND TRAINING AT THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER

A couple of months ago I received the 1971 White House Conference on Aging Section Recommendations on Training. I commend it to your careful study. Let me read a brief excerpt from the preamble: "The resolution of these significant human problems requires a large cadre of personnel trained in and committed to the field of aging. What is necessary is the development of innovative and creative programs to provide training for the total range of occupations providing services to older persons, and specifically for professional and scholarly programs preparing people to work in the field of aging. The decade of the 1970's is the decade in which major plans for training must be put into effect. Crucial to the national effort to provide training at all levels is the development and implementation of programs to train the trainers.

We agree then—a critical shortage exists of trained personnel in the field of aging. A little more than ⅓rd of a million people are working today with and for 21 million older Americans. In 1968 the then-retiring Secretary of Health, Education, and Welfare, Wilbur Cohen, predicted that more than a million workers will be needed in 1980—only 7 short years away.

Not very much has changed that picture since the White House Conference on Aging in December, 1971. On the contrary these are days of great concern indeed—the future of training programs all over the country are faced with uncertainty. The definitive pledge of the Administration at the White House Conference on Aging is in jeopardy by virtue of the Presidential veto of monies and programs. If much of training is set aside as a wasteful frill, services to the elderly, today and tomorrow, will be left to the unknowing, unskilled—undone by what may be classified in the future as the shortsightedness of a budget.

WHAT AND WHOM DO WE NEED?

Specifically, teachers and research in colleges, universities and professional schools with programs in aging and for the aged; federal, state and community personnel in planning and administration; workers in senior centers; management personnel in retirement housing; personnel for convalescent, nursing homes and hospitals; personnel in other direct services to the elderly, as in community and home delivered services; recreation personnel; social workers in one-to-one relationships and finally there are those that are now more than ever desperately needed for action and advocacy. The longer I stay with the concerns of aging and the aged, the more I learn—and our training program is now in its 7th year—the longer grows my list of essential personnel for the field.

LET US LOOK AT HOW WE HAVE TRIED TO FILL THE NEED

The Andrus Center's overall training program has grown from 23 students in 1966 to 56 today—from a doctoral degree program to three different degree awarding patterns today. 1) In environmental studies, which includes architecture and urban and regional planning, the students work toward a master's degree. 2) A doctorate is the ultimate objective of the trainees in biology, psychology, social work and sociology. 3) The Fall of 1973 will find some students enrolled in a new, unique joint degree program—masters in social work and masters in public administration with a specialization in aging. The graduates of this program will move into the field as middle level administrators and planners, so crucial to the purposes of agencies and local programs dealing directly with older persons.

Although our major educational efforts to date have been with the graduate, since 1970 we have developed courses to interest and serve increasing numbers of undergraduate students. The positive response of hundreds of students to these interdisciplinary classes in introductory gerontology and human development gives witness to student concern for the human condition. What we do has been in terms of a particular view of the questions in aging that require answers, in terms of the changing needs of older individuals and society.

The Ethel Percy Andrus Center is committed to an educational philosophy which recognizes the complexity of human development. And since there are many dimensions to "being and growing human" this multidisciplinary training program in adult development and aging includes architecture, biology, social work, sociology, physical education, psychology, public administration and urban and regional planning. It is with the insights, information and energies from all these disciplines focusing on aging and the aged that we may better understand the inter-dependence of the emotions and the body in any one individual, the transactions among individuals, and the significant interaction between the individual and the environment. Our instruction philosophy is also expressed in the concept that education and training of future personnel in aging needs to take place through the Center's activities of research and community projects as well as in the classroom.

WHAT GOES INTO THE EDUCATION AND TRAINING FOR GERONTOLOGY AT THE CENTER?

Incoming graduate students must first be accepted into the department of their choice. After identifying gerontology as their interest, they are considered for traineeships by a committee of Preceptors and students. As students in the aging program they fulfill the requirements of their discipline, and of the Center with a variety of courses and seminars. Colloquia bring visiting lecturers who provide different perspectives in gerontology for faculty, staff and students. Another major source of information and stimulation is the Center's unique Summer Institute program, offered for the first time in 1967 with eight courses. This summer, six years later, there will be a greatly expanded Institute offering thirty different classes from architecture to philosophy, and a number of newly organized undergraduate and graduate courses. This is indeed a multidisciplinary/interdisciplinary educational experience. Faculty, students and professionals with different interests are brought from all over the country for an exchange of ideas in research and practice. Our students are encouraged to incorporate a field work assignment, in some community or institutionalized setting with the elderly, to add a real life situation to the books and papers of academy.

Many of the trainees act as discussion leaders and teaching assistants in semester courses, continuing education institutes and the Summer Institute. They also make presentations to a variety of community organizations such as the United Automobile Workers Retirement Group. Part time and summer work projects of great practical importance to the aging population have involved some of our students. This past summer two students were employed by the California Commission on Aging charged with preparing Los Angeles and San Bernardino Counties administratively for the federally funded nutrition program for the elderly. Trainees also learn to tackle some basic questions in the study of aging. They are part of ongoing research in the laboratories of the Center; in environmental studies (planning, housing and environmental sociology); in biology, as in the biology of behavior (in the neuro-chemistry of learning); and in the molecular aspects of development and aging, in social gerontology and in psychology. An exciting intercourse with older persons has been developed with the membership of the American Association of Retired Persons and the National Retired Teachers Association, at times through locally based chapter meetings and also through camperships during vacation holidays. We all perceive these as marvelous opportunities to bridge any generation gap against the inviting back-drop of a holiday perspective and the beauty of nature.

Yet another happy connection from these two organizations to the training program relates to the scholarships already provided in the name of Cecilia O'Neil and George Schluderberg to six of our students, three of whom might not otherwise have been able to continue their studies without this help.

Attendance at scientific meetings for exchange of information and ideas and the defense of research findings are viewed as important steps for students and faculty in the development of critical thinking and the professionalization from student to worker in the field of aging. At the 9th International Congress of Gerontology at Kiev in the Soviet Union, sixteen students and faculty presented their work. This past December at the Gerontological Society Meetings in San Juan, Puerto Rico, nineteen of our students participated.

In October Andrus Center students and faculty hosted a National Conference on "Role of Institutions of Higher Learning in the Study of Aging" which brought together students, faculty and administrators from all levels of higher education, community colleges, four year colleges and universities; regional, state and local commissions on aging, governmental support agencies, congressional leaders and representatives of organizations of older persons and the community. In this effort we had the financial support of the National Institute of Child Health and Human Development, the Administration on Aging, the National Institute of Mental Health and again A.A.R.P./N.R.T.A., a unique cooperative undertaking. There was a sense of a 'first' about this meeting as individuals from many levels of government, community and educational institutions came to confront their concerns about a common focus—aging and the aged.

Yet another aspect of trainee life is important to student professional growth in aging and the healthy development of Center activities—the trainee organization. The students have formalized their involvement with a Graduate Student Council that meets regularly to deal with matters of concern. For example, planning semester student activities, promotion of inter-disciplinary interactions and student grievances. Trainees from each disciplinary area are represented on the Preceptor-Student Committee so that decision and policy making related to trainees, curriculum, colloquia and personnel are in fact joint faculty-student enterprises. We seek out student participation in the evaluation of the Center program and purposes.

Finally—where have all our graduates gone?

They are some measure of our success as an educating force for aging. In the period since 1967 (and not including the many hundreds who have attended the Summer Institutes and the thousands who have participated in the continuing education institutes) 129 people have received education and training in aging through the Andrus Center. Forty-four degrees, both masters and doctorate, have been granted. To enumerate each one would be impossible and not very profitable with the time constraints. Perhaps it would sum up the impact of the program to note that there is great demand for our trainees from all over the country. The demand exceeds the rate at which we are able to graduate our trainees with an appropriate exposure in research, education, training and community projects.

SOME OF THE PLACEMENTS

One of the graduates functions as Director of Architecture and Environment for the Gerontological Society. He is responsible for special symposia at the Society's meetings and also serves as a resource in environment and aging for those people across the country who call on him. Another is Assistant Professor at the University of Arizona at Tucson in the program for training retirement housing administrators. A graduate in biology is now a second-year post-doctoral investigator in the Aging Studies Laboratory at Oak Ridge National Labs in Tennessee. Still another is at work as Field Instructor in the Gerontology Training program at the University of Utah, Salt Lake City, Utah. A recent graduate in Urban and Regional Planning is Project Coordinator for the Model Cities Program in Compton, California. The Executive Director of the Governor's Commission on Nursing Homes for the state of Maryland is one of our graduates. An Associate Professor of Sociology in the Aging Studies Program at the University of Southern Florida is one of our recent doctoral graduates in sociology. A June '72 graduate in psychology is at work at the newly organized All University Gerontology Center at Syracuse University in Syracuse, New York. Yet another graduate in psychology is at work with David Arenberg, the Chief of the Section on Human Learning and Problem Solving at the National Institute of Health Gerontology Research Center in Baltimore. A social work graduate is Acting Chief of the Education Section, Office of Long Term Care Services and Mental Health Administration at the office of Health, Education and Welfare.

WHAT'S AHEAD FOR EDUCATION AND TRAINING FOR GERONTOLOGY?

What tasks are we committed to? Energy will be needed to maintain and use our leadership role in education for Gerontology so that maximum activity can be achieved in the growth of knowledge, in the translation of that knowledge through the ever-larger numbers of students, in the sharing of information and skills among programs, and in the extension of the educational institution into the community for an exchange of expertise.

A variety of approaches will be identified to provide materials, methods and personnel so that learning becomes a life-long available pursuit of one or a number of careers.

It will be necessary to continue to so spread the word without myths and stereotypes about aging and the aged, that people at all levels from kindergarten through the older years will see human development as a continuum—each age and stage an integrative step to the next. Growth of the human personality and adaptive characteristics can then be anticipated to continue from birth to death. Eric Hoffer's "we can learn" still rings happily in my ears.

Efforts will include programs and support to enlarge the faculty and student numbers in each discipline.

We are committed to extend our multidisciplinary philosophy more actively to those departments and schools that have given evidence of interest. For example, a committee of University departments set up a task force on Humanities and Gerontology. Out of this past year's discussion came the participation of their faculty in classes at the 1972 Summer Institute, attendance at the International Congress of Gerontology in Kiev, and the design and departmental acceptance of three new courses for the 1973 Summer Institute for Study in Gerontology. We are committed to an increase in the variety and depth of activities in curriculum, institutes, colloquia, research opportunities and community experiences for the graduate students. And we plan to increase the number of undergraduates whose concern for human values we seek to satisfy. We hope to create an atmosphere conducive to the optimum interaction among students, faculty and community so that education and training at the Andrus Center may contribute most efficiently to the ultimate concern—a better quality of life for the last half of life. All of this is possible only if more faculty and students in the nation can be supported to carry forward education, training, research and community service. . . .

TRADE WITH THE SOVIETS CREATES A NEW BREED OF U.S. BUSINESSMAN, THE "CAP-COM"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. RARICK. Mr. Speaker, it is becoming increasingly difficult in the Nation's Capital these days to tell the players without a program. An observer may find it perplexing to decide whether the Communists are becoming more capitalistic or the capitalists are becoming more communistic. Perhaps we have discovered a new multinational breed more properly labeled as "CAP-COMS"—that is those corporate giants who seek to make a respectable capitalist profit by exploiting the work of Communist laborers.

A large contingent of American businessmen, with ruble signs in their eyes, this week met with Russian Communist Party boss Brezhnev, and found him much to their liking. With 52 of the Nation's top business leaders looking on, officials from the United States and the Communist Party of the Soviet Union signed agreements which tightened the trading tie that binds the two governments. The groundwork was cemented for a United States-Soviet "chamber of commerce" in the near future.

Ten U.S. corporations were formally "accredited" to do business in the Soviet Union. The CAP-COM status was extended to the following: Pullman, Inc., Occidental Petroleum Corp., Chase Manhattan Bank, General Electric Co., International Harvester Co., Caterpillar Tractor Co., Hewlett-Packard Co., Engelhard Minerals & Chemicals Corp., Bank of America, and the First National City Bank. Several other U.S. firms are reported vying for the CAP-COM title in their pursuits of the almighty ruble.

Undoubtedly, these companies intended to follow the lead already set by other U.S.-based multinational companies doing business with the Soviets. The giant American firms do not risk their capital in risky Russian ventures; they prefer to use the American taxpayer's dollars to finance and insure their investments abroad.

Through the Export-Import Bank of the United States, the CAP-COM businessman can get large sums of tax money in the form of low-interest, decade-long payback period loans that are backed by the full faith and credit of the U.S. Government.

Through the Commodity Credit Corporation of the U.S. Department of Agriculture—taxpayer supported—CAP-COM internationalists are able to finance almost unlimited exports of U.S. agricultural products to the Russian dinner tables. It should be remembered that the massive "sale" of 400 million bushels of grain last fall that cost the taxpayers some $300 million in subsidized arrangements with large U.S. grain trading corporations, and sent the price of meat and livestock byproducts soaring in this country was financed through the CCC.

Even if the CAP-COM wheeler-dealers should decide to invest some of their stockholder's money in Soviet speculation, they have no real fear of possible loss through Russian takeover of the facilities once they are constructed. The taxpayers in this country pick up the tab for insuring losses for companies that invest in shaky ventures overseas. The full faith and credit of the Federal Government is used to back the full payment and performance of the Overseas Private Investment Corporation—OPIC. So, if a company's holdings in the Soviet Union are seized or nationalized, the American firm is guaranteed that their investment will be repaid by OPIC with taxpayers' money.

The CAP-COM business leaders who gathered in Washington this week to hail the Russian chief were all smiles at the possibility of East-West trade arrangements, and for good reason. They have nothing to lose and everything to gain.

It is the American taxpayer and worker who stands to lose through extended heavy trade with the Soviets. It is he who is expected to pick up the tab with his tax money, after the internationalist politicians and CAP-COM businessmen entangle us further in the Soviet trade web.

I include the related newsclipping at this point in the RECORD:

[From the Washington Post, June 23, 1973]

BUSINESSMEN WHO MET BREZHNEV

Following are the U.S. businessmen who met with Soviet leader Brezhnev:

Jerome Komes, president, Bechtel Corp.

James Bere, president, Borg-Warner Corp.

Stephen Keating, president, Honeywell, Inc.

Howard Boyd, chairman of the board, El Paso Natural Gas Co.

D. Brown, chairman of the board, Brown & Root, Inc.

Howard F. Carver, president and chief executive officer, Gleason Works.

Frank Cary, chairman of the board, IBM Corp.

Samuel B. Casey Jr., chairman of the board, Pullman, Inc.

Richard Gerstenberg, chairman of the board, General Motors Corp.

Armand Hammer, chairman of the board, Occidental Petroleum Corp.

Harry Heltzer, chairman, 3 M Co.

William A. Hewitt, chairman of the board, Deere and Co.

E. E. Hood, vice president, General Electric Co.

Donald M. Kendall, chairman of the board, Pepisco, Inc.

Edgar Kaiser, chairman of the board, Kaiser Industries Corp.

E. Douglas Kenna, National Association of Manufacturers.

George F. Kirby, president, Texas Eastern Transmission Corp.

Donald P. Kircher, chairman, The Singer Co.

William Morton, president, American Express Co.

A. W. Clausen, president, Bank of America.

Ralph E. Cross, president, The Cross Co.

Cyrus S. Eaton Jr., chairman of the board, Tower International Corp.

Cyrus S. Eaton Sr., chairman of the board, Chesapeake and Ohio Railway.

Dwight Eckerman, executive vice president, The Economic Club of New York.

E. C. Chapman, vice president, marketing, Catepillar Tractor Co.

Nelson W. Freeman, chairman, Tenneco.

Michel P. Fribourgh, president, Continental Grain Co.

Emilio G. Collado, executive vice president, Exxon Corp.

Brooks McCormick, president International Harvester Co.

Charles B. McCoy, chairman and president, E. I. duPont de Nemours and Co.

Robert McClellan, vice president, FMC Corp.

D. J. Morfee, president, Swindell Dressler.

James J. Needham, chairman and chief executive officer, The New York Stock Exchange.

William C. Norris, chairman and president, Control Data Corp.

Ara Oztemel, president, Satra Corp.

Peter G. Peterson, vice chairman, Lehman Brothers, Inc.

Willard C. Butcher, president, Chase Manhattan Bank.

Edward B. Rust, president, Chamber of Commerce of the U.S.A.

William Seawell, chairman of the board, Pan American World Airways, Inc.

Fred M. Seed, president, Cargill, Inc.

R. Heath Larry, vice chairman of the board, U.S. Steel Co.

W. P. Tavoulareas, president, Mobil Oil.

Maurice Templesman, president, Leon Templesman and Co, Inc.

C. William Verity, chairman of the board, Armco Steel Corp.

Thornton A. Wilson, chairman of the board The Boeing Co.

W. B. Wriston, chairman of the board, First National City Bank.

O. P. Thomas, chief executive officer, chairman of the board of directors, B F. Goodrich Co.

Jack Valenti, president, Motion Picture Association of America.

Charles Weaver, president, world regions, Westinghouse Electric Corp.

Sydney Scheuer, Intertex International.

Milton Rosenthal, president, Engelhard Minerals and Chemicals.

A SUGGESTION FOR GETTING DOCTORS INTO RURAL AREAS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. MOLLOHAN. Mr. Speaker, many of my colleagues, I am certain, are aware that the rural areas of our Nation are experiencing great difficulty in securing medical services. In particular, they are finding it nearly impossible to attract and retain doctors. A newspaper editor in my district, Mr. A. R. Kelly, has come up with a suggestion for dealing with this problem that merits the attention of all Members of Congress and everyone else who has concern about this serious problem. His observations, reproduced below, were printed in the Tyler Star News, Sistersville, W. Va.

The article follows:

PLAN FOR MEDICINE

Americans who reside in rural areas, such as Tyler and Wetzel counties, have long been made aware of a problem which currently is receiving much attention in the daily press and national news media: the alarming shortage of physicians where they live.

It is more than a matter of cranking up medical schools and ordering them to produce a large number of M.D.'s overnight. It is not the way to do things in America to force people to live where they don't want to—which includes doctors. Yet the problem does exist in rural America, as people such as our neighbors in Pennsboro, who built at their own expense a modern medical clinic building, which has stood empty for two years because no doctor wants to live in Ritchie County community, can well attest.

The Star News has a practical program which would help solve the problem of distribution of physicians in the United States, particularly in rural areas.

There are (in round numbers) 8,500 M.D.'s graduating each year. It is the consensus with respect to the delivery of medical services in the United States that there are enough physicians—but they are concentrated in the more populous areas.

With these figures in mind, the following is presented for study, evaluation and possible implementation:

Medical education and training during the past 10-15 years has improved and progressed to the extent that serious consideration now is being given to the elimination of the one-year internship regulation.

A program which would assure continuity of medical services to each county in the United States each year would be simply to substitute one year of Community Health Practice for the one-year internship requirement. There are 3,072 counties in the United States. This would mean that under such a program there would be 2.7 physicians available per county.

It should be compulsory to have a year of Community Health Practice in order to receive a license or to receive the MD degree. Work could be evaluated, and students pass, as if they were interning in hospitals. Students should be under proctorship of assigned professors of nearby medical school faculties or board members of family practice—and medical school courses should be realigned too, as to enhance the practical execution of the proctorship.

Under this plan, a small Community Health Center should be established in each county—to be financed entirely by some federal agency, similar to Hill-Burton funding for presently established hospitals.

The compulsory aspect of assigning doctors is justified. Medical schools receive federal aid. Students receive federal loans and scholarships. Tax dollars support medical schools. Besides, and perhaps of greatest importance, is the stark fact that the present voluntary program is not working.

Under the plan, three doctors of the 8,500 graduating would be assigned to each county in the country (with the exception of metropolitan areas and counties where there are medical schools.) Assignment could be by computer, with each student listed indicating three choices—which would mean his ultimate assignment may or may not be in his home territory.

Another requirement should be that such doctors take an active part in community affairs, and evaluation of such participation be taken into consideration for obtaining a license.

The Community Health Centers would have all three doctors in attendance—which would mean each doctor could have every third weekend off. This also would give each doctor an opportunity to attend medical seminars, have a vacation, etc.

Naturally, the program could not begin nation-wide immediately. Pilot programs should be tried. West Virginia would serve as a wonderful testing area for the plan.

The Star News believes the program would improve medical education for the fledgling M.D.'s participating, would aid the older local doctors, would help the medical school preceptors by enabling them to leave the ivory towers and get down to where medicine is practiced.

There are, in West Virginia, 11 members of the Medical Licensing Board. Accordingly, six members can vote favorably on the implementation of such a plan. If other states have 11 members on each licensing board (and the chances are that most have less than 11!) this means that some 300 men and women control the future of medicine in this country.

This newspaper believes that these 300 people can make a significant contribution to rural America by studying testing and adopting the Community Health Practice plan.

BUCHWALD ON BREZHNEV'S VISIT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BINGHAM. Mr. Speaker, Soviet Communist Party leader Leonid Brezhnev's visit to the United States was an historic one. It demonstrates, among other things, the incredible change in attitudes that has occurred with respect to international communism in the past 20 years—particularly the about-face of one Richard Nixon. The irony of it all is exquisitely expressed in a column by Art Buchwald which appeared in the June 21 issue of the New York Post. That column, entitled "They're Playing Our Song," follows:

THEY'RE PLAYING OUR SONG

(By Art Buchwald)

WASHINGTON.—I was walking down Pennsylvania Av. the other day when I ran into an old man. His hair was white and his beard was gray and he was muttering to himself.

"Oh my God. Oh my God."

"What's the trouble, sir?" I asked.

"I never thought I'd see the day when the hammer and sickle would be flying from the Executive Office Building next to the White House."

"Don't get upset," I said. "It's just to honor Leonid Brezhnev's visit to the United States. He's the Secretary of the Communist Party in the Soviet Union and he's visiting the President. Don't you read the newspapers?"

"I've been asleep for 20 years," the old man said. "Oh my God, Richard Nixon warned us this would happen."

"You don't understand, old man. Nixon *is* the President and he's the one who is entertaining Leonid Brezhnev."

"It couldn't be the same Nixon," the old man said adamantly. "The Nixon I knew sent Alger Hiss to jail for playing footsy with the Communists. In every political campaign he warned of the Red Menace. He fought the Communists while everyone was being duped by them. Nixon would never entertain one in his home."

"Times have changed, sir."

"The name's Rip," the old man said.

"Well, since you've been asleep a lot of things have happened. The President has even visited the People's Republic of China."

"Oh? How's Chiang Kai-shek?"

"Not *that* China, Rip, The other one—mainland Communist China."

"The President of the United States went to Communist China?"

"Yes, and then he went to Moscow. And he's sworn friendship to the Socialist People's Republic of the Soviet Union on Russian television."

"Oh my God," Rip said. "Didn't Senator Joe McCarthy try to stop him?"

"McCarthy is dead."

"No wonder Nixon could get away with it," Rip said.

"Listen, Rip, I think I better clue you in on a few things. There is no such thing as a 'Red Menace' anymore. The President of the United States has made his peace with the two major Communist powers in the world. Communism is no longer a threat to the security of the Free World except in Indochina."

"Indochina?"

"Yes, we've been fighting a war in Indochina for 10 years to keep the North Vietnamese Communist's from spreading their insidious ideology over the globe. The President is committed to keeping them from achieving their goals."

Rip seemed confused. "That's the only threat of communism there is in the world?"

"Exactly. All other forms of communism, as far as President Nixon is concerned, are inoperative."

"Can my ears deceive me?" Rip said. "Is that the 'Internationale' being played by the U.S. Marine Band on the White House lawn?"

"Yup," I replied. "They're playing *our* song."

"Oh my God," Rip said. Why did I ever wake up?"

"Don't worry, Rip, the detente with the Communist countries has been the greatest thing to happen in the last 20 years. It could mean a generation of peace for all mankind, except for those rotten Commies in Cambodia. If it hadn't been for Watergate, President Nixon might have gone down as one of the greatest Presidents in the history of our country."

"What's Watergate?"

"Rip, I think you better sit down. It's a very long story. . . ."

RESPONSE TO DISCRIMINATION CHARGE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BRADEMAS. Mr. Speaker, on June 19, 1973, I inserted in the RECORD a statement submitted earlier this year by Dr. Irene Tinker of the Federation of Organizations for Professional Women before the Labor-HEW Subcommittee of the House Committee on Appropriations.

Dr. Tinker addressed herself to the need for stronger enforcement of a variety of Federal laws and regulations concerning sex discrimination in educational institutions, and made specific references to what she regards as an unsatisfactory situation at the Brookings Institution here in Washington.

Mr. Speaker, I have subsequently received a letter from Kermit Gordon, director of the Brookings Institution responding to Dr. Tinker's allegations concerning this organization, and think it only fair that I also insert in the RECORD Dr. Gordon's letter in order that the views of both sides be given a fair hearing:

THE BROOKINGS INSTITUTION,
Washington, D.C., June 22, 1973.

Hon. JOHN BRADEMAS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: On June 19, 1973, you introduced into the Congressional Record (page E4223) a statement by Dr. Irene Tinker, Presiding Officer of the Federation of Organizations for Professional Women. The statement constituted testimony given by Dr. Tinker before the Labor-HEW Subcommittee of the House Appropriations Committee on May 21, 1973.

In her statement, Dr. Tinker accuses "The Brookings Institution, surely one of the most prestigious research bodies in Washington and an outspoken supporter of equal rights in the abstract", of practicing discrimination against women.

Dr. Tinker asserts that Brookings is in violation of the law (Executive Order 11246, as amended) for having failed (1) "to appoint an Affirmative Action Officer within its organization", (2) for having failed "to develop a written Affirmative Action Program", and (3) for having failed "to publicize these measures for the benefit of employees and potential employees." These are serious charges. Yet, so far as I can ascertain from extensive inquiries neither Dr. Tinker nor any representative of her organization has ever sought to confirm the truth of these charges by inquiring of any member of our staff with employment responsibilities.

The facts are as follows: (1) Brookings designated an Affirmative Action Officer on April 10, 1970, and so notified the federal government. (2) Brookings submitted its first Affirmative Action Program to the federal government on the same date. In accordance with regulations, it has been revised and resubmitted in 1971, 1972, and 1973. (3) Far from having failed to publicize our nondiscrimination policy, we have since 1962 incorporated an equal employment opportunity declaration in our statement of staff employment policies (a copy of which is given to every employee); the policy has been reaffirmed in memoranda to staff members; equal employment opportunity posters are prominently displayed in our building; recruiting sources such as employment agencies, newspapers and universities are regularly notified of these policies; and an equal employment opportunity clause is printed on all of the Institution's purchase orders.

Dr. Tinker then presents a statistical table showing that a large proportion of our research assistants (the first professional rank) are women, but only a small proportion of the senior fellows and research associates are women. From these simple statistics, she infers a policy of sex discrimination.

In fact, the proportion of women in our senior ranks is about twice the proportion of women in the eligible employment pool.

To understand the composition of our research staff in the two senior ranks, it is necessary to know something about the nature of their duties. A *senior fellow* is defined as a staff member who "shall have demonstrated ability to carry out major independent studies or to direct major research or educational projects, and who has shown ability to cooperate in organized research or educational activities—equivalent to the rank of full professor in major universities."

A *research associate* is defined as a staff member who "shall have demonstrated ability to carry out independent research assignments or comparable educational assignments with limited supervision—equivalent to the rank of associate or assistant professor in major universities."

These definitions of rank make clear why senior fellows and research associates in our research programs are typically recruited from among those who hold a doctoral degree in economics or political science (including international relations). In fact, virtually all of the senior fellows and research associates in our Economic Studies Program and our Governmental Studies Program hold doctoral degrees, as do the majority of staff members at these levels in our Foreign Policy Studies Program.

Information available in the *Statistical Abstract of the United States* reveals that of

7610 persons who received doctorates in political science and economics from 1962 to 1970, 554—or about 7 percent of the total—were women. The proportion of women among *all* persons holding doctorates in these fields is probably somewhat lower than this, since the percentage has been rising in recent years.

Of the 65 senior fellows and research associates at Brookings, 9, or 14 percent, are women. Thus, to repeat, the proportion of women in our senior ranks is just about twice the proportion of women in the eligible employment pool. Having regard to the fact that we are in competition in this employment market wtih more than 2500 institutions of higher learning, many business corporations, and governments at every level, I am reassured by our success in attracting well more than our share of qualified women.

Brookings is committed to the policy of equal employment opportunity for women. I am confident that any fair-minded review of our performance would conclude that we have sought in good faith and with considerable success to honor this commitment.

Sincerely,

KERMIT GORDON.
President.

NATIONAL FARMERS UNION WOMEN "FLY-IN"

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Ms. ABZUG. Mr. Speaker, I had the pleasure recently of meeting with Women of the National Farmers' Union when they came on a "fly-in" to Washington. Although my remarks at that time were off-the-cuff, they contain some thoughts I would like to share, especially with the Members from rural areas. If you will pardon the informality of style, I would like to insert this in the RECORD.

REMARKS BY MS. ABZUG

I am very pleased to meet with women who are battlers from the Middle West. I'm a mother and a family person myself. I have two lovely daughters, aged 21 and 24. Martin Abzug, my husband, has been married to me for 29 years, and I to him. Much of what I stand for, essentially, is what we can get together for our kids and our families and our generations to come.

I am pleased to welcome your "fly-in" to Washington. It reminds me of the myth that women can't be pilots. So they say—but on some suggestive commercials, they can pretend to be airplanes and invite men to fly *them*. This is the kind of thing we have to get rid of, in portraying women, just as the way I've been portrayed is not exactly accurate, but at least it makes good press. For readers, not for me. So I'm very pleased with the opportunity to speak with you directly. I have been in the Mid-West and have met a number of people in your union over the years. Furthermore, I am happy that you are here because I am very interested in building a rural-urban coalition. Not only among women, but among men and women.

As you know, I represent New York City, which is hardly a farm. When I was growing up in the Bronx, which is right outside New York City, there were some cows and some chickens right next door to me. Most people don't believe that, but my father liked to live in sort of deserted areas.

In this electronic age, I feel our country is really too small to have one area of the country pitted against another. We have many common problems. You're here to concern yourselves with the school lunch program, the school milk program, food stamps, consumer concerns and the programs that concern farm families all over this country.

There is a tendency on the part of this Administration to divide and conquer, to pit the rural against the urban areas. We can't allow that. We must use every opportunity we have to find a common ground. We are not irreconcilably at odds. Certainly on the issue of inflated prices there's been an effort to pit the farmer against the consumer. But in fact we're all consumers. We're all victims of inflation. The average farm family doesn't benefit from the large profits that consumers feel have been gained from the lack of control on the economy. The top of the corporate ladder gets most of the profit.

It's the agribusiness and the corporate domination that is the problem for us all. On transportation, on water resources and other issues, very often city people are made to feel that rural water supplies and sewage problems are of no concern to them. It is said at times that people on the farms and rural areas are not concerned about whether the cities stifle in their own smog. I think that's nonsense. In today's country as well as in today's world all people are interdependent upon each other. People and supplies move back and forth rapidly. What happens in San Francisco or in Iowa concerns us in New York; what happens in New York is of direct concern to you in Idaho or in Minnesota. And therefore I'm concerned when there are vetoes of bills which affect you directly. I think you deserve help from Congress just as New York City deserves help in securing mass transit. I voted for a lot of programs which affect your areas such as rural electrification. After all, it was rural electrification that gave women on and off the farms the dishwasher which liberated them a little.

I'm not only interested in working women or professional women or women who seek political office, I'm interested in all women. I'm interested in women who work in the home, women who work in the factories and women who work on the farms and in public office. Their history of participation has been a living documentary to change in this country: in the early days, fighting for religious freedom when we first founded this great nation of ours, in the effort to secure decent working conditions after the suffragists got the vote; or to try to eliminate child labor in the factories, or to lead the peace movement, to see that we create a society that is not sending our young men to kill or to be killed in an immoral war; or whether it is in a big consumer movement, or in this lobby movement. Women have been leaders in these movements throughout history.

The problem is we've always allowed the men to run the movements. I hope that some women who will be involved in the leadership of this group will soon be up here on the dais. To our men friends, let me say that we're not seeking to replace you. We just think a little addition would represent more realistically the diversity that is America. Women represent 53% of the population. We represent, I think, the bulk of activism in most areas. Now don't get nervous—I feel that I ought to make the point because it's a point worth making. We should have more women in the Congress. You know we only have 15 out of 435 in the House, and no women in the Senate. I have the feeling that if we had had more women all of these years in the Congress we wouldn't have gotten into the mess we're in right now. You don't see any of us around there in those Watergate hearings. You can read the Pentagon Papers from cover to cover, but you won't find the mention of one woman that ever did anything wrong against the interests of the American people. It's not that I feel that women are innately superior, I want to reassure you about that, only that we've had so little opportunity to be corrupted by power. So give us a little opportunity, and we'll see how we will do.

Seriously, I think that the greatness of America is its diversity; not only the fact that we are women and men, but that we are farmer and city-dweller, many different national groups and religions and races. A lot more of that has to be reflected in Congress, in all institutions, in the trade unions, in corporations, in our community organizations and our farm organizations. Because that has not happened, particularly in the power structure where decisions are made, like the White House and Congress and State Legislatures, we've gone off the track a bit. There's nothing so levelling as the diversity of America, whether it's the economic levels or the farming and rural levels, or the sexes, or the young people and older people, the different races—if we had more of that going in the political arena, I think we'd have much more of the realization of what this American democracy and country and its original revolution are all about.

So I am suggesting that if we could put together urban members with rural members in the Congress on a common program of support, we would be able to have a shifting situation in the Congress where *people* were being represented and not special interests. People. And unfortunately, we have been the victim of special interests. Not only the White House, but the Congress and members of Congress are the subjects of vicious lobbies from all kinds of special interests. Therefore I view with a great deal of encouragement a shifting mood of the Congress. Whether you agree with it or not, you must recognize that our continual involvement in Indochina and certainly in Cambodia is totally unauthorized, unconstitutional and without basis—without any authorization from the people or their representatives in Congress. At long last the Congress of the United States, represented first by the House and now by some Senate committees, and hopefully the Senate itself, said to the President and to the Secretary of Defense and to the Defense Department and to the Appropriations Committee, "We will not have this. We do not belong there, and we the Congress are going to stand up and we're going to put together the power of people through our votes." And they voted against continuing to use funds illegally to conduct the war in Cambodia. The mood was reflective of change and it was a coalition of urban and rural people who voted against continued bombing. It's important to recognize the meaning of that, because it brings us together not only on our local concerns, but on the concerns that affect every single human being in this country. It was the assertion of Congressional authority that has long not been asserted. Obviously the Watergate scandals had much to do with this. The House and the Senate are beginning to come to their senses as a nation, and I think the people had a great deal to do with that. So your being here is very important.

There is enough money to go around—we can find it. There is plenty to care for the needs of our people. This is one of the wealthiest countries in the world. It's not true that we don't have enough money to pay for the programs that you're interested in and the programs that I'm interested in: education, the school lunch program, food stamps, electricity, small loans to farmers, child care and all the things that you and I are all interested in together. We do have the money. If we were to have some tax reform which would benefit the majority of the American people and plug-up some of the tax loopholes, there would be billions of dollars available to us. We have not been able to get a tax program adequately put across in the Congress of the United States. Therefore when the President, or Members of Congress say you can't have these programs because it would require a tax increase, it's not true. There has been testimony from members of unions and leading economists, and Members of Congress who poined out that we can save as much as $27 billion, if we were to eliminate these tax loopholes and various other allowances which benefit the very top of the economic ladder and not the majority of the people. Furthermore, we do have a bloated military budget, and many cost overruns. We have twice as much hardware as we need to defend this great country of ours. We've got to take the money from the area it can be taken from. Not from the hearts and souls and hopes of young kids and their need for milk, their need for education; not from elderly people and their need for proper social security and full medicare. Not from the programs of mental health and research, not from the programs of loans and electrification of farms, not from the programs of mass transit that we need in the city. The funding must be more equitable in this democracy so that all people share appropriately.

We must stop giving tax benefits to those who happen to be at the top of the corporate ladder. You and I as women, as consumers, as family people, and others like us all over this country have really the hidden missile. We really have the major strength if we do what you are here doing: bringing pressure to bear on Congressmen and Senators, making the conditions for continuance in office a commitment to the programs that will heal this country. We must see that all of the people can participate politically, but also can participate economically, and can deal with the various crises that we have on the farm and in the city, in a meaningful way. Our role is changing a little, but we are still concerned with the fabric of society, the fabric of homes, the new generations. After all, we have created the children of this society. We have produced the sons, we have cemented the homes, we have serviced the men essentially. It seems to me that we have a responsibility now to move on ahead, beyond that, and make our commitment to life and human concerns the agenda of America. We are in a stage of great confrontation. There is a question as to whether Constitutional Democracy even exists in this country. I say it does. It does because we are seeing it challenged now. We are saying that we will not have an utter abuse of power by anybody, whoever it may be; that we insist that in our democracy, the people are sovereign. And that they are to be represented in the Congresses and the State Legislatures and the City Councils by people they freely choose. And we have a right to be heard in the press and other places as to what we stand for and what we believe in. When there has been a tampering with this great democratic process we have to remedy it. And we are remedying it.

Your being here at this time is most critical, because it shows that you're not cynical, not saddened, not set back, but that you are determined to fight for economic well-being, and in so doing you're fighting for yourselves and for others. As we approach the 200th anniversary of this great nation of ours, women can really be the pivot and the leaders of the Renaissance of Democracy on every level. Speaking to you from the farms, I am reminded that it was farmers that put our great country together. Now many of us are living in urban areas but we know that we want to be nurtured from your areas as well as our own. We know that we want to nurture those who hunger, those who are confronted by disease and by pollution. Disease and hunger and the desire for a decent life know no boundaries. The consumer movement and the women's movement really have a great opportunity to repair and renew our society, and no longer allow it to be divided or conquered or dominated. This is the chance for all of us to realize democracy in its true sense and complete our American Revolution before the 200th anniversary in 1976.

IMPACT ON NINE BAY AREA COUNTIES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. WALDIE. Mr. Speaker, I have recently received information from the League of Women Voters in the Richmond, Calif., area identifying the economic impact of the President's moratorium on housing funds in nine bay area counties.

According to their information, a total of 26,557 jobs will be lost over a 12-month period in this area alone. In view of the current high unemployement rate the loss of these jobs is extremely critical.

As legislators, who have the responsibility for determining appropriation levels, we must now enact "Anti-Impoundment" legislation which would allow us to restore these funds.

Mr. Speaker, the full statement of the League of Women Voters follows:

ECONOMIC IMPACT OF HOUSING MORATORIUM AND OTHER HOUSING INFORMATION

IMPACT ON NINE BAY AREA COUNTIES

The moratorium on federally subsidized low and middle income housing, public housing, college housing, open space grants, and basic water and sewer grants, represents a loss of over $355 million dollars to the Bay Area economy within the next twelve months. (Locality Status Report—HUD S.F. office 12/31/72.)

It is estimated that, for federally subsidized housing, the *loss in employment* from the moratorium within a 12-month period in the Bay Area will be:

	Man-years	*Man-hours*
Onsite construction labor	13, 509	18, 230, 734
Offsite labor	13, 048	27, 760, 424
Unemployment impact	26, 557	45, 991, 158

(This estimate is based on U.S. Dept. of Labor studies.)

IMPACT ON CONTRA COSTA COUNTY

Mortgage value (D of A)* $787,350.
Market value (D of A)* $905,452.
Mortgage value (HUD), $75,420,000.
Market value (HUD), $86,733,000.

(Dollar figures are from "Federal Outlays in California 1972".)

Housing units, 3,894.
Consumers affected, 13,879.
Man-years of labor (jobs), 5,772.

IMPACT ON WEST CONTRA COSTA COUNTY

(As represented in the League of Women Voters of the Richmond Area)

In Richmond some of the housing programs under Model Cities are continuing. The Greater Richmond Community Development Corporation is building 179 units (down from a planned 199) under Section 236 for moderate-income families. (These will have a 20% rent supplement.) The Home and Neighborhood Improvement Center was denied one demonstration program of 12-15 single-family homes under Section 235. Other programs previously accepted are continuing.

The 200 units of public housing for the elderly that Richmond citizens voted for in 1969 are being build. The city had hoped for modernization of 200 units in Nystron Village and Triangle Court by using annual arrangements. It was believed it would be more feasible to rebuild these units (that are nearly paid for) than to rehabilitate; the legal steps had not been worked out. Now *no* funds are available. Both the Richmond and Contra Costa Housing Authorities were adversely affected by the impoundment of funds. There is not sufficient money for maintenance, services, modernization, or rehabilitation.

In San Pablo, the moratorium has not affected the Public Housing Authority. In the city of San Pablo a plan for 72 units of Section 236 housing for senior citizens, including some for low income, was "held up". In the redevelopment area a single family subdivision of 30 units, of which 2–5 units were to be 235 housing was "held up." The community needs quality housing and the moratorium has stopped any proposals for building or development.

El Cerrito and Pinole are not effected by the housing moratorium as neither city has any subsidized housing. (William T. Leonard, executive vice president of the Associated Home builders of the Greater East Bay, Inc., filed suit against El Cerrito charging a "no growth" policy in low-cost housing development that adversely affects modest and low-income residents. El Cerrito is a residential community of little vacant land and residents have objected to high density development that was not designed to meet the needs of low income families.)

Among the officers of the banks and saving and loan institutions of the area, four expressed concern as to the detrimental effect the moratorium would have on the community and its economy; one noted the need for attractive moderate-priced housing near the downtown. The downtown has been cleared by redevelopment and no longer serves as a shopping community. Financing for Section 236 housing has come from the big insurance companies and not from banks and saving and loan companies.

Richmond's problem is not only the moratorium and impoundment of funds. There is need for much rehabilitation and different procedures, better management procedures and controls in housing.

ADVICE FOR AMERICAN BUSINESS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. HARRINGTON. Mr. Speaker, Mr. Akio Morita, president of the Sony Corp., recently delivered a speech at the Foreign Correspondents Club of Japan in which he offered some timely advice for American businessmen trying to do business overseas.

Mr. Morita criticized Americans for being too arrogant, impatient, ill-prepared and parochial to succeed in competition with Japanese firms. Basically, he feels that American businessmen too often fail to offer products designed to satisfy the demands of consumers in the foreign markets, that they are too prone to complain about unfair trade rather than working to sell their products despite the discriminatory policies, and that they are too impatient about their profit position. In short, their attitude is negative as far as the greatest export opportunities are concerned, and Mr. Morita suggests that the challenge before them is to go out and take advantage of the very real opportunities that exist.

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*Dept. of Agriculture.

In light of our continuing balance of payments and balance of trade difficulties, and in light of the continued weakness of the dollar in European money exchanges, such advice bears close examination. Mr. Morita's remarks were reported in the Boston Globe on June 18 in an article by Crocker Snow, Jr., entitled, "Sony President Says U.S. Businessmen Complain Too Much." I would like to insert that article in the RECORD at this time:

SONY PRESIDENT SAYS U.S. BUSINESSMEN COMPLAIN TOO MUCH

(By Crocker Snow, Jr.)

TOKYO.—One of Japan's most prominent, most successful and most individual businessmen has criticized Americans for being too arrogant, impatient, ill-prepared and parochial to succeed in competition with Japanese firms.

Akio Morita, president of the Sony Corp., in a blunt and well received speech at the Foreign Correspondents Club of Japan declared: "American enterprises need to take more time to study the market situation in Japan and manufacture proudcts the Japanese people will want to buy, instead of expecting too quick results."

Morita said U.S. businessmen complain too much about their trade problems and doing business in Japan, and don't work at it hard enough.

A trim and dashingly successful figure in Japan's business meritocracy, the 52-year-old Morita has shown great courage and adaptability himself since he helped found Japan's tape recorder and television manufacturing firm as Tokyo Tsushin Kogyo on a shoestring in 1946.

Recognizing the vital importance of foreign sales, the company changes its name to Sony (after the Latin sonus for sound) as a concession to the Western tongue and ear a decade later.

Sony is now one of the world's leading producers of high quality sound and video equipment with gross sales for its last fiscal year of $778 million.

The company opened a 300-man assembly plant in San Diego last year, and is building one in Britain.

"When we announced we would start production of Sony products in California, the response from our American dealers was the question whether Sony products made in California would have the same quality as products made in Japan," he confided.

In blunt words which strike at the heart of the economic dynamism and paternal business practices which helped Japan build a $4-billion-plus trade surplus with the United States last year, Morita added:

"Of course, Sony products must be of the same high quality regardless of where they are manufactured. To maintain this standard, our worker, regardless of his nationality, must use our know-how with the same attention to quality that our Japanese worker devotes to the product." And Morita adds that he is pleased with the California results.

Commenting on American business practices and aspirations, Morita had this to say:

"I get the impression that there have been so many things to do and demands to be met inside the broad expanse of the United States, that American manufacturers have assumed all they had to do was to make something new, and it would be bought up by the customers. It seems they have become so accustomed to this condition that they have forgotten how to find out what really satisfies the customer."

"American companies are constantly concerned with figures, and if rapid returns are not produced, the rating of the company drops. Except for very large corporations, I wonder whether American companies are willing to embark on world-wide marketing ventures that require long-term investments."

"Americans often assume their philosophy is always right any place in the world and that anyone who does not understand their philosophy is wrong. Sometimes Americans assume their laws should be valid throughout the world . . . we must not assume that all peoples in the world are the same as Americans."

"We always hear Americans telling us to be fair. Of course, fair play is absolutely necessary. But being fair does not mean all nations should do things the American way. Being fair means that if I go to another country, I must understand the way things are done in that country and abide by the pattern of local behavior."

Morita issued these statements in support of his general thesis that Americans have been complaining too much about Japan's trading successes, and not working hard enough or adapting their own products sufficiently to meet the challenge.

He denied the still widely held contention in the West that low wages remains a key to Japanese success, pointing out that the wage level is rising at a rate of 15 percent a year and that Sony now pays its Japanese workers as much as it will pay British workers in its new plant.

"We have a people of one race, speaking one language, accustomed to working hard, and having the management ability to coordinate these qualities," he said. "Through these factors, we thoroughly revised our industrial structure to build Japan as she is today."

Sony's ocean-hopping president, who has traveled to the United States seven times already this year, credited several specific factors for Japan's recent trading success, including internal competition, a lifetime system, reliance on trading companies and a tendency to work with the rules.

"The Japanese export trader, when he faces restrictions in a country, will first exert efforts to sell his products in accordance with those restrictions, instead of complaining and trying to get them changed," Morita said, apparently in reference to recent heavy-handed pressure from US businessmen and government officials on Japan to lift some of her 33 remaining restrictions on the sale of such American products as computers, integrated circuits, leather goods and agricultural products here.

U.N. VOTES TO ADMIT TWO GERMANYS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. RARICK. Mr. Speaker, the United Nations General Assembly has now voted unanimously to admit to membership two Germanys. Many will recall that the two-China policy was fully unacceptable to U.N. members. The two-Germany policy unanimously approved is an apparent attempt to increase the tax revenues to the one-world body.

After all, no one in the U.N. can fear a two-Germany policy. On all issues except the reunification of Germany they can expect the East to nullify the West or the West to cancel the East's vote, but the interesting aspect of the German admission is that West Germany will have to pay 6 percent of the U.N. budget while East or Communist Germany will only be asked to pay 2 percent.

The two Germanys must be considered as a classic example of the inadequacies of a people denied their individual initiatives under communism. Both East and West Germany are completely occupied by Germanic peoples with a similar background and in a land area almost uniformly destroyed during World War II. Yet, as the U.N. assessment based on production would indicate, no one can say in the 29 years following World War II were East German standards on an equal footing of prosperity and progress for its people with those of West Germany. The difference can only be attributed to communist economic failure.

The West Germans under a profit-free enterprise system of economy and greater self-determination and individual liberty under a constitutional republic form of government have far excelled their cousins behind the Iron Curtain. The United Nations unequal assessment confirms this fact.

I include related newsclippings:

[From the Washington Post, June 19, 1973]

THE GERMANS APPLY AT THE U.N.

Groucho Marx once said he wouldn't want to join any club that would have him for a member but fewer and fewer nations take that approach to membership in international organizations. On the contrary, from the general organization, the United Nations, to the smaller specialized agencies dealing in health, weather and the like, the tendency is to make membership representative of all political elements on the world scene. The United States contributes to some 70-odd groups, down to (up to?) the "International Agreement Regarding the Maintenance of Certain Lights in the Red Sea." Membership in this and better known organizations is generally deemed essential to the prestige and other specific interests of their members—to the limit of their budgetary and bureaucratic capacities.

The United Nations, of course, has been the chief beneficiary, if that is the correct word, of the urge for "universality." For 25 years the United States enforced the arbitrary standard that good behavior, *as defined by the United States,* was a requisite for membership, but that standard went by the boards when the People's Republic of China was admitted two autumns ago. It then became only a matter of time and maneuver to bring in governments of the three other states left divided by World War II. One such pair, West and East Germany, filed their formal applications last week, having composed their sharpest differences to their own satisfaction. If only because they will pay about eight per cent of the U.N.'s budget when they are voted in next fall, they are especially welcome. The two Koreas and the two Vietnams offer special problems but not insoluble ones. Of the four, only North Vietnam does not yet belong to at least one of the U.N. halfway houses, the specialized agencies. U.N. membership remains the best available access to the benefits of belonging to the international community, and sooner or later, one can confidently predict, the Koreans and the Vietnamese will be there.

Over the last quarter century, many—perhaps too many—of the energies of international organizations have been spent on issues of membership. What with the proliferation of nations and organizations since World War II, the trade has been very brisk. At the beginning of that period, there was a certain tendency to hope that mere membership would answer or ease the questions that had led the organization to be formed in the first place. It would be difficult to prove this is so but it would be more difficult to prove that things would be made better by disbanding the organization. As it is, the simple existence of an organization like the U.N. creates pressures on nations to justify their national policies in terms of their professed ideals. The United States, for instance, is regularly called on to demonstrate that it is not abandoning the goals or the procedures of the U.N. No one pretends that such pressures are stronger than other factors which feed national policy or that they uniformly should be, but on balance it is good to have those pressures applied. If the U.N. did not exist, it would have to be invented. West Germany's and East Germany's eagerness to join proves the point again.

[From the Washington Post, June 23, 1973]

U.N. COUNCIL VOTES TO ADMIT TWO GERMANYS

UNITED NATIONS, June 22.—The Security Council unanimously recommended today that the General Assembly admit East and West Germany to the United Nations. The action came 32 years to the day after the German invasion of Russia in World War II.

The General Assembly is expected to vote both Germanys and the Bahamas into the organization on Sept. 18, opening day of the fall session, and bring U.N. membership to 135 countries.

The council approved membership for the two Germanys by unanimous consent without a vote. The resolution recommending their membership had been unanimously approved by the council's Committee on Admissions.

The timetable for accepting the two Germanys was arranged by agreement between the countries and stems directly from the treaty normalizing relations between the two states which went into effect this month. The treaty was one of the major results of West German Chancellor Willy Brandt's policy seeking better relations with East European nations.

West Germany will be among the biggest contributors to the U.N. budget. Its assessment is expected to be about 6.8 per cent, higher than the assessments of a large majority of U.N. members.

East Germany's assessment is expected to be about 1.5 per cent, also higher than most of the member states.

The assessments of both countries will more than compensate for the scheduled reduction of the U.S. share from 31.52 to 25 percent.

Both West German Chancellor Willy Brandt and East German Premier Willie Stoph will come to New York in September to address the General Assembly after formal admission.

In East Germany's case admission may not be unanimous. Israel has served notice it will oppose East German entry on the grounds that state has declined to accept any obligation to compensate for the millions of Jews murdered during the Nazi period and has become the most outspoken anti-Israeli member of the Soviet bloc.

In another U.N. matter, Kenya, one of the three African members of the Security Council, proposed today that the resumed debate on the Middle East crisis next month be held in Geneva rather than in New York.

[From the Washington Post, June 19, 1973]

U.N. ASSESSMENTS

UNITED NATIONS.—A U.N. committee has decided to ask West Germany to pay about 6 per cent and East Germany about 2 per cent of the U.N. budget when the two Germanys are admitted to the world organization. The two German states asked for U.N. membership last week and it is expected to be granted this fall.

The 13-member committee also is understood to have agreed that China's assessment should rise from 4 to 5½ per cent. . . .

NEW YORK LEGISLATURE ASKS ANTIBUSING AMENDMENT

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. RONCALLO of New York. Mr. Speaker, the New York State senate and assembly have concurred in a resolution memorializing Congress to call a Constitutional Convention to amend the Constitution to prohibit the assignment of public school pupils on the basis of race, religion, color or national origin.

Busing, especially across school district or municipal lines not drawn to deliberately separate students according to the above criteria, is not the way to solve the problems of segregation. We cannot legislate away the long-standing ills of society. Busing only adds to the problem by weakening the fabric of family life in further alienating the disadvantaged from the processes of government which they can otherwise enjoy through participation in their local schools.

I sincerely hope that the Judiciary Committee will respond to this call from the State of New York, hold prompt hearings and report out House Joint Resolution 191 which I cosponsored in January. This bill would amend the Constitution as requested in the memorial and keep neighborhood schools as the cornerstone of our public educational process.

The text of the memorial follows:

Concurrent Resolution of the Senate and Assembly of the State of New York memorializing the Congress of the United States of America to propose an amendment to the Constitution of the United States prohibiting the assignment of public school pupils on the basis of race, religion, color, or national origin

Whereas, Many school and governmental officials and many courts have issued orders requiring the assignment of pupils on the basis of race, color and national origin; and

Whereas, Such assignments have been for the purpose of establishing racial balance in schools and classrooms; and

Whereas, Such assignments have required pupils to be assigned to schools outside of their home neighborhoods and communities; and

Whereas, This has caused great concern on the part of their parents and guardians for their safety and welfare; and

Whereas, It has necessitated the expenditure of large sums of money by state and local governments; and

Whereas, Many citizens have therefore been distressed and angered by state and local governments; and

Whereas, Many citizens have therefore been distressed and angered by such orders; now, therefore, be it

Resolved (if the Senate concur), That the Congress of the United States of America be and it hereby is requested, pursuant to Article V of the Constitution of the United States, to call a constitutional convention for the purpose of proposing the following amendment to the constitution of the United States:

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; and be it further

Resolved (if the Senate concur), That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V. If Congress proposes an amendment to the constitution identical with that contained in this resolution before January first, nineteen hundred seventy-four, this application for a state application shall no longer be of any force or effect; and be it further

Resolved (if the Senate concur), That since this method of proposing amendments to the constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the legislature of the state of New York interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same of different propositions; and be it further

Resolved (if the Senate concur), That the Secretary of State be, and he hereby is, directed to send duly certified copies of this resolution to the President of the United States, to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

RESPONSIBILITY OF PRESS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, an editorial appeared last Wednesday in the Alexandria Gazette, America's oldest daily newspaper, published continuously since February 5, 1784, which I would like to call to the attention of all who read this RECORD. I am sure many of my colleagues will agree with the wisdom of the Gazette editor's comments on the responsibility of the press to its readers:

RESPONSIBILITY OF PRESS

The responsibility of a newspaper to the public is awesome. It is not easily discharged for it has many facets which apply in different ways to different conditions. Basically, though, it consists of two elements:

First, a general responsibility to the public to keep it informed of the activities of public officials and to act as "watchdog" for the people. Second, a responsibility to the individual not to publicly expose him to scorn or attack or ridicule unless the public interest demands it and the known facts are such as to justify it.

These make up the newspaper's "accountability" to its readers.

The power and influence of a newspaper are so great that it must make every effort to use that power for the public good and not to misuse it. Newspapers are the guardians of the public's "right to know."

The newspaper has the further duty to be certain of its facts before permitting the use of its columns for articles that will damage reputations. This is the reason a good newsman waits until he has either a formal charge or provable evidence before publishing derogatory information about an individual. Rumor or innuendo or the word of some minor official is not enough.

To do otherwise would be to break faith with the public and with the individual citizen.

QUESTION OF IMPEACHMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BINGHAM. Mr. Speaker, possible Presidential impeachment raises many difficult questions, not the least of which is who in the House might best take the initiative in pressing consideration of impeachment. Americans for Democratic Action has recently approved a resolution calling for the President's resignation. Furthermore, the organization has taken the position that any initiatives for impeachment "will have to come from Republicans and conservative Democrats, so that Watergate does not become a partisan fight." The following are excerpts from a recent ADA legislative newsletter raised by talk of impeachment:

WATERGATE: CONGRESS VERSUS THE PRESIDENT

As the Ervin Committee hearings resume and new disclosures about Watergate are made almost every day, a few Members of Congress are beginning to speak out on the most unspeakable question of all—whether or not President Nixon should be removed from office. Most Members are choosing to remain silent on this subject, but a handful, notably in the House of Representatives, have brought the question to the floor to discuss in public what is being said privately in many a living room.

IMPEACHMENT

During the first impeachment discussion on the House floor, none of the half dozen liberals who spoke called for impeachment of the President. Some, like Reps. Bella Abzug (D-N.Y.), Pete Stark (D-Calif.), and Yvonne Burke (D-Calif.), said the House should set up a panel of inquiry, either through a special select committee or through the Judiciary Committee, to determine whether there are grounds for impeaching the President. Rep. Abzug said the House action was necessary since "no other body is conducting a direct investigation into the conduct of the President, because no other body has the authority to do so."

Rep. Ronald Dellums (D-Calif.) asked his colleagues to keep the possibility of impeachment "seriously in mind." Rep. Patricia Schroeder (D-Colo.) called on the House leadership to file a resolution urging Mr. Nixon to appear before the Ervin Committee.

This discussion followed an unsuccessful attempt a week earlier by Rep. Paul McCloskey (R-Calif.) to discuss impeachment. McCloskey had obtained a one hour special order for debate, but was prevented from speaking when a quorum failed to appear. He inserted his remarks in the Congressional Record anyway, stressing that he was not calling for the President's impeachment but only for a discussion of the impeachment process.

* * * * *

Section 4 of Article II of the U.S. Constitution states that "the President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors." "Treason" and "bribery," as constitutionally designated impeachable crimes, have raised little debate, for treason is defined elsewhere in the Constitution and bribery is a well-defined act.

What constitutes "high crimes and misdemeanors," however, remains uncertain. Endless debate has surrounded the phrase. Broad constructionists, including former Attorney General Richard Kleindienst, have viewed impeachment as a political weapon and an appropriate remedy if Congress disagrees strongly enough with what a President is doing. Rep. Gerald Ford (R-Mich.) subscribed to the same interpretation in 1970, when he was leading the unsuccessful effort to impeach Associate Justice William O. Douglas. He said that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office."

At the other end of the spectrum stand the narrow constructionists who see impeachment as limited to offenses indictable at common law.

The Constitution gives the House the duty of deciding, by simple majority, whether to impeach a President. The impeachment resolution must specify the high crimes and misdemeanors charged. The charges are investigated by the House committee to which the resolution is referred, before the resolution is brought to the floor for a vote. If the House decides on impeachment, amounting to an indictment, the case then goes to the Senate for trial. The House selects several managers from its membership to present the articles of impeachment to the Senate and to serve as prosecutors during the Senate trial proceedings. Senate rules, adopted in 1868, allow both sides to present witnesses and evidence, and permit the defendant to have benefit of counsel and the right of cross-examination. Conviction by the Senate requires a two-thirds majority of those present.

Impeachment proceedings have been initiated more than fifty times in the House since 1789, but only twelve of those cases reached the Senate. Of these twelve cases, the only one relevant to the current situation was that of President Andrew Johnson, whose highly political trial was decided by one vote.

Although resolutions to impeach or investigate the possibility of impeaching a President have been introduced in the House during the terms of four other Presidents (Harry Truman, Herbert Hoover, Grover Cleveland and John Tyler), Mr. Nixon is the only President since Andrew Johnson to become the subject of seriouse talk about impeachment.

To date, most Members consider talk of impeachment premature. The Democratic "establishment" position was presented by Rep. James O'Hara (D-Mich.), when he also inserted a statement in the Record on the same day McCloskey inserted his, calling for "prudence in our speech and action" and asking his colleagues to reserve judgment in the matter until all of the facts are available. O'Hara concluded that he was convinced "that, at this juncture, we are still a long way from knowing all of the facts."

The central question, of course, is whether President Nixon will be "implicated" in any part of the Watergate scandal. And, if he is, what should Congress do about it?

The initiatives, if any, probably will come only if Mr. Nixon is clearly implicated, and the initiatives will have to come from Republicans and conservative Democrats, so that Watergate does not become a partisan fight.

After the legal arguments are debated, the real decisions no doubt will be based on political considerations: How will an impeachment proceeding affect the country? How will failure to impeach affect the country? Do the Democrats really want to make Spiro Agnew a re-electable incumbent President before the 1976 election?

HOME VEGETABLE GARDENS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. WYATT. Mr. Speaker, I have this day introduced a bill with a slightly different flavor than the vast majority of the nearly 9,000 bills heretofore placed before our Chamber of Congress. My bill is expressly designed to promote the growing of home vegetable gardens.

Recognizing that such an idea may lack the tinsel and glitter necessary for a prominent place in today's headlines, I nevertheless feel that its adoption would serve two very important ends.

The most obvious benefit derived from an increase in the number of private vegetable gardens would be the accompanying increase in the supply of vegetables. During these times of food shortages and astronomically high food prices there would appear to be no further need to obviate this point.

A second, and somewhat more subtle consideration, would be the fact that individual Americans could be taking their own steps to diminish a genuine national problem. During World War II, the scarcity of food prompted the American public to grow "victory gardens" in both a practical and patriotic response to that critical situation. Planting one's own garden is no less practical today than it was 25 years ago, and even the unpatriotic should be able to spot the savings to the family budget when fewer trips to the supermarket are required.

As a stimulus for this gardening activity, my bill would allow a tax deduction of up to $50 for the cost of the planting, raising, and harvesting of vegetables to be consumed in a taxpayer's own home. Whether this dangling carrot will induce latent gardeners to swing into production, I do not know. I do believe, however, that such minor recompense to those who are willing to make the effort to grow food in a time of food shortage amounts to a more sagacious approach than our present Federal practice of paying cash to some individuals to insure that they will not grow any food.

For these reasons, Mr. Speaker, I urge that the Congress give consideration to this bill. I further urge that each of my colleagues be mindful of this one small solution when asked by constituents how they might be of some help in meeting our national concerns.

ORPHANS AND REFUGEES OF VIETNAM NEED OUR HELP NOW

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BOB WILSON. Mr. Speaker, I am pleased to join today with the gentleman from New York (Mr. ROBISON) and the gentleman from Wisconsin (Mr. STEIGER) in sponsoring two bills to assist the victims of the conflict in Southeast Asia.

Despite the diversity of national opinion on the conflict in Vietnam and the American military presence there, we all feel a deep sympathy and concern for the unfortunate orphans. It is important, now that our involvement has ended, that we not forget about those whose lives have been deeply affected by the Vietnam conflict. There are millions of children and refugees whose needs must be attended to, and it is unrealistic to expect the Vietnamese to do this job alone after the war. We have a particular moral obligation to the children of American-Vietnamese parentage, fathered by our now departed troops.

After their withdrawal from the Indo-China conflict, the French offered citizenship and educational assistance to the Vietnamese children of French soldiers. The legislation we are sponsoring today provides that Vietnamese-American children be granted immediate U.S. citizenship once adoptive parents have been approved through a U.S. adoption agency. There are thousands of prospective parents in the United States who have indicated their interest in adopting an orphan of the Vietnamese conflict, but they have encountered interminable redtape and delay in pursuing this goal. I am confident that thousands of American families would open their homes and their hearts to these children, once the adoption conduits have been opened. We have always been magnanimous to our defeated enemies and there is no reason to believe that we would be less so to our friends and allies.

By bestowing U.S. citizenship on these children, we will clearly indicate to the South Vietnamese that we are willing to accept our responsibilities and that we want to provide these South Vietnamese-American children all the rights and privileges of American citizens. Such a guarantee would encourage the South Vietnamese to allow these children to leave their country. Their unwillingness to permit this departure has been a key obstacle to adoption, but it has been the result of a genuine concern for the children's welfare. To grant citizenship and to assure that the adoptive parents are approved by licensed adoption agencies in the United States are necessary safeguards contained in this legislation which would demonstrate to the Vietnamese our commitment to these children.

This bill would make eligible for citizenship any Vietnamese-American child born in the Republic of Vietnam before January 1, 1974, of an age such that not more than 12 years have passed from the date of the child's birth to the date of enactment of this legislation. The President and the Secretary of State would be authorized to negotiate and make necessary arrangements with the South Vietnamese Government to put the act's provisions into effect. Responsibility for certifying eligible children, working through and with properly accredited adoption agencies, and making arrangements to transport qualified children to their adoptive parents would be taken by the Department of State.

The second bill would establish a new branch of the Peace Corps—the Vietnam Assistance Volunteers. This new volunteer program would have a mandate to provide refugee relocation assistance; medical assistance to war victims; and medical, educational, and material assistance to orphans. South Vietnam faces staggering problems in trying to recoup the losses to its civilian population from the continued warfare and the assaults on the civilian population by the enemy. Whatever our own feelings on the proper U.S. role in this war-torn nation, I think that many of our citizens, particularly our young people, would readily volunteer for such a program.

I am pleased to join in sponsoring these two proposals and hope that the Congress will give favorable consideration to this program of peacetime assistance to the Vietnamese on a very personal basis. The spirit of volunteerism held by Americans can be applied effectively in helping those in greatest need and those to whom we feel a special obligation.

GERMAN TREATY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. RARICK. Mr. Speaker, with the Watergate flap dominating the attention of the American people, few are aware of the vote-buying scandal in West Germany.

Mr. Brandt seems to have run into additional troubles as a result of a recent court decision that the Bonn-Moscow Treaty, surrendering historical German territories, is unconstitutional.

I include a related newsclipping:

[From the Washington Post, June 18, 1973]

GERMAN TREATY

BONN.—The federal constitutional court in Karlsruhe decided that there is a reasonable suspicion of bias on the part of a judge, making him ineligible to participate in considering a petition by the State of Bavaria to halt implementation of the East-West German basic treaty.

The court's decision tipped the scales from a deadlock to a 4 to 3 majority for judges sympathetic to the Bavarian request. This could mean that Chancellor Willy Brandt will be faced with the decision of whether to put the treaty into effect with the court having ruled it unconstitutional.

REMARKS OF SECRETARY BRENNAN AND UNDER SECRETARY SCHUBERT, JUNE 4, 1973

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. QUIE. Mr. Speaker, this administration has been criticized unfairly for what the critics say is a lack of compassion for the needs of people. On June 4 Secretary of Labor Peter J. Brennan and his new Under Secretary Richard Schubert made known their deep concern for the equal treatment of all Americans who work for a living—regardless of their race or sex. I submit these speeches by Messrs. Brennan and Schubert delivered to the employees of the Department of Labor on June 4 for the information of my colleagues:

REMARKS OF SECRETARY BRENNAN, BEFORE DEPARTMENT EMPLOYEES, DOL AUDITORIUM, JUNE 4, 1973

To all of you here in the Department auditorium and in each of the department's ten regions—thanks, good morning and some apologies. The apologies are mainly for Los Angeles, San Francisco, and Seattle where it's a little after eight in the morning—a little early for listening to anyone—including your Secretary of Labor.

Today is an unusual day. The swearing in of Dick Schubert as Under Secretary marks the beginning of a new drive. With Dick lending his considerable talents and energy to all of us already on board the Department of Labor has nowhere to go but *forward* and up. And it will. The transition period, which took a little longer than we expected, is now nearly over and each of us can now direct our full time and energy to our basic job: Continuing to see that the working men and women of our great country get all the protection and help they're entitled to.

John Stender, Assistant Secretary for O.S.H.A.; Paul Fasser, Assistant Secretary for Labor Management Relations; Bernie DeLury, Assistant Secretary for Employment Standards; Fred Clark, Assistant Secretary for Administration; Bill Kolberg, Assistant Secretary for Manpower; Bill Kilberg, the department's solicitor, Carmen Maymi, nominated as Director of the Women's Bureau—all of these very capable executives will be leading one of the most experienced and dedicated teams in the Federal Government. And when I say "team" I mean just that. Because without your experience, the dedication to your jobs—and your determination to work together—we would be unable to move. Incidentally, the last two remaining nominations—Commissioner of Labor Statistics and Assistant Secretary for Policy, Evaluation, and Research—will be made very shortly—thus completing the team.

In these past five months of transition I've spent much of my time studying the past record of the department and charting our future course. I've probably read the equivalent of 500 books and held more conferences than the United Nations. That's a lot of reading, a lot of listening and a lot of talking. But it's been worth it. Now is the time for stepping up our pace. I'm proud of the way the Department functioned during those five months. Ways were found to end or head off crippling strikes. OSHA worked diligently and justly to protect the working men and women of America at their workplaces, veterans found a helping hand when they came home from Vietnam. All of these things were done—by and through you. And I mean all of you from the bottom of the GS ladder to the top.

Now that the transition is nearing an end and my transition work done, we're going to move into high gear. You're going to see more of me—not only here in Washington but in the ten regions, too. Because being directly involved with each other is the only way we'll succeed in making the department a huge success. And furthermore, we're going to make sure that the American workforce—*and* American management—are part of that success story. Because you can't have one without the other. We're going to make sure that all of America knows what our department does—and how well it does the job. Because the more the American people are made aware of our accomplishments and our goals for the working men and women of our country the more support we'll receive at the grass roots level and the more support will come from Congress.

This will be an open administration because the strength of America lies in telling it the way it is.

America will hear about the speed with which OSHA moved in on the Staten Island storage tank explosion where 40 men lost their lives. The Department's action will be finalized very shortly.

It is heard how the Department cracked down in another disaster—at Bailey's Crossroads, Virginia—where 14 died in a construction collapse.

It will hear continuing stories like the AT&T agreement in January of this year when the biggest employer in the nation agreed to restore $15 million to 15 thousand employees who had been underpaid.

It will hear again of the great labor settlements—made without strike action—in steel, railroads and elsewhere. That's part of this administration's story—to persuade labor and management to get together as Americans instead of antagonists and come to just peaceful agreements.

It will continue to hear how the Department worked on behalf of labor, organized or not, in many fields—from employment standards to physical protection of the American working man and woman.

The farm workers have already heard of our new regulations to protect them from the hazards of 21 pesticides. Other workers can be grateful for the new limitations we ordered on the use of dangerous, cancer-producing agents in certain industries.

And we will make sure that America continues to hear of action instead of just words on equal employment rights for minorities, including women.

All of these progressive, positive stories will be emphasized to the media by me and Dick Schubert, who speaks for me in my absence, and the Assistant Secretaries. We not only have nothing to hide—but we have much to tell—with pride.

We're not going to attack old friends who have been critical of us. That's destructive. But we'll show them that, although we may have honest differences of opinion in some areas, we're fighting for the same goals—the betterment of the American workers' place in our great country. Our timetables may differ—but our targets are the same.

Our Public Affairs Department, somewhat hampered during the drudgery of transition period, is now free to carry the ball—to tell a story that we can all be proud of—to tell the press, radio and television that *this* is what we have done and what we *will* do. The department has done much and, with your help, we'll do even better.

We won't be deterred from reaching our goals by rumor or gossip or glaring headlines. We can't ignore the Watergates, but they won't stop us from moving ahead to make this a better America—an America we can continue to love. If wrong has been done—let the guilty be found and punished. But let's not slow down our own drive to a better future.

Again—my thanks to all of you for what you've accomplished in the past—what you continue to do—and what you will accomplish in the future. And my thanks to you for showing me that the word "bureaucrat" has no meaning in this Department of Labor. The words "dedicated men and women" will henceforth be used instead.

Thank you and have a good day.

Remarks of Under Secretary Schubert, Before Department Employees

The bottom line of the job description of Under Secretary is to try to pull things together and then send people to work and I'm going to try a little bit of that this morning.

Some, in commenting about my recent career development have noted that I don't seem to be able to hold a job. Others a little less—charitably, comment that my career can be characterized at best as checkered and perhaps there is a symptomatic pattern here of shiftlessness.

And really there isn't any defense. The planning has left something to be desired, as my wife will attest to. An inductee at an affair like this after he has been sworn-in is torn by conflicting desires. One, he'd like to thank people like wife, parents, children, personal staff like executive assistant and secretary, personal friends and former associates like Jim and Larry, and associates in the private enterprise like John and George, all of whom have played a part in the past or perhaps are continuing to play a part in the present.

And then of course there's the strong motivation to pledge support to a forthright, direct, candid, leader and boss who is going to do his best to be the best Secretary of Labor yet. And to this team that he has assembled together from the work places across the nation.

And then of course you like to say something about the confidence you have in the people who make all of this work. You who are my friends and my co-laborers.

But I'd like to do all of that and one other thing this morning and just for about two and a half minutes, personally philosophize on what I think it's all about. That which we are involved in, government for the people.

The decision to leave Bethlehem, for me, was the hardest one of my life. And that which finally put it into perspective was the realization of a compelling challenge to try to get it all together under Secretary Brennan and with you to do the kind of job that we have to do as a Department of Labor.

Our Department is the smallest one and yet it has the largest mission, bigger than life, overwhelmingly frustrating, and complicated. King Solomon said it one time in the Old Testament Book of Proverbs, "Where there is no vision the people perish."

And we in the Department will perish unless our vision is greater than eight hours work for eight hours pay as good as a starter as that might be. We perish if we simply are satisfied with producing technically competent work. And the great vast majority of you are certainly equipped to do that.

We perish even if we are loyal, supportive, ethical, responsible, as important as those virtues are, particularly now. To meet the challenge of our mission, our vision must be the—to change our world, the world at the end of our fingertips individually and at the end of our fingertips institutionally as a Department of Labor.

We are peculiarly charged, as Secretary Brennan has indicated this morning, with being the caring edge of society. Not in a do-good frothing sentimental kind of sense, rewarding indolence and neglect, but always realistic, measured, particularly compassionate response to the needs of the American people.

Like Dr. King, I too have a dream for all of us. A dream that you, Secretary Brennan, this team that he has assembled here can make a difference in the society in which we live and breathe and have our being. A difference in homes and families and people's lives because we, in the Department of Labor, care and we do our best to provide a safer, fairer, healthier, freer kind of work place for all Americans.

Changing our world, making a difference, is it an idealistic abstraction? I really don't think so. If I did, I wouldn't be here and many of you wouldn't be here. But this is the kind of vision for men and women of all seasons, old and young, black, brown, white, grade 2 to level one. A commitment that I gladly take this morning, So Help me, God. And a commitment that I ask you to make to yourselves and to your children and your grandchildren. Thank you very much.

SOUTH BEND TRIBUNE COMMENTS ON NIXON'S PRICE FREEZE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the Record the text of an editorial from the South Bend, Ind., Tribune of June 15, 1973, commenting on President Nixon's recent announcement of a 60-day freeze of prices.

As the editorial points out,

> Carefully omitted by Mr. Nixon was the confession he should have made: that inflation is at the present critical level because he dropped the compulsory controls of Phase II early this year and replaced them with an essentially voluntary system. This has been a conspicuous failure.

A Dose of Strong Medicine

> President Nixon's speech announcing a 60-day freeze of prices reminded the listener of a watered-down replay of his original freeze order speech in August 1971. Like all sequels, it lacked the full impact of the original.
>
> The 60-day price freeze is strong medicine, nevertheless.
>
> It should keep the patient, the inflation-plagued American family, from feeling any worse for a two-month period. Whether it does anything to cure the illness is something else again.
>
> Psychologically, it should help. But psychology is not enough. More steps with a prolonged effect will be needed before the situation can be brought properly under control. Those steps are what the President and his economic advisors will seek to devise during the 60-day grace period he has bought.
>
> The President admittedly was seeking shock effect with his price freeze order. This time the shock is less drastic than his original surprise Phase I 90-day freeze on prices, wages and rents, because only prices are affected. Wages and rents aren't included,

he explained, because they have been rising at acceptable levels.

Carefully omitted by Mr. Nixon was the confession he should have made: that inflation is at the present critical level because he dropped the compulsory controls of Phase II early this year and replaced them with an essentially voluntary system. This has been a conspicuous failure.

The moment Phase II controls went off, prices zoomed. Consumer prices from January through April rose by 9.2 per cent. Food prices alone went up 25.4 per cent during the same period. Wholesale prices rose by 2 per cent in May.

So by imposing the 60-day price freeze, Mr. Nixon is trying to put out the fire he himself let get started. The widely expressed misgivings expressed when he dropped Phase II that such action was premature have proven all too true.

By exempting wages from controls this time, he keeps organized labor happy. By continuing to exempt unprocessed agricultural products at the farm level he keeps farm interests happy.

Mr. Nixon accompanied his new imposition of mandatory controls by a disclaimer that he does not believe in a permanently controlled economy. In that, he probably has the support of a majority of Americans. Nevertheless it has been painfully established that with the pressures of world trade and economics affecting this country so heavily, it cannot have a stable economy at this time without some mandatory restrictions.

The degree to which Mr. Nixon can fashion a set of effective controls to go into operation as Phase IV, once the 60-day freeze ends, will determine whether his new effort is good enough.

MAINE CHIEFS OF POLICE ASSOCIATION

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. COHEN. Mr. Speaker, in the past, I have spoken on behalf of the Law Enforcement Assistance Administration and pointed out the tremendous importance of the Maine Law Enforcement Planning and Assistance Agency.

This past week, the Maine Chiefs of Police Association adopted a resolution with regard to MLEPAA. I believe this resolution is worthy of our consideration and include it in the Record:

MAINE CHIEFS OF POLICE ASSOCIATION

Whereas the Maine Law Enforcement Planning and Assistance Agency has provided professional technical assistance and planning services to the police community of Maine, and

Whereas the MLEPAA has provided direct financial assistance in the upgrading of law enforcement personnel through the Criminal Justice Academy, academic, and other training and education programs, and

Whereas the MLEPAA has assisted the Maine police community in upgrading police services through the funding of basic material and staffing with which to perform their mission, and

Whereas the MLEPAA has been instrumental in planning for, funding of, and establishing a total statutory communications and information system which will ultimately foster a closer and more effective working relationship among all criminal justice agencies, and

Whereas, the MLEPPA since its inception in 1968, has served a vital role in coordinating and promulgating a more effective criminal justice system in Maine,

Now, therefore, be it resolved, that we the Maine Chiefs of Police Association here assembled in Greenville, Maine on June 22, 1973 do hereby urge the Maine Delegation of the Congress of the United States to support the continuation and further expansion of the MLEPAA and the federal legislation under which it so effectively operates, and

Further, we extend our gratitude to the Governor and to the Legislature of the State of Maine for their continued support of the MLEPAA, including the necessary appropriation to meet the requirements of the Safe Streets Act.

VEYSEY INTRODUCES QUESTIONNAIRE

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. VEYSEY. Mr. Speaker, this week I am sending to my congressional district, some 180,000 public opinion survey cards—one for each household within the district. It is imperative, in my estimation, for a Member of Congress to keep in close touch with his constituents, and to understand how they feel as well as why.

Within several weeks, when the results of this survey have been tabulated, I intend to make them public and make them available in detail to each of my colleagues in the Congress.

I enclose for the Record, the full text of my questionnaire, with the questions preceded by a short analysis and a status report on each issue raised in the questions.

CURRENT LEGISLATIVE STATUS OF ISSUES LISTED IN QUESTIONS 1–10 BELOW

No. 1. No legislation yet introduced to finance reconstruction of North Vietnam, though much talk continues.

No. 2. President given authority to control wages and prices for another year.

No. 3. President cutting back on spending . . . Congress generally complaining, but is going along with many cutbacks.

No. 4. Farm program expires this year . . . Congress will consider a new one. Most agree that the mood is to cut back on both controls and subsidies.

No. 5. Over $300,000 allocated for geothermal exploration . . . and more for other energy sources, but government is generally balking at major efforts to finance new energy development.

No. 6. Numerous bills introduced in Congress to restrict or outlaw handguns . . . other bills introduced to loosen regulations. None has been passed this year.

No. 7. Experiments are underway with a "voucher system," and there is talk in Congress about using a tax credit system to provide financial help for private schools. However, efforts to pass such legislation have stalled in Congress.

No. 8. Congress just blocked funds for U.S. air action in Cambodia. The President wants to maintain authority for such efforts.

No. 9. Legislation to increase minimum wage to $2.20 gradually over next several years is making substantial progress in the House.

No. 10. Numerous bills to provide government financed health care have been introduced. Some would give total care to all, and some would strictly limit care to needy . . . or for catastrophic illness.

QUESTIONNAIRE

(Note.—Questions provided with yes and no answers in "his," "hers," and "youth" categories.

1. Should the U.S. help finance reconstruction of North Vietnam?

2. Should we tighten wage and price controls?

3. Should the President reduce federal programs to hold down the budget?

4. Should we phase out federal farm controls and subsidies?

5. Should the Federal Government take the lead in developing new energy sources?

6. Should the Federal Government stiffen regulations of handguns?

7. Should the Federal Government provide more aid for non-public schools?

8. Should we use air power in Southeast Asia to enforce the peace treaty?

9. Should the minimum wage be increased to $2.20?

10. Should we increase taxes to pay for more Federal medical care?

What do we need the most? Using number 1 as the most important, please rate the following:

Strong National Defense
Help for Older Americans
Environment Improvement
Lower Welfare Costs
Better Education
Lower Food Costs
Reduction in Taxes
Balance the Budget
Additional Social Services
Solving of Farm Labor Problems
Diminish Size of Government
More Housing Programs

GREATER PRIVILEGE—GREATER RESPONSIBILITY: A MESSAGE FOR ALL

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. GROVER. Mr. Speaker, I was pleased to attend commencement exercises Sunday, June 24, at my high school alma mater, Babylon High School, where the senior class had selected Mr. John Sykora, one of their highly regarded teachers, to make the main address.

The message in the address, with its caution that an equal measure of responsibility must be shared with privilege, is one that all of us should read. It is my pleasure to submit it for the Record.

ADDRESS BY JOHN SYKORA

Ladies and gentlemen and graduating Class of 1973.

Upon hearing of this honor, I was in a quandary regarding the content of my address. I wondered what format I would use. Would I be humorous or serious—what message would I leave with you? After a while I even pondered punishing you by reviewing the 900 plus schedule changes I made for you over the past three years.

Finally, after regaining my composure, I decided to be as personal as possible. This decision was really not a difficult one since over the past three years we have been just that. I've reprimanded you at times, laughed with you, and we even cried a little. Graduation day is a natural day of pride. Your parents, relatives, teachers, and friends are here to honor you. There are many things to be proud of. Your class has distinguished itself academically, athletically and socially. You have won a remarkable number of scholarships. The Wilson Tech graduates have gained recognition by receiving 14 individual VICA awards over the past two years. These awards are given in competition in each subject area by the Vocational Industrial Clubs of America.

You must be commended for your college placement and the wonderful manner in which you conducted yourself at Employment Day. These are things we are all proud of.

However, I feel that there are some accomplishments that are more important. I remember two years ago when your class developed the idea for BHS Presents which produced over $1700 for the Babylon Community Scholarship Fund. I've wondered at the zeal in which you have donated your time to collecting food, clothes and toys for the needy in the community and the time you spent at the local nursing home for the aged bringing Christmas cheer to some lonely people. I remember when I asked your class to help out for Employment Day last year at our high school and 35 of you volunteered your time when you could have been at the beach. And who can forget Santa and his helpers at the grade school! It is these accomplishments that are most important. It is your commitment to worthwhile causes that will strengthen society. It is a society that you will reshape. At this time of your life you have a rare opportunity to look at your past and leave behind all your mistakes and plan a better you for the future.

We have talked many times about the rights and the privileges of students. These rights and privileges have been uppermost in your minds. May I again caution you. Remember—for every right and privilege there is a corresponding duty and responsibility. You cannot benefit from one without the other.

Over the past three years I have heard many of you say why should I? It is my life. It is my decision. It concerns only me. Our complex society of today channels you into this way of thinking. However, this thought is erroneous. Every decision that you make in your life will, of course, affect you. But more importantly it affects the lives of all those around you.

Yes, we have rights and privileges. We have the right to determine our own lives. But we also have a responsibility to our families, friends, teachers, employers, and society in general.

Remember, you do not live in a vacuum. You live with human beings who also have rights, responsibilities, and more importantly—feelings. A significant attribute to always carry with you is respect: respect for yourself, and respect for your fellow human beings.

Congratulations, Class of 1973. Best wishes, good luck. Again—thank you for this honor.

NATIONAL AUTISTIC CHILDREN'S WEEK

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. KEATING. Mr. Speaker, on June 15, President Nixon signed into law House Joint Resolution 296, legislation proclaiming this last week of June 1973, as National Autistic Children's Week.

Autism is a mental illness characterized by an absorption in fantasy as an escape from reality. Children afflicted by this disease are too often misunderstood and their treatment overlooked. Many States cannot provide educational and correctional facilities for autistic children, often resulting in severe financial burdens and social hardships for the families of these children.

The designation of this week as National Autistic Children's Week should bring long-needed attention to not only the problems of autism and the need for research in this area, but also the very nature of the problem itself. The need for this recognition was emphasized in the House of Representatives debate preceding the passage of House Joint Resolution 296. The suggestion of a national week for autistic children was met with curiosity by some Members who wondered why "autistic" children were being honored, and others who questioned what strange disease was being discussed.

That so few people are even aware of the meaning of the word "autistic," let alone the problems of the disease, is indicative of the need to create an awareness and spirit of concern for the children afflicted by this disease.

Let us hope that during this week such awareness and concern will be brought about.

CRIME

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. WOLFF. Mr. Speaker, I am proud to insert in the CONGRESSIONAL RECORD an editorial by Mr. Matthew Klein, a student from my district. Mr. Klein and his school's newspaper, the Schreiber Times of the Paul D. Schreiber High School in Port Washington, are one of five winners of Bryn Mawr College's 1976 studies editorial contest for secondary school student newspapers. Mr. Klein's article speaks eloquently about a problem, that, to one degree or another, plagues every school in the Nation. The problem is crime, and Mr. Klein has perceptive remarks to make about crime and how it violates the rights of others.

I am pleased to insert the following article, and I only hope that it might serve as an inspiration to other students of the country:

CRIME

"That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness."

To secure these rights, rules have been established for all of us to follow. However, some of us disregard these rules with the rationalization that we are only infringing upon one other person's rights, and that it doesn't matter very much. This carelessness toward others' rights is evident when one looks closely at the many crimes that take place in Schreiber in the period of just one week.

This week several lockers have been broken into, and had their contents stolen. The robber assumed that he was only taking from the one person who owned the locker. This is not true. Many students have been affected by these robbers in that they now carry most of their belongings with them because of their fear of having them stolen. The robber steals their faith and trust in other human beings.

This week many books from various resource centers have been stolen by students who feel they're really not hurting anyone because the books probably aren't being read. This is not true. Now, because so many books that have been needed by both teachers and students have been stolen, trust is diminishing between students and teachers.

Many pocketbooks are being stolen at Schreiber. Both teachers and students now must carefully watch their pocketbooks and worry when they are not in sight. Because one person thought he was only affecting one woman by stealing a pocketbook, many students and teachers are extremely suspicious and wary about their belongings.

Vandalism is becoming an increasing concern among all of us in Schreiber. The vandal who thinks he is only hurting a large building, not its inhabitants, is fooling himself. Nor is he hurting some distant "administration" by his destructive act. The effects of every example of vandalism, whether it be a broken window, a smashed light or a broken chair, desk, wall, pipe, or ceiling, affects the welfare of all 1600 of us.

When students carry weapons to school, like a knife or a can of Mace, or use a steel pipe to harm another student in a personal dispute they do far more than infringe on each other's rights. They unfortunately set an example of how to "take care" of a situation to other students and further the idea of taking the law into one's own hands and forming one's own vigilante groups. The fear this brings about in many of us is certainly not needed.

Whenever an individual feels he can take away one of the unalienable rights of life, liberty and the pursuit of happiness, he not only deprives that one person of his rights, but all of us. No action by one of us is not felt by all of us.

ALLEGHENY COUNTY, THE NATION'S FIFTH LARGEST CITY?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, my good friend Gilbert Love, a columnist for the Pittsburgh Press, has written a thoughtful article on the subject of the size and importance of Allegheny County, Pa.

Mr. Love has gladdened the hearts of thousands of readers with his delightful columns about the wonders of western Pennsylvania. He is a walking, writing bureau of tourism for our area.

I would like to introduce Mr. Love's article into the RECORD at this time for the information of my colleagues:

COUNTY AS ONE CITY FIFTH IN UNITED STATES IN POPULATION

(By Gilbert Love)

How would you like to be living in the nation's fifth city?

If you're a resident of Allegheny County, you might achieve that distinction without moving a foot.

I got into this subject very briefly in a column in March. Leafing through population figures in the World Almanac I had discovered that if the population of Allegheny County could be counted as one municipality, it would be the fifth in the country.

There would be New York with a whopping 7,894,862 residents . . . Chicago with 3,369,359 . . . Los Angeles with 2,809,596 . . . Philadelphia with 1,950,098 . . . then Pittsburgh with Allegheny County's 1,605,133 population.

CONSOLIDATION REVIEWED

At the time I dismissed the idea with the remark that local pride and the natural interest of local officials in their jobs would make consolidation virtually impossible, at least for the present.

I've been thinking, however, and I'm now wondering if total consolidation is necessary or even desirable.

Toronto, Canada, has an extra level of government, called metro, that has attracted worldwide interest. I can see no reason why it wouldn't work here.

This upper level government takes care of services that can be done best on a communitywide basis—police, water, waste disposal, major roads and parks.

(Actually, through force of circumstances, Allegheny County has had to get into many such activities, or form authority boards to run them.)

Under the Toronto plan the suburbs maintain their own town halls and councils and continue to be responsible for such local activities as zoning, fire protection, garbage collection, local roads and streets.

CONFEDERATION COUNT

The suburbs send representatives to the big city hall in downtown Toronto, so it's more a confederation of communities than a single big municipality, but it's recognized as such for census purposes.

It gives Toronto an official population of 2,086,017 instead of 712,786, which is the population of the core city alone.

Size isn't everything, but I would guess the mere suggestion of great size and power has had something to do with Toronto's economic boom.

Those who locate plants and businesses in a community are human beings, and they like to be associated with a winner.

I would also be willing to bet that Pittsburgh's elevation to fifth place in the population list could kick off a renewal of the renaissance which attracted so much attention in the 1950s and '60s.

There could be a fine renewal of civic pride, not only in present Pittsburgh but throughout the county.

After all, Allegheny County comes close to being one community now. Almost the entire county is urban, with municipalities so close together that you can hardly tell when you leave one and enter another.

When folks from Upper St. Clair and Lower Burrell are away from home they SAY they're from Pittsburgh.

FIGURES UNFAIR

The present population figures are unfair. The City of Pittsburgh is 24th in the nation but its metropolitan area, as set up by the Census Bureau, ranks ninth.

A population of 1,605,133 would more nearly reflect the size of the community.

It can't be achieved by the County Government Study Commission, which is now preparing to write a new home-rule charter for Allegheny County.

Because metropolitan is a dirty word in political circles, the legislation setting up the commission specifically says it can't combine municipalities.

It can be done in other ways, however. Years ago Philadelphia went all the way in combining city and county.

Surely, with enough civic spirit, we could go part-way and get into the municipal big league, where we belong.

JACK LUSKIN GUEST OF HONOR AT ISRAEL BOND TRIBUTE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. LONG of Maryland. Mr. Speaker, Baltimoreans and distinguished visitors will gather on June 26 to honor Mr. Jack Luskin for his contributions to the State of Israel bonds program and to witness the presentation of the Israel Prime Minister's Medal to Mr. Luskin in tribute to his service in the cause of Israel's development.

The Israel bonds program has received widespread support in the United States, due to efforts of citizens like Mr. Luskin. His interest in the continued growth and development of Israel is only one of his many community activities. He is a worthy recipient of the Prime Minister's Medal, which will be presented on June 26 by Israel's consul in New York, Ziedan Atashi, on behalf of Prime Minister Meir. I include a statement which details Mr. Luskin's numerous contributions to the welfare of his community and of the State of Israel.

The statement follows:

JACK LUSKIN GUEST OF HONOR AT ISRAEL BOND TRIBUTE TO BE HELD JUNE 26 IN BALTIMORE

Jack Luskin, president of Luskin's, Inc., a chain of six discount appliance stores in metropolitan Baltimore, will be the guest of honor at a State of Israel Tribute Dinner to be held Tuesday, June 26 commencing at six-thirty p.m. in Blue Crest North, Baltimore, Maryland.

This black-tie event will be the first corporate dinner ever to be held in Baltimore under the auspices of the Maryland Committee for Israel Bonds.

Hon. Ziedan Atashi, Consul of Israel in New York, will formally present the Israel Prime Minister's Medal to Mr. Luskin.

The inscription on the medal to be awarded to Mr. Luskin reads as follows:

"State of Israel Bonds, Presented to Jack Luskin, For service in the Cause of Israel's development, Golda Meir, Prime Minister."

The name Jack Luskin is synonymous with leadership in the field of retail appliance sales. For twenty-five years, Luskin's has been an integral part and, today, is a front-runner in the business world of Maryland.

Mr. Luskin, a native of Baltimore, is a graduate of Baltimore City College and the University of Baltimore. He served in the U.S. Army during World War II. Three years after the war's conclusion, the first Luskin's opened in Baltimore.

As president and owner of Luskin's, Inc., Mr. Luskin has been the recipient of many business awards, twice winner of the National Brand Names Foundation Award, and many others for distinguished merchandising.

Very active in civic endeavors, most notably as Chairman of the Maryland Division, American Cancer Society, he is a member of the Mayor's Committee for the restoration of Babe Ruth's birthplace. He was named by Channel 67, Baltimore's educational television station, as a member of the Maryland Public Broadcasting Commission. Recently, Mr. Luskin was appointed to the Board of Directors of the Chesapeake National Bank.

Mr. Luskin is a member of the Board of Governors, Maryland Committee for Israel Bonds. He has participated in several fact-finding tours of Israel. Earlier this year, he was a member of the Associated Jewish Charities and Welfare Fund Leadership Mission to Israel.

The Maryland Committee for Israel Bonds deems it most fitting to honor Jack Luskin because by a happy coincidence both his firm and the State of Israel are celebrating their silver anniversary in 1973.

VETERANS' PENSION RIGHTS MUST BE PROTECTED: A MATTER OF JUSTICE AND NATIONAL HONOR

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. ROE. Mr. Speaker, I know that you and our colleagues here in the Congress are aware of the tragic miscarriage of justice that has been perpetrated on our veterans by the social security and railroad retirement increases that were approved during the 92d Congress because of the ceiling placed on veterans' pension rights against increased earnings or retirement annuities from other sources. This inequity, I am sure, is not the intent of Congress and does indeed require priority attention. I was particularly pleased to have the opportunity to submit a statement of need to the Subcommittee on Compensation and Pension of our Committee on Veterans Affairs in support of legislation I have sponsored with some of my colleagues to remedy this serious situation that has been placing severe hardships on many of our veterans, their widows, and their families—not only reducing their veteran's pension and compensation benefits but in some instances halting these benefits entirely.

Mr. Speaker, I hereby present to you and our colleagues a copy of my statement in support of veterans' pension legislation which reads as follows:

STATEMENT SUBMITTED BY CONGRESSMAN ROBERT A. ROE OF NEW JERSEY

I, Robert A. Roe, Member of the House of Representatives, Eighth District of the State of New Jersey, am privileged and honored to have the opportunity to submit this statement of need in support of the legislation I have sponsored with many of my colleagues here in The Congress to protect the compensation and pensions of veterans and their families from being denigrated and curtailed by other increased compensation benefits that have or may accrue to them from earnings and investments they have made throughout their lifetime in other retirement programs, and particularly the veterans' pensions that have been eliminated or reduced by increased Social Security and Railroad Retirement annuities that Congress authorized in 1972 for our senior citizens and retirees to help them to meet today's inflationary pressures and ever-spiralling cost-of-living.

There are approximately 29 million men and women in our country who served in our nation's armed forces during periods of national emergency. Among them, there are approximately 1,075,171 veterans and 1,284,065 survivors who receive pension income. We are, therefore, not talking about a limited number of dedicated people but a significant and substantial number of our country's finest citizens who are in need of the support we are discussing here today. Millions of veterans and their dependents have had their V.A. pension checks reduced or stopped because of the 20% Social Security increase approved by the Congress for 1972 and for similar increases in other retirement income sources.

What has happened to America's dream for each and every member of our society where the door of opportunity should always be wide open for our people to continue to achieve increased earnings and improved standards of living for themselves and their families.

Yes, fulfilling our country's obligation to our veterans is a matter of justice and national honor and what a tragedy and fraud on the people of America—to serve our nation, all the while believing that one has certain pension rights to help you live comfortably in your retirement years—to work a lifetime continuously investing your earnings in Social Security or the Railroad Retirement Fund—only to find at the end of the rainbow when your life's work is done that the rules have been switched on you at the last minute in such a legislative surreptitious manner that you cannot receive the benefits from all of your retirement investment sources that you paid for because someone decided to change the law. This miserable treatment of our retirees and senior citizens surely shatters the fulfillment of promise of full pension-retirement security from these self-help retirement investment programs.

We should never tolerate a straitjacket being placed on our veteran's income sources. Not in America where the wealth and destiny of our nation are reflected in the standards of living of our society. Retirees or pensioners who are on fixed incomes should not be relegated to having ceilings placed on their income sources through limitations on their pension or annuity rights by making one dependent upon the other instead of maximum benefits to which they would be entitled based on their investment in each of the benefits programs in which they are enrolled.

In 1972 Congress initiated and passed a 20% increase in Social Security benefits to help bring Social Security pension payments more in line with the cost of living and help, at least in part, to begin alleviating the severe inflationary pressures on our senior citizens and retirees. For some of our veterans and their widows, however, these benefits meant nothing; in some cases they resulted in a loss of income; and for approximately 70,000 pensioners these increased benefits resulted in the termination of their veteran's pension income because of the income limitations established by the Veterans Administration; whereas, as we all know, the purpose of Public Law 92-336, which provided the 20% increase in Social Security benefits, was to effect a necessary and essential across-the-board cost-of-living increase for all recipients.

Today, as your committee meets to seek out remedial legislation to erase this discrimination against the veteran's pension program, administrative measures are being proposed that threaten to place additional hardships on the veteran's pension program. In submitting this year's budget, the administration has made a formal legislative recommendation that the provision of law exempting $1200 of the wife's income and exempting earned income by working wives be repealed. Based on this recommendation, the administration has projected an annual savings of $223 million—but in view of projected savings, the budget, regrettably, contained no request for a cost-of-living increase for this group of low-income veterans and widows.

It is disturbing that unlike Social Security recipients, veteran pensioners have not, as yet, received the full 20% cost-of-living increase mandated by the Congress through Public Law 92-336 but, in fact, have lost income. Now, with inflation squeezing the dollar tighter every month, further cutbacks and budgetary obstacles have been proposed for the same group of pensioners.

I would like to call your attention to the following excerpt from one of many letters that I have received from our veterans and their families who have suffered hardships instead of benefits from the increased Social Security benefits program, which, as you can readily see, reaches right into the heart of the problem:

"I am a veteran's widow with three minor children living on Social Security and a veteran's widow pension. Recently, as you know, an increase in the Social Security resulted in the loss of some of the veteran's pension. In my opinion Social Security should be excluded in computing income for the purpose of determining eligibility for a veteran's or widow's pension. To give more money with one hand and to take away with the other does not make sense."

In view of the Congressionally mandated cost-of-living increase, this widow is correct—"it does not make sense." And as the cost-of-living continues to rise, the situation will and, in fact, has become even more critical for those persons who receive pension income that unnecessarily fluctuates downward at any point when outside income increases. Mr. Chairman, without remedial legislation, we are locking these people in a vicious, unfair and arbitrary economic trap that has no rational purpose or reason given the present economic exigencies of this country.

Mr. Chairman. Today your committee is particularly concerned with the effect that the Social Security and Retirement Annuity increases authorized by the 92nd Congress are having on the veteran's and widow's pensions and I wholeheartedly endorse and commend to you the following legislation that I have cosponsored for remedial action in this area of concern:

H.R. 1038: To provide that monthly social security benefits and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension.

H.R. 1493: To amend Title 38 of the U.S. Code to make certain that recipients of veteran's pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly Social Security benefits.

H.R. 2688: To amend Title 38 of the U.S. Code to liberalize the provisions relating to payment of disability and death pensions. The bill will increase the pension base for all veterans and increase maximum income limits in all earnings categories by $600. This means that veterans who were either forced off the end of the earnings scale or were placed in a lower benefit category will be able to continue receiving the level of pension benefits received prior to the 1972 Social Security increase.

Mr. Chairman. In view of the fact that the cutback in pension rights to the veterans was effective in January 1973, I sincerely trust that you will move with dispatch in correcting this inequity to our veterans. It is most important that they be permitted to benefit fully from the 20% increase in Social Security payments and increased Railroad Retirement annuities and maintain their standards of living at least commensurate with other members of our society. Our veterans have offered life itself to our country when our nation needed them. We cannot and must not let our veterans down now when they need us to help them to achieve the respect, dignity and security in their golden years that they so richly deserve.

Mr. Speaker, the committee on Veterans' Affairs held public hearings on this critically important veterans' pension legislation last week and I sincerely trust that they will move with dispatch in promulgating remedial legislation for presentation to the Congress for action and vote as quickly as possible.

May I also add that I am pleased to note the quickening of the pace here in the House and the Senate on the priority issue of protecting, strengthening and improving our Nation's pension systems—both public and private—to safeguard the valuable investment retirement funds of our people. The time is long overdue for a substantive priority commitment of our Nation to insure opportunity to our senior citizens and retirees to achieve increased earnings and improved standards of living without jeopardizing their earned retirement income that they have spent a lifetime of investment in accumulating for themselves and their families.

ON BEING OLD

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. QUIE. Mr. Speaker, during the dedication ceremonies, in the week of February 12, of the Ethel Percy Andrus Gerontology Center at the University of Southern California, a most provocative address was presented by the distinguished longshoreman-turned-philosopher, Eric Hoffer.

I should like to share Mr. Hoffer's remarks, "On Being Old," with my colleagues.

For, as he reminds those of us concerned with the problems of the elderly, older Americans have a great store of expertise and knowledge to offer our society.

Indeed, says Mr. Hoffer:

> * * * it seems that a great man's greatest good luck is to live past seventy to get a chance. Had Churchill and de Gaulle died at 65 they would have figured as picturesque failures.

Mr. Speaker, I insert Mr. Hoffer's address in the RECORD at this time:

ON BEING OLD

(By Eric Hoffer)

It seems to be generally assumed that the old feel out of place in the present world—a world of ceaseless change, dominated by the fashions and fantasies of the young. Least of all would one expect such a world to offer the old opportunities for greatness, a chance for the full unfolding of their destinies. Yet at no time in history have people in their seventies and eighties played such fateful roles as they did in recent decades. Everybody knows their names: Mao Tse Tung, Ho Chi Min, Gandhi, Stalin, Adenauer, de Gaulle, Churchill, Dulles, Pope John XXIII, Ben Gurion, Golda Meir. I used to think that a great man's greatest good luck is to die at the right time—not to live too long. Now it seems that a great man's greatest good luck is to live past seventy to get a chance. Had Churchill and de Gaulle died at 65 they would have figured as picturesque failures. Even a fraud like Herbert

Marcuse had to live past seventy to come into his own.

The question is whether these aged history makers were really old. They all had a juvenile element in their make up. The zest and grandeur of history making stretched their souls, but more so the formatical dedication to a cause which was at the center of their existence.

HOW LITTLE WE LEARN

The surprising thing is how little we can learn from these great old men. Is there anything in their lives to show us how to grow old zestfully? It would be nonsensical to think of history making as a mass cure of aging, and to recommend fanaticism as an antidote would be to prescribe a cure that is worse than the disease. We must look for other ways of stretching souls.

It seems to be true that people who are occupied in doing what their society values highly are likely to retain their vigor in old age. In this country it is still true that businessmen, technologists, and politicians do not markedly decline with age. In pre-Hitlerian Germany generals and professors remained active and brilliant to the end. In classical Greece, where writers were at the top of the social ladder, Aeschylus produced his Orestia at 67, Sophocles his Cedipus Colonus at near 90, and Euripides his Bacchae at near 80. So, too, in France where noted writers rank above leading businessmen and politicians, writers go on creating to the end. In neither classical Greece nor in France is there anything to match the tragic decay of first-rank writers like Fitzgerald, Sinclair Lewis, Faulkner and Hemingway.

OLD AGE AND DEFERENCE

What these examples suggest is that the old are likely to retain their vigor when they are treated with deference. The predicament of the old is that in order to go on functioning well they need the kind of treatment the creative person needs to go on creating. It is well to keep in mind that to grow old is to grow common. Old age equalizes—we are aware that what is happening to us has happened to untold numbers from the beginning of time. When we are young we act as if we were the first young people in the world. Hence a feeling of distinction must in some degree counteract aging.

There are of course societies in which old age confers distinction—where the old are treated as elders. I am thinking of Japan, pre-Communist China, India, the Arab world, and Rabbinical Judaism. In such societies the old are beautiful. We are told that among the several thousand Hindus residing in New York there is a tendency to return to India in late middle age. They dread living in this country as old people. They will be neglected and forgotten, whereas in India age is venerated.

There is little chance in this country for a cult of the old. There is still a widespread feeling that to retire is to become, in the words of Herbert Hoover, "a nuisance to all mankind." In labor unions at present young workers resent seniority and fat pensions for the old—they seem to think that the decent thing for the old is to curl up and die.

Clearly, in this country, the problem of aging cannot be solved by changing the attudes of the non-old. If the retired old are to live satisfactory lives, they must acquire a sense of worth by their own efforts.

THE YOUTH CRISIS

It would be most fitting if in solving their problems the old also helped solve problems which face other segments of the population—particularly the young. To show how this may come to pass I have to say a few words about the youth crisis.

Some time ago, while writing a chapter on the young, I was surprised by the discovery that the young at present do not constitute a higher percentage of the population than they did in the past. The percentage of the young has remained remarkably constant through several decades. What has changed is the percentage of teenagers. We used to count as teenagers those between the ages of thirteen and nineteen. Now the teenage group includes those between the ages of ten and thirty. Television is giving ten year olds the style of life of juveniles, while the post-Sputnik education explosion has been keeping students in their late twenties on campuses in a state of delayed manhood. There are no children any more. Our public schools are packed with minimen hungering for the prerogatives and probably the responsibilities of adults. The poet Auden said that what America needs is puberty rites and a council of elders—which are probably beyond our reach. What this country needs and can have is child labor. The minimen, bored by meaningless book learning, are hungry for action, hungry to acquire all kinds of skills, and I cannot think of anything more fitting than that the old in retirement should transmit their skills and know-how to the young.

BOOK LEARNING AND THE ILLITERATE

Book learning in public schools should take up half a day, and should consist of reading and writing, elementary mathematics, a familiarization with the geography of the planet, and a bird's eye view of history. There is evidence that a student in his early twenties, when he is eager to learn, can master in less than a year all the book learning that teachers try to force into unwilling, bored minds all through grammar and high school. There is also evidence that forced book learning in public school rather than prepare students for a fuller mastery of subjects later in college often makes them unfit for it. When the English physicist Sir Joseph Thompson was asked why England produced great scientists be answered: "Because we hardly teach science at all in our schools. Over here the minds that come to physics arrive in the laboratory with a freshness untarnished by any routine." Reading and writing is a different matter—if not thoroughly mastered early in life you'll have what we have now, a mass of illiterati; college students who can neither read nor write.

THE ELDERLY AND SKILLS

Half of the school day, then, will be given to limited book learning, and the other half to the mastery of skills. Retired skilled carpenters, bricklayers, stonemasons, electricians, plumbers, mechanics, gardeners, architects, city planners etc. will teach the young how to build houses, roads, small bridges; how to landscape, plan, garden; how to operate all sorts of machines. Retired bankers, manufacturers, inventors, merchants, politicians will familiarize the young with finance and management.

The small towns, where there is only one school it would be easy to have a hundred acres or so on which generations of students would build a model neighborhood, plant gardens, raise crops. In large cities the work will have to be done in the outskirts or, better still, on land made available by slum clearance. By the time they graduate from high school the young should be well equipped not only to earn a living but to run the world.

The difficulty is of course that not all the retired are skilled craftsmen. Nevertheless, most people acquire some special knowledge during a long life which they could transmit to the young. My experience has been that, in this country, almost every person is good at something. Moreover, considering the negligence and poor workmanship which are just now becoming widespread in this country, it would be of great benefit for the young to work side by side with people who take pride in their work and strive for excellence. Thus any arrangement which brings the old and the young together in a common task is bound to be fruitful.

TEACHING NOT WHOLLY SATISFACTORY

Still, I have misgivings about teaching as an antidote to aging, even if it were possible to turn every retired person into a teacher. Teachers, on the whole, are not a happy lot. It is remarkable how many teachers there were among the early recruits of the Communist and, even more so, of the Nazi Revolution. One must have a special talent for teaching to find it satisfactory. And even if teaching could give the retired a sense of usefulness, it is not enough. What the retired old need above all is a feeling of growth, and this they can acquire not by teaching but by learning.

A tree needs roots in order to grow, but with man it is the other way around: only when he grows does he have roots and feels at home in the world. And we grow not by teaching but by learning. The moment we stop learning we are as good as dead. Learning is a more mature activity than teaching. It always struck me how eager children are to teach, and how reluctant to learn. It is part of our present trouble that the young are so busy teaching us that they have no time left to learn.

THE LEARNING SOCIETY

To me the good society is a learning society. It is a society in which most people have elbowroom and the desire to learn and grow. It is a society in which people have neither the time nor the inclination to exploit and oppress, and cannot be tempted to pursue substitutes for growth such as wealth and power. It is a society in which people learn not only from books but also from each other, and no human relationship is so wholesome as the cameraderie of people who learn from each other. In such a society the schools produce not learned but learning people.

The first instance of a learning society that comes to mind is the Agora in Periclean Athens. But your enthusiasm is dampened when you remember that in that society only ten percent of the people could avail themselves of learning opportunities, the other ninety percent were slaves.

The other learning society I can think of is that of Rabbinical Judaism. It flourished through many centuries in various countries, and its last example, in Eastern Europe, was eration of Jews, young and old, rich and poor, pored over the pages of the Talmud in Synagogues and Jeshiva, swaying, chanting, debating and hair splitting. It is worth noting that quite a number of the scientists involved in splitting the atom were the descendants of generations of Talmudir hair splitters.

THE CENTRAL BOOK

The Jews of course had a book—the Talmud. I wonder whether you can have a learning society without a central book. The Athenians had such a book in Homer's Iliad and Odyssey. Could we create such a book? A vast book composed by a synod of the most brilliant minds and the most lucid writers. A book on man from his earliest beginning—his struggles, achievements and failures; his sublime gestures and monstrous follies; his hopes and fears, his gods and devils. The pages would be like the pages of the Talmud: a square of text in large print in the center, and around it, in smaller print, a sea of commentaries, controversies, guesses and gossip. A vast book in many volumes that would need a lifetime to study. It all sounds farfetched, but it is beyond dispute that an affluent, leisure society can remain stable and orderly only when its people feel that they are growing, and with the discipline induced by scarcity and hard work. We have to become a learning society in order to survive.

THE OLD AND LEARNING

The question is: Do the old have a capacity for learning? We go on associating learning with youth despite the evidence of our eyes that the young nowadays resist learning and are hostile towards those who want to teach them, and we naturally assume that an old man's mind is too flabby to hold on to a subject, and that the old find it hard to concentrate and remember. Actually there are many instances of old men who, after a lifetime of achievement, keep on learning. A day before his death, at 76, Renoir painted anemones with a brush strapped to his stiffened finger. In the evening he said as he looked at what was to be his last painting: "I think I am beginning to understand something about it." Pablo Casals when asked why he still practices so many hours a day playing the cello answered: "Because I think I am making progress." Theaphrastus complained at 85 that one came to the end of existence just as one was at last gaining insights into it. We also come across a recurring lamentation of people past seventy that, in the words of Louis XIV, "One must leave life just as one begins to learn how to live."

No one will maintain that teaching the old will be more difficult than teaching the present day young. It is becoming more and more dangerous to keep the young cooped up in schools. We are also discovering that a student's learning capacity depends more on what he brings with him than on what the school has to offer. By this test, the old, charged with the experience of a lifetime should make ideal learners. Finally, there is the forecast that, due to a declining birthrate, the student population is likely to shrink considerably in coming decades so that there will be plenty of room for the new type of student. Thus four hours a day of schooling for the old is an attainable goal.

TO IMPROVE THE SORRY LOT OF THE OLD

To sum up, a chief stain on the quality of life in America has been the sorry lot of the old. All cannot be well with a society in which lives do not end well. And we cannot remove this stain by cherishing and pampering the old. There is little chance for a cult of the old to develop in this country. It is my conviction that by returning to school the old will not only acquire a sense of worth and a feeling of growth, but will also take a hand in shaping a desirable future for the whole society. The post-industrial society with its increased affluence and leisure must become a learning society if it is to survive. Count the retired, the temporary unemployed, and the unemployable. We already have a large non-working population. If the age of retirement is lowered we shall soon have a good third of the people sitting around doing nothing. It will seem more and more absurd to go on seeing retirement as an end rather than a beginning. Moreover the rising restlessness of the young will force us to reverse the accepted sequence of learning years followed by years of action. In the post-industrial society the first half of a person's life will be dedicated to strenuous, useful action, and the second half to book learning and reflection. Old age will be something to look forward to. It will be a time for leisurely study, for good conversation, for savoring and cultivating friendship; a time for the discovery of new interests, and for the transmutation of experience and knowledge into wisdom.

MASS TRANSIT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. FRENZEL. Mr. Speaker, Mr. M. A. Wright, chairman of Exxon, in a speech at Los Angeles on May 7, made some interesting remarks on mass transit. Perhaps his ideas might inspire our conference committee on the highway bill.

Mr. Wright's transit statement follows. It is my understanding that his fine speech has been sent to each Member.

EXCERPT FROM MR. WRIGHT'S SPEECH

New means of mass transportation, including mass transit, may be needed to supplement our existing systems.

The petroleum industry has long been known for its commitment to highways as a primary means of transportation, and an excellent highway system should continue to be a major national goal. But my company supports the view that the time has come for changes at both the federal and state levels in transportation funding. Specifically, we support the creation of transportation trust funds rather than the existing highway trust funds, with monies from these funds being used for the travel systems—including mass transit—that state or local governments choose to install as best meeting their needs. We believe this policy would lead eventually toward a more efficient use of energy and a better transportation balance.

OEO HAS SPENT MORE THAN $35,000,000 TO EVALUATE ITS PROGRAMS AND WORK

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. HUBER. Mr. Speaker, as we near the moment of truth for OEO—the time for deciding what to do about the programs now under OEO—my colleagues may find this January 1973 article from the Detroit Sunday News of special value since it critiques the whole operation of the agency, providing a long-range review coupled with a look at its modus operandi. The article particularly looks into the use of OEO funds for outside consultants, evaluators, and technical advisors. According to the article, the agency has doled out more than $35 million of the taxpayers' dollars for study of its programs—including 35 different, costly, and often-repetitious evaluations of the program for pre-school children.

The full text of the article follows:

CRITICS LABEL U.S. AID A COSTLY FAILURE—THE POVERTY INDUSTRY—IT COSTS $31.5 BILLION

(By Seth Kantor)

WASHINGTON.—It's called the poverty program, and it does everything from hunting rats to paying pensions.

Poverty programs administered by the federal government will total $31.5 billion this year, making this governmental activity a major industry.

Its critics accuse it of failing to reduce the number of "poor" and failing to give the taxpayer his dollar's worth.

Example: At the end of the Johnson administration four years ago, there were 25.4 million people classified by the federal government as "poor." At present there are 25.5 million "poor"—an increase of 100,000. (A "poor" person, according to federal guidelines has an income of no more than $4,000 in a family of four.)

Example: In Providence, R.I., it was found that a hoodlum with a 20-year record of arrests had been given a job at $3 an hour as a youth counselor in a neighborhood Office of Economic Opportunity (OEO) program.

OEO regional director Robert E. Fulton said the Providence anti-poverty agency had "no apparent planning capacity." It was shaken up, its budget slashed in half by regional headquarters.

Afterward, Fulton reported: "The agency there is doing a lot more with $800,000 than it had been able to do with $1.8 million."

The bigness of the poverty program is fantastic.

When many Americans think of industrial or financial giants, they think of General Motors, Howard Hughes or the DuPonts.

Yet poverty is one of the biggest domestic financial complexes—a $31.5 billion, tax-supported industry headquartered in Washington.

It's a booming industry of 166 different programs, administered by 12 different federal agencies, paying salaries to thousands of employes and providing profits to dozens of outside contractors.

It is, in essence, a service industry.

Yet, although spending on the program has doubled since the last full year of the Johnson administration, its critics insist that it still is plagued by poor management, inadequate coordination and overlapping services.

And, as the old saying goes, "the poor are still with us."

Lyndon Johnson, during his five years in the White House, wanted nothing to succeed more than his plans for a Great Society, highlighted by a "war on poverty."

The Office of Economic Opportunity (OEO) was set up late in 1964 as the antipoverty agency and Mr. Johnson picked as its director E. Sargent Shriver, former head of the Peace Corps.

The OEO, thus, became corporate headquarters for the poverty industry while the Department of Health, Education and Welfare (HEW) served as its chief factory outlet.

Shriver generated experiments and studies at the rate of nearly $2 billion a year in his shop. Some were packaged as programs to be distributed through HEW, which already was top-heavy with programs.

"I am the first to admit that I placed too much emphasis on poverty programs when I was HEW secretary under President Kennedy," said Sen. Abraham A. Ribicoff, D-Conn.

Ribicoff believes that many of the present 166 poverty programs could be dropped and that "the only complaints voiced would come not from the poor but from bureaucrats running the programs."

Today's OEO Director Phillip V. Sanchez, who is on his way out, estimates there is an army of nearly 200,000 anti-poverty workers—not federal employes but hired through OEO funds. This army conducts programs for the poor, who despite the effort to eliminate poverty, number 25 million for this sixth year in a row.

In addition to the thousands of workers, there are the outside merchants.

"I have no illusions," one of these merchants hired to evaluate OEO programs confided to Ribicoff. "I'm in poverty for the money."

The money OEO is paying in contracts to outside consultants, evaluators and technical advisers is on the increase.

At midpoint in the first Nixon administration there were 126 of these contracts. They were worth $56.7 million. Now, at the start of the second Nixon administration there are 136 contracts, valued at $62.1 million.

New England, where the OEO is doing away with big, costly contracts to outside technical experts, is an example. The last of these contracts—$126,000 to Technical Data Systems—runs out next month. Replacing the big contracts are 45 small grants to aid 37 different OEO community action and legal services programs in the six-state area. But these diversified grants total $550,000.

Since the OEO was begun, the agency has

doled out $35.5 million to outside contractors for evaluations of its programs—including 35 costly, often-repetitious evaluations of the Headstart program for preschool children.

"It has been so bad that before a new program got going there would be evaluations of it," said William W. Allison, executive administrator of the OEO's community action program in Atlanta.

"One of the things about evaluations is timeliness," commented Orville J. Anderson, a regional chief for plans, budget and evaluation. "Too often, they come out too late to do any good."

Many outside contractors are former OEO officials who have quit the government and are now with firms getting fat OEO contracts.

Leo Kramer was an associate director of an OEO program. A year after he resigned from the agency, he opened an operations research firm. OEO records show that Kramer collected $1.8 million in eight anti-poverty contracts over the ensuing four years.

Six of those eight contracts involved the program that Kramer had helped to control at OEO.

Late in the Johnson administration, when Kramer was setting up his flourishing business two blocks from OEO headquarters, Bertrand Harding came into the OEO as deputy director.

"I was immediately struck by the number of OEO contracts going to private companies which employed former OEO staff people," said Harding, who remembers this as having "the appearance of impropriety."

William P. Kelly was in charge of the administration of contracts at OEO a few years ago. Now he is a top executive with Volt Information Sciences Inc., which has offices a block from the OEO.

Kelly can recall "a number of contracts with OEO" for Volt since he has made the one-block move.

Kramer and Kelly insist that their inside knowledge of OEO had nothing to do with the contracts their firms have won, since the bidding was done in open competition.

Nonetheless, nearly three years ago OEO toughened its contract-awarding rules, guarding against deals with firms that hire former OEO officials—leading Kramer to complain that OEO is operating these days with "a rather outmoded view of government."

Still, during the past three years, OEO has continued to spend heavy amounts of its budget on outside advisers and experts. At the start of 1973 there were 65 outside firms holding contracts that range in value from $100,000 to more than $1 million each. Many of these firms have working offices in the Washington metropolitan area, within walking distance of OEO headquarters.

The poverty business is "still seen as a growth industry," said Roy Littlejohn, who started out as a contractor almost five years ago when he said, "there still was a great deal of confidence in social programs."

Contractors who don't diversify enough drop out of business as the moods of government change. Littlejohn has spread his expertise from the CED to the Defense Department, for instance. But even when one contractor goes out of business here, two more seem to spring up.

Meanwhile, the CEC continues to struggle for control over programs it is operating on a $790.2 million budget for 1973. It is often dogged with sloppy management problems that keep it from getting what it's paying for.

For instance, local investigators discovered recently in Atlanta that an outside contractor—being paid $80,995 to supply CEC services to the elderly in poor neighborhoods—was running a "pilot project" in two high-rise apartment houses where white people live, while ignoring the surrounding black community.

But one of the OEO's most flagrant managerial blunders in 1972 involved a relatively small amount of money—an outlay of $60,000 in Monmouth County, N.J.—which, as unused funds, was suppposed to be returned to Washington.

It was there that anti-poverty officials decided to send 67 teen-agers on trips to Europe, South America and Africa, to give them "cultural enrichment" for two months last summer.

When OEO authorities in Washington learned of the trips (arranged through Youth for Understanding, an international exchange group with national offices in Ann Arbor), an investigation was begun.

It was learned that 23 of the youngsters came from homes that did not even meet poverty guidelines. The trips already were under way when the OEO decided not to pay for them.

Quietly, the OEO has referred the matter to the Justice Department for further investigations, and federal probers are looking into criminal fraud charges at this point.

What happened in Monmouth County was that local OEO board members closed their eyes to a managerial decision to send the high-school students on an international joy ride at tax-payer expense.

"This kind of thing is the chink in our armor," said OEO Director Sanchez. "This kind of thing could happen to us again."

Monday: Overlapping and duplication of services plague the poverty industry.

How funds are spent on poor:

Here's a breakdown on the leading spenders in Washington in the poverty industry and what they're spending in 1973:

[Amount in billions]

Department:	
Health, Education, and Welfare	$22.1
Agriculture	3.1
Labor	2.5
Veterans' Administration	1.6
Housing and Urban Development	0.8
OEO	0.8
All others	0.6
Total	31.5

And here's what the poverty industry was spending in 1968, in the last full year of the Johnson administration:

[Amount in billions]

Department:	
Health, Education, and Welfare	$11.7
Agriculture	0.3
Labor	0.6
Veterans' Administration	1.0
Housing and Urban Development	0.2
OEO	0.8
All others	0.3
Total	15.9

NATIONAL SECURITY IS AN ISSUE OF THE TIMES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BOB WILSON. Mr. Speaker, in these days of national trauma over the Watergate, it is important that we not lose sight of the President's responsibilities in the area of national security. I would like to share with my House colleagues an article entitled "National Security Is an Issue of the Times," by Raymond J. McHugh, the former chief of the Washington Bureau of Copley News Service, which appeared in the June 3 San Diego Union. He has prepared an incisive study of the "loneliness of power" with particular reference to national security. This is not a whitewash of malfeasance on the part of overzealous executors, but a thoughtful analysis of the implications of security breaches on the full spectrum of U.S. foreign and domestic policy. I commend Mr. McHugh's comments to the attention of my colleagues and include his article at the conclusion of my remarks:

National Security Is an Issue of the Times

Washington.—"National security."

What does it mean?

Is it a convenient cover-all phrase under which presidents hide sins and mistakes?

Or is it a grim fact of life that comes hand in hand with the oath of office, a fact that only a president can fully appreciate because in final analysis only he can interpret it?

In the shambles of the Watergate affair, only President Richard Nixon can really answer. If he believes national security as he saw it was involved he faces a cruel dilemma.

His lonely position is emphasized by the deaths earlier this year of Harry S. Truman and Lyndon B. Johnson, the last two living former presidents who might have stepped forward and tried to explain the loneliness and responsibility of the White House.

The partisan taunts of erstwhile Democratic presidential hopefuls and the acid words of some columnists and commentators do not answer the question.

It is attempting to sweep aside the unrest and assassinations of a decade, to ignore the now-muted threats of radical anti-Vietnam groups and to conclude that President Nixon injected national security into the Watergate atmosphere only to confuse the issue and defend himself.

But Nixon was not the first president to worry about the antiwar movement, its origins, some of its leaders and their possible effect on national policy. Nor was he the first president to worry about security leaks from dissident or frustrated bureaucrats.

The late John F. Kennedy ordered his brother, Attorney General Robert F. Kennedy, to undertake a sweeping wiretap campaign to plug leaks about U.S. intentions toward Castro Cuba, about U.S. views of the Cuban missile problem and about U.S. policy toward the Soviet Union and France.

One of Robert Kennedy's wiretap targets was even the late Dr. Martin Luther King and there were men in the Kennedy camp seriously concerned about allegations that King might have secret contacts with foreign sources. These allegations were never substantiated, but they were investigated by the Justice Department.

It was President Johnson who set up a small unit known as the Interdivisional Intelligence Unit in 1965 to coordinate investigations of radical domestic groups.

The unit was technically headed by Attorney General Ramsey Clark, but it included the FBI, the CIA, the various Defense Department intelligence operations, the Treasury Department's Internal Revenue Service and the Secret Service.

One could hardly fault President Johnson. He had come to office on the assassination of President Kennedy. He had seen Dr. King and then Sen. Robert Kennedy assassinated. He had seen the radical riots in Detroit, Newark, Los Angeles, and dozens of other cities.

As the 1968 presidential campaign neared, Johnson ordered this unit to redouble its efforts. He also ordered that all would-be presidential candidates get Secret Service protection.

(Sen. Kennedy refused such protection and security men still argue whether a routine Secret Service check of the Ambassador Hotel kitchen in Los Angeles would not have uncovered Sirhan Sirhan before he could kill Kennedy. The situation was not the same in 1972 when Alabama Gov. George Wallace was shot at a Maryland parking lot rally. Wallace did have Secret Service protection, but agents had no chance to check everyone in the parking lot. They would have been able to check everyone in a hotel kitchen that Kennedy planned to use as a departure route.)

The Johnson unit had grown to major proportions by the time of the Democratic national convention in 1968. Clark has claimed that he was not aware of how widespread the military intelligence operations had become, but he technically was in charge. Those over-ambitious military activities in domestic political areas eventually exploded into scandal proportions early in the first Nixon administration.

This was the climate in which Richard M. Nixon campaigned for the presidency in 1968. He was under constant guard. This reporter can attest to the tight security and the personal searches one endured before reaching Nixon at his Broad Street law office or his Fifth Avenue apartment.

President Nixon also is peculiarly a product of other domestic unrest and dissidence that was always linked to basic national security issues—the Cold War, Korea, Red China, Cuba, Vietnam, etc.

It was Nixon who sent Alger Hiss to jail for his role in a Soviet espionage case that President Truman had dismissed as a red herring. Nixon matured politically during the years of the Rosenberg trial that ended in the execution of the couple accused of giving the secret of the atomic bomb to the Soviets. He also well remembers the passionate outcry of left-wing protesters who demanded that the Rosenbergs be spared.

President Nixon was aware of the four tense years in which U-2 spy planes crisscrossed the Soviet Union, bringing back photo evidence on Russian military progress. This was a national security secret of the highest order.

He was aware, too, of the surreptitious buildup in 1960–61 for a Cuban exile invasion of their homeland. When John F. Kennedy ordered the invasion, but withheld vitally needed U.S. air cover, Nixon railed privately at friends, but he did not attack President Kennedy publicly. Again in 1962, Nixon believed Kennedy should have taken direct military action against Russian missile sites in Cuba and against the Castro regime, but again he did not attack Kennedy's compromise solution.

Today critics who ridicule his national security arguments ignore not only the Nixon career, but the day-to-today facts that dominated his first term in office.

It would have been shocking if Nixon had not studied and approached the anti-Vietnam movement from a national security standpoint. Although pious politicians and cynical writers chose to see the movement as a clean-cut revulsion by idealistic Americans against an ill-defined conflict 10,000 miles away, any president had also to guard against the possibility that honest idealists were being deliberately misled against the national interest.

From 1969 to 1972 Washington was the scene of a bitter below-the-surface intelligence battle. Intercepted messages from Communist China to some antiwar personalities heightened White House apprehensions. Leaks of classified information to the press added to an administration conviction that there were men in government who did not want Nixon to achieve "peace with honor."

The disclosure of the Pentagon Papers by Dr. Daniel Ellsberg could only confirm suspicions for some in high places that there was a group in the bureaucracy, allied with political and media elements, who were dedicated not only to frustrate the Nixon presidency, but to frustrate what Nixon held to be the legitimate and essential goals of the nation.

Richard Holbrooke, managing editor of the prestigious magazine Foreign Affairs, draws this picture of Nixon's state of mind:

1969: the world we live in, he believes, is threatened by a subversive conspiracy at every level. In the words of columnist Stewart Alsop, summarizing the views of the inner Nixon team, the administration believed that "the left-wing opposition had infiltrated the secret vitals of the Nixon foreign policy."

1970: then a sudden threat "of critical proportions": a wave of violence sweeping across the nation, with "some of the disruptive activities receiving foreign support."

1971: a theft of 47 volumes of studies and comments "from the most sensitive files," a "security leak of unprecedented proportions," creating "a threat so grave as to require extraordinary actions."

"And so, viewing the world outside the oval office as hostile, the president took internal security measures. . ."

Add this possible factor—and only the president could confirm or deny it:

That both Peking and Moscow were being stymied in attempts to turn Vietnam into an American revolution; that the intensive American counter-intelligence efforts were bearing fruit, but most important the average American citizen and the establishment were riding out the storm.

That confronted with this reality, both major Communist capitals—first Peking, then Moscow—recognized that they had lost, recognized that under Nixon the United States would persevere in Southeast Asia; and worse, it was likely to persevere in other world trouble areas; that it was time for a cease-fire in Indochina.

That faced with this, both decided they had to compromise, because only through compromise with the strongest nation in the world could they hope to gain the agreements, the trade concessions, and the credits that would permit their regimes to survive.

In this thesis, what followed were the invitations for Nixon to visit Peking and Moscow.

If one accepts that there were elements in the anti-Vietnam movement over 10 years that represented a direct threat to American institutions, there can be no question that the government's defense and counter-attack had national security overtones.

This in no way suggests an alibi for the Watergate affair itself, or for other acts of political espionage that we approved. But counter-attacks, particularly successful counter-attacks, are sometimes not easy to stop.

At this writing it appears that President Nixon made serious mistakes in delegating authority. There is evidence that some of the people he entrusted with the counter-attack were carried away, that they lost sight of the fact that they were fighting for a government, not an individual or his party; worst, they did not always differentiate between targets.

If this is true, they will have to answer. At best, Nixon will have to answer for misplaced judgment.

Much has been written in recent weeks about secrecy in government. The overwhelming consensus is that it is inherently bad. Criticism will not eliminate secrecy. For centuries the affairs of nations have demanded it.

What is bad is when men do not properly assess the reasons for secrecy, when they do not properly evaluate intelligence data, when they become so involved in the "game" that they lose sight of its purpose.

An old Revolutionary War tale recalls the day Gen. George Washington and his staff rode into a New Jersey crossroads hamlet.

A woman rushed up to Gen. Washington and volunteered to tell him everything she knew of British troops.

"Can you keep a secret?" Washington asked.

"Oh yes," promised the woman.

"Well so can I," laughed the general and he rode away.

POMPEY, N.Y., CHURCH CELEBRATES 100TH ANNIVERSARY

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. HANLEY. Mr. Speaker, in my judgment, certainly any institution which has served our society for 100 years is indeed worthy of whatever recognition that may be provided and especially when the institution is a house of worship.

At this time in my home community, that is Onondaga County, in New York State, the Church of the Immaculate Conception, in Pompey, N.Y., along with Saint Paul's Mission in Fabius, N.Y., have completed a century of service to the community. This milestone was noted with a concelebrated mass at the Church of the Immaculate Conception on June 17, 1973. The mass was arranged for by the pastor, Rev. William P. Reagan. A capacity attendance was rewarded with a beautiful homily enunciated by the Most Rev. David F. Cunningham, Bishop of Syracuse. Much of that homily is contained in an editorial which I attach.

I commend this reading to my colleagues and offer my congratulations to Father Reagan and the parishioners of the church and mission.

CHURCH MARKS FIRST CENTURY WITH SERVICE

(By Ramona B. Bowden)

For the past century the Roman Catholic Church of the Immaculate Conception in Pompey and St. Paul's Mission in Fabius have served the parish. Yesterday's concelebrated Mass marked 100 years of devoted mutual service of priests and people.

That five outstanding priests of the diocese with the Most Rev. David F. Cunningham, bishop of Syracuse; with the pastor, the Rev. William P. Regan, offered the Mass, marked the significance of the high regard in which the parish is held.

In his homily the bishop said, "The theme for the day is thanksgiving; for at a time like this the heart is overflowing with gratitude for all that God has given and will continue to give."

"What shall I render to God for all His benefits and blessings? This is the feeling of the people of Pompey and Fabius on this joyous day," said the bishop as he paid tribute to Father Regan for the splendid way he had readied the beautiful little white church for the occasion.

The bishop went on to outline the early history of the parish, noting that Ulysses S. Grant was president at that time, and the country was recovering from the Civil War. First served by nonresident priests, the people wanted their own pastor.

They knew their faith would be preserved only by an anointed priest of God, assigned by the bishop.

"They petitioned Bishop Conroy of the diocese of Albany, which included Syracuse and Onondaga County at that time. He gave the church its first president, and since that time 17 pastors have served the parish," he said.

"While they differed in various ways, yet all were alike in their priesthood of Christ. All preached the gospel, all celebrated the sacrifice of the Mass in which the worshipper received new life through forgiveness of sin," he said.

"The parish church established as a house of God signified that 'someone lives here' with the altar the focal point where the Mass was offered. 'I have placed my tabernacle among you—you shall be My people and I will be your God,' said the Lord of Hosts," he declared.

"This house is a house of prayer so that the people can come closer to God, and even after 100 years and after 2,000 years we have the faith that God will fulfill His promise that His spirit will dwell among us," said Bishop Cunningham.

"We are beginning the Holy Year of God, a celebration of 2,000 years of striving to bring religion into the world—hence a Holy Year of prayer for a time when religion can be better understood with greater emphasis on God in society. You and I are the living stones of the church. Only through us—the people—will the message of God's love be proclaimed to all mankind," he said.

The bishop went on, "It means a great deal to a pastor to have the affection and good will of his people, and this Father Regan has. The love he has for his people is reflected in the devotion you have for him. Now as we begin the new century we will be quick to say, 'What can I render to God for all His benefits and blessings," said the bishop.

An outstanding part of the Mass was the beautiful choral singing, which brought commendation from the bishop.

Father Regan in closing the Mass said that 80 years ago Bishop Patrick A. Ludden, the first bishop of Syracuse, came for the dedication. Today the sixth bishop was presented for the centennial.

"Today, in the Mass, the church presented a microcosm of the church universal—the people with their bishop and priests gathered around the Eucharistic table of Christ.

"This church has rung with prayers and hymns for many years, and the parish for 100 years. The people of Pompey have been generous with their cooperation. Today we thank God for His blessings and pray our work will continue," he said.

LOUISIANA FARMERS' FINANCIAL PLIGHT

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. LONG of Louisiana. Mr. Speaker, now that the raging rivers have subsided and most of the spring flooding is over there is little attention paid to the continuing effects of the high water which so recently covered a huge part of our country's farmland. But the damage continues because many farmers who must meet heavy debt obligations on their land and equipment will have no crop at all this year. Most of them can anticipate no income whatsoever until the fall of 1974.

The director of the Louisiana State University Cooperative Extension Service, Mr. John A. Cox, has announced the results of a study done by his organization to determine the cost to Louisiana farmers who are prevented from planting this year. Mr. Cox has found that the farmers of Catahoula Parish, La., who did not plant crops this spring will have suffered an average loss of $71,064 by the time they complete their harvest in 1974. Mr. Cox' conclusions were published in the Opelousas Daily World of Opelousas, La. Since the House of Representatives will soon consider the omnibus farm bill I include the article for the information of my colleagues:

Louisiana Farmer's Financial Plight

Baton Rouge.—Farming can be a reasonably profitable business, but circumstances beyond a farmer's control in a single year can be almost ruinous in spite of his skillful use of modern techniques and machinery.

Currently, much of Louisiana's farm land is flooded. This provides a dramatic case study of the financial effect on the individual farmer when the fortunes of nature turn against him.

John A. Cox, Director of LSU Cooperative Extension Service, said his organization made a study in Catahoula Parish recently to learn just how greatly a farmer could be hurt if high water prevents him from growing a crop this year.

Cox explains the study showed those farmers not able to plant this year will have incurred average loss of $71,064 by the time they harvest and sell a crop in 1974.

"It is important that people, especially those in business and government, fully understand how great a loss many of our Louisiana farmers have suffered and how difficult the task will be for them to recover," Cox gave as the reason for releasing the findings of the study.

"I ask all lending institutions to continue their traditional leniency in approving credit and debt schedules to farmers in times of crises. Also, I urge all government agencies to provide fullest and speediest implementation of all appropriate services to farmers during these times of unusual hardship," Cox says in behalf of the thousands of Louisiana farmers hit by floods.

In understanding the financial implications involved when a farmer says, "Because of high water, I won't be able to plant a crop this year," two factors must be considered. Cox explains.

First, it must be realized that a farmer has a tremendous investment in land and machinery which carries debt obligations whether he can produce a crop or not.

And second, farmers producing field crops don't have a monthly income. It is lumped into a short period at harvest time.

For example, a soybean farmer usually plants in May and June and sells his crop in October and November. If he loses his crop this year but has the good fortune to plant next season, it will still be October or November of 1974 before he has a cash income. A farmer in his case will have to go almost two years without income and rely on extended credit and loans to carry him through.

The financial situations of the average farmer interviewed in this study projected to the harvest time of 1974 gave the following description:

For 1973, he will have a $24,683 loss of farm income. His interest on land and machinery debts will be $4,802, depreciation on equipment will cost him $8,128 and he will need an additional $6,000 for living expenses.

Until he sells his crop next fall, he will have incurred losses and obligations of $71,064. Added to this is an estimated long term debt of $64,020, which puts the total loss and obligations at about $135,084. Even with good yields and a strong market, it will be four or five years before he is clear of the financial effects of a single year's loss of income.

OPEN LETTER TO MR. LEONID I. BREZHNEV

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. DERWINSKI. Mr. Speaker, a great deal of interest has been shown by letters of numerous organizations that represent Americans of various nationality backgrounds who originally or whose forebearers are now under Soviet domination or their governments are supposedly kept in power by Soviet military presence.

I believe their points of view deserve proper study especially in the light of the extensive press coverage that is being given to the statements of Mr. Brezhnev.

Therefore, Mr. Speaker, I insert at this point in the Record an open letter to Mr. Brezhnev submitted by the Czechoslovak, Hungarian, and Polish Councils in North America:

Open Letter to Mr. Leonid I. Brezhnev

Mr. Secretary: The terror imposed upon the nations of East-Central Europe by the ideology, the political power and military might of Soviet oppression repudiates and negates almost every article in the Declaration of Human Rights.

It denies that men are born free and equal in dignity and rights and that all should act in the spirit of brotherhood.

It denies the right of life, liberty, and security of person.

It denies the principle that no one shall be subjected to cruel, inhuman, or degrading treatment.

It denies that no person shall be arbitrarily arrested, detained or exiled.

It denies that all are equal before the law and entitled to its equal protection.

It denies the right to fair and public hearings by an independent and impartial tribunal.

It denies the right to freedom of thought, conscience, and religion.

It denies the right of opinion and expression.

It denies the right to freedom of peaceful assembly.

It denies that the individual may not be held in slavery or servitude.

It denies that the will of the people shall be the basis of the authority of government.

That these human rights are so flagrantly repudiated in Czechoslovakia, Hungary, Poland and even in your own country is cause for our concern.

1956 in Hungary and Poland, 1968 in Czechoslovakia and 1970 in Poland again have shown clearly the eternal unquenchability of man's desire to be free, whatever the odds against success, whatever the sacrifice required.

Americans of Polish, Hungarian, Czech or Slovak descent will never recognize the Soviet domination of East-Central Europe. We cannot condone in words or even in our minds any summit meeting, treaty declaration or tacit understanding which promotes or acknowledges the subjugation of our sisters and brothers.

The claim of the nations of East-Central

Europe to independence and liberty is not based on sentiment or politics. It is deeply rooted in history, in culture and in law. No matter what sort of puppet government they may maintain we do not mean to see that claim abandoned.

The fulfillment of the political, economic and ideological aspirations of the peoples of East-Central Europe is blocked by the occupation of their territory by the Red Army, by the unscrupulous economic exploitation by the Soviet Union, and by the brutal control exerted by the arms of the Soviet Secret Police. Giving testimony to the sincerity of your stated principles of non-interference in internal affairs, recognition of the right of every state to sovereignty and of promotion of unbreakable peace, behooves you to:

Assure the right to emigrate to those Soviet citizens, residents and political prisoners who desire to leave the Soviet Union and find a new life in their chosen land.

Stop the economic exploitation of the peoples of East-Central Europe and cease to use the products of Czechoslovakia, Hungary and Poland to support the spread of Communist doctrine and Soviet influence throughout the World.

Remove all Soviet troops from Czechoslovakia, Hungary and Poland.

Guided by the traditions, convictions and principles expressed above we call upon you, Mr. Secretary, that in order to accomplish your own stated goal of "unbreakable peace in which alone is possible a true cooperation of sovereign European States with equal rights," during your visit with our President hasten by every honorable and reasonable means the arrival of the day when the men and women of Czechoslovakia, Hungary and Poland will stand again free from Soviet military and ideological domination, in liberty and justice.

REMARKS OF LEONARD DAVIS AT THE DEDICATION CEREMONY OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CALIF.

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. HAWKINS, Mr. Speaker, I rise to inform my colleagues that on February 12, the University of Southern California, in my own 21st District, dedicated new facilities for its Ethel Percy Andrus Gerontology Center.

The center, made possible by the generosity of, among others, Leonard Davis, president of the Colonial Penn Insurance Co., of Pennsylvania, as well as the members of the American Association of Retired Persons and the National Retired Teachers' Association, aims at improving the quality of life for our older citizens through its programs of research in the biological and social sciences, and graduate training and public service programs.

Mr. Speaker, during the formal dedication ceremony, Dr. Norman Topping, chancellor of the university, Mr. Davis, and others, spoke of what the center could mean to Americans aged 65 and over as well as of the generosity of those who had helped make the center a reality.

Said Mr. Davis:

The Center with its diversity of studies touching on all the areas of life will be a tremendous source of help and enlightenment. The time is at hand to find a new and better way to live old age. That is what those growing old and those studying aging must do together, and we take the very first step here today.

Mr. Speaker, I ask unanimous consent to insert Dr. Topping's introduction of Leonard Davis, along with Mr. Davis' remarks, at this point in the RECORD:

REMARKS OF DR. NORMAN TOPPING

Honored guests, ladies and gentlemen. It has been my privilege to take part in the dedication of many fine buildings on our campus. None of these occasions has been a greater pleasure than today's ceremony.

In this handsome facility we can see a building of the future. For the aged do have a great future. Moreover, the Ethel Percy Andrus Gerontology Center stands not only for that future but as a pioneering landmark today, setting an excellent example for other academic institutions.

This building is a culmination of a great and dedicated effort led by Leonard Davis, President of the Ethel Percy Andrus Memorial Fund which contributed so substantially to the construction of the center. A man whom I have the honor to introduce this morning.

Mr. Davis, who is also the President of the Colonial Penn Insurance Company, has long devoted much time and energy, both to the cause of older people and to educational institutions. A graduate of City College of New York, he served as Chairman of the Board of the Alumni Fund. He established the Leonard Davis Institute of Health Economics at the University of Pennsylvania and has given major support to Brandeis University.

Mr. Davis was in the midst of a successful insurance career in 1955 when he was approached by Dr. Andrus to establish an insurance program for retired people. Until that time no insurance company in this country was able to underwrite the need of the vast number of people in their later years. Perhaps these companies had seen that there was much difficulty as yet. But Leonard Davis, typically, saw an opportunity to serve a great population and so he created the first actuarially sound health and accident insurance plan for the nation's elderly.

For this, and his many other accomplishments, he has received well-deserved honor and respect from retired persons throughout the nation. Indeed the two great organizations for retired men and women represented here today made him their Honorary President.

In recognition of his remarkable achievements, this University presented him with an Honorary Degree two years ago. The Degree citation said, in part, "While still a young man Leonard Davis became outraged by the discrimination against those who have lived more than threescore years. Using his innovative talents and business acumen, he has devoted his life to improving the human condition for millions of older Americans."

The citation concluded, "For his far-reaching accomplishments on behalf of each of us in America, the University of Southern California is proud indeed to bestow its highest honor upon Leonard Davis".

Ladies and gentlemen, we felt strongly for Mr. Davis when those words were first uttered, and our whole-hearted admiration for him—which we share with all who know this great man—only increases with the passage of time.

It is a privilege to present our very good friend, Chairman of the Board of Counsellors of the Ethel Percy Andrus Gerontology Center, Mr. Leonard Davis.

REMARKS OF LEONARD DAVIS

A NEW ERA

Dr. Topping, President Hubbard, Jim Birren, ladies and gentlemen, and very, very distinguished guests. We are here today because of two very remarkable social phenomena, both having to do with human aging.

AARP-NRTA

The first concerns older persons themselves. This building stands today because the members of two great organizations, the American Association of Retired Persons and the National Retired Teachers Association, saw the need for just such a training and research facility. They were determined that it would rise as a living memorial to their founder, Dr. Ethel Percy Andrus, one of our nation's most ardent and innovative pioneers in the field of creative aging.

The second has to do with the brilliant and dedicated men and women who will staff the Center. Men and women who are still young but who have recognized aging as the last, great unexplored frontier in human experience and have chosen to devote their time, their talents, their lives to opening up this frontier and realizing its fullest possibilities.

Twenty-five years ago this building would not have existed because older people, being pushed by great social upheaval into the backwaters of life, had not become aroused to the challenges this very upheaval presented them. It would not have existed twenty-five years ago because at that time only a handful of the most perceptive and far-sighted scholars and scientists were deserting proven fields of study and forging their way into the new study of aging.

A BRIDGE OF ENLIGHTENMENT

But a lot can happen in twenty-five years and today we see proof of it. Here today the people are learning about aging from living it, and the people who are learning about aging through every avenue of science and research open to them have joined hands. They have built the bridge over which will flow—from both directions—the knowledge and experience that will enlighten and enrich generations to come.

I know of no more fitting way to celebrate this occasion than by setting in motion the dialogue, the steady flow of communication between the partners in this great endeavor—between those growing old and those devoting their lives to the study of aging.

Having been so long and so closely associated with the members of AARP and NRTA and having watched them attain leadership status among the elderly of the entire nation, I would like to try to set the stage for this dialogue to begin.

First, to establish the tone, I would choose these words of Dr. Andrus, whose memory we honor here and whose greatest work was done before there were such things as gerontology centers. Dr. Andrus said, and I would like to quote: "The opportunity to live a dignified, productive and satisfying life is within the reach of all of us. We must frankly realize the changes, not only in ourselves but in the social role we can play. We must minimize old activities that we can no longer pursue successfully and adopt new ones that we can. We must graciously and progressively accept changes in the standards we place for our self-assessment. But most of all, we must face fearlessly the great problems of life that is always with us from youth to age. What are the goals that bring value and purpose to our lives? And then we must convert these goals to action."

AWAKENED OLDER GENERATION

And now we come forward to those who honor her. Let me point out that when we started this project 4 years ago, the membership of AARP and NRTA at that time was 2,000,000 members. By the time of the groundbreaking we had reached a total of 3,000,000 members, and now as we hold these opening ceremonies our membership stands at 5,000,000 members. All of which proves the very thing that Dr. Andrus staunchly maintained that this is an awakened older generation. An older generation taking its own destiny back in its own hands.

I ask you that will work at the Center to pause and consider that the subjects of your research and study will be the people who formed the 20th century. They were born with it. They matured with it, and now they grow old with it. Many of these people were born by lamplight with the help of a doctor who arrived by horse and buggy. But they have broken most of the ground rules of past generations and they have challenged most of the values, and their achievements are as diverse as harnassing atomic energy breaking the genetic code of human life and landing man on the moon.

CREATIVE RICHNESS

They have moved through the industrial age and the age of technology, making their contribution and watching everything about American life change in the process. Their knowledge and understanding are awesome. So what is the predominant message these people would like to convey to those who are committed to the study of aging.

First, I think, they would like it understood that old age cannot be treated as a fact apart from life. People do not grow old in a vacuum. They were not born old. Nor are they, through the circumstance of age, cut off from all that formed them and which they formed.

Actually a major barrier to the understanding of old age is the tendency of so many people to talk about the elderly as if they had no prior history. As if they had come into existence old. But how far from true this is. People now old are the architects of what is current. Deep sociological changes do not happen quickly enough to be offered to the people who seem to be making them happen.

They had their inception quite a while ago with the old, thus it is the results, not of abstract historical process but of their own lives with which the aging have to cope. And so we see that the traditional lament for the old man that the world has changed and passed him by is no longer valid.

More than at any other time or place, America's 20th century man has participated in his own history. To an unprecedented degree, he was not done to—he did. And the same creative richness that was capable of shaping an age is capable of shaping a new old age. And I think here we begin to see quite clearly the second overwhelmingly important thing, that older people would like those who work in their behalf to understand. It is that they do not consider aging in itself to be a problem and most certainly they do not consider themselves to be problem people. Not any more than the child, or the adolescent, or the young adult or the middle-aged person could be classified a problem because of the special characteristics of his stage of development.

SOLUTIONS TO PROBLEMS

Certainly this does not mean that today's older people are not realistically aware of the problems that they do face. Their drive to create the center for the study of aging attests to that a thousandfold. They know the problems are many and complex. But these are the peoples who are used to problems. Seeing solutions has been an integral part of their whole lives. Yet only a small part. Now one of the most devastating things that can happen to them is to see everything about aging; the facts, the mysteries, the deep questions, the changes, the processes and the illnesses—even the new options and opportunities all lumped together in one dismal category called "The Problem of Aging". They are not prepared to accept this.

The people we are talking about are used to thinking of problems as opportunities and acting on them accordingly. They are undaunted by the fact that many major questions about aging remain unanswered. Just as many questions about other phases of life remain to be unanswered. To them aging is just that. Another phase. A new aspect of life to be dealt with as they have dealt in turn with all the other aspects, all other phases. And they enter retirement as they would embark on any other endeavor. It is a new field to conquer and we are determined to conquer it.

And as they do, the center with its diversity of studies touching on all the areas of life will be a tremendous source of help and enlightenment. The time is at hand to find a new and better way to live old age. That is what those growing old and those studying aging must do together, and we take the very first step here today.

IMPOSSIBLE DREAM?

You may feel that what I am saying is too optimistic. We look around us and see many older people whose lives are precarious and bleak. We constantly are confronted by the shameful statistics about the number of older people who live in poverty, who are ill and dependent and have no place to turn. Does this mean that what I have been describing is an impossible dream? I don't think so.

These conditions represent not so much a picture of aging as much as a reflection of social failure which we, as a nation as a whole, must rectify. On the other hand, we know realistically, that even as we make progress that even under optimum conditions it will not be possible to rescue all the people from all of the dehabilitating effects of aging.

However there is a crucially important fact to bear in mind. That is that even now with so much still to be done, people suffering these effects are just a small minority of the old people. The elderly, themselves, are acutely aware of all this. The good and the bad and given half a chance they prefer to concentrate on the good.

For instance, they know of the diseases that are associated especially with old age. But they do not consider these their special blight. They prefer to regard them as diseases like other diseases, like polio and tuberculosis—and soon, we hope, cancer which will yield to the onslaught of modern medicine. Actually they are convinced, and they have the strong evidence of science on their side, that most older people can have a good and satisfying life. And therefore perhaps the greatest contribution of this generation of older people will be to conquer the fear of aging. Old age has been feared because, in a sense, it has been unknown. As it is made known, the great pleasures and achievements that are possible in this time of life will begin to emerge.

THE NEW AGING

So let's conjecture for a moment what this new aging will be like. I believe that within a relatively short period we can make it the expected thing that retired men and women devote their major efforts to the major problems that are facing them at that time of their life.

Not long ago I read an article by James Michener in which he told of the Japanese tradition which entitles a man after the age of 60 to lie in his kimono and rest as a symbol of authority and wisdom. In the United States we deal more in action than in symbols, and I think this generation of older Americans can be the one that makes it genuinely accepted that older people use their accumulated experience and wisdom, not to cultivate hobbies but for the betterment of mankind.

We will see more and more people entering retirement with the explicit purpose of using leisure for something more constructive than most ordinary work, and as they do retirees may well become the real revolutionaries—or evolutionaries—dedicated to finding ways to improve life in the world as a whole. How to be humane, how to be involved, how to live at peace, how to solve the nation's complex racial problems, how to get at the root causes of crime and violence, how to restore harmony between man and his environment, how to make government more responsive to the people, and how to start this revolution in individual lives in relationships people form with each other. These have proved to be elusive questions for people caught in the stresses and pressures of competitive living. So who is better qualified to search in depth for the answers than people who have graduated out of the competitive hassle, and people with a lifetime of experience behind them. They come forward with the mature insight to do great things. Insight that time alone can bestow. And freed from the pressing duties of middle years they are prepared at last into all the special levels of leadership that they alone can fill.

OUR CONTRIBUTIONS

And so the real challenge facing us at this moment is how all of us together can contribute to this new pattern of aging. You, in the biological and medical sciences, will find additional ways to enhance the body's own miraculous ability to compensate for its gradual losses . . . so that strength and vitality will continue much later in life. You, in the social sciences, will discover what circumstances and what social equations best free the aging capacity for service and participation. And we of AARP and NRTA will continue to do the very things that Dr. Andrus so vigorously advocated.

We will work to destroy those stereotypes of aging that imprison people in narrow, frustrating roles. We will persist in our assault on chronological age, which is in no way ever a reliable measure of either reliability or capability. We will, in our work together, enable this new image of aging to be strengthened and to grow.

As all of you know, during the year that the Center was being built, the White House Conference on Aging was held in Washington, D.C. The conferees at that time called for the immediate establishment of a National Institute of Gerontology, and for the encouragement of other centers of learning to study human aging. Though legislation was enacted in those areas by the Congress, I regret to note that unfortunately it has yet to be put into law due to the Presidential veto. However I take real pride in pointing out that we anticipated this mandate at the White House Conference by at least four years.

Long before the White House Conference called for making Gerontology a separate entity within our National Institutes of Health, the University of Southern California and NRTA/AARP had joined to create a multidisciplined Gerontology Center which would bring together specialists from every field from all over the world, to apply their expertise for enlarging the options and opportunities of those growing old.

Further, the Center would serve as a model to encourage other great Universities to develop gerontology programs until the potentials of aging can be fully realized.

THE DAWNING OF A NEW ERA

And now I think we will see a new era dawning. The private sector, the universities, the federal government, all the people, all will be joining their efforts to seek the knowledge and understanding that will preserve the last fourth of human life from the limbo to which it might have been allowed to sink.

We at last, as a nation, will have marshalled all our forces toward achieving that ultimately fruitful maturity that reaches its peak of leadership and creativity—not in the middle years—but toward the end of life itself.

Therefore, this occasion for which we are gathered rates as one of genuine historical importance. It is a forerunner of great forward movement that is just taking shape. True, today started off just like any other day for 20,000,000 older Americans. Those still actively involved in our economic, social or government life had appointments to keep, people to see and plans to set in motion. Others who are pioneering new lifestyles of leisure and retirement approached a different kind of day, with different challenges.

To our shame, many others awoke, as of course did many younger people—as well—to a lonely, unremitting struggle with poverty or illness. But over 5,000,000, or over ¼th of all older Americans awoke this morning knowing that this was a special day and they had a part in making it so. Today the Ethel Percy Andrus Gerontology Center would open its doors at the University of Southern California. A day when a new dedication to explore the opportunities of aging would be affirmed. When a new probing of the heart of man's full maturity would be launched. A day rich in hope and promise with our own pioneering generation and for countless generations to follow.

AN INTIMATE FAMILY

And if I may take just one minute now in a very sentimental moment, I should like to recognize the intimate family that practically lived together, and certainly worked together during the last twelve years of Dr. Andrus' life—which I am sure were the most productive and the most important period of her life. First there was Ruth Lana, our Honorary President, who certainly was Dr. Andrus' right hand in everything that Dr. Andrus ever did. Then there was Ruth's daughter, Laura Warren, who was there for anything and everything that Dr. Andrus ever needed. And of course there was Dorothy Crippen who was her most faithful and devoted assistant. And on the east coast there were what Dr. Andrus referred laughingly as "The Three Musketeers" and their wives who devoted their entire lives to what was then this new cause to better the lives of older people. . . . Tom Zetkov who is here with us and his wife, Olga, who unfortunately is not able to be with us today . . . Leonard Fioco, who recently passed away prematurely, but is with us in thought always, and of course his wife, Doris, who is with us today . . . and of course myself and my wife, Sophie.

We were fortunate to be in a group that were allowed to share her efforts, her joys, her hopes, her plans and dreams, and each of us carries with us a piece of Dr. Andrus within us and I know that everyone of us feel that we and our lives are a lot fuller for having shared this experience.

We were given a mission and I feel certain that were Dr. Andrus able to communicate today with us, she would be very proud of the way we have continued her work in both associations. And she would be equally proud of the great memorial we have built in her memory. It reflects her dignity in physical form and, more important, it reflects her purpose in the work that will be done here.

It has been a happy family and important as this day is for everyone of us here, it has a very special meaning for those of us who were fortunate to be part of her very special family.

Thank you very much.

NEED FOR ELIMINATION OF WESTERN HEMISPHERE TRADE DEDUCTION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. VANIK. Mr. Speaker, the Western Hemisphere Trade deduction reduces a qualifying corporation's statutory tax liability rate from 48 to 34 percent, without economic or equity justifications. This tax provision has also benefited taxpayers whom the Congress never intended to benefit. When the Western Hemisphere Trade deduction—WHTC—was incorporated into the law in 1942, its original intent was to exempt American corporations actively doing business outside of the United States, but in the Western Hemisphere, from the World War II surtax.

In examining the original debates on this provision, it appears that the rationale for the original legislation in 1942 was that several American corporations, engaged in actual business operations in Latin America, actively lobbied for the provision—Patino mines in Bolivia, a telephone company in Argentina, and a railway company in Central America claimed that the surtax was unfair. The Patino mines thought the war surtax was unfair and that the U.S. tax was too high a price to pay for a U.S. charter—threatening to charter elsewhere if an exemption was not granted. Also on the committee record was a letter from ITT operating in Argentina urging the exemption. Senator George, then chairman of the Senate Finance Committee, said:

> That the tax laws of other countries did not levy taxes on the foreign based branches of domestic corporations and that to alleviate the inequity somewhat, and to encourage our American corporations in doing business in the western Hemisphere, we have provided the WHTC.

But what began as a so-called life saver provision for several specific U.S. corporations soon became a "free-for-all." The vague language of the provision soon allowed domestic exporters to utilize the benefits, and through a series of legal and accounting gymnastics, they created domestic subsidiaries to qualify as WHTC's. To qualify, all a corporation must do is:

First. Be a domestic corporation.

Second. Conduct all of its business in the Western Hemisphere.

Third. Receive 95 percent of its income from sources outside of the United States.

After World War II the provision was greatly expanded by judicial interpretation so that exporters, with no investment outside of the United States—or subsidiaries that are designed to benefit from the provision—could become WHTC, for tax reduction purposes.

The following is an example of how the WHTC deduction is computed for a corporation with $100,000 net income.

First, $100,000 net income (normally fully taxable) times 14 percent divided by 48 percent equals $29,167.

Second, $100,000 net income minus $29,167 deduction (WHTC) equals $70,833 for taxable income.

Third, 48 percent of $70,833 equals $34,000 Federal tax payable.

Fourth, $70,833 taxable income minus $34,000 approximate Federal corporate tax paid equals $36,833 plus $29,167 equals $66,000 income after tax.

The Western Hemisphere trade deduction saved this corporation about $14,000.

The same example is taken without the WHTC deduction for a corporation with a net income of $100,000:

First, 48 percent of $100,000 net income equals $48,000 Federal tax.

Second, $48,000 Federal tax payable.

Third, $52,000 Income after tax.

LEGISLATIVE HISTORY OF THE WESTERN HEMISPHERE TRADE CORPORATION ILLUSTRATES ITS LACK OF ECONOMIC JUSTIFICATION

In 1942 the World War II excess profits tax was adopted by the Congress, and an exemption from that tax was granted to domestic corporations that derived 95 percent of their income from sources outside of the United States. This provision was introduced as a floor amendment in the House and passed without debate. The rationale for this special treatment was that the excess profits tax related to fiscal problems of the American domestic economy and was designed to combat the rapid increase in domestic income brought about because of defense spending. For the very few corporations—mentioned earlier—whose business activity was elsewhere in the world, primarily in Latin America, proponents urged that they should not be affected by this tax.

But looking later and deeper into the records it becomes somewhat clearer how this provision actually made it into the law. The following is a committee colloquy which took place in 1955 between Senator Douglas and Prof. Roy Blough, who was the Treasury economic expert on taxes in 1942 when the provision was adopted into law:

> Senator DOUGLAS. But there is a special exception made in the case of Latin America and there is exception, as I understand it, made in the deferral of taxes on reinvested earnings of foreign incorporated subsidiaries of American concerns, am I correct?
>
> Mr. BLOUGH. That is correct.
>
> Senator DOUGLAS. My inquiry is, was it wise to get started down this road in the first place?
>
> Mr. BLOUGH. Well, I was in the Treasury at the time the 14 percentage points was first put in, and my recollection is that there were a very few specific corporations which had particular financial problems, and which were represented by some pretty influential people, and Congress——
>
> Senator DOUGLAS. This is not an economic argument. It may be a political argument, but it is not an economic argument. We are trying to be economists and statesmen, and not politicians you see.
>
> Mr. BLOUGH. Yes indeed, and to conclude my point, and it seems to me that the considerations which dictated that action, were different from the ones you have in mind. Now, the matter has been rationalized since

then into something different, but if my memory serves me correctly, that was the actual basis for it in the first place.[1]

The Treasury Department was not happy about the resulting preferential treatment and proposed as a solution that the Latin American corporations involved be exempt from the war surtax. The State Department opposed preferential treatment for American branches since it thought foreign incorporation to be a desirable solution. As a result of conflicting pressures within the administration the Treasury took no active position. Unfortunately, this was the climate in which the Western Hemisphere trade deduction came into law. And as Stanley Surrey, former Assistant Secretary of the Treasury, said of the WHTC in the Columbia Law Review in June, 1956:

> Clearly the isolated and atypical problems which were presented in 1942 did not justify the broad rate reduction contained in the WHTC. One is struck with the paucity of Congressional consideration and discussion of these issues in 1940 and 1942. One senses the pressure exerted by a few important or persistent taxpayers and 'ad hoc' resolutions of their problems. Yet the principles and rationalizations poured into these provisions after their adoption, are in marked contrast to their origins.

EXPORTERS JUMP ON THE BAND-WAGON

The most dramatic revenue losses to the Treasury as a result of the Western Hemisphere trade provision have been in an area that was entirely unforseen when the provision was enacted into law by the Congress. Again, speaking in the Columbia Law Review of 1956, Stanley Surrey said:

> The draftsmen of the measure having in mind the corporations actively operating in Latin America which had succeeded in obtaining from Congress the lower tax rate, and lacking the sufficient tax knowledge about the general tax background respecting foreign income, simply used the pattern of prior provisions referring to income from "sources without the U.S." They believed that this language, together with a requirement that the income be derived from the "active conduct of trade or business," would properly delineate the situations involved. Subsequent developments proved that they were sadly misinformed.

Today the Western Hemisphere Trade Corp. is largely a feature of export trade and not of domestic manufacturing activities with heavy export sales.

Many corporations will break off part of their operations and create a Western Hemisphere Trade Corp. to receive the lower tax rate. Most exporters readily altered their normal business operations to fit these new tax-dictated patterns.

Nearly all of the exporters who operated under the provision recognized that their new business operations were artificially tailored to the tax rules. Tax counsels carefully scrutinized all business accounts and transactions to insure that WHTC status was not lost. Once these tax counsels make the necessary arrangements, the exporters can readily enjoy tax windfalls which an uninterested Treasury, an uncritical Congress, and hurried draftsmen handed them in 1942.

LEGISLATIVE RECOMMENDATION

The continuance of this provision beyond its World War II setting was an accident of tax history—and an unnecessary one.

The only possible benefits resulting from this provision might be a slight increase in our export trade. But it might also be noted that this export benefit is more than offset by import inducements which are also provided by this provision. With other direct tax inducements to export, it seems needless and senseless to maintain this substantial revenue loss, expected to cost $190 million in 1973. This tragic "tax mistake" by the Congress and the Treasury has cost American taxpayers over $10 billion since 1942.

On Friday, June 22, I introduced a comprehensive trade bill, H.R. 8943, designed to provide a wider range of debate and alternatives during the Ways and Means Committee's current executive session consideration of H.R. 6767, the administration-backed Trade Reform Act of 1973. Included in the tax provisions of my trade proposal is a section providing for the long-overdue repeal of the Western Hemisphere Trade Corp. deduction.

It is my hope that the Ways and Means Committee, during the present trade reform hearings, will accept this amendment and eliminate this "wart" from the tax code.

SOVIET RESTRICTIONS ON JEWISH EMIGRATION

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. HICKS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: On June 21 I received a letter which I feel might be considered in evaluating the assurances given June 19, by General Secretary Brezhnev to congressional leaders in regard to restrictions on the emigration of Soviet Jews to Israel. Dr. Edward A. Stern, professor of physics at the University of Washington in Seattle, has called to my attention the plight of seven Soviet Jewish scientists who since June 10, have been on a hunger strike in Moscow to protest their being refused permission to leave the country. Attached to Professor Stern's letter is a plea dictated by Soviet scientist, Dr. Mark Azbel, which outlines the restrictions and harassment he and his colleagues have encountered.

In General Secretary Brezhnev's appearance June 19, he was quoted to the effect that 95 percent of Soviet Jews are free to emigrate and the cases of some blocked on security grounds can be reconsidered. He went on to urge that, "mutually advantageous prospects of a multibillion dollar Soviet trade should not be bedeviled by the past." Based on those assurances, the General Secretary has asked that United States-Soviet trade relations be freed from restrictions, such as the amendment introduced by Senator JACKSON, which would make the granting of credit and "most-favored-nation" tariff treatment to the Soviet Union contingent on a guarantee of free emigration of Soviet Jews.

While I find it encouraging that Mr. Brezhnev chose to confront this question in a spirit of accommodation. I do not believe we should allow his persuasive presence or our unquestionable interests in detente to deter critical examination of the basis on which he has made his assurances.

To contribute to the ongoing discussion of whether or not restrictions to Soviet-American trade should be imposed or withdrawn based on the emigration question, I am inserting Professor Stern's letter and accompanying enclosure in the RECORD.

UNIVERSITY OF WASHINGTON,
Seattle, Wash., June 15, 1973.

Hon. FLOYD HICKS,
House of Representatives,
Legislative Building,
Olympia, Wash.

SIR: I am writing this letter to request your support for the seven Soviet Jewish Scientists who started a hunger strike in Moscow on June 10. The State of Washington has a unique and special interest in this situation because the University of Washington became one of the first and the best lines of their communication to the outside world.

In the course of exploring the possibility of inviting Prof. Mark Ya. Azbel to visit our physics department for an extended time, as approved by our department, and with the full support of the College, I telephoned Azbel in Moscow on Friday June 8. He told me that the realization of his visit was not up to him, but to me and other concerned scientists, and asked if I would be willing to copy a letter that he would dictate over the phone. He requested that this letter get the fullest publicity, both in the scientific and general communities, as only through such publicity and support that it may engender could he hope to be allowed to leave the Soviet Union. He had applied for emigration to Israel and heard on May 21, that his application was denied, this in spite of the fact that his 12 year old son is already in Israel and in spite of the fact that he has never been involved in any classified research. He is being refused simply because he is a professor!

Enclosed please find a copy of his letter as dictated to me without any grammatical corrections. I believe that you will agree that it is a very touching and powerful letter.

As per his request, I called him a second time today and received the attached statement from seven Soviet Jewish Scientists including Azbel who have started a hunger strike in protest of their treatment. As you can well imagine, this is a very serious step on their part and their lives are now endangered.

I clearly do not feel qualified to suggest how you could most effectively support these seven Soviet scientists and what they represent, but I earnestly plead for your effective support. A unique opportunity exists with the coincidence of Brezhnev's visit.

Sincerely yours,

E. A. STERN,
Professor of Physics.

JUNE 8, 1973.

To the Scientists of the World:

I address to you my colleagues, Bardeen and Schrieffer, Dyson and Ziman, Peierls and Fawcett, Kittel, Dresselhauss, Mattis, Pippard and Chambers. I address to all the scientists who are not indifferent to the fate of their friends in science. I address to all the scientists who are human beings and not the two hand computers.

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[1] Hearings before the Subcommittee on Tax Policy of the Joint Committee on the Economic Report 84th Congress 1st. 624 (1955).

For 20 years I was engaged in science in the Soviet Union. I want to live the rest of my life in Israel. My 12-year old son is already there. He got his permission on March 27, and yet I am not allowed to leave the USSR. I am not accused, as many others are, of being involved in the secret activities, possibly because of the topics of about 100 of my papers which were published in the Scientific magazines all over the world and which were submitted to these magazines from the well-known institute. I happen to be guilty just in being the doctor of science who must not be useful anywhere outside the USSR, and I am condemned to be separated from my son and to be forcibly detained in the USSR.

I do not know who passed this sentence on me. I do not know for how long it will act. I cannot even appeal against it. I have not got any written sentence. It was told to me only orally and only by the irresponsible visa official, the only secret court of our time who announces the most essential judgement in the life of the Jew who wants to live in Israel—without any law, any lawyers, any defenders, any publicity and even without any written sentence. Will the world accept such a bible of inquisition customs, such absence of any control, such arbitrariness? Are the scientists and their societies so weak as to allow the scientific degree to become the stamp of state property? Will the lawyers and their international organizations be silent? I cannot be silent. I appeal! Scientists over the world help me! I can never get rid of my doctor's thesis. Does it mean I shall never see my son in Israel?

MARK AZBEL,
Professor, Doctor of Science.

BACKGROUND INFORMATION ON PROF. MARK YA AZBEL. BORN 1932 IN SOVIET UNION

Up till the time he declared his intention to emigrate to Israel in the fall of 1972, he was a Professor and head of the Depart. of Electron Theory of Metals at the Landau Institute of Theoretical Physics in Moscow, the most prestigious institute in the Soviet Union. After applying to emigrate, he lost all his positions and is now receiving no salary. He is not allowed to publish in Soviet scientific journals but can publish in Western scientific journals subject to the reliability of the mails, which in his case is not reliable. Many scientists in the Soviet Union have been prohibited by their institutes to further cite his scientific work. A recent book of his own "The Electron Theory of Metals" is now being withdrawn from various libraries.

His 12-year-old son was allowed to emigrate to Israel, being notified on Mar. 27. The Soviet regulations are that a person has three weeks to emigrate after notification or else forfeit his right to leave. Only after almost two months past his son's leaving was Prof. Azbel and his wife notified on May 21 that their application to emigrate was denied.

Professor Azbel, in desperation, started on June 10, a hunger strike with six other Soviet Jewish scientists, in protest of the denial of their right to emigrate.

EDWARD A. STERN.

STATEMENT OF SEVEN SOVIET JEWISH SCIENTISTS

Seven Jewish Scientists including Professor Mark Azbel began a hunger strike of an indefinite period on June 10. The following is their statement as dictated over the telephone from Moscow June 11:

For sometime past, officials of the Soviet Ministry of the Interior have established a practice of frankly explaining to scientists and specialists trying to leave for Israel that the reason for their detainment in the USSR is their professional qualifications. Pretense about secrecy is more and more often shed nowadays and motives of state interests and one's value as a specialist prevails. Thus, simultaneously with the suspension of the use of the education tax, it becomes all the more apparent that we are enslaved without the right of redemption. As most of the specialists lose their jobs when they apply for an exit visa, the state interest involved in our detainment is simply the right of the state to dispose of our fate at will. The fact that one of our colleagues Yevgeny Levich has been recently drafted arbitrarily as a soldier shows that the scope of our possible usefulness to the state is quite unlimited. For all we know this new kind of serfdom may be sanctified silently by many political leaders of the world. Relying, therefore, mostly upon ourselves, we intend to prove that we belong to nobody but ourselves. Being considered state property, we prefer, as a matter of principle and provided all other ways are exhausted, to destroy this property rather than recognize that anybody is entitled to our souls and bodies. As a first step we declare beginning the 10th of June a hunger strike of many days in protest against the principle of property in human beings as manifest in our forciful detainment in the USSR. The place of the hunger strike is in Moscow.

Prof. MARK AZBEL,
Physicist.
Dr. VICTOR BRAILOVSKY,
Cybernetist.
Prof. MOSES GHITERMAN,
Physicist.
Master of Science ANATOLY LIBDOBER,
Mathematician.
Dr. ALEXANDER LUNTZ,
Mathematician.
Dr. VLADIMER ROGINSKY,
Physicist.
Prof. ALEXANDER VORONEL,
Physicist.

MISS NELLORA REEDER CELEBRATES 50TH ANNIVERSARY AS TEACHER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. WOLFF. Mr. Speaker, I want to bring to the attention of my colleagues the fine work that Miss Nellora Reeder has done as a teacher for the last 50 years in Port Washington, L.I. She has been honored as one of the five "Outstanding Elementary Teachers in America for 1973." About 150 former pupils and friends gathered at the Vincent Smith School in Port Washington to honor Miss Reeder. They traveled from as far as Florida and Illinois. I was delighted to have Miss Reeder visit me in Washington last week. She is an extremely competent teacher, a very charming guest, and a wonderful example for all Americans of what a dedicated teacher can do to improve the lives and education of thousands of children.

I am pleased to insert in the CONGRESSIONAL RECORD the following article from the New York Times, June 9, which chronicles only some of Miss Reeder's accomplishments.

FETE IS SCHEDULED FOR LONG ISLAND TEACHER, A RECEPTION TODAY TO MARK HER 50 YEARS OF SERVICE

(By George Vecsey)

PORT WASHINGTON, L.I., June 9.—When friends realized that Nellora Reeder was teaching her 50th year here, they offered to throw her a party at one of the nearby yacht clubs.

But the 73-year-old first-grade teacher had another idea.

"I don't smoke and I don't drink and I don't dance too well," she said. "Besides, the music they play is so loud, you can't hear your friends talk. What I'd really like is a reception at the school, where I can visit with all the people I taught."

Therefore, the many friends of Nellora Reeder will gather tomorrow aternoon in the home-like atmosphere of the tiny and private Vincent Smith School, to honor the direct little woman who taught them good values and good reading.

The friends will also honor Miss Reeder for being named yesterday as one of the five "Outstanding Elementary Teachers in America for 1973" by an enterprise in Montgomery, Ala., that publishes seven listings of "outstanding Americans" in various fields.

TROPHY AWARDED

The company, Outstanding American Publishers, had previously included Miss Reeder among 6,000 teachers for this year. The Smith School will receive a prize of $500 and Miss Reeder will receive a trophy, according to the company.

The world has changed vastly since Miss Reeder and Adelaide V. Smith, the founder of the school, first came here in 1923. Long Island was then a series of small villages and farmlands, and the Gold Coast of Nassau County was a playground for the favored people.

"We were never a part of the Roaring Twenties," Miss Reeder said in a recent interview, smiling slightly at the idea. "Oh, somebody might invite us to dinner and we would watch the sun set over the water. But we were trying to keep the school going. We had no time for social life."

Instead, Miss Reeder concentrated on teaching first-graders to read, using the phonetics system she had learned as a child in Florida.

"I used to edit all the textbooks for Holt, Rinehart and Winston and I never saw a method of teaching as good as Miss Reeder's," said the school's headmaster, Dr. Milton Hopkins, who serves without salary here. "All the public schools keep experimenting, but Miss Reeder's children never have a reading problem."

Miss Reeder says that children wanted to learn more and were better behaved in past years. And Miss Reeder, whose apartment is only a few feet from her classroom, laments that teachers have more pressure to rush home after school or take second jobs these days.

CHANGE IN STUDENTS

Once the student body was mostly Gold Coast—the Luckenbachs and Paleys and Guggenheims. She also taught all four children of the poet Robert Morley. Today many families from newer communities on the North Shore pay the $1,350 for a year of small classes and individualized instruction.

The students remember Miss Reeder. This week she has received letters of praise from California, Scotland, a doctor on an aircraft carrier, lawyers, ministers, writers, teachers and businessmen, and the parents who send the next generation to learn their reading from Miss Reeder.

Most of her friends already know Miss Reeder's personal history: orphaned in Arkansas, raised in Florida by grandparents, taught in Florida and California, and then met Miss Smith, a dynamic woman who had taught Pearl Buck at Miss Jewel's Boarding School in Shanghai.

Miss Smith was running a small school in northern California when her patrons, the Gilbert Eliotts, moved to New York. However, they persuaded Miss Smith, Miss Reeder and Elizabeth Davies to form a school on this peninsula jutting into Long Island Sound.

"We had plans drawn up for a big school building," Miss Reeder said. "Then one day we got a call from Mr. Eliott on Wall Street, saying to cancel our plans. That was in 1929, you see."

The school struggled through the nineteen-thirties as the three women often worked without pay. Miss Davies died in her apartment in 1947; Miss Smith retired in 1961 and died in her apartment in 1971 at the age of 88. And Miss Reeder served as bursar, head of the lower school and director of the summer camp. She also served for 30 years as superintendent of a Friends Sunday school in Manhasset.

Now she hopes to write a book about Miss Smith and teach for at least another year.

"It seems we spend more time teaching right from wrong today," she said. "In some ways, I worry about the loss of spiritual values. But in other ways, I see good signs, I like the young college people today, the natural ones. They want to go back to a more simple life. It reminds me of something Miss Buck said before her death, that the rural life in Vermont might be some kind of salvation.

INFLATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. FRENZEL. Mr. Speaker, last week I introduced into this Record the first editorial comment I had seen that inflation was a persistent, worldwide problem which could not be solved quickly no matter how vigorously this country moves.

Today, in the Minneapolis Tribune, columnist Sylvia Porter, says about the same thing. She is pretty straightforward in her statement that anyone who says price stability is within reach is "almost criminally impossible." Her column follows:

Don't Expect Sudden Halt of Inflation

(By Sylvia Porter)

The very best you can expect from the freeze of "Phase 3½," and even the strictest controls in Phase IV, is a slowing of the annual rate of rise in your cost of living from today's 9-percent rate to a year-end rate of 4½ to 5 percent.

That is the most you can expect—and you have nothing to gain from hiding from this bleak outlook. For any official in Washington or in private industry to try to argue that the President's goal of 2½ to 3 percent by year-end is still reasonable is dishonest.

For any informed source to tell you that price stability is within reach at any time in the foreseeable future is almost criminally irresponsible.

The fact is that the price freeze of June 1973 has come very late—too late and after too much open discussion to have any shock value and thus any real impact on the very deep inflation psychology which pervades the nation now. Mid-June 1973 is far from mid-August 1971. All the freeze does is buy time for the Nixon administration to put the control machinery of Phase IV into working order. By itself the freeze can solve no problems and it may create a few more sticky ones.

Here are the fundamentals you must face:

Inflation is raging throughout the United States and throughout the industrialized world. It is much worse in other industrialized lands than it is in this nation. This is a dominant characteristic of economic life in the second half of the 20th century. We simply have not learned how to handle it. As Federal Reserve Board Chairman Arthur F. Burns said in Paris recently, governments usually tackle recessions "with speed and vigor" but show "a reluctance to act with similar decisiveness" to curb economic booms—and thus, all of us have developed a disconcerting bias toward inflation.

A price freeze couldn't possibly be more than a short stop-gap measure in an economy as diverse as ours.

The inflation which is eroding the buying power of the dollar now is of the demand-pull type—meaning that excess demand is pulling up prices. This is in contrast to the inflation which was eroding the dollar when the first freeze was announced in 1971. That was of the cost-push type—meaning surging costs of labor and other items were pushing up prices. Controls could and did help moderate that type of inflation.

The only methods that will curb a demand-pull inflation are stiff monetary and fiscal policies. One fiscal weapon that would work would be tax raises that would lower demand by reducing spendable incomes. One monetary weapon that would work would be curbs on installment credit that would lower demand by reducing borrowing to buy. Both weapons were considered by the Nixon administration and both were rejected—leaving a package many critics feel is not only too late but also too little to be effective.

Our economy cannot keep spiraling upward at this pace, and it is already clearly heading toward a slowdown or a recession. But right now, the business boom is at the stage where demands for credit will be ballooning on all sides. Only the Federal Reserve is battling this inflationary force by tightening credit policy.

A tightened credit policy means higher interest rates—and if you must borrow money, higher interest rates translate into higher costs of doing business or higher costs of living.

Of course, inflation could be stopped by an economic slump so severe that it sent unemployment soaring and bankruptcies skyrocketing. That would slash demand and hold down wage increases. But it would be so criminal a "cure" as to be unthinkable.

It is against this background that you must weigh the private admissions of administration officials that they are discouraged, that they don't know how to cope with the inflation problem, that they have little hope their efforts will be successful and that, at the very best, progress toward a more tolerable annual rate of rise in living costs will be slow.

It is against this background that you must look for the controls which will be introduced in Phase IV and that will remain a part of our economy for a much longer time than the Nixon administration is now prepared to acknowledge.

It is against this background that you must learn on your own how to handle your family finances so that you get the maximum mileage out of a steadily shrinking dollar.

SHOULD ALL CARS IN ALL TOWNS GET 8 MILES TO THE GALLON

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. COLLINS of Texas. Mr. Speaker, the clean air laws raise the immediate issue as to how far should we go with auto emissions. And the folks back home are asking why new cars cost more to build. Do we need the same rules for a country town as a metropolitan city? Must all cars be cut down to an 8 miles to a gallon schedule? Today the country is facing a gasoline shortage and looking for ways to have gasoline go further—not less mileage. I just read an interesting background article by Burt Schorr of the Wall Street Journal. You will be interested in his comments in the issue of May 18, 1973, and the analysis by the Wall Street Journal's Burt Schorr.

How Badly Do You Want Clean Air?

Sooner than they realize, Americans may have to choose between the automobiles they love and the clean air they say they want.

The necessity for choice may not be obvious yet. Every 10 days Detroit announces that yet another new car sales record has been smashed. And the recent decision by the government to give automakers a one-year reprieve from tough 1975-model air pollution standards was a victory of sorts for the internal combustion engine.

Just the same, the 1970 Clean Air Act is beginning to pose fundamental questions about the nation's economic and psychological dependence on the automobile. As the principal author of that law, Sen. Edmund S. Muskie, (D., Me.), declared recently: "America—the most advanced and dependent automotive society in the world—has now reached a time of testing with the automobile."

In essence, the act sets strict air pollution standards for metropolitan areas as a whole, and urban planners already are finding that the only way to meet them will be to drastically limit the number of cars on the streets.

The law's potential impact is most starkly evident in the smog-ridden, traffic-clogged Los Angeles basin. The Environmental Protection Agency has tentatively concluded that the only way to clean up in the air in the basin may be a gasoline rationing system aimed at lowering consumption by as much as 82%. Even if, as now seems possible, this Draconian measure is modified in practice, the law seems certain to compel that area to reexamine its historic dependence on the automobile.

Meanwhile, in Denver, Washington, Seattle, Houston, New York and other pollution-plagued metropolitan areas, state and local officials are contemplating previously unthinkable steps. These restrictions include limits on downtown driving, public transit as an alternative to the private auto and local auto emission inspection programs.

Nor does the potential scope of the law end there. It also has a potential for limiting real estate developments that would generate unacceptable amounts of traffic.

States already are obligated by the law to halt further concentration of factories, power plants or other stationary emission sources where air pollution is at, or close to, unhealthy levels. (The efficacy of pollution control devices, of course, would be a consideration in any state decision.)

"COMPLEX SOURCE" IMPLICATIONS

Now the EPA has coined a term with still greater implications for an automotive society—the "complex source." It refers to sports stadiums, shopping centers, parking garages, highway intersections, or any other manmade structures whose use would generate unacceptably high accumulations of auto emissions.

The EPA is proposing that the states, or local agencies they designate, review construction plans for such projects, and subject them to public comment. To name a project acceptable, it might only require a relatively easy design change such as expanding entrance and exit ramps for freerer traffic flows, EPA lawyers say. But if the project simply were too large for adjacent streets to handle the traffic anticipated, for example, construction could be blocked until plans were scaled down.

Did Congress, which has been dealing gingerly with federal-state land use control proposals for two years without solid results thus far, really want all of this to happen?

Definitely not, believes one EPA official who deals regularly with lawmakers. He's convinced that "half the people on the Hill didn't have the foggiest notion of what they were voting for" back in 1970.

Actually, though, it can be argued that the politicians—if not the general public—had a pretty good idea of what they were getting into. Even though the act's reference to restraints on the automobile was buried in a line of Section 110, explanations of what it all meant weren't lacking.

The line itself required that state clean air plans comply with federal standards by means "including but not limited to land-use and transportation controls." Spelling this out, the committee report on the original Senate bill, which was passed without opposition, stated that "as much as 75% of the traffic may have to be restricted in certain large metropolitan areas" during the 1975–85 decade when low-emission vehicles generally will be replacing uncontrolled and partially controlled older models.

For a nation addicted to rolling through life on rubber tires, that's withdrawal on an awesome scale. Even Mr. Ruckelshaus, who was the man in charge of making it happen until he assumed temporary command of the Federal Bureau of Investigation, sees few signs of public acceptance thus far.

"The public is very ambivalent," he says. "They want clean air tomorrow and they don't see why they can't have it. Yet they don't realize that the change of life-style required may be a change in their own lifestyle."

In Los Angeles, which Mr. Ruckelshaus calls the "worst possible place" to try to break the driving habit, public reaction to the talk of gasoline rationing has been one of shock, outrage and dire predictions of economic depression. Partly as a result, Mr. Ruckelshaus has suggested that the law be amended to allow EPA more flexibility to deal with Southern California's unique topographical and climatic problems. Indeed, Congress eventually may well exempt Los Angeles from some of the strictest provisions of the law.

Even so, Los Angeles is taking a hard look at ways to do without the automobile or, at least, to control its effects. These range from a big expansion of the local bus system to ultra-strict automobile inspections. And despite some holdout states, similar alternatives are being debated in much of the rest of the nation.

SOME TARGETS

New York City, for example, is aiming at a 78% reduction in carbon monoxide levels and a 67% cut in hydrocarbons to bring its air in compliance with federal air quality standards. To achieve this, it plans restraints on taxi cruising, reductions of parking space, new bridge tolls and limitations on truck deliveries. All metropolitan area vehicles also will be subjected to regular emissions inspection and maintenance.

For the Virginia suburban counties across the Potomac from Washington, the targets are 55% less carbon monoxide and 60% less hydrocarbons by 1977. State officials plan to impose a $2 a day parking surcharge in high density employment centers, arrange the purchase of 1,300 additional transit buses to serve the area and create a carpool information system with preferential parking for shared cars.

The Texas State Air Pollution Control Board already is considering legal action to block such EPA regulations, if they become final, as contrary to the Constitution's due process clause. The federal proposal means "government control of the developer of the state," asserts board member James D. Abrams, an El Paso contractor, who adds that this would be "a very dangerous thing."

The true test of the Clean Air Act, its ability to shove Americans out of the driver's seat and halt pouring of concrete, is still several years away. Some, like Harvard economist John P. Kain, doubt that the public will tolerate any such extreme changes in their lives, once the costs and benefits "are fully articulated."

EMIGRATION RIGHTS FOR SOVIET JEWS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. KOCH. Mr. Speaker, during this past week the American people have watched with great interest the visit to this country of Soviet Communist Party leader Leonid I. Brezhnev.

On of the major concerns voiced to Mr. Brezhnev was the treatment of Soviet Jews, in particular their right to emigrate to other countries.

Last month New York City Mayor John Lindsay visited Moscow. Seymour Graubard, national chairman of the Antidefamation League accompanied him there. The following are his perceptive comments on that visit:

COMMENT: SEVEN DAYS IN THE U.S.S.R.

(By Seymour Graubard)

It is one thing to read about the courage of a people and quite another to see it for oneself. During seven days in Moscow and Leningrad I met with 30 Soviet Jews. I am filled with admiration for their courage, exhilarated by it, and at the same time profoundly depressed that in our contemporary world there is still need for Jews to be courageous if they want to remain Jews.

Last February, Vladimir F. Promyslov, Mayor of Moscow, paid an official visit to John V. Lindsay, Mayor of New York. They discussed city planning, housing, transportation, and many problems common to large cities throughout the world. Mayor Lindsay, invited to visit Moscow, made as a condition of the return visit that he be permitted to bring with him at least one American Jewish leader, that they would be allowed to meet with Soviet Jews and to discuss with Soviet officials the situation of Soviet Jews. It was on that explicit understanding that I was invited by Mr. Lindsay to join his delegation, and that the visit took place.

We arrived in the Soviet Union May 3. In Moscow and then in Leningrad, we met with Jewish activists—mostly scientists, artists, journalists and other professionals—who had applied for and been denied permits to leave the U.S.S.R. for Israel and with those whose applications had been pending for long periods of time. The members of neither group had given up hope. And, despite the fact that they knew the government was aware of our "private" meetings and, indeed, that the KGB was recording every word said, they spoke frankly. "After all," one man explained in almost flawless English, "we have already made our feelings clear to the officials, which is why the secret police has files on us."

I dont' know what I expected—maybe highly emotional meetings, tears, raised voices, expressions of indignation. But it wasn't that way at all. Each person I spoke with recited his story quietly, factually, often with humor and with a perspective of the problems faced not ony by Soviet Jews but by the Soviet Union.

They had made their choice deliberately and after much thought. They knew that to apply for emigration meant dismissal from their jobs, isolation from their fellow professionals, harassment by the KGB and, most likely, imprisonment on a variety of trumped up charges. Still they had applied. They accepted the certainty of these difficulties because they sought individual freedom for themselves and especially for their children.

When questioned about anti-Semitism, each gave the same answers. It was pointed out that in the first years of the revolution, Lenin did his best to eradicate the centuries-old anti-Semitism that existed under the Czars. But under Stalin there was a resurgence of anti-Semitism, with official approval. The post-war alleged "Jewish Doctors Plot" engineered by Stalin was the signal for the suppressed anti-Semitism to become overt once more.

Thereafter, I was told, many Jewish students found it difficult to obtain admission to universities. Jewish administrators discovered that they were no longer considered eligible for promotion. Anti-Semitic publications became common under the euphemism of "anti-Zionism." Matters worsened after the Six Day War when Soviet policy became even more aligned with the Arabs'.

I was told repeatedly that the head of each family, if he remained quiet, could have continued without difficulty in his present position, but that his children and their children inevitably would suffer the consequences of anti-Semitism and of a systematic destruction of their cultural heritage. So they could not remain quiet or close their eyes to what the future held. Each had gone through the arduous procedures of amassing the necessary documentation and applying for the papers that would allow emigration.

They told me that the government had long considered the desire to leave an act of disloyalty to the Soviet Union. From the Kremlin's point of view, they said, if so many Jews were permitted to leave, the government might have problems with other ethnic groups. From their point of view, they said, this was unlikely since official exit permits are granted only to those seeking to rejoin their families. "The other ethnic groups," said one man with a taut grin, "do not have many relatives in Israel or elsewhere." He said, too, that of all the ethnic groups in the Soviet Union, only the Jews are landless, another reason for wanting to go to Israel.

In an interesting departure, we met with seven of the Soviet Jews, not in their homes, but in the state suite of the plush Hotel Sovietskaya where the government puts up its honored guests. Mayor Lindsay had made plans to meet them in their homes but his host, Mayor Promyslov, was concerned about "propriety" and insisted that they come to see us instead. The seven, led by Dr. Benjamin Levich, the world-famous theoretical physicist who was fired by Moscow University after applying for an exit visas in 1972, included some of the most outspoken critics of Soviet emigration policies. They came to the hotel—and Mayor Lindsay provided cake and wine, at the expense of his Soviet hosts.

Professor Levich is now a scientific worker at the Soviet Academy of Sciences, a lowly job ($536 a month against $1,200 he formerly earned) from which he may also be ousted. His wife, a translator, is now without work. His sons, one of whom won his doctorate when he was 20, the youngest in Soviet history, are both being harassed because of the application to leave and have been removed from positions commensurate with their training. (A few days after my return to the United States, I received a telephone call from Mrs. Levich who told me her son, Yevgeny, had been arrested and sent to a military camp in Siberia.) Others in the group, also ousted from their professional jobs, are now unemployed or working as laborers and dishwashers.

At Mayor Lindsay's insistence, I was permitted to join him at a conference held with Boris T. Shumilin, deputy minister of internal affairs. (I was refused permission to attend Mayor Lindsay's meeting with Prime Minister Alexei Kosygin.) Mr. Shumilin, in answer to arguments in behalf of Soviet Jews, stressed that the right to exit was a matter of internal Soviet concern and that the great majority of people who submitted their papers in proper form were allowed to leave. He pointed out that nearly 30,000 had left last year and that they were leaving at the same rate in 1973. He asked Mayor Lindsay how many Jewish New Yorkers left to reside in Israel. Mr. Lindsay pointed out that the U.S. government allows its citizens to go and come freely. He said that perhaps 1,000 New York Jews a year go to Israel for permanent residence but many more go to visit and our government does not keep track.

He told Mr. Shumilin that giving Soviet Jews the right to leave would vastly improve the U.S.S.R.'s image throughout the world. He said that Americans in particular simply cannot understand why restrictions should be imposed, why Jews who apply for exit immediately lose their jobs.

Mr. Shumilin reminded us that the education tax had been dropped and that this new policy will probably continue for the next several years. He made no comment on the fact that lifting the education tax is unimportant if Soviet Jews are still prevented from leaving and discriminated against for even trying to leave.

There was nothing new or different in Mr. Shumilin's statements. They followed the official Soviet line. What was new and different was the meeting itself, the candidness of Mayor Lindsay's comments, and my participation as an American Jew. In this nation which deals in Realpolitik, the deputy minister of internal affairs was willing to discuss the topic of Soviet Jews with us. What did it mean?

To me it meant that the joint efforts of the Anti-Defamation League and other American Jewish agencies to keep the plight of Soviet Jews before the public have had even more effect than we realized. At a time when the U.S.S.R. is seeking American acceptance in order to improve the economy, Western reaction to restrictions against Soviet Jews can stand in the way. The Soviets, then, have a choice. They can either keep trying to convince us that there are no restrictions, or they can remove them. I believe that continued pressure by Americans, backed by the leaders of our government, can lead to a lifting of the restrictions as a quid pro quo for United States trade.

Hopefully, a result of our seven days may be the granting of relief to a number of Soviet Jews awaiting exit permits. From the Soviet point of view, that would be an important symbol of good will toward New York City, the center of trade and, in large measure, of the American Jewish community.

In the end, it would seem, Western morality will have little to do with U.S.S.R. attitudes toward its Jewish citizens. If Americans find this hard to accept, the Soviet Jews have accepted it long ago. This is why they can talk about their situation so matter of factly, without emotion, and with such a clear perspective of the linkage between their own problems and those of the U.S.S.R. itself.

CONSIDERATIONS ON FEDERAL FIREARMS CONTROL LEGISLATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BINGHAM. Mr. Speaker, as a long-time proponent of strict gun contrcl, I was interested to receive a letter recently from Mr. James B. Sullivan. Attached to Mr. Sullivan's letter was a document he wrote containing his major observations and conclusions on firearms control after 5 years of study of the gun problem. Mr. Sullivan is a board member of the National Council for a Responsible Firearms Policy. His thoughts on this subject are all the more extraordinary and significant, I think, in view of the fact that he lives in Minot, N. Dak., where, I imagine, his views and his insight on the gun problem are not widely shared. Mr. Sullivan's "Considerations on Federal Firearms Control Legislation" follows:

Considerations on Federal Firearms Control Legislation

Let us acknowledge that no country has ever controlled gun crime without gun control.

Let us admit that the most heavily armed populace on earth is the least protected from gun crime.

Let us control all sales of lethal weapons as we control sales of lethal poisons and explosives.

Let us outlaw certain handguns as we have outlawed switch-blade knives.

Let us license our gun owners as we license other persons whose actions involve human contact.

Let us guard our lethal weapons as securely as we guard legal documents and valuables and let us register our weapons for responsibility and recoverability, if stolen.

Let us be as preventive about gun crimes as about illicit drug traffic.

Let us understand that in gun control matters we are a citizenry in common and that gun owners—60 percent of whom favor licensing—face the same taxes and risks as nonowners.

Let us ignore firearms control with the reasoning that less dangerous, less accurate and less frequently used objects also can kill.

Let us recognize that the use of firearms as murder weapons has increased by 75 percent over the last decade while other methods have remained relatively constant.

Let us remember that a gun in the wrong hands in the home is just as dangerous and as costly as a concealed weapon in criminal hands in the street.

Let us realize that society is guilty of crime not only when we fail to bring the criminal to justice but also when we do not withhold weapons from ex-felons, mental incompetents, addicts, alcoholics, etc.

Let us concede that few criminals are crafty, resourceful, affluent types who would have access to guns in attrition.

Let us listen to our leading criminologists, enforcement experts and crime study commissions on gun proliferation and gun crime.

Let us note that our jail sentences already are more severe than western Europe's.

Let us aid in law enforcement by safeguarding our law enforcement officers from easily acquired weapons.

Let us discourage gun ownership for personal protection in an age when many alert, armed policemen are being gunned to death.

Let us prohibit ownership which is not interested enough to license and register and which only provides a source of guns for thieves.

Let us accept this small addition to American paperwork as an insignificant inconvenience and a minimum expense.

Let us ponder how much more the public pays when the gun criminal pays his debt to society.

Let us dismiss the folly of small arms civil defense in an age of powerful and sophisticated weapons and let us reason that there would be no political or commercial incentive for confiscation.

Let us leave the meaning of the Second Amendment to the U.S. Constitution to the U.S. Supreme Court and with the fact we have 20,000 gun laws.

Let us accelerate gun control to protect the public as we have protected the public with food and drug laws, medical licenses and mine and factory safety.

Let us adopt this social reform 142 years after gun registration was adopted in England, just as we adopted old-age insurance 55 years after Germany's; a minimum wage 44 years after New Zealand's, and unemployment insurance 24 years after Great Britain's.

Let us try to conserve lives, money and goods that could be lost to gun crime as we try to conserve natural resources and other endowments.

Let us put domestic tranquility and the right to life ahead of commercial profits.

Let us legislate meaningful gun control laws in order that Americans will pay less and bleed less and die less.

FUNDING FREEZE ON PUBLIC HOUSING IN CALIFORNIA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. WALDIE. Mr. Speaker, I have sent letters to directors of housing authorities in California asking what have been the specific effects of the funding freeze for public housing on the current and future plans of their local programs.

Mr. Thomas M. Cook, executive director of the Berkeley Housing Authority, has sent me a copy of the statement he gave before an ad hoc congressional hearing held by Congressman Ronald V. Dellums.

As legislators who must formulate public housing policy, we must not permit the frustrations and concerns of housing program administrators to go unheeded.

Mr. Speaker, the full text of Mr. Cook's statement follows:

Statement of Thomas M. Cook

I am Thomas M. Cook, Executive Director of the Berkeley Housinng Authority and the Berkeley Redevelopment Agency. These Agencies are responsible for carrying out several programs in Berkeley:

The Section 23 Leased Housing Program for low income families, consisting of 1100 units;

The Neighborhood Development Program which consists of the West Berkeley Industrial Park and the Savo Island Redevelopment Area;

Provision of relocation assistance to any person who is displaced by government action in Berkeley.

I would like to discuss the effects of the recent housing moratorium and other proposed funding cutbacks upon our programs. I also wish to outline several possible ways of influencing the Administration to lift the moratorium and release funds.

LEASED HOUSING

The January 5, 1973 moratorium on subsidized housing will have two drastic effects on Berkeley's Leased Housing Program. Approval of our application for funding of 500 more leased housing units, already pending for two years, will be further delayed. This will mean that the families on our waiting list will have to wait just that much longer. In July 1971 the 1100 unit quota in our present contract was used up. Thus, for nearly two years, families on the waiting list cannot be housed until an existing leased housing unit falls vacant.

Secondly, the moratorium has prevented HUD from approving a fund increase designed to financially stabilize our present program. Two and a half years ago we requested an amendment to our present contract to increase the annual subsidy from $1,248,120 to $1,752,344. This amendment was to cover increased costs, such as rents we must pay to owners of the units which we lease. (Our present contract was executed in July 1969 and the amounts in this contract were based upon 1968 private market rentals.) In December 1972 our Board accepted a contract amendment offered by HUD for approximately one-third of the requested increase, however, HUD did not execute this contract amendment because of the housing moratorium.

A financial crisis could result from this failure to act. At present the Housing Authority is dipping into its reserves at the rate of approximately $10,000 per month. We project a deficit of $100,000 for next fiscal year. If additional funding is not approved, we may need to take one or more of the following drastic measures:

1. Reduce the size of the program and use the contract authority thus freed up to keep the remaining program solvent.

2. Establish a graded rent schedule. Under such a system somewhat higher income leased housing applicants would be housed sooner and the very low income applicant would have to wait in line much longer than at present.

3. Reduce essential services, such as maintenance and repair of leased housing units.

4. Request a contribution from the City of Berkeley.

5. Request that HUD place the Housing Authority in receivership.

6. Refuse to renew leases on units in which unusually low income families reside. On such units the gap between income and outgo currently exceeds the Federal subsidy applicable to such units.

NEIGHBORHOOD DEVELOPMENT PROGRAM

The Administration has also threatened sharply reduced funding of Berkeley's Neighborhood Development Program starting July 1, 1973. We understand that the purpose of such cutbacks is to smooth the transition to special community development revenue sharing, which the Administration hopes Congress will enact and make effective by July 1, 1974. (It should be noted that HUD has previously reserved funds required to complete the West Berkeley Industrial Park Urban Renewal Project and that the Neighborhood Development Program we contract with HUD for a portion of these funds each year.)

The proposed funding cutbacks would adversely affect Berkeley's NDP in several ways:

1. Some of the funds previously reserved for the West Berkeley Industrial Park could be lost. As of July 1, 1973 HUD may not permit us to use the remainder of these previously reserved funds. Then if there is a switchover to special revenue sharing on July 1, 1974, Berkeley would lose these funds in the transition. This would mean that Berkeley may need to use the new special revenue sharing funds to complete the Industrial Park, rather than other programs which the community may wish to undertake. The previously reserved funds could no longer be used for the Industrial Park.

2. Reduced funding levels would slow down progress in achieving a primary goal of the West Berkeley Industrial Park—900 additional jobs. For example, roughly 65% of the property in the project proposed for purchase has been purchased. Acquisition of the remaining property is necessary in order to produce saleable sites for job producing firms, including companies within the project area which desire to expand.

3. Our application for next years' NDP funding includes the Savo Island area. The main purpose of this small redevelopment area is to provide reasonably priced sites for housing within the means of low and moderate income families. HUD encouraged Berkeley to include this area in the application because it would help Berkeley better meet the one for one replacement housing requirements for various HUD programs in Berkeley. HUD also stated that funds reserved for the West Berkeley Industrial Park and in excess of need for this project could be used for the Savo Island area.

HUD may not now approve funding this new area, even though no new urban renewal money is involved. Two reasons are being given:

a. Approval of the new area would involve new temporary borrowing and new land purchases. This would supposedly complicate the switchover to special revenue sharing.

b. HUD is no longer approving urban renewal projects which involve construction of subsidized housing, because the moratorium makes such housing infeasible.

4. Several homeowners in the Savo Island area would not be able to obtain Federal 3% remodeling loans or remodeling grants, because funds for these purposes have previously been impounded.

RELOCATION

The Berkeley Redevelopment Agency serves as a central relocation agency for the City. The housing moratorium will impede our relocation work. For example, we have previously been successful in arranging Section 235 1% interest rate loans for families who must relocate and who desire to be homeowners. In several instances this has meant that families have become homeowners for the first time. The moratorium prevents us from using this valuable tool.

What can be done to achieve a lifting of the moratorium and restoration of funding cutbacks? Several efforts are already underway.

1. The National Ad Hoc Housing Coalition was found in January as a reaction to the Federal Government's decision to impound funds. This organization is urging each State and each City to set up a local coalition consisting of a cross-section of people affected by the cutbacks. I would like to urge that Berkeley organize such a coalition.

2. I understand that several Congressmen have submitted to HUD lists of each project which is being affected by the moratorium and the cutbacks. In some instances, HUD has granted relief after reviewing these lists. An effort is being made to urge each Congressman to submit such lists to dramatize the hardship.

3. The successes of the present programs and the adverse effects of the moratorium and cutbacks need wider publicity. An example of such an effort is the Homes for American Day held early this week in Washington.

4. People and organizations should be more actively encouraged to write Congress in support of its efforts to secure release of funds.

In 1949 the Congress set a goal of a decent home and suitable living environment for every American family. This lofty goal should not be given an indecent burial.

MICHIGAN CITY NEWS-DISPATCH COMMENTS ON HANDICAPPED RIGHTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD the text of a fine editorial from the June 15, 1973, Michigan City, Ind., News-Dispatch concerning the education of handicapped children.

The Select Education Subcommittee, which I have the honor to chair, has been considering legislation in this field.

The editorial follows:

HANDICAPPED RIGHTS

Special education opportunities for America's estimated seven million handicapped children are increasing over the nation at an encouraging tempo.

This is the report of Dr. Edwin W. Martin, head of the Bureau of Education for the handicapped in the U.S. Office of Education. He cites two significant advances.

First is the "comprehensive, dynamic program" authorized for the bureau by Congress. Now in its fifth year, the bureau is administering a record-breaking program of services to provide and stimulate special education for the handicapped, including grants to states, grants for teacher recruitment and training, for teaching materials, for research and innovation and for regional resource centers.

Congress' lively concern for education for the handicapped is evidenced by the fact that it has increased BEH's budget from $1 million the first year to $132 million for the current year.

Second, says Dr. Martin, is the intervention of the power of the law.

In Utah in 1971, the state's presiding justice made legal history by ruling that a handicapped child has the same right as a nonhandicapped child to a tax-supported education. Previously, there was no such state obligation.

In another landmark decision in Pennsylvania in 1971, the U.S. Eastern District Court in Philadelphia ordered that all mentally retarded children in the state be accorded access to a free public program of education appropriate to their learning capacities.

Also in 1971, Federal District Court in Washington ruled that the District of Columbia Board of Education could not plead lack of funds for failing to provide a public education to handicapped and emotionally disturbed children.

Legislatures and courts in more and more states are asserting that tax-supported special education for handicapped children is not merely desirable but is a civil, constitutional right.

"These court decisions and legislative enactments constitute the biggest breakthrough in the long history of the uphill fight for the rights of America's handicapped children," Dr. Martin says.

Today, 35 states have some form of mandatory law providing special education for the handicapped. Yet there remain great differences in the quantity and quality of educational services they offer.

A child born in one state may have four times as much chance of receiving special education as a child in another state. Some states have fewer than 20 per cent of their handicapped children in special classes.

Three years ago the Bureau of Education for Handicapped Children compiled the most comprehensive list of sources for education for the handicapped ever developed and invited parents and others to write in for a list of all schools and institutions in their area having such programs. During the 1972 fiscal year, it received more than 60,000 requests for information.

It's all free. Inquiries should be addressed to Closer Look, Box 1492, Washington, D.C. 20012.

POSSIBLE EFFECTS OF WATERGATE ON AMERICA'S FOREIGN RELATIONS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. HARRINGTON. Mr. Speaker, many articles have been written on the Watergate affair and its consequences. Richard Rovere wrote an excellent article in the June issue of the New Yorker that covered most of the political issues involved and also discussed the possible effects of Watergate on America's foreign relations.

A particularly interesting point that Mr. Rovere discusses is that a possible side effect of the Watergate affair may be a redress of the imbalance between congressional and presidential power.

Mr. Rovere's article appears below:

Letter From Washington

June 1.

The Watergate hearings are about to be resumed in the Senate Caucus Room, and there is pressure on the Select Committee chairman, Senator Sam Ervin, from Archibald Cox, the special prosecutor, to recess the hearings at least until the grand juries and the courts have finished their work—Cox's fear evidently being that the nationally televised hearings may taint the criminal proceedings by too much pretrial publicity. To this the Chairman responds with the assertion that it is far more important to get the facts before the public than to put a few men behind bars. The Chairman is also under some pressure, from both inside and outside the committee, to reverse the entire pattern of the hearings, which has been to question the foot soldiers first and then move on to those in the high command. The Chairman rejects the reversal of schedule as illogical and perhaps it is, but the motive of those who advocate it is to determine as quickly as possible whether or not the President bears any direct culpability beyond that which he has already acknowledged. This, it is felt, is of prime importance to the orderly conduct of domestic and, foreign affairs, under either President Nixon or, if he resigns or is removed from office, his successor. Even if the evidence justifies the House in avoiding a vote on impeachment, Watergate has already had an immobilizing effect on both our executive and legislative branches. No one of competence has as yet judged the nature of its impact overseas, because other governments either have been careful to refrain from comment or have said that it is a strictly internal affair of ours and would lead to no change in relations—a polite attitude but, in the circumstances, hardly a credible one. (No one attributes to Watergate the lack of progress in the just completed Nixon-Pompidou talks in Iceland, however, for the French government has rarely in the past fifteen years found common ground with us.) It is the practice of diplomats the world over to keep a close watch on the standing of chiefs of state with their own people. Particularly in democratic societies, this is an aspect of power fully as important as the stability of the national currency, the size of the gross national product, or the capability of the military establishment. When Nixon and Henry Kissinger first undertook their new departures, the Administration enjoyed the confidence of the people, and even, despite the large Democratic majorities in both houses, that of Congress, and, indeed, its standing improved because of its diplomatic initiatives. Now the President is in deep trouble at home, and his stack of blue chips is less imposing. To make his position still more difficult, he has, in his latest efforts to account for what he maintains was his unawareness of the squalid and illegal activities of certain subordinates, reverted to Cold War rhetoric—to claims of the dangers we face from unnamed domestic enemies of our "national security," and to renewed assertions of his determination to have this country discharge its obligations as global policeman.

Although it remains the general hope here that impeachment will be avoided, there is increasing talk of it, and a feeling that it will be inevitable if the witnesses who have not yet testified before the Ervin committee or any of the other investigative bodies establish Presidential culpability beyond the oversights and negligence he has conceded. But there are not many, even among those who have always opposed Nixon or have lately come to do so, who hope for such a development, both because it would further unnerve the country and because it would open to serious question the essential assumption that we as a people have the ability to govern ourselves and to exercise good judgment in our choice of political leadership. A few maintain that the nation would demonstrate its soundness if it took steps that came hard but were therapeutic and in the interests of democracy. But, even in the absence of incriminating testimony followed by impeachment proceedings, there is reason to reexamine some basic assumptions. Both Lyndon Johnson and Richard Nixon have been among the biggest winners in American history, and both demonstrably abused or misused the powers granted them by their countrymen. It is already clear that Nixon, whether or not he was an accessory before or after the fact of Watergate, delegated authority to Cabinet members and to White House aides who were manifestly unworthy of it. Still, though it might ease the national conscience, it seems unlikely that the removal of the President would result in improving the quality of leadership. Evidently, Spiro Agnew was not party to any of the acts now under scrutiny, and perhaps was totally unaware of them, but nothing in his record suggests that he has acquired an ability to create or restore confidence, and he lacks any significant experience in foreign affairs. For all that, the House would be derelict if, given clear evidence of Presidential lawbreaking or participation in schemes to conceal lawbreaking on the part of others, it declined to order impeachment proceedings, and the Senate would be similarly derelict if it did not deliver the necessary two-thirds vote for the President's removal; such failures would merely extend complicity to the representatives and senators who did not discharge their Constitutional obligations.

In the event that no hard evidence of Presidential lawbreaking comes to light, thus allowing Nixon to avoid removal, he and the country will still face some very difficult years. He has already started to build a new Administration, but he is very far from completing the job, and there will be no easy way to persuade the country that his second team will be any more trustworthy than his first; even if he and the new appointees accomplished any such feat of persuasion, there would still remain the question of why his original judgments had brought him to the brink of disaster. There are, though, some people here who see signs of a man chastened by experience and acquiring new perceptions in his judgment of men. In his first term, Nixon was as guilty as Harry Truman ever was of "government by cronyism," and Nixon's cronies were for the most part men with far more experience of moneymaking in the corporate world than of policymaking in the public service. To be sure, there were exceptions—Henry Kissinger, George Shultz, and William Rogers come to mind—but the White House inner circle was drawn largely from advertising and related occupations, and the member with the largest influence of all, the now indicted ex-Attorney General John Mitchell, evidently had no idea that he was accountable to anyone but himself and his former law partner Richard Nixon. Among those who have observed at close range both John Mitchell and the new Attorney General, Elliot Richardson, there is little doubt that Richardson, though he is not anyone's beau ideal of a statesman, is a far better choice for the job than Mitchell ever was, and Richardson's naming of Archibald Cox as special Watergate prosecutor is almost universally approved. Those who know General Alexander Haig, who recently came in as a kind of White House chief of staff, regard him as a man of high intelligence and probity—qualities that have been in short supply in the White House for the past few years. Enthusiasm for John Connally, whose new duties have yet to be explained, is largely limited to his fellow-Texans, but at least it can be said of him that he has had a lot of experience in public life and has a record that shows no evidence of malfeasance.

But the rebuilding has barely begun, and even if the President surrounded himself with men of pure and noble character, it would benefit him little in his dealings with Congress. His critics there are growing in number and boldness—clearly signalled by the heavy voting in both houses for cutting off funds for the further bombing of Cambodia—and the concern of most legislators is with policy rather than with personnel. Until recently, many in both parties were restrained by the size of the Nixon vote last November; his critics often constituted majorities, but not large enough majorities to override Presidential vetoes. Now that the polls show Nixon enjoying the approval of only a minority, there is little political need for restraint, and Administration loyalists are contemplating a resort to the filibuster to head off the Democrats and the dissenting Republicans. Thus, a side effect of Watergate may be a redress of the imbalance between congressional and Presidential power, which is what many reformers have been calling for at least since 1965 but have been unable thus far to get, and if such a redress now comes to pass, historians may have to give credit to felons on the White House payroll. A possible way out for the President—assuming, again, his continuance in office—would be to tailor his policies so as to satisfy and disarm his opponents; he has several times in the past shown himself capable of pursuing such a strategy, but it may strike him as a bit late in the day to do so now, and doing so might bring him not praise but new charges of hypocrisy and of betraying his closest associates. The reformers who have lamented the supremacy of Presidential power might be gratified by its end—even if they had burglars, bribers, and spies to thank—but there might come a day when they would regret the development. For the recent anguish over the near-sovereignty of the Chief Magistrate has been largely caused by the way the last two Presidents have made foreign policy and undertaken military intervention as they have seen fit. Few people have not at one time or another shared this anguish, but the perhaps unfortunate fact is that the courts have not held it un-Constitutional. The roles assigned by the Constitution to Congress are only the control of the purse, the right to declare war, and the advice-and-consent rights given the Senate on appointments and treaties; these have an imposing sound and might have an imposing effect if it were not for the fact that the President is the sole spokesman for the entire country and, as clearly stated, the Commander-in-Chief of its armed services. Congress could not possibly assume either of these roles unless it were overwhelmingly of one mind, which it is not and never has been and, short of a totalitarian reorganization of American society, never could be. No single member has a mandate except from one of the fifty provinces he represents; only the President can claim the authority to speak for all. Even if the claim is spurious—even if he and the people have parted company—it remains Constitutionally defensible, and to that degree valid; there is little balance in this aspect of the system of checks and balances.

Certain observers have described it as fortunate, from Nixon's and his party's point of view, that this scandal emerged at the beginning of a Presidential term rather than close to its end; the public memory, they contend, is so short that by 1976 Watergate will be pretty much forgotten, particularly if in the next three years the Administration is able to score some triumphs in stabilizing the economy and in establishing a less dangerous set of relations with the Communist nations. But others contend that while the public tends to focus more sharply on the events of the year or so before elections than on older ones, Watergate is a very special case—one with too many ramifications to be quickly forgotten. Moreover, it is unlikely to come to an end in a month or two or three, and may, indeed, last through the next several years. In sheer magnitude, there has been nothing in our history to match Watergate. Most earlier scandals have been the product of cupidity on the part of a few individuals, whereas the stakes in Watergate have been primarily power, and the money to achieve power, and it has reached farther and higher in the bureaucracy than anything remotely resembling it. Although the Ervin committee has been low-keyed and responsible in its approach, the television coverage, which has really only just begun, has made the hearings fully as dramatic a television production as the Army-McCarthy hearings of 1954, which remain vivid in millions of memories almost two decades later. The Army-McCarthy affair contributed to the downfall of a single senator and a few men who had worked for him; Watergate has all but destroyed a half-dozen or more high government officials and at least as many of humbler rank. Also, it is held largely responsible for the new lack of confidence in the dollar in money markets abroad, and it seems bound to have an even stronger impact on international affairs. Before the lightning struck, the President had proudly announced that this was to be the "year of Europe," and that it was his hope to have our Western allies subscribe to the "new Atlantic Charter" drawn up by Henry Kissinger (seen by many as a device for renewing American dominance and for obtaining more substantial economic and military contributions from the participating countries), and to follow this with a summit meeting with Soviet leaders and others in Eastern Europe. The Western leaders never seemed very fond of the idea, and Watergate may lead to outright rejection of it; the Communist leaders may not be put off on this account alone—the masses don't know about Watergate, and the leaders probably don't care—but the whole Nixon-Kissinger plan will fail if our traditional allies sour on it. The common opinion here is that this particular plan will go down the drain, accompanied, in all likelihood, by a lot of other plans.

—RICHARD H. ROVERE.

A-10 CONTRACT

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. RONCALLO of New York. Mr. Speaker, distinguished gentlemen who are known to be among our country's leading military experts have testified as to the capability of the A-10 aircraft. It might be well at this time to pause and reflect on the considered remarks of these acknowledged experts.

On April 26, 1973, the Secretary of the Air Force, the Honorable Robert C. Seamans, Jr., stated that the A-10 was:

> A simple, rugged, and comparatively inexpensive aircraft that can support ground forces better than any existing system. It will carry heavy ordnance loads and loiter in the combat area for extended periods. It will have combat speeds ranging from 150 to 400 knots and will be highly maneuverable, permitting targets to be kept in view for longer periods and enabling operation under low ceilings and in areas of rough terrain.

In this day of fantastic cost overruns and production delays, it is worth noting Secretary Seamans' statement that the A-10 has met all target costs and delivery schedules. Flight began in May of 1972 ahead of schedule and by October of that year, approximately 350 hours of contractor testing had been completed. Based on the performance record of the A-10, contracts were awarded for production of the aircraft.

This contract was not awarded until completion of a competitive-prototype fly-off with the A-9A. Lt. Gen. James P. Stewart, Commander of Air Force Systems Command, is quoted in the "Armed Forces Journal" of March 1973 as listing among the advantages of the A-10 over the A-9:

> The lower maintenance man-hours per flight hour, 8.1 to 10.5 (this is approximately equal to the maintenance schedule for Cessna's A-37, twice as good as for the F-100, and three times as good as for the F-4).

Stewart said total program costs are about the same for both the A-10 and A-9 aircraft. However, the A-10A "prototype to production transition" would be easier and its gun installation was better—another A-10A advantage, according to the general is the "high placed engines, which would reduce chance of its engines ingesting foreign objects and let the engine operate from unprepared strips."

Lt. Gen. Otto J. Glasser, Deputy Chief of Staff for Research and Development, U.S. Air Force, says of the prototype competition:

> During the prototype phase, the A-9 and A-10 each flew in excess of 300 hours in a flight test program which clearly established the airworthiness of each design. The evaluation included assessments of performance and flying qualities, operational suitability, weapons delivery, subsystem performance and maintainability. Rigorous testing of cockpit armor and fuel tanks was conducted separately, substantiating the improved survivability features of both designs. After considering the results of the prototype aircraft evaluation and the contractors' proposals for development and production, the Secretary of the Air Force determined that the cost goal could be met and selected Fairchild to continue development of the A-10.
>
> The concept of "fly-before-buy" will be carried forward into full-scale development and production phases. We intend to continue flight testing the A-10 prototype aircraft for an additional 400 hours before an initial production decision in May 1974. This testing will include additional aerodynamic investigations, 30 mm gun-airframe flight testing and Initial Operational Test and Evaluation. After delivery of the preproduction test aircraft, additional development and initial operational testing will be performed to support the major production decisions. This approach has been structured to maximize the benefits of prototype testing to insure that adequate testing is performed to support each milestone while also providing program continuity.

As I noted in the CONGRESSIONAL RECORD on February 28, this is the first major weapon system to be acquired entirely through the new prototyping procedure which was received and endorsed by the Congress from then Assistant Secretary of Defense David Packard. This procedure promises much relief in the constant problem of cost overruns.

As military affairs writer Charles J. V. Murphy observed in the December 1972 issue of Fortune—

> The AX is the first weapon system to be deliberately designed to cost—the Packard solution as modified by John Foster.

HOUSE OF REPRESENTATIVES—*Tuesday, June 26, 1973*

The House met at 12 o'clock noon.

Dr. John T. Ramsey, pastor, Pennsylvania Avenue Baptist Church, Washington, D.C., offered the following prayer:

Heavenly Father, Thou who stores up sound wisdom for the upright, Thou who are a shield to those who walk in integrity, guarding the paths of justice and preserving the way of Thy saints.

Grant the Members of this august body fear of Thee, for thereby shall come wisdom and discretion for their work, and justice and equity for those whom they represent.

Grant them, in turn, fearlessness in the face of evil, that by their example righteousness may be exalted in our land.

Grant them, above all, increased faith

in Thee, that they may be motivated by the certainty of Thy positive work in our world at this hour.

This petition we humbly bring in the name of Thy Son Jesus. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 37. An act to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the Office of Director and Deputy Director of the Office of Management and Budget, and for other purposes;

S. 896. An act to amend the Education of the Handicapped Act, and for other purposes; and

S. 2045. An act to require that future appointments to the Offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate.

DR. JOHN T. RAMSEY

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, our prayer was offered this morning by Dr. John T. Ramsey, pastor of the Pennsylvania Avenue Baptist Church in Washington, D.C. He is a native of Texas and is a graduate of my alma mater, Baylor University. After that he received a bachelor of divinity and doctor of theology degree from Southwestern Baptist Theological Seminary in Fort Worth, Tex. He has pastored churches in Texas and Oklahoma since 1963, and was an instructor of Bible at Henderson County Junior College, Athens, Tex., 1968–70. He is married to Carolyn Ann Magee—who is an accomplished pianist—of Henderson, Tex., and they have one child, John Philip, age 5.

Dr. Ramsey is noted for his knowledgeable translations of the Scriptures. He enjoys working with the original languages in striving for a good translation of the Scriptures. In fact, according to his family, in order to obtain the purest possible translations, he arises each morning at 5 a.m. and prepares his sermon for the following Sunday from the Greek itself. He and his wife visited the Holy Land last year to see as many Biblical places as possible.

He is very civic minded and is a director of the Washington Host Lions Club. He has made a number of innovations in order to reach out into the community and minister to the people. He has started the bus ministry in his church and already has two buses to go out and pick up people who wish to come to church but do not have the transportation to do so.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON FARM BILL

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on a farm bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TREASURY SHOULD ATTACH PRESIDENT'S PAYCHECK

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, when an old person, or a survivor of a deceased employee, receives more money from social security than he is legally entitled to, the Government collects every last cent of the overpayment, if need be, by attaching the checks of these often helpless and wholly innocent recipients. And when the Government somehow overpays its employees, it also collects every last cent of the indebtedness, not infrequently by attaching the paychecks of these innocent persons. It actually takes an act of Congress to forgive such an indebtedness.

It now seems that the Government has spent upward of $1.3 million to enhance the private properties of a prominent employee; namely, the President of the United States. There is not a shred of evidence to suggest that more than a fraction of these expenditures were in any way warranted. Therefore, it seems plain that the Government has overcompensated this employee and that the taxpayers are due a refund.

In line with the President's suggestion that we should all see what we can do for our country, and that we ought to curb the big spenders—I respectfully suggest that the Government bill the President for these needless overexpenditures in his behalf, and for his private benefit. If need be, the Treasury should obtain its refund by attaching the President's paycheck, just as it would from any other Government employee.

AMENDING DEPENDENTS ASSISTANCE ACT OF 1950

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

TITLE I—AMENDMENTS TO MAKE PERMANENT CERTAIN PROVISIONS OF THE DEPENDENTS ASSISTANCE ACT OF 1950, AS AMENDED

SEC. 101. Sections 10, 11, and 12 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2210, 2211, and 2212) are repealed.

SEC. 102. Chapter 59 of title 10, United States Code, is amended by adding after section 1172 the following new section and inserting a corresponding item in the analysis:

"§ 1173. Enlisted members: discharge for hardship

"Under regulations prescribed by the Secretary concerned, a regular enlisted member of an armed force who has dependents may be discharged for hardship."

SEC. 103. Section 401 of title 37, United States Code, is amended by—

(1) amending clause (2) to read as follows:

"(2) his unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

"(A) is under 21 years of age; or

"(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member for over one-half of his support; and"; and

(2) striking out the first sentence after clause (3).

SEC. 104. Section 401(3) of title 37, United States Code, is amended to read as follows:

"(3) his parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age) who is in fact dependent on the member for over one-half of his support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent, and any other evidence required under regulations prescribed by the Secretary concerned, and he is not considered a dependent of the member claiming the dependence unless—

"(A) the member has provided over one-half of his support for the period prescribed by the Secretary concerned; or

"(B) due to changed circumstances arising after the member enters on active duty, he becomes in fact dependent on the member for over one-half of his support."

SEC. 105. Section 403 of title 37 is amended—

(1) by striking out that part of the table in subsection (a) which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, E–4 (four years' or less service), and E–4 (over four years' service) and inserting in place thereof the following:

"E–4	$81.60	$121.50
E–3	72.30	105.00
E–2	63.90	105.00
E–1	60.00	105.00";

(2) by striking out the last sentence in subsection (a);

(3) by striking out "subsection (g)" in the second sentence of subsection (b), and inserting in place thereof "subsection (j)";

(4) by inserting the following new subsections after subsection (f):

"(g) An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for quarters as a member of the uniformed services in pay grade E–4.

"(h) The Secretary concerned, or his designee, may make any determination necessary to administer this section with regard to enlisted members, including determinations of dependency and relationship, and may, when warranted by the circumstances, reconsider and change or modify any such determination. This authority may be redelegated by the Secretary concerned or his designee. Any determination made under this section with regard to enlisted members is final and is not subject to review by any accounting officer of the United States or a court, unless there is fraud or gross negligence.

"(i) Notwithstanding any other provision of law, the basic allowance for quarters to which an enlisted member may be entitled as a member with dependents shall not, for such period as the Secretary concerned may prescribe, be contingent on the right of such member to receive pay."; and

(5) by redesignating subsection (g) as subsection (j).

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Section 302 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 202. Section 302a of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 203. Section 303 of title 37, United States Code, is amended by striking out "July 1, 1973" wherever it appears therein and inserting in place thereof "July 1, 1975".

SEC. 204. Section 308a of title 37, United States Code, is amended by—

(1) striking out the phrase "any combat element of an armed force" and "a combat element of an armed force" in the first sentence of subsection (a) and inserting in place thereof the phrases "the career field of Infantry, Armor, or Field Artillery Cannon in the Army, or the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps" and "such a career field", respectively; and

(2) striking out in subsection (c) "June 30, 1973" and inserting in place thereof "June 30, 1974".

SEC. 205. Section 207 of the Career Compensation Act of 1949, as amended (70 Stat. 338), is repealed.

TITLE III—AMENDMENT TO SECTION 715 OF THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1973, TO EXTEND UNTIL DECEMBER 31, 1973, FLIGHT PAY ENTITLEMENT FOR MEMBERS IN THE RANK OF O-6 AND ABOVE

SEC. 301. Section 715 of the Department of Defense Appropriation Act, 1973 (86 Stat. 1199), is amended by striking out "after May 31, 1973" and inserting in lieu thereof "after December 31, 1973".

TITLE IV—EFFECTIVE DATES

SEC. 401. Titles I and II of this Act are effective July 1, 1973.

SEC. 402. Title III of this Act is effective July 1, 1973.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ASPIN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

FRANK A. DEL BALZO, ASSISTANT JOURNAL CLERK, RETIRES

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, at the end of June, the assistant Journal clerk of the House of Representatives, Mr. Frank A. Del Balzo, will retire from public service. This retirement comes after 34 years of service on Capitol Hill and 3 years of service in the Armed Forces for Mr. Del Balzo who began his hill career as a member of the U.S. Capitol Police on May 19, 1939.

Following his honorable discharge from the Army in December of 1945, Frank Del Balzo was reappointed to the Capitol Police in February 1946 and then in 1956 he was appointed as a doorman in the House of Representatives by former Congressman Eugene Keogh of New York.

In January 1961 Frank became assistant Journal clerk of the House. In that position he has served the House well and has, among his other duties, kept a record on all Members of the House for the House Journal Index.

I have known Frank for the past 12 years and he has earned the respect of those who know him as a dedicated worker and an able public servant. He has been part of the team which helps the Congress operate for nearly 34 years and now as his term of service comes to a close, I want to join his many friends in wishing Frank a healthy and enjoyable period of retirement.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the retirement of Frank A. Del Balzo.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 795, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965 and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS and BRADEMAS, Mrs. MINK, Mr. MEEDS, Mrs. CHISHOLM, and Messrs. QUIE, ESHLEMAN, and LANDGREBE.

WARMAKING POWERS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, I advised the Members of the House yesterday that I expected to offer an amendment in the nature of a substitute when we consider the war powers resolution tomorrow. That amendment in the nature of a substitute appears in the RECORD for yesterday, page 21163.

Should the substitute for any reason not be adopted, I expect to offer an amendment on page 4, section 4(c) of the bill, striking the word "concurrent" and substituting "bill or resolution appropriate to the purpose," the reason for that amendment being that I do not believe we can legislate binding action on the Executive by a concurrent resolution.

I offer for the RECORD the amendment just referred to:

Amendment offered by Mr. DENNIS: Page 4, lines 11 and 12, strike out the word "concurrent" and substitute therefor the words "bill or resolution appropriate to the purpose.".

PERSONAL STATEMENT

Mr. ERLENBORN. Mr. Speaker, on rollcall 212 I was necessarily absent on official business of the House. I am recorded as paired "no" on the passage of H.R. 77. Had I been present and voting, I would have voted "aye."

TRIBUTE TO FRANK E. BATTAGLIA ON HIS RETIREMENT AS CHIEF REPORTER OF DEBATES, U.S. HOUSE OF REPRESENTATIVES

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, the late Speaker Sam Rayburn often used to say that the most beautiful word in the English language was "service." And Frank E. Battaglia, retiring dean of the corps of Official Reporters of Debates of the House of Representatives, has given this Chamber 30 years of dedicated service.

Frank's conscientious devotion to duty and faithful performance throughout the years have earned him high marks of excellence and praise from all Members and employees of the House of Representatives. As a member of the corps of Official Reporters, Frank Battaglia has played an active and important role for three decades in contributing to the accurate recording of monumental legislative history—the Truman doctrine and Marshall plan of the 1940's, the Interstate Highway System of the 1950's, and the landmark civil rights' measures of the 1960's.

Born and raised in New York City, Frank worked his way through college and Fordham Law School. Having attained the skill for verbatim shorthand reporting from his studies in high school and from working in several secretarial jobs while attending night school, he later worked as a free-lance shorthand reporter in practically every court in New York City.

When he heard that there was a need for shorthand reporters, Mr. Battaglia came to Washington, D.C. It was as a free-lance reporter to congressional committee hearings that Frank earned a reputation for speed and accuracy and caught Sam Rayburn's eye. The late Speaker appointed him as an Official Reporter of the Debates of the House of Representatives in 1943.

Frank, from his parents, learned to speak Italian. He also speaks French and Spanish. Many Members of the House can remember clearly the first day they came to Congress, and how welcomed they felt when they were warmly greeted by Frank in the language which they spoke in their homes as children.

An Official Reporter in the House performs arduous tasks in that he must record faithfully all the utterances of the Members of the House throughout our sessions.

Those of us who have known and served with Frank take this opportunity to thank him for a job well done and to let him know how much we have appreciated his skill and devotion to duty over the years.

I am sure that all of my colleagues join me in wishing Frank well in his days of retirement.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the standing ovation just given to Frank Battaglia clearly indicates the respect and affection that every one of us has for this outstanding employee of the House of Representatives.

Mr. Speaker, every one of us is indebted to the outstanding job that is done by the Official Reporters of Debates of the House of Representatives. They are dedicated, they are fair, and they do a superb job in making an official record of what takes place and transpires in the House of Representatives.

Frank Battaglia is the dean of the Official Reporters of Debates of the House. His long service of 30 years of more than exemplary service deserves on this occasion the appreciation, the plaudits, and the congratulations of all Members of the House.

Mr. Speaker, the distinguished gentleman from Massachusetts (Mr. O'Neill), the majority leader, has recounted Frank's history, and therefore I will not repeat it. I do, however, want to congratulate Frank on showing by action what a person can do if he has the desire, the ability, and the will. I can only say that we will miss you, Frank. We will miss the friendship and the service you have given us. We wish you the very, very best and hope and trust that you will come back to the House so that we can continue this friendship in the years to come.

We all wish you God's blessing.

Mr. O'NEILL. I yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Speaker, I am happy that the distinguished majority leader, the gentleman from Massachusetts (Mr. O'Neill) has taken this time on this occasion to pay this tribute to Frank Battaglia. The majority leader's words and the words of the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) demonstrate the universal bipartisan feeling of respect, love and admiration that every Member of this House has for one of the finest servants this House has ever had. Frank's thirty years of exemplary service spans the entire years of my own service in the House of Representatives as well as the service of the great majority of the other Members of this body.

What a skilled and unerring reporter he has been.

What a wonderfully dedicated, loyal, trustworthy, industrious person he has been.

It is indeed sad to see Frank disassociate himself from the official business of the House, but in saying "goodby" to him, I can confidently say that no one I ever knew has done more to earn a long, useful and pleasant retirement from the arduous duties which he has performed here.

Mr. O'NEILL. Mr. Speaker, I yield to the minority whip, the distinguished gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Speaker, sometimes employees of the House seem to go unnoticed. Sometimes they are not appreciated as much as we all know they should be. It would be great if those of us who have daily contact with such individuals could pause long enough in our busy schedules to say thanks for a job well done.

One such quiet individual, who over the years has diligently and loyally performed his tasks, is Frank B. Battaglia, retiring dean of the corps of Official Reporters of Debates of the House of Representatives.

Frank came to service in the House with ideal and extensive preparation. Born and raised in New York City, he studied shorthand in high school and attained the skill for verbatim shorthand reporting as he worked in several secretarial jobs while attending night school. He worked his way through several years of City College of New York and received an LL.B. degree from Fordham Law School.

Frank worked as a freelance shorthand reporter in practically every court in New York City and took depositions in several Northeastern States.

When Frank learned that good shorthand reporters were in great demand in Washington, D.C., he came here and reported for various Government agency hearings, eventually concentrating his efforts as a freelance reporter for congressional committee hearings.

Then, in 1943, Frank was appointed an Official Reporter of Debates for the U.S. House of Representatives by our former Speaker Sam Rayburn.

As Frank Battaglia retires after 30 years of service to the House, it is my very sincere pleasure to join in paying tribute to Frank, to thank him for his very competent and unselfish service, and to offer to him my very sincerest thoughts and best wishes in his retirement.

Mr. O'NEILL. Mr. Speaker, I yield to the majority whip, the distinguished gentleman from California (Mr. McFall).

Mr. McFALL. Mr. Speaker, I rise in tribute today to a man of whom we may genuinely speak volumes.

Because Frank E. Battaglia has written them—enough volumes to fill a library during his 30 years as an Official Reporter of House Debates.

Frank has faithfully and expertly chronicled the proceedings of the House since the World War II years. He has probably listened to more congressional oratory—from 1-minutes to general debates to special orders—than few other men in our history. And he has kept his good humor throughout it all.

Frank has served under four Speakers of the House, and he has recorded the debates of 15 Congresses. He has covered the joint session appearances of six Presidents.

As Chief Reporter, Frank is responsible for the editing of the House portion of the Congressional Record. Members can have no better evidence of his consistent—and consistently excellent—performance than the regular delivery of their Records each morning. We depend on them even more than on our newspapers.

Frank is now bringing to a close a career in reporting that began in 1928 when he took depositions for practicing attorneys. The entire House will miss Frank. He is a friend of all the Members, and I want to join with my colleagues in wishing him a long and fruitful retirement.

Mr. O'NEILL. Mr. Speaker, I yield to the gentleman from New York (Mr. Addabbo).

Mr. ADDABBO. Mr. Speaker, the New York delegation has indeed been proud of Frank Battaglia, one of the Official Reporters of Debates, dean of the corps of Official Reporters in this House.

Frank Battaglia is a son of New York City, a product of its public schools; he is a man who has worked his way through night school and law school. He worked with dedication in New York and then came here to Washington. He properly and efficiently reports the words of this great body.

Indeed, it is with a heavy heart that we see him retire, but we all wish him well and many long, happy years of retirement.

Mr. O'NEILL. Mr. Speaker, I now yield to the distinguished gentleman from Kentucky (Mr. Mazzoli).

Mr. MAZZOLI. Mr. Speaker, I would like to add a few words in tribute to my good friend, Mr. Frank E. Battaglia, who will be retiring at the end of June after 30 years of service to the House.

Frank is a very skilled practitioner of a very demanding profession. Taking accurate shorthand during lengthy and emotional House debates is a rare and notable skill.

As one who was a shorthand reporter in the Army, I stand in awe of those, like Frank, who have reached a high level of competence in this skilled profession.

He is indeed a very talented man, and can be justifiably proud of the distinguished service he has rendered over these many years to this body.

I would also like to personally thank Frank for the kind and thoughtful consideration he extended to me when I was a new Member. In addition, I found his advice always to have been flawless.

I join all Members in extending to Frank every best wish for health, happiness, and personal fulfillment in the years ahead.

Mr. O'NEILL. Mr. Speaker, I now yield

to the distinguished gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I, too, wish to join our majority leader in expressing our good wishes to Frank Battaglia on his forthcoming retirement.

During the time I have been here I have had the pleasure of knowing Frank very well. I have observed him, of course, as he has performed his official duties. He has always been effective, he has been accurate, he has always been possessed of a good humor and a good name. Off the floor he has also been a fine gentleman and a man dedicated to the work of this House in his off-duty hours as well as his on-duty hours.

I recall especially one of the New York trips that the House usually takes about once a year. Frank served on this particular trip to which I refer as one of the official hosts of that group, and I must say his entire time was devoted to making that trip a very great pleasure and a very high educational experience for all of us, for our wives and children who made this trip.

Certainly I wish to join with the majority leader and the others who preceded me in wishing Frank every happiness in his well earned and well deserved retirement and to wish him Godspeed, good health, and happiness for many, many years to come.

We thank him for what he has done and certainly wish him well.

Mr. O'NEILL. Mr. Speaker, I now yield to the distinguished gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I thank the majority leader for yielding. Mr. Speaker, I wish to add my voice to those Members expressing their appreciation to Frank Battaglia. It is most fitting that we take this opportunity to send to Frank the message of our gratitude for his faithful and unstinting service. After all, for no less than three decades, Frank has dedicated himself to getting out the message of this body. As dean of the corps of official reporters of debates of the House of Representatives, his contribution has been invaluable. We on Capitol Hill know well how dependent we are on faithful associates like Frank; without the outstanding assistance of men of his able caliber, we would be wellnigh helpless to do the job which must be done.

We wish him all the best in his well-deserved retirement. He may rest easy with the satisfying assurance of those who conclude their careers knowing that theirs was a job well done.

Mr. O'NEILL. Mr. Speaker, I now yield to the distinguished gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I want to join with the distinguished majority leader in paying tribute, as a member of the New York delegation, to Frank Battaglia, a great New Yorker, on the eve of his retirement.

Frank Battaglia has had a distinguished record in this body. Thirty years of trying to follow our remarks and report them accurately and faithfully and regularly is a tremendous record. I know we have all been proud of the job he has done.

We have come to know Frank as a part of this body. It is going to be hard to operate without him; but we all wish him well in his retirement and wish him many, many years of happiness and continued good health.

I want to join in saying how sorry I am to see Frank Battaglia leave.

Mr. O'NEILL. Mr. Speaker, I now yield to the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. It is very kind of you.

Well, Frank, you saw me sitting here and you wondered what is the matter with FLOOD. Well, you get different opinions about that, but I think of the great line and I think the name was Frank in that, too, "Oh, Frank, say it isn't so." Do you remember that one?

And I say that to you. Let me change the well-known phrase, I will make it: A scholar, a gentleman, and a judge of good Congressmen.

It is quite a trick.

And Frank has a grand, deadpan sense of humor, Mr. Speaker, and I know you know that. But, Mr. Speaker, the important thing that many of us have not mentioned today, and a thing that we all realize, is that Frank always knows what is going on here. Frank has been one of our biggest helpers. When you walk in that door at any hour of the day or night, frankly sometimes you do not know what is going on here. And you say, "Hey, Frank, what's going on? What amendment is it? What is this all about? What do you think? How will I vote?" And, you know, there he stands, back in that corner in that chair back there by that clique of Pennsylvania coal miners, and he stands there and, buzz, buzz, buzz, the talk goes on. How many times down through the years have you done that, and he with them? And you have needed Frank.

Oh, if I were a sculptor I would chisel from the marble my ideal of a hero—it would be Frank!

If I were a poet—oh, you like that part, Frank? I would melt the world to tears. I would break their hearts with a sonnet—and you remember, and you like it—it would be about Frank.

If I were a painter I would make the canvas eloquent—Frank, you write the rest of it, because you do it better than I.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I am delighted to yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I perhaps may have the honor of saying the last word about this man, Frank Battaglia, who has written so many words over so many years. I too wish to join with my colleagues in tribute to him.

I do not like this idea of retirement as a time of nothing but rest. I know Frank well enough to know that he is going to be busy, driving, pushing, and serving his fellow men to the end of his days.

Thank you.

Mr. CONTE. Mr. Speaker, I rise at the invitation of our distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) to pay deserved tribute to one of the most conscientious, hardworking men to ever labor in this Chamber.

I speak of Frank Battaglia, who, since 1943, has served the Members of this body with unceasing dedication and is retiring at the end of this month as dean of the official corps of Reporters of Debates of the House of Representatives.

Frank's tenure in office, some 30 years, gives him seniority over all but a dozen of the Members of the House.

I wonder how many of us have put the knowledge we culled in high school to as good a use as Frank Battaglia has. I must say, that shorthand training Frank received at Dewitt Clinton High School has stood him in good stead over the years. It put Frank through college and law school, it provided him with employment as a court reporter in almost every tribunal in New York City, and, finally, it gave him the skill he needed to land an appointment from Mr. Sam Rayburn, our beloved former Speaker, as an official reporter in the highest legislative body in the land.

I am happy to take this opportunity to express for the RECORD—the RECORD that Frank Battaglia has kept so diligently for these past 30 years—my warmest congratulations on the distinguished career. Frank, please accept my best wishes for many happy and healthy years of retirement.

Ms. ABZUG. Mr. Speaker, I would like to take this opportunity to express my gratitude to the dean of the corps of Official Reporters of Debates of this House, Frank E. Battaglia. Over the last 30 years Mr. Battaglia has admirably performed the difficult and often thankless task of recording our utterances promptly and accurately for the eyes of Congress and the Nation. We pride ourselves on being a free and open society—the recording and dissemination of congressional debates is an integral part of this freedom.

As a Member of Congress who has made substantial use of Mr. Battaglia's reporting services, I would like to add a personal note of thanks and warm wishes for a happy retirement.

Mr. MILLER. Mr. Speaker, every once in a while we hear the story of a modern man or woman who is an example of the American dream. While the history books are filled with invigorating comments about the lives and trails of the pioneers who first gave democracy a foothold and gave future generations the chance to excel, it is becoming increasingly rare that we have the chance to honor a man who is a modern day success story.

We have that chance today, and I would like to take full advantage of it by joining my colleagues in the House of Representatives in paying tribute to Frank Battaglia, the retiring dean of the Corps of Official Reporters of Debates. For more than 30 years—three long decades—Frank has served the Members of this Chamber with diligence and distinction. He has been one of the most responsible officials of the House that I have ever known, and it is clear that the legislative wheels of the U.S. Congress operate smoothly as the result of the hard work and dedication of men such as Frank Battaglia.

Earlier I made reference to the fact that Frank, in many ways, personified the American dream.

The first rung on his long ladder to success can be traced to the big city environment of New York, where, as a young man, he worked in several secretarial jobs while attending school at night. He worked as a free-lance shorthand reporter in practically every court in New York City. At the same time, he was earning an education that took him through DeWitt Clinton High School, City College of New York, and finally through Fordham Law School. Then, as now, won the respect and admiration of his peers who knew of his dedication and saw the results of hard work.

He decided to seek his fortune in the Nation's Capital after hearing about the scarcity of shorthand reporters in Washington. He has ridden the subways of New York for 4½ hours per day before finally making his decision to apply his shorthand skills to the work of the Congress. He reported for various Government agency hearings, subsequently confining his work as a free-lance reporter to congressional committee hearings. Was appointed as an Official Reporter of Debates of the House of Representatives in 1943 by the Honorable Sam Rayburn.

When former Speaker Rayburn appointed Frank to the position of Official Reporter of Debates, he was the youngest appointee to ever hold that position.

Beyond being one of the most competent officials in the U.S. Congress, Frank was a friend to many Members who have served this country over the past 30 years. His counsel has been sought on more than one occasion and I am confident that his advice has always been well taken.

I especially like the story of Frank bringing to the attention of the Punxsatawney, Pa., Ground Hog Club former Representative Leon Gavin's strong defense of the annual Punxsatawney ground hog celebration. As the result of Frank's interest in Mr. Gavin's support for the observance, Mr. Gavin was presented a mounted ground hog to remind all visitors to his office of the value of the "weather prophet of Punxsatawney."

Actually, it is with mixed emotions that one bids farewell to this fine public servant: I am happy that Frank can now retire to enjoy the pleasure of his family and hobbies, but at the same time, it is unfortunate that we are losing a man of his caliber. We will long remember his success, just as we will always be reminded that it is with hard work and sincere effort that we can attain the goals in life we seek.

I offer my congratulations to Frank on this day and wish him the very best of the future.

Mr. BLATNIK. Mr. Speaker, I join my colleagues in paying well-deserved tribute to Frank E. Battaglia, on his retirement after 30 years of service to the House and the Nation as Official Reporter of Debates of the House of Representatives.

Frank was already a seasoned veteran of House debating procedures when I came to Congress in 1946, and is part of my earliest memories of the House.

I know him as a man of great courtesy, high competence, and abiding loyalty to the Members he has served over these three decades, and to the House as an institution of Government of free men.

As dean of the corps of Official Reporters, he represents all the finest qualities of a difficult, demanding, highly skilled profession.

He has made an outstanding and permanent contribution to the functioning of the House.

Frank Battaglia will be greatly missed after his retirement, but I know that the coming years will be filled with the warm thoughts of his fellow reporters, and the Members who count him among our valued friends.

Frank has our prayers, and our fondest wishes for many years of continued good health, happiness, and the fulfillment of his dreams.

Mr. WILLIAMS. Mr. Speaker, today I wish to take the opportunity to honor one of the most faithful servants of the House I have ever met. I refer to Mr. Frank E. Battaglia who is the Dean of our Official Reporters of Debates to the House of Representatives.

Frank was born and educated in New York and attended the Fordham Law School there. He used his great skill in verbatim shorthand reporting in nearly every Court in the State of New York.

More than 30 years ago Frank came to Washington to work as a shorthand reporter at various government hearings and proceedings. He did freelance work as a reporter to many congressional committees.

In 1943 Speaker Sam Rayburn appointed Frank as an Official Reporter of Debates in the House of Representatives. In the almost 30 years that have passed since that day, Frank has served his Nation and this House in the highest manner.

We have many different styles of speech here on the floor, and the accents from every region of our Nation, but Frank has always reported our debates with great accuracy. Where missing a single word could easily change the entire meaning of a paragraph, that accuracy has been a priceless asset to the Congress.

I am sure that all of my colleagues join me in wishing Frank a long and happy retirement. While we will miss him on the floor, he has both our gratitude and best wishes.

Mr. WAGGONNER. Mr. Speaker, Frank E. Battaglia is retiring this month after three decades of service in the corps of Official Reporters of Debates of the House of Representatives.

Frank has been dean of the corps for a good many years and has recorded about as much debate on every possible subject as can be imagined.

In his capacity as a reporter of debate, Frank has most certainly felt the pulse and watched the trends in Congress closely for quite some time.

As a native of New York, Frank worked his way through several years of the City College of New York, Fordham Law School, where he received an L.L.B. degree.

The shorthand he mastered in Dewitt Clinton High School served him well in several secretarial jobs he held while attending night school. Through those jobs, he perfected his skill for verbatim shorthand reporting. He freelanced as a shorthand reporter in almost every New York City court and then for many Government agencies after coming to Washington. He has served as an Official Reporter of Debates of the House of Representatives since his appointment in 1943 by the late Speaker of the House, Sam Rayburn.

I personally would like to express my appreciation to Frank for his assistance during my own years in Congress. Let me now extend all good wishes to him in retirement. May the coming years be filled with peace, happiness, and plenty of time to do whatever he so desires.

Mrs. MINK. Mr. Speaker, each Member of Congress and many thousands of other Americans each day read one of the world's most unique publications, the CONGRESSIONAL RECORD. We, in the Congress, are dependent upon the RECORD for a daily account of our actions, as well as for information and comments on matters of great interest. Yet most of us have come to take all of this for granted, without realizing that it takes a great human effort to produce such a document each day.

Among the most responsible for the creation of this record of our activities are our Official Reporters of Debates. They are entrusted with the task of laboriously writing in shorthand the debates and proceedings of the House as they transpire. Their handiwork is used not only as a factual record, it is veritably part of the law itself. Courts and regulatory agencies refer to what was said during the legislative process to determine and interpret the intention of Congress in the adoption of bills.

For the past 30 years we have been privileged to enjoy the services of Mr. Frank E. Battaglia in this important task. Frank has been a most conscientious and competent public servant. He has performed his duties unbeknownst to the public at large, who have benefited from his accuracy and skill. We in the House, however, are in a better position to realize the extent of his accomplishments.

As Frank retires as dean of Official Reporters of Debates for the U.S. House of Representatives, I wish to join his many friends and admirers in extending my own congratulations and best wishes. Frank has been a good friend and helper for all of the Members. We have all come to respect his personable manner and willingness to assist.

We shall certainly miss his presence in the House. Even so, his retirement after so many years is certainly well-earned. I hope he finds many years of happiness and satisfaction after leaving his arduous duties.

Mrs. SULLIVAN. Mr. Speaker, the printing of the Congressional Record each night is one of the most remarkable feats of the printing industry, with many people involved. But the Record begins with the Official Reporters of Debate, and without their remarkable speed and proficiency in verbatim shorthand reporting, taking down every work spoken on the House or Senate floor with amazing accuracy, it would take days, rather than overnight, to produce the official transcript of each day's congressional proceedings.

One of the very best Official Reporters to have served in the House during the 21 years it has been my privilege to represent the 3d Congressional District of Missouri is Mr. Frank Battaglia, the dean of the corps of Official Reporters and a 30-year veteran of this demanding and painstaking work in behalf of the House.

All of us who have come to know Mr. Battaglia as a skilled craftsman and fine human being will miss him in the well of the House when he retires at the end of this month. I wish him a most happy life in whatever he chooses to do after his well-earned retirement from the House. He carries our friendship with him into retirement, as well as a reputation of excellence in his chosen field.

Mr. PERKINS. Mr. Speaker, I join with my colleagues in commending the dean of the corps of Official Reporters of Debates of the House of Representatives on the occasion of his retirement.

Frank E. Battaglia retires with honor after 30 years of service to the House of Representatives. His has been a truly dedicated and faithful service. All of us have had occasion to appreciate his assistance at one time or another.

The Official Reporters of Debates in the House of Representatives all give outstanding service and Frank Battaglia has stood in the front ranks not only in years of service but in dedication and helpfulness to the House. I am most happy to have this opportunity to recognize his many years of service and to take this occasion to wish him many, many happy years of retirement.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I would like to associate myself with the remarks of the distinguished majority leader on the retirement of Frank E. Battaglia after 30 years of service with the House of Representatives. I know that all Members on both sides of the aisle appreciate Frank's faithful service to this body.

I would like to wish him every happiness during his retirement years. He will be hard to replace.

Mr. MINSHALL of Ohio. Mr. Speaker, I regret the occasion that calls for these tributes to Frank Battaglia, because it is always hard to say goodby to an old friend, but I also welcome the opportunity to put on the official record of this great House of Representatives the warm good feelings and appreciation we feel for him.

Accurate, unruffled, truly dedicated, Frank is undoubtedly the finest dean of the corps of Official Reporters of Debates the House has ever known. He has transcribed an incredible amount of living history during his three decades of service in this Chamber, beginning with the momentous days of World War II, in 1943, when he was appointed an official reporter by Speaker Sam Rayburn.

I wish to join with Frank Battaglia's countless friends and admirers who today are wishing him Godspeed and many, many happy, contented years of retirement.

Mr. JONES of Oklahoma. Mr. Speaker, during my first months as a Member of the House of Representatives, I have come to appreciate and respect the outstanding abilities and dedication of Frank Battaglia. I know I speak for the other Members of our freshman class when I say Frank has been extremely helpful and cooperative, and we will greatly miss his expertise.

Frank represents the very finest of the many outstanding Official Reporters in the House, and I know his dedicated work in behalf of the House will long be remembered. I wish him the very best and happiest years on the occasion of his retirement.

Mr. EILBERG. Mr. Speaker, I would like to expres my deep appreciation to Frank Battaglia for 30 years of dedicated and conscientious service to the House of Representatives.

Frank regrettably is retiring shortly as dean of the Official Reporters of the House. His service has been characterized by exceptional competence, great good humor, and infinite patience—most of all patience. To imagine how many words have become pages and pages, volumes in three decades time is formidable. And yet Frank has survived in fine order the congressional penchant for using 1,000 words when 50 would do.

Thus, while history may question the worth of much that has been spoken during his time in the House, Frank's many friends unite in congratulating him on having successfully stemmed the tide of congressional verbosity and come through the battle of the pen and pad unscathed. Truly this fine fellow has earned a long, restful and happy retirement.

As one who likes to think and certainly hopes he has not added unduly to Frank's burden through the years, I extend my best wishes for length of years and that special happiness which comes only when we spend more time with those we love.

Mr. NIX. Mr. Speaker, today I join with many other colleagues in saying goodbye to a very old and a very dear friend, the dean of the Official Reporters of the House of Representatives, Mr. Frank Battaglia.

Frank Battaglia was appointed Official Reporter of the House in 1943 by the Honorable Samuel Rayburn, one of the greatest Speakers of the House.

He is a graduate of the Fordham University Law School of New York City. He studied at the City College of New York as well and worked his way through both institutions. Frank developed during this period exceptional skill in verbatim shorthand reporting and was employed throughout the New York City court system.

Frank later became a free lance reporter to various congressional committees and, because of his exceptional skill, he was elevated to the post of Official Reporter of Debates of the House of Representatives.

Human beings make institutions what they are. We all have a right to be proud of the House and the people who make it what it is.

Frank Battaglia is one of these people. He is dedicated, knowledgeable, attentive, and congenial. His work was perfection itself.

We will all miss Frank and he has said that he will miss the House. At 65, after 30 years' service, Frank has richly earned his retirement 30 times over.

I want to take this occasion to publicly say goodbye to Mr. Battaglia and thank him for his friendship over the years as well as his skill.

I congratulate Frank on his well-earned retirement and I wish him and his the best of everything in life. We will miss him. We will not forget him.

Mr. CORMAN. Mr. Speaker, by far the majority of the staff of Capitol Hill are individuals who never see their names in print, who are rarely, if ever, given public credit for the work they do. Yet without these staffers, we as Congressmen would fail dismally in doing our jobs.

Just such an unsung hero is Frank Battaglia, Dean of our Official Reporters of Debates, who is retiring after 30 years of service in the House. Mr. Speaker, I am sure we will all miss Frank's friendliness and, above all, his helpfulness and cooperation. It is quite a job to report accurately the utterances of 435 prima donnas. Add to that the inevitable heated debates in which we engage and we can begin to appreciate the value of individuals like Frank. I have always been thankful for—and have on certain occasions made use of—Frank's willingness to bail out Members who frantically tried to get their remarks into the Record under the wire.

Mr. Speaker, many of our colleagues, I am sure, have heard comments to the effect that the Congressional Record can be a great cure for insomnia. We, of course, can congratulate ourselves for that—but the fact remains that the Record is the only official transcript of the activities taking place on the House and Senate floors, and is used by individuals throughout the world. Thus we are particularly fortunate to have had the highly competent services of such a man as Frank Battaglia. I take great pleasure in joining my colleagues to wish Frank many years of happy retirement.

Mr. MORGAN. Mr. Speaker, Members of the House are served day in and day out by a dedicated corps of extraordinarily competent professionals. They are men and women who shun the limelight while enabling this body to carry out its responsibilities to the Nation.

With the retirement of Frank Battaglia, we will lose an outstanding member of this devoted group.

For three decades, Frank has performed with notable excellence as an Official Reporter of Debates. There is no more demanding task. Yet he has carried it out with both a skill and a cheer that has won friends as well as admiration.

Frank richly deserved his status as dean of the Corps of Official Reporters here. We will miss him. I wish him many happy years in his retirement.

Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Frank E. Battaglia, retiring dean of the Corps of Official Reporters of Debates in the House of Representatives.

He was first appointed as an Official Reporter of Debates in 1943 by the late Speaker of the House Sam Rayburn, and on November 1, 1966, he became Chief Reporter.

Frank has given 30 years of dedicated and devoted service to the Members of the House of Representatives and to his fellow citizens. During those years, he has witnessed some of the greatest moments in the history of mankind, he has recorded the words of the great and near-great alike, and he has experienced, in a very real sense, the triumphs and the tragedies of our Nation.

Having given his best and having distinguished himself in a most exacting and difficult profession, Frank can be proud of his record and his accomplishments.

During my 9 years of service in the Congress, he has become a personal friend of mine, and I will be sorry to see him retire. While he will be missed from active participation in his position, he has earned this retirement, and our gratitude as well, for the fine job he has done over the past three decades.

I join my colleagues in extending to Frank Battaglia my best wishes for abundant good helath, good fortune, and much happiness in the years ahead.

Mr. HOGAN. Mr. Speaker, I am pleased to join our colleagues in paying tribute to Frank Battaglia who is retiring after 30 years. I am very proud to say that Frank is a constituent of mine. Frank has worked hard all of his life. As a young man he worked long and hard while earning an education. Some of our colleagues might not be aware that Frank completed Fordham Law School at night.

He began working on Capitol Hill as a freelance stenographic reporter. Because of his skill, competence, and dependability he was soon asked to work as a House staff reporter. The House and the Nation have benefited from his services ever since.

Mr. Speaker, I am certain that all Members will miss Frank because of the outstanding service he has been rendering for all these years. I will miss him also as a friend. He was always kind and friendly in his quiet way. We both shared a love of poetry and sometimes discussed it. He is well-educated and has a quick wit and an incisive mind.

I know I speak for all of our colleagues, Mr. Speaker when I wish Frank an abundance of happiness in his well-earned years of retirement.

GENERAL LEAVE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the subject of the retirement of Frank Battaglia.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMITTEE ON ENERGY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the leadership in forming a national energy policy, in coordinating energy legislation in light of well-conceived national priorities, has to come from the Congress. I believe that my bill, House Resolution 439, to establish a standing House Committee on Energy is a necessary first step in assuming this leadership. The committee would have as its purpose the establishment and maintenance on a permanent basis of a coordinated program of energy development, application, use and control; and its goal would be the eventual self-sufficiency of the United States in the energy field.

Over and over we have been reminded of the necessity of developing a comprehensive energy policy for the United States. The lack of such a policy in the past is largely responsible for our present difficulties, and the need for such an integrated approach is obvious if we are going to overcome our short- and long-term energy problems.

The President seems to be moving in this direction with the creation of a new cabinet-level Department of Energy and Natural Resources, but we here in Congress have for the most part, only paid lipservice to the need for a comprehensive energy program. Up to now we have been content with a piecemeal, fragmented approach, with energy legislation scattered all over the House to various committees which generally have neither expertise in the energy field nor a clear comprehension of the overall energy situation. If we continue like this in the future, looking elsewhere for direction and leadership, we will be ignoring some of our basic responsibilities.

So far, many of our colleagues have expressed the wish to cosponsor the bill to create a Committee on Energy and I hope several more will do so before I reintroduce the resolution after the July 4 recess.

PROPOSED RULES OF EVIDENCE

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, I have taken a special order today for 30 minutes at the close of all business to discuss briefly and to place into the RECORD the proposed rules of evidence.

The Members may recall that the courts sent over proposed rules of evidence earlier in the year. We passed legislation that they would not become effective until the Congress acted. The Subcommittee on Criminal Justice has worked on them for nearly 6 months, and we have a tentative draft of the proposed rules, and they will go in the RECORD today.

I urge each of the Members to look at them tomorrow, and to call them to the attention of your constituents, and particularly the attorneys, so that we may have the benefit of further comments by July 31, when we prepare to resume working on these proposed new rules of evidence in the fall.

PERSONAL EXPLANATION

(Mr. PREYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PREYER. Mr. Speaker, this past Friday I experienced a dilemma which frequently confronts my colleagues. Some weeks ago, when June 22 was not scheduled for major legislative activity, I accepted several speaking engagements in my district. Two of these were engagements which I had rescheduled from an earlier date which conflicted with House business. Among the meetings were a major session with businessmen, and the principal address at the North Carolina Girls State banquet. Honoring these obligations kept me from voting on several important issues. Had I been present I would have voted for final passage of the National Science Foundation and HUD appropriations bills, for the amendment prohibiting NSF funds for research on human living fetuses, and against striking the proportional obligation requirement in the NSF bill, against increasing the funds for urban renewal and against increasing the funds for community comprehensive planning.

CALL OF THE HOUSE

Mr. HARVEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 281]

Ashbrook
Badillo
Blatnik
Boggs
Breaux
Burke, Calif.
Byron
Camp
Carey, N.Y.
Clark
Collins, Ill.
Danielson
Derwinski
Diggs
Fisher
Foley
Ford, William D.
Gray
Green, Oreg.
Griffiths
Gross
Hunt
Ichord
Mills, Ark.
Patman
Price, Tex.
Reid
Roncalio, Wyo.
Rooney, N.Y.
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.
Widnall
Wiggins
Young, S.C.

The SPEAKER. On this rollcall 398 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Friday last, I call up the joint resolution (H.J. Res.

636) making continuing appropriations for the fiscal year 1974, and for other purposes; and, Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 636

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1974, namely:

Sec. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1973 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1974:

Agriculture-Environmental and Consumer Protection Appropriation Act;

District of Columbia Appropriation Act;

Department of Housing and Urban Development; Space Science Veterans and Certain Other Independent Agencies Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Departments of Labor and Health Education and Welfare and Related Agencies Appropriation Act as now or hereafter passed by the House and the Senate;

Legislative Branch Appropriation Act;

Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act;

Departments of State Justice and Commerce, the Judiciary and Related Agencies Appropriation Act; and

Department of Transportation and Related Agencies Appropriation Act;

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act;

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That no provision in any appropriation Act for the fiscal year 1974 which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution;

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1973, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate: *Provided further,* That with respect to the projects and activities included in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, the current rate for operations within the meaning of this joint resolution shall be that permitted by the joint resolution of July 1, 1972 (Public Law 92–344, as amended), and other appropriations for the fiscal year 1973: *Provided further,* That the aggregate amounts made available to each State under title I–A of the Elementary and Secondary Education Act for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972;

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution) which were conducted in the fiscal year 1973 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Treasury, Postal Service, and General Government Appropriation Act, 1973;

activities for which provision was made in the Department of Defense Appropriation Act, 1973;

activities for which provision was made in the Military Construction Appropriation Act, 1973;

activities for which provision was made in section 108 of Public Law 92–571, as amended, and such amounts shall be available notwithstanding section 10 of Public Law 91–672 and section 655(c) of the Foreign Assistance Act of 1961, as amended; and in addition, unobligated balances as of June 30, 1973, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, are hereby continued available for the same general purposes for which appropriated;

activities of the Commission on International Economic Policy, notwithstanding section 209 of Public Law 92–412;

activities for the "Special fund" established by section 223 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–253) for which provision was made in the Supplemental Appropriations Act, 1973;

activities incident to adjudication of Indian Tribal Claims by the Indian Claims Commission for which provision was made in the Supplemental Appropriations Act, 1973;

activities of the Corporation for Public Broadcasting;

activities for operating expenses, domestic programs, of ACTION, for which provision was made in the Supplemental Appropriations Act, 1973;

activities of the Office of Consumer Affairs;

activities of the Cabinet Committee on Opportunities for Spanish-Speaking People;

activities of the National Study Commission on Water Quality Management;

activities of the National Industrial Pollution Control Council;

activities of the Department of the Interior for: (a) Saline water research program, (b) Trust Territory of the Pacific Islands, and (c) grants-in-aid and special bicentennial grants-in-aid under the Preservation of Historic Properties;

activities of the American Revolution Bicentennial Commission;

activities for Coast Guard reserve training;

activities of the Federal Railroad Administration for grants to National Railroad Passenger Corporation;

activities of the National Highway Traffic Safety Administration under the National Traffic and Motor Vehicle Safety Act of 1966, as amended.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1974;

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the budget estimate—

activities under section 201(g) (1) of the Social Security Act, as amended, for which provision was made in the Second Supplemental Appropriations Act, 1973;

activities authorized by title I of Public Law 92–328; and

(e) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—

activities of the National Commission on Productivity;

activities relating to the compensation and reimbursement of attorneys appointed by judges of the District of Columbia courts pursuant to the Criminal Justice Act of 1964, as amended;

activities of the Commission on the Organization of the Government for the Conduct of Foreign Policy;

activities under the Vocational Rehabilitation Act, as amended, and the Manpower Development and Training Act of 1962, as amended, and title I of the Economic Opportunity Act of 1964, as amended, for which provision was made under joint resolution of July 1, 1972, Public 92–334, as amended, and the Supplemental Appropriations Act, 1973, Public Law 92–607: *Provided,* That the current rate for operations shall be defined as that permitted by such appropriations for fiscal year 1973; and

activities under the Public Works and Economic Development Act of 1965, as amended.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable Appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1973, whichever first occurs.

Sec. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

Sec. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Sec. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1973.

Sec. 107. Any appropriation for the fiscal year 1974 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679 of the Revised Statutes, as amended.

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that the joint resolution be considered as read, printed in the RECORD, and open to amendment at any point.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the House moves in a mysterious way its wonders to perform. We are going to have quite an experience this afternoon. We will be considering by far the largest appropriation bill of the year. This continuing resolution authorizes spending at a rate of about $175 billion until September 30 on which date the resolution is designed to expire.

Mr. Speaker, in view of the tremendous magnitude of this bill and its great importance, I think it most desirable that all Members be informed, at least to the extent that I propose to inform them in these preliminary remarks. My remarks are, by necessity, going to be a bit technical, but they are very significant because we are dealing here with big figures and important matters.

Indeed the U.S. Government would fall on its face—the U.S. Government would come to a screeching, grinding, unacceptable halt at midnight on June 30, except for this bill. There is considerable importance attached to it.

We bring before the House today the first continuing resolution—I hope it will be the last—for the fiscal year 1974 which begins on July 1, next week. The expiration date, as I have stated, is September 30. The committee suggests September 30, because the House will be in recess a week for July 4, and we are taking leave from Washington in August. It would seem that we could get a whale of a lot of our business done in the House and Senate prior to September 30.

Mr. Speaker, let me say that there are no hidden matters here that should arouse the suspicion and concern of our colleagues, except for the fact, of course, that the resolution does provide for the beginning of a spending program for fiscal year 1974 estimated by the President to be about $19 billion greater than the fiscal year which ends on June 30. We are compelled to rely on a continunig resolution, because, although we will have passed 9 of our 13 regular appropriation bills in the House, they have not been passed in the other body, and they have not been enacted into law. The agencies and the departments of the Government must have money with which to operate and authorization by which to operate.

Mr. Speaker, after this week the House will have four appropriations bills yet to consider. We expect to have reported to the House in mid-July the Treasury, Postal Service, and general Government bill. We will have the military construction bill available when the authorization is provided. Perhaps that will be provided in July. Following that we will have the big defense bill amounting to some $70 billion plus. Then follows the foreign aid bill which has been in process of authorization for a number of months, but which has not yet been considered by the House.

The SPEAKER. The time of the gentleman from Texas (Mr. MAHON) has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

THE CURRENT RATE FOR PROGRAMS UNDER LABOR-HEW ACT

Mr. MAHON. Mr. Speaker, we are familiar with the special technical words—shall I say, "words of art"—contained in the continuing resolution. The only changes in the continuing resolution now before us, as compared with previous years, pertain to programs under the Department of Labor, Health, Education and Welfare and Related Agencies Appropriation Act. With the passage through the House of the fiscal year 1974 Labor-HEW bill expected today, the going rate for operations will be the more restrictive of the House passed rate and the current rate. The current rate is not considered to be the actual current level of operations. That level would not be indicative of the fiscal 1973 rate intended by Congress for those programs, because over a billion dollars of those funds have been impounded.

Therefore, for the purposes of the programs under the Labor-HEW Act, the "current rate" is defined as that established by the continuing resolution for fiscal 1973—which is much higher than the actual ongoing rate—namely, a rate of operations equal to the lower of the rate passed by the Senate or the House in H.R. 15417, the first vetoed bill.

EARLY ADJUSTMENT TO RATE FOR LABOR-HEW PROGRAMS

Also, because of the unique conditions involved in the 1973 rate, the joint resolution provides that on passage by the Senate of the Labor-HEW bill for fiscal year 1974, the rate of spending will be updated to that provided under the House or the Senate bill, whichever is lower.

That is a new rule. Heretofore we have not changed the rate until the bill was enacted into law. We tied the rate to circumstances prevailing on July 1 and that continued until the bill was enacted into law. This provision is an exception to the usual rule.

STATE ALLOCATIONS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

There is one other provision of the continuing resolution which merits particular mention. It has to do with the title I elementary and secondary education program. The resolution provides an identical provision to that proposed in the pending 1974 Labor-HEW bill which insures that no State will receive less than it received in fiscal year 1972 under title I of the Elementary and Secondary Education Act.

The new 1970 census figures changed the allocation formula for this program, and this language is necessary to insure that no State will receive less than it did in fiscal year 1972.

RATE OF OPERATION UNDER THIS RESOLUTION

As has been the plan over a period of years, the continuing resolution establishes an appropriate rate of funding for the departments and agencies that will apply until the respective appropriation bills, the regular bills, can be enacted into law.

The rate of operation under the resolution is based on the status of each particular bill as of the date of the passage of the resolution as follows:

Where the applicable bill has passed only one House—and nine of them will have passed the House—then the operating rate shall be not to exceed the current rate or that rate permitted by the action of the House, whichever is lower.

Where the applicable bill has passed both Houses—and that does not apply at this time—but has not been enacted into law and the amount passed by the House is different from that of the Senate, then the activity shall be continued under the lesser amount and the more restrictive authority.

Where the applicable bill—and this does apply to several bills—has not passed either by the House or the Senate, then the rate between July 1 and September 30 for continuing projects and activities shall not exceed the current rate or the rate provided for in the budget estimates, whichever is lower, and under the more restrictive authority.

In certain instances where the current rate is difficult to define or would be inadequate because of special circumstances involved, special provision is made to base the rate of operations on the budget estimate. Certain social security and veterans programs fall in this category.

Where there is no budget estimate or if the budget request has been deferred for later consideration, the rate of operations for continuing projects is the current rate.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. The continuing appropriation has been under study by the Committee on Appropriations of the House, principally by the staff, and the Committee on Appropriations of the other body in conjunction with the Office of Management and Budget over a period of weeks.

This was the best proposal that could be presented under the circumstances.

Yesterday the Committee on Appropriations of the House of Representatives met and approved the continuing resolution which I have presented to the House today. I would like to see the continuing resolution approved as written. That is what we have customarily done in previous years. If we are going to make our legislative system work, we have to have the ingenuity to adapt to changing circumstances or else we fall on our face. This resolution is a technique which we must adopt in order to meet our responsibilities.

I would regret to see the House include with this resolution, every special amendment in which Members generally might have an interest. If we make this a grab bag then the chances of getting it enacted into law by Saturday are remote, and we leave ourselves in confusion.

I hope that no amendments will be adopted in order that we may move expeditiously with this continuing resolution, as we have done year after year, and successfully. If we do not discipline ourselves in this connection, then chaos will be the result.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Kentucky (Mr. PERKINS) the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, first I wish to compliment the distinguished gentleman from Texas Mr. MAHON), the chairman of the Committee on Appropriations, for an outstanding job in bringing this resolution to the floor.

I know that the Committee on Appropriations is aware that the President's budget for fiscal year 1974 did not include provisions for the continuation of the major elementary and secondary school programs, that is, these programs were zero budgeted. As I understand, it is the intention of the committee that as to the elementary and secondary school programs which are funded under the continuing resolution through September 30, 1973, that the rate of spending shall not be less than any State received for fiscal year 1972. Is that correct?

Mr. MAHON. The gentleman from Kentucky is correct. In view of all the facts and circumstances, the subcommittee headed by the gentleman from Pennsylania (Mr. FLOOD) gave thorough consideration to this problem. The whole Committee on Appropriations gave thorough consideration to this problem, and we took care of the situation.

I would point out, Mr. Speaker, that the gentleman from Kentucky, the able chairman of the Committee on Education and Labor (Mr. PERKINS) presented the problem to the committee in a very forceful and effective way. I believe that our actions are well in keeping with the recommendations the gentleman made to the committee.

Mr. PERKINS. I thank the gentleman.

Mr. MAHON. Under leave to extend, I will insert excerpts from the report of the Committee on Appropriations on the pending resolution. This insertion will help explain the operation of the interim financing arrangements contained in the resolution.

The excerpt follows:

LEVELS OF FUNDING PERMITTED UNDER THE RESOLUTION

As has been the practice over a period of years, the continuing resolution establishes an appropriate rate of funding for the Departments and agencies until the respective regular annual appropriation bills can be enacted by Congress.

In summary, the basis of operation under the resolution, which is based on the status of each particular bill as of the date of passage of the resolution, is as follows:

1. Where the applicable bill has *passed only one House*, the rate for operations shall not exceed the current rate or the rate permitted by the action of the one House, whichever is lower (Sec. 101(a)(4));
2. Where the applicable bill has *passed both Houses* but has not cleared conference, and the amount as passed by the House is different from that passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority (Sec. 101(a)(3));
3. Where the applicable bill has *not been passed by either House*, the rate for operations for continuing projects or activities shall not exceed the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority (Sec. 101(b));
4. In certain instances where the current rate is difficult to define or would be inadequate because of the special circumstances involved, special provision is made to base the rate of operations on the budget estimate (Sec. 101(d));
5. Where there is *no budget estimate or if the budget request has been deferred* for later consideration, the rate for operations for continuing projects or activities shall not exceed the current rate (Sec. 101(e));
6. The resolution does not in any way augment the appropriation for a given project or activity in the regular bills for fiscal year 1974. Sec. 105 provides that expenditures pursuant to the resolution shall be charged to the applicable appropriation, fund, or authorization whenever the subject bill is enacted into law.
7. No funds provided in the resolution can be used to initiate any new project or activity or to resume any for which appropriations funds, or other authority were not available in fiscal year 1973 (Sec. 106).

SPECIAL PROVISION FOR LABOR, HEALTH, EDUCATION, AND WELFARE ACTIVITIES

In reference to continuing projects and activities covered by the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Act, financed under Continuing resolution during fiscal year 1973 (P.L. 92-334), the proposed resolution defines "current rate" as that established by the continuing resolution which, in general, appropriated the amounts at a rate for operations equal to the lower of the rate passed by the House or the Senate in H.R. 15417, the first vetoed appropriation bill for the Departments of Labor, and Health, Education, and Welfare and Related Agencies, for fiscal year 1973.

The resolution also provides that upon passage by the Senate of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Bill for fiscal year 1974, that the pertinent project or activity shall be continued at the rate provided under the House Bill or Senate Bill, whichever is lower, and under the more restrictive authority.

Pursuant to Title I of the Elementary and Secondary Education Act, funds were distributed to school districts during previous fiscal years on the basis of the 1960 Census data, because the data from the 1970 Census was not available for use with the Title I formula. The Committee understands that the 1970 Census data is now available; therefore, it is expected that the amount provided will be distributed to States on the basis of the new data. To prevent a drastic redistribution and possible reductions of as much as 50 percent in some State allotments, the resolution includes a provision, the same as that included in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Bill, 1974, which assures that no State will receive less than it received in fiscal year 1972 under the Title I program.

COMPLIANCE WITH THE RESOLUTION

It is essential that officials responsible for administering programs during the interim period covered by the resolution take only the limited action necessary for the orderly continuation of projects and activities, preserving the maximum extent possible the flexibility of Congress in arriving at final decisions in the regular annual bills.

Without laying down any hard and fast rules and short of encumbering administrative processes with detailed fiscal controls, the Committee expects that departments and agencies will especially avoid the obligation of funds for specific budget lines or program allocations on which congressional committees may have expressed strong criticism, at rates which unduly impinge upon discretionary decisions otherwise available to the Congress.

Mr. CEDERBERG. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) has gone into some great detail as to what is contained in this continuing resolution. We on the minority side support this resolution because we recognize that it is necessary that we do so if we are going to have the operations of our Government continue. When we discuss each continuing resolution we point up the deficiencies that do exist in the House of Representatives. We expect the executive departments to plan their actions so as to make their programs effective, but how can they do this when we do not give them an appropriation bill until at least 3, 4, or 5 months in the fiscal year are passed?

It seems to me there has got to be a way that we can get these appropriation bills out by the end of the fiscal year, or some other arrangement can be made whereby the agencies can know what to expect in the way of appropriations. I would hope that as we try to study various methods to improve our efficiency here in the House that this is an area where we would certainly take some action, because over the years—and this has happened year after year—we find the various departments not knowing what to expect until almost half of the fiscal year is over.

I do not think that we are in very good shape to criticize the departments as to the efficiency with which they handle their affairs when we do not do ours any better, or give them clear signals as to what we expect them to do.

It seems to me that this is an area that needs serious attention. We are going to continue appropriations until September 30. Obviously we are going to need another continuing resolution after September 30, because it will be impossible to get all of these appropriation bills completed and to the President by that time.

I hope that as we progress through the rest of the session that we will not find it necessary to continue these resolutions beyond Thanksgiving.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: Page 10, after line 11, insert a new section:

SEC. 108. None of the funds under this Joint Resolution may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of Congress.

Mr. ADDABBO. Mr. Speaker, the 93d Congress convened in January of this year in a climate which most observers described as a constitutional crisis brought about by a confrontation over the impoundment of appropriated funds. That conflict between Presidential power and the desire and right of Congress to participate in the formulation of important national and international policy has not been resolved. The President has used his veto powers to stall Congress from any effort to reassert its authority in a number of areas. If Congress is able to override future vetoes, we will probably find ourselves in the midst of another battle over the impoundment of funds.

I submit to my colleagues on both sides of the aisle that the question of congressional feeling about the continued bombing of Cambodia and any continued U.S. military role in Southeast Asia is one which merits a very clear and determined expression of congressional policy. This is where we must take our stand and reassert our right to participate in policy. This is the time to insist that the President come back for our approval before another bomb is dropped in Cambodia or anywhere else in Southeast Asia. This is the issue which is important enough for a bipartisan vote against Presidential action without consulting Congress. This is the crucial vote of the year in the constitutional confrontation we have heard so much about for the past year.

If the President can impound funds appropriated for health, education, and other domestic programs, then I suggest that Congress has the right and the duty to impound the bombs which the President would drop over Cambodia.

The amendment which I have offered to the continuing resolution would bar the use of any of these funds for bombing or other military actions in Cambodia, Laos, North or South Vietnam. The purpose of my amendment is to prevent the administration from ignoring the intent of Congress as expressed in amendments to several other bills now pending before this Chamber or the other body. Antibombing amendments have been passed as amendments to the State Department authorization bill, the supplemental appropriation bill and it would be tragic if appropriated funds under a continuing resolution were used to defy the expression of congressional opposition to continuing that bombing.

The purpose of a continuing resolution is to allow government to function normally, pending action on appropriation measures. We should not be placed in the position of ratifying the bombing policy of this administration through passage of such a measure because the raids over Cambodia are not routine government administration of congressionally approved programs. Those raids are the implementation of policies approved by the President without consultation or consent of Congress. They have been financed by the use of funds transferred from specific accounts to the general fund of the Defense Department without approval of Congress.

A continuing resolution should be passed in order to continue congressionally approved programs and must not be used as a justification for continued or increased military activities anywhere in Southeast Asia. My amendment would so provide.

I urge my colleagues in the House to support this amendment. I believe we will pass my amendment today. I believe it expresses the will of a majority of the Members of the House.

For too long the Congress has bowed to the wishes of this and the previous administration on Indochina policies, and I believe that the time has come for the Congress to say firmly—and once and for all—we are done with warmaking on behalf of dubious causes without the express consent of Congress. From this point on, when we speak of the national interest, let us keep in mind the interests of the millions of American families whose hopes and dreams are so cruelly shattered each time an American is killed or captured in some remote island of the world.

We must pass this amendment to halt this continuing depletion of our national strength. By doing so, it does not mean we are withdrawing from the conflict of this globe, or that America will never again fight to protect liberty. It does mean, however, that our young men will no longer be sacrified as pawns in some Asian political battle when there is no justifiable reason for America to be actively involved without the express consent of Congress.

Understandably, the administration wants no curtailment of its ability to play international power politics. The Congress has heard testimony as recently as last week that there might again be another resumption of bombing of North Vietnam without a definitive veto by the Congress. This amendment will provide that veto and it will stand as a safeguard against future Vietnams or Cambodias where a President seeks to commit this Nation to war without the consent of the people through the Congress.

All of us in this Chamber today are all too keenly aware of the emotional return of our prisoners of war from Vietnam. We should remember, as well, the collective sigh of relief from the Nation when the last prisoner was safe again once more on American soil. Are we now again to repeat this cycle in Cambodia, or elsewhere? Just days ago, the first American was captured in Cambodia. Unless we halt this senseless American involvement now, there will soon be other Americans joining him; or worse, there will be more American deaths.

The House of Representatives on May 10 and again yesterday expressed itself clearly on the Cambodia issue. The Senate has expressed itself even more strongly. I believe the House would do well to accept the amendment, for it states beyond question just how the people of the Nation, as symbolized by the votes of their representatives, feel about our actions in Cambodia, and South-North Vietnam as relates to our combat forces.

The question before us today is no longer Vietnam. It is no longer a question of protecting our troops, or a matter of salvaging even a tenuous cease-fire from our massive commitment of young bodies. The question before us today is whether the United States will continue to risk the lives and limbs of American youth to help still another Asian dictatorship maintain its power without the consent of Congress.

The question before us is simple, and we need not differ for partisan reasons. These are our young men we either commit to dubious battle or hold back from the fray. In my mind, there is no question whatsoever. I propose this amendment enthusiastically, and I would hope you would support it to prevent further commitment of U.S. forces without the consent of Congress.

We have given South Vietnam, Cambodia, and Laos billions of American dollars, tens of thousands of American lives, and to South Vietnam the world's third greatest air force.

To the American people we have given division, poverty and more.

The time is now to change those priorities. I ask for the support of my amendment.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, I notice the amendment offered by the gentleman goes far beyond the amendment offered by the gentleman yesterday. Yesterday it was Cambodia and Laos, and today it is Cambodia and Laos and North and South Vietnam. Is it the intention of the gentleman by this amendment to stop, effective with the passage of this legislation and its signature by the President, all military operations by the United States in Southeast Asia including civilian air resupply and technical air operations?

Mr. ADDABBO. My amendment reads that it shall stop any aid for combat U.S. Forces in and over Laos, Cambodia, South and North Vietnam. Yes, it goes beyond the amendment offered yesterday. This is the so-called Church-Case amendment which the Senate has passed. It will cease U.S. war activities in these areas.

SUBSTITUTE AMENDMENT OFFERED BY MR. MAHON FOR THE AMENDMENT OFFERED BY MR. ADDABBO

Mr. MAHON. Mr. Speaker, I offer a substitute amendment for the amendment offered by the gentleman from New York (Mr. ADDABBO).

The Clerk read as follows:

Amendment offered by Mr. MAHON as a substitute for the amendment offered by Mr. ADDABBO: Page 10, after line 11: In lieu of the matter proposed, insert the following:

SEC. 108. After September 1, 1973, none of the funds under this joint resolution may be expended to support directly or indirectly combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by United States forces.

Mr. MAHON. Mr. Speaker, I had hoped that this amendment would not be presented to the House today. The House took action on an amendment yesterday, and now there has been a switch in signals and we are asked to endorse another amendment following this switch in signals. As the House approved the so-called Eagleton amendment yesterday, it did not cover North Vietnam and South Vietnam. Here is the amendment that was voted on yesterday:

None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

That satisfied the other body. Apparently that satisfied the majority of the House yesterday, but the gentleman from New York is not satisfied. He comes up now with a change in signals and he includes North and South Vietnam.

I quote the language of the amendment of the gentleman from New York (Mr. ADDABBO) as follows:

None of the funds under this resolution may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam, or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of Congress.

Mr. Speaker, we can only have one President at a time.

I realize that the President is somewhat beleaguered at the moment, but this is not a matter here of domestic conduct or politics. This is a matter of our country, whatever is best for our country. I repeat we can only have one President at a time, and he is our spokesman in foreign affairs. To cut away all the alternatives available to him in North and South Vietnam, and to leave him naked to the Communists in that area of the world, and to play footsie with the gains which have been made toward peace, and to chance the loss of the progress which has been made, seems very, very bad indeed.

So, I rebel, as I hope my colleagues will, at this change of signals, this switch of stance. Therefore, I would say, let us not upstage the Eagleton amendment, but in view of the apparent will of the House, I have offered an amendment somewhat similar to the so-called Long amendment, which says that after September 1, 1973, none of the funds under this joint resolution may be expended—and I am tracking the Eagleton amendment somewhat—shall be expended to support, directly or indirectly, combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by the U.S. forces.

Now, will you, my colleagues, be willing to wait until September 1, a brief period of time, to make the amendment effective?

After passage of this measure, let us go to the other body, see what we can work out in conference—and we will have to bring it back to this body. If we have to bring the measure back in a modified form, then we will be in a little more flexible and fluid position.

The world is watching the U.S.A. The world is wondering about our resolve. The world is wondering if we are so involved in environment and politics and Watergate and budgets and inflation—the world is wondering if we would at this critical moment take action which might in this decade—which might in this decade—trip us up and let the United States of America, the proud country which we love, fall on its face. I am not willing to do it.

I say my President—your President—must have some flexibility, or else he has nothing, more or less, with which to bargain. Approximately 550,000 troops have been brought back from South Vietnam. Is that not something? Maybe they should have been brought back earlier, but they have been brought back and great celebrations have taken place over the return of former prisoners of war.

The SPEAKER. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. So, Mr. Speaker, some progress has been made. I do not know how long it will take to work this out, but there will be some additional expenditures now, some hazards, some losses perhaps, very minor compared to what they otherwise might be.

I would rather give the President more time right now than to slap him in the face in the presence of the entire world, and deny him some flexibility in his negotiations. It may cost us a little here now, but failure to follow a proper course could cost nuclear war. It could cost us millions of lives. It could cost us survival if we show weakness and a lack of will and resolution.

Is it not disturbing that our great country can watch other nations of the world—and some are not too admirable in some respects—but some certainly have more patience than we have. We are too impatient, and in dealing with the oriental nations we may need to show greater patience in our own self interest. Therefore, I am hoping and almost praying that the members of this body will let us take to the other body this continuing resolution with the substitute amendment which I have offered, which seemed more or less to satisfy the House yesterday and which I would like to think now, upon more material reflection in a less emotional atmosphere, will satisfy the House today.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. MAHON

Mr. LONG of Maryland. Mr. Speaker, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland to the substitute amendment offered by Mr. MAHON: On line 1, strike the words "after September 1, 1973" and on line 2 insert the words "heretofore appropriated" after the world "resolution" and before the words "may be expended".

Mr. MAHON. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER. The gentleman from Texas reserves a point of order.

The gentleman from Maryland is recognized for 5 minutes in support of his amendment.

Mr. LONG of Maryland. Mr. Speaker, under the resolution offered by the gentleman from New York the prohibition against funds being used under this continuing resolution would apply not only to Laos and to Cambodia but also to South and North Vietnam. That is acceptable to many of us, but that language has not been tested in the Congress. We are embarking on new and untried territory when we move in that direction before we have solved the problems before us.

What the gentleman from Texas undertakes to do is nullify the operation of the Addabbo amendment for 60 days. Since the continuing resolution is only for 90 days, this would knock out any restriction on bombing during most of the period served by this continuing resolution.

I might point out also, of course, that we have no promise or even prospect that the President will sign the second supplemental, so it is quite likely that the language passed restricting bombing in the second supplemental appropriation may be thrown out also and that we will be left then with no resolution until September 1.

The purpose of my amendment to the substitute is to basically establish the language that passed the House yesterday, in the second supplemental. That is all it undertakes to do. It differs from the Addabbo amendment in that it covers heretofore appropriated money. The Addabbo amendment does not cover that. In other words, the Addabbo amendment does not deal with the Eagleton amendment at all. My language would do so.

The language as I have proposed it, as I would amend the substitute amendment offered by the gentleman from Texas, would simply reinstate what we did June 25, for the second supplemental.

It would do what we did for the second supplemental and put this in the continuing resolution. That is all. The language has been tested in the House. It has been tested in the Senate. It has gone through both bodies.

I might point out that while the President can veto the second supplemental he cannot very well veto the continuing resolution, so if we can get this language in here it is virtually veto proof.

Mr. Speaker, I cannot imagine the President vetoing a continuing resolution. So I urge that my amendment to the substitute be voted up, because this is basically the Eagleton amendment or, rather, the Eagleton language strengthening of the Long amendment as it originally went through, and to me that is the most important thing to do.

Before we embark on new territory dealing with North and South Vietnam, let us deal with where the bombing is really going on and get this through Congress.

Mr. WOLFF. Mr. Speaker, will the gentleman from Maryland (Mr. LONG) yield?

Mr. LONG of Maryland. I will be glad to yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, the gentleman said he wants to deal with where the bombing is going on, and, therefore, under the Paris Treaty nothing is supposed to be going on in North and South Vietnam.

Why is it we are voting funds, and why is it he is eliminating it from this consideration?

Mr. LONG of Maryland. Well, Mr. Speaker, none of the amendments here deal with noncombat operations. We are dealing entirely with funds for combat operations. I urge the Members to vote for the Long amendment for the Mahon substitute.

The SPEAKER. Does the gentleman from Texas (Mr. MAHON) withdraw his point of order?

Mr. MAHON. Mr. Speaker, I withdraw my point of order.

Mr. KEMP. Mr. Speaker, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. LONG) and that of Mr. ADDABBO and in support of the amendment offered by the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

The chairman of the committee today has reminded us dramatically of one very important fact when it comes to the foreign policy of our country, and that is in this Chamber we are not Democrats or Republicans but Americans, and we want, as I know everyone on this floor does, to do what is best and what is in the best interest of our country at any given moment.

Mr. Speaker, the chairman has also reminded us very dramatically that when it comes to the foreign policy of our country, we have at any one time just one leader. It has been said that we can elect whom we want to lead us in the field of foreign policy, but we cannot elect not to have a leader. We have a leader today in foreign policy who has been eminently successful in reducing tensions in the world and in reducing American involvement in the Indochina war.

Mr. Speaker, this country has asked for leadership and productive negotiations with regard to the SALT talks in order to reduce the arms race; we have looked for this President to negotiate for us in the Mideast; we have looked to him to negotiate for us in Paris with regard to the Southeast Asian conflict; we have asked for him to negotiate for us with regard to China so as to help reduce tensions in Asia; we have looked to him to help provide leadership so as to negotiate a mutual and balanced force reduction in Europe between NATO and the Warsaw Pact countries.

We are asking for him to negotiate for us and be our leader everywhere in the world except in Southeast Asia. There we are saying he is not credible and we do not trust his leadership and he does not speak for America. What a contradiction—what confusion.

Mr. Speaker, I suggest here today that if our leader is not credible in Southeast Asia, how can we ask him to be credible in negotiations along the Suez Canal or in Europe or at SALT talks or in any of the other strategic areas of our vital foreign policy interests?

I think the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), has made an extremely important point and I agree. What we are suggesting is that the first line of defense for this country is the credibility of our country, the word of our country, the honor of our country. I would suggest that the gentleman who has offered this amendment, the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), has made a vital contribution to the ability of this country to maintain its credibility. I urge my colleagues to support his amendment and vote down the Long and Addabbo amendments. These amendments are nothing but a 1973 version for Asia of the Neutrality Act which Congress passed in the 1930's and which did so much to tie President Roosevelt's hands.

The motives which inspired the passage of the Neutrality Act were of the purest nature, just as are the motives of the backers and sponsors of the Long and Addabbo amendments before us today. Congress wanted to keep us out of war. Congress wanted to make peace secure.

The Neutrality Act passed by Congress declared that in the future the United States would not support nations who were struggling for their freedom against totalitarian regimes such as Hitler's and Mussolini's, and furthermore, no distinction would be made by our country between aggressor and nonaggressor nations.

Our distinguished colleague in the Senate, the Honorable SAM ERVIN, has made some excellent remarks concerning the Neutrality Act from which I quote at this time:

> The motive behind the passage of the Neutrality Act was laudable. It was to keep the United States out of war. It was to bring about peace for the United States, if nowhere else on earth. But the Neutrality Act was the thing for which Hitler had been thirsting and the thing for which Mussolini had been hungering. All they were waiting for was a declaration by the United States that it was going to isolate itself on the American continent and let liberty be extinguished elsewhere on the face of the earth by ruthless dictators. The Neutrality Act gave them that assurance, and so they plunged the world into the Second World War.
>
> No historian who has the least respect for the truth will ever fail to agree that the passage of the Neutrality Act by the American Congress, at the instance of an American President, was one of the great causes which unleased the dogs of war in Europe and led to the Second World War, in which millions and millions and millions of helpless men and women and children suffered extermination in virtually all areas of the earth.
>
> But there seems to be no way in which one can stop the delusion that Congress in some way, by passing a law, can put an end to war, so far the United States is concerned.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. KEMP. Mr. Speaker, if I may be allowed to finish my statement, then I will be glad to yield.

Mr. Speaker, I point this out because I know that everyone in this room sincerely desires peace.

In 1962 we negotiated an agreement with regard to the neutrality of Laos, and as the gentleman and all of us recognize today, before the ink was dry on the negotiated settlement of 1962, it was violated by North Vietnam. They used the Laotian Corridor, the Ho Chi Minh Trail, as a conduit through which to support and export revolution in South Vietnam.

I believe sincerely that the greatest mistake in the 1960's was the failure of this country to enforce the 1962 Geneva accords as they relate to Laos, because in so doing we said that the negotiated settlement was not worth the paper upon which it was written. That violation led as much to the tragedy of Vietnam as any other single mistake.

I quote at this time from a recent New York Times article by former Under Secretary of State, Eugene V. Rostow:

> It is manifestly impossible to assure the security of South Vietnam if hostile forces operate against it from sanctuaries in Cambodia and Laos. This was the premise of the Geneva Agreement of 1962, through which the Soviet Union promised us that North Vietnamese troops would withdraw from Cambodia and Laos. Many believe that the Vietnam misery stems from Kennedy's failure to insist on the fulfillment of that agreement. The 1962 promise was repeated by North Vietnam in the January cease-fire agreement and endorsed by the major powers who signed the Act of Paris of March 2.
>
> At this tense and precarious moment in the Indochina conflict indirect nibbling at our long-standing policy in the area is peculiarly inappropriate. Having fully and repeatedly authorized the goals of that policy, Congress should not now deny the President the best available means to make our policy good.

Let us not make the same mistake again to America's credibility.

What I am suggesting here to my colleagues today on the floor of the House is this: America and the President as our leader has to be credible all over the world. You cannot ask him to be credible in the SALT talks or the mutual balanced force reduction talks if you will not allow him to be credible and enforce the negotiations that were so difficult to achieve at Paris.

That agreement was not perfect; in fact, it is a far cry from it. We can make it work if we don't give up here at the last minute. The chairman of the Committee on Appropriations made a very vital contrbution to the cause of leadership for this country with his amendment, and I urge support for the Mahon amendment and defeat of the Long and Addabbo amendment.

I now yield to the gentleman from Maryland.

Mr. LONG of Maryland. Let me point out my substitute would not do anything about North and South Vietnam, so it would not affect any of our relations there.

Mr. GIAIMO. Mr. Speaker, I move to strike the last word.

Mr. HAYS. Would the gentleman yield to me for a brief observation?

Mr. GIAIMO. I yield to the gentleman.

Mr. HAYS. The preceding speaker made a great argument which really left me a little bit could about the credibility of the White House. Apparently he has not been watching television in the last few days.

Mr. GIAIMO. Along those lines, I would like to add that the world is watching the credibility not just of the United States President but of the Government of the United States. It is the credibility of the entire Government of the United States that the world watches, which includes very clearly the duties and responsibilities of the legislative branch—the Congress.

Mr. Speaker, there is a little confusion here. I think we should explain what is happening.

The resolutions which we passed yesterday and several weeks ago involved and dealt with a very specific thing—namely, to stop what we consider to be unauthorized usages of funds to bomb, as we are actually doing in Cambodia and Laos. There is no bombing or combat going on in North Vietnam; therefore, there was no need to incorporate that language in attaining the purpose that the Congress overwhelmingly supported both in the House and the Senate.

Now we are dealing with new funds—1974 funds—and we are saying that it is the will of the Congress that we do not want any more combat activity in all of Southeast Asia, and that includes North and South Vietnam.

The chairman of my committee makes a very eloquent speech that we cannot tie the President's hands and that we have to give the President flexibility. We have been hearing this same suggestion for 10 long years, and the American people have made it crystal clear that they want out. If the situation occurs in Vietnam where the President feels he needs to take some sort of combat measure, the answer is very simple: let the President, any President, come back to the Congress and ask the Congress and consult with the Congress as to what joint efforts the American Government should make in Vietnam.

I, for one, refuse to go along with the idea of flexibility in Southeast Asia where we have made it so clear—and where the American people have made it so clear—that we do not want to reengage.

Let me say this: President Nixon has exercised admirable foreign policy abilities in extricating the United States from Southeast Asia. He is not going to reintroduce combat forces in Vietnam, and he does not need gunboat-type diplomacy with bombers in order to follow and pursue his course. He has done it through negotiation, and I am confident he can continue to do it through negotiation.

As I understand it, the amendment of the gentleman from New York (Mr. ADDABBO) is the same as the amendment that was passed in the other body as an amendment to the State-Justice-Commerce-Judiciary Authorization Act.

We are dealing here in the future with the 1974 fiscal year funds. The other body made it clear that they wanted no involvement, not just in Laos and Cambodia, but in Vietnam also. And we in the House should make sure that our funds are not used for this purpose.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Speaker, I would ask the gentleman from Connecticut does the gentleman intend to support the war powers legislation that we will vote on tomorrow?

Mr. GIAIMO. Yes, I do.

Mr. CEDERBERG. Does the gentleman from Connecticut realize that in that legislation it gives the President carte blanche authority to carry on combat activities for 120 days anyplace in the world?

Mr. GIAIMO. That is a little different. Congress has already spoken as to Southeast Asia and said "Stop."

Mr. CEDERBERG. And the Congress takes no action? I disagree with that concept. But the gentleman from Connecticut will not give the President 60 days in which to bring about the conclusion of these long, long negotiations?

The SPEAKER. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 2 additional minutes.)

Mr. GIAIMO. Mr. Speaker, in answer to the gentleman from Michigan, I do not want to give the President or anyone else 1 additional day for flying American combat pilots and who may be shot down in Vietnam, or Laos or Cambodia and whose lives will be wasted. We have had it in Southeast Asia, and we want out. The American people have made it very clear. Let us not play any further games with it; let us get out of that place as the President has gotten us out of South Vietnam, and let us stay out.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, apropos of what the gentleman from Connecticut has said, and this was the major thrust of my question directed to the gentleman from New York, is the language the gentleman from Connecticut is supporting an absolute cutoff of any U.S. supplies, or any type of air support in flying in civilian supplies, or military combat supplies?

Mr. GIAIMO. We are not talking about support troops or advisers. We are talking about combat forces.

Mr. WYMAN. What about flying supplies into Phnom Penh to supply the civilians that are under siege there?

Mr. GIAIMO. We are talking, as I understand it from the language of the amendment, strictly about American combat forces, not supply forces. We have supplied the South Vietnamese Army with an air force; we have supplied the Cambodian troops with combat equipment. We are not talking about that.

Mr. WYMAN. If the gentleman from Connecticut will yield further, the language of the amendment prohibits any more support, if the gentleman will read the amendment carefully, so that you cannot fly in military aircraft supplies into Phnom Penh for support of our civilians there.

Mr. GIAIMO. I will yield to the author of the amendment.

Mr. ADDABBO. Mr. Speaker, the amendment speaks for itself. It speaks of combat U.S. forces, and it goes further; it says without the consent of the Congress. If the President feels he needs to commit us further in the war, then let the President come back to the Congress.

The SPEAKER. The time of the gentleman from Connecticut has again expired.

Mr. GERALD R. FORD. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the gentleman from Connecticut (Mr. GIAIMO) is accurately interpreting the words in the amendment offered by the gentleman from New York (Mr. ADDABBO) and those words in that amendment, as reiterated by the gentleman from Connecticut, ought to make everybody in this body think twice.

Let me read those words to the Members:

> None of the funds under this joint resolution—

And that is all of the money in the Defense Department budget or in the budget as a whole—

> may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, Vietnam and South Vietnam, or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of the Congress.

That is what the amendment offered by the gentleman from New York (Mr. ADDABBO) says.

The gentleman from Connecticut (Mr. GIAIMO) is completely accurate. If this resolution becomes law, if an enemy in the Pacific takes some military action in any one of these four areas and puts in jeopardy the lives of American civilians in any one of these areas, or the lives of any U.S. military personnel in any one of these areas, until the President comes to Congress and gets consent he cannot protect these lives.

I suggest that should an enemy attack us and put other American lives in jeopardy, the Commander in Chief ought to have some flexibility to protect those lives. The Addabbo amendment does not give the President that flexibility, and the gentleman from Connecticut has totally confirmed that interpretation.

We have an obligation to the 2,000, 4,000, or 5,000 American civilians in that part of the world, or the American military personnel who are there in a noncombat role. Unfortunately, the gentleman from New York and the gentleman from Connecticut want to tie the President's hands as he would try to protect American lives.

I am a little amazed at the contradiction that appears in what the gentleman from Connecticut has said is his interpretation of the Addabbo amendment and his desire, tomorrow, perhaps, to vote for the War Powers Act as recommended by the Committee on Foreign Affairs. In the War Powers Act he wants to give to the President worldwide authority for 120 days to take the kind of immediate action that is needed, and then when he is talking about Southeast Asia, there is no flexibility. He wants to let American lives go down the drain over there, while we come up here and debate the issue. I just do not think that is very fair to some of our fellow Americans.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. ADDABBO. The gentleman from Michigan is speaking of protective action. I am speaking of direct combat action by our forces. We are not amending the Constitution here this afternoon; we are taking a congressional prerogative. The President still has, as Commander in Chief, certain war powers, and if any place in this world our forces are threatened or attacked, he can move for the moment. But we are not doing that. We are, after two cease-fire agreements in Southeast Asia, telling the President and the Department of Defense that when this Congress speaks, it means what it says, not that when it speaks, they can still determine or try to interpret what we are saying. When we say stop bombing, they say, "we can still bomb." This is what we are trying to do this afternoon.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. Mr. Speaker, it is my understanding that the gentleman from New York in his previous comment said that the President as Commander in Chief has certain constitutional military responsibilities and opportunities—I cannot remember his precise language—which would go beyond the limitation in this amendment; is that correct?

Mr. ADDABBO. His rights under the Constitution as Commander in Chief, yes.

Mr. GERALD R. FORD. The gentleman cannot have it both ways. Apparently he can go home and tell his constituents he told the President he could not do something on the one hand, and now he is qualifying it by telling us that despite what his amendment says, despite that amendment, the President has certain opportunities to do something.

Let me make one further observation about the Long amendment. Frankly, I do not think we have to pay much attention to the Addabbo amendment. As to the language and its interpretations, I cannot comprehend this House going along with something as ridiculous as that proposal.

But now let us return to the Long amendment. This is a more serious matter because, obviously, the House yesterday in a very close vote had some opinions that were pretty divided.

If we approve the Long amendment to the Mahon substitute, in my judgment we are undercutting negotiations that are going on right now where we hope to achieve that final piece in the puzzle. I said that yesterday and I reiterate it today. And those negotiations are of maximum importance.

I do not want in funds in fiscal year 1974 to be limited so that the President and his advisers cannot carry out those negotiations.

No. 2. We know there are violations in the Paris peace treaty. There are specific violations of article 20. Article 20 was an agreement where all the parties were to get together to try to end combat in Indochina. There are violations, unfortunately. We are not going to bomb North Vietnam. We are not bombing in Laos. We have cease-fires in both Vietnam and in Laos. We are trying through whatever legitimate pressure we can exert to get the opposition to sit down and negotiate an agreement involving Cambodia. These blatant violations, the invasion of North Vietnamese troops into Cambodia, can only be stopped by counteraction by us in a military sense. In my opinion if we limit the utilization of funds in fiscal year 1974 for an unlimited period of time we are undercutting our opportunity to get this peace agreement finally put together.

I strongly recommend opposition to the Long amendment to the Mahon amendment, and obviously I favor the Mahon substitute over this other amendment which in my opinion barely deserves any consideration.

Mr. WAGGONNER. Mr. Speaker, I rise in support of the Mahon substitute.

Mr. Speaker, let us put this debate in perspective. We are debating today the passing of a continuing resolution. A continuing resolution has been made necessary because this Congress, this House and the U.S. Senate, have not done their work to this point in time and have not passed the appropriation bills to operate this Government. Not a single appropriation bill has been passed and signed into law.

What is a continuing resolution? A continuing resolution is simple. It is intended to supply money to every agency of Government for which appropriations have not been finally made for them to keep doing what they have been doing at one of two levels: Either the level of the expenditure of the previous year or the budget proposal for the coming year, whichever is the lower.

In this instance we are simply asking that we be able to continue, by supporting the Mahon substitute, what everybody thought was great when earlier this year we signed peace agreements involving Southeast Asia ending a war nobody I know wanted.

Let us put this Addabbo amendment in proper perspective. The gentleman from New York (Mr. ADDABBO) has talked about everything except the key words of his amendment. He talks about prohibition applying in the instance of and only for combat activities. Let me read the amendment again for the Members and I ask the the Members to listen because the key word is not "combat."

> None of the funds under this Joint Resolution may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of Congress.

We cannot pass this amendment and even comply with the conditions of the peace agreement to which we are signatory. We are not talking about just the funds for the Department of Defense. We are talking about every dollar for every agency in the U.S. Government, because none of them has received finalized appropriations. They are all affected. The key words are "directly or indirectly" not and I repeat not "combat". We are not talking about support by U.S. combat forces either. United States forces, whether combat or not and no matter where stationed cannot even participate in an indirect way, no matter how indirect.

We are saying, because the key words are "directly or indirectly"—not combat—we are saying that nobody in the U.S. Government can do anything in support of anybody in Southeast Asia, because to say the least that support would at least be indirect. We cannot even provide for South Vietnam, for example, what we promised them and committed ourselves to in the way of arms to carry on a defense of themselves if they were attacked which they have been. The State Department cannot even leave their advisors there. We cannot even pursue the location of MIA's. We cannot even keep U.S. intelligence people over there. We cannot do anything in Southeast Asia. The amendment, I again repeat, even prohibits the use of our military forces stationed outside Southeast Asia to assist or even advise in even an indirect way. We are not just talking about U.S. combat forces in Southeast Asia.

My friends of the House of Representatives, forget about the fact that Richard Nixon is President of the United States. Consider the long range best interests of the country. Forget all else. Think of what we Members are doing to the United States, and in turn to ourselves and future generations of Americans if we do this at this point in time. We are not prostrating Richard Nixon; we are prostrating something bigger than Richard Nixon. We are prostrating our country. We are sowing the seeds of another conflict. Who wants to do this to this country at this point in time? Perhaps some Members do, perhaps they do, but I want to make it clear that I do not want to do it. We cannot prostrate Richard Nixon without prostrating our country. We cannot conduct foreign policy and provide for security and the future in this manner.

Do not buy this pig-in-a-poke, to borrow a Yankee term. Do not buy this pig-in-a-poke. At least be men enough to say, "Yes, we still believe that the treaty which was signed earlier this year is deserving of at least indirect support." That is all we are going to do.

Vote "yea" on the Mahon substitute.

Mr. ADAMS. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. WAGGONNER. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, for nearly 6 years I have advocated that we stop American involvement in Southeast Asia, because I have not believed it was in the best interests of the United States to continue military activity in and over Southeast Asia. I therefore support the amendments to stop the spending of any more money for combat activities in Southeast Asia.

This also involves the powers of President versus the war powers of the Congress. The Constitution says that the Congress must declare war to move the country to a war status. This was never done. If it had been placed to a vote the country might never have gone through the terrible street disputes of the 1960's and 1970's and would not face much of the inflationary pressures and economic chaos presently with us. Many of us pointed out that this would happen if the Congress did not debate it, but our voices were drowned out in a flurry of charges and countercharges.

This tragedy for America must stop and we must restore our Nation to its former position of integrity and trust in the world. This is done by our actions for peace as well as our capacity for war. I, therefore, support the Long amendment and the Addabbo amendment and oppose the Mahon substitute.

Mr. SIKES. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of the Mahon substitute, which would give the President until September 1, just 2 months, to continue the attempt to extricate the United States from the problems of Southeast Asia, and to do it in an orderly way which would give a measure of self-determination to the people who live in that part of the world.

I oppose the Long amendment, which is intended to nullify the Mahon amendment by striking reference to September 1, but which in my opinion, Mr. Speaker, is otherwise inoperative in that as written it does not apply to fiscal 1974 funds.

The test obviously is going to come on the Addabbo amendment. Again, this has been said many times, but let me repeat the language of the Addabbo amendment:

> None of the funds under this resolution may be expended to support directly or indirectly.

Obviously, this can be interpreted to shut off all military action in which we now participate anywhere in Southeast Asia. We cannot relate the limitation only to combat activity by U.S. units. The advisers who are assigned to South Vietnam units from combat units. Supply, logistic support, for the Southeast Asia forces is in some instances being carried on by personnel from combat forces. It could stop essential communications activities.

The Addabbo amendment could stop virtually all activities of every kind which are being engaged in by the U.S. personnel.

It could hamper or stop the MIA search. The MIA's are not back. We must complete the search for those unfortunate members of the American Armed Forces.

Just look at it for what it says, "directly or indirectly." It is very broad language.

Then the amendment goes on to say, "without the express consent of Congress."

What do the Members of this body think the Communists would be doing while the President comes to Congress to seek express consent, to deal with emergencies in Southeast Asia? First he would run head-on into a filibuster in the Senate and then into a minibuster in the House, and nothing would be done for days or weeks or months, while steel-tipped Communist divisions, led by tanks and by aircraft swept forward. I said led by tanks and aircraft, when U.S. aircraft are immobilized, their planes will become involved.

We should remember there are 150,000 North Vietnamese troops still in place in South Vietnam, and they are constantly being resupplied and reequipped.

There are North Vietnamese forces in Laos. There are North Vietnamese forces across the DMZ. They are ready to pounce. When the time is propitious.

What would we be doing while our hands are tied and we could not defend ourselves? What would be happening to the American civilians as well as military, who are left in Southeast Asia for logistics support, for training missions, to search for Mig's, even for peace keeping missions.

The proposed language, Mr. Speaker, would close the door on any further efforts to bargain, to bring a negotiated end to conflict.

It would deprive us of the opportunity for meaningful effort for self-determination for the people of all Southeast Asia.

Communism is impressed only by strength. It is America's military strength, now demonstrated through Air Force units, that has caused the Communists to be wary of a total disregard of their treaty commitments, and prevented the collapse of Cambodia.

I would hope, Mr. Speaker, the Members of the House would not want it said, "We pulled the rug out from under the efforts of the President to complete the work of getting us out of Vietnam now nearly accomplished. I would hope we would not want it said we made a mockery out of all of the blood and sweat and tears and treasure that have been expended by this country in the last 10 years. I would hope we would not want it said we are willing to disregard the sacrifices of America's uniformed personnel and their families.

We are almost out. We are asking for another 2 months, until the 1st of September, to finish the job. At least we can afford to give the President that chance to assure self-determination to the people of Southeast Asia.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all debate on the pending amendment and amendments thereto close in 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MOSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all debate on the pending amendment and amendments thereto close in 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MOSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I move that all debate on the pending amendment and amendments thereto close in 20 minutes.

The SPEAKER. The question is on the motion offered by by the gentleman from Texas (Mr. Mahon).

RECORDED VOTE

Mr. MOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 275, noes, 136, not voting 22, as follows:

[Roll No. 282]

AYES—275

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Barrett
Beard
Bevill
Biaggi
Blackburn
Bolling
Bowen
Brasco
Bray
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burleson, Tex.
Burlison, Mo.
Butler
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conlan
Corman
Cotter
Crane
Cronin
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Wis.
Delaney
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Eshleman
Evins, Tenn.
Flood
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gaydos
Gibbons
Ginn
Gonzalez
Goodling
Griffiths
Gubser
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hays

Hébert
Heinz
Henderson
Hicks
Hillis
Hinshaw
Holifield
Holt
Hosmer
Huber
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Ketchum
King
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Maraziti
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Milford
Minish
Minshall, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Brien
O'Hara
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quillen
Railsback
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rose
Rostenkowski
Rousselot
Roy
Runnels
Ruth
Ryan
St Germain
Sandman
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Steed
Steele
Steelman
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Ill.
Young, Tex.
Zablocki
Zion

NOES—136

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Ashley
Aspin
Bell
Bennett
Bergland
Biester
Bingham
Boggs
Boland
Brademas
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Carney, Ohio
Chisholm
Clay
Cleveland
Conable
Conte
Conyers
Coughlin
Culver
Daniel, Dan
Davis, Ga.
Davis, S.C.
de la Garza
Dellenback
Dellums
Denholm
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flowers
Flynt
Ford, William D.
Fraser
Frenzel
Fulton
Gettys
Giaimo
Gilman
Goldwater
Grasso
Green, Pa.
Grover
Gude
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holtzman
Horton
Howard
Hudnut
Hutchinson
Kastenmeier
Kazen
Keating
Kemp
Koch
Leggett
McClory
McCloskey
McKinney
Macdonald
Mann
Martin, N.C.
Matsunaga
Mezvinsky
Miller
Mink
Mitchell, Md.
Mizell
Moss
Obey
Owens
Pettis
Quie
Reid
Riegle
Robison, N.Y.
Rodino
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shoup
Smith, N.Y.
Spence
Stanton, James V.
Stark
Steiger, Wis.
Stokes
Studds
Symms
Talcott
Thone
Van Deerlin
Vanik
Waldie
Wampler
Whalen
Wolff
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Zwach

NOT VOTING—22

Ashbrook
Badillo
Blatnik
Breaux
Byron
Camp
Carey, N.Y.
Danielson
Derwinski
Fisher
Foley
Gray
Green, Oreg.
Gross
Michel
Mills, Ark.
Price, Tex.
Randall
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Young, S.C.

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

(By unanimous consent, Ms. ABZUG yielded her time to Mr. ADDABBO.)

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. CASEY).

(By unanimous consent, Mr. MAHON yielded his time to Mr. CASEY of Texas.)

Mr. CASEY of Texas. Mr. Speaker, the same ones who are advocating today that we run the war and that we run the peace and cut off funds right now are the same ones who last fall were advocating a date certain that we get out of Southeast Asia. If we had listened to them, then would we have had any peace with honor today? As I understand it from Dr. Kissinger when the bombing was resumed the North Vietnamese began to talk peace. They realized they could not win the war, the military war. Also our prisoners of war on returning said when the bombing was resumed they started receiving good treatment.

I say to the Members, this has been bitter medicine we have been taking for this illness, and many of us have called it an illness, a cancer. We have almost got this disease cured, but it is like almost any other dreadful disease. If we stop taking the medicine before there is a complete cure, the disease will build up again.

It takes courage to vote to keep our forces in a position of readiness and able to bomb. It takes more courage than to vote with those today who say, "We will get you out of the war now."

It is a mistake if we say that we in the House can make the peace and we can win the war in Southeast Asia. We must leave that to those who have the expertise to do it.

I say to the Members: Use courage and vote down the Long amendment and adopt the amendment offered by the gentleman from Texas (Mr. MAHON), the chairman of the committee.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

(By unanimous consent, Mr. MCCLORY yielded his time to Mr. FINDLEY.)

Mr. McCLORY. Mr. Speaker, I am voting again today to indicate my opposition to bombing and other combat activities by American forces in Cambodia, Laos, and in Vietnam.

Mr. Speaker, it is my firm conviction that our military forces do not belong in—or over these countries of Indochina. Indeed, I would remove our military forces from other areas of Southeast Asia—notably Thailand.

Mr. Speaker, the time for the Congress to act on this issue is—now. For us to authorize a delay of 60 or 90 days could only be interpreted as our approval of bombing raids and other combat activities—to which I am opposed—unequivocally.

Mr. FINDLEY. Mr. Speaker, everyone recognizes that bombing is an act of war, and I think the Members of this body also recognize that as of this moment the Congress has not given sanction to bombing operations in Cambodia. It would seem to me that the last thing we would want to do would be to support the Mahon language, because as I read it, it cannot be regarded as anything else but sanctioning 60 more days of bombing in Cambodia.

If the gentleman from Texas would respond, I would like to ask him if my reading is correct, that if his amendment is accepted and made a part of this resolution, this should be regarded by the public, including the President, as congressional sanction for more bombing of Cambodia for the next 60 days.

Mr. MAHON. I would say no, this is not sanctioning bombing. It is giving the President this flexibility.

Mr. FINDLEY. But it sanctions the continuing of the bombing.

There are several parts to the Addabbo amendment that have been called into question and I regret that one of the speakers gave a totally erroneous interpretation of the Addabbo amendment. I would like to have the gentleman from New York (Mr. ADDABBO) respond if he would to these questions.

The SPEAKER. The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, a technical error exists in the wording of my amendment to the substitute offered by (Mr. MAHON). I withdraw that amendment and ask that this change be made.

Mr. CEDERBERG. Mr. Speaker, I object.

The SPEAKER. The gentleman from Maryland has the privilege of withdrawing his amendment in the House. We are not in the Committee of the Whole. The gentleman may withdraw his amendment on his own motion.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. MAHON

Mr. LONG of Maryland. Mr. Speaker, I offer an amendment, which incorporates the change.

The Clerk read as follows:

> Amendment offered by Mr. LONG of Maryland to the substitute amendment offered by Mr. MAHON: On line 1 strike the words "After September 1, 1973"; and on line 2 insert the words "or funds heretofore appropriated" after the word "resolution" and before the words "may be expended".

Mr. LONG of Maryland. Mr. Speaker, the words "or funds" have been left out and I simply reword the amendment to make it somewhat more precise. As I pointed out, if my amendment is upheld and the Mahon substitute is passed, then what we will have before us is the same amendment that we passed yesterday, the same Eagleton amendment we passed yesterday to the second supplemental.

This language passed both the Senate and the House. It will not refer to Vietnam, either South or North. It will cover Laos and Cambodia, but will cover funds appropriated in the past.

Mr. FRASER. Mr. Speaker, I hope the Members will support the Long amendment to the amendment offered by the chairman of the committee (Mr. Mahon).

It will carry out the intent of the action the House took just a day or so ago. It would restrict the use of funds to finance combat activities by U.S. Armed Forces in or over Cambodia or Laos. That is the effect of adopting the Long amendment.

If we adopt it, then we will later have the choice between that version and the version which would stop funding of the U.S. Armed Forces combat activities, not only over Cambodia and Laos, but North and South Vietnam as well. We will then be able to make that further choice as to whether we want to extend the prohibition to Vietnam.

I hope the Members support the Long amendment.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. Gerald R. Ford).

(By unanimous consent, Mr. Arends yielded his time to Mr. Gerald R. Ford.)

Mr. GERALD R. FORD. Mr. Speaker, I would like to reemphasize one point which has been made, which involves the Addabbo amendment. The point was made and should be reiterated that under the reading of the language of the Addabbo amendment where it says "directly or indirectly involving Vietnam or South Vietnam," we would have no capability—the United States—to carry out our treaty obligations under the Paris Peace Treaty.

Mr. Speaker, I do not think the Congress wants to restrict the President to that degree, having achieved a peace agreement in Vietnam.

Let me make one final comment concerning the Long amendment. The Long amendment as it is presently drafted unquestionably ties the hands of the President as we are in the process of negotiation, negotiation at a very high level.

The Long amendment ties down the military options that the President has to use in his negotiations to achieve a new government in Cambodia. Such a government would bring about a cease-fire and would be the final link in the making of a peace agreement in all of Indochina.

Mr. Speaker, it seems to me that under these circumstances a 60-day request is reasonable and fair for funds in fiscal 1974 under this continuing resolution.

The SPEAKER. The chair recognizes the gentleman from California (Mr. Talcott).

Mr. TALCOTT. Mr. Speaker, like most amendments offered on the floor, the Addabbo and Long amendments are sloppily drawn and incoherent. They should be rejected for this reason alone. They are both mischievious although probably not designed for mischief toward anyone but President Nixon.

Even those of us who have a great compulsion to vote for any "peace" or "antiwar"'" amendment should be changed.

"Offshore" is used concerning Laos, Cambodia and Vietnam. Laos has no shore.

What does "offshore" mean, 10 miles, 20 kilometers, 100 miles?

Mr. Speaker, I would like to have one of the proponents tell us what is meant by "offshore."

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, the amendment was obviously intended to cover bombing from aircraft carriers or other naval units. I do not see how it could be any plainer than that.

Mr. TALCOTT. It could be 100 miles offshore, then?

Mr. LONG of Maryland. It means bombing from any offshore activity.

Mr. TALCOTT. Mr. Speaker, does this mean we withdraw our surface and submarine fleets. Do we withdraw our air and naval forces from Guam, Okinawa, or Taiwan? I am told the Navy cannot interpret the meaning of either amendment.

Prohibition of "indirect" support would prevent our compliance with the peace treaty and our commitments to the Laotians and Cambodians as well as U.S. citizens in any of those countries.

The sponsors of the Long, Addabbo, and Eagleton amendments have admitted they have no plan to return our POW's or account for our MIA's.

I for one believe we have a commitment to the families of our POW's and MIA's to insure their return or an accounting for them.

Long, Addabbo, and Eagleton abandon our commitments to the peace treaty and our POW's and MIA's.

We should not adopt either amendment.

The SPEAKER. The Chair recognizes the gentleman from Indiana (Mr. Roush).

Mr. ROUSH. Mr. Speaker, I rise in support of the Long amendment. I do so because it covers the same ground we took yesterday.

Yesterday we drew a line, and it is not my intention to retreat from that line. This House spoke. I hope we will speak in the same voice today.

I cannot understand why we should spend $80 million a month in bombing Cambodia. I cannot understand why we should support troops which outnumber the insurgent troops in Cambodia by a margin of 4 or 5 to 1. And I cannot understand why we cannot believe the President, who a few months ago said that the only reason we were engaged in military activities in Cambodia was to protect American troops in Vietnam; and we no longer have American troops in Vietnam.

The SPEAKER. The Chair recognizes the gentleman from North Carolina (Mr. Ruth).

Mr. RUTH. Mr. Speaker, the withholding of funds under these amendments has been supported by two groups. One group is adamant against the President to such an extent that they would vote in any way to control his powers.

The second group is a group which wants to be identified as antiwar people, and I respect their feelings and their votes. I should like to point out to this group that the way these amendments are now, limiting our defense and making it impossible for our country to defend itself, they might be encouraging our enemies to attack us and it might be a vote for war.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. Dellums).

(By unanimous consent, Mr. Dellums yielded his time to Ms. Abzug.)

The SPEAKER. The Chair recognizes the gentleman from North Carolina (Mr. Mizell).

Mr. MIZELL. Mr. Speaker, and Members of the House, today, in my opinion, we are seeing what has been the ultimate goal of all the so-called antiwar amendments that have been offered during my 4½ years of service in this House. That goal is to hand the North Vietnamese total victory. A victory they were unable to win on the battlefield, unable to win at the negotiating table, and so far have been unable to win in this House.

I refused to join with those who would have given them victory in the past, and I refuse to join them today.

I urge you to vote down the amendment.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Speaker, I want to reiterate what was said by the distinguished gentleman from Minnesota (Mr. Fraser). I urge support of the Long of Maryland amendment in order that the choice given to the House shall be a choice between the Long amendment and the Addabbo amendment. If the Long amendment is sustained, that will be the end of the substitute which was offered by the gentleman from Texas (Mr. Mahon).

The gentleman from Illinois (Mr. Findley), was correct; at the present time there is no authority—no congressional authority—in the President to carry on the bombing. If the substitute amendment offered by the gentleman from Texas is sustained, he will have congressional authority for 60 days.

If Members want to give the President that authority, the authority to carry on the bombing over Cambodia and Laos for the next 60 days, they will vote for the Mahon amendment. If they are opposed to that, they will vote against it.

I urge support of the Long amendment.

The SPEAKER. The Chair recognizes the gentlewoman from New York (Ms. Abzug).

Ms. ABZUG. Mr. Speaker, I should like to point out just two things.

The Addabbo amendment, the amendment offered by the gentleman from Texas (Mr. Mahon) and the amendment offered by the gentleman from Maryland (Mr. Long) all use the same language with respect to "expenditures to support directly or indirectly combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by United States forces."

That is in the Mahon amendment as well as in the other amendments. So they all agree on that.

The difference appears to be in two places. One is to give authority for the President to bomb for 60 more days, and the other is to add South Vietnam and North Vietnam to the list of places that may not be bombed.

The fact is we have a treaty in which we agree not to conduct any combat activities over Vietnam. We in Congress have to make sure that it is agreed to, in the exercise of our powers in this field, to see that the President does not act without our consent.

We have also heard the tired old argument about tying the President's hands in negotiations. We heard this argument months ago when we originally adopted the Addabbo amendment, but the fact of the matter is that it did not tie anyone's hands and that all the President and Dr. Kissinger brought us was a reaffirmation of the January cease-fire agreement.

Enough is enough. After 4 years, all that Mr. Nixon has succeeded in doing is ending one war while starting another one of a strikingly similar nature. Let us exercise our constitutional authority and our responsibility to our constituents and end this Nation's reign of terror in Indochina once and for all—not just in Laos and Cambodia, but all across that unhappy peninsula.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I, of course, rise in support of the Long-Addabbo amendments. I would point out that in my district and perhaps in other places across the country the American people are sick of this prolonged war after our troops were supposed to have ended their hostilities in Indochina. It is a war that has not only drained our natural resources but has drained our natural spirit as well. The awful truth is that these hostilities have not ended and I am unprepared to give a war-inclined President any more "flexibility" than he already has. The fact of the matter is we have spent too many American lives and far too much money for this House to retreat from its position of only 24 hours ago.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, we have been asked to give 60 days to negotiate. But with whom?

Actually there is chaos in Cambodia today, and I would take my time to ask the minority leader this question:

With whom are we to negotiate in this 60-day period?

Mr. GERALD R. FORD. Mr. Speaker, as I declared yesterday, we are currently negotiating, we have been, and we will continue to negotiate at a very high level in an effort to put together some final agreement.

Mr. WOLFF. But with whom?

Mr. GERALD R. FORD. We are negotiating with the parties that signed the agreement in Paris.

Mr. WOLFF. Cambodia was not a party to that agreement.

Mr. GERALD R. FORD. We are negotiating with the parties that signed the agreement in Paris.

Mr. WOLFF. Mr. Speaker, I want to reemphasize my support for amendments offered by my distinguished colleagues, Mr. ADDABBO of New York and Mr. LONG of Maryland, which would end American financial support for military operations in or over Cambodia, Laos, North and South Vietnam. I feel it is incumbent upon this body to cease further authorizations for continuing the bombing of Cambodia. We can no longer accept the excuse of protecting American lives, for the only Americans now endangered are those who are carrying out our bombing missions. Negotiations with the Vietnamese governments have supposedly brought an end to the war; we are not even negotiating with Cambodia or Laos at present nor are there any prospects of negotiating with those countries concerning these actions.

We have proved time and time again that we cannot bomb Cambodia into submission, and we can no longer follow the administration's tactics of stalling on this issue. It is absurd that we should even consider adding another 60 days to "negotiate" with a phantom. Yesterday, the House took affirmative action and should continue to follow through consistently on this course of action so we can end the war in Indochina once and for all. This necessitates that no money whatsoever in the bill we are acting on today can be allocated or assigned for the continued bombing in Cambodia, or other combat operations in Indochina.

As elected representatives of the people, we have a duty to write the wishes of the American people into law by ceasing immediately further allocations of funds for operations in Cambodia, Laos, and all of Indochina for actions the American people do not want or condone.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, when an action is undertaken, be it by an individual, a firm, or a government, the benefits of that effort must be examined in the light of its costs. It seems to me this principle should be applied to our military involvement in Indochina.

Mr. Speaker, as I see it, there are absolutely no benefits accruing from our continued military involvement in Indochina. The costs, on the other hand, are prohibitive in both human and financial terms.

Therefore, it is in our national interest, it seems to me, to terminate this involvement immediately. For that reason, I urge the adoption of the Long language and ultimately the Addabbo language.

The SPEAKER. The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I was one of the first Members in this House to oppose the war in Vietnam, and I have continued to oppose it. I noticed, however, after the invasion of Cambodia, which actually was the most successful move of the war, that action disrupted our country and caused much trouble in our colleges. The President could not follow up with a Laotian invasion, which might well have won the war in Vietnam. He started then his process of Vietnamization and the removal of troops, and he brought those troops back home.

Mr. Speaker, all we ask today is that we support the President for 60 more days so that he may bring this war to a successful conclusion.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, the Vietnam war, I think we will find, is like a chunk of very sticky taffy candy: We think we have gotten rid of it, and it keeps cropping back up again and again and again.

A month ago we had the Addabbo amendment and the Long amendment, and yesterday we had the Addabbo amendment and the Mahon amendment, and today we have the Addabbo and the Mahon and the Long amendments. We have had the Peace Agreement of January 27; we had the protocol of the last 2 weeks. In chapter 2, article 4 of the Peace Agreement, Mr. Kissinger has said on behalf of the President that we will not continue U.S. involvement or intrude in the internal affairs of South Vietnam.

Let us say what we mean and mean what we say and let us get the hell out.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I do not find it as easy as some to spend other people's lives. I ask you to support the Long amendment and eventually the Addabbo amendment.

I ask unanimous consent to yield the remainder of my time to the gentleman from Connecticut (Mr. GIAIMO).

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Chairman recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I rise to urge support of the Long amendment.

The Long amendment brings us as far as we have gone with the Eagleton amendment of yesterday and several weeks ago. It mandates the termination of hostilities in Cambodia and Laos and eliminates the delaying and stalling tactics inherent in deferring prohibitions until September 1.

We want an immediate cessation, so I would urge adoption of the Long amendment, and I would go beyond that later and urge the adoption of the Addabbo amendment.

I would stress the fact that objection is made to the Addabbo amendment because of the words "directly or indirectly," which are also found in the Mahon amendment to which there was no objection.

"Directly or indirectly" refers to actions by the U.S. Armed Forces only and no one else, and there should be no smoke screen over that.

I urge adoption of the Long amendment and ultimately the Addabbo amendment.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker and those of my colleagues who have spoken in behalf of the Mahon amendment, I urge them also to adopt or support my amendment, because my amendment just goes one step further: it gives the Congress equal power with the President and says none of these things can be done without the consent of the Congress.

As was expressed just a few moments ago by my colleague from New York (Ms. ABZUG) and my colleague from Connecticut (Mr. GIAIMO) the words are exactly the same.

All I am saying this afternoon is that the White House and the Pentagon should not tell this Congress what they are going to do after the Congress has spoken. I say that right is the right of the people's representatives in the Congress. My amendment says exactly that.

As outlined in the Mahon substitute or the Long amendment or in my amendment it just also includes South and North Vietnam, which have been taken care of by treaties. It says anything further that is going to be done by U.S. combat forces for combat activities the President needs the consent of the Congress.

I support the Long and Addabbo amendments.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, I hope that the Congress and the House of Representatives will use the good judgment they have used all during the trying times of the Vietnam war and which brought us to the brink of peace. We should stay with the President and with the House in bringing about a peaceful situation in Vietnam. To abdicate now is to do nothing more than bring us further trouble along the road ahead.

It seems to me, under these amendments, if a situation occurred in either Laos, Cambodia, or South Vietnam that required evacuation of our troops, it could not be done under any of these amendments, and I do not think the people want that.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I am for the Long amendment and ultimately for the Addabbo amendment.

May I say this is a continuing resolution. We debated this measure for 4 hours yesterday and a couple of hours today. And the Members of the House clearly expressed the will of the American people in adopting the Eagleton amendment yesterday.

Everybody knows that if the Long amendment is rejected and the Mahon amendment is adopted, it will not be accepted by the Senate. That is in the RECORD. They are opposed to this war and opposed to spending $30 million a month with the resultant loss of American life.

The Senate will not support the position that we can bomb Cambodia when we do not have any treaty with the Lon Nol government or declaration of war against that country.

The Senate of the United States has been voting what the people of America want, and that is what the House of Representatives has been doing for the last couple of days. Unless the Members want this continuing resolution back later on in the week, I urge all my colleagues to vote for the Long amendment.

Mr. HORTON. Mr. Speaker, I personally am completely unconcerned about the fate of the current government of Cambodia. I think we have learned that trying to prop up or tear down one foreign government or another by applying external pressure is an ineffective way to conduct foreign policy. I do not think that anyone can any longer seek to justify American actions in Indochina based on ideals.

The plain fact is that the United States is succeeding and has succeeded to a large extent in bringing a degree of peace and order to Indochina by using a cold pragmatic approach to world power politics. We have, sadly, sacrificed many of our national ideals in the painful process of trying to get out of Indochina without leaving endless bloodshed and fighting in our wake.

I think there is no question that on the basis of human suffering or morality or democratic ideals, any justification for continuing our combat involvement in Indochina has long since evaporated.

However, fortunately or unfortunately, these have not been the principles that have governed our past policies nor have they been the watchwords that have made possible either the American military exit from South Vietnam, North Vietnam and Laos, or the current fragile state of peace in those three countries. What has made the improvement in the status quo possible there is the tough, unpopular approach, and the tremendous human, political and economic sacrifice which that approach has cost us over the past 12 years.

We are now in the very final stages of the process of American withdrawal from Indochina, and of the process of trying to leave a possible structure for peace behind us. After all of these painful years of eschewing idealism and morality in preference to unpleasant power politics, it is easy for us now to invoke the ideals and the morality we had earlier pushed aside in this long chapter of war in Southeast Asia. I suppose that for some, invoking these principles today and in their name, closing the curtain on our involvement before the last scene of the last act is over, will make it seem, if falsely, as though this action will cleanse our hands of earlier sins.

Much as I would like to see the bombing end, and much as I would like to see the first day since I have served in the Congress when American military might was not being used for any destructive purpose anywhere, I think we have gone too far, and exacted too many painful successes to close the curtain this abruptly and in this way.

The fact is that the strengthening and the reratification of the January 27 agreement by Dr. Kissinger and Le Duc Tho last month, and the cooperative atmosphere of last week's summit meeting have afforded us the best atmosphere yet for reaching a cease-fire in Cambodia on similar terms to those that have been achieved in Laos and South Vietnam.

For these reasons, I have supported the motions and amendments of the gentleman from Texas (Mr. MAHON) to invoke a shutoff of funds for American combat action in or over Cambodia and Laos beginning September 1, feeling that if progress toward negotiations and a cease-fire are to be achieved in Cambodia, we should see further signs of such progress prior to that date.

I am not saying that a shutoff of American bombing in Cambodia will absolutely mean that military combat will be pursued to victory and that the prospect for military victory of one side or the other in Cambodia will threaten the fragile cease-fires in Laos and South Vietnam. However, this is not an unlikely result of an abrupt change in our course at this final hour of our Southeast Asian involvement.

Everyone, including those who are most adamant about the need for an immediate cessation to our bombing will agree that it would be far preferable to achieve discussions between the Khmer Rouge and the Lon Nol regime, and for those discussions to lead to a cease-fire, than for one or the other antagonist in Cambodia to conquer the other and seize the country militarily.

The risk of dismantling the slow, painful and costly progress that has been achieved so far, and the favorable atmosphere for resolving the Cambodia situation by pursuit of the same policies which have led to cease-fires elsewhere in Indochina seem to me to make it worth delaying the deadline for the bombing cutoff until the first of September.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of the Long amendment, which in effect is like the Eagleton amendment, which prohibits the use of any present or past appropriations for American combat activities in Cambodia or Laos.

It is essential that the Congress reassert its control over the warmaking power. The Long amendment is not an attempt to decide platoon tactics; it is an assertion that the Congress, as the people's representative, must uphold its constitutional responsibility on the crucial issue of whether the United States should war against any other nation.

The bombing of Cambodia represents the same dangerous commitment by Executive fiat that made Vietnam such a tragedy. Despite public feelings against further involvement in Indochina, and despite obvious reluctance on the part of Congress to permit such military escapades, the bombing continues unabated and there remains a constant danger of escalation, particularly under this administration.

The bombing of Cambodia is dreadfully wrong. Bombers can never win the popular support needed to defend freedom; bombers can only kill. Peace and freedom need more than technology and firepower.

Because it is evident that this administration takes no heed of the expressed wish of Congress to halt the bombing in Cambodia, the only means the Congress has to effectuate its wish is to deny the administration the use of all appropriated funds for that purpose.

We need to demonstrate to this administration that contempt for Congress is not a workable attitude. Despite its constitutional obligation to execute the law, the administration arrogantly suggested that it would circumvent the ban on bombing in Cambodia contained in the original House version of H.R. 7447. When the House initially adopted its amendment barring the use of funds from the second supplemental appropriations for bombing in Cambodia, then Secretary of Defense Richardson stated that the administration would continue bombing by use of funds from previous appropriations. The Long-Eagleton amendment will prevent such arrogance from prevailing, and I urge its adoption.

The SPEAKER. All time has expired.

The question is on the amendment offered by the gentleman from Maryland (Mr. LONG) to the substitute amendment offered by the gentleman from Texas (Mr. MAHON).

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. LONG of Maryland. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 194, not voting 21, as follows:

[Roll No. 283]

AYES—218

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clark
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McKinney
Macdonald
Madden
Mallary
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Sisk
Smith, Iowa
Stanton, James V.
Stark
Steele
Steelman
Stokes
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Ga.
Zwach

NOES—194

Abdnor
Arends
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Brooks
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dorn
Duncan
Edwards, Ala.
Erlenborn
Flood
Flowers
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Ginn
Goldwater
Goodling
Grover
Gubser
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McCollister
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Patman
Poage
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Roncallo, N.Y.
Rousselot
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion

NOT VOTING—21

Ashbrook
Badillo
Blatnik
Breaux
Byron
Camp
Carey, N.Y.
Danielson
Derwinski
Fisher
Gray
Green, Oreg.
Gross
Mills, Ark.
Powell, Ohio
Price, Tex.
Randall
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Young, S.C.

So the amendment to the substitute amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Fisher against.

Mr. Blatnik for, with Mr. Byron against.

Mr. Breaux for, with Mr. Price of Texas against.

Mr. Carey of New York for, with Mr. Ashbrook against.

Mrs. Green of Oregon for, with Mr. Camp against.

Mr. Gray for, with Mr. Derwinski against.

Mr. Badillo for, with Mr. Steiger of Arizona against.

Mr. Danielson for, with Mr. Young of South Carolina against.

Until further notice:

Mr. Mills of Arkansas with Mr. Randall.

Mr. Rooney of New York with Mr. Gross.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the substitute amendment offered by the gentleman from Texas (Mr. MAHON), as amended.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Speaker, am I correct that the substitute amendment offered by the gentleman from Texas (Mr. MAHON), as amended, is a substitute for the Addabbo amendment?

The SPEAKER. The question is on the substitute amendment, as amended, at this time.

Mr. GERALD R. FORD. Mr. Speaker, if the Mahon-Long substitute amendment is defeated, then we will have a vote on the Addabbo amendment?

The SPEAKER. The gentleman is correct.

The question is on the substitute amendment offered by the gentleman from Texas (Mr. MAHON), as amended.

The question was taken; and the speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 181, not voting 20, as follows:

[Roll No. 284]

YEAS—232

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Delaney

Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Hamilton
Hanley
Hanna
Hansen, Wash.
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McKinney
Macdonald
Madden
Mallary
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Rangel
Rees
Reid
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Stanton, James V.
Stark
Steele
Steelman
Stokes
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Ga.
Young, Ill.
Zwach

NAYS—181

Abdnor
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Brooks
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dorn
Duncan
Erlenborn
Flood
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Gettys
Goldwater
Goodling
Grover
Gubser
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hays
Hébert
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lott
Lujan
McCollister
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mailliard
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
O'Brien
Passman
Patman
Poage
Powell, Ohio
Quillen
Railsback
Rarick
Regula
Reuss
Rhodes
Robinson, Va.
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Sebelius
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Spence
Stanton, J. William
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—20

Ashbrook
Badillo
Blatnik
Breaux
Camp
Carey, N.Y.
Danielson
Derwinski
Fisher
Gray
Green, Oreg.
Gross
Mills, Ark.
Price, Tex.
Randall
Roberts
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Young, S.C.

So the substitute amendment, as amended, was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Fisher against.

Mr. Breaux for, with Mr. Ashbrook against.

Mr. Carey of New York for, with Mr. Camp against.

Mrs. Green of Oregon for, with Mr. Derwinski against.

Mr. Blatnik for, with Mr. Young of South Carolina against.

Mr. Gray for, with Mr. Price of Texas against.

Mr. Danielson for, with Mr. Steiger of Arizona against.

Mr. Badillo for, with Mr. Roberts against.

Until further notice:

Mr. Rooney of New York with Mr. Gross.

Mr. Mills of Arkansas with Mr. Randall.

The result of the vote was announced as above recorded.

The SPEAKER. The question is in the amendment offered by the gentleman from New York (Mr. ADDABBO) as amended by the substitute amendment offered by the gentleman from Texas (Mr. MAHON), as amended.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. YATES. Mr. Speaker, I demand a recorded vote.

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr Speaker a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ECKHARDT. On this vote, Mr. Speaker, is an aye vote a vote for the Addabbo amendment, as amended?

The SPEAKER. As amended by the Mahon amendment.

PARLIAMENTARY INQUIRY

Mr. LONG of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LONG of Maryland. Mr. Speaker, as the Addabbo amendment has been amended by the amendment of the gentleman from Texas (Mr. MAHON), which was in turn amended by the present speaker, it is now basically the Eagleton amendment which was passed yesterday.

The SPEAKER. The Chair will state that that is not a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, if this amendment is voted down, then there will be no amendment at all as to the continuing appropriations, is that correct?

The SPEAKER. The Chair will state that the gentleman is correct.

Mr. YATES. I thank the Speaker.

RECORDED VOTE

The SPEAKER. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO) as amended, and a recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 172, not voting 21, as follows:

[Roll No. 285]

AYES—240

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clark
Clausen, Don H.
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCormack
McDade
McKinney
Macdonald
Madden
Mallary
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal

Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Sisk
Smith, Iowa
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Stokes
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Zwach

NOES—172

Abdnor
Arends
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dennis
Devine
Dickinson
Dorn
Duncan
Erlenborn
Flood
Flowers
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Gettys
Goldwater
Goodling
Grover
Gubser
Haley
Hammerschmidt
Hanrahan
Harsha
Harvey
Hays
Hébert
Hicks
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Keating
Kemp
King
Kuykendall
Landgrebe
Latta
Lott
McCollister
McEwen
McFall
McKay
McSpadden
Madigan
Mahon
Mailliard
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Murphy, N.Y.
Myers
Nelsen
O'Brien
Passman
Patman
Pettis
Poage
Powell, Ohio
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Rousselot
Ruth
Satterfield
Saylor
Scherle
Sebelius
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, N.Y.
Snyder
Spence
Staggers
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Thornton
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—21

Ashbrook
Badillo
Blatnik
Breaux
Camp
Carey, N.Y.
Danielson
Derwinski
Fisher
Gray
Green, Oreg.
Gross
Mills, Ark.
Nichols
Price, Tex.
Randall
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Widnall
Young, S.C.

So the amendment, as amended, was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Derwinski against.

Mr. Widnall for, with Mr. Ashbrook against.

Mr. Blatnik for, with Mr. Young of South Carolina against.

Mr. Badillo for, with Mr. Steiger of Arizona against.

Mr. Carey of New York for, with Mr. Price of Texas against.

Mr. Breaux for, with Mr. Fisher against.

Mrs Green of Oregon for, with Mr. Camp against.

Mr. Gray for, with Mr. Nichols against.

Mr. Danielson for, with Mr. Rooney of New York against.

Until further notice:

Mr. Mills of Arkansas with Mr. Randall.

The result of the vote was announced as above recorded.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. MINSHALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 325, nays 86, not voting 22, as follows:

[Roll No. 286]

YEAS—325

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cochran
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Ketchum
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Walsh
Ware
Whalen
White
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Zablocki
Zwach

NAYS—86

Arends
Armstrong
Bafalis
Blackburn
Bray
Broyhill, N.C.
Buchanan
Byron
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Devine
Dickinson
Dorn
Ford, Gerald R.
Frelinghuysen
Froehlich
Goldwater
Goodling
Haley
Hanrahan
Hillis
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Johnson, Pa.
Kemp
King
Kuykendall
Landgrebe
Lott
McCollister
McEwen
Madigan
Maraziti
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
O'Brien
Powell, Ohio
Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Rousselot
Ruth
Satterfield
Saylor
Shuster
Sikes
Smith, Iowa
Spence
Stratton
Symms
Taylor, Mo.
Treen
Veysey
Waggonner
Wampler
Whitehurst
Wiggins
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOT VOTING—22

Andrews, N.C.
Ashbrook
Badillo
Blatnik
Breaux
Camp
Carey, N.Y.
Danielson
Davis, Ga.
Derwinski
Fisher
Gray
Green, Oreg.
Gross
Mills, Ark.
Nichols
Price, Tex.
Randall
Rooney, N.Y.
Steiger, Ariz.
Thompson, N.J.
Young, S.C.

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Ashbrook.

Mr. Rooney of New York with Mr. Gross.

Mr. Blatnik with Mr. Derwinski.

Mr. Breaux with Mr. Price of Texas.

Mr. Carey of New York with Mr. Camp.

Mrs. Green of Oregon with Mr. Randall.

Mr. Gray with Mr. Young of South Carolina.

Mr. Badillo with Mr. Mills of Arkansas.

Mr. Danielson with Mr. Fisher.

Mr. Andrews of North Carolina with Mr. Davis of Georgia.

Mr. Nichols with Mr. Steiger of Arizona.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the joint resolution just passed, and insert extraneous material and pertinent tables.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7447) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes," and that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 11, 18, 19, 25, 34, 38, 40, 43, 46, 51, and 84 to the foregoing bill.

PERSONAL EXPLANATION

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. EDWARDS of California. Mr. Speaker, on rollcall No. 277 on June 25, 1973, amendment offered by Mr. PODELL of New York, I am recorded as voting "nay." I had intended to push the "aye" button and would like to make it clear that I support the Podell amendment which would allow the States to require stricter standards for emissions from atomic reactors than standards established by the Federal Government.

PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT ON H.R. 8480 UNTIL MIDNIGHT WEDNESDAY

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight Wednesday, June 27, 1973, to file a report on H.R. 8480.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

Resolved, That during the consideration of the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, rule XXI are hereby waived.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. BOLLING. Mr. Speaker, as the Members who have listened to the rule being read will realize, this rule is a rule waiving points of order against the provisions of clause 2, rule XXI of the Rules of the House. The rule has nothing to do with the length of time of the debate because that is customarily worked out by the members of the Committee on Appropriations in the House.

Mr. Speaker, I know of no objection to this provision. I intend to yield some time a little bit later to the gentleman from Michigan (Mr. DINGELL) but in the meantime I will yield the usual 30 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, House Resolution 455 provides that during the consideration of H.R. 8877, the Labor-HEW Appropriations for fiscal year 1974, the provisions of clause 2, rule XXI are waived against the bill. Clause 2 of rule XXI prohibits both unauthorized appropriations and legislation on an appropriation bill. In this case, the waiver was requested because there are two legislative provisions in this appropriation bill. The provisions prescribe that no State's allotment under title I of the Elementary and Secondary Education Act or the Adult Education Act shall be less than the amount which the State received in fiscal year 1972. In requesting this rule, Chairman MAHON pointed out that without these provisions, the use of the 1970 census data would produce sharp reductions in many State's allotments. In order to avoid possible points of order against these two provisions, the Rules Committee waived points of order with respect to clause 2, of rule XXI. This waiver is intended to apply to the provisions in the bill, but is not intended to apply to any amendments which may be offered to this bill.

The purpose of this bill, H.R. 8877, is to make appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for fiscal 1974.

The amount appropriated in this bill is $32,816,467,000, of which $827,535,000 is for the Department of Labor, $31,501,695,000 is for the Department of Health, Education, and Welfare, and $487,237,000 is for related agencies.

The amount included in this bill exceeds the 1973 spending plan by $1,080,000,000 and is $731,000,000 less than the amount actually appropriated for 1973.

Mr. Speaker, I urge adoption of the rule, so that the House may work its will on this legislation.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I should like to express commendations to my good friends on the Committee on Rules for something which they did today which, I believe, merits the approval and appreciation of this body.

As most of my colleagues have known, the last rules out of the Committee on Appropriations have waived points of order under clause 2, rule 21. This has effectively waived points of order against legislation in appropriation bills, something which I think this body does not want to have transpire.

I appeared before the Committee on Rules this morning, and I received a most gracious reception. I want again to express my appreciation to the committee, not only for the kindness and hospitality to me, but also for the understandings that they have come forward with that in the future the Committee on Appropriations will justify these points of order and will clearly identify the points of order and get much narrower waivers against p^ints of order.

I should like to just yield to my good friend, the gentleman from Missouri, who led the discussion on this point and express my appreciation to him.

Mr. BOLLING. Mr. Speaker, the gentleman has stated the situation accurately. The Committee on Rules agreed unanimously, I believe, before we granted the rules on the various appropriation bills that are scheduled for this week on which we did waive points of order under clause 2, rule 21, prior to that action that in the future when we were not under the same pressure of time, that each waiver would be specifically identified, in other words, by line and page, so that it would be possible for a Member to know each waiver granted by the Committee on Rules in connection with an authorization bill or an appropriation bill in connection with any waivers that were granted in a rule proposed by the Committee on Rules.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to my good friend, the Chairman of the Committee on Appropriations.

Mr. MAHON. The Committee on Appropriations would have no problem with the suggestions that have been made. We have at times marked bills as to where the legislative provisions appear, and they have been available upon request. The committee has no objection to this change in policy.

Mr. DINGELL. Mr. Speaker, I want to thank my friend, the gentleman from Texas, for his comments. I do recognize the extraordinary character of the situation and the need for haste in this body. I think that the resolution worked out by my good friend and colleague on the Committee on Rules is much in keeping with the public interest. I thank him.

Mr. BOLLING. I should like to add one thing. I should like to reemphasize one point I made in the colloquy, and that is that points of order are waived sometimes on authorization bills, and that means in effect the authorizing committees are going to have to be very careful in the kinds of requests they make when they make a request for a rule, because they are going to have to indicate any matter that they want a waiver on that might be subject to a point of order.

I should like to make one more point, and then I will have nothing further to say. The rule waiving points of order against clause 2 of rule 21 only has to do with the bill before the Committee on Rules.

We are recommending waiving points of order against matters subject to a point of order in a bill, and our waiver has nothing to do with anything that may come in from another place, in other words, with any amendment. It only deals with waiving points of order on the bill and the provisions of the bill.

I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DAVIS of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 395, nays 3, answered "present" 1, not voting 34, as follows:

[Roll No. 287]

YEAS—395

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Collins, Tex.
Landgrebe
Symms

ANSWERED "PRESENT"—1

Treen

NOT VOTING—34

Ashbrook
Badillo
Blatnik
Brasco
Breaux
Camp
Carey, N.Y.
Clausen, Don H.
Danielson
Derwinski
Diggs
Evins, Tenn.
Fisher
Green, Oreg.
Gross
Harsha
Hébert
Henderson
Landrum
Mathis, Ga.
Mills, Ark.
Patman
Pepper
Price, Tex.
Randall
Rooney, N.Y.
Sandman
Sisk
Steiger, Ariz.
Stratton
Stuckey
Teague, Tex.
Thompson, N.J.
Young, S.C.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Landrum.

Mr. Rooney of New York with Mr. Patman.

Mr. Blatnik with Mr. Mathis of Georgia.

Mr. Breaux with Mr. Price of Texas.

Mr. Carey of New York with Mr. Sandman.

Mrs. Green of Oregon with Mr. Harsha.

Mr. Badillo with Mr. Randall.

Mr. Danielson with Mr. Don H. Clausen.

Mr. Fisher with Mr. Derwinski.

Mr. Mills of Arkansas with Mr. Sisk.

Mr. Brasco with Mr. Stuckey.

Mr. Diggs with Mr. Stratton.

Mr. Evins of Tennessee with Mr. Young of South Carolina.

Mr. Teague of Texas with Mr. Camp.

Mr. Pepper with Mr. Ashbrook.

Mr. Hébert with Mr. Steiger of Arizona.

Mr. Henderson with Mr. Gross.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8877, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania (Mr. FLOOD) will be recognized for 1½ hours, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in view of what has been going on here for a while, I hesitate to open this can of worms that we now have before us. As a result of what has been going on and what is going on now, I think of a real life story that I experienced in show business a number of years ago.

We were doing "Arms and the Man" in Cleveland, and a great actor of the Theater Guild, Lew Parmentier, was playing the part of a general, the Bulgarian Chief of Staff, and I was, of course, playing a prince, wearing all the medals and swords. There are two scenes in the first act, and at the end of the first scene of the first act, we blew up higher than a kite, and Lew was there going blah, blah, blah. And I was going blah, blah, blah. And finally Lew said, "Well, that's all I have to say," and he walked off the stage and left me dead center with my tongue hanging out.

So I went on with blah, blah, blah. And finally I said, "I think I'll go too." I walked off and they dropped the curtain. I ran down off the stage and went in the front to the stage manager, and I said, "Why didn't you throw me a line?" He said, "If I knew what show you were playing, I would have thrown you a line."

So here we are, after the last 4 hours, in almost that same position.

Just so you know, Mr. Chairman, when we called this bill up last year we started at 1 o'clock in the afternoon and we finished at 9 at night, so in case you are going anyplace, do not hurry.

Mr. Chairman, the Members of this House have seen innumerable appropriation bills for almost every conceivable cause. They are a vital part of the working of this great deliberative body. However, I believe this bill, H.R. 8877, is different. It is deserving of your wholehearted attention and support.

We hear a lot these days of special interests and their very selfish influence upon Government. Well, happily, the only special interest served by this bill is that of the whole body politic, that is, the general welfare of all the people and not simply special groups or segments thereof, however deserving those groups may be in their claims.

We seek your support for programs which directly or indirectly touch the life of every man, woman, or child in this Nation. Make no mistake about that. Labor, health, education, welfare. That is hard to match.

If you will consult the categories covered by the report before you—and it is a marvelous report, if I do say so myself—and I think more Members of this House have read the report on this bill than all of the other appropriation bills put together, for the reasons I have just indicated—if you will read it, you will discover that broadly viewed it is all-inclusive. In one way or another it touches all of us.

For instance, who among us here can claim to be beyond the reach of such basic concerns as health, education, welfare, and labor? Who? In that respect the bill speaks for itself, encompassing our whole population together with the quality and the condition of our national life.

If our old friend Dr. Johnson's judgment be true that a decent provision for the poor is a sure test of civilization, then how much more does that condition apply for a decent provision for every human being in this great land regardless of his or her station in life? What is the matter with that?

Earlier in this troubled century in another crisis in our country Franklin Delano Roosevelt called for a bold response to the plight of the Nation, a third of whose people were ill fed, ill clothed, and ill housed. You remember?

Well, our call today as set forth in this bill is no less urgent in its response to the more comprehensive challenges of the 1970's. Our concern today is not with any part of the community by itself, however numerous or however justified that claim or those claims may be. Rather we direct our attention in this bill to the need and the well being, without exception, of all the American people.

Oh, what a guy. The great Edmund Burke described the standard of a statesman as a disposition to preserve and an ability to improve.

Mr. Chairman, those are the two criteria which have guided us in shaping this bill, and that is a good yardstick. I present it in that spirit to you. This Labor-HEW bill which we bring before the House today is the product of two-and-a-half or nearly three months of hearings.

Every day, and some nights, except Sundays, since early in March and ending about the first of June, the committee has worked on this bill. If you want to get on the Committee on Appropriations, that is great; but if you do not want to work, stay off this committee. It will kill you.

What do we do in these hearings? What goes on? Let me tell you:

We took testimony from over 350 Government officials, and over 250 other people who wished to make their views known to us. They sat right across that table from us. And this is no great big Taj Mahal that we sit in, or a fancy room, not this one. We sit down in the basement here of this Capitol. And we sit right across from many, many witnesses, face to face. No big deal. It is very informal. That is where we get to know them.

They wanted to tell us, all of them, what they thought we wanted to know; but you ought to hear the members of this subcommittee cross-examine them. They are great; they are experienced. It is a fine group on both sides of the aisle. There are no politics to play. That is the way it is. You do not know a Democrat from a Republican. That is this subcommittee, that is the way it stands. We heard from Members of Congress, officials of State, local governments, colleges, universities, and organizations representing the whole spectrum of American life.

Mr. Chairman, I am sure that I need not tell the Members of this House that this is a very complicated bill—and that is the understatement of the year. It funds literally hundreds of separate and distinct labor, health, education, and welfare programs, each one of which has its own authorization in some piece of legislation that was enacted by the Members of this Congress. The committee did not give birth to any of these programs. The Congress did this itself. We are working for the Congress.

This bill funds programs under the Social Security Act—hear this—the Social Security Act; the Economic Opportunity Act; Elementary and Secondary Education Act; the Higher Education Act; the National Defense Education Act; Public Health Service Act. And that is just to mention a few of the big ones. There are hundreds of others, nearly 400.

Mr. Chairman, I could not possibly go through this bill item by item in the time available to us here. I just simply could not do it. As a matter of fact, I will talk so fast that the Members probably will not be able to hear half of what I say. Everything is laid down in great detail in our report. Please read the report. It has been available since last Thursday.

Instead, I shall give you some overall figures which I hope will place the bill in proper perspective, and then summarize as best I can some of the highlights, some of the significant items that the Members perhaps should know about.

By the way, Mr. Chairman, the first bill that I presented to the House for the Labor-HEW Subcommittee was for fiscal year 1968. That 1968 bill as reported from the committee totaled $13.1 billion. The bill that we present to you today totals $32.8 billion; for Labor, Health, Education and Welfare. Now it is your tax money. Could it go to better places than that, and for better purposes? No.

This figure excludes budget estimates totaling $2.2 billion for a number of programs which have been left out of the bill because authorization for them has not been received. If we add the 1974 budget authority for the trust funds, which are not, of course, included in the annual appropriation bill—but they are handled and administered by the same agencies—do the Members know what the total in this bill is? $115 billion. How do you like that? $115 billion.

The Members might want to hear this. Just to show you how it looks in the budget, the agencies and the programs which we are considering today in this bill, this one bill among a whole flock of appropriation bills—but this one bill accounts for about 40 percent of the total Federal budget. If we leave out Defense, this bill is 57 percent of the works, the whole total budget.

The bill incorporates a total of $32,816,467,000 in appropriations from the general funds. This represents an increase of $1,264,352,000 over the budget estimates for 1974, but it is a decrease of $730,914,760 over the comparable appropriation for fiscal 1973. Right at this point I shall hasten to add that those comparisons are not quite what they seem to be; they never are.

The 1973 appropriation figure is approximately $1.8 billion more than the administration currently intends to obligate to spend; in other words, about $1.8 billion in fiscal year 1973 appropriated funds has been impounded on a scale unprecedented in our history and in a manner of highly dubious legality. The budget request in 1974 was based on the amounts which the administration planned to spend in fiscal year 1973 and not on the amounts which Congress has actually appropriated for fiscal year 1973.

Do you see the catch now? Therefore, the amount recommended in the bill for 1974, while it is about $731 million less than the amount appropriated for fiscal year 1973, is over $1 billion more than the administration's current spending plan. Watch that phrase "spending plan." It sounds like a song and dance; maybe it is.

Let me tell the Members this: We know it is very difficult to be entirely precise about this because the administration's spending plan changes from day to day and from hour to hour. It is like a railroad timetable. Furthermore, some of the 1973 appropriations which have been impounded may be available for 2 or 3 years. An example is the Hill-Burton Act which authorizes hospital construction, hospital renovations, outpatient facilities, and so on. That is available for 2 or 3 years and may ultimately be released. It could be.

Other funds could be released between now and June 30, but the softness of these 1973 amounts has made the job of arriving at recommendations for fiscal year 1974 even more difficult than usual. Believe me, it is tough at any time. In many instances, Mr. Chairman, we have found it desirable to go back to the 1972 appropriations as a firm point for reference.

With respect to the 1974 increase over the budget, while the tables in the report show an increase of about $1.2 billion over the budget estimate, we are actually $1.9 million over the budget for funds to be obligated for fiscal year 1974. This is because the budget—watch this—included $636 million in budget authority for funds—and the Members may not like this—to be obligated in fiscal years 1975 through 1980.

We, of course, did not include that amount in the bill, but it undoubtedly will be appropriated in future years, and therefore it is not a true reduction from the President's budget. The Members may have heard about that.

Now having cited these overall figures, let me proceed to discuss the significant items in the bill. The bill contains four titles: The Department of Labor; the Department of Health, Education, and Welfare; related agencies, and there are a number of those; and general provisions. We will not go into the related agencies specifically because we have little trouble with those annually and the Members will find those well described and laid out in the report.

For the Department of Labor the bill includes $827,535,000, and that is a reduction of $358,000 below the 1974 estimate, but it is $1,441,106,000 below the appropriation for fiscal year 1973.

Let me tell the Members about that. Do not get upset about that. The chief reason for this apparently large reduction from the 1973 appropriation is of course the expiration of the Emergency Employment Act, for which no funds were included in the budget and none in the bill and for which—this is the catch—there was appropriated $1,250,000,000 in fiscal year 1973. So that accounts for that hole there.

There is also a reduction of $110 million in appropriations for Federal unemployment benefits and allowances, and $120 million in appropriations for the advances to the extended unemployment compensation account. These reductions reflect—are supposed to reflect—the improved employment situation which the administration anticipates during fiscal year 1974, and of course we hope—with capital letters—that they are correct. Although we certainly are not reassured by any of the evidence to date, that is what they said.

Now we have deferred consideration of the major item in the Labor Department's budget, which is the $1,340,000,000 requested for the manpower training program, and I will tell the Members why. About one-half of this amount is authorized for 1974 but the other half requires extension of the Manpower Development and Training Act which expires June 30, 1973. The whole thing was presented under the heading called—beautiful—manpower revenue sharing. There it is. This manpower revenue sharing—and the only thing wrong about that is that I did not think about it myself, that is beautiful—would involve a very drastic change in the way the manpower programs are presently administered. That is the catch in this thing.

At the time of our hearings, and believe me, the Members should look at the hearings and I do not mean only the report, but look at the testimony. It is 8 volumes long. In those hearings we went after them hammer and nails on this thing. The Labor Department witnesses from the top down simply were not very specific as to just how this program would work. We could not get a thing out of them.

In view of this and also in view of the fact that the authorization for the Manpower and Training Development Act is under consideration in the House, the subcommittee decided to defer consideration of the whole appropriation.

Now the budget will of course in all likelihood be taken up later in the year in connection with a supplemental appropriation bill after the legislative picture has been clarified.

In the meantime—get worried now—in the meantime, however, the manpower training programs will of course continue to operate under the continuing resolution. Parenthetically, because we are talking about that, I would note that a bill extending the Manpower Development and Training Act, and prohibiting—prohibiting manpower revenue sharing was reported from the Committee on Education and Labor on June 18, with minority reports, additional statements, dissenting views, and so forth, and so forth, and so forth.

That just indicates how controversial this whole thing is.

The other item in the Labor Department on which there will probably be a great deal of interest is occupational safety and health administration. The budget requested an increase of 64 additional compliance officers to enforce the Occupational Safety and Health Act. The subcommittee gave them 32 of the 64 they asked for. But, this would in fact provide 168 more compliance officers than were actually on the payroll in the middle of May of this year, so both sides win on that, and we tried hard to work it out fairly.

Let us move to the Department of Health, Education, and Welfare. The bill includes $31,501,695,000, an increase of $1,162,719,500 over the amount appropriated for fiscal year 1973. That is an increase of $1,074,710,000 over the budget request for 1974.

Watch this—this rather large increase over the 1973 appropriation is more than accounted for by the increase—you did this—by the increase of $2,216,771,000 in general funds—now, you did it—appropriated to the Social Security Administration.

This increase, the Members will recall, is for the new supplementary security income program to be administered by the Social Security Administration which will begin January 1, 1974. That will replace the existing programs for aid to the aged, the blind, and the disabled which are currently administered by the States and by the localities.

The increase is partially offset by a decrease of $1,067,722,000 for grants to States for public assistance. We went all through that several months ago, if the Members will recall, on those two new sections.

By the way, the table in the report shows an increase over the budget for HEW of $1,074,710,000. Remember, I mentioned this a couple of minutes ago, that if we adjust this for that $636,180,000 made by the committee in the funds which were to be obligated, as I told the members, from 1975 through 1980—we could not do that, the members did not want us to do that, they want annual appropriations—there the total over the budget will be $1,710,890,000. Just divide that by about one-half. About one-half of that is increase for health programs and the other half for education programs. It is just about pretty evenly divided.

A key element in the health budget is the administration's proposal to permit a number of authorities in the Public Health Service Act to expire at the end of fiscal year 1973. That is just around the corner, June 30.

Included in these—now hear this, let me show the Members where they clip their pigeons. These are your babies back home—community mental health centers: Out. Hill-Burton grants to build hospitals and to renovate hospitals. Out. Regional medical programs: Out. Public health, these are all on-going programs and large sums have been appropriated for these in the past years. Out.

The 1974 budget included either no funds at all for these programs or enough funds to continue the projects approved for the funding in previous years. So far as we are concerned, it is unthinkable to permit such drastic cuts to stand, in the face of the overwhelming mandate of the Congress and the will of the people on these programs.

That is what we believe. Wait until the Members hear this. Remember, you did this. I am talking about you. This is what you did, in spite of the President's recommendation.

In spite of the President's recommendation, this is what you did. The Congress, by a vote of 372 to 1 in the House, and 94 to 0 in the other body extended all these expiring authorities for another year. There was a vote like that.

The bill extending these authorities was signed by the President on Monday of last week.

Funding these authorities in the bill at either the 1972 level—we had to go back to that level on some—or the fiscal 1973 level has resulted in increases over the budget request totaling $442,660,000 for those items.

We have a lot of talk about this. There are a lot of requests, and lots of letters.

What about the mental health programs as they have been developed in the past 20 years? We have added items totaling $149,924,000 over the budget request, and most of this increase is to do what? It is simply for the restoration of funds for programs which the budget proposed to eliminate, or to cut back, including $46,924,000 for mental health research and training.

Members have talked to me about that.

There is $15 million for the construction of community mental health centers. Members have been asking me about that.

There is $38 million for the new staffing grants for those mental health centers. Do we want just bricks and mortar? We have to staff them. How logical is that?

How about this one? There is $11,552,000 for the special program for the mental health for children. We have got a stack of mail that high on the mental health for children program.

In addition, we have added $38 million over the budget for programs to combat alcoholism. Alcoholism is the No. 1 drug abuse program in this Nation. Alcohol is a drug. That amounts to but a fraction of the total cost which alcoholism exacts. That is a cost everybody knows is staggering in national dimension. It can never, never, never overshadow the personal tragedies that thing entails.

Would Members be against that? It is like being against motherhood and for sin.

In spite of these requests, these increases for the 1974 budget requests, we are actually recommending $7 million less. I do not want the Members to think we are throwing money away. We are recommending $7 million less for general mental health programs, and $33 million less in the other programs than the committee recommended and the House approved in last year's bill. We cut down. We are not shoveling it out. We cut down on the last year's appropriation bill.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Minnesota.

Mr. QUIE. On page 14 of the committee report there is a table on mental health which shows a reduction of $636,180,000 from the budget request.

Now, is that the reduction in forward funding?

Mr. FLOOD. Forward funding, yes. That is exactly what it is. I mentioned that two or three times. That is for obligations from 1975 through 1980.

Mr. QUIE. 1975 through 1980?

Mr. FLOOD. 1975 through 1980, forward funding. That is your phrase, and that is a correct phrase. That, of course, does not move, because we believe in the annual appropriation, as the gentleman knows. That is exactly right.

Mr. QUIE. Mr. Chairman, I am trying to get a picture of the entire bill.

So then on page 2 it indicates this is a bill in the amount of $164,352,000 over the 1974 estimate?

Mr. FLOOD. No. I do not know if the gentleman was here before. I was doing my best to explain it. I do not talk very softly, but I thought I made it very clear that we did add that. The original figure did not show the $636 million. We did adjust for the $636 million.

So the gentleman is quite right, as he usually is, on this point.

The budget includes the $636 million. We did add that to the original figure. I mentioned that twice, I will say to my friend, the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, would I be correct in saying that this is actually a bill for $1,900,000,000 over the budget?

Mr. FLOOD. Exactly. I have only said that three times now.

Mr. QUIE. Mr. Chairman, I wanted to make it clear.

Mr. FLOOD. Of course, I do not expect everything to be understood, but I shall try to make it clear.

There are two other major items in this bill for Health Services and Mental Health Administration and here the committee was simply compelled to add funds over the budget request.

What are they? These are the regional medical programs, the RMP. Those are some of our pet prize babies. And the Hill-Burton grants, I will tell the Members what they are for.

Now, in the budget there was not a dime for either of those programs. I think that most Members here will agree that these programs should be continued, and we have included in the bill $197 million for the Hill-Burton hospital grants and $81.9 million for the regional medical programs.

Mr. Chairman, this is nothing added on. This does nothing but keep them going at exactly the same level. They do not get an extra dime; they are left just as they are.

By the way, that is $2½ million less, $2½ million, and we are not coming in here with something new, using a shovel to throw more in. This $2½ million less for Hill-Burton and over $50 million less for the regional medical programs that the committee recommended and that the House approved last year.

So we are not throwing it away. This is below last year.

Now, Mr. Chairman, the budget for the National Institutes of Health: This no one would believe. It proposes increases for the Cancer Institute and the Heart and Lung Institute and decreases in research funds for all other Institutes. Every other Institute was cut, no matter what it was for. No one would believe that. If we saw that in the movies, we would ask, "How?" Every other one was cut.

Now, hear this: The budget was proposed to provide a phaseout of all the training programs. These programs had been the vehicle over the years for producing the scientists to carry out all of our national biomedical research programs. No one would believe it. Our committee went into this proposal, because we could not believe it. We went into this page after page, day after day, witness after witness.

We asked, "Are you out of your mind? What is going on here?"

We could not believe it. They told us.

Mr. Chairman, we think these budget proposals are unwise and simply not supported by any factual information we received.

We could not act favorably on that. Furthermore, we believe—and we think the Members do, too—that it is important to find the causes of, and the cures for, all diseases which afflict mankind, not just cancer and heart disease. And who has got a better right to talk about cancer than I do?

Some of you oldtimers remember 11 years ago I was operated on for cancer of the stomach and esophagus, and now I have half a stomach and most of the esophagus is gone. I am exhibit A. Just look at this. I was dead 11 years ago.

Do not let them kid you, but these people need help. So I know what I am talking about. I am no special pleader.

We have therefore added a total of $209,409,000 over the budget for the NIH research institutes. What is that for? It is designed to restore the research and training programs. For what? An add on? All we are doing is putting the money back so they can operate at the same level they did in 1972. Is that not great? It is all we are doing. We are just giving them what they had in '72.

And, by the way, what about inflation? Did you ever hear about that? We are giving them money at the 1972 level, but they are not getting even the 1972 level, if you figure the inflation of 10 percent for all research in sciences.

Do not come down here and tell this committee we are throwing your money out the window like banana peels. It is just not so. Special research and training is vital for our continuing the advance of this relentless, unending struggle against disease. We would be mighty shortsighted to restrict or eliminate such programs when man is now on the brink of major discoveries in the life-saving sciences which are essential to all of us, every man, woman, and child.

There is another place where a drastic cutback is proposed, in the training of the various types of health manpower. To train the various types of health manpower. Ah, I cannot see it. In effect what happened? The budget proposed to continue Federal support only for medicine, dentistry, and osteopathy and a phaseout and a reduction in support for all other types of health manpower training.

For health professions and nursing. One thing I learned in the hospital is never turn your back on a nurse or you are out of your mind. Do you know what I mean? Never turn your back on a nurse. Well, they cut them out.

Veterinary medicine. I cannot tell one end of a horse from another, but I know you do not do that. Optometry, podiatry, pharmacy, all public health, allied health. Out.

And this proposal produced a storm of protest all over the nation. You ought to know. I am telling you? You are getting it. I am sure there is no Member in this room who has not received all kinds of communications of protest on this.

After examining the proposal very carefully, and we went into this one, oh, boy, from the Federal Government witnesses and all outside organizations and people we asked in to be sure, we concluded that we have to provide sufficient funds in the bill to restore the cuts proposed in the budget for those items.

This nation must not turn away from its responsibilities here. There must be continuing Federal support for a wide range of medical and paramedics—I am a nut on paramedics; all you guys in the service will remember the paramedics, although they called them different names—in order to utilize the resources we have in behalf of a healthier people. This resulted in an increase of $324,660,000 over the budget.

Listen again. If you think we are going haywire, the answer is no. The bill is still $31,787,000 below the 1973 appropriation for the same programs.

Do not tell me we are throwing your money out the window, it is below that of last year by over $31 million. For the educational programs, we recommend a total of $6,164,411,000 for education programs. That is $892 million over the budget request; $92.42 million—now, watch this—$92.42 million below the comparable appropriation for fiscal year 1973, nearly $100 million below last year.

Do you think that we are careless and do not know what is going on? Are we throwing the money away? We are $100 million below—we are watching those bucks.

Let me tell the Members that these education proposals gave us a very special problem, a very special problem. The budget proposed another gimmick. It proposed a consolidation of a series of categorical programs, line items, for the support of elementary and secondary education. Hear this: Vocational education, education for the handicapped, adult education, a big thing now, just pull them into a block grant—now, watch this, watch the catch in this—to be known as special education revenue sharing, not just that old guy, that poor, worn-out, motheaten program of revenue sharing that is getting no place in Congress. Not just that, no. This is all dressed up.

The 1974 budget included $2,527,366,000 for education revenue sharing. One cannot be against that, can one? Education revenue sharing. Boy, what a title. The education program as they suggest they replaced—see what it did, the replacement has added up, $3,045, million for fiscal year 1972, and $3,466 million for 1973. That is what it replaced, this big deal.

That means what? It means the education revenue sharing proposal represents a cutback of half a billion dollars below the 1972 bill, and nearly $1 billion from the 1973 bill. That is what it means. That is a pretty curious use of the term "revenue sharing" as a means to reduce the commitment to the educational needs of the people.

Education revenue sharing, by the way, requires new legislative authority. It certainly should come as no surprise to anybody in this room that the proposal by the administration of revenue sharing has simply no place in the budget.

Most reasonable people would welcome a consolidation of the hundreds of separate programs for which we now make appropriations each year. There is no doubt about that. We agree with that. But there is simply no support for a cutback of one-half to $1 billion in Federal Aid to Elementary and Secondary Education.

We have included appropriations in the bill to continue the various programs which would have been replaced by this education revenue sharing. The appropriation recommended in the bill for these programs represents an increase of $768,168,000 over the budget or about $250 million more than the fiscal 1972 appropriation.

But the two major increases over 1972 are $215.5 million for title I, the Elementary and Secondary Education Act, and $50 million for the basic State grants for vocational education.

These are, by the way, the amounts provided in the 1973 appropriation bill as it passed the House—the same amounts. There is no big deal about it. They are the same amounts.

We believe that these increases are essential. Are my friends, the southerners, listening? "Damyankee" is one word; I know that, but I am not "Damyankee;" I am a plain Yankee. I was raised in St. Augustine, Fla.

The 1970 census will be used as the basis for the distribution of these funds among the States for fiscal year 1974. Listen to this. If we do not provide these increased funds for these programs, we must do one of two things. We must either give no recognization to the population shifts which occurred in the 10 years between the 1960 and the 1970 census, or we must make drastic cuts in the allocations of the States. How do you like that? That is where we are.

We believe, Mr. Chairman, that the 1970 census must be used as the basis for the allocation of funds. There is no squawk about that. On the other hand, we know it would be both unfair and unrealistic to expect States like Alabama and Mississippi—remember Alabama? Oh, you do remember that; all right. They did take a beating. They did lose over 50 percent of their previous allocations. That is not right in any language.

We, therefore, provide the increase of $50 million in the bill for vocational education, basic State grants, and an increase of $212.5 million for title I. In addition for title I grants, we believe it is necessary to include legislative language in the bill providing that no State allocation shall be less than received in fiscal year 1972. In this way we have sought to meet our dual responsibilities to make Federal funding more responsive to the population increase in some States, while preventing sudden shattering cuts in existing programs in others.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman for yielding.

The question I wanted to raise was his decision to hold everyone harmless——

Mr. FLOOD. Hold harmless is your phrase.

Mr. QUIE. As of 1972. In 1973, the total expenditures for title I were the same amount as 1972.

Mr. FLOOD. This could be.

Mr. QUIE. But the impact of the changes in population came to bear because AFDC data is also utilized. In some States a dramatic reduction in the number of poor children between 1960 and 1970 occurred, these States received the beginning of their reduction in 1973. Now the gentleman is going to bring them back up to the 1972 level again. I ask the gentleman, why?

Mr. FLOOD. We are going to bring States back up to at least the 1972 level, but I know the gentleman knows—and I know that he knows that I know that he knows—what will happen, and they had better, because this is where their friends are, beginning with me, and they would not do anything like that, especially Alabama and Mississippi.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Texas.

Mr. KAZEN. I appreciate what the committee did in this provision.

Mr. FLOOD. The gentleman should.

Mr. KAZEN. If the gentleman will let me, I will commend him for doing it.

Mr. FLOOD. Great. Louder, please.

Mr. KAZEN. I commend the gentleman for that. But my question is this: Is it intended by this legislation that the amount that goes to the States will be passed on to the local districts?

Mr. FLOOD. The answer, as far as we are concerned, is "yes." That is the intent and the purpose. Of course, if you know Suzie like I know Suzie—I was assistant attorney general in Pennsylvania for 5 years. If you know State government like I know State government, you go on from there.

Mr. KAZEN. This is what we are worrying about—our individual school districts getting not less than the amount they received last year.

Mr. FLOOD. We hope the gentleman gets his hope.

Mr. KAZEN. This is the intention of the committee?

Mr. FLOOD. I just said that four times.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Oh yes, I remember, yes, I yield.

Mr. QUIE. As I read the bill, the State will be held harmless in its aggregate but there is no hold harmless for the school districts and so the school districts that have had a shift in population will realize the impact of that change in population due to the 1970 census.

Mr. FLOOD. This is in part true and I go through this all the time. The gentleman is half right and half wrong. Legislation is the art of compromise. That is only partly true. As a matter of fact the gentleman from Minnesota stated there will be a State hold harmless in 1974. Certainly the rule of reason should prevail there. It could depend on what is done in the State capitol in those cases where the State has discretion.

Mr. QUIE. But the State Departments of Education have no voice in the amount of money that will go to each school district. They have only passed on the title I project, whether it is acceptable or not.

Mr. FLOOD. The man on our subcommittee who has forgotten more on this than I think any of the rest of us know is the gentleman from Iowa (Mr. SMITH) and I yield to him.

Mr. SMITH of Iowa. Mr. Chairman, the language was written in the way it appears for a particular reason. It says:

> The grants to local agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972.

Mr. FLOOD. But that we cannot control. I think they know how to do it.

Now, impacted areas. Did the Members ever hear about that? Here is a sacred cow if ever there was a sacred cow. Congress has provided funds for 68 percent of the entitlement for the B kids and 90 percent of the entitlement for the A kids and then 100-percent entitlement for kids in those programs where they constitute 25 percent or more of the school enrollment. That is exactly what we did before. I do not think anybody can argue about that.

There is something else the Members will not believe. Do the Members know what the budget proposed for libraries? It proposed absolutely no funds for assistance to libraries. It provided not a dime for libraries. But we are recommending $176,209,000, which is the same amount as the 1972 appropriations. We are putting back the funds. We felt this budgetary provision, or lack of one, showed no proper appreciation for the role of the public libraries in the Nation's communities today. The libraries have become something more than depositories for a great many dusty books. They are increasingly involved in the total education and cultural life of the entire community. The libraries perform an expanding role today. We are putting the money back. It was cut out.

There are many other things in the bill, but I do not intend to discuss them all. But there is one we might touch upon, which is the student assistance programs under the appropriation for higher education. We have heard a great deal about that. We studied this, as we did last year and in the urgent supplemental bill this year. We stayed within the total budget request for the student assistance programs. But what did we do? We changed the distribution of the budget requests, so that educational opportunity grants, work study and national student loans will be continued at the current level and the remainder will be used for the basic opportunity program. Never was there a greater need, we think, for worthily motivated students to attain the level of education of which they are capable. That is in the very best American tradition.

The amounts can be found on page 59 of the report. We continued those program levels. We realined the priorities submitted in the budget. We think we know something about this matter too.

With respect to the Office of Economic Opportunity, we have included funds in the bill to extend the life of the Office of Economic Opportunity for another year, to June 30, 1974, and to continue Federal support for the Community Action agencies through June 30, 1974. I think the majority of the Members are going to agree with this, whatever the merits and deficiencies might be—and there certainly are deficiencies.

The CHAIRMAN. The Chair informs the gentleman from Pennsylvania that he has 2½ minutes remaining of his hour.

Mr. FLOOD. I have an hour and a half, Mr. Chairman.

The CHAIRMAN. The gentleman can only consume one hour of his hour and a half at this time. The gentleman has 2½ minutes remaining.

Mr. FLOOD. Now, we have extended these activities through June 30, 1974. We certainly object to any attempt to have these units closed down unilaterally without the concurrence of the Congress. That is absolutely unacceptable.

We know there are some deficiencies, and we have approved the budget request for the transfer of the OEO to the departments, certain of them to HEW. Many of these positions should be in HEW, many should be in Labor. They should never have been in OEO in the first place. We agree with that. But, we do not agree to have OEO shut down unilaterally.

We do not approve withdrawal of funds then for the community action programs under any circumstances.

We do believe that a very serious review of the poverty program is in order; absolutely. We do not necessarily endorse its continuation in its present form forever. The patient must be kept alive while he is on the examining table. We think the patient needs a physician, not an undertaker. That is the way to do this.

Our report states that we believe that a solution of this question on the OEO must be one which is acceptable both to the President and to the Congress. In keeping with our American heritage, this Government is based upon a division of powers. It is an ideal pretty badly neglected in recent years, but I suggest it is likely to come to life again pretty quickly. Let us step forward with this very big bill.

Mr. Chairman, one final note: This is the first time since 1952 the Labor-HEW appropriation bill has been on the floor without the presence of Bob Moyer. Bob retired in February after 21 years as senior staff assistant to our subcommittee on Labor-HEW.

He built a solid record. For years the subcommittee and indeed the committee depended upon him. And we miss him. Bob is a man of foundless energy and abilities. I take this opportunity to thank him publicly for his great service to me personally down through these years and to all members of the committee and the House, and to wish health and happiness to him and his family in retirement.

Mr. MAHON. Mr. Chairman, will the gentleman yield for 3 minutes?

Mr. FLOOD. Mr. Chairman, I yield to the distinguished chairman of the full Committee on Appropriations, the gentleman from Texas (Mr. MAHON), for 3 minutes.

Mr. MAHON. Mr. Chairman, I think it very appropriate that the distinguished chairman of this subcommittee, who has so brilliantly presented this bill, should in the closing moments of his discussion mention Bob Moyer, who for so many years served so faithfully and efficiently the Committee on Appropriations, and especially this subcommittee.

I am sure Mr. MICHEL, the ranking minority member of the subcommittee, would like to share in these sentiments.

I yield to Mr. MICHEL.

Mr. MICHEL. Mr. Chairman, I appreciate the chairman yielding to me.

Of course, it would have been my intention during the time allotted to me to endorse fully and wholeheartedly the remarks made by my good friend from Pennsylvania (Mr. FLOOD).

We have heard from Mr. Moyer subsequent to his having retired, and he is enjoying himself very much.

We do miss him, but as the chairman very well knows, we have some new replacements for Mr. Moyer, due to the chairman's foresight, and we do appreciate the manner in which they handle their duties. We have a competent staff made up of people who have to do so much to shore us up.

Mr. MAHON. Mr. Chairman, I am sure the gentleman from Pennsylvania, the gentleman from Illinois, and myself have spoken the sentiments of all the members of the subcommittee with regard to Bob.

Mr. NATCHER. Mr. Chairman, will the gentleman yield me some time?

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, I yield to my chairman, the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, the preparation of this bill has been no easy task. It embodies the considered judgment of the full committee, formed in the light of our knowledge and experience, and mindful of the challenging words of the great Charles DeGaulle:

> What other satisfaction can be sought once you have confronted history?

True, the cost is high. This is no place for cost cutting. We believe the cost is justified as a balanced appraisal of resources and a response to needs; a serious attempt to deal realistically with many social and economic issues at stake in a bold, statesmanlike way.

We propose here no unrealistic or utopian program, but rather one which builds intelligently upon the achievements of the past—for the future of the Nation.

I have alluded to the cost. In truth, the real question is not can we afford it, but can we afford—dare we afford—not to enact the provisions in this bill? We act on behalf of the Nation and its people.

I remember that Ben Johnson wrote that—

> Calumnies are answered best with silence.

In this instance the record speaks for itself.

I will say this to those who would indulge in false economy at the expense of human and humane values, to those whose narrow vision or whose loyalties to special interests may lead them to unravel the conscious dedication and hard work which have gone into this bill, by everyone. In the great words of Clive:

> Gentlemen, I stand astonished at my own moderation!

Well, we believe that the fundamental concerns of this bill reflect a common vision of a better, a stronger, a healthier, a more creative America in which every human being will be able to live with dignity and to realize his or her fullest, God-given potential.

The great Hebrew seer wrote:

> Where there is no vision the people perish.

Mr. Chairman, we commend this bill as a step toward that vision of America.

> Amid the peril of uncertain ways (we) sail ahead, and leave the rest to God.

Mr. MICHEL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, our good chairman, the gentleman from Pennsylvania, DAN FLOOD, has, of course, very eloquently and dramatically explained the bill as he sees it.

This is, and there is no question about it, another whopping big bill before us this afternoon. The total budget authority for the Departments of Labor and Health, Education, and Welfare comes to $113 billion plus, and this figure, of course, includes the trust funds and other permanent appropriations.

The gentleman from Pennsylvania (Mr. FLOOD) made mention of the fiscal year 1973 amounts provided in the continuing resolution, plus the supplemental appropriation bills for programs funded in this bill for fiscal year 1974, a total of $33.5 billion. We are actually spending, however, in the current fiscal year 1973, at a level $1.8 billion below the level appropriated the past year.

The administration has been criticized for spending at a level considerably under what was appropriated, but that is the administration's prerogative. It has been that way ever since Jefferson's time. I do not agree with all the choices for reductions, but if no restraint was being exercised by the administration our current projected deficit of $17.8 billion as we close the books in a few days on June 30 would be closer to $25 billion, as was estimated last January.

We just cannot go on like this indefinitely unless we face up to the prospects of raising additional revenue by way of an increase in taxes to pay for all these "goodies" we want to bestow upon the American public.

The figures in this bill are so astronomical at times that it is very difficult for the average member to grasp what these comparable figures actually mean. We cannot take the total figures this year, match them against last year's, and take any measure of comfort in the overall figure for several reasons.

Mr. Chairman, in last year's bill, there was the figure of $1,250,000 for emergency employment, and we have no money in the bill this year for that item, because unemployment has declined.

We have deferred funding any activities in the manpower training program since only half of them are authorized and the issue of revenue sharing to cover these activities is currently before the Committee on Education and Labor. These programs which we will have to fund one way or another, will come to something like $1,340,000,000 when we get around to doing it in a supplemental bill.

The bill also calls for a $110 million reduction in Federal unemployment benefits, and another $120 million for reduction in advances for extended unemployment benefits. This comes about because of the improvement in the employment versus unemployment figures, and I hope our current estimates stand up.

Finally, under the social and rehabilitation services having to do with the Vocational Rehabilitation Act, we have deferred the funding of another $700 million.

Mr. Chairman, while we are on the subject of these big figures, let me draw the particular attention of the Members to the reduction of a billion, sixty-seven and some-odd million dollars in the item of grants to the States for public assistance. That figure is more than offset by an increase of $2,134,000,000 plus for supplemental security income as a result of the social security amendments enacted last year. That program will be taking effect January 1, 1974. It replaces, as we all know, the existing AID program for the aged, the blind and the disabled, and it is administered by the States and localities.

Mr. Chairman, in the next fiscal year, payments will be made to an average of 5,200,000 recipients for one-half of the year. To cover the administrative costs associated with the new program, we have an increase in this bill of $244 million plus over 1973 to reimburse the trust funds for costs incurred in the fiscal year 1974. This is a cost, I would remind the committee, that has heretofore been shared equally between the States and the Federal Government.

Now, because of those social security amendments we are assuming the full burden, so collectively the States have roughly or will have this next year an additional quarter of a billion dollars to spend for other purposes rather than for administration of this particular program.

For those of the Members interested in Federal employee figures, this new program alone requires an additional 6,000 Federal employees, making a total of 15,000 involved in the new program.

That is supposed to be about half the number of employees currently required to administer the programs throughout the 50 States.

Over and above this, the bill includes another $150 million for Federal contributions to States' supplemental payments. If the State feels it wants to pay something more, the Federal Government is obliged to come in and match it, and here we are with another $150 million.

As I indicated, Mr. Chairman, it does not take effect until January 1, 1974. We will not have any standard of measurement until a year from now, and maybe beyond, as to how effective those social security amendments, which we enacted last year to take effect January 1, 1974, will actually be.

Mr. Chairman, before going through the bill and making my own points with respect to the individual items, I would like to make another general point with respect to the so-called uncontrollable items in this bill. $19.8 billion fall within this category, and this would include: First, grants to the States for public assistance, including medicaid, payments to the Social Security and Railroad Retirement Trust Funds; second, unemployment compensation for Federal employees and ex-servicemen; third, Federal workmen's compensation benefits; fourth, special benefits for disabled coal miners; and fifth, the new supplemental security income program.

Now, I am going to go through our bill and touch on each line item, with a brief explanation of what the program does and the amount of funding recommended by the committee.

I do not agree with those funding levels in a number of instances, but I will make those particular points at a later, more appropriate moment.

Starting with title I of our bill, the Department of Labor, Manpower Administration, Salaries and Expenses, the first item is Planning, Evaluation, and Research.

MANPOWER ADMINISTRATION

SALARIES AND EXPENSES

One. Planning, evaluation, and research: For Federal administration of planning, policy development, program analysis, evaluation and review, and research and development of the Manpower Administration. Request included $5.3 million to continue OEO research efforts in the fields of manpower training and labor force participation.

The committee recommends $5,587,000, the budget request.

Two. Manpower program administration: Has primary responsibility for assisting States and localities in the development, direction, and delivery of various manpower programs designed to increase the skills and employment opportunities of those in the work force. Provides planning and program direction for assessment, outreach, employability training counseling, testing, job placement, and followup. Emphasis is placed on improving the design and delivery of training services to the unemployed and underemployed.

The committee recommends $19,907,000, the budget request.

Three. Apprenticeship services: Employers and unions are provided technical assistance and advisory services in developing and conducting programs of apprenticeship and allied industrial training.

Assistance is provided to about 120,000 employers, with more than 400,000 apprentices and other workers participating in training programs during the year.

The committee recommends $7,990,000, the budget request.

Four. Unemployment insurance service: Provides leadership and technical assistance to States in the development and administration of their unemployment insurance laws.

The committee recommends $325,000, the budget request.

Five. Civil rights compliance: This office was established by the Secretary of Labor to insure "that no person on the grounds of race, color, or national origin, be excluded from participation in * * * or be subjected to discrimination under any program or activity receiving federal financial assistance," and to eliminate discrimination in manpower programs that may result from violations of the Age Discrimination in Employment Act of 1967, and discrimination based on sex.

The committee recommends $109,000, the budget request.

Six. Executive direction and management: Responsible for the overall supervision and direction of the U.S. Employment Service, the Unemployment Insurance Service, Job Corps, the apprenticeship service and the regional manpower administration offices; provides administrative and management services and property management; provides budgetary, fiscal management, audit, and contract services; and is responsible for data systems relating to program performance.

The committee recommends $7,114,000 the budget request.

MANPOWER REVENUE SHARING

For the reasons outlined on pages 7 and 8 of our committee report, the committee has deferred consideration of this request at the present time.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

Funds are allocated to the States for payment of unemployment compensation to eligible former Federal employees and exservicemen, and for trade adjustment benefit payments and allowances.

The committee recommends $365,000,000, the amount of the budget request.

FEDERAL GRANTS TO STATES FOR EMPLOYMENT SERVICES

For grants upon the request of any State, the payment of rental for space made available to such State in lieu of grants for such purposes, and for grants authorized under the Manpower Development and Training Act of 1962, as amended. This appropriation was established to provide general revenue financing for State employment service resources used to serve individuals not covered by State unemployment compensation laws.

The committee recommends $64,400,000, the budget request.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

First. Labor-management relations services: Provides assistance to unions employers, employees, and State and local governments, including special studies and analyses, and technical assistance in planning for work force adjustments as they will affect labor-management relations; coordinates Federal action in particular labor-management disputes; and carries out the Department's responsibilities under the Urban Mass Transportation Act of 1964.

The committee recommends $945,000, the budget request.

Second. Labor-management policy development: Develops recommendations on labor-management relations matters, and conducts studies of collective bargaining and programs pertaining to the Labor-Management Reporting and Disclosure Act, the Welfare and Pension Plans Disclosure Act, and Federal labor relations. In 1974 the scope of this activity will be expanded to include a policy and program evaluation function.

The committee recommends $1,993,000, the budget request.

Third. Administration of reporting and disclosure laws: Covers the administration and enforcement of the LMRDA, WPPDA, and section 18 of Executive Order 11491 which governs labor-management relations in the Federal service. Provides for the Department's participation in the President's program against organized crime.

The committee recommends $13,276,000, the budget figure.

Fourth. Veterans' reemployment rights: Provides assistance to veterans, reservists, and National Guardsmen on training duty, to secure reinstatement with their preservice employers and other employment advantages to which they may be entitled, based on seniority accrued while in military service. Compliance is advanced by informing employers and labor organizations of their reemployment responsibilities.

The committee recommends $2,121,000, the budget request.

Fifth. Federal labor-management relations: Carries out the responsibilities of the Assistant Secretary of Labor under Executive Order 113491 dealing with labor-management relations within agencies of the Federal Government. Major responsibilities involve processing of petitions and complaints, including conduct of hearings. Representation elections are supervised. Appropriate bargaining units and eligibility for national consultation rights are also determined. In addition, alleged unfair labor practices or violations of the standards of conduct for labor organizations are investigated and decided.

The committee recommends $3,623,000, the budget figure.

Sixth. Executive direction and administrative services: Provides for policy planning and evaluation, direction, and coordination and management support of the labor-management relations programs of the Department.

The committee recommends $1,542,000, the budget request.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

First. Improving and protecting wages: This program seeks to obtain compliance with the minimum wage, overtime, child labor, and other employment standards under the Fair Labor Standards Act, under the various Federal procurement acts, under the Farm Labor Contractor Registration Act, and under the wage garnishment provisions in title III of the Consumer Credit Protection Act. As a complement to the compliance program, regulations and interpretative materials are developed and special minimum wage standards are set. About 450,000 workers will be directly aided each year by these efforts. This activity also includes determinations of prevailing wage rates and fringe benefits for all workers employed on Federal and federally-assisted contracts for construction subject to the Davis-Bacon Act and related acts. Prevailing wage rate and fringe benefit determinations are also made to protect workers under the Service Contracts Act.

The committee recommends the budget request of $24,833,000.

Second. Elimination of discrimination in employment: The major effort under this activity is to make equal opportunity an employment reality. Works to insure nondiscrimination in employment on Federal contracts. Under Executive Order 11246, as amended to include sex discrimination, each contracting agency is responsible for obtaining compliance concerning those contracts entered into by the agency or its contractors. ESA is responsible for the direction, coordination, and evaluation of the contracting agencies' compliance program. ESA also assists local communities in the development of voluntary areawide compliance plans in the construction industry. These plans are designed to increase employment opportunities for minorities through voluntary agreements among labor, management, and community groups. Through its Women's Bureau, the ESA develops policies and programs to promote the welfare of wage-earning women and to encourage their fuller utilization in the work force. Enforcement of the equal pay provisions of the Fair Labor Standards Act and the Age Discrimination in Employment Act is also included in this activity.

The committee recommends $7,651,000, the budget figure.

Third. Workmen's compensation: ESA administers the Federal Employees' Compensation Act and the Longshoremen's and Harbor Workers' Act and their various extensions. Beginning July 1, 1973, the compensation provisions of the Coal Mine Health and Safety Act will be assumed. These programs insure that injured workers covered under these acts and their dependents receive the benefits to which they are entitled and are referred for rehabilitation. Under current programs, some 700,000 benefit payments are made each year.

The committee recommends $15,535,000, including an additional $360,000 to provide 24 more positions.

Fourth. Program development and administration: Provides for the direction and coordination of employment standards programs. Program planning, research, evaluation, budget, and other administrative activities of the Employment Standards Administration are carried out to insure effective and efficient program management and execution.

The committee recommends $4,391,000, the budget figure.

SPECIAL BENEFITS

Benefits are currently paid on a long-term continuing basis via periodic payment rolls to over 27,000 civil employees of the Government disabled in the performance of duty or to their dependents, to dependents of certain reservists in the Armed Forces who dies while on active duty with the Armed Forces or while engaged in authorized training in time of peace, to a number of former relief work employees and their dependents, and to numerous others by various extensions of the Federal Employees' Compensation Act.

New injuries reported involve determinations of entitlement and payment of compensation benefits and medical costs, as appropriate. When compensation is involved, either one or more payments may be made—depending on the type and length of the disability. In a fatal case, payments are made once each month to the eligible survivors.

In 1974 the program provides for black lung compensation payments to eligible coal miners and their dependents under the Federal Coal Mine Health and Safety Act of 1969, as amended. The administration of the provisions of title IV for all new claims becomes the responsibility of the Department of Labor on July 1, 1973.

The following is a list of the committee's recommendations for these special benefits:

One. Federal civilian employees benefits: $91,950,000.

Two. Armed Forces reservists benefits: $7,500,000.

Three. War Claims Act benefits: $400,000.

Four. Other benefits: $3,600,000.

Five. Longshoremen's and Harbor Workers' Compensation Act benefits: $1,800,000.

Six. Black lung compensation benefits: $36,000,000.

These items are all at the level of the budget request.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

One. Safety and health standards: Standards are promulgated to assure the greatest protection of the safety and health of workers. New and revised safety and health standards are developed with the aid of advisory committees and promulgated under public hearing procedures utilizing criteria documents from the National Institute of Occupational Safety and Health, and recommendations from various standards-setting organizations and affected employer and employee groups. In 1974 new and revised permanent standards will be promulgated covering approximately 50 occupational safety and health issues.

The committee recommends $2,955,000, the budget request.

Two. Enforcement: Enforcement of the occupational safety and health standards is performed by the physical inspection of plants and facilities. Employers may be cited for violations and penalties assessed, subject to appeal to the Occupational Safety and Health Review Commission.

The committee recommends $24,421,000, some $518,000 below the budget request, to provide 32 of the 64 new positions requested.

Three. Training, education, and information: These services are provided to employees, employers, and the general public to make them aware of the occupational safety and health problem, the provisions of the Occupational Safety and Health Act, and of their rights and responsibilities in relation to the act. Short-term technical and professional training is conducted at the OSHA Training Institute to increase the number and competence of personnel engaged in the field of occupational safety and health. Training and technical assistance are provided to Federal agencies in establishing and operating voluntary safety programs which will afford the same protection to Federal employees as that provided by the act for private sector employees. In 1974 training actions will be provided to approximately 40,000 individuals including Federal and State compliance personnel, trade associations, labor organizations, employers, and employees.

The committee recommends $3,491,000, the budget request.

Fourth. State programs: Federal matching grants are provided to the States to develop and operate occupational safety and health programs which will be at least as effective as the Federal program. States may eventually assume full responsibility for occupational safety and health programs after the Secretary has approved a plan and has evaluated the operation of the plan for at least 3 years. A State plan must provide for the coverage of one or more occupational safety and health issues by standards and a program for the enforcement of those standards which is at least as effective as the Federal program. In addition, the plan must assure that the State has adequate legal authority and resources for the administration of the plan. A State may submit for approval a plan which is not initially as effective as the Federal program, but which will become so with the completion of the scheduled steps included in the plan. The 22-State plans projected for approval in 1973 are expected to be in full year operation in 1974.

The committee recommends $30,080,000, the budget figure.

Fifth. Safety and health statistics: Data on occupational fatalities, injuries, and illnesses are collected and disseminated to identify occupational safety and health problems and to facilitate improvements in the administration of the act. Regulations require all employers with eight or more employees to maintain records of work-related deaths, injuries, and illnesses. These records must be available for examination by compliance officers, and will provide the source of data for annual nationwide statistical surveys of a selected sample of establishments. Studies are conducted to identify circumstances and events associated with injuries and illnesses which may suggest causes and means of prevention.

The committee recommends the budget request of $4,841,000.

6. Executive direction and administration: Executive direction, planning,

Sixth. Executive direction and administration: Executive direction, planning, and management support activities are structured to assure the prompt and effective implementation of the Occupational Safety and Health Act of 1970, and to decentralize as rapidly as possible the administration of the act to those levels of government closest to the people.

The committee recommends $3,530,000, the budget request.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

First. Manpower and employment: Monthly estimates are made of the U.S. labor force, employment, and unemployment, and studies of selected characteristics for the labor force. Monthly data are prepared and published on employment, hours of work, and earnings by industry for the United States and for each State. Projections are prepared of manpower requirements and supply, including detailed studies of the outlook for specific occupations.

The committee recommends $14,146,000, the budget amount.

Second. Prices and cost of living: The Consumer Price Index and the Wholesale Price Index are compiled and published monthly. Special analytical studies of price changes are undertaken, and family budget studies are prepared and priced.

The committee recommends $6,893,000, the budget level.

Third. Wages and industrial relations: Data are collected and analyzed on occupational wages and salaries in major labor markets and industries. Monthly information is compiled on work stoppages and wage developments. Reports and studies are issued on fringe benefits, expenditures, collective bargaining agreements, trade union organizations, and private welfare and pension plans.

The committee recommends $5,667,000, the budget request.

Fourth. Productivity and technology: Analyses are prepared on output per man-hour and unit-labor cost trends for both the entire U.S. economy and for specific industries. Studies are conducted on automation and other technological changes and the adjustments to such changes. Studies are made of labor requirements for selected types of construction. Analyses and international comparisons are made of prices, wages, employment, unemployment, and unit-labor costs. Research is conducted on the effects of international trade on U.S. employment.

The committee recommends $1,873,000, the budget level.

Fifth. Economic research: Long-range projections of U.S. economic growth are prepared. Analytical studies of the impact of economic changes on employment are made. Special economic and social studies are undertaken and special reports prepared for the Commissioner, the Secretary, the Council of Economic Advisers, and other Government agencies.

The committee recommends $1,183,000.

Sixth. Executive direction and staff services: Provides leadership in developing plans and policies for the Bureau's economic, statistical, and management programs. Program plans are coordinated and evaluated. Statistical and data processing systems are operated and maintained. Research and report activities are coordinated; publications and releases are planned and edited; and a central inquiry service is maintained. Personnel management, fiscal operations, training, management systems, and service functions are also conducted.

The committee recommends $7,539,000, the budget request.

Seventh. Revision of the Consumer Price Index: The CPI measures average changes in the retail prices of selected goods, rents, and services. A revision of the index is underway to modernize the index to meet the demands for its use in present-day domestic, economic, and industrial planning. The revision program, which was initiated in 1970, has been phased so that a revised index will be completed and tested in 1976 and published in 1977. In 1974, the basic data collection phase of the revision process, including the nationwide consumer expenditure survey, will be completed by the Bureau of the Census.

The committee recommends the budget request of $10,099,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

First. Formulates governmental policy in matters affecting labor and directs all programs or functions assigned to the Department.

The committee recommends $5,226,000, the budget figure.

Second. Legal services: Covers departmental legal activities which include supervision of enforcement of Federal labor statutes and legal services related to the statutes administered by the Department. It also provides legal advisory, legislative, and litigation services under the Labor-Management Reporting and Disclosure Act, the Welfare and Pension Plans Disclosure Act, Occupational Safety and Health Act, Executive Orders 10988, 11264, and 11491, and title V of the Civil Rights Act of 1964. Field attorneys provide legal services to departmental field officials and provide assistance to the public with regard to programs administered by the Department. In addition, field attorneys assist the Department of Justice in the preparation and conduct of various legal actions for which the Department has program responsibility.

The committee recommends $7,170,000, the budget request.

Third. International labor affairs: Integrates all international labor programs and foreign economic policy within the Department, including activities concerned with trade adjustment assistance and with the Trade Expansion Act; provides coordination with other agencies and organizations; gives departmental guidance to the U.S. participation in the International Labor Organization and other international organizations concerned with labor and manpower problems; and provides for labor and manpower technical services to other Government and international agencies.

The committee recommends $2,164,000, the budget request.

Four. Administration and management: Plans, manages, and evaluates administrative support operations and renders central services to all administrations and offices of the Department and to the Office of the Secretary.

The committee recommends the budget figure of $7,629,000.

Five. Appeals from determinations of Federal employee claims: The Employees' Compensation Appeals Board hears and decides appeals from decisions of the Director of the Bureau of Employees' Compensation and the Governor of the Canal Zone in cases arising under the Federal Employees' Compensation Act.

The committee recommends $192,000, the budget level.

Sixth. Promoting employment of the handicapped: The President's Committee on Employment of the Handicapped conducts a continuing program of public information and education to advance employment of the handicapped citizen and cooperates with all national groups interest in this field.

The committee recommends $844,000, the budget request.

SPECIAL FOREIGN CURRENCY PROGRAM

This activity utilizes foreign currencies available under title I of the Agricultural Trade Development and Assistance Act of 1954, declared by the Treasury Department to be excess to the normal requirements of the United States. Overseas regional labor attache conferences provide a forum for discussion of regional problems among the attending labor officers and Government officials; provide for the coordination and implementation of U.S. objectives in the labor and manpower areas; provide a forum for informing labor officers overseas of new developments in the United States; and provide opportunities for officials of the Departments of Labor and State to discuss general and specific reporting needs.

The committee does not recommend funding, because sufficient unobligated funds are available.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

First. General Mental Health:

(a) Research. This activity includes nondrug and nonalcohol related research efforts. The intramural research program is conducted in laboratories and clinics located on the campus of the National Institutes of Health and Saint Elizabeths Hospital.

The committee recommends a figure of $89,289,000, an increase of $8,800,000 over the budget.

(b) Training. This includes both training grant awards which are made to a variety of institutions in support of teaching costs and stipends, and fellowships which are awarded directly to individuals.

The recommended amount for this item is $110,000,000 which is $38,124,000 above the budget request.

(c) Community programs. This program provides grants for the construction and staffing of community mental health centers for specialized treatment services to children in centers or other community facilities. Staffing grants are awarded to community mental health centers to provide partial support of the costs of professional and technical personnel. Funds would have been provided for the support of existing service delivery projects only, for the remaining years of their committed support, under the terms of the administration's budget proposal.

Over the past 9 years, the National Institute of Mental Health has stimulated the establishment of 515 community mental health centers across the country. This was the principal thrust of a movement to treat persons with emotional illness near their homes, often on an outpatient basis, including care after a period of hospitalization, accompanied by consultation and education programs to avert breakdown. The aim was to move away from costly and ineffective long-term and custodial care in State mental institutions. The workability of the community mental health center concept has been thoroughly demonstrated and a large portion of a national system will have been put into place when the 8-year grants provided for in the current law are concluded. The administration proposed that the Community Mental Health Centers Act be allowed to expire on June 30, 1973, on the grounds that the current momentum behind the community mental health concept should be adequate to maintain existing centers and stimulate the establishment of new centers.

The termination of Federal support for community mental health centers would apply to both general staffing grants and also special impact programs such as child mental health, alcoholism, and drug abuse. However, the 1974 budget proposal of the administration included the budget authority needed between now and 1980 to honor all Federal staffing grant commitments to existing community mental health centers for continuation support. Thereafter, reliance for financing was to have been placed on payments and contributions by individuals, State and local governments and on reimbursements from third party payment systems.

The committee recommends $198,698,000 for fiscal year 1974, which is $65,000,000 over the budget. The basis for this recommendation is discussed on pages 12 and 13 of our committee report.

(d) Management and information. Funds in this activity provide support to administer general mental health programs. The committee is recommending the budget request of $21,355,000.

Second. Drug abuse:

(a) Research. Drug abuse research grants support the development of new knowledge and approaches to the causes, diagnosis, treatment, control and prevention of narcotic addiction and drug abuse through basic, clinical, and applied research. This activity includes support for the Clinical Research Center and the Addiction Research Center located in Lexington, Ky.

The committee recommends the budget request, $36,739,000.

(b) Training. This activity supports drug-related training programs. Contract support is used to develop and conduct a variety of training programs for professional, para-professional and nonprofessional personnel.

The committee again recommends the budget request, $15,182,000.

(c) Community programs.

First, project grants and contracts and, second, grants to States.

Project grants and contracts which develop and demonstrate new treatment and rehabilitation programs are awarded on a matching basis of Federal and non-Federal support. The administration proposed providing continuation support of existing long-term service delivery projects for the remaining years of their committed support.

Treatment and rehabilitation support is also provided through the NARA contract program, although efforts are being made to integrate such services into the community projects supported under States are made to assist in planning, establishing, conducting, evaluating, and coordinating drug abuse prevention, treatment, and rehabilitation programs.

The project grant efforts is being carried out under the general leadership of the Special Action Office on Drug Abuse Prevention. Through 1973, 276 drug abuse projects will be underway. Evidence shows that 50 to 60 percent of drug addicts will volunteer for treatment if service is available and of acceptable quality. The projects provide detoxification, methadone maintenance, rehabilitation, and after-care services.

The committee recommends $175,770,000, the amount of the budget request for fiscal 1974, disregarding the $205,200,000 requested for long-range phaseout.

(d) Management and information Support for headquarters and regional office personnel who plan, coordinate, analyze, and evaluate the various drug abuse programs is provided in this activity, as well as support for the National Clearinghouse for Drug Abuse Information which collects and disseminates relevant data on drug abuse.

The budget request of $15,578,000 is recommended by the committee for this item.

Third. Alcoholism:

(a) Research. A variety of research grants and contracts are awarded to develop new ways to treat, control and prevent alcoholism and alcohol abuse.

The committee recommends $8,901,000, an increase of $2,000,000 over the budget.

(b) Training. Grants are provided for specialized training of personnel who will staff community projects. Fellowships provide stipends directly to individuals, based upon training and experience.

The committee recommends $4,763,000, an increase of $1,000,000 over the budget.

(c) Community programs:

First, project grants and contracts and second, grants to States.

Community programs include funds for the partial support of professional and technical personnel who staff alcoholism projects, and funds to plan and develop alcoholism services in a particular area. Other programs include demonstration, service, and evaluation projects, and treatment programs and services in cooperation with schools, courts, penal institutions, and other public agencies. Funds in the 1974 budget proposal of the administration would provide continuation support of existing service delivery projects for the remaining years of their committed support. Formula grants are allocated to States for the planning and development of alcoholism prevention and treatment.

The project grant program, since it was established in 1971, has funded 492 projects in communities across the Nation. The effect of these projects has been to increase national awareness of the problem of alcoholism and build State and local capacity to handle the problem.

The committee has recomended $105,322,000 an increase of $35,000,000 above the budget.

(d) Management and information. This activity supports staff who administer alcoholism programs. Funds also support the National Clearinghouse on Alcohol Information.

The committee recommends the budget request, $5,435,000.

Fourth. Program direction:

This activity includes staff responsible for the overall direction and management activities including program planning and evaluation, biometry and program coordination with other Federal, State and local agencies.

The committee recommends the budget request, $8,443,000.

ST. ELIZABETHS HOSPITAL

St. Elizabeths Hospital provides treatment and care for the mentally ill who are either beneficiaries of the Federal Government or residents of the District of Columbia. The administration proposes transferring program and fiscal control of the hospital to the District of Columbia, which would budget for and justify the operation of the hospital under its own appropriation.

Funds in this appropriation as proposed, would be used to reimburse the District for treatment and care of Federal beneficiaries who will remain at the hospital, and to pay a subsidy to the District at a gradually declining rate.

The committee recommends the budget request, $38,000,000, in the usual form of an indefinite appropriation.

HEALTH SERVICES PLANNING AND DEVELOPMENT

First. Health Services Research and Development (Sections 301 and 304).

The purpose of the National Center for Health Services Research and Development is to improve the organization, delivery, quality, and financing of health services by stimulating and supporting research, development and demonstrations and evaluation.

Grants and contracts are awarded to conduct analyses of economic, social, and technological factors which affect the organization, financing, and utilization of health services. In the President's 1974 budget proposal, the emergency medical services—(MS)—systems demonstration effort would be supported at an annual level of $15,000,000 under the general authorities in the Public Health Service Act for research and demonstration.

This budget item also provides the staff to perform research and evaluation, monitor grants and contracts, review results, inform the professional community and the general public of significant progress, and identify the next steps in research and development.

Through research grants, development projects and demonstrations, new knowledge is gained and communicated to improve the health care delivery systems. Emphasis is placed on financing methods, productivity measurements and improvements, manpower utilization, and measurement of the quality of care.

An example of a pilot effort is the development of experimental medical care review organizations whose experiences will aid in the establishment of professional standards review organizations required for medicare and medicaid under the 1972 amendments of the Social Security Act. The budget proposed that some large-scale projects such as experimental health service delivery systems would not require continued funding at the same level in 1974.

The committee recommends increasing the budget request by $4,500,000 for the Experimental Systems, so the bill includes $64,778,000 for this item.

Second. Comprehensive health planning:

This program consists of formula grants to States and project grants for coordination of health planning capacity at State and local levels, as well as project grants for training, studies and demonstrations for comprehensive health planning.

At the end of fiscal 1973, some 169 agencies are expected to have finished organizing and launching active planning programs.

The committee recommends the budget request, $38,327,000.

Third. Regional medical programs:

Funds are used for grants and contracts which on a regional basis encourage common efforts of health providers at all levels to systematically identify health problems and develop programs which provide solutions to these problems.

The committee has restored $81,953,000 to the budget, since no amount was requested for this item.

Fifth. Medical facilities construction:

Over the past 26 years the Federal Government has provided more than $3.8 billion in construction assistance funds to public and nonprofit private entities for the construction of hospitals, public health clinics, and other such institutions. Through the provision of about $1 of Federal matching money for each $3 of State and local money, this program has been a major force in carrying out better than 10,000 medical facility construction projects.

With the Hill-Burton legislation expiring at the end of fiscal year 1973, the administration did not seek its extension. Two factors, they say, justify this step.

The supply of hospital beds now appears to be adequate on a national basis. In fact an excess supply exists in many areas, resulting in declining occupancy rates and higher operating costs. Moreover, the argument goes, the systems of cost accounting and reimbursement for medical care are now sufficiently developed to permit depreciation of physical plant to be covered in hospital charges. Both medicare and medicaid cover depreciation as an allowable cost in their reimbursement formulae. The private capital market for construction loans is growing. Federal categorical construction assistance is therefore no longer justified.

While the budget requested no funds for construction grants for either 1973 or 1974, previous appropriations not yet obligated, will be available to meet anticipated obligations.

The committee is recommending $197,200,000, though no money was requested in the budget.

Sixth. Program direction:

This activity provides for overall executive direction, planning, evaluation and administrative management of the health planning and development programs.

The committee recommends a $990,000 increase above the budget, or $2,990,000.

HEALTH SERVICES DELIVERY

First. Comprehensive Health Services:

(a) Grants to States. Bloc grants are made to State health authorities to assist the States in attacking those health problems they consider of most immediate importance. State plans for carrying out these programs must be in accord with the overall plans developed by the State comprehensive health planning agency.

The committee is recommending the budget request, $90,000,000.

(b) Project grants. Project grants are awarded to public and nonprofit agencies to provide health services. The projects are directed toward urban poverty neighborhoods and remote rural areas. Partnership for Health project grants have permitted such communities to establish new organizations to deliver health services relevant to local needs and acceptable to persons often unaccustomed to seeking health care. Assistance has been provided for developing operating health centers.

Presently, 67 neighborhood health centers serving some 1 million persons are supported. Funding for 41 family health center projects has been provided for developmental phases, aimed at providing prepaid ambulatory health care.

The committee is recommending the budget request, $211,100,000.

(c) Migrant health grants. Migrant health grants provide primary health care services to migrant agricultural laborers and seasonal farmworkers and families in order to improve and maintain the level of their health. Approximately 338,000 persons received ambulatory care services in 1973, making about 600,000 patient visits. More than half of the projects offer a broad range of ambulatory services; the remainder provide a more limited range of services during the short time migrants are in the project area.

The committee is recommending the budget request, $23,750,000.

(d) Direct operations. Through this activity, professional and technical assistance are provided to States, communities, providers of health services, and medical and health organizations. In addition, staff assistance in the development, strengthening, application, and revision of medicare standards is provided.

In 1974, nursing home improvement activities will continue to support short-term training with the aim of reaching nursing home professionals and paraprofessionals. Surveyor training efforts will emphasize continuing concern for maintaining and updating the skill level and capacity of surveyors on duty as well as those newly employed. Efforts will be intensified to provide technical assistance to States and localities in developing nursing home investigative ombudsman units.

The committee is recommending the budget request, $22,133,000.

Second. Material and child health:

(a) Grants to States. This program has as its major goal the provision of health services to mothers and children. Through assistance to States, localities, and nonprofit groups, it directs primary attention to: First, reducing infant mortality and otherwise promoting the health of mothers and children; and second, locating, diagnosing and treating children who are suffering from crippling or handicapping illnesses.

Formula grants are made to States for maternal and child health services and crippled children's services. In 1974, funds previously allocated for project grants will be folded into the State formula grants, as specified by the authorizing legislation.

The committee is recommending the budget request, $217,951,000.

(b) Project grants. Project grants are to be folded into formula grants in fiscal 1974, as prescribed by title V of the Social Security Act. Project grants in 1972 provided health services to 141,000 mothers and 47,000 infants; enrolled 483,000 children in comprehensive care programs; and offered dental care to 10,000 children.

During 1972, the State formula grants made possible the provision of prenatal and postpartum care to 360,000 mothers; provided well-child services to more than 1.5 million children; reached 500,000 crippled children with physician's services; and aided 150 clinics to serve mentally retarded children.

(c) Research and training. Grants are made to public or nonprofit institutions of higher learning for training personnel and for research.

The committee recommends the budget request, $21,917,000.

Third. Family planning services:

(a) Grants and contracts.

(b) Direct operations.

Family planning services have received increasing Federal support. In 1972, services were provided through organized public and voluntary programs for 2.6 million women, of whom nearly 2 million were below the poverty income level. Family planning services receive Federal financial support through the National Center for Family Planning, the maternal and child health program, medicaid, and social services under public assistance. There will be increases in the latter two financing sources, both of which will carry a 90 percent Federal matching rate in 1974 as a result of amendments to the Social Security Act passed last year. The support level through the National Center for Family Planning remains the same as in 1973; funding will be under the Partnership for Health Act. The apparent increase results solely from projects transferred from OEO.

The committee recommends the budget request, $122,225,000.

Fourth. National Health Service Corps.

This program provides for the assignment of commissioned officers and civil service personnel of the U.S. Public

Health Service to medically underserved communities. Personnel are assigned to a community and supported for approximately a 2-year period. It is hoped that a high percentage will remain in these communities after their tour of duty is completed. In 1974, the corps will serve approximately 177 communities with a total population of some 1,770,000 people.

The committee recommends the budget request, $11,000,000.

Fifth. National Health Service Scholarships.

This program authorizes scholarships to students in the health professions in exchange for specified periods of service in the National Health Service Corps or the commissioned corps of the Public Health Service. These HEW programs which provide direct medical care by Federal health personnel are having great difficulty in recruiting the required number of physicians and dentists. This special scholarship program authorized by the Emergency Health Personnel Act provides aid to health students who agree to serve for a period of years based on the duration of scholarship assistance.

The committee recommends $3,000,000, the amount authorized, and deferred consideration of the additional $19,500,000 in the budget request, pending additional authorizing legislation.

Sixth. Patient care and special health services.

This program provides direct and contract medical care to the legal beneficiaries of the Public Health Service. Major beneficiary groups are American seamen, Coast Guardsmen, and their dependents, Federal employees' compensation cases, and persons afflicted with leprosy. The largest single category of beneficiary is American seamen, who will comprise about 47 percent of the inpatient workload in PHS general hospitals in 1973. On a reimbursable basis, medical care is also provided to foreign seamen and beneficiaries of other Federal agencies in PHS hospitals, and to Federal employees in PHS health units. Coast Guard personnel are also served. The budget emphasized that the policy of transferring the PHS hospitals to local control will continue to be implemented in 1974, and remains a long-range goal for the PHS system.

The committee recommends the budget request, $98,961,000.

Seventh. Regional office, central staff.

This activity supports the regional health directors and their central staffs which are concerned with the coordination and interrelation of the various program activities of HSMHA and the implementation of those programs in the regional offices.

The committee is recommending the budget request, $5,602,000.

Eighth. Program direction.

This activity provides for overall executive direction, planning, evaluation, and administrative management of the health services delivery programs.

The committee is recommending the budget request, $5,470,000.

PREVENTION HEALTH SERVICES

In fiscal 1974, the Center for Disease Control will place major emphasis on control of venereal disease. During 1972 a total of 715,000 gonorrhea cases was reported, remaining the most frequently reported notifiable communicable disease. This was an increase of 15 percent over 1971 cases. The 1974 funds will provide for screening of approximately 4,000,000 females and treatment of 300,000 asymptomatic carriers of gonorrhea. It is estimated that these efforts will prevent the occurrence of at least 130,000 cases of gonorrhea. Reported syphilis cases in 1972 totaled 95,076, an alltime high. Funds for grants in 1974 will support casefinding and related activities seeking to prevent 2,500 cases.

During 1973, approximately 10,000 State and local employees will be trained by CDC. This activity will continue in 1974, but on a reimbursable basis. While the Federal Government can effectively provide technical assistance and actually conduct courses of training for State and local officials the cost should be borne by these jurisdictions.

First. Disease control:

(a) Infectious diseases. Research grants, project grants, and direct operations.

A number of activities are conducted under this general heading, including research grants for epidemiology, laboratory diagnosis, prevention, and treatment of infectious diseases at the community level. In addition project grants are awarded to States which meet established eligibility criteria. Grants are concentrated in two areas; venereal diseases and immunization against other infectious diseases.

Activities are funded under direct operations that focus on the improvement of the health care system through emphasis on prevention rather than treatment, through investigations, surveillance, and control operations. One facet of these activities is the training of State and local health workers in specific control techniques or methodologies. An estimated 10,000 trainees will participate in 435 courses in 1973. In 1974, the training will be provided to State and local health departments and other non-profit organizations on a reimbursable basis.

The committee recommends $67,667,000, an increase of $2,000,000 over the budget.

(b) Nutritional and chronic diseases.—Under the administration's budget proposal this limited activity would be phased out in 1974 as duplicatory of existing activities in other programs.

The committee is recommending the budget request, $900,000.

(c) Laboratory improvement: The laboratory improvement program is designed to improve and standardize laboratory methodology and through evaluation of techniques, materials, and reagents used in public health laboratories. States are provided consultation and informational services in laboratory techniques.

The committee is recommending the budget request, $7,892,000.

Second. Community environmental management:

(a) Grants.

(b) Direct operations.

The activities to eliminate and control the occurrence of lead-based paint poisoning and rat infestation in the home environment will be continued in fiscal 1974 under the administration's budget proposal. The lead grants will support an estimated 40 projects, serving an estimated 200,000 children. The rat control program will push toward a control maintenance level in 55 percent of the blocks in the projects it supports in 39 cities. These projects cover a target area of approximately 6 million persons. Both programs will continue to seek local support of activities so that Federal assistance can eventually be phased out.

The neighborhood environmental evaluation and decision system, injury control, and Arctic Health Research Center would not be funded in 1974 under the administration's budget. The first two activities have adequately demonstrated concepts which may now be more appropriately conducted by State and local governments, according to the administration. The Arctic center conducts research of very limited national significance and should be a State funded and managed effort, perhaps aided by general revenue sharing funds, they say.

The committee recommends $19,600,000, the amount of the budget request.

Third Occupational Health:

(a) Grants.

(b) Direct operations.

The National Institute for Occupational Safety and Health will continue in 1974, under the administration's budget proposal, to investigate the effect of the work environment on health and safety. On the basis of these investigations, criteria for about 20 hazardous substances will be published in 1974. The studies conducted, the guidelines published and the technical assistance provided to industrial establishments aid in protecting workers exposed to chemical hazards, atmospheric pollution, excessive sound, and other hazards on the job.

One of the major occupations of concern for the institute has been that of coal mining. In 1974, it is planned that research in this area will continue with the administration of medical examinations to 90,000 underground coal miners. These efforts should result in development of techniques for the prevention and control of occupational diseases of miners.

Grants are made to public agencies and institutions to provide for standards development research for the protection of the work force. In addition, technical service and assistance to other agencies and to industry to emphasize the preventive aspects of occupational safety and health and the improvement of the productivity and employability of workers are provided. This is accomplished through the development of criteria for standards necessary for the successful implementation of a safe and healthy workplace and training public and private personnel to enforce these standards. In 1974, the administration proposed offering the training programs on a reimbursable basis.

The committee is recommending the $25,600,000 requested.

Fourth. Program direction:

This program provides top management and staff services to insure the desired direction and development of these programs' goals and objectives. It provides the necessary staffing for planning, direction, and evaluating all program activities. In addition, this activity provided consultation and assistance to other parts of the Department of Health, Education, and Welfare and to various State and local health departments and private and official agencies.

The committee recommends the budget request which is $3,921,000.

NATIONAL HEALTH STATISTICS

This program comprises the major activities of the Department of Health, Education, and Welfare in the measurement of the health status of the Nation and in developing and applying optimum technical methods for the collection, processing, and analysis of health statistics. It includes: first, collection of vital statistics; second, surveys and special health studies on illness and disability in the United States; third, studies of health survey methods; fourth, technical advice and assistance on use of statistics in health field; and fifth, efforts to implement a cooperative Federal-State-local statistical system to produce uniform health data for health care planning and evaluation.

The committee recommends $22,821,000, the budget request.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

This item includes retirement payments, survivors' benefits, and dependents' medical care associated with commissioned officers of the Public Health Service.

The committee recommendation in the budget request of $34,103,000.

BUILDINGS AND FACILITIES

This appropriation includes all proposed direct construction items of the Health Services and Mental Health Administration except construction of Indian health facilities.

The committee's recommended figure of $9,500,000 is $1,500,000 below the budget.

OFFICE OF THE ADMINISTRATOR

This activity provides a central staff needed in planning, directing, and administering the broad scope of program activities in the Health Services and Mental Health Administration.

The committee recommends the budget request, $14,304,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

Since its inception in 1937, the National Cancer Institute has carried out its mandate of conducting, fostering, and assisting research on the cause, prevention, diagnosis, treatment, and control of cancer in man through support of grants, contracts, and in-house studies. The role of NCI has been expanded and emphasized by the National Cancer Act of 1971, the stated purpose of which is "to enlarge the authorities of the National Cancer Institute * * * in order to advance the national effort against cancer." To achieve the goals of a nationally coordinated attack on cancer, a national cancer program plan has been formulated with the assistance of 250 of the top cancer researchers in the United States. Seven major objectives have been defined for achieving the conquest of cancer and these objectives have been capsuled into four major thrusts: First, cause and prevention; second, detection, diagnosis, prognosis; third, treatment; and fourth, rehabilitation. The programs of NCI are in the process of being restructured to closely reflect the priorities of the national cancer program plan.

The committee figure is $522,383,000 for fiscal 1974.

NATIONAL HEART AND LUNG INSTITUTE

Since the enactment of the Heart Act of 1948 it has been the mandate for this Institute to conduct and support research to increase scientific knowledge of the cardiovascular system so that the structural and functional abnormalities occurring with cardiovascular diseases might be defined, and that more effective means of prevention, diagnosis, and treatment might be developed. In 1969 the executive branch of the Federal Government formally expanded these responsibilities to specifically include diseases of the lung.

During the past year, there have been significant accomplishments in heart, blood, and lung research, as well as expanding mandates, which affect the mission of the Institute. Some of these are:

The National Heart, Blood Vessel, Lung, and Blood Act of 1972 was enacted in order to advice the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

NHLI, now operating under Bureau status, but with its name unchanged, has undergone extensive reorganization and presently has the following divisions: Heart and Vascular Diseases, Lung Diseases, Technological Applications, Blood Diseases and Resources, Intramural Research, and Extramural Affairs.

The committee figure is $281,415,000.

NATIONAL INSTITUTE OF DENTAL HEALTH

In June of this year, the National Institute of Dental Research will mark its 25th anniversary. The Institute conducts and supports basic laboratory investigations, clinical and applied research, and epidemiological and field studies, directed toward the elimination of oral-facial disorders and diseases. Research training is also supported to generate new knowledge and concepts regarding the course and development of oral diseases and means to reduce and prevent them.

The committee figure for fiscal 1974 is $44,131,000.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

This Institute conducts, fosters, and assists research and training directed toward preventing, diagnosing, treating, and controlling arthritis, and connective tissue diseases, diabetes and other metabolic disorders, digestive diseases, diseases of the kidney and urinary tract, diseases of the blood, bone and skin. In addition, the fields of orthopedic surgery and nutrition are research concerns of this Institute. These objectives are pursued directly within Government laboratory and clinical facilities in Bethesda and through universities, non-profit research organizations and commercial concerns supported with grants and contracts and include both laboratory and clinical studies.

The committee figure for fiscal year 1974 is $155,894,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

This Institute is concerned with a variety of diseases which afflict the brain and sense organs. Disorders such as cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophy parkinsonism, and deafness result in long-term disability while cerebrovascular disease—stroke—is the third largest cause of death in this country and a major cause of serious disability. Progress against these inadequately understood diseases would relieve mankind of some if its heaviest disease burdens.

These neurological and sensory disorders fall into 13 major programs areas, each subject of a specifically focused research effort. The research effort in these areas is carried out through extramural project research grants, research grants, intramural research projects, field research projects and contract research projects. The program areas are: The neurological disorders of early life; the neurological disorders of adult life; the cerebrovascular disorders; epilepsy and related paroxysmal disorders; sclerosing disorders; muscular disorders, infectious diseases, trauma and injury to the nervous system; tumors of the nervous system; neuroendocrine studies; neutral aspects of learning and behavior; nervous system studies related to normal functions; and sensory disorders.

The committee figure for this Institute is $120,073,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

This Institute conducts and supports broadly based research on the causes, characteristics, prevention, control and treatment of diseases believed to be caused by infectious agents including bacteria, fungi, viruses, and parasites—or by abnormalities in the body's immune mechanisms such as allergies. In its attack on infectious and allergic diseases, the Institute is focusing attention primarily on important problems that demand increased research efforts. Two types of programs—nationally organized research programs and special emphasis research programs have been set up to deal with these problems.

The committee figure for fiscal year 1974 is $112,744,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

This Institute supports a wide spectrum of biomedical research which seeks an understanding of life processes whose alteration or disturbance may lead to disease. This research relates to knowledge concerning the processes and the development of implements for diagnosis and treatment of human disorders. Programed research objectives are to elucidate the genetic and cellular basis for diseases, to enable the safer and more effective use of drugs, to discover better ways for treatment of accident victims, and through the application of engineering approaches and manpower, to develop more rational automated laboratory procedures and techniques for health care delivery.

The committee figure is $175,778,000 for this Institute.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The programs of this Institute represent a unique effort to study human development at all stages of the life span from conception through old age. The goals are to improve the quality of life, to reduce morbidity and mortality, and to increase man's ability to cope with his environment. All aspects of human development, physical, psychological, health must be actively examined.

The committee figure is $125,254,000.

NATIONAL EYE INSTITUTE

The mission of the National Eye Institute is to conduct, foster, and support research and research training on the cause, natural history, prevention, diagnosis and treatment of disorders of the eye, the visual system, and related fields. The objective of this research is to increase knowledge needed to deal with, through improved health services, vision and vision-related health problems.

The committee figure is $36,631,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

This Institute seeks to increase our understanding of environmental agents which can adversely affect man's health either immediately or over time. The results of the Institute's research are promptly made available to agencies having responsibility for environmental monitoring, standard setting, and control. The Institute seeks to determine the magnitude and significance of the hazard to man's health resulting from exposures to ranges of concentrations of chemical, physical, and biological agents in the environment. Underlying mechanisms of adverse response are examined in order to determine the principles and generalizations which can provide criteria which can serve as a basis for the establishment of standards by those agencies charged with the regulatory responsibility in this area.

Committee figure is $28,879,000.

RESEARCH RESOURCES

The Division of Research Resources aids in fulfilling the mission of the NIH—to improve the health of all Americans—by providing support for the development and maintenance of research capabilities of the Nation's institutions of higher education, hospitals, and research organizations. Through the Division's four major programs, general clinical research centers, biotechnology resources, animal resources and general research support, funds are allocated in a manner which insures that stability, balance, vigor, and independence will be maintained while serving a broad base of investigators who are engaged in carrying out the research missions of the categorical NIH Institutes.

Committee figure is $133,322,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

The John E. Fogarty International Center for Advanced Study in the Health Sciences is designed to facilitate and expand the continuing effort of the National Institutes of Health and the U.S. Government to broaden the knowledge base of the biomedical sciences. The Center serves as a focal point for the international activities of the NIH and is responsible for the administration of a number of international programs such as international fellowships, Fogarty scholars-in-residence, conference and seminars, international visitors center, special foreign currency, and foreign students exchange.

In administering these activities, the Center places its efforts on first, facilitating the useful exchange of distinguished scientists and scholars as well as promising young scientists; second, providing an environment, including facilities, which will contribute to the exchange, expansion and evolution of ideas; and third, promoting international cooperation for the dissemination and sharing of biomedical knowledge both on a bilateral and multilateral basis to supplement and assist that exchange of knowledge by individual scientists and institutions.

The committee figure for fiscal year 1974 is $4,767,000.

HEALTH MANPOWER

First. Health professions support:

(a) Institutional assistance: (1) Capitation grants: Health Professions Support is to provide through four program activities, support to health professions schools primarily first, for establishing and maintaining a viable financial base; second, for maintaining and expanding enrollments; and third, for improving distribution in terms of geography, specialty, and the disadvantaged.

Capitation, a complex formula grant, includes in its computation class size, total enrollments, and number of graduates to provide basic Federal support to the educational programs in the health professions schools.

In 1973 these basic educational grants were awarded to all eligible health professions schools which provide enrollment and fiscal resource assurance. About 300 schools of medicine, osteopathy, dental, optometry, podiatry, pharmacy, and veterinary medicine participated.

The committee has recommended $187,277,000 for this item for fiscal year 1974.

(2) Startup and conversion assistance: The one-time grants under this activity are awarded to 2-year medical schools to assist in their conversion to degree-granting institutions.

In 1973 two additional 2-year medical schools received grants to assist them in converting to degree-granting institutions. Two schools—Dartmouth and Rutgers—received grants under this activity in fiscal year 1972.

The committee has recommended $6,000,000 on this item, the same as it was last year.

(3) Financial distress grants: Awards under this activity are to schools which have demonstrated critical financial need but which also plan management improvement activities to overcome reliance on this Federal support.

The $15,000,000 requested for these grants in 1973 assisted over 15 schools which demonstrated critical financial need. Schools aided by these grants conducted appropriate activities to alleviate their financial dependency on these grants, and improve their own fiscal and management operations.

The committee figure on this item is $10,000,000 for fiscal 1974.

(4) Special projects: Special projects—this is a program of targeted activities, utilizing project grants or contracts, which include support for increasing enrollments, expanding training in primary care and family medicine and increasing admission of the disadvantaged and women.

In 1973 support continued primarily to grants previously awarded to schools for the physician augmentation program, for expanding training in primary care, and for other purposes authorized in the law.

The committee recommends $53,000,000 for fiscal year 1974.

(b) Student assistance: (1) Direct loans: Health professions support—Student Assistance—provides loans and scholarships to eligible students who need financial assistance in order to pursue a career in the health professions.

The loan and scholarship funds are awarded to schools based on legislative formulas. The schools in turn award funds in accordance with individual student needs after considering other available financial resources.

In 1973, the participating health professions schools will make loans to about 27,000 students—this is 29 percent of all eligible students. They will award scholarships to over 16,000 students.

The committee figure for this item is $36,000,000.

(2) Scholarships: The committee figure for this item is $15,500,000.

(3) Loan repayments: The committee figure for this item is $400,000.

(c) Construction assistance: (1) Grants: Health professions support—construction assistance.

Assistance is authorized for Federal participation in the construction of teaching and related library, clinical, and research facilities for the training of physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, and professional public health personnel.

Construction assistance can be provided in the form of matching grants, interest subsidies and loan guarantees. The last two forms, available only to private nonprofit institutuions. Allow the Government to provide a loan guarantee of up to 90 percent of the eligible cost of construction and to pay to lending institutions amounts that would reduce the interest rate paid by the school up to 3 percent.

In 1973, $149,665,000 in grant funds and $800,000 in interest subsidy funds brought forward from 1972 were committed. An additional $1,000,000 was requested for the interest subsidy account. These funds will support projects that will ultimately add more than 1,300 first-year places in health professions schools.

The committee's recommendation is $100,000,000 for grants and $1,000,000 for interest subsidies.

(d) Dental health activities: This activity is directed toward increasing the supply of dental manpower, improving the quality of dental services and delivery systems, and reducing the need for dental services through the broadest possible application of dental disease prevention and control measures. Direct operations funds provide support of staff that provide professional consultation, guidance, and technical assistance necessary to develop, administer, and support the grant and contract programs of the division.

In 1973, the division TEAM grant program which provides dental students with training in expanded auxiliary management—TEAM—is now supporting operating programs in 20 dental schools. This new program shows considerable promise for expanding still further the productivity of the future dentists.

The committee recommends $14,979,000 for this activity.

(e) Educational assistance: This subactivity supports the following programs:

First. Family medicine grants, which will be provided to public or private nonprofit hospitals to plan, develop, or operate training programs in family medicine.

Second. Health professions teacher training grants provide for the preparation of teaching personnel in the health professions field. Schools are required to use at least 75 percent of any grant for traineeships.

Third. Educational grants and contracts are made to explore, develop, and demonstrate new initiatives in health professions education such as decentralized medical education. Also undertaken are special studies such as determination of the need for and condition of teaching facilities, and evaluation of health professions programs.

In 1973, $5,000,000 for family medicine training will be awarded to 52 hospitals to support continuing programs for about 650 residents in family practice. The $1,000,000 in grants for training and traineeships for health professions teaching personnel will be made to seven schools of medicine and osteopathy, one school of dentistry, and one school of veterinary medicine. These grants will provide advanced training in educational techniques for approximately 45 full-time-equivalent faculty trainees.

The committee recommends $9,320,000 for this item.

(f) Direct operations: The committee recommendation for this item is $3,313,000, the same as last year.

Second. Nursing support: (a) Institutional assistance: (1) Capitation grants: The committee recommends $33,800,000 for fiscal year 1974 on this item.

(2) Financial distress grants: The committee recommends $5,000,000 on this item.

(3) Special projects: Special projects grants and contracts are awarded on a national competitive basis to schools of nursing and/or health agencies. Financial distress grants are awarded to schools of nursing. Capitation grants are awarded annually to accredited schools of nursing upon application based on legislative formula designed to increase enrollments.

In 1973, financial assistance was provided to 1,000 programs under the capitation grants and three schools were awarded financial distress grants. Under the special project grants and contracts program, emphasis continued on projects for the development of programs to prepare practitioners to assume new and expanded functions and responsibilities in the provision of nursing care.

The committee recommends $20,000,000 for this item.

(b) Student assistance: The nursing student loan and scholarship programs are designed to give financial aid to the economically disadvantaged, including minority groups, and increase the supply of nurses in the Nation.

Funds are provided for student loans at any public or other nonprofit accredited school located in a State. Maximum loan per student is $2,500 per year with an aggregate limit of $10,000 per student. Grants to nursing schools for annual scholarships to students were limited to $2,000 per student. Schools make the scholarship awards to students who, in the judgment of the school, have an exceptional financial need.

The 1973 amount provided support for 26,250 students under the loan program. The scholarship request provided for 19,500 students of exceptional financial need. The amount for traineeships supported an estimated 2,650 long-term trainees and 900 short-term trainees.

The committee recommends $24,000,000 for direct loans, $19,500,000 for scholarships, $11,500,000 for traineeships, and $1,600,000 for loan repayments.

(c) Construction assistance: (1) Grants: Grants, loan guarantees, and interest subsidies programs were authorized to provide assistance in the construction of new facilities for collegiate, associate degree, or diploma schools of nursing and to assist in the replacement or rehabilitation of existing facilities for such schools.

The Nurse training Act of 1971 provides for a guaranteed loan and interest subsidy program for non-profit private nursing schools and a direct—matching grant—construction program. The Federal Government is permitted to guarantee loans up to 90 percent of the cost of construction and to pay to lending institutions interest subsidies payments that reduce the interest rate paid by the school up to 3 percent.

In 1973, $1,000,000 was requested for guaranteed loans/interest subsidy funds and $10,020,064 was obligated for construction assistance. The construction grants generated approximately 520 new first-year places in schools of nursing. It is estimated that commitments to three programs for guaranteed loans/interest subsidy support will be made in 1973.

The committee recommends $20,000,000 for grants and $1,000,000 for interest subsidies.

(d) Educational assistance: Direct operations funds support Division of Nursing efforts in developing criteria and methods for evaluating nursing services and promoting full utilization of the skills of nursing personnel. The Division assists, through its activities in consultation, conferences, and publications, several thousand nursing schools, hospitals, and health agencies to improve the quality of nursing education.

Educational grants are made to individuals, universities, and non-profit organizations. Research training grants provide institutional support to colleges and universities in order to strengthen nursing doctoral programs. Fellowship awards cover the costs of training—tuition, fees, stipends, travel and subsistence—nurse researchers. Full utilization recruitment grants and contracts are awarded on a national basis to public or non-profit private health or educational entities.

In 1973, educational project funds supported a total of 33 projects both new and continuations; the research training program was maintained at nine universities, the same level as in prior years.

The committee recommends $7,569,000 for educational assistance, and $4,119,000 for direct operations.

Third. Public health support: (a) institutional assistance: This item provides for formula grant awards to accredited schools of public health to assist those schools in providing training, consultative services, and technical assistance in public health and in the administration of State or local public health programs. Project grant awards are authorized for schools of public health and other institutions for the purpose of strengthening and expanding graduate or specialized training in public health.

Formula grants to schools of public health are awarded on an entitlement basis giving primary consideration to the number of federally sponsored students attending each school. The project grants awarded competitively to develop curriculums which are pertinent to changing public health needs in fields such as medicine, dentistry, nursing, engineering, and hospital and health services administration.

The 18 accredited schools of public health will receive formula grants in 1973 to expand and modify their programs to address the most critical public health problems. Project support is being limited to awards for administrative action on a small number of grants.

The committee's figure for this item is $12 million.

(b) Student assistance: Public health traineeship grants support students taking graduate or specialized training in public health. These grants are awarded competitively to the institution providing the training with the grantee having responsibility for selection and appointment of individual trainees.

The $9 million appropriated for public health traineeships in 1973 will support approximately 1,570 long-term and 5,400 short-term traineeships with attention to such subject areas as health care administration, environment-related health problems, preventive and community health care, and responsiveness to local public health manpower needs.

The committee recommends $9,600,000 for this item.

(c) Direct operations: Direct operations are comprised of staff activities through which the programs of institutional support and student assistance for graduate and specialized training in this field are administered.

These staff carry out a variety of responsibilities, including consultative and technical assistance, liaison with public health agencies and organizations, and special studies and analyses of education and training of public health manpower.

The committee recommends $631,000 for this item. the same as last year.

Fourth. Allied health supports: (a) Institutional assistance: Special improvement grants are awarded to allied training centers to assist in the provision, maintenance or improvement of the specialized functions which these centers serve. Special projects support experimentation, demonstration, and institutional improvement in allied health training.

These grants are awarded on a competitive project basis to junior colleges, colleges, and universities for curriculum improvement and expansion of enrollment capacity. Special projects complement the resources of the more output-oriented special improvement grants, by providing support for experimentation and innovation.

The committee recommends $31,745,000 for this item.

(b) Student assistance: Traineeship grants for advanced training were awarded to support students preparing to teach or to serve in an administrative, supervisory, or specialist capacity in an allied health discipline.

In 1973, 550 long-term traineeships will be awarded and approximately 4,000 special institute trainees will receive support.

The committee recommends $3,750,000 for fiscal year 1974 for this item.

(c) Educational assistance: Funds under this activity supported full utilization recruitment as well as supportive and development contracts designed to tap new resources for allied health manpower and extend the missions and overall objectives of the Division of Allied Health. This activity also included program support functions for administration of grant and contract programs.

In 1973, contract support will be continued and expanded in the areas of equivalency and proficiency testing, new curriculum development, and teaching methods.

The committe recommends $1,359,000 for this item.

Fifth. Special educational programs: (a) Educational initiative awards: These awards are targeted toward achievement of special national health manpower goals, such as linking training efforts with service in the establishment of area health education centers, training of physician's assistants, and aid to minority health education. Emphasis in these programs will be on primary care.

The committee recommends $46,500,000, as requested by the Department.

(b) Computer technology—The committee restored $3,000,000 for this item.

(c) Direct operations: This item provides for staff operations related to program support activities for the administration and direction of the Health Manpower Education Initiative awards.

The committee's figure is $2,752,000, as requested by the Department.

HEALTH MANPOWER

Sixth. Program direction and manpower analysis: The Division of Manpower Intelligence provides a focal point for BHME, NIH, and the Department for data collection and analyses on health manpower resources and requirements, including distribution by discipline and location. The division supports contract projects for data collection and analyses with public and private organizations to extend the in-house capabilities to provide the essential, accurate data bases upon which to define the current health manpower pool and to forecast future requirements.

The committee recommends $8,776,000 for fiscal year 1974.

NATIONAL LIBRARY OF MEDICINE

The National Library of Medicine serves as a national resource for biomedical information. Traditionally one of the world's most important research libraries, the NLM has in recent years become the principal focus within the Federal Government for national planning to improve communications in the health sciences. In order to accomplish this goal, the NLM has been coordinating the development of a national Biomedical Communications Network being built upon the existing health communication system but incorporating the latest advances in space-age communication technology.

The committee recommends $25,871,000 for the Library.

BUILDINGS AND FACILITIES

The NIH direct construction program provides for the design and construction of laboratories, libraries, office buildings, and other facilities essential to the conduct and development of the mission of the National Institutes of Health.

The committee is recommending the budget request, $8,000,000.

OFFICE OF THE DIRECTOR

The purpose of this activity is to provide overall program direction and central management services to the Bureaus, Institutes and Divisions of the National Institutes of Health. The functions and responsibilities of this activity are carried out through the offices of various associate directors and appropriate office directors with the aid of staff specialists and operating personnel.

The committee recommends $12,000,000, the budget request.

SCIENTIFIC ACTIVITIES OVERSEAS—SPECIAL FOREIGN CURRENCY PROGRAM

Collaborative health research and research-related projects abroad are supported by foreign currencies owned by the United States which have been determined by the Treasury to be in excess of normal U.S. needs in the countries. The program helps achieve the domestic health objectives of the Department and promotes U.S. foreign policy.

The committee recommends the budget request, $1,192,000.

EDUCATION DIVISION

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

First. Improvement of postsecondary education: The Education Amendments of 1972 authorized the Secretary of Health, Education, and Welfare to make grants to and contracts with institutions of postsecondary education and other public and private educational institutions and agencies to encourage reform and innovation at the postsecondary level. Authority for administration of this program has been delegated to the Assistant Secretary for Education.

Assistant Secretary Marland testified before the subcommittee that—

> We have an instrument of Government that does not intend to impose a governmental role . . . we are creating an instrument that will support inventive work by the higher education community to improve their effectiveness, but not according to some Federal code, not according to some high priest of postsecondary education who says, "You will do this or that or you won't get your money."

Marland gave examples of a "university without walls" in Minneapolis, and a new career-oriented project at Columbia University.

With the $10 million budget in fiscal 1973, the Education Division hopes to fund approximately 100 projects out of 700 or 800 candidates.

The committee recommends $10,000,000, a decrease of $5,000,000 from the budget request.

Second. Salaries and expenses: The Assistant Secretary for Education is responsible for direction and supervision of the Education Division, provides leadership for the education activities of the Department, and serves as the key spokesman and advocate for assuring that the Department provides professional and financial assistance to strengthen education in accordance with Federal laws and regulations. In addition, he serves as the principal adviser to the Secretary on education affairs. This appropriation provides for the administrative expenses associated with the Office of the Assistant Secretary for Education. The estimate includes support of 15 positions in 1973 and 30 positions in 1974 for administration of the postsecondary innovation program, whose Director reports directly to the Assistant Secretary for Education.

The committee recommends $1,722,000, a decrease of $130,000 from the request.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

First. Aid to school districts: (a) educationally deprived children.

Through this program grants are made to local educational agencies to provide supplemental services for children from low-income families. Grants are also made to State agencies for handicapped children, dependent and neglected children, and juvenile delinquents in State institutions. The administration has proposed that this program be absorbed by special education revenue sharing.

Last year the subcommittee report expressed support of OE's efforts to "improve the administration of the title I program at the State and local level and to assure that the funds appropriated for it are used effectively," but also called upon OE to "review its own procedures with the objective of speeding up the computation of title I allocations so that States and school districts may be notified much earlier."

This year, when asked how he feels about the effectiveness of title I, Dr. Marland said:

> I think title I has been used and abused in many ways across the land. . . . Until fairly recently, it merely supported more of the same in education. . . . I would have to say at the present stage, after 7 years of Title I, while many good things can be said about it in terms of attitudes of teachers, parents, and in some cases of children, the bottom line does not show very much.

The committee recommends $1,810,000,000 for this item.

(b) Supplementary services: State plan programs and special programs and projects.

Grants are made to State and local educational agencies for developing programs which serve as models for improving and supplementing the regular school curriculum and programs designed to improve testing and guidance and counseling services in public and private elementary and secondary schools. In 1974, this program is proposed to be folded into revenue sharing for education.

The committee is recommending $146,393,000.

Second. Strengthening State departments of education: (a) general support and (b) comprehensive planning and evaluation.

Grants are made to stimulate and assist States in strengthening the leadership resources of their education agencies by assisting them in the establishment and improvement of programs to identify and meet their educational needs.

The committee is recommending $38,000,000 for this item.

Third. Bilingual education: Grants are made under title VII, ESEA, to achieve comprehensive curriculum reform in areas of high concentrations of non-English speaking children.

The committee recommends $45,000,000.

Fourth. Follow through: This is an experimental, compensatory education program designed to develop and test new ways to educate disadvantaged children in the early primary grades. The parents, the community and the resources at the school are brought together in programs to meet the child's instructional, physical and psychosocial needs.

The committee recommends the budget request of $41,000,000.

Fifth. Equipment and minor remodeling: Grants and loans are made for the acquisition of instructional equipment and materials, including minor remodeling necessary for the installation and use of such equipment to improve teaching in critical subjects in elementary and secondary schools.

The committee recommends $25,000,000.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

First. Maintenance and operations: (a) payments to local educational agencies and (b) payments to other Federal agencies.

Payments are made to assist in the operation of schools in areas where enrollments are affected by Federal activities. In 1973 payments were based on over 940,000 federally connected children. In addition, the full cost of education is provided for children residing on Federal property where no State or local educational agency is able, because of State law or for other reasons, to provide suitable free public education to such children.

The committee recommends $591,000,000.

Second. Construction: Payments are made to assist in the construction of schools in areas where enrollments are affected by Federal activities. From 1951 through 1973, $1,435 million has been appropriated for this program aiding in the construction of over 69,000 classrooms to house about 2 million pupils in the 50 States, Puerto Rico, Guam, and Wake Island. In 1973 and 1974, appropriation language is proposed to fund local agencies that have been unfunded in recent years, that have the most pressing construction needs largely as a result of increased military activity and housing, and that provide assistance for children residing on Indian lands.

The committee recommends $19,000,000, the budget request.

EMERGENCY SCHOOL ASSISTANCE

First. Special projects: (a) Metropolitan area projects: Five percent of the amounts appropriated for the Emergency School Aid Act are reserved for assisting local education agencies.

The committee recommends that this program not be funded.

(b) Bilingual education projects: From the amount appropriated for the Emergency School Aid Act, at least 4 percent is reserved to make grants to develop and implement curriculums designed to meet the special education needs of minority group children.

The committee recommends that this program be funded at $9,958,000.

(c) Educational television: Projects are supported to develop and produce children's television programs consistent with the purposes of the Emergency School Aid Act.

The committee has recommended that this program be funded at $7,468,000.

(d) Special programs and projects: Local education agencies and public organizations are assisted in conducting activities which are otherwise authorized by the Emergency School Aid Act, and promise to make substantial progress toward achieving the purposes of the Emergency School Aid Act.

These programs were recommended by the committee to be funded at $12,447,000.

(e) Evaluation: Not more than 1 percent appropriated for the Emergency School Aid Act is reserved to make grants to evaluate programs assisted under this authority.

The committee recommended that $2,489,000 be spent in this area.

Second. State Apportionment: (a) Pilot programs: From the amount apportioned among the States, an amount equal to not more than 15 percent of the amount appropriated is reserved for this activity.

The committee recommends that this activity be funded at $37,341,000.

(b) Special programs and projects: From the amount apportioned among the States, an amount equal to not more than 8 percent of the amount appropriated is reserved for this purpose.

The committee recommends that $19,915,000 be spent for this activity.

(c) General grants to local educational agencies: The remaining funds of those apportioned among the States are available for grants directly to eligible local education agencies to meet special problems incident to desegregation.

The committee recommends that $146,875,000 be spent for this activity.

Third. Training and advisory services: The Office of Education makes grants and contracts to render technical assistance in the preparation, adoption, and implementation of plans for the desegregation of public schools, to provide services and training for people to deal effectively with special educational problems occasioned by desegregation.

The committee recommends that $21,700,000 be spent for this activity.

EDUCATION FOR THE HANDICAPPED

First. State grant program: Grants are made to States to assist in the initiation, expansion, and improvement of programs and projects for education of handicapped children at the preschool, elementary, and secondary school levels. In 1974, these grants are included in the special revenue-sharing proposal for education, giving the States more flexibility to fund programs to meet their particular needs for education of the handicapped.

The committee recommends that $50,000,000 be spent for this activity.

Second. Special target programs: (a) Deaf-blind centers, (b) early childhood projects, (c) specific learning disabilities, and (d) regional resource centers.

Model centers are supported to provide educational, diagnostic and consultative service for preschool handicapped children and their parents. These centers are designed to stimulate and influence the development of additional services for preschool handicapped children.

Grants or contracts are awarded for the establishment and operation of regional resource centers to develop and apply the methods of appraising the special educational needs of handicapped children. Grants are also made for model centers to provide diagnostic, educational, and related services to deaf-blind children and for research in the field of physical education and recreation for handicapped children.

Grants are made to operate centers for research, personnel training; services for preschool and school-age children with specific learning disabilities.

The committee recommends that $32,493,000 be spent on special target programs.

Third. Innovation and development: Grants and contracts are awarded for the development of new curricular materials, teaching techniques, R. & D. centers, and other research and demonstration projects.

The committee recommends that $9,916,000 be spent for this activity.

Fourth. Technology and communications: (a) Media services and captioned films and (b) recruitment and information.

Contracts are made for the acquisition, captioning, production, and distribution of films and other educational media, for conducting research in the use of educational media, and the training of persons in the use of the materials for the handicapped. In 1974 funds are included for the National Educational Media Center for handicapped children.

The committee recommends that $13,500,000 be spent for this activity.

Fifth. Special education and manpower development: Grants are awarded to support training of teachers, supervisors, speech correctionists, researchers, and other professional and subprofessional personnel in fields related to the education of the handicapped.

This activity is recommended by the committee to be funded at the level of $37,700,000.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

One. Grants to States for vocational education: (a) basic vocational education programs, (1) annual appropriation, and (2) National Advisory Council.

Grants are made to assist States in maintaining, extending, and improving existing vocational education programs and to develop new programs in vocational education,

Matching grants are made to the States on a formula basis for vocational education programs, including the construction and remodeling of facilities. Forty percent of each State's allotment must be set aside for specific purposes.

A few accomplishments in 1973 are—an estimated 8,808,000 students were enrolled in basic vocational education programs and a total of 304 new or remodeled construction projects were initiated.

The committee recommends $426,682,000 for the annual appropriation and $330,000 for the National Advisory Council.

(b) Programs for students with special needs: This program provides grant support for persons who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education programs.

Formula grants are made to the States based on population by age groups and per capita income. No matching is required.

To point out a major accomplishment in fiscal year 1973, 167,000 disadvantaged students were provided special services to help them succeed in their career preparation.

The committee recommends $20 million.

(c) Consumer and homemaking education: The purpose of this program is to meet the need of today's families, especially those in economically depressed areas. Programs that are emphasized are those dealing with marketplace, concepts of credit, contracts, warranties, and guarantees.

The formula grants are made to the States for programs in consumer and homemaking education. States must use one-third of the Federal funds allotted in economically depressed areas and 50 percent matchng is required in other areas.

An accomplishment in fiscal year 1973 was an estimated 3,435,000 youths and adults were enrolled in consumer and homemaking education programs.

The committee recommends $25,625,000.

(d) Work study: The purpose of the program is to support State projects that help young people ages 15 to 20 begin or continue vocational training by providing them with part-time employment to pay educational costs.

Formula grants are made to the States for development, and administration of program and compensation to students. Federal funds may be used to pay 80 percent of States expenditures.

In 1973 the appropriation resulted in preventing 33,000 economically disadvantaged vocational education students from dropping out of school.

The committee recommends $6 million.

(e) Cooperative education: The purpose of this program is to support cooperative education programs which combine work experience with formal education. Funds are used for supervisory and other costs of instruction.

Formula grants are made to States for financial assistance, personnel, to provide instruction related to work experience, to reimburse employers for certain costs, and to pay costs for certain services to students.

The fiscal year 1973 enrollment for cooperative education was 109,000. About 75 percent of the funds are expended in areas of high rates of school dropouts.

The committee recommends $19,500,000.

(f) State advisory councils: The program purpose is to advise the State boards of vocational education on the administration of State plans; evaluate vocational education programs, services, and activities; and prepare and submit an evaluation report on the vocational education programs carried out during the year.

Section 104(b) of the Vocational Education Act of 1963 required each State to establish a State advisory council in order for the State to receive a grant under title I of the act.

In fiscal year 1973, the State advisory councils from all 56 States and territories submitted reports of evaluation efforts of State vocational education programs.

The committee recommends $3,204,000.

OCCUPATIONAL, VOCATIONAL AND ADULT EDUCATION

Second. Vocational research:

(a) Innovation: The purpose of this program is to develop, establish and operate exemplary and innovative occupational education programs or projects designed to serve as models for use in vocational education programs.

Prior to fiscal year 1974, grants were awarded on a formula basis under part D of the Vocational Education Act of which 50 percent was for use by the State agency and 50 percent was for direct grants by the Commissioner of Education. In fiscal year 1974, the 50 percent previously funded for use by the State agency is included in the special revenue-sharing proposal to be submitted to Congress.

In fiscal year 1973, 59 projects were initiated under the Commissioner's funding authority.

The committee recommends $16 million.

(b) Curriculum development: The purpose of the program is to develop curricula for new and changing occupations.

Project grants are made to colleges and universities, State boards, and other public and nonprofit agencies for development of program planning guides for the States.

In fiscal year 1973, 24 projects were funded for curriculum development activities.

The committee recommends $4 million.

(c) Research—Grants to States: The purpose of the program is to support activities of State research coordinating units and other agencies and institutions in the development of programs and projects designed to meet the research needs of vocations education.

Prior to fiscal year 1974, grants were awarded on a formula basis under part C of the Vocational Education Act of which 50 percent was for use by State agencies and 50 percent was for direct grants by the Commissioner of Education. In fiscal year 1974, 50 percent previously funded for use by the State agency is included in the special revenue-sharing proposal to be submitted to Congress.

In fiscal year 1973, 56 projects were supported under the Commissioner's funding authority and 130 projects under the State agencies authority for a total of 186 projects.

The committee recommends $18 million.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

Third. Career education: The purpose of this program is to provide funds to install and demonstrate career education programs directed toward systematic reform of the structure of the educational enterprise.

The Cooperative Research Act authorizes the Commissioner of Education to make grants to universities and colleges and other public or private agencies, institutions, and organizations and to individuals of research surveys, and demonstrations in the field of education.

No funds were provided for this activity in fiscal year 1973.

The committee recommends that this program not be funded.

Fourth. Adult education: (a) Grant

to States: Funds are used for the purpose of eliminating functional illiteracy among the Nation's adults by providing educational opportunities that will enable adults 16 years and older with a limited education to continue their education.

Grants are made to the States according to the formula specified in the act.

In fiscal year 1973, 691,000 adults were enrolled in adult education classes.

The committee recommends $51,300,000.

(b) Special projects: The purpose of this program is to provide grants for special demonstration projects which involve the use of innovative methods, systems, and materials in the development of adult education programs.

Grants are awarded to local education agencies, or other public or private nonprofit agencies, including educational television stations.

Forty grants were awarded in fiscal year 1973 of which 12 were continuations from 1972.

The committee recommends $7 million.

(c) Teacher training: This program supports projects to promote and coordinate and train personnel who work or who are preparing to work in adult education.

Grants are awarded to institutions of higher education, State or local education agencies, or other public or nonprofit agencies for preservice and inservice training and development of adult education personnel.

Nine regional staff development programs were continued and six national training institutes were held.

The committee recommends $3 million.

HIGHER EDUCATION

First. Student assistance: (a) Grants and work-study: (1) Basic opportunity grants: (2) Supplementary opportunity grants: In conjunction with other forms of aid, the purpose of these grant programs is to enable qualified students to overcome financial obstacles to a postsecondary education.

The committee recommendation for BOG's is $440,500,000 and $210,300,000 would be provided for SEOG's for the school year beginning in the fall of 1974. A full discussion of the committee's action on higher education student assistance may be found on pages 59–61 of our committee report.

(3) Work-study: For some students, work-study earnings will supplement basic opportunity grants. The requested funds will provide grants to institutions for a portion of the wages paid to needy students. Under the 1972 amendments preference for employment under the program is given to students with the greatest financial need.

Funds are awarded and administered under an agreement between the Commissioner and each eligible institution of higher education, proprietary institutions of higher education or area vocational-technical schools.

Funds appropriated for the fiscal year 1973 will be used for program operation during academic year 1973–74 and, in some cases, will provide additional financial aid to basic grants recipients.

The committee recommends $270,200,000.

(b) Cooperative education: This program alternates periods of full-time study with periods of full-time career-related work, thus providing students with both a means of financial assistance and with work experience.

After an institution has met eligibility requirements established by the Commissioner, its proposal is reviewed and evaluated by a panel of consultants from outside the Office of Education. The final funds decision rests with the Office of Education.

The 1973 budget request of $10,750,000 will enable funding some 250 grantees for an average of $40,000, thus enabling 250,000 to 300,000 students to participate.

The committee recommends $10,750,000.

(c) Subsidized insured loans:

(1) Interest on insured loans: The objective of the guaranteed student loan program is to make it possible for students to borrow from private lenders to help pay for the cost of education and training at universities, colleges, and vocational schools with the Federal Government paying part of the interest for qualified students.

Most colleges, universities and schools of nursing and many vocational and technical schools are eligible.

In fiscal year 1973, an estimated total of 1,256,000 loans amounting to $1.3 billion were guaranteed.

The committee recommends $310 million.

(d) Direct loans:

(1) Federal and Capital contributions;

(2) Loans to institutions;

(3) Teacher cancellations: The direct loan program was established to encourage and assist institutions of higher education in making low-interest loans available to needy students. There is a provision for loan cancellation benefits to students who enter the field of teaching or military service.

The Federal capital contributions are allotted to the States on a formula basis. Institutions apply to the Office of Education for their share of the State allotment but must match one-ninth of the Federal share. Loans are made to the institutions who find this matching a hardship.

It is estimated that 624,500 students will borrow $430,919,000 under this program during 1973 and that $23,600,000 will be obligated late in 1973 for use by students during academic year 1973–74.

The committee recommends $293 million.

Second. Special programs for the disadvantaged: (a) Talent search; (b) Special services in college; (c) Upward bound: The special programs for disadvantaged students encompass talent search, upward bound, special services in college, and educational opportunity centers. All these are concerned with helping disadvantaged students receive a postsecondary education.

Talent Search grants to or contracts with institutions of higher education, public and private agencies, combinations of institutions of higher education and public and private nonprofit agencies and organizations may be made in amounts up to $100,000 per year.

The $70,331,000 requested in 1973 will serve 264,000 students during academic year 1973–74.

The committee recommends $70,331,000.

Third. Institutional assistance: (a) Strengthening developing institutions: Grants are made to strengthen institutions of higher education which need financial assistance in order to develop as institutions offering a quality education to the students they serve.

Proposals submitted by institutions of higher education are reviewed by a panel of readers. Recommendations are made to the program staff for final decision. Proposals are reviewed for quality and for their capacity to serve the needs of low-income students, especially minority groups.

With $51,992,000 of the 1973 funds, 200 previously funded projects and 26 new projects will be funded.

The committee recommends $99,992,000.

(b) Construction:

(1) Subsidized loans;

(2) Grants.

The purpose of this program is to provide grants, loans, and interest subsidies to institutions of higher education to assist in financing the construction of academic facilities.

Prior to fiscal year 1970, grants and direct loans were the primary method of Federal financing for higher education construction. In 1970, the annual interest grant program was put into operation as a means of assisting more institutions.

Under the annual interest grant program in 1973, $26,925,000 will be obligated for continuation support of prior year loans, $4,500,000 new grants to support an estimated $200 million in loans.

The committee recommends $31,425,000.

(c) Language training and area studies: Programs funded under this activity are aimed at improving the capabilities and resources of American educational institutions for research and training in international studies. University centers, programs, fellowships, and research in the United States are supported as well as research and training abroad.

Applications are received from U.S. institutions of higher education, individual researchers, State education agencies, public school systems, and nonprofit education agencies.

The budget proposed an abrupt phaseout of this program, but the committee recommends a funding level of $12,360,000.

(d) University community services: The university community service grants strengthen community service programs of colleges and universities to help solve community problems.

Funds are awarded on a formula basis to the 50 States, the District of Columbia, Guam, Puerto Rico, Virgin Islands, and American Samoa. Each State has to provide one-third matching funds based on the total cost of its approved programs. A state agency appointed by the Governor administers the funds in each State by determining priorities and approving proposals. The Office of Education provides consultative services and offers leadership in identifying and encouraging the funding of national priorities.

The committee recommends **$15** million

(e) Aid to land-grant colleges: Funds are awarded to support instruction in agriculture, the mechanic arts, the English language and various branches of the sciences.

The Second Morrill Act of 1890, as amended, provides a permanent annual appropriation of $2,700,000 to be allotted, $50,000 to each State, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. The Bankhead-Jones Act, as amended, authorizes an annual appropriation of $12,460,000.

The committee recommends $10 million.

(f) Veterans cost of instruction: The committee recommends $25 million for the veterans cost of instruction program for payments to institutions of higher education for recruiting veterans into postsecondary education.

(g) State postsecondary education commissions: The commissions provide for comprehensive planning of postsecondary education by State agencies as authorized by section 1202 of the Higher Education Act, as amended. A part of the 1973 appropriation under the heading State administration and planning for construction will be available to start up the new agencies.

The $3 million recommended by the committee will finance the first full year of the new postsecondary planning agencies.

Fourth. College personnel development:

(a) College teacher fellowships: The purpose of this program is to prepare persons for academic careers in educational programs beyond the high school level. Recipients must be pursuing, or intending to pursue, a course of study leading to a degree, of doctor of philosophy, doctor of arts, or an equivalent degree, but shall not be for study at a school or department of divinity. A panel of university faculty members, working as Office of Education consultants, review and recommend specific doctorial programs at applying institutions to the Commissioner for final approval of a fellowship award.

The committee recommends $5,806,000.

(b) Fellowships for disadvantaged: A program of fellowships for disadvantaged is authorized by part D, title IX of the Higher Education Act as amended. In 1972 the Office of Economic Opportunity funded stipends, the main cost of project CLEO—Council on Legal Educational Opportunity—while the Office of Education paid for a summer institute. Since the project has passed through its experimental stage, it is appropriate that it be transferred to an operating agency.

The committee recommends the budget request of $750,000.

(c) Allen J. Ellender fellowships: The purpose of this program is to increase understanding of the Federal Government by secondary school students and their teachers. It is estimated that 1,500 participants will benefit from the 1973 appropriation.

The committee recommends $500,000.

LIBRARY RESOURCES

First. Public libraries: (a) Services: The Library Services and Construction Act, as amended, authorizes grants to States to promote the extension and improvement of public library services in areas without such services or with inadequate services, to construct public library facilities, to improve State library services for the physically handicapped and institutionalized, to improve public library services to disadvantaged persons, to strengthen State library administrative agencies, and to promote interlibrary cooperation among all types of libraries.

The committee is recommending $49,209,000.

(b) Construction: Title II of the Library Services and Construction Act authorizes grants to States to support the construction of public libraries. Funds may be used for the construction of new buildings, for additions to existing buildings, and for renovation or alteration of existing buildings or the acquisition of an existing building to be used for public library purposes.

The committee recommends $9,500,000.

Second. School library resources: Title II of the Elementary and Secondary Education Act provides grants to the States for the purpose of providing school library resources, textbooks, and other instructional materials. It operates from an approved State plan which provides for the distribution of the benefits among the public and private school students and teachers of the State in accordance with their relative need for such materials.

The committee recommends $90,000,000.

Third. College library resources: (a) College library resources: Title II, Part A, of the Higher Education Act, as amended, provides grants to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, such as books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials (including necessary binding). Grants are awarded to eligible institutions of higher education, and other public and private nonprofit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal cooperative basis.

The committee recommends $10,500,000.

(b) Librarian training: Title II, part B, of the Higher Education Act of 1965 authorizes grants to institutions of higher education and library organizations or agencies to support the training of paraprofessionals and professionals in library and information science for services of all types of libraries. Such grants may be made for fellowships, traineeships, and short- and long-term training institutes for library personnel.

The committee recommends $3,000,000.

(c) Library demonstrations: Title II–B of the Higher Education Act, as amended, authorizes the Commissioner of Education to make grants to and contracts with public and private institutions, agencies, and organizations for demonstration projects relating to the improvement of libraries or the improvement of training in librarianship. Awards may be made to demonstrate new techniques, systems, and equipment for manipulating information. In addition, information derived from such projects may be distributed and disseminated.

The committee is recommending $1,500,000.

Fifth. Undergraduate instructional equipment: Title VI–A of the Higher Education Act authorizes funds through matching grants to institutions of higher education to improve undergraduate instruction through acquisition of instructional equipment (including closed-circuit television) and materials and through minor remodeling. Funds are distributed among the States on a formula based on higher education enrollment and per capita income.

The committee recommends $12,500,000.

EDUCATIONAL DEVELOPMENT

First. Education professions development: (a) Teacher Corps: This activity is directed toward improving educational opportunities for children of low-income families by improving the quality of programs of teacher education for both certified teachers and inexperienced teacher interns. In 1974, about 3,200 continuing participants and 1,700 new participants will be supported. A portion of the request will be directed toward improving bilingual and Indian education.

The committee recommends $37,500,000.

(c) Elementary and secondary development: These activities include teacher training programs concentrating on specific populations and/or subjects in which teacher deficiencies have been recognized, and also include personnel development activities to strengthen specific skills of existing personnel through training and to introduce new research and development products to local State education agencies. Low-income students are targeted groups. Both the urban-rural and the career opportunities programs encourage meaningful participation of parents and the community in the educational process. The urban-rural program involves 36 sites training approximately 6,500 educational personnel in 1973 and 1974. The career opportunities program will train about 8,000 participants in 1973 and 1974.

The committee recommends $53,660,000.

(d) Vocational education: This activity supports State and local education agencies and institutions of higher education in strengthening their efforts to recruit and train individuals for career and vocational education. In 1973, the State systems grant program, which is used to institute statewide programs in vocational education, provides a minimum of $50,000 to each State; the fellowship program will train 56 individuals to increase leadership capabilities in elementary and secondary education.

The committee is recommending $6,900,000.

(e) New careers in education: The purpose of this activity is to attract qualified and diverse persons to the field of education, either on a full- or part-time basis, who would not ordinarily consider this field. Workshops for qualified high school students and dissemination of recruitment materials on careers and volunteers in education are some of the methods used.

The committee recommends $300,000.

(f) Higher education: College teachers, administrators, and educational specialists are trained at less than the doctoral level by this activity, funded through title V, part E of the Higher Education Act of 1965. Funds are used for institutes, short-term training, and fellowships for full-time graduate study not eligible under title IV of the National Defense Education Act.

The committee is recommending $2,100,000.

Two. National priority programs: (a) Educational technology demonstrations: This activity supports the establishment, expansion, and improvement of noncommercial broadcasting facilities. It also supports special demonstration projects concerned with application of new technology-based systems to improve efficiency and productivity of educational agencies, provide individualized instruction, and to extend the educational opportunities and access to learning resources for groups presently outside and within formal educational systems. The educational television programs, "Sesame Street" and "The Electric Company," are also supported. The special technology demonstration projects will be transferred to the National Institute of Education in 1974.

The committee recommends $16,000,000.

(b) Drug abuse education. This program operates through project grants aimed at developing drug education leadership teams at the State and local level through a variety of training programs, and providing technical assistance to such teams to aid them in assessing local drug problems, developing programs and skilled leadership to combat their causes, and to evaluate drug programs already existing. Local support for demonstration projects is expected.

The committee is recommending $12,400,000.

(c) Right-to-read: The goal of this program is that by 1980 all reading programs in the Nation's school system will be improved and that illiteracy will be almost eradicated. Eligible grantees include local and State education agencies, institutions of higher education, and other public and private agencies. Packaging of validated reading programs and installation of the same, planning for the retraining of all teachers in reading, funding of an adult "Sesame Street," development of models for the effective use of technology in reading instruction, and increased technical assistance to statewide reading programs are some of the 1974 plans.

The committee recommends $12,000,000.

(d) Environmental education: Funds are available to any nonprofit agency, institution, or organization for the support of environmental education pilot and demonstration projects, which are directed to develop an informed public that will understand the mutual dependencies between man and his environment. Curriculum development, personnel training, community education programs, and development and dissemination of effective activities and materials are supported.

The committee recommends $4,000,000.

(e) Nutrition and health: This program demonstrates ways to organize local systems of child development services through more effective coordination of existing health and nutrition resources.

The committee recommends $2,000,000.

(f) Dropout prevention: This grant program provides funds to local school districts to develop demonstration model programs to reduce the number of students who leave school before high school graduation. In 1974, 14 of the 19 projects operating in 1973 will be continued. It is estimated that 100,000 students will be affected in 1974, making a total of 275,000 students reached in the 5 years of this program.

The committee is recommending the budget request of $4,000,000.

Third. Data systems improvement: (a) Educational statistics: This item includes certain surveys and special statistical studies meant for use in planning new programs in education, projecting manpower needs, and closing the data gap in certain areas of education. In 1974, it also includes planning for a major new program, common core of data for the seventies, which is to replace the current uneven and inadequate provision for educational statistics in the 50 States, 6 outlying areas, and the District of Columbia with an integrated system of statistics to meet Federal, State, local, and institutional needs for planning and management.

The committee recommends $4,250,000.

(b) National achievement study: This activity is meant to collect national data on the changes in educational attainment over a period of 5 years. This data helps measure the impact on educational achievement that the Nation's investment in education is bringing about. In 1974, results will be reported on the second science assessment and the first assessment in mathematics.

The committee recommends $6,000,000.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

U.S.-owned foreign currency which the Treasury Department determines to be in excess of normal requirements is used to strengthen American education through research and training abroad sponsored by American institutions. Projects focus on foreign languages, area studies, world affairs, and intercultural understanding and are designed to update the professional competencies of American educators, to further research, and to develop improved curricula and effective instructional materials.

Political developments in certain foreign countries at the close of 1972 necessitated cancellation or postponement of some projects pending issuance of new guidelines on educational programs by these governments. Estimates for 1973 and 1974 are based on the assumption that these issues will be resolved.

The committee recommends $2,000,000 for this item.

SALARIES AND EXPENSES

The Office of Education administers grants-in-aid and provides technical assistance and statistical services to State and local education agencies, institutions of higher education, libraries, and other organizations to establish and maintain efficient school systems, and otherwise promote the cause of education throughout the country. It also collects and disseminates statistics and facts showing the condition and progress of education in the United States. This appropriation provides for management, staff services, planning and evaluation of education programs, advisory committees, and related expenses required in accomplishing the mission of the Office.

The committee is recommending $83,118,000.

STUDENT LOAN INSURANCE FUND

Under the Higher Education Act of 1965 and the National Vocational Student Loan Insurance Act of 1965, the Office of Education received authority to insure loans to students in eligible institutions who do not have reasonable access to State or private nonprofit programs of student loan insurance.

The Higher Education Amendments of 1968 merged the National Vocational Student Loan Insurance Act into the Higher Education Act insured loan program, and in addition to extending the Federal insurance program, authorizes the Office of Education to reinsure loans guaranteed by State and nonprofit private agencies at 80 percent of default by student borrowers.

Upon default by the student borrowers, the Office of Education will pay to the beneficiary the amount of the loss sustained by the insured upon federally insured loans and 80 percent of the loss sustained on reinsured loans guaranteed by State and nonprofit private agencies. The fund takes over loans on which it pays insurance claims and seeks to collect on them.

The committee recommends $57,883,000.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

The Commissioner is authorized to furnish transcripts or copies of tables and other records of the Office of Education to, and to make special statistical compilations and surveys for, State or local officials, private organizations, or individuals. Such statistical compilations and surveys shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies the Commissioner may engage in joint statistical projects the cost of which shall be shared equitably as determined by the Commissioner, provided that the purposes are otherwise authorized by law.

All moneys received in payment for

work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

The committee recommends $2,948,000.

NATIONAL INSTITUTE OF EDUCATION

On August 1, 1972, the National Institute of Education was established to strengthen and improve educational practice in formal and informal learning situations through the conduct of research and development activities.

By law, the Institute must expend a minimum of 90 percent of its appropriated funds through grants and contracts with qualified public or private agencies and individuals. These awards may encompass basic and applied research, planning, surveys, evaluations, experiments, developments, and demonstrations in the field of education.

The committee is recommending $142,671,000 for this item, $19,526,000 below the budget request.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

First. Maintenance assistance: Maintenance payments provide needy persons with income to supplement their own resources for the essential costs of food, shelter, clothing, and other necessary items of daily living.

The estimates for maintenance assistance reflect transfer of the adult categories of maintenance assistance to Federal administration effective January 1, 1974. This reduces the 1974 costs under the appropriation by about $1.1 billion.

The estimates for maintenance assistance for 1972 and 1973 have been adjusted to show the costs of the intermediate care facilities program in the medical assistance totals.

New Federal initiatives are proposed in 1973 and 1974 to strengthen the Federal role in the management of this program, focusing on aid to families with dependent children. This effort will save $128 million in 1973, and a total of $750 million in 1974. The 1974 savings include $158 million to result from legislation which will be proposed.

The committee recommends the budget request, $5,528,546,000.

Second. Medical assistance: States participating in the medicaid program provide medical assistance to all persons receiving or eligible to receive assistance payments. States may elect to provide medical assistance to certain medically needy persons who need help with their medical bills. The Federal share of medicaid expenditures for 1974 is $5.272 million, or 55 percent of the total Federal, State and local expenditures.

The increase in the number of persons receiving medical assistance during 1974 results largely from the anticipated increase in the number of recipients of maintenance payments.

The Social Security Amendments of 1972 will have a significant impact on the costs of the medical assistance program. Direct savings of $714 million are estimated in 1974. These will be partially offset by cost increases of $326 million to provide for expanded medical assistance to the adult categories and the establishment of professional standards review organizations at the State level.

The medical assistance totals have been adjusted to reflect increased costs resulting from the shift of intermediate care facilities, savings from preadmission certification, and improved program management. Legislation will be proposed to eliminate Federal matching payments for dental care for adult recipients—States may continue to offer the service—and to require reimbursement for medicaid services provided in freestanding clinics.

The bill provides $5,271,862,000, the budget request.

Third. Social services: Matching grants are made to States for a portion of the costs of operating social services programs approved by the Secretary. The purpose of these grants is to enable each State to provide social services with the objective of overcoming the conditions which cause the family or individual to need public assistance.

To halt escalating costs, a limitation on grants for social services under public assistance programs was included in the State and Local Fiscal Assistance Act of 1972. The act provides for a $2.5 billion limitation on Federal matching grants for social services and for a formula allocation of that limitation to the States based on population.

Federal costs for social services grew from $690 million in 1971 to $1.6 billion in 1972 and were estimated to increase to $4.7 billion in 1973 and $5.2 billion in 1974.

The 1973 costs of $2.7 billion reflect a number of adjustments from an uncontrolled program to the $2.5 billion limitation.

The budget request of $2 billion is recommended in the bill.

Fourth. State and local training: Federal financial participation at the 75 percent rate is available to States for costs of training public assistance staff or persons preparing for employment in public assistance agencies. States are required to provide for the training and effective use of subprofessionals as community service aides and of volunteers.

The committee recommends the budget request of $44,640,000.

Fifth. Child welfare services: Grants are made to States to help in establishing, extending, and strengthening services for the protection and care of homeless, dependent and neglected children. Child welfare services are not limited to the poor but are available to all children who need them.

The basic statute establishes a formula which prescribes between 33⅓ percent to 66⅔ percent Federal participation. States are encouraged to coordinate child welfare services with the social services program of AFDC and to use child welfare services to fill the gaps that cannot be reached through the AFDC social services program.

The amount of the budget request $46,000,000 is recommended by the committee.

WORK INCENTIVES

First. Training: Under this activity, individuals are prepared for self-supporting employment through on-the-job training, public service employment, work experience, orientation, and institutional training. The program includes registration assessment for employability planning, counseling and job development, direct placement, followup of all employed participants, and adjudication of the work test. Program development, evaluation, and administration of the WIN program are included under this activity.

Second. Child care: This activity provides for child care and other supportive services necessary for WIN participants to enable them to accept training or employment. An estimated 45 percent of the WIN participants in 1974 are mothers who are unable to provide child care for their children while they are undergoing WIN training. In addition, child care is provided for the children of WIN participants receiving training in other manpower funded training programs and for children of employed WIN participants. The child care and social services are provided to families in support of the work and training portion of the program through the separate administrative unit in the States established for the WIN program.

The committee recommends a decrease of $150,000,000 from the budget request, or $384,434,000, for the work incentive program.

SOCIAL AND REHABILITATION SERVICES

Second. Grants for the developmentally disabled: Funds are used to support programs designed to assist in providing services needed in the care and treatment of the developmentally disabled including the mentally retarded, the cerebral palsied and the epileptic.

In fiscal year 1973, 55 States had developed State plans enabling them to use their allotments to provide services and facilities to the developmentally disabled. Services for approximately 175,000 persons were supported on a full or partial basis.

The committee is recommending $42,750,000.

Third. Special programs for the aging: The purpose of special programs for the aging is to support State and area agency programs to assist older persons throughout the Nation to live independent, meaningful, and dignified lives in their own homes or other places of residence with emphasis on the reduction of isolation and prevention of unnecessary institutionalization. These programs were designed to increase the capacity and competence of State and sub-State agencies in developing a comprehensive, coordinated, community based service system.

Federal resources are available through formula grants to support: The staffing and operation of State agencies on aging; the preparation and administration of area plans on aging, including the development of comprehensive and coordinated social services delivery systems; and the establishment, maintenance and operation of nutrition programs for the elderly. Discretionary funds are also available for developing or operating model programs.

The committee recommends the budget request of $195,600,000.

Fourth. Youth development and delinquency prevention: The purpose of the Juvenile Delinquency Prevention Act is to help States and local communities in providing community based preventive services, including diagnosis and treatment, to youth who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provision of such youth services, and to provide technical assistance.

In 1973, grants for 62 youth service systems will be awarded. This includes refunding 16 systems initiated in 1971; grants to 8 impact cities for the development of systems; and support for 38 additional youth service systems particularly in those States which do not have one at present. Two training grants have been awarded and six grants for the provision of technical assistance.

The committee recommends the budget request of $10,000,000.

Fifth. Research: Projects are supported to develop and improve the administration and services of the social and rehabilitation service programs. Research and demonstrations are conducted in the areas of rehabilitation and employability service, community services, medical assistance, child welfare, and services for the aged. Income maintenance experiments are supported to assess the alternative methods of income supplementation. Research and training centers are supported to provide for testing of methods of rehabilitation in critical areas such as stroke, paraplegia, and circulatory problems. Regional research centers provide for analysis of such areas as the factors relating to client dependency, problems of the rural poor, and health delivery systems for the poor. The 1974 program will continue to emphasize methods to provide coordinated services at the local level, testing of methods of rehabilitation of the disabled receiving assistance payments, and improving the health care delivery system under the medicaid program.

The committee recommends $26,467,000.

Sixth. Training: Commitments under this program will be phased out by the end of 1974. A secondary loan market is being created by the Department that will enable students to secure guaranteed and when appropriate, subsidized student loans to continue graduate and undergraduate training for SRS-related activities.

The committee recommends $16,900,000.

RESEARCH AND TRAINING ACTIVITIES OVERSEAS

The Agricultural Trade Development and Assistance Act of 1954 and the International Health Research Act of 1960 authorize the conduct of research and related activities abroad. Research, demonstrations, and research training programs are supported with foreign currencies accruing to the United States through the sale of surplus agricultural commodities and through other sources. The estimate for 1974 proposes an appropriation of $4,000,000 for the purchase of foreign currencies in excess currency countries to support research activities which complement, supplement, and strengthen domestic research and service programs. This program enables the United States to benefit from progress that other countries are making in dealing with social and rehabilitation and social security problems and to utilize the talents of foreign scientists working in these fields.

The request in 1974 will be used to generate new knowledge in rehabilitation techniques for the physically disabled and severely disabled including those with spinal cord injuries. Research will be undertaken to develop and test a variety of residential care alternatives for the developmentally disabled. Special problems related to rehabilitation engineering, rehabilitation medicine, sensory disorders, and mental health will be examined; new methods will be tested for rehabilitation of juvenile delinquents; and development of innovative programs for the elderly will be supported.

The interchange of U.S. experts and their counterparts in the cooperating countries will also be stressed as an indispensable adjunct to the SRS international research program. Comparative studies abroad will supplement the domestic research efforts in the evaluation of the old-age, survivors, disability, and Medicare provisions of the Social Security Act.

The committee recommends $2,000,000, which is a $2,000,000 decrease from the budget request.

SALARIES AND EXPENSES

This appropriation finances administrative expenses for carrying out various grant and contract programs associated with the provision of social and rehabilitative services to the physically and mentally disabled, the aging, children and youth, and impoverished families.

These support activities include policy and program development activities, technical and financial management assistance and consultative services to State and local governments, voluntary organizations and other grantees, and grants management activities. Also included are monitoring and review activities designed to assure the effective and prudent use of Federal funds by grantees, the conduct of research by intranural staffs, and the collecting, processing, and disseminating of statistical data and reviews of accomplishments of program activities.

The 1974 increase is to provide for better management of the public assistance program. An additional 725 positions in 1974 are proposed for this purpose.

The committee recommends the budget request of $78,800,000.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

First. Matching payments for SMI: An estimated $2,031 million will be required in 1974 to finance the Government's contribution to the Federal supplementary medical insurance trust fund. For each monthly premium paid by enrollees in the voluntary medical insurance program, which primarily covers doctor bills, the Federal Government contributes a like amount for aged beneficiaries. For disabled beneficiaries, including persons eligible for treatment of chronic kidney disease, the Federal contribution will be a larger amount sufficient to cover the anticipated higher medical costs which the disabled incur. Disabled persons will be covered under this program effective July 1973 as a result of enactment by the last Congress of the Social Security Amendments of 1972. The standard premium rate for 1974 will be $6.30 per month. The estimate for 1974 assumes that an average of about 20.8 million aged persons and 1.7 million disabled persons will be enrolled in the program during 1974 as compared with an average of about 20.4 million aged persons in 1973.

The committee recommends the budget request of $2,031,000,000 for this item.

Second. Hospital insurance for the uninsured: A payment of $537,393,000 to the Federal hospital insurance trust fund is budgeted for 1974 to cover the costs of hospital and related care for certain individuals age 65 and over who are not insured under the social security or railroad retirement systems. (Costs for the aged and disabled who are insured are financed by contributions on earnings by workers and by employers.) The estimate assumes that there will be an average of 1.3 million uninsured persons covered for hospital insurance benefits during 1974. The uninsured group covered by this provision includes persons who retired before their occupations were covered by social security (such as teachers and State and local employees) and widows whose husbands died prior to earning coverage under social security.

For this item, the committee is recommending the $537,393,000 requested in the budget.

Third. Military service credits: The appropriation includes reimbursement of $239 million to the Federal old-age and survivors insurance trust fund, the Federal disability insurance trust fund and the Federal hospital insurance trust fund for benefits paid on the basis of noncontributory military service credits of veterans of World War II and certain veterans of the post-World War II period. The basis for the computation of these payments is prescribed in sections 217(g) and 229(b) of the Social Security Act and includes reimbursement for administrative expenses and interest cost to the trust funds.

Again, the committee agreed on the budget request of $239,000,000.

Four. Retired benefits for uninsured persons: This appropriation provides for a payment of $302,788,000 to the Federal old-age and survivors insurance trust fund as reimbursement for actual benefit payments made in 1972 to certain uninsured individuals aged 72 and over, related administrative expenses, and interest lost to the trust fund. These benefits were established to afford some protection for certain persons, or their surviving dependents, who retired before the enactment of social security legislation or before their occupations were covered by social security.

To be eligible an individual must have less than three quarters of coverage and have attained age 72 before 1968. These benefits must be reduced if an individual is also receiving another governmental pension. The amount of the reduction depends upon the amount of the other governmental pension. In addition, these benefits must be withheld if an individual is receiving payments under a federally aided public assistance program.

The committee recommends $302,788,000, the amount of the budget request.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

The Federal Coal Mine Health and Safety Act of 1969 provides for the protection of the health and safety of persons working in the coal mining industry. Title IV of the act provides monthly benefits to living coal miners who are totally disabled due to pneumoconiosis arising out of employment in coal mines and to surviving widows. The requirements for entitlement and the amounts of the benefits are stated in the law.

The Black Lung Benefits Act of 1972 (Public Law 92–303) made substantial changes to the original legislation. The principal provisions of the amended law are:

First. The Social Security Administration will be responsible for taking claims and paying lifetime benefits with respect to miner claims filed through June 30, 1973, rather than December 31, 1971.

Second. Benefits are payable to orphans, and in certain circumstances to totally dependent surviving parents, brothers, and sisters.

Third. Eligibility requirements are liberalized, including an occupational definition of "total disability" and a rebuttable presumption that a miner with 15 years of certain mine employment who is disabled from a respiratory or pulmonary impairment is presumed to be disabled from pneumoconiosis.

Fourth. Black lung benefits payable by Social Security Administration are not subject to the workmen's compensation offset provision of the Social Security Act.

Authority to obligate and expend funds for benefit payments and administrative expenses for title IV purposes is contained in the language for this appropriation. The 1972 amendments to the act greatly increased the number of beneficiaries who will be eligible. The 1973 obligations include almost $600 million in retroactive benefits for periods prior to 1973 payable to persons who originally filed claims in 1970, 1971, and 1972. The 1974 benefit costs represent the continuing level which will gradually decline in future years as beneficiaries die or are otherwise terminated from the rolls.

The committee recommends the budget request, $967,868,000.

SUPPLEMENTAL SECURITY INCOME

Title III of the Social Security Amendments of 1972 provides for the implementation of a new Federal supplemental security income program of assistance to needy persons aged 65 and over, and to the blind and totally disabled (without regard to age). The program provides a minimum income of $130 per month for an individual and $195 per month for a couple. The law encourages recipients of these payments to work when they are able to do so by not counting some income in determining eligibility and benefit level. Eligibility requirements and benefit support levels are the same in all States. The States may supplement the Federal payments and if they do so the Federal Government will pay the cost of administration for making these supplemental payments. A "hold harmless" provision limits the amount States have to pay for supplemental payments to the costs incurred in calendar year 1972 under the former State-administered assistance programs for the aged, blind, and disabled. The Federal Government will pay the additional amount necessary to assure that recipients do not receive smaller total payments than they did in 1972. The new program is effective January 1, 1974.

This appropriation request covers: First, the Federal payments to the needy aged, blind, and disabled beginning with the effective date of January 1, 1974; second, the amount of Federal "hold harmless" payments to the States; third, the cost of vocational rehabilitation services for blind and disabled recipients who have the potential for becoming more self-sufficient and possibly returning to work; and fourth, the estimated cost for administering the entire program in 1974. Startup administrative costs will be incurred in 1973 principally for the conversion of persons from the present State-administered programs to the new Federal program, and for processing about 1 million of the 3.5 million anticipated applications from newly eligible persons. These 1973 costs are covered in a proposed 1973 budget amendment. The balance of the startup costs plus program administrative costs for the second half of 1974 are included in the 1974 estimate.

The committee recommends $2,211,636,000, the amount of the budget request.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

Grants are made to this nonprofit institution in Louisville, Ky., to supply educational materials and tangible apparatus for education of the blind, to blind children in schools for the blind, in public schools, and in private nonprofit institutions, and multihandicapped children, and adult trainees at rehabilitation centers.

Funds are also provided for staff and other expenses of committees which advise the Printing House and approve materials and aids to be manufactured and supplies through the Federal appropriation.

Numbers of blind children served by the program are as follows: 1972 actual, 21,846; 1973 estimate, 22,705; 1974 estimate, 23,500.

The Printing House also receives $10,000 annually from a $250,000 permanent trust fund on deposit with the Treasury.

The bill includes $1,817,000 for the American Printing House for the Blind, the amount of the budget request.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

As authorized by Public Law 89–36 the National Technical Institute for the Deaf—NTID—provides a coeducation residential facility for postsecondary technical education for persons who are deaf in order to prepare them for successful employment; prepares professional manpower to serve the Nation's deaf population; and conducts applied research in aspects of deafness related to education, training, and employment.

The sum of $5,087,000 is requested for the continued development of NTID to fully operational status. In addition to serving the needs of 503 full-time equivalent students, significant new steps to be taken in 1974 include: Training new faculty and staff and other professional people to work with deaf persons; gathering and collating into usable form vital data about the social, educational, and economic needs of deaf students at NTID; showing how the needs of deaf people can be served through a primarily hearing institution; and carrying on active applied research in all phases of NTID's operation directed toward improving economic assimilation of deaf citizens.

The sum of $1,400,000 is requested for partially furnishing and equipping the new NTID facilities which will be completed by January 1974. This construction consists of a residence hall, a dining hall/commons, and an academic complex.

The committee recommends the budget request, $6,487,000.

MODEL SECONDARY SCHOOL FOR THE DEAF

As provided under Public Law 89–694, the Model Secondary School for the Deaf will provide an exemplary secondary education program for deaf persons in order to prepare them for college or other advanced study.

In 1973 the Model Secondary School for the Deaf continued to operate in temporary, leased facilities with enrollment increased to maximum permitted by available space. Staff and programs were expanded such that all planned components of the school were made operational on at least limited bases. Emphasis was placed on the development of additional curricular offerings, design and production of teaching materials following an instructional development model, implementation of planning and decisionmaking models based on the concepts of management by objectives, initiation of a broadly based research and evaluation program, expansion of staff development activities, and dissemination of materials and information to the profession of education of the deaf. For 1974, objectives for the school encompass continued maturation in each of the above areas with particular emphasis on refining and improving instructional and support programs. Development of instructional materials especially designed for the deaf adolescent and with a highly mediated format will receive high priority.

In 1973 construction of the permanent Model Secondary School for the Deaf facilities was initiated.

The bill includes the budget request, $3,962,000.

GALLAUDET COLLEGE

Gallaudet College is a private, nonprofit educational institution providing an undergraduate higher education program for the deaf, a tutorial school for deaf students who need such training to qualify for college admission, a graduate school program in the field of deafness and a continuing education program for deaf adults. The estimates for 1974 will provide funds for increases in educational technology, upgrading physical facilities, support for continuing education, expansion of the graduate school and maintenance of faculty salaries.

A construction program designed to replace aging buildings and provide modern facilities to accommodate increased enrollments was initiated in 1956. Further construction has been temporarily halted until such time as the urgently required construction funds are made available.

By an act of Congress, Public Law 91-587, the college has the authority to operate the Kendall School as a national demonstration elementary school for the deaf. The school will: First, develop an exemplary educational program for children from the age of the onset of deafness through the age of 15; second, develop a diagnostic center; third, develop a parent education program; and fourth, become a source of important research on learning problems of young deaf children. The 1974 operation estimates will provide for the maintenance of faculty salaries along with providing necessary built-in increases for food and transportation services. Construction of the permanent facility will be delayed until the necessary construction funds are made available.

The primary functions of the institution are the instructional, research, and public service programs. The following is a report on the number of persons enrolled in the instruction program.

The committee recommends the budget request, $10,492,000.

HOWARD UNIVERSITY

The university is a private nonprofit institution consisting of an undergraduate college, a graduate school offering the master's degree and the degree of doctor of philosophy—in African studies, biochemistry, English, government, history, pharmacology, physics, psychology, physiology, and zoology—and 13 professional schools, Federal funds provide 61.8 percent of the total operating costs for the academic program. Funds from non-Federal sources are realized from student fees, gifts, grants, endowments, dormitory rents, cafeteria sales, bookstore sales, and hospital patients.

Freedmen's Hospital furnishes inpatient and outpatient care and a facility for training of physicians and nurses and other professional and technical health personnel. Operation of the hospital is financed by direct appropriation and income derived from charges for medical and hospital services from patients other than medicare, medicare patients, the District of Columbia, and other jurisdictions. Federal funds provide 64.8 percent of the total operating costs.

The Federal Government has undertaken to finance a major construction program at Howard University, including the erection of a number of new buildings and alterations and repairs to the existing physical plant. Between 1945 and 1973 appropriations for this purpose have totaled approximately $100 million.

The amount of the budget request was included in the bill, $57,873,000.

OFFICE OF CHILD DEVELOPMENT

The Office of Child Development was established at the direction of the President in July 1969. Its purpose is to coordinate, plan, and evaluate Federal activities affecting development of young children, including those in health, social welfare, environment, and education. The Office also administers Headstart programs.

Support is provided for research projects and grants designed to increase our knowledge of effective early childhood programs and to develop better statistical reporting on current services provided to young children. Under this same activity, projects will be designed to carry out the child research and reporting mandates of the Children's Bureau Organization Act of 1912. In 1974, research and demonstration efforts will be focused on child advocacy; day care and early childhood education; adoption and foster care; social ecology, including TV and other program media; child abuse; and education for parenthood.

Followup activities for the White House Conference on Children and Youth have been folded into regular Office of Child Development functions.

Headstart is a major demonstration effort focused on a variety of child development services during the first 5 years of life. In 1974, services will be provided to 300,000 full-year and summer children and 20,000 children in experimental programs which includes health start, home start, and the multiform child development centers. The Economic Opportunity Act amendments of 1972 also mandated that 10 percent of the enrollment opportunities in Headstart be made available to serve handicapped children. In addition, funds are provided for career development and technical assistance to grantees and evaluation efforts will be continued. The experimental parent and child centers will provide services to children 0 to 3 years of age and their families.

This office also provides support for the administration, management, and direction of the Headstart program and programs of the Children's Bureau. Primary emphasis in 1974 will include continued improvement and innovative thrust in Headstart, coupled with intensive efforts to prevent and correct program deficiencies. Another priority effort will involve further improvements in our management systems. Also, program standards, policies and guidelines will be developed in areas of in-home and school-age care and to provide for an orderly and rapid expansion of services to handicapped children.

The committee recommends $419,100,000, $24,700,000 below the budget request.

OFFICE OF THE SECRETARY

OFFICE FOR CIVIL RIGHTS

The Office for Civil Rights was established in 1966 to direct and coordinate the responsibilities assigned to the Department under title VI of the Civil Rights Act of 1964. Subsequently, enforcement responsibilities in the field of civil rights were centralized in the Office for Civil Rights and are largely implemented through the regional offices. Recent legislation has widened the Department's civil rights charter. The Higher Education Amendments of 1972 added two major responsibilities. Title VII of the amendment requires review of school districts for compliance with the terms of emergency school aid grants, and title IX prohibits sex discrimination in admission to educational institutions. The Comprehensive Health Manpower and Nurse Training Acts prohibit sex discrimination in admission to health professions schools.

The office is also responsible for assuring that beneficiaries of approximately 200 major programs receive services on a nondiscriminatory basis. Federal assistance is provided through 500 State agencies and thousands of school districts, nursing homes, hospitals, colleges, and other similar entities.

It is also responsible for insuring compliance with Executive orders on equal employment opportunity at universities, hospitals, and other institutions holding Government contracts.

The committee recommends the budget request, $17,943,000.

DEPARTMENTAL MANAGEMENT

First. Executive direction: Broad policy direction is given to the various operating programs of the Department. Staff assistance is provided for the development of the Department's legislative program and for coordination and leadership in all areas of program operation. Staffing is provided for long-range program and policy planning.

Second. Public information: Overall guidance is given to the Department's relations with the public. Information is provided to the press, various public and private organizations, and to interested individuals.

Third. Community and field services: Supports the Office of the Assistant Secretary for Community and Field Services, the President's Committee on Mental Retardation, and the Office of Field Management. Policy direction, coordination, and leadership for the Department's social programs are provided. This activity is also responsible for the organization, integration, evaluation, and coordination of the Department's field activities, and planning and coordination of programs designed to meet specific urban needs.

Fourth. Legal services: The Office of General Counsel acts as legal adviser to, and provides legal services for the Secretary, and operating agencies of the Department, and the staff of the regional offices.

Fifth. Financial management: The HEW Audit Agency is responsible for the policy and coordination of all Department audit activities, including liaison and coordination with the Defense Contract Audit Agency and other government agencies. It performs internal and external audits of all Department activities to provide assurance that Federal funds are used for the purposes intended. The Audit Agency is administered on a decentralized basis with the central office in Washington, D.C., responsible for policy, coordination, and overall administration, and a regional staff in each of the HEW regional areas responsible for the performance of all audits within its respective geographical area.

Staff assistance is provided to the Secretary in formulating policy in all areas of financial management, particularly budget, finance, and grants administration.

Sixth. Administrative management: The Facilities Engineering and Construction Agency consolidates and provides a single point of contact for all HEW construction support services. It provides for standardization of policies and procedures; surveillance of special purpose projects with regard to design, construction, and fund utilization; and the promotion of an effective research and development program.

Under the Federal Property and Administrative Services Act of 1949, as amended, the Secretary: First allocates needed surplus personal property to State agencies for educational, public health, and civil defense purposes; second, transfers surplus real property for educational and public health purposes, including research; third, protects the rights of the United States under the terms and conditions of such transfers; and fourth, promulgates regulations governing the operation of the program and enforces such regulations.

Staff assistance is provided to the Secretary for formulating administrative policy. Support in these areas is provided the Assistant Secretary for Health and Scientific Affairs in connection with his line responsibility over the four health agencies. This activity also provides administrative management services for all units of the Office of the Secretary.

Seventh. Policy Research: This activity, transferred from the Office of Economic Opportunity in fiscal year 1974, support research into the causes and cures of poverty. In fiscal year 1973, Policy Research funded projects concerning a variety of poverty's aspects. The University of Wisconsin Poverty Institute was supported in continuing income maintenance studies; major studies were continued on the impact of alternative health insurance plans on medical services utilization by low- and moderate-income groups; other studies to understand the determinants of family income and economic status, were supported.

Eighth. Indian program: This activity, also transferred from the Office of Economic Opportunity in fiscal year 1974, is aimed at the unique poverty problems of Indians. It provides funding for salaries and expenses and for grants to support tribal council efforts to end poverty. Self-determination is the major goal of the Indian Program activity.

The committee is recommending that the Departmental Management office be funded at $120,198,000, which is $2,000,000 below the budget request.

TITLE III—RELATED AGENCIES

ACTION

ACTION was established as an independent agency on July 1, 1971, under the authority of the President's Reorganization Plan No. 1. The agency brings together a number of volunteer programs, previously administered by other agencies, including the Peace Corps, VISTA—volunteers in service to America, foster grandparents, retired senior volunteer program, and the senior corps of retired executives and active corps of executives.

Funds for ACTION are requested in two appropriations: First, Peace Corps, act on international programs; and second, ACTION, operating expenses, domestic programs. These appropriations each contain a share of the common administrative support for the agency. An appropriate share of these costs is included in the program support activity in each appropriation total.

The committee recommends the budget request of $43,004,000 for ACTION domestic programs.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The service, under title II of the Labor Management Relations Act of 1947, assists labor and management in mediation and prevention of disputes affecting industries engaged in interstate commerce and defense production, other than rail and air transportation, whenever in its judgment such disputes threaten to cause a substantial interruption of commerce. The service also makes its mediation and conciliation facilities available to Federal agencies and organizations representing Federal employees in the resolution of negotiation disputes.

The committee recommends the budget request, $10,960,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The Commission is a permanent, independent agency composed of the Librarian of Congress and 14 members appointed by the President, five of whom are professional librarians or information specialists. The Commission, which began its work in mid-1971, is responsible for developing plans for meeting the library and information needs of the Nation, for coordinating Federal, State, and local activities to meet these needs, and for advising the President and Congress on national library and information science policy.

The committee is recommending the budget request of $406,000.

NATIONAL LABOR RELATIONS BOARD

The Board resolves representation disputes in industry and remedies and prevents specified unfair labor practices by employers or labor organizations. Legislation required assumption of similar responsibilities for the Postal Service on July 1, 1971. Additional funds are requested to enable the agency to effectively cope with a steadily rising caseload in both unfair labor practice and representation cases. Estimates for 1974 reflect an intake increase over 1973 of 11 percent for unfair labor practice cases and 6.3 percent for representation cases.

The Board's activities cover four major areas: First, filed investigations; second, administrative law judges hearing; third, Board adjudication; and fourth, securing compliance with Board orders.

The committee recommends $55,050,000, the budget request:

NATIONAL MEDIATION BOARD

First. Mediation: The Board mediates labor disputes and determines collective bargaining representatives for 700 carriers and the 1 million employees in the railroad and airline industries.

Second. Voluntary arbitration and emergency disputes: When mediation fails, the parties are urged to submit their differences to arbitration. If neither mediation nor voluntary arbitration is successful, the President, when notified of disputes which threaten seriously to interrupt service, may appoint an emergency board to investigate and report on the disputes as a basis for agreement.

Third. Adjustment of railroad grievances: Railroad employee grievances resulting from application of collective bargaining contracts may be brought for settlement to the National Railroad Adjustment Board. The divisions of the Board are composed of an equal number of carrier and union representatives compensated by the party or parties he represents. Administrative direction and guidance is provided by the administrative officer and clerical assistants who are compensated by the National Mediation Board. The appropriation also provides for neutral referees to sit with the Board when they are deadlocked. Boards of Adjustment previously carried under activity two above, are also financed under this program.

The budget request of $2,867,000 is recommended.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The Review Commission, established by the Occupational Safety and Health Act of 1970, adjudicates enforcement actions initiated by the Secretary of Labor under that act when they are contested. The Commission holds hearings and issues orders affirming, modifying, or vacating the Secretary's enforcement actions.

The committee recommends the $4,890,000 requested in the budget.

OFFICE OF ECONOMIC OPPORTUNITY

The committee recommends $333,800,000 in the bill for this item. This includes Legal Services Corporation, special impact program, and General Services Administration.

RAILROAD RETIREMENT BOARD

Payments for military service credits: Railroad workers entering military service may have such service credited toward benefits under the railroad retirement system under certain conditions. This appropriation of $22,478 is to pay the last of 10 yearly installments on the amount due the railroad retirement account for creditable military service for the period through June 30, 1963.

SOLDIERS' AND AIRMEN'S HOME

The United States Soldiers' and Airmen's Home provides medical and domiciliary care and other authorized benefits for the relief and support of certain old, invalid, or disabled soldiers of the Regular Army and airmen of the Air Force. Funds for operation and maintenance of the home are appropriated from the soldiers' and airmen's home permanent fund—trust fund—and not from the general funds of the Treasury.

An orderly plan for expansion provides that when the domiciliary or hospital areas of the home are filled to capacity, new construction will be provided. The 1974 program provides for continuing the expansion of the home by including funds for final plans and specifications for the construction of a 330-bed domiciliary building. The 1974 program also includes funds for the development of a new garden area for members of the home, for concept planning for an addition to a hospital ward wing, and for the renovation of a portion of an old domiciliary building for its ultimate use as an administrative facility.

The committee recommends $12,782,000 for this item.

Now, Mr. Chairman, I inserted in the RECORD yesterday a table which indicates a package of amendments I propose to offer to this bill when we begin reading it for amendment. I am not going to take the time, in view of the few Members on the floor now, to go into the 26 items I have included in this package until we get the kind of people here who will be interested in hearing those remarks and reading the bill, but let me give you the reasons for my offering the package of amendments.

In my judgment, this bill in its present form is, just as sure as you are born, going to get vetoed. It seems to me that since we had two bills like this last year vetoed and were operating the whole year under a continuing resolution, to have the prospect of running 2 years in a row under a continuing resolution for these programs is indefensible. So we have to make a significant effort here, it seems to me, to make a cut that is significant.

The problems in making these individual line item cuts are numerous. The magnitude of the pressures upon Chairman FLOOD and each member of the subcommittee and every Member of this House from all of the pressure groups at home means that it would be absolutely impossible to do if you tried to cut 5 cents from any one of these specific amendments on a teller with clerks vote, whether it is for handicapped children, health manpower, or whatever it is. It is just impossible for Members to stand up to that individual pressure.

However, it seems to me, also, Members can support a package of amendments that would reduce the overall level of spending here so that we have some hope of having the bill signed by the President and not having to go through this charade of operating under a continuing resolution.

My conclusion and my rationale for having this package put together is, No. 1, consideration for a broad-based bipartisan support for what I am proposing and, two, I will not use this appropriation bill as a vehicle for terminating ongoing programs even though that may be desirable in some cases.

Why? Because the Committee on Education and Labor is currently writing or hoping to write new law in the field of education and manpower and revenue sharng, and then, as the chairman stated, 2 weeks ago we passed with only one dissenting vote in this House, if there was that, a continuation for 1 year of 12 programs which are currently ongoing. We did that to give the Committee on Interstate and Foreign Commerce, which has jurisdicton over many of these items, an opportunity to have an evaluation of each of these programs.

So in my amendment my overall philosophy has been that no item should be cut below the 1973 operating level and where the budget shows nothing, nothing, nothing, as the chairman so eloquently pointed out in his remarks, we will have restored in my amendment the figures that are less than what Chairman FLOOD recommends but what I think are compatible and would still give us the overall package of reduction aggregating $631 million.

With those remarks, Mr. Chairman, I will be happy to yield for any questions that Members might have, and then I will be glad to yield time to my colleagues for any remarks they might like to make during general debate.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to pursue the question again that I pursued with the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD) on the "hold harmless" feature in the bill, which is on page 18, and I will read it:

> Provided, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972:

The way I interpret that, that means that the total amount to the States will be the same as they received in 1972 for the local education agencies. Title I–A also has money for State institutions and they are not counted in the hold harmless. There is not that much of a shift in the State institutions. So as I have interpreted it, this would means that each State would receive the same amount as 1972, but the 1970 census shifts in AFDC will have its effect on the local school districts in each State.

Mr. MICHEL. I would have to say to the gentleman that I was interested in the exchange that took place before, because, as I read the amendment, it says:

> Provided, That the aggregate amounts made available to each State under title I–A—

and then it goes on. So the fact is really on the amount that eventually goes to the State, but it will still be within the prerogative of the States to make that distribution as they see fit.

Mr. QUIE. If the gentleman will yield further, I must say no, the State does not have any prerogative on the distribution of the money. That is an entitlement formula. If the State did have entitlement then they could make that decision on the school districts.

Mr. MICHEL. I stand corrected.

Mr. QUIE. I think that is significant because it is my feeling that the school districts ought to receive the same amount as well, but there are all kinds of factors that come to bear. People have left some of the rural counties. There are some counties that have half as many farms as they did 15 years ago. So you can see what happens in 10 years. Some of the rural areas there is a difference in the weather in 1959, where they used income information for them if some of the counties had low incomes in that year, but have not since that time, therefore they would have come more into the modern day.

Also AFDC has had a significant impact, I know. In Minnesota, specifically in Minneapolis, AFDC has dramatically increased. In fact, under the census information, if I recall correctly, in Minneapolis there are 26,000 eligible children, only 6,000 are those that are counted under the $2,000 income or less, 20,000 on the AFDC factor. That is the shift that has come in or that will come to bear.

I think the Members ought to know that. The other thing that I would like to mention—but perhaps Mr. FLOOD would like to react to that part before I proceed.

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I have no quarrel with it except it winds up this way, like night follows day, if the State gets more now than naturally down through the districts they will get more too. There is no question about that. If and when they do get more in certain cases it will go right down the line.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

Mr. QUIE. If the gentleman will yield further, some of the States had a reduction in 1973. For instance, I can read some of the States that did. Between 1972 and 1973, Alabama had a $6.3 million reduction. That is before the 1970 census went into effect. They have already learned to live with it. Mississippi is the other one, as the gentleman from Pennsylvania (Mr. FLOOD) mentioned, with a $6.2 million reduction. They have gone down from 42.1 percent to 35.9 percent. West Virginia dropped 20.5 percent to 17.3 percent.

I want to point out about West Virginia that there is a 20-percent reduction of the number of schoolchildren in that State, to say nothing of the reduction in the number of children from families with incomes below $2,000 as far as AFDC is concerned.

In West Virginia they have the lowest increase of any State in the Union, a 90-percent increase as compared with New Jersey, which had a 600-percent increase in AFDC.

These are the kinds of changes that have occurred in the country by holding harmless even the State for 1972. The gentleman is giving money back to a State again where under no formula that we could ever devise in our committee could those States continue to receive that amount, and that is what really bothers me.

Mr. MICHEL. I want to say to the gentleman from Minnesota that I appreciate his contribution here to the debate, because what he says is so true. Of course, it is his committee that is in the process of rewriting the legislation devising the kind of formula that we will be dealing with in years to come. I have expressed the view a number of times that I am concerned about our getting the level of money too high in this bill and foreclosing the option of the authorizing committee to make what appropriate adjustments ought to be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

The problem here is just like impacted aid. Once we get the money level at a certain point, it is just a practical situation where, on the floor of this House, we have got to ride with the floor, or we just lose a Member from that State, and Member from another State, wherever there are a couple million dollars involved, and it is not the right way to legislate, in my opinion. But what we are trying to do here in having secured a rule waiving points of order on this provision—because it is legislation on an appropriation bill—is to do the best we can under a very bad situation.

Mr. QUIE. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. I yield to the gentleman from Minnesota.

Mr. QUIE. If we continue, however, to fund schools where the kids no longer exist, we are really taking money away from schools where the kids do exist.

Mr. MICHEL. I could not agree more with the gentleman from Minnesota.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New Jersey.

Mr. PATTEN. The gentleman and others keep saying we are adding to medicare and that we are giving supplemental income that we do not have. Is it not true that under H.R. 1 we imposed taxes under which the Government would collect $23.5 billion more under the social security program to budget the $1.5 million worth of increases that the gentleman made reference to?

Mr. MICHEL. We have had in the last social security amendments a very significant increase in benefits, yes, 20 percent, and we also provided for some increase in the tax. There is a point of diminishing return. How many more times do we want to increase the social security tax? Is it any different from an income tax? It certainly is. It is the laboring man in this country who is paying the big burden of the tax by virtue of the social security tax.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. COLLIER. I think it is significant, as long as we are getting into this area, to point out that at the present time pending before the Senate is another increase of 5.6 percent. This is well and good, but it is going to cost about $2.8 billion next year, and we have to face up to the reality that it is going to have to be raised in the form of increasing the burden of the social security tax at a time when, added to the action that was taken by our committee in the last social security increase, we could find that there are going to be some 7 million people in this country paying more in social security tax than they are in Federal income tax, and it is one of the most regressive taxes that there is.

Mr. MICHEL. The gentleman from Illinois served with distinction on the Committee on Ways and Means, and he knows whereof he speaks.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. HAWKINS. Did I understand that the rationale for the package reductions was made on the basis that no item would be reduced below the 1973 operating level?

Mr. MICHEL. Yes, sir.

Mr. HAWKINS. Directing the gentleman's attention to that item in the recommended appropriations for the Office of Economic Opportunity, it would seem that the gentleman has in that instance——

Mr. MICHEL. Excuse me. I do stand corrected, and I appreciate the gentleman's calling that to my attention. That is the one single item in the package of amendments which does not hold to that principle of having no money less than 1973, and my rationale there is simply this: There is currently enough money in the pipeline, from my understanding, to run most of the CAP agencies through November of this year, and some through December.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

My point is that to have the full amount appropriated as the gentleman from Pennsylvania (Mr. FLOOD) would recommend would be just too much money through the balance of the fiscal year since authorization does expire and we have to make a determination.

Mr. HAWKINS. The authorization does not expire until June 1974.

Mr. MICHEL. Right.

Mr. HAWKINS. Is it my understanding they are actually appropriating less than enough to carry CAP agencies through the rest of this fiscal year?

Mr. MICHEL. On the basis of the information we have it should be a sufficient amount to run the current ones that are still operating through May of next year.

Mr. HAWKINS. It is not the information that the Committee on Education and Labor had itself, so if that is the rationale I would hope we can discuss that at that particular time.

Mr. MICHEL. I will be happy to, and of course, the gentleman may have his information from a different source.

Mr. HAWKINS. Inasmuch as it does not correspond to the rest of the rationale which the gentleman used in the other cuts, to which I also object, but certainly this goes far beyond what the gentleman in the well has maintained is a fair and reasonable amount.

Mr. BURKE of Masachusetts. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I want to point out there is legislation in the Congress before the House Ways and Means Committee changing the formula of the social security tax. The present tax does request 50 percent of the employer and 50 percent of the employee. When the social security was originally set up it called for one-third from the employee and one-third from the employer and one-third from general revenue. In fact, England and France and most of the Scandinavian countries levy this kind of tax. There is no reason for the continuation of this type of tax, because in the past 10 or 15 years social security has had freighted down on it many of the burdens of State and local governments and it is about time that some of the burdens of social security were paid out of general revenue. I can think of medicare as one of the cases where this burden has been taken off the State governments and taken up by the Federal Government.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of this legislation and I commend the great chairman and his committee who have presented this great bill so well before the Congress.

Mr. Chairman, we have before us today one of the most crucial bills yet to come before the 93d Congress. The fiscal year 1974 Labor-Health, Education, and Welfare Appropriations has been a source of considerable controversy between the Congress and the administration and I wish to make my views clearly known on this subject. I would urge my colleagues to give particular attention to the following aspects of the bill:

Funding for elementary and secondary education is of vital importance. The administration has exhausted considerable time and effort to promote the idea of revenue sharing to allow State and local officials a greater say in the distribution of education funds. I, in turn, have heard a great deal from these officials in my State, and they are in unanimous agreement that the proposed education revenue sharing would be totally inadequate to meet the demands and provide for quality education on the elementary and secondary level. This bill recommends $1,810 million for educationally deprived children under title I of the Elementary and Secondary Education Act. This is the same amount as the fiscal year 1973 appropriation. It recommends $90 million for library resources under title II of ESEA. This is $10 million below the fiscal year 1973 appropriation; however, it is a considerable increase over the administration's budget request which proposed to eliminate all funding for this program; $146,393,000 is recommended for supplementary services under title III of ESEA as requested in the administration's budget proposal. I would have liked to have seen more funds appropriated for this program since this is a reduction of $25 million from the fiscal year 1973 appropriation. The administration's proposal to eliminate ESEA title V–A funding was particularly disturbing to me; and I was pleased to note that the bill recommends $33 million for this program. The need for bilingual education is becoming increasingly apparent throughout the United States, and the $45 million recommended in the bill for these programs under title VII of ESEA can in no way be considered extravagant.

I know that some of my colleagues feel that the funding for the Elementary and Secondary Education Act is too high, and that they favor the revenue sharing plan. I must strongly disagree, as I have spent considerable time studying the accomplishments of these programs and can honestly say that the many successes and achievements which I have witnessed could not be accomplished through the present revenue-sharing proposals. Indeed, I would favor even greater funding for these fine programs, as my colleagues on the Appropriations Committee know full well. I would be remiss if I did not take this opportunity to thank the members of the committee for the responsible manner with which they prepared this legislation. There is no more important time in an individual's life than his early formative years. The quality of education which he receives as a youngster is one of the greatest factors in determining his character.

Another area of vital importance is the Office of Economic Opportunity. There has been much talk to the effect that OEO is too costly. I ask my colleagues to consider the costs to their States in terms of increased welfare payments, increased crime, and increased deterioration of inner cities which is the inevitable consequence of terminating OEO programs. I would like to quote from the committee report:

> The Committee's action in continuing Federal support for Community Action Agencies for an additional year is based on its belief that a majority of these agencies are performing important functions, and that in many cases there would be no other local agency capable of assuming those functions if the Community Action Agencies are terminated.

I am in complete agreement with the committee in this area. The committee has recommended an increase of $190 million over the administration's budget request for the Office of Economic Opportunity; however the total OEO appropriation is less than half the amount appropriated in fiscal year 1973. My position on this is very clear. I am a cosponsor of H.R. 8468, a bill to extend the Office of Economic Opportunity at its fiscal year 1973 level—$790 million. I would like to direct the attention of my colleagues to the testimony which I submitted to the Subcommittee on Equal Opportunity of the House Committee on Education and Labor when they held hearings on OEO in Boston on March 23 as they clearly indicate my reasons for wanting increased funding for the Office of Economic Opportunity:

TESTIMONY BY HON. JAMES A. BURKE

Mr. Chairman, I want to thank you and the other Members of the Committee for holding these hearings in Boston. Your efforts are greatly appreciated.

As you know, the Administration has adopted a new philosophy with regard to the programs of the Office of Economic Opportunity. It was decided that the Federal Government should do away with agencies that assist the poor, and that local governments should be given money to fund their own programs in this area. On the surface, this does not sound too unreasonable. On closer inspection, however, it becomes obvious that the Administration's proposal is totally inadequate and unrealistic. The Administration is not just shifting the funding process in this area, it is ignoring the minority and poverty-stricken population altogether while shifting the blame to the city governments.

I would like to examine what O.E.O. has become over the last 9 years. When it was first established by President Johnson, it was hailed, and rightly so, as a major advancement. For the first time, an agency had been established to deal exclusively and directly with the problems of our nation's poor. There had always been agencies to assist the wealthy, and the steadily employed segments of our society, i.e., The Department of Commerce, The Department of Labor, The Small Business Administration, etc., but the poor and the undereducated had nowhere to turn. For the first time, there was a visible symbol of our nation's commitment to insure that all people were given an equal opportunity to advance and succeed within our society. The people of our inner cities found that, at last, there was a single agency to whom they could appeal for help. Programs were no longer hidden away in the back of countless different agencies, but were consolidated under one clearly identifiable Office of Economic Opportunity. It is true that O.E.O. has not accomplished all that had been hoped for it. But it is not true, as President Nixon would have us believe, that this is the result of mismanagement of funds. The simple fact is that O.E.O. has always suffered from inadequate funding. In 1967, when O.E.O. was given its highest priority, it was able to meet only 14% of the expressed need in Detroit, 6% in Hartford, 10% in New York, and 21% in Atlanta. Obviously, this was not due to mismanagement but the result of inadequate funding. The real truth of the matter is that O.E.O. has done a remarkable job managing its funds and has proved itself extremely capable of producing maximum achievement from limited resources. The Administration would also have us believe that the administrators of O.E.O. and Community Action programs are growing fat while the poor continue to suffer. Nothing could be further from the truth. I know the people who administer these programs in the Boston area and they are not wealthy. They are extremely dedicated and capable individuals who work tirelessly and unselfishly to assist the underprivileged of Boston. I have seen the advancements they have made in providing education, training, and employment for people who would otherwise have been locked into the welfare roles forever. More importantly, they have helped lift people from apathy and frustration and have given them pride and hope.

The Administration has now proposed to take all of this away from the poor. If implemented, this proposal would displace the pride and shatter the hope which Community Action Groups have worked so long to instill in the underprivileged. The Administration's stated purpose is to return control of these programs to the people. Yet who are the people if they are not the administrators and members of the Community Action Groups. What this proposal asks is for the local governments to perform the impossible. Our cities are already taxed to the maximum. Our city officials are burdened with an overwhelming number of problems, i.e., garbage removal, zoning regulations, fire prevention and control, highway safety, crime prevention, congestion, pollution control, etc. and now, they are expected to successfully carry out the work of Community Action Groups on an even more limited budget than that given to those groups. This is simply not being realistic. These Community Action Groups have established a clear record of success in dealing with the special problems of the poor. Their administrators and staff personnel have the experience and expertise to produce maximum results with the limited funding available to them. Now, the Administration tells us that this is an inefficient way of handling the problem and that the already overburdened city officials will be better able to deal with these programs.

The inevitable consequences of the elimination of these Community Action Agencies is obvious. Action for Boston Community Development (ABCD) estimates that half of those employed through the neighborhood agencies will be forced to return to welfare if these agencies are dismantled. Self-Help, Inc., served 6,569 people in my District last year, providing food delivery, transportation services, job placement to the chronic unemployed, business development, and most significantly, a Health and Health Education Clinic which served 2,900 persons last year. The Quincy Community Action Agency operated two centers in my District providing a Well-Baby Clinic with a free immunization program for mothers and children. The Quincy CAA provided a wide range of services in the areas of housing, legal advice, health, and employment. On a national level, if the Emergency Employment Program is eliminated, 180,000 jobs will be lost in the public sector with the poor and the minority workers being hardest hit. If the Neighborhood Youth Corps is ended, 740,000 teenagers, mostly ghetto youths, will be jobless. In Boston alone last year neighborhood employment centers found jobs for 4,500 persons who had been previously considered as hardcore unemployables. Without educational and employment opportunities, there is bound to be a sharp increase in the crime rate; our inner cities will continue to deteriorate but at a much increased rate; more money will have to be spent for welfare—money that should be spent to place people in meaningful and lasting jobs.

I respectfully submit that special revenue sharing is completely inadequate for dealing with the special problems of this nation's poor and underprivileged population, and I strongly urge the Committee Members to take note of the fine work which has been accomplished in this area by the various Community Action Groups.

Mr. MICHEL. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, in testimony before our subcommittee this year, the Secretary of Health, Education, and Welfare expressed the need to define more clearly the Federal role in general, and the HEW role in particular, in our domestic life. The bill before us today reflects the opinion of a majority of our committee as to how these roles shall be defined for fiscal 1974.

In a bill of this scope—$113 billion, when trust funds are included—it is inevitable that differences in opinion will arise concerning specific priorities and total spending levels. These differences will be fully outlined during our consideration of several amendments later today.

What should be stressed, however, is the general direction of Federal expenditures for human resources programs. We are considering a bill here which contains in excess of $35 billion above the budget request for our Nation's defense.

When I joined this subcommittee back in 1965, the total appropriations for Labor-HEW were $24 billion. With this bill, we will have seen more than a fourfold increase in Federal human resources funding for these programs alone over the last decade.

When considering a bill which is growing as rapidly as this appropriations bill is—more than 10 percent a year—it is important that we reassess the effectiveness of these programs. This is especially true when we consider that if we were to fund fully all of the programs previously authorized by Congress for the Department of Health, Education, and Welfare, we would need an appropriation for that Department alone of nearly $300 billion per year. And that is just for existing programs; it allows for no new efforts to meet changing needs.

I understand there will be efforts this afternoon both to cut this bill and to increase it for specific programs. At this time I would remind you that in our effort to determine who is to set spending priorities, we should not lose sight of the prime issue of how much spending there should be.

As we look at our mounting Federal budget deficit and its direct effect on inflation or higher taxes, or both, we must remember it is Congress which controls the amounts of spending authority for the Federal Government. Expenditures cannot take place unless we provide the necessary budget authority.

Turning to a few items of special significance in the bill, the committee has included funds for continued staffing of community mental health centers. The statistics regarding the effectiveness of these centers was overwhelmingly in favor of continued funding.

We have recommended sizable increases for the National Institutes of Cancer and Heart and Lung Diseases. Appropriations for these two Institutes have grown more than 27 percent over the past 2 years. Further growth can be expected as more promising research and treatment leads become available.

In the area of Health Manpower Training, we have restored many of the cutbacks proposed in the budget so that our important Health Manpower Training Institutions can continue to expand their efforts to meet a critical national need. I am especially concerned about the proposed elimination of capitation grants to schools of veterinary medicine, optometry, pharmacy and podiatry. In each of these areas, very few schools must serve the needs of the entire country. The Federal Government has a responsibility over and above that of the States to assist these schools.

The committee has also included funds for the construction of new facilities for the health professions schools. Many of these schools have expanded their enrollments, due, at least partly, to encouragement from the Federal Government. With the proposed elimination of construction funds, these schools would find themselves with more students but with no place to put them. In spending these construction funds, I believe priority should be given to schools of veterinary medicine, optometry, pharmacy and podiatry which are in the process of completing facilities rebuilding programs initiated through Federal-State matching plans to meet critical accreditation requirements.

Perhaps no area of health manpower development is in greater need of continuing Federal support than nursing. The committee has responded to this need by restoring institutional support and by increasing student aid and construction funds. In total, we have included $148 million for nursing support, an increase of $95 million over the budget request.

This year, the administration proposed a consolidation of several existing elementary and secondary education programs into a special revenue sharing program. That proposal has now been dropped for fiscal 1974, and the committee has recommended funding for the present programs under the usual structure. It is very important that these appropriations be enacted in the very near future, so that local and State school administrators can complete their budget and program plans for the next school year.

The bill includes $610 million for school assistance in federally affected areas. This will be adequate to fund the category "B" children—those whose parents work on Federal property which is not taxed locally—at 68 percent of entitlement, the same level voted by Congress for fiscal 1973. The committee continues to be aware of inequities in this program, but we are also aware of the critical need for this assistance in certain areas. Any substantive changes in the entitlement formulas should come from the education and labor committee, not the appropriations committee.

The budget proposed the termination of Federal assistance to school, college and public libraries, but the committee disagreed. We have included $176 million to continue this marginal but necessary assistance.

A total of $1.8 billion is recommended for higher education programs, an increase of $143 million over last year. The largest portion of this aid—$1.5 billion—is for student assistance. In general, the bill funds each of the student assistance programs at the fiscal 1973 level, with significant increases for the basic opportunity grants program and for interest on insured loans.

I will not take any more time for details, but I would refer Members of the House to the very extensive eight volumes of hearings which were held by our subcommittee. This year the hearings include progress reports on selected programs, such as cerebral palsy, cystic fibrosis, drug abuse, juvenile delinquency, black lung disease, sickle cell anemia and others.

Throughout the hearings, administration witnesses stressed the theme I mentioned at the outset of my remarks—the need for reassessment of the Federal role in human resources programs. In some cases, the committee felt that certain programs should be continued during this reassessment, and the bill includes another year's funding for these programs. In other cases, the committee agreed in part, and funds have been reduced for these programs with the understanding that they will be phased out.

There is a lot of experience represented on this subcommittee in the fields of interest covered by the bill. The new members also took an active and constructive part in our deliberations, and they they have been a real asset to the subcommittee.

I want to especially compliment our chairman, the gentleman from Pennsylvania (Mr. FLOOD) and our hard-working ranking minority Member, the gentleman from Illinois (Mr. MICHEL) for their leadership and dedication during particularly the past 2 years, which have been most difficult in this committee because, as stated before, several times we have had to redo our work.

As the House today considers the Labor-Health, Education and Welfare appropriation bill for fiscal year 1974, I, too, would like to take this opportunity to pay tribute to Robert M. Moyer, who had a great deal to do with the formation of the Labor-HEW funding bills.

As stated before, for 20 years, from fiscal year 1953 through fiscal year 1973, Bob served as the professional staff member for the Labor-HEW Appropriations Subcommittee of the House. During my service on that subcommittee, since 1965, I always found Bob to be efficient, to be helpful, to be fair. I can imagine he is following the progress of this year's bill and is enjoying his retirement immensely. We all wish him well.

I commend to the Members a careful reading of our report.

Mr. SYMMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Thirty-two Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 288]

Alexander
Ashbrook
Badillo
Blatnik
Brasco
Breaux
Brown, Mich.
Burlison, Mo.
Camp

Carey, N.Y.
Carney, Ohio
Clark
Conyers
Culver
Danielson
Derwinski
Diggs
Edwards, Calif.
Esch
Evins, Tenn.
Fish
Fisher
Fraser
Gettys
Green, Oreg.
Gross
Gubser
Hansen, Wash.
Harsha
Hébert
Henderson
Jarman
Kastenmeier
King
Landrum
Long, Md.
Madden
Michel, Ill.
Mills, Ark.
Murphy, N.Y.
O'Neill
Pepper
Price, Tex.
Railsback
Randall
Reid
Rooney, N.Y.
Rosenthal
Slack
Steiger, Ariz.
Steiger, Wis.
Stephens
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Wiggins
Zwach

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. Holifield, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8877, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 375 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. MICHEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, we are considering today what is, in my mind, the most important single appropriations bill this body will act upon this year. For this Labor-Health, Education, and Welfare appropriations bill deals with the present and future health of the people of this country, the education of our youth, the welfare of all our people, young and old alike, and the protection and prosperity of our laboring force.

The total amount proposed for these Departments for 1974 is $113.17 billion; $32.82 billion of this is new obligational authority under the bill before us. The remainder is for trust funds and permanent appropriations.

So it is clear that it is not only our most important money bill from the point of view of dealing with the concerns of human life, it is also our largest single appropriations bill.

Because the needs covered by this bill are so vital to our society, the Labor-HEW Appropriations Subcommittee faced a monumental task in tailoring a bill which both met the need and still reflected some budgetary control.

The distinguished gentlemen from Pennsylvania and Illinois (Mr. Flood and Mr. Michel) as well as my other colleagues on the subcommittee, are to be commended for their hard work and dedication. Our hearings stretched over 6 weeks. They take up eight bound volumes. I might say, I gave up 24 years seniority on two other subcommittees because I wanted to work with them and the other distinguished members of the subcommittee. It was a privilege to serve with them and I look forward to many more years of continued association on the subcommittee.

The final product of our labor is a bill which certainly will not satisfy everyone. I, for one, am not satisfied with every part of it. But no one can deny it is an honest and bold effort to strike a reasonable course through the stark limits of the budget on one side and the great needs of our people on the other.

I certainly will not attempt to repeat the fine presentations that have already been made regarding the committee bill. But there is one overriding factor that must be stressed here and now. That is the great need for the Congress to reassert our control over the programs of the Departments of Labor and Health, Education, and Welfare.

Since July 1, 1972, these Departments and related agencies have been financed on the basis of a continuing resolution of the Congress. Of course, this means that the budgets on which they have been operating are ones in which the Congress had had no voice, which it has not approved, and over which it has not had effective direction.

By June 30, $31.7 billion will have been spent this way, and this situation cannot continue. We cannot allow it to continue.

Later, I will be supporting an amendment to reduce funding for some of the programs in the committee bill. This was a hard decision for me to make. I know very well that there are strong arguments for some of the measures which such an amendment would cut.

However, I cannot stress too strongly the very real need for us here today to adopt a bill that can and will be enacted into law.

Even with the cuts that I will be supporting in order to get an appropriations bill enacted, the remaining bill is one that goes a long way in all areas to meet the great needs that exist.

In the mental health area, the bill still would increase funds for general mental health research. The bill restores funds for staffing community mental health centers and for child mental health programs. It also approves the administration's substantially increased budget for drug abuse programs, and restores alcoholism project grants.

The amendment Mr. Michel will offer to reduce the spending level in this bill would slice $19.54 million for general mental health training programs and $1 million for alcoholism training programs. I do not agree with these proposed cuts. The incidence of mental illness is increasing, and alcoholism is our No. 1 drug problem.

We need these programs and thus I will offer my own amendment to the Michel amendment to bring the spending level for them up to that recommended by the committee.

It was the executive branch, not the Congress, that decided to phase out these vital mental health and alcoholism training programs. Here again, I would stress the importance of Congress reasserting its authority over these programs.

In the area of health services, this bill would restore funds for regional medical programs and for Hill-Burton programs for modernization and renovation of medical facilities. In both of these vital areas, the administration had recommended absolutely no funds.

Under the National Institutes of Health, the committee bill substantially increases funds for programs of the National Cancer Institute and the National Heart and Lung Institute over last year.

And even if the main amendment to reduce spending carried, the bill would still increase funds over what the administration requested for research in the remaining institutes.

However, in this area again I take issue with the main amendment which will be offered to reduce spending. This amendment will call for cutting $26,281 million for NIH research training programs. I oppose this move and will offer another amendment to the main amendment to restore the full $26.281 million for this purpose.

I do this because I firmly believe that the answer to the helath care crisis in this country lies in our learning more about sickness and health. It is only by continuing to train the brightest young people we have that we are going to find the answers we need.

The shortage of health professionals in this country is particularly acute in the ranks of registered nurses. In recognition of that fact, our Labor-HEW Appropriations Subcommittee worked very hard to overcome the administration's weak response to the nurses training needs in this country.

The result was a committee bill that succeeded in reinstating most of the programs that the administration would have killed and boosting spending for these programs to the level of $148 million.

The programs we saved and the budgets we recommend are: Capitation grants for nursing schools, $33.8 million; grants for nursing schools in financial difficulty, $5 million; traineeships for student nurses, $11.5 million; and grants for construction of training facilities, $20 million.

The bill recommends more adequate budgets than had been requested for: special project grants, $20 million; student loans, $24 million; and scholarships, $19.5 million.

The bill also has provisions for repayments of loans for students unable to complete their training, interest subsidies for construction loans, educational assistance projects, and administration of all nurse training programs.

What the committee bill recognizes, and the administration's requests failed to recognize, is that we all have a deep responsibility to support nurses training in this country at this time of such desperate need. And the costs of that support should be spread over a wide base through Federal expenditure, rather than imposed on the sick through additional patient-care costs.

In light of the importance of these nurses training programs, I prevailed upon the author of the main amendment which will be offered to reduce the spending level, Mr. Michel of Illinois, to exclude these programs from his amendment. I am extremely pleased that the gentleman agreed with my position and, with the exception of construction grants, did not include these important programs in his amendment.

Moving now to the area of funding for

education, the committee was faced with a very significant problem in the area of elementary and secondary education this year. The President had proposed the substitution of educational revenue sharing for more than 30 categorical grant programs.

However, the Better Schools Act had not been submitted to the Congress at the time of the hearings. The administration witnesses were unable to clearly and directly respond to the questions the committee had about the program and how it would compare with the present categorical programs.

Now the Better Schools Act has been introduced as H.R. 5823. However, it was clear to the members of the committee that we could not wait until the Congress had made a final decision on whether to adopt the Better Schools Act or to extend the programs under the Elementary and Secondary Education Act. For this reason, the committee relied on authority in the General Education Act which extends the appropriation authority for these categorical programs for 1 year and made appropriations accordingly.

Were the committee not to do this, we would see a nationwide crisis in elementary and secondary education. We would start the year with no appropriations whatever, and the budget of each and every school system would be placed in such a position that their continued operation would be in a state of almost complete uncertainty.

The committee faced a very difficult task in determining what were the proper levels for these programs. The result of the committee recommendation is a very careful balance among the appropriations of 1972, the authorization and operating levels in 1973, the needs expressed by the various school systems, and the levels for comparable program areas under the Better Schools Act. I believe that, by and large, the committee has done a good job in balancing these complex interrelationships and the competing needs.

It is very clear that, in the coming year, the Congress is going to have to undertake a deep and searching evaluation of the contributions of the present elementary and secondary education programs, as well as others proposed to be replaced by the Better Schools Act, and make some hard decisions.

It is my hope that this evaluation will continue as expeditiously as possible, without sacrifice of thorough examination. If this is not done, the crisis which will face us next year will be even more acute because of the absolute need for legislation for next year's programs.

I am somewhat troubled by the committee's adoption of the administration's proposal to begin phasing out the Follow Through program. I believe that this program has made a valuable contribution to our educational system, and I have some serious questions about the merits of its termination. I believe that, as the longer term results of the program are evaluated, its true value will be fully appreciated.

In the area of higher education, this appropriations bill is a strong second step in the direction taken by the urgent 1973 supplemental bill earlier this session toward adequate funding for the Federal post-secondary student assistance programs.

As you recall, the Education Amendments of 1972 changed the student financial aid picture in some respects. A new program was added—the basic opportunity grants—but the legislation also required that the three proven and effective institution-based programs be funded at a specified level. Despite an administration request that would have denied funding for two of these three programs, we followed the spirit and the letter of the law and a very pragmatic need, and funded all three. This bill continues that commitment to both the new program and the old.

The supplemental bill passed earlier this year funded the three traditional programs at last year's level and phased in the new BOG program for first-year students only.

This bill provides sufficient funds for BOG grants for both first and second year students while maintaining the same level of assistance for the institution-based programs. I believe that there is great potential for the BOG program, but I also know that there will be great dislocations in student aid if the present college-based programs are terminated at this time.

The BOG program provides a base on which the other programs may build. Every postsecondary institution which has communicated with me has detailed the negative effect that excessive reliance on the BOG program will produce for its students. The three institution-based programs provide the flexibility lacking in the BOG program.

We owe to the students of this country and to our private educational institutions a sufficient Federal commitment to allow the students to attend the institutions of their choice and to allow the institutions to survive. I believe that this bill accomplishes both of these goals.

I am extremely pleased that the committee saw the need for continuing funding of the veterans cost of instruction amendment. The committee provided $25 million, the same as was appropriated last year, to provide an incentive for our schools to go out and recruit the veteran and provide special services to him.

Today, an education is a primary need in order for the veteran to become an integrated and productive citizen in our peacetime society. I believe that, because of the limitation of the present GI bill, these funds are absolutely essential. Our veterans are coming back from Vietnam and finding a welcome which borders on "Who cares?" Not enough of our veterans are availing themselves of the educational opportunities under the GI bill, and the Congress must use every means at its disposal to correct this problem. The veterans cost of instruction amendment is one means to do this, and I believe that it deserves our unqualified support.

I think it is clear from my remarks here, Mr. Chairman, that the choices facing our committee in formulating this bill were painful ones. I have only touched on some of the programs, some of the needs. But each has its own cadre of support, and nearly all of them are worthy to some degree. It is the determination of that degree, in light of budgetary restrictions, that has made this work so difficult.

I reiterate my strong feelings for the excellent work my fellow members of the subcommittee have done, and for the very vital need for the enactment of this legislation this year.

Mr. MICHEL. Mr. Chairman, I yield 7 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I will not take the full time but I will make merely a rather abbreviated comment to the committee on the package of amendments which I propose to introduce. Before I say what I will say about these relatively minor parts of the bill in size, but relatively major parts of the bill in program, let me join in commending the subcommittee and the committee for the manner in which they have approached this whole task of appropriating in this field. It is an impossibly difficult task, and I think the subcommittee has performed very well and I commend it for what it has done. But when the HEW-Labor Subcommittee heard testimony in the first part of March, they did not have the advantage of the information which has since been developed as a result of the changes brought about by the education amendments of 1972. And these changes have led me to believe I must propose three adjustments in the levels of higher education spending.

They are intended to give as great an impact as possible to Federal dollars. We know, with less money appropriated in this field than many would like to see appropriated, but in accordance with budget stringencies, we know we cannot go as far as we would like to go. We have got to see to it that the Federal dollars go as far as they can.

The first proposal is that the fund for the State incentive grant program created by the education amendments of 1972 be funded. I would propose we put $20 million into this program and, sorry as I am to see it done, take these dollars from the BOG program. We already know the BOG program does not go anywhere near full funding. Even if it were fully funded, we would not get more than half the student cost, so we have to let every dollar in the area of student aid do as much as it can. By making this transfer to State incentive grants, and there are some 30 States which have State scholarship programs, we can make this $20 million do the work of $40 million and help students.

Second, I would propose shifting $2 million from the undergraduate equipment grants program. I would add it to the bill's recommended $3 million for 1202 and 1203 commissions. If all States apply for this money, there are none we can take care of adequately. It will not be possible for any State to get enough really to do its job.

This is a proposal that we shift this $2 million and end up with $5 million in this area of statewide comprehensive 1202 and 1203 planning commissions. This is necessary if we are going to be ready for the additional money which will some day be recommended for community colleges and for occupational education.

The third part of the amendment would propose to take the fund for the improvement of postsecondary education, the fund that makes possible some very important innovative work in postsecondary education, and take it to the full budgetary level of $15 million.

The bill has in it $10 million for this fund. At the time the subcommittee had its hearings on this, the fund had not done its work. It was in the process of meeting and unable to make a full report to the subcommittee. The subcommittee very logically could not give them the full budgeted amount or go to an increased amount without knowing what had been done with last year's appropriation. Therefore, the proposal I have is that we move in this direction by taking $5 million from university community service and adding this to the funds for this very important innovation work in the field of postsecondary education.

Mr. Chairman, I will dwell on these amendments at greater length at the time the opportunity is afforded when we go under the 5-minute rule to propose amendments, but I wanted to seize this opportunity to outline briefly what it is I propose to do.

I will close by saying that these amendments do not increase net spending at all. They are transfers, transfers calculated to make the Federal dollars do more in the vitally important field of higher education.

Mr. MICHEL. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. Landgrebe).

Mr. LANDGREBE. Mr. Chairman, I thank the gentleman for yielding to me, for allowing me 10 minutes to discuss, and to make some comments about this bill that we are discussing here today.

Mr. Chairman, Members of the House, my presentation will not be as eloquent or dramatic or perhaps as entertaining as some of the other speakers who have discussed this bill. I hope not quite as confusing, either.

Mr. Chairman, I would like to talk about the simple approach to this matter of balancing the budget. I hope that there is one concerned taxpayer in the gallery who may have brought his family to Washington in their camper to save a few bucks, to make this trip possible and who might be interested in what I have to say, because I doubt if there is anyone on the floor who really cares. We are talking about an extremely big bill, an extremely large amount of money. Of course, until we at some point learn to live within our budget or have the guts to increase taxes, we are going to continue to increase our national deficit.

In 1965 social service programs cost some $24 billion.

In 1972, $71.8 billion was spent.

In 1973, $83.6 billion was spent.

In 1974 the President of the United States proposes an outlay of $93.8 billion. Now, that is a 12-percent increase over 1973.

There has been mention made of the way the President has budgeted this money and the way he has set aside or left out some of the programs, expecting them to be picked up by revenue sharing. That is complicated, and something I will not try to cover.

I do know that the President is at least trying to approach fiscal responsibility. Only by holding these budgets down can we hope in 1975 to have a balanced budget.

This is my 15th year in legislative circles. This is the first year I have seen the departments coming to the legislature, coming to the Congress, and pleading with us to reduce spending. Caspar Weinberger, who incidentally did not request this speech, has spent most of his time this year traveling from the Senate to the House saying, "Will you please hold the amounts to our budget figures?"

But no, the committee felt compelled to increase them. I know how this came about, because we have had a parade of lobbyists in this Capitol ever since the budgets were announced, with all these people coming in to say, "We must have more money."

In Indiana alone the Governor of Indiana received last October $45 million under revenue sharing, and I cannot for the life of me understand how all of it had to be spent on women's prisons, sports arenas, and things like that. I believe the lobbyists could have spent a little time at the State level trying to obtain some of that money.

We must work on priorities. That is why we receive these high salaries as Congressmen, to deal with priorities. No nation will ever have enough money to meet the requests of all the lobbyists who come to town. We know they are not all sincere. Most are, but some are not. We have to sort them out. We have to decide how much money we can spend.

So far as I am concerned, the administration's budget proposal for this bill is plenty. In fact, I believe it is too much. Just the same, we have responsibilities, and there is no use trying to dodge them. We can dodge them for so long, and then we will have to face up to them.

I guess some of us believe we will be retired and pensioned off before the day of reckoning really comes about.

At any rate, we are now living under some sort of price controls. I can tell the Members that until this Congress can balance the budget inflation is going to continue. Price controls in a situation where we are not balancing the budget do about as much good as putting a bandaid on a cancer. This bill covers health services, too. We have had some discussion about cancer and about Members of Congress who have had cancer, and they did not get well by putting a bandaid on it.

We are not going to cure inflation by putting on price controls, and particularly by not putting on wage controls at the same time. I have not always agreed with the President. I disagree with him on the arts and humanities funding; but he insisted on increasing it.

Certainly the proposal that has captivated the Congress is the Michel amendment, to cut in half the increase proposed by the committee. This is obviously some sort of a compromise that has been worked out, just a 50–50 situation.

Mr. Chairman, I shall offer an amendment to the Michel amendment substituting the figures of the budget, and then I am going to call upon the Members of this Congress to exercise fiscal responsibility.

Any of those Members who do not wish to support my amendment, I wish they would stand up and identify themselves and tell the people up there what tax increase they propose to hang on them next.

We have talked about the increase in social security and the different ways we are maneuvering around behind the scenes. But in spite of that fantastic increase in social security, we are still running this Nation into debt billions and billions of dollars. In fact, the debt increase limit bill, which is going to have to be passed by this Congress, is going to take the national debt over a half a trillion dollars—with an interest bill, dear taxpaying workingman, of $26 billion per year.

So I think that it is time for the Members of this Congress to stand up and be counted. We are sending some 30 billions of dollars out there in revenue sharing. Let the legislatures of the States be responsible. Let the city halls pick up a little of the bill for education and mental health and health care services with that money, and let us get over the idea that we can just throw money at every problem in this country so that problem will go away.

Mr. Chairman, I say this particularly in the face of reduced school enrollments, increased employment, and the end of the war. After all, we ended the war today here on the floor, I understand. The Congress stated that the Vietnam war, as far as this Congress is concerned, is over.

Then, Mr. Chairman, why should we not talk about balancing the budget and at least becoming responsible at home here.

I am not standing here and saying these things because I do not have concern for people and their problems, for prosperity and programs, but, by golly, there is one thing we must do: We must balance the budget, and let us stop kidding ourselves; it has to be done.

Mr. Chairman, let me finish by just quoting a little poem here that was put in the Record a couple of days ago by our good friend, the gentleman from Arizona (Mr. Rhodes).

It was written by some lovely little lady who pays taxes. She understands some of these things that we do not seem to understand.

She wrote as follows:

It's time to admit that curing ills
Is simply no substitute for paying our bills.

Mr. Chairman, I hope the Members will give attention to my amendment, and I will appreciate the support of the Members.

Mr. FRENZEL. Mr. Chairman, in H.R. 8877, the Labor-HEW appropriations bill, the committee has given us a package that is at least $1.2 billion over the budget, and, depending on other factors, may wind up considerably more than that amount over the President's budget.

Early in the year I expressed my strong support for the President's ceiling of $268.7 billion because of our urgent need to contain deficit spending. At that time I thought that ceiling was about as good a job as we could do to contain spending, and further that it might be adequate in terms of the inflation at that time.

Since that time our inflation problems have drastically worsened. We finished 1972 with the best inflation record of any western, industrialized nation but have seen our cost of living skyrocket during the first 6 months of this year. In my judgment, a wage/price/profit control program is necessary and helpful, but it cannot do the full job of controlling inflation. Supply scarcity, particularly international scarcities, make the inflation problem persistent and worldwide. What seemed to be an adequate fiscal response 6 months ago now seems to me to be inadequate.

It is, therefore, my hope that this Congress will be able to do better than the ceiling suggested by the President. If we are able to contain to reasonable the amounts increases over and above the budget for our most attractive spending programs and can effect judicious economies in the less attractive programs—military, foreign aid, and so forth, we could then achieve a spending ceiling this year that is under the President's suggestion.

I believe the current inflation systems call for improvement on the President's ceiling. Fiscal policy is an effective way to fight the kind of demand inflation which faces us now. The closer we bring our expenditures into balance with our revenues, the less problem we will have with high prices.

At the same time we do not want to make less than a first-class commitment to necessary programs. Particularly, I believe that our commitment should be a strong one in the social fields covered by the HUD appropriation passed last week and many of the items contained in the Labor-HEW bill before us. I have earlier indicated that expenses above the President's budget are acceptable to and many times enthusiastically accepted by myself.

The Michel amendment does give this appropriation more than one-half billion more than the President's budget. I believe that under current conditions this commitment can be tolerated, is needed and should be supported. Personally I would like to go higher in some categories, but since the battle is to be waged between the committee bill and the Michel amendment, I have no choice but to support the Michel amendment.

While no one can predict whether either the committee bill or the Michel version will be signed by the Chief Executive or not, the two vetoes made and sustained by last year's over-budget Labor-HEW appropriation ought to be instructive to us. I want a bill, and I would like to have it sooner. Those people and institutions dependent on these Federal funds must be able to plan for use of these moneys for optimum results. I would hope that the Michel version might find Executive approval.

Any appropriation bill always contains many features which each of us would like to see raised and lowered. I would like to make many changes. However, the Appropriations Committee is responsible for presenting a total coordinated package. In the case of this bill, we have a choice of two coordinated packages. The Michel amendment has the best chance of being signed. My choice is the Michel amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to comment on the appropriations bill for the Departments of Labor and Health, Education, and Welfare generally and, more specifically, the funding level of $610 million which is included in the bill for Public Law 874 programs.

For the past 5 or 6 months I have been in frequent contact with the Office of Education concerning the administration's attempts to terminate unilaterally the Federal commitment the Congress has made to school districts who bear the burden of significant Federal impact.

We were partially successful in restoring the proposed cuts and many school districts were barely saved from total financial ruin. Many were able to get through to the end of the school year without reducing too drastically the quality of education they were offering their students.

Now, however, we are considering a $610 million appropriation for this program—which I fully and strongly support—but we have not yet resolved the central issue of the continuance of this program.

I feel the Congress has been seriously remiss on its responsibility to outline precisely its views on the Public Law 874 issue. Unless and until we do so, I fear the financial crisis the impacted schools recently suffered through will be seen on an annual basis.

Another school year is nearly upon us. I would guess that nearly every school district in the country has already completed its budgetary planning for the 1973–74 school year. How can they plan appropriately when they have no idea of their total funding level.

Are they supposed to plan for the receipt of funds they nearly did not receive this year but which they were entitled to? Or are they supposed to plan for the receipt of funds which have been authorized and appropriated by the Congress and are supposed to be distributed?

This presents a dilemma of such scope for the local administrator that it simply becomes impossible for him to make realistic budgetary decisions. Of course, the greater the Federal impact to the district, the larger the entitlement and the more impossible the dilemma.

The innocent victims of this governmental policy failure are the students themselves whose opportunity to gain an education is gravely compromised. We owe it to these students to resolve this controversy once and for all.

I am going to continue to pursue this matter until we can restore some certainty to the program. There must be a Federal effort to mitigate any adverse impact its activities have in local areas, and local schools must be able to know well in advance precisely what the Federal effort will be.

I hope the responsible congressional committees will undertake to seek a viable and realistic solution at the earliest possible date. I also hope the administration will participate actively in this effort so a complete, effective agreement can be obtained. In the meantime we should support the $610 million included in this bill for Public Law 874 activities.

Mr. RODINO. Mr. Chairman, the survival of OEO lies solely in our hands. What we decide here today shall determine, to a great extent, the future health, education, and employment, as well as the potential strength, courage, and leadership of many senior citizens, students, and children who have viewed this land of opportunity through eyes surrounded on all sides by poverty and degradation for far too long.

The Office of Economic Opportunity, created by the Economic Opportunity Act of 1964 was designed to coordinate Federal efforts to combat poverty and to develop new programs for our Nation's poor. I would like to concentrate on one particular component of this act—the Community Action program, directed toward mobilizing communitywide efforts against poverty. Since its inception, CAP has continually emphasized local initiative, involving local communities in planning, developing, and evaluating their own programs, and encouraging the poor to serve on the local community action agency's advisory councils and governing boards. Services were provided in housing, manpower, education, day care, consumer affairs, economic development, health, counseling, youth projects and legal services. In 1971, for example, CAP was the vehicle through which $1.2 million in direct services reached the poor, of which 38 percent of this amount was provided through local initiative programming.

It is, therefore, extremely difficult for me to understand why our executive leadership, in its January press release on dismantlement, stressed:

> It is the desire of the Administration to return decision making and resources requisite to effective programming to elected officials at the *local* level.

Perhaps the most important aspect of CAP was its continued emphasis on including the poor in the decisionmaking process. Mr. Nixon, it appears, in ordering the dismantling of OEO and particularly of the CAP program is destroying precisely the community participation and involvement he espouses be developed and preserved.

All of us in this Chamber, I am sure, have received countless letters from students, parents, teachers, community leaders and directors involved in such programs as Follow Through, Youth Chance, and Upward Bound. The following letters, from two of my constituents, perhaps best capture the essence of these thoughts, feelings and hopes:

DEAR SIR: I am a parent and employee in one of the Federally Funded Programs in Newark, New Jersey, The Newark Follow

Through Programs. To this program I owe all of my success, do to the opportunities brought to me through this program.

Before working in the Follow Through Program in my community I was a housewife on welfare, without any ambitions as to how I could better my life. However as of this day I am an aide in the Newark Follow Through Program and a college student pursuing to become a certified teacher in one of the Newark Schools in the next year or so.

Only through Federal funds was I able to acquire this success. Along with many other poor people of my community.

Please Sir!! Do not let these precious opportunities be taken away from poor Americans who cannot help ourselves.

Americans need America and America needs Americans who can give her support against proverty. However how can we support our country without aid from our country to provide opportunities to become self-supporting.

Again I ask you not to let the Federal grants be cut or taken away from the poor people who can not give support to our country until we are given support to better ourselves. Thank you.

FEBRUARY 20, 1973.

DEAR CONGRESSMAN RODINO: I am writing you to ask for the continuation of the Youth Chance Program in Newark. I think the program is a great asset to the youth in Newark.

I believe when you want to start all over and cover your mistakes, you have to start fresh. If we suffocate our youth, and instill them with only despair and frustration, what hope does Newark have. As a black 16-year-old girl, I am concerned about my future, Newark, and the fate of all the people that live here. I see all this being threatened now.

I have a goal, and it is to be successful and help black people. The extermination of this program, would make it more difficult for me to attain that goal.

If the program isn't working, getting rid of it is not the answer. Because the problem which caused the program to be initiated is still there, and growing larger! You should examine it, and find out why it isn't working and make it better. That's progress! However, I don't think that is the case with the Youth Chance program.

Since they have employed me, I have not only been able to help my parents out, but help myself. I have met a lot of interesting people and have made many long-lasting friendships since I've been working in the library at the College of Medicine and Dentistry (the location of my job-site).

We are asking for a chance! The conditions that exist in Newark have already made us frustrated.

The Youth Chance Program has done a lot for me, and I hope to see it still functioning when my younger sisters and brothers get old enough to apply

We have faith in ourselves, and we're asking for others to believe in us.

Sincerely,

—— ——.

Should we not demonstrate today that our faith and belief in these young people has not faltered but rather grows stronger and firmer by giving them a chance?

I do not know the situation in all your districts, but I am intensely aware of the need for the continuation of OEO for at least this year in my hometown of Newark, N.J. According to an official of the United Community Corp., Newark's Community Action Agency, Newark received $2,593,000 in OEO funding during fiscal year 1973. She stands to lose the total amount of this sum, since this entire expenditure was allocated to OEO programs which are either being terminated or whose future is in doubt. Among these are eight neighborhood service centers, providing emergency food assistance, health and employment information, youth counseling, a work training program and a separate project for senior opportunities services. In addition, CAP administers program receiving funding from other Federal agencies, including Headstart—funded by HEW—and two Department of Labor manpower programs. These projects may have to be terminated if another administering agency is not found.

Newark legal services received $314,500 from OEO during fiscal year 1973. Funds ran out on May 31, 1973, when its OEO grant terminiated. The project is now operating on borrowed money. Although we have passed legislation to establish a separate Legal Services Corporation, unless we act today, Newark's legal services program is certain to run out long before it is to be replaced by the successful passage of H.R. 7824.

And finally, the words of U.S. District Judge William B. Jones in his April 11 ruling on three combined suits against Howard Phillips on the dismantling of OEO and the termination of Federal financing for Community Action Agencies must not be forgotten.

He said:

> The budget is nothing more than a proposal for Congress to act upon as it may please. It does not have the effect of law.

Otherwise, he continued:

> No barrier would remain to the Executive ignoring any and all Congressional authorization if he deemed them to be contrary to the needs of the nation . . . The defendent (Phillips) really argues that the Constitution confers the discretionary power upon the President to refuse to execute laws passed by the Congress with which he disagrees.

Shall we let the administration feel that it has the power, the illegal power, to reorganize Government agencies regardless of legislation concerning these institutions that has been passed by Congress? Shall we let the administration feel that a President's budget message could alter Congress' power to to decide when legislative programs should terminate? Judge Jones ruled that: First, the administration cannot unilaterally terminate OEO programs that are authorized by Congress to extend through fiscal year 1974; second, Mr. Phillips' actions to end Federal funding of CAP and to transfer certain programs to other Federal agencies are illegal under the Reorganization Act of 1949 which requires such actions to be presented to Congress; and third, various directives issued by Mr. Phillips since he became OEO's acting director are void because they were not published in the Federal Register as required by the Economic Opportunity Act of 1964. And, on June 11, Judge Jones further declared that Mr. Phillips, in holding office with congressional confirmation, has acted in a manner "unauthorized by law, illegal and in excess of statutory authority."

The challenge is now ours; the future of OEO rests solely in our hands.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the Labor-Health, Education, and Welfare appropriations before us on the floor this afternoon.

Every program funded by this legislation is important and it would be impossible for me to outline the funding for all of them in detail in the time allotted me. I would like, however, to discuss programs which are of particular interest to me.

The first is the Office of Economic Opportunity. If ever a Federal agency had become a political football, OEO is that agency. As we all know, the Nixon administration had scheduled OEO for termination and all actions by the Administrator of that agency have been aimed toward that end. The bill before us today, however, would provide $334 million for the continuation of OEO to be divided into the following areas:

	Million
Community action programs	$218
Legal services	72
Special impact program	39
General support	5

OEO has done a good job. It deserves to be continued. No one would argue that any Federal agency has ever done a perfect job at filling its mandate. All would agree that congressional oversight with an eye toward revision of agency functions is a good idea which should be applied to all Government programs. But to simply take a "meat-axe" approach as some have termed the termination of OEO is insulting to the poor, is crudely political, and is bad management and bad government.

I am delighted that the House has said "no" to the President's willful destruction of OEO and particularly pleased at the continuation of the community action programs. These programs, staffed by dedicated, innovative and creative people are a vital part of our society and should not be summarily dismissed without cause.

Congressman MICHEL will offer an amendment to cut between $600 and $700 million from education, health and OEO programs. He is doing so at the request of the administration and the clear intent of this amendment is to so cripple these programs that they cannot possibly survive. I oppose the amendment. I will vote against the amendment and I urge all Members of the House to join me in opposition to this terrible assault on our educational, health and poverty programs.

The second program which I would like to discuss is the appropriations for the Elementary and Secondary Education Act. I have received hundreds of letters from school officials and individual citizens requesting my support for this important legislation and I have given continual assurances that I do support the act.

President Nixon announced in January that he intended to phase out all appropriations for this act and replace these funds with special education revenue sharing. Whatever the merits of revenue sharing for education, if we fail to enact these appropriations today, there will be no Federal elementary and secondary education funding for our schools next year. The administration has failed to give Congress a clear-cut revenue-sharing program for education and failed to adequately explain the goals and methods of achieving a decent Federal educational program by revenue sharing.

In fact, the administration is so confused and disorganized that were its mandate carried out by the Congress, it would be impossible to fund elementary and secondary education next year because there is no way to set up a special revenue-sharing program in the short amount of time allotted by the administration. The administration is simply using this special revenue-sharing argument to mislead the American people into thinking that Congress is spendthrift and at the same time virtually demanding, in the interest of our entire educational structure, that Congress continue the Elementary and Secondary Education Act. Congress is being middled, and as unpalatable as that feeling and situation is, we at least have the opportunity to do the right thing today.

The bill provides a $2.1 billion appropriation for elementary and secondary education. This amount is $81 million above the fiscal year 1973 appropriation and $2 billion above the budget request.

In addition, this appropriations measure provides the following funds in other areas critical to American education:

Impact aid—$610 million, $550 million above the budget request and $51 million below the fiscal year 1973 appropriation.

Education for the handicapped—$144 million, $50 million above the budget request and equal to the fiscal year 1973 appropriation.

Occupational and vocational education—$600 million, $555 million above the budget request and $43 million less than the fiscal year 1973 appropriation.

Higher education—$1.8 billion, $61 million above the budget request and $133 million above the fiscal year 1973 appropriation.

Finally, the bill provides funding for important health programs, and I support these also.

The total breakdown of the bill before us is as follows:

[In millions]

	Fiscal year 1974 request	Recommended in the bill	Change
Department of Labor	$827.8	$827.5	−$0.3
Department of HEW:			
Education Division	$5,272.4	$6,164.4	+892.0
Health Services and Mental Health Administration	2,463.1	2,261.8	−201.3
National Institutes of Health	1,964.9	2,499.9	+535.0
Social and Rehabilitation Service	13,772.3	13,648.0	−124.3
Social Security Administration	6,289.7	6,289.7	
Office of Child Development	443.8	419.1	−24.7
Special Institutions	80.6	80.6	
Office of the Secretary	140.1	138.1	−2.0
Total HEW	30,427.0	31,502.7	+1,074.7
Related agencies:			
Office of Economic Opportunity	[1] 143.8	333.8	+190.0
Action	43.0	43.0	
Others	110.4	110.4	
Total, related agencies	297.2	487.2	+190.0
Total	31,552.1	32,816.5	+1,264.4

[1] This amount was not requested for use within the Office of Economic Opportunity, but to provide $71,500,000 for a Legal Services Corporation, $39,000,000 for special impact program to be transferred to the Commerce Department, and $33,000,000 for GSA to use to liquidate OEO.

Mr. Chairman, the need to continue these essential programs is obvious. I will vote for the bill and for amendments to strengthen the programs and restore some of the funding cuts. Specifically, I will vote for Mr. RANGEL's amendment to restore most of the $456 million difference between the OEO appropriations this year and those next year.

Congress has a right today to determine whether it will set national education, health, poverty, and manpower priorities or whether we will allow an administration which has demonstrated total callousness toward those areas to determine the shape of our future.

I vote for our kind of future.

Ms. ABZUG. Mr. Chairman, I rise in support of H.R. 8877, the Labor-HEW appropriations bill for fiscal year for 1974. The departments and agencies whose funds are contained in this bill did not get any appropriations during fiscal 1973—thanks to President Nixon's guns-before-butter policy—and had to struggle along at their fiscal 1972 levels despite substantial increases in the costs of goods and personnel under phases II and III. I do hope that we will be able to give them appropriations under this bill for 1974.

HEALTH

The Nixon budget for fiscal 1974 proposed massive cutbacks in Federal aid to health, particularly in the area of construction of medical facilities and assistance to students in medical and related institutions of higher learning. I am pleased to note that H.R. 8877 includes nearly $200 million for medical facilities construction where the budget had requested zero and $707 million for health manpower where the budget had requested only $382 million. The health professions scholarships are to be funded at $15.5 million where $10 million had been requested. Nursing support is to be at $148 million, where it had $168 million last year and desperately needs more, but some solace can be found in the fact that Mr. Nixon had asked for only $53 million for this vital link in our Nation's health care system. Public health manpower is to receive $22.2 million where none had been sought in the budget, and the regional medical program is to receive $82 million instead of the zero requested by the administration.

These figures may have little meaning in and of themselves, but when one sees how they relate to just one medical institution in one's district, their true significance takes shape. Had the Nixon budget recommendations been agreed to, Columbia University's medical school and related facilities would have lost over $10 million in Federal funds for fiscal 1974. Projected consequences included the following, taken from a statement prepared by the office of the university's vice president for medical affairs:

1. A substantial number of key faculty members will be obliged to redirect their activities, or to leave the College, voluntarily or otherwise.

2. The College's ability to train individuals for academic positions in medical education will weaken, and qualified candidates will no longer seek such training.

3. The pool of future researchers crucial to implementation of existing and forthcoming technology for the improvement of health delivery systems and health care will be significantly diminished.

4. The effectiveness of mission- or target-oriented research programs will be severely compromised, since the most efficient mechanism for disseminating new or improved techniques, i.e., the activities of individuals specially *trained* in these areas, will become less and less applicable.

5. The short-run and long-run effects of the above developments will be such as to make it extremely difficult for the College to accomplish the objective of increasing the production of physicians, an objective mandated by both the Executive and the Congress.

In individual areas of Columbia's medical programs, loss of student aid funds would have made it extremely difficult to include in the student population sufficient numbers of students from low-income backgrounds; more than half of the programs in basic sciences and nutrition would have had to be discontinued or greatly reduced in scope; the school of nursing as an entity might have had to close and the programs of the school of public health would have had to be significantly reduced. Research and service programs at affiliated hospitals, including the Harlem region stroke program, the neighborhood health centers program, and communicable disease control activities, would have been reduced or discontinued.

When these effects at one of the Nation's many medical centers are considered as just part of a proposed nationwide pattern, the true destructiveness of Mr. Nixon's programs becomes apparent. I am glad to see that the committee has on the whole not followed the administration's recommendations, though I think that they could have done better.

EDUCATION

Education is another area in which Mr. Nixon's meat ax took catastrophic swings. I am pleased to note that title I funds for the educationally deprived are being retained at their fiscal 1973 level of $1.8 billion. Bilingual education is being raised slightly from its 1973 level to $45 million but that is far too little for the millions of children who need it in order to become fully able to participate in our society. Most other education programs are being increased from their 1973 levels, though few are anywhere near their authorized levels.

ECONOMIC OPPORTUNITY

When it came to the OEO, whose community action programs had for the first time given poor people in the urban ghettoes and the rural hamlets a feeling that they could have some input into the running of their lives and their society, Richard Nixon could not even wait for Congress to act on his budget recommendation to destory the Agency. Instead, the Howard Phillips wrecking crew simply promulgated some regulations making the OEO "inoperative." Fortunately, Mr. Nixon has not yet taken over all of the courts, and a courageous Federal judge here in Washington put a stop to the shamelessly illegal actions of Mr. Phillips. The committee has recommended $218 million for community action agencies, which is says is "the amount estimated to be necessary to continue these activities through June 30, 1974."

It is my firm hope that they will be continued not only through the coming fiscal year, but long after it as well.

While this bill does not adequately recognize the need to reorient our national priorities away from military spending and toward such things as health, education, and economic opportunity, it is far better than what Mr. Nixon wants for our Nation, and I urge its passage.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of committee bill making appropriations for the Departments of Labor and Health, Education, and Welfare, which includes funds for our education programs. While I will continue to insist that even the committee bill which I am supporting today does not come anywhere near doing the job that is really necessary if we are to achieve the goal of providing an adequate education for every child in this country, I would like to commend the committee for turning its back on the Nixon administration's proposed "nonbudget" for education programs.

I support the committee bill because it contains funds which will save the taxpayers of this country money. It will do so because in passing the bill now before us, we will be making available badly needed Federal dollars to be sent directly to our local education agencies and our State agencies. These funds will ease the burden of rising property taxes, and in many cases will help alleviate the need for further increases in State and local taxes.

Mr. Chairman, speaking for my own constituents in the State of Michigan I can tell you very confidently that our people simply cannot afford any further tax increases. The people of Michigan have been generous and sincere in their commitment to providing decent education for their children, but there is a limit, which we reached in Michigan quite some time ago. to the amount of taxes a family can afford to pay on their house.

Let us not forget that despite the vigorous debate we experience year after year on the issue of providing funds for our education programs that even with the adoption of the legislation now before us, the Federal Government's contribution to the cost of educating our children is still less than 7 percent. That means that over 93 percent of the burden must be financed from State and local taxes—and that burden has become too great for most of our State and local communities to bear.

And let us also keep in mind that by today's standards, the dollar we sent back to our State and local education agencies last year that purchased a dollar's worth of education, will only purchase about 87 cents worth of education in the coming year.

Mr. Chairman, I would like to commend the committee for its work on this bill, because I know it had a very difficult job to do. It received virtually no cooperation from the Nixon administration, because the administration has exhibited an attitude of callousness and contempt toward the idea that all children in this country should be entitled to a decent education—and they have done everything to confuse and stall the activities of the committee in its attempts to develop this bill.

The Nixon administration's attitude toward the education programs which we have developed over the years seems to be "eliminate them or decrease their funding." When neither of these two alternatives are legally feasible, this administration has another approach—it simply impounds the funds.

A comparison of the committee's bill with the administration's recommendations is a perfect illustration of what I am talking about when I refer to the Nixon administration "non budget" for education.

The bill now before us includes approximately $2.1 billion for elementary and secondary education. This figure represents an increase of over $240 million over the current operating level.

However, because the administration refused to request funds for existing programs and insisted instead of recommending funds for a nonexisting program—a program that was and still is not and probably never will be on the books—and a program that the Congress could not legally fund even if it wanted to, the figure of $2.1 billion for elementary and secondary education programs included in this bill actually represents an increase of some $2,029,393,000 over the administration's budget request.

Mr. Chairman, the administration's budget recommendation did not specifically include funds for any of the following programs because it anticipated that they could be consolidated under the Better Schools Act, which, as I have already mentioned, never did exist and probably never will. These programs include: ESEA title I, compensatory education; ESEA title III, supplementary services; ESEA title VI, education for the handicapped; vocational education; and adult education.

Because of the Nixon administration's consistent refusal to discuss with Congress a realistic education budget for fiscal year 1974, there is virtually no way of telling exactly how its budget would have affected these programs.

What we do know, however, is that the request for ESEA title I funds was zero, and that in fiscal year 1972 Michigan received over $55 million under this program, which was shared by 140,000 students in 587 school districts throughout the State. This means that if the committee had not, under its own initiative, taken action with respect to title I funds, the taxpayers of Michigan would have to absorb a loss of some $55 million under this program alone in the coming year. The committee bill provides for $1.8 billion for title I programs, the same amount as last year, although this represents only a fraction of the amount Congress has authorized for compensatory education programs.

The administration's "nonbudget" did not include funds for any of the following programs: LSCA, titles I and II, public library services and construction; ESEA title II, school library resources; NDEA title III, strengthening instruction in science and mathematics; ESEA title V, strengthening State departments of education; the Manpower Development and Training Act; and the Education Professions Development Act. The bill before us does. The loss of funds for these programs alone would cost the taxpayers of Michigan almost $15 million.

The administration budget recommendation contained no funds for titles I, II and III of the Library Services and Construction Act. This would mean a loss of over $1.7 million to Michigan taxpayers under title I alone, and it would signal the curtailment of the extension and improvement of public library services throughout the State. The bill before us now contains funds to enable some of these programs to continue on a limited basis, but I must here state my concern over the meager amount recommended by the committee—an amount which is less than the 1973 appropriation.

The bill now before us contains only $90,000,000 in ESEA title II funds for school library resources. This represents a $10,000,000 decrease from the preceding year. But once again, it is a significant improvement over the administration's request of zero funds for these programs.

If the administration budget were adhered to, Michigan would lose over $4.5 million in vitally needed funds for library resources, textbooks and other instructional materials to meet the needs of both students and teachers, and in construction funds for new public library buildings.

Further, the Nixon "nonbudget" would take away from Michigan over $1 million in title V funds and make it virtually impossible for Michigan to continue its data processing program and its accounting and procurement program. The bill now before us contains funds which will enable Michigan to continue most of its work in these areas, along with other activities of the State board of education and the office of the superintendent of public instruction.

Mr. Chairman, I could continue at length, but the story is just about the same for all the other programs—including vocational education programs, for which Michigan receives almost $20 million annually, the Adult Education Act which provides Michigan with almost $2 million in Federal funds, and the several other programs I have mentioned which bring millions of more Federal dollars into Michigan's school systems.

We are all very much aware of the threat of a Presidential veto hanging over the bill we are considering here tonight—we have heard this threat mentioned several times on the floor all day long. We know Mr. Nixon enjoys vetoing bills containing funds for education and other vital programs, because he has demonstrated his skill in this regard almost every year lately—in fact in one year he vetoed the education appropriations twice.

Mr. Chairman, tonight the Congress has the opportunity to exercise its own veto—because by adopting the committee bill we will be vetoing the Nixon "nonbudget." I urge my colleagues to take advantage of this opportunity and vote for the final passage of H.R. 8877.

Mr. KEMP. Mr. Chairman, I rise to

express support for the Michael amendment to this Labor-HEW appropriations bill. This amendment would have the effect of reducing the overall expenditure level in the bill by some $631 million. This still represents a $632 million increase over the administration's budget request. Because Government spending is still the principal cause of inflation, I cannot support the committee bill. The price tag attached to this bill ignores the fact that our financial resources are not boundless—indeed, the current economic situation makes painfully obvious that our financial resources are as severely limited as are our human and natural resources.

To cite one example from the committee bill, aid to impacted school districts was continued at $160 million—10 times the figure requested by the President. Every President since Dwight Eisenhower has called for major revisions in the aid to impacted areas school program, a boondoggle that funnels hundreds of millions of dollars into the wrong areas. Montgomery County, Md., one of the Nation's wealthiest counties, receives twice as much money under this program as the Nation's 100 poorest counties.

The President twice vetoed budget-busting HEW appropriation bills last year. At $1.26 billion over the budget, the committee bill certainly invites another veto.

While the Michel amendment represents a $632 increase over the budget, I can support this increase. The development of our society is beyond the point where it is possible, or desirable, to shrink from a major, organized, public responsibility for health, education and welfare objectives. However, the challenge is to find the means to pursue these objectives in ways that will preserve the capacity of our system to continue to perform.

The amendment provides a $4.4 million increase over budget requests in funds for National Institute of Mental Health to expand new research into such problem areas as the mental health of the elderly; a $19.5 million increase for maintaining faculty support for mental health institutions and assuring continuance of training curriculum and provides a total program level of $144.5 million for NIMH staffing grants and which enable NIMH to fund $19.2 million in new awards. A $1 million increase over 1973 is provided for research in alcoholism and funds are provided which will enable training institutions to maintain faculty support at a level comparable to 1973.

The Michel amendment calls for $110 million for construction in the areas of hospital modernization and outpatient care facilities. This reduction from the committee recommendation takes cognizance of the fact that the declining trend in national hospital bed occupancy rates contributes to the ever-increasing cost of medical care.

In addition, the amendment provides a $54 million increase for research grants in biomedical research; $4 million increase for biomedical research training; $10 million increase for general research support grants which will restore support to aid academic and other research institutions in meeting direct costs of health research. All health training programs and schools of public health will continue to be funded at their 1973 operating level; funds are provided for the construction of new nursing classroom space and capitation payments to schools of veterinary medicine, optometry, pharmacy, and podiatry are increased.

With regard to the education division, the amendment would provide $1.7 billion for ESEA, title I.

While this is a decrease of $97 million from the committee bill, the committee bases title I funds on 1972 levels, when the 1960 census was still being used, and would continue to pay States on the basis of information that is 14 years old. The Michel amendment would allow distribution of funds based on the 1970 census data, but would assure that no State received less than the 1972 or 1973 level of funding for that State, whichever is higher.

Support is retained for library programs at a higher level than in 1973 and a $25 million increase for basic vocational education programs is provided which will meet increasing costs as well as enable some program expansion.

The Michel amendment represents increases which we can live with and still wage our war on inflation. The committee bill does not.

In his message to Congress on February 2, the President said:

> Because our resources are not infinite, we face a critical choice in 1973 between holding the line on Government spending and adopting expensive programs which will surely force up taxes and refuel inflation.

Failure by Congress in the past to say no to demands for ever greater Federal spending has produced a ballooning budget of more than a quarter trillion dollars, fueled inflation and weakened the dollar. Our national debt is now so staggering that interest on it alone costs taxpayers nearly $24 billion a year. Government—Federal, State, and local—now eats up more than one-third of the gross national product in taxes. We are moving toward the 40-percent mark—a point where the experts say it will be impossible to maintain a free-enterprise, incentive-oriented economy. Only the Congress and the Executive, working together, can halt this headlong plunge toward greater Government control of the economy.

The HEW budget is spiraling upward and more than 85 percent of their budget is determined not by what the executive branch might request or the Congress might appropriate, but simply by the expanding number of eligible people who claim benefits. It is important to note that the cost of extending the present range of HEW services—equitably to all those who are similarly situated in need and eligible—is estimated to be approximately one-quarter of a trillion dollars. That is, the additional cost would be roughly equivalent to the entire Federal budget.

Elliot Richardson, before leaving the Department of Health, Education, and Welfare, stated:

> THE BUREAUCRATIC LABYRINTH
>
> Since 1961, the number of different HEW programs has tripled, and now exceeds 300. Fifty-four of these programs overlap each other; 36 overlap programs of other departments. This almost random proliferation has fostered the development of a ridiculous labyrinth of bureaucracies, regulations and guidelines.
>
> The average state now has between 80 and 100 separate service administrations, and the average middle-sized city has between 400 and 500 human service providers—each of which is more typically organized in relation to a federal program than in relation to a set of human problems.
>
> * * * * *
>
> Although studies indicate that more than 85 per cent of all HEW clients have multiple problems, that single services provided independently of one another are unlikely to result in changes in clients' dependency status, and that chances are less than 1 in 5 that a client referred from one service to another will ever get there, the present maze encourages fragmentation.
>
> As an administrative matter, the system is, at best, inefficient. As a creative matter, it is stifling. As an intellectual matter, it is almost incomprehensible. And as a human matter, it is downright cruel.

I subscribe to Mr. Richardson's views and, particularly when coupled with the peak inflation we are now experiencing, I regard the increase in the committee bill as lacking in basic common economic sense. Fundamental economic principles dictate that spending should be cut in times of "demand-pull" inflation. It is inconceivable to me to consider appropriations such as this in the midst of a financial crisis and runaway inflation.

On June 21, the Labor Department reported that consumer prices rose at an annual rate of 7.2 percent during May. From January to March consumer prices rose at an annual rate exceeding 9 percent. Not since 1951, have we had a 3-month period to rival the first 3 months of this year. The wholesale price index, which has seldom increased at more than 1 or 2 percent, has risen at an annual rate, seasonally adjusted, of 20.5 percent during May.

The greatest power this body has is the power of the purse. We can use that power to approve massive spending increases which will further threaten our economic stability or use it to uphold the fiscal integrity of the Federal Government.

There is an unfortunate tendency, on the part of many, to view pragmatism and realism as somehow opposed to high promise and humanism. But we have reached a point at which high promise and humane concern can be responsibly expressed only through operational performance which is pragmatic and realistic. The time to face fiscal reality is now.

I urge the adoption of the Michel amendment so as to save this important bill from fiscal irresponsibility. Mr. Chairman, we need to cut spending now.

Mr. MITCHELL of Maryland. Mr. Chairman, an attempt has been made to kill off the Office of Economic Opportunity by referring to the testimony of some representatives of the poor and the poor themselves who appeared before the subcommittee to attack the OEO programs. No one should be surprised about the appearance of and the statements of these persons. Housing programs have been supported and attacked by those persons to whom the programs give service. Agriculture programs have been attacked in similar fashion as have road programs, FCC regulations, Securities and Exchange Commission regulations, and others.

I am surprised that more representatives of the poor have not attacked these programs. The antipoverty programs from their inception were misinterpreted.

Many of the poor of this Nation conceived of the antipoverty efforts as a dole, a huge welfare grant, expecting that they would receive dollars to be quickly and fruitlessly spent. They did not or would not accept the purpose of OEO; namely, to deliver a series of services which would enable groups and individuals to rise from their impoverished status. They did not or would not accept the idea that there was a culture of poverty which had to be attacked, as well as meeting individual and group needs through the provision of services.

I can understand why other representatives and groups of the poor would attack OEO programs. They had the mistaken notion that every proposal developed by the poor should have been approved for funding by the Community Action Agency and Commission. For them, it did not matter that the proposal they had developed was without substance or unworkable, or poorly conceived. Their feeling was that any and all programs developed by the poor should be funded regardless of merit. Cannot you understand that a group whose proposal—or proposals—was not funded would have hostility, anger, and a vendetta attitude against the antipoverty programs, no matter how much they accomplished, and their accomplishments were and are major.

When I was the director of the Baltimore Community Action Agency, I recommended the funding of a proposal which appeared to be sound, which had the potential of having a positive impact on the lives of the poor and which had a competent staff.

Seven months after the program had been in operation I recommended and obtained its termination. Despite good staff and despite its sound approach, it simply was not having any impact. I incurred the wrath of the sponsoring group. I was attacked in the press. Vilified by gossip and rumor. But I was right in making the decision to terminate the program.

I hope you will understand that groups across the Nation whose programs were terminated at either the local level or by the Regional-National Offices would want to denigrate and castigate the Office of Economic Opportunity programs. It is sad but true that many of these groups were concerned solely and exclusively about themselves. They were not concerned about the masses of poor people.

So I would ask you my colleagues, not to be misled by reports of those attacks on antipoverty efforts by some of the poor and/or their representatives. Ersatz leaders of the poor sprang up as OEO began. Pseudo-poor groups suddenly materialized with the advent of OEO. And if they did not accomplish their own selfish ends they became attackers.

For every such group or persons, I can produce thousands of those who are truly poor who will support and fight for OEO.

A few months ago, 3,000 people who were poor rallied in Baltimore in behalf of OEO. They were not staff people, social workers, nor administrators. They were the poor, the desperately poor, who wanted their chance to break out of poverty. Those people, and their counterparts are the ones Congress should listen to. The question is, Will the Congress do so?

Mr. Chairman, the OEO programs, and in particular, the Community Action Agency components have been consistently attacked. Charges of corruption, misuse of funds, and abuse have been hurled about recklessly. If one listened to the opponents of OEO one would be tempted to believe that every employee in OEO is guilty of some sort of wrongdoing.

I will be the first to admit that there have been wrongdoings in OEO. But I will also be the first to claim that in every agency, State or Federal, small or large, there will be an insignificantly small number of employees who will do wrong. However, it is grossly unfair to smear and castigate the whole Agency or program because the actions of a few. OEO was particularly vulnerable because by its very nature it had to include persons who lacked administrative, managerial experience. Some of the charges made against OEO are true, but the mistakes came out of ignorance, not out of wicked intent.

Let me return to the idea that in every large body, almost inevitably there will be some who will violate rules and principles. A few members of the highest legislative bodies in the Nation and in the States have done wrong, committing offenses ranging from peccadilloes to felonies. Should the actions of these few result in the wholesale condemnation of all legislative bodies?

Throughout the years of our history in various administrations, at the National and at the State level, a handful of persons have violated trust, confidence, and have abused power. They have committed offenses involving corruption, malfeasance and, indeed, bribery. No Member in this House would dare say that every administration should be blanketly condemned because of the wrong doing of the few.

Why then should we have a double standard when a program designed for and significantly involving the poor makes mistakes.

My argument is that when mistakes are made by the Department of Defense, we correct the errors, punish the wrongdoers, but we never threaten to abolish the Department of Defense.

That same argument applies to the Department of Agriculture, the Department of Labor, and all other departments and agencies of Government.

My colleagues, do not destroy OEO. We have moved from the 1930's when President Roosevelt saw one-third of a nation, ill housed, ill clothed and ill fed, to a point where the vast majority of Americans enjoy a good life. But remember, it took us 40 years to do this.

OEO has moved since 1965, reducing the number of poor in America so that now there are about 25 million Americans living in poverty. Do not abandon that 25 million. Do not destroy this program.

Mr. Chairman, since 1965, I have heard the charges that the Community Action Agency is an instrument of social change, that it advocates changes in the status quo, that it seeks to arouse citizens. I hope that all of these charges are true. An integral part of the culture of poverty is the idea or the attitude that the poor are essentially powerless people, incapable of affecting decisions that affect their lives, and unable to resist powerful forces which add to the disruption and chaos in their lives.

In every major city in the country examples can be found of decisions being made which wreaked havoc with the jobs for the poor, housing for the poor, and the very lives of the poor.

Let me give you two illustrations about decisionmaking which ruined or disrupted the lives of the poor.

The first deals with the roadbuilding, interstate systems. In every city where connector legs have been constructed the lives of poor families have been adversely affected. For example, a connector leg was constructed through north Nashville, destroying the bulk of the minority owned businesses which at that time were grossing about 40 million dollars a year. The residents who were not forced to move because of the road construction, then found themselves in a situation in which the stores, barber shops, and other services were no longer easily accessible to them. Incidentally, the minority businesses destroyed by the roads system have never recovered. Some never relocated. Others relocated, then failed. But the point is that there should have been an agency, a force advocating for the poor in this situation. This is the kind of role a Community Action Agency should and must play. It is my understanding that the Department of Transportation now admits to its mistakes in north Nashville. But it is too late. The damage has been done.

Let me give you another illustration. In my city of Baltimore, 6 years ago, a small street known as Peach Alley, in the middle of the south Baltimore area was condemned for the expressway system. Now, after the residents have been forced to live under the threat of condemnation, the city has announced that the condemnation line was too broad, and that it will commence a renewal program in the area.

Six years ago, approximately 200 families lived in the area, but most of them, because of the threat of condemnation, moved from the area, into other already crowded neighborhoods, increasing the density problem and thereby increasing the potential for neighborhood deterioration. Now only about 72 families remain in an area of ruins.

Landlords failed to keep up their properties because of the condemnation.

The ruined area abounds with boarded up housing, it is plagued with rats and debris, and only one small grocery store remains open. The city made that mistake 6 years ago. There should have been an agency for the poor advocating for the well-being of 300 families. An agency fighting against the city's decision to condemn. Now, the Community Action Agency must move into the area, to attempt to sell to distrustful, wary residents a relocation plan. The residents have heard about the cities latest plans, but they have heard promises before and they want to know whether renewal is any different from condemnation.

Let me speak about the need for an advocacy agency for the poor from another perspective.

In every major city in this country urban renewal projects have been completed. Some of these have adversely affected the lives of a whole generation of people. I refer specifically to an almost fatal decision made decades ago to provide low cost housing to the poor in the form of public high rise units. These high rises have been destructive of family life, they have bred all kinds of social pathologies, and in general have not operated in the best interests of the residents. Years ago, many of us pleaded with housing authorities not to construct high rises for poor families, but our pleas went unheeded. In more recent years, Community Action Agencies protested against the construction of high rise units for poor families. These agencies were successful. Housing authorities now recognize that it was a serious mistake to attempt to provide high rise, multi-units for the poor families. More and more housing authorities now take the position that high rises will be constructed for the elderly only. Advocate agencies for the poor helped to bring about these decisions. Was that a terribly wrong thing to do?

Colleagues, the citizens of this Nation who are still socially and economically disadvantaged, need and deserve an advocacy agency. Instead of criticizing CAA's for attempting to bring about viable, positive social change, we should be praising CAA's for carrying out the mandate given them. To the extent to which they do carry out that mandate, we shall see a lessening of tension, a reduction of inter-class hostilities and, most importantly, we shall secure for the poor of this Nation the hope that they will not live out the rest of their lives in grinding, searing, spirit breaking poverty.

Mr. RANGEL. Mr. Chairman, I ask this body to approve funding overall economic opportunity activities at last year's $790 million level, and community action programs at the authorized $328.9 million level.

When Congress passed the Economic Opportunity Act of 1964, it was making a commitment to the poor of America. Now, 9 years later, there are still 25.6 million poor citizens in our country, in the world's richest Nation. At the same time, the present administration seeks to break that solemn pledge made by President John F. Kennedy and by President Lyndon B. Johnson.

There have been reports that a Federal interagency committee is quietly studying the possibility of ending the Government's use of the word "poverty." I assume that means that "poverty" may soon disappear in this country, at least from the official vocabulary of the bureaucrats. Now, in this Chamber, Congress may save the bureaucrats a great deal of trouble by legislatively pretending that there are no longer poor people in the United States. That, Mr. Chairman, would be the tragic result of underappropriating funds for the Office of Economic Opportunity. The truth is that failure to fulfill the pledge of 1964 and to fully fund the antipoverty program will only increase the odds that the number of needy people will skyrocket.

The failure of Congress to adequately fund the programs authorized under the Economic Opportunity Act as amended will signify another unfortunate victory of Executive power over congressional control. As you know, in April U.S. District Court Judge Williams Jones ruled that the administration could not lawfully dismantle OEO. One reason he did so was because the President failed to submit a formal Executive reorganization plan to Congress. Now, 2 months later, such a formal plan still has not come down from the White House.

Then, on June 11, Judge Jones ruled that Howard Phillips was serving illegally as Acting Director of OEO. This decision was affirmed by the court of appeals last week. Again, by his failure to submit Mr. Phillips' name to the Senate for confirmation, the President sought to disobey the law of the land and to use the Economic Opportunity Act as a weapon in his war for uncontrolled Executive power.

If we do not fund crucial OEO programs, if we do not guarantee adequate Federal assistance to community action programs and community development programs, it will mean that the President has accomplished his avowed aim, but the blame and the shame will belong to Congress. The White House hopes that the House of Representatives will do legally what the administration tried to do illegally.

Not only is the administration's lack of respect for the law of the land an issue, but Congress must also deal with the White House attitude that the poor are only second-class citizens.

It appears to me that the White House position is that what is good enough for Lockheed is too good for the poor.

Congress must also consider the impact in human terms of a cutback in OEO funding. Because of OEO, Central Harlem is now receiving $5.3 million. East Harlem receives $2.4 million. The upper west side of Manhattan receives $888,000. Any reduction in funds will jeopardize urgent job training, anticrime, drug abuse, alcoholism, housing counseling, and economic development projects.

The impact of anything less than full funding would reverberate across the entire country. There are now 907 community action agencies, employing 184,500 people, half of whom were earning below the poverty level when they were hired. Wild stories about antipoverty employees getting rich can be viewed more properly when we consider the statistics and abandon the rhetoric. They make an average annual wage of $5,200, hardly enough to make them wealthy. In fact, that average annual wage is about the same as the amount of money a Member of the U.S. House of Representatives receives each year for stationery and stamps.

Mr. Chairman, there has been a significant decrease in the number of poor people since the inception of the Economic Opportunity Act in 1964. It was the dream of John Kennedy and Lyndon Johnson when they occupied the White House. To the poor, it was a symbol of both hope and commitment. Congress will betray the dream and the hope if it cripples the antipoverty program.

Columnist William Rasberry once wrote:

> Who are the poor, anyway? Are they a different species of homo sapiens? Or are they like most of us but without enough money to live in decency?

Today, as I urge your support for these funds, I ask you these same questions. Are the poor any different from you? Would you deny them the opportunity to participate in the mainstream of America's social and economic life?

Mr. CLAY. Mr. Chairman, our President is on the move again. With axe in hand, he is trimming the trees—especially those which are growing in the vineyards of American hardship and need. Former President Johnson did not live to see the coming of his long-fought for Vietnam peace agreement, but neither did he live to see the timber fall on his long-fought for domestic programs.

Make a list of the most demanding problems in America today, and you have almost duplicated the list of the areas of Federal funding that will be completely cut off or drastically curtailed. That would include the crisis of the cities, the fates of the unemployed, the future of the poor, the elderly, and the filth of American waters. This administration has put Federal subsidies to public housing—without which they cannot operate—in the freezer. Our President has decided to terminate the model cities program—bringing a halt to any attempt to rehabilitate the inner cities, the slums, or the people. He is attempting to put the Office of Economic Opportunity in the past; he has jeopardized the college education of many disadvantaged youth. His economic policies have had grave, adverse effects on middle- and low-income citizens.

In his famous "welfare mess" speech—he declared to change a system which helps nobody. During his last term of office, nobody could agree on the Nixon method to help the poor—even though everybody agreed there had to be a better system. Now, it seems Mr. Nixon is content to live with any sort of system for the poor, so long as it does not cost money.

Our President rationalizes his Executive action by claiming that the programs are not solving the problems, so the money should not be spent. Not only has he stretched the limits of his constitutional authority, he also makes us wonder how he rationalizes the "gold bricks" we have been throwing into Cambodia where it obviously has not been solving problems. But dumping money into Cambodia is considered "good will" and "honorable," while spending money for programs which even attempt to solve critical problems in our own country is considered "budget busting."

Mr. Nixon has not proposed any alternatives to the Office of Economic Opportunity, which he is attempting to terminate—he just says that local and State governments can and/or will address themselves to those needs. Had local, State, or municipal government been able to solve these national problems, the Federal Government would not have legislated in these areas to begin with.

Yes, Mr. Chairman, there should be a "battle of the budget," a hard-fought war over priorities, overspending, and over the President's efforts to supercede all rights and responsibilities of this Congress.

I urge my colleagues to support this bill. This bill will help to reverse a dangerous trend in this Nation. We are losing our capacity for compassion. No longer is it fashionable to champion the cause of the underdog. No longer is there a will to address the problems of the needy or the disadvantaged. No longer does there seem to be a national conscience to guide our behavior. The bill before us today, Mr. Chairman, in my opinion, is a barometer of the amount of compassion or degree of conscience still existing among the leadership of this country.

I appeal to both the conscience and the compassion of this body to support continued funding for OEO. At least, in a small measure, OEO attempts to address the problems of the poor. To those who have not traveled the breadth and width of this country recently, let me tell you what we on the Poverty Subcommittee of this House have seen. Under the long hair of our youth, we have seen long faces of disgust. In the wrinkles of the faces of the old, we have seen despair. In the mining towns of Kentucky and Pennsylvania, we have seen the bulging bellies of starving white children. In the ghettos of Harlem, Hough, and Watts, we have seen barefooted black children playing in front of rat-infested, dilapidated houses. In Texas and California we have seen brown people living in the depths of poverty and degradation.

Mr. Chairman, common decency dictates that we address the problems of poverty. The enactment of this legislation is one giant step toward that end.

Mr. ESCH. Mr. Chairman, I wish to congratulate the House for the wise action it took in continuing support for library programs. As you know, the 1974 budget requests that all Federal support for libraries be abruptly ended in fiscal eyar 1974. But the House in its wisdom has rejected this request. The committee report (H. Rept. 93-305) clearly states the necessity for continuing these programs:

> Public libraries are viewed as a valuable resource to local communities. Continued Federal aid is considered essential not only to make library services available to areas which now have little or none but also to update existing libraries in urban and rural areas. School library resources under Title II of the Elementary and Secondary Act will provide needed library instructional materials to the public and private schools serving over 48 million students. College library resources and undergraduate equipment programs assist colleges and universities with relatively small grants to encourage these institutions to use more of their own resources to upgrade and improve resource and learning materials.

H.R. 8877 includes $176,209,000 for the library programs. It provides $58,709,000 for the Library Services and Construction Act—LSCA—and $90 million for the school library program authorized by title II of the Elementary and Secondary Education Act—ESEA II—exactly the amount appropriated for these programs in fiscal year 1972. For the college library resources program, and for training and research in librarianship, both authorized by title II of the Higher Education Act—HEA II—the committee recommends $15 million.

And for the undergraduate instructional equipment grants program, authorized by title VI of the Higher Education Act—HEA VI—$12,500,000 is recommended. Given the financial constraint under which we must operate this year, I support the committee recommendations for the library programs. Compared with the budget recommendation of "zero funding" for libraries, the recommended $176,209,000 looks good. We must remember, however, that this amount represents in fact a decrease of $38,479,000 from the comparable appropriation for fiscal year 1973. And it is $750,000 below the comparable fiscal year 1972 appropriation.

Mr. Chairman, in the Education Amendments of 1972—Public Law 92-318—enacted a year ago, we amended the law to make it clear that colleges and universities are entitled to a basic library grant of up to $5,000 providing they meet certain maintenance of effort and matching requirements. This means that some 2,600 colleges and universities throughout the entire Nation will be eligible next year for the $5,000 basic grant for library resources. To provide each one with such a grant would require a fiscal year 1974 appropriation of at least $13,000,000 for HEA II Part A. For fiscal year 1973, we appropriated $12,500,000 for the II-A library grants, in the supplemental bill signed into law last October—Public Law 92-607.

In my own State of Michigan, for example, 61 postsecondary educational institutions have received a total of $296,850 in basic library grants from that appropriation, no single grant being more than the maximum $5,000 entitlement. In my own district, $5,000 was awarded to: Eastern Michigan University—Putnam Ypsilanti; Monroe County Community College—Monroe; University of Michigan—Ann Arbor; Siena Heights College—Adrian; and Madonna College—Livonia.

For fiscal year 1974, however, the committee recommends only $10,500,000 for the library grants program, a $2,000,000 cutback from the fiscal year 1973 level. The result of such low funding will mean that all our colleges will not be able to receive even the small sum of $5,000 to which they are entitled by law. Mr. Chairman, I ask to have inserted at the close of my remarks a table showing for each State the estimated number of institutions eligible for the basic library grant, and the estimated total of all such entitlements within each State.

(See exhibit 1.)

The basic $5,000 grant is not a large sum of money, and in fact, the Department of Health, Education, and Welfare justifies its recommended elimination of the basic grant program for this very reason. "Meaningful levels of assistance" cannot be provided, they say. I submit, Mr. Chairman, that by such reasoning HEW has missed the whole point of the basic library grants.

First of all, the college must match the $5,000. This means that the library receives $10,000 for the purchase of library resources, one-half from the institution and the other half from the Federal Government. What could a college library buy with $10,000? The average cost of a hardcover book is about $13. This means a library could purchase on the average some 769 books for its students and faculty. The average cost of the more scholarly paperback books is approximately $4.25. A library could purchase about 2,352 of these books for $10,000. Or, it could purchase hard-to-get and often expensive retrospective issues of periodicals to fill gaps in its collection.

It could subscribe to a number of scholarly journals or reviews, so necessary to study and scholarship today. It is true that $5,000 is a small sum of money. But it makes an important difference to our college and university libraries. In addition, it encourages the institutions not to cut back their library expenditures, because the basic grant program requires maintenance of effort as well as matching.

In sum, Mr. Chairman, just as the great Library of Congress serves the library and information needs of all Members of Congress, so the college or university library serves the needs of the entire student body and faculty at all levels of study and in all disciplines.

Title II-A of the Higher Education Act also authorizes special purpose grants which encourage university libraries to develop cooperative arrangements with other libraries. It encourages the development of library consortia, with the libraries of many institutions cooperating to serve the students and faculty of all the institutions involved. The trend toward library consortia development is an important one that must be continued and expanded. To the extent that libraries cooperate with each other, they can eliminate costly duplication, and among them they can acquire and make available a wider selection of materials than any one could on its own.

Special purpose grants can only be awarded, according to the Education Amendments of 1972, after all the basic library grants are satisfied. Therefore, an appropriation of only $13,000,000 for title II-A would enable only the awarding of basic grants to all eligible institutions. Only funds over and above this amount could be used for special purpose grants.

I would urge, therefore, Mr. Chairman, that in the future the HEA II-A college library appropriation be increased, so that the basic grant entitlements can be fulfilled, and so that there will be funds in addition to support the much-needed cooperative library projects which the special purpose grants encourage. The law also authorizes supplemental grants for postsecondary institutions with special needs. These, too, can only be funded after the basic grants are awarded, according to the Education Amendments of 1972.

I would also like to speak in support of the HEA title II-B training program, Mr. Chairman, for which the committee recommends an appropriation of $3,000,000 for fiscal year 1974. In this age of computers and continual new developments in telecommunications that are revolutionizing the techniques for the storage, retrieval, and dissemination of information, professionals in the field of library and information science must be trained and retrained to handle the new technology.

It should be noted, too, that accredited library schools operate in a different setting from most other graduate schools in that they have no undergraduate training programs, requiring generally only a bachelor's degree for entrance. They try to attract the most capable students they can upon graduation from the various disciplines in the natural and social sciences and the humanities, but these very same able students are also being urged to go on to graduate work in their own fields, and they often receive fellowships or teaching assistantships from departments in other disciplines, an option that the library school does not possess. Therefore, without fellowships, a library school is at a serious disadvantage in attracting quality students.

As a member of the Committee on Education and Labor, which worked hard over a period of many, many months on the Education Amendments of 1972, I commend the HEA II library programs to you. I am proud of our favorable action on the committee recommendations for all the library appropriations for fiscal year 1974.

EXHIBIT 1.—HIGHER EDUCATION ACT—TITLE II-A

ESTIMATED BASIC GRANT ENTITLEMENTS FOR COLLEGE LIBRARY RESOURCES

	Number of institutions [1]	Maximum entitlement [2]	Enrollment [1]
Alabama	51	$255, 000	118, 435
Alaska	3	15, 000	11, 698
Arizona	20	100, 000	123, 722
Arkansas	19	95, 000	53, 853
California	217	1, 085, 000	1, 310, 758
Colorado	32	160, 000	127, 842
Connecticut	46	230, 000	130, 960
Delaware	7	35, 000	28, 248
District of Columbia	20	100, 000	80, 565
Florida	64	320, 000	255, 916
Georgia	61	305, 000	140, 743
Hawaii	13	65, 000	42, 418
Idaho	9	45, 000	34, 536
Illinois	138	690, 000	483, 195
Indiana	44	220, 000	201, 424
Iowa	54	270, 000	109, 454
Kansas	52	260, 000	107, 973
Kentucky	36	180, 000	108, 047
Louisiana	23	115, 000	134, 409
Maine	17	85, 000	4, 551
Maryland	48	240, 000	167, 773
Massachusetts	118	590, 000	319, 856
Michigan	87	435, 000	407, 338
Minnesota	59	295, 000	157, 291
Mississippi	41	205, 000	80, 265
Missouri	70	350, 000	188, 881
Montana	12	60, 000	28, 081
Nebraska	27	135, 000	66, 054
Nevada	6	30, 000	17, 271
New Hampshire	19	95, 000	28, 294
New Jersey	58	290, 000	241, 189
New Mexico	11	55, 000	47, 953
New York	225	1, 125, 000	851, 273
North Carolina	113	565, 000	193, 389
North Dakota	12	60, 000	29, 765
Ohio	101	505, 000	385, 581
Oklahoma	40	200, 000	121, 927
Oregon	40	200, 000	123, 322
Pennsylvania	146	730, 000	429, 838
Rhode Island	13	65, 000	49, 320
South Carolina	46	230, 000	93, 771
South Dakota	16	80, 000	28, 909
Tennessee	62	310, 000	147, 299
Texas	134	670, 000	487, 028
Utah	13	65, 000	82, 277
Vermont	18	90, 000	25, 712
Virginia	70	350, 000	177, 089
Washington	43	215, 000	192, 062
West Virginia	24	120, 000	64, 665
Wisconsin	58	290, 000	217, 114
Wyoming	8	40, 000	17, 551
Total	2, 664	13, 320, 000	9, 106, 885

[1] Based on 1972 USOE higher education statistics.

[2] Educational Amendments of 1972 (Public Law 92–318) mandate a matching basic grant of up to $5,000 for every eligible institution. Actual entitlements may be higher than shown because multicampus institutions are eligible for multiple basic grants.

Mr. CAREY of New York. Mr. Chairman, I should like to explain the necessity for my not being present for debate and various votes on continuing appropriations and the Labor-HEW appropriations bill. It was necessary for me to accompany Mrs. Carey to the National Cancer Institute at NIH in Bethesda, Md., where she is undergoing successful chemotherapy for cancer. Upon return to the House floor, I was required almost immediately to depart for New York City, to vote in the Democratic run-off in which we selected our party's candidate for mayor of New York City. Had I been present, I would have voted "aye" on the amendments attaching to continuing appropriations for fiscal year 1974, a funding prohibition for bombing in Cambodia and Laos, and an amendment removing from the Mahon substitute the 60-days grace period for bombing. My position on these votes is indicated in the CONGRESSIONAL RECORD. I also would have voted for final passage of the joint resolution.

Had I been present during votes, later in the day, on the Labor-HEW appropriations bill, I would have voted "nay" on all amendments to cut the funding contained in this vital bill, and would have voted "aye" on final passage of the bill. I am including in the Extension of Remarks my statement in support of the Labor-HEW appropriations bill.

Mr. Chairman, the House has an opportunity and a duty to make clear to the President and his administration that the American people are determined to continue their support for Government programs that have helping people as their goal.

This appropriations bill is a continuation of a national tradition of which we can be proud. It is a tradition which declares unequivocally America's belief that every man should have equality of opportunity in employment, health care, education, and protection of other basic constitutional and human rights.

What this appropriation represents, Mr. Chairman, is reaffirmation of a more detailed bill of human rights, which we feel spells out what is really meant by "life, liberty, and the pursuit of happiness." Those words, and the specific rights they stand for, have been and remain in serious jeopardy. Recent revelations of wholesale constitutional subversion within the administration emphasize again how vigilant a nation must be to maintain individual freedoms.

However, I think an equal threat persists both to the constitutional rights and mandate of the Congress and to the rights and needs of those whom the Congress is directed to protect and assist.

I refer specifically to the health, education, and welfare authorizations and appropriations that the President either has vetoed or for which he has impounded funds. Vetoes have the effect of depriving the uneducated, the sick, the poor, the disabled, and those least able to speak for themselves, of their basic rights and their basic needs. Impoundment causes the same necrology of hopes, but adds a flouting of the Constitution to this gravamen of insult and injury. We in Congress have either had badly needed legislation thrown back in our face or the President signs it into law and then proceeds to ignore the spending directives it contains.

Justice Frankfurter once complained about the law and the Court's decisions concerning the law:

> Does anybody know where we can go to find light on what the practical consequences of these decisions have been?

Well, the distinguished jurist would have been even more astonished to see the direct orders of the Congress meeting with outright miscompliance and noncompliance by those sworn to uphold the Constitution and the laws established under that Constitution.

Mr. Chairman, I applaud the Appropriations Committee members who have worked so hard to design this masterful bill. It represents an independent congressional evaluation of these vital human needs. It also represents a clear statement, as I said earlier in my remarks, that the Congress and the Nation are charting our own course in these matters—they clearly are too vital and pressing to be left to the tender mercies of the OMB or the Secretary of Health, Education, and Welfare.

This bill appropriates a total of $32.8 billion, or $1.26 billion more than the administration sought. Funds are contained for the Office of Economic Opportunity, hospital construction, school libraries, community health centers construction, and regional medical programs—for all of which the administration requested no funds.

I support these additional funds and urge my colleagues to do so overwhelmingly and provide an additional signal of the support these programs enjoy.

Mr. Chairman, the bill is extensive in the programs it funds and there is no need for me to comment on all of them. However, I should like to address some brief remarks to those programs I have worked to preserve and expand.

I, first of all, wish to make clear my strong support for the continuation of the Office of Economic Opportunity. Surely, action by the committee and the House is appropriate in the wake of recent court decisions, declaring illegal and unconstitutional, efforts to dismantle the structure and programs of OEO—efforts led, incidentally, by an acting director whose tenure was also illegal.

Various programs in which the community is actively involved have begun to demonstrate the wisdom of this "community action" approach. Putting people to work in bettering their own neighborhood or community makes good sense. It would seem the best way to introduce individuals and families, who have been trapped in the welfare circle, to gainful and dignified employment—employment directed into areas that foster a better understanding of the personal and social problems that give rise to a family tradition of welfare—a tradition that is passed on through no fault of those involved.

Community action programs both directly and indirectly bring increasing numbers of the disadvantaged into the economic and social mainstream of American life. We must continue these and other OEO programs and work to make them ever more effective—effective to the point where they work themselves out of a job. That is the way to dismantle these programs; not destroying them before they have achieved their goals. These programs should continue until the 24 million Americans now in poverty have raised themselves and their children out of poverty. Poverty in a Nation as wealthy, powerful and ingenious as America is a disgrace. We, as a people, have a right to insist on its disappearance from the land.

Mr. Chairman, another program that I have worked to preserve is authorized under title V of the Social Security Act. Projects funded under title V include maternal and health care centers. These centers are located to provide a team health care approach for the urban and rural disadvantaged mother and her children.

Earlier legislation directed that all project funding be merged with regular title V block formula grants to the States. This method of funding results in either the acute curtailment or the effective demise of practically all maternal and child health care projects in the Nation. I have received statements from directors of these projects from around the country, and have been warned that this is indeed the case, even in States that are slated to receive slightly increased funds under the formula grant funding mechanism. Until such time as the States have made administrative and funding commitments to adequate support of these centers, the present project funding must be continued. After such assurances, it will then be possible to focus on making more equitable the formula for distribution of block grants to the States.

The Senate Finance Committee has reported a debt limit extension bill which includes as an amendment the continuation of project funding. It would appear that the Senate will approve this amendment and that it will go to conference with the House. I am hopeful that when this amendment is brought back in disagreement, as nongermane, the House will give its approval to this vitally needed continuation of project funding.

The important services which these maternal and child health care centers provide is magnificently obvious. Throughout the Nation, infant mortality has decreased almost 26 percent during the period 1960–71, with most of the decrease in the last 5 years. And the largest reductions in infant mortality took place in the low-income areas of the larger cities where the majority of the 56 maternity and infant care projects now in operation are located. The health care provided also promotes better family health through parent education in nutrition and hygiene. The number of children declared "healthy on examination" has risen as a result of preventive medical and dental care programs. The nationwide value of these programs is beyond dispute. Continuation of project funding is clearly of vital and immediate concern to every Member of Congress.

Community mental health centers are another important aspect of health care neglected by the President's budget. These centers have played a major role in developing community alternatives for the care of the mentally ill. Until the establishment of these centers, the mentally ill had little alternative to being packed off to a custodial warehouse where they waited for years without either adequate treatment or hope of return to their homes and families. Committee inclusion of funding for center construction and for staffing demonstrate our commitment to establishment of the original targeted 1,500 centers throughout the Nation. We have only 500 now, and providing no funds for the centers, as the administration proposed, would have seen these standing empty and unused.

A survey of those communities served by the centers has demonstrated their immediate and effective impact on the areas they serve. State mental hospitals served by well-established and functioning mental health centers have an admission rate half that of the national average. There could not be any more starkly revealing evidence of the worth of these centers. They deserve to be, and I am confident, will be funded.

Funding is included in the bill for child day care centers. I would not speak specifically to the funding for these centers but must comment on the impact of certain proposed regulations governing eligibility for services provided at the centers. Regulations issued on May 1, 1973 would drastically limit the number of children eligible for the centers.

The Senate Finance Committee has approved an amendment to the pending debt limit extension legislation, postponing the effective date of these regulations and giving the Congress time in which to legislate on this complicated matter of social services. I urge my colleagues support of this amendment should it be brought back to the House for floor consideration.

Mr. Chairman, there are several other aspects of the pending appropriations upon which I should like to comment. I am deeply gratified that the committee provides funding to educate deaf students in America. I am humbly proud to have been the author of legislation resulting in Public Law 89-694, which created the model secondary school for the deaf. This experimental school was established as a direct response to a national need. It is designed to serve as a laboratory for educational experiments, provide for the dissemination of working models to professionals educating the deaf, and also to help educate the high-school level deaf student.

The model secondary school for the deaf is located on the campus of Galludet College, which was established in 1857 by act of Congress. Galludet remains the only liberal arts college in the world, exclusively for the deaf. I appreciate deeply the continued funding for both these institutions—funding which permits us to continue rewarding educational experiences for the deaf, and derive new methods and techniques for teaching the deaf and other handicapped.

Mr. Chairman, I have touched only on several aspects of this vast and immensely important bill. As I stated earlier, not only is it a declaration for the rights of those who are least able to assert and protect their rights, but it is a reaffirmation of our determination to legislate for the general welfare in an effective and timely fashion.

Surely, reporting and approving overwhelmingly this bill, will demonstrate that the Congress, and indeed, all Americans, have not caved in on the confrontation between freedom and repression.

Neither the government of fear, nor the politics of fear must prevail. Repression takes many forms and paths and only by affirming the rightness of America and the goodness of Americans, can we continue to move ahead towards a truly just society—a society where personal freedom and personal security continue to increase; but never at the expense of each other.

Mr. Chairman, these are just a few of the reasons I urge House passage of H.R. 8877, without amendment to decrease any funding contained therein.

Mr. GIAIMO. Mr. Chairman, I have recently discussed funding for the National Cooley's Anemia Control Act with Chairman FLOOD of the Labor and Health, Education, and Welfare Appropriations Subcommittee. Specifically, both Chairman FLOOD and I were concerned with the possibility that funds to be appropriated for implementation of this act, as contained in the President's budget and the bill reported and passed by this House, were merely taken from other funds already available to the National Heart and Lung Institute and the National Institute of Allergy and Infectious Diseases. This would, of course, not represent the intent of Congress to provide additional funding for research into this disease. So that this legislative record is clear, therefore, I would like to take this opportunity to insert a letter I wrote Chairman FLOOD on June 14. Mr. FLOOD has reviewed this matter with me and concurs that the bill passed by this House of Representatives is intended to provide new funding for research into Cooley's anemia, and does not merely represent a shifting around of funds within the National Institutes of Health.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 14, 1973.
Hon. DANIEL J. FLOOD,
Chairman, Subcommittee on Labor and Health, Education, and Welfare, House Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: I know that your Subcommittee has been quite busy in assessing the many priorities within the Fiscal Year 1974 Appropriations Bill for the Departments of Labor and Health, Education and Welfare. I'd like to bring one relatively small item within this bill to your attention, hoping that you will consider the merits of this program and the overwhelming vote by which funds for it were authorized by the House and Senate just last year.

I am referring to a program to provide research and education funds to combat the genetic blood disorder known as Cooley's Anemia; the authorizing legislation passed to combat this disease, P.L. 92–414 ("The National Cooley's Anemia Control Act"), was an addition to Title XI of the Public Health Service Act. Since Cooley's Anemia—which affects children of predominantly Italian and Greek descent—and Sickle Cell Anemia—which affects children of predominantly African descent—are the only two genetic blood disorders leading to anemia, it made sense to combine them as two parts of one Title in that Act.

During hearings on this legislation, however, the Department of Health, Education, and Welfare presented information and testimony which purported to show that funds were already being spent (to the extent of $2.1 million per year) on research to cure this disease. The truth of the matter, which quickly emerged under questioning from the Public Health and Environment Subcommittee members, was that most of the research so listed was only indirectly related to the problem of Cooley's Anemia and was actually directed toward a wide spectrum of problems in hemoglobin synthesis.

This kind of indirectly related research is, of course, necessary for the solution of a wide spectrum of problems. The Congress, however, in passing P.L. 92–414, indicated that it wished to see special attention devoted to the concentrated work on Cooley's Anemia.

In presentation of materials pursuant to P.L. 92–414, however, the Department has indicated that it will attempt to thwart and frustrate the intent of Congress by "crediting" that indirectly related research against the total authorization allowed for Cooley's Anemia appropriations during Fiscal Year 1973. Department figures show $2.737 million for the purposes of research and education, equal to the limit of authorization, leaving out funds for screening. Just as the Department fought this legislation through the use of misleading figures, therefore, it is presenting the same kind of misleading information to your Subcommittee. Department figures, in fact, show $2.6 million having been spent pursuant to P.L. 92–414 during Fiscal Year 1973—even though the bill was only signed by the President on August 29, 1972!

In order to counter such deceptive tactics, I am confident that you and your staff examined the figures submitted by the Department for inclusion in the Fiscal Year 1974 Budget. If you agree with me, I urge you to support, by Committee amendment, if necessary, the addition of sufficient funds to the appropriations for the National Institute of Allergy and Infectious Diseases and the National Heart and Lung Institute to reflect the mandate Congress gave to this program. Without such work, the Department will succeed in merely manipulating existing funding, taking away from other categories in order to show their "compliance" with the instructions of P.L. 92–414.

Thank you again for your attention to this item, Mr. Chairman. I know it is of small magnitude in the overview of the full bill, but it is of great importance to me and the tens of thousands of children unfortunate enough to be afflicted by Cooley's Anemia.

Sincerely yours,
ROBERT N. GIAIMO,
Member of Congress.

Mr. CRANE. Mr. Chairman, as we consider the question of Federal grant programs for education and the formula of dollar per pupil aid based upon total enrollment, it is essential that we understand a basic and pervasive lack of fairness which is inherent in this program.

While teacher organizations throughout the country are spending a significant amount of time, energy, and resources lobbying for increased Federal aid to education, the fact is that, in many instances, their efforts are counterproductive. In many cases, the States in which they live and teach receive less funding for education as a result of Federal aid and involvement than they would if the Federal Government were to cease its programs and State and local governments were to assume their traditional responsibilities in this area.

I have spoken out many times before about the fact that Federal aid to education brings Federal control and involvement and that local school boards and school districts, by encouraging and supporting such aid, are in fact abdicating their own responsibilities and eliminating any chance for effective action.

In the past year we have seen increasing evidence that this analysis has been correct. Bureaucrats at the Department of Health, Education, and Welfare, without any legislative mandate from the Congress, have imposed school busing to achieve an artificial racial balance and have used the threat of withdrawal of Federal aid as the means through which to achieve their will. Similarly, in higher education, the Department of Health, Education, and Welfare has imposed racial, sexual, and ethnic quotas in faculty hiring. Once again, the threat of the withdrawal of Federal aid has been the means used.

Academic freedom and the independence and integrity of American education is being interfered with by governmental intervention in the hiring process and the imposition of arbitrary quotas. In an important statement issued in a report to the American Association of Independent Colleges and Universities, the president of Hillsdale College, Dr. George C. Roche III, declared that—

> The attempt to achieve statistically adequate representation of women and ethnic groups on college faculties has tended to produce a rush to discover sufficient numbers of well-qualified professors with minority credentials. In actual practice, the numbers demanded of such minority types exceeded the qualified people available. Thus a strange new word has entered the Affirmative Action dialogue. Today we talk about the appointment of persons who are not qualified, but who are "qualifiable." In point of fact, the guidelines state: "Neither minority nor female employes should be required to possess higher qualifications than those of the lowest qualified incumbent."

Beyond this very real threat to academic freedom is the fact that the State of Illinois, among many others, is being shortchanged by the program we are considering at this time.

The tax burden of the State of Illinois represents 6.69 percent of the total Federal tax revenues. Under this program, however, in almost every category the State of Illinois receives far less than the 6.69 percent it pays in.

Let me cite a number of examples. In the field of social rehabilitation service and old-age assistance, Illinois receives only 0.99 percent of Federal expenditures. Thus, Illinois pays almost 7 percent and receives less than 1 percent. If this is fair and equitable taxation, it is difficult to understand why. In the area of grants for education for the handicapped, Illinois receives only 5.22 percent of the total, in adult education only 4.53 percent and aid to the blind only 1.50 percent.

In a report issued by the office of the superintendent of public instruction for the State of Illinois, it is declared that—

> Formula grants comprise the largest amount of federal assistance, and because the formulas presumably weigh population, disadvantaged status, and other factors affecting urban states, one might assume that Illinois schoolchildren would benefit greatly. The fact is, however, that the Midwest Region, which has the largest population of the ten regions, ranks last on per capita formula grant expenditure per child.

The report continues to point out that—

> Illinois, when compared with all sister states, ranks 43d in per pupil formula grant allocation. In fact, only one urban state is among the top 30 states. Obviously, formulas, which are supposed to be based on the number of schoolchildren, must be based on other factors as well.

Illinois received $73.46 dollars per pupil in aid based upon total enrollment. The State of Alaska, on the other hand, received $358.78 per pupil while Mississippi received $159.04, North Dakota $143.47, and South Dakota $139.82. New York, the Nation's second largest State, received $ 09.98 and California, the Nation's largest State, received $85.34. It seems clear that there is something seriously wrong with this distribution of funds. The States which contribute the most, and have the most pupils, receive the least aid.

Since Illinois receives far less in aid than it contributes in taxes, Illinois teachers who lobby for increases in the amount of Federal aid to education are, in fact, lobbying against their own self-interest, and the interest of Illinois students. Our State would have far more money to use for quality education if the program of Federal aid were to cease, and the State were able to use its tax revenues at home. Money, once it reaches Washington, becomes involved in a bureaucratic maze. Few States receive anything like the money their citizens pay in taxes back in aid. It is high time that our citizens come to understand this fact, and understand as well the dangers to the integrity of their school systems inherent in the Federal controls which accompany such aid.

The following table, which I wish to share with my colleagues, shows in some detail the manner in which Illinois is being shortchanged by these appropriations measures.

At the left is a list of 41 activities followed by the total amount of money received by the 50 States and the District of Columbia during fiscal 1973. At the right are columns showing how much Illinois received from these programs, followed by Illinois percentage of the total. By comparing the percentage figures with Illinois contribution to total Federal taxes, which is 6.69 percent, it is possible to easily determine how much Illinois has, in fact, been shortchanged in these programs:

ILLINOIS

[Federal fund tax burden, 6.69 percent; total tax burden, 6.40 percent]

	Total for 50 States and District of Columbia	Illinois	Percent of total
Educationally deprived children	$1,501,105,787	$76,324,460	5.08
Emergency school assistance	186,910,800	10,046 782	5.37
Education for the handicapped—State grant program	36,407,767	1,901,098	5.22
Occupational, vocational and adult education—basic vocational education programs	376,736,799	16,954,129	4.50
Programs for students with special needs	19,620,322	882,966	4.50
Consumer and homemaking education	25,144,065	1,131,547	4.50
Work study	5,902,024	310,522	5.26
Cooperative education	18,915,000	662,047	3.50
State advisory councils	2,519,938	96,304	3.82
Innovation	15,520,000	482,053	3.10
Research	17,666,739	795,049	4.50
Adult education	50,111,320	2,271,708	4.53
Higher Education—student assistnace—work-study	220,500,000	10,436,773	4.73
Direct student loans	283,873,671	14,465,991	5.09
Construction—State administration	2,827,000	98,000	3.46
University community services	5,494,390	121,573	2.21
Land-grant colleges and universities	2,550,000	50,000	1.96
Library resources—public library services	29,357,935	1,247,917	4.25
Interlibrary cooperation	2,641,149	72,882	2.75
School library resources	87,804,878	4,834,821	5.50
Health services and mental health administration—drug abuse	14,810,689	1,217,821	8.22
Alcoholism	29,446,448	1,367,259	4.64
Health services planning and development-comprehensive State health planning	8,296,700	330,100	3.97
Health services delivery—comprehensive health services	85,759,400	3,845,200	4.48
Health services delivery—maternal and child health services	$48,345,100	$1,722,200	3.56
Health services delivery—crippled children's services	50,896,200	1,785,000	3.50
Social rehabilitation service—old-age assistance	1,186,657,000	11,754,000	.99
Aid to the blind	63,547,000	955,000	1.50
Aid to the permanently and totally disabled	847,464,000	52,534,000	6.19
Aid to families with dependent children	4,004,499,000	268,638,000	6.70
State and local administration	450,976,000	22,374,000	4.96
Medical vendor payments and local administration and training	5,162,883,000	289,818,000	5.61
Child Welfare Services	44,778,628	1,921,025	4.29
Work Incentives—awards for WIN social service, including child care and administration	85,520,000	805,000	.94
Work In entives—awards for training and incentives	184,645,000	8,300,000	4.49
Basic State grants program under sec. 2, Vocational Rehabilitation Act	582,365,320	21,202,454	3.64
Developmental Disabilities Services and Facilities Construction Act of 1970	19,091,411	851,062	4.45
Administration on aging—State agency activities	11,700,000	592,856	5.06
Area planning and social service programs	66,116,365	2,725,362	4.12
Nutrition program	97,739,160	5,230,048	5.35
Office of Child Development—Head Start—full-year and summer programs	341,850,796	14,709,275	4.30

Mr. MICHEL. Mr. Chairman, I have no further requests for time.

Mr. FLOOD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91–616), the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89–793), and the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255), $795,475,000, of which $15,000,000 shall remain available until June 30, 1975, for grants pursuant to part A of the Community Mental Health Centers Act.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Department of Health, Education, and Welfare and related agencies, and I hereby give notice that if the amendment is agreed to, I will make motions to strike out the remaining paragraphs as follows: The paragraph on page 8, lines 13 through 20; the paragraph on page 11, lines 9 through 11; the paragraph on page 11, lines 12 through 15; the paragraph on page 11, lines 16 through 19; the paragraph on page 11, lines 20 through 25; the paragraph on page 12, lines 1 through 6; the paragraph on page 12, lines 7 through 11; the paragraph on page 12, lines 12 through 17; the paragraph on page 12, lines 18 through 23; the paragraph on page 13, lines 1 through 4; the paragraph on page 13, lines 5 through 9; the paragraph on page 13, lines 10 through 18; the paragraph beginning on line 19, page 13, and extending through line 2 on page 14; the paragraph on page 14, lines 4 through 15; the paragraph beginning on line 23 on page 17 and extending through line 14 on page 18; the paragraph on page 20, lines 6 through 20; the paragraph beginning on line 21 on page 20 and extending through line 16 on page 21; the paragraph beginning on line 17 on page 21 and extending through line 2 on page 22; the paragraph on page 26, lines 4 through 24; the paragraph beginning on line 14 on page 39 and extending through line 6 on page 40.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et. seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91–616), the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89–793), and the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255), $725,311,000.

To carry out titles VI and IX, sections 314(a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(a)(7), 403(a)(1) and 433(a) of the Public Health Service Act; $301,320,000 of which $110,000,000 shall be available until June 30, 1976 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities.

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, $515,040,000.

For expenses not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, $276,415,000.

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, $40,227,000.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, $145,182,000.

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the public Health Service Act with respect to neurology and stroke, $108,505,000.

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, $107,111,000.

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, $152,528,000.

To carry out, except as otherwise provided, title IV, part E and title X of the Public Health Service Act with respect to child health and human development, $116,092,000.

For expenses necessary to carry out title

IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, $33,949,000.

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, $27,154,000.

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities, other research resources and general research support grants, $110,871,000: *Provided*, That none of these funds shall be used pay to recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, $4,319,000, of which not to exceed $500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, $590,984,000, of which $2,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII, $50,000,000 shall be for grants for construction of facilities (including $10,000,000 for dental teaching facilities) under part B of title VII, and $10,000,000 shall be for grants for construction of facilities under part A of title VIII: *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

For carrying out, to the extent not otherwise provided, title I ($1,713,000,000), title III ($146,393,000), title V, parts A and C ($38,000,000), and title VII of the Elementary and Secondary Education Act; title III–A ($25,000,000) of the National Defense Education Act of 1958; and section 222(a)(2) of the Economic Opportunity Act of 1964, $2,003,393,000: *Provided*, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89–10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

For carrying out, to the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($419,682,000), D, F ($25,625,000), G ($19,500,000), H ($6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($61,300,000), $575,641,000 including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1975, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1972.

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of title VIII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended, the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92–506 of October 19, 1972, $1,803,914,000, of which amounts reallotted for work-study shall remain available through June 30, 1975, $25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and $440,500,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses), of which $429,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: $310,000,000 for subsidies on guaranteed student loans and $31,425,000 for annual interest grants for subsidized construction loans.

For carrying out, to the extent not otherwise provided, titles I ($38,239,000), II, and III ($2,730,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II ($90,000,000) of the Elementary and Secondary Education Act; and title II (except section 231) and title VI ($6,250,000) of the Higher Education Act; $156,969,000 of which $5,250,000 to remain available through June 30, 1975, shall be for grants for public library construction under title II of the Library Services and Construction Act.

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, titles III, IV, V, VII and VIII of the Older Americans Act of 1965, the Juvenile Delinquency Prevention Act, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, $280,932,000; of which $21,715,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1976, except that grants made from these funds after June 30, 1974, will be for construction only as specified in section 132(a)(3) of such Act; and $4,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, $241,300,000 plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

Mr. MICHEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as having been read and printed in the Record, since there are copies of the amendment available and since it is three pages single-spaced. In the interest of saving time, I would like to facilitate this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. YATES. Reserving the right to object, Mr. Chairman, may I ask the gentleman what the amendment does with respect to bilingual education?

Mr. MICHEL. If the gentleman will yield, I appreciate the gentleman narrowing it down to one item, because I certainly intend to discuss the amendment fully, but as far as bilingual education is concerned, the committee added $10 million to the budgeted amount, and I cut that $10 million in half, to $5 million, which will still provide, I might say to my good friend, some 30 additional new projects over and above the 64 initially scheduled under the President's budget. Therefore, my amendment would allow a total of 94 new projects.

Mr. YATES. Mr. Chairman, I regret the unfortunate and unfair amendment offered by the gentleman from Illinois. I withdraw my objection so the amendment may be debated and defeated, I trust.

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman from Illinois withdrawing his objection.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CONTE. Mr. Chairman, I have an amendment to the amendment offered by the gentleman from Illinois (Mr. Michel) his package amendment. When would be the proper time to offer that amendment?

The CHAIRMAN. The Chair will state that at any time while the amendment offered by the gentleman from Illinois (Mr. Michel) is pending, a Member can rise and seek recognition to offer an amendment to the amendment.

Mr. CONTE. I thank the Chairman.

The CHAIRMAN. The gentleman from Illinois (Mr. Michel) is recognized for 5 minutes in support of his amendment.

Mr. ROBINSON of Virginia. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-one Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 289]

Ashbrook
Ashley
Badillo
Blackburn
Blatnik
Brasco
Breaux
Camp
Carey, N.Y.
Chappell
Clark
Conyers
Culver
Danielson
Davis, Ga.
Dent
Derwinski
Dickinson
Diggs
Esch
Evins, Tenn.
Fisher
Flynt
Gray
Green, Oreg.
Gross
Hanna
Hansen, Idaho
Harsha
Hébert
Henderson
Howard
Hutchinson
Ichord
Kemp
King
Landrum
Litton
Lujan
Mailliard
Martin, Nebr.
Mills, Ark.
Mosher
Moss
Murphy, N.Y.
O'Neill
Patman
Pepper
Poage
Price, Tex.
Quie
Railsback
Randall
Rees
Reid
Robison, N.Y.
Rooney, N.Y.
Ryan
Sebelius
Sikes
Stanton, James V.
Steiger, Ariz.
Stephens
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thornton
Ullman
Whitten
Zion

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. Holifield) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8877, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 363 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of no quorum was made, the Chairman had recognized the gentleman from Illinois (Mr. MICHEL).

PERSONAL EXPLANATION

Mr. QUIE. Mr. Chairman, I would like to say that I am present, but that I neglected to put my card into the machine for recording during the last quorum call.

(By unanimous consent, Mr. MICHEL was allowed to proceed for an additional 5 minutes.)

Mr. MICHEL. Mr. Chairman and Members of the Committee, may I first quickly explain why I am offering this group or package of amendments rather than submitting them individually.

Mr. Chairman, there are some 370 or more line items in this bill. I propose to touch only 26 of those items with my package of amendments.

It is my opinion that this bill in its present form, being $1.2 billion over the budget, is surely going to be vetoed. We have heard the arguments advanced by several Members here this afternoon, that we simply cannot go on for another year, for 2 years running, under a continuing resolution. That would be indefensible.

We have to make a serious effort to cut significantly here. The problem with doing it by line items is that one cannot get a sufficient number of Members on these very sensitive items to be recorded by tellers with clerks when in good conscience many Members know there could be somewhat of a token cut, or perhaps a bigger cut, or even a significant cut, on some of these items.

In an overall package, it is much more defensible, for individual Members of Congress, for one big reason, and that is we want to see a bill enacted into law and not be operating under a continuing resolution.

The magnitude of the pressures upon our chairman, upon the individual subcommittee members, and all the Members here, by these pressure groups in the field of education and in the field of health sometimes is unconscionable.

My rationale for putting this package together is, first, that it be given a broad-based consideration for bipartisan support and, second, I do not intend to see that this appropriation bill be used as a vehicle for terminating ongoing programs, even though that may be desirable in some cases.

As I said earlier in the debate, the Committee on Education and Labor is currently considering education bills on manpower training and revenue sharing. Two weeks or so ago we passed a bill, with only one dissenting vote, extending 12 health programs for another year, to enable the Committee on Interstate and Foreign Commerce to have an opportunity to study these programs and see which ones could be cut out, or reduced, or how we could reshape them.

First, it may be best to say what my amendment does not do.

It does not affect in any way impact aid, as much as I think there are some cuts that would be desirable in that area. It is an indefensible kind of program in many respects, but we are not going to debate that here. We do not touch it.

We do not touch the land-grant college item of $10 million, that could be wiped out and would not hurt anybody. We have had $10 million in that program for 20 years. If it were such a great program, by now it would be up to $200 million or $400 million. The president of Illinois University told me:

> It is not the money, it is the principle of the thing. We just want you to be beholden to land grant colleges from now until doomsday.

So I do not touch it.

Higher education? We do not touch it in the amendment.

Veterans cost of construction, $25 million. I do not touch it. It is a lousy thing, one of the worst we could have had on the books. It does not go to the veterans. It goes to the institutions themselves, if they increase their veteran enrollment by more than 10 percent.

Anything that has the name of "veterans" on it is something that everybody shies away from, thinking it might be doing something to harm the veteran. I am not going to run that risk, so I leave that $25 million in the bill.

Next is the regional medical program. Our good friend the gentleman from Pennsylvania (Mr. FLOOD) likes to consider himself the father, mother, or grandfather of that particular program. We are not touching that item in the bill, although the gentleman from Pennsylvania, Mr. FLOOD, recognizes there are varying degrees of regional medical programs. Some are good. Some are not so good. Perhaps some ought to be eliminated.

In the cancer and heart and lung institutes, so far as research training is concerned, we do not touch that item.

As I said in the full committee, we do not touch the nurses in this particular amendment except for reducing the construction item from $20 million to $10 million.

But that is the amount they will have in the current fiscal year to spend. We do not touch health services delivery, and we do not touch preventive health services or any special programs for the aged.

Mr. Chairman, if the Members would like to follow me in a more orderly fashion, I call their attention to the appendix on page 21262 of yesterday's RECORD, where we have these 26 items enumerated. If I might in the limited time at my disposal, I will go down through each item very briefly.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

First. General mental health:

(a) Research: This activity provides funds to develop new knowledge and approaches to the causes, treatment, and prevention of mental illness, excluding drug abuse and alcoholism.

In 1973, 979 projects were funded through two grant mechanisms. Regular research grants, with no matching requirements, went to investigators in mental health institutions. The hospital improvement program is directed toward improving the treatment in State-supported institutions.

The $8.8 million increase provided by the committee will double the amount the National Institute of Mental Health will have available for new research projects. This amendment would limit the increase to $4.4 million, while still providing NIMH adequate funds to expand new research into such problem areas as the mental health of the elderly.

The $4.4 million could provide some 140 more new projects than the budget proposal.

(b) Training: Regular training grants go to organizations to defray training costs and provide stipends for individual enrollees. Hospital staff development grants go to State mental hospitals to provide staff training. Research fellowships go to individuals to assist in research training.

The amendment would decrease the committee increase of $38.1 million for this item by one-half to $19.5 million. This will bring total funding in 1974 for the training of students in the fields of psychiatry, psychology, social work, and psychiatric nursing to a level of $90.5 million. An increase of $19.5 million is sufficient to maintain faculty support to the institutions, assuring continuance of a mental health training curriculum in the schools.

There are normally about 1,960 new students annually in the training programs being phased out.

Dr. Brown testified before our subcommittee this year that NIMH is changing the direction of its training and service activities to provide increased technical assistance and some development funds to help State and local personnel build on existing resources for meeting service and manpower needs. While reducing support for psychiatry, psychology, psychiatric nursing, and social work, the budget requested increases for demonstration projects to train new types of mental health personnel, and to explore improved training methods; for developmental activities to help educational institutions develop their own program capability and resources for manpower development; and for continuing education programs to help mental health service agencies and institutions develop the capacity for retraining and updating the education of mental health personnel. This is moving in the direction of more efficient utilization of manpower resources, which I think is where we should be going.

Our committee report says that we were presented with no evidence that the need for professional personnel in the field of mental health has diminished. This is true. The budget document simply pointed out that in post-war America when these programs originated, our mental health professional manpower was woefully inadequate, and it was necessary to underwrite extensive developmental programs for psychiatry, psychology, psychiatric nursing, and social work, but that now, while some shortages still exist, professional mental health manpower appears to have a sufficient base with which to compete in the marketplace under the normal laws of supply and demand.

I do not think there is any question about it. I have all the respect in the world for the hard-working, dedicated people in these professions, and I think there is a definite need for continued training programs in these areas—but not at Federal expense. We should be moving instead toward activities such as the National Health Service scholarship program in which persons preparing for the health professions may be provided scholarship assistance in return for a commitment to serve with Federal health programs for a period of time. This makes sense, and the budget requested a sizable increase for this program, which our committee will consider as soon as it is authorized.

Here again we are faced with the continued funding of once necessary programs which have simply outlived their usefulness, and Members are caught in a situation where their vote for a phaseout may be construed as a vote against psychiatrists or psychologists, or psychiatric nurses, or social workers. It is a classical political dilemma, but I think we just have to face up to what needs to be done.

My amendment provides for an orderly phaseout by continuing existing commitments, but funding no new student support. At the same time, we provide funds for faculty and institutional support so that the schools will not be forced into financial crisis. It's logical, orderly, and reasonable.

In fiscal 1973, support for these training programs was reduced in the HEW operating plan about 30 percent below the 1972 level, supporting about one-quarter—2,101—fewer students. The budget request for fiscal 1974 proposed a further 30-percent reduction in funding, and of course, the number of students would be correspondingly lower.

(c) Community programs: (1) Construction of Community Mental Health Centers.

Grants are allocated for construction of public and other nonprofit community health centers. In 1973, 36 new grants were awarded. Funds go to States on a formula basis of population and per capita income. The matching basis for the State depends on whether the catchment area served has been designated as a "poverty area."

A $15 million increase has been included in the committee bill for CMHC construction grants. This amendment would remove that $15 million from the bill and eliminate new construction. Construction in this area is of low priority. Many communities, particularly concerned with drug abuse and alcoholism problems prefer to use their limited funds to meet matching requirements for the much-needed services and treatment activities.

(2) Staffing of centers: Grants go to staff community health centers. Grants are awarded on matching basis with the percent of Federal support varying, depending on whether the catchment area served has been designated as a "poverty area."

This amendment would reduce by one-half the increase provided by the committee for staffing grants. This reduction would provide a total program level of $144.5 million in 1974 and still enable NIMH to fund $19.2 million in new awards to approximately 45 projects.

Staffing grants (p. 151, vol. 3): There are presently 57 CMHC staffing grants totaling $34,900,000 which have been recommended for approval by the National Advisory Mental Health Council and are therefore technically acceptable for funding. This represents the number of applications recommended through the December meeting of the council. Subsequent to the announced policy to phase out support for the CMHC program in January, the NIMH is no longer accepting new CMHC staffing grants applications. All applications in process which had not been reviewed by the National Advisory Health Council were returned to the applicant.

No new staffing awards made in fiscal 1973.

Third. Alcoholism—(a) Research: This activity funds research on treatment and prevention of alcoholism. Projects grants are awarded on a nonmatching basis for expenses directly related to the research project with the grantee being required to share in a portion of the project cost. A major portion of the funds awarded in 1973 were required to support existing projects.

The reduction of $1 million from the committee bill will still provide a $1 million increase over the requested 1974 budget for this item and approximately a $1 million increase over the 1973 spending level.

(b) Training: This activity funds efforts to improve the quality of people working in areas of alcoholism. Project grants are awarded on a nonmatching basis with the grantee being required to share in a portion of the project costs. Fellowships provide stipends to individuals, based upon experience.

This amendment would remove the $1 million increase provided over the budget request for 1974 and will enable training institutions to maintain faculty support at a level comparable to 1973.

(c) Community programs:

(1) Projects grants and contracts: Grants support community programs which demonstrate new or efficient methods of service delivery to alcoholics. Staffing grants are made on a matching basis and support initial staffing costs. Grants and contracts are used to conduct demonstration projects, provide cooperative programs, and provide education activities.

(2) Grants to States: Formula grants are allotted to States on the basis of their relative population, financial need, and the need for more effective programs. States may request that a portion of any allotment shall be used to pay some of the cost of the administration of the State alcoholism programs.

My amendment still leaves in the bill the $65,322,000 for project grants and contracts. That is better than a $53 million increase over the operating level for 1973. My amendment does, however, cut $10 million from grants to the States and as a result there is still $30 million, the current operating level, left in the bill for grants to the States.

Explanation of project giants and formula grants:

Project grants supported by this activity are as follows:

Staffing grants are made on a matching basis and support a portion of the initial costs for professional and technical staff in facilities for the prevention and treatment of alcoholism.

Grants and contracts are used to conduct demonstration and evaluation projects; provide programs in cooperation with schools, courts, penal institutions, and other public agencies; and provide counseling and education activities on an individual or community basis.

Formula grants—Funds are allotted to States on the basis of their relative population, financial need, and the need for more effective prevention, treatment, and rehabilitation programs. At the request of any State, a portion of any allotment shall be available to pay some of the cost of the administration of the State alcoholism programs. Plans submitted by the States must set forth a survey of need for the prevention and treatment of alcohol abuse, including an assessment of the health facilities needed to provide services.

HEALTH SERVICES PLANNING AND DEVELOPMENT

Fifth, Medical facilities construction: (a) (3) Outpatient facilities; (4) Rehabilitation facilities; (5) Modernization:

Formula grants, matched by local funds, are used for construction.

Hill-Burton—The committee has recommended a funding level in 1974 of $197,200,000 for all five categories of Hill-Burton construction assistance. This amendment would reduce that allowance by $87.2 million, to a level of $110 million. These funds would authorize construction in the areas of hospital modernization rehabilitation, and outpatient—ambulatory—care facilities, testimony before the committee has revealed a declining trend in national hospital bed occupancy rates. This vacant bed capacity contributes to the ever-increasing cost of medical care. New hospital bed construction will only compound this problem. For this reason I am proposing we provide for the modernization of existing hospital facilities.

As for outpatient—ambulatory—care facilities construction, the GAO in a report on health facility construction pointed out that nearly one-fourth of the patient population is treated in facilities which are excessive to their needs. The encouragement of construction in the ambulatory care facility area, which may be more appropriate for certain patients, provides for a more efficient use of present inpatient facilities with resulting economics to a community.

NATIONAL INSTITUTES OF HEALTH

RESEARCH GRANTS

The committee has proposed $700,079,000 for research grants in biomedical research. The proposed amendment would allow $641,480,000 for research grants, which is $54,476,000 above the fiscal year 1973 operating level and $58,598,000 above the President's fiscal year 1974 budget level. This increase is sufficient to maintain competing and new research grants at their 1973 level.

The President's budget proposed a 25 percent cut in the new research grants awarded. It would have resulted in about 900 new research grants as against nearly 1,300 awarded in 1973. My amendment would cut back below what the committee proposed, but it would still provide for nearly 1,300 new Competing Research Grants in fiscal 1974.

RESEARCH TRAINING

The committee has recommended $180,292,000 for biomedical research training. The amendment provides $153,980,000 for training, which is $4,138,000 higher than the fiscal year 1973 operating level and $27,986,000 higher than the fiscal year 1974 President's budget. The amendment will restore the program to the 1973 operating level, allowing the subcommittee mark-up for Cancer and Heart and Lung.

GENERAL RESEARCH SUPPORT GRANTS

The committee has proposed $55,000,000 for general research support grants in fiscal year 1974. The amendment recommends the amount of $36,000,000, which is $10,000,000 above the fiscal year 1973 operating level and more than double the fiscal year 1974 President's budget level—$17,000,000. This increase will restore support to aid academic and other research institutions in meeting direct costs of health research.

HEALTH MANPOWER

First. Health Professions Support:

(a) Institution Assistance: (1) Capitation grants:

Complex formula grants based on class size, total enrollments, and number of graduates to provide Federal support to the educational programs of the health professions schools.

The committee has recommended an increase of $34,777,000 for capitation payments to schools of veterinary medicine, optometry, pharmacy, and podiatry. The President's budget for 1974 requested no funds for capitation awards to these schools. This amendment would reduce by one-half the increase over the budget proposal. The level proposed in this amendment, $17.4 million, will provide a $4.7 million increase in 1974 over the 1973 President's revised budget.

Type of school	Number of accredited schools in country	Number HEW assists
Schools of medicine	114	114
Osteopathy	9	7
Dentistry	58	56
Optometry	12	12
Pharmacy	73	73
Podiatry	5	5
Veterinary medicine	19	18
Nursing	1,468	948

(4) Special projects: A program of targeted activities, utilizing project grants or contracts, which include support for increasing enrollments, expanding training in primary care and family medicine, and increasing admission of the disadvantaged and women.

A $19 million increase over the President's budget is recommended by the committee for special projects. This amendment will reduce this increase by one-half to a level in 1974 of $43.5 million, which is still $9.1 million over 1973. The increase in 1974 will enable the Bureau of Health Manpower to make awards in such activities as curriculum shortening, recruitment of minority and low-income individuals into the health field, and the development of primary care training efforts.

(c) Construction assistance:

(1) Grants: Assistance for construction of teaching and research facilities for professional health personnel. Forms of assistance are matching grants, interest subsidies and loan guarantees, available only to private nonprofit institutions, allow the Government to provide a loan guarantee of up to 90 percent of the eligible cost of construction and to pay to lending institutions amounts that would reduce the interest rate paid by the school up to 3 percent.

This amendment will reduce by one-half $50 million, the amount recommended by the committee for new construction at health professions schools. In 1973, $100 million was appropriated for this purpose and the administration has elected not to obligate the funds. Reduction of this level to $50 million in 1974 will enhance the possibility of acceptance by the administration while still providing adequate funds for the construction of new classrooms, library and laboratory space in health manpower schools.

It is expected that priority shall be given to schools of veterinary medicine, optometry, podiatry and pharmacy which are in the process of completing facilities rebuilding programs initiated through Federal-State matching plans to meet critical accreditation requirements.

(d) Dental Health Activities: This activity funds programs to increase dental manpower by grants to 20 schools, programs to improve the quality of existing dental services and delivery systems, and programs to reduce the need for dental services through the broadest possible application of dental disease prevention and control measures.

The committee has recommended an increase for this activity over the 1974 budget request of $1,988,000. This amendment would eliminate the increase. The 1973 operating level for dental health is $12.9 and acceptance of the budget request level in 1974 would maintain the program at this level, which will still enable improvement of training activities presently supported.

(e) Educational Assistance: This activity funds four programs. One, grants to public or private non-profit hospitals are provided to develop training programs in family medicine. Two, health professions teacher training grants go to health professions schools to strengthen teaching skills. Schools are required to use at least 75 percent of any grant for traineeships. Three, educational grants and contracts go to support health professions schools in undertaking special educational research projects. Four, direct operations funds go to provide for staff salaries and activities associated with program management of the health professions programs.

This amendment will eliminate the increase of $4,320,000 provided by the committee over the budget request. The budget request of $5 million is sufficient to continue the family medicine training activities. Additional funds would be available for such demonstration and research projects that are now adequately covered by the educational initiative awards. The educational initiatives program has requested and the committee has allowed an additional $34 million in 1974 over the 1973 operating level, to fund programs which extend health training into health care facilities, promote the training of physician assistance and augment the recruitment of students from rural or medically shortage areas into health careers.

Second. Nursing Support:

(c) Construction assistance: Grants, loan guarantees, and interest subsidies programs are authorized to fund construction of new facilities and rehabilitation of existing facilities of nursing schools. The grants are on a matching basis. The Federal Government guarantees up to 90 percent of the cost of construction and pays interest subsidy payments that reduce the interest rate paid by the school up to 3 percent.

The committee has again recommended an appropriation of $20 million for nursing school construction. A similar amount was appropriated in 1973, and the administration chose not to obligate the funds and has requested no funds in 1974. This amendment will reduce by one-half, $10 million, the amount available in 1974, while still providing adequate funds for the construction of new classroom space.

Third. Public Health Support:

(a) Institutional Assistance: Provides for formula grant awards for the purpose of strengthening graduate or specialized training in public health. Grants are awarded on an entitlement basis giving primary consideration to the number of Federal sponsored students attending each school. The project awards are awarded competitively.

(b) Student Assistance: Traineeship grants are awarded competitively to the institution providing the training, with the grantee having responsibility for selection and appointment of individual trainees. The $9,000,000 appropriated for traineeships in 1973 supported approximately 1,570 long-term and 5,400 short-term traineeships.

(c) Direct Operations: Direct operations are comprised of staff activities through which the programs of institutional support and student assistance for graduate and specialized training are administered. Staff activities emphasized curriculum development in health services administration.

The committee has recommended a funding level of $22,231,000 in 1974 for the support of activities in public health schools. This entire amount is an increase over the President's budget, which proposed to terminate support. This amendment would reduce by $6,660,000 the committee allowance which will provide sufficient funds to maintain these programs at the 1973 operating level. Contrary to the committee's belief, the Association of Schools of Public Health has said none of 18 schools intend to close as a result of Federal budget reductions. A majority of the graduates are employed by State and local governments and thus should share greatest in their education.

Fourth. Allied Health Support:

(a) Institutional Assistance: Special improvement grants were awarded to allied health training centers for improvement in their functions. These were also awarded to junior colleges, colleges, and universities on a competitive project basis for curriculum improvement and expansion of enrollment capacity.

(b) Student Assistance: Traineeship grants for advanced training were awarded to support students in allied health disciplines. The grants were awarded competitively to agencies providing the training, with the grantee having responsibility for selection of trainees.

(c) Educational Assistance: Funds under this activity support recruitment and development contracts which tap new resources for allied health manpower. Contracts complement the grants program of the Division by providing support for experimentation and innovation.

The committee has recommended an increase of $38,705,000 for financial assistance to allied health training programs. No funds were requested by the administration to continue support of these activities. The amendment would reduce the allowance by $16 million, which would maintain the program at the 1973 operating level and continue the programs presently funded.

EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

First. Aid to school district.

(a) Educationally deprived children: Grants are made to States and to local school districts for services for children from low-income families and for handicapped, orphaned, and neglected children. Special incentive grants are also made to States and districts with urban or rural areas with the highest concentration of children from low-income areas. The basic title 1 grant to school districts is computed on a county basis by multiplying the number of eligible children by one-half the State or national per pupil expenditure, whichever is higher. This entitlement is then prorated down to the funds available and grants are made through the State.

Title I—The amendment provides $1,713,000 for ESEA, title I. an increase of $127,815,000 over the 1973 operating level of $1,585,185,000 and a decrease of $97 million from the committee bill. The amendment would allow distribution of funds based on the 1970 census data, and would assure that no State received less than the 1972 level of funding for that State.

Second. Bilingual education:

This is a discretionary grant program which funds comprehensive curriculum reform in areas of high concentrations of non-English speaking children. Applications come from local educational agencies or jointly with institutions of higher education.

The amendment provides $40 million, a $5 million increase over the budget request and the 1973 level and a $5 million decrease from the committee bill. The budget request of $35 million was to support the expansion to another grade of 147 ongoing projects and to fund approximately 64 new projects. The increase of $5 million provided by this amendment would allow for another 30 new projects or a total of 94 new bilingual education projects in 1974.

ESTIMATED OBLIGATIONS FOR BILINGUAL EDUCATION ACTIVITIES IN THE OFFICE OF EDUCATION, FISCAL YEARS 1972, 1973, AND 1974

	Fiscal year—		
	1972	1973	1974
Elementary and secondary education:			
Bilingual education (ESRA VII)	$33,732,218	$35,080,000	$35,000,000
Follow through	3,332,524	3,332,524	2,369,000
Emergency school assistance	2,675,000	16,892,600	16,292,600
Education for the handicapped:			
Early education for handicapped children	717,997	93,892	86,629
Teacher education and recruitment: recruitment and information	20,817	20,817	
Vocational education	28,000,000	30,000,000	30,000,000
Adult education:			
Grants to States	12,800,000	12,800,000	12,800,000
Special projects	1,874,000	2,000,000	2,000,000
Teacher training	750,000	750,000	750,000
	83,902,556	100,969,833	99,298,229

(a) State education agencies contribute approximately $3,500,000 to bilingual projects funded by the U.S. Office of Education.

(b) Local education agencies contribute approximately $7,000,000 to bilingual projects funded by the U.S. Office of Education.

Note: Further estimates on State and local spending for bilingual programs are not available.

HIGHER EDUCATION

Third. Institutional assistance:

(c) Language training and area studies: Programs funded under this activity improve the educational institutions for research and training in international studies. Research and training is also supported abroad.

The amendment provides $7,360,000 for foreign language and area studies, a reduction of $5,000,000 from the committee bill. The amendment would continue the Fulbright-Hayes program at the current operating level of $1,360,000 and provide $6,000,000 for activities under title VI of the National Defense Education Act, an increase of $5,000,000 over the current spending rate for that program.

The amount for the title VI program would be sufficient to continue students presently holding language and area fellowships and meet other high priority needs while at the same time beginning the phase-out of those parts of the program which have met their objectives.

OCCUPATIONAL, VOCATIONAL AND ADULT EDUCATION

First. Grants to States for vocational education:

(a) Basic vocational education programs: Authorizes grants to assist States in maintaining, improving and initiating vocational education programs. Matching grants are made to the States on a formula basis with 40 percent of the State's allotment spent for these purposes: first, 15 percent for the disadvantaged; second, 10 percent for handicapped, and third, 15 percent for post-secondary programs. State-wide matching is required on a dollar-for-dollar basis.

The amendment would provide a total of $476,341,000 for basic grants, a $25,514,000 increase over the 1974 budget request and a $25 million decrease from the committee bill. The amendment would increase basic State support for vocational education by approximately 7 percent—an increase which should be sufficient to meet increasing costs as well as provide some program expansion.

LIBRARY RESOURCES

First. Public libraries:

(a) Services—Grants for public libraries—Funds grants to States to improve and extend library facilities in areas with inadequate service. Grants are based on a formula basis with the Federal share ranging from 33 percent to 66 percent and States must match in proportion to their per capita income.

Interlibrary cooperation—Grants are made on a formula basis with the Federal share being 100 percent in funding State's efforts to improve cooperation between libraries.

(b) Construction—This activity funds support for construction of public libraries. Grants are made to States on a formula basis with the Federal share ranging from 33 to 66 percent and States must match in proportion to their per capita income.

Second. School library resources:

Grants go to States for procurement of library resources for use by public and private elementary and secondary schools. Grants are allocated to the States on a formula based upon the number of pupils in the State.

Third. College library resources:

(a) College library resources—This authorizes grants to institutions of higher education for acquisition of library resources. There are three types of grants: first, basic grants up to $5,000 which must be matched dollar for dollar; second, supplemental grants up to $20 per student with no matching required; and third, special purpose grants which must be matched with $1 institution money for every $3 Federal money.

(b) Librarian training—This activity funds training for services to all types of libraries. Not less than 50 percent of the funds must be used to support fellowships and traineeships. These funds must be used to support fellowships and traineeships. These funds all go to library organizations and institutions of higher education.

(c) Library demonstration—This section funds grants and contracts to institutions of higher education and other organizations to improve libraries or improve training in librarianship. Applications are submitted by individuals through their respective institutions. OE reviews the applications and awards the grants in mind of their priorities. In fiscal 1973, about 14 demonstration projects were funded.

Fifth. Undergraduate instructional equipment:

Grants are awarded to institutions of higher education to fund improvement of undergraduate instruction. Funds are allotted to the States by a formula based on higher education enrollment and per capita income. State commissions rank applications by the institutions and recommend the Federal share which, except in hardship cases, may not exceed 50 percent of the total project cost.

The amendment provides $156,970,000 for public libraries, school libraries, college libraries, and undergraduate instructional equipment, an increase of nearly $20 million over the current operating level, and a decrease of about the same amount from the committee bill. The amendment retains support, therefore, for all library programs at a higher level than in 1973.

SOCIAL AND REHABILITATION SERVICES

Grants for developmental disabilities. Funds support programs to provide services to the developmentally disabled including the mentally retarded, the cerebral palsied, and the epileptic. Funds support: First, formula grant programs to States for services and construction for the developmentally disabled; second, grants for operating facilities for developmentally disabled persons; third, grants to public and nonprofit organizations for hospital improvement of State mental retardation facilities; and fourth, projects of national significance which will help the developmentally disabled.

This amendment would maintain the President's budget figure of $21,715,000, which is $10,785,000 less than the figure recommended by the committee. The States currently have $20 million in unexpended formula funds.

Mr. PERKINS. Will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Kentucky.

Mr. PERKINS. The gentleman's amendment is so comprehensive that it is difficult for me to follow what you cut from the Elementary and Secondary Education Act.

Mr. MICHEL. Yes. The item that the chairman of the Committee on Education and Labor inquired about is as to what my amendment cut from title I of ESEA. That amount is $97 million from the committee bill. But we retain in it that proviso which says that no State should be getting less than what they got in 1972.

Mr. PERKINS. The "hold harmless" provision would still remain in your bill, assuming it passes the House?

Mr. MICHEL. That is true.

Mr. PERKINS. And what is the amount you cut from the Office of Economic Opportunity?

Mr. MICHEL. From the Office of Economic Oportunity we cut half of the amount for Community Action. That is in the bill at a level of $185 million. My amendment cuts that by $92.5 million.

My rationale is simply this, Mr. Chairman: It is my information that the Office of Economic Opportunity is in the process of phasing out currently certain programs, and the more recent figures indicate to us that with the carryover money we have that all of the current CAP agencies, and those scheduled for phasing out, there will be enough money by the end of November to carry these others along. So, rather than having the full amount that the committee recommended, I say let us cut it in half, and that will carry us through May of next year.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(On request of Mr. PERKINS, and by unanimous consent, Mr. MICHEL was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, the gentleman is proposing to cut $92.5 million from the CAP agencies?

Mr. MICHEL. That is correct.

Mr. PERKINS. As to the manpower programs, how much is the gentleman proposing cutting, and specifically what programs does the gentleman propose to cut?

I am referring to the training programs administered by the Department of Labor.

Mr. MICHEL. I would reply to the gentleman from Kentucky that in this item there is nothing in the Department of Labor that my amendment touches. I believe we have made ourselves clear with respect to the Office of Economic Opportunity, there is no manpower training there. But I repeat, we do not touch a thing in the Department of Labor in my amendment. We have already read through that part of the bill, and there were no amendments offered.

Mr. PERKINS. So $92 million is what the gentleman proposes to cut from CAP agencies?

Mr. MICHEL. That is correct, and we are leaving in, as a matter of fact, the amount for legal services, of $71,700,000; general administration, $20 million; national summer youth sports program, $3 million; senior opportunities and services, $4 million; State economic opportunity offices, $6 million, and the special impact programs, $39.2 million; and general support. All that is left in there.

The only thing we do in the amendment is cut it by one-half so as to give a little bit of encouragement to those who are being phased out, and to give a good bit of encouragement to those communities that have already started phasing out.

If we put all of the money back in, then they will say, shucks, they are not serious, so why should we back off?

I think the gentleman from Illinois (Mr. O'BRIEN) has several of those in his district where the city council has met and they are all set to move into the program. The same thing is true in my home community. In the district represented by the gentleman from Kansas (Mr. SHRIVER) they have phased out the program. All we do is support what is justifiable to continue what they started out to do, and we still give some money to ease this kind of problem.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(On request of Mr. FOUNTAIN, and by unanimous consent, Mr. MICHEL was allowed to proceed for 5 additional minutes.)

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, I notice under "mental health" you have "general mental health," and then you have "training—maintain faculty support; eliminate increased student support," and then you have the figure of $19,540,000.

Mr. MICHEL. That is correct.

Mr. FOUNTAIN. Would the gentleman explain that item?

Mr. MICHEL. Would the gentleman from North Carolina repeat his question?

Mr. FOUNTAIN. Would the gentleman explain that item.

Mr. MICHEL. The real problem here is in maintaining the faculty support so that these institutions will be able to keep up their training programs. To provide the kind of Federal subsidy, to provide the training I say is really not needed in these areas as far as continuing student support. There is no good reason why someone who is going into these fields should have any more kind of an advantage than my four kids, one of whom is just graduating, in college today, when they are not going into the field of medicine, but into some other profession. We have all experienced increases in tuition fees because of our economic conditions, but why should we provide support in these kinds of fields, psychiatry, dentistry, and all of the others with good end of the road that is facing them after they receive this training. I really do not believe that they deserve that kind of a Federal subsidy or support. The support ought to come to the institutions, subsidies for the faculty, and not for someone who winds up with a high degree, with a BOG or an EOG, because we have the student loan program, the direct loan program, students are eligible to participate in those programs. And that figure is higher this year than it has ever been before.

Mr. FOUNTAIN. I notice under "health manpower" there is listed "construction," one-half of the increase over the budget, and there is recommended in committee bill $100 million. Your substitute knocks out $50 million. What is that construction?

Mr. MICHEL. We have several veterinary schools in the country, and there are several others, but it would be my intention with this $50 million restored or kept in the bill, where we have not spent a dime, frankly, in 1973 and it is just a continuation, that certainly we have an obligation here where we began those schools to follow through and not engage in any kind of thing where we are going to cap them out, as has been suggested.

There is money in this bill to continue those that are under way, and certainly a little bit of a margin here to start up new ones, if they are provided.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Kansas.

Mr. SHRIVER. I will ask the gentleman, does this pertain to veterinary schools that are in the process of trying to complete facility rebuilding programs initiated through Federal, State matching plans to meet critical accreditation requirements. Several veterinary schools including Iowa and Kansas are in the midst of planned and promised by the Federal Government building programs. Does this pertain to those schools?

Mr. MICHEL. That is correct.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. SCHERLE. I thank the gentleman for yielding.

In regard to the question posed by my colleague from Kansas, I should also like to ask my friend the status of the College of Veterinary Medicine at Ames, Iowa, in this appropriation bill?

Mr. MICHEL. This is one to which I have particular reference. Of course, that veterinary school is the one that is farthest along in the country, and with $50 million in the bill, there is just no reason under the sun why we should not continue with the construction of that particular school.

Mr. SCHERLE. The problem is that we have completed phase 1. We are now living with a half constructed building. We have obligated ourselves to students from North Dakota, Nebraska, South Dakota, and about two or three other States. I appreciate the statement made by the gentleman that this facility will be completed so that we can finish construction and take these students on board.

Mr. MICHEL. I appreciate the gentleman's bringing up that matter, because in my own mind our administration, I think, is wrong in that regard. A school like that that has students from a number of States is a national resource, and we cannot be relying solely on the State of Iowa to support the Veterinary School of Iowa, when the whole Midwest is sending students to that particular school. The same thing would apply to the five schools of podiatry. We have one in Chicago, one in Cleveland, and on the west coast. Those States where those five happen to be ought not to have the full responsibility of supporting those schools. It is a national resource, and we have an obligation to provide the Federal money going to those.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Kansas.

Mr. SKUBITZ. I listened with interest to the explanation of the gentleman. If I understand your explanation correctly, you point out that your revised bill in each instance—exceeds the amount of money that was spent during fiscal 1973.

Mr. MICHEL. Yes.

Mr. SKUBITZ. Is this correct?

Mr. MICHEL. Yes.

Mr. SKUBITZ. By operating level the gentleman does not mean the amount of money that was allowed under the continuing resolution; is that not correct?

Mr. MICHEL. We have a varying degree there, depending upon how the resolution is interpreted.

Mr. SKUBITZ. Permit me to give the gentleman an example. Under nursing support, construction grants, there was $20 million allowed.

Mr. MICHEL. In 1972.

Mr. SKUBITZ. In 1973 under the continuing resolution.

The President spent none of the money appropriated for the construction of nursing schools. The funds appropriated were impounded.

Mr. MICHEL. Let me tell the gentleman that of that $19.5 million we appropriated in 1972, we only obligated in 1972 $11.8 million. We carried forward into 1973 $10,763,000 and obligated in fiscal 1973 $10,020,000. By my last count, that still gives us a little carryover in 1974 of $47,000, and with the $10 million I have got in here, we have got a grand total of $700,000 more in 1974 than 1973.

Mr. SKUBITZ. Mr. Chairman, I beg to disagree with my colleague. I called the Department this morning.

I was advised that of the $19.5 million that was appropriated for fiscal year 1972, all of this money was spent, the $20 million allowed for fiscal year 1973, which was a part of the continuing resolution was impounded.

Mr. MICHEL. I think the gentleman's interpretation of the continuing resolution with respect to the construction funds is somewhat in error because they could take the lower of the figures, and there was only a lower figure carried forward rather than the higher figure the gentleman referred to.

Mr. SKUBITZ. The President would not release the money. It has not been available.

Mr. MICHEL. That has been part of the hassle.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. SKUBITZ, and by unanimous consent, Mr. MICHEL was allowed to proceed for 2 additional minutes.)

Mr. SKUBITZ. If the gentleman will yield, the position the Department now finds itself in is that for nearly a year and a half 41 projects that have been approved and seeking money to carry out this particular program have been standing in line. The Department has refused to consider all other applications. The $20 million that has been impounded and the $20 million the committee placed in this bill, if allowed, will take care of all the 41 projects as approved.

I shall offer an amendment to the gentleman's amendment.

Mr. MICHEL. I thank the gentleman. He has a particular problem where one of his hospitals decided to do away with their school and they are in a situation of currently operating in a rented old building of some kind. In that case some sort of construction allotment would be justified. I have a situation where three hospitals in a block all share a nursing facility. Of course every community is not that fortunate. That will vary throughout the country, but I tried to do my best with everybody, as I said, taking a part of the cut, and I tried to put together a package of $631 million of reduction from this bill, cutting the increase in the budget roughly in half.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Chairman, the gentleman's package to which he makes reference has to do as I understand it with 26 programs.

Mr. MICHEL. Twenty-six items in the bill.

Mr. DEVINE. And that is out of how many?

Mr. MICHEL. Out of some 307.

Mr. DEVINE. It is just a small percentage of the programs. And the others are left untouched?

Mr. MICHEL. Yes.

Mr. DEVINE. And in the event we adopt the amendment offered by the gentleman from Illinois and these line items are reduced in the amount suggested, the bill then will be over a half billion dollars over the budget?

Mr. MICHEL. Yes. We will take $631 million and subtract it from the $1.2 billion over the budget, and what in effect we are doing is cutting the increase in the budget in half.

Mr. DEVINE. I think the gentleman's approach is logical.

I commend the gentleman.

Mr. MICHEL. I thank the gentleman from Ohio.

AMENDMENT OFFERED BY MR. CONTE TO THE AMENDMENT OFFERED BY MR. MICHEL

Mr. CONTE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE to the amendment offered by Mr. MICHEL: At the end of the first sentence, after "Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255),", strike out "$725,311,000" and insert in lieu thereof "$745,851,000".

Mr. CONTE. Mr. Chairman, my amendment to the main amendment would have the effect of restoring $19.54 million for general mental health training programs and $1 million for alcoholism training programs, leaving the appropriation for those programs at the amount recommended by the Appropriations Committee, an amount less than was spent on them in 1972, the last year for which we had an enacted appropriation.

I recognize the absolute necessity of reducing the recommended Labor-HEW appropriation to a level that will give us a bill that can be enacted into law. I am going to support reductions in the level of funding this year for several programs which I think could actually use more money than was recommended.

However, in reducing the amount of support for training programs in all fields except drug abuse, cancer, and heart disease, the main amendment does something quite different. It returns those programs to a phase-out status. True, some of the increase included in the bill remains—for transitional support to institution. But no support for new student, or trainee, stipends would be available.

The decision to phase out training programs was made by the executive branch alone, and carried forward in 1973 in the absence of an enacted appropriation bill. Not only has the Congress not concurred in this decision, it has strongly opposed it. It is a decision with which I strongly disagree.

I will later introduce a separate amendment relating to the training programs of the National Institutes of Health. This amendment, and my remaining comments, apply to the general mental health and alcoholism training programs of the National Institute of Mental Health—training for researchers and for social workers, psychiatric nurses, psychologists, psychiatrists, hospital staff, and alcoholism prevention and treatment personnel.

At appropriation hearings, the administration testified that the incidence of mental illness is increasing. Twenty million persons in this country suffer from some form of mental illness. We have made tremendous progress, particularly in moving mental patients from crowded, custodial institutions to community care. But we have a long way to go. We have only a third, or less, of the Community Mental Health Centers needed to provide nationwide service. We are far from understanding the causes of mental illness.

Alcoholism is our No. 1 drug problem. There are 9 million alcoholics or alcohol abusers in this country. Alcoholism plays a major role in half of our highway fatalities, with an even higher rate among young people. It costs our economy an estimated $15 billion a year. The cost in human misery is incalculable. Alcoholism among young people is rising at a distressing rate. Yet, while training programs in drug abuse prevention are budgeted at $15.182 million, and would not be reduced by the main amendment, training programs in alcoholism—the major drug problem—were budgeted at $3.763 million. My amendment would restore the latter to the Appropriation Committee's $4.763 million level.

We have no surplus of manpower in these fields. The latest data available to the NIMH show close to 9,000 unfilled, budgeted positions in mental health treatment institutions alone. The administration testified this year that "progress against alcoholism problems to date has been hampered by the small number of expert and knowledgeable people working in this health area."

Training programs do need a good hard congressional look to see if the goals we set for them are still valid, if training is effective, how those who have had training support are using that training. But there is no justification at all for phasing out programs in areas while the need is so great.

We have been told it is inequitable to support training only in selected fields. This is misplaced reasoning. It is not inequitable to help train personnel needed for the general welfare. It is inequitable not to train those who will help relieve the cost and suffering of mental illness and alcoholism.

Alternative sources of support for these young people are either not available or are inadequate. Research training is at the graduate level, for which basic educational opportunity grants are not available. Total dependence on loans places a large burden on students undergoing long and expensive training and can only lead to their turning to other fields or to private practice to pay off the costs of their education.

Graduate trainees in the mental health research disciplines come from families with modest incomes—a median of $10,000–$12,000. Forty percent already owe money at the end of their undergraduate work. Borrowing for 3 to 6 more years of graduate work will leave them seriously in debt, while as researchers they can look forward to a median income of $16,500, less than half that of the individual in private practice.

Social workers and nurses generally come from families of even more modest means. Fifty percent of nursing students come from families earning less than $10,000 a year. While their training is not as long, they look forward to lower earning power too. Psychiatrists who stay in academic research, or work in salaried positions in public institutions, face a large differential from what they could earn in private practice.

Eliminating future student support can only mean a greater shortage of the professionals we need to make services available to those who need them and to continue the research that will help us improve treatment and understand the causes of mental illness and alcoholism. That is why I am proposing an amendment that would restore $19.54 million to general mental health training programs and $1 million to those in alcoholism.

SUBSTITUTE AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK FOR THE AMENDMENT OFFERED BY MR. MICHEL

Mr. ROBISON of New York. Mr. Chairman, I offer an amendment. The amendment is in the nature of a substitute for the pending Michel amendment. It does not change the Michel amendment except insofar as it alters certain dollar amounts stated therein under the educational portion thereof, and insofar as it changes certain dollar amounts under the Office of Economic Opportunity portion thereof, and, finally, insofar as it addresses itself to the "hold-harmless" provision of the committee bill, referring to the allocation of title I ESEA money.

The CHAIRMAN. The Clerk will report the amendment, and then the gentleman will be recognized to explain it.

The Clerk read as follows:

Substitute amendment offered by Mr. ROBISON of New York for the amendment offered by Mr. MICHEL: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91–616), the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89–793), and the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), $725,311,000.

To carry out titles VI and IX, sections 314 (a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(a)(7), 403(a)(1) and 433(a) of the Public Health Service Act; $301,320,000 of which $110,000,000 shall be available until June 30, 1976 for grants pursuant to section 601 of the Public Health Services Act for the construction or modernization of medical facilities.

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, $515,040,000.

For expenses not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, $276,415,000.

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, $40,227,000.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, $145,182,000.

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the Public Health Service Act with respect to neurology and stroke, $108,505,000.

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, $107,111,000.

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, $152,528,000.

To carry out, except as otherwise provided, title IV, part E and title X of the Public Health Service Act with respect to child health and human development, $116,092,000.

For expenses necessary to carry out title IV, part F, of the public Health Service Act, with respect to eye diseases and visual disorders, $33,949,000.

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, $27,154,000.

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities, other research resources and general research support grants, $110,871,000: *Provided*, That none of those funds shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

For the John F. Fogarty International Center for Advanced Study in the Health Sciences, $4,319,000, of which not to exceed $500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, $590,984,000, of which $2,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII, $50,000,000 shall be for grants for construction of facilities (including $10,000,000 for dental teaching facilliites) under part B of title VII, and $10,000,000 shall be for grants for construction of facilities under part A of title VIII: Provided, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

For carrying out, to the extent not otherwise provided, title I ($1,782,000,000), title III ($146,393,000) title V, parts A and C ($38,000,000), and title VII of the Elementary and Secondary Education Act; title III–A ($2,000,000) of the National Defense Education Act of 1958, and section 222,(a)(2) of the Economic Opportunity Act of 1964, $2,003,393,000: *Provided*, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than 80 percent of such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89–10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

For carrying out, to the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($419,682,000), D, F ($25,625,000), G ($19,500,000), H ($6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($61,300,000), $575,641,000 including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1975, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1972.

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of title VII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended, the Emergency Insured Student Loan Act of 1969, as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92–506 of October 19, 1972, $1,806,664,000, of which amounts reallotted for work-study shall remain available through June 30, 1975, $25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and $440,500,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses), of which $429,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: $310,000,000 for subsidies on guaranteed student loans and $31,425,000 for annual interest grants for subsidized construction loans. For carrying out, to the extent not otherwise provided, titles I ($38,239,000), II, and III ($2,730,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II ($90,000,000) of the Elementary and Secondary Education Act; and title II (except section 231) of the Higher Education Act; $154,310,000.

For carrying out, to the extent not otherwise provided, title VIII of the Elementary and Secondary Education Act, section 504 ($300,000), parts B–1 ($37,500,000), D ($43,660,000), E ($2,100,000), and F ($6,900,000) of the Education Professions Development Act, part IV of title III of the Communications Act of 1934, the Cooperative Research Act (except section 4), the Drug Abuse Education Act of 1970, and the Environmental Education Act, $135,110,000 of which $13,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

For carrying out section 405 of the General Education Provisions Act, and for the necessary expenses of the National Institute of Education, including rental of conference rooms in the District of Columbia, $127,671,000.

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, titles III, IV, V, VII, and VIII of the Older Americans Act of 1965, the Juvenile Delinquency Prevention Act, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, $280,932,000; of which $21,715,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1976, except that grants made from these funds after June 30, 1974, will be for construction only as specified in section 132(a)(3) of such Act; and $4,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, $241,300,000 plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

Mr. ROBISON of New York (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the substitute amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROBISON of New York. Mr. Chairman, I applaud what my colleague from Illinois (Mr. Michel) is attempting to do with his package amendment. The committee bill as it stands seems certain to provoke a veto. That veto might be overridden, .but I doubt it could. We would then be left, once again, with the unsatisfactory prospect of getting through the year again with a continuing resolution—with all the uncertainty that produces.

Much better, Mr. Chairman, that we now strive to strike a reasonable balance—as Mr. Michel is attempting to do; to reach a compromise of our differences of such a nature as to attract enough Republican votes to survive a a veto and, hopefully, in the inevitable negotiations with the administration that would follow our success here today, to avoid any such veto as well as the collateral problem of possible impoundments at the hands of a disgruntled Chief Executive.

But the trouble with package amendments, Mr. Chairman, is that the author thereof has one idea about priorities while some of us have others. I certainly claim expertise sufficient to settle such arguments but have worked hard, the past several days, in an effort to discover what changes in the Michel package would make the same more acceptable to the educational community in my State of New York. I have discussed those changes with Mr. Michel but found him already committed to his own package and, understandably, unwilling to now change it.

Hence, to save the time of the committee by avoiding some six separate amendments to the Michel package, I offer a package substitute therefor which does not touch the health portions thereof but does reshuffle certain parts of the educational portions thereof—changing priorities here and there—in such a way as not to violate the integrity of the overall reductions Mr. Michel would make in the committee bill.

In brief, my substitute would have the effect of making $1,772,000,000 available for title I of the Elementary and Secondary Education Act, instead of the $1,713,000,000 proposed by Mr. Michel. It is my judgment that the almost $100 million reduction proposed here by Mr. Michel is too much and would not enable us to meet the commitment we have made to educationally disadvantaged children. My substitute would reduce the committee's recommendation here by only $38 million.

I also propose to restore the $5 million cut made by the Michel package in the bilingual education program—a program of especial importance to my State, as it is to many others.

To make up the difference in dollars, I propose the following reductions beyond those now offered by Mr. Michel.

First, reduce the funding level for NDEA, title III, equipment and minor remodeling, from $25 million to $2 million;

Second, eliminate the "right-to-read" and "dropout prevention" programs altogether with a resultant saving of $16 million;

Third, reduce by $10 million—$53,660,000 to $43,660,000—the elementary and secondary education development program, with the cuts coming in the area of categorical programs which might better be handled by the National Institute of Education, anyway, and

Fourth, reduce by $15 million—from $142,671,000 to $127,671,000—the level of funding for the National Institute of Education.

There are no easy choices, here—in producing a total offset of $64 million as against my proposed $64 million increase, in ESEA I and the bilingual program; but the "right-to-read" and "dropout" programs could, it seems, be carried out under title I—a number of categorical programs which come under the broader category of elementary and secondary education development could be funded through the National Institute of Education—and, as to the latter, NIE was unable to spend the $118 million made available to it this year, as I am told, so the $127,671,000 I propose for it should be sufficient.

In the field of higher education, my substitute would make these changes in the Michel package:

I would restore the $5 million cut proposed by Mr. Michel for language training and area studies programs, under NDEA title VI—making funding therefor the same $12,360,000 as set in the committee bill—and my substitute would make up the $5 million, plus an additional $10,000 savings, by eliminating funds for construction, under title II of the Library Services and Construction Act, plus funds for equipment under title VI of the Higher Education Act, and by reducing funds for community services under title I of the Higher Education Act by $2,250,000.

Finally, while I support the $92,500,000 reduction proposed by Mr. Michel for the Office of Economic Opportunity, I find myself in disagreement with him as to where those reductions should fall. It is my view that at least $125 million should be available for community action programs, under section 221. To accomplish that intent, my amendment would specifically end funding for the lower priority national youth-summer sports program, under section 227, leaving it up to the administration to allocate the remaining $27 million OEO reduction, as stated in round figures, but I wish to make it clear the intent of my substitute is to make at least $125 million available for community action agencies.

This is, necessarily, a hurried and sketchy summary of the thrust of my substitute package for the Michel package of amendments; all other provisions of the Michel amendment would remain intact under my substitute. In substance, what I have tried to do is to preserve, as far as possible, "people" programs—as they might be called—by making reductions beyond those offered by Mr. Michel in "brick-and-mortar" programs.

My substitute, however, is designed to do one more important thing—the doing of which does not again change the dollar figures proposed by Mr. Michel.

The "hold harmless" provision for allocation of ESEA title I funds as contained in the committee bill, and unchanged in the Michel amendment, causes great disparity in the allocation of such funds when compared to the provisions of the authorizing legislation. In effect, it "locks in" the 1960 census base as to the location of eligible children for another year even though the 1970 census figures—now available—shows a marked shift in their location. Twenty-eight States will have to give away allocated moneys to 22 States. I have a table here, showing the "giveaway" States, if any of you are interested.

There is a need for some sort of phasing-in mechanism in order to reduce the impact of any abrupt reduction—but we should hold as closely as possible to the intent of the authorizing legislation. In addition, it is an inequitable situation—given the varying costs of educating children in different States—that the States receiving funds above their fiscal year 1974 authorized formula allocation would, under the committee's bill, be receiving dollars per child at a rate much higher than the States giving away money.

Thus, my substitute would also provide for an 80-percent ratable reduction, in fiscal year 1974, from the previous allocated level for those 22 States that would otherwise sustain—as would New York—a large reduction in funds. I believe this mechanism to be more equitable than the proposed hold-harmless provision, in that it would not only provide a starting point for a gradual phasing but, most importantly, would leave the final determination of the nature of the formula to the authorizing committee, in this case the Education and Labor Committee.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. ROBISON of New York. I am happy to yield.

Mr. SMITH of Iowa. Let me try to better understand your amendment. How much is the total amount of the reduction in your amendment compared to the committee bill?

Mr. ROBISON of New York. The total amount is the same as the Michel amendment plus $10,000 more in savings.

Mr. SMITH of Iowa. Practically the same total amount?

Mr. ROBISON of New York. That is correct.

Mr. SMITH of Iowa. I did not quite get clear what you did with OEO.

Mr. ROBISON of New York. I specifically eliminate funding through OEO for the national youth summer sports program and specifically set funding for community action programs at $125 million, whereas the gentleman from Illinois (Mr. Michel) does not allocate his cuts. That would leave a $27 million cut that would have to be allocated by the administrator of OEO.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. Smith of Iowa, Mr. Robison of New York was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Iowa. What is the reduction in OEO in your amendment compared to the committee bill?

Mr. ROBISON of New York. The reduction in OEO is the same as in the Michel amendment, which is $92 million or thereabouts, but the difference is that the Michel package does not specifically state where the reductions would fall, so my substitute would state community action programs would be set at the $125 million level, or at least at that level.

Mr. SMITH of Iowa. Then on the hold harmless clause, am I correct, as I understood it, you are going to permit some States to get 80 percent as much as they got last year?

Mr. ROBISON of New York. That is correct.

Mr. HORTON. Will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman.

Mr. HORTON. I want to indicate support for the gentleman's amendment. I wish he would give the figure he has for New York State and what it would get under his amendment as opposed to the Michel amendment.

Mr. ROBISON of New York. I do not know whether I can give the gentleman that, because I have not worked out what the 80 percent will produce, but I can tell the gentleman what the hold harmless provision will mean. It is a reduction for New York down to an 82.36 percentage of its allotment with the 1972 floor—from $309 million to roughly $255 million.

Mr. HORTON. Will the gentleman give some of the other States to be affected by this, like Illinois?

Mr. ROBISON of New York. If the gentleman will permit, I will be happy to pass out to anybody who may be interested in it, this brochure, of which I have several copies, asking "Are you a giveaway State?" which will give the figures for the States that lose, and 28 States do lose.

Mr. HORTON. I want to indicate my support of the gentleman's amendment.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the substitute.

I would like to commend the Appropriations Committee and especially Chairman Mahon and Chairman Flood for the decisive action which they have taken with regard to the Labor-HEW appropriations bill this year. They have presented us with a responsible compromise in light of our present fiscal restraints.

I would particularly like to commend the committee for its action in including a provision requiring that no State would receive less in title I funds than it received during fiscal year 1972. This provision is necessary in order to prevent disastrous cutbacks in programs in many States. If it were not included in the bill, Mississippi would lose one-half of its title I funds even though there is an overall increase in appropriations for title I of more than $200,000,000. North Carolina would lose $25,000,000. Iowa would lose $4,000,000. And, Oklahoma would lose almost $3,000,000.

We need this "hold-harmless" provision for this fiscal year in order to give the authorizing committees time to revise the outmoded title I formula which is in the present law. That formula now distributes funds to local school districts according to the number of children in each school district who are from families with incomes of less than $2,000 a year as determined in the decennial census and who are from families with incomes in excess of $2,000 from AFDC payments.

We did not realize the extent to which

the title I formula was outmoded until the 1970 census information became available to us in late December of last year. That information showed that drastic cutbacks would result in programs in a large number of States even though the school enrollment had remained stable in these States and even though the new Federal definition of poverty showed that there was the same number or a greater number of poor children in each one of these States.

For instance, South Carolina had the same public school enrollment in 1972 that it had in 1965 when we wrote the title I formula. The number of children counted under title I, however, showed a 65-percent increase. But, if we had been able to update the title I formula to reflect the new definition of poverty by the Bureau of the Budget for the Federal Government in 1969, South Carolina would show approximately the same number of poor children in 1970 as it had in 1960.

North Carolina is in the same situation. It had a stable public school enrollment from 1965 to 1972; but the new data shows a 69-percent decrease in the number of children counted under title I while showing only a 3-percent decrease in the number of poor children according to the updated Federal definition of poverty.

The same decline in children counted under title I is shown for Georgia, Tennessee, and Texas, although all of those States had actual increases in the number of poor children counted under the updated definition of poverty.

Since the same number or a greater number of poor children are in each of these States, it is only reasonable to guarantee that the same amounts of title I funds will be available to those children for this upcoming school year.

I would like to point out to my colleagues from the larger States that holding these poorer States harmless will not negate gains for the large States. New York will gain over $48 million. California gains $16,500,000. Illinois gains almost $14 million. Michigan gains $10 million. And, New Jersey gains $9,600,000.

I urge my colleagues to support the committee bill. It will not only allow many States to gain title I funds for this upcoming school year, but it will also give Congress time to revise the outmoded title I formula in order to treat children fairly wherever they may live.

I would like to insert at this point in the RECORD data from several representative States. That data clearly shows the need for a State "hold-harmless" provision:

	1965 enrollment	1972 enrollment	Percent increase, decrease	1960 census $2,000	1970 census $2,000	Percent increase, decrease	1970 Orshansky	Percen increase decrease
Georgia	962,744	962,864	+0.01	239,789	93,139	−61.15	293,871	+18.40
North Carolina[1]	1,201,139	1,197,797	−.27	323,096	99,224	−69.28	312,545	−3.26
South Carolina[1]	656,808	649,467	−1.1	206,638	71,844	−65.23	206,985	+.16
Tennessee	859,196	876,399	+1.96	220,048	81,832	−62.81	245,167	+10.24
Texas	2,405,067	2,747,110	+12.45	398,217	192,639	−51.62	636,776	+37.46
Virginia	996,766	1,109,914	+10.19	167,874	67,779	−59.62	214,357	+21.68

[1] North Carolina and South Carolina showed an increase in private school enrollment of 94 percent and 130 percent respectively between 1965 and 1972.

Mr. Chairman, I hope that the substitute offered to the amendment is defeated, because that would throw a monkey wrench into all of the funding.

AMENDMENT OFFERED BY MR. QUIE TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK

Mr. QUIE. Mr. Chairman, I offered an amendment to the substitute amendment offered by the gentleman from New York (Mr. ROBISON).

The Clerk read as follows:

Amendment offered by Mr. QUIE to the substitute amendment offered by Mr. ROBISON of New York: In sentence 16, after the words "fiscal 1972," insert the following: "and (2) shall not be more than 110 percent of the amounts made available to such State for that purpose for fiscal year 1972, plus one-half the difference between such amounts and the amounts which would be made available to such State under this Act without application of this clause:"

Mr. QUIE. Mr. Chairman, this amendment applies to the hold harmless provision of the Robison substitute. What the Robison substitute does, as I understand it, is that all of the States that have lost poor population would not be held at the 1972 level but at 80 percent of it, so that they would begin to lose some money because of the loss of kids.

What my amendment does is also put a lid on the top that any State that has an increase of 110 percent, of course, would receive that amount, but any amount over 110 percent they would receive half of that amount, and that comes to the very subject that the chairman of the Committee on Education and Labor spoke to.

Some States have had a dramatic increase in AFDC. When the authorizing legislation was enacted, AFDC payments above the $2,000 level were not a great amount. Now there are more kids who come under the AFDC category above the $2,000 than those who are below that amount, and in some States there have been some dramatic increases.

To give an example, I mentioned a little while ago that the highest State was New Jersey, with just about 600-percent increase in AFDC in 10 years. It was really a 583-percent increase, and West Virginia had only a 9 percent increase. The average throughout the Nation was 206-percent increase.

The Committee on Education and Labor is trying to figure out a formula for ESEA title I. It is not possible that we can guarantee that States that have lost, for instance, just about 70 percent of their children from families at $2,000 or less should continue to receive the same amount of money, but, by the same token, those States that are wealthy and have paid high amounts of AFDC, have lower eligibility requirements, or permit the father to be in the home and still get AFDC do then receive this big bonanza of increased amounts of money, and that is really what the Robison substitute would do.

It is true it takes away from the States that had a loss of poor children, but it then adds it all on top of the States that have the dramatic increase in the AFDC. It seems to me we have got to circumscribe both sides of it. For that reason I offer this amendment to the substitute so we keep this amount in control rather than let it either, on the one hand continue the full payment to those who have lost population, or to give all of the increase to those who have had the increase in the AFDC. AFDC is a poor indicator of educational disadvantaged.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let me say to my distinguished colleague that I have the figures here on Georgia, North Carolina, South Carolina, Tennessee, and Virginia, which shows the 1965 enrollment contrasted with the 1927 enrollment to be fairly equal, and the increase and decrease in enrollment is very small. Contrasting the 1960 census families which come under the $2,000 low-income factor with the 1970 families which come under the $2,000, there is a great drop.

For instance, in North Carolina we had 323,000 families in 1960 compared with 99,000 in 1970, but when we use the only poverty formula used by the U.S. Government today, which is the Orshansky formula, we have the same number of children in families under $2,000 that we had back in 1960, as many children.

So we do not have that great decrease. The children are there today when we measure them by the poverty standard, the only poverty standard that is applied in the U.S. Government, other than the formula that is in title I. We have the children in these various States and we do not have that great shift in population which is erroneous because the formula is outmoded. The whole shift is brought about because of the AFDC payments throughout the country and does not reflect the truth under any circumstances.

Mr. FLOOD. Mr. Chairman, believe it or not, I am not sure what I am opposing, but I am opposing everything I have heard so far. I will see if I can figure it out.

I doubt if I can do it.

Well, well, well, there is nothing I like better than a family fight provided I am not in it. The gentlemen over here have been having a ball for the last half hour. The gentleman from Illinois (Mr. Michel) started out, and then along came the gentleman from Massachusetts (Mr. Conte), although he was pretty good, and then the gentleman from New York (Mr. Robison) came along with a New York amendment.

Then on the other hand, or the other foot, I suppose, here is the Committee on Education and Labor, as usual taking over the whole show, and the gentleman from Kentucky (Mr. Perkins) and the gentleman from Minnesota (Mr. Quie) are carrying on their own battle.

If the Members will remember, the gentleman from Illinois (Mr. Michel) started this. The thing is this. I, of course, must oppose the amendment, the substitute, and the amendment to the substitute, et cetera, et cetera, and et cetera. Let me say at the outset that I sincerely regret the gentleman from Illinois, the ranking minority member of our committee, for 4 years or so, felt compelled to offer this amendment. I have known him so intimately, and I know the guy and I just do not feel his heart is in it. He is not dying for Rutgers on this. But the basic philosophy of his amendment is that half a loaf is better than none. All right. But it is not better than a whole loaf.

This amendment proposes to cut in half the increases over the budget recommended by the committee. In fact the total amount of the amendments is about one-half of the increase over the budget recommended by the committee.

Now all our people should be getting the best education in the world. We have the highest standard of living of any nation in the world. We certainly cannot sacrifice health and education as part of those standards. But whatever we have as far as we are concerned is still not good enough. This amendment would reduce the amount of the bill by $632 million. Over half a billion of this would be in health and education funds; $377 million is in health alone. We are against health? Ai-yi-yi.

He says he is still leaving half of the increase over the budget. But, increases. Increases over what? Increases over what? The increase over a budget ridiculously low to begin with.

Mr. Chairman, we in Congress have a responsibility to correct the errors made by the people who put this budget together and, believe me, the Labor-HEW budget for 1974 was a mistake. There were other mistakes in the budget which was sent up here in January. For example, we now know that the estimates of receipts in the budget were off by $7 billion for fiscal year 1973 and $10 billion for fiscal year 1974. I think that the budget for HEW represented a mistake of similar magnitude. It is said that to err is human, to forgive divine. We can certainly forgive those who put this budget together, but let us not compound and perpetuate their errors.

I think it is important that you understand the real effect of the amendment. If you approve this amendment, you will be agreeing to reductions below the 1973 appropriations for alcoholism, medical research and training, construction of nursing schools and medical schools, education of disadvantaged children, bilingual education, vocational education, assistance for public library programs, and programs to help the mentally retarded. You will be agreeing to cuts below the 1972 appropriation for hospital construction, mental health training, community mental health centers, and allied health. You will be cutting aid for schools of veterinary medicine, optometry, pharmacy, and podiatry below the amounts appropriated for them for fiscal year 1972. Mr. Chairman, the Members of this House have received an avalanche of mail from their constituents urging them not to agree to the cutbacks in these programs proposed in the budget. This committee has not agreed to the proposed reductions because so many Members of the House asked us not to do so. We are acting as your agents. If you agree to this amendment, you will be agreeing to amounts which are lower than you voted for in both the 1972 and the 1973 appropriation bills. Look over this amendment carefully. Check the programs that would be reduced. I am sure that you have heard of these programs many times from the people and institutions that are directly affected by them: community mental centers, alcoholism, Hill-Burton grants, construction of facilities for schools of medicine, dentistry, nursing, and veterinary medicine, and research on arthritis, digestive diseases, stroke, child health, aging, blindness, and genetic disorders to mention only a few.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. Flood was allowed to proceed for an additional 5 minutes.)

Mr. FLOOD. Mr. Chairman, ever hear of title I of the Elementary and Secondary Education Act? It is a big program—over $1.8 billion. It helps educate over 6 million disadvantaged kids. The amount included in the bill is the amount that the House voted for last year. The amendment would cut this back by $97 million. If we do not provide additional funds for this program, we would be simply setting aside the effect of the 1970 census and giving the States which had population increases less money per pupil than they had before.

Now if you look at the amendment carefully, you will see that it is based on what is referred to as the "operating level." For those of you not familiar with the term, perhaps a short explanation is in order. The administration has ignored the action of the Congress on 1973 appropriations for HEW and has operated the programs at funding levels which they have decided are more desirable. The committee could not condone what amounts to impoundment of funds appropriated by the Congress. The amounts recommended in the bill are based on congressional action on 1973 appropriations and not on the administration's plan which would impound funds. If the committee were to base its recommendations on the administration's operating plan, it would create more confusion than we have already seen. Setting aside the basic question of Presidential authority to impound funds, the practical problem created by the operating plan is its fluidity—it is subject to change from day to day and from hour to hour.

Who decides on these changes? Not the Congress. Not the Appropriations Committee. I frankly do not know who makes these decisions, but it is probably the Office of Management and Budget.

How do we find out when the operating plan changes? Usually in the newspaper and sometimes we get a telephone call or a memo from somebody downtown in HEW telling us to change a figure. Is this any way for Congress or the Appropriations Committee to conduct its business? Certainly not.

I feel that the bill before you is a response to the congressional sense of program priorities. The drastic cuts in the budget for health and education were simply too unrealistic for the committee to accept. The amendment now offered would, in effect, endorse the cuts proposed by the budget. Although the cuts would not be as severe, they would still be cuts.

Mr. Chairman, it might be possible to defend this amendment on the grounds that if it is adopted, the bill will not be vetoed. I am quite sure that the proponents of the amendment cannot give us any assurance that this is the case. If the amendment were adopted, the bill would still exceed the President's budget by either $632 million or $1.3 billion depending upon how you look at it. I am as anxious as anyone in this Congress to enact a Labor-HEW appropriation rather than living on a continuing resolution as we were forced to do in fiscal year 1973. But I am afraid that this amendment would not make any difference in this regard. Under the circumstances, I believe we must vote for what we believe is right and not settle for half a loaf.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent for maybe 1½ more minutes. Let me put the curtain on, not up.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Chairman, I think of the great Ben Jonson. He wrote that "Calumines are best answered in silence."

That is true in this case, because the Record speaks pretty well for itself. Never gild the lily, they say.

I will say this to those who would indulge in a false economy at the expense of human and humane values, to those who have a narrow vision of loyalty to certain special interests; God, country, and Yale. Well, if you are there, all right.

What about this committee? What about all the hard work that has gone into this bill?

Mr. Chairman, I am quoting; this is in the words of the great Clive, Clive of India:

> I stand astonished at my own moderation!

I urge Members to be against everything they have been listening to except me.

The CHAIRMAN. At this time no further amendments are in order until some are disposed of.

Mr. PEYSER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is going to be very dull——

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield? Does the gentleman really want to try to follow that act?

Mr. PEYSER. I am going to present a thought I believe is very important in this legislation, and I believe it is important that the Members understand it. This deals with this question of title I and the so-called "hold-harmless" provision.

In effect, "hold-harmless" keeps us operating on the 1960 census data. There have been many changes between 1960 and the current census, and yet "hold-harmless" specifically keeps us at the 1960 level.

Someone raised a question before under title I as to what States were affected. I should like to read a list of the States that in effect lose money by this "hold-harmless" provision. The States of Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Washington, and Wisconsin.

Mr. Chairman, the Committee on Education, under the leadership of Chairman Perkins, the gentleman who has also been acting as chairman of this subcommittee, has been struggling, as we all have to reach some decisions on this formula in title I. But I want the Members to be aware of the fact that this idea of keeping the hold harmless provision does produce a major change in the larger States.

Now, I think the real issue of title I is to help underprivileged children, to help children who have educational problems.

Mr. PERKINS. Mr. Chairman, will the gentleman from New York (Mr. Peyser) yield?

Mr. PEYSER. I yield to the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Chairman, the purpose of the bill, as the gentleman stated, is to help disadvantaged children, but it is my view that we should treat all disadvantaged children alike. The gentleman wishes to hold onto the $2,000 low-income factor and take the 1970 census count.

If the gentleman would go up to the $4,000 low-income factor and take the 1970 census count, that would satisfy everybody and treat every child in this country alike, but we cannot discriminate against children by holding onto this 1960 low-income factor of $2,000 when the other children in New York State, 75 percent of them, are being counted above the $2,000 figure because of the AFDC payments.

Mr. Chairman, that is the inequity and the injustice in this formula, and that is the injustice in the gentleman's argument that he is making in this Chamber.

Mr. PEYSER. Mr. Chairman, I thank the gentleman for his comments.

I believe that I want to treat children equally as well, but I want to treat the children where the children are, and the great numbers of children happen now to be in the bigger States.

Mr. Chairman, I also believe that the States that are making the major effort in education should not be penalized for making that effort. They ought to be encouraged to make the effort, and this is the reason I have opposed the question of the hold harmless provision. It is a complicated matter, I do respect Chairman Perkins thoughts and concern.

Mr. O'HARA. Mr. Chairman, will the gentleman from New York (Mr. Peyser) yield?

Mr. PEYSER. I will be glad to yield to the gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. Mr. Chairman, I wish to say that the gentleman from New York (Mr. Peyser) has hit the nail right on the head. The hold harmless provision keeps us at the 1960 census figures. The population has moved, and the money has stayed where the children used to be instead of going where they are today.

Mr. Chairman, I hope that when we do get to page 18, the gentleman will offer an amendment to strike out the hold harmless provision. If he does, I will be happy to support him.

Mr. PEYSER. Mr. Chairman, I thank the gentleman.

In closing, I would like to say that I think title I is one of the great programs we have put into the field of Federal Government involvement in the field of education. This program, as does any massive program, has some problems, but basically it has provided the means for getting the money to help young people who need the help, and I think it has been a tremendous program.

Mr. Chairman, I believe the committee should be supported, and we should provide the full amount the committee has called for in title I.

Mr. ARENDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have all enjoyed listening to the gentleman from Pennsylvania (Mr. Flood) who is truly interesting and entertaining. However, I desire to mention some other fact. I just ran back fast into the library and picked up a vote record on the last debt limit vote.

On this vote earlier this month, to his credit, Mr. Flood voted to increase the debt limit.

Now, however, the gentleman is urging more spending that will greatly increase spending in the proposal before us this time. I wish he would take some time and direct a little time toward convincing some of the Members on his side of the aisle that they should begin to quit some of the excessive spending that goes on in this House, there are many, many Members who will probably vote to increase this spending program. One after another—they do it consistently, continue random spending and—on the occasion of the last record vote mentioned above, 152 voted "No." Two-thirds of this number came from the majority side of the aisle.

Mr. Chairman, some day somebody back home, Mr. Voter, is going to find out how you vote to spend and spend yet will not be responsible and vote to increase the debt limit which you helped to create. Just remember, you cannot have it both ways.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a couple of minutes, because it seems that the opposition or the confusion, or whatever it may be, seems to have centered only on two parts of this amendment. One is the part of title I in which the committee recommended $1.81 billion.

The gentleman from Illinois just talked about the debt limit and claimed it is affected by too much money in this bill. I want to remind you the reason for the debt limit being so high is partially because we appropriated $6 billion for revenue sharing with the support of those supporting the amendment to cut the bill.

Title I of ESEA is truly a revenue sharing provision. Under title I, money is given by the Federal Government back to the local communities to relieve their tax problems. It goes to those communities that need it the worst or those which have children of low-income parents.

I think Members should choose between kinds of revenue sharing without any lack of confidence that they are doing their part to keep down the national debt.

What we have here is this: Obviously the 1970 census is not a fair basis for distribution. It takes 1 year out of 10 and uses it for 10 years under this law. In addition to that, there are other things than census statistics which are not equitable or fair in the formula. So the committee reasoned that if we go to $1.81 billion, we can give each State as much as they got the year before and increase some of the others and start to make the transition, hoping the legislative committee in the meantime will work out some kind of a more fair formula for this program.

What they are trying to do in these amendments is to do as much with less than $1.81 billion as can be done with $1.8 billion. It cannot be done. Mr. Robison of New York is trying to do it with about $50 million less, and Mr. Michel with $97 mililon less. It cannot be done. We need $1.81 billion to do this job in this transition period we are in. Hopefully, by the time this bill is here next year, the committee will rewrite the law and the guidelines and make them more equitable and we can go on from there.

The other thing mentioned frequently in the debate has been the poverty program. Mr. Michel recommended a reduction in the poverty program of $92.5 million. What the committee said is that if we would take the $333 million in the bill which is less than was appropriated this year, we could fund the program to the end of the fiscal year, then during that time the legislative committee will come in here and you will have a chance to do battle on the floor to decide what to do about the poverty program.

I do not think it makes any sense, really, to cut it 1 month or 5 weeks or whatever it may take. Instead, let us appropriate enough money to take it to the end of the fiscal year.

Mr. FLOOD. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. It is $150 million less than last year.

Mr. SMITH of Iowa. Anyway, the fact of the matter is that in rural areas—and it may not be true in some of the cities, but it is in rural areas—there is simply no agency available to administer CAP-type programs. In some of the cities there is a governmental unit that can do the job, but whether it is local towns or townships or counties which must be combined, there is no other governmental unit that can take over at this point and administer these kinds of programs.

Also, a forced phaseout without a definite program for shifting some programs and functions to other agencies would cause trouble in the programs the administration wants to keep as well as others.

I think what we need to do on the poverty program is fund enough money, which we did in the bill, to fund it to the end of the fiscal year, and that coincides with the time by which the Committee on Education and Labor must have reported a bill to the floor and you will have a chance to work your will on that bill.

I hope you will vote down the Robison amendment and then vote down the Michel amendment and then vote for the committee bill.

The CHAIRMAN. The Chair will try to state the parliamentary situation.

The Conte amendment to the Michel amendment will be presented for a vote. Then, if there are no other amendments to the Michel package amendment, the Quie amendment to the Robison substitute will be presented for disposal. Then, if there are no further amendments to the Robison substitute, the question would occur on the Robison substitute. The question then occurs on the Michel package amendment providing persons do not rise for the purpose of debate. If they do rise, the Chair will recognize them.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CONTE. Mr. Chairman, as I understand, we will first consider my amendment to the amendment offered by the gentleman from Illinois (Mr. Michel)?

The CHAIRMAN. The gentleman is correct, the first vote will be on the amendment the gentleman has offered to the amendment offered by the gentleman from Illinois (Mr. Michel). That will be disposed of first.

Mr. CONTE. That raises the mental health section by $20 million.

Mr. Chairman, I then have another amendment that I would like to offer. Will I be permitted to offer that amendment?

The CHAIRMAN. The Chair will state that after the first amendment has been disposed of the gentleman may rise and offer his other amendment.

Mr. CONTE. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Conte) to the amendment offered by the gentleman from Illinois (Mr. Michel).

The question was taken; and on a division (demanded by Mr. Conte) there were—ayes 11, noes 78.

So the amendment to the amendment was rejected.

AMENDMENTS OFFERED BY MR. CONTE TO THE AMENDMENT OFFERED BY MR. MICHEL

Mr. CONTE. Mr. Chairman, I offer several amendments to the amendment offered by the gentleman from Illinois (Mr. Michel).

Mr. Chairman, these are several amendments to the NIH research training programs, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Conte to the amendment offered by Mr. Michel: At the end of the fifth sentence, after "title IV, part C, of the Public Health Service Act,", strike out "$40,227,000" and insert in lieu thereof "$42,356,000".

At the end of the sixth sentence, after "and digestive diseases,", strike out "$145,182,000" and insert in lieu thereof "$147,568,000".

At the end of the seventh sentence, after "neurology and stroke,", strike out "$108,505,000" and insert in lieu thereof "$114,066,000".

At the end of the eighth sentence, after "allergy and infectious diseases,", strike out "$107,111,000" and insert in lieu thereof "$107,134,000".

At the end of the ninth sentence, after "chemical substances for demonstrations and research,", strike out "$152,528,000" and insert in lieu thereof "$164,460,000".

At the end of the tenth sentence, after "child health and human development,", strike out "$116,092,000" and insert in lieu thereof "$117,749,000".

At the end of the eleventh sentence, after "eye diseases and visual disorders,", strike out "$33,949,000" and insert in lieu thereof "$35,480,000".

At the end of the twelfth sentence, after "environmental health sciences,", strike out "$27,154,000" and insert in lieu thereof "$27,556,000".

In the thirteenth sentence, after "other research resources and general research support grants,", strike out "$110,871,000" and insert in lieu thereof "$111,083,000".

In the fourteenth sentence, after "for Advanced Study in the Health Sciences,", strike out "$4,319,000" and insert in lieu thereof "$4,767,000".

Mr. CONTE. Mr. Chairman, my amendment to the main amendment would have the effect of restoring $26.281 million to the appropriation for NIH research training programs, leaving the appropriation for them at the amount recommended by the Appropriations Committee.

Earlier, I talked about the need to continue direct support to students in mental health and alcoholism. I have told you why I cannot go along with those parts of the main amendment that would have the effect of phasing out training programs mandated by the Congress rather than simply supporting them for next year at reduced levels. Now I want to comment specifically on the NIH training programs.

Availability and cost of health care is one of our greatest problems. This Congress has before it multimillion—even multibillion—dollar proposals for health care delivery systems and health insurance. Important as they are, these are only short-term measures. In the long run, the solution to the health care crisis lies only in our learning more about sickness and health.

We have built the world's best medical research programs by attracting to them some of our brightest young people and giving them the best training possible. Medical research is beginning, but only beginning, to give us some of the answers we need. This is not the time to cut away the very base of our medical research enterprise.

During appropriation hearings, we heard a number of arguments for the proposed phasing out of research training. Some were misplaced, others unsupported by fact.

It was argued that it is inequitable to use federal funds for training in the life sciences and not in other fields. Yet it has never been considered inequitable to train officers for the Armed Forces. Failing to train those who may help provide the answers to diabetes, muscular distrophy, or mental retardation is grossly inequitable to those who suffer, or will suffer.

It was argued that we have a sufficient research manpower supply; that sufficiency was not documented. What is more, the quality of our research depends on a constant supply of new ideas that can come only from the young.

Finally, we were told we should rely on the "play of the market" to attract young people to medical research, and that other means of support are available for them. Let us look at those other means and how adequate they are.

NIH research training programs are for graduate work for which basic educational opportunity grants are not available. Loans can be used, but total dependence on them will have serious consequences.

NIH trainees do not come from well-to-do families—median family income is $10,000–$12,000, and only 5 percent of the trainees rely on their families for major support for graduate training. Many enter graduate school already in debt for their undergraduate education. Those who have been fortunate enough to have NIH support could rely on it for only about half of their expenses. At least 3 years of graduate training is required for biomedical research; some fields require much more. Costs vary widely, but NIH estimates that ending student stipends would leave students in debt an average of $16,000 at the end of a Ph. D. and $27,000 at the end of post-doctoral training.

In 1970, the median salary for a research scientist with a doctorate and 1 year or less of experience was $11,000. Mind you, this is the very time in their lives at which these young people, owing between $16,000 and $25,000, will be starting families, or have young families. The overall median salary for research scientists, regardless of years of experience, was $16,500 in 1970—earnings for private medical practice were well over double that amount.

If we rely on the "play of the market," we will most assuredly guarantee that many young people who manage to get through graduate school will have to go into private practice to pay their debts. Others will be discouraged from trying. Medical research will be in danger of becoming a "rich man's field." This is a gamble I am not willing to take when the stakes for all of us are health and life.

The main amendment leaves intact training funds for the cancer and heart institutes. That is commendable. I can find no reason, however, to limit support to students in those fields. The costs, in dollars and suffering, from glaucoma, multiple sclerosis, or any of the other diseases on which NIH is working, are tremendous. Moreover, diseases are not that separate for the researcher. A breakthrough in the basic medical sciences will affect whole families of illnesses. A disease-by-disease strategy is expensive and unwise.

I consider $26.281 million a good investment if it brings some of our best young people into medical research and keeps them there.

Mr. Chairman, I have received mail from all over the country on the importance of research training programs.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 25, noes 87.

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendments were rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the substitute amendment offered by the gentleman from New York (Mr. ROBISON) for the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 8, noes 89.

So the amendment to the substitute amendment was rejected.

Mr. LANDGREBE. Mr. Chairman, I rise in opposition to the amendment and move to strike the last word.

Mr. Chairman, I am afraid that after tonight's fun and games are over everyone will laugh except the taxpayer and the senior citizen who is hurt most by inflation which results from planned and deliberate reckless deficit spending. The Robison amendments add some $64 million to the Michel amendments, which brings the package close to $700 million over the administration budget. I suggest we defeat the Robison amendment after which I will offer my substitute to the Michel amendment which I believe to be far superior to the Robison substitute or the Michel amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. ROBISON) for the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROBISON of New York. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. LANDGREBE FOR THE AMENDMENT OFFERED BY MR. MICHEL

Mr. LANDGREBE. Mr. Chairman, I offer a substitute amendment.

The clerk read as follows:

Substitute amendment offered by Mr. LANDGREBE for the amendment offered by Mr. MICHEL: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et. seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91-616), the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89-793), and the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), $646,551,000.

To carry out titles VI and IX, sections 314 (a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(a)(7), 403(a)(1) and 433(a) of the Public Health Service Act; $103,081,000. For expenses necessary to carry out title IV, part A, of the Public Health Service Act, $500,000,000.

For expenses not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, $235,000,000.

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, $38,452,000.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, $133,608,000.

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the Public Health Service Act with respect to neurology and stroke, $101,198,000.

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, $98,693,000.

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, $138,573,000.

To carry out, except as otherwise provided, title IV, part E and title X of the Public Health Service Act with respect to child health and human development, $106,679,000.

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, $32,092,000.

To carry out, except as otherwise provided, section 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, $25,263,000.

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities, other research resources and general research support grants, $88,632,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, $3,586,000, of which not to exceed $500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Laboratory.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, $382,180,000, of which $2,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII. *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

For carrying out, to the extent not otherwise provided, title I ($1,585,185,000), title III and title VII of the Elementary and Secondary Education Act; and section 222(a) (2) of the Economic Opportunity Act of 1964, $1,661,185,000: *Provided*, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89-10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

For carrying out to the extent not otherwise provided, the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) $450,827,000 including 8,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1975, and not to exceed $9,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1972.

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of Title VII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended, the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329) section 421 of the General Educaion Provisions Act, and Public Law 92-506 of October 19, 1972, $1,803,914,000 of which amounts reallotted for work-study shall remain available through June 30, 1975, $25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and $440,500,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses), of which $429,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: $310,000,000 for subsidies on guaranteed student loans and $31,425,000 for annual interest grants for subsidized construction loans.

For carrying out, except as otherwise provided, sections 310 and 303 of the Public Health Service Act, parts B, C, and D of the

Developmental Disabilities Services and Facilities Construction Act, titles III, IV, VII, and VIII of the Older Americans Act of 1965, the Juvenile Delinquency Prevention Act, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, $264,030,000; of which $21,715,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1976, except that grants made from these funds after June 30, 1974, will be for construction only as specified in section 132(a)(3) of such Act; and $4,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended $143,800,000 plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

Mr. LANDGREBE (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LANDGREBE. Mr. Chairman, I will be brief. I will not repeat all of the statistics I mentioned this afternoon. However, this is a very important matter since this bill carries a price tag of some $32 billion.

I would like to point out that the President's budget proposal was perhaps not perfect. However, this is pretty much a matter of personal opinion. Most certainly this comes closer to being fiscally responsible than the Michel amendment we are discussing at this time. My substitute would, of course, bring the amounts in the Michel amendment down to the administration budget level.

The amendment of the gentleman from Illinois suggests the expenditure of some $632 million over the budget, and this in consideration of the fact that the President's budget was some 12 percent over the funding for 1973. In fact, I would just recap quickly. In 1964, the HEW programs were costing the taxpayers $24 billion; in 1972, 71.8 billion; in 1973, 83.6 billion; in 1974, the administration proposes 93.8 billion funding of the HEW programs. That is a nice, neat, 33-percent increase in just 3 years.

My amendment would simply restore the bill, to the administration budget level, which I repeat is 12 percent over last year even though there are some $6 billion a year being spread across America in revenue sharing funds, school enrollments are down, employment is up.

In addition to that, we are concerned about having our bill vetoed and going along another year on a continuing resolution. There is no indication at all that the Michel amendment is acceptable to the administration. In fact, I have information to the contrary. Therefore, I feel that the Congress must accept its fiscal responsibility.

We must assist the administration in restoring fiscal stability, fiscal sanity in this country. Therefore, I urge the adoption of my amendment which is, in effect, the budget of the administration. Members can add the figures this way and that way; there is no line item that has been changed intentionally. There has been discussion here today whether the committee bill is $1.9 billion or $1.2 billion over the administration's request. My amendment is within $100 million of the administration's budget. The intention of this substitute amendment is to provide an opportunity to Members of the House to exercise fiscal responsibility and vote on the budget figures which have been proposed by the administration.

Mr. Chairman, I urge support of my substitute to the Michel amendment.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

With no disrespect to my colleague who just offered the amendment, I really believe the temper of the House is such that his amendment will not be accepted.

Let me take this very brief opportunity, assuming that that amendment will be disposed of quickly, so that we can get to a vote on my package of amendments. If the amendment is agreed to or if it goes down, we will be at that point where we will begin to read the bill paragraph by paragraph. It would occur to me that as soon as I have concluded my remarks, unless the distinguished chairman of the subcommittee would choose to be recognized again. We could get to a vote on my amendment.

Let me say very briefly that when we adjust this bill, for the budget requests deferred, that is an amount of $2,181,789,000. Those are things which are going to come up in supplementals.

Even with adoption of my amendment we will be $2,539,090,000 over the 1973 spending level. So if anyone tries to indicate that with the adoption of my amendment we are not making any progress or not putting additional money into this bill, it just is not so. There will be $2.5 billion of increased spending in 1974 with the adoption of my amendment, over the level of 1973.

My dear friend from Pennsylvania asks:

> Do you want to hurt the disadvantaged?

Very dramatically, and says:

> You know what the people back home are going to say.

My amendment includes $127 million of increased funds in title I. I have cut it back $97 million, but I give in $127 million.

My good chairman makes the count of these zero items in the budget. I recognized in my remarks in general debate, and in the submission of amendment, that my administration was wrong, that they should not have taken that course of action.

In those 12 ongoing programs we all agreed to extend for 1 year, I funded those programs in my amendment, but not to the full extent my chairman, Mr. FLOOD, would.

So there are plenty of good things to talk about and tie oneself to in supporting my amendment, and still take credit for doing something to hold this bill within reasonable bounds and hopefully to get it signed and not vetoed, so that we will not go through this continuing resolution procedure.

On that, Mr. Chairman, I rest my case.

Mr. FLOOD. Mr. Chairman, I move to strike the last word.

The big pitch here is, "Take the Michel amendment, and you will be home free. Flood is a dead pigeon."

Look at this. I am the most vetoed man in this House. There is no question about that. I have been vetoed four times, and I am still breathing.

Members just heard the gentleman from Indiana, Mr. LANDGREBE. The gentleman has got a pipeline some place. He was out in that back room. They have telephones. He says he has reasonable cause to believe that a bill containing the Michel amendment will be vetoed.

The only reason given for the Michel amendment, as against the Flood position, is that it is said, "Flood is going to be vetoed," and that the bill with the Michel amendment is going to be signed.

Mr. MICHEL does not know any more about what is going to be vetoed than anybody else. Neither do I. That is that.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Indiana (Mr. LANDGREBE) for the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The substitute amendment was rejected.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Michel amendment proposes to strike $5 million from the appropriation for bilingual education. This cutback would be a serious blow to a program which is still in the process of struggling to get off of the ground.

Mr. Chairman, under the present level of funding—$35 million for fiscal year 1973—the bilingual program has been able to serve only a small fraction of the schoolchildren in need of this assistance. According to Dr. Pena, Director of Bilingual Education at the Office of Education, over 5 million children are potentially eligible to participate in bilingual programs, yet only 143,000 students are expected to be enrolled in the program in the coming school year. There is clearly an overwhelming need to expand this program and reach these schoolchildren who want desperately to learn, but are needlessly obstructed by the language barriers which this program is designed to overcome.

The Appropriations Committee has recognized in measure the enormous gap between what is now being done and what is needed. That is why the committee increase the appropriation for bilingual education by $10 million—although even this increase would not enable the program to reach even 5 percent of the eligible students. The fact is that the bilingual program has been drastically underfunded ever since it was passed. Furthermore, since allocations for this program, made by the Office of Education, have consistently been distributed inequitably and unfairly, many cities with large Spanish-speaking populations have been starving for bilingual funds.

Mr. Chairman, in my own district in Chicago, which I have the privilege to represent, thousands of schoolchildren who come from homes where English is not the dominant language are in great need of bilingual education. Yet, under the present level of funding, their needs continue to go unmet. There are over 50,000 students in Chicago who do not speak English as their first language—fully 9 percent of the children attending Chicago public schools. And thousands of these children do not have access to a program which could immeasurably strengthen their ability to learn in a school system which they find unfamiliar in language and custom. The children from homes where English is not spoken, cannot absorb an education taught to them in a language they do not understand. As a result, Spanish-speaking children in Chicago are dropping out of high school at a rate of over 50 per day. Fewer than half of the children from Spanish-speaking homes are completing their high school education. These children are severely disadvantaged and unfairly handicapped by their unfamiliarity with English. It is time that we fully recognized their special and urgent need.

Last January, the Chicago Board of Education submitted applications for 17 individual bilingual projects. Yet these applications were not even considered by the Office of Educaton due to the lack of funds. This is unconscionable if our promises of equal opportunity are to mean anything at all to children from Spanish-speaking and American-Indian homes who have known the cruelty of abusive discrimination for far too long.

Mr. Chairman, I believe it is more important than ever before to affirm our commitment to equal educational opportunity. We must not retreat from the important advances we have made toward tearing down the barriers of discrimination and neglect. I strongly urge that the committee recommendation for this important program be maintained. I urge the defeat of this amendment.

AMENDMENT OFFERED BY MR. BAKER TO THE AMENDMENT OFFERED BY MR. MICHEL

Mr. BAKER. Mr. Chairman, I offer an amendment to the Michel amendment.

The Clerk read as follows:

Amendment offered by Mr. BAKER to the amendment offered by Mr. MICHEL: In the last paragraph of the Michel amendment, providing for the expenses of carrying out the provisions of the Economic Opportunity Act of 1964, strike out the sum "$241,300,000", and insert "$141,300,000".

Mr. BAKER. Mr. Chairman, I have a great deal of respect for our colleague, the gentleman from Illinois (Mr. MICHEL). In fact, whether or not my amendment passes, I will vote for his package. But I believe my amendment has merit.

This amendment reduces the funds available for the operation of OEC by an additional $100 million. The remaining amount of $14,300,000 would just about sustain the agency through September or October 1973. We basically did this same thing today in the continuing appropriation bill.

According to my information there is about $130 million in the pipeline for projects which are ready for approval. All OEO needs to proceed other than money is a Senate confirmed Director.

There is one primary concern which bothers me deeply and I believe will bother you. I have a notice sent out on OEO stationery from 730 Peachtree Street NE., room 1165, Atlanta, Ga. It is sent to all employees purportedly from the agency employee union. This notice describes an activity of the union where a former Member of Congress has been contracted with to lobby for an OEO appropriation. This memorandum refers to the lawsuit which had been filed previously. I recognize this to be the suit to restrain the further funding of projects until a Director is confirmed by the Senate. The notice states that all paychecks received by every employee from now on are the result of the lawsuit.

The lobbyist is being paid $27,669 if he works for the Office of Economic Opportunity, employee group for 3 months. The contract is made with the "Coalition for the War on Poverty." The coalition is composed of union members—the National Council of OEO Locals and State Associations of Community Action Agency Directors. The funds for the coalition come from employee contributions of $3 per member per grade for the 3-month period and $2,000 per State Directors' Association group.

Now to me this is a most dangerous activity. If an employee group can perpetuate an agency or any program purely to preserve the jobs of individuals concerned, we are in deep trouble. If it can happen one time, it can happen again and again.

This comes mightly close to the reason the Hatch Act has some merit. We are on mighty thin ice when this sort of operation is condoned, to say nothing of proving effective.

The lobbyist sent out to the Federal employees an individual evaluation of the subcommittee membership and how they might be influenced.

I do not know how the lobbying effort is being conducted, but I assume it is carried on along conventional lines.

How are these committee members supposed to be influenced? Nothing refers to the virtues of the Office of Economic Opportunity.

Members are asked to get as many favorable news items in the media as possible in order for the constituents of the various committee members to be inclined to support their efforts to influence Members of Congress.

I am not saying that all of the Office of Economic Opportunity is bad, but it has been fraught with irregularities, slipshod practices, and outright fraud.

I hope the Members will support this amendment in protest to the inordinate efforts of these Federal employees to influence this Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. BAKER) to the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BAKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, noes 288, not voting 35, as follows:

[Roll No. 290]

AYES—110

Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Blackburn
Bray
Brotzman
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Cederberg
Chamberlain
Clancy
Clawson, Del
Cochran
Collier
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Devine
Dickinson
Duncan
Edwards, Ala.
Eshleman
Flowers
Flynt
Ford, Gerald R.
Forsythe
Frey
Froehlich
Goldwater
Goodling
Gross
Gubser
Haley
Hanrahan
Hinshaw
Hogan
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Kemp
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Lott
McClory
McCollister
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Mayne
Milford
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
Parris
Powell, Ohio
Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Shuster
Sikes
Snyder
Spence
Steelman
Symms
Talcott
Taylor, Mo.
Towell, Nev.
Treen
Vander Jagt
Veysey
Wiggins
Wilson, Bob
Wyatt
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Zion

NOES—288

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, William D.
Fountain
Frelinghuysen
Frenzel

Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McCloskey
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, N.C.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Williams
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—35

Ashbrook
Badillo
Blatnik
Brasco
Breaux
Camp
Carey, N.Y.
Chappell
Conable
Conyers
Danielson
Davis, Ga.
Derwinski
Evins, Tenn.
Fisher
Fraser
Gray
Green, Oreg.
Hébert
Henderson
King
Lujan
Macdonald
Mailliard
Mills, Ark.
Morgan
Murphy, N.Y.
Price, Tex.
Randall
Rooney, N.Y.
Sebelius
Skubitz
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 213, not voting 34, as follows:

[Roll No. 291]

AYES—186

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bell
Bennett
Blackburn
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conlan
Conte
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Ginn
Goldwater
Goodling
Gross
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Lent
Long, Md.
Lott
Lujan
McClory
McCollister
McDade
McEwen
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Powell, Ohio
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rose
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steelman
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—213

Abzug
Addabbo
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Breckinridge
Brooks
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Carter
Casey, Tex.
Chisholm
Clark
Clay
Collins, Ill.
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
McCloskey
McCormack
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Maraziti
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Moss
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Thomson, Wis.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—34

Adams
Ashbrook
Badillo
Blatnik
Brasco
Breaux
Camp
Carey, N.Y.
Conable
Conyers
Danielson
Davis, Ga.
Derwinski
Evins, Tenn.
Fisher
Fraser
Gray
Green, Oreg.
Hébert
Henderson
King
Macdonald
Mailliard
Mills, Ark.
Morgan
Murphy, N.Y.
Price, Tex.
Randall
Rooney, N.Y.
Skubitz
Steiger, Ariz.
Stuckey
Teague, Tex.
Thompson, N.J.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HEALTH SERVICES PLANNING AND DEVELOPMENT

To carry out titles VI and IX, sections 314 (a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(g), 403 (a)(1) and 433(a) of the Public Health Service Act; $388,520,000, of which $197,200,000 shall be available until June 30, 1976 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities.

AMENDMENT OFFERED BY MR. HEINZ

Mr. HEINZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEINZ: On page 8, line 17, strike out "$388,520,000" and insert in lieu thereof "$321,320,000", and strike out "$197,200,000" and insert in lieu thereof "130,000,000".

Mr. HEINZ. Mr. Chairman, my amendment is basically a simple amendment which, if accepted by the House, would reduce this appropriation bill by the amount of $67.2 million. My amendment does this by leaving in the committee bill the amount of money under the medical facilities construction grant portion of the bill, known to most of us as Hill-Burton, the $70 million in the bill for out-patient facilities, and the $50 million in the bill for modernization of hospitals, and it also includes of the amount in the bill $10 million for new construction for existing hospitals or new hospitals, bringing the total of my amendment, in place of what is in the bill, to $130 million. I believe these programs are necessary and important and deserve these appropriations.

What is in the committee bill now in the sections I have just mentioned is $197.2 million. My amendment would reduce this amount by just over one-third without harming or jeopardizing the real health care needs of the American people.

It has been my pleasure, in this regard, to serve on the Public Health and Environment Subcommittee in the 93d Congress. We have heard a great deal of testimony that much of the money in the committee bill in the Hill-Burton section, and more specifically that money which I seek to cut, is just not needed for the kind of construction that is in that bill.

If you do not believe me, look at the $15 million in the committee bill for an item called construction for rehabilitation purposes. If you go to the committee, as I did awhile ago, you will find in all of the testimony they took there is not any reference, there is not even any mention whatsoever, to the $15 million for the construction of rehabilitation facilities, whatever they may be. This is simply one example of the needles and wasteful money the bill seeks to appropriate and which I seek to cut.

I intend to be brief, and urge the committee to accept my amendment.

Thank you very much.

Mr. FLOOD. Mr. Chairman, I rise for the purpose of opposing this amendment.

Mr. Chairman, in case my friend from Pennsylvania has not found it out, I am chairman of the subcommittee that conducted these hearings.

It is not necessary for me or a member of the committee to tell you what this amendment does. The need is in your hometown and any medical facility you have or anything identified with it.

Mr. HEINZ. Will the gentleman yield?

Mr. FLOOD. I will not.

But let me tell you this: He said this is a very simple amendment. Do you know those are his words and not mine. It is a simple amendment. Hospitals and public health centers would be out. Rehabilitation facilities would be cut back. In addition to that, long-term care facilities would be eliminated. Requests are coming in to HEW for long-term care facilities in order to replace old buildings.

A simple amendment? It is not only simple, it is simply outrageous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POSTSECONDARY INNOVATION

For carrying out, to the extent not otherwise provided, section 404 of the General Education Provisions Act, $10,000,000.

AMENDMENTS OFFERED BY MR. DELLENBACK

Mr. DELLENBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLENBACK: On page 17, line 21, strike "$10,000,000" and insert in lieu thereof "$15,000,000".

Mr. DELLENBACK. Mr. Chairman, I would also ask unanimous consent that the three amendments which are at the desk—this one, dealing with this section, one on page 20, and one on page 21—because they are all essentially tied in together, and they have been placed at the majority desk as well as at the doors, might be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. DELLENBACK: Strike line 21 on page 20 through line 16 on page 21 and insert in lieu thereof the following:

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I ($10,000,000), III, IV, section 745 of title VII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended ($5,000,000), the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92–506 of October 19, 1972, $1,805,914,000 of which amounts reallotted for work-study shall remain available through June 30, 1975, $20,000,000 shall be for state incentive grants under Title IV–A–3 of the Higher Education Act of 1965, as amended, to remain available until June 30, 1975, $25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and $420,500,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses), of which $409,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: $310,000,000 for subsidies on guaranteed student loans and $31,425,000 for annual interest grants for subsidized construction loans.

Mr. DELLENBACK (during the reading). Mr. Chairman, I ask unanimous consent that this amendment be considered as read and printed in the RECORD. I will explain it in detail because, like this type of amendment, it sounds much more complicated than in fact it is.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 21, line 24 strike "$12,500,000" and insert in lieu thereof "$10,500,000" and on lines 23–24 strike "$176,209,000" and insert in lieu thereof "$174,209,000".

Mr. DELLENBACK. Mr. Chairman, we are not here dealing with either an increase or a decrease in spending provided for in this bill. We are dealing with offsetting transfers. We are dealing strictly with higher education, and we are dealing with attempts to move into three critical areas funds which can have leverage and be used in effect to improve what happens in the field of higher education.

The package of these three amendments does three things. Mr. Chairman, this provides, first, that 1202 and 1203 commissions which were commissions created in the education amendments of 1972, and which are provided for planning purposes so that we can get ready for additional funds for community colleges and for occupational education—instead of having the $3 million which are provided for in the bill, would have $5 million. It proposes to add $2 million to the funding for these commissions and to get those $2 million by transferring funds from higher education, title VI, the equipment section.

This section presently is at $12,500,000. It is proposed that there be a compensating adjustment taking that to $10,500,000, moving this $2 million into an area where the commissions can be adequately funded to be ready for what needs to be done in the way of comprehensive planning within each State for community college funding and occupational education. That is the first package, with $2 million shifted across where they would have greater leverage.

The second proposed transfer is in the field of the State incentive grant programs. There are some 30 States that already have scholarship programs. In the education amendments of 1972 we of this body created a program to give incentives to States to move forward and put additional dollars into aid to students. I propose that we take $20 million from the basic opportunity grant program and move it to commence the State incentive grant program.

I am a supporter of the basic opportunity grant program, a strong supporter, but we are not able to put enough money into it. The subcommittee could not. They put every dollar they could put into this program after taking care of the other needs of student aid, but they did not see that they could put enough in there to really make the program go all the way.

Therefore, it is not fully funded—the basic opportunity grant program. We need more money for students. By taking this $20 million and moving it over to the State incentive grant program, we can potentially double the impact on students. We can move forward with funding a very good program, and we can end up giving twice as many dollars to the students.

The third thing this amendment proposes to do is to add $5 million to the fund for the improvement of postsecondary education.

We last year appropriated $10 million for this program. The budget asked for $15 million, but when it was before the subcommittee they very logically did not raise this amount because they did not have the full data as to what the fund was doing with last year's appropriation.

The fund board was appointed late, it was in the middle of deliberations at that time, and since that time it has finished its work. It has had 1,400 applications. It was able to fund only 80 of these.

There are a host of good programs in all our States to improve postsecondary education, and the proposal is to add $5 million to this fund and that we get this $5 million by taking it from community services, HEA, title I.

That is what my amendments would do. They neither increase nor decrease the total appropriated. By shifting in these three areas they propose to put the dollars where they can have greater leverage.

I include the following:

	Fiscal year—							
	1970	1971	1972	1973	1974 budget	Bill	Dellenback amendment	
HEA I: Community services[1]	9.5	9.5	9.5	15.0	0	15.0	10.0	Mandated study just underway.
HEA II: U.G. Equip	0	7.0	12.5	12.5	0	12.5	10.5	Michel amendment may cut this to about 6.25, if so, you should still cut by $2,000,000.
BOG	0	0	0	122.1	959.0	440.5	420.5	
State Inc., Grants	0	0	0	0	0	0	20.0	
1203	0	0	0	0	[1]3.0	3.0	5.0	
Fund	0	0	0	10.0	15.0	10.0	15.0	

[1] Confusing—Had in mind 1202 for use in facilities planning.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I would like to say the gentleman's proposals may be sound but I do not think we should be determining these priorities on the floor. What we would be doing is basically robbing Peter to pay Paul. We should give these basic opportunity grant programs a chance to get off the ground. It is inadequately funded at the present time. Some of the States this year are going to receive less in their allocations from the Federal level than our student assistance program. I do not think at this time we should take anything from these programs where the gentleman proposes to take the money and transfer it to other places in the bill.

Mr. DELLENBACK. We are striving to make our already limited dollars go further.

Mr. Chairman, I urge support for these amendments.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, this is a most dangerous kind of thing to do with an extremely important and a very, very difficult program. Believe me, the administration's proposal on the BOG program we are considering very carefully. It has a great deal of merit, this BOG program.

I want the Members to hear this. The administration's proposal on this BOG program is being examined very carefully. We have nearly $450 million in here for this. We are working closely with everyone concerned about this program.

As my friend, the gentleman from Kentucky (Mr. PERKINS), says, this is not the place at this hour of the night in the well of this House to try to change this kind of thing. This is a realinement of priorities brought up by a small group in one place.

We would go almost $4.5 billion over the budget if all of the programs in the education amendments of 1972 were funded. We simply cannot do that kind of thing here or at any other time. This amendment would shift $20 million from the BOG to this new student incentive program.

Something is said about a report coming up. We have not seen such a report. No word came to the committee about such a report. This is something in the backyard. We do not know about this.

Let me tell the Members something further, and this was very damaging. When we examined the specialists from the Department of Education 2 months ago, and later 1 month ago, not one dime had been awarded on any one project. They said they were not prepared to award projects. They did not have sufficient information to do all they wanted to do. We took them at their word. This will be done eventually. Next year we will have extensive hearings and we want to do this, but they did not know and we did not know and therefore the Members do not know. The gentleman must have a crystal ball. He is the only one who does have it, and we cannot possibly under the circumstances permit this kind of thing at the present time to this bill on appropriations. We cannot possibly do this.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am baffled by the distinguished chairman of the subcommittee of the Appropriations Committee. Everything that is in this bill is a determination of priorities. Each of us has to make a judgment about whether or not we think *x* number of dollars for this program makes sense or does not make sense.

I must say, in all honesty, that theatrics in attempting to dismiss these amendments substantively cannot be defended.

What we are talking about? We are not talking in this instance about adding or subtracting money. We are talking about attempting to make some kind of rational judgment about how to take limited dollars and make them do the most good. I think the gentleman from Oregon has effectively attempted in his amendments to do just that.

What has he said? One, that there are now over 30 States which have State student aid programs. The $20 million he proposes to add into this would make it possible for the Federal Government to match those State grant programs, and as a result expand the dollars available for higher education aid to students. There is no hanky-panky in that; not even any crystal ball needed in that. It is an ongoing program in States across the country such as mine and others which have effectively done a job. I think we have some responsibility, in fact, to promote it. Mr. Chairman, it is a way to effectively reduce the pressure on the Federal dollar by attempting to involve ourselves in matching the States effort.

Second, what are we trying to do in the fund for the payment of higher education?

Over 1,400 applications have been received for new and innovative developments in higher education. Every expert in the field recognizes that there are serious problems in the structure and organization of higher education. This is the one effort by the Congress to try and find alternatives, try and use this limited amount of money to increase the ability of the States to make some judgments about how they should go about organizing their own institutions of higher education.

Mr. Chairman, I do not think that takes any kind of crystal ball to understand, to comprehend or to recognize the good value that we, as the Congress, get for that kind of expenditure of funds.

The 1,202 commissions were written into the education amendments of 1972 on the basis that it was important for us in the planning for funds for higher education to get some leadtime. The $2 million that the Dellenback amendment proposes for these 1,202 commissions to use for comprehensive planning would, in the long run, not only enable the States, but in my judgment, this Government, the Federal Government, to more effectively know what to do and how to do it.

That clearly, it seems to me, is not money misspent. That is money wisely spent. I think the judgment of the committee bill in many ways are good. I think the Dellenback amendment is an improvement on those priorities.

Mr. Chairman, I urge its adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Oregon (Mr. DELLENBACK).

The question was taken; and on a division (demanded by Mr. DELLENBACK) there were—ayes 83, noes 124.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title

III ($146,393,000), title V, parts A and C ($38,000,000), and title VII of the Elementary and Secondary Education Act; title III–A ($25,000,000) of the National Defense Education Act of 1958; and section 222(a) (2) of the Economic Opportunity Act of 1964, $2,105,393,000: *Provided*, That the aggregate amounts made available to each State under title 1–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89–10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: On page 18, line 7, insert "(1)" before "shall", strike out line 9, and insert in lieu thereof the following: purpose for fiscal year 1972; but (2) shall not be more than ¾ the difference between the amounts which would be made available to such State under this Act without application of this clause and the amounts made available to such State for that purpose for fiscal year 1972, and (3) shall not be more than 110 percent of the amounts made available to such State for that purpose for fiscal year 1972, plus ½ the difference between such amounts and the amounts which would be made available to such State under this Act without application of this clause or clause (2) of this proviso: *Provided further*, that the

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, I rise to make a point of order against the amendment on the ground it is legislation on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SMITH of Iowa. That is the sum and substance of it. It is legislation on an appropriation bill.

It might be said that the provision it seeks to amend is also legislation on an appropriation bill, but that point was waived in the rule.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. QUIE. Yes, Mr. Chairman, I should like to be heard.

I believe the gentleman is correct in saying that the language the amendment seeks to amend would have been subject to a point of order if the committee had not gone to the Rules Committee to get a waiver of points of order. However, under the Holman Rule there is permitted language which would retrench expenditures, and the effect of this amendment would be to retrench expenditures. For that reason I believe the amendment is in order.

Mr. O'HARA. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. O'HARA. Mr. Chairman, under the provisions of clause 2 of rule XXI, which forbids legislation on an appropriation bill, it is made clear that if an amendment modifies such legislation as has been left in the bill—and it is admitted that this is legislation which is left in by reason of the resolution under which we are considering it—that amendment modifying legislation which is already in the bill will be permitted, although if it attempts to add something new it will not be permitted.

I should like to point out, Mr. Chairman, that the Quie amendment simply modifies that language. The language says:

> Shall receive not less than the amount received in 1972.

The Quie amendment says:

> Shall receive not less than ¾ of the amount received in 1972.

Mr. QUIE. Mr. Chairman, if the gentleman will vield, my amendment says, "Not more than," so it is truly a limitation.

Mr. O'HARA. "Not more than".

In any event, it is simply a modification of the 100-percent figure that is already in the bill.

The CHAIRMAN (Mr. Holifield). The Chair is prepared to rule.

The Quie amendment does strike out words in line 9, but it also adds a considerable amount of language to that already in the bill.

The language is as follows:

> (2) but shall not be more than ¾ the difference between the amounts which would be made available to such State under this Act without application of this clause and the amounts made available to such State for that purpose for fiscal year 1972, and (3) shall not be more than 110 percent of the amounts made available to such State for that purpose for fiscal year 1972, plus ½ the difference between such amounts and the amounts which would be made available to such State under this Act without application of this clause or clause (2) of this proviso:

The amendment would add language which the Chair feels is legislation on an appropriation bill, and it is not in order as a certain retrenchment of expenditures.

The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Page 18, line 2, after "Act" and before the semicolon insert: "($60,000,000)".

Page 18, line 5, strike out "$2,105,393,000" and insert: "$2,120,393,000".

Mr. ROYBAL. Mr. Chairman, the amendment that I have offered would increase the appropriation for title VII of the Elementary and Secondary Education Act by $15 million. It would also raise the spending level to a total of $60 million for fiscal year 1974.

I believe that this increase is necessary, not only to partially cover the tremendous gap that has been created since its original funding, but to make it possible for the educational system to more fully respond to the rich cultural heritage and language of the various groups in this country.

Mr. Chairman, there are at least 5 million bilingual children in the United States who are in need of this program, and under this year's funding only 147,000 of these children will be served. This includes all groups.

I think that the Members would be interested in knowing just exactly how the money is spent this year.

This year there was a total spending level of $32 million; $28.1 million was spent for the Spanish-speaking community of the United States; $2.6 million was spent for the bilingual education of the American Indian and the Eskimo; almost $1 million of that amount was spent for those who speak French in the home.

Mr. Chairman, $657,000 is being spent for those whose language at home is Portuguese; $500,000 is being spent for those who speak Chinese in the home; and $189,000 is being spent this year for the bilingual education of the people of Guam; and $75,000 for the Trust Territories.

This does not include, of course, the moneys that other ethnic groups in the United States are seeking to acquire, which means that 4¾ million children who would be eligible for bilingual education under this act are not at the present time covered, and very few of them in comparison would benefit by the level of funding recommended by the committee.

Mr. BURTON. Mr. Chairman, will the gentleman from California (Mr. Roybal) yield?

Mr. ROYBAL. I yield to the gentleman from California (Mr. Burton).

Mr. BURTON. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. BURTON. I would like to commend my colleague from California. I think this amendment is most instructive and necessary. I associate myself fully with the gentleman's remarks and conclusions.

Mr. ROYBAL. I thank the gentleman.

The argument will no doubt be made by the chairman of the committee that more than $99 million is being made available for bilingual education, but may I point to this one fact: While this is true if you take everything into consideration, no matter how you slice the pie, less than $35 million is being spent at the present time, for the education of bilingual children in this country. With the slight increase now recommended by the committee it will be $45 million, but that is all that will be spent for the bilingual education of children. Of the $99 million being spent this year, $16 million will be spent for emergency school assistance and $86,000 for the education of the handicapped.

Listen to this, as the chairman usually says; $45.5 million will be spent for vocational and adult education. The truth of the matter is that unless my amendment is adopted only $45 million will be spent for the education of children in the United States whose language at home is other than English.

If we look at the facts as they really are, we must start to realize that we have not really done a good job insofar as appropriating sufficient funds for bilingual children in the United States is concerned.

I would like to point out that under the Foreign Assistance Act, we are spending in our regular education program for the education of children all over the world $109.9 million, and then we are also spending just to educate soldiers who come from other countries to the United States for military training $34.6 million every year.

My amendment only asks for $15 million above that amount recommended by the committee for the education of bilingual children in the United States. I think it is only fair that we do so.

Mr. BELL. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. BELL. I would like to associate myself with the gentleman and commend him on his amendment and say that no group of children in the United States are as greatly in need as those who need bilingual education.

Again I associate myself with his remarks.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentlewoman.

Ms. ABZUG. I want to commend the gentleman and say this is a very important provision that is being brought to the attention of the Members and the committee.

I support the gentleman's amendment, and I would like to see it put into effect in many places in this country.

Mr. MILFORD. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. MILFORD. I would like to commend the gentleman.

As all of you know, it is very hard to get taxpayer money out of me by means of spending bills. However, knowing the plight of many Mexican-American children in Texas, I support the gentleman on his amendment.

In my district we have many Mexican-American children that are totally unable to speak English. They go to school but learn very little, because of their lack of ability to communicate with teachers and classmates. This situation places the child in a very unhealthy environment. Many are psychologically damaged for life.

A community study in Dallas has clearly shown that one of the prime reasons for Mexican-American school dropouts is because of the students' inability to speak English. This problem further aggravates the welfare situation.

I appeal to each of you to cast your vote for the Roybal amendment. A vote for this amendment is a vote to help Mexican-Americans to become equally Mexicans and Americans and allow them to compete equally in this society.

Mr. WALDIE. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr WALDIE. I commend the gentleman and wish to associate myself with his remarks.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must oppose this amendment.

I am a strong supporter, and the committee is a strong supporter, of bilingual education. I know firsthand about the educational needs of children from families who do not speak English. I spoke Spanish before many of you were born. Believe me, I know about the problem.

However, I also believe that the committee has made ample provision of funds for bilingual education programs. The bill includes $45 million for bilingual education programs authorized by title VII of the Elementary and Secondary Education Act. That is an increase of $10 million over the budget request and the amount that HEW is spending in fiscal year 1973. The amount recommended by the committee will take care of continuation costs for 150 existing projects and, in addition, will, provide funds for over 100 new projects.

A point that I think you should not overlook is that most of these bilingual education projects are funded for a 5-year period. The program started in 1969 so that the projects awarded in the first year of the program are now coming to an end. This will make way for other new projects to take their place. But the committee was not satisfied and felt that more schools should have bilingual projects. That is why we added $10 million. There is a limit to how many new projects can be started in 1 year. I think that the limit has been reached by the amount provided in the bill.

But that is not all. The committee bill also earmarks $9,958,000 specifically for bilingual education projects under the emergency school aid assistance appropriation. In addition, HEW told us that the States are spending an additional $6.3 million from other activities within this appropriation. These amounts are in addition to the $45 million previously mentioned.

If you look at part 2 of the committee's hearing record, I believe it will be very clear that we discussed bilingual education at great length. On page 57, there is a table that shows the total funds requested in the budget for bilingual education. The committee understands the problem, and that is why we increased the budget. This is a good program, but let us not get carried away. I believe the committee has included sufficient funds, and there is no reason to add more. I urge you to vote against the amendment.

Mr. EDWARDS of California. Mr. Chairman, I rise in support of Mr. Roybal's amendment to increase appropriation for bilingual education under the Elementary and Secondary Education Act by $15 million.

The U.S. Civil Rights Commission reported in 1970 that there were more than 2 million Spanish surnamed students attending public schools, 1½ million of whom live in the 5 southwestern States. Currently, bilingual education programs reach only 1.9 percent of the Spanish surnamed students in the Southwest, yet half of Mexican-American first graders are unable to speak English as well as their Anglo counterparts.

Congress has never appropriated adequate funds to deal with this problem. Mr. Roybal's amendment would begin to provide vitally needed extra funds. Grants under title VII of ESEA are not currently made on the basis of student need. There has never been enough money to meet the scope of the non-English speaking problem. Instead, title VII funds are used specifically for pilot projects.

Last year the Congress originally appropriated $45 million for bilingual education, but HEW expended only $33.2 million of those funds. This year, the House Appropriations Committee has again recommended $45 million in title VII funds. While this recommendation represents an increase of over $10 million in the amount actually spent by HEW last year, it represents no increase over the fiscal year 1973 appropriations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROYBAL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 244, not voting 28, as follows:

[Roll No. 292]

AYES—161

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Archer
Ashley
Aspin
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brooks
Broomfield
Brotzman
Brown, Calif.
Burgener
Burke, Calif.
Burke, Mass.
Burton
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conlan
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
de la Garza
Dellums
Diggs
Dingell
Drinan
Eckhardt
Edwards, Calif.
Fascell
Foley
Ford, William D.
Frey
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Gubser
Gude
Hanna
Hansen, Wash.
Harrington
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hinshaw
Holifield
Holtzman
Howard
Hunt
Johnson, Calif.
Johnson, Colo.
Jordan
Karth
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Long, La.
Lujan
McCloskey
McCormack
McFall
Madden
Mahon
Mailliard
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Moss
Murphy, Ill.
Nedzi
Nix
O'Brien
O'Hara
O'Neill
Owens
Passman
Patten
Pepper
Pettis
Peyser
Pickle
Podell
Price, Ill.
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Schroeder
Sisk
Stanton, James V.
Stark
Steele
Steelman
Stephens
Stokes
Studds
Symington
Talcott
Tiernan
Udall
Van Deerlin
Veysey
Waldie
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki

NOES—244

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cochran
Conable
Conte
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gilman
Ginn
Goodling
Griffiths
Gross
Grover
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hays
Heinz
Hicks
Hillis
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hungate
Hutchinson
Ichord
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Litton
Long, Md.
Lott
McClory
McCollister
McDade
McEwen
McKay
McKinney
McSpadden
Madigan
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Myers
Natcher
Nelsen
Nichols
Obey
Parris
Patman
Perkins
Pike
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Rarick
Regula
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Roush
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOT VOTING—28

Ashbrook
Badillo
Blatnik
Brasco
Breaux
Carey, N.Y.
Conyers
Danielson
Davis, Ga.
Derwinski
Evins, Tenn.
Fisher
Fraser
Green, Oreg.
Hébert
Henderson
Jarman
King
Macdonald
Mills, Ark.
Morgan
Murphy, N.Y.
Randall
Rodino
Rooney, N.Y.
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 18, line 8, insert after "than" "90 per centum of".

Mr. QUIE. Mr. Chairman, a little bit earlier I tried an amendment which was a little complicated in the way I wrote it, and it was ruled out of order.

The problem I see is that if we hold everybody harmless at the 1972 figure then the fact that children have moved someplace else will not be taken into consideration, and some way or other the States that have lost poor population have to start making adjustments, so next year they would have to make an adjustment of 10 percent. As to the other States, of course I am precluded from offering an amendment affecting them.

There are a number of States which have had a substantial loss of poor population. Some of the amendments proposed this evening have been offered in order to get more money for the members State.

Minnesota has lost 58 percent of its children from families with incomes of $2,000 or less between the 1960 census and the 1970 census. So this is not an amendment to benefit Minnesota.

This is an amendment to get started to change a little bit the ridiculous situation we are in. We in this school year were counting the number of poor children who existed in 1960. None of those children is in school any more. The first grader of 1960 is out of school, in college, in a job or raising a family.

This would enable us to start making the adjustment in the States where they had that substantial change. We will now be using the 1970 census information the next year, but that is based on 1969 income information, and that means it is already 4 years obsolete before we start using it.

We ought to start making that shift. That is what the amendment would do. I am sorry it could not be more inclusive, but I believe we ought to at least make this step at this time, to send the money where the children are. This program is not to make schools continue to have the same amount of money. This program is to aid the educationally deprived children, to receive compensatory education. That can only be done where they are, not where a previous generation used to live.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. PEYSER. I should like to compliment the gentleman on his amendment. This amendment takes a real step toward equalizing the "hold-harmless" provision in this legislation. I certainly hope Members will support the amendment.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Delaware.

Mr. DU PONT. Does the gentleman have any idea how many States are affected by his amendment, and in which direction?

Mr. QUIE. I tried to do a kind of horseback estimate here. I find 11 States that would be affected. There may be 12 or 13.

Mr. DU PONT. Would the gentleman's amendment increase the total amount of money allocated in title I, or simply redistribute the amount?

Mr. QUIE. No, it would not increase the total. It would merely redistribute it.

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman from Minnesota (Mr. QUIE) yield?

Mr. QUIE. I yield to the gentleman from North Carolina (Mr. ANDREWS).

Mr. ANDREWS of North Carolina. Mr. Chairman, I will ask the gentleman whether it is not true that the amendment he tried to introduce and which he really preferred and thinks would be better would affect not only the States that would be harmed the most, but also affect the other States that would gain the most, that consideration, and that he, himself, thinks this is unfair.

Mr. QUIE. Mr. Chairman, the gentleman is absolutely correct. I tried to do that but was precluded from doing it. So at least we would get a start at one end of it.

Mr. ANDREWS of North Carolina. But the gentleman is starting it at one end by penalizing the States that lose and not holding down those that gain, because it is also unfair under this provision since this does not get to that point; is that not correct?

Mr. QUIE. The gentleman is correct.

Mr. ANDREWS of North Carolina. So we are just hurting certain States without correcting the error as to other States.

Mr. QUIE. But the States affected by my amendment already have the reduction in 1973, because of the effect of AFDC. They already adjusted to some reduction. I do not see why we should bring them back up again to the 1972 level and then in 1975 bring them down to a lower level.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have already considered a similar amendment two or three times, and I think that it will only take 1 minute to explain the committee's position on this and ask the Members to stay with the committee.

What the gentleman seems to do by his amendment is to make a harmful "hold harmless" clause.

The committee approach is making sure that each State receives in the aggregate what it received before and we take an additional $200 million plus to increase some during the transitional period. The increase would go to some who would receive more under the new census. I do not think that is an unreasonable position to take.

Mr. Chairman, these statistics are not as accurate as the gentleman indicates. They are very faulty; the criteria is very faulty. If we hold harmless so that no

State loses money and some other State gets more money during the coming year, that will give the Committee on Education and Labor an opportunity to come in with a more equitable formula before next year.

AMENDMENT OFFERED BY MR. ERLENBORN TO THE AMENDMENT OFFERED BY MR. QUIE

Mr. ERLENBORN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN to the amendment offered by Mr. QUIE: Add after "75 per centum" "nor more than 120 per centum of".

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentlemen from Illinois (Mr. ERLENBORN) yield?

Mr. ERLENBORN. I yield to the gentleman from North Carolina (Mr. ANDREWS).

Mr. ANDREWS of North Carolina. Mr. Chairman, may I ask a friendly question of the gentleman?

I believe the gentleman's amendment reads, "After 75 percent," whereas the amendment he is seeking to amend reads, "90 percent."

Is that not correct?

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman. That is an error in the draftsmanship.

Mr. Chairman, in order to properly reflect the language in the amendment offered by the gentleman from Minnesota (Mr. QUIE) I ask unanimous consent that the figure, "75 per centum" be changed to "90 per centum" in my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ERLENBORN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ERLENBORN. Mr. Chairman, I ask for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) to the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. ERLENBORN TO THE AMENDMENT OFFERED BY MR. QUIE

Mr. ERLENBORN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN to the amendment offered by Mr. QUIE: Add after "90 per centum" "nor more than 120 per centum of."

Mr. ERLENBORN. Mr. Chairman, this amendment would add the upper limitation that the gentleman on the other side of the aisle has discussed relative to the Quie amendment.

The Quie amendment is a hold harmless amendment at 90 percent and would say that no State would get less than 90 percent of the allocation under the 1972 appropriation. This would set a maximum limitation of 120 percent.

As the gentleman suggested, if we are going to have an opportunity to change the title I formula, the only way we can do it is if we have a range within which it is reasonable to make this change.

We all know once a State gets a certain level of funding you never cut them back. So this would set an upper limitation of 120 percent. Then I think the Quie amendment as amended would make very good sense. No State would get less than 90 percent or more than 120 percent of the allocation under the fiscal year 1972 appropriation.

I would hope my amendment would be adopted and then the Quie amendment as well.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment to the amendment and the amendment.

Mr. Chairman, to carry out the hold harmless provision in the committee bill it will take approximately $1.5 billion. We have appropriated here $1.81 billion. The amendment offered by the gentleman from Minnesota (Mr. QUIE) would only apply to about 11 States, mostly Southern States. At the bottom it would put the lid on.

Then Mr. ERLENBORN is trying to put the lid on to some degree on the other States.

This body has never enacted a 50-cent minimum wage in one section of the country, and $2 in another section of the country.

It has been my hope that we would treat disadvantaged children alike throughout America where we have high concentrations of disadvantaged children. The Quie amendment would discriminate against those States with the lowest resources, contrary to the philosophy in this bill; 14 percent of the poverty in this Nation is in families with children with incomes under $4,000. This $4,000 low-income factor would be equivalent to the $2,000 low-income factor back in 1960. Everybody would be satisfied with that, but the AFDC payments today in the richer States are taking more than 50 percent of the appropriation. In New York 75 percent of the children above the $2,000 low-income factor are AFDC children. That is where the money is going. To go to the $4,000, low-income factor the way the authorizing legislation is presently written would take twice the amount that is appropriated in this bill. This extra money would eliminate much of this controversy.

When you give a State an allocation it is difficult to take it away from them. The only equity and justice here is the committee hold harmless provision.

I yield to the distinguished gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I associate myself with and support the chairman of the full Committee on Education and Labor.

We are only 5 days from the beginning of the new fiscal year. Every school board in the country has set their budget. The amendment offered by the gentleman from Illinois should be defeated, the basic amendment should be defeated, and the committee bill should be protected.

The Education and Labor Committee is working out a formula that will make sense, and the gentleman from Kentucky is advising us of the wisest course to follow unless we want to produce chaos in the eductional districts throughout the country.

Mr. PERKINS. I thank the gentleman from California, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) to the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. QUIE. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were —ayes 190, noes 218, not voting 25, as follows:

[Roll No. 293]

AYES—190

Abdnor
Abzug
Anderson, Calif.
Archer
Armstrong
Ashley
Bafalis
Bell
Biaggi
Biester
Bingham
Boland
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Cederberg
Chamberlain
Chisholm
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Conable
Conlan
Conte
Corman
Coughlin
Daniels, Dominick V.
Davis, Wis.
Dellenback
Dellums
Dennis
Diggs
Donohue
Drinan
du Pont
Edwards, Calif.
Erlenborn
Esch
Eshleman
Fish
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gilman
Goldwater
Grasso
Grover
Gubser
Guyer
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Heckler, Mass.
Heinz
Helstoski
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hunt
Hutchinson
Johnson, Colo.
Johnson, Pa.
Karth
Keating
Kemp
Ketchum
Kluczynski
Koch
Landgrebe
Lent
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, Nebr.
Mathias, Calif.
Miller
Minish
Minshall, Ohio
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Mosher
Moss
Murphy, Ill.
Myers
Nedzi
Nelsen
O'Brien
O'Hara
Pettis
Peyser
Pike
Podell
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reid
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rosenthal
Rostenkowski
Rousselot
Runnels
Ruppe
Ryan
Sandman
Sarasin
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shuster
Sikes
Sisk
Smith, N.Y.
Stanton, J. William
Stark
Steele
Steiger, Wis.
Stratton
Stubblefield
Studds
Symms
Talcott
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Udall

Van Deerlin
Vander Jagt
Vanik
Veysey
Waldie
Walsh
Wampler
Ware
Whalen
Whitehurst
Wiggins
Wilson, Bob
Wolff
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Zion
Zwach

NOES—218

Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Aspin
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Blackburn
Boggs
Bolling
Bowen
Brademas
Breckinridge
Brinkley
Brooks
Brown, Calif.
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Chappell
Clancy
Clark
Clay
Cochran
Collier
Collins, Ill.
Collins, Tex.
Cotter
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
de la Garza
Delaney
Denholm
Dent
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Evans, Colo.
Fascell
Findley
Flood
Flowers
Flynt
Foley
Fountain
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Gray
Green, Pa.
Griffiths
Gross
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Hays
Hechler, W. Va.
Hicks
Holifield
Holtzman
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
McCormack
McFall
McKay
McSpadden
Madden
Mahon
Mann
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Mink
Mitchell, Md.
Mizell
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Natcher
Nichols
Nix
Obey
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quillen
Rarick
Reuss
Roberts
Robinson, Va.
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Roush
Roy
Roybal
Ruth
St Germain
Sarbanes
Satterfield
Scherle
Shipley
Shoup
Shriver
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, James V.
Steed
Steelman
Stephens
Stokes
Stuckey
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Thornton
Tiernan
Treen
Ullman
Vigorito
Waggonner
White
Whitten
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Yates
Yatron
Young, Ga.
Young, S.C.
Young, Tex.
Zablocki

NOT VOTING—25

Ashbrook
Badillo
Blatnik
Brasco
Breaux
Carey, N.Y.
Conyers
Danielson
Davis, Ga.
Derwinski
Evins, Tenn.
Fisher
Fraser
Green, Oreg.
Hébert
Henderson
King
Macdonald
Mills, Ark.
Murphy, N.Y.
Randall
Rooney, N.Y.
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. LEHMAN

Mr. LEHMAN. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $610,000,000, of which $591,000,000, including $41,500,000 for amounts payable under section 6 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $19,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 68 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained therein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools: *Provided further*, That none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under section 5 and subsections 14(a) and 14(b); *Provided further*, That of the funds provided herein for carrying out the Act of September 23, 1950, no more than 65 per centum may be used to fund section 5 of said Act.

The Clerk read as follows:

Amendment offered by Mr. LEHMAN: Page 19, line 19, after "Act" insert the following: ": *Provided further*, That none of the funds contained herein shall be available to make any payment to a local educational agency under the Act of September 30, 1950, which is attributable to children described in section 3(b) of title I whose parents are employed on Federal property outside the school district of such agency".

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation on an appropriation bill.

First, Mr. Chairman, this amendment would change the existing law in that it would distinguish between children whose parents work in a key school district and children whose parents work outside the school district. The present law which we have makes absolutely no such distinction.

The second point, Mr. Chairman, is that this would obviously impose additional duties upon whatever Federal officials there are in the entire program and would require them to establish procedures with all sorts of redtape to determine where the place of work is, whether they work there or not, whether the parents were in the school district or not.

Such procedures do not exist in the law because they are not required under present law.

The CHAIRMAN. Does the gentleman from Florida desire to be heard?

Mr. LEHMAN. Yes, Mr. Chairman.

Mr. Chairman, the language in this amendment is clearly a limitation on the use of funds contained in this bill. The language is germane, and it is couched in negative language on the funds in the bill. Nor does my amendment impose new duties.

I would direct the attention of the Chair to the words of Chairman Nelson Dingley of Maine, which are quoted in Cannon's procedure in the House of Representatives:

> The House in the committee of the whole has the right to refuse to appropriate for any object, either in whole or in part, even though that object may be authorized by law. That principle of limitation has been sustained so repeatedly that it may be regarded as a part of the parliamentary law of the Committee of the Whole.

Mr. Chairman, my amendment is simply an exercise of the right outlined above, that is, to refuse to appropriate for any object, in whole or in part, even though that object may be authorized by law.

Mr. Chairman, in supporting the overruling of this point of order, I rely particularly on the ruling of the Chair on April 7, 1971, found on page 10097 of the CONGRESSIONAL RECORD, which was likewise on a limitation of the use of impact aid funds.

I would also call the attention of the Chair to the ruling made on June 15, 1972, on page 21105 of the RECORD, where the Chair held that an amendment also placing a restriction on the use of funds, and also prefaced with the words "that none of the funds contained herein," was also in order.

Mrs. MINK. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentlewoman.

Mrs. MINK. Mr. Chairman, I rise in support of the point of order made by the chairman of the subcommittee of the Appropriations Committee against the amendment offered by the gentleman from Florida (Mr. LEHMAN). Mr. Chairman, the point of order I wish to concur in is that the language of the amendment is legislation in an appropriation bill. It requires a different method of allocating funds to eligible school districts than that provided in the authorizing legislation, Public Law 81–874.

Mr. Chairman, I realize that the gentleman from Florida has carefully phrased his amendment in an attempt to avoid this prohibition in clause 2 of rule XXI. But in this attempt, the gentleman has failed. The exception to the rule dealing with a retrenchment of appropriations is subject to the qualification that it must not impose additional administrative burdens and ministerial duties on the administration in carrying out the basic law for which the appropriation is made. In this regard, Mr. Chairman, I call attention to the annotations to rule XXI, clause 2, appearing on page 472 of the House Rules and Manual for the 93d Congress, in which it is noted:

> But such limitations must not give affirmative directions (IV, 3854–3859, 3975; VII, 1637), and must not impose new duties upon an executive officer (VII, 1676; July 31, 1969, p. 21631–33; June 11, 1968, p. 16712), and must not be coupled with legislation not directly instrumental in affecting a reduction (VII, 1555, 1557).

I have checked to determine whether or not any additional ministerial duties will be required in carrying out the amendment offered by the gentleman from Florida and I am advised that this will require administrators of the program to make an additional extraction from survey data gathered from parents to determine whether or not the place of work of the parent is located within or without the school district.

Mr. Chairman, this is not a simple task. In many school systems, these survey forms run into many thousands and nationwide, this would multiply this ministerial task by each of the several thousand school districts participating in Public Law 91–874.

The ruling which I seek is consistent with the rulings of the Chair February 19, 1970 and April 14, 1970, found on pages 4015 and 11677 of the Congressional Record for those respective dates. I urge that the Chair sustain the point of order.

Mr. YATES. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. YATES. I suggest, Mr. Chairman, this is an appropriate retrenchment under the Holman Rule and that the legislation is appropriate under that rule.

The CHAIRMAN (Mr. Holifield). The Chair is prepared to rule.

The Chair has listened very carefully to the arguments on the point of order, and notes there has been a good deal of research done by several of those who have spoken on the subject matter.

The Chair has also examined the law to which this amendment relates.

The Chair feels that while the amendment is in the form of a limitation it also would require additional determinations not now required by law. Since it would require additional duties, the amendment is legislation on the appropriation bill and not in order.

The Chair sustains the point of order.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committeee rose; and the Speaker having resumed the chair, Mr. Holifield, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Michel moves to recommit the bill, H.R. 8877, to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendments: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et. seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91–616), the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89–793), and the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), $725,311,000.

To carry out titles VI and IX, sections 314(a) through 314(c), and except as otherwise provided, sections 301, 304, 311, 402(a)(7), 403(a)(1) and 433(a) of the Public Health Service Act; $301,320,000 of which $110,000,000 shall be available until June 30, 1976 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities.

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, $515,040,000.

For expenses not otherwise provided for, necessary to carry out title IV, part B, and title XI of the Public Health Service Act, $276,415,000.

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, $40,227,000.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, metabolic diseases, and digestive diseases, $145,182,000.

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the Public Health Service Act with respect to neurology and stroke, $108,505,000.

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, $107,111,000.

For expenses, not otherwise provided for, necessary to carry out title IV, part E, of the Public Health Service Act with respect to general medical sciences, including grants of therapeutic and chemical substances for demonstrations and research, $152,528,000.

To carry out, except as otherwise provided, title IV, part E and title X of the Public Health Service Act with respect to child health and human development, $116,092,000.

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, $33,949,000.

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, $27,154,000.

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities, other research resources and general research support grants, $110,871,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants programs any amount for indirect expenses in connection with such grants.

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, $4,319,000, of which not to exceed $500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, $590,984,000, of which $2,000,000 shall be available for loan guarantees and interest subsidies under part B of title VII and part A of title VIII, $50,000,000 shall be for grants for construction of facilities (including $10,000,000 for dental teaching facilities) under part B of title VII, and $10,000,000 shall be for grants for construction of facilities under part A of title VIII: *Provided*, That the funds appropriated under part B of title VII and part A of title VIII shall remain available until expended.

For carrying out, to the extent not otherwise provided, title I ($1,713,000,000), title III ($146,393,000), title V, parts A and C ($38,000,000), and title VII of the Elementary and Secondary Education Act; title III–A ($25,000,000) of the National Defense Education Act of 1958; and section 222(a)(2) of the Economic Opportunity Act of 1964, $2,003,393,000; *Provided*, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972; *Provided further*, That the requirements of section 307(e) of Public Law 89–10, as amended, shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

For carrying out, to the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($419,682,000), D, F ($25,625,000), G ($19,500,000), H ($6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($61,300,000), $575,641,000 including $16,000,000 for exemplary programs under part D of said Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1975, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1972.

For carrying out, to the extent not otherwise provided, titles I, III, IV, section 745 of Title VII, parts B and D of title IX, and section 1203 of the Higher Education Act, as amended, the Emergency Insured Student Loan Act of 1969 as amended, section 207 and title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, and Public Law 92–506 of October 18, 1972, $1,803,914,000, of which amounts reallotted for work-study shall remain available through June 30, 1975, $25,000,000 shall be for veterans cost-of-instruction payments to institutions of higher education, and $440,500,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses), of which $429,000,000 shall remain available through June 30, 1976, and the following amounts shall remain available until expended: $310,000,000 for subsidies on guaranteed student loans and $31,425,000 for annual interest grants for subsidized construction loans.

For carrying out, to the extent not otherwise provided, titles I ($38,239,000), II, and III ($2,730,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II ($90,000,000) of the Elementary and Secondary Education Act; and title II (except section 231) and title VI ($6,250,000) of the Higher Education Act; $156,969,000 of which $5,250,000 to remain available through June 30, 1975, shall be for grants for public library construction under title II of the Library Services and Construction Act.

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, titles III, IV, V, VII and VIII of the Older Americans Act of 1965, the Juvenile Delinquency Prevention Act, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, $280,932,000; of which $21,715,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act. to remain available until June 30, 1976, except that grants made from these funds after June 30, 1974, will be for construction only as specified in section 132(a) (3) of such Act; and $4,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided,* That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, $241,300,000 plus reimbursements: *Provided,* That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for the construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further,* That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further,* That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

On page 8, strike out lines 13 through 20.

On page 11, strike out lines 8 through 11.

On page 11, strike out lines 12 through 15.

On page 11, strike out lines 16 through 19.

On page 11, strike out lines 20 through 25.

On page 12, strike out lines 1 through 6.

On page 12, strike out lines 7 through 11.

On page 12, strike out lines 12 through 17.

On page 12, strike out lines 18 through 23.

On page 13, strike out lines 1 through 4.

On page 13, strike out lines 5 through 9.

On page 13, strike out lines 10 through 18.

On page 13 strike line 19 and all that follows through line 2 on page 14.

On page 14 strike line 4 and all that follows through line 15.

On page 17 strike line 23 and all that follows through line 14 on page 18.

On page 20 strike line 6 and all that follows through line 20.

On page 20 strike line 21 and all that follows through line 16 on page 21.

On page 26 strike line 4 and all that follows through line 24.

On page 39 strike line 14 and all that follows through line 6 on page 40.

Mr. MICHEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit which I have offered be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Does the gentleman from Illinois (Mr. MICHEL) wish to be heard on his motion to recommit?

Mr. MICHEL. Mr. Speaker, my motion to recommit is simply the package of amendments which I offered earlier in the day.

Mr. Speaker, I will not say anything further except this, since it is 20 minutes after 11 p.m.

I wish to commend the Members for the fine fashion in which this House has conducted itself today. Attention has been given to every Member who offered amendments, and I think they are all deserving of an accolade. It makes me proud to be a Member of this deliberative body, and finally, Mr. Speaker, I believe that the Chairman of the Committee of the Whole House on the State of the Union (Mr. HOLIFIELD) is deserving of a resounding vote of thanks.

Finally, Mr. Speaker, I hope that the Members will support my motion to recommit.

Mr. FLOOD. Mr. Speaker, insofar as that part of the remarks made by my friend, the gentleman from Illinois (Mr. MICHEL) are concerned which deal with high praise and compliments to the Speaker, the Committee, and other Members, I will say that I could not have done better myself. And that is praise from Caesar.

Mr. Speaker, as for the rest of it, of course, the Members have heard me express for about 6 hours my position vis-a-vis these problems.

Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Mr. Speaker I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 219, not voting 28, as follows:

[Roll No. 294]

AYES—186

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bell
Bennett
Blackburn
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Camp
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Gettys
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hansen, Idaho
Harsha
Heinz
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Lent
Long, Md.
Lott
Lujan
McClory
McCollister
McDade
McEwen
Madigan
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steelman
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—219

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Breckinridge
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carney, Ohio
Carter
Casey, Tex.
Chisholm
Clark
Clay
Collins, Ill.
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flood
Flowers
Foley
Ford, William D.
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Gunter
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Holtzman
Horton
Hungate
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
McCloskey
McCormack
McFall
McKay
McKinney
McSpadden
Madden
Mahon
Maraziti
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.

Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Thomson, Wis.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—28

Ashbrook
Badillo
Blatnik
Brasco
Breaux
Carey, N.Y.
Conyers
Danielson
Davis, Ga.
Derwinski
Evins, Tenn.
Fisher
Fraser
Green, Oreg.
Harvey
Hébert
Henderson
Howard
King
Macdonald
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Randall
Rooney, N.Y.
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Derwinski for, with Mr. Thompson of New Jersey against.

Mr. Hébert for, with Mr. Rooney of New York against.

Mr. King for, with Mr. Brasco against.

Mr. Ashbrook for, with Mr. Carey of New York against.

Mr. Steiger of Arizona for, with Mr. Murphy of New York against.

Until further notice:

Mr. Henderson with Mr. Macdonald.

Mr. Evins of Tennessee with Mr. Breaux.

Mr. Teague of Texas with Mr. Davis of Georgia.

Mr. Blatnik with Mr. Harvey.

Mrs. Green of Oregon with Mr. Minshall of Ohio.

Mr. Randall with Mr. Fraser.

Mr. Danielson with Mr. Mills of Arkansas.

Mr. Howard with Mr. Fisher.

Mr. Badillo with Mr. Conyers.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 347, nays 58, not voting 28, as follows:

[Roll No. 295]

YEAS—347

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Bafalis
Barrett
Beard
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—58

Archer
Arends
Armstrong
Baker
Bennett
Blackburn
Brown, Ohio
Camp
Cederberg
Clancy
Clawson, Del
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Davis, Wis.
Dennis
Devine
Dickinson
Edwards, Ala.
Eshleman
Ford, Gerald R.
Frelinghuysen
Goldwater
Goodling
Gross
Hosmer
Huber
Hudnut
Hutchinson
Kemp
Ketchum
Kuykendall
Landgrebe
McEwen
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Michel
Powell, Ohio
Price, Tex.
Rarick
Rhodes
Robinson, Va.
Rousselot
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Shuster
Smith, N.Y.
Symms
Treen
Ware
Wiggins
Williams

NOT VOTING—28

Ashbrook
Badillo
Blatnik
Brasco
Breaux
Carey, N.Y.
Conyers
Danielson
Davis, Ga.
Derwinski
Evins, Tenn.
Fisher
Fraser
Green, Oreg.
Harvey
Hébert
Helstoski
Henderson
King
Macdonald
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Randall
Rooney, N.Y.
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Badillo.

Mr. Rooney of New York with Mr. Mills of Arkansas.

Mr. Hébert with Mr. Teague of Texas.

Mr. Brasco with Mr. Davis of Georgia.

Mr. Blatnik with Mr. Helstoski.

Mr. Carey of New York with Mr. Harvey.

Mr. Breaux with Mr. Minshall of Ohio.

Mr. Murphy of New York with Mr. Derwinski.

Mr. Fisher with Mr. Steiger of Arizona.

Mrs. Green of Oregon with Mr. King.

Mr. Randall with Mr. Ashbrook.

Mr. Danielson with Mr. Conyers.

Mr. Fraser with Mr. Henderson.

Mr. Macdonald with Mr. Evins of Tennessee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill (H.R. 8877) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WARMAKING POWERS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES

(Mr. REGULA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous remarks.)

Mr. REGULA. Mr. Speaker, I am informed that my colleague, Mr. DENNIS of Indiana, will be offering an amendment to House Joint Resolution 542 tomorrow. I want to associate myself with my distinguished colleague in strong support of his amendment.

On May 21, 1973, I introduced legislation designed to delineate and clarify once and for all, the warmaking powers of the executive and legislative branches of our Government.

That legislation is identical to my colleague, Mr. DENNIS' bill in all respects, save for a section that sets forth the procedures whereby action by both Houses of the Congress, either in approval or disapproval of presidential warmaking action can be moved through the Congress in an expeditious fashion.

In my opinion, such procedures are essential and I shall, therefore, at the proper time, offer an amendment to the substitute amendment offered by Mr. DENNIS, the effect of which will be to incorporate these procedures into the substitute amendment.

The approach taken by House Joint Resolution 542 is a negative one. The substitute amendment will correct that. House Joint Resolution 542 would, pursuant to section 4 force the President to act as a result of congressional inaction.

There is no argument that the power to declare war—requiring an affirmative act—rests with the Congress and only with the Congress. Section 4 would, however, deprive the President of rightfully exercising the power he constitutionally shares with the Congress, that is the power to make war, whenever the 535 Members of the Congress failed to act or simply refrained from acting.

The necessity for a war powers bill has been the growth of powers claimed as inherent in the Executive under article II, section 2 of the Constitution, Congress, by its inaction can take a good share of the blame for that.

Are we to now sanction congressional inaction by changing the rules and calling that which we failed to do implied censure?

I do not believe that we can by inaction do that which the framers of our Constitution said we must affirmatively do.

Article I, section 9 of the Constitution gives Congress the power to declare war as well as such related functions as raising and supporting armies and providing and maintaining navies. Each enumerated authority requires an affirmative act. While we are finally, by this legislation, clarifying the gray area between the explicit grant of war powers to the President under article, II section 2—which makes the President the Commander in Chief of our Armed Forces—and article I, section 9, let us not muddy the waters by saying that whenever the Congress does not act, the negative shall be implied.

The substitute amendment offered by Mr. DENNIS does require the Congress to act either in approval or disapproval of the President's action. There is no room for an inference to be drawn. Either we approve or we do not and we say so.

The text of my procedural amendment is as follows:

Insert at the end of section 5 a new section as follows and renumber the remaining sections:

SEC. 6. (a) Any bill or resolution introduced pursuant to and under the provisions of section 3 or section 4 of this Act, either approving or disapproving the action of the President shall, if cosponsored by one-third or more of the total number of Members of the House of Congress in which such bill or resolution originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(b) Any bill or resolution reported pursuant to subsection (a) shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

ADDITION TO LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, I take this time to advise Members that tomorrow or sometime during the balance of the week the Speaker may recognize for a motion to suspend the rules and agree to the Senate amendment to H.R. 8537, to make permanent certain provisions of the Armed Forces Dependents Assistance Act.

AMENDMENT TO HOUSE JOINT RESOLUTION 542 OFFERED BY MR. WHALEN

(Mr. WHALEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHALEN. Mr. Speaker, I am inserting at this point in the RECORD the amendment which I will offer tomorrow to section 4(b) of House Joint Resolution 542, the War Powers Resolution of 1973. I am doing so to call to the attention of my colleagues certain perfecting changes which I have made in the amendment.

AMENDMENT TO HOUSE JOINT RESOLUTION 542, AS REPORTED OFFERED BY MR. WALLEN

Page 3, strike out line 24 and all that follows down through line 5 on page 4 and insert in lieu thereof the following:

(b) Within one hundred and twenty calendar days after a report is submitted or is required to be submitted (whichever is earlier) pursuant to section 3, the Congress, by a declaration of war or by the passage of a resolution appropriate to the purpose, shall either approve, ratify, confirm, and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove such action in which case the President shall terminate any commitment and remove any enlargement of United States Armed Forces with respect to which such report was submitted.

EDWARD J. PATTEN, DEMOCRAT, OF NEW JERSEY, ON THE MBFR NEGOTIATIONS

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from New Jersey (Mr. PATTEN) is recognized for 60 minutes.

Mr. PATTEN. Mr. Speaker, one of the most complex and portentous issues of East-West security, the level of armed forces on both sides of the Iron Curtain, are being negotiated now at the preliminary MBFR Conference in Vienna. The outcome of the talks is still uncertain but, if successful, they could help achieve the threefold aim of NATO in proposing them 5 years ago; reduction of tensions by diluting the tremendous concentration of the military power of the two alliances in central Europe and reduction of the likelihood of war by verification measures and halting the arms race by arms control agreements.

These negotiations are beset with many problems. There are those in our Congress who believe that we should reduce our stationed forces in Europe, if necessary even unilaterally, as their constant pressure inhibits the bargaining power of our Government representatives in Vienna to get Soviet and east central European agreement to mutual and balanced reduction of forces on both sides.

The Soviet Union also causes considerable difficulty regarding the countries to be involved and the nature of balanced withdrawals. While MBFR really involves a two-phase problem—reduction of stationed forces—mostly United States and Soviet—and, later, a comprehensive arms control agreement for Europe, including cuts or constraints on local and stationed military forces alike—we are at the outset faced with Soviet attempts to improve their strategic and geopolitical position vis-a-vis NATO by means of the MBFR talks.

While such efforts could have been expected, the temporary acceptance of three Soviet demands at the beginning of the conference does not augur well for a successful conclusion and has already caused some fears on the part of our allies and disappointment on the part of our citizenry of Hungarian and other East Central European descent.

The first concession was tangential—the convocation of the talks in Vienna instead of Geneva. The second one was opening the conference to flank countries of both alliances as "observers" but with no right to vote. The third one, however, was consequential—the agreement worked out between Jonathan Dean, our chief negotiator in Vienna, and his Soviet counterpart to the effect that Hungary, in accordance with Soviet wishes, be eliminated from the talks as a full-fledged participant and reduced to observer status. Press reports indicate that our Government strongly urged acceptance of the Soviet demand upon our NATO allies.

The only consolation is that acceptance was made without prejudice to the status of Hungary at the main conference, according to Dutch ambassador van Ufford who spoke for NATO at the first meeting of the conference. However, given Soviet veto rights against the admission of new members to the conference and the fact that the United States was not among the NATO nations agreeing to raise the issue in the fall undercut our hopes.

It is in this context that I am asking

for unanimous consent to insert into the RECORD the speech of General Lyman L. Lemnitzer, USA, retired, former Chairman of the Joint Chiefs of Staff and former NATO Supreme Commander on MBFR and its Hungarian tangent. The speech was given at a luncheon of the American Institute on Problems of European Unity, Inc. at the Rotunda Restaurant on June 14, 1973. The president of the Institute is Mr. John Chamberlain, King Features Syndicated columnist and Dean, School of Journalism, Troy State University. Its executive director is my good friend, Dr. Z. Michael Szaz. My long-time friend, Bishop Dr. Zoltan Beky, who gave the invocation at this luncheon, serves with me on the board of trustees.

I believe that excluding Hungary from the locale of MBFR would grant the Soviet Union a sanctuary in Europe across the border of Yugoslavia where the post-Tito situation remains in doubt and give the U.S.S.R. an undeserved advantage in Central Europe over the Western Alliance, should MBFR talks succeed. I trust and hope that the administration will not succumb to Soviet pressures to conclude agreements for agreements' sake and will take a determined stand during the present visit of Party Secretary Brezhnev to see that Hungary is restored as a full participant in the talks in October.

GEN. LYMAN L. LEMNITZER, USA (RET.), SPEECH BEFORE THE AMERICAN INSTITUTE ON PROBLEMS OF EUROPEAN UNITY, INC.

In the introductory part of his speech, General Lemnitzer reminded the audience that during the past 28 years the United States undertook many efforts to secure the peace. He referred particularly to the efforts to create a United Nations peacekeeping force to which the United States would have contributed significant forces and the Baruch Plan in which the United States proposed to share its nuclear know how and technology with other states in exchange for verification rights that nuclear energy would not be used for destructive purposes. Both of these efforts, probably the greatest disarmament efforts of our times, failed because of repeated Soviet vetoes, leading, after the coup in Prague in February 1948, to the creation of NATO which had succeeded since 1949 to defend non-Communist states in Europe and to ensure the peace in that part of the world.

General Lemnitzer then continued:

Last five years NATO increased its efforts to attain a detente with the East. We are witnesses to an unique situation as there are negotiations on security between the two blocs both to the limitation of forces and weaponry. We are in the era of negotiations. The President's visits to Peking and Moscow, the Vietnam negotiations span a wide variety of issues, for Mr. Le Duc Tho also receives his real instructions in Moscow as to how to proceed in the talks. . . . We also have the SALT talks proceeding. The first agreement unfortunately did not achieve what we would have liked to accomplish, as a matter of fact it has awarded numerical superiority, but not qualitative superiority, to the Soviets. We are hopeful that the second phase will achieve our objective, to get some limitation on the production and number of strategic nuclear weapons.

The era of negotiations also includes the already ratified German-Soviet, German-Polish treaties and the Four Power Agreement on Berlin. They made official the division of Germany, the division of the city of Berlin. The result remains a one-way flow of traffic. This Easter when the wall was opened a little, the flow was all from West to East, West Berliners visiting their relatives in the East, but few East Berliners were allowed to visit their relatives in the West. The Soviet Union has also been promised in return increased Western trade, technology and credits.

There is also the Conference on Cooperation and Security in Europe (CSCE) meeting in Helsinki. The present part of the conference is now adjourned, but the Foreign Ministers of the participating countries are to meet on July 3. Whether the meeting will really take place is not known at the present.

We are also engaged at Vienna together with an indeterminate number of other nations on mutual balanced force reductions (MBFR). MBFR was proposed by NATO in 1968 at the Reykjavik meeting of the NATO Council.

The question is asked by people in the 'Congress, pressed also by simple people the country why is it then necessary for the United States to maintain strong military forces? So many of the world's political and military problems have been solved, or are in the process of being solved soon. There is an inclination among Americans and Western Europeans as well to believe that we sit down to a conference to discuss problems, it means that the problem has already been solved. This is simply not the case in many instances.

In 1969, after the inauguration of the Nixon Administration, the Defense Department established a blue ribbon panel on American defense policies. After being exposed to intelligence data around the world, including intelligence from behind the Iron Curtain, seven of its members issued the following supplementary statement:

The road to peace has never been through appeasement, unilateral disarmament, or negotiations from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations of the world only the strong survive.

This statement sums up my opinion and that of most experts dealing with the Soviet Union. It states crux of the issue for the United States and its allies in this era of negotiations.

MFBR NEGOTIATIONS

Mutual balanced force reduction was originally proposed by NATO at Reykjavik in 1968. The proposal had three objectives:

(1) To reduce tensions by sitting down and discussing MBFR on both sides of the Iron Curtain. The massive military power east of the Iron Curtain creates tensions as people are not sure whether this power would or would not be employed against them.

(2) To reduce the likelihood of war.

(3) To stop the arms race in Europe.

This proposal was totally ignored by the Soviet Union until 1971. At that time, there was intensive discussion in the United States about ending the war in Viet Nam by a withdrawal of American forces, about discontinuing the draft. Simultaneously, Senator Mansfield was pressing for his resolution of withdrawing fifty percent of the United States forces from Europe. Suddenly, Mr. Brezhnev indicated at that time that he strongly favors this proposal of mutual balanced force reduction, acting as if he had never heard of it before. This speech was one of the most successful propaganda efforts on the part of any nation. Not only the man on the street but even students and professors at our universities, who should know better, believe that it was Leonid Brezhnev who had originally proposed MBFR. After Mr. Brezhnev endorsed the proposal, NATO entrusted its former Secretary-General, Mr. Brosio with chairing a task force with the objective of getting the talks started with Moscow. Ambassador Brosio and his small staff was waiting in the wings for a long time for an invitation from Moscow that never arrived. It was indicated that the Russian military forces were not interested in MBFR. Even a month ago, I met a Soviet military official visiting this country at the Atlantic Council on the board of directors I have the pleasure of serving, and he again objected to the term "balanced". The Soviet Union is objecting to the word and will not support balanced withdrawals. Of course, the term means all things to all different people, but in the NATO terminology, the word was included in order to ensure that the cuts on the two sides of the Iron Curtain do not increase the superiority of the Warsaw Pact forces which is already about three to one.

Now as a result of NATO pressure, the MBFR talks have begun. Before they started, the Soviet Union countered with her demand for a European security conference. This is a proposal peddled by the Soviet Union ever since the death of Stalin. The objectives of the Soviet Union in asking for the conference are to accelerate American withdrawal from Europe; to help Soviet expansion designs; to legitimize the status quo and the postwar conquest of East Central Europe by the U.S.S.R.; and to hamper Western European political unity and give voice to the Soviet Union in Western European affairs. By accepting the demand, the NATO nations handed Moscow a diplomatic victory. The CSCE is attended not only by NATO and Warsaw Pact nations, but by all the neutrals, and by tiny states like the Vatican, Lichtenstein and San Marino. Most experts state that the Soviet Union is anxious to get a consensus and/or a resolution legitimizing the status quo. Since agreeing to the MBFR talks, however, the Soviet Union is trying to render the talks meaningless by imposing conditions which, if accepted by NATO, would be a prescription for failure.

As to MBFR, the NATO powers wanted to meet in Geneva. The Soviet Union wanted to meet in Vienna, NATO yielded. NATO wanted to narrow the talks to Central Europe where the main problems lie, instead of expanding them from Norway to Eastern Turkey. The Soviet Union wanted to let any state desirous to participate to be admitted. A compromise was struck.

MBFR AND HUNGARY

In February 1973 the Soviet Union insisted that Hungary be limited to observer status and that the area of Hungary be excluded from the area of the projected troops cuts. This was a tremendous proposal on the part of the Soviet Union indicating her lack of sincerity. An impasse ensued for fourteen weeks, almost three months. In order that the talks may be started the West again yielded on this issue, reserving the right to raise the issue at a later date. In my opinion and in the opinion of most experts dealing with the Soviet Union on a regular daily basis, this reservation about Hungary where 40,000 crack Soviet troops are stationed, is meaningless. The Soviet Union will not yield on this issue later.

To exclude Hungary with 40,000 elite Soviet troops, land forces and tactical air force is from the military point of view very difficult to understand. It is the opinion of many military people with whom I am associated, that if accepted permanently, Hungary's exclusion would gravely affect the situation in Central Europe. It certainly does not spell any hope for the satellite countries to achieve a greater degree of sovereignty, and particularly it would not spell hope for Hungary. It gives the Red Army and Red tactical air forces a beachhead, or as I would put it, a sanctuary right at the crossroads of Europe where they can move forces and equipment into, and still be excluded from the area of a MBFR agreement.

Now the Soviet Union can sit back and await new moves in the U.S. Congress to force a unilateral withdrawal of United States forces from Europe while she maintains intact her forces which are far greater than those needed for defensive purposes.

As to the chances of an agreement, I, and many NATO military and political leaders believe that unless NATO receives positive, reliable and cheatproof verification guarantees on the other side of the Iron Curtain, any agreement would not be worth the paper it is written upon, and we could not put any great confidence in the same. Unless there is such a cheatproof verification, any further reduction on the part of the United States and its allies of forces in Europe would be the wrong action at the wrong time.

Finally, may I add that we are dealing with very complex problems. SALT I dealt with strategic nuclear weapons, although it concentrated, because of Soviet demands, mostly on defensive nuclear weapons. Even in this case the negotiations lasted three years. MBFR involves even more complex issues of weapon systems and also of geographic realities. How do you equate the withdrawal of one American division across the Atlantic with the withdrawal of one Russian division a few hundred miles east? Not only land forces, but tactical air forces, naval forces, missile forces are included. The talks will be time consuming and very long.

MBFR and the Soviet Union's Double Shift in Strategy

(By James Frederick Sattler)

It is tempting to portray Soviet objectives in MBFR in terms of constraints on the communist system. Many people have reasoned that the Soviet Union is so pre-occupied with its China problem in the East, and so over-extended in Europe in the West, that the Russian bear is held captive. It behaves like a performing animal, the prisoner of its global over-extension. Thus, the Soviet Union's foreign policy posture is like that of the United States, and "Gulliver's troubles" are Brezhnev's troubles too. U.S. and Soviet political objectives in MBFR stem from the security problems located in each one's backyard. Strategy in the 1970's need not be concerned with a duel between two adversary superpowers but rather with their mutual impotence. The common predicaments of Russia and America have made the world safe for multipolarity.

To be sure, domestic economic difficulties, ideological malaise and political factionalism have inhibited, retarded and even reversed the growth of the communist system and the exercise of Soviet statecraft. As a social system, communism is still not attuned to the challenges of modern advanced industrial society. The occasional adjustments it does make, for example in the field of pollution, are responses to Western innovations. Hardly anyone considers the "Socialist Commonwealth" able to lead advanced industrial societies as a model for the future. Furthermore, although the communist apparat has traditionally sought to expand the Soviet sphere of influence internationally, since the Second World War there have been effective external constraints on Soviet ambitions. The mobilization of the United States strategic potential in NATO and Western Europe's economic recovery in the Common Market neutralized the Soviet Union in Europe.

However, it is worth considering that there may be a catch in this tempting analysis of constraints on the communist system. This approach could turn out to be like the aeronautical engineer's report on the bumblebee. According to the best available information, the wing surface of the bumblebee is too small to support its weight. Scientifically, it is impossible for it to fly. However, the story goes, the bumblebee doesn't know this, and flies anyway. In a word: our rationality tells us one thing about the flight of the bumblebee, but the bumblebee lives in a completely alien world and flies according to his own, bumbling, logic.

Let us, therefore, attempt to enter into that alien world and entertain the possibility that the Soviet Union, in spite of its security predicament, may have obtainable MBFR objectives.

Having donned our entomological cloaks, we notice almost immediately that this will not be a simple undertaking. There are still too few concrete statements by Soviet analysts for us to gather much honey, although the few available drops give us a general idea about the flavor. Most Soviet commentaries on MBFR, like those on the proposed system of Asian collective security, have tended to be rather vague. Nevertheless, there is one important exception at least, an article written last year by Y. Kostko which appeared in *Mirovaya Ekonomika i Mezhdunarodniye Otnosheniya*.[1]

In this essay, Kostko examines and then rejects a number of quite rational Western approaches to MBFR. For example, he dismisses the idea that geometric asymmetry is a problem in Europe, i.e. that while Soviet forces are already stationed on the Continenent, American forces have to be deployed from across the Atlantic. Kostko argues that the distance between Lake Baikal and Central Europe is greater than between New York or London and Central Europe. QED—geometric asymmetry is not a valid principle on which to base MBFR negotiations.

The next point, Kostko argues (ironically using IISS figures as his data reference) is that there already is numerical equality of forces in Europe. Thus, there not only is a geometric balance but a numerical balance in Europe as well. Whatever reductions occur in MBFR, therefore, need not be made in order to compensate for an existing imbalance.

Since he denies the existence of an imbalance between East and West, it comes as no surprise when Kostko concludes that "parity" is the only realistic principle on which to base European force reductions.

Still, apart from the numerical aspect of the balance of forces, Kostko admits that a complex balance of armaments is very hard to calculate. "It must be admitted that at the present time, it is extremely difficult to make an appraisal of the overall correlation of all types of armament mainly because there are still no objective coefficients for comparing various types of armament. Such coefficients ought probably to be worked out in the course of suitable negotiations, for which special organs created by an all-European conference might be especially appropriate."[2]

Kostko provides us with some important clues for solving the mystery of Soviet MBFR objectives

a) His. analysis deliberately bypasses two of the main theoretical foundations of Western MBFR strategy. *First*, it belittles any notion of imbalance in East-West forces. It cleverly sidesteps all those skeptics who might want to raise the possibility of certain Soviet advantages. The Soviet position is not a subject for discussion. *Second*, Kostko's analysis minimizes Western efforts to arrive at objective computations of an armament balance. However, Kostko's criticism is not only aimed at refuting theoretical approaches to MBFR.

b) If the computation of armament balances is better placed in the hands of "all-European organs," what role, if any, would be left for the Department of Defense? For NATO? It is difficult to forsee any remaining function at all.

Naturally, Kostko does not explain why the coefficients developed by an "all-European organ" would be more credible than those of ISA or NATO, but this ambiguity is surely no accident. [Is the credibility of Soviet assurances about their "parity" also supposed to be self-evident?—JFS] Kostko not only seeks to discredit the theoretical basis of Western MBFR strategy—and thus its theoretical credibility—but to set the stage for the actual displacement of Western organizations charged with defence and arm-control policy in MBFR. Is this a strategic predicament for the Soviets?

Kostko shows us that the Russians spell "detente" with a bee. In fact, Soviet MBFR objectives are part of what is, in their real political strategic calculus, a double shift in the confrontation with the West.

Before examining the characteristics of this double shift, it is useful to stop and ask whether the unfashionable term "confrontation" is really appropriate. After all, there are many people who believe that it no longer is a valid concept in international politics and that the world is headed toward some kind of reconciliation. "Confrontation" sounds like the incantation of someone trying to evoke the vanquished spirit of the cold war.

The communists occasionally like to encourage Westerners not to be so square. For example, in contrast to Khrushchev, the current Soviet Ambassador to the Federal Republic of Germany, Valentin Falin, only wants to bury our ghosts. Speaking before a West German audience last fall, he remarked that European security negotiations must "draw the line, or make it more secure, between the Europe of yesterday, whose characteristic political philosophy was 'confrontation' and the Europe of tomorrow which is able to develop under the sign of peaceful coexistence."[3]

The Ambassador's astrological bent aside, it is not easy to accept this Soviet put-down of confrontation at face value. As Kostko's essay reveals, the Soviets believe that diplomacy is political warfare; it is used to circumvent and undermine the West and to increase the political influence and credibility of the Soviet state.

To corroborate this fairly elementary fact, one need only turn to a series of lectures given by Professor Arbatov, the director of Moscow's prestigious Institute for the Study of the USA. Addressing a Japanese meeting, Arbatov spelled out the Soviet standpoint in unmistakably clear terms.

"Today the question is: What will be the forms in which the historically inevitable class struggle between the two systems will develop in the world arena? In the form of military collisions, a race of arms, acute and dangerous political crises? Or in the form of peaceful coexistence in which ideological dispute between the two systems and their competition in the different fields will be combined with multifaceted cooperation in which inevitable differences will be solved through negotiation and unbridled race of arms will be replaced by limitation of arms and by disarmament.?"[4]

Is Arbatov concerned with abolishing confrontation? With genuine peaceful coexistence? Apparently not. His only stated concern seems to be what form confrontation should take. What matters to Arbatov is that there be a shift in the international class struggle to peaceful coexistence. Political warfare against the West is still the legitimate operational basis of Soviet foreign policy. In 1973, the USSR intends to enter the arena of detente negotiations in order to improve its position and to weaken the position of its opponents. This is old-fashioned power politics as Marxists-Leninists like it.

In order to play this game, the USSR continues to build up its military power. The Central European Front is only one aspect of this game. In the field of naval strategy, "The Russians themselves have not been reluctant to discuss their Mediterranean deployments in public. While admitting a

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Footnotes at end of article.

strategic defensive mission for these forces, they put equal or greater stress on another, essentially political mission: neutralizing Western interventionary capabilities, particularly as represented by the US Sixth Fleet, and directed against their Arab clients."[5]

Another observer of Soviet naval practices thinks that the USSR has developed its own version of a flexible response strategy. This plan has as its goal "not only the countering of NATO naval power and the challenging of its control of the sea in NATO waters, but also the capability to interdict NATO sea lines of communication world wide. A concomitant goal /is/ the ability to project national power in a global sense, as enunciated by Admiral Alfred Thayer Mahan."[6]

The changing political mission of the Soviet military establishment not only is aimed at neutralizing Western interventionary capability in the Mediterranean and at countering NATO's naval power, but at decoupling America's strategic potential from the defense of Western Europe. Naturally, the Soviet Union has other political objectives: the elimination of the German problem, the undercutting of Western European integration and the reduction of American dominance.[7]

In contrast to a Europe characterized by twenty years of military stalemate and diplomatic rigidity, the 1970's are unfolding as a decade of accelerating movement. West Germany's Eastern policy now seems to be only the initial phase in a longer process of trans-European interaction. This is a fertile field for the Soviets to buzz around in, and the recent Pompidou-Brezhnev talks illustrate their desire to combine MBFR objectives with trans-European diplomatic maneuvers.

The double shift in Soviet strategy means that their objectives in MBFR are not only part of their diplomatic warfare but part of a grand design. Arbatov describes this second aspect of the double shift in Soviet strategy as the shift from regionalism to globalism.

"If I were to refer to geometry to define the Soviet policy of peaceful coexistence, I would have to use the term 'sphericity.' The reason for this is that this is a global policy aimed at strengthening the peace and establishing the principles of peaceful coexistence all over the world."[8]

Arbatov uses what Western political scientists call a "building block" approach to international relations; Soviet detente diplomacy in CSCE/MBFR is the forerunner of the proposed Asian collective security system.

The double shift in Soviet strategy—to offensive diplomacy globally—is aimed at replacing the United States as an effective global strategic power. It doesn't take long to realize that this ambitious plan is being set forth at a time when American globalism is under attack and when a politically "multipolar" world appears to vitiate the principle of containment.

Nevertheless, in spite of multipolarity, Soviet MBFR objectives are intended to assist in the rise of Soviet globalism (or in the decline of American globalism) and in the further development of Soviet political/military instrumentality (or in the further decoupling of Western political/military instrumentality). Most importantly: these objectives go beyond gaining a simple Western recognition of Soviet and Eastern European status-quo.

In a recent article, Walter Laqueur writes that, "There has been no decline in Soviet foreign influence and prestige, and no liberalization in Eastern Europe; the Soviet Union has so far not become a status-quo power and the Communist 'pluralist universe' is largely a myth."[9] Indeed, Soviet disclaimers notwithstanding, there is every indication that the whole idea of "modernization" for the Bloc apparat does not mean movement toward liberalization but rather toward a second generation of control, a more sophisticated, more efficient authoritarian system, and toward a persistently antagonistic foreign policy toward the West. Anyone who has heard communist references to the beautification of the Berlin Wall, that it is becoming a "modern" state frontier, will agree that "modernization" need not mean liberalization.

The Soviets want a European security system to be based not on a status-quo, but on the acceptance of the "Socialist Commonwealth's" active role.

Since the mid-1960's, the communists have maintained that the Soviet Union's advances in military technology and its ability to consolidate the Bloc politically have created a new situation in Europe. They conclude that the system of European security which has existed since the formation of NATO, a bipolar stalemate, is obsolete. Instead, it is up to the USSR to act as the central initiator of European security policy.

At about the time of the Karlovy Vary meeting of European communist parties, the USSR decided that its presence, not dynamic American engagement in Europe, had become the dominant factor in the European security equation. If anyone doubted the validity of this calculation, the 1968 invasion of Czechoslovakia was intended to be simple arithmetic lesson, a convincing demonstration of a "modern" European security system.

The time had finally come for the Soviet Union to be recognized as the author and guarantor of European security. Although they had made this claim many times before, the Soviets evidently believed that the trick was worth trying again. This time it might really work. To help usher in this new era, they turned to the "European Security Conference," whose theme of collective security would serve to organize a united front of 34 states. In November, 1972, preparatory meetings for this conference began in Helsinki; the conference itself will take place later this year.

At the Soviet Union moves to enter MBFR negotiations with the West, it will do so not as an ideological power but as a great power. It will do so in the expectation that the West will not only recognize the old status-quo but also accept its new roles as Europe's only real superpower. First, it expects that the West will come to consider it "only natural" that the USSR, as a superpower, will use military force as a political instrument, whether to intervene in the Mediterranean or to make NATO irrelevant in MBFR.

Second, it expects that the West will welcome with relief its role as arbitrator in European affairs as a sign that the USSR has chosen to use its power with political "maturity."

An entomologist would conclude that as the Soviet Union looks westward in MBFR, it may well ask: "With enemies like these, who needs friends?"

FOOTNOTES

[1] "Mutual Force Reductions in Europe," reprinted in *Survival,* September/October 1972, pp. 236–238.

[2] *Ibid,* p. 238.

[3] Valentine M. Falin, "Auf dem Wege zur gesamteuropäischen Konferenz," *Europa Archiv,* November 10, 1972, p. 727.

[4] "Soviet-American Relations and Japan", a speech given at a meeting of the Asian Affairs Research Council at the Imperial Hotel in Tokyo, November 1, 1972, as reported in *FBIS,* 3–7 November, 1972.

[5] Robert G. Weinland, "The Changing Mission Structure of the Soviet Navy," Center for Naval Analyses Professional Paper No. 80, reprinted in *Survival,* May/June 1972, pp. 130–131.

[6] Adm. R. G. Colbert, "The Shifting Balance of Power at Sea," *The Atlantic Community Quarterly,* Winter 1972–1973, Vol. 10, No. 4, p. 470.

[7] For a subtle and perceptive analysis of Soviet decoupling strategy, see Uwe Nerlich, "Zur Struktur und Dynamik europäischer Sicherheitspolitik," *Europa Archiv,* July 25, 1971, pp. 481–494.

[8] Arbatov, *op. cit.*

[9] "From Globalism to Isolationism," *Atlantic Community Quarterly,* Winter 1972–1973, Vol. 10, No. 4, p. 431.

Mr. CONTE. Mr. Speaker, today we are discussing the ongoing preparatory talks on a mutual balanced force reduction in Central Europe between the involved NATO and Warsaw Pact countries.

The talks are still in the beginning stages, and the many complex problems will probably necessitate a long bargaining period.

We welcome, however, the willingness of the Soviet Union and her allies to try to extend the existing detente to security matters, as shown by the visit of Soviet Party Secretary Brezhnev to Washington.

It is therefore, with great disappointment that we have noted the stubborn Soviet opposition to the inclusion of Hungary in the talks in Vienna. This stance resulted in a 14-week impasse and finally in our acceptance of a compromise closely paralleling the Soviet position, at least for the duration of the preliminary talks. Hungary is now excluded from the list of 11 full participants at Vienna and is reduced to the status of special observer together with NATO flank countries, Romania and Bulgaria.

As the compromise calls for a reevaluation of the status of Hungary at the time of the opening of the mutual balanced force reduction conference this fall, I am joining my colleagues in urging our administration to use every diplomatic means at its disposal to secure the inclusion of Hungary in the area of mutual balanced force reduction and the participation of Hungary in the talks leading thereto.

Mr. BROYHILL of Virginia. Mr. Speaker, the ongoing MBFR negotiations are of pivotal importance to the future peace and security in Europe and also they will have an immediate impact upon our national security.

We hope that we will be able to accomplish the aims set by the NATO Council at its May 1968 meeting at Reykjavik, that is, to reduce tensions in Europe by effecting mutual and balanced force reductions on both sides of the Iron Curtain while maintaining the equilibrium of forces, which is already precarious in view of Soviet numerical superiority. The second aim is to reduce the likelihood of war by providing for an exchange of observers and verification measures on unusual troop movements. Finally, the last aim is to halt the arms race in Europe.

While it is too early to tell about the outcome of the preliminary talks in Vienna, one disturbing compromise was made about the status of Hungary. It is true, however, that the NATO powers accepted this compromise only temporarily and they retained the right to raise the issue of Hungary's participation before the fall conference opens. As Hungary is both a Central European Country, and is occupied by four Soviet divisions and tactical air forces, I hope that our administration will use all its diplomatic influence to restore Hungary to a full participant to the conference. Otherwise unchecked Soviet presence in Hungary after a partial MBFR agreement would grant the Soviet Union a sanctuary for staging area of military forces, and also for possible intervention of Yugoslavia.

Mr. CRANE. Mr. Speaker, it is with great disappointment that we all learned of the consequential concession of NATO—according to press reports at the suggestion of our administration—to exclude Hungary as a full participant from the MBFR negotiations in Vienna.

The exclusion of Hungary in the light of the stubborn and unexpected Soviet request of January 31, 1973, from the preliminary talks grants the U.S.S.R. with a sanctuary even if the MBFR talks should be successful. It would enable the Soviet Union, even after a partial MBFR agreement, to assemble forces in Hungary for any aggressive purposes, including intervention into Yugoslavia. The concessions also demonstrates that until now it is the Soviet Union, and not the West, which is gaining most leverage from the talks. It raises doubts in the minds of many of our allies whether we will ultimately make agreements for agreement's sake and whether we will continue to insist upon our positions and NATO interests.

One hopeful sign remains. The May 14, 1973, compromise was tempered by a declaration of the Ambassador of the Netherlands on the part of NATO that the status of Hungary would be raised again at the outset of the main conference in the fall of 1973.

If we are not to be taken advantage of, the administration should resolutely insist at its current talks with the Soviet Union to restore the Hungarian question to the agenda of the main MBFR conference and make sure that any MBFR agreement will become balanced and not result in the further tilting of the precarious military balance in Europe in favor of the Soviet Union. In this regard, I want to commend the American Hungarian Federation for its memorandum on the problem which they also submitted to the President and the Secretary of State and hope that the MBFR talks will be utilized to achieve greater self-determination to the people of Hungary and other East Central European nations.

Mr. GOLDWATER. Mr. Speaker, I think we all owe our colleague, the gentleman from New Jersey (Mr. PATTEN), a great debt of gratitude for requesting this important and timely special order. More than ever, the strength of NATO forces in Europe, in relation to the massive Soviet and other satellite armed forces east of the Iron Curtain, must be a matter of vital concern to our security and to the survival of NATO.

We have been told by some of our colleagues in the other body of this Congress that it would be in the best interests of peace to withdraw a substantial part of our forces in Europe.

But, Mr. Speaker, dire consequences of such a unilateral withdrawal, in view of the 235:1 numerical and armor superiority of the Warsaw Pact forces, are obvious and cannot be explained away so easily.

I feel that some withdrawals would become feasible if we could get the Soviet Union to effect an equivalent troop withdrawal from the other side of the Iron Curtain; provided, of course, that we can achieve a cheatproof, verified and policed agreement. Also, the reduction of forces must be balanced in the light of the existing military equilibrium, taking geographic realities into consideration.

Frankly, in my judgment, the preliminary talks in Vienna on MBFR do not promise any early success. In fact, according to the recent Senate testimony of the Secretary-Designate of the Department of Defense, it would take at least 1 or 2 years to reach agreement on the reduction of forces with the Soviet Union.

In this early stage of the MBFR talks, I see a very disturbing development taking place. This is the May 1973 compromise reached on excluding Hungary from the list of what is described as "potential participants in an agreement relating to MBFR in Central Europe." This means that even in case of an MBFR agreement, the Soviet Union would be granted a sanctuary at the crossroads of Europe both for assembling troops and air forces for potential intervention in Yugoslavia and for a potential attack on U.S. forces in Southern Germany and Northern Italy.

However, I still see a promising sign. The compromise states that it does not prejudice the right of the NATO countries to raise the question of the status of Hungary at the fall MBFR general conference and the NATO members retain the right to raise the issue at the outset of the fall conference.

Thus, I strongly urge the administration to use all its diplomatic influence with the Soviet Union, including the aftermath of the summit meeting, to gain Soviet agreement to the restoration of Hungary to full participant status. Otherwise, we will find ourselves on the road of one-sided concessions which would be especially dangerous in negotiations touching upon our national security.

Mr. MINSHALL of Ohio. Mr. Speaker, the cause of peace and security in Europe forms a major part of our national security. It is for this reason, therefore, that we all are following with great interest and concern our administration's efforts in this "Year of Europe" and we wish them undivided success. The visit of Soviet Party Secretary Brezhnev has focused attention upon the ongoing East-West negotiations in Europe, particularly the preliminary MBFR talks in Vienna which touch the heart of NATO security.

We should not forget that, despite the precarious balance of military strength, it was NATO that initiated the demands for mutual and balanced force reduction as early as May 1968 at the Reykjavik meetings of the Council.

According to the IISS expert, Christopher Bertram, there are two major approaches to MBFR. One is the military approach which stipulates balanced mutual withdrawal of Forces from Central Europe where the majority of the forces of the two alliances are stationed. It wants to make sure that the withdrawals do not upset the already precarious military balance, but enables both alliances to maintain their positions and interests at a lower force and cost level.

The second approach is basically a political one. In arranging for MBFR it wants to promote détente by extending its range to security matters and by devising arms control agreements for both alliances which would include a number of confidence-building steps, such as observers at military exercises, cheatproof verification procedures, constraints on unannounced troop movements, et cetera. The political implication would be both a certain reduction of force levels and a halt in the arms race as suggested in the 1968 Reykjavik proposal of NATO, and greater political leeway and a gradual regaining of self-determination over policies for the nations of East Central Europe. The political "fall-out" would also help to reweave the ties between the two separated parts of Europe.

Until now, the Vienna talks produced little progress on either grounds. It must be admitted, however, that no quick successes were expected and as Secretary-Designate of Defense James Schlesinger told the Senate committee on June 18, any agreement is probably a year or two away. The temporary compromise on the status of Hungary at the conference last month, however, raises serious questions about the chances of an equitable agreement or for any successful conclusion of the MBFR talks.

The compromise omitted Hungary from full participation and reduced it to observer status, excluding its territory from the projected troop cuts, with the proviso, however, that the decision would be reviewed at the outset of the main conference in the fall of 1973. The compromise, if upheld in October, would be damaging to NATO interests for the following reasons:

First. Geographically, Hungary is part and parcel of the central front in Europe. In case of hostilities, any possible Soviet action against southern Germany and northern Italy would be launched from western Hungary, probably through the Austrian corridor.

Two. Hungary's exclusion would grant the Soviet Union a sanctuary under the MBFR agreement into which the U.S.S.R. could introduce forces withdrawn from other parts of the central front and avoid any verification controls on their size and equipment.

Three. The Soviet Union could, without any constraints under any MBFR agreement, assemble a striking force for the purposes of intervention into Yugoslavia in case of an internal crisis there after the death of President Tito.

Under these circumstances, Hungary's retention in the MBFR talks in Central Europe remains an important requirement for the balanced character of troop withdrawals.

The exclusion of Hungary would also be politically disadvantageous. Hungary is not adjacent to any NATO country and the political functions of the four Soviet divisions well outweigh their momentary military significance. Their reduction, coupled with the institution of arms control and verification measures under later MBFR agreements, and their ultimate removal even if only after a number of years. would promote a slow return to the pursuance of Hungarian national interests by the Budapest Government and slowly reduce Soviet hegemony over that country. In addition, it would facilitate Hungary's participation in a more and more reintegrated Europe. This chance for a freer political and economic development would be blocked for Hungary, if excluded from the MBFR area.

I am heartened by the fact that the compromise accepted by the administration and the other NATO nations was accompanied by a common caveat that the status of Hungary would be raised again before the opening of the main conference in the fall of 1973.

I trust that the President will have utilized the meetings with Party Secretary Brezhnev from the Soviet Union and other diplomatic channels to gain Soviet acquiescence to the participation of Hungary at the fall conference as a full partner in negotiations.

I now insert into the RECORD the fine memorandum submitted to the President and the Secretary of State and to various governmental agencies and Members of Congress by the American Hungarian Federation, a 67-year-old national organization of American churches, fraternal associations, organizations and societies in the United States. I congratulate them on their fine contribution to the understanding of this complex issue:

MEMORANDUM

Referring to the April 23, 1973 speech by Presidential Advisor, Dr. Henry Kissinger, a speech which stated as the new major characteristics of the "New Era" the state of reduced tensions in which "new assertions of national identity and national rivalry emerge, the American Hungarian Federation would like to recall certain events of recent history of the Hungarian people and after that to take a position toward certain major issues of European and East-West relations.

The American Hungarian Federation deeply deplores that in 1919 the lofty ideals of national self-determination and democracy of President Wilson were exploited by certain nations and statesmen in Europe in order to secure unjustifiable territorial and political demands, creating an unjust and inadequate solution to the many nationality and political problems of the defunct Austro-Hungarian Empire. This resulted in creating two camps within the successor states to the Empire, and enabled Hitler to use the conflicts for his imperialistic aims.

During World War II, the suggestions of the British Prime Minister, made with an eye for preventing Soviet hegemony at the Balkans and in Central Europe, were ignored as far as the Allied invasion of the area was concerned. The result was the Soviet military occupation of Hungary and of East Central Europe in general, a fact leading to the emergence of Communist regimes against the will of the nations of the region, particularly in Hungary where free elections produced only 17 percent of Communist vote. Hungarian national self-determination was again subordinated to the security demands of the Soviet Union and the neighboring nations of the region.

The clearly unmistakable intentions of the Hungarian nation to live in democracy and neutrality, were blatantly disregarded by the Soviet Union, without any counteraction on the part of the Western Powers, except for United Nations General Assembly Resolutions between 1956 and 1962. The Nagy Government in 1956 was militarily removed by several hundred thousand Soviet troops invading Hungary, and the Soviet army continues to be stationed on Hungarian soil sixteen years after the revolt under a treaty signed in 1957 by a Government which was completely dependent on Soviet presence in May 1957 as it failed to receive popular sanction.

Over three and a half million Hungarians live in the adjacent countries, a steady reminder of the farce of national self-determination in the region. Especially the almost two million Hungarians in Transylvania (Rumania) suffer under a twofold repression, one by Communist ideology, and two, by emerging Rumanian nationalism.

Needless to say that we realize that many of the facets of the situation cannot be changed soon. But they should not be forgotten, lest they disappear from the diplomatic agenda during the euphoria of the present détente.

The American Hungarian Federation has communicated with the President and the Secretary of State on issues inherent in this framework, and takes this opportunity to summarize its views before the June 18 meeting of our President with Soviet CPSU Secretary, Leonid Brezhnev.

1. *Détente and Self-Determination.*

We welcome American economic, diplomatic and security efforts to overcome the division of Europe and its support of European unity. We are in favor of the Administration's pledge not to withdraw its forces unilaterally from Europe.

We believe, however, that free political and economic development of all European nations, rather than of Western Europe and neutral states alone, should continue to serve as the main objective of American foreign policy. In this regard, we refer to our November 4, 1972 resolution stating that the principles signed in 1972 in Moscow, or any future principles to be agreed upon by the CSCE i.e., "non-interference with domestic affairs, sovereign equality, independence, abstention from the use of the threat of force" have not been observed in the past and, therefore, they can only be applied in the future in a manner not prejudicious to free political evolution in East Central Europe.

We believe that the neutralization of East Central Europe, or at least of its Danubian component, would constitute an important long-term project of American and Western diplomacy, although we are under no illusions about the prospects of its immediate realization.

We ask that no treaty commitments at the CSCE be undertaken which would cement the present political and economic status quo in East Central Europe. Any formulation of general principles should explicitly keep open the option of political and economic evolution and change.

2. *Mutual Balanced Reduction of Forces and Soviet Troops in Hungary.*

We welcome the readiness of the Administration to enter into mutual balanced reduction of forces talks. We believe that these negotiations may offer a chance to effect the withdrawal of Soviet occupation forces from Hungary and perhaps also from other East Central European nations as well. We trusted that the Administration will succeed to maintain a common NATO posture on these complex issues and we welcomed its position on the participation of Hungary as a full-fledged participant in these talks as evidenced in January and February 1973.

We have been gravely disappointed to learn that the Administration in the last few weeks has abandoned its insistence upon Hungary's role as a full-fledged participant at the Vienna preparatory talks on MBFR. While published reports state that this position was taken without prejudice to the status of Hungary at the coming conference in the fall of 1973, *we urge the Administration to continue its former stand at that time and to try to get Soviet agreement to the same during the coming Summit talks with Party Secretary Brezhnev.*

As MBFR talks concern only ground forces, we would be in favor of Hungary's full participation in the fall of 1973, even if in return, the NATO powers would have to agree to the inclusion of Italian ground forces in the reduction talks, excluding, however, the Sixth Fleet whose strategic and operational functions do not concern the European central front.

We stress that, as implicitly admitted by the Soviet Union according to published reports, Soviet troops in Hungary serve to control internal developments, as Hungary is not adjacent to any NATO state.

Since there is no strategic requirement for Soviet presence in Hungary, we hope that the Administration will find the appropriate means to effect, through diplomacy at the MBFR conferences, the withdrawal of Soviet forces from Hungary. We warn that the unchecked presence of Soviet troops in Hungary after a partial MBFR agreement would increase tensions in Europe by providing the Soviet Union with direct access for intervention in Yugoslavia in case of internal crises.

4. *Human Rights and National Minorities.*

It is well known to the Administration that basic human and civic rights may only be exercised by the peoples of East Central Europe only with grave difficulty and in a limited manner. A particular problem is also present in the presence of national minorities in the region.

We believe that it would be serving an important purpose, if the Administration and other Western Governments were to strive for the establishment of protection clauses for individuals and minorities—which already exist in Western Europe since 1950—at any agreement reached at the coming CSCE. A particular case in point is the situation of the close to two million Hungarians in Transylvania (Rumania) whose situation remains precarious.

CONCLUSIONS

We urge the Administration to continue its work for the reestablishment of the rights of self-determination, peaceful political and economic change and development in East Central Europe by gradually overcoming the barriers separating the two parts of Europe.

We also urge the Administration to encourage actively efforts of the peoples of East Central Europe to reweave their ties with Western Europe and the United States in order to develop more freely despite the influence of the Soviet Union which remains a decisive constraint on their policies.

Mr. FISH. Mr. Speaker, the question of Soviet troops in East Central Europe and the general troop levels on both sides of the Iron Curtain remain of vital importance to the United States and NATO security.

I welcomed, therefore, the preliminary talks of a mutual balanced reduction of forces—MBFR—in Vienna which opened on January 31, 1973. The possibility of extending the spirit and meaning of the detente to security issues raised the prospect of securing the three objectives set up at the Reykjavik Conference of the NATO Council in May 1968: First, to reduce tensions in Europe; second, to reduce the likelihood of war and third, to halt the arms race.

We are also hopeful that the MBFR talks will result in the equivalent security for us and our NATO allies at a lesser level of troops and cost, and that a successful application of MBFR will also give more freedom to the countries of East Central Europe and help reforge the ties between the two halves of Europe.

As a result, I am greatly concerned about the May 1973 compromise achieved by NATO and Warsaw Pact participants in the Vienna Conference on the status of Hungary. Hungary is now given only observer status at the preliminary talks and her territory is both strategically and geographically a Central European region. There are four Soviet divisions and additional tactical air force units stationed there. I strongly urge the Administration to utilize the NATO reservation, which is part of the compromise, to raise the question of Hungary's full participation status before the opening of the main conference and to have her government and her territory restored to the coming MBFR agreement.

Mr. DOMINICK V. DANIELS. Mr. Speaker, the CSCE conference which formally opens on the Foreign Minister level on July 3, 1973 in Helsinki after 6 months of preliminary discussions may have an extremely important effect upon security and political-economic matters between East and West.

The American Hungarian Federation has submitted a memorandum to our administration emphasizing the need for the free exchange of ideas, persons and goods between the NATO countries and the members of the Warsaw Pact. This memorandum also calls for full reciprocity of newspaper, artistic and academic exchanges. The above conditions do not exist generally at this time. Similar suggestions were made on behalf of NATO by the Danish Government on January 15, 1973 in Helsinki, and have also been made privately by the President of the French Senate, Gustave Monnerville, and former Finance Minister Antoine Pinay.

I reiterate my support for these proposals and urge the administration not to abandon its quest to expand cultural freedom and exchanges of persons and ideas at the Conference.

A dangerous situation has arisen during May at the MBFR talks in Vienna concerning the security of Central Europe. At the request of the Soviet Union, Hungary has been excluded from the preliminary stages of the Conference and restricted to observer status. Considering Hungary's geographic and strategic position, such exclusion, if final, would grant the Soviet Union an unchecked staging and assembly area in Central Europe thus threatening the permanency of any agreement reached in MBFR. The compromise did however include a reservation by which the NATO powers can reopen the question of the status of Hungary at the fall Conference, before its opening.

I strongly urge the administration to use its diplomatic leverage with the Soviet Union to get Hungary reinstated as a full participant at the fall conference on MBFR.

Mr. DULSKI. Mr. Speaker, today I am joining my colleagues in bringing to the attention of the House the compromise about the status of Hungary made in May at the MBFR talks in Vienna.

NATO members, at the suggestion of the administration, agreed to this compromise in order to start the preliminary talks after a deadlock of more than 14 weeks. The compromise excludes the Hungarian Government from full participation and the territory of Hungary from the region of troop reductions in the preliminary phase of the talks. The compromise however, has a reservation clause enabling the NATO members to raise the question of the status of Hungary prior to the opening of the fall conference, tentatively set for October 30.

Hungary is a geographic part of Central Europe, and Soviet troops in Hungary are part of the European central front. Under present circumstances, the West would accept a Soviet troop sanctuary in Hungary for staging, assembly, and depot area even in the case of a partial MBFR agreement. Therefore, I urge the administration to utilize the reservation clause to request Hungary's restoration to full participation at the major conference. The problem of the four Soviet divisions in Hungary, just as that of the Soviet divisions in Poland, should be dealt with at the conference.

Mr. HELSTOSKI. Mr. Speaker, on July 3, Foreign Ministers will attend the opening of the Conference on Security and Cooperation in Europe—CSCE—in Helsinki, Finland, after several months of painstaking preparations on the part of the Ambassadors of the various European countries on both sides of the Iron Curtain.

The aims of the Conference are to do away with the barriers between the two separated halves of Europe, and to lay down rules and procedures for better cooperation in all of Europe and the North American continent.

The Danish Government, supported by the administration, made important proposals in January which have since been discussed in Subcommittee 3 of the preliminary conference without final decisions.

It is believed that the whole conference will be a failure unless it really brings about a freer exchange of persons, ideas, and goods in Europe, dismantling what is still known as the Iron Curtain.

It is, therefore, a welcome sign that the American Hungarian Federation, a 67-year-old national umbrella organization of American Hungarian churches, fraternal associations, and organizations, has submitted to the State Department a well-defined and constructive memorandum of the practical steps it proposes to implement the Danish proposal at the Helsinki Conference. Their memorandum generally follows the lines set by several European memorandums, including a French memorandum signed by the French President of the Senate, Gustave Monnerville, and by former Finance Minister, Antoine Pinay.

I welcome their devotion to individual freedom and to a better communication between the peoples of Europe, particularly by full reciprocity of newspapers, student and professional-academic exchanges and artistic events, and for a free movement of people without visa requirements.

At the conclusion of my remarks, I shall place in the Record the memorandum of the American Hungarian Federation on the CSCE conference.

Also, I would like to mention that a potentially dangerous compromise was concluded at the Vienna mutual balanced force reduction—MBFR—talks in May 1973, in order to get the preliminary negotiations started. Hungary, definitely a part of central Europe, and her territory, has been excluded from the area of projected troop cuts in the preliminary phase. However, the compromise accepted by NATO members has the operative reservation that Hungary's status may be reopened before the commencement of the major talks, which are now set for the fall, probably for October 30.

I join my colleague in urging the administration to avail itself of the reservation and to use its diplomatic influence to restore Hungary's territory to the region of projected troop cuts so that the question of reduction and ultimate withdrawal of the four Soviet divisions in Hungary may be discussed and resolved.

The memorandum follows:

MEMORANDUM

The Board of Directors of the American Hungarian Federation in implementation of its November 1972 convention resolution:

With reference to the proposals submitted to the Helsinki Conference on Security and Cooperation in Europe by the Government of Denmark, and

With reference to the Memorandum of prominent French leaders, including former Minister of Finance Antoine Pinay and President of the Senate Gustave Monnerville calling for European friendship without frontier reservations (amitié Européenne sans frontieres).

Resolves to ask the United States and other participating Governments to support at the Conference on Security and Cooperation in Europe (CSCE) the following principles in regard to freer movement of people and ideas

(A) Freer movement and contacts among citizens of all states represented at the CSCE, particularly

(i) Mutual abolition of visa requirements;

(ii) Free frontier crossing among states of the CSCE for their citizens possessing valid identity cards;

(iii) Freedom to associate with other citizens of CSCE countries, including receiving them in their private homes;

(iv) Freedom to settle in the country of their choice provided this right is not abused to escape punishment for common crimes;

(v) Expansion of youth and student exchanges;

(vi) Expansion of professional and vocational meetings among the CSCE countries and freedom for all professionals and workers to attend the same in other CSCE countries;

(vii) Expansion of academic exchange without political selection of exchanges and discrimination against former citizens of the host country.

(B) Freer movement of ideas and reciprocity in cultural exchange among all CSCE countries, particularly

(i) Free distribution of each other's newspapers, magazines, journals and other periodicals without political censorship;

(ii) Full reciprocity in cultural and academic exchanges;

(iii) Full distribution and facilitation of the translation and publication of academic, literary and professional works by authors in other CSCE countries without political censorship and without discrimination against former citizens of the host country.

(3) In regard to the preliminary discussion on Mutual and Balanced Reduction of Forces in Vienna, the American Hungarian Federation is chagrined to hear that the Budapest Government attempts to remove the question of Soviet troops in Hungary from the main agenda by claiming only lim-

ited instead of full participant status at the Vienna talks.

We would ask the United States Government not to agree to such a procedure, as the Soviet troops in Hungary and the Hungarian armed forces form part of the Central European forces of the Warsaw Pact organization, and to do everything in its power to bring about, within the context of the talks, the total withdrawal of Soviet forces from Hungary.

(4) The American Hungarian Federation refers finally to its November 1972 convention Memorandum and again expresses its opinion that in order to bring about a just settlement and a permanent and lasting peace in Europe, the free political development of the countries of East Central Europe must be guaranteed by practical steps, and considers the de facto or de jure neutralization and non-alignment of these countries as the best procedure to ensure their free political development.

Mr. LANDGREBE. Mr. Speaker, I would like to join my colleagues in urging the administration to take all necessary steps to assure that Hungary may participate fully in the upcoming mutual balanced force reduction negotiations in Vienna. I deplore the American and NATO acquiescence to Russian demands that Hungary be relegated to an observer's role in the preliminary negotiations, and I urge the administration to insist on full-participant status for Hungary when the main conference begins this October.

There is no question that the political situation in Europe is in a crucial stage. The concessions made by the West German Government to the U.S.S.R. and her satellites constitutes one of the major danger signs.

Mr. Speaker, it is doubly important that the military situation of NATO not be allowed to deteriorate. The MBFR talks are primarily of a military nature, and in the words of Gen. Lyman L. Lemnitzer, U.S. Army, retired, former Supreme Commander of NATO and former Chairman of the Joint Chiefs of Staff:

> It is very difficult to understand from a military point of view the exclusion of Hungary (from the MBFR talks).

Hungary is located in Central Europe, four Soviet divisions are maintained on her soil, and the East had originally accepted the inclusion of Hungary until the start of the Vienna talks. Exclusion of Hungarian territory would grant the U.S.S.R. a "reservation," an unchecked assembly and staging area even after the conclusion of an MBFR agreement.

Politically, the consequences of excluding Hungary from the talks are even more deleterious. The Hungarian nation which in 1956 showed, at the price of almost 40,000 dead and about the same number deported, its devotion to democracy and freedom and its hatred of Soviet occupation, would be sentenced indefinitely to live under that occupation, while the other occupied countries would at least enjoy a reduction of Soviet forces on their soils. The occupied countries could at least benefit from any arms control agreements that come out of the talks with controls over the Russian troops stationed in their territories and could hope for ultimate Soviet withdrawal.

However, Mr. Speaker, in the case of Hungary, the ongoing struggle of the Hungarian people to achieve more self-determination despite the presence of crushing Soviet strength would be seriously harmed by the failure to allow full Hungarian participation in the Vienna talks. We in the United States who truly support their struggle should not countenance such a development. I realize that the current puppet government of Hungary is controlled by the Russians and that it does not truly represent the Hungarian people; but I feel that it is of overriding importance that the Hungarian Government be accorded the status of full participant in the MBFR talks so that the United States and the representatives of the other free countries may raise a full discussion of the Soviet armed forces in Hungary.

Mr. Speaker, I strongly urge the administration not to let the Hungarian people down and to use its diplomatic leverage to restore Hungary to the status of full participant to the MBFR conference this fall.

GENERAL LEAVE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

QUOTA ON FRESH ORANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TEAGUE) is recognized for 60 minutes.

Mr. TEAGUE of California. Mr. Speaker, this occasion is taken to report to my colleagues on the recent visit I received from two Japanese officials. They were Mr. Eichi Nakao, parliamentary vice minister of agriculture, and Mr. Akira Arimatsu, vice-director general of agriculture. The visit and subsequent conversation can best be described as amazing.

As you know well, Japan currently maintains import quotas against fresh oranges from the United States. In other words, Japan will not permit fresh oranges grown in the United States to be marketed in Japan with an exception of an inconsequential amount which equals approximately 12,500 tons. The United States produces the best oranges in the world. Citrus from the United States is marketed in both Eastern and Western Europe, the Soviet Union, Canada, and many Asian countries.

Oranges from California and Arizona even find their way into China.

We all know that Japan sells its products here in the United States without regard for our domestic industries. When Japan is exporting its products, it believes in free and open trade. This is true even with regard to oranges. The United States is Japan's largest market for canned Japanese Mikan oranges.

Nearly 5 million cases of these oranges are sold in the United States which represents approximately 40 percent of Japan's production of this product. Additionally, Japan markets fresh Mikan oranges in Oregon, Washington, Idaho, Montana, Alaska and Hawaii. Japan favors this business and works diligently to increase it.

However, when the United States talks to Japan about selling U.S. oranges in Japan, then the Japanese throw up their hands and indicate that that is an entirely different matter. The Japanese have invented with their normal ingenuity more reasons to prevent U.S. oranges from entering Japan than there are Datsuns and Toyotas in the United States. It is incredible and amazing to listen to Japanese negotiators declare in the same breath that U.S. oranges must be kept out of Japan, but that Japanese oranges must enter the United States.

This reminded me of the Japanese policy prior to World War II. As you will recall, in the 1930's Japan established the Southeast Asia Co-Prosperity Sphere. In reality, this meant that the Japanese got the prosperity and the rest of the countries of Southeast Asia got very little. From this policy and others, the war in the Pacific resulted.

It appears to me now that the Japanese Government may be taking a page out of its history book and is establishing a trade policy I will call the Northern Pacific Co-Prosperity Sphere. Through this policy, Japan is reaping all of the prosperity and the United States, in this instance, is getting very little.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from California.

Mr. SISK. I thank the gentleman for yielding.

The same two Japanese officials to which the gentleman referred also came to my office. It seems to me that describing the position of the Japanese Government as "amazing" is being much too diplomatic. The Japanese are currently enjoying a huge trade surplus with the United States. I do not believe that anyone seriously considers the Japanese propaganda being currently exported to the effect that Japan's trade balance with the United States is changing and that Japan may even suffer a deficit. That is merely another indication of Japan's unrealistic attitude toward the United States.

Just think for a moment about the poor Japanese consumer. The Government of Japan's position on the orange quota actually punishes Japanese consumers and inflicts a heavy penalty upon them indicating that the Government of Japan not only disregards the U.S. interests, but also disregards its own domestic interests. For example, an orange from California which is sold to Japanese importers at a price of about 6 cents apiece is then passed through the distribution chain and sold to the consumer at the retail outlet for approximately 60 to 70 cents per orange. This is a tremendous markup and penalizes the consumer. By removing the quota and increasing the volume of oranges that can be sold in Japan, the effect would be the immediate reduction of the price of oranges in the retail markets.

Proof of this is the fact that the same orange, just described, in the Japanese market sold in Okinawa before the island reverted to Japan for approximately 10 to 15 cents. Now that Okinawa belongs to the Japanese and the Japanese have placed a quota on imports, prices of oranges in Okinawa have risen rapidly.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman from California yield?

Mr. SISK. I yield to the gentleman from California.

Mr. TEAGUE of California. Many additional points were discussed, but the one that struck me as emphasizing the weakness of the Japanese position was the fact that it was explained that Japanese orange producers are not competitive. Great care was taken in explaining that many Japanese orange farmers live on farms of 1 or 2 acres. Such a small production could not possibly be competitive and probably is not very productive. What this boils down to is the fact that the Japanese are saying they are afraid to compete with American oranges. In other words, the Japanese only want to have liberal trade where the Japanese have the definite advantage. Where the advantage favors a country other than Japan, the Government of Japan takes the position that there should be no trade or imports.

I wonder what would happen if the United States took the same position with relation to imports from Japan. Perhaps the Japanese could make a calculation to determine what would happen to their sales to the United States if all products where Japan has the competitive edge are placed under quota. If this would result in an unpleasant situation for the Japanese, then Japan may wish to consider removing its quota now. I am advised that Japan would be an excellent orange market. This is especially true during the summertime when Japan has no real orange production of its own. The bulk of the Japanese orange crop is sold by March or April. From that point until the following fall, there are no significant quantities of domestic oranges in Japan. If the U.S. oranges were permitted to enter Japan during this period, Japanese orange producers may benefit through keeping oranges on the Japanese market 12 months out of the year.

Mr. SISK. Mr. Speaker, will the gentleman from California yield?

Mr. TEAGUE of California. I will yield to the gentleman from California.

Mr. SISK. The gentleman makes an excellent point. It is foolish for noncompetitive orange producers to prevent the general population of Japan from eating wholesome fresh oranges.

Mr. TEAGUE of California. Will the gentleman from California yield?

Mr. SISK. I yield to the gentleman from California.

Mr. TEAGUE of California. Elaborating on the last point made by the gentleman from California, it has been the experience of U.S. orange marketers that if oranges are on the domestic market 12 months out of the year, consumption is higher than if oranges are only available seasonally. Therefore, the gentleman is correct in stating that allowing U.S. oranges to enter Japan during the summertime would, in all probability, benefit Japanese orange producers.

Mr. SISK. Will the gentleman from California yield?

Mr. TEAGUE of California. I yield to the gentleman from California.

Mr. SISK. There is another point to be considered in connection with the discussion of the Japanese orange quota. The quota maintained by Japan is illegal under the rules of the General Agreement on Tariffs and Trade. While Japan initiated its quotas legally, because of Japan's balance of payments situation, that situation is no longer the case. Under the rules of GATT, Japan is not permitted to maintain its quotas. If the GATT is to be a meaningful organization and international agreement, Japan must live up to its obligation and remove its illegal quotas.

As everyone knows, there is under discussion right now in a congressional committee the future trade legislation of the United States, the "Trade Reform Act of 1973." This is an extremely liberal proposal particularly in contrast to some other bills which have been introduced to control international trade. But we may find, when this liberal legislation comes to the floor for a vote, that the benefits derived by Japan from its protectionist position may warrant more consideration on our part to see what benefits the United States might derive from a similarly protectionist attitude.

Mr. RHODES. Will the gentleman from California yield?

Mr. SISK. I yield to the gentleman from Arizona.

Mr. RHODES. Continuing the point made by the gentleman from California, I would like to point out that there is a very serious balance-of-payments problem existing between the United States and Japan. The trade surplus running in favor of Japan is quite serious. Japan has indicated that it wants to help the United States end its balance-of-payments problem. If this is true, Japan can prove this fact by taking definitive action such as the removal of the quota on U.S. oranges. Japan has recently contended that United States-Japan trade may become balanced. However, this is based on an unrealistic view using figures taken as the result of a one-time uranium and airplane purchase. Even Japan admits that it is apt to have a $2.8 billion surplus this year. U.S. figures indicate the surplus is more likely to be in the neighborhood of approximately $3.3 billion. In any event, both sets of figures prove there is a balance-of-payments problem from the U.S. point of view and that Japan if it really wants to help, can do so by removing the quota on fresh oranges.

RULES OF EVIDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HUNGATE) is recognized for 30 minutes.

Mr. HUNGATE. Mr. Speaker, on February 5 of this year, the Chief Justice of the United States sent to the Congress proposed rules of evidence for use in the Federal courts. These rules were scheduled to become operative automatically on July 1, 1973.

Because of the complexity of the proposed rules and the need for them to be studied in depth, the Congress enacted Public Law 93-12 to provide that the rules "shall have no force or effect except to the extent, and with such amendments, as they may be expressly approved by act of Congress."

The Subcommittee on Criminal Justice—previously known as the Special Subcommittee on Reform of Federal Criminal Laws—of the Committee on the Judiciary held 6 days of hearings, receiving the views of about 50 witnesses, and developing a printed record of almost 600 pages.

In 17 markup sessions, the subcommittee closely considered the 77 proposed rules and their many subdivisions, along with the advisory committee's notes and information independently acquired by the subcommittee.

On May 22, we announced a subcommittee target date of July 1, 1973, for the subcommittee draft to be available for comment. It is now ready. Under leave to extend my remarks, I ask that it be printed immediately following this statement. A committee print will also be circulated. Comment thereon must be in the hands of the subcommittee by July 31, 1973. The committee print will be sent to the Judicial Conference of the United States, the American Bar Association, the State Bar Association in each of the 50 States, the District of Columbia Bar Association, and individuals and organizations of whose interest the subcommittee is aware. Information copies will be submitted to the Supreme Court.

One of the most frequent criticisms heard by the subcommittee in the course of its hearings, with or without justification, was that the Judicial Conference drafts had not been adequately circulated for comment. The subcommittee's tentative draft of the proposed rules is being printed in the CONGRESSIONAL RECORD in an effort to reach as wide a segment of the Nation as possible, and every citizen's Congressman in particular, and to afford all who are interested an opportunity to comment. It is essential that the subcommittee receive these comments not later than July 31, 1973.

Members of Congress are urged to call these important rules to the attention of their constituents. Additional copies may be obtained from the Subcommittee on Criminal Justice, Committee on the Judiciary, House of Representatives, Washington, D.C. 20515 (202-225-3926).

I want publicly to thank the members of the subcommittee—Representatives KASTENMEIER, EDWARDS of California, MANN, HOLTZMAN, SMITH of New York, DENNIS, MAYNE, and HOGAN—for their many hours of diligent work on this important project. Serving as chairman of this dedicated group in its careful consideration of legislation of vital importance to all of our citizens has been one of the most rewarding experiences I have had in Congress.

In closing, may I emphasize again, it is essential that all those offering comments have such comments in the subcommittee's hands on or before July 31, 1973.

[COMMITTEE PRINT]

June 27, 1973

H.R. 5463

93d Cong., 1st sess., as amended by the Subcommittee on Criminal Justice, House Committee on the Judiciary

Note: Changes proposed by the Subcommittee to the Rules of Evidence as transmitted to the Congress from the Supreme Court are shown as follows: The rules as transmitted are printed in roman; brackets indicate material deleted by the Subcommittee; and italics indicate material added by the Subcommittee.

A BILL To establish [rules of evidence for certain courts and proceedings] *the Federal Rules of Evidence,* and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the following rules, which may be cited as the "Federal Rules of Evidence", shall be[.] effective six months after the date of the enactment of this Act. [the rules of evidence, to the extent set forth in such rules, in the United States courts of appeals, the United States district courts, the District Court for the District of the Canal Zone, and the District Courts of Guam and the Virgin Islands, and before United States magistrates:]

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Article XI. Miscellaneous Rules

Rule 1101. Applicability of rules:
(a) Courts and magistrates.
(b) Proceedings generally.
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RULES OF EVIDENCE FOR UNITED STATES COURTS AND MAGISTRATES

Article I. General Provisions

Rule 101. Scope

These rules govern proceedings in the courts of the United States and before United States magistrates, to the extent and with the exceptions stated in rule 1101.

Rule 102. Purpose and Construction

These rules shall be construed to secure fairness in administration, elimination of unjustifiable expense and delay, and promotion of growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined.

Rule 103. Rulings on Evidence

(a) Effect of erroneous ruling.—Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected, and

(1) Objection.—In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record, stating the specific ground of objection, if the specific ground was not apparent from the context; or

(2) Offer of proof.—In case the ruling is one excluding evidence, the substance of the evidence was made known to the judge by offer or was apparent from the context within which questions were asked.

(b) Record of offer and ruling.—The judge may add any other or further statement which shows the character of the evidence, the form in which it was offered, the objection made, and the ruling thereon. He may direct the making of an offer in question and answer form.

(c) Hearing or jury.—In jury cases, proceedings shall be conducted, to the extent practicable, so as to prevent inadmissible evidence from being suggested to the jury by any means, such as making statements or offers of proof or asking questions in the hearing of the jury.

(d) Plain error.—Nothing in this rule precludes taking notice of plain errors affecting substantial rights although they were not brought to the attention of the judge.

Rule 104. Preliminary Questions

(a) Questions of admissibility generally.—Preliminary questions concerning the qualification of a person to be a witness, the existence of a privilege, or the admissibility of evidence shall be determined by the judge, subject to the provisions of subdivision (b). In making his determination he is not bound by the rules of evidence except those with respect to privileges.

(b) Relevancy conditioned on fact.—When the relevancy of evidence depends upon the fulfillment of a condition of fact, the judge shall admit it upon, or subject to, the introduction of evidence sufficient to support a finding of the fulfillment of the condition.

(c) Hearing of jury.—Hearings on the admissibility of confessions shall in all cases be conducted out of the hearing of the jury. Hearings on other preliminary matters shall be so conducted when the interests of justice require *or, when an accused is a witness, if he so requests.*

(d) Testimony by accused.—The accused does not, by testifying upon a preliminary matter, subject himself to cross-examination as to other issues in the case.

(e) Weight and credibility.—This rule does not limit the right of a party to introduce before the jury evidence relevant to weight or credibility.

[Rule 105. Summing Up and Comment by Judge

[After the close of the evidence and arguments of counsel, the judge may fairly and impartially sum up the evidence and comment to the jury upon the weight of the evidence and the credibility of the witnesses, if he also instructs the jury that they are to determine for themselves the weight of the evidence and the credibility of the witnesses and that they are not bound by the judge's summation or comment.]

Rule 10[6] *5.* Limited Admissibility

When evidence which is admissible as to one party or for one purpose but not admissible as to another party or for another purpose is admitted, the judge, upon request, shall restrict the evidence to its proper scope and instruct the jury accordingly.

Rule 10[7] *6.* Remainder of or Related Writings or Recorded Statements

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require him at that time to introduce any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.

Article II. Judicial Notice

Rule 201. Judicial Notice [of Adjudicative Facts

[(a) Scope of rule.—This rule governs only judicial notice of adjudicative facts.]

[(b)]*(a)* Kinds of facts.—A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

[c]*(b)* When discretionary.—A judge or court may take judicial notice, whether requested or not.

[(d)] *(c)* When mandatory.—A judge or court shall take judicial notice if requested by a party and supplied with the necessary information.

[(e)] *(d)* Opportunity to be heard.—A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

[(f)] *(e)* Time of taking notice.—Judicial notice may be taken at any stage of the proceeding.

[(g) Instructing jury.—The judge shall instruct the jury to accept as established any facts judicially noticed.]

Article III. Presumptions *In Civil Actions*

Rule 301. Presumptions in General in *Civil Actions*

In all *civil* [cases] *actions* not otherwise provided for by Act of Congress or by these rules a presumption imposes on the party against whom it is directed the burden of proving that the nonexistence of the presumed fact is more probable than its existence.

Rule 302. Applicability of State Law in Civil [Cases] *Actions*

In civil actions, the effect of a presumption respecting a fact which is an element of a claim or defense as to which State law supplies the rule of decision is determined in accordance with State law.

[Rule 303. Presumptions in Criminal Cases

[(a) Scope.—Except as otherwise provided by Act of Congress, in criminal cases, presumptions against an accused, recognized at common law or created by statute, including statutory provisions that certain facts are prima facie evidence of other facts or of guilt, are governed by this rule.

[(b) Submission to jury.—The judge is not authorized to direct the jury to find a presumed fact against the accused. When the presumed fact establishes guilt or is an element of the offense or negatives a defense, the judge may submit the question of guilt or of the existence of the presumed fact to the jury, if, but only if, a reasonable juror on the evidence as a whole, including the evidence of the basic facts, could find guilt or the presumed fact beyond a reasonable doubt. When the presumed fact has a lesser effect, its existence may be submitted to the jury if the basic facts are supported by substantial evidence, or are otherwise established, unless the evidence as a whole negatives the existence of the presumed fact.

[(c) Instructing the jury.—Whenever the existence of a presumed fact against the accused is submitted to the jury, the judge shall give an instruction that the law declares that the jury may regard the basic facts as sufficient evidence of the presumed fact but does not require it to do so. In addition, if the presumed fact establishes guilt or is an element of the offense or negatives a defense, the judge shall instruct the jury that its existence must, on all the evidence, be proved beyond a reasonable doubt.]

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 401. Definition of "Relevant Evidence"

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible; Irrevelant Evidence Inadmissible

All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, by Act of Congress, by these rules, or by other rules [adopted] *prescribed* by the Supreme Court *pursuant to statutory authority*. Evidence which is not relevant is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Rule 404. Character Evidence Not Admissible To Prove Conduct; Exceptions; Other Crimes

(a) Character evidence generally.—Evidence of a person's character or a trait of his character is not admissible for the purpose of proving that he acted in conformity therewith on a particular occasion, except:

(1) Character of accused.—Evidence of a pertinent trait of his character offered by an accused, or by the prosecution to rebut the same;

(2) Character of victim.—Evidence of a pertinent trait of character of the victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor;

(3) Character of witness.—Evidence of the character of a witness, as provided in rules 607, 608, and 609.

(b) Other crimes, wrongs, or acts.—Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. [This subdivision does not exclude the evidence when offered]. *It may, however, be admissible* for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

(a) Reputation or opinion.—In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion. On cross-examination, inquiry is allowable into relevant specific instances of conduct.

(b) Specific instances of conduct.—In cases in which character or a trait of character of a person is an essential element of a charge, claim or defense, proof may also be made of specific instances of his conduct.

Rule 406. Habit; Routine Practice

(a) Admissibility.—Evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice.

(b) Method of proof.—Habit or routine practice may be proved by testimony in the form of an opinion or by specific instances of conduct sufficient in number to warrant a finding that the habit existed or that the practice was routine.

Rule 407. Subsequent Remedial Measures

When, after an event, measures are taken which, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

Rule 408. Compromise and Offers To Compromise

Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negativing a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Rule 409. Payment of Medical and Similar Expenses

Evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

Rule 410. Offer To Plead Guilty; Nolo Contendere; Withdrawn Plea of Guilty

Evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements made in connection with any of the foregoing pleas or offers, is not admissible in any civil or criminal proceeding against the person who made the plea or offer.

Rule 411. Liability Insurance

Evidence that a person was or was not insured against liability is not admissible upon the issue whether he acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

ARTICLE V. PRIVILEGES

Rule 501. [Privileges Recognized Only as Provided] *General Rule*

[Except as otherwise required by the Constitution of the United States or provided by Act of Congress, and except as provided in these rules or in other rules adopted by the Supreme Court, no person has a privilege to:

(1) Refuse to be a witness; or

(2) Refuse to disclose any matter; or

(3) Refuse to produce any object or writing; or

(4) Prevent another from being a witness or disclosing any matter or producing any object or writing.]

Except as otherwise required by the Constitution of the United States or provided by Act of Congress or in rules prescribed by the Supreme Court pursuant to statutory authority, the privilege of a witness, person, government, State, or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in light of reason and experience: Provided, That in civil actions, with respect to a claim or defense as to which State law supplies the rule of decision the privilege of a witness, person, government, State, or political subdivision thereof shall be determined in accordance with State law.

[Rule 502. Required Reports Privileged by Statute

[A person, corporation, association, or other organization or entity, either public or private, making a return or report required by law to be made has a privilege to refuse to disclose and to prevent any other person from disclosing the return or report, if the law requiring it to be made so provides. A public officer or agency to whom a return or report is required by law to be made has a privilege to refuse to disclose the return or report if the law requiring it to be made so provides. No privilege exists under this rule in actions involving perjury, false statements, fraud in the return or report, or other failure to comply with the law in question.

[Rule 503. Lawyer-Client Privilege

[(a) Definitions.—As used in this rule:

[(1) A "client" is a person, public officer, or corporation, association, or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from him.

[(2) A "lawyer" is a person authorized, or reasonably believed by the client to be authorized, to practice law in any State or nation.

[(3) A "representative of the lawyer" is one employed to assist the lawyer in the rendition of professional legal services.

[(4) A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.

[(b) General rule of privilege.—A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client, (1) between himself or his representative and his lawyer or his lawyer's representative, or (2) between his lawyer and the lawyer's representative, or (3) by him or his lawyer to a lawyer representing another in a matter of common interest, or (4) between representatives of the client or between the client and a representative of the client, or (5) between lawyers representing the client.

[(c) Who may claim the privilege.—The privilege may be claimed by the client, his guardian or conservator, the personal representative of a deceased client, or the successor, trustee, or similar representative of a corporation, association, or other organization, whether or not in existence. The person who was the lawyer at the time of the communication may claim the privilege but only on behalf of the client. His authority to do so is presumed in the absence of evidence to the contrary.

[(d) Exceptions.—There is no privilege under this rule:

[(1) Furtherance of crime or fraud.—If the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud; or

[(2) Claimants through same deceased client.—As to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction; or

[(3) Breach of duty by lawyer or client.—As to a communication relevant to an issue of breach of duty by the lawyer to his client or by the client to his lawyer; or

[(4) Document attested by lawyer.—As to a communication relevant to an issue concerning an attested document to which the lawyer is an attesting witness; or

[(5) Joint clients.—As to a communication relevant to a matter of common interest between two or more clients if the communication was made by any of them to a lawyer retained or consulted in common, when offered in an action between any of the clients.

[Rule 504. Psychotherapist-Patient Privilege

[(a) Definitions—

[(1) A "patient" is a person who consults or is examined or interviewed by a psychotherapist.

[(2) A "psychotherapist" is (A) a person authorized to practice medicine in any State or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including drug addiction, or (B) a person licensed or certified as a psychologist under the laws of any State or nation, while similarly engaged.

[(3) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the psychotherapist, including members of the patient's family.

[(b) General rule of privilege.—A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications, made for the purposes of diagnosis or treatment of his mental or emotional condition, including drug addiction, among himself, his psychotherapist, or persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family.

[(c) Who may claim the privilege.—The privilege may be claimed by the patient, by his guardian or conservator, or by the personal representative of a deceased patient. The person who was the psychotherapist may claim the privilege but only on behalf of the patient. His authority so to do is presumed in the absence of evidence to the contrary.

[(d) Exceptions—

[(1) Proceedings for hospitalization.—There is no privilege under this rule for communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the psychotherapist in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

[(2) Examination by order of judge.—If the judge orders an examination of the mental or emotional condition of the patient, communications made in the course thereof are not privileged under this rule with respect to the particular purpose for which the examination is ordered unless the judge orders otherwise.

[(3) Condition an element of claim or defense.—There is no privilege under this rule as to communications relevant to an issue of the mental or emotional condition of the patient in any proceeding in which he relies upon the condition as an element of his claim or defense, or, after the patient's death, in any proceeding in which any party relies upon the condition as an element of his claim or defense.

[Rule 505. Husband-Wife Privilege

[(a) General rule of privilege.—An accused in a criminal proceeding has a privilege to prevent his spouse from testifying against him.

[(b) Who may claim the privilege.—The privilege may be claimed by the accused or by the spouse on his behalf. The authority of the spouse to do so is presumed in the absence of evidence to the contrary.

[(c) Exceptions.—There is no privilege under this rule (1) in proceedings in which one spouse is charged with a crime against the person or property of the other or of a child of either, or with a crime against the person or property of a third person committed in the course of committing a crime against the other, or (2) as to matters occurring prior to the marriage, or (3) in proceedings in which a spouse is charged with importing an alien for prostitution or other immoral purpose in violation of section 1328 of title 8, United States Code, with transporting a female in interstate commerce for immoral purposes or other offense in violation of sections 2421–2424 of title 18, United States Code, or with violation of other similar statutes.

[Rule 506. Communications to Clergymen

[(a) Definitions.—As used in this rule—

[(1) A "clergyman" is a minister, priest, rabbi, or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting him.

[(2) A communication is confidential if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

[(b) General rule of privilege.—A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a clergyman in his professional character as spiritual adviser.

[(c) Who may claim the privilege.—The privilege may be claimed by the person, by his guardian or conservator, or by his personal representative if he is deceased. The clergyman may claim the privilege on behalf of the person. His authority so to do is presumed in the absence of evidence to the contrary.

[Rule 507. Political Vote

[Every person has a privilege to refuse to disclose the tenor of his vote at a political election conducted by secret ballot unless the vote was cast illegally.

[Rule 508. Trade Secrets

[A person has a privilege, which may be claimed by him or his agent or employee, to refuse to disclose and to prevent other persons from disclosing a trade secret owned by him, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice. When disclosure is directed, the judge shall take such protective measure as the interests of the holder of the privilege and of the parties and the furtherance of justice may require.

[Rule 509. Secrets of State and Other Official Information

[(i) Definitions.—

[(1) Secret of state.—A "secret of state" is a governmental secret relating to the national defense or the international relations of the United States.

[(2) Official information.—"Official information" is information within the custody or control of a department or agency of the Government the disclosure of which is shown to be contrary to the public interest and which consists of (A) intragovernmental opinions or recommendations submitted for consideration in the performance of decisional or policymaking functions, or (B) subject to the provisions of section 3500 of title 18, United States Code, investigatory files compiled for law enforcement purposes and not otherwise available, or (C) information within the custody or control of a governmental department or agency whether initiated within the department or agency or acquired by it in its exercise of its official responsibilities and not otherwise available to the public pursuant to section 552 of title 5, United States Code.

[(b) General rule of privilege.—The Government has a privilege to refuse to give evidence and to prevent any person from giving evidence upon a showing of reasonable likelihood of danger that the evidence will disclose a secret of state or official information, as defined in this rule.

[(c) Procedures.—The privilege for secrets of state may be claimed only by the chief officer of the Government agency or department administering the subject matter which the secret information sought concerns, but the privilege for official information may be asserted by any attorney representing the Government. The required showing may be made in whole or in part in the form of a written statement. The judge may hear the matter in chambers, but all counsel are entitled to inspect the claim and showing and to be heard thereon, except that, in the case of secrets of state, the judge, upon motion of the Government, may permit the Government to make the required showing in the above form in camera. If the judge sustains the privilege upon a showing in camera, the entire text of the Government's statements shall be sealed and preserved in the court's records in the event of appeal. In the case of privilege claimed for official information the court may require examination in camera of the information itself. The judge may take any protective measure which the interests of the Government and the furtherance of justice may require.

[(d) Notice to Government.—If the circumstances of the case indicate a substantial possibility that a claim of privilege would be appropriate but has not been made because of oversight or lack of knowledge, the judge shall give or cause notice to be given to the officer entitled to claim the privilege and shall stay further proceedings a reasonable time to afford opportunity to assert a claim of privilege.

[(e) Effect of sustaining claim.—If a claim of privilege is sustained in a proceeding to which the Government is a party and it appears that another party is thereby deprived of material evidence, the judge shall make any further orders which the interests of justice require, including striking the testimony of a witness, declaring a mistrial, finding against the Government upon an issue as to which the evidence is relevant, or dismissing the action.

[Rule 510. Identity of Informer

[(a) Rule of privilege.—The Government or a State or subdivision thereof has a privilege to refuse to disclose the identity of a person who has furnished information relating to or assisting in an investigation of a possible violation of law to a law enforcement officer or member of a legislative committee or its staff conducting an investigation.

[(b) Who may claim.—The privilege may

be claimed by an appropriate representative of the Government, regardless of whether the information was furnished to an officer of the Government or of a State or subdivision thereof. The privilege may be claimed by an appropriate representative of a State or subdivision if the information was furnished to an officer thereof, except that in criminal cases the privilege shall not be allowed if the Government objects.

[(c) Exceptions.—

[(1) Voluntary disclosure; informer a witness.—No privilege exists under this rule if the identity of the informer or his interest in the subject matter of his communication has been disclosed to those who would have cause to resent the communication by a holder of the privilege or by the informer's own action, or if the informer appears as a witness for the Government.

[(2) Testimony on merits.—If it appears from the evidence in the case or from other showing by a party that an informer may be able to give testimony necessary to a fair determination of the issue of guilt or innocence in a criminal case or of a material issue on the merits in a civil case to which the Government is a party, and the Government invokes the privilege, the judge shall give the Government an opportunity to show in camera facts relevant to determining whether the informer can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the judge may direct that testimony be taken if he finds that the matter cannot be resolved satisfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer can give the testimony, and the Government elects not to disclose his identity, the judge on motion of the defendant in a criminal case shall dismiss the charges to which the testimony would relate, and the judge may do so on his own motion. In civil cases, he may make any order that justice requires. Evidence submitted to the judge shall be sealed and preserved to be made available to the appellate court in the event of an appeal, and the contents shall not otherwise be revealed without consent of the Government. All counsel and parties shall be permitted to be present at every stage of proceedings under this subdivision except a showing in camera, at which no counsel or party shall be permitted to be present.

[(3) Legality of obtaining evidence.—If information from an informer is relied upon to establish the legality of the means by which evidence was obtained and the judge is not satisfied that the information was received from an informer reasonably believed to be reliable or credible, he may require the identity of the informer to be disclosed. The judge shall, on request of the Government, direct that the disclosure be made in camera. All counsel and parties concerned with the issue of legality shall be permitted to be present at every stage of proceedings under this subdivision except a disclosure in camera, at which no counsel or party shall be permitted to be present. If disclosure of the identity of the informer is made in camera, the record thereof shall be sealed and preserved to be made available to the appellate court in the event of an appeal, and the contents shall not otherwise be revealed without consent of the Government.

[Rule 511. Waiver of Privilege by Voluntary Disclosure

[A person upon whom these rules confer a privilege against disclosure of the confidential matters or communication waives the privilege if he or his predecessor while holder of the privilege voluntarily discloses or consents to disclosure of any significant part of the matter or communication. This rule does not apply if the disclosure is itself a privileged communication.

[Rule 512. Privileged Matter Disclosed Under Compulsion or Without Opportunity To Claim Privilege

[Evidence of a statement or other disclosure of privileged matter is not admissible against the holder of the privilege if the disclosure was (a) compelled erroneously or (b) made without opportunity to claim the privilege.

[Rule 513. Comment Upon or Inference From Claim of Privilege; Instruction

[(a) Comment or inference not permitted.—The claim of a privilege, whether in the present proceeding or upon a prior occasion, is not a proper subject of comment by judge or counsel. No inference may be drawn therefrom.

[(b) Claiming privilege without knowledge of jury.—In jury cases, proceedings shall be conducted, to the extent practicable, so as to facilitate the making of claims of privilege without the knowledge of the jury.

[(c) Jury instruction.—Upon request, any party against whom the jury might draw an adverse inference from a claim of privilege is entitled to an instruction that no inference may be drawn therefrom.]

ARTICLE VI. WITNESSES

Rule 601. General Rule of Competency

Every person is competent to be a witness except as otherwise provided in these rules. *However, in civil actions, with respect to a claim or defense as to which State law supplies the rule of decision, the competency of a witness shall be determined in accordance with State law.*

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that he has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the testimony of the witness himself. This rule is subject to the provisions of rule 703, relating to opinion testimony by expert witnesses.

Rule 603. Oath or Affirmation

Before testifying, every witness shall be required to declare that he will testify truthfully, by oath or affirmation administered in a form calculated to awaken his conscience and impress his mind with his duty to do so.

Rule 604. Interpreters

An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation that he will make a true translation.

Rule 605. Competency of Judge as Witness

The judge presiding at the trial may not testify in that trial as a witness. No objection need be made in order to preserve the point.

Rule 606. Competency of Juror as Witness

(a) At the trial.—A member of the jury may not testify as a witness before that jury in the trial of the case in which he is sitting as a juror. If he is called so to testify, the opposing party shall be afforded an opportunity to object out of the presence of the jury.

(b) Inquiry into validity of verdict or indictment.—Upon an inquiry into the validity of a verdict or indictment, a juror may not testify [as to any matter or statement occurring during the course of the jury's deliberations or to] *concerning* the effect of anything upon his or any other juror's mind or emotions as influencing him to assent to or dissent from the verdict or indictment or concerning his mental processes in connection therewith [except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror]. Nor may his affidavit or evidence of any statement by him [concerning a matter about which he would be precluded from testifying] *indicating an effect of this kind* be received *for these purposes.*

Rule 607. Who May Impeach

The credibility of a witness may be attacked by any party, including the party calling him.

Rule 608. Evidence of Character and Conduct of Witness

(a) Opinion and reputation evidence of character.—The credibility of a witness may be attacked or supported by evidence in the form of reputation or opinion, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence or otherwise.

(b) Specific instances of conduct.—Specific instances of the conduct of a witness, for the purpose of attacking or supporting his credibility, other than conviction of crime as provided in rule 609, may not be proved by extrinsic evidence. They may, however, *in the discretion of the court,* if probative of truthfulness or untruthfulness [and not remote in time], be inquired into on cross-examination of the witness [himself or on cross-examination of a witness who testifies to his character for truthfulness or untruthfulness] *(1) concerning his character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross examined has testified.*

The giving of testimony, whether by an accused or by any other witness, does not operate as a waiver of his privilege against self-incrimination when examined with respect to matters which relate only to credibility.

Rule 609. Impeachment by Evidence of Conviction of Crime

(a) General rule.—For the purpose of attacking the credibility of a witness, evidence that he has been convicted of a crime is admissible *if,* but only if [the crime (1) was punishable by death or imprisonment in excess of one year under the law which he was convicted under of (2)] (1) the crime involved dishonesty or false statement [regardless of the punishment], *or (2) the crime was punishable by death or imprisonment in excess of one year under the law under which he was convicted, unless the judge determines that the danger of unfair prejudice outweighs the probative value of the evidence of the conviction.*

(b) Time limit.—Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of *conviction or of* the release of the witness from confinement [imposed for his most recent conviction, or the expiration of the period of his parole, probation, or sentence granted or imposed with respect to his most recent conviction], whichever is the later date.

(c) Effect of pardon, annulment, or certificate of rehabilitation.—Evidence of a conviction is not admissible under this rule if (1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a substantial showing of rehabilitation and the witness has not been convicted of a subsequent crime, or (2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on innocence.

(d) Juvenile adjudications.—Evidence of juvenile adjudications is generally not admissible under this rule. The judge may, however, *in a criminal case,* allow evidence of a juvenile adjudication of a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an adult and the judge is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence.

(e) Pendency of appeal.—The pendency of an appeal therefrom does not render evidence of a conviction inadmissible. Evidence of the pendency of an appeal is admissible.

Rule 610. Religious Beliefs or Opinions

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature his credibility is impaired or enhanced.

Rule 611. Mode of Order of Interrogation and Presentation

(a) Control by judge.—The judge shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.

(b) Scope of cross-examination.—[A witness may be cross-examined on any matter relevant to any issue in the case, including credibility. In the interests of justice, the judge may limit cross-examination with respect to matters not testified to on direct examination.] *Cross examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness. The judge may, in the exercise of discretion, permit inquiry into additional matters as if on direct examination.*

(c) Leading questions.—Leading questions should not be used on the direct examination of a witness except as may be necessary to develop his testimony. Ordinarily leading questions should be permitted on cross-examination. In civil [cases] *actions*, a party is entitled to call an adverse party or witness identified with [him] *such adverse party* and interrogate by leading questions.

Rule 612. Writing Used To Refresh Memory

Except as otherwise provided in criminal proceedings by section 3500 of title 18, United States Code, if a witness uses a writing to refresh his memory for the purpose of testifying, [either before or while testifying] *either*——

(*1*) *while testifying, or*

(*2*) *before testifying, if the court in its discretion determines it is necessary in the interests of justice,*

an adverse party is entitled to have [it] *the writing* produced at the hearing, to inspect it, to cross-examine the witness thereon, and to introduce in evidence those portions which relate to the testimony of the witness. If it is claimed that the writing contains matters not related to the subject matter of the testimony, the judge shall examine the writing in camera, excise any portions not so related, and order delivery of the remainder to the party entitled thereto. Any portion withheld over objections shall be preserved and made available to the appellate court in the event of an appeal. If a writing is not produced or delivered pursuant to order under this rule, the judge shall make any order justice requires, except that in criminal cases when the prosecution elects not to comply, the order shall be one striking the testimony or, if the judge in his discretion determines that the interests of justice so require, declaring a mistrial.

Rule 613. Prior Statements of Witnesses

(a) Examining witness concerning prior statement.—In examining a witness concerning a prior statement made by him, whether written or not, the statement need not be shown nor its contents disclosed to him at that time, but on request the same shall be shown or disclosed to opposing counsel.

(b) Extrinsic evidence of prior inconsistent statement of witness.—Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate him thereon, or the interests of justice otherwise require. This provision does not apply to admissions of a party-opponent as defined in rule 801 (d)(2).

Rule 614. Calling and Interrogation of Witnesses by Judge

(a) Calling by judge.—The judge may, on his own motion or at the suggestion of a party, call witnesses, and all parties are entitled to cross-examine witnesses thus called.

(b) Interrogation by judge.—The judge may interrogate witnesses, whether called by himself or by a party.

(c) Objections.—Objections to the calling of witnesses by the judge or to interrogation by him may be made at the time or the next available opportunity when the jury is not present.

Rule 615. Exclusion of Witnesses

At the request of a party the judge shall order witnesses excluded so that they cannot hear the testimony of other witnesses, and he may make the order of his own motion. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) an officer or employee of a party which is not a natural person designated as its representative by its attorney, or (3) a person whose presence is shown by a party to be essential to the presentation of his cause.

Article VII. Opinions and Expert Testimony

Rule 701. Opinion Testimony by Lay Witnesses

If the witness is not testifying as an expert, his testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of his testimony or the determination of a fact in issue.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.

Rule 703. Bases of Opinion Testimony by Experts

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to him at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence.

Rule 704. Opinion on Ultimate Issue

Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

The expert may testify in terms of opinion or inference and give his reasons therefor without prior disclosure of the underlying facts or data, unless the judge requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross-examination.

Rule 706. Court Appointed Experts

(a) Appointment.—The judge may on his own motion or on the motion of any party enter an order to show cause why expert witnesses should not be appointed, and may request the parties to submit nominations. The judge may appoint any expert witnesses agreed upon by the parties, and may appoint witnesses of his own selection. An expert witness shall not be appointed by the judge unless he consents to act. A witness so appointed shall be informed of his duties by the judge in writing, a copy of which shall be filed with the clerk, or at a conference in which the parties shall have opportunity to participate. A witness so appointed shall advise the parties of his findings, if any; his deposition may be taken by any party; and he may be called to testify by the judge or any party. He shall be subject to cross-examination by each party, including a party calling him as a witness.

(b) Compensation.—Expert witnesses so appointed are entitled to reasonable compensation in whatever sum the judge may allow. The compensation thus fixed is payable from funds which may be provided by law in criminal cases and cases involving just compensation under the fifth amendment. In other civil cases the compensation shall be paid by the parties in such proportion and at such time as the judge directs, and thereafter charged in like manner as other costs.

(c) Disclosure of appointment.—In the exercise of his discretion, the judge may authorize disclosure to the jury of the fact that the court appointed the expert witness.

(d) Parties' experts of own selection.—Nothing in this rule limits the parties in calling expert witnesses of their own selection.

Article VIII. Hearsay

Rule 801. Definitions

The following definitions apply under this article:

(a) Statement.—A "statement" is (1) an oral or written assertion or (2) nonverbal conduct of a person, if it is intended by him as an assertion.

(b) Declarant.—A "declarant" is a person who makes a statement.

(c) Hearsay.—"Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted

(d) Statements which are not hearsay.—A statement is not hearsay if—

(1) Prior statement by witness.—The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is (A) inconsistent with his testimony, or (B) consistent with his testimony and is offered to rebut an express or implied charge against him of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving him: *Provided, That a prior inconsistent statement under clause* (*A*) *shall not be admissible as proof of the facts stated unless it was given under oath and subject to the penalty of perjury at a trial or hearing or in a deposition or before a grand jury;* or

(2) Admission by party-opponent.—The statement is offered against a party and is (A) his own statement, in either his individual or a representative capacity, or (B) a statement of which he has manifested his adoption or belief in its truth, or (C) a statement by a person authorized by him to make a statement concerning the subject, or (D) a statement by his agent or servant concerning a matter within the scope of his agency or employment, made during the existence of the relationship, or (E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

Rule 802. Hearsay Rule

Hearsay is not admissible except as provided by these rules or by other rules [adopted] *prescribed* by the Supreme Court *pursuant to statutory authority* or by Act of Congress.

Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

(1) Present sense impression.—A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

(2) Excited utterance.—A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

(3) Then existing mental, emotional, or physical condition.—A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

(4) Statements for purposes of medical diagnosis or treatment.—Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.

(5) Recorded recollection.—A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable him to testify fully and accurately, shown to have been made when the matter was fresh in his memory and to reflect that knowledge correctly. If admitted, the memorandum or record may be read into evidence but may not itself be received as an exhibit unless offered by an adverse party.

(6) Records of regularly conducted *business or professional* activity.—A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, [all in the course of a regularly conducted activity, as shown by the testimony of the custodian or other qualified witness, unless the sources of information or other circumstances indicate lack of trustworthiness.] *if kept in the course of a regularly conducted business or professional activity, and if it was the regular practice of such business or professional activity to make such memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness.*

(7) Absence of entry in records [of regularly conducted activity] *kept in accordance with the provisions of paragraph (6)*.—Evidence that a matter is not included in the memoranda, reports, records, or data compilations, in any form, [of a regularly conducted activity] *kept in accordance with the provisions of paragraph (6)*, to prove the nonoccurrence or nonexistence of the matter, if the matter was of a kind of which a memorandum, report, record, or data compilation was regularly made and preserved, unless the sources of information or other circumstances indicate lack of trustworthiness.

(8) Public records and reports.—Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law, or (C) in civil [cases] *actions* and against the Government in criminal cases, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.

(9) Records of vital statistics. Records or data compilations, in any form, of births, fetal deaths, deaths, or marriages, if the report thereof was made to a public office pursuant to requirements of law.

(10) Absence of public record or entry.—To prove the absence of a record, report, statement, or data compilation, in any form, or the nonoccurrence or nonexistence of a matter of which a record, report, statement, or data compilation, in any form, was regularly made and preserved by a public office or agency, evidence in the form of a certification in accordance with rule 902, or testimony, that diligent search failed to disclose the record, report, statement, or data compilation, or entry.

(11) Records of religious organizations.—Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood or marriage, or other similar facts of personal or family history, contained in a regularly kept record of a religious organization.

(12) Marriage, baptismal, and similar certificates.—Statements of fact contained in a certificate that the maker performed a marriage or other ceremony or administered a sacrament, made by a clergyman, public official, or other person authorized by the rules or practices of a religious organization or by law to perform the act certified, and purporting to have been issued at the time of the act or within a reasonable time thereafter.

(13) Family records.—Statements of fact concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts, or tombstones, or the like.

(14) Records of documents affecting an interest in property.—The record of a document purporting to establish or affect an interest in property, as proof of the content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed, if the record is a record of a public office and an applicable statute authorized the recording of documents of that kind in that office.

(15) Statements in documents affecting an interest in property.—A statement contained in a document purporting to establish or affect an interest in property if the matter stated was relevant to the purpose of the document, unless dealings with the property since the document was made have been inconsistent with the truth of the statement or the purport of the document.

(16) Statements in ancient documents.—Statements in a document in existence twenty years or more [whose authenticity] *the authenticity of which* is established.

(17) Market reports, commercial publications.—Market quotations, tabulations, lists, directories, or other published compilations, generally used and relied upon by the public or by persons in particular occupations.

(18) Learned treatises.—To the extent called to the attention of an expert witness upon cross-examination or relied upon by him in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice. If admitted, the statements may be read into evidence but may not be received as exhibits.

(19) Reputation concerning personal or family history.—Reputation among members of his family by blood, adoption, or marriage, or among his associates, or in the community, concerning a person's birth, adoption, marriage, divorce, death, legitimacy, relationship by blood adoption, or marriage, ancestry, or other similar fact of his personal or family history.

(20) Reputation concerning boundaries or general history.—Reputation in a community, arising before the controversy, as to boundaries of or customs affecting lands in the community, and reputation as to events of general history important to the community or State or nation in which located.

(21) Reputation as to character.—Reputation of a person's character among his associates or in the community.

(22) Judgment of previous conviction.—Evidence of a final judgment, entered after a trial or upon a plea of guilty (but not upon a plea of nolo contendere), adjudging a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused. The pendency of an appeal may be shown but does not affect admissibility.

(23) Judgment as to personal, family or general history, or boundaries.—Judgments as proof of matters of personal, family or general history, or boundaries, essential to the judgment, if the same would be provable by evidence of reputation.

[(24) Other exceptions.—A statement not specifically covered by any of the foregoing exceptions but having comparable circumstantial guarantees of trustworthiness.]

Rule 804. Hearsay Exceptions: Declarant Unavailable

(a) Definition of unavailability.—"Unavailability as a witness" includes situations in which the declarant—

(1) is exempted by ruling of the judge on the ground of privilege from testifying concerning the subject matter of his statement; or

(2) persists in refusing to testify concerning the subject matter of his statement despite an order of the judge to do so; or

(3) testifies to a lack of memory of the subject matter of his statement; or

(4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(5) is absent from the hearing and the proponent of his statement has been unable to procure his attendance *or testimony* by process or other reasonable means.

A declarant is not unavailable as a witness if his exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of his statement for the purpose of preventing the witness from attending or testifying.

(b) Hearsay exceptions.—The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) Former testimony.—Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of another proceeding, [at the instance of or against a party with an opportunity to develop the testimony by direct, cross, or redirect examination, with motive and interest similar to those of the party against whom now offered.] *if the party against whom the testimony is now offered, or a predecessor in interest, had an opportunity to develop the testimony by direct, cross, or redirect examination.*

[(2) Statement of recent perception.—A statement, not in response to the investigation of a person engaged in investigating, litigating, or settling a claim, which narrates, describes, or explains an event or condition recently perceived by the declarant, made in good faith, not in contemplation of pending or anticipated litigation in which he was interested, and while his recollection was clear.]

[(3)](2) Statement under belief of impending death.—[A] *In a prosecution for homicide or in a civil case,* a statement made by a declarant while believing that his death was imminent, concerning the cause or circumstanecs of what he believed to be his impending death.

[(4)](*3*) Statement against interest.—A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject him to [civil or] criminal liability [or to render invalid a claim by him against another or to make him an object of hatred, ridicule, or disgrace,] that a reasonable man in his position would not have made the statement unless he believed it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless [corroborated.] *corroborating circumstances clearly indicate the trustworthiness of the statement. A statement or confession offered against the accused in a criminal case, made by a codefendant or other person implicating both himself and the accused, is not admissible.*

[(5)] (*4*) Statement of personal or family history.—(A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated: or (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

[(6) Other exceptions.—A statement not specifically covered by any of the foregoing exceptions but having comparable circumstantial guarantees of trustworthiness.]

RULE 805. HEARSAY WITHIN HEARSAY

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.

Rule 806. Attacking and Supporting Credibility of Declarant

When a hearsay statement has been admitted in evidence, the credibility of the declarant may be attacked, and if attacked may be supported, by any evidence which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant at any time, inconsistent with his hearsay statement, is not subject to any requirement that he may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine him on the statement as if under cross-examination.

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 901. Requirement of Authentication or Identification

(a) General provision.—The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

(b) Illustrations.—By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conforming with the requirements of this rule:

(1) Testimony of witness with knowledge.—Testimony that a matter is what it is claimed to be.

(2) Nonexpert opinion on handwriting.—Nonexpert opinion as to the genuineness of handwriting, based upon familiarity not acquired for purposes of the litigation.

(3) Comparison by trier or expert witness.—Comparison by the trier of fact or by expert witnesses with specimens which have been authenticated.

(4) Distinctive characteristics and the like.—Appearance, contents, substance, internal patterns, or other distinctive characteristics, taken in conjunction with circumstances.

(5) Voice identification.—Identification of a voice, whether heard firsthand or through mechanical or electronic transmission or recording, by opinion based upon hearing the voice at any time under circumstances connecting it with the alleged speaker.

(6) Telephone conversations.—Telephone conversations, by evidence that a call was made to the number assigned at the time by the telephone company to a particular person or business, if (A) in the case of a person, circumstances, including self-identification, show the person answering to be the one called, or (B) in the case of a business, the call was made to a place of business and the conversation related to business reasonably transacted over the telephone.

(7) Public records or reports.—Evidence that a writing authorized by law to be recorded or filed and in fact recorded or filed in a public office, or a purported public record, report, statement, or data compilation, in any form, is from the public office where items of this nature are kept.

(8) Ancient documents or data compilations.—Evidence that a document or data compilation, in any form, (A) is in such condition as to create no suspicion concerning its authenticity, (B) was in a place where it, if authentic, would likely be, and (C) has been in existence 20 years or more at the time it is offered.

(9) Process or system.—Evidence describing a process or system used to produce a result and showing that the process or system produces an accurate result.

(10) Methods provided by statute or rule.—Any method of authentication or identification provided by Act of Congress or by other rules [adopted] *prescribed* by the Supreme Court *pursuant to statutory authority.*

Rule 902. Self-authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(1) Domestic public documents under seal.—A document bearing a seal purporting to be that of the United States, or of any State, district, Commonwealth, territory, or insular possession thereof, or the Panama Canal Zone, or the Trust Territory of the Pacific Islands, or of a political subdivision, department, officer, or agency thereof, and a signature purporting to be an attestation or execution.

(2) Domestic public documents not under seal.—A document purporting to bear the signature in his official capacity of an officer or employee of any entity included in paragraph (1) hereof, having no seal, if a public officer having a seal and having official duties in the district or political subdivision of the officer or employee certifies under seal that the signer has the official capacity and that the signature is genuine.

(3) Foreign public documents.—A document purporting to be executed or attested in his official capacity by a person authorized by the laws of a foreign country to make the execution or attestation, and accompanied by a final certification as to the genuineness of the signature and official position (A) of the executing or attesting person, or (B) of any foreign official whose certificate of genuineness of signature and official position relates to the execution or attestation or is in a chain of certificates of genuineness of signature and official position relating to the execution or attestation. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of official documents, the judge may, for good cause shown, order that they be treated as presumptively authentic without final certification or permit them to be evidenced by an attested summary with or without final certification.

(4) Certified copies of public records.—A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by rule or complying with any Act of Congress the custodian or other person authorized to make the certification, by certificate complying with paragraph (1), (2), or (3) of this rule or complying with any act of Congress or rule [adopted] *prescribed* by the Supreme Court *pursuant to statutory authority.*

(5) Official publications.—Books, pamphlets, or other publications purporting to be issued by public authority.

(6) Newspapers and periodicals.—Printed materials purporting to be newspapers or periodicals.

(7) Trade inscriptions and the like.—Inscriptions, signs, tags, or labels purporting to have been affixed in the course of business and indicating ownership, control, or origin.

(8) Acknowledged documents.—Documents accompanied by a certificate of acknowledgment [under the hand and seal of] *executed in the manner provided by law by* a notary public or other officer authorized by law to take acknowledgments.

(9) Commercial paper and related documents.—Commercial paper, signatures thereon, and documents relating thereto to the extent provided by general commercial law.

(10) Presumptions under Acts of Congress.—Any signature, document, or other matter declared by Act of Congress to be presumptively or prima facie genuine or authentic.

Rule 903. Subscribing Witness' Testimony Unnecessary

The testimony of a subscribing witness is not necessary to authenticate a writing unless required by the laws of the jurisdiction whose laws govern the validity of the writing.

ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 1001. Definitions

For purposes of this article the following definitions are applicable.

(1) Writings and recordings.—"Writings" and "recordings" consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

(2) Photographs.—"Photographs" include still photographs, X-ray films, *video tapes,* and motion pictures.

(3) Original.—An "original" of a writing or recording is the writing or recording itself or any counterpart intended to have the same effect by a person executing or issuing it. An "original" of a photograph includes the negative or any print therefrom. If data are stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an "original."

(4) Duplicate.—A "duplicate" is a counterpart produced by the same impression as the original, or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic re-recording, or by chemical repro-

duction, or by other equivalent technique which accurately reproduces the original.

Rule 1002. Requirement of Original

To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, except as otherwise provided in these rules or by Act of Congress.

Rule 1003. Admissibility of Duplicates

A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.

Rule 1004. Admissibility of Other Evidence of Contents

The original is not required, and other evidence of the contents of a writing, recording, or photograph is admissible if—

(1) Originals lost or destroyed.—All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or

(2) Original not obtainable.—No original can be obtained by any available judicial process or procedure; or

(3) Original in possession of opponent.—At a time when an original was under the control of the party against whom offered, he was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing, and he does not produce the original at the hearing; or

(4) Collateral matters.—The writing, recording, or photograph is not closely related to a controlling issue.

Rule 1005. Public Records

The contents of an official record, or of a document authorized to be recorded or filed and actually recorded or filed, including data compilations in any form, if otherwise admissible, may be proved by copy, certified as correct in accordance with rule 902 or testified to be correct by a witness who has compared it with the original. If a copy which complies with the foregoing cannot be obtained by the exercise of reasonable diligence, then other evidence of the contents may be given.

Rule 1006. Summaries

The contents of voluminous writings, recordings, or photographs which cannot conveniently be examined in court may be presented in the form of a chart, summary, or calculation. The originals, or duplicates, shall be made available for examination or copying, or both, by other parties at a reasonable time and place. The judge may order that they be produced in court.

Rule 1007. Testimony or Written Admission of Party

Contents of writings, recordings, or photographs may be proved by the testimony or deposition of the party against whom offered or by his written admission, without accounting for the nonproduction of the original.

Rule 1008. Functions of Judge and Jury

When the admissibility of other evidence of contents of writings, recordings, or photographs under these rules depends upon the fulfillment of a condition of fact, the question whether the condition has been fulfilled is ordinarily for the judge to determine. However, when an issue is raised (a) whether the asserted writing ever existed, or (b) whether another writing, recording, or photograph produced at the trial is the original, or (c) whether other evidence of contents correctly reflects the contents, the issue is for the trier of fact to determine as in the case of other issues of fact.

ARTICLE XI. MISCELLANEOUS RULES

Rule 1101. Applicability of Rules

(a) Courts and magistrates.—These rules apply to the United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the District Court for the District of the Canal Zone, the United States Courts of Appeals, and to United States magistrates, in the proceedings and to the extent hereinafter set forth. The word "judge" in these rules includes United States magistrates and referees in bankruptcy.

(b) Proceedings generally.—These rules apply generally to civil actions, including admiralty and maritime cases, to criminal proceedings, to contempt proceedings except those in which the judge may act summarily, and to proceedings and cases under the Bankruptcy Act.

(c) Rules of privilege.—The [rules] *rule* with respect to privileges [apply] *applies* at all stages of all actions, cases, and proceedings.

(d) Rules inapplicable.—The rules (other than [those] with respect to privileges) do not apply in the following situations:

(1) Preliminary questions of fact.—The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the judge under rule 104(a).

(2) Grand jury.—Proceedings before grand juries.

(3) Miscellaneous proceedings.—Proceedings for extradition or rendition; preliminary examinations in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; and proceedings with respect to release on bail or otherwise.

(e) Rules applicable in part.—In the following proceedings these rules apply to the extent that matters of evidence are not provided for in the statutes which govern procedure therein or in other rules [adopted] *prescribed* by the Supreme Court *under statutory authority*: the trial of minor and petty offenses by United States magistrates; review of agency actions when the facts are subject to trial *de novo* under section 706(2)(F) of title 5, United States Code; [review of orders of Secretary of Agriculture under sections 292, 499f and 499g(c) of title 7, United States Code; naturalization and revocation of naturalization under sections 1421–1429 of title 8, United States Code; prize proceedings in admiralty under sections 7651–7681 of title 10, United States Code; review of orders of Secretary of the Interior under section 522 of title 15, United States Code; review of orders of petroleum control boards under section 715d of title 15, United States Code; actions for fines, penalties, or forfeitures under the Tariff Act of 1930 (19 U.S.C., c. 4, part V), or under the Anti-Smuggling Act (19 U.S.C., c. 5); criminal libel for condemnation, exclusion of imports, or other proceedings under the Federal Food, Drug, and Cosmetic Act (21 U.S.C., c. 9); disputes between seamen under sections 256–258 of title 22, United States Code; habeas corpus under sections 2241–2254 of title 28, United States Code; motions to vacate, set aside, or correct sentence under section 2255 of title 28, United States Code; actions for penalties for refusal to transport destitute seamen under section 679 of title 46, United States Code; actions against the United States for damages caused by or for towage or salvage services rendered to public vessels under chapter 22 of title 46, United States Code, as implemented by section 7730 of title 10, United States Code.] *review of orders of the Secretary of Agriculture under section 2 of the Act entitled "An Act to authorize associations of producers of agricultural products" approved February 18, 1922 (7 U.S.C. 292), and under sections 6 and 7(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f, 499g(c)); naturalization and revocation of naturalization under sections 310–318 of the Immigration and Nationality Act (8 U.S.C. 1421–1429); prize proceedings in admiralty under sections 7651–7681 of title 10, United States Code; review of orders of the Secretary of the Interior under section 2 of the Act entitled "An Act authorizing associations of producers of aquatic products" approved June 25, 1934 (15 U.S.C. 522); review of orders of petroleum control boards under section 5 of the Act entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law; and for other purposes", approved February 22, 1935 (15 U.S.C. 715d); actions for fines, penalties, or forfeitures under part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581–1624), or under the Anti-Smuggling Act (19 U.S.C. 1701–1711); criminal libel for condemnation, exclusion of imports, or other proceedings under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301–392); disputes between seamen under sections 4079, 4080, and 4081 of the Revised Statutes (22 U.S.C. 256–258); habeas corpus under sections 2241–2254 of title 28, United States Code; motions to vacate, set aside, or correct sentence under section 2255 of title 28, United States Code; actions for penalties for refusal to transport destitute seamen under section 4578 of the Revised Statutes (46 U.S.C. 679); actions against the United States under the Act entitled "An Act authorizing suits against the United States in admiralty for damage caused by and salvage service rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U.S.C. 781–790); as implemented by section 7730 of title 10, United States Code.*

Rule 1102. Title

These rules may be known and cited as the Federal Rules of Evidence.

Sec. 2. Title 28 of the United States Code is amended—

(1) by inserting immediately after section 1656 the following new section:

"§ *1657. Rules of Evidence*

"The Supreme Court of the United States shall have the power to prescribe amendments to the Federal Rules of Evidence. Such amendments shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session of Congress but not later than the first day of May, and until the expiration of one hundred and eighty days after they have been so reported; but if either House of Congress within that time shall by resolution disapprove any amendment so reported it shall not take effect. Any provision of law in force at the expiration of such time and in conflict with any such amendment not disapproved shall be of no further force or effect after such amendment has taken effect."; and

(2) by adding at the end of the table of sections of chapter 111 the following new item:

"1657. Rules of Evidence."

SEC. [2]*3*. The Congress expressly approves the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure, which are embraced by the orders entered by the Supreme Court of the United States on November 20, 1972, and December 18, 1972, and such amendments shall take effect six months after the date of the enactment of this Act.

THE FEDERAL EXCESS PROPERTY PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, since 1969, the General Services Administration has made millions of dollars worth of equipment and supplies available to vocational-technical education programs throughout the United States, under the Federal excess property program. This has been an invaluable assistance to numerous schools, colleges, and community organizations engaged in training the handicapped, veterans, the disadvantaged, and others toward the development of marketable skills.

In the State of Texas alone during the first 6 months of 1972, the vocational, technical, and adult education programs administered by the Texas Education Agency received excess property valued at $8 million. There is no doubt that these training programs would suffer immeasurably without this equipment, as they could not afford to obtain it from any other source.

Therefore, I wholeheartedly endorse and support the recent resolution passed by the Texas Legislature delineating the position of the entire State of Texas on this important subject. At this point, I would like to make this resolution a part of the RECORD:

SENATE CONCURRENT RESOLUTION

Whereas, The proposed general services administration rule change which would deny excess property to federal grantees has been delayed pending a study of the issue; to effect this study, the Federal Register of November 14, Page 24113, Title 41, Public Contracts and Property Management, states: "The policy on acquisition and use of excess property . . . will continue unchanged, and a study will be conducted and a determination made as to the desirability for modification of this policy"; and

Whereas, Excess property remains available to federal grantees, except in the Department of Health, Education, and Welfare, which on July 14, 1972, issued its own unilateral regulation change denying excess property to grantees under Health, Education, and Welfare programs; and

Whereas, When the federal excess property program was available, more than $100 million for vocational-technical education programs throughout the United States received marked assistance by securing properties for the purpose of training for the job market; this represented approximately 20 percent of the total expenditures for training of the handicapped, veterans, minority groups, the disadvantaged, and others toward the development of marketable skills; and

Whereas, On January 31, 1973, the Honorable Jim Wright from Texas introduced HR 3523 in the House of Representatives, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property to all qualified federal grantees; now, therefore, be it

Resolved by the Senate of the 63rd Legislature, the House of Representatives concurring, That the Legislature of the State of Texas hereby memorialize the Congress of the United States to take favorable action on the Honorable Jim Wright's HR 3523; and, be it further

Resolved, That a copy of this resolution be forwarded to the President and Vice-President of the United States, and to each senator and representative in congress from Texas with the request that this resolution be officially entered in the Congressional Record as a memorial to the congress.

THE 1973 AMENDMENTS TO THE OCCUPATIONAL SAFETY AND HEALTH ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, today I am introducing a bill to amend the Occupational Safety and Health Act.

Although I was not a Member of Congress at the time of OSHA's enactment, I am now a member of the Education and Labor Committee which reported the bill, and have had the opportunity to study its legislative background and history. Clearly, State safety laws were inadequate, and statistics on industrial accidents and health hazards made a strong case for Federal intervention. For these reasons, I definitely support the broad concept of the act. However, as sometimes happens when a good piece of legislation is enacted and implemented, we find that language in the law permits or requires certain actions which may be contrary to its original purpose. The Occupational Safety and Health Act of 1970 has, I believe, certain deficiencies which require remedial action.

Employers within my district have indicated to me that the rules and regulations to which they are subjected are often unduly cumbersome, and, in some cases, totally irrelevant. I have found that employers are generally most anxious to comply with the provisions of the law, but, in particular, the small employer has difficulty in understanding and complying with the complex regulations. In spite of these problems, Occupational Safety and Health Administration representatives inspect work premises, issue citations, and fine the employer on the spot, without affording him the opportunity of compliance. These penalties are not solely applicable to cases involving a serious violation, as required by law, but in cases of lesser violation as well.

It is disturbing to me to receive correspondence from my constituents complaining—and justifiably so—about OSHA activities, which, in many cases, amount to blatant harassment. For instance, a dentist in my district recently advised me he was to be investigated by OHSA officials, despite the fact that he employs a small staff of eight individuals, none of whom has ever experienced a work-related accident.

My amendments would not in any way weaken the act, insofar as insuring a safe and wholesome working place for 60,000,000 Americans. They would simply relieve the small businessman of burdensome requirements and insure a more just and realistically applicable law.

One of my amendments would exempt employers with 25 or fewer employees from the provisions of OSHA. Although the number of employees to be exempted from these provisions has been a debatable point, twice last year, through amendments to the Labor-HEW appropriations bill, Congress expressed its support for the principle of exempting small business. Small businesses, by their very nature, cannot cope with the same regulations which are imposed upon large corporations. Thus, the burdens imposed by this act are discriminating against the small employers and curtailing expansion, which, in turn, is causing a reduction in the number of job opportunities in an already tight job market. The worker, as well as the employer, is therefore suffering.

At the present time, OSHA cannot provide technical assistance through onsite consultations. When an OSHA representative observes a violation during a worksite visit, he is obliged to issue a citation and propose a penalty. For this reason, many employers have declined to seek the advice of OSHA relative to their worksite conditions. One of the amendments which I am proposing today would allow the Department of Labor to conduct consultative visits without penalty to employers of 100 or fewer employees.

I am also proposing an amendment to remove OSHA's discretionary power to assess penalties for nonserious violations discovered on the first inspection. Under the present act, an employer can be fined up to a maximum of $1,000 for a nonserious violation discovered on the first inspection of his premises, despite the fact that he is totally unaware of the presence of a standard violation. My amendment would not change the act regarding willful or repeated violations.

In the event that an OSHA representative visits a plant and locates a violation, he is required to post a notice indicating this violation. The notice must remain after the situation has been corrected. I consider this a pointless regulation and am therefore proposing that citations for violations need not be posted after the situation has been corrected.

I am introducing an amendment to require OSHA to consider the economic impact of proposed new standards on affected employers and to publish these in the Federal Register, along with a statement summarzing their expected economic impact. This would include an estimate of the total costs to be incurred by each affected industry in compliance with the law. This would result in an awareness by OSHA regarding the costs of proposed new standards and would enable all interested members of the public to measure benefits versus the expected costs.

As you know, guidelines established by various organizations have become inflexible rules with the effect of law—National Consensus Standards. An example of such impertinent regulations is the provision which restricts employers to a red-green switch color code, despite the fact that their employees have been trained to use an alternate system. These restrictions range from roll bars on tractors to coat hangers and toilet tissue in restrooms. This inflexibility prohibits the recognition that there is more than a single approach to the achievement of a safe working environment. A situation which may constitute a safety hazard in a crowded busy plant may not present a hazard in an alternate working environment. The amendment which I am introducing addresses the problems Standards and would require OSHA to created by the National Consensus more fully evaluate the standards to distinguish between hazardous and nonhazardous forms of business.

It is the opinion of the National Small

Business Association and many of my colleagues and constituents that this law, as administered, violates several constitutional rights. The measure is punitive in nature and omits such constitutional protection as trial by jury, proof beyond reasonable doubt, and the right to confront witnesses. We have established an administrative agency which can deem certain conduct to be criminal, which can issue citations and set penalties, and which can operate under the assumption that the accused is guilty until proven innocent.

Our colleague in the Senate, the greatly respected Senator Carl Curtis, of Nebraska, has introduced an excellent amendment which would make a major alteration in the due process procedures of the act. I am, therefore, introducing a similar amendment in the House.

Under this measure, OSHA inspectors would no longer be compelled to issue set penalties for violations. They would not function in the questionable dual role of administrator-prosecutor. Instead, their inspections would result in the issuance of a citation to the employer, describing in detail any and all violations, prescribing a reasonable time for their abatement, and outlining the action to be taken by the employer to accomplish abatement.

If, within the prescribed period, the employer has not complied, the Secretary of Labor would be required to refer the matter, including a copy of the citation and other supportive data, to the U.S. Attorney General. Where the allegations of the inspection citation appear to warrant, the Attorney General would institute proceedings in the appropriate district court. The court would then conduct a trial de novo to determine the facts and assess the penalties. In the words of the Senator:

> The threat of legal proceedings serves as the traditional deterrent to continue violation or refusal to conform with reasonable abatement requirements. On the other hand, traditional guarantees of due process are restored.

At this point, Mr. Speaker, I include the text of my bill:

H.R. 8992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembed, That this Act may be cited as the "Occupational Safety and Health Amendments of 1973."

Sec. 2(a) Section 3(5) of the Occupational Safety and Health Act of 1970 is amended to read as follows:

"(5) The term 'employer' means a person engaged in a business affecting commerce who has employees, but does not include the United States, any State or political subdivision of a State, any nonagricultural employer who employed no more than twenty-five employees at any time during the preceding calendar year, or a small farmer.

(b) Section 3 of such Act is amended by adding at the end thereof the following new paragraph:

(15) The term 'small farmer' means a person who owns or operates a farm who, it can be reasonably predicted on the basis of criteria prescribed by the Secretary, will not employ during the next twelve month period more than twenty-five man years of agricultural labor for which compensation is paid.

Sec. 3. Section 6(b) (2) of the Occupational Safety and Health Act of 1970 is amended by inserting at the end of the first sentence the following: "Such proposed rule shall be accompanied by a statement summarizing its economic impact on affected employers, including an estimate of the total costs which will be incurred by employers in each affected industry in complying with such rule."

Sec. 4. Section 6 of the Occupational Safety an Health Act of 1970 is amended by adding at the end thereof the following new subsection:

"(h) The Secretary shall evaluate as soon as practicable after the date of enactment of the Occupational Safety and Health Act Amendments of 1973 existing standards established pursuant to subsection (a) or (b) of this section in order to determine the applicability of each such standard to each class of business concern within each industry or form of business. After such evaluation, affording due notice and opportunity to interested persons to submit written data or comments, the Secretary shall determine as part of each standard, the class or classes of employers to which that standard is applicable and any class of employers to be excluded from the application of that standard, after a determination that the inclusion of any such class would be unreasonable. Such exaluation and determination shall be a part of the establishment of all standards after the effective date of the Occupational Safety and Health Act Amendments of 1973."

Sec. 5. (a)(1) Subsections (b) and (c) of Section 9 of the Occupational Safety and Health Act of 1970 are redesignated as subsections (c) and (d) respectively.

(2) Section 9 is further amended by inserting after subsection (a) a new subsection (b) as follows:

"(b) Any employer who is issued a citation and who believes that he maintains work conditions which would meet the criteria for a variance under Section 6(a) may apply to the Secretary for such a variance. Except where the Secretary finds it frivolous and submitted for the purpose of delay, such application shall result in the suspension of all obligation to abate the violation until a decision on the application has been reached. If a variance is granted, the Secretary shall enter an order vacating such citation."

(b) Section 9(c) of such Act (as redesignated by this section) is amended by adding at the end thereof the following: "Such posting shall not be required after (1) such violation has been abated, or (2) a proceeding contesting such citation has been concluded by an order under sections 9(b), 10(c) or 11 vacating or modifying such citation, whichever comes first: *Provided*, That where such order modifies such citation, the citation as modified shall not be required to be posted after the violation has been abated."

Sec. 6. Section 10 of the Occupational Safety and Health Act of 1970 is amended to read as follows:

"PROCEDURE FOR ENFORCEMENT"

"Sec. 10. (a) If the period specified for the abatement of any violation in a citation issued under Section 9 has passed and the employer has failed to correct the violation for which the citation was issued, the Secretary shall refer the matter, together with all relevant information, to the Attorney General for the institution of proceedings under this Act.

"(b) Any civil action brought under this section shall be brought under the name of the United States in the United States district court for the district where the violation was alleged to have occurred or where the violator has his principal office. In any action brought under this section, trial in district court shall be de novo.

"(c) In assessing civil penalties in accordance with section 17 of this Act, the court shall give due consideration to the appropriateness of the penalty with respect to the size of the employer being charged, the gravity of the violation, the good faith of the employer being charged, and the history of previous violations.

"(d) Whenever an employer has corrected a violation subject to a citation under section 9 in the period specified in that citation, no action shall be brought with respect to that violation for the enforcement of penalties under section 17 of this Act.

"(e) (1) no person shall discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

"(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he may bring action in any appropriate district court against such person. In any such action, the United States district court shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with backpay.

"(3) Within ninety days of the receipt of the complaint filed under this subsection, the Secretary shall notify the complainant of his determination under paragraph (2) of this subsection."

Sec. 7. (b) Section 21 of such Act is further amended by inserting at the end thereof the following new subsection:

"(d)(1) In order to further carry out his responsibilities under this section, the Secretary shall visit the workplaces of employers who have one hundred or fewer employees for the purpose of affording consultation and advise to such employers. (A) may be conducted only upon a valid request by an employer for consultation and advice at the workplace on the interpretation or applicability of standards or on possible alternative ways of complying with applicable standards, and (B) shall be limited to the matters specified in the request affecting conditions, structures, machines, apparatus, devices, equipment, or materials in the workplace. Where, after evaluating a request by an employer pursuant to this subsection, the Secretary determines that an alternative means of affording consultation and advise is more appropriate and equally effective, he may provide for such alternative means rather than onsite consultation.

"(2) The Secretary shall make recommendations regarding the elimination of any hazards disclosed within the scope of the onsite consultation. No visit authorized by this subsection shall be regarded as an inspection or investigation under section 8 of the Act and no notices or citations shall be issued nor shall any civil penalties be proposed by the Secretary upon such visit, except that nothing in this subsection shall affect in any manner any provision of this Act the purpose of which is to eliminate imminent danger.

"(3) Nothing in this subsection shall be deemed to require the Secretary to conduct an inspection under section 8 of this Act of any workplace which has been visited for consultative purposes. The failure of the Secretary to give consultation and advise regarding any specific matter during a consultation visit shall not preclude the issuance of appropriate citations and proposed penalties with respect to that matter.

"(4) In prescribing rules and regulations pursuant to this subsection, the Secretary shall provide for the appropriate separation of functions between officers, employees or agents who conduct visits pursuant to this subsection and officers, employees or agents who conduct inspections or investigations under this Act".

SEC. 8. The amendments made by this Act shall take effect on the first day of the first month beginning more than sixty days after the enactment of this Act.

WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, in 1968, the National Republican Party nominated and elected Richard M. Nixon as President of the United States. As we approached the 1972 Presidential election, it was obvious that President Nixon's popularity had increased and reelecting him would be a comparatively easy job.

Most Members of Congress were thoroughly astonished when the Committee to Reelect the President—CRP—was set up in late 1971. This occurred at a time when we had an extremely strong National Republican Party with Senator ROBERT DOLE of Kansas as chairman. The Republican Party could easily have reelected President Nixon, and had a good chance to elect a substantial number of new Republican Congressmen and Senators as well.

Yet, the CRP was entirely separate from the Republican Party and had as its goal the election of only one man: The President. The small group of men who perpetrated Watergate and its coverup were officials of the CRP, people hired by the CRP, and some members of the President's staff. None of these people had ever run for Federal office.

The entire philosophy behind the CRP was extremely unusual as the national administration can only function effectively when the majority of the Members of Congress are of the same party as the President. The efforts of the National Republican Party and the congressional committees to elect Congressmen and Senators were hampered by the fact that the CRP collected $46 million, which was money that would normally have gone to the National Republican Party for the election of all Republicans. Yet, $41 million of that was spent by the CRP. Today, the President's power rests solely on vetoing bills with the hope that one branch of Congress will sustain his veto.

The Federal Election Reform Act of 1971 did not go into effect until April 7, 1972. This meant that the source of all money collected before April 7, 1972, would not have to be reported. This has never been true in Pennsylvania, as every candidate, or his finance committee, has been required for many years to file a detailed financial report 30 days after each election showing the source of all contributions and all expenditures made. Thus, the complete financial reports for my election campaigns are available to the public in the Delaware County Bureau of Elections in Media.

Since the court trials of the seven indicted people did not produce all of the facts concerning the burglary, bungling, and coverup of Watergate, and since some people who were granted questionable immunity are obviously guilty, the Watergate investigation must proceed until the guilty ones are determined and are properly punished under law. Archibald Cox, special prosecutor for Watergate, is completely capable of doing this although the televised Senate hearings could jeopardize Mr. Cox' cases in court.

ENERGY CRISIS

America faces a major energy crisis due to fuel shortages. The Environmental Protection Agency has banned the use of high sulfur-content oil and coal and extensive research is needed to find an efficient method of removing sulfur from crude oil, while it is being refined, and from coal after it is burned.

Large new supplies of petroleum on Alaska's North Slope, estimated to be as extensive as the Arab oilfields, have not been utilized. Indepth studies conducted by the Interior Department prove that an above-ground pipeline can be constructed across Alaska to the ice-free port of Valdez without disturbing the ecology of Alaska. Since the same report holds true of a Canadian route, we must move ahead with the construction of a pipeline as soon as possible.

I have cosponsored a bill to have Congress make a final choice between one of the two routes by January 1974. The Comptroller General will make a 6-month study to determine which route is better. I favor the Alaskan pipeline as it is shorter, less expensive, will give us oil years sooner, and is entirely within the United States.

WAGE TAX PROHIBITION

In May, I introduced a bill, H.R. 7581, to bar wage taxes on nonresidents. It was the first such bill to be introduced in the House during the 93d Congress. Thousands of residents of the Seventh Congressional District work in Philadelphia and are forced to pay a wage tax to the city of Philadelphia. Thousands of Philadelphians who work in Delaware County and other counties are prohibited from paying a wage tax to the municipalties where they work.

Wage taxes on nonresidents are not the answer to the city's problems. Most nonresidents working in the city spend large sums of money in Philadelphia. The large commercial and industrial complexes which employ both city residents and nonresidents are already paying large sums of real estate taxes to Philadelphia, as well as providing other major stimulants to the city economy, such as mercantile taxes. Residents should pay all local taxes where they reside.

Commuters are being taxed to pay for services they never use. Many residents of Delaware County have complained that the municipalities in which they live have raised taxes to provide for a quality education and excellent services where they live, while Philadelphia residents have not had a commensurate tax increase to pay for similar services. Every effort will be made to see that the bill is reported out of the Ways and Means Committee and passes the House.

NEW DRUG ENFORCEMENT ADMINISTRATION

With my help, Congress has endorsed President Nixon's plan to create a new Drug Enforcement Administration within the Department of Justice. The vote came on a Democratic effort to reject the centralization of drug enforcement activities by attempting to pass House Resolution 382, disapproving this centralization. This was defeated by 130 yeas to 281 nays. The need for a single Federal agency has been clearly established and received my strong support.

In the past few years Federal efforts for strong drug enforcement have increased sharply. At the same time, the increased activity has generated serious operational difficulties and jurisdictional conflicts. To solve these difficulties and conflicts, the President proposed the consolidation of the present functions of the Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, and the Bureau of Customs activities involving drug investigations and intelligence.

Major responsibilities for the new Drug Enforcement Administration will include: Developing overall Federal drug law enforcement strategy and programs; investigations of persons suspected of violating Federal drug trafficking laws and those connected with illicit drugs seized at U.S. ports-of-entry and international borders; conducting all relations with drug law enforcement officials of foreign government; cooperating with State and local law enforcement officials on joint law enforcement efforts; and, regulating the legal manufacture of drugs and other federally controlled substances.

ADVISER TO U.S. DELEGATION

It was an honor to be the first Pennsylvania Congressman to attend the annual meeting of the Asian Development Bank. As a member of the House Committee on Banking and Currency, I was selected to advise the U.S. delegation to the sixth annual meeting which was held in Manila, Philippines, April 26–28. Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, headed the U.S. delegation.

The Bank was founded in 1966 to assist developing Asian nations and currently has over $1 billion outstanding in 118 loans. During a single week, the U.S. delegation traveled over 18,000 miles aboard an Air Force aircraft and visited Alaska, Korea, Manila, and Hickam AFB in Honolulu before returning to Washington.

EXECUTIVE INVOLVEMENT IN WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I introduced yesterday for myself and 16 of my colleagues a resolution to urge the Justice Department and other investigative bodies to submit data to the Judiciary Committee relating to Executive involvement in the Watergate matter. The Judiciary Committee would then catalogue the information and determine rules of access for individual Members and any House investigative bodies.

In light of the most recent testimony before the Senate committee, I would like to bring this resolution to the attention of my colleagues. The matter of Executive and Presidential involvement, to an as yet unknown degree, is now under investigation by the Ervin committee. There is no question that the Senate committee and the special prosecutor will do a thorough job of investigating the many allegations. The truth will be uncovered.

There is, however, another aspect of the situation that has not been squarely faced. That is the duty and role of the Members of the House.

The question of Presidential culpability is ultimately one to be resolved by the House of Representatives, as provided for in the Constitution. Our Founding Fathers chose to rest in the House the sole power to impeach the President, Vice President, and all civil officers of the United States for treason, bribery, or other high crimes and misdemeanors.

I do not suggest that we institute impeachment proceedings. I believe that we all share an apprehension of the implications of such proceedings.

It is, however, incumbent upon the Members of the House to be cognizant of all available evidence. It is our constitutional duty to be prepared to examine the facts. The means of examination that I am proposing is an investigation by the House Judiciary Committee. The members of that committee must begin to review those facts that other investigative bodies have compiled. They must examine the most recent testimony relating to the role of the White House in criminal activities.

As I stated last week, there have been statements which indicate White House involvement in political espionage, burglaries, wiretapping, campaign disruption, and illegal use of donated funds under the general heading of Watergate. The most recent testimony before the Senate Select Committee indicates that the President himself was involved in the coverup.

While we cannot afford to take at face value any uncorroborated testimony, we must also keep in mind the White House habit of rendering inoperative its previous statements and denials. Thus, we will all recall that the White House initially flatly denied that Mr. Dean had met many times with the President during the early months of this year. Yet the White House later found—after the production of corroborating evidence—it necessary to render inoperative its previous denial, and declare that Mr. Dean had indeed met with the President, but not to discuss the Watergate affair. The White House has a peculiar history of supplying only that information which the American people already have. In light of this, should the House of Representatives, in the face of its awesome responsibility to the American people, ignore all warning signs? Will we later find ourselves in the position of the President, who on May 22, 1973, declared:

> With Hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up, and less to the reassurances.

Let us heed the warnings. The activities outlined by witnesses at the Senate hearings, some of which have been admitted by the White House, make it imperative that the House begin inquiry into this matter.

In view of these allegations of offenses, I urge the support of my colleagues for this resolution. We can no longer sit still, fearing the controversial effects and political consequences of action. Our continued silence constitutes an abdication of our constitutional responsibility.

The question of whether the Members of the House will support preliminary investigation is now a matter of duty and, therefore, of conscience.

I plan to reintroduce this resolution after the recess and hope that many of my colleagues will appear as cosponsors.

THE MBFR NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

Mr. ADDABBO. Mr. Speaker, this is the year of Europe, and vital negotiations are being carried on, not only on the United States-Soviet summit level, but also at the preliminary MBFR Conference in Vienna in regard to troop levels in Europe.

We all welcome the conduct of these negotiations which are aimed at helping to maintain peace and security in Europe at a lesser cost and at increased economic and cultural relations and free exchange of persons between the two halves of Europe.

We also realize the great complexity of any East-West negotiations on security matters, both in view of mutual mistrust and the quantitatively stronger military position of the Warsaw Pact in Europe. We also realize that any MBFR conference must deal effectively with geographic realities and effect a balanced force reduction by both alliances. The withdrawal of United States and Canadian forces to this side of the Atlantic cannot be numerically equated with the withdrawal of Soviet forces to Western Russia, a distance of about 400 to 500 miles from the western edge of the German Democratic Republic.

In this connection I am concerned about the May compromise reached at the Vienna preparatory conference on MBFR. Hungary, originally universally accepted as a Central European participant in any MBFR talks, was limited to a "special observer" status, and her territory was provisionally excluded from the area of projected troop limitation. This was a result of resolute Soviet demand and the reluctant agreement of the Budapest Government in February 1973.

In the words of NATO spokesman van Ufford, Ambassador of the Netherlands, as the compromise calls for raising the question of the status of Hungary anew before the commencing of major negotiations in October, I am joining my colleagues in urging the administration to use its diplomatic influence with the Soviet Union to have Hungary restored to the conference as a full participant so that a reduction in, and the ultimate withdrawal of, the four Soviet divisions and Soviet tactical air forces in Hungary may be negotiated at the main MBFR conference.

WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, yesterday John Dean gave his opening statement before the Ervin Committee. Its contents were sordid and upsetting—not only with regard to Watergate and the subsequent coverup, but in the overall picture they painted of what James Wechsler has described as "an authentic hysteria within Mr. Nixon's inner circle."

Mr. Wechsler and Mary McGrory, in separate articles in today's New York Post, have ably captured some of the meaning in the Dean statement. I include Ms. McGrory's item in the RECORD at this point and will include that of Mr. Wechsler in tomorrow's RECORD:

CAN NIXON ANSWER?

(By Mary McGrory)

WASHINGTON.—Possibly the President can answer John Dean's testimony. It would be a little like drafting a press release its reply to Eugene O'Neill's "Long Day's Journey Into Night."

It took Dean, slender and self-contained, about six hours to tell all he knew about the madness in the White House. He droned along in a well-bred monotone without interruption. The Senators sat like men sitting on a rooftop during a flood. The caucus room was jammed, mostly with young people wanting to see how a contemporary had handled power that came too soon.

By the time Dean read the last sentence of his 245-page indictment the room was littered with corpses. At least four lawyers seemed ripe for disbarment. White House Press Secretary Ron Ziegler had been decapitated. The reputation of Henry Peterson, the Justice Department official who ran the Watergate Grand July had been shredded. Watergate prosecutor Earl Silbert, still at work for the Cox Commission, was no longer "operative."

Two members of the committee, Sens. Howard Baker and Edward Gurney, had been diminished. They sat motionless and impassive as Dean recounted the White House hopes for their compliance.

Haldeman and Mitchell had been reduced to hard-breathing connivers, clumsy and futile John Mitchell, the former Attorney General came out of that landslide looking a fool. At a White House meeting, in March 22, when the demands for hush money ("support money" in Dean's chaste phrase) were rising and he was being set up as a fall guy, he was gruffing that the only problem was the President's stand on executive privilege and trying to make one last fix for a friend—F. Lee Bailey, who was trying to unload a board of gold for a client.

Charles Colson, who has been dancing around the pit these many months, was pushed into the pit by Dean, with relish.

But it was the President who was most

severely damaged. From the awful, densely detailed chronicle he emerged as a man who was as incapable of the Presidency as unworthy of it. The first vignette was of him standing at the White House window, so distraught by the sight of one anti-war picket in Lafayette Park that his underling Dwight Chapin, wanted to dispatch "thugs" to remove the man from the Presidential vision.

The President would be "forgiven," Dean piously suggested at the outset, because he did not understand the implications of his involvement.

It seemed he understood nothing. He sounded rather like a demented monarch, totally removed from reality, calling down vengeance on his enemies, surrounded by imaginary foes threatening to "get" the press for publishing Watergate stories, complaining that the IRS was not sufficiently tormenting his tormentors.

Dean, the supple courtier, who glided smoothly from intrigue to intrigue, had one friend in the lunatic court. It was Richard Moore, silver-haired White House handyman who was his father-confessor, and who agreed with him that the truth should be told.

"Not a viable option" snapped Haldeman.

Dean tried to tell the President that the coverup was coming unstuck, tried to warn him on March 21, of the criminal aspects, tried to shock him by telling him that Watergate was "a cancer on the Presidency" that required immediate surgery.

The President told Dean, who had been busy obstructing justice, "not to worry." He asked about the hush money and said if it went to a million dollars, it was "no problem." And suggested to Dean that it would be an "excellent idea" if Dean gave a briefing to the Cabinet.

He was in a good mood on St. Patrick's Day.

In one of their last conversations, the President offered Dean two letters, both of his own composition. In one, Dean asked for a leave of absence because of his involvement in Watergate. In the second, Dean resigns. The President was "annoyed," Dean reported, when he rejected them both.

Unless Dean is the greatest master of fiction since Tolstoi, he must be believed. No one could have manufactured the quotes from so large and diverse a cast of characters.

Did he impeach the President?

Will the country accept the word and documents of a witness who was an accomplice, a willing, unquestioning accomplice, who put in touches of his own at critical moments

Dean coached Ziegler in lying, rehearsed Magruder in perjury, he skimmed $4000 off the top of one of the laundered fortunes that passed through his hands. He never rebelled at his villainous orders. He just did not want to go alone, when it all came apart.

OIL PIPELINE REGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, I am introducing legislation today to deal with an important aspect of the current gasoline and fuel oil shortage. The amendment to the Interstate Commerce Act, which I am proposing, would make it unlawful for an oil pipeline company, after 1976, to ship its own oil or that of an affiliated company. The amendment is modeled on the railroad commodities clause of the Interstate Commerce Act, which prohibits railroads from dealing in the commodities they carry. This clause was enacted in 1906 to break up the railroads' monopoly over the coal fields of eastern Pennsylvania and West Virginia. Similar legislation is needed to loosen the tight control that the oil companies exercise over the production, distribution, and marketing of oil.

Scarce petroleum supplies are currently being used to justify higher prices. This approach will not solve the underlying problem, however. It will only postpone the day of reckoning, at great cost to the consumer.

This is not the first time a crisis in the oil industry has been used to justify emergency solutions leading to higher prices and decreased competition. Since World War II, there have been several such crises, notably: the heating oil shortages on the east coast in 1948 and 1952, which were resolved by having voluntary cartels deliver oil at substantially higher prices; the Iranian crises of the early 1950's, which were handled in the same way, through cartel arrangements and higher prices; and the Suez crisis of 1956-57, which was treated in a similar fashion. Although the urgency of the 1957 Suez situation subsided through these means, a crisis atmosphere continued on into the OPEC negotiations of 1970-71, to be resolved again by a cartel arrangement and higher prices. And finally, today, we have the Environment-Alaskan Pipeline-OPEC crisis. As in the past, we are given no alternative but to establish an "allocation program" to mitigate shortages—of course, at higher prices with less competition.

Somewhere in this process we ought to pause to take a long look at a business system which so regularly produces emergencies resulting in protective government intervention and higher prices, and which at the same time continues to show higher profits and faster growth than the rest of the economy

The petroleum industry at one time could claim at every level of operation a large number of independent operators, who acted in so vigorous a competitive effort that the industry's problem was a glut of oil and oil products, sold at prices not much above real cost. With each crisis and its solution, the effectiveness and number of the independents has waned, while the size, dominance, and market power of the giant concerns has vastly increased.

I propose that we attempt to reverse this trend. No one legislative measure can fully do so, but the pipeline bill I am introducting will go a long way toward restoring a climate in which the potential competitive forces in this industry can be released.

Pipelines have long been recognized as a major trouble spot in oil industry competition. Crude oil and refined products are low in value relative to their weight, and the expense of transportation is an important element of their cost. For land-transport of oil, no other means can compare in cheapness and efficiency to pipelines. In addition to being relatively inexpensive, pipelines are not affected by weather. Their steady rate of flow is particularly well suited to refinery operation, which must go on at a fairly constant rate for maximum efficiency. With pipelines there are not shutdowns for late delivery of crude oil or for delays in shipping out refined product.

Of all the major industries, only this one has its own transportation system devoted exclusively to hauling its bulk commodities. Within the oil industry, the pipeline system is now wholly controlled by the large integrated companies, who are free, within broad limits, to deny access to the system to lesser competitors or permit access only on payment of penalty costs. It is as if General Motors owned the Interstate Highway System and charged a special toll for all cars that it did not manufacture itself.

The small oil producer or distributor is at the mercy of the big companies. No common warehouse facilities are available to him for input or output storage. To have his shipment accepted by a pipeline, he must provide both tanks for input and for delivery, a requirement that completely excludes occasional shippers and smaller companies. Facilities for input—pumps, valves and meters—normally are not provided for an outside shipper. He must bring his oil to the shipping point established by the pipeline owner for his own shipments and hope that a connection will be available if he pays for it. And, of course, even if a connection is offered, there is no assurance that it will be continued and no means of challenging the pipeline owner's decision to abandon it.

Concern over manipulation of pipeline operation as a means of controlling commodity markets is not new. Ida Tarbell long ago inveighed against Standard Oil's use of pipelines to bludgeon its competitors. Congress, after long argument, tried to end the abuse by the Hepburn Act of 1906 (34 Stat. 584), which declared the pipelines "common carriers," but imposed only a limited degree of regulation upon them. A proposal to apply the commodities clause to pipelines as well as to railroads was narrowly defeated. Senator Nelson of Minnesota observed prophetically during the debate of 1906 that without the commodities clause, the common carrier provision would prove ineffective:

> We attempt to regulate the Standard Oil as to the rates it is to charge itself for its own goods, and we would ascertain whether it gave rebates to itself or gave discriminations to itself.

His prophecy proved correct. The Interstate Commerce Commission did not attempt to regulate oil pipelines until 1914, and then only on a limited scale. In 1916 the Federal Trade Commission reported on monopoly problems involved in pipeline operations. Demands by various congressional committees during the 1930's and by the Temporary National Economic Commission in 1940 led to the initiation of protracted hearings before the Interstate Commerce Commission in 1940, which were suspended during the war and renewed thereafter.

Efforts to handle pipeline problems under the antitrust laws have been unsuccessful. Despite the fact that pipeline abuses were among the antitrust offenses with which the Standard Oil trust was charged and found guilty, the decree did not effectively prevent the same offenses from being committed by the individual companies created upon the trust's dissolution. The omnibus Mother Hubbard case, brought in 1940 against all the integrated oil companies, was suspended during World War II, when it was considered inappropriate to disturb the oil companies' contribution to the war effort. In the postwar period, the case was not resumed. The same problems were addressed in 1950 in United States against Standard Oil Co. of California, a suit which was settled after 9 years, without trial, by a consent decree which did not touch the pipeline problem.

After long study of pipeline problems, Attorney General Rogers in 1959 concluded that these difficulties could be dealt with effectively only through legislation. In his fourth report on the interstate oil compact, the Attorney General stated:

> Antitrust litigation can perhaps deal with particular cases of pipeline abuse. But the problem is more far-reaching, covering the broad spectrum of this industry's transportation and buying operations, and singularly suited to legislative action.

I agree that corrective legislation is needed. A similar monopoly situation in the Pennsylvania and West Virginia coal fields was resolved more than 60 years ago when the railroads were prohibited from dealing in the commodities they carried. Before then, the railroads in eastern Pennsylvania would carry only the coal that they themselves owned. In those days there was no alternative to rail transport, and the railroad companies were thus able to fix prices both in the fields and in consumer markets.

The pipelines are an even greater monopoly instrument. Crude oil cannot be bought in the field unless it can be moved. Gasoline marketers cannot compete with product that costs twice as much to transport as that of an integrated competitor. A pipeline is capable of very substantial economies of scale; only small diameter changes, at little added cost, can greatly expand capacity. The Colonial Pipeline, for example, which passes a few miles west of Washington, has a 36-inch diameter and carries a million and a quarter barrels a day of petroleum products. It is owned by a consortium of nine companies, who control more than half the total refining capacity in the U.S. Gulf area and have a correspondingly heavy interest in marketing in the entire Piedmont area between Houston and New York Harbor.

Obviously, these companies are going to use their exclusive advantage in transportation to further their business interests in refining and marketing petroleum products.

Efforts to resolve these problems by antitrust litigation or by prayer have proved futile. We can and must insist, by statute, that the natural monopoly instruments of transport—the pipelines—stand on their own feet. The business of transportation of petroleum, like the distribution of other commodities, should be a separate business and not a means of controlling the commodity market.

The bill I am introducing today, by amending the Interstate Commerce Act, provides a simple and direct way of encouraging more competition in an industry that is clearly using the current energy crisis to further its own economic self interests.

The text of the bill follows:

H.R. 8975

A bill to amend the Interstate Commerce Act to provide that no pipe-line company engaged in the transportation of oil may transport oil through its pipe-lines if that company has an interest in such oil

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (8) of section 1 of the Interstate Commerce Act (49 U.S.C. 1(8)) is amended—

(1) by adding "(a)" immediately after "(8)" in such paragraph; and

(2) by adding at the end of such paragraph the following subparagraph to read as follows:

"(b) (1) It shall be unlawful for any pipeline company subject to the provisions of this chapter to transport to, from, or within any State, Territory or the District of Columbia, any crude oil, or any oil product manufactured from crude oil, which is produced or manufactured by such pipe-line company or by any affiliate thereof.

"(2) For the purposes of this paragraph, the term "affiliate" includes—

"(A) any person or corporation owned or controlled by such pipe-line company

"(B) any person or corporation which owns a substantial interest in or controls such pipe-line company by—

"(i) stock interest,

"(ii) representation on a board of directors or similar body,

"(iii) contract or agreement with other stockholders, or

"(iv) otherwise; or

"(C) any person or corporation which is under common ownership or control with such pipe-line company.

SEC. 2. This Act shall take effect upon the expiration of the 30-month period which begins on the date of the enactment of this Act.

AGRICULTURE NEEDS PRICE FREEZE RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, American farmers face a crisis.

President Nixon has attempted to meet the growing specter of inflation by declaring a 60-day freeze on all prices, except unprocessed food products at the farm level.

The President has promised to devise new and effective systems of control during this period to control the forces that have accelerated prices in the past few months.

It sounded good that unprocessed food products were left uncontrolled at first glance. But in actuality, it has placed the farmer in a situation approaching disaster in many instances.

I call attention to the oft noted situation where poultrymen are drowning and gassing young chickens because there is no way to recover the money it would cost to feed them. Eggs are being destroyed because they cannot expect, under present circumstances, to provide fryers and broilers to the Nation's market at a break-even point.

Watermelon growers are going to be severely affected. The buyers cannot pay the prices that were prevailing at the time of the freeze announcement and sell the product at retail at a loss. We all lose in a situation such as this.

Some relief must be given agriculture. Processors have to be given some flexibility in their price structure if we are to prevent many farmers from facing financial ruin during this period.

Mr. Speaker, I am not opposed to the freeze. I applaud the efforts of the President in his determination to do something. It will do little good to criticize blindly.

I urge the Cost of Living Council to make some allowance for agricultural products other than those announced in the freeze. This is a unique situation and becomes even more obvious with every passing day.

Many processors simply cannot pay higher prices for their raw products and sell at depressed prices at the time of the freeze announcement. There has to be some reason to what we do.

If we do not receive some relief, tens of thousands of small businessmen are going to suffer. Thousands of farms are going to come to a virtual standstill, facing financial ruin because they cannot keep up with their continuing obligation.

I urge the strongest possible terms that all persons involved and agencies affected take immediate steps to relieve this situation. It is imperative.

The Cost of Living Council has a difficult task. It has, however, no more urgent task than some relief for agriculture immediately.

LITTLE LEAGUE BASEBALL SHOULD BE OPEN TO GIRLS AS WELL AS BOYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts, Mr. HARRINGTON is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, almost 2 years ago, 12-year-old Sharon Poole of Haverhill, Mass., found that the Little League would not let her play baseball. Not because she could not hit, field, throw, or run, but because she was a girl. It seemed to me at the time to be a clear case of sex discrimination, but I was frustrated in that Congress seemed both powerless and not disposed to correct this inequity. Under the circumstances, I extended my regrets to Sharon at her plight and offered her a much less desirable alternative: A position on my Washington softball team.

Since that time, some Members of Congress have also felt discriminated against by a baseball league, with the departure of the Washington Senators. And since that time, Congress has approved an equal rights amendment to the Constitution guaranteeing the rights of women.

But it took the efforts of Congresswoman MARTHA GRIFFITHS to reveal the connection between baseball and sex discrimination. She has discovered that the Little League is chartered by Congress—Public Law 88-378—and we have simply given it a mandate to exclude girls from their teams. The legislation creating Little League Baseball, Inc., declared as one of the purposes to promote "citizenship, sportsmanship, and manhood" and "the interest of boys who will participate in Little League baseball." Public resources, in the form of municipal fields and other funds, are being used to partially support an activity which has been mandated by Congress to exclude girls from participation.

It is no wonder that girls like Sharon Poole have found the diamonds of the Little League closed to them. It is time for Congress to correct this inequity, which allows the league to judge ballplayers not by their ability to play but by their sex. Thus, I support the efforts of Congresswoman GRIFFITHS, and have today introduced an identical bill revising the Little League charter to foster citizenship and sportsmanship for both boys and girls.

Sharon is now too old to play Little League baseball, but she still wishes she had had the chance. By neglect over the years, Congress has implicitly told the Little League to go ahead and exclude Sharon and other girls from their baseball teams. It is time we disassociate ourselves from that policy, and pass legislation opening up the Little League, along with the rest of our society, to women as well as men on an equal basis.

NEWSLETTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, this week I will be sending my second newsletter of this Congress to my constituents. The report covers a number of issues before the Congress, legislation I have introduced, and federally related local issues in which I have been involved. The newsletter also includes a questionnaire polling the opinions of my constituents.

At this time I would like to insert in the CONGRESSIONAL RECORD the full text of the newsletter. It follows:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON, JUNE 1973

DEAR CONSTITUENT AND FELLOW NEW YORKER: As I think many of you may know, on Fridays when Congress is not in session, I am in New York and at 8:00 a.m. I go to a different subway or bus stop in our district for an hour. My purpose is two-fold: constituents tell me what's on their minds and I usually hand out a statement on something I think is important. Recently, I stood at Lexington Avenue and E. 77th Street and a young man in his mid-30's stopped and said, "Congressman, keep protecting us from our government." He was referring, of course, to Watergate.

While I believe our government's institutions have responded well to the Watergate challenge, I share the concern of most over what Watergate says about the values and integrity of the present Administration and its implications for the course of future campaigns if allowed to go unchecked.

Not too long ago I was at home watching the rerun on television of the day's Senate hearings, when I heard the witness, Alfred Baldwin, say he had placed my office along with those of four Senators and three other Representatives under surveillance in May 1972. The others were Senators Javits, Proxmire, Kennedy, and Gravel and Representatives Chisholm, McCloskey, and Abzug. Mr. Baldwin told the Ervin Committee that the objective of the surveillance was to determine who was going in and out of our offices.

The revelations that the scope of surveillance activities had extended to the visitors of a Congressional office reinforced my feeling that we must seek, as a major priority, to reduce the government's opportunities to engage in such invasions of personal privacy. I take pride in the fact that it was in 1969, long before Watergate, that I first introduced my Federal Privacy Act to permit every citizen, subject to reasonable limitations to see the files the government holds on him. My bill would permit an individual to appeal to a Federal Privacy Board to remove erroneous material and add explanatory statements. The Privacy Board would also be responsible for supervising and limiting the government's collection, maintenance, and dissemination of information on individuals. The opening of files to persons would necessarily reveal any abusive patterns of government activity and better enable the public to monitor potential invasions of privacy.

Recently, I have introduced a bill, H.R. 8432, to bar the CIA from engaging in domestic intelligence activities. Because of the CIA's alleged involvement in the Ellsberg case, it is now being investigated for the first time by a subcommittee of the House Armed Services Committee.

Because of the Watergate scandal some people are calling for immediate impeachment proceedings against the President. I believe, however, that this would be a premature and counter-productive step at this time. The Ervin Committee and the federal grand jury investigating Watergate appear to be doing an effective job in uncovering the facts; necessarily their investigations include an examination of any involvement by the President.

Perhaps most importantly, these inquiries are supported by Republicans and conservative Democrats. What we must avoid is a situation in which liberal Democrats like myself, who have opposed Nixon's policies all along, are alone in pressing for impeachment. This, I fear, would only polarize the country, making our inquiries seem a partisan affair. We would lose the support of persons like Senators Goldwater, Saxbe, and Baker—support that will be needed if impeachment is deemed necessary.

Further, it is important that we seek to uncover all improper activities by government officials, whether or not engaged in by the President, so that we may take steps to prevent their recurrence.

This issue is covered in the questionnaire which starts on page 3. I hope you will share your opinions with me by answering the questions.

All the best for a good summer.

RECENT KOCH BILLS PASSED

H.R. 677: Mandating treatment for drug addicts, in prison or on parole; passed by the House, as part of a package of LEAA amendments, June 18, 1973.

H.R. 689: Prohibiting persons attempting to collect their own debts from misusing the name or symbol of the federal government to convey the false impression that a federal agency is involved; passed by the House June 19, 1973.

H.R. 692: Authorizing the use of Highway Trust Fund moneys for the construction of bicycle lanes and shelters; the provisions of this bill were included in the Senate and House passed highway bills and accepted by the Conference Committee. Conference Committee commented on May 9, 1973.

VETERANS

In an effort to alert the Congress to the problems of veterans of previous wars and the Vietnam era, I have joined with Senator George McGovern in introducing a package of bills to update our veterans programs.

We have proposed the establishment of a Vietnam Era Veterans Assistance and Opportunity Task Force to coordinate all federal assistance programs available to veterans. Complementary bills increase educational assistance currently available to veterans to provide up to $1,000 a year for tuition costs, as well as allow an option of $440 a month in educational subsistence payments for 18 months in lieu of the present $220 monthly benefits for 36 months. This would merely provide Vietnam veterans with comparable benefits the government provided GIs (such as myself) after World War II.

Some veterans encounter problems in seeking employment because of the hidden code—Separation Program Numbers (SPNs) and re-enlistment numbers—listed on their discharge papers. These numbers can indicate personal characteristics, not necessarily substantiated, such as homosexual tendencies, alcoholism, drug use, and bed wetting. The Department of Defense claims that these numbers are for internal use only, but their meaning has become easily available to employers. We have introduced legislation to ban the use of these numbers on discharge papers.

Senator Walter Mondale has joined with me in introducing yet another bill to allow a veteran to take his case to court on claims disputing a Veterans Administration decision. The bill also raises the limit for attorney fees in veterans' cases from today's unrealistic level of $10 to $100. To continue the present fee limitation effectively denies veterans counsel. We believe it is necessary to extend the right of judicial review, enjoyed by everyone else, to veterans. Today, the Veterans Administration is both a party to a dispute and the judge.

WOMEN AND CREDIT

As a member of the Consumer Affairs Subcommittee of the Banking and Currency Committee, I have become particularly concerned about the widespread discrimination that women experience in applying for credit. Last summer it was established in hearings before the National Commission on Consumer Finance that:

1. single women have more trouble obtaining credit, especially mortgage credit, than single men;
2. creditors are often unwilling to extend credit to a married woman in her own name;
3. creditors are often unwilling to count the wife's income when a married couple applies for credit;
4. women are often required to reapply for credit in their husbands' names upon marriage; and
5. women who are divorced or widowed have trouble reestablishing credit.

I first looked into this matter when a colleague complained in Committee about a department store's stopping credit, at her husband's request, which she had authorized for her daughter. Like all other Members of Congress, she has an annual salary of $42,500.

On May 30, I introduced what I believe to be strong and comprehensive legislation prohibiting discrimination on account of sex or marital status against individuals applying for credit. This bill, The Equal Credit Act (HR 8246), would apply directly to all credit transactions—i.e., to all forms of deferred payment of debt, whether they involve retail credit, mortgages, bank loans or credit cards.

The Equal Credit Act is the first legislative proposal facing squarely the problem of determining the individual's credit worthiness. All too often women are denied credit because "statistical tables" may indicate they are less likely than men to remain continually employed over a period of time. But fundamental changes are now taking place in womens' employment patterns. More and more women these days are striving to maintain professional careers. To continue to rely on statistical tables, in a sense, locks women into the past and fails to take into account the full potential of the changes in the position of women today. For this reason, I have specified in my bill that creditors may not rely on the probability or assumption that an applicant's income may be diminished because of the sex or marital status of the applicant.

Last summer's hearings demonstrated that it was prejudice, rather than business or economic consideration, that constituted the basis of discrimination in credit against women.

QUESTIONNAIRE

(NOTE.—Each choice provided with No. 1 and No. 2 boxes.) (Not shown here.)

The following questions relate to issues of current or prospective consideration by the House. I realize that the matters covered are complex and the alternatives provided are limited. But, such limitations are necessary in a survey of a quarter of a million people. Of course I welcome your additional comments.

A. Do you feel at this time (*check one*)—

The House should allow the Ervin Committee to continue its investigation and take further testimony before determining whether a formal House inquiry on impeachment is needed?

There is sufficient evidence for the House to appoint a committee of inquiry to consider impeachment proceedings?

The evidence currently available justifies the impeachment of the President and his removal from office?

President Nixon, on his own initiative, should resign from office?

The evidence necessary for impeachment will never be forthcoming?

Impeachment is not warranted even if it is shown that the President gave his consent to the Watergate activities and coverup?

B. In 1972, the Supreme Court ruled that the present discretionary system of imposing the death penalty is unconstitutional. Would you favor a mandatory death penalty, without regard to extenuating circumstances in individual cases, for any of the following crimes:

Kidnapping and consequent death of a child.

Skyjacking of a commercial airplane.

Killing of a police officer or jail guard.

Assassination of a public official or candidate for public office.

(Other):

No death penalty under any circumstance.

C. Assuming we are not successful in sharply reducing defense spending or achieving significant tax reform, would you favor any of the following as part of an over-all fiscal and monetary program to bring inflation under control? (*Select one or more*)

Surtax on federal income tax (personal & corporate).

Enactment of a value added tax (national sales tax).

Increase in interest rates.

Mandatory system of wage and price controls.

Voluntary system of wage and price controls.

(Other):

Would you favor the enactment of any of the above tax measures to finance expanded social programs? Yes. No.

D. New York City has been threatened by a transit fare increase to 60 cents on January 1, 1974. Assuming that all of the additional revenues needed to stop a fare hike cannot be obtained from the state and federal government alone, would you favor any of the following to keep the fare at 35 cents?

Regional payroll tax.

Surcharge on city income tax.

An increase in operating subsidies from the City treasury.

Tolls on all bridges coming into Manhattan.

(Other):

Accept a fare increase.

Name(s).

Address.

Date.

Please return to: Rep. Edward I. Koch, 1134 Longworth HOB, Washington, D.C. 20515.

THE THIRD AVE. TERMINAL

During the past several months a controversy has arisen over the MTA's plans to construct a new mid-town terminal at Third Ave. and 48th Street for the Long Island Railroad. In formulating its proposal to construct this new terminal at a cost of some $342 million, the MTA brushed aside the possibility of using Grand Central Station just a few blocks away. Grand Central is now underutilized and provides a convenient nexus for both East and West Side subways and other suburban railroads.

The MTA has requested federal assistance for the project. For federal funds to be granted, all alternative locations must be evaluated. In March, I wrote to Frank C. Herringer, Administrator of the federal Urban Mass Transportation Administration (UMTA), expressing my concern over the inadequacy of the consideration given by the MTA to Grand Central. I urged that a study be commissioned on the feasibility of utilizing Grand Central as the terminus for the LIRR. By letter of April 16, Mr. Herringer assured me that Grand Central would have to be "fully explored" before any federal funds were committed to a mid-town terminal project. I expect that this study of Grand Central Station will commence soon.

The magnitude of funds needed for the proposed terminal is not presently available from the federal government; construction funds are being committed to the Second Avenue subway, the 63rd Street line and rapid transit in Queens.

AVENUE C LOOP

In connection with the Second Avenue subway's construction, I am working with Borough President Percy Sutton and Community Board 3 to get planning and construction underway for the Avenue C Loop. When the Board of Estimate approved the Second Avenue Subway Southern Extension in 1970, it was the community's understanding that the Loop would be built concurrently with the trunkline. Since 1970, the Loop has slipped to a sub-priority position and City funds have been provided for only the trunkline. Construction economics and fairness to the people of the Lower East Side require that the Loop be built at the same time as the southern portion of the Second Avenue subway.

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write to me care of House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 264–1066 between 9:00 a.m. and 5:00 p.m. on weekdays.

The newsletter also includes two pictures. The captions of these pictures read as follows:

This ground breaking on May 17 was the culmination of six years of effort by a community to obtain the reconstruction of St. Catherine's Park at 67th Street and First Ave. The new park will provide areas for handball, tennis, baseball, swinging and sliding, climbing, and quiet sitting. A separate area will be provided for every age group. Reconstruction is being financed by a grant of $250,000 from the federal government and an equal amount from the City.

At our meeting when we announced the introduction of our Veterans legislation, Senator George McGovern and I were joined by representatives of the Disabled American Veterans, Jewish War Veterans, American Veterans Committee, National Association of Concerned Veterans, Veterans of Foreign Wars of the United States, and the American Legion.

PLURALISM, FREEDOM, AND THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, not even the latest turn of events in the Watergate hearings was able to crowd yesterday's Supreme Court decision with regard to the constitutionality of private or parochial school tax aid off the front pages. As one of the leading congressional sponsors of this approach to preserving this aspect of our pluralistic society, as the Burke-Ribicoff bill would suggest, needless to say I am deeply disappointed in the decision and can only say that the American taxpayer, and in the final analysis the quality of American life, will be the ones to suffer.

There is nothing new in this Supreme Court decision. The Court based its majority decision on a strict construction of the first amendment to the bill of rights—nothing more, nothing less. I emphasize that a majority of six chose to interpret the first amendment in this manner and it should not be lost sight of that three Justices viewing the same Constitution the same Bill of Rights, the same first amendment, came to a different conclusion and placed a different interpretation on the same first amendment. This has always been the case with Supreme Court decisions. Today's dissenting views often become tomorrow's majority views.

To read Justice Powell, majority decision, one is left with the inescapable impression that the Justice is placing an absolutist interpretation on the first amendment—in other words is taking the language of the first amendment in its strictest, narrowest sense as a virtual and total prohibition of any Government financial relief or assistance to denominational or even nondenominational private education, however indirect.

In other words Powell comes down, at this moment in Supreme Court history, on the side of those who, since the beginning of the republic, have argued that the Bill of Rights is a set of absolute principles which permit no modification or updating to fit the social needs of the moment or the historical evolution of American society. The point I am making is that there have always been two schools of thought about how strictly the Bill of Rights can be interpreted without detriment to the rest of the Constitution and the ability of the country to govern itself—about how far and to what extent the Constitution can protect minority rights without endangering majority rights. For enshrined in our Constitution from the outset—especially with the addition of the Bill of Rights—has been the perpetual dichotomy between the interest of the founding fathers in providing a blueprint or framework for democratic government by majority rule, while at the same time placing limitations on the same majority rule in order to protect minority rights. As a result, throughout the years the court has been forced to walk a tightrope between these built-in, conflicting concerns which at root are irreconcilable.

Yesterday's opinion would seem to be a declaration that whatever the present realities of life in America of the 1970's may be, whatever the needs of our citizens may be, whatever the increasing burdens on our taxpayers may be, the first amendment means the Government's hands are tied from being of assistance and salvaging what is left of the pluralistic education system in our society.

The irony of the Court's decision yesterday, of course, is that in discouraging indirect Federal assistance to parents of school-age children in this country, in order to prevent the financial collapse of a school system which serves as an alternative to the State-supported public school system, the Court is in effect indicating it has no objection to further erosion of pluralism in our society. Nowhere in our Constitution is it stated that our Government is committed to either a national or local State-operated system or public school education. In fact, education is left to the individual States and there is plenty of evidence to support the contention that this was no accident, but in fact reflected a genuine concern over the danger inherent in a universal system of public education. There was a genuine concern that the State end up controlling the minds of men. In other words, in political theory terms, they rejected Rousseau's plan of government as excessively statist and opted for the more limited government of Locke. In the historical context of the day, their faith in the wisdom of their decision could only have been reinforced by the excesses of the French Revolution and the Bonapartist results of the establishment of a system of State schools in France and the dismantling of the system of church-operated schools. Now apparently the Court is prepared to preside over the dismantling of our dual school system in this country and is accepting with calm and resignation the inevitable triumph of a single system of public education.

In sharp contrast as a principal author of the Burke-Ribicoff bill, I can state categorically that it was never our intent to favor private education over public education, much less to establish a system of church-related schools in place of State-operated schools.

From the outset it was a plan to save what choice there still remains in our society today in the field of primary and secondary education. The same problem is already apparent on the college level; however, my bill is directed only to the primary and secondary school level. Last year's higher education bill permits massive Federal aid to private colleges. In a matter of months, or a couple of years, there will be nothing to fight for. Hundreds of schools will have closed their doors and the local school boards will be hard-pressed to find the means to pick up where our private schools leave off. But I emphasize it is not just a matter of dollars and cents we are fighting for here, but rather the American freedom of choice, those who feel that the only things standing between this country and tyranny is the Bill of Rights, are ignoring what I feel to be a major safeguard which, while not spelled out specifically in the Bill of Rights, runs throughout the whole Constitution and influenced the drafting of one section of the Constitution after another and that is a heavy bias on the part of the founding fathers for a healthy pluralism whether it be in the form of States, churches, or civic or social organizations and an abhorrence of a monolithic super state. The succeeding waves of immigrants with all their diverse cultures and ethnic backgrounds reinforced this original bias a hundred years later. The uniqueness of the American experiment has always been the ability of our institutions to function and to govern with a diversity of peoples and viewpoints and not at the expense of such diversity. To those who rush today to cheer the court's opinion as a blow for freedom and a reaffirmation of liberty I would caution that this may well have been accomplished at the cost of one of the most valued assets our society has possessed since its earliest days, namely its diversity.

Our Constitution's success has always stemmed from the fact that it is a living document, not a static one. It will only continue to be viable, so long as there is preserved a delicate balance between all its conflicting and competing elements. No feature can be enshrined at the expense of another. Federal or State financial aid is a fact of life today. It need not lead to control or establishment. What we need is more safeguards against such dangers, not flat, outright prohibition.

Consequently because it is so very important to the quality of life in our society today, I serve notice to my colleagues today that I will continue to search for other constitutional means and methods of preserving this country's time-honored freedom of choice in education. I for one was not elected to Congress to preside over the dissolution of the American system of education that has served this country so well and so long and I welcome the support and assistance of men of goodwill in all three branches of Government.

ALTERNATIVE TO WAR POWERS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 10 minutes.

Mr. ECKHARDT. Mr. Speaker, yesterday the House of Representatives began consideration of the war powers resolution. This legislation was drafted by the House Foreign Affairs Committee with the specific intent of restoring the power balance between the Congress and the Presidency in the area of warmaking. The war powers resolution is a response to the growing feeling that in recent years the balance of warmaking power has swung too heavily to the Presidency.

While I share the concern that the President has been permitted to accrue to the Executive warmaking powers far beyond those envisaged by the Framers of the Constitution, I do not think that House Joint Resolution 542 will accomplish the objective intended. Of course, currently the President's action in committing any U.S. troops to hostilities either at home or abroad must be predicated on his constitutional authority as Commander in Chief and Chief Executive.

Article II, section 2, of the Constitution provides:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; . . .

Though section 8 of House Joint Resolution 542 provides that nothing in the resolution is to be "construed as granting any authority to the President with respect to the commitment of United States Armed Forces to hostilities," et cetera, section 3 of the act is specifically directed toward situations where "the President without a declaration of war by the Congress commits the United States Armed Forces to hostilities."

In my colloquy with the distinguished author of the resolution, the gentleman from Wisconsin (Mr. ZABLOCKI), he confirmed that such a situation as the seizure by U.S. troops of the Port of Vera Cruz—in order to prevent a German merchantman from bringing arms to Huerta—would constitute just such a commitment of U.S. Armed Forces to hostilities as is described in section 3. Clearly, then, if the President could have thus relied on the provisions of House Joint Resolution 542 as authority for such action, at least for the 120 days during which procedures of the statute are to be followed, the resolution does purport to expand the authority of the President, I think, unconstitutionally.

I do not wish in any way in my substitute to thus imply an enlargement of the constitutional authority of the President in the area of warmaking. The substitute, while requiring substantially the same reports as House Joint Resolution 542, avoids such implication.

The distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN) raised another constitutional issue, with which I must disagree in part—see page 21214 of the CONGRESSIONAL RECORD of June 25, 1973. It concerned a situation which would occur when acts referred to in section 3, some of which may be constitutionally exercised by the President without congressional authorization or declaration, have occurred and Congress has not within 120 calendar days enacted a declaration of war or a specific authorization for the use of U.S. Armed Forces. In such event the President is commanded to "terminate any commitment and remove any enlargement of U.S. Armed Forces with respect to which such report was submitted." His constitutional objection is, as I understand it, that Congress has no authority to interfere with certain Presidential prerogatives to command the military and naval forces where such action does not infringe on Congress exclusive prerogatives of declaring war and raising and regulating fleets and armies.

I agree with him with respect to his practical objections to the automatic withdrawal of Presidential authority after 120 days.

Such might deprive the President of necessary authority to protect troops exposed to danger by Presidential action which had occurred within the 120 days. But I do not recognize any inherent Presidential authority to commit or enlarge U.S. Armed Forces in direct contravention of congressional policy expressed in an act of Congress. Therefore, the substitute specifically recognizes congressional authority to direct disengagement of such forces.

A further troubling provision of House Joint Resolution 542, one which bristles with constitutional problems, is that contained in section 4(c) on page 4. It provides that:

> At any time that the United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of Congress, such forces shall be disengaged by the President if the Congress so directs by concurrent resolution.

The reference to "concurrent resolution" rather than "joint resolution" or "act" has come to refer to a type of action which is throught to be immune from Presidential veto. I do not believe that such a "concurrent resolution" could possibly escape the provisions of the third paragraph of section 7, article I, which provides that:

> Every Order, Resolution, or Vote to which Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States—

And shall be subject to veto.

The concurrent resolution would be the most typical form of policy action, directed at specific events which would occur long after the enactment of this resolution. It would be conditional solely upon what Congress might deem appropriate then.

In my substitute I have not attempted any legislative sleight of hand to attempt avoidance of the provisions of article I, section 7. I have provided in section 4 that action of the type described in House Joint Resolution 542, section 4(c), be taken by ordinary legislative action. I think that this is as far as we may constitutionally reach to curb Presidential action which can validly be taken without congressional approval. But such is not as limiting as might appear. The passage by the Congress of a joint resolution disapproving Presidential activity would put a President who desired to continue such activity in the position of vetoing and disregarding the will of a majority of both Houses of the Congress—an exceedingly difficult position in regard to matters of war—and veto could moreover be overridden by a two-thirds majority of both Houses in a case of obvious merit.

If it were not overridden it would quite likely presage congressional withholding of appropriations.

A further objection which I have to the resolution, though not constitutional, is that it unnecessarily establishes restrictive procedures which Congress must follow if Congress is to assert that there exists no condition of war and that forces should be disengaged because they have been committed without constitutional authority by the President. Congress has such authority now, without enacting a specific statute. Thus, without the statute, Congress could act as peremptorily as its general rules would permit. The situation envisioned would probably require very prompt action, and it would be a grave mistake for Congress to create impediments to a rapid response to presidential overreaching.

The amendment in the nature of a substitute which I shall offer tomorrow avoids all the objectionable features in House Joint Resolution 542 pointed out here. It also meets certain practical objections to the provisions of the resolution. For instance, the resolution would call upon the President to estimate the scope of his commitment or enlargement and to estimate its financial cost within 72 hours after the action was taken. The substitute would remove these features from the time limitation but, on the other hand, would call upon the President to set forth the circumstances necessary for his action and his constitutional and legislative authority immediately upon taking the action.

The substitute also recognizes the President's duty that this law be faithfully executed, and his duty not to trench upon congressional authority under the 11th clause of article I, section 8, of the Constitution is deemed a matter of the highest public trust. A violation of such trust could well constitute a misdemeanor of the highest magnitude.

The provisions of the amendment in the form of a substitute follow:

> Amend H.J. Res. 542 by striking all of Section 2, beginning on page 1, line 6, and all thereafter and substituting in lieu thereof the following:
>
> "Sec. 2. The President shall not commit United States Armed Forces to situations in which hostilities are inherent or imminent, or substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation, unless
>
> (1) there has been a declaration of war by Congress, or
>
> (2) there has been action by Congress specifically authorizing such commitment or enlargement of forces, or
>
> (3) in the event that the act of the President is within such constitutional authority as he may possess without any authorizing or declaratory action by Congress, he shall, contemporaneously with such act, inform the Speaker of the House of Representatives and the President Pro Tempore of the Senate the circumstances necessitating his action and the constitutional and legislative provisions under the authority of which he took such action.
>
> "Sec. 3. Within 72 hours after the action referred to in section 2, the President shall submit to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate a report in writing setting forth—
>
> (1) the circumstances necessitating his action;
>
> (2) the constitutional and legislative provisions under the authority of which he took such action; and
>
> (3) such other information as the President may deem useful to the Congress respecting such action.
>
> (b) The President shall promptly respond, in person, through the personal appearance and testimony of the Secretary of State, or in writing, to the request of either House or the Committees of either House respecting
>
> (1) the estimated scope of activities embraced within such commitment or such enlargement of forces;
>
> (2) the estimated financial cost of such commitment or such enlargement of forces; and
>
> (3) such other information as the appropriate agencies of Congress may deem useful in the fulfillment of their respective constitutional responsibilities.
>
> Nothing in this subsection shall lessen the authority of Congress, or of either House, or of the committees of either House to call such witnesses and conduct such hearings and inquiries as they might do were this subsection not in effect
>
> "Sec. 4. Nothing in this Act—
>
> (1) Shall be construed to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties;
>
> (2) Shall be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party; or
>
> (3) Shall be construed as granting any authority to the President with respect to the commitment of United States Armed Forces to hostilities or to the territory, airspace, or waters of a foreign nation which he would not have had in the absence of this Act.
>
> (4) shall be construed as recognizing the existence of any inherent power of the Presidency to take any act referred to in section 2(3) which is immune from a contrary direction by Congress.
>
> "Sec. 5. (a) Congress declares that care that this law be faithfully executed and that no Executive action circumvent Congress powers under the eleventh clause of article I, section 8 of the Constitution is deemed a matter of highest public trust.
>
> (b) It is the sense of Congress that the President does not inherently possess, in the absence of prior congressional declaration of war or other specific authorization, any power whatever to commit forces or to conduct hostilities, other than the power to take such action as may be required by strict necessity, under circumstances making impossible a congressional determination of the requisite timeliness.

VIENNA NEGOTIATIONS ON MBFR

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. GERALD R. FORD. Mr. Speaker, several of my colleagues led by the gentleman from New Jersey (Mr. Patten) today are discussing the Vienna negotiations on MBFR.

We are heartened by the fact that the Soviet Union and its allies have accepted the general framework for such talks, and we are pushing ahead toward a mutual balanced reduction of the forces of the Warsaw Pact and NATO in Europe. Agreement will not only strengthen detente and peace and security in Europe but also reduce the arms burden on members of both alliances. It will allow us to reduce the number of our troops in Europe without interfering with NATO strategy and strength.

We are aware of the obstacles still in the way, among them the question of what a balanced withdrawal means and also the dispute involving participation in the conference and the area to be included. NATO strenuously objected to the Soviet proposal to exclude Hungary and her territory from the MBFR zone. Finally, a compromise was reached not to treat Hungary as a direct participant but as a special participant in the preliminary talks. This compromise was made without prejudice to the status of Hungary at the future main conference or in any MBFR agreements. The West also retained the right to raise the issue at the fall conference.

In my opinion, we should continue along the lines set forth in the compromise and seek to have Hungary admitted to the main conference as a full participant.

FOREIGN INVESTORS LIMITATION ACT

(Mr. DENT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DENT. Mr. Speaker, I rise today to introduce the Foreign Investors Limitation Act, on behalf of myself and Mr. GAYDOS of Pennsylvania; a copy of which will follow my remarks. The purpose of this legislation is to recognize the immediate need for a measure that will address itself to the problem of growing attempts by foreign nationals and corporations to own and control American corporations and American jobs.

Recent monetary developments have created a new climate for substantial investment by foreign investors and it strikes me that excessive investment by foreign nationals or corporations is not in the best interest of this country, and is, in fact, detrimental to its economic well-being. Dollar devaluations of 8.58 percent in December 1971 and 10 percent in February 1973 have given foreign currencies more buying power in the United States. A direct result of those devaluations has been a recent wave of takeover bids by foreign nationals. The June 22, 1973, edition of the Wall Street Journal litanized recent attempts:

> A $195-million bid by an American subsidiary of British-American Tobacco Co. for all 8.5 million shares of Gimbel Brothers Inc., the department-store chain. The British swooped in with a $23-a-share offer that halted a tender offer by Lowes Corp. for 20% of Gimbel's shares at $16 each.
>
> An Agreement announced yesterday by Uris Buildings Corp. and British Land Co., a London-based property and development concern whereby British Land will offer to buy all eight million shares of Uris for $14.50 a share. The pact resolved snags that had developed over certain conditions after British Land first proposed on April 23 to seek a tender offer at $17.50 a share.
>
> An apparently successful bid by Slater-Walker of America Ltd., the merchant-banking arm in the U.S. London's Slater, Walker Securities Ltd., for control of Franklin Stores Corp., a discount-and-apparel-store chain, for nearly $22 million.
>
> A $105-million cash acquisition by Nestle Alimentana S.A., the Swiss-based multinational food-products concern, of the Stouffer Corp. division of Litton Industries.
>
> A sharply contested tender offer by Liquifin AG, a unit of Liquigas S.p.A., the Italian industrial and petrochemicals giant, for 2.2 million shares, or 52%, of Ronson Corp. at $9.50 a share.
>
> The list could also include Zapata Corp.'s court battle to stave off a Norwegian shipowner's tender offer. Or an agreement in principle on the sale of First Western Bank & Trust Co. of Los Angeles, California's eighth largest bank, to Lloyds Bank Ltd. of London. Or the $21.8 million agreement whereby United Dominions Trust Ltd., Britian's biggest financial house, acquired 90% of Commercial Trading Corp., a privately owned, New York-based commercial financing firm.

The Foreign Investors Limitation Act restricts persons who are not citizens of the United States, foreign nationals, and foreign corporations from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any business in the United States. The act additionally requires the registration of non-U.S. citizens before they can acquire any securities in the businesses of this country.

The bill is not devised to stop foreign investment—35 percent of any corporation is a good investment. It is designed instead to encourage diversification of foreign investment, as well as to more specifically prevent control of American businesses by foreign investors.

It is no less than imperative that we in this body responsibly deal with this very potentially grave problem before it is beyond our control. We must regulate foreign investment in this country so that it works to this Nation's very best advantage and not, as is possible, to our industrial demise.

H.R. —

A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any issuer whose securities are registered under such Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Investors Limitation Act".

SEC. 2. The Congress declares that inasmuch as recent international monetary changes have created a new climate for substantial investment by foreign investors in business activity in the United States and inasmuch as excessive foreign investment in American businesses may present dangers to the domestic control of our own industry, it is the purpose of this Act to protect American corporations and workers from foreign control and encourage the diversification of foreign investment in domestic industry by placing certain limitations on such investment as shall be prescribed by this Act.

SEC. 3. The Securities Exchange Act of 1934 is amended by adding after section 12 of such Act the following new section:

"LIMITATIONS ON ACQUISITION OF SECURITIES BY FOREIGNERS

"SEC. 12A. (a) The Commission shall prohibit, by rule, any person—

"(1) who is not a citizen of the United States; or

"(2) who is owned or controlled by a person who is not a citizen of the United States;

from acquiring, directly or indirectly, more than 5 per centum of the voting securities, or more than 35 per centum of the nonvoting securities, of any issuer whose securities are registered under section 12 of this Act.

"(b) The Commission shall enforce subsection (a) of this section by appropriate rules, prescribed within ninety days of the date of enactment of this section.

"(c) Any person who is not a citizen of the United States, or who is owned or controlled by a person who is not a citizen of the United States, which owns more than the percentages specified in subsection (a) of this section, as of the date of enactment of this section, of such voting or nonvoting securities of any issuer whose securities are registered under section 12 of this Act, may not acquire any more of such securities.

"(d) The Commission shall provide, by rule, for the registration with the Commission of any person who is not a citizen of the United States or is owned or controlled by a person who is not a citizen of the United States before such person acquires any securities of any issuer registered under section 12 of this Act."

SEC. 4. The amendments made by this Act shall take effect immediately, except that section 12A(a) of the Securities Exchange Act of 1934 (as amended by this Act) shall take effect on the earlier of (1) the expiration of the ninety-day period which begins on the date of enactment of this Act or (2) the date on which rules prescribed under section 12A(b) of such Act become effective.

NATIONAL BLOOD BANKING PROGRAM

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, I am proud to join my friend the distinguished gentleman from California (Mr. VEYSEY) as a cosponsor of his bill to set up a national blood banking program within the Department of Health, Education, and Welfare.

Mr. Speaker, the problem of serum hepatitis is a most serious national problem and I am very much alarmed that 7,500 Americans have died as a result of being infected with diseased blood during the 18-month period just ended. This is a shocking situation which ought not to be allowed to exist. There is no justification for permitting this condition to continue.

Mr. Speaker, this bill has five main goals. They are as follows:

First. To eliminate the buying and selling of blood for profit by establishing an all volunteer blood collection system on a nationwide basis;

Second. To establish a national registry of blood donors to provide a convenient supply of blood in all parts of the United States;

Third. To require that all blood be labeled to indicate whether it was provided by voluntary donors or paid donors;

Fourth. To effect a uniform and well-informed system of blood bank inspection and regulation nationwide;

Fifth. To establish an advisory council to maintain long-term policy, goals and innovations to assure a lasting, volunteer, disease-free blood system;

Mr. Speaker, I know our good friend the very able gentleman from Florida (Mr. ROGERS) who serves with great distinction as chairman of the Subcommittee on Public Health and Environment of the House Interstate and Commerce Committee has a great sense of concern about ending this terrible situation. I know he will give this bill which I have cosponsored prompt attention.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Young of South Carolina (at the request of Mr. Gerald R. Ford) for today on account of official business.

Mr. Price of Texas (at the request of Mr. Gerald R. Ford) for today on account of official business.

Mr. Camp (at the request of Mr. Gerald R. Ford) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Veysey) to revise and extend their remarks and include extraneous material:)

Mr. Kemp for 15 minutes, today.

Mr. Williams, for 15 minutes, today.

(The following Members (at the request of Mr. Studds) to revise and extend their remarks and include extraneous material:)

Mr. Stark, for 5 minutes, today.

Mr. Addabbo, for 10 minutes, today.

Ms Abzug, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Fraser, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Harrington, for 5 minutes, today.

Mr. Alexander, for 15 minutes, today.

Mr. Koch, for 5 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

Mr. Eckhardt, for 10 minutes, today.

Mr. Rostenkowski, for 15 minutes, June 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Lehman and to include extraneous material during debate on H.R. 8877.

Mr. Perkins and to include extraneous matter.

Mr. Stokes and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $382.50.

(The following Members (at the request of Mr. Veysey) and to include extraneous mater:)

Mr. Robinson of Virginia.

Mr. Wyman in two instances.

Mr. Nelsen.

Mr. McCloskey.

Mr. Keating in two instances.

Mr. Conte.

Mr. Whalen.

Mr. Kemp in two instances.

Mr. Schneebeli.

Mr. Veysey in five instances.

Mr. Young of Florida.

Mr. Steele.

Mr. Buchanan.

Mr. Minshall of Ohio.

(The following Members (at the request of Mr. Studds) and to include extraneous matter:)

Mrs. Griffiths.

Mr. O'Neill.

Mr. Hanley.

Mr. Harrington in two instances.

Mr. Evins of Tennessee in three instances.

Mr. Nix.

Mr. Karth in two instances.

Ms. Abzug in five instances.

Mr. Dingell in four instances.

Mr. Annunzio in six instances.

Mr. Corman.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Stokes.

Mr. Stephens.

Mr. Roy.

Mr. Gaydos in two instances.

Mr. Roush in five instances.

Mr. Riegle.

Mr. Hawkins.

Mrs. Schroeder.

Mr. Koch in two instances.

Mr. St Germain in two instances.

Mr. William D. Ford in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 37. An act to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the office of Director and Deputy Director of the Office of Management and Budget, and for other purposes; to the committee on Government Operations.

S. 896. An act to amend the Education of the Handicapped Act, and for other purposes; to the Committee on Education and Labor.

S. 2045. An act to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate; to the Committee on Government Operations.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7447. An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1994. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 7447. An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock midnight) the House adjourned until tomorrow, Wednesday, June 27, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1074. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 8376 of title 10, United States Code, to authorize promotion of a Reserve commissioned officer to a Reserve grade equivalent to the highest grade satisfactorily held while on Active duty upon transfer from Active duty to a Reserve status; to the Committee on Armed Services.

Received From the Comptroller General

1075. A letter from the Comptroller General of the United States, transmitting a report of industrial management reviews of defense contractors' operations; Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Select Committee on Crime. Report on reform of our correctional systems; (Rept. No. 93–329). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 466. Resolution providing for the consideration of H.R. 2096. A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes (Rept. No. 93–330). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 467. Resolution providing for the consideration of H.R. 8538. A bill to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes (Rept. No. 93–331.) Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 468. Resolution providing for the consideration of H.R. 8548. A bill to amend the International Economic Policy Act of 1972 to change the membership of the Council of International Economic Policy, and for other purposes (Rept. No. 93–332). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 469. Resolution waiving points of order against the bill H.R. 8916. A bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93–333). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 470. Resolution waiving points of order against the bill H.R. 8917. A bill making appropriations for the

Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93–334). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 471. Resolution waiving points of order against the bill H.R. 8947. A bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93–335). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 8971. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 8972. A bill to repeal section 3306 of title 5, United States Code, to eliminate the requirement of apportionment of appointments in the departmental service in the District of Columbia; to the Committee on Post Office and Civil Service.

By Mr. CRONIN:

H.R. 8973. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for young people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 8974. A bill to amend the Commodity Exchange Act, as amended; to the Committee on Agriculture.

By Mr. FRASER:

H.R. 8975. A bill to amend the Interstate Commerce Act to provide that no pipeline company engaged in the transportation of oil may transport oil through its pipelines if that company has an interest in such oil; to the Committee on Interstate and Foreign Commerce.

By Mr. GIAIMO:

H.R. 8976. A bill to exempt certain property from taxation in the District of Columbia; to the Committee on District of Columbia.

By Mr. GIBBONS (for himself, Mr. Haley, Mr. Sikes, Mr. Young of Florida, Mr. Bennett, Mr. Bafalis, Mr. Burke of Florida, Mr. Chappell, Mr. Fascell, Mr. Fuqua, Mr. Gunter, Mr. Lehman, Mr. Pepper, Mr. Rogers, and Mr. Frey):

H.R. 8977. A bill to establish in the State of Florida the Egmont Key National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON:

H.R. 8978. A bill to amend the act to incorporate Little League Baseball to provide that the league shall be open to girls as well as to boys; to the Committee on the Judiciary.

By Mr. HOSMER (for himself and Mr. Keating):

H.R. 8979. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Oklahoma:

H.R. 8980. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 8981. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 8982. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 8983. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. VEYSEY (for himself, Mr. Addabbo, Mr. Bingham, Mr. Brasco, Mr. Broyhill of North Carolina, Mr. Cleveland, Mr. Dominick V. Daniels, Mr. Davis of Georgia, Mr. Derwinski, Mr. Eilberg, Mr. Esch, Mr. Eshleman, Mr. Gerald R. Ford, Mr. Fraser, Mr. Gubser, Mr. Gude, Mr. Helstoski, Mr. Harrington, Mr. Hinshaw, Mr. Horton, Mr. Keating, Mr. Kemp, Mr. Ketchum, Mr. King, and Mr. Koch):

H.R. 8984. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Ms. Abzug, Mr. Blackburn, Mr. Brotzman, Mr. Burgener, Mr. Coughlin, Mr. Gilman, Mrs. Grasso, Mr. Hanna, Mr. Minshall of Ohio, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Quie, Mr. Rees, Mr. Rinaldo, Mr. Rosenthal, Mr. Whitehurst, Mr. Yatron, and Mr. Murphy of Illinois):

H.R. 8985. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Mr. Baker, Mrs. Green of Oregon, Mr. Frenzel, Mr. Harsha, Mr. Hosmer, Mr. Lent, Mr. McDade, Mr. McFall, Mr. Mazzoli, Mr. O'Hara, Mr. Pettis, Mr. Rodino, Mr. Roe, Mr. Seiberling, Mr. Steele, Mr. Tiernan, Mr. Ware, Mr. Bob Wilson, Mr. Charles H. Wilson of California, Mr. Winn, Mr. Wright, Mr. Yates, Mr. Won Pat, and Mr. Cohen)

H.R. 8986. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST (for himself, Mrs. Boggs, Mr. Davis of Georgia, Mr. Gude, Mr. Johnson of Pennsylvania, Mr. McDade, Mr. Pepper, and Mr. Sarbanes):

H.R. 8987. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on House Administration.

By Mr. ZWACH:

H.R. 8988. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 8989. A bill to provide for the promotion and supervision of interscholastic and other organized amateur athletic competition and of the participation of American athletes in international amateur athletic competition; to the Committee on Education and Labor.

By Mr. FROEHLICH:

H.R. 8990. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. GIAIMO:

H.R. 8991. A bill to exempt from taxation certain property in the District of Columbia owned by the Washington Theater Club, Inc., and for other purposes; to the Committee on the District of Columbia.

By Mr. KEMP:

H.R. 8992. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. RIEGLE:

H.R. 8993. A bill to regulate interstate commerce by providing for uniform and full disclosure of certain information with respect to the sale of dwellings for occupancy by not more than four families in order to promote sound and effective price competition and to prohibit unfair and deceptive sales and other anticompetitive practices, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROYHILL of Virginia (for himself and Mr. McCollister):

H.J. Res. 639. Joint resolution authorizing the President to proclaim the last complete calendar week in April of each year as "National Secretaries' Week" and to proclaim Wednesday of such week as "National Secretaries' Day"; to the Committee on the Judiciary.

By Mr. CRONIN:

H.J. Res. 640. Joint resolution proposing an amendment to the Constitution of the United States to authorize Congress, by three-fourths vote of both Houses, to override decisions of the Supreme Court; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.J. Res. 641. Joint resolution proposing an amendment to the Constitution permitting the States to regulate nondenominational prayer in their public buildings; to the Committee on the Judiciary.

By Mr. GUBSER (for himself, Mr. Aspin, and Mr. Collins of Texas):

H.J. Res. 642. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on the Judiciary.

By Mr. CRONIN:

H. Con. Res. 259. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. HALEY:

H. Con. Res. 260. Concurrent resolution to encourage national consumer effort to save gas and arrive alive; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 8994. A bill for the relief of Knickerbocker Hospital, New York City; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 8995. A bill to authorize the Carnegie

Endowment for International Peace to use certain real estate in the District of Columbia as the Endowment's Washington offices; to the Committee on the District of Columbia.

By Mr. JONES of Alabama:

H.R. 8996. A bill for the relief of the estate of Clarence Schrimsher; to the Committee on the Judiciary.

By Mr. ROY:

H.R. 8997. A bill for the relief of Rev. Ernest E. Thompson; to the Committee on the Judiciary.

SENATE—*Tuesday, June 26, 1973*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. RUSSELL B. LONG, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, we thank Thee for the gift of this good land, and for the hosts of good people who walk not in the ways of the evil but in paths of righteousness and truth. Hasten the day when all men live according to Thy precepts, when none shall prey on others, where vice and poverty shall cease to fester, where success is founded on service, where honor is given to worth alone, where order need no longer rest on force but on the love of all for their land. Confirm and strengthen those who live by Thy word. Redeem those who sin against Thee and their fellow man. Make us a nation cleansed and renewed for Thy service. And here offer to Thee our time and strength and thought to advance the coming of Thy kingdom of peace and goodwill.

Through Jesus Christ, our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 26, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. RUSSELL B. LONG, a Senator from the State of Louisiana, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. LONG thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 25, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. LONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1994) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ORDER OF BUSINESS

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

THE F-14: TIME FOR A THOROUGH REASSESSMENT

Mr. PROXMIRE. Mr. President, for a number of years I have been following the F-14 program, and I have become highly skeptical that the F-14 will provide any significant return on the dollar.

Again this year I would like to discuss the F-14 with regard to certain specific points for only by a full understanding of the ancillary arguments can the F-14 be properly evaluated.

I offer the following remarks in the hope that these issues will be extensively examined by the relevant committees of the Senate.

There are four issues that cast doubt on the wisdom of proceeding with the F-14. The first of these is the question of mission.

MISSION: HIGH-THREAT CARRIER PROTECTION

The F-14 with its weapon system, the Phoenix standoff missile, is a sophisticated fleet air defense system. About that there is no argument. In terms of complexity, there is no comparison with any other fighter in the world. The F-14 and Phoenix have been designed to provide protection against a coordinated, advanced attack from standoff ranges both in the air and off the surface. Leaving aside for a moment the question of actual capability, it is clear that the F-14 is intended to face the most determined threat on the seas. If it were not, it simply would not require the complex fire-control system and multishot capability of the Phoenix. For years now the F-14 has been described to Congress as the only aircraft capable of defending against a sophisticated attack.

Now this raises an often overlooked but critical point. If the F-14 is designed for this advanced threat, under what conditions would this capability be utilized?

Certainly it would not be necessary around South America or Africa. Much of the Pacific likewise is free from the threat of attack by a technologically advanced power. The same goes for off the China coast and for Southeast Asia. The Indian Ocean contains no threat of this nature.

In fact, the F-14 with its highly complex defensive system is intended only for use against a massive Soviet attack on our carriers. This is likely to materialize only in two specific regions: In the eastern Mediterranean and in the Baltic area. The F-14 then is a highly specialized weapon system whose capabilities, on paper at least, are tailored for operation in limited circumstances.

I would inquire of the Pentagon just how the F-14 could be used cost-effectively in the developing world. Is the F-14 the best plane for carrier defense against the low-threat areas of Africa or South America. Is it necessary there? If not, just where is it expected to be employed with maximum effectiveness? How plausible are those assumptions? Is carrier defense in a high-threat area possible under any conditions?

It is quite likely that the entire fleet need not be equipped with F-14's. Since we already have 134 planes on order, it will be possible to deploy this number on the few carriers we operate in high-threat zones.

Surely we do not need a $19.2 million plane to influence the developing nations or show the flag or create an American presence. We would only need it to fight the Soviet Union at sea and that contingency is not very plausible in itself.

Too often the F-14 program is justified without suitable reference to the primary mission of carrier defense and analysis of the overall carrier vulnerability problem.

The U.S. carrier fleet is faced with a military dilemma. In time of crisis and impending military action, the carriers are to utilize their mobility and take up positions close to the potential battle zone. In other words, they would move into the high-threat areas. And yet it is precisely in these high-threat areas that the carriers are most vulnerable. The eastern Mediterranean, for example, would be a graveyard for U.S. carriers. And so would portions of the Baltic where Soviet submarines operate in great numbers. The combination of air-to-surface missiles, submarine launched tactical missiles, surface-to-surface missiles, torpedoes, and land-based aircraft in high-threat areas is enough to force U.S. carriers to retire. Thus we have a strange circumstance. U.S. carriers will be less effective in the high-threat areas due to forced retirement or sinkage. Their mission would be severely curtailed and with that comes the conclusion that carriers will not be able to operate in the waters demanded by their mission.

The F-14 will do little to alleviate this situation. It basically is a question of numbers. Even with the multishot Phoenix capability, and I think that has been greatly exaggerated, the Soviets will be able to attack with far more aircraft, missiles, and submarines than a full complement of F-14's with a high success rate could defend against.

Carriers have their place and can perform valuable operations. But operating in high-threat areas is not one of them and this casts doubt on the sophisticated F-14 program. Against a heavy threat, the F-14's would exact a larger price but fail in the basic mission—successfully defending the carrier.

SKYROCKETING COSTS

Behind this backdrop of carrier vulnerability the costs of the F-14 program stand out starkly. The original planning and development estimate for the F-14 was for 469 planes at $13.1 million each—program unit costs—for a total of $6.16 billion. Several months later in September of 1969 this was changed to 293 aircraft at $16.6 million. December brought a new total of 722 planes at $11.4 million.

In 1970 the total went from 722 to 437 and back to 722. The 1971 figure fluctuated from 437 to 313.

At the present time, the Navy wants at least 313 including apparently 68 for the Marine Corps. This kind of up-down, back-and-forth planning is absurd.

By any standards the F-14 will be the most expensive fighter in the world and by a wide margin. It already has cost $3.46 billion for a paltry 134 aircraft or a program unit cost of $25.8 million each. Contrast this with the $1 million plus price tag of the Soviet MIG-21.

An additional $2.6 billion will be required to fund the 179 planes needed to fill out to 313. This will bring the F-14 program to over $6 billion or about the same as the original planning estimate in 1969 but for 156 fewer planes.

The unit cost would be a staggering $19.2 million compared to the original $13.1 million. This means that the U.S.S.R. or People's Republic of China would be able to field 10 Mig-21's at the inflated price of $2 million each for every F-14 we produce. And the F-14 has not been made that can handle 10 Mig-21's by itself even with its heralded six-shot Phoenix capability of 100 percent reliability.

DECLINING FORCE LEVELS

Mr. President, to put it simply, declining force levels are more of a threat to the United States than many potential adversaries. We are buying fewer weapons and paying more for them. And in many cases they simply do not work. It has hapened with the MBT-70 tank. It has happened with ground vehicles like the gamma goat. The expensive aircraft carrier program has forced reduction in other Navy vessels. And it is happening with tactical aircraft.

At the current rate of force level decline, it will not be long before the U.S. Navy will not have as many on-line fighters as North Korea or other potential minor adversaries.

That is, we will have fewer on-line fighters than little North Korea. That country, for example, has about 389 Mig-15's and 17's, 108 Mig-21's, a handful of Mig-19's, and 28 SU-7's, not to mention 70 IL-28 light bombers. The 14 U.S. attack carriers carry two fighter squadrons each with 12 unit equipped aircraft per squadron.

At present, these fighters mainly are F-4's which can also double as attack aircraft, a capability that is noticeably lacking in the F-14. Therefore, every addition of F-14's as a replacement to existing F-4's also will have the effect of taking away some offensive firepower from the carrier force. In other words, we are getting less offensive firepower, less combat effectiveness, than we had before—not more—and for a greater cost.

The main point, however, has been aptly put by a veteran Navy pilot. We are well along the road, he stated, to buying just one aircraft and letting everyone take turns flying it.

When costs go up, force levels are pushed down and one for one replacement is not possible. This is the real threat posed by the F-14. Evidence about declining force levels comes from Vice Admiral Houser, the Deputy Chief of Naval Operations—Air Warfare.

Admiral Houser has made it clear that the Navy's aircraft procurement program is below that necessary to maintain force levels and has resulted in program stagnation and rapid obsolescing of aircraft in the inventory. We are buying less than half as many Navy aircraft this year as in 1969. The active inventory is going down dramatically. The F-14 program accelerates this disarmament. Every F-14 purchased at $19.2 million drives down the force level.

PHOENIX: A NIFTY CHANGE IN JUSTIFICATION

The F-14 has been sold to Congress on the basis of the Phoenix missile system. In March, testifying before the Tactical Airpower Subcommittee of the Senate Armed Services Committee, Admiral Zumwalt emphasized just how important Phoenix is to the F-14. He said:

> The F-14's importance rests primarily on its ability to track and fire on multiple targets simultaneously at long ranges.

He added:

> Two primary fighter requirements have repeatedly emerged (from studies); the requirement for large radar search volume and a long range track-while-scan multiple shoot-while scan capability.
>
> These requirements must be achieved if the Navy is to survive and operate forces in the face of enemy air and missile concentrations.

Thus, the F-14 is inextricably bound to the Phoenix system, according to expert testimony. Previous congressional hearings confirm this fact. And yet the Navy now is willing to drop the Phoenix capability on future purchases of F-14's or F-15 variants competing in the fly-off. Suddently the primary positive characteristic of the F-14 will turn out to be its dogfight capability. Such is the flexibility of justifications presented to Congress.

Many other questions remain about the Phoenix missile program, including testing in an operational environment, time between launches, attack envelopes, pilot practice, maneuvering capability, and missiles allocated per plane. I will address these points at a later date. It is enough for now to say that contractor optimism and Navy press releases should be taken with a healthy degree of skepticism given the history of other complex electronic programs and the tendency to set up favorable tests.

CONCLUSIONS

Given the current status of the F-14 program and the ever-changing Navy figures, I can only conclude that this has turned into the most mismanaged application of defense dollars since its ill-fated predecessor, the TFX. Not since the F-111B—TFX—disaster has the Navy so fouled up a major aircraft procurement program. Costs have soared, force levels have plummeted, and the Navy has engaged in a prolonged game of indecision.

The situation becomes even more critical when the forced Marine Corps F-14 purchase is considered. Let me say what many in the Marine Corps are thinking privately: The F-14 will cost Marine lives during a landing. It cannot perform the close support and interdiction function as well as the F-4J's it replaces.

It is essential that some order be brought out of the F-14 mess. The Navy will not do it. The Pentagon will not do it. Congress must do it.

The F-14 should be discontinued both for cost and force level reasons. Continued purchase of the F-14 is an exercise in unilateral disarmament. It will create lower force levels, perhaps to a dangerous degree.

I propose three corrective actions:

First, no further F-14's should be purchased. The existing 134 on order could be distributed, one squadron each on six carriers or two squadrons each on three carriers in high-threat zones. The cutoff of F-14 purchases would save at least $2.6 billion under present planning.

Second, the Navy should substitute a lightweight fighter for the existing F-4's at an appropriate time in the 1980's when that becomes necessary. Purchase of a $3 million lightweight fighter at a quantity of 500 would permit a savings of about $3.5 billion over a comparable buy of stripped-down $10 million F–14's or F–15's. This plane could be a modified YF–16, YF–17, or pure Navy version. Recent studies indicate that a lightweight fighter would have more capability in terms of range and payload capacity than thought in previous years.

Third, in the interim years before a new lightweight fighter comes on line, I recommend continued purchase of the excellent F–4J to upgrade the Navy and Marine Corps inventory.

The combined effect of my recommendations would be to provide a "hi-lo" tactical mix of great versatility at a price at least $6 billion below what the Navy wants to spend, not including continued F–4J acquisitions.

As for the proposed flyoff in 2 years between the F–15N and F–14D, this is nothing more than a fraud, and an expensive one at that. Decisions will be postponed. The ultimate size of the purchase will be put off and our tactical air requirements will again be delayed while more years slip by. What we need is a firm decision to limit the number of F–14's and aggressively pursue a replacement fighter we can afford and in numbers that are adequate.

To do less is to endanger our future force levels and leave the aircraft carriers vulnerable even in low threat areas.

I am sending a letter to Deputy Secretary of Defense William Clements requesting a detailed reply to my suggestions and asking for data about present Navy plans for a 25,000-pound lightweight fighter not yet presented to Congress. In addition, I am requesting a complete breakdown of the factors that impinge on the use of the Air Force lightweight fighters, the YF–16 and YF–17, as carrier capable aircraft including cost and mission characteristics and an assessment of the technology life of the F–4J.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair is prepared to recognize the Senator from Illinois (Mr. PERCY) for not to exceed 15 minutes. The Senator is not in the Chamber at this time. Therefore, the Chair recognizes the Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. ROBERT C. BYRD. I thank the Chair.

I ask unanimous consent that my recognition be without prejudice to the distinguished Senator from Illinois (Mr. PERCY).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INFLATION, THE ECONOMY, AND FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, this past weekend the headlines were dominated by the summit meeting between President Nixon and Mr. Brezhnev. Much was made of the conviviality of the Soviet leader and the efforts he made to project a pleasing image to the American people. I am glad, of course, for any progress that can be made in improving relations between this country and the Soviet Union. But in truth, despite the cosmetics, little new ground was plowed in dealing with the really substantive differences that exist in United States-Soviet dealings.

The American people are, of course, interested in and concerned about the world relationships of their country—just as they are concerned about the Watergate disclosures—but I am convinced that at this point, and indeed the polls have shown, that what they are most concerned about is inflation and the high cost of living, especially the continuing high cost of food. Nothing better indicates the apparent impasse we have reached in the administration's attempts to deal with this situation, I believe, than the destruction of thousands upon thousands of baby chickens in recent days because producers say it has become unprofitable to raise them for market. Even though the Brezhnev-Nixon meetings during the weekend captured the headlines and the TV tubes, the most important news as far as the American consumer and the American housewife are concerned was the destruction of hundreds of thousands of baby chickens.

The economic unsoundness of such regrettable waste sharply points up the need for haste on the part of the administration in putting into effect its phase IV economic controls. I have said before, and I repeat, that a disastrous mistake was made in lifting the phase II controls last winter. The country has now been made to wait much too long for action, and I cannot urge too strongly that phase IV be put into effect as soon as it is possible to do so.

Housewives and wage earners, and indeed the American people in general, are becoming impatient and upset at the failure to effectively control inflation. There is no doubt that it is our No. 1 problem. When we witness such developments as the destruction of high-protein food which poultry provides, the problem is brought into even sharper public focus. It is little short of ludicrous that we have allowed a situation to be created in our country in which food producers—with demand at its peak—are finding it unprofitable to produce food. We simply cannot afford to allow a policy of scarcity to take the place of a policy for controlling inflation.

Unless action to implement phase IV is taken promptly, American housewives may find not only high prices and shortages, but also that some important foods have disappeared from stores. Producers of farm products simply cannot be expected to go into the hole feeding and raising poultry, livestock, and other foods if they cannot recover their costs and make a reasonable profit. Store managers cannot be expected to stock foods for which they may have to pay more than the foods can be sold for.

I, therefore, urge again that the administration move ahead with all swiftness to implement a sound and workable phase IV control program, because in the midst of potential plenty, it is unthinkable that our great Nation should have scarcities of food.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. PROXMIRE). Under the previous order, the Senator from Illinois (Mr. PERCY) is recognized for not to exceed 15 minutes.

THE SUMMIT

Mr. PERCY. Mr. President, I think it is appropriate to congratulate President Nixon on the success of the summit meeting just concluded. The President is to be congratulated not only for the agreements reached and the declarations made, but also for his leadership in directing the negotiations of several years duration which made these agreements and declarations possible.

In the exquisite preparations for the President's visits to Peking and Moscow, we became aware of the care and attention to detail which the President, his National Security Adviser, and his Secretary of State devote to meetings of this sort. This summit was similarly prepared, and I am sure that its success was due in large part to the preparation.

The statements of President Nixon and General Secretary Brezhnev were noteworthy for their clarity and their tone of mutual understanding. There was an absence of ambiguity and what has come to be known as "diplomatic double talk." There was an obvious desire by both men to increase mutual trust by speaking positively and acting cooperatively. Moreover, they gave the impression of men who understood and admired each other; while this might not be very important in a substantive way, there are significant advantages when the leaders of the world's two greatest military powers find it possible to get along well—to respect each other—and to take steps toward insuring the peace.

In candor it would be a mistake to attribute to the agreements more substance than they actually possessed. For instance, only personal expressions of commitment to troop reductions in Central Europe and to further nuclear arms limitations were made. On these transcendent issues, we had only agreements to agree at a later date.

Likewise the many agreements in the areas of business, science, and culture broke no new ground. They were logical extensions of what had come before.

The declaration on avoidance of nuclear war and the establishment of more lasting peace was good to hear. But there was no structure created to achieve these goals, only an agreement to consult in dangerous times. It is to be hoped, however, that this declaration will help speed accord on SALT II.

Nevertheless, the summit was a success in its own terms. Forward steps were taken, the process of Soviet-American cooperation was stimulated, and the atmosphere was constructively agreeable.

Perhaps most important, the basis was laid for periodic meetings of the two leaders. As their relationship deepens, and if the mutual trust is consolidated, they can move ahead to the dramatic breakthroughs of cooperation that some in this country had perhaps prematurely expected of this summit. Annual meetings at the summit will provide incentive to expedite the work of the negotiating meetings in between.

Monumental differences between the two systems still exist, no matter how personable and agreeable our leaders may appear together. The Soviet Union continues to be a closed society where the press and publishing are rigidly controlled, where travel is restricted, where emigration is limited, where religious practice is circumscribed, and where foreign broadcasts are jammed. The United States is an open society where individual liberty is cherished, where individual choice is honored, and where private newspapers can challenge the performance and veracity of Presidents. Thus, there is still a tremendous chasm between the two systems.

I am hopeful that future meetings between the leaders of the two nations, building on what has already been accomplished, will give impetus to the opening up of Soviet society. When General Secretary Brezhnev and his associates perceive that they have nothing to fear from contact with the West, they should broaden such contact by tearing down the cobweb of restrictions which enshrouds the Soviet people and negates the people's right to a free flow of information. The TV and radio address last year of President Nixon directly to the people of the Soviet Union and the equally remarkable address of General Secretary Brezhnev to the American people this past Sunday evening are examples of the mutual benefits to be gained by such a free flow of information.

I hope, too, that General Secretary Brezhnev learned from the long luncheon meeting he had with the Committee on Foreign Relations that the American people and their elected representatives are deeply concerned about aspects of human rights of which the Soviet people are now deprived. The point was made in connection with the courageous efforts of Soviet Jews to emigrate to Israel, but he should know that we are also concerned about the rights of the Baltic peoples, of the Ukrainian intellectuals, of the evangelical Christians, and of the Baptists.

At the end of the lunch, Mr. Brezhnev proposed a toast to neighborliness, cooperation, détente, and world peace. On other occasions during the past week, President Nixon made similar toasts. So long as we exchange toasts, rather than missiles, the cause of peace is strengthened. Whatever the degree of significance of the agreements and declarations announced last week, this summit has further strengthened the cause of peace and both the President and the General Secretary are to be congratulated.

Mr. President, I ask unanimous consent to have printed in the RECORD the joint United States-U.S.S.R. communique issued yesterday.

There being no objection, the communique was ordered to be printed in the RECORD, as follows:

JOINT UNITED STATES-U.S.S.R. COMMUNIQUE

At the invitation of the President of the United States, Richard Nixon, extended during his official visit to the USSR in May 1972, and in accordance with a subsequent agreement, General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Leonid I. Brezhnev, paid an official visit to the United States from June 18 to June 25. Mr. Brezhnev was accompanied by A. A. Gromyko, Minister of Foreign Affairs of the USSR, Member of the Politbureau of the Central Committee, CPSU; N. S. Patolichev, Minister of Foreign Trade; B. A. Bugayev, Minister of Civil Aviation; G. E. Tsukanov and A. M. Aleksandrov, Assistants to the General Secretary of the Central Committee, CPSU; L. I. Zamyatin, General Director of TASS; E. I. Chazov, Deputy Minister of Public Health of the USSR; G. M. Korniyenko, Member of the Collegium of the Ministry of Foreign Affairs of the USSR; G. A. Arbstov, Director of the USA Institute of the Academy of Sciences of the USSR.

President Nixon and General Secretary Brezhnev held thorough and constructive discussions on the progress achieved in the development of US-Soviet relations and on a number of major international problems of mutual interest.

Also taking part in the conversations held in Washington, Camp David, and San Clemente, were:

On the American side William P. Rogers, Secretary of State; George P. Shultz, Secretary of the Treasury; Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs.

On the Soviet side A. A. Gromyko, Minister of Foreign Affairs of the USSR, Member of the Politbureau of the Central Committee, CPSU; A. F. Dobrynin, Soviet Ambassador to the USA; N. S. Patolichev, Minister of Foreign Trade; B. P. Bugayev, Minister of Civil Aviation; A. M. Aleksandrov and G. E. Tsukanov, Assistants to the General Secretary of the Central Committee, CPSU; G. M. Korniyenko, Member of the Collegium of the Ministry of Foreign Affairs of the USSR.

I. THE GENERAL STATE OF US-SOVIET RELATIONS

Both Sides expressed their mutual satisfaction with the fact that the American-Soviet summit meeting in Moscow in May 1972 and the joint decisions taken there have resulted in a substantial advance in the strengthening of peaceful relations between the USA and the USSR and have created the basis for the further development of broad and mutually beneficial cooperation in the various fields of mutual interest to the peoples of both countries and in the interests of all mankind. They noted their satisfaction with the mutual effort to implement strictly and fully the treaties and agreements concluded between the USA and the USSR, and to expand areas of cooperation.

They agreed that the process of reshaping relations between the USA and the USSR on the basis of peaceful coexistence and equal security as set forth in the Basic Principles of Relations Between the USA and the USSR signed in Moscow on May 29, 1972, is progressing in an encouraging manner. They emphasized the great importance that each Side attaches to these Basic Principles. They reaffirmed their commitment to the continued scrupulous implementation and to the enhancement of the effectiveness of each of the provisions of that document.

Both Sides noted with satisfaction that the outcome of the U.S.-Soviet meeting in Moscow in May 1972 was welcomed by other States and by world opinion as an important contribution to strengthening peace and international security, to curbing the arms race and to developing businesslike cooperation among States with different social systems.

Both Sides viewed the return visit to the USA of the General Secretary of the Central Committee of the CPSU, L. I. Brezhnev, and the talks held during the visit as an expression of their mutual determination to continue the course toward a major improvement in US-Soviet relations.

Both Sides are convinced that the discussions they have just held represent a further milestone in the constructive development of their relations.

Convinced that such a development of American-Soviet relations serves the interests of both of their peoples and all of mankind, it was decided to take further major steps to give these relations maximum stability and to turn the development of friendship and cooperation between their peoples into a permanent factor for worldwide peace.

II. THE PREVENTION OF NUCLEAR WAR AND THE LIMITATION OF STRATEGIC ARMAMENTS

Issues related to the maintenance and strengthening of international peace were a central point of the talks between President Nixon and General Secretary Brezhnev.

Conscious of the exceptional importance for all mankind of taking effective measures to that end, they discussed ways in which both Sides could work toward removing the danger of war, and especially nuclear war, between the U.S.A. and the USSR and between either party and other countries. Consequently, in accordance with the Charter of the United Nations and the Basic Principles of Relations of May 29, 1972, it was decided to conclude an Agreement Between the U.S.A. and the U.S.S.R. on the Prevention of Nuclear War. That Agreement was signed by the President and the General Secretary on June 22, 1973. The text has been published separately.

The President and the General Secretary, in appraising this Agreement, believe that it constitutes a historical landmark in Soviet-American relations and substantially strengthens the foundations of international security as a whole. The United States and the Soviet Union state their readiness to consider additional ways of strengthening peace and removing forever the danger of war, and particularly nuclear war.

In the course of the meetings, intensive discussions were held on questions of strategic arms limitation. In this connection both Sides emphasized the fundamental importance of the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with Respect to the Limitation of Strategic Offensive Arms signed between the U.S.A. and the USSR in May 1972 which, for the first time in history, place actual limits on the most modern and most formidable types of armaments.

Having exchanged views on the progress in the implementation of these agreements, both Sides reaffirmed their intention to carry them out and their readiness to move ahead jointly toward an agreement on the further limitation of strategic arms.

Both Sides noted that progress has been made in the negotiations that resumed in November 1972, and that the prospects for reaching a permanent agreement on more complete measures limiting strategic offensive armaments are favorable.

Both Sides agreed that the progress made in the limitation of strategic armaments is an exceedingly important contribution to the strengthening of U.S.-Soviet relations and to world peace.

On the basis of their discussions, the President and the General Secretary signed on June 21, 1973, Basic Principles of Negotiations on the Further Limitation of Strategic Offensive Arms. The text has been published separately.

The U.S.A. and the USSR attach great importance to joining with all States in the cause of strengthening peace, reducing the burden of armaments, and reaching agreements on arms limitation and disarmament measures.

Considering the important role which an effective international agreement with respect to chemical weapons would play, the two Sides agreed to continue their efforts to conclude such an agreement in cooperation with other countries.

The two Sides agree to make every effort to facilitate the work of the Committee on Disarmament which has been meeting in Geneva. They will actively participate in negotiations aimed at working out new measures to curb and end the arms race. They reaffirm that the ultimate objective is general and complete disarmament, including nuclear disarmament, under strict international control. A world disarmament conference could play a role in this process at an appropriate time.

III. INTERNATIONAL QUESTIONS: THE REDUCTION OF TENSIONS AND STRENGTHENING OF INTERNATIONAL SECURITY

President Nixon and General Secretary Brezhnev reviewed major questions of the current international situation. They gave special attention to the developments which have occurred since the time of the US-Soviet summit meeting in Moscow. It was noted with satisfaction that positive trends are developing in international relations toward the further relaxation of tensions and the strengthening of cooperative relations in the interests of peace. In the opinion of both Sides, the current process of improvement in the international situation creates new and favorable opportunities for reducing tensions, settling outstanding international issues, and creating a permanent structure of peace.

Indochina

The two Sides expressed their deep satisfaction at the conclusion of the Agreement on Ending the War and Restoring Peace in Vietnam, and also at the results of the International Conference on Vietnam which approved and supported that Agreement.

The two Sides are convinced that the conclusion of the Agreement on Ending the War and Restoring Peace in Vietnam, and the subsequent signing of the Agreement on Restoring Peace and Achieving National Concord in Laos, meet the fundamental interests and aspirations of the peoples of Vietnam and Laos and open up a possibility for establishing a lasting peace in Indochina, based on respect for the independence, sovereignty, unity and territorial integrity of the countries of that area. Both Sides emphasized that these agreements must be strictly implemented.

They further stressed the need to bring an early end to the military conflict in Cambodia in order to bring peace to the entire area of Indochina. They also reaffirmed their stand that the political futures of Vietnam, Laos, and Cambodia should be left to the respective peoples to determine, free from outside interference.

Europe

In the course of the talks both Sides noted with satisfaction that in Europe the process of relaxing tensions and developing cooperation is actively continuing and thereby contributing to international stability.

The two Sides expressed satisfaction with the further normalization of relations among European countries resulting from treaties and agrements signed in recent years, particularly between the USSR and the FRG. They also welcome the coming into force of the Quadripartite Agreement of September 3, 1971. They share the conviction that strict observance of the treaties and agreements that have been concluded will contribute to the security and well-being of all parties concerned.

They also welcome the prospect of United Nations membership this year for the FRG and the GDR and recall, in this connection, that the USA, USSR, UK and France have signed the Quadripartite Declaration of November 9, 1972, on this subject.

The USA and the USSR reaffirm their desire, guided by the appropriate provisions of the Joint US-USSR Communique adopted in Moscow in May 1972, to continue their separate and joint contributions to strengthening peaceful relations in Europe. Both Sides affirm that ensuring a lasting peace in Europe is a paramount goal of their policies.

In this connection satisfaction was expressed with the fact that as a result of common efforts by many States, including the USA and the USSR, the preparatory work has been successfully completed for the Conference on Security and Cooperation in Europe, which will be convened on July 3, 1973. The USA and the USSR hold the view that the Conference will enhance the possibilities for strengthening European security and developing cooperation among the participating States. The USA and the USSR will conduct their policies so as to realize the goals of the Conference and bring about a new era of good relations in this part of the world.

Reflecting their continued positive attitude toward the Conference, both Sides will make efforts to bring the Conference to a successful conclusion at the earliest possible time. Both Sides proceed from the assumption that progress in the work of the Conference will produce possibilities for completing it at the highest level.

The USA and the USSR believe that the goal of strengthening stability and security in Europe would be further advanced if the relaxation of political tensions were accompanied by a reduction of military tensions in Central Europe. In this respect they attach great importance to the negotiations on the mutual reduction of forces and armaments and associated measures in Central Europe which will begin on October 30, 1973. Both Sides state their readiness to make, along with other States, their contribution to the achievement of mutually acceptable decisions on the substance of this problem, based on the strict observance of the principle of the undiminished security of any of the parties.

Middle East

The parties expressed their deep concern with the situation in the Middle East and exchanged opinions regarding ways of reaching a Middle East settlement.

Each of the parties set forth its position on this problem.

Both parties agreed to continue to exert their efforts to promote the quickest possible settlement in the Middle East. This settlement should be in accordance with the interests of all states in the area, be consistent with their independence and sovereignty and should take into due account the legitimate interests of the Palestinian people.

IV. COMMERCIAL AND ECONOMIC RELATIONS

The President and the General Secretary thoroughly reviewed the status of and prospects for commercial and economic ties between the USA and the USSR. Both Sides noted with satisfaction the progress achieved in the past year in the normalization and development of commercial and economic relations between them.

They agreed that mutually advantageous cooperation and peaceful relations would be strengthened by the creation of a permanent foundation of economic relationships.

They recall with satisfaction the various agreements on trade and commercial relations signed in the past year. Both Sides note that American-Soviet trade has shown a substantial increase, and that there are favorable prospects for a continued rise in the exchange of goods over the coming years.

They believe that the two countries should aim at a total of 2-3 billion dollars of trade over the next three years. The Joint US-USSR Commercial Commission continues to provide a valuable mechanism to promote the broad-scale growth of economic relations. The two Sides noted with satisfaction that contacts between American firms and their Soviet counterparts are continuing to expand.

Both sides confirmed their firm intention to proceed from their earlier understanding on measures directed at creating more favorable conditions for expanding commercial and other economic ties between the USA and the USSR.

It was noted that as a result of the Agreement Regarding Certain Maritime Matters signed in October 1972, Soviet and American commercial ships have been calling more frequently at ports of the United States and the USSR, respectively, and since late May of this year a new regular passenger line has started operating between New York and Leningrad.

In the course of the current meeting, the two Sides signed a Protocol augmenting existing civil air relations between the USA and the USSR providing for direct air services between Washington and Moscow and New York and Leningrad, increasing the frequency of flights and resolving other questions in the field of civil aviation.

In the context of reviewing prospects for further and more permanent economic cooperation, both Sides expressed themselves in favor of mutually advantageous long term projects. They discussed a number of specific projects involving the participation of American companies, including the delivery of Siberian natural gas to the United States. The President indicated that the USA encourages American firms to work out concrete proposals on these projects and will give serious and sympathetic consideration to proposals that are in the interest of both Sides.

To contribute to expanded commercial, cultural and technical relations between the USA and the USSR, the two Sides signed a tax convention to avoid double taxation on income and eliminate, as much as possible, the need for citizens of one country to become involved in the tax system of the other.

A Protocol was also signed on the opening by the end of October 1973 of a Trade Representation of the USSR in Washington and a Commercial Office of the United States in Moscow. In addition a Protocol was signed on questions related to establishing a US-Soviet Chamber of Commerce. These agreements will facilitate the further development of commercial and economic ties between the USA and the USSR.

V. FURTHER PROGRESS IN OTHER FIELDS OF BILATERAL COOPERATION

The two Sides reviewed the areas of bilateral cooperation in such fields as environmental protection, public health and medicine, exploration of outer space, and science and technology, established by the agreements signed in May 1972 and subsequently. They noted that those agreements are being satisfactorily carried out in practice in accordance with the programs as adopted.

In particular, a joint effort is under way to develop effective means to combat those diseases which are most widespread and dangerous for mankind: cancer, cardiovascular or infectious diseases and arthritis. The medical aspects of the environmental problems are also subjects of cooperative research.

Preparations for the joint space flight of the Apollo and Soyuz spacecraft are proceeding according to an agreed timetable. The joint flight of these spaceships for a rendezvous and docking mission, and mutual visits of American and Soviet astronauts in each other's spacecraft, are scheduled for July 1975.

Building on the foundation created in previous agreements, and recognizing the potential of both the USA and the USSR to undertake cooperative measures in current scientific and technological areas, new projects for fruitful joint efforts were identified and appropriate agreements were concluded.

Peaceful Uses of Atomic Energy

Bearing in mind the great importance of satisfying the growing energy demands in both countries and throughout the world, and recognizing that the development of highly efficient energy sources could contribute to the solution of this problem, the President and General Secretary signed an agreement to expand and strengthen cooperation in the fields of controlled nuclear fusion, fast breeder reactors, and research on the fundamental properties of matter. A Joint Committee on Cooperation in the Peaceful Uses of Atomic Energy will be established to implement this agreement, which has a duration of ten years.

Agriculture

Recognizing the importance of agriculture in meeting mankind's requirement for food products and the role of science in modern agricultural production, the two Sides concluded an agreement providing for a broad exchange of scientific experience in agricultural research and development, and of information on agricultural economics. A US-USSR Joint Committee on Agricultural Cooperation will be established to oversee joint programs to be carried out under the Agreement.

World Ocean Studies

Considering the unique capabilities and the major interest of both nations in the field of world ocean studies, and noting the extensive experience of US–USSR oceanographic cooperation, the two Sides have agreed to broaden their cooperation and have signed an agreement to this effect. In so doing, they are convinced that the benefits from further development of cooperation in the field of oceanography will accrue not only bilaterally but also to all peoples of the world. A US–USSR Joint Committee on Cooperation in World Ocean Studies will be established to coordinate the implementation of cooperative programs.

Transportation

The two Sides agreed that there are opportunities for cooperation between the USA and the USSR in the solution of problems in the field of transportation. To permit expanded, mutually beneficial cooperation in this field, the two Sides concluded an agreement on this subject. The USA and the USSR further agreed that a Joint Committee on Cooperation in Transportation would be established.

Contacts, Exchanges and Cooperation

Recognizing the general expansion of US–USSR bilateral relations and, in particular, the growing number of exchanges in the fields of science, technology, education and culture, and in other fields of mutual interest, the two Sides agreed to broaden the scope of these activities under a new General Agreement on Contacts, Exchanges, and Cooperation, with a duration of six years. The two Sides agreed to this in the mutual belief that it will further promote better understanding between the peoples of the United States and the Soviet Union and will help to improve the general state of relations between the two countries.

Both Sides believe that the talks at the highest level, which were held in a frank and constructive spirit, were very valuable and made an important contribution to developing mutually advantageous relations between the US and the USSR. In the view of both Sides, these talks will have a favorable impact on international relations.

They noted that the success of the discussions in the United States was facilitated by the continuing consultation and contacts as agreed in May 1972. They reaffirmed that the practice of consultation should continue. They agreed that further meetings at the highest level should be held regularly.

Having expressed his appreciation to President Nixon for the hospitality extended during the visit to the United States, General Secretary Brezhnev invited the President to visit the USSR in 1974. The invitation was accepted.

June 24, 1973

RICHARD NIXON,
President of the United States of America.
LEONID I. BREZHNEV,
General Secretary of the Central Committee, CPSU.

ORDER OF BUSINESS

Mr. PERCY. Mr. President, I yield the remainder of my time to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.)

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. I thank my friend, the Senator from Illinois.

THE CONCERNS OF VIRGINIANS

Mr. HARRY F. BYRD, JR. Mr. President, Sunday was a beautiful day in the State of Virginia, and on that beautiful day I traveled 230 miles and went through 12 different counties of our State.

I started in the northwestern part of Virginia, in Frederick County, then through a part of Clarke County, into Warren County and the fine town of Front Royal. From then I went to Rappahannock County. In Virginia we call it the Free State of Rappahannock, the people there being so independent-minded. From there I went to Madison County, then to Albemarle County, on the outskirts of Charlottesville, then into Fluvanna County, and the town of Palmyra situated between Charlottesville and Richmond.

I spoke in Palmyra to dedicate a new public building for the county of Fluvanna. Palmyra is the county seat of Fluvanna and is only 16 miles from Thomas Jefferson's Monticello.

The more I get out among the people in Virginia the more convinced I am as to what very wonderful people inhabit our great State.

I love Virginia, Mr. President, every part of Virginia, every mountain, every valley, every seashore, and I love the people of Virginia. I get out among them as much as I can. It gives me encouragement; it gives me enlightenment.

In Washington I find myself much of the time in a minority. I find that many of my colleagues in the Congress do not agree with some of my views. The Secretary of the Treasury said last week that my call for a balanced Federal budget is an "extremist" position.

Sometimes I feel that perhaps I am wrong. And then I get out among the people of Virginia and I become convinced that I am right in the battles I am trying to fight here in the Senate. I find the people of Virginia more deeply concerned about the grave condition in which the Government finds itself financially than are Members of Congress or members of the executive branch.

I find deep concern, too, among the people of my State about the continued centralization of power in Washington, another battle I have been fighting.

It gives me encouragement, when I talk as I did Sunday for 2 hours with large numbers of Virginians, talking with them personally, face to face.

Then, after leaving Palmyra and the County of Fluvanna, I went to Orange County, Culpeper County, Fauquier County, Prince William County, and Fairfax County.

Were it not for other commitments I had Sunday, I would have been in Richmond. It was an important day in Richmond. Patrick Cardinal O'Boyle, of Washington, and Lawrence Cardinal Sheehan, of Baltimore, came to Richmond on Sunday to honor the Most Reverend John J. Russell on the 50th anniversary of his ordination as a priest. Bishop Russell retired April 15 as bishop of the Catholic diocese of Richmond.

I have known Bishop Russell for the past 15 years. He is a splendid man and a beloved figure in our State. I have never known a finer man than Bishop Russell. I would have liked to have been in Richmond Sunday to join with thousands of his fellow Virginians who honored him at the Sacred Heart Cathedral in Richmond. I was not able to be there because of other commitments, but I was with him in spirit.

I wanted to invite the attention of my colleagues in the Senate today to this splendid citizen of our State, Bishop John J. Russell who retired as bishop of the Catholic diocese of Richmond on his 75th birthday.

I thank the Senator from Illinois, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. LONG) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION FROM THE DISTRICT OF COLUMBIA

A letter from the Mayor-Commissioner, the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to amend the Horizontal Property Act of the District of Columbia (with an accompanying paper). Referred to the Committee on the District of Columbia.

PROPOSED LEGISLATION FROM THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize the President to enter into agreements establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security systems of other countries (with accompanying papers). Referred to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements Pertaining to Insurance Operations of the Federal Housing Administration, Fiscal Year 1972," Department of Housing and Urban Development, dated June 22, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT ON CERTAIN LANDS IN THE STATE OF ALASKA

A letter from the Secretary of the Interior, reporting, pursuant to law, on the withdrawal of certain unreserved public lands in the State of Alaska, for the period between December 18, 1972 and June 17, 1973 (with an accompanying paper). Referred to the Committee on Interior and Insular Affairs.

REPORT OF NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the National Institute on Alcohol Abuse and Alcoholism, for fiscal year 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

REPORT ON FEDERAL ACTIVITIES IN VOCATIONAL REHABILITATION AND RELATED FIELDS

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on Federal Activities in Vocational Rehabilitation and Related Fields, for the fiscal year 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION FROM DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to transfer Saint Elizabeths Hospital to the District of Columbia (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. LONG):

A memorial of the House of the State of Florida. Referred to the Committee on Foreign Relations:

"HOUSE MEMORIAL NO. 1307

"A memorial to the Congress of the United States, urging Congress to take immediate steps to account for the more than thirteen hundred Americans still missing in action in Southeast Asia

"Whereas, American involvement in the Southeast Asian conflict has begun to draw to a close with the signing of a truce agreement calling for return of all American prisoners of war, and

"Whereas, almost all American military forces in the Republic of Vietnam have been withdrawn pursuant to that truce agreement, and

"Whereas, although almost five hundred American missing in action and held as prisoners of war have been accounted for and released from captivity, there remain at least thirteen hundred of their fellow Americans yet unaccounted for in Southeast Asia, and

"Whereas, it is the responsibility of the people of this nation to do everything in their power to determine whether these men are still alive and, if so, to secure their immediate release from captivity, Now, therefore,

"Be It Resolved by the Legislature of the State of Florida: That the Congress of the United States is urged and requested to take every possible step and to make every possible effort to account for the more than thirteen hundred American servicemen still missing in Southeast Asia and to secure the immediate release from captivity of those still alive.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

A concurrent resolution of the Legislature of the State of Louisiana. Referred to the Committee on Commerce:

"HOUSE CONCURRENT RESOLUTION NO. 225

"A concurrent resolution to memorialize the Congress of the United States to desist from enacting no-fault insurance legislation.

"Whereas, the United States comprises a union of sovereign states to which powers not delegated by the Constitution of the United States are reserved; and

"Whereas, historical precedence provides for matters concerning the insurance industry to be handled at the state level; and

"Whereas, state control of insurance matters has proven successful and beneficial, for appropriate measures have been enacted to provide for conditions peculiar to local circumstances; and

"Whereas, it would therefore appear that a determination as to whether Louisiana should enact mandatory no-fault insurance and particulars related thereto should properly be made by this Legislature, rather than by the Congress of the United States, particularly in light of the fact that the United States Senate Finance Committee reported that federal proposals would effect a great increase in the rates of the average insured person in Louisiana; and

"Whereas, Louisiana and the other states in the union should be given a reasonable time period in which to make this determination before any legislation is adopted at the federal level.

"Therefore, be it resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring, that the Congress of the United States is hereby memorialized to desist from enacting no-fault insurance legislation and thereby reserve the power of the states to supervise insurance activities.

"Be it further resolved that copies of this Resolution be transmitted to the presiding officers of each house of the Congress of the United States, and to each member of the Louisiana Delegation in Congress."

A concurrent resolution of Legislature of the State of Texas. Referred to the Committee on Government Operations:

No. 66

"SENATE CONCURRENT RESOLUTION

"Whereas, The proposed general services administration rule change which would deny excess property to federal grantees has been delayed pending a study of the issue; to effect this study, the Federal Register of November 14, Page 24113, Title 41, Public Contracts and Property Management, states: "The policy on acquisition and use of excess property . . . will continue unchanged, and a study will be conducted and a determination made as to the desirability for modification of this policy"; and

"Whereas, Excess property remains available to federal grantees, except in the Department of Health, Education, and Welfare, which on July 14, 1972, issued its own unilateral regulation change denying excess property to grantees under Health, Education, and Welfare programs; and

"Whereas, When the federal excess property program was available, more than $100 million for vocational-technical education programs throughout the United States received marked assistance by securing properties for the purpose of training for the job market; this represented approximately 20 percent of the total expenditures for training of the handicapped, veterans, minority groups, the disadvantaged, and others toward the development of marketable skills; and

"Whereas, On January 31, 1973, the Honorable Jim Wright from Texas introduced HR 3523 in the House of Representatives, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property to all qualified federal grantees; now, therefore, be it

"Resolved by the Senate of the 63rd Legislature, the House of Representatives concurring, That the Legislature of the State of Texas hereby memorialize the Congress of the United States to take favorable action on the Honorable Jim Wright's HR 3523; and, be it further

"Resolved, That a copy of this resolution be forwarded to the President and Vice-President of the United States, and to each senator and representative in congress from Texas with the request that this resolution be officially entered in the Congressional Record as a memorial to the congress."

A joint resolution of the Legislature of the State of Utah. Referred to the Committee on Banking, Housing and Urban Affairs:

"H.C.R. No. 2

"A concurrent resolution of the 40th Legislature of the State of Utah, the Governor concurring therein, recognizing the problems relating to present housing subsidy programs and the need for suspension of them; recognizing the continuing scarcity of housing particularly housing for the poor; and recommending that early substitute programs be implemented

"Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

"Whereas, the President of the United States of America, recognizing the financial and political problems connected with existing housing programs and their failure to accomplish the desired objectives, has placed by Executive Order a suspension on several existing housing programs designed particularly to provide housing for the poor;

"Whereas, the State of Utah is presently suffering from an extreme shortage of housing for low and moderate income families, as indicated by a .05% vacancy rate among low income housing; and state estimates indicate an immediate need for 30,000 new or rehabilitated units of housing for these residents; and

"Whereas, many individuals and families are living in condemned housing or deteriorated housing which is unsafe and should not be inhabited.

"Now, therefore, be it resolved, that the 40th Legislature and the Governor of the State of Utah urge the President and Congress of the United States to implement early substitute programs which will aid the low and moderate income people of the State of Utah and the United States of America to obtain adequate housing.

"Be it further resolved, that the Secretary of State send a copy of this resolution to the President of the United States of America and each member of the congressional delegation from the State of Utah."

A resolution adopted by the Saipan Legislature, relating to amendment of the Micronesian Claims Act. Referred to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. 969. A bill relating to the constitutional rights of Indians (Rept. No. 93-252).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 1615. A bill for the relief of August F. Walz (Rept. No. 93-251).

By Mr. McGEE, from the Committee on Appropriations, with amendments:

H.R. 8619. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-253).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 426. A bill to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes (Rept. No. 93-254), together with additional views.

By Mr. RANDOLPH, from the Committee on Public Works:

S. 2079. An original bill to amend the Federal Property and Administrative Services Act of 1949, as amended; (Rept. No. 93-255). Placed on the calendar.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. MAGNUSON, from the Committee on Commerce:

Sidney L. Jones, of Michigan, to be an Assistant Secretary of Commerce.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read for the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS (for himself and Mr. Williams, Mr. Kennedy, Mr. Schweiker, Mr. Abourezk, Mr. Beall, Mr. Biden, Mr. Brooke, Mr. Cranston, Mr. Dominick, Mr. Hathaway, Mr. Hart, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Mathias, Mr. Mondale, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Stafford, Mr. Stevens, Mr. Stevenson, Mr. Taft, and Mr. Tunney):

S. 2068. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs Disease. Referred to the Committee on Labor and Public Welfare.

By Mr. EAGLETON:

S. 2069. A bill to improve national reading skills. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON:

S. 2070. A bill to amend the Farm Labor Contractor Registration Act of 1963 by extending its coverage and effecutating its enforcement. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself and Mr. Javits, Mr. Beall, Mr. Cranston, Mr. Dominick, Mr. Hathaway, Mr. Hughes, Mr. Pell, Mr. Randolph, Mr. Schweiker, and Mr. Williams):

S. 2071. A bill to amend the Public Health Service Act to provide for the establishment of National Research Service Awards. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Hathaway, Mr. Hughes, Mr. Pell, and Mr. Randolph):

S. 2072. A bill to amend the Public Health Service Act to assure maximum protection for human subjects of biomedical and behavioral research. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY:

S. 2073. A bill to authorize the Senate, the House of Representatives, and Congressional committees to bring suits with respect to claims of executive privilege. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 2074. A bill to amend the Federal Trade Commission Act in order to grant the Commission authority to directly enforce subpoenas issued by the Commission and to directly seek preliminary injunctive relief to avoid unfair competitive practices which violate laws enforced by the Commission. Referred to the Committee on Commerce.

By Mr. BELLMON (for himself and Mr. Bartlett):

S. 2075. A bill to authorize the Secretary of the Interior to undertake a feasibility investigation of McGee Creek Reservoir, Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. GURNEY:

S. 2076. A bill to establish in the State of Florida the Egmont Key National Park. Referred to the Committee on Interior and Insular Affairs.

By Mr. FONG:

S. 2077. A bill for the relief of Hermogenes Lacuesta Rana. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 2078. A bill to require the Secretary of the Army to make a survey for flood control purposes in the County of San Luis Obispo, California. Referred to the Committee on Public Works.

By Mr. RANDOLPH, from the Committee on Public Works:

S. 2079. An original bill to amend the Federal Property and Administrative Services Act of 1949, as amended. Placed on the calendar.

By Mr. PELL (for himself and Mr. Kennedy):

S. 2080. A bill to provide for the establishment of rail passenger service development corporations, and to make available Federal assistance to encourage the development of improved rail passenger services in transportation corridors in the United States. Referred to the Committee on Commerce.

By Mr. BROOKE (for himself and Mr. McIntyre):

S.J. Res. 128. Joint resolution to provide for an extension of certain laws relating to the payment of interest on time and savings deposits. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself and Mr. Williams), Mr. Kennedy, Mr. Schweiker, Mr. Abourezk, Mr. Beall, Mr. Biden, Mr. Brooke, Mr. Cranston, Mr. Dominick, Mr. Hathaway, Mr. Hart, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Mathias, Mr. Mondale, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Stafford, Mr. Stevens, Mr. Stevenson, Mr. Taft, and Mr. Tunney):

S. 2068. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, the bill I introduce today, the National Tay-Sachs Disease Screening and Counseling Act, for myself, Senator Williams, and Senators Kennedy, Schweiker, Abourezk, Beall, Biden, Brooke, Cranston, Dominick, Hathaway, Hart, Hollings, Hughes, Humphrey, Mathias, Mondale, Percy, Randolph, Ribicoff, Stafford, Stevens, Stevenson, Taft, and Tunney seeks to protect the health and welfare of all citizens by establishing a national program for the diagnosis, control, and prevention of Tay-Sachs disease.

Tay-Sachs disease is a killer disease of children who are born seemingly healthy and normal. The children gradually are debilitated, showing early clinical signs of the illness at 9 months and losing more and more functions controlled by the central nervous system, such as sight, control of swallowing, et cetera. They have frequent convulsions and as consequence of their increasingly severe illness, require chronic hospitalization for average periods of 2 years before they die. All these events are caused by the lack of the enzyme whose function is to help metabolize brain fats. When the enzyme is missing, the intermediate unmetabolizable fats accumulate in the nerve cells and destroy them. At present, there are no known means to reverse this process in the afflicted children.

In 1969, a major breakthrough in medical history occurred. It was demonstrated that the absence of a newly discovered enzyme, Hexosaminidase—called Hex-A for short—was the specific cause of Tay-Sachs disease. Previous studies had shown that the till-then unknown enzyme—controlled by a recessive gene—was lacking in 1 in 30 American citizens of Eastern European Jewish origin—who constitute 90 percent of the U.S. Jewish population—and 1 in 300 of the general American population.

The discovery of the missing enzyme made it possible to pinpoint specifically the identification of adults of child-bearing age as being "carriers." These individuals having the "carrier state" are themselves healthy, but if two happen to marry, one-quarter of their children, run the risk of having Tay-Sachs disease.

Further developments have made it possible through relatively harmless procedures to identify a fetus intrauterine-ly in the very earliest weeks of pregnancy as having Tay-Sachs disease. In 1971, the Kingsbrook Jewish Medical Center corroborated the validity of such an intrauterine diagnosis and this validity has been massively substantiated since that time.

The practical application of this research has led to model mass screening projects to identify the "carrier state" in the population at high risk for Tay-Sachs disease—American Jews of Eastern Europe descent—and followup intrauterine monitoring of early pregnancy where both parents have the "carrier state."

There are three reasons why Tay-Sachs disease is very conducive to mass screening programs:

First, it affects a definite population group;

Second, its carriers can be identified by a simple blood test which measures the presence or absence of a crucial enzyme; and

Third, an affected fetus can be detected in the uterus, through the process of amniocentesis, in which a small amount of the fluid around the unborn child is removed.

These mass screenings have already had success in preventing a number of births of children with Tay-Sachs disease and have led to widespread demand in communities across the Nation for such carrier detection programs to prevent Tay-Sachs disease and to insure that a couple who are both carriers can choose to have as many healthy children as they want despite their having the "carrier state." While there is still no cure, there now exists the practical and proved possibility of preventing 90 percent of cases of Tay-Sachs disease in the United States and thus, in effect, the control of the disease, the freeing of scarce chronic-disease hospital beds and services for other illnesses, and the avoidance of now unnecessary social and emotional trauma to families who would have had children with Tay-Sachs disease. In addition, the transfer of skills, knowledge, models, and technologies to about 30 other related disorders are fringe benefits of tremendous value.

In terms of cost-benefit analysis alone, about 100 "bed years" per year are now necessary for Tay-Sachs disease in the American Jewish population of about 6 million. The cost is health care per year for each bed is about $55,000. The total dollar cost per year now equals $5,500,000—100 times $55,000. A decade of costs amounts to $55 million. Through widespread effective mass screening of at-risk individuals of childbearing age—18 to 42—and follow-up genetic counseling, most of these costs, unnecessary deaths, and familial suffering can be eliminated. It would be a most humane and beneficial service to a now threatened sector of the American population for the Federal Government to demonstrate an effective preventive public health effort.

The Federal Government has been funding Tay-Sachs research through a series of programs. One and a half million has been spent for grant and projects specifically aimed at Tay-Sachs. An additional $3 million has been invested in related research.

The major provisions of this bill are:

First, the Secretary is authorized to make grants and contracts to establish voluntary Tay-Sachs screening and counseling programs—primarily through other existing health programs—and to develop appropriate public information programs.

Second, $3 million is authorized for 1 year to stimulate the development of the program and to formulate the required educational materials.

It is important to note that this is a one-time Federal expenditure. The program thereafter will be self-sustaining, the costs defrayed by the minimal payments of those voluntarily taking the test.

Third, the bill sets out the specific requirements for grants' eligibility, patterned upon other existing genetic blood disorder programs as established in law.

Fourth, participation in the Tay-Sachs disease screening and counseling programs is all on a voluntary basis.

Limited demonstration program experience has shown that to be effective, mass screening needs the greater awareness of the medical community, the education and mobilization of lay and religious Jewish organizations, and the help of the media. Legislation to prevent Tay-Sachs disease in the United States has the support of the National Tay-Sachs and Allied Diseases Association—which has provided important leadership in this important struggle—and of all groups concerned with effective, preventive public health programs.

Mr. WILLIAMS. Mr. President, I am today joining with my distinguished colleague from New York in introducing the National Tay-Sachs Disease Screening and Counseling Act.

As most of my colleagues are aware, Tay-Sachs disease is an inherited disorder which destroys the nervous system of its victims and is always fatal to an afflicted child. It has claimed the lives of thousands of young Americans and we must do everything we can to control its spread.

Mr. President, a child with Tay-Sachs disease is born apparently normal but at the age when the child should begin to learn motor skills, it is noticed that he cannot raise his head or chest and is unattentive. As the child gets older his motor activity impairments worsen until he can only lie still, staring straight ahead. Death usually comes at about age 5.

The genetic mutation which causes Tay-Sachs disease is found to occur with highest frequency among Jews of Eastern European descent. One out of every 30 Jews is estimated to carry the mutation that causes Tay-Sachs disease in contrast to non-Jewish population where it is estimated that only 1 in 300 carries the mutation. For a child to be born with Tay-Sachs disease, it is necessary that both parents carry the genetic mutation in what is known as "the heterozygous recessive state."

Tay-Sachs disease will affect one out of every four children that are born to parents both carrying the mutation and 75 percent of the Tay-Sachs children born in the United States have Jewish parents.

Tragically, the treatment of Tay-Sachs disease is an expensive and futile affair and treatment often costs as much as $55,000 per year. The financial burden of caring for a Tay-Sachs child over his 5 years of life could be as much as $275,000. No treatment that the child receives can cure him.

Mr. President, while there is, as yet, virtually no hope for the children who have already inherited this disease, recent developments in medical science make it possible to identify parents carrying the mutation that leads to the birth of a Tay-Sachs child. A simple, inexpensive blood test can tell physicians whether a parent carries the Tay-Sachs mutation. Screening procedures are designed to detect the hidden gene which is responsible for the disease. The normal gene produces an enzyme called herosaminidose A, or hex A, which catalyzes the degradation of fatty material in nerve cells, eventually destroying them and leading to the progressive deterioration of the nervous system.

In the event that both parents carry the potentially dangerous mutation, genetic counseling is advisable. Couples who are likely to have a Tay-Sachs child are advised to consider not having children or to have the pregnancy of the mother closely watched by a physician. A process known as amnioncentisis makes it possible for a physician to remove a sample of amniotic fluid from a mother's uterus and deny or confirm the suspicions of a Tay-Sachs child being born.

Mr. President, until a treatment for the disorder becomes available, Tay-Sachs children have no hope for survival. The incidence of birth of Tay-Sachs children can be greatly reduced by a program of mass screening to identify carriers of the disease. Pilot screening programs have been carried out in 14 places across the United States. The projects confirm the effectiveness of the blood test and amnioncentisis in diagnosing Tay-Sachs disease.

New York City is running a program which at the present time tests 1,000 people per week for the presence of the Tay-Sachs disorder. The cost per patient is $5 to $7.50 and the total cost of the program is $500,000 per year. It is estimated that 5 years' operation of the New York City project will save the city $4.5 million in medical treatment costs for Tay-Sachs children.

Tay-Sachs disease is one of the few genetic diseases that medicine can now predict and diagnose. Although no genetic engineering or cure is possible, prevention can be executed with a high-degree of precision. It has been estimated that screening the vulnerable U.S. population for Tay-Sachs disease mutations and administering subsequent genetic counseling, would eliminate 75 to 80 percent of the incidence of this disease.

Fortunately, a large percentage of the American Jewish population lives in major U.S. cities and could be easily reached.

Mr. President, the National Tay-Sachs Screening and Counseling Act is designed to inform the public and health providers of the existence, nature, and means of prevention of Tay-Sachs disease. The bill will provide funds to establish voluntary screening programs and genetic counseling for those who need it.

Under the bill, the Secretary of Health, Education, and Welfare is authorized to enter into contracts for the printing and distribution of literature to inform the public and those providing medical care of the existence and prevention of Tay-Sachs disease. The bill provides $500,000 for this purpose. This measure also gives the Secretary the responsibility for making grants to establish health care programs for use in administering voluntary Tay-Sachs disease screening and counseling programs; $2.5 million is provided for this purpose. Finally, the Secretary must insure that programs established under this act serve the high-risk population who are in their child-producing years and that screening, counseling, and treatment are entirely voluntary.

Mr. President, it is my hope that the Senate Labor and Public Welfare Committee will be able to give early attention to this modest, yet important, measure.

By Mr. EAGLETON:

S. 2069. A bill to improve national reading skills. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, I send to the desk a bill entitled the National Reading Improvement Act of 1973, and ask that it be read twice and appropriately referred.

Mr. President, we think of America as a land of opportunity—as an advanced Nation, with sophisticated technology—as a highly developed and complex society. True to this view, America spends more tax dollars on education than any other counrty. Yet in many areas of this Nation there are individuals who lack one skill—reading—which is vital to survival in the increasing complexity of American life.

Problems relating to the teaching of reading rank among the most crucial educational issue in this country today. Test scores released from the Office of Education last year revealed that both inner city and rural schools are experiencing a decline in reading scores. Throughout the country, some 10 million elementary and secondary children are severely deficient in reading.

Moreover, a Louis Harris poll reported that 11 million American adults could not read well enough to obtain a driver's license. Fourteen million could not read well enough to qualify for a bank loan and 10 million would encounter severe difficulty resulting from reading deficiencies in qualifying for social security.

This is truly a national problem, but we have yet to see an adequate response by the National Government.

For more than 3 years we have heard the Nixon administration's rhetoric about its "right to read" program. You may recall that this program was first announced in October, 1969, by the late Dr. James Allen, then U.S. Commissioner of Education. Dr. Allen spoke of the millions of American children and teenagers with serious reading difficulties who were, as he called it—

> Denied a right—a right as fundamental as the right to life, liberty, and the pursuit of happiness.

He committed this administration to a far-reaching program of educational support for these youngsters to enable them to enjoy their right to read.

Not long thereafter, in March 1970, President Nixon endorsed the program in his message to Congress on education reform. The President said he would request $200 million for the "right to read" program for fiscal year 1971. When the details of this budget request became known, it was seen to be largely illusory. There was no $200 million in new money to launch this ambitious new program, but rather a shifting around of funds already committed to existing library and education programs.

For the current fiscal year, the administration recommended only $12 million for the right to read program. For the coming fiscal year, the budget request is again only $12 million. Surely the administration cannot believe that such a paltry sum can accomplish the program goal—a goal established by the administration itself—of insuring that, by 1980, 99 percent of all schoolchildren aged 16 and under in the United States and 90 percent of the people over 16 will be functionally literate. Surely a program so hampered by budget restrictions cannot truly be called a "national priority."

At the outset of his administration, President Nixon warned America of the threat of a "precipitous decline in public confidence." The cause of this crisis, he said, was:

> The chronic gap that exists between the publicity and promise attendant to the launching of a new Federal program—and that program's eventual performance.

It has become obvious that Mr. Nixon's warning was in fact a self-fulfilling prophecy. He should have heeded his own words.

The bill which I am introducing today moves to fulfill the unmet promises made long ago by the present administration. For the first fiscal year of funding it authorizes $207.5 million—fulfilling at last the President's promised level of funding of more than 3 years ago.

Mr. President, as you may recall, I introduced a similar measure in the last Congress. Due to the lateness of the session no action was taken on the bill. On April 4 and 5 of this year, I chaired hearings of the Education Subcommittee on reading programs and what steps can be taken to eliminate illiteracy in our country. I believe that the testimony of the witnesses who appeared before the subcommittee has made a substantial contribution to strengthening the provisions of the National Reading Improvement Act of 1973.

The revised bill would:

Authorize the Commissioner of Education to contract with the States to develop improved reading programs and to encourage the establishment and expansion of improved reading programs for adults.

Authorize funds for the training and retraining of instructional personnel in reading programs and for the acquisition of instructional materials.

Direct local educational agencies participating in subcontracts with a State to establish special reading programs for those children not succeeding in regular school programs, to ensure nonpublic schoolchildren participation, to periodically test children and to make public the results of those test scores.

Authorize the Commissioner to contract with institutions of higher education to strengthen and improve undergraduate programs in the teaching of reading and to develop cooperative programs with local education agencies.

Establish within the Office of Education an Office for the Improvement of Reading which would be responsible for administering the programs provided for in this bill and for coordinating them with the other office and agency programs dealing with instruction in reading.

Direct the National Institute of Education to conduct research on the use of educational technology in reading programs.

Authorize an additional $50 million for the Adult Education Act, with directions to give priority in programs conducted under this act to those for functionally illiterate adults.

Authorize $2.5 million for State accrediting agencies to upgrade their certification requirements for reading teachers.

Mr. President, I hope that this legislation will receive thorough review from Congress, from organizations representing educators and parents, and from all interested parties. Only with this kind of concerted national effort can we build a strong reading program on a national level which will effectively meet the needs of both children and adults.

I ask unanimous consent that the text of the National Reading Improvement Act of 1973 and a section-by-section analysis may be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Reading Improvement Act of 1973".

SEC. 2. The Elementary and Secondary Education Act of 1965 is amended by redesignating title VIII and references thereto as Title X, by renumerbering sections 801, 803, 805, 807, 808, 809, 810, and 811, and references thereto as sections 1001 through 1008, respectively, and by inserting after title VII thereof the following new title:

"TITLE VIII—READING IMPROVEMENT PROGRAMS

"SEC. 801. It is the purpose of this title—

"(1) to provide for the strengthening of reading instruction programs in the school systems in the Nation;

"(2) to provide financial assistance for the development and enhancement of necessary skills of instructional and other educational staff for reading programs;

"(3) to develop a means by which measurable objectives for reading programs can be established and a means by which progress toward such objectives may be assessed.

STATE READING IMPROVEMENT CONTRACTS

"SEC. 802(a). The Commissioner shall, in accordance with the provisions of this section contract with the States in order to encourage and assist elementary and secondary school systems—

"(1) in planning, developing, and operating improved reading programs;

"(2) in identifying exemplary reading programs in the schools of the States and encouraging and assisting the replication of such programs in other schools;

"(3) in encouraging the establishment and expansion of improved reading programs designed to eliminate illiteracy among adults; and

"(4) in training instructional and other education staff including teacher-aides or other ancillary education personnel and in the acquisition of instructional and related materials, books, periodicals, supplies and equipment.

"(b) For the purpose of assisting the States under contracts entered into under this section, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1974, $200,000,000 for the fiscal year ending June 30, 1975, and $250,000,000 for the fiscal year ending June 30, 1976.

"(c)(1) The Commissioner shall allot to each State an amount which bears the same ratio to the total amount appropriated as the school-age population with reading deficiencies of such State bears to the total school-age population with reading deficiencies in all the States.

"(2) The Commissioner shall, by regulalation, establish standards for identifying the school-age population with reading deficiencies in each State, which shall include designation of approved methods of selecting and testing a representative sample of the school-age population in each State in order to make such determination.

"(3) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) Each contract entered into under this section shall contain assurances that—

"(1) a single State agency, designated by the Governor, shall be the agency responsible for the execution of the contract and the operation of the programs conducted thereunder;

"(2) payments under the contract shall be used to plan for and develop a State reading improvement program, giving consideration to the requirements of subsection (f) with respect to contracts with local educational agencies; and

"(3) payments under the contract shall be used to comply with such other requirements as the Commissioner may establish by regulation in order to achieve the purposes of this title and to protect the financial interests of the United States.

"(e) The State agency shall—

"(1) prepare a ten-year plan, in such detail as the Commissioner may require, specifying the goals of the program designed to eliminate illiteracy and overcome reading deficiencies to be conducted with the assistance of funds provided under this title, and the means to be employed by State and local educational agencies to achieve such goals.

"(2) identify those elementary and secondary school children with reading deficiencies and give highest priority to those local educational agencies with the highest concentration of school-age population with reading deficiencies; and

"(3) provide assurance that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the amount of State and local school funds that would in the absence of such Federal funds be made available for reading programs, and in no case supplant such State and local funds.

"(f) The State agency shall enter into subcontracts with local educational agencies for the purpose of establishing comprehensive reading programs at the local level to implement the State plan, consistent with the purposes of this title. Each application for a sub-contract under this subsection shall contain assurances that the local educational agency will, at a minimum, provide for—

"(1) identification of elementary and secondary school children with reading deficiencies;

"(2) planning for and establishing comprehensive reading programs;

"(3) remedial reading instruction for pupils whose reading achievement is less than that which would normally be expected for pupils of comparable ages and in comparable grades of school;

"(4) preservice training programs for teaching personnel including teacher-aides and other ancillary educational personnel, and in-service training and development programs designed to enable such persons to improve their ability to teach students to read;

"(5) participation of the entire school faculty and student body in reading-related activities which stimulate an interest in reading and are conducive to the improvement of reading skills;

"(6) parent participation in development and implementation of the program;

"(7) periodic testing on a sufficiently frequent basis to accurately measure reading achievement;

"(8) publication of test results on reading achievement by school district and by grade level without identification of achievement of individual children;

"(9) availability of test results on reading achievement on an individual basis to parents or guardians of any child being so tested;

"(10) participation on an equitable basis by children enrolled in nonprofit private elementary and secondary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs are of the kind the program is intended to meet;

"(11) making available reading instruction programs, including outreach, to persons who are not in regular attendance at such schools but who lack basic reading skills sufficient to enable them to achieve at least functional literacy;

"(12) the use of bilingual education methods and techniques to the extent consistent with the number of school-age children or adults (as the case may be) in the area served by a reading program who are of limited English-speaking ability;

"(13) optimum use of the cultural and educational resources of the area to be served, including institutions of higher education, nonprofit private schools, public and private nonprofit agencies such as libraries, museums, educational radio and television, and other cultural and education resources of the community; and

"(14) such other components as may be agreed upon by the Commissioner and the State.

"(g) Each contract entered into under this section shall be for a maximum period of three years and such contracts shall not be renewed unless measurable progress toward the goal of eliminating illiteracy has been demonstrated.

"(h) Terms and conditions of any contract entered into under this section shall be specifically enforceable in an action brought by the United States.

"(i) The Commissioner is authorized to make incentive awards to local educational agencies which he determines, in accordance with criteria and procedures established by regulation, to have demonstrated exceptional achievement in improving reading levels of school age children or in eliminating illiteracy through reading programs conducted pursuant to this section. There is authorized to be appropriated for the purposes of this subsection for any fiscal year an amount equal to 25 percent of the sums appropriated for such fiscal year for the purposes of subsection (b) of this section.

"GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION

"SEC. 803. (a) There is hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, $60,000,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30, 1976, for the purposes of this section.

"(b) The Commissioner is authorized to make grants to institutions of higher education, or combinations of such institutions, upon application therefor, to assist such institution or institutions—

"(1) in planning and implementing programs to strengthen and improve undergraduate instruction in the teaching of reading, including in-service training programs; and

"(2) in planning, developing, and implementing cooperative programs with local educational agencies which show promise as effective measures for solving reading problems.

"ESTABLISHMENT OF THE OFFICE FOR THE IMPROVEMENT OF READING PROGRAMS

"SEC. 804. (a). There is established in the Office of Education an Office for the Improvement of Reading Programs which shall be responsible for—

"(1) the administration of the programs authorized by this title; and

"(2) the coordination of education programs as provided in the following subsection.

"(b) The Commissioner is authorized, in accordance with the criteria and procedures established by regulation, to facilitate, at the local level, coordination of the furnishing of services under—

"(1) titles I, II, III, and V of the Elementary and Secondary Education Act of 1965;

"(2) section 222(a) of the Economic Opportunity Act of 1964;

"(3) the Adult Education Act;

"(4) the Emergency School Aassistance Act; and

"(5) the Higher Education Act of 1965, which are related to the purposes of this title.

"EDUCATION TECHNOLOGY IN READING PROGRAMS

"SEC. 805. The National Institute of Education shall conduct research on, and support research, demonstration, and pilot projects related to, the use of educational technology in reading programs. To carry out the purpose of this section there is authorized to be appropriated to the National Institute of Education $5,000,000 which shall remain available for obligation and expenditure until expended.

"STRENGTHENING ADULT EDUCATION READING PROGRAMS

"SEC. 806. (a) Clause (8) of section 306(a) of the Adult Education Act is amended to read as follows:

"'(8) provide that, unless such needs can be shown to have been met, priority shall be given to programs and projects designed to meet the needs of adults who are not functionally literate'.

"(b) Section 312(a) of the Adult Education Act is amended by adding at the end thereof the following new sentence:

"'There are authorized to be appropriated $275,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976.'

"STATE CERTIFICATION AGENCIES

"Sec. 807. (a) There are authorized to be appropriated $2,500,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, to carry out the purpose of this section.

"(b) The Commissioner shall carry out a program for making grants to State agencies responsible for certifying elementary and secondary education teachers to upgrade reading certification requirements in the State to better prepare those teachers to teach reading.

"(c) For the purpose of carrying out the provisions of this section more effectively, the Commissioner is authorized, upon request, to provide advice, counsel, and technical assistance to State accrediting agencies.

"READING IMPROVEMENT PROGRAM REPORT

"Sec. 808. No later than November 1 of each calendar year, the Commissioner shall transmit to the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives, a report on activities carried on pursuant to this title evaluating program objectives, assignments of responsibility, levels of support, results and levels of performance, and an estimated budget for the succeeding fiscal year.".

The National Reading Improvement Act of 1973

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title: Provides that the Act be cited as "The National Reading Improvement Act of 1973".

Sec. 2: Redesignates title VIII of the Elementary and Secondary Education Act of 1965 as title X, and adds a new title VIII relating to strengthening reading programs.

Sec. 801: States three objectives of the bill, which generally place added emphasis on the need for comprehensive reading programs.

Sec. 802: Contracts authorized, authorizations, State and local educational agency requirements. The Commissioner of Education is authorized to contract with the States to develop improved reading programs in elementary and secondary schools. $100 million is authorized for fiscal year 1974, $200 million for fiscal year 1975, and $250 million for fiscal year 1976. State allotments are made on the basis of the number of school-age children with reading deficiencies, as determined through testing. Local educational agencies must apply to the State agency for sub-contracts to implement reading programs at the local level. Local schools participating in sub-contracts must meet specific requirements, such as special reading programs for those children not succeeding in a regular reading program, ensuring nonpublic school children participation, and periodic testing of reading achievement and publication of those test results. The Commissioner is also authorized to make incentive awards to those schools which have demonstrated substantial progress in eliminating illiteracy.

Section 803: Authorizes the Commissioner to contract with institutions of higher education to upgrade their undergraduate programs in the teaching of reading and to develop cooperative programs with local school districts to strengthen reading programs.

Section 804: Authorizes an Office for the Improvement of Reading Programs in the Office of Education which is responsible for the administration of this program and the coordination of other federal reading programs.

Section 805: $5 million is authorized for the National Institute of Education to conduct research on the use of educational technology in reading programs.

Section 806: The Adult Education Act is amended to give priority to programs for functionally illiterate adults. The authorization for Adult Education is increased by $50 million to achieve this purpose.

Section 807: Authorizes $2.5 million for each of the next three fiscal years to assist State accrediting agencies to upgrade their requirements for teacher certification.

Section 808: Requires the Commissioner of Education to submit an annual report on the program to the appropriate Committees of Congress.

By Mr. NELSON:

S. 2070. A bill to amend the Farm Labor Contractor Registration Act of 1963 by extending its coverage and effectuating its enforcement. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, on May 8, 1973, the distinguished Congressman from Michigan (Mr. William D. Ford) introduced H.R. 7597 in the House. This bill known as the Labor Contractor Registration Act Amendments of 1973 will extend the coverage and strengthen the enforcement of the Farm Labor Contractor Registration Act of 1963. Mr. Ford as chairman of the House Subcommittee on Agricultural Labor is aware of the need to bring about a more effective realization of the original intent of the Registration Act. Today, I introduce a companion bill in the Senate and join with Congressman Ford to bring about a speedy resolution of the problems existing under present law.

The Farm Labor Contractor Registration Act of 1963 provided for regulation of the crew leaders who operate as middlemen between the farmer and migrant agricultural worker. While we legislated regulations and sanctions for enforcement in the original bill, we are presently faced with the need to strengthen those controls.

Crew leaders are involved in many phases of the harvest and their activities directly affect both the growers and workers.

Congressman Ford has moved to remedy these abuses. It is imperative that the Senate now move together with the House. The amendment in this bill will allow a more effective enforcement of the Registration Act of 1963. Adequate sanctions and channels of redress will provide a workable system safeguarding the interests and requirements of both grower and worker that Congress originally sought to protect.

By Mr. KENNEDY (for himself and Mr. Javits, Mr. Beall, Mr. Cranston, Mr. Dominick, Mr. Hathaway, Mr. Hughes, Mr. Pell, Mr. Randolph, Mr. Schweiker, and Mr. Williams):

S. 2071. A bill to amend the Public Health Service Act to provide for the establishment of National Research Service Awards. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Hathaway, Mr. Hughes, Mr. Pell, and Mr. Randolph):

S. 2072. A bill to amend the Public Health Service Act to assure maximum protection for human subjects of biomedical and behavioral research. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am today introducing two closely related, complementary pieces of legislation: The National Research Service Awards Act on behalf of myself, Senators Javits, Williams, Randolph, Hughes, Dominick, Pell, Cranston, Hathaway, Schweiker, and Beall and the Protection of Human Subjects Act, on behalf of myself, Senator Javits, Senators Randolph, Hughes, Pell, and Hathaway.

Together these measures provide for a vigorous biomedical and behavioral research training program and assure that the research is carried out in a system which has maximum protection built into it for the human subjects of the research.

The need for these two measures has been dramatically demonstrated during the 8 days of Health Subcommittee hearings on the quality of medical care—human experimentation. Those hearings focused on the protection, or lack of it, for subjects participating in various types of medical experimentation. Whether in the area of the use of approved drugs for unapproved purposes, experimental surgery, medical devices, prison research, or the Tuskegee syphillis study, the common theme was "let the patient beware." In the State of Tennessee, for example, the drug DepoProvera, which has limited approved indications for use, was used in the routine practice of medicine throughout the State as a 3-month contraceptive agent—which is officially considered to be an experimental use by the FDA. Informed consent was rarely adequate, and often not sought at all. The approved consent form developed by Upjohn and the FDA was never employed. Most unjustified was the widespread use of the drug in the Arlington School and Hospital for the Retarded, without adequate informed consent. The Upjohn Co., which had been shipping the drug directly to the Arlington School has, as a result of these hearings, stopped that practice.

In the area of experimental surgery the hearings showed that because of the absence of quality controls in the practice of medicine, surgeons are free to perform experimental procedures on the basis of their own judgment, just as doctors can prescribe drugs for any experimental purpose on the basis of their own judgment. Thus, in spit of the fact that the Nation's chief psychiatrist, Dr. Bert Brown, Director of the National Institutes of Mental Health, feels that psychosurgery is an experimental procedure to be used very rarely and then only under the most well-controlled clinical conditions, other surgeons are free to, and do, use psychosurgery as a therapeutic procedure, without experimental controls and safeguards. Dr. O. J. Andy of the University of Mississippi believes that the decision to perform psychosurgery is to be made by the individual doctor and his patient, without peer review or rigorous quality controls. The Veterans' Administration, the Nation's largest hospital system, admitted in testimony that its informed consent procedures were incomplete and inadequate for the psychosurgical procedures carried on in VA hospitals.

In the area of medical devices we have seen the supercoil, an experimental IUD, developed by a single individual, cause grievous harm to several of its experimental subjects.

The subcommittee has seen that research in prisons is a very special category, where classic rules of informed consent are not applicable, and where coercion and the prison social structure shape major elements of the prison research program.

Dr. Robert Veatch, of the Hastings Institute for the Study of Ethics and Life Sciences, recounted over 10 experiments carried out in university settings, which raised significant ethical questions centering around informed consent.

The Tuskegee Syphillis Study, where the Public Health Service left syphillis untreated, even after the discovery of penicillin, and continued the study right up to 1972, has become a classic example of what can go wrong in a totally unregulated research system. And as is so often the case, the victims were poor, uneducated, black Americans.

The common and recurrent theme throughout these hearings was that the human subject of medical research is inadequately protected, and can only react after something has gone wrong, by using the malpractice route.

These are a complicated set of problems. Their solution will require a number of revisions in the medical care system. The abuses that occur as part of the daily practice of medicine can only be ended when quality controls, such as those mandated in the HMO bill recently passed by the Senate, are put into place. Medical devices are a special area and require specific legislation. I will introduce such legislation within 10 days. The third approach is that which is put forth in the Protection of Human Subjects Act. This act will speak to the vast bulk of biomedical and behavioral research being carried out today—all research which is sponsored by the Department of HEW. There is no question that the guidelines for the protection of human subjects promulgated by both the NIH and the FDA are major steps in the right direction. But as expert witnesses pointed out in our hearings, they can and should be strengthened and improved. The same conclusion was reached by the HEW Advisory Panel in its final report on the Tuskegee Syphillis Study.

Several of the witnesses, and the Tuskegee report, called for the creation of a national body to supervise the conduct of research involving human subjects. The Protection of Human Subjects Act sets up such a body. Composed of 11 members from a wide variety of disciplines, it is charged with carrying out a comprehensive review and study of biomedical and behavioral research in this country, in order to develop the basic ethical principles underlying the conduct of such research. The Commission is then given the authority to develop and implement policies and regulations to be sure that those ethical principles become the foundation of biomedical and behavioral research involving human subjects.

The Commission, which is within HEW and reports to the Secretary, is also charged with the development of a system of certification of local institutional review boards. These boards will be responsible for carrying out the policies of doing research with HEW funds. The board membership will represent a variety of disciplines, and will include adequate representation from outside the health professions. Each local board will have two subcommittees, one to review the research protocol from a scientific viewpoint, and a subject advisory subcommittee, which shall be responsible for assuring that the proposed subjects of the research are as informed as possible and that their needs and interests are looked after in the best way possible. The National Commission is also charged with developing an appropriate range of sanctions for failure to comply with its policies, and a mechanism for the compensation of individuals and their families for injuries or death caused by participation in an experiment.

Mr. President, this legislation recognizes the complexities of the issues involved. Maximum flexibility is built into it, and the Commission is free to set its own course on the basis of the comprehensive study it will undertake. There are many subject areas suggested for Commission consideration in this legislation. But the Commission is not restricted by, nor bound to follow, these suggestions. The only thing the Commission must do, after the study, is to set up a mechanism to assure that subjects of biomedical research are protected to the maximum extent possible.

This Commission will provide a national focus for the consideration of complex ethical questions involved in biomedical and behavioral research involving human subjects. It has the authority to open a channel of communications between the different research institutions, many of which are grappling with the same kinds of problems. Most importantly, it will be the only official government body whose primary responsibility will be the protection of subjects of research.

Mr. President, this legislation was developed after consultation with some of this Nation's leading scientists. It has been our experience that good researchers do not fear, and in fact welcome appropriate oversight of the research process. The effect of this legislation will be to protect human subjects of research. It will in no way inhibit the growth of our necessary biomedical research activities.

The companion legislation to the Protection of Human Subjects Act is the National Research Service Awards Act. This legislation is intended to assure a vigorous program for the training of the researchers of the future.

Mr. President, when the administration's proposed fiscal year 1974 budget was unveiled, it sent shockwaves through the Nation's biomedical research community. For all research training grants and fellowships were slated for complete elimination in the President's proposed budget. This policy, if followed, would not only cut off the supply of new, young researchers, but would undermine the financial stability of all medical schools in the Nation, which rely on training grants for support of faculty research. The Nation's research community was unanimous in its condemnation of the proposed administration policies.

Hearings before the Health Subcommittee established the catastrophic consequences of such a policy for the Nation's research effort. Nobel Laureate James Watson called the policy "sheer lunacy." Dean Lewis Thomas of the Yale School of Medicine, and Dean Michael Debakey of the Baylor College of Medicine agreed that this was the "worst possible time" to pursue such an unreasonable course. The National Institutes of Health itself prepared a lengthy rebuttal to this short-sighted policy in an unsuccessful attempt to get it reversed. Secretary Weinberger, in testimony before the subcommittee, could not, despite repeated questioning, name one scientist who agreed with his policy—not one scientist in the entire country.

Mr. President, most of the research training authorities of the National Institutes of Health are perpetual, but permissive in nature. The administration has made it clear that it will no longer exercise its option to use that authority. Thus we have a real crisis at hand.

I hope we can use this crisis to correct some of the deficiencies in the current programs for support of training in biomedical research, so that we may emerge with a stronger, more effective program. That is what the National Research Service Awards legislation is designed to do.

This act differs from current authority in several important ways:

First. It eliminates the dual class system of fellowships and training grants, replacing them with a single National Research Service Award.

Second. It consolidates all existing training authorities into one National Research Service Award authority, to be administered out of the office of the Director of the National Institutes of Health.

Third. All individual awards are granted directly by the Federal Government, from among nominees submitted by the sponsoring institutions.

Fourth. Separate awards are made to institutions for support services necessary to carry out a research training program. This includes support for a portion of faculty salaries, laboratory costs, and so forth.

Fifth. Each award carries with it a responsibility for national service. This service may be in form of doing research at a university or delivering primary care in ones specialty in a designated shortage area as either a member of the National Health Service Corps, a member of a nonprofit prepaid group practice or as a solo practitioner. The length of the payback varies according to the option chosen. Options other than doing research require special secretarial approval. The incentives are thus weighted heavily in favor of pursuing a lifetime research career. If no options are chosen there is a substantial monetary payback required.

Sixth. The Secretary is directed to sponsor a study designed to clarify national needs for the training of researchers in specific areas. Once that study has been completed and evaluated, the Secretary will certify the need for each category in which service awards are granted, before the award can be made. This will eliminate the oversupply problem alluded to in the Presidential budget message.

This legislation is designed to provide maximum flexibility for the individual recipient of the service award. It offers him a variety of options of payback, all of which are consistent with national needs.

A companion piece of legislation has already emerged from the House of Representatives. That legislation is a step forward over current law, but has several important deficiencies:

First, it does not do anything to existing authorities. They are left intact and new authority is added. There is no consolidation of the authorities so as to make them more easily and flexibly administered.

Second, it perpetuates the dual class system of fellowships and training grant grants. Instead of recognizing institutional support for what it is and clearly accounting for it, it camouflages the costs in the traditional training grant mechanism.

Third, it offers a limited form of payback—either research or the National Health Service Corps.

It does not require that service in the corps be limited to the area of specialty training.

Fourth, it does not require that the Secretary certify need prior to awarding fellowships and training grants. Thus it does not speak to the potential problem of oversupply.

Fifth, the payback required is too severe—2:1. That means a 3-year fellowship requires 6 years payback.

Mr. President, there is significance in the title of this legislation. The concepts of national service and research awards are clearly linked. This is indeed a new program, a more effective one, which will not only meet the need for training future researchers in a flexible way, but will meet significant health service needs as well.

Together these two important pieces of legislation, which shall be the subject of hearings this Thursday and Friday, will both assure a continued supply of well trained biomedical researchers for the future, and be sure that their research is carried out in a fashion that affords maximum protection for the human subjects of that research. I urge, and will work for, their prompt enactment.

PROTECTION OF HUMAN SUBJECTS ACT

Mr. JAVITS. Mr. President, the bill I introduce with Senator Kennedy today seeks to safeguard the rights and welfare of human subjects involved in federally funded biomedical and behavioral research activities.

When I first introduced my "protection of human subjects" bill in the 92d Congress—since reintroduced in the 93d Congress as S. 878—I urged the Department of Health, Education, and Welfare to charge its distinguished Ad Hoc Advisory Panel reviewing the tragic Tuskegee syphilis experiment also to determine the adequacy of the present NIH ethical guidelines for research, which are the standards of conduct provided for in my bill.

The final report of the Tuskegee Syphilis Study Ad Hoc Advsiory Panel, publicly released less than 2 weeks ago, has responded to this charge. The Panel underscored the need to develop new policies to protect the rights of patients involved in biomedical research. The Advisory Panel's determination that the protection of human research subjects is a current serious and widespread problem has also been corroborated by the testimony of many witnesses at the recent series of hearings of the Senate Health Subcommittee of the Committee on Labor and Public Welfare, of which I am ranking minority member.

The Panel, as have many witnesses, concluded, and I quote:

> Congress should establish a permanent body with the authority to regulate at least all Federally supported research involving human subjects, whether it is conducted in intramural or extramural settings, or sponsored by DHEW or other government agencies, such as the Department of Defence. Ideally, the authority of this body should extend to all research activities, even those not Federally supported. But such a proposal may raise major jurisdiction problems.

The products of biomedical and behavioral research in the recent years have made a tremendous contribution to improving the quality of life for Americans. The increased knowledge of the human body and mind produced by this research has enabled medicine to conquer many of the diseases that have plagued mankind.

There is no doubt that we must continue to encourage and promote research into the great enigma of man and his world if we are to eventually overcome the abysmal depths of ignorance and disease.

However, we must also be certain that the dignity and integrity of the individuals who are subjects of biomedical and behavioral research is protected. We must not overemphasize scientific progress at the expense of the rights of the individual.

This bill is a further step forward in my legislative efforts to safeguard the rights and welfare of human subjects at risk in research.

While it is true that much of the research involving human subjects at risk—exclusive of human subject research and experimentation undertaken pursuant to the informed patient consent amendment of the Food, Drug, and Cosmetic Act which I authored—is done under the auspices of HEW research guidelines assuring ethical guidance, the Tuskegee Syphilis Study has shown these safeguards should be strengthened. Therefore, I believe Congress has a responsibility to assure meaningful legal controls on federally supported research activities involving human subjects and that is the goal of the bill we introduce today.

The bill establishes a national commission to study the ethical, social, and legal implications of advances in biomedical research and technology, the protection of human subjects in such research, and thereafter, first, develop the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects and second, develop the policies necessary to insure these principles are adhered to in any federally supported research involving human subjects.

Until the Commission establishes its biomedical and behavioral research ethical principles and policies, this bill I am introducing today with Senator Kennedy incorporates the provisions of my S. 878 and requires that each institution shall supervise its biomedical and behavioral research involving human subjects according to the NIH guidelines.

It is imperative that we maintain a constant vigil lest the zeal which first motivated and then impelled man forward in his never-ending quest for enlightenment be like the sorcerer's apprentice, exceeding its bounds and unfettered, cause us to outdistance our own capacity for commonsense and decency.

At the same time, excessive rigidity in the regulation of human subject experimentation because of some improprieties in ethical self-regulation would, I believe be to the disadvantage of the individual and society. While civilized society cannot tolerate callous disregard of human rights for any purpose—Nazi Germany's atrocities in the name of clinical science being the most horrendous example—mankind would be badly served if we write rigid laws to govern research practices and scientific investigation. Research, development, and the reduction to practice of new ideas are not carried out in a practical, ethical or legal vacuum and the public interest would not be served by an inflexible approach. The bill therefore outlines flexible operating procedures which can be adapted to a variety of federally funded grant and contract mechanisms.

NATIONAL RESEARCH SERVICE AWARD ACT

Mr. President, as a direct result of the national program of biomedical research fellowships, traineeships, and training—whereby students and their parent institutions receive support for research and training in the biomedical sciences—the United States now supports the finest biomedical research program in the history of the world.

Unfortunately, this year's budget request proposes the award of no new traineeships or fellowships this year.

The bill I introduce today with Senator Kennedy is designed to deal with that decision.

The bill establishes a National Research Service Award program to increase the capability of the National Institutes of Health and National Institute of Mental Health to maintain a superior national program of research into the physical and mental disease and impairments of man.

The United States has greatly benefited from the explosive development of science in this country. Biomedical research has provided us with the knowledge and ability to make great improvements in the health and quality of life of American citizens.

Loss of support for the training of young scientists, who would commit their professional careers to seeking new knowledge and upon whom future progress in the understanding, cure, and prevention of disease and injury depends, is ill advised. To fail to recognize this need for the future is shortsighted indeed. Since these trainees learn investigation by doing and since they have bright innovative minds, there will be a significant loss of immediate research productivity when they are absent from our laboratories. In another way, the loss of their stimulating questions and ideas will result in a diminished excitement and productivity of our whole research activity.

At the same time, support for medical center faculty and staff salaries will in part be lost and will require a reduction in numbers and a loss of their special knowledge and skill. These losses are not to be felt but in the trainee program, but from the total research effort for the medical center. They will be felt too in medical education for these faculty are a source of stimulation to medical students, interns and residents, and for an important number of them, they are role models to be emulated.

If the current phaseout of training programs is allowed to proceed to completion, a unique program for training medical scientists with both the M.D. and Ph. D. degree will be abolished. Recognizing that the M.D. is acquainted with the broad biological problems posed by disease but not skilled in research, and that the Ph. D. is well qualified to perform research but naive in regard to disease-oriented model systems, a number of universities have instituted combined degree programs. Because these programs are integrated, it is possible for both types of training to be accomplished in approximately 6 years. In addition, these individuals are excellent candidates for faculty positions because they can combine basic and clinical information in their lectures to medical students. These medical scientists spend more time than either the M.D. or Ph. D. in training, yet their income is lower than physicians can obtain in practices. In addition, their salary is less than their clinical colleagues if they stay in a basic science department. It is unlikely that many of these students would complete training without the small but significant stipends that would be available through National Research Service Awards established by the bill.

In summary, loss of the training support diminishes our future capability to control disease, reduces immediately our research productivity, and lessens the quality of our educational program for biomedical and behavioral researchers.

Instead of the broad, open ended authority presently found in the Public Health Service Act, the bill would provide line-item authorization for a single National Research Service Awards authority—which encompass the numerous existing NIH and NIMH traineeships and fellowships authorities—at the 1972 obligation level.

A unique feature of the bill is its provision that individuals supported by National Research Service Awards would be required to engage in 1 year of research, teaching or practice in the National Health Service Corps for each year of support received, or repay the amount received under the program. In addition, individuals supported could serve in private practice in an area the Secretary of Health, Education, and Welfare determined to be a speciality shortage area or in a qualified nonprofit prepaid group practice, but in those instances, they would be required to provide 20 months of service for each year of support.

The bill would also direct a new, independent study of the traineeship and fellowship program by the National Academy of Sciences, a nongovernmental unit.

Every President since Herbert Hoover, including President Nixon on two occasions, has signed legislation containing specific authority for the training of biomedical research workers. Direct Federal support for such training has been an established part of the Congress' and Executive's health policy for over 40 years. I believe that such a policy should not be precipitously reversed, without consultation with the Congress by any administration as a budget decision. This bill will allow such study and consultation.

By Mr. KENNEDY:

S. 2073. A bill to authorize the Senate, the House of Representatives, and congressional committees to bring suits with respect to claims of executive privilege. Referred to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, I am today introducing a bill to provide a means for Congress to obtain a judicial determination of the existence of executive privilege, and its application in specific circumstances.

Traditionally executive privilege disputes have been compromised and negotiated, so that no definitive limitations on the scope of the doctrine have evolved. The Executive has on occasion taken the position that "Congress cannot, under the Constitution, compel heads of departments by law to give up papers and rather doctrinaire information, regardless of the public interest involved; and the President is the sole judge of that interest." Mr. Kleindienst propounded this theory in hearings earlier this year. Members of Congress have replied, with substantial support from the academic community, that there is no executive privilege doctrine found in the Constitution, thus, that Congress is the sole judge of what information is to be given to it.

In any discussion of the issues surrounding the executive privilege doctrine, certain basic principles requires recognition:

First, both practically and historically, executive privilege can apply if at all only to the advice-giving process relating to decisions by the President himself. Communications among government agency officials and even activities of Presidential aides outside their duties in behalf of the President cannot be drawn within the cloak of executive privilege.

Second, the rights of Congress on behalf of the public and those of the public directly are not coequal. The special needs of Congress in fulfilling its legislative role under the Constitution and its recognized role in overseeing execution of its laws by the Executive, require that it have access to information that otherwise might not be released to public view. The Freedom of Information Act, which expresses exceptions to the principle of full disclosure where the public is involved does not by its specific terms provide any limitation on congressional access to Government information.

Finally, the executive should not be the sole judge of the scope of its own privilege, without check and without standards. To allow the executive to be its own arbiter on questions of disclosure is virtually to guarantee that the determination will be based on something less than the broadest view of the public interest. This is not acceptable to the Congress, nor should it be to the public.

I think it would be a mistake for either Congress or the executive to draw too indelible a line on the issue of executive privilege. I also oppose inflexible legislation imposing automatic sanctions for wrongful or untimely invocation of the privilege. Congress already has subpena and contempt powers. It can hold up nomination, cut off funds, or withhold authorizations.

The bill I am proposing today is consistent with these other alternatives to dealing with invocation of executive privilege. The bill does not presume the existence of an executive privilege doctrine. But since executive privilege is purported to be a constitutional doctrine, the bill gives the Federal courts the opening to delineate the extent of the doctrine if it finds the privilege in fact exists. The courts' traditional role in interpretating the Constitution is thus maintained, and I was pleased today to learn that the Attorney General also saw as natural and appropriate a judicial role in deciding executive-legislative conflicts in the executive privilege area.

The bill would also allow an objective branch of Government to demarcate the relationship between the two other branches of Government under the Constitution. Although the Congress obviously still would retain other avenues for enforcing its will, none of these has ever assisted in providing long-range resolutions on the question of what, if any, information the executive branch can keep from Congress.

The bill I am introducing gives a three-judge district court of the District of Columbia original jurisdiction over actions brought by the Senate, the House of Representatives, and congressional committees which challenge refusals of executive branch officials to appear, testify, or produce information. It contemplates such a suit would follow the refusal of the official to comply with a subpena, and it provides for an override by the House or Senate of any committee-initiated action. A direct appeal to the Supreme Court would follow any initial district court decision.

This bill can be viewed as a companion to other measures introduced in the Senate, since they do not provide any remedy for any external objective considerations of the doctrine.

I recognize the fear of some that this legislation may be used by agencies as an escape valve, knowing that any refusal to provide information will result in drawn out court disputes, and that even after judicial rulings, the executive can refuse to abide by them. I think these fears are not well-founded, and more importantly, this bill would allow a test case on the existence and parameters of executive privilege. Since this is a nation of laws, Congress must presume that no man, and moreover, no official of the government of our Nation, may be above those laws.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2074. A bill to amend the Federal Trade Commission Act in order to grant the Commission authority to directly enforce subpenas issued by the Commission and to directly seek preliminary injunctive relief to avoid unfair competitive practices which violate laws enforced by the Commission. Referred to the Committee on Commerce.

CONTINUANCE OF EXISTING TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 282

(Ordered to be printed and to lie on the table.)

LEGISLATION TO STRENGTHEN FTC SUBPENA AND INJUNCTIVE RELIEF AUTHORITY NEEDED TO IDENTIFY AND AVOID UNFAIR COMPETITIVE PRACTICES

Mr. JACKSON. Mr. President, today I am introducing legislation in the form of a bill and an amendment which will give to the Federal Trade Commission major new statutory authority which is designed to enable the Commission to carry out its mandate to protect the public interest through prompt and aggressive enforcement of the laws it administers.

The need for this legislation was brought to my attention in connection with the Interior Committee's Study of National Fuels and Energy Policy. On May 31, I wrote to the Chairman of the Federal Trade Commission and requested the Commission to:

> Prepare a report within thirty days regarding the relationship between the structure of the petroleum industry and related industries and the current and prospective shortages of petroleum products. This report should be accompanied by such staff reports, investigations and documentary materials as the Commission may have made or obtained which are relevant to comprehension of this issue by the Congress.

The purpose of my request for this report was to develop the facts as to whether the increasingly widespread conviction that the fuel shortage is a deliberate, conscious contrivance of the major integrated petroleum companies to destroy the independent refiners and marketers, to capture new markets, to increase gasoline prices, and to obtain the repeal of environmental protection legislation has any truth or substance.

This is an important question and the American consumer as well as responsible public officials need to have some hard answers as soon as possible.

On June 5, the Chairman of the Federal Trade Commission responded to my letter and stated that he had asked the Commission staff to report the findings of its intensive investigation into the structure, conduct and performance of the petroleum industry no later than July 1, and that this information would be made available to me as soon as possible.

Subsequently, questions were raised by the committee staff as to the present ability and legal authority of the Commission to deal with situations comparable to the current petroleum emergency. On June 15, following discussion between the Interior Committee staff and the staff of the Federal Trade Commission, Mr. Ronald M. Dietrich, General Counsel to the Commission, wrote me a letter on this matter. The General Counsel's letter noted that while the Commission's investigative powers are broad enough to discover problem situations such as those existing in the petroleum industry, there are shortcomings. The letter states that:

> The shortcomings of the Commission's present power are in the potential for delay in existing subpoena enforcement procedures and in its inability to obtain preliminary relief once the problem has been fully discovered.
>
> The Commission has sought for a long time to have two specific powers to increase its ability to deal in an expeditious manner with such important problems. These two powers are the statutory authority to seek directly in the federal district courts preliminary injunctions against the continuance of anticompetitive conduct ("unfair methods of competition") as well as deceptive practices, and the corresponding statutory authority to proceed to federal district court itself to enforce its own subpoenas and to require reports from businesses under Section 6(b) of the Federal Trade Commission Act. At the present time, proposed legislation, S. 356 and H.R. 20, contain language which would give the Commission power to seek preliminary injunctions in deceptive practice situations. But they do not include the corresponding power to restrain the continuance of anticompetitive conduct. The power to seek such preliminary injunctions should, in my opinion, be available to the Commission in both deceptive practices and in anticompetitive conduct situations.

Mr. President, the purpose of the bill I am introducing today is to grant the Federal Trade Commission the full range of powers and legal authority it needs to both identify and prevent unfair methods of competition and anticompetitive conduct.

Because of the urgent need for this legislation and in view of the fact that similar authority was passed by the Senate in the last Congress as a part of the Magnuson-Moss Warranty Act, I am also having this measure printed as an amendment. It is my intention to offer the bill as a floor amendment to a pending measure.

Without this new authority the Federal Trade Commission is hampered in its efforts to protect the American consumer from deceptive and unfair competitive practices. This authority is needed now to assist the Commission in its investigation into the causes of the current shortages of gasoline and other petroleum products.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the text of the correspondence on the FTC investigation of the petroleum industry and the investigation now under way by the Permanent Investigations Committee be printed at this point in the RECORD.

There being no objection, the bill and correspondence were ordered to be printed in the RECORD, as follows:

S. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Subpoena and Injunctive Relief Amendments Act of 1973."

FINDINGS

SEC. 2. (a) The Congress hereby finds that the investigative and law enforcement responsibilities of the Federal Trade Commission have been restricted and hampered because of inadequate legal authority to enforce subpoenas and to seek preliminary injunctive relief to avoid unfair competitive practices.

(b) The Congress further finds that as a direct result of this inadequate legal authority significant delays have occurred in a major investigation into the legality of the structure, conduct and activities of the petroleum industry, as well as in other major investigations designed to protect the public interest.

PURPOSE

SEC. 3. It is the purpose of this Act to grant the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce subpoenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices.

SEC. 4. Section 5(l) of the Federal Trade Commission Act (15 U.S.C. 45(l) is amended by striking subsection (l) and inserting in lieu thereof the following new paragraph:

"(l) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States or by the Commission in its own name by any of its attorneys designated by it for such purpose. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

SEC. 5. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) Whenever in any civil proceeding involving this Act the Commission is authorized or required to appear in a court of the United States, or to be represented therein by the Attorney General of the United States, the Commission may elect to appear in its own name by any of its attorneys designated by it for such purpose."

SEC. 6. Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), is amended by adding at the end thereof the following proviso:

"*Provided*: That the exception of 'banks and common carriers subject to the Act to regulate commerce' from the Commission's powers defined in clauses (a) and (b) of this section, shall not be construed to limit the Commission's authority to gather and compile information, to investigate, or to require reports or answers from, any such corporation to the extent that such action is necessary to the investigation of any corporation, group of corporations, or industry which is not engaged or is engaged only incidentally in banking or in business as a common carrier subject to the Act to regulate commerce."

SEC. 7. Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is violating, or is about to violate any provision of law enforced by the Federal Trade Commission, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final, would be in the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that such action would be in the public interest, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond: *Provided, however*, That if a complaint is not filed within such period as may be specified by the court after issuance of the temporary restraining order or preliminary injunction, the order or injunction may be dissolved by the court and be of no further force and effect: *Provided further*, That in proper cases the Commission may seek, and, after proper proof, the court may issue a permanent injunction. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

SEC. 8. Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended to read as follows:

"SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (1) of section 5 of this Act, it shall—

"(a) certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection; or

"(b) itself cause such appropriate proceedings to be brought."

U.S. SENATE, COMMITTEE
ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., May 31, 1973.

The Honorable LEWIS A. ENGMAN,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: Over the past six months every section of the nation has experienced serious shortages of heating oil, gasoline, diesel fuel and propane. These shortages—especially gasoline and diesel shortages—threaten to become critical within the next few months. Shortages of fuel oil next fall and winter are certain. They may be the most serious ever experienced in this country.

You are undoubtedly aware of the growing and increasingly widespread conviction that the fuel shortage is a *deliberate, conscious contrivance* of the major integrated petroleum companies to destroy the independent refiners and marketers, to capture new markets, to increase gasoline prices, and to obtain the repeal of environmental protection legislation. Allegations and some circumstantial evidence of this sort are coming increasingly from oil independents, consumer organizations, students of the industry, Members of Congress, and from the chief legal officers of local and State governments.

As Chairman of the National Fuels and Energy Policy Study authorized by S. Res. 45, I recognize that the origins of the current fuels shortages are complex. They involve, among other things, stringent environmental regulations, a lack of refining capacity, an incentive system that is not producing desired results, the need for deep-water port facilities, and many other factors.

One major cause of the shortage which should not be overlooked or minimized is the present Administration's incomprehensible and foolish reliance last summer on the clearly incorect and self-serving recommendations of major oil companies that import controls should be maintained; that refined products should not be imported; and the assurance that refinery capacity would be adequate to meet all demands for petroleum products over the next year.

We know, for example, that Texaco's Chairman of the Board wrote General Lincoln, then the Director of the Office of Emergency Preparedness, last July objecting to the granting of more import quotas for finished products and stating that there is "sufficient refining capacity available in the U.S. to meet anticipated demand for clean products over the balance of this year." We know that the President of Humble Oil (now Exxon, U.S.A.) assured General Lincoln in September that "Humble could not speak for the remainder of the industry but felt in a tight situation the industry would do its best including going beyond its contract commitments if it were capable of doing so . . ."

While I am not yet ready to definitively conclude that the current crisis can be fully explained in terms of "conspiracies" between or "excessive market power" exercised by a relatively few oil companies this does pose a major question of public policy which deserves careful review and analysis. The very fact that the so-called "conspiracy theory" is supported by circumstantial evidence and that it does have credibility among knowledgeable observers of the industry makes an in-depth investigation mandatory. If investigation shows that the current shortages have been calculated and engineered for private profit or advantage, legislation will be required to effectuate fundamental changes in the structure and operation of the petroleum industry.

Later in this letter I will be requesting the Federal Trade Commission to undertake an investigation of this matter.

Whatever the ultimate cause or causes of the shortages it is indisputable that they threaten to extinguish the independent refining and marketing sectors as a viable competitive force in the petroleum industry. It is furthermore a fact that retail gasoline and fuel prices—the price consumers pay—have risen drastically and will continue to rise. At the same time, the earnings of the five biggest oil companies jumped by 26 percent between the first quarters of 1972 and 1973.

The earnings of Exxon, the largest oil company in the United States, jumped by an amazing 43 percent. The earnings for 27 smaller oil companies jumped by 32.1 percent during the same period.

The fact that oil company earnings show startling increases during a period of time when the companies are under price controls, when independents are being put out of business, and when the American consumer cannot get gasoline also raises fundamental questions of public policy. This is particularly true in view of the disturbing signs that the present shortages are being accompanied and perhaps caused by major structural changes in petroleum marketing which could seriously limit competition.

The strength, efficiency, and economy of America's oil industry has been based on the high degree of competition at the retail level afforded by numerous companies supplying the same market. It is a classical first step of any small group of companies who wish to restrain trade and raise prices to first centralize their marketing areas so as to reduce competition. Indeed it is the purpose of the Federal Antitrust Laws to assure that there is adequate competition. Some of the disquieting market limiting instances—all within the past few months—are as follows:

Gulf is withdrawing in Michigan, Maryland, Iowa, Wisconsin, Delaware, Minnesota, North Dakota, South Dakota, Kansas, Nebraska, Montana, Wyoming, Washington, Oregon, Idaho, Utah, Nevada and Northern Californa. They are just getting out of those areas and have a $250,000,000 withdrawal program under way.

Exxon is selling 150 retail service stations in Indiana, Illinois, Wisconsin and Michigan and possibly an additional 250 stations.

Phillips by October 1, 1973, is withdrawing from New England all the way as far south as Maryland and Northern Virginia.

British Petroleum has sold its New York State marketing network to United Refinery. West of Hudson, New York, it is giving no new supplies to its jobbers. BP has notified its jobbers in New Jersey, Rhode Island and part of Massachusetts that their contracts will soon be cancelled.

Atlantic Richfield Company is selling its terminal and bulk plant in Mississippi. ARCO is also divesting itself of a 32,000 barrel a day refinery in Sinclair, Wyoming. It is dropping 2,400 retail outlets in Colorado, Idaho, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri and parts of Louisiana, Alabama and Oklahoma.

Amoco, according to trade reports, plans to pull out of the Western United States with the exception of Washington and Oregon.

Sunoco is withdrawing from North Dakota, South Dakota, Nebraska, Wisconsin, Minnesota, Kansas, Tennessee and the Metropolitan Chicago area. However, it is excluding certain other metropolitan areas such as Omaha, Eastern Kansas, Memphis and its Interstate Highway outlets.

Fina will purchase the BP marketing properties in Georgia and Florida and part of those in North Carolina and South Carolina.

There are instances of other oil companies which are abandoning certain "uneconomical" areas. Moreover, many of these and other major oil companies are apparently terminating existing dealer franchises and, *at the same time*, establishing new chains of dealerships under new second and third name "fighting brands."

It is highly suggestive to those who have studied the dynamics and structure of the national and international oil corporations which dominate the industry and the patterns of marketing that all of these factors and results are *not* happenstance. In major respects they may represent conscious, knowing decisions to shift traditional profit centers from "production" in historically, low cost, profitable Mid-east sources to the downstream sources of "refining" and "marketing" both in the United States and Europe. This shift in profit taking sources was compelled by the nationalistic attitude of Mid-East nations to control their own resources and to maximize host government revenues. On the basis of available evidence I do not charge or allege conspiracy; I do, however, charge that corporate self-interest, acting in response to friendly, timid and often incompetent Administration policy, has led to a situation in which oil industry corporate managers—without meeting, without collusion, without conspiracy—are led, invited, and encouraged: (1) to squeeze out the independents; and (2) to force the price of gasoline and other petroleum products up and up.

It is not clear to me or to other Members of Congress what all of these fast moving events and changes mean, nor what relationship they bear to the shortages of crude oil and petroleum products. The sole purpose of this letter is to get a detailed, objective, and judicial judgment on the issues which have been raised in connection with the current fuels crisis. It is in the national interest to have a strong, viable and competitive industry that is privately owned and has the confidence of the public.

I am hereby requesting the Federal Trade Commission to prepare a report within thirty days regarding the relationship between the structure of the petroleum industry and related industries and the current and prospective shortages of petroleum products. This report should be accompanied by such staff reports, investigations and documentary materials as the Commission may have made or obtained which are relevant to comprehension of this issue by the Congress.

Later today, Senator Humphrey and I will be introducing an amendment to S. 1570, the "Emergency Petroleum Allocation Act of 1973," which will authorize and direct a more detailed six-month study by the Federal Trade Commission of this and other important questions concerning the petroleum industry, its changing structure and operation, and the causes of the current shortages. I am enclosing a copy of the amendment and a table from the May 14, 1973 *Oil and Gas Journal*, showing earnings and profit performance of 32 oil companies in the first quarter of 1973.

Sincerely yours,

HENRY M. JACKSON,
Chairman, Senate Study of A National Fuels and Energy Policy.

HOW 32 COMPANIES PERFORMED IN THE FIRST QUARTER

Company	Net profit [1] ($1,000)	
	1st quarter 1973	Percent change from 1972
Exxon	508, 000	+43. 1
Texaco	264, 016	+14. 8
Gulf	165, 000	+18. 7
Mobil	155, 800	+10. 1
California Standard	152, 800	+24. 2
Subtotal	1, 245, 616	+26. 0
Indiana Standard	121, 100	+21. 5
Shell	80, 233	+49. 2
Tenneco	53, 413	+14. 4
ARCO	50, 303	+52. 2
Sun	49, 146	+42. 3
Conoco	47, 500	+11. 5
Phillips	43, 448	+22. 1
Union	38, 300	+28. 1
Amerada Hess	36, 706	+25. 1
Cities Service	34, 400	+17. 4
Getty [2]	27, 006	+20. 6
Marathon	24, 165	+49. 6
Pennzoil	19, 624	+—
Sohio	17, 500	+—
Signal	16, 202	+—
Ashland	15, 900	+46. 7
Kerr McGee	11, 876	+20.
Skelly	9, 961	+—
Occidental	8, 934	+57. 8
Murphy	6, 452	+57. 7
Clark	4, 846	+—
American Petrofina	4, 735	+105—
Tesoro	4, 271	+86. 8
Quaker State	3, 604	+—
Kewanee	3, 017	+—
Corco	2, 806	+—
Apco	889	−34. 0
Subtotal	736, 337	+32. 1
Total	1, 981, 953	+28. 2

[1] Excludes extraordinary items.

[2] Includes Getty's share of Mission Corp., and Skelly Oil Co.

FEDERAL TRADE COMMISSION,
Washington, D.C., June 5, 1973.
The Honorable HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of May 31, 1973, concerning the present shortage of petroleum products.

As I am sure you are aware, for more than a year the Commission staff has been conducting an intensive investigation into the structure, conduct and performance of the petroleum industry. This investigation is close to completion. There are a number of important hearings scheduled throughout the month of June, and the staff will continue to utilize every available resource to expedite the completion of the hearings and the assimilation and analysis of the latest evidence.

I have asked the staff to report its findings to me no later than July 1, and the Commission will certainly endeavor to provide you with the information which you seek as soon as possible.

Sincerely yours,

LEWIS A. ENGMAN.

FEDERAL TRADE COMMISSION,
Washington, D.C., June 15, 1973.
Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In the course of discussions between your staff and the staff of the Bureau of Competition, it is my understanding that questions were raised as to the present ability of the Commission to deal with situations comparable to the current petroleum emergency. The Commission's investigative powers clearly are broad enough fully to discover problem situations such as that existing in the petroleum industry. The shortcomings of the Commission's present power are in the potential for delay in existing subpoena enforcement procedures and in its inability to obtain preliminary relief once the problem has been fully discovered.

The Commission has sought for a long time to have two specific powers to increase its ability to deal in an expeditious manner with such important problems. These two powers are the statutory authority to seek directly in the federal district courts preliminary injunctions against the continuance of anticompetitive conduct ("unfair methods of competition") as well as deceptive practices, and the corresponding statutory authority to proceed to federal district court itself to enforce its own subpoenas and to require reports from businesses under Section 6(b) of the Federal Trade Commission Act. At the present time, proposed legislation, S. 356 and H.R. 20, contain language which would give the Commission power to seek preliminary injunctions in deceptive practice situations. But they do not include the corresponding power to restrain the continuance of anticompetitive conduct. The power to seek such preliminary injunctions should, in my opinion, be available to the Commission in both deceptive practices and in anticompetitive conduct situations.

In the event I can give you any further information with respect to the Commission's needs in this area, I will be very happy to do so.

Sincerely yours,

RONALD M. DIETRICH,
General Counsel.

FEDERAL TRADE COMMISSION,
Washington, D.C., June 15, 1973.
The Honorable HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in reference to discussions between staff of the Federal Trade Commission and the Senate Committee on Interior and Insular Affairs, and your letter of May 31, 1973, to Chairman Engman with regard to our current investigation of the petroleum industry.

Chairman Engman has advised you by letter dated June 5, 1973, that a report will be submitted to him no later than July 1, 1973, by Commission staff concerning the competitive situation in the domestic petroleum industry. A report will be made to your Committee on the same subject as soon as possible thereafter.

In your letter of May 31 you asked that the Commission also provide the Committee with petroleum company documentation and internal Federal Trade Commission staff memoranda developed through the course of the petroleum industry investigation. It is respectfully requested that these requests be reconsidered.

Release of company documentation would materially interfere with the progress of the petroleum investigation and the Commission's law enforcement responsibilities. To date, the Commission has experienced a high degree of cooperation on the part of petroleum industry members in that they are promising to produce a large volume of confidential and competitively sensitive business documentation without the necessity of serving subpoenas. Loss of their voluntary cooperation in providing such confidential documentation would greatly impede further progress of the investigation.

Secondly, release to your Committee at this time of internal staff memoranda might jeopardize the staff's strategies as it conducts investigatory hearings, analyzes industry structure and practices, and prepares to make appropriate recommendations.

Sincerely yours,

RONALD M. DIETRICH,
General Counsel.

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., June 20, 1973.
Hon. LEWIS A. ENGMAN,
Chairman, Federal Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday members of your staff and the General Counsels for the Interior and Insular Affairs Committee and the Permanent Subcommittee on Investigations, both of which I chair, met to follow up on our recent correspondence dealing with investigations of the relationship between the current fuels shortages and the structure, conduct and activities of the petroleum industry. The discussions between members of our respective staffs focused on the request made in my letter of May 31, 1973, for a report on this matter within thirty days together with relevant staff reports, investigations and documentary materials prepared or obtained by the Commission on this matter.

You will recall that on June 15, 1973, in a letter to me your General Counsel, Mr. Ronald M. Dietrich, "respectfully requested that these requests be reconsidered," primarily because, in his view, the turning over of company documentation might result in their release and thereby cause termination of the voluntary cooperation of the major petroleum companies in "promising to produce a large volume of confidential and competitive sensitive documentation without the necessity of serving subpoenas." It should be noted here that although there was a press report to the contrary, neither your General Counsel nor any other Commission representative has at any time refused to provide all of the material I have requested.

In proceeding with this important investigation I do not wish to in any way impede the ongoing investigation of the Commission pursuant to its statutory mandate. I am sure, however, that you understand that neither can the Congress abdicate its investigative, oversight and legislative responsibilities. It is my view that a joint effort, calling on the powers and resources of the Commission and the Congress would be most beneficial to the American public and would insure that answers to these questions which are of such great importance to the American people are forthcoming at an early date.

Accordingly, I propose that the appropriate members of our respective staffs meet prior to your formal transmittal to me of the report cited in your letter of June 5, 1973, to determine which of the staff reports, investigations and documentary evidence the Commission has developed would be relevant to the Subcommittee's investigation. Materials and documents delivered to you by companies with reasonable restrictions on confidentiality would be maintained. Any Commission materials which are shown to be pertinent to pre-litigation strategy would, of course, only be used for internal purposes by the Members of the Subcommittee and authorized legal counsel to the Subcommittee.

As a result of discussions between our respective staff members the General Counsel to the Commission sent me a second letter on June 15, 1973, concerning inadequacies in the Commission's statutory authority to enforce subpoena and to seek preliminary injunctive relief to avoid unfair competitive practices. I intend to introduce legislation within the next few days which would grant the Commission the requisite authority to insure prompt enforcement of the laws the Commission administers. If there are other areas in which new legislative authority is needed, I would greatly appreciate it if you would bring them to my attention.

I look forward to the receipt of the report which your June 5 letter states will be presented to the Commission by the FTC staff on July 1, 1973. I am informed that the report will reflect the most intensive inquiry into this area ever undertaken by a Federal agency. Without prejudging the report's conclusions or recommendations, I want to commend the members of the Commission and the Commission staff for your efforts in undertaking this important investigation.

In view of the indeterminate amount of time it will take the Commission to review the Commission's staff report before formal transmittal to me, I would appreciate it if you would arrange for designated members of my Subcommittee staff to be briefed by the Bureau of Competition on the report and for me to receive, on a confidential basis, an advance copy of the report when it is transmitted by the staff to the Commission. This will expedite the Subcommittee's investigation and will insure that the investigation proceeds on an informed, responsible and objective basis.

Finally, I want to assure you and the other members of the Commission that you will have my full cooperation on this important inquiry. If I or members of my staff may be of any assistance do not hesitate to call upon me.

Sincerely yours,
Henry M. Jackson, *Chairman*.

By Mr. GURNEY:

S. 2076. A bill to establish in the State of Florida the Egmont Key National Park. Referred to the Committee on Interior and Insular Affairs.

Mr. GURNEY. Mr. President, as part of the continuing effort to preserve the heritage and beauty of America, I am introducing a bill which would make Egmont Key, the gateway to Tampa Harbor, a national park.

It is not often that you can find a piece of America 2½ miles long and a half mile wide which encompasses such a broad sweep of American history and yet retains the distinctive features and landmarks from which that history was carved.

Egmont Key is just such a place. Its strategic location, in the mouth of the biggest bay and harbor on the west coast of Florida, attracted Ponce de Leon as early as 1513. Subsequently, after the British took possession of east Florida, the key was named after a high ranking British colonial official.

Soon after the Americans took over in 1821, a then-unknown engineering officer in the U.S. Army named Robert E. Lee headed an expedition to make recommendations for the military defense of the west coast of Florida. Egmont Key and neighboring Mullet Key subsequently became military reservations.

At first, Egmont Key was an informal outpost for troops from Fort Brooke. Then, during the second Seminole Indian war, it became a prison—a function for which it was also used during the Civil War. In addition, Egmont Key was used as a headquarters by Union troops blockading Tampa Harbor.

The significance of the harbor, and fear of a possible Spanish Naval attack on it during the Spanish American War, caused the U.S. Government to build two forts—one for mortars and the other for longer range artillery—plus extensive barracks and brick roads on Egmont Key. Some of the walls for this complex were 3 feet thick and much of it still remains intact—thanks to the isolation of Egmont Key and the fact that it has not been subjected to commercial development.

World War I saw the Army use the key as a training base for a field artillery company and in World War II it was used by the Air Force. Now, its military role is over but its navigational importance remains undiminished. The Coast Guard continues to operate a 121-year-old lighthouse there and the Tampa Bay Pilots Association is headquartered there. As they have for years, coast guardsmen and harbor pilots guide the ships of the world to Egmont and then into Tampa Harbor.

Aside from the pilots and the Coast Guard only 29 other residents share the beauty and the history of Egmont Key. The beaches are beautiful, the forts remain largely intact and examples of Spanish architecture are still to be found.

It is truly a unique area, unspoiled by recent development, unhurried by the fast pace of modern living, and ideal as a national park—to be used and appreciated by those desiring a rich recreational and historical experience. It seems hard to believe, now, that Tampa, Fla., could have once been considered a point vulnerable to foreign attack—but once it was and future generations of Americans should be able to not just read about it, but be able to see how Americans of that time protected themselves from that threat.

Mr. President, the local governments in the area are strongly in favor of action being taken to protect Egmont Key and to keep it preserved for the enjoyment of present and future generations. Furthermore, the three Congressmen representing the affected area have submitted a bill similar to mine in the House of Representatives.

If we are to be consistent in our desire to protect those unspoiled areas of historical, recreational, and ecological importance then, we should not overlook Egmont Key and we should move as quickly as possible to make it a national park.

Mr. President, I ask unanimous consent that the text of my proposal be printed in the Record at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established the Egmont Key National Park in the State of Florida, to consist of that area of land and water described in the succeeding provisions of this Act.

(b) The Secretary of Transportation is authorized and directed to transfer to the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") the land under his jurisdiction in Egmont Key, Florida, as described in section 2 of this Act, and which has been declared excess property by the Administrator of the General Services Administration. The lands and waters transferred to the Secretary under this subsection shall comprise the Egmont Key National Park and shall be administered by the Secretary through the National Park Service. Under the direction of the Secretary, the National Park Service shall administer, protect, and develop the park subject to the provisions of the Act entitled "An Act to establish a National Park Service and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.). The Secretary may apply any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

Sec. 2. The land and waters specified in the first section of this Act are more particularly described as follows:

That certain tract or parcel of land described as Egmont Key, lying in section 26, township 33 south, range 15 east Hillsborough County, Florida, containing 393 acres more or less, and bounded on the west by the Gulf of Mexico, and on the east by the waters of Tampa Bay.

Sec. 3. As soon as the transfer authorized by the first section of this Act has been completed, the Secretary shall establish the Egmont Key National Park by publication of notice thereof in the Federal Register.

Sec. 4. There are hereby authorized such sums as are necessary to carry out the provisions of this Act.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2078. A bill to require the Secretary of the Army to make a survey for flood control purposes in the county of San Luis Obispo, Calif. Referred to the Committee on Public Works.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to authorize the Army Corps of Engineers to conduct a survey of San Luis Creek and its tributaries to determine the best means of providing flood control and protection throughout the San Luis Obispo Basin, Calif. I am pleased that my colleague from California (Mr. TUNNEY) is joining me as cosponsor of this bill. The bill is similar to H.R. 3013 already introduced in the House by Mr. TALCOTT of California.

In January of this year, the city of San Luis Obispo was hard hit with more than 6 inches of rain in 3 days, leaving more than $4 million damage, primarily to private homes, roughly between 800 and 1,000 homes were flooded and 80 to 90 businesses suffered damage. An estimated 100 cars were abandoned as they were caught at flooded intersections or driveways. The county subsequently was declared by the President as a national disaster area.

San Luis Obispo experienced similar heavy rains in a 1969 storm when a record 13.68 inches of rain fell in 4 days. A national disaster declaration also was made then. As in 1973, rains brought down trees and other debris, clogging the city storm drains, particularly at bridges over San Luis Creek. San Luis Obispo residents naturally are concerned that although the debris-ridden creek has been cleared and the severely eroded banks have been restored to their earlier condition, flooding could occur again at any time in the future.

The city of San Luis Obispo, in deciding what steps should be taken to provide permanent protection, last week concluded that Federal help is needed. The San Luis Obispo City Council adopted a resolution urging Congress to authorize a corps study of San Luis Creek and its tributaries. I am introducing this bill in response to the city's request.

It is hoped that a comprehensive study by the corps of the entire 65-mile drainage system in San Luis Obispo County will provide a series of alternatives and recommendations for flood protection in the entire San Luis Obispo Basin. Such a study needs to look at floodflows from Reservoir, Questa, and Stenner Canyons into San Luis Creek, and drainage of Profumo Canyon as it relates to Laguna Lake. This legislation, however, by no means sanctions the authorization of a Federal flood control project. It should be up to the citizens of San Luis Obispo, and their city and county government officials, to decide what protective systems, if any, should be implemented once the corps investigation is completed and recommendations made.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to cause a survey for flood control and allied purposes to be made under the direction of the Chief of Engineers in the vicinity of the County of San Luis Obispo, California. The Secretary shall report to Congress as soon as possible after its completion, the result of such survey.

By Mr. PELL (for himself and Mr. KENNEDY):

S. 2080. A bill to provide for the establishment of rail passenger service development corporations, and to make available Federal assistance to encourage the development of improved rail passenger services in transportation corridors in the United States. Referred to the Committee on Commerce.

Mr. PELL. Mr. President, today I am introducing for myself and the senior Senator from Massachusetts (Mr. KENNEDY) a bill entitled "The Rail Passenger Service Development Act of 1973."

This bill, I believe, contains important solutions for our Nation's railroads—especially in densely populated areas where rail passenger service of essential value, not only to meet transportation requirements, but also to assist in the conservation of energy and to help alleviate the problems of air pollution.

I believe this bill, which is national in scope, involves both significant long-range solutions, as well as solutions to meet the immediate crisis of continued railroad service in the Northeast section of our country. As we all know, this crisis is rapidly reaching the breaking point.

While this bill is addressed specifically to improved railroad passenger service, it also bears on improved freight service along main routes of travel.

The crisis facing our railroads in the Northeast affects the Nation as a whole. Some initial emergency steps may well be needed to forestall it. However, I believe the bill I am introducing could in itself provide a means for resolving that crisis, and a framework for future development, both regionally and nationally. In addition, I believe it can provide a means for turning losses into profits, giving us the basis for a viable railroad enterprise at minimal risk and cost to our Government and our taxpayers.

In many ways the bill I am introducing is a logical continuation of the development which I first proposed for the Northeast corridor in 1962. It will apply the fruits of research, development, and demonstrations resulting from the Northeast corridor transportation project and the High Speed Ground Transportation Act of 1965 which President Johnson initiated, and, which I am proud to say, stemmed from my own efforts on behalf of improved rail passenger service.

The essential objective of this bill is to provide for the setting up of passenger service development corporations to be the vehicles of finance of major improvements to facilities for rail passenger service. Upon the designation by the Secretary of Transportation of a corridor needing rail passenger transportation development, a public corporation would be formed to acquire and develop railroad property essential to passenger service. The corporations will be empowered to issue obligations guaranteed by the U.S. Treasury. The Secretary of the Treasury is directed by the bill to ascertain that financial soundness of the guaranteed obligations of the corporations be such that the revenues of the corporations will be sufficient to meet interest and principal repayments. In this respect, the bill does not contemplate that the development corporations will need regular appropriations of funds.

The development corporations will not themselves be operational but rather will contract with the National Rail Passenger Service Corporation for the management, marketing and promotion of passenger services and with operating railroad companies for its provision. The bill also provides that upon request of State and local government agencies the development corporations will on a fully reimbursed basis accept responsibility for commuter rail service. This arrangement should produce efficiencies which will improve commuter transportation and reduce its cost.

Because of the variety and individuality of major transportation corridors throughout the country, I believe that separate corporations, as deemed appropriate, will best be able to specialize in meeting specific corridor needs, requirements, and priorities. I have, therefore, provided for this flexibility in the bill.

An important provision of the bill is that after designating the primary rail passenger transportation corridors in the United States the Secretary of Transportation must establish a project planning organization for each corridor which will determine the need for and the costs of major improvements to rail passenger transportation. These project organizations, drawing upon both State and Federal personnel for staffing, will assure that rail improvements in each corridor are soundly conceived and planned, and coordinated with public expenditures on other modes. When the Secretary finds that an adequate basis of planning exists, and that rail passenger development in a corridor is needed, he must then proceed to establish a passenger service development corporation for that corridor.

The development of rail passenger facilities by the corporations would be keyed to need and the state of technology of high speed ground transportation. It would be expected that development in some corridors would proceed beyond the current mode of rail passenger service to more advanced forms resulting from work carried out in the high speed ground transportation program. More exotic modes such as tracked air cushion vehicles, magnetically levitated vehicles, monorails and so on would be possibilities for development and application.

This bill, and development which would follow its enactment, will help to achieve the balance which every student of transportation believes is necessary for maximum service benefit to the public. In addition the development of improved rail passenger service would provide important alleviation to environmental and resource problems which have descended upon the country in recent years. Studies which the U.S. Department of Transportation has done show that commercial passenger aircraft emit 2.7 times as many pounds of pollutants per million passenger miles as high speed trains, buses 21.8 times as many pounds of pollutants, and private autos 27.3 times as many pounds of pollutants as high speed trains. In energy consumption, too, which is of great current moment, the Department of Transportation has found that trains are highly efficient. An electrically powered passenger train consumes 925 Btu's per passenger mile, commercial buses 740 Btu's, passenger cars 1,600 and trunk airlines, 4,100 Btu's per passenger seat-mile. It is very clear that on the combined scores of energy conservation and environmental impact, rail passenger transportation is far out ahead of the other modes. On those grounds alone it is inconceivable that we should not now begin to provide for the reestablishment and redevelopment of this resource which for so long has been allowed to fall into disrepair.

Perhaps few would quarrel with the proposition that improved rail passenger service can provide the greatest benefits to those parts of the country where traffic congestion, pollution, and energy waste are greatest. Generally these areas are in the transportation corridors which connect large metropolitan areas, such as New York, Chicago, and St. Louis, Los Angeles, San Francisco, and Seattle to name but a few. In these corridors population and economic activity have grown in the past several decades at very high rates. In recent days the Environmental Protection Agency has announced that in the Los Angeles area and northern New Jersey automobile use must be curtailed in the interest of breathable air. For these reasons this bill directs its attention first to the "megalopolitan" corridors where the public's health is threatened and where the inefficiencies of private transportation are most egregious. Recognizing that each of these transportation corridors has distinguishably different characteristics in the mix of economic activities, climate, resource structure, and transportation facilities, it has seemed desirable that each should have its own development corporation, responsive to its particular needs. The bill provides that both the planning for improved rail passenger transportation and the operation of the development corporations will involve local interests and local policies.

Mr. President, the energy crisis, brought home to nearly everyone in the Northeast in these recent torrid days when power supplies have had to be curtailed, demonstrates again with intense emphasis the need for planning of these facilities and services on which the public depends heavily. During the 1960's the Johnson administration pushed ahead with planning for transportation improvements in the Northeast corridor so that by 1969 a blueprint had been laid down for improvements to the railroad between Washington and Boston which would yield very large benefits to the public. Corollary to and in support of this planning a demonstration of improved passenger service—the Metroliners—was initiated which has proven to be extraordinarily successful. Parenthetically I should point out that the Metroliners have been successful from a Government fiscal point of view as well. In the neighborhood of $2.2 million is owed by the Penn Central to the Federal Government under the terms of the contract for the Metroliner demonstration. The observation hardly needs making that it is an unusual program which can return money to the Federal Government.

In one respect, perhaps, the Metroliners were too successful because very little more has been done to develop passenger service in the Northeast corridor, despite evidence in reports released by the Department of Transportation that very substantially increased revenues would be obtained from service improvements. It is true that the Metroliners have relieved many of the pressures which built up in the late 1960's on commercial aviation capacities in the Northeast. However, it appears that the problems of congested highways and accompanying pollution have continued almost unabated. Somehow rail service for shorter distances in the Northeast corridor must be so improved as to cost, trip time, and frequency that travelers will be attracted out of their private automobiles and on to the trains. It is evident that social benefits of substantial magnitude will result. So far as the Northeast corridor is concerned passage of this bill is most urgently needed. What has been so clearly demonstrated in the Northeast corridor is almost certainly true in other corridors of the country. In my judgment this general enabling legislation is needed in order to begin an orderly process of planning and development of rail passenger service throughout the country.

Mr. President, I cannot end my discussion of this bill without providing some specific information about how the passenger service development corporation would work out in the Northeast. Studies done by the Department of Transportation show that capital expenditures of approximately $700 million over 5 fiscal years would provide 5-stop service in 2½ hours between Washington and New York and 4-stop service in 3 hours between New York and Boston. Revenues would flow in during the construction period from continuously upgraded service as improvements were completed. In the years after completion of the $700 million capital expenditures, revenues would exceed operating costs and carrying charges by increasing amounts. I might point out that the record of the Northeast corridor transportation project in predicting passenger responses to improved services has been on target, proven by the Metroliner and Turbo train experiences. By 1985 the revenue surplus over operating costs and annualized expenses for capital improvements would be approximately $40 million per year. Over 30 years it would approximate $75 million per year.

The revenue surplus would be available to meet the cost of purchasing or leasing the existing Penn Central line between Washington and Boston. Various estimates of the worth of the corridor rail line property have been made. They vary depending on whether ICC figures are used, liquidation values, and so on. An estimate of the fair worth of the land and facilities used for intercity passenger service is probably no more than $500 million. The surplus of $75 million per year would very easily support the annualized capital cost of such acquisition.

This leads me to a very important point; namely, that Federal acquisition of the Northeast corridor rail line either through lease or purchase would provide very important relief to the nearly defunct Penn Central Transportation Co. which operates the corridor line. On July 2 next the Federal judge in the Penn Central financial reorganization will consider whether the Penn Central can be restored to financial viability. The reorganization trustees have stated that unless drastic reductions are made in mileage, service and personnel, the Penn Central can not meet its cash requirements. There is little disposition in the regions served by the Penn Central or among the employees to embrace such drastic remedies, and it is quite clear that the public interest in the services of the Penn Central is very substantial. Yet there is also reluctance in the administration and also here in the Congress to provide bail-out financial aid to the Penn Central. A takeover of the corridor railroad by a publicly owned passenger development corporation with provision for continued operation of freight services by leaseback arrangements would provide a private basis for greatly improving the cash position of the Penn Central.

It would also avoid a precipitate rescue operation and possibly the first poorly considered steps toward nationalization. It is quite clear that eventually the Federal Government will find it necessary to take responsibility for the development of rail passenger service in the Northeast. That step, it is widely believed, is inevitable. Considering the energy and pollution crises, and the threatened breakdown of the Penn Central Railroad, it would appear to be eminently sensible to take this sound action.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Passenger Service Development Act of 1973."

FINDINGS OF FACT

Sec. 2. The Congress finds—

(a) that the development of improved rail passenger transportation services in the primary transportation corridors of the United States is hampered by lack of organization for development and by inadequate funding:

(b) that improved rail passenger transportation would be a low cost, non-polluting, environmentally conserving alternative to other modes of transportation whose development has been encouraged by Federal funds:

(c) that demonstration projects already undertaken in the Northeast corridor have made manifest that improvements in corridor rail passenger transportation services are practicable, economic and socially desirable;

(d) that in a number of transportation corridors in the United States the social benefits of public investment in rail passenger transportation would exceed social costs by wide margins; and

(e) that the development of balanced transportation facilities, including rail passenger transportation, is essential to the health and welfare of the people of the United States.

STATEMENT OF PURPOSE

SEC. 3. The primary purpose of this Act is to provide for the development of improved rail passenger services in transportation corridors in the United States placing major responsibility for development upon the States and local governments along with private agencies. It provides for Federal aid to the planning of improved rail passenger services, establishes the procedures under which rail passenger service development corporations can be formed, and authorizes under certain conditions the funding of development to be carried out by individual rail passenger service development corporations.

PLANNING OF RAIL PASSENGER TRANSPORTATION DEVELOPMENT

SEC. 4. (a) The Secretary of Transportation (hereinafter referred to as the "Secretary") is authorized and directed to determine the primary rail passenger transportation corridors in the United States and to plan for their development as integral parts of balanced national and regional transportation systems. For each designated corridor the Secretary shall, under his supervision and in coordination with the governors of States within or adjacent to such corridors, within six months after enactment of this Act, establish project planning organizations which will determine the extent of need for and the social costs of improved rail passenger transportation. The Secretary shall within two years after the establishment of each corridor project organization report to the Congress the results of its findings of social needs and costs of development of improved rail passenger transportation.

(b) The Secretary may in corridors where he determines that an adequate basis of planning already exists proceed immediately to the establishment of one or more rail passenger service development corporations.

(c) The funding for planning of corridor rail passenger transportation development shall be from regular appropriations to the Department of Transportation for research and development. The Secretary is authorized to make grants from such funds to States individually or jointly for aid in the planning process.

FORMATION OF RAIL PASSENGER SERVICE DEVELOPMENT CORPORATIONS

SEC. 5. (a) The Secretary upon finding need for improved rail passenger transportation service within a designated corridor shall establish a Federal rail passenger service development corporation for such corridor.

(b) The Secretary shall appoint to head each such corporation a board of directors composed of five members who shall be selected to represent appropriate fields of expertise to carry out the functions of the corporation. Each such director shall (1) serve at the pleasure of the Secretary, and (2) be compensated at a rate to be fixed by the Secretary for time spent carrying out the duties of such a director, but not to exceed the per diem equivalent of the rate authorized for grade GS-18 by section 5332 of title 5 of the United States Code, and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

POWERS OF THE CORPORATIONS

SEC. 6. (a) Each rail passenger service development corporation formed for a designated corridor shall assume responsibility for the operation and development of rail passenger service in such corridor including the installation of technologically advanced types of high speed ground transportation.

(b) In carrying out their functions under this Act the corporations—

(1) shall have succession in their corporate names;

(2) may adopt and use corporate seals, which shall be judicially noticed;

(3) may sue and be sued in their corporate names;

(4) may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which their business may be conducted and the powers vested in them may be exercised;

(5) may make and carry out such contracts or agreements as are necessary or advisable in the conduct of their functions;

(6) may appoint and fix the compensation, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, of such officers, attorneys, and employees as may be necessary for the conduct of their functions, define their authority and duties, delegate to them powers vested in the corporations;

(7) shall determine the character of and the necessity for their receipts, obligations and expenditures, and the manner in which they shall be received, incurred, allowed and the necessity for their receipts, obligations applicable to government corporations; and

(8) may exercise such other powers as necessary.

FUNCTIONS OF RAIL PASSENGER SERVICE DEVELOPMENT CORPORATIONS

SEC. 7. Each rail passenger service development corporation is authorized and directed to—

(a) acquire by purchase or by lease railroad and other property necessary for the development of rail passenger service;

(b) contract for and hold title to capital improvements such as, but not limited to, right-of-way, stations, terminals, communications facilities, and rolling stock for rail passenger service;

(c) contract with individual railroad companies, or other companies, for the operation and maintenance of rail passenger facilities including train operation, and for more advanced high speed ground modes;

(d) provide adequate facilities for necessary rail freight transportation in conjunction with rail passenger service, and such arrangements may include trackage rights, lease, and other necessary matters negotiated with individual common carrier railroad companies on a basis compensatory to each development corporation;

(e) upon request of a State or local government agency enter into contracts on a compensatory basis for the provision of local rail passenger services; and

(f) contract with the National Railroad Passenger Corporation for the management, but not including train operation, of intercity rail passenger service in its designated corridor. In the event of disagreement between a rail passenger service development corporation and the National Railroad Passenger Corporation, the terms of the contract shall be prescribed by the Secretary of Transportation in accordance with the intent of Congress that federal support to rail passenger transportation shall be provided through the rail passenger service development corporations.

APPLICABILITY OF THE INTERSTATE COMMERCE ACT AND OTHER LAWS

SEC. 8. (a) Each such development corporation shall be deemed a common carrier by railroad within the meaning of section 1 (3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads utilized solely for passenger service, and the abandonment or extension of operations over such lines of railroads, whether by trackage rights or otherwise; and

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) Each such corporation shall be subject to the same laws and regulations with respect to safety and with respect to the representation of its employees for purposes of collective bargaining, the handling of disputes between carriers and their employees, employee retirement, annuity and unemployment systems, and other dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) Each such corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by each such corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with each such corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States, with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter into such contracts and to perform their obligations thereunder.

FINANCING THE CORPORATIONS

SEC. 9. (a) For the purpose of carrying out their functions under this Act, each development corporation may issue, upon the approval of the Secretary of the Treasury, and have outstanding at any one time obligations having such maturities and bearing such rate or rates of interest as may be determined by each corporation, with the approval of the Secretary of the Treasury, to be redeemable at the option of the corporation before maturity in such manner as may be stipulated in such obligations; but the aggregate amount of obligations of each corporation under this subsection shall not exceed $800,000,000. All obligations issued by the corporations under this subsection shall constitute general obligations of the United States backed by the full faith and credit of the United States.

(b) In approving the issue by individual rail passenger service development corporations of obligations backed by the full faith and credit of the United States, the Secretary of the Treasury shall give due regard to the future liquidation of such obligations by individual rail passenger service development corporations from the proceeds of their activities.

(c) The Secretary of Transportation, upon his finding of public convenience and necessity in designated rail passenger transportation corridors, and his determination that revenues from rail passenger service are inadequate to defray costs, may make grants-in-aid to individual development corporations to enable them to meet such public convenience and necessity. In making his finding of public convenience the Secretary of Transportation is directed to consider environmental effects in addition to other social benefits and costs of rail passenger service.

FEDERAL AID

Sec. 10. There are hereby authorized to be appropriated to the Secretary of Transportation for grants-in-aid to individual rail passenger service development corporations $50,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976. Such sums shall remain available until expended.

TAXATION

Sec. 11. Any real or personal property of the development corporations, including, without limitation, improvements made by the corporations pursuant to section 7, is deemed to be the property of the United States and is expressly exempt from taxation in any manner or form by a State, or political subdivision thereof, or by the District of Columbia. However, the corporations shall make payments to States, political subdivisions thereof, and the District of Columbia in lieu of property taxes on property acquired in fee by corporations under section 7 of this Act. The amount of such payments shall be determined by the Secretary of the Treasury and shall not be in excess of nondiscriminatory taxes which would have been payable on such property in the condition in which it was acquired.

PROTECTION OF EMPLOYEES

Sec. 12. Any contract for the construction or improvement of rights-of-way or facilities under this Act shall include fair and equitable arrangements, as certified by the Secretary of Labor, to protect the interests of individual employees affected in their employment by such contract. The construction and improvement of rights-of-way acquired under this Act may be performed by railroads or by others: *Provided*, That such contracting with other than railroads shall not adversely affect railroad employees performing track construction or improvement, and work under collective bargaining agreements on the division of the line of railroad involved: *Provided further*, That if such other contractors are used, the contracts shall provide for the hiring of furloughed railroad employees from the division of the line of railroad involved who are skilled in such work before any other construction personnel are hired. Each rail passenger service development corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work under any contract for the construction or improvement of rights-of-way or facilities under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 13. In addition to sums authorized pursuant to section 10 there are authorized to be appropriated such additional amounts as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 35

At the request of Mr. Hollings, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 35, to amend the Internal Revenue Code of 1954 to permit the deduction without limitations of medical expenses paid for certain dependents suffering from physical or mental impairment or defect.

S. 405

At the request of Mr. Case, the Senator from Colorado (Mr. Haskell) was added as a cosponsor of S. 405, to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States.

S. 440

At the request of Mr. Javits, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 440, the War Powers Act.

S. 632

At the request of Mr. Church, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 632, to amend title II of the Social Security Act to increase the amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and for other purposes.

S. 1298

At the request of Mr. Hathaway, the Senator from Rhode Island (Mr. Pell) and the Senator from South Dakota (Mr. McGovern) were added as cosponsors of S. 1298, to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public service, and for other purposes.

S. 1828

At the request of Mr. Robert C. Byrd, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 1828, to require Senate confirmation of the head of the Mining Enforcement and Safety Administration.

S. 1868

At the request of Mr. Humphrey, the Senator from Iowa (Mr. Clark) was added as a cosponsor of S. 1868 a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law abiding member of the international community.

S. 1907

At the request of Mr. Burdick, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 1907, to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service.

S. 2026

Mr. HUMPHREY. Mr. President, on behalf of Senator Aiken and myself, we ask unanimous consent that the Senator from Alabama (Mr. Sparkman), the Senator from Pennsylvania (Mr. Scott), the Senator from Michigan (Mr. Griffin), the Senator from Maryland (Mr. Mathias), the Senator from Kansas (Mr. Pearson), and the Senator from South Dakota (Mr. McGovern) be added as cosponsors of S. 2026, to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2049

At the request of Mr. Percy, his name was added as a cosponsor of S. 2049, to revise and restate certain functions and duties of the Comptroller General of the United States, and for other purposes.

SENATE JOINT RESOLUTION 71

At the request of Mr. Mondale, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of Senate Joint Resolution 71, to establish a National Commission on Health Science and Society to provide a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology.

SENATE CONCURRENT RESOLUTION 35—SUBMISSION OF A CONCURRENT RESOLUTION IN RECOGNITION OF THE 225TH ANNIVERSARY OF WASHINGTON AND LEE UNIVERSITY

(Referred to the Committee on the Judiciary.)

Mr. BROCK submitted the following concurrent resolution:

Senate Concurrent Resolution 35

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States extends its greetings and congratulations to Washington and Lee University, Lexington, Virginia, on the occasion of the observance and celebration by that institution of its two hundred and twenty-fifth anniversary, and expresses its recognition of the contribution which Washington and Lee University has made to educational excellence, and its appreciation of the leadership role which many distinguished alumni of Washington and Lee have played in the life and affairs of this Nation.

SENATE CONCURRENT RESOLUTION 36—SUBMISSION OF A CONCURRENT RESOLUTION TO ENCOURAGE NATIONAL CONSUMER EFFORT TO SAVE GAS AND TO ARRIVE ALIVE

(Referred to the Committee on Commerce.)

Mr. GURNEY. Mr. President, I am today submitting a Senate concurrent resolution for myself and my distinguished colleague from West Virginia, Senator Randolph, calling for an immediate, coordinated, national effort to alleviate the shortage of retail gasoline supplies, decrease safety hazards on high-speed roads, and of no small importance, to save money for operators of motor vehicles. A concurrent resolution is being introduced in the House of Representatives by Congressman James A. Haley, of Florida.

Many people, including certain petroleum companies, have indicated that if motor vehicles were to travel at slower speeds, enough gas might thereby be saved to get us through the summer with a minimum of gasoline shortage problems.

Everyone knows that traveling at slower speeds is part of intelligent defensive driving—it simply decreases the risk of accidents. My own State of Florida, in June of 1970, launched a publicity campaign for safety on the

State's roads called the "arrive alive" program. Using publicity films given to various public interest and public service groups, spot radio announcements, and publicity campaigns by the highway patrol, it achieved, with Federal sponsorship, tremendous success. The Florida highway death rate, measured by deaths per million miles driven, dropped from 5.8 in June of 1970 to 4.5 in December of 1972.

Furthermore, there is substantial evidence that for each mile per hour traveled above 45 miles per hour there is a drastic increase in fuel consumption per mile. With today's high prices, for fuel and almost everything else, all of us are looking for ways to save money. Traveling at slower speeds is one way to do it.

Therefore, let us call upon our Nation's citizens, the media, and our State governments, to join in a national effort, between the Fourth of July and Labor Day—September 3, 1973—to travel at lower speeds on high speed roads on weekends and holidays.

Senator Randolph successfully introduced an amendment to Senator Jackson's bill, S. 1570—the mandatory fuel allocation bill, which expressed that it was the sense of the Senate that, in general, posted speeds on Federal-aid highways ought to be permanently reduced, and that Federal, State and local agencies should make the public aware of the need to conserve gasoline.

S. 1570 passed the Senate and now awaits action by the House of Representatives. That bill is an important one. Hearings are now scheduled to begin in the House of Representatives in mid-July.

But we in Congress can do more than sit back and wait for that bill to make its way through the rest of the legislative process.

The gasoline shortage is upon us; the great surge of summer traffic is upon us. We should therefore tap the goodwill and intelligence of the American people by enlisting their immediate support in alleviating the gasoline shortage, and increasing safety on our Nation's roads.

I want to emphasize that while gasoline companies claim that the gasoline shortage is a result of inadequate supplies of crude oil, others allege that the shortage is a result of anticompetitive structure of the gasoline industry or a conspiracy or premeditated plan by members of that industry. I am a member of the Senate's Antitrust and Monopoly Subcommittee and the Permanent Investigations Subcommittee, and we are investigating those allegations. But the ultimate solution to the shortage will take time. What we need in the meantime is action which will alleviate the shortage.

Mr. President, this Senate resolution is based upon a need and a desire—a need to do something fast to help assure that Americans have sufficient gasoline to travel in their automobiles and the desire of many Americans, who see inadequate or tardy Government action on the energy crisis, to do something to help our country meet this important challenge.

In view of the fact that in today's society the American citizen so seldom feels he can help his Government, we in Congress should do all we can to let the citizen know when he has a real opportunity to do so.

What will it really mean for our citizens to travel at lower speeds? The statistics are dramatic. The following information is provided by Concern, Inc., of Washington, D.C.:

> Speeding is a costly consumer of fuel. The average car driven between 75 and 80 miles per hour will consume almost twice as much per mile as the same car driven at 50 miles per hour.

Furthermore, I am informed by various experts in the gasoline industry that down to forty-five—45—miles per hour, every ten —10—miles per hour reduction in speed results in an approximate, average savings in fuel consumption of ten—10—percent. These statistics vary between different cars and driving conditions, as well as with driving techniques. But the clear consensus of opinion supports these statistics.

Mr. President, my Senate resolution targets this national effort to motor vehicle travel during weekends and holidays on high speed roads. It is limited in this fashion in order to maximize the most crucial element of all—the publicity potential. Here, the media, television, radio and newspaper, can play a key role. If we simply launched a summer campaign, the effect of the initial publicity would soon fade. But if just before each summer weekend and holiday, publicity efforts by the media and State and local agencies is renewed, the American citizen will have a fresh reminder all through the summer months of the continuation of this national campaign.

I am informed by the American Automobile Association that automobile travel during the summer months of July, August, and September is greater than any other 3-month period. The relevant statistics of fuel consumption are approximately as follows.

	Percent
Jan., Feb., and March	23.05
April, May, and June	25.18
July, Aug., and Sept.	26.19
Oct., Nov., and Dec.	25.58

These statistics are even more revealing when one breaks out monthly surges of gasoline consumption. The U.S. Department of Transportation figures for monthly gasoline consumption in 1972 are as follows:

Month:	*Percent*
January	6.45
February	6.83
March	7.73
April	8.20
May	8.58
June	9.34
July	9.92
August	9.98
September	8.80
October	8.61
November	7.99
December	7.57

Statistics compiled by the U.S. Department of Transportation from traffic counter stations in Illinois indicate clearly that fuel consumption surges on Saturdays and Sundays, and even to a significant extent on Fridays.

Mr. President, my Senate concurrent resolution provides an easy way by which Americans can publicize their low speed travel. If, when traveling on high speed roads on weekends and holidays, they simply turn on their headlights, they can encourage their fellow travelers to join with them in the campaign to slow down, save gas, save lives, and save money.

Mr. President, in addition to calling for consideration of this Senate resolution at the earliest possible time, I ask each of my distinguished colleagues in the Senate to contact the Governors of their respective States and appropriate individuals and groups, including the media, in their own States in order to enlist their support in this nationwide, summertime campaign.

I have myself informed authorities in the State of Florida of this proposed resolution and have asked that where possible funds be made available to sponsor appropriate publicity efforts throughout the State, including the use of publicity efforts by the State highway patrol—such as the mounting of signs on highway patrol cars—and other law enforcement agencies. I have also contacted the U.S. Department of Transportation and asked that any funds available for the publicity of safety campaigns be made available on an equitable basis to Federal, State, local, and/or private entities in such a fashion as to maximize the publicity potential of this effort.

In conclusion, I would like to emphasize that Congress must press forward in its various efforts to deal with the energy crisis in general and the gasoline shortage in particular. This means rapid action on S. 1570, and on another bill by Senator Jackson, of which I am a cosponsor, S. 1283, the National Energy Research and Development Act of 1973. We also must press forward on the hearings before the Senate Antitrust Subcommittee and the Subcommittee on Permanent Investigations, to learn more about the causes of our gasoline shortage.

Mr. President, I ask unanimous consent that my Senate concurrent resolution be printed in the Record following these remarks.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 36

Whereas, our nation faces a shortage of retail gasoline supplies; and

Whereas, the causes of and solutions for this shortage are now being investigated by Congress, and any solutions proposed may not be implemented in time to alleviate the predictable exacerbation of the shortage of such supplies due to increased motor vehicle traffic on our nation's roads between July 4, 1973, and September 3, 1973; and

Whereas, there is substantial evidence that for each mile per hour traveled above 45 miles per ("high speed travel") there is a substantial increase in gas consumption per mile in contrast to that at lower speeds, and that the cost per mile of gasoline at high speed travel is greater than that at lower speeds; and

Whereas, that there is substantial evidence that safety will be increased on our nation's roads if motor vehicles travel at lower speeds; therefore, be it

Resolved, that it is the sense of the Senate (the House of Representatives concurring) that—

(1) Each operator of a motor vehicle should be encouraged, when traveling during weekends or holidays, between July 4, 1973, and September 3, 1973, on any road where the posted speed limit is fifty-five (55) per hour or greater to—

(a) travel at a speed no greater than ten (10) miles per hour less than the posted speed limit;

(b) turn on the headlights of his or her motor vehicle in order to publicize his or her participation in a national consumer effort to decrease consumption of motor vehicle gasoline and to increase safety on the nation's roads.

(2) The Governor of each state should as soon as practicable, make state funds available on an equitable basis and encourage private and other governmental organizations within the state to make funds available on an equitable basis. to state and local agencies, including but not limited to state highway patrols and traffic safety organizations, and to appropriate private organizations or individuals, for the purpose of encouraging motor vehicle operators to observe the provisions of 1., above.

(3) The television, radio and print media should publicize, to the maximum extent possible, the details of this Resolution in such a fashion as to encourage motor vehicle operators to observe the provisions of 1., above.

(4) Each Federal agency which has or can make funds available through such agency's own programs or to state or local governments or to private organizations or individuals, for the purpose of publicizing traffic safety efforts, should do so to the maximum extent possible, and as soon as practicable, for the purpose of encouraging motor vehicle operators to observe the provisions of 1., above.

LEGAL SERVICES CORPORATION ACT—AMENDMENT

AMENDMENT NO. 281

(Ordered to be printed and to lie on the table.)

Mr. BROCK (for himself and Mr. HELMS) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 7824) to establish a Legal Services Corporation, and for other purposes.

CONTINUANCE OF EXISTING TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENTS

AMENDMENT NO. 282

(Ordered to be printed and to lie on the table.)

Mr. JACKSON (for himself and Mr. MAGNUSON) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

AMENDMENT NO. 283

(Ordered to be printed and to lie on the table.)

Mr. CHURCH submitted an amendment, intended to be proposed by him, to House bill 8410, supra.

AMENDMENT NO. 284

(Ordered to be printed and to lie on the table.)

Mr. CHURCH (for himself and Mr. MONDALE) submitted an amendment, intended to be proposed by them, jointly, to House bill 8410, supra.

AMENDMENT NO. 285

(Ordered to be printed and to lie on the table.)

Mr. BELLMON. Mr. President, today I am submitting an amendment to H.R. 8410, the temporary debt ceiling bill, which would permit a taxpayer to recover reasonable court costs including attorney fees when he successfully challenges an adverse Internal Revenue Service ruling in court.

The language of this amendment is identical to S. 1535, which I introduced on April 11. At present, this bill is cosponsored by Senators ABOUREZK, BARTLETT, BEALL, BIBLE, CANNON, DOMENICI, GURNEY, MCGOVERN and STAFFORD.

The need for the enactment of this proposal is quite clear. Our tax laws and the regulations governing their implementation have become so complex that they are rarely understood by the average citizen. Thus, expensive legal services become an absolute necessity when differences between taxpayers and the IRS arise. Often taxpayers who are innocent of wrongdoing find it more expedient and less expensive to give in to the demands of the IRS than to contest the alleged shortage in an appropriate court.

Because of the built-in inequities of the present system even if the taxpayer prevails in court, he frequently loses financially due to the expense of contesting the claim.

Further, the Chief Judge of the U.S. Tax Court, W. M. Drennen, has stated both the need and fairness of this proposal in hearings on May 10 before the subcommittee of the Committee on Appropriations. In response to a question on whether or not a taxpayer should be permitted to recover the reasonable costs he expends in challenging the IRS, Judge Drennen stated:

> Yes, I think it would be more equitable I think in a lot of courts the costs are assessed that way. We just don't have any authority to do it.

When asked if this would greatly increase the caseload of the tax court, the judge stated that:

> It would to some extent, but nonetheless it still seems to me to be a fair thing to do.

Also, the judge indicated that this increased expense might make the Internal Revenue Service think twice before forcing a taxpayer to go to court.

I urge favorable Senate action on this proposal which rectifies an injustice of the present system and forces the IRS to be more cautious in its demands.

I ask unanimous consent that the text of this amendment be printed in full in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 285

At the end of the bill, insert the following new section:

SEC. — That (a) part II of subchapter C of chapter 76 of the Internal Revenue Code of 1954 (relating to Tax Court procedure) is amended by adding at the end thereof the following new section:

"SEC. 7465. RECOVERY OF COSTS.

"(a) IN GENERAL.—In any proceeding before the Tax Court for the redetermination of a deficiency, the prevailing party may be awarded a judgment of costs to the same extent as is provided in section 2412 of title 28, United States Code, for civil actions brought against the United States.

"(b) JUDGMENT.—A judgment of costs entered by the Tax Court shall be treated, for purposes of this subtitle, in the same manner—

"(1) as an overpayment of tax, in the case of a judgment of costs in favor of the petitioner, and

"(2) as an underpayment of tax, in the case of a judgment of costs against the petitioner.

No interest or penalty shall be allowed or assessed with respect to any judgment of costs."

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 7465. Recovery of costs,".

(2) Section 2412 of title 28, United States Code, is amended—

(A) by inserting "(a)" before "Except", and

(B) by adding at the end thereof the following new subsection:

"(b) In any civil action which is brought by or against the United States for the collection or recovery of any internal revenue tax, or of any penalty or other sum under the internal revenue laws, and in which the United States is not the prevailing party, a judgment for costs may include reasonable attorney's fees."

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply only with respect to civil actions and proceedings for the redetermination of deficiencies commenced after the date of the enactment of this Act.

AMENDMENT NO. 288

(Ordered to be printed and to lie on the table.)

DISC AMENDMENT TO H.R. 8410

Mr. STEVENSON. Mr. President, the Revenue Act of 1971 established a system whereby exporters of U.S. products can obtain tax advantages by establishing subsidiaries called DISC's. The purpose of the DISC system is to encourage exports.

Under present law, the President is permitted but not required to suspend DISC benefits for commodities the supply of which "is insufficient to meet the requirements of the domestic economy"—section 993(c)(3) of the Internal Revenue Code.

On June 25, Director Dunlop of the Cost of Living Council testified before the Senate Banking Committee that earlier this year the Council asked the Treasury to consider the possibility of suspending DISC benefits for a number of commodities which have experienced serious domestic price increases, including soybeans, animal feeds and steel scrap, and that Treasury is still studying the matter. Despite the fact that the President on June 13 requested from the

Congress "on an urgent basis" new authority to impose export controls on "animal feedstuffs and other grains", he has not exercised his authority to suspend the tax break enjoyed by companies who export those commodities through DISC's.

I see no reason why the Government should operate at cross-purposes, encouraging exports of a commodity through tax breaks on the one hand, and on the other curtail the exports of those same commodities.

I am therefore, with the Senator from Oregon (Mr. Packwood) submitting an amendment to the debt limit bill requiring the President to suspend DISC benefits for any commodity whenever the export of that commodity is restricted pursuant to the short supply provisions of the Export Administration Act, and permitting him to suspend DISC benefits whenever he finds that the export of a commodity exerts serious upward pressure on the domestic price of that commodity.

I ask unanimous consent that the text of the amendment be reprinted at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 288

At the end of the bill, add the following new section:

SUSPENSION OF DISC BENEFITS

Sec. —. Section 993(c)(3) of the Internal Revenue Code is amended by striking out the first sentence and inserting the following in lieu thereof:

"If the President imposes export controls under the authority conferred upon him by Section 3(2)(A) of the Export Administration Act on any property described in paragraph (1), he shall by Executive order designate the property as in short supply, and that designation shall remain in effect throughout the period during which such export controls are in effect. If the President determines that the export of any property described in paragraph (1) exerts serious upward pressure on the domestic price of that property, he may by Executive order designate the property as in short supply."

PLANNING OF TRANSIT LINES TO DULLES AND FRIENDSHIP AIRPORTS—AMENDMENT

AMENDMENT NO. 286

(Ordered to be printed and to lie on the table.)

Mr. EAGLETON. Mr. President, I submit an amendment to S. 2047, a bill to authorize a Federal payment for the planning of a transit line in the median of the Dulles Airport road and for a feasibility study of rapid transit to Friendship International Airport. I ask that this amendment be printed.

The purpose of my amendment is to assure that the Federal Aviation Administration does not require air transportation service now operating from Washington National Airport to transfer to either of the two outlying airports until the improved access provided for by this bill is completed.

In January of this year, the FAA proposed a number of schedule changes at Washington National Airport which would work a serious hardship on the residents of Missouri and other distant States.

One of the major changes proposed is the elimination of all direct service between National Airport and cities beyond the radius of 650 miles from the Capital. That action would affect 67 flights to seven cities including St. Louis, Memphis, Minneapolis, Orlando, Tampa, Miami, and West Palm Beach. Thirteen of the affected flights are to and from St. Louis.

In addition, the FAA proposes to eliminate from National Airport all scheduled one-stop flights with final destinations of more than 1,000 miles from Washington. Among the 52 flights this would affect are the Denver, Las Vegas, Albuquerque, and San Francisco runs via St. Louis.

I am concerned by this proposal to elminate service which has been in effect since jet aircraft began using National in 1966. The alternative offered by the FAA—transfer of the flights to Dulles or Friendship Airports—would mean burdening affected travelers with additional expense and as much as 45 minutes to an hour traveling time each way.

My amendment would in no way prevent the FAA from stabilizing the number of flights from passengers at National at present levels if it so desired. It merely provides that no existing service should be forced to transfer to either Dulles or Friendship until the improved transportation we will be authorizing by this bill is completed.

In view of the impact these proposed schedule changes would have on large numbers of travelers in the Nation, I believe the amendment that I offer represents a reasonable limitation and is clearly in the public interest.

AMENDMENT OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT—AMENDMENT

AMENDMENT NO. 287

(Ordered to be printed, and to lie on the table.)

Mr. BAYH. Mr. President, on June 22, 1973, I submitted an amendment (No. 249) to H.R. 8152, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, to improve law enforcement and criminal justice, and for other purposes. Today, on behalf of Senators Cook, Mathias, Abourezk, Bentsen, Case, Hart, Humphrey, Kennedy, McGovern, Nelson, Percy, Scott of Pennsylvania, Hatfield, and myself, I submit the identical amendment which I intend to propose to amendment No. 248 intended to be proposed by Mr. McClellan to the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 229, TO S. 1033

At the request of Mr. Stevens, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 1033, to amend the Export Act to control the export of timber from the United States.

ANNOUNCEMENT OF HEARING TO INVESTIGATE THE POTENTIAL FOR THE PRODUCTION OF POWER FROM GEOTHERMAL RESOURCES

Mr. CHURCH. Mr. President, on June 13, 1973, the Subcommittee on Water and Power Resources of the Senate Interior and Insular Affairs Committee held a hearing to investigate the potential for the production of power from geothermal resources. The Federal agencies which presently have an interest in the development of the geothermal resource presented testimony.

In one respect, the hearing was very encouraging. Every witness expressed the judgment that the geothermal resource of the United States offer a substantial opportunity to assist in meeting future national needs for electrical and heat energy. In another regard, however, I was disappointed with the apparent lack of direction and coordination among the Federal activities concerning geothermal resources and the low level of Federal financial support for exploration, research and development. The hearing record contains information which should be of interest to many Members of the Senate and I have directed the committee staff to prepare a summary report which will make the results of the hearings readily available.

An interesting aspect of the geothermal resource is its potential for the development of economical powerplants of relatively small capacity which could serve small utility systems and rural areas. Another aspect is the potential which geothermal resources may hold for western regions which have previously depended heavily upon hydroelectric developments to meet energy demands.

The Subcommittee on Water and Power Resources has scheduled a field hearing in Idaho Falls, Idaho, for August 10, 1973, to investigate further the regional potential for geothermal energy development in the West.

ADDITIONAL STATEMENTS

GAINS SEEN FROM WATERGATE

Mr. SCOTT of Pennsylvania. Mr. President, Godfrey Sperling's recent article for the Christian Science Monitor, solidly asserts that the distinguished majority leader, Senator Mansfield, has "moved strongly behind Mr. Nixon." In this interview with Sperling, Senator Mansfield says he believes that Watergate, instead of destroying President Nixon, will force the President to "correct the imbalance in power in Washington where he has assumed too much and taken too much away from Congress."

I commend Senator Mansfield for his enlightening and thoroughly nonpartisan view and ask unanimous consent that this interesting interview be printed in the Record.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

GAINS SEEN FROM WATERGATE

(By Godfrey Sperling, Jr.)

WASHINGTON.—As the Watergate pressure on the President intensifies—with John Dean III now on the docket of the Senate-probe and John Mitchell due next—the Democratic leader in the Senate has moved strongly behind Mr. Nixon.

Senate Majority Leader Mike Mansfield says flatly: "I do not think that the President was involved."

In an interview, the Montana Senator also said that he envisioned Watergate ending up as a "boon" for both the presidency and for the American people as a whole.

"I think," he said, "that the foundation on which democracy rests may well become stronger as the result of what is being laid before the American people as this time."

Mr. Mansfield takes the position that Watergate, instead of destroying the President, has forced him to correct the imbalance in power in Washington, where he had assumed too much and taken too much away from Congress.

In the readjustment, Mr. Mansfield sees the President gaining, instead of losing, his capacity to bring about better government.

Calling for a "regeneration of ethics, a restoration of old-time morality and renewed dedication to the American system," Senator Mansfield said new enforceable laws were needed to regulate political campaigning.

The shock of Watergate will bring the new law soon, he said.

The Senator said the facts as they are laid out would eventually have to speak for themselves. "One cannot render a judgment on hearsay, or make a judgment this early," he said.

"But I do not think that the President was involved. I have no knowledge to that effect. Under the United States system of jurisprudence a man is innocent until proven guilty. We'll have to determine that—and we are a long way from knowing all the facts at this time."

Excerpts from the interview:

Do you think that Watergate has seriously cut into leadership on the President's part?

Yes, I think it has. But by the same token, it has brought about a better understanding between the Congress and the executive branch . . .

Do you think the President in the years remaining could make a comeback from Watergate — if he is not personally involved?

Yes, I think so. Because, after all, the President, as such, isn't nearly as important as the institution of the presidency. And the government must be run as responsibly as possible. We are prepared to do our share—meet him at least half way. And I think that we will be able to function on a more equitable basis . . .

What about the post-Watergate period? Will Watergate usher in a better day in politics and government?

Yes, I think there has been hope in this. Because many people have been shocked at this—that individuals would place their loyalty to the President above their loyalty to the country and to the Constitution, and in so doing endanger the office of the presidency, and in so doing endanger the constitutional democracy.

But it is a situation which will help to strengthen the bedrock of our system and perhaps will act as a catharsis in giving an opportunity to purge ourselves.

Frankly, I feel sorry for everyone concerned. The committee members have a difficult job. I feel sorry for the witnesses, their wives, their families. But I feel sorriest of all for the people as a whole.

Do you think that more legislation is needed?

We need more legislation—and legislation that will be enforceable; which will cut down on the amount of contributions an individual can make for a presidential or senatorial candidate; which will shorten the length of campaigns which have become unbearable and repetitious; which will bring about something of the order of a national primary on the same day so that all this showmanship, expense, and whatnot, will be done away with.

And rigid laws must be in effect so that phony letters like those used against (Senators) Muskie, Humphrey, and Jackson will be punishable—far more punishable than they are at the present time.

Do you think the shock of Watergate will help bring about this kind of legislation very soon?

I think so—yes.

Wholly apart from whether the President was personally involved in Watergate, was there an administrative responsibility on the part of the President for what has gone on?

Yes, that is a valid point. I think that Mr. Nixon delegated so much responsibility and put so much confidence in his subordinates that they took advantage of the confidence which was placed in them and they did the President and the nation a disservice in ways that are becoming apparent to all.

You have known the President a long time and seen a good deal of him these days. Is there anything in him—any personal characteristic—which you feel may have had a bearing on the Watergate incident?

Well, the President, fundamentally, is a loner. . . . But unfortunately when you get away from Washington, if you do it too much, you lose touch with events as they are really happening and you don't have the contacts you should have. The end result is that the government suffers to a degree because of the lack of this cooperation, this accommodation this partnership which is so vital to the functioning of this republic.

If you don't have this relationship of President and Congress, it throws the whole ship of state out of kilter and the end result is what we are facing at the present time. Our government operates on a very delicate balance and when that balance is disturbed, we get into serious difficulties.

Because of Watergate the President's effort to achieve better relations with Congress, are you saying that he could well improve his performance over the next three years?

Oh, yes. . . . You recall his Pekin (Illinois) speech the other day he said he wanted to work more closely with Congress in a spirit of understanding and partnership. We will meet him at least half way because we think it isn't the individual fortunes of each of us that counts so much as the strengthening of the institutions on which this country survives. And I would anticipate as the weeks and months approach there will be increasing understanding and cooperation between the two branches.

PRODUCTIVITY IN THE FEDERAL GOVERNMENT

Mr. PROXMIRE. Mr. President, the Joint Economic Committee, of which I am currently vice chairman, has for many years encouraged the improvement of measures of productivity in both the private and public sectors of the economy. As chairman of the committee in late 1970, I wrote to Comptroller General Elmer Staats to initiate a study of productivity in the Federal Government.

Mr. Staats has undertaken such a study and now he is about to issue a report on this vital issue. For the first time we may now have at hand a valid measure of output per man-hour in major areas of Federal Government activity. The study includes data for 187 organizational units in 45 different areas, covering 60 percent of civilian man-years in 1972.

Over the period from 1967 to 1972, the average rate of gain in productivity was 1.7 percent a year. Rates of gain among agencies and in different years varied greatly—from a negative figure to increases of 5 to 6 percent per year.

In order that the Congress gain a fuller insight into the factors involved, I will ask permission to have a speech by Mr. Staats on the preliminary findings inserted in the RECORD. After the final report is delivered, as chairman of the Joint Economic Committee's Subcommittee on Priorities and Economy in Government, I will ask Mr. Staats and other government witnesses and private experts to discuss the findings and indicate what next steps are appropriate to establish this very worthwhile project on a permanent basis and to determine how we can improve on the results thus far obtained.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MEASURING AND ENHANCING FEDERAL PRODUCTIVITY—A PROCESS REPORT

(Remarks by Elmer B. Staats, Comptroller General of the United States, at the Conference Board, Conference on Productivity, May 23, 1973)

I was most pleased that this conference of business leaders would consider it appropriate to invite me—as a representative of the Federal Sector—to join in your discussions of policies to promote productivity in the nation. Despite sporadic efforts over the past 35 years, the public sector has not only been considered unmeasurable in terms of what it produces but, as one authority has put it, past studies have assumed "a regrettable negative productivity rate in local, State, and Federal Governments."

We, in the Federal Government, are acutely aware of the need for assessing more precisely our performance record; and to do so in terms that are clear not only to ourselves, but to the American public. Our purpose must be to *expose* both to top agency management, the Congress, and the public, how well and how poorly our policies, programs, and managerial practices are achieving each year the twin goals of effective Government services while increasing economy and efficiency.

Underscoring the importance of our subject today is the rapid growth in public expenditures over the past decade. I need not burden you with a set of statistics to support this point. These facts are now known all too well to most of us. Suffice it to say that in the past decade Federal expenditures have increased at a faster rate than any other category of expenditures which make up the Gross National Product. Public attention has been properly focused on the need to improve the U.S. competitive position in world markets and to dampen inflationary pressures through productivity improvements. Happily, public attention is increasingly being focused increasingly on productivity in government at all levels.

Considering governmental expenditures from the standpoint of their effect on the economy, particularly in a period of inflationary pressures, we cannot overlook the fact that State and local government expenditures have risen much more rapidly than those of the Federal Government. When State and local government expenditures are added to those of the Federal Government, the total represents over one-third of the Gross National Product. Measured another way the governmental sector in the American economy in recent years has been growing twice as fast as the private sector.

Auditors and budget analysts and others in the GAO and operating agencies are constantly examining and evaluating individual activities and programs, and producing hundreds of reports each year.

It is true that we have been able to develop satisfactory indices for budgetary and management purposes in isolated cases, but no overall, governmentwide indices have been attempted and no overall guidelines developed for the measurement of them. Moreover, we have not in the past found ways of developing overall performance indicators so as to determine whether Federal productivity is benefiting from applying such tools as statistical sampling, systems analysis, organization development, and the automation of our massive industrial and clerical activities.

I frequently think of the analogy of the professional football team. If the only way the manager had to assess his team's performance was to keep records of a number of statistical indicators—such as yards gained, passes completed, first downs made, and so on—he would still not know how successful his team was in meeting its overall objective of winning games. In football we have ways of keeping score so that at the end of the game there is a net quantitative and highly visible result. You who manage businesses are fortunate in having such significant summary indicators as profit and loss, and earnings per share, by which both you and the public can gauge your performance, although I believe you would agree that there is not necessarily a high correlation between changes in productivity indices and the profit and loss statement.

THE FEDERAL PRODUCTIVITY MEASUREMENT RESEARCH PROJECT

The Joint Economic Committee of the Congress has, over the years, held many hearings on the subject of productivity in the private sector. Knowing of the interest of this Committee in the general subject, I visited with Chairman William Proxmire in the fall of 1970, inviting his support for the idea of a major effort to develop productivity indices for the Federal Government. The Bureau of the Budget had, in the early 1960s, undertaken a feasibility study on the subject and established a task force headed by John Kendrick, then of George Washington University and now of the Conference Board, to take the leadership in the study. The optimistic conclusions of that study gave support to the idea that the matter should not be dropped in view of its tremendous potential as a tool of management.

Chairman Proxmire subsequently wrote me as follows:

"In view of the importance of the Federal sector to the economy as a whole, and in view of the responsibility vested in Congress for controlling Federal expenditures, I find it distressing that we have no real measures of the efficiency of the Federal sector."

We are most appreciative of the continued interest and support of the Joint Economic Committee throughout this effort.

Following receipt of Chairman Proxmire's request, I decided to ask Director of the Office of Management and Budget George Shultz and Chairman Robert Hampton of the Civil Service Commission, whether they would be agreeable to undertake the project as a joint legislative-executive branch effort. I found that they had a similar strong interest in the subject. The three of us agreed that the time had come for a major effort to gauge the productivity of Federal activities which could be quantitatively measured. Outside of the Post Office, which has used overall measures for decades, and the Social Security Administration, other elements of Government had not learned how to construct measures of their final outputs in productivity terms.

Hence, we established a joint research project of the three agencies. The project team, which is just finishing two years of effort, is now preparing its report, due for completion by June 30. Today I can give you a preview of some of the findings which it will report to the current Director of the Office of Management and Budget, Roy Ash, Chairman Hampton, and myself—and which I, in turn, will report to Congress.

The report will cover:

1. The design of a permanent productivity measurement system.

2. Initial findings from research into the causes of productivity change in the Federal sector.

3. The importance of capital investment as a contributor to productivity improvement.

4. Other factors which provide incentives or disincentives to productivity change in the Federal sector.

Let me briefly highlight some of these findings.

THE DESIGN OF A COMPLETE PRODUCTIVITY MEASUREMENT SYSTEM

The challenge to our joint research project in the past two years has been to identify those Federal activities on which final outputs can be consistently counted from year to year and related to the resources consumed in their production. To answer this question, we initially consulted with all of the cabinet departments and several independent agencies. We found that all were measuring portions of their work for purposes of staff planning and distribution of resources. After a period of trial and error, and with expert assistance from the staff of the Bureau of Labor Statistics, we requested data last September from all agencies with 200 or more employees, requesting them to submit, for the six fiscal years 1967–72, specific data on their work products, and the man-years and wages consumed in the production of these products. Here is what has resulted:

We now have data from 187 organizational units in 45 different agencies.

The data cover over 1.7 million man-years of employment. This represents all Postal employees, almost one-third of Defense Department civilian employees, and almost two-thirds of the civilian employees of the remaining agencies of Government. Overall, the sample covers 60 percent of the civilian man-years worked in fiscal year 1972. Several organizational units reported that they were developing measures which in the future might raise the coverage another five to ten percentage points.

WHAT DO THESE DATA TELL US?

They give us, for the first time, broad perspectives on productivity changes among a variety of Federal activities. Here are some of the top findings of the data collected by the joint team for the six fiscal years 1967–1972.

The Federal activities in the sample showed annual rates of productivity improvement which varied from a low of 1.1 percent in 1969, to 2.8 percent in 1970, with an overall average gain of 1.7 percent.

In terms of reduced payroll costs, including fringes, the average savings resulting from productivity improvements has been $300 million per year—accumulating to $1.5 *billion* in fiscal year 1972.

But the Federal sector is probably the world's largest and most diversified conglomerate. It includes a number of organizations which have been increasing their productivity at five percent or more per annum—an excellent record. It includes other group activities which have shown declining productivity. And it includes activities whose productivity has tended to remain flat during the past few years. Hence a simple index of Federal productivity change, like trends in the productivity and profits of business enterprise as a whole, includes wide extremes.

This brings me to the second finding of the joint research project during the past two years, which analyzes:

FACTORS WHICH CAUSE PRODUCTIVITY CHANGE IN THE FEDERAL SECTOR

Productivity measurement would be rather meaningless if it consisted only of gathering statistics and adding up the results.

The important point is this—what do we do about the index after we obtain it? We have discovered that this is the most important value of productivity measurement in the Federal sector.

The relevant questions are:

Is the change which occurred the result of planned actions to improve either quantity or quality of performance? Or is the change simply a happenstance result?

What are the positive and the negative factors which produced the result?

How can we optimize productivity in relation to service to the public, accuracy of output, or other essential quality criteria?

What will be the trend in the future? What can we do about it now?

The joint team has asked questions of this type of a number of Federal managers. For this purpose, they grouped the 187 reporting organizations into functional categories which have a similarity of work processes or program mission. Altogether, they identified 16 such functional categories for study. Let me select a few to illustrate the kinds of insights that productivity research is giving to Federal managers.

1. Automation and management improvements have reduced wage costs over $200 million since 1967 in those organizations that maintain individual citizens' records.

This group of activities maintains records at some time or another on practically every citizen. They include, of course, the Social Security Administration, Internal Revenue Service, the Selective Service System, and others. Collectively, they employed 108,000 man-years in fiscal year 1972. Their gross output has surged ahead since 1967 at a rate of five percent a year. By use of automation and streamlined procedures, this group has been able to hold its employment growth to only two percent a year. Thus its productivity growth has averaged three percent a year; but in one year, it jumped five percent.

This is a case study in enlightened management planning—with the payoffs in productivity resulting from years of preparation, experimentation, and innovation.

2. The impact of automation on productivity has also been pronounced in the overhaul and repair of heavy equipment by the industrial activities of the Federal Government.

Here again we are dealing with large enterprises employing, collectively, 95,000 man-years. We found an annual rate of improvement in productivity of six percent—worth to the taxpayer between 1967–1972 at least $350 million in lower payroll costs. A key reason for the improvement has been a reduction in employment through modernization of plant and equipment, while workload has remained at a high level.

Looking ahead, however, it is probable that the productivity gain will level off due to the reduction in military activities. Incidentally the closing of unnecessary installations has been a contributor to productivity improvement in the past, since this has eliminated unnecessary capacity and made operations in the residual activities more efficient.

3. Fluctuations in the volume and complexity of work are a significant factor in productivity change from year to year.

Our studies reveal that activities experiencing continuous growth in workload—such as those involved in maintaining citizens' records, grant programs, power-generating activities, transportation, Postal Services, and the Regulatory Agencies—have also showed steady improvement in their output per man-year. The pressure of continuous growth appears to foster systems improvements and to provide incentives for innovation which increase the output per person. We find real concerns, however, among some of these activities as to whether proper standards of service to the recipient, or minimum levels of quality, are being maintained. Analysis of this concern must be one of our continuing study objectives.

On the other hand, we find that a steadily declining workload makes it difficult to avoid deterioration in productivity. Two examples of this emerged from our research this year. One involves the large number of activities which purchase, store, and issue supplies to Federal users throughout the world. They employ 155,000 personnel and manage four million items. These supply activities are primarily in the military services and the General Services Administration. With the winding-down of Vietnam, their workload has been steadily dropping—at a rate, recently, of six percent a year. Surprisingly, however, these agencies, overall, have been able to avoid any loss in their productivity per man-year by reducing personnel assigned at least as fast as workload has decreased, as well as by a comprehensive program of mechanization. This is a very creditable accomplishment because it has meant a reduction in employment of 30,000 man-years—most within the past three years.

But activities in a down trend cannot always be so fortunate. Our study of 17 printing plants employing 13,000 personnel showed a steady drop in output with no reduction in employment since 1967—and a consequent decrease in productivity per man-year. Analysis of this trend revealed that under the agencies' policy of contracting out to commercial firms the easier jobs are being contracted—while the more difficult work is being kept in-house—thus reducing in-house productivity. There are also opportunities to improve our printing activities through modernization.

The last example I have chosen to illustrate is our research into what causes productivity change in Federal health care operations.

4. Federally-operated health care activities report that technology and constantly rising quality standards affect productivity.

Since 1967, total manpower assigned to medical facilities in the Defense Department, Veterans Administration, and Public Health Service has increased 11 percent, whereas the workload is up only two percent. As a result, output per man-year has dropped. But this is not cited to imply an undesirable trend.

Our medical managers report that it is a result both of more adequate staffing standards, and of the progress in medical technology which is steadily increasing the scope and cost of diagnostic and treatment procedures.

Now let us turn for a moment to the importance of capital investment as a contributor to productivity improvement.

THE IMPORTANCE OF CAPITAL INVESTMENT IN PRODUCTIVITY IMPROVEMENT

John Kendrick has been a long-time pioneer and supporter of the effort to measure and enhance Federal productivity. He concludes that new and improved capital goods—including the R&D, education, and training required to create and use them—have contributed about 60 percent of the improved productivity in the private sector over a long period of time. In the light of this finding, the joint project team has studied the ways in which Federal agencies now select capital items for inclusion in the annual budget.

The team found that the Federal manager sometimes lacks the incentive and opportunity to seek funds for cost-reducing capital investments.

In the private sector, top management and the Board of Directors are likely to keep the spotlight on such opportunities and on their timely financing.

In the Federal sector, cost savings projects tend to drop out of tight budgets when they are in competition with items related to program requirements or current priorities, such as pollution abatement, health, and safety.

To document the opportunities for more timely financing of productivity improving investments, the joint study team obtained data on unfunded projects from 14 agencies, and selected a number for analysis. The sample identified 394 projects which would be self-liquidating in less than three years—with one-time savings of $61 million, and recurring annual savings of $65 million. This sample is believed to cover only about half of the opportunities. Examples are modern materials handling equipment, tape-driven machine tools, automated laboratory equipment, mechanized warehouse, consolidation of facilities, and others.

The joint team's conclusions for accomplishing this very obviously desirable objective are:

First, the need for clear visibility in the Federal budget process of capital items with productivity-enhancement potential. This will require that such items be submitted by all agencies whether or not they fit within agency budget ceilings, and thus permit the Office of Management and Budget to consider the desirability of financing these projects.

Second, expert attention to the development of high payoff capital investment opportunities. A number of Federal agencies lack the engineering expertise to identify the most promising opportunities. Hence the joint project team has concluded that full-time attention by a central management agency, such as the Office of Management and Budget or the General Services Administration, should be provided in order to assist agencies to seek out opportunities and document their economic potential.

Third, there must be better audits of actual results obtained. One reason why such projects have tended to lack credibility and support in the past has been the failure to demonstrate that the benefits claimed were in fact, achieved—or if not, to evaluate the reasons.

Fourth, timely financing. While the joint study group has given considerable attention to special funding techniques, it has concluded that the above steps should be accomplished first, and their benefits fully tested. At that point the need for additional financing techniques—such as the Productivity Bank—can be further assessed.

I would like to conclude my remarks by mentioning briefly:

OTHER FACTORS WHICH PROVIDE INCENTIVES AND DISINCENTIVES TO PRODUCTIVITY CHANGE IN THE FEDERAL SECTOR

I am sure we all agree that productivity improvement will not succeed if it is simply and primarily aimed at driving employees to work harder. Richard Gerstenberg, Chairman of General Motors, captured our key findings in the following statement:

"I regard productivity as a measure of *management's efficiency,* or lack of efficiency, in employing all the necessary resources—natural, human, and financial."

John Kendrick has stated this theme, as follows:

"I believe that productivity measurement is even more important in increasing 'productivity-mindedness' and focusing *management thinking* on ways and means of cutting real unit costs and thus enhancing productivity advance in the future."

In our discussions with several hundred Federal managers during the past two years, we have been told that managerial initiative is sharply reduced:

When arbitrary personnel ceilings make it impossible to maintain adequate service standards, or result in the accumulation of intolerable backlogs.

When the requirement to reduce average salaries results in employing less qualified personnel who have higher attrition in the first year, and less promotion potential.

When savings achieved are withdrawn and made available to less efficient activities or,

When mandatory personnel cuts are applied, equally, to those who have achieved greater efficiency and to those who have not.

There are no easy solutions to such complaints since they are, in large measure, indicators of the need for a more enlightened attitude by top management in encouraging and rewarding good management. We plan to highlight good and poor experiences through continuing case studies.

We are likewise interested in the improvements which arise from providing employers broader opportunities to be involved in the final products of their organization, through such techniques as job enrichment, job restructuring, and participative management. In collaboration with the National Commission on Productiivty, we are now sponsoring a series of experiments in selected Federal activities.

Among case studies showing significant results in the experience of the Bureau of Customs in completing the processing of incoming foreign mail parcels at the gateway points, such as San Francisco, in lieu of forwarding the mail on to inland customs offices for final examination and distribution. This change has not only reduced the time required to process the mail, and increased productivity by eliminating an additional handling—but it also placed final responsibility on employees at the port of arrival and resulted in an upgrading of their jobs. As a consequence, everyone has benefited. We want to encourage more cases of this type.

CONCLUSION

While the joint research effort which I have been describing terminates on June 30 of this year, we are designing a permanent program to measure and enhance Federal productivity. We have found that the problems in measuring productivity in the Federal Government are not greatly different from those in the private sector, and the benefits are equally great.

I am proposing that the Federal Government continue to collect and analyze productivity data, annually, and to report to the President and to the Congress. We are pleased that the Bureau of Labor Statistics is preparing to serve as the data gathering, reviewing, and publishing agency for Federal sector indices, just as it now does for the private sector.

Last summer, when Senator Proxmire was apprised of the initial results of the joint productivity studies, he issued a press release in which he said:

"Now we have conclusive evidence that the Federal employee, like his counterpart in private industry, is contributing its part to progress in the American economy."

I consider this statement to be a sound conclusion for the past several years. It is my objective to support efforts which will continue to increase Federal productivity as one means of assuring the effectiveness of Federal programs and a full return on the taxpayers investment in governmental services.

VETERANS COST OF INSTRUCTION AMENDMENT TO AID TO EDUCATION OF THE HANDICAPPED ACT

Mr. PEARSON. Mr. President, approval of the Education of the Handicapped Act represents a recognition by the Senate that handicapped children must continue to receive Federal assistance in order to fully participate in our educational system. I believe that the 3-year extension tempered by realistic authorizations represents an intelligent and responsible approach to the problems of school age and preschool children who are deaf, blind, retarded, speech impaired, motor impaired, emotionally disturbed or otherwise health impaired.

In addition to the extension of the Education of the Handicapped Act, however, this bill contains an important provision regarding the veterans cost of instruction payments authorized pursuant to the Higher Education Amendments of 1972. When we adopted this measure on the floor during consideration of those amendments, the hope was expressed that the measure would provide institutions of higher education with the motivation and the money to recruit and to prepare veterans for postdischarge education.

The mechanism chosen to achieve these results was the requirement that institutions must increase their enrollment of undergraduate veterans by 10 percent over the preceding year in order to be eligible for the payments. In addition, certain program requirements were imposed upon eligible institutions.

While the intents of the amendment offered by the senior Senator from California, Mr. CRANSTON, were meritorious, the effect was not always equitable. A large number of universities which had previously made major efforts to enroll veterans found themselves constricted by the 10-percent requirement. While the larger university may have continued measures to provide for the veterans, the required increase in enrollment precluded their participation in the one program designed to aid their efforts.

A good example of this situation was found at Wichita State University in Kansas, as well as other large urban-oriented institutions. Wichita State, with a total enrollment of 12,896 students, had 1,735 undergraduate veterans enrolled during the past school year. This was an increase from 1,687 in the previous year. Although this meant that the university maintained one of the largest veterans' enrollments in the State, it was ineligible for assistance under the program.

The inequities of this situation are recognized by section 11 of the bill. It provides as an alternative to the 10-percent increase, that an institution with 10 percent of its total undergraduate enrollment will also be eligible for the veterans' cost-of-instruction payments. While this section still imposes a substantial requirement on the institution, it should alleviate the unintended inequities present in the current measure.

I also want to emphasize that the amendment makes no other alterations in the requirements of the bill. It continues the encouragement of adequate veterans programs and should provide an even greater benefit to universities who wish to aid the veterans enrolled in their institutions.

I have been in touch with the veterans program task force in the Office of Education for some time, and have also worked with the institutions of my State in an effort to gain relief from the stringent requirements of the Cranston amendment. For this reason, I am particularly pleased that the Senate has seen fit to approve the change in eligibility requirements for participation in the veterans' cost-of-instruction payments.

STUDENT FINANCIAL AID PROGRAMS

Mr. MONDALE. Mr. President, I received recently a very helpful series of fact sheets from the Office of Education on the various programs of Federal assistance to students.

I found this material to be concise, factual, and useful. In order that this material may be available to my colleagues and the public, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INFORMATION FOR STUDENTS CONCERNING U.S. OFFICE OF EDUCATION FINANCIAL AID PROGRAMS

The student assistance programs described below will be in effect in the 1973–74 academic year.

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM (BEOG)

The Basic Educational Opportunity Grant Program, more commonly known as Basic Grants, is a new program of students financial aid which was added to Title IV, Part A of the Higher Education Act by the Education Amendments of 1972. This program provides for grants of $1400 less the expected family contribution for all eligible students to assist them in meeting educational costs. However, in no case may the BEOG exceed more than one-half the actual cost of attending the student's institution.

For the initial year of the program operation (academic year 1973–74), a student must be *beginning* his postsecondary education after July 1, 1973. He also must have been accepted for enrollment in, or be in good standing at an eligible institution of higher education which includes colleges, universities, vocational-technical schools, and hospital schools of nursing; and, he must be enrolled as a full-time student in an undergraduate course of study.

The Application for Determination of Expected Family Contribution, with detailed instructions, will be widely distributed sometime this month (June 1973) to high schools, postsecondary institutions, post offices, and other locations easily accessible to students.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM (SEOG)

Is for students of exceptional financial need who without this grant would be unable to continue their education. Grants of up to $1,000 a year are available for 4 years of undergraduate study; and if you are selected for an SEOG, you will also receive additional financial aid at least equal to the SEOG amount. *The financial aid officer at your school selects those who will receive grants and determines the amount you will need.*

NATIONAL DIRECT STUDENT LOAN PROGRAM (NDSLP)

Makes it possible for you as an undergraduate to borrow up to $5,000 for your undergraduate study. Graduate and professional students may borrow up to $10,000 to complete their studies although it should be noted that this limitation includes any amounts borrowed as an undergraduate. *The financial aid officer on your campus is responsible for determining which students are eligible and the amount of the loan.* Repayment begins 9 months after you cease at least half-time study and may extend over a 10-year period. Interest charges of 3 percent also begin at the start of the repayment period. No repayment is required and no interest is charged for any period up to 3 years during which you are serving in the Armed Forces, Peace Corps, or VISTA. The program also provides for partial or total loan cancellation for students who enter certain fields of teaching.

COLLEGE WORK-STUDY PROGRAM (CWSP)

May assist you by providing a job opportunity at the college itself or with a public or private nonprofit agency—such as a school, a social agency, or a hospital—working in cooperation with your school. In general, the salary paid is at least equal to the current minimum wage, although it is frequently higher. *The financial aid officer is responsible for determining the students to be employed, selecting suitable jobs for them, handling the payroll, and the general administration of the program.*

To keep abreast of developments, and for more specific information and applications for BEOG, SEOG, NDSLP, and CWSP, see your financial aid officer.

FACT SHEET—GUARANTEED STUDENT LOAN PROGRAM

The Guaranteed Student Loan Program is designed to make it possible for students to borrow from private lenders to help pay for the cost of education and training at universities, colleges, and vocational schools with the Federal Government paying part of the interest for qualified students. Loans are either guaranteed by State or private nonprofit agencies or insured by the Federal Government.

TERMS AND CONDITIONS OF GUARANTEED LOANS

A maximum of $2,500 per academic year may be applied for in most States if the educational costs require borrowing to this extent. Total loans outstanding may not exceed $7,500 for undergraduate or vocational students. This maximum may be extended to $10,000 for students who borrow for graduate study.

The repayment period will usually begin from nine to twelve months after the student graduates or withdraws from school. Repayment will normally be made in equal installments over a period of from five to ten years. The student will be required to pay a minimum of $360 per year on all the guaranteed loans he has received during his school years. Loans may be prepaid at any time without penalty.

Students may apply for Federal interest benefits by submitting to the lender a recommendation by the educational institution as to the amount needed by the student to meet his educational costs. After considering the recommendation, the lender will determine the amount of the loan. For students found eligible for interest benefits, the Federal Government will pay to the lender the total interest due prior to the beginning of the repayment period. Students not eligible for Federal interest benefits may still apply for a loan but will have to pay their own interest. During the repayment period, all students will be responsible for paying total interest charges.

An insurance premium of up to one half of one percent each year of the total loan amount outstanding may be collected in advance under State or private guarantee agency programs. On Federally insured loans, by law the premium is limited to one quarter of one percent. The lender may collect the premium from the borrower or deduct it from the proceeds of the loan.

Repayment may be deferred for up to 3 years while the borrower is a member of the Armed Forces, a full-time volunteer in the

Peace Corps or VISTA, or for any period during which he returns to a full-time course of study at an eligible school. The borrower is encouraged to make at least partial payments during such periods of deferment in order to reduce the principal amount of the loan. Payment of Federal interest benefits will resume at this time.

ELIGIBLE STUDENT BORROWERS

Any student may apply who has been accepted for enrollment in an eligible school or who is already in attendance and in good standing, and who is a citizen or national of the United States or is in the United States for other than a temporary purpose. In many States, half-time students are eligible but some require full-time attendance. Residency requirements also vary in some States.

ELIGIBLE LENDERS

Banks, savings and loan associations, credit unions, pension funds, insurance companies and similar institutions subject to examination and supervision by the State or Federal Government are eligible to become lenders under this program. Eligible schools and State agencies may also qualify as lenders. Students desiring loan assistance should contact their own local lending institutions first. It is important to remember that loans are made or denied at the discretion of the lender.

ELIGIBLE SCHOOLS

Most colleges, universities and schools of nursing and many vocational and technical schools are eligible. Generally, any public or private educational institution located in the United States or elsewhere that offers at least a one-year program of study leading to a degree or employment in a recognized occupation is eligible. Further information regarding the eligibility status of a particular school may be obtained from the Office of Education or from the agency administering the program in a particular State.

IN OPERATION

Applications for guaranteed student loans may be obtained from lenders, schools, State or private nonprofit guarantee agencies or regional offices of the Office of Education. The school must complete a portion of this application recommending the amount of loan needed by the student and certifying the student's enrollment, his costs and academic standing. Additional financial information may be required by the school or lender. The student completes the application form and presents it to a participating eligible lender.

If the lender agrees to make the loan, he first secures the approval of the guarantee agency. A State or private nonprofit agency "guarantees" the loans to the lender in many States. In other States, the Federal Government insures the loans. If the student defaults in repaying to the lender, either the guarantee agency or the Federal Government will pursue the borrower for recovery of the loan. If the borrower dies or becomes permanently disabled, his obligation will be discharged by the Federal Government.

In all cases, the borrower will have to execute an affidavit that the proceeds of the loan will be used solely for payment of his educational expenses. This affidavit will also have to be signed by a notary public or other person legally authorized to administer an oath or affirmation (other than a person who recruits students).

SOURCES OF INFORMATION ON THE GUARANTEED STUDENT LOAN PROGRAMS

ALABAMA

Director of Higher Education, Office of Education, Region IV, 50 Seventh Street, NE., Atlanta, Georgia 30323.

ALASKA

United Student Aid Funds, Inc., 845 Third Avenue, New York, New York 10022.

ARIZONA

Director of Higher Education, Office of Education, Region IX, 50 Fulton Street, San Francisco, California 94102.

ARKANSAS

Student Loan Guarantee, Foundation of Arkansas, Suite 515, 1515 West 7th Street, Little Rock, Arkansas 72202.

California (See Arizona).

COLORADO

Director of Higher Education, Office of Education, Region VIII, 9017 Federal Office Building, 19th & Stout Streets, Denver, Colorado 80202.

CONNECTICUT

Connecticut Student Loan Foundation, 251 Asylum Street, Hartford, Connecticut 06103.

DELAWARE

Delaware Higher Education Loan Program, University of Delaware, 207 Hollihen Hall, Newark, Delaware 19711.

DISTRICT OF COLUMBIA

D.C. Student Loan Insurance Program, 1329 E Street, NW., Washington, D.C. 20004.

Florida (See Alabama).

GEORGIA

Georgia Higher Education Assistance Corporation, Post Office Box 38005, Capitol Hill Station, Atlanta, Georgia 30339.

Hawaii (See Arizona).

IDAHO

Director of Higher Education, Office of Education, Region X, 1321 Second Avenue, Seattle, Washington 98101.

ILLINOIS

Illinois Guaranteed Loan Program, 102 Wilmot Road, P.O. Box 33, Deerfield, Illinois 60015.

INDIANA

Director of Higher Education, Office of Education, Region V, 226 West Jackson Boulevard, Chicago, Illinois 60606.

IOWA

Director of Higher Education, Office of Education, Region VII, 601 East 12th Street, Kansas City, Missouri 64106.

Kansas (See Iowa).
Kentucky (See Alabama).

LOUISIANA

Louisiana Higher Education Assistance Commission, Post Office Box 44095, Capitol Station, Baton Rouge, Louisiana 70804.

MAINE

Maine State Department of Education, Augusta, Maine 04330.

MARYLAND

Maryland Higher Education Loan Corporation, 100 Guilford Avenue, Baltimore, Maryland 21218.

MASSACHUSETTS

Massachusetts Higher Education Assistance Corporation, 511 Statler Building, Boston, Massachusetts 02116.

MICHIGAN

Michigan Higher Education Assistance Authority, 309 North Washington Avenue, Lansing, Michigan 48902.

Minnesota (See Indiana).
Mississippi (See Alabama).
Missouri (See Iowa).
Montana (See Colorado).
Nebraska (See Iowa).

NEVADA

State Department of Education, Carson City, Nevada 89701.

NEW HAMPSHIRE

New Hampshire Higher Education Assistance Foundation, 3 Capitol Street, Concord, New Hampshire 03301.

NEW JERSEY

New Jersey Higher Education Assistance Authority, 65 Prospect Street, Post Office 1293, Trenton, New Jersey 08625.

NEW MEXICO

Director of Higher Education, Office of Education, Region VI, 1114 Commerce Street, Dallas, Texas 75202.

NEW YORK

New York Higher Education Assistance Corporation, 50 Wolf Road, Albany, New York 12205.

NORTH CAROLINA

State Education Assistance Authority, 1307 Glenwood Avenue, Post Office Box 10887, Raleigh, North Carolina 27605.

North Dakota (See Colorado).

OHIO

Ohio Student Loan Commission, Wyandotte Building, 21 West Broad Street, Columbus, Ohio 43215.

OKLAHOMA

Oklahoma State Regents for Higher Education, State Capitol Station, Post Office Box 53383, Oklahoma City, Oklahoma 73105.

OREGON

State or Oregon Scholarship Commission, 1445 Willamette Street, Eugene, Oregon 97401.

PENNSYLVANIA

Pennsylvania Higher Education Assistance Agency, Towne House, 660 Boas Street, Harrisburg, Pennsylvania 17102.

PUERTO RICO

Director of Higher Education, Office of Education, Region II, 26 Federal Plaza, New York, New York 10022.

RHODE ISLAND

Rhode Island Higher Education Assistance Corporation, Room 414, 187 Westminster Mall, P. O. Box 579, Providence, Rhode Island 02901.

South Carolina (See Alaska).
South Dakota (See Colorado).

TENNESSEE

Tennessee Education Loan Corporation, State Department of Education, 313 Capitol Towers, Nashville, Tennessee 37219.

Texas (See New Mexico).
Utah (See Colorado).

VERMONT

Vermont Student Assistance Corporation, 191 College Street, Burlington, Vermont 05401.

VIRGINIA

Virginia State Education Assistance Authority, 1116 United Virginia Bank Building, Richmond, Virginia 23219.

Washington (See Idaho).

WEST VIRGINIA

Director of Higher Education, Office of Education, Region III, Post Office Box 12900, Philadelphia, Pennsylvania 19108.

WISCONSIN

Wisconsin Higher Education Corporation, State Office Building, 115 West Wilson Street, Madison, Wisconsin 53702.

Wyoming (See Colorado).
American Samoa (See Arizona).
Guam (See Arizona).
Trust Territory (See Arizona).
Virgin Islands (See Alaska).

DRUG LAW ENFORCEMENT: UNCIVIL REGARD FOR CIVIL LIBERTIES

Mr. PERCY. Mr. President, I have commented on numerous occasions on my shock and indignation upon learning about the violent, mistaken drug raids on two Collinsville, Ill., families on the evening of April 23, 1973, which were accomplished without search or arrest warrants and through a forcible and senseless entry on the private dwellings of those families. My own personal inquiry into events of that evening in and around the Collinsville area, and prior and subsequent to those raids, indicates that something was indeed amiss so far as Federal drug law enforcement in that area was concerned.

After public attention was given to a hearing which I conducted on this subject in Chicago on May 18, I received numerous letters from across the country indicating that the Collinsville horror was not unique. An account appearing on the front page of this morning's New York Times, entitled "Violent Drug Raids Against the Innocent Found Widespread," cites still other incidents which, taken together, confirm that the abuses attendant to drug law enforcement by some local, State, and Federal officials tend to be far more grievious than we ever expected.

In the days ahead, I will continue to pursue this matter, and attempt to ascertain just how widespread, how repugnant, and how disruptive of our fundamental liberties these occurrences are. If the price we must pay for a drug-free society is the loss of basic liberties which underlie a free society, that price is too high. As important as the problem of eradicating drug abuse is, we cannot afford to eradicate due process protections and the privacy and sanctity of our dwellings.

Mr. President, I ask unanimous consent to append to my remarks the excellent and well-documented New York Times article which I earlier referred to, written by Mr. Andrew H. Malcolm of the Chicago Bureau of that newspaper.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIOLENT DRUG RAIDS AGAINST THE INNOCENT FOUND WIDESPREAD

(By Andrew H. Malcolm)

WASHINGTON, June 24.—Innocent Americans around the country have been subjected to dozens of mistaken, violent and often illegal police raids by local, state and Federal narcotics agents in search of illicit drugs and their dealers.

An eight-week investigation by The New York Times—consisting of interviews with victims of the raids, policemen and narcotics agents—has shown that, contrary to published reports and some Government assertions, the recent illegal drug raids on two Collinsville, Ill., families were not isolated incidents.

In fact, during the last three years, mistaken raids have been made by narcotics agents on all government levels, often acting on uncorroborated tips from informers.

Such incidents have resulted in at least four deaths, including one policeman slain when a terror-stricken innocent woman shot through her bedroom door as it burst open. In California one innocent father was shot through the head as he sat in a living room cradling his infant son.

Details of each raid, vary, but generally they involve heavily armed policemen, arriving at night, often unshaven and in slovenly "undercover" attire, bashing down the doors to a private home or apartment and holding the innocent residents at gunpoint while they ransack the house.

A raid victim in Long Island has settled a damage suit with the Federal Government for $160,000. Similar suits are pending.

Sometimes the agents have warrants and identify themselves. Sometimes they do not. Frequently, the raiding party is rude, abusive and, as in Collinsville, shouts obscenities at its terrified victims.

In Los Angeles a veteran police officer says mistaken raids occur once or twice a month. In Miami complaints of police harassment on drug searches are so frequent that the Legal Services of Greater Miami can no longer handle the caseload.

Taken individually, the raids have been little noticed nationally, apparently because they were believed to be isolated aberrations or unfortunate but understandable errors as hardpressed police forces sought to combat drug addiction, which President Nixon has called "Public Enemy No. 1."

In addition, the raids occurred in widely scattered areas. Often they involved lower-class families with little access to the media or to advice on possible legal recourse.

Some believe many families kept quiet for fear of reprisals by the agents or perhaps because in their hatred for drugs they condoned the tactics but not the locals.

"NO-KNOCK" LAWS

But taken together the mistaken raids paint a picture of strong-arm police tactics, shoddy or nonexistent pre-raid police investigation and the pressures and brutalizing impact on the police of constant contact with what they call "society's scum," the drug pusher.

The incidents also underline what some view as an inherent danger in "no-knock" narcotics raids, which were authorized for Federal agents by Congress in 1970. Some states have similar statutes.

Under these laws the police may obtain a special no-knock search warrant authorizing them to break into homes unannounced if there is probable cause to believe that the property sought can be quickly destroyed or disposed of or if giving notice of police presence could endanger an officer or other person.

To some observers such mistaken raids are just that—mistakes caused by an understandable mounting police frustration with the growing drug problem. They say that members of the more vocal middle class are now being subjected to rigorous police techniques that some allege some officers have long used in black communities.

To others, however, the mistaken raids signal the emergence of a dangerous climate of repression.

The drug raids on the homes of Herbert Giglotto and Donald Askew in Collinsville, Ill., occurred the night of April 23. Mr. Giglotto was asleep with his wife in their apartment when more than 15 poorly dressed men broke down two doors, handcuffed the Giglottos, held them at gunpoint, emptied drawers and closets, shattered pottery, threw a television set on the floor and shouted obscenities.

A half-hour later a similar event occurred across town at the Askews' modest home.

"CAVEAT VENDOR"

In both cases the men were agents of the Office for Drug Abuse Law Enforcement, an umbrella agency established in January, 1972, by President Nixon. Its motto is "Caveat Vendor."

In both cases the men were at the wrong address.

In both cases they had no search or arrest warrants.

In both cases they had no authority from their superiors for the raids. In both cases they did not identify themselves until well into the raid.

The agents, one of whom had been involved previously in incidents involving questionable force, have been suspended with pay but continue to perform limited duties while a grand jury investigates and the families sue.

Three days before the Collinsville raids, at 10:45 p.m. Mrs. Laura Smith heard a tapping on a window of her home on Chicago's tough South Side. Seconds later a sledgehammer came through the back door, she said. It was followed by four armed men in civilian clothes who ran through the house, she continued. They were Chicago policemen.

"They were looking for marijuana, and some man named Will," recalls Mrs. Smith, who noticed that the search warrant was originally issued for 9763 South Oglesby, one block away from the Smiths' home at 9763 South Crandon. The original address was scratched off and that of the Smiths written in.

Circuit Court Judge Irving Kipnis, who signed the warrant, said such changes must be made in a judge's presence, but he handles so many warrants these days that he could not recall if that procedure had been followed.

The Chicago police offered no explanation for the raid, nor did they pay for the broken door. "Every time I hear a noise at night now," says Mrs. Smith, "I live it all over again." Her husband, James, is a Cook County deputy sheriff.

On Jan. 26 this year Mrs. Anna Majette was asleep in her apartment at 1420 Barbour Drive in Portsmouth, Va. She heard a noise as her door crashed in.

She rose from bed and, she says, Frank Bonnewell, chief of Portsmouth detectives, stepped in front of her with a gun. "We've heard a lot about this house," he said.

The officer produced a search warrant. His men searched for heroin.

Then Mrs. Majette noticed that the warrant was issued for Apartment A and hers was Apartment J.

"Sorry," said the officer. And they left.

PHILADELPHIA INCIDENT

At a hearing later officers got to talking. "I was on a raid one time," one policeman recalled, "and we got the wrong house. We broke in, went upstairs to a bedroom and found a half-deaf and blind couple that didn't even know we entered the house."

On Jan. 24 in Philadephia three off-duty patrolmen—John Chopak, James Haney and Harry Herr—were drinking in a bar near 40th and Market Streets when, they say, a patron said they could find narcotics in a nearby house.

According to a police investigation, the three men went to the house on Wiota Street, ransacked the house and beat three occupants. Not finding any drugs, they forced a passerby into the house and beat him too.

Then the patron took the officers to another house on Baring Street where they beat there other occupants. They found no drugs there either.

The policemen were suspended and arrested.

On Jan. 9 at 10 A.M. in Winthrop, Mass., 15 burly men armed with shotguns broke down two doors and burst into the William Pine residence.

The men did not identify themselves and wore no uniforms. They pushed the family to a couch. "Please don't kill us, please don't kill us," screamed 13-year-old Melody Pine.

"Just don't move," came the reply.

Mr. Pine, a night worker, awakened upstairs to face several gun barrels. The men asked his name. "William Pine," he replied.

The men looked at each other and raced from the house. They were state and Federal narcotics agents, it was learned later. And they wanted the green house at 30 Underhill Avenue, not the Pines' green house at 32 Underhill.

"I didn't know police operated like that in America," said Mrs. Pine.

At 6 A.M. Sept. 20, 1972, the James R. Herman family of Rochester, N. Y., was awakening. Suddenly the door jamb splintered under the weight of four men.

They ordered Mrs. Herman from the bathtub, threatened the family's barking dogs and searched the house. "If I'd had a gun," said Mr. Herman, "I'd have fired. I thought they were burglars."

They were not. They were state troopers, part of a force executing 22 search warrants in a Monroe County drug round-up. But they were at the wrong house.

The police said they had overheard a telephone number during a wiretap and when they had called the Rochester Telephone Corporation to get an address for it, their service representative gave them 3 Audobon Street.

It was Herman's address but not their telephone. The police apparently never checked the address further.

Smashing into the wrong house, added Capt. Richard Bolan of the state police, was an "insignificant detail" in what was "one hell of a raid."

In Norfolk, Va., at 3 A.M. May 24, 1972, Mrs. Lillian Davidson, a previous burglary victim, heard someone breaking into her house at 812 Lancaster Street. Then someone began to batter down her locked bedroom door.

SHOT THROUGH DOOR

She grabbed a .32-caliber revolver and shot through the door.

The bullet pierced the chest of Patrolman Lewis W. Hurst Jr., the 22-year-old son of the head of the Norfolk Police Department's narcotics squad. He died minutes later.

The police arrested Mrs. Davidson. They were looking for 2,400 parcels of heroin that an informer, a former drug addict, had said were there. They were not.

The police said it had been an error by the young informer and released Mrs. Davidson. The agents acted on an "immediate entry" clause added to the search warrant. The clause, said Lawrance Wallace, assistant commonwealth attorney, is unwritten common law that dates back to Virginia's founding.

On April 24, 1972, local policemen and agents of the Bureau of Narcotics and Dangerous Drugs moved on the mountain retreat of 24-year-old Dirk Dickenson near Eureka, Calif., to seize a "giant lab" producing drugs.

Arriving on foot with dogs and in a borrowed helicopter, the agents, who were not in uniform and did not identify themselves, assaulted the cabin with rifles and hand guns. Apparently frightened and baffled, Mr. Dickenson ran toward the woods.

An agent, Lloyd Clifton, shot him in the back as he fled. Mr. Dickenson died. It is a violation of bureau rules to shoot at fleeing suspects. No "giant lab" was found.

The United States Attorney in San Francisco said there had been no civil rights violations and the killing had been justifiable homicide.

On Feb. 5, 1973, Mr. Clifton was indicted by a Humboldt County grand jury for second-degree murder and involuntary manslaughter. The Federal Government hired a special defense attorney for Mr. Clifton. The lawyer, James McKittrick, seeks to have the charges dismissed.

Mr. Clifton continues his duties.

SECOND CALIFORNIA DEATH

Mrs. Adelina Garcia has sued Los Angeles and Riverside County for $750,000 for the shooting death of her husband, Francisco, by the police on a drug raid at a ranch near Indio on May 12, 1971.

The police said Mr. Garcia had ignored commands to stop his truck. They shot him and wounded his wife. A substantial cache of marijuana was discovered on the ranch, but Mr. Garcia was never implicated in the narcotics operation.

Here in Washington on May 2, 1970, seven policemen, only one in uniform broke into Miss Lauretta Whitney's home on Newton Street, knocked her down and ransacked the apartment in search of illegal narcotics. They found none.

The address on the warrant came from a trusted informant, the city police said, but now that Miss Whitney is suing for $100,000 damages, officials say they have no idea where the informer is.

"We're also considering a class action suit," said Mrs. Florence Isbell of the local American Civil Liberties Union as she leafed through files with more than 20 similar cases.

On Oct. 3, 1969, a number of state and local narcotics agents in Whittier, Calif., drank beer and highballs for two hours in a local bar as they awaited completion of search warrants for a drug raid on Apartments B and D at 8033 South Comstock.

However, they initially entered the apartment of Mrs. Florence Mehan at 8031 South Comstock. Realizing their mistake, the agents went upstairs to the correct address.

Drawn by the commotion, Mrs. Mehan's son-in-law, Heyward Henry Dyer, 22, and his 22-month-old son, Francis, went to the Mehan apartment.

Suddenly, a bullet crashed through the ceiling. It pierced Mr. Dyer's skull, killing him instantly.

The shot came from an AR-15 military rifle, which one of the agents upstairs, Sgt. Frank Sweeney, was not authorized to carry. He said it had fired accidentally.

No one in that upstairs apartment was arrested. A coroner's jury decided that Mr. Dyer died by criminal means, but the district attorney's office declined to prosecute.

Sergeant Sweeney, among others, was later suspended from duty without pay for a time.

Three weeks ago a court awarded the family $900,000 damages.

COMPLEX REASONS

The reasons behind these mistaken raids are varied and complex. But they are tied intimately to the veritable explosion of Government drug enforcement activities in recent years.

At its formation in 1968 the Bureau of Narcotics and Dangerous Drugs, the main Federal arm against drugs, had 615 agents and a $14-million budget. Now it has 1,586 domestic agents and a $74-million budget. On July 1, a new Drug Enforcement Administration will absorb most of the Federal efforts, including the bureau. These efforts cost about $245-million a year.

With its sudden growth, the bureau has had to do some fast recruiting. "A majority of our people come to us right out of college," said Richard Ulrich, administrative officer for the National Training Institute, the bureau's training arm, "and some of them have law enforcement experience."

The institute runs a 10-week school for new agents and hundreds of local policeman, with 600 hours of instruction, including 26 hours on due process and the Constitution's Fourth Amendment, which prohibits "unreasonable searches and seizures." But apparently attendance is not required; some agents involved in mistaken raids had not taken the course.

The raids are frightening for both raided and raider. The tactics are based in part on the theory that a sudden, overwhelming display of police force will quash any thought of resistance and secure evidence before it can be disposed of.

"You have to go in with the idea that this guy is going to fight," said Clyde Charles, an agent who asked that his real name not be used. "He's always being shaken down by other pushers. So you figure you'll be staring down a gun barrel."

"I've been on 200 or so raids," he continued, "and the no-knock is the scariest. You ask yourself what would you do if your door came crashing down at 3 A.M. and you had a gun. You'd let go, right? Personally, I think the danger might outweigh the value."

Officials of the bureau, which works against big-time pushers, say they have executed "two or three" no-knock raids; officials for the Office of Drug Abuse Law Enforcement, which concentrates on smaller drug dealers, say they have done "above 100."

But the agents themselves admit to some "funny business" regarding the requirement to announce themselves on other than no-knock raids. "You might whisper, 'Open up! Police,' " one said, "or you could yell it the instant before you hit the door."

Another drug official added: "It's hard for outsiders to set a normal standard of behavior. You can't ask an agent to spend three months on a case and then expect him to announce himself politely and listen to every toilet on the floor flush away the evidence. You have to be a saint to do that."

Another agent said, "If you spend weeks undercover, living in a hole and dealing with drug people, your whole life-style changes and perhaps your morals too. Sometimes there's a thin line between the hunted and the hunter."

"This is dirty scummy work," said Myles J. Ambrose, head of the Office of Drug Abuse Law Enforcement. "You see these vermin selling drugs and what they do to people and our cities and you get sickened and angry and perhaps you take your hostilities and frustrations out on some guy's bookcase. It's not right. But how are you going to prevent it?"

TRIBUTE TO L. L. BAXTER, OF FAYETTEVILLE, ARK.

Mr. FULBRIGHT. Mr. President, the Northwest Arkansas Times recently paid editorial tribute to Mr. L. L. Baxter of Fayetteville, Ark., who is retiring from an active management role with the Arkansas Western Gas Co.

Mr. Baxter served as president of the company for 25 years and he and the company played a major role in the growth and development of Fayetteville and northwest Arkansas. In addition, Mr. Baxter has made a significant contribution to Fayetteville community affairs for the past 40 years.

As the Times editorial states:

> He is a dynamic espouser of the idea that when you help your community grow, your community will help your business grow. Very few progressive projects have been undertaken in Fayetteville and Northwest Arkansas during the last quarter century without the Gas Company's and Mr. Baxter's personal involvement. He believes a strong community is the key to a sound economy, and has been willing to work full-time to prove it.

Mr. President, I ask unanimous consent to have printed in the Record the editorial from the Northwest Arkansas Times of June 9.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Matter of Interest

No person is more centrally involved in the growth of this area than L. L. Baxter, whose retirement from an active management role with Arkansas Western Gas Co., was announced a few days ago. Mr. Baxter has been a resident of Fayetteville for more than 40 years, and was president of his company through 25 crucial early years of its existence.

Arkansas Western was only in its third year of operation when Mr. Baxter moved here from Texas to assume the position of district manager in 1932. He served as company president from 1943–1968. In that period Arkansas Western Gas jumped from 1,700 customers in Washington and Benton counties to 54,000 in an 11-county area.

The story of the firm's growth is intimately tied to growth throughout Northwest Arkansas, too, and none is better aware of this than Mr. Baxter. He is a dynamic espouser of the idea that when you help your community grow, your community will help your business grow. Very few progressive projects have been undertaken in Fayetteville and Northwest Arkansas during the last quarter century without the Gas Company's and Mr. Baxter's personal involvement. He believes a strong community is the key to a sound economy, and has been willing to work full-time to prove it.

These days it is fashionable to see a "conflict of interest" in every effort by the business community to take part in community affairs. Mr. Baxter would readily plead guilty we are sure, because he believes the best thing any businessman can possibly do for his business is to work hard on behalf of good schools, good government, good churches—in short, a good community. We believe Mr. Baxter is right in this. Furthermore, we have the conviction that the city must seek out those who can provide the sort of level-headed common sense and good business judgment that Mr. Baxter's contributions to this area symbolize, if it is to continue to prosper.

SENATOR BENNETT TO RETIRE

Mr. SCOTT of Pennsylvania. Mr. President, one of our most distinguished colleagues in the Senate, Wallace Bennett of Utah, announced last weekend that he will not seek reelection to a fifth term. I know that everyone is saddened by this news Senator Bennett has been one of the Senate's most influential Members, and will be remembered for his integrity, courtesy, and ability to target in on the heart of complex issues with a keen intellect and depth of knowledge, especially in the area of fiscal and monetary policy.

Senator Bennett has not only been a contributor to the work of the Senate, he has been a highly respected leader. We look forward to the benefit of his continued wisdom in this Congress, and wish him a full and happy retirement.

Mr. President, I ask unanimous consent that an editorial from the Salt Lake Tribune be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Dedicated Service, "Straight Talk" Hallmarks of Bennett Career

One thing above all others distinguishes the career of Utah's four-term Republican senator, Wallace F. Bennett: hard, conscientious work; service often performed outside the limelight's glare.

Senators fall roughly into several types. There are some who use the office to advance their political ambitions and give only minimal attention to home state interests, to the often dreary day-to-day work of the Senate. There are some who make the Senate itself their end goal and gain national recognition through identification with popular or controversial causes.

Sen. Bennett, who Saturday officially announced his retirement at the end of his present term, is a different kind. He is the all-around senator. He attends to constituent needs and interests on a high priority basis. His clippings file in The Tribune library bulges with news items about Sen. Bennett seeking legislation and projects beneficial to Utah. But his almost 24 years as a senator are marked also by dedicated attention to national and international matters.

Fellow senators learned soon after Wallace Bennett arrived in Washington in 1951 that here was a man who would help mind the store, who would pitch in with the chores; a man who could be counted upon to do a job.

As the years passed, Sen. Bennett's ability, his forthrightness and devotion to duty brought him immense respect from colleagues in both parties. His influences was far greater than generally recognized by outsiders.

It was not hollow flattery when Sen. Robert P. Griffin, R-Mich., called the Utahn "truly a senator's senator. He is beloved, respected and admired by everyone in this body, on both sides of the aisle."

And Majority Leader Mike Mansfield, D-Mont., recalling that "I have watched Wallace Bennett day in and day out in the performance of his tasks," observed that here was "one senator who has never made a request which was in the least out of line."

First elected in 1950 immediately after serving as president of the National Association of Manufacturers, Sen. Bennett found his niche on the Finance Committee where his business background established him as an authority on fiscal matters. As ranking Republican on both the Finance and Banking, Housing and Urban Affairs committees, Sen. Bennett "carried the ball" for numerous Nixon administration measures as he had done earlier for President Eisenhower.

In addition, he was a prime mover in passage of the Upper Colorado River Storage Project. His most recent achievement of national significance, a system for peer review of the quality and cost of health care, is expected to save millions of dollars while improving health services offered through such programs as Medicare and Medicaid.

In 1972 a statement prepared by the Republican Policy Committee noted that a "highly placed government leader" remarked that "where some public officials rely on rhetoric to finesse the issues, Wallace Bennett cuts to the heart of complex problems with incisive language and keen intellect. He's one of the 'straight talkers' of the Senate."

For Sen. Bennett hard work and straight talk brought abiding appreciation an admiration from both colleagues and ordinary citizens. But more than that, these qualities, and the man in whom they thrived, served America and Utah to the fullest.

TRIBUTE TO JACK DEACON, OF JONESBORO, ARK.

Mr. FULBRIGHT. Mr. President, Mr. Jack Deacon of Jonesboro, Ark., was recently presented the Outstanding Lawyer-Citizen Award of the Arkansas Bar Association during the association's meeting in Hot Springs.

This is certainly a well-deserved honor, for Mr. Deacon has made a notable contribution to his community and State as well as the legal profession.

I ask unanimous consent that an article about Mr. Deacon which appeared in the Jonesboro Sun and which outlines some of his many honors and activities be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Deacon Given Top Award of Arkansas Bar

Jack C. Deacon, a Jonesboro attorney and member of the Barrett, Wheatley, Smith, and Deacon law firm, was presented the Outstanding Lawyer-Citizen Award of the Arkansas Bar Association at the association's meeting in Hot Springs this past weekend.

The award is presented annually to an Arkansas attorney who has shown outstanding participation and performance of civic responsibility while at the same time showing a high standard of professional competence and conduct.

Deacon is past president of the Jonesboro Chamber of Commerce, United Fund, a Country Club and Rotary Club. He is District 615 Governor-elect for Rotary International.

He is also president of the St. Bernard's Hospital Advisory Board. He has been a trustee of the public library until this year, and is a trustee of the United Fund of Jonesboro, and on the Board of Directors of the Craighead County Red Cross.

Deacon is also past president of the Craigshead County, Northeast Arkansas, and Arkansas Bar Association, besides numerous other presidencies, chairmanships and memberships in civic and legal organizations.

Deacon has been appointed a member of the Workmen's Compensation Committee of the Defense Research Institute (DRI) of Milwuakee, Wis., it was announced today.

The Defense Research Institute is a nonprofit, legal research organization, serving the interests of defense lawyers, "target" corporate defendants and the public. Comprised of over 6,000 individual and corporate members from across the country, DRI provides a continuous flow of information on current legal developments through publications, seminars and special services. At the same time, it seeks retention and improvement of the existing legal system—particularly in the area of civil litigation—and promotes a higher level of decorum in the courtroom, elimination of fraudulent and exaggerated claims, and improved standards of public safety.

PROPOSAL TO REFORM WELFARE

Mr. BROCK. Mr. President, recently, the ninth grade civics students of Center High School, Monaca, Pa., took a look at our current welfare system in this country.

Not surprisingly to me, they found it wanting. They went a step further, though, and drafted a new proposal. Because their effort shows the creativity and concerns of America's young people, I feel that their ideas deserve wide currency, and the attention of this body.

Accordingly, I ask unanimous consent that their proposal be printed in the Record.

There being no objection, the proposal was ordered to be printed in the Record, as follows:

Welfare Proposal

Our nation's people should be the government's top priority, and since welfare concerns our nation's people, welfare reform should be a top priority. Congress is the only one that has the power to reform welfare. Welfare should be reformed!

Although there are many problems with the present welfare system, there are a few that should be emphasized. For one, there is no way for a person to get off the poverty cycle. The reason being that there is not enough incentive to get off welfare, nor is there enough job training in fields that will gain them enough income to raise them above the poverty level. Also, there is no unity in welfare programs among states. Furthermore, the welfare burden on taxpayers will continue to increase as more people are born into welfare families; causing the already exorbitant costs even higher.

Your generation is now laying the groundwork for ours and all future generations. If you don't solve the problem now, it will multiply and bury us in the future. The time is now to solve this problem. Don't turn away from the problem because we had a bad experience with the Great Society Program.

You are our avenues into government, for you represent the people. It is your duty to make the laws and we expect you to fulfill your obligations to yourself, to us, and to your country.

The following is a proposal to revise the welfare system of the United States. The present welfare system is undesirable, and it should be replaced with a national welfare program that is uniform in every city and state. We, the taxpayers of the future, have researched and developed an idea to help solve the dilemma of the present welfare system.

In the present welfare system, adults are not required to look for a job to remove themselves from the welfare lists. There are sixteen million people on welfare; eleven million of the given amount are children—according to the recent poll released by the American government. It states the myths and facts of welfare, in which it actually contradicts itself. One "myth" states that, "Most welfare children are illegitimate." The supposed "fact" is, "A sizable majority of the more than seven million children in welfare families were born in wedlock." The second "myth" states that, "The welfare roles are full of able-bodied loafers." The supposed "fact" is, "Less than 1% of welfare recipients are able-bodied unemployed males." If most of the children were born in wedlock then more than 1% of the welfare recipients should be "able-bodied unemployed males". One of these statements must be false.

If during the depression in 1934, the government could hire 4,230,000 workers and place them on the payroll, why can't they do it now? The W.P.A. constructed 500,000 miles of roads, 40,000 schools, 35,000 playgrounds, 1,000 airports, built Pittsburgh Cathedral of Learning, and renovated Montana State Capitol. A welfare work program could be initiated by the Federal government to remove recipients from the roles. Our program could be arranged to find jobs now and to rehabilitate the welfare recipients. This program cannot replace public or private jobs because the unemployment problem would become worse. The jobs should guarantee a minimum wage of at least $2.25 for eight hours of satisfactory work. Work offered to these able-bodied recipients could be highway maintenance, cleaning up beaches, forest, playgrounds, and public buildings. They could also clean up their own slum areas. Becoming involved with fire auxiliaries is also possible, along with helping the environmental control program. To determine if the work done is satisfactory, there should be supervisors. These supervisors could be some of the welfare recipients after they have been trained. If adequate work is not performed, the person will be fired and therefore become ineligible to receive welfare. This program would be set up for women and men. To help the women, there would be another program. This would be a child care center. This center will be open all hours of the day and would care for children only if the mother was working or attending the night school which will be mentioned later. The center will be run by welfare women and volunteer workers who would feed, care, and nurse the children. The work that needs to be done for this program will provide jobs for some of the recipients.

This work program might help to solve the overpopulation of the lower-class Americans. It would discourage the adults on welfare from having children because they would be receiving a set wage for working; the more children they would have, the more it would cost them.

The work program is not enough to reform the welfare state completely. Slowly these people should be absorbed into the economy. A rehabilitation plan would enable the welfare recipients to progress forward into a normal life as a middle-class family. Besides the work they would be doing, they will be required to attend an educational center to broaden their knowledge. They will be taught basic skills needed for their everyday life. The women will learn good housekeeping, proper child care, basic first aid, and to cook food they can afford with necessary nutritional value. If a mother presently has a new born child, she is not required to work or attend school for the first three years of the child's life. To stop the possibility of a legal loophole in this situation, if a mother's child is born directly after the third year of her first child, she must work and attend school anyway.

The men and women will attend a trade school to learn a skill. Some skills that could be offered are bricklaying, carpentry, and handling machine. These skills will give them the means needed to raise themselves from the present state of low income.

The teachers employed to run the school must have some past record of the skill they will teach. Later the recipients who have been taught the trade can earn money by being a teacher themselves.

This program of welfare reform might cost more now, but when the poverty problem is reversed it will be well worth it. This program will not solve all of our welfare problems over night. It will take a long period of time and effort but the result is both desirable and definitely necessary.

IMPLEMENTATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one misconception concerning the Genocide Convention centers around its implementation. This treaty is not a self-executing document. As article V explains:

> The contracting parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

In other words, additional legislation is required in order to execute the terms of the agreement.

Earlier this year the Senate Foreign Relations Committee expressed its belief that it regards Senate approval of the convention as the first in a two-step procedure. The Department of State concurred and added that it proposes to recommend to the President that the instrument of ratification of the convention not be deposited until the implementing legislation has been enacted.

So strong is the consensus on this point that the following declaration has been included in the ratification resolution:

> That the United States Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

LACK OF CONGRESSIONAL POWER?

There are those who argue that Congress is powerless to pass the appropriate legislation until the United States ratifies the Convention. This view, however, is fallacious. Congress already has made certain acts to be Federal crimes—for example, the killing of various foreign officials, including heads of state—and there is no reason why genocide may not be treated accordingly. But more important, there is no reason why genocide should not be treated accordingly. The act of genocide is both inhumane and disgraceful, and the United States must do everything within its power to prevent such acts from ever reoccurring.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent on June 22, 1973. If I had been present and voting, I would have cast my votes as follows:

No. 214—Final passage of the AEC authorization bill—"yea";

No. 215—McGovern amendment to S. 1636—"nay";

No. 216—Humphrey-Proxmire amendment to S. 925—"nay".

I ask unanimous consent that the RECORD state my positions on those votes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MINNESOTA POLITICS PRAISED

Mr. MONDALE. Mr. President, last week I called the Senate's attention to an article which appeared in the St. Paul Pioneer Press based upon Neal Pierce's book, entitled "The Great Plains States of America," which describes Minnesota as "as good a model as one can find in these United States of the successful society."

Since then, two other excellent articles have come to my attention, one entitled "States Politics a Good Model" by Chuck Bailey of the Minneapolis Tribune and the other "Good Marks for Minnesota" by Steve Alnes of the Minneapolis Star.

Mr. President, I believe these articles would be of great interest to the Senate, and I ask unanimous consent that they be printed in full in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, June 10, 1973]

STATE POLITICS A GOOD MODEL

(By Charles W. Bailey)

Somewhere down the road, after the last witness has told his story to the Senate committee and the last case has been processed through the federal courts, the most important question about Watergate will finally stand alone: What can be done to cleanse and restore the American political process?

So far the focus has been on misdeeds and manipulation, on "dirty tricks" and crime, on cover-ups and complicity. That's as it must be, and should be—because beyond all else at this point we need to know everything that went on and everybody who was involved. Not for sensation, or vindictiveness, or revenge, or titillation, but for enlightenment: It may be distasteful and disruptive, but we cannot know how to keep future elections clean unless we find out exactly how the last one was befouled.

Some of the needed remedies can be found in legislation. It should not be difficult, for example, to draft laws that will deal with the multiple abuses of political campaign financing; it will take determination and hard, expert legislative work, plus sustained public pressure, but it can be done.

Some of the most important "reforms," however, will not be effected by the passage of laws. They must come, if they are to come at all, from within the political parties—and from the collective force of a multitude of individual decisions and actions. If, as was suggested here a couple of weeks ago, people generally get the kind of government they deserve, then it is equally true that people can get the kind of government they insist on having.

Watergate has spawned a good deal of disillusion and even despair about American politics. But before people let themselves be overwhelmed by the gloom of the forest, they might take a closer look at some of the trees.

One who has made a career out of examining the trees is Neal R. Peirce, a Washington political writer of long experience who is midway through a monumental state-by-state study of the people, politics and power patterns of this country. His latest volume is on the Great Plains states—and his perceptive chapter on Minnesota ought to be read by those who are currently bemoaning the low estate of American politics. That is not to say that Pierce sees Minnesota as a perfect model for the rest of the country; but reading his comments in the context of Watergate suggests that at least some of the state's institutions and habits could be usefully considered by those here and elsewhere who are now so desperately seeking remedies.

He calls Minnesota "as good a model as one can find in these United States of the successful society." But why?

"The visitor to Minnesota hears many reasons, but none is so convincing as perhaps the simplest: These people appear to have control of their own destiny. No single industrial cabal, no bank group, no patronage-hungry courthouse crowd controls Minnesota. Ask Minnesotans who 'runs' their state, and you get a blank stare in response."

The reason, Peirce adds, is that there are "few invisible powers lurking behind the throne. The political parties, constituted by an especially democratic process from local precinct caucuses on up, wield the significant power—and through them, the people."

Despite the occasional excesses of such "people's politics," Peirce finds that by and large the system works—"and as a general rule one cannot find another state in which party platforms and campaign promises are taken more seriously."

He suggests that "the openness of Minnesota's public life, the willingness of leaders to try new ideas and the state's demonstrated capacity to handle money and programs well and honestly" have helped make the state "a deceptively simple example of how a democratic society should be run."

Such praise from afar should not blind Minnesotans (and does not blind Peirce) to the defects that do exist in the state's political process—such as the continuing failure to enact laws that would make state political financing truly open. But even in that case, Minnesota suggests some models that might be helpful now on a national scale; Peirce calls the state Republican party's annual "Neighbor-to-Neighbor" drive for small contributions "the nation's most outstanding effort to broaden the base of political financing."

Surely if the national political parties really committed themselves to such an effort it would help reduce—and perhaps in time eliminate—the dependence on big under-the-table donations whose poisonous effect has been so painfully demonstrated in the Watergate affair.

Certainly Watergate demands new legislation—on campaign financing, among other things—but more than that it demands new political commitment by individual citizens. Those who are disgusted and disheartened by the still-unfolding revelations of Watergate will help neither themselves nor the nation if they now turn away out of despair or cynicism. Minnesota has over the years provided a disproportionate share of political leaders for the nation; perhaps now this state could make an even greater contribution by exporting its best political practices as well.

[From the Minneapolis Star, May 28, 1973]

Good Marks for Minnesota

(By Stephen Alnes)

Minnesotans, when they aren't complaining about the weather, usually have nice things to say about their state. They'd have to go some, though, to outdo the kind words laid on us by a new book, "The Great Plains States of America" (W. W. Norton & Co.).

Minnesota, says author Neal R. Peirce, is "as good a model as one can find in these United States of the successful society."

The state's leaders "have played an increasingly prominent role in national life, far out of proportion to the state's modest 2 percent of the national population. Its political structure remains open, issue-oriented, responsible. Its state government has been a leader in services for people, even though citizens and corporations have had to pay a high tax bill for those services.

"Few states exceed Minnesota in the quality and extent of the education offered its citizens; none appears to provide health care of comparable quality. Economic growth has been strong and steady, encompassing the brainpower industries of the electronic era along with traditional farming, milling and mining.

"And Minnesota maintains a clear focus of economic and cultural leadership in her Twin Cities, towns whose great industries have resisted the siren call of the national conglomerates."

Peirce, a Washington-based political writer since 1959, is a contributing editor to the National Journal, which he helped found in 1969. Previous books are "The People's President," a study of the electoral college system, "The Megastates of America," "The Mountain States of America" and "The Pacific States of America." The new book, in addition to Minnesota, covers Texas, Oklahoma, Iowa, Missouri, Kansas, Nebraska and the Dakotas. Later books will deal with the Deep South, Border South, Mid-Atlantic, New England and Great Lakes states.

Peirce notes in the foreword that only one project of the kind he has undertaken had ever been attempted before, John Gunther's "Inside U.S.A.," published in 1947.

He put in 18 months of travel and three years of writing, complicated, he says, by thousands of articles and newspaper clippings. Then the manuscripts were read by experts in the individual states and updated.

The author said he tried to keep his eye on "the enduring, vital questions about each state and its great cities," including what sets it apart from the rest of America, its essential character, what it's like as a place to live, who holds the power, what are the major ethnic groups, how creatively the governments and power structures have served.

Obviously, that's one massive undertaking, so great as to raise questions about whether anyone is justified in making the conclusions Peirce does. The other side of that, however, is that, if anyone is so justified, it's Peirce.

The Minnesota chapter is marred by a few factual errors which do not affect the central thesis—that Minnesota is a "successful society." Why successful? Peirce asks. "The visitor to Minnesota hears many reasons, but none is so convincing as perhaps the simplest: These people appear to have control of their own destiny.

"No single industrial cabal, no bank group, no patronage-hungry courthouse crowd controls Minnesota. Ask Minnesotans who 'runs' their state, and you get a blank stare in response.

"The special interest groups are there lobbying in the Legislature: railroads, private power companies, labor and business groups, for instance. But none is consistently successful, and the crucial decisions of a public nature are made through the political process with few invisible powers lurking behind the throne."

Peirce contends "a responsible political system lies at the root of this success story . . ." Hubert H. Humphrey and Harold E. Stassen are the "fathers of modern Minnesota politics," Peirce points out.

"Man for man," he argues, "it would be hard to name a state which has contributed as many men of stature and depth to national political life in the postwar era as Minnesota." The feeling of Minnesota legislators that they have one of the cleanest systems in the nation is probably well-founded, he says.

Peirce has other praise for Minnesota—for its school finance reform, high voter turnouts, low draft rejection rates, Minnesota Press Council, Minneapolis and St. Paul newspapers, the Metropolitan Council, a strong and diversified economy and the fact it's the home of a "phenomenal number of major industries," urban renewal in St. Paul and Minneapolis, the "fountainhead of culture" in the Twin Cities, property tax relief, the fiscal disparities act, the commitment to education, the state college system, the University of Minnesota, and more.

Those are real, and Peirce has a handle on most of it. He has, however, largely concentrated on the political and institutional structure of the state, and you get the feeling that there's some more there, somehow, that such a research effort never quite gets to. And when you're done reading, you're still left with the big question: How did we get so lucky?

TRIBUTE TO DR. HOWARD F. FLIPPIN, OF SEARCY, ARK.

Mr. FULBRIGHT. Mr. President, Dr. Howard F. Flippin of Searcy, Ark., was recently elected president of the Arkansas Optometric Association. This is a fitting honor for Dr. Flippin, who has a long record of service in his profession and in civic affairs as well.

Dr. Flippin has chaired a number of committees of the Arkansas Optometric Association and is a trustee of the Southern Council of Optometrists. In addition to these professional responsibilities, he is a deacon of the Westside Church of Christ, a director and secretary of Camp Wyldewood, a member of the Searcy Airport Commission, a member of the Searcy Chamber of Commerce and of the County Comprehensive Health Planning Council. He has served as president of the Searcy Lions Club and on the board of Arkansas Enterprises for the Blind.

With this record of leadership and service, I am sure that Dr. Flippin will continue the outstanding work of the Arkansas Optometric Association in the field of vision care, and I extend my congratulations to Dr. Flippin and the association.

A PLAN FOR ENERGY INDEPENDENCE

Mr. STEVENSON. Mr. President, I ask unanimous consent that an article in the latest issue of Foreign Affairs, entitled "A Plan for Energy Independence," be printed in the Record. This article, written by Carroll L. Wilson, sets out thoughtfully and forcefully a plan whereby the United States can by 1985 once again become self-reliant for its energy. In addition to reaching and maintaining a reasonable level of energy conservation, a key element in Mr. Wilson's program is the urgent development of technologies to utilize our Nation's coal reserves. I believe all of us can benefit from reading Mr. Wilson's thoughtful analysis.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PLAN FOR ENERGY INDEPENDENCE

(By Carroll L. Wilson)

I believe the United States is facing a national energy emergency. It arises from our extravagant and wasteful use of energy and from a shift in the sources of fuels. Per capita consumption is three times that of Western Europe, and we may ask ourselves whether our greater use enriches the quality of life by any such margin. Our cars are twice as heavy and use twice as much fuel as European cars which run about the same mileage each year, and the ratio is getting worse because of the sharp drop in fuel economy on recent models of American cars, owing to emission controls and air conditioners. We keep our houses and buildings too hot and use large amounts of fuel in air-conditioning everything. We have not given a thought to fuel conservation and efficiency since the days of rationing in World War II—an era which only 30 percent (those over 45) of the population can remember. These are some of the reasons why with six percent of the world's population the United States uses 33 percent of the world's energy—and why Europe and Japan are unlikely to be sympathetic to our plight as we ask them to share with us their traditional supply sources in the Middle East.

The costs and perils of dependence upon Middle East nations around the Persian Gulf were eloquently stated by James Akins of the State Department in the last issue of this journal.[1] His analysis of the expected scale of payments to Middle East countries and the inability of the largest producer, Saudi Arabia, to absorb or use a significant fraction of those payments for internal purposes underscores the perils of open-ended dependence upon these nations for our oil. The most critical aspects of the national energy emergency are the shift to such dependence and the enormous foreign-exchange drain it must progressively entail by the late 1970s alone. Recent "symbolic" interruptions by some Middle East countries, in protest against U.S. policy toward Israel, may be one hint of what the future holds; the continued hard bargaining on price is another. Although we will have to live through a period of substantial reliance on Middle East oil, it is hardly an acceptable national policy to leave the emerging situation in its present highly unsatisfactory state. There are simply too many cumulative problems and dangers involved.

The question, of course, is what *could* we do about it. The time has come to propose solutions. I propose a strategy to overcome this emergency, a program of action to implement such a strategy, the machinery needed for implementation, and an assessment of the global and environmental consequences of the adoption and execution of such a program by the United States. Obviously, the number of variables is immense and only by gross simplification can one define a strategy and program; there should be alternative strategies and plans. But this may be a place to begin.

II

The objectives of my proposal are to achieve, by 1985: first, the independence of the United States from critical reliance on imports of energy in any form—defining critical reliance as anything more than ten percent of our needs; second, energy costs below some target level, in dollars per million British Thermal Units (BTU), which is a common energy pricing unit for all fuels. I suggest as a goal keeping energy costs for premium fuels such as gas or oil below $1.00 per million BTU. This is equivalent to oil at $6.00 per barrel, roughly twice present prices, or to gas at $1.00 per thousand cubic feet, twice present wellhead prices on new contracts. The current cost of coal is very low in relation to its heat content, and the proposed ceiling gives great latitude for its use.

To see how we might get there, let us start by examining the components of energy supply in the United States—past, present and future. Current projections for the future make three key assumptions—that total energy consumption will continue to grow at the rate of 4.5 percent a year that has prevailed in the past decade, that the present pattern of use of particular energy sources will continue, and that nuclear power will be rapidly developed. As we shall see, all three of these assumptions can be challenged. If they were the case, however, the picture would look roughly as follows:

TABLE I.—ENERGY SOURCES AT STATED PERIODS

[In percent]

	Actual, 1960–63	Actual, 1970–73	Projected, 1980–83	Projected, 1985
Oil	44.0	44	44	47
Natural gas	29.0	33	28	20
Coal	23.0	18	17	17
Hydro/geothermal	4.0	4	5	6
Nuclear	.5	1	6	10

As the table shows, the crux of the problem is that oil has had to assume a large and slowly increasing share of the total. Natural gas appears to have reached its peak and will decline as a proportion of total supply even if higher prices produce increased exploration and discovery. Hydro sources can at most hold their place.

There remains, of course, the question whether present geothermal sources can be expanded to a greater degree and whether new "miracle" sources of energy can be found from solar energy, nuclear fusion, hydrogen broken down by nuclear methods, or any other. In all of these there is hope if we look ahead on a 30-year projection—and in the most promising areas there is justification for much greater research and development effort. But if one puts together the theoretical possibilities and the best available sense of what it would take to develop any of these "miracle" sources to major production levels, the honest judgment at this stage must be that they will contribute nothing by 1985 nor be substantially operative before roughly the year 2000, if then. And we simply cannot wait that long.

Rather, then, we have to look to our present sources of energy within the 1985 time frame. Obviously, we must have the maximum possible expansion of domestic oil and natural gas production, but the increases cannot be large in relation to total need. In addition, we should establish synthetic oil industries based on shale and on coal, building some large-scale plants to demonstrate feasibility and costs and to test features that minimize environmental impact. Such developments might yield a few million barrels per day, and we might require refineries to use such oil for a small fraction of their feedstocks—even if initial prices of synthetic crude oil exceeded the $6.00 per barrel ceiling target for 1985 energy costs.

Looking at all the technological possibilities, however, it is my conclusion that the best sources of energy that can be greatly expanded in this time frame, at reasonable cost and with an impact on resources and on the environment that we can bear, are nuclear fission and the production of gas from coal through gasification—a process which produces from coal a clean, all-purpose and readily transportable gaseous fuel. For this purpose, some of the necessary technology now exists, but some still requires additional development. Gasification itself has been demonstrated, and technologies are already in use that produce low-BTU gas. However, the technological obstacles to producing gas of pipeline quality from coal are still formidable; a massive crash program of parallel pilot and demonstration plants for the four or five processes that now appear possible should permit construction to start in two to three years on production plants that make use of whichever process or processes then look best.

This selection of technological possibilities is the first element in the proposed strategy. The second—at least equally important and urgent—is a program effectively to reduce the rate of growth in our energy consumption. Actually to lower our consumption substantially is not, I believe, acceptable without far too drastic changes in our whole society. But I believe it is feasible, and should be our target, to achieve and maintain a rate of growth in our energy consumption of three percent per year, rather than the present 4.5 percent. In arithmetic terms, instead of our energy consumption in 1985 being 70 percent greater than it is now, it would be "only" 43 percent greater—a large and critical difference without which no action program can, I believe, do the job.

This is still a drastic target. To achieve it requires a recognition and acceptance that we are in a national emergency. Since shortages are upon us, we will have to begin to practice conservation not because of price but because of shortages. Although the first guidelines for voluntary "sharing of shortages equitably" have been issued by the government, we have no rationing machinery except to give priority to domestic heating and drop other loads if not enough energy is available. There are not even the rudiments of machinery for rationing fuel. The only serious study of an emergency program has been made by the Office of Emergency Preparedness, which has produced two very useful studies indicating measures that could be taken if the will existed to diminish significantly our energy demands, thereby reducing our dependence upon imported oil. (Yet, before the year is out, shortages of gasoline and heating oil in many parts of the country will make it clear that a national emergency exists and that appropriate steps must be taken.)

Some of the necessary measures will involve presently extravagant uses and waste, and some the question of efficiency. Here it is striking to note how little scientific and technical effort now goes into this latter question; a very modest improvement in our present low fuel efficiency may turn out, over time, to be in itself sufficient to bring us close to the 3 percent growth rate. But in the meantime we must surely cut back painfully.

III

On the whole we do very well in dealing with national emergencies. Many examples come to mind from World War II when we created the machinery; gave it the necessary authority; provided the money; mobilized the parts of the society, public and private, which were needed to overcome the emergency or meet it; energized the program by a system of contracts; and achieved the target results.

A notable example was our action in dealing with the abrupt cessation of the natural rubber supply. We carried out a crash program to set up a synthetic rubber industry, quickly creating the necessary machinery, authority and money. The results were dramatically successful. Another example was the decision to produce an atomic bomb in time to be useful in World War II. The decision was taken at a time when there were four or five possible routes to securing fissionable material from uranium and only some clues as to how to make a weapon from fissionable material. Special machinery was set up with the needed authority, with superb leadership and organizing capability, and within a tradition of mobilizing the private sector by contract. The Manhattan District then conducted that remarkable program of carrying forward simultaneously four different approaches to producing fissionable material and two simultaneous approaches to making a weapon, while building everything from cities to railroads to huge and completely novel factories, all in the space of less than three years. It worked.

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[1] "The Oil Crisis: This Time the Wolf Is Here," Foreign Affairs, April 1973.

Another example of how we can mobilize resources against an explicit target was the space program. In 1960, for reasons then considered sufficient, we decided that we should put a man on the moon before the end of the decade. To accomplish this, we created a special agency with great authority and lots of money and manned it with extraordinarily capable leadership. The fantastically complex and difficult scientific, technical and logistical problems were overcome, and, indeed, we put the first man on the moon in July 1969.

These are a few examples of how we have acted successfully when we have accepted the existence of a national emergency and taken the necessary actions (through Congress and the President) to provide the authority, the money, the machinery and the leadership to meet and overcome it. It is our national style to be most effective in tackling concrete programs, or working toward specified goals. Sometimes that approach is not appropriate as, for example, in solving the problem of cancer; in this case, however, it is appropriate.

What might be the action program aimed at 1985—the Decade Program if you will—if we accepted the existence of a national energy emergency and then took the necessary steps to cope with it through meeting the specific targets suggested?

The first element in any such program must concern the use of oil. To limit our oil imports to ten percent of energy requirements by 1985—using now the target three percent annual growth rate to estimate total 1985 energy consumption—would mean that we would be importing no more than five million barrels of oil per day at that time (compared to the roughly 15 million barrels now projected).[2] In the total energy picture shown in Table I, oil (domestic and imported) would have to drop markedly from its projected 47 percent to a proportion of roughly 30 percent in 1985.

This at once suggests the first component of the action program. Thirty percent is roughly the proportion of our energy that now goes to transportation, especially automotive uses—for which, of course, oil is uniquely suited. It will take work to keep our transportation uses down to this proportion, for they are now expanding faster than total energy consumption and this tendency will be accentuated by lowered efficiency due to tighter emission controls—not to mention the current sales rate of a million passenger cars a month! But if the proportion can be kept down—actually slightly reduced—then it can and should be met from oil, and oil should be withdrawn from other energy uses such as heating. This is a harsh measure but an indispensable one—the keystone of the whole program in fact.

The next component of the action program concerns nuclear power—currently providing one percent of our total energy, and projected in Table I to provide ten percent by 1985. In this respect, Table I reflects technological possibilities with proven techniques, but it does *not* reflect current political realities, nor, in my judgment, the true difficulty of meeting valid safety and environmental objections to the kind of major expansion it would take to achieve the projected figure.

Like others who have followed closely the development of nuclear fission as an energy source for more than 25 years now, I originally and for some time believed that it could without undue difficulty, become the most important source of energy we have, especially for electricity. But problems have mounted, and delays, restrictions and technical uncertainties have dogged nearly every one of the many steps needed to bring a new nuclear plant into full operation, thus drastically slowing down the nuclear input to our energy system. The determined opposition of states and localities and citizen action groups, plus rising caution by the Atomic Energy Commission, has stretched out to ten years the interval between application for a plant permit and bringing the plant "on line" at an economic power level.

In part, the political forces at work reflect an exaggeration of the problems, or at least a failure to weigh fully the inevitable tradeoffs between energy supply and other factors. But these politically reflected concerns have a substantial basis, both as to safety and as to unnecessary and unacceptable environmental consequences. Only if we deal with these factors can nuclear fission play the role I believe it must play in our total energy picture by 1985.

On safety, a real uncertainty now exists concerning possible accidents which could have disastrous consequenecs—especially the failure of liquid cooling systems resulting in a meltdown of the highly radioactive core and release of the gaseous fraction of these radioactive products into the atmosphere. A year of hearings by the AEC has not persuaded the critics that current reactor plans are safe against such accidents, and the problem exists as well in the liquid-metal-cooled breeder reactor designs.

As I see it, the only way to meet these objections and so resolve the current impasse is to put all new plants underground. This is an entirely practicable course of action. Studies indicate that placing nuclear power plants underground would add only a small fraction to their cost. The extensive know-how of the mining industry plus that of the underground gas storage industry could be applied in placing such plants in suitable geological formations 500 or more feet underground near load centers. So located, with suitable locks in the elevator shafts to contain and hold back any pressure of radioactive gas in the event of an accident or a meltdown, these plants could meet the requirements for nuclear safety. Placed in a suitable impermeable geological formation, a meltdown, even if it buried itself below the underground chamber level, would not leak radioactive products into underground water or into the atmosphere.

The second big nuclear production problem today is primarily environmental; it concerns the effects of the water discharge from large reactors in heating up streams and larger bodies of water, thus altering the ecology in many harmful ways. Here Europe has pointed the way to the answer—large cooling towers, built on the surface to recycle and cool the hot water discharges with very low net water heating.

Finally, there are problems in the safety and security of handling and transporting plutonium, and in the perpetual storage of radioactive wastes. In these areas, risks cannot be totally eliminated, but they can and should be sharply reduced to an acceptable level by determined action—as we enter an era of massive production, transport and handling of plutonium, which is one of the most toxic substances known.

All in all, the measures required to permit expansion of nuclear-fission plants will not be cheap or easy. But if the necessary steps are taken, nuclear-fission plants should be able to provide roughly ten percent of our total 1985 energy needs (at tolerable levels of risk and bearable costs.) And experience in this next decade should tell us much about the degree to which we can hope to expand, by the end of the century, our use of nuclear fission, especially through the breeder reactor; in the 1985 time frame, the breeder is not likely to make a significant contribution.

If roughly ten percent is the best we can hope to get from nuclear sources by 1985—the figure used in our original Table I—it follows that there remains a very large shortfall from the proposed reduction in overall oil use. Even if we now assume that total consumption would be less than assumed in Table I, the proportion to be made up is in the order of 15 percent. Indeed, on my own best guess about the amount of domestic natural gas we shall be able to find by 1985, I should think that natural gas (even with some imports) should not be counted on for more than 15 percent of the total, and perhaps as little as ten percent; perhaps new gas reserves will be found on a large scale, but at the moment much expert opinion doubts this. We would do well to plan prudently on a figure not exceeding ten percent, or a total shortfall of roughly 25 percent of the total to be made up from sources other than oil or gas.

Inevitably, we are drawn to coal—and to greatly expanded coal production and gasification as the third central element in an action program. To whatever extent possible, coal as a solid fuel should be expanded in its own right, especially in electric power plants—using processes to remove the sulfur from stack gas such as the Japanese now employ. But for every reason—adaptability, transportability and environmental consequences—gas from coal is particularly important.

Available options for processing coal include conversion to low-BTU gas, high-BTU pipeline-quality gas, oil or various combinations. Technical, economic and time criteria should guide the choices made. But the great advantages of pipeline-quality gas for most uses justify major emphasis on this choice. A massive crash program is needed to move present process options forward. Current estimates indicate that the cost of capital investment in new gasification plants should be on the order of $20 per ton of daily coal fuel to process coal into pipeline-quality gas.

Any program to increase coal mining must face up fully to the problem of environmental impact. The necessary coal must come overwhelmingly from surface mines, predominantly west of the Mississippi. In the past, such strip mining has rightly acquired a bad reputation. Fortunately, a large part of the coal reserves in the West are located on public lands. Therefore, the federal government is in a position to set the conditions for mining operations. I believe it essential that such conditions include provision for restoring the land after the coal is extracted, putting solid waste from the mining process back underground and creating a land surface that must be at least as stable, fertile and valuable as the original. An allowance of $2,000 per acre for such purposes may be a fair approximation of what it would take, and this cost would have to be considered a basic cost of production. Underground mines must control pollution and use several practices which might increase costs up to a dollar per ton. Similarly, coal gasification plants can and must incorporate controls to avoid air and water pollution. Altogether, while the mere existence of the plants means that the countryside can never be quite the same in the future, the problem of environmental impact can at least be reduced to bearable proportions in view of the stakes involved.

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[2] Oil would not, of course, be the only energy source imported. As we know, substantial possibilities exist for the importation of natural gas from Canada and of liquefied gas from Algeria, the Soviet Union and perhaps other sources. Without judging the wisdom of expanding any of these sources, their proportion of total energy is not likely to add much to the ten percent of total energy represented, for this program, by imported oil. We would still be within reasonable aggregate margins of import dependence.

Building up our reliance on coal would involve capital costs for mining production as well as for the gasification plants. In 1970 U.S. coal production was about 500 million tons and accounted for 20 percent of our energy needs. To meet 50 percent of total energy needs in 1985 (at the three percent intervening growth rate) would require a production level of two billion tons per year—a quadrupling of the 1970 level and an average growth rate for the next 12 years of 12 percent per year. Investment needed to produce this basic production increase can be roughly estimated at $10 per ton, or $15 billion. If two-thirds of the increase, or one billion tons, went to gasification, the plant investment would be approximately $60 billion, and there would be a major additional investment in gas pipelines. Finally, for the one-third of increased coal output burned directly in power plants (to replace present oil and natural gas supplies), a substantial railway transport investment would be required, as well as costs of conversion to coal where feasible, and desulfurization of stack gases.

Obviously, such a build-up of coal production and coal gasification is a truly major undertaking, difficult from a technical standpoint and costly and complicated in terms of the mix of private and public effort involved. It is a big job, but no bigger than the Manhattan or Apollo projects—in fact substantially less in proportion to the scale of the American economy in the 1970s and 1980s than what it was in the 1940s and even in the 1960s.

One crucial question remains—the adequacy of reserves. Before embarking on a course designed to make coal our principal source of energy by 1985 and thereafter, we need to assess the scale of our coal reserves and how long they might last. While I have stated my proposal purely in terms of 1985, it is obvious that we would not wish to mount an effort on this scale and then change course quickly thereafter; on the contrary, it is my own belief that we should plan tentatively at this stage to meet not just 50 percent but as much as 75 percent of our energy needs from coal by the year 2000. It is now forecast that natural gas reserves will be gone before 2000 and that global oil reserves will be declining fast (even with less U.S. consumption than now forecast). Thus, coal and nuclear power *could* be our overwhelming energy sources by that time, with coal by then being converted on a large scale to oil for transportation needs. Oil from shale might also have become a substantial source; present reserves of oil shale are such that we could produce five million barrels of oil a day for more than 300 years before such reserves are exhausted. We need not be quite this futuristic for concrete planning—but we do need to assess reserves on the basis of large assumptions to be sure of what we are doing in the 1985 time frame.

Happily, the coal reserve picture is reassuring even if all this comes true. The current Bureau of Mines estimates (1970) of U.S. coal reserves is 1,600 billion tons. If coal use now moves up steadily to 50 percent of total energy by 1985 and to 75 percent by 2000 (again allowing for a small but steady annual increase in energy use), then total consumption in the entire period from 1974 to 2000 would be on the order of 70 billion tons, or four and one-half percent of known reserves. Exhaustion of reserves would be roughly 100 years away in 2000, even if the use continued to increase at a steady rate.[3]

In sum, coal reserves are ample to meet the projected needs through the balance of this century and to leave us with supplies to last another century. Through the use of coal on this scale, coupled with the restriction of oil supplies to transportation uses and the regaining of our momentum on nuclear power, we could meet the strategic goals stated at the outset: minimal dependence on overseas supplies and reasonable rises in energy cost—to levels not over two or three times present rates. This is the best action program now available. It would get us through this period and buy crucial time for whatever innovations may develop, while allowing us to continue with expanded coal use if such innovations do not appear on a large scale.

IV

I have outlined this "Decade Program" first in order to define the key elements in our effort between now and 1985. These key elements are essential, they take time to bring about, and we must get started on them at once.

But as we do so we must also reckon that the required changes cannot be brought about immediately. The program needs at least the whole decade to take full effect, and in the meantime—even if we have cut our energy growth rate to three percent—we face extraordinarily serious problems. Hence, in addition to our Decade Program, we must have what might be called an "Emergency Program." This would dovetail as well as possible with the Decade Program but inevitably would not be wholly consistent with it.

Oil remains the crux of our present problem. The standstill on new refinery construction, partly for environmental and related political reasons and partly because of unattractive return on investment, may compel some rationing of gasoline this summer and of fuel oil next winter. And even if new refinery capacity existed today, an adequate supply of crude oil from abroad could not now be landed without at least one new "superport" and also large-scale new tanker construction. As for domestic oil development, the Alaska pipeline is still in abeyance, and offshore exploration is inhibited by state opposition and disputes wtih the federal government about royalties. Also significant is the public belief that all offshore operations are as disastrous as the Santa Barbara episode (which disregards the major operations conducted in the Gulf of Mexico and the North Sea for years without major accidents).

The fact is that we cannot avoid a continuing increase, for some years to come, in our imports of oil—especially from the Middle East. In 1973 we shall be importing 3.4 million barrels a day from the Middle East and North Africa, and two million from Latin America. These figures are bound to rise—for some years well above the Decade Program goal of only five million barrels a day of imports by 1985.

Finally, there is a basic policy question that must be faced—whether in common prudence the United States should now have a strategic reserve of crude oil or refined products to protect against interruptions. Crude stocks are currently below 20 days and refined products in the form of working inventories in the distribution system are less than 40 days—essentially minimum working levels with no strategic reserve. Such a reserve is something individual Americans have quietly urged on Europe for years, and in 1968 the members of the European Community accepted the obligation to build up oil stocks equivalent to 65 days' use. Now it has been proposed that this reserve be raised to 90 days. In the case of the United States, the targets need not be defined in terms of such periods of total oil use, but as our imports increase we should at least have a strategic reserve equal to perhaps 90 days of our imports, to cushion the shock of any interruption for political or bargaining reasons. To urge this does not indicate the slightest degree of hostility to the supplying countries; it is what businessmen the world over prudently do in order to negotiate on a relatively even keel with suppliers.

Solving all of these emergency problems will take both resources and ingenuity. In the case of refineries, I believe inland sites must be found, and new refineries must adopt available technology which produces virtually no air or water pollution. Such refineries exist in Europe; they can be matched here, and not at excessive cost. Similarly, superports must be built with expensive safeguards—their cost would be perhaps as high as $1.5 billion to unload ten million barrels a day, with additional pipeline costs to bring the oil to inland refineries, and conceivably an investment of $15 billion for tankers adequate to haul the ten million barrels a day from the Persian Gulf. It is a daunting prospect—and underscores the vital importance of preventing our maximum import dependence from going beyond roughly the ten million figure at any time, and the importance of reducing dependence as soon as possible to our target ceiling of five million barrels. The painful fact is that some part of total refinery capacity, and as much as half of the planned superport capacity, will become obsolete or surplus as we carry out the shift to coal and the reduction in the proportion of our energy needs supplied by oil imports.[4] When you have ignored a problem as long as we have ignored or misjudged the energy situation, the short-term requirements may not mesh with the requirements for the medium and longer term—and so it is in this case. We have to fix the roof and build a new house at the same time.

V

In short, it will take a two-fold crash program to master the situation, part directed to a transformation in our energy pattern by 1985, part directed to getting along in the meantime. The dual task involves a series of massive new efforts, some of them within the capacity of private companies, some beyond that capacity, some which will be so clearly uneconomical that private companies would be reluctant or unable to undertake them with their own funds. No one can now say just what the mix of public and private effort will be—but what seems absolutely clear is that a much larger public role will be required than now exists, partly to pull together all the strands of both parts of the program, partly to support private effort, partly to undertake those aspects that cannot be handled by private companies.

I see no alternative to new government machinery at the federal level. Accordingly, I propose a National Energy Authority (NEA) with a ten-year life and with appropriate powers to deal with the national emergency. This will mean authority to override obstacles in regard to land acquisition, siting, environmental impact, and other areas as necessary to carry out the program. This should not relieve the NEA of a very serious obligation to make environmental assessments of its proposed projects and to hold public hearings to develop the best available means to minimize the environmental consequences and risks of the actions it takes, but it would authorize the NEA to proceed with its program and not be stopped by the obstacles which stall so many things today.

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[3] The actual calculation here is that 17 billion tons of coal would be consumed between now and 1985 and 50 billion in the next 15 years. The latter figure assumes that growth in total energy needs (in terms of BTU content of fuels) would have been reduced to two percent per year, versus the three percent target of the Decade Program and the present 4.5 present.

[4] It seems likely that substantial strategic reserves of crude and refined products may still be important to protect against the effects of import interruptions.

Under the NEA it would be essential to create a National Energy Finance Corporation (NEFC) to provide funds for parts of the program which may not be privately financeable, including the superport, a billion-barrel strategic stock and its storage facility, sites for refineries, offshore production units, tankers, coal gasification plants, and gas, oil and coal pipelines. Large amounts of capital are going to be needed. An important obstacle today is that some of these essential investments are not attractive to private capital. In designing the NEA and the NEFC we have many examples such as the TVA and the New York Port Authority, the Reconstruction Finance Corporation and the Export-Import Bank. There are ample precedents for the kinds of authority needed and the appropriate legislation, controls and accountability.

The NEA should be an independent agency, perhaps modelled on the original Atomic Energy Commission, in any event as resistant to political pressures as that Commission was. I propose that NEA have a ten-year life and go out of existence in 1985 except for the NEFC, which is likely to be needed beyond that time. There are several reasons for this proposal. First, the exercise of emergency powers is anomalous in our system and should be limited to as short a time as required to overcome the emergency. I believe the job will take a full ten years, but can be done in ten years if the program is geared to such a timetable. Second, when the job is done most of the programs should be carried forward by industry on a commercial basis and necessary continuing governmental functions can be transferred to other agencies. Third, the best period in the life of any agency is the first ten years. After that the sclerosis of bureaucracy sets in and we certainly do not need any more bureaucracies. No one should seek a career in NEA—only the excitement and satisfaction of doing a critically important job and finishing it. Meeting numerical targets and being measured on performance in meeting them through frequent public reports is the kind of a challenge which should attract the kind of people needed.

The NEA will have to undertake extensive research and development and pilot plant and demonstration operations. It should, for example, underwrite the incremental costs and use its authority to clear the way for the first two or three nuclear power plants which are built underground. It should back the construction of several demonstration units of large offshore oil production operations incorporating the maximum safeguards in technology and procedures and should use these for public education and to provide a model for the industry. NEA can work out with the AEC appropriate joint activities in regard to the underground power plants, waste disposal, plutonium shipment handling and so on.

In addition, in the Program for the Decade and beyond, conservation should be an important component; this might include the creation of a national fuel efficiency service to effect economies in the use of fuels. Currently, there is an almost complete absence of professional interest, activity, or expertise in this subject—whether in universities, engineering firms, business enterprises or the government. A major task of NEA would be to stimulate such expertise and put it to work. As a result of coping with limited fuel supplies during the next few years, we may discover economies which are not only relatively painless but which reveal to us better lifestyles. Adopting such lifestyles might substantially reduce per capita energy use.

In the Emergency Program of NEA, one of the first projects will be a superport. It may be sufficient for the NEA to exercise the authority to establish the superport and to supplement its financing. Clearly the NEA must work in close collaboration with the oil industry in many of the things it does. It must be shown that gas and oil pipelines can come ashore on their way inland and leave no offensive trace of their transit across the coastline. A second project is to acquire inland sites for oil storage and refineries. It should be noted that even packed closely together a billion barrels of oil storage would take 10,000 acres or 15 square miles. Inland sites will save our finite coastline for better public uses. Another major project is the question of supplementary finance for tankers—at a time when world shipyards are solidly booked.

The NEFC will have much to do. To repeat, one problem in the financing of facilities such as the superport, tankers and perhaps the refineries is that at the end of the Decade imports are to be brought down again to less than five million barrels per day. The success of the Decade Program may mean a fairly early obsolescence for part of the capacity of the superports and tankers. Hence one key need for significant public financing.

VI

In laying out this proposed program, I have indicated some specific steps to minimize its consequences for the physical environment. In some areas we shall be better off in the new 1985 situation: our cars should be smaller and have reduced volumes of emissions; most fossil-fueled electric power plants will be taking sulfur out of the stack gases or burning clean non-polluting gas; new nuclear power plants will be safely underground and out of sight save for their enormous cooling towers; most important, a declining rate of energy expansion will make a great difference to the environment all across the board, at least as compared to what we are headed for at our current rate of expansion. This will represent a sensible modification of our past craze for growth, and the environment will be the gainer in some respects.

But not in others. Up to now we have behaved as if we had the luxury to have the best of both worlds. We have not made the tough choices. Now the energy emergency makes us choose, and the choices are few. Some environmental prices must be paid: one or more oil superports off the East coast, and added refineries (however pure) inland; the Alaska pipeline with residual risks that even the safest design and procedures cannot avoid; much increased offshore oil development, and much increased coal mining largely from surface sources—which even with the best possible measures would tend for a time to deface the particular area. I do not minimize these costs, but feel them keenly as one who has been active for several years in the scientific effort in support of national and international environment measures. In each case, the trade-off has been weighed, and it seems to me that the gain outweighs the loss.

VII

What I have proposed is a national program for the United States, calculated on the basis of particular American resources and American needs. One of its major purposes is, of course, an international one, to shorten the duration of costs, pain and strain—and, yes, of danger to world harmony and peace—that lie in a situation of growing American dependence on external energy sources, especially Middle East oil. But it is primarily the United States that would be hitching up its belt and putting its energy house in order, by measures that do not in themselves harm any other nation.

Is the program, however, not only national but nationalistic? Would it affect the world energy picture indirectly to the disadvantage of others, whether suppliers or consumers? Does it mean an increase in American autarky, fortifying the tendency other countries now see for the United States to take care of its own needs and let the rest of the world go hang?

The answer to all these questions is a resounding "No." This is most obvious if we look at the relations between the United States and the other major industrialized countries, which are also the major consumers of energy. As things now stand, Western Europe and Japan are inescapably dependent, far more than the United States and far longer into both past and future, on imported oil and gas; if the United States becomes a vastly increased buyer of both, the effect can only be, at best, friction, and at worst, price wars and preemptive deals that would cut at the very roots of cooperation between the United States, Europe and Japan. This danger is indeed already visible, and it will take a good deal of statesmanship to avoid it as things now stand; by 1980 or 1985, on present trends, the seeds of strife could be beyond control.

Yet Japan and most of Europe have no alternative comparable to what coal can be for America. Only the United Kingdom, among the major European countries, can meet a significant part of its need from coal and from North Sea natural gas—and the latter only at the expense of its neighbors' expectations.

Hence these countries should welcome a determined American effort to reduce dependence on the oil sources that are a "must" for them. And the same should hold true for the oil-consuming developing countries, now being badly hurt by the price rises of Middle East oil.

But does this mean that the oil-producing countries would be hurt? I think not. If Mr. Akins and others are correct, the 1980 prospect already assumes that at least two key countries (Saudi Arabia and Iran) will produce more oil, and tap a higher proportion of their predicted reserves, than they may like.[5] To prolong the life of these reserves and to space out the income of the producers can only be a net benefit to most of the producing countries. Their prices will rise in any event in the years to come, but the present prospect of runaway increases in production cannot be attractive compared to a more orderly expansion that prolongs their assets.

Indeed, I would go one step further. I believe that an American program such as I have described could be an essential ingredient in a new approach to the energy situation by the whole international community. On any rational look at the production and consumption of energy all over the world, the United States represents not only a statistical discrepancy and target for the role of villain (six percent consuming 33 percent, and getting greater), but a potential disruptive force in almost every market day by day; only if this is brought under control can the United States play any responsible role in the effort that may have to be undertaken within the next decade, or at least by the end of the century—to balance and distribute world energy supplies much more fairly and reasonably than nature or men have ever done to date. For unless we do this there is scant hope for human progress and peace in the long run.

Thus, I propose a program based in the first instance on American national interest.

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[5] Akins, *loc. cit.*, p. 480.

But I deeply believe that this program could make a vast difference to international relations in the next 10 to 20 years, and serve as a step toward a more rational world use of energy for the benefit of man.

A STRONG STAND FOR PUBLIC UTILITY REGULATION

Mr. **PROXMIRE**. Mr. President, last month Wisconsin's newest public service commissioner, Richard D. Cudahy, delivered a most thoughtful speech before the Wisconsin State Telephone Association. Dick Cudahy is an old and very close friend, and he is on his way to becoming an outstanding commissioner.

In his speech entitled "The Future of Regulation: Is There One?" he notes that effective regulation is good not only for the consumer but also for industry. As he states:

> There is simply no way in which the public utility industry as a sector of private enterprise can continue to exist except in the context of regulation which is not only inherently sound but also credible to the public.

However, for regulation to be effective and sound, it is imperative that adequate research be made available to the commission—research which can make possible a fuller understanding of the problems faced both by industry and the public. Accordingly, Cudahy recommends the establishment of a regulatory research institute which would be set up under the auspices of the National Association of Regulatory Utility Commissioners. Cudahy believes that such an effort is essential to the very survival of regulation.

Mr. President, I strongly commend Dick Cudahy's excellent speech to the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE FUTURE OF REGULATION; IS THERE ONE?

(By Richard D. Cudahy)

Thank you very much for inviting me today to discuss with you what seem to me to be some of the major issues now confronting regulatory agencies, public utilities and, in particular, the regulated telephone industry.

I come before you not only as a regulator but as one who for a number of years served as chief executive of a business subject to a high degree of regulation. The industry in which I had my experience was, as some of you may have guessed, meat processing. Until recent dramatic developments, prices in this industry, as you may also know, were not regulated, but the conduct of manufacturing operations was very closely regulated. Representatives of the United States Department of Agriculture were permanently assigned to the plant. They could halt production at any time without notice or hearing and frequently did so when any condition was encountered which in their judgment was unsatisfactory in the light of the laws and regulations which they administered. For example, at certain times of the year the hair on the hogs grew thick, and it was difficult, even with the most elaborate processes, to remove every last trace of it. Often this resulted in numerous line stops, which in the aggregate could be expensive.

As I have suggested these stops were and are made without recourse to any of the fairly elaborate procedural machinery which surrounds the regulation of public utilities and which serves to protect them as well as their customers. I might add that in the meat business we would have been delighted with a legal presumption that we were entitled to earn a fair rate of return on our invested capital. This is something we tried to do but not always with success. In any event, we were one of the industries in this country to be regulated earliest (in 1906 after the publication of *The Jungle*). And I think we came to accept strict regulation with grace—if not always with enthusiasm. Almost everything with which we were involved (except our profits and losses)—from plant conditions and operating methods to the labels on our products—were under the watchful eye of the United States Department of Agriculture. A large corps of regulators and a thick body of rules and regulations were accumulated over the years to insure the public that our product was wholesome, untainted with any threat to health and accurately and honestly labeled. I cannot think of any subjects, even including good telephone service, about which the consumer is more sensitive than these, since, presumably, his fear of being poisoned exceeds even his anguish about not being able to use the party line in case of need.

But the United States Department of Agriculture, which from my perspective seemed very zealous and even, perhaps, unreasonable in some of its demands was subjected to "unshirted hell" by some of its critics on the consumer side. The same fate is likely to befall all us regulators, and it is a good rule of thumb that unless one is catching hell from all sides, one is not doing a good job.

As a regulator who has been among the ranks of the regulated I am deeply convinced of the need for insight by the regulator into the problems of regulated industry as well as comprehension by regulated industry of the full scope of the duties and obligations of its regulators. The touchstone of all meaningful regulation must be the public interest, and regulated industry must be quite clear on this point. A good regulator must be neither hostile nor servile in his attitudes toward the industry which is subject to regulation. His first duty is to be fair and his second duty is to be knowledgeable about the impact of his regulatory actions. It is also significant that he be sensitive to all the various public needs involved. These, at least, are my conclusions based upon experience both as one subject to regulation and as a regulator.

Contrary to what some of their critics suggest, regulatory agencies (or at least the Public Service Commission of Wisconsin) are not the captives of the industries which they regulate. But it can be said without qualification that the privately owned public utilities of this state and of this country are entirely dependent for their very life upon effective regulation in the public interest. There is simply no way in which the public utility industry as a sector of private enterprise can continue to exist except in the context of regulation which is not only inherently sound but also credible to the public. The only alternative to effective and credible regulation of the privately owned utility business is public ownership. This may seem so obvious that it does not need to be recited here, but I think that I ought to point it out in order to emphasize that you in the utility industry have as great a stake in effective regulation as any group I can think of.

Again, by way of analogy, I would go back to my prior experience to suggest that the meat packing business of this country would have difficulty existing as a private enterprise except with the enforcement of rigid governmental standards upon the aspects of that business which are of pressing public concern. Therefore, meat processors have a strong self-interest in the enforcement of strict standards of purity, wholesomeness and honesty of labels. But their interest is not as all-encompassing as the interest of public utility entrepeneurs in the vitality of their regulatory bodies since, in the case of public utilities, regulation comprehends all relevant facets of their basic economics. Public utility survival and effective regulation are completely inseparable.

I am concerned about the future of effective regulation in this country—certainly at the state level. Regulatory bodies are so immersed in attempting to put out today's fire or possibly yesterday's fire, or even last year's fire that they have little capacity for the kind of research or long-term planning needed to face the future with hope rather than despair. This is not a matter of adding some frills to the regulatory process; it is a matter of life and death.

I need not expound here at length about the vastly complicated problems of the energy industries. There we have a whole series of unanswered questions. There is the real problem whether energy resources will be even remotely adequate to meet future requirements. There is the running battle between insatiable energy needs and protection of the environment. The entire field of transportation presents major problems—particularly with the price of gasoline rising sharply and its availability falling.

In the telephone industry we, as regulators, are presented with the opportunity or challenge or can of worms—characterize it as you will—which is interconnection. We have made dozens but, so far as I am aware, we have not been able to think through all the wide ramifications of interconnection. Nor do we seem to know enough as yet about how telephone rates should be structured to integrate most effectively the traditional categories of local service, extended area service and toll service. We do not know much about how to rationalize the rate differentials between service areas where telephone service is rendered.

In a more general way we do not know much about how, in setting rates, to reward utility efficiently nor does it seem to me that we have any effective means of taking a new look at the standards for determining compensation for utilities. All of these matters and many others of a like fundamental nature require research in depth and consideration at length by well-equipped minds with some time to think. Under present circumstances those of us in state regulatory agencies, even including the very largest states, are not equipped to undertake the kind of research desperately needed to help find solutions to these problems.

As I have indicated earlier, the nature of the regulatory problem has changed fundamentally. We cannot go forward merely attempting to address ourselves to cases in a routine manner employing the methods which were developed basically to meet the problems of the 1930's or before. We must develop new methods and a new, and deeper, level of understanding. For this reason Jce Swidler, Chairman of the New York Public Service Commission and former Chairman of the Federal Power Commission, has proposed to the Executive Committee of the N.A.R.U.C. that a Regulatory Research Institute be set up under the auspices of the Association employing high caliber researchers to address themselves to the many fundamental problems now confronting regulation. A committee has been appointed by the Executive Committee to explore this idea and to develop ways and means of putting it into practical operation. I have the honor to be a member of that committee.

The basic purpose of the proposed Institute is to serve as a research arm of all the fifty state agencies which regulate public utilities. It would not be dissimilar in purpose from the research operation of the National Association of Insurance Commissioners which has been functioning for several years and which has its headquarters in Milwaukee. By pooling state resources, by charging for certain research work, by obtaining foundation support for special projects and by a variety of the other means, the Institute intends to develop a budget which will support an effective research effort for the purposes indicated. I find it difficult to express to you here how vital and central I believe this effort to be to the very survival of regulation. Believe me, ladies and gentlemen, this long-range effort to solve long-range problems is not only desirable; it is crucial.

Those of you in the telephone industry should have a vital interest in the kind of project which I describe. A great deal of the research and creative thinking about public utilities today is partisan—that is, it is conducted by people who are, by preconception, either industry-oriented or hostile to regulated industry. Or the research is too academic to be easily applied. What we most need is to strengthen the *independent* research and planning efforts of the regulatory agencies, which can be (1) objective and (2) capable of practical application. To allow these agencies to flounder in the current turbulent regulatory seas without aid from sophisticated and reliable devices of navigation is to hasten the decline of regulation and to pose a threat to regulated enterprise in the private sector. As a practical man, I am not persuaded that research and theoretical analysis can supplant experience and judgment. But also as a practical man I know that in today's climate regulators of experience and judgment are severely handicapped by the crisis atmosphere in which they must operate.

Therefore, I hope that you will take a favorable interest in an independent research group to buttress the efforts of the many state commissions including the Public Service Commission of Wisconsin. We in Wisconsin are the envy of many state regulators because, among other things, of our excellent experienced staff and our enviable long tradition, I think, of leadership and integrity. But, believe me, our staff (not to mention ourselves) are incredibly overburdened, and we have been forced to dismount and fight on foot among the many and varied issues—many of them new to the battlefield—which are presently engulfing us. It is no answer to deny the importance of new issues and new forces surrounding regulation. We can survive only if we do battle on a much broader front than formerly.

Our regular docket of rate cases involving all public utilities is, as you are well aware, jammed. This is also true of a variety of other more or less traditional proceedings. Adding to this burden are new issues raised in rate cases and other proceedings, including environmental issues, which make these proceedings much more elaborate and complex than was formerly the case. In addition we are undertaking an inquiry into the demand for, and supply of, energy in the state. This goes to the fundamentals of service, rates, environmental impact, conservation and a number of other topics. We are also making a comprehensive investigation of credit, collection and deposit policies which are issues confronting many, if not most, of the regulatory agencies all across the country. Under present conditions these broader demands can hardly be escaped even if we should want to escape them. But I feel strongly that we are jousting with windmills if we undertake these inquiries without a broad base of reliable research at our disposal. And so many of our problems require a longer and longer lead time for successful solution.

The citizens of this state would like the best possible utility service at the least possible cost and having the most favorable impact on our environment. This is a three-dimensional problem much more difficult even than the two-dimensional problem of squaring the circle. You in the telephone industry are not as yet faced with the full impact of the environmental problem, but you are certainly confronted with the problem of inflation with its menacing consequences particularly for public utilities.

The United States rose to world power on the basis, among other things, of a generous supply of natural resources. Through open-throttle development of our economy as well as, in part through profligacy, we have moved to a position of deepening dependency upon foreign, and increasingly hostile, sources of raw materials. Our country reaches this important turning point at a time when its currency is already in the process of debasement, and its inflation seems uncontrollable. The energy problem is an important facet of the total economic challenge.

The cost of imported energy in 1972 was *five* billion dollars. It is expected to rise to *seven* billion dollars in 1973, *nine* billion dollars in 1974 and *eleven,* and possibly *fourteen* billion dollars in 1975. Additional projections go as high as *thirty* billion dollars in 1980 and *fifty-four* billion dollars by 1985. At the moment we are the world's biggest consumer as well as the world's biggest debtor. We have, therefore, only dubious ability to pay an escalating tab for energy imports. The energy crisis can become the energy catastrophe, with broad repercussions. The energy crisis presently co-exists with severe inflation. The crisis may compel us to take extraordinarily painful measures against inflation—possibly involving a new credit crunch. The public utility industry and its regulators, as well as all Americans, may be in for all sorts of unforeseen trouble.

In order to raise the foreign exchange necessary to support rapidly rising imports of energy fuels, we can export raw materials, industrial products or agricultural products. We have no raw materials to export, and our industrial products have lost their competitive edge through inflation and other factors. We shall continue to export agricultural products on a large scale (and this should be good news for the agricultural community and those who are serving it), but for many others these agricultural exports probably mean sustained high prices of food and continuing pressure upon the cost of living.

We are going to have great difficulty in becoming competitive in world markets for manufactured goods. We no longer have a monopoly on mass production technology. We cannot improve the terms of trade merely by continuing to allow the dollar to depreciate on international markets. A non-policy of this sort will simply cause other countries to erect trade barriers to offset the depreciation. All of these considerations and more no doubt underlay President Nixon's recent energy message, but it seems to me that a subject perhaps not given adequate weight in the message was the need to conserve energy not only on a voluntary basis but through some measure of legal and regulatory control. How this is to be done is one of the subjects which requires far greater objective research and consideration in depth than has yet been accorded it.

You may wonder how the telecommunications industry is directly affected by these painful problems involving energy. I have attempted to emphasize the broader impact of the energy problems upon the nation's economy since a raging inflation and a permanently adverse balance of payments or, on the other hand, an attempt to choke inflation with tight money does not provide an environment in which any rapidly expanding regulated industry can thrive. The telephone industry promises in the next decade to grow twice as fast as the general economy, and your stake in economic tranquility is commensurately high. Certainly existing inflation and the possibility of painful measures to quell inflation present a major challenge for an industry which lives in a goldfish bowl and which is a lightning rod for public concerns about our economic performance. At the very least you will have to cut costs in every feasible way.

Perhaps these comments are to gloomy—Cassandra-like in tone. Perhaps they do not sufficiently present the more optimistic possibilities. I can only say that the factors which I note are considerations which the best minds in America are weighing at this very moment. They are considerations which every regulatory agency must be aware of in its discharge of its day-to-day duties. Above all these possibilities (which are only some among many which I might cite) suggest an urgent need for better understanding and better long-range planning. Unless regulation can be better equipped with mechanisms to take the long view and to conceive and solve problems before they are immediately upon us, regulation will continue to lose public confidence and the danger of ultimate failure will increase. If regulation fails, it will be difficult for the utility industry to continue to function in its present form. For these very practical reasons I strongly urge your unqualified support for strengthening regulation for the long pull so that both regulation and you may have a future.

THE EFFECTS OF THE GASOLINE SHORTAGE

Mr. STEVENSON. Mr. President, on May 29, I had the opportunity to chair a field hearing held in Chicago by the Consumer Subcommittee of the Senate Commerce Committee. The purpose of the hearing was to assess the effects of the current gasoline shortage on the businessmen and consumers of Illinois and the Midwest. It was because of this hearing—and hearings on the same subject held in Washington—that I was able to conclude that the "voluntary" allocation program established by the administration was failing miserably. As a direct consequence, I joined Senator Moss, the chairman of the Consumer Subcommittee, in offering an amendment to S. 1570, the Emergency Fuels Allocation Act, which would make the allocation program mandatory. This amendment was adopted on June 1 by the Senate, and S. 1570, as amended, was passed on June 5. The bill is now pending before the House of Representatives.

Because of the continued interest in the subject of the gasoline shortage, I ask unanimous consent that my opening remarks at the Chicago hearing be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT BY SENATOR STEVENSON

The Consumer Subcommittee of the Senate Commerce Committee today continues its hearings on the shortages of petroleum products.

Today we shall examine particularly the practices of large oil companies and their impact on small businessmen and consumers.

My hope is to build a record upon which the Senate can act, if action is necessary. It may well be necessary. Indeed, the reason for present shortages of petroleum products may be government's failure to act.

For the long run, the nation, and the Midwest especially, face an energy crisis which many have been predicting for years. In the future, it could imperil our national security and our economic stability, as well as our comfort and convenience. Unfortunately, little action is prescribed by the President, except the extravagant and dangerous transportation of oil from the north slope of Alaska to the West Coast, instead of directly to the Midwest, and more of the same—millions of dollars in tax breaks for the major oil companies.

Today we are primarily concerned with the short run, the fuel shortage now. Here also the government has failed to act.

Last fall I and others warned of a fuel shortage and urged the Administration to act by increasing oil import quotas. An Administration spokesman replied that "crude oil supplies and domestic refining capacity are adequate, at least through this winter, to meet projected demands for petroleum products in all areas of this country." Nothing happened—and in the winter the fuel shortage became a reality. Small businesses in Effingham and Quincy and other Illinois cities were temporarily closed for lack of fuel oil or natural gas; schools in Rockford and Wilmette and elsewhere were threatened with closings; and farmers throughout Illinois and the Midwest ran out of fuel for crop-drying.

Finally, when Senator Kennedy and I announced our intention on January 15 to introduce legislation to suspend the oil import quotas, President Nixon raised them. The President then waited another three months to end the quota system, a system he finally pronounced "of virtually no benefit any longer."

As oil refineries produced more fuel oil during the winter to meet the shortage, they refined less gasoline, gasoline consumption was increasing, and gasoline inventories were falling. It took little foresight to perceive a major gasoline shortage.

Over the last several months there came another ominous note. Independent petroleum marketers, jobbers and retailers who rely on major oil producers and refiners for their refined petroleum products, began to be cut off by their suppliers. In turn the consumers who depended on these jobbers faced a cutoff.

The independents "keep the majors honest" in their pricing practices. They provide the primary competition in an industry that sorely needs it. Independent retailers are estimated to save consumers $375 million annually. Already an estimated 180 independent gas stations in Illinois have closed. Every 1¢ increase in the cost of gasoline at the pump costs consumers about half a billion dollars yearly. Since August of last year the retail price of gasoline has increased over 3 cents per gallon. Some stations in Illinois are already charging 47 or 48 cents per gallon for premium gasoline, and the price may soon go higher.

There are antitrust implications in these matters. The antitrust laws are intended to preserve competition. But there is evidence that the major oil companies are using the fuel shortage they helped create to drive out their competition. If the independents are eliminated from the market, the price of gasoline and other petroleum products could continue to rise. And if farmers cannot obtain the fuel with which to plant their crops the already high price of food will rise higher. If truck and bus companies cannot obtain fuel, or are forced to pay a higher price, the costs of transport will rise.

In the face of all this the Nixon Administration has resolutely refused to act.

In March I joined Senator Eagleton and McIntyre in securing the passage of a law which gives the President the authority to allocate fuel to regions and industries in need. The Administration resisted that law at every turn, saying it did not want or need the authority, that no gasoline shortage was threatened, and that "just a few independents" and "a few marginal gas stations" might be forced out of business.

Now the Administration refuses to use the law. Instead it instituted a "voluntary" allocation system which exhorts the major oil companies to give the independents the same share of refined products as they received in a period covering the last quarter of 1971 and the first three quarters of 1972.

The Administration has not acted effectively on the alleged violations of the antitrust laws. The Federal Trade Commission, an independent regulatory agency, has been studying the oil industry at the request of the Senate Antitrust Subcommittee and it recently acknowledged evidence of antitrust violations. On May 11 I wrote the Attorney General, then Mr Kleindienst, requesting the Justice Department to investigate these matters The Subcommittee invited the Justice Department to testify here today. The Department responded last Friday to my letter and the invitation. It acknowledged that it now had initiated a "broad-based investigation" of the alleged antitrust violations but declined to testify. Although I know that evidence of such violations was sent to the Department months ago, there is still no indication when, or even if, the Department will act.

On May 25, I also asked the Illinois Attorney General, who has broad antitrust powers, to investigate and if necessary to act. For lack of action by the government, the independents are now forced to file civil antitrust actions. Three weeks ago a federal court here issued a temporary restraining order on antitrust grounds to prevent the cutoff of supplies by one of Illinois' major oil companies to a Chicago independent. Other such actions are contemplated.

It is against this background that we meet today to gather facts upon which the Congress may act.

A continued failure to act will deal another blow to the consumers of the nation racked by rising prices and now perhaps a lack of fuel at any price.

The large oil companies are fond of telling us that "the nation that runs on oil can't afford to run short." The nation that runs short of competition in its oil industry may not be able to afford the gasoline it needs. Action must be taken to protect the consumer and preserve competition in the oil industry. And in the long run the country must have a rational energy policy that will enable us to make the best use of our vast domestic energy resources.

THE CURRENT GASOLINE SHORTAGE

Mr. STEVENSON. Mr. President, there are many who would lay much of the blame for the current gasoline shortage, and the energy crisis in general, to environmentalists. I believe this is misleading, and that if one is going to parcel out blame on this subject, there is enough to go around to many groups—the energy industry, the auto industry, other industries, the Federal Government, citizen indifference in general, and perhaps even some to overzealous environmentalists.

On June 13, the Honorable Russell Train, Chairman of the Council on Environmental Quality, spoke before the Washington Rotary Club on this very topic. He dispelled many of the myths concerning the effects of environmental regulations on our energy shortage situation. He noted that there are those "who simplistically blame the strong concern over environmental quality as the cause of our energy problems," trying "to make the environmental the whipping boy for our energy problems." He states categorically that the assertion of blame to the envoronmental movement "is simply not true."

Dr. Train is candid, however, in admitting that environmental awareness has brought about changes in the types of fuels we use and the conditions under which they can be used. He admits that in some cases public concern over the environmental consequences of a particular action has "delayed the use of some energy sources." He goes on to say that—

> These delays, however, have been part of a national effort to greatly improve measures to protect the environment.

And Dr. Train wisely cautions us that we should "not permit our current concerns over energy supply to obscure the fact that the environmental costs of energy production are likewise very real." He notes that both our energy problems and our environmenaal concerns are serious and real, and that "we need balance and restraint—by both environmentalists and industry—as we pursue both objectives as matters of high priority national interest."

Dr. Train closes with one of the better explanations of the energy crisis I have seen to date. He notes that—

> The so-called "energy crisis" stems from the economic forces and complexity of the energy industry, from the difficulty in planning for our voracious energy appetite, from the need to satisfy social values—other than those that depend on energy—and from a failure to address our growing energy problems earlier. To blame this "crisis" solely on an increased concern over environmental quality would be a grave failure to face the problem honestly and squarely.

I ask unanimous consent that the full text of Dr. Train's thoughtful remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE RUSSELL E. TRAIN

Our current energy problem is complex and closely related to a wide variety of forces. Prominent among these forces is, of course, the question of environmental quality; but prices, technology, regulatory requirements, international relations, and national security considerations are also integral parts of the problem. There are some who simplistically blame the strong concern over environmental quality as the cause of our energy problems. This assertion is simply not true. I emphasize this point because there is a current tendency to make the environment the whipping boy for our energy problems.

A recent issue of a national news magazine quoted the chief executive of a major international oil company as identifying environmentalists as the major culprits in blocking new generating facilities and new refinery capacity. In my opinion, such statements obscure the facts, confuse the issues, and can only serve to delay effective solution of our energy problems.

Similarly, a spate of advertising has tried to convince the public that auto emission standards are the cause of major reductions in gasoline mileage. However, according to a study conducted by the Environmental Protection Agency, greater weight, automatic transmissions and air conditioners are more important causes of increased fuel consumption that pollution controls. Data from more than 2,000 1973 model cars show that fuel economy loss (in miles per gallon) due to pollution control systems is less than eight percent as compared to uncontrolled vehicles. By comparison, the fuel economy loss due to air conditioning averages about nine percent, and can run as high as 20 percent on a hot day in urban traffic. In addition, the fuel loss from an automatic transmission is about six percent.

EPA's engineers attribute much of the decrease in gas mileage to increases in vehicle weight. Their investigation found that over the years, new vehicles having the same model designation have become heavier. For example, the Chevrolet Impala weighed 4,000 pounds in 1958, but weighs 5,500 pounds now. And as the weight of the car has gone up, its gas efficiency has dropped. The study found that a change of only 500 pounds in the weight of 1973 vehicles—from 3,000 to 3,500—can lower the mileage from an average of 16.2 miles per gallon to 14.0 miles per gallon—a decrease in fuel economy of nearly 14 percent. A thousand pound increase in weight, from 3,000 to 4,000 pounds, could lower gas mileage from 16.2 miles per gallon to 11.2 miles per gallon—a decrease of 30 percent. The plain fact is that we need to both reduce automobile emissions and improve automobile fuel economy.

Environmental factors also have been cited as a major reason for nuclear power plant delays. However, data from the Atomic Energy Commission does not support this allegation. According to the AEC, the National Environmental Policy Act review process is not the controlling factor in bringing a nuclear power plant into operation. The major requisite for licensing a plant is its readiness for fuel loading. And AEC data submitted to the Council in March indicate that final environmental impact statements were available, on the average, 8.2 months prior to the scheduled fuel loading.

And while environmentalists are blamed for power plant siting delays, it should be remembered that it has been nearly two and one half years since the President first submitted to Congress a "Power Plant Siting" bill. Should his most recent submission, the "Electric Facilities Siting Act of 1973," be enacted, the review and approval process for siting new plants would be simplified while giving the public earlier notice and a larger role in the decisions over power needs and how and where to meet them. And although some spokesmen for the power industry publicly lament the difficulties in getting new plants approved, the National Association of Electric Companies' position before the Congress has been that no new legislation is needed. If this legislation had been enacted, we might be two years closer to the institutional arrangements necessary to deal with some of our crucial energy problems.

Environmentalists have also been charged with hindering the construction of new petroleum refineries. Although some companies have been refused sites for new refineries, by and large the oil industry has been most reluctant to commit large sums to new refinery construction because of past uncertainty about government policies, such as oil import policies, and because of a severe shortage of cash from current company earnings. In addition, for the large international oil companies, extreme uncertainty as to their situation in the Middle East vis-a-vis the Organization of Petroleum Exporting Countries has created a wait-and-see attitude. Now that one of these uncertainties—the curbs on crude oil imports—has been removed, and oil company profits have improved, a number of oil companies have announced plans for expansion of existing refineries.

But the same uncertainties that hindered construction of new refineries and contributed to the shortage of distillate fuel oil this past winter, are now factors in the projected gasoline shortage this summer. Various oil companies spent large sums to advertise that they knew these shortages were coming. They blamed environmentalists. I would add a few points that were omitted from those advertisements.

Operating under conditions of uncertainty, the oil industry quite properly has turned to management science techniques—computers—to assist them in maximizing profit. According to the computers, the level of fuel oil inventory for the 1972–73 heating season did not need to be maintained at the same high level as the previous year. This made sense in terms of profits because gasoline is a more profitable product to manufacture and sell than heating oil. Unfortunately, the weather did not cooperate, and the cold snap which occurred early in the winter, after a cool, rainy autumn, unsettled the optimum production schedules, and set the stage for the supply dislocations experienced early in 1973.

It must be pointed out as well that through the first half of 1972, the U.S. refineries were not operating at peak capacity. Hopefully, now that the crude oil import restrictions have been removed, refinery production can be kept running at higher levels.

Having gotten all that off my chest, I would be less than candid not to admit that environmental awareness has brought about changes in the types of fuels we use and the conditions under which they can be used. Public concern over surface mining, land use, air pollution, wildlife, and offshore drilling has in some cases delayed the use of some energy sources. These delays, however, have been part of a national effort to greatly improve measures to protect the environment.

Let us not permit our current concerns over energy supply to obscure the fact that the environmental costs of energy production are likewise very real. The high levels of lung cancer and respiratory disease, such as emphysema, in areas with high levels of air pollution is a fact, not emotional imagining. Nor is the D.C. Health Department's recent warning about dangerous carbon monoxide levels at several city intersections environmental emotionalism. An official was quoted as saying that the department has considered putting signs up that read: "Warning: This Area May Be Hazardous to Your Health." The areas cited were the corners of 16th and 17th and K Streets, 13th and F Streets, Connecticut Avenue and Ordway Street, Logan Circle and Good Hope Road, S.E., between 13th and 14th Streets. This warning was followed by the year's first area-wide pollution alert Monday. Our energy problems are serious and they are real. Our environmental concerns are likewise serious and they too are real. We need balance and restraint—by both environmentalists and industry—as we pursue both objectives as matters of high priority national interest. Confrontation can only lead to polarization and irrational responses from all sides. We need to keep the problems in proper perspective. Above all, we need full disclosure of all the facts and the broadest possible public understanding of the issues.

Traditionally, our attitude toward energy has centered on more: more coal, more oil, and more gas to meet the needs of a growing nation. But unless we take steps to conserve our energy resources, we will exhaust supplies, even from new sources, in a relatively short time. There are many areas where we can start to work for energy conservation.

The General Services Administration, for instance, is constructing a new Federal office building in Manchester, New Hampshire, using advanced energy conservation techniques, with a goal of reducing energy use by 20 percent over typical buildings of the same size. The National Bureau of Standards is evaluating energy use in a full-size house as a means to develop analytical techniques for predicting energy use for new dwellings. These programs will assist the Federal government, architects and contractors to design and construct energy-efficient buildings. Current engineering and design of buildings is often outrageously wasteful of energy.

During the past two years, the President has twice directed the Department of Housing and Urban Development (HUD) to upgrade insulation standards in single and multi-family residences financed by the Federal Housing Administration. These revisions can cut heat losses by one-third in new homes, thus conserving energy in the residential sector.

Transportation offers many opportunities for saving energy. Transportation uses about 25 percent of the Nation's energy and energy efficiences of various passenger transporting modes vary greatly. The fastest form of transportation, the airplane, is also the one that uses the most energy per passenger mile. On the ground the automobile uses much more energy per passenger mile than buses or trains. While the automobile will not be replaced as man's favorite transportation mode, at least it should be possible to shift to smaller, lighter cars. With the fuel economy characteristics of present small cars, about 22 miles per gallon instead of the current average for all cars of less than 14-miles per gallon, the annual fuel savings could be enormous. In my opinion, it is imperative that our society shift its preference to smaller cars.

In addition to our use of smaller cars, perhaps by providing alternative forms of transportation, we can induce people to leave their cars at home during peak travel hours. I am hopeful that the up-coming Senate-House Conference on the use of the Highway Trust Fund for mass transit will result in more emphasis on mass transit solutions to urban transportation problems.

The President also has directed the Department of Commerce to work with the Council on Environmental Quality, and the Environmental Protection Agency, to develop a voluntary system of energy efficiency labels for major home appliances, and automobiles, and automobile accessories. These labels will not only provide data on energy use but, most importantly, a rating comparing the product's efficiency to similar products.

In the industrial sector, there are significant opportunities for energy conservation—in plant and process design, and even in the choice of feedstock materials. For example, in many cases significant amounts of energy can be conserved by using secondary materials in place of virgin feedstocks. In the paper industry, the energy consumption to produce pulp from recycled fiber is 70 percent less than the energy required using virgin wood pulp. Similar figures for the steel industry show a 74 percent savings in energy when scrap is used to produce steel instead of virgin iron ore. I believe we should explore aggressively the development of incentives, including tax incentives, to encourage greater recycling.

These proposals, for government, for industry, and for consumers, represent only a beginning in our efforts to conserve energy. By and large, however they all represent measures which are difficult to implement in the short run. But there are conservation measures which can help us deal with the immediate energy problems we face—for example, the gasoline shortages projected for this summer. Driving slower, forming car pools, riding bikes, making greater use of public transportation and practicing the ancient art of walking are but a few examples of immediate ways to conserve energy.

The so-called "energy crisis" stems from the economic forces and complexity of the energy industry, from the difficulty in planning for our voracious energy appetite, from the need to satisfy social values—other than those that depend on energy, and from a failure to address our growing energy problems earlier. To blame this "crisis" solely on an increased concern over environmental quality would be a grave failure to face the problem honestly and squarely.

It seems to me that the best way to deal with the difficulties presented by our current energy position is to completely reorient our thinking about energy. In the short run, we are looking for increased energy supplies. But in the long run, we must increasingly shift our efforts from simply *finding more energy* supplies to concerning ourselves with *how to use energy* to best meet our many needs.

INTERSTATE ENVIRONMENT COMPACT ACT OF 1973

Mr. BAYH. Mr. President, on Friday, June 22, the Senate passed S. 9, the Interstate Environment Compact Act of 1973. This bill is identical to legislation which the Senate passed last year after the original version was perfected by the hard work of the Public Works Committee and the Judiciary Committee. In its present form, S. 9 represents a responsible and desirable effort by Congress to foster interstate cooperation in environmental affairs.

We all recognize that pollution does not respect political boundaries. A polluted stream flows from one State to another; dirty air moves across the entire country; solid waste left in one place finds its way to a different one. For this reason, the Federal Government bears a special responsibility to assist State and local governments in their efforts to combat pollution. Friday, the Senate took an important step toward fulfilling that responsibility. S. 9, introduced by the distinguished Senator from Arkansas (Mr. McCLELLAN) will remove in certain instances an existing impediment to effective interstate cooperation.

As hearings last year before both the Judiciary and Public Works Committees showed, the requirement in article I, section 10 of the Constitution that Congress approve each and every interstate compact sometimes makes it unnecessarily difficult for States to enter into legally binding arrangements relating to environmental matters. S. 9 removes this barrier to cooperation by granting the preconsent of Congress to environmental compacts which concern planning, data gathering and sharing, monitoring, construction of necessary facilities, cost-sharing, and land-use regulation, not inconsistent with Federal law. For compacts concerning other environmental topics or other matters entirely, the safeguard of congressional approval in each instance is deemed necessary, and is retained. Thus, the bill strikes a delicate and proper balance between the need to keep a careful congressional eye on interstate compacts, and the desire to promote regional cooperation to deal with regional environmental problems.

Last year, I was privileged to serve on both committees which considered this bill—the Judiciary Committee and the Public Works Committee. Both committees made substantial and necessary alterations in the bill as it was introduced. I would be less than frank, Mr. President, if I did not point out that I had very serious reservations about the desirability of this legislation as introduced, and even as amended by the Judiciary Committee.

Along with the Senator from Michigan (Mr. HART,) the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mr. TUNNEY), I filed individual views dissenting from the Judiciary Committee's favorable report on this legislation. We pointed out there our two fears about the bill: First, the bill gave "inadequate recognition to the original purpose of the compact clause: the protection of national interests from political combinations among the States;" and second, that the bill provided insufficient safeguards against "State officials who might want to weaken environmental regulations without asking full political responsibility for so doing."

The Public Works Committee, however, under the leadership of the very able and experienced Senator from West Virginia (Mr. RANDOLPH), accepted several amendments I had offered in the Judiciary Committee, and made several other significant changes in the bill which substantially eliminated the fears I had about the bill. First, the Public Works Committee limited the scope of compacts—"supplementary agreements" as they are called in the bill—to which preconsent is granted. As amended, the bill does not grant preconsent to compacts which include any standard-setting or enforcement powers. Such compacts, which directly affect the national interest in strong and effective environmental controls, will have to be approved through the ordinary process.

Second, the Public Works Committee accepted my suggestion that supplementary agreements be approved by the legislatures of the States involved before preconsent is effective. This modified the provision of the bill as reported by the Judiciary Committee under which supplementary agreements would have been effective immediately upon the signature of the Governors, unless later disapproved. This change assures that State officials will take full political responsibility for the compacts entered into.

Third, the Public Works Committee substantially altered the procedure for congressional review. As reported by the Judiciary Committee, last year's bill provided that supplementary agreements would become effective 60 days after submission to Congress unless disapproved by both Houses. I felt, and the Committee on Public Works agreed, that this did not provide an opportunity for meaningful congressional review of these environmental compacts—the kind of review required by the Constitution. Therefore, the committee amended the bill to provide that the signatory States must submit a supplementary agreement to the President, or, at his direction, the Environmental Protection Agency, after it is agreed to. EPA will then report to the Congress within 30 days on the consistency of the supplementary agreement with Federal law and regulations, and the potential adverse or beneficial effects on the environment which may result from the agreement. If, within 90 days of the EPA report, either House of Congress passes a resolution of disapproval, the preconsent granted in S. 9 is vitiated.

The Committee on Public Works made a number of other important and desirable changes in this legislation. The Public Works Committee added a new section requiring all decisionmaking under the compacts to be on the record, after notice and a public hearing—an addition I sought to make in the Judiciary Committee. The Public Works Committee also altered this bill so as to require that members of interstate agencies established by the compacts would be subject to disclosure of financial interests, a highly desirable change. The committee also expanded the rights of citizens to sue under the compacts. And, very significantly, the committee adopted language I proposed to clarify the intent of everyone connected with the bill: that signatory States are to remain free to adopt stringent environmental controls except in those rare situations where such controls would prevent the realization by other signatories of significant benefits contemplated by the compact.

In sum, Mr. President, the Interstate Environment Compact Act of 1973 is a commendable effort to encourage interstate cooperation to control pollution. It is a desirable step forward in our Nation's fight to save its environment. I was pleased that the distinguished Senator from Arkansas (Mr. McCLELLAN) reintroduced this legislation in the perfected form that was the result of extensive committee deliberation. I was pleased to have been able to participate in the committee consideration last year when this legislation was forged, and I was pleased to support it once again this year.

CRIME AND THE AGING VICTIM

Mr. KENNEDY. Mr. President, it gives me no great pleasure to once again call to the attention of my colleagues the deplorable situation that our Nation's elderly face today. The quality of life of hundreds of thousands of our elderly citizens is tarnished because of crime or the threat of crime.

Last year I joined Senator WILLIAMS in Boston at the hearings of the Senate Special Subcommittee on Housing for the Elderly on the effects of crime and vandalism on older Americans. It became all too clear from the testimony of the many witnesses that appeared at the hearing that the elderly are becoming the major victims of the criminal in our inner cities. Law enforcement witnesses stated that elderly persons in public housing projects are twice as likely to be victims of crime as other residents.

These crimes are not only the crimes of vandalism that one usually associates with inner city life; but they run the gamut of brutalization and intimidation. Murder, rape, robbery, larceny, assault, and fraud are being committed against the elderly with such ferocity and intensity that our senior citizens are living in virtual rented prisons.

We all share the view of the delegates to the 1971 White House Conference on Aging who stated:

> A decent and safe living environment is an inherent right of all elderly citizens.

Unfortunately this right has not even come close to being realized. It is far past the time when we can be satisfied with promises from this administration. It is the time for prompt action.

President John F. Kennedy once said that it is not enough to add years to life—we must add life to years. Surely it is cruel and ironic that so many Americans live in fear and danger in the later years of their life. If we really mean that our millions of elderly Americans have the right to spend their last years of life with dignity then we must demand sound, effective Federal programs that are sufficiently funded to eliminate this deteriorating situation.

Mr. President, I ask unanimous consent that an article that appeared in the Spring 1973 issue of the MRI Quarterly, reporting on this serious situation, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRIME AND THE AGING VICTIM

(By Carl L. Cunningham)

One evening last summer, a male resident of Kansas City was walking in the neighborhood where he had lived for many years. He observed three young males, all strangers to him, approaching from the opposite direction. Drawing near, they shot him three times—in the groin, in the stomach and in the leg. Then they ran away. They said nothing, made no demands of him and apparently intended only to take his life, which fortunately was saved.

This was an act of random, capricious viciousness; but tragically not without precedent today in any American city. The victim was close to his 70th birthday.

The problem of crime tolls now through the American consciousness with great repetition. Our social response to it reflects our contradictory views of its threat and what should be done to contain it. But the principal response to this trauma is fear, individual and collective, that our vulnerability to crime may exceed even our most pessimistic estimates.

In some of the British trenches in Flanders in World War I, there commenced to appear crudely lettered placards bearing the chilling question: "Who's the next?" Such signs could be hung today in many areas of American cities without fear that the question would be misunderstood; and one of the first groups to grasp the meaning would be the aging poor.

Curiously, the victim has been the most overlooked constituent in the pattern of social concern over crime, with the *elderly* victim being particularly obscured from public notice. Although there has been no lack of indicators that crime is exacting an extraordinary price from its elderly victims, there has been very little research into the question of specifically what the individual and social effects have been or, more importantly, how the problem can be alleviated.

Motivated by this lack, Midwest Research Institute is now engaged in a major study to those ends.

When completed, the study will reflect detailed analyses of each serious crime committed in Kansas City, Mo., over a period of a year, that involved a victim of age 60 or over. The data are being acquired from primary sources: police offense and investigative reports, interviews with the victims or their next of kin and neighbors, and interviews with parolees and other ex-offenders to benefit from their experience and perceptions of the aging person's vulnerability.

Although the study is several months from completion, there is an emerging pattern of crimes against the aging sufficiently clear to allow some important preliminary observations to be made.

WHY SPECIAL CONCERN FOR THE AGING CRIME VICTIM?

Persons in the over-60 age group are generally more circumspect and conservative in behavior than their younger counterparts. They seldom deliberately expose themselves in areas where they would most likely be attacked or robbed, and they are far less likely to form the type of liaisons and engage in behavior that frequently might lead to major acts of violence.

In addition, advanced age and the physical weakness that frequently attends it have traditionally held some shield before physical attack and harassment. Conventional wisdom would, therefore, seem to have it that the elderly are relatively safe from criminal victimization.

But the facts contradict this conventional assumption; the aged are, indeed, very vulnerable victims of crime.

It is important to consider the relative effect of crime on the victim. Though it may not always enrich or satisfy the offender, a criminal act has an inherent design for some one's loss. Crime is, in short, one of the great deprivers—an unnamed horseman of the apocalypse.

Societies, usually to their deteriment, tend to forget that deprivation is one of the most relative of functions in the human experience and must be dealt with accordingly. An attack against an individual who has good potential for recovery has diminished importance to one made against a person who has no reserves. A dollar taken from an 80-year-old widow living alone on social security and the same amount stolen from a young, employed worker defy realistic comparisons of loss. Thus, the problem of crimes against aging persons moves well beyond the matter of volume of offenses committed into the question of the social consequences of their greatly disproportionate effect.

The problem must, of course, be kept in perspective. To the vigorous, financially secure, elderly person, and especially one with a circle of family and friends, the effect of some forms of victimization may be little different from that suffered by a much younger person. However, the evidence is overwhelming that the aging crime victims, as a group, suffer most.

THE SOCIAL CONDITION OF THE ELDERLY

The changes in sociological conditions affecting the elderly, due in large part to urbanization, have significantly increased the older person's vulnerability to direct criminal attack or victimization.

Increasingly, the aging tend to live apart from the younger members of their family and many, left widowed, must end up living years alone. This process of isolation, coupled with the lowering of income that most experience, has the effect of concentrating the elderly urban residents in the older sections of cities—usually the areas with the highest rates of crime.

As their incomes drop and the costs of home ownership rise, many elderly persons who began their retirement in their own homes in relatively affluent neighborhoods find themselves pressured to move to lower-cost housing, which frequently has a high rate of deterioration. This general description, although certainly not applicable to all aging Americans, applies with sufficient frequency to be a critical factor in the quality of life experienced by many.

One of the most significant factors affecting crime rates is the age composition of the population. Crimes against persons are committed predominantly by individuals in the 18–24 years-old group. About half of all crimes against property—robbery, burglary larceny, and auto theft—are committed by persons under 18 years of age.

Moreover, the incidence of criminal victimization in the inner city is about nine times as great as in the suburbs. It is also in the inner city that the highest concentration of unemployed or otherwise idle youth are found, which is to say the highest concentration of criminally oriented youth.

Thus, as the aging are concentrated in the high crime urban areas, they are thrown into close contact with precisely the element of society most likely to attack or victimize them. Circumspection and conservative behavior are of little help to persons placed in such circumstances.

THE PATTERN OF CRIMES AGAINST THE AGING

The sad fact is that the ferocity and intensity of crimes being committed against the elderly reflect virtually the full range of crimes against persons of any age. Consider a few recent examples from our study:

Last fall, the home of two widowed ladies, ages 69 and 74, was burglarized by forcible entry; as it was *five times again* during the month of December. On one such occasion, the victims were in their home at the time and were mauled by two teenage males who were angered by the fact that they had only a crumpled dollar bill in cash to be taken. The work of the burglars toward the end of this series of crimes was, no doubt, made easier by the fact that the victims left their home at night out of fear. The crimes resulted in a total property loss of over $900, a house so ransacked as to be virtually unlivable, and its residents demoralized to the point they are likely never again to recover peace of mind or confidence in their environment. However, they must live on in that area because they have no other place to go.

A 69-year-old widow, watching television alone in her apartment one evening, was seized suddenly from behind and struck violently about the head. She lived long enough to explain to the police that she had never seen her assailant, though he had stayed long enough to ransack her apartment. But it seems likely that he committed an earlier, unsolved burglary of her home, since he had playfully said, "Guess who?" before he attacked her.

Another widow, in her 80's and living alone, was suddenly confronted by three young males who had broken in through the back door of her house. They ripped the telephone from the wall, tore up the house and assaulted her.

The modest home of a widower, crippled by polio, has been burglarized by forcible entry four times in the past year, each time during the three to four hour period in the afternoon that he spends shopping or with friends.

A woman, recently returned from the hospital where her husband had just died, found that much of his clothing and personal articles had been stolen during a burglary.

An aging woman was accosted in her apartment by a man who demanded money, then beat her so severely when she refused that she will lose an eye.

A 61-year-old woman was brutually raped.

And so the tragic record reads. The suspects seen or apprehended in all these cases were young—the oldest estimated to be in the mid-20's, the youngest about 11.

Table I shows a breakdown of the types of offenses involved in the first 300 crimes researched by MRI in this study. The victims had a median age of 69.6 years. Burglary is by far the front runner, followed by robbery and larceny.

Not all cases are being studied in depth, only those that most seriously threaten persons and property.

During the same 60-day period in which the listed cases occurred, there were at least 250 additional crimes victimizing persons over 60, involving auto theft, petty larency, and malicious destruction of property.

PROFILE OF BURGLARIES OF ELDERLY PERSONS

Burglary or any form of illegal entry of the residence is alarming to any person, and particularly the elderly. The primary basis for such alarm is not the loss of property, debilitating though this can be, but the sense of invasion and the ominous threat to life that always lurk behind this crime. It is plain that, in the minds of the victims who have been contacted thus far, the losses they have suffered are relatively inconsequential to the anxiety and fear of repeated invasion the crime generated.

A few victims have abandoned a home or an apartment at great financial loss in order to flee the possibility of being burglarized again. One elderly woman who was hospitalized after a burglarly-assault in her home never returned to it.

The prevalent pattern in the residential burglaries studied thus far was by forcible entry of a single-family house or duplex that was unoccupied at the time of the crime. Entry is most often gained through the front or back doors by breaking a glass and slipping the lock, or by breaking the corner of a pane of a window. In approximately half the cases, the portal of entry used was clearly visible from the street, a fact that is even more significant considering that at least half the crimes can be reasonably estimated to have been committed during daylight. In some cases, the time of commission was impossible to determine because of the extended absence of the occupant and lack of witnesses.

In nearly a third of the cases, the victim reported having taken some form of special security precautions before the crime occurred, such as having wire screen placed over windows and doors, installing special locks and—in one or two cases—electronic alarms. About 85 per cent reported they customarily lock doors and windows when away from home, and about 80 per cent said they normally lock doors and windows when home alone.

Several of the victims reported that before the burglary occurred, they had received ambiguous telephone calls or believe they had seen individuals looking over their homes. The interviews of known burglars thus far conducted have shown such actions definitely to be familiar preliminaries to a house burglary.

The items most often stolen were currency, television sets, guns, jewelry and radios, in that order.

Only nine per cent of the victims were at home at the time the burglary was committed.

Of the few persons who were aware of the burglary at the time it was committed, about half reacted to it by investigating, by seeking outside help, by crying out or—in one incident—by fighting back.

TABLE 1.—A SAMPLE DISTRIBUTION OF CRIMES INVOLVING ELDERLY VICTIMS IN KANSAS CITY, MO.

Offense	Number of offenses	Percent
Burglary	203	64.7
Robbery	63	20.1
Larceny[1]	30	9.6
Assault	8	2.5
Fraud[2]	8	2.5
Rape	2	0.6
Total	314	100.0

[1] Primarily nonviolent purse snatching.

[2] The national experience has shown this to be unquestionably an underreported offense by the elderly.

In 18 per cent of the cases, there was a suspect seen or identified by the victim or a witness. Almost all of these suspects were males; 75 per cent were estimated to be in their teens, and 70 per cent were black.

There are several important implications to these very generalized descriptors of residential burglary.

First, they indicate that, contrary to a popular conception that burglaries of the elderly have a primary focus in apartments and public housing developments, the single-family residence and duplex can be a prime target.

Second, the offenders have often shown a remarkable lack of regard for the possibility that their entry would be observed and reported by neighbors. In most cases, there were near neighbors on both sides of the residences.

Although the monetary losses were relatively low, with over half of the crimes resulting in an estimated loss of less than $100, there were numerous cases in which the offender passed up relatively valuable items to steal things that had little or no value, or to commit acts that placed the offense more in the category of malicious destruction than what might be termed a rational crime for revenue.

Many of the victims expressed firm convictions that the burglaries were committed by youthful offenders who lived in their own neighborhood. Over half of the victims believed that the offender knew the typical pattern of their life and were able to time the burglary with their absence.

SOME EFFECTS OF BURGLARY ON THE VICTIM

It is important to note the changes some victims reported in their living habits soon after the crime was committed. The most drastic of them, the abandonment of homes, has already been mentioned. But perhaps of equal importance is the fact that 40 per cent of the persons victimized by burglary reported that they no longer go some places because they are afraid of being burglarized again or of being criminally attacked.

This fear was no doubt substantiated considerably by the fact that over 20 per cent of the elderly victims had suffered one or more prior burglaries within the past two years. About 40 per cent of the victims stated that they had exepected their homes to be broken into before it happened.

Among the victims who live in the high crime areas, there is notable a very general and deep pessimism concerning their ability to protect themselves and their property. They refer to the victimization of friends and acquaintances and members of their immediate families, and the pervasiveness of crime in their neighborhoods. White victims living in racially mixed neighborhoods commonly express distrust and fear of their black neighbors.

ROBBERY

Virtually everything said of the threats and the fear generated by burglary applies to robbery as well. In addition, robbery invariably involves violence to the person, either directly or through intimidation by the threat of force. Thus, the real effects of robbery are greatly understated by the statistical indicators normally used, such as resulting monetary losses, injuries, and hospitalizations.

The added specter of homicide, or grave physical injury looms particularly large in a robbery. Therefore, the psychological effects of this crime, however committed and whatever the resulting loss, can easily instill fear that greatly transcends its proximate effects.

A very serious aspect of the robberies of elderly persons is the fact that nearly one-third of them were committed in or in the immediate vicinity of the victim's residence, and another one-third occurred in the victim's neighborhood, usually within four blocks of the home. The offenders, over 80 per cent of whom were reported as black males, were all estimated to be in their lower teens to mid-20's.

In gaining entrance to the residences, the criminals used deception more often than force. A knock on the door, a seemingly innocent inquiry, and the quick rush inside typified a tactic often used.

The location and timing of the robberies that occurred away from residences were, of course, largely determined by the pattern of movement of the victims. Bus stops, areas near points of relatively high cash flow, such as grocery stores, shopping centers, post offices and eating places were typical of robbery sites.

Robbery thus adds a dimension of fear over that raised by burglary—the fear to use public thoroughfares, shopping facilities, recreational areas and services that are so essential to individual well-being. The interdiction of such areas and facilities to the elderly is certain to contribute to social withdrawal.

THE MATTERS AT ISSUE

The basic social issue is whether conditions justify special action to help shield the elderly from the effects of crime, and to aid them more to help themselves in this regard. Of course, we hold that such actions are justified so long as society has any special concern at all for the well-being of the aged. For behind the cold, numerical descriptions that must be used to describe the criminal victimization of the aged lies a particularly shocking record of brutalization, deprivation and intimidation. It is no exaggeration to say that the quality of life of hundreds of thousands of elderly persons is today being drastically degraded by virtue of crime and the threat of it.

There are numerous special programs to aid the elderly in a material way—as properly there should be. Such programs evolve from the basic conviction that persons of advanced age require social support to help themselves. It is, therefore, all the more important to shield those benefits from loss or negation by criminal acts.

The second major point at issue is what should be done, and in what general order of priority? The research described herein has not terminated and is under the sponsorship of the Department of Health, Education and Welfare's Administration on Aging. It would be premature, therefore, to try now to detail procedures.

However, there are apparent many principal needs for action to alleviate the present vulnerability of the elderly to crime.

For example, physical security of residences in certain areas of a city should be improved by specific crime resistance planning in new construction; and where many existing structures are concerned, through public assistance.

The prevalent concept of the intergenerational neighborhood housing arrangement being conducive to the well-being of the elderly should be reappraised in the context of crime occurrence in the area.

The level of vigilance of communities where the elderly are concentrated should be raised and focused on the objective of quickly reporting all observed crimes to the police.

The elderly should be given more specific information to aid them to objectively assess their situation, and reduce their exposure to crime.

Special security patrols should be considered.

There seems to be some promise in the use of an ombudsman for security affairs of the elderly; therefore, that concept should be carefully investigated.

Escorted shopping trips, mobile check cashing services, and the gratuitous issue of personal electronic distress devices should all be examined for their potential to help alleviate the problem.

Few programs, techniques, or devices would have universal application; some would be altogether inappropriate for a given area or neighborhood. The timing and measure of their application must, therefore, be carefully planned and tested for effectiveness.

The type of actions just cited would be primarily aimed at helping to contain and alleviate the problems of the elderly crime victims while the long-range solution continues to be sought. However, in face of the deplorable security conditions in parts of every large American city, it is curious that such limited actions still draw the wrath of some social observers who argue that "hardening" the security of a home avails nothing in the face of a determined burglar who can always find a place to enter, that crime tends to diminish in the newly lighted street only to the detriment of the safety of a darker one nearby; that it is negativism to advise the elderly to stay out of certain areas as much as possible or never to go to them alone—as has been done in certain areas of Seattle—and that special security guards and extra police patrols "cannot be everwhere."

It is undeniably true, as an official of an East Coast city recently remarked, that the best way to help the elderly victim of crime is to "work with" the young people who are robbing and brutalizing them. Such work should proceed apace. In the interim, we do not have the leisure of a generation to judge its success. To a vast number of elderly Americans, arguments for such long-range solutions have little persuasion.

Of course, the proposition as to how crime should be reduced does not involve the simplistics of either the long-range or the immediate action approach, and certainly no suggestion is being made here to that effect. The fact remains, however, that there are very limited public and private resources that can be mobilized against this type of problem. As far as crime against the aging is concerned, we find ourselves overtaken by events. Priorities of action must, therefore, be carefully established; and effort expended first where it seems to have the best chance of having immediate effect.

To defer action because it offers only a partial solution, in favor of continued striving to accomplish what we have consistently been unable to do, would be merely empty piety.

STATES URGE IMMEDIATE ACTION ON RURAL TRANSPORTATION CRISIS

Mr. HUMPHREY. Mr. President, I recently received a letter from Mr. Russel S. Schwandt, president of the Minnesota Agri-Growth Council, reporting on a 17-State conference held in Chicago in late May regarding the current transportation crises.

The conference adopted two resolutions regarding rural transportation which were transmitted to the National Governors Conference. One of these resolutions endorsed Senate Joint Resolution 103—"Farm-to-Market Roads"—which I introduced on May 5, 1973.

S.J. Res. 103

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Transportation shall make a full and complete investigation and study of farm-to-market roads, railroad beds and availability of operational rail lines serving rural areas in the United States for the purpose of determining the condition and adequacy of such roads and rail lines to carry the volume and weight of agricultural and other commodities from rural areas necessary for the Nation's economy.

(b) In carrying out such investigation and study the Secretary shall consult with appropriate State and local government officials and other appropriate experts.

Sec. 2. The Secretary shall make a report of the results of the investigation and study pursuant to this joint resolution, together with his recommendations, to the President and the Congress not later than December 31, 1973.

Sec. 3. There is authorized to be appropriated such amount as is necessary for the purpose of this joint resolution.

The conference's resolution approving Senate Joint Resolution 103 follows:

Resolution Approving Senator Humphrey's "Farm-to-Market Roads" Resolution

A joint resolution introduced by Senator Hubert H. Humphrey to direct the Secretary of Transportation to investigate and report on the condition and adequacy of farm to market roads, railroad beds, and the availability of operational rail lines serving rural areas in the United States should be endorsed, provided that such study includes a comprehensive analysis of the adequacy of railroad facilities and equipment as a whole in relation to transport demands.

Approved.

A second conference resolution, calling for creation of a committee to study the rural transportation crisis and propose legislation to remedy it, was also approved. This resolution follows:

A Resolution

Whereas, this nation does not currently have adequate transportation facilities to economically move bulk agricultural commodities from farm to market and

Whereas, this nation is confronted with a bulk agricultural transportation bottleneck which wastes our great food producing potential while at the same time driving domestic food prices higher and

Whereas, this nation must rely on the sale of bulk agricultural products overseas if it is to obtain a favorable international balance of trade and stem domestic inflation, and

Whereas, the information is available within the Department of Agriculture and the Department of Transportation to confirm the deleterious cause and effect relationship of abandoned and inadequate rail facilities and substandard roads and bridges on grain movement and prices, now

Therefore be it resolved, that this conference recommend to the National Governors Conference that it take steps to bring about the appointment of a committee to be composed of appropriate members of this conference and the National Governors Conference, the Chairman of the House Public Works Committee, the Chairman of the Senate Public Works Committee, the Chairman of the Senate subcommittee on Surface Transportation and representatives of the Department of Agriculture and the Department of Transportation and that

The duties of said committee to be to compile and evaluate available data relating to this critical farm commodity shipment impasse and further,

To draft and have introduced into the 93rd Congress, corrective Transportation legislation which would overcome inadequacies in the current rail, highway, water and harbour facilities as these inadequacies relate to the shipment of bulk agricultural products.

Approved.

I was also provided with responses from a cross section of Minnesota agribusinessmen to a questionnaire on rural transportation prepared by the Minnesota Agri-Growth Council. The following excerpts from responses to the questionnaire are worthy of close attention.

The final question in the Minnesota Agri-Growth Council questionnaire states:

Summarize what improved rail service and improved highways would mean to your operation.

The following answers were provided by Minnesota agri-businesses responding to the qeustionnaire:

"This past year I could have doubled my volume of oats, increased corn volume two-thirds and soybeans two-thirds, also paid a higher price to the farmers. . ." reports a co-op elevator manager.

"More and greater profit to everyone," says a small agri-businessman.

"It means that we would be able to stay in business, we would be able to get our grain to market," one elevator company answered.

"Our interest cost would be considerably lower and our prices to the farmers would improve by two to five cents per bushel," says another elevator manager.

"Could handle an additional 500,000 bushels of grain," reports two separate grain elevator operators.

"It will mean whether we are able to stay in business or not . . ." one grain and feed dealer responded.

"When rail cars aren't available we must ship fertilizer by truck at $3 to $7 per ton increase in freight," reports a co-op producing fertilizer.

"Would generate $250,000 new income, multiplied by the economic rule of thumb of 6=$1,500,000 fresh business," says another elevator operator.

"Better assurance of product. Less transportation cost if we could have bigger payloads," reports a fertilizer company manager.

"Improved rail service would increase our revenue by 5–10%," says another co-op manager.

"Whether the elevator stays in operation or dies," we are informed by an elevator operator.

I ask unanimous consent that the letter from Mr. Schwandt of the Minnesota Agri-Growth Council be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Minnesota Agri-Growth
Council, Inc.,
Minneapolis, Minn., May 30, 1973.

Hon. Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.

Dear Hubert: Last week I attended a 17 state conference in Chicago on the current transportation crisis.

This conference was called by the Illinois Department of Agriculture for the purpose of drafting resolutions to the National Governors Conference.

I am attaching two resolutions that will be of real interest to you.

There was a strong feeling that your joint resolution calling for a study be expanded beyond the Department of Transportation. The reason behind this feeling was a complete lack of confidence in the Department of Transportation. This has been further compounded by the Watergate issue.

I agreed I would convey this feeling to you and suggest you might consider amending your resolution by inserting the following words: (1) (In cooperation and in full concert with duly named representatives of the National Governors Conference and the Departments of Agriculture).

I have included a copy of the reprint of your resolution with the spot marked where this might be inserted.

There was broad support for your resolution and I believe it is possible for the National Governors Conference to support it.

I have also sent out a preliminary questionnaire and am including about 65 original answers that should be of some help in encouraging support for this study.

I deeply appreciate your interest in this problem.

Adequate transportation is vital to our economy, the health and security of the nation.

Very Best Wishes,
RUSSELL G. SCHWANDT,
President.

NATIONAL AUTISTIC CHILDREN'S WEEK

Mr. DOLE. Mr. President, this year, Congress passed a bill which designates the last week in June as the first annual National Autistic Children's Week. All of us who are familiar with the problems of autistic children are extremely pleased to have this opportunity for national exposure. Such exposure is vital in that one of the most important steps in assuring adequate treatment programs is to educate the public as to the nature and needs of these children.

Ten years ago very few people other than doctors, psychologists, and teachers, had ever heard of autism. Fortunately, attitudes toward all kinds of handicaps are changing. A great deal of progress has been made and there is more open discussion of the problems encountered by handicapped people. However, though most people have heard of autistic children, they have little understanding of what these children are like and what their special needs are.

Much lack of understanding of autism is due to the relatively new recognition of the syndrome within the professional community. Only within the past 25 years have autistic children been identified as a group and thought of separately from other mentally handicapped children. It was an American psychiatrist, Prof. Leo Kanner, who first described the syndrome of early enfantile autism in 1943. The term he used, "Autism," is derived from the Greek word autos, meaning self. Professor Kanner adopted the term, because he believed the aloofness and social withdrawal displayed in the early years were important features of the autistic child's behavior. Their inability to communicate may be displayed in a variety of ways: Delayed or nonexistent language development; failure to respond to the sight or touch of their mother; lack of interest in those things which arouse curiosity in a normal child; loss of contact with reality and other behavioral problems.

In attempting to describe autistic children, it is difficult to give definite symptoms. Although one can identify a group of children suffering from childhood autism, each child is an individual and different from all others with the same diagnosis. Some children scream continually, resisting any soothing. Others may lie passively, not even crying when hungry. Each of them, however, have the same need for a home and family, love, and an opportunity for the fullest development of their positive assets.

In order for these children to develop to their fullest potential, we need to supply more educational programs specially suited to their problems. It has been shown that, with special training, those who were at one time confined to residential homes, can learn to manage their behavior well enough to live in sheltered workshops and half-way houses. Many communities have recognized this need and have initiated special programs. One such program was related in a National Society for Autistic Children newsletter in December of 1972. The story was about Elly, a young autistic girl, who had returned to a Girl Scout camp for the second summer as a camper. At the camp she was able to live with girls her own age and participate in many of the wholesome activities of an outdoor life. Not only was it a rewarding experience for Elly, but an enrichment to the lives of those who learned to accept Elly's handicap and establish a genuine friendship with her.

Elly's experience at summer camp is only one small example of what can be done to help the autistic child. The opportunities are abundant, but they must be used. Certainly, professionals trained in special education are needed to teach and work with the children, but an important part of the child's development lies in exposure to everyday experiences, particularly with children of his own age. Such experiences not only offer benefits for the participating child, but gives those working with the child the chance to discover that autism is not a handicap to be feared but one which can be understood and accepted.

Mr. President, as an honorary member of the National Society for Autistic Children, I urge everyone to observe this special week—the National Autistic Children's Week—with a great deal of thought. And remember, the autistic child may shut you out of his world, but do not shut him out of yours.

NIXON'S PHASE III: AN ECONOMIC POSTMORTEM

Mr. HUMPHREY. Mr. President, the latest edition of Business Week has published an article that analyzes the failures of the Nixon administration's phase III policies. This article makes it abundantly clear that massive economic mismanagement was the hallmark of Nixon administration policies during phase III. Faulty forecasting, stubborn philosophical beliefs, failure to examine the economic indexes properly, and failure to understand the changing nature of the inflation process in the United States—all contributed to the premature January removal of phase III guidelines and in June forced the President to institute another price freeze.

Mr. President, the American people have paid a tremendous price for the Nixon administration's inability to understand and manage the American economy: prices are higher than ever before, interest rates are climbing, the dollar has been devalued, unemployment is high, and the Nation faces a fuel shortage.

I would hope that the administration proposes a phase IV program that is fair, firm, and equitable; that requires adequate prenotification; and that is strictly enforced.

Mr. President, I ask unanimous consent that the article, "Why Phase III Failed," by John Cobbs be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY PHASE III FAILED

(By John Cobbs)

In cases of unexplained death, the law requires an autopsy to identify the causes and determine whether foul play was involved. The sudden death of Phase III of the Administration's wage-price control program calls for a similar postmortem. The findings may help the nation avoid another disaster the next time the controllers relax their rules and try to return the economy to the discipline of the market.

The primary cause of Phase III's death obviously was excessive fiscal and monetary stimulation of the economy last year. The Nixon Administration was determined to come up to the 1972 elections with the economy in a strong upswing. In fiscal 1972, it piled a budget deficit of $23.2-billion on top of the $23-billion deficit of the previous year. And for fiscal 1973, which ends next week, it is running $18-billion in the red.

Meanwhile, the Federal Reserve accommodatingly let the money stock (currency plus demand deposits) grow more than 8% during 1972. This was well above what a healthy, noninflationary expansion of the economy would have required.

The stimulating effects of fiscal and monetary policy always operate with a lag. By the end of 1972, the U.S. economy was expanding at an annual rate of 8%, almost twice the growth rate that it can sustain over the long run. But it was just beginning to feel the impact of the big deficit and rapid monetary growth in the last half of 1972. Wholesale prices, which had been reassuringly steady through the summer and autumn of 1972, took a sudden bounce in December. This was a warning of trouble to come.

A WRONG DIAGNOSIS

This, of all times, was the moment that the Administration picked to end the relatively tough controls of Phase II and launch Phase III. It was a classic case of misreading the evidence. Treasury Secretary George P. Shultz and Chairman Herbert Stein of the Council of Economic Advisers were watching the consumer price index, and they thought they saw signs that inflation was abating. They should have been watching the production index. It would have told them that the U.S. was roaring up toward the top of a boom at a pace that was bound to generate new inflationary strains.

With demand pressures building so rapidly, it is doubtful that even Phase II controls would have worked well in the first half of 1973. The Administration's control system was designed to deal with the cost-push inflation of 1970 and 1971. Its real emphasis was on wage controls—on the assumption that, with the economy operating far below capacity, business would have little incentive to raise prices except to cover cost increases.

But the nature of inflation has changed. It is now a demand-pull process, fueled by rising incomes. For the moment, prices rather than wages are where the inflation is centered.

If the Administration's policymakers ever had a chance of making Phase III work, they threw it away at the moment they announced the new program. Shultz and his new director of wage-price controls, John T. Dunlop, talked vaguely of "voluntarism" and a self-policing system. Council Chairman Stein cheerily predicted that the boom would slowly convert itself into healthy, noninflationary growth.

Businessmen concluded—rightly, as it turned out—that the Administration did not know what it was doing, that there would be no real enforcement, and that price controls, to all intents and purposes, were suspended. Many also concluded that Phase III would collapse in a matter of months, and they hustled to mark up their prices before a new freeze was imposed.

A TERMINAL CASE

Meanwhile, back at the ranch, more trouble was cooking. Food prices were always the weak spot in the control system, even under Phase II, because President Nixon had refused to put controls on farm prices. Throughout 1972, the Agriculture Dept., which always lives in a world of its own, continued its traditional programs of price support and crop limitation. From March to November, the index of farm product prices gained about 7.6%. Then everything went to pieces.

Consumer demand—especially the demand for meat—increased strongly with the rise of incomes. Bad weather cut the crops. The Russian grain deal touched off an explosive rise in wheat and feed prices. In December, the farm products price index shot up from 128.8 to 137.5, a gain of 6.8%. By April, the index was up to 160.9, or almost 25%.

The short and unhappy life of Phase III, therefore, was marked by a breathtaking rise in prices at every level of the economic system. The consumer price index, which had made it through 1972 with an increase of only 3.4%, climbed at an annual rate of 12% and more. And so on June 13, President Nixon went on nationwide television to tell the country that Phase III was finished and a new freeze was on.

Does the failure of Phase III mean that the U.S. is permanently committed to controls?

The answer, of course, is no. But the nation is certainly stuck with controls—and tough controls at that—until the pace of the economic expansion slows down.

Phase III failed because the Administration misjudged the strength of the boom. But with a tight lid on federal spending and with a tough policy on expansion of the money stock, there is still a chance to slow the economy to 4% growth without pitching it into a new recession. If the Administration makes the most of the opportunity, it then can stop the proliferation of Roman numerals and lift controls at last.

TRAINING NEEDS IN GERONTOLOGY

Mr. CHILES. Mr. President, the lack of trained personnel to staff service programs for the aged has become a recognized and serious problem. With last month's signing of the Older Americans Comprehensive Services Amendments into law —Public Law 93-29—the services for the elderly should be increased even more. The gap between the knowledge and services for the elderly and the manpower available to implement the programs is a critical problem to gerontologists and specialists in the field of aging.

Therefore, the administration's proposal to cease all categorized training programs, including those authorized under the Older Americans Act, is of grave concern to myself and the Special Committee on Aging. At the request of committee chairman, FRANK CHURCH, I recently conducted a survey of gerontological programs at colleges and universities across the country to assess the effectiveness of their programs and the implications the administration's proposal would have on their output. I was deeply impressed by the overwhelming response to the survey, clearly indicating that the termination of the training programs in aging would have dire impact on the overall supply of trained personnel in the field of gerontology.

To explore this alarming situation, I conducted hearings last week in Washington on "Training Needs in Gerontology." Two days of testimony supported the information gathered from my survey and showed further the value of training programs in aging and the demand for their existence. Our witnesses showed how effective and productive training programs have been. The witnesses agreed that their aging programs would be seriously curtailed by the administration's proposal and, in some instances, entirely liquidated.

Our hearings opened with a panel from the University of South Florida—USF—in Tampa. Dr. Albert Wilson, director of the aging studies program at USF, and two students from the program testified on the value of the Federal support to the individual student and to the overall program. Dr. Wilson stated that if Federal funding is phased out, the program will not continue to attract the "second careeer" students who make up a large percentage of their program. The cutoff would seriously curtail the capacity of the program to give technical assistance to the developing community programs. The students stated that without the help of the Federal stipends they would have had to forego their commitments to the field of gerontology or would have to attend courses part-time and be detained in obtaining their degree.

The suddenness of the administration's decision to phase out these training funds "allowed no way for universities to respond with alternative means of maintaining their programs," according to Dr. Walter Beattie, director of the All-University Gerontology Center at Syracuse University. Dr. Beattie went on to say that—

> For many programs, the result of this sudden withdrawal of support is the eradication of a number of gerontology training programs throughout the United States and the serious weakening of all such programs.

Dr. Beattie was testifying not only for his program at Syracuse but on behalf of the Association for Gerontology in Higher Education, which represents 26 university aging programs.

Testimony by Dr. Percil Stanford of California State University at San Diego, described the serious effects the cut would have on minority education in gerontology:

> There are far too few persons trained to work with older people in general and there is even greater need for trained persons to serve a variety of ethnic and other minority older people. If persons are going to be trained in any way to work with older people, they should have the appropriate knowledge to be effective with whatever culturally different persons they are serving.

Dr. Stanford said that the student loan type of assistance being proposed by the administration as an alternative to the training grants would be almost useless to the minority student. Cultural barriers would prevent these persons from obtaining such loans, and "many banks are carefully screening the persons who they wish or do not wish to receive such loans." With no credit history themselves or within their family background, it would be extremely difficult for many minority students to receive such loans.

Administration witnesses opened our second day of testimony. Assistant Secretary for Legislation at HEW, Stephen Kurzman, opened his statement by stating that the administration recognized the "continuing and increasing demand for persons who have completed both undergraduate and graduate programs that will enable them to help operate programs in the field of aging." Mr. Kurzman asserted the the administration's proposal to replace the "narrow categorical training programs" with a general student aid program would be ample assistance in supplying adequate support for training programs in aging.

Said Kurzman:

> Under this student aid policy as contrasted with a policy of offering student stipends for specific categorical programs, both undergraduate and graduate students will receive assistance irrespective of their career choices. This means that career choices will not be related to solving immediate financial problems.

The administration's contention is that with this type of "noncategorical training" assistance combined with the "comprehensive, coordinated research program" supported by the Federal Government, adequate training will be available for those seeking knowledge in the field of gerontology.

His position was challenged by all of the succeeding witnesses. Dr. George Maddox, director of the Duke University Center for the Study of Aging and Human Development, Mr. Elias S. Cohen, assistant professor of social administration at the University of Pennsylvania Medical School, and Dr. Wilma Donahue, renowned educator in the field of aging, came before the committee as a panel to present their views on the administration's proposal.

Dr. Maddox said:

> The Administration, using biomedical research and training, argues that goals for planned expansion in specialized manpower have been reached and that the law of supply and demand will now suffice to produce needed manpower. This argument is generalized to include training in aging. . . . But we argue that our estimates of immediate and long-range for trained manpower in aging indicate the need for an increased, not a decreased, investment at this time.

Dr. Donahue said:

> The 36 training programs now receiving support from the Older Americans Act are on an average less than 5 years old. They are, thus, especially, vulnerable to erosion and elimination, and particularly so when in competition with other professional fields. Social work, public health, education, medicine and

so on have the advantage of a long history, hence they have the prerogatives and strengths of high seniority.

Mr. President, it is my deepest contention that these gerontological programs must be fully supported and encouraged to continue in their motivating endeavors in the field of gerontology. I was so impressed, over and over again, by the enthusiasm exhibited by many of our witnesses, particularly the students from USF, Federal City College, and Howard University. Their willingness and interest to work with our elderly citizens and to grasp as much knowledge about the aging process should not be dampened. The administration's proposal to phase out categorical training could do such damage. The Congress must act to counteract such action.

Mr. President, it is essential for this country to establish and maintain programs which are sound and effective in meeting the needs of our elderly and this means supplying sufficient manpower to staff the services our legislation creates. I strongly urge the Congress to take the necessary action to continue categorical training in the field of gerontology.

A CLARIFICATION OF ISSUES ON SANCTIONS AGAINST RHODESIA

Mr. HUMPHREY. Mr. President, Ambassador John Scali has expressed deep concern about the United States' violation of international law in breaking sanctions against Rhodesia. Ambassador Scali is to be commended for his honest evaluation of the impact our violation of sanctions has on the prestige and credibility of the United States abroad. It is Ambassador Scali's right and obligation to make his fellow Americans aware of the problems caused by U.S. policies in the organization he is accredited to. I also appreciate his deep concern for the cause of human rights.

Some believe that Ambassador Scali and the member states of the United Nations are mistaken in their defense of sanctions. They express concern that we would be surrendering our sovereignty to the United Nations and violating our obligation to uphold and defend the Constitution of the United States if we were to comply with sanctions.

It is true that the United Nations is an organization made up of sovereign states and has no right to interfere with national sovereignty. But I respectfully disagree with the argument that our sovereignty has in any way been infringed upon by the imposition of sanctions against Rhodesia or that in this case there is any conflict between our obligation to defend the Constitution of the United States and our responsibilities as a member of the United Nations and of the international community.

When sanctions were first imposed in 1966, and again when they were extended in 1968, the United States had the right to veto these resolutions in the Security Council if they were clearly in conflict with our national interests. But we did not. We wholeheartedly supported them. We did so, because these resolutions were in keeping with key principles expressed in our Constitution: The commitment to human rights and government by consent of the governed.

I believe that the most crucial international relations question raised by the sanctions issue is not whether the United States or the United Nations is sovereign in making our foreign policy, but whether the U.S. Government is committed enough to the principles expressed in our Constitution to stand with the United Nations in defense of those principles.

A second related point I wish to clarify is the argument that the United States originally supported sanctions out of a sense of duty to our friend and ally, Great Britain. It is further argued that Great Britain does not reciprocate this sense of duty, as evidenced by her trading with North Vietnam during the Vietnam war.

As close as relations are between the United States and Great Britain, neither determines its foreign policy out of a "my ally, right or wrong" attitude. Some of the most tragic errors in history have resulted from blind loyalty to allies. The United States and Great Britain both strongly supported sanctions in the beginning, because of a common commitment to human rights and self-determination—and to achieving them through a peaceful means.

The defenders of Rhodesia seek to imply that she, too, is an ally in her commitment to these principles. They argue that Rhodesia "is seeking to do what the United States did almost 200 years ago; namely, to declare her independence from Great Britain."

I respectfully disagree. The Rhodesian Information Office and others work hard at creating the impression that her unilateral declaration of independence from Britain is simply history repeating itself. Nothing could be further from the truth. The 5 percent of the population that is white declared independence for the sole purpose of assuring that the 95 percent who are black would never have a voice in the government of their country. There is no fundamental commitment to the principle that all men are created equal in this declaration of independence.

Those who oppose sanctions argue that Rhodesia is not the only place in the world where an elite rules over the majority of the people without their consent. This is true. And I believe that the United States must use peaceful means to encourage democracy throughout the world. We must pursue foreign assistance policies which encourage popular participation in economic development. We must remain true to our own democratic principles in all our domestic and foreign policies in order to provide the most effective possible example of a working democracy.

I want to point out that Rhodesia is one of the few places left in the world where a white minority rules over a nonwhite population—and has separate laws, separate privileges, and separate services for them based exclusively on race. This racial discrimination makes Rhodesia's a singularly abhorrent form of oppression—both to Western states committed to human equality and non-Western states which have so recently become free from racial domination. It is a form of oppression which the United States, as one of the largest multiracial states in the world, has a unique responsibility to protest.

Finally, it is argued that the United Nations was wrong in declaring Rhodesia a threat to peace. Some see Rhodesia as an innocent victim, a peace-loving little country. May I remind my colleagues that the U.N. Charter gives the General Assembly and the Security Council the authority to determine when a nation is a threat to peace—and that the United States fully agreed with this decision. Second, Rhodesia's rebellion against Great Britain was a threatening act. Sanctions rather than violence were chosen by the international community to help bring about majority rule in this area.

Finally, it is misleading to portray the Rhodesian white supremists as peace-loving innocent victims. By ruling the majority of the population through force and violence, by giving them no way of expressing their desires other than through the violence of liberation movements, by planting landmines on the Zambian side of their common border—they have indeed threatened the peace of their own country and of the entire region.

Mr. President, I realize this is a complicated issue we have raised. I hope that this clarification of some key points will help my colleagues in the Senate make a wise and informed decision on whether we should continue U.S. violation of sanctions against Rhodesia.

ALLEGED "DRUGOLA" CHARGES IN RECORDING INDUSTRY

Mr. BUCKLEY. Mr. President, the dismissal last month of the president of CBS Records has touched off a number of allegations and rumors affecting CBS Records in particular and the record industry in general.

In a column published in the New York Times last week under the title, "The Drugola Scandal," William Safire writes of what he says is "the use of hard drugs—cocaine and heroin—by the businessmen in music to bribe their distribution outlets, or to entertain their entertainers." Mr. Safire further states that hard drugs are "the new currency of the record industry." What is particularly disturbing is his allegation that executives of the Columbia Broadcasting System are, in effect, covering up this scandal.

I have no way of knowing if Mr. Safire's allegations are correct. Nor do I know whether the stories now being circulated about business practices in the record industry are remotely close to the facts. Last Tuesday's Wall Street Journal, for example, reported that "rumors and vague charges of mob infiltration, payoffs in sex and drugs and outright fraud have shaken the industry's executive ranks."

These rumors and allegations are deeply disturbing. Their implications are serious. They reflect on a major industry—much of it headquartered in New York State—that accounts for more than $2 billion in sales per year—more than the aggregate receipts from professional sports and the film industry combined.

But what is particularly disturbing about the allegations of corruption in the recording industry, is that the sales of their major money earners, rock and pop music, are geared specifically to a young, predominantly teen-age audience. It is common knowledge that drugs are an integral part of the rock music scene. If it is true that hard drugs have become "the new currency of the record industry," if drugs are in fact used as an inducement to sign on entertainers, one has to ask the extent to which these practices may explain the drug orientation in rock music of which so many have complained.

There is still another aspect of the matter that concerns me. Young Americans may not read the Wall Street Journal or the business pages of the New York Times, but they are the principal readers of such publications as Rolling Stone that cater to their interests in pop and rock music. The feature article in the current issue of Rolling Stone reports in detail on the charges of payola and coverups at CBS. Their impression of business ethics and practices, therefore may be colored to an unusual degree by the reporting of these developments. It is therefore extremely important that future issues of Rolling Stone and other publications such as Newsweek be able to report that this whole matter has been submitted to the broadest, most probing investigation, and those found guilty of breaches of the law appropriately punished.

We must make it clear that we do not maintain a double standard where white-collar crimes are concerned. We must demonstrate that we will pursue and prosecute corruption and fraud in business with the same determination that we pursue crimes committed in other areas of life. I hope we do not have a corporate Watergate on our hands; but if we do it is vitally important that we seek the truth about ethical and legal abuses in the record industry with the same determination that we are pursuing the truth in the Watergate affair.

I am aware that criminal investigations are now underway with respect to charges of wrongdoing at Columbia Records and elsewhere. I do not suggest that less than a thoroughly competent job is being done in their investigation. These charges, however, have given rise to such grave questions as to prevailing business practices in the industry as a whole—questions involving fraud on the consumer, trafficking in drugs, corrupt and unfair business practices, and underworld involvement that I believe the broadest possible inquiry should be launched by appropriate enforcement, legislative and regulatory arms of the Federal Government. To this end I have written the following individuals, requesting that they institute appropriate action: Dean Burch, Chairman of the Federal Communication Commission; Attorney General Elliott Richardson; Clay T. Whitehead, Director of the Office of Telecommunications Policy; and Senator JOHN PASTORE, chairman of the Subcommittee on Communications.

Mr. President, I hope my colleagues will join me in urging that these broad interrogations be carried forward with all dispatch.

Mr. President, I ask unanimous consent that various articles appearing in the New York Times, the Wall Street Journal, and Rolling Stone describing the charges to which I have alluded, which I am sending to the desk, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CLIVE DAVIS OUSTED; PAYOLA COVERUP CHARGED

(By Ben Fong-Torres)

NEW YORK.—Clive J. Davis, as president of Columbia Records, was always proud of long-term agreements. Miles Davis and Johnny Cash, Leonard Bernstein and Chicago, Barbra Streisand and the Byrds. He fought, with big money, to keep Laura Nyro at his label, and he refused to believe that Dylan was out of his contract for a year after the fact. He took enormous pleasure in what to him must have been no less than resurrections, born of his own personal patience, of Johnny Winter, Blood Sweat & Tears, Santana, Sly Stone, and Paul Simon and Art Garfunkel.

Davis himself had a long-term agreement with CBS Incorporated: a five year contract stretching to April 14th, 1975. At age 40, he was the commander-in-chief of the largest record company in the world; for his efforts, which kept him at his office on weekends and holidays, he earned $135,000 a year; his contract also provided "incentive" bonuses adding up to $250,000 over three years. And last year, there was "additional compensation" of $74,000 for a total of $359,000. Not bad for a man from the Bronx whose first favorite music came from *Make Believe Ballroom* on his radio; whose primary goal in life, once, was to be a good lawyer. Clive Davis was proud of himself.

Today, the president is in seclusion, excepting meetings with a criminal lawyer; he has been asked to face a grand jury probe into interstate heroin trafficking and possible connections between payola-by-drugs and Columbia Records. Clive Davis has been fired by his company and sued for alleged personal use of company funds; his contract is null and void; he has been depicted by a CBS official as a "culprit" found involved in "hanky-panky"; he has been fingered by a once-loyal executive assistant as the man responsible for authorizing the practice of payola at Columbia Records.

And so payola joins Watergate on the front pages, Columbia has its own potential Watergate, and the record business has the shakes, almost as bad as Alan Freed had them when the first government payola investigation began 14 years ago.

"Hello, I'm Clive Davis, President of Columbia Records." Seven nights in a row, from Sunday, April 29th to the following Saturday, Davis, dressed Palm Springs style in white suit and matching white patent leather shoes, acted as MC for Columbia's "A Week to Remember." The idea was another of Clive's prides, the fact that his was indeed a full-line label, strong in classical, country and jazz music as well as middle-of-the-road pop, hard rock, and, specially since last year's distribution deal with producers Gamble & Huff, Philadelphia's black entrepreneurs, soul music. It was a show of eclecticism, and all for charity, the profits going to the Park Century School in Los Angeles. The company also taped the 21 acts for a film to be shown at their annual sales convention in July.

Davis took a 20-minute ride out to the theater in downtown L.A. every day that week. We would go to the box office and become upset that only five of seven shows sold out completely for such a small (2400-seat) theater. He blamed the flaw on the Ahmanson Theater itself, for not putting advance tickets on sale until opening night. He checked on sales every hour so that he could coordinate promotional activities and advertising. He gave an interview to the L.A. Times the week before, and the story hit the entertainment section's front page on Sunday, just right: CLIVE DAVIS—MIDAS TOUCH ON COLUMBIA LABEL. The story, written by Robert Hilburn, would be hailed by radio tipsheet publisher Kal Rudman as "fantastic" and "breathtaking." Clive must have known, even as he shook hands with each impressive act—he must have known, even while changing outfits between concert and press party, while watching the lines form each day, that he was in trouble.

The first rumors had begun to fly during "A Week to Remember." David Wynshaw, 52, Vice President of Artist Relations at Columbia, had been busted. He'd been locked out of his 12th floor office a couple of weeks ago, and there was talk about prostitution and drugs. The FBI, the rumors said, had invaded CBS' black skyscraper and seized files from Wynshaw's office, and CBS had "cordoned off" the room and fired the 11-year veteran.

Wynshaw, it was said, was close to Clive Davis, and was variously known around the company and in the business as Davis' "royal procurer," or "Clive's pimp," or "the all-around Dr. Feelgood." He had, the hearsay went, been moved over to "Special Projects," and took care of conventions, providing any necessary "entertainment" for Columbia executives and favored guests. He worked with hotels and travel agents, sometimes handling conventions of 1000 people. In that capacity, it was said, he—and probably others at Columbia—was involved in some computer scheme. "All billings," one source said, "come out of a computer. When needs exceeded what was budgeted for his department—you couldn't keypunch drugs and broads—he'd program for reimbursement, and the computer would program an OK." The excesses, the source said, were rumored to have reached $500,000. And the operator, it was said, had to have either received authorization from higher up, or been guilty of outright embezzlement.

Clive Davis was on his way to Japan for a meeting with executives of Columbia's sister label there, CBS/Sony, when the Wynshaw story broke. He canceled the meeting, and Columbia heads already in Asia jetted back to New York.

"The hierarchy at CBS is very concerned about being involved in a scandal," one inside source said at the first outbreak of news, "and already, Clive's action has been very circumscribed. He's already very inhibited." The black skyscraper took the shape of a clam. Everyone at CBS knew something of the story, but few knew the details.

Wynshaw's name had come up in connection with a dealer of hard drugs; he'd been traced by wiretap on the office phone, it was said. There was a receptionist involved, "and she implicated Dave." And more people, the rumors went, had either been busted or would be arrested soon.

Ira Sherman, assistant to Dave Wynshaw, said he wasn't at work the day his boss disappeared. But, he admitted, "agents—either the FBI or our own security guards—have constantly been in there." Sherman described Wynshaw—who was given a new title, "Senior Director of Special Events," just five months ago—as "a real big person, with a big way around him. He was known at all the major clubs; he presented a diamond pinkie-ring image, but he wasn't a seedy character, wheeling and dealing. He was a good person and probably didn't deserve the treatment he got. He would forego weekends with his family rather than leave something to be done."

Wynshaw, Sherman said, had been eased out of his old Artists Relations post with the growth of rock & roll at Columbia. He had recently been dealing with "MOR" artists and, mostly, special projects. "Conventions, meetings, parties. He worked with Clive on many events. The relationship between Clive and Dave? God knows how close they were."

As for possible involvement in a hard-drug racket, the assistant said the rumors were a "shock. David's stand on dope was, I wouldn't even mention marijuana to him out of respect for him. He perhaps knew a couple of these people by the kind of work he did, but he was one of the straightest people I know."

An early suspicion around CBS was of a cover-up of some unknown scandal. "Possibly somebody did implicate David," said Ira Sherman. "He had a certain amount of power. Maybe the company decided that rather than uncovering anything heavier, they should nip it in the bud."

Columbia Records issued no statement on their dismissal of their 11-year veteran. "He resigned," said Publicity Director Bob Altshuler, six weeks after the fact. "I don't know why; I gather it's because of an investigation going on. He may have been linked to someone under indictment; it might be a guilt-by-association kind of thing." He dismissed all the rumors. "When I came back from Los Angeles," he said, "there were rumors going around New York that there were all kinds of changes. I checked it out, and there was absolutely no truth in it at all." What about the receptionist? He admitted that she was "somehow linked to Dave," but that she was fired "a long time ago." (She had been fired a month before the drug raid in which she and the manager of two Columbia acts were indicted.)

We asked Altshuler, long-known in the business—despite his own vehement denials—as "Clive's PR man," to ask his boss for more information on possibly the most scandalous incident in Columbia Record's long, proud history. He complied, and reported back in half an hour with certain relief: "I can say to you that there are no drug charges, no narcotics involved, and he is not under indictment. CBS, he said, was checking out a charge of misappropriation of funds. "When the study began in earnest, he decided to resign." (Wynshaw, talking later about the case, gave a different version, basically confirming the rumors. He'd been called out of a restaurant April 9th to face Davis and two company attorneys, who told him about their discovery of some allegedly falsified invoices. He was then asked to leave the president's office, and the next day he was fired and told by Davis not to go to his office.)

Altshuler reiterated: "There is no connection between Columbia and a drug charge or a drug bust. I say that as flat-out as I can say it." Vice President of Marketing Bruce Lundvall corroborated Altshuler: "I haven't the vaguest as to what's going on," he said, "I understand he was in a great disagreement over a personal matter and he's gone." Wynshaw had been reporting to Lundvall for the past year and a half, but, the vice-president said: "I haven't been given much explanation. He had a very high profile in the industry and suddenly he's gone."

Neither Lundvall nor Altshuler chose to reveal, at that time, that another Columbia employee was in trouble. Tony Rubino, Director of Marketing Administration & Budget Control, had been asked by Lundvall to take a leave of absence the day after Wynshaw's dismissal. He was the man who had (incidentally) hired the mysterious receptionist; now, his office was locked, and he would be officially fired in late May, just before Clive Davis. Rubino, Lundvall explained, "was a staff statistical kind of person," a man who handled bills and sent them up for ultimate approval. And, finally, there was Jack Gold, who was replaced as head of West Coast A&R by Davis' order. In his place, Davis appointed Ted Feigin, former co-founder of White Whale Records (the Turtles) and, most recently, personal assistant to Clive Davis. Gold's departure—he would become an independent producer, it was announced—was in no way connected to the growing scandal; the veteran producer had long been plagued with Hodgkin's disease, and the West Coast office had been lagging for over a year, with Davis himself assuming most of the A&R authority by making frequent trips to California.

"That's what's so startling about this whole thing, this arrogance that he had," said one Columbia employee on the West Coast. "Clive maintained the same timetable of his business. The week at the Ahmanson, the restructuring of the West Coast, negotiating with millions of artists. He thought the whole thing would just go away."

Clive Davis spent the week before the Memorial Day weekend conducting business as usual. On Wednesday, May 23rd, he conducted a singles meeting, the weekly roundup of two or three dozen Columbia heads to hear the latest product. As always, Clive played DJ, sitting at the head of the long table, ordering up the tracks from an engineer in an adjacent booth.

Davis saw the singles meeting as a vehicle for getting information out to as many key people as possible at once. The director of promotion would recite a list of recent releases and long lists of radio stations programming each single. Those that were followed by short lists would elicit questions from Davis; suggestions on promotion, advertising tying in concert and TV appearances. Staffers would nod and make notes. Other guests—Columbia artists and producers; newer employees in the lower ranks; newly-appointed higher-ups (like Steve Harris of Artists Development, moving into Dave Wynshaw's old area of responsibility)—could see just how the Music Machine functioned. "It's a good learning process," Davis had said. "It also prevents me from being an inaccessible leader."

On this, the week before his firing, Clive Davis had no perception of karma, no way of knowing when an omen might come up and slap him in the face. But there was one, and it had popped up at a singles meeting in April, in the form of Paul Simon.

Simon, who shares, with Garfunkel, the honor of having the all-time best-selling album in Columbia's history—nine million sales of Bridge over Troubled Water—strode into the conference room in the midst of a meeting. Davis, of course, was pleasantly surprised. Then, an eyewitness said, Simon slammed a book onto the table in front of the president, telling him: "You need to read this book more than anyone I know." Davis glanced at the volume: The Life of Krishna—as Simon spun around. "Wait, stay," urged Davis. Simon continued on through the door. Slap.

Clive Davis must have known. But through the Memorial Day weekend, and upon his return to the CBS building on Tuesday morning, May 29th, he gave no indication that he was worried. To those who saw him that morning, he appeared relaxed from the holiday, and he moved directly into discussions on international operations with its division head, Walter Yetnikov.

At 11:45 AM, Davis got a call. Arthur Taylor, six months into the presidency of CBS Inc., wanted to see him on the 40th floor. Davis strode out of his 11th floor office—modestly furnished; left undone, in fact, because he would soon move into Goddard Lieberson's old suite—made the two elevator trips that it took to get to the upper reaches. Clive Davis marched into Taylor's office and got fired.

It was, as in Wynshaw's case, a short meeting, with the stunned Davis getting a further surprise by the presentation of a civil complaint against him, dated that day and filed with the state supreme court. He was charged, he then read, with three specific instances of alleged misappropriations of company funds adding up to $94,000; the charges included the taking of $6500 in $100 bills from "agents Wynshaw and others" out of a "false invoice" paid by CBS; and a final, general charge covered Davis' almost-seven years as president, claiming he "improperly obtained or received other substantial sums of money in cash and other property from plaintiff for his own personal benefit." The complaint asked for a reply from Davis within 20 days, including an accounting of all allegedly "wrongfully obtained" money, the return of that money, and legal fees.

Clive Davis was stunned yet again when he returned to his office. He never quite got there. While he was upstairs, moving men had been whisked into his office and had begun cramming his personal papers and effects into cardboard boxes, piling them up in the reception area. The area, normally occupied by waiting visitors and two secretaries, was bare except for a growing pile of cardboard boxes. His staff had been suddenly called into another nearby room, so that they would be conveniently out of the way.

There was a joke going around at CBS that, what with the movable, cream-colored metal walls dividing offices, you would know right away if you'd been fired. You'd show up one morning and your office would be missing.

Within another hour, the word was out to all regional branches of Columbia. A meeting of department and division heads took place. The word was that Clive Davis had been "discharged" from his twin presidencies, of the CBS/Records Group and its CBS Records Division, and that he was being sued for improper use of company funds. Further, it was announced that Goddard Lieberson, former head of Columbia Records and a Senior Vice President of CBS, would replace Clive as head of the CBS/Records Group, and that Irwin Segelstein, a CBS–TV programming vice president, would take over as president of the Records Division, meaning the day-to-day leadership of Columbia Records. The announcement mentioned two other firings at Columbia "following investigation of the irregularities relating to Mr. Davis' discharge," but named no names.

And before Clive Davis was back in his apartment, on Central Park West, CBS was ready with copies of the civil suit for the press. In it, the alleged misappropriations were detailed: $53,700 for alterations to the apartment; "at least" $20,000 for a bar mitzvah for Davis' son last October, and $20,000 of reimbursements that CBS claims Davis used to pay for renting a house in Beverly Hills last summer. The company also listed one alleged cash kickback—the 65 one-hundred-dollar bills "handed over to defendant by Wynshaw."

Few in the industry believed it was all so simple. "A company like CBS," said one executive at Warner Brothers, "is idiotic to bust a president of one of the major profit-making divisions for a mere hundred G. They're affecting their stock, and the entire record business." One consistent line of sympathy ran: If Clive was guilty, he was doing nothing that many others in the business didn't do. Davis, people were saying early on, might have cause for a huge damage suit.

"If there was nothing else to this whole thing," a source close to CBS added, "it would be the most outrageous action a company took against a senior executive. I think the FBI went in and told [Chairman of the Board William] Paley or [CBS President] Arthur Taylor that they'd ask for an indictment against Clive, and I think it must be for big stuff. And therefore CBS wanted to do everything possible to disassociate themselves from him."

So the talk again was of a cover-up. But if the action was harsh, outrageous, or even idiotic, it was not without precedent. In spring of 1965, James Aubrey, then 46, was "dismissed" from the presidency of the CBS-TV network, without comment, by William Paley. Aubrey, like Clive Davis, made his a basically one-man company, earning the nickname, "Smiling Cobra," after he coldly dropped Jack Benny and Gary Moore while taking CBS to the top of the ratings through The Beverly Hillbillies. Later, through a CBS stockholders' lawsuit, Aubrey was accused of accepting kickbacks from a friend, a would-be producer whose efforts—three outright flops—he placed on CBS in prime time. Other, more scandalous affairs linked to his name never got reported in the papers; he stayed low for four years of "independent productions" before emerging as president of MGM.

Clive Davis was a genius in the business of selling records. He influenced the course of the industry in 1967 when he virtually wiped out monaural records by moving to only the stereo price, at that time $4.79. The move caused confusion at first, with its implied obsolescence of mono, but within a year, Columbia was claiming an overall profit on the move. Always claiming records to be the entertainment field's best, most durable buy, Davis then tested "variable pricing," pricing certain albums at a $5.79 list "depending on demand and cost factors." He succeeded in getting gold albums on the first three tries: The Graduate, Bookends, and Cheap Thrills. And Davis took CBS into the retailing business by acquiring two chains: Discount Records and Pacific Stereo.

And while it was Lieberson who first suggested Davis go to the Monterey Pop Festival in '67—Goddard always liked the area and had attended the jazz festivals there, he said—Davis on his own did become an aggressive part of the rock scene, signing as many important artists as he did duds, making much more money than the amounts he would be reported spending. Columbia, number one, was an easy target—"kinda like the Yankees," as West Coast producer Paul Baratta put it—and Clive may have been guilty of arrogance and a Yankee-sized ego. People told stories about how he tried to reorganize a song for Jackson Browne, as a favor; how he refused to join in the celebration of Woodstock by holding his artists from the festival album for business reasons. People laughed when he signed Delaney and Bonnie, only to have them get divorced shortly after the signing.

Still, in his moment of crisis, Clive Davis was the subject of a wave of sympathy. "He had no friends," a Columbia employee said, "but everybody respected him." The day after his deposing, a West Coast record company issued bumper strips—albeit facetiously—reading FREE CLIVE. Kris Kristofferson, in concert, dedicated a tune to Davis, "Me and Bobby McGee," saying, "I never liked him, but I don't believe all this." Most managers of Columbia artists were saying Davis treated them fairly, and well.

Kitter Meade, speaking as corporate information officer, shrugged off the question of harshness in Clive Davis' case: "Counsel weighed the matter and decided this was the most appropriate course." And Goddard Lieberson, the grand old man of Columbia Records, president of the label from '56 to '66 when he stepped upstairs and gave his job to his protege/lawyer, stuck close to the moral root of the issue. "They say, 'what the hell's it all about, it's only $100,000.' That's not the point. If it were $5000 or $150 . . . I mean, you can't be a little bit pregnant. And it's like Watergate: 'Oh, everybody does that.' You can't take that point of view. It's what happened. I mean, there was a falsification of invoices . . . and worse . . . it was between Clive and Arthur Taylor who asked him, I think, at some point to tell him the truth and he found out that it wasn't the truth. It was difficult. I don't think CBS felt that they wanted to do it. But what could you do? Let me remind you that this guy's an officer, a member of the Board of Directors of a publicly held company."

Still other observers thought that Davis had been the loser in the power struggle at CBS, that he had his eyes on the presidency of the corporation. Davis himself always denied any ambitions beyond Columbia, beyond "music." Lieberson dismissed the talk as "kid stuff." 'Cause, you know, I put him in that job—against, by the way, a lot of opposition. But I saw potential in him, because he was very avid, a very hard worker and buried himself in what he was doing. No. How could that be the reason? He's so well compensated for what he did. . . ."

Which was exactly the point of still more speculation, that Davis had aroused the resentment and/or jealousy of those above him. Only five years into his job, the man had become a star in his own business, had become one of the best-paid executives in the corporation, had kept his company number one, moving with the times and making rock & roll the dominant music at the company, forging out 22% of the record market for Columbia, making this rock & roll label the most profitable of CBS several divisions.

Kitter Meade smirked. A chunky, pink man with Hooverish features, he'd rattled off the corporate case against Davis, Wynshaw and Rubino with precision.

He was responding to a final question, about the insistent talk about Columbia giving drugs to its artists. "I mean, with all the money those people were getting, couldn't they just buy their own?"

Meade, a veteran who'd lost a leg in the second war, told how CBS, alerted by an outside source that Wynshaw ought to be investigated, sent its own law department, "and outside counsel," after the executive's records. Wynshaw and accountant Rubino, he said, "were both up to the same hanky-panky," and Davis was "implicated in the investigation of Wynshaw. And by the same token, our investigation of Rubino led to Clive Davis. As far as we know, we got all the culprits."

The listing of $6500, said Meade, was the suit's one "cold specific. We want to get that money back." Such a specific may also open Davis and the others up to further scrutiny from state and federal agents. As Meade put it, "Laws may have been violated. They could look into it because they represent society."

The investigation, Meade concluded, "was very, very thorough and very, very fair. That's one thing we do here at CBS. We take pride is being fast."

And aside from the old guard, aside from William Paley's staunchly Republican leanings and the corporation's militaristic ways, the new guard, CBS President Arthur Taylor, was reported aghast to learn how young musicians and record people had fun. He heard, it is said, about the CBS conventions, about a famous hooker called "The Indian," a famous event called the "circus," and about the prevalence at record conventions of famous drugs and drinks. Taylor, graduate of Brown University in Renaissance history and economic history, straight into CBS from the International Paper Company, was shocked.

Somehow, despite all the rumors about "Dr. Feelgood" and Wynshaw as "house pimp" from the very beginning, CBS had managed to separate the simple money issue from the drug rumors.

No one believed the strategy was sound. Variety, without any verification of Wynshaw's or Davis' involvement in anything close to a drug store ring, tagged its first piece on the president's firing with two paragraphs relating to industry payola rumors last year. Gossip columnist Earl Wilson saw a possible government connection, writing: "President Nixon may find some consolation from one thing in show business. A reported federal look into the music business may produce some competitive headlines involving narcotics, payola, kickbacks and income tax evasions—especially the belief that heroin and cocaine has been used for payola purposes for 'sweeting up' certain top artists or their agents. Tin Pan Alley talks mysteriously of significant 'drug busts' and of a music 'Watergate.' Federal agents checked on rumors of worldwide drug smuggling that ended in midtown New York."

Not quite, but close.

From the first rumors, there was talk of a receptionist named Fran, reportedly constantly doped up at work at CBS and fired. There was talk of a Frank Campana, who'd worked at Columbia and been a friend of a man named "Pat." Later, the name "Falcone," supposedly known in Mafia circles, surfaced. These men reportedly knew Wynshaw, and one of them, it was known, had been busted along with Fran.

Finally, one week after Davis' dismissal, a February 6th bust of a "major international heroin smuggling operation" came back into light. The bust, of a reported $15 million operation centered in Montreal, involved a Francine Berger, 30, listed as the operator of a fried chicken stand. A Federal grand jury in Newark indicted eight persons in the case, busted open, reportedly, "by use of the telephone." One of the others was Pasquale Falcone, 41, also known as "Patsy" and "Pat." He had identified himself as manager of Lynn Anderson and Tommy Cash, two Nashville-based Columbia acts.

He was also described by one source as "a frequent visitor to conventions and the CBS building. On Falcone, whom sources close to the Justice Department described as "a member of the Vito Genovese family," were found papers allegedly implicating Wynshaw.

Falcone is not officially listed as manager of either Lynn Anderson or Tommy Cash. Their manager, according to the best sources, is one Frank Campana, formerly in Artists Relations at Columbia Records.

As for Francine Berger, it was learned that after she'd been fired from Columbia, she began working at the fried chicken stand.

Wynshaw, who immediately began singing to the grand jury and met with the US Attorney's Office Strike Force Against Organized Crime five times, was cleared of any involvement with the heroin ring.

Davis himself immediately hired a lawyer, Vincent Broderick, former New York City Police Commissioner, and stayed away from the press. Wynshaw, meantime, stayed public, showing up, even, at a planning committee meeting for a record business charity event, and somehow letting his testimony to the Strike Force leak. He told the investigators about Columbia spending more than $250,000 last year in payola, money to disk jockeys and music directors at black radio stations in exchange for airplay.

He and, since his first testimony, others have reportedly detailed different forms of payola, many of them well-known in the record and music business.

Columbia, Wynshaw was reported to have said, paid as much as $7000 a week to the publisher of a radio tipsheet, who in turn paid off black radio station personnel.

Another major company allegedly paid $6000 to the same tipsheet publisher—formerly employed by the originator of such publications, Bill Gavin—to mention one new R&B single in his sheet, and $3000 for a mention of a pop single.

Promotion men have allegedly been giving disk jockeys—at Top 40 as well as at FM-rock and black stations—"gifts" of drugs, as soft as marijuana, as hard as cocaine—for years, in some instances replacing the more traditional presents of prostitutes, cash, fur coats and liquor. Promo men have also, in some markets, allegedly served as marketwise dealers of low-priced drugs.

Especially with black stations, promo men have allegedly provided quantities of free albums for their own resale through their own shops or to middle-men retailers.

New forms of payola also allegedly include airline tickets—provided to DJs to use or sell at will—and company connections with travel agencies that provided a label with "bonus" tickets which executives would use—or sell.

The specific allegations of payola by way of tipsheet would appear to implicate Kal Rudman, who has openly admitted receiving money from record companies. He called them "promotional" and "consultant" fees. He had also been in attendance at a Columbia singles meeting, and had been written up in the New Yorker magazine. Last week, another allegation reported how "a promotion man spent 15 minutes talking on the telephone with the publisher about a new single. The next day, the company got a bill for $150 for the conversation."

Rudman was busy at home in Cherry Hills, New Jersey, from which he puts out both his weekly tipsheet and his "Soundtrack" column for the Hollywood Reporter. He let his wife, Lucy, speak for him, and she denied that Rudman had been contacted by any investigators in relation to the latest payola charges. Rudman himself had told us, in an earlier interview: "You cannot read the sheet and know who's paying me and who's not. I only take money when I know the record is good. If I can't deliver, then my ass is grass. It's consultation at the highest level. My field is music; I'm a music junkie; we all serve the artist."

The charges regarding Columbia and alleged payola with black radio stations are based on Columbia's recent and successful involvement with the Kenny Gamble and Leon Huff production team. Distributing Gamble and Huff's Philadelphia-International label, Columbia scored four gold singles in a year's time, accounting for almost half of Columbia's nine million-sellers last year.

Neither Gamble nor Huff could be reached for comment on the matter. But elsewhere around the industry, spokesmen reflected either studied nonchalance—an aloofness, in fact—or outright fear. Rumors of feds hitting other record companies—were reported and denied; rumors of presidents Mike Curb of MGM and Rocco Laginestra of RCA getting canned for alleged malfeasance, a la Clive Davis, were spread—and denied. At Warner Brothers, workers reported "all-day meetings" to map out strategies for possible federal investigations into account books and promotional practices. The company denied such meetings. Sources at Columbia now in the middle of talk of heavy organized crime involvement in the business, told how fellow workers, and chiefly executives, were "running scared." Those executives looking the most frightened were questioned; they issued denials. And CBS announced its own "thorough investigation" of the latest charges.

The larger story has just begun. But for Clive J. Davis, it could be the James Aubrey story all over again, the rise and the sudden fall.

Goddard Lieberson, only a few months ago, sat up on the 40th floor, away from it all, a Senior Vice President who didn't think he was doing enough, a 61-year-old figure ready to quit. At that time, thinking about the man who'd replaced him, he betrayed just a touch of envy at the power now held by Clive Davis. He nodded when he was told of how Davis was seen by others in the business. "Yeah, egocentric . . . ego trip. It's very corruptive, you know. Ah, power is corruptive."

Kitter Meade leaned back, high up in his office in the upper reaches, looking almost soft for a minute. "The sad thing," he said, "is a man of imminent promise, a good mind . . . he had nowhere to go but up. What in hell motivated him to do this?"

Clive Davis was probably no more "corrupt" than anyone else so suddenly and overwhelmingly empowered. And in a business as competitive as his, where each artist, each piece of product, each chart, each contract, and each competitor was the greatest of challenges, he mixed power and pride in each battle. And he won most of them. For a while there, Columbia was *his* label more than he was *its* president. He once said that he wouldn't handle his job any differently if he owned the company. And owning his own company may yet be Clive Davis' future. He is too strong to be counted out now. On these intermittently warm and rainy days in New York, it's not so difficult to think of silver linings.

Yes, said Nat Weiss, manager of the Mahavishnu Orchestra, "Clive had created a one-man company, with press releases being written about him, and I don't think that was the best situation.

"But listen: We're all saddened when this kind of thing happens to any human being."

[From Newsweek, June 11, 1973]

The Specter of Payola 1973

It was the biggest shock to hit the multibillion-dollar record industry since the payola scandals back in the late '50s. Suddenly, last week, CBS fired its Golden Boy, Clive Davis, president of the CBS Records Group and the No. 1 recording executive in the country. CBS also announced it was suing Davis for the return of $94,000 of company funds which he allegedly spent for unauthorized purposes—such as decorating his New York apartment, throwing his son a lavish bar mitzvah and renting a Beverly Hills summer home.

Few inside the record business believed, however, that that was the whole story. There was reason to believe a new payola scandal of national proportions was brewing, and that it might involve payoffs, drugs and money machinations throughout the recording industry.

According to the CBS suit, Davis and his vice president for artist relations, David Wynshaw—along with Columbia Records accountant Anthony Rubino—falsified invoices to pay off carpenters and caterers illegally for Davis. CBS also alleges that Wynshaw, who in his job was responsible for handing out favors and hospitality to Columbia artists, had handed out a favor to Davis as well—in the form of a cash payment of $6,500 in hundred-dollar bills. The suit further states that other "substantial sums of money" are involved. Just how much, CBS isn't saying, but a Columbia spokesman at first asserted and later denied the figure was as high as $800,000.

The 40-year-old Davis was given the authority to spend that kind of money without question because of the brilliant job he had done for CBS. Beginning as deputy counsel for Columbia Records in 1960, Brooklyn-born Davis, who had worked his way through Harvard Law School, was made president of Columbia Records in 1967 and the Records Group division president in 1971. During that time he assembled the most impressive roster of talent of any record company today, spanning rock, country, classical, show tunes and rhythm and blues. He signed such names as Janis Joplin, Santana, Blood Sweat and Tears, and moved rock from 15 per cent of Columbia Records' volume to over 50 per cent. Under his tutelage the CBS Records Group cornered 22 per cent of the record market, grossing $340 million in sales last year. For his efforts Davis was made a director of the corporation, and earned in salary and benefits more than $350,000 in 1972.

Expenses: Columbia's dismissal of Davis was not taken at face value by everyone in the business. Was CBS really prepared, they asked, to fire their top moneymaking executive, a man who had been touted for the CBS presidency itself, because of $94,000 in suspect expenses? Would Davis risk his career for such relatively small potatoes? Why did CBS fire him so precipitously (he was hauled before the directors to be told the news and upon his return to his office all his belongings were rated, ready to be cleared away)? "Davis was too big to fire that quickly for what they said they fired him for," says a longtime record executive. Insiders argued that house rentals and bar mitzvahs are legitimate expenses in an industry where lavish entertaining is an everyday part of doing business. "This happens all the time," says one record-company official, "and most of the time they just say 'give the money back'."

Many music insiders are convinced Davis was the victim of a power struggle. There was speculation that both his success and his methods irritated new CBS president Arthur Taylor. And not every Davis deal was a bonanza—for example, he has been criticized for signing composer-singer Neil Diamond to a five-year, $4 million contract which has yet to pay off. Davis made all decisions about signing artists himself, and some saw this and the personal publicity he received as arrogance. "Clive was sometimes arrogant," says Jack Holzman, president of Elektra Records, "but I'm not sure that wasn't the best way to be in dealing with a major monolith like CBS."

Neither CBS nor anyone else was accusing Davis or Wynshaw of involvement with payola. But the industry buzzed last week with new talk about that old bugaboo. "Hospitality in the rock world dictates you provide dope, and the dope of the day recently has been cocaine," says rock writer Albert Goldman. "Most of these people can't get it together for a recording session or a party without it." There have been rumors as well that drugs, specifically cocaine, have been used by some companies to pay off disk jockeys for playing their records.

Goddard Lieberson, the CBS corporate vice president who was moved in to replace Davis as president of the CBS Records Group, instantly made a strong statement on the subject of drugs. "I emphatically deny any drug involvement," he said. Many record-business people were skeptical of Columbia's claim to be clean. "In the advertising world, it's Martinis," said one record producer. "In the music world, it's cocaine."

Indeed, clean is not necessarily spotless. Newsweek has learned that both Davis and Wynshaw have been called to testify before a grand jury that is presently investigating whether there is widespread payola involving cash and drugs in the recording industry. The probe has already revealed that substantial amounts of cash are passed, on a weekly basis, to outside tipsters who in turn pay off disk jockeys. The results of the probe could shake the recording industry as much as the last payola scandals did in the '50s.

"Ten years ago," said one male superstar, "the disk jockeys were into chicks and free vacations. Now it's grass, hash and coke." Payola takes other forms as well, according to Newsweek sources. Lavish press parties, hookers and booze are still a part of it, so are kickbacks from travel agencies and hotels where record-industry conventions are held. Thousands of free record albums may go to some disk jockeys who own record shops on the side—a practice particularly prevalent at black rhythm-and-blues stations where salaries are low. These Deejays in turn plug the albums on the air. In San Francisco, there is a reputed "suit shop" where disk jockeys order as many as five suits at a time and record companies will pick up the tab. In more subtle forms of payola, say Newsweek's sources, some record companies are now even buying "air time" at big record stores, paying to have their albums played while customers browse through the racks.

Ironically, the firings of both Davis and Wynshaw were triggered by an accident. As director of artist relations, Wynshaw dealt with virtually all of Columbia's artists and their managers. One of these was a man named Pasqual Falcone, who managed, among others, country singers Lynn Anderson and Tommy Cash, both Columbia recording artists. Last February Falcone was indicted with seven others by a Federal grand jury on 26 counts of "violation of Federal narcotics laws and conspiring to import and distribute heroin in the U.S."

In the course of its investigation of Falcone, the FBI ran across Wynshaw's name. (Wynshaw subsequently testified before the grand jury investigating Falcone and was cleared of any illegal involvement with him.) When the FBI passed Wynshaw's name to CBS higher-ups, CBS immediately fired Wynshaw and padlocked his office, and while CBS audited Wynshaw's books, the FBI scoured the files. CBS said its investigation turned up false invoices and other papers which led to the firing of Davis.

Renovations: Neither Davis nor Wynshaw was available for comment. Newsweek learned that Davis had been scheduled to testify last week before the grand jury, but that a postponement of his appearance had been obtained by his attorney, former New York City Police Commissioner Vincent L. Broderick. It seemed unlikely that the grand jury wanted to discuss bar mitzvahs or apartment renovations with Davis. All of which led to speculation that other things were brewing. "CBS doesn't sue a Clive Davis just for $90,000," said an official at Atlantic Records. "They're trying to get out of something fast."

When rumors arose last year that drugs were being used as payola, Stanley Gortikov, president of the Record Industry Association of America, issued a stern warning. "These reports, if true," he said, "mirror a reprehensible condition for all of us both commercially and morally." Some record executives think the business is due for a housecleaning. "I think it's time it happened," says an executive at A and M Records. "The record industry is in the process of becoming as excessive and fat as the picture business was in the '50s. If this thing shakes up the industry and changes it for the better, then that's terrific." A music-business attorney summed it up another way: "I think you're going to see an awful lot of record-promotion guys walking around with coats, ties and briefcases from now on."

[From Newsweek, June 18, 1973]

The Music Goes Round

The multibillion-dollar recording industry has braced itself for a major payola investigation by the Federal government in the wage of CBS's abrupt firing of Columbia Records Group president Clive Davis for alleged misuse of company funds. Newsweek revealed last week that Davis and two other Columbia Record employees had been called to testify before a Newark Federal grand jury about cash payoffs, money machinations and record business. The investigation is certain to be widened to include virtually the whole industry. "Subpoenas will be going out like a blizzard for the next few months," says a source close to the investigation. "It's going to result in a mess of indictments."

The investigation is being handled by the U.S. attorney's office in Newark through the Federal Strike Force Against Organized Crime. Although John Goldstein of the Newark U.S. attorney's office refused to comment on the inquiry, Richard Crane, attorney in charge of the Los Angeles Strike Force, admitted that "it's very possible we'll be in on this."

Predictably, record companies are panicky. Warner Brothers Records in Los Angeles called in its promotion people from around the country for a two-day meeting last week that included talk about new records and old expense accounts. Atlantic Records in New York sent out a memo instructing employees not to talk to the press. At Capitol Records in Los Angeles verbal orders went out to "check expense accounts and clean them up." Employees at two other record companies were convinced their phones were being monitored. "Right now," says one record-company official, "everyone who has ever had a dope budget for artists and deejays is desperately trying to juggle the books." But drugs, though prevalent in an industry that considers them a part of its life-style, have not yet figured greatly in the government's payola investigation.

Since last April, David Wynshaw and Anthony Rubino, former officials at Columbia Records discharged along with Davis, have been meeting weekly with members of the Newark Strike Force, including representatives of the Post Office and the Internal Revenue Service. Sources close to the investigations say that Wynshaw and Rubino have made a number of allegations: that Columbia Records paid an outside tipster and independent record producers as much as $6,000 a week to funnel money to disc jockeys in the largely black rhythm-and-blues market; that a corporate slush fund for Columbia executives was largely misappropriated into the executives' pockets; that bills for the construction of Columbia-owned record-discount stores were deliberately inflated to cover the cost of apartment renovations and home building for a number of high Columbia and CBS officials. The misuse of funds, say the sources, might run to several million dollars a year.

CBS maintains it has no evidence of wrongdoing other than in connection with the firing of Davis, Wynshaw and Rubino. But just to make sure, CBS last week launched its own investigation "to ascertain whether there is any factual basis for the allegations which have been reported."

Meanwhile, the record industry was buzzing with rumors that the outside tipster named by Wynshaw and Rubino could be Kal Rudman, a highly influential tip-sheet publisher who runs his own "consulting firm" to promote hit records. Rudman is retained by most of the record companies to promote their singles, but won't reveal how much he's paid for his services and denies any involvement with payola. "I swear on the body of my only son I am clean," says the flamboyant Rudman. But sources insist that at least one tipster is a key figure in a chain through which money is passed from record companies to disc jockeys via independent promotion men.

GRAMS

Insiders also claim investigators will be taking a look at the complex pricing structures of record companies—selling albums to favored distributors at lower prices (a possible violation of the Robinson-Patman Act), as well as the use of drugs in the industry. Newsweek learned that in Los Angeles, for example, one record company promotion man spends $2,400 a week to buy two ounces of cocaine that he cuts into grams and sells to other record-company promotion people. Deals for the drugs are made at a record-industry hangout, a popular Italian restaurant. The coke buyers then turn in expense accounts for the purchase in the form of receipts from an instrument-rental store. Two grams of cocaine translate, for expense account purposes, to "one bass guitar rental, $100."

On the subject of payola, reactions last week from disc jockeys were mixed. Many insisted that payola had died with the 1950's scandals. "I can't get a record on the playlist," says Chicago deejay Larry Lujack. "Eight people in the music department decide that." But a Los Angeles disc jockey insisted that where there's a need there's a way, and "I'd have to say there's almost a need for payola." Another L.A. deejay would not admit there was payola, but added: "I'm trying to sound as naïve as possible. I've got to." In any case, a hot spotlight has been turned on. "This thing is like Watergate," says an investigator in Washington. "Every time we look a little further, we find something else."

[From the New York Times, June 7, 1973]

Organized Crime Linked to Payola

(By Grace Lichtenstein)

Federal investigators in Newark believe that their inquiry on payola at Columbia Records has uncovered a "clear involvement" of organized crime in some segments of the record industry, according to sources close to the case.

The investigation began when the indictment of a talent manager on heroin-traffickink charges last February led Federal agents to an official of Columbia who has since been dismissed. It has heard testimony that some payoffs from record companies took the form of shipments of large quantities of free records to black radio stations, whose employees then sold them to record stores, the sources said.

The investigators have also been told that record promotion men routinely concealed payoffs in cash—and in some cases, drugs—by turning in falsified expense accounts, the sources said.

According to the sources, the investigation is being coordinated through the office of Herbet J. Stern, the United States attorney for New Jersey, with the assistance of the Federal Strike Force Against Organized Crime in Newark. Mr. Stern's office declined to comment on the case.

HOGAN ENTERS CASE

Meanwhile, it was also learned that the office of Frank S. Hogan, the Manhattan District Attorney, was also looking into the case and was "in touch" with Mr. Stern's office.

As news about the investigations spread yesterday, the Columbia Broadcasting System issued a statement saying it had begun its own "thorough investigation."

"We have no evidence whatever of wrongdoing other than in connection with the discharge of three Columbia Records employes, announced last week for improper use of company funds," the statement said.

"However," it continued, "in light of current rumors concerning other irregularities, C.B.S. has initiated a thorough investigation which is being conducted by the law firm of Cravath, Swaine & Moore to ascertain whether there is any factual basis for the allegations . . . If any irregularities are indeed discovered, action will be taken immediately and the facts reported to the proper authorities."

Federal investigators were said to be looking into the activities of some talent agents and record distribution companies as well as record executives.

Last February, a man identified as the silent partner in the management of some recording artists, Pasquale Falcone, was indicted in Newark with seven other persons, including a former Columbia Records receptionist, on conspiracy and smuggling charges allegedly connected with a multimillion dollar international heroin ring.

A reference in Mr. Falcone's papers led Federal agents in Newark to David Wynshaw, the director for artist relations at Columbia. Mr. Wynshaw was dismissed in April by Columbia and sources close to the case say he has been telling the Justice Department what he knows about payola ever since.

An internal investigation by Columbia Records, led to the dismissal last week of Mr. Davis. The company said it had found evidence that he had used $94,000 in company funds to refurbish a house and throw a bar mitzvah. A civil suit by Columbia against Mr. Davis named Mr. Wynshaw as an accomplice.

Just how some Columbia Records employes might have arranged some payola was detailed yesterday by a former aide to Mr. Wynshaw, who asked not to be identified for fear of reprisals.

Pop Music Inquiry Broadened by United States

(By Grace Lichtenstein)

The Justice Department has intensified its investigation of Columbia Records and its subsidiaries and is now poring over "carloads" of expense vouchers, personnel records, financial and legal documents of the record label and its subsidiaries, sources close to the case said yesterday.

The record company was said to be at the center of the Federal investigation of alleged payola and organized-crime involvement in pop music, which came to light after the Columbia Broadcasting System dismissed Clive J. Davis as president of CBS Records Group on May 29 and sued him for alleged misuse of company funds.

Sources close to the company said yesterday that C.B.S. was also widening its own internal investigation, with the law firm of Cravath, Swain & Moore, the accounting firm of Lybrand, Ross Brothers & Montgomery and private detectives all reviewing corporate documents and interviewing company employes.

While cooperating fully with multiple investigations by the Justice Department, the Federal Communications Commission and the Internal Revenue Service, the sources said, C.B.S. is also said to be making plans to file additional suits against two other dismissed executives, David Wynshaw and Anthony Rubino.

In addition, according to the sources, the company is pushing for criminal prosecution of the dismissal of officials on charges of embezzlement.

In its original suit against Mr. Davis, the company charged that the dismissed president had "improperly obtained or received other substantial sums" of company money in addition to the $94,000 specifically mentioned. Corporate spokesmen have repeatedly called attention to those words when questioned about the seriousness of the allegations against Mr. Davis.

Neither Mr. Davis, Mr. Wynshaw nor Mr. Rubino could be reached yesterday for comment. A lawyer for Mr. Wynshaw said his client had not been sued as of yesterday.

RUMORS CALLED UNTRUE

Top executives of C.B.S. are known to be indignant over rumors that the company tried to cover up a major drug scandal by dismissing Mr. Davis. Instead, the sources said, their internal investigation is seeking to determine whether anyone in their employ might have worked with Pasquale Falcone, an indicted heroin trafficker, to divert funds from C.B.S. through the use of invoices submitted by "dummy" travel companies and other service firms.

Employes of Columbia Records have told friends that no expense account vouchers have been paid since the internal investigation began two weeks ago. Executives have been informed that the company will not hesitate to break off business relationships with any agents, managers or promoters linked to questionable enterprises.

In a memorandum dated June 11, Goddard Lieberson, who replaced Mr. Davis as president of the CBS Records Group, assured employes: "This is not a witch hunt. It is for the protection and reputation of all of us."

DISMAY OVER DRUGS

The memo also told employes that the company was doing everything it could to root out any unethical or illegal practices its investigators might find. Although the note said nothing about drugs, corporate officials were said to be dismayed at finding out the extent of the use of drugs by some pop music performers and their associates.

It was a drug investigation that originally led the Justice Department to allegations of payola in the record industry last spring.

Mr. Falcone, a talent manager known as a frequent visitor to the C.B.S. building on 52d Street and a companion of Mr. Wynshaw's, was indicted in Newark in February on charges of having played the central role in a conspiracy to import at least five kilograms of heroin from Canada.

Mr. Wynshaw was discharged as Columbia's director of artist relations in April. When questioned by Federal investigators about his involvement with Mr. Falcone, Mr. Wynshaw began telling what he knew about alleged payola by Columbia, which he said amounted to $250,000 a year.

C.B.S. has reportedly denied allegations that it paid off some black disc jockeys and others to insure maximum radio air play of some of its records by black artists.

Meanwhile, sources within C.B.S. reported that a C.B.S. network television news team had been assigned yesterday to begin an investigative report on payola.

CBS and the Drugola Scandal

(By William Safire)

Has the agony of Watergate taught us nothing about how to handle scandal?

The Columbia Broadcasting System, a corporation active in many businesses, earned $82 million last year. Its fastest-growing profit center, which accounts for nearly 30 percent of its earnings, is the division that produces CBS records and tapes.

CBS is by far the largest producer of records and tapes in the youth-dominated music world, an industry that takes in revenues of $2 billion a year—more than all professional sports and the entire film industry combined.

Grand juries and district attorneys are now trying to find out if the music industry is shot through with a higher dollar volume of venality and corruption than has ever been seen in American business history.

The corporate corruption being investigated includes the old-fashioned payola—bribery to disc jockeys by record companies—with a new, ethnic wrinkle: one CBS records executive has reportedly told a grand jury that $250,000 in cash has been slipped to disc jockeys who direct their programming to black audiences.

But the return of payola, even on an unprecedented scale, is not the whole story; Federal investigators are looking into the use of hard drugs—cocaine and heroin—by the businessmen of music to bribe their distribution outlets, or to entertain their entertainers.

The Federal Bureau of Narcotics and Dangerous Drugs unearthed the first lead while investigating Pasquale Falcone, a reputed New Jersey mobster, indicted on drug charges Feb. 7. He turned out to be sharing an office with a former promotion man at Columbia Records, whose papers led to David Wynshaw, until recently director of artist relations at CBS Records Groups.

Since that time, at least three official investigations have been launched into the use of cocaine and other drugs as a new form of payola in the music business, along with Mafia infiltration of the music industry's distribution system.

Beginning what may be the second most massive cover-up of the last 12 months, CBS fired its records division president, Clive Davis, charging him in a curious lawsuit with the music world's equivalent of spitting on the sidewalk; bilking the company of $94,000 in phony expenses.

The cancer in the music business is not in padded expense accounts, and the panic-stricken men who head CBS today know it; the cancer is what killed singers Janis Joplin and Jim Hendrix—the new currency of the record industry, hard drugs.

What action has CBS taken so far? To build a defense against stcokholder lawsuits, it has fired and sued Davis; to give the appearance of self-investigation, it has asked its regular law firm—Cravath, Swaine & Moore—to poke around, but the presiding partner of the law firm is Rosewell Gilpatric, who also happens to be one of the best and the brightest members of the board of directors of CBS.

The men at Black Rock (as the dark granite structure that houses CBS headquarters is affectionately called) could not be more dunderheaded. Instead of building legal barricades and bringing in "old faces" to run CBS Records, CBS chairman and chief executive officer William Paley should turn to the men at CBS best equipped to ferret out facts and expose scandal.

I'd like to hear Dan Rather cross-examine an official of the Bureau of Narcotics and Dangerous Drugs about what is known so far, and to watch Dan Schorr on the steps of the courthouse in Newark reporting the latest leaks from the grand jury room on the penetration of the record industry by Mafia drug peddlers.

A great many Americans would gain confidence in our system if they were to hear Walter Cronkite narrate a hard-hitting documentary—"the selling of rock music"—which would pull no punches about the involvement of smoothfaced, Madison Avenue executives in the illegal passage of cash.

Columbia Payola Put at $250,000

(By Grace Lichtenstein)

The recently dismissed director for artist relations of Columbia Records has told investigators for the Federal Strike Force Against Organized Crime in Newark that Columbia spent more than $250,000 a year on payola to black radio stations, a source close to the investigation said yesterday.

The former official, David Wynshaw, was dismissed April 10. His ouster has been closely linked to the furor that has wracked the industry since the dismissal last week of Clive J. Davis as president of Columbia. Mr. Davis was charged with illegally spending almost $94,000 in corporate funds, most of which was said to have been used for improvements on his apartment here.

In a civil suit filed against Mr. Davis, the Columbia Broadcasting System charged that Mr. Wynshaw was a accomplice of Mr. Davis in the misuse of thousands of dollars in Columbia's funds. Since his ouster, according to the sources, Mr. Wynshaw has been telling Federal investigators everything he knows about payola—the term used for payoffs to radio station officials made in return for broadcasting records.

His story implicates some of the most important names in the industry, including a publisher of a record tip sheet, several black record producers and several Columbia promotion men, all of whom allegedly were the conduits for the payoffs to black disk jockeys and station officials.

CBS DENIES KNOWLEDGE

A spokesman for the Columbia Broadcasting System, told of Mr. Wynshaw's allegations, said: "We don't know anything about it and don't think it's true. We have no knowledge of any such activities and no evidence that they transpired."

A Columbia Records spokesman added that Mr. Wynshaw's job had nothing to do with promotion activities at the company, "so he is not a knowledgeable witness."

Officials of the Federal Strike Force, which reportedly is interested in the payola allegations for possible violations of tax and mail fraud statutes, declined to comment on the investigation.

The sources said Mr. Wynshaw has told of a budget of at least $250,000 a year concealed within Columbia's promotion budget for payola to push records by its recently assembled group of black artists.

Mr. Wynshaw said, according to those sources, that weekly checks for as much as $7,000 had been turned over to a tip-sheet publisher, whose newsletter is supposed to keep industry subscribers informed on each week's "hot" records. The tip-sheet publisher then doled out payoffs to black radio station personnel in major cities, Mr. Wynshaw was reported to have said.

DOUBT IS VOICED

Other payoffs were made through promotion men, whose job it is to plug records at radio stations, and through record producers, Mr. Wynshaw was quoted as saying.

Several black disk jockeys interviewed yesterday expressed considerable doubt about the accuracy of Mr. Wynshaw's allegations.

The disk jockeys, who asked to remain anonymous, said they had found it hard to believe that payola to their colleagues was still possible because of the changes in radio station operations that had been affected after the payola scandals of the late 1950's.

According to the disk jockeys, they do not make up their own playlists and thus do not control what is heard on the air. Furthermore, they added, station managers keep a close watch on their activities.

Rumors about a possible payola-and-drug scandal have been brewing in the record industry ever since Mr. Davis, one of the most powerful men in the business, was dismissed.

However, an associate of Mr. Wynshaw said yesterday that although Mr. Wynshaw's name had originally been brought to the attention of Federal authorities when they were investigating Pasquale Falcone, an industry manager indicted in February on heroin trafficking charges, Mr. Wynshaw himself had no connection with drugs or the use of them as a form of payola.

Nevertheless, it is known that just prior to his dismissal from Columbia, Mr. Wynshaw appeared before a Federal grand jury in Newark investigating drug trafficking, Mr. Davis was said to have been scheduled to appear last week before his appearance was adjourned.

Mr. Wynshaw was quoted as saying yesterday that the payola had begun at Columbia about two years ago, just about the time the company began to become more deeply involved in the "custom label," or black music, market.

COLUMBIA ACQUISITIONS

In February, 1971, Columbia announced a deal to do the distribution for Philadelphia International Records, an outfit run by Leon Huff and Kenny Gamble, two of the country's leading black producers. Columbia also acquired distribution of Stax Records, a Memphis-based company considered among the most important soul and gospel labels.

While the record industry has not been shaken by a payola scandal since the late nineteen fifties', the lavish spending of music companies on promotional activities has been no secret for years, especially in the pop and rock field.

Companies routinely spend thousands of dollars on press parties for rock groups. Thousands of promotional copies of new albums are mailed free to disk jockeys, critics, newspaper and magazine reporters and record industry colleagues. It is well known and accepted that the recipients often sell the albums they don't keep to record stores.

Mob-Linked Conduits Get Subpenas in Payola Case

(By Grace Lichtenstein)

A Federal grand jury in Newark has subpoenaed officers of "nonexistent" trucking companies, limousine services, airline ticket agencies and other concerns that allegedly were links for payoffs from record companies to Mafia figures, sources close to the case said yesterday.

The grand jury, which is investigating payola and organized crime in the record business, believes the fictitious companies, controlled by mob figures, may have submitted false invoices, that the record companies then wrote off as legitimate expenses, the sources said.

The grand jury was supposed to hear testimony yesterday from Clive J. Davis, the deposed president of Columbia Records. But it was understood that Mr. Davis, who showed up at the United States Court House in Newark just as the jurors were taking their lunch break, did not make an appearance. Instead, he met informally with Federal investigators.

U.S. OFFICIALS SILENT

Both Jonathan Goldstein, assistant United States attorney for the New Jersey region, and Liam Coonan, assistant attorney in charge of the Federal Strike Force Against Organized Crime refused to discuss any aspects of the case.

However, from other sources it was learned that Federal authorities were looking into organized crime infiltration of the talent-agent business. Pasquale Falcone, a talent agent who was indicted in February in Newark on heroin trafficking charges, was described yesterday by sources close to the Justice Department as a member of the Mafia family of the late Vito Genovese.

It was Mr. Falcone's indictment that led Federal investigators to David Wynshaw, an official of Columbia Records who began talking about corruption in the record business after being dismissed by Columbia in April.

Meanwhile, a picture of a variety of current payola techniques—involving airline tickets, secret royalty percentages, payoffs to a tip sheet and the purchase of advertising space in trade publications—emerged yesterday in interviews with sources within the industry.

One major way of "breaking," or getting heavy radio exposure, for single 45 rpm records, according to the sources, was to pay off a publisher of an industry tip sheet. In return, the publisher would give favorable mention to the record in the tip sheet, which is used by some radio stations as a guide to what records to add to their regular playing list.

In recent months, one source said, a major record company paid the tip sheet a flat $6,000 to mention one new rhythm and blues single and $3,000 to mention a new middle-of-the road pop single.

In another case, a company promotion man spent 15 minutes talking on the telephone to the publisher about a new jingle. The next day, the company got a bill for $150 for the conversation, the sources said.

One well-known form of payola, according to the sources is expensive airline tickets that company promotion can buy with company funds and put on their expense accounts. Instead of using them, the sources said, they give the tickets to disk jockeys, who cash them in.

The sources added that a variation on the airline ticket theme was for some managers of artists, as well as promotion men, to submit bills to record companies from limousine rental companies, florists, sound engineers, advertising and promotion firms that exist only on paper. The dummy companies have performed no actual services and are in fact conduits for payoffs to managers, agents and others.

ARTISTS MAKE PAYOFFS

The sources also told of how some high record company executives exacted secret personal payoffs from artists as the price for signing those artists to contracts on their labels.

Pop-music performers often write their own songs, and thus receive performance royalties for each air play of those songs. A performer either signs a contract with a large publishing house, which takes half of those performance royalties, or the artist sets up his own publishing company and collects the entire royalties. With a hit single record or album, performance royalties can amount to substantial sums.

The sources said some record company executives had set up their own publishing companies through intermediaries. They then forced artists to çut their publishing company in on all royalties.

On just one hit single, followed by an album, an executive who secretly owns 10 percent of such royalties can make up to $10,000, according to the sources.

The source also reported that last month an executive of a leading music trade publication told some record company officials at a formal meeting that the amount of advertising space the company bought in the publication would play a role in how high the company's records climbed on the publication's best-seller charts.

DISK JOCKEYS INVOLVED

Payola to some disk jockeys often involved record stores as well, the sources said.

They explained that promotion men would give a disk jockey, say, 1,000 free records in return for a promise to broadcast certain new singles. The disk jockey in turn would sell the albums to a record store for $2 each, giving him a $2,000 payoff.

The store would then tell its record distributor it had 1,000 surplus records, which it would then exchange for better-selling records he could sell at the regular retail price of $4.95 or $5.95.

The practice was said to be in force mainly among disk jockeys for radio stations whose music is aimed at the black community. Most of those stations are white-owned. Their disk jockeys, most of whom are black, traditionally are paid far less than their white counterparts at rock, "Top 40" and middle-of-the road music stations.

Several black disk jockeys who were interviewed expressed doubt about the allegations of widespread payola.

[From the Wall Street Journal, June 19, 1973]

Oiling the Wheels—Is It Just Business as Usual in Record Industry, or Do New Probes Reveal Crime at High Levels?

(By Jonathan Kwitny)

By any gauge of ethical punctiliousness, the music-recording industry probably never could measure up to, say the Boy Scouts of America or the Presbyterian Church. But in recent weeks, oft-told tales of manipulation and payola have taken more sinister turns. Rumors and vague charges of mob infiltration, payoffs in sex and drugs and outright fraud have shaken the industry's executive ranks.

The fuss started quite by accident. The Federal Bureau of Narcotics and Dangerous Drugs was tapping the telephone of a reputed New Jersey mobster named Pasquale (Patsy) Falcone last winter, gathering evidence for a later indictment on drug charges. Mr. Falcone, it turned out, shared an office, a secretary and some talent-management work with Frank Campana, who until 18 months ago was manager of artist relations at the Columbia Records unit of the Columbia Broadcasting System. Among the Columbia recording artists managed from the Campana-Falcone office were Tommy Cash (brother of Johnny Cash), country-

and-western singer Lynn Anderson and O.C. Smith ("God didn't make little green apples . . ."), though at least some of the entertainers who have done business with Mr. Campana say they were unaware of Mr. Falcone's connection with the office.

The Feds then found, among Mr. Falcone's papers, the name of David Wynshaw, Columbia's director of artist relations and a close personal aide of Columbia Records president Clive Davis. Subsequently, Mr. Wynshaw and Mr. Davis were fired—the latter, allegedly, for running up big personal expenses and then arranging for Columbia to pay the bills. But few in the industry are convinced that that was the major reason the ax fell on Mr. Davis, who earned salary and benefits worth more than $350,000 last year. Mr. Davis appears to have stretched his expense account little further than some other industry executives, and even his son's lavish bar mitzvah, which he charged to Columbia, appears to have been used for business entertaining.

CASH AND TENDER LOVING CARE

More likely, industry sources say, Columbia fired and sued Mr. Davis to detach itself from current and coming federal grand-jury investigations into the use of drugs and payola to promote business in the record industry—though no one has accused Mr. Davis of any wrongdoing.

What the federal investigators are hearing are new variations on an old theme in the industry, payoffs to people who can influence record sales. Success in the $2 billion-a-year record business is partly a matter of creating superstars out of a few unknowns through shrewd marketing: partly a matter of convincing recognized performers, and their managers and agents, that they ought to cut records with your label rather than some other company's and partly in getting your records played.

Money and promotional clout aren't the only important factors in some of this, Compatability between performers and recording executives is important, too. Sometimes, the kind of musicians who have dominated pop music recently prefer marijuana and cocaine at their parties instead of Scotch and bourbon.

Hardly anyone in the record or radio business is surprised by disclosures thus far. "There ain't no scandal," says Norman Rubin, national promotion manager at United Artists. "It (payola) has been going on as long as there's been a (record) industry, and it's no different from any other industry." Jerry Boulding, a program consultant to black-oriented stations in Washington, Chicago, and Milwaukee, freely admits that program directors and disc jockeys at many stations take payola to put certain records on the air.

"FIVE OR SIX TIMES A YEAR"

He does, however, scoff at recent reports that Columbia Records earmarked $250,000 a year for payoffs to black radio-station employees. "It's a maximum of $50,000 a year for the Columbia group that gets into the hands of blacks," he insists. "And all the rest of the companies together (pay) maybe another $50,000." Bribing a poorly paid disc jockey isn't so expensive, Mr. Boulding says. "A thousand dollars will get you (your record played on some shows in) Chicago. Three hundred dollars will get you Cleveland." But, he says, "not every station will take it." Moreover, he says, "It only happens five or six times a year (per station). When you have a hit, you don't have to pay anybody."

"I've seen stuff pass before my eyes—cocaine is one thing," says Chris Van Ness, a rock music critic for the "underground" paper the Los Angeles Free Press. Explaining how promoters from major record companies bribe radio personnel, he adds, "There are also parties with women. Money. Clothes. I would say drugs are 80% of it. I think it has been there ever since the record industry's been there."

Mr. Wynshaw's job at Columbia, according to industry sources, was to help keep influential persons happy—among them artists, managers, agents and radio men. Just how he did this is the subject of gossip, and Mr. Wynshaw generally appears to have kept his trade secrets to himself. "Wynshaw was pretty much a loner," says a colleague at Columbia. "He worked in his office, the door closed, often locked. He carried a gun all the time. He was considered Clive's man. I don't remember him interacting with other people."

Mr. Wynshaw declines to comment on the investigation or on what people are saying about him, but his lawyer confirms that the former Columbia executive carried a gun because he carried large amounts of cash. The lawyer, however, stoutly denies that Mr. Wynshaw was a loner at CBS. "He was one of the most popular guys over there," the lawyer says. "It was partly because of his very gregarious personality, but partly because of the largesse he had to pass around. If you wanted to go to the Copa and get a front table, he was the guy who could get it for you. If you wanted to go to the Giant football game and it was all sold out, he was the guy who could get you tickets."

"THE MORTGAGE MADE ME DO IT"

Though Mr. Wynshaw won't discuss the current investigation with reporters, he is understood to have talked to federal attorneys. Besides alleging the $250,000 payola budget at Columbia, Mr. Wynshaw is understood to have said that Columbia was paying $7,000 a week to Kal Rudman, publisher of a weekly "tipsheet" that advises radio men of what songs are popular around the country. Mr. Rudman allegedly relayed the money to radio-station staffers in return for their playing Columbia records on the air. Mr. Rudman has been subpoenaed to appear before a federal grand jury in Newark, N.J.

In a story in this newspaper two years ago, Mr. Rudman said that he took large "promotional fees" from many record companies whose products he plugs in his tipsheet. Radio executives knew this, but said they relied on his information anyway because the records he touted usually became hits. Last week, Mr. Rudman's public-relations man said that Mr. Rudman had received $7,000 payments from Columbia, though less often than once a week. Mr. Rudman, however, says he didn't relay any money to radio people, and his PR man says much of the money went to pay a network of six to 10 promotion men who occasionally work for Mr. Rudman, visiting radio stations to plug records.

Other friends of Mr. Rudman also back up his denial that he paid radio men. "I'm sure that if Kal gets any money he doesn't hand it out to anybody else," Mr. Boulding says. Another source indicates that record companies don't necessarily need intermediaries to distribute payola. John (Jack) Gibson, a former disc jockey on black stations who now lives in the Orlando, Fla., area, says, "I was one of the biggest payola operators in the country. I took plenty of bread from about 10 different record companies. I played their records as long as they kept sending me money. I did it because I had to raise a family and pay a mortgage on a salary of $75 a week." Mr. Gibson got out of disc jockey work about 10 years ago and has been working for record companies most of the time since then.

Black-oriented stations, with generally smaller budgets, are easier targets for payola; after a scandal in the late 1950s, many stations deprived disc jockeys of the power to choose the records they played on the air and appointed a nonbroadcasting music director, answerable to a program director, to compile a weekly "paylist" of records. But the black-oriented stations often don't have off-the-air music directors.

As straight cash payoffs have become less fruitful, the record industry has tried other ways to push records. Capitol Records, for example, once sent free copies of a record called "Resurrection Shuffle," by Ashton Gardner and Dyke, to certain stores whose sales influence the playlists of key radio stations. These stations, in turn, report their decisions to tip sheet publishers and thus influence playlists and record sales all over the country. The Capitol plan was thwarted when one tipsheet publisher, Bill Gavin of San Francisco, protested it in his publication. "Gavin is an incredibly honest man," a program director in Pittsburgh remarked at the time. "I wonder what he's doing in this business."

Frankie Crocker, program director and disc jockey for New York's black-oriented WBLS recently got his first two movie parts after five years of acting study. The films are made by Warner Brothers and United Artists, both of which also make records that Mr. Crocker plays on the air. But he says that he got the roles "on my own, because I'm a good actor," and that he never discussed the movie job with Warner or United Artists record executives.

As for mob infiltration in the record industry, some operations appear to have been Mafia-tinged for years. For example, Mafiosa Thomas (Tommy Ryan) Eboli, gunned down on a Brooklyn street last July, was associated with a firm called Promo Record Distributors. That firm is owned by Morris Levy, president of Roulette Records in whose corporate headquarters Mr. Eboli was seen from time to time. Promo distributes records for Roulette and other companies.

Fear of new disclosures weighs heavily on record executives, and some of them are keeping a low profile. Industry gossip has it that two major firms—MGM Records and RCA, had decided to fire key executives 2 weeks ago because of disappointing sales but postponed action to avoid any implication it was connected with the current scandal. Both MGM and RCA flatly deny they intended to fire the men.

A few years ago, before Mike Curb took over as president, several MGM executives were caught taking payoffs from record distributors, in exchange for which the distributors got free records under the guise of "promotional copies" and got irregularly large credits for the return of old, unused records. Two MGM executives pleaded guilty to income-tax evasion in the case.

One MGM executive prosecuted was Frank Mancini, sentenced last July to two years on probation and fined $3,000. Mr. Mancini now is vice president in charge of promotion for RCA Records. "I don't think it's at all pertinent," Herb Helman, a public-relations man for RCA, says of Mr. Mancini's conviction. "Everybody gets rehabilitated."

EXECUTIVE'S APARTMENTS REMODELED

The record business is rife with what, in other fields, would be considered conflicts of interest. For example, Bob Gibson and Gary Stromberg, who run a prominent West Coast public-relations firm representing record artists, bought a Los Angeles restaurant in partnership with executives from five record companies—Warner Brothers, ABC-Dunhill, Ode, Neighborhood and Columbia—whose artists are Gibson-Stromberg clients. Promotion parties have taken place at the restaurant, the Rainbow.

The cost of promotion parties often is charged against artists' royalty accounts by record companies. The record companies, moreover, are in a position to influence an artist's choice of public-relations agent, while the PR agent—theoretically representing only his client's interest—must depend on the record companies for prompt payment of his fees.

But all this is accepted practice in the business and so were Mr. Davis' activities at Columbia. A CBS suit against him cites the remodeling of his New York apartment, for example, which was allegedly paid for by the company. But William Brown, a former salaried CBS design consultant who now has his own firm, says he did similar work for "almost every executive there—90% of them"—and sent the bills to CBS. He says he was told the company would then bill the executives for the personal work, but he doesn't know whether that actually happened.

EVERYBODY HOPES CLIVE FORMS HIS OWN COMPANY

Though Clive Davis was fired from Columbia Records, allegedly for lavish personal spending at company expense, his reputation in the record industry remains intact.

"Everybody hopes Clive comes back within six months, and forms his own record company," a prominent talent manager says.

"They'd all go with him. I hear every manager, artist, producer, agent in the street saying they hope he does it. There's no stigma at all. They all respect him and know what he can do."

[From the New York Times, June 8, 1973]

WITNESS DETAILS WORKINGS OF THE RECORDING INDUSTRY

(By Fred Ferretti)

The former Columbia Records executive who has been cooperating with Federal authorities in their investigation of payola and narcotics traffic in the recording industry detailed yesterday the events that led to his appearance before a Federal grand jury, and his decision to tell the Federal Strike Force Against Organized Crime in Newark "anything and everything I know about the record business."

In an interview in his lawyer's office on Park Avenue, David Wynshaw, former director of artist relations for Columbia Records, disclosed that he had spoken to officials of the Federal force five times and had been "cleared of any involvement direct or indirect, in the trafficking of drugs."

But Mr. Wynshaw—who was an aide to Clive J. Davis, the ousted Columbia Records president—declined to say what he told the grand jury and the Federal force. Asked if his disclosures had gone into the area of payola in the record industry, he said, "No comment."

DISCHARGED IN APRIL

The 52-year-old record executive, who rose to be senior director of special marketing projects for Columbia Records, was discharged by a corporate lawyer on April 10 after his name was found "in conjunction with some papers dealing with invoices for overstated amounts," he said.

Mr. Wynshaw was cited by the Columbia Broadcasting System on May 29 as the "agent" for Mr. Davis, through whom Mr. Davis was said to have spent almost $94,000 in corporation money for remodeling his apartment, for a Plaza Hotel bar mitzvah for his son and for West Coast expenses.

Mr. Wynshaw, the suit alleges, was the funnel for "false invoices or statements" relating to these expenses. However, the suit filed against Mr. Davis did not name Mr. Wynshaw as a co-defendant.

Officials of the Federal group have said that Mr. Wynshaw's name came up when they were examining papers belonging to Pasquale Falcone, a partner in record artist management companies. He was arrested in February with seven others, including a C.B.S. secretary, and accused of involvement in a heroin conspiracy.

Mr. Wynshaw, who stands 6 feet 2 inches and weighs 200 pounds, is a baldish, expansive man who, during the interview, rose often from his chair, gestured forcefully, and roamed about the desk of his lawyer, Robert Arum.

He pictured himself as a man without professional friends since he was discharged. He has been seeking work since, in between his grand jury and strike force meetings. Twice during the interview he phoned prospective employers. "All those guys who kept telling me when I was with Columbia how much they wanted me. . . ." He shrugged. "My phone hasn't rung."

Nor has he heard from his former superior, Mr. Davis. "But maybe his attorney has told him not to call me."

Mr. Wynshaw said he was first made aware of the Federal investigations on April 9. "I was in a restaurant. I always leave a number where I am. Clive called me and told me to get right back to C.B.S. There were a couple of C.B.S. attorneys with him. They mentioned the invoices. Then Clive said they had to talk further and he asked me to leave."

UP AND OUT IN MORNING

Mr. Wynshaw said he had been told by Mr. Davis to "go up to see Mallory Rintoul before I came in the next morning to see if there was anything to straighten out." Mr. Rintoul is an attorney for C.B.S., Mr. Arum said.

Mr. Wynshaw said he walked into Mr. Rintoul's office "and before I could say anything he held his hand up and said 'It's too late. you're out.'"

"I asked him what was going on" Mr. Wynshaw said "and he asked, 'Hasn't anybody told you anything?' I said no. He said, 'You're out.'" Mr. Wynshaw went to Mr. Davis' office to ask if he'd been dismissed, "and all Clive would say was 'You're not to go to your office.'"

It was then he said he found that his office had been padlocked, that postal authorities had been to C.B.S. to investigate. He said C.B.S. was still holding his mail, and personal effects including "a deed to a cemetery plot, God forbid I'd have to have it." That night he received a Federal subpoena.

He appeared before the grand jury the following day in Newark, he said, and retained Mr. Arum several days later. Mr. Arum confirmed that his client had met five times with the strike force "and he's cooperating fully."

Mr. Wynshaw said it was through memorandums in his desk on how money was allocated to pay for Clive Davis' personal expenses that Federal authorities, and C.B.S., focused on Mr. Davis.

Mr. Wynshaw, who said he made $35,000 a year, has been married 27 years and is the father of three children, Warren 21, who will graduate from Syracuse University this month; Jay 20, a student at Bard College, and Diane, 18, a freshman at Franklin and Marshall College.

HIRED IN 1960

After being hired in 1960, in Los Angeles, he was brought to New York as area sales manager for Columbia Records, then in a departmental shift was made director of artist relations. It was his job, he said, to place Columbia artists as guests on television talk shows and in print as a way of publicizing Columbia records and increasing sales.

STAR CONTRACTS LISTED

It was he, Mr. Wynshaw said, who succeeded in placing such stars as Johnny Cash, Simon & Garfunkle, Jerry Vale and Tony Bennett on N.B.C.'s "Tonight" show. He said he was the advance man for all Columbia Records conventions, and arranged all facets of the annual meetings including meals, board and performance times for Columbia artists.

Mr. Wynshaw said he was "Clive Davis's right hand," adding: "I loved it. I took all the artists around town when they came in. I'm known at the Copa and the Waldorf. There isn't a maitre d' in the city, in any restaurant who doesn't know me. I liked the action."

Mr. Wynshaw said that he dealt directly with various performers, and was not involved with direct contact with disk jockeys, record buyers or record promoters. The thrust of the Federal investigation is understood to be in the area of record companies' promotional activities—areas said to involve large budgets and inadequate accounting.

Mr. Wynshaw, who was born in East New York, Brooklyn, attended New York University and Los Angeles Law School, but was graduated from neither. Before joining C.B.S. he operated clothing stores in Hartford and in Springfield, Mass. For three years before he went to Columbia Records he was a Los Angeles real estate salesman and supervised ready-to-wear clothing operations.

"But this is what I want to stay in," he said. "I'd like to go with one of the other companies, or manage artists. I don't want to go on unemployment insurance. I just can't make myself do that."

SPECIAL IMPACT PROGRAM OF OEO

Mr. JAVITS. Mr. President, one of the truly "bright lights" in the antipoverty effort has been the emergency of the "Community Development Corporation,"—CDC's—developed originally under title I D of the Economic Opportunity Act, "Special Impact"—coauthored by the late Senator Robert F. Kennedy and me—and recently expanded under a new title added to that act by Senator EDWARD M. KENNEDY and me under the Economic Opportunity Amendments of 1972, signed into law by the President last September.

These efforts—which have been patterned after a very successful effort in the Bedford-Stuyvesant area of Brooklyn, N.Y.—are currently funded by the Office of Economic Opportunity at a level of $30.7 million in this current fiscal year.

In the words of a report issued last year by the Twentieth Century Fund of New York, a very distinguished group of experts, the key to the success of CDC's has been their—

> Unique capacity for pooling a community's talents and resources . . . for linking together a variety of business and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

Mr. President, the administration proposed in its fiscal 1974 budget submission that the program—now administered by OEO—be conducted in the future by the Office of Minority Enterprise in the Department of Commerce with a new minority enterprise focus and a bill to accomplish those purposes, S. 1941, the "Minority Business Assistance Act of 1973" has been introduced by Senator TOWER; it will be considered first by the Committee on Banking, Housing and Urban Affairs, and if reported by that committee, then by the Committee on Labor and Public Welfare, of which I am the ranking minority member.

With these possible changes in mind, in March of this year, then Acting Director of OEO Howard Phillips established an "Economic Development Task Force" to examine the program and to make recommendations as to how the program could be used to promote the economic development of residents of lower income urban and rural areas.

The task force has not completed its work and their report has been provided to me by Mr. Phillips.

It contains a number of very serious recommendations which if implemented, would tend to give a greater minority enterprise focus to the activities of community economic development corporations, place greater emphasis on eventual self-sufficiency, and effect other organizational and programatic reforms.

I have serious reservations about many of the recommendations in the appended report, as do those of us who regard the current efforts under the present charter contained in the Economic Opportunity Act as successful and worthy of expansion.

Nevertheless, I consider it very important that the Members of the Senate and others interested in the community economic development effort be apprised of the task force's work and have a full opportunity to assess its recommendations in considering the future of the program generally.

Accordingly, I ask unanimous consent that a copy of the letter dated June 11, 1973, from Mr. Phillips to me together with the task force report be printed in the RECORD.

There being no objection, the letters and report were ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., June 11, 1973.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: The Office of Economic Opportunity has, for the past five years, administered part or all of a program of community-based economic development known as the "Special Impact Program". These activities have been carried out under the authority of title I, part D (later title VII) of the Economic Opportunity Act of 1964.

In March of this year, I appointed an Economic Development Task Force to examine this program and to make recommendations as to how this statutory authority could be used to promote the economic empowerment of residents of lower-income urban and rural areas. This Task Force has now completed its examination of the "Special Impact Program" and has submitted its report and recommendations to me regarding this program.

I believe that the findings of the Task Force and its recommendations will be of interest to you, and I am enclosing a copy of the Task Force report for your information.

With best wishes.

Sincerely,

HOWARD PHILLIPS, *Acting Director.*

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., April 25, 1973.
Mr. HOWARD PHILLIPS,
Acting Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. PHILLIPS: I am pleased to transmit the final report of the Special Task Force on Economic Opportunity.

In my judgment the fourteen members of the task force have carried out their mandate with unusual dedication and distinction. All have had to put aside temporarily their personal and professional affairs, and have made these sacrifices willingly. Their reward has been the opportunity to serve in an effort that can be vital in fulfilling the hope expressed by President Nixon in his Human Resources Message to Congress, to bring to every American the opportunity to share in the fruits of our economic system.

I know I speak for all members of the Task Force in thanking you for the opportunity to participate in this important work.

Very truly yours,

WILLIAM S. P. COTTER,
Chairman.

DIRECTOR'S TASK FORCE ON ECONOMIC DEVELOPMENT—FINAL REPORT, MAY 1973

I. SUMMARY OF TASK FORCE RECOMMENDATIONS

1. The importance of economic development

An economic development program which opens new opportunities for employment, capital accumulation, ownership of wealth, development of skills, community improvement, and the mobilization of individuals for motivated mutual self-help offers the brightest promise for achieving the economic empowerment of the people of special impact areas. Indeed, it may offer the only hope.

2. Business development and community development

While economic development activities hold the greatest promise for mobilizing the human and physical resources of the special impact area, it is important that they proceed in tandem with other self-help community improvement efforts that contribute to a sense of community pride, cohesion and progress. These parallel activities must not, however, be allowed to divert capital and management talent from business development programs. Those persons directly responsible for the success of business ventures must be free to concentrate their efforts in producing that success, like the managers of any other business. Their task is to return a profit. The time to consider business ventures as an instrument of community development is only when they are returning a profit to their shareholders. A strict separation must be maintained between business ventures and the non-business concerns of a community. Failure to recognize this principle is an invitation to financial disaster and the thwarting of the entire self-help program.

3. Entrepreneurship opportunity programs are an important element in national policy

Programs to assist individuals to become independent business owners, such as those administered by the Office of Minority Business Enterprise, the Small Business Administration, and many other public and private organizations, constitute an important part of any broad program of economic development and deserve strong support.

4. Those who are not entrepreneurially inclined deserve a chance to participate in the economic development of their communities

In addition to public and private programs to assist potential entrepreneurs, there is an important role for a community-based economic development program which can mobilize the energy and talents of a broad cross-section of the community.

5. Community Development Corporation Structure

Recommendations

a. A model CDC structure would begin with a nonprofit corporation responsible for overall planning and guidance of the economic development program, and for relations with government agencies and private sources of funding. The basic purpose of this corporation is to provide a vehicle for participation for the residents of the community, which can achieve legitimacy as an engine for community progress. This nonprofit CDC should be able to exhibit broad support in the community.

b. The nonprofit CDC would be controlled by a Board of manageable size responsive to the residents of the community, and, upon completion of the organization period, chosen by the CDCs members. These Directors need not be experienced businessmen, but the Board must have the confidence of the people of the community and an ability to understand clearly the importance of business venture success to the overall CDC program.

c. Underneath this broadly-based nonprofit CDC would be a holding company, organized for profit, whose stock is held by the CDC or by its members or member organizations. The holding company would have prime responsibility for the profitability success of business ventures. Its Board, selected by it shareholders of whom the CDC would probably be the most influential, should be predominately composed of persons experienced in business and finance. The holding company board might well include nonresidents of the community, such as leading businessmen from outside the special impact area, whose judgment, contracts, and leadership can be vital to the success of the business development program.

d. Underneath this for-profit holding company would be the various for-profit ventures. Ownership of these ventures would be shared by the holding company on behalf of the CDC, the management and employees of the individual ventures, joint venture partners, and perhaps others.

e. When, after making allowances for reinvestment in new ventures or expansion, the holding company declares a dividend, the CDC as major or only shareholder of the holding company could use such funds for whatever purpose its board found most advisable. There would, however, be no direct connection between profit-seeking ventures and social or community development activities. This, again, is necessary if the CDC is to become an economic success.

f. Under this model structure the CDC would remain a legitimate vehicle for community-based economic development, and be eligible for tax-deductible grants and such governmental programs as require nonprofit status. The CDC-owned holding company would direct the business development program with the goal of returning a profit for its shareholders.

g. In certain dispersed rural areas, a two-tiered CDC might be required, with the overall CDC becoming more of a technical and management organization, and the community policy making functions taking place at the county level.

6. The principle of competition

No CDC should seek an exclusive franchise on economic development activities in its community, but instead should recognize that progress comes from diversity and competition. A multiplicity of self-help efforts, based on the personal involvement of concerned individuals, may seem inefficient at the beginning, but without it the inevitable result will be stagnation and bureaucracy.

7. The CDC must have a strong base of support in its community

CDCs should strive to obtain some tangible indication of support, such as membership or shareholding, among a significant number of the people of a community. In addition, the natural leadership of the community, whether poor or not, should be drawn upon to support the program, and the CDC's activities should be made highly visible and relevant to the community's residents.

8. The CDC must adopt profit and self-sufficiency as its goals

Every CDC must adopt business profits and ultimate self-sufficiency as its paramount goals. While administrative and planning costs may be relatively high in the early years, they should decrease steadily as successful ventures bear the full cost of staff overhead provided. Within a mutually agreed-upon period, as set forth in the CDC's comprehensive plan, each CDC should be expected to achieve complete self-sufficiency or face termination of government support.

9. The economic and psychological benefits of private property ownership and important ingredients

Recommendations

a. By expanding property ownership opportunities for those who would otherwise be able to own little, the CDC can fill an important gap in the national effort to broaden the distribution of private property ownership. Management, employees and others should be given an opportunity to invest in the ownership of their own ventures, or in the CDC holding company, as a means of creating tangible economic incentives to achievement.

b. Even where direct individual economic benefits are not feasible, widespread share ownership in a CDC working to improve conditions in the community may contribute to a new sense of pride, cohesion, responsibility and progress among community residents. In addition, by encouraging the ownership of economic resources in the community, a CDC can reverse the trend of capital and profit-exporting which bleeds the community of badly needed resources.

c. CDCs should thus work to encourage expanded private property ownership, both in a direct economic sense and in the more psychological sense. Where residents are unable to accumulate sufficient cash to buy into a CDC, they should be offered the chance to earn their share through their own labor.

10. The importance of comprehensive planning

Every CDC should be expected to undertake long range comprehensive planning for the sound economic development of its community. Without such planning the likelihood that CDC can achieve its objectives is very small.

11. Managerial talent is an indispensable component of a successful CDC program

A CDC must put the highest priority on identifying and preparing qualified managers for business ventures, and in designing economic incentives to maximize the chances for first-class performance. The concept of a business management team operating on a performance contract should also be explored.

12. CDC staff and board training is vital to success

Both CDC staff and Board members should undergo thorough and continuing orientation and training for their respective roles in the CDC organization. More experienced CDCs—particularly those which may have learned the hard way—can be most useful in making this training effort effective.

13. Business assistance from the larger community is extremely important to the success of a CDC

CDCs should make a concerted, sustained effort to attract and actively involve outside business resources in their economic development programs. Such outside help could take many forms. Businessmen should be asked to sit on the holding company Board and the board of the CDC itself. A Business Advisory Council is an eminently worthwhile idea. Businessmen and technical experts should be recruited as advisers to individual ventures, and as informal consultants to the entire CDC operation.

14. Direct, motivated involvement by established businesses and financial institution can create important opportunities for CDCs

Joint ventures between a CDC and an established company offer great promise to the CDC's economic development program. This can be done in a way that the "outside" company can take much of the responsibility for creating the venture, bring it to profitability, train new management to assume operating control, and ultimately divest majority ownership to the CDC at a fair price. Turnkey tax incentives to stimulate this process should be developed and, if not enacted into the Internal Revenue Code, simulated on an experimental basis.

15. Financial leverage must be achieved

CDC's must make maximum effort to leverage their scarce equity against other private resources and public programs. To fail to do so is to waste the most valuable financial resources the CDC may have.

16. Removal of Governmental obstacles important to success

Local, state and Federal governments should explore ways in which their regulations and requirements could be modified to further cause of economic development, whether by CDC's or by other businesses.

17. The administration of the special impact program must be improved

Recommendations

a. If and when new CDC's are funded, or existing CDC's refunded, a prime criterion should be the demonstrated willingness of the people of the community to undertake a motivated, mutual self-help program with competent, dedicated leadership, rather than a desire to distribute Federal funds or yield to political pressures.

b. CDCs must be assured of continuity of public support over a period long enough for the CDC to demonstrate its viability. Nothing is more destructive of a genuine self-help effort than an inescapable reliance on a confused government bureaucracy which cannot decide what it expects.

c. Each CDC must develop an effective management information system which can provide a continuous assessment of progress toward stated goals. So long as those goals, initially agreed upon by the CDC and OED, are being achieved as planned, the CDC should be freed from uncertainty about continued funding.

d. The CDCs must have the kind of flexibility enjoyed by private businesses, within broad limits. A legal and administrative straitjacket will certainly doom any business-oriented program. OED should steadily relinquish venture approval authority as specific CDCs demonstrate their ability to manage a sound business development program. For less experienced CDCs, OED should provide a go—no go decision within two weeks after venture approval is sought by a CDC. Furtheremore, the full amount of the CDC grant should be released to the CDC when initially approved, to permit the CDC to attain maximum financial leverage with local banks. These grant funds would of course be subject to monthly reporting and audit to prevent misuse.

e. Each CDC must adhere to strict financial accountability practices, taking particular care to allocate costs properly among business ventures, administrative costs, and other activities. This is particularly important where the CDC is the recipient of more than one grant from different sources.

f. The normal rules prohibiting political activity by CDC staff members should be insisted upon. Use of the CDC as a political instrument may assure its failure as an economic development institution, as well as termination of public support.

18. Additional research may be needed to identify new opportunities for community-based economic development

The Special Impact Program should continue to include research, development, and technical assistance efforts. Among the areas in which such work should be performed are:

a. the techniques of inspiring self-help efforts in special impact areas

b. the problems posed by stock sales by CDCs and their subsidiaries

c. the corporate and tax implications of various CDC structures

d. simulated tax and other incentives to attract established companies into joint ventures and turnkey arrangements with CDC ventures

e. incentive plans for the attraction and retention of top management talent, including experiments with management performance contracts

f. employee ownership plans, profit sharing and stock bonus trust, etc. through which employees can acquire shares in their ventures or in the overall holding company

g. techniques for CDC participation in the physical redevelopment of their communities, such as a real estate developer.

h. surveying governmental obstacles to CDC success, including local ordinances, licensing and inspection laws, zoning, securities laws, bonding requirements, etc. which result in unnecessary expense or denied opportunities

i. the potential for new community development by CDCs

19. Experimental independent appraisal of CDC operations would enhance their chance for success

The Cabinet Secretary to whom the Special Impact Program is assigned should name a CDC advisory committee composed of interested businessmen and others familiar with the program. Visitor teams from the Committee should make periodic visits to representative CDCs and from their field experience make recommendations to the Secretary concerning the workings of the program. The activities of such a committee should, however, not replace either technical assistance to the CDCs or the normal evaluation process associated with continued funding decisions for individual CDCs.

20. A successful program should multiply self-help efforts

Recommendations

a. CDCs should consider establishing regular means of exchanging information on economic and community development problems common to many CDCs.

b. Successful CDCs should be asked to assist in transplanting their self-help programs into other communities where the desire for mutual self-help is strong.

c. CDCs should consider establishing their own Technical Assistance Clearing House, whereby the resources built up in one CDC can be used to assist another, and where the quality of private technical assistance can be evaluated for the benefit of other CDC customers.

d. CDCs, with OED support, should develop a Community Economic Development Handbook, covering the wide range of problems faced by CDCs, for use by less experienced organizations, whether OED-funded or not.

e. Each CDC should consider itself a "community resource center", where smaller groups of community residents can get help in planning their own self-help programs in the community.

II. INTRODUCTION

Since 1968 the Office of Economic Opportunity has administered part or all of a program of community-based economic development, pursuant to Title I–D (later Title

VII) of the Economic Opportunity Act of 1964.

In March, 1973, OEO Acting Director Howard Phillips created an Economic Development Task Force. Its mandate was to examine the OEO "Special Impact Program", and to make recommendations to the Director as to how this statute could be used to promote the economic empowerment of the residents of lower-income urban and rural areas. The Task Force was not asked to attempt an evaluation of individual community development corporations (CDCs), but to examine a cross-section of CDCs to gain a broad appreciation of the operation of the Special Impact Program.

Mr. Howard Phillips named William S. P. Cotter. Vice President of Smith, Barney & Company, New York investment bankers as Chairman of the Task Force. H. Floyd Britton, President of Mark V Associates of New York City, an economic development consulting organization, was appointed as Vice-Chairman. Eight of the 14 Task Force members were members of minority groups—5 black and 3 Spanish speaking.

Beginning the week of March 12, following initial orientation, the Task Force members divided into teams and visited 18 CDC grantees throughout the country. Each week for five weeks the Task Force came together on Friday to report on their findings, exchange observations, and begin to formulate the recommendations contained in this report.

The draft report was prepared by a subcommittee, then discussed fully by the full committee on April 19. It is the hope of the Task Force that its efforts will make an important and useful contribution to the strengthening of present programs which seek to mobilize the talents and resources of those presently poor in a determined effort at aided, mutual self-help, so that they may begin to share in the economic security and improved quality of life which they do not now enjoy.

III. ORIGINS OF THE SPECIAL IMPACT PROGRAM

1. The Special Impact Program originated in Title I–D of the Economic Opportunity Act, added to the statute in 1966. This Title was enacted at the urging of New York Senators Robert F. Kennedy and Jacob K. Javits, principally to provide a source of funding for the Bedford-Stuyvestant redevelopment program which they had been instrumental in launching.

According to Geoffrey Faux, who later administered Title I–D at OEO, the two Senators based their amendment on the following assumptions:

"The war on poverty, particularly its major component. the Community Action Program, was insufficiently concerned with jobs and economic development;

"The conflicts and political influence which inevitably accompany a program run through city hall prevent accomplishment;

"The approach of the war on poverty was piecemeal while what was required was a comprehensive strategy;

"The business community must play a major role in solving poverty problems."

The statutory language of Title I–D was extremely general. It authorized Special Impact Programs for urban areas with high concentrations of low income people. Projects were to be designed to "arrest tendencies toward dependency, chronic unemployment, and rising community tensions." They were required to be of sufficient size and scope to have an appreciable impact. Congress appropriated $25 million in FY 67 to launch the program, of which $6.9 million was granted to the Bedford-Stuyvestant project. The remainder was scattered around the country to supplement the Labor Department's concentrated employment program.

In its report on the 1967 anti-poverty amendments, the Senate Labor and Public Welfare Committee criticized the Labor Department's administration of the act, and strengthened the language of the legislation to eliminate a special focus on youth employment, to concentrate more on economic development, and to include some rural areas. Putting new emphasis on community participation, the Senate report called for "community and community-based corporations" to sponsor the local programs "with the utmost cooperation of community residents."

In FY 68 the Special Impact Program was split administratively between four Federal agencies: Labor, Commerce (EDA), Agriculture, and OEO. OEO's approach was toward the economic development of the poverty area under the control of indigenous institutions; $1.6 million of the $20 million appropriated was used by OEO for its projects. The grants went directly from Washington OEO to the grantees, with no formal participation by either local CAAs or city halls. Unique among Federal grant programs, the Special Impact Program allowed Federal funds to be used for equity capital in businesses.

In the winter of 1968–69 the Johnson Administration's Budget Bureau determined that OEO Administration of Title I–D had met the intentions of Title I–D and the Congressional committees, but that the projects in Agriculture, Commerce and Labor had not. The Bureau recommended that the entire program be administered by OEO. This recommendation was concurred in by the Nixon Administration's Budget Bureau appointees, and the Special Impact Program became the only program ever to be "spun-in" to OEO. President Nixon, in his February, 1969 economic opportunity message, stated that "in the area of economic development OEO will have an important role to play, in cooperation with other agencies, in fostering community based business development." In FY 1969 OEO spent $11.4 million on its CDC program; in FY 70 $36 million; in FY 71 $35.9 million; in FY 72 $26.8 million; and in FY 73 $30 million.

As implemented by OEO since FY 69, the Special Impact strategy seems to have contained these ingredients:

a. A recitation of the critical problems of the Special Impact Area-joblessness, crime, dependency, rising community tensions, physical deterioration, lack of economic resources, shortage of managerial and technical skills, etc.

b. A prescription for these ills; organized mutual self-help built around the development of the economic resources of the community, resulting in increased community control and ownership, and involving a large number of community residents.

c. The Community Development Corporation as the vehicle for this effort, characterized by these criteria:

1. based in a geographical community
2. having broad purpose involving not just business and job development, but also broad-gauged community improvement
3. enjoying a broad base of support, formal and informal, among community residents, including particularly alienated young males contemptuous of welfare-oriented programs
4. focusing on the generation of revenues through economic enterprises owned by the CDC and operated for profit

d. The role of the Federal government would be to supply administrative funds to organize the CDC, plus equity capital for financing business ventures. The administrative funds included not only organization of business development programs, feasibility studies, and the like, but also broad community planning and organization efforts.

e. Multiplication of self-help through the involvement of the economic resources of the larger community, such as existing financial institutions, corporations, and business leaders.

f. An avoidance of potential interference by local Community Action Agencies and local government, by direct support of CDCs from Washington OEO.

g. An ultimate goal of economic self-sufficiency, where the CDC would sustain itself from business revenues and use profits for community improvement as desired by the residents.

There have, of course, been pressures from time to time that have caused modifications in this strategy. The political pressure to distribute the money has naturally forced OEO to depart from these theoretical requirements. But this, by and large, has been the underlying thinking.

The present legislative requirements for the Special Impact Program are contained in Title VII, a complete rewrite of the former Title I–D, enacted as section 25 of PL 92–424 in September, 1972. According to Title VII, the purpose of the Special Impact Program is:

"[To] encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits."

The specific legislative purpose for community development corporations are basically three:

"Critical problems": the program must attempt the solution of critical problems in a community—which, however, are not enumerated beyond "dependency, chronic unemployment, and community deterioration."

"Appreciable impact": the program must be of a size, scope and duration to have an appreciable impact upon these critical problems.

"Ultimate self-sufficiency": the program must "hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title."

Under Title VII there are three main types of programs which CDCs are expected to undertake:

Economic and business development programs, including provision of equity capital, to create employment and ownership opportunities;

Community development and housing programs to create new training, employment and ownership opportunities and improve the living environment;

Manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community improvement programs.

Title VII–A also includes a number of statutory "requirements for financial assistance" which must be complied with. Most important among these are the following:

The program must be "responsive" to the residents (in a manner not specified in the statute).

Projects and facilities must be located in the special impact area to the maximum extent feasible.

Projects should promote management skill development and resident ownership.

The maximum participation of local businessmen and financial institutions is required.

The program will be coordinated with other programs, notably Model Cities.

Low income residents should get preference in jobs and training opportunities.

Training shall be for marketable job skills.

Title VII also contains a rural loan program, carried over from the original Economic Opportunity Act, and provisions for training technical assistance, research, and establishment of a development loan fund.

(This fund has not, however, been established.)

As of January 1, 1973 there were 36 CDCs in operation as a result of Special Impact Program funding. Of these 18 were in urban areas, 17 in rural areas, and 1 in a combinaton urban-rural area. CDCs included a broad range of communities, from black (urban and rural) to Chicago to Puerto Rican to urban white ethnic to Appalachian white. . . .

IV. BASIC GOVERNMENT POLICY TOWARD EMPOWERING THE POOR

Over the past three centuries generations of Americans, working together, have produced the most powerful and productive economic system ever seen on this planet. Today the vast majority of our citizens live in a state of economic well-being that is the envy of the other peoples of the world. Yet, despite this widespread affluence, there exists within this country today millions of Americans—white, black, Spanish-speaking Indian—who find themselves with little independent capacity to influence their surroundings and improve the quality of their lives.

The situation they face is not purely an economic one. The achievement of economic security is no sure remedy for the manifold problems of life. And yet it cannot be gainsaid that without at least some modest level of economic security, a creative and satisfying life is out of reach.

Every American must be offered a fair chance to develop his capacity to constructively influence his environment, for the benefit of himself, his family and his community. And groups of individuals, working together for their mutual benefit, must be helped to acquire confidence and knowledge, identify their self-interest, formulate common purposes, general mutual reinforcement, and master the techniques of economic advancement. No less of a public policy is worthy of a great and free people.

The Federal government has not stood idle this past decade. Billions of dollars have been spent in the name of combatting poverty and improving the quality of life for the poor. In many cases significant gains for poor people have been achieved.

But in too many cases government-originated "solutions" have merely contributed to the problems of the poor, while alleviating only the economic problems of thousands of middle class bureaucrats and "poverty warriors". Too many of these billions have produced little more than service bureaus which, in the name of fighting poverty, have frequently trapped the poor at the bottom of one more vast organization without energizing them for independent, sustained economic advancement.

President Nixon, in his Human Resources Message to Congress of March 1, 1973, has set forth several clear policies which apply directly to the economic empowerment of lower-income Americans:

"[The American System] is a system under which Government helps people to help themselves and one another."

"Government at all levels should seek to support and nuture, rather than limit, the diversity and freedom of choice which are hallmarks of the American system. The Federal government in particular must work to guarantee an equal chance at the starting line by removing barriers which might impede an individual's opportunity to realize his or her full potential."

"The Federal government should concentrate more on providing incentives and opening opportunities, and less on delivering direct services."

"The Federal government should seek means of encouraging the private sector to address social problems, thereby utilizing the market mechanism to marshal resources behind clearly stated national objectives."

"[We must move] steadily closer to the goal of a society in which all our citizens, regardless of economic status will have both the resources and the opportunity to fully control their own destinies."

These observations of the President afford sound policy guidance for any program aimed at creating new opportunities for individual and mutual self help for all Americans.

Private industry, the independent sector, and all levels of government must work together with those who have not yet secured economic security to remove the obstacles to independence, achievement, and a decent quality of life that now face so many Americans. While government can provide valuable assistance, the focus of such an effort must be the people themselves. The goal must be not merely to improve their lives, but to help them discover an independent, self-sustaining capacity to achieve and succeed.

Only such a policy can reclaim the American dream for those who today see little real opportunity to share in that dream. A carefully and properly designed program for community-based economic development can be an important and valuable element in such a policy.

V. COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS—FINDINGS AND RECOMMENDATIONS

1. The importance of economic development

By statute, the Special Impact Program operates in areas characterized by high concentration of low income persons, high unemployment, dependency, community deterioration, and scarcity of economic resources. Costs of doing business are high due to a shortage of credit, high insurance costs, crime and vandalism, and either inner-city congestion or rural remoteness. Typically, the little capital accumulated in such areas flows outward, as do the meager business profits. What productive economic resources exist are not infrequently owned by outsiders who have little real concern about the people of the community.

Yet in many of these areas there is hope for improvement. There are some business opportunities that can be developed. There are people willing to work to upgrade the economy of their communities. There is usually some degree of community structure—through churches, block clubs, neighborhood associations, etc.—which, with help, can respond to the common problems. No self-help program in such an area can, however, expect to achieve and sustain meaningful community improvement objectives unless it faces the basic economic problems—job opportunities, improvement of managerial and productive skills, capital accumulation, physical reconstruction, reacquisition of property ownership.

The experience of the Task Force clearly indicates that the most feasible target of mutual self-help in special impact areas is the solution of basic economic problems. *Recommendations:* An economic development program which opens new opportunities for employment, capital accumulation, ownership of wealth, development of skills, community improvement, and the mobilization of individuals for motivated mutual self-help offers the brightest promise for achieving the economic empowerment of the people of special impact areas. Indeed, it may offer the only hope.

2. Business development and community development

A carefully-designed and effective implemented economic development program can have a major effect in producing not only economic empowerment, but also community pride, cohesion, and a sense of progress. Isolated business development efforts, however, may fail to involve many community residents directly. If an overall driving spirit of mutual self-help is to flourish, the talents and energies of as many residents as possible must be mobilized to attack community problems on a broad front. In addition to business development efforts, self-help efforts in such areas as housing improvement, adult education, home ownership, crime and drug abuse prevention, child care centers, and community beautification can be extremely important. These associated self-help efforts can complement business development programs and enhance their chances for success.

There is a serious danger, however, in intermingling business and community development activities. Community development efforts do not usually generate the revenue to make themselves self-sustaining and increase the capital resources of the community. Diverting scarce business capital and talent into such activities can quickly reduce the resources available for business development and prevent the success of the overall economic development program.

Recommendation: While economic development activities hold the greatest promise for mobilizing the human and physical resources of the special impact area, it is important that they proceed in tandem with other self-help community improvement efforts that contribute to a sense of community pride, cohesion and progress. These parallel activities must not, however, be allowed to divert capital and management talent from business development programs. Those persons directly responsible for the success of business ventures must be free to concentrate their efforts in producing that success, like the managers of any other business. Their task is to return a profit. The time to consider business ventures as an instrument of community development is only when they are returning a profit to their shareholders. A strict separation must be maintained between business ventures and the non-business concerns of a community. Failure to recognize this principle is an invitation to financial disaster and the thwarting of the entire self-help program.

3. Entrepreneurship Opportunity Programs are an Important Element in National Policy

The opportunity for an individual to invest his time, skills, energy and resources in the hope of obtaining a profit is a fundamental element of the American free enterprise system. Opportunities for individual entrepreneurship in special impact areas and elsewhere should be continued and strengthened so that more Americans can have a fair chance to own and operate their own businesses.

Recommendation: Programs to assist individuals to become independent business owners, such as those administered by the Office of Minority Business Enterprise, the Small Business Administration, and many other public and private organizations, constitute an important part of any broad program of economic development and deserve strong support.

4. Those Who are Not Entrepreneurially Inclined Also Deserve a Chance to Participate in the Economic Development of Their Communities

As the President's Advisory Council on Minority Business Enterprise has cogently observed, "Only a relatively small segment of the population aspires to entrepreneurship and possesses the abilities and perseverance to see these aspirations through to fruition. Nevertheless, most people do hope to be able to participate in some form of economic ownership which could enhance their standard of living, self-confidence, and long-term security." (Report, June 1971, page 27.)

Recommendation: In addition to public and private programs to assist potential entrepreneurs, there is an important role for a community-based economic development program which can mobilize the energy and talents of a broad cross-section of the community.

5. Community Development Corporation Structure

Designing a general corporate structure for a community-based economic development program presents numerous difficulties. Community development corporations (CDCs) under the Special Impact Program exhibit a vast array of forms. Some are profit seeking, others nonprofit. There are holding companies, federations, foundations, and many other variations. Certainly no model could be expected to meet the particular needs of every urban and rural special impact area. Fully recognizing that special circumstances will require modifications, the Task Force recommends this general model for a CDC organization:

Recommendation: A model CDC structure would begin with a nonprofit corporation responsible for overall planning and guidance of the economic development program, and for relations with government agencies and private sources of funding. The basic purpose of this corporation is to provide a vehicle for participation for the residents of the community, which can achieve legitimacy as an engine for community progress. This nonprofit CDC should be able to exhibit broad support in the community.

The nonprofit CDC would be controlled by a Board of manageable size responsive to the residents of the community, and, upon completion of the organizational period, chosen by the CDC's members. These Directors need not be experienced businessmen, but the Board must have the confidence of the people of the community and an ability to understand clearly the importance of business venture success to the overall CDC program.

Underneath this broadly-based nonprofit CDC would be a holding company, organized for profit, whose stock is held by the CDC or by its members or member organizations. The holding company would have prime responsibility for the profitability success of business ventures. Its Board, selected by its shareholders of whom the CDC would probably be the most influential, should be predominately composed of persons experienced in business and finance. The holding company board might well include non-residents of the community, such as leading businessmen from outside the special impact area, whose judgment, contacts, and leadership can be vital to the success of the business development program.

Underneath this for-profit holding company would be the various for-profit ventures. Ownership of these ventures would be shared by the holding company on behalf of the CDC, the management and employees of the individual ventures, joint venture partners, and perhaps others.

When, after making allowance for reinvestment in new ventures or expansion, the holding company declares a dividend, the CDC as major or only shareholder of the holding company could use such funds for whatever purpose its board found most advisable. There would, however, be no direct connection between profit-seeking ventures and social or community development activities. This again, is necessary if the CDC is to become an economic success.

Under this model structure the CDC would remain a legitimate vehicle for community-based economic development, and be eligible for tax-deductible grants and such governmental programs as require nonprofit status. The CDC-owned holding company would direct the buisness development program with the goal of returning a profit for its shareholders.

In certain dispersed rural areas, a two-tiered CDC might be required, with the overall CDC becoming more of a technical and management organization, and the community policy making functions taking place at the county level.

6. The principle of competition

Progress and growth require diversity and competition between various organizations, individuals, and ideas. A CDC which seeks to develop an exclusive monopoly role in the development of a special impact community may well be sowing the seeds of its own downfall.

Recommendation: No CDC should seek an exclusive franchise on economic development activities in its community, but instead should recognize that progress comes from diversity and competition. A multiplicity of self-help efforts, based on the personal involvement of concerned individuals, may seem inefficient at the beginning, but without it the inevitable result will be stagnation and bureaucracy.

7. The CDC must have a strong base of support in its community

If the CDC is truly to unite the people of a community in a meaningful self-help effort, it must have a broad base of support. This does not mean that community referenda are required for decision making. It emphatically does not mean that every CDC member should have a chance to interfere with business venture operation. But it does suggest that the majority of the residents of the community should become at least aware of the CDCs efforts and give it at least their tacit support. Broadly based CDC membership or share ownership—by individual citizens, not by organizations claiming to speak for individual citizens—is indicative of that support and should be sought after.

Nor should this community support be limited to those meeting some standard of poverty. Community economic development requires the mobilization of the best talent and resources of the community, as well as many resources from outside the community. It thus requires the involvement of the natural leadership of the community, many of whom can not be classified as poor.

In addition, the CDCs activities should be highly visible in the community, so that citizens can have a chance to relate to its activities. CDC ventures, housing developments, facilities, vehicles and the like should be used to increase visibility. The CDC's activities should be well covered in community media.

Recommendation: CDCs should strive to obtain some tangible indication of support, such as membership or shareholding, among a significant number of the people of a community. In addition, the natural leadership of the community, whether poor or not, should be drawn upon to support the program, and the CDC's activities should be made highly visible and relevant to the community's residents.

8. The CDC must adopt profit and self-sufficiency as its goals

A CDC which struggles along from year to year, devoting scarce resources to social projects and administrative overhead, is unworthy of anyone's support. This kind of performance has unfortunately characterized too many government-funded organizations, with the result that the benefits of the programs have either never materialized, or have had little effort on energizing the poor who need it most.

Recommendation: Every CDC must adopt business profits and ultimate self-sufficiency as its paramount goals. While administrative and planning costs may be relatively high in the early years, they should decrease steadily as successful ventures bear the full cost of staff overhead provided. Within a mutually agreed-upon period, as set forth in the CDC's comprehensive plan, each CDC should be expected to achieve complete self-sufficiency or face termination of government support.

9. The economic and psychological benefits of private property ownership are important ingredients

President Nixon has stated that "We can fulfill the American dream only when each person has a fair chance to fulfill his own dreams. This means . . . new opportunities for expanded ownership, because in order to be secure in their human rights, people need access to property rights." (State of the Union Message, 1970).

Private property ownership has historically been linked with individual achievement, economic advancement, pride, dignity, self-respect, independence, respect for law and order, and responsible democracy. The opportunity to acquire property has been an important incentive to individuals to exert their best efforts and apply their talents.

The idea of property ownership has both economic and psychological ramifications. In the economic sense, where business managers, employees and other investors can acquire shares in productive business ventures, there is a possibility for capital appreciation and dividends based on business profits. Usually, significant economic returns to such owners depend upon a significant initial investment of capital, or contributed goods, labor, or services.

It is admittedly difficult to generate capital from special impact area residents in amounts large enough to hold forth the promise of significant economic returns to individuals, and even where investments in ownership are so nominal that real economic benefits to the investor as an individual are not possible, the psychological benefits of ownership may still be significant. People who own only one $5 share in a CDC may still experience the pride of ownership in viewing CDC-generated industries, shopping centers, or other productive facilities.

In addition, where CDCs can reverse a trend toward absentee ownership of businesses and real estate in the community, the people of that community can begin to feel that their community is no longer being exploited by uncaring outside interests. This, too, is an important consequence of CDC ownership even though it may not have a direct economic payoff for CDC shareholders.

Recommendation: By expanding property ownership opportunities for those who would otherwise be able to own little, the CDC can fill an important gap in the national effort to broaden the distribution of private property ownership. Management, employees and others should be given an opportunity to invest in the ownership of their own ventures, or in the CDC holding company, as a means of creating tangible economic incentives to achievement.

Even where direct individual economic benefits are not feasible, widespread share ownership in a CDC working to improve conditions in the community may contribute to a new sense of pride, cohesion, responsibility and progress among community residents. In addition, by encouraging the ownership of economic resources in the community, a CDC can reverse the trend of capital and profit-exporting which bleeds the community of badly needed resources.

CDCs should thus work to encourage expanded private property ownership, both in a direct economic sense and in the more psychological sense. Where residents are unable to accumulate sufficient cash to buy into a CDC, they should be offered the chance to earn their share through their own labor.

10. The importance of comprehensive planning

Experience shows that if a long-run economic development strategy is to achieve its objectives, careful and knowledgeable planning must take place. Planning enables a CDC to anticipate future developments in its community and to take advantage of new opportunities. The existence of a realistic long range plan can also be a powerful motivating device for building community support.

Recommendation: Every CDC should be expected to undertake long range comprehensive planning for the sound economic development of its community. Without such planning the likelihood that the CDC can achieve its objectives is very small.

11. Managerial talent is an indispensable component of a successful CDC program

No business venture can be expected to succeed without a qualified and motivated entrepreneur or management team. The development of this talent and motivation is fully as important as the identification and development of the business venture itself. Too often CDCs seem to have focused on finding a viable venture, while waiting to the last moment to locate a qualified manager to operate it.

Recommendation: A CDC must put the highest priority on identifying and preparing qualified managers for business ventures, and in designing economic incentives to maximize the chance for first-class performance. The concept of a business management team operating on a performance contract should also be explored.

12. CDC staff and board training is vital to success

Merely locating and preparing qualified venture managers, important as it is, is only a part of the necessary training effort. Staff development in depth is a vital necessity which involves continuous responsibilities for all staff members, including particularly the responsibility of each executive to train and prepare his successor, especially at top and middle management levels.

In most cases the CDC staff will also require ongoing professional training in management, oriented to the particular problems faced by CDCs and in special impact areas. In addition, CDC Board members should be given an intensive orientation in the theory and practice of community-based economic development.

It is particularly important that Board members recognize the vital importance of venture profits to the success of the organization, and that interference in business decision making by the Board members and others presages economic ruin.

Recommendation: Both CDC staff and Board members should undergo thorough and continuing orientation and training for their respective roles in the CDC organization. More experienced CDCs—particularly those which may have learned the hard way—can be most useful in making this training effort effective.

13. Business assistance from the larger community is extremely important to the success of a CDC

While special impact areas are not devoid of business experience and resources, they customarily have less of these commodities than other more prosperous areas. Attempting to achieve business success by using only those resources located in a special impact area is a foolish and self-denying undertaking that a CDC can ill afford to pursue.

The Task Force has found that genuine self-help programs in special impact areas can attract business experience and acumen from the larger community. Many bankers, business schools, business firms, retired executives, trade associations, and others are more than willing to lend their talents and contacts to people who are willing to strive for their own economic advancement.

Recommendation: CDCs should make a concerted, sustained effort to attract and actively involve outside business resources in their economic development programs. Such outside help could take many forms. Businessmen should be asked to sit on the holding company Board and the board of the CDC itself. A Business Advisory Council is an eminently worthwhile idea. Businessmen and technical exports should be recruited as advisers to individual ventures, and as informal consultants to the entire CDC operation.

14. Direct, motivated involvement by established businesses and financial institutions can create important opportunities for CDC's

While CDCs may be able to launch a number of small scale enterprises for the benefit of the people of their communities, major progress usually depends on starting one or more large ventures that can compete effectively in the larger business world.

It is extremely difficult to launch such a major venture without the active participation of one or more larger, profitable companies or financial institutions which can supply much of the resources and know-how to nature the new venture through its early years.

Many large companies have actively participated in creating new minority and CDC-owned businesses. Over the long run, such companies cannot be expected to give such assistance purely for goodwill. They should be offered tangible incentives to collaborate with CDCs in economic development programs.

Recommendation: Joint ventures between a CDC and established company offer great promise to the CDC's economic development program. This can be done in a way that the "outside" company can take much of the responsibility for creating the venture, bring it to profitability, train new management to assume operating control, and ultimately divest majority ownership to the CDC at a fair price. Turnkey tax incentives to stimulate this process should be developed and, if not enacted into the Internal Revenue Code, simulated on an experimental basis.

15. Financial leverage must be achieved

Equity capital is a precious commodity in most special impact areas. Aside from what can be generated by community savings, much of the equity employed in the Special Impact Program has been Federal funds. The Task Force has noted with disappointment several instances where CDCs supplied 100% of the capital for a venture, instead of leveraging their equity through private financial institutions, or other government programs such as SBA.

Recommendation: CDCs must make a maximum effort to leverage their scarce equity against other private resources and public programs. To fail to do so is to waste the most valuable financial resource the CDC may have.

16. Removal of governmental obstacles important to success

Like all other businesses, CDCs have found that government can be a hindrance as well as an aid to economic development. In every community zoning, municipal ordinances, licensing and inspections, securities laws, patronage seeking and general harassment have posed obstacles—frequently unjustifiable—to business development.

Recommendation: Local, state and Federal governments should explore ways in which their regulations and requirements could be modified to further the cause of economic development, whether by CDCs or by other businesses.

17. The administration of the special impact program must be improved

The present Administration of the Special Impact program by the Office of Economic Development (or its successor) must be improved if the CDCs are to have the chance they deserve to achieve their objectives. This will involve several items:

Recommendations: If and when new CDCs are funded, or existing CDCs are refunded, a prime criterion should be the demonstrated willingness of the people of the community to undertake a motivated, mutual self-help program with competent, dedicated leadership, rather than a desire to distribute Federal funds or yield to political pressures.

CDCs must be assured of continuity of public support over a period long enough for the CDC to demonstrate its viability. Nothing is more destructive of a genuine self-help effort than an inescapable reliance on a confused government bureaucracy which cannot decide what it expects.

Each CDC must develop an effective management information system which can provide a continuous assessment of progress toward stated goals. So long as those goals, initially agreed upon by the CDS and OED, are being achieved as planned, the CDC should be freed from uncertainty about continued funding.

The CDCs must have the kind of flexibility enjoyed by private businesses, within broad limits. A legal and administrative straitjacket will certainly doom any business-oriented program. OED should steadily relinquish venture approval authority as specific CDCs demonstrate their ability to manage a sound business development program. For less experienced CDCs, OED should provide a go—no go decision within two weeks after venture approval is sought by a CDC. Furthermore, the full amount of the CDC grant should be released to the CDC when initially approved, to permit the CDC to attain maximum financial leverage with local banks. These grant funds would of course be subject to monthly reporting and audit to prevent misuse.

Each CDS must adhere to strict financial accountability practices, taking particular care to allocate costs properly among business ventures, administrative costs, and other activities. This is particularly important where the CDC is the recipient of more than one grant from different sources.

The normal rules prohibiting political activity by CDC staff members should be insisted upon. Use of the CDC as a political instrument may assure its failure as an economic development institution, as well as termination of public support.

18. Additional research may be needed to identify new opportunities for community-based economic development

The Office of Economic Development has supported several institutions to define new options for the program and to assist individual CDCs. The Task Force has not had the opportunity to study the research and development programs of these institutions. It does believe, however, that the community economic development program needs a strong technical and policy studies program behind it. In particular, the Task Force feels that work should go forward in areas such as those described below if presently under way; and that work should be undertaken in these areas where none is now in process.

Recommendations: The Special Impact Program should continue to include research, development, and technical assistance efforts. Among the areas in which such work should be performed are:

(a) The techniques of inspiring self-help efforts in special impact areas.

(b) The problems posed by stock sales by CDCs and their subsidiaries.

(c) The corporate and tax implications of various CDC structures.

(d) Simulated tax and other incentives to attract established companies into joint ventures and turnkey arrangements with CDC ventures.

(e) Incentive plans for the attraction and retention of top management talent, including experiments with management performance contracts.

(f) Employee ownership plans, profit sharing and stock bonus trusts, etc. though which employees can acquire shares in their ventures or in the overall holding company.

(g) Techniques for CDC participation in the physical redevelopment of their communities, such as a development partnership plan with an established real estate developer.

(h) Surveying governmental obstacles to CDC success, including local ordinances, licensing and inspection laws, zoning, securities law, bonding requirements, etc. which result in unnecessary expense or denied opportunities.

(i) The potential for new community development by CDCs.

19. Experienced independent appraisal of CDC operations would enhance their chance of success

Every business can profit by a periodic inspection by a disinterested expert, and the CDC program is no exception. Periodic visits by CDCs by a well-qualified team of business and other experts could be most helpful in assessing the accomplishments of the program and suggesting directions for future effort.

Recommendation: The Cabinet Secretary to whom the Special Impact Program is assigned should name a CDC advisory committee composed of interested businessmen and others familiar with the program. Visitor teams from the Committee should make periodic visists to representative CDCs and from their field experience make recommendations to the Secretary concerning the workings of the program. The activities of such a committee should, however, not replace either technical asistance to the CDCs or the normal evaluation process associated with continued funding decisions for individual CDCs.

20. A successful progrm should multiply self-help efforts

A truely successful self-help program, such as the community-based Special Impact Program is intended to be, should have the capacity of stimulating additional self-help ventures, both in the same community and elsewhere. This "reachback" is an important payoff from any successful self-help undertaking.

Recommendation: CDCs should consider establishing regular means of exchanging information on economic and community development problems common to many CDCs.

Successful CDCs should be asked to assist in transplanting their self-help programs into other communities where the desire for mutual self-help is strong.

CDCs should consider establishing their own Technical Assistance Clearing House, whereby the resources built up in one CDC can be used to assist another, and where the quality of private technical assistance can be evaluated for the benefit of other CDC customers.

CDCs, with OED support, should develop a Community Economic Development Handbook, covering the wide range of problems faced by CDCs, for use by less experienced oragnizations, whether OED-funded or not.

Each CDC should consider itself a "community resource center", where smaller groups of community residents can get help in planning their own self-help programs in the community.

VII. CONCLUSION

The Task Force believes that a community-based economic development strategy which is properly, wisely and responsibly designed to generate and build upon indigenous mutual self-help efforts can be highly promising strategy for promoting the economic empowerment of the people of special impact areas.

With the adoption and implementation of the recommendations made above, the Task Force believes that the Special Impact Program can foster a new upwelling of creative energies among those now living in special impact communities. It is these creative energies, springing from the people themselves, which deserve public support and assistance until they can achieve economic independence.

APPENDIX A—FIELD TRIP CHECK LIST

I. Description of the Community:

(a) Demographic—population, racial and linguistic characteristics, income levels.

(b) Economic conditions—viability of business and financial institutions, available economic resources.

(c) Social—community stability, fragmentation, leadership, important organizations, burning issues.

(d) Political—importance of political structure—city and county government, etc.

II. Genesis of CDC:

(a) Who initiated application, organization, etc? When?

(b) Key figures in development.

(c) Original goals, hopes; changes over time.

III. CDC Structure:

(a) Profit or nonprofit.

(b) Membership/shareholders.

(c) Subsidiaries/affiliates.

(d) Board—composition, method of selection.

(e) Staff—qualifications, recruitment, turnover.

(f) Anticipation structural changes.

IV. Planning and Management of CDC:

(a) Board development.

(b) Effective policy locus.

(c) Management Information System.

(d) Milestones for progress.

V. Ventures:

(a) Identification of opportunities.

(b) Leveraging of CDC equity capital.

(c) Ownership arrangements.

(d) Quality of venture management.

(e) Use of technical assistance and consultants.

(f) Assistance from government agencies.

(g) Board's role in venture management.

(h) Employment—how jobs are distributed; previous status of employees; attitude of employees.

(i) Expected returns; how much, how soon.

(j) Non-revenue producing investments—impact.

(k) Ventures stimulated as a result of CDC investment.

VI. Community Impact:

(a) Range of cooperating organizations.

(b) Competing organizations; enemies.

(c) Political relationships.

(d) Mobilization of complementary activity; self-help.

(e) Broad participation in CDC activities.

VII. Role of Government:

(a) OEO/OED Problems in grant management, venture approval, etc.

(b) Other Federal government involvement—delays, interagency problems, etc.

(c) State government problems—securities laws, OSHA.

(d) Local government problems—zoning, codes, permits, etc.

VIII. Overall Evaluation:

(a) Does the CDC have a comprehensive and realistic plan?

(b) Does the CDC have sound business management and is it making a respectable record in generating revenue?

(c) Are the key staff and Board members competent, involved, and enthusiastic?

(d) Does the CDC have general support in the community?

(e) Has the CDC generated or stimulated additional self-help ventures?

(f) Has the CDC produced lasting institutional change?

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APPENDIX C—ECONOMIC DEVELOPMENT TASK FORCE MEMEBERSHIP

William S. P. Cotter, Chairman, New York. Vice President, Smith Barney & Company, investment bankers; Chairman of the Board, Schuchman Foundation.

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Sam Sparks, Little Rock, Arkansas. President, Sam Sparks and Associates, economic development consultants: Chairman, Arkansas Business Development Corporation.

John R. Thompson, New York. Marketing Consultant: International Editor, *Madison Avenue* magazine.

Robert Allen Walls, Tulsa, Oklahoma. Small businessman.

William Van Dusen Wishard, Fairfax, Virginia. Executive Secretary, Office of Economic Opportunity.

PROBLEMS CAUSED BY ENVIRONMENTAL PROTECTION LAWS

Mr. FANNIN. Mr. President, proposals by the Environmental Protection Agency to severely restrict the use of automobiles is bureaucratic dictatorship at its worst. Proposals which have been suggested by the EPA for Arizona would spell economic disaster.

It is very apparent that EPA has put the cart before the horse. It seeks to force people to stop using cars before any realistic alternative means of transportation is available.

This is an attempt to blackjack the public, and I believe such strong-arm tactics are wrong.

Strategies to reduce auto use should be aimed at achieving a desirable result over the next decade or so without undue coercion. Transportation and pollution problems have been growing for several decades; we should not be so impatient as to expect overnight solutions.

It is time for Congress to take a good hard look at where we stand in the transportation and environmental arena. Our environmental laws and agencies obviously are in need of a major tuneup. We should reexamine some of the unrealistic standards and deadlines. These should be brought into tune with social and economic realities.

Mr. President, the Arizona Republic on Sunday carried an editorial which provides a good sample of public reaction to the EPA pronouncement that Americans must be weaned from the automobile. I ask unanimous consent that this editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

EPA'S DICTATORSHIP

Stripped down to its basics, the Environmental Protection Agency's thunderbolt threat to force Americans out of their cars has the smell of an automotive dictatorship.

Americans should take it seriously, and not shrug it off as a bureaucratic prank from the Potomac. Washington Big Brothers have shown a skill for transforming absurdity into law.

The blacks of the nation were taken in by the respectability of school busing—until it dawned on them that their children had become parts in a sociological gearbox more interested in moving bodies than improving minds.

But if school busing was a rapacious attack on human freedom, the EPA anti-auto strategy would be absolute conquest over reason and the rights of Americans.

EPA would effectively abolish the right of any state to respond to its own citizens' needs, and establish air standards.

And it would recklessly take away community mobility, and thus the ability to work and play, on the strength of arbitrary standards set down by a small lobby of theoreticians who want the nation to exist in some kind of sylvan back-to-nature fairyland.

Arizona's legislative leadership, which has toiled long and diligently to establish an orderly plan for guarding the air, correctly objects to the EPA's abusive dicta.

They would rather fight than switch.

But Arizona cannot do the job alone. Other states and urban areas should mount a protest which can be heard and felt in the halls of EPA and the Congress.

What would EPA's list of particulars entail?

Forced car pools.

Gas rationing.

Prohibitive parking rates.

Traffic banned on downtown streets.

The Arizona clean air program, like so many others articulated by thoughtful planners, is an orderly shift from environmental irresponsibility to practical conservation of environment. It has a target date of 1975, and considers the ability to shift dependence from the auto to other transportation modes.

But EPA's crackdown is typical of the instant-happiness route which stoically ignores hardship on citizens, basic tenets of human freedom and the absence of technological reality.

What happens in Phoenix if EPA's broad strategies are invoked?

With parking banned, gas rationed and alternative transportation the only hope for workers, does Phoenix have a bus system which could take up the slack?

Certainly not.

Every available measure shows that America's air is not as foul as experts claim. They always confine their photographic evidence to a cluster of smoke stacks in an eastern industrial town when proof is needed.

Portentously, industry is spending billions to add purity to the air, and thoughtful laws allowing development of technology to catch up with decades-old abuses ensure that the environment can be reasonably improved and protected.

EPA does not know reason, however. EPA's curative course might be compared to medicine refusing to spend arduous years finding a cancer cure. Kill the patient and there is no more cancer.

Mr. FANNIN. Mr. President, the Phoenix Gazette on June 19, 1973, also carried a very good editorial stating the need for reconsideration of our environmental cleanup program. I ask unanimous consent that this editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

CLEAN-UP GOING SOUR

Unless Congress gives major American cities more time to meet clean-air standards imposed by federal law, the whole worthwhile effort to reduce air pollution is almost sure to collapse in a tidal wave of public outrage.

The traffic control plans proposed by the Environmental Protection Agency for 13 major cities no doubt would cut down on air pollution dramatically—but by strangling the cities economically.

As desirable as smog-free air may be in Los Angeles, for example, it is preposterous to propose controls that would force all the automobiles off the streets there by 1977. Likewise, it doesn't make sense to suggest that driving be curtailed in northern New Jersey by more than 60 per cent any time soon.

That isn't to say that all of EPA's plans are absurd. One requiring the installation of new air pollution control devices on heavy duty vehicles seems fair enough. Others that would tend to discourage the use of autos and prompt more people to use mass transit aren't necessarily out of line.

The EPA hasn't yet disclosed its plans for Phoenix, but, according to one source, they will call for the rerouting of traffic away from populated areas here. Presumably that would dictate a routing of the Papago West Freeway around the city instead of through it, down McDowell Road. That would make good sense, but applied in other ways, traffic rerouting here might not.

Whatever may be in store for Phoenix, however, measures to control air pollution should be in the realm of reality. A society almost entirely dependent on the automobile for transportation can't be expected to abandon cars overnight.

In announcing the control plans his agency was mandated to develop by federal law, EPA administrator Robert W. Fri observed "I am not sure these are the results that Congress intended." That must be understatement. Does Congress want to shut down the city of Los Angeles by prohibiting the use of autos there?

Fri says he will ask Congress to consider legislation giving severely affected areas more time to meet the clean air standards. Let's hope Congress acts favorably on that request soon. The people probably want clean air badly enough to change some of their ways to get it, but if the impossible is demanded of them, the people are likely to revolt against the environmental clean-up.

Mr. FANNIN. Mr. President, the detrimental effects of the EPA program are not limited to Arizona or the West. On the same date that the Gazette was running its editorial in Phoenix, the Evening Star here in Washington was making some very similar observations about the intolerable economic and social consequences that our ill-conceived laws could bring about. I ask unanimous consent that this editorial be printed in the Record at this time.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE CLEAN-AIR COLLISION

The clean-air ideal that Congress embraced so enthusiastically three years ago is coming into hard collision with the fact that its attainment—on the schedule envisioned—simply may not be possible through any rational means. Developments emerging last week from both the Supreme Court and the Environmental Protection Agency reinforce that view. They cast heavier doubt on the nation's ability to meet the air-purity standards set by Congress, to become effective in 1975.

First came the court's decision that air quality cannot be allowed to deteriorate significantly anywhere in the country—even out in the great unpopulated expanses where pollution doesn't begin to approach the limits set by the Clean Air Act of 1970. This interpretation of the act might, if rigidly applied, serve virtually to paralyze growth in underdeveloped areas that are seeking new industry. And dispersal of some industry from the larger congested cities to rural towns should, we think, be a part of the general program to reduce pollution. But the worst impact of this decision may hit the metropolitan centers in a way that relates, detrimentally, to both pollution and energy production. If new electric plants and other utilities cannot be located outside the areas of urban contamination, the problems of depollution and power supply will become much more difficult.

But the extent of this restriction will be unknown until there is clarification by the court, which gave no written opinion, and hence no guidance at all, but only upheld a lower court decree by a tie vote. Further litigation must be awaited to get the needed answers. And meanwhile, some major cities have only the dimmest prospect, or none at all, of meeting the air standards set for the year after next.

That became more starkly apparent last Friday when the EPA rolled out a partial plan for meeting Congress' requirements. An astounding reduction of traffic is contemplated in 18 urban areas—possibly even a total ban on private cars in Los Angeles, and a 60 percent cutback of driving in northern New Jersey. This is a good deal more than public opinion can be expected to bear. Certainly the prospective plans for the Washington area (on which we will have more to say later) would come as a jolt to countless wage-earners here.

Taken as a whole, the EPA's ideas for urban sectors, going into effect so soon, could exact intolerable economic penalties and prove politically indefensible. Given a bit more time, the widespread public-transit improvements now underway, and anti-pollution equipment on autos, can greatly ease the pain of transition to cleaner air.

Fortunately, the acting EPA chief, Robert W. Fri, seems to have no delusions about all this. In presenting the highly restrictive plan, Fri said he was "not sure these are the results that Congress intended," and that he will "explore with Congress the desirability of extending the deadlines for these areas that are so deeply affected." That is the wise course. Congress should begin reexamining the Clean Air Act, with a view to revisions that would allow more flexibility in reaching some of its goals. The need is for careful coordination, to achieve the final high objectives with the least possible economic damage.

Mr. FANNIN. Mr. President, another editorial which I believe should be brought to the attention of my colleagues appeared in the June 25, 1973, edition of Industry Week magazine. It is captioned, "Reason, Not Hysteria." That most certainly is what we need today in considering where we stand, and where we hope to go. I ask unanimous consent that this article also be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reason, Not Hysteria

Clean up the environment or else!

That's the hard line that has been drawn for industry. In some instances, near hysteria has set in. In the clamor to improve our ecology, laws have been based on opinion and emotion rather than fact.

The result has been the drawing of battle lines. It's industry versus pollution control enforcers—an advisary position rather than one of "let's reason together" to get the job done.

Let there be no mistake about it. The task of cleaning up the environment is all-important. It must and will be done. But it must be done with reason and plan, not with hysteria and threats.

We find heartening any attempt to put our quest for an improved environment on a reasoned course.

Allegheny County (Pittsburgh) Judge Silvestri J. Silvestri seems to be doing just that in litigation stemming from charges by the county environmental control agency that U.S. Steel Corp.'s Clairton (Pa.) Works' coke plant is violating air pollution standards. The county asked that the firm be fined $300,000 for failing to comply with a previously agreed-to court consent decree.

In a display of practicality, rare when it comes to environmental questions, the judge asked: "Would such an order improve the environment?" and then went on to answer, "We think not."

Rather, the judge questioned the standards as being a product "of the opinions of experts whose qualifications in this particular area are not apparent" and pointed out "there is not presently in the field demonstrated technology which can meet all the standards established by the plaintiffs."

Looking beyond the immediate case, the judge noted the questions are important to every group taking an interest in our environment, and to workers and the public. Controlling pollution in all forms is a task of "unforeseen proportions" requiring everyone's cooperation. "It will not be done by executive, legislative, or administrative fiat," he noted.

The judge ordered each of the parties to come up with more facts. Each is to appoint a team to evaluate the problem and review possible solutions.

He concluded: "History has demonstrated that science and technology have been able to solve problems in many areas once deemed impossible of solution. History also teaches us that the solutions were achieved, not through hysteria, but by a dispassionate search for basic facts and knowledge. . . ."

We applaud his efforts to get those involved to reason together to evaluate the problem, and to review possible solutions and their economic feasibility.

That's the only way to go.

Mr. FANNIN. Mr. President, and finally, in concluding my comments on the problems caused by our environmental protection laws, I would like to call attention to an advertisement which was printed recently by the Warner & Swasey Co. This very appropriately points out that pollution control can be very costly for society, and that this should be fully understood. The public must be aware of the price and willing to pay it, or we will not have any effective pollution control program in a democracy. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

All Too Many Crusaders Carry Banners With the Dollar Signs Removed

Yes, of course we can have pure air and water, automobiles and smoke stacks which emit no noxious fumes, smog-free cities, if—IF—we are willing to accept automobiles with miserably poor mileage, *if* we accept far higher electric rates, *if* we are willing to pay much more for almost everything we use, *if* —

Everyone wants freedom from pollution but no one seems willing to look at the other side of the coin—the cost. So isn't it a little silly for Environmentalists to beat their breasts and point their fingers and sharpen their tongues against business until they first publicly declare they are willing to pay the cost of the utopia they demand?

Like everything else in life, Freedom (including freedom from pollution) *is not Free.*

For years this Company (which, because of its type of business, is not a major polluter) has been spending hundreds of thousands of dollars, sometimes changing entire processes, to stop every possible pollution of air and water, every possible volume of irritant noise. So, too, we happen to know, have hundreds of other companies. But a complete revision in operations takes time as well as money.

Like so many other things in this country, we'd all see more clearly and so reach our goal more quickly with less crusade heat and more light.

CAMPAIGN FINANCING REFORM

Mr. CRANSTON. Mr. President, I intend during the next few months to devote a considerable part of my time and energy working in the Senate for legislation to cleanse elections of the corrupting curse of big money.

There are many lessons the American people must learn from that seamy perversion of the democratic process that we call the Watergate affair.

They range from the need for constant public vigilance about the separation of powers to the absolute necessity of maintaining a free and independent press.

But there is nothing about Watergate that should be more firmly embedded in the American mind than the fact that campaign contributions in the huge sums we have seen in recent campaigns inevitably corrupt the political environment.

Sometimes that corruption is blatant.

The bugging of telephones, the breaking into a psychiatrist's office, the purchasing of witnesses' silence, all were made possible by large sums of money which could be slipped under the table, or into the suitcase—unreported, unaccounted for, and untaxed.

More often, however, the corruption is subtle.

Expensive political campaigns force a candidate for a major office to seek hundreds of thousands and sometimes millions of dollars from private interests.

And much as many of us would like to depend on small contributions by a large number of average citizens, some reliance on the big giver is made politically inescapable by the vast amounts of money needed for a successful campaign.

Individual contributions can range from several thousand dollars for a Senator or a Congressman to hundreds of thousands for a Presidential nominee.

The effect of such contributions on the victorious incumbent is insidious.

He knows his victory was won in part by the generosity of those individuals who made large donations.

If he is an honest man, the incumbent will not let big contributors determine how he is going to vote—one way or another.

But even the honest man finds that he must give something of himself—his time and attention to the big giver's concerns, his sympathetic ear, his willingness to intervene when he can.

Thus political big money imperceptible but inevitably erodes the impartiality of our best men and our best institutions.

It gives the contributor an advantage over the noncontributor in the functioning of our democracy.

It is a growing cancer which can destroy our body politic.

It must be cut out.

But even if big money had no adverse effect on our political process, even if there had never been a Watergate, the need for reform would remain.

The demands and dimensions of political campaigns have become so great that our antiquated system of supporting them through private gifts is simply unacceptable.

It makes no more sense to try to support the election needs of an area like Los Angeles through volunteer contributions than it would be to try to meet the safety needs of Los Angeles with a volunteer fire department.

I used the expression: "Election needs."

Make no mistake about it—we do need political campaigns.

The process by which a candidate presents himself to the public is an integral part of our system.

How a candidate goes about seeking votes to gain office is as crucial an element of our democracy as anything the successful candidate may do when in office.

We would not think of not paying a Congressman with public funds—of forcing him to raise his salary from private, outside sources.

That would compromise him, we say.
Yet we turn right around and expect

that, every 2 years, he will spend a substantial amount of time and energy raising money from wealthy constituents to pay for his reelection effort.

I am not suggesting that a supporter should be prevented from contributing to a candidate.

The popular candidate should be able to realize all the advantages of his broader base of support.

Besides, an outright prohibition on political contributions would violate our basic political freedoms.

But we must reconstruct our archaic political financing system, so that we no longer rely solely or even primarily on private funds to finance ever-more expensive election efforts.

We must establish reasonable limits on campaign spending.

We must develop a program of public financing for a major percentage of the total a candidate is allowed to spend.

We must have a limit on the amount of private contributions any candidate can accept.

We must establish a limit on the amount any one individual can contribute.

And we must clean up the financial disclosure process so that the public can know all pertinent facts about the candidate and his campaign finances.

This is a great deal to accomplish, but I think things look promising for 1973.

The initial major attempt at campaign reform in Congress this year is the Federal Election Campaign Act of 1973, S. 372, introduced by Senator PASTORE.

It is expected that it will be up for Senate debate in July.

In its present form, the Pastore bill makes four major changes in existing campaign and election laws.

First, it repeals the equal time requirements for Presidential and Vice Presidential candidates—a long overdue reform which will permit greater radio and television exposure of the candidates—and will specifically encourage debates by the two major Presidential nominees in 1976.

Second, the existing limit on media and telephone spending is replaced with a total limit on all expenditures by or on behalf of a candidate for any Federal office.

In line with this change, the amount a candidate may spend in the primary and in the general election is set at 25 cents times the voting age population of the geographic area in which the election is held.

Third, a nine-member independent commission is established to enforce and administer the new election law.

The Federal Election Commission, appointed by the President and subject to Senate confirmation, would have no more than five members from any one political party.

It will replace the present structure which assigns supervisory and enforcement functions for Presidential campaigns to the Comptroller General, and for Senate and House campaigns to the Secretary of the Senate and the Clerk of the House respectively.

Finally, all Presidential campaign expenditures in excess of $100 would have to be approved by the candidate's national committee, which in turn would be required to file a report of such expenditures with the commission.

The Pastore bill is a positive continuation of Congress search for effective campaign reform.

But I think it must be made stronger and the following additions, I believe, are essential:

The concept of the Pastore bill requiring certification of political expenditures should be expanded to cover all candidates for Federal elective office.

Each candidate for the Senate and the House should be required to designate a single committee which would be responsible for approving all expenditures in excess of $100 made by or on the candidate's behalf.

The committee should also be required to file the full report of contributions and expenditures with the Federal Election Commision.

This would centralize financial reporting responsibility, and it would end the multiple committees which serve only to confuse and obscure the public's understanding of a campaign's operation.

Contributions by any individual should be limited, I suggest, to $3,000 per candidate.

This should include contributions of personal funds by the candidate and his family.

Under this provision, a husband and wife could jointly contribute $6,000—$3,000 each—to a single campaign, which is certainly a generous donation to any candidate.

Once we achieve public financing of campaigns, I believe the $3,000 limit should be reduced to $100, as I will discuss in a few minutes.

Incidentally, the $3,000 limit would remove political contributions from coverage under Federal gift tax regulations.

There also should be a limit to the total political contributions any one person can make.

Even with a $3,000 per candidate limit, one individual could contribute hundreds of thousands of dollars in an effort to enhance his power and influence.

Therefore, I intend to work in the Senate for $25,000 total limitation on any individual's campaign contributions.

Any contribution in excess of $100 should be made only by check.

Cash contributions are simply too easy to misuse, as Watergate demonstrates.

Public accountability of political funds requires that we get cash out of campaigns.

In addition to these amendments which I hope to see added to the Pastore bill, Congress must insist that the $1 Presidential campaign checkoff be placed on the front page of next year's income tax return—as was the intent of the original law.

The obscure supplemental form used by IRS this year is totally unacceptable.

Putting the checkoff on a separate form, plus the inadequate publicity given to the checkoff effectively subverted the public's knowledge and understanding of the program.

As a consequence, only 3 percent of American taxpayers used the checkoff privilege—which is far below the 8 percent per year needed to raise the money necessary to end Presidential campaign dependence on private funds.

Senator HUMPHREY and Senator MONDALE have been leading the fight to make sure there is no repetition of the inept IRS handling of the checkoff.

They have my full support.

I also believe that we have a chance in this Congress to require complete financial disclosure by all Senators and Congressmen and their top staff.

I am cosponsoring legislation to do this.

Disclosure should include an itemization of all assets and debts, a statement of net worth, and an explanation of all outside income.

Last week pursuant to a request of the Los Angeles Times to all Californians in the Congress, I voluntarily made a full disclosure of my financial status.

But, frankly, I do not believe we should be satisfied with leaving full disclosure to the voluntary decisions of incumbents and candidates.

It should be mandatory—required of all officeholders and candidates on equal terms.

Full disclosure of a candidate's worth and income—subject to meticulous examination by the public and the press—would be one meaningful step toward rebuilding public confidence in their Government.

Beyond these proposals, which I believe can be achieved this year, there remains the one big hurdle which is absolutely essential to any real reform of political campaigning—and that is adequate public financing of all campaigns for Federal office.

Voluntary checkoffs and tax credits are at best halfway measures.

As a Nation we need to understand that political campaigns fulfill a public need which is just as important to the health of our society as police protection or fire protection.

Campaign expenses, in major part, should be financed by appropriations from the public treasury.

I see a better campaign funding system working something like this:

A candidate for the House is limited to spending $90,000 under the Pastore bill.

I propose that a certain percentage of that—say two-thirds or $60,000—should be the Federal contribution.

That money from the U.S. Treasury would be deposited in a trust account in a bank in the candidate's district and administered by a bank trust officer.

Requisitions for payment of campaign expenses would be made by one person designated by the candidate.

These requisitions would be presented to the bank trust officer who would be solely responsible for issuing checks.

The other $30,000 would be raised through private contributions.

Once we adopt a Federal financing system—and I am sure we will in the course of time, if not right now—I believe the limit on an individual's contribution should be lowered from $3,000 to $100 per candidate.

All such contributions would be deposited in the same trust account and administered by the same trust officer in the same way he handles the Federal share.

Furthermore, the bank trust officer would be responsible for making the reports of contributions and expenditures required by the act.

A system along these general lines could eliminate most of the major abuses of campaign financing.

But such a major reform has little chance of being voted into law unless there is a substantial increase in public demand for electoral reform.

The stability and strength of our democratic decisionmaking process is a prerequisite for solving every other problem we face as a Nation.

I pledge myself to do all I can to restore that stability—to build that strength—by working in the Senate for reform, and by speaking out to the people of California the need to clean up the way we handle campaign funds.

THE VIETNAM REFUGEE SITUATION

Mr. PELL. Mr. President, Americans have, of course, been deeply divided on the subject of Vietnam, but we have been united in our humanitarian concern for the civilian victims of the long and brutal struggle there. In a country where 48 percent of the population is under the age of 15, it has been inevitable that a large proportion of those victims has been children. Fortunately, with the restoration of a measure of peace in Vietnam, the scenes of bewildered, maimed, and homeless refugees no longer haunt our TV screens. May they never do so again.

But we must not let an attitude of out-of-sight, out-of-mind make us forget the fact that today, despite great effort, there are still some one million Vietnamese refugees, at least half of whom are living in crowded emergency camps under deprived conditions. Children comprise more than 50 percent of the population of these camps.

I was graphically reminded of this yet unhealed war wound, and the magnitude of treatment that it still requires, by a report by the special mission of the International Rescue Committee of New York that examined the refugee situation in Vietnam in April. The report, I believe, objectively describes the problem, measures the needs, and proposes means by which the IRC can make an even more effective contribution to a solution in the fields of resettlement, public health, and child care, especially of war orphans and sick and injured children. Because this commendable report is most pertinent to the Senate's consideration of the allotment of funds for humanitarian relief in Vietnam, I request unanimous consent for excerpts to be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From the Report of the Special Mission to Vietnam of the International Rescue Committee

INTRODUCTION

The International Rescue Committee started its refugee relief and resettlement work in Vietnam in 1954, when approximately a million North Vietnamese fled to the South. In recent years, IRC has maintained a broad range of operations for refugees and children including day-care centers, a reception and convalescent center for children undergoing reconstructive surgery, a program for in-home day care, medical and public health projects, and training and community development programs. With the ending of hostilities in Vietnam, it semed advisable that a group of IRC board and staff members visit Vietnam in order to conduct a fact-finding survey of needs and conditions, and then to submit recommendations as to whether IRC's existing operations should be continued, extended, reduced or terminated—bearing in mind future trends and possible developments in both Vietnam and the United States.

The Mission was in Vietnam from April 2-April 14. It consisted of Co-Chairman Angier Biddle Duke and Leonard Marks, Mrs. Angier Biddle Duke, Joseph Buttinger, Anthony Duke, Cecil Lyon, Isadore M. Scott and David Sher. Ambassador Kenneth Keating, a Co-Chairman of the delegation, unfortunately was prevented from accompanying the Mission. However, he was of inestimable assistance in back-stopping the study group and maintaining liaison both here and in Vietnam.

The Mission visited refugee camps in An Loi, Phu Cuong, Long Khanh, Da Nang, Quang Tri, Kontum; day-care centers in Nha Trang and Saigon; the reconstructive surgery hospital of the Children's Medical Relief International and several IRC facilities in Saigon; community development and medical projects. It was briefed by Vietnamese officials, including the Minister of Social Welfare and the Minister of State in Charge of Refugee Resettlement and Rehabilitation, officials of the American Embassy and the United States Agency for International Development (AID), and talked with official and private individuals of varying nationalities in many fields including social service, business, medicine, child care, commerce, diplomacy, churches, the press, etc. The resident IRC staff in Saigon had arranged an inclusive program for the Mission and handled all arrangements for the Mission's work in Vietnam.

Early in its stay the Mission was briefed by Dr. Phan Quang Dan, Minister for Refugee Resettlement and Rehabilitation. Dr. Dan was most anxious that the Mission visit with him Quang Tri, Thua Thien and Quang Nam, the northernmost provinces, where he is actively engaged in resettling refugees in a program which he, personally, considers will prove to be a key to whether or not there is to be peace in Vietnam in the future. Dr. Dan is convinced that during the next few months every effort must be made to forget the trials of the past and to give peace a chance.

REFUGEE CAMPS AND RESETTLEMENT

The tragedy of Vietnam's refugees is a repetition of the tragedy of all uprooted people who have lost their homes, their livelihood and, in many cases, family members. Crowded into emergency camps, deprived of all privacy, they have no roots. The anguish of Vietnam's refugees is especially poignant as the vast majority of them have lived by the soil; now they have no land to cultivate, no communal bond with their fellow villagers. They share one profound hope: to find new roots and begin again. If they lose this hope, they will lose their human dignity. Vietnam's refugee population consists 90% of farmers, 5% of fishermen and 5% of city dwellers.

Some 8 million refugees in a country of 18 million people have been created in Vietnam since the war began. Insofar as official statistics convey an accurate picture of the actual situation, all but approximately one million are considered to have found new homes—some in the communities from which they had been driven, others in new areas because their villages have either been destroyed or occupied by the Viet Cong.

Of the one million "active" refugees in Vietnam today, 653,000 (115,000 families) are living in 109 refugee camps. An additional 200,000 are temporarily sheltered outside of refugee camps; and 260,000 are officially identified as "in-place cease-fire victims," or refugees whose homes have been destroyed since the cease-fire agreement was signed but have found shelter within their own communities.

The top priority facing Vietnam, and private groups providing supporting assistance, is the resettlement of the 653,000 refugees living in camps. Close to 255,000 of them are in the Da Nang area of Quang Nam province, about 80 miles south of the North Vietnamese border; their villages and homes in Quang Tri province, some 70 miles to the North, were reduced to rubble in some of the bitterest fighting of the war. Most of Quang Tri is now occupied by Communist forces.

Among the most deprived groups of refugees are the Montagnards. At least 50,000 of these darker-skinned mountain tribesmen have been driven from their homes and now are crowded into camps in the hot, flat lowlands. The mortality in Montagnard camps runs several times higher than in other camps; these people find it extremely difficult to adjust, physically and mentally, to an entirely new geographical environment, and thousands, especially the children, arrived severely malnourished and debilitated. Many Montagnards spent weeks and months in the jungles escaping from the Viet Cong, and their chances of ultimate survival were greatly diminished.

Binh Duong province is one of the several areas of high refugee concentration inspected by the IRC Mission. Here live 31,000 refugees (6,060 families) in five camps. One of them in the Phu Van refugee center where 20,000 refugees are crowded into 80 shelters. There are 14,000 children among them. As many as eight people sleep on a six-foot square board. There is one water tap for every 5,000 refugees and two 40-watt bulbs for every 250 inhabitants. Both of these items are considered "luxuries" in terms of overall refugee camp standards.

The government of Vietnam has set a target date of one year for the resettlement of the 653,000 in-camp refugees. It hopes to resettle about 40% of the refugees on "new" lands—that is, six million acres of virgin land and one million acres of war-abandoned land. Housing is a major problem, along with a lack of medical and public health facilities, and child care. But the resettlement priority does not diminish the urgent needs of the out-of-camp refugees and the "in-place cease-fire victims." Or of many older, "resettled" refugees who must have aid in order to survive and rebuild their lives.

MEDICINE AND PUBLIC HEALTH

In the course of its fact-finding survey on medical and public health problems in Vietnam, members of the IRC Mission inspected the facilities operated by private and governmental agencies throughout the country. Some of the United States and Vietnamese officials who were consulted include:

Dr. William D. Oldham, in charge of public health and medicine for USAID (Agency for International Development); Dr. Edward P. Irons, deputy to Dr. Oldham; Dr. Isaiah Jackson, chief of public health and medical care; William E. Paupe, chief of plans; Gardner Munro, USAID administrator of children's programs; Norman Firnstahl, responsible for official U.S. activities for refugee relief and rehabilitation; Dr. Tran Nuguon Phieu, the GVN (Government of Vietnam) Minister of Social Welfare, and his principal staff members; Dr. Phan Quang Dan, Minister of State for refugee resettlement; Dr. Tran Minh Tung, Minister of

Health, Administrators, social welfare workers, doctors, nurses and other medical personnel were also consulted in Saigon and during visits in eight provinces.

The work of American voluntary and governmental agencies has been an essential factor in the development of medical care and public health programs during the many years of war. The continuing participation of private groups is vital to the future of Vietnam, which has been held back from solving its problems by 30 years of fighting and destruction. If not for the war, advances by the Vietnamese would have been dramatic.

In the mid-1960's, the primary thrust of both private and governmental agencies was in the area of *medical* care. At that time, there were just over 1,000 Vietnamese physicians in the country, nearly 800 of them in the armed forces. In addition, paramedical personnel ranks were seriously depleted by the war. There are now 2,100 Vietanmese doctors, and 80% of medical care is provided by paramedicals: nurses, health technicians, pharmacists, laboratory and x-ray technicians, medical aides, etc.

By mid-1969, an official program was initiated to consolidate many military and civilian health facilities; at the same time, assisted by USAID and voluntary agencies, health-manpower programs were developed resulting in significant increases in the numbers of physicians, dentists, pharmacists, nurses and other health technicians available for assignment to civilian health facilities.

Because of the increasing Vietnamese capability to assume responsibility for the medical care program, basic priority emphasis of U.S. agencies has shifted to "preventive medicine," mainly self-help efforts to establish safe water supplies, sanitary waste removal and sewage disposal, and a generalized program of environmental sanitation and personal hygiene. A significant step in this new direction is the estabilshment of a new category of health worker for assignment to district-level health facilities, with the responsibility for extending a broad range of health services to rural areas. The training period is three years, and the first class of this new category of medical personnel will be available for assignment in mid-1973.

The offensive in the Spring of 1972 interrupted this shifting of priorities and resources. Provincial hospitals in Binh Long and Quang Tri were completely destroyed in addition to the loss of a Binh Dinh district hospital, 46 district-level maternity-infirmary dispensaries, and more than 150 village-level health facilities.

Today, U.S. health sector activities involve a broad-based advisory participation in health programs, as well as the carrying out of specific project objectives in areas of medical education, training and logistics, public health, preventive medicine, rehabilitation and population/family planning. It is reported that 59 family planning clinics are now operational.

The major U.S. effort in public health and preventive medicine during 1972 and the first part of 1973 was devoted to supportive assistance of the VN Ministry of Health in refugee camps. No significant outbreaks of communicable diseases occurred during this period. Medical training programs resulted in the graduation, during 1972, of 199 new physicians from Saigon University, an additional 26 from Hue University. The training of dentists, nurses and paramedical personnel has also made impressive strides, with broad American support.

It is the conviction of the Mission that the private American factor in the medicine and public health fields is of extreme importance to the Vietnamese people if the massive refugee problem is to be solved. Private American assistance should involve both short-term objectives—such as providing medical, surgical and health services to alleviate immediate refugee problems and suffering—and a longer-term program designed primarily to make it possible for the Vietnamese to assume full responsibility for a rehabilitation program for their country.

THE CHILDREN OF VIETNAM

No group of Vietnamese war victims is in greater need of help than the children, who comprise 48% of the country's 18 million inhabitants. These boys and girls under the age of fifteen have been surrounded by death and violence during their entire lifetime. Among the children, millions, literally, are sick, wounded, orphaned, undernourished, displaced and homeless. The number of Vietnamese children whose American fathers have abandoned them is about 15,000, according to the best figures available to Vietnamese and American authorities. Some estimates run as high as 25,000. The most deprived of this group are the some 1,800 children of black-American fathers.

There is no reliable count of Vietnamese war orphans (those who have lost both or one parent). There are between 300,000 and 700,000 of them. Children make up 50% of the population in refugee camps. Visits by the IRC Mission to many refugee camps make this figure entirely credible. The makeshift shelters, some crammed with a hundred or more refugees, are swarming with children, as are the surrounding outdoor areas and dispensaries (i.e., where a refugee camp is fortunate enough to have a medical facility).

That the children are generally lively, alert and curious, is not due to the aid which has reached them from outside. There has not been very much of that. But in Vietnam, one's existence, even one's personal identity, is submerged by the family. Hence the resilience of the children. It is a common sight to observe a girl of four walking hand-in-hand with two younger siblings; a boy of five carrying a younger sister on his back while he keeps his eye on a still younger brother. One hardly ever sees children quarreling or fighting. A sick child is rarely "left" at a hospital or dispensary by a mother—who will spend the night on a chair beside her child, or more often on the floor, rather than deprive the young one of her presence and personal care.

American observers can only marvel at the behavior of children (generally between the ages of two to six) at day-care centers. They are absorbed in their play and educational activities. The simple but nourishing food has given them back much of their mental and physical health. Good hygienic training has helped in this process of restoration. The warm relationship between supervisory personnel—all of them Vietnamese—is derived from the mutual respect that exists between adults and children. This is a way of life built into the people's culture, requiring no harsh words or discipline.

The IRC Kieu Mau center in Nha Trang, for example, is for pre-school children from three to six. Only needy parents are permitted to enroll children, and at no cost. School hours are from early morning to late afternoon and the curriculum consists of recreational and educational periods, exercise, meals, a shower, nap, general hygiene care and training. The IRC staff consists of a supervisor, three teachers, three caretakers, two cooks and one laborer. An essential benefit of this and other children's centers is that of enabling Vietnamese mothers to work, and thus to support their families. This is extremely important in the case of war widows.

Anthony D. Duke was the member of the IRC Mission who concentrated his attention on the problems of Vietnamese children. Mr. Duke is a founder and President of Boy's Harbor, an organization for disadvantaged and troubled children in the New York area. Some of his observations follow:

When you go to Vietnam, you are quickly impressed with child-preponderance. I discovered this while travelling throughout that war-beleaguered country earlier this month, and for good reason: 48% of the population is under 15 years of age.

Refugee statistics, war-victim figures, in-camp numbers, out-of-camp numbers, resettlement data, the hospitalized, the wounded, the maimed . . . statistics reach out to you from whatever pages you may be studying. But when you visit refugee camps, the numbers come to life, and your memory is indelibly affected by the smiles and laughter and sometimes tears of the children you see and meet. In the camps, the clinics, hospitals, convalescent centers, day-care facilities and home-day-care centers, you meet thousands of hopeful children. Their spirit in general is remarkably good, though it varies with area conditions and is greatly affected by the kind of care available to them and their elders.

IRC's approach and methodology, as observed by me, are outstanding both from a humanistic and technological viewpoint. Each facility I saw had special merit—mainly, it would seem, because of the quality and dedication of personnel and the sensible in-training programs conducted to assist Vietnamese personnel in becoming the eventual operators and in a sense proprietors of each project.

Let me comment on some of the children's facilities I visited while in Vietnam:

The Children's Dispensary in the An Loi Refugee Camp, in Bien Hoa Province, has 16–20 beds, a devoted team of nurses, and IRC supported doctors who visit the dispensary on a regular basis. This camp, with 11,000 Montagnard refugees accustomed to mountain living, is seemingly more crowded than Phu Van. The death rate is higher, I suppose, because here in the hot plains of Bien Hoa these mountaineers find themselves completely out of their element. IRC's Director for Vietnam, Carroll Morris, has a beautiful relationship with staff, refugees and with children wherever he goes. This dispensary takes care of very sick children—their mothers sit and watch them—the Montagnards don't seem to recognize illness until very late in the game; hence the dispensary cares for desperate cases.

At "Mary Lou" Refugee Camp in Kontum we met Dr. Brian Ryan, who looks after thousands of refugee children and also tends the sick at Dr. Pat Smith's 100-bed (with 600–700 patients) hospital. Although going into and through that overly, overly crowded hospital was a cultural shock, I soon learned that lots of human suffering was being alleviated. This hospital, literally bulging with humanity, treats war wounds, TB, plague, and just about every other illness and defect known to man.

The IRC Reception and Convalescent Center for the Barsky Hospital (Children's Medical Relief International) is a remarkable and cheerful place, teeming with children who are being cared for prior to plastic and other surgery, and who convalesce between surgery and going home. There are around 100 young patients there, with every conceivable need for surgery. The atmosphere is extraordinary, and after a while, the visitor notes more the smiling, hopeful eyes of the patients rather than the missing limbs or other serious deformities. Again, I was struck with the quality of all personnel I met.

Vinh Hoi Day Care Center—I visited this excellent center and went over records and case history files and methods employed by Mrs. Phu and others involved.

I also visited two different types of Home Day Care Units. The first was a middle-class family unit, run by a woman who had graduated from a school for Home Day Care Center personnel. The children, eight in number, are fed, clothed, and cared for while their mothers work. Later I visited another Home Day

Care Center with Mrs. Phu and Mr. Morris, this one being in the heart of Saigon's poorest area. Most impressed with the results of IRC's training program for this operation. The in-put here of assistance where needed generates possibilities for parents who otherwise might be totally handicapped.

I met with Dr. Tran Minh Tung, Minister of Health, who particularly commended the Barsky Unit and IRC's Reception and Convalescent Center. He declared the great need for programs to help handicapped children.

Dr. Uyen, head of Planned Parenthood Association of Vietnam, who had formed The Family Happiness Association in 1965, told us that the Association initially used the term "child spacing" instead of "birth control" because of tendency to associate birth control with abortion. In a survey, 80% of people interviewed favored family planning. There are now more than 60 family planning units throughout Vietnam. With the poor, IUD (Inter Uterine Device) is favored. Catholics favor the rhythm method, accept the pill, but don't like IUD, which signifies abortion. Some wives don't like vasectomy because it allows husbands too much sexual freedom.

The principal USAID advisor on children's programs underscored the official position in support of the Vietnamese policy that the best way of helping American-fathered children is to help *all* needy children. The development of community social services, particularly day-care, is extremely important and it is important, he stressed, that IRC should continue its own work.

CONCLUSIONS

The basic conclusions reached by the IRC Mission follow.

1. Although a cease-fire exists in Vietnam, or at least a partial cease-fire, the winding down of hostilities in no sense permits the abandonment of assistance to Vietnam's war victims.

2. The Vietnamese are a spirited and capable people. Given a chance to work in peace, they can develop viable social and economic structures.

3. The Vietnamese people, in order to achieve these goals, must have increased help, especially from the United States which has had so large a role in the war.

4. The nature of such assistance should have as a major underlying objective the encouragement and development of self-sufficiency. Aid should be essentially supportive, not self-perpetuating; only the people themselves can rebuild their own society with their own human resources.

5. An expansion of humanitarian assistance by private American voluntary agencies is of utmost significance.

6. It is the view of the Mission that the funding of the current IRC program for uprooted refugees and children in South Vietnam must be increased to $1,000,000. The expanded program should cover three basic interrelated areas: 1) Refugee resettlement and community development. 2) Public health and medical services. 3) Child care with emphasis on war orphans, sick and wounded children.

THE FUEL SHORTAGE

Mr. FANNIN. Mr. President, the current fuel shortage is a source of great hardship and anxiety around America. The first to feel the effects in my State have been the farmers who are having great difficulty in securing the fuel needed for the cultivation and harvest of crops. These in many cases are farmers who increased their production plans this year in response to the call for more food to feed Americans, and thus cut food costs, and to provide produce for export to help solve our international balance of trade problem.

But the fuel shortage has affected more than just the farmers, and it has brought demands for tangible action to solve our problem. Simply stated, we need quick action to bring additional fuel in the immediate and near future.

One step we can and should take is to get the Trans-Alaskan pipeline underway. It does not need more study—it has been thoroughly studied already. Suggestions that a Canadian pipeline be considered are fine—we can do that after we have the Alaskan pipeline under construction.

Mr. President, the Arizona Republic on Tuesday printed an editorial entitled, "Talk, But No Action." People are getting tired of talk in Congress; they very justifiably want action. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Talk, But No Action

The so-called "energy crisis"—shortages of electricity and petroleum—now spans nearly a year. Slowly, one metropolitan area after another has suffered power brownouts, and "no gas" signs are common in service stations across the land.

Everybody's talking about it, but who's doing anything about it?

The obstacle to any short-term solutions is that everybody is talking, but doing very little.

One glimmer of hope is in President Nixon's plans to appoint a cabinet-level energy czar to clear the decks of confusion, and make decisions.

There is no want of ideas on what can and should be done—in fact, the ideas form a mountain of paperwork.

Arizona's Congressman John Rhodes charges that antiquated legislative mechanisms make it impossible for the Senate and Congress to focus on any clear cut program.

He reports that in Congress alone, there are 30 committees and subcommittees charged with overseeing energy legislation.

And since Jan. 1, Rhodes reports 414 separate bills have been introduced—almost one per congressman—to regulate or expand energy. Those bills now are in the hands of 26 different committees.

If each is processed according to congressional methods, the tedious and prolonged hearings and re-hearings might last until the nation is plunged into darkness and its mobility brought almost to a halt.

Typical of the snail-pace delays involved is a proposal by Sens. Birch Bayh (D-Ind.) and Walter Mondale (D-Minn.) to halt any actions on the proposed trans-Alaska pipeline for up to 14 months while further studies are made of a new route across Canada.

The Canada routing is folly. It is three times longer, costs are staggering and the Canadian government has shown little enthusiasm—unless 52 per cent ownership is bestowed in Canadian hands. That last condition should frighten enough knowing what political eccentricities could do to the flow of oil.

Ample electricity and petroleum often is portrayed as nothing more than fuel for American gadgetry and status-symbol cars. Far from it.

Power and petroleum are essential in the manufacture of products which are the essence of employment, and, thus, at the heart of America's ability to keep itself busy.

The spongy Washington inability to cut down on talk, and do some bullet-biting with few wasted words, is in desperate need.

The only energy in a pile of legislative proposals is the bonfire it would fuel.

THE NUTRITION FACTOR: ITS ROLE IN NATIONAL DEVELOPMENT

Mr. HOLLINGS. Mr. President, Alan Berg is one of the world's leading authorities on nutrition in less-developed countries. His experiences have ranged from famine relief service in India to a senior fellowship at Brookings Institution. Dr. Berg is currently developing a nutrition program to be used by the World Bank. His most recent book, "The Nutrition Factor: Its Role in National Development," is a milestone achievement linking nutrition to economic and social forces of developing nations. It is a book with which I can strongly identify. Many of his conclusions and recommendations are applicable to our own country, where the effects of hunger and malnutrition continue to stunt the potential of the isolated poor and retard the economic and social development of the nation as a whole.

In the search for solutions to the problem of world poverty, nutrition is gaining the attention of foreign assistance agencies and many governments in developing countries. This study contributes to the search by examining malnutrition as an obstacle to development, by assessing the available means for dealing with it, and by suggesting practical courses of action.

The author moves nutrition out of the laboratory and treats it as an important determinant of human and national performance. Viewing malnutrition as both a consequence and a cause of underdevelopment, he contends that better nutrition of the child is essential to his subsequent contribution to the national economy. He suggests that certain nutritional deficiencies could be eradicated in much of the world. But he says that governments must intervene, much as they do in education—and this will call for new kinds of organization, a new kind of research, and above all a new level of concern. His wide-ranging analysis suggests that many roads are open to planners in low income countries.

I wish to recommend "The Nutrition Factor" as a thoughtful and informative study with an important message for governments of all nations.

I ask unanimous consent to print a review by noted agricultural economist Lester Brown, in the current issue of War on Hunger magazine in the Record.

There being no objection, the review was ordered to be printed in the Record, as follows:

Review of "The Nutrition Factor" By Alan Berg

(Lester R. Brown) *

From time to time one comes across a book which makes a difference. It affects our behaviour, the way in which we think about

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*Lester R. Brown, a Senior Fellow with the Overseas Development Council, was formerly Administrator of the International Agricultural Development Service, U.S. Department of Agriculture. He recently authored *World Without Borders* (Random House).

certain things. *Silent Spring* forced us to reexamine our relationship with the environment. *The Cost of Economic Growth* by Mishan helped us to understand that there are negative as well as positive dimensions of continuous economic growth. *Unsafe at Any Speed* by Ralph Nader launched the consumerism movement. *The Nutrition Factor* by Alan Berg may belong in this category.

Thousands of books have been written on nutrition, but few have received much attention outside the nutrition community. *The Nutrition Factor* is an exception; excerpts have already been published as features in the *Saturday Review* and the Sunday *Washington Post*. This attention is not undeserved for this is a book rich in detail, insight and prescription. Central to its thrust is the recognition that adequate nutrition is too important a matter to be left to the nutritionists alone.

The Nutrition Factor represents another major step in a trend which has emerged within the past few years of looking at development in social as well as in economic terms. It reinforces the thinking in *Development Reconsidered* by Owens and Shaw, reviewed earlier in these pages. The opening paragraph in the second chapter dramatizes the human dimensions of malnutrition, "The light of curiosity absent from children's eyes. Twelve-year-olds with the physical stature of eight-year-olds. Youngsters who lack the energy to brush aside flies collecting about the sores on their faces. Agonizingly slow reflexes of adults crossing traffic. Thirty-year-old mothers who look sixty. All are common images in developing countries; all reflect inadequate nutrition; all have societal consequences."

Berg then goes on to describe some of the economic consequences of malnutrition, putting it in terms economic planners must contend with. "Malnutrition adversely affects mental development, physical development, productivity, the span of working years—all of which significantly influence the economic potential of man.

"Malnutrition during the fetal period and in infancy is associated with intellectual impairment. Although the significance is not fully understood, severely malnourished children have brains smaller than average size and have been found to have 15–20 percent fewer brain cells than well-nourished children (of those who had a low birth weight—implying malnutrition in utero—the deficit was 40 percent)."

After assembling evidence that nutrition influences our productivity, our well-being, and the capacity for reaching our inherent potential as human beings, the author addresses the question of how to go about providing adequate nutrition. The traditional or conventional way of doing so was to raise levels of income and productivity within a society to the point where people could afford enough livestock products and sufficient diversity of diet to meet their nutritional needs. The average American, for example, who is more likely to be over-nourished than under-nourished, requires nearly one ton of grain per year to support his dietary habits. Of this ton, only about 150 pounds is consumed directly in the form of bread, pastries and breakfast cereals. The great bulk of the remainder is consumed indirectly in the form of meat, milk and eggs. The average person in the developing countries, with only about 400 pounds of grain per year cannot afford to convert much, if any of this into animal protein. Nearly all must be consumed directly merely to keep body and soul together.

Berg recognizes that the conventional approach to achieving adequate nutrition followed in the industrialized societies has worked reasonably well, but that it has taken an enormous volume of resources, a rather high level of income and above all, a long time. Recognizing the reinforcing nature of poverty, malnutrition and low productivity—poverty begets malnutrition, malnutrition begets low productivity, and low productivity begets poverty—Berg focuses on ways of breaking this cycle. Few stones are left unturned in his search.

Given the sheer impossibility of achieving adequate nutrition via the conventional route for the foreseeable future, the question is what can be done to overcome nutritional deficiencies in the near term. In his search for shortcuts, Berg leaves few stones unturned, examining the Green Revolution, breast feeding practices, the fortification of traditional foods, the use of specially formulated foods (particularly weaning foods) and special feeding programs for vulnerable groups within the population such as pregnant and lactating women, and children during the critical period from 6 to 24 months of age.

Berg makes the case that there is no single strategy applicable to all countries. One must always be conscious of the circumstances—economic, social and political—that prevail in a given country, one must always look for intervention points in the system where changes can be made which will improve nutrition. In a country such as Peru with widespread protein malnutrition and the world's highest per capita catch of fish, an important part of any solution might be simply investments in transportation which would permit the fish to be moved quickly inland where the needy populations are located. In Korea where seasonal shortages of critical nutrients loom large, investments in storage facilities and food preservation might yield a high payoff.

Among the most promising techniques to achieving widespread nutritional improvements in most traditional societies are fortification of foods with vitamins, minerals and essential amino acids, and the genetic improvement of cereals to raise the level and quality of protein content. An endless number of policy levers can be used to improve a nation's nutritional well-being ranging from agricultural price policy to the use of the communications media for nutritional education. Fortunately most of these people are now reached by either the print or electronic media, if not both.

Some broad based trends which are adversely affecting the nutritional status of a significant share of the 2 billion people living in the poor countries are identified in this analysis. One is the tendency in several important countries where food supplies are exceedingly tight for cereals to displace beans, peas and lentils, a group of high-protein foods commonly referred to as pulses, which are of critical importance in societies where consumption of livestock products is low, if not virtually nonexistent. India is an important example of this undesirable trend. In effect, the quest for calories which cereals, particularly the high-yielding varieties yield in the largest quantities, is causing them to displace pulses even though they yield more protein per acre.

Another disturbing trend, apparently influenced by changes in social attitudes, is the pronounced decline in breast feeding among those who are unable to afford adequate alternative sources of nutrients for infants. Berg documents the tragic consequences of this among the world's low income groups and the dramatic decline in breast feeding over the past decade in such countries as Chile, Mexico and the Philippines.

One of the things that makes *The Nutrition Factor* such an exciting new book is that it is written by a pragmatist, one who has himself been for several years deeply immersed in the effort to improve nutrition among that half of the world's people who are poor. This realistic, highly readable book deserves broad dissemination and discussion. Fortunately this will be facilitated by the writing skill of the author and by the fact that its publisher has accommodatingly and wisely published it simultaneously in both cloth and paper cover.

AN ADEQUATE FUEL SUPPLY FOR THE AGRICULTURAL INDUSTRY

Mr. HOLLINGS. Mr. President, on behalf of Senator THURMOND and myself, I would like to bring to the attention of my colleagues a concurrent resolution passed by the South Carolina State Legislature memorializing the Congress to take the necessary action that will assure the agricultural industry of an adequate fuel supply for planting and harvesting.

I am glad that the U.S. Senate shares the concern of my fellow South Carolinians in that I worked hard to see that farmers were given priority in being supplied with fuel in legislation that recently passed the Senate. The economic impact of the farmer's plight is of great concern to us all. In South Carolina and all across the Nation, farmers are unable to get gasoline to run their tractors and to process their crops. Without some immediate action, many crops will rot while the prices of food skyrocket. We have already seen crops go wasting in the Midwest and the outlook for the future is not promising.

I have been working with the Department of the Interior and the Office of Emergency Preparedness to make adequate fuel available to farmers. The agencies have assured me that they are monitoring the fuel situation and I have been assisting in this matter by contacting the agencies concerning individual problems as I become aware of them. There is no doubt that an emergency situation exists and we must all work together to help solve the problem.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A concurrent resolution memorializing the Congress of the United States to take the necessary action to assure that the agricultural industry shall be provided with adequate fuel for planting and harvesting

Whereas, natural disasters and other contributing factors have resulted in a shortage in many agricultural products, and especially in feed products; and

Whereas, these shortages have greatly affected the cost of living for all Americans; and

Whereas, the fuel shortage, be it actual or contrived, has complicated the planting and harvesting of foods and feed products; and

Whereas, it is most expedient that the agricultural industry be assured an adequate supply of fuels. Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

That the Congress of the United States is memorialized to take appropriate action to assure that the agricultural industry of America shall be supplied with adequate fuels for the planting and harvesting of food and feed products.

Be it further resolved that a copy of this resolution be forwarded to the President of the United States Senate, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

MORE FEDERAL FUNDS NEEDED IN OCEANOGRAPHY

Mr. HOLLINGS. Mr. President, the recent tragedy involving a research mini-sub off the Florida coast has prompted some serious reevaluation of our Nation's commitment to a sound oceans program in balance with our national priorities.

Recently, Mr. John Perry, one of this Nation's pioneering spirits in the oceanography field, stated his belief that we must dedicate more Federal funds to a national need in the oceans.

I ask unanimous consent that an Associated Press account of comments by Mr. Perry, as it appeared in the June 24 edition of the Charleston News and Courier, be printed in its entirety in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sub Builder Says Space Funds Needed for Ocean

Palm Beach, Fla.—The billions spent on space at the expense of oceanographic research are at least partially to blame for the deaths of two scientists in a midget submarine, according to a noted research submarine builder.

John Perry, president of Perry Oceanographics Inc., made his comments at the end of a week which saw the dramatic deaths of the two men and the triumphant return of three astronauts from the first phase of the Skylab space program.

"I hope the tragedy off Key West will jolt the nation into an awareness of the need for a revived and realistic interest in exploration of man's neglected asset: the ocean," Perry said.

"An urgent new sense of taxpayer realism is needed. Many of the billions shot into outer space could have more sensibly been spent in learning about an asset of more intrinsic value, the oceans, something at our doorstep and not a million miles away."

Space officials at the Johnson Space Center said they feel Perry is unfair in his comments on space research.

A NASA spokesman noted that the agency has spent millions on oceanographic research itself, including its Nimbus and Earth Resources satellite programs whose studies include ocean currents, fishing grounds and the location of undersea mineral deposits.

The Skylab program, which ended its first phase with the return of three astronauts to earth Friday, also has ocean research as one of its primary goals, the spokesman said.

Two scientists died a slow death of carbon dioxide poisoning early last week while their midget research submarine was trapped 351 feet deep in the Atlantic Ocean by the wreckage of a scuttled destroyer.

When the Johnson-Sea Link was raised after 31 hours of frantic efforts by rescuers, Clayton Link, 31, son of the minisub's inventor, and Albert Stover, 51, veteran submarine pilot and underwater survival expert, were dead. Two others survived.

Perry sent two minisubs to aid the effort, and although one tried to free the Sea Link with external claw arms, the effort failed.

"All of us must accept partial responsibility in this tragedy because we stood by uncomplaining while our government wasted vast sums and ignored our most valuable asset," he said.

Stover worked for Perry from 1969 until two months before his death as the head of Perry's submarine leasing and operations division.

Perry, a millionaire former newspaper publisher who built his first minisub in 1955, joined forces with Edwin A. Link in 1966 to build the Deep Diver. Deep Diver was the first civilian submersible with the capability to allow divers to enter and leave at great depths.

Since 1966, Perry's firm and its affiliates have built 40 small submarines and numerous underwater laboratories and other oceanic hardware.

Perry was a member of a 15-man commission appointed by the late President Johnson to prepare a national ocean exploitation program. That commission developed the National Oceanic and Atmospheric Administration (NOAA), America's ocean and weather research agency.

"One of the Washington tragedies has been the hobbling of NOAA. The NOAA man-in-the-sea program has been virtually decimated. They asked for $3 million and are getting $1 million," he said.

He said the nation will eventually spend some $2 billion on the Skylab space program, but ocean research is being left almost entirely to private enterprise.

"Our oceans are polluted. Fish life is contaminated and depleted. Recreational beachfronts are disappearing. Hurricanes spawned at sea range uncontrolled over the land. The Gulf Stream, the world's greatest river, is an energy source untapped when an energy crisis is upon us," Perry said.

"I think we could get more for our money by trying to solve problems in the sea than learning how long ago the moon was born."

INCOME TAX RETURN OF SENATOR AND MRS. HASKELL

Mr. HASKELL. Mr. President, I cannot blame the American people for a certain feeling of distrust toward those who run their Government. When the Nation is confronted by stories of financial wheelings and dealings, including allegations of financial chicanery at the highest levels of our Government. I too, cannot help but share this feeling held by many Americans.

Conducting government in the open is part of the way to dispel this distrust. And this means that those of us in public life must set an example and conduct our personal affairs in the most open manner possible.

Because I feel this obligation, I have decided to cosponsor legislation introduced earlier this session by my colleagues from New Jersey, Senator Case, and from Michigan, Senator Hart. The legislation, S. 405, requires disclosure of financial interests by those serving the Government who earn more than $20,000 in any given year. It also requires disclosure by candidates for seats in the Congress. I am not entirely certain that the $20,000 figure is the best "cut off" point but do believe the legislation is a definite step in the right direction and will be modified as needed once it is given committee consideration.

Disclosure of financial information by political figures is essential if we are to regain the trust of the American people.

Because I believe in the concept of financial disclosure legislation I have chosen to make a copy of my 1972 tax return available for public scrutiny.

Mr. President, I ask unanimous consent that a copy of my tax return be printed in the Record.

There being no objection, the income tax return was ordered to be printed in the Record, as follows:

Form 1040—U.S. Individual Income Tax Return

(For the year January 1-December 31, 1972)

Floyd K. and Eileen N. Haskell, [redacted] [redacted] [redacted]; 2707 Williamette Lane, Littleton, Colorado 81021.

Occupation: Yours, Attorney-U.S. Senator; Wife's Housewife.

Filing Status—check only one:

2. Married filing joint return (even if only one had income).

EXEMPTIONS

6. Yourself.

7. Wife (husband).

Number of boxes checked, 2.

8. First names of your dependent children who lived with you: Pamela.

10. Total exemptions claimed, 3.

INCOME

12a Dividends, $21,210.18.

12b Less exclusion, $133.60.

12c Balance, $21,076.58.

13. Interest income $4,069.18.

14. Income other than wages, dividends, and interest (from line 45), $85,613.50.

15. Total (add lines 11, 12c, 13 and 14) $110,759.26.

16. Adjustments to income (such as "sick pay," moving expenses, etc. from line 50), $868.21.

17. Subtract line 16 from line 15 (adjusted gross income), $109,891.05.

TAX, PAYMENTS AND CREDITS

18. Tax, check if from: Form 4726, $42,590.53.

20. Income tax (subtract line 19 from line 18), $42,590.53.

21. Other taxes (from line 67), $675.00

22. Total (add lines 20 and 21), $43,265.53.

24. 1972 Estimated tax payments (include amount allowed as credit from 1971 return), $37,000.00.

27. Total (add lines 23, 24, 25, and 26), $37,000.00.

BALANCE DUE OR REFUND

28. If line 22 is larger than line 27, enter balance due IRS, $6,265.53.

PART I.—INCOME OTHER THAN WAGES, DIVIDENDS, AND INTEREST

35. Business income (or loss) (attach Schedule C), $77,902.37.

36. Net gain (or loss) from sale or exchange of capital assets (attach Schedule D), $4,497.94.

38. Pensions and annuities, rents and royalties, partnerships, estates or trusts, etc. (attach Schedule E), $3,186.60.

44. Other (state nature and source), collect on acct. rec. from prior partnership, $26.59.

45. Total (add lines 35 through 44). Enter here and on line 14, $85,613.50.

PART II.—ADJUSTMENTS TO INCOME

47. Moving expense (attach Form 3903), $186.00.

48. Employee business expense (attach Form 2106 or other statement), $682.21.

50. Total adjustments (add lines 46, 47, 48, and 49). Enter here and on line 16, $868.21.

PART III.—TAX COMPUTATION (DO NOT USE THIS PART IF YOU USE TAX TABLES 1–12 TO FIND YOUR TAX)

51. Adjusted gross income (from line 17), $109,891.05.

52. (a) If you do itemize deductions, enter total from Schedule A, line 40 and attach Schedule A; (b) If you do not itemize deductions, enter 15% of line 51, but do NOT enter more than $2,000. ($1,000 if line 3 is checked), $10,060.93.

53. Subtract line 52 from line 51, $99,830.12.

54. Multiply total number of exemptions claimed on line 10, by $750, $2,250.00.

55. Taxable income. Subtract line 54 from line 53, $97,580.12.

PART V.—OTHER TAXES

62. Self-employment tax (attach Schedule SE), $675.00.

67. Total (add lines 62, 63, 64, 65, and 66). Enter here and on line 21, $675.00.

Form 2106—Employee Business Expenses, 1972

Floyd K. Haskell, [redacted] [redacted].

Occupation in which expenses were incurred. See note below.

Employer's name: See note below.
Employer's address: See note below.

PART I.—EMPLOYEE BUSINESS EXPENSES WHICH ARE DEDUCTIBLE IN COMPUTING ADJUSTED GROSS INCOME ON LINE 17, FORM 1040

1. Travel expenses while away from home on business (number of days—):

(b) Meals and lodging, $682.21.

Total travel expenses, $682.21.

7. Excess expenses (line 5 less line 6). Enter here and include in line 48, Form 1040, $682.21.

Note: Taxpayer was newly elected United States Senator from the State of Colorado in November 1972. The deduction taken on this form reflects hotel and apartment rental expenses incurred by the Senator-elect in November and December, 1972 for lodging in the District of Columbia. No deduction has been taken for meals during this period.

FORM 3903—MOVING EXPENSE ADJUSTMENT, 1972

Floyd K. and Eileen N. Haskell, Social security number [redacted].

(a) What is the distance from your former residence to your new business location? Approx. 1,500 miles.

(b) What is the distance from your former residence to your former business location? Approx. 25 miles.

1. Transportation expenses to move household goods and personal effects. Expenses of packing preparatory to moving some household effects from Colorado to District of Columbia, $186.00.

11. Total moving expenses (Add lines 1, 2, 10(a) and 10(b).), $186.00.

Note: See explanation on Form 2106.

INSTRUCTIONS

A. Who May Deduct Moving Expenses.—An employee or self-employed individual may deduct reasonable moving expenses paid or incurred during the taxable year in connection with his move to new principal place of work.

The deduction is allowed only if (a) the change in job locations has added at least 50 miles to the distance to work from the old residence, or (b) if there was no former principal place of work, the new principal place of work is at least 50 miles from the former residence. The distance between two points shall be the shortest of the more commonly traveled routes between the two points.

Also, the deduction is allowed only if either (a) during the 12-month period immediately following arrival in the general location of the new principal place of work the taxpayer is a full-time employee during at least 39 weeks, or (b) during the 24-month period immediately following arrival in the general location * * * self-employed on a full-time basis during at least 78 weeks of which not less than 39 weeks are during the 12-month period following arrival.

B. The 39 Week/78 Week Test.—The 39 week/78 week test referred to in instruction A may be disregarded if it is terminated because of death, disability, involuntary separation from employment (other than for willful misconduct) or transfer for the benefit of an employer.

If the 39 week/78 week test has not been satisfied before the time for filing the return for the taxable year in which moving expenses were paid or incurred, but will later be satisfied, moving expenses may still be deducted in the year when paid or incurred.

If, however, the 39 week/78 week test is not satisfied at the close of a later taxable year, then an amount equal to the deduction for moving expenses taken in the prior year shall be included in income for the first such later taxable year; unless, an amended return is filed for the year in which the deduction is eliminated.

C. Deductible Moving Expenses.—

(1) *Expenses Not Subject to a Dollar Limitation, lines 1 and 2.*—These types of expenses are as follows:

(a) Expenses for the movement of household goods and personal effects from the former residence to the new residence, and

(b) Traveling expenses (including meals and lodging) from the former residence to the new place of residence (not to be confused with other traveling expenses, explained below).

(2) *Expenses Subject to a Dollar Limitation, lines 3, 4, 6, and 7.*—These types of expenses are as follows:

(a) Traveling expenses (including meals and lodging) after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the primary purpose of finding a new residence,

(b) Meals and lodging expenses while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment, and

(c) Qualified expenses attributable to the sale, purchase, or lease of a residence. These types of expenses are subject to an overall per move limitation of $2,500, of which the expenses described in C2(a) and C2(b) cannot exceed $1,000. If expenses described in C2 total more than $2,500, you should allocate as much of the C2(a) and C2(b) expenses (line 10(a)) to your per move limitation as possible. The reason for this is that unused C2(c) expenses can be used to reduce the realized gain on the sale of your residence or to increase the basis of your new residence or both. If you do not use the C2(a) and C2(b) expenses as a moving expense deduction, you cannot deduct them.

In the case of a taxpayer and his (her) wife (husband) who both commence work at new principal places of work during the taxable year, the two commencements will be considered a single commencement of work, for purposes of assigning the dollar limitations in C(2), if as of the * * * shared the same new residence. If they file separate returns, these types of expenses are subject to an overall per move limitation of $1,250, of which the expenses described in C(2)(a) and C(2)(b) cannot exceed $500. However, if the taxpayer and his (her) wife (husband) have not shared the same new residence nor made specific plans to share the same new residence within a determinable time, the separate commencements of work will be considered separately. If they file separate returns, these types of expenses are subject to an overall per move limitation of $2,500, of which the expenses described in C(2)(a) and C(2)(b) cannot exceed $1,000. If they file a joint return, these types of expenses are subject to an overall per move limitation of $5,000, of which the expense described in C(2)(a) and C(2)(b) cannot exceed $2,000.

D. "Reasonableness" of Moving Expenses.—The term "moving expenses" includes only those expenses that are reasonable under the circumstances of the particular move. Expenses related to members of the taxpayer's household include only those expenses for members who have both the taxpayer's former residence and his new residence as their principal place of abode. Members of the taxpayer's household generally do not include, for example, a servant, governess, chauffeur, nurse, valet, etc.

E. Household Goods and Personal Effects.—Expenses of moving household goods and personal effects from the taxpayer's former residence to his new residence include the actual cost of transportation or hauling, packing and crating, in-transit storage, and insurance.

F. Travelling Expenses from the Taxpayer's Former Residence to His New Residence.—These include the cost of transportation, meals, and lodging (including costs for the date of arrival). The deduction for traveling expenses from the taxpayer's former residence to his new residence is allowable for only one trip. However, it is not necessary that the taxpayer and all members of his household travel together or at the same time. To compute the cost of transportation in cases where the taxpayer uses his own car, see Instruction G below.

G. Traveling Expenses, after Obtaining Employment, from the Former Residence to the General Location of the New Principal Place of Work, and Return, for the Principal Purpose of Searching for a New Residence.—Traveling expenses are deductible only if (1) the trip is begun after the taxpayer has obtained employment in the general location of the new principal place of work; (2) the taxpayer returns to his former residence after searching for a new residence in the general location of the new principal place of work; and (3) the taxpayer's principal purpose in traveling to the general location of the new principal place of work is to search for a new residence.

If a taxpayer uses his own automobile for this transportation, he can compute the transportation expenses in either of two ways: (1) Actual out-of-pocket expenses. For example, gasoline, oil, repairs, etc. Or (2) at a rate of six cents a mile. If out-of-pocket expenses are claimed, an adequate record must be kept to verify amounts. If the optional method of six cents a mile is used, attach a schedule verifying the mileage.

H. Expenses of Meals and Lodging while Occupying Temporary Quarters.—These are deductible for any 30 consecutive days after the taxpayer has obtained employment in the general location of the new principal place of work.

I. Qualified Expenses Attributed to the Sale, Purchase or Lease of a Residence.—This term means only those reasonable expenses (such as, sales commissions, advertising expenses, attorney and legal fees, title fees, escrow fees, and State transfer taxes) incident to (a) the sale or exchange of the former residence (not including expenses for work performed on the residence to assist in its sale) which would be taken into account in determining the amount realized on the sale or exchange; (b) the purchase of a new residence which otherwise would be included in (i) the adjusted basis of the new residence, or (ii) the cost of the loan (but not including payments or prepayments of interest); (c) the settlement of an unexpired lease on property used as a former residence; or (d) the acquisition of a lease on property which will become the new residence (excluding payments or prepayments of rent).

J. Nondeductible Expenses.—Moving expenses do not include, for example, any loss incurred on the sale, exchange, or other disposition of property, mortgage penalties, cost of refitting rugs or draperies, losses due to the disposal of memberships in clubs, tuition, and similar items.

K. Self-employed individuals.—A self-employed individual is defined as one who performs personal services as (a) the owner of the entire interest in an unincorporated trade or business, or (b) a partner in a partnership carrying on a trade or business.

For expenses to be deducted on lines 3 and 4 by a self-employed person, the condition of having obtained employment is met when substantial arrangements have been made to commence work.

L. Reimbursements and Allowances.—All reimbursements and allowances for moving expenses must be included in income. In general, an employee will find such reimbursements and allowances included in his Form W-2. However, if there is doubt, he should check with his employer. Line 12 is provided for the reporting of reimbursements and allowances if such items are not included elsewhere on Form 1040 or related schedules.

M. No Double Benefits.—The amount realized on the sale of the old residence shall not be reduced by any expenses included in line 6, and the basis of the new residence shall not be increased by the amount of any expenses included in line 7. If such expenses are included in income because some condition for the allowance of this deduction has not been met, an appropriate adjustment to the selling price and/or basis may be made.

Form 4726—Maximum Tax on Earned Income, 1972

Floyd K. and Eileen N. Haskell, identifying number [redacted].

1. Earned income (see instructions, $130,023.70.

2. Deductions (see instructions), $52,989.54.

3. Earned net income. Subtract line 2 from line 1, $77,034.16.

4. Enter your adjusted gross income, $109,891.05.

5. Divide the amount on line 3 by the amount on line 5. Enter percentage result here, but not more than 100%, 70%.

6. Enter you taxable income, $97,580.12.

7. Multiply the amount on line 6 by the percentage on line 5, $68,306.08.

8a. Enter the larger of either (1) the total of your 1972 items of tax preference or (2) one-third of the total of your tax preference items for 1970, 1971, and 1972, ———.

8b. Less, $30,000.

8c. Subtract line 8b from line 8a, ———.

9. Earned taxable income. Subtract line 8c from line 7 (see instructions), $68,306.08.

10. If: you checked line 2 or 5, Form 1040, enter $52,000, $52,000.00.

11. Subtract line 10 from line 9 (if zero or less, do not complete rest of form) $16,306.08.

12. Enter 50% of line 11, $8,153.04.

13. Tax on amount on line (use Tax Rate Schedule in Form 1040 (or Form 1041) Instr.), $43,728.07.

14. Tax on amount on line 9 (use Tax Rate Schedule in Form 1040 (or Form 1041) Instr), $26,788.34.

15. Subtract line 14 from line 13, $16,828.48.

16. If the amount on line 10 is: $52,000, enter $18,060, $18,060.00.

17. Add lines 12, 15, and 16. This is your maximum tax. Enter here and on line 18, Form 1040 (or line 24, Form 1041); however, if you had net long-term capital gains in excess of net short-term capital loss, complete Computation of Alternative Tax below, $43,041.52.

COMPUTATION OF ALTERNATIVE TAX

18. Amount from line 6, $97,580.12.

19. Amount from Schedule D (Form 1040), line 15(a) (or line 20, page 1, Form 1041), $4,497.94.

20. Subtract line 19 from line 18, $93,082.18.

21. Enter smaller of amount on Sch. D (Form 1040), line 13 or 14 (or enter amount from Sch. D (Form 1041), line 17(e)), $8,995.88.

29. Tax on amount on line 20 (use Tax Rate Schedule in Form 1040 (or 1041) instructions), $41,028.11.

30. Subtract line 29 from line 13, $2,699.96.

31. Subtract line 30 from line 17, $40,341.56.

32. If the block on line 21 or 23 is checked, enter 50% of line 19; otherwise, enter 25% of line 23, $2,248.97.

33. Alternative tax, add lines 28 (if applicable), 31, and 32, $42,590.53.

34. Enter here and on line 18, Form 1040 (or line 24 or 25, whichever is applicable, Form 1041), the amount on line 17 or line 33, whichever is smaller, $42,590.53.

INSTRUCTIONS

(References are to the Internal Revenue Code)

Line 1—Earned income.—"Earned income" generally means wages, salaries, professional fees, bonuses, commissions on sales or on insurance premiums, tips, and other amounts received as compensation for personal services actually rendered. It includes prizes and awards (other than gambling gains), group-term life insurance purchased for employees that are includible in gross income, and amounts includible in gross income under section 83.

If you perform personal services for a corporation, "earned income" means only that portion of income received from the corporation that represents a reasonable allowance for salaries and other compensation for personal services actually rendered. It also includes gains (other than capital gains) and net earnings derived from the sale or other disposition of, the transfer of any interest in, or the licensing of the use of property (other than goodwill) if your personal efforts created such property.

The entire amount you receive for the performance of professional services, such as services performed by a doctor, dentist, lawyer, architect, or accountant, will be treated as earned income if you are individually and personally responsible for the services performed, even though you employ assistants to perform all or part of such services.

If you are engaged in a noncorporate trade or business in which both personal services and capital are material income-producing factors, a reasonable allowance (but not more than 30% of your share of net profits of such trade or business) will be considered to be earned income. See section 1.1348-3(a)(3) of the regulations for rules on earned income from business in which capital is material.

For rules relating to income in respect of a decedent, see section 1.1348-3(a)(4) of the regulations.

If you are a *nonresident alien,* "earned income" includes only income from sources within the United States that is effectively connected with the conduct of a trade or business in the United States.

"Earned income" does not include such income as dividends (including amounts treated as dividends by reason of section 1373(b) and Income Tax Regulations section 1.373-1), other distributions of corporate earnings and profits, gambling gains, or gains treated as capital gains under chapter 1 of the code.

"Earned income" does not include any distribution to which sections 72(m)(5), 72(n), 402(a)(2), or 403(a)(2)(A) apply, or any deferred compensation within the meaning of section 404. "Deferred compensation" for this purpose does not include any amount received before the end of the taxable year following the first taxable year of the recipient in which his right to receive such amount is not subject to a substantial risk of forfeiture.

Section 72(m)(5) deals with premature or excessive distributions from a qualified employees' pension plan or trust to an employee who is (or was) also an owner of the business.

Sections 72(n) 420(a)(2), 403(a)(2)(A) deal with certain lump-sum distributions from qualified plans that are treated as capital gains or are subject to special averaging rules.

See section 1.1348-3(a)(5) of the regulations for exceptions to definition of earned income.

See section 1.1348-3(b) of the regulations for definition and examples of deferred compensation.

If you are a nonresident alien, "earned income" does not include salaries, wages, compensations, remunerations, emoluments, and other fixed or determinable annual or periodic gains, profits and income subject to tax at the rate of 30 percent (or lower treaty rate) under section 871(a)(1)(A).

Line 2—Deductions.—Include on this line any deductions that are required to be taken into account under section 62 in determining adjusted gross income and are properly allocable to or chargeable against earned income. Such deductions include:

(1) deductions attributable to a trade or business from which earned income is or may be derived,

(2) expenses paid or incurred in connection with the performance of services as an employee,

(3) deductions allowable by sections 404 (employer contributions to an employer's trust or annuity plan) and 405(c) (employer contributions to qualified bond purchase plans),

(4) deductions allowable by section 217 (moving expense),

(5) deductions allowable by section 1379(b)(3) (employer contributions to qualified pension, etc., plans), and

(6) a net operating loss deduction to the extent that the net operating losses carried to the taxable year are properly allocable to or chargeable against earned income. See section 1.1348-2(d)(2)(vi) of the regulations for more information on net operating loss deduction.

Line 8—Tax preference offset.—See section 1.1348-2(d)(3) of the regulations for detailed information concerning items of tax preference to be taken into account to determine the tax preference offset.

Line 9—Earned taxable income.—"Earned taxable income" means the excess of the portion of taxable income attributable to earned net income over the tax preference offset.

See section 1.1348-2(d)(4) of the regulations for illustrations showing computation of earned taxable income.

Note: If short period return, see section 1.1348-2(c) of the regulations.

Schedules A and B—Itemized Deductions and Dividend and Interest Income, 1972

Floyd K. and Eileen N. Haskell.

Your [redacted].

Medical and dental expenses (not compensated by insurance or otherwise) for medicine and drugs, doctors, dentists, nurses, hospital care, insurance premiums for medical care, etc.

1. One half (but not more than $150) of insurance premiums for medical care. (Be sure to include in line 10 below), $150.00.

10. Total deductible medical and dental expenses (Add lines 1 and 9. Enter here and on line 33, below.), $150.00.

Taxes:

11. Real estate, $1,630.32.

12. State and local gasoline (see gas tax tables), $26.00.

13. General sales (see sales tax tables), $391.00.

14. State and local income, $4,375.44.

15. Personal property, $52.12.

17. Total taxes (Add lines 11 through 16. Enter here and on line 34, below.), $6,474.88.

Contributions.—Cash — including checks, money orders, etc. (Itemize—see instructions on page 11 for examples.)

See Schedule 3 hereto.

21. Total contributions (Add lines 18, 19, and 20. Enter here and on line 35, below.), $1,758.25.

Interest expense:

24. Other (Itemize) Colo. Gift Tax Def., $7.28.

1969 Fed. Income Tax Def., $454.80.

1969 Colo. Income Tax Def., $39.18.

Loan—Chem Bk. & Trust Co., NYC, $463.04.

25. Total interest expense (Add lines 22, 23, and 24. Enter here and on line 36, below.), $964.30.

Casualty or theft loss(es):

28. $100 limitation, $100.00.

Miscellaneous deductions for alimony, union dues, etc. (see instructions on page 13):

Chemical Bank NY Trust Co.:

(A) Cust. Fee-Allocated, $633.50.

(B) Inc. Tax Prep. Fee, $80.00.

32. Total miscellaneous deductions (Enter here and on line 39, below), $713.50.

SUMMARY OF ITEMIZED DEDUCTIONS

33. Total deductible medical and dental expenses (from line 10), $150.00.

34. Total taxes (from line 17), $6,474.88.

35. Total contributions (from line 21), $1,758.25.

36. Total interest expense (from line 25), $964.30

39. Total miscellaneous deductions (from line 32), $713.50.

40. Total itemized deductions. (Add lines 33 through 39. Enter here and on Form 1040, line 52.), $10,060.93.

PART 1 DIVIDEND INCOME

Note: If gross dividends (including capital gain distributions) and other distributions on stock are $200 or less, do not complete this part. But enter gross dividends less the sum of capital gain distributions and non-taxable distributions, if any, on Form 1040, line 12a (see note below).

1. Gross dividends (including capital gain distributions) and other distributions on stock. (List payers and amounts—write (H), (W), (J), for stock held by husband, wife, or jointly).

(H) Sheridan S&L Assn. (dividend on permanent stock), $33.60.

(W) See Schedule 4, $21,743.70.

2. Total of line 1, $21,777.30.

4. Nontaxable distributions (see instructions on page 13), $567.12.

5. Total (add lines 3 and 4), $567.12.

6. Dividends before exclusion (subtract line 5 from line 2). Enter here and on Form 1040, line 12a, $21,210.18.

PART 11 INTEREST INCOME

Note: If interest is $200 or less, do not complete this part. But enter amount of interest received on Form 1040, line 13.

7. Interest includes earnings from savings and loan associations, mutual savings banks cooperative banks, and credit unions as well as interest on bank deposits, bonds, tax refunds, etc. Interest also includes original issue discount on bonds and other evidences of indebtedness (see instructions on page 13). (List payers and amounts).

Midland S&L Assn., $267.25.

Mile High Circle S&L Assn., $245.05.

U.S. Treasury Bonds See Schedule 4, $3,556.88.

8. Total interest income. Enter here and on Form 1040, line 13, $4,069.18.

SCHEDULE 3.—*Charitable contributions*

St. Mary's Church	$1,575.50
Churchwomen of St. Mary's	28.25
Harvard College Fund	100.00
Harvard Class of '37 Fund	100.00
Children's Hospital	50.00
Hebrew Educational Alliance	75.00
United Negro College Fund	25.00
Miscellaneous	27.50
Total	1,981.25

EILEEN N. HASKELL

Date	Security	Symbol	Amount
Feb. 15, 1972	U.S. Treasury	00	
Do	3½ percent due Feb. 15, 1990	00	
Do	Interest	00	$1,015.00
May 17, 1972	U.S. savings bond series E, dated July 1, 1944	00	
Do	U.S. savings bond series E, dated Dec. 1, 1942	00	
Do	U.S. savings bond series E, dated Sept. 1, 1943	00	
Do	U.S. savings bond series E, dated Dec. 1, 1944	00	
Do	Accrued interest on redemption	00	339.36
Do	do	00	618.50
Do	do	00	240.00
Do	do	00	329.52
Aug. 15, 1972	U.S. Treasury	00	
Do	3½ percent due Feb. 15, 1990	00	
Do	Interest	00	1,015.00
Total			3,558.85
Jan. 3, 1972	American Telephone & Telegraph Co., common $16⅔ par.	01	
Do	Dividend, 60	01	97.50
Do	Chemical New York Corp., common $12 par	01	
Do	Dividend, 60	01	180.00
Jan. 17, 1972	Pacific Gas & Electric Co., common $10 par	01	
Do	Dividend, 60	01	328.00
Jan. 20, 1972	Bankers Trust New York Corp., common $10 par	01	
Do	Dividend, 60	01	35.50
Jan. 24, 1972	General Electric Co., common	01	
Do	Dividend, 60	01	175.00
Feb. 1, 1972	Commonwealth Edison Co., common $12.50 par	01	
Do	Dividend, 60	01	110.00
Do	Public Service Co. of Colorado, common $5 par	01	
Do	Dividend, 60	01	247.52
Do	American Natural Gas Co., common $10 par	01	
Do	Dividend, 60	01	151.25
Do	Northern Illinois Gas, common $5 par	01	
Do	Dividend, 60	01	42.72
Do	RCA Corp., common no par	01	
Do	Dividend, 60	01	76.50
Feb. 15, 1972	Cleveland Electric Illuminating Co	01	
Do	Common no par	01	
Do	Dividend, 60	01	91.20
Do	Procter & Gamble Co., common no par	01	
Do	Dividend, 60	01	150.00
Mar. 1, 1972	Westinghouse Electric Corp., common	01	
Do	Dividend, 60	01	70.20
Do	Pabst Brewing Co., common no par	01	
Do	Dividend, 60	01	.80
Do	Gulf Oil Corp., Common no par	01	
Do	Dividend, 60	01	562.50
Do	Mobil Oil Corp., Common $7.50 par	01	
Do	Dividend, 60	01	487.50
Do	Standard Oil Co. of Ind., Common $12.50 par	01	
Do	Dividend, 60	01	444.91
Do	Standard Oil Co., N.J., Common $7 par	01	
Do	Dividend, 60	01	570.00
Do	Texaco, Inc., Common $6.25 par	01	
Do	Dividend, 60	01	244.02
Do	Allied Chemical Corp., Common $9 par	01	
Do	Dividend, 60	01	94.20
Do	General Motors Corp., Common $1.66⅔ par	01	
Do	Dividend, 60	01	425.00
Do	Warner-Lambert Co., Common $1 par	01	
Do	Dividend, 60	01	118.95
Mar. 15, 1972	E. I. du Pont de Nemours & Co., Common $5 par	01	
Do	Dividend, 60	01	125.00
Do	Continental Corp	01	
Do	$2.50 Coml Conv PFD service A $4 par	01	
Do	Dividend, 60	01	45.00
Do	Continental Corp., common $2 par	01	
Do	Dividend, 60	01	316.50
Mar 30, 1972	American Cyanamid Co., common $5 par	01	
Do	Dividend, 60	01	62.50
Apr. 3, 1972	American Telephone & Telegraph Co., common $16⅔ par	01	
Do	Dividend, 60	01	97.50
Do	Chemical New York Corp. common $12 par	01	
Do	Dividend 60	01	180.00
Apr. 17, 1972	Pacific Gas & Electric Co., common $10 par	01	
Do	Dividend, 60	01	344.00
Apr. 20, 1972	Bankers Trust New York Corp., common $10 par	01	
Do	Dividend, 60	01	$35.50
Apr. 24, 1972	General Electric Co., common	01	
Do	Dividend, 60	01	175.00
May 1, 1972	Commonwealth Edison Co., common $12.50 par	01	
Do	Dividend, 60	01	110.00
Do	Public Service Co. of Colorado, common $5 par	01	
Do	Dividend, 60	01	247.52
Do	American Natural Gas Co., common $10 par	01	
Do	Dividend, 60	10	158.13
Do	Northern Illinois Gas, common $5 par	01	
Do	Dividend, 60	01	43.68
Do	RCA Corp., common, no par	01	
Do	Dividend, 60	01	76.50
May 15, 1972	Cleveland Electric Illuminating Co	01	
Do	Common, no par	01	
Do	Dividend, 60	01	91.20
Do	Procter & Gamble Co., common, no par	01	
Do	Dividend, 60	01	150.00
June 1, 1972	Westinghouse Electric Corp., Common	01	
Do	Dividend, 60	01	70.20
Do	Pabst Brewing Co., Common, no par	01	
Do	Dividend, 60	01	.80
June 9, 1972	Gulf Oil Corp., Common, no par	01	
Do	Dividend, 60	01	562.50
Do	Standard Oil Co. of Indiana, common, $12.50 par	01	
Do	Dividend, 60	01	444.91
Do	Standard Oil Co. of N.J., Common, $7 par	01	
Do	Dividend, 60	01	570.00
Do	Texaco, Inc., Common, $6.25 par	01	
Do	Dividend, 60	01	244.02
Do	Allied Chemical Corp., Common, $9 par	01	
Do	Dividend, 60	01	92.20
Do	General Motors Corp., Common, $1.66⅔ par	01	
Do	Dividend, 60	01	550.00
Do	Warner-Lambert Co., Common, $1 par	01	
Do	Dividend, 60	01	118.93
June 12, 1972	Mobil Oil Corp., Common $7.50 par	01	
Do	Dividend, 60	01	487.50
Do	E. I. du Pont de Nemours & Co., Common $5 par	01	
Do	Dividend, 60	01	125.00
June 15, 1972	Continental Corp	01	
Do	$2.50 cumulative convertible preferred shares at $4 par	01	
Do	Dividend, 60	01	45.00
Do	Continental Corp., Common $2 par	01	
Do	Dividend, 60	01	316.50
June 29, 1972	American Cyanamid Co., Common $5 par	01	
Do	Dividend, 60	01	62.50
July 3, 1972	American Telephone and Telegraph Co., Common $16 ⅔ par.	01	
Do	Dividend, 60	01	97.50
Do	Chemical New York Corp., Common $12 par	01	
Do	Dividend, 60	01	180.00
July 17, 1972	Pacific Gas & Electric Co., Common $10 par	01	
Do	Dividend, 60	01	344.00
July 20, 1972	Bankers Trust New York Corp., Common $10 par	01	
Do	Dividend, 60	01	35.50
July 24, 1972	General Electric Co., common	01	
Do	Dividend, 60	01	175.00
Aug. 1, 1972	Commonwealth Edison Co., common $12.50 par	01	
Do	Dividend, 60	01	110.00
Do	Public Service Co., of Colorado, common $5 par	01	
Do	Dividend, 60	01	256.36
Do	American Natural Gas Co., common $10 par	01	
Do	Dividend, 60	01	158.13
Do	Northern Illinois Gas, common $5 par	01	
Do	Dividends, 60	01	43.68
Do	RCA Corp., common no par	01	
Do	Dividend, 60	01	76.50
Aug. 15, 1972	Cleveland Electric Illuminating Co	01	
Do	Common no par	01	
Do	Dividend, 60	01	91.20
Do	Procter & Gamble Co., common no par	01	
Do	Dividend, 60	01	156.80
Aug. 30, 1972	Pabst Brewing Co., common no par	01	
Do	Dividend, 60	01	.80
Sept. 1, 1972	Westinghouse Electric Corp., common	01	
Do	Dividend, 60	01	70.20
Sept. 7, 1972	Gulf Oil Corp., common no par	01	
Do	Dividend, 60	01	562.50
Do	Texaco, Inc., common $6.25 par	01	
Do	Dividend, 60	01	244.02

Date	Security	Symbol	Amount
Apr. 17, 1972	Allied Chemical Corp., Common $9 par	01	
Do	Dividend, 60	01	$94.20
Sept. 11, 1972	Mobil Oil Corp., Common $7.50 par	01	
Do	Dividend, 60	01	487.50
Do	Standard Oil Co. of Ind., Common $12.50 par	01	
Do	Dividend, 60	01	444.91
Do	Standard Oil Co. N.J., Common $7 par	01	
Do	Dividend, 60	01	570.00
Do	E. I. du Pont De Nemours & Co., Common $5 par	01	
Do	Dividend, 60	01	125.00
Do	General Motors Corp., Common $1.66⅔ par	01	
Do	Dividend, 60	01	425.00
Do	Warner-Lambert Co., Common $1 par	01	
Do	Dividend, 60	01	118.95
Sept. 15, 1972	Continental Corp	01	
Do	$2.50 Cuml Conv pfd service A $4 par	01	
Do	Dividend, 60	01	45.00
Do	Continental Corp., Common $2 par	01	
Do	Dividend, 60	01	316.50
Sept. 29, 1972	American Cyanamid Co., Common $5 par	01	
Do	Dividend, 60	01	62.50
Oct. 2, 1972	American Telephone & Telegram Co., Common $16⅔ par	01	
Do	Dividend, 60	01	105.00
Do	Chemical New York Corp., Common $12 par	01	
Do	Dividend, 60	01	180.00
Oct. 16, 1972	Pacific Gas & Electric Co., Common $10 par	01	
Oct. 18, 1972	Dividend, 60	01	344.00
Oct. 19, 1972	Bankers Trust New York Corp., Common $10 par	01	
Do	Dividend, 60	01	35.50
Oct. 24, 1972	General Electric Co., Common	01	
Do	Dividend, 60	01	175.00
Nov. 1, 1972	Commonwealth Edison Co., Common $12.50 par	01	
Do	Dividend, 60	01	110.00
Do	Public Service Co. of Colorado, Common $5 par	01	
Do	Dividend, 60	01	256.36
Do	American Natural Gas Co., Common $10 par	01	
Do	Dividend, 60	01	158.13
Do	Northern Illinois Gas, Common $5 par	01	
Do	Dividend, 60	01	43.68
Do	RCA Corp., Common no par	01	
Do	Dividend, 60	01	76.50
Nov. 15, 1972	Cleveland Electric Illuminating Co.	01	
Do	Common no par	01	
Do	Dividend, 60	01	$91.20
Do	Procter & Gamble Co., Common no par	01	156.00
Do	Dividend, 60	01	
Dec. 1, 1972	Westinghouse Electric Corp., Common	01	
Do	Dividend, 60	01	70.20
Do	Pabst Brewing Co., Common no par	01	
Do	Dividend, 60	01	.92
Dec. 7, 1972	Gulf Oil Corp., Common no par	01	
Do	Dividend, 60	01	562.50
Do	Texaco, Inc., Common $6.25 par	01	
Do	Dividend, 60	01	244.02
Do	Allied Chemical Corp., Common $9 par	01	
Do	Dividend, 60	01	94.20
Dec. 11, 1972	Exxon Corp., Common	01	
Do	Dividend, 60	01	570.00
Do	Mobil Oil Corp., Common $7.50 par	01	
Do	Dividend, 60	01	525.00
Do	Standard Oil Co. of Ind., Common $12.50 par	01	
Do	Dividend, 60	01	444.91
Do	General Motor's Corp., Common $1.66⅔ par	01	
Do	Dividend, 60	01	825.00
Do	Warner-Lambert Co., common $1 par	01	
Do	Dividend, 60	01	137.25
Dec. 15, 1972	E.I. du Pont De Nemours & Co., common $5 par	01	
Do	Dividend, 60	01	170.00
Do	Continental Corp	01	
Do	$2.50 coml conv pfc service A $4 par	01	
Do	Dividend, 60	01	45.00
Do	Continental Corp., common $2 par	01	
Do	Dividend, 60	01	316.50
Dec. 21, 1972	American Cyanamid Co., common $5 par	01	
Do	Dividend, 60	01	62.50
		1	21,743.70
	Less nontaxable portion Pacific Gas & Electric		567.12
	Total		21,176.58

Note: 0—Government bond interest. 1—Domestic dividends.

SCHEDULE C—PROFIT (OR LOSS) FROM BUSINESS OR PROFESSION, 1972

Floyd K. and Eileen N. Haskell.

Social security number: 072–14–7751.

A. Principal business activity, Attorney.

B. Business name, Self.

D. Business address (number and street), #2112—1700 Broadway, Denver, Colorado.

G. Is this business located within the boundaries of the city, town, etc., indicated? Yes.

H. Did you own this business at the end of 1972? Yes.

I. How many months in 1972 did you own this business? 12.

J. Was an Employer's Quarterly Federal Tax Return, Form 941, filed for this business for any quarter in 1972? No.

Important—All applicable lines and schedules must be filled in. See Attachment hereto.

12. Legal and professional fees, $130,023.70.

21. Net profit (or loss) (subtract line 20 from line 5). Enter here and on line 35, Form 1040. ALSO enter on Schedule SE, line 1, $77,902.37

ATTACHMENT TO SCHEDULE C
Income statement—year ending December 31, 1972

Fees collected	$130,023.30
Expenses:	
Salaries	9,589.00
Rent	3,200.52
Stationery and supplies	328.52
Postage	241.33
Services and periodicals	482.11
Xerox	917.44
Telephone and telegraph	1,730.60
Travel and entertainment (including percentage of dues for Denver Country Club (90%—$378) and University Club (10%—$70.20) and business entertainment at home of $200 (est.)	817.50
Cost of operation of automobile for business purposes ($288.50) and cost of repairs ($423.63)	709.13
Professional meetings and memberships	$227.50
Fees paid to other lawyers	32,608.75
General expense	1,064.78
Total expenses	51,917.18
Net income	78,106.52
Less depreciation	204.15
Net income	77,902.37

SCHEDULE—DEPRECIATION

	Cost	Depreciation past years	Life (percent)	Depreciation
IBM typewriter, 1970	$466.40	$233.20	25.00	$116.60
Miscellaneous furniture and equipment	1,312.56	942.61	6.67	87.55
Business automobile (1966 Porsche, acquired April 1966)	5,125.90	5,019.00	(1)	
Total				204.15

4-year double decl.

SCHEDULE D—CAPITAL GAINS AND LOSSES, 1972

Name(s) as shown on Form 1040: Floyd K. and Eileen N. Haskell.

Social security number: 072–14–7751.

PART II. LONG-TERM CAPITAL GAINS AND LOSSES—ASSETS HELD MORE THAN 6 MONTHS

6. 200 rts. Common Edison, P, 2/17/72, pre-1971, $21.88.

9. Enter your share of net long-term gain (or loss) from partnerships and fiduciaries, $8,974.00.

13. Net long-term gain (or loss), combine lines 11, 12(a) and 12(b), $8,995.88.

PART III. SUMMARY OF PARTS I AND II

14. Combine the amounts shown on lines 5 and 13, and enter the net gain or loss here, $8,995.88.

15. If line 14 shows a gain—

(a) Enter 50% of line 13 or 50% of line 14, whichever is smaller (see Part VI for computation of alternative tax). Enter zero if there is a loss or no entry on line 13, $4,497.94.

(b) Subtract line 15(a) from line 14. Enter here and on line 36, Form 1040, $4,497.94.

See tables at end of article.

RETIREMENT INCOME CREDIT COMPUTATION

Name(s) as shown on Form 1040: Floyd K. and Eileen N. Haskell.

Your social security number: 072–14–7751.

Joint return filers use column A for wife and column B for husband. All other filers use column B only.

Did you receive earned income in excess of $600 in each of any 10 calendar years before 1972? (Widows or widowers see Schedule R instructions.) If "Yes" in either column, furnish all information below in that column. Also furnish the combined information called for in column C for both husband and wife if joint return, both 65 or over, even if only one answered "Yes" in column A or B.

1. Maximum amount of retirement income for credit computation: A, $1,524.00; B, $1,524.00; C, $2,286.00.

SCHEDULE SE—COMPUTATION OF SOCIAL SECURITY SELF-EMPLOYMENT TAX, 1972

Name of self-employed person (as shown on social security card): Floyd K. and Eileen N. Haskell.

Social security number of self-employed person: 072–14–7751.

PART I—COMPUTATION OF NET EARNINGS FROM BUSINESS SELF-EMPLOYMENT (OTHER THAN FARMING)

1. Net profit (or loss) shown in Schedule C (Form 1040), line 21. (Enter combined amount if more than one business.), $77,849.00.

3. Net earnings (or loss) from business self-employment (Subtract line 2 from line 1, and enter here and on line 8(a), below.), $77,849.00.

RENT AND ROYALTY INCOME

(a) Kind and location of property if residential, also write "R"	(b) Total amount of rents	(c) Total amount of royalties	(d) Depreciation (explain below) or depletion (attach computation)	(e) Other expenses (Repairs, etc.—explain below)
Colorado 02995+6		$455.72	$100.26	$33.33
Davis oil lease bonus		270.00	59.40	
Chorney oil lease bonus		21.60	4.75	
Total		747.32	164.41	33.33
Net income (or loss) from rents and royalties (col. (b) plus col. (c) less cols. (d) and (e))			549.58	

INCOME OR LOSSES FROM PARTNERSHIPS, ESTATES OR TRUSTS, SMALL BUSINESS CORPORATIONS

(a) Name and address	(b) Check applicable box: Partnership	(b) Check applicable box: Estate or Trust	(b) Check applicable box: Small Bus. Corp.	(c) Employer identification number	(d) Income or loss	(e) Additional 1st year depreciation (applicable only to partnerships and estates)
Sucan, Ltd	X			86-6059772	($2,316.98)	
CanUS, Ltd	X			84-0583390	(187.00)	
Mountain Valley Association	X			84-6043115	5,141.00	
Totals					2,637.02	
Income (or loss) total of col. (d) less total of col. (e).					2,637.02	
Total of parts I, II, and III (enter here and on Form 1040, line 38).					3,186.60	

PART III—COMPUTATION OF SOCIAL SECURITY SELF-EMPLOYMENT TAX

8. Net earnings (or loss) from self-employment—

(a) From business (other than farming) from line 3, above, $77,902.37.

(c) From partnerships, joint ventures, etc. (other than farming), $2,732.77.

9. Total net earnings (or loss) from self-employment reported on line 8, $80,635.14.

10. The largest amount of combined wages and self-employment earnings subject to social security tax for 1972 is $9,000.00.

13. Self-employment income—line 9 or 12, whichever is smaller, $9,000.00.

14. If line 13 is $9,000, enter $675.00; if less, multiply the amount on line 13 by .075, $675.00.

16. Self-employment tax (subtract line 15 from line 14). Enter here and on Form 1040, line 62, $675.00.

INSTRUCTIONS

Schedule SE provides the Social Security Administration with information on self-employment income necessary for figuring benefits under the social security program. You have to pay self-employment tax regardless of age, and even though you are receiving social security benefits.

To assure proper credit to your account, enter your name and social security number on Schedule SE exactly as they are shown on your social security card.

Ministers, members of religious orders, and Christian Science practitioners.—Duly ordained, commissioned, or licensed ministers of churches, members of religious orders (who have not taken a vow of poverty), and Christian Science practitioners are now subject to self-employment tax. But they can, under certain conditions, request to exempt their income from service as a minister, member or practitioner by filing Form 4361. If you filed Form 4361 and you have no other income subject to self-employment tax, write "Exempt-Form 4361" on line 62 of Form 1040. (Note: *If you filed Form 4361 but have $400 or more from other net earnings subject to self-employment tax, you must complete Schedule SE*). You can get forms, schedules, and publications from your local Internal Revenue Service office. If you previously filed an effective waiver certificate, Form 2031, to pay self-employment tax, you cannot file for an exemption. For more information get Publication 517, Social Security for Clergymen and Religious Workers.

Ministers and members of religious orders must include in their earnings from self-employment (but not for income tax purposes) the rental value of the parsonage or allowance for the rental value of the parsonage. They also must include the value of meals and lodging furnished them for the convenience of their employers.

Members of certain religious faiths.—If you have conscientious objections to social security insurance because of your belief in the teachings of a recognized religious sect of which you are a member, you can file Form 4029 to get exemption from self-employment tax. If you filed Form 4029, do not file Schedule SE. Instead, write "Exempt-Form 4029" on line 62 of Form 1040.

U.S. citizens employed by foreign governments or international organizations.—You are subject to the social security self-employment tax if you are a U.S. citizen employed in the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands by a foreign government, an instrumentality wholly owned by a foreign government, or an international organization organized under the International Organizations Immunities Act. Report income from such employment on line 8(e), Schedule SE.

Fee basis State or local government employees.—Fees received for functions and services performed by these employees (including public officers who in such capacity are employees) are subject to self-employment tax if their functions and services are performed in positions which are: (1) compensated solely on a fee basis; and (2) not covered under a Federal-State social security coverage agreement, if you filed Form 4415, exempting your fees from self-employment tax, write, "Exempt Form 4415" on line 62 of Form 1040.

Exclusions

In figuring net earnings from self-employment, do not take into account income (or loss) from the following sources, or any deductions for expenses in connection with this income. Use Schedule SE, line 2, to exclude any such amounts reported in separate Schedule C that should not be taken into account in figuring your self-employment income. Exclude from line 5, Schedule SE, any item of income or expense that is not included * * * self-employment and attach an explanation.

Employees and public officials.—Income (fees, salaries, etc.) from the performance of service as: (1) a public official (except as noted above); (2) an employee or employee representative under the railroad retirement system; or (3) an employee (except as indicated above).

Note.—*Income of an employee 18 or over from the sale of newspapers or magazines to an ultimate consumer is subject to self-employment tax if the employee kept the profits from such sales.*

Certain payments to retired partners.—Income received by a retired partner under a written partnership plan that provides for life-long periodic retirement payments if the retired partner has no interest in the partnership (except for the right to the retirement payments) and did not perform services for the partnership during the year.

Real estate rentals.—Rentals from real estate, except rentals received in the course of a trade or business as a real estate dealer. These include cash and crop shares received from a tenant or sharefarmer. Report these amounts in Schedule E, Part II. However, rental income from a farm is not excluded if the rental arrangement provides for material participation by the landlord and he does participate materially in the production or in the management of the production of one or more term products on his land. Such income represents farm earnings and should be reported on Schedules F and SE.

The following are not real estate rentals: payments for the use or occupancy of rooms or other space where services are also furnished to the occupant, such as rooms in hotels, boarding houses, apartment houses furnishing hotel services, tourist camps or homes, or space in parking lots, warehouses, or storage garages. These payments must be included in figuring net earnings from self-employment.

Dividends and interest.—Dividends on shares of stock, and interest on bonds, debentures, notes, certificates, or other evidence of indebtedness, issued with interest coupons or in registered form by a corporation, or by a government or its political subdivisions, unless received in the course of a trade or business as a dealer in stocks or securities.

Property gains and losses.—Gain or loss: (1) from the sale or exchange of a capital asset; (2) to which section 631 of the Internal Revenue Code applies; or (3) from the sale, exchange, involuntary conversion, or other disposition of property if that property is neither (a) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the tax year; nor (b) property held primarily for sale to customers in the ordinary course of the trade or business.

Net operating losses.—No deduction for net operating losses of other years will be allowed in figuring the net earnings from self-employment. Such deduction should be included as a "minus" figure on Form 1040, line 44.

More than one trade or business

If you farmed and also had one or more other trades or businesses, your net earnings from self-employment are the combined net earnings from self-employment of all your trades and businesses. Thus, if you had a loss in one trade or business, it will reduce the income from another trade or business. In such cases, use both Schedule F and Schedule C to figure net profit from the farm and nonfarm activities, respectively. Make the combined computation of self-employment tax on Schedule SE.

Joint returns

For a joint return, show the name of the * * * SE. If both husband and wife have self-employment income, each must file a separate Schedule SE. However, include the total of profits (or losses) from all businesses on Form 1040, line 35 or 39, as appropriate. Then enter the combined self-employment tax on Form 1040, line 62.

Community income

For the purpose of figuring net earnings from self-employment, if any of the income from a trade or business, including farming is community income, all the income from that trade or business is considered the income of the husband, unless the wife exercises substantially all the management and control of the operation. In that case, all such income is considered the wife's. (See "Partnerships" below.)

If separate returns are filed, Schedules C and SE or Schedules F and SE must be attached to the return of the one with self-employment income. Community income included on such schedules must be divided, for income tax purposes, on the basis of the community property laws.

Partnerships

In figuring his combined net earnings from self-employment, a partner should include his entire share of such earnings from a partnership, including any guaranteed payments. No part of that share can be allocated to the partner's wife (or husband), even though the income may, under State law, be community income. However, in the case of a husband and wife farm partnership, as in other partnerships, the distributive share of each must be entered as partnership income in Schedule E, Part III, for income tax purposes, and in Schedule SE, line 4(b), for self-employment tax purposes. (Report nonfarm partnership income in Schedule SE, line 8(c), for social security purposes.)

Note.—*If a member of a continuing partnership dies, part of the deceased partner's distributive share of the partnership's ordinary income (or loss) for the taxable year of the partnership in which he died must be included in the partner's net earnings from self-employment.*

Optional method for computing net earnings from farm self-employment

If your gross profits for the year from farming were not more than $2,400, you can report two-thirds of your gross profits from farming instead of your actual net earnings from farming. If your gross profits from farming were more than $2,400, and your actual net earnings from farming were less than $1,600, you can report $1,600.

For the optional method, a partner should figure his share of gross profits from a farm partnership in accordance with the partnership agreement. In the case of guaranteed payments, his share of the partnership's gross profits is his guaranteed payments plus his share of the gross profits, after such gross profits are reduced by all guaranteed payments of the partnership.

Share-farming arrangements

A person who produces crops or livestock on land belonging to another for a proportionate share of the crop or livestock produced, or the proceeds from them, is considered to be an independent contractor and a self-employed person rather than an employee. His net earnings should be reported on Schedule F for income tax purposes and on Schedule SE for self-employment tax purposes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there morning business? If not, morning business is closed.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business?

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 1443, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows:

> A bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the adoption of the amendment by the Senator from Wyoming (Mr. McGee) and the Senator from New York (Mr. Javits), on which there is a 2-hour limitation.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Proxmire). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, would the Senator yield?

Mr. McGEE. Mr. President, I will be glad to yield for 5 minutes to the distinguished majority leader.

THE ADMINISTRATION'S PROPOSAL TO REORGANIZE THE U.S. FOREST SERVICE

Mr. MANSFIELD. Mr. President, my distinguished colleague, the junior Senator from Montana (Mr. Metcalf), and I, along with the distinguished Governor of the State of Montana, Tom Judge, and the distinguished Congressman from the eastern district, John Melcher, appeared before the Committee on Agriculture and Forestry, specifically the Subcommittee on Environment, Conservation, and Forestry. Our distinguished colleagues, Congressman Shoup of Montana, Senators Bennett and Moss of Utah and Senators Domenici and Montoya of New Mexico, also appeared before the Committee. The topic under consideration was the proposal by the administration to recognize the U.S. Forest Service which would have meant a shifting in part of some of the administrative duties of the headquarters region which is at Missoula, Mont., to Denver, Colo., approximately 1,000 miles away, with no direct lines of communication, which would have meant a dispersal of controls to Denver, and which would have meant a shifting of the headquarters from Albuquerque, N. Mex., to Atlanta, Ga., for the purpose of administering the forest region within the State of New Mexico.

Mr. President, I will later ask unanimous consent that this testimony plus additional correspondence relative to the desire on the part of the administration to bring about a reorganization of the Forest Service, a move which was made without any contact whatsoever with the Members of the House or Senate from the three States, involving a move which was made in the dead of the night, so to speak, during the time Congress was in recess at Easter, a move which has been thwarted, at least up to now, because of the attitude on the part of the Appropriations Committee of the Senate and I believe the House as well, and on the part of the Senate Committee on Agriculture and Forestry which, when the matter was brought to its attention, agreed to conduct hearings, which are now underway.

Mr. President, I would hope that in the future before any action of this nature is undertaken that at least the members from the affected States would be given the courtesy of being allowed to express their views rather than to have to depend upon rumor and accomplished fact, which luckily did not, this time, become an accomplished fact only because of the awareness in Congress of the nefarious undertaking which was underway.

Mr. President, I ask unanimous consent that all of the material to which I have referred be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Forest Service Reorganization

(Statement of Senator Mike Mansfield, June 26, 1973)

Mr. Chairman, it is always a privilege to appear before the Senate Committee on Agriculture; this legislative Committee which has jurisdiction over some very important matters in my State of Montana. I am, however, deeply concerned that I should have to come before this Subcommittee to protest an unwise, ill-conceived and ridiculous Executive reorganization plan for the United States Forest Service.

The announced plan to make the Forest Service conform its Regional operations to the current 10 Standard Federal Regions will severely diminish the effectiveness of what has been an outstanding Federal agency. The Forest Service is charged with the management of one of the Nation's largest and most valuable renewable resources—the national forests and some of the grasslands. The proposed consolidation of Forest Service Regional Offices will not work and will only diminish the effectiveness of an already embattled agency. Quite frankly, Mr. Chairman, I am tired of having the management of our national resources dictated by the bookkeepers of the Executive Branch. These people are urban oriented in their thinking and unaware of complexities of this vast country. As I have said on other occasions, it will be a sad day when our Nation's policies are set by a computer. I have the distinct impression that the U.S. Forest Service implemented their reorganization plan rather hurriedly only after considerable prodding from the Secretary of Agriculture and The Office of Management and Budget. I understand further that only in the past several weeks has there been any intensive studies developed to support the reorganization plan. The Department personnel are attempting to justify their position, *after the fact.*

I do not like the arrogance demonstrated by the Secretary of Agriculture in attempting to implement this plan. This was an obvious political move with no detailed studies or specifics to back it up. Earlier reorganization plans were rejected. This plan is contrary to the intent of the Rural Development Act which establishes a preference for rural areas. This proposal concentrates the administrative arm of the Forest Service in large metropolitan areas.

By design, the Executive Branch is curtailing the activities or abolishing established and worthwhile programs through impoundment of funds, reorganization and abolition—all without justification or consultation with the Congress. Among them are the Department of Agriculture conservation programs, the war against poverty, many Federal health, education and social rehabilitation programs and, in the instance of the Farmers Home Administration, the agency is being administered by an Acting Administrator, without FHA experience, who I fear is planning the dismantling of this agency.

The Department of Agriculture, Division of Administrative Management, in 1971 prepared a preliminary study of the "Feasibility of Conforming to Ten Standard Regional Boundaries." The obvious conclusion to such a study is that it is feasible but it certainly is not practical. A person need only to look at a map of the United States. The present Forest Service Regional Structure is composed of 9 Regions. The boundaries of these Regions are set to accommodate the timber resources of the Nation, not the population centers as we find in the Federal Regional concept.

At the present time, Region I, which is located in Missoula, Montana, administers sixteen national forests in Montana, Idaho, and Washington, and 26,126,940 acres of timber. In addition, there are forestry research facilities in Missoula and Bozeman with associated programs at both State Universities. The agency administers grasslands in North and South Dakota. The vast majority of these forests are in Western Montana and adjoining Idaho. Missoula, Headquarters of Region I, is in the heart of these timber lands—a logical, central location.

Denver, Colorado, Headquarters of Region II, is approximately 1,000 miles away. Region II administers 20,000,000 acres of national forest. There are 186,000,000 acres in the entire national system of forest lands. The United States is a very large landholder and it does not seem unreasonable to ask that they continue to be administered from 9 Regional Headquarters. Building up an even larger administrative monster in Denver, in addition to the one in Washington, D.C., is not going to simplify matters. Such action takes away more responsibility and action from local authority.

Region I and II are two very large areas, each distinct and separate. There is no direct public transportation between the two points. The other Regional Headquarters under this plan is in Portland, equally inaccessible to Region I. There is no way in which I can be convinced that the affairs of Region I can be administered more efficiently from Denver. In fact, the people of Denver and State officials have indicated they do not favor the consolidation in Denver. The City of Denver has far too many urban problems now; they don't want more.

Looking at the map again, you will find the Department wants to place the State of New Mexico under the jurisdiction of the Regional Headquarters in Atlanta, Georgia. How this contributes to efficiency is extremely difficult to understand. The Secretary of Agriculture is determined to make the Forest Service conform to the Regional concept, yet his organizational chart exempts the State of Alaska. Our Alaskan neighbors are deserving of this attention but the need to conform to the Federal regional concept is obviously not binding for all.

This is not decentralization of government but rather a new and aggravated type of centralization on a regional basis at the expense of the States. If the government wants to really decentralize, it ought to move many of its offices and bureaus out of Washington, D.C., and the metropolitan area.

The proposed move of the Regional Headquarters from Missoula would admittedly be a severe economic blow but, in any other terms, it is also very impractical. The activities of the Forest Service are not the same as other Federal agencies. The agency is involved with the day-to-day management of a renewable resource and, if these personnel are to do a good job, they can't do it from afar. That is just exactly what would happen if the administrative arm of the agency is moved to Denver. There are rumors that the Department wants to move more personnel into the forests for on-the-ground management. I think this is an excellent idea but that does not mean that regional administrative management should be from afar. Movement of some personnel now in the Regional offices into the individual national forests would be useful.

The U.S. Forest Services has been an active and innovative Federal agency for most of its lifetime and I am now concerned with an obvious effort to clip its wings. If given the proper budget and number of personnel, I am confident that they will provide the management of this great national resource that the citizens of this Nation deserve. In fact, I believe it is time for the Senate to review the question of personnel levels in the Forest Service. Are they adequate to do the job?

The Federal authorities apparently agree that, because of the large expanse of territory within Standard Region VIII and the large workload, it is desirable to establish zone office at Missoula and Ogden to handle certain work better accomplished close to the on-the-ground job. If that is so, why bother to change the present setup.

The Research Unit and existing facilities at Ogden, Utah, should be maintained. Region I has always had a close affinity with the Inter-Mountain Station in Ogden. We must keep research priorities for the Northern Rocky Mountain and Inland Empire area. Fragmenting the research facilities at Ogden between Colorado and Oregon will only compound the problem. Fragmenting and disrupting research activity now underway will cause greater delays in some very important areas of research.

There is a great deal of hunting and fishing use made of the national forests of Region I, and this is an excellent measure of a heavy people use. In fact, during 1971 the total recreation use on the national forests of Region I was almost eleven million visitor days. In that same year, eight states had in excess of five million recreation visits to their national forests. Montana was one of those states, with almost seven million visits, compared to forty-eight million in populous California and barely 1.5 million in Alaska. Even Georgia, which has only 837,000 acres of national forests compared to the twenty million in Alaska, had more recreation visits to her national forests.

Water is a very important resource in Montana. Region I national forests contributed over two trillion cubic feet of water to the Columbia and the Missouri-Mississippi watersheds and river systems. Not only is this water vital to farm, community, and industrial requirements but the management of these headwaters is important to every downstream area and town. By every test of use and resources, and by every test of the impact of people on the lands and resources of the National Forest, there is an absolute and clear need, in my judgment, for the continuation of a Region embracing the area that is now Region I and a Regional Headquarters at Missoula.

The Forest Service reorganization plan will, undoubtedly, entail the expenditure of considerable monies for moving of personnel, location, and rental of new facilities, abandonment of old offices and equipment. I have seen no estimates as to any financial saving that would ensue from this ill-conceived plan. How much more money will be required for travel and per diem—distances would be substantially greater for Regional personnel.

The demands on our national forests are greater than at any time in history. The cost and demand for lumber is higher than anyone anticipated. The lumber industry is pleading for more timber sales. Timber management of this nature requires sufficient personnel to protect the multiple use concept. The Administration proposes a solution to the timber crisis which is almost impossible to comprehend.

They announce a program of expanded timber sales in our national forests and then a reduction in personnel and removal of Regional offices which are important to on-the-ground management. In Region I, the reorganization plan calls for a personnel reduction of some 1,600 slots. The Department has asked for 450 additional personnel in timber sales but no additional funds. To say the least, I am somewhat confused—I suspect that may be the intent. Reduced funds, fewer personnel, and unnecessary reorganization will bring chaos to the management of an extremely valuable natural resource. The multiple use concept will be cast aside and it will be full speed ahead for harvesting timber and nothing else—the consequences be damned.

The Department of Interior resource agencies, which is realigning their Regional operations, have found some difficulty because their activity is also resource based. The Regional structure there is less important. The major portion of their personnel are in the field. All in all, my colleagues from New Mexico, Utah and Montana are bewildered by the intent of this reorganization plan.

Not only is the Administration talking about abolishing a Region that has been functioning effectively since 1908, but they are also talking about abolishing a Region that contains *one-seventh of the lands in the National Forest System.* The fifty states of our Nation reflect vast differences and that is one of the reasons our Country is great. The Forest Service Regions fit into this mold by providing an organization for management based on the location of the resource it administers.

My colleagues here in the Congress will be testifying on this issue at some length and we will be hearing from Governors and the people who will be directly affected by this proposal.

Mr. Chairman, in conclusion, I would like to make several recommendations to the Committee.

The Department of Agriculture and The Office of Management and Budget should be instructed to stop reorganization of the U.S. Forest Service. Forget once and for all a change in the current Forest Service Regional operations. Place more personnel in the field but no further consideration should be given to consolidation of field operations.

I recommend that the U.S. Forest Service be exempted from Administrative personnel reductions. If the agency is expected to do a proper job of managing our national forests, they need personnel.

Mr. Chairman, I am sufficiently concerned about the issue at hand to recommend that this Committee take no action on any pending legislation or proposal affecting the Department of Agriculture until this matter has been resolved once and for all.

I am confident that the Senate Subcommittee on Interior Appropriations will be willing to cooperate in every way.

What we are discussing today is the future efficient operation of an effective national resource agency which has been shackled by directives from above and I mean above. A resource of the magnitude of our national forests is something which cannot be taken lightly. The concern and attention of this Committee is most appreciated. Thank you.

Testimony by Senator Lee Metcalf

Mr. Chairman:

I deeply appreciate this opportunity to appear before your subcommittee this morning. As my good friend and colleague, Senator Mansfield, has stated, it is unfortunate that we should have to appear on this matter. But serious actions have taken place with regard to the Forest Service which violate that agency's mandate and the common sense of the American people.

Before the day is over, you will have heard from the entire Montana Congressional delegation. I was born and raised in Stevensville, a small town thirty miles from Missoula, deep in the heart of Forest Service country. Senator Mansfield lived and taught in Missoula while at the University of Montana. Congressman Richard Shoup hails from Missoula. And Congressman John Melcher comes from Forsyth, just a few miles from the Custer National Forest.

Apart from our collective experiences as Members of Congress with regular dealings in Forest Service matters, we have personal knowledge of Montana's forests and mountains and timber, recreation and water and natural resources. All of these things were part of our lives before coming to Washington. We know what the words "renewable resources" mean. It therefore hits us hard when budget-balancing bureaucrats in Washington, most of whom wouldn't know a Montana pine from a Mississippi magnolia, treat this precious heritage as simplly another column of figures.

The successful farmer stays close to the soil. He sifts the soil through his fingers, surveys the sky for moisture and calculates the most opportune time to sow, weed, fertilize, and harvest. His relationship with his crop is close, personal, continuous.

The same relationship must exist between the forests and the public stewards of those lands. Proper maintenance requires on-the-spot decisions by competent Forest Service personnel. Those decisions simply cannot be made effectively by far-off bureaucrats.

It is ridiculous that we should be restating these obvious propositions today. There are only two questions which we should be asking: (1) what should be the goal of the Forest Service, and (2) what tools do they need to do the job properly?

The goal has already been laid out by Congress in numerous pieces of legislation, principal of which is the Multiple-Use Sustained-Yield Law. That Act obliged the Forest Service to give weight to the multiple uses of recreation, watershed, timber, wildlife and range management.

The tools should be those which meet increasing pressures on the national forests. More personnel should be provided to manage timber sales, conduct environmental surveys and cater to the millions of visitors. Research should be conducted on more efficient ways of removing timber from the forests, and more efficient ways of processing the logs once they are removed. Funds are needed to reforest large areas.

At some point, reasonable people have to ask themselves why this Administration, with commercial and recreational pressures of record levels on a vast domain of 186 million acres of Forest Service lands, are cutting experienced personnel and shipping many of those remaining to distant urban centers.

Mr. Chairman, I think you will find part of the answer in S. 1775, the "other half" of the reasons for these hearings. S. 1775 is nothing but a warmed-over version of the ill-fated Timber Supply Act which was rejected by Congress in February of 1970. Both measures share the distinction of replacing the multiple-use concept with timber as the dominant use of national forests.

This preoccupation with commercial interests has been the hallmark of the current Administration, so I suppose we shouldn't be surprised that it is extended to our national forests. The proposed Reorganization plan achieves two purposes for Mr. Nixon, the OMB and Mr. Butz. It gives the appearance of efficiency when viewed on the flow charts in government manuals, and it removes the watchdogs who guard the public's interests in the forest. Neither is accidental.

Although it is not properly an Administration bill, S. 1775 complements the Administration's efforts. It would condone, if not "legalize," the growing emphasis on the role of timber. The so-called "Wood Supply and National Forest Lands Investment Act of 1972" has as its rationale the claim that the nation's housing goals can't be met unless "available timber supplies in the National Forests are substantially expanded."

At first glance, the claim seems reasonable. But first glances seldom tell the whole story. The truth is that research, much of it by the Forest Service itself, demonstrates that up to a quarter of each tree is left in the forest when it is cut, and up to a quarter of the sawed log remains on the sawmill floor after processing. New techniques have been developed to get the most from each log, but much more needs to be done—in the laboratory and in pilot commercial operations. The President recently announced a ten per cent increase in the allowable cut; better he should have asked for additional research funds to increase the efficiency of each log by ten or twenty or even thirty per cent to achieve the same goal.

Also, the President's action could have little impact on the current lumber crisis. At the very earliest, timber contracted today could not appear on the market for at least a year. According to the Forest Service itself, there are already fifty billion board feet of saw timber contracted and in the pipeline today. This is nearly five times the annual allowable cut. The one point eight billion board feet increase announced by the President could hardly affect current prices. One must conclude, therefore, that the true motive, apart from giving to the American people the illusion of fast action, lies in its future application for the timber industry.

Mr. Chairman, if either or both the reorganization plan or the timber supply bill are allowed to stand, they will represent historic steps backward in our management of public lands. Timber interests will reap a temporary windfall; future generations will pay the price. And this Congress will be remembered for standing by and permitting it to happen.

The effects which will flow from the proposed Reorganization Plan will do incalculable harm to our national forests. I attach such importance to reversing the proposed action that I urge the Senate Agriculture Committee to entertain no other legislation dealing with the Forest Service until this matter is resolved. That includes S. 1775.

I likewise urge the Committee to instruct Mr. Butz in no uncertain terms to cease his emasculation of the Forest Service and to conform to the legislative intent of this and previous Congresses. The President has called for a better working relationship with Congress. He can begin by reversing this ill-advised scheme which can only lead to systematic rape of the land.

I thank the Chairman and members of this Subcommittee for their kind attention.

Forest Service Reorganization

(Statement of Congressman John Melcher)

Mr. Chairman. I appreciate the opportunity to appear before you and the members of your Subcommittee today to discuss proposed Forest Service regional reorganization.

I want to make it clear at the outset that I believe the plan to make the Forest Service conform to the Standard Federal Region concept is not in the best interests of the taxpayers, the people who use our National Forests or of the forest resources in my District, my state or the Nation. In fact, in the context of proposals to combine forests now before the Chief of the Forest Service, the reorganization plan becomes an even greater threat to the people and resources I have mentioned.

Let me discuss several points individually.

First, the Forest Service has not justified the reorganization plan in dollars-and-cents terms. An analysis prepared by the Congressional Research Service points out that the criteria upon which the reorganization plan is based are not criteria at all. They are rather, a rationalization of management decisions already made—in this case quite clearly by the Office of Management and Budget. Those decisions appear to be a fuzzy attempt to cut much of the managerial muscle out of the Forest Service regionally in order to save money.

Yet, in answer to requests for itemized estimates of projected savings that would accompany reorganization, no figures were forthcoming until the very eve of this hearing, and then they were not complete and to the point. Until yesterday I had been told by the Forest Service that the General Accounting Office was now making a complete study of the matter and that I would receive a copy of the report. How could such a monumental reorganization plan have been devised and ordered into effect without cost/benefit figures having been prepared and carefully analyzed? What kind of management is this?

But the decision to go ahead with reorganization was made. And I still want to know how much more it's going to cost to have regional supervision of the forests in my District and in my State as a result of moving the bosses 800 miles to Denver. No one either can or will tell me.

The second point I want to touch on deals with the people who benefit from our National Forests—the people who want, and deserve, to use the forests for recreation under the multiple-use concept as well as those who depend upon our forests for a living as a result of the timber industry. Those who use our forests as a magnificent recreation resource need road and campground maintenance. The timber people need adequate cut and environmental supervision and assistance. All need fire protection and adequate assurance of reforestation in cut areas.

Today the recreational use of our forests is increasing rapidly. The demand for timber cut allocations is not only increasing, it has been responded to with a promise that an additional 1.8 billion board feet can be harvested each year. The Secretary of Agriculture has promised an additional 450 "foresters, engineers and support personnel which are required under the expanded sales program." This commitment was made at a time when the Service was struggling to find ways to reduce its employment by 1590 people to meet its FY 1974 employment ceiling, and after previous reductions of more than one thousand people since 1971. Something has to give if the employment reductions, timber sales increases and reorganization goals are to be met.

We all should know what will suffer. It will be the very things our forests users need and Congress has intended they have—the maintenance fire protection, reforestation and environmental protection services. Already there are indications from Montana that Forest Service employees are being taken off important conservation and recreation jobs and assigned to help with the timber cutting, even outside their own forests.

Forest-level people are telling me that already the economic pressure for more timber is throwing the multiple-use concept out of whack. They are concerned about it and so am I, particularly when an important safeguard at the regional level is being proposed for removal to some distant city and employment of regional specialists, who serve a number of forests, is to be curtailed. Not only will forest-users suffer—more importantly our forests will suffer.

Some Forest Service spokesmen have argued against my position and in favor of Service reorganization by saying that, in fact, more people can be shifted to forest-level jobs once the regions have been standardized and headquarters at Missoula, Ogden and Albuquerque eliminated. One Forest Supervisor told my office that he might even accept a transfer back to a Ranger position in order to stay in the Service under reorganization. I've been told, too, that once these professionals are put back into the forests, more of the decisionmaking can be handled at that level.

If all this decentralization is really a goal of reorganization then I believe it should receive more attention. Then we could point out to the Service that it doesn't take the shifting of a regional headquarters 800 miles away to start cutting out deadwood in the office, if it is there in the first place.

I'm not convinced that increased forest-level staffing is a goal of reorganization, or that forest-level people have even been adequately consulted about the possibility of increasing such staffing.

My office recently released figures from within the Forest Service headquarters on projected personnel changes as a result of the elimination of the Missoula regional headquarters. Of the 370 Missoula headquarters employees, only 50 were projected to be assigned to forest positions within the Region, 170 were projected to stay in regional service centers, 70 were projected for transfer to Denver, Portland or to forests now administered in those regions, and 80 were expected to leave the Service. In Montana those figures were greeted with complete surprise. Regional and Forest people told me they must have been plucked from the air because no one in Washington had asked them for information as to what personnel shifts might be expected under reorganization.

If the Forest Service can place more professionals at the Forest Service level to provide closer supervision of timber cut, recreation, maintenance, and environmental work, fine. They can do so now without involving a move to Denver. More decisions might be handled at the forest level as a result. The regional paperwork might be reduced as more people were being sent into the field. But again, I doubt that moving regional supervision 800 miles away would help accomplish that if the Service found it necessary. On the other hand, I cannot stress strongly enough that when regional supervision or assistance is necessary it should be available quickly from people close enough to the forests to understand their problems and the resources available to solve their problems.

There is another situation related to reorganization that disturbs many Montanans today also. That is the plan, now before the Chief, to combine national forests and even ranger districts. I understand that these plans are only waiting in the wings for approval of regional reorganization. In Montana it is proposed, for example, that the six national forests that lie at least in part east of the Continental Divide be combined into three. One forest headquarters would be completely eliminated, with forest supervision transferred 100-to-200 miles away. At the same time there would be district consolidation, involving some ranger district elimination.

This is not speculation. The plans for consolidation are now before the Chief of the Forest Service and Forest Service people expect a decision affecting Montana as soon as regional reorganization is initiated.

It is clear to me that this represents an overall goal of reducing employment at all levels, not increasing it in the forests. This fits the overall planned employment reduction for fiscal year 1974 which cannot be justified. It raises the spectre of combined ranger districts with fewer people, being administered from combined forest headquarters perhaps hundreds of miles further away, at a time when regional decision-making and assistance is available only across half a continent.

As I have said, we have a threat to the proper management of our precious forest resources. That threat could evolve into disaster for our people and forests if it goes unchecked. Regional reorganization should be stopped now, and forest consolidation plans carefully considered under the present regional structure before any are approved.

Mr. Chairman, I again thank you and the distinguished members of the Subcommittee for the opportunity to be heard on this subject of such importance to Montana and the Nation.

TESTIMONY OF MONTANA GOV. THOMAS L. JUDGE

Mr. Chairman and Distinguished Members of the Subcommittee:

I believe the concept of Standard Federal Regions is potentially workable. There are, however, exceptions where local, state and national interests supersede organizational considerations. And the planned relocation of the U.S. Forest Service Region I Office exemplifies this type of thinking that ignores specific issues to achieve general objectives.

In Montana, we recently completed a program to reorganize the executive departments of state government. This program was intended to achieve general objectives. As we proceeded with the reorganization process, however, we realized that it was necessary to make exceptions to assure effective government operation. We realized that our concept of reorganization was not infallible.

We compromised some principles to achieve practical results. Eventually, we established a system that puts performance ahead of philosophy.

And I would hope that the same considerations of necessity would be applied to the proposed relocation of the Region I Office.

If our forests are not intelligently and effectively managed in the coming years, this nation will face another resource crisis similar to the current energy shortage. There are presently serious problems in the forest products industry as evidenced by the recent sharp increases in the price of timber. And if we do not begin immediately to do a better job of managing and appropriating our forest resources, these problems will become critical.

Effective forest management is a triangle of responsibility. There are three jurisdictions involved—federal and state government and private interests. Because of the scattered or checkerboard pattern of ownership of timber lands in the western states, cooperation among all those involved in forestry is essential to achieve good management. Maintaining and developing isolated tracts is not effective management. If the productivity and recreational value of our forests are to be maintained, federal and state government and private interests must work together to protect this priceless, renewable resource. And I believe Missoula, Montana is the nation's best example of this essential working relationship.

Missoula is the forestry capital of the Northwest. There are 13 federal and state agencies dealing with forestry located in the Missoula area. In addition, private forest product industries include saw mills, pulp paper, plywood, particle board, sash and other wood speciality products plants.

During the years the forest products industry was developing in the region, many close personal and professional relationships have been established. These people have worked together. They have fought fires, controlled diseases, cruised the woods, conducted inventories and timber sales, developed new technologies, and effectively managed the forests.

The triangle of responsibility works in Missoula and throughout the Northwest. And I do not believe that the practical advantages of the location of the Region I Office in Missoula should be cancelled by the vague concept of standard federal regions.

The organizational structure of the Forest Service dictates against the relocation of the regional office.

The Ranger Districts implement forest service policy. The supervisors of the national forest conduct planning. The regional offices provide support including coordination, training, quality control, disease, insect and fire control research.

Regional forest service offices implement policy only after receiving recommendations from the state and local levels. If the office is moved to Denver, it will lose the daily contact with state forestry and private industry personnel that is necessary to adequately manage our timber resources.

Quality control depends on the ability of the forest service to develop solutions to immediate problems. Confusion and delay can be disastrous in dealing with forest problems. An office in a metropolitan area 600 miles away will not be able to act as decisively as an agency located in the middle of the timber country.

Coordination of the myriad functions of the regional office is dependent on close contact with people in all areas of forestry. Because the forest service is concerned with so many activities that affect the region, including coal development, land use, recreation, insect and disease control and fire fighting, it is imperative that those people most affected be involved in determining policy.

Region I is comprised of 10 states, and although Denver is more centrally located, Missoula is in the heart of the Northwestern timber country.

Transferring the Regional Office to Denver will remove it from proximity with the resource it is charged to manage.

The relocation will break up the close working relationship that has developed through the years among the state and federal agencies and private industry in regard to forestry matters.

It will confuse and delay the implementation of forest service policy by restricting the informational process.

The cumulative effect of all of these conditions, in my opinion, will be a deterioration of the Forest Service's capability to effectively manage our priceless timber resources.

And I believe this is a prohibitive price to pay to achieve the still questionable objective of Standard Federal Regions.

We need men in the woods in the Northwest rather than bureaucrats behind desks in Denver.

We need people who can go to work to sustain our forests rather than an accumulation of new concepts.

We need day-to-day contact and cooperation among all forest interests rather than an aloof relationship with a remote government agency.

And finally we need to emphasize practical considerations rather than general ideas.

Effective management of our forests to achieve sustained productivity and preserve recreational values is a matter of vital national interest, that I believe has precedence over any other considerations of policy and organization. This committee has the opportunity to prevent the Forest Service from being crippled. I hope that you would agree that the forests of the Northwest can be more intelligently and effectively managed by maintaining the Regional Office in Missoula.

The effects of moving the Regional Office go beyond forest management. This proposed relocation will result in immediate adverse economic conditions in Montana and throughout the timber states of the Northwest. The forest products industry has just begun to recover from a period of extreme economic difficulty. And the recovery of the industry will never occur unless adequate forest service personnel are available to plan and control the development of our timber resources.

At a time when rising prices dictate the necessity of more timber sales, we must have forest service personnel in the woods to assure that allowable cuts are attained.

At a time of increasing conflict between environmental and economic interests, the forest service must become more actively involved to assure both conservation and development.

The relocation of the Regional Office will restrict the availability of personnel needed to conduct timber sales and plan for the sustained productivity of our forests. The effect in the Northwest will be a reduction of activity in the forest products industry, the loss of jobs and the return of the hard times that we have recently experienced. The effect in the nation will be higher timber prices, reductions in housing starts and other construction and a general weakening of the economy.

This is not the time to reduce, restrict and reorganize the forest service. Present problems indicate to me a necessity to strengthen the forest service by increasing management capabilities and involvement. And the proposed transfer of the Region I Office is in direct contradiction to the need—now more than ever—to effectively manage our forest resources.

I believe relocation is a very cold, impersonal and impractical policy. The Regional Office employs approximately 450 people in the Missoula area, and as Governor I can assure you that we need these jobs in Montana. And to me, relocation is just additional evidence of the disregard for rural America that seems to prevail in Washington.

The loss of the Region I Office will exaggerate already serious economic problems in Montana.

Transferring these people to Denver will only complicate serious population pressure and pollution problems in Colorado.

And I can think of no organizational structure that could justify these unreasonable dislocations.

I thank Senator Eastland, Chairman of this Subcommittee, and Senator Talmadge, Chairman of the Agriculture Committee, for providing me with this opportunity to testify on this matter of great importance to Montana and the Northwest.

Statement of Senator Mike Mansfield

Mr. Chairman, before leaving this morning I would like to submit a series of correspondence for the record of this hearing. These documents include letters from my colleagues here in the Senate, Executive replies and reports.

To be very candid about the circumstances involved in this reorganization, I am not happy with the way that it has been handled. Inquiries early in the year about possible Forest Service reorganization brought replies—"the matter is under review"—and that we would be informed before any final action was taken. Then reorganization is announced during the Easter Recess when most of us were out of the city. After appealing to the able Chairman of this Committee, Senator Talmadge, he instructed the Department to withhold implementation until such time as these hearings could be held. The Department acquiesced, but only verbally, nothing was put in writing. Later the Department responded in writing that the reorganization was being postponed; however, tentative planning was proceeding according to a memorandum circulated in the Regional Offices.

Senators Metcalf, Moss, and I asked for some detailed statistical information which we assumed went into this decision, and we received a partial response yesterday. Much of the information was considered too voluminous to provide or deferral was made to the upcoming study of the entire matter by the General Accounting Office.

Finally, I wish to state that it is an exceedingly poor way for the Executive Branch of the Government to improve its relationship with the Legislative Branch. I hope that this Committee will take appropriate action.

March 26, 1973.

Hon. Earl J. Butz,
Secretary,
Department of Agriculture.

Hon. John McGuire,
Chief,
U.S. Forest Service.

Rumors have come to my attention that U.S. Forest Service region one headquarters now at Missoula, Montana will be transferred to Denver. I object strongly to any such plan. Missoula is strategically located in the heart of timber resources region. Regional concept as now established does not necessarily apply to several of our natural resources. Denver is remote on the fringe of the most active forest regions. I would like your reassurance that nothing will be done to dissipate Forest Service activity at Missoula. Any plan to move the Missoula headquarters will be met with strong opposition here in the Senate.

Regards,

Senator Mike Mansfield,
Majority Leader, U.S. Senate.

Forest Service,
Washington, D.C., April 6, 1973.

Hon. Lee Metcalf
U.S. Senate.

Dear Senator Metcalf: Your telegram of March 26 asking us to check on a rumor that the Forest Service is considering moving its Missoula Regional headquarters. Although we are reviewing the possibility, we have made no firm decision on this matter.

About two years ago, we initiated Standard Region studies as part of the government-wide Federal Assistance Review (FAR) program. This directed agencies to simplify and improve the ability of the Federal Government to provide services through conformance to the Standard Regional concept. Our Studies show that we can conform and still carry out Forest Service programs effectively.

At the same time, as you are aware, Federal budgets and manpower constraints have been tightened. Rising costs of doing business have added to the need to accelerate studies to find ways to improve the efficiency and effectiveness of National Forest management while reducing costs. Therefore, in order to maintain our present level of management on National Forests, it is essential that we take a positive approach to insure that the maximum amount of available dollars and people are released to on-the-ground resource management.

So far our evaluations are preliminary, but they do indicate that substantial savings can be made by reducing the number of Forest Service headquarters offices, including our Regional Office in Missoula. If this were to occur, the Forest Service would continue to maintain a work force in Missoula of about 370 people to support Forest Service programs.

We appreciate your concern in these matters, and would be glad to meet with you at your convenience for more detailed discussions. Copies of this letter are being sent to the other members of the Montana Congressional delegation as they have also inquired into this situation.

Sincerely,

John R. McGuire,
Chief.

April 28, 1973.

The President,
The White House,
Washington, D.C.

Dear Mr. President: On my return to the city from an official visit to Mexico, I was very disturbed and disheartened to learn that the Secretary of Agriculture had announced the U.S. Forest Service regional reorganization during the Easter recess. You may recall that I discussed this matter with you at our last breakfast meeting.

In my estimation this effort to adjust this agency's regional organization to fit with the standard Federal regional structure is unwise and unnecessary. As I recently indicated to you, I am very much opposed, not only because it would mean the closing of the Region I headquarters at Missoula, Montana, but it will create similar problems elsewhere in the west. Moving the headquarters from Missoula to Denver will create some very difficult problems of communication and transportation. Region I, which administers one of the largest National Forest areas, would be some eight hundred miles away from Denver, which now administers Region II.

The Forest Service can be logically exempted from the Federal regional structure because of the nature of its business. Our National Forests are a renewable resource and require continual on the ground management. At a time when there are greater demands on our National Forests it is necessary that the administrative and operational personnel be located in close proximity. Also National Forests are scattered throughout the nation, and they are not uniformly located so as to conform to the United States regional structure.

This proposed reorganization is inefficient, and I cannot envision any financial savings whatsoever. Candidly, I feel that whoever developed this plan is not aware of the resources or the land area involved. You may remember that on your trip to Libby Dam in Montana you flew over a part—a very small part—of Region I's area.

I cannot let this matter rest, and I will be discussing the situation with my colleagues. In your capacity as Chief Executive you can perform a much needed service, in full accord with your policies, by rescinding the Secretary's order.

Respectfully,

MIKE MANSFIELD.

U.S. SENATE,
Washington, D.C., May 3, 1973.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We were extremely disappointed to learn that the Department of Agriculture has decided to adjust its regional organization to fit within the standard federal region structure and thus phase out the regional offices at Ogden, Utah, Albuquerque, New Mexico, and Missoula, Montana, and the experiment station headquarters at Ogden and Asheville, North Carolina.

We respectfully request that this proposal be reconsidered. Although the new regional concept is sold as an economy move to increase efficiency and effectiveness in managing the national forests, we see it as a negative action which will result in less staff responsibility for more area, increased bureaucracy, and the creation of more distance between the forest managers and the users.

We can understand the logic of concentration in the standard regional offices of those organizations which exist to administer programs emanating from Washington. But the essential program of the Forest Service is to manage national forest land areas, and the present locations were chosen because they were most convenient to those areas. It does not seem wise to us to destroy this convenience simply to satisfy the theoretical desire to get all regional offices in one place.

Because of the serious effect these proposed changes will have on our states' economies, we have met with Department of Agriculture officials to try to resolve this problem. Now we must turn again to you to urge that this order be rescinded.

As you know, from the very beginning of the Forest Service, these regional offices have been located in Ogden, Albuquerque and Missoula. Region I headquarters at Missoula, Montana is one of the most active regions where there are mounting demands for increased timber sales requiring additional on-the-ground management of the forests. Moving the headquarters from Missoula to Denver as proposed would create very difficult problems of communication and transportation. This would place this large Region some eight hundred miles away from Denver. In addition, Region I operates the smokejumper school and the Forest Fire Research Laboratory and associated research facilities at both Montana Universities at Bozeman and Missoula. This proposed move would be an economic blow to this western Montana city and would not provide any great economic benefit to the government. It would, in fact, reduce the proper management of one of the nation's busiest national forest areas.

Of all the announced changes in the regional reorganization of the Forest Service, the relocation of the Albuquerque office to Atlanta is the most nonsensical. The abolition of a regional office that has successfully administered over 20 million acres of forest land since 1908 is completely unwarranted. It would be impossible for Atlanta to successfully administer New Mexico's forest, which contain half of the region's total acreage, from over 1,500 miles away. It is equally unlikely that New Mexico will receive the proper representation from the Atlanta region since the areas have completely different topographic, climatic and forestry problems.

Another case in point is the Intermountain Region, which includes all of Utah, southern Idaho, western Wyoming, all of Nevada and a tiny segment of California. For the most part, this is Great Basin country with high temperatures in the summer, moderately cold ones in winter and precipitation amounts that are less than generous. These factors, plus a general similarity of soil have created plant groupings that lend themselves to the same general management techniques. To split the Intermountain Region would run the risk of taking a team of experts, skilled in managing one particular vegetative situation and scattering team members to where they would no longer be effective. This is hardly an efficient use of taxpayer monies. In addition, closing the Ogden Regional Headquarters will leave the Ogden Federal Building almost empty, leaving a very bitter taste in the mouths not only of the Forest Service employees, but also of the local voters.

We cannot accept the explanation that the regional Forest Service offices must conform to the standard Federal regional structural concept. Since the Forest Service's objective is to administer forests, its regional offices must be located where the majority of the forests are.

Again, we strongly urge that this proposal be reconsidered and that practical values be put above theoretical conformity.

Sincerely,

WALLACE F. BENNETT.
MIKE MANSFIELD.
PETE V. DOMENICI.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 4, 1973.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I looked into the matter of Forest Service regional boundaries immediately following our conversation the other evening.

It turns out that the decision to alter the boundaries and the regional office locations had already been made and was announced on April 24. I am assured that your views on the matter were on record and had been considered in the decision. I also understand that your office was notified prior to official announcement. You will shortly receive an explanatory reply to your letter to the President outlining the reasons for the decision and the expected benefits.

There appears to be little inclination either in the Department or in OMB to reopen this decision so recently announced. However, I am sure that the Department will do all it can to minimize the potential adverse consequences in your area, and, if you wish, I would be pleased to arrange for Assistant Secretary of Agriculture Long and Chief McGuire of the Forest Service to meet with you to provide a detailed explanation of the reasoning behind this decision and a briefing on their transition plans.

I'm sorry I cannot be of more assistance in this particular matter.

Sincerely,

JOHN C. SAWHILL,
Associate Director.

MAY 9, 1973.

Hon. HERMAN E. TALMADGE,
Chairman, Agriculture and Forestry Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, I am very concerned about the Secretary of Agriculture's plans to implement the reorganization of the U.S. Forest Service regional setup. Region No. 1 at Missoula, Montana will be transferred to Denver.

I believe that this plan is impractical, inefficient, and would accomplish no savings to the Federal government.

I have discussed this matter with the Senate Subcommittee on Interior Appropriations and I would also personally appreciate if the Committee on Agriculture would investigate this matter. I am enclosing my statement before the Subcommittee which will give you my views in greater detail. Anything that the Committee might do to stop this plan would be appreciated.

Insofar as I am aware, Congress was not consulted about the practicality of this move.

With best personal wishes, I am

Sincerely yours,

——— ———.

COMMITTEE ON AGRICULTURE
AND FORESTRY,
Washington, D.C., May 15, 1973.

Hon. MIKE MANSFIELD,
Majority Leader,
U.S. Senate,
Washington, D.C.

DEAR MIKE: I have just received your letter regarding the reorganization of the U.S. Forest Service and the consolidation of regional offices.

I agree that the Administration's plan to eliminate five regional offices is illogical and unsound. For example, the plan places Georgia in the same region as New Mexico.

I am placing this matter on the agenda of the Committee for our next regular meeting which is tomorrow. I will be in further touch with you when I ascertain the will of the Committee.

With best wishes and warm personal regards, I am

Sincerely,

HERMAN E. TALMADGE,
Chairman.

COMMITTEE ON AGRICULTURE
AND FORESTRY,
Washington, D.C., May 16, 1973.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR MIKE: The Committee on Agriculture and Forestry discussed the unfortunate reorganization and consolidation of regional Forest Service offices. We felt that this consolidation would create a number of problems.

I have written to the Secretary of Agriculture to ask that he suspend the reorganization until the Committee has an opportunity to hold hearings. Enclosed is a copy of my letter to the Secretary.

With best wishes and warmest personal regards, I am

Sincerely,

HERMAN E. TALMADGE,
Chairman.

COMMITTEE ON AGRICULTURE AND
FORESTRY,
Washington, D.C., May 15, 1973.

Hon. EARL L. BUTZ,
The Secretary of Agriculture, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: While the members of the Senate Committee on Agriculture and Forestry generally applaud any efforts toward economy, efficiency, and cost-effective operation practiced administratively by the Executive Branch, the members of the committee have some questions and reservations as to whether the proposed reorganization of the U.S. Forest Service will accomplish these ends.

As you are no doubt aware, there are several pieces of legislation in varying stages of readiness that will affect the operation of the Forest Service. All of them are predicated on a structuring of the Forest Service along lines similar to those that prevailed before the announcement of the reorganization, and at staffing levels which existed at that time.

It is the intention of this committee to hold hearings on several of these measures in the not too distant future, and we would appreciate it if the Department would see fit to suspend the proposed reorganization until such time as our hearings can indicate what the results of the reorganization will have on pending legislation and existing law.

With every good wish, I am

Sincerely,

HERMAN E. TALMADGE.
Chairman.

JUNE 11, 1973.

Mr. ROBERT W. LONG,
Assistant Secretary, Department of Agriculture, Washington, D.C.

DEAR MR. LONG: I have received a letter from a constituent expressing concern that the Department is proceeding with the Forest Service reorganization, contrary to the assurance I received from you. The letter indicated that a meeting was held in Missoula and that the word from the Secretary of Agriculture was that "they were proceeding with the reorganization and not going to let the Senators stop them."

I would appreciate confirmation of the fact that the reorganization will *not* proceed.

With best personal wishes, I am

Sincerely yours,

______ ______.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 13, 1973.

Hon. MIKE MANSFIELD,
U.S. Senate.

DEAR SENATOR MANSFIELD: Bob Long is out of town this week so I have looked into the question raised by your letter of June 11. I have also discussed it with John McGuire.

The Forest Service has been doing some further analysis and planning in preparation for the Agriculture and Forestry Committee hearing on June 26. No personnel transfers or other irreversible moves toward regional reorganization have been taken.

This Department is fully aware of its commitment to defer reorganization actions until after the hearings. I assure you that we will honor that commitment.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

FOREST SERVICE,
June 15, 1973.

Reply to: 1360 Meetings (6130) (1200).
Subject: Reorganization Placement Meeting.
To: Regional Foresters.

REPLY DUE JULY 10

This is a follow-up of our letter of June 8 in which we tentatively scheduled a meeting of Personnel Officers in Washington the week of July 9 to prepare staffing proposals based on the possibility of reorganization.

We are committed to taking no irreversible action on the implementation of the Standard Regions until the hearings are completed by the Senate Committee on Agriculture and Forestry on June 26 and 27. However, we believe planning can continue, particularly placement planning to identify positions for employees in the proposed phased out Regional Offices who are willing to move. Therefore, we have rescheduled the Personnel Officers meeting for the week of July 16, subject to the outcome of the Senate Hearings. The objective of this meeting will be to make tentative placements of regional employees affected by the reorganization. Accordingly, the only Personnel Officers needed for the meeting are the Regional Personnel Officers and the Washington Personnel Officer.

We believe the following information needed for this meeting, can be assembled without the need to contact employees or in any way take action contrary to Mr. Long's commitment to Senator Mansfield. This information must reach the Washington Office by July 10 so that it can be consolidated in time for use at the meeting.

1. Vacant and New Position Information.

a. All Regional Offices not being phased out submit a list by title, series, grade, and location of vacant and new positions Regionwide.

b. Regions 1, 3 and 4 submit this same information for all vacant and new positions on your Forests. You should also submit this information on any new zone office you propose to establish in phased out Regional Office cities in line with the guidelines developed at the Denver meeting.

2. Employee Information.

a. Regional Offices scheduled to be phased out submit your best estimate of names of those R.O. employees who are willing to move at their present grade and their preference for assignment.

b. Regional Offices scheduled to be phased out submit their best estimate of names of R.O. employees who are unwilling to move.

Enclosed is an outline of the process to be used at the meeting to tentatively place employees and instructions and format to be used in submitting the advance information.

In addition to placements necessitated by the reorganization, some units may still have surplus employees who are not funded. However, these should be considerably reduced since the Denver meeting in view of the increased staffing provided to meet the new timber targets. Bring a list of your unfunded positions and affected employees with you to the meeting. After completing the recommendations on the reorganization placements, we will consider the placement of unfunded positions.

The meeting will be continued as long as necessary to accomplish all of the placements. Hopefully, it can be completed within a week. You will be contacted as early as possible after the Senate Hearings regarding the status of the meeting and lodging arrangements.

J. W. DEINEMA,
(for John R. McGuire, *Chief.*)

PROPOSED PLACEMENT PROCESS TO BE USED AT MEETING BY PERSONNEL MANAGEMENT

Responsibility for the programs and functions of the phased out Regions will be the responsibility of the new Regions. Therefore, it will be the primary responsibility of the new Regions to absorb the employees of the phased out Regional Offices. Representatives of R–2, 5, 6, and 8 should come prepared to place R.O. employees from Regions 1, 3, and 4. Placement will be based on employee preference, retention register standing, and management needs. The Personnel Officer should come with inputs from line officers and program people on staffing needs, and with the authority to make tentative selections. The W.O. Personnel Officer will be prepared to provide information on both Washington Office vacancies and general information on placement desires of the various Deputy Chiefs where Regional placements are concerned. Personnel Officers should come equipped with organizational configurations approved by the Operation people to be used in the placement of employees. We realize this will be difficult in cases where organizational changes have not yet been decided.

We will provide SIS profiles on all employees GS–13 and above in the closing offices. However, Regions 1, 3, and 4 should bring with them available PRI's on employees to be placed. Other Regions should bring with them the Regional Office portion of their Position Organization Listing, including new positions where known.

In very general terms, we plan to follow the following process in considering possible placement assignments for all personnel in the Regional Offices proposed for closing.

1. Consider Regional Office organizations in Atlanta, San Francisco, Portland and Denver as new organizations.

2. Consider the "transfer of function" principle which means for example the new Denver Region must take their proportionate share of personnel from R–1 and R–4.

3. Divide the Personnel Officers up into teams to make proposed placements. Team composition will be as follows:

R–1, R–2, R–4 and R–6. Make placements into the new Portland and Denver Regions.

R–3, R–5 and R–8, Make placements into the new Atlanta and San Francisco Regions.

*R–4 and R–5, Make placements into new San Francisco Region.

4. Personnel Officers from the Washington Office, R–9 and R–10 will work with these groups to consider additional placements.

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*These units to meet as a team following the other team meetings.

Title [1]	Specialty [2]	Series, grade [1]	Organizational unit
Vacant and new positions:			
Forester	Administration	GS 460–15	Big River Forest.
Do	Recreation	GS 460–13	R.O., Division of Recreation.
Do	do	GS 460–13 (Interd. W/GS–807–13)	Do.
Do	Timber Management	GS 460–13	R.O., Division of Timber Management.
Do	do	GS 460–12	Big River Forest.
Do	Recreation	GS 460–12	R.O., Division of Recreation.
Soil Scientist		GS 470–13	R.O., Division of Soils and Watershed.
Accountant		GS 510–12	R.O., fiscal control.
Do		GS 510–12	Do.
Civil engineer	Design	GS 810–14	R.O., Division of Engineering.
Do	Construction	GS 810–12	Big River Forest.

[1] Group positions by identical series, grade and specialty. List in descending order within each series, as illustrated. Enter interdisciplinary positions only once but indicate alternative series.

[2] Forester and engineer positions only require a specialty. Use promotion roster specialties listed in FSH 6109.14, p. 31.72. When a position encompasses more than 1 specialization, enter the predominant or more technical one, Also show specialty for 301, General Administration, positions.

Title[1]	Specialty[2]	Series/grade[1]	Name	Regional preference[3]	Retention group	SCD
Regional office employees willing to accept reassignment:						
Employee Dev Speclst		GS 235-13	William Smith	Portland, Denver	1A	Jan. 3, 1952
Administrative Offcr		GS 341-11	James Boyd	Denver, Portland	1B	July 28, 1959
Forester	Timber Mgmt	GS 460-15	Phillip Brown	Portland, Denver, San Francisco	1A	Sept. 2, 1940
Do	Recreation	GS 460-14	Robert Wilson	Portland, San Francisco	1A	Dec. 3, 1943
Do	Timber Mgmt	GS 460-12	James Green	Atlanta, Portland	1A	July 12, 1964
Do	do	GS 460-12	Joe Brown	Portland, Denver	1B	Nov. 3, 1939
Do	do	GS 460-12	Jack White	W.O., Milwaukee	1B	Oct. 15, 1962
Fiscal clerk		GS 501-06	Mary Jones	W.O., San Francisco	1B	May 13, 1953

Title[1]	Specialty[2]	Series—grade[1]	Name	Retention group	SCD	Proposed action
Regional office employees not willing to accept reassignment—None.						

[1] Group employees by identical series, grade (and specialty for foresters and engineers). List in ascending series order, and in descending grade order within each series, as illustrated.

[2] For foresters and engineers show specialty. Use promotion roster specialties in FSH 6109.11, p. 31.72. When an employee is currently working in 2 or more specialties list the 1 where his expertise is greatest. Also show specialty for employees in the 301, General Administration series.

[3] Preference for regions is to be identified using new regional boundaries. Do not show cities, States or other specific locations. List in order of preference.

U.S. SENATE,
Washington, D.C., May 8, 1973.

Hon. EARL L. BUTZ,
Secretary, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: In connection with the proposed centralization of national forest supervision announced on 24 April 1973, you are hereby requested to make available the following information.

1. Each and every study, report and analysis with all of the supporting evidence, which shows the efficiencies (or inefficiencies) of the proposal to transfer regional offices and personnel, and consolidate or change national forests.

2. For Region 1 for the fiscal years 1971, 1972, 1973 through 1 April 1973 separately by years:

(a) travel by individuals and purpose from Regional office to one or more Forest offices including time, distance, mode of travel and cost for the portion from the Regional office to first stop. Please show comparable cost under proposed change.

(b) travel by individuals and purpose from each national forest to Regional office with data as above. Please make similar comparison as above.

3. Describe facilities to be vacated or abandoned by move, cost, value, etc., and the cost of new facilities in Denver and Portland and the net financial impact. Show cost to move equipment, etc.

4. By job title list personnel affected by proposed transfer.

(a) show estimated cost to transfer, including movement of household goods, sale of home, relocation expense and cost to move family, etc.

(b) for each position to be "abolished" show results of various inspections over past four years that discuss the position and summarize whether they recommended strengthening or abolishing position.

(c) for each position to be transferred show results of various inspections over past four years that discuss position and summarize whether they recommended transfer and the reasons therefor and whether they recommended transfer as now planned.

5. Based on the proposal, show analysis of how cost of doing business and effectiveness will be changed by making the changes advocated.

6. One part of your proposal suggests that New Mexico, which has five national forests, be attached to the proposed Atlanta Region. However, Alaska, which has three national forests, is proposed to remain as a Region. Please list the most direct mileage by the most expeditious modes of transportation from:

(a) Atlanta to each New Mexico forest headquarters.

(b) Albuquerque to each New Mexico forest headquarters.

(c) Denver to each New Mexico forest headquarters.

Show the differences in time and cost for each and time as above.

(d) Distance from Missoula to each forest headquarters in Region 1 as now existing.

(e) Same information from Denver or Portland to each forest in proposed revision.

Show the differences in time and cost for each.

(f) Show distance and time from Juneau to each Alaska national forest.

(g) Show same data from each Alaska national forest to Portland.

Show distance in time and cost for each.

(h) Show the key elements of business for each national forest in Alaska, Region 1, and New Mexico, and using time to travel, distance and cost explain the logic of retaining the Alaska "Region" rather than attaching to Portland, the logic of attaching New Mexico to Atlanta rather than leaving as is or attaching to Denver, and the logic of attaching Region 1 forests to Denver and Portland, rather than leaving "as is."

In summary, we want a full and complete explanation of all pertinent facts that demonstrate the efficiency of your proposal. If such studies were not made prior to the date when this proposal was ordered into effect and these data would have to be developed specially to answer our request, any such question can be answered by the statement "Do not know." However, you are advised that the absence of such studies and hard cost and benefit analyses will be considered as extremely significant factors in weighing whether the proposed revamping of the Forest Service structure advances or significantly retards efficient operation of these public assets in the national interest.

We will appreciate a reply at your earliest convenience. Please send a copy of your response to Senator Alan Bible, Chairman, Subcommittee on Interior and Related Agencies, Senate Committee on Appropriations.

Very truly yours,

LEE METCALF,
U.S. Senator.
MIKE MANSFIELD,
U.S. Senator.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 25, 1973.

Senator LEE METCALF,
U.S. Senate,

DEAR SENATOR METCALF: This responds to your June 8 letter asking for information you and Senator Mansfield had requested on May 8. You recall we had suggested awaiting outcome of the GAO survey in order to avoid possible duplications.

Since the GAO survey will not be completed before June 26–27 we have attached responses to the questions raised in your May 8 letter.

We are also sending copies of this information to the Congressional Delegations of Utah, New Mexico, Nevada, and Montana.

Sincerely,

ROBERT W. LONG,
Assistant Secretary.

METCALF, MANSFIELD, AND MOSS QUESTIONS IN LETTERS DATED MAY 8 AND MAY 30, RESPECTIVELY

Responses to the numbered questions in Senators Metcalf's and Mansfield's May 8 letter follow:

1. Each and every study, report and analysis with all of the supporting evidence which shows the efficiencies (or inefficiencies) of the proposal to transfer Regional Offices and personnel, and consolidate or change National Forests.

Answer: Our files on these subjects are extensive. They have been made available for inspection by GAO and anyone else having such need. Key reports such as the November 1971 analysis have been sent to interested individuals on request. An additional copy is enclosed.

2. For Regions I and IV for the fiscal years 1971, 1972, 1973 through 1 April 1973 separately by years:

a. travel by individuals and purpose from Regional Office to one or more Forest offices including time, distance, mode of travel, and cost for the portion from the Regional Office to first stop. Please show comparable cost under proposed change.

b. travel by individuals and purpose from each National Forest to Regional Office with data as above. Please make similar comparison as above.

Answer: We do not have this information. In our studies of the travel question, we estimated increased travel cost that would accrue by reason of having larger but fewer regions through the use of modified regression analysis techniques. The Travel Index thus derived was a simple number, which took into account several variable factors such as point to point distances, costs, frequency of travel, time and workload, etc. Using this technique allows for much easier assimilation of a great deal of information such as you requested. The resultant Travel Indices for a number of alternative regional boundary configurations could then be compared easily by inspection—the larger the index the more costly the alternative. See pages 8, and 14 through 20 of the November 1971 study.

After the number of alternatives were narrowed down to a few "best" the indices were converted to dollars of cost and this cost then subtracted from the savings that would result from economies of scale and other factors. See pages 22 and 23 of the November 1971 study.

3. Describe facilities to be vacated or abandoned by move, cost, value, etc., and the cost of new facilities in Denver and Portland and the net financial impact. Show cost to move equipment, etc.

Answer: In Missoula, Ogden, and Albuquerque, we now occupy federally owned space operated by GSA under its regulations. We will vacate approximately 60,000 sq. ft. in Missoula, 70,000 sq. ft. in Ogden, and 40,000 sq. ft. in Albuquerque. We pay no rent in these, but the estimated fair market value on an annual sq. ft. rental basis is: Missoula $4.75, Ogden, $5.00, and Albuquerque $5.00. Details on our needs in Atlanta, Portland, San Francisco, and Denver to implement the new Regional alignment are as follows:

ESTIMATED ONE TIME COSTS OF IMPLEMENTATION

City	Number people	Square feet	Rate	Annual cost
1. New office space needs:				
Atlanta	15	1, 500	$10. 50	$15, 750
Portland	62	6, 000	9. 23	55, 380
San Francisco	26	2, 500	9. 96	24, 900
Denver	73	7, 000	7. 65	53, 550
Total	176			149, 580

Trip	Load	Rate per hundredweight	Cost
2. Moving things (furniture, files, equipment, etc.):			
Albuquerque and Ogden to San Francisco.	(26x600#) 15,600	$10	$1, 560
Missoula and Ogden to Portland.	(62x600#) 37,200	8	2, 976
Missoula and Ogden to Denver.	(73x600#) 43,800	9	3, 894
Albuquerque to Atlanta.	(15x600#) 9,000	11	990
Total			9, 420

	Cost
3. Refurbish old and new locations	$10, 000
Total 1, 2, and 3	169, 000

4. BY JOB TITLE LIST PERSONNEL AFFECTED BY PROPOSED TRANSFER

Series	Title	Albuquerque		Missoula		Ogden	
		Now[1]	Available[2]	Now[1]	Available[2]	Now[1]	Available[2]
018	Safety	1	1	1	1		
110	Economist	1	1			2	2
193	Archeology					1	1
201	Personnel management	3	3	2		2	1
203	Personnel clerk	2		9	8	8	2
212	Personnel staffing			2	1	3	2
221	Classification	3	3	3	3	2	2
223	Salary and wage	1	1			1	1
230	Labor management and employee relations			3	2	1	1
235	Employee development	1	1	3	3	1	1
301	General clerk and administration	9	5	17	11	14	1
304						1	
305	Mail and file	2	2	8	3	6	2
312	Clerk-steno	19	8	9	4	20	
316	Clerk DMT	2	2	1		1	
318	Secretary	9	4	11	3	6	1
322	Clerk typist	12	5	18	5	22	3
330	Computer operator	3	3	5	5	4	6
334	Computer specialist	7	5	8	8	12	10
335	Computer aid	1	1	3	3	5	2
341	Administrative officer	2	1	3	3	4	1
342	Office service management	3	2	1	1		
343	Management analysis	4	3	1	1	4	3
344	Management assistant	2	2	2	1	2	
345	Program analysis			3	3		
350							
356	Card punch	5	2	11	4	8	1
359							
371							
401	General biology			2	1	1	1
404	Biology technician	2	1	3	2	1	
414	Entomologist	4	4	5	5	6	7
434	Plant pathologist	1	2	3	3	1	1
454	Range cops.	1		2	1	4	4
456		1					
460	Forester	51	44	51	42	55	42
462	Forester technician	5	1	9	1	5	4
470	Soil scientist	2	1	4	2	2	1
482	Fishery biologist	1	1	1		3	3
486	Wildlife biologist	1		1	2	1	2
501	General accountant	1		4	1	4	1
505							
510	Accountant	7	6	9	6	8	8
520	Account maintenance clerk	3	3	3	2	5	1
525	Accountant technician	1	1	5	3	1	
525	Accountant technician	1	1	5	3	1	
530				1			
540	Voucher examiner	3		6	2	6	1
560	Budget administrator	4	3	3	2	4	2
802	Engineering technician	1	1	14	11	18	14
806	Material engineer	2	1				
807	Landscape architect	2	2	4	4	3	2
808	Architect	1	1	3	3	2	2
810	Civil engineer	18	16	26	25	25	22
818	Engineering drafting	1	1	2	1		
819	Sanitary engineer			1	1		
830	Mechanical engineer	2	2	2	2	1	1
850	Electric engineer			1	1	1	1
855	Electron engineer	1	1			1	1
856	Electron technician	1	1	5	4	2	
880	Mining engineer	4	3	2	1	1	1
963	Legal inst. examiner	7		5	3	7	2
992		1	1	1		1	
998							
1001	General information officer			1	1	1	
1020	Illustrator			1	3		
1060	Photographer			3	3	4	4
1081	Information officer	2	2	1	1		1
1082		1	1	2	1	1	
1083							
1084	Visual information					2	1
1102	Contract and procurement	5	6	14	11	7	5
1105	Purchasing	1		1	1	2	2
1106	Procurement clerk			2			
1170	Realty	1	1				1
1311	Physical science technician			1			
1315	Hydrologist	2	2	3	3	1	1
1350	Biologist	3	3	4	4	1	
1370	Cartographer	3	4	1	1	1	
1371	Cart. technician	15	13	22	7	20	17
1373	Land survey	1	1	1	1	2	1
1380	For Prod. technician			1	1	1	1
1531	Statist assistant	1	1				
1601	Facility management			1	1	2	
1640	Facility maintenance			1			
1670	Equipment specialist	1	1	2	2	2	
1701	General education			1	1	1	1
1702	Education and training technician.	2	1				
1810							
1811	Criminal investigation	3	3	1	1	2	2
2001	General supply			2	1	1	1
2005	Supply clerk			3	1	1	1
2020				1			
2132	Travel clerk			1	1		
2150	Transportation—Operator					1	1
2181	Pilot	5	5	6		11	8
	WG	4	1	35	24	16	2
	Total	272	198	539	272	383	218

[1] Total with status (career or career conditional) RO's Apr. 28, 1973. Excludes Missoula smoke jumper.

[2] Same as 1 above available to move Apr. 1973.

4a. Show estimated cost to transfer, including movement of household goods, sale of home, relocation expense and cost to move family.

Answer: Approximately 400 people will be placed in vacant, financed jobs. These positions must be filled regardless of Standard Region realignment of boundaries. Thus no additional transfer of station costs will be required. 165–180 people will be transferred and placed in new positions. The estimated cost of transfer is $5,000. These additional, one-time, transfer of station costs amount to $825,000–$900,000.

4b. For each position to be "abolished" show results of various inspections over past four years that discuss the position and summarize whether they recommended strengthening or abolishing position.

4c. For each position to be transferred show results of various inspections over past four years that discuss position and summarize whether they recommended transfer and the reasons therefore and whether they recommended transfer as now planned.

Answer: Individual positions are neither being abolished or transferred. The entire function of providing Regional Office services and administration is being transferred. In essence a new Regional Office is being established. The positions created at that office are to serve the needs of that new Regional area.

Positions are of course audited on a regular basis. The objective of audits however, is not to recommend Regional reorganizations. The audits look at performance of the position, need of position in present organization, proper description of duties and proper classification of those duties.

5. Based on the proposal, show analysis of how cost of doing business and effectiveness will be changed by making the changes advocated.

Answer: This is covered in the November 1971 study.

6. One part of your proposal suggests that New Mexico, which has five National Forests, be attached to the proposed Atlanta Region. However, Alaska, which has three National Forests, is proposed to remain as a Region. Please list the most direct mileage by the most expeditious modes of transportation from:

a. Atlanta to each New Mexico forest headquarters.

b. Albuquerque to each New Mexico forest headquarters.

c. Denver to each New Mexico forest headquarters.

Show the differences in time and cost for each and time as above.

d. Distance from Missoula to each forest headquarters in Region 1 as now existing.

e. Same information from Denver or Portland to each forest in proposed revision.

Show the differences in time and cost for each.

f. Show distance and time from Juneau to each Alaska National Forest.

g. Show same data from each Alaska National Forest to Portland.

Show distance in time and cost for each.

h. Show the key elements of business for each National Forest in Alaska, Region 1, and New Mexico, and using time to travel, distance and cost explain the logic of retaining the Alaska "Region" rather than attaching to Portland, the logic of attaching New Mexico to Atlanta rather than leaving as is or attaching to Denver, and the logic of attaching Region 1 forests to Denver and Portland, rather than leaving "as is".

Answer: This information, as you must realize, is voluminous, involving some 94 National Forests and 500 Ranger Districts in the West and is not available in the format you request. However, our studies of the travel costs were developed through use of modified regression analysis techniques applied to the increased travel cost that would accrue by reason of having larger but fewer regions.

The workload analysis data is available for inspection and was furnished to GAO inspectors. It is also summarized on pages 8 and 14 through 20 of the November 1971 report.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Wyoming for yielding to me.

(The following colloquy, which occurred during the debate on the supplemental appropriation bill, is printed at this point in the RECORD by unanimous consent.)

Mr. MANSFIELD. Mr. President, my distinguished colleague, Senator METCALF, and I appeared before the Senate Committee on Agriculture and Forestry.

Although I spoke on this subject earlier today I would repeat that the purpose of the appearance was to forestall an attempt by the administration to bring about a reorganization of the Forest Service by means of which the headquarters, at least in part, of region 1 at Missoula, Mont., would be moved approximately 1,000 miles away, to Denver, Colo., an area with which we in Montana have no direct communication facilities. The Ogden, Utah, offices would be dispersed primarily to Denver also but partly to Portland, as well, as would some of region 1 facilities.

The facilities at Albuquerque, N. Mex., would be transferred to Atlanta, Ga., a long, long way from New Mexico.

This was done without the knowledge of the six Senators concerned. We heard rumors about this proposal in the early part of this year. While the Senate was in recess over Easter, the reorganization announcements were made. When the Senate reconvened, the Senators from the three States tried to do everything possible to bring about a rectification of the situation which was inexcusable, unnecessary, and very expensive in our opinion.

At that time I appeared before the committee headed by the distinguished Senator from Nevada (Mr. BIBLE), the chairman of the Interior Subcommittee on Appropriations. At the request of Senators DOMENICI and MONTOYA of New Mexico, BENNETT and MOSS of Utah, and METCALF and MANSFIELD of Montana, the following language was inserted in the urgent supplemental appropriations bill:

> Providing further that none of the funds currently available or made available under this Act shall be obligated or expended to change the boundaries of any region or establish or abolish any region of the national forest system of the Forest Service.

Mr. President, it was my purpose in asking the distinguished Senator from Arkansas to yield to ask if this proviso was accepted by the House.

Mr. McCLELLAN. It was accepted. The House receded and accepted the Senate provision. I do not even recall that it was even controversial. It was readily agreed to.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BIBLE. Mr. President, I am very intimately acquainted with the problem that the majority leader has directed his attention to.

There was no problem whatever on the House side. They accepted it. In fact, they thought it was good language.

My memory is not clear as to whether they have added it or are going to add it in the regular appropriations bill. I am inclined to believe that they will. And if they have not, I am sure that our majority leader will put it in the regular appropriations bill as well as in the supplemental.

Mr. McCLELLAN. This would be binding only until the 30th of this month. It will be necessary to add it in the new appropriations bill and in the continuing resolution if we are to make certain that they are not permitted to do it after June 30.

Mr. MANSFIELD. Mr. President, does the Senator from Nevada have any further comment?

Mr. BIBLE. Mr. President, the only thing I have to add is that I am of the impression—and I do not have the House report before me—but I am inclined to think that it is already in the House report for Interior appropriations. If it is not, we will attempt to add it in the Senate when we complete our action in the Senate on the Interior appropriations bill about the middle of July.

Mr. MANSFIELD. Mr. President, if the Senator will yield further, I express my appreciation to the distinguished Senator from Nevada and to the distinguished chairman of the full Committee on Appropriations, the distinguished Senator from Arkansas (Mr. MCCLELLAN).

Just to make the record straight, the proviso quoted was put in by the Senate Appropriations Subcommittee on the Interior by a unanimous vote of that subcommittee.

Furthermore, when the urgent supplemental was brought before the full Appropriations Committee, it was agreed to unanimously. When the matter was referred to the conferees with the same proviso, it was agreed to unanimously on the part of the conferees representing the other body. In other words, for the information of the Office of Management and Budget and also for the information of the Department of Agriculture, I would suggest that before they make any moves whatsoever which would tend to bring about a reorganization in whole or in part through the transfer of functions or otherwise, they read the RECORD and make absolutely certain that they know what the intent of the Congress was and is—no reorganization.

I am delighted that the distinguished Senator has given me the chance to make these observations for the RECORD, because they will stand the six Senators and the Congressmen from the three States involved in good stead at the appropriate time.

I thank the distinguished chairman of the committee for what he has had to say about this matter.

Mr. BIBLE. Mr. President, if the Senator will yield further, I have checked with my staff man on the Interior Appropriations Committee, and I find that my memory has not faltered completely. The language is written into the supplemental appropriations bill and has been carried over in the regular Interior appropriations bill and has been so marked up on the House side and will be carried over on the Senate side.

Mr. MANSFIELD. I thank the Senator.

Mr. McCLELLAN. I hope we can accomplish this. This was a worthwhile project, that would never have been accomplished with full hearings.

Mr. MANSFIELD. That is right, and it was done in the stealth of the night.

Mr. McCLELLAN. That is right, and we caught them.

Mr. MANSFIELD. The Senator is correct.

(This marks the end of the colloquy which by unanimous consent was ordered to be printed at this point in the RECORD.)

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

Mr. McGEE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally assigned to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Wyoming (Mr. McGee) and the Senator from New York (Mr. Javits). On this amendment there is a 2-hour limitation, and some of that time has already elapsed.

Mr. McGEE. Mr. President, I wish to address myself very quickly to the simple factor that is present in this amendment. The request that was handed to us for supporting assistance asked for a total of $100 million for categories that are explained in section 2701 of the bill, but the committee in its judgment readjusted the figure. They added another $25 million to the $25 million already requested for Israel. They subtracted $30 million from the $65 million requested for Jordan. Those were the two major adjustments, though there were some modest adjustments as to the other five countries that were specified in the supporting assistance measure.

My amendment would seek to restore the full amount of the $100 million requested, and add on to that request the additional $25 million that the committee specified for Israel. Under the pending amendment, Israel would indeed receive the $50 million upon which the committee agreed. It is, however, my judgment that in penalizing Jordan to the extent that the committee measure does, we will have tampered disadvantageously with ongoing relative relationships in that particularly sensitive part of the Middle East. Whatever else one says about the problem in that part of the world, Jordan has continued to remain one of the hopes for moderation and stability as we address ourselves to the very difficult question of the Arab-Israeli impasse. For us to so adjust these figures at this time, sensitive as these times are, would risk worsening the chances for balance of conditions and mutual interests there, rather than improving them.

I totally support the addition of the $25 million for Israel. I think it is desperately important at this particular time. Israel has had a considerable drain on her capabilities at very disadvantageous moments, when she has economic problems, when she has a balance-of-payments problem of her own, and where she has a survival issue that has now stretched out over 25 years, this being the 25th anniversary year of her independence.

But, likewise, I think the responsible leaders in Israel would be the first to acknowledge, in fact to stress, that a part of the hope for some moderation as they strive to work out an agreement in that part of the world rests with Jordan. The Government of Jordan has leaned very strongly in the direction of realistic quid pro quos in achieving that compromise. It has been far less emotional. I think, at the same time, that conditions in Jordan economically are much more acute than in almost any other country in the area. It is for those reasons that I urge the Members of this body to restore the full request of $100 million and add the $25 million that the committee inserted additionally for Israel as a part of the total supporting assistance appropriation. The sensitivity of the area, I would think, would justify this addition in the committee bill at this time.

Now, Mr. President, the authorization sent to the Committee on Foreign Relations was for $100 million in addition to $24 million in estimated deobligations of prior year funds, for a total program of $124 million. This included $25 million for Israel, $65 million for Jordan, $15 milion for Thailand, $3 million for Spain, $9.5 million for Malta, $4.2 million as the U.S. contribution for the U.N. peacekeeping efforts in Cyprus, and $2.4 million for an administrative charge.

The bill (S. 1443) as reported out by the committee, I believe, is potentially disruptive of our delicate relations in the Middle East, and unnecessarily so. The committee cut the authorization request for Jordan to $35 million. The cut-in funds for Jordan strikes me as ill-advised.

The Government of Jordan has been following a moderate course, which has been difficult amid the pressures of many of its Arab neighbors. The cut-in funds which this bill imposes would make that course all the more difficult. Jordan would have to turn elsewhere for the assistance it needs. Therefore, the purpose of my amendment is to increase the new obligational authority contained in S. 1443 by $30 million, from $95 million to $125 million.

It is important that my amendment be approved. Jordan is in precarious financial and economic straits. The prospects for peace in the Middle East depend not on Israel alone, but on Jordan as well.

The Jordanian economy is extremely fragile. The country is poor. Nonetheless it must maintain an army able to deal with the various threats from the other Arab countries and the Fedayeen. It simply cannot meet its economic needs without an adequate level of outside support. Economic stability is essential for Jordanian political stability. If the present moderate regime were replaced by a radical one, it would be a substantial threat to Israel in view of the long and relatively exposed border between the two countries.

My amendment would also provide authority for the $4.2 million for the U.S. contribution to the United Nations peacekeeping force in Cyprus and $9.5 million for the U.S. contribution to the costs of Malta peacekeeping mission, where British troops are stationed as part of NATO. Both were removed entirely from S. 1443 in committee. Both seem to me to be proper multilateral efforts in which the United States should continue to make financial contributions, while other nations contribute both funds and military forces.

It is for these reasons that I am hopeful the Senate will adopt my amendment.

Mr. President, I now yield to the distinguished Senator from New York (Mr. Javits) whatever length of time he requires.

Mr. JAVITS. Mr. President, I agree with everything the distinguished Senator from Wyoming (Mr. McGee) has said.

Jordan is in precarious financial straits. I think it is by now quite clear that if we are to have any degree of stability or hope for peace in the Middle East, the integrity of Jordan as a state is a critically important factor. Its economy is fragile. The country is poor. It needs to maintain a military force able to deal with the threats of other Arab countries. It may be remembered that in late 1970 an invasion of Jordan by a large force of tanks from Syria was turned back and the possibility of a broader war avoided only by a hair. In addition, a force originally put into Jordan in the 1967 war by Iraq was found difficult to get out of Jordan. Jordan as a state was in danger of being overwhelmed in September 1970 by the Palestinian guerrillas, who challenged the Government itself.

All of these are important political reasons why the integrity of Jordan as a state is a critically important factor in the peace of the area, and probably peace in the world.

No one contends that this is a big country or a prosperous country, but it happens to occupy a critical piece of geography and to represent also a critically important spirit. One sees there the possible hope for stability in that area of the world.

Jordan is the nearest neighbor to Israel. Indeed, the presence of a great majority of Palestinian refugees on the east and the west banks, makes Jordan the critical factor in what will happen in the area as regards peace and stability.

Under those circumstances, and considering the fact that I think it is clear that Jordan simply cannot make it without effective economic help, I feel that economic help is desirable—indispensible—for this small country.

I might say, too, Mr. President, that in a nongovernmental effort, in which I had the privilege of being enlisted, in looking toward the economic development of the Middle Eastern area, in company with some of the most outstanding economists in a number of European countries, and in the United States, even from Latin America, there is a consistent opinion that the new 3-year development plan of the Government of Jordan, just offered recently, is auspicious, is realistic, and has a good chance to succeed. The corner can be turned with a great deal of self-help by Jordan. That self-help, I think, is forthcoming in an interesting and impressive way. Indeed, a few months ago, an international conference was held in Amman dealing with the future development of Jordan, at which outstanding economists from many countries participated. We had there representing our group Professor Mason of Harvard. The report that was brought back indicated there was great responsibility, real thoughtfulness and expertise going into the development effort and that it was a practical one and within the parameters of capability for Jordan itself and for those who showed every evidence of being its allies and friends.

For all these reasons, Mr. President, I believe that it would be desirable, in the interests of our country, to extend our help to this small but critically important country, standing right now at the crossroads of its ability to carry on policy, and which is throughout the area about the only one that shows any hope for peace and peaceful coexistence in that part of the world.

It is my judgment that we would be contributing in an essential sense, the sense in which supporting assistance is intended to contribute; that is, the economic backup for basic security to a country whose basic security and mission in the area in which it is engaged is of enough importance to the United States, in terms of our worldwide policy to seek stability and peace, to justify this kind of assistance.

Mr. President, I have not mentioned the obvious. In addition to being a center of danger for the world in terms of disorder, conflagration, or in terms of war, this area is critically important to the world for energy supplies, certainly for the next decade. Therefore, whatever factors could contribute to a more stable situation, promising some hope for an ultimate resolution of the Israeli-Arab conflict in that area, is a highly desirable stance for the United States.

Just one or two other details. I mentioned the fact that if we approve this amendment, we would also be approving supporting assistance for Thailand of $15 million. Although it is well known that I am not at all in accord with the administration on how those forces are being used, that is, in terms of the bombardment of Cambodia, it is nonetheless a fact that until we revise and redesign our Southeast Asia policy, until such time as we find some substitute for the Southeast Asia Treaty Organization, we will be continuing our military presence in that country. Therefore, its stability is important to us. I do not think that the amount of money involved is great enough to warrant our dislocating our relations by withholding $15 million from Thailand. As to the Malta lease agreement, that remains a critical element of the stability and security of the Mediterranean. We are participating in Malta under NATO auspices, multilaterally, and in partnership with our close NATO allies. This is not a go-it-alone case at all.

At the behest of a number of countries—essentially NATO—the United Kingdom made a new lease with Malta, with the understanding that other countries would participate in the rental. The United Kingdom pays 5.7 million pounds a year, which is approximately 1½ times the $9.5 million which is called for in the payment by us. That payment will continue for 5 years beyond this particular provision, as the total lease agreement with the Government of Malta is for a 7-year-term, involving $36 million a year.

The $4.2 million for the United Nations peacekeeping force in Cyprus, again, is an investment in peacekeeping activities by the United Nations in an area which could blow up for two NATO countries, Greece and Turkey, where the danger of war was only narrowly averted just a few years ago by posting a United Nations force there, which thus far seems to have been quite effective. We pay approximately 40 percent of the total which has been required over the years. Since 1964, approximately $100 million has been spent in this activity, of which the United States has contributed $40 million. Other nations which contribute are the United Kingdom, Canada, Sweden, Denmark, and others.

This is a successful experiment in peacekeeping, with a composite international force as a buffer between the Greek and Turkish interests in Cyprus. I think it is very worthwhile, considering what would be the cost to the world, and particularly to the North Atlantic Treaty Organization, if there were a conflagration between the Greeks and the Turks. It could embroil the entire Mediterranean.

For all those reasons, Mr. President, I have joined Senator McGEE in this amendment, and I hope the Senate will see fit to approve it.

Mr. McGEE. Mr. President, if the Senator will yield, I should like to refine for the RECORD a point we discussed previously; that is, to specify in the language of the amendment the amount for Jordan, so that there can be no misunderstanding about the purpose of this amendment to increase the funds.

The staff has recommended that we simply add at the end of the language of the amendment "and not less than $65 million for Jordan."

Does the Senator see any complications if that language were to be added?

Mr. JAVITS. I do not think so. As a matter of fact, as a matter of good faith with the Senate, I think it should be; because the principal reason for this amendment is to provide the added $30 million for Jordan. So let us say it, instead of leaving it to the discretion of the Department of State.

The PRESIDING OFFICER. The yeas and nays have been ordered. If the Senator wishes to modify his amendment, it will require unanimous consent.

Mr. JAVITS. Mr. President, I can propose an amendment; but if Senator FULBRIGHT is agreeable and other Senators who are here are agreeable, I simply ask unanimous consent that these words be added: "and not less than $65 million shall be available solely for Jordan."

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I shall not object—the bill does earmark money, which we think is a proper principle. Our only objection to this proposal and others is on the merits—that is, how much one wants to spend on these countries. There is no limit to what they would like. It is a question of how much we can afford.

My argument is not on earmarking, because we ourselves earmark. We specify all this money in the bill, as the Senator will see, and I will discuss it a little more. But I have no objection to earmarking it.

The PRESIDING OFFICER. Without objection, the amendment is so modified. Will the Senator send the modification to the desk in writing?

Mr. McGEE. Yes.

The modified amendment is as follows:

SEC. 2702. (a) There are authorized to be appropriated to the President to carry out this chapter not to exceed $125,000,000, of which not less than $50,000,000 shall be available solely for Israel and not less than $65,000,000 shall be available solely for Jordan.

The PRESIDING OFFICER. (Mr. PROXMIRE). The amendment is agreed to by unanimous consent.

Mr. McGEE. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, it is so ordered.

Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself whatever time is necessary.

I had hoped that a few of my colleagues might appear to be enlightened as to what this amendment is about, but I have given up on that; so, for the record, I will state a few facts.

Mr. President, the pending amendment would increase the funds for supporting assistance from $95,000,000 to $125,000,000, an increase of 31 percent. These funds are for budget subsidies. They are simply contributions to countries to pay whatever bills they would like to pay, whether they be for military or any other expenses they incur at the time.

The executive branch requested $100 million for this subsidy program, the committee approved $95 million, a 5-percent reduction in the overall amount. However, in keeping with congressional action over the last several years, $50 million was earmarked in the bill for Israel. The executive branch bases its case on Jordan, for which it seeks an additional $30 million to add to the $35 million recommended by the committee. The committee considered this matter very carefully—the points raised now were raised in committee.

After considering the case, the committee voted to increase the funds for Jordan by $15 million over that in the original bill, to a total of $35 million. It is the only country for which an increase was voted by the committee.

In the current fiscal year Jordan received $50 million in grant funds under supporting assistance and $10 million from development loan funds. I see no reason why Jordan cannot be provided with additional funds on a loan basis in fiscal 1974 to supplement the $35 million in grants approved by the committee. This is a matter solely within the discretion of the executive branch in allocating the loan funds which will be provided by Congress.

As to the $4 million contribution requested by the executive branch for a U.S. contribution to the U.N. Cyprus force, this should be handled in the economic aid bill along with other voluntary contributions to U.N. activities.

Finally, as to Malta, another case pointed to by the executive branch, the Europeans should foot the bill on the base-leasing agreement. The United States already puts up far more than its fair share for NATO.

The point is made by the executive branch paper that Jordan "cannot meet its economic needs without an adequate level of outside support." Most Members of this body can make that same argument for their own State where Federal programs and activities are being cut back.

We heard the same arguments made on the floor about cutbacks and so on in the domestic budget last year. I do not think there is any Member who does not receive visits, letters, and phone calls from his constituents every day pleading for restoration of funds for programs they think are essential.

The President has called for holding the line on Federal spending. And in the process he has slashed many domestic programs affecting the daily lives of millions of our citizens. Yet I have not seen any corresponding action by the executive branch to curtail foreign aid—military or economic.

I have heard of no instance in which the Executive has impounded any funds appropriated for military assistance, such as are dealt with in this bill.

Mr. President, foreign aid should share the belt tightening required for domestic programs. The pending amendment would increase the total $25 million above the budget request. The committee would reduce the budget request by only 5 percent.

Mr. President, this is just one further confirmation of the President's allegation that the expensive Congress cannot be controlled and therefore must be subjected to the process of the impoundment of funds. We have heard speeches on the floor in which we have solemnly declared our purpose to restrict purchases and keep the expenses within the budget.

As a general principle, everyone agrees with that. However, when it comes to specifics, in the Middle East and other areas, we proceed to break the budget and give validity to the accusation that Congress is irresponsible in fiscal matters. For years many Members of the Senate have objected to voting for lump-sum authorizations for supporting assistance, or other foreign aid, which the President could distribute as he sees fit. This bill authorizes supporting assistance on a country-by-country basis. Under the bill Congress decides how the funds it authorizes are to be allocated, not the executive branch bureaucracy. It is only another small step to restore Congress power role in the making of national policy.

The pending amendment would strike the country allocations and go back to the old system. It would authorize $125,000,000 which, except for the amount earmarked for Israel, the President could give to any country he pleased.

A special plea has been made for Jordan. There is nothing in this amendment that says the President has to give Jordan a penny, if he chooses not to. He can give it all to Brazil, Taiwan, or Greece. Under the bill recommended by the committee, he cannot allocate the $35,000,000 included for Jordan to any other country.

I hope that the Senate will not reverse its field and vote to give the executive branch unlimited discretion in allocating this money, as the Senator from Wyoming's amendment would do.

If Members are not impressed by the need for some economy of some kind in the spending of our funds, they can vote for this proposal. I think it is very improvident. I think that it is a bad principle. I think that we will live to regret it, if we continue to do as we have been doing here and increasing the amounts in the bill by substantial amounts. This is 25 percent above what the administration requested.

Mr. President, that is all there is to be said about it. The facts are there.

If I were a Russian I would be extremely puzzled by the conflicting views and policies that the Government of the United States follows, and I think they are puzzled. The whole world is puzzled by the inherent inconsistencies of many of our policies, and I do not blame them for it. I certainly am puzzled. I am extremely puzzled by the thrust of our policies, one in one direction and the other in the opposite direction.

But the Senate is a sovereign body. As far as I know, they can work their will. I am prepared, if the Senator is, to yield back the remainder of my time.

Mr. McGEE. I would be prepared to yield it back also, Mr. President, at 12 o'clock, the time of the tentative agreement. I have two or three things to add here in the context of the Senator's statement.

Mr. JAVITS. Mr. President, will the Senator yield me 2 or 3 minutes?

Mr. McGEE. Yes, I will be glad to yield to my colleague. I just wanted to point up the main thrust of this amendment. We are not trying to apply a new formula for everything Congress does. Fortunately, the State of Arkansas and the States of Wyoming have no standing armies, and we live in peace and mutual respect. But as we well know, the Middle East is a volatile area, and could explode at any time. It has been in that condition for a very long while. This really is interwoven with that delicate balance of capabilities that the Arab States and Israel have in relation to each other. As the distinguished chairman of our committee has made very clear, the King of Jordan has met with the committee regularly. He is a very admirable fellow. As a matter of fact, the Government of Jordan is one of the modest moderate hopes; if there is ever to be a settlement in the Middle East it rests on Jordan, perhaps disproportionately, and the burden of trying to achieve stability is disproportionately assessed against them.

That is the reason for the concern expressed in this amendment. In the original request, Israel was to receive $25 million and Jordan $65 million. This was calculated to obtain a kind of balance and adjust the disproportionate incapabilities because of the disposition of the Government of Jordan to work out, short of violence and war, an agreement with its neighbor Israel. But through the wisdom of the committee itself, another $25 million earmarked for Israel, was added to the bill which had the effect of taking it away from Jordan. It is this tampering with what at very best is a delicate series of agreements that impels the Senator from Wyoming and the Senator from New York to seek restoration of the funds for Jordan.

It is not a matter of taking it away from places where it is needed still more; it is a matter of assessing whether this indeed can help us to ease our way through this explosive time in the history of the Middle East without a much larger war, which certainly would engulf us all.

It is with that thought that this amendment to the pending legislation is submitted at this time. It simply would restore the money that the committee, in effect, subtracted from the allocation in funds for the Government of Jordan. That is all there is to it, to try to redress the total fabric of balance in the Middle East, rather than to distort it by committee or floor action in ways that would have little meaning in terms of attaining the opportunity, the chance, for Jordan to survive as an independent entity.

With that, I am happy to yield to the Senator from New York whatever time he may require. We have tentatively agreed on a 12 o'clock voting time.

Mr. JAVITS. I thank my colleague. I shall not take more than 5 minutes.

First, to respond to my chairman and friend, the Senator from Arkansas (Mr. FULBRIGHT), New York does not have the largest per capita income by any means in the country among the 50 States, but it does have the privilege of paying one-fifth of the Nation's taxes. One of our big complaints in New York is that we get back only $1 for every $3 it pays—in taxes. So, voting these matters is no bed of roses for me as a Senator from New York; the tax money comes proportionately very strongly from my State. As I remember Arkansas' proportion, it gets back considerably more than it pays in Federal taxes. Indeed, it is one of the outstanding States, with such two excellent Senators as Mr. FULBRIGHT and Mr. MCCLELLAN, in being able to get much more out of the Federal Treasury than we in New York seem to be able to manage, including various formulas in grant programs, and so forth, which we cannot get.

But, be that as it may, the Senator from Arkansas (Mr. FULBRIGHT) has made the classic argument. We will argue it again in more detail when we take up further matters of foreign aid, and so forth.

But, if we can justify $80 billion for our security, or $74 billion, or $71 billion, or $70 billion, then we can justify spending even a billion dollars not alone just a few hundred million dollars——

Mr. FULBRIGHT. If the Senator will yield there, I do not justify $80 billion. I have not voted to continue that kind of thing. I do not think it is justified.

Mr. JAVITS. I said $72 billion or $73 billion or $71 billion or $70 billion or $69 billion. If we can cut even $2 billion, to avoid the opportunity of contributing to a war, let alone destroying the world, it is worth it. We cannot equate a bridge in New York or a housing project in New York with what we do in Jordan or Israel or in some other country. It is an added burden that we have to carry, just as we have to pay insurance on our automobiles, and so forth. It is a burden, but there is no other way to do it in a country like ours. For a country like ours not to carry part of that burden in the world would be shocking, in my judgment, counterproductive, and not justifiable. I served as a delegate from the United States to the United Nations when the 1-percent target for foreign aid was established, which was decent and honorable. Even if we were poorer, we should respond to that. But, be that as it may, I quite agree with the Senator from Arkansas (Mr. FULBRIGHT) that we have to justify this amendment on its merits and I should like to advert to one or two other points on the merits.

Jordan had an excellent rate of growth between 1948 and the war in 1967. She made a terrible mistake in getting into the 1967 war. It well-nigh destroyed her. Now she is back on the track, in the hope of restoring herself with a record to show that she has the capability of doing so, with self-help, and with an intelligent development plan for her own future.

It is on that basis we are proposing to help her.

Second, in strategic terms, Jordan borders both Iraq and Syria, which countries are known to be radical Arab States, heavily supported by the Soviet Union. Jordan borders on Iraq and Syria, two radical states, and also on Saudi Arabia, the greatest source of energy for Europe and Japan, and, probably tomorrow, for the United States.

The position, therefore, is critical, so far as hope for some stability, sometime, in the Middle East, is concerned. But critical also in immediate strategic terms in terms of energy resources of the world—for the next 10 years—which are concentrated in that particular area.

Mr. President, $30 million is absolutely a lot of money, but in relation to the problems we have, and the order of magnitude of expenditures we could be stuck with if things went wrong, they could do in that area of the world, I respectfully submit that these expenditures are entirely warranted and that they should be made, and I hope the Senate will adopt the amendment.

Mr. McGEE. Mr. President, I am prepared to yield back my time.

Mr. FULBRIGHT. Mr. President, I am prepared to yield back my time.

Mr. NELSON. Mr. President, I did intend to ask a question or two of the Senator from New York, if I could get some time.

Mr. McGEE. I will be glad to yield to the Senator what time he may need. We were trying to aim for a vote at 12 noon, which was the request of the Senator from Wisconsin, and we are trying to honor that.

The PRESIDING OFFICER (Mr. NUNN). Who yields time?

Mr. FULBRIGHT. I will be glad to yield to the Senator from Wisconsin—does the Senator wish me to yield to him?

Mr. NELSON. I want to ask the Senator from New York one or two questions.

Mr. McGEE. Let us yield him time equally.

Mr. FULBRIGHT. I yield 5 minutes to the Senator from Wisconsin if he wishes it.

Mr. NELSON. I do not think it will take that long.

Mr. FULBRIGHT. Then any part of that time.

Mr. NELSON. Mr. President, I thank the Senators from Wyoming and Arkansas very much for yielding me this time.

Mr. President, I missed the debate earlier this morning, so I know that this question may be repetitious. However, what was the request of the administration for supporting assistance for Jordan in the original bill?

Mr. JAVITS. $65 million in the original bill. The administration request for Israel was $25 million. The aggregate request for supporting assistance was $100 million. The committee allowed $95 million, a cut of only $5 million, but it earmarked $50 million for Israel. The result was, in effect, to take it away from Jordan. The purpose of this amendment is to restore the committee cut of $5 million and restore the $25 million which was automatically reduced by the increase in the earmarked allocation for Israel. Israel would now have $50 million and Jordan would have the original request of $65 million, if the amendment passed.

Mr. NELSON. This is supporting assistance, money that the administration is authorized to use but not required to use; is that not correct?

Mr. JAVITS. That is correct, but if they do use any, they will have to use it for Jordan; we have earmarked it that way.

Mr. NELSON. What is the total amount authorized in supporting assistance?

Mr. JAVITS. $125 million.

Mr. NELSON. I thank the Senator from New York very much.

Mr. JAVITS. Mr. President, I thank my colleague from Wisconsin. Mr. President, I am prepared to yield back my time.

Mr. NELSON. Mr. President, I ask unanimous consent that my staff member, Paula Stern, be allowed the privilege of the floor during this rollcall vote and the succeeding debate, and rollcall, if there is one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I yield back my time.

Mr. McGEE. I yield back my time.

The PRESIDING OFFICER (Mr. NUNN). All the time has now been yielded back.

The question is on agreeing to the amendment, as modified (No. 272).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), and the

Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. Mathias) is absent on official business.

The result was announced—yeas 65, nays 28, as follows:

[No. 226 Leg.]

YEAS—65

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Brock
Brooke
Buckley
Cannon
Case
Chiles
Church
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eagleton
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hathaway
Helms
Hruska
Hughes
Humphrey
Jackson
Javits
Johnston
Kennedy
McClure
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Young

NAYS—28

Abourezk
Bentsen
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cranston
Eastland
Ervin
Fulbright
Haskell
Hatfield
Hollings
Huddleston
Inouye
Long
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Nunn
Pearson
Pell
Proxmire
Randolph
Scott, Va.
Talmadge
Weicker

NOT VOTING—7

Biden
Clark
Gravel
Mathias
Sparkman
Stennis
Williams

So Mr. McGee's amendment (No. 272), as modified, was agreed to.

Mr. JAVITS. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. McGEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I ask unanimous consent that the order calling for unanimous consent to reconsider the Nelson amendment be vacated.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate, so that all Senators may hear this colloquy?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NELSON. Mr. President, may I ask the Senator from North Carolina whether it is also his intent, if his request is agreed to, to withdraw the request for the yeas and nays and also ask unanimous consent to withdraw the motion to reconsider?

Mr. HELMS. Yes.

Mr. NELSON. Is it also understood by the leadership that there will not be another motion tomorrow to reconsider, since tomorrow would be the final day for such a motion?

Mr. HELMS. I would not want to answer that question. I am speaking only of my intent.

Mr. MANSFIELD. It is our hope that we will be able to complete action on the bill today, with a little luck. I would say that, in my opinion, this unanimous-consent request was made in good faith.

Mr. FULBRIGHT. Why not move to reconsider by a voice vote?

Mr. NELSON. Would the Senator from North Carolina object to simply not requesting a yea-and-nay vote on a motion to reconsider and having a voice vote on a motion to table?

Mr. HELMS. Certainly.

Mr. FULBRIGHT. I have no objection.

The PRESIDING OFFICER. The Chair would observe that unanimous consent would be required to move to table.

Mr. ALLEN. Mr. President, reserving the right to object, the Senator from North Carolina has agreed to withdraw his motion. I see no reason to move to table his motion, which would be a decision by the Senate. I think it would be unfair to ask the Senator from North Carolina to repeat his motion. He has offered to withdraw it.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I shall not object—I would most respectfully request that the distinguished Senator from Wisconsin (Mr. Nelson) and the distinguished Senator from Arkansas (Mr. Fulbright), chairman of the committee, accede to the request of the distinguished Senator from North Carolina and dispose of the matter.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the request for the yeas and nays is rescinded.

Mr. HELMS. Mr. President, I ask unanimous consent that my motion be withdrawn.

The PRESIDING OFFICER. Without objection, the motion to reconsider is withdrawn.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I should like to make a unanimous-consent request that the urgent supplemental appropriation conference report be laid before the Senate and made the pending business, while the present pending business is laid aside temporarily at the hour of 1:15 p.m., and that the vote occur on the question of agreeing to the conference report at the hour of 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. Mr. President, reserving the right to object, would the Senator make that not later than 2:15? It may not take that much time.

Mr. SCOTT of Pennsylvania. Mr. President, if the Senator will yield, we would rather make it 2:15, as some Senators have engagements.

Mr. McCLELLAN. There may not be any debate against it.

Mr. SCOTT of Pennsylvania. How about 2:05?

Mr. McCLELLAN. Very well.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote occur at the hour of 2:05.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say also, for the information of the Senate, that the joint leadership is trying to work out, if at all possible, a reasonable consent agreement so that we may be able to dispose of the pending business today, to get on to other matters besides the supplemental appropriation conference report, such as the Renegotiation Act, which I understand expires as of the end of this month, the debt ceiling, which also has an expiration date, the agriculture appropriation bill, which is of importance, possibly the HUD appropriation bill, as well as other bits and pieces of legislation of significance.

So I am hopeful it would be possible to achieve a meeting of the minds in this respect so that we could get on with the business of the Senate, and hopefully recess this coming Saturday night. If we do not, we would, of course, anticipate coming in next Monday and Tuesday. I hope that does not come to pass.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, a motion was made to reconsider S. 2016, which has to do with Amtrak. The motion was made by the Senator from Indiana (Mr. Hartke). I was wondering if, somehow, the leadership could not possibly try to negotiate a limited time of debate on the motion to reconsider and also any other amendments to the bill in the event the motion to reconsider carried. The reason for it is that the act expires on June 30, and we do not want the passenger trains to stop between New York and Boston.

Mr. MANSFIELD. We are in the process of trying to negotiate. We hope we will be successful, but we have nothing to report at this time except that we are aware of the Senator's continuing and abiding concern about the transportation system of this country, especially as it goes through Rhode Island.

Mr. PASTORE. I appreciate the flattery, but I would be more interested in the result.

Mr. MANSFIELD. I understand.

CITATION OF RECOGNITION AND APPRECIATION, SENATOR SAM J. ERVIN, JR.

Mr. MANSFIELD. Mr. President, on May 31, 1973, the Democratic Party of Forsyth County, N.C., honored our colleague, Senator Sam J. Ervin, Jr., by holding a rally in Winston-Salem, N.C., which was attended by approximately

3,000 Democrats from all of the counties in that area of North Carolina.

At that time, the Democratic Executive Committee of Forsyth County presented to Senator Ervin, who was the chief speaker at the meeting, a citation of recognition and appreciation for his services to the people of North Carolina. I ask unanimous consent that a copy of this citation be printed at this point in the body of the Record.

There being no objection, the citation was ordered to be printed in the Record, as follows:

CITATION OF RECOGNITION AND APPRECIATION, SAM J. ERVIN, JR., U.S. SENATOR FROM NORTH CAROLINA

Because you have served this State and Nation well since undertaking your first public office 50 years ago, and because you have distinguished yourself and honored the people of North Carolina so consistently through these five decades, the Democratic Party of Forsyth County says "Thank You" on this occasion.

You have embraced and upheld basic values of our way of life and have stood tall in support and defense of them. You have made us feel a deep sense of the dignity of man, of his nature and of his high destiny. You have sought justice, argued for freedom, demanded that rights not be abridged. You have reminded the nation that the Constitution of the United States of America is the foundation of all that has evolved here since its adoption and that the whole superstructure will topple if this foundation is undermined or weakened.

And you have held to your position with firmness, but with engaging humor and down-to-earth wisdom. You have told appropriate stories, mostly with homespun Tar Heel settings, when government officials, the press and the public needed clarification of your viewpoint. You have quoted the Bible when the basic values therein reinforced America's basic values. You have communicated well.

As a former member of the State Legislature for six years, as a judge in three levels of our State Courts for 14 years, as a Representative in Congress for 2 years, as a delegate to the Democratic National Convention on 4 occasions, as a United States Senator for 19 years, and as a neighborly, loveable, friendly human being you have earned our love and affection as well as our respect and admiration.

Done this 31st day of May, 1973, in Winston-Salem, Forsyth County, North Carolina.

WAYNE A. CORPENING,
Chairman.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislation clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON SUPPLEMENTAL APPROPRIATION CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, just on the possibility that a request might be made, and as long as we have enough Senators on the floor, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on the urgent supplemental appropriation conference report.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

Mr. HATHAWAY. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, in the table of contents, immediately below item 3303, insert the following:

"Sec. 3304. Public disclosure of certain munitions control licenses."

On page 48, between lines 9 and 10, insert the following:

PUBLIC DISCLOSURE OF CERTAIN MUNITIONS CONTROL LICENSES

Sec. 3304. Section 414 of the Mutual Security Act of 1954 is amended by adding at the end thereof the following new subsection:

(e) Licenses issued for the export of articles on the United States Munitions List in excess of $100,000 shall be reported promptly to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, which report shall contain:

(1) the items to be exported under the license;

(2) the quantity of each such item to be furnished;

(3) the name and address of the consignee and of the ultimate user of each such item; and

(4) An injunction whenever appropriate, concerning the necessity to protect the confidentiality of the information provided.

Mr. HATHAWAY. Mr. President, yesterday I offered an amendment, which was defeated by some three votes, pertaining to the matter that this amendment now contains. This is a watered-down version of that amendment, but still provides for some notification by the State Department of export licenses that it has issued, immediately after the fact.

I understand, from talking with personnel in the State Department, that it would be a relatively easy matter to simply add on the requirements that this amendment calls for, so that the list of munitions export licenses that have been granted in any one day would be forwarded immediately thereafter to both the Foreign Relations Committee of the Senate and the Foreign Affairs Committee in the House.

I understand that the chairman of the committee is agreeable to this amendment, and I think the other side is also.

Mr. GRIFFIN. Mr. President, I was one of those who spoke in opposition to the earlier amendment offered by the distinguished junior Senator from Maine (Mr. Hathaway), pointing out a number of reasons why it would cause difficulty.

While, I do not think this amendment is necessary, I would state for the record that it would not cause the difficulties that were mentioned before.

Mr. President, under the circumstances, I do not believe that it would be useful to seek to have a rollcall vote in an effort to defeat this amendment. So for my part I believe that it would probably be better to agree to the amendment and let it go to conference.

Mr. FULBRIGHT. Mr. President, I have no objection to the amendment. I have discussed it with the Senator from Maine. It is largely for the purpose of keeping the Congress informed of what goes on. I would be perfectly willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS. Mr. President, I send an amendment to the desk for myself and the Senator from Massachusetts (Mr. Kennedy) and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 11, after "Sec. 3101." insert "(a)".

On page 32, after line 20, insert the following:

(b) (1) Any such sale, loan, lease, gift, or transfer of a non-combatant type vessel or boat may be made only:

(i) if the head of the Agency of the United States Government making the disposition obtains satisfactory assurances that the vessel or boat will not be used in any way in competition with the United States fishing industry; and

(ii) after the disposition and the terms, price, and conditions thereof have been noticed in the Federal Register, members of the United States fishing industry, states and political subdivisions thereof, and United States educational and scientific institutions given a chance to acquire the vessel or boat on the same terms, price and conditions as the proposed transferee, and no qualified bid has been received.

(2) The appropriate Agencies of the United States are authorized and directed to carry out the provisions of subsection (b) (1) (ii) of this section and to issue the necessary rules and regulations.

(3) No lease, loan, or other agreement previously entered into between the United States and any foreign country or international agency for any non-combatant type vessel or boat shall be renewed or extended except in conformity with this Act.

Mr. STEVENS, Mr. President, I am introducing an amendment today on behalf of myself and the Senator from Massachusetts (Mr. KENNEDY), that will amend section 3101 of S. 1443, the Foreign Military Sales and Assistance Act, to protect our fishing industry. This amendment will add a new subsection (b) to section 3101, which concerns transfers of military vessels and boats.

The amendment provides that any such disposition of a noncombatant type vessel or boat may be made only if two conditions are met: First, after the proposed disposition has been published in the Federal Register along with its terms, conditions, and price, the U.S. fishing industry, States, and political subdivisions, as well as U.S. educational and scientific institutions must be given a chance to acquire the vessel or boat on the same terms, conditions, and price as the foreign government. The vessel or boat may be transferred only if no qualified bid is received. Second, assurance must be given to the Federal Government that the vessel or boat must not be used in any way in competition with the U.S. fishing industry.

Our amendment further provides that the appropriate agencies of the Federal Government are empowered to transfer these vessels and boats to these domestic interests on equivalent terms, conditions, and at an equivalent price. It provides all necessary authorization for this purpose.

Finally, the amendment provides that no presently existing lease or other agreement may be renewed or extended except if there is a provision inserted that the vessel shall not in the future be used in competition with the U.S. fishing industry.

The purpose of our amendment is twofold—first to insure that these vessels do not come back in competition with our domestic fisheries and second to insure that our domestic fishing interests are given the first opportunity to acquire these vessels on the same terms, conditions, and price as foreign governments. It is our intent that our domestic interests should have the first opportunity to acquire these vessels. Only if there is no interest domestically in these vessels, should they be transferred to a foreign nation.

Pages 35–41 of the committee report list a large number of U.S. ships on loan-lease to foreign countries as of March 21, 1973. Many of these are research vessels which would be particularly useful to our domestic fishing industries. I would like to cite several examples. As of March 21, we had lent/leased a 63-foot hydrosound boat to Colombia; a 52-foot hydrosound boat to Costa Rica; a 52-foot hydrosound boat to El Salvador; an AGOR—oceanographic research ship—to Greece; a 52-foot hydrosound boat to Iceland; two hydrosound boats to Korea; another oceanographic research ship and a 52-foot hydrosound boat to Nicaragua; an AGS—a reclassified oceanographic ship—to Portugal; a PCER—modified research subchaser—and an IX—experimental ship—to the Republic of Vietnam.

These vessels are valuable research tools. At a time when the U.S. fishing industry is in dire straits, we should not divest ourselves of our remaining research capability without careful consideration.

Many of these research vessels are large. For example, the *Charles H. Davis*—T-AGOR 5—which has been lent/leased to Nicaragua, is a 1,200-ton vessel, formerly with the Military Sea Transport Service. This is one of the first class of ships that were designed and built by the U.S. Navy for oceanographic research. *Jane's Fighting Ships* indicated this vessel has instrumentation and laboratories to measure the earth's gravity and magnetic fields, water temperature, sound transmission in water, and the geological profile of the ocean floor.

The T-AGS 25, the *Kellar,* which has been lend/leased to Portugal is another 1,200-ton vessel. It is of the same general class as the *Davis*. It has, however, different instrumentation and equipment. It was previously operated by the MSTS for the naval oceanographic office.

The hydrosound boats are small vessels often carried aboard large oceanographic ships and useful for mapping the ocean floor and making other measurements.

All of these vessels might be useful additions to our fishing industry and our educational institutions. They would also be of assistance to our State and local governments which engage in research activities in this area. These domestic interests should have a chance to obtain these vessels on the same terms and conditions as foreign governments.

The amendment covers other vessels of a noncombatant type as well. There are a number of light cargo ships—AKL's—landing ships—LST's—and other support vessels and transports which could easily be converted either domestically or by a foreign government, for use in a fishing industry, or for use as research vessels in the oceanographic and fishing research areas. Our two concerns still apply—that these vessels not be utilized to aid in competition with our domestic fishing industry and to permit our own domestic fishing interests to acquire them first. Although this section, as I understand it, is limited to military transfers, it is difficult to say that a transfer ot such a vessel or boat for the purpose of feeding military troops and a civilian population in a national emergency could not be considered such a military purpose.

I am particularly concerned about the problem because for some time citizens of the Pacific Northwest have been interested in reactivating several vessels—the *Kellez* and the *Miller Freeman*—which were on active duty as research vessels of the National Marine Fisheries Service. Due to budgetary limitations, I have been informed that they will not be fully deployed this year. The *Kellez* is presently laid up. This vessel is a former converted Navy AKL, similar in both construction and configuration to many of the vessels—approximately seven—that have been lent/leased to foreign nations. Because the foreign nations can obtain such vessels which are potentially useful to the fishing industry and also for domestic fishing research at a fraction of their cost, I believe our domestic fishing interests should have the first opportunity to acquire them on the same terms, conditions, and price.

It is unclear from the wording of Section 3101, whether other military vessels, including such research and support vessels, could be utilized under the present lend/lease program. On the assumption that they could, non-Navy vessels—such as National Marine Fisheries Service vessels—should also not be transferred prior to giving our domestic fishing industry and the other specified domestic interests an opportunity to acquire them as provided in the amendment. If they are so transferred, specific provision should be made that they not be utilized in support of competition with our domestic fishing industry.

I request unanimous consent to insert into the RECORD at this point a copy of a letter I received and which was addressed to Chairman MAGNUSON from the Secretary Treasurer of the Alaska Fishermen's Union on the MV *George Kellez*.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALASKA FISHERMEN'S UNION,
Seattle, Wash., February 8, 1973.

Senator WARREN MAGNUSON,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MAGNUSON: We recently wrote to you concerning NOAA's position that our fisheries research vessels should come under the Atlantic Dry Cargo rate set by the National Maritime Union. This is still a very big problem, but a larger one has been presented to us—the Administration is now curtailing the research fleet. It is incomprehensible that the *last* North Pacific research vessel classified for high seas operations (the MV *George B. Kelez*) would be phased out at this time.

The Kelez is to be deactivated on March 5 and put up for sale. She has just come out of the shipyard, following an overall job in excess of $200,000; her crewmen tell us she is in the best condition she has ever been since first being employed as a research vessel. She is a small vessel, requiring a crew of only 15 men, but she is ideally suited to do the high seas salmon research we so desperately need, along with the other research in which she has been engaged. When one considers the large continental shelf area in the North Pacific and the tremendous amount of fisheries resources present there, it is inconceivable that we would limit ourselves to

2 small, slow, antiquated vessels (the MV *Oregon* and MV *John N. Cobb*), each carrying a crew of just 7 men.

We would greatly appreciate any effort you can make to retain the Kelez on active status, and, for the future, to remove the impoundment of funds for the MV *Miller Freeman* which has been tied to the dock for over 2 years for lack of funds, even though a special appropriation was made by the Congress to reactivate this vessel.

Down through the years we have attended many meetings where joint research in the North Pacific with foreign nations has been discussed, but it is not feasible that we could fulfill our obligations without the research vessels to carry out these programs. It is a disgrace that we have to utilize foreign research facilities to learn about our own fisheries in waters adjacent to our coast, but if this is the best we can do, we at least ought to carry out our part of the joint research.

We hope you will be able to maintain the MV *George B. Kelez* and to implement the reactivation of the MV *Miller Freeman* in the near future.

Sincerely yours,
ALASKA FISHERMEN'S UNION.

Mr. STEVENS. Mr. President, other vessels which would have direct use in the fishing industry are the fleet tugs and the auxiliary tugs which have been lent/leased to foreign countries. I note from the committee's list, that approximately 11 fleet tugs—ATF's—and 7 auxiliary tugs—ATA's—were on loan/lease to foreign countries as of March 21 of this year. These vessels, of course, are very useful for servicing and repairing distant water fishery vessels. They can provide the support necessary to maintain distant water fisheries. The same holds true for a number of repair ships that are on loan/lease.

Our amendment would:

First. Prohibit these vessels and boats from being used in any way in competition with U.S. fishing industry. This would cover such use in our coastal fisheries as well as in the coastal fisheries of a foreign nation if our fishermen were also in that fishery. It would also prohibit their use on the high seas in competition with our fishermen. Of course, if an agreement could be worked out between that nation and our Nation to protect our own fishing industry, our amendment would be satisfied.

Second. The amendment would also require that the appropriate Federal agency publish notice of the disposition of the vessels as well as the terms, price, and conditions of the disposition in the Federal Register. Members of the American fishing industry, States and political subdivisions, as well as American educational and scientific institutions, would have to first be given a chance to acquire the vessels on the same terms, price, and conditions. Only if no qualified bids were received, would such a vessel be eligible for a military transfer.

The amendment specifically authorizes and directs the appropriate agency of the Federal Government to transfer these vessels to these domestic sources. It permits each agency to establish the detailed procedures for such transfers and to promulgate the rules and regulations necessary.

Paragraph (b)(2) specifically grants the agencies of the Federal Government the necessary authority and directs them to carry out the mandates of the amendment.

Paragraph (b)(3) provides that no lease, loan, or other agreement which has previously been entered into shall be renewed or extended except in conformance with paragraph (1)(B). It is in my belief necessary that any such renewal or extension specifically provide that the vessel or boat not be used in competition or to aid in competition with our domestic fishing industry unless the lease, loan or other agreement already provides that it shall be renewable or extended only on the same terms as the original document.

The amendment is specifically designed to protect our fishing industry and the other segments of our population who could utilize the information obtained from the services of these vessels and boats.

This amendment does not prohibit an agreement being reached which provides that the vessels could be used by foreign nations and the information shared by the segments of the American population that are interested. However, such an arrangement would have to be agreeable to our fishing industry and other concerned groups. This would require a determination on a case-by-case basis. The intent of the amendment is only to ensure that our fishing industry and other interested groups are protected when the transfer of these vessels is contemplated.

Mr. President, this amendment deals with the transfer of noncombatant type vessels under the provisions of this act. It seeks to obtain certain assurances that any vessel or boat transferred to a foreign country under the provisions of this act would not be used in competition with the U.S. fishing industry.

It further seeks to assure that if such vessel could be used in competition with the American fishing industry, it be made available first to the American fishing industry on the same terms and conditions relating to prices and other conditions as it would be made available to the foreign country.

The amendment would also seek to assure that no renewal of any existing lease, loan, or other agreement on the noncombatant type of vessel would be made unless it was in compliance with the spirit and terms of this amendment and this act.

I believe that this amendment is necessary in view of the examination we have made of vessels that have been transferred in the past—vessels that are of a type readily convertible and usable in the fishing industry—to assure that these vessels that have been constructed under the defense program not be turned over to foreign nations before having been made available to our industry if they are capable of being converted into fishing vessels and used in the U.S. fishing industry.

Mr. FULBRIGHT. Mr. President, I have no objection to the amendment. It is simply intended to prevent any further competition to our fishing industry through the sale of boats at reduced prices to foreign countries. It is a very good amendment.

Mr. STEVENS. The amendment seeks mainly to assure that these vessels are available to our fleet first.

Mr. FULBRIGHT. I think it is a good amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. President, I am puzzled by this amendment, the pagination of which is wrong, by the way. The Senator may wish to correct it. If I may ask the Senator a question or two, I would appreciate it.

As I understand, the thrust of the amendment is that where any vessel or boat is usable—I suppose is what he means—in the fishing industry, then the U.S. fishing industry—whatever that may mean—must be given the opportunity to acquire the vessel or boat on the same terms, price, and conditions as the proposed transferee.

There is no limitation of time on that whatever, for one thing, and for another it is obvious to me that nobody is going to bid on the U.S. vessels where a bid is simply going to be an option for somebody else to bid the same price. So I cannot see any sales by the United States of any such vessels under this situation.

I realize the desire of the Senator to protect the U.S. fishing industry and to give it a first call on vessels which could be suitable for it, but I frankly do not see that the amendment is drafted in such a way as to accomplish that without crippling the U.S. opportunity to deal with any such sales, loans, leases, et cetera.

I ask the Senator, is there any departmental report on this amendment?

Mr. STEVENS. My response to the Senator is, "No." Incidentally, the Senator does not have the star print of the bill that is before the Senate, and my amendment is keyed to the star print.

Mr. JAVITS. Mr. President, I have the distribution which is made by the pages of the bill which is supposedly before the Senate.

Mr. STEVENS. It is my understanding that a star print of the bill is the one that is before the Senate.

Mr. JAVITS. All right; that is fine.

Mr. STEVENS. If the Senator will examine the report of the committee commencing on page 35, he will find a listing of U.S. ships on loan or lease to foreign countries. We have examined these and compared them to Jane's publication on vessels of the world, and we find that a great many of them are in fact capable of being used in the fishing industry.

This is one thing I have spoken out on this floor about before: the making available of vessels constructed with public funds to foreign nations for use in their fisheries. Very frankly, the concept that is involved in this amendment would make those vessels available for disposition, whether by sale or loan or lease, so long as it is consistent with this act.

There are principles already established whereby surplus vessels are made available for bid by U.S. industries. Those procedures, I am certain, would be followed. I have not spelled the procedures out in this amendment; the Senator is correct. But the amendment would permit the transfer by sale, loan, lease, or gift to the U.S. industry only after these procedures have been complied with.

Mr. JAVITS. Then may I ask the Senator why he does not draft his amendment, instead of the way he has drafted it—which makes it impossible to sell anything and sets no time limit on bids by other parties—in terms of a reference to the procedures? In other words, just simply incorporate by reference the procedures by which this takes place, and give a preference to the U.S. fishing industry. Let that definition be described by regulation. I do not mind the preference, but I think the way the Senator has done it sets a new kind of procedure, and immobilizes the United States from selling any such vessels. I do not think he intends to do that.

Mr. STEVENS. On the contrary, what I intend to do is to make sure that the only vessels of those types sold to foreign nations are those for which there is no U.S. purchaser.

Mr. JAVITS. I agree with that, but why not do that before there is any transaction with a foreign buyer, by following what the Senator himself describes as "certain procedures"? I do not know what they are, but if the amendment could be drafted according to that, I agree it is fair. But if we nullify a sale after it is made, nobody is going to buy anything from the United States if they have to advertise it and then, after the terms are met, it could be sold out from under them to a buyer in the U.S. fishing industry.

Mr. STEVENS. I say to the Senator, concerning the vessels we are talking about, they are not available to the U.S. industry because they are made available to foreign nations under this program without complying with the procedures.

Mr. JAVITS. I agree, let us make the procedures apply, but not what the Senator has done. Under this amendment, the United States cannot sell a single such vessel. I know a little bit about business, and no one is going to bid on this and let the bid be used as a guaranteed price whereby others can bid against it. Let the United States do this before we make any sale transaction.

I agree with the Senator on that, but I do not see how he can tie down the United States after it has made a sale.

Mr. President, I think the only thing I can do with this at the moment, as I am the only member of the Foreign Relations Committee on the floor, and the chairman of the committee seems to be willing to accept the amendment, is either amend it or oppose it.

Mr. STEVENS. I wish the Senator from New York would examine the amendment again in terms of what it says. We thought we were being very fair to this program. It merely says that once these agencies make up their minds that they are going to dispose of an American vessel, they may determine the terms and conditions, the price, et cetera. They then shall put the notice of the proposed transfer in the Federal Register, and if anyone in the American fishing industry wants to buy it on those terms and those conditions, he may do so. If no one comes in under those terms and conditions, previously determined by the managers of this program—not by the American fishing industry, but determined by these agencies—then, if they are willing to meet the same terms and conditions and pay the same price, the vessel will be sold to the Americans. Otherwise, it will be sold abroad. The American fishing industry does not have anything to do with determining the price. That price will continue to be set as it is today—by the manager of the program. He is not going to say, "We are going to disregard the foreign bid."

I, too, am familiar with American business, particularly the shipping and fishing businesses, and this is the procedure followed today in the disposition of naval vessels in this country. The only difference is that these vessels are taken outside of that program and not made available to Americans before a deal is negotiated with foreign countries.

Look at the list of vessels already on lease or loan to Korea, for instance, which at the present time has some 100 vessels off the shores of Alaska. I would be happy to trace with the Senator the list of the various vessels, if he would like to see the size and type of vessels to which I refer.

All I am saying is that once the managers decide they are going to sell a vessel under certain terms and conditions, they must notify the American public that that is about to be done, and if anyone in the American industry wants to buy a vessel on those terms at the price they have set, he can do so.

The Senator from New York is talking about a situation in which our Government advertises for a bid and then disregards that bid. There are no bids here. The managers of the program set the price they will take for a vessel, and presently, if foreign nations want to buy it, they can obtain the vessel. All we are saying is that first it be made available to the American industry for the same price.

Mr. JAVITS. Mr. President, as I read the amendment, it does not read the way the Senator describes it.

Mr. STEVENS. Let me read the terms of the amendment, if the Senator from New York will——

Mr. JAVITS. I do not need a primer, if I may tell the Senator what I object to. The amendment says:

> Any such sale, loan, lease, gift, or transfer of a non-combatant type vessel or boat may be made only:

I assume the word "disposition" under letter (i) refers to a sale, loans, lease, gift, or transfer.

Now, if there has been a sale, loan, lease, gift, or transfer, then it is not an intention to dispose, it is a disposition, and that is what I object to.

If the Senator will say exactly what he has just argued in his amendment, instead of what I read it to be, then he and I will have no disagreement, provided he puts in a time limit within which a bid can be made, or says within such time as the Secretary by regulation may establish. That is all right, too.

But you cannot make it without any time limit, and you cannot make it refer to a deal. That is all I am talking about.

Mr. STEVENS. If the Senator wishes, on page 2 of my amendment, after the first two lines, to add, after the word "received," the words "within a time limit specified by the Secretary," I would have no objection.

Mr. JAVITS. That is fine. Now as to the word "disposition," what is the Senator's position on that? Does not that infer the fact that an agreement for disposition has been made?

Mr. STEVENS. There are two things they must find, if I may point them out to the Senator from New York. First, that no one has bid on the same terms and conditions that happen to be in paragraph "ii," but when they do make disposition, we want them also to obtain the assurance that the foreign nation will not put any vessel that is, in fact, transferred, into competition with the American fishing industry. We have these vessels already subject to disposition—oceanographic vessels, subchasers, which are easily convertible. This disposition is, in fact, what the Senator says. One is, no one bids on the same terms and conditions as under paragraph (ii), and second, we put terms and conditions on the sale—that it will not be used in the fishing fleet of a foreign nation.

Mr. JAVITS. The Senator is asking for two things, not one.

Mr. STEVENS. I said at the time I introduced the amendment that we had two things in mind and I thought they were made very clear. We went to the trouble of having the amendment checked out by legislative counsel very thoroughly, and we also checked it out with our good friend from Massachusetts (Mr. KENNEDY) because of his interest in the American fishing fleet and he is a cosponsor of the amendment.

There are two things here (1) not to sell it to a foreign nation unless no American is willing to buy it on the same terms, conditions, and prices; and (2) that even if they do obtain the disposition, such vessel will not be used in competition with the American fishing fleet.

Mr. JAVITS. I am sorry to take all this time. I had no intention of getting into this, but there is no one on the floor from the Foreign Relations Committee at this moment except me.

The second item says—

> After the disposition and the terms, price, and conditions thereof have been noticed.

Therefore, I think this amendment needs to be redrafted to say that when the Secretary proposes to dispose, and, if he should do so and so, give notice of whether he proposes to dispose, that he intends to offer for sale upon certain terms and conditions as published, then if within the time fixed by him he does not get a similar or contrary bid, he is free to do so and when he does dispose, then the vessel will not be used in competition with the U.S. fishing industry. I would think it would be more precise to say that the vessel will not be used in the fishing industry, I assume that is what the Senator means. They may run passenger lines or a navy, and so forth—we do not know; so I assume what the Senator means is that it will not be used in the fishing industry in competition with the U.S. fishing industry.

So if the Senator would not mind withdrawing the amendment for the moment and then putting it in again after we vote on the next matter, in the way we have described it here, I have no objection.

Mr. STEVENS. My understanding is that this is the last amendment.

Mr. JAVITS. No, it is not. We will be going on afterward to vote on the conference report. I would urge the Senator to redraft the amendment, and if he will do exactly as we say here, I will have no objection.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, the amendment offered by the Senator from Alaska (Mr. STEVENS) brings to mind that the Department of the Navy is planning, right now, to dispose of, by sale, 33 naval vessels, including 3 to go to Chile. I do not know whether the Senator from Alaska is aware of that or not, but I plan to put into the RECORD the names of the 33 ships of the U.S. Navy for which negotiations are now in progress, for sale to various nations of the world.

I became involved in this as chairman of the Subcommittee on General Legislation of the Committee on Armed Services.

Here is a little history which I think the RECORD should show.

Under present law, the Navy must come to Congress for authorization and approval of any loans of naval vessels to foreign countries. But there is another provision in the law by which the Navy can sell vessels to foreign countries and not have to come to Congress.

Thus, on May 9, 1973, I drafted legislation and submitted it to the Senate, S. 1773, which would require congressional approval of the sale of any naval vessels. That was approved by the Senate on May 21.

I ask unanimous consent to have the text of S. 1773 printed in the RECORD.

There being no objection, the text of S. 1773 was ordered to be printed in the RECORD, as follows:

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 7305 of title 10, United States Code, is amended to read as follows:

"(1) Except as provided in subsection (a), no vessel of the Navy may be sold in any manner other than that provided by this section, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973."

SEC. 2. The amendment made by the first section of this Act shall not apply in the case of any Navy vessel with respect to which a written agreement to sale was entered into prior to June 30, 1973.

Mr. HARRY F. BYRD, JR. Mr. President, certainly it is not very logical to me for the law to require that the Navy come to Congress to make loans on naval vessels, when another part of the law permits the Navy to make the sale of those vessels without coming to Congress.

Thus, by passage of S. 1773, that would be prevented. Now, on the same day I introduced this legislation; namely, on May 9, I addressed a letter to the Secretary of the Navy. It is a brief letter which I will now read into the RECORD:

DEAR MR. SECRETARY: The Subcommittee on General Legislation of the Armed Services Committee has a continuing interest in the disposal of major combatant vessels to foreign countries. I would appreciate it if you would advise me whether the U.S. Government is currently conducting negotiations for the sale of major combatant ships to any foreign country. If such sales are under negotiation, please provide the names of the ships and the country with whom such sales are pending.

Your expeditious response will be appreciated.

Mr. President, I received a reply on May 19, in which eight ships are listed.

The letter states in part as follows:

The following major combatant ships are presently under negotiation for sale to foreign countries as indicated:

That, presumably, represented all the ships which the Navy was negotiating for sale to foreign countries.

Mr. President, now I get another letter, on June 1, listing seven additional ships.

I received another letter, dated June 3, listing 18 more ships.

So that there is now a total of 33 ships which are being proposed to be sold to various countries around the world. This was done to circumvent what will become the law at the end of this month. I feel that the Navy is not being completely fair with Congress in taking this action prior to the end of June. On the negotiations which were in progress on May 9, at the time the legislation was introduced, it was certainly proper to go ahead with them; but I do not think, while it might be technically proper for the Navy to go ahead with other negotiations for the sale of vessels without first coming to Congress, it is not an appropriate practice or one that the Navy should utilize in an effort to get around congressional intent.

Mr. STEVENS. Will the Senator from Virginia yield so that I may ask him a question?

Mr. HARRY F. BYRD, JR. I am glad to yield to the Senator from Alaska.

Mr. STEVENS. Does not the Senator's bill pertain to combatant vessels?

Mr. HARRY F. BYRD, JR. Yes.

Mr. STEVENS. I invite the Senator's attention to the fact that my amendment pertains only to noncombatant vessels that are capable of being used in the fishing industry, and the committee's report lists those ships which are already on loan or leased to foreign countries. This is how we got into it. We checked out those vessels against Janes and found that many of them, in fact, are capable of being used in fishing pursuits.

We are dealing with a segment of the problem of the naval vessels of this country different from the portion covered by the Senator's bill, S. 1773, which I support. I think the Senator has a very good point, but I want to make sure he understands that my amendment does not cover the area covered by the bill the Senate has passed at his request.

Mr. HARRY F. BYRD, JR. Incidentally, I support the amendment of the Senator from Alaska. But S. 1773 says "no vessel of the Navy," so it would apply to any vessel which the Navy might own.

I wanted to get the facts into the record concerning this sale of ships by the Navy to foreign countries. As I mentioned earlier, the law requires the Navy to come to Congress for the loan of ships, but another section of the law permits the sale of ships. It does not seem very logical to me to prevent the loan of ships without congressional approval but to permit the sale of ships without congressional approval.

So the intent of the legislation I introduced, as well as the intent of section 3101 of the pending measure, is to require congressional approval.

After all, we are dealing with government property, and very expensive government property. I have written the Department of the Navy, seeking to get the date of construction and the construction cost of these 33 vessels which the Navy plans to sell, as well as the selling price and whether the United States will be paid in dollars or in foreign currency.

Mr. President, I ask unanimous consent to have printed in the RECORD the correspondence between the Senator from Virginia and the Department of the Navy dealing with this matter.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

MAY 9, 1973.

Hon. JOHN W. WARNER,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: The Subcommittee on General Legislation of the Armed Services Committee has a continuing interest in the disposal of major combatant vessels to foreign countries. I would appreciate it if you would advise me whether the U.S. Government is currently conducting negotiations for the sale of major combatant ships to any foreign country. If such sales are under negotiation, please provide the names of the ships and the country with whom such sales are pending.

Your expeditious response will be appreciated.

Sincerely,

HARRY F. BYRD, JR.,
Chairman, Subcommittee on General Legislation.

DEPARTMENT OF THE NAVY,
Washington, D.C., May 19, 1973.

Hon. HARRY F. BYRD, JR.,
Chairman, Subcommittee on General Legislation, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to reply to your letter of 9 May 1973 concerning the sale of major combatant ships to foreign countries.

The following major combatant ships are presently under negotiation for sale to foreign countries as indicated:

ACTIVE U.S. NAVAL SHIPS—FISCAL YEAR 1974 RETIREMENTS

Ship:	Country
U.S.S. BUCK (DD-761)	Brazil.
U.S.S. J.C. OWENS (DD-776)	Do.

LOAN SHIPS

Ex-U.S.S. ship	Country	Public Law authority	TRF date	Loan expiration	Remarks
Mapiro (SS-376)	Turkey	85-532	Mar. 18, 1960	Mar. 18, 1975	(1).
Mero (SS-378)	do	85-532	Apr. 20, 1960	Apr. 20, 1975	(1).
Pomfret (SS-391)	do	91-682	July 1, 1971	July 1, 1976	
Thornback (SS-418)	do	91-682	do	do	
Entemedor (SS-340)	do	92-270	July 31, 1972	July 31, 1977	
Threadfin (SS-410)	do	92-270	Aug. 18, 1972	Aug. 18, 1977	

[1] Extended by Public Law 88-437.

Sincerely,

Frank Sanders,
Under Secretary of the Navy.

Department of the Navy,
Washington, D.C., June 1, 1973.

Hon. Harry F. Byrd, Jr.,
Chairman, Subcommittee on General Legislation, Committee on Armed Services, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is to advise you of our plans to transfer the following ships, under the authority of the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, to the countries indicated. You were previously notified of our negotiations concerning the *USS Buck* (DD-761) and the *USS J. C. Owens* (DD-776) in response to your letter of May 9, 1973. In view of your Committee's interest in the disposal of vessels to foreign countries, you will be notified of all subsequent transfers prior to initiation of a formal offer to the recipient country.

Ship	Country	Method	Expected transfer date	Status
U.S.S. Windham County (LST-1170).	Turkey	FAA loan	June 1, 1973	Accepted.
U.S.S. Vernon County (LST-1161)	Venezuela	do	June 5, 1973	Do.
U.S.S. Defiance (PG-97)	Turkey	do	June 11, 1973	Do.
U.S.S. Skylark (ASR-20)	Brazil	Sale	June 30, 1973	Offer approved.
U.S.S. Nantahala (AO-60) (hull only).	Chile	do	July 2, 1973	Do.
U.S.S. J. C. Owens (DD-776)	Brazil	do	July 16, 1973	Accepted.
U.S.S. Buck (DD-761)	do	do	do	Do.

Sincerely yours,

E. K. Snyder,
Rear Admiral, USN, Chief of Legislative Affairs.

Department of the Navy,
Washington, D.C., June 8, 1973.

Hon. Harry F. Byrd, Jr.
Chairman, Subcommittee on General Legislation, Committee on Armed Services, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is to advise you of our plans to sell the following ships, under the authority of the Foreign Military Sales Act, to the countries indicated. Required Washington inter-agency staffing is in process and the offers will be made in about 30 days.

Ships, country and present status:

Plaice (SS-390), Brazil, Loaned under PL 85-532, 7 Aug 61.

Booth (DE-170), Philippines, Loaned under PL 89-320 15 Dec 67.

Kimberly (DD-521), Republic of China, loaned under PL 89-398, 2 Jun 67.

Mapiro (SS-376), Turkey, Loaned under PL 85-532, 18 Mar 60.

Mero (SS-378), Turkey, Loaned under PL 85-532, 20 Apr 60.

Pomfret (SS-391), Turkey, Loaned under PL 91-682, 1 Jul 71.

Thornback (SS-418), Turkey, Loaned under PL 91-682, 1 Jul 71.

Heminger (DE-746), Thailand, Loaned under PL 85-532, 22 Jul 59.

Stone County (LST-1141), Thailand, Loaned under FAA of 1961 3 Mar. 70.

Entemedor (SS-340), Turkey, Loaned under PL 92-270 31 Jul 72.

Threadfin (SS-410), Turkey, Loaned under PL 92-270 18 Aug 72.

Sioux (ATF-75), Turkey, Leased under 10 USC Section 2667 30 Oct 68.

Whitley (AKA-91), Italy, Leased under 10 USC Section 2667 31 Oct 66.

D. H. Fox (DD-779), Chile, Offer approved.

Charles S. Sperry (DD-697), Chile, Offer approved.

Staffing approval for transfer of the following ships has been received and the transfer dates have been established as indicated.

Ship Country Authority

Trigger (SS-564), Italy, Transfer by sale 10 July 1973 FMS Act.

Rupertus (DD-851), Greece, Transfer by loan 10 July 1973 PL 82-270.

Eversole (DD-789), Turkey, Transfer by sale 11 July 1973 FMS Act.

Sincerely yours,

E. H. Willett,
Captain, U.S. Navy, Chief of Legislative Affairs, Acting.

Mr. HARRY F. BYRD, JR. I think the Senator from Alaska has a desirable amendment, and I am glad to support it.

Mr. STEVENS. Mr. President, we will confer with the Senator from New York. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that I may withdraw this amendment. We will submit a modified amendment later today.

The PRESIDING OFFICER. The amendment is withdrawn.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, annunced that the House insisted upon its amendment to the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Brademas, Mrs. Mink, Mr. Meeds, Mrs. Chisholm, Mr. Quie, Mr. Eshelman, and Mr. Landgrebe were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1994) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. Long) subsequent signed the enrolled bill.

OUR MEN IN CAMBODIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an article published in the June 30, 1973, issue of The New Republic.

There being no objection, the article was ordered to be printed in the Record, as follows:

Our Men in Cambodia

Phnompenh.—The United States embassy in Cambodia, never a very serene establishment, has become riven with dissension, largely as a result of the military's having gained dominance over the civilians. The opposing sides cannot necessarily be determined by who wears mufti and who wears a uniform, for the two top civilians in the embassy—Ambassador Emory C. Swank and Deputy Chief of Mission Thomas O. Enders—have reportedly endorsed the military position that more arms aid and more bombing are the best available methods for ending the war in Cambodia. Conversely a number of junior military officers are distressed at what they consider the embassy's unwillingness to report the ineptitude and corruption of the Lon Nol government and its armed forces. Pessimistic reports by these military officers and, more often, by middle-level civilian officials are sometimes censored before being sent to Washington, and on occasion quashed completely.

Ambassador Enders, a bright, fast-rising diplomat at the age of 41, was recently promoted to FSO–1, the same rank held by Ambassador Swank, who is 51 and who, with considerably more overseas experience, has a reputation as a mature diplomat. Enders is chairman and deciding voice of the five-man embassy panel that holds a daily secret meeting to screen all requests from the Cambodian high command for air strikes by giant B–52 bombers and F–111 swing-wing jets based in Thailand. (Embassy approval of air strikes is passed on to Seventh Air Force headquarters in Thailand for the final approval and action.) Ambassador Swank, though he is said to be kept informed, does not sit on the embassy panel.

A third key personality at the embassy, a member of the bombing panel, is Brigadier General John R. D. Cleland, a soldier with paratrooper background. As head of the US military aid program in Cambodia, he commands the largest bloc at the 200-man embassy—the approximately 75 military personnel on his Military Equipment Delivery Team. Since General Cleland outranks the Defense attaché, who is a colonel, he has taken over, by self-nomination or otherwise, as the senior military adviser to the ambassador. "He's a hawk," says another military officer in Phnompenh who knows him well. "A bomb-Hanoi type. He has no political acumen at all."

The political section of the embassy—known for its balanced reporting and refusal to wax optimistic when the facts did not support it—is being dissolved and will be swallowed by the political-military section. The chief of the political section, William N. Harben, was sent back to Washington a couple of months early, before his normal tour was up. Middle-level officials at the embassy have been reduced to collecting notes and data on events in Cambodia and passing on this raw material, without any evaluation of its significance, to the upper reaches of the embassy, where all analysis for Washington is now done.

Ambassador Enders—who has had no military experience, having specialized in economics—takes professional pride in his new role as chief of the embassy's air-war activities. He has told visitors that "the bombing has been very successful. We've inflicted heavy casualties on the other side." (The embassy refused to release any bomb-casualty figures, and other military sources in Phnompenh call most of the embassy's assessments "absolutely worthless" because they are rarely based on eyewitness reports of dead enemy bodies.)

General Cleland has become virtually inaccessible to the press, granting interviews only to "trustworthy" newsmen. Other officials, such as the Defense attaché, Colonel Ray L. Burnell, Jr., can be seen only with the ambassador's approval. In any event, most interviews at the embassy are attended by a monitor—a member of the embassy's information office—which tends to inhibit the frankness of the official being interviewed. Even diplomats from other Western embassies complain that their sources at the American mission are drying up. "They've become twitchy, almost paranoid," one said. The twitchiness has sometimes assumed ridiculous proportions. Late last year newsmen were barred from the movies shown nightly at the embassy. A few days later, when a low-echelon embassy official, as a friendly gesture, took some newsmen to watch the same movies at the residence of the embassy's marine guards, the marine residence was quickly put off limits to the press. After two weeks the embassy stopped giving informal morning briefings to the press, because the Cambodian military complained that the Americans were giving out more information than the Lon Nol government wanted.

After a story appeared in *The New York Times*—based in part on monitored radio conversations of the air war that established the embassy's key role, as well as bombing confusion and the lack of effective safeguards against civilian destruction—the radio frequencies were hastily changed from those that could be overheard on a regular commercial VHF radio set to secret "secure" UHF bands.

The embassy's top officials not only insulate themselves from the press but from the Cambodian reality around them. Mr. Swank and Mr. Enders are driven everywhere in late-model American cars whose metal has been reinforced and whose windows contain one-and-a-half-inch-thick bullet-proof glass. Guards with Israeli-made submachine-guns accompany them at all times. Mr. Swank's car is also escorted by a jeep-load of Cambodian troops and a couple of motorcycle outriders. "He's much more under house arrest than most political prisioners," one US official commented.

SUPPLEMENTAL APPROPRIATIONS BILL, 1973—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report on H.R. 7447.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for debate on the supplemental appropriations conference report be equally divided between and controlled by the distinguished chairman of the Committee on Appropriations (Mr. McCLELLAN) and the distinguished ranking member of that committee (Mr. YOUNG).

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. McCLELLAN. I yield myself 5 minutes, Mr. President, I submit a report of the committee of conference on H.R. 7447, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. NUNN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 19, 1973, at pp. 20177–20178.)

Mr. McCLELLAN. Mr. President, this bill passed the House of Representatives on May 10, 1973, was reported to the Senate from the Committee on Appropriations on May 18, 1973, passed the Senate on May 31, 1973, and was sent to conference by the House of Representatives on June 5. The second supplemental was a highly controversial appropriation bill, containing 84 disagreements.

The first conference was held on June 5. Further conferences were held on June 11, 12, 14, and 18. The conference report was filed in the House of Representatives June 19.

Budget estimates for the second supplemental amounted to $3,607,105,504, and the final conference agreement includes appropriations in the amount of $3,362,845,279, which is a reduction in the budget estimates of more than $244 million.

The statement on the part of the managers of the two Houses is included in House Report 93–295 and explains the action agreed to in conference on all of the 84 matters in disagreement.

The most controversial amendment in the bill prohibited the use of funds to continue the bombing in Cambodia and in Laos. This amendment was offered by the Senator from Missouri (Mr. EAGLETON) and was unanimously approved by the full committee and adopted by the Senate by a vote of 63 to 19. In the conference on June 18, 1973, the managers on the part of the House agreed to take back to the full House the Senate language against further bombing in Cambodia.

Yesterday, the House twice rejected efforts to change the stronger antibombing language contained in the Eagleton amendment before voting final approval of the entire bill by voice vote. First, the House rejected an amendment which would have delayed the bombing halt for 60 days. Then, it voted to recede from its disagreement to the Senate's Cambodian provision.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation which shows the amounts of the budget estimates, the amounts in the House and the Senate bills, and the amounts agreed to in conference for each individual item.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

2D SUPPLEMENTAL APPROPRIATIONS, 1973—H.R. 7447

SUMMARY

Chapter No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate	Conference agreement
	TITLE I—GENERAL SUPPLEMENTALS				
I	Agriculture—Environmental and Consumer Protection:				
	New budget (obligational) authority	$47, 100, 000	$33, 387, 000	$72, 105, 000	$59, 387, 000
	By transfer from Sec. 32		(21, 960, 000)	(21, 960, 000)	(21, 960, 000)
II	Defense:				
	New budget (obligational) authority:				
	1973	143, 500, 000	123, 627, 000	123, 627, 000	123, 627, 000
	1972	30, 400, 000	17, 598, 000	22, 598, 000	21, 248, 000
	1971	72, 001, 000	16, 958, 000	23, 834, 000	20, 000, 000
	1969	7, 947, 225	50, 000	165, 000	151, 000
	Total	253, 848, 225	158, 233, 000	170, 224, 000	165, 026, 000
	By transfer	(500, 000, 000)		(170, 000, 000)	(75, 000, 000)
III	District of Columbia:				
	Federal funds: New budget (obligational) authority	8, 500, 000		8, 500, 000	0
	District of Columbia funds:				
	New budget (oligational) authority	(65, 480, 000)	(64, 830, 000)	(64, 830, 000)	(64, 830, 000)
IV	Foreign Operations: New budget (obligational) authority	738, 000	700, 000	700, 000	700, 000
V	Housing and Urban Development, Space, Science, and Veterans			25, 000, 000	20, 000, 000
VI	Interior and related agencies:				
	New budget (obligational) authority	96, 498, 000	57, 638, 000	100, 666, 000	67, 281, 000
	By transfer	(13, 250, 000)	(8, 600, 000)	(8, 429, 000)	(8, 179, 000)
VII	Labor, and Health, Education, and Welfare:				
	New budget (obligational) authority	1, 163, 715, 000	1, 028, 844, 000	1, 358, 084, 000	1, 116, 784, 000
	By transfer	(42, 000, 000)		(42, 000, 000)	0
	Limitations on administrative and nonadministrative expenses	(148, 107, 000)	(147, 649, 000)	(147, 649, 000)	(147, 649, 000)
VIII	Legislative branch:				
	New budget (obligational) authority	20, 502, 250	20, 597, 250	20, 886, 250	20, 597, 250
	By transfer	(298, 000)	(298, 000)	(298, 000)	(298, 000)
IX	Public Works	85, 200, 000	70, 600, 000	103, 600, 000	103, 350, 000
X	State, Justice, Commerce, and Judiciary:				
	New budget (obligational) authority:				
	1973	523, 568, 000	215, 835, 000	563, 258, 000	541, 572, 000
	1972	26, 000	26, 000	26, 000	26, 000
	Total	523, 594, 000	215, 861, 000	563, 284, 000	541, 598, 000
	By transfer	(1, 000, 000)	(500, 000)	(1, 000, 000)	(1, 000, 000)
XI	Transportation:				
	New budget (obligational) authority	49, 646, 000	43, 883, 000	43, 883, 000	43, 883, 000
	Intragovernmental transactions	(24, 669, 000)	(24, 669, 000)	(24, 669, 000)	(24, 669, 000)
	By transfer	(3, 250, 000)	(3, 250, 000)	(3, 250, 000)	(3, 250, 000)
XII	Treasury, Postal Service, and General Government	315, 667, 000	305, 539, 000	309, 527, 000	309, 527, 000
XIII	Claims and Judgments	23, 108, 029	20, 368, 059	23, 108, 029	23, 018, 029
	Total, title I—General supplementals:				
	New budget (obligational) authority:				
	1973	2, 477, 742, 279	1, 921, 018, 309	2, 752, 944, 279	2, 429, 816, 279
	1972	30, 426, 000	17, 624, 000	22, 624, 000	21, 274, 000
	1971	72, 001, 000	16, 958, 000	23, 834, 000	20, 000, 000
	1969	7, 947, 225	50, 000	165, 000	151, 000
	Total	2, 588, 116, 504	1, 955, 650, 309	2, 799, 567, 279	2, 471, 241, 279
	By transfer	(559, 798, 000)	(34, 608, 000)	(246, 937, 000)	(109, 687, 000)
	Limitation on administrative and nonadministrative expenses	(148, 107, 000	(147, 649, 000	(147, 649, 000)	(147, 649, 000)
	Intragovernmental transaction	(24, 669, 000)	(24, 669, 000)	(24, 669, 000)	(24, 669, 000)
	TITLE II—INCREASED PAY COSTS				
	New budget (obligational) authority	1, 018, 989, 000	899, 891, 900	899, 672, 000	891, 604, 000
	By transfer	(88, 237, 036)	(87, 543, 536)	(87, 969, 776)	(87, 969, 776)
	Limitation on administrative and nonadministrative expenses	(1, 458, 700)	(1, 458, 700)	(1, 458, 700)	(1, 458, 700)
	Grand total—Titles I and II:				
	New budget (obligational) authority:				
	1973	3, 496, 731, 279	2, 820, 910, 209	3, 652, 616, 279	3, 321, 420, 279
	1972	30, 426, 000	17, 624, 000	22, 624, 000	21, 274, 000
	1971	72, 001, 000	16, 958, 000	23, 834, 000	20, 000, 000
	1969	7, 947, 225	50, 000	165, 000	151, 000
	Total	3, 607, 105, 504	2, 855, 542, 209	3, 699, 239, 279	2, 362, 845, 279
	By transfer	(648, 035, 036)	(122, 151, 536)	(334, 906, 776)	(197, 656, 776)
	Limitation on administrative and nonadministrative expenses	(149, 565, 700)	(149, 107, 700)	(149, 107, 700)	(149, 107, 700)
	Intragovernmental transaction	(24, 669, 000)	(24, 669, 000)	(24, 669, 000)	(24, 669, 000)

H. Doc. No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate	Conference agreement
	CHAPTER I				
	TITLE I—AGRICULTURAL PROGRAMS				
	Department of Agriculture				
	Science and education				
	Agricultural Research Service	0	0	$18, 000	0
93–16	Animal and Plant Health Inspection Service	$12, 100, 000	$12, 100, 000	12, 100, 000	$12, 100, 000
	Marketing Services				
	Agricultural Marketing Service (sec. 32)		(21, 960, 000)	(21, 960, 000)	(21, 960, 000)
	TITLE III—ENVIRONMENTAL PROGRAMS				
	ENVIRONMENTAL PROTECTION AGENCY				
	Abatement and Control	0	6, 287, 000	6, 287, 000	6, 287, 000
	Department of Agriculture				
S. Doc. 93–15	Soil Conservation Service: Watershed and Flood Prevention Operations	[1]20, 000, 000	12, 500, 000	20, 000, 000	20, 000, 000
S. Doc. 93–15	Agricultural Stabilization and Conservation Service: Emergency Conservation Measures	[1]15, 000, 000	2, 500, 000	15, 000, 000	15, 000, 000

Footnotes at end of table.

H. Doc. No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate	Conference agreement
	TITLE IV—CONSUMER PROGRAMS				
	DEPARTMENT OF AGRICULTURE				
	Food and Nutrition Service: Child Nutrition Programs	0	0	$18,700,000	$6,000,000
	Total, Ch. I:				
	New budget (obligational) authority	$47,100,000	$33,387,000	72,105,000	59,387,000
	Transfer from sec. 32		(21,960,000)	(21,960,000)	(21,960,000)
	CHAPTER II				
	DEPARTMENT OF DEFENSE—MILITARY				
	Military personnel				
93-16	Military personnel, Navy:				
	1972	[2]30,400,000	17,598,000	22,598,000	21,248,000
	1971	[2]72,001,000	16,958,000	23,834,000	20,000,000
	1969	[2]7,947,225	50,000	165,000	151,000
	Total, Military personnel, Navy	[2]110,348,225	34,606,000	46,597,000	41,399,000
	Reserve personnel, Navy	4,800,000	2,427,900	2,427,000	2,427,000
	Reserve personnel, Air Force	2,300,000	1,000,000	1,000,000	1,000,000
	Retired military personnel				
93-16 and 93-79	Retired pay, Defense	83,600,000	83,000,000	83,000,000	83,000,000
	Operation and maintenance				
93-16	Operation and maintenance, Army	10,600,000	7,800,000	7,800,000	7,800,000
	Operation and maintenance, Navy	5,900,000	4,000,000	4,000,000	4,000,000
	Operation and maintenance, Air Force	33,200,000	23,800,000	23,800,000	23,800,000
	Operation and maintenance, Defense agencies	(3,100,000)	(1,600,000)	(1,600,000)	(1,600,000)
	Joint Chiefs of Staff	60,000	50,000	50,000	50,000
	Defense Supply Agency	3,037,000	1,550,000	1,550,000	1,550,000
	Defense Investigative Service	3,000			
	General provisions				
93-66	Sec. 735. Transfer authority	(500,000,000)		(170,000,000)	(75,000,000)
	Total, Chapter II:				
	New budget (obligational) authority:				
	1973	143,500,000	123,627,000	123,627,000	123,627,000
	1972	30,400,000	17,598,000	22,598,000	21,248,000
	1971	72,001,000	16,958,000	23,834,000	20,000,000
	1969	7,947,225	50,000	165,000	151,000
	Total	253,848,225	158,233,000	170,224,000	165,026,000
	(By transfer)	(500,000,000)		(170,000,000)	(75,000,000)
	CHAPTER III				
	DISTRICT OF COLUMBIA				
	Federal Funds				
93-16	Federal payment to the District of Columbia	8,500,000		8,500,000	0
	District of Columbia Funds				
	operating expenses				
93-76	General operating expenses	684,000	684,000	684,000	684,000
93-76	Public safety	21,538,000	21,538,000	21,538,000	21,538,000
93-76	Education	7,250,000	7,250,000	7,250,000	7,250,000
93-76	Human resources	6,800,000	6,500,000	6,500,000	6,500,000
93-76	Settlement of claims and suits	158,000	158,000	158,000	158,000
	Total, operating expenses	36,430,000	36,130,000	36,130,000	36,130,000
	capital outlay				
93-76	Capitaloutlay	29,000,000	28,700,000	28,700,000	28,700,000
	Gratnd Total, District of Columbia funds	65,430,000	64,830,000	64,830,000	64,830,000
	Toal, New budget (obligational) authority (Federal funds)	8,500,000		8,500,000	0
	CHAPTER IV				
	FOREIGN OPERATIONS				
	Funds Appropriated to the President				
	economic assistance				
93-79	Administrative and other expenses, State	102,000	100,000	100,000	100,000
	Department of State				
93-79	Migration and refugee assistance	636,000	600,000	600,000	600,000
	Total, Chapter IV, New budget (obligational) authority	738,000	700,000	700,000	700,000
	CHAPTER V				
	FEDERAL COMMUNICATIONS COMMISSION				
93-16	Salaries and expenses	Language	Language	Language	Language
	VETERANS ADMINISTRATION				
	Assistance for Health Manpower Training Institution			25,000,000	20,000,000
	Total, Chapter V, new budget (obligational) authority			25,000,000	20,000,00

Footnotes at end of table.

2D SUPPLEMENTAL APPROPRIATIONS, 1973—H.R. 7447—Continued

SUMMARY—Continued

H. Doc. No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate	Conference agreement
	CHAPTER VI				
	DEPARTMENT OF THE INTERIOR				
	Bureau of Land Management				
93-16	Management of lands and resources	$19, 000, 000	$17, 177, 000	$18, 500, 000	$18, 500, 000
	Bureau of Indian Affairs				
93-16	Resources management	5, 000, 000	2, 036, 000	2, 900, 000	2, 900, 000
	Bureau of Mines				
S. Doc. 93-15	Helium fund	34, 000, 000		34, 000, 000	
	National Park Service				
	Construction			3, 100, 000	3, 100, 000
	Total, Department of the Interior	58, 000, 000	19, 213, 000	58, 500, 000	24, 500, 000
	RELATED AGENCIES				
	DEPARTMENT OF AGRICULTURE				
	Forest Service				
	Forest protection and utilization:				
93-16	Forest land management	34, 895, 000	38, 425, 000	38, 948, 000	39, 563, 000
	By transfer from Forest research	(4, 250, 000)	(3, 600, 000)	(3, 429, 000)	(3, 179, 000)
	By transfer from State and private forestry cooperation	(9, 000, 000)	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)
	American Revolution Bicentennial Commission				
93-16	Salaries and Expenses	2, 868, 000		2, 868, 000	2, 868, 000
	Pennsylvania Avenue Development Corporation				
93-16	Salaries and expenses	735, 000		350, 000	350, 000
	Total, Related Agencies	38, 498, 000	38, 425, 000	42, 166, 000	42, 781, 000
	By transfer	(13, 250, 000)	(8, 600, 000)	(8, 429, 000)	(8, 179, 000)
	Total, Ch. VI:				
	New budget (obligational) authority	96, 498, 000	57, 638, 000	100, 666, 000	67, 281, 000
	By transfer	(13, 250, 000)	(8, 600, 000)	(8, 429, 000)	(8, 179, 000)
	CHAPTER VII				
	DEPARTMENT OF LABOR				
	Manpower Administration				
	Manpower training activities			44, 500, 000	
93-16	Advances to the extended unemployment compensation account	74, 000, 000			
	Labor Management Services Administration				
93-16	Salaries and expenses	422, 000			
	Employment Standards Administration				
93-16	Salaries and expenses	832, 000	832, 000	832, 000	832, 000
93-16	Federal workmen's compensation benefits	26, 300, 000	26, 300, 000	26, 300, 000	26, 300, 000
	Bureau of Labor Statistics				
93-16	Salaries and expenses	1, 200, 000			
	Departmental Management				
93-16	Salaries and expenses	40, 000		40, 000	40, 000
93-16	Special foreign currency program	209, 000			
	Total, Department of Labor (new budget (obligational) authority)	103, 003, 000	27, 132, 000	71, 672, 000	27, 172, 000
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Health Services and Mental Health Administration				
	Mental health			2, 000, 000	0
	Health services planning and development		12, 000, 000	52, 000, 000	17, 000, 000
	National Institutes of Health				
	National Cancer Institute			60, 000, 000	0
	National Eye Institute			5, 000, 000	0
	Health manpower			29, 400, 000	2, 100, 000
	General research support grants			13, 900, 000	
	Research training programs			24, 100, 000	
	Office of Education				
	Education for the handicapped			26, 300, 000	13, 800, 000
93-16	Higher education	247, 510, 000	226, 510, 000	260, 510, 000	243, 510, 000
93-16	Student loan insurance fund	17, 593, 000	17, 593, 000	17, 593, 000	17, 593, 000
	SOCIAL AND REHABILITATION SERVICE				
93-16	Grants to States for public assistance	614, 066, 000	614, 066, 000	614, 066, 000	614, 066, 000
	Nutrition program for the elderly	100, 000, 000	50, 000, 000	100, 000, 000	100, 000, 000
	Social Security Administration				
93-16	Supplemental security income program	77, 207, 000	77, 207, 000	77, 207, 000	77, 207, 000
93-16	Limitation on salaries and expenses (trust fund)	(146, 649, 000)	(146, 549, 000)	(146, 549, 000)	(146, 549, 000)
	Special Institutions				
93-16	National Technical Institute for the Deaf	1, 915, 000	1, 915, 000	1, 915, 000	1, 915, 000
	Total, Department of Health, Education, and Welfare, new budget (obligational) authority	1, 058, 291, 000	999, 291, 000	1, 283, 991, 000	1, 087, 191, 000
	(Limitation on salaries and expenses)	(146, 549, 000)	(146, 549, 000)	(146, 549, 000)	(146, 549, 000)

H. Doc. No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate	Conference agreement
	RELATED AGENCIES				
	Action	($42, 000, 000)		($42, 000, 000)	0
	Railroad Retirement Board				
93-16	Limitation on salaries and expenses	(1, 558, 000)	($1, 100, 000)	(1, 100, 000)	($1, 100, 000)
	United States Soldiers' and Airmen's Home				
93-16	Operation and maintenance	356, 000	356, 000	356, 000	356, 000
	Capital outlay	2, 065, 000	2, 065, 000	2, 065, 000	2, 065, 000
	Total, Related Agencies	2, 421, 000	2, 421, 000	2, 421, 000	2, 421, 000
	By transfer	42, 000, 000		42, 000, 000	0
	Trust funds	(1, 558, 000)	(1, 100, 000)	(1, 100, 000)	(1, 100, 000)
	Total, Chapter VII:				
	Federal funds, new budget (obligational) authority	1, 163, 715, 000	1, 028, 844, 000	1, 358, 084, 000	1, 116, 784, 000
	By transfer	(42, 000, 000)		(42, 000, 000)	0
	Trust funds	(148, 107, 000)	(147, 649, 000)	(147, 649, 000)	(147, 649, 000)
	Total	1, 353, 822, 000	1, 176, 493, 000	1, 547, 733, 000	1, 264, 433, 000
	CHAPTER VIII				
	LEGISLATIVE BRANCH				
	House of Representatives				
	Payments to widows and heirs of deceased Members of Congress				
	Gratuity, deceased member		42, 500	42, 500	42, 500
	Salaries, mileage for the Members, and expense allowance of the Speaker				
93-79	Mileage of Members and expense allowance of the Speaker	2, 000	2, 000	2, 000	2, 000
	Salaries, officers and employees				
93-79	Committee on Appropriations (investigations)	275, 000	275, 000	275, 000	275, 000
	Contingent expenses of the House				
93-3	Miscellaneous items	1, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000
93-79	Stationery (revolving fund)	336, 250	336, 250	336, 250	336, 250
	Portrait of Speaker		2, 500	2, 500	2, 500
	Total, contingent expenses of the House	1, 336, 250	1, 338, 750	1, 338, 750	1, 338, 750
	Total, House of Representatives	1, 613, 250	1, 658, 250	1, 658, 250	1, 658, 250
	Office of Technology Assessment				
	Salaries and expenses			289, 000	0
	Architect of the Capitol				
	Capitol Building and Grounds				
93-91	Capitol building	1, 475, 000	1, 475, 000	1, 475, 000	1, 475, 000
	(By transfer)	(298, 000)	(298, 000)	(298, 000)	(298, 000)
93-90	Modifications and enlargement, Capitol Power Plant	17, 400, 000	17, 400, 000	17, 400, 000	17, 400, 000
	Additional parking facilities for congressional employees		50, 000	50, 000	50, 000
	Total, Architect of the Capitol	18, 875, 000	18, 925, 000	18, 925, 000	18, 925, 000
	(By transfer)	(298, 000)	(298, 000)	(298, 000)	(298, 000)
	Botanic Garden				
93-91	Salaries and expenses	14, 000	14, 000	14, 000	14, 000
	Total, Chapter VIII:				
	New budget (obligational) authority	20, 502, 250	20, 597, 250	20, 886, 250	20, 597, 250
	(By transfer)	(298, 000)	(298, 000)	(298, 000)	(298, 000)
	CHAPTER IX				
	DEPARTMENT OF DEFENSE—CIVIL				
	Department of the Army				
	Corps of Engineers—Civil				
93-79	Flood control and coastal emergencies	84, 600, 000	70, 500, 000	103, 000, 000	103, 000, 000
	RELATED AGENCIES				
	Federal Power Commission				
93-16	Salaries and expenses	100, 000	100, 000	100, 000	100, 000
	Water Resources Council				
93-16	Water resources planning	500, 000		500, 000	250, 000
	Total, ch. IX: New budget (obligational) authority	85, 200, 000	70, 600, 000	103, 600, 000	103, 350, 000
	CHAPTER X				
	DEPARTMENT OF STATE				
	Administration of foreign affairs:				
93-79	Salaries and expenses	3, 900, 000	3, 700, 000	3, 700, 000	3, 700, 000
93-79	Representation allowances	21, 000			
93-79	Acquisition, operation, and maintenance of buildings abroad	3, 165, 000	3, 000, 000	3, 000, 000	3, 000, 000
93-79	Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	435, 000	435, 000	435, 000	435, 000
93-79	Payment to Foreign Service retirement and disability fund	836, 000	836, 000	836, 000	836, 000
	Total, administration of foreign affairs	8, 357, 000	7, 971, 000	7, 971, 000	7, 971, 000

Footnotes at end of table.

2D SUPPLEMENTAL APPROPRIATIONS, 1973—H.R. 7447—Continued

SUMMARY—Continued

H. Doc. No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate	Conference agreement
	CHAPTER X—Continued				
	DEPARTMENT OF STATE—Continued				
	International organizations and conferences:				
93-16 93-79	Contributions to international organizations and conferences	$9, 167, 000	$9, 167, 000	$9, 167, 000	$9, 167, 000
93-79	Missions to international organizations	87, 000	85, 000	85, 000	85, 000
93-79	International conferences and contingencies	245, 000	200, 000	200, 000	200, 000
	Total, International organizations and conferences	9, 499, 000	9, 452, 000	9, 452, 000	9, 452, 000
	International Commissions				
	International Boundary and Water Commission, United States and Mexico				
93-16	Construction	12, 881, 000	10, 000, 000	10, 000, 000	10, 000, 000
	Educational Exchange				
93-79	Mutual educational and cultural exchange activities	364, 000	250, 000	250, 000	250, 000
	Total, Department of State	31, 101, 000	27, 673, 000	27, 673, 000	27, 673, 000
	DEPARTMENT OF JUSTICE				
	Legal activities and general administration				
93-16	Fees and expenses of witnesses	500, 000	500, 000	500, 000	500, 000
	Federal Prison System				
93-16	Salaries and expenses, Bureau of Prisons	1, 350, 000	900, 000	900, 000	900, 000
93-16	Support of U.S. Prisoners	2, 500, 000	2, 500, 000	2, 500, 000	2, 500, 000
	Total, Federal prison system	3, 850, 000	3, 400, 000	3, 400, 000	3, 400, 000
	Total, Department of Justice	4, 350, 000	3, 900, 000	3, 900, 000	3, 900, 000
	DEPARTMENT OF COMMERCE				
	Domestic and International Business Administration				
93-79	Salaries and expenses	412, 000	350, 000	350, 000	350, 000
93-16	Participation in U.S. expositions	8, 000, 000	6, 500, 000	8, 000, 000	8, 000, 000
	Total, Domestic and International Business Administration	8, 412, 000	6, 850, 000	8, 350, 000	8, 350, 000
	Total, Department of Commerce	8, 412, 000	6, 850, 000	8, 350, 000	8, 350, 000
	THE JUDICIARY				
	Supreme Court of the United States				
93-16	Printing and binding Supreme Court reports, 1973	61, 000	61, 000	61, 000	61, 000
93-16	Printing and binding Supreme Court reports, 1972	26, 000	26, 000	26, 000	26, 000
	Total, Supreme Court of the United States	87, 000	87, 000	87, 000	87, 000
	Courts of Appeals, District Courts, and other Judicial Services				
93-16	Salaries of Judges	500, 000	500, 000	500, 000	500, 000
93-16 93-59	Representation by court-appointed counsel and operation of defender organizations	4, 543, 000	2, 900, 000	3, 043, 000	2, 972, 000
93-16	Commission on Revision of the Federal court appellate system of the United States	270, 000	240, 000	270, 000	255, 000
	Total, Courts of Appeals, District courts and other judicial services	5, 313, 000	3, 640, 000	3, 813, 999	3, 727, 000
	Total, the Judiciary:				
	1973	5, 374, 000	3, 701, 000	3, 874, 000	3, 788, 000
	1972	26, 000	26, 000	26, 000	26, 000
	Total	5, 400, 000	3, 727, 000	3, 900, 000	3, 814, 000
	RELATED AGENCIES				
	American Battle Monuments Commission				
93-16	Salaries and expenses	18, 000	18, 000	18, 000	118, 000
	Commission on Civil Rights				
93-16	Salaries and expenses	352, 000	128, 000	128, 000	128, 000
	Commission on International Broadcasting				
93-79	International radio broadcasting activities	1, 832, 000	1, 650, 000	----------	1, 150, 000
	Department of the Treasury, Bureau of Accounts				
93-16	Fishermen's protective fund	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000
	Foreign Claims Settlement Commission				
93-79	Payment of Vietnam and U.S.S. "Pueblo" prisoner of war claims	16, 200, 000	16, 200, 000	16, 200, 000	16, 200, 000
	Small Business Administration				
93-79	Salaries and expenses (by transfer)	(1, 000, 000)	(500, 000)	(1, 000, 000)	(1, 000, 000)
93-79	Disaster loan fund	450, 000, 000	150, 000, 000	500, 000, 000	475, 000, 000
S. Doc. 93-20	Total, Small Business Administration	450, 000, 000	150, 000, 000	500, 000, 000	475, 000, 000

H. Doc. No.	Department or activity	Budget estimate	Recommended in House bill	Amount recommended by Senate	Conference agreement
	U.S. Information Agency				
93–79	Salaries and expenses	$2,807,000	$2,600,000		$2,250,000
93–79	Special international exhibitions	122,000	115,000	$115,000	115,000
	Total, U.S. Information Agency	2,929,000	2,715,000	115,000	2,365,000
	Total, related agencies	474,331,000	173,711,000	519,461,000	497,861,000
	Total, Chapter X:				
	New budget (obligational) authority:				
	1973	523,568,000	215,835,000	563,258,000	541,572,000
	1972	26,000	26,000	26,000	26,000
	Total	523,594,000	215,861,000	563,284,000	541,598,000
	By transfer	(1,000,000)	(500,000)	(1,000,000)	(1,000,000)
	CHAPTER XI				
	DEPARTMENT OF TRANSPORTATION				
	Coast Guard				
93–16	Retired pay	4,511,000	4,000,000	4,000,000	4,000,000
	Federal Aviation Administration				
93–16	Operations (by transfer)	(3,250,000)	(3,250,000)	(3,250,000)	(3,250,000)
93–16	Federal payment to the airport and airway trust fund (intragovernmental transaction)	(24,669,000)	(24,669,000)	(24,669,000)	(24,669,000)
	National Highway Traffic Safety Administration				
	Traffic and highway safety (reprograming)			(2,000,000)	(2,000,000)
	Federal Railroad Administration				
93–16	Emergency rail facilities restoration	40,000,000	34,748,000	34,748,000	34,748,000
	Total, Department of Transportation	44,511,000	38,748,000	38,748,000	38,748,000
	RELATED AGENCIES				
	Washington Metropolitan Area Transit Authority				
93–16	Interest subsidy	4,885,000	4,885,000	4,885,000	4,885,000
	Commission on Highway Beautification				
93–16	Salaries and expenses	250,000	250,000	250,000	250,000
	Total, related agencies	5,135,000	5,135,000	5,135,000	5,135,000
	Total, chapter XI:				
	New budget (obligational) authority	49,646,000	43,883,000	43,883,000	43,883,000
	Intragovernmental transaction	(24,669,000)	(24,669,000)	(24,669,000)	(24,669,000)
	By transfer	(3,250,000)	(3,250,000)	(3,250,000)	(3,250,000)
	Reprograming			(2,000,000)	(2,000,000)
	CHAPTER XII				
	DEPARTMENT OF THE TREASURY				
	Bureau of Accounts				
93–16	Salaries and expenses	1,100,000	1,100,000	1,100,000	1,100,000
	Internal Revenue Service				
93–16	Salaries and expenses	164,000	164,000		
93–16	Accounts, Collection and Taxpayer Service	9,748,000	9,748,000	9,600,000	9,600,000
93–16	Compliance	2,627,000	2,627,000	2,627,000	2,627,000
	Total, Internal Revenue Service	12,539,000	12,539,000	12,227,000	12,227,000
	Total, Treasury Department	13,639,000	13,639,000	13,327,000	13,327,000
	EXECUTIVE OFFICE OF THE PRESIDENT				
	Funds appropriated to the President				
93–16	Disaster Relief	100,000,000	100,000,000	100,000,000	100,000,000
	Economic stabilization activities				
S. Doc. 93–14	Salaries and expenses	4,828,000		4,400,000	4,400,000
	National Commission on Productivity				
93–16	Salaries and expenses	5,000,000			
	Total, Executive Office of the President	109,828,000	100,000,000	104,400,000	104,400,000
	INDEPENDENT AGENCIES				
	Civil Service Commission				
93–16	Payment to Civil Service Retirement and Disability Fund	42,200,000	42,200,000	42,200,000	42,200,000
H. Doc. 93–79	Payment to Civil Service Retirement and Disability Fund	148,700,000	148,700,000	148,700,000	148,700,000
	Total, Civil Service Commission	190,900,000	190,900,000	190,900,000	190,900,000
	General Services Administration				
	Property management and disposal service				
93–16	Operating expenses	1,300,000	1,000,000	900,000	900,000
	Total, independent agencies	192,200,000	191,900,000	191,800,000	191,800,000
	Total, chapter XII, new budget (obligational) authority	315,667,000	305,539,000	309,527,000	309,527,000

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[1] Budget estimate not considered by House of Representatives.

[2] The budget estimate requested $110,348,225 to be derived by the use of prior year expired "M" accounts. The House of Representatives and the Senate Committee have provided NOA for the years indicated rather than authorizing the use of expired accounts.

[3] Estimate pending.

TITLE II—INCREASED PAY COSTS

Department or activity	Budget estimates (H. Doc. 93-70 and 93-16)	Recommended in House bill	Amount recommended by Senate	Conference agreement
LEGISLATIVE BRANCH				
SENATE				
Contingent expenses of the Senate:				
Inquiries and investigations (By transfer)	($276, 240)		($276, 240)	($276, 240)
Total, Senate (By transfer)	(276, 024)		(276, 240)	(276, 240)
HOUSE OF REPRESENTATIVES				
Salaries, Officers and Employees				
Office of the Speaker (By transfer)	(1, 120)	($1, 120)	(1, 120)	(1, 120)
Special and minority employees:				
Office of the majority floor leader (By transfer)	(3, 435)	(3, 435)	(3, 435)	(3, 435)
Office of the minority floor leader (By transfer)	(3, 150)	(3, 150)	(3, 150)	(3, 150)
Office of the majority whip (By transfer)	(1, 585)	(1, 585)	(1, 585)	(1, 585)
Office of the minority whip (By transfer)	(1, 585)	(1, 585)	(1, 585)	(1, 585)
Two printing clerks for the majority and minority caucus rooms (By transfer)	(625)	(625)	(625)	(625)
Technical assistant, Office of the Attending Physician (By transfer)	(565)	(565)	(565)	(565)
Official reporters of debates (By transfer)	(11, 525)	(11, 525)	(11, 525)	(11, 525)
Official reporters to committees (By transfer)	(12, 925)	(12, 925)	(12, 925)	(12, 925)
Committee on Appropriations (investigations) (By transfer)	(3, 750)	(3, 750)	(3, 750)	(3, 750)
Members' Clerk Hire				
Clerk hire	3, 500, 000	3, 000, 000	3, 000, 000	3, 000, 000
Contingent Expenses of the House				
Government contributions (By transfer)	(135, 000)	(135, 000)	(135, 000)	(135, 000)
Total, House of Representatives:				
New budget (obligational) authority	3, 500, 000	3, 000, 000	3, 000, 000	3, 000, 000
By transfer	(175, 265)	(175, 265)	(175, 265)	(175, 265)
JOINT ITEMS				
Contingent expenses of the House				
Joint Committee on Defense Production (By transfer)	(3, 000)	(3, 000)	(3, 000)	(3, 000)
Architect of the Capitol				
Office of the Architect of the Capitol				
Salaries	24, 000	24, 000	24, 000	24, 000
Capitol buildings and grounds				
Capitol buildings	68, 400	68, 400	68, 400	68, 400
Capitol grounds	20, 500	20, 500	20, 500	20, 500
Senate office building	186, 000		186, 000	186, 000
Senate garage	3, 100		3, 100	3, 100
House office buildings	329, 600	329, 600	329, 600	329, 600
Capitol Power Plant	20, 600	20, 600	20, 600	20, 600
Library buildings and grounds				
Structural and mechanical care	28, 000	28, 000	28, 000	28, 000
Total, Architect of the Capitol: New budget (obligational) authority	680, 200	491, 100	680, 200	680, 200
Botanic Garden				
Salaries and expenses	25, 700	25, 700	25, 700	25, 700
Library of Congress				
Salaries and expenses	777, 000	663, 000	663, 000	663, 000
(By transfer)		(89, 000)	(89, 000)	(89, 000)
Copyright Office				
Salaries and expenses	115, 000			
Congressional Research Service				
Salaries and expenses	195, 000			
Distribution of catalog cards				
Salaries and expenses	157, 000			
(By transfer and $46,000 from reserve fund)		(61, 000)	(6, 1000)	(61, 000)
Books for the blind and physically handicapped				
Salaries and expenses	27, 000			
Collection and distribution of library materials				
Special foreign currency program	5, 000			
Revision of Annotated Constitution				
Salaries and expenses	2, 000			
Revision of Hinds' and Cannon's Precedents				
Salaries and expenses	3, 000			
Total, Library of Congress:				
New budget (obligational) authority	1, 281, 000	663, 000	663, 000	663, 000
By transfer		(150, 000)	(150, 000)	(150, 000)
Government Printing Office				
Office of Superintendent of Documents				
Salaries and expenses	315, 100	315, 100	315, 100	315, 00
General Accounting Office				
Salaries and expenses	1, 830, 000	1, 830, 000	1, 830, 000	1, 830, 000
Total, Legislative Branch:				
New budget (obligational) authority	7, 632, 000	6, 324, 900	6, 514, 000	6, 514, 000
By transfer	(454, 505)	(328, 265)	(604, 505)	(604, 505)

Department or activity	Budget estimates (H. Doc. 93-70 and 93-16)	Recommended in House bill	Amount recommended by Senate	Conference agreement
THE JUDICIARY				
Supreme Court of the United States				
Care of the building and grounds	$14, 000	$14, 000	$14, 000	$14, 000
Courts of Appeals, District Courts, and Other Judicial Services				
Salaries of supporting personnel	1, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000
(By transfer)	(200, 000)	(200, 000)	(200, 000)	(200, 000)
Administrative Office of the United States Courts (By transfer)	(82, 000)	(82, 000)	(82, 000)	(82, 000)
Expense of referees (By transfer)	(236, 000)	(236, 000)	(236, 000)	(236, 000)
Total, the judiciary:				
New budget (obligational) authority	1, 014, 000	1, 014, 000	1, 014, 000	1, 014, 000
By transfer	(518, 000)	(518, 000)	(518, 000)	(518, 000)
EXECUTIVE OFFICE OF THE PRESIDENT				
Special Representatives for Trade Negotiations				
Salaries and expenses	14, 000	14, 000	14, 000	14, 000
FUNDS APPROPRIATED TO THE PRESIDENT				
Foreign Assistance				
International Security Assistance				
Military assistance	512, 000	300, 000	300, 000	300, 000
Security supporting assistance (By transfer)	(1, 304, 860)	(1, 304, 860)	(1, 304, 860)	(1, 304, 860)
Bilateral assistance				
Grants and other programs:				
Worldwide, technical assistance (By transfer)	(2, 111, 520)	(2, 111, 520)	(2, 111, 520)	(2, 111, 520)
Alliance for Progress, technical assistance (By transfer)	(270, 300)	(270, 300)	(270, 300)	(270, 300)
Administrative expenses, Agency for International Development (By transfer)		(1, 233, 840)	(1, 233, 840)	(1, 233, 840)
Administrative and other expenses, State (By transfer)	(78, 000)	(78, 000)	(78, 000)	(78, 000)
Programs relating to population growth (By transfer)	(193, 980)	(193, 980)	(193, 980)	(193, 980)
Total, Funds appropriated to the President:				
New budget (obligational) authority	512, 000	300, 000	300, 000	300, 000
By transfer	(3, 958, 660)	(5, 192, 500)	(5, 192, 500)	(5, 192, 500)
DEPARTMENT OF AGRICULTURE				
Office of the Secretary		112, 000	112, 000	112, 000
Office of the General Counsel		113, 000	113, 000	113, 000
(By transfer)	(113, 000)			
Agricultural Research Service		2, 856, 000	2, 856, 000	2, 856, 000
Animal and Plant Health Inspection Service		3, 495, 000	3, 495, 000	3, 495, 000
(By transfer)	(2, 249, 000)			
Statistical Reporting Service		41, 000	41, 000	41, 000
Foreign Agricultural Service		166, 000	166, 000	166, 000
(By transfer)	(166, 000)			
Economic Research Service		251, 000	251, 000	251, 000
Farmers Home Administration		1, 584, 000	1, 584, 000	1, 584, 000
(By transfer)	(1, 084, 000)			
Agricultural Marketing Service		438, 000	438, 000	438, 000
Soil Conservation Service				
Conservation operations		3, 371, 000	3, 371, 000	3, 371, 000
(By transfer)	(3, 371, 356)			
River basin surveys and investigations		252, 000	252, 000	52, 000
(By transfer)	(251, 454)			
Watershed planning		167, 000	167, 000	167, 000
(By transfer)	(167, 190)			
Forest Service				
Forest protection and utilization		5, 144, 000	5, 144, 000	5, 144, 000
(By transfer)	(5, 144, 000)			
Construction and land acquisition		213, 000	213, 000	213, 000
(By transfer)	(213, 000)			
Total, Department of Agriculture:				
New budget (obligational) authority		18, 203, 000	18, 203, 000	18, 203, 000
By transfer	(12, 759, 000)			
DEPARTMENT OF COMMERCE				
General Administration				
Salaries and expenses (By transfer)	(164, 543)	(164, 543)	(164, 543)	(164, 543)
Social and Economic Statistics Administration				
1972 census of governments (By transfer)	(29, 000)	(29, 000)	(29, 000)	(29, 000)
1972 economic censuses (By transfer)	(310, 800)	(310, 800)	(310, 800)	(310, 800)
Nineteenth decennial census (By transfer)	(255, 200)	(255, 200)	(255, 200)	(255, 200)
Domestic and International Business Administration				
Salaries and expenses (By transfer)	(372, 900)	(372, 900)	(372, 900)	(372, 900)
National Industrial Pollution Control Council				
Salaries and expenses (By transfer)	(7, 000)	(7, 000)	(7, 000)	(7, 000)
United States Travel Service				
Salaries and expenses (By transfer)				
National Oceanic and Atmospheric Administration				
Research, development and facilities (By transfer)	(1, 254, 200)	(1, 254, 200)	(1, 254, 200)	(1, 254, 200)
Satellite operations (By transfer)	(273, 440)	(273, 440)	(273, 440)	(273, 440)
Fisheries Loan Fund (Increase in limitation)	(8, 200)	(8, 200)	(8, 200)	(8, 200)
Fishermen's Guaranty Fund (By transfer)	(100)			

TITLE II—INCREASED PAY COSTS—Continued

Department or activity	Budget estimates (H. Doc. 93–70 and 93–16)	Recommended in House bill	Amount recommended by Senate	Conference agreement
DEPARTMENT OF COMMERCE—Continued				
Office of Telecommunications				
Research, engineering, analysis, and technical services (By transfer)	($92, 100)	($92, 100)	($92, 100)	($92, 100)
Total, Department of Commerce:				
By transfer	(2, 759, 283)	(2, 759, 183)	(2, 759, 183)	(2, 759, 183)
Increase in limitation	(8, 200)	(8, 200)	(8, 200)	(8, 200)
DEPARTMENT OF DEFENSE—MILITARY				
Military Personnel				
Military personnel, Army	185, 464, 000	80, 651, 000	175, 651, 000	175, 651, 000
Military personnel, Navy	140, 000, 000	123, 311, 000	123, 311, 000	123, 311, 000
(By transfer)		(14, 550, 000)	(14, 550, 000)	(14, 550, 000)
Military personnel, Marine Corps	43, 302, 000	40, 362, 000	40, 362, 000	40, 362, 000
Military personnel, Air Force	176, 800, 000	164, 070, 000	164, 070, 000	164, 070, 000
(By transfer)		(7, 000, 000)	(7, 000, 000)	(7, 000, 000)
Reserve personnel, Army	11, 224, 000	8, 119, 000	7, 924, 000	7, 924, 000
Reserve personnel, Navy	6, 277, 000	5, 935, 000	5, 935, 000	5, 935, 000
Reserve personnel, Air Force	2, 747, 000			
National Guard personnel, Army	15, 916, 000	15, 416, 000	15, 416, 000	15, 416, 000
National Guard personnel Air Force	4, 509, 000	4, 509, 000		
Operation and Maintenance				
Operation and maintenance, Army	119, 996, 000	91, 000, 000	91, 000, 000	91, 000, 000
Operation and maintenance, Navy	103, 068, 000	93, 000, 000	103, 068, 000	95, 000, 000
Operation and maintenance, Marine Corps	5, 513, 000	5, 000, 000	5, 000, 000	5, 000, 000
Operation and maintenance, Air Force	95, 400, 000	75, 600, 000	75, 600, 000	75, 600, 000
Operation and maintenance, Defense agencies	(26, 725, 000)	(23, 700, 000)	(23, 002, 000)	(23, 002, 000)
Secretary of Defense activities	676, 000	620, 000		
Joint Chiefs of Staff	151, 000	136, 000	136, 000	136, 000
Office of Information of the Armed Forces	56, 000	50, 000	50, 000	50, 000
Armed Forces Institute	70, 000	67, 000	18, 000	18, 000
Intelligence and communication activities	6, 791, 000	6, 100, 000	6, 100, 000	6, 100, 000
Defense Nuclear Agency	154, 000	140, 000		
Defense Supply Agency	14, 179, 000	12, 350, 000	12, 350, 000	12, 350, 000
Defense Contract Audit Agency	1, 352, 000	1, 300, 000	1, 300, 000	1, 300, 000
Defense Mapping Agency	3, 045, 000	2, 712, 000	3, 045, 000	3, 045, 000
Defense Investigative Service	251, 000	225, 000	3, 000	3, 000
Operation and maintenance, Army Reserve	3, 815, 000	3, 700, 000	3, 700, 000	3, 700, 000
Operation and maintenance, Navy Reserve	2, 431, 000	2, 300, 000	2, 300, 000	2, 300, 000
Operation and maintenance, Marine Corps Reserve	14, 000			
Operation and maintenance, Air Force Reserve	3, 519, 000	3, 300, 000	3, 300, 000	3, 300, 000
Operation and maintenance, Army National Guard	9, 487, 000	8, 500, 000	8, 500, 000	8, 500, 000
Operation and maintenance, Air National Guard	6, 913, 000	6, 500, 000	6, 500, 000	6, 500, 000
National Board for the Promotion of Rifle Practice, Army	3, 000			
Court of Military Appeals, Defense	17, 000			
Research, Development, Test, and Evaluation				
Research, development, test, and evaluation, Army	9, 772, 000			
Research, development, test, and evaluation, Navy	8, 314, 000			
Research, development, test, and evaluation, Air Force	8, 207, 000			
Research, development, test, and evaluation, Defense agencies	1, 255, 000			
Total, Department of Defense—Military:				
New budget (obligational) authority	990, 688, 000	854, 973, 000	854, 639, 000	846, 571, 000
By transfer		(21, 550, 000)	(21, 550, 000)	(21, 550, 000)
Department of the Army				
Corps of Engineers—Civil:				
General investigations (By transfer)	(800, 000)	(800, 000)	(800, 000)	(800, 000)
General expenses (By transfer)	(700, 000)	(700, 000)	(700, 000)	(700, 000)
United States Soldiers' and Airmen's Home				
Operation and maintenance	324, 000	324, 000	324, 000	324, 000
The Panama Canal				
Canal Zone Government: Operating expenses	786, 000	750, 000	750, 000	750, 000
Total, Department of Defense—Civil:				
New budget (obligational) authority	1, 110, 000	1, 074, 000	1, 074, 000	1, 074, 000
By transfer	(1, 500, 000)	(1, 500, 000)	(1, 500, 000)	(1, 500, 000)
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
Food and Drug Administration				
Food, drug, and product safety (By transfer)	(2, 072, 000)	(2, 072, 000)	(2, 072, 000)	(2, 072, 000)
Health Services and Mental Health Administration				
Mental health (By transfer)	(795, 000)			
Saint Elizabeths Hospital (By transfer)	(934, 000)	(934, 000)	(934, 000)	(934, 000)
Health services planning and development (By transfer)	(116, 000)			
Preventive health services (By transfer)	(1, 940, 000)			
National health statistics (By transfer)	(343, 000)			
Office of the Administrator (By transfer)	(282, 000)	(282, 000)	(282, 000)	(282, 000)
Indian health services (By transfer)	(2, 734, 000)	(2, 734, 000)	(2, 734, 000)	(2, 734, 000)
Emergency health (By transfer)	(81, 000)	(81, 000)	(81, 000)	(81, 000)
National Institutes of Health				
National Cancer Institute (By transfer)	(1, 141, 000)			
National Heart and Lung Institute (By transfer)	(503, 000)			
National Institute of Dental Research (By transfer)	(132, 000)			
National Institute of Arthritis, Metabolism, and Digestive Diseases (By transfer)	(412, 000)			
National Institute of Neurological Diseases and Stroke (By transfer)	(291, 000)			
National Institute of Allergy and Infectious Diseases (By transfer)	(341, 000)			
National Institute of General Medical Sciences (By transfer)	(27, 000)			
National Institute of Child Health and Human Development (By transfer)	(315, 000)			
National Eye Institute (By transfer)	(45, 000)			
National Institute of Environmental Health Sciences (By transfer)	(111, 000)			
Research resources (By transfer)	(41, 000)			
John E. Fogarty International Center for Advanced Study in the Health Sciences (By transfer)	(31, 000)			
Health manpower (By transfer)	(448, 000)			
National Library of Medicine (By transfer)	(156, 000)			
Office of the Director (By transfer)	(256, 000)			

Department or activity	Budget estimates (H. Doc. 93-70 and 93-16)	Recommended in House bill	Amount recommended by Senate	Conference agreement
Social and Rehabilitation Service				
Salaries and expenses (By transfer)	($1, 067, 000)			
Office of Child Development				
Child development (By transfer)	(150, 000)		($150, 000)	($150, 000)
Office of the Secretary				
Office of Consumer Affairs (By transfer)	(25, 000)	($25, 000)	(25, 000)	(25, 000)
Departmental management (By transfer)	(674, 000)			
Total, Department of Health, Education, and Welfare: By transfer	(15, 463, 000)	(6, 128, 000)	(6, 278, 000)	(6, 278, 000)
DEPARTMENT OF THE INTERIOR				
Bureau of Indian Affairs				
Education and welfare services (By transfer)	(2, 326, 000)	(2, 326, 000)	(2, 326, 000)	(2, 326, 000)
Bureau of Outdoor Recreation				
Salaries and expenses (By transfer)	(72, 000)	(72, 000)	(72, 000)	(72, 000)
Land and water conservation (Increase in limitation)	(120, 000)	(120, 000)	(120, 000)	(120, 000)
Consolidated working fund (By transfer)	(8, 000)			
Geological Survey				
Surveys, investigations, and research (Increase in limitation)	(350, 000)	(350, 000)	(350, 000)	(350, 000)
Bureau of Mines				
Health and safety (By transfer)	(663, 000)	(663, 000)	(663, 000)	(663, 000)
General administrative expenses (By transfer)	(43, 000)	(43, 000)	(43, 000)	(43, 000)
Office of Coal Research				
Salaries and expenses (Increase in limitation)	(24, 000)	(24, 000)	(24, 000)	(24, 000)
Bureau of Sport Fisheries and Wildlife				
Management and investigations of resources	900, 000	900, 000	900, 000	900, 000
National Park Service				
Management and protection	1, 442, 000	1, 442, 000	1, 442, 000	1, 442, 000
Maintenance and rehabilitation of physical facilities	2, 598, 000	2, 598, 000	2, 598, 000	2, 598, 000
Bureau of Reclamation				
General investigations (By transfer)	(315, 000)	(315, 000)	(315, 000)	(315, 000)
Operation and maintenance (By transfer)	(1, 165, 000)	(1, 165, 000)	(1, 165, 000)	(1, 165, 000)
General administrative expenses (By transfer)	($375, 000)	($375, 000)	($375, 000)	(375, 000)
Total, Department of the Interior:				
New budget (obligational) authority	4, 940, 000	4, 940, 000	4, 940, 000	4, 940, 000
By transfer	(4, 967, 000)	(4, 959, 000)	(4, 959, 000)	(4, 959, 000)
Increase in limitation	(494, 000)	(494, 000)	(494, 000)	(494, 000)
DEPARTMENT OF JUSTICE				
Legal Activities and General Administration				
Salaries and expenses, general administration (By transfer)	(200, 000)	(200, 000)	(200, 000)	(200, 000)
Salaries and expenses, general legal activities (By transfer)	(500, 000)	(500, 000)	(500, 000)	(500, 000)
Salaries and expenses, United States attorneys and marshals (By transfer)	(1, 360, 000)	(1, 360, 000)	(1, 360, 000)	(1, 360, 000)
Federal Bureau of Investigation				
Salaries and expenses (By transfer)	(7, 240, 000)	(7, 240, 000)	(7, 240, 000)	(7, 240, 000)
Immigration and Naturalization Service				
Salaries and expenses (By transfer)	(2, 400, 000)	(2, 400, 000)	(2, 400, 000)	(2, 400, 000)
Federal Prison System				
Salaries and expenses, Bureau of Prisons (By transfer)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)
Federal Prison Industries, Incorporated:				
Federal Prison Industries Fund: Vocational training expenses (Increase in limitation)	(104, 000)	(104, 000)	(104, 000)	(104, 000)
Bureau of Narcotics and Dangerous Drugs				
Salaries and expenses (By transfer)	(600, 000)	(600, 000)	(600, 000)	(600, 000)
Total, Department of Justice:				
By transfer	(14, 300, 000)	(14, 300, 000)	(14, 300, 000)	(14, 300, 000)
Increase in limitation	(104, 000)	(104, 000)	(104, 000)	(104, 000)
DEPARTMENT OF LABOR				
Manpower Administration				
Manpower Administration, Salaries and expenses (By transfer)	(1, 075, 000)			
Allocation to Health, Education, and Welfare (By transfer)	(53, 000)			
Labor-Management Services Administration				
Salaries and expenses (By transfer)	(475, 700)	(475, 700)	(475, 700)	(475, 700)
Employment Standards Administration				
Salaries and expenses (By transfer)	(1, 028, 500)	(1, 028, 500)	(1, 028, 500)	(1, 028, 500)
Occupational Safety and Health Administration				
Salaries and expenses (By transfer)	(667, 800)	(667, 800)	(667, 800)	(667, 800)
Total, Department of Labor: By transfer	(3, 300, 000)	(2, 172, 000)	(2, 172, 000)	(2, 172, 000)
DEPARTMENT OF STATE				
Administration of Foreign Affairs: Salaries and expenses	2, 949, 000	2, 949, 000	2, 949, 000	2, 949, 000
(By transfer)	(719, 500)	(719, 500)	(719, 500)	(719, 500)
International Organizations and Conferences: Missions to international organizations (By transfer)	(60, 400)	(60, 400)	(60, 400)	(60, 400)

TITLE II—INCREASED PAY COSTS—Continued

Department or activity	Budget estimates (H. Doc. 93-70 and 93-16)	Recommended in House bill	Amount recommended by Senate	Conference agreement
DEPARTMENT OF STATE—Continued				
International Commissions:				
International Boundary and Water Commission, United States and Mexico: Operation and maintenance	$63, 000	$63, 000	$63, 000	$63, 000
(By transfer)	(20, 000)	(20, 000)	(20, 000)	(20, 000)
American sections, international commissions (By transfer)	(13, 000)	(13, 000)	(13, 000)	(13, 000)
International fisheries commissions (By transfer)	(16, 000)	(16, 000)	(16, 000)	(16, 000)
Educational Exchange: Mutual educational and cultural exchange activities (Increase in limitation)	(48, 000)	(48, 000)	(48, 000)	(48, 000)
Total, Department of State:				
New budget (obligational) authority	3, 012, 000	3, 012, 000	3, 012, 000	3, 012, 000
By transfer	(828, 900)	(828, 900)	(828, 900)	(828, 900)
Increase in limitation	(48, 000)	(48, 000)	(48, 000)	(48, 000)
DEPARTMENT OF TRANSPORTATION				
Federal Aviation Administration				
Operations (By transfer)	(21, 523, 000)	(21, 523, 000)	(21, 523, 000)	(21, 523, 000)
Federal Highway Administration				
Salaries and expenses (By transfer)	(98, 428)	(98, 428)	(98, 428)	(98, 428)
Federal Railroad Administration				
Office of the Administrator: Salaries and expenses (By transfer)	(56, 000)	(56, 000)	(56, 000)	(56, 000)
Bureau of Railroad Safety (By transfer)	(121, 000)			
Total, Department of Transportation: By transfer	(21, 798, 428)	(21, 677, 428)	(21, 677, 428)	(21, 677, 428)
DEPARTMENT OF THE TREASURY				
Office of the Secretary				
Salaries and expenses (By transfer)	(200, 000)	(200, 000)	(200, 000)	(200, 000)
Bureau of Alcohol, Tobacco and Firearms				
Salaries and expenses (By transfer)	(700, 000)	(700, 000)	(700, 000)	(700, 000)
Bureau of Customs				
Salaries and expenses (By transfer)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)
United States Secret Service				
Salaries and expenses	1, 825, 000	1, 825, 000	1, 750, 000	1, 750, 000
(By transfer)	(300, 000)	(300, 000)	(300, 000)	(300, 000)
Total, Department of the Treasury:				
New budget (obligational) authority	1, 825, 000	1, 825, 000	1, 750, 000	1, 750, 000
By transfer	(3, 200, 000)	(3, 200, 000)	(3, 200, 000)	(3, 200, 000)
GENERAL SERVICES ADMINISTRATION				
Real Property Activities: Operating expenses, Public Building Service	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 00
Personal Property Activities: Operating expenses, Federal Supply Service	400, 000	400, 000	400, 000	400, 000
(By transfer)	(230, 000)	(230, 000)	(230, 000)	(230, 000)
Records Activities: Operating expenses, National Archives and Records Service (By transfer)	(340, 000)	(340, 000)	(340, 000)	(340, 000)
Automated Data and Telecommunications Service: Operating expenses (By transfer)	(14, 000)	(14, 000)	(14, 000)	(14, 000)
Property Management and Disposal Activities: Operating expenses, Property Management and Disposal Service (By transfer)	(262, 000)	(262, 000)	(262, 000)	(262, 000)
General Activities: Salaries and expenses Office of Administrator (By transfer)	(30, 000)	(30, 000)	(30, 000)	(30, 000)
Total, General Services Administration:				
New budget (obligational) authority	5, 400, 000	5, 400, 000	5, 400, 000	5, 400, 000
By transfer	(876, 000)	(876, 000)	(876, 000)	(876, 000)
VETERANS' ADMINISTRATION				
Medical and prosthetics research (By transfer)	(1, 170, 000)	(1, 170, 000)	(1, 170, 000)	(1, 170, 000)
OTHER INDEPENDENT AGENCIES				
Action: Operating expenses, domestic programs (By transfer)	(269, 260)	(269, 260)	(269, 260)	(269, 260)
American Battle Monuments Commission: Salaries and expenses	323, 000	323, 000	323, 000	323, 000
Civil Aeronautics Board: Salaries and expenses	230, 000	200, 000	200, 000	200, 000
Civil Service Commission:				
Salaries and expenses (by transfer)	(115, 000)	(115, 000)	(115, 000)	(115, 000)
Transfers from trust funds to Salaries and expenses (increase in limitation)	(244, 500)	(244, 500)	(244, 500)	(244, 500)
Federal Mediation and Conciliation Service: Salaries and expenses	168, 000	168, 000	168, 000	168, 000
Federal Power Commission: Salaries and expenses	477, 000	477, 000	477, 000	477, 000
Intergovernmental agencies:				
Advisory Commission on Intergovernmental Relations: Salaries and expenses	12, 000	12, 000	12, 000	12, 000
Interstate Commerce Commission: Salaries and expenses	600, 000	600, 000	600, 000	600, 000
National Science Foundation:				
Salaries and expenses: Program development and management (increase in limitation)	(560, 000)	(560, 000)	(560, 000)	(560, 000)
Securities and Exchange Commission: Salaries and expenses	532, 000	532, 000	532, 000	532, 000
United States Information Agency: Salaries and expenses	500, 000	500, 000	500, 000	500, 000
Total, other independent agencies:				
New budget (obligational) authority	2, 842, 000	2, 812, 000	2, 812, 000	2, 812, 000
By transfer	(384, 260)	(384, 260)	(384, 260)	(384, 260)
Increase in limitation	(804, 500)	(804, 500)	(804, 500)	(804, 500)
DISTRICT OF COLUMBIA				
District of Columbia funds:				
General operating expenses	(958, 000)	(958, 000)	(958, 000)	(958, 000)
Public safety	(1, 108, 000)	(1, 108, 000)	(1, 108, 000)	(1, 108, 000)
Education	(1, 043, 000)	(1, 043, 000)	(1, 043, 000)	(1, 043, 000)
Recreation	(250, 000)	(250, 000)	(250, 000)	(250, 000)
Human resources	(2, 248, 000)	(2, 248, 000)	(2, 248, 000)	(2, 248, 000)
Highways and traffic	(291, 000)	(291, 000)	(291, 000)	(291, 000)
Environmental services	(993, 000)	(993, 000)	(993, 000)	(993, 000)
Total, District of Columbia: New budget (obligational) authority, District of Columbia funds	(6, 891, 000)	(6, 891, 000)	(6, 891, 000)	(6, 891, 000)
Total, title II:				
New budget (obligational) authority	1, 018, 989, 000	899, 891, 900	899, 672, 000	891, 604, 000
By transfer	(88, 237, 036)	(87, 543, 536)	(87, 969, 776)	(87, 969, 776)
Increase in limitation	(1, 458, 700)	(1, 458, 700)	(1, 458, 700)	(1, 458, 700)

Mr. McCLELLAN. Mr. President, we had a rather hard and difficult conference. A number of items in the bill were controversial, particularly those that come under the jurisdiction of labor, health, education, and welfare. These provisions were discussed at great length during the days the conferees met.

The House was adamant in its resistance to those amendments and finally we had no reasonable alternative other than to agree to recede from them. Otherwise we would have had a deadlocked conference and no bill reported.

Mr. President, I want to state for the record that the distinguished chairman of the Subcommittee on Labor, and Health, Education, and Welfare, and related agencies of the Committee on Appropriations, the Senator from Washington (Mr. MAGNUSON) undertook to fully defend the action of the Senate and vigorously insisted upon the Senate amendments being agreed to or at least some reasonable compromise being made with respect to them. But, as I have already stated, the House was adamant in refusing to go along or to make any compromise with respect to most of them. As a result, the Senate finally receded and we were able to agree on the conference report that is now before the Senate for ratification.

I move that the report be approved.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be taken out of both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislation clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Are we on controlled time?

The PRESIDING OFFICER. We are on controlled time.

Mr. JAVITS. What time does the minority have?

Mr. MANSFIELD. The Senator from North Dakota has the time.

Mr. McCLELLAN. There is ample time as far as I am concerned.

Mr. JAVITS. Will the Senator yield to me for 5 minutes?

Mr. McCLELLAN. Very well. I yield.

Mr. JAVITS. Mr. President, I wish to direct the attention of the chairman of the Committee on Appropriations to page 8 of the report of the managers of the House, which relates to the manpower administration and specifically the Neighborhood Youth Corps—especially the summer job program—to reiterate the legislative intent in this matter as to elements already in agreement, as well as to call to the attention of the Senate the fact that we will be called upon to concur in a House amendment to the Senate amendment regarding the $44.5 million we added and which is reported in disagreement; and, therefore, there is an operative aspect to what I am about to deal with here. We could be required to vote on the matter of the $44.5 million on a rollcall vote.

The Senate will recall that we adopted an amendment in the Senate which added $44.5 million to the refusal of both Committees on Appropriations and both Houses of the Congress to rescind or amend an appropriation of $256,503,000 for this purpose, an amount which already had been appropriated, and which the administration asked both Houses to rescind. They both clearly rejected that request previously, which is very important, as I will develop in a moment.

In addition, we carried here an amendment to add $44.5 million, of which $35 million was for the summer job program, $8 million for recreational support, and $1.5 million for transportation.

Now, Mr. President, had this sum of $44.5 million been made available, together with the $256.5 million already appropriated, we would have re-created roughly the same program as last year. Summer is here and we are at the threshold of the operation of this program. I am not going to bedevil the Senate now with the urgency of the program. We argued that and prevailed. Indeed, people who feel as I do prevailed in the other body, in that they rejected the administration's request to rescind $256.5 million.

The conferees having met come back with the following proposition in effect reiterating the position already taken by each House previously. They say that $1.5 billion in round figures is available for manpower training purposes, that the Department of Labor currently plans to obligate $1.2 billion; and, therefore, that there is more than ample money available to fully support the Neighborhood Youth Corps.

They say at page 8:

> It is the intent of the conferees that at least as many Neighborhood Youth Corps summer job opportunities should be provided from this source as were provided in last summer's program.

To show they mean business they not only stand fast by the $256 million previous refusal to rescind and suggest that other funds even beyond the $256.5 should be used, but they also say that the $44.5 million—not separately as the Senate ordered but within that $256 million already appropriated shall be available for us in this program after the first of July.

Now, even though I want to go along with that proposition, for now, I note that it does result in appropriating $44.5 million less than the Senate did. But beyond that, in respect to the $256.5 million, I have the impression—from talking with the administration—that our refusal to rescind the $256.5 million already appropriated both in the House and in the Senate is not going to be construed by the administration as a mandate by us to spend, but they are going to deal with it as they choose.

It seems to me, at the very least—even if I swallow, as I said, that the $44.5 million additional will not be provided—we ought to have that assurance that clearly both the Senate and the House have already so manifested their purpose by each refusing previously to rescind the $256.5 million, as requested by the administration and that the report language is basically a reiteration of that previously expressed purpose, with the additional purpose that even funds beyond the $256.5 million should be made available if necessary, to maintain the program at last year's level of opportunities, and that $44.5 million of the $256.5 million can be carried over.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield the Senator 5 additional minutes.

Mr. JAVITS. Let us remember that the administration itself should concede that our refusing to rescind commits the administration to accept that, but I find no such acceptance on the part of the administration.

So I appeal to the chairman of the Appropriations Committee as to what one should do to see that the intent of the Congress, previously expressed, and reiterated by the conferees is not nullified—because the conferees said their intent is that they expect this program to go this summer as it went on last summer.

Mr. McCLELLAN. Senator, would you please repeat the question.

Mr. JAVITS. Just to phrase the question again, I appeal to the chairman of the Appropriations Committee, speaking for the Senate conferees, to tell us what we ought to do when it is already obvious—and I say so because it is clear to me—and I have made all kinds of inquiries, that the administration simply is not going to do what each House and again the conferees say it must do, and that is use these resources totaling $256.5 million, which we refused to rescind or alter, for the purpose of mounting a program from manpower services funds similar to last year's.

Mr. McCLELLAN. As the Senator knows, I cannot give him assurances as to what the administration will do—whether it will spend the money or not. The House position was that they had over $300 million, that would be unobligated at the end of this fiscal year. Therefore, they did not want to appropriate new money, but were perfectly willing for this amount of money to be used for the purpose the Senator desires out of money already appropriated and unobligated. That was the position of the House.

The Senator was not here when I said a few minutes ago, the Senator from Washington (Mr. MAGNUSON), who is chairman of the subcommittee under whose jurisdiction this item would come, and some of the rest of us were interested in this matter. I contributed what I could to the Senate's position in trying to defend the Senate's position, but along with these items, and some others, we took 4 days. We had 5 days of conference, and at least 4 days were taken up on these labor, education, and welfare amendments. It was a real battle. We did the very best we could.

It appears to me that the money is just as much available with this provision as it would have been to make a new appropriation. If they will not spend the money already appropriated, I do not see how a new appropriation would necessarily persuade them to spend the money for that purpose.

Maybe it will. But the House was reluctant, even, to agree to this. They did not agree to a number of other items. Absolutely, this one got some special consideration and a special concession by the House. The Senator from Washington (Mr. MAGNUSON) argued, for other items in the bill. He made the same argument to extend the time to make unexpended balances in appropriations, available. The House would not go along with his proposal.

I know the Senator is somewhat disappointed, but I do not know what else I can say. I think we have every opportunity to have the money expended and the programs carried out.

Mr. JAVITS. I think the Senator from Arkansas and I have been discussing the question at cross purposes.

Mr. McCLELLAN. I have been discussing it from the standpoint of what we can persuade the administration to do.

Mr. JAVITS. I do not think so. I am talking about the law. We make the law. That is what I am trying to nail down; not what may have happened in the conference. I know the operation. I was on the subcommittee. I have been in these cases myself. So I know exactly what happens. I am trying to get at the results of each action of the Congress—in appropriating the funds originally in denying the request for rescession, and in this statement of the corferees. That is what I am trying to get at. I am not complaining about it. The committee has done well. What I am trying to nail down is the following: I beg the Senator to follow me closely.

The fact is that both Houses previously appropriated $256.5 million and each House previously agreed not to rescind or amend that amount. Both Houses have agreed to that and it was not in dispute in the conference. I am trying to nail down that we have a right to refuse to rescind what the administration asked to have rescinded and that once that refusal is expressed by each House, that is equivalent to mandating at least $256.5 million that we have now.

Mr. McCLELLAN. That is a question of law, as the Senator has stated. The Senator is an able lawyer himself and knows that there are different interpretations by people of the same stature and the same competence in law.

But I think I can tell the Senator this: Irrespective of how binding it is as a matter of law, and whatever interpretation might be given, it was certainly the intent of the conference—this is especially true of the Senate conferees, and the House acquiesced in it—that this money should be continued to be made available so that these programs could be funded. Whether it is compelling on the administration, whether as a matter of law this is a mandate to the administration to spend the money, is the Senator's interpretation. In that respect, his interpretation is just as dependable, possibly more reliable, than my own. The House would not agree to making a new appropriation of the funds that lie unexpended from last year.

Mr. JAVITS. When the Senator says that, he confuses the issue. The fact is that the House and the Senate did each agree to $256.5 million, which we appropriated and refused to rescind. There is no question about that. We can go with those funds and the administrator may be required to do so until June 30—subject only to the fact that $44.5 million of those funds may carry over beyond June 30—according to the intent of the conferees of the House and Senate. Is that not correct?

Mr. McCLELLAN. That the program was to be continued, the funds made available solely for this purpose, and obligated.

Mr. JAVITS. All right.

Mr. McCLELLAN. It should remain available for the same purpose. We specify here in this new appropriation that it will fund these programs from now until September 30.

Mr. JAVITS. Fine. I understand that. These are exactly the points I wish to nail down.

Mr. McCLELLAN. There is no question about that.

Mr. JAVITS. I thank the Senator. That is fine in clarifying legislative intent, and how the courts may construe the law and how we may take after the administration because it is not doing what it should do and what the Congress has directed it to do is another matter.

The point that I simply wanted to nail down is that the previous actions with respect to the $256.5 million—which clearly express congressional intent in their own right—have been more than reaffirmed by the conferees in saying: It is the intent of the conferees that at least as many neighborhood youth summer opportunities should be provided from this as were provided last summer.

Mr. McCLELLAN. That is what the conferees agreed to.

The only hitch between the House and Senate position is that the House Members kept saying that they already have the money and that they did not want to make a new appropriation of money. We are extending it from this fiscal year until the next fiscal year.

Mr. JAVITS. That is what I am trying to maintain. This was there for a reiteration of the previous position of both houses—as to which there was no disagreement—that notwithstanding the position of the administration, they still refuse to rescind or otherwise alter that appropriation for the Neighborhood Youth Corps.

The only thing the conferees did not wish to do was to go ahead with the new appropriation of $44.5 million made by the Senate.

Mr. McCLELLAN. It was agreed to and so expressed in its report.

Mr. JAVITS. I thank the Senator.

Mr. McCLELLAN. That was the only real issue—the question of the new appropriation—when the money was already available to fund the program.

Mr. JAVITS. I thank the Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the President from myself and 29 other Senators.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR MR. PRESIDENT: We urge that the Administration begin immediately, in accordance with Congressional intent, to release and obligate in time for use this summer at least the $256,503,000 previously appropriated by the Congress for the Neighborhood Youth Corps summer job program to provide 607,827 work experience opportunities for poor youth fourteen to twenty-one years of age.

This aggregate amount was originally requested by the Administration for fiscal year 1973 and appropriated by the Congress in the Supplemental Appropriations Act (P.L. 92–607), which you signed on October 31, 1972, and the Continuing Appropriations Act (P.L. 93–9), which became law on March 9, 1973.

As you know, in conjunction with its fiscal year 1974 budget submission, the Administration requested rescission and amendment of its fiscal 1973 budget, requesting permission not to expend any funds for the Neighborhood Youth Corps summer job program for this summer. Instead, it proposed that States and cities use for summer jobs for youth as much as $333.0 million (including $112,260,000 in discretionary and reallocated funds specifically made available for that purpose) of the $1.25 billion originally appropriated for fiscal year 1973 for the specific purpose of the public employment program under the Emergency Employment Act of 1971.

Both Houses of the Congress have now denied rescission in connection with their consideration of H.R. 7447, the Second Supplemental Appropriations bill, rejecting the idea of using Emergency Employment Act funds and directing that at least the $256.5 million already appropriated for the Neighborhood Youth Corps be released and obligated before the close of this fiscal year. The Statement of the Committee on Conference on H.R. 7447 reaffirms these actions stating the intent of the Conferees that generally appropriated (but unobligated) funds for manpower services (even beyond the $256.5 million if necessary) should be made available to maintain the Neighborhood Youth Corps program.

As the public schools are recessing right now throughout the Nation for the summer, poor youth will face unemployment levels ranging from 30 to 40 percent in poverty neighborhoods and States and cities will not be able to meet their needs for youth jobs without cutting back substantially on employment opportunities for returning veterns and those on welfare who would otherwise be provided for under the public employment program; in fact the Department of Labor Statistics document clearly that if $333.0 million in Emergency Employment Act funds are diverted to summer jobs for youth, at least 53,000 opportunities will have to be cut from the public employment program. The Department of Labor estimates that already as much as $150 million in Emergency Employment Act funds have been diverted for the summer job program.

We submit that this situation creates an impossible choice for States and cities which can be ameliorated by making available at least the funds heretofore appropriated by the Congress for the specific purpose of the Neighborhood Youth Corps summer program.

We note that the National League of Cities-U.S. Conference of Mayors documented earlier this year that it can effectively use a total of 1,018,991 opportunities in the Neighborhood Youth Corps summer job program for this summer (compared with a target group of 1.7 million).

Accordingly, the 607,827 opportunities that could be made available with the $256.5 million will not be adequate to meet minimum needs. Even if States and cities have already made available, as the Department estimates, $150.0 million in Emergency Employment Act funds, these funds together with the $256.5 million, could fund an aggregate of only 963,277 slots—still 55,714 slots below the 1,018,991 opportunities documented by the National League of Cities-U.S. Conference of Mayors.

Accordingly, we urge you to act immediately in accordance with the clear Congressional intent while there is still a chance to provide a program with respect to the $256,503,000 already appropriated so that poor youth will have constructive alternatives to a summer of restlessness and possibly worse.

Very truly yours,

Jacob K. Javits, Jennings Randolph, Thomas F. Eagleton, James Abourezk, Joseph R. Biden, Jr., Edward W. Brooke, Claiborne Pell, J. Glenn Beall, Jr., Lowell P. Weicker, Jr., Philip A. Hart, Frank Church, Gale McGee, William D. Hathaway, Hubert H. Humphrey, Gaylord Nelson.

Harold E. Hughes, John V. Tunney, Edward M. Kennedy, Quentin N. Burdick, Howard W. Cannon, Dick Clark, George McGovern, Alan Cranston, Birch Bayh, Harrison A. Williams, Jr., Walter F. Mondale, Charles McC. Mathias, Jr., Robert T. Stafford, Mark O. Hatfield, Robert Taft, Jr.

Mr. FULBRIGHT. Mr. President, it is my understanding that if this part of the conference report carries, it will require an amendment.

Mr. McCLELLAN. That was done yesterday by the House of Representatives. It had to be taken back as an amendment to the House, and that was House action.

Mr. FULBRIGHT. I understand. I just wanted to congratulate my colleague for his management of that matter. I think that was a very satisfactory result. I think he has done a great service to the country as chairman of the committee and of the conference on that subject.

May I ask the Senator what happened to the disaster loan on which the Senator placed so much stress?

Mr. McCLELLAN. We increased the amount here on the Senate floor by $50 million, and the House conferees said there would necessarily be need for another appropriation in the regular bill. At that time they would have a better idea of what additional amounts would be needed. I agreed readily to reduce that amount to $25 million. We added $25 million.

Mr. FULBRIGHT. That would be adequate, certainly, for the rest of this year.

Mr. McCLELLAN. For the present, yes. No doubt the amount covered by this supplemental bill and what was in the regular bill will not be adequate to meet the requirement, but it is enough to continue the program and take care of any funding that will be necessary, I think, until the regular bill is enacted.

Mr. FULBRIGHT. I again wish to congratulate the Senator and the committee on taking care of that matter adequately.

There is one other question I wanted to ask the Senator: On this item of the Commission on International Radio Broadcasting. The report says:

> This appropriation shall be available only upon enactment into law of authorizing legislation.

I wonder if the Senator could say, since there is no authorizing legislation, whether he would consider the enactment of that provision a commitment by the Senate to approve authorizing legislation. I wonder how the Senator would look at that, because I think this Commission that has been proposed is a new setup on this whole matter involving Radio Liberty and Radio Free Europe.

Mr. McCLELLAN. There was, the Senator will observe, a substantial reduction in the amount appropriated, and then the provision states that it will only be available for expenditure if there is authorizing legislation up to that amount.

It is anticipated, I assume, that there will be—I do not personally know that there will be—some authorizing legislation. If there is not, the money cannot be spent.

Mr. FULBRIGHT. I would only say for the record that this is a very controversial program.

Mr. McCLELLAN. Well, in the meantime, the Senate can work its will. If it does not want it spent, it can so indicate.

Mr. FULBRIGHT. I was hoping this did not indicate, in the view of the managers of the bill, a commitment on the part of the Senate to authorize it, because it is highly questionable whether it ought to be authorized or not.

Mr. McCLELLAN. No, I do not think these limitations commit the Senate either by implication or otherwise. It simply says that to meet an emergency situation, if the authorizing legislation is enacted, this much money will be available for funding, and if it is not enacted, that ends it. It leaves it completely open.

The PRESIDING OFFICER. All time of the Senator from Arkansas has expired.

Mr. McCLELLAN. I ask for 1 more minute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all time on this side be allocated to the Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I did not want to delay the matter. I particularly wanted a colloquy with the chairman of the committee to that effect, that this does not constitute any obligation.

Mr. McCLELLAN. No; I do not consider it any obligation on my part at all, or anyone else's.

Mr. FULBRIGHT. Of course, I intend to support the conference report; I just want to make it clear that, in doing so, I do not wish to commit myself to the continuation of this activity.

As I understand, this portion of the bill is only to take care of additional expenditures arising from the devaluation of the dollar; is that not correct?

Mr. McCLELLAN. That is correct.

Mr. FULBRIGHT. So it is not for any new activity.

Mr. McCLELLAN. That is correct. I do not regard language like that as being a commitment, either express or implied, binding either the Senate or any individual Senator. I do not feel that I am bound by it.

Mr. FULBRIGHT. I do not, either, but there may be those who will say, "We have already authorized this new commission; we have already appropriated, therefore we have to go on with it."

I thank the Senator.

Mr. McCLELLAN. We have 10 minutes remaining. Does the majority leader wish to call a quorum?

Mr. MANSFIELD. Mr. President, may I say I am delighted that the distinguished Senator from Arizona (Mr. GOLDWATER) is in the Chamber, because of the statement I am about to make.

I have been informed by the White House that on the passage of the urgent supplemental appropriation bill, there will be no intention of delaying a veto or a signing into next week, when the Senate will be in recess. Therefore, I feel very safe in assuring the Senate that if this conference report on the urgent supplemental is passed today, the President this week will either sign it or veto it, whatever his intentions happen to be, and that there will be no carryover into next week, because if that happened to be the case, then the veto would occur beyond the appropriate date, and then, of course, we would be in a position where we would sort of be handcuffed. This statement is made for the RECORD.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I yield at this time to the distinguished chairman of the committee, the Senator from Arkansas (Mr. McCLELLAN).

Mr. McCLELLAN. Mr. President, in a way I can confirm the statement already made by the distinguished majority leader with respect to a proposed veto or action, rather, upon this bill. I was assured this morning by a representative from the White House that the President was anxious to have the bill enacted, and to have the conference report brought up and disposed. We had already agreed to that yesterday, that it would be brought up this week, and he gave me the assurance that he could assure me that the President would act, and that there would be no pocket veto, that he would either veto the bill or approve it. I had the same information. The Senator said he would like to have me make the statement.

Mr. MANSFIELD. Mr. President, may I say I am glad to have this corroboration appear in the RECORD. The source for my information was the same source as that of the Senator from Arkansas. It was not from the President of the United States or from anyone in the White House, but a representative of the White House who can speak with a degree of authority.

Mr. MAGNUSON. Mr. President, I would like to take just a small amount of the Senate's time to discuss the Labor-HEW portion of the conference report on the second supplemental.

As we all know, the conference committee held some very long and arduous sessions—five, to be exact—before agreement was reached. We were successful in many respects. The Senate amendment to provide $100 million to launch a nutrition program for the elderly was agreed to. This will allow for low-cost, nutritional meals to 250,000 of our elderly. We were successful in breaking loose $30 million for State vocational rehabilitation programs. Despite the Presidential vetoes of enabling legislation, the program will now be able to operate at a reasonable level.

The conferees agreed to provide $244 million to support several higher education programs—including $30 million for student loans, $67 million for programs for the disadvantaged and $87.5 million for aid to developing minority institutions.

I will not say that we won on every front, though. There were some items involving impoundments and one-sided decisions to shut down programs. We, in the Senate, voted to reappropriate—or more to the point—to reassert our opposition to these decisions. The House did not go along with our mechanism for doing this—although they most certainly agreed in principle. The House was very adamant in arguing that the funds are already downtown and that any additional moneys would just sit there, too.

This is the argument used by the House, despite the fact that they had set the precedent in other appropriation bills.

The Senate conferees were just as adament, but there come a time—in this case, 5 working days before the fiscal year ends—when it is necessary to think of those other important programs in the bill.

At any rate, I believe this is a good bill, under the circumstances. There is not much time remaining and these funds are needed—and in some areas, desperately.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCCLURE). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report on H.R. 7447.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Florida (Mr. CHILES) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. CLARK) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from Utah (Mr. BENNETT) is necessarily absent.

The result was announced—yeas 81, nays 11, as follows:

[No. 227 Leg.]

YEAS—81

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cotton
Cranston
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Young

NAYS—11

Buckley
Curtis
Dole
Fannin
Goldwater
Griffin
Hansen
Helms
Scott, Pa.
Thurmond
Tower

NOT VOTING—8

Bennett
Biden
Chiles
Clark
Gravel
Mathias
Stennis
Williams

So the conference report was agreed to.

The PRESIDING OFFICER. The clerk will report the House amendments to the Senate amendments.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum of $920,000,000 named in said amendment, insert: "$825,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "$39,563,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "$3,179,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

"Manpower Administration

"Manpower Training Services

"Of the amounts heretofore appropriated under this heading for fiscal year 1973, $44,500,000 shall remain available until September 30, 1973, to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended: *Provided*, That these funds shall not be available for the purposes of sections 106 (d) and 309(b) of said Act."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

"For an additional amount for 'Health manpower' to remain available until expended to carry out the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress), $100,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

"Education for the Handicapped

"For an additional amount for carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $13,800,000 which, together with $12,500,000 heretofore appropriated for this purpose, shall remain available until September 30, 1973."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the $15,360,000 named in said amendment, insert: "$13,860,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by the first proviso of said amendment, insert:

"*Provided*, That such funds made available for grants under section 2 shall not exceed $590,000,000 and that allotments to States under such section shall not, in the aggregate, exceed $600,000,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 46 to the aforesaid bill and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

"ACTION

"Operating Expenses, Domestic Programs

"Funds in the amount of $8,000,000 contained under this heading in the Supplemental Appropriation Act, 1973 (Public Law 92-607), to carry out the provisions of Title VI of the Older Americans Act of 1965, as amended, shall remain available until expended."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$250,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

"Sec. 306. No part of any appropriation contained in this or any other Act, or of funds available for expenditure by any corporation or agency shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

"Sec. 307. Appropriations and authority provided in this Act shall be available from June 5, 1973, and all obligations incurred in anticipation of the appropriations and authority provided in this act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act."

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 11, 18, 19, 25, 34, 38, 42, 43, 46, 51, and 84.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time that when the Scott amendment is laid before the Senate and made the pending business, which I understand will be the case shortly, there be a 1-hour limitation on the amendment, the time to be equally divided between the sponsor of the amendment, the distinguished Republican leader (Mr. SCOTT of Pennsylvania) and the manager of the bill, the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT).

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not, the distinguished minority leader is in the cloakroom, but it is my understanding that he is agreeable to such a time limitation. Just in case there might be an amendment to the amendment we might want a 30-minute limitation on such amendments.

Mr. MANSFIELD. Yes. First, let me say this request is made at the suggestion of the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT).

Mr. President, I amend the unanimous consent request to include 20 minutes on amendments to the amendment, the time to be equally divided on the same basis as before, and with the regular procedure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. Yes, indeed.

Mr. FULBRIGHT. Has the Senator explored the possibility of a time limitation on other amendments?

Mr. MANSFIELD. Yes. The explorations are underway. It looks encouraging at the moment. We will know shortly.

Mr. FULBRIGHT. Members keep asking me the scheduling of votes. I would like to be able to tell them the possibility for votes this afternoon.

Mr. GRIFFIN. If it is of any interest, there is progress being made. I think it looks better.

Mr. FULBRIGHT. I am very happy to hear that.

Mr. MANSFIELD. In addition, as the distinguished acting Republican leader will agree, there is a distinct possibility we could finish the pending business today.

Mr. FULBRIGHT. That is great.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, pending a final unanimous-consent request covering all amendments, at this time I ask that I be allowed to ask unanimous consent that when the Roth-Mondale amendment is called up there be a time limitation of 30 minutes, the time to be equally divided, in the regular form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE WAR POWERS BILL ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I thought that the leader might be asking a further unanimous consent on which we have tentatively agreed. I will not enter any opposition to the unanimous-consent request made. I would like to ask the majority leader if he does not think it would be the better part of wisdom, in view of the bills that we have to get passed by this weekend, if we did not bring up the war powers bill until after the recess. After all, it does not make any difference when it is passed; it is the intent of the bill that is important. I assure the Senator that if it is brought up this weekend, it is not going to be done. That is not a threat; it is just that I have an intense interest in it, and I do not want to see it passed earlier.

Mr. MANSFIELD. I appreciate that. A somewhat similar situation existed last week when I contemplated calling up that bill. However, I was informed of the Senator's feelings, and besides, I think he was going to be away on a very important official engagement, so, naturally I withheld bringing it up. We will be glad to do the same thing this time.

I would hope, however, that it would be possible—I have discussed this matter with the Senator from Texas (Mr. TOWER), who indicated an interest in a postponement—to arrive at a time limitation allowing plenty of time for debate on the bill and amendments thereto, just for the purpose of giving some assurance to the membership as to what the situation will be with respect to a particular time for action in regard to this particular piece of legislation.

Mr. GOLDWATER. The Senate will come back after the recess on the 9th, I believe.

Mr. MANSFIELD. We will come back on the 9th if we adjourn Saturday.

Mr. GOLDWATER. If we do not adjourn Saturday, when will we come back?

Mr. MANSFIELD. We will probably be here Monday and Tuesday and come back the 10th, but I am hopeful we will go out on Saturday and come back the 9th.

Mr. GOLDWATER. I would say to the leader that certainly by the 13th of July I would be fully ready to take this matter up and be willing to discuss any kind of limitations. I realize the opposition is going to be rather scanty, but it has to be fully developed because this is the first time in the history of this body that we have ever gotten into this area. While we might lose our cause, I think it is wise that we build a legislative history that the courts can refer to, or even the President, should he decide to veto the bill. So I shall not ask for any unreasonable amount of time, but just enough to present my case, and there are other Senators who want to be heard on this question.

Mr. MANSFIELD. The Senator is perfectly right. It is within his rights, and I think it is within his responsibility, and I think it would be good to have a debate on the constitutionality of the question. I think the Senator makes a good point, and certainly we ought to set out, as far as we can, what the different viewpoints are, as well as the overall viewpoint of the Senate.

Mr. THURMOND. Mr. President, I am interested in that bill. I would like to be notified. I do not expect to have a long address, but I would like to have a reasonable time.

Mr. MANSFIELD. Mr. President, may I say in response to the query raised by before. I hope the distinguished Senate is on notice that at any time after July 13, the bill will be taken up, not before. I hope the distinguished Senators can get together and work out a reasonable time agreement.

Mr. TOWER. Mr. President, if the Senator will yield, I would like to associate myself with the remarks of the distinguished Senator from Arizona. I think it is a question of tremendous import and great constitutional significance and should be fully debated. I know there are enough cosponsors of the bill to have it passed. Nevertheless, I feel very strongly on this. It is a departure from what we have done. So I would hope we could give it a complete airing. It is not going to be a filibuster.

Mr. MANSFIELD. I understand. We have to keep in mind several factors, recognizing that what we have reference to involves a grave question and is entitled to the fullest consideration. But the difficulty, as far as the leaders are concerned, is that we are faced with another recess over a month in time, with appropriation bills piling up, and other matters of significance, in addition to the War Powers Act. We would hope that we would be given some consideration, not because of us personally, but because of the schedule which confronts the Senate as a whole.

So, with no further ado, we look forward to this group and other Senators getting together, allowing themselves enough time, but arriving at a reasonable time limitation within a reasonable time.

Mr. GOLDWATER. We will do our best.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

Mr. ROTH. Mr. President, I call up amendment No. 264, as modified.

The PRESIDING OFFICER (Mr. Scott of Virginia). The clerk will state the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. ROTH. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 3, before line 1, in the table of contents, immediately below the item 3110, add the following new item:

"Sec. 3111. Limitations on providing certain defense articles and services.".

On page 41, between lines 3 and 4, insert the following new section:

"LIMITATIONS ON PROVIDING CERTAIN DEFENSE ARTICLES AND SERVICES

"SEC. 3111. (a) None of the funds authorized to be appropriated under this Act shall be used to furnish, by grant, credit sale, or guaranty, sophisticated weapons systems, such as missile systems and advanced jet aircraft for military purposes, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

"(b) Decisions to furnish defense articles and services made under this Act shall take into account whether such assistance will—

"(1) contribute to an arms race;

"(2) increase the possibility of outbreak or escalation of conflicts; or

"(3) prejudice the development of bilateral or multilateral arms control arrangements."

Mr. ROTH. Mr. President, there is one slight modification in the form of the amendment. I would call the attention of the Senate to the fact that the amendment on page 1, line 8, is modified, so that between the word "and" and the word "jet" the word "advanced" is inserted. This makes it read ". . . sophisticated weapons systems, such as missile systems and advanced jet aircraft for military purposes."

Mr. President, I want to present the case for the amendment which I and the distinguished senior Senator from Minnesota are offering in the simplest and shortest possible manner.

Our amendment does not add any new provision to our present statutes governing military sales and assistance. It merely seeks to incorporate into the new Foreign Military Sales and Assistance Act, S. 1443, worthy provisions of previous statutes which had been carefully enacted by the past Congresses to provide certain restraints on these programs and to insure that every transfer is considered in the larger perspective of their potential effects on the total international environment. In our effort to enact a new comprehensive statute governing military aid programs and repeal various older statutes, I think it behooves us to look carefully at these older statutes and retain those parts which will contribute to a strong, sound new law.

Probably the most important provision of our amendment insures that when decisions are made to transfer weapons or provide other kinds of military assistance, proper consideration will be given to whether this proposed aid might contribute to an arms race, increase the possibility of an outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements. This provision may superfically appear to be window dressing; in practice, it had served as an important vehicle for our governmental departments and agencies concerned with international diplomacy and arms control to add their perspective and advice to decisions that might vitally affect their programs and overall U.S. foreign policy objectives.

Another part of our amendment requires before any sophisticated weapon, such as advanced jet aircraft or missile system, is transferred to an underdeveloped country, the President must determine that the transfer is important to the national security. He must also notify Congress of this determination. This provision insures that such decisions will be reviewed at the highest levels and that Congress is properly informed of such transfers.

These provisions are similar to those of section 504(a) and 511 of the Foreign Assistance Act of 1961 and sections 4 and 42(a) of the Foreign Military Sales Act. I hope my colleagues will join Senator Mondale and myself in seeking to retain these important safeguards during the period that S. 1443 is in effect.

Mr. FULBRIGHT. Mr. President, I think this is a good amendment. The provisions in the bill have been in the law. And I am prepared to support it myself and certainly to vote for it and take it to conference.

I would like to suggest that one of the best ways to achieve the purpose set out here is to vote for the bill, particularly that part that phases out over 4 years the military program and also reduces the amount for the purposes which are included in the Senator's amendment.

The basic way to reach most of these objectives is to control the amount of money available for these purposes. I fully agree with and support the purpose.

I do not know that there is any opposition to the provision. I would be perfectly willing to yield back the remainder of my time if the Senator wishes to do so. I am sure that the amendment can be agreed to.

Mr. ROTH. Mr. President I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendemnt of the Senator from Delaware (putting the question).

The amendment, as modified, is agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I have been authorized by the distinguished majority leader, after having consulted with the distinguished Republican leader and the distinguished assistant Republican leader and Senators Fulbright, Goldwater, Beall, Allen, Tower, McGee, and others, to propose the following unanimous-consent request: that debate on the pending measure, S. 1443, be limited to 2 hours to be equally divided between and controlled by the distinguished manager of the bill, the Senator from Arkansas (Mr. FULBRIGHT), and the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN); that time on any amendment, debatable motion, or appeal be limited to 30 minutes with the exception of two amendments by the distinguished Senator from Texas (Mr. TOWER), on each of which there will be a 1-hour limitation, with the further exception of an amendment by the distinguished Senator from Alabama (Mr. ALLEN), on which there will be a limitation of 1 hour, and with the further exception, which I understand has already been entered as an order, of an amendment by Senator SCOTT of Pennsylvania, on which there will be and already is a 1-hour limitation; provided further that the agreement be in the usual form.

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, the amendment which I plan to offer is in two parts. It may be that a division will be requested. Would the Senator make provision for the second part of the amendment in the event a division is requested?

Mr. ROBERT C. BYRD. Mr. President, I am very glad to do so, and this will be done under the unanimous-consent request. The Senator could yield time from the bill under an amendment. However, to make sure that the Senator from Alabama is protected if the need arises, I further ask unanimous consent that there be a time limitation on the second section or part of 30 minutes, to be divided equally.

Mr. ALLEN. Mr. President, I thank the Senator.

The PRESIDING OFFICER. For the purpose of clarification, the Chair's understanding is that there is 20 minutes on any amendment to the amendment of the Senator from Pennsylvania (Mr. SCOTT).

Mr. ROBERT C. BYRD. The Senator is correct. That is under the previous order.

The PRESIDING OFFICER. And that would stand as an order.

Mr. ROBERT C. BYRD. That would stand.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I take it for granted that the amendments which have been specified are germane. In the event that any one of them is not, I ask unanimous consent that such amendment be in order by virtue of having been specified.

The PRESIDING OFFICER. It will be in order in view of the time limitation.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair and I thank all Senators.

Mr. TOWER. Mr. President, I call up amendment No. 269 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> Beginning on page 20, strike out line 15 and all that follows through and including line 5 on page 21 and insert in lieu thereof:
>
> "SEC. 2103. There are authorized to be appropriated to the President to carry out this chapter not to exceed $652,000,000 for the fiscal year 1974".
>
> On page 27, strike out line 15 and all that follows through and including line 17.

Mr. TOWER. Mr. President, the effect of this amendment would be to strike out section 2103 on page 20 and substitute therefor the following language.

> There are authorized to be appropriated to the President to carry out this chapter not to exceed $652 million for the fiscal year 1974.

Mr. President, this amendment would restore the requested administration's figure to the bill.

I recognize that S. 1443 holds out the tempting prospect of cutting back decisively on the security assistance burdens abroad that the American people have carried for so many years. I am fully aware of the changes in the world situation and conscious of the pressures to reorder our domestic priorities, both of which have led to the close reexamination of the purposes, as well as the proposed level of funding, of these programs.

One thing is unmistakably clear. This amendment will permit eventual further reductions of U.S. forces abroad and the further shifting of the defense burden from us to our allies. It does so by providing the resources needed by the countries concerned to assume a greater level of their own security responsibilities. In fact, the risk of U.S. involvement is directly related to the level of funding. In Korea, for example, one-third of the U.S. forces have been withdrawn and South Korea has assumed an increasingly self-reliant role in Korean defense.

I believe, therefore, that this amendment to restore the administration's proposed level of funding can correctly be portrayed as another step in a studied effort extending over recent years to phaseout grant military aid as part of a continuing, orderly, and peaceful transition toward greater self-reliance by America's friends and allies. I believe that even the most fervent supporters of S. 1443 would agree that the proposed levels of assistance were not the result of a careful analysis of the needs of the nations concerned, but were rather the consequences of a prior determination to cut back.

Mr. President, the United States exercises a stabilizing influence in the world. Stability is deplored by some unthinking people who forget that it is the essential condition for economic progress and the very basis of peace. It is with this larger concern for the well being of other countries in the world that I urge support for the amendment that would reassure our friends and allies that the United States does not intend to reverse the direction of our policies that have brought us to our present bright prospect for a generation of peace.

Mr. President, I know that there are a lot of people in this country who have disagreed with a great number of things done by this administration. I am aware that not all of the administration's domestic programs are popular. But I am certain of one thing, and that is that the vast majority of the American people support the President in the formulation and implementation of foreign policy. I would say that the foreign policy of this administration is popular and has been marked by considerable achievement.

The current President of the United States is probably the most sophisticated President in international affairs that we have ever known. He is a man who has a facility for geographic and strategic political and economic understanding throughout the world, a man who has taken new initiatives in the development and implementation of American foreign policy that have met with almost universal approbation. It would seem tragic to me that in the one area where everyone seems to agree that the President does best—that is, the area of foreign policy—we should impose strictures on him, that we should deny him the flexibility and the strength that he needs to negotiate, that we would practically terminate the Nixon doctrine, which has gained such wide acceptance, and in so terminating current American foreign policy, or at least stultifying it, offer nothing to replace it.

I do not think that anybody could contend that Congress can vote a formula to implement foreign policy. A great deal must be left to the President. Certainly Congress must be listened to. Congress must make its own recommendations; Congress must exercise the power of veto; but Congress cannot single-handedly formulate and implement foreign policy.

If the provision, section 2103, as it is currently written is allowed to stand in the bill, then I think a fruition of the Nixon doctrine cannot be realized.

So I urge the Senate to adopt the amendment that I offer to strike out the line items specified in the bill, specified in the overall authorization ceiling for the President to spend, and leave him with the flexibility properly to implement the Nixon doctrine, by assisting people who are willing to defend themselves to the extent that the American presence can be reduced throughout the world.

Mr. President, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, does the chairman of the committee desire the floor?

Mr. FULBRIGHT. I would like to make a statement.

Mr. GOLDWATER. I can wait.

Mr. FULBRIGHT. I thank the Senator.

Mr. President, I yield myself such time as I may require.

This is probably the most significant, important amendment that will come before the Senate with regard to this bill. It would increase the funds for military grant assistance by $232 million, more than a 50-percent increase in the amount recommended by the committee.

The sponsor of the amendment would have Senators believe that the committee has taken drastic action that will leave our allies around the world defenseless before their enemies and imperil our own security in the process. Let us get beyond the worn and tattered rhetoric of foreign military aid and look at the specifics.

The committee has recommended a total of $420 million in grant military aid. Four years ago Congress appropriated only $350 million for this same program. So the committee, in my view, has been overly generous, especially in view of our Government's perilous fiscal situation. I find it quite uncomfortable to be in the position of defending a $70 million increase in military aid from the level of 1970—I would much rather be defending a $70 million reduction.

Grant military aid is part of an overall program labeled "security assistance." The phrase "security assistance" is at the heart of our problem. What exactly does it mean? What does "security assistance" secure? If "security assistance" does not really promote and sustain our national security, either directly or indirectly, then we are allowing ourselves to be misled simply by the vague connotations of that label, and thus to misspend hundreds of millions of dollars at a time when our Nation's economic plight calls desperately for restraint in spending.

Let us take note of the specific countries which would be beneficiaries of this amendment. I cite the administration's list of countries which would receive outright military grants in amounts which exceed $10 million. Apart from Laos and Vietnam, there are eight: South Korea, $261 million in outright grants; Cambodia, $181 million; Turkey, $98 million; Thailand, $58 million; Jordan, $39 million; Indonesia, $23 million; the Philippines, $21 million; and Ethiopia, $11 million.

I challenge the proponents of this amendment to explain exactly how any of these grants will serve to thwart territorial aggression in any part of the world. How precisely will any of these grants strengthen the strategic security of the United States? We are told by the administration, in the paper it has circulated urging Senators to restore the amount requested, that if that amount is not restored:

> The forces of stability and peace in the world would be deprived of vital, concrete sources of U.S. support.

That sounds quite ominous. But what does it mean? Can anyone in this Chamber be more specific?

Take the case of South Korea, the most favored of our military grant aid beneficiaries and a nation where we continue to maintain 40,000 troops at an annual cost of $583 million. That is cost to us. Does South Korea, which already possesses one of the world's largest and best-equipped armies, really need one-quarter of a billion dollars in grant military aid this year in order to protect itself from the Koreans of the North? And at a time when South Korea is able to maintain a modern army of 650,000 men with an expenditure of only 4 percent of its national product, while the North Koreans must devote 15 percent of their GNP to maintain an army only two-thirds as large? The answer, I think, is clear: The South Koreans do not have to make the hard choice between military and social spending as long as American taxpayers are so generous with their subsidies. I might add that, in addition to the military aid and the costs of maintaining U.S. troops there, the administration plans to give Korea $182 million in economic aid in the next fiscal year.

Mr. President, I think it appropriate to invite the attention of the Senate to an article which was published in the Washington Post on June 23 about Korea. It is entitled "Seoul Alters Stand on North Korea in U.N." I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEOUL ALTERS STAND ON NORTH KOREA IN U.N.

(By Don Oberdorfer)

Washington Post Foreign Service

TOKYO, June 23.—In an abrupt reversal South Korea today dropped its strenuous and longstanding opposition to North Korean admission to the United Nations.

The announcement of the shift came in a statement by President Park Chung Hee, broadcast in Seoul and distributed to correspondents and diplomats here and in other key capitals.

South Korea's new position falls short of recognizing the Communist government in the North, and Park declared officially that it does not signify such official recognition. But both the substance of the declaration and accompanying explanation go farther than ever before in accepting North Korea as an unavoidable fact of international life.

The change in policy came five weeks after North Korea was voted into the World Health Organization, a U.N. agency, thus making it nearly certain that a full scale U.N. debate will be held on the Korean problem this fall, with both of the rival Korean states invited as observers.

Neither Korean government is a member of the United Nations today, although the U.N. flag still flies over American military installations in South Korea as a legacy of the U.N.-sponsored "police action" which stopped the Communist invasion of 1950–1953.

After nearly two decades of bitter and sometimes armed hostility, North and South Korea surprised the world last July 4 with a joint communique revealing the initiation of secret high-level contacts between them. They pledged to work together peacefully toward national reunification and established regular public contacts through reciprocal visits by a high-level "coordinating committee" and separate humanitarian-oriented Red Cross delegations.

The North-South talks have recently bogged down in mutual recriminations. A South Korean statement accompanying Park's speech today charged the North Koreans with using the discussions to "promote instability and subversion in the South" and to "improve their international standing with other nations" at the expense of the southern government.

"Many difficulties lie in the way of the dialogue," Park said today. "A considerable length of time will also be required before the results of the dialogue originally expected can be attained."

Nevertheless, the South Korean ruler—who cited the North-South discussions as his principal justification for declaring martial law and assuming nearly total political control in the South last fall—pledged to persist in the talks "with sincerity and patience."

Park declared that the post-World War II "cold war" era has ended and a new era of peaceful coexistence "based on the status quo" has begun. "Judging also from a series of events witnessed in this part of the world, it seems unlikely that the unification of our fatherland can be attained within a short period of time," he said.

To a large degree, today's policy switch was a bow to nearly inevitable developments at the United Nations and elsewhere. During a recent international swing which ended only a week ago, South Korean Prime Minister Kim Jong Pil had been advised by leaders of several friendly countries to take a more flexible stand regarding the United Nations and other diplomatic questions.

Among those reportedly expressing this view were West German Chancellor Willy Brandt, whose government has applied for U.N. membership along with East Germany, and Prime Minister Kakuei Tanaka of Japan.

In a press conference immediately following Park's announcement, Japanese Foreign Minister Masayoshi Ohira hailed the new South Korean stand as "a realistic and constructive policy in accordance with the present situation in the Korean peninsula and in keeping with the trend of relaxation of tension in the world."

Ohira said it was too early to announce a Japanese position on the possible entry of the two Koreas or on Japanese diplomatic recognition of the North.

North Korea has not said whether it will apply for full U.N. membership, though it is generally expected to do so. Park said today that South Korea definitely will seek full membership in the world body.

Mr. FULBRIGHT. Mr. President, let me read two paragraphs:

> South Korea's new position falls short of recognizing the Communist government in the North, and Park declared officially that it does not signify such official recognition. But both the substance of the declaration and accompanying explanation go further than ever before in accepting North Korea as an unavoidable fact of international life.

And:

> Park declared that the post-World War II "cold war" era has ended and a new era of peaceful coexistence "based on the status quo" has begun.

The whole thrust of the article is summarized in that last sentence.

Mr. President, Turkey was also cited in the administration's briefing paper. Turkey is a member of NATO, whose members spend, on the average, 4 percent of their gross national product for defense. Turkey spends 5 percent of her GNP for military purposes. The United States supplies all of Turkey's military aid, maintains 290,000 troops in Europe, and pays 7 percent of its GNP for defense. Surely Senators will agree that the rich European nations should share with the United States this burden of providing arms to Turkey. Yet we not only give Turkey vast amounts of military aid, but spend $90 million a year for our troops stationed there. And, in addition, the administration proposes to give her $64 million in economic aid next year.

Military aid is only a small part of the flow of American tax dollars to countries getting aid through this bill. All of the countries slated to receive military grant aid under the bill also receive large amounts of economic aid or are subsidized through the presence of U.S. military forces, or both. I have already cited Korea and Turkey.

In Thailand we spend annually $31 million for maintaining our bases there. And the executive branch has proposed to give her $36 million in economic aid in the coming year.

In the Philippines we spend $287 million on our bases and plan to provide her with $70 million in economic aid.

Jordan is slated to receive $70 million in economic aid under the administration's plan.

Indonesia is programed for $220 million in economic aid.

Ethiopia is programed for $20 million in economic aid and we will spend $14 million on our base there.

In Spain we will spend $128 million for our bases.

And, Cambodia is programed for $101 million in economic aid.

I ask my colleagues to pose the question, "What does 'security assistance' secure?" In virtually every case, I submit, these weapons transfers serve neither to protect the recipient country against any real threat of external aggression, nor to strengthen the national security of the United States. To be sure, there are many cases where these weapons transfers have the effect of strengthening particular regimes against internal dissent. Indeed, the primary effect of so-called security assistance is to maintain the status quo—which means keeping certain regimes in power. Is this a proper purpose of American foreign policy? As a Republic which emerged from the modern world's most successful revolution, are we now to cast ourselves against the inherent right of a people to overturn a government which serves it poorly? The internal stability of a foreign country is its own business, whether or not that country is one of our "free world" allies, as recipients are called in the language of military aid.

We have, in a sense, become trapped by our own largesse. For the Executive to decide to curtail our military aid munificence might appear as an affront to some recipient countries, a reversal, an unfavorable change in policy. Congress can release us from this trap—by taking broad, nondiscriminatory action which places the executive branch in the position of curtailing arms handouts not by choice, but by necessity.

The argument is also put forward that military assistance relieves less wealthy countries of the heavy burden of defense expenditures that they would otherwise have to finance from their own scarce resources. There is an underlying assumption that these expenditures are both necessary for security reasons and that they would be made regardless of whether we gave them military aid. This is a doubtful assumption. Here the case of Korea is again instructive. Surely it strains credibility to suppose that the South Korean Government would find it rational to maintain such a preponderance of force on the Korean Peninsula if it were not attached to the umbilical cord of American support. American military assistance allows South Korea, a nation of 32 million, to maintain the fourth largest army in the non-Communist world, purportedly to defend itself against another Korean nation which has only 14 million people and a much smaller army. Without this support, the South Koreans, who now devote only a small portion of their GNP to defense, would necessarily have to confront the hard decisions between military and nonmilitary expenditures. Surely they would find it prudent to maintain a force of significantly smaller dimensions. Here, as elsewhere, there is a vicious circle at work: many of these countries are able to maintain unnecessarily large forces because of military assistance. Once such large forces are created, they take on the image of being essential for security—both the security of the recipient nation and our own security. Thus, their perpetuation becomes the justification for perpetual military assistance. It is time to break this cycle.

Mr. President, I wish to lay to rest any concern that the passage of S. 1443 would have a drastically destabilizing effect either in our own bureaucracy or in the exercise of American diplomacy. For fiscal year 1974 the administration has proposed to transfer $8.6 billion of our resources to foreign nations through various foreign aid programs. Of this, $4.1 billion would come under the general heading of "Security Assistance" and $4.5 billion under the general heading of "Development Assistance," which includes the request for assistance in reconstructing Indochina.

Mr. President, I ask unanimous consent that the table from which these figures were obtained be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FULBRIGHT. Mr. President, the programs in the bill before the Senate involve only a small portion of the proposed flow of U.S. resources abroad for military and economic assistance. In view of this, it can hardly be argued that the passage of S. 1443 would constitute a drastic diminution of our foreign assistance effort.

There is now $1.4 billion in the pipeline for military assistance grants and military credit sales. Even if S. 1443 were not passed at all and Congress allowed no additional authorizations or appropriations for any of these programs, it would be several years before all of the aircraft, tanks, and equipment on order were actually delivered.

Mr. President, recently my distinguished colleague from Pennsylvania, the minority leader, employed a striking metaphor. In referring to the spending habits of the Senate, he said that Senators are like dope addicts. "They go to the President, in effect, and say 'Stop me, save me, help me, I can't help myself'." Regrettably, Mr. President, there is much truth in this analogy. Senators are frequently reluctant to curtail programs which have developed a constituency; often there does appear to be an almost compulsive urge in Congress to continue programs which do the Nation as a whole no good.

But the affliction which my colleague has described is far more widespread than his remarks might indicate. In the case of the "security assistance" program, it is the executive branch which is addicted—trapped by a constituency of foreign governments which have grown attached to our largesse, and fastened to a policy of perpetuation by a bureaucracy that knows no other way. It is the executive which must be rescued here—from its bureaucratic and diplomatic addiction to a program which no longer bears any relation to the needs of American national security.

To continue the Senator's metaphor, Mr. President, I point out that S. 1443, as it now stands, is far from the cold-turkey treatment that this particular addiction deserves. Total denial may be the best cure. However, in an effort to appeal to broad support in this body, the Foreign Relations Committee has, in S. 1443, provided a treatment of firm but gradual withdrawal. It is a sound treatment—for a compulsive addiction that the Senate should have moved to cure long ago. To those of my colleagues who may now consider offering the executive branch and the countries which receive grant aid still another "fix" by voting to add $232,000,000 to this bill, I offer a challenge: to rise here and now to explain to the Senate and to the Nation the justification for their extravagance during a month when the American dollar has fallen to its lowest point in history.

I urge that the amendment be defeated.

EXHIBIT 1

TRANSFERS OF U.S. RESOURCES TO FOREIGN NATIONS—WORLDWIDE DISTRIBUTION BY PROGRAM

[In thousands of dollars]

	Fiscal year 1972 actual	Fiscal year 1973 estimated	Fiscal year 1974 proposed
Grand total of all U.S. resources transferred	9,278,578	9,511,259	8,643,349
Security assistance (subtotal)	6,040,038	5,945,192	4,111,417
Military assistance program	549,892	589,100	771,500
Distributed by country	(527,813)	(453,028)	(648,727)
Not distributed by country	(22,079)	[1] (136,072)	(122,773)
International military education and training program			33,000
Distributed by country			(30,123)
Not distributed by country			(2,877)
Military assistance service funded	2,584,100	2,735,000	1,870,800
Distributed by country	(2,584,100)	(2,735,000)	(1,870,800)
MAAG administrative costs—Military department funded	95,157	96,110	52,409
Distributed by country	(95,157)	(96,110)	(52,409)
Transfer of defense stocks	252,421		
Distributed by country	(252,421)		
Excess defense articles	107,318	185,000	185,000
Distributed by country	(107,316)	(184,000)	(185,000)
Not distributed by country	(2)	(1,000)	
Ships transfers, distributed by country	159,696	121,000	6,500
Real property transfers	631,128	721,091	244,553
Security supporting assistance	593,226	627,891	124,055
Distributed by country	(577,883)	(606,786)	(117,500)
Not distributed by country	(15,343)	(21,105)	(6,555)
Foreign military credit sales	550,000	550,000	760,000
Distributed by country	(550,000)	(550,000)	(760,000)
Export-Import Bank military loans	190,000	100,000	([2])
Distributed by country	(190,000)	(100,000)	([2])
Public Law 480 (sec. 104(c)), distributed by country [3]	(67,060)	(157,900)	(162,080)
Purchase of local currency (Vietnam)	327,100	220,000	63,600
Indochina postwar reconstruction (subtotal)			630,945
Distributed by country			(614,000)
Not distributed by country			(16,945)
Development assistance (subtotal)	3,238,540	3,566,067	3,900,987
Agency for International Development	(1,474,228)	(1,334,491)	(1,338,314)
Development loans—distributed by country	535,700	493,400	596,000
Not distributed by country	68,350	99,600	49,000
Development grants—distributed by country	111,726	98,603	102,725
Not distributed by country	66,657	73,897	84,525
Population programs—distributed by country	27,842	32,717	37,071
Not distributed by country	11,904	11,306	9,675
South Asian relief	194,422	101,100	500
American schools and hospitals abroad—not distributed by country	19,987	25,532	10,000
International organizations and programs—not distributed by country	182,037	145,631	177,122
Administrative expenses not distributed by country	58,628	57,159	57,875
Administrative expenses—State	4,448	[4] 4,420	5,100
International Narcotics Control and Contingency Fund—Distributed by country	49,812	12,617	20,481
Not distributed by country	17		
Contingency fund, undistributed		12,773	30,300
Narcotics, undistributed			9,738
Program support and interregional activities—Not distributed by country	142,696	165,736	148,202
Peace Corps—Distributed by country	50,314	50,715	51,463
Not distributed by country	3,855	7,227	6,543
General support	20,931	22,898	18,995
Public Law 480—Distributed by country	1,025,115	1,072,410	976,575
Not distributed by country	96,888	9,790	22,345
Ocean freight	190,510	162,500	117,700
Grants of title I sec. 204	3,001	2,000	1,000
Private trade entities		13,400	10,000
Emergency reserve			19,180
U S. contributions to international financial institutions:			
IBRD:			
Paid-in capital	12,300		
Callable capital	(110,700)		
International Development Association		320,000	320,000
Inter-American Development Bank:			
Paid-in capital	75,000	25,000	25,000
Callable capital	(136,800)	(168,400)	(168,380)
Fund for special operations		225,000	500,000
Asian Development Bank:			
Paid-in capital			24,200
Callable capital			(96,800)
Special funds			100,000
State Department migration and refugee programs—Not distributed by country	14,895	[5] 12,067	7,600
Inter-American Foundation	2,847	3,473	13,285
Pan American Highway	343		
Darien Gap Highway	9,755	20,000	30,000
Mutual education and cultural exchange	29,579	32,563	38,557
Nonregional	11,226	12,437	14,443
Trust Territories of the Pacific	55,581	63,903	66,000
Contributions to international organizations (State Department)	162,172	176,191	199,787

[1] Includes $300,000 supplemental for pay costs.

[2] Not available.

[3] Nonadd. Estimated at 80 percent of Public Law 480 title I agreements (export market value).

[4] Includes $100,000 supplemental for increased dollar requirements resulting from the dollar devaluation of Feb. 12, 1973.

[5] Includes $600,000 for increased dollar requirements resulting from the dollar devaluation of Feb. 12, 1973.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TOWER. I yield such time to the Senator from Arizona as he may require.

Mr. GOLDWATER. Mr. President, I agree with the chairman of the Committee on Foreign Relations that this is a very important amendment. But I challenge the term "drastic action" as it applies to this amendment. I refer to the bill itself, for example, for drastic action that goes far beyond the amendment offered by the distinguished Senator from Texas.

I think it works a violence on the Nixon doctrine, which seems to have been accepted by the American people and by Congress, whereby we would not find ourselves engaged in any more Vietnams. To prevent this, we would furnish military supplies, where needed, to countries and train those people in their use.

Mr. President, if we read further in this bill, we find some of the drastic action to which I refer.

On page 22, under section 2105(a):

> The value of any excess defense article furnished under this chapter to a foreign country or international organization by any agency of the United States Government shall be considered to be an expenditure made from funds appropriated under section 2103 of this Act.

There we get directly at the military assistance program.

I might remind my colleagues that in my years in the Senate, I have never voted for foreign economic aid, and I never will. I think technical assistance and military assistance are very valid parts of a program of the United States to help countries around the world improve themselves and then to defend what they have improved. But under section 2105, we would be denied, with some limitations, giving surplus military equipment to other countries, which has really been the backbone of our military assistance.

Then, we read on page 25, line 5, under section 2106, a little more of the drastic action, where the restrictions apply to "a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that grant assistance, if the Senate has given its advice and consent to such agreement."

They except South Vietnam, Laos and Cambodia under that provision.

In the last several days, we have passed legislation that would make this language applicable. We have, I imagine, most of our foreign bases under executive agreement; but all of a sudden we would find it impossible for us to give military assistance to countries in which we participate in training or help if the Senate has not given its advice and consent.

Then, a little more on the subject of drastic action—I think this is very drastic—under chapter 23, "Military Training," section 2301, "General Authority"——

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. FULBRIGHT. With reference to the section on page 25, line 5, that is equivalent to the so-called Case amendment, which the Senate agreed to last week.

Mr. GOLDWATER. I agree.

Mr. FULBRIGHT. I thought the Senator left the impression that this is a radical departure from past practice. This already has been approved in principle.

Mr. GOLDWATER. I say "drastic action," and those are the words of the chairman. I did not dream up those words. I am trying to point out where this bill, in my opinion, imposes drastic action which Senator Tower and others are trying to eliminate by his amendment. I merely point out that it has only been in the last several days that we have given substance to legislation that would prevent us from ever entering into an agreement without the advice and consent of the Senate.

I read from page 28, under "Military Training, General Authority," section 2301:

> The President is authorized to furnish, on such other terms and conditions as the President may determine, military training to any foreign country or international organization. After June 30, 1974, no such training shall be conducted outside the United States except by specific authorization of law.

We all know that it is—I will not say mandatory or even legal—necessary that, when we give a piece of military equipment to any foreign country, we have to train that country in its use. We have been roundly criticized, for example, for training pilots from the Arab nations in the type of aircraft we have made available to those nations. We have been equally roundly criticized for training pilots from other nations with whom some of our people do not agree.

But when we say that after June 30, 1974, no such training can be conducted outside the United States, I think we are taking drastic action against Nixon doctrine, to which I have heard no loud exception or even strong exception in Congress or from other people.

Mr. FULBRIGHT. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. I yield.

Mr. FULBRIGHT. Is it not a fact that Arab pilots and many others are trained in this country? This does not prohibit it. It simply refers to their being trained outside the United States. As a matter of fact, most of them have been trained in this country—I think practically all of them, with very few exceptions, especially pilots.

Mr. GOLDWATER. The Senator is correct. But under the Nixon doctrine, we did not specifically state that they would be trained in this country.

Frankly, I think it would be to our advantage to train them in their own country. I am thinking, for example, of building up a very formidable air force, and it would be simpler for us to send people to that country and train them.

Mr. FULBRIGHT. They can hire technicians.

Furthermore, we say that if it is going to be done, it has to be authorized. This is part of the effort to bring Congress back into the picture. The bill does not prohibit it. It says if you are going to do that, Congress should authorize it.

Does the Senator object to Congress having the opportunity to consider measures such as this?

Mr. GOLDWATER. I object to it because I think it is inconsistent with what President Nixon has stated in his doctrine—the freedom to train these people, whether it be in this country or other places. I know of equipment that would have to be transported back to the United States—obsolete equipment we no longer use, equipment that appears in these countries. Why should we deny the training?

I am merely citing this under the language used by the chairman—"drastic action" because I think it is drastic action against the Nixon doctrine.

Mr. FULBRIGHT. But this does not prohibit training programs.

With respect to the major ones that the Senator is talking about, in connection with pilots, it has been found to be advantageous to train them in this country, in Texas and Arizona, where we have fine bases.

All it says is that if you want to continue the kind of program in South Vietnam, ask Congress to authorize it. The Nixon doctrine does not exclude the Congress from participation in these decisions. I do not think the President intended by the Nixon doctrine that Congress should lay low.

Mr. GOLDWATER. I am not confining my comments to pilots. Probably I would have been better off leaving them out.

As another example, I think of the military training for people that supported Cuba, or in Africa. We are now——

Mr. FULBRIGHT. If the Senator will yield, I hate to keep interrupting, but is it not true that training by the CIA would not have been affected by this? That was the CIA and not the Department of Defense.

Mr. GOLDWATER. There is a great question in my mind if the Senator is correct. I think if the Senator understood the kinds of things we are talking about it would be military. I am pointing out this language as language taking drastic action. It does not matter to the thrust of the Tower amendment, but to the whole bill it seems to be removing the United States from military assistance around 1974, 1975, or 1976.

Mr. FULBRIGHT. Would not the Senator agree we might be better off if Congress had had some knowledge about the Bay of Pigs, for instance, and not let the CIA do it covertly? Does not the Senator think we would have been better off? Does not the Senator think he would have looked at that differently if he had the opportunity to examine it?

Mr. GOLDWATER. To tell the truth, I have my doubts. This place leaks like a sieve. I do not want to see too much secret material popping around the Senate, and that was certainly secret.

Mr. FULBRIGHT. If the Senator had the opportunity to pass on the merits of that before it was done I believe he would have found it was a very poorly designed program to accomplish our purposes.

Mr. GOLDWATER. That is not the question the Senator confronted me with, but if he wants an answer I would have said at that time I did not think it was complete enough, or that there was enough agreement on what was to be done, and I do not think the President understood it.

Mr. FULBRIGHT. I agree, but under this provision, assuming the CIA is under this provision, and it is dubious, if we are going to train troops in Nicaragua, for instance, it says, in effect, that Barry Goldwater, John Tower, and others should know about it and have an opportunity to pass judgment on it. It does not say you cannot do it; it says that Congress must authorize it.

Mr. GOLDWATER. Mr. President, I would like to continue this discussion at great length because it gets into the basic fundamentals about which we are in disagreement, but I am talking on the Tower amendment, and we have wandered away from that. If the chairman had not used the words "drastic action," I would not have been tempted.

Now, I would like to get to some problems with which we are faced, and I am not certain it would all be under military spending.

For example, the air traffic control of Russia is finally receiving our attention. They plan to buy a large amount of equipment to improve their air traffic control. Some of this unquestionably is outside the military and would be of value to the military as well as to civilian planes. So we run the risk there of not being able to sell something to Russia that is going to be sold by some other country, regardless.

We have made some interesting contracts for a lightweight fighter, the F–5E, not in substantial numbers yet, to South American countries that we have not done business with before.

We continue to have an interest in the A–4 aircraft that has proven to be very valuable in Israel. Several countries are negotiating on the A–7, which is an aircraft that we would like to see continue in production but the Air Force does not seem to want it.

We have the F–16 and F–17 coming up, lightweight fighters, that undoubtedly will be in demand from countries to the south of us.

I think of the SAM–D, which is a ground/air weapons system, and we felt when we developed it that no other country would be able to compete with us. I refer to countries in the free world. In the Paris Air Show I saw a comparable air system developed by Israel that is available to other countries which we would be denied selling to some of these countries listed.

We continue to sell jeeps in large quantities to Turkey and the Philippines, among other countries that I know of. We sell trucks to the same countries. Our communications equipment has been in great demand in all countries around the world. It is of a military nature, if you want to get down to specifics. This would be curtailed.

In the matter of helicopters, we find countries all over the world buying them now, and whereas a few years ago we were the principal providers, we are not now. We have competition from France and other countries.

Mr. President, I look at the restrictions in S. 1143. I see some real harm that can come to our economy, not from the denial of giving, but the denial of even making it possible for other countries to obtain, countries which require our help in the form of credit, which our competitors around the world are perfectly willing to grant.

Mr. President, I hope this amendment is successful. I agree that it is a very important amendment.

I think the measure would provide drastic action to the Nixon doctrine and would be unnecessary at this time and stage. If it is the intent of this Congress or this body to eventually do away with military assistance, and I find no fault with that except when is it going to come, we have not done it in the right way.

I have not perused the rest of the bill to see examples of the action I describe, but I think passage of the Tower amendment would be a step in the right direction in that it would show our allies that we are not beginning to go backward or look away from them or the part they can play in helping to keep peace in the world.

Mr. TOWER. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. The Senator from Texas has 7 minutes and the Senator from Arkansas has 15 minutes remaining.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment No. 269.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

How much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. TOWER. Mr. President, S. 1443 proposes 35 percent less than the administration's request of $652 million in fiscal year 1974 and nearly 25 percent below the fiscal year 1973 level of $550 million. It also proposes a requirement that recipients deposit 25 percent of the value of the military assistance program in local currencies for U.S. Government usage. This provision represents a considerable further reduction in grant aid than that proposed by the President. A cutback of this magnitude would be read throughout the world as signaling an abrupt shift in U.S. policy. Instead of facilitating an orderly transition to the goals of self-reliance inherent in the Nixon doctrine, it would come as a severe jolt to our friends and allies and adversely affect stability and peace in the international community. The impact would be particularly felt in such countries as Korea, Turkey, and Jordan.

For Korea the administration proposed $261 million. The current bill would reduce that to less than half that amount, or $119 million.

We are moving into the fourth year of a 5-year modernization program which has already permitted us to reduce our forces in Korea. We have taken a division out of Korea. If Korea can continue to negotiate from strength, the new developments in North-South talks show promise. We must understand that if we weaken Korea, we could undermine these developments. Yes, the fact of the matter is that there is a growing feeling of détente between North and South Korea, but what should also be understood is that North Korea continues to modernize her forces. They continue to get ever-increasingly sophisticated weapons systems from the Soviet Union.

It should be apparent to all that a time of détente is not a time to unilaterally reduce one's military strength, because a time of détente means a coming together of nations in a spirit of the realization that it is in their self-interest to negotiate their differences; and the nation that has to negotiate from a position of weakness negotiates from a position of disadvantage. We must know that détente is not an argument for the reduction of military expenditures. The Soviets are not reducing their military expenditures. The Soviets are not reducing their assistance to the Warsaw Pact countries and to others of their Communist allies. They are increasing that assistance in the form of modernization of their forces. How foolish in the face of this for us to be reducing our assistance to our allies.

I mentioned Turkey as an important country. The administration proposes $98 million for Turkey. This bill gives half of that amount, or $49 million. Turkey's important position on the NATO southern flank and in the Middle East deserves our full support. Turkey shows that it is prepared to shoulder an increasing amount of its defense requirements from its own resources. In fiscal year 1972, for the first time, it assumed FMS credits, which are increasing in fiscal year 1973 and fiscal year 1974.

I do not have to lecture anybody here who knows anything about geography on the vast strategic importance of Turkey, not only as vital to the southern flank of NATO but as vital in terms of stability in the Middle East.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. TOWER. I ask the Senator from Kansas to yield me time on the bill.

Mr. PEARSON. Mr. President, how much time does the Senator desire?

Mr. TOWER. Five minutes.

Mr. PEARSON. I yield 5 minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. TOWER. Much of Turkish military hardware has been woefully inadequate. It has been old, obsolete, or obsolescent, and there is a desperate need to modernize the military forces of Turkey. Yet this bill would reduce by half what was requested by the administration.

Let us turn to Jordan. The administration proposed $40 million for Jordan. S. 1443 would provide only $30 million. I think we could never overestimate the tremendous importance of what the Jordanians are doing in their forthright actions against the Fedayeen and how much that means to us in terms of Middle Eastern stability. If peace is to be achieved in the Middle East, Jordan must remain strong. Its efforts to do so, in my estimation, merit the level of support proposed by the administration.

Mr. President, again what we are trying to do here in this grant program is to enhance the ability for friendly nations to defend themselves. In so doing, we serve our own national interest.

It is an eternal verity that it is incumbent upon a nation to maintain its defense perimeter as far from its own shores as possible and as close to the shores of an adversary as possible.

The strength of our friends contributes to the security of the United States of America. It is time that we improve and modernize to the extent that we can contribute to the improvement and modernization of the forces of friendly nations.

The success of the Nixon doctrine which has almost universal approbation is at stake in what we do here today.

I therefore urge the Senate to restore the funds asked for by the administration and to give the President the flexibility that is required in the use of these funds to make sure that the Nixon doctrine can be successfully implemented.

Mr. President, I yield back the remainder of the time.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question now occurs on the amendment of the Senator from Texas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. Gravel), the Senator from New Jersey (Mr. Williams), and the Senator from Michigan (Mr. Hart) are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) and the Senator from Alaska (Mr. Gravel) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The result was announced—yeas 33, nays 59, as follows:

[No. 228 Leg.]

YEAS—33

Allen
Baker
Bartlett
Beall
Bellmon
Brock
Buckley
Cotton
Curtis
Dole
Domenici
Dominick
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Jackson
Johnston
McGee
Packwood
Saxbe
Scott, Pa.
Sparkman
Stevens
Taft
Thurmond
Tower
Young

NAYS—59

Abourezk
Aiken
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Eastland
Fulbright
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
McClellan
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Va.
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker

NOT VOTING—8

Bennett
Biden
Clark
Gravel
Hart
Mathias
Stennis
Williams

So Mr. TOWER's amendment (No. 269) was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS. I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS' amendment is as follows:

On page 32, line 11, after "Sec. 3101." insert "(a)".

On page 32, after line 20, insert the following:

(b) (1) Any such sale, loan, lease, gift, or transfer of a non-combatant type vessel or boat may be made only

(A) if, after the terms, price, and conditions of any proposed offer to dispose have been published in the Federal Register, members of the United States fishing industry, States and political subdivisions thereof, and United States educational and scientific institutions are given an opportunity to acquire the vessel or boat on the same terms, price and conditions, and no qualified bid is received within a reasonable period of time determined by the Head of the Agency; and

(B) if no qualified bid is received, only if the Head of the Agency of the United States Government making the disposition obtains satisfactory assurances that the vessel or boat will not be used in any way in competition with the United States fishing industry in fishing, fishing related, or fishing support activities.

(2) The appropriate agencies of the United States government are authorized and directed to carry out the provisions of paragraph (1)(A) of this subsection and to issue the necessary rules and regulations. They shall also require that bids be received within a set time period.

(3) No lease, loan, or other agreement previously entered into between the United States and any foreign country or international agency for any noncombatant type vessel or boat shall be renewed or extended except in conformity with paragraph (1)(B) of this subsection unless the lease, loan, or other agreement provides for its renewal or extension upon the same terms as the original lease, loan, or other agreement provides for its renewal or extension upon the same terms as the original lease, loan, or other agreement.

Mr. STEVENS. Mr. President, this is the amendment we had the discussion about earlier in the day. It has been rewritten to meet the concern expressed by the Senator from New York. It is the same in intent and purpose as the prior amendment.

I have discussed the amendment as now written with the ranking minority member and with the chairman of the committee. I understand it meets the objections raised by the Senator from New York. It is still an amendment which sets 2 criteria: First, that before a vessel is to be disposed of under this program, that fact will be published in the Federal Register, and an opportunity will be given to the fishing industry, to scientific and educational organizations, and to States and political subdivisions to bid on such vessel; and second, that if there is no bid received within a reasonable period of time as set by the head of the agency, the head of the agency disposing of the vessel must receive assurances, through conditions imposed by him, that it would not be used in competition with the American fishing industry.

I trust that the amendment will still be met with the approval of the chairman of the committee, in view of the changes we have made for the consideration of the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Alaska has made, in my judgment, the necessary changes. I do not want to characterize them as being decisive or not, but the necessary changes, for the information of the Senate, to result in not interfering with disposition, assuming that the domestic industry did not acquire it, because we would not have to have a disposition and then advertise what the terms had been; they would do it before they made the offer.

Second, the head of the agency could fix a time within which an offer should be forthcoming in order to prevent them from selling to anyone.

As to the condition respecting use in the fishing industry, Mr. President, it seems to me that that is a legitimate condition, considering the fact that this is Government property and it is to our own interest not to have our fishing fleet interfered with.

Personally, I see no objection to the amendment as modified.

Mr. FULBRIGHT. Mr. President, I agree with the Senator from Alaska and the Senator from New York. I think this is a principle we have recognized in many other areas for a long time, and I see no reason why it should not be applied to these ships. The ships are surplus property, paid for at taxpayer expense; our own people ought to have the first opportunity to bid on them. If no one wants them, of course, there would be no impediment to their disposition to foreign countries.

Mr. STEVENS. I thank the Senator from Arkansas. He has correctly outlined the intent of the amendment, together with the assurance that they will not be used in competition with the American fishing industry.

Mr. FULBRIGHT. The Senator is correct. I think this is a proper amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. KENNEDY. Mr. President, I am happy to cosponsor with the distinguished Senator from Alaska (Mr. STEVENS) this amendment to the Military Sales Act designed to protect our American fishing industry.

The spiralling decline of our domestic fishing industry requires not only that we take the kinds of positive steps to assist the industry with grants and technical assistance, but that we assure with each piece of legislation that we consider that we in no way contribute to the most serious problem facing our fisheries—the increase in foreign fishing effort.

The amendment we offer today would assure that no vessel furnished to a foreign country under the Foreign Military Sales and Assistance Act would be used in competition with our own fishing industry and provide that our fishing industry and research institutions would have the first chance to acquire these vessels.

The conservation of our fish stocks is crucial to the revitalization of our fishing industry and to the future supply of marine resources. And it is research into the availability of stocks, the effects of overfishing, and the possibility of developing underutilized stocks that will serve to protect these dwindling resources.

The *Albatross IV*, a research vessel, has conducted surveys since 1963 which provide an accurate measure of the decline of the coastal species off New England. On Georges Bank groundfish catch per haul in the period from 1969 to 1971 showed a decline of 33 percent from the period 1963 to 1965 and skates declined by 57 percent. Flounders as a group show a drop of 29 percent. In the most heavily fished stocks such as cod, haddock, silver hake, and red hake, the reduction in abundance ranged from 34 percent for silver hake to over 90 percent reduction for haddock.

In southern New England, groundfish abundance dropped 42 percent and skates declined by 69 percent. Flounders as a group declined 20 percent, some species dropping more than 50 percent. Cod declined 60 percent and haddock 94 percent.

In 1965, fishermen in the Northeast Atlantic landed 550 million pounds of haddock and the Soviets caught 283 million pounds in the same period. The Northeast Report in Oceans magazine points out the significance of this catch:

> The Soviets accounted for 283 million pounds, most of which were young fish spawned in 1963, an unusually successful year for this species, NMFS reports. This huge year class would have sustained normal U.S. haddock fishing into the 1970's and at the same time provided ample future breeding stock. But as a result of this pulse fishing (fishing for a particular species until it is no longer economically viable to do so), fishermen caught only 27 million pounds in 1970—the lowest amount on record. Because the haddock stock is so reduced, the ICNAF Assessment Subcommittee has recommended that fishing haddock off New England be suspended indefinitely.

Mr. President, a clear example of the decline of the New England fishing industry is the history of fishing in Gloucester, Mass. Between 1950 and 1967 in Gloucester the number of crewmen declined from 1643 to 700. The number of fishing vessels decreased from 196 to 110 during this same period. Total fish landings declined from 169 billion pounds in 1957 to 75 billion pounds in 1967. Total industrial fish landings declined from 80 million pounds to 9 million pounds in the same period. The value of industrial fish declined from $800,000 to $100,000.

On May 21 I inserted into the CONGRESSIONAL RECORD a copy of the Washington Post article entitled "U.S. Fishermen Caught in the Nets of Foreign Fleets." In that article, a Maine fisherman was quoted:

> Most fishermen are talking about lasting two or three years.

The National Marine Fisheries Service reports that in April of this year, 312 foreign vessels, 190 of them Soviet plied the North Atlantic coast.

A study prepared by the Ship Design Division of Com-Code Corp. summarized the decline of the fishing industry in the United States in the last decade:

> In the same decade that both world catch and U.S. demand was increasing, the total domestic catch of groundfish decreased 25%, the number of fishing vessels decreased 26% and the number of fishermen decreased 36%.

The economic impact of the loss of our fish resources over the long run is staggering to imagine. The economic impact of the current loss of the resources to American fishermen is measurable and may surprise those from States which are not on the coastline. Seventy percent of the fish the United States consumes each year is imported and as Oceans magazine pointed out in its February issue—these imports in 1971 represented one billion dollars on which there are only insignificant tariffs or none at all.

Mr. President, there are at least 11 research vessels loaned or leased to foreign countries as of March of this year. What we want to assure with this amendment is that no vessel provided to a foreign nation in the future will in any way further jeopardize the American fishing industry, that vessels which may be appropriately used for research will be offered first to the industry, coastal States, or institutions. The Congress must be alert to any opportunity to reverse the devastation of the fishing industry and to protect our fish resources, and I am hopeful that the Senate will act favorably on this amendment.

Mr. STEVENS. I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, will the Senator from Arkansas yield me 5 minutes on the bill?

Mr. FULBRIGHT. Mr. President, I yield 5 minutes on the bill to the Senator from Illinois.

The PRESIDING OFFICER (Mr. CURTIS). The Senator from Illinois is recognized for 5 minutes.

A VIEW OF MILITARY ASSISTANCE

Mr. PERCY. Mr. President, as we consider the nature and extent of military assistance which the United States will make available to other nations in the year ahead, the questions usually posed to Congress are being asked again: How much money should be authorized for the overall military aid program? Which countries should be given military aid?

However, these questions do not probe deeply enough at a time when the interplay of military aid and military commitments has become better understood, and when the costs of every Federal program must be weighed in the scale of priorities.

Military assistance programs can be useful in giving independent governments adequate military strength to deter aggression, to enable them to keep insurgents in check, and to relieve their budgets of part of their legitimate weapons and training costs so they can achieve certain development goals.

Jordan is a good case in point. Military assistance to Jordan is a check on aggression from Syria and enables Hussein to keep the guerrillas on the defensive. Moreover, it makes possible some minimal economic development programing by the Jordanian Government.

But military aid is often counterproductive because it encourages some countries to concentrate their energies on military development at the expense of domestic reforms. It also keeps dictators in power and strengthens their authoritarianism, further alienating the people. We witnessed this in a graphic way during the years of aid to South Vietnam's Ngo Dinh Diem.

Other countries become more militant as a result of receiving weaponry they do not need for any responsible purpose. Pakistan, an ally and friend, is a good example, using under its past presidents its military equipment initially provided to "protect itself against Communism," in hopeless wars with its neighbor India and turning its guns on the Bengalis.

The Pentagon has long argued in favor of military credit sales, pointing out their favorable effect on the U.S. balance of payments. But this is an immoral argument and has resulted in the United States' becoming the biggest arms supplier in the world.

The State Department argues that military assistance enables the United States to maintain close relationships with the ruling classes in innumerable countries, thus making it possible for the United States to have a "constructive influence" on the policies of the rulers of such countries. But it is hard to find instances where U.S. military collaboration has measurably moderated authoritarian measures in Turkey, Taiwan, South Korea, the Philippines or South Vietnam.

It is true that U.S. military collaboration may keep some recipient countries from turning to other major powers for such collaboration, but it is hard to see what we lose when recipient countries turn elsewhere for help. It has cost the Soviet Union dearly to supply India, Cuba, Syria, Iraq and Egypt, yet the Soviet Union has certainly not substantially benefited from its military support of these nations.

At the same time, such military collaboration always raises the danger that we will become too involved with a regime, becoming identified in the minds of the people with its worst authoritarian aspects, or that we will become drawn into its own wars, as we were in Vietnam.

All too often our military aid advisory groups have tempted foreign governments with offers of sophisticated military equipment which is unneeded and which can be destabilizing, equipment which actually encourages militancy and puts pressure on nearby nations to escalate their own military potential.

Yet, in 6½ years in the Senate, I have had the annual experience of being told by the administration, whichever administration it may have been at the moment, that any reductions made in military aid requests will be disastrous. And the word "disastrous" is always used. If we do not approve the full request, friendly governments will be endangered, confidence in American commitments will be eroded, and the whole structure of peace will collapse in certain regions of the world. This is the litany chanted to us by the Pentagon planners and those who sing along at the State Department.

I do not oppose military aid per se, but—for the reasons I have outlined—I believe that aid for every potential recipient nation must be scrutinized more carefully than ever before. We cannot blindly accept the recommendations of the Pentagon or the importunings of the State Department. For all their self-acknowledged superior information and wisdom, it was they who initiated 10 long years of war in Vietnam, proving their fallibility. It was they who pushed for so long upon our Nation the concept of monolithic world communism—a concept that has permeated and misdirected our foreign policy for decades and cost us tens of thousands of lives and tens of billions of dollars.

Clearly it is in our national interest to use military assistance more selectively and prudently with full attention to the foreign policy implications of every military grant and of every military sale. These are the considerations which should guide us as we debate the military assistance legislation now before us and try to wisely implement a national policy weaning ourselves away from the responsibility of policing the world but at the same time, in accord with the Nixon doctrine, helping those who are helping themselves in their own legitimate national defense efforts.

AMENDMENT NO. 271

Mr. BEALL. Mr. President, I call up my amendment No. 271 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

S. 1443

On page 24, strike out "25" in lines 5 and 12 and substitute "10" in lieu thereof in lines 5 and 12.

On page 25, beginning on line 8, strike out "if" and all that follows through and including "agreement" on line 9.

On page 25, beginning on line 10, strike out "under" and all that follows through and including "Act." and substitute in lieu thereof "; or".

On page 25, strike out line 12 and all that follows through and including line 23, and on page 26, strike out lines 1 through 4 and substitute in lieu thereof the following:

"(c) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a) (1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a) (2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

"(d) In no event shall any foreign country be required, under this section, to make deposits in a special account aggregating more than $20,000,000 in any one year."

Mr. BEALL. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BEALL. Mr. President, in section 2106, the Foreign Relations Committee is seeking to establish a mechanism that will provide the United States with a supply of local currency to finance various activities of our embassies, provide funds for educational and cultural exchange activities, et cetera.

To make these local currencies available, the committee is proposing that the recipient government be required to deposit, in a special account, 25 percent of the amount of our military aid, 25 percent of the value of excess military equipment, and 15 percent of the cost of military training programs. S. 1443 allows for only two basic exceptions to be made in this provision, those being for countries with base agreements that have been approved by the Senate and military assistance to South Vietnam, Cambodia, and Laos.

My amendment will retain the language presently in the law; that is, it would require a 10 percent payment for grant programs, 10 percent for military sales and surplus equipment, and 10 percent on the amount required for training.

The amendment would also allow the President to waive the provisions if the supply of local currency is adequate to our needs. There is a $20 million ceiling on the amount that any one country must pay in one year.

While I understand the objectives of the committee and, I might add, these objectives have many commendable attributes, I am concerned about the practical application of the provisions contained in sections 2106 and 2303. I believe that enactment of these provisions will be detrimental to the conduct of our Nation's foreign policy.

Mr. President, if we look at the nations that would be most directly affected by the local currency deposit requirement, we find that many of them rank among the poorest nations in the world. I have compiled some information on the gross national product of each of the countries that would be covered by section 2106 as well as an estimate of the per capita income of each, and I ask unanimous consent that this information be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Country	Fiscal year 1973 GNP (million)	Fiscal year 1973 per capita income	Treaties or agreements in force
Korea	$9,000	$274	Mutual Security Agreement, Jan. 7, 1952.
Turkey	11,700	310	Do. NATO, August 24, 1949.
Thailand	8,500	231	Mutual Security Agreement, Dec. 29, 1951. SEATO, Feb. 19, 1955.
Jordan	530	209	None.
Philippines	11,400	284	Mutual Security Agreement, Jan. 7, 1952.
Indonesia	7,700	61	None.
Ethiopia	1,750	65	Mutual Defense Assistance Agreement, May, 22 1953.
Spain	$42,530	$1,243	Mutual Defense Assistance Agreement, Sept. 26, 1953.
Cambodia	717	99	Military Assistance Agreement, Aug. 20, 1970.

Mr. BEALL. Mr. President, even though these nations are incredibly poor, they still have vital defense needs and the United States has determined that their security and stability is in the best interest of our own Nation. It is important to note that we have treaty commitments with most of the Governments covered by these provisions, and the vitality and effectiveness of these treaty arrangements could well be adversely affected by the retention of section 2106, in its present form.

Let us look briefly at some of the adverse effects that might result from the enactment of section 2106 on our relations with these nations as well as the impact it could have on their ability to meet their military responsibilities.

First. The 10-percent deposit requirement was first enacted only 1 year ago. To increase it one and one-half times would certainly be viewed as a punitive measure designed to bring about the early termination of these programs.

Second. Congress established the military assistance program because of our desire to assist friendly nations in maintaining an adequate defense establishment in spite of the fact that their local economies may be too poor to afford it without outside assistance. A seemingly minor change, such as this, could seriously undermine the purposes for which grant, surplus material, and training programs were established by sharply reducing their effective value while, at the same time, injecting an irritant into our relations with the recipient countries.

Third. The military assistance program is an integral part of our efforts to implement the Nixon doctrine. The objectives of the Nixon doctrine are to encourage and assist other countries to assume greater responsibility for their own defense. As the nations who receive this assistance are able to assume a greater burden for their own defense, they are correspondingly less dependent upon the presence of American forces, American overseas bases, American naval and air power, and so forth. Any savings we might realize from reduced purchases of foreign currency can be offset many times over if we have to slow down or stop the gradual reduction of America's overseas military presence.

Fourth. By requiring the recipient nation to deposit a substantial amount of its local currency in a special account for use by the U.S. Government, we must assume that these funds will be diverted from existing military programs, thus delaying the goal of military self-sufficiency and further prolonging their reliance upon an American presence. Thus, we would, in effect, be "robbing Peter to pay Paul."

Fifth. Since most nations have a fairly complex procedure for establishing their national budgets, we must not be unmindful of the budgetary and financial problems we would create by enacting the procedure contained in S. 2106. While a foreign nation may well budget funds for the purchase of surplus military equipment, it has not, in the past, had the budget funds to make itself eligible for military aid and/or training programs. After a military aid program has been negotiated, or a training program agreed upon, the deposit funds have to be authorized, appropriated, and deposited in a special account for the U.S. Government prior to the implementation of the agreements. This not only makes the programs cumbersome and less readily implemented, but also desirable and many nations may choose not to participate in them at all. After just 1 year in operation, the 10-percent requirement on grant programs has already served as a significant irritant vis-a-vis our relations with the recipient countries. Many governmental and military leaders view this requirement as being economically and politically offensive to their nations and I am inclined to believe that increasing these deposits may prove to be increasingly counterproductive. As a result of the current 10-percent requirement on training, Brazil and Mexico have suspended participation in the MAP training program. Paraguay refused to accept /500,000 in fiscal year 1973 training funds because of the deposit requirement. Enrollment has dropped by approximately one-third in the School of the Americas, which is located in the Panama Canal Zone, and serves as a principal military training site for Latin American army officers. Plans to extend the MAP training program to include African military officers was cancelled because of various countries such as the Ivory Coast, Niger, Upper Volta, and so forth, simply could not afford to participate. If we view the continued existence of our military assistance program, and especially the training of foreign military officers which takes place under its authority, as important then we should move with care before enacting restrictions such as section 2106. If we are not careful, we may find that we will have no military assistance program, no MAP training program, and no foreign currency deposits to finance the activities of our embassies, and so forth.

Sixth. Our MAP training programs are crucial to the continued success of our military and economic policies abroad. As foreign military officers are trained by the United States, we find a corresponding increase in our influence in their nations. If these programs are terminated or drastically reduced because of this deposit requirement, our influence among the military establishments in many friendly nations will decline. It is important for us to also remember that such a development would have an adverse effect on our Nation's balance-of-payments problem. If the air force pilots of a foreign nation are trained in the United States, they will probably return home and advise their governments to purchase American aircraft. With these aircraft go extensive ground support equipment, spare parts, and a continuing input of American influence. If the French or British or Russians train them to fly their aircraft, they are likely to return home and recommend the purchase of British or French or Russian aircraft, ground support equipment, spare parts, and so forth.

Seventh. It is also important for us to keep in mind the fact that military officers trained in the United States are likely to have a greater appreciation for our way of life and the basic principles involved in our Constitution. Many articles have been written in recent years about the new breed of military officers in Latin America and other parts of the world. These officers represent a distinct departure from the views held by their predecessors in earlier generations. I would like to think that our military assistance program has helped to increase their awareness of their social responsibilities, the desirability of long-range, broad-based socioeconomic development, and so forth. If my assumption is correct, this would appear to be an inopportune time for us to dramatically change the course we have pursued in recent years.

Eighth. Those nations that are most important to us at the present time are naturally the recipients of the largest military assistance programs. Nations such as Korea, Cambodia, Thailand, Turkey, and Jordan receive vast amounts of American military aid, surplus equipment, and military training. These nations are also very poor and in some cases they are the victims of continuing military activity. I would strongly question whether it is realistic or reasonable for us to expect war-torn Cambodia, guerrilla-threatened Thailand, dismembered Jordan, divided Korea, or economically depressed Turkey to pay 25 percent of the cost of military aid and surplus equipment for 15 percent of the training programs designed to improve the quality of their military personnel. This would undoubtedly be a burden far too great for their economies to bear and our efforts to impose such a requirement would only adversely complicate our relations with each.

Ninth. In recent years, the Department of State has sought to move nations away from the direct military grant program. I am pleased to note that fiscal year 1974 would see Greece and Taiwan transferred from the aid program to the sales program. It would seem to me that the imposition of local currency deposit requirements would only serve to unduly strain weak economies and delay rather than enhance the chances that a recipient nation would reach the point in economic development where they no longer need to receive American military assistance.

Tenth. In some of the nations that would be affected, the anticipated deposit in local currencies would substantially exceed the anticipated needs of our Nation. I need not remind my colleagues that the United States has a tremendous surplus on Indian rupees which cannot be converted into gold or dollars and cannot be effectively used by us in India at the present time. I would question whether the accumulation of surplus foreign currencies would be beneficial to the economy of the United States or to the economy of the nation involved. Mr. President, I ask unanimous consent that some data I have compiled regarding this matter be printed in the RECORD at this point.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

Country	Fiscal year 1974 grant MAP (S. 1443)	Anticipated 25 percent deposit	Estimated fiscal year 1974 local currency purchases
Turkey	$49,000,000	$12,250,000	$8,715,000
Jordan	30,000,000	7,500,000	2,365,000
Indonesia	13,000,000	3,250,000	(1)

[1] None.

Mr. BEALL. In conclusion, Mr. President, I am concerned that the changes proposed by the Senate Foreign Relations Committee may have a profound effect upon the functioning of our military assistance program. It may be desirable to dramatically overhaul this program, but I believe that such a fundamental change of direction should take place after a thorough study and careful consideration by the Congress, not inadvertently as the result of a seemingly innocuous provision contained in S. 1443.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield myself 5 minutes.

Mr. President, as the Senator from Maryland has said, this amendment would strike from the bill an important provision designed to implement true burden sharing by beneficiaries of foreign military aid, which, I had been led to believe, is the basic thesis of the Nixon doctrine.

The provision in the bill that is involved here is very simple. It merely says that a country to which we give military grant aid must pay, in its own currency, for 25 percent of the amount of the grant and 15 percent in the case of training assistance. This requirement has two basic objectives—first, to make the recipient country think more carefully of its overall national priorities before asking for U.S. military aid, and second, to help alleviate our critical balance of payments and general fiscal situation by reducing overseas dollar spending.

Under the present system, military grant aid costs the foreign country nothing. Thus, foreign military men are encouraged to ask for all the weapons they can get whether or not the arms are actually needed for legitimate defense purposes. The present policy encourages conspicuous consumption, a "can you top this?" outlook by foreign generals and admirals, with their regional prestige in arms obtained at the expense of the American taxpayer.

By requiring a modest 25-percent payment, which will be available for official U.S. purposes within the country, the provision in the bill will help insure that requests by foreign countries for military aid must be treated like any other claim on the country's budget resources. If military aid must be weighed in balance with other national priorities, perhaps the appetites of the foreign military leaders may be curbed by other competing budgetary claims.

This partial payment requirement will result in significant savings to the taxpayer. In the last fiscal year the United States spent $6.7 billion overseas. In the coming fiscal year it is estimated that $417 million will be spent in dollars for local currencies in countries which are major recipients of military aid.

Mr. President, I ask unanimous consent to have a table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. LOCAL CURRENCY PURCHASES IN MAP COUNTRIES

[In millions of dollars]

	For fiscal year 1972	Estimates for fiscal year 1974
Africa: Ethiopia	13.304	13.021
Latin America:		
Bolivia	9.645	9.416
Chile	.616	.668
Dominican Republic	13.008	7.167
Ecuador	3.222	3.482
Guatemala	6.667	7.271
Paraguay	1.337	1.906
Uruguay	1.159	.493
East Asia and Pacific:		
China	14.762	16.238
Korea	79.275	87.202
Indonesia	.517	None
Philippines	87.353	96.083
Thailand	89.190	98.100
Near East/South Asia:		
Jordan	2.150	2.365
Turkey	5.558	8.715
Europe: Spain	59.710	65.680
Total	387.743	417.807

[1] U.S. dollars are used to purchase goods and services in Panama and Liberia. No local currency purchases are made in these countries.

Mr. FULBRIGHT. That expense can be reduced by about $55 million by the partial payment requirement in this bill. Surely, at a time when the President is urging Congress to hold the line on spending, this is a modest and desirable step.

Mr. President, this provision is not something the committee dreamed up out of the blue. Three years ago the committee initiated, and the Senate approved, a requirement that aid recipients pay 50 percent of the military grants we gave them—also in their own currency. That requirement was lost in conference. In 1971 the committee approved a provision requiring a 25 percent foreign currency payment. The Senate approved that provision. On the urging of the administration the House conferees insisted on reducing this to 10 percent, which is the legal requirement now in effect. Last year the committee tried to increase the payment to 25 percent but did not succeed. S. 1443, as introduced, required a 50 percent payment. Now the bill, as approved by the committee, requires only a 25 percent payment, one half the amount approved by the Senate 3 years ago—when our fiscal situation was far more favorable.

The pending amendment would have the Senate reverse a consistent record where this body has said that countries that receive military grant aid should help pay for our expenses within their country. If the Nixon doctrine means true burden sharing, as Congress and the public have been led to believe, this amendment should certainly be rejected.

Mr. President, I am prepared to yield back the remainder of my time if the Senator from Maryland is going to have a vote.

Mr. BEALL. I yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Maryland. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Iowa (Mr. CLARK), and the Senator from Delaware (Mr. BIDEN) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

The result was announced—yeas 47, nays 47, as follows:

[No. 229 Leg.]

YEAS—47

Aiken
Baker
Bartlett
Beall
Bellmon
Brock
Brooke
Buckley
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Jackson
Javits
Johnston
Mathias
McClure
McGee
Packwood
Pearson
Percy
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—47

Abourezk
Allen
Bayh
Bentsen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Ervin
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Kennedy
Long
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Symington
Talmadge
Tunney

NOT VOTING—6

Bennett
Biden
Clark
Gravel
Stennis
Williams

So Mr. BEALL's amendment (No. 271) was rejected.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 26, 1973, he presented to the President of the United States the enrolled bill (S. 1994) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. LONG).

DEFENSE ARTICLES FURNISHED TO FOREIGN COUNTRIES

The Senate continued with the consideration of the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

Mr. SCOTT of Pennsylvania. Mr. President, I send to the desk an amendment on behalf of myself and the Senator from Wyoming (Mr. MCGEE) and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, beginning on line 18, strike out "From July 1, 1973, through June 30, 1977 the" and insert in lieu thereof "The".

On page 20, strike out line 7 and all that follows through and including line 13.

Beginning on page 27, strike out line 18 and all that follows through and including line 5 on page 28.

On page 28, beginning on line 11, strike out "After June 30, 1974, no such training shall be conducted outside the United States except by specific authorization of law.".

Beginning on page 30, strike out line 3 and all that follows through and including line 15 on page 31.

On page 49, strike out line 3.

The **PRESIDING OFFICER**. May the Chair inquire whether this is the amendment on which the Senator has a limitation of 1 hour?

Mr. **SCOTT** of Pennsylvania. Yes, this is the amendment on which there is an agreed time limitation of 30 minutes to a side and 20 minutes on any amendment thereto.

I yield myself 6 minutes.

Mr. President, I do not believe the Senate can or should now attempt to foresee the precise time when the President can safely terminate all military grant assistance.

Section 2101 of S. 1443 proposes to authorize the President to furnish military grant assistance from July 1, 1973, through June 30, 1977.

Section 2102 of S. 1443 provides that the President shall gradually reduce military grant assistance so that no such assistance shall be provided after June 30, 1977.

Section 2110 of S. 1443 states that the authority of the President to provide military grant assistance and gradually to reduce such assistance during the period from July 1, 1973, through June 30, 1977, are repealed on July 1, 1977.

Section 2301 of S. 1443 authorizes the President to furnish military training to any foreign country or international organization, but specifies that no such training shall be conducted outside the United States after June 30, 1974, except by specific authorization of law.

I perceive major disadvantages in these sections by placing an unnecessary restrictive time limit on the duration of the President's authority to furnish military grant assistance and training to selected friendly and allied nations, To place a time limit on the President's authority would, in effect, announce to the world that, as of the given date, the President would not be able to exercise a power which has served so well the creation and maintenance of a more orderly world. This would result in the Chief Executive of the greatest Nation in the world being denied the authority to exercise influence or control of situations which threaten to become crises or other serious challenges to international security. Without any authority, the President would be unnecessarily constrained in reacting constructively or in pursuing a meaningful dialog to control difficult situations as they develop.

I submit that the President needs general authority to furnish military grant assistance to friendly and allied foreign countries. To attempt to predict now that such authority will not be required on the morning of July 1, 1977, would be vain indulgence for this Senate. There is no evidence to indicate that it may not be in our national interest to supply this assistance after this date.

Without the impetus of S. 1443, the President has in fact set a goal of gradually reducing military grant assistance. This reduction is inherent in the Nixon doctrine of foreign nations' making more and more contribution to their own defense. I maintain that he should be allowed to continue in these efforts without the imposition of arbitrary deadlines such as we are being asked to impose on him. This is not an abrogation of congressional responsibility. It is the sensible exercise of this responsibility in the best interests of our country.

Mr. President, what the bill would do without this amendment would be to simply say to the next President that a few months after he takes office he will have been deprived by the Congress of any right to exercise any further policy whatsoever in this area, and this I do not think the Senate should remove from any President. And this is from a future President.

Moreover, I point out that had this same kind of restriction applied during the time of the Marshall doctrine on aid to Greece and Turkey, which proved so successful in stabilizing an uncertain and turbulent world, the Marshall doctrine could not have succeeded in the way it did.

Had we put a time limitation on the Marshall doctrine without a willingness to extend it for such time as it needed to be extended, the beneficial aspects of American foreign policy, one of the most notably successful efforts we have made in this century, would have been rendered a nugatory effort.

Therefore, I hope that we will not in a form as reckless as this, as unseeming as this, and as unwise as this, cause any arbitrary limitation of this kind, which are not in the best interests of our ongoing foreign interests of the country, deprive the administrator of foreign policy of any hope of extending the goodwill of the United States through these programs for any length of time, even less than the time limited here, because it will be known that it is subject to an arbitrary cutoff.

I urge that the amendment be agreed to, and I yield back whatever time remains at this time.

Mr. **FULBRIGHT**. Is the Senator yielding back his time?

Mr. **SCOTT** of Pennsylvania. Mr. President, I simply yield back the remainder of the time I had yielded myself.

I now yield 10 minutes to the distinguished Senator from New York (Mr. BUCKLEY).

Mr. **BUCKLEY**. Mr. President, I believe that the distinguished Senator from Pennsylvania has made such a fine case that I will certainly not need 10 minutes in which to go over much of the same ground.

The bill as it now stands would merely degut the Nixon doctrine. When that doctrine was first enunciated at Guam, it represented the most imaginative proposal for a way in which the United States could continue to participate in viable regional security compacts based on a realistic assessment of the capacity and willingness of the American public to be involved in foreign military campaigns.

We must recognize that in an area such as Southeast Asia, as a result of our prior willingness to assume regional responsibilities, we have purchased a period of relative tranquility in many countries such as Thailand, Indonesia, and others in which they made enormous progress in their economic capability and political stability.

Therefore, at the time the President enunciated this policy, it was based on a realistic estimate of our less developed allies' abilities to assume increasing responsibilities for their own defense. It assumed that America could begin a period of providing our allies with more sophisticated weapons of war and providing them with the training which would enable them to assume increasing shares of the responsibility for regional security, thereby reducing the likelihood of future involvement of American ground forces in local conflicts.

We have seen dramatically what Vietnamization has accomplished in Vietnam. We have seen the capacity for military sophistication that has been demonstrated by the Republic of China in Taiwan, South Korea, and elsewhere.

That policy when it was first enunciated raised enormous concern among our allies, not only in Asia, but also elsewhere in the world because many believed that it signaled a growing isolationism on the part of the United States, that the Nixon doctrine was sort of a code word for a withdrawal from world responsibilities.

I suggest, Mr. President, that if the Scott amendment is not adopted, it will mean that the worst fears of those who must necessarily rely on American determination in foreign affairs will have been justified. It will shake to the roots the security arrangements we have had in Europe, the Pacific, and elsewhere, arrangements that have undergirded our strategy for underwriting world peace. If this bill is not amended, it will be a significant step backward from world leadership that could trigger a serious reevaluation by allies around the globe as to their ability to continue to depend on the United States, a reevaluation as to whether they should be seeking accommodations with other powers.

I believe that the attempt to phase out these military assistance programs over an arbitrary period or time is to demonstrate a total unawareness of how the world operates.

We know that other countries, the Soviet Union and mainland China, continue to provide hardware and training to various groups around the world. We know that these various groups continue in their capacity for troublemaking. If we declare, in effect, that we will no longer provide our friends with the military equipment and training they need to protect them, we will be turning our back on our responsibilities, and underlining the allowances we ourselves had constructed. The consequences could be disastrous.

I suggest that if Senators will only study the world realities as they are, they cannot help supporting the Scott amendment.

Mr. President, I yield back the remainder of my time to the Senator from Pennsylvania.

Mr. SCOTT of Pennsylvania. Mr. President, I thank the Senator from New York.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

First, may I say that I think it is rather strange that the Senator from Pennsylvania had to go back 20 years to find an analogy, the Marshall plan.

We all admit that under the circumstances of that day the program was an effective one. It was the reason why we were misled into thinking that we could do something similar in the underdeveloped countries.

The Marshall program was a limited program. It did not go beyond 5 years. It was intended to be limited. It was not proposed at that time that we enter upon a permanent program of aid to foreign countries.

This amendment would strike the provision in the bill which phases out the military grant aid program over a period of 4 years. I point out that the bill as introduced would have phased out the program in 2 years. Even that is too long in my opinion. However, the committee voted to lengthen the phaseout period to 4 years. The pending amendment says, in effect, that American taxpayers should continue indefinitely shelling out hundreds of millions of dollars each year to give unnecessary arms to countries where our own security interests are not remotely involved.

By the end of this month, U.S. taxpayers will have provided $180 billion in assistance to foreign countries since the end of World War I, $80 billion of that in military and related aid. The flow of military aid will continue unless Congress acts to make the nations of the world look to their own resources—not to the United States—for the setting of their defense priorities.

Executive branch officials have for years stated that the administration's objective was to phase out military grant aid. That is all this phases out, military grant aid and the MAAG missions. Indeed, Deputy Secretary of State Rush told the committee that an objective of the administration's bill was—

> To phase out grant military assistance as rapidly as possible.

Another State Department official told the committee this year that—

> The administration has regularly endorsed the concept of moving from grant military assistance to credit sales and then to cash sales.

But the administration refuses to set a timetable or accept any phaseout proposed by Congress.

Prof. Thomas Schelling, in testimony before the Committee on this bill said:

> The Congress is often in a very strong position to make aid termination look less discriminatory. The Congress can often take steps that are recognized by recipient countries as applying rather more universally than the bilateral diplomatic negotiations that the countries have with the Executive Branch. Countries can always hope to importune the Executive Branch to continue something . . . and for the Executive Branch to refuse is very often construed by the country as lack of appreciation by the Executive Branch.

Professor Schelling was saying, in effect, that the Executive branch cannot be counted on to terminate the military aid program, that only Congress is in a position to do it. And that is what the pending bill would do.

In his second inaugural address the President said—

> Let us encourage individuals at home and nations abroad to do more for themselves.

That, I understand, is the basic thesis of the Nixon doctrine. And that is what the grant phaseout seeks to do.

A 4-year phaseout is certainly not precipitate, each recipient has ample time to adjust his military priorities accordingly. If in this period a special situation should develop where the President believes that continued grant aid is in our interest, he can make the case to Congress and, if Congress chooses, it can do so.

In effect, what the provision on phaseout amounts to is to say that during these 4 years and in the future, they have to make a case for it; they have to come in and justify it, it is not going to come along automatically.

Obviously, we cannot bind next year's Congress, or next fall's Congress, if Congress wishes to do it; but we are establishing an objective, the same objective that was stated by the Secretary of State, which is a gradual phaseout. All we are doing is giving ourselves this 4-year period, which can be changed if a case can be made to Congress to change it.

In a sense, it is like shifting the burden of proof to the administration to make its case, whereas the way it operates now is that we have to make the case to show that the proposal of the administration is not sound. I submit that the better and more provident approach is to let the administration make the case, if they have one, for grant aid.

I emphasize again that this does not phase out everything. It does not phase out the lending program. It phases out only the grant aid programs and the MAAG missions.

With respect to the MAAG groups and missions, this amendment would strike the provision which phases out military missions and groups over a 4-year period, the same as the phaseout of grant aid. After 4 years any U.S. military mission in a foreign country must be specifically authorized by Congress and the foreign country agree to pay the entire operating costs involved.

For a number of years the committee has tried to bring about significant reductions in the size and number of these military missions. Yet, as of December 31, there were still U.S. military missions in 46 countries around the world, manned by 2,849 military and civilian personnel. This fiscal year the direct costs of these missions will total over $68 million, only $15 million of which is charged to the military aid program. The remainder comes out of the defense budget.

Can any Senator justify maintaining a military advisory mission in France, Germany, Denmark, or Italy, for example, where grant aid programs ended many years ago, or in Costa Rica which does not have an army? Or justify having 27 generals attached to these 46 missions, including one each for India and Pakistan, countries to which the United States supposedly does not give or sell arms? I ask unanimous consent that two pertinent tables be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. FULBRIGHT. Mr. President, military missions involve themselves deeply in the most sensitive internal affairs of the foreign countries where they are stationed, the security and national priority decisions of their foreign hosts. The State Department position paper on the amendment before the Senate states that—

> MAAG personnel are not concerned only with grant assistance; they advise and assist in planning realistic force goals and in selecting military equipment—and in so doing promote the sale and use of U.S. military equipment . . .

Do Senators believe that our military men should be planning military force levels for a foreign country or pushing certain kinds of military equipment?

It is just this type of role that the Foreign Relations Committee seeks to terminate by phasing out these missions. Foreign nations should make their own military spending decisions in the light of their own resources, not on the advice of American military men. And representatives of the American arms industry should sell their own wares, not look to U.S. military men to do it for them as the situation is today.

I remind my colleagues of the late President Eisenhower's warning of the military-industrial complex. There is no better example of the complex in operation than the foreign military sales program. We are reaping some of the results of not having paid heed to his very wise comments. Our Government should take an arms-length position in arms sales to foreign countries with the sole consideration being whether or not granting an export license would further our foreign policy and our overall interests.

The committee believes that the remaining essential functions of military missions could be absorbed by our defense attachés and, for that reason, allowed a 25-percent increase in the number of attachés assigned to a country.

One further point. There exists on the statute books section 712 of title 10 of the United States Code, which reads in part as follows:

> Upon the application of the country concerned, the President, whenever he considers it in the public interest, may detail members of the Army, Navy, Air Force and Marine Corps to assist in military matters—
>
> (1) any republic in North America, Central America, or South America;
>
> (2) the Republic of Cuba, Haiti, or Santo Domingo; and
>
> (3) During a war or a declared national emergency, any other country that he considers advisable to assist in the interest of national defense.

In plain English, this gives the President the authority to assign military men to any country he chooses around the world to assist that country "in military matters." This broad grant of authority would be repealed by S. 1443 but the pending amendment would allow it to remain on the books. I do not think the Senate would want to be on record as reaffirming such powers to the President; authority to send our men off to, in effect, serve in the armed forces of nations around the world. To do so would be a complete reversal of the Senate's efforts in recent years to curtail some of the vast discretionary powers that Congress has, in the past, given to the President.

Mr. President, this is similar to the other proposal in the sense that if there is an emergency that arises, if there is a change in the present climate, or for any reason at all, Congress can extend it or enlarge it if it likes. But in view of the recent developments, with the President's negotiations with Russia and with China and his so-called Nixon doctrine, it seems to me that it is quite inconsistent to continue a program that has its roots back in the days of the worst period of the cold war, when the Marshall plan, a successful program at that time, was initiated.

I do hope that the Senate will cooperate with the committee on this amendment. I urge that the amendment be rejected.

EXHIBIT 1

MAAG/MISSION/MILGP DATA

Country organization	Personnel on-board, Dec. 31, 1972					MAAG costs (including pay and allowance) (in thousands)			
						Fiscal year 1973 (estimate)		Fiscal year 1974 (estimate)	
	Officers	Enlisted	U.S. civilians	Local civilians	Total	MAP	Military department	MAP	Military department
Argentina, MILGP	19	9	1	7	36		$845.0		$910.0
Austria, DAO Aug	1	1			2		50.2		55.2
Belgium/Luxembourg, MAAG	5	1	1	6	13	$171.7	189.2	$171.0	189.2
Bolivia, MILGP	17	10	2	8	37		802.0		835.0
Brazil, MILGP	27	15	6	25	73		1,474.0		1,970.0
Cambodia MEDT	48	29			77	1,101.5	1,464.6	934.9	1,430.1
Chile, MILGP	12	3		4	19		477.0		511.0
Colombia, MILGP	15	6	1	6	28		662.0		615.0
Costa Rica, MILGP	2	2		1	5		93.0		96.0
Denmark, MAAG	6	1	1	6	14	133.6	239.9	124.7	241.0
Dominican Republic, MAAG	10	4	0	3	17	153.7	212.3	147.8	212.3
El Salvador, MILGP	9	1	0	3	13		256.0		256.0
Ethiopia, MAAG	44	43	4	34	125	1,101.6	2,127.7	1,042.4	2,067.2
France, MAAG	4	3	1	7	15	153.3	202.2	175.7	219.0
Germany, MAAG	18	5	7	9	39	598.2	866.3	634.4	764.6
Greece, JUSMAG	34	20	8	37	99	720.9	1,440.2	772.8	1,390.6
Guatemala, MILGP	16	7	0	4	27		576.0		637.0
Honduras, MILGP	6	4	0	3	13		273.0		291.0
India, ODR	4	2	1	7	14	150.0	176.2	193.5	171.9
Indonesia, DLG	21	21	2	20	64	1,113.4	849.3	790.8	849.3
Iran, ARMISH-MAAG	114	58	15	39	226	932.9	8,350.2	1,003.2	1,124.8
Italy, MAAG	7	4	2	3	16	248.6	384.3	247.8	318.7
Japan, MDAO	7	0	5	6	18	168.2	279.7	283.6	165.4
Jordan, DAO Aug	3	2	0	3	8	105.1	74.0	57.7	74.0
Korea, JUSMAG	204	202	55	132	593	3,360.7	9,284.1	3,008.5	7,118.2
Liberia, LIBMISH	12	6	0	5	23	323.4	387.2	517.6	378.8
Morocco, MUSLO	10	11	3	6	30	219.5	640.9	341.6	670.4
Netherlands, MAAG	6	2	0	5	13	99.2	194.4	117.0	190.3
Nicaragua, MILGP	7	6	0	2	15		317.0		412.0
Nigeria, DAO Aug	1	0	1	1	3	39.6	24.2	35.9	17.1
Norway, MAAG	5	1	1	5	12	112.5	196.5	110.6	187.9
Pakistan, ODR	4	3	0	6	13	219.0	159.3	127.3	159.3
Panama, MILGP	5	3	1	1	10		240.0		266.0
Paraguay, MILGP	10	5	0	3	18		515.0		479.0
Peru, MAAG	3	3	0	3	9	73.3	315.0	78.3	315.0
Philippines, MAAG	36	13	8	6	63	368.8	979.8	369.8	964.6
Portugal, MAAG	8	3	3	7	21	168.0	289.2	166.6	289.2
Saudi Arabia, USMTM	67	50	0	6	123	268.7	2,635.6	282.2	3,123.7
Spain, JUSMG-MAAG	30	8	15	19	72	265.6	731.1	265.4	774.6
Taiwan, MAAG	94	63	24	26	207	719.6	3,536.7	722.3	3,210.8
Thailand, JUSMAG	150	108	2	1	261	1,014.4	4,471.5	1,014.4	4,003.1
Tunisia, USLOT	8	6	0	3	17	211.6	352.8	193.7	343.8
Turkey, JUSMMAT	90	52	27	86	255	1,096.0	3,565.5	1,197.1	3,554.3
Uruguay, MILGP	9	3	0	5	17		389.0		326.0
Venezuela, MILGP	26	9	1	3	39		899.0		949.0
Zaire	11	20	0	6	37	708.5	723.0	682.6	803.4
Total	1,245	828	198	578	2,849	14,924.0	53,210.1	15,801.2	50,030.6

EXHIBIT 2

MAAG'S/MISSIONS/MILGROUPS

OFFICER AUTHORIZATION, FISCAL YEAR 1973

	Major general 08	Brigadier general 07	Colonel 06	Lieutenant colonel 05	Major 04	Captain 03	1st Lieutenant 02	Warrant officer WO	Total
Argentina		1	3	13	1		1		19
Austria[1]					1				1
Belgium/Luxembourg			3	2	1				6
Bolivia			3	7	8				18
Brazil	1	2	6	14	2	1			26
Cambodia		1	5	12	21	5	1		45
Chile			3	6	2				11
Colombia			3	3	11	1			18
Costa Rica				1	1				2
Denmark			3	3					6
Dominican Republic			1	4	5				10
El Salvador			1	7					8
Ethiopia		1	4	15	20	2		1	43
France			3	1					4
Germany	1		3	13	3				20
Greece	1		6	17	9	3			36
Guatemala			2	4	9			1	16
Honduras			1	2	3				6
India		1	1	2			1		5
Indonesia			2	4	16	1			23

	Major general 08	Brigadier general 07	Colonel 06	Lieutenant colonel 05	Major 04	Captain 03	1st Lieutenant 02	Warrant officer WO	Total
Iran	1	2	19	62	36	9		7	6
Italy	1		3	3	1				138
Japan			1	6					7
Jordan[1]				1	4				5
Korea	2	1	24	69	77	18	1	18	0
Liberia			1	3	5			2	211
Morocco			1	2	6				19
Netherlands			3	3					6
Nicaragua			1	2	4				7
Nigeria[1]					1				1
Norway			3	2					5
Pakistan		1	1	2		1			5
Panama			1	4	1				6
Paraguay			1	6	3	1			11
Peru			1	2					3
Philippines		1	6	15	12		1	1	36
Portugal	1		3	2	2				8
Saudi Arabia		1	4	18	30	6	1	6	66
Spain	1		6	14	7	2			30
Taiwan	1		10	36	41	6		8	102
Thailand	1		11	34	73	23		3	145
Tunisia			1	2	4	1			8
Turkey	2	2	10	45	24	5	1	4	93
Uruguay			1	5	3				9
Venezuela			4	16	5	2			27
Zaire			1	2	6	1			10
Total	13	14	170	486	458	88	7	51	1,387

[1] Defense Attaché Office security assistance augmentees.

Mr. SCOTT of Pennsylvania. Mr. President, at this point I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SCOTT of Pennsylvania. I yield the distinguished Senator from Wyoming such time as he may require.

Mr. McGEE. Mr. President, may I ask what we are talking about here?

The PRESIDING OFFICER. There is 1 hour on the amendment, of which the Senator from Pennsylvania has 18 minutes remaining, and the Senator from Arkansas has 21 minutes remaining.

Mr. McGEE. I thank the Chair for that report. I do not intend to use anything like that amount of time. I intend to speak quickly and to the point on this pending matter, by reminding us that we are all interested in winding down military assistance, and in cutting back military installations everywhere. We should not, however, undertake it on a panic basis by doing it all at once and overnight. If we were to do that, we would do it at the peril of weakening the whole structure of the world that we have already contributed so much to shoring up, and expanding in its areas of control, stability, and orderly change.

It is understandable that we get impatient even with ourselves, I suspect, because this has been a long, long road since the end of World War II. But need we remind each other than in that long span, with the great gains that have been made toward a more peaceful world, we now have 132 nations in the U.N., we have another dozen roaming around somewhere on the globe, and each of them, in turn, represents marginal security problems or uncertainties?

Yet they look for leadership. They repair to the standards of those who are interested in trying to stabilize affairs around the globe. Some repair around the Soviets, some around the Government of the United States, and others around new and emerging independent governments.

The heavy dependence psychologically on where the United States is going to stand in the real world tomorrow would be difficult to exaggerate. And what that means is that there is an abiding fear, a lurking suspicion, that the people of the United States and the Government of the United States have "had it," and that they are going to pull back from the world, they are going to erect "Fortress America" and "go it alone."

We have been through that in our history before, in the lifetimes of most of the Members of this body.

What I am suggesting, Mr. President, is that we should have a cool, cold look at how to proceed, hopefully, into a better world. Should we do it by pretending all is well now and there will be no new problems, or should we be realistic and make this adjustment on a quid pro quo basis with the other great nations of the world and, thereby, remind all our friends around the world that we are not going to pull out, because someone in the Congress of the United States decided they could pick a magic date that had no bearing on what is transpiring in world politics.

I can remember in this body how glowing were the expectations when the Soviet leaders and the President of the United States met at Glassboro. We heard a great deal about the spirit of Glassboro, that this was a new day, this was a new age, and peace was at hand. They wanted to drop anything, anywhere they could spot American commitments, anywhere they could spot the presence of forces that had contributed to the chances for a new spirit. In the wake of that hopeful undertaking at Glassboro, we were all shocked into a new reality with the assault on Czechoslovakia. There were those who tried to pretend that that did not mean anything. They said to us again and again, "It is all different now."

Well, my friends, it is not all different now. There is a new atmosphere now. The President has been to Peking. The President has been to Moscow. Moscow has been to Washington. It is all hopeful and we are all praying that it will lead to the next step. But what has been agreed to is very tenuous indeed.

I submit that if we were now to advertise to the world we were cutting out of everything and pulling back from everything, it would actually worsen the situation rather than improve the chances for peace.

So, Mr. President, it is my decision that we not put a time certain, a timetable, on this kind of withdrawal. We can do that as we go along if the circumstances warrant it.

But who here in this body knows what the problems of the world will be 2, 3, or 4 years from now? Who could have guessed 1 year ago what the problems are now?

I am simply saying that we may think we are wise men, and we would like to be as wise as is mortally possible to be, but we are not that smart. There are forces at work in the world that defy prediction. There are calendars being drawn in the world, calendars of events of the future, that defy and confound all Republicans and Democrats—even Senators—and, therefore, we should be smarter than to spell out with this preciseness just how we will quit the world.

This, I would suggest, Mr. President, because we are here to stay in the world. It is a rough and rugged and often cruel world climate, but we have no other place to go. We are not going to go into Skylab. We have no other planet that we can hide out on. We have got to make it here, if we are going to make it at all. We have come a long way since we were thrust into the new and frightening role of world leadership by the events of World War II.

But, let us not blow it now. The price we have already paid for where we are today should haunt us every night. But we do have the chance now to resolve our uncertainties in an orderly fashion, without precipitate action by decree through the rhetoric of those of us in the Senate.

We really ought to stay our impatience. We ought to restrain our impulsiveness to try to arrive at a cheaper, quicker formula for resolving our uncertainties and our insecurities.

I support this measure. I have joined as a cosponsor with the distinguished Senator from Pennsylvania (Mr. SCOTT), the minority leader. I think there is much more at stake than playing games with something as carefully interwoven as the mutual interdependency of all the peoples of the world. Those peoples still rest on sovereign governments; they still are for orderly change. They would have no chance if we permitted the fabric of that kind of change to become unraveled, because a present-day Senate of the United States decided to do so.

As S. 1443 now stands, its basic thrust is to terminate our military assistance and withdraw our military missions and advisory groups by July 1, 1977. The proposal to terminate both MAP and MAAG's overseas within a specified time period in accordance with a fixed schedule illustrates the approach to complex problems of foreign policy that is embodied in S. 1443.

I have no quarrel with the concept of ending military assistance. In fact, the executive branch of Government is now moving in this direction. Grant material assistance will be ended in fiscal year 1974 for China, Greece, and Liberia. The trend is in this direction in our other programs. However, I believe it is in our national interest that this be an orderly process and not a process which can be subjected to arbitrary deadlines such as we have been asked to impose in S. 1443.

The premise underlying these sections of S. 1443 is that assistance in the form of grant MAP and MAAG's to friendly countries overseas will not be necessary 4 years hence. This premise is based, no doubt, on the success achieved to date in moving toward a more relaxed world—and the promise that the era of negotiations, having arrived for us, will reach our friends and allies. The results of the past 4 years give reason to believe that this is not an exaggerated promise.

Let us consider some of the implications of deciding now to end military assistance on July 1, 1977. We are being asked to prophesy in June 1973 that the world will be so sufficiently stable in 1977 that we will not need this vital foreign policy tool. This is a prophesy I am not prepared to make. I realize that we can reverse ourselves if the situation warrants, but the very act of setting a deadline on military assistance now will be a signal to the world of an American withdrawal from our worldwide interests and responsibilities.

Many of the same considerations apply in the proposed withdrawals of our military missions and advisory groups. It is too early to decide that we will not need them after July 1, 1977. Even S. 1443 recognizes their importance by authorizing a 25-percent increase in our defense attaché staffs to handle their functions. This is a stopgap measure that will not work. First, because there is a basic incompatability between the functions of a military mission and a defense attaché. They perform different jobs in many countries which cannot be realistically combined. Second, our largest defense attaché offices are in developed countries which do not receive military assistance. The developing countries which do receive military assistance have much smaller defense attaché staffs and a 25-percent increase in these staffs could not begin to perform the functions of a military mission.

Finally, as we all know, it is one of the President's main objectives to help allies in the developing world to become self-sufficient for their defenses. An essential element to achieve this goal is the advice and assistance our military missions provide these countries. The missions are abroad at the request of host governments and to withdraw them on an arbitrary date will simply frustrate the enormous progress made to enable allies and friends to insure their security within their resources.

I think the arguments are conclusive against taking the severe steps we have been asked to in S. 1443 to end security assistance and withdraw our military missions in 1977. Since both Congress and the executive branch have the same objectives, let us allow the executive branch to follow its course toward these goals.

Mr. SCOTT of Pennsylvania. Mr. President, I congratulate the distinguished Senator from Wyoming for his very helpful and useful remarks concerning this amendment. I think it is unfortunate that there are some peoples that have no constituency, and have no hope of receiving foreign assistance simply because foreign assistance bills are without a constituency. It is easier to cut without cutting out something so that you can cut somewhere else.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT of Pennsylvania. Mr. President, I yield myself 1 additional minute.

Actually, the funds used in this assistance program are largely from American enterprise. They are job-creating funds. They are funds that provide employment for people, funds that help the economy of the United States.

I myself deplore the tendency to cut assistance or defense on what I regard as entirely specious reasoning that the money is being used for some other policy. The foreign policy of the United States ought not to be juggled like a yo-yo. It ought not to be something that is bounced up and down on an emotional basis. It ought to be based on a foreign policy underlying the importance of the United States in maintaining its commitments to its friends abroad.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

When the Senator from Pennsylvania says that our foreign policy has no constituency, I think he overstates the case. It has an enormous constituency, a constituency which is not unlike the one that supported our defense program. In one breath, the Senator says our foreign assistance program has no constituency. Then he says it creates jobs and utilizes our factories, which it does.

This program has a very large, active constituency, because so much money is involved.

As the Senator has correctly stated, the Marshall plan, which I supported, and supported very strongly, was an appropriate program, was a successful one under these conditions. What I think the Senator overlooks is the change in conditions. He ignores the fact that his own President has had much to do with the change in those conditions. That is one of the reasons why this program is absolutely necessary under present conditions.

The ceremonies and activities only last week highlight and emphasize and make clear to everyone that there is a great change in the condition of the relations between our country and Russia. I think it is time that the Senate recognize those changed conditions. That is what this bill is seeking to do, and the phaseout is part of that movement to make this program consistent with present conditions, as they exist in the international scene.

Mr. President, Senator HUMPHREY is not here, and I do not suppose we should delay. I am perfectly willing to vote, if the Senator from Pennsylvania is.

I yield back the remainder of my time.

Mr. SCOTT of Pennsylvania. I have no requests for time. I yield back the balance of my time.

The PRESIDING OFFICER. All time on the amendemnt is yielded back.

The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) and the Senator from Alaska (Mr. GRAVEL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Virginia (Mr. SCOTT) are necessarily absent.

The result was announced—yeas 48, nays 44, as follows:

[No. 230 Leg.]

YEAS—48

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bentsen
Brock
Brooke
Buckley
Byrd,
 Harry F., Jr.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Jackson
Javits
Johnston
McClure
McGee
Moss
Packwood
Pearson
Percy
Roth
Saxbe
Scott, Pa.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—44

Abourezk
Bayh
Bible
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Talmadge
Tunney

NOT VOTING—8

Bennett
Biden
Clark
Gravel
Inouye
Scott, Va.
Stennis
Williams

So the amendment of Mr. SCOTT of Pennsylvania was agreed to.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, having voted with the prevailing side on the question of agreeing to amendment No. 271 by the Senator from Maryland (Mr. BEALL), I now move that the Senate reconsider the vote by which the Senate failed to agree to that amendment.

Mr. SCOTT of Pennsylvania. Mr. President, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, is that motion debatable?

The PRESIDING OFFICER. It is debatable. Under the previous order there will be 15 minutes on each side, to be equally divided between the Senator from Alabama and the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require. I only wish to say I had hoped we could complete action on the bill tonight. I had told a number of my colleagues who asked me what I projected for the evening and I said I hoped we could finish the bill. We did have only two amendments at the desk which would require rollcall votes and two which could be accepted. I do not know how many more amendments will be offered, but, of course, it could run much later.

I think if we are not going to finish the bill tonight we run the risk of indefinite prolongation of the bill because there always will be continual amendments.

I hope that those Senators who have amendments or contemplate amendments will let us know if they are going to offer them so that we can make up our minds as to whether we can complete action on the bill this evening.

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator from Alabama yield to me for 1 minute?

Mr. ALLEN. I yield.

Mr. SCOTT of Pennsylvania. I rise only to say that I agree with the distinguished chairman of the committee. I hope we can dispose of the matter tonight.

Mr. FULBRIGHT. I wonder if anyone can say if there are amendments to be offered. I am informed there are two amendments at the desk, including the amendment of the Senator from Alabama. I thought that when he rose he was going to offer that amendment.

Mr. McGEE. I have one amendment. It is a small amendment. It would not take 15 minutes, if we could agree on a time limit, so that I might explain it, but it might require a roll call vote, depending upon the disposition——

Mr. FULBRIGHT. Is it printed?

Mr. McGEE. No. I have not had a chance to file it. I hesitated to bring it up while things were so busy.

Mr. FULBRIGHT. They are the only amendments in addition to the one by the Senator from Alabama and by the Senator from Texas, which I anticipate would require rollcall votes, and I had told a number of Senators I thought we could finish up by a quarter of 7 or 7 o'clock. I might have to revise that if there are other amendments.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the majority leader, I think I would have to state that it is the plan of the leadership to finish the bill today if it is at all possible to do so at a reasonable hour. We are constrained to do this because of the very heavy workload that lies before the Senate after action on this bill is completed. There is the debt limit bill. There is the continuing resolution. There is the Renegotiation Act, which will expire on June 30. We have the agriculture appropriation bill, reported today. We will have the HUD appropriation bill reported within a couple of days. There are numerous other measures on the calendar.

In view of this fact, I think Senators might be wise to prepare to have a reasonably long day today in an effort to complete action on the bill.

We have two nominations that will require a little time, the Kelley and the Schlesinger nominations, which we hope to have confirmed certainly before the Senate completes its work prior to the July Fourth recess; and in order to complete our work this week and not have to come in Monday or Tuesday of next week, I think we had better plow ahead and try to complete action on the bill today.

Mr. FULBRIGHT. Mr. President, in view of this, I will take 2 minutes on the measure which the Senator from Alabama seeks to reconsider. It is the measure with regard to recipients of foreign grant aid having local currency used by the Government for our local expenses in the respective countries. It is a very simple matter. The bill simply tries to lessen the expenditure of American tax dollars in the respective countries to the extent of 25 percent of the grant. It is to pay our own expenses in that country. It has no effect upon the amounts that the country is given. The effect is that the recipients will be under some little bit of an incentive to restrict their requests for grants because they have to pay 25 percent, which we will then use for our expenditures within those countries.

It is estimated that this 25 percent would produce about $5 million equivalent. It would have our Government that much in local expenses within the recipient countries. That is all it is. I submit it as certainly a provident amendment. The provision in the bill increases the existing law from 10 percent to 25 percent. It is not a major amount of money, but it is several million dollars.

That is the only purpose of the committee bill. I might say that the committee itself reduced the amount which the original bill carried from 50 percent to 25 percent. I thought it would be a reasonable amount in view of the demands upon our own Treasury.

Mr. ALLEN. Mr. President, I yield 3 minutes to the Senator from Maryland (Mr. BEALL).

Mr. BEALL. Mr. President, as the distinguished chairman of the committee points out, the bill as presented to our body contains a provision that would require a 25-percent deposit in a recipient country. My amendment, as he pointed out, would keep the law as it is at the present time; that is, require those countries that are the recipients of this kind of assistance to deposit 10 percent of that amount in their local currency to defray the expenses our country incurs operating in those countries.

The 10-percent provision has been in effect only 1 year. The point of the amendment is to keep it at 10 percent so the provision does not become counterproductive. The purpose of this kind of assistance is, one, to fulfill treaty commitments we have made with such countries; second, to have them try to develop the ability to take care of themselves by providing assistance to them; third, to put them in a position where they can enter into foreign sales agreements with us.

If we raise that amount to 25 percent, it is going to have the effect of driving people out of the program altogether. So it seems to me it would be counterproductive in the long run. Instead of gaining friends, we would lose friends. Instead of trying to help people, we would be forcing them to go to other parts of the world to seek help. It seems to me it would be prudent on our part to allow the 10-percent provision to stay in effect so as not to damage a program that has been productive to date.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I do not believe any treaties obligate us to do this. I do not believe that is correct.

Mr. BEALL. The Senator is correct.

Mr. FULBRIGHT. There is no treaty obligating us to do it.

Mr. BEALL. No, I did not mean that. Treaties do not obligate us to do this. Treaties do obligate us to help people to help themselves. If we enter into agreements with other countries around the world, that puts us in a position where we obligate ourselves to help them should they run into difficulty. I do not mean that we are obligated by treaty to provide this kind of assistance.

Mr. FULBRIGHT. No; we are not bound by any treaty to do anything like this, certainly not to deposit local currencies.

Mr. BEALL. I did not mean to imply that.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the motion has been yielded back.

The question is on the motion to reconsider

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. A "nay" vote would be against the Beall amendment?

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the amendment was rejected. A "yea" vote will be a vote to reconsider and to allow the amendment to be voted on again.

Mr. FULBRIGHT. In a sense, it would be in favor of the amendment.

The PRESIDING OFFICER. A "yea" vote would be in effect a vote for the amendment.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY If we are opposed to the Beall amendment, we would vote "nay." Is that correct?

The PRESIDING OFFICER. That is correct.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. EASTLAND (after having voted in the affirmative). On this vote I have a pair with the Senator from Hawaii (Mr. INOUYE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and then Senator from Virginia (Mr. SCOTT) are necessarily absent.

The result was announced—yeas 46, nays 45, as follows:

[No. 231 Leg.]

YEAS—46

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Brock
Brooke
Buckley
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Jackson
Javits
Johnston
Mathias
McClure
McGee
Packwood
Pearson
Percy
Roth
Saxbe
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—45

Abourezk
Bayh
Bentsen
Bible
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Ervin
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Kennedy
Long
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Symington
Talmadge
Tunney

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Eastland, for.

NOT VOTING—8

Bennett
Biden
Clark
Gravel
Inouye
Scott, Va.
Stennis
Williams

So the motion to reconsider the Beall amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Maryland.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on the amendment to be offered by the distinguished Senator from Alabama (Mr. ALLEN) be limited to 40 minutes rather than the 1 hour previously agreed to. I understand that meets with the approval of the sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And 20 minutes on any other amendment with the exception of the Tower amendment.

Mr. TOWER. Mr. President, for the edification of the majority leader, I might say that in all probability I will not call up my last amendment, but I have not made a final decision.

Mr. MANSFIELD. With the exception of the Tower amendment, I ask unanimous consent that time on all other amendments be limited to 20 minutes, and in accordance with the usual procedure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Maryland (Mr. BEALL). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT of Pennsylvania. Mr. President, a parliamentary inquiry. Is it correct that on this Beall amendment, a "yea" vote is for passage?

Mr. ROBERT C. BYRD. Mr. President, a rollcall is already in progress.

The PRESIDING OFFICER. A rollcall is in progress. The inquiry is not in order.

The rollcall was continued.

Mr. HATFIELD (when his name was called). Mr. President, on this vote I have a pair with the Senator from Utah (Mr. BENNETT). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announced that, if present and voting, the Senator from Iowa (Mr. CLABK) would vote "nay."

Mr. GRIFFIN. I announced that the Senator from Utah (Mr. BENNETT), and the Senator from Virginia (Mr. SCOTT) are necessarily absent.

The pair of the Senator from Utah (Mr. BENNETT) has been previously announced.

The result was announced—yeas 47, nays 44, as follows:

[No. 232 Leg.]

YEAS—47

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Brock
Brooke
Buckley
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Jackson
Javits
Johnston
Mathias
McClure
McGee
Moss
Packwood
Pearson
Percy
Roth
Saxbe
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—44

Abourezk
Bayh
Bentsen
Bible
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Ervin
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Kennedy
Long
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Symington
Talmadge
Tunney

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hatfield, against

NOT VOTING—8

Bennett
Biden
Clark
Gravel
Inouye
Scott, Va.
Stennis
Williams

So Mr. BEALL'S amendment was agreed to.

Mr. TUNNEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. PELL). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 32, line 11, immediately after "SEC. 3101.", insert "(a)".

On page 32, after line 20, add the following:

(b) No vessel or boat may be sold, loaned, leased, given or transferred by any other means to any foreign country or international organization unless that country or organization agrees prior to any such transfer that—

(1) the vessel or boat will not be used to interfere in any way with the normal fishing operations of any United States fishing vessel that is operating in any area claimed as territorial seas or fishery management zone which is not recognized as such or on the high seas; and

(2) if any such transferred vessel or boat is so used, the vessel or boat will be returned to the United States Government. In the event any such transferred vessel or boat is used by a foreign country or international organization to interfere in any way with the normal fishing operations of any United States fishing vessel that is operating in any area claimed as territorial seas or fishery management zone which is not recognized as such or on the high seas, no other vessel or boat shall thereafter be transferred by any means to that country or organization unless the Secretary of State is satisfied that such country or organization will no longer so use any such vessel or boat.

Mr. TUNNEY. Mr. President, a copy of the amendment is on the desk of every Senator if they care to read it. Basically, what this amendment would do would be to prohibit the loaning, leasing, giving, or sale of military vessels to those countries which use such ships against U.S. fishermen in international waters.

Ecuador and Peru have used vessels owned by the U.S. Government to go after our fishing boats operating in well recognized international waters—waters outside the normal 12-mile limit which are recognized by international law.

My amendment would prohibit the use of American vessels for this purpose. Although the Foreign Assistance Act deals with confiscation and expropriation of U.S. vessels, it has little bearing in this matter. American fishing boats are being seized in Latin American countries and are being held hostage for fines. They are not confiscated or expropriated unless the fines are not paid. In addition to this, the harassment perpetrated against American fishing boats is not limited to seizure. Their lines are often cut and they are sometimes even fired upon by the foreign country.

My amendment is a simple one. It would require any country seeking to loan, lease, buy, or receive an American vessel or boat to enter into an agreement specifying that it will not use them to interfere with normal fishing operations on the high seas not recognized by the United States. If this agreement is violated, the foreign country would be required to return the U.S. vessel or boat. Furthermore, the Secretary of State would be authorized to prohibit the transfer of any additional boats or vessels to the foreign country if this agreement is violated, unless he is satisfied that the foreign country will not continue to use U.S. vessels in this illegal manner.

The amendment does not prohibit transferred vessels from being used to seize American vessels that are carrying out illicit activities or are fishing within 12 miles of the shore of the foreign country.

Mr. President, since 1961, well over 100 tuna vessels flyng the flag of the United States have been seized by various Latin American nations. Such seizures and harassments represent a clear violation of international law. The United States, along with 92 other nations, recognizes a 12-mile territorial limit for fishing. Ecuador, Peru, and Chile claim control of waters extending 200 miles offshore. This claim is an infringement on the rights of the United States, and these constant harassments are nothing more than illegal attempts to bully American vessels off the oceans on which they have the right to sail. These nations should subject their claim to international negotation to establish fishery conservation agreements.

For years, the State Department has protested these Latin American attempts to restrict free access to the seas, yet seizures and harassments continue. Heavy fines are being levied upon those who attempt to fish inside these illegal 200-mile limits, fines which impose severe economic hardshps on the American tuna industry.

For the United States to supply the vessels which are used for the illegal capture of our own fishing boats is an outrage. The United States should not provide the means for other nations to contravene the widely held perception of international law which designates a territorial boundary of 12 miles from the shore of any country. The amendment I am proposing today would end the United States inadvertant complicity in the illegal actions which have been taken against our own fishing vessels.

Mr. FULBRIGHT. Mr. President, will the Senator from California yield?

Mr. TUNNEY. I yield.

Mr. FULBRIGHT. I have discussed this amendment with the Senator. It is an old familiar problem that we have had, particularly with Peru. The Senator's predecessor, Mr. Kuchel, used to introduce such an amendment—

Mr. TUNNEY. Then I am in good company.

Mr. FULBRIGHT. I am in accord with the amendment. I have supported it many times in the past, and the Senate has also passed it many times. I am perfectly willing to accept the amendment. I do not believe there is any opposition to it.

Mr. TUNNEY. I thank the Senator from Arkansas. I yield back my time.

Mr. MAGNUSON. It is, indeed, an old familiar amendment to me. It is the old Magnuson amendment. I want to join as a cosponsor of the amendment of the Senator from California.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the name of the Senator from Washington (Mr. MAGNUSON) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY).

The amendment was agreed to.

Mr. JACKSON. Mr. President, on behalf of the distinguished Senator from Connecticut (Mr. RIBICOFF) and myself, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 11, between lines 17 and 18, insert the following:

(d) No sophisticated weapons, including sophisticated jet aircraft or spare parts and associated ground equipment for such aircraft, shall be furnished under this or any other Act to any foreign country on and after the date that country violates any agreement it has made in accordance with subsection (a) of this section or any other provision of law requiring similar such agreements.

Mr. JACKSON. Mr. President, the amendment I propose is a simple one, intended to strengthen the nontransfer provisions of the bill by adding a much needed sanction in the case of the illegal transfer of sophisticated weapons, particularly jet aircraft.

As presently written, the bill does not specify any sanction in the event that a country receiving sophisticated weapons from the United States departs from its commitment to refrain from transfering such weapons to a third country. My amendment would add such a sanction, specifically, the termination of further shipments of sophisticated weapons, spare parts and associated ground equipment. The termination of such shipments to a country in violation of its obligatory nontransfer commitment would take effect immediately upon any illegal transfer.

Mr. President, as I understand the provisions of section 104 of the bill, no country receiving weapons from the United States may, without the consent of the President, "permit the use" of such weapons by persons who are not nationals or employees or agents of that country.

Clearly, this prohibition would extend to the use of such weapons for the purpose of training persons otherwise ineligible to obtain control of or use them. This has particular significance in the context of the possible sale to Saudi Arabia of sophisticated jet aircraft. It means, in my judgment, that Saudi Arabia would be prohibited from making these aircraft, or the ground training equipment associated with them, available to, say, Egyptian nationals, whether they be regular members of the armed forces of Egypt or employed in some other capacity.

The addition of the sanction I am here proposing to this provision will strengthen the bill and help to assure that Phantom aircraft for Saudi Arabia, a subject of extensive discussion, could not be transferred to any other country, nor could these aircraft and equipment be used for the purpose of training any non-Saudi pilots. At the first evidence of such activity, whether it be the transfer of the aircraft themselves or the training of third-country nationals, the flow of sophisticated weapons and spare parts would be immediately terminated.

Mr. President, I would hope that the contingency that my proposed amendment is intended to deal with would never arise. But I firmly believe that, because they lack a clear and immediate sanction, the provisions of the existing bill are inadequate to cope with the transfer of sophisticated weapons that can so dramatically affect the balance of forces in the affected region. In the case of the Middle East, this is particularly true.

In the Middle East, there exists a certain stability that arises out of the present military balance. We should do nothing to permit that balance to shift; on the contrary, I believe that we ought to consider with great care whether it may be necessary to reexamine the adequacy of Israel's defense capability in light of the flow of sophisticated weapons to the countries of the Middle East—and to make any necessary adjustment that may involve an augmentation of the Israeli Air Force.

Mr. President, while I believe that the stability of the vital Middle East and Persian Gulf area can be strengthened by assisting Saudi Arabia to maintain an adequate defense, I have grave doubts about the wisdom of transferring Phantoms to the Saudis. I believe that this is an issue that we in the Congress will wish to watch very closely. In my view, no clear need for the transfer of Phantom aircraft to Saudi Arabia has been established by the administration. I would hope that we would concentrate our efforts on helping the Saudis to obtain the far more useful self-defense capability that they now lack, a capability requiring less elaborate military hardware.

Mr. President, I have discussed this amendment with the distinguished chairman of the committee and I understand there is no objection to it.

Mr. FULBRIGHT. Mr. President, no, there is not. The principle is sound. The Senator would strengthen the principle which we have long had in the law as to transferability of the weapons we give under the program to foreign countries. I am in favor of the amendment and support it.

Mr. JACKSON. Mr. President, I yield back my time.

Mr. FULBRIGHT. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON).

The amendment was agreed to.

Mr. ALLEN. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 14, strike out line 4 and all that follows through and including line 2 on page 16 and insert in lieu thereof:

"SEC. 1104. The President is authorized to finance procurements of defense articles and defense services by friendly countries and international organizations on terms of repayment to the United States Government of not less than the value thereof in United States dollars within a period not to exceed 20 years after the delivery of the defense articles or the rendering of the defense services.".

On page 17, strike out line 12 and all that follows through and including line 14 and insert in lieu thereof:

"SEC. 1106. There are authorized to be appropriated to the President to carry out, this part not to exceed $525,000,000 for the fiscal year 1974.".

The PRESIDING OFFICER. The Chair inquires of the Senator from Alabama, is this not the amendment on which there is a 40-minute time limitation?

Mr. ALLEN. The Chair is correct. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I should like to inquire of the distinguished chairman of the committee whether he would object to the amendments being considered en bloc, inasmuch as they deal with the same general subject.

Mr. FULBRIGHT. No, I have no objection.

Mr. ALLEN. Mr. President, I ask unanimous consent that the amendments may be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON) and myself, I have introduced this amendment to sections 1104 and 1106 of S. 1443.

Section 1106, as written, would provide only $200 million for a foreign military sales credit program of $700 million. This sum is obviously insufficient. This amendment would provide $525 million in new obligational authority for a credit program of the same level provided by the committee in fiscal year 1974. In other words, the total program would be the same, $700 million, which is the program envisioned by the committee; but as will unfold a little later, it is impossible to have a $700 million program with a $200 million appropriation, especially since $300 million of the $700 million is earmarked for Israel. So how can we carry on a $700 million program with $300 million earmarked for Israel, and only $200 million appropriated?

The credit program is an essential element of the Nixon Doctrine which encourages other countries to assume more responsibility for their own defense. This is no "give away" program. The funds provided are either direct government-to-government credits or guaranties of private credit furnished by private U.S. financial institutions. The credits are used by foreign countries to purchase defense articles and services from the United States. The funds are eventually returned to the U.S. Treasury as the loans are paid off. This is to be distinguished from the grant program. This is a credit, a guarantee program. S. 1443, as reported by the committee, would seriously weaken the credit program by failure to provide sufficient funds to carry it out.

The difference in funding levels proposed by S. 1443 and my amendment are critical. The amendment proposes that $525 million be appropriated in NOA for a credit program of $700 million. The ratio between these two amounts corresponds roughly to fund and program levels of recent years. Based on past experience, the $525 million that the amendment authorizes is the minimum required properly to support this program which includes $300 million for Israel alone. The $200 million provided by S. 1443 is totally inadequate to meet all our needs including the $300 million loan to the Israelis—and would place the program in serious jeopardy.

There are two types of programs: the government-to-government program that would come out of the $200 million, and then, a credit program, assuming they can get financial institutions to enter into that type of program, wherein the government sets aside 25 percent of the amount loaned in a reserve fund to secure all such type loans. So, theoretically, the loan program could be extended by this 25 percent again.

Mr. President, just to show that this program has been working—the credit program and the guarantee program—since the early 1960's, $1.8 billion has been loaned under the combined program.

The PRESIDING OFFICER. The minute of the Senator has expired.

Mr. ALLEN. Have I used 10 minutes?

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. ALLEN. I yield myself an additional 5 minutes.

Out of the $1.8 billion loaned since the early 1960's, $900 million has been repaid. There has been interest of $155 million, and there is now in this 25 precent reserve fund $128 millilon.

I have been advised by the State Department this afternoon that it is anticipated that under this program, this year, $200 million in principal and $56 million in interest will be repaid. More will be repaid than the total amount appropriated for the fund.

To show how it would work, Mr. President, with respect to the $300 million obligated for Israel, based on the experience they had this fiscal year, they had to lend $150 million in a direct government-to-government loan, no guarantee program at all. That used up $150 million.

They were able, then, by using the guarantee program of 25 percent of the private investor loan, to secure the additional $150 million. They had to put up a guarantee of $37.5 million.

So if the same system is used this time, it is quite obvious that to use up the $200 million will come within $12.5 million of using it all up on just this one loan. And there are other nations to be taken care of—$80 million is projected to be loaned to a South American country.

This loan program has been highly successful. I am advised that there is only some $2 million in arrears on all these loans now outstanding on the Government books.

These countries buy the equipment from the United States. They use that equipment. They are taught by American people. It provides jobs for American workers, and it establishes a friendly and firm relationship between our Government and these foreign governments, and at very little expense to the U.S. Treasury under this loan program.

The involvement of U.S. financial institutions in financing sales of arms and equipment, guaranteed by U.S. Government funds, is relatively recent. Some banks are not attracted by the idea of financing sales of military items to countries abroad, although this attitude is changing.

I might state that in the current year, $400 million was appropriated on an overall program of $525 million. They were not able to use all the $525 million because they had to use so much of the government-to-government loans.

It did not expand the program a great deal. So they are not able to change the proposed $400 million. The program is being cut back by the committee to the level of $200 million, which is half of what was appropriated for this year, while this record stands in its face.

I submit that using the figures provided by the committee, of $700 million, an appropriation of up to $525 million would enable this program to be carried out in proper fashion.

The whole $200 million funding level proposed by the committee contradicts the bill's stated policy of helping countries achieve their grant assistance by direct commercial purchases.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. ALLEN. I yield myself 5 additional minutes.

The bill provides for credit and, in fiscal year 1974–75, for grant assistance to specific countries, to be repaid in local currency at the equivalent of zero percentage of interest.

Why would they require the equivalent of zero percentage of interest? I may say that in exercising the loan guarantee fund, the Government has been collecting $500 million every year. But the committee bill would upset a very fine business arrangement, whereby military equipment is sold to foreign countries, and they are paying interest. But the committee bill would raise the interest from zero percent to 3 percent, whereas my amendment would require the money to be repaid in American dollars and would give the Government an opportunity to charge the prevailing rate of interest.

Participation by these lending institutions has grown in recent years. In fiscal year 1973, the private credit component of the foreign military sales program, arranged by U.S. financial institutions, amounted to almost 40 percent—$218.3 million—of the total credit program of $550 million. It is hoped that the private interest in the program will continue and increase. The administration believes that the involvement of U.S. private enterprise in this area is essential. This kind of involvement is, after all, very much in the American tradition—and indeed is called for by S. 1443.

The provision of only $200 million in funds for a $700 million program as provided by S. 1443 would mean that virtually all foreign military sales credits would have to be negotiated by using USG 25 percent guarantees of loans provided by U.S. lending institutions. At the same time, very few funds would remain for direct government-to-government loans.

More fundamentally, the low $200 million funding level proposed by S. 1443 contradicts the bill's stated policy of helping countries shift from grant assistance to direct commercial purchases through a period of easy credit. The bill provides for credit in fiscal year 1974–75 for grant assistance recipient countries to be repaid in local currency at zero percent of interest, and for local currency repayments at no less than 3 percent in fiscal years 1976–78. But this kind of financing simply could not be done, since the program proposed by this bill relies almost exclusively on private financing which requires commercial rates of interest and repayment in U.S. dollars. I know of no U.S. bank that would be interested in 0 to 3 percent financing.

The administration's policy, supported by Congress, is to phase out grant assistance on an orderly basis and ease the transition with credits for the purchase of military items. This policy is being carried out. Most recently, Greece, Liberia, and the Republic of China have "graduated" from grant assistance to credits. Turkey received credit for the first time in fiscal year 1972; $75 million is requested for Turkey in fiscal year 1974. Korea has been taking on increasing amounts of credit since fiscal year 1971, and $25 million is requested in fiscal year 1974. The administration's proposed FMS credit program supports this policy in a realistic way. It proposes a balance between private financing and direct government-to-government credit. It proposes to offer credit at its cost to the U.S. Government—with only rare exceptions—and to require that the loans be repaid in U.S. dollars.

Unless we have a properly funded foreign military sales credit program, we shall greatly increase the doubts of our allies regarding the dependability of the United States as a source of military supply. We would run the risk that many allies might turn to European suppliers which are actively seeking to expand their sales and which are strongly supported by national credits. This would be a loss to the United States in both political and economic terms. Politically, this would mean the reduction in an important element of our international relations. Economically, this would mean a loss—by our own doing—to our industry, our balance of trade, and our balance of payments. It runs wholly counter to everything we are attempting to do to restore our economy and our economic position in the world.

The amendment would raise the level of new money for the foreign military sales credit program, but in our view the price is justified. The additional money will generate additional sales and additional income to the United States and our workers. This administration has wound down the war in Indochina. It is reducing America's share of the cost of common security programs in an orderly manner. It has demonstrated the capacity to devise new policies to meet changing world conditions. This bill will, if adequately funded, give the administration the resources it needs to continue to make progress in one of our military assistance programs that is essential to the interests of our allies and ourselves.

I urge Senators to support this amendment.

Mr. President, I ask unanimous consent that a table showing the amounts lent under this program and the amounts repaid be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

(Amount in billions)

Since beginning in early 1960s when we first started offering credits:

Amount	$1.8
Repayment of principal	.9
Interest earned and paid	.155
Guarantee receive fund part returned every year since 1960's at rate of $3 to $4 million, and increasing every year	.128

(Amount in millions)

1973—Anticipated payment on total credit:

Principal repayments	$200
Interest payment	56

If $200 million prevails, all but 34 million—or 166 million—must be used as guarantee for private credit. Never used more than $54 million. If we get 525 million, we hope to use $78 million. $150 million part for Israel. It was very difficult last year, and they are a good risk.

Mr. ALLEN. Mr. President, if the full $300 million were to be provided for Israel, it would mean that all other nations that are receiving credit under this program, or receiving anything at all, would be gobbled up by Israel. That is all well and good provided funds are available for other nations using this program, including the $80 million to be lent in Latin America. The committee amendment would destroy any effort or any ability on the part of the Government to make loans to Latin American countries for the purpose of buying military equipment, and would turn those loans over to other nations.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. JACKSON. Mr. President, I have joined with the distinguished Senator from Alabama in support of the amendment. I think he has stated the case very well. If we are going to have a viable program at all, in order to implement American foreign policy in the 1970's, obviously there must be resources available to do that job.

When we limit the authority as it is in the bill to $200 million, in light of minimum requirements around the world, we do not have the means by which we can have any kind of capability to do the things that are essential in carrying out American foreign policy.

I am not one who favors a program of peddling America's capability in terms of sales.

Obviously, there are many countries that should not be buying military equipment. I voted yesterday in the case of the Greek aid amendment to see to it that we do something about the viability of the system in Greece. I want to see a strong, viable government there, but I do say that if we adopt the standard of only $200 million for total sales for the coming year, $150 million of that is already committed, and properly so, under authority of the amendment, I had agreed to sometime ago—aid to Israel—which the Senator from Alabama supported.

Mr. ALLEN. Actually this bill mandates the Government to provide $300 million.

Mr. JACKSON. Without only $200 million available.

Mr. ALLEN. Yes.

Mr. JACKSON. This is a shell of a bill to carry out a very important part of our foreign policy. I strongly support the Allen amendment. I hope the Senate will adopt it so that we can do the job we must do in the 1970's.

Mr. ALLEN. I thank the Senator. I reserve the remainder of my time.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 3 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the sum of $200 million should not be confused with the total authorization of the bill, nor should Israel be so confused. As a matter of fact, Israel is able to go to the Export-Import Bank and obtain the resources she needs for military aid up to $300 million. I talked this afternoon with representatives of the State Department and asked if this $200 million limits the possibility of Israel being able to get the $300 million, and the answer was no. As a matter of fact, she can get most of her banking done through the regular banking structure.

Mr. ALLEN. Would the Senator provide that she could not use that source for any of the $300 million?

Mr. HUMPHREY. No, I do not think it is necessary. I believe it is in our interest to slow down the sale of arms.

Mr. ALLEN. It is written in the bill that $300 million goes to the government of Israel.

Mr. HUMPHREY. Under the total authorization.

Mr. ALLEN. I have no objection to that.

Mr. HUMPHREY. The bill states:

> There are authorized to be appropriated to the Secretary of State to carry out this part not to exceed $200 million.

That part is under the guarantees, government to government. The government of Israel has been able to use both the guarantees and direct commercial borrowing out of banking structures of the country. I do not think we should confuse that with whether $200 million is adequate.

Mr. ALLEN. I think the Senator has it confused because this year this program had to guarantee 25 percent of $150 million.

Mr. HUMPHREY. The Senator is correct.

Mr. ALLEN. And then had to make a loan of more than $150 million to get it to $300 million.

This is a twofold program. It is credit sales.

Mr. HUMPHREY. The Senator is correct.

Mr. ALLEN. And also guarantee sales. But the $200 million limitation applies to both programs.

Mr. HUMPHREY. I am aware of that. It is government to government, and the guarantee sales was privately financed but guaranteed by the Treasury of the United States. I am saying it is not right for the Senate to believe this $200 million would jeopardize the military assistance and credit sales or guarantee to Israel. It is a fact it would not leave much left over, but I do not think there should be much left over. It seems to me if these countries are such good repayers the private banks of those countries may find they would enjoy getting their interest and principal back.

The problem we have on the $200 million is with respect to those countries that are not good repayers.

It seems to me that if we are going to try to put the brakes on arms sales, this is the place to do it. I think the $200 million might be tight and we might increase that, but I see no reason to go to $525 million.

We tried to get $50 million for EDA in loans for development of water systems and industries in this country—just $50 million, and the administration said it is too much.

Here is a request for $525 million, authorized appropriation to people who do not need these weapons, many of them who have a hard time paying for them, and when they do, they are neglecting other things that need to be done. It seems to me the committee came up with a prudent and fiscally responsible proposal.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, the proposed amendment would increase the authorization for the foreign military credit sales program by $325 million, a 160 percent increase above the amount recommended by the committee. In addition, it would make major policy changes in the way the program is to be administered. Of course, that requires that much more in appropriation.

Under existing law, there is a 10-year repayment limit on credit that is extended by the U.S. Government to developing foreign countries for arms purchases. The committee recommended that this limit be retained. The pending amendment would double the present repayment period and make it 20 years. If this is approved, countries will be paying for planes, tanks, and guns long after they have been sent to the scrap heap.

The bill before the Senate sets a floor on the interest rate that can be charged for direct Government loans for arms purchases. It requires that the borrowing country pay interest equal to the cost of money borrowed by the Treasury Department or the rate charged by the Export-Import Bank on loans for comparable purposes, whichever is higher.

However, I point out that very generous concessional terms are allowed on loans to grant aid countries, in limited amounts, to help them make the transition from grants to credit sales. This is a price that had to be paid in the transition process, the committee felt. The impact of this change on the credit program will not be felt until the 1975 fiscal year, however.

The proposed amendment would allow loans to be made without the borrower having to pay any interest. The Treasury is now paying more than 7 percent on long-term borrowings. The Export-Import Bank charges 6 percent on their direct loans for arms purchases. Thus, under the committee's bill, the borrower would be required to pay at least a 7-percent-plus rate. Under the pending amendment the executive branch could let the borrower pay 3 percent, 2 percent, 1 percent or no interest.

Companies like General Motors, RCA, and Xerox must now pay 7½ percent for bank loans. Home buyers must pay 8 percent and up. Small businessmen 9 percent and up. Do Senators want to give the executive branch authority to make loans for arms purchases at no interest to countries like Greece, Taiwan, and Brazil—with money our Government has borrowed at 7 percent? I hope not.

Now as to the amounts involved. The committee, in recognition of the Senate's and the Congress' pledge to fiscal responsibility, has taken action to minimize the use of appropriated funds for financing credit sales while still approving an overall ceiling only slightly less than that requested by the administration. Under the plan approved by the committee most of the financing would be through commercial banks with the loans backed by a Government guaranty. Under the guaranty program of 25 percent of the amount backed by a guaranty must be placed in a reserve account, thus, the $200 million in appropriations authorized by the committee will be more than ample to finance the $700 million in credit authorized by the bill. Under the administration's credit sales proposal, $313 million in commercial financing was programed. I have no doubt that ample additional commercial financing can be arranged with Government encouragement.

Mr. President, our Nation's fiscal situation is desperate. The President has asked for a $20 billion increase in the limit on the national debt. This amendment would add $325 million more to that debt burden.

Talk is cheap, Mr. President. The vote on this amendment will tell if the Senate really wants to be fiscally responsible or whether that is only so much talk.

I do not understand why we insist on giving this kind of program such a high priority that we want to give them loans at no interest or at interest of 2 percent or 4 percent. There is no use belaboring the point. The Senator from Alabama assumes the very question at issue. Is it in our interest to continue to foist this in large amounts because of jobs at home? I can understand the man who has a job that likes it or the company selling planes. I do not expect them to come in and say, "No, we do not want to do business any more."

The Senator from Pennsylvania said the foreign aid has no constituency. I do not know what he means by that. I do not know of anyone next to the Pentagon that has more powerful constituents. I have no objection to making money. Of course, in wartime we have to do it. But the war in Vietnam is over. I thought we were going to move toward a peacetime economy, and this is a very gradual reduction. If the Senate wants to make the terms more liberal it is privileged to do so. I think it is very much against the interests of this country to do it.

Mr. President, I am willing to yield back the remainder of my time if the other side is willing to yield back the remainder of their time.

Mr. ALLEN. Will the Senator yield a moment? The Senator is talking about the liberal terms of the amendment. Actually, it is the committee that has the liberal terms, because the amendment provides for repayment in American dollars, whereas the committee, from 1973 to 1978, is providing for payment in the currency of the foreign country.

Mr. FULBRIGHT. If the Senator will allow me, that was strictly confined to those countries that were phased out during what is called the phaseout. The Senator's amendment applies across the board to all of them.

Mr. ALLEN. It is the law at the present time.

Mr. FULBRIGHT. We were assuming the phaseout period, which was defeated by a very narrow majority just recently, would be in effect, and during that period they would be given concessional loans; but the regular lending program does not have that provision. The Senator is doubling the 10-year period to 20 years.

Mr. ALLEN. I am not doubling it. That is the present law.

Mr. FULBRIGHT. The present law is 10 years.

Mr. ALLEN. That is what the Senator has here.

Mr. FULBRIGHT. It is my understanding that the amendment provides 20 years. I apologize if I did not understand. The present law provides 10 years; the Senator's amendment makes it 20 years.

Mr. ALLEN. I am advised 20 years is the present authorization.

Mr. FULBRIGHT. I am advised it is 10 years.

Mr. ALLEN. We had better get our advisers together.

Mr. HUMPHREY. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. HUMPHREY. The committee amendment provides for 10 years. That is the point. The amendment provides for 20 years.

Mr. ALLEN. The question is, What is the present law?

Mr. HUMPHREY. We are going to write the present law. That is what we are going to write. That is the purpose of this session.

Mr. FULBRIGHT. I have in my hand the official legislation, the Foreign Military Sales Authorization, chapter 2. I am reading from the official book, on page 203:

> The President is hereby authorized to finance procurements of defense articles and defense services by friendly countries and international organizations on terms of repayment to the United States Government of not less than the value thereof in United States dollars within a period not to exceed ten years after the delivery of the defense articles or the rendering of the defense services.

I do not know where the Senator gets 20 years.

Mr. ALLEN. Very well, if that is what it is, but I was advised that is the present law.

Mr. FULBRIGHT. The bill provides 10 years.

Mr. ALLEN. If that is the only point the Senator is making——

Mr. FULBRIGHT. No, that is not the only point. It is one of many.

With respect to the interest rate provision, and the soft loans, the bill restricts them to what we called the phaseout period on grant aid. All along there was confusion as to whether we had been talking about the grant program or the overall program. The phase-out applied to the grant portion of the bill. That has been removed. The bill anticipated that in that period where we changed from grant to loans which would be repaid, during the transitional period we would give them concessional loans.

The amendment lengthens the period and softens the loan requirement and the interest rate and increases the burden upon the Treasury, because it calls for an appropriation of an additional $325 million, which is a 160 percent increase.

Mr. HUMPHREY. It is $525 million.

Mr. FULBRIGHT. $325 million above what the committee provides.

Mr. ALLEN. Is not the overall ceiling the same?

Mr. FULBRIGHT. The overall ceiling is $200 million. With $200 million, one could go to the Chase bank or any other bank and could finance up to $800 million, under the bill, because it is 7 to 1. It is more than the ceiling.

Mr. President, I yield back the remainder of my time.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, I rise to indicate my support for the amendment of the Senator from Alabama. It is and should be our policy to move away from outright grants to loan assistance. One way to encourage that trend is to have adequate loan authority available.

As reported, the committee bill would chop off grant assistance while cutting back drastically on loan authority.

I believe the Senator from Alabama is pointing in the right direction with his amendment, and I think it should be adopted.

The PRESIDING OFFICER. Is all time yielded back? Does the Senator from Alabama yield back his time?

Mr. ALLEN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Three minutes.

Mr. ALLEN. Yes, I yield it back.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment offered by the Senator from Alabama (Mr. Allen) for himself and the Senator from Washington (Mr. Jackson). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. Gravel), the Senator from New Jersey (Mr. Williams), the Senator from Hawaii (Mr. Inouye), the Senator from Maine (Mr. Muskie) and the Senator from Indiana (Mr. Hartke) are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) and the Senator from Alaska (Mr. Gravel) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) and the Senator from Virginia (Mr. Scott) are necessarily absent.

The Senator from Connecticut (Mr. Weicker) is detained on official business.

The result was announced—yeas 36, nays 53, as follows:

[No. 233 Leg.]

YEAS—36

Allen
Baker
Bartlett
Beall
Bellmon
Brock
Buckley
Cannon
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Jackson
Johnston
Long
Magnuson
McClure
McGee
Packwood
Scott, Pa.
Sparkman
Stevens
Taft
Thurmond
Tower
Young

NAYS—53

Abourezk
Aiken
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cotton
Cranston
Eagleton
Fulbright
Hart
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Javits
Kennedy
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Stafford
Stevenson
Symington
Talmadge
Tunney

NOT VOTING—11

Bennett
Biden
Clark
Gravel
Hartke
Inouye
Muskie
Scott, Va.
Stennis
Weicker
Williams

So Mr. Allen's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. McGEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, strike out the words "of cash sales under sections 1102 and 1103 of this Act," in lines 5 and 6 and in lines 14 and 15;

On page 18, insert the following new subsection between lines 21 and 22:

"(c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth in detail the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall any geographical ceiling applicable under this section be exceeded by more than an amount equal to 50 per centum of such ceiling."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the pending amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I can explain the amendment very simply. It is an amendment that is aimed at exempting the regional ceiling limitations on Africa and Latin America. That is, the cash sales under the bill would not apply to the ceiling. On Africa it does not affect the status in any way. It is a low enough figure. In Latin America there is no arms race on among the nations.

It only means that if they do not stay in contact with us in the sales that we can influence, they are going to get them in Eastern Europe or someplace else. It is not an issue as to whether they get them or not.

I believe that it is to our advantage. I happen to be chairman of the Latin American Subcommittee at the present time. And I have spent a lot of time in these last few months with every delegation from Latin America. When they are asking for considered status, they are asking to be put back on the front burner in our priorities.

This is one of the elemental areas where they can be recognized, with direct relations with us, as having some status and dignity as a nation.

So, the amendment would simply do that. It would not count cash sales under the regional ceilings involved in the bill in those two areas, Africa and Latin America. It would restore to the President an option, if he makes a finding and reports to Congress that this is a serious factor in the national security interest. It would restore his old option to lift that ceiling up to 50 percent in extreme cases.

Mr. President, the effect of section 1302, should it remain in its present form, would be a strong signal to our Latin American neighbors that the United States was not really interested in establishing closer, more mature relationships within the Hemisphere.

Regional ceilings for Latin America and Africa were first established as an effort to curtail the diversion of scarce funds from economic development to arms purchases. The Latin American ceilings also signaled U.S. concern over the possible development of an arms race in that part of the world. Yet, in retrospect, there has been no arms race in either Latin America or Africa. Major purchases have been largely directed toward replacing obsolete and difficult-to-maintain equipment. In Latin America, despite repeated expressions of interest in U.S. equipment, the bulk of the sales have ultimately gone to our allies in Europe.

Thus, the magnitude of just one or two major purchases would be sufficiently large enough that they could account for the bulk of the U.S. regional ceiling in any one year and force curtailment of procurement in support of routine operations. In effect, we have been significantly inhibited from responding to legitimate requests which has resulted in most nations of the hemisphere turning elsewhere for their major purchases.

From 1967 through 1972, military arms sales to Latin America totaled over $1.6 billion, of which the U.S. share was only about 13 percent of this figure. Despite the recent upsurge in Latin American purchases of military equipment, the region expends an average of only 2 percent of its gross national product for military purposes. This is the lowest total of any developing area in the world.

On the other hand, the African ceiling poses no problem for our security assistance programs. The requested aggregate for fiscal year 1974 is about $35 million. The annual foreign military cash sales level has been about $5 million.

But of greater importance is the impact of the proposals embodied in S. 1443 upon those nations affected. As sovereign entities they have become increasingly aware of problems associated with their development. Each government perceives what is required to meet the needs of its population and each has its own ideas on the allocation of resources. Most regard the imposition of a regional ceiling of military sales by the United States as undue interference in their affairs and resent such attempts to control their use of funds.

Most recent purchases of arms have given the governments concerned a modest, modern capability in keeping with their national aspirations. However, our policy of unilateral restrictions has countered these attempts and has also been both ineffective and harmful to our relations.

Section 1302 of S. 1443 would include the value of cash sales against the Latin American and African ceilings and would eliminate the 50-percent Presidential waiver in existing legislation. This can only be interpreted as a double retreat from our recent attempts to treat Latin American nations on a mature basis. Cash sales under the Foreign Military Sales Act are made at the initiative of the purchasing government which has the right to expend its money in its own best interests. Without the Presidential waiver authority, the U.S. total of overall military sales from 1967 through 1972 would have been significantly smaller.

In conclusion, I would just add that to deny legitimate requests for arms to our Latin American neighbors contributes to a diminution of U.S. cooperation within our own hemisphere. We can ill afford to take such precipitous action at this time when there is a rising concern in Latin America that the U.S. policy in the Western Hemisphere is one of increasing neglect.

That is the whole issue of the measure, and my colleague from Tennessee has worked at this measure. He is a cosponsor of it, and I am glad to yield such time as remains to him.

Mr. BROCK. I thank the Senator for yielding.

I might say briefly that I know there are a lot of people in this country who simply want to eliminate the arms sales entirely. I do not think it is rational, feasible, or in the national interest to do so. Latin America, in the last 5 years, has reduced arms purchased to 13 percent in terms of what they buy from this country. I think that has more than a military or balance of payments implication. I think it has a very clear political implication in terms of our coordination with those people, who consider themselves and whom we consider as very good friends and allies.

All we are trying to do is exclude the value of cash sales from the regional ceilings, and I cannot for the life of me see why these sales should be considered as subject to some form of limitation on the part of the foreign aid program. It seems to me that the amendment makes commonsense as well as political, economic, and military good sense, and I urge the support of the amendment.

Without this amendment, the bill would have a serious adverse effect upon our relations with the other nations of this hemisphere. Continuation of these inter-American policies requires that added flexibility be granted to the President.

I am advised that our current trade relationships with the African nations are such that S. 1443 would not have noticeable adverse effects there, and my remarks are addressed only to the bill as it applies to Latin America.

S. 1443 would limit the ability of the Executive to respond to the legitimate defense requirements of the Latin American nations. It does so by proposing to include the value of cash sales within the regional ceiling for Latin America as well as by eliminating the 50 percent Presidential waiver authority in existing legislation.

The authority of the President to waive the present regional ceiling for Latin America has enabled the United States to conclude several important sales with Latin American countries. In fiscal year 1973, we were able to sell North American Rockwell OV-10 aircraft to Venezuela. This year, the waiver has been essential to permit the possible sales of Cessna A-37's, Lockheed C-130, and Northrup F-5E aircraft to several interested countries.

Many observers would prefer to sell no arms abroad whatsoever, but past experience has demonstrated that we are not able, by a unilateral restrictive sales policy, to halt the purchase of military equipment. Other suppliers are available and willing to fulfill Latin American requirements through provision of credit and the sale of equipment. It is worth noting that during the 5-year period from 1967 to 1972, the Latin American nations purchased $1.6 billion worth of new equipment. Of this, only $261 million was spent in the United States.

The effect of these statistics on our balance of payments is obvious. The political effects are not so obvious and have included a diminution of the valuable military relationships established over the years which provide important channels of communication for our overall relationships.

Section 1302 of the bill currently before us would signal that we are unwilling to relinquish a paternalistic attitude toward these countries and to establish relations on the basis of mature partnership. The administration has repeatedly affirmed its intention to encourage the Latin Americans to become more self-reliant by looking to them to take the initiative in articulating and assuming responsibility for their needs. In keeping with this policy, we wish to respond positively in assisting the Latin Americans to meet their legitimate needs when requests are received.

We can do that by adopting this amendment to section 1302. By our willingness and capability to respond in meeting the legitimate military requests of Latin American countries, we will continue the confident military supply relationship that has developed since World War II. Even more important, this relationship gives a favorable cast to our overall relations with the entire hemisphere—a matter of inestimable importance to the future of our country.

Mr. DOLE. Mr. President, I wish to support the amendment offered by the distinguished Senator from Tennessee (Mr. BROCK) and from Wyoming (Mr. McGEE). This amendment would remove cash sales from the regional ceilings for Latin America and Africa and restore the President's authority to waive up to 50 percent of the amount of these ceilings.

It is important to note that all cash sales under the foreign military sales program are made at the initiative of the purchasing countries. If the United States were to impose limits on these cash sales by means of a ceiling, such a step would surely be resented by Latin American and African nations—and rightly so—as a paternalistic interference in their efforts to provide for their own defense. Such an unwarranted and gratuitous step by the United States would surely detract from the mature political relationships we seek with Latin American countries. And in Africa, it would undermine our professed interest in contributing to improved internal security as a basis for orderly national development.

The regional ceilings for Latin America and Africa were originally established to curtail arms races in developing nations and prevent the diversion of scarce funds in these countries from economic development to arms purchases, but in retrospect, it can be seen that there has been no arms race in either Latin America or Africa, even when waiver authority was utilized. These regions expend an average of slightly more than 2 percent of their GNP for military purposes, the lowest for any regions of the world. Furthermore, the expenditures undertaken by these nations have been largely directed toward replacing obsolete and difficult-to-maintain equipment, rather than expanding the overall size of their forces.

Aside from these foreign policy questions, there is the consideration of the adverse impact these ceilings have had on American exports, and thereby, our whole economy. For example, from 1967 to 1972, major military equipment purchases by Latin American countries, worldwide, totaled over $1.6 billion, but the U.S. share was only about 13 percent.

Now, I certainly do not believe the United States should seek to profiteer on the sales of the tools of war around the world. But we should be realistic. These countries are obviously going to continue their equipment modernization programs, and American manufacturers will have greater opportunities in this promising market if we enact the proposed amendment to liberalize the regional ceilings. If given amounts of military sales are going to be made in any event, it is not in the interests of the United States to see these sales going to German, French, British, or other companies, when American workers can produce the same products on a competitive basis.

I am particularly concerned with this point, because among the export sales which would be blocked would be Cessna A-37 aircraft, which are produced in Wichita, Kans. Production of this versatile and valuable aircraft, each one valued at more than $500,000, provides significant employment in an area that has suffered severe economic dislocations in recent years, and I do not believe the workers at French or British aircraft plants are any more deserving of employment than those individuals in Wichita. Nor do I see any compelling reasons to eliminate these sales' contributions to reducing America's balance-of-payments deficit.

In addition to the adverse political and economic effects of the ceilings, they also detract from our military relations. For example, the Latin American armed forces have been historically associated with ours in common defense arrangements. More recently the military in Latin America has emerged as a major force for national development. In limiting our ability to provide equipment sought by Latin American armed forces, the ceiling has caused a reduction in the common orientation in doctrine, tactics, and logistics in the hemisphere and has given the inaccurate impression that we lack interest in the whole region. It is not in the interest of the United States to let this trend continue.

Therefore, Mr. President, I believe these provisions which were contained in the bill as reported by the committee are not truly in the interests of the nations of Africa and Latin America. Nor are they in the interests of this country. I urge the adoption of the amendment to eliminate these provisions.

Mr. FULBRIGHT. Mr. President, in 1966 the Committee on Foreign Relations recommended, and the Senate approved, a $55 million annual ceiling on government military grants, sales, and ship loans to Latin America. This was subsequently increased to $85 million in conference. The committee report on that bill stated:

> The adoption of this further restriction on the size of the total program of military assistance should be effective in substantially lessening the flow of military equipment from the United States to Latin America and, hopefully, result in diverting budget funds now being spent by these countries for military purposes to civilian uses. This committee does not wish to be responsible for encouraging in any way arms races in Latin America. The Committee is not impressed with the argument that if the United States does not sell military equipment, the Latin Americans will buy it in Europe. One might as well argue for legalizing slot machines in the District of Columbia on the grounds that otherwise people will go to southern Maryland to gamble.

Seven years later the committee is still of the same view. And the arguments from the executive branch are the same—"If we don't sell to them, the French, British, or Russians will." Over these 7 years the ceiling has been increased, at the urging of the executive branch, to $100 million which, through use of a Presidential waiver, has been increased to $150 million for the last 2 years.

I wish to emphasize that commercial sales, outside Government channels, are not covered by the ceiling under existing law or under the bill approved by the committee. Both cover only U.S. Government transactions.

In order to waive the ceiling the President has had to find that "overriding requirements of the national security of the United States justify such a waiver." What possible overriding interests of our national security are there in allowing Brazil to buy F-5E's on easy-credit terms, which, if ever used, will likely be against Argentina—to whom we also plan to sell F-5E's?

S. 1443 takes a realistic view of the situation. It increases the ceiling to $150 million and continues the commercial sales exemption but eliminates the waiver authority. Under the bill a total of $198,000,000 in military grants and sales could be provided to Latin American countries each year, including commercial sales.

The pending amendment would also increase the ceiling to $150 million a year. But, in addition, it would allow the

President to waive the ceiling and increase it by 50 percent, to $225,000,000. On top of that, it would exempt cash sales made through Government channels, estimated at $47 million next year. Finally, it would also continue the exemption for the $48 million in commercial sales estimated for next year. Thus, under current estimates, it would allow military grants and sales of $330,000,000 in the coming fiscal year, more than three times the ceiling in existing law. It would be preferable not to have any ceiling at all than to have such a mockery on the statute books.

I would like to put the country-by-country list of expected sales in the RECORD, but it is classified. Again, the Senate is being asked to consider an important issue without being able to discuss the facts out in the open.

Mr. President, in much of Latin America we give countries economic aid which they put in one pocket only to take money out of another pocket and spend on useless military hardware. There is no external threat to Latin America. If war breaks out in Latin America it is almost certain that all parties will be using arms provided by the United States, as happened in the recent soccer war between Honduras and El Salvador.

In the coming fiscal year the executive branch proposes to sell eight Latin American countries $132 million in arms. And in the same year it plans to provide the same countries with $160 million in economic aid. It is no wonder that American taxpayers are disgusted with *foreign* aid. Why should our taxpayers be asked to pay for economic aid to these countries when they divert other resources to pay for arms which serve only as prestige symbols for generals and admirals?

The exectuive branch has taken the hard-sell route in Latin America. It is determined to meet the competition, even if it means our hard-pressed taxpayers put up the money for useless jet fighters on easy terms and, in addition, shell out the economic aid which helps enable the buying country to meet the payments. The American taxpayer ends up footing the bill twice. If these countries want to buy, let them do it through commercial channels. As to economic aid, let them make their case to the multilateral banks which are in a position to exercise some leverage on the national priorities of borrowers. The U.S. bilateral aid program is clearly ineffective in this respect. These countries should not be able to have the American taxpayers' cake and eat it, too.

The pending amendment would also allow an increase in the $40,000,000 ceiling on Africa now in the bill to $60,000,000, if the waiver authority requested is used. And it would also exempt cash sales. Yet the total estimated grants and government sales for Africa are estimated at $34,000,000 next year, $6,000,000 less than the ceiling now in the bill. The administration has made no case at all for increasing the ceiling.

I urge that the amendment be rejected.

I ask unanimous consent to have printed in the RECORD a table entitled "Regional Ceiling Data."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REGIONAL CEILING DATA

[In thousands of dollars]

	Fiscal year 1973	Fiscal year 1974
I. Latin America:		
1. Military assistance grants	$4,944	$10,735
2. Government credit sales	59,000	150,000
3. Government cash sales	69,000	47,000
4. Ship loans	3,600	
Total toward ceiling	136,541	207,735
5. Commercial sales	44,925	48,000
Total Latin America	181,466	255,735
II. Africa:		
1. Military grants	10,190	14,230
2. Government credit sales	16,100	18,000
3. Government cash sales	1,900	2,100
4. Ship loans		
Total toward ceiling	28,190	34,330
5. Commercial sales	18,700	19,950
Total Africa	46,890	54,280

Mr. FULBRIGHT. Mr. President, I see no point in belaboring the matter, other than to state that the committee bill allows a $150 million ceiling, which under existing law is a $100 million ceiling plus a right to a waiver of 50 percent, which comes out to $150 million.

The effect of the Senator's amendment would be to increase that ceiling to $225 million—in other words, $175 million plus a 50-percent waiver.

These ceilings apply only to Government actions, where the sale is through the Government either on a cash basis or a loan basis. The Senate has voted on these ceilings time and time again. Actually, this is retaining existing ceiling, except for the waiver the Senator adds, which increases it by $75 million.

The issue ought to be very clear as to whether we increase the arms sales program to increase the incentive for Latin American countries to increase purchases of arms. We give them, on the one hand, economic aid to help pay for the arms. That is what actually happens, not only in Latin America but in many other places, whether it is cash or credit sales: With one hand we sell them the arms and with the other give them the money to pay for them. So it is not a very profitable business, if you look at both sides of it. If you look at only the manufacturer of the equipment, the planes, he makes a profit, but in the long run the Government pays for it.

This, again, is simply a modest effort to restrict the amount of money the Government has to put up for military sales.

Mr. CHURCH. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Is it not true that this bill does not in any way restrict or limit commercial sales of arms to any foreign nation?

Mr. FULBRIGHT. This bill affects no commercial sales that do not come through the Government. They can buy anything they want, that they can go get private financing or have the cash for, and there is no ceiling at all on that.

Mr. CHURCH. Is it not also true that so-called credit sales by the Government are subsidized sales?

Mr. FULBRIGHT. Yes. We perform the services, make the contracts, and do all of the business.

Mr. CHURCH. And the terms of the sale, including the interest rate, are actually such that they are subsidized by the American taxpayer?

Mr. FULBRIGHT. They are, indeed.

Mr. CHURCH. And the ceiling applies only to the subsidized sales over $150 million, unless the Senate wants to increase it?

Mr. FULBRIGHT. The Senator is correct.

Mr. BROCK. Mr. President, maybe I misunderstood. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. BROCK. Does the bill, as the Senator perceives it, include cash sales?

Mr. FULBRIGHT. Those handled by the Government. The Government is injected into it, it makes a contract, and it becomes a part of the Government program. It does not affect countries like Peru or country *X*, that go directly to the manufacturer and deal with it.

Mr. BROCK. It does put a ceiling on cash sales by the Government.

Mr. FULBRIGHT. By the Government, but not through commercial channels.

Mr. BROCK. Would the Senator not also agree that in point of fact, the Latin American countries, because of previous limitations, have shifted the bulk of their buying to other countries already, and that we are down to 13 percent of supplying their military goods today, out of 100 percent? Is that not so?

Mr. FULBRIGHT. I do not think that is accurate. Nobody knows——

Mr. BROCK. The figures I have indicate that they purchased $1.6 billion worth of military equipment over the last 5 years, of which only $31 million was sold by the United States.

Mr. FULBRIGHT. A lot of those sales we have lost were because their military equipment is cheaper. The French and the Swedes, for example, have produced cheaper planes than we have. Ours are better, I think, but more expensive. But there is no proof that we have as to why they have done this.

Mr. BROCK. Could it be possible that the cash sales limitation is a part of the problem?

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, how much time remains to the proponents?

The PRESIDING OFFICER. The time of the proponents has expired.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PELL). The question is on agreeing to the amendment of the Senator from Wyoming (putting the question).

The nays appear to have it. The amendment is rejected.

Mr. McGEE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. PELL). The question is on agreeing to the amendment of the Senator from Wyoming (Mr. McGEE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK), are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) and the Senator from Alaska (Mr. GRAVEL) would tach vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), and the Senator from Virginia (Mr. SCOTT) are necessarily absent.

The Senator from Connecticut (Mr. WEICKER) is detained on official business.

The result was announced—yeas 34, nays 56, as follows:

[No. 234 Leg.]

YEAS—34

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Cook
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Jackson
Johnston
McGee
Packwood
Scott, Pa.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Young

NAYS—56

Abourezk
Bayh
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cotton
Cranston
Eagleton
Eastland
Ervin
Fulbright
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Javits
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Stevenson
Symington
Talmadge
Tunney

NOT VOTING—10

Bennett
Biden
Clark
Gravel
Inouye
Kennedy
Scott, Va.
Stennis
Weicker
Williams

So Mr. McGEE's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I want to congratulate the distinguished chairman of the Senate Foreign Relations Committee for his patient and thorough work.

I know how deeply he feels about the need to transform our foreign policy, particularly our military policies overseas. I am fully in agreement with him and admire him for the initiative he has taken.

S. 1443 is a wide-ranging bill that undertakes to enact a wide variety of reforms. The distingiushed chairman has explained them. I will confine myself to only a few of the most important features of the bill.

As long ago as 1965, the Senate Foreign Relations Committee voted to overhaul existing foreign aid—military and economic. But as the report accompanying S. 1443 states, each year the committee only "nibbled at the fringes" of foreign aid policy until the adoption of this bill.

Mr. President, by the end of this fiscal year, the United States will have paid out $182 billion in foreign aid since World War II, of which $80 billion is military or military-related. Unless Congress acts now, this outflow will go on—a billion here, a billion there.

Is this what President Nixon intended when he said in his second inaugural that—

> The time has passed when America will make every other nation's conflict our own, or make every other nation's future our responsibility . . .?

I doubt it.

President Nixon's meetings with General Secretary Brezhnev last week show that in at least one important area—Soviet-American relations—he is ready to have the United States drop the role of world policeman and cold warrior.

That same adjustment to world realities should also be made in our military aid programs. The United States has already paid out $182 billion in foreign aid since World War II—$80 billion of it for cold war military purposes.

Twenty-eight years after the end of World War II, it is long past time that we lay aside old military aid policies and start afresh.

I am most pleased by the "fresh start" toward mutual nuclear arms reduction disclosed by White House Adviser Henry Kissinger last Thursday, June 21.

In a briefing on the second round of the Strategic Arms Limitation Talks—SALT—which began last November, Mr. Kissinger reported that negotiations with the Soviet Union include "reduction—of arms—as one of the objectives of the agreement and not simply limitation."

That is very much in line with an amendment that the distinguished Senator from Ohio (Mr. TAFT) and I introduced to last year's interim arms agreement with the Soviet Union. We proposed the launching of SART—Strategic Arms Reduction Talks—as part of the SALT negotiations.

The amendment became law on September 30, 1972.

Significantly, S. 1443 is not an administration bill. It was patiently and thoroughly researched and debated by Senator FULBRIGHT and the committee, and their staff. It represents a major congressional initiative and forms part of the overall effort to restore Congress' proper role in the initiation of national and international policy.

Mr. President, there seems to be a paradox in the administration's reaction to major reforms of this type in the area of foreign policy. For example, the Department of State's briefing paper on S. 1443 argues against the cuts in funding in the following terms:

> A cut-back of this magnitude would be read throughout the world as signalling an abrupt shift in U.S. policy. Instead of facilitating an orderly transition to the goals of self-reliance inherent in the Nixon Doctrine, it would come as a severe jolt to our friends and allies and adversely affect stability and peace in the international community.

The paradox is this: While we are at war, as in Indochina, we are not supposed to undermine the President's negotiating authority; while we are at peace, we are not supposed to upset stability. So our hands are tied either way.

I think the Congress has grown beyond this kind of double talk.

Under the terms of S. 1443, military grant assistance—not sales—would be phased out over a 4-year period. In that interim, recipients of grant aid would be required to deposit in a special local currency account 25 percent of the value of grant military aid and excess defense articles. Those funds would be available for meeting local U.S. expenses, including international cultural and educational exchange.

Similar provisions govern military assistance advisory groups and missions. After July 1, 1977, no missions or groups would be established or continued unless specifically authorized by law, and unless the host country pays the cost.

Mr. President, I cannot help thinking that if we were setting up a military aid program for the first time, this is what we would want it to look like. Cost-sharing, specific authorization by law, full and frank disclosures by the executive branch, and careful oversight and review by the Congress—these are some of the important features of S. 1443 that should be part of all major pieces of foreign aid legislation passed by this body.

Mr. President, S. 1443 returns military aid to South Vietnam and Laos to the jurisdiction of the two foreign relations committees of the Congress. It does so by transferring funds for these countries from the DOD-funded military assistance service funded program to the military assistance program funded by the Foreign Assistance Act and hence by AID. This transfer is contained in sections 2109 and 3109.

Mr. President, there is really no excuse for making an exception for Laos and South Vietnam—but not Cambodia. This is simply one of those irrational quirks that sometimes develops over the course of legislative history. In a briefing paper designed to rebut the transfer of jurisdiction over South Vietnam and Laos back to where it belongs, the Department of State argues that—

> MAP (the Military Assistance Program) is a peacetime program. Until peace in Southeast Asia is secure, Vietnam and Laos should remain under the Military Assistance Service Funded program.

But this is merely military doubletalk. For if the argument is that the continuation of war justifies the status quo, then what about Cambodia? It is Cambodia, after all, where the fighting and bombing are currently most intense. So I think we should support the provisions of S.

1443 on the grounds of administrative commonsense.

Mr. President, S. 1443 represents a long overdue effort to bring together the various military aid programs and to get a grip on them as a whole. Here is a quote from a Library of Congress study dated January 9, 1973, entitled "International Security Assistance":

> Depending on the choice of definitions, the total value of U.S. military assistance in FY 1972 could vary anywhere from a low figure of about $500 million to a top figure of over $8 billion. There are at least 14 U.S. programs involving the transfer of resources to foreign governments for purposes related to the defense requirements of this country. The variety and complexity of these programs and the different ways in which they are funded and administered have left many people confused and critical.

Here are some examples of the wide gaps in military aid estimates:

The Library of Congress figure is $8.7 billion for fiscal year 1972;

The Senate Appropriations Committee figure is $6.2 billion for fiscal year 1972; and

An AID report compiled in response to a Case-Proxmire amendment lists $5.3 billion for fiscal year 1972.

A major cause of these discrepancies is disagreement over what constitutes military aid. If the Army has weapons which it no longer uses and sells them for cash, is that aid or not? What if we loan the use of a ship to another country for 6 months? What if we turn over to a host country a base facility, such as a barracks building, that we are no longer going to use? These are legitimate questions.

Mr. President, S. 1443 attempts to answer these questions and to define just what constitutes aid. For example, the legal value of excess defense articles—usually one-third the original cost—would be counted under grant military aid, and not as something extra.

Mr. President, the fragmentation of authority and control over the various military aid programs led the Comptroller General of the United States, Elmer B. Staats, to remark in 1971:

> I believe it would be a fair conclusion on our part . . . that there hasn't been anyone looking at the total program of military assistance abroad.

In fact, legislation submitted by the Nixon administration in April 1971, included provisions aimed at revamping and rationalizing the military aid apparatus. For various reasons, that bill died in committee. But the need to coordinate programs under the general authority of the Department of State rather than the Pentagon is as great as it ever was.

There is a corresponding need for centralized jurisdiction here in the Congress. As matters now stand, major responsibility is assigned to at least three authorizing committees, so that Congress in turn has difficulty in understanding the dimensions of our military aid program as a whole. At a time when Congress can and should adhere to the $268.7 billion budget ceiling, the widespread and confusing dispersal of military aid transactions makes it that much harder for us to deal responsibly with budgetary needs.

Mr. President, existing military aid programs are popular neither with the Congress nor with the public at large. Vast sums of taxpayers' money are spent to arm nations against each other. Dictators abroad frequently use our weapons to put down domestic opposition.

The argument that these countries would buy elsewhere, and that S. 1443 would hurt our balance of payments, does not convince me. The bill places no limits on private commercial arms sales; it only seeks to get the U.S. Government out of the arms sales business. And as for the phaseout of grant aid, the bill permits future aid where specifically authorized by law and provided that the host country pays the cost. Would we really want the U.S. Government to pass out weapons all over the world without these safeguards? I think not.

Mr. President, the time has passed when Congress is willing to hand the President a signed check to use as he likes. This "fill-in-the-blanks" attitude is not consistent with the new Congress.

Mr. HATFIELD. Mr. President, on several occasions I have made clear my total opposition to military aid and assistance. I believe that the entire program is neither necessary for our security nor wise foreign policy. Further, it diverts the resources of other nations and our own resources for foreign assistance to military purposes in the face of demanding human needs that are unmet.

This bill, S. 1443, with the amendments which have been adopted, makes some steps toward changing our policy, but not nearly enough. Certain major provisions of the bill have been significantly undercut by floor amendments.

Because of my overall opposition to programs of military aid and assistance, throughout the world I will vote against final passage.

The PRESIDING OFFICER (Mr. BURDICK). The bill is open to further amendment. If there be no further amendment to be proposed the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, may I take this moment to say that this is the first time I have ever voted against a military assistance bill.

I do this because I think it marks the end of U.S. involvement in military assistance. I think it is a signal to the rest of the world that we are now pulling in our horns. I will have no part of it.

Mr. TOWER. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. TOWER. I associate myself with the statement of the Senator from Arizona. I shall vote against the bill for the same reason.

Mr. FULBRIGHT. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has now been yielded back.

The bill having been read the third time, the question is, Shall the bill, S. 1443, pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Iowa (Mr. CLARK), and the Senator from Delaware (Mr. BIDEN) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), and the Senator from Virginia (Mr. SCOTT) are necessarily absent.

The result was announced—yeas 50, nays 42, as follows:

[No. 235 Leg.]

YEAS—50

Aiken
Bayh
Bellmon
Bentsen
Bible
Brooke
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Ervin
Fong
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Javits
Kennedy
Long
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Saxbe
Schweiker
Stafford
Stevenson
Symington
Taft
Tower
Tunney

NAYS—42

Abourezk
Allen
Baker
Bartlett
Beall
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Goldwater
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Jackson
Johnston
Magnuson
McClellan
McClure
Montoya
Nelson
Nunn
Proxmire
Roth
Scott, Pa.
Sparkman
Stevens
Talmadge
Thurmond
Weicker
Young

NOT VOTING—8

Bennett
Biden
Clark
Gravel
Inouye
Scott, Va.
Stennis
Williams

So the bill (S. 1443) was passed, as follows:

S. 1443

An act to authorize the furnishing of defense articles and services to foreign countries and international organizations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into parts, chapters, and sections according to the following table of contents, may be cited as the "Foreign Military Sales and Assistance Act":

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PART I—GENERAL PROVISIONS

Chapter 1—Coordination; Definitions; Certain Authorizations; Eligibility

COORDINATION

SEC. 101. (a) Under the direction of the President, the Secretary of State shall be responsible for the direction and continuous supervision in carrying out the provisions of this Act. The responsibilities of the Secretary shall include, but not be limited to, determining whether sales, credit sales, or guaranties shall be made and other assistance (and the kind thereof) shall be provided a foreign country or international organization under this Act, and, if so, the amount or value thereof.

(b) The President shall prescribe appropriate procedures to assure effective direction and control by the Chief of the United States Diplomatic Mission in each country with respect to all activities and programs carried out under this Act within that country. The Chief of the Diplomatic Mission shall insure that sales, credit sales, and guaranties made and other assistance provided under this Act are coordinated with political and economic considerations, and he shall be responsible for the submission of all recommendations pertaining to such sales, credit sales, guarantees, and other assistance in that country.

(c) The Secretary may advance to or reimburse an agency of the United States Government, out of appropriations made available to the Secretary under this Act, such sums as he considers appropriate for expenditures to be incurred by that agency in carrying out any purpose of this Act which has been delegated to that agency and for which the appropriation is made. Any funds so advanced may be withdrawn by the Secretary, but only upon certification of the head of the agency that such funds to be withdrawn are no longer necessary to pay for obligations so incurred.

DEFINITIONS

SEC. 102. For purposes of this Act—

(1) "agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government;

(2) "armed forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard;

(3) "commodity" includes any material, article, supply, goods, or equipment furnished for nonmilitary purposes;

(4) "defense article" includes—

(A) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(B) any property, installation, commodity, material, equipment, supply, or goods furnished for military purposes;

(C) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(D) any component or part of any article listed in this subsection; but shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving restricted data;

(5) "defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include restricted data as defined by the Atomic Energy Act of 1954, as amended, and data removed from the restricted data category under section 142d of that Act;

(6) "defense service" includes military training, and any service, test, inspection, repair, publication, or technical or other assistance, or defense information furnished for military purposes;

(7) "excess defense articles" mean the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales requirements, or pursuant to a military assistance or sales order, which are excess to the needs of the Department of Defense for other than military assistance purposes at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act;

(8) "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity;

(9) "military training" includes formal or informal instruction, for military purposes of foreign students by officers or employees of the United States, contrast technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces;

(10) "officer or employee" means civilian personnel and members of the Armed Forces of the United States Government;

(11) "services" include any service, repair, training of personnel, or technical or other assistance or information furnished for nonmilitary purposes;

(12) "surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and anticipated exports for United States dollars, as determined by the Secretary of Agriculture; and

(13) "value" means—

(A) with respect to an excess defense article, the actual value of the article, but not less than 33⅓ percent of the amount the United States paid at the time the defense article was acquired by the United States;

(B) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value, plus a proportional share of the administrative expenses incurred by the United States Government in supplying such article;

(C) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this Act, the contract or production costs of such article plus a proportional share of the administrative expenses incurred by the United States Government, in supplying such article; and

(D) with respect to a defense service, the cost to the United States Government of such service plus a proportional share of the administrative expenses incurred by the United States in providing the service; except that the pay and allowances of United States Government personnel shall not be included as administrative expenses for purposes of chapter 21 of this Act.

PRIOR AUTHORIZATIONS

SEC. 103. (a) Notwithstanding any provision of law enacted before the effective date of this Act, no money appropriated to carry out any provision of part II or part III of this Act shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any provision of part II or part III of this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this subsection which specifically repeals or modifies the provisions of this section.

(d) The provisions of this section shall not apply to, or affect in any manner permanent appropriations, trust funds, and other similar accounts administered as authorized by law.

ELIGIBILITY

SEC. 104. (a) No defense article may be furnished to any foreign country under this Act unless that country shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such article by anyone not an officer, employee, or agent of that country;

(B) transfer, or permit any officer, employee, or agent of that country to transfer such article by gift, sale, or otherwise; and

(C) use or permit the use of such article for purposes other than those for which furnished; and

(2) it will maintain the security of such article, and will provide substantially the same degree of security protection afforded to such article by the United States Government.

(b) In considering a request for approval of any transfer of a defense article to another country, the President shall not give his consent to the transfer unless (1) the United States itself would transfer the defense article under consideration to that cournty, and (2) prior to the date he intends to give his consent to the transfer, the President notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended consent, the justification for giving such consent, the defense article for which he intends to give his consent to be so transferred, and the foreign country to which that defense article is to be transferred.

(c) The President shall not give his consent to the transfer of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war unless (1) the foreign country requesting consent to transfer agrees to demilitarize such defense article prior to transfer, or (2) the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense article, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

(d) No sophisticated weapons, including sophisticated jet aircraft or spare parts and associated ground equipment for such aircraft, shall be furnished under this or any other Act to any foreign country on and after the date that country violates any agreement it has made in accordance with subsection (a) of this section or any other provision of law requiring similar such agreements.

PART II—MILITARY SALES, CREDIT SALES, AND GUARANTIES

Chapter 11—Authorizations

REDUCTION IN GOVERNMENT PARTICIPATION

SEC. 1101. In order to reduce the role of the United States Government in the furnishing of defense articles and defense services to foreign countries and international organizations, and return such transactions to commercial channels, the United States Government shall reduce its sales, credit sales, and guaranties of such articles and defense service as soon as, and to the maximum extent, practicable.

CASH SALES FROM STOCK

SEC. 1102. The President may sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any foreign country or international organization if such country or international organization agrees to pay not less than the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interests of the Untied States, within a reasonable period not to exceed 120 days after the delivery of the defense articles or the rendering of the defense services.

PROCUREMENT FOR CASH SALES

SEC. 1103. (a) Except as otherwise provided in this section, the President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any foreign country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due, and (3) to pay the United States Government an amount equal to the administrative costs incurred by the Government in procuring such defense articles and defense services under this section.

(b) The President may, when he determines it to be in the national interest, accept a dependable undertaking of a foreign country or international organiztaion with respect to any such sale, to make full payment within 120 days after delivery of the defense articles, or the rendering of the defense services. Appropriations available to the Department of Defense may be used to meet the payments required by the contracts for the procurement of defense articles and defense services and shall be reimbursed by the amounts subsequently received from the country or international organization to whom articles or services are sold.

(c) No sales of defense articles shall be made to the government of any economically developed country under the provisions of this section unless such articles are not generally available for purchase by such country from commercial sources in the United States.

CREDIT SALES

SEC. 1104. (a) Except to the extent otherwise provided in this section, the President is authorized to finance procurements of defense articles and defense services by less-developed foreign countries on terms requiring the payment of the United States Government in United States dollars of—

(1) the value of such articles or services within a period not to exceed 10 years after the delivery of such articles or the rendering of such services; and

(2) interest, on the unpaid balance of that obligation for payment of the value of such articles or services, at a rate equivalent to the current average interest rate, as of the last day of the month preceding the financing of such procurement, that (A) the Export-Import Bank of the United States charges for obligations of similar purposes and comparable maturities, or (B) the United States Government pays on outstanding marketable obligations of comparable maturity, whichever is greater.

(b)(1) For the period from July 1, 1973, through June 30, 1975, the President is authorized to finance such procurements by any foreign country receiving defense articles and defense services during fiscal year 1973 under the Foreign Assistance Act of 1961 on terms providing for the payment of the value of such articles or services in the currency of that country and without the payment of any interest. The total amount of procurements by a foreign country financed under this paragraph shall not exceed in any fiscal year the total amount of such articles and services (other than military training) furnished that country under chapter 2 of part II of that Act during fiscal year 1973.

(2) For the period from July 1, 1975, through June 30, 1978, the President is authorized to finance procurements by any foreign country receiving defense articles or defense services during fiscal year 1973 under the Foreign Assistance Act of 1961, on terms providing for the payment, in the currency of the country (to the extent that the President determines that payment in that currency is needed to pay for all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961), (A) of the value of such articles and services but not to exceed the amount of such articles and services (other than military training) furnished that country in fiscal year 1973 under chapter 2 of part II of the Foreign Assistance Act of 1961, and (B) at a rate of interest of not less than 3 percent a year.

GUARANTIES

SEC. 1105. (a) The President may guarantee any individual, corporation, partnership, or other juridical entity doing business in the United States (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to less-developed foreign countries. Guaranties shall be made under this section whenever possible rather than credit sales under section 1103 of this Act, in order to minimize outlays by the United States Government in carrying out this part. Fees shall be charged for such guaranties.

(b) The President may sell to any individual, corporation, partnership, or other juridical entity (excluding agencies of the United States Government) promissory notes issued by less-developed foreign countries as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 1104 of this Act, and may guarantee payment thereof.

(c) Funds made available under section 1106 of this Act shall be obligated in an amount equal to 25 percent of the contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 25 percent of the contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1106. There are authorized to be appropriated to the Secretary of State to carry out this part not to exceed $200,000,000 for the fiscal year 1974.

CONGRESSIONAL APPROVAL

SEC. 1107. (a) Prior to making any sale, credit sale, or guaranty to any country under this part exceeding $25,000,000, and prior to making any sale, credit sale, or guaranty to any country under this part in any fiscal year, the amount of which, when added to all other sales, credit sales, and guaranties made during such year to that country will exceed $50,000,000 for that fiscal year, the President shall transmit a written report to the Senate and the House of Representatives on the same day giving a complete explanation with respect to such proposed sale, credit sale, or guaranty. Any such report shall not include an explanation relating to more than one proposed sale, credit sale, or guaranty.

(b) (1) The President may make such sale, credit sale, or guaranty thirty days after the report has been so transmitted unless, before the end of the first period of thirty calendar days of continuous session of Congress after the date on which the report is transmitted, either House adopts a resolution disapproving the sale, credit sale, or guaranty with respect to which the report is made.

(2) For purposes of paragraph (1) of this subsection—

(A) the continuity of a session is broken only by an adjournment of the Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

(c) Subsections (d) through (k) of this section are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) For purposes of subsections (c) through (k) of this section, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the —— does not approve the (sale, credit sale, guaranty) for —— and explained in the report transmitted to Congress by the President on ———, 19—.", the appropriate phrase within the parentheses being selected, the first blank space therein being filled with the name of the resolving House, the second blank space therein being filled with the name of the foreign country on whose behalf the sale, credit sale, or guaranty is made, and the other blank spaces therein being appropriately filled with the date of the transmittal of the report; but does not include a resolution specifying more than one sale, credit sale, or guaranty.

(e) If the committee, to which has been referred a resolution disapproving a sale, credit sale, or guaranty, has not reported the resolution at the end of ten calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same sale, credit sale, or guaranty which has been referred to the committee.

(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same sale, credit sale, or guaranty), and debate thereon is limited to not more than one hour to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same sale, credit sale, or guaranty.

(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a sale, credit sale, or guaranty, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(i) Debate on the resolution is limited to not more than two hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a sale, credit sale, or guaranty, and motions to proceed to the consideration of other business, are decided without debate.

(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a sale, credit sale, or guaranty are decided without debate.

Chapter 13—Ceilings

AGGREGATE CEILINGS

SEC. 1301. The aggregate total of credits, or participations in credits, extended pursuant to this part (excluding credits covered by guaranties issued under section 1105(b) of this Act) the face amount of guaranties issued under section 1705(a) and (b) of this Act, and the amount of assistance extended by the Export-Import Bank of the United States to finance notes of defense articles and defense services to less-developed countries shall not exceed $700,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be available to Israel only.

REGIONAL CEILINGS

SEC. 1302. (a) The aggregate of the total amount of military assistance under part II of this Act, of cash sales under sections 1102 and 1103 of this Act, of credits, or participations in credits, financed under section 1105 (b) of this Act, of the face amount of contracts of guaranty issued under section 1105 (a) and (b) of this Act, and of transfers of vessels and boats under this Act, shall, excluding training, not exceed $150,000,000 in each fiscal year for Latin American countries.

(b) The aggregate of the total amount of military assistance under part II of this Act, of cash sales under sections 1102 and 1103 of this Act, of credits, or participations in credits, financed under section 1104 of this Act (excluding credits covered by guaranties issued under section 1105(b) of this Act), and of the face amount of contracts of guaranty issued under section 1105 (a) and (b) of this Act, shall, excluding training, not exceed $40,000,000 in each fiscal year for African countries.

Chapter 15—Administrative and Fiscal Provisions

PAYMENTS RECEIVED

SEC. 1501. (a) Cash payments received under sections 1102 and 1103 of this Act and advances received under section 1104 of this Act shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

(b) Amounts received from foreign governments as repayments for credits extended under section 1104 of this Act, amounts received from the disposition of instruments evidencing indebtedness, and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury.

CREDIT STANDARDS

SEC. 1502. The President shall establish standards and criteria for credit and guaranty transactions under sections 1104 and 1105 of this Act in accordance with the provisions of this Act.

PART III—MILITARY ASSISTANCE

Chapter 21—Military Grant Assistance

GENERAL AUTHORITY

SEC. 2101. The President is authorized to furnish military grant assistance under this chapter on such terms and conditions as he may determine, to any foreign country which is otherwise eligible to receive such assistance, by—

(1) acquiring from any source and providing any defense article or defense service (other than military training); and

(2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to United States missions in foreign countries to perform duties of a noncombatant nature in carrying out duties (other than military training) in carrying out the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2102. (a) There are authorized to be appropriated to the Secretary of State to carry out this chapter, not to exceed $270,000,000 for fiscal year 1974, which sum shall be allocated and made available to or for each of the following foreign countries and not in excess of the amount specified for that country:

Country:	*Amount*
(1) Republic of Korea	$119,000,000
(2) Turkey	49,000,000
(3) Thailand	34,000,000
(4) Jordan	30,000,000
(5) Philippines	13,000,000
(6) Indonesia	13,000,000
(7) Ethiopia	7,000,000
(8) Spain	5,000,000

(b) Of the funds appropriated to the Secretary under subsection (a) of this section for fiscal year 1974, not to exceed $25,000,000 may be made available to provide excess defense articles to foreign countries and international organizations not referred to in such subsection (a).

CONDITIONS OF ELIGIBILITY

SEC. 2103. (a) In addition to the provisions of section 104 of this Act and such other provisions as the President may require, no defense article shall be furnished to any foreign country under this chapter unless that country shall have agreed that—

(1) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of any such article;

(2) unless the President consents to other disposition, it will return to the United States Government for such use or disposi-

tion as the President considers in the best interests of the United States, such article which is no longer needed for the purpose for which furnished; and

(3) any funds received by the country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this chapter, will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) Any foreign country which hereafter uses defense articles or defense services furnished such country under this Act, the Mutual Security Act of 1954, as amended, or any predecessor foreign assistance Act, in substantial violation of the provisions of this chapter or any agreements entered into under any of such Acts shall be immediately ineligible for further assistance.

EXCESS DEFENSE ARTICLES

SEC. 2104. (a) The value of any excess defense article furnished under this chapter to a foreign country or international organization by any agency of the United States Government shall be considered to be an expenditure made from funds appropriated under section 2102 of this Act. Unless such agency certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is canceled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the appropriation made under section 2102 of this Act for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the appropriation made under section 2102 of this Act for the current fiscal year, upon delivery of such article, if at the time of delivery the stock status of the article is determined, in accordance with section 102 (7) and (13) of this Act, to be nonexcess.

(b) Excess defense articles shall be provided whenever possible rather than providing such articles by the procurement of new items.

SPECIAL MILITARY GRANT ASSISTANCE ACCOUNTS

SEC. 2105. (a) Except as otherwise provided in this section, no military grant assistance shall be furnished under this chapter to a foreign country unless the country agrees—

(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 10 percent of the value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of any other kind of military assistance to be made to that country, an amount equal to 10 percent of each such grant; and

(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) The provisions of this section shall not apply in any case in which military grant assistance is furnished to—

(1) a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that grant assistance; or

(2) South Vietnam, Laos, or Cambodia.

(c) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a) (1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a) (2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

(d) In no event shall any foreign country be required, under this section, to make deposits in a special account aggregating more than $20,000,000 in any one year.

MILITARY ASSISTANCE INFORMATION

SEC. 2106. Notwithstanding any other provision of law, that portion of any record showing the name of any foreign country or international organization and the amount of military assistance intended to be provided, or that has been provided, by the United States to such country or organization for any fiscal year under this or any other law shall be made available to the public, and that portion of the record shall not be withheld from public disclosure by designating such record as classified information.

SPECIAL MILITARY ASSISTANCE REPORT

SEC. 2107. Not later than January 31, 1974, the President shall transmit to Congress a report on all military assistance agreements entered into under this chapter, chapter 2 of part II of the Foreign Assistance Act of 1961, and prior comparable provisions of law and which are in effect as of December 31, 1973. Such report shall list those agreements which the President believes should be continued beyond the date such assistance is to be terminated under the provisions of this chapter and include a detailed justification for continuing each such agreement.

AUTHORIZATIONS FOR SOUTH VIETNAM, LAOS, AND CAMBODIA

SEC. 2108. (a) (1) There are authorized to be appropriated to the Secretary of State such sums as may be necessary to provide armaments, munitions, and war materials for South Vietnam and Laos under this chapter.

(2) The President may order armaments, munitions, and war materials from the stocks of the Department of Defense to carry out this subsection, subject to subsequent reimbursement therefor from subsequent appropriations available under this subsection. The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to the value of such orders under this subsection.

(b) There are authorized to be appropriated to the Secretary of State not to exceed $150,000,000 for fiscal year 1974 to provide assistance to Cambodia under this chapter.

Chapter 23—Military Training

GENERAL AUTHORITY

SEC. 2301. The President is authorized to furnish, on such other terms and conditions as the President may determine, military training to any foreign country or international organization.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2302. There are authorized to be appropriated to the Secretary of State, to carry out the provisions of this chapter, not to exceed $25,000,000 for fiscal year 1974.

SPECIAL MILITARY TRAINING ACCOUNTS

SEC. 2303. (a) Except as otherwise provided in this section no military training may be furnished under this chapter to a foreign country unless that country agrees—

(1) to deposit in a special account established by the United States Government amounts of currency of that country equal to 15 percent of the cost of the military training furnished; and

(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Goverment payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

(b) The provisions of this section shall not apply in any case in which military training is furnished to—

(1) a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that training if the Senate has given its advice and consent to such agreement; or

(2) South Vietnam, Laos, or Cambodia.

RESTRICTION ON TRAINING FOREIGN MILITARY STUDENTS

SEC. 2304. The number of foreign military students to be trained in the United States in any fiscal year, out of funds appropriated pursuant to this chapter, may not exceed a number equal to the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal years.

Chapter 25—Supporting Assistance

GENERAL AUTHORIZATION

SEC. 2501. The President is authorized to furnish supporting assistance to foreign countries, eligible to receive assistance under this Act on such terms and conditions as he may determine, in cases in which important security interests of the United States are involved.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2502. (a) There are authorized to be appropriated to the President to carry out this chapter not to exceed $125,000,000, of which not less than $50,000,000 shall be available solely for Israel and not less than $65,000,000 shall be available solely for Jordan.

Country:	*Amount*
(1) Israel	$50, 000, 000
(2) Jordan	35, 000, 000
(3) Thailand	7, 000, 000
(4) Spain	3, 000, 000

(b) No part of any appropriation made available to carry out this or any other law shall be used to conduct any police training or related program for a foreign country.

PART IV—MISCELLANEOUS PROVISIONS

Chapter 31—General Limitations

TRANSFERS OF MILITARY VESSELS AND BOATS

SEC. 3101. (a) Notwithstanding any other provision of law, no vessel or boat of the United States Government (including, but not limited to, any battleship, aircraft carrier, cruiser, destroyer, or submarine) may be sold, loaned, leased, given, or transferred by any other means to a foreign country or international organization only in accordance with the provisions of this Act and, in the case of any battleship, aircraft carrier, cruiser, destroyer, or submarine, only if such transfer is specifically authorized by law.

(b) (1) Any such sale, loan, lease, gift, or transfer of a noncombatant type vessel or boat may be made only—

(A) if, after the terms, price, and conditions of any proposed offer to dispose have been published in the Federal Register, members of the United States fishing industry, States and political subdivisions thereof, and United States educational and scientific institutions are given an opportunity to acquire any vessel or boat on the same terms, price and conditions, and no qualified bid is received within a reasonable period of time determined by the head of the agency; and

(B) if no qualified bid is received, only if the head of the agency of the United States Government making the disposition obtains satisfactory assurances that the vessel or boat will not be used in any way in competition with the United States fishing industry in fishing, fishing related, or fishing supported activities.

(2) The appropriate agencies of the United States Government are authorized and directed to carry out the provisions of paragraph (1) (A) of this subsection and to issue the necessary rules and regulations. They shall also require that bids be received within a set time period.

(3) No lease, loan, or other agreement previously entered into between the United States and any foreign country or international agency for any noncombatant type vessel or boat shall be renewed or extended except in conformity with paragraph (1) (B) of this subsection unless the lease, loan, or other agreement provides for its renewal or extension upon the same terms as the original lease, loan, or other agreement.

(c) No vessel or boat may be sold, loaned, leased, given or transferred by any other means to any foreign country or international organization unless that country or organization agrees prior to any such transfer that—

(1) the vessel or boat will not be used to interfere in any way with the normal fishing operations of any United States fishing vessel that is operating in any area claimed as territorial seas or fishery management zone which is not recognized as such, or on the high seas; and

(2) if any such transferred vessel or boat is so used, the vessel or boat will be returned to the United States Government.

In the event any such transferred vessel or boat is used by a foreign country or international organization to interfere in any way with the normal fishing operations of any United States fishing vessel that is operating in any area claimed as territorial seas or fishery management zone which is not recognized as such or on the high seas, no other vessel or boat shall thereafter be transferred by any means to that country or organization unless the Secretary of State is satisfied that such country or organization will no longer so use any such vessel or boat.

USE OF UNITED STATES ARMED FORCES

SEC. 3102. The making of any sale, credit sale, or guaranty, or the furnishing of any assistance, under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

FAILURE TO PROVIDE REQUESTED INFORMATION

SEC. 3103. (a) None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity after the expiration of the 35-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations, or expenditures under this Act has delivered to the office of the head of any agency of the United States Government carrying out such provision a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested.

(b) The provisions of subsection (a) of this section shall not apply to any communication that is directed by the President to a particular officer or employee of any such agency or to any communication that is directed by any such officer or employee to the President.

PROCUREMENT

SEC. 3104. (a) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(b) No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(c) In providing for the procurement of any agricultural commodity or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended, for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

(d) In providing assistance in the procurement of commodities in the United States, the United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II, except that in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

(e) No funds made available under this Act shall be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity.

(f) The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available under this Act shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case. The President shall also take all appropriate steps to assure that, to the maximum extent possible, countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such assistance.

SMALL BUSINESS

SEC. 3105. Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this Act by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds.

SHIPPING ON UNITED STATES VESSELS

SEC. 3106. The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954, as amended, shall not be governed by the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended, or any other law relating to the ocean transportation of commodities on United States flag vessels.

TERMINATION OF ASSISTANCE

SEC. 3107. Assistance (including sales) provided under any section of part II or part III of this Act, may, unless sooner terminated by the President, be terminated by concurrent resolution of Congress.

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SEC. 3108. Section 104(c) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the semicolon at the end of such section and inserting in lieu thereof a comma and the following: "except that no agreement may be entered into under this subsection (c) unless such agreement has been specifically authorized by legislation enacted after the date of enactment of the Foreign Military Sales and Assistance Act;".

SOUTH VIETNAM, LAOS, AND CAMBODIA

SEC. 3109. (a) After June 30, 1973, no sale, credit sale, or guaranty of any defense article or defense service shall be made, or any military assistance (including supporting assistance) furnished to South Vietnam or Laos directly or through any other foreign country unless that sale, credit sale, or guaranty is made, or such assistance is furnished, under this Act. The provisions of this subsection shall not apply to funds obligated prior to July 1, 1973.

(b) Any sale, credit sale, or guaranty made, or assistance provided under this Act to South Vietnam, Laos, or Cambodia shall be made or furnished with the objective of bringing about peace in Indochina and strict implementation of the cease-fire agreements in Vietnam and Laos and any cease-fire agreement that may be reached in the future with respect to Cambodia.

(c) Armaments, munitions, and war materials may be provided to South Vietnam and Laos under any provision of this Act only for the purpose of replacing, on the basis of piece for piece and with armaments, munitions, and war materials of the same characteristics and properties, those armaments, munitions, and war materials destroyed, damaged, worn out, or used up (1) in the case of South Vietnam, after January 27, 1973, and which are included on lists previously furnished by the Government of South Vietnam to the International Commission of Control and Supervision for Vietnam, and (2) in the case of Laos, after February 21, 1973, and which are included on lists previously furnished by the Government of Laos to the International Commission of Control and Supervision for Laos.

(d) If a cease-fire agreement is entered with respect to Cambodia, then, commencing with the date such agreement becomes effective, armaments, munitions, and war materials shall be provided Cambodia under this Act only and strictly in accordance with the provisions of such agreement.

(e) Armaments, munitions, and war materials may be provided to South Vietnam without regard to the provisions of subsection (c) of this section if the President finds and reports to Congress that the Agreement on Ending the War and Restoring Peace in Vietnam, signed in Paris on January 27, 1973, is no longer in effect. No armaments, munitions, or war materials may be provided in accordance with this subsection, however, until the President has reported such finding to Congress.

(f) The President shall submit to Congress within 30 days after the end of each quarter of each fiscal year, a report on (1) the nature and quantity of all types of foreign assistance provided by the United States Government to South Vietnam, Laos, and Cambodia under this or any other law, (2) the number and types of United States personnel present in, or who are involved in providing such assistance to, such countries and who are paid directly or indirectly with funds of the United States Government, and (3) the general status of the implementation of all cease-fire agreements with respect to Indochina. For purposes of this subsection, "foreign assistance" and "provided by the United States Government" have the same meanings given those terms under section 3301(d) of this Act.

ACCESS TO CERTAIN MILITARY BASES ABROAD

SEC. 3110. None of the funds authorized to be appropriated by this Act may be used to provide any kind of assistance to any foreign country in which a military base is located if—

(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

(2) personnel of the United States carry out military operations from such base; unless and until the President has determined, and informed the Congress in writing, that the government of such country has, consistent with security, authorized access, on a regular basis, to bona fide news media correspondents of the United States to such military base.

AID TO GREECE

SEC. 3111. The Congress declares that it is the policy of the United States Government to provide military assistance and military sales, credit sales, and guaranties to or for the Government of Greece only when that government fulfills its obligations under the North Atlantic Treaty, including both adherence to the political principles stated in the preamble to the Treaty and the maintenance of its capability to perform common defense functions assigned under the current North Atlantic Treaty Organization defense plans. Therefore, no military assistance and no sales, credit sales, or guaranties shall be provided to or for the Government of Greece under this or any other law on and after the date of enactment of this Act until the President (1) undertakes a comprehensive review, after such date, of United States policy toward Greece, (2) has made a full report with respect to such review to Congress, and (3) finds and reports to Congress that, as a result of such review, the Government of Greece is in full compliance with its political and military obligations under the North Atlantic Treaty. The provisions of this section shall not apply to funds obligated prior to such date of enactment.

LIMITATION ON PROVIDING CERTAIN DEFENSE ARTICLES AND SERVICE

SEC. 3112. (a) None of the funds authorized to be appropriated under this Act shall be used to furnish, by grant, credit sale, or guaranty, sophisticated weapons systems, such as missile systems and advanced jet aircraft for military purposes, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

(b) Decisions to furnish defense articles and services made under this Act shall take into account whether such assistance will—

(1) contribute to an arms race;

(2) increase the possibility of outbreak or escalation of conflicts; or

(3) prejudice the development of bilateral or multilateral arms control arrangements.

Chapter 33—Reports and Information

ANNUAL FOREIGN ASSISTANCE REPORT

SEC. 3301. (a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year in which the report is transmitted, showing—

(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

(3) the aggregate dollar value of all weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war, and the aggregate dollar value of each category of such implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year;

(4) all exports of significant defense articles on the United States munitions list to any foreign government, international organization, or other foreign recipient or purchaser, by the United States under this Act or any other authority, or by any individual, corporation, partnership, or other association doing business in the United States, including but not limited to, full information as to the particular defense articles so exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and such other information as may be appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad; and

(5) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1) through (3) of this subsection.

(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

(d) For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country; and

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

QUARTERLY REPORTS

SEC. 3302. Commencing with the fiscal year which begins July 1, 1973, the Secretary of State shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, within 30 days after the end of each quarter of each fiscal year, a written report with respect to such quarter on—

(1)(A) sales, credit sales, and guaranties made to or on behalf of each foreign country under chapter 11 of this Act, giving in detail each country to or on whose behalf such sales, credit sales, and guaranties were extended, and the terms and conditions of such sales, credit sales, and guaranties (including the guaranty fee and the person extending the credit so guaranteed), (B) forecasts of sales, credit sales, and guaranties to that foreign country for the remainder of the fiscal year in which the report is transmitted and the next succeeding fiscal year, and (C) the balance remaining to be paid by that country on each loan made or guaranteed under such chapter;

(2) the total value for each foreign country of all deliveries of excess defense articles, including a specification for each country of the aggregate original acquisition costs and the aggregate value at time of delivery of such articles;

(3) the total value of all defense articles and defense services provided each foreign country under this Act or any other provision of law, specifying separately for each such country (A) the total value of defense articles and the total value of defense services provided that country, and (B) each provision of law under which such articles and services are provided and the total value furnished under each such provision; and

(4)(A) the number of United States Government personnel detailed or assigned to each military assistance advisory group, military mission, or other organization of the United States Government in each foreign country performing activities similar to any such group or mission, (B) the number of such personnel detailed or assigned to the Chief of the United States Diplomatic Mission to that country performing primarily military advisory duties, (C) the number of such personnel so detailed or assigned to each such group, mission, organization, and diplomatic mission on the first day of the fiscal year with respect to which such report pertains, and (D) the number of such personnel so detailed or assigned to each such group, mission, organization, or diplomatic mission on the last of the quarter of the fiscal year with respect to which that report pertains.

PRESIDENTIAL FINDINGS AND DETERMINATIONS

SEC. 3303. (a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the International Development Act, the Foreign Assistance Act of 1961, or the Foreign Assistance and Related Programs Appropriations Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the International Development Act, the Foreign Assistance Act of 1961, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

PUBLIC DISCLOSURE OF CERTAIN MUNITIONS CONTROL LICENSES

SEC. 3304. Section 414 of the Mutual Security Act of 1954 is amended by adding at the end thereof the following new subsection:

"(e) Licenses issued for the export of articles on the United States Munitions List in excess of $100,000 shall be reported promptly to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives which report shall contain—

"(1) the items to be exported under the license;

"(2) the quantity of each such item to be furnished;

"(3) the name and address of the consignee and of the ultimate user of each such item; and

"(4) an injunction whenever appropriate, concerning the necessity to protect the confidentiality of the information provided."

Chapter 35—Miscellaneous

EFFECTIVE DATE

SEC. 3501. This Act is effective July 1, 1973.

LAWS REPEALED

SEC. 3502. (a) The following provisions of law are repealed:

(1) part II of the Foreign Assistance Act of 1961;

(2) sections 634, 650, 654, and 657 of the Foreign Assistance Act of 1961;

(3) the Foreign Military Sales Act;

(4) the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, as amended (except section 12);

(5) the Special Foreign Assistance Act of 1971 (except section 7); and

(6) section 108 of the Mutual Security Appropriation Act, 1956.

(b) Any amounts in the separate fund account established under section 524 of the Foreign Assistance Act of 1961, and any amounts that would have been paid into such fund but for the repeal of such section, shall be covered into the Treasury as miscellaneous receipts. There are authorized to be appropriated such sums as may be necessary to pay liabilities incurred by the United States in providing military assistance on credit and guaranty terms under part II of the Foreign Assistance Act of 1961.

(c) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act.

(d) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection.

SAVINGS PROVISIONS

SEC. 3503. (a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 3502 of this Act shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this Act establish conditions which must be complied with before use may be made of authority contained in, or funds authorized by, this Act, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 3502 of this Act or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available pursuant to provisions of law repealed by section 3502 of this Act shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provision of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

STATUTORY CONSTRUCTION

SEC. 3504. (a) If any provision of this Act, or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and the applicability of such provision to other circumstances or persons shall not be affected thereby.

(b) No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended.

INTERNATIONAL CONFERENCE ON CONVENTIONAL ARMS

SEC. 3505. (a) It is the sense of the Congress that the rapidly expanding international trade in conventional arms—

(1) constitutes a severe and wasteful drain on finite world resources, particularly on the seriously limited resources of the less-developed nations;

(2) does not in general contribute to international stability, but serves primarily to escalate the levels of potential violence among nations; and

(3) could be curtailed through the cooperative efforts of the supplying nations, if those nations were to negotiate and implement certain limitations on production and distribution of conventional arms; that such limitations, if designed with appropriate provisions, could be implemented without jeopardizing the security of any nation; and that, because the number of nations acting as major suppliers of conventional arms is far smaller than the number of nations acting as purchasers, such agreements among supplying nations are a promising method of cutailing arms transfers and would not therefore represent an unreasonable encroachment upon the sovereignty of the recipient nations.

(b) It is further the sense of the Congress that the United States should properly assume a leadership role in bringing about such cooperation, and should be prepared to demonstrate restraint in its own sales in order to create a climate conducive to international supplier-nation cooperation.

Therefore, the President is directed—

(1) to undertake a concerted effort to convene an international conference within 18 months after the date of enactment of this Act among representatives of the United States, the Union of Soviet Socialist Republics, Great Britain, France, the Federal Republic of Germany, the People's Republic of China, Sweden, Czechoslovakia, and Canada, and other countries which are acting as major international arms suppliers, on the subject of conventional arms transfers, for the purposes of—

(A) negotiating, among supplying nations, at the earliest possible moment, an agreement which would place a workable ceiling on such transfers; and

(B) establishing a mechanism through which, once such a ceiling has been achieved, the level of arms transfers may be progressively reduced; and

(2) to make a detailed report to the Congress within 6 months after the date of enactment of this Act on the prorgess of this effort.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion to lay on the table the motion to reconsider. The clerk will call the roll.

The legislative cerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Bible), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Kentucky (Mr. Huddleston), the Senator from Massachuetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), the Senator from Missouri (Mr. Syming-

TON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator for Virginia (Mr. SCOTT) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT), the Senator from Maryland (Mr. BEALL), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from Ohio (Mr. SAXBE), the Senator from Vermont (Mr. STAFFORD), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 40, nays 35, as follows:

[No. 236 Leg.]

YEAS—40

Aiken
Bayh
Bellmon
Bentsen
Brooke
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Fong
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Hughes
Humphrey
Inouye
Javits
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
Mondale
Montoya
Moss
Muskie
Pearson
Pell
Percy
Randolph
Schweiker
Stevenson
Taft
Tunney

NAYS—35

Abourezk
Allen
Baker
Burdick
Byrd, Harry F., Jr.
Cannon
Cook
Cotton
Dole
Domenici
Dominick
Fannin
Goldwater
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Jackson
Johnston
McClure
Metcalf
Nelson
Nunn
Packwood
Proxmire
Roth
Scott, Pa.
Sparkman
Stevens
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—25

Bartlett
Beall
Bennett
Bible
Biden
Brock
Buckley
Clark
Curtis
Eastland
Ervin
Gravel
Huddleston
Kennedy
McGee
McIntyre
Pastore
Ribicoff
Saxbe
Scott, Va.
Stafford
Stennis
Symington
Williams
Young

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and other technical changes in S. 1443.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I also ask unanimous consent that the bill as passed by the Senate be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION OF EXISTING INCREASE IN THE PUBLIC DEBT LIMIT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 236, H.R. 8410, an act to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, and that it be made the pending business.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment on page 3, after line 8, insert a new title, as follows:

TITLE II—PROVISIONS RELATING TO THE SOCIAL SECURITY ACT

PART A—INCREASE IN SOCIAL SECURITY BENEFITS

COST-OF-LIVING INCREASE IN SOCIAL SECURITY BENEFITS

SEC. 201. (a) (1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with the provisions of this section, increase the monthly benefits and lump-sum death payments payable under title II of the Social Security Act by the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972.

(2) The provisions of this section (and the increase in benefits made hereunder) shall be effective, in the case of monthly benefits under title II of the Social Security Act, only for months after December 1973 and prior to January 1975, and, in the case of lump-sum death payments under such title, only with respect to deaths which occur after December 1973 and prior to January 1975.

(b) The increase in social security benefits authorized under this section shall be provided, and any determinations by the Secretary in connection with the provision of such increase in benefits shall be made, in the manner prescribed in section 215(i) of the Social Security Act for the implementation of cost-of-living increases authorized under title II of such Act, except that the amount of such increase shall be based on the increase in the Consumer Price Index described in subsection (a).

(c) The increase in social security benefits provided by this section shall—

(1) not be considered to be an increase in benefits made under or pursuant to section 215(i) of the Social Security Act, and

(2) not (except for purposes of section 203(a) (2) of such Act, as in effect after December 1973) be considered to be a "general benefit increase under this title" (as such term is defined in section 215(i) (3) of such Act);

and nothing in this section shall be construed as authorizing any increase in the "contribution and benefit base" (as that term is employed in section 230 of such Act), or any increase in the "exempt amount" (as such term is used in section 203(f) (8) of such Act).

(d) Nothing in this section shall be construed to authorize (directly or indirectly) any increase in monthly benefits under title II of the Social Security Act for any month after December 1974, or any increase in lump-sum death payments payable under such title in the case of deaths occurring after December 1974. The recognition of the existence of the increase in benefits authorized by the preceding subsections of this section (during the period it was in effect) in the application, after December 1974, of the provisions of sections 202(q) and 203(a) of such Act shall not, for purposes of the preceding sentence, be considered to be an increase in a monthly benefit for a month after December 1974.

PART B—PROVISIONS RELATING TO FEDERAL PROGRAM OF SUPPLEMENTAL SECURITY INCOME

INCREASE IN SUPPLEMENTAL SECURITY INCOME

SEC. 210. (a) Section 1611(a) (1) (A) and section 1611(b) (1) of the Social Security Act (as enacted by section 301 of the Social Security amendments of 1972) are each amended by striking out "$1,560" and inserting in lieu thereof "$1,680".

(b) Section 1611(a) (2) (A) and section 1611(b) (2) of such Act (as so enacted) are each amended by striking out "$2,340" and inserting in lieu thereof "$2,520".

SUPPLEMENTAL SECURITY INCOME BENEFITS FOR ESSENTIAL PERSONS

SEC. 211. (a) (1) In determining (for purposes of title XVI of the Social Security Act, as in effect after December 1973) the eligibility for and the amount of the supplementary security income benefit payable to any qualified individual (as defined in subsection (b)), with respect to any period for which such individual has in his home an essential person (as defined in subsection (c))—

(A) the dollar amounts specified, in subsection (a) (1) (A) and (2) (A), and subsection (b) (1) and (2), of section 1611 of such Act, shall each be increased by $840 for each such essential person, and

(B) the income and resources of such individual shall (for purposes of such title XVI) be deemed to include the income and resources of such essential person;

except that the provisions of this subsection shall not, in the case of any individual, be applicable for any period which begins in or after the first month that such individual—

(C) does not but would (except for the provisions of subparagraph (B)) meet—

(i) the criteria established with respect to income in section 1611(a) of such Act, or

(ii) the criteria established with respect to resources by such section 1611(a) (or, if applicable, by section 1611(g) of such Act).

(2) The provisions of section 1611(g) of the Social Security Act (as in effect after December 1973) shall, in the case of any qualified individual (as defined in subsection (b)), be applied so as to include, in the resources of such individual, the resources of any person (described in subsection (b) (2)) whose needs were taken into account in determining the need of such individual for the aid or assistance referred to in subsection (b) (1).

(b) For purposes of this section, an individual shall be a "qualified individual" only if—

(1) for the month of December 1973 such individual was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act, and

(2) in determining the need of such individual for such aid or assistance for such month under such State plan, there were taken into account the needs of a person (other than such individual) who—

(A) was living in the home of such individual, and

(B) was not eligible (in his or her own right) for aid or assistance under such State plan for such month.

(c) The term "essential person", when used in connection with any qualified individual, means a person who—

(1) for the month of December 1973 was a person (described in subsection (b)(2)) whose needs were taken into account in determining the need of such individual for aid or assistance under a State plan referred to in subsection (b)(1) as such State plan was in effect for June 1973,

(2) lives in the home of such individual,

(3) is not eligible (in his or her own right) for supplemental security income benefits under title XVI of the Social Security Act (as in effect after December 1973), and

(4) is not the eligible spouse (as that term is used in such title XVI) of such individual by any other individual.

If for any month after December 1973 any person fails to meet the criteria specified in paragraph (2), (3), or (4) of the preceding sentence, such person shall not, for such month or any month thereafter be considered to be an essential person.

MANDATORY MINIMUM STATE SUPPLEMENTATION OF SSI BENEFITS PROGRAM

SEC. 212. (a)(1) In order for any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) to be eligible for payments pursuant to title XIX, with respect to expenditures for any quarter beginning after December 1973, and prior to January 1, 1975, such State must have in effect an agreement with the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") whereby the State will provide to individuals residing in the State supplementary payments as required under paragraph (2).

(2) Any agreement entered into by a State pursuant to paragraph (1) shall provide that each individual who—

(A) is an aged, blind, or disabled individual (within the meaning of section 1614(a) of the Social Security Act, as enacted by section 301 of the Social Security Amendments of 1972), and

(B) for the month of December 1973 was a recipient of (and was eligible to receive) aid or assistance (in the form of money payments) under a State plan of such State (approved under title I, X, XIV, or XVI, of the Social Security Act)

shall be entitled to receive, from the State, the supplementary payment described in paragraph (3) for each month, beginning with January 1974 and ending with the close of December 1974 (or, if later, the close of the month the State, at its option, may specify in the agreement or in a subsequent modification of the agreement), or, if earlier, whichever of the following first occurs:

(C) the month in which such individual dies, or

(D) the first month in which such individual ceases to meet the condition specified in subparagraph (A);

except that no individual shall be entitled to receive such supplementary payment for any month, if, for such month, such individual was ineligible to receive supplemental income benefits under title XVI of the Social Security Act by reason of the provisions of section 1611(e) (2) or (3) or section 1611(f) of such Act.

(3)(A) The supplementary payment referred to in paragraph (2) which shall be paid for any month to any individual who is entitled thereto under an agreement entered into pursuant to this subsection shall (except as provided in subparagraph (D)) be an amount equal to (i) the amount by which such individual's "December 1973 income" (as determined under subparagraph (B)) exceeds the amount of such individual's "title XVI benefit plus other income" (as determined under subparagraph (C)) for such month, or (ii) if greater, such amount as the State may specify.

(B) For purposes of subparagraph (A), an individual's "December 1973 income" means an amount equal to the aggregate of—

(i) the amount of the aid or assistance (in the form of money payments) which such individual would have received (including any part of such amount which is attributable to meeting the needs of any other person whose presence in such individual's home is essential to such individual's well-being) for the month of December 1973 under a plan (approved under title I, X, XIV, or XVI, of the Social Security Act) of the State entering into an agreement under this subsection, if the terms and conditions of such plan (relating to eligibility for and amount of such aid or assistance payable thereunder) were, for the month of December 1973, the same as those in effect, under such plan, for the month of June 1973, and

(ii) the amount of the income of such individual (other than the aid or assistance described in clause (i)) received by such individual in December 1973, minus any such income which did not result, but which if properly reported would have resulted in a reduction in the amount of such aid or assistance.

(C) For the purposes of subparagraph (A), the amount of an individual's "title XVI benefit plus other income" for any month means an amount equal to the aggregate of—

(i) the amount (if any) of the supplemental security income payment to which such individual is entitled for such month under title XVI of the Social Security Act, and

(ii) the amount of any income of such individual for such month (other than income in the form of a payment described in clause (i)).

(D) If the amount determined under subparagraph (B)(i) includes, in the case of any individual, an amount which was payable to such individual solely because of—

(i) a special need for such individual (including any special allowance for housing, or the rental value of housing furnished in kind to such individual in lieu of a rental allowance) which existed in December 1973, or

(ii) any special circumstance (such as the recognition of the needs of a person whose presence in such individual's home, in December 1973, was essential to such individual's well-being),

and, if for any month after December 1973 there is a change with respect to such special need or circumstance which, if such change had existed in December 1973, the amount described in subparagraph (B)(i) with respect to such individual would have been reduced on account of such change, then, for such month and for each month thereafter the amount of the supplementary payment payable under the agreement entered into under this subsection to such individual shall (unless the State, at its option, otherwise specifies) be reduced by an amount equal to the amount by which the amount (described in subparagraph (B)(i)) would have been so reduced.

(b)(1) Any State having an agreement with the Secretary under subsection (a) may enter into an administration agreement with the Secretary whereby the Secretary will, on behalf of such State, make the supplementary payments required under the agreement entered into under subsection (a).

(2) Any such administration agreement between the Secretary and a State entered into under this subsection shall provide that the State will (A) certify to the Secretary the names of each individual who, for December 1973, was a recipient of aid or assistance (in the form of money payments) under a plan of such State approved under title I, X, XIV, or XVI of the Social Security Act, together with the amount of such assistance payable to each such individual and the amount of such individual's December 1973 income (as defined in subsection (a)(3)(B)), and (B) provide the Secretary with such additional data at such times as the Secretary may reasonably require in order properly, economically, and efficiently to carry out such administration agreement.

(3) Any State which has entered into an administration agreement under this subsection shall, at such times and in such installments as may be agreed upon between the Secretary and the State, pay to the Secretary an amount equal to the expenditures made by the Secretary as supplementary payments to individuals entitled thereto under the agreement entered into with such State under subsection (a).

(c)(1) Supplementary payments made pursuant to an agreement entered into under subsection (a) shall be excluded under section 1612(b)(6) of the Social Security Act (as in effect after December 1973) in determining income of individuals for purposes of title XVI of such Act (as so in effect).

(2) Supplementary payments made by the Secretary (pursuant to an administration agreement entered into under subsection (b)) shall, for purposes of section 401 of the Social Security Amendments of 1972, be considered to be payments made under an agreement entered into under section 1616 of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972); except that nothing in this paragraph shall be construed to waive, with respect to the payments so made by the Secretary, the provisions of subsection (b) of such section 401.

(d) For purposes of subsection (a)(1), a State shall be deemed to have entered into an agreement under subsection (a) of this section if such State has entered into an agreement with the Secretary under section 1616 of the Social Security Act under which—

(1) individuals, other than individuals described in subsection (a)(2)(A) and (B), are entitled to receive supplementary payments, and

(2) supplementary benefits are payable, to individuals described in subsection (a)(2)(A) and (B) at a level and under terms and conditions which meet the minimum requirements specified in subsection (a).

(e) Except as the Secretary may by regulations otherwise provide, the provisions of title XVI of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972), including the provisions of part B of such title, relating to the terms and conditions under which the benefits authorized by such title are payable shall, where not inconsistent with the purposes of this section, be applicable to the payments made under an agreement under subsection (b) of this section; and the authority conferred upon the Secretary by such title may, where appropriate, be exercised by him in the administration of this section.

PREFERENCE FOR PRESENT STATE AND LOCAL EMPLOYEES

SEC. 213. The Secretary of Health, Education, and Welfare, in the recruitment and selection for employment of personnel whose services will be utilized in the administration of the Federal program of supplemental security income for the aged, blind, and disabled (established by title XVI of the Social Security Act), shall give a preference to qualified applicants for employment who are employed in the administration of any State program approved under title I, X, XIV, or

XVI of such Act or who were so employed and were displaced from their employment as a result of the displacement of such State program by such Federal program.

DETERMINATION OF BLINDNESS UNDER SUPPLEMENTAL SECURITY INCOME PROGRAM

Sec. 214. Section 1633 of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972) is amended—

(1) by inserting "(a)" immediately after "Sec. 1633.",

(2) by striking out "The Secretary" and inserting in lieu thereof "Subject to subsection (b), the Secretary", and

(3) by adding at the end thereof the following new subsection:

"(b) In determining, for purposes of this title, whether an individual is blind, there shall be an examination of such individual by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select."

Part C—Provisions Relating to Aid to Families With Dependent Children

PASS-ALONG OF SOCIAL SECURITY BENEFIT INCREASE TO RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN

Sec. 220. (a) Section 402(a)(8)(B) of the Social Security Act is amended by inserting ", and, effective February 1, 1974, shall, before disregarding the amounts referred to in subparagraph (A) and clauses (i) and (ii) of this subparagraph, disregard an amount equal to 5 per centum of any income, received in the form of monthly insurance benefits paid under title II" immediately after "$5 per month of any income".

(b) Any State plan approved under part A of title IV of the Social Security Act shall, effective February 1, 1974, be deemed to contain a provision (relating to the disregarding of income) which complies with the requirement imposed with respect to any such plan under the amendment made by subsection (a).

Part D—Social Services Regulations

SOCIAL SERVICES REGULATIONS POSTPONED

Sec. 230. (a) Subject to subsection (b), no regulation and no modification of any regulation, promulgated by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") after January 1, 1973, shall be effective for any period which begins prior to January 1, 1974, if (and insofar as) such regulation or modification of a regulation pertains (directly or indirectly) to the provisions of law contained in section 3(a)(4)(A), 402(a)(19)(G), 403(a)(3)(A), 603(a)(1)(A), 1003(a)(3)(A), 1403(a)(3)(A), or 1603(a)(4)(A), of the Social Security Act.

(b)(1) The provisions of subsection (a) shall not be applicable to any regulation relating to "scope of programs", if such regulation is identical (except as provided in the succeeding sentence) to the provisions of section 221.0 of the regulations (relating to social services) proposed by the Secretary and published in the Federal Register on May 1, 1973. There shall be deleted from the first sentence of subsection (b) of such section 221.0 the phrase "meets all the applicable requirements of this part and".

(2) The provisions of subsection (a) shall not be applicable to any regulation relating to "limitations on total amount of Federal funds payable to States for services", if such regulation is identical (except as provided in the succeeding sentence) to the provisions of section 221.55 of the regulations so proposed and published on May 1, 1973. There shall be deleted from subsection (d)(1) of such section 221.55 the phrase "(as defined under day care services for children)"; and, in lieu of the sentence contained in subsection (d)(5) of such section 221.55, there shall be inserted the following: "Services provided to a child who is under foster care in a foster family home (as defined in section 408 of the Social Security Act) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed by such child because he is under foster care.".

(3) The provisions of subsection (a) shall not be applicable to any regulation relating to "rates and amounts of Federal financial participation for Puerto Rico, the Virgin Islands, and Guam", if such regulation is identical to the provisions of section 221.56 of the regulations so proposed and published on May 1, 1973.

(c) Notwithstanding the provisions of section 553(d) of title 5, United States Code, any regulation described in subsection (b) may become effective upon the date of its publication in the Federal Register.

Part E—Provisions Relating to Medicaid

COVERAGE OF ESSENTIAL PERSONS UNDER MEDICAID

Sec. 240. (a) In addition to the requirements imposed by other provisions of law as a condition of approval of a State plan under title XIX of the Social Security Act, there is hereby imposed the requirement (and each such plan shall be deemed to require) that assistance be provided under such plan to any individual who, as an "essential person" (as defined in subsection (b)), was eligible for assistance under such plan (as such plan was in effect for December 1973), for each month, after December 1973, that such individual continues to meet the criteria, as an essential person, for eligibility under such plan (as such plan was in effect for December 1973).

(b) As used in subsection (a), the term "essential person" means a person who—

(1) for the month of December 1973, was present in the home of an individual who was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI, of the Social Security Act, and

(2) was not a recipient of such aid or assistance (in his or her own right) for such month, but whose needs were taken into account in determining the need of such individual for and the amount of aid or assistance (referred to in paragraph (1)) provided to such individual.

PERSONS IN MEDICAL INSTITUTIONS

Sec. 241. For purposes of section 1902(a)(10) of the Social Security Act, any individual who—

(1) for all (or any part of) the month of December 1973 was an inpatient in an institution qualified for reimbursement under title XIX of the Social Security Act, and

(2) would (except for his being an inpatient in such institution) have been eligible to receive aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act.

shall be deemed to be receiving such aid or assistance for such month and for each succeeding month in a continuous period of months if, for each month in such period—

(3) such individual continues to be (for all of such month) an inpatient in such an institution and would (except for his being an inpatient in such institution) continue to meet the conditions of eligibility to receive aid or assistance under such plan (as such plan was in effect for December 1973), and

(4) such individual is determined (under the utilization review and other professional audit procedures applicable to State plans approved under title XIX of the Social Security Act) to be in need of care in such an institution.

BLIND AND DISABLED MEDICALLY INDIGENT PERSONS

Sec. 242. For purposes of section 1902(a)(10) of the Social Security Act, any individual who, for the month of December 1973 was eligible (under the provisions of subparagraph (B) of such section) for medical assistance by reason of his having been determined to meet the criteria for blindness or disability (established by a State plan approved under title I, X, XIV, or XVI of such Act), shall be deemed to be a person described as being a person who "would, if needy, be eligible for aid or assistance under any such State plan" in subparagraph (B)(i) of such section for each month in a continuous period of months (beginning with the month of January 1974), if, for each month in such period, such individual continues to meet the criteria for blindness or disability so established by such a State plan (as it was in effect for December 1973).

EXTENSION OF SECTION 249 OF SOCIAL SECURITY AMENDMENTS OF 1972

Sec. 243. Section 249E of the Social Security Amendment of 1972 is amended by striking out "October 1974" and inserting in lieu thereof "July 1975".

REPEAL OF SECTION 225 OF SOCIAL SECURITY AMENDMENTS OF 1972

Sec. 224. (a) Section 1903 of the Social Security Act is amended by striking out subsection (j) thereof (as added by section 225 of Public Law 92–603).

(b) The amendment made by subsection (a) shall be applicable in the case of expenditures for skilled nursing services and for intermediate care facility services furnished in calendar quarters which begin after December 31, 1972.

Part F—Provisions Relating to Maternal and Child Health

GRANTS TO STATES FOR MATERNAL AND CHILD HEALTH

Sec. 250. (a)(1) Paragraph (1) of section 502 of the Social Security Act is amended by striking out "each of the next 4 fiscal years" and inserting in lieu thereof "each of the next 5 fiscal years".

(2) Paragraph (2) of section 502 of such Act is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1975".

(3) Section 505(a)(8) of the Social Security Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(4) Section 505(a)(9) of such Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(5) Section 505(a)(10) of such Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(6) Section 508(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(7) Section 509(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(8) Section 510(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(b) Title V of the Social Security Act is amended by adding at the end thereof the following new section:

"SUPPLEMENTAL ALLOTMENTS

"Sec. 516. (a)(1) For each fiscal year (commencing with the fiscal year ending June 30, 1975), there shall (subject to paragraph (2)) be allotted to each State (from funds appropriated for such fiscal year pursuant to subsection (b)) an amount, which shall be in addition to and available for the same purposes as the allotments of such State (as determined under sections 503 and 504), equal to the excess (if any) of—

"(A) the amount of the allotment of such State (as determined under sections 503 and 504) for the fiscal year ending June 30, 1973, plus the amounts of any grants to such States under sections 508, 509, and 510, over

"(B) the amount of the allotment of such State (as determined under sections 503 and

504) for such fiscal year which commences after June 30, 1973.

"(2) No State shall receive an allotment under this section for any fiscal year, unless such State (in the administration of its State plan, approved under section 505) has in effect arrangements which the Secretary finds will provide for the continuation of appropriate services to population groups previously receiving services from funds made available (for the fiscal year ending June 30, 1974) to such State pursuant to sections 508, 509, and 510.

"(b) (1) (A) There are (subject to subparagraph (B)) hereby authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1975) such amounts as may be necessary to enable the Secretary to make the allotments authorized under subsection (a).

"(B) Nothing contained in subparagraph (A) shall be construed to authorize, for any fiscal year, the appropriation under this subsection of any amount which is in excess of the amount by which—

"(i) the amount authorized to be appropriated under section 501 for such year exceeds

"(ii) the total amounts appropriated pursuant to section 501 for such year.

"(2) If, for any fiscal years, the total amount appropriated pursuant to paragraph (1) is less than the total amount allotted to all States under subsection (a), then the amount of the allotment of each State (as determined under subsection (a)) shall be reduced to an amount which bears the same ratio to the total amount appropriated pursuant to paragraph (1) for such fiscal year as the amount of the allotment of such State (as determined under subsection (a)) bears to the total amount allotted to all States under subsection (a) for such fiscal year."

(c) (1) In the case of any State, if for the fiscal year ending June 30, 1974, the sum of—

(A) the amount of the allotment which such State would have received under section 503 of the Social Security Act for such year (if subsection (a) of this section had not been enacted), plus

(B) the amount of the allotment which such State would have received under section 504 of such Act for such year (if subsection (a) of this section had not been enacted), is in excess of the sum of—

(C) the aggregate of the allotments which such State received (for the fiscal year ending June 30, 1973) under such sections 503 and 504, plus

(D) the aggregate of the grants received (for the fiscal year ending June 30, 1973) under sections 508, 509, and 510 of such Act,

then, for the fiscal year ending June 30, 1974, there shall be added to the allotments of such State, under sections 503 and 504 of such Act, in such proportion to each such allotment as the State shall specify, an amount equal to such excess.

(2) (A) There are (subject to subparagraph (B)) hereby authorized to be appropriated, for the fiscal year ending June 30, 1974, such amounts as may be necessary to make the increase in allotments provided for in paragraph (1).

(B) Nothing contained in subparagraph (A) shall be construed to authorize, for the fiscal year ending June 30, 1974, the appropriation under this paragraph of any amount which is in excess of the amount by which—

(i) the amount authorized to be appropriated under section 501 of such year, exceeds

(ii) the total amounts appropriated pursuant to section 501 for such year.

(3) If, for the fiscal year ending June 30, 1974, the amount appropriated pursuant to the preceding provisions of this subsection is less than the total of the amounts authorized to be added to the allotments of States (as determined under paragraph (1)), then the amount to be added to the allotment of each State shall be reduced to an amount which bears the same ratio to the amount so appropriated for such year as the amount to be added to the allotment of such State (as determined under paragraph (1)) bears to the total of the amounts to be added to the allotments of all States (as determined under paragraph (1)).

TITLE III—IMPOUNDMENT CONTROL PROCEDURES

SEC. 301. The Congress finds that—

(1) the Congress has the sole authority to enact legislation and appropriate moneys on behalf of the United States;

(2) the Congress has the authority to make all laws necessary and proper for carrying into execution its own powers;

(3) the Executive shall take care that the laws enacted by Congress shall be faithfully executed;

(4) under the Constitution of the United States, the Congress has the authority to require that funds appropriated and obligated by law shall be spent in accordance with such law;

(5) there is no authority expressed or implied under the Constitution of the United States for the Executive to impound budget authority and the only authority for such impoundments by the executive branch is that which Congress has expressly delegated by statute;

(6) by the Antideficiency Act (Rev. Stat. sec. 3679), the Congress delegated to the President authority, in a narrowly defined area, to establish reserves for contingencies or to effect savings through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which appropriations are made available;

(7) in spite of the lack of constitutional authority for impoundment of budget authority by the executive branch and the narrow area in which reserves by the executive branch have been expressly authorized in the Antideficiency Act, the executive branch has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Antideficiency Act or any other Act of Congress;

(8) impoundments by the executive branch have often been made without a legal basis;

(9) such impoundments have totally nullified the effect of appropriations and obligational authority enacted by the Congress and prevented the Congress from exercising its constitutional authority;

(10) the executive branch, through its presentation to the Congress of a proposed budget, the due respect of the Congress for the views of the executive branch, and the power of the veto, has ample authority to affect the appropriation and obligation process without the unilateral authority to impound budget authority; and

(11) enactment of this legislation is necessary to clarify the limits of the existing legal authority of the executive branch to impound budget authority, to establish a proper allocation of authority between the Congress and the executive branch, to confirm the constitutional proscription against the unilateral nullification by the executive branch of duly enacted authorization and appropriation Acts, and to establish efficient and orderly procedures for the recording of budget authority through joint action by the Executive and the Congress, which shall apply to all impoundments of budget authority, regardless of the legal authority asserted from making such impoundments.

SEC. 302. (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds any budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a spending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the impoundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within 15 days after the receipt of the message as to his determination thereon. If the Comptroller General determines that the impoundment was in accordance with section 3679 of the Revised Statutes (31 U.S.C 665), commonly referred to as the "Antideficiency Act", the provisions of section 303 and section 305 shall not apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 303 and 305 shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 303. The President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 305: *Provided, however,* That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty-day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its action or failure to act has thereby rejected.

SEC. 304. For purposes of this title, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available,

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 305. The following subsections of this section are enacted by the Congress:

(a)(1) As an exercise in the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President dated ———, Senate (House) Document No. —."

(3) The matter after the resolving clause of a resolution disapproving, in whole or in part, the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated ———, Senate (House) Document No. ——— (in the amount of $———)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced, or received from the other House, with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, following the receipt of the report of the Comptroller General referred to in section 302(c). It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproval in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If, prior to the passage by one House of a resolution of that House with respect to a special message, such House receives from the other House a resolution with respect to the same message, then—

(1) If no resolution of the first House with respect to such message has been introduced, no motion to proceed to the consideration of any other resolution with respect to the same message may be made (despite the provisions of subsection (c)(1) of this section).

(2) If a resolution of the first House with respect to such message has been introduced—

(A) the procedure with respect to that or other resolutions of such House with respect to such message shall be the same as if no resolution from the other House with respect to such message had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such message the resolution from the other House with respect to such message shall be automatically substituted for the resolution of the first House.

(e) If a committee of conference is appointed on the disagreeing votes of the two Houses with respect to a resolution, the conference report submitted in each House shall be considered under the rules set forth in subsection (c) of this section for the consideration of a resolution, except that no amendment shall be in order.

(f) Notwithstanding any other provision of this section, it shall not be in order in either House to consider a resolution with respect to a special message after the two Houses have agreed to another resolution with respect to the same message.

(g) As used in this section, the term "special message" means a report of impounding action made by the President pursuant to section 302 or by the Comptroller General pursuant to section 306.

SEC. 306. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States takes or approves any impounding action within the purview of this title, and the President fails to report such impounding action to the Congress as required by this title, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this title shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however,* That the sixty-day period provided in section 303 shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impounding action was taken.

SEC. 307. Nothing contained in this title shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SEC. 308. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this title, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this title by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 309. (a) Notwithstanding any other provision of law, all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government except as may be provided otherwise under this title.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this title or by the Antideficiency Act, he shall seek legislation utilizing the supplemental appropriations process to obtain selective rescission of such appropriation by the Congress.

SEC. 310. If any provision of this title, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the title and the application of such provision to other persons, impoundments, or circumstances, shall not be affected thereby.

SEC. 311. The provisions of this title shall take effect from and after the date of enactment.

TITLE IV—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 401. (a) Except as provided in subsection (b) of this section, expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the United States Government, shall not exceed $268,700,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) of this section shall be reviewed by Congress for the purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

SEC. 402. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditure and net lending, from appropriations, or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 401.

(b) In carrying out the provisions of subsection (a) of this section, the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in table 3 of the United States Budget in Brief for fiscal year 1974), except that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants, and supplementary security income payments under the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

(c) Reservations made to carry out the provisions of subsection (a) of this section shall be subject to the provisions of title III of this Act, except that—

(1) if the Comptroller General determines under section 302(c), with respect to any such reservation, that the requirements of proportionate reservations of subsection (b) of this section have been complied with, then sections 303 and 305 shall not apply to such reservation, and

(2) the provisions of section 303 which preclude reimpoundment shall not apply with respect to any such reservation.

(d) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

SEC. 403. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Mr. LONG. Mr. President, H.R. 8410 as it passed the House continues the present debt limit of $465 billion for 5 months and continues two other provisions relating to Federal Government bonds. The Finance Committee accepted these provisions of the House bill without change and added an amendment which would provide $3.8 billion in increased social security, supplemental security income, and medicaid benefits to more than 30 million persons. This is necessary to offset the effect of the steep inflation of the past months since phase 2 ended.

The committee bill also corrects some oversights in last year's social security bill which, if left uncorrected, would have the unfortunate effect of having many thousands of aged, blind, and disabled assistance recipients and medicaid eligibles suffer a reduction in benefits or loss of medicaid eligibility come next January. The amendments made by the committee also add an expenditure limitation and impoundment procedures which are essentially the same as those already passed by the Senate on two occasions.

Let me turn first to the social security benefit increase.

SOCIAL SECURITY BENEFIT INCREASE

Last year the Congress enacted a law providing for social security benefits to be increased automatically as the cost of living rises. Generally speaking, whenever the cost of living goes up by at least 3 percent in a year, social security benefits will be increased by the amount that the cost of living has gone up. Each of these benefit increases becomes effective for the January following the year in which the cost of living has increased.

Everyone is well aware of the extent to which the cost of living has gone up in the last year—especially since phase 2 was ended in January. But under last year's law, the first cost-of-living social security increase cannot go into effect until January 1975. In the 12 months since the Congress voted the automatic cost-of-living increase provision into law, the consumer price index has gone up about 5.6 percent. Now it is true that the increase in the cost of living will eventually be reflected in the benefit increase that will come about in January 1975. But it would be unconscionable to make the 30 million social security beneficiaries who will be on the rolls in January 1974 wait a full year when steep inflation is already eating away at the value of their benefits.

Mr. President, the Senator from Connecticut (Mr. RIBICOFF) called our attention to the need for this provision. I had been under the impression, and I believe that this impression was probably shared by a majority of the Members of Congress, that the automatic cost-of-living increase provision already in law would benefit these 30 million social security retirees as of January 1974. That is an error. We are very fortunate that the senior Senator from Connecticut (Mr. RIBICOFF) directed this matter to our attention.

Accordingly, the committee bill would provide for the first cost-of-living increase to take place next January rather than waiting until January 1975. This increase would be the same amount as the cost of living has risen in the 12-month period between June 1972 and June 1973, estimated to be a 5.6 percent increase. At this rate of increase, the average monthly benefit to a retired individual would rise from $161 to $170, and the average monthly benefit for aged couples would increase from $277 to $293. Under the committee amendment, nearly 30 million social security beneficiaries would receive an estimated additional $3.2 billion in social security benefits.

SUPPLEMENTAL SECURITY INCOME

A more timely cost-of-living increase in social security benefits alone will not do the whole job. Last year the Congress enacted a new supplemental security income program under which the Federal Government would guarantee aged, blind, and disabled persons, beginning next January, a monthly income of $130 for an individual and $195 for a couple. A majority of the SSI recipients will also be receiving a small social security benefit. If we increase social security benefits and do nothing else, the SSI recipients will be no better off because the SSI payment will be reduced $1 for every dollar that social security payments go up.

Aged, blind, and disabled assistance recipients suffer from the same inflation as everyone else. We want help both for those SSI recipients who also receive social security benefits and those whose only income is their SSI payment. The committee bill would do this by increasing the SSI guarantee levels from $130 to $140 for an individual and from $195 to $210 for a couple. More than 5 million persons would receive an additional $325 million in SSI payments in calendar year 1974 if the committee bill becomes law.

COVERING "ESSENTIAL PERSONS"

Many States now take into account the needs of "essential persons," typically a spouse under age 65 of an assistance recipient over 65. Under the new SSI program, only persons who are themselves over 65, blind, or disabled, are eligible for payments. If we do nothing to change the law, that spouse will not be eligible for a Federal SSI payment. It was an oversight that the Congress never intended for this kind of couple to take a cut next January.

The committee bill would correct this oversight by extending SSI eligibility to persons currently considered essential persons under State programs of aid to the aged, blind, and disabled. Under the committee bill, an aged person whose spouse under age 65 is currently on public assistance would be guaranteed a monthly income of $210 under the new SSI program. Under this provision, an estimated 125,000 persons would receive additional Federal SSI payments of $100 million in calendar year 1974.

REQUIRING STATE SUPPLEMENTATION

Based on the most recent figures available, about half of the States currently pay an aged individual with no other income less than $140 for basic needs and an aged couple less than $210. This means that most persons in these States would find their monthly payments increased beginning next January, and the States would have very substantial savings when the Federal program goes into effect. In other States, however, payment levels exceed the Federal guarantee levels which under the committee bill would be $140 for an individual and $210 for a couple. And even in States now paying less than $140 and $210, individuals and couples with special needs may be receiving higher payments.

When the Congress enacted the SSI program it wanted to improve the lot of the needy aged, blind, and disabled. It certainly did not intend for thousands of them to find their payments cut when the new program went into effect. The committee bill, by increasing the SSI guarantee level and by covering essential persons now on the rolls, will go a long way toward preventing a cut in their payments. These two committee amendments would cost $425 million more in 1974 than the $3.8 billion already contemplated in Federal expenditures. In view of this huge Federal investment, the committee felt it appropriate to require States for at least 1 year to assure that no current recipient would have his payments reduced when the SSI program goes into effect next January. We accomplished this in the committee bill by saying that States not providing this required supplementation of SSI benefits would not be entitled to Federal medicaid matching funds in calendar year 1974.

PREFERENCE FOR PRESENT STATE AND LOCAL EMPLOYEES

Federal administration of the new supplemental security income program will require the hiring of a substantial number of new Federal employees. The Secretary of Health, Education, and Welfare testified on June 19 that about 8,000 new employees have already been hired and that another 7,000 will be hired over the next 6 months. At the same time many States will no longer be administering an assistance program for the aged, blind, and disabled, and State and local employees now working in the programs of aid to the aged, blind, and disabled in these States will no longer have their present jobs when the new SSI program goes into effect next January.

The committee bill includes a provision brought up for our constitution by Senator Ribicoff, under which the Secretary of Health, Education, and Welfare, in hiring Federal employees for the new SSI program, will provide a preference in employment to qualified present State and local employees who will be displaced when the new SSI program goes into effect.

DETERMINATION OF BLINDNESS

In the present State programs of aid to the blind, Federal law permits the determination of blindness to be made either by a physician skilled in diseases of the eye or by an optometrist. The committee bill would add a similar provision for determining blindness under the SSI program. This matter was proposed in committee by Senator Dole.

PASS-ALONG OF SOCIAL SECURITY BENEFIT INCREASE TO AID TO FAMILIES WITH DEPENDENT CHILDREN RECIPIENTS

Under present law if social security benefits are increased, recipients of aid to families with dependent children who are also social security beneficiaries find their AFDC payment reduced one dollar for each dollar that social security benefits are increased. To assure that AFDC recipients who are also social security beneficiaries receive the benefit of the social security cost of living increases provided in the committee bill, the committee bill would also require States, in determining need for AFDC to disregard 5 percent of social security income. This provision was brought up in committee by Senator Ribicoff.

SOCIAL SERVICES REGULATIONS

Last year the Congress was very concerned about the social services program, whose costs at that time were going completely out of control. We responded by putting a $2.5 billion limitation on Federal funds for social services. We acted in good faith, intending to provide the States a fair opportunity to use their share of the $2.5 billion for social services.

In May of this year, the Department of Health, Education, and Welfare published new regulations. Our committee hearings, in which Senator Mondale played a leading role, showed the committee that the regulations are far out of line not only with our actions last year, but also with the provisions of the Social Security Act itself.

Let me give some examples. Last year the Congress raised the Federal matching percentage for family planning services both for welfare recipients and for persons likely to become dependent on welfare. In the section limiting Federal matching for social services, we listed family planning as a high priority service which can be provided to persons regardless of whether or not they are on welfare. Yet the HEW regulations permit Federal funds for services to persons not now on welfare only if they "are likely to become applicants for or recipients of financial assistance under the State plan within six months." With this kind of time limitation, either no family planning services can be provided to persons not now on welfare or else the only kind of family planning services for which Federal matching would be available in such a case would be abortion.

Another example: Federal law requires its States as part of their AFDC program attempt to establish the paternity of children born out of wedlock and to locate fathers who have deserted their families and try to collect support payments from them. All of these activities require legal services. Yet the HEW regulations provide for Federal matching of legal services only when they involve "solving legal problems of eligible individuals to the extent necessary to obtain or retain employment."

Another example: Last year's legislation limiting social service funds included in its list of high priority services those services provided to drug addicts and alcoholics "as part of a program of active treatment." Yet the HEW regulations say the Federal Government will not pay for medical treatment of alcoholism or drug addiction.

Another example: Last year's law also listed services to the mentally retarded as a high priority item. Despite this statutory priority, services for the mentally retarded are not specifically included in the list of services allowable under the new regulations.

The list could go on and on. In any case, the committee felt that the new regulations scheduled to become effective July 1 were so out of step with the clear requirements of the statute and with congressional intent that the Congress should have an opportunity to review both the prior and the new regulations to see what kinds of policy should be written in law rather than left for regulatory interpretation. The committee bill, therefore, provides that no new social services regulations would become effective before January 1974. By that time, the Congress will be able to consider statutory changes in the provisions of law affecting social services.

MEDICAID AMENDMENTS PROTECTING MEDICAID RECIPIENTS FROM LOSS OF ELIGIBILITY

If the Congress does not act, several categories of persons now eligible for medicaid will lose their eligibility next year. The committee amendment would protect these persons against loss of medicaid eligibility.

I have already mentioned that "essential persons"—typically the spouse under age 65 of a man over 65—will be made eligible for supplemental security income payments under the committee bill. Another provision of the committee bill will assure that no essential persons who are currently eligible under the medicaid program lose their medicaid eligibility. The current medicaid eligibility of persons in medical institutions would also be retained under the committee bill, as would the medicaid eligibility of blind and disabled medically needy persons.

EXTENSION OF 1972 MEDICAID SAVINGS CLAUSE

Last year's social security bill contained a savings clause continuing medicaid eligibility for persons who would otherwise lose their eligibility because the 20 percent social security increase in 1972 raised their incomes above the eligibility level for cash assistance payments. This savings clause, presently scheduled to expire October 1974, would under the committee bill be extended through June 1975. The committee felt this extension would permit the Congress a better opportunity to deal with the issue of loss of medicaid eligibility.

The provisions to protect and extend medicaid eligibility would cost an estimated $150 million in Federal funds in 1974.

REPEAL OF LIMIT ON NURSING HOME PAYMENTS

Last year's social security bill includes a section limiting to 5 percent the annual increase in allowable average per diem cost for skilled nursing home and intermediate care facilities. The committee feels that this provision is difficult to administer, inequitable, and, most importantly, inconsistent with our desires to have the quality of care improved. The committee bill would, therefore, repeal this provision. Senators Talmadge, Curtis, and Dole had cosponsored this provision.

MATERNAL AND CHILD HEALTH PROJECT GRANTS

Under present law 50 percent of appropriations under the maternal and child health program go for formula grants to States; 40 percent are for special project grants; and 10 percent for research and training grants. The project grant authority is scheduled to terminate on June 30 of this year, after which 90 percent of the funds appropriated will be for formula grants to States. The committee bill includes a provision proposed by Senator MONDALE which would extend the authorization for project grants for another year, and would assist orderly budgeting by grantees by providing for a transition to a State-coordinated program.

Let me return now to the debt provisions as passed by the House. The bill provides an extension of the present statutory debt limit of $465 billion from the first of July through November 30 of this year—a simple 5-month extension.

The committee examined the administration's projections of the required debt level through November and found that given a $6 billion cash balance, the present limit of $465 billion was exceeded on only two occasions, the end of August and the end of November. On these two occasions, the debt did exceed this $465 billion limit by only $2 billion. With an operating cash balance of $4 billion, instead of $6 billion, the Treasury figures indicate that the $465 billion limitation will be satisfactory. This is a tight limit, but it is one which the Treasury Department acknowledges it can live with.

Both the House and the committee believe that there has been too much variation in budget figures in recent months to justify providing an increase in the debt limit to $485 billion for the entire fiscal year 1974 as requested by the administration. The inflation we have experienced this year has been severe and has caused unusually large increases in both our gross national product and other measures of our economic growth.

The gross national product increased by 14 percent on an annual basis in the first quarter which represented an 8 percent increase in real economic growth and a 6 percent increase in prices. This caused the Treasury to up its own estimates of receipts substantially and caused it to decrease its estimates of the deficit for the fiscal year 1973—the year already almost over—by $7 billion and to decrease its estimate of the deficit in the fiscal year 1974 by $10 billion. With this type of rapid change in estimates, we cannot provide a satisfactory debt limitation for the entire year at this time.

In addition, since we do not have a satisfactory device such as that proposed by the Joint Committee on Budget Control to help the Congress in controlling budget expenditures, we must do the best thing we can by using the debt limit for this purpose—as weak a reed as it is, although another provision I will tell you about in a moment should give us further help in this regard.

MODIFICATION OF LIMITATION ON OUTSTANDING LONG-TERM BONDS

The committee also agreed with the House in approving an adjustment in present law which permits the Treasury Department to issue up to $10 billion in long-term bonds at interest rates above the statutory limit of 4¼ percent.

This exception from the interest rate limit was enacted 2 years ago, and presently, there are $8.4 billion in these long-term bonds outstanding. Approximately half of this total, $3.9 billion, is held by Government accounts and the Federal Reserve System. These holdings reduce the ability of the Treasury to issue these bonds to the general public where there is a continuing market for this type of security.

The adjustment reached was to exclude from the $10 billion exception the holdings by Government accounts of these long-term bonds. As things now stand, it really is meaningless to include Government account holdings within this limitation, since most of them are limited to a rate of interest equal to the average market yield on outstanding marketable securities. This is the only limitation needed on these securities.

The committee action, therefore, frees a substantial amount of the $10 billion limitation for public holdings. This should enable the Treasury Department to lengthen the present average maturity on the public debt, which is 3 years, and to reduce the frequency with which the Treasury Department has to return to the money market for refunding operations.

This, of course, does not represent an approval for the Federal Government to pay high interest rates. Rather, its purpose is to make it possible for the Treasury Department to sell a limited amount of long term bonds to the public at competitive interest rates.

REFUND CHECK-BONDS

The committee also approved a House provision granting the Treasury Department authority beginning next January 1 to make refunds on overwithholding of individual income tax payments with a so-called check-bond. This will automatically become the equivalent of a Series E savings bond if the taxpayer does not cash the check within the period before the first interest payment for bonds begins. This form of savings bond was developed to provide the Treasury Department with an additional tool to encourage taxpayers to continue saving overwithholding at a time when the immediate spending of the tax refunds could add dangerously to the high levels of inflation.

All refund checks due on returns filed on time will in the case of calendar year taxpayers carry an effective date of January 1, even though issued on April 15. If the checks are not cashed by July 1, they will automatically become savings bonds and earn interest from January 1 at the rate now applicable for Series E savings bonds. From that time until the bond is redeemed, it will possess all of the characteristics of a Series E bond.

EXPENDITURE LIMITATION

While the committee recognized that the extension of the present debt limitation for 5 months helped Congress to exercise some control over the budget, it did not consider this sufficient control. As a result, the committee added an amendment providing an expenditure ceiling for the fiscal year 1974 together with a procedure for allocating any reductions this ceiling makes necessary. This limit was proposed in committee by Senator ROTH.

Under this limit, with a series of specific exceptions for uncontrollable items, any cutbacks in expenditures are to be made on a pro rata basis. This is the procedure the Senate decided last year was the procedure it desired to follow where impoundments were necessary in order to decrease total spending. This spending ceiling and the allocation procedures are the same as the provisions in S. 373, and the provisions added by the Senate in H.R. 6912, both of which have passed the Senate. There is, however, one variation in the spending ceiling from the two measures I have just referred to. The spending ceiling in both of those measures was $268 billion. Because of the social security increases provided in this measure, the committee has increased this total by $700 million to $268.7 billion.

The categories with respect to which no impoundments are to be made are the funds available for interest payments, veterans benefits and services, payments for social insurance trust funds, public assistance maintenance grants and supplementary security income payments under the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries. In no event is the authority made available under the debt ceiling to be used to impound funds for the purpose of eliminating a program whose creation or continuation has been authorized by Congress.

IMPOUNDMENT PROCEDURES

In addition to the expenditure ceiling, the committee added a provision setting forth impoundment control procedures. These are identical to the Ervin amendment, and were proposed in committee by Senator RIBICOFF.

In brief, this impoundment procedure will require submission to Congress of a special message by the President announcing each impoundment. These impoundments will be reviewed by the Comptroller General who will advise the Congress whether the impoundment conforms with the Antideficiency Act and, therefore, is provided for by present law. If it does not, unless the impoundment is approved in whole or in part by a concurrent resolution passed by both houses of Congress within 60 days of the special message, then the impoundment must cease, and the expenditure of the impoundment becomes mandatory. In addition, further impounding of the same funds is precluded.

In the event the administration fails to report impoundments of budgetary authority, the Comptroller General is to report this action to the Congress, and this impoundment then is subject to the same procedures as I have just described.

The Comptroller General is to represent the Congress in the U.S. District Court for the District of Columbia in order to enforce the anti-impoundment provisions. In this action, he is to employ attorneys of his own choosing.

I do not believe that it is necessary for me to detail the reasons already presented so extensively on the floor of the Senate as to the need for this impoundment procedure and also the spending limit. The Senate has already expressed its views on this subject in an affirmative manner on two other occasions. I urge the adoption of the committee amendment.

SOCIAL SECURITY INCREASE

Mr. RIBICOFF. Mr. President, today we are considering a proposal which will assure 28 million Americans that they will not suffer loss of their income by inflation. This proposal—a 5.6-percent social security increase—would assure that social security beneficiaries receive a benefit increase in January of 1974 to cover the increased cost of living between June of 1972, when the last social security increase was enacted, and now.

In the last few years Congress has taken the lead in assuring older Americans of a more adequate retirement income. In 1972 we enacted a 20-percent social security increase—the largest single increase in history. And we enacted a cost of living escalator to assure that benefits would keep up with inflation. Congress decided to delay the effective date of the escalator clause until 1975.

Unfortunately, the steep pace of inflation in the last year has wiped out a large part of the 20-percent increase and we cannot expect older Americans to wait until 1975 for another increase.

For that reason I introduced S. 2025 on June 20 to move the effective date of the social security escalator forward from January 1, 1975 to January 1, 1974. That bill already has been cosponsored by 22 Senators (LONG, CHURCH, MONDALE, KENNEDY, HARTKE, PASTORE, HUMPHREY, NELSON, PELL, EAGLETON, MCGOVERN, ABOUREZK, INOUYE, STEVENSON, BAYH, MOSS, CANNON, HART, BENTSEN, JACKSON, BROOKE, and COOK).

The next day the Finance Committee met in executive session and I expanded my proposal. I proposed a flat 5.6-percent social security benefit increase to become effective in January of 1974.

It is imperative that this provision be enacted as soon as possible. Despite the social security benefit increases of the past few years, social security benefit levels are still not adequate.

Social security benefits for millions of older Americans—even with the 20-percent increase enacted last year—still fall below the Government's own poverty benchmar. Average annual payments for retired workers amounted to $1,944 in 1972, nearly $40 below the poverty threshold for single aged persons. For widows, average benefits were more than $320 under the impoverished standard.

And benefits have not kept pace with inflation.

Property taxes have jumped by nearly 39 percent in the last 4 years, nearly twice the overall increase in the Consumer Price Index. And the impact has been especially severe for the aged because early 70 percent own their own homes.

Public transportation costs have risen by over 33 percent during this same period. Here again, senior citizens are hard hit since many must rely on public transit instead of private automobiles.

Food prices have gone up by at least 34 percent in the 4-year period. This is tragic for the elderly who spend 27 percent of their income for food as compared to 17 percent of all Americans. And medical care costs—a significant cost factor to the aged—have increased 36 percent.

And all of these price increases have been escalating even more rapidly in the last few months.

It is unconscionable for us to let prices skyrocket out of sight while millions of older Americans are denied an increase in social security benefits.

This 5.6 percent increase in benefits would not require an increase in the social security tax or the taxable wage base. It would be financed completely out of the large surplus in the social security trust fund.

The other Finance Committee amendments to the debt ceiling bill are also important.

THE SOCIAL SECURITY PASSTHROUGH

This amendment, which I proposed in the Finance Committee and was adopted assures that recipients of aid to families with dependent children who are also social security beneficiaries receive the benefit of the 5.6-percent increase. Under State law, welfare benefits are reduced when social security benefits are increased. In the past many recipients of the social security benefit increase have actually suffered reductions in income despite benefit increases. This would be prevented by our provision requiring States, in determining need for AFDC, to disregard 5 percent of social security income.

SUPPLEMENTAL SECURITY INCOME PROGRAM

The Social Security Amendments of 1972 established a new Federal supplemental security income program to replace present public assistance programs for the aged, blind and disabled. We approved an increase in the benefit levels of the new program from $130 to $140 for single persons and from $195 to $210 for a couple. This will help the aged poor toward a more adequate income.

We also required States to supplement the SSI payment levels for the first year of the program—1974. This would assure that recipients in States like Connecticut do not suffer a cutback in benefit payments. Under present law States had the option to supplement. While it is expected that most States will make supplemental payments, many of them did not have the opportunity in 1973 to pass State legislation permitting supplementals. This amendment will assure recipients of continued benefits and give the States an additional year to enact the necessary enabling legislation.

EMPLOYEE PROTECTION

I am pleased that the Finance Committee has recognized the need to provide protection for State and local welfare employees during the transition of welfare programs for the aged, blind and disabled from State and local jurisdiction to Federal jurisdiction.

The Finance Committee has accepted, in modified version, my legislative proposal to protect these employees by giving them preference in hiring for the new SSI program. The rights of these employees—including seniority, leave, pension, salary must also be protected to the maximum possible extent.

I urge my colleagues to support the Finance Committee amendments to this debt ceiling legislation.

UNANIMOUS-CONSENT AGREEMENT FOR TIME LIMITATION ON THE CONSIDERATION OF NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent, having cleared this request with the leadership on both sides of the aisle and with the principal Senators involved, that at such time as the nomination of Mr. Kelley to be Director of the FBI is laid before the Senate, there be a time limitation thereon of 30 minutes, to be equally divided between and controlled by the chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. EASTLAND) and the ranking minority member thereof, the Senator from Nebraska (Mr. HRUSKA).

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do not intend to object, I wonder if the distinguished majority whip can indicate, is it the expectation that this nomination and the nomination of Mr. Schlesinger to be Secretary of Defense will probably be considered tomorrow?

Mr. ROBERT C. BYRD. It is the hope of the leadership that the nomination of Mr. Kelley will be considered tomorrow, and if the situation permits that the nomination of Mr. Schlesinger will also be considered tomorrow.

Mr. GRIFFIN. I appreciate that advice, and certainly would have no objection to the unanimous-consent agreement, either on this nomination or the one to follow with respect to the nomination of the Secretary of Defense, and I hope that they will be considered as soon as possible.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that at such time as the nomination of Mr. Schlesinger for the office of Secretary of Defense is called up and made the pending question before the Senate, there be a time limitation thereon of 1 hour and 30 minutes, to be divided as follows:

Fifteen minutes to be under the control of the distinguished Senator from Missouri (Mr. SYMINGTON);

Fifteen minutes to be under the control of the distinguished Republican leader or his designee;

One hour to be under the control of the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT FOR TIME LIMITATION ON H.R. 8152, THE OMNIBUS CRIME CONTROL AND SAFE STREETS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 8152, the so-called omnibus crime control and safe streets bill, is called up and made the pending business before the Senate, there be a time limitation thereon as follows:

Three hours on the bill and a substitute to be offered by the distinguished Senator from Arkansas (Mr. McClellan);

One hour on any amendment in the first degree;

One-half hour on any amendment in the second degree, debatable motion, or appeal;

I further ask unanimous consent that the agreement be in the usual form.

I ask unanimous consent also that the time for debate on the bill and the substitute be equally divided between the Senator from Arkansas (Mr. McClellan) and the Senator from Nebraska (Mr. Hruska).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR EXECUTIVE SESSION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the orders for recognition of Senators have been consummated, the Senate go into executive session to consider the nomination of Mr. Kelley to be Director of the FBI.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that upon the disposition of the nomination of Mr. Kelley tomorrow, the Senate return to the consideration of legislative business and resume the consideration of the unfinished business, the debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at a very early hour, 9 o'clock a.m., following a recess.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. Nunn, Mr. Tower, Mr. Robert C. Byrd, and Mr. McIntyre.

There will be no morning business. Upon the conclusion of the orders aforementioned, the Senate will go into executive session to consider the nomination of Mr. Kelley to be Director of the Federal Bureau of Investigation, with a time limit thereon of 30 minutes. It is anticipated that a yea-and-nay vote will occur on the nomination.

Upon the disposition of the Kelley nomination, the Senate will return to the consideration of legislative business and resume consideration of the unfinished business which is H.R. 8410, the extension of the debt limit. Yea-and-nay votes will occur on that bill tomorrow.

It will be a busy day. Senators are alerted to the fact that the leadership may wish to proceed on a multiple track if the situation requires, from time to time.

As to what items may be called up on Wednesday, Senators will want to be prepared for any one or more of the following, in addition to those already mentioned:

The nomination for Secretary of Defense. S. 343, the Federal elections bill. H.R. 7445, the Renegotiation Act. H.R. 8152, the omnibus crime bill. S. 1435, the D.C. home rule. The agriculture appropriation bill. Various and sundry conference reports.

As to the schedule for Thursday, Friday, and Saturday, Senators will want to be prepared for any of the foregoing items not completed on Wednesday:

The continuing resolution, and the HUD appropriation bill.

RECESS TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and, at 8:01 p.m., the Senate recessed until tomorrow, Wednesday, June 27, 1973, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26 (legislative day of June 25), 1973:

DIPLOMATIC AND FOREIGN SERVICE

William D. Brewer, of Connecticut, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan.

Richard F. Pedersen, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

OFFICE OF ECONOMIC OPPORTUNITY

Alvin J. Arnett, of Maryland, to be Director of the Office of Economic Opportunity.

EXTENSIONS OF REMARKS

TRUTH IN HOUSING ACT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. RIEGLE. Mr. Speaker, today I am introducing the Truth in Housing Act; Senator Hart has introduced an identical bill in the Senate. The purpose of the bill is to ensure that the American home buyer has all the facts at hand before entering into the actual purchase of a home.

In the past, Congress has enacted numerous truth-in-packaging and truth-in-lending laws. Today, I introduce a bill to extend that approach to still another field—the field of housing.

The caveat of "let the buyer beware" has long been connected with the sale of housing.

But we are coming to realize that too many unhappy homebuyers have been given that answer after discovering an unsuspected defect in a newly purchased house.

A positive response to such situations would be a truth-in-housing law requiring that a prospective homebuyer be told the structural condition of the unit before the sale.

Recent investigations of Federal housing programs have highlighted the need for such an approach.

In one study of units sold under the 235 subsidy program, the General Accounting Office found defects in 24 percent of the new houses inspected and in 39 percent of the existing houses.

Accurate information on the structural condition of those units might have saved Government dollars by avoiding mortgage guarantees and subsidies on houses which are good candidates for abandonment.

Reliable consumer assistance would not just benefit the lower end of the economic scale. Factual information on defects and estimates of possible repair costs would help a family, regardless of income, decide if it could afford to buy a particular house.

The purchase of a house is the largest financial commitment many families ever make. Whether a family is buying the once-in-a-lifetime house or a family moves often, they want and deserve value for their dollar.

To be fully effective then, a truth-in-housing program should:

Cover every type of sale involving a family unit, regardless of type of financing used and regardless of whether the sale involves private parties only, an agent or a lender;

Insure that the required information be available to a buyer far enough in advance of closing to be useful;

Require disclosure of detectable costly defects;

Offer estimates of repair costs and estimates of the remaining useful life of each major component of the house;

Provide a buyer with an opportunity to recover losses resulting from misrepresentations about the condition of the house.

The truth-in-housing bill I am introducing today attempts to meet these aims in these ways.

The law will be administered by the Federal Trade Commission, in consultation with agencies traditionally concerned with housing and lending.

Every seller, agent, or lender involved in the sale of a one- to four-family house will be responsible for having prepared a written report on any defects in the unit.

Only one report will be required, but it must be presented to the buyer prior to closing. If it is not, the buyer may void the sales contract. Further, if the report is not available more than 48 hours before closing, the buyer has 96 hours after closing to void the contract.

This provision is designed to encourage the responsible parties to prepare the report in advance of the closing date.

The report must disclose any defect which seriously affects the usefulness and livability of the unit. The report would include estimated repair or replacement costs resulting from any defect and estimates of the useful lives of the structure and its components.

The cost of any inspection would be paid by the buyer at closing.

A buyer may sue for damages and costs if the written disclosure includes a false statement or fails to report a detectable defect. The suit may be brought against any or all of the parties responsible for having the disclosure made. Those parties, in turn, may ask the court to determine who should pay and how much.

The purpose in making the seller, the agent, and the lender responsible is to better insure that the required report will be made for every type of house sale.

In conclusion, housing is too important an investment, for the individual and for the Nation, to be left to chance as is too often the case today.

Providing adequate information about the structural condition of a house is one way to reduce reliance on chance.

This approach to achieving that goal is endorsed in the current issue of American Home magazine.

AID TO PAROCHIAL SCHOOLS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. BIAGGI. Mr. Speaker, I was greatly discouraged, as were countless Americans, by yesterday's 6 to 3 Supreme Court decision which stated that income tax credits and tuition reimbursements for parents of parochial school children are in violation of the Constitution.

Local officials and school district administrators from one end of the country to the other have been searching in vain for an effective answer to a problem which threatens not only to decimate the long established parochial school system, but also to result in the intolerable overcrowding of our public school network. The Court's regrettable decision on tax credits has outlawed what appeared to be a promising solution to the school aid dilemma.

A majority of the justices were of the opinion that benefits provided to citizens by New York or Pennsylvania in order to provide indirect support for the necessary parochial school system were in opposition to the church-state separation assured by the first amendment.

A New York State plan involving financial support for the maintenance of private and parochial schoolchildren was also disallowed, and a third setback came when the Court struck down New York's plan of reimbursement for educational testing and other services which are required of the State's private schools by law.

Mr. Speaker, I am not of the opinion that these defeats have put an end to this battle. The problems still remain. In my home city, for example, one parochial school after another is being forced to close its doors for financial reasons—and this after 20, 30, 40 or more years of high quality service to the community. Where will the children go? Where are they going now? Quite simply, they are being packed into already overcrowded classrooms; into public schools marked by a lamentable shortage of everything from qualified teachers to safe recreational facilities.

The next skirmish will probably be over such mechanisms as reimbursement for auxiliary services—guidance counseling, remedial reading, advanced studies, and so forth—or Federal- and State-supported voucher systems which would permit parents more leeway to pay for educating their children at the school of their choice.

Mr. Speaker, every taxpayer and every child in America will be affected adversely if we fail. I am convinced that the day this Nation finds a constitutional way to prevent the demise of its parochial school system is the day we will win the battle against education chaos.

SHEPAUG VALLEY WINS STATE TOURNEY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. GRASSO. Mr. Speaker, I wish to salute the Shepaug Valley Regional High School baseball team, which won the Connecticut State championship June 8. Shepaug Valley, which includes the towns of Washington, Roxburg, and Bridgewater, defeated Northwestern Regional of Winsted in the final game of the State tournament, 6 to 1.

Led by veteran coach Tex Alex, the Spartans of Shepaug compiled a 19 to 1 overall record. Dave Showalter, the team's leading hitter, also topped the pitching corps with an 8 to 0 record. Steve Pickett was 5 to 0, and hurled the victory in the championship game. Bob Alex, Mike Temple and Ed Collins added offensive punch, and Tim Cook and Pete Krawiecke stood out defensively all season long.

The tourney runner-up, Northwestern Regional, ended the year with a 16 to 5 mark. Ranked only No. 8 at the start of the tournament, the team defeated both the defending champion and the No. 1 ranked team to advance to the finals.

In the championship game, Northwestern Coach Don Titus sent his star pitcher Mike Smith against Shepaug. But in the very first inning, the Spartans erupted for four runs, and were never threatened as they coasted to victory. As one area newspaper reported the big inning:

> Smith had control trouble and walked Pete Krawiecki and Bob Alex. Dave Showalter, Shepaug's leading hitter, lashed a single through the infield to send Krawiecki home from second. Alex was thrown out trying to go to third. Mike Temple hit a Texas Leaguer to center, and Ed Collins followed with another soft hit to center to load the bases. Joe Fredlund then blasted a triple to deep centerfield . . .

Mr. Speaker, I would like to add my voice to the many who cheered on both of these teams. Congratulations are clearly in order for the players and coaches. They richly deserve recogniton for their fine efforts this season.

TRIBUTE TO JAMES V. SMITH

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I was shocked and saddened to learn of the tragic news of the passing of our former colleague, Representative James V. Smith of Oklahoma, who was killed in a freak accident on his farm at Chickasha, Okla., last week.

I was advised that Jim was welding a wheat combine when the sparks from his torch caught the grain on fire—and he died as a result of flame inhalation while attempting to extinguish the fire.

Jim was a Christian gentleman and a talented man who served in the House in the 90th Congress and subsequently was appointed Administrator of the Farmers Home Administration. He served his district, State, and Nation faithfully and well and his family can reflect with pride on his fine record of public service.

I want to take this means of extending to his wife, Mary Belle, and the children this expression of my deepest and most heartfelt sympathy. My wife Ann joins me in an expression of these sentiments.

SENATE—*Wednesday, June 27, 1973*

(Legislative day of Monday, June 25, 1973)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, help us to live through this day as befits those who now begin the day with Thee. Bless us and make us a blessing to this Nation and the world. Help us to think aright, to speak aright, and to come to right conclusions. Help us to listen with respect and discrimination. Preserve us alike from too hasty speech and from cowardly silence. Amid tedious and vexatious hours, keep us serene and strong, firm and faithful. When we go to rest, grant us the peace of those who have cast their burdens upon Thee, and know that their times are in Thy hand.

In the name of the Lord of all life, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, June 26, 1973, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Georgia (Mr. Nunn) is now recognized for not to exceed 15 minutes.

(The remarks Senator Nunn made at this point on the introduction of S. 2081, to amend the Social Security Act, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR RECOGNITION OF SENATOR TOWER VACATED

The PRESIDENT pro tempore. Under the previous order, the Senator from Texas (Mr. Tower) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. Tower at this time be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield such time from my order as the distinguished majority leader may wish.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 230, 232, 235, 237, and 238.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MINT BUILDINGS

The bill (S. 1901) to amend the act of August 20, 1963, as amended, relating to the construction of mint buildings, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of August 20, 1963, as amended (31 U.S.C. 294), is further amended to read as follows:

"Sec. 4. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for each fiscal year which begins after June 30, 1963, and ends before July 1, 1983, such sums as may be necessary to carry out this Act, except that the aggregate of sums appropriated under this section shall not exceed $95,000,000. Sums appropriated to the Department of the Treasury for the purposes of this Act may be available for transfer to the Administrator of General Services to remain available until expended."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (S. Rept. No. 93-243), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

HISTORY OF LEGISLATION

S. 1901 is a committee bill which was introduced on May 30, 1973. Hearings were held on June 6, 1973, by the Subcommittee on Minting and Coinage. The subcommittee met in open markup session on June 13, 1973. On June 20, 1973, the Committee on Banking, Housing and Urban Affairs met in open executive session and ordered S. 1901 to be reported favorably to the Senate without objection.

GENERAL STATEMENT

This bill would authorize an increase of $50 million in the amount of money that can be appropriated to the Department of the Treasury for the construction of mint facilities. The present authorization of $45 million is insufficient to meet the needs of the Bureau of the Mint. This would increase the total authorization for the construction of mint facilities to $95 million.

This increase is needed for the construction of a new mint in Denver, Colo. These new facilities are vitally needed by the mint to keep pace with the rapidly increasing need for coins in our economy.

CORDON RULE

In the opinion of the committee, it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this report.

INTERNATIONAL VOYAGE LOAD LINE ACT OF 1973

The bill (S. 1352) to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Voyage Load Line Act of 1973".

Sec. 2. The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as "Secretary") shall enforce the provisions of this Act and prescribe regulations to carry out its provisions. With the consent of the Secretary of the Treasury, the Secretary may utilize officers of the Bureau of Customs to enforce this Act and the regulations established hereunder.

DEFINITIONS

Sec. 3. As used in this Act—

(1) "new ship" means a vessel the keel of which is laid (or which is at a similar stage of construction) on or after July 21, 1968; and

(2) "existing ship" means a vessel which is not a "new ship".

APPLICABILITY

Sec. 4. (a) This Act applies to vessels which—

(1) arrive at any port or place within the jurisdiction of the United States from foreign ports;

(2) make voyages between foreign ports (except foreign vessels engaged in such voyages); or

(3) depart from any port or place within the jurisdiction of the United States for a foreign port.

(b) This Act does not apply to—

(1) ships of war;

(2) pleasure craft not used in trade or commerce;

(3) fishing vessels;

(4) existing ships of less than one hundred and fifty gross tons;

(5) new ships of less than seventy-nine feet in length;

(6) vessels which navigate exclusively on the Great Lakes; or

(7) vessels operating on sheltered waters between ports of the United States and neighboring countries as provided in any treaty of the United States.

(c) A vessel which voluntarily obtains loadlines shall be treated as a vessel subject to the Act until its loadline certificate is surrendered and its loadline marks removed.

(d) This Act does not abrogate any provisions of treaties or conventions in effect, which are not in conflict with the International Convention on Loadlines, 1966, and to which the United States has acceded.

DETERMINATION OF LOADLINES; ISSUANCE OF CERTIFICATE; PROHIBITION

SEC. 5. (a) The Secretary shall prescribe loadlines, the marking thereof, and associated condition surveys for vessels subject to this Act to indicate the minimum freeboard to which each may be safely loaded, giving due consideration to, and making differentials for the service, type, and character of each vessel, and in conformance with applicable international treaties or conventions to which the United States has acceded.

(b) Loadlines shall be permanently and conspicuously marked and maintained in the manner prescribed by the Secretary. Upon completion of survey requirements and a finding that the loadline is positioned and marked in the manner prescribed, the Secretary shall issue a loadline certificate, to the master or owner of the vessel, which shall be carried on board the vessel.

(c) A loadline shall not be established or marked which, in the judgment of the Secretary, authorizes less than the minimum safe freeboard. At the request of the owner a loadline may be established or marked to indicate a greater freeboard than that which the Secretary determines is the minimum safe freeboard; any such loadline shall be the prescribed loadline for purposes of section 9.

APPOINTMENT OF SURVEYORS; REVOCATION

SEC. 6. (a) The Secretary shall appoint the American Bureau of Shipping, or such other United States nonprofit corporations or associations for the survey or registry of shipping which he approves, to determine that a vessel's condition is satisfactory and whether its loadline is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a loadline certificate.

(b) The Secretary may appoint for the purpose of this section:

(1) any officer of the United States, or

(2) at the request of a shipowner, any other corporation or association for the survey or registry of shipping which he approves.

(c) The Secretary may revoke an appointment under this section at any time.

EXEMPTIONS

SEC. 7. When a vessel subject to this Act is shown to be entitled to an exemption from the provisions of this Act by an international agreement to which the United States has acceded, a certificate of exemption shall be issued to the vessel, and carried in lieu of the certificate required by section 5 of this Act.

RECOGNITION; NONAPPLICABILITY

SEC. 8. (a) When it is found that the law and regulations in force in a foreign country relating to loadlines are equally effective as this Act and the regulations hereunder, or when a foreign country has acceded to an international loadline agreement to which the United States has acceded, the markings and certificate thereof of a vessel of the country shall be accepted as complying with the provisions of this Act and regulations hereunder. The control of such vessels shall be as provided in the applicable international agreement.

(b) Subsection (a) does not apply to vessels of foreign nations which do not similarly recognize the loadlines prescribed under this Act.

LOADING RESTRICTIONS; RECORDATION

SEC. 9. (a) No vessel subject to this Act may be so loaded as to submerge the prescribed loadline, or to submerge the point where an appropriate loadline under the Act and the prescribed regulations should be marked.

(b) The master of a vessel subject to this Act shall, after loading but before departing for a voyage by sea from any port or place in which this Act applies, record in the official logbook or other permanent record of the vessel a statement of the relative position of the prescribed loadline mark applicable at the time in question with respect to the water surface, and of the actual draft of the vessel, forward and aft, at the time, as nearly as they may be ascertained.

DETENTION OF VESSELS

SEC. 10. (a) When the Secretary has reason to believe that a vessel is about to leave a port in the United States or its possessions in violation of this Act or the regulation hereunder, the Secretary may, upon notifying the master or officer in charge of the vessel, order the vessel detained.

(b) Clearance required by section 4197 of the Revised Statutes, as amended (46 U.S.C. 91), shall be refused or withdrawn from any vessel so detained until correction of deficiencies.

(c) The master or officer in charge of a vessel may petition the Secretary, in a manner prescribed by regulation, to review the detention order.

(d) Upon receipt of a petition, the Secretary may withdraw the detention order, modify it, or require independent surveys as may be necessary to determine the extent of deficiencies. Upon completion of his review including results of any required independent surveys he shall affirm, set aside or modify the detention order.

(e) The owner of a vessel is liable for any costs incident to a petition for review and any independent surveys if the vessel is found to be in violation of this Act or the regulations hereunder.

PENALTIES FOR VIOLATIONS

SEC. 11. (a) Except as otherwise provided in this section, the owner and the master of a vessel found in violation of this Act or the regulations thereunder, are each liable to a civil penalty of not more than $1,000 for each day the vessel is in violation.

(b) Each person, if the owner, manager, agent, or master of a vessel who knowingly allows, causes, attempts to cause, or fails to take reasonable care to prevent the violation of subsection 9(a) of this Act or the regulations thereunder, is liable to a civil penalty of not more than $1,000 plus an additional amount of not more than $500 per inch of unlawful submergence.

(c) For any violation of subsection (b) of section 9 of this Act or the regulations thereunder, the master of the vessel is liable to a civil penalty of not more than $500.

(d) Any person who knowingly causes or permits the departure of a vessel from any port or place within the jurisdiction of the United States or its possessions in violation of a detention order pursuant to section 10 of this Act, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(e) Any person who causes or allows the concealment, removal, alteration, defacement, or obliteration of any mark placed on a vessel pursuant to section 5 of this Act and the regulations thereunder, except in the event of a lawful change or to escape enemy capture in time of war, shall be fined not more than $2,000 or imprisoned not more than two years or both.

(f) For any penalty under this section the vessel is also liable.

(g) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General.

SEC. 12. Act, March 2, 1929 (C. 508, 45 Stat. 1493); Act, May 26, 1939 (C. 151, 53 Stat. 783); and section 1 of Act, August 31, 1962 (Public Law 87-620, 76 Stat. 415), are hereby repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-245), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

The purpose of S. 1352 is to implement the provisions of the International Convention on Load Lines, 1966, to which the United States is a party and which came into force on July 21, 1968.

BACKGROUND

Pursuant to the requirements of the so-called "Load Line Statute" certain new vessels must be measured and marked for purposes of compliance with the statute, and this compliance is policed by the U.S. Coast Guard. The origin of this statutory requirement dates back to the 19th century. The natural interest of ship owners at that time was to maximize revenue, leading them frequently to load vessels to a point beyond safety. As a result, the greater weight of the vessel's load the lower she would ride in the water, making her more vulnerable to heavy seas with the consequence that many seamen lost their lives. This led to the description of the "coffin" ship by a writer on insurance. It prompted a crusade in England against the practice by Samuel Plimsoll, M.P., whose activities secured legislation in 1876 which required that ships be marked on their sides showing the limits of safety for different seas and seasons. This mark now is commonly referred to as the "Plimsoll Line" or "Load Line." Other nations followed England in this requirement; since 1929 the United States has made the placing of and compliance with such load line marks mandatory. In 1931 the United States acceded to the International Load Line Convention of 1930, establishing worldwide standards in this matter. This Convention subsequently was amended in 1966. (See for further background, e.g., Robinson, Gustavus H. *Handbook of Admiralty Law in the United States,* at page 570 et seq.; and Gilmore, Grant and Black, Jr., Charles L. *The Law of Admiralty* at page 779.)

The International Convention on Load Lines, 1966, was signed on April 5, 1966, at London, by the representatives of the United States government. On October 13, 1966, the United States Senate gave its advice and consent to ratification of the Convention. (See Executive Report No. 9 of Oct. 12, 1966, to accompany Executive S of the 89th Congress, 2d session). By the terms of Article 28, paragraph 1, the Convention came into force on July 21, 1968. Sixty-four other countries have either ratified or acceded to the Convention.

The 1966 Load Line Convention establishes new uniform rules with respect to the limits to which ships on international voyages may be loaded, having regard to the need for safeguarding life and property at sea. Its intent is to bring international load line regulation into accord with modern developments and techniques in ship construction. Since 1930 when the previous Load Line Convention was signed, there have been significant changes and improvements in ship design and a general increase in the size of ships. In many cases deeper loading of ships can now be safely permitted. Annexes, forming an integral part of the Convention, embody regulations for determining load lines indicating the depth to which vessels may be loaded according to the geographical zone and the season of the year in which they operate. Certificates are prescribed for issuance to ships surveyed and marked in accordance with the Convention, or validly exempted.

EXPLANATION OF THE LEGISLATION

The bill would repeal the Foreign Load Lines Act, 1929, as amended (46 U.S.C. 85a–85g) and would substitute the proposed International Voyage Load Line Act of 1973, which is necessary to implement the changes required by the 1966 Convention and its annexes.

Authority to enforce the provisions of the bill and to prescribe regulations is granted to the Secretary of the Department in which the Coast Guard is operating. Provision is made for the determination of the position and manner of marking of load lines by the American Bureau of Shipping or other United States nonprofit organizations and for the recognition of load line certificates issued by other nations which extend reciprocity to United States load line certificates.

The bill makes it unlawful for a vessel to be so loaded as to submerge the prescribed load line or the point where an appropriate load line should be marked. It permits the detention of a vessel about to depart in an overloaded condition. The master of a vessel subject to the bill is required to record the ship's draft and position of the load line mark prior to the departure of a vessel from any port or place to which the legislation would apply.

Civil penalties are provided for violation of the bill or any regulation issued thereunder. The bill would make it a crime to knowingly permit a vessel to depart from any port in violation of a detention order and to cause or allow the alteration of prescribed load line marks.

The major substantive change to existing law is the minimum parameter for new vessels on which load lines would be required. Present law applies to vessels of 150 gross tons or more. The 1966 Convention requires load lines on new ships of a minimum length of 79 feet. The bill provides the authority to reach those vessels.

Application of the bill is limited to ships on international voyages. The legislation specfies those vessels which are exempted. Other definitions and terminology generally reflect that used in the 1966 Convention. Civil penalties and fines are substantially the same as present law.

The imprisonment penalties in the present law are increased from maximum periods of three months and one year to maximum periods of one year and two years. The increases bring the maximum sentences into a more appropriate relationship with the fines which may be imposed.

COST

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the Committee estimates that there would be no additional cost incurred by this Act.

The Committee is not aware of any estimates of cost made by any Federal agency which are different from those made by the Committee.

CONCLUSION

The Committee ordered the legislation favorably reported without objection. Its enactment will provide the Department in which the Coast Guard is operating with the necessary authority to fully implement the International Convention on Load Lines, 1966, to which the United States has acceded and which has been in force since July 21, 1968.

PURCHASE OF U.S. OBLIGATIONS BY FEDERAL RESERVE BANKS

The Senate proceeded to consider the bill (S. 1410) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, which had been reported from the Committee on Banking, Housing and Urban Affairs with amendments in line 5, after "July 1,", strike out "1975" and insert "1974"; and, in line 7, after "June 30,", strike out "1975" and insert "1974"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974" and by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93-248), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE LEGISLATION

The bill would extend for a 1-year period, from June 30, 1973, to June 30, 1974, the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The present authority for Federal Reserve banks to make direct purchase of U.S. obligations was enacted in World War II and has been extended temporarily from time to time since enactment. The last extension was authorized in 1971 when the authority was extended to June 30, 1973.

There follows a letter from the Secretary of the Treasury requesting and justifying this authority be continued.

NEED FOR TREASURY TAX AND LOAN ACCOUNT REFORM

Mr. McINTYRE subsequently said: Mr. President, as chairman of the Financial Institutions Subcommittee, I would like to bring to the attention of my colleagues some of the implications of S. 1410 which was passed today by the Senate.

This bill, as amended, will extend the existing authority allowing the Federal Reserve banks to purchase (via 14(b) of the Federal Reserve Act; 12 U.S.C. 355) up to $5 billion in U.S. obligations directly from the Department of the Treasury for 1 additional year.

The Department of the Treasury uses this authority to minimize the impact of very short-term Treasury financing needs on financial markets and also to achieve better management of the Treasury's cash position.

On March 22 of this year, Acting Secretary of the Treasury, Mr. William E. Simon, requested a 2-year extension of this authority. This, however, the Senate Banking and Housing Committee refused to do.

While Congress has extended the Federal Reserve's 14(b) authority from time to time since World War II, we have not fully looked at the consequences of our actions. While the Treasury claims that it needs increased sources of funds via provision 14(b), this same department permits Federal tax money to languish in commercial banks across this country on an interest free basis in the form of demand deposits. These deposits are more commonly called Treasury Tax and Loan Accounts (31 U.S.C. 771; 26 U.S.C. 6302(c); 12 U.S.C. 90 and 265).

Mr. President, these are made up of moneys actually owed to the Government which are held by commercial banks until the Treasury calls in the funds to pay outstanding debts. The accounts include, but are not limited to:

First. Payments for U.S. savings bonds and U.S. savings notes issued by commercial banks.

Second. Payments for U.S. savings bonds and U.S. savings notes which are applied for through commercial banks on behalf of their customers, but which may be issued only by Federal Reserve banks and the Treasurer of the United States.

Third. Payments made by or through commercial banks for allotments on subscriptions for other obligations of the United States issued under the authority of the Second Liberty Bond Act, as amended, when this method of payment is permitted under the terms of offering circulars.

Fourth. Payments of such internal revenue taxes as the Secretary of the Treasury may from time to time authorize to be paid through Treasury Tax and Loan Accounts. (Code of Federal Regulations, title 31, section 203.)

Since these funds are held in noninterest-bearing accounts, they net no revenue for the Federal Government. Yet commercial banks are permitted to invest such funds for profits. The net effect is that the banking industry—if it invests wisely—is being subsidized by the Federal Government. In fact, a recent study, requested of the General Accounting Office—GAO—found that the banks estimated potential income from tax and loan accounts to be $262 million which, after deducting handling costs of $25 million, netted the industry roughly $237 million profit for a 1-year period ending March 31, 1973.

What is even more astounding is the concentration of tax and loan accounts. In 1972, a House Banking Committee study found that less than 8 percent or 102 of the 13,700 commercial banks in this country held over 48 percent of all such funds. At the time the study took place, the outstanding tax and loan accounts amounted to $5.7 billion.

This incredible concentration of public money in private financial institutions continues despite the Treasury's statutory authority to redistribute the moneys on an "equitable" basis. (12 U.S.C. 90.)

Furthermore, this concentration of monetary power continues and during the first quarter of 1973 the average monthly outstanding tax and loan accounts stood at a phenomenal $7.4 billion of interest-free deposits.

The Senate Banking, Housing and Urban Affairs Committee, the House Banking and Currency Committee, and GAO have considered on a number of occasions the question of whether these tax and loan accounts could not either be operated in a more efficient manner or whether some or all of the funds should not be deposited in interest-bearing accounts.

It should further be noted that the GAO specifically has been calling for reform in this area for about 20 years now with little effect. They have reported to Congress in numerous studies their belief that, at the very minimum, interest rates should be imposed on the excess profits realized from tax and loan accounts for a bank's free use of Federal funds.

Others, including the Department of the Treasury, have suggested that we maintain the status quo. It has also been proposed that tax and loan accounts be reduced by increasing the draw of the Federal Reserve on the Treasury.

In any event, it is clear that this matter is complicated and deserves full and complete airing of the issues at hearings.

It should be noted, though, that there is previous precedent for at least charging interest rates on tax and loan accounts. In 1917 Congress passed the Liberty Loan Act which established War Loan Accounts which were the precursors to today's tax and loan accounts. Congress further required that banks pay a 2-percent interest rate on these accounts and this was done without disruption of the economy and with an increase in net Government revenues. While it is true much has changed since then, we have much to learn from history.

As a result of all these findings, I brought this matter up with Mr. James E. Smith, then Deputy Under Secretary of the Department of the Treasury, in my Subcommittee on Financial Institutions during hearings I held in March. At that time, Mr. Smith indicated that there was nothing inherently wrong with the present structure of tax and loan accounts. Yet the facts remain the same.

A certain few commercial banks are receiving a disproportionate amount of Federal funds and not one of them is paying interest on their use of these Federal moneys. As I have said before, I find the present situation both inequitable and indefensible. My position is the same as before. I believe we must hold hearings on the matter to get a better grip on the issue and to propose legislation if it is needed.

Mr. President, I request unanimous consent at this point that a page of the May 1973, Treasury Bulletin and a letter I recently received from Mr. E. H. Morse, Jr., Assistant Comptroller General, be printed in the RECORD.

There being no objection, the bulletin and letter were ordered to be printed in the RECORD, as follows:

TREASURY BULLETIN, MAY 1973

TABLE TUS-2.—ANALYSIS OF CHANGES IN TAX AND LOAN ACCOUNT BALANCES

[In millions of dollars]

	Credits								Balance			
	Proceeds from sales of securities [1]				Taxes					During period		
Fiscal year or month	Savings bonds and savings notes [2]	Retirement plan and tax and loss bonds [3]	Tax anticipation securities	Other	Withheld, excise, and corporation [4]	Income (by special arrangement) [5]	Total credits	Withdrawals	End of period	High	Low	Average
1964	2,760	2	---	2,014	43,580	9,921	58,277	59,421	9,180	10,257	1,577	4,747
1965	2,635	1	2,340	---	42,475	12,598	60,050	58,540	10,689	10,872	1,844	5,431
1966	2,704	1	7,368	1,627	48,478	14,522	74,699	75,338	10,050	11,274	447	4,324
1967	2,783	---	7,643	1,173	70,524	9,257	91,382	97,160	4,272	9,979	710	3,775
1968	2,673	5	9,538	9,576	90,791	---	112,583	112,741	4,113	8,004	1,029	4,191
1969	2,599	4	10,408	5,417	123,906	---	142,333	141,921	4,525	9,720	709	4,329
1970	2,573	5	13,043	3,640	132,460	---	151,721	149,317	6,929	7,990	894	4,022
1971	2,844	5	6,954	12,421	131,421	---	153,346	152,900	7,372	8,532	846	5,146
1972	3,309	5	6,443	9,369	145,797	---	164,920	164,645	7,634	10,251	1,737	5,648
1972:												
April	315	1	---	1,722	14,002	---	16,038	12,704	9,724	9,724	3,617	5,851
May	309	---	---	1,740	12,475	---	14,526	16,825	7,420	10,251	7,420	9,169
June	235	---	---	---	17,160	---	17,395	17,184	7,634	7,638	2,271	4,908
July	264	---	---	---	11,476	---	11,740	12,831	6,547	7,273	3,214	5,653
August	254	---	---	---	12,044	---	12,298	15,817	3,025	5,945	2,337	3,794
September	224	1	---	---	15,512	---	15,737	10,659	8,105	8,133	800	3,834
October	250	---	---	1,988	11,003	---	13,251	15,297	6,051	7,969	2,995	5,315
November	236	---	1,972	2,106	11,445	---	15,759	15,020	6,786	6,786	2,763	4,691
December	236	---	2,441	2,047	15,709	---	20,433	18,315	8,907	8,907	1,468	5,213
1973:												
January	343	---	---	[6] 17	12,703	---	13,063	13,654	8,317	8,760	3,190	6,190
February	320	---	---	---	13,153	---	13,473	12,386	9,401	10,854	5,373	7,768
March	283	4	---	---	17,417	---	17,704	17,361	9,744	10,254	5,768	8,241
April	292	2	---	---	16,969	---	17,263	17,328	9,683	9,683	1,876	5,921

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[1] Special depositaries are permitted to make payment in the form of a deposit credit for the purchase price of U.S. Government securities purchased by them for their own account, or for the account of their customers who enter subscriptions through them, when this method of payment is permitted under the terms of the circulars inviting subscriptions to the issues.

[2] United States savings notes first offered for sale as of May 1, 1967 and were discontinued after June 30, 1970.

[3] Retirement plan bonds first offered for sale as of Jan. 1, 1963; tax and loss bonds first issued in March 1968.

[4] Taxes eligible for credit consist of those deposited by taxpayers in the depositary banks, as follows: Withheld income taxes beginning March 1948; taxes on employers and employees under the Federal Insurance Contributions Act beginning January 1950, and under the Railroad Retirement Tax Act beginning July 1951; a number of excise taxes beginning July 1953; estimated corporation income taxes beginning April 1967; all corporation income taxes due on or after Mar. 15, 1968, and FUTA taxes beginning April 1970.

[5] Under a special procedure begun in March 1951, authorization was given during certain periods for income tax payments, or a portion of them made by checks of $10,000 or more drawn on a special depositary bank, to be credited to the tax and loan account in that bank. This procedure was discontinued in April 1967.

[6] Represents a corrected classification of a December 1972 transaction. Less than $500,000.

Source: Office of Fiscal Assistant Secretary; figures are on basis of telegraphic reports.

JUNE 26, 1973.

Hon. THOMAS J. MCINTYRE,
U.S. Senate.

DEAR SENATOR MCINTYRE: On June 25, 1973, your office requested information on (1) the interest which would have been due the Government for the year ended March 31, 1973, if banks had been required to pay the Treasury Department interest on demand deposits of Government funds in tax and loan accounts in commercial banks computed at the Federal funds rate, and (2) the estimated banks' costs of performing services directly related to tax and loan accounts.

For the 12-month period ending March 31, 1973, we estimate that the interest which would have been due the Government on all tax and loan balances was about $262 million, determined as follows:

1. We started with the average monthly balances in all tax and loan accounts for the

12-month period. These balances ranged from about $3.8 billion to about $9.2 billion and averaged about $5.9 billion.

2. From these monthly balances, we deducted an estimated amount representing the reserves which banks are required to maintain against these balances. The computation of the required bank reserves attributable to tax and loan balances was based on a statement by a representative of the Federal Reserve System who said that the reserve requirements for demand deposits averaged about 16 percent prior to November 1972 and about 15 percent thereafter.

3. We then multiplied the remaining balances by the average monthly Federal funds interest rates. The Federal funds interest rate, which ranged from 4.17 percent to 7.09 percent during the 12-month period ended March 31, 1973, is the rate which banks charge for funds loaned to other banks.

Current cost data is not available showing the banks' costs of performing services directly related to tax and loan accounts. On April 5, 1973, the Treasury Department sent questionnaires to 600 banks asking the banks to report data on costs incurred in providing services for the Government. However, the results of these questionnaires are not yet available. The latest available estimated cost data is contained in a Treasury Department study entitled "Report on Treasury Tax and Loan Accounts and Related Matters" dated December 21, 1964. The data in this cost study is based on information for calendar year 1963 submitted by selected banks in response to a Treasury Department questionnaire.

The Treasury Department's 1964 cost study showed that the annual costs incurred by banks was about $116 million for all services performed for the Government such as cashing Government checks, handling tax and loan accounts, issuing and redeeming savings bonds, and handling food stamps issued by the Department of Agriculture. The study showed that the annual costs to all banks of performing services directly related to tax and loan accounts were as follows:

Handling tax and loan deposit forms	$4, 025, 658
Servicing tax and loan accounts	2, 620, 259
Total cost-handling tax and loan accounts	6, 645,944

Assuming that these were valid cost estimates, we estimated that current bank costs for handling tax and loan accounts would be approximately $25 million annually for all banks. Our calculations were based on the results of the Treasury Department's 1964 cost study adjusted to give consideration to (1) the increase in the volume of tax and loan deposit transactions from about 11.8 million in fiscal year 1963 to about 32.4 million in fiscal year 1972, and (2) the increase in the consumer price index from 91.7 in 1963 to 125.3 in 1972.

We must emphasize that these cost estimates are rough approximations at best. Our calculations are based on the assumption that the data in the Treasury Department's 1964 cost study is valid and that cost increases in subsequent years are in direct relationship to the increased volume of tax and loan deposits and increases in the consumer price index. There are other factors such as changes in the banks' productivity which would affect banks' cost of handling tax and loan accounts and it is not possible for us to determine the effects of all such factors on banks' costs of handling tax and loan accounts. Therefore, our computations should not be considered as representing banks' current costs of handling tax and loan accounts with any degree of certainty.

Because of the reporting time constraints we did not obtain the comments of the Treasury Department on the matters discussed in this letter.

We do not plan to distribute this letter further unless you agree or publicly announce its contents.

Sincerely yours,

E. H. Morse, Jr.,
Assistant Comptroller General of the United States.

AUGUST F. WALZ

The Senate proceeded to consider the bill (S. 1615) for the relief of August F. Walz, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, on such terms that it deems just, the United States Postal Service is authorized to compromise, release, or discharge in whole or in part the liability of August F. Walz, postmaster, United States Post Office, Wilmington, Delaware, of the sum of $28,978.62 representing the amount of a revenue deficiency charged to his postal account as postmaster. Such deficiency resulting from unpaid postage on second-class transient mailings of the "Wilmington Suburban News" and the financial inability of the owner of such newspaper, and after his death, his estate, to pay any part of such amount.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTITUTIONAL RIGHTS OF INDIANS

The bill (S. 969) relating to the constitutional rights of Indians was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 701 of title VII of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968, is amended to read as follows:

"(c) There is authorized to be appropriated for carrying out the provisions of this title such sum as may be necessary.".

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Richard Fay of Senator Nelson's staff be allowed to remain on the floor during the Senate debate and votes on H.R. 8410, the public debt limit bill.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, on the time of the distinguished Senator from West Virginia (Mr. Robert C. Byrd).

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Robert C. Byrd). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The first nomination will be stated.

FEDERAL BUREAU OF INVESTIGATION

The second assistant legislative clerk read the nomination of Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation.

The PRESIDING OFFICER. Under the order the distinguished Senator from Mississippi (Mr. Eastland) is in control of 15 minutes of the time and the distinguished Senator from Nebraska (Mr. Hruska) is in control of the remaining 15 minutes of the time.

Who yields time?

Mr. EASTLAND. Mr. President, I yield myself just a minute or two.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. EASTLAND. Mr. President, the Committee on the Judiciary held extensive hearings on this nomination and found nothing wrong and everything good about the nominee. He is an outstanding police chief. He is honest, and everyone agrees. He is competent. He leaves the most progressive police force in the United States. I think he should be approved. By the way, the vote in the Committee on the Judiciary was unanimously in favor of confirmation.

Mr. HRUSKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HRUSKA. Mr. President, it is with great pleasure that I take this opportunity to voice my support for Clarence M. Kelley to be the Director of the Federal Bureau of Investigation.

Mr. Kelley received the unanimous approval of the Committee on the Judiciary after 3 days of intensive hearings. During those hearings he displayed an admirable forthrightness and candor, as well as a great knowledge of law and its enforcement. He indicated a deep awareness of the various sensitivities of law enforcement, including the necessity of achieving a fair balance between the rights of citizens and the demands of effective police work. He also expressed a willingness to work closely on FBI matters with an appropriate committee of the Senate.

Most recently, when questions were posed to members of the Senate as to what factors should ideally be present in an individual under consideration for the directorship of the FBI, the response often was that the individual should first, have a solid knowledge of the FBI and its procedures, second, that he have broad and seasoned experience in police work, third, that he not be active in partisan political activities, and finally, that he not have had any association with Watergate or related matters.

Mr. Kelley fulfills all these requirements to an extraordinary degree.

Mr. Kelley, a lawyer and a member of the Missouri bar, has devoted a lifetime to law enforcement. He served with distinction in the Federal Bureau of Investigation for 21 years, retiring after having attained the position of special agent in charge at Memphis, Tenn. By virtue of this 21 years service he has gained wide experience in the different operating levels of the Bureau.

In 1961, Mr. Kelley retired from the FBI to accept the challenge of reforming the scandal-ridden Kansas City, Mo., police department. As chief of police, he quickly revitalized that troubled department and restored its public confidence. His leadership qualities resulted in the dramatic upsurge in morale and efficiency of his subordinates. His administrative talents were demonstrated by his introduction of modern means of organization and new techniques to the police force so that today it is known as one of the finest in the Nation. By his performance, he has gained the respect of his men and the support of the overwhelming portion of the citizens of Kansas City.

These qualities, I believe, will serve him well as Director of the FBI.

In his 11-year tenure as police chief, Mr. Kelley served under three presidents of the local board of police commissioners and three Governors of the State of Missouri, two Democrats and a Republican. Last year, he was chosen by both the Democratic and Republican Parties to oversee security control at their national conventions in Miami, Fla. There has been no evidence to indicate that Mr. Kelley has been an active participant in policies nor even a suggestion as to his party affiliation. I feel it hardly necessary to add that as chief of police in Kansas City, Mr. Kelley has not been involved in any of the investigations of the Watergate matter.

Mr. Kelley will bring to the FBI moral integrity, independence, and a far-reaching experience in law enforcement at both the local and national levels. That organization urgently requires a permanent leader of this quality. I, therefore, urge my colleagues to speedily confirm this man as the Director of the Federal Bureau of Investigation.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. Mr. President, I wish to go on record as being in favor of this appointment. I think Mr. Kelley has all the attributes needed for a job which, in effect, really has been vacant for more than a year. There have been stopgap Directors of the Federal Bureau of Investigation. The present occupant, Mr. Ruckelshaus, a man of great integrity and great understanding, left a most important position as Director of the EPA at the request of the President to take on his present position, but he did so with the stipulation that he would hold it only for a couple of months at the most. He has performed exceedingly well and I think the time really is long past due when this position should be filled. I can think of no better nominee than Mr. Kelley to take over the permanent directorship of this most important and most needed organization.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield to the Senator from New York.

Mr. JAVITS. I thank my colleague for yielding.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I first would like to associate myself with the statement made by the majority leader respecting Mr. Ruckelshaus, whom I know very well. At a time when public service seems to involve risks to one's character and future, of an unparalleled nature, it is splendid that a relatively young man should undertake so readily so sensitive a position in our Government as he did at the request of the President in respect to the Federal Bureau of Investigation.

I second the appraisal of my colleagues respecting Mr. Kelley, the new nominee, and I support him.

I think two things have been gained. I say that in the presence of both the chairman and the ranking minority member of the Committee on the Judiciary. One, the FBI has been opened up to the public view for the law enforcement agency which it is, and this is all to the good. For too long this seemed to the people to be some closed corporation over, above, or beside the Government of the United States. Certainly, we have seen the end of that. Whatever may have been its virtues, in the end did not turn out to be virtues. Second, and very important, my colleagues on the Committee on the Judiciary have approved a professional in terms of law enforcement and security of the United States. Again, I think that is a beneficent change in terms of the public feeling a sense, not only of confidence, which I feel they have had, but also that the Federal Bureau of Investigation is theirs, to serve them like any other agency of Government. So I think the net result has been a good one, and I join my colleagues in approval of the nomination.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I wish to join with my distinguished chairman (Mr. EASTLAND), the ranking members of the committee (Mr. HRUSKA), the distinguished Senator from New York (Mr. JAVITS), and the very distinguished majority leader (Mr. MANSFIELD) in expressing support for the nomination of Mr. Clarence Kelley as Director of the Federal Bureau of Investigation.

Mr. Kelley has had 21 years experience with the FBI. He served, incidentally, at the beginning of that FBI career in Huntington, W. Va. He also served 12 years as the chief law enforcement officer for Kansas City, Mo. He is a lawyer, and in his appearance before the Committee on the Judiciary he answered all questions forthrightly, and with apparent honesty, sincerity, and candor. Of course, there were a good many questions which he could not answer about the Bureau because he had not been working with the FBI for well over a decade.

I believe he will act quickly to restore "sagging morale" of the Federal Bureau of Investgiation. It could be expected that morale would have suffered under the very traumatic occurrences affecting the Bureau in recent months.

Mr. Kelley's background does not indicate a politically oriented proclivity on his part. There is no connection with the Watergate affair, which had such a serious impact on another nominee for the same position some time ago.

I trust that the Senate will confirm his nomination quickly.

Mr. President, the committee, in reporting this nomination, took the position that the confirmation of Mr. Kelley at this time would not preclude in any way the passing of legislation, subsequent to his confirmation, to establish a definite tenure of office for the Director.

In my discussions with members of the Judiciary Committee on yesterday, it appeared to me that there was a consensus in support of a 10-year term, with the possibility of reappointment and reconfirmation for a second 10-year term. It is my intention to introduce a bill either today or tomorrow to implement that purpose.

I earlier introduced a bill which would provide for a 7-year term, but, as I have said, in my talks with other members of the Judiciary Committee at various meetings yesterday, they seemed to support the idea of a 10-year term, with the possibility of confirmation for one additional 10-year term.

Mr. EASTLAND. Mr. President, what the Senator has said is absolutely correct. The committee is going to hold hearings of a day or two. Of course, the committee will work its will. Mr. Kelley favors 10 years. I think the majority of the committee also does.

Mr. ROBERT C. BYRD. I thank the distinguished Senator very much.

Mr. MANSFIELD. Mr. President, will the distinguished chairman of the committee yield?

Mr. EASTLAND. I yield.

Mr. MANSFIELD. First, may I say that I hope it will be possible to have a rollcall vote on this nomination, because I think it is most important to have one. Let me say also that there have appeared in the press from time to time reports to the effect that when an FBI agent is sent to Butte, Mont., he is being sent to Siberia. I want to nail that canard publicly. I want it to appear in the record and I want Mr. Kelley to know—and I am sure he does—that Butte, Mont. is one of the most important and one of the most scenic posts in the United States. It is the headquarters for the States of Montana and Idaho. There are something on the order of 30 or 35 FBI agents located in Butte. They have access to fine hunting, fine fishing, marvelous scenery, and I just want the record to show that, far from being a Siberia, Butte, Mont. is not only one of the more desirable posts in the Federal Bureau of Investigation, but, in reality, one of the most sought after. I simply wish to make the record clear and put to rest notions to the contrary about Butte.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HRUSKA. Would the majority leader include in the fine attributes of Butte, Mont., also that some of the finest people in the world are there?

Mr. MANSFIELD. Without question. Butte is not the most beautiful city in the world; it is one of the most picturesque. But as far as the people of Butte and the Butte area and Montana are concerned, they just cannot be beat.

Mr. EAGLETON. Mr. President, the reputation of the Federal Bureau of Investigation has suffered in recent months. In order to restore that reputation, the FBI needs a Director of unquestioned integrity, strength of character and law enforcement experience. Such a man is Clarence M. Kelley, and I urge that the Senate speedily confirm his nomination.

I have known C. M. Kelley since he was named chief of police of Kansas City in 1961, when I was attorney general of Missouri. I am acquainted with his record as chief, and I am also acquainted with his record of 21 years of service with the FBI prior to his Kansas City appointment. The entire record is superb.

I will not go through it all here. But I do want to point out that in 1961 Chief Kelley took over a factionalized police department which had been tinged by scandal and built it into an excellent force known for its innovative approach to law enforcement.

Among his accomplishments in Kansas City have been the formation of a metro squad, which handles major cases in a multi-county area in two States; the introduction of operation barrier, a system of roadblocks throughout the city to catch fleeing suspects; the establishment of a computer operation which has been described as the best in the country; introduction of a round-the-clock helicopter patrol program, and an expanded community relations program.

The Senate Judiciary Committee, under the distinguished leadership of Senator EASTLAND, has extensively explored Chief Kelley's past record and his current beliefs. The committee reported out his nomination unanimously. I urge the Senate to confirm him.

Mr. COOK. Mr. President, I would like very much to associate myself with the remarks of the Senator from Missouri. Being a member of the Judiciary Committee and having attended many of the hearings, I find that Chief Kelley was very candid in his remarks and had a very deep insight into both the Federal Bureau and police operations and the functioning at the local level.

Obviously the record shows that he was with the Federal Bureau of Investigation for 20 years. Really, his life has been devoted to this work.

I commend the Senator from Missouri for his remarks in regard to Mr. Kelley and would hope that the Senate would act speedily so that the Federal Bureau of Investigation may have a permanent Director and we can look forward to a degree of stability within the Department.

I might also add that I hope the Senate will seriously consider the proposal that the distinguished Senator from West Virginia will very shortly propose, a bill that would establish two 10-year terms for the Director of the Federal Bureau. I might say that in the course of the interrogation of Mr. Kelley, he indicated that he was very much amicable to this. He thought it was a good basis upon which we could adopt a term office.

I would hope that during the course of this debate on Chief Kelley, we will not lose sight of the fact that it is the desire of, I would assume, a majority of the members of the Committee on the Judiciary—and this is merely an assumption on my part—that the Senate move speedily toward the passage of a bill that would establish a 10-year term for the Director of the Bureau, and that he be subject to reappointment for not more than one additional 10-year term.

Mr. EAGLETON. I thank the distinguished Senator from Kentucky for the sentiments he has expressed. I share his sentiments not only as to the preeminent qualifications of Chief Kelley, but also as to the legislative proposals of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. THURMOND. Mr. President, I rise in support of the nomination of Clarence M. Kelley as Director of the Federal Bureau of Investigation.

Personal character and integrity, professional experience in law enforcement, leadership capacity and the ability to establish and maintain high standards of efficiency, discipline, and morale—these are the qualities necessary to the Director of the Federal Bureau of Investigation. Chief Clarence M. Kelley exemplifies such qualities.

He served in the Federal Bureau of Investigation for 21 years rising to the rank of Special Agent-in-Charge before resigning to become chief of police of Kansas City.

He was faced with problems of low morale and charges of corruption in the police department, but in his 12 years of service in Kansas City, through force of will and his fine personal example, he turned it into an outstanding example for other departments across the United States. Not only did he restore discipline and morale, he went further to make his police department one of the most forward looking and innovative in this Nation.

He has won national recognition for his distinguished leadership, outstanding professional and administrative abilities, and creative use of new equipment, technology and methods, while maintaining his well-merited reputation as a hard-working, forceful, and fair law officer.

He has always placed professionalism above any political considerations and has been recommended and endorsed by members of both political parties and many bipartisan groups. The Northwest Missouri Law Enforcement Assistance Council, for example, said in their recommendation of Chief Kelley:

> We do not know his equal in Law enforcement expertise. We feel that he would be the single most qualified individual that you could select to direct the FBI.

Mr. President, on August 17, 1970, I was honored to address the 71st National Convention of the Veterans of Foreign Wars, one of the finest veterans and patriotic organizations in the United States.

After I had spoken that night, when awards were presented, I had the pleasure of meeting Chief Kelley, who was presented on that occasion with the VFW J. Edgar Hoover Gold Medal Award.

After meeting Chief Kelley and getting to know him at that time, I am confident that he thoroughly deserved the award, and that he also deserves the many accolades that have been made about him since he has been appointed as Director of the FBI. It is my conviction that he will make an excellent Director of the Federal Bureau of Investigation.

I am confident that Clarence M. Kelley will be a truly outstanding Director of the Federal Bureau of Investigation, and I urge my colleagues to confirm his nomination promptly.

Mr. DOLE. Mr. President, the Senate today considers a nomination which—except for a seat on the Supreme Court—is perhaps the most important single position in the Nation's criminal law enforcement system. Therefore, it is important and necessary that we give full and concentrated attention to the business before us, for our part in the confirmation procedure places a full message of responsibility on us.

Over the past several decades the Federal Bureau of Investigation has grown from a small, struggling unit in the Federal bureaucracy into the most respected, efficient and effective force against crime in America and one of the most highly regarded in the world. Because of this growth and increase in stature, the directorship of the FBI has come to be a position of great power and high prestige. Thus, any individual who fills this post must meet the highest standards of personal character and professional competence, but he must also demonstrate an extra dimension of integrity and the promise of being able to grow into and with this job.

It is the Senate's solemn responsibility to assure itself—to the maximum possible extent—that any nominee for the directorship of the FBI meets these high qualifications. This process takes place in two forums, First, in the Committee on the Judiciary, and, second, in the full Senate. Each step in this process is important, and requires that each Senator devote his best efforts to assuring himself of a nominee's qualifications before casting his vote.

The nomination of Clarence M. Kelley has now reached the final stage in the confirmation process, and his name comes to the Senate with the unanimous endorsement of the Judiciary Committee.

I have previously announced my support for Mr. Kelley's nomination, and the action of the Judiciary Committee is further evidence to me of the outstanding qualifications he possesses.

Coming from Kansas and having been a frequent visitor to Kansas City, Mo., I feel particularly well-acquainted with Chief Kelley's accomplishments while with the Kansas City, Mo., police force. He worked very closely with Kansas authorities in establishing a broad approach to law enforcement across State and county lines. And he built a spotless reputation for the integrity of himself and the professionalism of the men and women under his command.

I do not wish to make a lengthy statement at this time, for Chief Kelley's reputation and the promise he gives of providing progressive and strong leadership for the FBI is the best testimony on his behalf. I would only say that I believe the President has made an exceptionally good choice, and I believe Chief Kelley merits the Senate's confidence and a favorable vote on his nomination.

Mr. TUNNEY. Mr. President, Mr. Clarence Kelley has my vote for confirmation as Director of the Federal Bureau of Investigation.

The FBI is one of several major government agencies twisted and compromised by the administration in the Watergate scandal.

I am very hopeful Mr. Kelley will restore integrity and independence to the FBI and will rescue morale of agents from present despair.

Mr. Kelley, answering questions I and other members on the Senate Judiciary Committee put to him, made clear he will not let the FBI become a partisan arm of any political party or special interest.

Mr. Kelley made clear that he will not campaign for candidates.

He made clear he will not turn over sensitive FBI files to political henchmen.

He made clear he will study and implement safeguards to prevent leaks and to purge unverified rumors from the computerized data on millions of Americans.

He also agreed to submit to thorough congressional oversight on all aspects of FBI activity.

Mr. Kelley, after 21 years with the FBI and then 12 as chief of police in Kansas City, has won a justifiable reputation for integrity and leadership in law enforcement.

The FBI is the world's foremost investigative agency, and Mr. Kelley will assure that it remains just that.

Mr. MATHIAS. Mr. President, today, for the first time in its history, the Senate will pass upon the nomination of a Director of the Federal Bureau of Investigation. The Congress has become increasingly aware of the necessity for it to thoroughly fulfill its constitutional role. This awareness and the importance which the Federal Bureau of Investigation has in our Nation makes this an occasion worthy of note.

Mr. Kelley comes to the Bureau at a difficult time. The FBI has been without a permanent Director since the death of J. Edgar Hoover, the head of the Bureau almost since its inception. The FBI now lacks direction. It is apparently rent with dissension and its high reputation of professionalism is somewhat tarnished. The Bureau cannot help but suffer from current charges concerning involvement of its personnel in the Watergate episode. Regrettably, the mere appointment and confirmation of Chief Kelley will not itself change this. Continued examination of the FBI's political involvement in this and past election campaigns appears likely. All of this makes it imperative that Chief Kelley move quickly to reestablish the objectivity and professionalism of the FBI.

Chief Kelley's record would indicate that he merits confirmation. His experience in law enforcement, much of it in the FBI, reenforces the hoped-for professional approach of the Bureau.

We can learn from history as we are obliged to look to the future. It is no criticism of Chief Kelley nor of the Bureau to say that this is the time for the Congress to address itself seriously to the problem of establishing a statutory base for the FBI. I note that Senator Robert C. Byrd has introduced legislation on this subject, S. 1500. I am pleased that he has done so and that he has announced that he is not wedded to any particular provisions of that bill but that he views it as a means by which the Senate can explore the issues that such a statute raises. I believe that such a debate is necessary and that legislation is in the public interest and in the interest of the Bureau.

I believe that such legislation should attempt to address itself to the difficult problems of accountability and independence of the agency. Such legislation should deal with the jurisdiction the agency will have, the types of activities it can undertake, and limitations on that activity. Legislation is needed to focus on the proper function of information within the FBI and law enforcement system. Legislation is needed to settle questions of the proper role of national security considerations as they affect the FBI and other Federal agencies.

Today, as we confirm Chief Kelley, I am mindful that this is a hopeful first step toward total review of the agency.

Mr. President, I ask unanimous consent to have printed in the Record the written questions I submitted to Mr. Kelley and his written answers.

There being no objection, the questions and answers were ordered to be printed in the Record, as follows:

Questions by Senator Mathias in Writing To Clarence M. Kelley

(1) I have always had a high regard for the F.B.I. and for your predecessors as Director or Acting Director of this agency. I think all Americans are aware of the tremendous contribution to our nation that the F.B.I. and its personnel have made. I hope that you, if you become Director, will communicate my feelings of esteem, which I believe are shared by this entire Committee, to the members of the F.B.I.

I have been concerned for some time that we in the Congress may be expecting the F.B.I. to do too much. Particularly, I have been concerned that we may be asking it to do our job, or the President's job, or the court's job, in too many cases. The operation of the NCIC system, about which I will ask questions later, may be an example of the failure of Congress to establish clear guidelines.

For reasons similar to this, I believe it may be imperative for the good of the country and of individual citizens for the Congress, and particularly this Committee, to buckle down to the difficult but important task of defining by statute the purposes, role, powers, responsibilities, authority, permissible activities, accountability, and independence of the F.B.I. I think we need to make clear to whom the Director should report under certain circumstances. I think we should make clear the Bureau's relationship to the political process. I think we need to make clear what the F.B.I. is not supposed to do—as well as what it is supposed to do—so that you can concentrate your full energies and resources to the tasks which are properly before you.

I wonder if you would agree with me on these points, and I would appreciate your expanding on your own thoughts in this area.

In particular, do you believe it would be proper and useful for the Congress to provide a full, carefully sculpted, statutory basis for the F.B.I. and its Director? If so would you be prepared to cooperate in the drafting of such a statute? Could you give to this Committee a draft of what you believe such a statute should contain in the next month?

(2) If faced with a situation where you could not make your views known directly to the President, or if faced with a situation where you were in major disagreement with a policy under which you were expected to operate, would you resign?

(3) Attached is a copy of an article which appeared in the May, 1973 Journal of the American Bar Association which is submitted for the record, to be printed at the conclusion of these questions. The article cites one alleged misuse of crime statistics by the F.B.I. Please comment on the article, and the allegations contained therein. Would you agree that the reliability of crime statistics is vitally important if such statistics are to be a viable tool for measuring Progress in the fight against crime? What steps has the agency taken and do you plan to take to insure the greatest possible degree of accuracy in F.B.I. statistics? What steps have been or will be taken to obtain accurate data from F.B.I. sources the F.B.I. uses to obtain such statistics?

(4) Please elaborate on the meaning of the phrase "in contemplation of prosecution" which you used during your testimony in discussing the permissible purpose of domestic intelligence gathering operations. Is this the equivalent of a probable cause standard or is it something short of that?

(5) During his confirmation hearings, now Attorney General Richardson made reference to two views expressed by J. Edgar Hoover about the operations of the F.B.I.

That there is a need to maintain a separation between intelligence gathering and evaluation of that intelligence

That there is a need for limitation of F.B.I. authority to specific crimes in order that the agency not become a national police force.

Do you agree? What are the implications of these views for the operations of the agency? For legislation governing the operations of the F.B.I. which Congress may adapt?

(6) Would you oppose wire-tapping a news reporter to discover his sources of news? What if the Attorney General or the Presi-

dent requested you to tap a newsman to discover his sources? Would you refuse? What are the standards you would apply in reaching a decision? The laws governing this process?

(7) Do you believe that law enforcement officers should have access to bank records of citizens? Under what circumstances and for what purposes? Should they be required to obtain a warrant first?

II

I am impressed that in your experience with the Kansas City Police Department, you have dealt extensively with the NCIC and related systems.

I gather that you have found these systems generally useful, but I would assume that you have thoughts on how they might be made more useful as tools for attaining the goals with which we all agree—law with justice. In reviewing this data system, I have been particularly concerned that we insure the safeguarding of the basic rights of privacy of every citizen and the basic rights protected by our Constitution and the various state constitutions.

(1) Do you agree that these computer systems are of tremendous importance to the safety and welfare of all Americans?

(2) Do you agree that there is a possibility of abuse in the use of these systems?

(3) Do you agree that such abuse, if it occured, would endanger the public support and confidence necessary for the best functioning of these systems?

(4) If so, do you feel that Congress, in exercising its Constitutional responsibilities, must concern itself with ensuring that these systems are operating according to standards which make the possibility of abuse minimal, while ensuring that the systems will serve the law enforcement needs of the nation?

(5) If this is the case, do you believe that it would be useful to have a wisely drawn statute which would set forth the purposes, scope, and general operating guidelines for the NCIC and similar systems? Do you feel that S. 2546 (92nd Congress) is adequate? If the Congress or this Committee should determine that there is a need for such statutory guidelines, would you cooperate fully in preparing such legislation? Would it be possible for you to submit to this Committee your suggestions in some detail, and recommendations of what such a statute should contain? If so, would you do so within the month so that the Committee could immediately consider such legislation?

(6) Do you affirm Mr. Gray's policy that the F.B.I. will support civil and criminal penalties for the unauthorized dissemination of a criminal history record?

(7) How many individual files are now contained in the NCIC? How many of these are summary files: How many are complete files? How do you distinguish between the two categories? What would be your personal estimate as to the rate of growth in the number of files that would be contained in the NCIC over the next year, five years, ten years? Do your answers represent any changes from the responses to these questions supplied by Mr. Gray during his hearings? If so please identify them.

(8) How many of the files above are criminal history files of particular individuals? How many of these are summary files? How many are complete files? What is your personal estimate as to the number of such files the NCIC will contain or have access to in one year, five years, ten years? Do your answers represent any changes from the responses to these questions supplied by Mr. Gray during his hearings? If so, please identify them.

(9) In answering questions 7 and 8 above, do these figures include files stored in state systems? If not, what is your estimate of the number of files stored in those systems?

(10) The F.B.I. role in the operation of NCIC is often referred to as a "switching" operation. To what does this have reference? Give some examples of the use of the system that will demonstrate its maximum capabilities in terms of time, geography, and information. Are there any limits on the ability of a local unit to reach any other part of the network? Is all information available to such units? To poilcemen on the street? Without such limitations, is it proper to think of the NCIC system as just those records contained in the Federal computer?

(11) What volume of traffic by way of inquiries for criminal histories does NCIC have now on an average monthly basis? How many such inquiries on an average monthly basis have been received from Los Angeles? San Francisco? Houston? Chicago? New York? Atlanta? How many requests has Kansas City made in the last year which obtained criminal histories from NCIC in Washington? From New York? From Atlanta? From Chicago? From Houston? From San Francisco? From Los Angeles?

(12) Do the NCIC Operating Manual and the document entitled "National Crime Information Center, Computerized Criminal History Program, Background, Concept and Policy, As Approved by NCIC Advisory Policy Board," dated September 20, 1972, represent the complete published guidelines for operation of the NCIC at this time? If not, what other guidelines exist and in what form are they to be found? Please submit them if they exist? Have any of these guidelines been amended within the last year?

(13) What justifications exist for making NCIC information available to Federal agencies which are not law enforcement agencies? Should only those agencies which now have direct access (under Part III of the Policy Paper of September 20, 1972) to criminal history information be allowed to receive it? If other Federal agencies are to continue to receive criminal history information, what safeguards do you plan to institute for the use and security of such information? Should arrest records be distributed without disposition?

(14) In Mr. Gray's response to my written questions at the time of his confirmation hearings, he indicated that computer criminal history records were governed by Public Law 92–184 which prohibits their dissemination for use in connection with licensing or local or state employment, other than with a criminal justice agency. He also indicated that fingerprint records are disseminated in treatment of these two types of files? Do they not contain essentially the same type of information? Is there a legal ground for such a distinction? A policy ground? Shouldn't there be one policy?

(15) Will you develop model state regulations with proper safeguards for the use of state computer systems? Do you have authority to require adoption of such regulations? Are such safeguards negotiable items in the negotiation of contracts with states for tie-in to the NCIC system? Will you prepare a compilation of current state regulations and provide them to the Committee? Please attach copies of these now on file to the answers submitted to these questions. Will you conduct a survey of these state regulations and safeguards and evaluate them against minimum requirements you believe should be required? Will you then provide this Committee with a copy of that survey and evaluation? How do you monitor state systems for compliance with contracts and regulations?

(16) Mr. Gray responded to a question by stating that the right of an individual to inspect his NCIC files is patterned on the current procedure for inspection of fingerprint files. This in turn requires a party to go through the original arresting agency. Why should a citizen not be allowed to inquire of the system at any point the content of his own file at any point in the network? What limitations, if any should be placed on this right and with what justification? Should notice be given to every person of the existence of this file by appropriate means? What is the procedure if a person objects to the inclusion of some or all of the material in his file: Does he have a right to petition for removal? A right to appeal from an adverse determination?

(17) How is purging of NCIC files of erroneous, obsolete or improper data accomplished? How often is it done? What are the criteria for removal of information? Does economy of storage play a role in the addition of information to a file? In its deletion? What assumptions does the purging operation make about the passage of time? About other factors? Is constant updating required of states using the system? Should purging be subject to the various policies of each state?

(18) Should the FBI continue to have authority over the NCIC system? Should the NCIC system be placed under the authority of an independent agency? Under authority established by the Congress and run by the states? Under LEAA? What are the considerations you believe should govern this determination?

(19) How many FBI employees are presently involved in the operation (including supervisory and planning personnel) of the NCIC system?

(20) What planning capabilities does the FBI have for considering the implications of future developments in computer technology? How many persons are presently assigned to such planning?

(21) What is the current membership of the NCIC Advisory Policy Board? What is the current membership of the permanent Committee in the Security and Confidentiality? Do you believe that these committees should have broad representation? How many members of these committees are currently police officers? Other Criminal Justice areas? From other walks of life?

(22) Do you intend to seek more temporary authority as a result of the *Menard* decision to distribute arrest records? Will you submit formal legislation for permanent authority?

ANSWERS TO QUESTIONS BY SENATOR MATHIAS IN WRITING TO CLARENCE M. KELLEY

PART I

Where possible I will be responsive to the questions of Senator Mathias. Those questions which require data or information not now available to me I would respectfully ask to defer until I have had an opportunity to review the necessary information.

1. I am of the opinion that a statutory basis for the FBI and the Director would be proper, but I am also strongly of the opinion that it should not be overly restrictive and detailed so as to hamper the FBI in the exercise of its law enforcement functions. I would certainly cooperate in drafting such a statute; however, the submission of a draft proposal and the timing thereof are matters that are within the discretion of the Attorney General. Moreover, such a legislative proposal would be subject to all of the normal clearance procedures.

2. Yes.

3. I am not completely familiar with the study to which Mr. Zeisel refers. However, Mr. Zeisel may be trying to compare data which is not directly applicable to the FBI study. I would have to inquire further into

this matter to furnish a more responsive answer.

I certainly agree that crime statistics need to be reliable. The Uniform Crime Reporting Program is a voluntary, cooperative effort of law enforcement to develop national crime statistics. It is administrated by the FBI, and the Committee on Uniform Crime Records of the International Association of Chiefs of Police is an advisory body of the program. I am not aware of all of the details: however, I do know the FBI for several years has been encouraging states to develop mandatory state crime reporting programs. I believe this is a step in the right direction to improve the overall quality of crime statistics.

4. The phrase "in contemplation of prosecution" was used to suggest that the proper activating purpose of domestic intelligence gathering is the discovery of evidence of a federal crime within the jurisdiction of the FBI. Domestic intelligence gathering should never be conducted capriciously. On the other hand, it would unduly hamper the FBI or any law enforcement agency if probable cause were to be the standard to be met before even initiating an investigation of crime.

5. I agree that the FBI should not draw legal conclusions about the evidence it produces. Whether such evidence justifies prosecution, for example, is a question best left to United States Attorneys or one of the legal divisions of the Department of Justice. I agree that the FBI should not become a national police force. It should confine its activities to the investigation of specific crimes assigned to it by Congress; moreover, the FBI should not assume jurisdiction over local crimes. This is where the spectre of a national police force looms largest in the minds of the public.

6. I would oppose wiretapping a newsman for the purpose of discovering his news sources unless that activity seemed clearly warranted under the circumstances because of some reasonable apprehension that the national security is endangered. In that situation, the President has an obligation to do what is necessary to protect the national security even if it entails eavesdropping on a newsman.

7. Yes, I agree with the language of Congress (Section 101 of Public Law 91-508) ". . . that adequate records maintained by insured banks have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings." I think that law enforcement is greatly aided by law enforcement agency access to these bank records.

I would oppose a requirement for obtaining a warrant before access, on grounds that customers of financial institutions have no proprietary interest in the records kept by the institutions and that there are no constitutional inhibitions which prohibit reasonable inspections of these financial records by the Government. Such records are the property of the financial institutions maintaining them. I am of course aware of the sensitivity of this area and feel that law enforcement agencies must be very careful in their dealing with financial institutions.

PART II

1. Yes.

2. Yes.

3. Abuses for which there are no sanctions would endanger public support and confidence. Procedures should be developed to recognize and correct abuses quickly.

4. Yes.

5. I do believe that it would be useful to have such a wisely drawn statute. Concerning S. 2546 (92nd Cong.), I am not familiar with the bill's specifics and am therefore not in a position to discuss its adequacy. If Congress determines that legislation is desirable, I would be willing to cooperate fully in its preparation. I must point out, however, that any policy determinations would be subject to the approval of the Attorney General. I am informed that the Department of Justice, including the FBI, is currently in the process of formulating legislative recommendations. I am unable to say, however, whether any legislation could be submitted within the month. Again, the proposal would be subject to the usual clearance procedure.

6. Yes.

7 & 8. As of May 1, 1973, there were 4,192,342 active records in NCIC with the breakdown showing 129,609 wanted person, 811,764 vehicle, 252,384 license plate, 706,828 article, 594,279 gun, 1,393,097 securities, 6,852 boat, and 297,529 criminal history records. The files on wanted persons and stolen property are index-type records pointing to case files of the agencies which hold the warrants or theft reports. The computerized criminal history records represent 297,529 individuals. All records in the Computerized Criminal History File are complete records at this time. A computer-generated summary may be extracted from the complete record upon request. A separate summary record is not maintained in file. I do not have the information available to estimate the rate of growth of the number of files in NCIC in the future. My answers do not represent any changes from Mr. Gray's responses except, of course, as to the file sizes in NCIC which have changed since his testimony.

9. My answers in 7 and 8 do not include files stored in state systems and I have no basis for estimating the number of files stored in those systems.

10. The "switching" operation relates to the concept of message switching. Currently the NCIC system only allows activity from a remote terminal to the NCIC computerized files with no cross traffic. Message switching as applied to the NCIC system would allow criminal justice agencies to communicate with each other, with their messages being switched by the NCIC computer. The extent to which such switching could be used would depend upon the procedures and discipline established for such a system. The NCIC program would be one facet of such a communications network and it would not be proper to attribute records of other criminal justice agencies on the network to the NCIC system.

I am not unaware of the desirability of inclusion of information regarding disposition of arrests. The improved communications capability that switching offers would enhance NCIC's ability to obtain information on dispositions.

11. I do not have this information available, except as to Kansas City. During calendar year 1972, the Kansas City Police Department requested for its own use 635 summaries and 138 "rap sheets." It also obtained a total of 2207 summaries and 357 "rap sheets" for all users on its system, which include other law enforcement agencies in the Kansas City, Missouri, area.

12. To my knowledge the NCIC Operating Manual and the document entitled "National Crime Information Center, Computerized Criminal History Program, Background, Concept, and Policy, as Approved by NCIC Advisory Policy Board," dated September 20, 1972, represent the complete published guidelines for operation of the NCIC at this time.

There have been no changes in the guidelines appearing in the above references since they were last furnished to the Committee during Mr. Gray's hearings.

13. I am informed that the issues raised by this question, *i.e.*, the extent to which federal agencies of a non-law enforcement character should have access to NCIC, *etc.*, are currently being discussed among interested government agencies, including the FBI, with a view toward formulating policy recommendations. For this reason, I believe that it would be inappropriate for me to treat these issues until such time as I have had the opportunity to review those recommendations.

14. The dissemination of so-called "fingerprint records" is, in fact, governed by the provisions contained in Title II of Public Law 92-544, substantively identical to those of Section 902 of Public Law 92-184. (Public Law 92-184 was the Supplemental Appropriations Act of 1972 for the fiscal year ending June 30, 1972; Public Law 92-544 makes appropriations for fiscal year 1973.) The provisions permit the exchange of such records with officials of state and local governments for purposes of employment and licensing if authorized by state statute and approved by the Attorney General. Thus, there is no distinction with respect to the dissemination of fingerprint records.

15. I believe it would be presumptuous and beyond FBI authority to require state regulations for the use of state computer systems other than with respect to the use of data obtained from NCIC. Safeguards established by the NCIC Advisory Policy Board are not negotiable items and states must agree in writing to these safeguards before access to the Computerized Criminal History File is granted. I do not believe that safeguards for state criminal justice information systems unrelated to the Computerized Criminal History File should be subject to the control of the NCIC Advisory Policy Board, NCIC or the FBI. As to preparing a compilation of current state regulations, I do not know at this time what this entails or the extent to which it is possible to collect authoritative sets of regulations. I do not believe I would have the authority to require states to furnish me with their state regulations and safeguards for their own systems. The safeguards required for the Computerized Criminal History File are stringent and specific and must be adopted by the states for participation in this Program. Representatives of the FBI/NCIC staff visit with state systems for the purpose of consulting with them and reviewing their compliance with systems requirements.

16. The requirement that a citizen inquire regarding the content of his NCIC file through the original arresting agency rather than at some other point in the NCIC network is based on the fact that the original arresting agency is responsible for the NCIC file and for insuring that the citizen is positively matched with his own criminal history record. As to limitations that should be placed on the citizen's right of inquiry, he should have a reasonable basis to support his need, excluding mere curiosity, otherwise such inquiries could constitute an unmanageable administrative burden. As to whether notice should be given to every person of the existence of his file, it is observed that such file is based on an arrest in connection with which the citizen was fingerprinted and he therefore should be aware of the existence of the file. An individual may request expungement of his record through the arresting agency which entered it. If denied expungement, he may petition the courts and, if unsuccessful in his petition, he has the right of appeal.

17. There is no automatic purging of NCIC criminal history files at present. Removal of information is, however, presently effected upon the request of the originating agency. To my knowledge, economy of storage does not play an appreciable role in either adding or deleting information from the system. States are strongly encouraged to submit new and corrected information to NCIC as it becomes available. With respect to other inquiries concerning purging and updating of files, I am not in a position to respond, as these issues are being actively discussed among the appropriate agencies with a view toward establishing standards.

18. I believe the FBI should continue in its present role with respect to NCIC. I see

no need for an independent agency. The idea of operation by the states was rejected some time ago in favor of the current approach, which I consider sounder. Because there is a need for law enforcement expertise and permanency in the agency responsible for NCIC, I think the FBI is best suited for the role. Additionally, the FBI still carries an excellent reputation for integrity and competence among other law enforcement agencies on the state and local levels.

19. I do not have this information available.

20. I do not have this information available.

21. I submit to the Committee a paper listing NCIC Advisory Policy Board members. The term of the Committee on Security and Confidentiality has expired and the Chairman of the NCIC Advisory Policy Board is currently reconstituting this Committee. I believe the Board and the Committee should have broad representation from the criminal justice community since this is a criminal justice information system. The NCIC Advisory Policy Board members who were elected by the system users are members of law enforcement agencies. I subscribe to the position of the Policy Board that individuals from other segments of the criminal justice community also sit as members of the Board.

22. I am not sufficiently familiar with the *Menard* decision you refer to. I recognize however, the sensitivity involved in the dissemination of arrest records and will carefully study the issue as soon as possible after I am confirmed. As I have mentioned earlier, any legislative proposal would be submitted by the Attorney General after he receives my recommendations.

Mr. KENNEDY. Mr. President, today's confirmation vote by the Senate may be one of the most significant actions the Senate takes this year if we make clear what we think it ought to mean.

The Select Committee testimony and other information disclosed over the past few months makes clear that the massive investigative apparatus of the Federal Government has been misused and abused in every conceivable way for grossly political purposes. We now know that the FBI, the IRS, the CIA, the Customs Bureau, the Criminal Division of the Justice Department, the SEC, and the Parole Board were all subject to the corrupting influence of White House political agents. Beyond that, the White House had its own secret police units operating outside of regular channels and performing missions so criminal and so outrageously improper that even the corruptible elements of the existing investigative agencies could not be trusted to participate.

What is most frightening is that these tactics were used not for any immediate financial gain to any of the participants, but solely to consolidate and perpetuate the political power of the current administration. Thus they not only violated, but made a total mockery of, the central concepts of limited government, due process, and fairness that lie at the heart of our Constitution and our democracy. In fact, it is now clear in retrospect that there was a complete breakdown of law and order within the executive branch, that the voices of totalitarianism were spoken, heard, and at least partially listened to in the highest councils of the land, that they were seeking to transmute the political enemies of the President into official enemies of the people against whom all the force of government power would be turned.

Only the happenstances of June 17, 1972, truncated that process. If not for those happenstances, we would still be falling further into the grip of forces who might have destroyed our Nation and our freedom as we have known them for nearly 200 years.

We must not miss this chance to root out both the people and the processes, as well as the principles, which allowed this internal subversion of our Government to occur. And no one will be more important to this process than the man whose nomination we will vote on today. The shoes he has to fill were large enough even before June 1972.

Whatever other problems there may have been with Mr. Hoover in the past, we know Mr. Hoover in 1970 was a bastion of reason and restraint against the forces of reaction and over-reaction that were constantly pressing him to violate his constitutional oath, his public responsibilities, and his own standards of ethics. We also now know that Mr. Hoover's original successor, who could have blown the whistle last summer on Watergate and the Watergate coverup, as well as on other White House improprieties, failed to do so.

Mr. Kelley's task is therefore manifold. The FBI staff includes some of the most professional and competent law enforcement personnel in the world. But if there are any people left in the Bureau who participated or acquiesced in the excesses of recent years, then they must be eliminated. Next it is important that the new director complement the existing staff by bringing in new people with fresh approaches and different perspectives. Next he must audit all of the past activities and procedures of the Bureau so that he can set standards for the future which will assure that the Bureau is never misused or abused again. Then he must assist in the process of cleansing the rest of the Federal Government of the debris of the Watergate conspiracy in all its prior and subsequent manifestations, as well as in the process of prosecuting all those whose violations of the law under color of law have tainted the entire Federal structure.

That is a big order. We are all hopeful that Chief Kelley is a big enough man to fill that order. He has assured us that he will be able to stand up to the White House and to the President himself if necessary, if anyone tries to compromise his independence from political influence. We hope this assurance will not even have to be tested and that he will be allowed to work his will without interference from those who have brought the Nation to this sorry pass.

We want to wish Chief Kelley good luck, and express what I think is the support of all of us for his work in the months and years ahead.

Mr. ROBERT C. BYRD. Mr. President, at the suggestion of the distinguished majority leader and in order to accommodate all Senators who may be attending committee meetings shortly, I ask unanimous consent that the vote on the nomination of Mr. Clarence Kelley occur at the hour of 12:30 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DEPARTMENT OF COMMERCE

Mr. MANSFIELD. Mr. President, there is one more nomination on the calendar.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Sidney L. Jones, of Michigan, to be Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire (Mr. McINTYRE) is recognized for not to exceed 15 minutes.

(The remarks Senator McINTYRE made at this point on the introduction of S. 2082, the Petroleum Marketing Divorcement Act of 1973, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. McINTYRE. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, would the Senator withhold that request for a moment?

Mr. McINTYRE. Mr. President, I withhold my request.

FEDERAL ELECTIONS DAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 207 (S. 343), a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

Calendar No. 207 (S. 343) a bill to designate the Tuesday next after the first Monday in October as the day for federal elections.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Rules and Administration with amendments on page 1, line 5, after the word "The", insert "first"; in the same line, after the word "Tuesday", strike out "next after the first Monday"; at the beginning of line 9, strike out "This section shall not apply to any State that has not changed its day of election of State officers, and whose constitution must be amended in order to effect a change in the day of the election of State officers in that state.".": on page 2, line 6, after the word "the", insert "first"; in the same line, after the word "Tuesday", strike out "next after the first Monday"; and, after line 8, insert:

SEC. 2. (a) If, under the law of any State, the candidate of a political party for election to the Senate or to the House of Representatives is determined by a primary election or by a convention conducted by that party, the primary election or convention shall be held at any time during the period beginning on the first Tuesday in June and ending on the first Tuesday in August. If a subsequent, additional primary election is necessary to determine the nominee of any political party in a State, that additional election shall be held within thirty days after the date of the first such primary eelction.

(b) For purposes of this section—

(1) the term "State" means each of the several States of the United States, the Commonwealth of Puerto Rico, the Territory of Guam, and the Territory of the Virgin Islands; and

(2) a candidate for election as Resident Commissioner to the United States, in the case of the Commonwealth of Puerto Rico, or as Delegate to the House of Representatives, in the case of the Territory of Guam or the Territory of the Virgin Islands, shall be considered to be a candidate for election to the House of Representatives.

SEC. 3. (a) The District of Columbia Election Act (D.C. Code, secs. 1–1100—1–1115) is amended by—

(1) striking out "the first Tuesday following the first Monday in November" in section 7(d)(1) (D.C. Code, sec. 1–1107(d)(1)) and inserting: "the first Tuesday in October";

(2) striking out "the Tuesday next after the first Monday in November" in paragraphs (2) and (3) of section 10(a) (D.C. Code, sec. 1–1110(a) (2) and (3)) and insert in lieu thereof the following: "the first Tuesday in October";

(3) striking out "the first Tuesday in May" in section 10(a)(3) (D.C. Code, sec. 1110(a)(3)) and inserting "the first Tuesday in June" ; and

(4) striking out "not less than two weeks nor more than six weeks after the date on which the Board has determined the results" in section 10(a)(4) (D.C. Code, sec. 1–1110(a)(4)) and inserting "not more than 30 days after the date".

(b) Section 2(a) of the Act entitled "An Act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives", approved April 10, 1972 (86 Stat. 119; 48 U.S.C. 1712) is amended by striking out "at the general election of 1972, and thereafter at such general election every second year thereafter" and inserting in lieu thereof the following: "on the first Tuesday in October of every even-numbered year."

(c) Notwithstanding the provisions of the second sentence of section 36 of the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917 (39 Stat. 963; 48 U.S.C. 891), the qualified electors of Puerto Rico shall choose a Resident Commissioner on the first Tuesday in October of each year in which the Resident Commissioner is to be elected.

SEC. 4. (a) The Congress finds that—

(1) the conventions held by national political parties for the purpose of nominating candidates for the offices of President and Vice President constitute an integral part of the process by which such officers are chosen by the people of the United States;

(2) by limiting the length of time during which the general election campaign for election to such offices occurs, the integrity of the electoral process is better secured; and

(3) in order to protect the integrity of the Presidential election process and to provide for the general welfare of the Nation, it is necessary and proper for the Congress to regulate the part of that process relating to the nomination of candidates for election to the office of President by prescribing the time during which such conventions shall be held.

(b) Any political party which nominates its candidate for election to the office of President by national nominating convention shall hold that convention beginning in the month of August of the year in which the President and Vice President are elected.

(c) The district courts of the United States shall have jurisdiction, upon application made by the Attorney General, to enjoin the members of a political party from conducting a national nominating convention for the purpose of nominating the candidate of that party for election to the office of President in violation of the provisions of subsection (b).

SEC. 5. This Act shall take effect on January 1, 1976.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 25 of the Revised Statutes, as amended (2 U.S.C. 7), is amended to read as follows:

"SEC. 25. The first Tuesday in October of every even-numbered year is established as the day for the election of Representatives to the Congress commencing on the 3d day of January next thereafter.

(b) The text of section 1 of title 3, United States Code, is amended to read as follows:

"The electors of the President and Vice President shall be appointed, in each State, on the first Tuesday in October in every fourth year succeeding every election of a President and Vice President.".

SEC. 2. (a) If, under the law of any State, the candidate of a political party for election to the Senate or to the House of Representatives is determined by a primary election or by a convention conducted by that party, the primary election or convention shall be held at any time during the period beginning on the first Tuesday in June and ending on the first Tuesday in August. If a subsequent, additional primary election is necessary to determine the nominee of any political party in a State, that additional election shall be held within thirty days after the date of the first such primary election.

(b) For purposes of this section—

(1) the term "State" means each of the several States of the United States, the Commonwealth of Puerto Rico, the Territory of Guam, and the Territory of the Virgin Islands; and

(2) a candidate for election as Resident Commissioner to the United States, in the case of the Commonwealth of Puerto Rico, or as Delegate to the House of Representatives, in the case of the Territory of Guam or the Territory of the Virgin Islands, shall be considered to be a candidate for election to the House of Representatives.

SEC. 3. (a) The District of Columbia Election Act (D.C. Code, secs. 1–1100—1–1115) is amended by—

(1) striking out "the first Tuesday following the first Monday in November" in section 7(d)(1) (D.C. Code, sec. 1–1107(d)(1)) and inserting: "the first Tuesday in October";

(2) striking out "the Tuesday next after the first Monday in November" in paragraphs (2) and (3) of section 10(a) (D.C. Code, sec. 1–1110(a) (2) and (3)) and insert in lieu thereof the following: "the first Tuesday in October";

(3) striking out "the first Tuesday in May" in section 10(a)(3) (D.C. Code, sec. 1110(a)(3)) and inserting "the first Tuesday in June"; and

(4) striking out "not less than two weeks nor more than six weeks after the date on which the Board has determined the results" in section 10(a)(4) (D.C. Code, sec. 1–1110(a)(4)) and inserting "not more than 30 days after the date".

(b) Section 2(a) of the Act entitled "An Act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives", approved April 10, 1972 (86 Stat. 119; 48 U.S.C. 1712) is amended by striking out "at the general election of 1972, and thereafter at such general election every second year thereafter" and inserting in lieu thereof the following: "on the first Tuesday in October of every even-numbered year."

(c) Notwithstanding the provisions of the second sentence of section 36 of the Act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917 (39 Stat. 963; 48 U.S.C. 891), the qualified electors of Puerto Rico shall choose a Residential Commissioner on the first Tuesday in October of each year in which the Resident Commissioner is to be elected.

SEC. 4. (a) The Congress finds that—

(1) the conventions held by national political parties for the purpose of nominating candidates for the offices of President and Vice President constitute an integral part of the process by which such officers are chosen by the people of the United States;

(2) by limiting the length of time during which the general election campaign for election to such offices occurs, the integrity of the electoral process is better secured; and

(3) in order to protect the integrity of the Presidential election process and to provide for the general welfare of the Nation, it is necessary and proper for the Congress to regulate the part of that process relating to the nomination of candidates for election to the office of President by prescribing the time during which such conventions shall be held.

(b) Any political party which nominates its candidate for election to the office of President by national nominating convention shall hold that convention beginning in the month of August of the year in which the President and Vice President are elected.

(c) The district courts of the United States shall have jurisdiction, upon application made by the Attorney General, to enjoin the members of a political party from conducting a national nominating convention for the purpose of nominating the candidate of that party for election to the office of President in violation of the provisions of subsection (b).

SEC. 5. This Act shall take effect on January 1, 1976.

Mr. MANSFIELD. Mr. President, for the information of the Senate, the Senate has been on notice that this matter might be called up at any time. We have asked our colleagues on the Republican side to notify the Senators who have expressed an interest in this proposal. I see that one is on the floor at the present time, and the others at least have been notified and, I assume, will be here shortly.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Jim Duffy and Mr. Jim Medill, of the staff of the Committee on Rules and Administration, may be authorized to have the privilege of the floor during debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I ask unanimous consent that Joseph O'Leary, of the committee staff be granted the privilege of the floor during debate on the bill, S. 343.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, are there committee amendments pending?

The PRESIDING OFFICER. There are committee amendments.

Mr. ROBERT C. BYRD. I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 6, strike "October" and insert "November;"

On page 2, line 7, strike "October" and insert "November;"

On page 2, line 14, strike "June" and insert "August;"

On page 2 line 14 place period after word "August" and strike the rest of the sentence.

On page 3, strike lines 8 through 16 and insert in lieu thereof the following:

(1) striking out "Following the first Monday" 7(d)(1) (D.C. Code, sec. 1–1107(d)(1);

(2) striking out "Tuesday next after the first Monday" in paragraphs 2 and 3 of sections 10(a) (D.C. Code, sec. 1–1110(a)(2) and (3) and insert in lieu thereof "first Tuesday;"

On page 3, line 19, strike "June" and insert "August;"

On page 4, line 7, strike "October" and insert "November;"

On page 4, line 14, strike "October" and insert "November;"

On page 5, lines 10 and 11, strike "in the month" and insert "on the third Monday."

Mr. ROBERT C. BYRD. I yield myself such time as I may require from the time on the amendment which is under my control.

Mr. President, I am offering an amendment to S. 343, an amendment which would provide for congressional primary elections to be held no earlier than the first Tuesday in August and to provide that national conventions begin no sooner than the third Monday in August. Hence, the bill, if thusly amended, will differ from what it was when I originally introduced it in January of this year, and it will differ from the form in which it was reported with overwhelming approval from the Committee on Rules and Administration on June 13.

After both public hearings and executive sessions to consider the proposal, the reported bill set the general election date as the first Tuesday in October. It further provided that Federal primaries were to be held between the first Tuesday in June and the first Tuesday in August, and that national conventions were to be held in August.

I would like to briefly note the valid objections that were raised subsequent to the committee's reporting the bill to the floor.

First, it was pointed out that a number of Jewish holidays occur in October, and an election date anytime during that month could make it impossible for some members of the Jewish faith to exercise their privilege to vote.

Second, the advent of the 18-year-old vote and a series of court decisions have increased the number of college students who vote in their university towns. Since the usual registration requirement is a 30-day residency, and since most students do not arrive on campus until sometime in September, an October election date could be a hindrance to their casting ballots.

I thank the Senators who raised these objections, and share their concern for maintaining the solemnity of religious holidays, and for the need to encourage young people to vote.

I believe that the bill as amended by my amendment, will accomplish the same goals as the original bill, namely, it will shorten the primary-election-to-general-election period, reduce campaign expenditures, and renew the waning interest of citizens in the electoral process.

Primary elections for candidates for the Senate and the House of Representatives currently range from the month of March into the month of October, or two-thirds of the entire year. Presidential primaries for the 1972 nominations were spread out almost as far across the year, making an enormously lengthy campaign that could not help but give voter apathy a boost. In fact, the Gallup Opinion Index for December 1972, said of the less than 55 percent voter turnout in the 1972 election that: "to a certain extent, the widespread voter apathy recorded this year can be charged against the lengthiness of the presidential campaign."

And the long, drawn-out campaign of that year was the most expensive in this Nation's history. According to Herbert E. Alexander, director of the Citizens' Research Foundation in Princeton, N.J., the 1972 presidential race alone cost about $100 million. Contests for the Senate and the House of Representatives cost about another $100 million according to Mr. Alexander.

S. 343 is intended as a remedy for the prolonged, exhausting—and, yes, even boring—political campaign periods in the United States. It is intended as a brake upon the exorbitant and soaring costs of campaigning, and would be perfectly compatible with a companion bill that would set an overall limit on campaign spending.

It is further intended as a standard to establish greater uniformity and certainty to primary and general elections throughout the nation. If public financing of elections should become a reality, or if an overall limit is eventually set, then S. 343 will help to establish a better and tighter framework for more accurate accounting and distribution of financial support to candidates.

The Congress has clear authority under the Constitution to determine the time of choosing presidential electors and the day on which they cast their votes—article II, section 1, U.S. Constitution—and to regulate the congressional elections—article I, section 4. The Supreme Court has held on many occasions that the Congress has power to regulate the entire subject of congressional elections, including primaries which are an integral part of the elective process—*Smily* v. *Holm*, 285 U.S. 355 (1932); *U.S.* v. *Classic*, 313 U.S. 399 (1941); *Smith* v. *Allwight*, 321 U.S. 649 (1944); *Burroughs and Cannon* v. *U.S.* 290 U.S. 534 (1933); and *Oregon* v. *Mitchell*, 400 U.S. 112 (1970).

Moreover, it is apparent that any meaningful regulation of campaign spending or of any public financing of election campaigns will require some degree of uniformity in timing of those campaigns. Controls over beginnings and endings of contributions and expenditures depend upon more or less specific dates on which election campaigns begin or end.

The report of the committee incorrectly states that national nominating conventions would not be affected by the bill. Final committee action on the bill, taken after the report had been prepared, resulted in setting a time for the holding of those conventions in order to preserve consistent control over the entire Federal nominating and elective processes.

The committee was reluctant to specifically include presidential preference primaries within the provisions of the bill since those are really State elections for the purpose of allowing the voters to express a preference for certain of the individuals who enter the preference primary in each State.

It is true that the bill will require the States to take necessary steps to bring their constitutions and laws into conformity with Federal law, but the bill gives the States until January 1, 1976, to act—a period of 2½ years.

The Congress knows that steps must be taken to remedy deficiencies in the elective process and efforts are being directed in many areas.

A new Federal Election Campaign Act will soon be reported to the Senate. It will recommend changes to existing law on a comprehensive scope.

S. 343 is the forerunner of these proposals and its objectives are worthy of support.

Mr. COOK. Mr. President, will the distinguished Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I am happy to yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I rise in support of S. 343, as amended, by the distinguished Senator from West Virginia. We have been wrestling with the bill for quite some time and I have been working very closely with the Senator from West Virginia relative to working out various problems—also with the distinguished Senator from New York (Mr. JAVITS).

There are many ways to try to solve the problem of tremendous campaign expenditures, all of which has been rather offensive to the American public. Second, the problem of how we try, at least to the best of our ability, and also for the benefit of the American public, to keep from really boring them to death because of the length of a campaign, we felt, along with the proposal that we will make to the Senate shortly, which will be S. 372, which we are now marking up—which is a campaign expenditure bill—that if, in fact, we took the time frame and squeezed it together so that we had a short campaign period, we would be solving many of the financial problems and many other problems in regard to the voting public.

So, Mr. President, in essence what the bill would do would be to provide that no State or Federal office—that is, the offices of the Congress and for the U.S. Senate—may have a primary in their State on or before the first Tuesday in August; and, as of that day—well, whenever they want to, whether in August or September, although some States have them as late as the first week in October, but, unfortunately for the participating public, some of them have them as early as February and March—we would then provide that the respective national committees of the national parties, regardless of their number, may not hold their national conventions on or before the third Monday in August, which means that the period for the Presidential election will then be basically from the period after Labor Day and, in essence, until November.

We tried—and I think the Senator from New York will speak to the issue—we tried to bring the Federal election up into October, feeling that some States had a serious problem with weather, that it would be better if we could to try to get an election date of some time in the early part of October or the middle of October, but this was of necessity impossible.

So I think what we have really done is, we have given a respite to the American people and have also given a respite to the candidates. We have said that if this bill becomes law, henceforth, really, the competitive election between a Republican and a Democrat, or between an independent or a farm labor candidate in Wisconsin, that that general election—its competitive aspect—will now be limited to a duration no longer than from the first Tuesday in August to the first Tuesday in November.

You will notice also, Mr. President, that I say "the first Tuesday in November" and not "the first Tuesday after the first Monday" which is now the law, which means that, henceforth, we can conceivably even pick up a week and shorten the campaign and shorten the necessity of campaigning in the month of November, because sometimes, if the first day of the week comes on a Tuesday or a Wednesday, then it goes over to the following week.

Therefore, we now find ourselves in the position where we feel it necessary, because of the tremendous cost, because of the necessity to, really, in relation to S. 372, of trying and attempting to curtail the cost of campaigning, we felt also that it was necessary to bring the period down to a period of reality, rather than the long, drawn out, and arduous campaign that not only does the candidate have to put up with but also the American people have to put up with.

So, Mr. President, I strongly support the bill as amended and hope that we will handle it expeditiously.

I thank the Senator from West Virginia for yielding me this time.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Kentucky.

Mr. President, I ask unanimous consent that the time in opposition to this amendment—although he is not opposed to the amendment—be under the control of the Senator from Kentucky (Mr. Cook).

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Otherwise, I would be in control of the entire hour.

Now, Mr. President, let me thank my distinguished friend from Kentucky (Mr. Cook) for the very valuable efforts that he put forth during consideration of this bill in committee, and also for his valuable advice and counsel and contributions in connection with the formulation of the amendment which I have offered.

The amendment is offered—in the effort, as I have already indicated—to resolve the several problems which were brought to the attention of the author of the bill following the reporting of the bill by the committee.

The Senator from Kentucky (Mr. Cook) has rendered valuable assistance in this regard and I want to express my gratitude to him for such.

Mr. JAVITS. Mr. President, will the Senator from Kentucky yield me some time?

Mr. COOK. I yield such time to the Senator from New York as he may require.

Mr. JAVITS. Mr. President, I, too, have had a little hand in this matter for a peripheral reason which I will explain, but with great interest in the measure itself. The interest upon which I was especially consulted most thoughtfully by the distinguished Senator from West Virginia (Mr. Robert C. Byrd), the principal author of the measure, was the effect it would have on the religious practices of the Jewish people with respect to the dates chosen for the various elective and primary responsibilities under the bill.

As a result of that consultation, Mr. President, the date chosen, again through the real thoughtfulness and Americanism of Senators Robert C. Byrd and Cook and others who participated with us, has given accommodation to religious observances by people of the Jewish faith, of the different branches of that faith—Orthodox, Reform, and so forth. This is all to the good. So that the bill, in my judgment, now accommodates these requirements.

As to the merits of the bill itself, as one who has run for election on a statewide level in the second most populous State in our Nation, I can testify to the need for these reforms. The cost of campaigns is much too high, engendering practices which create climates in which Watergates become possible. The length of time taken in campaigning is both distracting and unnecessary in terms of the knowledgeability of the people and completely draining to the candidates, both in physical terms and in terms of the cost which they are required to raise. This creates a great deal of mischief, or opportunities for mischief. Therefore, any effort to shorten the time of campaigning, such as is made by this bill, and to help us in these respects is essential.

Mr. President, I am also very pleased to see that an effort is made to hold down even national campaigning by setting an outside date for the holding of the national nominating conventions. There is no doubt that, while this is a partial reform, the total reform remains yet to be made, and that is the cost of campaigning itself, especially the cost of using the media of television and radio. This represents, in my own experience, well in excess of 50 percent of the total cost of campaigning; yet, the use of the airwaves belongs to the public.

I cannot believe that we cannot contrive a fair system by which challenges will be recognized, and even representatives of minority parties adequately recognized, without this almost backbreaking burden of cost on the individual candidate and his supporters.

I look to this measure as a threshold toward real campaign reform, a very desirable threshold—the Senator from West Virginia is to be congratulated on it—but a threshold nonetheless.

Mr. President, I should like to address one question to the Senator from West Virginia, because I think the record needs to be clear on this point.

When we discussed the matter preliminarily, we discussed the possibility of even moving election day to a date in October. I have explained the thoughtfulness which dictated Senator Byrd's willingness to forego that contraction of the campaigning period and to do it at the other end—to wit, the primary.

The question I should like to ask the Senator, because I think the record should be clear on it, is this: If we are—because there are good reasons for it, and I understand there is a certain amount of sentiment among the Governors of the States in that regard—going to leave the date of the Federal election relatively unchanged—I use the word "relatively" advisedly—to wit, in November, is it desirable to make any change at all, which can only mean 2 or 3 days at most in any election, or should we not just leave it as it is today, because I wish the record to show that there is a change—to wit, the first Tuesday—and it may in some years mean bringing election day a few days earlier?

Again, I have no profound feeling on the matter. But I think that when the measure goes to the other body, they ought to have some statement from the Senator from West Virginia as to the reason for a change which would seem on its face to be very minor; yet, the Senator may have some significance in mind which is not apparent in the law itself.

Mr. ROBERT C. BYRD. Mr. President, the change to which the distinguished Senator has addressed himself is a minor change. I think this can be said about it, however: One, it would mean the difference of approximately a week in the course of every 4 or 5 years.

At the present time, if the first day of November falls on a Tuesday, that means that the general election will occur on the 8th of November, because the present law provides for the election to be held on the first Tuesday after the first Monday. If the 1st of November falls on a Wednesday, that will not make any difference either way. If the 1st of November falls on a Thursday, that will not make any difference under present law or under the amendment. And so on.

But on that one occasion every five years or so when the 1st day of November falls on Tuesday, the amendment provides that the election shall be held on that day rather than to wait until the 8th of November.

Second, the amendment provides for parallel construction, in that it also provides for the primaries to be held on the first Tuesday in August. Therefore, we feel that the general election ought to be held on the first Tuesday in November. The effect is really minor. But insofar as the effect goes, I think it is beneficial rather than harmful.

Mr. JAVITS. The Senator makes it advisory. That is what I wanted to get on record. I congratulate the Senator from West Virginia on what is now a fine bill, and upon his thoughtful consideration of religious observances.

Mr. ROBERT C. BYRD. I thank the Senator from New York for his timely and worthwhile contributions to the amendment that I have offered.

As the Senator from Kentucky has pointed out, my original thought was that if the general election could be moved into the early part of October, it would at least avoid, in some years, the inclement weather conditions that we are often accustomed to in the month of November in West Virginia and Kentucky, and other States. But the arguments against moving the election into October were so persuasive that we have attempted to shorten the campaign by working rather from the earlier part of the year rather than from the general election end.

Mr. President, I ask unanimous consent to have a table printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

II. CONGRESSIONAL PRIMARIES

Date	Last date for filing declarations or petitions of candidacy	State
Mar. 21	Dec. 20, 1971	Illinois.
Apr. 25	Feb. 15, 1972	Pennsylvania.
May 2	Mar. 1	Alabama.
Do	Mar. 18	District of Columbia.
Do	Mar. 23	Indiana.
Do	Feb. 2	Ohio.
May 6	Feb. 21	North Carolina.
Do	Feb. 7	Texas.
May 9	Mar. 10	Nebraska.
Do	Feb. 5	West Virginia.
May 16	Mar. 6	Maryland.
May 23[1]		District of Columbia.
Do	Mar. 29	Kentucky.
Do	Mar. 14	Oregon.
May 30	Apr. 4	Arkansas.
Do[1]		Alabama.
June 3[1]		Texas.
Do[1]		North Carolina.
June 6	Mar. 15	California.
Do	Apr. 2	Iowa.
Do	Apr. 7	Mississippi.
Do	Apr. 27	Montana.
Do	do	New Jersey.
Do	Apr. 4	New Mexico.
Do	Apr. 21	South Dakota.
June 13	(2)	South Carolina.
Do[1]		Arkansas.
Do	Apr. 14	Virginia.
June 19	Apr. 1	Maine.
June 20	May 4	New York.
June 27[1]		South Carolina.
Do[1]		Mississippi.
Aug. 1	June 20	Kansas.
Aug. 3	June 1	Tennessee.
Aug. 8	June 14	Georgia.
Do	June 7	Idaho.
Do	June 20	Michigan.
Do	Apr. 25	Missouri.
Aug. 19	June 16	Louisiana.
Aug. 22	June 1	Alaska.
Do	July 12	Oklahoma.
Do	do	Wyoming.
Aug. 29[1]		Georgia.
Sept. 5	July 19	Nevada.
Do	July 27	North Dakota.
Sept. 9	(3)	Delaware.
Sept. 12	July 13	Arizona.
Do	July 28	Colorado.
Do	July 25	Florida.
Do	July 18	Minnesota.
Do	July 13	New Hampshire.
Do	June 30	Rhode Island.
Do	May 10	Utah.
Do	Aug. 3	Vermont.
Do	July 11	Wisconsin.
Sept. 19[1]		Oklahoma.
Do	July 11	Massachusetts.
Do	Aug. 4	Washington.
Sept. 30[1]		Louisiana.
Oct. 3[1]		Florida.
Oct. 7	Aug. 23	Hawaii.
(4)		Connecticut.

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[1] Runoff date.

[2] Filing deadline is 2 weeks after State conventions close, convention closing dates unknown at time of publication.

[3] Filing deadline is 5th day following final convention vote cast for office sought by candidate.

[4] Primary, if held, is on 8th Wednesday after close of State convention.

Mr. ROBERT C. BYRD. Mr. President, this table—I will not read all of it—sets forth the dates on which congressional primaries are conducted in the various States. Beginning in March and extending through the 7th of October, the various congressional primaries are held. If the congressional primary is held on the first Tuesday in August, as is provided in the amendment which I have offered, this would mean that more than half the States—if they choose to conduct their own State primaries in accordance with the Federal primaries, and thus avoid the cost of two primaries—will move their primaries forward from the dates on which they presently are held. So instead of the primaries extending from March until October as at present, they will then extend only from the first Tuesday in August into October. Thus the campaign will be notably shortened.

I feel again that this is a worthwhile amendment in that respect, if in no other. I therefore ask the Senate to adopt my amendment.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. ROBERT C. BYRD. I am ready to yield back my time.

Mr. BELLMON. Mr. President, I wanted to ask a question. I believe I understood the Senator correctly. This amendment will not cause States that at present have primaries later than the second Tuesday in August to advance the time of those primaries, will it? Our primaries come at the last part of August.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ROTH. I wish to congratulate the distinguished majority whip for proposing legislation that I think is extremely desirable. I have long supported the concept of a shorter campaign as one of our important reforms.

The amendment proposed by the Senator from West Virginia would cause some problems in at least one State and probably in a number of States. As I understand the Senator's amendment, it would require Federal elections to be held on the first Tuesday in November, whereas a number of States, including my State of Delaware, have a constitutional requirement that State elections be held the first Tuesday after the first Monday.

I am confident that the majority whip would agree with me that no one wants to require any State to have two elections. I think we have a serious problem because to amend the constitution in my State would require the amendment to be adopted by two succeeding legislatures. For that reason I wonder if the Senator from West Virginia would be willing to accept an amendment that the election be the first Tuesday after the first Monday.

Mr. ROBERT C. BYRD. I do not see that the Senator's objection, while it does have merit, is one which is great enough to necessitate altering the amendment which I have offered.

My own State probably would have to alter its constitution. For the reason that many States may have to alter their constitutions, both with respect to general elections and primaries, the bill provides that it will not be effective until 1976, so as to give the States ample time in which to take corrective action.

Mr. ROTH. I wish to ask the Senator if a study has been made of all the States to determine whether or not this would require special legislative sessions in any State.

Mr. ROBERT C. BYRD. I have a memorandum which indicates those States that would have to change their constitutions. I think the number is 24.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COOK. I would like to add to this discussion. As we know, the bill goes into effect January 1, 1976. However, the State of Delaware must have two sessions of the legislature. I understand they meet every 2 years.

Mr. ROTH. Every 2 years.

Mr. COOK. Actually this date could be established on or before November 1976. Although as a Federal statute it goes into effect January 1, 1976, certainly the Senator's State legislature, as required in my State, would meet in 1974 and again in 1976. We meet early in the year, in January. Therefore, this change could be made to conform with the Federal statute before November.

The effective date of this statute is as a Federal statute, but actually the actions of the State must conform to this particular date by the November election.

Therefore, it seems to me this could be accomplished in the State of Delaware, as it certainly could be accomplished in a number of other States in the Union that face this problem.

When one looks at the date this takes effect January 1, 1976, as a Federal statute, the actions of the State of Delaware could conform to the Federal statute prior to the November election.

Mr. ROTH. Mr. President, if I may answer the statement made by the Senator from Kentucky, the thing I find hard to reconcile is the matter of why we should put all the States to this unnecessary work. I support what the Senator is trying to accomplish, but it seems to me that we are going to require many State legislatures to have special sessions.

Mr. COOK. The Senator makes an interesting point, and for the benefit of the Senator from West Virginia there are a number of States that have the same proceeding as the State of Delaware, and that is that a post-constitutional amendment must be brought up and voted on in one legislative session and then brought up and voted on in a second legislative session and then submitted on the ballot for approval by a majority of the people of the State. In some States it is more than a majority, two-thirds or whatever the case may be.

I would say to the Senator from West Virginia that this does pose problems in some States unless they call a special session in that once having been approved by the second legislative session it could not go on the ballot until November. So we have this problem, and I think this problem should be clearly understood in the RECORD, that if constitutional amendments are submitted, which many States do, to the electorate for approval, the States face a very serious problem.

I am quite sure that the significance of that would be that a State would then have to have a Federal election on the first Tuesday and would then have to have their own State elections for State offices the following week if, in fact, Tuesday were the 1st of November. They would then have a Federal election required by Federal statute because I think the significance of the Federal statute would obviate the requirement, but it would not obviate the constitutional requirement that State elections be held on the first Tuesday after the first Monday. So a State might find itself in a situation, and we should understand this, where a State conceivably in 1976 could have a Federal election on Tuesday, November 1, and have State elections on Tuesday, November 8, which would be the first Tuesday after the first Monday.

Mr. ROTH. Mr. President, I wish to reiterate and reemphasize what the Senator from Kentucky said. It seems to me not to make good sense to put any State in this peculiar position when I do not think there is that difference between the first Tuesday and the first Tuesday after the first Monday. I wish to inquire as to the parliamentary situation. I intend to offer an amendment. My parliamentary question is: Do I have to offer an amendment to the amendment now?

Mr. ROBERT C. BYRD. Mr. President, if the Senator would allow me, if we can proceed to adopt my amendment, then if the Senator wishes to offer an amendment he is perfectly free to do so. But my amendment has not yet been acted on and we are now operating on time under my amendment.

Would the Senator withhold?

Mr. ROTH. I will be happy to do so. I was not here at the beginning.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. I yield back my time.

Mr. ROBERT C. BYRD. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. BELLMON. Mr. President, I call up an amendment I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with; and, that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 5, between lines 18 and 19, insert the following new section:

SEC. 5. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 614. Early disclosure of Federal election results in Presidential election years

"Whoever makes public any information with respect to the number of votes cast for any candidate for election to Federal office (or to the office of Presidential and Vice-Presidential elector) in the general election held for the appointment of Presidential electors and the election of other Federal officers, prior to midnight, eastern standard time, on the first Tuesday in November on which such election is held shall be fined not more than $5,000, imprisoned for not more than one year, or both."

(b) Section 591 of title 18, United States Code, is amended by striking out "and 611" and inserting in lieu thereof "611 and 614".

(c) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"§ 614. Early disclosure of Federal election results in Presidential election years."

On page 5, line 19, strike "Sec. 5." and insert in lieu thereof "Sec. 6.".

Mr. BELLMON. Mr. President, I ask unanimous consent that Charles Waters of my staff be permitted to remain on the floor during the votes on S. 343.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, the purpose of my amendment is to make it unlawful for election officials to publicly disclose the election returns for President, Vice President, and Members of Congress prior to midnight, eastern time, during Presidential election years. It would rectify an election abuse which occurs every Presidential election year, the publicizing of Presidential and congressional election results before the polls close in our Western States. Because of the differences in time zones and voting hours in various parts of the country, the polls in east coast States close far earlier than do those in the west coast. This variance in publicizing election returns works a detriment to the free election process, because of the band wagon influence which comes from broadcasting and prediction of congressional and Presidential election results in Western States long before the polls have closed.

Many citizens are concerned because of the likelihood that the present practice of broadcasting returns influences the way many votes are cast, and discourages others from voting, because of the belief that the outcome of the election has already been decided.

In fact, in my State of Kentucky, we have State law against revealing election results in any particular precinct until the polls are closed. It seems to me to be entirely inconsistent that we do not have a similar law for the rest of the country.

Few would contend that the publicizing of election results while citizens are voting has anything but a negative impact.

Let us consider for a moment the likely result of this practice: A western voter who tends to cast his vote late in the day, may be discouraged from doing so if he learns that the candidate of his choice has already either apparently won or lost the election on the basis of either the actual count or projections based on eastern returns. The question may be raised: "What would be your reaction as a western voter if you learned that the Eastern States had given an apparent majority of the electoral votes to a certain candidate? Would you continue on your way to vote or would you think that your vote had become meaningless and insignificant?" It is time that Congress eliminated even the more possibility of such questions being raised. The release of Federal election returns during Presidential elections before all polls have closed and the making of election predictions by the major networks based upon a sampling of a few returns is not conducive to maintaining a climate which best insures fair elections and maximum participation. It is in the interest of this Nation that the greatest number of citizens possible exercise their right to vote and that this fundamental right be carried out independent and unhampered by any prior knowledge of the significance their vote will play in the ultimate outcome of the election.

It is time for the Congress to go on record to eliminate this practice. Senator ROBERT C. BYRD's proposal, S. 343, provides Congress with the proper vehicle to finally resolve this longstanding abuse.

My amendment, if enacted, would accomplish the following:

First, it would make it a Federal offense for any State or local election official to publicly disclose any information in regard to the number of votes cast for President, Vice President, or Members of Congress in any Presidential election year before the hour of midnight eastern time.

Second, violation of this prohibition could result in a fine of not more than $5,000 and imprisonment for not more than 1 year or both.

Third, State law would continue to govern the hours of voting as distinguished from the time for public disclosure of results as established by this amendment.

Let us ask the question: If enacted, how would this amendment work? What would be its practical application?

It is my understanding that at the present time no Western State holds its polls open later than 9 p.m. local time.

I ask unanimous consent that a table showing the voting hours of the 50 States, as well as the hour of public disclosure under the terms of my amendment be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATE STATUTES PRESCRIBING HOURS AT WHICH POLLS OPEN AND CLOSE

United States	Hour opened	Hour closed	Local time of disclosure under my amendment
Alabama	8 a.m	6 p.m.[1]	11 p.m.
Alaska	8 a.m	8 p.m	7 p.m.* 8 p.m.*
Arizona	6 a.m	7 p.m	10 p.m.
Arkansas	8 a.m	7:30 p.m	11 p.m.
California	7 a.m	8 p.m	9 p.m.
Colorado	7 a.m	7 p.m	10 p.m.
Connecticut	6 a.m.[2]	8 p.m	12 p m.
Delaware	7 a.m	8 p.m	12 p.m.
District of Columbia	8 a.m	8 p.m	12 p.m.
Florida	7 a.m	7 p.m	12 p.m.
Georgia	7 a.m	7 p.m	12 p.m.
Hawaii	7 a.m	6 p.m	7 p.m.
Idaho	8 a.m	8 p.m	9 and 10 p.m.
Illinois	6 a.m	6 p.m	11 p.m.
Indiana	6 a.m	6 p.m	11 and 12 p.m.
Iowa	7 a.m.[3]	8 p.m	11 p.m.
Kansas	7 a.m	7 p.m	11 p.m.
Kentucky	6 a.m	6 p.m	11 and 12 p.m.
Louisiana	6 a.m	7 p.m	11 p.m.
Maine	6 a.m.[4]	8 p.m	12 p.m.
Maryland	7 a.m	8 p.m	12 p.m.
Massachusetts	(5)		12 p.m.
Michigan	7 a.m	8 p.m	11 and 12 p.m.
Minnesota	7 a.m	8 p.m	11 p.m.
Mississippi	7 a.m	6 p.m	11 p.m.
Missouri	6 a.m	7 p.m	11 p.m.
Montana	8 a.m	8 p.m	10 p.m.
Nebraska	8 a.m	8 p.m	10 and 11 p.m.
Nevada	7 a.m.[6]	7 p.m	9 p.m.
New Hampshire	10 a.m.[7]	6 p.m	12 p.m.
New Jersey	7 a.m	8 p.m	12 p.m.
New Mexico	8 a.m	7 p.m	10 p.m.
New York	6 a.m.[8]	9 p.m	12 p.m.
North Carolina	6:30 a.m	6:30 p.m.[9]	12 p.m.
North Dakota	9 a,m	7 p.m	11 p.m.
Ohio	6:30 a.m	6:30 a.m	12 p.m.
Oklahoma	7 a.m.[10]	7 p.m	11 p.m.
Oregon	8 a.m	8 p.m	9 p.m.
Pennsylvania	7 a.m	8 p.m	12 p.m.
Rhode Island	[11]	9 p.m	12 p.m.
South Carolina	8 a.m	7 p.m	12 p.m.
South Dakota	8 a.m	7 p.m	10 and 11 p.m.
Tennessee	9 a.m.[12]	4 p.m	11 and 12 p.m.
Texas	7 a.m.[13]	7 p.m	11 p.m.
Utah	7 a.m	8 p.m	9 and 10 p.m.
Vermont	[14]		12 p.m.
Virginia	6 a.m	7 a.m	12 p.m.
Washington	7 a.m	8 p.m	9 p.m.
West Virginia	6:30 a.m	7:30 p.m	12 p.m.
Wisconsin	[15]	8 p.m	11 p.m.
Wyoming	9 a.m	7 p.m	10 p.m.

[1] Alabama—In counties of over 400,000 population using voting machines, polls close at 7 p.m.

[2] Connecticut—In primaries, polls open at 12 noon § 9-438.

[3] Iowa—In cities where registration not required, polls open at 8:00 a.m.

[4] Maine—Where voting machines used exclusively, polls open at 10 a.m. and close at 9 p.m.

[5] Massachusetts—Polls must be open at least 10 consecutive hours, and must close not later than 8 p.m.

[6] Nevada—In counties of less than 25,000 population, polls open at 8 a.m. and close at 6 p.m.

[7] New Hampshire—Hours vary according to size of town. In primaries, polls must be open 4 hours, opening not earlier than 6 a.m. and closing not later than 8 p.m.

[8] New York—For special elections, polls open at 6 a.m. and close at 7 p.m. In primaries, everywhere except New York City, polls open at 12 noon and close at 9 p.m. In New York City Polls, open at 3 p.m. and close at 10 p.m.

[9] North Carolina—Where voting machines are used, polls close at 7:30 p.m.

[10] Oklahoma—Voters may file petition to have polls open at 6 a.m.

[11] Rhode Island—Hour polls open varies from 7 a.m. to 12 noon.

[12] Tennessee—County commissioners of election may prescribe different hours, at least 15 days before election, but in no event may polls be open fewer than 7 hours between 8 a.m. and 9 p.m.

[13] Texas—Election commissioners may vary hour for opening polls. In counties of less than 100,000 population, polls may open at 8 a.m. In counties of greater than 1,000,000 population, polls may open at 6 a.m.

[14] Vermont—Hours prescribed by legislative branch in each municipality, but polls must open not earlier than 6 a.m. and close not later than 7 p.m.

[15] Wisconsin—In cities of 1st, 2d, and 3d class, polls open at 7 a.m. In cities of 4th class, and villages and towns, polls open at 9 a.m. but governing body of such municipalities may prescribe that polls open not earlier than 7 a.m.

* 50 percent of population approximate.

Mr. BELLMON. Mr. President, the net effect of my amendment will be to prevent the nationwide publicizing of election results or predictions based on actual returns tabulated in eastern States until after 9 p.m., Pacific coast time, or 1 hour after the polls have closed in California. Because polls in Hawaii close at 6 p.m. local time those pollls would have been closed 1 hour. Delayed broadcasting in Alaska would avoid serious problems in Alaska where one-half the voters would still have 1 hour to vote. This amendment represent a simple, direct approach to the correction of an election abuse whose time for solution is long overdue.

Other proposals to solve this problem have been introduced. One type requires that all polls in the United States close simultaneously. Another would directly regulate the broadcast of election results until all polls have closed. First amendment constitutional objections have been raised to this suggestion. Although the proposal to close all polls simultaneously appears to be constitutional, it presents practical problems in view of the span of time it would create between the opening and closing of the various polls throughout the Nation. To provide for simultaneous poll closing as proposed by the Dominick amendment would result in some States having more favorable voting hours than others. There is also the question as to whether or not Federal laws should control local and State voting times.

It seems to me that a much more practical approach would be to regulate the hour of public disclosure rather than the hours of voting.

My amendment would eliminate the objections of constitutionality and unfavorable voting hours by directly regulating the conduct of election officials and establishing the time for disclosure of election results in Presidential years to be midnight, eastern standard time.

Enactment of this proposal could easily result in more accurate reporting of returns simply because the polls closing early throughout the country will have a few hours more to prepare their returns. This proposal represents not a suppression of news, but a regulation of Presidential elections providing for proper returns and the proper release of information concerning these elections.

Quite clearly, it is not only in the national interest that Congress act now, but Congress has the constitutional authority and responsibility to so act. Article II, section 1 of the Constitution gives Congress the power to determine the time of choosing the electors for President and Vice President. Article I, section 4 empowers Congress to regulate the time, place, and manner for holding elections for Senators and Representatives. The Supreme Court has indicated that this provision may also be applicable to Presidential elections.

Although election officials are appointed by the State, they also serve a Federal function when sitting in Federal elections, and are thus properly subject to Federal regulation. The Supreme Court so held in *Ex Parte Siebold*, 100 U.S. 371 (1879). In *Burls and Cannon* v. *United States*, 290 U.S. 534 (1934) the U.S. Supreme Court in discussing the scope of authority granted to Congress in article II, section 1 held that the powers over Presidential elections are not delegated exclusively to the States, but that Congress also has the authority and responsibility in this area and that authority is not limited merely to determining the "time of choosing the electors, and the day on which they shall get their votes."

Thus, there appears to be ample constitutional authority to support the proposal that a Federal law be enacted as I have proposed which would prohibit election authorities from releasing Federal election results until a time fixed by Federal law. Such a law I believe to be not only constitutional but practical as well.

I urge favorable action by the Senate.

I urge the approval of the amendment.

Mr. COOK. Mr. President, I must say I find serious problems in my own mind with the first amendment. The first amendment reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press . . .

Let us look at this. What we are saying, in effect—and I am only speaking for my own State of Kentucky, and I say this in all fairness to the Senator from Oklahoma—is that when the precinct worker is at the precinct when the polls close at 6 o'clock, he then opens up the back of the machine to phone in the results to the respective officials to whom he is compelled to do so.

I think we have to understand one thing, and one thing clearly. It is the ballot of the individual that is secret, not the numbers on the back of the machines. The sanctity of the ballot is the sanctity of the vote that the individual cast, not the sanctity of the numbers on the back of the machine. So if there is a reporter at the precinct who asks, "What is the result? I am going to phone it in." Do we say, "I am sorry; we cannot give them?" Does that become part of the proposal of the Senator from Oklahoma? Does the precinct captain or the clerk become automatically an agent of the county court clerk in the respective counties in the State of Kentucky that are responsible for the sanctity of the election machinery? What the Senator is really saying——

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. BELLMON. Let us say that a reporter comes now to the election officials in the State of Oklahoma or the State of Kentucky at 12 o'clock noon and asks how the election is going. Our law—and I am sure the Kentucky law—prohibits the election official from disclosing the results.

Mr. COOK. He cannot open up the machine until after 6 o'clock.

Mr. BELLMON. But in many precincts in our State they have a written ballot; there are no machines, and they count the ballots all day long. Our law prevents those election officials from revealing how the election is going.

The purpose of this amendment is to make certain that in a national election there will also not be progress reports revealed from time to time until the results are disclosed throughout the whole country.

Mr. COOK. Mr. President, we cannot make any progress report in our State. We have automatic machines in every precinct in the Commonwealth of Kentucky.

Mr. BELLMON. The Senator is agreeing with my theory that we should not have those kinds of reports made nationwide until the polls are closed nationwide.

Mr. COOK. I am not sure that I would object if the Senator said the results in the Presidential and Vice Presidential elections. I do not see why we should have a Member of Congress from New York, Kentucky, or West Virginia wait when his polls close after 6 o'clock. I do not see why he should have to wait until midnight before he can even start counting the ballots in his race.

Mr. BELLMON. Mr. President, let me respond to the Senator from Kentucky by saying that the purpose of including the congressional and senatorial results is to prevent the establishment of a trend. I agree that this is not as significant as preventing the disclosure of the results in the Presidential and Vice-Presidential elections.

It does seem to me that if we give an indication that one party or the other is sweeping the election, it would be harmful.

Mr. COOK. The Senator could not say that about the last election.

Mr. BELLMON. I still say that if there is an indication that someone is sweeping the election it can have an impact.

Mr. COOK. I do not think it is right to put a Senator from the State of Delaware or a Senator from the State of West Virginia, who is in the eastern time zone, in a position of having to wait 6 more hours. In most States we close the polls at 6 o'clock. So, therefore, we would have to wait 6 more hours, while a candidate in the Far West would immediately be able to start counting his ballots as soon as the polls are closed.

I know that this is a problem that is a direct result of television. We would not even be debating or arguing this matter if it were not for the tremendous machinery that the networks have set up. They hire experts to determine the trends, and they predict which candidate has won the Presidency with only 3 percent of the vote in. They are putting us in a position where we are having this colloquy right now.

I must say that it is not right for a Member of the Congress, House or Senate, to have to wait in the eastern time zone until midnight, so that the candidate does not have any indication of how the vote is going in the rest of the country until the polls are closed in the West. This is a great injustice to candidates running for public office in the East.

I would hope that the Senator, if he really wants to do this, will establish it for the Presidential and Vice-Presidential races. After all, the candidates for President and Vice President do run nationwide. Therefore, the Senator can make an equitable argument that all votes for those races should be in, because one does not start counting the votes in a State until all the votes are in in that State. Therefore, if the Senator would seriously consider limiting the amendment to the Presidential and Vice-Presidential elections, it would be far more palatable, even though I still have some serious reservations about the first amendment and freedom of the press.

It still seems to me that the sanctity of the individual to cast his ballot in secret is the important thing and not the results nationwide.

Mr. BELLMON. Mr. President, would the Senator agree with the present State laws in the States of Kentucky and Oklahoma and most other States which prohibit the counting of votes until all votes have been cast would be constitutional, and if they are, then it would seem that the proposal I am making is legal and constitutional.

Mr. COOK. Mr. President, I tell the Senator in all fairness that I am not sure. We have a law in Kentucky that says everyone inside the voting precinct is entitled to cast his ballot. In essence, that means that if 25 or 30 people are inside of the voting precinct and the hour of 6 o'clock arrives, then those 25 or 30 people are entitled to vote, even though that precinct might not close until 7 o'clock. However, the point is that the other machines that have closed at 6 o'clock are not counted until all votes have been cast.

Mr. BELLMON. But those standing in line would have a difficult time in knowing the results, because they do not have acquisition to news media of any kind.

This is not a new question. It is not at all a new proposal. In fact, in 1967, the Committee on Commerce of the U.S. Senate, under the chairmanship of the Senator from Rhode Island (Mr. PASTORE) held hearings on this subject.

On page 8 of those hearings, the committee lists its conclusions.

Let me read into the RECORD the opening paragraph. It reads:

> The committee is satisfied that the networks and broadcasters will take appropriate steps to clearly label voting projections and predictions in a manner that the public will not be mislead. The committee expects to follow closely the developments in this regard.

As time has gone on since 1967, the networks may have carefully labeled their earlier reports as suggested. However, the fact is that they have now improved and refined these reporting projections so that, based on the results in a very few precincts, they are able with some accuracy to project the results.

Mr. COOK. At least they are able to convince their listeners that they have. Sometimes they have not been able to.

Mr. BELLMON. However they may be labeled as forecasts, those listeners may be impressed with the results in the race.

Mr. COOK. Mr. President, I can see where someone who is going to the polls and listens to the results on the media might decide individually that there is no point in his going to the polls. However, for the life of me, I cannot see that that person in going to the polls will change his vote, because of the fact that he has listened to a broadcast on the radio or television.

Mr. BELLMON. Does the Senator agree with the State laws that prohibit the disclosure of voting trends during the day? It seems to me that if they are needed, we need a national law to cover national elections.

Mr. COOK. I would say that if the Senator would limit it to national elections, it would be far more palatable. However, when the Senator includes the Members of Congress, the House and the Senate, I do not think they are in that position. They are not in national elections. For their purpose they are local elections, limited to no more than a State.

I feel that they should not be compelled in the eastern half of the United States, nor should the electing public be compelled, when voting for the local officials, to wait until midnight before they can start to determine the results of that election.

Mr. BELLMON. Mr. President, let me say to the distinguished Senator from Kentucky that I have waited with great anticipation until the election has been announced in my own case. Generally those results are not conclusive enough to give the candidate any indication as to whether he is winning or losing until late in the evening. In any event, postponing those results for another hour or 2, or perhaps in the case of Kentucky for a longer time, does not seem to me to work a great hardship on the candidate. He is the only one who is personally affected.

Mr. COOK. I wish the Senator would hold it right there. That is not true at all. In my State, there are literally hundreds of people down at the armory waiting to start counting and tabulating those ballots. Does the Senator say that all of those people who have worked all day long at the polls, from 6 in the morning until 6 at night, must now come back at midnight and start compiling the results of the election in order to conform with the Senator's proposal?

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. BELLMON. Mr. President, the Senator from Kentucky is a very eloquent speaker and a very fine campaigner. I am of the opinion that those people, who are just as anxious as the candidates are to know the results, will be there at midnight. They are just as anxious to find out the results as they would have been earlier. This will not work a hardship on the candidate and certainly not on the individual voter.

Mr. COOK. Mr. President, I must say that I will vote against the amendment. I would vote for the amendment, if in fact the Senator would limit it to the Presidential and Vice Presidential elections. I think then that it would resolve one of the great problems, and we would be on our way to what the Senator wants to accomplish.

But I think the restriction as to all Federal elections is a serious hardship and I, therefore, will oppose his amendment on that basis.

Mr. BELLMON. Mr. President, I appreciate the comments of the Senator from Kentucky, and may be in a position to accept his proposal.

Let me ask the distinguished Senator from West Virginia as to whether or not he could accept the amendment if it were limited to the Vice Presidential and Presidential election results.

Mr. ROBERT C. BYRD. No, may I say, Mr. President, I could not accept the amendment. In the first place, as the distinguished Senator from Kentucky has so very eloquently stated, I feel that this type of amendment raises a serious constitutional issue. We are saying that nothing can be said, no word can be spoken, with reference to the results of the election until a stated time after the polls are closed.

Second, I think that it raises a very practical problem. The distinguished Senator from Kentucky has also addressed himself to the difficulty of enforcing such an amendment.

Third, Mr. President, I want to say that a point of order would lie against this amendment by virtue of its not being germane to the bill. There is nothing in the bill that deals with the publication of the results of elections. It deals only with dates for elections. Consequently, the amendment would not be germane, I am confident.

I do not want to raise a point of order, but instead I think I would have to move to table the amendment. I would rather do that than raise a point of order. But I wonder if the Senator would not prefer to withdraw his amendment and offer it at the time the bill which is now being developed in the Committee on Rules and Administration, the Federal Elections Reform Act, is before the Senate.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COOK. I might say to the Senator that that bill must be out of our committee—we are under an order, and I think it must be out by some time about the end of this week, as I recall.

Mr. ROBERT C. BYRD. No later than July 12.

Mr. COOK. By the 12th of July.

Mr. ROBERT C. BYRD. I believe the Senator from Kentucky would agree with me that that bill will deal with the use of broadcast media. It will have disclosure provisions in it. It will deal with receipts and expenditures by election committees. I am not too familiar with all of the contents of the bill, but that bill, it seems to me, would be a more appropriate vehicle for an amendment of this kind. I would hope that the Senator would withdraw his amendment—because I do not think it is germane to this bill and consider proposing it as an amendment to that measure, which will be coming along after the July 4 recess.

Mr. BELLMON. Mr. President, may I say that I do not agree with the Senator from West Virginia that this matter is not germane. We are dealing here with Federal elections, and the problem of when the results of national elections are made public is certainly an important aspect of the way those elections are conducted, just as the day for the election is an important aspect.

I might also say that while I realize the study has no official status, there has been a study by the Library of Congress which concludes that there appears to be authority to support yet another proposal; namely, the enactment of a Federal law which would prohibit election authorities from releasing Federal election results until a time fixed by Federal law. Such a time could be set with regard to the differences in time zones across the country. If it were made a Federal crime for election officials to release this information before the time designated, such a law could be practical and might well be held to be constitutional. Although the election officials are appointed by the State, they also serve a Federal function when acting in Federal elections, and are thus properly subject to Federal control.

Mr. President, I would like to inquire from the Senator from Kentucky as to when the proposed election reform bill, which will be coming from the Senator's committee, is likely to come to the floor for action.

Mr. COOK. I might say to the Senator that I think today will be the last day that we will spend in marking up the bill. We will then write reports, and it is due to the floor, as a result of its referral to us from the Commerce Committee, not later than the 12th of July.

I do not think it will really be that long. It then becomes a matter of the necessity to bring the bill up. I will be frank with the Senator. It is my contention as the ranking Republican member of the Rules Committee that I would like to have the bill taken up and considered before we recess in August.

Mr. BELLMON. Mr. President, in the light of the fact that it is likely that we will have a thorough review of our election procedures before the Senate at an early date, and in the light of the opposition of the author of this bill, I ask unanimous consent to withdraw the amendment at this time.

The PRESIDING OFFICER. The Senator from Oklahoma has the right to withdraw his amendment. The amendment is withdrawn.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for withdrawing the amendment. I would have been forced to move to table, with hesitation and reluctance, of course, but I would have done that in preference to raising a point of order against his amendment. I think the point of order would have been sustained.

I thank the Senator for withdrawing his amendment, and I shall certainly want to give serious consideration to his amendment when it is later offered to the bill which will be before the Senate some time after the July fourth holiday recess. Of course, I will not be the floor manager of that bill.

Mr. ALLEN. Mr. President, will the Senator yield to me, in order that I might make an inquiry as to the present status of the bill?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I would like to ask the distinguished Senator from West Virginia if this bill did not originally start out——

Mr. ROBERT C. BYRD. Mr. President, if the Senator will allow me to interrupt him, what is the time situation?

The PRESIDING OFFICER. The Senator from West Virginia has 52 minutes left on the bill.

Mr. ROBERT C. BYRD. Mr. President, as to the opposition time, even though the Senator from Kentucky is not opposed to the bill, I think he should have control of the time in opposition.

The PRESIDING OFFICER. The Senator from Kentucky has 60 minutes in opposition.

Mr. ROBERT C. BYRD. I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Alabama?

Mr. ROBERT C. BYRD. I yield the Senator such time as he may require.

Mr. ALLEN. I thank the distinguished Senator from West Virginia. I would like to ask the distinguished Senator if it is not correct that the bill started out originally to change only the date of the general Federal election for Federal officials from the first Tuesday after the first Monday in November to the first Tuesday in October.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. ALLEN. And no reference was made to the State primaries?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. ALLEN. Now, after having undergone a number of changes, the bill provides that no State could have a primary election for a Federal officer—Representative, Senator, or presidential elector—prior to the first Tuesday in August.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. ALLEN. But the date on the national elections has been changed, then, back to November, but being the first Tuesday in November.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. ALLEN. So that the change in the November date could only be, then, anywhere from 1 to 7 days?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. ALLEN. That being true, I wonder if we should put on the States the burden of changing their laws, which would require a State such as, for instance, the State of Alabama, which is under the Voting Rights Act, to get its change approved by the Attorney General, when a time frame of only 1 to 7 days is involved.

Mr. ROBERT C. BYRD. The Senator raises a pertinent question. The question has been raised earlier today by the distinguished Senator from Delaware (Mr. ROTH).

As I indicated to Mr. ROTH, setting the general election for the first Tuesday in November would provide parallel constructions with the setting of the congressional primary election date on the first Tuesday in August.

Second, it would save—every 4 or 5 years—perhaps a week. In other words, it would shorten the campaign by about a week.

Mr. ALLEN. It could be as little as 1 day.

Mr. ROBERT C. BYRD. No, that is not accurate, but, in any event, it is only a minor change. The benefits would be minor but it was felt that the good would outweigh the inconvenience. It would serve to some small degree to shorten the campaign in certain years. As I stated, I was convinced by the persuasive arguments of the Senators against conducting the general election in October. The consensus was, among the Senators who were raising such objections, and among other Senators on the Committee on Rules and Administration, that it would be better to fall back to the November election but to make it on the first Tuesday of November. It is a small change. Some of the States may have to change their constitutions, but those same States would also probably have to change their constitutions to make the State primary election day coincide with the Federal primary election day also.

Mr. ALLEN. The Senator's amendment, then, would require a change only in the general election for Federal offices and if a State did not change its own elections for State, county, and other local officials to conform to the Federal date, it is conceivable it might have, in the general election, two statewide elections just a week apart.

Mr. ROBERT C BYRD. It is conceivable, but I think that the States will be practical about the matter. I do not believe they will want to shoulder the burden of cost of two elections. It would seem to me that the States would fall into line and conduct their own State elections on the same day as provided by Federal law. I see no reason why they would do otherwise.

Mr. ALLEN. I should like to state to the distinguished Senator from West Virginia that I agree with the principle the time for conducting elections should be shortened, but I also believe that is something that should address itself to our State officials rather than to have Congress decree that the State must conduct its primaries and its political parties must conduct their party operations in such a way as to accomplish the result that they could accomplish on their own. I am wondering whether that should properly be within the province of Congress to tell the States when they must have their primaries and when they must have their election for electing Federal officials.

Mr. ROBERT C. BYRD. There is no question that it is within the province of Congress to tell the States as to when——

Mr. ALLEN. We are not talking about the propriety or the legality——

Mr. ROBERT C. BYRD. The Senator used the word "province of Congress" and I say there is no question it is within the province of Congress to tell the States when Federal elections may be held. That has been unheld by the Supreme Court in a number of instances and the Constitution would seem to be clear on its face.

Mr. ALLEN. I am talking about the wisdom of such a course. Congress has many powers.

Mr. ROBERT C. BYRD. But the Senator's question was with respect to whether it was within the province of Congress.

Mr. ALLEN. I asked whether it should be within the province of Congress.

Mr. ROBERT C. BYRD. Very well. Yes, I think it should be, in this regard.

Mr. COOK. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COOK. Obviously, every State in the Union, as many as 24 States, have frozen into their constitutions the Federal election date because the election date was established by the Congress of the United States. It was not established by the respective States but by Congress.

Obviously, every State in the Union has felt free to establish its primary dates whenever it wanted to, and it can still do so. This bill would provide that the date shall be set for the holding of Federal elections. It has been a convenience of the respective States every 2 years and every fourth year and, therefore, every year—as in my State—it always holds its elections on the first Tuesday after the first Monday in November. But this was a Federal direction, not a direction that came from the respective States, and I think this emphasizes the point that the Senator from West Virginia is making.

Mr. ALLEN. I should like also to inquire whether there has been any great ground swell of public support among State officials for this mandatory requirement.

Mr. ROBERT C. BYRD. There has been no ground swell but there has been no opposition, either, by the same token. The hearings were publicly announced and not one word of opposition was expressed by any State official. The bill has been on the calendar for several days and not one word of opposition have I heard from any State. The Senator may have heard differently from his own State.

Mr. BELLMON. If I may interject there, will not the Senator agree that when the hearings were held, the date then was on the first Tuesday in October and now it has been changed back to the 1st of November.

Mr. ROBERT C. BYRD. The Senator is correct, but I have heard no word of opposition.

Mr. ALLEN. I should like to inquire of the distinguished Senator: The bill is aimed, I assume, not only at the State authorities but the political parties as well. The fact that the States did not choose to change their primary date to conform to the dictate of this bill, would that render them ineligible to enter a general election as a candidate?

Mr. ROBERT C. BYRD. With all due respect, and the Senator raises a pertinent question, I cannot see any reason whatsoever why the States would want to shoulder the burden of the double cost for primaries. I just cannot see it. It is inconceivable to me. My own State of West Virginia has its primary in May, and it would be inconceivable for West Virginia to continue to hold a May primary for the election of State officials and then have to conform with Federal law requiring an August primary for the selection of congressional candidates. That is inconceivable to me.

Mr. ALLEN. I probably did not make myself clear to the distinguished Senator. The question I posed was, suppose the States did not act——

Mr. ROBERT C. BYRD. I understood the question.

Mr. ALLEN (continuing). In compliance with the dictate and it kept its present primary date, would the Senator feel that that person nominated by the people of that State would not be eligible in the general elections as the parties naming them in the primary under the old date?

Mr. ROBERT C. BYRD. The Senator poses a good question for discussion in a seminar on constitutional law. But it is utterly inconceivable, I say, that this would happen. We can raise all kinds of theoretical constitutional questions here about any bill that comes before the Senate. But it is inconceivable that any State would elect to proceed with two primary elections and especially to require that the congressional candidates run in a separate State primary and thus fly in the face of a clear Federal statute which requires congressional candidates to be selected in a primary on a certain date or in a prescribed time period.

Mr. ALLEN. Many times it is not possible to get bills passed in the State legislature. The Senator is assuming that the State would come right along and comply with this dictate of Congress.

Mr. ROBERT C. BYRD. Yes. I am assuming that.

Mr. ALLEN. Suppose, then, the Attorney General refused to approve the change in primary dates as provided by the State legislatures?

Mr. ROBERT C. BYRD. I assume that would make a good court case.

Mr. ALLEN. That is what we do not want down in Alabama because we do not seem to fare too well with that kind of court case.

Mr. ROBERT C. BYRD. Well, I hope that will not happen.

Mr. ALLEN. We hope they will not be required to change their primary date except on their own initiative.

Mr. ROBERT C. BYRD. I do not think this is a convincing argument against Congress using its prerogative under the Constitution to establish order out of chaos in connection with the selecting of congressional primary election dates.

Mr. ALLEN. I assure the distinguished Senator from West Virginia that I favor the goal he is seeking to accomplish. I just disagree with the method of reaching that goal. I think it ought to be done at the State level, rather than by Congress.

Mr. ROBERT C. BYRD. Mr. President, I respect the distinguished Senator from Alabama. Even though he disagrees with me, he always disagrees in the most pleasant, cordial, and courteous manner, and I hope that my disagreement with him is in the same manner.

Mr. PEARSON. Mr. President, will the Senator yield 2 or 3 minutes?

Mr. COOK. I yield the distinguished Senator from Kansas such time as he desires.

Mr. PEARSON. Mr. President, I commend the Senator from Oklahoma for his amendment. Although it seemed expedient for him to withdraw it in the face of a challenge as to its being properly put on this bill, I think that what he really was seeking to deal with was a matter of fairness.

So I am hopeful that when the distinguished Senator from Kentucky and other members of the Committee on Rules and Administration come forward with a comprehensive bill, they will give very serious consideration to the proposal made by the Senator from Oklahoma.

I also compliment the distinguished Senator from West Virginia for bringing forth this bill to the floor. Among the many things that need to be considered, certainly the time of elections and the period of campaigns needs to be given very serious consideration. I want to support his bill today. We have many problems today.

I recall that several years ago I first introduced a bill that had to do with limitation of campaign expenditures, particularly expenditures in the electronic media. That has been passed. It is deficient in many areas, and we need to look at it again.

The proposal made by the Senator from Oklahoma is one that I think needs to be studied, along with many other considerations dealing with our elections. There is enough wisdom in the Senate in this respect. Some of our colleagues have been through the ordeal of fire. Several Members of the Senate have been candidates for the Presidency. I think one has to really experience that situation in order to have any understanding of what a Presidential campaign is like. We have the experience here to go forward with some meaningful major reforms. They are needed; they are needed now, they are long overdue.

I compliment the Senator from West Virginia and the Senator from Oklahoma, and I indicate my support for their proposals. I hope the members of the Committee on Rules and Administration will come forward with a very significant and far-reaching reform bill.

Mr. COOK. Mr. President, I associate myself with the remarks of the Senator from Kansas.

I say to the Senator from Oklahoma that I would appreciate very much if we might have the information relative to the table he submitted. If we could have that information, in our last markup session I would like to put forth to the committee the ideas of the Senator from Oklahoma; so that at least we could be aware not only there and within that framework but also when the bill comes to the floor that we would take this matter up; and conceivably we could have a good debate on it within the confines of the Rules Committee and perhaps come up with some suggestions that might be able to assist the Senator from Oklahoma when that time comes.

Mr. BELLMON. I say to the distinguished Senator from Kentucky that our office will be happy to furnish the results of the research we have done on this question, and I will see that it is delivered to him without delay.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. President, I ask unanimous consent that time on any amendment to the pending measure be limited to 10 minutes, to be equally divided between the sponsor thereof and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRY F. BYRD, JR. I ask the distinguished Senator from West Virginia this question: As I understand it, the bill as reported by the committee required primaries or nominating conventions for congressional candidates to be held between June 1 and August 1.

Mr. ROBERT C. BYRD. Between the first Tuesday in June and the first Tuesday in August.

Mr. HARRY F. BYRD, JR. But am I correct in my understanding that the amendment which the Senator from West Virginia has proposed, and which was adopted, would change that, so that the congressional primaries, under the amended proposal, would be between the first Tuesday in August and the first Tuesday in September?

Mr. ROBERT C. BYRD. No. The amendment provides that the congressional primaries not be held prior to the first Tuesday in August.

Mr. HARRY F. BYRD, JR. Not be held prior to the first Tuesday in August?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. HARRY F. BYRD, JR. Personally, I prefer the proposal that the Senator from West Virginia has made in regard to the time for congressional primaries. But the problem in Virginia is this: For many, many years, the congressional primaries were held in August, the first Tuesday after the first Monday, and there was dissatisfaction with that; so it was changed to the second Tuesday after the second Monday in July, and there was dissatisfaction with that.

Last year or the year before, it was changed, so that the congressional primaries are held on the first Tuesday after the first Monday in June.

So the legislature in Virginia, even though I disagreed with the direction in which they were going, has gone in the opposite direction from the proposal of the Senator from West Virginia. I have some hesitancy in voting here to require the legislature to reverse itself and go back to the August primary, when there was a great deal of dissatisfaction in Virginia with the August primary, just as there was with the July primary.

Mr. ROBERT C. BYRD. I appreciate the Senator's position.

Likewise, the State of West Virginia has a similar problem. It used to be, when I began running for public office, that the primaries in West Virginia were alternated. In presidential years, they were held in May, I believe; and, in the off-year elections, they were conducted in August. They are now conducted in May, in every election year. So the enactment of this bill will necessitate action by the legislature in West Virginia.

But I think that the overall goal we are seeking here outweighs the inconveniences that will be placed on various State legislatures in the effort to conform with the Federal primary law. The overall goal is, of course, to shorten the election campaigns and, hopefully, cut the costs of campaigns.

Mr. HARRY F. BYRD, JR. That is very desirable, I think.

Mr. ROBERT C. BYRD. Yes. That, in itself, would result, hopefully, in a reduction of campaign expenditures.

Finally, it is hoped that more people would turn out to vote, because under the present system they become bored and tired, resulting in fewer voters going to the polls.

For these various reasons, it is thought that Congress ought to take the bull by the horns, so to speak, and try to enact a law that would provide for a better degree of uniformity among the 50 States in the dates of their primary elections. The States would still have some flexibility under the amendment I have offered. They would be able to conduct their primary any time after the first Tuesday in August, on into October, if they wish. A few States at the present time conduct their primaries, for example, in September.

I note on the table which I already have inserted in the RECORD that in the last election 16 States conducted their primaries in September, 11 States conducted their primaries in August, and two States conducted their primaries in October.

But in the interest of better uniformity and the compressing of the campaign into a lesser period I feel the amendment would be beneficial. The bill is not precisely what I want; I would like to see the general election in October. But it makes no difference what kind of bill or amendment is offered, some State will be inconvenienced. I hope the Senate will go along with the bill in light of these considerations.

Mr. HARRY F. BYRD, JR. I think it is very important to try to shorten the campaign. It is much too long. I wish there were some way we could handle it as they do in Great Britain. Under the British parliamentary system it could be determined very easily. Usually there is a 3-week campaign period. But I do not know of any way we can under our system get it down to such a fine point as that.

I think it is important to try to shorten the period, however. As I checked the calendar for 1976, the first of November is on a Monday so as a practical matter the present law and the proposed law both would call for the congressional and Presidential elections to be held on Tuesday, November 2, 1976. There would be no change in that.

Mr. COOK. The Senator is correct.

Mr. HARRY F. BYRD, JR. So it would not affect the Presidential campaign of that year. I like the September primary. But the Legislature of Virginia, and they have had several study commissions on it, concluded they want to go in the other direction and they have gotten back to June primaries.

I thank the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. HOLLINGS. Mr. President, I wish to associate myself with the views expressed by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.). While I personally support the concept of shortening the time for electioneering and placing the primary more closely to election day, my general assembly in South Carolina feels differently. It has just voted a June primary. I do not feel I should override the general assembly by voting for this bill.

Mr. ROTH. Mr. President, I offer an amendment to change the language to provide that the elections will continue to be held on the first Tuesday after the first Monday in November. This change would be accomplished by striking on page 1, line 5, the word "first" and inserting after the word "Tuesday" the words "next after the first Monday in".

I ask that the Parliamentarian make all changes necessary in the bill, if this amendment is agreed to, to conform to the amendment.

The PRESIDING OFFICER. Does the Senator have that amendment in writing?

Mr. ROTH. It is being copied now.

Mr. President, the purpose of the amendment is very simple. It is to avoid requiring something like 24 States to amend their constitutions which now provide for State election or in some cases for all elections to be held on the first Tuesday after the first Monday in November.

The requirements of changing the constitutions of the States are indeed complex and varied among the 24, some of which would have great difficulty in accomplishing that change by 1976. I understand that in that year the proposal would have no effect, because the first day of November is a Monday.

In any event, to avoid putting the States to great expense and difficulty, I urge that we continue to have the general election held on the first Tuesday after the first Monday in November. That will simplify the procedure in the States. I really do not think it does much violence to the basic purpose of the legislation, which is to shorten the campaign period. The net effect would be that in 5 years out of 7 there would be a 7-week campaign, instead of 6.

Because of the complexities that would be involved in making the changes, I urge the adoption of my amendment.

Mr. ROBERT C. BYRD. Mr. President, I have discussed this matter with the distinguished Senator from Kentucky. We are agreed that the amendment should be accepted. Therefore, I urge the adoption of the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

On page 1, line 5, strike the word "first" and insert "next after the first Monday in" after the word Tuesday.

Mr. ROTH. I further request, Mr. President, that the Parliamentarian may be authorized to make the necessary technical changes and corrections.

The PRESIDING OFFICER. The amenment proposed by the Senator from Delaware is not in order, since it proposes to amend language in the bill already amended. Does the Senator ask unanimous consent that his amendment be in order?

Mr. ROTH. I make such a request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The question is on agreeing to the amendment, as modified.

The amendment, as modified, is agreed to.

The amendment reads as follows:

On page 1, beginning with line 3, strike out through line 8 on page 2.

On page 2, line 9, strike out "Sec. 2. (a) If" and insert "That (a) if".

On page 3, beginning with line 6, strike out through line 15 on page 4, and insert in lieu thereof the following:

SEC. 2. Section 10(a)(3) of the District of Columbia Election Act (D.C. Code, sec. 1110 (a)(3)) is amended by striking out "the first Tuesday in May" and inserting in lieu thereof "the first Tuesday in August".

On page 4, line 16, strike out "Sec. 4." and insert "Sec. 3.".

On page 5, line 19, strike out "Sec. 5." and insert "Sec. 4.".

The PRESIDING OFFICER. Is all time yielded back on the bill?

Mr. COOK. Mr. President, I am ready to yield back the remainder of my time on the bill.

Mr. ROBERT C. BYRD. Mr. President, I am likewise ready to do so, but I understand that the distinguished Senator from Minnesota has an amendment that he wishes to offer to the bill. I received word of this roughly 30 minutes ago. I have sent word to the Senator from Minnesota to come to the Chamber. So I suggest that we not yield back the remainder of our time.

Mr. COOK. All right. If the Senator wishes, I will withhold my offer to yield back the remainder of my time.

Mr. President, I will now suggest the absence of a quorum, with the time consumed therefor to be equally divided between the Senator from West Virginia and the Senator from Kentucky.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the passage of the bill occur immediately upon the disposition of the vote on the Kelley nomination today.

The PRESIDING OFFICER. And that rule XII be waived?

Mr. ROBERT C. BYRD. And that rule XII be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOK. Mr. President, I now renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

At the end of the bill add the following:

"Section 6103(a) of title 5, United States Code is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Tuesday next after the first Monday in November in 1976, and every second year thereafter."

Mr. HUMPHREY. Mr. President, this amendment is identical to the amendment which I offered a year ago to the so-called Bicentennial bill. That amendment was adopted overwhelmingly in the Senate.

Mr. President, the time has come for us to recognize that in our system of government and politics we have placed serious obstacles in the way of full and democratic participation by all of the American people.

Since the end of the Second World War we have systematically eliminated the unconstitutional voting requirements posed by poll tax and more subtle racially motivated obstacles.

Although I am proud of my role in removing these barriers to democratic participation in American life, we must still do more in the name of true popular democracy.

Voter registration in many States still remains a complicated, bureaucratic ordeal which discourage voters from taking steps to insure their entry into the voting booth.

According to a survey conducted by the U.S. Census Bureau 51.2 million eligible Americans did not vote in last

November's general election. That is 37 percent of the voting-age population in the country denied their constitutional right to vote because of a hard-to-find registration office, a full day's work, or prejudiced registrar stand in the way.

Today I offer an amendment which would be an important step in insuring that millions of American working families are not deterred from exercising their franchise in Presidential and congressional elections.

My amendment makes election day the first Wednesday after the first Monday in November and also creates a legal holiday on that day.

I introduced similar legislation making election day a holiday on August 10 of last year as an unprinted amendment to S. 3307—the American Revolution Bicentennial Commission bill. The amendment passed in the Senate but faltered in the House when the bill was dropped in favor of a similar House originated bill.

In my home State, 52 percent of the people who participated in the Minnesota-poll of the Minneapolis Tribune favored an election holiday. And 37 percent believe a national voting holiday would increase voter participation.

Several other nations—Denmark, Italy, France, Germany, and Austria—which enjoy 85 to 95 percent voter turnout in every election have designated election day as a holiday.

A nation at work on election day is a nation that denies its people the full opportunity to participate in the election process.

The worker who must drive 50 to 100 miles to reach his job often leaves before the polls open and arrives home after they are closed.

The man or woman working an irregular shift in a shop or factory is discouraged from voting.

The worker on the assembly line sees the morning line and the evening line at the polling place going around the block. In the morning he must get to work and in the evening he is anxious to get home to his family. Some unions and businesses provide time off for their employees to vote. But this is by no means a universal practice. Many workers give up their franchise in despair.

Farm workers laboring in the fields are rarely given an opportunity to vote.

Professional people and students often use their busy lives as an excuse for not going to the polls.

The work day as an obstacle to expanding suffrage can be easily eliminated with the passage of my bill.

It is clear that by failing to declare election day a national holiday, we would be encouraging the exclusion of millions of American working families from participation in the American political process.

The right to vote should be a right unhampered by any economic considerations. Property ownership for voting was abolished in this country during the 19th century.

It is wrong to let a job block the polling booth for the 80 million Americans who work in factories, on the farms, and in the businesses of this Nation.

I believe this amendment—providing a legal election holiday every 2 years beginning in 1976—would increase voter participation for what I consider the most important office in the land: the Presidency of the United States—an open day for every voter so that the individual will have all the time in that day from the hour that the election booth opens until it closes in the evening.

It seems to me that in light of the experience other countries have had with the election holiday, this amendment has great merit.

As I noted, France has the national holiday. Germany has it. Italy has it. The Scandinavian countries have it. Denmark, in particular, has had it.

Other countries that have a national holiday on election day have found that the election holiday is conducive to a large voter turnout.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ROBERT C. BYRD. Mr. President, this amendment or something similar to it was discussed in the committee. The objections that were raised to it were not strong objections. However, there was a feeling on the part of some that, if the first Tuesday or the first Tuesday after the first Monday, or whatever it is going to be, is also going to be a holiday, many prospective voters, instead of staying in their home precincts on election day, would likely have an extended holiday beginning with the Saturday previous to the election on Tuesday and going through until the following day on Wednesday, thus having a long weekend, and not going to vote at all.

I do not know whether that objection was made or not. I think that there is much to be said for the Senator's amendment. It seems to me that this amendment or some such amendment was adopted last year by the Senate.

Mr. HUMPHREY. It was. It was adopted by a rollcall vote overwhelmingly. I believe it was on August 10.

Mr. ROBERT C. BYRD. Mr. President, a point of order may very well be raised against the able Senator's amendment on this bill, because the bill only deals with the setting of dates for elections. I think the Senator's amendment would not be germane. That does not, however, mean that the amendment does not have merit.

I have discussed this amendment with my distinguished colleague from the other side of the aisle, and we are constrained to accept the amendment and take it to conference in view of its having been adopted by the Senate last year on a rollcall vote.

Mr. COOK. Mr. President, if the Senator will yield, I agree with the Senator from West Virginia. The Senator from Minnesota will recall that he and I had quite a colloquy on the subject a year ago.

Mr. HUMPHREY. I do.

Mr. COOK. Mr. President, I was very enthusiastic then, and I am very enthusiastic about the amendment now.

From my point of view, I would be delighted to accept the amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I am glad to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise to express my support for the amendment. I have long thought that election day should be a national holiday. I have also thought that the polls should be open for 24 hours on that day.

I hope that sometimes we could have a situation in this country in which the polls would open at, say, 7 o'clock one morning and run for 24 hours and close at 7 o'clock the next morning. I say that because the American people seem to take any excuse they can find to keep from going to the polls.

If we can destroy those excuses and give them the time, then I think we can get a better turnout than the very poor turnouts we have been experiencing. The turnouts in all the national elections in my memory have been extremely poor. I doubt whether more than 60 or 70 percent of the people ever vote in a national election, which is a bare majority, and it is even conceivable that we could have an election by a minority.

I hope no one would raise the point of order that this might not be germane, in view of the unanimous consent agreement, because I think it is a very worthwhile amendment, and I compliment the Senator from Minnesota, who has come up with this suggestion. It is one we have long needed to make our election process a little better.

Mr. HUMPHREY. Mr. President, I am very grateful to the distinguished Senator from Arizona.

I understand that the Senator from West Virginia has yielded back his time. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HOLLINGS). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

AMENDMENT NO. 250

Mr. DOMINICK. Mr. President, I call up my amendment No. 250, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK's amendment (No. 250) is as follows:

At the end of the bill add a new section as follows:

SEC. . On every national election day, the closing time of the polling places in the several States for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 postmeridian standard time in the eastern time zone: 10 postmeridian standard time in the central time zone; 9 postmeridian standard time in the mountain time zone; 8 postmeridian standard time in the Pacific time zone; 7 postmeridian standard time in the Yukon time zone; 6 post meridian stand-

ard time in the Alaska-Hawaii time zone; and 5 postmeridian standard time in the Bering time zone: *Provided*, That the polling places in each of the States shall be open for at least twelve hours.

Mr. DOMINICK. Mr. President, this amendment is printed. It is on the desk of every Senator, but I think it would be helpful for the RECORD if I just explain what it is about.

Sometime ago I became quite concerned with the fact that under our electronic reporting system, which has done a very good job, we get forecasts in this country on the election results before the time for polling has closed in other areas.

This can have one of two effects, either of which, it seems to me, is bad. In the one case, it can influence a lot of people not to bother to vote, because they think the thing is already taken care of by what has occured in the East; or, on the other hand, it can stimulate a lot of people to say, "By golly, we are going out and fight for our candidate," whoever it may be.

This has gone on for quite a considerable period of time. I have prepared and offered an amendment which would provide that the polling places in every time zone will close simultaneously in terms of real time. They are required to stay open, under this amendment, for a period of 12 hours, and we can work it out in good style so that it does not create any particular problem. For example, along the eastern seaboard they would open at 11 a.m., and close at 11 p.m. This time would be 10 p.m. in the central time zone, 9 p.m. in my own time zone, the mountain time zone, 8 p.m. in the Pacific, 7 in the Yukon, and 6 in the Alaskan-Hawaiian time zone.

I have gone over this amendment with Senators from the various time zone districts, and I have not found any objection to it. Not only have I not found any objection to it, but I offered the same amendment on the American Bicentenial bill last August, and it was adopted almost unanimously by a voice vote. In fact, I think it was unanimous. There was no problem with it at all.

Therefore, I would urge that even though this may not be germane, it certainly fits in with the type of situation that the Senator from Minnesota (Mr. HUMPHREY) was talking about. It would seem to me that this is going to eliminate a great number of problems that we now have in forecasting, where 3 minutes after the polls close in Maine, someone forecasts what the victory is going to be in Hawaii. It just does not make any sense to me at all to go along on that basis.

Mr. COOK. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, may I say to the Senator that I do not know what action the Senator from West Virginia will take. However, I would hope that the Senator might consider offering his amendment as a part of S. 372, which will be before the Senate after the 12th of July. I would be very much in favor of the amendment.

The distinction between the Senator's amendment and the proposed amendment which was withdrawn by the Senator from Oklahoma is the distinction of reality. I think there are some serious first-amendment problems with the amendment of the Senator from Oklahoma that are totally and completely resolved by the amendment of the Senator from Colorado, in that he would establish a system whereby all the polls in the United States would in fact close at the same time, and he does not impose a restriction, as the amendment of the Senator from Oklahoma would, that many of the polls would close on the Eastern Seaboard at 6 o'clock, and no tabulation could take place until midnight.

I would very much favor the amendment of the Senator from Colorado. I am just wondering what the contentions of the Senator from West Virginia are relative to its germaneness, and what he intends to do. Otherwise, I might say to the Senator, I would support his amendment. I would again say, though, that the bill that will be before us in July will be a far more all-inclusive bill, dealing with all classes of election reform, and I wonder if that would not be a far better vehicle for his amendment.

Mr. DOMINICK. Mr. President, I appreciate very much the comments made by the Senator from Kentucky. On the freedom of speech first-amendment problem, I want him to know that I went into that quite extensively, and that is why we drew the amendment the way we did, which I think obviates such problems.

On the other situation, I simply want to say that as far as I can see, this would be a perfectly logical amendment to be on this bill, absent the unanimous consent nongermane ruling. I am not a bit sure that it is nongermane. The only thing is that it deals with times as opposed to dates, and that is a pretty thin distinction, it seems to me.

In any event, it having been adopted by the Senate once, it would be my hope that the Senator from West Virginia would not raise the nongermaneness issue, and that we could go forward and have this amendment adopted.

Mr. ROBERT C. BYRD. Mr. President, I would hope that the distinguished Senator would withdraw his amendment and offer it at such time as the election reform bill is before the Senate. The Committee on Rules and Administration, under the order previously entered, is required to report that bill to the Senate promptly, and not later than July 12.

I do not think his amendment would have any problem as to germaneness with respect to that bill, and it seems to me that that bill would be a proper vehicle for such an amendment, whereas this bill, which deals only with election dates and not with times for closing the polls, it seems to me is not the proper vehicle.

Moreover, the committee has heard no testimony on this point in its public hearings; the Senator brings his amendment to the Senate without the Members having adequate notice and time in which to discuss it and consider it. I would hope that the Senator would withdraw it, and it may be that at such time as he offers it to the other bill—to which reference has been made—I could even support it. It just strikes me, moreover, on the spur of the moment, that this amendment would be very discriminatory toward the eastern time zone, the central time zone, and so on. It would seem to me that only those zones beginning with the Pacific time zone and going on through the Yukon time zone and the Alaska-Hawaii time zone would be well served by the amendment.

As I understand the amendment, it would require, for example, the polls in my State to remain open until 11 o'clock in the evening.

Mr. DOMINICK. That is correct.

Mr. ROBERT C. BYRD. I think that is discriminatory against the people in the eastern time zone.

They would be required to remain at the polls until almost midnight before closing, forcing them to count votes until the wings of the morning had carried the sun into the eastern horizon. For those who have to work the following day, such as workers who have to earn their living by working in the mines, it would mean that they would be knocked out of a day's work the next day.

So I would have to oppose the amendment at this point. It is worthy of consideration, but it should be subjected to more consideration than can be given it here on the floor today. I would therefore, hope that the Senator would withdraw his amendment. I do not say it is without merit, but I would have to oppose it if he persists in pressing it today.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HASKELL). One minute remains to the Senator from Colorado.

Mr. DOMINICK. I would hope that if I take 2 more minutes, I could get 2 more minutes on the bill.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from my time on the bill.

Mr. DOMINICK. I appreciate that very much.

Mr. President, I want to say that this bill which the distinguished Senator from West Virginia has brought up goes in the right direction so far as I am concerned. It is an effort to try to cut down on the time of campaigning. I think we would all like that, the public and politicians alike. It seems to me that we spend far too much time that way.

I am not sure that this bill will accomplish the goal, but it is an effort in that direction. It also seems to me that the next bill coming up will be extremely controversial, and that it will have many amendments to it. This particular amendment is, in my opinion, noncontroversial, despite what the Senator from West Virginia has said. Therefore, I would prefer having it on the pending bill rather than having it on the next bill. There is already more heat on the one which is coming up later on in July.

The second point I want to make is that if we are going to close the polls simultaneously, which I hope we will do, I hope that we will not discriminate against anyone. We are giving them 12 hours in every time district, and if we cut down on the early time in the morning, we will add it on at the end. I hope that the people of West Virginia and the people of New York and other States will be perfectly willing to have the time and the ability to go to the polls after the 7 o'clock usual closing time, which is the time most prevalent along the eastern seaboard now. They would not be able to go to the polls before 11 o'clock in the morning. Consequently, they would have this opportunity at the end of the day, in order to get the opportunity to vote, for those going to work in industrial plants or elsewhere. This is the purpose of adding it on that way. We cannot do it any other way because if we do, by the time we get to the Alaska and Hawaiian zones they will have to vote some time around 3 o'clock in the morning and obviously that will not set well with anyone, in Alaska, Hawaii, or anywhere else.

Consequently, this is the reason why we put it at that time schedule.

The amendment has already been adopted by the Senate once, so it would strike me there is no reason why it should not be adopted again, on this or any other bill.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute. I think, Mr. President, that this amendment will work a great hardship on many of the voters of this country, especially the working class of people.

For example, in West Virginia, many coal miners vote when the polls open at 6 o'clock in the morning, before they go on to work. If this amendment were adopted, it would mean that the polls would not open until 11 a.m., and thus the coal miners would not have the opportunity to cast their votes before they went to work. It would require that they vote after they return home from work. By requiring the polls to remain open until 11 o'clock in the evening, it would virtually preclude a great number of coal miners from voting. They obviously could not line up at the polls and vote at 9 o'clock, 10 o'clock, or 11 o'clock at night because they have to get up the next morning at 4 o'clock, 4:30, or 5 o'clock in order to go to work.

So if this amendment were adopted, while it has merit, I am afraid it would be counterproductive in that it would, instead of encouraging people to vote, create a practical prohibition against their voting.

I therefore would have to oppose the amendment and I would hope that the Senator would withdraw it.

Mr. DOMINICK. Mr. President, one comment for the RECORD. I understand that the Senator is going to oppose the amendment. My comment is that we have already made the date a national holiday so that we do not, really, have that problem any more. Since we have made it a national holiday, I would presume that that will be abided by and people will not be at work on that particular day. In any event, whether they were or were not, by extending the time at the end, after work, we have the chance for people to go ahead much more readily than they do now where the polls close at 7 o'clock. So this amendment is not designed to injure anyone. It is simply designed to try to cut back on the type of influence caused by the early broadcasting of election results.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute.

The amendment would still have an inhibiting effect on the working class of people. I do not think we want to ask the coal miners in Kentucky or in West Virginia to go to the polls at 9 o'clock, 10 o'clock, or 11 o'clock at night. They still have to rise at 4 o'clock the next morning if they are going to work in the coal mines the following day.

I recognize the purpose the Senator has in mind. I think it is a meritorious purpose, but I think it would be highly discriminatory against the States in the eastern region and regions of the country other than those in the West.

The PRESIDING OFFICER (Mr. HASKELL). The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I am ready to yield back my time on the bill if the Senator from Kentucky (Mr. COOK) will do the same.

Mr. President, I ask unanimous consent that the time which has been yielded back be reserved to the two Senators.

The PRESIDING OFFICER. Does the Senator from West Virginia mean on the bill?

Mr. ROBERT C. BYRD. Yes, and the Senator from Kentucky.

Now does the Senator from Colorado wish me to yield him some time?

Mr. DOMINICK. I would hope that the Senator would yield me at least 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Colorado as much time as he wishes. In not raising a point of order, I in no way intended to take advantage of the Senator. I was merely waiting to see whether he wanted to press his amendment.

Mr. DOMINICK. I asked the Senator earlier whether this was all right and he said that it was nongermane. I asked the Parliamentarian and he said he thought that was correct. I did not ask for a division or a roll call vote, nor did I ask for a quorum call in order to get more Senators in, or anything else.

Mr. ROBERT C. BYRD. Well, the Senator slept on his rights. He had the right to ask for a division before the Chair announced the result. He also had the right to ask for a roll call vote.

Mr. DOMINICK. I do have the right to do all those things, but my assumption was that the Senator would ask for a non-germane ruling.

Mr. ROBERT C. BYRD. I had hoped to avoid going that far.

Mr. DOMINICK. Very well, I will say to the Senator from West Virginia, if that is true, I will not make it again, but he will not get any more unanimous consent agreements.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote by which the amendment of the Senator from Colorado (Mr. DOMINICK) was rejected by negated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. DOMINICK. Mr. President, I did not hear that request.

Mr. ROBERT C. BYRD. Mr. President, I asked unanimous consent that the vote by which the amendment was rejected be negated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. COOK. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOK. Is the amendment of the distinguished Senator from Colorado now the pending business?

The PRESIDING OFFICER. The Chair has not yet ruled on the unanimous-consent request of the Senator from West Virginia.

Is there objection to the request of the Senator from West Virginia that the vote by which the amendment was rejected be negated?

The Chair hears none, it is so ordered, and the vote by which the amendment was rejected is negated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I raise a point of order against the Dominick amendment. It is my belief that it is not germane to the pending business, and I ask for a ruling by the Chair.

The PRESIDING OFFICER. In the Chair's opinion, the amendment introduces a new subject, and that new subject is the time for the vote in various sections of the country. For that reason, the Chair rules that the amendment is not germane as required by the unanimous-consent agreement, and the point of order is well taken.

Mr. MANSFIELD. Mr. President, if I understand correctly what the distinguished Senator from Kentucky has said and what the distinguished assistant majority leader has said, looking ahead—perhaps the Chair cannot rule on this—on the basis of the legislation which will be reported by the Committee on Rules and Administration no later than July 12, under a Senate mandate, the Dominick amendment at that time would be in order because it would be a comprehensive Federal elections bill.

The PRESIDING OFFICER. In view of the fact that there has been no agreement on germaneness of the bill to which the Senator from Montana is referring, the one to come before the Senate not later than July 12, in those circumstances certainly the amendment proposed by the distinguished Senator from Colorado would be appropriate.

Mr. MANSFIELD. I thank the Chair.

Mr. DOMINICK. I thank the Senator from Montana for clearing up the point.

Mr. ROBERT C. BYRD. I yield myself such time on the bill as I may require.

Mr. President, I should like to have the attention of the Senator from Colorado (Mr. DOMINICK).

Earlier today, the distinguished Senator from Colorado (Mr. DOMINICK) and I discussed his amendment. At that time, I indicated that it was my feeling that the amendment was not germane, and I stated the reason why. I did not indicate, to my recollection, that I definitely would raise the point of germaneness; I do not think I said that. I think I would rather have moved to table the amendment than to have raised the point of germaneness. That was precisely what I indicated to the distinguished Senator from Oklahoma (Mr. BELLMON) during the time his amendment was before the Senate. The point of germaneness could have been even more clearly raised against the Bellmon amendment, but I indicated that I would prefer to move to table the amendment rather than raise the point of germaneness, because there is a difficulty in getting unanimous-consent agreements here when nongermane amendments are ruled out. If there is anyone who knows how difficult that is, it ought to be I, because I do a considerable amount of work in trying to secure such agreements.

Rather than raise the point of order, I intended to move to table the amendment by the distinguished Senator from Oklahoma (Mr. BELLMON). I think I would have done that in this instance. The debate on the amendment by Mr. DOMINICK moved to a close; the time expired. I did not want to raise the point of germaneness, but I would have as a last resort. But I thought, as the Senator sat in his chair, that he indicated he would just have a voice vote. I was waiting to see what he wished to do. I suppose now that he, likewise, was waiting to see what I intended to do. So the matter went to a voice vote. The Senator, at any time before the Chair announced that result, could have asked for a division; he could have asked for a yea-and-nay vote. I later got consent that the result be negated so that the amendment was returned to its original state.

I am sorry that the Senator feels as he does. I do not think he has been dealt with unfairly. There was certainly no intention on my part to take any advantage of him from a parliamentary standpoint. I arranged for his amendment to be put back where it was ab initio, from the beginning, so that he could have a second chance.

If the Senator wants even now to have a vote on his amendment, I will even be agreeable at this point to ask for unanimous consent that the amendment still be considered as in order; but I will say that if he does that, rather than raise a point of germaneness, I will be constrained to move to table his amendment, which will give all Senators an opportunity to vote on the tabling motion.

I have taken the time of the Senate in order to state on the record what the situation was, so that there ought to be no misunderstanding, and I apologize to the Senate for taking this time to speak.

Mr. DOMINICK. Mr. President, will the Senator yield me 30 seconds?

Mr. COOK. I yield.

Mr. DOMINICK. I think the situation has been cleared up. The Senator from Montana asked for the ruling and got it, and I appreciate it; and I appreciate the courtesy of the Senator from West Virginia in allowing the vote to be negated. So let us just leave it that way.

Mr. ROBERT C. BYRD. Very well. I am happy to do that.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, inasmuch as the vote on the Kelley nomination will occur at 12:30 today, I ask unanimous consent that I may yield such time as he may need, as in executive session, to the Senator from Massachusetts, to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time on the bill, so that bill may go to third reading.

Mr. COOK. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator wish a vote on the bill at this time?

Mr. ROBERT C. BYRD. No. I ask unanimous consent that the vote on passage of the bill occur immediately after the vote on the Kelley nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on both the Kelley nomination and the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on both the Kelley nomination as in executive session, and on the pending business.

The yeas and nays were ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HASKELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE PRESIDENT'S VETO OF THE URGENT SECOND SUPPLEMENTAL APPROPRIATION

Mr. MANSFIELD. Mr. President, according to press reports on Tuesday, spokesman for the White House pictured the President as "taking a careful approach to two areas of potentially sharp controversy with Congress," and that "Deputy Press Secretary Gerald L. Warren said that Nixon would consult with congressional leaders before deciding whether to sign or veto legislation that would cut off funds for U.S. military activity in or over Cambodia and Laos."

The dispatch goes on to state:

> Although Nixon strongly opposed the legislation prior to its passage Tuesday, Warren said the President now wants to study the issue. The spokesman would not say whether Senator John C. Tower, of Texas, had the benefit of inside information when he told the newsmen he was "inclined to think the President will not veto the bill."

Mr. President, it is with the deepest concern and regret, despair and perhaps a degree of shock and alarm that I greet the President's announced veto of the urgent second supplemental appropriation measure. The word "urgent" is not my characterization. Its urgency was so maintained at the time this funding proposal was submitted to the Congress by the administration.

My concern and regret are founded on the fact that the moneys contained and approved in this measure are supposedly absolutely essential if this Nation is to pursue those policies and programs at home and abroad that are vital to the interests of this Nation—programs dealing with health and welfare and, yes, even national security.

My shock and alarm, however, lie in the fact that I suspect most assuredly that the veto was occasioned because of the bombing halt provided by this proposal as it was sent to the White House.

Let me just say that the action taken in vetoing this measure if not reversed can lead only to a constitutional impasse over the issue of war and peace and over the ability of the American people to affect those issues as never before witnessed in the history of this Republic.

It is clear beyond doubt that the embargo on bombing was not just the voice of the Senate, not just the voice of the House of Representatives but the loud and clear will of the American people expressed and exercised through their duly elected representatives. To ignore it, to veto it, is most alarming.

I can only say, and I believe I speak in behalf of the great majority of the American people, in saying that this veto will not and must not inhibit this effort to shut off the use of American resources to carry on these continued actions in Cambodia and in other parts of Indochina. This particular bill may be vetoed and indeed the veto may be sustained, but there will be other laws required and they, too, must be presented for signature in the next few days. It is my judgment that they, too, will contain an expression of the will of the American people on the issue of the continued war in Cambodia and the way in which taxpayer funds are used to press that war forward with planes and bombs, with destruction and devastation.

What the Congress has attempted to do is to stop an ill-advised, illegal, unconstitutional slaughter of Cambodians by American bombing. In 5 months of this year and approximately 110 days of continuous bombings, we have dropped over 200,000 tons of bombs on Cambodia compared to 175,000 tons of bombs in the preceding 3 years.

The bombing at times has been heavier than the Christmas season—season of the Prince of Peace—against Hanoi, Haiphong and North Vietnam.

In all of Indochina, we have dropped approximately 6.6 million tons of bombs compared to 3.2 million tons of bombs in all of World War II, an increase of 3.3 million tons of bombs, let alone the casualties we have suffered, the cost entailed and the problems created here at home.

The United States does not belong in Indochina and never has, and of all the places we do not belong in, Cambodia is the most outstanding. We are supporting a corrupt dictator. We have created a client state and we are keeping it in power through bombings.

While the cost has been high for us, it has been higher for the Indochinese people. Where is this peace with honor which we have been told about time and time again? Why are we creating new American dead and new American prisoners of war in Cambodia?

A veto can precipitate an extremely dangerous economic situation. It is an ill-advised move which goes contrary to the will and the wishes of the Congress and the American people. If the veto is upheld, it would be our intention—I repeat—to attach similar Cambodian riders to every other possible piece of legislation, and we will do it, because under the Constitution only the Congress has been given the warmaking power, not the President, and Congress has spoken.

If the President does not want to stop the bombing in Cambodia but does want to stop the Government from functioning, that is the President's responsibility.

Mr. PERCY. Mr. President, I have listened with grave concern to the distinguished majority leader. I, too, was shocked to receive word of this veto. I wish to ask the majority leader for further clarification as to the statement he has made. As I understand the procedure, we will be voting on whether or not to override the President's veto.

Mr. MANSFIELD. No, the House will be.

Mr. PERCY. The House will act first.

Mr. MANSFIELD. The House will have that opportunity and it is my belief that very likely the veto would be upheld, but that does not mean the end of the Eagleton amendment by any means, because it will be offered again and again and again until the will of the people prevails.

Mr. PERCY. So it is the intention of the leadership to see that the Cambodian amendment is not in any way dropped; the will of Congress will continue, and it will be offered on every single bill that is appropriate for it to be attached to, and the President will then be faced with the decision each and every time he vetoes a bill, and the efforts will continue.

Mr. MANSFIELD. It is not the intention of the leadership, but it is the intention of the Senator from Montana. As far as I am concerned, I would hope there would not be another upcoming urgent supplemental appropriation bill.

Mr. HUMPRHEY. Mr. President, President Nixon has vetoed the second supplemental appropriations bill for fiscal 1973, H.R. 7447, on which action by Congress had been completed last night.

The President has once again rejected the expressed will of the Congress not only on a number of domestic needs, but also the expressed will of the Congress in demanding an end to the cruel and illegal bombing of Cambodia.

This apparent reflex action on the part of the President reflects a total failure to consider the profoundly serious impact of denying these funds for programs of vital importance to communities across America and to thousands upon thousands of our citizens.

The President's veto undermines an intensive effort in which I and other Senators and Congressmen have been engaged to assure the provision of summer job opportunities for several hundred thousand disadvantaged youth in areas of poverty across the Nation, at the same level as last year.

The President's veto shuts down a number of education programs serving handicapped children, by denying $13.8 million in additional funds desperately needed to keep these programs alive through September. It will be recalled that this crisis would not have arisen in the first place if the President's own administration had not committed an illegal activity in backdating contracts last year, the correction of which necessitated the withdrawal of funds appropriated for the current fiscal year.

The President's veto ignores the nutrition needs of children by rejecting $6 million appropriated for school lunch facilities.

The President's vote completely disregards the extensive damage inflicted in major areas of the country by floods over the past 2 years, by halting the appropriation of $35 million for flood restoration work under the Department of Agriculture.

The President's veto would scuttle the major accomplishments of Congress in enacting legislation to substantially improve medical care for America's veterans, by turning down an appropriation of $20 million for assistance for Health Manpower Training Institutions.

The President's veto rejects the counsel of House-Senate conferees that appropriations already enacted by Congress for major health programs be released from impoundment and obligated forthwith.

The President's veto turns a deaf ear to the urgent appeal of thousands of youth in need of financial aid to pursue a college education.

The President's veto compounds the irresponsibility of his earlier veto of the vocational rehabilitation amendments, by disapproving an appropriation of $610 million for vitally needed State programs under the existing act.

These are only some of the highlights of the extensive impact upon this Nation of the President's veto of the supplemental appropriations bill. Millions of Americans will be denied services which they desperately need. The United States continues to bomb a primitive country, Cambodia. A stubborn President refuses to cooperate with the elected representatives of the people. I strongly urge the Congress to act immediately to override this veto.

Mr. KENNEDY. Mr. President, in the long line of distressing vetoes by President Nixon over the past 4 years, today's veto of the end-the-bombing legislation will rank as his cruelest and least justifiable veto.

No action by the President more clearly demonstrates the totalitarian attitude that has come to be called the Watergate mentality—alone in the White House, out of touch with Congress, out of touch with the vast majority of the people of the Nation, the President has decreed that America shall go on killing and bombing in Indochina.

Long after our troops and prisoners have come home, long after any possible justification for the bombing has vanished, the war continues for millions of innocent men and women and children of Indochina. They ask America, "Why?" What reply can we give, except that we have a bitter and embattled President who does not understand his country?

Now, however, Congress is strong in its common new resolve to end the killing. And so, I urge the House of Representatives to muster the strength to override the veto, and thereby demonstrate to the President, in language he can understand, that America wants peace.

EXECUTIVE SESSION—NOMINATION OF CLARENCE M. KELLEY TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will go into executive session and proceed to vote on the question: Will the Senate advise and consent to the nomination of Clarence M. Kelley to be Director of the Federal Bureau of Investigation?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The result was announced—yeas 96, nays 0, as follows:

[No. 237 Ex.]

YEAS—96

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—4

Biden
Clark
Packwood
Stennis

So the nomination was confirmed.

Mr. HARRY F. BYRD, JR. Mr. President, I have only one request to make of the new Director of the Federal Bureau of Investigation. I want to make that request publicly on the floor of the Senate. My request is this: Please keep the FBI out of partisan politics.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will return to the consideration of legislative business.

FEDERAL ELECTION LAW

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on the passage of S. 343.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the next vote which occurs immediately.

The PRESIDING OFFICER (Mr. HASKELL). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill, S. 343, be corrected in the various places so as to conform to the intent of the language of the Roth amendment which has been previously adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the title to the desk.

The PRESIDING OFFICER. The Senate will vote first on final passage of the bill.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. Mr. President, I ask the Senator from West Virginia, since we are dealing with a pretty important subject here, whether people will be able to vote for their elected representatives. I would appreciate it if the Senator would be kind enough to explain to the membership here what the bill does as amended. I ask the question only because the bill on the desks of Senators is not the bill on which, as I understand it, we will vote.

The PRESIDING OFFICER. Does the Senator from Colorado ask unanimous consent that the vote be withheld?

Mr. DOMINICK. I ask unanimous consent that the vote on the pending bill be withheld for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the bill makes no change in the present law with respect to the date on which the general election would be held.

As to the primary elections, the bill provides that no congressional primary shall be held prior to the first Tuesday in August.

As to the national conventions, the bill provides that no national convention will be held prior to the third Monday in August.

The PRESIDING OFFICER. The question is shall the bill pass? On this question the yeas and nays have been ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that I might propound one question to the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator be allowed 2 minutes in which to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that there was a provision concerning the reporting of results in either primary or general elections. Is that provision in the bill at this time?

Mr. ROBERT C. BYRD. It is not. The amendment was withdrawn.

Mr. STEVENS. I thank the Senator.

Mr. BIBLE. Mr. President, will the Senator yield for a question which I think is very pertinent to this problem?

Mr. ROBERT C. BYRD. I yield.

Mr. BIBLE. If I understand correctly, this bill will not be effective until 1976. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. BIBLE. It would have no effect on next year's election?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. BIBLE. I thank the Senator.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. I yield.

Mr. LONG. Has this bill been amended to make election day a national holiday?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. GRIFFIN. And the holiday does not apply to primary elections?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. PELL. Mr. President, I strongly urge my colleagues to enact S. 343. The major provision of this bill, as introduced by the distinguished majority whip (Mr. ROBERT C. BYRD), and as amended and reported by the Committee on Rules and Administration, and as further amended on the floor of the Senate, would require that primaries or nomination conventions for choosing candidates for election to the offices of U.S. Senator, Commissioner be held no earlier than the first Tuesday in August, and no later than the first Tuesday in September. The bill would not directly affect presidential preference primaries held within the States, but would, I believe, encourage many States to hold their presidential primaries within the same period.

Mr. President, one of the most important legislative tasks facing this Congress is election law reform. We must seek to do all that we can to encourage our citizens to more fully participate in the electoral process, and seek every legislative initiative to help to assure the integrity and strength of that process.

In a very fundamental and, in my opinion, practical way, S. 343 would be an important step in this needed reform. It would attempt to reduce an overly long campaign period, and this would hopefully result in lower campaign expenditures, and increased interest on the part of the voting public. This shortening of the time period in which congressional primary elections could be held would also provide a beneficial uniformity for a time in which we will hopefully have laws providing free radio and television time for candidates.

Mr. President, whenever the Congress considers election law reform it is faced with weighing its right and duty to legislate to assure the public of free and fair elections, against the first amendment freedoms of speech and association, which may be restricted and regulated by such legislation. In my opinion, S. 343 is excellently drafted and its major provisions, unlike some of those in other election reform bills before us, do not raise serious constitutional issues. Article I, section 4, and article II, section 1 of the Constitution clearly give Congress the right to make regulations concerning Federal elections. If they wish to have their elections for State officers on the same day as those for Federal representatives, some States may have to amend their own constitutions. Although this may, in some cases, be met with resistance, it seems to me that the benefits enumerated above far outweigh the difficulties involved.

Mr. President, in our most recent presidential election only 55 percent of eligible voters cast ballots. The exercise of the franchise is the most fundamental way in which a citizen can participate in the democratic process. If this right is not exercised by a larger percentage of our citizens, this process cannot remain truly free and strong. We, as legislators, have a duty to encourage participation in this process. This bill does this in a reasonable, and in my opinion, constitutional manner, and I strongly urge its enactment.

The PRESIDING OFFICER. Does the Senator from West Virginia yield back the remainder of his time?

Mr. ROBERT C. BYRD. I yield it back.

The PRESIDING OFFICER (Mr. HASKELL). The question is: Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The result was announced—yeas 71, nays 25, as follows:

[No. 238 Leg.]

YEAS—71

Aiken
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hart
Hartke
Haskell
Hatfield
Helms
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
McClellan
McGee
Mondale
Montoya
Moss
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Sparkman
Stafford
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams

NAYS—25

Abourezk
Allen
Baker
Bennett
Byrd,
  Harry F., Jr.
Cotton
Curtis
Fannin
Hansen
Hathaway
Hollings
Hruska
Johnston
Kennedy
Long
McClure
McGovern
McIntyre
Metcalf
Muskie
Scott, Va.
Stevens
Stevenson
Tower
Young

NOT VOTING—4

Biden
Clark
Packwood
Stennis

So the bill (S. 343) was passed, as follows:

S. 343

An act relative to Federal primary elections and national conventions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) if, under the law of any State, the candidate of a political party for election to the Senate or to the House of Representatives is determined by a primary election or by a convention conducted by that party, the primary election or convention shall be held at any time during the period beginning on the first Tuesday in August. If a subsequent, additional primary election is necessary to determine the nominee of any political party in a State, that additional election shall be held within thirty days after the date of the first such primary election.

(b) For purposes of this section—

(1) the term "State" means each of the several States of the United States, the Commonwealth of Puerto Rico, the Territory of Guam, and the Territory of the Virgin Islands; and

(2) a candidate for election as Resident Commissioner to the United States, in the case of the Commonwealth of Puerto Rico, or as Delegate to the House of Representatives, in the case of the Territory of Guam or the Territory of the Virgin Islands, shall be considered to be a candidate for election to the House of Representatives.

SEC. 2. Section 10(a)(3) of the District of Columbia Election Act (D.C. Code, sec. 1110 (a)(3)) is amended by striking out "the first Tuesday in May" and inserting in lieu thereof "the first Tuesday in August".

SEC. 3. (a) The Congress finds that—

(1) the conventions held by national political parties for the purpose of nominating candidates for the offices of President and Vice President constitute an integral part of the process by which such officers are chosen by the people of the United States;

(2) by limiting the length of time during which the general election campaign for election to such offices occurs, the integrity of the electoral process is better secured; and

(3) in order to protect the integrity of the Presidential election process and to provide for the general welfare of the Nation, it is necessary and proper for the Congress to regulate the part of that process relating to the nomination of candidates for election to the office of President by prescribing the time during which such conventions shall be held.

(b) Any political party which nominates its candidate for election to the office of President by national nominating convention shall hold that convention beginning on the third Monday of August of the year in which the President and Vice President are elected.

(c) The district courts of the United States shall have jurisdiction, upon application made by the Attorney General, to enjoin the members of a political party from conducting a national nominating convention for the purpose of nominating the candidate of that party for election to the office of President in violation of the provisions of subsection (b).

SEC. 4. Section 6103(a) of title 5, United States Code, is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Tuesday next after the first Monday in November, in 1976, and every second year thereafter."

SEC. 5. This Act shall take effect on January 1, 1976.

Mr. ROBERT C. BYRD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read: "A bill relative to Federal Primary elections and National Conventions."

CONTINUATION OF EXISTING TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The PRESIDING OFFICER (Mr. HATHAWAY). The Chair now lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

H.R. 8410, to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. LONG. Mr. President, I ask unanimous consent, without prejudice to my rights, that I may yield 1 minute to the distinguished majority leader.

The PRESIDING OFFICER. Without objection it is so ordered, and the majority leader is recognized.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 229 and 234.

The PRESIDING OFFICER. Without objection, it is so ordered.

NONPERFORMING ARTS FUNCTIONS OF THE JOHN F. KENNEDY CENTER

The Senate proceeded to consider the bill (S. 1759) authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes which had been reported from the Committee on Public Works with an amendment on page 1, line 6, after the word "appropriated", strike out "such sums as may be necessary for carrying out this subsection" and insert "for the purpose of carrying out this subsection, not to exceed $2,400,000 for the fiscal year ending June 30, 1974, and $2,500,000 for the fiscal year ending June 30, 1975."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There are hereby authorized to be appropriated for the purpose of carrying out this subsection, not to exceed $2,400,000 for the fiscal year ending June 30, 1974, and $2,500,000 for the fiscal year ending June 30, 1975."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WESLEY POWELL FEDERAL BUILDING

The bill (S. 1618) to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the headquarters building in the Department of Interior's Geological Survey National Center now under construction in Reston, Virginia, shall hereafter be known and designated as the "John Wesley Powell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Wesley Powell Federal Building".

CONTINUATION OF EXISTING TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate resumed the consideration of the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

Mr. LONG. Mr. President, in order that a meaningful vote may be had with regard to the four major portions of the committee amendment, I ask unanimous consent that the committee amendment be divided into these four parts:

One. Beginning on page 3, line 9, through page 5, line 14—this part has the 5.6 percent cost-of-living increase in social security benefits.

Two. Beginning on page 5, line 15, through page 18, line 3, and beginning on page 20, line 3, through page 28, line 5. This contains the increase in the supplemental security income payments, and other provisions to correct oversights in H.R. 1.

Three. Beginning on page 18, line 4, through page 20, line 2. This part provides a 6-month delay in the effective date of the HEW social services regulations.

Four. Beginning on page 28, line 6, through page 44, line 14. This includes the provisions relating to impoundment procedures and expenditure limitations.

The PRESIDING OFFICER (Mr. HATHAWAY). Is there objection to the request of the Senator from Louisiana?

Mr. GRIFFIN. Mr. President, reserving the right to object, since other Members are not on the floor, I want to make it clear that their rights are not being affected significantly by this request. I should therefore like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. GRIFFIN. In the absence of a unanimous-consent request being made by the distinguished chairman of the committee, is it not a fact that any Senator can demand a division of the question in any event?

The PRESIDING OFFICER. A Senator has that right to demand a division on any question which is divisible, and this one is divisible.

Mr. GRIFFIN. That would be my understanding of it, so that, under the circumstances, there would be no point in objecting, even if there were an objection that could be made, so I am not going to do so.

Mr. LONG. Mr. President, this request involves a division which includes two items which are not placed in sequence in the bill, so that we would vote on them together. I make that request because these sections are related. They deal with aged persons who would be entitled to welfare benefits at the present time, or are eligible for medicaid benefits. Their rights would be protected under the committee bill. I recommend this so as to save the time of the Senate by voting on all these related sections at one time. That part of my request requires a unanimous-consent agreement to vote on these sections en bloc.

I have no objection to voting on them separately. I just think it would save time of the Senate to vote en bloc on both.

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. BENNETT. I was not completely clear. Does the Senator intend to have only one vote on these two matters?

Mr. LONG. I will modify my request and ask unanimous consent that the committee amendment remain subject to amendment so that any Senator who wants to separate out one part of it can do so.

Mr. BENNETT. These are two separate proposals. There may be some Members of the Senate who would like to vote one way on one and one way on another. I understood that the Senator would ask——

Mr. LONG. Senator, the part that would affect persons in medicaid was agreed to in the committee by a unanimous vote. I would think the vote would be even more impressive than a vote on the SSI portion.

Mr. BENNETT. Maybe I did not understand. The Senator is asking for a vote on the social security and then another vote on the SSI?

Mr. LONG. Yes.

Mr. BENNETT. That is the area I missed. As long as there are going to be two separate votes on those two matters, I have no objection.

Mr. LONG. I thank the distinguished Senator from Utah. I think it is desirable that there be a separate vote on these two matters, and the request would include that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that Mr. Jeff Peterson, of the staff of the Senator from Connecticut (Mr. RIBICOFF), be privileged to remain on the floor during the consideration of and the votes on H.R. 8410.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, the chairman had the privilege of making his opening statement last night; and since I was forced to be out of Washington, my opening statement could not come then, and I shall make it now.

This is the debt limit bill that we will now spend some several hours discussing along with some amendments that may be added to it.

It was not very long ago when the debt limit bill could be described as Congress annual exercise in flagellation of the Secretary of the Treasury for requesting Congress to provide him with funds to supplement tax receipts so that he could pay the Federal Government's bills. Now the debt limit bill has become one of Congress favorite games. It is so enjoyable that we play it with greater frequency—three times last year and at least twice this year, so far.

I thought I might describe, first, the House bill we are now considering before proceeding to the amendments we propose. As it came from the House, this bill contained three provisions: an extension of the present debt limit for 5 months; an amendment to the Treasury Department's authority to issue long-term bonds with interest rates above 4¼ percent; and authority for the Treasury to issue a check-bond type of security for income tax refunds.

The present debt limit is extended at $465 billion for 5 months through November 30 of this year. But we will have it back again and go through this exercise at least once more. At the present time, the limit consists of a permanent limit of $400 billion and a temporary additional limit of $65 billion which expires at midnight Saturday and must be renewed by that time.

The administration initially requested an increase in the total limitation to $485 billion through all of fiscal year 1974, which ends June 30, 1974. The House decided to extend the present $465 billion limit for the 5-month period. The Treasury Department would prefer the higher limit for all of the new fiscal year, but it decided that it had no major disagreement with the extension of the present limit for a short period. In fact, it has indicated that it can manage its activities under the $465 billion limit through the end of next November, although the limit will squeeze the cash balance to $4 billion at the end of August and November, according to present projections.

The second House provision the Treasury agreed to relates to the interest rate on long-term bonds. Two years ago, Congress gave the Treasury Department authority to issue $10 billion of long-term bonds with interest rates above the statutory 4¼-percent limit. The Treasury has exercised this authority seven times since mid-August 1971 at coupon rates that have varied between 6⅛ and 7 percent. Presently, there are $8.4 billion of such long-term bonds outstanding.

Approximately half of that total, or $3.9 billion, is held by Government accounts and the Federal Reserve system. These holdings reduce the ability of the Treasury Department to issue such bonds to the general public, but at the same time, there are good reasons for the managers of several Government accounts to hold these Government bonds.

When enacted 2 years ago, Congress did not contemplate that the Government accounts would be covered under the limit, and the limitation on these securities is meaningless because, by law, the interest rate on these portfolios is limited to the average market yield on outstanding marketable securities.

The provision in this bill solves the problem by excluding bonds held by Government accounts from the $10 billion limitation. Government accounts may sell their holdings of these bonds to the public, which would increase the amount outstanding subject to the limitation, but a sale may not be made when it would raise the public holdings above $10 billion.

The third and final House provision is what I believe is a very ingenious device to help us combat inflation. The proposal calls for a check-bond that can be issued by the Treasury as a way of paying a tax refund on the income tax. This was developed in response to situations like those the Treasury Department faced this spring. There was substantial overwithholding in 1972 from wages and salaries which led to an increase of about $6 billion in refund payments. This generated great concern about the potential for a serious inflationary impact from the sudden spending of that large amount of money in a short period of time.

In addition, it appears that many taxpayers apparently prefer to be overwithheld because they consider it to be a desirable form of savings. The check-bond will make it possible for them to continue saving simply by not redeeming the check as soon as it is received.

In operation, the check-bond is really quite simple. In the case of calendar year taxpayers, it will be available for all individual income tax returns that are filed by April 15. All refund checks on such returns will carry an effective date of January 1, and if they are not cashed by July 1 of the same year, they will automatically become savings bonds that earn interest from January 1 at the rate now applicable for series E savings bonds.

During its deliberations on the debt limit bill, the Finance Committee also considered other subjects. There are several social security amendments and two provisions provide for an expenditure ceiling for fiscal year 1974 and a procedure to govern impoundments of budget authority by the President or other officials in the executive branch.

The committee amendments also cover 5 areas under the social security programs. In my opinion, some of these provisions have merit, but favorable action on them in this bill is inappropriate. Hearings were held with respect to only one of the amendments. I do not believe in precipitate action of this type. Instead, I believe, the Finance Committee should have taken the time to hold public hearings on these proposals, devote time to the proper markup of the proposals and then, to the extent the amendments were considered desirable, to add them to a social security bill now before the committee.

The first of the amendments provides that the automatic cost-of-living adjustment for social security benefit payments will become effective on January 1, 1974, instead of January 1, 1975, as under present law. The immediate effect of this amendment will be to bring about an increase in benefit payments of approximately 5.6 percent next January. The increase would offset the increase in the cost of living that has taken place between June 1972 and this month.

The argument for this action is that the increased cost of living has its greatest impact on the aged beneficiaries of the social security program who are least able to find other ways to offset the higher cost of living. I realize this kind of statement has wide appeal, but it fails to consider that the social security recipients received a 20-percent benefit increase last September.

When the benefit increase was presented to the Senate, it was argued that this 20 percent would take care of the potential cost-of-living increase until January 1975. It was for that reason that the effective date of the first automatic cost-of-living increase in social security was deferred until January 1975. Now, under this bill, we propose to give a double shot for cost-of-living increases in the present fiscal year—that share of the 20 percent which was provided for that purpose last September and a second shot in this bill.

Another problem with the amendment is its impact on the financing through the trust fund. Under legislation passed last year, contributions must be great enough to maintain the balance in the trust fund at a minimum level of 75 percent of the annual benefit payments. Previously it was maintained on a 100-percent basis and before that it was to be funded on an actuarially sound basis. Budget estimates show that the trust fund balance at the end of fiscal year 1974 would be close to 89 percent of that year's outlays. With this increase in benefit payments, there will be a smaller net contribution made to the trust fund balance in fiscal year 1974. As a result, the balance next June 30 will be about 82 percent of fiscal year 1974's outlays. This decline while not reducing the balance below the required ratio, takes it a very long step in that direction. One more step of that size would require that the wage base and/or the payroll tax be increased in order to preserve the trust fund balance at even this minimum level.

Up until this time the Committee on Finance has always prided itself that whenever it provided increases in the social security benefits it matched them with increased taxes to support them. But, we are now taking a step to break that tradition, and we are setting a new precedent. I am worried about that. If we do it this time, then maybe the next time we face this problem, we will be told that because the trust fund balance is above 75 percent of 1 year's benefit payments it is safe to go on drawing against future benefits for which current taxpayers are paying.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG. Is the Senator aware of the fact that in 1969 there was a big actuarial surplus in the social security program, and we voted a 15-percent social security increase, and it did not require an increase in the tax rate because the financing at that time was on such a conservative basis that no tax increase was required?

Mr. BENNETT. What we did in 1972 was to say, "Well, we are going to reduce the required minimum balance in the fund from 100 to 75 percent, so that gives us a windfall, which we do not need to cover."

That was carefully planned so that we would arrive at that point sometime in the future. By doubling up the cost-of-living increases for this fiscal year, we are bringing the day closer when to maintain the 75 percent we have to have a tax increase.

Mr. LONG. The point I am making is that the increases in the past have not always been accompanied by tax increases. We have had increases where there have not been tax increases, because there were sufficient finances to cover it.

Mr. BENNETT. And we do that by reducing the trust fund reserve balance. We decided 75 percent was absolutely the rock bottom we could consider, but now we are pushing it down, not below that today, but we are hastening the day when we will.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. BENNETT. I yield.

Mr. LONG. I ask unanimous consent that the yeas and nays be ordered on the first part of the committee amendment.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President——

Mr. BENNETT. Mr. President, I have the floor.

Mr. HARTKE. I wish to ask a question about this matter. Will the Senator yield?

Mr. BENNETT. I yield.

Mr. HARTKE. Does the Senator know what the anticipated revenue was from the social security tax for this fiscal year?

Mr. BENNETT. I do not have that figure here. Action on this bill has come so fast that I have not had a chance to prepare myself for a complete and detailed discussion of it.

Mr. HARTKE. Is the Senator aware of

the amount of the trust fund collections for fiscal year 1974?

Mr. BENNETT. I do not have those figures. They may be here.

Mr. HARTKE. The reason I ask the question is that I think, as demonstrated, one of the reasons that the budget deficit for fiscal year 1974 is anticipated to be much less than before is the fact that the trust fund account is going to be increased and have a surplus of about $16 billion. Does the Senator disagree with that?

Mr. BENNETT. There is a table here. In a moment or two I will have those figures and be able to answer the question.

Mr. RIBICOFF. Mr. President, will the Senator yield? I may be able to be helpful.

Mr. BENNETT. I am happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. For 1973 the present law would have an income of $53.7 billion. In the committee bill in 1973 the figure would be $53.7 billion, the same amount. The difference comes in in 1974 where under the present law it would be $57.1 billion and the outgo in 1974 would be $59.9 billion.

This would be a one-shot outgo—$2.3 billion. It is a difference of one-tenth of 1 percent, and historically whenever there has been a difference of one-tenth of 1 percent the committee never felt it was necessary to increase social security taxes.

But also I would like to give another figure to my distinguished colleagues. Despite this amount, the assets in the trust fund will continue to rise from $44.3 billion in 1973 to $51.5 billion in 1977. So the outgo from the fund will be up over the present law in 1974 to 1976, but by 1977 the outgo under the present bill will be the same as under the present law, so in no way are we jeopardizing the safety of the fund.

Mr. HARTKE. Mr. President, the point is made very well by the Senator from Connecticut.

Mr. BENNETT. I want to be careful that I do not lose my right to the floor, because this dialog is taking place.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Indiana?

Mr. BENNETT. I yield.

Mr. HARTKE. My point is that I want to ask the Senator from Utah whether, although in effect you are reducing the trust fund, the fact is, as the Senator from Connecticut demonstrated, you do not reduce the trust fund.

The trust fund is reduced only to the extent it would have accumulated more money if you do not accelerate the cost-of-living increase by 5.5 percent effective January 1 instead of the next year.

I wish to ask the Senator from Utah whether he really contends that you are going to have less money than you had anticipated was going to be there when we passed the cost of living, or is it the Senator's contention that we are going to have less money than the account takes in?

Mr. BENNETT. Let me go back. Obviously, if we increase benefits by $3 billion and the income remains on schedule, we will have less money 1 year from now than we would have now. I do not know of anything to change that.

Mr. HARTKE. But the fact is that we have accumulated $16 billion excess in the trust fund over what was anticipated in the 1974 budget. We are going to expend only $1.7 billion additional money, so in reality what happened is that we are overcharging the people who are paying into the trust fund. This has been historically and patently unfair to the wage earners to pay more than is actually expended.

It is due to two factors: One, inflation caused an increase in the amount of deductions for social security, and, second, as the Senator from Louisiana stated, is the fact that there have been far too conservative estimates on the actual revenues being generated by social security taxes.

Mr. BENNETT. The Senator probably did not hear me say that at the end of fiscal year 1974 the trust fund balance would be 89 percent of that year's outlays.

If this goes into effect, the percentage in the fund of actual outlay will be 82 percent. We are dropping 7 percentage points, when we had expected to stay level. We always come to learn that if we do not increase our income, but increase our outlays, we have less money.

Mr. HARTKE. But that is not what is happening. The American people should be told that the social security tax is producing an excess over the outlay.

Mr. BENNETT. Of course; it was scheduled to be that way, but it was expected that the benefit/payment line would cross sometime in the future. By doing this, we would make it cross earlier, and we would put more of a burden on the present situation, and it is going to make it necessary to increase the tax later.

Mr. HARTKE. We gave a 15-percent increase without increasing the tax on social security. That was done because there had been an overcharge on the employee. The same thing is true today. We are still overcharging the employees in the present generation to pay for the benefits we are giving to them. All we would do by this amendment and by the cost-of-living increase is two things. One is recognizing that the overcharge on the employees was caused by the failure of the analytical experts to come up with a realistic estimate of revenues; second, there was a failure to take into account the sharp increase in inflation, which has made for a bigger pay check but no increase in purchasing power.

Mr. BENNETT. We are talking about the same subject without agreeing on the basic premise, and I see no point in continuing it.

Mr. HARTKE. I agree that we disagree. The question is whether it is based on facts or assumptions.

Mr. BENNETT. The Senator from Utah cannot tell who is using the facts and who is using assumptions.

Mr. President, let me return to my statement.

In addition to the increase in benefit payments, the committee took steps to assure that beneficiaries would not lose their eligibility, because of the increase, for benefits under the aid to families with dependent children program and medicaid and also to assure that benefits under the supplemental security income program will increase commensurately.

The committee acted to blanket in under the supplemental security income program "essential persons," who usually are the spouses—generally under the age of 65—of recipients of assistance to the aged, blind or disabled. Thus, an aged person whose spouse is under 65 and currently is on public assistance would be guaranteed a monthly income equivalent to that of a married couple presently covered under the supplemental security income program. In addition, States would be required to supplement Federal SSI payments by the amount of the social security benefit increase to assure that entitlement payments will not be reduced. To make sure that this adjustment is carried out, Federal matching funds for the Federal medicaid program in 1974 would be denied to the States who refuse to make the supplemental payments. These two provisions I think are desirable, although I believe that they do not belong in this bill.

In another amendment, the committee acted to protect certain individuals against the loss of eligibility for medicaid when the SSI program becomes effective next January or on termination of a savings clause related to last year's 20 percent benefit increase. Those who would be threatened with loss of eligibility include "essential persons," persons in medical institutions, and blind and disabled medically needy persons. The savings clause continues the eligibility for medicaid of persons who go off assistance, because of the benefit increase. These adjustments also are meritorious, but they also are mislocated in this legislation.

The committee acted to repeal section 225 of the Social Security Act that would deny Federal participation in reimbursement for nursing homes to the extent that their costs exceeded 105 percent of the preceding year's payment levels.

The committee extended for 1 more year the basis for allocating funds appropriated for the maternal and child health programs among the States. The action continues to make available 40 percent of the funds on the basis of special project grants and delays application of the provision that would make 90 percent of the total money authorized on a formula basis.

On May 1, 1973, HEW issued regulations with respect to social service programs funded under the Social Security Act, and the regulations are scheduled to go into effect on July 1, 1973. The committee's amendment would delay the effective date of the regulations until January 1, 1974, by which time it is believed Congress will approve legislation that deals with the substantive issues associated with the social service programs.

I believe that these three amendments I have just described should be treated as all the other amendments to the social security programs that I have discussed during the past several minutes. They should be dealt with in a social security bill. The Senate should not approve them as part of this debt limit bill.

For the information of the Senate, I have been informed that the Parliamentarian of the House has taken the position that these social security amendments are not germane under the rules of the House and that they will have to be taken to a separate vote before the conference committee can consider them as a part of this legislation. This, I think, demonstrates my point that we are dealing with meritorious programs but on the wrong vehicle.

Now, I know why we are dealing with them on this vehicle. This has a deadline. If we do not pass this bill within a week after July 1, the Secretary of the Treasury is going to have to say to those who are expecting Federal checks, "I am very sorry, but I have no money, and I cannot pay."

It always disturbs me to legislate in this atmosphere of holding the credit of the Government hostage to some program which may be desirable. It seems to me this is operating a little like the Mafia and holding a gun to the head of the President and saying, "This is something you cannot veto, so we are going to have fun and put on a lot of things which should not be here. For one reason or another, we want to get them through without taking the risk of full consideration by the Congress on all of the merits of the particular proposals and all the risks we create when we do that."

The committee amendments also deal with a spending ceiling for 1974 and impoundment procedures. The spending ceiling is set at $268.7 billion. This provision gives the President the ceiling at the level he asked for in January, but with larger social security spending than he asked for and under conditions he would prefer not to have. Earlier this year, the Senate twice passed spending limits of $268 billion. The Finance Committee added $700 million to the ceiling, because it has provided in this bill as much as $1.4 billion in additional outlays in fiscal year 1974. The higher ceiling obviously is intended to make it easier for the President to accommodate these mandatory outlays.

However, this section of the bill also instructs the President how to make his adjustments. The limitation is not to apply to the funds available for interest payments, veterans benefits and services, social insurance trust fund payments, public assistance maintenance grants and supplemental security income payments under the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries. The remaining budget outlays, about 53 percent of the total, are to be reduced on a pro rata basis among the functional categories described in the budget document.

This returns us to the situation we faced last October, when it became obvious, at least to the Senator from Utah, that we cannot say to the President, "If you are going to make a cut anywhere, you must cut exactly the same in every part of your budget, even after you have excepted a few." A business cannot be run that way. A government cannot be run that way. It is interesting that that idea finally had to be rejected and has now come back, through this particular bill, and it must be rejected again. To find it in a bill that the President cannot veto is, I think, a little bit irresponsible.

It is fine that the Senate indicates to the President how he should adjust priorities while reducing Government spending, if the procedure it provided were feasible. However, there is an element of self-deception in the instruction to apply the reductions on an equal percentage basis among a diverse collection of spending categories. Some of them are as uncontrollable as the exceptions listed in the bill. This is true, for example, of general revenue sharing, farm price supports, various housing payments, the Postal Service, and Federal civilian employee retirement programs. Outlay estimates for these come to about $14 billion. In addition, there is about $45 billion of expected spending that is attributable to outstanding contractual and other obligations for various national defense and civilian programs. It would be just as difficult for the administration to reduce these outlays as it would be with respect to the programs already excluded from the ceiling.

The purpose of the impoundment control procedure is to enable Congress to review impoundments of budget authority made by the executive branch. The Congress, after the review, would have an opportunity to approve or disapprove of each impoundment action, in whole or in part, by a concurrent resolution. Such action would be required only if the impoundment does not conform with the Comptroller General's notion of what constitutes existing law.

Mr. President, I do not believe that we want to let the Comptroller General decide what Congress should or should not do. He is a creature of the Congress, and he should not have veto power over our action. I do not believe this legislation is desirable.

I say this especially since Congress has available and is currently considering a much more desirable alternative. I refer to the procedure for budget control that was recommended in the final report, issued on April 18, by the Joint Study Committee on Budget Control. These recommendations outline a procedure that calls for Congress to establish a budget committee in each House which would review the President's budget recommendations, consider all other recommendations presented to it in public hearing and written communication, and recommend to Congress appropriate totals for budget outlays and allocations within the totals among the major spending categories. The allocations and the action by Congress on the concurrent resolution would provide Congress with the opportunity to establish its own priorities in the budget, if its views differ from those of the President.

It seems to me that the Congress would be much better advised to devote its energies with respect to this area to the proposed budget control procedure and to refine it in such a way that it can become effective as soon as possible. Once it is established, Congress should have little difficulty in governing the level of spending and receipts and making its own statement of national spending priorities. This seems to be the most sensible place to direct congressional energies on this important subject.

At this point, I would like to observe that there are a number of impoundment proposals floating around in various legislative stages. I am a member of another committee which is involved in a conference, because the bill in conference has an impoundment proposal in it. The leaders of the House have their own impoundment proposal, and they will not allow the impoundment proposal that came to the House from the Senate be considered until they have a chance to act on their own measure.

I am surprised and think it was unwise to add another impoundment proposal to the bill. I think that the wisest legislative course that the Senate can take on this bill before us is to strip it of all the committee amendments and pass the bill in the form it came to the Senate from the House of Representatives.

As I said earlier, my information is that the Parliamentarian in the House of Representatives said that he must rule that adding social security amendments to this bill will not be germane, and that they, therefore, cannot be considered by the conference without floor action first.

I realize that there are still other amendments beyond those that the committee adopted which are going to be offered to the bill. There are perhaps 8 or 10 of them. I think they would be less germane than the ones the committee proposed, because I would expect that some of them, at least, would be outside the jurisdiction of the committee.

I have stated my position. We are up against a deadline. I think it is bad legislation to put a gun at the head of the President and say, "Here are a lot of things we want, that you don't want; but because you cannot, apparently, veto this bill, we are going to force you to take legislation that should probably be passed through the normal legislative process—be carefully weighed in hearings, be carefully studied, and then be treated in the area in which it belongs—rather than be used as a device for collecting ransom, if you please, from the country's needs, with the Secretary not being in a position to pay the country's bills after next Saturday night."

I yield the floor.

SUPPORT FOR SOCIAL SECURITY INCREASE

Mr. CHURCH. Mr. President, as chairman of the Senate Committee on Aging, I wish to register my strong support for the 5.6-percent increase in social security benefits.

First, however, I wish to commend the Senator from Louisiana (Mr. LONG) for his leadership in incorporating this urgently needed provision in H.R. 8410.

This action becomes all the more compelling in my judgment, because rising prices have severely eroded the elderly's purchasing power. Inflation has become so critical now that the elderly cannot afford to wait until January 1975—the first effective date for cost-of-living adjustments under existing law.

In the last year alone, the Consumer Price Index has jumped by an alarming 5.6 percent. All age groups have felt the impact in one form or another. But older Americans have been especially hard hit because some of the steepest increases have been in categories which affect them the most.

For example, food costs at home have jumped by 14.5 percent during the past year—and most of that increase has come in recent months. This staggering raise has been especially severe for the elderly because about 27 percent of their income is spent on food, in contrast to approximately 16 percent for all Americans.

Another example would be housing and maintenance repairs which have risen by 6.9 percent in the last year. Here again, older Americans have been especially hard pressed because almost 70 percent own their homes.

During the past few months, the Senate Committee on Aging has conducted hearings on "Future Directions in Social Security" and "Barriers to Health Care for Older Americans." These hearings have also provided powerful and persuasive arguments to justify a social security increase before 1975.

For these reasons, I recently joined the Senator from Connecticut (Mr. RIBICOFF) in sponsoring S. 2025 which would move up the effective date from January 1975 to January 1974 for social security cost-of-living adjustments.

By providing a 5.6-percent increase effective in January 1974, the Senate Finance Committee has incorporated the basic thrust of our proposal. Moreover, under the Finance Committee proposal, it would also be possible for the elderly to receive another cost-of-living adjustment in January 1975. This action is also consistent with the goal of Public Law 92-336, which was to make social security benefits inflation proof for older Americans.

In terms of dollars and cents, this measure would raise average monthly benefits for:

Retired workers from $166 to $176; aged couples from $277 to $293; and elderly widows from $158 to $167.

Additionally, maximum benefits for retired workers would be boosted from $266 to $290 a month. And in the case of an elderly couple, maximum monthly benefits would be increased from $399 to $435.

Moreover, this legislation would remove an estimated 400,000 Americans from the poverty rolls, and without the necessity of resorting to welfare. Of this total, about 300,000 are projected to be age 65 or older.

SUPPLEMENTARY SECURITY INCOME PROGRAM

Mr. President, I am also pleased that the Finance Committee has included a provision to help the low-income elderly.

This measure would raise the income standards under the supplemental security income program, which will replace aid for the aged, blind, and disabled in 1974. Under the Finance Committee proposal, the monthly income standards would be raised from $130 to $140 for elderly single persons, and from $195 to $210 for aged couples.

Without these increases, the effect of the social security raise would be canceled out for many of the aged poor because their SSI payments would be reduced by the amount of the social security increase.

The Finance Committee's proposal certainly represents a step in the right direction. However, we must be mindful of this basic fact of life: Despite these proposed increases, the income standards under the SSI program will still be below the poverty thresholds.

Consequently, I wish to announce my intention to introduce legislation in the near future to eliminate poverty entirely for the elderly.

Mr. President, I urge the adoption of the Finance Committee amendments to H.R. 8410, and I am hopeful that these measures will be approved by the House.

Mr. EAGLETON. Mr. President, I want to express my support for the package of constructive and responsible amendments added to the debt ceiling bill by the Committee on Finance which are designed to protect the income of social security beneficiaries and supplementary security income recipients.

SOCIAL SECURITY COST-OF-LIVING INCREASE

As a cosponsor of the bill introduced last week by the Senator from Connecticut (Mr. RIBICOFF), I am particularly pleased that the committee has authorized a cost-of-living increase for social security beneficiaries in January 1974.

Under the law passed by Congress last year, annual cost-of-living benefit adjustments are authorized whenever the Consumer Price Index has risen by at least 3 percent during the preceding year. However, this law delays the first such increase until January 1975.

In view of recent increases in the cost of living, I do not believe we should expect social security recipients who live on fixed and, more often than not, inadequate incomes to wait until January 1975 for a benefit adjustment.

Since the beginning of this year, the Consumer Price Index has risen at an annual rate of more than 9 percent. And leading the price increases have been two items which take the largest shares of the budget of the average older person—food and shelter.

If we do not take action to amend this law, not only will the elderly have to wait until January 1975 for an increase, but that increase will not even cover the dramatic price increases that have occurred during the first half of this year.

The amendment in this bill provides for a cost-of-living increase effective January 1, 1974, to cover the increase in the Consumer Price Index between June 1972 and June 1973. It is estimated that this increase will be about 5.6 percent.

With this increase the minimum social security benefit will be raised from $84.50 to $89.30, the average benefit for a retired worker will go from $161 to $170, the average benefit for an aged couple will be increased from $277 to $293, and the average benefit for an aged widow will be raised from $158 to $167.

Social security beneficiaries deserve to have this increase next January, and I commend the committee for the action it has taken.

SUPPLEMENTARY SECURITY INCOME INCREASE

I also support the amendment contained in this bill to increase the initial assistance levels under the program of supplemental security income for the aged, blind, and disabled to become effective next January. Assistance for a single person with no other income would be increased from $130 to $140 per month. Assistance for a couple with no other income would be increased from $195 to $210.

This amendment is important for two reasons. First, an adjustment in SSI assistance levels is necessary if the majority of SSI recipients who also have social security benefits are to benefit from the cost-of-living increase next January.

Second, those SSI recipients who have no other source of income and, therefore, are among the most needy of our aged, blind, and disabled citizens also desperately need this increased income to enable them to cope with inflation.

STATE SUPPLEMENTATION

A third amendment to the bill would require all of the States to maintain the assistance levels of their current aged, blind, and disabled public assistance recipients during calendar 1974.

In my testimony before the Senate Finance Committee in February 1972, I urged that legislation establishing the SSI program include a provision "grandfathering" in all current recipients so that no person would suffer a loss of income. At that time I said:

> I believe that no aged, blind, or disabled person who now relies upon public assistance should be subjected to uncertainties and anxieties about what will happen to that assistance either at the time of the transition to the new program or at some time in the future when a state government may change its policy.

Unfortunately, in the last few months many aged, blind, and disabled persons, and others interested in their welfare, have been faced with uncertainties about what actions States would take to supplement the SSI payment.

With the enactment of the provision included in this bill, and with the recent action of the Senate and the anticipated action by the House to restore the eligibility of SSI recipients for food assistance, we will guarantee that many aged, blind, and disabled persons will receive more assistance next year and that no aged, blind, or disabled person will receive less.

In this regard, Mr. President, I can report that the State of Missouri has already taken the action required by this amendment. The legislature recently enacted legislation authorizing such supplementary payments as may be necessary to guarantee that no aged, blind, or disabled person on the public assistance rolls in December 1973 will suffer a reduction in income under SSI. In addition, the legislature has authorized special payments to those SSI recipients who may require domiciliary or practical nursing care in the future.

Missouri has taken this action without any legal requirement that it do so. Moreover, it has taken this action without the guarantee of a single penny of fiscal relief, since supplementary payments made by Missouri are not protected by the "hold harmless" provision of Public Law 92–603.

The supplementary program enacted by the Missouri Legislature has been expected to cost the State approximately the amount it is now spending for assistance to the aged, blind, and disabled. With the increase in SSI payments provided for in this bill, some of that amount will be freed to meet the additional costs to the State for medicaid which will inevitably result from the implementation of the SSI program.

The amendment approved by the committee will require all States to do what Missouri has done voluntarily, and I support that amendment.

SOCIAL SERVICES

Finally, Mr. President, I support the committee amendment which delays the effective date of the new social services regulations until January 1, 1974.

Without this amendment, several programs in Missouri, including social service centers in three St. Louis public housing projects and services for the residents of the St. Louis and Kansas City model cities areas, would be placed in jeopardy on June 30. Summer camping programs for ADC children, in which considerable funds have already been invested, would have to be canceled.

In addition to preventing serious disruption of ongoing programs, this amendment will give the Congress time to consider legislative action that may be necessary to assure that the States can use their respective shares of the $2.5 billion ceiling set by Congress last year to provide a full range of social services to those persons who can derive the most benefit from them.

Mr. HARTKE. Mr. President, over the years I have on several occasions urged the Congress to take the lead in providing well-deserved increases in social security retirement benefits. As a member of the Senate Finance Committee, I have repeatedly proposed benefit increases both in committee and on the floor of the Senate because I believe that every older American has the right to live his life in dignity.

Senior citizens need money for food and clothing and for housing and medical care. The plain fact is that social security benefits today are not adequate to meet those needs. Older people are being forced to live lives of despair and desolation because the Government program which they depended upon—social security—the Government program to which they contributed a large portion of their hard-earned wages—has not provided them with decent retirement benefits.

Mr. President, it is because of my commitment to the well-being of the Nation's older citizens that I am particularly proud of the 5.5-percent increase in social security retirement benefits which is in the bill before us today. Without this increase, senior citizens would have to wait until 1975 to get any relief from the skyrocketing rise in the cost of living.

With the proposal before the Senate today, every person eligible for social security benefits will receive a 5.5-percent increase in his monthly check beginning in January 1974. That means an additional $2¾ billion in social security benefits in 1974 alone—$2¾ billion which older Americans will have to spend on the things they need.

Just as I have pointed out in the past, this increase can be accomplished out of surpluses in the social security trust fund. We do not need to raise the tax rate paid by the current working generation in order to pay for these new benefits to retired workers.

Mr. President, this 5.5-percent increase is a meritorious boost in benefits which will help alleviate the plight faced by millions of older Americans. I do not believe that this increase in benefits will be the last voted by Congress. So long as older Americans continue to live in or near poverty, we will be obliged to raise their social security benefits to achieve economic justice for the elderly. I pledge to continue my fight for the rights of older Americans so that the day may not be distant when the dream of a life of dignity and meaning becomes a reality.

Mr. HELMS. Mr. President, I must regretfully vote against a 5.5 percent increase in social security benefits. Opposing increased social security benefits is not a popular political position to take, but I am convinced that it is the only honest position that I can take. Unfortunately, too much politics has entered into the whole question of social security benefits in the last few years.

With the adoption of the increase in benefits provided in this bill, social security benefits will have increased by 45 percent since January 1, 1970.

I recognize that senior citizens on social security and widows and other dependents receiving social security benefits in many cases need additional financial assistance, but to a large extent, their social security payments are becoming inadequate because of the erosion in the purchasing power of the dollar created by the inflation which has eaten away at our economy in recent years.

Increasing social security payments does not give the recipient of social security benefits more purchasing power; it merely gives him more money with less value. This increase in social security benefits will result in approximately $1.3 billion in additional funds being spent for social security benefits next year. This additional money will surely fuel the fires of inflationary pressures in our economy, rather than reduce them.

Turning to the other side of the social security coin, there are far more people paying into the social security trust fund than there are beneficiaries being paid from the fund. Social security was, in the beginning, intended to be a sound insurance program with the Government administering it as trustee. There is a duty to provide equitable treatment, not only for those now collecting benefits under social security, but also for those who stand as future beneficiaries of the program. I believe the program was intended to accumulate a reserve equal to the amount necessary for the payment of 1 year's benefits. Following the 20-percent increase in social security benefits enacted by Congress last year, that reserve has dwindled to roughly an 8-month reserve. This increase in benefits will increase the difficulty now being faced in trying to provide a full year's reserves. It is important that reserves be maintained at their full level because revenues received by the fund are vulnerable to any sharp fluctuation in national employment. If this country faced a recession with widespread unemployment, those entitled to benefits under social security would not be reduced, but the amount of social security tax paid into the fund would be severely reduced, thereby threatening the financial soundness of the entire social security system.

Finally, Mr. President, I am not as willing as some of my colleagues apparently are to believe that we can continually increase benefits without having either to increase the rate of social security tax or increase the base on which that tax is assessed. In either case, such an increase would be a most unfair imposition upon the working men and women of America who are paying to support this social security program.

Since social security tax is really a regressive tax imposed on gross taxable income and not on net income, I cannot justify a vote to increase benefits at this time which will surely sow the seeds for yet another increase in the social security withholding tax. I believe that the most forthright and productive thing that I can do for both present and future recipients of social security is to vote here in the Senate to cut back on Federal spending which will reverse the inflationary pressures operating today in our economy.

Mr. LONG. Mr. President, the Watergate hearings will be going on during the remainder of the day, and Senators will be listening to them during this debate. Senators will realize that it is not necessary to debate this amendment at length, since I do not think it will change many votes. Therefore, I suggest that we proceed to vote on the first part of the Committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the first part of the committee amendment, on page 3, line 9, through page 5, line 14. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that if present and voting, the Senator from Iowa (Mr. CLARK), the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the

Senator from Arizona (Mr. GOLDWATER) is detained on official business.

The Senator from Tennessee (Mr. BROCK) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The result was announced—yeas 86, nays 7, as follows:

[No. 239 Leg.]

YEAS—86

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gravel
Griffin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Hughes
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—7

Bennett
Curtis
Fannin
Hansen
Helms
Thurmond
Tower

NOT VOTING—7

Biden
Brock
Clark
Goldwater
Humphrey
Packwood
Stennis

So the first part of the committee amendment, consisting of page 3, line 9, through page 5, line 14, was agreed to.

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request.

Mr. GRIFFIN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Montana will suspend until order is restored.

The Senator may proceed.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be 2 hours on the bill, an hour on each amendment, 30 minutes on amendments to amendments, with the times to be equally divided so far as amendments are concerned between the sponsor and the manager of the bill; with the 2 hours on the bill to be under the control of the manager of the bill and the minority leader or whomever he may designate. That is in this unanimous-consent request, if it is agreed to, the distinguished Senator from New York (Mr. JAVITS) be allowed 40 minutes and the manager of the bill 20 minutes, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) to be allowed 1 hour.

Mr. JAVITS. Mr. President, reserving the right to object, I wish to preserve my amendment free of the germaneness rule.

Mr. MANSFIELD. That is understood. I am not asking for it in the usual form.

Mr. CHURCH. Reserving the right to object, I have two amendments I intend to offer to the bill, and I would like to ask whether germaneness is a part——

Mr. LONG. There is no germaneness requirement.

Mr. CHURCH. There is no germaneness. That is not the basis for restricting the amendments.

Mr. JAVITS. I do not quite get that. The distinguished majority leader said that he was asking for it in the usual form.

Mr. MANSFIELD. No. Not in the usual form.

Mr. JAVITS. I beg the Senator's pardon. I understand now.

Mr. TOWER. Mr. President, reserving the right to object, could part of the agreement be that the rule of germaneness apply to any amendments that are filed subsequent to this time, so that those now at the desk would not be caught by the rule but would bear upon any future nongermane amendments being filed?

Mr. HARRY F. BYRD, JR. Mr. President, I would object to that.

Mr. GRIFFIN. Mr. President, reserving the right to object, then would it be possible to have some notice go out that any nongermane amendments that a Senator would intend to offer should be filed at the desk within the next hour, as I would personally, and I think most Senators would, like to have an agreement of some kind in connection with this bill, because it would be useful, but it would also be important that if we are going to agree to vote on an hour certain, we have some idea of what we are agreeing to vote on.

Mr. LONG. Mr. President, I would hope we would not have a vote on any tax amendments to the bill, but there are some printed at the desk, so we will have to face them if they are called up. I hope that we will not accept any tax amendments. I will oppose any such tax amendments as are proposed to be added to the bill. But we have to face the fact that it is the right of any Senator to offer any tax amendment to the bill. So, as much as I regret to say it to the Senator, Senators can offer anything to the bill except a constitutional amendment. That is in the rules of the Senate. We cannot deny Senators the right to offer amendments to the bill and to entertain a vote on them. But if there is something a Senator does not want to vote on, I believe the Senator from Michigan knows that he can continue to offer amendments to amendments to amendments, ad infinitum.

Mr. MANSFIELD. I believe this is a reasonable request, the 1 hour.

Mr. GRIFFIN. The reason we are going to have a unanimous-consent agreement here, obviously, is that if anyone objects, we cannot have it and——

Mr. MANSFIELD. I think this is a reasonable suggestion—within 1 hour.

Mr. LONG. If someone wants to file a nongermane amendment he would have to file it within 1 hour; is that not correct?

Mr. MANSFIELD. That is right.

Mr. HARTKE. Mr. President, reserving the right to object, could we have the unanimous-consent request restated?

Mr. MANSFIELD. All right.

The PRESIDING OFFICER (Mr. DOMENICI). Will the Senator suspend? Could we have order in the Senate? The Senate will be in order.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending business there be a 2-hour limitation on the bill, to be under the control of the distinguished manager of the bill, the Senator from Louisiana (Mr. LONG), and the distinguished minority leader or whomever he may designate; that on all amendments there be a time limitation of 1 hour, to be equally divided between the manager of the bill and the sponsor of the amendment; that on all amendments there be one-half hour, with the same division of the time to occur; that there be 1 hour allocated to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.); that amendments up to 1 hour from now which are not germane will be acceptable within the realm of this——

Mr. BENNETT. Do not forget Senator JAVITS.

Mr. MANSFIELD. Yes, and that the amendment offered by the distinguished Senator from New York (Mr. JAVITS), on that 1 hour limitation, he have 40 minutes and the manager of the bill 20 minutes.

Mr. HARTKE. Mr. President, may I ask, regarding the nongermane amendments, they must be filed within 1 hour and be at the desk by that time—5 minutes after 3?

Mr. MANSFIELD. If this unanimous-consent request is agreed to, yes, at the time of its acceptance.

Mr. CASE. Mr. President, what would be the effect of this on amendments to amendments insofar as germaneness goes?

Mr. MANSFIELD. It would be my belief that it would have to be germane to the amendment pending.

Mr. CASE. Anything to be offered—that if an amendment or substitute for an amendment is to be acceptable, though not germane, it would have to be among those at the desk before the hour expired?

Mr. MANSFIELD. That is correct.

Mr. JAVITS. Mr. President, is it understood, too, that modifications which the mover himself wishes to make to his own amendment may be made within the context of that amendment?

Mr. MANSFIELD. Certainly.

The PRESIDING OFFICER (Mr. DOMENICI). Would the Senator from Montana clarify the situation on committee amendments? Is it intended that there be 1 hour on each divided into three parts?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. TOWER. Mr. President, reserving the right to object, let me point out that all the amendments we now know of would be amendments within the jurisdiction of about half the committees of the Senate. It therefore occurs to me that within the next hour we might get even more unrelated stuff, so that we might need some time allotted to committee chairmen, or to committee counsel, those affected by this. I wonder whether we could not have the time agreement put into effect after such time or at such time as all the nongermane amendments have been filed?

Mr. MANSFIELD. The Senator is just as much aware as the leadership is of what we are confronted with for the remainder of this week, and maybe next week. I would urge the Senator from Texas to be a little forbearing and give us a chance, if possible, to operate on this basis. A Senator can always move to table anything which he thinks is out of place or is brought up too hurriedly.

Mr. TOWER. I will accede to the leadership's wishes.

Mr. MANSFIELD. I would appreciate it.

Mr. TOWER. But I am concerned that we have a real Christmas tree here.

Mr. GRIFFIN. Mr. President, reserving the right to object. I wonder whether the distinguished majority leader would consider the possibility of having 4 hours on the bill, with the understanding that the minority leader or the committee chairman would allocate from that time to any amendment, if necessary, and that would provide a little bit of a safety valve.

Mr. MANSFIELD. That would be fine. Would the distinguished minority leader consider the possibility of allocating one of those 4 hours to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.), so that there would be 3 hours—we have an agreement on that 1 hour anyway——

Mr. GRIFFIN. Well, 3 hours is better than 2 hours.

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that on nondebatable motions or appeals, there be 20 minutes, to be equally divided, under the usual procedure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

The Chair would inquire, what was the agreement on the Senator from Michigan's suggestion?

Mr. GRIFFIN. As I understand it, 3 hours on the bill with the time to be equally divided, and that the time, of course, can be allocated in connection with debate on any amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. GRIFFIN. Is the situation now that, with the unanimous-consent request just agreed to, on any nongermane amendments not filed within 1 hour from now, they will not be eligible for consideration; is that correct?

The PRESIDING OFFICER. They would be subject to a point of order.

Mr. GRIFFIN. I thank the Chair.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Pamela Duffy of my staff may have the privilege of the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the second part of the committee amendment. Who yields time?

Mr. HARRY F. BYRD, JR., addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. I yield myself 15 minutes.

The PRESIDING OFFICER. On the bill?

Mr. HARRY F. BYRD, JR. I reserved 1 hour under the unanimous-consent agreement. I yield myself 15 minutes of that 1 hour.

Mr. President, once again I rise to express deep concern as to our Nation's financial condition. I realize that a majority of my colleagues do not share my concern. I realize that the executive branch of Government does not share my concern.

Nevertheless, if this inflation is to be brought under control, sooner or later Congress and the executive branch of Government must come to grips with the Government's own financial situation. It is a joint responsibility of the President and Congress.

Congress cannot say to the President, "You take care of it"; and the President cannot say to Congress, "It is up to you, and I am washing my hands of it."

If either group takes that view, we never will solve our problems. Unfortunately, I do not see much evidence that either Congress or the administration is serious about bringing the Government's financial condition under control.

Mr. President, during the 20-year period 1955 through 1974, the Government's Federal funds budget has been balanced only three times. Each of those three times was in the administration of President Eisenhower. The last fiscal year in which the Federal Government had a balanced budget was 1960. Since that time, the Federal funds deficit has varied from a low of $4.1 billion in 1961 to a high of $30 billion in 1971.

The disturbing aspect of these figures is that the deficits in recent years have become larger, not smaller.

During the 5-year period of fiscal 1970 through fiscal 1974, the accumulated Federal funds deficit will be $119 billion.

Let us put that in perspective. That $119 billion is 25 percent of the total national debt.

To state it another way, in the 5-year period ending June 30 of next year, 25 percent of the national debt of this country will have been accumulated during that short period. I think that is cause for alarm.

Speaking of the national debt, the interest cost to the taxpayers is $27.5 billion in the 1974 budget.

To put it another way, 17 cents of every personal and corporate income tax dollar goes for one purpose—to pay the interest on the Government's debt.

Mr. President, when the Secretary of the Treasury, Mr. Shultz, and the Director of the Office of Management and Budget, Mr. Ash, came before the Committee on Finance this past week to testify on this legislation, I put this question to both of them. First, to Mr. Shultz I said:

> Secretary Shultz, do you favor or oppose continued deficit spending on a Federal funds basis?

Secretary Shultz replied:

> Given the facts that we have large surpluses in the trust funds, then I think it would be a mistake to try to balance the budget on the Federal funds basis. What should be done, I think, depends upon the economic circumstances.

Mr. Ash, as the Director of the Office of Management and Budget, likewise stated that he did not favor a balance in the Federal funds budget.

To me, that is quite disturbing. If the chief fiscal officers of our Nation do not favor balancing the Government's budget, then I do not see much hope of a balanced budget being achieved.

I am particularly interested in Secretary Shultz' comment, because he said this:

> Given the fact that we have large surpluses in the trust funds, then I think it would be a mistake to balance the budget on a Federal funds basis.

The trust funds can be used only for a specific purpose. The surplus in the trust fund, now approximately $16 billion, is mainly from the social security taxes, payments made into the Treasury by the wage earners and by the employers for the specific purpose of paying social security benefits to our retired people. So this surplus cannot be used for the general operation of Government.

The only way we achieved a surplus in the trust funds was by Congress and the President, acting together, increasing the social security taxes. That brought about a temporary surplus. Because of that surplus, I supported, a little while ago, the cost-of-living increase for the social security beneficiaries. The money is already in the Treasury. It is already there. More than that, the Secretary of the Treasury says that so long as there is a surplus in the trust funds he does not favor balancing the Government's Federal funds budget.

To me, this latter assertion is very disturbing. We are not going to bring inflation under control until the Government gets its own spending under control. Yet, the highest officials in our Government make clear that they do not want to have a balance in our Federal funds budget.

I disagree with them. They may be right; I may be wrong; but I disagree with them. Both are able, fine men but more theoretical than realistic, it seems to me. What they think they can do is to handle the Government's finances as a spigot of water is turned off and on. Fine tuning, they call it. They themselves recommended an increase of $37 billion in the 2-year period fiscal 1973 and 1974 as compared to fiscal 1972.

Well, we have the highest inflation rate now than we have had in more than 20 years. We have the greatest budget deficits for the 5-year period ending next June 30 that we have ever had in the history of our Nation, with the exception of the 4-year period during World War II when we had 12 million Americans under arms and we were fighting a war in both Europe and in the Pacific.

We are floating in a sea of debt. The only way Congress and the administration will give concern to it is if the people themselves, the wage earners, the people who are suffering most from this inflation demand that we get Government spending under control.

William McChesney Martin one of the ablest financial experts in our country, in my judgment, testified before a subcommittee of the Committee on Finance that the major cause of the inflation we are experiencing today results from the continued huge deficits of the Federal Government. I certainly concur in Mr. Martin's appraisal.

Mr. PERCY. Mr. President, will my distinguished colleague, the Senator from Virginia, yield for a comment at this point?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from Illinois.

Mr. PERCY. I am happy to report to my colleague from Virginia that in questioning this morning, when Dr. Arthur Burns was before a Joint Economic Subcommittee, I put this question to him: In connection with stabilizing the dollar and restoring confidence in the dollar abroad, how important would it be to the world banking community and those in this country who are concerned about U.S. fiscal irresponsibility for Congress to invoke rigid procedures by which it would not appropriate moneys in any given fiscal year until it had imposed a ceiling on the budget, and not a ceiling made of rubber or elastic, whereby we must discipline ourselves and live within that budget? Dr. Burns said he could think of nothing more important to strengthen the dollar and restore confidence in the fiscal and monetary policies of this country than for Congress to do that, and it would be even more important for Congress to do that, than to have a ceiling simply imposed by the administration.

In 1968, when Senator John Williams of Delaware was a Member of the Senate we, the Senator from Virginia and the Senator from Illinois, put a ceiling on expenditures which ultimately gave us the first balanced budget in years, and the last since then.

In a Subcommittee on Government Operations chaired by the Senator from Montana (Mr. Metcalf), with the Senator from Ohio serving as the ranking Republican (Mr. Saxbe), we are working out a procedure by which Congress can maintain the discipline necessary for a responsible fiscal policy in this country.

I cannot think of anything more important than the reiteration of these principles, of fiscal responsibility which the Senator from Virginia has maintained ever since he has been in public life, to be once again enunciated today.

At long last, $73 billion later, we realize the ruinous effect on the economy, the country, low, fixed-income people, of the kind of irresponsible Federal spending that we in Congress participated in during the past decade or more.

I thank my distinguished colleague for his valued comments.

Mr. HARRY F. BYRD, JR. I thank the Senator from Illinois. He is so right and I am pleased that he brought to the Senate the comments of the Chairman of the Federal Reserve Board, Dr. Arthur Burns.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. HARRY F. BYRD, JR. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HARRY F. BYRD, JR. I think Dr. Burns is a man of unusual ability, a man in whom I have great confidence.

I wish to invite the attention of the Senator from Illinois to one figure he mentioned in connection with the balanced budget in 1969. Of course, he was speaking on a unified basis—namely using trust fund surplus—because the deficit in 1969 on a Federal funds basis was $5.5 billion. But that was reduced from the previous year of $28.4 billion, so it was going in the right direction. Now, unfortunately, we are going precisely in the wrong direction.

The Senator from Illinois mentioned the attitude of the foreign financial community. I have some figures before me showing reserve assets of the United States and also liquid liabilities to foreigners.

I notice that in 2 years and 3 months, from December 31, 1970, to March 31, 1973, our liquid liabilities to foreigners has almost doubled; namely, from $47 billion at the end of 1970, to $91 billion on March 31, 1973. That is another indication of the Government's very seriously deteriorating financial situation.

I put a number of questions to the Budget Director and to the Secretary of the Treasury when they appeared before the Committee on Finance last week. At the appropriate time I will insert in the Record some of those statements.

Mr. President, we cannot continue to go into major new programs and not expect to wind up with a smashing deficit. Just last year the administration recommended and Congress approved taking $30 billion over a 5-year period and turning it over to the 50 States and 38,000 different communities, the so-called revenue-sharing proposal. I contended at the time there is no revenue to share. The Federal Government only has deficits.

Just the year before that the administration proposed and the Congress approved a reduction in taxes of $14 billion a year, at a time when we were running a deficit of $30 billion. To me that seemed not too wise. It further accentuated the severe financial situation.

Now, we are coming up with a new program of aid to North Vietnam at a time when we are running a budget deficit of $30 billion. How foolish can we get? Where is all this going to stop?

I just want to suggest to the housewives of our Nation that when they go to the grocery store to buy groceries, one of the major reasons for the higher prices of these groceries is the continued smashing Government deficits. This huge continued spending by the Federal Government must be paid for in one of two ways or both; either by taking more money out of the pockets of the wage earners or by more inflation, namely higher prices.

And more inflation is an additional tax on the earnings of the people of our country.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HARRY F. BYRD, JR. I yield myself 2 additional minutes.

Mr. President, at this point I ask unanimous consent to insert in the Record some questions which I put to the Secretary of the Treasury, Mr. George Shultz, and to the Director of the Office of Management and Budget, Mr. Roy Ash. Following that, I ask unanimous consent to have inserted in the Record three tables which I have prepared, showing the financial condition of the Treasury over a period of time.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Chairman. Mr. Byrd?

Senator Byrd. Thank you, Mr. Chairman.

Mr. Ash, am I correct in this assertion: the Administration recommended an increase of $18 billion in the federal budget for fiscal year 1973 as compared to 1972?

Mr. Ash. The numbers are approximately $232 billion for fiscal '72 and $250 billion for '73, so that is $18 billion.

Senator Byrd. Am I correct that the Administration recommended an increase of $19 billion for fiscal 1974 versus 1973, namely, from $250 billion to $269 billion?

Mr. Ash. Yes, sir, that is correct.

Senator Byrd. So, if the expenditures are held to those figures, still it represents an increase in spending during that two-year period of $37 billion?

Mr. Ash. An annual spending rate increase, that is certainly right.

Senator Byrd. And that increase, which was recommended by the Bureau of the and by the Administration, the last one represents an increase of, roughly, 8½ percent, I believe?

Mr. Ash. That is about the right percentage number. I might indicate here a matter that was set forth in the budget submitted earlier this year, that we are running at current times under a condition where approximately 75 percent of the federal budget is considered relatively uncontrollable; that is, matters such as Social Security—which we have earlier discussed—and others like that.

So, when one speaks of the Administration's recommendations, I want to make clear that this is not all discretionary type decisions or recommendations and that three-fourths of the amount is pretty well already built in by earlier decisions of the Administration and of the Congress and of legislation itself.

Senator Byrd. Well, without debating that point, the fact that I want to establish—and if I am in error let me know—the fact I want to establish is that athe Administration recommended an increase of $18 billion for fiscal '73 versus 1972, and the Administration recommended an increase of $19 billion for fiscal '74 versus '73.

Mr. Ash. That is correct and, of course, the question of the Social Security which is involved in the unified budget proposal, let's deal only with what the debt limit is concerned with, namely, the federal funds budget.

Now, first, as I read the figures, for the 20-year period, 1955 through 1974, the federal funds budget has had a surplus only three times during those 20 years and they were the three years of President Eisenhower's Administration. We have not had a balanced budget or anything approaching a balanced budget since 1960.

Now, is this cause for alarm in your judgment?

Mr. Ash. Well, I will first answer and then suggest that Secretary Shultz may also wish to add to it. I think there have been times during the era that you have discussed, where there have been causes for alarm. I have in mind, particularly, those years 1966 through 1969, where not only was there a federal funds deficit of from $54 billion for that four-year period of time but there was, also, a full employment deficit of $43 billion, which, in effect, was a substantial contribution to inflation contributed to by that.

Senator Byrd. I am sorry you brought up the full employment budget. I didn't want to debate that. Could we not stick with the federal funds budget?

If it were not for the deficit in the federal funds budget, you would not be here today.

Mr. Ash. I believe Secretary Shultz's answer was, of course, the federal funds budget is part of the unified budget and contributes to whatever the budget's total is, but, yes, the debt relates to the federal funds budget particularly.

Senator Byrd. That is right. So if it were not a deficit in the federal funds budget, you would not be here today?

Mr. Ash. That is correct.

Senator Byrd. So why don't we, if we could—and you can answer any way you wish—but if we could, I would like to stick with the federal funds budget.

Mr. Ash. All right, sir, let's do that.

Senator Byrd. Now, since 1960, there has been a deficit in the federal funds budget from a low of $4.1 billion in 1961 to a high of $30 billion in 1971. So there has been a deficit every year since 1961.

My question to you is: Is that cause for alarm?

Mr. Ash. Well, I think that is certainly cause for concern. It is a matter, I am sure, we are giving considerable concern to in the Administration, as well as here. I think it is a cause for alarm only at times when the federal funds deficit is such that it, itself, contributes to inflation and I don't have to make reference to the full employment budget to identify those occasions, but when the federal funds deficit is employed deliberately as a tool to bring the economy up to its full scale of operations, then that is the proper time or proper occasion to encourage federal funds deficit, and that has been, of course, the fact of these last four years.

On the other hand, when the federal funds deficit adds to inflation, then I agree with you that it is a cause for considerable alarm.

Senator Byrd. Do you feel that these recent smashing deficits in the federal funds budget, which the government has been running at, do you feel that is a major cause for the inflation we have today?

Mr. Ash. I think that it is hard to identify all of the causes, but I think if one were to look at the use of the federal funds budget over the years, he would conclude that there has been much less contribution to inflation of the federal funds deficit in the last four years than there was in the four that preceded those. Those were the times when inflation was set loose by a large federal funds deficit.

These last four years, they have contributed much more to the development of our economy to its fullest utilization.

Senator Byrd. Since you brought up the past four years and you also brought up some previous years—and I would want your staff to check these figures—but the way I add them up, during the eight years of the Kennedy-Johnson Administration, the accumulated federal funds deficit was $86.1 billion. Now, during the four years of the present Administration, namely, 1971 through your projections for 1974, the accumulated federal funds deficit will be $105.9 billion compared with the deficit of $86.1 billion for the eight years of the Kennedy-Johnson Administrations.

Mr. Ash. My numbers agree with yours, sir.

Senator Byrd. You do not find that cause for concern?

Mr. Ash. Well, I think that deficits in the federal funds budgets are always matters of concern, but I think it is the circumstances under which those deficits are incurred that most of all must be kept in mind and those circumstances were substantially different in at least the second half of that eight-year period to which you referred, than they were in this most recent four-year period.

So that the numbers, as I see them, cannot be merely compared number to number; they have to each be related to the economic circumstances of the time. And in so relating them, I believe that, as I would see it, there is a greater concern for the second half of that eight-year period that you mentioned than I would have for the most recent four-year period, because of the environment, the economic environment, in which these different sets of deficit numbers were incurred.

Senator Byrd. Well, it is very interesting to get your philosophy. You were not in public life in the 1968 period. You may have been but——

Mr. Ash. No, I wasn't.

Senator Byrd. But I know that many in public life in 1968, particularly those who are part of the present Administration, and the Senator from Virginia, were very critical, entirely critical, of President Johnson's smashing deficit of $28.4 billion in '68. Let me put it this way: I thought it was a very shocking and very bad deficit and was leading to the inflation which we experienced. That was exactly the view taken by President Nixon in the campaign of 1968.

Now, we come to the next four years or the four years rather beginning in 1971, where we had a federal funds deficit of $30 billion. In 1972, we had a federal funds deficit of $29.2 billion; in 1973, we had a federal funds deficit or will have at the end of this year of $28 billion and you project next year a federal funds deficit of $19 billion. What I haven't been able to get through my mind—and I guess maybe I am not enough of an economist—or enough of a political partisan—is why it is so terrible to have a $28 billion deficit in 1968 under a Democratic President, but so fine to have $30 billion deficits in the subsequent years under a Republican President.

Mr. Ash. Well, maybe it is necessary we talk in terms of the full employment budget, Senator. I realize your reluctance to do so, but——

Senator Byrd. I have no reluctance to do so. I was just trying to keep out of an unnecessary argument.

Mr. Ash. I find it is a necessary means to explain my views on this particular matter, though. First, I certainly agree with you, Senator Byrd, in your view of '68. I then was a private taxpayer, but was one of those few taxpayers who was actively promoting a tax increase to deal with the issues as they then stood. It was obvious, at least to me, and I am sure to you, Senator, and many others, that that was a very inflationary circumstance and it was essential, as we saw it, to try to dampen the inflationary force that such a deficit had in that area. Unfortunately, it wasn't done. In this particular——

Senator Byrd. My time has expired but identify which years you are talking about?

Mr. Ash. I was talking about 1968, particularly, when this was a substantial contribution to inflation.

When we deal with the current year of '74, I think there is one very interesting matter to consider there and, that is, while it is true there is a federal funds deficit in fiscal '74, I think it is a very significant fact that federal funds transactions with the public in 1974, do have a surplus and——

Senator Byrd. Now, we are getting into another budgetary concept. I thought we were going to get into a new one next year, but apparently we are going to get to that before next year.

Anyway, my time has expired. We will get back to this again.

Secretary Shultz, do you favor or oppose continued deficit spending on a federal funds basis?

Secretary Shultz. Given the fact that we have large surpluses in the trust funds, then I think it would be a mistake to try to balance the budget on the federal funds basis, but what should be done, I think, depends upon the economic circumstances.

Senator Byrd. Do you consider the $16 billion surplus in the trust fund as a real surplus?

Secretary Shultz. Yes. I think that in judging the impact of the budget on the economy, we have to add all of the things up that the federal government does.

Senator Byrd. I understand that.

Secretary Shultz. Whether they are trust funds or otherwise, they must be added and taken into account and then see what the balance amounts to.

Senator Byrd. It is correct, is it not, that the trust funds can be used only for a specific purpose?

Secretary Shultz. That is correct.

Senator Byrd. Mr. Ash, do you favor or oppose a balanced budget on the federal funds basis?

Mr. Ash. I would certainly join in Secretary Shultz' statement that a balance coming from federal and trust funds, makes the best economic sense and that it would not be proper to have a balance on the federal funds unless, at the same time, there were simultaneous balance in the trust funds, so that the total unified budget would also be balanced.

Senator Byrd. I just wanted to establish the thinking of the two high people in our government.

I assume both of you would oppose any legislation which would require a balanced budget on the federal funds basis?

Secretary Shultz. Yes, sir. I can imagine circumstances where I would favor a balanced budget on the federal funds basis, that is, if the trust funds were operating at a deficit and the economy weren't operating at capacity, then I think it would be appropriate if we had a kind of circumstance, but it depends, in other words, on the circumstances.

Senator Byrd. Mr. Ash, does the continuing and, in my judgment, the accelerating inflation disturb you?

Mr. Ash. It disturbs me and I am sure it disturbs most everybody in the Administration. This is why actions have been taken and continue to be considered for dealing with that very problem.

Senator Byrd. How seriously do you view the inflationary spiral, Mr. Secretary?

Secretary Shultz. Oh, I think it is a problem of the first magnitude.

Senator Byrd. Do you regard the huge government deficits, as typified by the federal funds budget, as the major cause of the inflation?

Secretary **SHULTZ**. Well, I think that the large deficits at full employment in the last part of the '60's are what gave it its big boost.

This most recent outburst in the first quarter, I think, has some special characteristics associated with it, but I believe that the tightening of fiscal policy that is now going on is quite appropriate.

Senator **BYRD**. The federal funds deficit for '71 were $30 billion. The federal funds budget for '72 was $29.2 billion. The federal funds deficit for '73 is $27.9 billion; the federal funds deficit for the upcoming year, as projected by you, is at $18.8 billion. Do you regard that as being inflationary?

Secretary **SHULTZ**. Well, I think as we have discussed many times, that the federal funds surplus or deficit is not the right concept to use in judging the relationship of the federal budget to problems like economic expansion or inflation and that the unified budget is a more useful concept.

Senator **BYRD**. Well, is your answer to my question, yes, or no?

Secretary **SHULTZ**. Well, the answer to your question is that I think that the fiscal thrust provided by the federal government in the last couple of years was appropriate under the circumstances.

Senator **BYRD**. That really wasn't my question.

What I am trying to ask—

Secretary **SHULTZ**. But I think if your question is, could we curb inflation for sure by seeing to it that the economy operated with eight percent unemployment; the answer is, yes. You could control inflation that way but we don't want to.

Senator **BYRD**. That is not my question at all, and you know it is not my question.

I asked what I thought was a reasonable question. My question is, in 1971 we had a $30 billion deficit; in 1972 we had a 29.2 billion deficit; in 1973 we had a $27.9 deficit; and you project a $18.8 billion deficit for the upcoming year.

My question is: Do you regard that as being inflationary?

Secretary **SHULTZ**. I feel there is little doubt that we would have a lesser rate of inflation today if we had a balance, if we had had a balance in the federal funds budget during those years. I think I should add; I also believe we would have a lot less jobs, a lot less production, a lot less of other things that we want.

Senator **BYRD**. For the fiscal years 1970 through 1974, the accumulated federal funds deficit will be $119 billion and that is precisely 25 percent of your projected national debt, the total national debt. Now, does the fact that we have accumulated 25 percent of the total national debt in just five years disturb you?

Secretary **SHULTZ**. I would certainly have preferred that the economy maintain itself on a steady path of growth at full employment, with a balanced budget on the unified basis.

So, in a sense, it hasn't done that; yes, it disturbs me and I wish somehow or other it had been possible to do it otherwise.

However, I think that with the economy operating below capacity, we should have the courage to use federal fiscal policy as a tool in expanding the economy and not be afraid of it.

Senator **BYRD**. Well, if by that you mean creating huge deficits, you have certainly accomplished that; no question about that . . .

Senator **BYRD**. You had a deficit of $28 billion following your own figures; which is to say, that your own recommendations—and not what the Congress did, regardless of what the Congress did—but your own figures, your own budget recommendations projected a federal funds deficit of $28 billion; is that not correct?

Secretary **SHULTZ**. Correct.

Senator **BYRD**. And your own budget figures, assuming that Congress doesn't appropriate one dollar more than you advocate, still will mean a deficit of $19 billion in the upcoming year?

Secretary **SHULTZ**. Correct.

[In billions of dollars]

	Fiscal year—						
	1968	1969	1970	1971	1972	[1] 1973	[1] 1974
RECEIPTS							
Individual income taxes	69.0	87.0	90.0	86.0	95.0	101.0	115.0
Corporate income taxes	29.0	37.0	33.0	27.0	32.0	36.0	40.0
Total	98.0	124.0	123.0	113.0	126.0	137.0	155.0
Excise taxes (excluding highway)	10.0	11.0	10.3	10.5	9.1	11.9	13.2
Estate and gift	3.0	3.5	3.6	3.7	5.2	5.0	5.4
Customs	2.0	2.3	2.4	2.6	3.2	3.2	3.5
Miscellaneous	2.5	3.0	3.4	3.9	3.5	3.9	3.9
Total Federal fund receipts	116.0	143.0	143.0	134.0	149.0	161.0	181.0
Trust funds (social security retirement, highway)	38.0	44.0	51.0	54.0	60.0	71.0	85.0
Total	154.0	188.0	194.0	188.0	209.0	232.0	266.0
EXPENDITURES							
Federal funds	143.0	149.0	156.0	164.0	178.0	189.0	200.0
Trust funds	36.0	36.0	40.0	48.0	54.0	61.0	69.0
Total	179.0	185.0	196.0	212.0	232.0	250.0	269.0
Unified budget: surplus (+) or deficit (−)	−25.0	+3.1	−2.0	−24.0	−23.0	−18.0	−3.0
Federal funds deficit	−27.0	−6.0	−13.0	−30.0	−29.0	−28.0	−19.0

[1] Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr. of Virginia.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955–74 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	11.0
1965	90.9	94.8	−3.9	11.8
1966	101.4	106.5	−5.1	12.6
1967	111.8	126.8	−15.0	14.2
1968	114.7	143.1	−28.4	15.6
1969	143.3	148.8	−5.5	17.7
1970	143.2	156.3	−13.1	20.0
1971	133.7	163.7	−30.0	21.6
1972	148.8	178.0	−29.2	22.5
1973 [1]	160.9	188.8	−27.9	24.2
1974 [1]	181.0	199.8	−18.8	27.5
20-year total	2,055.8	2,273.2	217.4	273.4

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

Note: Prepared by Senator Harry F. Byrd, Jr. of Virginia.

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	47.0
Dec. 31, 1971	10.2	12.2	67.8
Dec. 31, 1972	10.5	13.2	82.9
Mar. 31, 1973	10.5	12.9	90.9

Note: Prepared by Senator Harry, F. Byrd, Jr., of Virginia, June 1973.

Source: U.S. Treasury Department.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I ask unanimous consent that the yeas and nays be ordered on the next portion of the committee amendment.

The yeas and nays were ordered.

Mr. LONG. Mr. President, this amendment has been explained before. Its major provision would provide slightly more than a cost-of-living increase for those aged, blind, and disabled who will rely upon the supplemental security income program which will entirely replace, in many States, the welfare program for the aged, blind, and disabled, and in the rest of States largely replace it.

Without this amendment, a substantial majority of the more than 5 million aged, blind, and disabled people, receiving SSI payments, those who are also social security beneficiaries, would find their SSI check reduced by the same amount by which they would receive an increase in their social security income. That is, for every dollar of increase they would receive in social security, there would be a reduction in their supplemental security income.

I am sure no one intends that sort of result.

There is another committee provision that is just as compelling, the one protecting the so-called essential persons, who, for the most part, are wives below the age of 65 whose husbands over 65 are welfare recipients. These couples would actually have a cut in their income, come January 1, unless we enact this provision to correct the oversight that existed in H.R. 1.

A similar oversight exists with regard to those medically needy persons who are currently regarded as being disabled under State programs, but who will not be regarded as being disabled under the definitions in the Federal program, and who will thus lose their medicaid eligibility when the Federal SSI program come next January displaces the State program of aid to the aged, blind, and disabled.

To correct two important oversights in H.R. 1, as well as to insure that the beneficiaries of the Federal substitute for the State welfare program, the SSI program, would share in the social security cost-of-living increase, it is necessary that this part of the committee amendment be agreed to.

I am prepared to yield back the remainder of my time.

Mr. BENNETT. Mr. President, I shall take just a moment. I agree with the need for this legislation, and I think the solution worked out by the committee is a good one, but I do not think this is the proper place to consider it.

For that reason, and that reason only, I shall vote against it, but I have no objection to getting to the vote, and I shall be glad to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I would like to commend the Finance Committee for the actions it has taken in this bill in the area of health.

The bill extends project grant authority under title V of the Social Security Act to fund maternal and child health services. Were it not for this provision, funds formerly awarded to individual projects for health services to mothers and children would be divided among the States on a basis of formula. This allocation process would result in many States receiving drastically fewer funds for the support of these services than they have received in the past. These States that would suffer reductions are those which have worked the hardest to implement projects in maternal and child health care. This bill extends the project authority until June 30, 1974, and modifies the formula that would be used to allocate the funds to the States commencing on that date to assure that no State, nor any of the individual health services projects involved is set back in their program by this allocation process.

This bill also makes changes in eligibility requirements under the medicaid program to assure that some spouses of aged, blind, or disabled Americans, or persons who are ineligible for cash assistance because they are inpatient institutions, and others continue to be eligible when the Federal supplemental security income program goes into effect in January of 1974. I congratulate the committee for their concern for these Americans who otherwise would have been lost in one of the gaps in our complex health and welfare programs, and suffered great personal loss as a result.

Finally, I am pleased that the committee has seen fit to repeal section 225 of Public Law 92-603, which would have limited Federal reimbursements to nursing homes to 105 percent of the prior year's level of payment. While the intent of this limitation was well meaning, its application to nursing homes alone during the current period of rapid inflation would have been inequitable and discriminatory. I support therefore the repeal of this limitation.

All of these items in the area of health are essential and urgent matters. I commend the Committee on Finance for including them as part of the debt limit bill.

Mr. PERCY. Mr. President, as chief cosponsor of S. 1543, I take this opportunity to commend the Finance Committee, especially Senator LONG, the committee chairman, and Senator MONDALE, the sponsor of S. 1543, for their fine efforts to incorporate in the bill an extension of the title V, social security maternal and child health project grant authority.

Although I have elaborated on the effectiveness and worth of these maternal and child health programs in my earlier statement when Senator MONDALE and I first introduced S. 1543, I would like to quote, at this time, from a comment made by Dr. Arthur Lesser, former Director of the Maternal Health and Child Care program at the Department of Health, Education, and Welfare, during a recent Nutrition Committee hearing on maternal, fetal, and infant nutrition. When asked to comment on how effective title V programs have been, Dr. Lesser replied:

> These programs have been effective in the reduction of infant mortality, particularly among low income infants. We see, in the last few years, for the first time, the beginning of the narrowing of the gap between the infant mortality of white infants and of black infants.

The extension of the project grant authority means that we will be able to continue the progress that we have made in maternal and child health. In Illinois, the extension means that the State will not lose 42 percent or $3.5 million of its maternal and child health funds. More important, it means that more than 180,000 pregnant mothers, infants, and children in Illinois will continue to receive proper care.

I firmly believe that this investment in maternal and child health is a worthwhile and necessary use of our resources. Let me again quote from testimony received by the Nutrition Committee during its recent hearings on maternal, fetal, and infant nutrition. Dr. Myron Winick, director of the Institute of Human Nutrition, Columbia University College of Physicians, testified:

> This problem (maternal and child health) is potentially more important than cancer or heart disease for it affects the quality of life from the cradle to the grave.

Mr. MATHIAS. Mr. President, I commend the distinguished chairman and the members of the Senate Finance Committee for approving a provision to the debt ceiling bill which will extend the authorization for project grants for the maternal and child health program until June 30, 1974. I intend to support this amendment today because it meets the purpose of S. 1543 which I cosponsored in April. But more importantly, the need for the extension of such special projects should be obvious.

The transition to formula grants on July 1, 1973, if we fail to pass this amendment, will adversely affect the ability of many States, including Maryland, to maintain the existing activities because of the sharp curtailment of Federal resources. In Baltimore, such substantial reduction may well force hundreds of pregnant women, mothers, and children to become dependent again on overcrowded emergency rooms and understaffed outpatient departments of city hospitals.

Wipe out these programs in Baltimore and we are back to the days of women delivering at the local hospitals who have had no prenatal care. Wipe out these programs and we are back to the days of thousands of newborn infants, preschool children and school-age youngsters from poor families who are left at the mercy of fragmented, episodic, and haphazard medical care. Wipe out these programs, and we can predict that the downward trend now apparent in the infant mortality rate, prematurity rate, hospitalization rate of preventive illnesses, mental retardation, and just about any other index of health the Congress would care to examine will sharply rise again in the poor communities.

There is no question about the cost effectiveness of these programs. As a matter of fact, Mr. President, this amendment will not even increase the President's budget. This amendment will, however, accomplish the following:

First, no State would be eligible for less funds after June 30, 1974, than the total amount allocated to a State in formula and project grants in fiscal year 1973, and, second, that States would be required to make appropriate arrangements for the continuation of services to the population in areas previously served under project grants. Under a special provision, in fiscal year 1974 a State would be authorized the greater of the total of fiscal year 1973 project and formula grants or the sum such State would have otherwise been entitled to if the project grants had not been extended during fiscal year 1974.

Mr. President, I urge all of my colleagues to support this amendment.

Mr. MONDALE. Mr. President, I would like at this time to urge my colleagues to adopt the Finance Committee's amendment to extend the authority of special projects for maternal and child health under title V of the Social Security Act.

In 1965, President Johnson's health message to the Congress expressed concern over the "great and growing need among our children for better health services." High priority was placed on meeting these needs and title V of the Social Security Act was modified so that special project grants would be made available for health services for children of school and preschool age, particularly in areas with concentrations of low-income families.

In 1967 Congress again reorganized title V of the Social Security Act to first, provide for formula grants to States for support of maternal and child health and crippled children's programs, and second, provide authority for special project grants whereby maternal and infant care and children and youth projects might be expanded and further supported.

The idea was to attack the problem on two fronts. First, general support in the form of formula grants was to be available to all States with a plan to meet maternal and child health needs. Beyond that, special project grants were to make it possible to direct additional financial resources to geographic areas where the needs were concentrated.

Throughout their history these special projects have had profound impact upon the populations they serve. They have led to a more effective and efficient utilization of health manpower; to more effective health services in the communities they serve; and to improved working relationships between health care programs which had traditionally failed to coordinate their activities.

Maternal and infant care projects have significantly contributed to the reduction of infant mortality. In Providence, Rhode Island, for example, the project area showed a reduction of infant mortality from 47.4 percent per 1 thousand live births in 1966 to 25.2 percent per 1 thousand in 1970.

Children and youth projects have provided preventive and comprehensive service contributing to education in the rate and duration of hospitalization. There has been a 50 percent decrease in the number of children served by the projects who need costly hospitalization.

Intensive care for newborn babies under this program has also had a profound impact. At the University of Tennesses, for example, the project reported a 25-percent reduction in mortality of premature babies in the first year of its operation.

In short, these health care projects not only produce new ideas but have been powerfully instrumental in bringing comprehensive health care of high quality to substantial numbers of mothers and children across the country. The projects did not replace former programs but instead were designed to serve a dire medical need and to fill a disastrous void in health care services for various populations.

Hundreds of thousands of women and children are receiving continuous and comprehensive care which otherwise would not be available. An invaluable service is being rendered and will cease June 30 if Congress does not act now.

For these reasons I urge my colleagues to vote for the extension provided by the Finance Committee amendment.

I ask unanimous consent to place in the Record at this time two letters indicating the support of these programs by the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the American Medical Association.

There being no objection, the letters were ordered to be printed in the Record, as follows:

American Academy of Pediatrics,
Evanston, Ill., June 18, 1973.
Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: S. 1543 provides a two year extension of the Special Project Grants under Title V of the Social Security Act (Maternal and Child Health). The American Academy of Pediatrics, gravely concerned over the general state of inadequate preparation for the transition from project grants to formula grants and the indications that existing projects are being closed and/or very significantly reduced in scope of services, wishes to commend S. 1543 (Mondale bill) for favorable consideration by the Finance Committee.

During the 92nd Congress, the Academy had recommended a five year extension of the Special Project Grants. A one year extension was granted, primarily at the exhortation of the Administration in order that it might review maternal and child health activities along with other health programs so that definitive recommendations could be made for future action. In March of this year representatives of the pediatric community met with White House officials to discuss the very serious problems being encountered with the proposed project expiration. Assurances were granted that alternatives would be sought to provide that projects would neither close nor be significantly reduced. Alternatives have not yet been proposed and in consequence thereof, thousands of pregnant women and young children face the termination of health care services within the next two weeks.

Existing programs will not be able to rely upon payments by recipients or third party reimbursement. Those covered by Medicaid receive many services not covered by Title XIX, which may only pay for inpatient care of some children. The recent (May 2, 1973) GAO report on "Implementation of a Policy of Self-Support by Neighborhood Health Centers" prepared for the Senate Labor and Public Welfare Committee discusses the numerous difficulties health projects encounter. Medically indigent families may be covered by neither Title XIX nor private insurance. Private insurance does not generally contain benefits which include payment for preventive, nutritional, health education and other such services provided by projects.

The Comptroller General's report to the Ways and Means Committee on Maternal and Child Health Programs (June 23, 1972) recommended that HEW should, among other things, consider a revision in the formula for distribution of Title V funds among states, to lessen the immediate impact of large reductions in funds on states having concentrations of low-income families. Proposals for revision have not been forthcoming.

Many states which appear to benefit by receiving a greater proportion of formula funds face serious difficulty in their ability to generate the required increase in state matching for Fund "A" monies. States have other pressing needs for money in maternal and child health programs, particularly in the Crippled Children's Program that has been operating under most difficult conditions during the past several years. Appended are notes on the impact of shortages of funds in many state Crippled Children's Programs which intensifies Title V inadequacies.

But, Title V Programs are effective. Maternity and Infant Care Projects have contributed to the reduction of infant mortality, the significance of which is appreciated when areas of large cities served by projects are compared to the remainder of the community. Children and Youth Projects have provided preventive and comprehensive services with a resultant 50 percent decrease in the number of children served by the projects who need costly hospitalization. The project cost data are impressive too. Whereas the average annual cost per child in these projects was $201.26 in 1968, it was reduced to $149.82 in 1970. This compares most favorably to information from a recent survey of Title XIX in 16 states covering over 2.5 million children wherein it was reported that the annual cost per child is $301.

The projects represent health care resources which have been established in areas of dire medical need, yet the services of several hundred medical, nursing and allied health personnel in these areas will be terminated in the next two weeks. It is not proposed that these projects be extended indefinitely but rather that they be extended for one or two years so that the medical community and the Administration may propose for consideration by the Congress necessary modifications to Title V. Every effort should be made to maintain the existence of established health care resources now in areas of greatest need so that they are not dismantled only to be re-established with great difficulty when national health insurance is adopted.

The American Academy of Pediatrics with the cooperation of other medical and public health organizations, is developing a report on maternal and child health. Rather than address exclusively the formula versus project issue, it is anticipated that a wide range of options and alternatives will be proposed so that maternal and child health might become a greater national priority. It is anticipated that these recommendations with background information will be available in January 1974.

The United States now needs a clear public policy which recognizes the special needs of mothers and children and the unique benefit to be appreciated from an investment in this segment of our population. Most programs and initiatives now existing are due to the interest of the Senate Finance and House Ways and Means Committee and support of the members of Congress. It is the sincere desire of the American Academy of Pediatrics to constructively assist you in further efforts. An extension is now sought (S. 1543) so that the Congress might consider recommendations from the medical community in revising Title V and our national maternal and child health programs in the coming months.

Sincerely yours,
Robert M. Heavenrich, M.D., *President.*

American Medical Association,
Chicago, Ill., May 21, 1973.
The Honorable Russell B. Long,
Chairman, Committee on Finance, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator Long: The American Academy of Pediatrics, the American College of Obstetrician and Gynecologists, and the American Medical Association join in this letter to place emphasis upon the need for early consideration of legislation to extend federal support for expiring programs under Title V of the Social Security Act. S. 1543, pending before your Committee, provides for a two-year extension.

Title V provides for certain project grant programs, in addition to formula grants, for maternal and child health and crippled children's services. Under present law the project grants authorization will expire on June 30, 1973. While it is intended that the portion of the funds previously allocated for special project grants would, as of July 1, 1973, be included in the formula grant, we believe that this shifting of fund support is premature and is not in the best interest of achieving maximum program results. In our opinion additional time is needed so that states will have sufficient time to provide for the orderly transition of the special projects management under formula assistance.

Formula grant programs are the major sources of care for mothers and children who do not have access to private care for preventive services and treatment of sickness. The project grants provide health services to mothers and infants (M & I Projects) and to children and youth (C & Y Projects). The maternal and infant care projects now in operation have substantially reduced infant mortality rates in areas where they have traditionally been highest by providing early and comprehensive medical care to high risk women and follow-up treatment for mothers and infants. In addition, the children and youth programs have provided preventive health services, diagnosis, treatment, and after-care, as well as early identification of defects which are correctable.

Our organizations place a high priority on these programs, which provide for improvement of health care of mothers, infants, and children for whom such services would not otherwise be available. The expiring programs have been instrumental in improving the quality of life for countless numbers of individuals.

Existing programs must be continued if we are to meet the health needs of mothers and infants, and our children and youth. Ongoing programs should not be placed in jeopardy. Communities which are endeavoring to create new maternal and child health programs, or to expand existing programs, should be encouraged to do so. Early Congressional support for these programs is vital to continuation and expansion of the programs. This is necessary if the programs are to achieve their potential. Failure to do so would invite discouragement and frustration for those dedicated individuals involved in these programs. More importantly, a failure to express strong support can result in curtailment of necessary health services.

We appreciate the past consideration of your Committee in providing for the maternal and child health programs. In particular we acknowledge the concern which has made possible these special project grants under Title V. An extension of this authority for special project grants is needed. We urge that you act favorably on legislation specifically providing for the continuation of these project activities.

Sincerely,
American Academy of Pediatrics,
Robert G. Frazier, M.D.,
Executive Director.
American College of Obstetricians and Gynecologists,
Michael Newton, M.D.,
Director.
American Medical Association
Ernest B. Howard, M.D.
Executive Vice President.

The PRESIDING OFFICER. The question is on agreeing to part two of the committee amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles) is necessarily absent.

I further announce that the Senator from Iowa (Mr. Clark), and the Senator from Delaware (Mr. Biden), are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) is detained on official business.

The Senator from Tennessee (Mr. Brock) is necessarily absent.

The result was announced—yeas 84, nays 10, as follows:

[No. 240 Leg.]

YEAS—84

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gravel
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—10

Bennett
Buckley
Curtis
Fannin
Goldwater
Griffin
Hansen
McClure
Thurmond
Tower

NOT VOTING—6

Biden
Brock
Brooke
Chiles
Clark
Stennis

So the second part of the committee amendment was agreed to.

Mr. LONG. Mr. President, I take it that the third part of the committee amendment is now before the Senate under the unanimous consent agreement.

The PRESIDING OFFICER. The question is on the third part of the committee amendment.

Mr. LONG. Mr. President, this part of the amendment provides for a 6-month delay in the regulations concerning social services put out by the Department of Health, Education, and Welfare.

The PRESIDING OFFICER. Can we have order in the Senate, please.

The Senator from Louisiana may proceed.

Mr. LONG. Mr. President, last year we limited Federal social services expenditures to $2.5 billion. I am confident that the Senate and the Congress really intended that the States should have an opportunity to use the $2.5 billion we made available to them for this purpose. But the regulations agreed upon between the Office of Management and Budget and the Department of Health, Education, and Welfare would reduce the amount of services to the poor in the 50 States by at least $1 billion and maybe a lot more than that.

As far as I can determine, Mr. President, there is not one State in the 50 States that agreed to those regulations. In the committee the vote that this matter should be postponed for 6 months was virtually unanimous.

I am sure that every Senator would agree if he reads the examples I set forth in the Record yesterday of some of the rather ridiculous regulations. He would agree that these regulations should be postponed until January 1 so that the Congress would have an opportunity decide what kind of legislative it wants to write in this area.

I am confident, Mr. President, that we in the Congress can provide a far better answer than the Department of Health, Education, and Welfare would provide.

In view of the fact that we could expect that the department would recommend a veto on this item, it would be well to have on the record a vote so that the department could recognize the enormous support that exists in the entire country and in the Congress for this part of the committee amendment.

For that reason, I think it is important that we have a rollcall vote on this measure.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, I join with the Senator from Louisiana in what he has had to say about these regulations and the amendment the Committee on Finance has added to the public debt limit extension bill to delay until January 1, 1974, the implementation of regulations or social services programs. These new regulations which were issued by the Department of Health, Education, and Welfare on May 1, are scheduled to go into effect next week. If allowed to become effective, the regulations will seriously damage many existing social services programs which constitute the primary aspect of our welfare policy which is clearly focused on helping the poor to get themselves off welfare or to avoid it in the first place. They will thwart what the States hope to provide and what Congress intended they receive.

Some of the statements which have been made in connection with the issuance of these new regulations indicate that HEW sees a justification for the proposed regulations in the action taken by Congress last year in placing a $2.5 billion limit on Federal funding for social services and in placing emphasis on certain priority services and restrictions on the extent to which services may be provided to persons who are not recipients of cash public assistance grants. I do not, however, believe that any reasonable review of the history and content of that 1972 legislation will support the Department's position that its new regulations are consistent with, much less required by, the intent of Congress. Mr. President, I ask unanimous consent to include at this point in the Record the relevant portion of Public Law 92–512, the Revenue Sharing Act.

There being no objection, the material is ordered to be printed in the Record, as follows:

TITLE III—LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

Sec. 301. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"LIMITATION ON FUNDS FOR CERTAIN SOCIAL SERVICES

"SEC. 1130. (a) Notwithstanding the provisions of section 3(a) (4) and (5), 403(a) (3), 1003(a) (3) and (4), 1403(a) (3) and (4), or 1603(a) (4) and 5), amounts payable for any fiscal year (commencing with the fiscal year beginning July 1, 1972) under such section (as determined without regard to this section) to any State with respect to expenditures made after June 30, 1972, for services referred to in such section (other than the services provided pursuant to section 402(a)(19)(G)), shall be reduced by such amounts as may be necessary to assure that—

"(1) the total amount paid to such State (under all of such sections) for such fiscal year for such services does not exceed the allotment of such State (as determined under subsection (b)); and

"(2) of the amounts paid (under all of such sections) to such State for such fiscal year with respect to such expenditures, other than expenditures for—

"(A) services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (i) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (ii) because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child;

"(B) family planning services;

"(C) services provided to a mentally retarded individual (whether a child or an adult), but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual by reason of his condition of being mentally retarded;

"(D) services provided to an individual who is a drug addict or an alcoholic, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

"(E) services provided to a child who is under foster care in a foster family home (as defined in section 408) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such child because he is under foster care,

not more than 10 per centum thereof are paid with respect to expenditures incurred in providing services to individuals who are not recipients of aid or assistance (under State plans approved under titles I, X, XIV, XVI, or part A of title IV), or applicants (as defined under regulations of the Secretary) for such aid or assistance.

"(b)(1) For each fiscal year (commencing with the fiscal year beginning July 1, 1972) the Secretary shall allot to each State an amount which bears the same ratio to $2,500,000,000 as the population of such State bears to the population of all the States.

"(2) The allotment for each State shall be promulgated for each fiscal year by the Secretary between July 1 and August 31 of the calendar year immediately preceding such fiscal year on the basis of the population of each State and of all of the States as determined from the most recent satisfactory data available from the Department of Commerce at such time; except that the allotment for each State for the fiscal year beginning July 1, 1972, and the following fiscal year shall be promulgated at the earliest practicable date after the enactment of this section but not later than January 1, 1973.

"(c) For purposes of this section, the term 'State' means any one of the fifty States or the District of Columbia."

(b) Sections 3(a)(4)(E), 403(a)(3)(D), 1003(a)(3)(E), 1403(a)(3)(E), and 1603(a)(4)(E) of such Act are amended by striking out "subject to limitations" and inserting in lieu thereof "under conditions which shall be".

(c) Section 403(a)(5) of such Act is amended to read as follows:

"(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children."

(d) Sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a), of such Act are amended, in the matter preceding paragraph (1) of each such section, by striking out "shall pay" and inserting in lieu thereof "shall (subject to section 1130) pay".

(e) The amendments made by this section (other than by subsection (b)) shall be effective July 1, 1972, and the amendments made by subsection (b) shall be effective January 1, 1973.

Mr. PACKWOOD. Mr. President, it is true that Congress was concerned—and rightly so—with the rapid escalation of Federal funding requirements under this program last year. In November of 1971, the States had estimated their fiscal 1973 needs at about $1.3 billion and this was the amount requested in the 1973 Federal budget. By early 1972, this had increased to something over $2 billion, and unofficial estimates in mid-1972 projected new uses of the program which could bring the total Federal funding to nearly $5 billion for fiscal 1973. No matter how worthy or desirable the programs involved, it would be irresponsible for Congress to allow a situation to continue in which, without any measure of Congressional review or control, the Federal Government was being obligated to make enormous additional expenditures not even hinted at in the original budget requests. And I stress the words, "without any review or control." It is therefore not surprising that we took the action we did in placing a $2.5 billion limit on Federal funding available for social services as of fiscal year 1973.

It is, however, absolutely wrong to read into that action by the Congress a repudiation of the basic concept of social services or a mandate for cutting back service programs. Quite the opposite is true. The 1972 revenue sharing legislation did not make any basic change in the program content of the social services provisions of the law, but merely placed a dollar limitation on the funding available for the program and established, in view of the newly limited funding, certain formulas for allocating the funding among the States. Additionally, as I mentioned, that legislation listed five priorty services for low income individuals not on welfare but likely to be so in the absence of services.

It is important to note that the dollar limit chosen, $2.5 billion per year, did not represent a fiscal cutback but rather a commitment to continue the allocation of Federal funds for social services at the on-going level. It was a cutback only in the sense that it halted ambitious expansion plans and shift-overs of existing State financed programs to 75 percent Federal matching, which together would apparently have doubled the level of funding required by on-going programs. Except as a result of the allocation formulas, which had a cut-back effect in a few States, it did not reduce current program levels, and in fact allowed at least some continued growth in most States.

It is a little difficult to understand how a congressional action which specifically attempted—within the limits of what could equitably be accomplished—to maintain the then existing allocation of Federal funding for services could be used to justify regulations which are so severe that many State welfare directors believe that scarcely half the available funds can be used.

The greatest problem with the new regulations is, I think, in the area of what are called preventive services, that is, services which do not go only to welfare recipients but which are intended to prevent people from having to go on welfare.

The law we passed last year limiting to $2.5 billion the Federal funding for services also included a provision under which at least 90 percent of the Federal funds for services in each State would have to be used for actual welfare recipients except that this restriction would not apply to five specifically exempted priority services: child care, family planning, mental retardation, drug abuse and alcoholism treatment, and foster care. The Department of HEW cites this so-called 90–10 limit as an indication of congressional intent that social services should be concentrated on actual welfare recipients. This is not just oversimplification, it is oversimplification to the point of virtually complete distortion.

When Congress passes a law which contains a rule and certain exceptions, an accurate assessment of congressional intent must take into account both elements. In issuing its new regulations, the Department of Health, Education, and Welfare in concentrating on the implications of the 90–10 rule, has totally ignored the implications of the exceptions to that rule, and thereby has almost totally missed the point of the legislation.

In specifically exempting five types of services from the limit, the law first of all and most obviously indicates an intent to give those particular services a distinct priority. But more than that, it shows a conviction on the part of Congress that for certain types of services welfare status is not a logical eligibility criterion. This would be the case, for example, with services to the mentally retarded.

Similarly, the exception from the limitation for services such as family planning and child care indicates a clear legislative judgment that these services are so essential in allowing people to remain self-sufficient and off welfare that any rational welfare policy demands that they not be arbitrarily limited primarily to those already on welfare. In this regard, I ask unanimous consent to print at this point relevant sections of the Senate Finance Committee report on H.R. 1 (S. Rept. 92-1230) and Public Law 92-603, the enacted version of H.R. 1.

There being no objection, the material is ordered to be printed in the RECORD, as follows:

FAMILY PLANNING

(Sec. 299E of the bill)

PROBLEM

Though Federal law and policy permit and encourage States to extend services to low income families likely to become welfare recipients as well as families already on welfare, most States have not taken advantage of this opportunity.

The progress which has been made under the 1967 Amendments has not met the committee's expectations. The annual report by the Department of Health, Education, and Welfare covering family planning services includes information which makes clear that the mandate of the Congress that *all* appropriate AFDC recipients be provided family planning services has not been fulfilled.

FINANCE COMMITTEE AMENDMENT

The committee amended the House bill to authorize 100 percent Federal funding for the costs of family planning services. The Committee amendment would also require States to make available on a voluntary and confidential basis such counseling, services, and supplies, directly and/or on a contract basis with family planning organizations throughout the State, to present, former or likely recipients who are of child-bearing age desiring such services. The amendment would also reduce the Federal share of AFDC funds by 2 percent, beginning in fiscal year 1974, if a State in the prior year fails to inform the adults in AFDC families and on workfare of the availability of family planning services and/or if the State fails to actually provide or arrange for such services for persons desiring to receive them.

FAMILY PLANNING SERVICES

(Sec. 299E of the bill)

The committee bill provides for an increase in Federal funding of family planning services for present and former welfare recipients of child-bearing age and also for those persons likely to become recipients in the absence of such services by authorizing 100 percent Federal funding for State family planning programs, including both information counseling and the provision of medical and social services.

The committee believes that its amendment will give impetus to the availability and provision of family planning services in the States. A beginning was made in 1967, when provisions were included in the social security amendments which required that family planning services be offered on a voluntary basis, to all appropriate AFDC recipients, and authorized 75 percent Federal matching funds for this purpose. In addition the same matching was made available to the States on an optional basis for services for former or potential recipients of welfare.

The progress which has been made under the 1967 amendments, however, has not met the committee's expectations. The annual report by the Department of Health, Education, and Welfare covering family planning services includes information which makes clear that the mandate of the Congress that all appropriate AFDC recipients be provided family planning services has not been fulfilled. The report states:

"Many problems, of course, remain. Medical services [family planning] still are too limited, especially in rural areas but frequently in large urban areas as well. Replying to the question whether medical family planning programs currently available are adequate to meet the needs of eligible clients, 36 State welfare agencies answered in the negative in March, 1970. Thirty-one cited geographic inaccessibility as a major problem. Many reported a shortage of health professionals and paraprofessionals and some reported that existing facilities are overcrowded. Even in the Nation's principal counties and cities where clinics are more likely to be found than in less populous sections, 50 out of 106 local welfare agencies reported that currently available medical planning programs are inadequate.

"Looking at their own capability of providing family planning services, many State and local welfare agencies report a shortage of staff to provide services and to arrange for adequate followup. Training programs for staff have not been mounted on the scale required. Although Federal funds may be used to match $3 for every $1 spent from State funds for services, time and again agencies emphasize the difficulty of raising the 25 percent share at State and local levels. Generally, no special funds have been made available to develop family planning services, as indicated, for example, by the general absence of full-time staff leadership for this program. Expectations among some groups that title IV funds would be available to reach substantial numbers of low-income families not currently receiving welfare have not been realized. . . ."

Evidence indicates the situation is not significantly improved today.

The committee is persuaded that the 75 percent Federal matching percentage, although a major step in promoting family planning services, has not been sufficient to achieve the aims of the Congress. By providing 100 percent Federal funding, the committee bill will remove any existing financial barrier to the availability of family planning counseling and services to those desiring those services.

The committee amendment would authorize States to make available on a voluntary and confidential basis family planning counseling, services and supplies, directly and/or on a contract basis with family planning organizations (such as Planned Parenthood clinics and Neighborhood Health Centers) throughout the State, to present, former, or potential recipients including any eligible medically needy individuals who are of child-bearing age and who desire such services.

In addition to the provision of counseling, services and supplies designed to aid those who voluntarily choose not to risk an initial pregnancy, emphasis would be placed upon assisting those families with children who desire to control family size in order to enhance their capacity and ability to seek employment and better meet family needs.

The Secretary would be required to work with the States to assure that particular effort is made in the provision of family planning services to minors (and non-minors) who have never had children but who can be considered to be sexually active; for example, persons who have contracted venereal diseases, etc.

The Secretary would also be required to work with States to assure maximum utilization of persons participating in the Work Incentive Program as family planning aides and to perform related jobs.

In order to assure that States do in fact inform welfare recipients and other eligible persons of the availability of family planning services, and that those who so desire receive the necessary medical and counseling services the amendment would reduce the Federal share of AFDC funds by 2 percent, beginning with calendar year 1974, if a State in the prior year fails to inform at least 95 percent of the adults in AFDC families and on workfare of the availability of family planning services and/or if the State fails to actually provide or arrange for such services for 100 percent of those persons desiirng to receive them.

Because of the difficulties of enforcing or monitoring the mandatory provision of family planning services to former or potential recipients, the penalty provision will be limited to the offering and provision of services to present adult recipients of AFDC and workfare. However, family planning services must be offered and made available on an optional basis to former and potential recipients of child-bearing age.

It is envisioned that individuals of child-bearing age applying for or receiving AFDC would formally acknowledge that they have been informed that they are eligible to receive family planning services on a voluntary and confidential basis. If they desire family planning services, an appointment would be set up at that time and a copy of the form would be sent to the clinic or physician providing necessary services and supplies. This would not preclude "walk-in" requests for family planning assistance by present and former recipients or those likely to become recipients in the absence of such services.

The effectiveness of the program would be monitored by Federal officials on a sample basis. The operation of the program would also be subject to review by the Inspector-General for Health Care Administration.

Although the committee views family planning services as primarily medical services, it also recognizes the importance of counseling and informational services which are more traditionally considered to be social services. Therefore, the Committee amendment makes 100 percent Federal financial support for family planning services available under both the title XIX and the title IV-A programs.

The committee has amended title XIX to provide that family planning services are a mandatory service under all title XIX plans. The committee intends that the 100 percent Federal funding of family planning services through titles XIX and IV-A will reimburse for the reasonable costs of directly related family planning services.

FAMILY PLANNING SERVICES MANDATORY UNDER MEDICAID

SEC. 299E. (a) Section 1903(a) of the Social Security Act, as amended by sections 235 and 249B of this Act, is further amended by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following new paragraph:

"(5) an amount equal to 90 per centum of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the plan) which are attributable to the offering, arranging, and furnishing (directly or on a contract basis) of family planning services and supplies;".

(b) Section 1905(a)(4) of the Social Security Act is amended by adding after clause (B) the following: "and (C) family planning services and supplies furnished (directly or under arrangements with others) to individuals of child-bearing age (including minors who can be considered to be sexually active) who are eligible under the State plan and who desire such services and supplies;".

(c) Section 402(a)(15)(B) of such Act is amended, effective January 1, 1973, (1) by adding after "in all appropriate cases" the following: "(including minors who can be considered to be sexually active)", and (2) by adding after "family planning services are offered them" the following: "and are provided promptly (directly or under arrangements with others) to all individuals voluntarily requesting such services".

(d) Section 403 of such Act is amended by adding at the end thereof the following new sections:

"(e) Notwithstanding any other provision of subsection (a), with respect to expenditures during any calendar quarter beginning after December 31, 1972 (as found necessary by the Secretary for the proper and efficient administration of the plan) which are attributable to the offering, arranging, and furnishing, directly or on a contract basis, of family planning services and supplies, the amount payable to any State under this part shall be 90 per centum of such expenditures.

"(f) Notwithstanding any other provision of this section, the amount payable to any State under this part for quarters in a fiscal year shall with respect to quarters in fiscal years beginning after June 30, 1973, be reduced by 1 per centum (calculated without regard to any reduction under section 403(g) of such amount if such State—

"(1) in the immediately preceding fiscal year failed to carry out the provisions of section 402(a) (15) (B) as pertain to requiring the offering and arrangement for provision of family planning services; or

"(2) in the immediately preceding fiscal year (but, in the case of the fiscal year beginning July 1, 1972, only considering the third and fourth quarters thereof), failed to carry out the provisions of section 402(a) (15) (B) of the Social Security Act with respect to any individual who, within such period or periods as the Secretary may prescribe, has been an applicant for or recipient of aid to families with dependent children under the plan of the State approved under this part."

Mr. PACKWOOD. Mr. President, I am happy to say that the new Social and Rehabilitation Service Administrator, Mr. James Dwight, has committed his agency to an amendment to the regulations which would, for family planning services, make the presumption of a child and would make all sexually active women eligible for services regardless of their parental or marital status, and also without regard to the 6-month requirement in the regulations.

I am disappointed, however, that SRS has steadfastly refused to acknowledge or resolve the group eligibility and certification problem as it relates to mobile migrant children. As of today, SRS is ignoring the plight of mobile migrant and Indian children, who would be virtually excluded from any services under the proposed regulations. Frankly, Mr. President, it is beyond my comprehension that SRS cannot find a way to eliminate group eligibility abuses without hurting these most needy children. I could not think of a better example of throwing the baby out with the bathwater. I trust, however, that SRS will continue to study this situation, and come up with a constructive solution to restore group eligibility for Indian and mobile migrant children, particularly for day care and health services.

Mr. President, I reiterate that I do not know how it is possible to read into legislation which took such pains to assure the continued availability of those services which tend to prevent welfare dependency a justification for regulations which will seriously curtail those very services. But this is precisely what will happen next week under the published regulations unless this amendment is adopted. Mr. President, I ask unanimous consent that a brief summary of the import of these regulations in my State of Oregon be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OREGON—IMPACT ON ADULT PROGRAMS

PROPOSED CHANGES IN FEDERAL REGULATIONS AFFECTING PROGRAM ACTIVITIES	IMPACT ON ADULT SERVICES PUBLIC WELFARE DIVISION
Information referred	*Information referred*
Information and referral services to Non-Welfare recipients no longer identified as a service.	Public Welfare has provided information and referral service to those requesting such service. This has amounted to some 20,000 contacts per year and has provided information and/or referral to Federal, state, local and private resources. Such activities has assisted people in solving problems.
Protective services	*Protective services*
Protective Services to Non-Welfare adults. These are individuals who are living in hazardous situations because of economic, health, and emotional problems.	Approximately 2,000 aged and disabled adults who are not receiving Public Assistance payments annually receive such services. Some 1,000 of these probably have income exceeding the limitation imposed by the Federal Regulations.
Community planning	*Community planning*
Community Planning is no longer a defined service.	Public Welfare has provided leadership in community planning and developing community resources which are available not only to Public Welfare clients but to others in the community. Activities are to be focused on Public Welfare recipients. This will result in a loss of community resources and support.
Sheltered workshop subsidy program	*Sheltered workshop subsidy program*
Sheltered Workshop Subsidy Program includes present, former and potential recipients of Aid to Disabled and Aid to the Blind. All are severely handicapped. There are some doubts as to whether the subsidy sheltered workshop can be funded by Federal Service dollars.	94 of 236 enrolled in the program are former or potential recipients. One-third of these exceed income limit contained in new regulations and will be immediately ineligible. Limitations on time during which services can be provided to former and potential recipient will further limit ability to serve the 94 individuals so classified. 236 severely disabled individuals are enrolled in the program. Funding is absolutely essential toward maintaining the individuals in these slots.
Foster care	*Foster care*
Federal service match would not be available to purchase services (above board and room) which are available as a part of overall services supplied to all guests. Payment for services on individual basis will be curtailed and limited by Federal Regulation.	Services available to all guests in a facility can not be purchased for specific individuals. For example, if facility provides transportation to medical facilities to all guests, agency could not reimburse cost of transportation for individual Public Welfare recipients.
Volunteer services	*Volunteer services*
Private donated funds.	Limitations on utilization of private donated funds will handicap volunteer services in those instances where such funds were used to provide such services as community resource centers, help lines, etc.

OREGON—IMPACT ON FAMILY PROGRAMS

PROPOSED CHANGES IN FEDERAL REGULATIONS AFFECTING PROGRAM ACTIVITIES	IMPACT ON CHILDREN'S SERVICES DIVISION	GOVERNOR'S REVISED RECOMMENDATION
Adoptions: The proposal would eliminate federal support of services for virtually all but the welfare recipient. A child freed for adoption has no family pending adoption because the state is the legal guardian.	300 children per year are placed in adoptive homes by 42 workers in adoptive services—under the old regulations. ? children would be placed in adoptive homes by 11 workers in adoption services—under new regulations.	The Governor recommends additional general funds to restore three fourths of the base program to support a staff of 31 positions.
Protective services: The proposal would eliminate federal support of services for virtually all but the welfare recipient. Abused or neglected children come from families with high incomes as well as low.	At any time 2325 families with children in need of protection would be receiving services under the old regulations. 1461 of these families would have too much income to qualify for federally supported services under new proposed regulations.	The Governor recommends additional general funds to fully support his originally budgeted caseload of 2325 families plus intensive services in their own homes for 300 children transferred from foster care.
Foster care: 1. A new definition of potential recipient would withdraw Federal support of services provided by CSD staff for children whose families do not qualify for ADC.	1. 2,054 of 5,039 children per month in foster family care would not qualify for federally supported staff services.	Full restoration of foster care services for 4,739 children at an average monthly cost of $108.91 was recommended by the Governor.

PROPOSED CHANGES IN FEDERAL REGULATIONS AFFECTING PROGRAM ACTIVITIES—continued	IMPACT ON CHILDREN'S SERVICES DIVISION—continued	GOVERNOR'S REVISED RECOMMENDATION—cont.
2. Federal service match would not be available for services (in addition to room and board) that are provided by the foster home.	2. Under the old regulations 5,039 children would be served at an average monthly cost of $108.91. Proposed regulations could hit hard at the pocketbook of foster parents. In order to care for 5,039 children the average monthly payment would have to be reduced to $100.55.	
Juvenile parole services (for children committed to juvenile training schools): The restrictive definition of potential welfare recipients and the virtual elimination of all but the very poor from eligibility for federally supported services. Children in conflict with the law also come from families of all income levels.	1,440 children would be served by a staff of 44 under the old regulations. 1,440 children would still require services but the new regulations would eliminate Federal support for 31 of these positions.	The Governor recommends maintaining juvenile parole staffing at 44 positions.
Purchase of care from private child caring agencies: 1. The restrictive definition of potential welfare recipients. 2. The elimination of federal support of services provided by the facility in which the child is placed.	Under the old regulations: At an average monthly cost of $664.80, 901 children with emotional problems or with a history of conflict with the law would have been cared for in private residential facilities. Under the proposed regulations: At an average monthly cost of $644.80 care could be purchased for only 527 children. Federal support would be withdrawn from 15 of 24 CSD administrative staff assigned to work with the private agencies, children and their families.	Full restoration of funding to originally budgeted levels is recommended in order to provide services for 901 children at an average cost of $644.80 per month.
Child study and treatment (treatment programs for seriously disturbed children): 1. Proposed regulations prohibit federal social service support for medical or mental health programs. 2. The restrictive definition of potential welfare recipients. 3. The elimination of federal support of services provided by the facility in which the child is placed.	164 children would be placed in day treatment facilities at an average monthly cost of $525.57 with federal support under the old regulations. 59 could receive day treatment at the same cost under the proposed regulations. 51 children could receive residential treatment with federal support under the old regulations at an average monthly cost of $794.31. 20 would receive treatment under the proposed regulations at the same cost. An administrative staff of 30 would have provided program and individual treatment consultation under the old regulations. Proposed regulations would remove federal support for 13 of that staff.	The Governor recommends additional general funds to serve an average daily population of 164 children in day treatment facilities and 51 children in residential treatment. He also recommends restoration of the administrative staff to 30.
Licensing and certification: No federal funds would be available for the issuance of licenses or the enforcement of standards for foster homes or other child caring facilities.	A staff of 110 persons is needed to recruit, license and certify day care facilities, private agencies and foster homes. The proposed regulations would withdraw federal support for 58 of these positions.	The Governor recommends restoration of all but 12 of the 110 positions in his original budget.
Work study camps for children committed to juvenile training schools: No federal funds would be available for maintenance items even when they are part of a comprehensive program.	Of 24 staff positions in the two work study camps federal support would be withdrawn from 2 positions.	Restoration of two staff positions is recommended.
4–C day care for potential welfare recipients: 1. The restrictive definitions of potential recipients eliminates all but the very poor from eligibility. 2. January 1, 1974 elimination of group determination of eligibility. Residents of low income neighborhoods such as Model Cities or housing projects would no longer be automatically eligible for service.	An estimated 5330 children of employed-low income families would have been in 4–C day care under the old regulations. 906 children (17%) would be ineligible for federally supported day care under the new regulations and the parents of 1599 children would be required to assume part of the cost of day care.	The Governor recommends the use of general funds to be matched by local funds to continue day care services for those children who will lose eligibility under the new regulations.
Job Related Training—a new program (for certain young adults not eligible for other training programs): More restrictive definitions of persons eligible for services.	Under the old regulations CSD planned to train 350 persons. The new regulations would eliminate all federal support from this program.	The Governor did not recommend restoration of this program.
Scholarship (a self-help program begun by the County ADC Association): 1. Federal support would not be available for employment related services for persons eligible for the Work Incentive Program (WIN). 2. Educational expenses (books, tuition, etc.) paid by the agency would not be eligible for federal support.	At any time 165 members of ADC families would have been receiving vocational training or further education—under the old regulations. The proposed regulations would eliminate all federal support for this program.	The Governor did not recommend restoration of the ADC Scholarship program.
The Aide program: Aides function as support staff for programs and are affected proportionately by all of the proposed regulations affecting other programs.	All aides are recruited from the welfare rolls. 197 aides would have been employed under the old regulations. The proposed regulations would reduce that number to 120.	The Governor recommends restoration of all but 15 of the Aide positions.

Mr. PACKWOOD. Mr. President, the 6-month delay in the implementation of the new regulations is, therefore, essential if we are to avoid seeing the social services program stripped of one of its most important objectives, that of preventing the need for many people to go on welfare in the first place. This objective has been an important part of Congressional social services policy since at least 1962; it was strongly emphasized in 1967; and it was not repudiated but rather reaffirmed in last year's revenue-sharing bill.

A 6-month delay in the implementation of the regulations is, of course, only an expedient and not a solution. I am currently in the process of drafting new legislation which would provide crystal clear directions to HEW, and which would have the purpose of continuing services to those most in need, and those who will only remain self-sufficient with the help of social services. Additionally, I intend to work closely with other Senators who share my concern to come up with the most satisfactory and equitable proposal, giving maximum discretion to the States to determine priorities and provide services.

It will probably be necessary to spell out our intent in great detail, and this obviously cannot be done by July 1. The 6-month delay provided for in the Finance Committee amendment will prevent the damage which would be done by the immediate implementation of the new HEW regulations and will give the Congress time to enact a more complete and satisfactory answer to the issues involved.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield myself such time as I may require.

Mr. President, we are talking now about interfering in the middle of the preparation of the regulations to operate the program, and forcing them to hang in abeyance for 6 months more.

The regulations were revised after the enactment of title III of the Revenue Sharing Act in October 1972, and it has taken this much time for the Department to study that act and prepare the regulations which now reflect the Department's interpretation of the congressional intent. The purpose of the program and later amendments to it was to assist individuals on welfare to become self-supporting, and to prevent those with incomes near the subsistence level from becoming dependent.

Further delay in implementation would cause greater uncertainty in the program, because the States will not be able to plan until after Congress acts on what it wants included under the new regulations.

This bill would allow an increase of $300 million over the budget outlays for fiscal 1974. State expenditure estimates under the old regulations were approximately $2.1 billion; outlays under the President's fiscal year 1974 budget were projected at $1.8 billion.

Congress has asked that HEW provide better monitoring of the services programs, especially those provided under purchase arrangements with other agencies. This will not be possible if we continue to postpone the implementation of the regulations.

It sounds easy. This just leaves the status quo as it was for another 6 months. Actually, it will leave the whole situation in a status of uncertainty. The States will not know what to do with their programs, and the Department, forced to end its consideration of regulations, will also be thrown off balance.

I do not think this is the way to go about increasing these expenditures by $300 million. I think it is wasteful of the energy that has been devoted to the job, and would just, as I say, magnify the uncertainty.

So I hope the Senate will reject this proposal.

Mr. LONG. Mr. President, last year we estimated that this program of social services was going to cost $4.7 billion this year, if we did not do something about it. So we voted, and we led the fight here in the Senate, and the country can thank the Senate that we cut this program back from $4.7 bllion down to $2.5 billion. We cut the program practically in half.

We led the States to believe that they could depend on receiving their share of the $2.5 billion, allocated on a strict per capita basis.

The States have indicated that they would be willing to take that cutback under what they were anticipating, provided they could have the $2.5 billion. But, no, the Secretary of Health, Education, and Welfare comes out with regulations to cut that in half again.

Let me show you how ridiculous those regulations are. We have tried to make family planning services more widely available. Nothing would save more money on welfare than to prevent unwanted pregnancies of young women who are not married. But under these regulations, the young woman has to be 3 months pregnant before they can help her with family planning information. How ridiculous can you get?

Then we thought there ought to be a program for active treatment of alcoholics and drug addicts. Yet HEW says, under these social services regulations, that medical treatment for alcoholism and drug addiction cannot be provided; so the regulation defeats its own purpose.

I could give many examples of that sort. I point out that there is not a welfare director or a governor in any State, to my knowledge, who has supported these regulations. Furthermore, it is, in my judgment, completely in bad faith with the States to lead them to believe that they are entitled to have their share of $2½ billion, and then cut that in half.

One welfare director told me that he met with some HEW employee and, having looked at one aspect of the social services regulations said to him:

> There is not one welfare department in the United States that can comply with that regulation.

The HEW employee said:

> That is right; nobody can comply with it. But if anybody can comply, the money is there.

That is the kind of regulation we do not need. It simply frustrates the program. These regulations have been severely criticized on television and in other news media throughout the entire country. They are completely contrary to the intent of Congress that the States shall have an opportunity to use their share of $2.5 billion, to spend it for the benefit of poor and low-income people, to keep them off welfare. But we find that these regulations make it very difficult if not impossible for the States to use these funds.

The regulations do not have the support of a single State among the entire 50, so far as I can determine.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced:

The House of Representatives having proceeded to reconsider the bill (H.R. 7447) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was,

Resolved, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

CONTINUATION OF EXISTING TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

Mr. CURTIS. Mr. President, I yield myself 5 minutes.

Mr. FANNIN. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. CURTIS. I yield.

Mr. FANNIN. Mr. President, I ask unanimous consent that Mr. George Pritts be granted the privilege of the floor during the discussion and votes on the bill and the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I shall support the amendment. My primary concern in doing so relates to the mentally retarded and mentally handicapped.

There is no question that we have too much social legislation. There is no question that the great increase in Government expenditures has to do with social programs. In almost every other category, individuals and their families do have a measure of responsibility for the conditions they face. Individuals born with mental handicaps are in a different category. They are unable to help themselves and are unable to speak out for themselves in most things.

Prior to recent legislation, many

States—I do not know; perhaps all of them—had programs for the mentally retarded that operated without a needs test. That is correct. Mental retardation strikes across the board and has little, if any, connection between poverty and unemployment, although perhaps there may be some.

The distinguished chairman of the committee, Mr. LONG, has told about a controversy that arose from this social service section in general, and how Congress ended up by placing a ceiling of $2.5 billion on it. At the time that was done, it was clearly understood that the program for the mentally retarded would not be attached to the welfare program. In other words, no needs test would be provided. That was the understanding of those of us on the committee who were involved in the question. That was the understanding of the very worthwhile organizations which carry on good work in behalf of the mentally retarded.

I took the language proposed and transmitted it to my State, and they replied that it would enable them to carry on their full program for the mentally retarded, not on the basis of need. That was the general understanding.

Now we are faced with this problem that, beginning the first of July, new Government regulations will go into effect with respect to the mentally retarded. Those new regulations will be in violation of the intent of Congress, because they will not, in effect, provide a needs test for social services to the mentally retarded.

That should not be.

We are spending too much money around here, but we are not spending too much money on those individuals who cannot help themselves at all—and the mentally retarded are in that category.

For that reason, Mr. President, I shall vote that these regulations do not go into effect for the remainder of this year in the meantime.

I hope that a settlement can be arrived at, or that Congress can take other action to see to it that the program for the mentally retarded is carried forward as we all understood it would be at the time the previous legislation was enacted.

Mr. HANSEN. Mr. President, will the Senator from Nebraska yield me some time?

Mr. CURTIS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Wyoming is recognized for 5 minutes.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Nebraska for yielding his time to me.

I am certain that, like many members of this body, I am torn between what my conscience, what my compassion tells me to do on the one hand and what the hard realities of fiscal responsibility urge that I should do on the other.

There is no question that the weight of the burden of inflation has fallen heavily on the shoulders of those to whom these amendments are addressed this afternoon. For that reason, I felt that I should like to explain, if I may, why I am voting as I do.

This Congress—both Houses—is on record as having indicated that there should be an overall spending limitation. We do not agree as to how that limitation should be enforced, but we do agree that there should be an overall spending limitation. We can certainly agree, too, that the rampaging rate of inflation has greatly exceeded what many people thought it would be a year ago when we approved the 20-percent increase in social security and provided at the same time that further increases would become automatic starting on January 1, 1975.

Mr. President, my dilemma arises from the fact that I, too, would like to do the things that compassion dictates should be done. I think that what has been said by the distinguished Senator from Nebraska (Mr. CURTIS) makes good sense. Few people, indeed—very few—could argue against it; yet, if we do not raise taxes and if we do not curtail spending, then we are going to add to the inflationary pressures. It is just that simple.

I do not know what we might do. There are, of course, a few options we can take, but I doubt very much that we will raise taxes and I have very little confidence that we will keep under the spending limitation.

Yet I suspect a great many of us on this floor today will criticize the President when he finds it necessary to impound funds in order to keep within the kind of budget expenditure he believes will carry out the announced intentions of the Congress.

These are not happy issues to have to face. I wish that I could join with those who are saying, "We will pay the poor people more. We will take care of the old, the blind, and the disabled. We will see that the mentally retarded are properly cared for."

I merely want to say that in voting as I have, I do not mean to imply that I am not conscious of the crying need that has not been answered on the part of Government to these people; yet I would hope that we would have the courage, the wisdom, and the good judgment, indeed, to take those actions necessary in order to close the gap between what Government takes in on the one hand and what it spends on the other.

Failing that, we will add greater momentum to the inflationary forces that seem incapable of being halted or slowed down now.

I thank my distinguished colleague from Nebraska once more for yielding me this time.

Mr. JAVITS. Mr. President, on March 14, 1973, Senator MONDALE and I, joined by 41 cosponsors of both parties, introduced S. 1220, a bill to place restrictions on the Secretary of Health, Education, and Welfare imposing the regulations on the availability and use of Federal funds authorized for social services under the Social Security Act. We were joined by the following cosponsors: Mr. ABOUREZK, Mr. BAYH, Mr. BIDEN, Mr. BROCK, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. COOK, Mr. CRANSTON, Mr. EAGLETON, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HATHAWAY, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS.

The bill was designed to safeguard the following elements of the existing approach to social services which were threatened by regulations proposed by the Secretary of Health, Education, and Welfare, which the administration had intended to make effective April 1; programs affected include day care, aid to the elderly, programs to deal with mental retardation, alcoholism, juvenile delinquency, and other social services under titles IVA and XVI of the Social Security Act.

First, the State's existing authority to define eligible recipients including past and potential.

Second, use of privately contributed funds and in-kind contributions as part of the State's matching share.

Third, existing standards for day care.

Fourth, authority to provide drug and alcohol treatment programs, education and training services, and other comprehensive programs for children, the elderly or disabled.

Fifth, reasonable reporting requirements.

As a result of our initiatives and other objections to the proposed regulations the administration sought to revise those requirements and announced a number of postponements of the effective date, the latest of which is July 1, 1973.

The Senate Committee on Finance has undertaken a thorough examination of the regulations and now apparently agrees with us that the Secretary should not be permitted to implement them in the near future.

To that end, the Finance Committee ordered reported as an amendment to H.R. 8410, the debt ceiling bill, now being considered on the floor, a provision delaying the effective date of the regulations until January 1, 1974. The committee's announcement states that—

> This delay will permit the Congress time to deal with the substantive issues associated with social services and to approve legislation as appropriate.

As I indicated when S. 1220 was introduced, the approach of the administration would tend toward increasing the welfare rolls—contrary to their general intent—and would add "insult to injury" for States like New York, where social services efforts are already severely damaged by the $2.5 billion ceiling on social services and the formula for distribution has greatly prejudiced the large industrial States—the very States that have shown the greatest interest and competency in providing social services.

I commend and support the committee action and ask the Senate to approve it and look forward to working with the Finance Committee in future efforts toward legislation, both to deal with the issues raised by the regulations and with the ceiling and the distribution formula thereunder.

I ask unanimous consent that there be printed in the RECORD at this point, an excerpt from the CONGRESSIONAL RECORD of March 14, 1973, stating my position in regard to S. 1220 and the letter of Jule M. Sugarman, administrator of the human resources administration of New York City:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE CONGRESSIONAL RECORD OF MARCH 14, 1973

Mr. JAVITS. Mr. President, I am pleased to join with Senator WALTER MONDALE, Democrat, of Minnesota, in S. 1220, a bill to bar restrictions by the Secretary of Health, Education, and Welfare imposed by regulations on the availability and use of Federal funds authorized for social services under the Social Security Act. We are joined by a bipartisan group of 41 Senators including the following members of the minority: Senators BROOKE, CASE, COOK, HATFIELD, MATHIAS, PACKWOOD, PERCY, SCHWEIKER, and STAFFORD.

The bill would safeguard the following elements of the existing approach to social services which are threatened by regulations proposed by the Secretary of Health, Education, and Welfare, which the administration intends to make effective April 1; programs affected include day care, aid to the elderly, programs to deal with mental retardation, alcoholism, juvenile delinquency, and other social services under titles IV–A and XVI of the Social Security Act.

First, giving States existing authority to define eligible recipients including past and potential.

A key aspect of the current program is that States and localities are free to provide child care and family services to former and potential welfare clients. Under present law, as a general matter, services may be provided to persons who have been on welfare during the past 2 years and persons who could be on welfare within the following 5 years.

Under the new proposal, a 5-month limitation would pertain with respect to former recipients and a 3-month limitation for potential recipients. Additionally, eligibility cutoffs would be revised so that in New York City; for example, a family of four earning just above $5,400 would not be eligible for day care.

The administrator of the Human Resources Administration of New York City, Jule M. Sugarman, has advised me by letter dated March 7, 1973, that if the regulations are implemented, about 50 percent of the current families enrolled in the child care programs would be ineligible; at the present time there are approximately 368 centers in New York City with a capacity for 26,289 children.

These restrictive elements, if implemented, will impact all of the social services programs, not just to day care. Mr. Sugarman's letter notes:

"We are already considering whether we should not move our Senior Citizen Center program out of Title XVI coverage to spare the elderly the necessity of documenting their near indigency to gain program eligibility."

Mr. President, it is clear that if implemented these regulations will have an effect exactly the opposite of that intended by the Congress for the social services program under the Social Security Act. For example, in day care, it will mean that once the mother works her way off of welfare, she will become ineligible for child care and thus fall back into the welfare category.

Nothing could be more counterproductive or repugnant to the purposes of the law or inimical to the Administration's own concern with the "working poor" than that.

Second, use of privately contributed funds and in-kind contributions as part of the State's matching share.

Under the proposed regulations, the administration proposes to eliminate private contributions which currently may be counted as a part of the State's or locality's 25-percent matching funds.

This will sound the death-knell for many programs throughout New York State and the Nation which find sources of life in the contributions of philanthropic organizations, United Fund, and similar sources; I am advised that in New York City alone one such private organization has provided as much as one half a million dollars to social services.

Moreover, this proposal should be considered inconsistent with the administration's own emphasis on volunteerism and economy in government since the matching requirement acts as an incentive for funding from the private sector and thus achieves a "multiplier effect" in terms of Federal expenditures.

Third, existing standards for day care.

The proposed regulations eliminate existing requirements with respect to the quality of child care made available under the Social Security Act.

Under the new regulations, there is every risk that programs would become purely "custodial"—that is, lacking in educational, nutritional, and other components that are so key to human development.

Again, nothing could be more counterproductive in terms of the purposes of the Social Security Act since programs without these essential elements can only act to perpetuate the cycle of poverty for a new generation.

It should be noted also that elimination of standards for day care is inconsistent with the law recently enacted by the Congress. The Economic Opportunity Act Amendments of 1972 specifically provided, in section 19 for the application of the Federal interagency day care requirements to all child care programs funded by the Federal Government and the President signed that law on September 19, 1972.

Fourth, authority to provide drug and alcohol treatment programs, education and training services, and other comprehensive programs for children, the elderly or disabled.

Under the new regulations, programs for the rehabilitation of alcoholics and drug addicts are not even eligible activities; in New York City, this will mean the eliminaton of Federal fundng for programs under which 25,000 addicts—5 to 10 percent of the 300,000 to 500,000 in New York City alone—are now being given treatment.

Moreover, there is no mandate in the proposed regulations for the use of subprofessional personnel in service delivery and training and educational leaves—as under previous law.

Fifth, reasonable reporting requirements.

Under the new regulations, States and cities would be required to determine eligibility of each recipient on a quarterly basis; under present law, eligibility must now be determined only once a year and more often only if the State deems necessary.

I support efforts to assure administrative efficiency in carrying out programs but I believe that the proposed regulations impose an element of red tape that can only serve to make the program almost unworkable.

For these five reasons, we propose this amendment to the Social Security Act in the belief that the regulations proposed by the Secretary remain contrary to the general purposes of the Social Security Act, which is to get people off the welfare rolls. Limiting eligibility to persons on welfare, cutting off private funds, permitting custodial child care, eliminating drug and alcohol treatment programs, and cutting efforts for paraprofessionals and related services can only serve to increase the welfare rolls.

Mr. President, just last December, despite my efforts to seek relief, the Congress imposed a $2.5 billion ceiling on social services throughout the Nation and established a formula for distribution which greatly prejudiced industral States like New York—indeed the very States that have shown the greatest interests and competency in providing social services.

For this fiscal year, that ceiling has meant that approximately $200 million is available in Federal matching funds for New York State in contrast to the State's original request for and ability to use effectively $800.0 million.

Mr. President, I hope very much that in light of the substantial bipartisan support for our proposal evidenced by cosponsorship for this measure that, the Secretary of Health, Education, and Welfare will reconsider these regulations and abandon them. If there are further reforms that need to be made in the law, we will be pleased to work with the executive branch in developing them, but we do not wish to permit these regulations to be implemented without regard to legislative intent or involvement.

I ask unanimous consent that at this time there be printed in the Record a copy of the letter from Jule M. Sugarman, administrator of the Human Resources Commission in New York City to me dated March 7, 1973 and an article and an editorial from the New York Times of March 7, 1973.

There being no objection the material was ordered to be printed in the Record as follows:

1,000 PROTEST FEDERAL PLAN TO CUT DAY-CARE SERVICE

About 1,000 demonstrators, many of them mothers who brought their children, yesterday protested proposed Federal regulations that would end day-care and other social services for many present recipients.

Carrying signs and chanting "We want day care," the protesters marched for about three hours outside 26 Federal Plaza, where the Federal Department of Health, Education and Welfare has offices.

Last month the department proposed terminating Federal support for social services to working mothers who earn salaries more than one-third higher than their state's official poverty level.

In New York State, as many as half the 34,000 working mothers now using centers for their children would be about the $5,400 maximum that would result if the proposals were implemented.

Many mothers said they would have to go on welfare if their day-care services were terminated. Others praised the centers, where children are taken care of while parents work, as "life-savers."

CARING FOR CHILDREN

Working mothers in this and other cities have been expressing concern about the proposed changes in the Federal guidelines which might render their children ineligible for low-cost day care. Unless states and cities make up for the reduction in Federal support, many mothers whose earnings are above the poverty level but too modest to permit expensive unsubsidized private child care would be forced to withdraw their children from any existing centers. In New York the cut-off point would come at an income of $5,400.

The controversy once again puts the spotlight on the important social issues raised by the sponsors of last year's child development legislation. The measure, vetoed by the President, recognized that day care is not as Mr. Nixon seems to believe, a mere handout for welfare mothers. It is rather an effective device to allow working mothers of limited means to divide their attention between job and home without neglecting their children.

The ultimate effect of a rigid interpretation of financial need in determining eligibility for free or low-fee child care will be to increase the welfare rolls. It would simply become economically impossible for many women to work and still feel confident that their children are well taken care of at the same time. Such a regressive policy clashes head-on not only with compassionate social doctrine but also with the President's own repeated insistence that people help themselves first in order to be eligible for government aid.

But the mistaken view that day care is only for children of poverty is dangerous for another reason. The strength of the best of the existing day care centers is that they attract a mix of children from a relatively wide range of home backgrounds. If integration—socio-economic as well as racial—is truly to remain the country's goal, the time to begin is when the children are still too young to have been inoculated with the virus of society's suspicions and hostilities.

When President Nixon vetoed the Child Development Act, he said he considered the measure a threat to the American family. The present situation, in addition to increasing the welfare rolls, is a threat to American childhood.

THE CITY OF NEW YORK,
March 7, 1973.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I appreciate the opportunity afforded to me by your request that I describe the effect that the proposed Title IV–A and XVI HEW Regulations would have on provision of social services to the families and children, disabled, aged and the blind, residing in New York City.

Following are some thoughts on how the proposed changes will affect social programs and the people who benefit from them.

The regulations as proposed, do not provide for recipients of service to be part of advisory committees; although provision is made for a Day Care advisory capacity, it is only on State level. This is contrary to the direction we have taken to enable the citizens of New York City who are users of service, to advise on program content which is most desirable in terms of meeting needs. Placement of advisory function at the State level for Day Care, effectively presents parental-local participation in shaping programs designed for their children.

By eliminating the provision for fair hearings and substituting a "grievance" provision, the new regulations dilute the concept of accountability of the local and state bureaucratic administrative structure in that they permit for a complaint to be made but do not provide for a method of orderly and objectively responsive resolution. Furthermore, the lack of provision for fair hearings is in violation of the Social Security Act provisions as stated in Title IV–A, Section 402 (a) (4) and Section 406(b).

There is no mandate in the proposed regulations for the use of subprofessional personnel in service delivery. This is contrary to provision of the Social Security Act (as amended), which specifies in Title IV–A, Section 402(a) (5) (B):

"The training and effective use of paid subprofessional staff, with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency."

Although this proposed deletion in effect will not change the City's policy in providing entry level opportunities in the service area for people with less than college degrees, it opens up the possibility that the State no longer need go along with the City policy since this is no longer mandated under Federal regulations. Entry level social service jobs have been one of the ways we have provided employment opportunities for current assistance recipients.

There is no mandatory provision for staff development and training and educational leave. The absence of this provision eliminates one of the major programs which had been available to us for the purpose of upgrading skills of our current staff. At a time when maximum staff skills will be needed to produce maximum effectiveness as specified in the proposed regulations, reimbursement for staff development through educational leave is being eliminated.

Mandatory services have been limited to three: Family Planning, Foster Care for Children and Protective Services for Children. This gives the State the option not to approve Preventive Services for Children. This would seriously affect our capacity to exert maximum efforts to forestall and/or prevent placement which is, both socially and fiscally, the most expensive type of care. The failure to mandate services of preventive nature would also appear to be contrary to the intent of the 1967 Amendments which were designed to prevent dependency and promote independence.

The intent of the proposed regulations regarding Day Care seems patently clear: to halt program enrichment and nutrition for those enrolled in group day care programs. Where the current regulations *require* that services be provided to meet the education, emotional social and physical needs of children and their families, the proposed regulations do not speak to those concerns.

The most telling blow however, is the restrictive provision for eligibility. Under the proposed provisions a New York City family of four earning just about $5400, would not be eligible for day care at Federal rate of reimbursement. Approximately 50% of current families enrolled in our program would be ineligible and we would be facing the intolerable decision of having to deny day care services to those families or adding the fiscal burden of the non-reimbursable portion of the program to the heavily encumbered resources of the City and the State. And even that intolerable solution is contingent upon the willingness of the State to share the burden with us.

The restrictive eligibility provisions if implemented, will impact all of the social service programs in addition to day care. We are already considering whether we should not move our Senior Citizen Center program out of Title XVI coverage to spare the elderly the necessity of documenting their near indigence to gain program eligibility. At issue is whether the State will participate with us on an equal cost sharing basis to help stave off the humiliation for the elderly and the destruction of our carefully developed senior citizen program.

Besides being restrictive, the eligibility provisions present an administrative complexity which will need a computer based system to operate. Even though our Medicaid levels are within the 133⅓% provision of the State public assistance level, a Medicaid eligibility would not qualify as eligibility for service since the resources permitted have to be at a Public Assistance level. In effect that would mean, for example, that a working family of four earning $5372 per year who had savings of $100, could not qualify for Day Care under Title IV–A. This might, contrary to intent and desire on the part of HEW, contribute to helping keep single parent working families on assistance. It can be stated that the net effect of the proposed eligibility criteria which limit the definition of former to three months and potential to six months is to provide service virtually exclusively to current recipients, and to move away from the legislative intent of providing supports to those who have become independent or are in danger of becoming dependent.

Although I applaud the goal-oriented and time directed thrust regarding service plans, I regret that the proposed regulations specify that service plans for potential recipients can include only services that deal with problems that can lead to financial dependence. That type of emphasis would seem to engage our ability to provide child care education, home arts education and other such services to families whose lives and whose children's future might benefit from this type of service.

Sincerely,

JULE M. SUGARMAN,
Administrator.

THE CITY OF NEW YORK,
HUMAN RESOURCES ADMINISTRATION,
New York, N.Y., June 26, 1973.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I appreciate the opportunity afforded to me by your request that I present my views on the Social Services Amendment attached to the Public Debt Bill (HR 8410), which would postpone the commencement of HEW regulations under Titles I, IV, X, XIV, and XVI of the Social Security Act, from July 1, 1973, until January 1, 1974. I have on numerous occasions expressed my concern regarding both the proposed and final versions of the regulations issued by HEW on February 16, 1973, and May 1, 1973, respectively. I have shared with you my assessment of the impact of the proposed regulations on New York City in my letter of March 7, 1973, and have testified before the Committee on Finance, United States Senate, on May 16, 1973 regarding these same issues.

The HEW regulations are, I believe, another in the series of moves to promote fiscal savings at the expense of low-income working people. As such, they go well beyond the intent of Congress, which was to provide social services to the working poor, thereby preventing their dependence, at points of crisis, on public welfare payments. I agree that there is a need to limit social services expenditures. However, various analyses have demonstrated that the regulations as promulgated by HEW, would result in so limiting social services expenditures as to bring them below the $2.5 billion level authorized by Congress.

I am encouraged by the decision of the Senate Finance Committee to take affirmative action in postponing the regulations, thereby offering Congress ample time to deliberate on viable social services legislation, which will be broad enough to allow and encourage low-income working persons to utilize day care, family planning and other services which they need to stay off of welfare rolls. As you may recall, HEW's eligibility requirements are such that they discourage participation by the potential service population. Potential recipients are unable to retain even minimal cash resources, unless these are exempt by individual States in the States regulations governing financial assistance programs. In New York State, any potential recipient with ten dollars in a savings account will be barred from day care, and other services, as HEW's regulations tie his resources eligibility to the eligibility requirements for public assistance clients.

In addition, the issuance of HEW's regulations has resulted in a de-emphasis of programs for the aged, disabled and blind populations. This de-emphasis is quite alarming when considering that service programs for the aged, disabled and blind can be effective in preventing costly institutionalized care. I feel it important to advise that the cost of institutional nursing homes in New York City, has skyrocketed to nearly $400 per week, while services which could prevent such placement can be provided at a much lesser financial, and most important social cost.

In preparation for my testimony before the Senate Finance Committee, I had reviewed the Congressional Record of Thursday, October 12, 1972 and Friday, October 13, 1972. I also had reread the Conference Report, No. 92–1450 which accompanied HR 14370 (State Local Fiscal Assistance Act of 1972) and Senate Report, No. 92–1050 (Part 1), prepared by the United States Senate Committee on Finance in reference to the Revenue Sharing Act of 1972. None of these documents suggested any legislative intent to alter substantively, the authority of each state to request what that state considers to be an equitable, efficient and effective definition of eligibility for services. Nowhere was there the suggestion that group eligibility should be eliminated. Rather, the thrust of the legislative intent appeared to be provision to limit the explosion of cost and to tighten program review to assure regulatory compliance and local maintenance of effort.

The regulatory removal of group eligibility, when combined with the 90/10 provision of the State Local Fiscal Act of 1972, virtually eliminates our capacity to serve the non-welfare elderly poor population. The latter, of course, is a matter of redress by Congressional action, so that states can use their own judgment to provide services to those aged in need even if they refuse to avail themselves of the right to public assistance supplementation of their social security income. In relation to this we are encouraged by HR 8641 introduced on June 13, 1973 by Congressman Heinz and other similar bills which would remove the 90/10 provision.

However, even if the 90/10 restriction is eliminated by legislative action, the HEW regulations will continue to affect our ability to provide services to many in need, such as the aged. We estimate that of the 46,000 aged currently using our senior citizen centers, nearly 60% or 27,600 will be ineligible for Federal financial participation if the 90/10 provision and the regulations effective July 1, 1973 continue in effect. Under existing regulations, poor senior citizens are able to utilize our centers and receive a hot meal without submitting to an individual means test under provisions for group eligibility determination. HEW's regulations, effective July 1, 1973, eliminating group eligibility, will affect many elderly who will prefer to remain isolated and improperly nourished rather than face a means test for service.

In addition, New York City will face enormous fiscal burdens in serving our day care and other family services populations, as potential service clients with minimal cash resources will no longer be eligible for Federal financial participation. New York City is currently serving some 34,000 children in our day care program, of which 14,600 are on AFDC. Although 75% of all day care users are eligible under the 233⅓% payment level, there is no way of ascertaining how many of these 25,000 clients have cash resources, and are consequently ineligible. One can assume that most working families retain minimal savings accounts for "rainy days." Should these familes be honest and declare their resources, New York City will not be able to claim Federal reimbursement for their day care services.

A similiar problem exists in our family planning programs, where we estimate that some 6,600 persons are no longer eligible for service under the 150% payment level. This figure will also increase as potential clients declare their resources and become ineligible.

It should also be noted that HEW's regulations no longer allow Federal financial participation for subsistence and medical care costs when provided as essential components of a comprehensive service program of a facility. Under existing regulations, the costs of providing meals to children in day care centers is reimbursable by the Federal government. Since this provision has been removed by HEW regulation, we estimate that New York City will incur costs of an additional $5 million to maintain the current program level. I want to underscore the critical importance of providing adequate nutrition for children so that they have the physical stamina for school and, later on in life, for work.

Lastly, the mandate to redetermine the eligibilty of the current service caseload within three months of July 1, 1973 will increase our costs an additional $1.8 million and necessitate a virtual cessation of service delivery during the interim.

I cannot stress too strongly the need for deliberate review of social service needs in this nation. I therefore strongly urge your support for the proposed amendment which will postpone the effective date of the regulations and permit time for viable and equitable legislation.

Sincerely,

JULE M. SUGARMAN, *Administrator*.

Mr. SCHWEIKER. Mr. President, I rise in support of H.R. 8410, the bill to continue the existing temporary increase in the public debt limit through November 30, 1973.

One of the key provisions of this bill is section 230, which would retain the existing social services program regulations of the Department of Health, Education, and Welfare until January 1, 1974. I am wholeheartedly in favor of this 6-month moratorium on any changes by the Department in these regulations. As one of those Senators who has joined in protesting these regulations of HEW, and as a cosponsor of S. 1220, the bill introduced by the Senator from Minnesota, (Mr. MONDALE), I feel that the Committee on Finance needs until the end of this calendar year to fashion its own social services legislation to supplant these proposed HEW regulations.

As the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), pointed out in his statement on the floor yesterday, one of the serious errors made by HEW in its regulations relates to legal services. In the initial draft of the new HEW social services regulations, no provision at all was made to continue legal services with these social services funds.

Pennsylvania would have been one of the principal States affected by this outright ban on further use of social services funds for legal services. As I pointed out in my letter of March 16, 1973, to Secretary Weinberger, Pennsylvania currently receives $2.4 million of the $4 million spent nationally under the social services program for legal services to the poor.

When the revised HEW regulations were published May 1, 1973, legal services were restored as a permissible use of social services funds by the States, but only those legal services involving "legal problems of eligible individuals to the extent necessary to obtain or retain employment."

This limit on the scope of legal services is so narrow that it will be tantamount to an outright bar of any funds for legal services. Pennsylvania's program, the most ambitious such program in the Nation, would be practically put out of business because it simply is not feasible to continue to operate the program on such a narrow, restricted basis. In Pennsylvania, social services funds are being used in two ways for legal services. One way is as a supplement to the budgets of legal services agencies that are also receiving funds from the Office of Economic Opportunity. The other way is to finance programs in rural counties that do not receive any OEO funds. These latter programs, seven in number, serving 15 rural counties, would collapse altogether without continued use of HEW social services funds.

Mr. President, I intend to pursue this matter further with the Committee on Finance as it uses the balance of this year to write its own legislation to override the HEW social services regulations. I am glad that in the pending bill, H.R. 8410, the committee has taken the first step by providing a 6-month freeze on the implementation of these regulations by HEW.

Mr. President, I ask unanimous consent that my letter to Secretary Weinberger dated March 16, 1973, be included in the RECORD at this point, followed by a statement submitted to the Committee on Finance by the Pennsylvania Legal Services Center dealing with the need for legislation to guarantee the continued existence of legal services under the social services program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 16, 1973.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am writing to express my deep concern with the proposed regulations your Department has issued for the Social Services program, removing legal services programs from eligibility for Social Services matching funds.

This policy change will affect my state, Pennsylvania, more acutely than any other. Of the $4 million in Social Services matching funds used nationwide for legal services programs, $2.4 million goes to legal services programs in Pennsylvania alone.

Pennsylvania, since 1968, has taken a vigorous lead in making use of these matching funds for legal services programs. These funds have been used in Pennsylvania to supplement the operations of existing OEO-funded legal services agencies and to start wholly new programs in areas not being served by an OEO-funded program. In the latter case, there are now seven programs serving 15 predominantly rural counties which did not have, and still do not have, OEO legal services programs for the poor. These programs now depend exclusively on HEW matching funds.

In the context of the entire Social Services program, with its ceiling of $2.5 billion, this $4 million worth of support for legal services programs does not loom as a major item. Yet, if it were to be cut out, Pennsylvania would suffer proportionately more than any other state, since it receives more than half of all the funds used nationally for legal services. So I urge that you consider retaining legal services programs as a permissible use of Social Services matching funds under the new regulations.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

MAY 24, 1973.

SENATE FINANCE COMMITTEE,
U.S. Senate,
Washington, D.C.

GENTLEMEN: Enclosed is a statement of the Pennsylvania Legal Services Center in support of S. 1220 with recommendations for amendments thereto relating to legal services. This statement is submitted on behalf of the Pennsylvania Legal Services Center and nineteen (19) local legal services programs in Pennsylvania utilizing HEW social services funds to provide legal services to the poor. Please include this statement as part of the official record of the Committee proceedings concerning S. 1220.

We urge that the Committee take prompt action to report the bill favorably to the floor of the Senate.

Very truly yours,

GERALD KAUFMAN,
Executive Director.

STATEMENT OF THE PENNSYLVANIA LEGAL SERVICES CENTER IN SUPPORT OF S. 1220, WITH RECOMMENDATIONS FOR AMENDMENTS RELATING TO LEGAL SERVICES

The Pennsylvania Legal Services Center (PLSC) is a private, non-profit corporation responsible for the funding, on a state-wide basis, of local legal services programs. Recently organized at the direction of the Governor with the close cooperation and assistance of the Pennsylvania Bar Association, PLSC, through a contractual relationship with the Pennsylvania Department of Public Welfare, allocates funds derived from the Department of Health, Education, and Welfare, as well as from public and private sources, for the support of 19 independent local legal services programs serving the needs of the poor in 27 counties in the Commonwealth. PLSC, largely in response to local initiative, develops new programs in areas of Pennsylvania unserved by local programs, and provides training, technical assistance, and back-up services to local programs. Finally, PLSC monitors and evaluates the performance of local programs to insure that they are responsive to the needs of their client community and that they operate in accordance with the highest standards of professional responsibility and the highest level of professional competence.

PLSC is responsible to the Pennsylvania Department of Public Welfare for the utilization of all legal services funds derived from HEW and used for the support of local programs. To insure responsiveness to local needs, PLSC's board is composed of representatives of the organized bar, the public (appointed by the Governor), project directors of local programs, and client representatives. This board structure reflects the makeup of local program boards which also have significant bar and "client representation.

A unique feature of the approach Pennsylvania has taken in the development of local legal services programs is its reliance on local initiative and financial support. This approach assures that a local program will be responsive to the needs of the area it services, and assures accountability. Apart from useful organizational efforts which local groups have contributed, financial support has been received from the Bar Associations of 9 counties, the County Commissioners of 13 counties, Community Action Agencies in 13 counties, 5 municipalities, and various church groups, foundations, united funds, and private law firms.

Currently, Pennsylvania, through the Department of Public Welfare, spends $3 million annually to support legal services, of which $2.4 million are matching Federal funds derived from the Social and Rehabilitation Service of the Department of Health, Education, and Welfare. Seven local programs serving 15 predominantly rural counties are totally supported by these funds and 9 of the remaining local programs in the State depend on these funds for a substantial portion of their operating expenses, the remainder being supplied by the OEO, Office of Legal Services. In accordance with HEW's suggestion, the Pennsylvania Department of Public Welfare and the State and local bar associations have cooperated extensively with OEO in developing legal services in Pennsylvania, although the state's financial commitment has exceeded OEO's, which has remained at the $1.9 million level for approximately 4 years.

State, private, and matching Federal funds currently provide 107 lawyers to meet the demands of over 670,000 potential clients (recipients of cash public assistance payments) in the counties now covered by legal services. The Commonwealth has recently increased its commitment of state-appropriated funds to $508,000 for fiscal 1974.

Although legal aid programs had existed for some time, much of the local commitment to the provisions of legal services for the poor was crystallized in response to HEW's vigorous urging to move ahead in this area contained in HEW State Letter No. 1053. (Attached hereto as Exhibit #1.) Assured of HEW's commitment to provide comprehensive legal services for the poor, and realizing that local resources were insufficient to provide quality legal services in all areas of the Commonwealth, and particularly in rural areas, without Federal financial participation, local groups directed their energies and funds toward the initiation of programs which they expected would be long lasting with their continued support combined with that of HEW. Clients came to be accustomed to equal access to legal institutions once financial barriers were removed.

The continuation of Pennsylvania's extensive and effective HEW funded legal services program (which accounts for 55% of the total funds now available for legal services for the poor in the Commonwealth) is now threatened by new regulations adopted by HEW for the administration of its social services program, including legal services, now scheduled to be implemented on July 1, 1973. PLSC believes that legislation such as S. 1220, with the amendments proposed herein relating to legal services, is necessary to preserve legal services as a meaningful service to the poor.

These comments and recommendations are made on behalf of PLSC and the 19 local legal services programs jointly dependent on HEW matching funds for support.

NEED FOR CORRECTIVE LEGISLATION

PLSC strongly supports S. 1220 and, in particular, the Bill's intent to preserve intact, subsequent to July 1, 1973, important components of the HEW social services program by requiring the Secretary of HEW to maintain specified regulations for the administration of Titles I, X, XIV, and XVI and part A of Title IV of the Social Security Act as those regulations were in effect on January 1, 1973. The regulations now scheduled for implementation on July 1, 1973 have narrowed significantly the definition and scope of legal services which are reimbursable. We believe that S. 1220 should be amended to direct the Secretary of HEW to allow as broad a range of legal services as was heretofore provided.

Under the authority of HEW regulations in effect January 1, 1973, (45 CFR § 222.59 and § 222.91) and more particularly State Letter No. 1053 (November 8, 1968) a full range of legal services was permitted. State Letter No. 1053 provides, in pertinent part:

> *3. Scope of services*
>
> Legal services are defined to mean the services of a lawyer, made available to the eligible individual or family, for help with legal problems confronting them—including representation in court, and in court appeals where appropriate. The option is left to the states whether or not to provide legal services. . . . Basically, a total spectrum of legal services to clients is contemplated, but the state may determine for itself those categories of problems for which it will provide service. Fee generating cases are excepted from this definition. Matters in which the state has an obligation to furnish counsel to the indigent, such as in certain criminal and in juvenile matters, are also excepted. Legal services under the program are directed to the benefit of the client, to provide him with an advocate in situations where he needs the services of a lawyer . . .

This definition contrasts sharply with that included in the regulations to take effect on July 1, 1973 (45 CFR § 221.9 (b) (14)).

> *Legal Services*—This means the services of a lawyer in solving legal problems of eligible individuals to the extent necessary to obtain or retain employment. This excludes all other legal services, including fee generating cases, criminal cases, class actions, community organization, lobbying, and political action.

This definition of legal services is defective, especially in contrast to the definition contained in State Letter No. 1053, in two ways:

1. It limits eligible clients to those having employment related legal problems, thereby excluding from service persons who may be unemployable but whose life situation could be improved by legal services. This would include the elderly, the disabled, and persons otherwise unemployable, such as dependent children.

2. It imposes a prior restraint on the type of service the lawyer can give to eligible clients by specifically excluding class actions, group representation, and lobbying, and thereby intrudes on the attorney-client relationship.

SUGGESTED LEGISLATIVE ALTERNATIVES

1. Mandate the State Letter No. 1053 Definition.

PLSC urges that S. 1220 be amended to include a directive to the Secretary of HEW to define legal services in accordance with the standards set out in State Letter No. 1053. Under this standard, each state now providing legal services could continue to determine for itself the categories of legal problems for which it will provide legal services to eligible clients.

2. Mandate an alternative definition.

As an alternative definition, PLSC recommends the following language:

> *Legal Services*—This means the services of a lawyer in solving legal problems of eligible persons. This excludes fee-generating cases, criminal cases, and political action.

This alternative definition will allow the same range of services as the State Letter No. 1053, but would specifically exclude political action by legal services attorneys. The exclusion of political activity would have a beneficial effect in that it would further assure the insulation of legal services programs from political attacks.

3. Provide for Interim HEW Funding for Legal Services.

The Administration has recently introduced its proposed legislation to establish a national Legal Services Corporation. Once the Legal Services Corporation is organized, and adequately funded and structured to continue support of the comprehensive legal services system that has been established through OEO and HEW, the need for a separate HEW supported legal services program may lessen. As a further alternative, therefore, PLSC suggests that S. 1220 be amended to instruct the Secretary of HEW to continue to define legal services, under either definition set forth above, on an interim basis pending the ability of the Legal Services Corporation to assume the burden of the current HEW funding.

RATIONALE FOR MAINTAINING A BROADLY DEFINED LEGAL SERVICES PROGRAM

1. The limitation on client eligibility strikes hardest at those most in need.

The proposed definition, by focusing on employment related legal problems, excludes services from many of the poor who are most in need, including elderly and disabled persons and others who cannot be moved to employment but whose ability to become self-sufficient could be enhanced with some legal assistance. The providing of legal assistance to stop the illegal eviction of an elderly person, thereby preventing his becoming a public charge, or the providing of legal assistance to solve the domestic problems of a woman who may then become available for employment are services excluded under the proposed definition. The definition also excludes legal assistance in areas of the law where exploitation of the poor is most common, such as in consumer affairs, and in issues relating the entitlement to public income maintenance benefits, benefits which are intended to provide temporary support directed toward the eventual employability of the recipient. In a perverse twist, the regulation even elimiates the representation of clients in fair hearings which are themselves required by the Social Security Act and other Federal and State laws. This policy is inconsistent with HEW's stated aim of getting social services to those most in need. The regulations emphasis on employment-related problems is a misdirected priority since it fails to recognize that other legal services can be a means to enhance a client's ability to achieve self-sufficiency.

2. The definition of legal services unduly restricts the scope of services that can be provided and thereby infringes on the attorney-client relationship.

The use of class actions as a tactical device in conducting litigation, the providing of legal advice as counsel to a group of clients, and lobbying activities performed in an attempt to acquaint legislative bodies with the particular problems of a client in order to provide information necessary to guide that body's deliberations are all traditional functions of a lawyer and are carried on every day by lawyers acting as advocates for their clients. Many of the lawyers engaged in lobbying, for example, are supported by public funds, either directly in the case of attorneys employed by government agencies, or indirectly, in the case of private attorneys where fees are tax deductible business expenses. The novelty of the regulations now to be changed is not that they sanctioned the use of public funds for these forms of advocacy, but that they gave poor people the means to have this sort of representation at their disposal for the first time. The proposed regulation, by eliminating these advocacy functions, deprives poor persons of quality legal services by insuring, before they ever consult an attorney, that the services they can expect to receive will be limited. If a client is to be adequately and aggressively represented by his attorney, the attorney must be able to employ all of the advocacy tactics at his disposal. To provide a legal services attorney with less is to assure that his client will receive less than equal justice.

Although the regulations contain no rationale for the limitation on the scope of legal services that can be provided, the intent may be to insure the professional responsibility of attorneys by limiting their activity in areas of the law in which the participation of legal services lawyers has been most controversial. If so, the regulations are a heavy handed approach since the machinery already exists to assure accountability. In Pennsylvania, the Pennsylvania Bar Association and local bar associations play a significant role in the development and direction of the local programs. The Board of Directors of each program includes client members who help assure that the activities of the program are conducted in the interests of the client population. Local government and private organizations, including both lay and bar organizations, have substantially contributed toward the development of programs and have continued their input toward the improvement of local programs. Affirmative action at the highest level of state government is necessary before a legal services program utilizing HEW funds can even be provided in a state. The proposed restrictions on the scope of services that can be provided do nothing to enhance the professional nature of the local programs, and in fact overstep ethical boundaries by limiting what actions the attorney may take in representing his client.

3. The restrictive definition for legal services will not result in a significant national cost saving.

Nationally, only $4 million of HEW funds is currently spent on legal services. The continuation of this level of funding in terms of the total national HEW budget is not inflationary. More importantly, the total amount of social services funds available to each state has already been limited by Title III of the Revenue Sharing Act. Legal services will now have to compete, at the state level, with other state priorities for the available social services dollars allocated to the state. Similarly, only a few states have opted to provide legal services since 1968. A continuation of a broadly defined legal services program would not open a floodgate since there is now great competition within each state for the available, and Federally limited, social services dollar.

In the past seven years, this country has made great strides toward reaching the goal of obtaining "equal justice under law" for every person regardless of his economic condition. The severe limitations in the proposed regulation by HEW for the use of social services funds for legal services represents a precipitous reversal of direction. For this reason, and the reasons set forth above, PLSC urges adoption of S. 1220 with the amendments proposed herein.

MEETING LEGAL NEEDS OF THE POOR

(NOTE—The State Letter reproduced here, discussing the need and the program for providing legal services for poor people and transmitting a Statement of Principles was issued November 8, 1968, by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.)

TO STATE AGENCIES ADMINISTERING APPROVED PUBLIC ASSISTANCE PLANS

Legal services for the poor

In the year and a half since I assumed the responsibility of Administrator, Social and Rehabilitation Service, no subject has come up more frequently than the legal rights of poor people—what are they—what is our legal system doing to secure and protect them? Are they intrinsically different than the rights of any of us? What responsibility does the Department of Health, Education, and Welfare have in this area, especially that part of it, like Social and Rehabilitation Service, so intimately concerned with especially vulnerable people.

As a matter of fact, the securing and protection of the legal rights of poor people have been a subject of serious concern for the Social and Rehabilitation Service and its predecessor agencies in the Department of Health, Education, and Welfare for a number of years. In attempting to assure poor people their rights under law, it is clear that too often poor peoples' rights have not been clearly defined or if defined and understood have not been honored.

The Department of Health, Education, and Welfare has recognized the need of making the law meaningful to poor people, and of using the law to help them cope with problems imposed upon them through poverty. Committed as we are to the concept of "Equal Justice for All," our Department pioneered in studying this problem when it sponsored a conference in Washington in November 1964 on "The Extension of Legal Services to the Poor."

Since that time, great strides have been taken to provide lawyers for poor people to help them achieve their rights and to achieve social justice. The Office of Economic Opportunity Legal Services Program, as well as the organized bar, has done a great deal in the last few years in this regard; so has the legal assistance movement generally. Lawyers have done much for poor people on issues directly and intimately affecting their lives. This has not only improved the economic situation of the poor individually, and as a class, but the efforts of these lawyers have helped to convey to poor people a feeling that the law can be on their side.

Despite all that has been done to provide lawyers for poor people and to assure their rights in the last few years, there yet remains a large unmet need for legal services for public welfare clients with problems in the fields of domestic relations, consumer law, landlord and tenant relationships, etc. Community legal assistance agencies (those supported by OEO and the legal aid societies) report overwhelming demands for their services. Rural areas suffer from a particular dearth of free legal service for poor people. The Social and Rehabilitation Service in the Department of Health, Education, and Welfare is accepting its responsibility to help this situation by including legal services as one of those services for which it will provide matching funds where the State welfare department makes this service available in its public assistance program.

In the spring of 1968, we convened two meetings with groups representative of the organized bar, State and local public welfare agencies, voluntary agencies, and other Federal departments to assist us in developing a statement of principles for a legal services program in public welfare. The enclosed statement, "Principles for a Program of Legal Services for Public Welfare Clients," was developed as a result of these meetings and will serve as guides to be followed in developing a legal services program.

We strongly urge you to move ahead as quickly as possible to establish legal services programs. Justice delayed is justice denied. As indicated in the enclosure, section 1115 demonstrations (Social Security Act) are available for purposes of experimenting with the launching of a legal services program in geographically limited areas.

Because of the importance of legal services, I am establishing a special unit in the immediate Office of the Administrator to assume responsibility for implementation. Mr. Joseph E. Steigman, Legal Services Consultant, is being assigned to the unit to work directly under Mr. Joseph H. Meyers, Deputy Administrator.

Sincerely,

MARY E. SWITZER,
Administrator.

PRINCIPLES FOR A PROGRAM OF LEGAL SERVICES FOR PUBLIC WELFARE CLIENTS

The Social and Rehabilitation Service supports and strongly encourages the provision of legal services financed through the federally assisted public welfare programs. The following objectives are sought:

Legal services of high professional quality.

Complete independence of the attorneys to serve the client's interest.

Representation of the client in a broad range of circumstances and actions.

Close coordination and complementary relationships with the Legal Services Program of the Office of Economic Opportunity and with other community legal assistance services.

Achievements of these objectives will require cooperative relationships between the State and local public welfare agencies, the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the organized bar associations at national, State and local levels, and a great number of agencies that provide community legal services.

1. LEGAL SERVICES—PROFESSIONAL PROGRAM

This is to be a professional program. It will be administered in accordance with the standards and ethics of the legal profession.

2. STATUTORY BASIS

The "services" sections of the various public assistance titles of the Social Security Act provide the bases for Federal participation in the funding of legal services furnished or made available by public welfare agencies. In general, services may be provided through the public welfare program, with Federal sharing, to needy individuals who are 65 years of age or over, blind or disabled, or who are members of families with children where a parent is dead, absent, incapacitated, or unemployed.

3. SCOPE OF SERVICES

"Legal services" are defined to mean the services of a lawyer, made available to the eligible individual or family, for help with legal problems confronting them—including representation in court, and in court appeals where appropriate. The option is left to the States whether or not to provide legal services. (However, effective July 1, 1969, States must make available the services of lawyers to welfare clients who desire them in public welfare agency hearings under the fair hearing section requirements of the Social Security Act.) Basically, a total spectrum of legal services to clients is contemplated, but the State may determine for itself those categories of problems for which it will provide service. Fee-generating cases are excepted from the definition. Matters in which the State has an obligation to furnish counsel to the indigent, such as in certain criminal and in juvenile matters, are also excepted.

Legal services under the program are directed to the benefit of the client, to provide him with an advocate in situations where he needs the services of a lawyer. Legal activities primarily benefiting the administration of the public assistance program are not encompassed within the definition. Non-support and paternity actions, in particular, present a problem as to whether the client or the agency is primarily benefited. Accordingly, such actions may be included only as part of a program providing comprehensive legal services, and only where the lawyer represents the individual client.

States are urged to support broad programs of legal services required by public welfare clients.

4. RELATIONSHIP TO THE BAR

The support of the American Bar Association and the National Bar Association will be solicited in regard to national objectives of the legal services program; and States will be encouraged to seek the support of State and local bar associations.

5. RELATIONSHIP WITH OEO

The Department of Health, Education, and Welfare support of legal service programs will be closely coordinated with OEO. State programs supported by HEW must be so designed as to complement, and not compete with, programs in the State supported by OEO.

6. METHODS OF PROVIDING LEGAL SERVICES

It is expected that the services will be provided through purchase arrangements by the public welfare agency. The priority method is the purchase of legal service from an existing community program, e.g., OEO funded law office or other community legal assistance service, etc. This would include the purchase of service to enable such existing program to expand the scope of its services, the geographical area it serves, or both. In the absence of an existing community program, the welfare agency may wish to explore with local bar or other groups the possibility of creating such a program.

Agreement will need to be reached with such resources to assure a level of service by them for public assistance clients, financed from other sources, which is not diminished by reason of the public welfare agency's purchase. Reimbursement may be made through any equitable method, which is supported through sample cost analyses or other objective justification.

Where this priority method is not feasible—where no community legal assistance type of service now exists or is arranged—services may be purchased from private attorneys. This situation may arise most frequently in rural areas.

Attorneys on the staff of the public welfare agency, or under full or part-time retainer by it, may be used to provide legal services under the program only upon a showing satisfactory to the Federal agency that the professional nature of the program will be maintained. Such attorneys may in no event be used in matters that could give rise to a conflict of interest—as in disputes between the client and public agencies.

Whatever the method employed to deliver the legal service by the public welfare agency, the attorney-client relationship will be preserved and the independence of the attorney to represent his client's interest will be assured. Regardless of the method of delivering the service, lawyers may not be subject to the control of lay persons in the exercise of their professional responsibilities.

7. FEDERAL FINANCIAL PARTICIPATION IN LEGAL SERVICES

a. Federal financial participation in the cost of legal services as described above for families with dependent children under title IV, Part A, of the Social Security Act, as amended, is available at the 85 percent rate up to July 1, 1969, and at the 75 percent rate thereafter, as a family service or child welfare service.

b. For the adult categories (aged, blind, disabled)—Federal financial participation is available in the cost of legal services, as described above, at the 75 percent rate, if the agency furnishes federally prescribed services for the particular category and if the State, in addition, includes legal services; and the 50 percent rate would be applicable if the State does not furnish federally prescribed services, but does include legal services. The non-Federal share must be in cash from public sources.

8. METHODS FOR MAKING LEGAL SERVICE KNOWN

Methods for making the availability of the legal service known to the potential client and the community will need to be developed by the public welfare agency. Such techniques would include the orientation of public welfare agency staff to recognize possible legal problems of the poor, through clients and their representatives, liaison with the organized bar, use of various communications media, etc.

9. STATEWIDENESS

The provision of legal services can comply with the State-wide statutory provision through the delivery of the service by different methods in different areas of the State. The State-wideness requirement can be waived for an experimental, pilot, or demonstration project designed to show how legal services can be carried out in a State.

10. ADVISORY COMMITTEE

It is planned that an advisory committee to the Social and Rehabilitation Service will be appointed to provide consultation in regard to the development and operation of the legal services program and will meet periodically.

It is anticipated that the committee will be representative of the organized bar associations (including the American Bar Association, National Bar Association, etc.), practicing attorneys from the poverty law field, representatives from the National Legal Aid and Defender Association, from OEO and other Federal agencies, public welfare representatives and other persons active and interested in programs of legal services for the poor, including representatives of welfare client groups.

Likewise, public welfare agencies should utilize State and local advisory committees in the development of their legal services programs, where feasible. Most of the members of the national, State, and local advisory committees should be lawyers.

Mr. MATHIAS. Mr. President, last March it was my pleasure to join with other Members of the Senate in cosponsoring S. 1220, a bill to limit the authority of HEW to impose by regulations certain additional restrictions upon the availability and the use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act.

This legislation became necessary because HEW saw fit to publish a set of proposed regulations on February 16, 1973, which would have had the effect of totally eliminating some social service programs while drastically reducing others far beyond the annual ceiling on Federal social services expenditures of $2.5 billion which was established by the Congress last fall.

The impact of the new social services regulations on Maryland and the rest of the Nation would be, by even the most conservative estimate, excruciating. In recent weeks, hundreds of thousands of citizens have attempted to bring home this point to the Secretary of HEW through letters, phone calls and personal visits to Washington. Today, we are faced with the prospect of watching these regulations take effect within 4 days unless the Congress stays the hand of HEW.

Mr. President, we now have before us an amendment to the debt limit bill which will delay the effective date of the regulations until January 1, 1974. I shall support this amendment because it closely corresponds to the purpose of S. 1220. If this delay is won, the Congress will have the opportunity to carefully review the issues that have been raised by the regulations without penalizing the very individuals HEW was established to help.

Since February, I have been in touch with many organizations, individuals and agencies in my State in connection with this problem. Mr. President, I ask unanimous consent that a Report to the Maryland General Assembly by Secretary David T. Mason, the Maryland Department of Employment and Social Service, on the impact of the social services regulations; an excellent statement by Mrs. Terry M. Lansburgh, president of the Maryland Committee for the Day Care of Children, which was presented to the Senate Finance Committee; and some most illuminating reports from various Maryland County Departments of Social Services on the regulations be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Impact of Reduced Federal Support for Manpower and Social Service Programs Operated by DESS

(A report to the Maryland General Assembly by the Department of Employment and Social Services, David T. Mason, Secretary)

I. INTRODUCTION

The last seven months have produced substantial turmoil for the Department of Employment and Social Services because of the persistent uncertainty regarding the stability of federal funding for Maryland's manpower and social service programs. This uncertainty continues in large measure because of a lack of leadership and decisive action from the federal level.

During the 1973 Session of the Maryland General Assembly, the full impact of the gyrations at the federal level was not yet known to the Members, but a clear awareness existed that the impact would be substantial and that a reassessment of the State's role in supporting human service programs would be in order. Accordingly, the Department's budget report indicated:

The Committees recommended that the Legislative Council review the status of federal support for social services and employment programs during the 1973 interim. The Department of Employment and Social Services is requested to submit a report which reviews the status of programs which have experienced reduced federal support, with recommendations as to which programs, in order of priority, may require additional State support. Said report should be submitted to the Senate Finance Committee by June 15, 1973.

As requested, the Department submits herein its report on the effects of federal fund reductions on its human resource development programs. The context in which the report should be viewed is important. While this report focuses on programs within the Department's areas of direct responsibility, it does not reflect the many federal fund reductions being experienced by other agencies in Housing, Model Cities, and other related areas. These reductions, however, do have their most substantial effect on this Department's clientele, and a spillover effect can be anticipated. For example, immediate spillover effect has already occurred in Baltimore City where cutbacks in the Model Cities Program have resulted in the defunding of several programs jointly funded by DESS and Model Cities.

This report attempts to present information on the current status of human service programs in three areas:

1. Social Services,
2. Community Action, and
3. Manpower.

Because of the greatest investment of General Funds and the greatest impact on Department activities is in the area of Social Services, the bulk of this report deals with the status of federal support of programs operated by the Social Services Administration and the twenty-four local departments of social services.

II. SOCIAL SERVICES

The social activities of the Department have their Federal statutory base in the Social Security Act of 1935, as amended. That Act, as well as being the source of funds for public assistance payments, provided in Titles IVA and XVI that social services should be provided to individuals who were receiving public assistance (current recipients), who used to receive public assistance (former recipients), and who were likely to become recipients of public assistance (potential recipients). The purposes of the provision of social services, among others, were to reduce dependency, to strengthen family life, and to foster the development of children. The Act provided that 75% of the cost of social service programs conducted under the "single state agency's" approved State Plan would be paid for in Federal funds. To allow states flexibility in dealing with fluctuating caseloads and to stimulate the growth of social services programs, the Congress left the amount of funding which any state could receive for social service programs "open-ended."

A. Impact of Public Law 29–512

Over the last several years states began to substantially increase their utilization of Federal social service funds, particularly by increasing services to potential recipients to prevent dependency. Concerned with the growth in social service expenditures, the Congress, in October 1972, added a Title III to what was to become P.L. 92–512, the General Revenue Sharing legislation. Title III, now identified as Section 1130 of the Social Security Act, placed an annual ceiling on Federal social service expenditures of $2.5 billion. Under the law's formula, Maryland would be entitled to receive *up to* $48.6 million in Federal social service funds in FY 74 ($36.8 million for the last three quarters of FY 73). However, in addition, the Congress, in a more serious action, required also that with certain exceptions 90% of all the federal social service funds spent by a state must be spent on current recipients and applicants of public assistance. Only 10% of the funds could be spent on former or potential recipients. The funds exempted from this spending ratio were funds utilized for day care, foster care services, family planning services, and services to the mentally retarded, drug addict or alcoholic. Funds utilized for day care were only exempt of the day care service was provided to facilitate the work or training of the parent or was related to the parent's death, absence or incapacity. In addition, the new law changed the federal matching ratio for emergency services from 75/25 to 50/50.

The effects of the imposition of the 90/10 ratio of funds spent on services to current recipients as opposed to former or potential recipients can be seen in the attached charts in column three, titled, "Revenue Sharing: Units Affected." The implications of these reductions in service are discussed later in this report. These cuts *have already* been effected. The services indicated have been stopped to avoid the loss of federal funds due to noncompliance with the 90/10 ratio.

B. Impact of new social service regulations

Imposition by the Congress of $2.5 billion annual ceiling on federal social service expenditures, while approved by the President in October of 1972, was not consistent with the expressed intent of the Office of Management and Budget and the Department of Health, Education and Welfare which had sought a lower ceiling. Accordingly, HEW published proposed regulations (45 CFR 220, 222) in the Federal Register of February 16, 1973, which would have had the effect of totally eliminating some social service programs while drastically reducing others far beyond the cuts already caused by the provisions of P.L. 92–512. Despite receiving over 200,000 almost universally negative comments on the proposed regulations, HEW published on May 1, 1973, with few substantive changes from February 16, 1973, its new social service regulations (45 CFR 221) to be effective on July 1, 1973. These regulations were further amended on June 1, 1973.

The new Regulations will affect federal reimbursement in Maryland primarily in four ways:

1. Elimination of federal reimbursement entirely for certain services.
2. Restricting reimbursement for certain services by substantially narrowing the definition of the services.
3. Restricting reimbursement for services to noncurrent recipients by substantially narrowing the definitions of "former" and "potential" recipients.
4. Restricting reimbursement to services specifically related to narrowly defined goals of self-support and self-sufficiency as opposed to the broader goals expressed in the Social Security Act.

The impact of the new Regulations can be seen in attached charts in columns four and five, titled "Social Services Regulations; Units Affected." The implications of these reductions in service are discussed later in this report. If the Regulations are implemented on July 1 as expected, the service reductions indicated in column four will be effected immediately, and those indicated in column five will be effected between July 1 and September 30, 1973. As of June 15, 1973, the possibility exists that the Congress will take action to prevent HEW from implementing the Regulations on July 1, 1973, as planned.

C. *Fiscal implications of combined impact of Public Law 92–512 and new social services regulations*

The attached charts present data on the combined impact of P.L. 92–512 and the new Social Service Regulations operated directly by the Department or by contract to other state and local agencies. The immediate impact on the Department is an annual loss of $17,513,911 in either funds or value of services discontinued. To avoid an actual fiscal loss which could not be absorbed within the Department's budget, DESS, in conformance with P.L. 92–512, has already discontinued service to 40,755 individuals and families who were actually receiving services or in the case of contracts with the Housing Authority of Baltimore City and Workshop for the Blind were expected to receive service within the coming year. Thus, with the exception of those services exempt from the 90/10 formula and Child Welfare services which the Department is currently attempting to preserve by utilizing its ability to devote 10% of its federal social service funds to noncurrent recipients, the Department is now providing social services funded from Titles IVA and XVI to *only* current public assistance recipients.

The new social service Regulations, once effective, will result in an additional loss of federal reimbursement for 50,918 units of service of various types. In some instance, a unit represents a family or individual losing service, while in others a unit represents the loss of a Departmental service to another provider of service such as an institution or home (adoptive home, foster home, or family day care). The Department fully intends to take action to avoid an actual fiscal loss by terminating services no longer eligible for federal reimbursement and individuals no longer eligible to receive services. In most instances *the Department will be able to redirect service efforts* to continue to receive federal funds, as discussed below. In some instances, however, because of State law, or because of the dependency of an eligible service on an activity declared ineligible for federal reimbursement by the new regulations (e.g. licensing), the Department will attempt to continue a service by redirecting current and seeking new resources.

One additional point on fiscal impact is important. While the immediate combined impact of the new law and regulation is $17,513,911, that impact will be substantially reduced, as indicated, by redirecting the Department's resources and service efforts. In many instances, it is anticipated that services to individuals no longer subject to federal reimbursement will be supplanted by services to individuals who continue to be eligible. To the extent this happens, while service will be lost to certain individuals, a new service value will be created. The Department estimates the maximum "recoupment" of federal funds by this process to be $6,715,862, as noted on the accompanying chart.

D. *Plan of action*

Despite the lack of information from HEW regarding implementation of the new social service regulations (the Regulations were last amended on June 1, 1973), the Department is now engaged in preparation for implementation and detailing a plan of action. The format for action in coping with the loss of federal support is as follows:

STATE OF MARYLAND, DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES, IMPACT DATA, REVENUE SHARING (PUBLIC LAW 92-512) AND SOCIAL SERVICE REGULATIONS PREPARED BY THE OFFICE OF PROGRAM PLANNING AND EVALUATION

DEPARTMENT OPERATED PROGRAMS

Program	Units of service as of Mar. 1, 1973	Revenue sharing: Units affected	Social service regulations units affected		Total units affected		Annual Federal reduction
			Service definition	Eligibility [1]	Number	Percent	
(1)	(2)	(3)	(4)	(5)	(6)		(7)
Public assistance service.	4,586 adults	[1] 723		25	748	16.3	$326,367
Do	10,914 families	[1] 2,516		196	2,712	24.8	1,056,704
Intermediate care	3,642 adults	3,311			3,311	90.0	336,826
Homemaker	720 families	[1] 288		40	328	45.6	448,507
Do	680 adults	[1] 320		23	343	50.4	469.018
Day care service	5,713 children	[1] 1,048	297	2,002	[2] 3,347	59.0	3,766,248
Day care licensing	4,800 families		4,800		4,800	100.0	330,000
Single parents service.	2,015 families	[1] 715			[3] 715	35.0	159,931
Protective service	3,178 families	[1] 418		1,065	[3] 660	21.0	295,970
Adoption	1,074 children		1,074		1,074	100.0	240,877
Adoption	1,362 homes		1,362		1,362	100.0	$308,248
Foster care	1,952 homes		1,952		1,952	100.0	315,990
Foster care application.	1,498 children			737	737	49.0	119,306
Foster home reviews.	4,390 homes		4,390		4,390	100.0	710,653
Institutional licensing.	50 institutions		50		50	100.0	22,347
Legal services	25,000 cases	6,000	18,000		24,000	96.0	1,211,250
Total	71,574 units	15,339	31,925	4,088	50,529	71.0	10,118,242

[1] Program data as footnoted reflects immediate impact. DESS will be replacing those persons immediately affected with eligible persons in need of service. As replacements are made, the reduction in Federal funds will decrease proportionately. Estimated maximum recoupment for programs listed above is $4,871,914 (includes designated programs in col. 3 and all of col. 5).

[2] Adjusted figures—assumes 50 percent will participate under fee scale; that is, 540 affected by fee scale.

[3] Adjusted figures—indicates balance of service units after maximum possible shift to title IV B which are unaffected by regulations.

CONTRACTED PROGRAMS

Program	Units of service as of Mar. 1, 1973	Revenue sharing: Units affected	Social service regulations units affected		Total units affected		Annual Federal reduction
			Service definition	Eligibility [1]	Number	Percent	
(1)	(2)	(3)	(4)	(5)	(6)		(7)
School without a building.	189 children		189		189	100	$326,999
SAGA (day care—elderly.)	750 adults	277			277	37	288,299
Consumer law	3,250 cases	1,625	1,625		3,250	100	73,757
Vocational rehabilitation.	400 cases		400		400	100	300,000
Summer camp	11,871 children		11,871		11,871	100	671,000
Mental retardation day care.	1,821 cases			[2] 660	660	36	1,682,657
Workshop for blind	10,000 adults	9,500			9,500	95	$4,119,621
Housing authority (Baltimore City).	46,666 cases	14,000			14,000	30	478,645
Model Cities day care, Prince Georges County.	310 children			[3] 145	145	47	161,291
Health and welfare council.	658 cases	14	15		29	4	24,400
Total	75,915 units	25,416	14,100	805	40,321	53	8,006,669

[1] The data in this column reflects immediate impact, Contractors will attempt to replace ineligible persons with eligible persons in need of service. As replacements are made, the reduction in Federal funds will decrease proportionately. Estimated maximum recoupment for programs listed above is $1,843, 948.

[2] 1,000 mentally retarded adults remain eligible until Dec. 31, 1973, due to exemption in eligibility requirements.

[3] Adjusted figures—assumes 50 percent will participate under fee scale; that is, 88 subject to fee scale.

STATE OF MARYLAND, DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES, SUMMARY—IMPACT DATA, PREPARED BY THE OFFICE OF PROGRAM PLANNING AND EVALUATION

	Total units of service	Total units affected		Total annual Federal reduction
		Number	Percent	
Department operated programs	71,574	50,529	71	$10,118,242
Contracted programs	75,915	40,321	53	8,066,669
Grand total	147,489	90,850	62	[1] 18,184,911

[1] Maximum recoupment due to replacing ineligible people is estimated to be $6,715,862. The extent to which actual recoupment can be achieved is not yet known. The ability to recoup depends heavily on the nature of the service involved. For example, replacement of noncurrent recipients no longer served in public assistance services to adults will be substantially more possible than replacement of 737 foster care applicant children, which normally involves a matter of judicial determination.

1. Conform to P.L. 92-512 by eliminating service to individuals where necessary to meet the 90/10 formula requirement and the rationale for provision of the day care service. This has been accomplished. Select services operated by the Department have been affected in the following manner:

a. Public Assistance Services. This service, which may be generally conceived of as the services of a caseworker, range from family counseling to such activities as assistance in securing housing or needed medical services. This service is now only available for welfare recipients. The "near-recipient" is excluded.

b. Intermediate Care Service. This service to adults in Intermediate Care Facilities (ICF) is focused on attempting to assist such institutionalized individuals to return to their homes. It has been reduced by 90% since that portion of those receiving services were "near-recipients."

c. Homemaker Services. This service has many purposes which include attempting to main an elderly or disabled individual within his own home when he is unable to fully care for himself in the home and thus avoid institutionalization, and caring for children when a mother is incapacitated and thus avoid placement of the children in temporary foster care. This service has been reduced by approximately 50%.

d. Day Care. This service has been eliminated for 1048 children for whom the rationale for the provision of service did not meet the definition of the new law.

e. Single Parent Services. This service, which is focused on preventing births out of wedlock and assisting an unwed mother to adequately care for her child, has been reduced by 35%.

f. Maryland Legal Service Program. This service has been eliminated for 6000 families and individuals who are eligible for Medicaid but not public assistance.

g. Purchase of Services. The Department has cut back purchase of service contracts to service only current recipients of public assistance.

2. Seek to obtain continuation or reinstitution of Intermediate Care Services by transferring the cost of the service to Title XIX and the budget of the Department of Health and Mental Hygiene. This action was unsuccessful due to a lack of resources within the DHMH budget.

3. Attempt to redirect staff resources to exempt services or to serve current recipients as "near-recipients" are dropped. This activity is currently ongoing and proving successful. The full possibilities here are not yet known. However, the number of individuals receiving Public Assistance Services to adults increased by 11% between March 1 and June 1, 1973. This was primarily due to the availability of staff being transferred from the discontinuance of Intermediate Care Services. In addition, to the extent that services can be redirected to WIN participants as "WIN-authorized" services, the services provided can receive 90% federal reimbursement instead of the usual 75%. Likewise, the Department is undertaking a major effort to expand family planning services to all current, former and potential recipients; this also is a 90% federal reimbursement service. The bulk of those displaced staff not redirected into such activities will be more than fully accounted for in complying with the stringent new eligibility and redetermination of eligibility requirements of the new Regulations.

4. Prepare to comply with the new federal social service regulations. The Department has taken steps to comply fully with the new Regulations as they are currently understood. As of June 15, 1973, instructions on implementing the Regulations which were to be issued by HEW concurrently with the issuance of the Regulations have not yet been so promulgated. The Department has sought written clarification on major elements of the Regulations, as yet without response by HEW. Unless implementation of the Regulations is postponed by Congressional action, the Department will proceed to eliminate those services and service units indicated in the impact charts, columns four and five. However, because of the State statutory requirements or other reasons, the Department is immediately seeking resources to continue providing: Day Care Licensing, Protective Services, Adoptive Services, Foster Care Services, and Institutional Licensing.

The anticipated loss of federal funds for these activities is $2,343,491. The Department is currently exploring ways to reduce the cost of these services while maintaining the level of effort that is essential.

Beyond the above-listed services which are essentially mandatory, the Social Services Administration and the Office of Program Planning and Evaluation are preparing an analysis of service priorities which will be forwarded to the Senate Finance Committee as a supplement to this report prior to July 15, 1973.

5. Explore new service activities depending on the implementation of the new Regulations. If implementation of the new Regulations is averted by Congressional action, the Department may still be faced with a resource allocation in certain areas which is no longer efficiently utilized because of the elimination from service of non-recipients. There are, however, major areas of service the Department is interested in and capable of developing if the opportunity is presented. Chief among these services are foster care for adults and day care for the elderly. Although the Department has limited activities in these areas currently, these services remain eligible for federal reimbursement to the extent the services are provided to current recipients. The General Assembly indicated its interest in this type of service by the passage of several pieces of legislation during the last session.

E. Implication of not restoring select services

The implications of the Department's not maintaining the adoption, protective services, licensing and foster care services which it considers essentially mandated are rather obvious. The implications of not maintaining or restoring other services may not be so obvious. These services, which will be reflected in the supplement to this report to be filed by July 15, 1973, include:

1. Homemaker Services. The reduction in homemaker services will lead to increased institution of the elderly and disabled, and increased use of foster care for children, among other effects. The average cost to house an individual in a skilled nursing home is projected to be $510 per month, in an Intermediate Care Facility, $383, or in Foster Care $135 per child per month. In FY 74 the Department's homemaker service was expected to avert 1022 foster care placements and 1431 placements in ICFs and skilled nursing homes.

2. Day Care. At this point, no projection is available of the number of low income families with working mothers which may be forced to utilize public assistance because of the loss of day care. Aside from welfare families, essentially any non-welfare family of four with a gross annual income up to $3600 will be eligible for free day care if the need for service is linked to employment, training, or the absence or incapacity of the parent. Similar families with a gross annual income between $3600–$5600 will be required to pay a sliding percentage of the cost of the service. Totally eliminated from service per se will be children with special needs such as the emotionally disturbed, the deaf, and the blind.

3. Intermediate Care Services. As pointed out above, it can be anticipated that the reduction in Homemaker Services will result in a greater use of Intermediate Care Facilities.

Because of the almost total loss of the Department's Intermediate Care Services, it can likewise be anticipated that, once in an ICF, individuals will remain there for longer periods of time.

4. Legal Services. Ninety-six percent of this service will be eliminated by the combined effect of the new law and new regulations. The primary reduction will be the restricting of the service to legal assistance in obtaining or retaining employment. All other legal services; e.g., assistance in divorce actions, preparation of wills, etc., will be eliminated.

F. Summary

While the nature of the reduction in federal support for social services is extreme, the Department is moving well to achieve compliance, to redirect service efforts where necessary, and to seek to compensate for services lost or in danger of being lost. The situation is currently in flux, and will drastically change if Congressional action to prevent implementation of the new social service regulations is successful. A supplement to this report will be filed with the Senate Finance Committee by July 15, 1973, with an up-date of the status of federal support for social services.

TESTIMONY BEFORE THE SENATE FINANCE COMMITTEE, MAY 16, 1973

(Therese W. Lansburgh, vice chairman, Developmental Child Care Forum, 1970 White House Conference on Children*)

It is a pleasure and an honor to appear before this distinguished Committee and especially before the senior Senator from my former home State of Louisiana.

Although I shall be addressing myself specifically to the issue of day care, I must first emphasize my concern with the overall direction—or misdirection—of the New Regulations governing Title IV–A of the Social Security Amendments issued May 1 by the Department of Health, Education and Welfare.

All the services are needed. All the reductions are punitive. "Give me your tired, your poor, Your huddled masses yearning to breathe free," is emblazoned on the Statue of Liberty. This gift of the French people was a tribute to the people of the United States, to the American dream and the hope it generated among all the peoples of the world—hope for the future, hope for overcoming poverty, hope for becoming a success.

America has been the land of promise for those who applied themselves, who weren't afraid to work, who believed that they might be able to build their own lives, to become a part of the mainstream, even to excel. And now, with the changes in the Social Security Regulations proposed by the Administration, we are abandoning, destroying their principles, hopes, ideals. We are no longer going to encourage people who try to get ahead, those who are working but not earning enough to pay for the basic necessities of life. We have been helping them to help themselves without penalizing their children. Under the new regulations, the impact of the income cut-offs, even as revised, will be to eliminate the very people whom we should be encouraging, the people who are the backbone of American progress and prosperity.

Only the Congress of the United States can preserve our traditional American principles of reward for those who labor, who try to earn their bread. These who will be affected under the Regulations need help not because they are indolent or lazy, but because they do not earn enough to support their family and need a small assist from the government. The new Regulations crush the working poor and their children. The new Regulations are also contrary to the will and intent of the Congress of the United States, which placed a ceiling of $2.5 billion on this program last December. These new Regulations are intended to cut the program to $1.8 billion and impound funds without calling it impoundment. There are many other ways to attempt to save money—but not out of the hides of the people who can least afford it, and not when it is contrary to Congressional legislation.

I strongly urge that the Senate pass legislation which will maintain the Regulations in their entirety at the current level, which will aid those who, by the sweat of their brow, help themselves, and deserve our assistance, specifically, House Joint Resolution 434.

I am submitting to the Senate Finance Committee, as a part of my testimony, the Report of the Developmental Child Care Forum of the 1970 White House Conference on Children. Developmental child care was voted *the* priority of the 70's by the entire Conference delegates. The Forum called for 500,000 new spaces annually between 1970 and 1980, to begin to meet the crying need. It also called for quality child care. Congress passed legislation translating that mandate into reality. The President vetoed it. Now, the new Regulations decrease rather than increase both the quantity and quality of the way this nation cares for the children of its working mothers. It is time to look again at the recommendations of the dedicated and knowledgeable group who laboriously hammered out a desperately needed plan for America's children. The problem continues to grow at an increasing pace. We ignore it not only at the peril of affected children and their families, but at our own peril. What we do today determines much of what they become tomorrow. We need to increase day care, not decrease it.

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* Mrs. Lansburgh is currently President of the Maryland Committee for the Day Care of Children.

Day care is America's most promising instrument to solve America's most pressing problems. Day care reduces welfare. Day care promotes workfare. Quality day care is the single most effective institutional force to nourish, nurture and educate our children.

These are the very principles President Nixon campaigned on: an end to needless welfare; a national program of workfare; and keeping faith with America's traditional ideas and goals. Yet the Nixon administration in revising day care regulations and slashing day care budgets has, in a single act, broken faith with any hopes of realizing those goals.

The new Regulations shut out the working poor—the very people President Nixon claimed merited the most encouragement. The ones who have their own "workfare." Hundreds of thousands of children of the working poor will have to leave day care programs. Mothers go in and out of the work force according to the availability of day care services. Mothers no longer eligible for subsidized support will have to leave their jobs and go on welfare when they no longer can afford quality day care for their children.

The irony, the tragedy, the travesty of the situation cries out for justice. Congress cannot let this happen. We are not saving money—and we are certainly not salvaging human lives. We are decreasing day care costs just to increase welfare costs. We are not encouraging workfare by forcing mothers onto welfare. And we are not enabling children whose mothers are working to fulfill their potential or their civic duties by denying them the very benefits that middle-class children whose mothers are at home receives in kindergarten and nursery school.

Let's move away from this fallacious theory of economy and look at what day care provides in the purest terms of human development.

The explosion of research knowledge on early childhood development in the last decade can be reduced to eight principles justifying a massive national investment in day care.

One: A child's first six years are his most important, formative years. Here, his personality, his intellect, his outlook, his ability to love and hope or hate and despair are formed.

Two: The family is the most influential force. An exhausted mother, an absent mother, leaving her child without an adequate surrogate, can deeply damage personality and stunt intelligence. We must help preserve the family, help it to be financially independent and still meet its child rearing responsibilities.

Three: All growth is interrelated—physical, social, emotional and intellectual. Neglect of one aspect of development affects all other aspects.

Four: From inception through early childhood, critical periods occur affecting physical development. For example the brain is growing faster during pregnancy and the first 18 months of life than it ever will again, and the greatest increase in size occurs during this time. There is serious concern that malnutrition at this crucial time can result in irreversible damage—damage which could be prevented.

Five: A child's first years—even the years before verbal understanding—affect his personality, his attitude and aptitude throughout life. The infant who is not physically held because there is not enough individual attention, the child who is constantly rejected or neglected becomes permanently discouraged at best; brutalized at worst.

Six: Experience affects growth and development. The more a child touches, sees, feels, learns, the more his intellect is challenged, the more he grows in character and social response-ability.

Seven: Heredity and environment do interact. An optimum environment may not make a genius, but it can make the difference between a normal and subnormal intelligence quotient, can make the difference between a motivated, confident, contributing adult—or a passive, despondent, dependent one.

Eight: Growth is cumulative. The more a child is nurtured, nourished, educated and challenged, the more he will develop, build on skills, welcome life and responsibility.

These eight facts argue for the increase of day care. Quality day care is to nurture and nourish the child during his earliest, most formative years. Day care is a source of critical support to the working mother. Quality day care provides intellectual stimulation, a diversity of experiences, a warm environment encouraging a child to grow. Day care is above all else a proven positive force for civilization in the precise sense of the word—a place which reinforces a child's first understanding of civility, and civility is the key to citizenship.

A child who is nurtured and nourished can be an outstanding citizen. But neglect generates delinquency and dependency. Most civilized, developed nations realize this and provide state supported day care. America is desperately behind times. Clinging to the myth that we are a child-loving society, we encourage mass child neglect and pay the price later in taxes for prisons, drug and delinquency programs.

Developmental day care can be our best and cheapest chance to save an about-to-be-lost generation, to beat the welfare cycle and to equalize opportunity for our culturally deprived. Day care can prevent problems and correct unjust conditions. It is an extraordinary investment—*not* an extravagant expenses.

The new Regulations will cut day care costs and close day care centers, further decreasing the availability of good day care for middle-class families who can pay for it in full. In Maryland, we anticipate a 40% drop in enrollment in publicly supported day care due to the new Regulations. Centers, where over half the children receive public support, will close.

What will happen? In most cases, mothers will be forced to leave their jobs and go on welfare—ironically making their children instantly eligible for day care again. This I call the "yo-yo" syndrome. We're snapping our working poor from high hopes to low despair like yo-yo's on a string. But they aren't yo-yo's. They are human beings, slugging out a marginal existence, doing necessary work to maintain self-respect. How can we reward them by slapping them back into the mire, while we self-righteously denounce their indolence?

Some, of course, will not return to welfare, but unable to afford adequate day care, will turn their children over to warehouse sitters—the sick, the old, the alcoholic who will quote "watch children" in their homes.

Frankly, I prefer welfare to warehousing. A welfare mother is at least able to love and supervise and, perhaps, educate her child. The child left in the lifeless custody of a warehouse sitter is ignored, possibly starved and occasionally abused.

Yet welfare mothers or warehoused children will be the only choices for 40% of our supplemented day care users in Maryland, unless Congress revises the punitive HEW standards.

Congress must look at other revisions too. Quality controls have all but disappeared. The provision for parental choice and approval of day care centers is gone. A parent's concern is a spontaneous guarantee of what's best for his child. It has been abandoned. Further, interagency standards have been lowered. This invites warehouse conditions—programless centers, providing custody at minimal costs. Day care professionals agree that no day care is better than warehousing. Custody without plan or purpose diminishes human capacity. Interagency standards must be kept high. Leniency in this case is irresponsible laxness.

Finally, the failure to provide licensing funds is a serious, severe blow. Even our dogs are licensed! Is the government to deny the same protection to our children?

And there is no hope, except Congress. As head of the Maryland Committee for the Day Care of Children, I have met with both our Governor and Baltimore's Mayor. For every $1.00 Maryland received in revenue sharing, $5.00 in major vital programs were cut. Baltimore City is maintaining certain critical day care centers on re-shuffled Model Cities funds. But the choices are hard, and often tragic.

Maryland has 350,000 children of working mothers—almost 150,000—under the age of six. Of 4,665 children in day care supported by title IVA, 1,759 will be out July 1. And as always, the poor and working poor have the greatest need and fewest facilities. This is true throughout America. The 1970 White House Conference on Children recommended that government provide 500,000 additional day care spaces annually for a decade; a 100% funding for the poor, and sliding scale payments for low to lower middle income families. The 1970 White House Conference documented the urgent need. It's recommendations are as neglected as the children of our poor and working poor.

To conclude, I offer a case history and a challenge. It is the case or a working poor mother in California, a widow left without resources to raise three sons. She tried to run a small shop from her home, and failed. Forced to work outside her home, she left her youngest son in the custody of sitters. Soon, she noticed the lad had welts—he had been beaten. She tried another, then another sitter. One worse, more brutal or irresponsible than the other. Finally, foster care for a while she wanted him home, but there was no place to nurture a pre-school boy and provide peace of mind to the desperate mother.

Ultimately, the mother moved to New York. The boy—a latch key child by now—was withdrawn, a truant already showing pronounced personality disturbances, caused by a lack of proper care. No one cared for this boy. His mother couldn't. The State wouldn't. Until November 22, 1963, when this neglected child exploded his anger on his nation by murdering its President.

How many Lee Harvey Oswalds have we raised? How many are we raising right now? And how many more will we raise under HEW's new regulations?

The answer truly rests with Congress, and with this committee.

DAY CARE ELIGIBILITY SLASHED

(By Jerome W. Mondesire)

Approximately 1,000 families throughout the state will lose day care services as a result of strict new federal regulations, the Maryland Social Services Administration announced yesterday.

This cut represents 31 per cent of the 3,340 families now using day care services which are supported by federal and state funds. The number of children expected to be eliminated is 1,462.

The real impact of these drastic cuts has not yet filtered down to the individuals directly affected. According to high ranking state welfare officials, none of those families facing termination has been notified.

RULES EFFECTIVE JULY 1

Geraldine Aronin, assistant director for program planning and evaluation, said the department expected to begin notifying families about the cutoff within the next two weeks. She said the agency must move quickly since the rules become effective July 1.

Under the new rules, published in the Federal Register by the Department of Health, Education and Welfare last month, day care for children "must be" only for children who are mentally retarded, where the child's mother is incapacitated due to illness or death, or to allow the child's parents to work or accept job training.

This is a radical departure from past procedures, which allowed parents to place their children in state supported centers with very few restrictions for relatively nominal fees. More than 4,000 Maryland children are now enrolled in day care centers across the state.

At the Homestead-Montebello center, in the 3000 block Hillen road, for example, 90 children between the ages of 3 and 5 remain there from about 9 A.M. to 5 P.M. daily. Average fees for the parents are between $1 and $4 weekly.

The center plans to drop 14 children.

The children receive three meals each day and education. The parents of most of the children place them in the center while at work. Without this service, they would be forced to hire a babysitter which could easily siphon off a large chunk of their earnings.

In addition, the new rules now provide free day care for families with incomes up to 150 per cent of their state's poverty level. Families with incomes between 150 per cent and 233 per cent will be required to pay for day care on a sliding scale to be fixed by each state, subject to HEW approval.

Families with incomes above 33 per cent of their state's poverty level will now have to pay the full cost of day care. In Maryland, the poverty level listed by Health, Education, and Welfare is $2,400, meaning a family of four will have to pay part of the day care cost when its income reaches $3,600 and all of the bill when its income rises to $5,600.

Although the regulations do not curtail day care services for welfare recipients, they do limit them to those who either have been on welfare within the last six months (formers) or to those who might become recipients within the next three months (potentials).

Under the current arrangement, "formers" are defined as persons who have been on welfare within the last three years and "potentials" are those who could go on welfare within five years. Those persons who do not meet these new requirements can no longer receive subsidized day care.

"It is a combination of all of these changes which has led to the cutback," said Barbara Schuyler Haas, chief of the division of day care for the Baltimore Department of Social Services.

"But it is the new income criteria which hurts the most," Mrs. Haas added quickly. "Those Families whose incomes are above the maximum level allowed for their category cannot receive day care under any circumstances."

Under the present system, a family of four did not have to begin paying for day care until its income reached $5,000. Which is $1,400 more than the level fixed under the new rules.

According to Mrs. Haas, the regulations would be a more "drastic blow" to those "single parent families with one or two children."

She explained that of the 521 Baltimore families who will lose day care, almost 70 per cent of them are from homes in which a mother is supporting one or two young children.

"These are the very mothers for which day care has meant the opportunity to go off welfare and find a job. But now these women will have to find some other alternative," she added.

Under the present system, a mother supporting a home with two children had to begin to pay some day care costs when her income reached $4,150. The new rules make her begin paying when her income reaches $3,012 and all of the cost when her income reaches $4,680.

According to city welfare officials, day care costs for each child in a large center costs an average of $8 a day and $70 a month for children placed in the homes of private individuals.

The state's day care programs last year cost approximately $7 million, of which 75 per cent was federal dollars administered by HEW. More than 50 per cent of the children enrolled are black.

MARYLAND COMMITTEE FOR THE DAY CARE OF CHILDREN, INC., 5801 SMITH AVENUE, BALTIMORE, MARYLAND 21209

FOR YOUR INFORMATION, MAY 10, 1973

New Regulations affecting social service programs, including day care services, were published by the Department of Health, Education and Welfare on May 1, 1973. They will take effect July 1, as published.

The Senate Finance Committee is now holding hearings on the effects of the New Regulations. In response to questioning May 7, Secretary Weinberger stated that the Regulations could still be amended to conform with Congressional recommendations.

Although an improvement over the Proposed Regulations published February 16, the New Regulations are still restrictive when compared with Current Regulations.

CURRENT REGULATIONS, JUNE 1969	PROPOSED REGULATIONS, FEBRUARY 16, 1973	NEW REGULATIONS, MAY 1, 1973
Child care provided must be suitable for the individual child, and the caretaker relative must be involved in the selection of the child care source to be used.	No comparable provisions.	No comparable provisions.
Progress is required in development of varied child care sources so as to give parents a choice in the care of their children.	No comparable provisions.	No comparable provisions.
Eligibility for services: may be provided to former recipients if they have received aid *within the past two years.*	Services may be provided to former recipients only if they received aid *within the past 3 months and only to complete the provision of services while they were still recipients (or applicants)*.	Same as proposed regulations.
Potential eligibility criteria: likely to become recipients within 5 years; or	Likely to need assistance within 6 months as shown by meeting all of these criteria: income not more than 33⅓ percent above cash assistance payment level in the State; have a specific problem which will result in dependence upon cash assistance if not corrected by the provision of the service.	Same as Proposed Regulations, except 50% above cash assistance payment. (Additionally, families with incomes up to 233⅓ percent of the AFDC assistance standard for partially subsidized child care services.)
In kind resources or private funds donated to welfare agency could be used in claiming 3 to 1 match.	Eliminated use of in-kind or private funds.	Essentially the same as former regulations.
It is mandatory that day care be provided if it enables a mother to work or to receive training that will prepare her for employment.	Child care an optional service; may only be provided in the absence of another family member who can provide adequate care, and only for the purpose of enabling caretaker relatives to accept employment or training or to receive needed services.	Child care an optional service; may only be provided in the absence of another family member who can provide adequate care and only for the purpose of enabling caretaker relatives to accept employment or training or because of the death, absence from the home, or incapacity of the mother. Child care may also be provided for eligible children who are mentally retarded.
Goals—"to maintain and strengthen family life, foster child development and achieve permanent and adequate compensated employment."	Goals for which services may be given restricted to "self-support" and "self-sufficiency".	Same as Proposed Regulations.

IN SUMMARY

It had been estimated that nearly 50% of children currently in publicly supported day care services would become ineligible under the February 16, Regulations. The State Department of Employment and Social Services has estimated that the new Regulations would provide a reprieve for *only* 10% to 20% of these families. For example, a family of four (4) with an income under $3,600 a year would be eligible for free day care services; between $3,600 and $5,600 a year, a sliding scale would go into effect. At $5,601 there would be no assistance. Child care services would cost a minimum of $2,000 if 2 children need day care, reducing the income to the poverty level.

Secretary Weinberger has stated that the purpose of the New Regulations is to limit services only to the poor and not to extend them to the middle class. Between the two is a group who are not on welfare, but are trying to be self sufficient and to support themselves. These families, with marginal incomes, are the ones who would be deeply affected. Just above the poverty line, but not "middle class" in income, these families cannot pay rising costs for rent, food and other essentials. Many will be forced by these regulations to stop working and to accept welfare assistance.

Concerned citizens need to continue to be vocal in order to preserve the quality of Day Care Services.

Cumberland, Md.,
June 6, 1973.

Hon. Charles McC. Mathias, Jr.
U.S. Senator, Senate Office Building,
Washington, D.C.

Dear Senator Mathias: The enclosed report is in response to your letter of May 11 requesting information about the impact of the new social services regulations and the effect they will have on programs in Allegany County.

Your request and our reply was discussed at a recent meeting of the Allegany County Board of Social Services. Board Members were very interested in this report and, if you are in agreement, would like to make copies available to Senator J. Glenn Beall and Congressman Goodloe Byron.

We are very appreciative for your continuing interest and concern for our disadvantaged citizens.

Sincerely yours,
Miss Ethel Wilderman,
Director.

New Social Services Regulations—HEW

Our reaction to the new Health, Education and Welfare regulations governing support for social services programs is one of both extreme alarm and disappointment. Over the years we have perceived the role of our agency as being the hub of social services in our community. We have seen changes, in recent years, in policy and regulations governing social services which have, in effect, reinforced this role. Separation of services from eligibility and the broadening of eligibility requirements to include potentially eligibles are two major policy changes which had given us the opportunity to expand and improve our services to those who were potentially eligible for them under the old H.E.W. regulations constitutes a professional commitment on our part not only to this group of people, but also to others with similar backgrounds and problems who may need our services in the future. Now we are forced to renege on this commitment as a result of the limitations placed on federal matching dollars for services to the potentially eligible under the new H.E.W. social service regulations. We know we can only continue to provide social services on a very limited basis to some potentially eligible under the new regulations. We are concerned, however, because the eligibility requirements for this category are so restrictive as to virtually eliminate many who most urgently need them.

Our agency has already experienced the impact of the new regulations. On April 16, 1973 we received a directive from the State Department of Employment and Social Services to discontinue services as follows: to all former and potential adult cases and to refuse to accept any such new cases, and to all former and potential Families with Children cases and to refuse to accept any new cases except (in the words of Title III of the Revenue Sharing legislation) ". . . where the provision of such services is needed (i) in order to enable a member of such child's family to accept or continue in employment or to participate in training such member for employment, or (ii) because of the death, continued absence from the home, or incapacity of the child's mother etc. . . ."

As a result of this directive, we have needed to discontinue Homemaker Service to twelve aged people who were receiving this service on a potentially eligible basis. We are very concerned with this because in many of these cases Homemaker Service was needed in order to prevent institutionalization for these people. We firmly believe the services provided by the homemaker and the social worker helped to sustain many of these people so they could remain in their own home. Should termination of these services result in the need for nursing home care, the cost could be up to a maximum of $510 per month. It is difficult, however, to place only a dollar value on these services in terms of the meaning they have for each person, as institutionalization means a complete uprooting of elderly persons and there is no way to measure the emotional trauma that often results. We have also, due to curtailment, needed to discontinue giving any social service to 84 patients who are already in nursing homes.

We are also in the process of terminating services to potentially eligible AFDC families who are now ineligible as a result of the new HEW social service regulations. Although we feel this group of people desperately need continuing services, we must say to them that we can no longer help. We know from experience that there are low income families in our community not receiving assistance who need our services on a continuing basis in order to sustain themselves. Our inability to respond to requests for services from these families can, in our opinion, have very far reaching negative effects. For some, it may and can mean breakdown of the family to the extent that children may reach the point where they are neglected or deteriorate to the point where foster care is the only answer. Foster Care (at best only a substitute for own-home care) means not only damage to child, parent but cost-wise, foster care (depending upon type of care needed) ranges from $73 (Regular care for child under 6 up to $94 per month for child 12 or over; Special care in a foster home—$98 to $108 per month per child while a Purchase of Care (from a Child Care Facility) can range from $200 to $500 per month, per child, with most facilities now requiring the $500 rate. Purchase of Care is usually always indicated for the child with special problems or the older or adolescent child.

The average family maintained in own home (2 parents and 2 children) would average around $200 per month. (Each additional child would increase total grant to only an average of $24 more per month; another additional child $21 more per month, etc.—)

Same family with 2 children removed from the home and needing foster care could amount to as much as $160 to $1,000 per month (for the 2) depending upon the age and type of care the two children needed. Of course, the parents own needs are still not met as they are not included in this figure as this is representing the cost of foster care only.

As a modest estimate—based on number of cases needed to close recently—(using the upper care rate) we could assume that for example: 14 adults where institutionalization (Skilled Nursing Care) needed could mean a monthly cost of $7,140 as contrast to care in their own home while living in own home, the average grant would approximate only around $96 (slightly more if special diet needed).

If over 20 children needed foster care (Purchase of Care) a year as a result of our inability to continue service, cost could be as much as $10,000 per year.

These are only rough estimates as to possibilities and probabilities but it is likely that above noted costs could exceed anticipations and could well mount annually.

Annapolis, Md.
May 21, 1973.

Hon. Charles McC. Mathias, Jr.,
Senate Office Building,
Washington, D.C.

Dear Senator Mathias: Thank you for your inquiry on the effect in our county of the new social service regulations and for your offer of assistance. We are just beginning to assess the situation and do not yet know what the full impact will be. However, it appears that:

(1) We can get no federal matching to provide any social services for aged, blind and disabled persons who are not public assistance recipients. In any one month we are now serving about 50 of these adults. who have small social security incomes and hence are not on welfare. But they do need help with homemaker service, making new living arrangements, getting medical care, locating relatives, etc. We must now tell them that because they are not on welfare no social worker can help them.

For example, Mr. and Mrs. M must be told that our Homemaker Service to them will cease at once. Mrs. M, 70, was in an auto accident and wears a back and neck brace. She also has cancer, and the doctor says she needs 75% rest. Mr. M also has cancer, suffered a loss of speech due to a stroke, and had a leg amputated in February 1973. He requires therapy once a month while Mrs. M. has therapy four times a week. They have no children or close relatives to help them. The services of the homemaker have enabled them to stay together in their own home. However; because their income of $248 a month is from Social Security rather than public assistance they are not eligible for homemaker service under the new regulations.

(2) We can get no federal matching funds to assist individuals and families to achieve an optimum level of well-being. If a family is receiving AFDC the social worker may only discuss employment and family planning. If she should try to help the couple with a marital problem or counsel their teenage daughter who is becoming promiscuous the social worker's salary will not be eligible for federal matching.

(3) We can no longer get federal matching funds to provide information and referral service to anyone in the community regardless of income. Traditionally the Department of Social Services has been the agency people in trouble turn to for information about community resources available to meet their needs. If the social worker who answers such inquiries does not restrict her service just to recipients of assistance her salary will not be federally matched.

The restrictions of the new regulations combined with the Revenue Sharing Acts limitation of only 10% of our social services to nonrecipients will make it impossible for us to continue the level of service our community has been accustomed to.

You can assist us by supporting H.B. 5626, by insisting that full appropriations be made under Title IVB of the Social Security Act and by pressing HEW to modify these new regulations.

Sincerely yours,
Mrs. Esther H. Carpenter,
Director.

June 5, 1973.

Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: This is in response to your letter of May 11, 1973. I am sorry to have delayed in responding. I expect you have heard from others that the changes in the HEW Regulations were somewhat minimal.

The regulations are still so restrictive as to put in jeopardy many of the service programs which have been available not only to assistance recipients but to other low income families. For instance, even under the new regulations we will need to discontinue over 100 families receiving day care through our agency.

We have been providing detailed information to Secretary David Mason with regard to the effects of the regulations as revised. His office should be making this information available to you in the near future.

Sincerely yours,
Mrs. Louise R. Makofsky, ACSW,
Director.

PRINCE FREDERICK, MD.,
May 30, 1973.
Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for this opportunity to respond to your letter of May 14, 1973.

For many years, the Department of Social Services has generally labored under a rather poor public image. In most recent years, we have been able to effectively broaden programs and services to those in need and, consequently, in my judgment, have not only improved our image as a whole but more importantly have been able to assist many more people in fulfilling unmet needs, legitimate and vital to their own particular situations.

With the implementation of new Federal guidelines and State policy, the drastic curtailment, or in actuality, the discontinuance of services to all people who do not get direct financial assistance from local Departments of Social Services again results in a deterioration of public confidence in our abilities of performance as a service agency. Resultantly, adequate funds are not appropriated, staff is cut back, vital programs are lost, and a perpetuation of low income poverty level dependent people is continued with little or no means for them to rise above a class the government is trying to reduce.

Simply speaking, many people who do not fit neatly into the categories as defined by the Federal and State governments are forgotten and left to fend for themselves as best they can.

Recently, as directed by the State Department of Social Services, all people who were receiving services from this agency but not getting a money payment were notified that we could no longer continue services and advised them of their right of appeal. Many of these people live in nursing homes and many others are elderly people living in the community with Social Security their only source of income.

Three appeals were heard by our hearings officer last week and as to what impact the changes in current regulations are noticed in our social service efforts, the case situations as presented last week are typical.

The first case involved an 80 year old woman diabetic with heart trouble, high blood pressure and other serious physical handicaps. We had previously supplied her with homemaker services that included transportation to the doctor 15 miles distant, also transportation to the drugstore for medication, assistance with shopping, etc.

The second case involved a 72 year old man with two broken hips. Our services given by homemaker staff involved a situation similar to the above with the exception that his doctor is located approximately 50 miles from here in Washington, D.C. at George Washington Hospital.

The third case concerned a 67 year old woman who is trying to care for her 90 year old mother. Medical transportation, shopping, help with budgeting, etc. are again the essentials involved. Bearing in mind that Calvert County is quite rural with the Health Department, Vocational Rehabilitation, Court House, stores, doctors, etc. located in the central part of the county, I am sure you can appreciate the problems involved.

Yet to be heard from are people in the nursing homes who have no recourse in complaints of care given, no one to take them to the doctor for special examinations, occasional shopping for a new dress, etc., companion service, arranging for their families to visit, helping with discharges, etc.

As of this writing, I am now also advised that there is the probability that para-professional aides (Homemakers and SERVE staff) will not be able to even give supportive services with or for the Protective Service social worker in child neglect or abuse cases, unless those families, too, are on public assistance. This means that maximum supervision, assurance of medical care, transportation for same, etc. will be extremely limited.

I hope that this letter will be most beneficial to you in your efforts to sustain a seemingly forgotten group of citizens. On behalf of this agency and the people we serve, your interest and concern is greatly appreciated.

If I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely yours,
ROBERT L. WALKER,
Supervisor.

CARROLL COUNTY DEPARTMENT
OF SOCIAL SERVICES,
Westminster, Md., June 14, 1973.
Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: I am responding to your recent letter regarding the impact on the poor by the final Social Service Regulations scheduled to become effective July 1, 1973.

We find that these regulations are extremely punitive and will prevent services from going to many individuals and families that so desperately need Social Services.

In order to fully comment on these cutbacks it would take several letters. Perhaps we can speak to some areas that we feel are the most important.

"The prevention of social problems is preferred to the best treatment of social ills". It has only been since 1968 that public Social Service Agencies have been able to work in the area of preventive social services. The new regulations, by restricting and prohibiting agencies from working with the potentially eligible recipient, will prohibit us from working in the area of preventive Social Services. This factor is perhaps the biggest single set-back that we are faced with in implementing the new regulations. And it is impossible to assess the damage that will be done by eliminating meaningful preventive services.

Although Mr. Wineberger has stated that he has eased the provisions we have found this to be false. A few concessions were made in the actual regulations, however, when implementing the new regulations we find other restrictions that have the same effect. For example the Day Care Regulations were amended to allow working single parent families, mostly headed by a young mother, to continue to use our services. However the income restrictions placed on these parents will eliminate them even though they remain technically eligible for services.

In addition the proposed fee scales price Day Care out of the reach of these mothers who are really struggling to stay off Welfare to provide for their children. These single parent families need our Day Care services to remain employed. There is no reason why Government should not subsidize these families in order for them to be kept off Welfare and otherwise financially independent. It has been our experience that Day Care services have done more to keep mothers off Welfare than any other single social service. We must retain Day Care services as they were under the old regulations and even expand these services. So far we have only dealt with the financial impact of the new regulations concerning Day Care. Of equal importance or perhaps of more importance are the benefits derived by the child experiencing a Day Care Developmental Program. I assure you these benefits are great. Children caught up in poverty cycles must be allowed to utilize Day Care Centers for developmental services. The new regulations prevent poor children from utilizing day care services unless the need is work related. There are a few exceptions in the new regulations but these are of no great significance.

In Carroll County there were 50 per cent of those mothers who were out working every day to keep off Welfare will be prohibited from using our day care services. Many could be forced on Welfare or back on Welfare.

Another area hit hard in our County has been Homemaker Services to the potential recipient, the aging individuals and marginal families.

Carroll County has the highest percentage of persons over 65 of any County in the State of Maryland. We are prohibited by the new regulations and the 90–10 per cent restrictions from providing services to potentials. From continuing services to the aged who are slightly above Public Assistance standards. We have had to cut our homemaker service cases to the aged already. Economically this does not make sense as by utilizing Homemakers on a part-time basis in the home of these elderly sick individuals we have been able to keep many from going into very expensive institutions.

Senator Mathias, I am certain that you are aware of the trauma and hardships experienced by the aged when they are uprooted from their homes, community, families, and friends, and are placed in nursing homes and institutions. I believe that you are sympathetic to the needs of our elderly. I also believe that you feel as I do, that we have an obligation to our elderly to help them live their last years in some semblance of comfort and with dignity. The new regulations will prevent many of our elderly from doing just this.

Legal services have all but been eliminated by the new regulations. Our experience has shown that if legal services are available to the poor many would never become Welfare recipients. Adequate legal services for the poor must be restored. I believe that over a period of time, 10 to 15 years, legal services for the poor will more than pay for itself in dollar terms, not to mention the human benefits that will be derived.

Other specific programs eliminated or severely restricted are, summer camps for poor children, developmental programs for poor children, unmarried parent programs, marriage and family counseling services, and parent-child counseling to name a few.

The new regulations added to the amount of red tape and paperwork. Under the previous regulations if persons or families were eligible for Welfare payments they were also eligible for social services. The new regulations require us to conduct separate and additional service eligibility investigations for Welfare recipients. This is totally unnecessary and adds greatly to the administrative expenses and paper work. This requirement has the effect of negating skilled and experienced service personnel to the role of clerks and paper shufflers.

In summary, the new regulations severely restrict Day Care Services, Homemaker Services, Services to the Potentially Eligible, Services to the Aged slightly above Public Assistance income levels, services such as marriage counseling, parent-child counseling, unmarried parent services, and the many developmental programs for poor children.

The increased paper work required by the new regulations adversely affect the client and the social worker.

We urge you to support legislation such as SB 1220 and the several Bills eliminating the 90–10 per cent of HR 1. We also urge you to do everything possible to delay the July 1st effective date until legislation can be passed to negate the new regulations.

Sincerely yours,
LOWELL T. HAINES, ACSW,
Director.

CHARLES COUNTY DEPARTMENT OF
SOCIAL SERVICES,
La Plata, Md., June 4, 1973.
Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: The Charles County Department of Social Services deems it important to reply to your letter of May 11, 1973 regarding the April 26th Federal regulations. With the advent of the Federal regulations all agency services have been affected, some to a greater degree than others. The following are indicative of how we have had to effectuate changes in our services:

Legal Services were being provided to those persons in the community that meet the eligibility requirements for a medical card. We must now deny the requests being received from this segment of the community. No longer can they receive needed legal assistance for such matters as consumer-contract difficulties, domestic affairs, housing problems, etc.

We can no longer provide services to former and/or potentially eligible Adults and Families with Children, nor can we under the new guidelines accept any new cases in these categories. During the past thirty days we have had to terminate our services to 30 of 321 families. Services were also terminated for 22 of 124 Adults.

The SERVE I staff has had to discontinue their services to non-public assistance cases and persons eligible for a medical card. This service was meeting an acute need within our rural county for transportation to community and medical resources. The well-being of many persons can be directly attributed to services provided through the SERVE I project. Because of the resulting cutbacks, it is felt that the SERVE positions are most vulnerable. The abolishment of these positions will see persons who have found an alternative to the "welfare rolls" once again forced back into the financial dependency of public assistance.

Homemaker Service has been ceased to all persons who do not receive public assistance. Those cases terminated have most directly affected the elderly—those who with their social security incomes teeter on the borderline of eligibility for public assistance. Those requests coming from the community must now be denied.

During the past several years the Social Services staff has developed much skill in working with low income families. This skill has prevented many families from needing financial assistance and has improved family life and increased the employment potential of their children. Limiting Social Services to only recipients of public assistance deprives many people of the skilled assistance developed at the expense of Federal and State dollars. It may be noted that studies have shown that Social Services to potential recipients yield a greater economic return on dollars spent.

We have just started a number of Services during the past few years, these Services are just beginning to be beneficial both to clients and the community. Continuous "on again"—"off again" approaches to helping people not only create false hope for the "hopeless" but also extremely increase the Administrative costs of "tooling and re-tooling" of programs and personnel.

We feel that the present Federal Curtailment of Services will cause many honest people in need to suffer and will cause those families and/or individuals who could have been helped and want to be helped to be forced toward public assistance and will cause our community to lose much of the productive results of effective social services.

Finally, you may be able to help with another matter: with all of the cuts in services and in spite of the available Revenue Sharing Funds increasing local revenue, our Food Stamp Program faces the immediate threat of termination due to very inadequate local appropriation of Administrative Funds.

We reasonably estimated a need of $70,000 to administer our 1.6 million dollar volume of food stamp sales. We received only $32,000 for F.Y. '74. Our current cost of operation is over $45,000. The Federal-locally funded arrangement just is not working.

Thank you for your active interest. If we can be of any further assistance, please contact us.

Very truly yours,
B. L. ROBINSON,
Director.

CECIL COUNTY DEPARTMENT
OF SOCIAL SERVICES,
Elkton, Md., May 23, 1973.
Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for your letter of May 11, 1973 and most of all, thank you for your interest in how the H.E.W. Regulations are affecting the agency.

Our concern is that the new regulations will curtail even more the preventive services that have been almost terminated by the 90%-10% features of the Revenue Sharing law. To what degree this will be true, we will not know until our Social Services Administration decides how the regulations will be implemented in Maryland.

As you know, it is so much more effective to try to prevent problems than to handle the situation after family or individual breakdown has occurred, to say nothing of what prevention means to the total community. As matters now stand we can do very little about providing preventative services to clients, and therefore to the community. This concerns us greatly.

Any legislation to revise this curtailment would mean much to the people of the State of Maryland. Senate Bill 1220, HR. 3819, HR 5–626 through 5–629, if passed, would serve this purpose.

We urge you to support these bills.

Sincerely yours,
MRS. LOUISE H. GILLIAM,
Acting Director.

GARRETT COUNTY DEPARTMENT
OF SOCIAL SERVICES,
Oakland, Md., June 11, 1973.
CHARLES MCC. MATHIAS, Jr.,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MATHIAS: This is in reply to your recent letter asking for our comments regarding the effects of Federal cut-backs on social services programs.

Services to persons receiving some levels of nursing care, who do not receive a monthly personal allowance check from this agency, have been closed for service as a result of the recent changes. These persons are usually residents of nursing homes and we had their cases open for service to help them with letter writing, locating relatives, protecting their interests, and visiting occasionally so that they had some contact with the world outside the nursing home.

Our homemaker service to adults and to families was reduced because several families and adults did not meet the Federal requirements.

Services to single parents, other than family planning, are no longer available to non-public assistance cases.

All services to families with children who qualified for service in the past because they were either former recipients or were potentially eligible for assistance, are discontinued now.

The Project Serve staff aides are no longer allowed to perform useful and meaningful services to non-public assistance cases.

It is somewhat difficult at this moment to know what the total effect of these cuts in services will be. Certainly, those who have been dropped have been hurt. Those who will come to us in the future that we must turn away will not understand why we cannot help them. Explaining that a particular set of circumstances keeps one from receiving a service while his neighbor might qualify for the same service because he receives Federal money, will not solve the first man's problem. In all likelihood, he is a marginal wage earner, but keeping off public assistance, and contributing his tax dollar to make the service available to his neighbor.

Most of our staff members have had years of experience performing services for persons in need. Several employees have earned Masters Degrees in Social Work. Today we find ourselves overcome with forms, calculations, records, and most of all, justifying our very existence to the Federal Government. No matter how automated our world becomes, it will always take social workers to sit down with a troubled individual, sort out his problems, and help him to take the necessary steps to attain his goal.

It appears that the professionally trained social worker with his special knowledge about service to people is being challenged to prove that what he does is worth spending the money for. We are being asked to show in dollars and cents what the benefit of a particular service will be. Who knows how to predict the cash value of getting a sick child to a medical center for evaluation? How can one tell what it means to a young mentally retarded man to learn to read when he has never been able to do that in his twenty-some years of life?

Service to people has taken a back seat to statistical accounting and it will spawn a dehumanizing condition that no one will be able to justify if it continues.

Sincerely yours,
W. PERRY SHAFFER.
Supervisor of Services.

KENT COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Chestertown, Md., May 31, 1973.
Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR MR. MATHIAS: I appreciate your interest in having my reactions as to how the new regulations governing federal support for social services programs will affect our County. I have delayed responding to your letter until I had a better understanding of the regulations and how Maryland will use the 10 percent available for services to non-recipients of public assistance.

Presently all services to two groups of non-recipients, our Adult Services and Services to Families With Children have been terminated except to those people receiving assistance grants. The 10 percent available for non-recipients is entirely used up with our Protective Services to Children and Foster Care Programs. This means that, although technically under the new regulations we could offer services to those in the two former groups who were potentially eligible for assistance, there are not funds to do this. It means that we have had to discontinue such services as: homemaker or transportation to aged or disabled people whose income is barely adequate to meet the very low assistance standards in this State. Many of them have medical care cards and buy Food Stamps but are still not eligible for services. People in intermediate care homes often need services but are not eligible unless they are receiving a money grant from us.

The discontinuance of services to Families With Children who are not receiving a grant means that we cannot offer to the low income family (usually with a single parent) the opportunity to have help in getting to and using the resources that are available to deal with health, child care, housing, employment or training and family functioning problems that exist. It appears that the absence of these services is already showing up in the increased number of Protective Services referrals we are receiving from the community. At that point, we can give service, but it seems unfortunate that the situation has to get so bad that suspected neglect is reported before the service is available.

We do not have a Day Care Center program in this small rural County so we have not felt the impact of the loss of some of these services that larger communities have experienced. This does not mean, however, that we do not need adequate Day Care Services for many children. The families are scattered and day care here usually is done by relatives or neighbors—sometimes in very inadequate situations. We have a few licensed Day Care homes, the Department of Health is working on licensing a few specialized Day Care Centers.

The discontinuance of Legal Aid except in relation to employment makes our recent Judicare Program of almost no use to the relatively small number of people who have used this service.

My personal opinion is that the services that this Department renders should be available to anyone in the County who needs and requests them in the same way the services of the Health Department are available to County residents. If the applicant for such services can afford to pay for them he should be charged a fee on a sliding scale dependent on his income. The arbitrary discontinuance of service to people because they are not receiving a public assistance grant is not meeting the community's needs, particularly in a County such as Kent where there is no private agency performing these functions.

I would like to write you later when the full impact of the new regulations have become effective and I have more specific knowledge of the effect of the curtailment of some of the programs.

Sincerely,
Mrs. Margaret W. Herring,
Director.

Somerset County Department of
Social Services,
Princess Anne, Md., May 21, 1973.
Re Federal regulations governing support for social services.
Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: Thank you for your interest in the effects of the reduction of Services to the people of Somerset County.

We are a rural county without private agencies to offer services to people. For many years we have been the social agency meeting the needs of the people of this county. For lack of other resources perhaps we have tried to offer more in service to people than is true in other areas. We believe that the services that we have offered have been important to the health and well being of people.

The present restrictions affect us in the following way:

(1) We are no longer able to offer services to those people in nursing homes who do not receive a direct money payment from us. This meant the closing of fifty-seven cases. The kinds of services that we had provided have included work to establish an auxiliary group to be interested in the total needs of the nursing home. Through work with this group it has been possible to furnish color television for the patients and furnishing for one patio for use in Summer.

Direct work with the nursing home patients has been to provide contacts with relatives, work toward planning for care when nursing home is not needed and transportation by Aides to dentist and ophthalmologists.

(2) Single Parent Service is no longer available to young persons who are not recipients of assistance. This needed counselling service has been available to all until this time. Twelve cases had to be closed. Referrals had come to us from Health Department and from School Guidance counsellors. There is no other agency offering this service.

(3) Service is no longer available to persons, not recipients of Federal categories of assistance. This has meant that for persons dependent upon Social Security Benefits who are recipients of Food Stamps and Medical Assistance, we cannot continue services. Most often these services had been to help with home making, transport to grocery shop and to doctor's offices and to help to find better housing. All of these services are important. For many elderly or ill persons who live alone they have seemed essential, but unfortunately they are no longer possible.

We want to thank you again for all your efforts in behalf of the needs of the people of Maryland.

Very sincerely yours,
Miss Elizabeth W. Hall,
Director.

Washington County Department
of Social Services,
Hagerstown, Md., May 30, 1973.
Hon. Charles McC. Mathias, Jr.,
Senate Office Building,
Washington, D.C.

Dear Senator Mathias: Thank you for your letter of May 8th in which you asked for reactions to the new regulations governing federal support for social service programs.

The regulations are extremely complex. Much administrative time will need to be spent in securing interpretations of what the regulations mean. Staffs will then need to be trained. There is not sufficient time allotted to put the regulations into effect. They continue to be very punitive in their whole thrust, in that they are geared to reducing social services because of the requirement of a social service plan for each individual.

We are particularly distressed in Washington County that we have had to stop rendering social services to patients in nursing homes whose care is paid for from Medicaid. There are in excess of 350 patients in nursing homes in Washington County. We can expect the number of patients will increase significantly during the next year. For example, Avalon Manor in Hagerstown is building a large addition. We have had to remove three workers whose job it was to visit the patients to help in planning for their care and in developing meaningful contacts with relatives and friends.

These workers administered to the social service needs of sick and lonely people who are set apart from the community. We are trying to maintain a program of volunteers to visit and help with the social service needs of some of the patients. However, it is wrong to expect that unskilled volunteers will be able to skillfully serve a patient who manifests great emotional problems about dying or to handle any of the other personal problems that arise. We are fearful that the lack of social services for such persons may lead to abuses. The history of nursing care facilities throughout the United States is filled with instances of abuses developing and I feel that society owes something to these people so they will not be taken advantage of.

I am taking the liberty of including a copy of a letter which all Directors in Maryland received regarding the impact of the new social service regulations on Day Care in Maryland. I think this information is as complete as you can get for the total State.

I hope this gives you some information you can use in bringing about a more realistic approach to the funding of social services through federal sources.

Very truly yours,
Francis J. Connolly,
Director.

Worcester County Department
of Social Services,
Snow Hill, Md., May 21, 1973.
Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: Your letter of concern about the impact of changes in current regulations in Social Services is greatly appreciated. At the time the regulations were first publicized, I prepared a letter to Congressman William O. Mills showing the effects of the regulations on our current program. I am enclosing a copy of that letter and will be glad to elaborate further should you have any questions.

Again may I thank you for your concern and continuing interest and efforts in assisting this department in its attempts to offer services to the constituents of this state.

Very truly yours,
Baine Yates, ACSW,
Director.

April 12, 1973.

Hon. William O. Mills,
House of Representatives,
Washington, D.C.

Dear Congressman Mills: Thank you for your interest and response to our telegram regarding the proposed Social Services regulations. At that time we requested an extension of hearing dates so that we could adequately assess the effects on our individual agencies. While this was not granted, it is still subject to change and pending legislation by Congressman Reid and Senator Mondale, could affect the total outcome.

Since requesting your aid, I have been able to determine how the proposed regulations will affect our county office. As you are aware, this county is extremely small with a total population of approximately 25,000, of which approximately 1,000 persons are receiving financial aid, and approximately 2,000 persons are enrolled in the Medical Assistance Program. Under the proposed regulations, it would be impossible for us to offer any services to the 2,000 persons receiving Medical Assistance and those under the poverty scale. Service to those receiving financial aid would be so sharply curtailed and lost under the mountains of red tape proposed that actual direct client services would nearly cease to exist.

Already we have had to cease services to those patients in nursing homes. This service was mandated in the Medicare Act of 1966 and in 1972 this mandate was rescinded, though left to the discrepancy of the states. Under the new HEW regulations this will not even be optional. For this county only 30 people are covered, but these aged are powerless and voiceless, not only to their rights but even to the outside as most of them have no family. To offer services to them we have had to allocate ½ of a worker's time which would amount to approximately $5,000.00 per year, of which the federal government assists the state on a 75–25% matching. Without this matching these services cease to exist.

Protective Services for children are mandated by state law and by HEW regulations. However, the HEW regulations will limit up to 10% of our cases being potentially eligible. Yet 95% of our cases are not assistance families. Again one-quarter of a worker's time is allocated in our small department under the same matching as previously noted. Again regulations or provisions put a limit on the number of requests we will receive for the protection of children due to funding available.

Adoption Service could cease to exist as there is no provision allowed for the licensing and approving of homes. Yet over the past few years we have placed children so that they would not grow up in foster care, a great expense to them emotionally, and greater expense to the taxpayer financially ($90 per month for 18 years). Without licensing of adoptive homes while leaving children in foster care, the families who wish to adopt have no choice but to return to a black market adoption, neither of which is desirable.

Foster Care of children would only receive federal financial assistance if the child is court committed, yet there are many cases requiring temporary care due to family illness which makes this point unwise and unnecessary. At the same time there is a backlog in Juvenile Court which involves several weeks waiting before a hearing can be scheduled. Any services during this time would not be eligible for federal funding. It would also require frequent court hearings as temporary foster care would require a cout order for placement and the return of the child. While foster care services is mandated for AFDC children, again there is no service allowed for the family, particularly for home finding. How do you place a child in a foster home unless you have a foster home? Again this agency uses approximately one-half of a worker's time for this service of home finding and meets the federal matching as above noted.

Family Day Care service is first and foremost a means of licensing homes to meet state standards for the child and again there will be no federal assistance in licensing procedures. Yet WIN requires some provision for the care of children for a WIN enrolled mother during school vacation, holidays, sickness, etc. Without homes how do we offer this? Then the AFDC mother who is able to leave the welfare roll, with supplementary Day Care, is only eligible for such for three months after which she loses her potentially eligible status. At this point she is faced with usually one choice; to quit her job in order to take care of her children. To support them she must go back on assistance. Federal Day Care licensing involves approximately one-half of a worker's time in this agency.

Services to the AFDC mother will be limited toward planning, toward being self supporting and self sufficient. At no time could we offer her counselling in how to raise her children in the absence of the father. Yet 95% of the work received for services in this area comes from mothers who want help in handling their children's problems with school, peer groups, etc. If the regulation can not be extended, we will not be able to offer this valuable service. Again only one-half of a worker's time is allocated for this service.

Recently we initiated Homemaker Service which is designed to teach home management and child care to AFDC mothers and to offer outreach service to the ill and disabled. Many of the families are under the poverty scale but just barely above Welfare payment level, thus they would no longer be eligible for Homemaker Service. We would no longer be able to offer them assistance in obtaining groceries, meeting medical appointments and at times having a hot meal twice a week. One-half of our Homemaker's time we had planned to use for those potentially eligible.

Nearly all of our Single Parent Service cases would be classified as potentially eligible. For these persons we could offer services under the new regulations for three months. However, pregnancy is usually a nine month proposition. Service to these clients is also limited to the 10% potentially eligible clients. Must we ignore the request of a 14 year old pregnant girl for help in solving perhaps the biggest problem in her life?

Already legal services to the potentially eligible have ceased, and under the proposed regulations legal services to all of our eligible clients will cease to exist. Thus 10% of our county's population will not have access to defense of their legal rights in any civil matter.

I am very concerned about the curtailment of these services to the residents of this county and constituents of your district. While they are not great in number, the assisting of one client in any of the above programs can merely not have the price tag attached to the value of a human being suffering. Yet to continue offering these services at present levels would mean, state and county would have to absorb the present 75% federal matching of four worker's salaries which would approximate an additional $30,000.00 of state and county monies, on already strained budgets. We have heard rumors of a Social Services Revenue Sharing Act, designed to assist state and local governments in meeting this additional cost. Such a bill has not been presented and I believe, if an on-going program bill, would have little chance of passage. It would likely take a year or longer for such to become in effect. In the meantime what happens to my clients? While I realize it is not in your party's legislation, I must ask that you seriously consider support of Congressman Reid's bill in lieu of any change of Mr. Weinberger's proposed new federal regulations.

Thank you for your consideration of this rather wordy response to your offer to ascertain that programs supporting federal assistance will not demise.

Very truly yours,

HAINA YATES, ADSW,
Director.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. BENNETT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back.

The question is on agreeing to part 3 of the committee amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Montana (Mr. MANSFIELD) is necessarily absent.

I further announce that the Senator from Iowa (Mr. CLARK) and the Senator from Delaware (Mr. BIDEN) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is necessarily absent.

The result was announced—yeas 84, nays 11, as follows:

[No. 241 Leg.]

YEAS—84

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gravel
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—11

Bennett
Cotton
Fannin
Goldwater
Griffin
Hansen
Helms
Saxbe
Scott, Va.
Thurmond
Tower

NOT VOTING—5

Biden
Brock
Clark
Mansfield
Stennis

So part 3 of the committee's amendment was agreed to.

The PRESIDING OFFICER. The question now is on part 4 of the committee amendment.

Mr. LONG. Mr. President, this matter has been voted upon before, and I think it would be just as well to vote on this matter by voice vote. I see no point in debating it. This is the expenditure ceiling and impoundment procedure measure that was passed by the Senate previously, known as the Ervin amendment. The Senate voted for it before. I have no doubt that the Senate would vote for it again. I assume that Senators will all maintain their positions which have been expressed previously.

I yield back the remainder of my time.

Mr. BENNETT. I yield back the remainder of my time.

The PRESIDING OFFICER. All the time having been yielded back, the question is on agreeing part 4 of the committee amendment.

Part 4 of the committee amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Illinois (Mr. PERCY), I ask unanimous consent that Hannah MCCORMACK be allowed the privilege of the floor during the debate on H.R. 8410.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that my legislative aide, Marilyn Koester, may be on the floor during the voting.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I ask unanimous consent that my staff assistant William Heckman be permitted access to the floor through the vote on the ADR amendment, which I will propose shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 28, between lines 5 and 6, insert the following:

PART G—PROVISIONS RELATING TO CHILD'S SOCIAL SECURITY INSURANCE BENEFITS

BENEFITS FOR ADOPTED CHILDREN

SEC. 260. (a) Section 202(d)(8)(D) of the Social Security Act is amended by striking out clause (ii) thereof.

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after the month in which this Act is enacted on the basis of applications for such benefits filed in or after the month in which this Act is enacted.

Mr. ROBERT C. BYRD. Mr. President, this amendment will correct an inequitable provision under the existing social security laws.

Under this existing provision, children who are adopted by disabled, or old age, beneficiaries of the Social Security Act, are denied child's insurance benefits. If the child enters the adoptive home after the wage earner has become entitled to benefits, the child can never qualify for children's benefits, as part of the adopting wage earner's family. This is true, even if the child is not born until after the wage earner has become eligible for benefits.

I am advised that my amendment will primarily benefit grandparents, who have adopted or will adopt a child to provide that child with a stable home environment, after the child has been either born out of wedlock, or into an extremely troubled or unstable home situation. In such cases the grandparents are ineligible for public welfare for support of the child, and in most cases, the only source of support for the child is the adopting parents' social security check.

Mr. President, I do not believe that when grandparents, or others display the good faith and human kindness in trying to provide a child with a stable environment and a decent home life, that they should be penalized by this provision of the Social Security Act which denies them the children's benefits to which they would otherwise be entitled. Therefore, I urge passage of my amendment, which will, if enacted, rectify this situation.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Gail Falk, staff attorney, Legal Aid Society of Charleston, Charleston, W. Va., dated March 21, 1973, calling attention to this inequitable provision.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEGAL AID SOCIETY OF CHARLESTON,
Charleston, W. Va., March 21, 1973.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I am writing to call to your attention an extremely inequitable provision of the Social Security Act.

Under the Social Security Act as it presently stands, a deserving group of children are denied child's insurance benefits. These are children who are adopted by disabled or old age beneficiaries of the Social Security Act. If a child enters the adoptive home after the wage earner has become entitled to benefits, the child can never qualify for child's benefits as part of the adopting wage earner's family. This is true even if the child is not born until after the wage earner has become eligible for benefits. This is true even though natural children born to the wage earner after the wage earner has qualified for benefits are entitled to child's insurance benefits.

Our office recently handled the case of Marion P. Morris, of Whitesville, West Virginia, which challenged the validity of this provision. The enclosed news story, from the *Raleigh Register*, will provide you with further details concerning the Morris family's situation. The U.S. Supreme Court recently declined to review the constitutionality of the Act's discrimination against adopted children, thereby leaving to Congress the burden of correcting this discrimination provision.

Prior to, and in the course of litigating the *Morris* case, our office has been contacted by numerous other West Virginia families who have suffered from the same provision. In addition we have received inquiries from attorneys in other states who also represent clients discriminated against by the same gap in the law. In virtually all the cases of which we have knowledge, the adopting parents are grandparents. In these cases an inquiry will show that the grandparents adopted the child in order to provide him or her with a stable home environment after the child had been born out of wedlock, or into an extremely troubled or unstable home situation.

Furthermore, in these cases the grandparents became ineligible to receive public welfare for the support of the child after adopting the child. Thus, in most cases, the only source of support for the child is the adopting parents' Social Security check.

The only argument ever advanced in the course of Congressional debate in defense of this discrimination is that providing benefits might encourage adoptions for the purpose of "abuse." However, in the many court cases which have challenged the arbitrariness of this provision, no question has ever been raised as to the good faith and humane motivation of the families who have been denied benefits for their adopted children.

The situation of discrimination against certain deserving adopted children could readily be corrected by repealing Section 202 (d)(8), or by repealing Subsection 202(d)(8)(D)(ii), of the Social Security Act.

If our office can be of assistance by providing further information on this matter of concern to many of our clients, please do not hesitate to contact us.

Very truly yours,

GAIL FALK, *Staff Attorney.*

Mr. ROBERT C. BYRD. Mr. President, I have discussed this amendment with the distinguished manager of the bill and the distinguished ranking member of the committee. I hope that the managers will accept my amendment.

Mr. LONG. Mr. President, I believe that the kind of case mentioned by the Senator has considerable merit. Last year as part of H.R. 1, Congress enacted important amendments liberalizing the treatment of adopted children under the social security program. Perhaps we should have done more. I am willing to take the Senator's amendment to conference to see what we can work out.

Mr. ROBERT C. BYRD. I thank the Senator. I yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the end of section 212 of the bill, add the following new subsection:

(f) The provisions of subsection (a)(1) shall not be applicable in the case of any State—

(1) the Constitution of which contains provisions which make it impossible for such State to enter into and commence carrying out (on January 1, 1974) an agreement referred to in subsection (a), and

(2) the Attorney General (or other appropriate State official) of which has, prior to July 1, 1973, made a finding that the State Constitution of such State contains limitations which prevent such State from making supplemental payments of the type described in section 1616 of the Social Security Act.

Mr. BENTSEN. First, Mr. President, I wish to commend the chairman of the Finance Committee for his work in bringing this measure to the floor with important protections for the aged, blind, and disabled appended to it.

When we passed H.R. 1 last year, we included the important concept of a national minimum income for some of our elderly and handicapped citizens, replacing the variety of State programs and assistance levels then available to them. However, we have discovered in the intervening time that, for a number of reasons, thousands of these Americans could conceivably suffer cuts in income when the new SSI program goes into effect next January. Under the leadership of the chairman, the Finance Committee has substantially corrected that situation.

The amendment I offer today is directed at a special problem in my own State, which threatens to remove several thousand persons from medicaid coverage if it is not adopted.

Texas may well be unique among the States in having constitutional problems in appropriating State funds, without Federal matching, to care for the needs of the aged, blind, and disabled. A provision of the Texas constitution says that no State funds can be appropriated for these purposes unless they are "matchable out of Federal funds." The State attorney general's office has interpreted that provision to mean that the SSI payments, which go directly to individuals and not to the State, cannot qualify as Federal matching money.

Most of this problem was alleviated when the committee raised the minimum income levels from $130 to $140 for single persons and from $195 to $210 for couples. Over 60,000 persons in my State who would have suffered will now have no reduction in benefits.

But even at the new levels, some problems remain. Some 13,000–14,000 citizens have incomes above the new payment levels, and they will have to be removed from eligibility for medicaid if the bill passes in its present form. That is because section 212 of this bill makes it mandatory for States to supplement Federal SSI payments on the penalty of losing all their Federal medicaid money if they do not do so.

Of course, that would offer my State a most painful choice. It could, on the one hand, remove these 13,000 to 14,000 from eligibility for medicaid because their income is somewhat above the payment levels and the State is constitutionally prohibited from supplementing up to the new levels, or could keep them on the medicaid rolls and it would then have to forfeit all of the Federal money it receives for all medicaid recipients in the State.

I should add that the State legislature has attempted to remedy this situation. The State legislature attempted to appropriate State funds to take care of some of the needs of people made eligible by the SSI program; however, they were told by the Attorney General's office that such a move would not be constitutional, since no Federal funds would be matching State appropriations.

I should also add that there was an attempt to repeal this entire section of the State constitution, but it failed in an election in May 1971. In addition, there will be a constitutional convention next year, and the State director of public welfare is convinced that this provision then will be removed from State law.

My amendment is very narrowly drawn and says that the mandatory supplementation provisions of this bill will not apply to a State, but only on two very limited conditions: first, the State constitutional prohibition against supplementation must have been in existence prior to July 1, 1973, and second, the State Attorney General or other appropriate State officials must have made a finding prior to July 1, 1973 that State supplemental payments would not be possible because of the constitutional limitations.

I believe there are sufficient safeguards in this amendment to insure that there will be no abuses. My State has made efforts to overcome this constitutional difficulty, and I know that in the next year serious efforts will be made to correct it.

I am hopeful that the manager of the bill can accept this amendment.

Mr. BENNETT. Mr. President, I was part of the discussion of this problem in committee. I recognize it is an unusual and unique problem affecting only the State of Texas and it is caused by the constitution of the State of Texas. I am delighted that the Senator from Texas found a solution for the problem.

However, for the record I have to say that I think this is not the bill on which the amendment should be offered. I realize that it will be agreed to, but to keep my amateur status I will have to indicate my opposition to the amendment on this bill, although I do support the proposal.

Mr. LONG. Mr. President, in view of the statement of the Senator from Texas, I do not think there will be more than a relatively small number of cases of individuals in Texas who would have difficulty complying with the committee amendment. Unfortunately, Texas has an unusual constitutional problem that does not exist in other parts of the country. As much as the legislature and the Governor of the State might wish to take the appropriate action, it looks as though it may be beyond the capacity of the State legislature and the Governor to provide the cooperation this bill would require in complying with the mandate the Senate has adopted. Unless we can work out a better answer, I think we should agree to the amendment, which will solve the problem.

Mr. President, I yield back the remainder of my time.

Mr. BENTSEN. I thank the Senator. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. EAGLETON. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the end of the bill, add the following new title:

TITLE V—LIMITATION OF USE ON APPROPRIATED FUNDS

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR COMBAT ACTIVITIES IN CAMBODIA AND LAOS

SEC. 501. No funds heretofore or hereafter appropriated under any Act of Congress may be obligated or expended to support directly or indirectly combat activities in, over, or from off the shores of Cambodia or in or over Laos by United States forces.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, this amendment is similar to and almost identical to an amendment passed by the Senate 3 weeks ago.

Mr. LONG. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. LONG. I hope the Senator will not take an extended period of time to debate the amendment. I am confident the Senate will vote the same as they did when the Senator offered the amendment on the other bill that was vetoed.

Mr. EAGLETON. I will be brief but I think we should have the Record complete.

Mr. LONG. I agree with the Senator.

Mr. EAGLETON. I thank the Senator. I will be brief and to the point.

Mr. President, this amendment is similar to and almost identical to an amendment which the Senate passed on May 31 by a vote of 63 to 19, which would prohibit the use of any Federal funds to conduct or continue combat activities in Cambodia and Laos. This amendment was subsequently agreed to and accepted by the House and became part of the Supplemental Appropriation bill. The Supplemental Appropriation bill was vetoed this morning by the President, and the override on the veto failed by 241 to override and 173 to sustain.

Mr. President, I think it is necessary that we persist in this endeavor to bring this unconstitutional and unauthorized war to a termination. There is no authority whatsoever for what is being done in Cambodia today, and being done with a vengeance.

Since May 31, the date on which the original Eagleton amendment was adopted by the Senate, the following has occurred in Cambodia with respect to American casualties:

June 5, OV–10 downed, one killed in action.

June 15, HH–53 helicopter downed, three killed, two rescued.

June 16, F–4 downed, two missing in action.

Totals killed in Cambodia and Laos to date: six killed in action, four missing in action in Cambodia. Eight killed in action in Laos.

Mr. President, more tonnage has been dropped on Cambodia since the ceasefire was signed on January 27 than was dropped over North Vietnam in the last 3 years. Think of that, in less than half a year we have dropped more bombs on Cambodia and inflicted more devastation than we had in the entire 3 prior years with respect to North Vietnam.

I think President Nixon's veto of the supplemental appropriation bill hinged mainly on the inclusion of the antibombing amendment. He clearly wishes to continue a bombing policy which is improvident, unwise, and goes directly to the heart of the constitutional process. It is our authority—Congress' authority—to determine how, when, and where we go to war; and in the supplemental appropriation bill there was a clear determination by the Congress, both Houses concurring therein, that we not go to war in Cambodia and that we not continue the bombing any longer.

If the President wishes to persist in his methodology, we must persist in ours. Because if we give in on this issue, we will then, by indirection, in my judgment, be sanctioning a war in Cambodia.

If we succumb and delete the antibombing amendment from any appropriate vehicle by which it may reach the President's desk, if we recede from that amendment, we are tacitly and affirmatively going along with this war—a war which has no basis in logic or in law.

As far as I am concerned, this amendment has the same legitimacy, the same compelling need, the same efficacy today in June as it had on May 31 when it was originally adopted.

Unless there is something further, I am prepared to yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield myself 2 minutes.

Earlier in the debate I pointed out that there was grave doubt about the ability of the House to tack this kind of amendment on a bill which, under the Constitution, has to originate in the House. I think there will be a point of order automatically made against this kind of amendment on this bill, regardless of its merits. I expect to vote against it for that reason, but I want the record to show that this is a revenue bill, subject to the constitutional point which requires revenue measures to originate in the House. Moreover, this amendment is completely outside the jurisdiction of the Ways and Means Committee, with which we must go to conference, and I think they have no choice but to reject it on that ground.

Now I would like to yield to the Senator from New Mexico.

The PRESIDING OFFICER. Does the Senator yield on the bill itself?

Mr. BENNETT. This is on the amendment.

Will the Senator from Louisiana yield the Senator some time?

Mr. LONG. How much time does the Senator from New Mexico want? Is 5 minutes sufficient?

Mr. DOMENICI. Five minutes will do.

Mr. LONG. I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to the distinguished Senator from Missouri that a few days ago, when the so-called Eagleton amendment came before the Senate, I supported it, and I want the Senator from Missouri to know, and I want all Senators to know, that I support the concept of prohibiting air action in Cambodia. However, I will not support the amendment today because I think it is inappropriate that it be attached to this measure. In fact, I doubt that I will support any measure other than those that the Finance Committee itself considered as part of this bill.

They have brought before us amendments that are truly relevant. Because we have no budgetary procedures in Congress, they saw fit to remind us of deficiencies in social security, supplemental income, and the like, and I support them because they are either from trust funds or they are relevant to the subject matter. But the pending amendment, it seems to me, is not relevant. I do hope that other Senators will be heard today and that we will not, on this issue, confront the President on this matter and then blame him when the social programs that are part of the bill are not carried out.

So I want the distinguished Senator to know I have not changed my mind with reference to my support as a U.S. Senator, but I have changed my mind with reference to where that amendment should find itself in the procedures of the Senate.

As a freshman, I came here thinking we could really vote on priorities in the Senate, and I find myself voting on many, many billions of dollars added on to a debt limitation bill.

I have just one last thought. Unless and until we devise a method for budgeting, we are not going to have priorities that are meaningful. They will be nothing more than opportunities for those of us who disagree to say if we had a priority system we would vote differently; we would not agree with the President; we would not agree with the Senator from Louisiana. But I doubt that we really want a budgetary system which permits us to vote fair and square, up and down, on priorities. That is the second point that concerns me about today's deliberations.

However, so the Senator from Missouri will understand, I have not changed my mind on this issue, but I will not support his amendment today.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I do not think there is anything to be gained by further debate. I do think we would do well to move ahead with the business before the Senate. I hope other Senators will not ask for any more time on this question. I suggest we get to a vote. I am prepared to yield back my time.

Mr. EAGLETON. Mr. President, I just have a few brief remarks, and then I am prepared to yield back my time, as well.

The Senator from New Mexico raised the question of the propriety of offering this amendment to this particular bill which raises the debt ceiling. So far as I am concerned, I can think of nothing more appropriate to attach to this bill than an amendment which would prohibit the unauthorized, illegal, and expensive bombing of Cambodia—and in this context I stress the word "expensive."

Last year almost $10 billion was spent for combat activities and support in Southeast Asia. Had that expenditure not occurred, perhaps we would not be here today attempting to raise the debt ceiling. Annual expenditures as a result of the bombing in Cambodia are estimated at over a billion dollars. That expense will add greatly to the debt ceiling of our Government. So I think it is relevant to be debating at the present time an amendment to prohibit such bombing—when we are discussing priorities and how much further we should go into debt—when we are going further into debt as a result of a bloody war in which we should never have been involved and from which we should immediately extricate ourselves.

So far as I am concerned, I can think of no more appropriate bill to attach an amendment to discontinue the bombing in Cambodia.

I am prepared to yield back my time.

Mr. LONG. Mr. President, I was engaged in other matters at the time the majority leader made his statement. I asked that his remarks be available to me, So I could read them.

He said:

> If the veto is upheld, it would be our intention—I repeat—to attach similar Cambodian riders to every other possible piece of legislation, and we will do it, because under the Constitution only the Congress has been given the war-making power, not the President, and Congress has spoken.

I assume that represents the views of the leadership on this side of the aisle. It is not my view, but it is the view of the majority leadership and a majority of the Senate. If that is what the Senate wants to do, they have the votes to do it.

Mr. EAGLETON. Mr. President, before the Senator yields back his time, I am informed that the Senator from South Dakota (Mr. McGovern) wishes me to yield some time to him to speak on the measure. I yield 5 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I simply want to take a moment to commend the Senator from Missouri for again offering what I think is an eminently sensible proposal at a time when we are talking about the fiscal integrity of the Government. We should make one more effort in the Senate to put an end to this senseless bombing of Cambodia and Laos.

I remember years ago when former Senator Wayne Morse of Oregon, used to speak in this Chamber against the war that he frequently referred to the war as the Johnson war or the McNamara war. It used to bother me that anyone's name was attached to the war at a time when we could not get a majority in Congress to announce its opposition to it. However, all of that is finished now. The Senate has previously voted by a majority of 63 to 19 in favor of terminating any further military operations on or over Cambodia and Laos—more than a 3-to-1 margin on the part of the Senate to bring this bombing to an end.

Now, to whatever extent the Senate has any constitutional responsibility or right to advise and consent on matters of foreign policy, the Senate has made it very clear on a bipartisan basis that it does not support the continued aerial bombardment of these little countries of Cambodia and Laos. We have made that overwhelmingly clear.

The Eagleton amendment, when offered in committee, was passed by a vote of 24 to 0. There was not one single dissenting vote against the amendment. Not one Democrat and not one Republican voted against the amendment.

People who at an earlier time had supported the war now make it unequivocally clear that they oppose it. We want to have all of the war operations terminated.

The amendment previously passed on the floor of the Senate by a vote of 63 to 19. In the House of Representatives it passed by a strong majority. The record is clear. An overwhelming majority of both the House and Senate voted to have the war terminated and to have the bombing over Cambodia and Laos ended.

As far as I am concerned, from here on out, this is Nixon's war. This is a Presidential war being conducted in clear defiance of the overwhelming expression of opinion of the Members of the Congress of the United States.

I think that the President and the American people ought to understand from here on out where the responsibility lies.

I thank the Senator for yielding me time.

Mr. EAGLETON. Mr. President, I thank the Senator from South Dakota.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. TOWER. Mr. President, will the Senator from Louisiana yield me time on the bill?

Mr. LONG. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I know how the vote is going to come out. And I know that no amount of debate is going to change the result. However, I will not sit here and hear this referred to as Nixon's war. He had nothing to do with getting the war started. He has extricated us from Southeast Asia with honor. He is trying to assure now that we will have peace and that we do have a position from which to negotiate serious observations in compliance with the terms of the Paris accords.

I therefore think that the Eagleton amendment is something that is calculated to perpetuate the war in Southeast Asia. Let us call it what it is, and that is Congress' war.

Mr. LONG. Mr. President, I yield 3 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, the war in Vietnam has gone on for 10 years. President Nixon finally brought the war to an end. Why should we crowd him now? Why should we not give him a little elbow room in which to negotiate?

The President just threw one bill back here, the second supplemental appropriations bill, on the ground that it contained the Cambodia amendment.

If we wish to play politics with the bill, this is the way to do it. If we want to be patient, that is one thing. However, if we want to play around and try to put the President on the spot, that is another thing. If we want to take the position that we are determined to do anything to make our point, this is the right approach.

I hope the Senate will vote down the amendment. It has no place in the bill. It can do nothing but extend the war 10 years after 50,000 men have been killed and 300,000 men have been wounded.

We should reject the amendment and let them negotiate and enforce the cease-fire which President Nixon has brought about. We would then be doing the country a great service. Any other course, in my judgment, can result only in great detriment to the welfare of the Nation.

Mr. EAGLETON. Mr. President, just briefly, I wish to point out that this is most certainly, Nixon's war in Cambodia. It is a war that is being waged by the President without the authority of Congress. It is heating up. It is not toning down. This is not something that is going to go away in the twilight hours.

I read to the Senate earlier the casualties that have occurred in Cambodia. As we prolong the consideration of this measure, the casualties will surely increase.

Yesterday, for the first time, Russian surface-to-air, heat-seeking missiles were reported as being used against our planes over Cambodia. With the risks that we are taking every day, there is a higher risk of death and a risk, that we will add to the list of missing in action, and possibly even incur new prisoners of war. It is a risk that Congress can refuse to take. If the President does not see fit to do it, it is our responsibility to determine how and when we should get out of this war.

We exercise that responsibility in a reasonable manner in cutting off funds for Cambodia. We must continue to do everything in our power so that our voices and pleas will be heeded.

Mr. President, I yield back the remainder of my time.

Mr. LONG. Mr. President, let me say that I recognize that this amendment, if agreed to, means a very serious confrontation between the legislative and the executive branches, assuming that the House sees fit to agree to the amendment, as it did on a previous occasion.

If it is a confrontation that the sponsors of the amendment are seeking, this is the right bill to which to attach it. I will not vote for the amendment. If it is agreed to, I will do my duty and will support it in conference and will see to it that the House has an opportunity to vote on it.

Mr. President, I heard what the majority leader has said. I thought I heard him correctly, and I respect the right of those who feel that there should be a confrontation on a bill that the President either has to sign or dire consequences will otherwise flow therefrom. If that is what they want to do, this is the bill.

I recognize that any Senator has a right to offer an amendment. He is certainly privileged to offer it to this bill.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Missouri. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock) is necessarily absent.

The result was announced—yeas 67, nays 29, as follows:

[No. 242 Leg.]

YEAS—67

Abourezk
Aiken
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Dominick
Eagleton
Ervin
Fong
Fulbright
Gravel
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Javits
Johnston
Kennedy
Magnuson
Mansfield
Mathias
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams
Young

NAYS—29

Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Buckley
Curtis
Dole
Domenici
Eastland
Fannin
Goldwater
Griffin
Hansen
Helms
Hruska
Jackson
Long
McClellan
McGee
Roth
Saxbe
Scott, Pa.
Scott, Va.
Sparkman
Taft
Thurmond
Tower

NOT VOTING—4

Biden
Brock
Clark
Stennis

So Mr. Eagleton's amendment was agreed to.

Mr. EAGLETON. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. CASE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the bill add a new title VI as follows:
>
> Sec. 1. The non-trust fund expenditures of the government of the United States during each fiscal year shall not exceed its revenues from all non-trust sources for such year.
>
> Sec. 2. (a) The President shall submit a budget pursuant to the Budget and Accounting Act of 1921, as amended, in which non-trust fund expenditures do not exceed non-trust fund revenues for each fiscal year.
>
> (b) The provisions of this section may be adjusted to reflect any additional revenues of the government received during a fiscal year resulting from tax legislation enacted after the submission of the budget for such fiscal year.

Mr. HELMS. Mr. President, my amendment is vitally important if Congress and the administration are ever going to come to grips with inflation and the certainty of a larger and more ominous national debt in the future if we do not act.

Simply put, my amendment would provide that the Federal Government shall not spend Federal funds for nontrust fund items in excess of the revenues collected by the Federal Government from nontrust fund sources during any given fiscal year.

My amendment also requires that the President submit a budget in which nontrust fund receipts and expenditures are strictly balanced.

If we are serious about controlling inflation and eliminating the prospect of an increasing national debt in the future, then the Senate must face up to the facts regarding deficit spending in the last 4 fiscal years.

From the beginning of fiscal year 1970 through the end of the current fiscal year 1973, the Federal funds area of the unified budget has run a deficit during just these 4 fiscal years, of approximately $100 billion. Senators know that the unified budget procedure tends to obscure the real impact of deficit Federal spending by offsetting trust fund surpluses against nontrust fund deficits. This $100 billion deficit in the last 4 fiscal years has meant that the Federal Government was spending $100 billion more for the operation of Government than it was receiving in Federal taxes. Truly, no Senator can ignore the impact that this $100 billion in deficit Federal spending has had upon our economy in these past 4 years. It has been the primary stimulus for the inflation which has seriously eroded the purchasing power of the dollar both at home and abroad.

We have heard a good deal of rhetoric

over the need to do something about inflation. We have heard the same rhetoric over the need to control and limit the national debt. Well, Mr. President, here is an opportunity to take some action, to face up to the danger that reckless Federal spending has presented to our Nation's economic security, and to protect against future increases in the national debt.

Controls on wages and prices and every other element in our economy will never stop inflation because these controls are not directed at the cause of inflation. There is no question that it will be difficult for some Senators to commit themselves to a balanced Federal budget, because such a budget will necessitate cutting down substantially on Federal expenditures. But I am firmly convinced that an overwhelming majority of the American people would rather see the Government spend less, thereby stopping this inflation, than to see larger and larger Federal deficits being spent with money that inflation has made practically worthless.

I urge Senators to consider this amendment seriously and to adopt it. I am convinced that it is the first step down the road toward eliminating inflation and establishing a firm foundation for a stable economy in this country.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. Mr. President, if I understand the amendment correctly—and I have been studying it with a capable staff—it would require a $19 billion cut in the Federal funds deficit that exists in the present budget. In other words, the Senator from North Carolina is seeking to eliminate the deficit on a Federal funds basis. That means a $19 billion cut in spending, which would be more than balancing the budget; it would be more than resisting inflation.

While the Senator, of course, has very practical objectives, a sudden shift of Federal activities of the size of a $19 billion cut in Federal funds outlays, would, I think, cause such a drastic shock on the economy that it really could not be sustained.

When we have a $16 billion surplus in our trust fund, if the Federal Government is running a $16 billion deficit in Federal funds, it still is not the Federal Government that is creating inflation, because the Federal Government pulls as much money out of circulation as it is putting back into circulation.

This matter was studied by President Johnson's administration, which concluded that we ought to have a unified budget. It was studied by the administration of Richard Nixon, and that administration concluded that the unified budget was the best way to handle these accounts.

If we look at the budget action that would have to be considered, we would realize that what the Senator has in mind would be absolutely devastating, when one realizes that there are many things that cannot be cut. We cannot cut the interest on the national debt. We cannot cut social security payments. In the controllable items, such as public works, a great many national defense items, education programs, programs that are most meaningful to the American people, and to their communities, it would mean a cut of some $20 billion. Controllable programs cannot be cut that much and continue to be effective.

Mr. President, the Senator has a very noble purpose in mind. I think, however, that, if anyone had the experience of living with this, he would have a great deal of explaining to do to his constituents—when they saw what was recommended by the President, passed by the House, and what the Senate then proposed to do, if the Senate could prevail on it.

I hope the amendment will not be agreed to. I think the consequences would be a shock, with an adverse reaction to the country when the people felt the impact of it. A sharp recession or depression sponsored by the Federal Government would be such that the Senate would regret the day it adopted the amendment, if indeed we were able to prevail upon the House and the administration to implement it.

At this point, Mr. BARTLETT assumed the chair.

Mr. DOMENICI. Mr. President, will the Senator yield 2 minutes?

Mr. LONG. I control the time in opposition.

Mr. DOMENICI. I am on the Senator's side.

Mr. LONG. Then I yield the Senator 2 minutes.

Mr. DOMENICI. Let me say to the distinguished Senator from North Carolina that I am not going to do this before every vote, but it seems to me that in fairness, since I rose to object to the Cambodian proposal as being irrelevant and putting the Senate on the spot—having to vote on something that really was not germane to what the Committee on Finance had considered—I raise the same issue with respect to the Senator's amendment.

I must tell the distinguished Senator, as I said to the Senator from Missouri, that, although I agree in concept with the premise—as I did with the Senator from Missouri's proposal about Cambodia—I will not vote for it, in spite of the fact that I am beginning to think there is no other way to control the budget, no orderly way. There really is no priority way to vote, because we do not want such a system here.

I still cannot vote for a $19 billion cut, as explained by the distinguished Senator from Louisiana. I do not think it is relevant to the issue. I compliment the Senator on the thesis and the theory, but I want him to know why I will not vote for his amendment on this occasion.

Mr. HELMS. I thank the distinguished Senator, my seatmate and my friend.

Mr. FANNIN. Mr. President, will the Senator from Louisiana yield? I am going to vote with the Senator from Louisiana, although I am in agreement with the Senator from North Carolina.

Mr. LONG. I yield.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from North Carolina for offering this amendment. I agree wholeheartedly that it is needed to bring fiscal responsibility to the Federal Government.

Moreover, I am the author of a proposed constitutional amendment which would require a balanced budget over a 2-year fiscal period. However, I believe that such an amendment would not be proper on this bill.

While I fully agree with the substance of the amendment, I cannot support it at this time. I regret that I cannot do so. I hope that at a future time, if it is not agreed to now, I can join the Senator on such an amendment.

I thank the distinguished Senator from Louisiana for yielding.

Mr. BENNETT. Mr. President, will the Senator yield me 2 minutes?

Mr. LONG. I yield.

Mr. BENNETT. Mr President, I think that all of us in the Senate should remember that a process has begun through which Congress can take back the responsibility for budget priorities. The Joint Study Committee was set up. It studied the problem. It recommended a program. We are waiting for Senator METCALF's subcommittee and for the House to act on the recommended procedure. I think that when a procedure is approved and Congress begins to accept the responsibility for responsible budgetary action, many of these rather harsh proposals will become unnecessary.

I am in agreement with the objective of the Senator, that we must get control of the budgetary process and that we must begin to move toward a balanced budget. But, in the spirit of this particular bill, I think an attempt to approach it from the point of view suggested by the Senator is not the right way to do it. So, while I am in support of his objective, I must oppose the amendment, both in view of the procedure that is already on its way through Congress and the limitations of this particular bill.

The PRESIDING OFFICER (Mr. DOMENICI). Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I yield to the distinguished Senator from Virginia such time as he desires.

Mr. HARRY F. BYRD, JR. I favor the concept of the amendment offered by the distinguished Senator from North Carolina. It seems to me that sooner or later—the sooner the better—we must get to a balanced budget concept. We cannot continue these huge deficits. The people of this country are suffering by this. The huge deficits are the major cause for the tremendous inflation that is eating so heavily into the paycheck of the workingman and the grocery dollar of every housewife.

The amendment offered by the able Senator from North Carolina is directed toward helping solve the question of rampaging inflation.

The Senator from Louisiana made a very important point, I think, and one that must be considered. I wonder whether the Senator from North Carolina would consider modifying his proposal to make it effective with the fiscal year 1975—that is, with the new budget which will be submitted by the administration next January. Work on that budget is already in progress—that is, the fiscal 1975 budget. I would think that might be the appropriate time—some 7 or 8 months before the budget is submitted—to mandate the administration to send in a balanced budget. If we apply this proposal to the present budget, it has already been under consideration now for almost 6 months and a new fiscal year begins next week, and I think it might be awkward to start it that quickly.

If the Senator would be willing to modify his amendment, to mandate the administration to bring in a balanced budget when it submits its new budget in January, it seems to me that that would be a very helpful and desirable proposal.

Mr. HELMS. I say to the distinguished Senator from Virginia that not only will I accept that modification, but also, that I am grateful to him for proposing it.

Let me say that I am not naive. I realize that we cannot cure in a day what has been done to the people of this country in a generation. On the other hand, we have to start somewhere, sometime. If we in this Chamber and those in the House of Representatives do not start to get this economy in shape, then I am reminded, I say to the distinguished Senator from Wyoming, of a friend of mine who was riding in a taxicab past the Archives Building one night recently.

On the front of the Archives Building is an inscription which reads, "What is past is prologue." My friend inquired of the taxicab driver: "What does that mean?"

The taxi driver replied: "You ain't seen nothin' yet."

What I am saying, Mr. President, is that if we do not act to get the Federal budget in line, whether it is today, effective June 30 of this year, or effective June 30 of next year, "we ain't seen nothin' yet," in terms of the further inflation we will be forcing the people of America to endure.

I happily accept the Senator's suggested modification.

The PRESIDING OFFICER. Unanimous consent is necessary to modify the amendment.

Mr. HELMS. I ask unanimous consent that my amendment be so modified.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Will the Senator from North Carolina please send the modification to the desk? By unanimous consent, it is not part of the amendment, but it is needed at the desk.

Mr. LONG. Mr. President, I do not object, but I would like to know what the modification is.

Mr. HARRY F. BYRD, JR. If the Senator will yield, it is to make the effective date effective with the presentation of the new budget, the fiscal 1975 budget, instead of the 1974 budget, to which the able Senator from Louisiana addressed himself.

The modified amendment is as follows:

At the end of the bill add a new title VI as follows:

SEC. 1. Beginning with the fiscal year 1975, the non-trust fund expenditures of the government of the United States during each fiscal year shall not exceed its revenues from all non-trust sources for such year.

SEC. 2. (a) Beginning with the fiscal year 1975, the President shall submit a budget pursuant to the Budget and Accounting Act of 1921, as amended, in which non-trust fund expenditures do not exceed non-trust fund revenues for each fiscal year.

(b) The provisions of this section may be adjusted to reflect any additional revenues of the government received during a fiscal year resulting from tax legislation enacted after the submission of the budget for such fiscal year.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, will the distinguished Senator yield?

Mr. LONG. How much time does the Senator desire?

Mr. HANSEN. Three minutes.

Mr. LONG. I yield to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, it occurs to me that the philosophy, the idea behind the amendment presently before the Senate is a very valid one. I was wondering if my good friend, the Senator from North Carolina, would consider asking unanimous consent that the order for the yeas and nays be vacated and that he withdraw his amendment.

My purpose in doing that is that a lot of us agree with him and if he does go ahead with the vote I shall vote to support the amendment. But I think it would be deceptive on our part to have the RECORD go out from here today that there are very few votes in favor of the idea in back of this amendment, and that is precisely what will happen if we go forward with the vote, because as Senators know, there are a number of people who agree with the Senator from North Carolina who have very valid reasons not to support his amendment now.

So I ask my good friend, the Senator from North Carolina, if he would consider asking unanimous consent to having vacated the order for the yeas and nays and then to withdraw his amendment. I would hope he would do that. I have no further purpose in talking longer. I think we will through this colloquy reveal to the public generally a little better idea of the feeling in the Senate than would go out if we pursued the vote on the amndment.

The PRESIDING OFFICER. Did the Senator from North Carolina hear the question of the Senator from Wyoming?

Mr. HELMS. Yes. And I appreciate the Senator's position and suggestion.

Really, Mr. President, all I hoped to do this afternoon was to make a point, and the apparently unanimous agreement with that point gives me hope that we can get going on a duty that has been too long delayed.

Under the circumstances, I do not wish to delay the Senate on this day and I ask unanimous consent to withdraw my request for the yeas and nays.

The PRESIDING OFFICER. The Senator can proceed by seeking unanimous consent for the withdrawal of his amendment and the yeas and nays, and the request, therefore, would be vitiated.

Mr. HELMS. That is my unanimous consent request.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is withdrawn.

Mr. HELMS. I thank the Senate for its attention on a matter of extreme importance at this time.

AMENDMENT NO. 254

Mr. KENNEDY. Mr. President, I call up my amendment No. 254. I ask unanimous consent that the Senator from New Jersey (Mr. CASE), the Senator from Utah (Mr. MOSS), and the Senator from South Dakota (Mr. MCGOVERN), may be added as cosponsors.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill, add the following new section:

RENT FREEZE

SEC. . The Economic Stabilization Act of 1970 is amended by inserting after section 203 the following new section:

"§ 203A. Rent freeze

"Immediately upon the enactment of this section, the President shall issue an order freezing rents, in accordance with the same provisions of Executive Order 11723, dated June 13, 1973, which apply to certain prices for commodities and services."

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I yield for an unanimous consent request to the distinguished Senator from Maine.

Mr. MUSKIE. I thank the Senator.

Mr. President, I ask unanimous consent that Reed Feldman of my staff be granted the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. TOWER. Mr. President, I ask unanimous consent that Mike Burns, chief minority counsel, Committee on Banking, Housing and Urban Affairs, be present during the debate on the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Parker be permitted the privilege of the floor during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that clerks and administrative assistants of Senators may be granted the privilege of the floor while this measure is being debated and voted. We have had so many requests made that I think it would be discriminating not to have the privilege extended to every Senator for his aide to be on the floor, if he cares to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Senator. I would be glad to enter into a time agreement with the manager of the bill on amendment No. 254 for 20 minutes, 10 minutes to a side, if the Senator from Louisiana wishes to do so.

Mr. LONG. I would be happy to do so.

Mr. KENNEDY. Or we can proceed.

Mr. LONG. Why not make it 15 minutes on each side?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this is a very simple amendment. What it does is to add rents to the list of items covered by the otherwise comprehensive 60-day price freeze announced 2 weeks ago by the President. Under the amendment, rents would be frozen at no higher levels than those charged during the first 8 days of June.

Rents are a traditional and significant component of the Consumer Price Index, and it makes no sense to impose a comprehensive price freeze and then exempt rents.

It is no more difficult to impose a freeze on rents than to freeze a myriad of other prices in the overall Consumer Price Index. In fairness to the consumer, the logic of the current freeze compels a freeze on rents, along with all the other commodities and services whose prices are frozen.

The two rationales used by the administration to exclude rents from the freeze are no longer operative. First, the administration argued that the rent component of the CPI had shown steady improvement under phase III, with the monthly increases declining from 0.6 in February to 0.5 in March to 0.4 in April. But the May figure of 0.5, announced last week, ended that tidy progression.

Second, the administration argued that rent is a local problem and should be left to local action. But, as every Senator's mail shows, rent inflation is also a national problem, an endemic part of our sick national economy.

Rents were included in the August 1971 freeze, and the case for freezing rents is stronger today that it was in 1971, since rents have been rising 30 percent more rapidly under phase III than they rose during the comparable period before the 1971 freeze.

Mr. President, I ask unanimous consent to have printed in the RECORD a table relating to this matter.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RENT COMPONENT OF CONSUMER PRICE INDEX

	Index	Increase	
		Absolute	Percent annual rate
1971:			
March	113.9	0.3	3.2
April	114.4	.5	5.3
May	114.7	.3	3.1
June	115.2	.5	5.2
July	115.4	0.2	2.1
Total		1.8	3.8
1973:			
January	121.5	.5	5.0
February	122.1	.6	5.9
March	122.6	.5	4.9
April	123.0	.4	3.9
May	123.5	.5	4.9
Total		2.5	5.0

Mr. KENNEDY. Mr. President, if we were to take the 1971 freeze and project it as an annual rate, it would show a 3.8 percent increase for rent for the 5 months preceding that freeze. If we take phase III through May, and project it at an annual rate, the increase would be 5.0 percent. Thus, rents were rising 30 percent more rapidly before the recent freeze than in 1971, when rents were included in the freeze.

Finally, if rents remain exempt from the freeze, landlords will enjoy an unjustified bonus of windfall profits, since the prices of all the goods and services that landlords purchase are covered by the freeze.

Mr. President, for those reasons I hope that rents will be included in the price freeze. I think it is important as far as equity for the American consumer is concerned and I believe it is important in terms of meeting the problems of inflation.

Mr. President, I withhold the remainder of my time.

Mr. TOWER. Mr. President, will the manager of the bill yield to me time in opposition?

Mr. LONG. I yield to the Senator such time as he may require.

Mr. TOWER. Mr. President, rent controls deter the investment of new capital in the construction of and rehabilitation of rental units, and thereby create further rental unit shortages and rent increase pressures; and second, rent controls normally do not allow adequate increases to cover capital and service maintenance and improvement costs, with the result that the quality of the existing rental stock and rental services declines relatively, and and usually absolutely.

The adverse impact of rent controls on rental unit supply and quality is obviously not in the long-run interests of the affected tenants, and it was effectively the committee's judgment that such results should be avoided and other means of alleviating rent increase pressures on low and middle income tenants be explored. The problem is actually one of income transfer, which is a problem normally dealt with by tax-financed, direct governmental transfers to the affected individuals. In the case of rent controls, however, this transfer is made at the expense of the landlord-investor, and the effect of such an income transfer is simply to drive away investment that is badly needed in the rental housing sector.

I am sure that the Banking, Housing and Urban Affairs Committee will soon be reviewing and recommending some revision of the present housing programs and policies of the Federal Government within a short time, which will have the goal of increasing the supply of and the quality of housing stock in this country, and its accessibility to all income groups. The present supply trend in housing units is favorable, with net additions to the Nation's housing stock, after household formations, running around a million per year on the average, not including the half-million mobile homes produced per year. The encouragement of this favorable supply situation, rather than its discouragement with rent controls, would help relieve any rent increase pressures that exist because of low vacancy rates.

The committee also took note of the fact that the Cost of Living Council has evaluated the rent increase situation around the country since phase III went into effect, and has determined that there is no national problem of excessive rent increases. There are a few areas of very tight housing markets, such as the Washington, D.C., area and the Northern New Jersey area, where some increases have been substantial, but for the most part around the country increases have been modest and would be cost-justified under phase II rules.

Any severe local problem of rent increases due to very low rental vacancy rates could be handled, if desired, by state or local authorities, who would be the appropriate authorities to determine whether local priorities are such that long-term investment in rental units should be sacrificed for the short-run cost-of-living restraint represented by rent controls. These authorities would also be the appropriate authorities to consider the alternatives of any special governmental income transfer programs to provide cash relief to affected tenants, in order to avoid the diseconomies resulting from attempting such an income transfer via rent controls.

Finally, the committee recognized that if, for any local or national emergency situation, the administration feels that the reimposition of rent controls locally or nationally is justified, the authority to so impose them still exists in the Act, and the Administration could exercise that authority at any time.

The matter of rent controls came up during the consideration last April of the extension of the Economic Stabilization Act, and in the committee the proposal to add rent controls or to make rent controls mandatory was defeated by a vote of 8 to 8, a tie vote. The matter was, of course, brought up on the floor in the form of an amendment, and the vote in favor of it was 50 to 48.

However, when we went to conference, our bill had added substantially to what the House bill contained. We added much more in the way of strictures and mandate than the House did, but the only significant matter on which the House would not recede on the Senate bill was the matter of rent controls, and the House was adamant on the matter of rent controls and would not recede on that although it receded on almost everything else to the Senate.

Therefore, when we consider the fact that on the floor of the House there were several record votes—I think there were three on the question of rent controls—and rent controls were in each instance defeated decisively in the House, I think it will be recognized this amendment would not get past the House. Of course, not being a germane amendment, I am sure a point of order would prevail against it, but on the merits it should be defeated, in addition to the fact that it is not germane and in addition to the fact that the House would not accept it, and therefore we are engaging in a futile exercise in trying to pass legislation of this kind.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield half a minute further?

Mr. KENNEDY. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with respect to the general consent order earlier entered in connection with the allowance of Senators' staffs on the floor, that during the remaining debate on the bill, any Senator who has an amendment pending may have one member of his staff on the floor during the pendency of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, in response to the remarks of the Senator from Texas, first of all as to the position of the House of Representatives, there was some justification for the reluctance to accept rent controls as part of the general economic program, since up until May, the increases in the rent index were declining. Now, as the figures for May reveal, there has been a new deterioration in rent. Therefore, in view of this situation, I hope the Senate will accept this amendment, and I am confident that the House will examine it in light of the current upward trend.

Second, with respect to the argument put forth by the Senator from Texas on the prospect of shortages, I would note that the administration rejected similar arguments in 1971, when rents were included in the freeze. These are not new arguments. They have been around for a long period of time. The administration rejected those arguments in 1971, when the freeze was enacted that year. The result was that there was a considerable saving to those who pay rent. Also, the rent freeze was helpful in bringing an additional measure of control over inflation. Those same arguments are justified this afternoon.

I wish the Senator from Texas would explain what changes have taken place between 1971 and 1973 to justify his rejection of the freeze today.

The argument over shortages applies to many products. At the present time, many people in the dairy industry are complaining about the freeze. The same may be true in other areas of application of the freeze. If there is serious hardship, the administration can provide for an exemption for such a case, but there is no justification for an across-the-board exemption of rent. If there were a hardship in a difficult situation over rent, an exemption could be justified under a rent freeze, and the administration could act.

For those reasons, Mr. President, rent as a key item of the consumer price index should be included in the freeze. There are several key items, and rent is one of the items of great importance and significance to the interests of the consumers of the country. If we do not freeze rent, we do not have a comprehensive price freeze.

I would hope that the amendment would be adopted by the Senate.

I am prepared to yield back my time.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The Senator from Texas stated that an amendment of this sort was added to a bill out of the Banking, Housing, and Urban Affairs Committee, which has jurisdiction over a matter of this sort; and, on the appropriate bill, the House would not agree to it.

If the House could not be prevailed upon to accept the amendment when it was on the right bill, with the right committee having jurisdiction over it, I would think there would be far less chance of prevailing upon the House to accept it when we put it on a bill to which is not germane. Not only that but we would be in the position of going to conference with a House committee that does not have jurisdiction over the provision which was sponsored by a Senate committee that does not have jurisdiction of it.

I believe we have this bill loaded with enough impediments right now that it is going to be very difficult to enact. I would hope it is not further burdened with measures that will make it very difficult to resolve this problem.

I am sure the Senator feels his amendment would be of much help to a great number of poor and depressed working families, but I do not think it can be achieved in this fashion.

I would hope, Mr. President, that the Senate, if it wishes to try to act again in this regard, would go through the committee that has jurisdiction. If those who do not have jurisdiction cannot enact it, I predict that it would be beyond the power of those who do not have jurisdiction to do so.

I hope that the amendment will be rejected.

Mr. KENNEDY. Mr. President, it will certainly be my intention, if this amendment is agreed to by the Senate, that no lessor shall take retaliatory action against any lessee who is exercising any rights accorded to him under the amendment or under the Economic Stabilization Act.

We certainly do not want to see action taken against any lessee if the amendment is agreed to. The lessor should not retaliate against a lessee who is trying to exercise a right that has been accepted and recognized by the Congress.

That certainly would be my intention as a proponent of the amendment.

Mr. CASE. Mr. President, I appreciate the remarks offered by the Senator from Massachusetts (Mr. KENNEDY) to insure that tenants who have protested illegal rent increases in good faith are not penalized by the continued failure of the Cost of Living Council and its agents to pursue cases of retaliatory eviction and harassment of tenants.

When the phase II economic program, which included rent control, was ended, the Cost of Living Council made no formal written provision in its regulations to protect tenants. Many tenants immediately experienced exorbitant rent increases. Still others were harassed by landlords, and some were evicted, as a result of their efforts to receive just treatment in accordance with the law.

Cases of retaliatory action are, in some areas, still tied up in the courts. Others are under consideration by the Cost of Living Council, which so far has done little to remedy the situation.

On June 4 I wrote to Director of the Cost of Living Council, Dr. John Dunlop, and brought to his attention a case of retaliatory eviction that is pending here in Washington, D.C.

During the phase II economic program Mr. Steven Spingarn protested a rent increase. Subsequently he received an eviction notice. He fought the eviction, and the matter was resolved, not by the Government which had responsibility, but by the local landlord-tenant council.

Mr. Spingarn became quite active in the tenant movement because of his experience. He was especially active after the phase II program was abruptly terminated. As a result of his activity—and particularly as a result of his initial phase II complaint—Mr. Spingarn received another eviction notice which soon will take effect.

The matter has been appealed to the Cost of Living Council. I wrote to Dr. Dunlop and urged him to take action to protect Mr. Spingarn and others similarly situated, as he earlier promised the Council would do. In fact the Council has done nothing to protect tenants.

Mr. President, I yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

The result was announced—yeas 47, nays 50, as follows:

[No. 243 Leg.]

YEAS—47

Abourezk
Aiken
Baker
Bayh
Bible
Brooke
Burdick
Cannon
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Gravel
Hartke
Haskell
Hathaway
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits

Kennedy
Magnuson
Mansfield
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Ribicoff
Roth
Schweiker
Stafford
Stevenson
Symington
Tunney
Williams

NAYS—50

Allen
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hatfield
Helms
Hollings
Hruska
Johnston
Long
Mathias
McClellan
McClure
McIntyre
Nunn
Packwood
Percy
Randolph
Saxbe
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—3

Biden
Clark
Stennis

So Mr. KENNEDY's amendment was rejected.

AMENDMENT NO. 262

Mr. KENNEDY. Mr. President, I call up my amendment No. 262.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill insert the following:

SEC. . (a) Section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to 10 percent of the amount (if any) by which the sum of the items of tax preference exceeds $30,000."; and

(2) by striking out subsection (c).

(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I offer this amendment on behalf of myself, Senator BAYH, Senator MUSKIE, Senator NELSON, and a number of other Senators whose names are printed on the amendment.

The purpose of the amendment is to strengthen the minimum tax by eliminating the so-called deduction for taxes paid, which has become one of the largest, most notorious and least justified loopholes in the Federal income tax law. On the basis of estimates for the current calendar year, the amendment will generate increased tax revenues totaling $580 million, based on a $330 million increase in individual income tax liability and a $250 million increase in corporate income tax liability.

The minimum tax is the imaginative technique enacted by Congress as part of the Tax Reform Act of 1969, in an effort to insure that all citizens with substantial income would pay at least some tax on their income, thereby ending the gross tax inequity by which thousands of wealthy taxpayers were able to use the loopholes in existing law to avoid large amounts of taxes they ought to pay, or even to avoid taxes altogether.

In effect, the minimum tax is supposed to be a "bucket under a sieve." It is designed to impose a modest tax on all income that slips otherwise untaxed through the many loopholes in the existing Revenue Code. If the minimum tax fulfills its function, no one with substantial income would be able to avoid paying a fair share of taxes on his income.

Unfortunately, the minimum tax does not adequately fulfill its function. In 1970, the first full year of operation, the revenue yield was a paltry $117 million, compared to an anticipated yield of $290 million when it was enacted in 1969. Thanks to the exemptions and deductions written in at the beginning and in subsequent years, the minimum tax is itself a loophole-ridden tax—minimum in impact as well as name. As such, the minimum tax is the most aptly named provision in the tax laws. Instead of being a "bucket under a sieve," it is instead simply another sieve under the existing sieve.

I call this particular deduction the "Executive Suite" loophole, because it allows highly paid executives to use their large salaries to shelter large amounts of tax preference income against the minimum tax. Surely, simply because a wealthy individual pays taxes on his salary just like everybody else, it does not follow that the taxes he pays should give him free entry to the "loophole club" by allowing him to amass large amounts of sheltered income, free not only from the regular tax, but from the minimum tax as well.

For 1971, the most recent year for which figures are available, $163 million in minimum tax was paid on total reported tax preference income of $6.2 billion, yielding an average effective minimum tax rate of only 2.63 percent, even though the statutory rate is 10 percent.

Further, of the 98,000 individuals who reported tax preferences, 74,000 paid no minimum tax at all, even though they had tax preference income of nearly $4 billion. And, of the remaining 24,000 individuals who actually paid some minimum tax on their preferences totaling more than $2 billion, the minimum tax they paid was at an effective rate of only 4.13 percent. Thus, 75 percent of the individuals, with 36 percent of the total reported tax preference income, escaped the minimum tax altogether.

In large part, the reason for this enormous avoidance of the minimum tax is the deduction allowed for regular taxes paid. Thus, the minimum tax works reasonably well in the case of individuals who pay little or no regular taxes, but it contains a gaping loophole in the case of individuals who pay substantial regular taxes. To me, there is no justification for allowing this loophole in the minimum tax to remain open. Simple tax justice requires that the minimum tax be applicable even-handedly to all preference income. The amendment we are proposing today will achieve that result by eliminating the deduction for taxes paid, and I urge the Senate to approve it.

Mr. President, I ask unanimous consent that an analysis of the amendment may be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

MINIMUM TAX—KENNEDY-BAYH-NELSON-MUSKIE AMENDMENT 262 TO THE DEBT CEILING BILL

Purpose: Repeal the step in the calculation of the minimum tax which currently allows a deduction for other taxes paid.

Explanation: The minimum tax was enacted by Congress as part of the Tax Reform Act of 1969, in an effort to guarantee that persons with substantial amounts of untaxed income would pay at least a modest tax on that income. As reported by the Finance Committee in 1969, a 5% tax would be paid on income from tax preferences. A floor amendment raised the rate to 10% and added a deduction for regular taxes paid. A 1970 Senate floor amendment allowed a 7-year carry over of the deduction. Under the minimum tax in present law, a person is taxed at the rate of 10% on the sum of his income from tax preferences, less a $30,000 exclusion and less the amount of regular income tax owed, including the carry over.

Amendment No. 262 would eliminate the deduction and carry over for taxes paid, which has allowed large numbers of taxpayers to avoid the minimum tax completely, even though they have large amounts of income from tax loopholes. In practice, the current deduction is an "Executive Suite" loophole, since one of its principal effects is to allow high salaried executives to use the large amount of regular taxes they pay as an offset against income they receive from tax loopholes.

Example

	A	*B*
Loophole income	$100,000	$100,000
Regular tax on salary	100,000	0
Base for minimum tax	0	100,000
Minimum tax	0	10,000

Individual A, who has $100,000 in income from tax preferences and pays $100,000 in regular taxes on his salary, owes no minimum tax. Individual B, who has $100,000 in income from the same tax preferences, but who pays no regular taxes, owes a minimum tax of $10,000. The minimum tax should operate equally on individuals A and B, yet the deduction for taxes paid gives A an unfair benefit over B. Amendment 262 would equalize the two cases by insuring that A pays a minimum tax on his loophole income. In effect, the amendment requires equal treatment of the rich.

Current operation of minimum tax:

Individuals—In 1971, 24,000 individuals paid $163 million in minimum tax on loophole income of $3.9 billion, for an effective tax rate of 4.1%.

But, 74,000 other individuals paid no minimum tax at all on loophole income of $2.2 billion. Thus, the overall effective rate of the minimum tax on individuals is 2.6%, compared to the statutory rate of 10%.

Corporations—(less precise data available)—In 1970, 6,000 corporations paid $280 million in minimum tax on loophole income of $4.1 billion, for an effective rate of 6.7%. But 75,000 corporations paid no minimum tax at all on loophole income of $1.6 billion. Thus, the overall effective rate of the minimum tax on corporations is about 4.8%.

Revenue Gain from Amendment 262 (1972 figures): $580 million ($330 million from individuals; $250 million from corporations). The distribution of the gain from individuals is:

Adjusted gross income	Returns affected	Increase tax
$0 to $5,000		
$5,000 to $10,000		
$10,000 to $20,000		
$20,000 to $50,000	11, 000	$4, 000, 000
$50,000 to $100,000	22, 000	28, 000, 000
$100,000 and over	30, 000	299, 000, 000
Total	63, 000	330, 000, 000

Major preferences subject to minimum tax—Excess investment interest, accelerated depreciation on real property, accelerated depreciation on personal property subject to a net lease, amortization of certified pollution control facilities, amortization of railroad rolling stock, stock options, reserves for losses on bad debts of financial institutions, depletion, capital gains, and amortization of on-the-job training and child care facilities.

Major preferences not subject to minimum tax—Interest on state and local government bonds, intangible drilling and development expenses, interest and taxes during construction period of real estate, investment credit, gain on property transferred at death, gain on appreciated property given to charity.

Summary—The deduction for taxes paid was added by a Senate floor amendment in 1969, and it is appropriate that it now be repealed by a Senate floor amendment. Previous minimum tax amendments defeated on the Senate floor have also included changes in the tax preferences, in the $30,000 exemption, and in the rate of the minimum tax. Amendment 262 would affect only the deduction for taxes paid, the most flagrant and least justifiable loophole in the minimum tax. The tax has worked reasonably well in the case of persons who pay little or no regular tax, and the Senate should close the loophole that allows those already paying regular taxes to escape the minimum tax.

Mr. KENNEDY. Mr. President, I yield such time as I have remaining to the Senator from Maine.

Mr. MUSKIE. Mr. President, I commend the effort of Senator Kennedy in introducing this amendment to bring about a much needed reform of the minimum tax. Along with 15 other Senators, I cosponsored this amendment, because I believe that Congress must begin now the difficult process of bringing fairness to our tax code.

Our tax system is sadly replete with unfairness. For instance, even after the minimum tax and other welcome reforms were enacted in the 1969 Tax Reform Act, the Treasury Department acknowledged that 107 persons with earnings over $200,000 paid no 1970 income taxes. And almost 400 persons with incomes over $100,000 that year also avoided Federal income taxes altogether. A few individuals paid no taxes even though they had incomes of more than $1 million.

Our taxes fall hard and heavy on the vast bulk of low- and middle-income Americans, on the men and women whose only source of income is the wage they work for, or the earnings of small family-owned stores, workshops, and farms.

But the tax code too often treats the wealthy more generously. Tax preferences—unexamined and increasingly unjust—have made it possible for a well-to-do minority to pay less than a fair share of the tax burden. The weaknesses of the law have given birth to a myriad of institutionalized tax dodges most of them technically legal, and most of them repugnant to the foundation of our society—that a citizen's contribution to society match his ability to contribute.

I have detailed the workings of unfair provisions in the tax code in statements before the Ways and Means Committee and in statements in this Chamber. I have examined the tax code and introduced legislation to correct many of these inequities—the Tax Reform Act of 1973 (S. 1439) which would raise approximately $18 billion in new Federal revenue in 1974 without increasing the tax burden on low- and middle-income Americans. I have hopes that thorough tax reform, along lines of the bill I have introduced, will finally be enacted by this Congress.

The amendment before us, to strengthen the minimum tax, is a first step. Under current law, the minimum tax applies to nine items of tax preference: First, accelerated depreciation on real property; second, accelerated depreciation on net leased personal property; third, stock options; fourth, depletion allowances; fifth, capital gains; sixth, special amortization of pollution control facilities; seventh, special amortization of railroad rolling stock; eighth, bad debt reserves for banks; and ninth, special amortization for job training and child care facilities. The maximum tax, at a rate of 10 percent, is imposed on these items of preferential income, with three deductions allowed: a $30,000 exclusion; the deduction of all Federal taxes paid in the current year; and the carry-forward of any excess of these Federal tax deductions from the 7 previous years.

The amendment we are considering today would repeal what is perhaps the most illogical and self-defeating of these deductions from the minimum tax: the deduction allowable for "regular" taxes paid. The reason for the minimum tax is that Congress judged that the taxes paid on these preferential items were too low. It makes little sense to allow a further escape from the taxation, under the minimum tax, by allowing an unrelated deduction for taxes paid on normal income.

Mr. President, I commend the work of Senator Kennedy in bringing this issue before the Senate today. I urge that the Senate adopt this amendment, as a first small step toward thorough reform of our tax system.

Mr. KENNEDY. Mr. President, I want to express appreciation to the distinguished Senator from Maine for his statement. He has been one of the real leaders in the Senate for tax reform and, as he mentioned, has appeared before the Ways and Means Committee and on the Senate floor to outline in considerable detail a program of tax equity and fairness for all taxpaying Americans. I commend him for the leadership he has shown in this area, as in so many others.

Mr. President, I withhold the remainder of my time.

Mr. LONG. Mr. President, I have long advocated that we have a minimum income tax. This proposal is aimed at those who, to a considerable degree, are doing things that we want to encourage them to do. We have provisions in the tax law to encourage people to provide new jobs, new opportunities for people, to make investments, and to take risks with their money in ways that will expand the economy and enhance the wealth of the country. We have provisions that encourage people to contribute to education, to charity, and to religion. When people do a great number of things that we have deliberately sought to encourage them to do under the tax laws, that reduces their tax liability.

We cannot very well have it both ways. We cannot pursue the concept that on a given amount of income, everyone must pay the same tax, and at the same time have incentives in the tax law which have been included to stimulate the economy and encourage people to do things that we would like very much for them to do, such as providing new opportunities and expanding the wealth of the Nation, by granting them favorable tax treatment if they do what we are trying to encourage.

But we can certainly say, as I have advocated for several years now, that even though a person does a great number of things that Government policy seeks to encourage, he should, nevertheless, pay a certain amount of income tax.

Now we have made a start in that direction with the minimum income tax that we presently have on the statute books. In my opinion, it can be improved on, to raise a substantial additional amount of money.

The question is, Precisely how shall we go about doing that?

The House Ways and Means Committee certainly will make suggestions, after having thoroughly studied the matter with the benefit of the best technicians Congress has ever known, one of whom is sitting beside me now, Mr. Larry Woodworch, the chief of staff of the Joint Committee on Internal Revenue Taxation. They have spent a great deal of time, effort and work on this matter so far this year. That bill will come to us from the House in the fall of this year. They are studying, among other proposals, the proposal which is known as the Reuss bill on the House side—which, incidentally, Representative Reuss wanted to offer on this bill but was defeated by an overwhelming vote. But the Ways and Means Committee will consider Reuss's proposal, and they will also consider the proposal by the administration, which is a minimum tax, coupled with a reform directed at what they regard as tax loopholes in the form of "accounting losses."

Where this measure would raise an estimated $580 million, the Treasury Department proposal would raise $800 million. The Finance Committee would like to study whatever they see fit to send us, as well as to study the Kennedy proposal and everyone else's proposals that come before us. But I believe that it does a great disservice to the taxpayer and it also does a disservice to the Senate to vote on something that the Senate scarcely understands, that has not had the study of our own technicians, much less the study of Senators other than the sponsor of the measure, nor the benefit of hearings, where citizens would certainly have a right to be heard before we tax them.

Imagine how unfair it is for American citizens to have a major tax voted upon them without the benefit of being heard at all, either in the Senate or in the House of Representatives. Think how much more unjust it is to have that tax added as an amendment to a bill that is not even a tax bill. Someone thinks it is a good idea and walks out on the floor to put a big tax increase on people who, for the most part, are doing things that American public policy, in its tax laws, seeks to encourage—a proposal to put a major tax on these people without even according them the opportunity of being heard; no hearing, just condemn those people and tax them.

It seems to me that those who are concerned are entitled to have their day in court; they are entitled to be heard. This proposal should be considered along with the various other minimum income tax suggestions that I and others would like to suggest for consideration.

With all due deference to the Senator, we have better technical advisors available to us than he has available to him. We would like an opportunity to suggest our own version of a minimum income tax when the House sends us their version of tax reform. We hope he would agree to ours, rather than submit one that nobody except the Senator, himself, has had a chance to study and ask us to agree to his.

So I hope the Senate will not seek to amend a bill that is not even a revenue bill—in the strict technical sense, this is not even a revenue bill—with a major tax proposal which no one who will be voting on it, except the sponsors themselves, even understands, which seeks to take the view that, because people are doing things that the tax laws seek to encourage, they should be punished promptly and without the benefit of a hearing.

An American citizen should be entitled to expect that he would have his day in court and have a chance to explain his problem and suggest that he be taxed, perhaps, in a way different from that being suggested. Something should not be forced upon the House that they have already rejected, because a Representative sought to offer a tax measure on a bill that was not a tax bill.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr BENNETT. Does not the chairman also agree that whenever we change one part of the tax law, we inevitably affect many other parts? We need to find out not only how this might affect those it is intended to affect but also how it might inadvertently damage or injure other people it is supposed to protect or at least to avoid.

It seems to me that in a situation such as this, we always need the opportunity for staff study and for consideration by a committee that devotes its time to the study of taxation. When we make a bad guess and make a change in the tax law, we never know how far out the ripples will go or who will be injured.

Mr. LONG. I do not think that, as chairman of the committee, I have ever denied anyone an opportunity to be heard on a tax proposal.

If this amendment were adopted, it would be a case of putting a $580 million tax on people without offering them a chance to be heard in the House or in the Senate. At least, as far as I know, they have not had a chance to be heard on it in the House. The House often conducts hearings, as the Senator knows, and then writes its bill. If the House sends us a bill, at least the people on the Senate side have a chance to be heard on the House bill.

The proposed procedure would give no chance to be heard in any respect, in the House or in the Senate; and, in my judgment, it might well prove to frustrate its own purpose. As the Senator knows, that is one thing that a staff study and hearings often bring out: that people can demonstrate that if you do something, while it appears on its face that it would have a very desirable result, it might cause other reactions and cause people to change their way of doing business, which might totally frustrate the whole purpose of the proposal.

The Senator mentioned that the minimum tax we have on the statute books did not achieve the revenue that was anticipated for it. In all probability, that is because those who are affected by it changed their way of doing business. If they had continued to do business the way they had, it probably would have been what we had anticipated. But sometimes they change their way of doing business in ways that completely defeat the entire purpose of the provision.

In tax reform, I have been one who has advocated that we repeal the investment tax credit, and I fought for it. When we repealed the credit in 1969, the country found itself in a recession in short order, and the President asked that we reenact it. The Government was receiving less revenue than it would receive otherwise, because the economy was falling off. So a proposal designed to increase taxes reduced revenue because of the shortfall in the economy. Measures of that sort should be studied; they should be considered, and the various alternatives should be considered.

I believe that every Member of the Senate is capable of dreaming up a minimum income tax proposal—I do not say that in an invidious way—of putting his competent mind to work and coming forth with his own version of a minimum income tax, if he wishes to do so.

I think the Senator should submit his version of a minimum income tax and accord the committee the opportunity to pass judgment on it, in comparison with the minimum income tax that the White House is proposing, the minimum income tax that the Ways and Means Committee will be proposing, and the minimum income tax that quite a few other Senators will be proposing. I have in mind a way it might be done, myself, which I think might be more effective and raise more revenue than the Senator is suggesting here.

These things, properly done, involve a great deal of technical study, and they should be thought of in a comparative way and measured alongside other things that might achieve a similar result, and hopefully we will arrive at the one that will be most effective.

This is the first amendment offered to this bill to turn it into a tax bill. Up to now, it was not a tax bill. I hope the Senate will not wander off into the taxation area. We could go on forever and ever, getting into more and more things that, in my judgment, really could well be a part of a more orderly legislative process where the House initiates a revenue bill—a tax bill, in this instance—where it goes to the Senate, where it is studied, where a Senate committee makes recommendations and explains it, and where everyone can offer his proposal on a measure that everyone agrees is to be a revenue bill.

So I hope very much that this amendment will not be agreed to.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, I was hopeful that the chairman of the Committee on Finance would be willing to accept this amendment. After all, it is basically the concept which he reported from the Finance Committee in 1969, when that committee recommended the minimum tax at 5 percent, with no deduction for taxes paid. Then, in the late hours of the day, in December of that year, the Senator from Iowa (Mr. MILLER) offered a floor amendment to provide the deduction for taxes paid. Thus, with little consideration, a major loophole was written into the minimum tax.

I recall that debate very well, because it was at that time that I had an amendment on the minimum tax, too. The Senator from Iowa suddenly offered his substitute for the minimum tax.

The Senate took a quorum call while members of the Committee on Finance and others went to the reception room and listened to experts from the Treasury Department explain why we should accept the amendment. We did not need a great deal of study when we wrote this tax loophole into law, a loophole that has been worth hundreds of millions of dollar to those in the executive suites. There were no long hearings on that measure. But when we try to close that tax loophole, we hear that we need more hearings, and more consideration of the matter, more people to testify before committees, and more time for the House to consider it.

It happens that the House had a full day's hearing earlier this year on the minimum tax. There was not one person who appeared before the House committee who justified this deduction for taxes paid. It was uniformly and unequivocally condemned.

We know that if we fail to act, ordinary taxpayers will have to make up the $580 million in revenue we fail to pick up. In effect, men and women in plants and factories across the country and on the farms will pay $580 million more than they ought to pay, because there will be $580 million in revenue lost.

So we should not make a mistake about what we are doing. We can talk about other approaches to tax reforms in the future. Perhaps, instead of a blanket

10 percent rate, we should have a progressive rate for the minimum tax. Perhaps, we should eliminate the $30,000 exclusion. Perhaps we should expand the list of preferences.

I hope the Committee on Finance will do so when it considers comprehensive legislation. But I wish to reiterate that the pending amendment is not a new idea. It came to the floor with the support of the Committee on Finance in 1969. It was altered and changed on the floor in December 1969, without the benefit of hearings, without adequate consideration, in the last few minutes of debate in 1969, and the result has been a loophole unparallelled in the Internal Revenue Code.

So I hope we will act on this amendment favorably, Mr. President. I think it is a measure which can begin to restore some measure of tax justice to the American people and the Internal Revenue Code. I hope that the amendment will be accepted.

Mr. LONG. Mr. President, the Senator has referred to a lot of things that should be studied first in order to bring in more money. He is correct in saying that many things should be studied. They should be studied before the vote on this amendment. That is why the Senate should not agree to the amendment of the Senator from Massachusetts.

The Senator from Massachusetts made a few misstatements that should be corrected for the record. For one thing, he suggested that what he is proposing was recommended by the Committee on Finance. Not quite. The committee voted that we should have a 5-percent minimum tax, and when the matter was considered on the floor it was brought to our attention that a great many people who would be adversely affected had not had a chance to testify to it and that this would work an injustice in ways not anticipated. So we modified the measure to provide instead a 5-percent tax, a 10-percent tax with a deduction for the regular tax already paid. We felt this would be more equitable and fair to all concerned. I believe it is.

The Senator from Massachusetts, I am sure, would want to correct the statement that when we voted for the minimum income tax sponsored by the committee that we voted for a loophole. That was a tax which has worked out even though people did change their way of behaving. That tax collected about $440 million in 1971 upward of that now from people and corporations we call favored taxpayers. I do not call that a loophole when it is bringing in over $440 million a year. That is what we did. The Senator's proposal would raise $580 million a year. If that is what the Senator from Massachusetts would like, then the Senator from Louisiana did not do too badly with upward of $440 million.

The Senator might be disappointed, just as we might be that they changed their way of doing business when there are taxes concerned that are not anticipated. We collected, in 1971, about $440 million, $280 million from corporations, with the minimum tax we have now. We would like to raise it but we would like to do it in an orderly fashion so that those who are adversely affected have the opportunity to present their case.

I hope many of them will have the fairness to agree that they ought to be taxed and pay more taxes, but also to suggest to us ways they think would be most fair and equitable. I find a great many business people are willing to concede they should pay more taxes and it would be appropriate for them to pay more if you tax them in a certain fashion which would recognize what the problem is and help them adjust to meet it.

I hope we are not asked to adopt something which on its face would be foolish as far as taxation of wage earners is concerned; and that we are, instead, permitted to propose a tax increase that would tax those we regard as being the most favored under our tax laws. I hope we would consider their problem and what they are already paying, and hopefully bring a measure before the Senate that is not going to do any injustice to anyone, including the injustice of simply taxing people without affording them the opportunity to be heard before the tax is placed on them, a tax that may be proven to be at least inconsiderate in one respect or another, either in the way it is divided or the way it applies to them.

I have no doubt that the Senator is on the right track when he proposes to bring in more money. I can assure him every Senator will have the opportunity to vote for it and if the Senate votes for it I will be glad to support it in conference and try to prevail on the House to accept it. But I think it should be a matter of proper legislative procedures and in accordance with the constitutional concept the House should originate such a revenue bill, which it is in the process or originating, and that the Senate should be in the traditional role of second-guessing the House, trying to write a better bill.

I am proud to be a Senator and I am proud to be a member of the Committee on Finance. I have always felt that any bill the House sends us we could improve upon. We have worked hard to do that and with the tax reform bill on the books we did a fair job improving that bill in a great many ways where we felt it had an unfair impact on the Nation. The Senate sustained us and the House agreed for the most part to the changes we made in the Senate committee.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. In the normal pattern of development of tax legislation, does not the Senator agree that the House deals with general principles, sends us a bill, and the only time the individual affected has a chance to bring his case is before the Senate? He really does not get the opportunity before the House. We perform that unique function, and we give the individuals affected the opportunity to tell their side of the story.

Mr. LONG. The Senator is entirely correct. The people over in the House have a little pride in themselves. They have some very able men on that Ways and Means Committee, not the least of them is Mr. WILBUR MILLS, a man with a fair knowledge of the entire field of taxation. Those men have been working many months in developing recommendations in this very area. We then presume to impose this upon them after they have already voted down a similar provision on the House floor.

They are not going to take a provision of this sort. They will be polite in the way they turn down the Senator's amendment, but they are going to turn him down. If we want to try to force this on them, I have no doubt that they will refuse us in a very firm way, so that there is no misunderstanding about it. They would refuse us because the bill should have originated on their side; they know 10 times as much about this as Senators do, since they have studied it and Senators have not. We ought to let them send it here. When they do, they will appreciate any consideration we give to it. After that, if we wanted to send something back, after we have considered it and know what we are doing, they will give it serious consideration.

But to legislate when they know 10 times as much as a Senator may know about the subject, when they have already voted it down to begin with, is just asking them for something that we know they will not agree to. This attempt would impress on the House that the Senate really does not know what it is doing, because they will say, "You have not studied it; you have not had any hearings on it; you have not had any experts advising you; it is a floor amendment to make a tax bill out of what was not a tax bill at all." It will not be agreed to.

All 100 Senators could not make the House conferees take this amendment on this bill when they are planning to write their own tax bill, which they will send to us.

They said they were going to do it. They will do it. They have a reputation for keeping their word. They ought to be accorded the opportunity to do so.

I hope very much the Senate will give itself the opportunity to study the amendment as part of general tax reform and will reserve to itself the privilege to write its own tax law when the House sends us a tax bill, on which it would be appropriate to consider a measure of this sort.

Mr. President, in due course, I think I will move to table the pending amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Maine.

Mr. MUSKIE. Mr. President, I have listened to some very familiar arguments about the undesirability of attaching a tax amendment to this bill, about the undesirability of the Senate's considering a tax amendment without a committee recommendation or report, and about the undesirability of the Senate's adopting a provision that the Senator from Louisiana is convinced the House cannot be persuaded to take.

I doubt very much that what the Senator from Massachusetts has done this afternoon comes to the Senator from Louisiana as a novel and surprising use of the parliamentary rules. I would be very much surprised if the Senator from Louisiana has not himself followed the route that is being followed by the Senator from Massachusetts.

I think every freshman Senator ought to be given a handbook of stock arguments to be used or rejected, depending upon what his own parliamentary circumstances may be.

We can all agree that the committee process is a very useful one and should be relied upon to develop and digest legislative ideas for the consideration of the Senate. But to argue, from that premise, that never, under any circumstances, should an amendment which has had such treatment be considered seriously on the Senate floor is to fly in the face of hundreds of precedents that I have seen on the Senate floor and in which the Senator from Louisiana himself has participated over these years.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. LONG. I am sure the Senator would not speak with such authority if he knew what he was saying. What tax bill have I ever attached to such a bill?

Mr. MUSKIE. The Senator knows full well what I mean. There may not be an exact precedent for the Senator's doing exactly this, but what I am saying is that I would be surprised if the Senator has never used the opportunity of advocating the attachment of an amendment—an amendment which has not been considered in some committee—to a vehicle that hopefully would pass through the Senate in order to advance a legislative objective in which he believed.

I am not an authority on the Senator's legislative record and voting record, so if he says that he has never done so, I will, of course, take his word for it. I am simply making the point that the technique used by the Senator from Massachusetts is a very familiar one. It is a technique that has been accepted, and it is a technique that has been responsible for enacting important legislation.

Mr. LONG. If I understood the Senator's remarks, he said I had done the same thing that is being done now. I am complaining about a tax bill being put on a nontax bill. The Senator said I did that. He should not say it if he does not know it, and if he says it he should document it.

Mr. MUSKIE. The Senator is now in the position of distorting what I said——

Mr. LONG. I did not hear the Senator.

Mr. MUSKIE. I said the Senator now finds himself in the position of distorting what I said. The Senator and I are belaboring a meaningless point and taking time unnecessarily, and I doubt that the Senator can prove his rebuttal that this is such an unusual legislative procedure: To offer a substantive amendment that was not considered in committee to an appropriate vehicle that happens to be passing through the Senate. If the Senator challenges that——

Mr. LONG. If the Senator says I did something, he ought to be able to prove it and document it. Otherwise he should not say I did it.

Mr. MUSKIE. The Senator's sensitivities seem to be over-sharp this afternoon. I said that I would be surprised if the Senator had not done something like this in the past. I apologize to the Senator.

Mr. KENNEDY. Mr. President, the Senator from Maine was perhaps thinking of 1966, when the Senate was considering the Foreign Investors Tax Act. The Senator from Louisiana offered the dollar checkoff to finance Presidential election campaigns. That was certainly a new concept and a new idea, yet it was a nongrievance rider on another bill.

Mr. LONG. Mr. President, will the Senator yield, on my time?

Mr. MUSKIE. May I respond? I recall supporting the Senator's efforts at that time.

Mr. LONG. Mr. President, will the Senator yield, on my own time, at that point?

Mr. MUSKIE. I was trying to make an argument——

Mr. LONG. Would the Senator mind yielding to me for a moment?

Mr. MUSKIE. I will yield the floor, but I was trying to answer the substance of the argument. So, lest we lose sight of the fact that——

Mr. LONG. I will be glad to yield on my time.

Mr. MUSKIE. I do not want to take more than 3 or 4 minutes to make a substantive argument.

Mr. LONG. The Senator from Massachusetts directed the Senator from Maine's attention to the fact that I had offered a tax amendment on a tax bill, and the tax amendment I offered on a tax bill was one which had been the subject of rather extensive hearings.

What I am suggesting is that if the Senator wants to propose a tax amendment, he propose it on a tax bill—and we are going to have a tax bill—to which it is germane, and as to which, if amendments are agreed to, we have a chance to have them accepted in conference.

All I am urging that the Senator do with the amendment is to offer the amendment on the proper bill and afford the proper committee an opportunity to look at the amendment, study it, and compare it to other proposals on the same provision in the tax code. There are recommendations on tax reform sent to us by the President and there will be those recommended by the House in the bill it will send us.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

Mr. MUSKIE. Mr. President, I am pleased the Senator made that point. I was undertaking to answer it when I got sidetracked. I support the notion of orderly consideration of legislation of this kind. I support the notion of committee hearings, committee deliberations, and committee recommendations. However, now let us consider what is perhaps a wiser course to follow in this case.

Last year in the presidential campaign, in which for a short time I was involved, there was no issue more visible across this country or closer to the average citizen than this issue of tax reform. It was raised by all the candidates—including a Presidential candidate from the region the Senator from Louisiana comes from Governor Wallace. And I give him credit for raising it. He knew that the people were concerned. He forced the rest of us to come to grips with it. And we did.

I put a task force together of experts in the business, economic, and tax fields to develop alternative sets of tax reforms for me to consider. I know that the other candidates did the same. And we spoke out about tax reform. The President of the United States promised tax reform. That was among the most visible issues in the campaign. It was an issue that had been ignored last year. Tax reform had a very low profile in Congress.

I prepared for this Congress. It was in January of this year that I made a major tax reform speech in the Senate.

I testified as well before the Ways and Means Committee of the House, as part of that committee's comprehensive hearings. Others did the same. The Ways and Means Committee, over a period of many weeks heard all sides of the arguments on most major tax reform issues.

Yet, today there is still a lack of any feeling of urgency about tax reform. It has been postponed by the Ways and Means Committee of the House. And there is not such a sense of urgency in the Senate as to give us much confidence that it will be seriously considered.

So it is in this context that some of us have been looking for an opportunity to raise the issue on the Senate floor and to see whether there is any sentiment for it, to begin to stimulate debate, and to begin to arouse public interest. We hope that perhaps we can, with the introduction of this amendment, move on to a meaningful program of tax reform.

That, I say to my distinguished colleague from Louisiana, is a legitimate reason to offer the amendment this afternoon.

Why this one? The minimum tax was considered in the House hearings. There was a full day of consideration. And there was substantial evidence produced that the minimum tax should be reformed.

The Senator from Massachusetts (Mr. KENNEDY) and the other 16 cosponsors of the amendment, including myself, believe that there is merit in this reform proposal. It is supported by past hearings. And it is supposed by our studies.

Because the inequity this amendment would correct, is a part of tax reform that was supposed to close a loophole, some have argued that the amendment is not needed. I say to the Senator that it is possible for a loophole to continue to exist within a loophole we had thought we had closed.

The Senator from Louisiana himself estimated a revenue gain of, I believe, of about $580 million from this amendment. That revenue loss is, in my judgment, unjustified. It is for that reason that we offer this proposal this afternoon.

Mr. President, I hope that the Finance Committee does soon conduct a thorough study of tax reform. But today we have an opportunity for the Senate to indicate its interest in tax reform and, by its vote, to give a rousing sendoff to such an effort.

A vote for the Kennedy amendment is a minor one, a small one. Some may say that there is not much interest in tax reform in the Senate this year. That is what we want to find out.

Tax preferences, for whatever social or economic purpose they were enacted, represent the expenditure of public funds in the same way as appropriations do.

The PRESIDING OFFICER (Mr. McGovern). The time of the Senator from Maine has expired.

Mr. KENNEDY. Mr. President, I yield an additional 3 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for an additional 3 minutes.

Mr. MUSKIE. Mr. President, tax preferences get written into law and are never examined again until the Congress decides to stand up to those who have vested interests in such preferences. And now is the time for us to stand up and demand this examination—and the reform it would produce.

Mr. President, finally, I would like to commend my distinguished colleague from Wisconsin, Senator Nelson, for the work he has done—in this Congress as in past Congresses—to bring tax reform before the Senate. He has joined again in our effort today. I applaud his continued dedication to this critical issue.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 minutes.

Mr. BAYH. Mr. President, I am privileged to be a cosponsor of the amendment with the distinguished Senator from Massachusetts. I will not fire my little shot, so to speak, at this time, because the Senator from Massachusetts and I have introduced amendments in tandem. One would deal with trying to plug up loopholes across the board by at least 10 percent of the taxable income. Another would go to reducing the IDR, the corporate giveaway which we have been discussing and debating and voting on in previous years on the floor of the Senate.

I would like to say that it seems to me that if anything is equitable—no, I will not say that. I am not too sure this is equitable. If we had to know how history would judge us, history would probably indict those of us who are supporting this amendment for being too timid.

I suppose it is wise to get what we can. And for that reason I think if we can get 10 percent of the whole, that is fine.

I remember supporting the Senator from Massachusetts on the last effort, which was to get, I believe, 25 percent.

At that particular time I happened to be traveling through the country, seeing America first. I might mention that I was following in the big footsteps of the Senator from Maine.

I talked with a lot of students. They said, "What is the matter with you? When are you going to go back there? When is Congress going to make a record on plugging up loopholes? What are you doing to plug up loopholes?"

I had to say, almost with a tear in my eye, that just the week before, we had voted on a measure to plug up 10 percent of the loopholes, not 25 percent.

We said, "Let us recognize that everybody has a little special interest. Let us just take away 25 percent of everyone's special interests." On that proposition, I think we got 29 votes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. KENNEDY. I yield it to the Senator from Indiana.

Mr. BAYH. Now, all we are trying to say is that we are going to take a 10-percent step. That is a mighty small step, but better than no step at all. I thank the Senator from Massachusetts for making the effort, and I associate myself with him.

Mr. LONG. Mr. President, if the Senator from Indiana has an amendment he is thinking about offering, I hope he will do so. I think it is one I supported when he offered it to the Revenue Act of 1971. It would raise twice as much revenue as the Kennedy amendment would raise. It relates the rate of depreciation. As I recall, it came within an eyelash of prevailing, having missed by one vote.

I am not out of step with what the Senator wants to do. I favor the concept of the minimum tax, as I think everyone else does, but the whole thing ought to be approached on a tax bill. It is an exercise in futility, to do it this way, and to do it without affording the committee that has jurisdiction an opportunity to study—taking advantage of the best advice available to us from tax experts and others—and to suggest to the Senate the best way that the committee thinks it might be done.

To decline to use any of that advice, in my judgment, is a pretty foolish thing to do. If nothing else, it is a waste of money to hire tax experts and decline to use them. It is a waste of money to build hearing rooms, and then not afford anyone the opportunity to be heard.

That is what we are doing. They have a right to have the committee hold hearings, provide space and staff and everything else so that everyone can offer his suggestions and have them considered. And I hope at a proper time, Mr. President, that this matter will be considered, and that the committee will not be deprived of an opportunity to study it, because that is something we on the committee have not had an opportunity to do, as the matter stands today.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, finally, the arguments this afternoon have dealt almost solely with the procedures we have been following. They have not sought to defend the current loophole, because the loophole is indefensible. We are faced now with a motion to table the amendment. Even though the bill we are considering includes a wide variety of different programs that have nothing to do with the debt ceiling, they are all worthy and demanding, and so is the pending amendment.

The reason we have been dwelling on procedure so much is because there is so little justification for a continuation of this particular loophole. I am hopeful that we will be able to get a vote on this amendment, and I hope that the proposal to lay it on the table will be defeated.

Mr. NELSON. Mr. President, a noted tax expert once wrote that the tax law "reflects a continuing struggle among contending interests for the privilege of paying the least." An analysis of the effect of our tax code shows who is winning this struggle and who has the privilege of paying a higher percentage of their income in taxes. In 1970, the average tax for all returns was 13.8 percent. For joint returns with little more than two exemptions the average tax was 13.3 percent of adjusted gross income. On the other hand, in 1967, 155 tax returns showed adjusted gross income above $200,000 and no Federal tax liability. In 1969, some 300 individuals with incomes of more than $200,000 paid no Federal income tax.

As startling as these figures are, they understate the number of wealthy people who, through tax loopholes, escape paying any Federal income tax at all. These figures include only individuals who file Federal income tax returns showing adjusted gross incomes in excess of the $200,000 and $1 million levels. Important tax preferences in the present Internal Revenue Code exclude certain classes of income from the definition of "gross income" altogether.

More important than the tax preferences excluding income items from "gross income" are those which result in reduction of a taxpayer's "adjusted gross income" by means of special deductions. The deductions permitted by the percentage depletion allowance is an example of such a deduction. Because deductions of this kind reduce taxpayers' adjusted gross income—the figure upon which the Treasury statistics are based—they can prevent the statistics from including many individuals who in fact have large real incomes but pay no tax.

The fact that a millionaire can escape paying any Federal income tax at all captures our attention but the problem is much more serious and widespread. For every wealthy person who pays no Federal income tax there are many more who do not pay a fair share of their income in tax. In fact, the tax rate on these wealthy people's income is frequently much less than the tax rate of the income of the average American worker.

The statutory rate schedule for the individual income tax has a sharply progressive structure. The tax rates rise from 14 percent to 70 percent. For married taxpayers filing joint returns, the 14 percent bracket applies only to the first $1,000 of taxable income; the 70 percent bracket applies to all taxable income in excess of $200,000.

Data on the rates of tax which taxpayers really pay manifests a marked departure from the statutory rates. Statistics disclosed by the Treasury Department in 1969 indicate that, at 1969 income levels, 28.2 percent of the tax returns showing "amended taxable income" between $500,000 and $1 million paid tax at effective rates of no more than 25 percent, 58.5 percent of the taxpayers in this income range paid tax at effective rates of no more than 30 percent—substantially less than half the top statutory rate. Of taxpayers having amended taxable income of $1 million and over, 62.8 percent paid tax at effective rates of no more than 30 percent. An analysis of the data in light of specific reforms contained in the 1969 act suggests that post-1969 statistics would not show substantial deviations from the figures set forth above.

In an attempt to correct, to a limited extent, this inequity, Congress in 1969 established a minimum tax providing for a flat 10-percent tax rate on income that had escaped entirely being subject to tax. Congress enacted the minimum tax on tax preference income because, regardless of the individual merit of the provision which established such preferences, we did not want them to be pyramided by wealthy individuals to allow them to escape liability entirely.

It is generally agreed, however, that the minimum tax has not achieved its stated purpose that every wealthy individual and corporation should pay at least a minimum tax on his preference income. In 1970, the first year when the *minimum* tax was in effect, 106 individuals with adjusted gross income exceeding $200,000 still paid no Federal income tax. In 1971, 276 taxpayers with incomes over $100,000 paid no Federal income tax at all.

When the minimum tax was enacted, it was estimated that it would raise $590 million in Federal revenues from individuals in the first year; in fact, for 1970 it raised only $117 million from individuals, and only $163 million from individuals in 1971. The effective tax rate for individuals in 1970 on this preference income was 4 percent, rather than the statutory rate of 10 percent.

In 1971, the average effective tax rate dropped even further to 2.63 percent. In this year, 98,000 individuals had reported tax preference income but 74,000 of them paid no minimum tax even though their preference income totalled nearly $4 billion. Of the remaining 24,000 wealthy individuals with an average of $160,000 of preference income, they paid a minimum tax at the rate of 4.13 percent, a lower tax rate than for a wage earner making $6,000.

The minimum tax has failed in part because of crippling amendments adopted on the Senate floor allowing deductions for other income taxes paid. During executive sessions on the debt ceiling bill, I offered an amendment which would have repealed these provisions that have, in part, vitiated the minimum tax, drastically reduced its expected revenue gain and lowered its effective rate of 4 percent instead of the statutory 10 percent rate.

The basic rationale for the concept of a minimum tax is that it is needed because the taxpayer has amassed certain items of income which are not included in his regular tax base. These excluded items stand apart from, and in addition to, the items normally taxed. The reason the taxpayer is subject to the minimum tax is that his effective tax is too low in relation to his real income due to the amount he received from tax preference items. To give him credit for the tax that he pays on his regular income defeats the purpose of the minimum tax. The on "regular" income is simply unrelated to the tax on excluded items of tax preference. It is illogical to establish a tax on the preferred income escaping taxation, and then allow a deduction for taxes paid on regular income.

While my amendment failed to be adopted by the committee it will be offered again on the floor of the Senate. I urge its adoption by the Members of the Senate.

Enactment of major tax reform legislation has been, unfortunately, but understandably delayed in the House of Representatives because of the need to promptly consider trade legislation. Repealing unnecessary and costly tax preferences and restoring fundamental tax equity and justice must be a constant objective of Congress. The recent Presidential campaign and public opinion polls revealed massive public discontent and discomfort with our tax system. Public confidence and faith must be restored in a system which, by its very nature, relies on the voluntary compliance of the overwhelming majority of American taxpayers.

This amendment will close an egregious tax loophole and collect $580 million of badly needed Federal revenue. Adoption of this amendment would help to balance the budget and would be a convincing downpayment by the Congress to the American people of our commitment to enact substantial tax reform.

Mr. JAVITS. Mr. President, I must vote against the Kennedy amendment because one of its principal effects is to allow high salaried executives to use the large amount of regular taxes they pay as an offset against income they receive from tax loopholes. Since the rationale for the minimum tax was to avoid situations where some very high income persons were able to avoid taxes or pay very low taxes, it seems odd that persons who do pay a "large amount of regular taxes" should be depicted as in some way unpatriotic. My particular preference, on the other hand, would be to raise from 10 to 20 percent the rate on income from tax preferences. This would get at the person who actually pays little or no taxes in a way that the Kennedy amendment does not.

Under existing law, what we have is a minimum tax provision which is intended to be what the name implies: if people are not paying a regular tax, or are paying a low tax, they must pay a minimum of 10 percent on their tax preference income. Under the Kennedy amendment however, you could have persons paying large regular taxes plus the preference tax. In addition, the amendment would not affect rich persons paying no taxes. In other words, the whole character of the minimum tax provision would change under the present amendment, and would become a flat 10-percent tax on the gross amount of preferences, in addition to all regular taxes paid. If Congress wants to levy a charge on preference income it should do so directly rather than by the back-door way being proposed by the present amendment.

Mr. LONG. Mr. President, as I have said before, these tax amendments ought to be offered on tax bills. This is not a tax bill. Strictly construed, if this amendment is added to this bill, the House would be completely within its rights to send the bill back with a blue slip advising us that revenue bills must originate in the House of Representatives.

It is not a tax bill; it is a bill to continue the existing debt limit. It could well be contended that that is not a bill to raise revenue, but just a bill to continue the existing status, and that therefore the Senate is attempting to make a tax bill out of a bill that was not a revenue bill a all.

To vote on this amendment, then, means that we have to consider the two other tax amendments before us, one of which involves twice as much money as is involved in this one.

So, Mr. President, if all time has expired—or, if not, I am prepared to yield back the remainder of my time—I move that the amendment be laid on the table.

I ask for the yeas and nays on the motion to lay on the table.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. McGOVERN). The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Massachusetts (Mr. KENNEDY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 49, nays 47, as follows:

[No. 244 Leg.]

YEAS—49

Aiken
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cook
Cotton
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Helms
Hollings
Hruska
Javits
Johnston
Long
McClellan
McClure
Nunn
Packwood
Pearson
Percy
Randolph
Roth
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—47

Abourezk
Allen
Bayh
Bible
Brooke
Burdick
Cannon
Case
Chiles
Church
Cranston
Eagleton
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Hughes
Humphrey
Inouye
Jackson
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Saxbe
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams

NOT VOTING—4

Biden
Clark
Curtis
Stennis

So the motion to table Mr. Kennedy's amendment No. 262 was agreed to.

Mr. FANNIN. Mr. President, I must protest the manner in which this extremely important legislation to increase the national debt limit has been handled.

Amendments have been proposed which are unwise or irresponsible, or both. These amendments are being loaded into this bill because their proponents know that the President cannot possibly veto the legislation.

The amendments are not germane, and I feel that we are following extremely poor legislative procedure.

For this reason, I am voting against every amendment although there are several amendments, such as the one to postpone the effective date of proposed social services regulations, which I support under proper procedures.

The amendment to increase social security benefits by 5½ percent is a good example of the attempt by some Senators to railroad through an amendment which is not germane to the bill and which has not had the full consideration such an important act should have.

Mr. President, there is not a Member of this Congress who would oppose raising social security benefits by 5.5 percent if that alone were the issue. Personally, I would like to see benefits increased considerably more, especially for those on social security who are most in need.

It is my opinion, however, that the proposed increase is most unwise at this time and would be a disservice to the very people we seek to help.

The Senate Finance Committee adopted the 5½-percent increase on the spur of the moment without the benefit of hearings. Proponents of the increase argued that the 5½ percent could be paid from a projected "surplus" in the social security fund.

Experts have warned us that the social security fund is at a dangerously low level. The Secretary of Health, Education and Welfare, Caspar Weinberger, has pointed out that if the Senate Finance Committee amendments were approved, the ratio of assets to expenditures under the social security benefit program would drop to 74 percent next year and would further decline thereafter. The recommended level is no less than 75 percent. What we will be doing if this increase is approved will be to finance it out of contingency funds.

We, in truth, have no surplus. And to say that an estimated surplus will finance an increase in benefits only compounds the folly.

An economic downturn could wreck all projections and leave the social security program bankrupt.

Although 5½ percent seems small enough, it amounts to $2.75 billion, and with other amendments approved in the committee we would add $3.3 billion to the cost. This is highly inflationary.

What good will it do to raise social security payments 5½ percent if we cause a 20-percent inflation rate? When this occurs then we in effect have a 14½-percent tax on the elderly rather than a 5½-percent increase in benefits. Inflation is the most costly and cruel tax on the poor.

This increase also flies in the face of other legislation we have passed and other goals we have set.

What does this do to the $268 billion budget ceiling that we have passed? It means that the President will be forced to impound funds from some other programs—exactly what Congress is trying to prevent at the present time.

Just last September the Congress approved a 20-percent increase in social security benefits, and at the same time we put in an automatic cost of living escalator.

It should be pointed out that the additional benefits would not go only to the needy. The increase would go also to those who are quite well off and still collecting their social security. For these people the additional money is simply "gravy" which would add to our inflationary pressures.

I sincerely believe that the fight against inflation should be waged courageously and uniformly.

This includes any congressional pay raise which I vehemently oppose. Perhaps some Members feel that increasing social security by 5½ percent will make a 25 percent congressional pay raise more palatable to the public, but I do not.

Congress cannot make something out of nothing. The American people will get only what they pay for. An increase in social security will have to be financed by an increase in taxes, or else the system will most certainly collapse. It is time that we start being honest with the elderly, and with all Americans, concerning the social security system.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if I could have the attention of the Senate, I should like to discuss the remainder of the schedule for today and possibly tomorrow.

ORDER FOR ADJOURNMENT TO 8:30 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until the hour of 8:30 a.m. tomorrow morning.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that the names will be furnished by the assistant majority leader of four Senators, tomorrow, for the purpose of discussing a series of very important issues.

ORDER FOR CONSIDERATION OF NOMINATION OF JAMES R. SCHLESINGER TO BE SECRETARY OF DEFENSE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 9:30 a.m. tomorrow, the Senate proceed to the consideration of the nomination of Mr. James Schlesinger to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. It is my understanding that there is 1 hour to be allocated to the Senator from Wisconsin (Mr. Proxmire)—it may not all be taken—plus one-half hour to be equally divided, which has already been agreed to.

The PRESIDING OFFICER. Without objection, the Senate will go into executive session at that time to consider the nomination of Mr. Schlesinger.

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the vote on Mr. Schlesinger's nomination occur at the hour of 12:30 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, have the yeas and nays been ordered?

Mr. MANSFIELD. No.

Mr. President, I ask unanimous consent that it be in order at this time to request the yeas and nays on the Schlesinger nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT ON AGRICULTURAL APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, this request having been cleared with the Republican leadership and with the distinguished Senator from Wyoming (Mr. McGee), that at such time as the agriculture appropriation bill is called up and made the pending business before the Senate, there be a 2-hour limitation thereon, the time to be equally divided between Mr. McGee and Mr. Fong; that time on any amendment, debatable motion, or appeal be limited to 30 minutes; and that the agreement be in the usual form with respect to the division of time.

Mr. YOUNG. Mr. President, I understand that there is no objection on the Republican side to this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of H.R. 8619, the Agriculture Environmental and Consumer Protection Appropriation Bill for

1974, debate on any amendment, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Wyoming (Mr. McGee) and the Senator from Hawaii (Mr. Fong): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

CONTINUATION OF EXISTING TEMPORARY INCREASE IN THE PUBLIC DEBT

The Senate continued with the consideration of the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

Mr. MANSFIELD. Mr. President, I understand that 19 amendments are at the desk. Does the distinguished manager of the bill and the distinguished ranking Member think it will be possible to complete this bill this evening?

Mr. LONG. Could I just ask the various Senators who plan to call up their amendments to raise their hands, so that we can get some idea?

Mr. MANSFIELD. Six.

Mr. LONG. I believe we would do well to keep going for an hour or so and see what our chances are.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. I wonder whether it would be possible, under the present circumstances, to modify the agreement to limit time on each amendment to a half hour instead of an hour.

Mr. MANSFIELD. The Senator read my thoughts, but I think the distinguished Senator from New York——

Mr. JAVITS. We are going over until tomorrow, anyway, at Senator Long's suggestion.

Mr. MANSFIELD. I think we could try to finish tonight, because we have only six more amendments.

Mr. LONG. I suggest that, with the exception of the amendment by the Senator from New York, we ask unanimous consent to limit the time to a half hour on each amendment, to be equally divided—reserving, of course, the same time——

Mr. JAVITS. May I know the intention of the Senators?

Mr. LONG. If we go over until tomorrow, I would suggest that the Senator from New York bring up his amendment tomorrow. But if we see a chance to finish tonight, I would hope that we would go ahead and consider the Senator's amendment.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SYMINGTON. Will the Senator ask those who have an amendment whether they have more than one amendment?

Mr. MANSFIELD. Who has more than one amendment?

Mr. CHURCH. I have two amendments.

Mr. MANSFIELD. The distinguished Senator from Louisiana has a unanimous-consent request that, with the exception of the Javits amendment, amendments be limited to 30 minutes, to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 261

Mr. BAYH. Mr. President, I call up my amendment No. 261.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill insert the following:

Sec. . (a) Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives) is amended by striking out the second sentence.

(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. BAYH. Mr. President, I ask unanimous consent that a staff aide, Jay Berman, have the privilege of the floor through the vote on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BAYH. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that Eugene Mittleman have the privilege of the floor in connection with my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I yield myself 5 minutes.

Mr. President, today, along with 17 other Senators, I am asking the Senate to take the first step toward meaningful tax reform in the 93d Congress—repeal of the asset depreciation range system and the strengthening of the provisions which require the payment of a minimum tax on tax preference income. At the beginning of the year we were promised the opportunity during this first session to consider broad based and meaningful tax reform legislation, which unfortunately was just defeated.

Because of the urgent need for the tax writing committees of Congress to consider trade legislation, tax reform has been put aside. Hopefully, we will be able to fully address ourselves to tax reform early in the second session. But the demand of the American people for greater equity in their tax laws is sufficiently great to require us to begin acting on tax reform legislation now. The two proposals which we are suggesting are responsible and modest, and are clearly justified and relatively simple.

Many of the arguments made by the distinguished Senator from Massachusetts can be made to support the present amendment. As Senators will note, the amendments were submitted in tandem and consecutively numbered.

The asset depreciation range system is an accounting method which subsidizes the cost of capital by allowing a 20 percent increase in the rate of depreciation deductions over the actual useful life of the capital assets as defined by the Treasury's regulations. It is nothing more nor less than a direct subsidy payment by the Government to these corporations.

This direct subsidy payment will cost the Treasury some $1.2 billion in lost revenue in fiscal 1974 and as much as $30 billion in lost revenues by 1980.

The proponents of ADR argued when it was instituted in 1971 that it was needed because business profits were so low as to be inadequate to finance future investment. I argued at that time both in hearings at the Treasury Department and on the floor of the Senate that the relatively low profits simply reflected the recession that existed. Profits, I suggested, would recover once the Government decided to allow the economy to recover and that ADR was a most inefficient and inequitable method to attempt to stimulate investment and to stimulate the economy. This prediction has been borne out. Corporate profits before taxes in the first quarter of this year are at an all time record of $114.3 billion, a 29.6 percent increase in 1 year. And last year's profits themselves were at a previous record level.

Moreover, ADR comes on top of the investment tax credit which is also designed to stimulate investment but does so in a much more efficient way. Largely because of the investment tax credit we are now in the midst of the investment boom with capital expenditures running at a fantastic 19 percent increase over last year according to the recently published May figures. Even more troublesome is the resulting inflationary pressure in the capital goods sectors where the most recent figures show price increases now running at the disastrous rate of almost 15 percent.

Investment is therefore outrunning both personal consumption and government purchases at all levels. The result is that we are rapidly heading toward a situation of serious overcapacity, are greatly exaggerating inflationary pressures, and are seeking trouble at a later date. This surge in capital investment must be soothed out. Many economists are now advocating that we suspend the investment tax credit. I believe that the investment tax credit is needed and desirable as an efficient method of stimulating investment. The uncertainty that would be created by turning it off and on would, in my view, create too much instability. The way to accomplish a dampening of the investment sector is to repeal ADR and to do so now.

Thus the two major arguments previously made by the supporters of ADR are no longer viable. There is a need to restrain rather than expand investment demand. Corporate profits are, as I mentioned earlier, at record levels.

Finally, there has been some suggestion that ADR is needed to protect the competitive position of U.S. producers vis-a-vis their foreign rivals. Nearly all economists agree, however, that this is a spurious argument. There is no empirical evidence that those countries with the lowest taxes on capital have higher rates of economic growth. In fact, among the major industrial nations the converse appears to be true. Major improvements in the U.S. balance of payments has and will come about because of the recent devaluation of the dollar rather than any tax giveaway on business.

In short, Mr. President, ADR which was a bad idea to begin with, has now become totally indefensible. In my view, to continue stimulating investment by a tax break in the present inflationary capital spending boom is like dropping money over the country clubs of America. We should provide the tax incentive where it really is needed.

Mr. President, I urgently suggest to Senators that the time is ripe to end ADR, and to do it now.

I might just say to the distinguished chairman of the Committee on Finance, my good friend and colleague, the Senator from Louisiana, that I appreciate the particular concern that he has about putting this measure on this particular kind of bill. He has been very frank in suggesting that while he has enthusiastically supported the proposal and did support us two times when we lost by one vote, he would be forced to oppose it now. Hope dwelleth eternally in the heart of the Senator from Indiana. I hope in the next 30 minutes the Senator from Louisiana has a message from on high causing him to change his mind. I think now is the time to do it. I think a procedural question is not nearly as significant as the importance of chilling down this inflation in the capital investment sector.

Mr. President, I yield the floor.

Mr. LONG. Mr. President, the Senate has not had a chance to act on a tax bill this year. The matter is going to be considered. The Senator's amendment is one which I supported when he offered it before. It will be considered by the House in putting together a tax reform bill. His proposal definitely will be considered in the Committee on Finance and by the Senate when the Senate takes up its tax reform bill. So this is a measure that deserves the consideration of the Senate, but it should not be on this bill.

This is a bill to permit the Government to continue to operate, to maintain its existing debt limit. There is an urgency in acting on that matter.

I say, as I said in connection with the previous amendment, that there is no way on this earth that this Senator, the Committee on Finance, or all 100 Senators can compel the House to consider this amendment. Those people have some pride. The Constitution says that they shall initiate revenue bills, and they are going to do it. To suggest otherwise is something of an affront to some very fine men in the House who have been working on this matter for some time.

Mr. President, when the time has expired I reluctantly will be compelled to move to table the amendment, because it should not be on this measure. This is not a tax bill, and strictly speaking it is not a revenue bill. This amendment should not be on this bill. Therefore, as I said, when the time expires I will move that the amendment be laid on the table.

Mr. BAYH. Mr. President, I appreciate the particular position that my friend and colleague, the Senator from Louisiana, is in relative to this particular procedural matter, inasmuch as he has lent his very valuable efforts in supporting this measure in the past.

I might emphasize a point or two that I think at least in my mind distinguishes the normal procedural reluctance to move into the tax area on a different vehicle, and suggest that this might be overcome by the following facts.

First, the measure before us is not a new measure. It has been discussed in various committees and it has been voted on twice recently. The Senator from South Carolina, who I see seated in the Chamber, was one of the major commanding generals in this effort, an effort that the Congressional Quarterly described as one of the 12 most significant efforts made in the last Congress.

As the Senator from Louisiana and I discussed it a while ago, we took this measure and we shook every bush and each time we fell one vote short. This is a matter that has been considered in the past and it is not a new matter.

Second, I do not mean to insult the prerogatives or the intelligence of our friends in the House. The fact is that both Houses have to agree, but I wonder if it would not strengthen the hand of the Senator from Louisiana if we sent the message to the House to be alerted. We would warn them on this bill and the next time they would consent. This would be plowing new ground and telling them the Senate is prepared to do something on this matter.

The second matter I would like to call to the attention of the Senate, a matter that I think is important, is the way that we in the Senate have been bombarded for about 2 years in the area of fiscal responsibility. I am getting a little tired of this. I think it is a little unjustified. Here is an opportunity for us to make a move in this area. This measure as it stands this year would bring in an additional $1.2 billion revenue if we repealed this and did away with this bonus right now.

The Joint Economic Committee suggested it might add up to as much as $30 billion between now and 1980. Let us say to the President, "Mr. President, on this bill we have added $660 million of revenues," which I support, "and $2.9 billion in social security revenue. We are going to try to fill a part of that gap by repealing this giveaway program of over $1.2 billion now."

The third matter I want to repeat is that I do not think we should overlook the argument of the present status of the economy. Back when the ADR matter was placed on the books, we thought this was a bad way to go. The Senator from South Carolina thought we should trickle up instead of down and repeal the ADR that was never going to stimulate the economy, that would be giving back interest dividends, and when you are going to give $50 to every taxpayer and let him spend it on a new suit of clothes or whatever he wishes to spend it on, we do not need to stimulate the economy now.

Particularly in the capital investment area we have a 19-percent increase compared to the historical average of between 8 and 10 percent. We are going to be in deep trouble. The latest figures show the increase in capital expenditures has gone up twice as fast as the GNP, which is unheard of. One way to get the pressure off is the repeal of ADR and to do it now.

I appreciate the position of my friend from Louisiana. I have one last item. This will be item No. 4. I wish to reiterate what the Senator from Massachusetts said.

A lot of people are wondering if we mean business on tax reform. Here is an area that is obviously a giveaway that is not needed. Let us say to the average taxpayer that somebody is listening, that the Senate is willing to stand up and be counted, that we are going to eliminate one loophole, if you call $1.2 billion a loophole. Let us give more evidence to the taxpayer who is laboring under ever-increasing inflation.

Mr. LONG. Mr. President, it is entirely possible that the Nation may be facing an economic downturn next year, and we may need to accelerate depreciation in order to keep the economy going. There is a lot of merit to the proposal, and I may support it again when the proper time and economic circumstances come to offer it on a tax bill. We are certainly going to have an opportunity to consider a tax reform measure, after the House has passed one, at some time in the future.

On that occasion I would like the opportunity to consider supporting the Senator's amendment. I regret that under the circumstances I cannot support it, because I just do not believe it belongs on this bill. I am satisfied that even if the Senate voted it, the House would not agree. It is just one more impediment on a measure that should be voted on now. The House is anxious to go to conference on it because they realize that the time may expire and this Nation may find itself in the rather unenviable position, being the richest nation on earth, of having to declare itself bankrupt by act of Congress, which is a ridiculous thing.

Mr. MUSKIE. Mr. President, the amendment proposed by the distinguished Senator from Indiana (Mr. BAYH) which I am pleased to cosponsor, is a much needed tax reform which deserves enactment now. The amendment would repeal the provision in our tax code which allows businesses to depreciate property 20 percent faster than the industry average. It would not affect the present system of computing depreciation on the basis of average lives of depreciable property. What it does do is to put an end to the unjustified advantage allowed to businesses in computation of their taxes—an advantage which cost the Federal treasury at least $860 million in 1972, and which is projected to cut Federal tax revenues by $30 billion in 1980.

This is a tax advantage which the Congress has debated at length since it was enacted in 1971. The debate came down to a question of economic priorities: whether we wanted to stimulate our sagging economy from the top down, by giving corporations tax benefits of hundreds of millions of dollars, or whether we wanted to channel our resources directly to those who needed them the most.

Mr. President, I commend the work of Senator BAYH in bringing this amendment once again before the Senate. I recognize that many in this Chamber prefer to withhold their endorsement of individual tax reform measures until a thorough tax reform package has been presented to them by the tax-writing committees. I join them in hoping we will be able to consider comprehensive tax reform this year. But in the case of ADR, I believe that the arguments have been fully laid out in the past 2 years, and that we should be prepared to take this small step toward tax reform now.

Mr. LONG. I yield back the remainder of my time, and move that the amendment be laid on the table.

Mr. BAYH. Mr. President, I yield back my time.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana (Mr. LONG) to lay on the table the amendment of the Senator from Indiana (Mr. BAYH). The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The result was announced—yeas 58, nays 33, as follows:

[No. 245 Leg.]

YEAS—58

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Cook
Cotton
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hartke
Hatfield
Helms
Hruska
Inouye
Javits
Johnston
Long
Mathias
McClellan
McClure
Montoya
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—33

Abourezk
Bayh
Bible
Brooke
Burdick
Cannon
Chiles
Church
Cranston
Eagleton
Fulbright
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Jackson
Kennedy
Magnuson
Mansfield
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Proxmire
Stevenson
Symington
Tunney
Williams

NOT VOTING—9

Biden
Clark
Curtis
Goldwater
Gravel
Hart
McGee
Saxbe
Stennis

So Mr. LONG's motion to lay Mr. BAYH's amendment on the table was agreed to.

Mr. BARTLETT. Mr. President, I have at the desk an unprinted amendment. I call it up and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> At the end of the bill, insert the following:
>
> "That (a) section 4940(a) of the Internal Revenue Code of 1954 (relating to excise tax based on investment income) is amended by striking out '4 percent' and inserting in lieu thereof "1 percent".
>
> "(b) The amendment made by this Act shall apply to taxable years ending after the date of enactment of this Act."

Mr. BARTLETT. Mr. President, the purpose of the proposal is to amend the Internal Revenue Code to provide for a reduction in the excise taxes to the private foundations from 4 percent to 1 percent. This would continue the very important overview audit. It would make available $42 million in additional money for distribution by various charitable concerns.

Mr. President, I would like to read part of a letter to me dated February 16, 1973, from George Shultz, Secretary of the Treasury. It gives the background of the act, and it gives part of the impact of this proposal.

I read from the Secretary's letter:

> In the Tax Reform Act of 1969, Congress classified charitable organizations as either public or private, depending on the amount of financial support they receive from the general public. Public charities were felt to be responsive to the public by virtue of such support. If an organization is not publicly supported, Congress determined that it would not receive significant public scrutiny and hence should be subjected to greater restrictions than public charities. Congress classified such an organization as a private foundation, and in addition, imposed a 4 percent tax on its investment income. This treatment is applicable to approximately 30,000 organizations which discharge very worthy charitable functions but, because they do not seek and rely on public support, are classified as private foundations under the Tax Reform Act provisions.
>
> It seems clear that the 4 percent tax does subtract materially from the funds available for charitable purposes. I would like to point out, however, that the Administration's tax reform proposals of April 22, 1969, did not include a recommendation that such a tax be imposed. The tax reform bill on the House side imposed a 7½ percent tax. The Treasury recommendations to the Senate Finance Committee in September 1969 stated that, in lieu of such a levy, a supervision tax should be imposed to offset the cost of administering the audit program for foundations. We estimated at that time that 2 percent of net investment income would be sufficient for this purpose. Although the Senate version of the tax reform bill was generally in accord with our September 1969 recommendations, the Conference Committee adopted the 4 percent tax which now appears in the statute.

My staff today contacted the IRS, the Private Foundations Division, and talked to Mr. Mike Repass and determined that the cost of administering private foundations overview audit for 1971 and 1972 amounted to $12.9 million. For the year 1972–73, it is an estimated $12.3 million. It is going down because of improvements in the art.

The income from the excise taxes for 1971–72 amounted to $56 million. And the estimate for 1972–73 is $56 million to $57 million.

One percent of that figure would be $14 million in excess of the estimated $12.3 million that is needed for the overview audit.

The purpose was to have an overview audit so that the purposes for which a charity was created could be observed to see if they were being met and to see if applicable reasons were also being met.

The purpose was also to offset the extra cost of this overview audit, because this cost is only one-fourth of the tax now levied. This proposal suggests that it be reduced to an amount that would cover it, but that would free $42 million of charitable contributions.

I know that in my State this would mean that certain hospitals, certain colleges and universities which receive additional contributions because of the money that is now going to taxes in the general fund will benefit. This will be very beneficial to the various charitable purposes of our State.

And I feel that this is a very effective method of improving the contributions to charity in this country.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. BENNETT. I agree completely with the proposal of the Senator, but as a member of the Committee on Finance, I think I am bound by the position that the chairman has taken. I think we have had two votes that indicate that the Senate, however narrowly, will support the chairman.

Therefore, I would earnestly suggest,

now that the record has been made, that if the Senator will withdraw his amendment, I am sure the chairman would join me in agreeing that when the tax bill comes over from the House of Representatives, if no proposal in this area is contained in it, we will be very happy to see that the Senator's proposal is considered as an amendment, and that those who might want to appear as witnesses to discuss it will have that opportunity.

Mr. LONG. Mr. President, I join the Senator from Utah in that assurance.

Mr. BENNETT. I think this is something we must do, and I would seriously recommend that action to the Senator.

Mr. BARTLETT. Mr. President, I thank the Senator from Utah and the Senator from Louisiana. I appreciate their knowledge in this area, and their interest in having a hearing and having consideration of this proposal. I accept the suggestion, and I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague very much. Let me say that there is certainly merit in the consideration of this proposal. When you consider the opportunities that we have to make significant contributions to worthwhile charities in this country, there is much to commend the impulse that prompts the Senator from Oklahoma to present his amendment now. I am pleased indeed that the distinguished chairman of the committee (Mr. Long) and the distinguished ranking minority member (Mr. Bennett) have indicated their willingness to see that this proposal is given consideration.

Because of a similar situation last year when we were voting on a similar measure, I can appreciate the pressures that everyone is under and the constraints we all feel obliged to recognize. For that reason, I join with the other Senators in complimenting the Senator for having brought the proposal before us, and the action he proposes to take.

Mr. BARTLETT. I thank the Senator from Wyoming, and I appreciate the suggestion of the Senator from Utah and the Senator from Louisiana. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment. The amendment is withdrawn.

AMENDMENT NO. 215 (AS MODIFIED)

Mr. HUMPHREY. Mr. President, I call up my amendment No. 215.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment.

Mr. HUMPHREY. Mr. President, I ask to modify the amendment as follows:

On page 1, by striking out lines 1 through 9, and on page 2, by striking out lines 1 through 3.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. HUMPHREY. It is so modified.

Mr. Humphrey's amendment, as modified, is as follows:

At the end of the bill, insert the following: (a) Section 6096(c) of the Internal Revenue Code of 1954 (relating to manner and time of designation) is amended—

(1) by striking out ", in such manner as the Secretary or his delegate may prescribe by regulations", and

(2) by adding at the end thereof the following new sentence: "Such designation shall be made in such manner as the Secretary or his delegate prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made on the first page of the return."

(b) The amendments made by this section shall apply with respect to taxable years ending after the date of enactment of this Act.

Sec. 2. The Secretary of the Treasury shall cause the publishing and broadcasting of information concerning the Presidential Election Campaign Fund Act during each year, with particular emphasis upon the taxpayer's right to designate a portion of his tax payment for payment into the Presidential Election Campaign Fund for the use of the candidates of a political party without any increase in his tax liability. The Secretary shall report to the Congress not later than the first day of September of each year a detailed account of the means by which he intends to carry out his duty under this section, which shall include, but not be limited to, a description of facsimile copy of all public notices, the availability of such notices to broadcasting stations, and any other arrangements he may have made to publicize the fund and the taxpayers' right of designation under section 6096 of the Internal Revenue Code of 1954.

Mr. HUMPHREY. Mr. President, this amendment is not complicated. It relates to action which Congress has taken in the past year concerning the dollar checkoff system for public financing of Presidential elections.

I cannot think of anything that is more timely, or any proposition that requires more sincere and purposeful consideration on our part at this time.

This amendment consists of two parts. The first would require the Internal Revenue Service to place the checkoff box on the front page of the return. No other schedules or forms would be necessary. The second part of the amendment would require the IRS to submit to the Congress by September 1 of each year in detail outline of its information campaign to further public understanding of the dollar checkoff opportunity. The need for this amendment becomes increasingly more apparent as the days go on and the influence of big money in politics grows even more disturbing. My amendment will quicken the process of reform in campaign financing and it will work to show that Presidential campaigns can be run without the tremendous influence of big money from powerful interests.

Mr. President, the American public expects us to do something about this matter. The lesson of Watergate and of the entire 1972 campaign is clear. As long as we perpetuate a system of campaign financing that not only relies on but actually encourages large contributions from wealthy contributors, we will have a government responsive to money interests rather than to human interests.

Campaign costs for all elective offices in the United States last year reached the staggering figure of $400 million, with one single committee alone, the Committee To Reelect the President, spending over $50 million. Stories of suitcases full of money coming into Washington and funds filtering through foreign banks to be "laundered" have been widely reported.

The need for reform in campaign financing is greatest, to use that popular expression, "Now More Than Ever." There are many areas in which reform would produce great benefits both for the public and for the political system as a whole. First, complete disclosure of all receipts and expenditures is necessary to maintain accountability to the public. It is those private transactions that took place in 1972 that aroused the most suspicion, and rightfully so. Second, limitations of the amount of campaign spending will represent a big step in the direction of halting the huge increases that have characterized presidential campaigns for two decades. Limitations should also apply to the amount that one individual can donate to a campaign.

Finally, there should be an election review board which oversees all the aspects of political campaigns. The temptation to politicize the Justice Department, which currently has jurisdiction over such matters, is or has been apparently too great to resist. Therefore, an independent body is necessary to properly execute the election laws in an impartial and nonpartisan manner.

Mr. President, I have called for public financing of Presidential campaigns for a long time, and the dollar checkoff system, while not a complete cure for all the shortcomings in campaign finance practices, represented the first widespread effort to finance the campaign with public rather than private money. Yet, the results from the checkoff system in its first year of use were very discouraging, and it is crucial to examine the reasons behind this poor performance. When he signed this provision into law, President Nixon expressed confidence that the Congress would soon appreciate its defects and repeal it. The President then went about seeing to it that his prediction would become true, because the Internal Revenue Service proceeded to obstruct and thwart the intent of the Congress. The IRS sabotaged the checkoff plan by excluding it from the regular income-tax form and making the separate form difficult to obtain. The 17 million taxpayers who use the form 1040A would not even receive the form necessary to earmark $1 for political purposes.

Moreover, any efforts on the part of the IRS to notify the public of the availability of this checkoff could hardly be termed strenuous. In fact, it seems that the checkoff is one of the best kept secrets in the Nation. Only 3.1 percent of all taxpayers availed themselves of the checkoff, but who could fault those who failed to do so with all the obstacles that were placed in their way.

The President has made his position on the checkoff indisputably clear. He only signed it after he had assurances that the plan would not be implemented until after his forthcoming election. Evidently, he was confident of a huge Republican campaign chest in 1972. But apparently the lesson of Watergate has not gone completely unnoticed by the President. In his message to Congress he has said:

> I believe that reform is essential. A thoroughgoing reform of campaign practices in our Federal elections ranks high on our list of national priorities.

It is time for the President to demonstrate his genuine interest in reform through actions rather than strictly through words. I have made repreated statements in the past noting my efforts to determine who is responsible for the sluggishness with which the checkoff system has been implemented.

Mr. President, for example, on May 9, 1973, I wrote to Secretary of Treasury George P. Shultz and asked him to provide my office with a complete accounting of the results of the first years participation in the checkoff system. I also asked for the number of public service announcements prepared and actually used by the IRS to publicize the dollar checkoff. This letter has previously been printed in the CONGRESSIONAL RECORD on June 8, 1973. Today is June 27. I have not yet had a reply to my letter.

My amendment No. 215, I believe, will accomplish by law what I have attempted to accomplish through letter and suggestion. It is time that the Treasury Department comply with the intent and spirit of the dollar checkoff plan. To repeat, Mr. President, the first amendment requires that, starting next year, the $1 checkoff appear on the front page of the taxpayer's return. In addition, since the IRS has done little to publicize the checkoff this year, it also requires that the Secretary of the Treasury report to Congress by September 1 of each year a plan of affirmative dissemination of information concerning the checkoff. This publicity should familiarize the public with the method of using the checkoff as well as informing them that one's use of the checkoff will not increase their personal taxes.

Mr. President, there is no need to prolong the debate. I want simply to remedy what I thought was an unfortunate development in the Internal Revenue program in carrying out the checkoff system for campaign contributions last year. The Internal Revenue Service, as we know, had a separate tax form to be filled out by those persons who wished to contribute $1 of their income tax to the party of their choice.

Many people have informed us that they did not know about it. It was a separate form which did not receive the attention that the ordinary income tax return receives.

My amendment does two things. It places on page 1 of the short or long version of the tax return the information about and the proper lines and boxes for the purpose of permitting the taxpayer to check off for the party of his choice or for the nonpartisan contribution to be distributed under formula, $1 out of said person's income tax returns.

Mr. President, it is imperative that the Congress take positive action in redressing the ill-handling of this system by the Internal Revenue Service. I hope the Senate will accept my amendment No. 215.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Rhode Island.

Mr. PASTORE. This idea is not new, Mr. President. It was the idea of the distinguished chairman of the Finance Committee, and when he squelched it for strategic purposes, he could not thereafter advance the amendment, and I took the responsibility and proposed the amendment, and it was passed.

Whether or not this will survive in conference I do not know, but I hope it will be taken to conference, because after all, this is an important matter, considering the scandal of Watergate today, and the harm that is being done by excessive money and what it does to a lot of people who ordinarily may be leading decent lives, but succumb to the temptation of money and greed. We are listening to that every day.

The point here is that there has been a feeling on the part of the administration that somehow they should scuttle this thing by a subterfuge, and what they have done is require a special form that is not connected with the regular form. I have received many letters from people who say they could not even get the form.

All we are saying here is this: We are telling the American taxpayer that out of the money that he owes the U.S. Government, out of the money that he has got to pay, he can allocate that one dollar to build up a fund so that the President of the United Stats will be beholden to no one and be absolutely unfettered to carry on the business of this country, without these thousand-dollar dinners, $500 dinners, and all these contributions that sometimes have gone up to a million or $2 million. I think that has become rather scandalous, and I would hope an amendment of this kind would be taken to conference, if only to show the purpose of the Senate that we mean business in this, and whether it is done now or later, I hope the purposes of the Senator's amendment will be carried out.

Mr. HUMPHREY. Mr. President, so the record will be very clear, the distinguished Senator from Rhode Island and the distinguished chairman of the Finance Committee have been the prime movers in the Senate on the whole subject of what we call the checkoff system of private financing. I certainly do not claim any pride of authorship. The only purpose of my amendment is to remedy what I believe was a regrettable mistake in 1972.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the analysis of the Presidential Campaign Fund Act. This analysis was prepared by the Congressional Research Service of the Library of Congress. It provides full and accurate information on all provisions of the act.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE PRESIDENTIAL ELECTION CAMPAIGN FUND ACT—A DISCUSSION OF SOME OF THE MAJOR PROVISIONS OF THE 1971 FEDERAL INCOME TAX CHECHOFF LAW TO FUND PRESIDENTIAL CANDIDATES

I. INTRODUCTION

On December 10, 1971, President Nixon signed into law Public Law 92-178, the Revenue Act of 1971.

For purposes of this memorandum, the significant provisions of the new tax laws are to be found in Title VIII of the Revenue Act of 1971.

In Title VIII is provided a method for using a portion of the Federal Government revenues which are raised by the income tax payments to fund the political campaigns for Presidential candidates.

Title VIII also contains provisions limiting the amounts which candidates for Presidential office may expend in their compaigns, limiting the expenditures which may be made by certain political committees, and requiring candidates to file disclosure reports of their campaign financing.

The new tax law also contains tax incentives to encourage citizens to make contributions to political candidates (Title VII).

Both the tax incentive provisions and the tax check off provisions of the new law are quoted in this memorandum at Appendix A.

Below, in question and answer form, is a discussion of the checkoff provisions.

II. DISCUSSION

How the money is obtained for the Presidential election campaign fund

(1) Where will the money come from to provide the public funds to be used by candidates for Presidential office?

Each person who pays Federal income taxes is entitled to designate $1 of his Federal income tax payment ($2 for a joint return) to be placed in a Presidential Election Campaign Fund to be used for financing the political campaigns of candidates for Presidential office (Sec. 802).

(2) What happens if there are insufficient funds in the account of any party which would be entitled to public financing?

If the candidates of a political party elect public financing, payments to the candidates can be made only out of the special account designated for that party. However, if at the beginning of the campaign period there is insufficient money in any account to satisfy the entitlement of the party, the money in the non-partisan general account will be allocated to all the special accounts in the ratio of the balances in those accounts.

No amount can be allocated to a special account in an amount greater than the smallest mount needed by a major party to bring it up to its entitlement (Sec. 9006).

Taxpayer's control over disposition of his dollar

(3) May the taxpayer designate which candidate is to receive his tax dollar?

Yes, the taxpayer, at the time of electing that $1 of his tax payment was to go to defray the costs of a Presidential political campaign, may also indicate his wish that his dollar be made available to the candidate nominated by the party of his choice, or in the alternative, the taxpayer may indicate that he wished the $1 to be placed in a general campaign fund available for all candidates, as needed to provide designated sums of money for their campaigns (Sec. 802).

(4) If the tax checkoff plan goes into effect will a tax dollar automatically be deducted from every tax payment?

No, if the taxpayer does not specifically direct that his tax dollar is to be used for political purposes, a dollar is not transferred from the general revenues into the special Fund to be maintained for this purpose.

Candidates who are entitled to public financing

(5) Are candidates for all elective Federal office entitled to payments out of the public campaign fund?

No, the only candidates who are entitled to money from the tax checkoff fund are those who are running for office of President or Vice President (Sec. 9002 (2)).

(6) Is public financing available for Presidential candidates in primary elections?

No, public funds will be available only for general elections and not for primary elections, or other forms of the nominating process (Sec. 9002 (2)).

(7) Must a Presidential candidate accept public financing?

No, a candidate has the option of accepting public money or financing his campaign from private sources.

(8) May candidates who accept public funds also accept private funds?

Yes, under certain circumstances.

Candidates who accept public funds for their campaign financing are limited in the amount they can spend in their campaign to the entitlement as determined by the formula in the tax checkoff law.

If there are sufficient public funds to meet their entire allowance under the formula, candidates who accept public financing may not also accept and spend money from private sources.

However, if there are not sufficient funds in the tax account to completely meet a candidate's allotment, he is permitted to raise the difference between what is available to him in the publicly financed fund and what he is permitted to spend under the tax checkoff law formula (Sec. 9003).

Administration of the fund

(9) Who certifies the amount of public money payable to candidates?

The Comptroller General will certify the amount payable out of the accounts to the eligible candidates, that is, candidates who elect public financing (Sec. 9003).

A Federal Election Campaign Fund Advisory Board is to be created to assist the Comptroller General in performing his duties under the tax checkoff law (Sec. 9021).

(10) Since the tax checkoff bill has been signed into law by the President, will the public funds for candidates be automatically available in 1976?

No, the checkoff funds will not be automatically available to candidates in 1976. They will only be made available to candidates after the funds have been specifically appropriated by Congress through the normal appropriation process.

The amount of public money each candidate is entitled to

(11) What determines how much a candidate is entitled to out of the public fund?

The amount which Presidential candidates are entitled to receive from the public fund is based on whether they are "major party" or "minor party" candidates (Sec. 9004).

(12) How are "major," "minor" and "new" parties defined?

A "major party" is a party which in the preceding Presidential election received 25% or more of the total number of popular votes received by all candidates for President in that election (Sec. 9002(6)).

A "minor party" is one that received more than 5% but less than 25% of the popular vote in the preceding Presidential election (Sec. 9002(7)).

A "new" party for purposes of being eligible to share in the public financing is one which is neither a majority party nor a minority party (Sec. 9002(8)).

(13) How much are major party candidates entitled to?

The major party candidates are entitled to receive from the fund accumulated from such tax payments an amount which equals 15 cents per person age 18 and over. Based upon the present population, it is estimated that this formula would produce about $20.4 million for each of the two major party candidates (Sec. 9004(a)(1)).

(14) How much are minor party candidates entitled to?

The minor party candidates are each entitled to receive from the tax revenue, the same proportion of the fund which their vote in the last election bore to the major party vote. Based upon present population, it is estimated that a minor party candidate, such as George Wallace, would be entitled to receive about $6 million.

Also, a minor party candidate can increase his basic entitlement, if the minor party's proportion of votes in the current election exceeds its proportion of votes in the preceding presidential election (Sec. 9004 (a)(2)).

(15) If the new party does get more than 5% of the vote, how much of the public fund is it entitled to?

The new party is entitled to receive that percentage of the entitlement of a major party which the new party's vote in the current election is of the average number of popular votes received in that election by the major parties only if its candidates receive 5% or more of the total popular vote cast for the office of President.

Limitations on campaign expenditures

(16) Does the checkoff law place limitations on overall campaign expenditures?

Yes, public financing provides funds for the campaign period and establishes limits on total expenditures for such period beginning with the date on which the first major party nominates its candidate for President and ending on the date 30 days after the election, (Sec. 9003).

The expenditure limits are different for major parties than for minor and new parties.

If a major party elects to take public financing, it cannot spend in the general election campaign more than its entitlement, (15 cents time the number of residents of the United States who are 18 years old or older in the preceding year).

A minor or new party must agree that it will not spend more in the general campaign than the amount of the entitlement of a major party, and that it will return campaign contributions to the extent they exceed the campaign expenses not covered by public financing (Sec. 9003).

Committees which are not authorized by the candidate may not expend more than $1000 during the general campaign on behalf of the candidacy of the eligible candidates of a party (Sec. 9012(f)).

Limitations on campaign contributions

(17) Does the checkoff law place limitations on campaign contributions from private sources?

Yes, but the rules are different for major parties than for minor and new parties.

A major party cannot accept contributions for the general election campaign if there is sufficient money in its special account to make up its full entitlement.

However, if there is some money in its account but not sufficient to meet its full entitlement, a major party may accept money from private sources but only to the extent of the deficit in its fund (Sec. 9003(b)).

A minor or new party can accept contributions from private sources, but it must agree that it will not spend more in the general campaign than the amount of the general entitlement of a major party and that it will return campaign contributions to the extent that they exceed the campaign expenses not covered by public financing (Sec. 9003(c)).

Disclosure reports

(18) Does the checkoff law require the filing of campaign financing reports?

Yes.

(19) Are such campaign financing reports required only of candidates who accept public financing?

No, campaign expenditure disclosure reports are required to be filed by all candidates for President and Vice President whether or not they have elected to take public financing (Sec. 9003).

(20) With whom must such expenditure disclosure reports be filed?

Candidates for President and Vice President must file disclosure reports with the Comptroller General (Sec. 9003(a)).

(21) What are the Comptroller General's duties with respect to such disclosure reports?

The Comptroller General must publish in the Federal Register a summary of expenditures made by candidates for Presidential office (Sec. 9008(b)).

(22) What items must be reported in the disclosure reports?

Eligible candidates must file with the Comptroller General a detailed statement of expenditures and a list of committees who are authorized to spend money on their behalf.

Expenditure reports must also include the amounts spent by committees whether or not authorized or recognized by eligible candidates (Sec. 9008).

(23) How are the requirements of the law going to be enforced?

There are criminal penalties for willful violations of the law.

(24) In what year do the public funds first become available to candidates?

Candidates would first be entitled to receive checkoff funds in the 1976 Presidential election (Sec. 302).

(25) What is the first income tax return that taxpayers can checkoff for political contributions?

Taxpayers will be entitled to start checking off their contributions on their Federal income tax returns for the calendar year 1972 (Sec. 802).

1971 tax checkoff plan compared with 1966 tax checkoff plan

(26) How does the 1971 tax checkoff plan to finance Presidential elections differ from the 1966 law containing public campaign financing provisions?

The 1966 plan (P.L. 89-809) did not permit the taxpayer to indicate to whom he wished his tax dollar to go.

The 1966 plan would have divided the campaign fund evenly between the Republican and Democratic parties and a share of the fund would be given to minor parties that won at least five million votes in the preceding Presidential election.

The funds from the 1971 plan would be paid to the candidates and not to the political parties.

ELIZABETH YADLOSKY,
Legislative Attorney, American Law Division, December 22, 1971, Ext. 6006.

APPENDIX A: TEXT OF THE 1971 TAX CHECKOFF LAW—PUBLIC LAW 92-178, 92D CONGRESS, H.R. 10947, DECEMBER 10, 1971

An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1, SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Revenue Act of 1971".

(b) TABLE OF CONTENTS.—

TITLE VII—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE

Sec. 701. Allowance of credit.
Sec. 702. Deduction in lieu of credit.
Sec. 703. Effective date.

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Sec. 801. Presidential Election Campaign Fund Act.
Sec. 802. Miscellaneous amendments.

(c) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1951.

TITLE VII—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE

Sec. 701. Allowance of Credit.

(a) Subpart A of part IV subchapter A of chapter 1 (relating to credits against tax) is amended by inserting after section 40 (as added by section 601 of this Act) the following new section:

"Sec. 41. Contributions to Candidates for Public Office

"(a) General Rule.—In the case of an individual, there shall be allowed, subject to the limitations of subsection (b), as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of all political contributions, payment of which is made by the taxpayer within the taxable year.

"(b) Limitations.—

"(1) Maximum credit.—The credit allowed by subsection (a) for a taxable year shall be limited to $12.50 ($25 in the case of a joint return under section 6013).

"(2) Application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) Verification.—The credit allowed by subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) Definitions.—For purposes of this section—

"(1) Political contribution.—The term 'political contribution' means a contribution or gift of money to—

"(A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, for use by such individual to further his candidacy for nomination or election to such office;

"(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office, for use by such committee, association, or organization to further the candidacy of such individual or individuals for nomination or election to such office;

"(C) the national committee of a national political party;

"(D) the State committee of a national political party as designated by the national committee of such party; or

"(E) a local committee of a national political party as designated by the State committee of such party designated under subparagraph (D).

"(2) Candidate.—The term 'candidate' means, with respect to any Federal, State, or local elective public office, an individual who—

"(A) has publicly announced that he is a candidate for nomination or election to such office; and

"(B) meets the qualifications prescribed by law to hold such office.

"(3) National political party.—The term 'national political party' means—

"(A) in the case of contributions made during a taxable year of the taxpayer in which the electors of President and Vice President are chosen, a political party presenting candidates or electros for such offices on the official election ballot of ten or more States, or

"(B) in the case of contributions made during any other taxable year of the taxpayer, a political party which met the qualifications described in subparagraph (A) in the last preceding election of a President and Vice President.

"(4) State and local.—The term 'State' means the various States and the District of Columbia; and the term 'local' means a political subdivision or part thereof, or two or more political subdivisions or parts thereof, of a State.

"(d) Cross References.—

"For disallowance of credits to estates and trusts, see section 642(a)(3)."

(b) Section 642(a) (relating to credits against tax for estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(3) Political contributions.—An estate or trust shall not be allowed the credit against tax for political contributions provided by section 41."

Sec. 702. Deduction in Lieu of Credit.

(a) Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as 219, and by inserting after section 217 the following new section:

"Sec. 218. Contribution to Candidates for Public Office.

"(a) Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in section 41(c)(1)) payment of which is made by such individual within the taxable year.

"(b) Limitations.—

"(1) Amount.—The deduction under subsection (a) shall not exceed $50 ($100 in the case of a joint return under section 6013).

"(2) Verification.—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) Election.—To Take Credit in Lieu of Deduction.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 41 (relating to credit against tax for contributions to candidates for public office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(d) Cross Reference.—

"For disallowance of deduction to entries and trusts, see section 642(1)."

(b) Section 642 (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) a new subsection as follows:

"(i) Political Contributions.—An estate or trust shall not be allowed the deduction for contributions to candidates for public office provided by section 218."

(c) The table of sections of part VII of subchapter B of chapter 1 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Contributions to candidates for public office.
"Sec. 219. Cross references."

Sec. 703. Effective Date.

The amendments made by this title shall apply to taxable years ending after December 31, 1971, but only with respect to political contributions, payment of which is made after such date.

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Sec. 801. Presidential Election Campaign Fund Act.

The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"Subtitle H—Financing of Presidential Election Campaigns

"Chapter 95. Presidential election campaign fund.
"Chapter 96. Presidential election campaign fund advisory board.

"CHAPTER 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Condition for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates for payments.
"Sec. 9005. Certification by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Examinations and audits; repayments.
"Sec. 9008. Information on proposed expenses.
"Sec. 9009. Reports to Congress; regulations.
"Sec. 9010. Participation by Comptroller General in judicial proceedings.
"Sec. 9011. Judicial review.
"Sec. 9012. Criminal penalties.
"Sec. 9013. Effective date of chapter.

"Sec. 9001. Short Title.

"This chapter may be cited as the 'Presidential Election Campaign Fund Act'.

"Sec. 9002. Definitions.

"For purposes of this chapter—

"(1) The term 'authorized committee' means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a)(2), the term 'candidate' means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United

States who have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 9006(a).

"(6) The term 'major party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(8) The term 'new party' means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

"(9) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(10) The term 'presidential election' means the election of presidential and vice-presidential electors.

"(11) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

"(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Comptroller General prescribes by rules or regulations.

"(12) The term 'expenditure report period' with respect to any presidential election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

"Sec. 9003. Condition for Eligibility for Payments.

"(a) In General.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request,

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) Major Parties.—In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

"(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"(c) Minor and New Parties.—In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

"(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"(a) In General.—Subject to the provisions of this chapter—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of the Census, as of the first day of June of the year preceding the year of the presidential election.

"(2)(A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

"(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

"(b) Limitations.—The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

"(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) Restrictions.—The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"Sec. 9005. Certification by Comptroller General.

"(a) Initial Certifications.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9007, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) Finality of Certifications and Determinations.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under secion 9007 and judicial review under section 9011.

"Sec. 9006. Payments to Eligible Candidates.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall maintain in the fund (1) a separate account for the candidates of each major party, each minor party, and each new party for which a specific designation is made under section 6096 for payment into an account in the fund and (2) a general account for which no specific designation is made. The Secretary shall, as provided by appropriation Acts, transfer to each account in the fund an amount not in exess of the sum of the amounts designated (subsequent to the previous presidential election) to such account by individuals under section 6096 for payment into such account of the fund.

"(b) Transfer to the General Fund.—If, after a presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in any account in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) Payments From the Fund.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the specific account in the fund for such candidates the amount certified by the Comptroller General. Payments to eligible candidates from the account designated for them shall be limited to the amounts in such account at the time of payment. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) Transfers From General Account to Separate Accounts.—

"(1) If, on the 60th day prior to the presidential election, the moneys in any separate account in the fund are less than the aggregate entitlement under section 9904(a)(1) or (2) of the eligible candidates to which such account relates, 80 percent of the amount in the general account shall be transferred to the separate accounts (whether or not all the candidates to which such seperate accounts relate are eligible candidates) in the ratio of the entitlement under section 9004(a)(1) or (2) of the candidates to which such accounts relate. No amount shall be transferred to any separate account under the preceding sentence which, when added to the moneys in that separate account prior to any payment out of that account during the calendar year, would be in excess of the aggregate entitlement under section 9004(a) (1) or (2) of the candidates to whom such account relates.

"(2) If, at the close of the expenditure report period, the moneys in any separate account in the fund are not sufficient to satisfy any unpaid entitlement of the eligible candidates to which such account relates, the balance in the general account shall be transferred to the separate accounts in the following manner:

"(A) For the separate account of the candidates of a major party, compute the percentage which the average number of popular votes received by the candidates for President of the major parties is of the total number of popular votes cast for the office of President in the election.

"(B) For the separate account of the candidates of a minor or new party, compute the percentage which the popular votes received for President by the candidate to which such account relates is of the total number of popular votes cast for the office of President in the election.

"(C) In the case of each separate account, multiply the applicable percentage obtained under subparagraph (A) or (B) for such account by the amount of the money in the general account prior to any distribution made under paragraph (1), and transfer to such separate account an amount equal to the excess of the product of such multiplication over the amount of any distribution made under such paragraph to such account.

"Sec. 9907. Examinations and Audits; Repayments.

(a) Examinations and Audits.—After each presidential election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, he shall so notify such candidates, and such candidates shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, he shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary an amount equal to such amount.

"(3) If the Comptroller General determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(c)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, he shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

"(d) Deposit of Repayments.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9008. Information on Proposed Expenses.

"(a) Reports by Candidates.—The candidates of a political party for President and Vice President in a presidential election shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) Publication.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"Sec. 9009. Reports to Congress; Regulations.

"(a) Reports.—The Comptroller General shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Regulations, Etc.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"Sec. 9010. Participation by Comptroller General in Judicial Proceedings.

"(a) Appearance by Counsel.—The Comptroller General is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Recovery of Certain Payments.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9007.

"(c) Declaratory and Injunctive Relief.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) Appeal.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"Sec. 9011. Judicial review.

"(a) Review of Certification, Determination, or Other Action by the Comptroller General.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) Suits To Implement Chapter.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"Sec. 9012. Criminal penalties.

"(a) Excess Campaign Expenses.—

"(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(b) Contributions.—

"(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(c) Unlawful Use of Payments.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(d) False Statements, Etc.—

"(1) It shall be unlawful for any person knowlingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(e) Kickbacks and Illegal Payments.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) Unauthorized Expenditures and Contributions.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication,, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(g) Unauthorized Disclosure of Information.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"Sec. 9013. Effective Date of Chapter.

"The provisions of this chapter shall take effect on January 1, 1973.

"CHAPTER 96. PRESIDENTIAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"Sec. 9021. Establishment of Advisory Board.

"(a) Establishment of Board.—There is hereby established an advisory board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act.

"(b) Composition of Board.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leaders of the House of Representatives, who shall serve ex offico;

"(2) two members representing each political party which is a major party (as defined in section 9002(6)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first presidential election following January 1, 1973, and the terms of subsequent members described in paragraphs (2) and (3) shall begin in the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall elect a Chairman from its members.

"(c) COMPENSATION.—Members of the Board (other than members described in subsection (b)(1) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) STATUS.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States be considered as service as an officer or employee of the United States."

SEC. 802. MISCELLANOUS AMENDMENTS

(a) DESIGNATION OF INCOME TAX PAYMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND.—

Effective with respect to taxable years ending on or after December 31, 1972, section 6096 (a) (relating to designation of income tax payments to the presidential election campaign fund) is amended to read as follows:

"(a) IN GENERAL.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund for the account of the candidates of any specified political party for President and Vice President of the United States, or if no specific account is designated by such individual for a general account for all candidates for election to the offices of President and Vice President of the United States, in accordance with the provisions of section 9006(a) (1). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to any such account in the fund."

(b) REPEAL OF CERTAIN PROVISIONS.—

(1) Sections 303, 304, and 305 of the Presidential Election Campaign Fund Act of 1966 (80 Stat. 1587) are repealed.

(2) The enactment of subtitle H of the Internal Revenue Code of 1954 by section 801 of this Act is intended to comply with the provisions of section 5 (relating to the Presidential Election Campaign Fund Act of 1966) of the Act entitled "An Act to restore the investment credit and allowance of accelerated depreciation in the case of certain real property", approved June 13, 1967 (Public Law 90-26, 81 Stat. 58). The provisions of section 6096 of the Internal Revenue Code of 1954, together with the amendments of such section made by subsection (a), shall be applicable only to taxable years ending on or after December 31, 1972.

Approved December 10, 1971.

LEGISLATIVE HISTORY

House reports: No. 92-533 (Comm. on Ways and Means) and No. 92-708 (Comm. of Conference).

Senate reports: No. 92-437 (Comm. on Finance) and No. 92-553 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 117 (1971):

Oct. 5, 6, considered and passed House.

Nov. 11-13, 15-20, 22, considered and passed House.

Nov. 11-13, 15-20, 22, considered and passed Senate, amended.

Dec. 9, Senate agreed to conference report.

Dec. 9, House agreed to conference report.

Weekly Compilation of Presidential Documents, Vol. 7, No. 50: Dec. 10, Presidential statement and remarks.

Mr. LONG. Mr. President, the excuse given by the Internal Revenue that this checkoff was not on the tax return itself was that it takes up too much space, especially on the short form, and there is one form for Democrats or Republicans and then a checkoff. This measure should be modified so that it would be simple to check off the one dollar contribution. Then the Republicans would get as much as the Democrats and vice versa and a formula would be worked out for a third party. I have prepared an amendment which should be a part of this, if it is to be agreed to, to make it just a simple checkoff.

The Commissioner of Internal Revenue told me that if we could take the charge part out of it, they can put it on the front page of the tax return—and also avoiding showing what one's politics are—and then we make a contribution so that all of the people can contribute to both parties and perhaps to a third party, too. It is a nonpartisan fund. I would urge the Senator from Minnesota to accept this amendment as a modification which I have had prepared by my staff.

Mr. HUMPHREY. I am familiar with the Senator's amendment. The gentleman on my staff who has been working on that told me that he had talked with the Senator's staff members so that I understood the Senator might be interested in modifying or susbtituting an amendment to the one I have.

Mr. LONG. The argument is made, and I suspect it is valid, that the present provision makes the short form too long; this would be a simple checkoff and that is all.

Mr. HUMPHREY. The formula would designate where the funds would go; is that not correct, as the formula is prescribed in present legislation.

Mr. LONG. Yes.

Mr. HUMPHREY. So what we would be accomplishing is to get the form simplified, and have just the checkoff on it, so that there is every opportunity for the taxpayer to see it and make his contribution.

Mr. LONG. And we quit confusing people. Rather than saying both Democrats or Republicans are the party of one's choice, the taxpayer just makes a check on the tax return and in that way we can eliminate all the private contributions, which is the way it should be done, in my judgment, Senator. I have had the amendment prepared——

Mr. HUMPHREY. May I say that I would like the Senator to offer it as a modification.

Mr. LONG. Mr. President, I offer this amendment to the Senator's amendment and hope that the Senator can so modify it and accept it.

Mr. HUMPHREY. I am familiar with what the Senator is advocating and would be more than pleased to accept the modification.

Mr. LONG. Let me make the point that this neither increases nor reduces revenues to the Government.

Mr. HUMPHREY. That is correct.

Mr. LONG. I send the amendment to the desk.

The amendment reads as follows:

At the end of the bill add the following:

SEC. 3. (a) Section 6096 of the Internal Revenue Code of 1954 (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out the first sentence and inserting in lieu thereof "Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a)."

(b) Section 9006 of the Internal Revenue Code of 1954 (relating to payments to eligible candidates) is amended to read as follows:

"SEC. 906. PAYMENTS TO ELIGIBLE CANDIDATES.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall, from time to time, transfer to the fund an amount equal to the sum of the amounts designated (subsequent to the previous presidential election) to the fund by individuals under section 6096.

"(b) Transfer to the General Fund.—If, after a presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) Payments from the Fund.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) Insufficient Amounts in Fund.—

"(1) If at the time of a certification by the Comptroller General under section 9005 for payment to eligible candidates of a political party, the moneys in the fund are insufficient to pay to all eligible candidates the amounts to which they are then entitled (as determined by the Secretary after consultation with the Comptroller General), payments to each eligible candidates shall be reduced pro rata, and the amounts not paid at such time shall be paid when there are sufficient moneys in the fund.

"(2) If, at the close of the expenditure report period, the moneys in the fund are not sufficient to satisfy the unpaid entitlements of all eligible candidates, the balance in the fund shall be paid to eligible candidates in the following manner:

"(A) For the candidates of a major party, compute the percentage which the number of popular votes received by the candidates for President of the major parties is of the total number of popular votes cast for the office of President in the election, and divide such percentage by the number of major parties.

"(B) For the candidates of a minor or new party, compute the percentage which the popular votes received for President by the candidate of such party is of the total number of popular votes cast for the office of President in the election.

"(C) Pay to the eligible candidates of each party the same percentage of the amount of the money in the fund as the percentage obtained under subparagraph (A) or (B) for candidates of such party."

The PRESIDING OFFICER. The amendment of the Senator from Minnesota (Mr. HUMPHREY) is modified accordingly.

Mr. LONG. The checkoff is available to the taxpayer. We place it where we intended it to be all the time, hopefully on the front of the return so that everybody will know where it is.

The way it stands now, H. R. Block charges $1.40 to fill out this separate form for someone, which is supposed to cost him nothing. So that in order to contribute $1 of his tax money, which is not supposed to cost him anything additional in the first place, in order to help take private contributions out of a Presidential campaign, it costs the taxpayer $1.40 to indicate that he wants to help make politics clean.

Mr. PASTORE. Mr. President, I quite agree with what the distinguished Senator from Louisiana (Mr. LONG) has said. As a matter of fact, I think we made a grievous mistake when we allowed the designation of different parties. Its purpose, of course, was to promote the best qualified President of the United States. All we were trying to do was to stipulate a formula whereby the major parties would be participants and also those who had a certain number of votes in the past that would qualify them. The limitation is $20 million for any candidate and once he exercises that, that is all he can spend. He cannot raise another nickel. If there is not enough money and he can only draw $17 million, and he chooses to take that, all he can do is raise privately $3 million. That is the way it should be. This is the general fund. It is very simple, if we adopt this amendment being proposed by the manager of the bill.

Mr. HUMPHREY. The amendment is thoroughly desirable. I knew that the Senator from Louisiana had this in mind. He is the "daddy" of this proposal. Between the Senator from Louisiana and the Senator from Rhode Island, with myself, hopefully, as a sort of catalyst, I hope that we can get this amendment adopted as modified.

Mr. JAVITS. Mr. President, I have no illusions about whether this will fully finance a campaign or not, but I think it is the right track, just as the idea of shortening the campaign is the right track. I hope that we will ultimately—and this goes especially to my beloved friend from Rhode Island—now do something about the fantastic costs of radio and television which has been breaking the backs of every candidate in terms of the campaign.

Mr. PASTORE. And leading to corruption.

Mr. JAVITS. Exactly. So this is the right idea and the right direction. It is an ingenious idea, indeed, and I shall support it.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, I yield back whatever time remains to me.

Mr. DOMINICK. Mr. President, I call up my amendment in the nature of a substitute.

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER (Mr. HARTKE). The clerk will report the amendment.

Mr. HUMPHREY. Might I ask the Senator—will he yield to me?

Mr. DOMINICK. I yield.

Mr. HUMPHREY. Is this amendment in the nature of a subtsitute?

Mr. DOMINICK. It is.

Mr. HUMPHREY. To the amendment as modified?

Mr. DOMINICK. No; it is a total substitute.

Mr. HUMPHREY. For what?

Mr. DOMINICK. As soon as the clerk reports the amendment, I will be glad to tell the Senator.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. I would like to ascertain whether the yeas and nays were ordered on the Humphrey amendment as modified, as requested.

The PRESIDING OFFICER. Yes. The yeas and nays were ordered.

Mr. McCLELLAN. I thank the Chair.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

In lieu of the language contained in the Amendment, insert the following: "That subtitle H of the Internal Revenue Code of 1954 (relating to financing of Presidential election campaigns) is hereby repealed. Any amounts in the Presidential Election Campaign Fund established under section 9006 of such code shall be transferred to the General Fund of the Treasury on the day after the date of enactment of this Act."

Mr. DOMINICK. Mr. President, I will say right now that——

The PRESIDING OFFICER. May the Chair inquire of the Senator from Louisiana whether he yielded back his time on the Humphrey amendment?

Mr. DOMINICK. I understood that he had.

Mr. LONG. Mr. President, in view of the fact that a substitute has been offered, I think it would be appropriate to do so, and I therefore yield back my time.

The PRESIDING OFFICER. All time has now been yielded back on the Humphrey amendment, as modified.

The Senator from Colorado may proceed.

Mr. DOMINICK. This happens to be similar to a bill I put in with eight cosponsors before, and conforms to the statements I have made before on this particular subject. I have had considerable debate with the distinguished Senator from Rhode Island on it on past occasions and I think it is time now that we took it into account once again.

I would say to my distinguished friend from Louisiana that I was not going to bring this up if it had not been for the fact that the Senator from Minnesota (Mr. HUMPHREY) brought up his amendment. In view of the fact that he has worked in the same area, it seemed to me only proper that we get some kind of feeling in the Senate about this proposed—it is not proposed—it is in effect now—this law, or the so-called tax check-off, and I think we should ask for the yeas and nays on my substitute now while we have enough Senators in the Chamber.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I want to go through some of the history on this first before I yield, and then I shall be happy to yield to the Senator from Rhode Island.

Mr. President, the original bill on the tax checkoff idea was proposed and put into law. It was proposed by the Senator from Rhode Island and he put it into law back in 1969, I believe it was—or 1968, I have forgotten which. In any event, in 1969, led by the Senator from New York, Robert Kennedy at that time, it was repealed by the Senate. Senator Kennedy pointed out and quite properly that, first of all, this was giving to the taxpayer the right to earmark what his own tax funds should be used for, without any direction whatsoever from Congress, that Members of the Senate in supporting this kind of idea would, in effect, be setting a precedent so that any person paying taxes could designate what his taxes were going to be used for. To the extent that we continue that—and I might say we put it in again—the desire of it was, as I recall, to have it in effectively for the 1968 convention—for the Presidential election, and it was finally put over, so it became effective after that, and I believe it has raised only some $4 million to date.

The fact of whether or not it has yielded any money really is not important. There are a number of basic objections to the law.

First, the distinguished Senator from Rhode Island, for whom I have considerable admiration, even though I do not always agree with him, held practically no hearings on this bill, particularly after the time the Senate repealed the law as it was in effect originally.

Second, we are establishing a precedent, as I have said, so that any taxpayer can use any of his money for the purpose he decides it ought to be used. To the extent that you reduce the revenues by this method, you are reducing the available funds for the purpose of the very necessary programs for which we need money, and are saying that we are going to use it for political purposes instead.

It strikes me that the minute you get into that, you get into total public financing, and you have not saved any money. This does not apply to primary elections.

As I heard the Senator from Minnesota say earlier today in a conversation, one of the great expense items that any person has—and he should know, because he went through this in running for the Presidency—is in the process of trying to go through the primaries. This does not apply to any Presidential primary. So that those people who get beaten after that, at that point are going to be obligated to take care of their past due bills; or, if they win, they have to raise the money from the same people from whom you are supposedly saving them by the tax checkoff. So that what you have done, in effect, is to say that the primaries are going to be taken care of by the private interests, and then when you get to the general election, the public is asked to take care of the bill on that.

Therefore, it does not save money; it does not cut down on money; it doubles the amount of money, if it does anything, because where you have your initial expense item and your most important expense item is probably in the primaries and getting ready for the national convention.

Third, you have to make a choice, under the tax law, as to whether you are going to use public money or private money. Then you have to stay within whatever public money is available, I gather.

Let us suppose you do not. Let us suppose you have a reelection committee which goes far beyond the amount of money you have, and suppose that man is elected President. Who is going to sue him? What taxpayer is going to come in and say at that point, "You have to pay back those revenues"? Or, let us say he turns down the money and the other candidate goes on the public funds. Then I can see all kinds of demagoguery going on, with one person saying, "You're using the tax funds of the country for your own political benefit"; and I can see the other person, who is doing that, saying to the other fellow, "You're doing nothing but being supported by the fat cats."

I think that one of the most important things that is going to come out of this is exactly what Senator Robert Kennedy said: You are going to find that to the extent that you go through this way, through the coordination of the national committees and their being able to determine who is going to get this money by the influence they have, you are going to have more and more centralized control, on a party situation, as to who is going to be running for President.

There are many other things. I am not going to take too long, because I think these things raise the issue rather calmly and clearly.

What I am trying to do is to repeal the whole tax checkoff law. If we are going to go to public financing, let us have hearings on it; let us decide what we are going to do; let us decide how we are going to go; and let us not just go along in this process of saying we are going to have a tax checkoff and make the taxpayers think they are saving money, when the fact is that it is going to cost them more in the long run than it did before.

I would say that we have one other question which has not been dealt with in this law. I do not know whether it ever will be dealt with. If you raise only $1, who is going to question the constitutionality of the act on a $1 deal? You have to have a pretty wealthy person who is going to do it.

But I would say that it affects the first amendment rights of those who desire to contribute to the amount permitted by other laws. For example, if a presidential candidate decides to go by the method of public financing we are talking about, that prohibits him from accepting money from anybody else. Why? What right is there for Congress to say to any citizen that he cannot contribute to a person running for public office? Yet, that is the effect of what we are doing by the tax checkoff bill as it is now in effect and now written.

It seems to me that it also ignores the right of others who are young and the elderly who pay no taxes. If they do not pay any taxes, they cannot contribute. What in the world do we do about that? That is a constitutional issue, if I ever heard one. You hope to go forward on public money, and that is the route you take; you cut out totally any contributions from the young or the elderly who pay no taxes because they have not made any checkoffs. What do you do about those who pay taxes but do not give a checkoff, such as myself? When we paid our income tax last year, I did not sign any checkoff. I do not like that bill.

I do not think the act is good. I do not think it is constitutional. I do not think we ought to be going this way. I think it is a tragic mistake for our country to take this route down that road, where you are going to say to people that they can earmark what their taxes are going to be used for. I would much prefer to earmark my tax money for the benefit of the blind, for the benefit of those who draw social security benefits, for the benefit of those who need more housing, for the benefit of the poor, rather than I would for someone who is running for the Presidency of the United States. I want to give my own personal funds on that.

Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, who has time in opposition to the amendment?

The PRESIDING OFFICER (Mr. HARTKE). The Senator from Louisiana is in control of time in opposition of this amendment.

Mr. LONG. Mr. President, I should like to expound on one or two points, and then I will yield to the Senator from Rhode Island.

This proposal does not provide an appropriation. It merely permits a taxpayer to indicate a wish. It would have to be followed with an appropriation whereby the funds would be appropriated if we intended to respect the wish of that taxpayer. So the constitutional aspect of this matter, I think, has been resolved a long time ago.

One can say, as the Senator has suggested, that the bill leaves something to be desired. The same is true of any bill. I think it is a good bill, as far as it goes.

To reject this amendment would indicate that we in the Senate have not been impressed one whit by the Watergate scandal. This approach would say, at least so far as the general election of the President is concerned, that both candidates would have the opportunity, hopefully, to be financed by the wish of the taxpayers and by an appropriation of Congress, whereby each would have the same amount of money, the two major parties—with a proportionate amount for a third party, depending upon the number of votes it gets—and every penny would be accounted for. It is not likely that we are going to be hiring burglars or paying people not to tell what they know when called before a grand jury, or paying hush money to individuals involved in crimes, if the money must be accounted for publicly.

In my judgment, Mr. President, time has proved the merit of the approach that we ought to take the Presidency beyond the reach of these private contributions. Admittedly, this does not do it all; but when we Democrats, in conference, discussed this issue, the only thing we argued about was whether it did enough. Far from taking the view the Senator from Colorado has argued, the Senator from Rhode Island knows that there was tremendous persuasion in the Democratic caucus that we ought to go far beyond this. When we discussed this in conference every Democrat thought it should be done. It is very minimal.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the name of Robert Kennedy has been used this afternoon on the floor. I want to say that in my opinion he was a very illustrious Attorney General. He was a dear friend of mine. He was a very eminent Member of this body. I daresay, too, that whatever Robert Kennedy said, when he did say it, was before Watergate; and I daresay that if he had known about Watergate, he would not have said what he said, if he said it at all.

Now, the question has been raised here that we are using public money to finance the Presidency of the United States. The argument made is that we do not do it for the blind and we do not do it for the disabled. I never heard of any corruption among the blind or the disabled.

What we are trying to do is stop corruption, and money leads to corruption. I daresay that if Maurice Stans had not made it his business to raise $50 million by the deadline of April 7, our President today would not be embarrassed, whether or not he is implicated. I pray to God, for the sake of this country, that he was not implicated.

What are we trying to do? We are trying to get the Presidency out of greed, and that is what this amounts to. We passed this law and it was concurred in by the House. Why? Because we felt the time had come when the Presidency of the United States, the prestige of that office, should be lifted out of the cocktail bar, the $1,000 dinner, the $500 dinner, or the $100 dinner. The President should be beholden to no one. No one should have access to the oval room at the White House only because he made a large contribution, and no one should be appointed as an ambassador because he made many contributions. That is all we are talking about today.

What are we saying to the taxpayers? We are saying, "You do not have to do it but if you feel, in order to leave the Presidency unfettered, unbeholden, and a free agent, all you need to do is designate one of your dollars to this fund to elect the President of the United States."

Can anything be worthier than that? Can anything be worthier than to elect a President of the United States who owes nothing to anyone? That is the point here.

Must you do this of necessity? No, you do not have to elect this method if you do not want to. You can go on raising your own money but once you elect to accept this money that is the limit. We should pass an overall ceiling, as has been suggested by the Committee on Commerce or the Committee on Rules and Administration, and there should be some limit on how much you can spend to be elected to an elective body, such as Congress, or the Presidency.

I am telling you, Mr. President, excess money leads to corruption. Today is the second day we have heard a member of the White House implicate a number of people in the White House, right or wrong. I do not know the facts that clearly but I have been listening and watching the television. We heard today time and time again of personalities elected or chosen by the President who have betrayed the President of the United States, and a serious question has arisen as to whether or not the President of the United States knew about it.

All of this could have been obviated. Nixon did not need this money. Nixon did not need this greed on the part of Maurice Stans or John Mitchell. He did not need that at all. I dare say that no Democrat could have beaten him in 1972.

There we are. It was greed, again, that led to the scandal; and today American society is glued to the television sets, listening to the sordid story of a man in the White House who became President, after a campaign, only because money was available. I say this is wrong. It should be eliminated from the electoral scene. I am not predicating it for Senators and Representatives; but for the President, at least, let us keep that office clean. That is all we are trying to do.

When the proper time comes, I shall move to lay the amendment in the nature of a substitute on the table.

Mr. HUMPHREY. Mr. President, I am really sorry that this amendment in the nature of a substitute is before us. There are three men in this body who had the honor to be candidates for President. I am speaking for myself. We should eliminate the most demeaning, the most degrading, the most disgusting part of public office: seeking contributions.

Let us face it. All we are trying to do here is to cleanse the political process. The Senator from Rhode Island, in his eloquent manner, has stated the case as precisely and as movingly as it can be said. Without any regard for the current occupant of the office, let us face it all the way through.

The cost of campaigning has gone up. We can campaign for the highest office in America, and it will cost money. People today believe that taking money carries with it influence and tends to corruption.

We would like to cleanse the stables of the stench that seems to be all through the land. It does not make any difference whether it is a Republican or a Democrat; we are all under suspicion. I think we have got to turn back this amendment in the nature of a substitute because the public expects this body not only to pass a new election law, but also to do something about campaign financing.

What I have said today is just one simple thing to make it possible for people to know that when they pay their income tax, they can set aside $1 as responsible citizens to protect the occupant of the highest office in the gift of the American people.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

I have listened with care to my friend from Minnesota and my friend from Rhode Island. What they are both saying is that they would like everybody to avoid what is improper, but let us not do what the rest of them do.

We are talking about the use of contributions for political purposes. For heaven's sake, what for? Let us grow up. Let us not get into an emotional state because of Watergate. Surely, we all dislike it. But not a single person that is talked in Watergate ever ran for sheriff; has ever done anything in the elective field. So I am not going to be a part of more trouble, and all the rest of it, simply because I bring up an amendment to get rid of what I think is an unconstitutional use of power by Congress.

We have the right to raise taxes and appropriate funds for the general welfare. But whether the general welfare includes general elections for President, on one side or the other, is anybody's guess.

No such cases have been tried in court, as far as I know, and probably will not be. But all we have to do is realize, as the Senator from Louisiana himself said, that it costs $1.40 to raise a dollar, to see that what we are doing is not only giving the taxpayer the ability to say that he is going to earmark his funds for political purposes instead of giving them to the blind or giving them to whatever other program it may be, but it is also costing money to raise the amount of money covered.

The Senator from Louisiana says this is subject to the appropriation process; therefore, we do not have to worry about it because we do not have to do what the taxpayer tells us. Yet we are going out to the taxpayer and saying to him, "Put a dollar in and we will put it into a campaign." The Senator from Louisiana says we do not have to do it. I do not know whether we have to do it or not, but if we do not, we are breaking faith with the taxpayer who has put the money in, and if we do it, we are setting the precedent for earmarking any kind of tax situation we can talk about.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. DOMINICK. I will if I can get 2 minutes.

Mr. PASTORE. We have no time; the Senator does.

Mr. DOMINICK. I yield to the Senator from Kansas.

Mr. DOLE. I think I understand—in fact, I know—it does not cover the cost of the primary campaign. Is that correct?

Mr. DOMINICK. Yes.

Mr. DOLE. In other words, all this we avoid if we are the nominees of the party. Of course, we are subject to getting the nomination.

Mr. DOMINICK. That is correct.

Mr. DOLE. So one can sell his soul in the campaign if he knows he is going to get the nomination and recoup any losses through public money.

Mr. DOMINICK. It seems to me perfectly possible if he could run his campaign for less than the amount of money allocated.

Mr. DOLE. I agree with the Senator from Minnesota that there is nothing more demanding than getting money, because it is not what one knows happens, but what people may think. I agree with the Senator from Rhode Island. As chairman of the National Republican Committee, I think I can say it was never really money that corrupted some of the people around the President; it was power that corrupted those men. As far as I know, none ran off with money.

I think we are going to have to come around to financing campaigns, including perhaps those of Senators and Members of Congress, but I am concerned, and I agree with the Senator from Colorado, that until we can cover the cost of primary campaigns, it seems rather foolish, in a way, to worry about the general campaign.

Mr. DOMINICK. I thank the Senator. I know how hard he worked. Having been chairman of our senatorial campaign committee, I know how hard it is to get money. I know it is not easy. I must say I have not known anybody to come back on me, except someone who contributed perhaps $10, who would then say, "I contributed $10. What can you do for me?"

Mr. President, I yield back my time.

Mr. LONG. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. All time has expired or has been yielded back.

The question now is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK) in the nature of a substitute for the amendment of the Senator from Minnesota (Mr. HUMPHREY), as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. HART), the Senator from Wyoming (Mr. MCGEE), are necessarily absent.

I further announce that the Senator

from Delaware (Mr. Biden), the Senator from Iowa (Mr. Clark), are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis), is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. Curtis), would vote "yea."

The result was announced—yeas 30, nays 62, as follows:

[No. 246 Leg.]

YEAS—30

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Buckley
Byrd, Harry F., Jr.
Cotton
Dole
Domenici
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
McClure
Packwood
Scott, Va.
Stafford
Taft
Thurmond
Tower
Weicker

NAYS—62

Abourezk
Bayh
Bentsen
Bible
Brock
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Eastland
Fulbright
Gravel
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—8

Biden
Clark
Curtis
Goldwater
Hart
McGee
Saxbe
Stennis

So Mr. Dominick's amendment in the nature of a substitute for the Humphrey amendment, as modified, was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. Hartke). The question now occurs on the amendment of the Senator from Minnesota as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. GRIFFIN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. GRIFFIN. Mr. President, I wonder if the Senator from Minnesota wants the yeas and nays.

Mr. HUMPHREY. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. Hart), the Senator from Wyoming (Mr. McGee), are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden), the Senator from Iowa (Mr. Clark), are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis), is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Nebraska (Mr. Curtis) would vote "nay."

The result was announced—yeas 61, nays 31, as follows:

[No. 247 Leg.]

YEAS—61

Abourezk
Bayh
Beall
Bellmon
Bentsen
Bible
Brock
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Eastland
Fulbright
Gravel
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stevens
Stevenson
Symington
Taft
Tunney
Williams
Young

NAYS—31

Aiken
Allen
Baker
Bartlett
Bennett
Buckley
Byrd, Harry F., Jr.
Cotton
Dole
Domenici
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
McClellan
McClure
Nunn
Packwood
Scott, Pa.
Scott, Va.
Stafford
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—8

Biden
Clark
Curtis
Goldwater
Hart
McGee
Saxbe
Stennis

So Mr. Humphrey's amendment, as modified, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I ask unanimous consent that Mr. David Affeldt, the counsel of the Special Committee on Aging, be permitted to be present in the Chamber during the consideration of the amendments I shall offer at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. LONG. I ask unanimous consent that Bill Morris, of the staff of the Finance Committee, be permitted to be present on the floor during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 284

Mr. CHURCH. Mr. President, I call up my amendment No. 284, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> H.R. 8410 is amended by adding at the end of title II thereof the following:
>
> Sec. . It is the sense of Congress that—
>
> (a) the President prepare and submit, not later than September 1, 1973, a proposal to provide for the coverage, under the supplementary medical insurance program established by part B of title XVIII of the Social Security Act, of essential out-of-hospital prescription drugs, and such other proposals as he deems appropriate for the extension of the benefits provided under parts A and B of such title,
>
> (b) the recommendations of the President to increase out-of-pocket payments for the aged and disabled under the health programs established by such title XVIII should be withdrawn.

Mr. CHURCH. Mr. President, this amendment, which is cosponsored by the distinguished Senator from Minnesota (Mr. Mondale), can be very briefly stated. It is a sense of the Congress resolution, and it contains two major provisions.

It expresses the sense of Congress, first, that the administration should submit proposals by September 1, 1973, to strengthen the medicare program and, second, that the administration should withdraw its earlier recommendations which would not only greatly reduce the benefits of medicare, but which would, in fact, actually increase out-of-pocket costs for the aged and the disabled under medicare by approximately $1 billion a year.

Mr. President, Senator Mondale and I are joined in the sponsorship of this sense-of-Congress resolution by the following Senators: Mr. McGee, Mr. Williams, Mr. Huddleston, Mr. Hollings, Mr. McGovern, Mr. Ribicoff, Mr. Hart, Mr. Moss, Mr. Pastore, Mr. Hughes, Mr. Magnuson, Mr. Brooke, Mr. Bible, Mr. Muskie, Mr. Tunney, Mr. Clark, Mr. Abourezk, Mr. Stevenson, Mr. Humphrey, and Mr. Cranston.

Mr. President, in the interest of time, while I have a prepared statement that I can deliver, I am hopeful that the distinguished chairman might find it possible to accept the amendment.

Mr. LONG. Mr. President, if the Senator will not make the speech, I will accept the amendment.

Mr. CHURCH. Very well, that is the best deal I have made all day. I ask unanimous consent that my statement be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR CHURCH

Briefly stated, this amendment—which the Senator from Minnesota (Mr. MONDALE) and I have sponsored—has two major provisions. It expresses the sense of Congress that the Administration:

1. Submit proposals by September 1, 1973 to strengthen Medicare; and

2. Withdraw its earlier recommendations to increase out-of-pocket payments for the aged and disabled under Medicare.

In the Administration's fiscal 1974 budget, massive cutbacks in Medicare coverage were proposed. One such example was to require Medicare patients to pay hospital room and board charges for the first full day, plus 10 percent of all subsequent charges. Now they pay a $72 deductible for hospitalization and nothing thereafter until the 61st day. If the Administration's proposal should become law, out-of-pocket payments for hospitalization for Medicare beneficiaries would be increased by an estimated $345 million for the first six months of 1974. On an annualized basis, hospital charges for the elderly and disabled would be boosted in the vicinity of $700 million. For the 5.4 million Medicare patients who are expected to be hospitalized during fiscal 1974, this added expense could be devastating.

Major cutbacks are also proposed by the Administration for the Part B Supplementary Medical Insurance program. Under the Administration's recommendations, the Part B deductible would be raised from $60 to $85 and the coinsurance charge from 20 to 25 percent. The fiscal 1974 budget also suggests that a new dynamic concept would be built into the Part B deductible. In other words, whenever Social Security benefits would be increased, the Part B deductible would be boosted proportionately. Present law requires an act of Congress to raise the deductible, instead of an automatic adjustment mechanism pegged to Social Security increases.

All in all, the Administration's proposals would saddle the elderly and disabled with added out-of-pocket payments amounting to $516 million for the first six months in 1974. But for a full year, these proposals would cost Medicare patients more than $1 billion.

Practically everyone in the United States wants economy in government. For my own part, I have supported a number of proposals to trim the Administration's overall budgetary ceiling of $268.7 billion.

However, certainly a much better target could have been selected for massive reduction than the Medicare program—a program which in 1974 will provide valuable protection for 23 million aged and disabled Americans. To my way of thinking, the brunt of budgetary cutbacks should not be placed upon the backs of the elderly and the disabled.

They are not responsible for the intensifying inflationary pressures brought about by the colossal failure of phase three.

They are not responsible for the record breaking budget deficits of this Administration—fueled to a large degree by an undeclared war in Southeast Asia, mind boggling cost overruns for military hardware and a mismanaged economy with overly optimistic prophecies.

And it is totally unfair to make them the scapegoats for these policy failures.

On this point, Americans of all ages are in overwhelming agreement. A recent Harris poll made this abundantly clear. Of those interviewed, 92 percent opposed the Administration's efforts to cut back Medicare coverage for the disabled and aged, while only 5 percent supported these policies.

Mr. President, true economic security in retirement can never be fully achieved until we resolve the mounting health care cost problems which impose an intolerable drain upon those living on limited, fixed incomes.

Last month the Senate Committee on Aging—of which I am Chairman—issued an annual report on recent developments in the field of aging.

Perhaps the most significant finding is that the elderly, on a per capita basis, now pay more in out-of-pocket payments for medical care than the year before Medicare became law. In fiscal 1966 they paid $234 from their own resources. By fiscal 1972 that figure had soared to $276, or 18 percent higher than in 1966.

This amount, I should add, does not include the Part B premium charge, which will amount to $75.60 a year for a single aged person, beginning this July.

Valuable as it is, Medicare still only covers about 42 percent of health care costs of the elderly. This figure, however, represents a decline when compared with fiscal 1969. At that time Medicare covered almost 46 percent of the aged's medical expenditures. However, inflationary pressures and gaps in coverage have steadily eroded this coverage.

For these reasons, our amendment also includes a provision which calls upon the Administration to submit its recommendations to cover essential out-of-pocket prescription drugs under Medicare and other proposals to strengthen this vital program.

Mr. CHURCH. I thank the Senator from Louisiana very much.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. MUSKIE. Mr. President, I strongly support the adoption of the Church-Mondale amendment to H.R. 8410.

Average health care expenditures for older Americans now amount to $981 a year, nearly seven times that for persons under 19 and about three times the expenses for individuals in the 19- to 64-year age category.

Today the high cost of health care represents the greatest single threat to the economic well-being of the elderly. Unfortunately illness strikes with far greater frequency and severity at a time in life when those victimized are least able to afford it.

This point was brought home very forcefully during hearings which I conducted—as chairman of the Committee on Aging's Subcommittee on Health Care of the Elderly—on "Barriers to Health Care for Older Americans."

At these hearings, we had an opportunity to hear firsthand from HEW Secretary Caspar Weinberger concerning the administration's rationale for cutting back medicare coverage for the aged and disabled. His line of reasoning was, however, challenged vigorously by every other witness who testified during our initial 2-day inquiry.

A major argument advanced by the Secretary was that cutbacks in medicare coverage were necessary to encourage greater cost consciousness by elderly health consumers. But older Americans living on less than $125 a month certainly do not need this type of "encouragement." They are already struggling to make ends meet, and additional health costs could leave them financially bankrupt. Moreover, it is physicians—not elderly patients—who determine the mode and timing of medical services.

Secretary Weinberger also maintained that increased deductibles and coinsurance charges were necessary to guard against overutilization of health services. However, there is no convincing evidence whatsoever to suggest that the elderly overutilize medical and hospital services. Quite to the contrary, the average hospital stay for aged Americans has declined from 14.1 days in 1967 to 12 days in 1972, for a 15-percent reduction. Older Americans do not derive great pleasure in going to the hospital. Those who are hospitalized are there—almost without exception—because it is necessary, not because they like it.

Secretary Weinberger further argued that recent social security increases would make it easier for the elderly to assume greater "cost sharing" under medicare. Unfortunately he overlooked some very crucial facts. Despite recent improvements in social security, more than 3 million older Americans still live in poverty. And the poverty threshold, I should hasten to add, is pegged at a bare minimum standard: $2,060 for a single aged person and $2,600 for an elderly couple.

Additionally, nearly 11 million older Americans—a clear majority of all persons 65 and older—have incomes below the Department of Labor's intermediate budgets for elderly persons.

Moreover, the Congress never intended to provide the aged with a much-needed social security increase, and then dilute its impact by approving staggering increases in health care costs for the elderly.

Finally, the Secretary maintained that the administration's proposals would encourage the use of alternatives to more expensive forms of institutionalization. But the harsh reality is that these alternatives frequently do not exist. A classic example is home health care which accounts for only about 0.7 percent of all projected medicare payments under part A for fiscal 1973. Furthermore, the estimated payments for fiscal 1973 are expected to be about $3 million below the fiscal 1970 level.

However, an expression of congressional opposition to the administration's proposed cutbacks in coverage is not enough. Efforts must also be initiated, I strongly believe, to improve Medicare by closing gaps in coverage.

Consequently, I am especially pleased that the Church-Mondale amendment calls upon the administration to submit concrete recommendations at an early date—by September 1—for strengthening medicare coverage. Specifically, the administration would be directed to make recommendations for covering essential out-of-hospital prescription drugs.

Prescriptions now constitute the largest personal health care expenditure which the aged must meet almost entirely from their own resources. In fact, drug costs for persons 65 and above are about three times as great as for younger Americans. And for elderly persons with severe chronic conditions—about 15 percent of all older Americans—their prescription expenses are approximately six times as great as for younger individuals.

Today, the threat of costly illness is all too apparent for millions of aged and disabled Americans. That threat—intensified by the continuing upward spiral of health care costs—must be effectively dealt with as soon as possible.

The Church-Mondale amendment which I support, would help meet that threat.

Mr. CHURCH. I yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HARTKE). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 284) of the Senator from Idaho (Mr. CHURCH).

The amendment was agreed to.

AMENDMENT NO. 283

Mr. CHURCH. Mr. President, I call up for consideration in my own behalf and on behalf of Senators MONDALE, KENNEDY, and McGOVERN amendment No. 283.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

H.R. 8410 is amended by adding at the end thereof the following:

Section 1130(a)(2) of the Social Security Act is amended—

(1) by striking out "of the amounts paid (under all of such sections)" and inserting in lieu thereof "of the amounts paid under such section 403(a)(3)"; and

(2) by striking out "under State plans approved under titles, I, X, XIV, XVI, or part A of title IV" and inserting in lieu thereof "under the State plan approved under part A of title IV".

Mr. CHURCH. Mr. President, this amendment has the purpose of exempting the aged, the blind, and the disabled from the requirements of the Revenue Sharing Act, that 90 percent of social service funds be directed to the current welfare recipients.

The primary purpose of social services for the elderly and handicapped is to prevent dependency and institutionalization. For many potential welfare recipients, social services under the Social Security Act have enabled them to live independently, rather than being prematurely and unnecessarily institutionalized at a much higher public cost.

However, last year's Revenue Sharing Act reversed a long established congressional policy of making services available not only to persons on welfare, but to those in danger of becoming dependent. Instead, the act established new eligibility requirements that at least 90 percent of a State's allotment had to be spent on current welfare recipients.

Six categories were exempted from the 90–10 ratio, but services to the aged, blind and disabled were not included. Moreover, nowhere near 90 percent of funding for social services for elderly and handicapped persons had been directed toward welfare recipients. In fact, a substantial portion had been targeted to nonwelfare recipients to prevent them from slipping into a dependency status.

One of the most immediate effects of this 90–10 limitation has been a widespread reduction in services for the low-income elderly, blind, and disabled who are not on welfare. On this point, the National Council on Aging stated that this provision "will virtually eliminate programs designed to prevent dependency and institutionalization of our older people—resulting eventually in a higher cost to the taxpayers."

My amendment, however, can help to correct this situation by allowing communities to provide increased services to the low-income aged and handicapped, enabling them to maintain their independence at a minimum public cost.

This provision, I am pleased to say, has the wholehearted support of leading organizations in the field of aging, including the National Council of Senior Citizens, National Retired Teachers Association-American Association of Retired Persons, and the National Council on the Aging.

A similar measure has been introduced in the House by Representative JOHN HEINZ. That proposal has been cosponsored by more than 150 Members, including Representative WILBUR MILLS, the chairman of the House Ways and Means Committee, which means that if we can add this provision to the bill, the likelihood is that we will not be engaged in an idle exercise, but will have every prospect of seeing it written into law in the conference between the two Houses.

So, Mr. President, for these reasons, I urge adoption of the amendment.

I think that this 90–10 ratio has already produced just the opposite result of what was intended when it was first adopted. It is actually driving people onto the welfare rolls, forcing them to be institutionalized in order to secure the services, many of which, like housekeeping services and transportation services, are meant for the very purpose of giving people on low incomes an assist and thus enable them to stay off the welfare rolls.

The adoption of this amendment would give the States and communities more flexibility in the use of these funds. It would not add 1 dime to the total funds available. The present $2.5 billion ceiling in existing law would be left intact, but the amendment would give the States and communities greater flexibility to put these funds to work in a better manner.

For those reasons, I hope that the Senate will adopt the amendment.

I reserve the remainder of my time.

Mr. LONG. Mr. President, this amendment has merit. But the Finance Committee is now right in the middle of its work on social services. We held 4 days of hearings on social services in which we went into all aspects of the program. As we began to consider legislation, we were faced with an immediate deadline: the very restrictive regulations of the Department of Health, Education, and Welfare are scheduled to go into effect July 1. So the committee decided that for immediate purposes we should approve a 6-month postponement in the HEW regulations, and the Senate has overwhelmingly approved the committee provision. When we come back from the recess, the committee will be giving priority to its work on social services, and I believe that what we approve will satisfy the Senator from Idaho and probably do a lot more besides. I would hope the Senator would withhold his amendment until he sees the bill the Finance Committee will soon report out.

Mr. President, this would more appropriately be an amendment on a bill that the House has sent us on which they anticipate we will add welfare amendments. They have informed the committee that they will hold hearings themselves before they meet with us in conference. With all deference to the Senator from Idaho, he is speaking of an area where legislation is indicated and which cannot be achieved here on this bill. It will have to be an amendment to a welfare bill which we would bring before the Senate as soon as we could. But that will have to be after the recess.

I would hope the Senator from Idaho would withhold his amendment. If he insists on pressing his amendment, I would be compelled to oppose it, because we think we can come up with what the Senator has in mind and can do an even better job of it.

Mr. CHURCH. Mr. President, I yield myself such time as I may need.

Let me first say to the distinguished chairman that I have great respect for him and the other members of his committee. I know they are undertaking to look into the effect of this 90/10 ratio across the board. I am certain that the committee will come up with recommendations that I could wholeheartedly support.

Furthermore, I want to commend the chairman on the fact that he is undertaking to postpone implementation of the social services regulations for 6 months.

But the fact remains that the 90/10 ratio will not be postponed. It is in effect today. It is part of the law today. It has been operating, for months now, in the various States.

If one thing is clear, it is that this ratio straitjackets the States and communities in such a way that it is clearly a proven mistake. The Senator himself indicates as much when he says the committee will review the whole question and come forward with recommendations.

I am asking for only one thing, which I am sure the committee will recommend in due course, but which I am equally sure we should do tonight, and that is simply to exempt from the 90–10 ratio the aged, the blind, and the disabled. We know that this will be done sooner or later. We do not have to wait. Chairman MILLS on the House side indicates that he favors this change in the law, since it is causing such difficulties throughout the 50 States.

Since this particular change has had the endorsement of all the organizations that represent the aged, the blind, and the disabled, I should think that the chairman might accept this limited revision, which would interfere in no way with the more comprehensive examination of the whole question that the committee will make at a later date.

That is the basis of my plea tonight. It is fully justified, and I would hope that the Senator from Louisiana would accept my amendment.

Mr. LONG. I regret that I cannot support the amendment for the reasons I have already set down. I think that we can bring before the Senate an improvement over what the Senator is proposing here. We will be able to look at all the facets of the problem. While I appreciate the Senator's good intentions, I am willing to abide by the judgment of the Senate on this matter.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the amendment of the Senator from Idaho (Mr. CHURCH), No. 283.

The "Noes" appear to have it——

Mr. CHURCH. Mr. President, I ask for a division.

The PRESIDING OFFICER. A division is called for.

On a division, the amendment of the Senator from Idaho was agreed to.

AMENDMENT NO. 288

Mr. STEVENSON. Mr. President, I call up my amendment No. 288.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

At the end of the bill, add the following new section:

SUSPENSION OF DISC BENEFITS

SEC.   . Section 993(c)(3) of the Internal Revenue Code is amended by striking out the first sentence and inserting the following in lieu thereof:

"If the President imposes export controls under the authority conferred upon him by section 3(2)(A) of the Export Administration Act on any property described in paragraph (1), he shall by Executive order designate the property as in short supply, and that designation shall remain in effect throughout the period during which such export controls are in effect. If the President determines that the export of any property described in paragraph (1) exerts serious upward pressure on the domestic price of that property, he may by Executive order designate the property as in short supply.".

Mr. STEVENSON. Mr. President, at 5 o'clock today, the administration announced that it was proposing controls on the export of soybeans, processed soybeans, cottonseed, and cottonseed products. At that point, the administration placed itself in an anomalous position. It is on the one hand controlling the export of certain commodities, and on the other hand it is encouraging the export of the same commodities at taxpayers' expense.

The Revenue Act of 1971 established a system whereby all exporters of U.S. products can obtain tax advantages by establishing subsidiaries called DISC's. The purpose of a DISC system is to encourage exports. Under present law, the President is permitted but not required to suspend these DISC benefits to encourage the export of commodities if the supply is insufficient to meet the requirements of the domestic economy. The authority of the President has not been exercised.

On June 25, Director Dunlop of the Cost of Living Council testified before the Senate Banking Committee that earlier this year the Council had asked the Treasury to consider the possibility of suspending DISC benefits for a number of commodities which have experienced serious domestic price increases, including soybeans, animal feeds, and steel scrap, but that Treasury is still studying the matter. Despite the fact that the President on June 13 requested from Congress "on an urgent basis" new authority to impose export controls on "animal feedstuffs and other grains," he has not exercised his authority to suspend the tax break enjoyed by companies who export those commodities through DISC's.

Mr. President, I see no reason why the Government should operate at cross purposes with itself, encouraging exports of a commodity through tax breaks on the one hand, and on the other trying to combat inflation by curtailing the exports of the same commodities.

This amendment would require the President to suspend the DISC benefits for any commodity whenever the export of that commodity was restricted pursuant to the provisions of the Export Administration Act.

The amendment would also permit the President to suspend DISC benefits whenever he found that the export of a commodity would exert serious upward pressure on the domestic price of that commodity.

Mr. President, the short of it is that this amendment would eliminate that anomalous position—the administration on the one hand controlling imports and on the other encouraging, at taxpayer expense, the export of the very same commodities.

I urge the adoption of the amendment by the Senate.

Mr. LONG. Mr. President, what the Senator is recommending is something the President may do, anyway. The President has the power to do it.

This would be a tax increase, if it is votéd. While it does have merit to recommend it, I have been hopeful—and am still hopeful—that we can keep tax increases off the bill. I am going to vote against the amendment.

Incidentally, it is planned that the foreign tax provisions will be on the trade bill, so that the appropriate bill for this amendment will be here in short order, and we will have a chance to act on it sometime shortly after the August recess. I hope we postpone consideration until that time, and let us act on it in connection with the proper bill, if the President indeed has not taken care of the problem before then.

I am willing to abide by the wishes of the Senate in this matter. If there is no request for additional time, I yield back the remainder of my time.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. STEVENSON. Mr. President, this is not a tax increase amendment. It is a tax decrease amendment. As a matter of fact, taxes are being raised to encourage the export of certain commodities, including soybeans and cottonseed. Taxes are raised to encourage exports at the same time the President is using the authority he now has to control the exports of the same commodities. That makes absolutely no sense.

Hearings have been held on this subject. They have been held by the Committee on Banking, Housing and Urban Affairs. No witnesses before that committee could defend this indefensible policy. This amendment would eliminate it. I see absolutely no reason for delaying it.

Mr. President, if the chairman yields back his time, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. HART) and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The result was announced—yeas 34, nays 59, as follows:

[No. 248 Leg.]

YEAS—34

Abourezk
Aiken
Bayh
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Hartke
Hatfield
Hathaway
Huddleston
Hughes
Humphrey
Jackson
Kennedy
Mansfield
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Proxmire
Ribicoff
Schweiker
Stafford
Stevenson
Symington
Tunney
Williams

NAYS—59

Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Gurney
Hansen
Haskell
Helms
Hollings
Hruska
Inouye
Javits
Johnston
Long
Magnuson
Mathias
McClellan
McClure
Montoya
Nunn
Pastore
Pearson
Pell
Percy
Randolph
Roth
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—7

Biden
Clark
Goldwater
Hart
McGee
Saxbe
Stennis

So. Mr. STEVENSON's amendment (No. 288) was rejected.

Mr. CRANSTON. Mr. President, I call up an unprinted amendment, as sent to the desk and modified.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

> H.R. 8410 is amended by adding at the end of the bill, the following new subsection:
>
> SEC. 210(c). Section 401 of the Social Security Amendments of 1972 is amended by striking out "January 1972" wherever it appears and inserting in lieu thereof "January 1973."

Mr. CRANSTON. First, Mr. President, let me say I am delighted that the Senator from California (Mr. TUNNEY) has joined me as a cosponsor of the amendment.

By way of brief explanation, section 401 of Public Law 92-603—which most of us recall as H.R. 1—relates to the limitation of fiscal liability of the States for State supplementation—upon implementation of the supplemental security income program—SSI—in January of 1974. Section 401 is the so-called hold-harmless provision.

This provision was included in the Social Security amendments to encourage State supplementation of the Federal floor established by the SSI program, to the presently existing benefit levels—so that no aged, blind or disabled assistance recipient would suffer reduced benefits as the result of the new Federal program. This would be accomplished by holding the States "harmless" for costs over the January 1972, levels.

Unfortunately, this provision, in an estimated 15 States, will have a very counterproductive effect on the recipients of aid to the aged, blind and disabled—because the benefit increases by the States during calendar year 1972 will not be "held harmless" under the existing provision.

For example, in my home State of California benefit levels increased $17 from January 1972, to January 1973. This $17 increase consisted of a $12 benefit increase—an attempt to pass along some of the benefits of the 20-percent social security increase to public assistance recipients, and a $5 cost-of-living increase.

If the "hold harmless" date of January 1972 is retained, this $17 increase will not be included in the limitation on State liability under the SSI program, contained in section 401 of the Social Security amendments.

The result will likely be a reduction in benefits to the over 500,000 California aged, blind, and disabled assistance recipients equal to the 1972 increase, and the same is likely to occur in a number of other States.

The committee chairman feels that the States will act to prevent a reduction in payment that may occur in some States. It probably will not in some. Such an effort is underway in California, but I am not sure it will succeed. Therefore, I am proposing this amendment to protect the people in those States where such action would take place.

This amendment will change the hold harmless date to January 1973—thereby covering the calendar 1972 increases which States have enacted. These increases enacted during calendar 1972 are not abusive actions designed to inequitably increase State assistance in the implementation of the SSI program—rather they are increases enacted in many States in an attempt to mitigate the effects of spiraling inflation on elderly, blind, and disabled public assistance recipients.

Mr. President, this amendment is essential to insure that no aged, blind or, disabled person suffers a benefit reduction as the result of H.R. 1 and the implementation of the SSI program.

I would hope that the distinguished chairman of the Finance Committee could take this amendment to conference with the House. I believe it is a measure designed to make more equitable the effects of the SSI program—particularly with regard to those States which have attempted to be most responsive to the needs of some of the least fortunate among us.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield.

Mr. PASTORE. Mr. President, this amendment has considerable merit. As to the timing and as to the place, that is something that can be debated. The fact still remains that when we raised the social security limitation, many of the States, in order to implement it and bring it up to the standards for those who had been receiving aid, the blind, and those enumerated by my colleague from California, had to go along and supplement the payments they were making in these categories.

As a result of that law, we find that in some States the tab will be $2.6 million. New York's will be considerably larger. California's will have a considerably larger amount. I recognize that the tab on this will run up to $400 million. Whether or not that should be undertaken on this bill, I am not prepared to say. But the amendment has considerable merit, and I sincerely hope that the amendment would be taken to conference, so that the matter could be kept alive. If it is felt that further hearings should be held, that could be done through due process.

But we have to remind ourselves that this was a humanitarian effort on the part of the States to enable them to help those who are in these categories—the aged and the blind.

The reason why I say that is that we did increase social security benefits. If we stayed by the old standard, many of those people would have had to take a reduction in order to get the benefit of an increase. That is why the States, out of their own generosity and compassion for the people who are blind and aged, came in and implemented what we had done by social security.

I hope that that will be given serious thought. I realize that the cost will be about $400 million. But the fact remains that there is tremendous merit to it. I hope that the amendment would be taken to conference, where the problem will be given further study.

Mr. CRANSTON. I am delighted to have the support of the Senator from Rhode Island.

I now yield to the Senator from New York. I am pleased to add Senator JAVITS as a cosponsor of this amendment.

Mr. JAVITS. Mr. President, the Senator from Rhode Island (Mr. PASTORE) has stated clearly what is the State's responsibility. Instead of penalizing them, we should at least keep them whole, and that is what the Cranston amendment seeks to do.

One of the problems of decentralizing responsibility after 30-some years of centralizing is our worry as to whether the States will realize what will happen. When the States add to their responsibility. I am for decentralizing, with the assurance that they will meet their responsibility. That is all the more reason for saving or leaving whole what we want them to do. So I hope the Senate will adopt the amendment.

Mr. LONG. Mr. President, in the committee bill, the committee amendment provides $400 million to help the poor who have been under the social security program. An overwhelming number are receiving social security money, as well as public welfare money, that benefits the poor people in every State in the Union.

By contrast, the amendment of the Senator from California would cost $400 million in 28 States which have been providing no benefits at all—neither to the people nor to the States. So about half of the States would get the money.

Furthermore, the people would not be benefited, but State treasuries would be. New York would get $140 million and California would get $100 million of the $400 million. So those 2 States would get $240 million of the $400 million—about 60 percent for 2 States. The majority of States would get no benefit whatever.

Mr. President, we have provided what will be a considerable assist to the States under present plans, because they notified us they were planning to subsidize the social security program by some $150.

We now push our payment up to $140, $10 more for every one of those recipients. That raises by $10 the amount they will find necessary to supplement those people. We have not up to now made them supplement the payments. That is what they did. They recognized that they should, and they did.

We have left it very substantial for them, as we have for all of the 50 States in the Union, with what we have done in the bill with the $400 million. What he proposes to do with the $400 million would not benefit the people. It would not benefit the majority of the States in the Union. The States that benefit are saving 60 percent of the funds, but the majority of them, will save no funds.

Mr. President, I do not think there is any need for that type of arrangement. There may be some other way in which we can help California and New York with their problems. When some welfare reform bill comes along, perhaps we can find some way to help them with their problems. I do not think that this amendment should be added to the bill. Frankly, if we were to add something of this sort, the other 28 States would not be benefiting. I would certainly have to insist that the bill go over until tomorrow to find a way to give a chance to the States that are being left out. Under the circumstances, I do not think that we should add the amendment to the bill.

Mr. PASTORE. Mr. President, the trouble here is that the cutoff was January 1972. In my State, the blind and the aged are not living in luxurious circumstances. They need to have a supplement. We went ahead in October of 1972 and raised the category of those that were in that allotment. That was not done to let them buy new Cadillacs. It was done to let them change from dog food to hamburgers.

That was an act of charity. Because we have done that, the Federal Government cannot discriminate in our favor. That is the point that we are trying to establish here today.

In some States the cost of living is much higher than in other States. Rents are much higher. For that reason we have to supplement and implement what was already given to them from a Federal grant, so to speak. Of course, it goes to the poor, unless the States get the money and are made whole. The only way they have to balance the budget would be to give away what they have gained. That would be disastrous.

We have tried in many States to raise the benefits to the point that people could get along.

I realize that a social program is not a popular program. I realize how people feel about it.

We are talking about the aged and the blind. Certainly people walking around with a white stick are not taking advantage of the people or of the Government.

What we are asking for is compassion at this juncture. If the Senator will agree to take the amendment to conference so that we could keep it alive, if we could get the assurance that at some future date we could have our representatives come down and testify, we would be satisfied.

Mr. PACKWOOD. Mr. President, let us put this in perspective. No one will get any money out of this. The blind and the disabled will not get a dime more.

Mr. PASTORE. The Government might have to take it over.

Mr. PACKWOOD. Now that we have amended the bill, no one will get any less money than he is now getting.

Mr. PASTORE. The Senator is correct.

Mr. PACKWOOD. If we pass the amendment, all we will have to do is that the Federal Government will pick up the cost, the $400 million that the States are picking up to pay to the people in order to have them live above a minimum level.

The revenue sharing measure that we passed last year enables some States to make a profit. I understand that the State of California has a $800 million surplus this year. I do not think that it is incumbent upon the Federal Government to pass this measure. If we pass this, it goes right to their treasury.

Mr. PASTORE. The whole purpose of the law was to let the States have the responsibility. But we cut it off when there is an inequity.

Mr. PACKWOOD. That was not the purpose. The purpose was to set a minimum floor. But we have raised it now to $140 for an individual. That is all we promised. Every State had enough money with two exceptions—California and New York. From what they saved from what we picked up of the States' share, they are making more money under the State plan.

Now, after we have saved the States $1 billion in picking up this total that has been freed from the States, the States no longer have to pay that because we pick it up.

Under the pending amendment they want us to pick up another $400 million.

Mr. PASTORE. But the cutoff date is January 1972. That is when the harm was done.

Mr. PACKWOOD. There was no harm.

Mr. PASTORE. This money was paid in order to equalize the burden. We did recognize that the people needed the money. We found that after we had the increase, we had another category. The blind and the aged were a little out of whack.

They are now saying that in a backward State—and I do not want to name any—$140 is enough, because the money will give the people who receive it enough to live, even though it might cost $150 to live.

Mr. PACKWOOD. But if we pass this bill, they would not get any more money.

Mr. LONG. The poor would not get a bit more. Prior to the time the new SSI goes into effect, the Federal Government is paying half of Rhode Island's cost. Under this bill, we pay the first $140, so Rhode Island will pick up about $50 more. With 50–50 matching now, the State has to put up half of the cost.

Mr. PASTORE. I do not mean any impertinence. But how did it affect Louisiana? What was it before and after January 1972? Was it $140? As a matter of fact, the State of Louisiana did not have to pass any law to supplement it.

Mr. LONG. We pay $107 to an aged person with no other income.

Mr. PASTORE. What is the average for Louisiana today? Is it $140? As a matter of fact, Louisiana is making money on the deal and we are losing money.

Mr. LONG. It will go up to $140 next January under the committee bill.

Mr. PASTORE. That is right, it will go up to $140. In Rhode Island, it goes from $140 to $190 in the future under the bill. And that is what I am talking about.

Mr. LONG. Rhode Island, relatively speaking, will save more money than Louisiana will save when the SSI program goes into effect.

Mr. PASTORE. Louisiana has a lot of oil down there. And the Federal Government has closed down our shipyards. We are in tough shape.

Mr. LONG. Mr. President, if we could trade our per capita income with Rhode Island, we would be glad to do so.

Mr. BENNETT. Mr. President, if the Senator will yield, I would like to make a point. We are establishing a principle that the States can take the Federal money, add to it, and come back here a year later and ask that we put up what they have added. The next year they will be back and they will say that they have added more and that we must hold them harmless for what they have done.

We will be asked to go into the business of paying the States for what they have paid.

Mr. PASTORE. What was it before January of 1972 in the State of Utah?

Mr. BENNETT. I do not think that is the point.

Mr. PASTORE. It is the point. Whether one wins or loses is the name of the game. Did the State of Utah win or lose?

Mr. BENNETT. The point is the principle of allowing the States to force the Federal Government to pick up any amount of money that the States add to a Federal program.

Mr. PASTORE. And the Government says to the people of Rhode Island that the floor is $140. The Federal Government is clipping them for $50. And when the Government says to Louisiana that it is giving them $140, it means that it is giving them a profit of the difference between $107 and $140. The Senator does not have to tell me about discrimination.

Mr. LONG. Mr. President, it is not too difficult to see that under the committee bill the Federal Government will pay the first $140. Under present law, we were going to pay the first $130. However, under the committee bill, we will pay the first $140.

Of course, if those people are drawing social security payments, they are permitted to keep $20, and that means a guaranteed monthly income of $160. Then, with the food stamps provided in the Senate agriculture bill, it would make it about $175. The States of Rhode Island, California, and New York would be tremendously benefited by what we are doing.

We were putting up 50 percent in those States. Now we are going to be putting up 100 percent of the first $140. All the States are benefiting, they are all getting helped. California has a $800 million surplus, but they naturally want to replace State money with Federal money. Louisiana does not have any surplus. We think that we have done about everything that we can do now for California and everybody else in the committee bill.

With all due deference, Senator, if you cannot find a way to spend $400 million for a majority of 50 States, I will tell you right now, I doubt that the Senate is going to agree to it.

Which are the States that will not benefit? The States now paying less than $140. The amendment will not benefit one poor person. They would get just as much without the Cranston amendment as with the Cranston amendment. Not one nickel goes to the poor under the amendment.

Under the amendment, what States get the most in the Nation? The richest, not the poorest. Let me just call off those 28 States who will get nothing, if we vote to benefit the wealthiest States of this

Nation. I am glad they are wealthy; I am just sorry there are not more of us here that are.

Here is the list: Alabama, Arizona, Arkansas, Florida, Georgia, Hawaii, Iowa, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wyoming.

We will have the privilege of paying $400 million in taxes for the benefit of the wealthiest States in the Union. What kind of sense does that make? If they cannot find some way to put us in on their amendment, we ought to forget about it. We put them in on our committee amendment. It is a case of taxing the poor to feed the rich.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, I would like to go back to Rhode Island. Last year Rhode Island paid $195, the highest, of which the Federal Government paid $197.50, so all it cost Rhode Island is $197.50. This year we pay $140, so Rhode Island is saving $42.50.

We say to them, "You should take care of whatever you want to add to that out of the $42.50." They are saying, "We are going to add to it, so we want you to give us not only the $140, plus what we have added, and leave us the savings we had last year."

It has not cost the State of Rhode Island as much this year as last year.

Mr. PASTORE. But the point is, it has cost Rhode Island something, and it has not cost Utah or Louisiana anything. It is the way you figure the amount of $140. You all took care of yourselves in that Finance Committee. Then what did you do? You left the rest of us out in the cold. That is the question here.

Mr. BENNETT. That is not the question.

Mr. HUMPHREY. What did they do for Minnesota, John?

Mr. PASTORE. I do not have the figures here; I would not be able to answer that question as to Minnesota. But I know what they did for Rhode Island and for Massachusetts. Of course, California and New York will have to speak for themselves.

Mr. LONG. Minnesota does not get 5 cents out of this. All you do is join Louisiana in paying so some States richer than you get something out of a deal where we do not get any benefit at all. Why should we pay for that? [Laughter.]

Mr. HUMPHREY. I just cannot imagine my senior colleague permitting this to happen.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, let me just say that one statement was made which is not necessarily true for my State or other States. It has been said that only the States benefit. It depends on what the State does. If the State acts to fill this gap, then only the State would benefit, but if it does not, then there would be a loss in income to some blind, disabled, and aged people in my State. They will not gain anything, but they might lose something if the amendment is not adopted.

Mr. TUNNEY. Mr. President, Senator CRANSTON's amendment to H.R. 8410, of which I am a cosponsor, will change the effective date of the "hold harmless" provision of Public Law 92–603 from January 1972 to January 1973. The purpose of this amendment is to assist States which have attempted to provide their aged, blind, and disabled with a decent standard of living.

This provision of H.R. 1 was to encourage the States to maintain payment levels at least the same as those in January, 1972. But many States, California being one, increased their base amounts during 1972 as well, due to the tremendous increases in the cost of living. California provided two such increases: One in August of $5 and one in October of $12. The latter was in response to the 20 percent social security increase. Under the existing provisions of H.R. 1, however, California cannot receive any relief from the Federal Government for continuing to increase its efforts to alleviate the plight of thousands of elderly people.

This amendment will allow partial relief by the Federal Government for those States which have provided supplemental increases. I urge that it be adopted.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. CRANSTON. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GRAVEL). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from California. [Putting the question.]

Mr. PASTORE. I ask for a division, Mr. President.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I have an amendment, but I do not know whether the Senator from Louisiana wishes me to submit it at this time or not.

Mr. LONG. Mr. President, I have been urging the Senator to withhold his amendment, hoping that if we could finish tonight, we would take it up as the last order of business.

I know that the Senator from Utah has in mind a proposal which he will present and request a vote on in short order, to simply strike all the amendments and pass the House bill. We will vote on that after we vote on the amendment of the Senator from New York, if we can vote on that tonight.

Are there other amendments which Senators wish to submit tonight? If not, I urge the Senator from New York to proceed with his amendment in question.

Mr. JAVITS. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS' amendment is as follows:

TITLE IV—UNEMPLOYMENT COMPENSATION ACT AMENDMENT

SEC. 401. (a) Section 203 (e) (2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of the enactment of this sentence (or, if later, the date established pursuant to State law), the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof and as paragraph (1) of section 203 (b) did not contain subparagraph (B) thereof.".

(b) Subsection (f) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"Rate of Insured Unemployment, Covered Employment

"(f) (1) For the purpose of subsection (d), the term 'rate of insured unemployment' means the percentage arrived at by dividing—

"(A) the average weekly number of individuals filing claims for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by all State agencies to the Secretary, by

"(B) the average monthly covered employment for the specified period.

"(2) For the purpose of subsection (e), the term 'rate of insured unemployment' means the percentage arrived by at dividing—

"(A) the average weekly number of individuals filing claims for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by the State agency to the Secretary, by

"(B) the average monthly covered employment for the specified period, plus, if State law so provides effective with respect to compensattion for weeks of unemployment beginning after the date of enactment of this sentence (or, if later, the date established pursuant to State law) the thirteen-week rate (as determined under paragraph (3)).

"(3) The 'thirteen-week exhaustion rate' is the percentage arrived at by dividing—

"(A) 25 per centum of the sum of the exhaustions, during the most recent twelve calendar months ending before the week with respect to which such rate is completed, of regular compensation under the State law, by

"(B) the average monthly covered employment as determined under paragraph (2) (B).

"(4) Determinations under subsection (d) shall be made by the Secretary in accordance with regulations prescribed by him.

"(5) Determinations under subsection (e) shall be made by the State agency in accordance with regulations prescribed by the Secretary."

Mr. JAVITS. Mr. President, on behalf of myself, Senator TUNNEY, and other Senators, I introduce an amendment to H.R. 8410 which would permanently amend the 1970 Federal-State extended unemployment compensation benefits law in order to permit 28 States and Puerto Rico to regain or maintain eligibility to compensation benefits which that law provides. It would also make permanent the limited amendments enacted at the close of last year which have enabled eight States to maintain their eligibility to participate in the program through June 30, 1973. The other cosponsors of this amendment are Senators Brooke, Case, Cranston, Hart, Magnuson, Moss, Pell, Ribicoff, and Williams.

If enacted promptly, this bill would enable approximately 30,000 workers now exhausting regular unemployment compensation benefits each week to receive an extra 13 weeks of benefits. The total number of workers who could be helped between now and June 30, 1974, exceeds 1.1 million.

The complete list of the States which will be helped by this amendment is as follows:

Alaska, Arkansas, California, Connecticut, Hawaii, Idaho, Kentucky, Louisiana, Maine, and Massachusetts.

Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, and Oklahoma.

Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Vermont, Washington, West Virginia, and Wisconsin.

The amendment deals with the State "off" and "on" trigger mechanism which determines eligibility for participation in this program. The program on a national basis ended during 1972. However, for sometime thereafter New York and many other States were eligible to participate in the program, because insured unemployment in the State was 120 percent of the rate prevailing in the State in the corresponding period of the previous 2 years, and the State insured unemployment rate was above the trigger rate of 4 percent. But subsequently, despite the fact that the insured unemployment rate in many States remained above the 4-percent level, many States became ineligible to participate in the program due to the 120-percent "off" trigger. In addition, those States in which insured unemployment dropped below the 4 percent and then rose again above that level have been precluded from regaining eligibility for the program.

This amendment would:

First. At the option of every State, permanently eliminate the 120-percent State "on" and "off" triggers. The "off" trigger was eliminated temporarily—until June 30, 1973—by amendments adopted last year. Both the "on" and "off" triggers must be eliminated if States with high unemployment which have triggered out of the program can participate in it again. Also, both the "on" and "off" triggers must be eliminated to protect States in the event that insured unemployment drops below 4 percent and then rises above that figure at a later date.

Second. At the opinion of each State, provide that the exhaustion rate—the number of workers who have exhausted their regular unemployment compensation benefits—will be counted in determining the level of insured unemployment. This same provision was used in the 1971 extended benefits program which the Congress extended last June for an additional 6 months. It is artificial—and really unconscionable—to exclude persons who have exhausted their regular unemployment compensation benefits in determining eligibility for this program.

Third. At the option of each State, eliminate the requirement that a State which triggers out of the program must wait at least 13 weeks before it may requalify. The 13-week waiting period is unnecessary in view of the fact that the insured unemployment rate is computed on the basis of a 13-week running average. The use of a 13-week average is adequate to take care of any problem caused by statistical variation or very shortrun disemployment effects.

Under the amendment, the only test which would have to be met by the States to qualify—or requalify—for an extended benefit period is an insured unemployment rate in excess of 4 percent. Insured unemployment is, of course, always lower than total unemployment: a 4-percent insured unemployment rate may translate into a total unemployment rate of 5.5 percent or higher. As noted, this amendment would require counting persons who have exhausted their regular benefits in determining insured unemployment.

The amendment I introduce today is similar to an amendment actually passed by the Senate last year to the debt-ceiling bill to be effective through June 30, 1973. But in the House-Senate conference on that bill, its impact was drastically reduced when the House-Senate conferees agreed on provisions which eliminated only the 120-percent "off" trigger. When the conference report was considered last year, I and the Senator from California (Mr. Tunney) expressed our concern that the amendment agreed upon by the conference would not really help many of the States which had been triggered out of the program. At that time, the chairman of the House Ways and Means Committee, and the chairman of the Senate Finance Committee assured us on the floor of the House and Senate respectively, that if, this winter, insured unemployment was over the 4-percent level in those States which would have been helped by the Senate version of the amendment, but were not helped under the conference version of the amendment, they would sympathetically consider legislation along the lines of the amendment passed by the Senate designed to help such States.

Mr. President, I ask unanimous consent that excerpts from the Congressional Record of October 18, 1972, containing the statements I have referred to by the chairman of the House Ways and Means Committee and the chairman of the Senate Finance Committee be printed in the Record at this point in my remarks: Congressional Record—House, page H10310; Congressional Record—Senate, page S18646.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Future Review of Unemployment Situation

(Mr. Mills of Arkansas asked and was given permission to address the House for 1 minute.)

Mr. Mills of Arkansas. Mr. Speaker, we are in the closing hours, we hope, of a sine die adjournment, but there is a problem existing in the other body, and I am in hopes that I can clarify the situation to the satisfaction of those who see a problem existing and want to do something about it at this time. I just discussed the matter with two of our very distinguished friends from the other body, Senator Javits from the State of New York and Senator Tunney from the State of California. They are very concerned that there will be a greater degree of unemployment within their States some time during the early part of next year, and that if the House had accepted the Senate amendment on unemployment compensation, their States would have been protected, should that situation develop.

Now they will not be protected, as they know, in the event that there is a rise in unemployment in their States under the language that the House has agreed to that is pending before the Senate.

Naturally, fulfilling their responsibilities as Senators to their constituents, they are most anxious that something be done about it. I want to say this about unemployment in New York State and California, or anywhere else.

If we do have a rise in the rate of unemployment within these States or any other States, I want them to know and I want the Speaker to know and I want the public to know that I would be as much interested in trying to do something for the benefit of those people who are unemployed as they or any other Senators would be interested.

If this situation comes about, I think the proper way to do it is to go back to the temporary unemployment compensation program, as my good friend, the gentleman from Wisconsin, earlier suggested, and determine some more satisfactory method of triggering this program into existence and triggering it off, so that we do not have the anomalous situation existing of high levels of unemployment within a State for 3 or 4 years, but because the unemployment rate is not 120 percent greater than it was in the 2 preceding years, even though it may be at an 8-percent rate, because it was at an 8-percent rate in those years, this programs triggers off. To me that is not right.

I would want to assure them that if they have any fears about my own position, they need not have any fears about my desire to take care of the situation.

I wanted to say that while they were present here on the floor.

Mr. Pickle. Mr. Speaker, will the gentleman yield?

Mr. Mills of Arkansas. I yield to the gentleman from Texas.

Mr. Pickle. The gentleman is mindful of the colloquy we had earlier today. I was not here when the bill, H.R. 16810, was presented to the House. If I had been I would have objected to the manner in which it was presented.

I will say to the gentleman, since I see two of our distinguished colleagues from the other body here in the Chamber, I want the gentleman from Arkansas to know if the bill, H.R. 16810, comes back in a different form from what it was when it passed this House, I will make it quite plain I will object.

Mr. Mills of Arkansas. I understand the gentleman's position. He has made it clear before. I am not talking about that. I am talking about the situation next year. I know the gentleman from Texas would be as sympathetic in that case as I am.

Mr. Pickle. Yes. The present Magnuson bill for States with chronic unemployment will not expire until actually the end of the year, and with the benefits we have been able to give they will go to early spring. But unless we include some other States, some 15 more than we did this afternoon, I will object.

Mr. Mills of Arkansas. What we are talking about is the situation the Ways and Means Committee will look into and try to provide a remedy that will take care of that, and I am satisfied my friend, the gentleman from Texas, would want to do that next year if this develops.

I am sorry my friend, the gentleman from Wisconsin, will not be here with us, but what we are talking about is exactly in line with what he suggested earlier in the day: Let us go back and review the formula we have and make it work more satisfactorily than the present formula works.

PUBLIC DEBT LIMITATION—CONFERENCE REPORT

Mr. LONG. Mr. President, I ask that the Chair lay before the Senate the conference report on H.R. 16810.

The PRESIDING OFFICER (Mr. FANNIN) laid before the Senate and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16810) to provide for a temporary increase in the public debt limitation, and to place a limitation on expenditures and net lending for the fiscal year ending June 1973.

Mr. LONG. Mr. President, during the period that has elapsed, while other matters were transpiring, conferences have been held and the situation has been discussed with regard to unemployment insurance. I am aware of the fact that the chairman of the House Ways and Means Committee has assured the Senators from New York and California that in the event the uninsured unemployment rate in January 1973 in those States should exceed 4 percent—and I would assume the same thing would be true of other urbanized States—and this becomes a problem, the chairman of that committee would propose to offer and support legislation to bring them under the Federal extended unemployment provisions contained on this debt ceiling conference report.

The Senate position, of course, would have brought them into it under the legislation that we sent them, and as far as the Senator from Louisiana is concerned, assuming that he is appointed chairman of the committee at that time, or even if he is not and is the ranking member, he would expect to use his best efforts to see to it that if that type of eventuality should develop, and some feel that it might, those States will receive prompt consideration.

Such a resolution must originate in the House of Representatives. They must send us a bill to afford us an opportunity to act. But I want to assure the Senators from those two States that if this situation should develop, and the House should send us legislation so that we would have the opportunity to act, they would have complete cooperation from the Senator from Louisiana in seeing that it was acted upon promptly.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. JAVITS. Mr. President, I greatly appreciate that. I have every feeling that if we are in that situation, relief will be available to us.

I would bear in mind the injunction of the chairman of the Finance Committee that if such a bill comes over here, I would hope a lot of nongermane amendments are not hung on it, and we would certainly expect to cooperate with him on that, as would, know, the majority leader. The minority lead has given the same assurance, as has the distinguished chairman of the Committee on Commerce (Mr. MAGNUSON).

May I say, too, that in discussing the matter in the House of Representatives, which Representative MILLS did publicly while the Senator from California and I were there, making, generally speaking, in his own words the same statement Representative MILLS emphasized the fact that under these circumstances, with 4 percent uninsured unemployment, he would consider, the so-called 120 percent figure unduly restrictive and would look with great sympathy upon such legislation.

May I have an expression of opinion from the Senator from Louisiana about these things?

Mr. LONG. Mr. President, as far as the Senator from Louisiana is concerned, our bill so indicated. I supported our bill and if I had had the opportunity to bring in a conference report that included New York, I would certainly have asked that this 120-percent trigger should be deleted, or at least modified so that it would not prevent benefits in the fashion it does. If the House will help to solve that problem, the Senator can be sure that, so far as the Senator from Louisiana is concerned, I will help work it out.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. The Senator from Utah just wants to make the record clear that while the chairman has referred to New York and California, this will apply to any State in the Union, if the system adopted should trigger the benefits for that State, and it will not be legislation intended chiefly for the big States.

Mr. LONG. Yes.

The reason why the record might appear to indicate that such a measure is intended for the good of two States is that New York and California would have the greatest number of people involved. But other States are also involved.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart showing the numbers of people and the cost of the Senate bill. This is what we will look at again next year if the situation should require.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TABLE 1.—STATES AFFECTED BY SENATE BILL

State	Number of beneficiaries	Costs (Federal and State share, in thousands)
Alaska	1,100-1,500	$600-$800
Arkansas	2,750	1,000
California	140,000-150,000	80,000-90,000
Hawaii [1]	1,500-2,500	1,000-1,500
Idaho	1,500	350-400
Kentucky	5,000	2,000
Louisiana	6,000-6,500	2,400-2,700
Maine	7,000-8,000	3,000-3,500
Massachusetts	49,000	30,000
Michigan	71,400-97,300	40,700-55,400
Minnesota	11,000-13,000	4,900-5,500
Montana	1,700	435
Nevada	6,700	3,600
New Jersey	80,000-120,000	48,000-72,000
New Mexico	400- 600	200- 300
New York	170,000-200,000	80,000-120,000
North Dakota	1,200	860
Ohio	12,000- 20,000	8,000- 10,000
Oregon	11,000- 14,000	4,000- 5,000
Pennsylvania [1]	22,000- 37,600	11,000- 18,800
Rhode Island	8,000- 9,000	5,000
Utah	1,900	850
Vermont [1]	3,600	2,000- 3,000
Washington	42,000	17,000
West Virginia	1,500	450
Total (about)	650,000-800,000	350,000-450,000

[1] Currently paying (these are costs after State drops below 120%).

Note: Assumes some economic improvement between Oct. 1, 1972, and July 1, 1973, and does not take account of emergency benefits payable under Public Law 91-373. Estimates prepared in consultation with the States. Federal share of cost would be half of total shown.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MAGNUSON. What the Senator from Utah has said is correct. This whole problem has to be a piece of permanent legislation. I think that is what we are shaping up to next year, so that it will apply to any State where there is serious unemployment; because it does not make any difference what State you are in—if you are out of work, you are out of work.

I appreciate the problem, and I want to reiterate that I appreciate the problem that the members of the committee had on this matter with the House. I must say to the Senator from New York and the Senator from California that no one will be stronger in cosponsoring some legislation of this type and helping out than will the Senator from Washington next year.

Mr. JAVITS. If the Senator will yield, I appreciate that, I want to say again that, notwithstanding that the Senator from Washington was included and we were excluded, he fought very hard for us, without any reservation whatever, and that the Senator from Louisiana was willing to exclude his own State, which is going pretty far. I certainly do not think that is necessary.

Mr. President, just to complete the record, I ask unanimous consent to have printed in the RECORD a list showing the States which are covered and those which are not covered.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Oct. 1, 1972-June 30, 1973—States affected (these costs are only the costs of this amendment and do not include the costs of the EB program under Public Law 91-373 as currently operative.)

[States not included in the conference report are in parentheses]

State	Number of beneficiaries	Costs (Federal and State share) (thousands)
Alaska	1,100-1,500	$600-$800
(Arkansas)	2,750	1,000
(California)	140,000-150,000	80,000-90,000
(Hawaii) [1]	1,500-2,500	1,000-1,500
(Idaho)	1,500	350-400
(Kentucky)	5,000	2,000
(Louisiana)	6,000-6,500	2,400-2,700
Maine	7,000-8,000	3,000-3,500
Massachusetts	49,300	30,000
Michigan	71,400 97,300	40,700-55,400
(Minnesota)	11,000-13,000	4,900-5,500
(Montana)	1,700	435
Nevada	6,700	3,600
New Jersey	80,000-120,000	48,000-72,000
(New Mexico)	400-600	200-300
(New York)	170,000-200,000	80,000-120,000
(Ohio)	12,000-20,000	8,000-10,000
(Oregon)	11,000-14,000	4,000-5,000
(Pennsylvania) [1]	22,000-37,600	11,000-18,800
Puerto Rico	(2)	(2)
Rhode Island	8,000-9,000	5,000
(Utah)	1,900	850
Vermont [1]	3,600	2,000-3,000
Washington	42,000	17,000
(West Virginia)	1,500	450
(North Dakota)	1,200	860
(Connecticut)	(2)	(2)
Total	658,550-797,150	347,345-450,095

[1] Currently paying (these are costs after State drops below 120 percent).

[2] Not available.

Note: Assumes some economic improvement between Oct, 1, 1972, and July 1, 1973. Estimates prepared in consultation with The States, Federal share of cost would be half of total shown

Mr. JAVITS. I point out that the list of States not covered includes such sparsely populated States as Montana and Louisiana, which happen to be the States of the majority leader and the chairman, as well as Hawaii, Idaho, Arkansas, North Dakota, and so forth. I thank the Senator from Utah for making that clear. There is no exclusivity about this.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD a list of the States that would benefit under what we were able to work out with the House.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATES AFFECTED BY THE PROVISION AGREED TO BY THE CONFEREES

States	Estimated maximum number of beneficiaries	Estimated maximum total additional costs (thousands)
Alaska	1,100-1,500	$600-$800
Maine	7,000-8,000	3,000-3,500
Massachusetts	49,300	30,000
Michigan	71,400-97,300	40,700-55,400

States	Estimated maximum number of beneficiaries	Estimated maximum total additional costs (thousands)
Nevada	6,700	3,600
New Jersey	80,000–120,000	48,000–72,000
Puerto Rico	33,000–42,000	9,000–11,000
Rhode Island	8,000–9,000	5,000
Vermont	3,600	2,000–3,000
Washington	42,000	17,000
Total	300,000–380,000	160,900–202,100
Federal share		$80,000–101,000

The Presiding Officer. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. Long. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. Bennett. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Despite this history, no consideration whatever has been given to legislation affecting the trigger requirements of the extended unemployment compensation benefits program. Indeed, as matters now stand the following eight additional States, who were benefited by the amendment adopted last year will lose their eligibility to participate in the program, because the amendment is only effective through July 30, 1973:

Alaska, Hawaii, Massachusetts, New Jersey, Puerto Rico, Rhode Island, Vermont, and Washington.

I ask unanimous consent that a table prepared by the Department of Labor showing the status of each State, the number of workers potentially affected by this amendment, and the cost of participation by the States be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE I.—ESTIMATED BENEFICIARIES AND BENEFIT COSTS WITH A 4-PERCENT TRIGGER WITH AND WITHOUT EXHAUSTEES USED IN CALCULATING THE RATE

[Dollar amounts in millions]

	Number of beneficiaries (thousands)		Federal costs		State costs	
	With Exhaustees	Without Exhaustees	With Exhaustees	Without Exhaustees	With Exhaustees	Without Exhaustees
Alabama						
Alaska	5.8	5.8	$1.4	$1.4	$1.3	$1.3
Arizona						
Arkansas	2.5	0	.5	0	.5	0
California	232.4	174.3	62.8	47.2	62.8	47.2
Colorado						
Connecticut	43.6	21.8	14.0	7.0	14.0	7.0
Delaware						
District of Columbia						
Florida						
Georgia						
Hawaii	9.0	5.9	2.9	1.9	2.9	1.9
Idaho	3.4	1.4	.9	.4	.9	.4
Illinois						
Indiana						
Iowa						
Kansas						
Kentucky	3.6	0	.9	0	.9	0
Louisiana	18.6	0	4.5	0	4.1	0
Maine	12.9	9.7	3.0	2.3	3.0	2.3
Maryland						
Massachusetts	105.5	105.5	27.2	27.2	22.2	22.2
Michigan	97.7	48.9	28.2	14.1	28.2	14.1
Minnesota	19.6	7.3	5.1	1.9	5.1	1.9
Mississippi						
Missouri	7.4	0	1.8	0	1.8	0
Montana	4.2	2.3	.9	.5	.9	.5
Nebraska						
Nevada	9.5	9.5	$2.8	$8.8	$8.8	$8.8
New Hampshire						
New Jersey	111.8	111.8	36.1	36.1	36.1	36.1
New Mexico	2.8	1.5	.6	.4	.5	.3
New York	185.4	92.7	53.7	26.8	53.7	26.8
North Carolina						
North Dakota	1.6	.8	.4	.2	.4	.2
Ohio						
Oklahoma	9.2	0	1.9	0	1.9	0
Oregon	11.4	10.5	2.6	2.4	2.6	2.4
Pennsylvania	91.4	53.6	28.7	16.8	23.4	13.7
Puerto Rico	42.3	42.3	8.5	8.5	8.5	8.5
Rhode Island	15.7	15.7	4.5	4.5	4.5	4.5
South Carolina						
South Dakota						
Tennessee						
Texas						
Utah	3.5	2.7	.9	.7	.6	.4
Vermont	3.6	3.5	1.0	1.0	1.0	1.0
Virginia						
Washington	69.8	69.8	20.2	20.2	16.5	16.5
West Virginia	5.7	2.6	1.1	.5	1.1	.5
Wisconsin	5.1	0	2.4	0	1.6	0
Wyoming						
Total	1,135.0	799.9	319.5	224.8	303.8	212.5

Assumptions:

1. The State Unemployment rates are assumed to be the same for FY 74 as they were for FY 73. This implies that the unemployment rates will be higher than would be under the Administration's assumption of continued improvement in unemployment. This assumption was made because of the length of time it would take to make the estimate under the administrative assumption.

2. The average weekly benefit amount is assumed to increase five percent per year. The base is calendar year 1972.

3. The average duration of extended benefits is assumed to be nine weeks except for Puerto Rico where it is assumed to be eight weeks.

4. For those States who do not have a 26 week maximum duration of benefits, the survival rate is assumed to be .95 in calculating the number of exhaustees who would be claimants under an extended benefit program.

5. The difference between the State and Federal shares occur in those States where the maximum regular benefits are longer than 26 weeks thus these States are paying some benefits which would be sharable without the trigger.

Mr. JAVITS. Unfortunately, what the Senator from California and I foresaw last winter came true. In the following States insured unemployment rose above 4 percent this winter, but the States were precluded from participating in the extended benefits program:

Arkansas, California, Connecticut, Idaho, Maine, Michigan, Montana, Nevada, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Utah, and West Virginia.

If the exhaustion rate were counted in determining insured unemployment levels, the following States could also have qualified to participate in the program:

Kentucky, Louisiana, Minnesota, Missouri, and Oklahoma.

In view of this fact, I joined with Senators Tunney, Brooke, Case, Hart, Humphrey, Kennedy, Metcalf, Mondale, Moss, Pell, Ribicoff, and Williams on February 22, 1972, in introducing S. 980, and on the same day, Senator Tunney and I wrote identical letters to Senator Long and Congressman Mills. I ask unanimous consent that the text of our letters be printed in the Record at this time.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., February 22, 1973.

Hon. Russell B. Long,
Chairman, Senate Finance Committee,
Washington, D.C.

Dear Chairman Long: I am sure you will recall our talk and the statements on the Senate floor last October concerning amendments to the 1970 Federal-State Extended Unemployment Benefits Program designed to remove the arbitrary trigger requirements which have disqualified many states from participating in the program. Our information is that at present in the following states, which have been disqualified from the program, insured unemployment now exceeds four percent:

California, Maine, Montana, New York, Nevada, and Oregon.

In addition, the following states are expected to reach the four percent level within the next several weeks:

Arkansas, Connecticut, Idaho, Michigan, New Mexico, New York, North Dakota, Pennsylvania, Utah, and West Virginia.

If those who have exhausted regular benefits are counted in determining insured unemployment, the following additional states would meet the four percent insured unemployment requirements:

Kentucky, Louisiana, Minnesota, Missouri, and Oklahoma.

As the law presently stands, none of these states can regain eligibility to participate in the program with the result that over 22,500 workers in those states are exhausting their regular benefits each week with no right to any extended benefits.

At the time this matter was discussed last year, you were kind enough to assure us that in the event that insured unemployment level was over four percent in those states which would have been benefited from the Senate passed amendment to the 1970 Federal-State Extended Benefits program, but were excluded under the amendment agreed to in the conference on the debt-ceiling bill, you would consider sympathetically changes in the "trigger" criteria in present law to permit those states to regain eligibility to participate in the extended benefits program.

On February 22, together with 11 other senators we introduced a bill, similar to the amendment passed by the Senate last year, which we believe would make the permanent changes in existing law required to permit the states now excluded from the program to regain their eligibility. Our bill would also enable the eight states, namely Massachusetts, New Jersey, Rhode Island, Washington, Alaska, Hawaii, Vermont, and Puerto Rico, which have been able to maintain their eligibiilty because of the amendment enacted last year, to remain eligible beyond June 30, 1973, the expiration date of the amendment. We hope very much that, in view of the numbers of workers immediately involved, and the understanding we reached last year, your committee can give this matter its attention at this time.

With best wishes,

Sincerely,

Jacob K. Javits,
John V. Tunney.

Mr. JAVITS. I further point out that this amendment would not automatically require participation of all the States listed in the table. It would still be up to each individual State, at its option, to enact legislation taking advantage of the liberalization of the trigger requirements provided for in this legislation.

Mr. President, in New York alone, currently close to 3,000 people per week are exhausting their regular 26 weeks of unemployment benefits. The insured unemployment rate is over 3.6 percent and the exhaustion rate is 0.6 percent. Nationally, the current total is approximately 30,000 workers exhausting their regular benefits each week without being eligible to qualify for 13 weeks of extended benefits—all because of the wholly arbitrary triggers in existing law and the exclusion of persons who have exhausted regular unemployment compensation benefits from the definition of insured unemployment.

Last year the administration opposed this amendment, because of its allegedly high cost. I pointed out then, and reiterate now, that although the cost of this program appears as a budget item, it is actually financed entirely out of taxes levied on employers which are paid into trust funds administered by the Federal Government. It is thus highly misleading to characterize unemployment compensation payments as an item of cost to the Federal Government.

Mr. President, in all good conscience we cannot let encouraging news on business front, or our concern with cooling-off inflation, lead us to forget about millions of unemployed workers throughout the United States. The least we can do for the long-term unemployed who, in a sense, are casualties of our fight against inflation, is to reinstate the 13-week extended benefits program in those States where insured unemployment is above 4 percent, even though the level has dropped below that figure briefly in the recent past, and even though unemployment is not 20 percent above the level of the previous 2 years. For far too long our commitment to full employment has been more apparent than real; we ought not to wait any longer to deal justly with the immense human problems caused by the excessive unemployment we have been experiencing, and are still experiencing.

Mr. President, this is a long-standing issue, in which we were frustrated at the end of the last session. It will be remembered that the Senate passed this amendment, essentially, at the end of the last session, and that it was dropped in conference; that there was so much interest in it as to have probably defeated the conference report, but the limitation of time then made us feel that we did not want to be dogs in the manger, and upon receiving the assurances of the distinguished Senator from Louisiana in this body and the distinguished Representative from Arkansas (Mr. Mills) in the other body, that if we had a problem in the winter of 1972–73 they would give us the utmost consideration, and that was stated on the floor—that we could get urgent consideration for this legislation, and it would be put on some other bill.

Well, Mr. President, I am not quarreling about that. We have all lived here together too long, and understand our exigencies too much, to try to carry on an amendment on any such basis as somebody promised me. It should stand or fall on its own merits, depending on the situation which our country faces now. But I only state this as background, to show that this is not some new idea we have brought up, but a matter of the greatest importance.

What it raises is the question of whether the United States, through this legislation, shall assure those who are unemployed beyond the duration of the unemployment period for which they are covered by the normal unemployment compensation an additional 13 weeks—which represents emergency unemployment compensation.

Mr. RIBICOFF. Mr. President, I am pleased to support the amendment to the debt ceiling bill which amends the extended benefits unemployment program. Earlier this year Senator Javits, I, and a number of other Senators introduced this legislation to permanently amend the 1970 Federal-State extended unemployment compensation benefits law in order to permit over 20 States, including Connecticut, to regain eligibility for benefits. Under present law many States have triggered out of the program because of the outdated trigger mechanism.

Until last year unemployed workers were eligible for benefits only if the insured unemployment rate was 120 percent of the rate prevailing in the State in the previous 2 years. This meant that unemployment has to be rising by 20 percent for a State to remain eligible. Another factor also was included in the trigger. A State's insured unemployment rate had to be at 4 percent. But the definition of the "insured" rate raised substantial problems.

Last year we succeeded in eliminating the 120 percent "off" trigger as an amendment to the debt ceiling bill. This meant that States like Connecticut, whose employment rate had stabilized at a higher level, could remain eligible.

But the 4-percent "insured" unemployment rate trigger remained in law and the complex trigger mechanism prevented States like Connecticut from maintaining benefits for long. Today, Connecticut is ineligible for the extended benefits program. The manner in which this trigger operates has seriously hampered the intent of the unemployment insurance program. It looks at the "insured" unemployment rate rather than at the unemployment rate which most people hear about.

The "insured" unemployment rate counts only those people who are unemployed and receiving unemployment insurance benefits. When a person exhausts his benefits he is no longer counted in the "insured" unemployment rate. He loses his benefits, remains unemployed, but the "insured" unemployment rate goes down, giving the impression that employment is picking up.

The amendment we are offering to the debt ceiling legislation would do three things:

First. Permanently eliminate the 120-percent State "on" and "off" triggers. The "off" trigger was eliminated temporarily—until June 30, 1973—by amendments adopted last year. Both the "on" and "off" triggers must be eliminated if States with high unemployment which have triggered out of the program can participate in it again. Also, both the "on" and "off" triggers must be eliminated to protect States in the event that insured unemployment drops below 4 percent and then rises above that figure at a later date.

Second. Provide that the exhaustion rate—the number of workers who have exhausted their regular unemployment compensation benefits—will be counted in determining the level of insured unemployment. This same provision is used in the 1971 extended benefits program which the Congress extended last June for an additional 6 months. It is artificial—and really unconscionable—to exclude persons who have exhausted their regular unemployment compensation benefits in determining eligibility for this program.

Third. Eliminate the requirement that a State which triggers out of the program must wait at least 13 weeks before it may requalify. The 13-week waiting period is unnecessary in view of the fact that the insured unemployment rate is computed on the basis of a 13-week running average. The use of a 13-week average is adequate to take care of any problem caused by statistical variation or very shortrun disemployment effects.

Under the amendment, the only test which would have to be met by the States to qualify—or requalify—for an extended benefit period is an insured unemployment rate in excess of 4 percent. Insured unemployment is, of course, always lower than total unemployment: a 4-percent insured unemployment rate may translate into a total unemployment rate of 5.5 percent or higher. As noted, this bill would require counting persons who have exhausted their regular benefits in determining insured unemployment.

In Connecticut this proposal would restore unemployment benefits to as many as 39,000 unemployed workers. While the economy has improved somewhat since last year, Connecticut still suffers an unemployment state of 5.3 percent. These workers, who have families to support, cannot be expected to wait for a long-run improvement in the economy. They need help now. This amendment would provide that aid.

I hope that our chairman will see fit to accept this amendment. It is obvious we have so much confusion in the whole field of unemployment compensation that the time is here for the Finance Committee really to redo the entire definitions and the law concerning unemployment compensation.

What is not understood is that the phrase "insured unemployment" is an anomaly. Is it not correct, if I may have the attention of the Senator from New York, that when we talk about the insured unemployment rate, we are counting only those people who are unemployed and receiving benefits. When a person exhausts his benefits, he is no longer counted in the insured rates even though he remains unemployed. So we may have a situation where the unemployment in the State keeps increasing all the time yet the insured unemployment rate is decreasing.

Mr. JAVITS. That is exactly right.

Mr. RIBICOFF. What we must do to make sure that we have equity, we must count the people who have exhausted their unemployment benefits as well as those people who are receiving their unemployment benefits under these circumstances. We are doing a great injustice to the States which are suffering the most, because unemployment is of long duration and people have exhausted their benefits and those individuals who are up against the wall, who have to go on welfare, are not able to get unemployment compensation.

What the Senator from New York is doing is trying to get an equitable formula. When we say a person is unemployed, he is unemployed. There is no use kidding everyone along by using the phrase "insured unemployment," which is a misnomer and really a fake phrase.

Mr. JAVITS. I thank my colleague from Connecticut very much for that explanation which is very helpful with respect to this particular matter.

Mr. MAGNUSON. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MAGNUSON. I support the amendment because it clears up the issue I presented on the debt ceiling bill last October. As the Senator from Connecticut will remember, we had an emergency in my State and his with unemployment of 12 percent and 8 percent, respectively. This will provide a permanent answer, will it not, I say to the Senator from New York. Some States are still above the 6-percent level. In my State it is about 8½ or 9 percent; but it has stabilized. It has not gone up or come down for quite some time.

Mr. JAVITS. Exactly.

Mr. MAGNUSON. But in the meantime, the time on the prior extension of unemployment benefits is running out.

Mr. JAVITS. Exactly.

Mr. MAGNUSON. Then these workers will have to go on welfare. I know what welfare costs. It is so much better to take care of social problems in this way. When we discussed this last year and the year before on my emergency amendments, we all made the point that there should be a permanent program to take care of this matter.

Mr. JAVITS. That is exactly right.

Mr. MAGNUSON. This clears up the matter for all the States. Any State may be faced with this dilemma. Unemployment is spotty in some cases.

I heartily support the amendment, because last year the Senator from New York and the Senator from Connecticut and the Senator from California, and other Senators, were so helpful in helping me enact my two major emergency extensions.

Mr. RIBICOFF. Mr. President, we should make it permanent in the State of Connecticut.

Mr. MAGNUSON. We have still got a lot of unemployment in my State but, thank the Lord, the rate has not gone up.

Mr. JAVITS. But the Senator's State will be penalized——

Mr. MAGNUSON. Yes, we will be penalized for that and this will take care of it.

Mr. JAVITS. I now yield to my colleague from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. President, I am delighted to join with the distinguished senior Senator from New York cosponsoring this amendment.

California continues to suffer from high levels of unemployment. Many working men and women, through no fault of their own, find themselves out of jobs and out of unemployment compensation benefits and will immediately benefit from passage of this amendment.

Specifically, during the month of May, more than 17,000 Californians exhausted their unemployment compensation benefits. These people represented just over 22 percent of all those receiving such benefits. If the present unemployment situation were to continue, more than 102,000 Californians could be expected to benefit from the proposed extension of unemployment compensation eligibility between now and the end of this year.

Unfortunately, Mr. President, the consensus among forecasters is that we face an economic slowdown, possibly even a full-blown recession, in late 1973 and 1974 so that recent improvements in the employment situation will be reversed.

We can thus anticipate that the numbers of unemployed exhausting their benefits will rise substantially. The urgency of this amendment is, therefore, greater than ever before.

Mr. President, according to the latest available statistics for the State of California, more than 421,000 members of the labor force are now out of work. On a seasonably adjusted basis, this means that 4.9 percent of those in the work force, are presently seeking work without success. Many have exhausted their unemploymeent benefits and many more will be in the same position in the weeks and months to come.

Chairman WILBUR MILLS of the House Ways and Means Committee has indicated his support for the substance of this amendment. In view of the widely recognized need for extension of unemployment compensation benefits and the favorable prospects for House passage, I urge the Senate to approve this amendment without further delay.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JAVITS. Now, Mr. President, a word or two of further explanation. The number of workers involved is approximately 30,000 each week who are exhausting their regular benefits. The total number of workers that we estimate could be assisted between now and June 30, 1974, exceeds 1,100,000.

Every Member has been given a letter addressed to him which specifies the States involved during fiscal year 1974, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC
WELFARE,
Washington, D.C., June 27, 1973.

DEAR COLLEAGUE: As you may recall, the Senate last year on several occasions adopted an amendment to modify the "trigger" requirements of the 1970 Extended Unemployment Compensation Benefits Program. A modified version of the amendment was finally included in the Debt-Ceiling Bill enacted at the close of the last Congress. In the modified version finally adopted, the amendment helped eight States retain their eligibility to participate in the extended unemployment compensation benefits program through June 30, 1973, but did not help most of the more than 25 States which triggered out of the program during 1972.

At the time the amendment was adopted last year, we received assurances from the Chairman of the Senate Finance Committee and the House Ways and Means Committee that this matter would be taken up by the respective Committees early this year. Despite the fact that there has been no material improvement in the unemployment situation, no action has been taken on this matter until now. Accordingly, together with a number of our colleagues, we have introduced an amendment to H.R. 8410, the Debt-Ceiling Bill, which would help the following States regain or maintain their eligibility to participate in the extended benefits program:

Alaska, Arkansas, California, Connecticut, Hawaii, Idaho, Kentucky, Louisiana, Maine, Massachusetts.

Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma.

Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin.

The amendment would:

1. Eliminate the 120 percent State "on" and "off" triggers. Both the "on" and "off" triggers must be eliminated if States with high unemployment which have triggered out of the program can participate in it again. Also, both the "on" and "off" triggers must be eliminated to protect States in the event that insured unemployment drops below four percent and then rises above that figure at a later date.

2. Include in the definition of unemployment the exhaustion rate, i.e., those who have exhausted their regular benefits. These are the very people whom the amendment is designed to benefit.*

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*The insured unemployment rate under present law does not take into account unemployed persons who have exhausted their regular compensation benefits or persons who are not covered by the unemployment insurance program. Thus, insured unemployment is less than overall unemployment; an insured unemployment rate of four percent frequently means an overall unemployment rate of 5.5 percent.

3. Eliminate the requirement that a State which triggers out of the program must wait at least 13 weeks before it may requalify. The 13-week waiting period is unnecessary in view of the fact that the insured unemployment rate is computed on the basis of a 13-week running average. The use of a 13-week average is adequate to take care of any problems caused by statistical variation or a very short run disemployment effect. Each of these changes would be made optional with the States.

We are all aware that despite some improvement in the employment situation, there are many areas of the country where unemployment has been and threatens to remain at unacceptably high levels.

Insofar as the "cost" of this program is concerned, it is to be noted that this program is financed almost entirely by employers through payroll taxes levied by the Federal and State governments. Thus, although the benefits paid show up as an item in the current budget, there is actually no long run "cost" to the Federal government.

We hope that you will support our amendment when it is offered. For your convenience, attached is a table prepared by the Administration showing the States, and the number of workers in each State, which would benefit from our amendment.

Sincerely,

JACOB K. JAVITS,
JOHN V. TUNNEY.

Mr. MAGNUSON. Mr. President, I want to ask another question. This would eliminate, too, the very unfair 120 percent triggers, would it not?

Mr. JAVITS. It would. We have the standard of the insured unemployment plus the fact that reason would prevail about those who would have exhausted their benefits, being counted instead of not being counted, because they have not had the misfortune to be unemployed for so long.

One final thing, the question of cost, including those who have exhausted their benefits, the estimate in terms of millions of dollars per annum is $224 million Federal and $212 million, State.

Mr. President, if we continue to exclude those who have exhausted their benefits which seems completely unreasonable, the cost would be, rather—I am sorry, the first figure, that is, if we include those who have exhausted their benefits—and I beg the Senate's pardon, if they will hear me—it is $319 million, Federal, and $303 million, State.

That is Federal and State. If we continue to exclude those who exhausted their benefits, the costs are 244 and 212, respectively.

Unemployment compensation represents a tax. Employers pay unemployment compensation taxes. Whether or not these sums would represent any additional charge upon employers depends upon the particular state of the unemployment insurance fund in each State. If States have been provident in respect of their unemployment insurance funds and have adequate resources in those funds, no State tax increase would be required.

So far as the States are concerned which do not have any kind of kitty of that character, those States—we do not know just which ones, for obvious reasons—might conceivably be compelled to adjust their unemployment compensation tax.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. The Senator from Washington may recall that when the same matter came before us last year, in a colloquy, we then had the figure. We showed that the cost of welfare exceeded by far the amount paid in unemployment compensation. So, while the figures the Senator is bringing forth sound like many million dollars, on a net basis it will cost less than if we had to pay welfare payments to the people who would otherwise receive unemployment compensation. Does the Senator recall?

Mr. MAGNUSON. Yes, I do, and I know the figures well. It costs more to have this person on welfare than it does to continue this program.

Let us leave out the cost. There is the humiliation and the embarrassment of a man who wants to work and who for economic reasons has to go on welfare.

Earlier we had some amendments dealing with aged persons. After a fellow is 45 and loses his job, exhausts his unemployment benefits, he sometimes loses his spirit. He says, "What's the use" and stays on welfare.

This is a continuing problem. This is the way we should do it, by making this a permanent program, and we hope the economy will be such that we will not have this problem in the future.

Mr. JAVITS. Mr. President, to cite some additional facts, the amendment permits—not mandates—States to pass individual State laws in order to take advantage of it in every one of its aspects. So a State may choose to take advantage of it, but it is perfectly free not to do so. If it chooses to take advantage of it, it will undoubtedly calculate the cost intra the State.

So it is by no means a matter which is taxing on the Federal Government. It is self-financing, and each State has a complete option as to whether it wishes to take advantage of it.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TUNNEY. Is it not a matter of simple justice to those States which have a very substantial amount of unemployment for a long period of time to give them the opportunity to benefit from this emergency program?

Mr. JAVITS. Exactly right.

Mr. TUNNEY. It is just a question of simple justice.

Mr. JAVITS. Exactly right.

In addition, if Senators can justify social security amendments on the debt ceiling bill, they certainly can justify this amendment on the debt ceiling bill, and I hope the Senate will adopt the amendment.

Mr. LONG. Mr. President, I tried to help the Senator from New York and others work out the type of thing they were advocating last year, and we obtained a commitment from the chairman of the Ways and Means Committee. Language of this sort was brought back from the Senate which was regarded as a commitment. This is what it says:

> Our understanding is that if California or New York (which would bring in other urbanized States) when we return in January 1973 have an insured unemployment rate in excess of four percent, I would propose to offer and support legislation to bring them into the Federal extended unemployment provision which is contained in the debt ceiling conference report.

That was the debt ceiling conference report of last year. As I understand it, that was a statement subscribed to by the chairman of the Ways and Means Committee and perhaps uttered on the House floor.

I do not think Chairman MILLS—and I know I would not—would want to do anything other than we indicated we would be willing to support; and I would be willing to go along with the Senator if this is what he was talking about. But if we did this, it would not include the State of New York, because the State of New York has an insured unemployment insurance rate of about 3.7 percent.

In order to bring New York into a program of this kind, we would have to add another dimension. We would have to increase the 3.7 by adding other people, and the logical way to increase it would be to count people who have exhausted their unemployment insurance benefits. Of course, if we did that, it would increase the unemployment insurance rate, as we would figure it, in all 50 States, in some States more than others.

That was not what the commitment was. The figures we have been choosing to talk about—in which States we would have extended employment insurance benefits and which States we would not—were the official uninsured unemployment figures, which do not include people who have exhausted their benefits, but only those who are drawing them. Accordingly, the Senator's amendment goes beyond the commitment that was made.

The Senator put a letter in the RECORD. Look at all these States that he says are affected. At a time when prosperity is such that we are having great difficulty with inflation, but we do have a robust, expanding economy, the Senator's amendment would have these extended benefits apply in the following States:

Alaska, Arkansas, California, Connecticut, Hawaii, Idaho, Kentucky, Louisiana, Maine, Massachusetts.

Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma.

Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin.

Imagine, at this time, with unprecedented prosperity, the Senator would have extended unemployment insurance benefits, so that in addition to the 6-month benefits, one would receive 3 additional months of extended benefits. In my judgment, adding in persons who have run out of benefits goes altogether too far. But you have to do that kind of thing if you want the amendment to apply to New York, because the standard we agreed would be appropriated, 4 percent, would apply in California. It would not apply in New York. It would apply in Washington, but not New York. To get New York in, you have an amendment that winds up including most States in the Union, in the extended unemployment insurance benefit program.

The amendment, in my judgment, goes

too far. It would cost $400 million; and, of course, the entire cost would be borne by the employers.

Now the Senator does not have a tax increase in the amendment. I do not complain about a tax amendment being offered. If the Senate wants to agree to this amendment, I will urge the House to accept it.

But this is not what we were talking about last year. Last year, we were talking about 4 percent insured unemployment as the triggering point. If we did exactly what I thought we were talking about last year, we would include a considerable number of States, but we would not include the State of New York or quite a few of the others. There are 13 States which now have an insured unemployment rate exceeding 4 percent.

The list does not include Arkansas. It does not include Louisiana.

Mr. FULBRIGHT. What are the States?

Mr. LONG. Here are the 13 States which now have more than 4 percent insured unemployment: Arkansas, California, Maine, Massachusetts, Montana, Nevada, New Jersey, North Dakota, Oregon, Puerto Rico, Rhode Island, Vermont, and Washington.

Mr. FULBRIGHT. The Senator read Arkansas but he said it was not included.

Mr. LONG. Excuse me. I meant Alaska. Arkansas is not among the 13.

The point is that by a fair standard the Senator's amendment goes too far. I personally would not oppose an amendment that would extend it to these 13 States. I thought that is what we were talking about.

Mr. MAGNUSON. Those figures are interesting but when a man is out of a job and has exhausted his benefits I do not care if it is only 10 States or all 50 States, we should be doing something about it.

Last year the Senator took my amendment to conference. We were including 14 States to 15 States. But now we are talking about a permanent law. When a man is out of a job and has exhausted his benefits it does not matter how many States are involved.

The Senator says the economy is booming. Well, to a fellow out of a job who has exhausted his benefits nothing is booming. He wants to go to work. I wish the economy were booming like the Senator from Louisiana suggests. I am very glad it is booming in Louisiana but that is not true everywhere. There is still great unemployment. We long ago established the principle of an employer unemployment benefit plan. That is all this is.

Speaking of welfare, I am about to call up the HEW appropriation bill. The Senator from New Hampshire (Mr. COTTON) and I are now holding hearings. For every person we do not take care of the total social cost per year is about $4,000. That is a large amount of money per person.

We can pass this program and keep those people off of welfare. In the State of California it is terrible, and the rate is going up instead of down. In other places in the Nation things may be fine.

If there is any way to take care of the man who is unemployed who has exhausted his benefits, I am for it.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, I do not yield for a speech for the amendment on the time against the amendment. It is all right for those against the amendment to use their time but they have 40 minutes, and I have 20 minutes. I do not yield for that purpose.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from New York has 20 minutes remaining, and the Senator from Louisiana has 11 minutes remaining.

Mr. LONG. I suggest they use some of their time.

Mr. JAVITS. Mr. President, I yield whatever time the Senator from Washington wants.

Mr. TUNNEY. As I understand the argument of the Senator from Washington, he is saying this amendment will save the Federal Government money. I am referring to the amendment offered by the Senator from New York.

Mr. MAGNUSON. Yes. For these people.

Mr. TUNNEY. For these people.

Mr. MAGNUSON. Of which there are 70,000 in my State.

Mr. TUNNEY. Because if we do not pass this amendment people will be on welfare rather than on unemployment compensation and that will cost the Federal Government more money than if they were on unemployment compensation, so the Senator is trying to save the Federal Government money. This would support the amendment.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I listened with great interest to the argument of the Senator from Louisiana. I had hoped we would not be drawn into an argument about honoring any commitment. I do not propose this amendment to the Senate on any such ground. If the Senator thought he was against it for substantive reasons the commitment is meaningless to him. It would be contrary to the oath of office if someone claimed a commitment. We have individual consciences and duties. As a matter of fact, I do not think Representative MILLS was engaging in fine spun legal theories. What he had in mind was the bill we had sent over there which we did not agree on in conference, which had the 4 percent unemployment concept. We are checking now because the recollection of my assistant is that this very provision respecting exhausted benefits was in that bill. As I say, we are checking.

I have no desire to put this on the basis of a commitment, but on equity. I do not believe this hackneyed argument that New York has to be whipped and 27 other States penalized because New York has to be whipped. I do not believe it is proper debate in the Senate. New York is a respectable State with the second greatest population in the country.

Time and time again I have stood on this floor and fought for little States. It would be a matter of pride to me if New York were ineligible under this. But this is my duty. I am not a Senator of New York in the State legislature; I am a Senator of the United States. So I hope the Senate will pass on this on the merits as a matter of equity.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JAVITS. Certainly. I yield.

Mr. FULBRIGHT. I want to clarify the point of the Senator from Washington. I thought the situation was otherwise and I want a factual answer.

Are the benefits under unemployment insurance in this bill greater or lesser than the benefits of welfare if that person went on welfare? I understood there would be a savings if they stay on unemployment rather than going on welfare. Is that a fact?

Mr. JAVITS. Yes. The reason is this. Welfare is paid by State and Federal Governments out of general revenue; it is a grant. Unemployment compensation is raised by taxation on employers, which is taxation on the individual employer, so there is a greater mutuality and less Government drain.

Mr. FULBRIGHT. How does it save money to give them unemployment? I was under the impression it was the other way around, that it was more on unemployment.

Mr. MAGNUSON. The Senator does not suggest it is cheaper on welfare, does he?

Mr. FULBRIGHT. Yes.

Mr. MAGNUSON. It depends on the State.

Mr. FULBRIGHT. I am not contesting it; I only want the facts. I was under the impression there is no savings in keeping them on unemployment.

Mr. CURTIS. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. Yes. I want the facts. That is all I want.

Mr. JAVITS. Mr. President, I have the floor, with all respect. I had yielded to the Senator from Arkansas and I have not answered the question. If I may do that first I will be happy then to yield to others.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. The point made by the Senator from Washington (Mr. MAGNUSON) relates to the source of the payment.

What he meant is that the Government per se is not taxed. It is not taxpayers' money as we normally understand it; it is taxpayers' money which pays welfare—State and Federal.

On the other hand, unemployment compensation is paid by a tax on specific employers, based on the number of employees they pay.

Mr. FULBRIGHT. What is the difference? It is still a tax.

Mr. JAVITS. The difference is the source of payment. It is not general tax money. It is money raised from specific employers as an element of the fact that they are in business. Those are the facts. I cannot make the facts any different to prove what the Senator from Arkansas wants me to prove. He wants the facts. I am giving him the facts.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. There is a saving. It is not a question of how the money is raised, whether it is a tax on employers or whether it is from general tax revenues. If the unemployment compensation is $60 a week, let us say, that comes to $3,100 or $3,200 a year. If a person is getting unemployment compensation, he is not eligible to get on the welfare rolls. But, as the Senator from Washington (Mr. MAGNUSON) has pointed out, if he is kicked off the unemployment compensation rolls, he still has to pay rent, and then he has to apply to the welfare department. So the welfare department pays him an average of $4,200 a year, nationwide.

So there is a difference of $1,000 of additional cost on welfare as against what a person would receive on unemployment compensation. So not only are we the losers nationwide, whatever the tax is, of $1,000 a year, but the person who has self-respect, who does not want to go on welfare, is suddenly forced by us to go on welfare, when for years we have said we want them to work, we want to continue the work ethic, we want them to think it is more important to work.

But once we kick him off unemployment compensation, he has no alternative but to go to the Welfare Department to get welfare.

May I add to the remarks of the chairman of the committee, because his sympathies have been with us in the Finance Committee, in executive session, as well as on the floor. The distinguished chairman has always been sympathetic to the Senator from Washington, the Senator from New York, and to me. It is not a question of trying to get that 3.7 percent and bring it up above 4 percent. The Senator from New York is saying we have a formula that is meaningless.

We talk about insured employment. We are talking about people on the unemployment rolls. To the contrary, once one exhausts his unemployment compensation, he is off the rolls and he is no longer added to the list. So, therefore, if in the State of Connecticut, for example, the unemployment rate is 5.3 percent, but 30,000 have exhausted their unemployment benefits, it sinks to 4 percent. So we have a situation where unemployment may be rising, but the insured employment at the same time may be falling.

So what we are trying to do, as a matter of sheer justice and equity, is to recognize that whether it is Louisiana, Connecticut, Rhode Island, or Washington, it is a matter that affects the entire Nation; but even if we are looking at it in cold dollars and cents, we are still thrown back to the argument of the Senator from Washington that welfare costs America more than what is paid in unemployment compensation in this Nation.

That is the point the Senator from New York is here making. It is not a question of whether a commitment was made. I would hope our distinguished chairman would recognize that. He has been with us in this fight over the years. I think the Senator from Louisiana, our chairman, recognizes the time has come to straighten out this complex mess in our unemployment compensation and write a series of rules and regulations that everybody understands—that a U.S. Senator can understand as well as a person who is unemployed can understand. We have not achieved that. I think it is the duty of the Ways and Means Committee of the House and the Finance Committee of the Senate to bring some sense, finally, into the rules and regulations on unemployment compensation. In the interim, now is the time to make the start, and I believe that the Senator from New York has done so with his proposal. I hope Senators will support the amendment by the Senator from New York.

Mr. JAVITS. Mr. President, I yield to the Senator from Nebraska.

Mr. CURTIS. I thank my distinguished colleague from New York.

Mr. President, I do not believe the statement can be maintained that welfare costs more than unemployment. There are three reasons for it. The average welfare payment is less than the average unemployment rate.

In the second place, not nearly all people who are eligible to draw unemployment compensation are eligible for welfare. Well-to-do men with savings, some of them executives who have retired, go from their retirement office to draw their unemployment compensation. They share, if they live in the right States, in these extended benefits. There are many others who are eligible to draw unemployment compensation as a matter of right, but who cannot pass the needs test to draw welfare.

So on that account it is not as expensive.

In the third place, unless someone is aged or disabled, the only Federal program in which the Federal Treasury has to pay for unemployment is in those States where the family qualifies for aid to families with dependent children by reason of the father's unemployment, and about half the States do not even participate in such a program.

I realize that late at night on the floor it is hard to establish statistics. That is one reason why this matter should be developed at a hearing. But certainly everything points to the fact that, regardless of the merits, this is not cheaper for the Federal Treasury than handling those cases that can qualify for welfare.

Mr. JAVITS. Mr. President, I am grateful to all my colleagues for elucidating these matters. I now wish to make this statement of fact——

Mr. MAGNUSON. Mr. President, will the Senator yield me half a minute?

Mr. JAVITS. I yield.

Mr. MAGNUSON. I will put all the figures into the record, but when we talk about welfare, that includes the food stamp program, which is several billions of dollars, the rent supplement programs, the surplus commodity programs, job training, economic loss to the community, which is an intangible thing. But those four items can be added to the welfare payments. They are all part of the social cost of the welfare program.

The Senator from Nebraska suggests that some workers are not eligible for welfare if they have exhausted their benefits. I do not know where the man goes then. Where does he go? To the Salvation Army? The soup line? That is not fair. We have to add all of these costs, and I say it adds up to the amount I have suggested. And how about the cost of the administration of welfare? Senators should listen to some of the testimony on that cost. I should include retraining and rehabilitation. All of these items add to the costs of welfare. Of course, passing this amendment is the best way to handle it.

Mr. JAVITS. I thank my colleague.

Mr. President, just for the information of the Senate on the matter of exhaustion of benefits, the amendment as accepted last November or December by the Senator from Louisiana (Mr. LONG) did not contain that provision, but the promise we had was that the matter would be given consideration if we continued to have serious unemployment.

The Senator from California (Mr. TUNNEY) and I introduced a bill containing the exhaustion provision and asked for hearings both from the Senator from Louisiana (Mr. LONG) and Congressman MILLS way back in January 1973, and no action was taken upon those requests. I think again that bears out my statement that Congressman MILLS' statement on the House floor was in no way designed to be extremely technical. He was going to give consideration to this problem.

I would repeat that it would be most unfair, and I am the last who would wish to do that, to base this amendment on some theory of commitment. In my judgment, the inequities here are so strong and justice has been left deferred for so long that this should now be done.

Mr. CHILES. Mr. President, if the Senator will yield, what is the length of the time of the program? What would be the extension of benefits?

Mr. JAVITS. This would be a permanent amendment to the law, to allow this kind of emergency unemployment compensation where benefits have been used up and the rate of unemployment remains high.

Mr. CHILES. This would be a permanent program?

Mr. JAVITS. It would.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. Mr. President, at this time we have an unadjusted total unemployment rate in this country of 4.3 percent. Now, by most standards that is not a high degree of unemployment. And that is a lot less unemployment than we have had in recent years. It was running 5.5 percent last year.

Furthermore, we have one-fourth less insured unemployment than last year. Then we had about 3.2 percent insured unemployment. Now it is 2.4 percent.

So the insured unemployment rate has gone down about one-fourth and the unadjusted total unemployment rate has gone from 5.5 percent to 4.3 percent.

We have had a major reduction in unemployment.

If I had made the Senator a commitment, I would be trying to keep it.

We were talking about the situation where if a State had insured unemployment that exceeded 4 percent, we would make the State eligible for the extended benefits. Now the Senator comes along with something, when we have 4.3 percent total unemployment and only 2.4 percent insured unemployment, and in this entire country we have help wanted signs out all over America. One can draw his unemployment benefits and can turn down a good job and still draw unemployment insurance. If a man has been accustomed to drawing $1,000 a month at skilled labor and he is offered a job paying $400 or $500 a month at unskilled labor, he is privileged to pass up the job. Those people on welfare are passing them up. And the man can pass the job up for 6 month and still draw benefits if he is in a State where it is hard to find a good job.

According to the standards we have in the law, a man can pass up a good job and draw his unemployment insurance benefits until he has exhausted them. Now he could pass up a $500 a month job with help wanted signs hanging all over town, and he can continue to draw his unemployment insurance benefits.

I would be willing to vote for an amendment in line with what I thought the commitment was last year. However, here the Senator tries to bring in an amendment at a time when we have relatively lower unemployment, an amendment he says would make 30 States eligible. We will not only count the people who are insured and unemployed, but we must also count all people who have exhausted their benefits. Why does the Senator not go the rest of the way and help all the States?

If we did that, we could find more people who are unemployed, but not a great many more, because there are not that many unemployed people in the country. I do not think that in this instance we ought to be putting unemployment benefits in the bill for 30 States across the country. But if Senators think we ought to go that far, that is all right. That is going pretty far. It is a question of how far the Senate wants to go. We are going a lot farther than we went last year. Last year New York could have got into the program at the 4 percent insured unemployment rate. Now New York cannot meet that test. If there are people who are willing to make 13 States eligible for the benefits. I for one will go along. I do not think 30 States ought to be put in. But if Senators want to put them in, we will go to the House, and see what the House wants to do about it.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CHILES. Would there be any inducement if we had this kind of program for workers to move from Florida if there was a layoff in the space program? Would there be any inducement for them to do that? Or would it better for them to stay there so long as the unemployment compensation was there? They could stay right there and continue to draw those benefits.

Mr. LONG. I suppose the same answer would be true under the Javits amendment. The Javits amendment, as I understand, would be permanent. A person would be able to draw benefits for 13 additional weeks. He would be able to draw benefits. There would still be States where they would not draw benefits.

Mr. RIBICOFF. Mr. President, I think that since the Javits amendment is involved, I should say that the Javits proposal extends emergency unemployment benefits for 13 additional weeks. It is not permanent. Twenty-six weeks is the norm. The Javits proposal provides that when unemployment goes above 4 percent, there is an emergency for 13 additional weeks.

This is what we are fighting for; it is not to get a person permanently on the list for 13 additional weeks beyond the first 26.

Mr. JAVITS. I thank the Senator from Connecticut.

What the Senator from Louisiana asked us to do is to stand on our heads, because 4.3 is probably not the figure. These are adjusted figures. They are not comparable figures as to how much unemployment there is. It is about one-half of 1 point. It was 5.5; it is now 4.3. The 4.3 figure is misleading.

Mr. LONG. The applicable figure for last year would be 5.8 percent. It is down 15 percent from last year.

Mr. JAVITS. The way the uninsured employment figures are run is on an adjustment in addition.

Every State has the option, under my amendment, as to whether it will adopt this plan. If it has heavy employment, it will not adopt it. If it does not, it will have the opportunity to do so. Furthermore, not only New York is suffering; many other States have triggered out of the program.

Mr. JAVITS. We hear all this crying on the theory that New York is not over 21. We understand that we are a State just as any other State. We have a problem just as many other States do—20 of them. Are we going to cut off our nose to spite our face because the proposal will help New York? Is that what we are going for?

I submit that it is unthinkable. I do not know what will happen to New York in conference. New York may well be cut out. I cannot anticipate that. All I know is that what we ought to do is to accept the amendment in common justice.

Mr. LONG. Mr. President, I understand what is concerned. Last year I was willing to accept an amendment out here on the floor, to put about 20 more States under extended unemployment insurance benefits. At that time we had a lot more unemployment than we have now. Now the Senator comes up with an amendment where, with a lot less unemployment, he wants to put 30 States into the extended benefits program, and that does not make any sense to me.

Last year, as far as this Senator was concerned, the type of thing he had made a commitment for, or thought he had a commitment for, and that would have been fine. But this is altogether too much.

Mr. JAVITS. May I point out, Mr. President, if I have 1 minute left, that New York was among the States the Senator was willing to take last year, and it is among the States he ought to be taking this year.

Mr. LONG. It was among them last year because they had a lot more unemployment last year. It is that simple.

Mr. ALLEN. Mr. President, may I ask the Senator from Louisiana a question?

Mr. LONG. I yield.

Mr. ALLEN. Would not a person be just as much unemployed if he is in a 3 percent unemployment area as in a 5 percent unemployment area? What is the rationale for the 5 percent breaking point?

Mr. LONG. Of course, even the Javits amendment would leave out about 20 States, so it is just a question of degree. How far do we want to go with it? Up until now, the major test has depended on how extensive the unemployment was in your State, and how hard it was to find a job, in determining whether we would give them another 3 months of employment insurance.

Mr. CASE. Mr. President, I join Senator JAVITS in offering an amendment to the debt ceiling bill to totally eliminate those restrictions which will on June 30 end the payment of extended unemployment compensation benefits.

The Federal-State Extended Unemployment Compensation Act, enacted in 1970, was designed to deal with the then-rapid surge in unemployment that this country was experiencing. Accordingly, it specified that this 13-week extension of unemployment benefits could not be paid unless a State's unemployment rate was sharply increasing—in technical terms, the rate has to be at least 20 percent of the rate prevailing in that State in the 2 previous years.

The present law simply does not apply to, or deal with, the persistent degree of high unemployment that many States are presently experiencing. In fact, the unanticipated effect of the 1970 law has been to end entitlement in those very States where unemployment has leveled off on a high plateau.

In effect, the thousands of jobless exhausting their 26 weeks of State benefits are told that the degree of unemployment does not matter. They are told that they are entitled to extended benefits only if conditions are becoming still worse at an ever-increasing pace.

Now we are paying the price of this oversight in the 1970 law, 29 States, all with unemployment rates high enough otherwise to entitle them to these extended benefits, will lose out strictly because their rates happen to have leveled off. Truly, this represents a cruel "catch-22" logic that I am certain the Congress never intended.

In my own State of New Jersey, unemployment stands at 7.3 percent of the work force—far above the national average and equal to the level of a year ago. Yet on June 30, over 20,000 workers in my State will lose their entitlement to these extended benefits—not because the economic situation has improved but because conditions have not gotten worse at a fast enough pace to satisfy the requirements of existing law. In all, the U.S. Department of Labor estimates that a total of 118,800 unemployed workers in New Jersey will be eligible for these payments in the year ahead if this restriction is removed.

As in the other 28 States involved, most of these jobless will have no other recourse except to go on the welfare rolls—and this at a time when State and local governments across the country are hard pressed financially. The Federal Government finances 50 percent of the cost of this program of benefits.

In the fall of last year, I and a number of my colleagues managed to have enacted a temporary waiver of this restriction which subsequently enabled the payment of these extended benefits. Unless we act, this waiver will expire on June 30. Once again, I urge my colleagues to rectify this oversight in the present law and support our amendment to strike permanently the "120-percent requirement" of the Federal-State Unemployment Compensation Act of 1970.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS). On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. HART), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. ABOUREZK) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 36, nays 57, as follows:

[No. 249 Leg.]

YEAS—36

Bayh
Brooke
Burdick
Byrd, Robert C.
Case
Cranston
Eagleton
Gravel
Hartke
Hatfield
Hathaway
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Randolph
Ribicoff
Schweiker
Scott, Pa.
Stevens
Tunney
Weicker
Williams

NAYS—57

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd,
Harry F., Jr.
Cannon
Chiles
Church
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Haskell
Helms
Hruska
Huddleston
Johnston
Long
McClellan
McClure
McGovern
McIntyre
Mansfield
Mathias
Nunn
Packwood
Pearson
Proxmire
Roth
Saxbe
Scott, Va.
Sparkman
Stafford
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—7

Abourezk
Biden
Clark
Goldwater
Hart
McGee
Stennis

So Mr. JAVITS' amendment was rejected.

Mr. JAVITS. Mr. President, I send another amendment to the desk for myself and the same cosponsors and ask that it be stated.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

TITLE IV—UNEMPLOYMENT COMPENSATION ACT AMENDMENT

SEC. 401. (a) Section 203(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of the enactment of this sentence (or, if later, the date established pursuant to State law), the State may by law provide that the determination of whether there had been a State 'on' or 'off' indicator "beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof and as if paragraph (1) of section 203(b) did not contain subparagraph (B) thereof."

Mr. JAVITS. Mr. President, this amendment simply does what we did at the end of last year. It excludes the provision requiring those who have exhausted their regular benefits to be counted in determining the level of insured unemployment.

Mr. LONG. Mr. President, I have said repeatedly that I would be willing to take an amendment in this form, and I am happy to do so now.

I yield back my time.

Mr. JAVITS. I yield back my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back. The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

The amendment was agreed to.

Mr. HARTKE. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 17, after line 8, insert the following new section:

REPEAL OF EARNINGS TEST

SEC. 215. (a) Subsections (b), (d), (f), (h), (j) and (k) of Section 203 of the Social Security Act are repealed.

(b) Subsection (c) of such section 203 is amended (1) by striking out "Noncovered Work Outside the United States or" in the heading, and (2) by striking out paragraph (1) thereof.

(c) Subsection (e) of such section 203 is amended by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsection (c)".

(d) Subsection (i) of such section 203 is amended by striking out "subsection (b), (c), (g), or (h)" and inserting in lieu thereof "subsection (c) or (g)".

(e) Subsection (1) of such section 203 is amended by striking out "or (h)(1)(A)".

(f) The second sentence of paragraph (1) of subsection (n) of section 202 of the Social Security Act is amended by striking out "Section 203 (b), (c), and (d)" and inserting in lieu thereof "Section 203(c)".

(g) Paragraph (7) of subsection (t) of section 202 of the Social Security Act is amended by striking out "Subsection (b), (c), and (d)" and inserting in lieu thereof "Subsection (c)".

(h) Paragraph (3) of section 203(a) of the Social Security Act is repealed.

(i) The amendments made by the preceding subsections of this section (other than subsection (h)) shall apply only with respect to benefits payable for months beginning after the month in which this Act is enacted, and the amendment made by subsection (h) shall become effective on January 1, 1974.

Mr. HARTKE. Mr. President, this is a very simple amendment. It was adopted by the Senate last year by a vote of 76 to 5. It would increase the earnings limitation from $2,100 to $3,000.

This is probably one of the greatest welfare relief amendments that could ever be presented on the floor of the Senate, because there are many people on welfare today who would not be there if they were given the opportunity to continue to work to earn a living. This is exactly what I propose to do.

I have another amendment at the desk which would repeal the earnings limitation. However, it is impossible at this time to achieve that goal, but we should be able to do in the Senate what we did last year, that is, give these people the opportunity to continue to live in dignity and respect and go ahead and earn a living. This will give them the opportunity to earn up to $3,000 before we start deducting social security benefits from them.

I do not think it is necessary for me to explain the amendment in further detail. It would affect about 7,400,000 people on social security.

I would be glad to explain it further, of course, if any Senator has any difficulty understanding it. But, I say again, all it does is to permit persons who draw social security to earn up to $3,000 before they are forced to have their benefits reduced. At the present time, it is $2,100. The same amendment was offered on the floor of the Senate last year. The vote at that time, as I said, was 76 in favor and 5 opposed.

Mr. President, I ask unanimous consent to add the name of the distinguished former Secretary of HEW, the Senator from Connecticut (Mr. RIBICOFF) as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, also the Senator from West Virginia (Mr. RANDOLPH), who has been a leader in this field; also the Senator from Rhode Island (Mr. PASTORE); the Senator from Minnesota (Mr. HUMPHREY); the Senator from Colorado (Mr. DOMINICK); the Senator from Florida (Mr. CHILES); the

Senator from Texas (Mr. BENTSEN); the Senator from Rhode Island (Mr. PELL); the Senator from California (Mr. TUNNEY); the Senator from South Carolina (Mr. HOLLINGS); the Senator from New Jersey (Mr. WILLIAMS); the Senator from New Hampshire (Mr. MCINTYRE); the Senator from Georgia (Mr. NUNN); the Senator from Nevada (Mr. CANNON); the Senator from Illinois (Mr. STEVENSON); the Senator from Minnesota (Mr. MONDALE); the Senator from Alabama (Mr. ALLEN); and the Senator from Indiana (Mr. BAYH); and Mr. President, I further ask unanimous consent that I may add the names of additional cosponsors. [Laughter.]

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I hope the yeas and nays are not ordered and that we will have a vote on this matter soon, as we would probably agree to it.

Several Senators addressed the Chair.

Mr. BENNETT. Mr. President, who has the time?

Mr. LONG. I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 2 minutes.

Mr. BENNETT. Mr. President, I want to make the record clear that by adoption of the Senator's amendment, we will be adding $800 million per year to the cost of social security without covering it with the necessary tax support. Is the Senator aware of that?

Mr. HARTKE. The Senator is exactly right, let me say to him. [Laughter.]

Mr. President, I yield back my time.

Mr. LONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Indiana (Mr. HARTKE).

The amendment was agreed to.

Mr. HARTKE. Mr. President, I have another amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

At the end of the bill insert the following new sections:

SEC.—REDUCTION OF CORPORATE INCOME TAX RATE.

(a) REDUCTION OF SURTAX RATE.—Section 11(c) of the Internal Revenue Code of 1954 (relating to surtax) is amended to read as follows:

"(c) SURTAX.—The surtax is equal to 18 percent of the amount by which the taxable income exceeds the surtax exemption for the taxable year."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1973.

SEC.—REPEAL OF FOREIGN TAX CREDIT ALLOWED CORPORATIONS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1954 (relating to taxes of foreign countries and of possessions of the United States) is amended—

(1) by revising subsection (a) to read as follows:

"(a) Allowance of Credit.—In the case of a taxpayer other than a corporation, who chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection. (b) Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for tax preferences).";

(2) by revising subsection (b)(1) to read as follows:

"(1) CITIZENS.—In the case of a citizen of the United States, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and";

(3) by revising subsection (b)(4) to read as follows:

"(4) NONRESIDENT ALIEN INDIVIDUALS.—In the case of any nonresident alien individual not described in section 876, the amount determined pursuant to section 906; and"; and

(4) by striking out subsections (d) and (e).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 78 of the Internal Revenue Code of 1954 is repealed.

(2) Section 535(b)(1) of such Code is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275 (a) (4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902 (a)(1) or 960 (a)(1)(C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(3) Section 545(b)(1) of such Code is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(4) Section 841 of such Code is repealed.

(5) Section 882 (c) of such Code is amended by striking out paragraph (3).

(6) Section 884 of such Code is amended by striking out paragraph (4).

(7) Section 902 of such Code is repealed.

(8) Section 906 of such Code is amended—

(A) by striking out "and foreign corporations" in the heading thereof;

(B) by striking out in subsection (a) "or a foreign corporation" and "(or deemed, under section 902, paid or accrued during the taxable year)";

(C) by striking out in subsection (b)(3) "or 881 (relating to income of foreign corporations not connected with United States business)"; and

(D) by striking out subsection (b)(4).

(9) Section 904(g) of such Code is repealed.

(10) Section 960 of such Code is repealed.

(11) Section 1503 of such Code is amended to read as follows:

"SEC. 1503. COMPUTATION AND PAYMENT OF TAX.

"In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under section 1502 prescribed before the last day prescribed by law for the filing of such return."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1973.

Mr. HARTKE. Mr. President, this amendment deals with the basic proposition, the part of the bill called affectionately by those in the Senate as the Hartke-Burke bill and in the House as the Burke-Hartke bill. It deals with foreign tax credits. At the present time, there is an annual revenue take of about $32 billion for Federal corporate taxes. Of this, at the present time, there is a loophole which amounts to about $4,500,000,000, as a result of the multinational corporations which are taking jobs away from American workers and exporting them overseas and taking the taxpayers' money to subsidize the exports.

What I propose to do is simply to provide for a shift—not a reduction in taxes and not an increase in taxes—but a shift in the tax burden, to shift it from the domestic corporations and requiring those who are presently having the loophole internationally to pay their fair share.

What happens at the present time is that an individual who is doing business as a corporate entity in the United States is required to pay his taxes on the basis that the deduction for any taxes he pays in the State of Maine or Alabama, say, he is entitled to a tax deduction for that amount, but that same corporation as an international agency or an international subsidiary, which is doing business overseas, say in France, is entitled to take no extra deduction but a tax credit, direct dollar for dollar benefits, for the amount of money they pay the Government of France.

In other words, what we are doing is subsidizing the tax system of a foreign country at the expense of the domestic taxpayers. The tax loophole is about $4½ billion.

Last week in Canada, in order to make their industry more attractive, they reduced the corporate tax rate from 49 percent to 40 percent.

What I propose to do is to reduce the corporate tax rate for American domestic tax corporations from 48 percent to 40 percent so that we will be on a par and have equity and not be outbid for the corporate tax business by Canada.

By going ahead and closing the loophole, there is no loss to the Treasury whatsoever. The net effect would be to do three things: one, to protect American jobs; two, to eliminate the tax loophole; and third, to provide for a domestic corporate incentive.

That is the essence of the measure. It is a very simple amendment, and it is not in any way anti-American. It is the best pro-American vote a Senator can have.

We had today two announcements—the increase in the amount of our balance-of-payments deficit, the increase in our balance-of-trade deficit. The increase in our balance-of-trade deficit this month is of such significant nature that we had the highest imports in the history of the United States. Commerce Secretary Dent did not even call attention and have a news conference this time as he did in April, when we had one surplus in the last year and a half.

The dollar went to its lowest value in history compared to the mark. Gold went up $4 an ounce.

If Senators are really concerned about this economy, they have to recognize that we cannot have a strong domestic economy if we do not have a strong international economy. We cannot have a strong nation if we have a weak currency. We have a weak currency. There is no question about that.

I think this is a great opportunity to display whether we want to do something about the economy or listen to the press releases.

Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, will the Senator yield me 2 minutes?

Mr. LONG. First, I should like to speak for a moment.

Mr. President, this amendment would cut the corporate tax rate by 8 points. That would cost the Treasury $7.5 billion. Then the Senator would repeal the foreign tax credit, which, hopefully, would gain to the Treasury $1.4 billion, assuming that all works well. I do not think it would, but let us assume that it does. Assuming that it works out the way the Senator would have it work, that would mean a net loss to the Treasury of $6.1 billion.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HARTKE. What is the source of those figures? I am using Treasury Department figures.

Mr. LONG. That is the estimate given to us by the joint committee staff. It says that the Treasury would lose $6.1 billion. We have a big deficit as it is.

I do not think it is a safe estimate to say that you are going to gain $1.4 billion when you repeal the foreign tax credit; because when corporations overseas have to pay, let us say, a 50-percent tax rate in Europe, and then you are going to charge them anther 50-percent tax when they get back here, I think that would cause Americans who have investments overseas to get rid of them.

So that instead of bringing back something like $5 billion a year in income earned by investments abroad, you would not be bringing anything back. Americans are not going to try to make money by investing abroad if their combined U.S. and foreign corporate tax is 75 percent, when others investing in the foreign country are only paying 50 percent.

My impression is that the reason many people in the labor movement want the foreign tax credit repealed is that they feel it would stop American investments abroad and liquidate them, and I think it probably would; so that you probably would not save the $1.4. In the long run, you would wipe out American investments abroad.

As bad as our balance-of-payments situation is now, the only favorable point is that we are bringing back something like $5 billion a year in earnings from investments abroad. We would lose that in the long run; because when people have to pay a 75-percent tax in order to earn something abroad—that is allowing just a deduction for the taxes they pay abroad at, say, a 50-percent rate rather than a credit. This causes their overall tax rate to go from approximately 50 percent up to 75 percent, and they would not invest if they have that kind of tax burden.

So by wiping out American earnings and American investments abroad, which I think would happen over a period of time, you would have lost $7.5 billion a year to the Treasury, and you would probably have wiped out the only bright spot we have in our whole unfavorable balance of payments situation.

I know the Senator thinks differently about this, but I think we can agree that the one purpose of this amendment is to keep Americans from making investments abroad. It would do more, it would liquidate the investments there already.

At this point, Mr. President—10:15 at night—I do not think the Senate wants to vote for an amendment that is going to cost the Treasury $6.1 billion, with the Government being in the deficit position it is in now.

Mr. HARTKE. Mr. President, I think this matter ought to be cleared up. I am clearing the air on what the Burke-Hartke bill is about.

Many corporations find themselves at a competitive disadvantage. When John Connally was the Secretary of the Treasury, and still a Democrat, I asked him a very simple question when he was before the Finance Committee. I said:

> Under the present tax laws, is it more advantageous to build a plant in Indiana or in India or any foreign country?

He replied:

> That all depends on the circumstances.

I said:

> Explain all the circumstances, and then tell me the net result.

He said:

> The net result is that the tax law gives a preference to building in a foreign country.

That preference is really exactly 50 percent of the tax liability, because under the present law, the foreign tax credit says that in the case of any amount of money you pay to a foreign government, you do not have to pay any equivalent amount to your domestic government. That means that in the United States if you have a complete $100,000 tax liability and if you pay $100,000 in taxes to France, you do not have to pay anything on what you earned in the United States. But if you are a domestic corporation and you had $100,000 income and you had $100,000 worth of taxes to the State of New York, you would still have to pay on $50,000. That is the unfairness.

All I can say is that when they talk about putting a tax on the export of grain, and the only increase in our exports in the month of May was in food products, and when we look at imports and see that we reached an all-time high, it would make King George happy to see this day, because he wanted to keep the United States an agricultural country and give England all the manufacturing.

We have created the same situation. The manufacture of radios and electronic equipment is done in Japan and Taiwan, and soon will be done in Communist China. They have increased the wage rate in Taiwan 25 percent. It is up to 25 cents an hour, for the same work they used to pay in the United States $2 and $3 an hour. The jobs for the manufacture of the satellite business are being shipped to Japan, I say to the Senator from California. McDonnell-Douglas shipped all their technical information to Japan. All the stuff is coming in from Germany. The dollar keeps on going down. There have been two official devaluations of the dollar, with the third devaluation coming, and gold is at an all time high. We sit serenely around and watch the dissipation of American industry.

Mr. President, this is closing a tax loophole.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. PASTORE. Do I correctly understand that the reduction is going to apply to all corporations, regardless of whether they have foreign investments?

Mr. HARTKE. It applies to everything in the domestic scene.

Mr. PASTORE. How are we going to explain it to the personal income taxpayer, if we are not reducing his? The Senator is speculating that if we do this, we are going to get that. If we do not get that, look at what will have been done. The taxes of a corporation would have been reduced but not the tax of an individual. How does the Senator justify that?

Mr. HARTKE. If the Senator wishes to amend the amendment to contain that provision, I will accept it.

Mr. PASTORE. I want the Senator to modify his own amendment. He started this.

Mr. HARTKE. If the Senator wants to give that $4.5 billion to individuals, I will be glad to take that substitute.

I am pointing out the inequity to the domestic corporation. The corporations and manufacturers are paying the penalty.

Mr. PASTORE. I am not hostile to what the Senator is trying to accomplish. It is the way he is trying to do it. I have to go home and explain that I have reduced the taxes of a corporation by 8 percent, and some fellow who is trying to meet the cost of living will say, "What have you done for me?"

What am I going to say to him?

Mr. HARTKE. You say simply you are

going to give this corporation a competitive equality that will provide jobs.

Mr. PASTORE. That is academic. That is not bread and butter.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. HARTKE. Very well. I am ready to vote.

Mr. LONG. Mr. President, this amendment is an amendment for both a major tax increase and a tremendous tax reduction. So far the Senate has not seen fit to add amendments to this bill to raise or reduce taxes. I think it is wise.

We will have an opportunity to consider matters of this sort in connection with the trade bill which the House proposes to get to us by the August recess, and also in connection with the tax reform bill. These measures should be considered on subsequent legislation on tax bills. I hope the Senate decides that we should save this for a tax matter.

Mr. President, I yield back the remainder of my time and I move that the amendment be laid on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Indiana [putting the question].

The motion was agreed to.

Mr. BENNETT. Mr. President, I assume that was the last amendment. I have an amendment at the desk which I ask the clerk to state.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That section 101 of the Act of October 27, 1972, providing for a temporary increase in the public debt limit for the fiscal year ending June 30, 1973 (Public Law 92-599), is amended by striking out "June 30, 1973" and inserting in lieu thereof November 30, 1973".

Mr. BENNETT. Mr. President, the purpose of this amendment is to strike out everything in the bill except the simple extension of the debt ceiling which was the purpose of the bill in the first place. I do not think we need to discuss it. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BENNETT. I am prepared to yield back the remainder of my time.

Mr. LONG. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Michigan (Mr. HART), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from New Jersey (Mr. CASE) would vote "nay."

The result was announced—yeas 34, nays 57, as follows:

[No. 250 Leg.]

YEAS—34

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Griffin
Gurney
Hansen
Helms
Hruska
McClure
Packwood
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stafford
Stevens
Taft
Thurmond
Tower

NAYS—57

Bayh
Bentsen
Bible
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—9

Abourezk
Biden
Case
Clark
Goldwater
Hart
Kennedy
Stennis
Weicker

So Mr. BENNETT's amendment was rejected.

The PRESIDING OFFICER. The question now is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. DOMINICK. Mr. President, will a Senator in charge of time give me exactly 2 minutes in the bill?

Mr. LONG. Mr. President, I yield the Senator 2 minutes.

Mr. DOMINICK. Mr. President, I just want to say for the record—not that I think it is going to make any votes change—that I have been here 13 years, but I think we have changed the debt limit once per year and sometimes three times per year. It is like being in a movable foot race—you never get to the end of the line. Every time you get to the debt limit, you extend it or increase it. But at no time have we tried to stay within the debt limit or reduce the debt.

Tonight we have not only extended the debt limit, but incerased it, due to the acumen of this great body in accepting amendments, many of them being good amendments, but by our act we have contradicted what we are trying to do in enacting a debt ceiling. I find it to be something I cannot abide.

Mr. HANSEN. Mr. President, I would like to express my concern for what we have done here today concerning this bill to extend the debt limit of $465 billion beyond its expiration date of June 30. If this bill is not passed and signed by the President by that date, the authorized debt limit will revert back to the permanent level of $400 billion. Therefore, because of the importance of this bill to the stability of our economy, it has been used as a vehicle for attaching numerous amendments which will have to be accepted by the President due to the dire necessity of this bill.

We should stop, however, and look at just what we are doing. In the hearings before the Finance Committee regarding this legislation, Secretary Shultz was once again, as is the custom whenever this matter is debated, cross-examined extensively concerning such topics as phase IV economic controls, trade legislation, social security increases, deficit spending and numerous other matters. At that time he was asked whether or not we should just do away with the necessity for congressional approval of further debt extensions. He was agreeable to such a suggestion. It would be a dreadful error on our part, however, to give up this authority for approving future debt extensions. If this were the case, Congress could go on appropriating funds which the Government does not have. Subsequently, the Treasury would have the authority to issue as much debt as would be necessary to raise the money to pay the bills Congress had approved. It would be a vicious circle, and the debt issued could consequently only be limited through appropriate congressional action to limit spending. Hopefully, Congress will take action in the future to revise its appropriations procedures so that priorities for expenditures are established and appropriations are limited to the revenues available for expenditure. But until that time, this congressional approval of debt limit extensions is our only means of actually controlling overall expenditures.

When the House considered this same measure, instead of extending the debt limit to $485 billion through June 30, 1974, as the administration had requested, it voted only to extend the present debt limit of $465 billion for an additional 5 months. By doing so, it was the opinion of the House Ways and Means Committee, that Government spending would be controlled. The Senate Finance Committee agreed with this reasoning. The committee report states:

> After carefully weighing all of these considerations, the committee concluded that its most prudent course was to extend the present $465 billion public debt limitation through November 30 of this year. The committee believes that the present limitation provides the administration with sufficient margin to meet financing needs during this period and that later in this session Congress will be in a better position to provide an appropriate limitation for the remainder of the fiscal year.

As it stands now, the Treasury is going to have to carefully judge its spending in order to stay within the limitations of this debt ceiling.

But, today we have approved numerous committee amendments which will increase spending this next fiscal year by approximately $606 million. That is the committee estimate, excluding the $3.2 billion additional expenditures for the increased social security benefits. The figures I received today from HEW as to the additional cost of these amendments were somewhat higher.

We have also adopted an expenditure ceiling of $268.7 billion for fiscal year 1974 and imposed stringent controls on the future impoundment of funds. I urge my colleagues to keep in mind, however, that the debt ceiling itself is the overriding law governing Federal expenditures. The President cannot authorize expenditures which will cause this ceiling to be exceeded. To do so would be unlawful.

As I see it, we have acted irresponsibly. On the one hand we have imposed two ceilings—the debt limit itself as well as an overall spending limitation for this coming fiscal year. On the other hand, we have authorized the spending of millions of additional dollars. Therefore, in order to maintain the two restrictions imposed, the President will have no choice but to impound funds.

I am concerned about the actions we have taken here today. Once again I am torn between two decisions. The basic bill is of great importance to the continued ability of our country to pay its bills. Secretary Shultz estimated that if this bill is not passed or if it is vetoed by the President, this country will be able to continue paying its bills for about 1 week. If additional reserves are used, we might last a week and a half. This is a grave situation.

At the same time we have added so many nongermane amendments to this bill that I hestitate to vote for the total package. I have already mentioned that I sympathize with many of the amendments considered by the Finance Committee and voted on today. The poor people and those on fixed incomes are among those hardest hit by inflation. This is true. But by allocating more money to certain segments of our society, we will be taking funds away from other types of expenditures. In other words, we are inviting the President to establish our spending priorities in order to stay within the spending and debt ceilings we have established.

After considering all of the alternatives, therefore, I have decided to support this bill only because of the devastating effects the failure to enact such legislation would have on our country.

Our only hope now appears to lie with the rationale of the House-Senate conference.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. BENNETT. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill having been yielded back, the question is on passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, a point of order. All those young men who went down and voted at the desk out of turn caused some of us old fellows to miss our names, so we have to wait until the names are all called. I do not think that is nice.

The rollcall was resumed and concluded.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Michigan (Mr. HART), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from New Jersey (Mr. CASE) would vote "yea."

The result was announced—yeas 72, nays 19, as follows:

[No. 251 Leg.]

YEAS—72

Aiken
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Cranston
Curtis
Dole
Eagleton
Eastland
Fong
Fulbright
Gravel
Gurney
Hansen
Hartke
Haskell
Hathaway
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Williams
Young

NAYS—19

Allen
Bartlett
Bellmon
Brock
Buckley
Chiles
Cook
Cotton
Domenici
Dominick
Ervin
Fannin
Griffin
Hatfield
Helms
McClure
Scott, Va.
Thurmond
Tower

NOT VOTING—9

Abourezk
Biden
Case
Clark
Goldwater
Hart
Kennedy
Stennis
Weicker

So the bill (H.R. 8410) was passed.

Mr. LONG. Mr. President, I have a series of motions. I move to reconsider the vote by which the bill was passed.

Mr. HARTKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I ask unanimous consent that in the engrossment of the Senate amendments to the bill the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, and so forth, designations and cross-references thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments to the bill H.R. 8410 and ask for a conference thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. GRAVEL) appointed Mr. LONG, Mr. TALMADGE, Mr. HARTKE, Mr. RIBICOFF, Mr. BENNETT, Mr. CURTIS, and Mr. FANNIN conferees on the part of the Senate.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF RECEIPTS AND DISBURSEMENTS PERTAINING TO THE DISPOSAL OF SURPLUS MILITARY SUPPLIES

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products, for the third quarter, fiscal year 1973 (with an accompanying report). Referred to the Committee on Appropriations.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 8376 of title 10, United States Code, to authorize promotion of a reserve commissioned officer to a reserve grade equivalent to the highest grade satisfactorily held while on active duty upon transfer from active duty to a reserve status (with an accompanying paper). Referred to the Committee on Armed Services.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President, Public and Government Affairs, National Railroad Passenger Corporation (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of May, 1973 (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF U.S. ENVIRONMENTAL PROTECTION AGENCY

A letter from the Acting Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report relating to water pollution control (with an accompanying report). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Pennsylvania State Mayors Association, relating to the railways of the Nation. Referred to the Committee on Commerce.

A resolution adopted by the Pennsylvania State Mayors Association, relating to the Social Security Administration. Referred to the Committee on Finance.

A resolution adopted by the Common Council of the city of Buffalo, N.Y., praying for the enactment of legislation prohibiting the involvement of American military forces in or over North and South Vietnam, Laos, or Cambodia, without prior authorization from Congress. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUDDLESTON, from the Committee on Agriculture and Forestry, without amendment:

S. 1945. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expand directly for marketing promotion (Rept. No. 93-256).

By Mr. TUNNEY, from the Committee on Commerce, with amendments:

S. 1328. A bill to direct the Secretary of Transportation to make an investigation and study of the feasibility of a high-speed ground transportation system between the cities of Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California (Rept. No. 93-257.)

By Mr. LONG, from the Committee on Commerce, without amendment:

H.R. 7670. An act to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce (Rept. No. 93-259).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. 1794. A bill to amend section 308 of title 44, United States Code, relating to the disbursing officer, deputy disbursing officer, and certifying officers and employees of the Government Printing Office (Rept. No, 93-260);

S. 1795. A bill to authorize the Public Printer to adopt an official Government Printing Office seal, and to designate employees to administer oaths (Rept. No. 93-261);

S. 1802. A bill relating to certain authority of the Joint Committee on Printing (Rept. No. 93-262);

S. 1904. A bill to amend the Act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress (Rept. No. 93-263).

By Mr. McINTYRE, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S.J. Res. 128. Joint resolution to provide for an extension of certain laws relating to the payment of interest on time and saving deposits (Rept. No. 93-264).

By Mr. McINTYRE from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 1884. A bill to permit national banks to invest in agricultural credit corporations (Rept. No. 93-265).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment:

S. 1972. A bill to authorize supplemental fiscal year 1973 appropriations for Radio Free Europe and Radio Liberty (Rept. No. 93-266).

REPORT ENTITLED "CRIMINAL LAWS AND PROCEDURES"—REPORT OF A COMMITTEE (S. REPT. NO. 93-258)

Mr. McCLELLAN, from the Committee on the Judiciary, submitted a report, pursuant to Senate Resolution 256, section 7, 92d Congress, second session, entitled "Criminal Laws and Procedures", which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

John W. Barnum, of New York, to be Under Secretary of Transportation.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSION OF TIME FOR A COMMITTEE TO FILE ITS REPORT ON S. 356

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have until midnight, Thursday, June 28, 1973, to file the report on S. 356, a bill to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. NUNN (for himself and Mr. TALMADGE):

S. 2081. A bill to amend title IV of the Social Security Act to provide a method of enforcing the support obligations of parents of children who are receiving assistance under such title, and for other purposes. Referred to the Committee on Finance.

By Mr. McINTYRE:

S. 2082. A bill to divorce the businesses of production, refining, and transporting of petroleum products from that of marketing petroleum products. Referred to the Committee on Commerce.

By Mr. CHILES:

S. 2083. A bill to amend the Foreign Assistance Act of 1961, as amended. Referred to the Committee on Foreign Relations.

By Mr. BELLMON:

S. 2084. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. RANDOLPH:

S. 2085. A bill to authorize appropriations for the President's Committee on Employment of the Handicapped, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CHILES:

S. 2086. A bill to require that all political contributions of money in excess of $50 to or for the benefit of candidates for nomination for election, or for election, to Federal office be made by bank check drawn on the account of the person making the contribution, or be accompanied by the name, address, and social security number of the contributor. Referred to the Committee on Rules and Administration.

By Mr. HARTKE:

S. 2087. A bill to amend title 38 of the United States Code relating to basic provisions of the loan guaranty program for veterans. Referred to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 2088. A bill for the relief of Mr. Kwang Ho Kim. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NUNN (for himself and Mr. TALMADGE):

S. 2081. A bill to amend title IV of the Social Security Act to provide a method of enforcing the support obligations of parents of children who are receiving assistance under such title, and for other purposes. Referred to the Committee on Finance.

CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

Mr. NUNN. Mr. President, the program of aid to families with dependent children was designed by Congress with the very noble goal of helping children. It was not intended to replace the father as the principal source of support for his children. Yet this is largely what has happened.

THE PROBLEM

Aid to families with dependent children—AFDC—offers welfare payments to families in which the father is dead, absent, disabled or, at the State's option, unemployed. Although the rolls with respect to all these categories have increased over the years, it is in those families in which the father is "absent from the home" that the most substantial growth has occurred. In 1967, 3.5 million persons were receiving AFDC, because the father was absent from the home; by the end of 1971 that figure had grown to 8.1 million. Thus, in just those 4 years, families with absent fathers contributed more than 4.5 million additional recipients to the AFDC rolls. Based on the finding in a 1971 study, of the 8 million recipients in families with an absent father, over 3 million today are found in families where the father is not married to the mother.

Today, I am introducing a bill which is designed to deal with this problem. Many of the provisions of this bill were developed through the research and hearings of the Senate Finance Committee and I, as the author of this bill, am particularly grateful for the contributions of Senator TALMADGE, and the other members and staff of the Finance Committee.

PRESENT LAW

The Congress has long been aware of the impact of deserting fathers on the rapid and uncontrolled growth of families on AFDC. As early as 1950, it provided for the prompt notice to law enforcement officials of the furnishing of AFDC with respect to a child that had been deserted or abandoned.

In 1967, the Congress adopted what should and could have been an effective program of enforcement of child support and determination of paternity. The 1967 Social Security Amendments require that the State welfare agency establish a separate, identifiable unit whose purpose would be to undertake to establish the paternity of each child receiving welfare who was born out of wedlock, and to secure support for him. The welfare agency is also required to secure support from the deserting parents by utilizing reciprocal arrangements with other States and by entering into cooperative arrangements with the courts and with law enforcement officials. Access is authorized to social security and to Internal Revenue Service records for data to locate deserting parents. The effectiveness of these provisions of present law has been severely weakened, however, by indifferent administration.

FAILURE TO ENFORCE CHILD SUPPORT

Certain myths have grown up about the difficulty of locating absent parents and their inability to provide support when located. A 1971 research report disputes these myths about absent fathers that inhibit enforcement of support obligations. The fathers, the researchers report:

> Have not disappeared. Usually they were living in the same county as their children. They are not supporting many other children. Ninety-two percent of the nonsupporting fathers had a total of three or fewer children.

The researchers point out that some of the fathers were quite well off, and their families had applied for welfare because of insufficient mechanisms for enforcement of obligations to support. Many of the fathers involved were successful doctors and lawyers.

In its March 13, 1972, study of current child support programs in four States, the General Accounting Office noted that the Department of Health, Education, and Welfare has not monitored the States' child support enforcement activities and had not required the States to report on the status or progress of the activities. Consequently, HEW regional offices did not have information on the number of absent parents or amount of child support collections involved, or the progress and problems being experienced by the States in collecting child support. Also, HEW regional offiials have not emphasized child support collection activities within the total welfare program.

Mr. President, today I am introducing a bill largely incorporating the principal provisions of legislation which was approved by the Senate last year with respect to child support and establishment of paternity. I am firmly convinced that this is one of the most important aspects of the unfinished business of welfare reform.

My bill adopts a three-pronged approach to insure that wherever possible, parental support—not Government welfare payments—will be supplied to AFDC children who have been deserted. Each element is equally important if a truly meaningful program is to be established. First, the father has to be located. To help find him, the bill provides for effective programs of location, particularly within the State, since it has been shown that the great majority of absent fathers never leave their home State. For the more difficult cases and the cases where the father has fled to other jurisdictions, tracing the parent will be facilitated through the expanded use of Federal records.

Second, when paternity is in question, the bill requires that paternity be established and that States have effective programs to this end. My bill includes strong incentives for the States to take whatever steps are necessary including changes in their paternity statutes to establish effective procedures for determining paternity. In addition, the bill would back up this requirement by making Federal blood-typing laboratories available to State courts which could supply scientific evidence for such proceedings.

Third, the bill requires that the States and localities initiate effective systems of support collection against deserting parents. To provide a systematic method to obtain child support, the bill requires that an abandoned mother assign her support rights to the Government and cooperate in the enforcement process as conditions of AFDC eligibility.

This is the three-pronged proposal—location, establishment of paternity, and enforcement of the support obligation. The results anticipated are also threefold. It will help reduce the welfare rolls both in numbers of recipients and the amounts of expenditures by having the parents rather than the taxpayers bear the burden of supporting their children. It should be an affirmative force in preventing family breakup, since, with the establishment of an effective support collection and location system, fathers will be deterred from deserting their families to welfare and children will be spared the traumatic effects of family breakup. It affirms the fundamental principles that all children have the right to know who their parents are, to support by their parents, and to enjoy all the other rights and privileges which are based on this relationship.

DESCRIPTION OF BILL

Since most States have not implemented the present law relating to child support and establishment of paternity in a meaningful way, I am proposing new and stronger legislative action in this area which will create a mechanism under the Attorney General to both encourage and require compliance with the law.

The provisions of the bill will be available to families, generally, regardless of welfare status, to prevent all those who are victimized by deserting fathers from becoming pathetic applicants for public assistance.

ASSIGNMENT OF SUPPORT PAYMENTS

The bill requires that a mother, as a condition of eligibility for welfare, assign her right to support payments to the Government and requires her to cooperate in identifying and locating the father and in securing support payments from him.

The assignment of family support rights would initially be to the Federal Government and would constitute an obligation owed to the United States by the absent parent. However, the Attorney General would delegate the enforcement of the support obligations assigned to him to those States which he finds to have efficient and effective programs of establishing paternity and enforcing child support.

The Attorney General would also be authorized to delegate the enforcement of support obligations to political subdivisions which have effective programs, even though the State as a whole does not.

If the Attorney General retains the assigned support rights, they could be enforced by Federal attorneys in either State or Federal courts. The bill would provide that OEO lawyers would be made available to assist Justice Department attorneys in carrying out their responsibility.

The Attorney General, whether acting on his own behalf or at the request of a State or local subdivision, may make certification to the Secretary of the Treasury for collection by the Internal Revenue Service of the amount of the obligation owed.

Where the Federal Government retains the assigned support rights, because there is no effective program in the State or political subdivision, the full amount of moneys collected would be retained by the Federal Government after the current needs of the family—as determined under a court order—have been met. Moreover, Federal AFDC payments to the State would be reduced by the amount by which these collections of support decrease the State's welfare costs.

The bill also provides that in States which do have effective programs, the Federal share for State expenses under such programs would be increased from 50 to 75 percent.

The bill provides that the Attorney General would, in effect, have to be reimbursed for 25 percent of any Federal costs—other than blood-typing tests—incurred to aid the States and localities in their support collection and determination of paternity efforts.

The January 1974 effective date means that of necessity the Attorney General will have to provisionally approve the existing support collection programs whose effectiveness has not been thoroughly studied. These studies, however, will be pursued as expeditiously as possible and determinations of effectiveness should not be unduly delayed.

LOCATING A DESERTING PARENT: ACCESS TO RECORDS

The bill requires the Attorney General to establish a parent locator service within the Department of Justice which will make available the most recent address and place of employment that can be obtained from Justice Department files or any other Federal agency, or of any State. Priority in requests will be given to locating deserting fathers of families on welfare. But this service would also be available on a fee basis for locating other deserting fathers.

As a further aid in location efforts, the bill provides a clarification of existing AFDC law restricting the use and disclosure of information. This provision in current law was designed to prevent harassment of welfare recipients. The bill makes it clear that this requirement may not be used to prevent a court, prosecuting attorney, tax authority, law enforcement officer, legislative body, or other public official from obtaining information required in connection with his official duties such as obtaining support payments or prosecuting fraud or other criminal or civil violations.

INCENTIVES FOR LOCALITIES TO COLLECT SUPPORT PAYMENTS

As under present law, when a State or locality collects support payments owed by a father, the Federal Government would be reimbursed for its share of the cost of welfare payments to the family of the father.

As an incentive for the development of effective support programs, however, the bill provides that out of the Federal share, a total of 25 percent of the amount collected by the political subdivisions carrying out the actual location, collection, and determination of paternity procedures will be distributed to them.

CIVIL ACTION TO OBTAIN SUPPORT PAYMENTS

States can enforce the assigned support rights through applicable judicial and administrative arrangements. Also, as agents of the Federal Government, they would be able to utilize, through the Attorney General, all the enforcement and collection mechanisms available to the Federal Government, including the use of the Internal Revenue Service collection procedures. However, States must be diligent in enforcing support rights, and they will have to make reasonable efforts in utilizing their own collection mechanisms before the use of the Federal collection facilities would be authorized.

DISTRIBUTION OF COLLECTIONS

Forty percent of the first $50 of any support collected in a month will go to the family without causing any reduction in the AFDC payment. The remainder will be used to offset or reduce the AFDC payment to the family for the month. If the support payment is sufficient to entirely offset the family's AFDC eligibility for the month, the entire support payment up to the amount of the family's support needs under a court order will go to the family and any excess would be divided, in accordance with the matching formula, between the State and the Federal Government to repay past assistance.

OBLIGATION OF DESERTING PARENT TO FEDERAL GOVERNMENT

Under the bill, the support rights assigned to the Federal Government constitute an obligation of the absent parent to the United States. The obligation would generally be the amount of support specified in a court order. In the absence of a court order, the obligation would be based on the lesser of the welfare assistance paid the family, or 50 percent of the absent spouse's income—but not less than $50 a month. Any support payments made would reduce his obligation. The unpaid part of the obligation would accrue interest at the rate of 6 percent.

All or part of the obligation to the Federal Government might be suspended or forgiven by the Attorney General upon a finding of good cause.

DESERTION: CRIMINAL OFFENSE

The bill provides Federal criminal penalties for an absent parent who has not fulfilled his obligation to support an AFDC family. His obligation to support would be determined by applying State law. The sanctions for failure to support could include a penalty of 50 percent of the amount owned or a fine of up to $1,000 or imprisonment for up to 1 year, or a combination of these. This Federal statute would not supersede State, civil, or criminal laws concerning nonsupport.

DETERMINING PATERNITY

I am deeply concerned at the extent to which the dependency on AFDC is a result of the increasing number of children for whom parental support is not being provided because the identity of the father has not been determined. An AFDC child has a right to have its paternity ascertained in a fair and efficient manner even though this may, in some cases, conflict with what a social worker may consider the mother's short-term interests. The child's right to support and inheritance, and simply to know who his father is, however, deserves the high social priority and the bill recognizes the interest primarily at stake in the paternity action to be that of the child who cannot act on his own behalf.

COOPERATION OF MOTHER

My bill recognizes that one of the most essential factors in obtaining support from the father has to be the cooperation of the mother. Accordingly the bill makes it a condition of eligibility for AFDC that she cooperate in identifying the father and obtaining support. More importantly, however, the bill makes it in her interest to cooperate by assuring that she will always be better off if support payments are made. Under current law, a woman has no incentive to help the Welfare Department get support from the father, because any support payment simply reduces the AFDC payment dollar-for-dollar. Under my bill, this situation would be changed. Forty percent of the first $50 of the support payments collected each month would not reduce the AFDC grant, but would rather stay with the family.

BLOOD GROUPING LABORATORIES

There is much evidence to indicate that expertly conducted blood tests can be of much value to juries in determining paternity. Not only can an individual be excluded from possibility as a father on the basis of blood tests, but also through sophisticated blood tests and expert testimony, the probability of his being the father can be computed and where permitted by law considered along with other evidence by the jury.

The Uniform Act on Blood Tests would allow blood typing evidence to be established even if an exclusion is not established. I wish to emphasize that this bill does not seek to change the court's rules of evidence, but it will make proper testing facilities available to the courts to the extent that blood tests are admissible evidence.

Blood grouping tests must be conducted expertly in order to avoid error; but the possibility of error can be all but eliminated if appropriate procedures are followed by experts. However, sufficient facilities to perform expert blood typing are not currently available to the courts. Therefore, the bill provides that the Department of Health, Education, and Welfare be authorized and directed to establish or arrange for regional laboratories that can perform this highly sophisticated blood typing work.

The services of the laboratories with respect to any paternity proceeding would be provided to courts and governmental collection agencies without cost with respect to any paternity proceeding.

LEADERSHIP ROLE OF JUSTICE DEPARTMENT

The Attorney General would have primary responsibility for the overall direction and operation of the programs established by this bill. He will assess the effectiveness of the State and local programs and based on this assessment will determine which level of government will carry out these activities. To coordinate and lead efforts to obtain child support payments, the bill would require each U.S. attorney to designate an assistant who would assist and maintain liaison with the States in their support collection efforts and would undertake Federal action as necessary. The bill would require the States and political subdivisions to keep full records of their collections and disbursements and to provide such other information as will enable the Attorney General to evaluate the effectiveness of their programs.

WAGES OF FEDERAL EMPLOYEES

At present time, the pay of Federal employees is not subject to attachment for purpose of enforcing court orders, including orders for child support or alimony. The bill would specifically provide that the wages of Federal employees, including military personnel, would be subject to garnishment or other legal process in support and alimony cases whether or not the family in question is on the welfare rolls. In addition, annuities and other payments under Federal programs in which entitlement is based on employment would also be subject to attachment for support and alimony payments. This provision would also take precedence over provisions in various social insurance or retirement statutes which prohibit attachment, garnishment, or other legal process.

CHILD SUPPORT SERVICES FOR FAMILIES NOT ON WELFARE

All of the bill's child support and paternity determination services would also be available to nonwelfare families. The Attorney General—or his State or local delegate—would impose an application fee for such services and any costs in excess of this fee would be paid by the individual requesting the services by deduction from the amount of any recovery made.

COSTS AND BENEFITS

Mr. President, I am convinced that if this bill is enacted the additional costs of obtaining child support will be more than offset by welfare savings. Some of these savings will be measurable as a result of the increased support payments offsetting AFDC grants. But more important will be the invisible but very real savings which will result in fewer families going on welfare in the first place. And this bill can make that happen by making it clear that the day has passed in this country when men or women can abandon their families to welfare without facing any substantial fear of being held responsible for the support of their children.

This, then, can represent a big step on the road to true welfare reform. But I want to emphasize very strongly that the biggest beneficiaries of this bill are some of the country's most neglected children who have been wantonly deprived of their rightful support by their deserting fathers—aided and abetted by the existing welfare system. Under the present system less than half a million AFDC families are actually getting any support from their absent parents, instead of the 2.3 million families which should be getting such support. If this bill succeeded in getting support payments from just half of the absent fathers who are now contributing nothing and if these payments were only $50 per month, it would represent more than half a billion dollars annually in support payments, and because of the incentive disregard provisions, AFDC families would enjoy increased incomes totaling more than $200 million per year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Social Security Act is amended by adding after part C of title IV thereof the following new part:

"PART D—CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

"APPROPRIATION

"SEC. 451. For the purpose of enforcing the support obligations owed by absent parents to children receiving assistance under part A of this title and the criminal penalties for nonsupport against absent parents, there is hereby authorized to be appropriated to the Attorney General for each fiscal year a sum sufficient to carry out the purposes of this part.

"DUTIES OF THE ATTORNEY GENERAL

"SEC. 452. (a) The Attorney General shall enforce the support rights assigned to him under section 402 (a) (26) by applicants for and recipients of assistance under part A of this title, utilizing all funds and authority which are available to him for this purpose. To the extent required he shall locate absent parents, determine paternity in order to establish duty to support, obtain support orders, collect support payments by use of voluntary or administrative arrangements or other means, and enforce the criminal provisions for nonsupport by such parents.

"(b) (1) The Attorney General shall, in accordance with procedures applicable to the recovery of obligations due the United States, including, where appropriate, the use of voluntary or administrative arrangements, and in accordance with the priorities for distribution specified in section 455, collect and distribute amounts from enforcement of obligations under paragraph (2). Whenever any individual is determined to be liable to the United States for any amount under this section, the Attorney General may make certification of such amount to the Secretary of the Treasury for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954. The Attorney General shall reimburse the Secretary of the Treasury for any costs involved.

"(2) The Attorney General is authorized to bring civil action in any court of competent jurisdiction (including the courts in any State or political subdivision thereof) against an absent parent to secure support obligations as defined in section 457, except that all or part of such obligation may be suspended or forgiven by the Attorney General upon a finding of good cause.

"(3) The Attorney General may make voluntary or administrative arrangements to recover support obligations assigned under section 402(a) (26), if there is no court order in effect directing payment of such obligation or if there is such an order in effect but there is no reasonable expectation that it can be enforced or that the obligation can be collected. Any voluntary or administrative arrangement so made shall provide that support payments will not cease if the family ceases to receive assistance under part A of this title, and the amounts payable under such arrangement, if there is no court order in effect, may be collected as authorized under the provisions of this part.

"(c) The Attorney General and the Director of the Office of Economic Opportunity are directed to enter into an appropriate arrangement under which the services of attorneys participating in legal services programs established pursuant to section 222(a) (3) of the Economic Opportunity Act of 1964 will be made available to the Attorney General to assist him in carrying out his functions under this part. The Attorney General shall, to the maximum extent feasible, utilize the services of such attorneys in the performance of such functions and may make the services of such attorneys available to States or political subdivisions to assist them in carrying out the purposes of this part. The Office of Economic Opportunity shall be reimbursed by the Attorney General for the costs incurred in providing such services.

"(d) The Attorney General shall require that each United States attorney designate an assistant United States attorney to be responsible for enforcement of the provisions of this part in his judicial district and maintain liaison with and assist the States and political subdivisions thereof in their child support efforts. Each assistant United States attorney so designated shall prepare and submit to the Attorney General for submission to the Congress quarterly reports on all activities undertaken pursuant to this section.

"(e) (1) There is hereby established in the Treasury a revolving fund to be known as the Federal Child Support Fund (hereinafter referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation, to enable him to carry out his responsibilities under this part.

"(2) Except as provided in sections 454 (d) and 458, all moneys appropriated pursuant to section 451 for the purpose of funding Federal activities under this part and all moneys collected by the Federal Government pursuant to this part (including support payments and payments by way of reimbursement received from Federal agencies, States and political subdivisions thereof, and individuals) shall be paid into the fund and shall be disbursed by the Attorney General from time to time in accordance with the provisions of this part.

"(3) There is hereby appropriated to the fund, out of any moneys in the Treasury not otherwise appropriated, amounts equal to the amounts collected under section 6305 of the Internal Revenue Code of 1954, reduced by the amounts credited or refunded as overpayments of the amounts so collected. The amounts appropriated by the preceding section shall be transferred at least quarterly from the general fund of the Treasury to the fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(f) The Attorney General shall notify the Secretary of the failure of the State agency administering the plan approved under part A of this title to comply with the requirements of section 402(a) (25).

"(g) The Attorney General shall maintain complete records of all amounts collected under this part and of the costs incurred in collecting such amounts and shall, not later than June 30 of each year (commencing with June 30, 1974), submit to the Congress a report on all activities undertaken pursuant to the provisions of this part.

"PARENT LOCATOR SERVICE

"SEC. 453. (a) The Attorney General shall establish and conduct, within the Department of Justice, a Parent Locator Service which shall be used to obtain and transmit to any authorized person (as defined in subsection (c)) information as to the whereabouts of any absent parent when such information is to be used to locate such parent for the purpose of enforcing support obligations against such parent.

"(b) Upon request, filed in accordance with subsection (d) of any authorized person (as defined in subsection (c)) for the most recent address and place of employment of any individual, the Attorney General shall, notwithstanding any other provision of law, provide through the Parent Locator Service such information to such person, if such information—

"(1) is contained in any files or records maintained by the Attorney General or by the Department of Justice; or

"(2) is not contained in such files or records, but can be obtained by the Attorney General, under the authority conferred by subsection (e), from any other department, agency, or instrumentality, of the United States or of any State.

The Attorney General shall give priority to requests made by any authorized person described in subsection (c) (1).

"(c) As used in subsection (a), the term 'authorized person' means—

"(1) any agent or attorney of the United States or of any State or any political subdivision to which support collection functions have been delegated under section 454, who has the duty or authority to seek to recover any amounts under section 452;

"(2) the court which has authority to issue an order against an absent parent for the support and maintenance of a child, or any agent of such court; and

"(3) the parent, guardian, attorney, or agent of a child (other than a child receiving aid under part A of this title) without regard to the existence of a court order against an absent parent who has a duty to support and maintain any such child.

"(d) A request for information under this section shall be filed in such manner and form as the Attorney General shall by regulation prescribe and shall be accompanied or supported by such documents as the Attorney General may determine to be necessary.

"(e)(1) Whenever the Attorney General receives a request submitted under subsection (b) which he is reasonably satisfied meets the criteria established by subsections (a), (b), and (c), he shall promptly undertake to provide the information requested from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States or of any State.

"(2) Notwithstanding any other provision of law, whenever the individual who is the head of any department, agency, or instrumentality of the United States receives a request from the Attorney General for information authorized to be provided by the Attorney General under this section, such individual shall promptly cause a search to be made of the files and records maintained by such department, agency, or instrumentality with a view to determining whether the information requested is contained in any such files or records. If such search discloses the information requested, such individual shall immediately transmit such information to the Attorney General; and, if such search fails to disclose the information requested, such individual shall immediately so notify the Attorney General. The costs incurred by any such department, agency, or instrumentality of the United States or of any State in providing such information to the Attorney General shall be reimbursed by him. Whenever such services are furnished to an individual specified in subsection (c)(3), a fee shall be charged such individual. The fee so charged shall be deposited in the fund and shall be used to reimburse the Attorney General or his delegate for the expense of providing such services.

"(f) The Attorney General, in carrying out his duties and functions under this section, shall enter into arrangements with State agencies administering or supervising the administration of State plans approved under part A of this title, under which the offices operated under such plans will accept from parents, guardians, or agents of a child described in subsection (c)(3) and transmit to the Attorney General requests for information with regard to the whereabouts of absent parents and will otherwise cooperate with the Attorney General in carrying out the purposes of this section.

"DELEGATION OF SUPPORT COLLECTION FUNCTIONS TO STATES OR POLITICAL SUBDIVISIONS

"SEC. 454. (a)(1) The Attorney General shall delegate to any State having a plan approved under part A of this title the authority to enforce the child support rights assigned to the United States under section 402(a)(26) if he determines that such State has an effective program (in accordance with the standards established in subsection (b)) for locating absent parents, determining paternity, obtaining support orders, and collecting amounts of money owed by parents for the support and maintenance of their child or children. Such a delegation may be made to a political subdivision of any such State upon a finding that the State as a whole does not have an effective program for locating absent parents, determining paternity, obtaining support orders, and collecting child support but that such political subdivision does have an effective program which meets the standards established in subsection (b).

"(2) The Attorney General may determine that a State which delegates to its political subdivisions all or a substantial portion of the administration of the program for locating absent parents, determining paternity, obtaining support orders, and collecting child support, has an effective program although such program is found not to be effective with respect to one or more of such political subdivisions. In any such case, a delegation of authority to the State under the first paragraph of this subsection shall be effective only with respect to those political subdivisions determined to have effective programs (in accordance with the standards established in subsection (b)).

"(b) The Attorney General shall not approve any program pursuant to subsection (a) unless such program provides—

"(1) that such State or political subdivision will undertake—

"(A) in the case of a child born out of wedlock with respect to whom an assignment under section 402(a)(26) of this title is effective, to establish the paternity of such child, and

"(B) in the case of any child with respect to whom such assignment is effective, to secure support for such child from his parent (or from any other person legally liable for such support), utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support, and

"(2) for the establishment of an organizational unit in the State or political subdivision administering the program under this section;

"(3) for entering into cooperative arrangements with appropriate courts and law enforcement officials (A) to assist the State or political subdivision administering the program under this section, including the entering into of financial arrangements with such courts and officials in order to assure optimum results under such program, and (B) with respect to any other matters of common concern to such courts or officials and the State or political subdivision administering the program under this section;

"(4) that the State or political subdivison will establish a service to locate absent parents utilizing—

"(A) all sources of information and available records; and

"(B) the Parent Locator Service in the Department of Justice;

"(5) that the State or political subdivision will, in accordance with standards prescribed by the Attorney General, cooperate with the State or political subdivision of another State or with the Attorney General in administering a program under this part—

"(A) in establishing paternity, if necessary,

"(B) in locating an absent parent residing in the State (whether or not permanently) against whom any action is being taken under this part in another State,

"(C) in securing compliance by an absent parent residing in such State (whether or not permanently) with an order issued by a court of competent jurisdiction against such parent for the support and maintenance of a child or children of such parent with respect to whom aid is being provided under the plan of such other State, and

"(D) in carrying out other functions required by this part;

"(6) that the State or political subdivision may make voluntary or administrative arrangements to recover child support obligations delegated under subsection (a), if there is no court order in effect directing payment of such obligation or if there is no reasonable expectation that such court order can be enforced or that the obligation can be collected. Any voluntary or administrative arrangement so made shall provide that support payments will not cease if the family ceases to receive assistance under part A of this title, and the amounts payable under such arrangement, if there is no court order in effect, may be collected as authorized under the provisions of this part;

"(7) that the State or political subdivision require, as a condition of the absent parent being permitted to make support payments under a voluntary or administrative arrangement, consent by such parent to the entry of a judgment by an appropriate court in which judgment such parent shall be found to be the parent of such child or children;

"(8) that, if the State uses voluntary or administrative arrangements under paragraph (6), such State will establish by law a mechanism for enforcing such arrangements;

"(9) that such State or political subdivision will comply with such other requirements as the Attorney General determines to be necessary to the establishment of an effective program for locating absent parents, determining paternity, obtaining support orders, and collecting support payments including, but not limited to, requiring a full record of collections and disbursements; and

"(10) that the State or political subdivision shall reimburse the Attorney General for the costs incurred by the Federal Government in enforcing and collecting support obligations assigned under this section.

"(c) The Attorney General shall, upon the request of any State or political subdivision to which he has delegated the authority to enforce the support rights assigned to the United States under section 402(a)(26), make available to such State or political subdivision (1) the services of attorneys participating in legal services programs who are, by reason of the agreement required by section 452(c), assisting the Attorney General in carrying out his functions under this part, and (2) upon a showing by the State or political subdivision that such State or political subdivision made diligent and reasonable efforts in utilizing its own collection mechanisms, the collection facilities of the Department of the Treasury (subject to the same requirements of certification by the Attorney General imposed by section 452(b) and subject to such limitations on the frequency of making such certification as may be imposed by the Attorney General).

"(d) From the sums appropriated therefor, the Attorney General shall pay to each State or political subdivision which has a program approved under this section, for each quarter, beginning with the quarter commencing January 1, 1974, an amount equal to 75 percent of the total amounts expended by such State or political subdivision during such quarter for the operation of the program approved under this section except as provided in sections 456 and 459.

"DISTRIBUTION OF PROCEEDS FROM SUPPORT COLLECTION

"SEC. 455. (a) Amounts collected as support obligations as defined in section 457 shall be distributed in the following order of priority—

"(1) If a State or its agents makes the collection, the proceeds of such collection shall be distributed, beginning with the first dollar, as follows—

"(A) the family shall be paid the larger of—

"(i) 100 percent of such proceeds if they are equal to or less than the amount of the assistance payment which would otherwise be made, or

"(ii) an amount of such proceeds that is equal to the lesser of (I) the amount required by a court order to be paid for child support or (II) the amount agreed upon by the parties under a voluntary or administrative arrangement; and

"(B) such amounts as may be necessary to reimburse the State for assistance payments (with appropriate reimbursement of the Federal Government for deposit into the fund and of any political subdivision to the extent of their participation in the financing) made to the family prior to the date on which the support obligation was collected shall be paid to such State.

"(2) If a political subdivision or its agent makes the collection, the proceeds of such collection shall be distributed, beginning with the first dollar, as follows—

"(A) the family shall be paid the larger of—

"(i) 100 percent of such proceeds if they are equal to or less than the amount of the assistance payment which would otherwise be made, or

"(ii) an amount of such proceeds that is equal to the lesser of (I) the amount required by a court order to be paid for child support or (II) the amount agreed upon by the parties under voluntary or administrative arrangement; and

"(B) such amounts as may be necessary to reimburse the political subdivision for assistance payments (with payment to the Federal Government for deposit into the fund of the total amount by which such reimbursement exceeds the share of such reimbursed assistance payments the cost of which were borne by the political subdivision) made to the family prior to the date on which the support obligation was collected shall be paid to such political subdivision.

"(3) If the Attorney General makes the collection, the proceeds of such collection shall be distributed, beginning with the first dollar, as follows—

"(A) the family shall be paid the larger of—

"(i) 100 percent of such proceeds if they are equal to or less than the amount of the assistance payment which would otherwise be made, or

"(ii) an amount of such proceeds that is equal to the lesser of (I) the amount required by a court order to be paid for child support or (II) the amount agreed upon by the parties under a voluntary or administrative arrangement; and

"(B) such amounts as may be necessary to repay past assistance payments shall be paid to the Federal Government and deposited in the fund.

Whenever payments are made pursuant to paragraph (2)(A) or (3)(A) to a family residing in a State which does not have an approved support program under this part (or to a family residing in a political subdivision which is found under section 454(a)(2) not to have an effective program), the Attorney General shall so certify to the Secretary, who shall reduce the amount of any grant made to such State under part A of this title by an amount equal to the amount so certified and deposit such amount into the fund, except that such reduction shall not be greater than the non-Federal share of the amount of the assistance payment such family would have received from such State had the payment under paragraph (2)(A) or (3)(A) not been made reduced by that portion of such non-Federal share which was paid by a political subdivision making the collection under paragraph (2)(A).

"(b) Whenever a family for whom support payments have been collected and distributed under this part ceases to receive assistance under part A of this title, the Attorney General, or the State or political subdivision to which the Attorney General has delegated the authority to collect support obligations pursuant to this part, shall—

"(1) continue to collect such support payments from the absent parent for a period of three months from the month following the month in which such family ceased to receive assistance under part A of this title, and pay all amounts so collected to the family; and

"(2) at the end of such three-month period, if the Attorney General is authorized to do so by the individual on whose behalf the collection will be made, continue to collect such support payments from the absent parent and pay the net amount of any amount so collected to the family after deducting any costs incurred in making the collection from the amount of recovery made.

"INCENTIVE PAYMENT TO STATES AND LOCALITIES

"SEC. 456. When a political subdivision of a State or one State acting as the agent of the Attorney General or another State makes the enforcement and collection of the support rights assigned under section 402(a)(26) (either within or outside of such State, and whether as the agent of such State or as the agent of the Attorney General), an amount equal to 25 percent of any amount collected and required to be distributed as provided in sections 455(a)(1) (A) and (B), or in sections 455(a)(2) (A) and (B), as appropriate, to reduce, eliminate, or repay assistance payments, shall be paid to such State or political subdivision from amounts which would otherwise represent the Federal share of assistance to the family of the absent parent, except that where more than one jurisdiction is involved in such enforcement or collection, such 25 percent shall be allocated among the jurisdictions in a manner to be prescribed by the Attorney General.

"SUPPORT OBLIGATION

"SEC. 457. (a) The support rights assigned to the United States under section 402(a)(26) shall constitute an obligation owed to the United States by the individual responsible for providing such support. Such obligation may be collected directly by the United States or may be delegated for collection to States and political subdivisions as provided in this part and amounts collected by the United States, States, or political subdivisions shall be distributed pursuant to section 455.

"(b) Whenever the support rights assigned to the United States are delegated to a State or political subdivision, the obligation to the United States based upon such support rights shall be deemed for collection purposes to be a debt owed to such State or political subdivision which shall be collectible under all applicable State and local processes.

"(c) The amount of such obligation shall be (1) the amount specified in a court order for support as being the individual's obligation for support of the members of the family, or (2) if there is no court support order, an amount equal to the total amounts of payments which have been or would, in the absence of any support payments collected from such individual under this part, be made on behalf of the children of an absent parent and their caretaker each month under the State plan approved under part A of this title, or, if less, 50 percent of the monthly income of the absent parent for each such month (but not less than $50 per month).

"(d) Any amounts collected from an absent parent under this part shall—

"(1) reduce, dollar for dollar, the amount of his obligation under subsections (a) and (c); and

"(2) to the extent that such amounts exceed the amount necessary to fulfill the distribution requirements of section 455, be paid to his family.

"(e) Interest on any such obligation shall, to the extent it remains unsatisfied, accrue at the rate of 6 percent per annum.

"REGIONAL LABORATORIES TO ESTABLISH PATERNITY THROUGH ANALYSIS AND CLASSIFICATION OF BLOOD

"SEC. 458. (a) The Secretary shall, after appropriate consultation and study of the use of blood typing as evidence in judicial proceedings to determine paternity, establish, or arrange for the establishment of designation of, in each region of the United States, a laboratory which he determines to be qualified to provide services in analyzing and classifying blood for the purpose of determining paternity, and which is prepared to provide such services to courts and public agencies in the region to be served by it.

"(b) Whenever a laboratory is established or designated for any region by the Secretary under this section, he shall take such measures as may be appropriate to notify appropriate courts and public agencies (including agencies administering any public welfare program within such region) that such laboratory has been so established or designated to provide services, in analyzing and classifying blood for the purpose of determining paternity, for courts and public agencies in such region.

"(c) The facilities of any such laboratory shall be made available without cost to courts and public agencies in the region to be served by it.

"(d) There is hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.

"SUPPORT COLLECTION SERVICES FOR OTHER INDIVIDUALS

"SEC. 459. The child support collection or paternity determination services established under this part shall be made available to any individual not otherwise eligible for such services under the preceding sections of this part upon application filed by such individual with the Attorney General or, if a State or political subdivision has a program approved under section 454, with such State or political subdivision as may be appropriate. The Attorney General (or a State or political subdivision) shall impose an application fee for furnishing such services. Any costs in excess of the fee so imposed shall be paid by such individual by deducting such costs from the amount of any recovery made.

"CONSENT BY THE UNITED STATES TO GARNISHMENT AND SIMILAR PROCEEDINGS FOR ENFORCEMENT OF CHILD SUPPORT AND ALIMONY OBLIGATIONS

"SEC. 460. Notwithstanding any other provision of law, moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the United States (including any agency or instrumentality thereof and any wholly owned Federal corporation) to any individual, including members of the armed services, shall be subject, in like manner and to the same extent as if the United States were a private person, to legal process brought for the enforcement, against such individual, of his legal obligations to provide child support or make alimony payments.

"PENALTY FOR NONSUPPORT

"SEC. 461. (a) Any individual who is the parent of any child or children and who is under a legal duty to provide for the support and maintenance of such child or children (as required under the law of the State where such child or children reside) but fails to perform such duty and has left, deserted, or abandoned such child or children and such child or children receive assistance payments to provide for their support and maintenance which are funded in whole or in part from funds appropriated therefor by the Federal Government shall, upon conviction, be penalized in an amount equal to 50 percent of the support obligation owed to the United States, or fined not more than $1,000, or imprisoned for not more than one year, or any combination of these three penalties.

"(b) This section does not preempt any State law imposing a civil or criminal penalty on an absent parent for failing to provide support and maintenance to his child or children to whom such parent owes a duty to support."

COLLECTION OF CHILD SUPPORT OBLIGATIONS

SEC. 2. (a) Subchapter A of chapter 64 of the Internal Revenue Code of 1954 (relating to collection of taxes) is amended by adding at the end thereof the following new section:

"SEC. 6305. COLLECTION OF CERTAIN LIABILITY TO THE UNITED STATES.

"Upon receiving a certification from the Attorney General under section 452(b)(1) of the Social Security Act with respect to any individual, the Secretary or his delegate shall assess and collect the amount certified by the Attorney General in the same manner, with the same powers, and (except as provided in this section) subject to the same limitations as if such amount were a tax imposed by subtitle C the collection of which would be jeopardized by delay, except that—

"(1) no interest or penalties shall be assessed or collected, and

"(2) for such purposes, paragraphs (4), (6), and (8) of section 6334(a) (relating to property exempt from levy) shall not apply."

(b) The table of sections for such subchapter is amended by adding at the end thereof the following new item:

"Sec. 6305. Collection of certain liability to the United States."

CONFORMING AMENDMENTS TO TITLE XI

SEC. 3. Section 1106 of such Act is amended—

(1) by striking out the period at the end of the first sentence of subsection (a) and inserting in lieu thereof the following: "and except as provided in part D of title IV of this Act.";

(2) by adding at the end of subsection (b) the following new sentence: "Notwithstanding the preceding provisions of this subsection, requests for information made pursuant to the provisions of part D of title IV of this Act for the purpose of using Federal records for locating parents shall be complied with and the cost incurred in providing such information shall be paid for as provided in such part D of title IV."; and

(3) by striking out subsection (c).

CONFORMING AMENDMENTS TO PART A OF TITLE IV

SEC. 4. (a) Section 402(a)(8)(A) of such Act is amended—

(1) by striking out "and" at the end of clause (i);

(2) by striking out the semicolon at the end of clause (ii) and inserting in lieu thereof a comma; and

(3) by adding at the end of clause (ii) the following new clause;

"(iii) 40 percent of the first $50 per month, with respect to the dependent child (or children), relative with whom the child (or children) is living, and other individual (living in the same home as such child (or children)) whose needs are taken into account in making such determination, of all income derived from support payments collected pursuant to part D; and".

(b) Section 402(a)(9) is amended to read as follows:

"(9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only to (A) public officials who require such information in connection with their official duties, or (B) other persons for purposes directly connected with the administration of aid to families with dependent children;".

(c) Section 402(a)(10) is amended by inserting immediately before "be furnished" the following: ", subject to paragraphs (24) and (26),".

(d) Section 402(a)(11) is amended to read as follows:

"(11) provide for prompt notice (including the transmittal of all relevant information) to the Attorney General of the United States (or the appropriate State official or agency (if any) designated by him pursuant to part D) of the furnishing of aid to families with dependent children with respect to a child who has been deserted or abandoned by a parent (including a child born out of wedlock without regard to whether the paternity of such child has been established);".

(e) Section 402(a) is further amended—

(1) by striking out "and" at the end of paragraph (22); and

(2) by striking out the period at the end of paragraph (23) and inserting in lieu thereof a semicolon and the following:

"(24) provide (A) that, as a condition of eligibility under the plan, each applicant for or recipient of aid shall furnish to the State agency his social security account number (or numbers, if he has more than one such number), and (B) that such State agency shall utilize such account numbers, in addition to any other means of identification it may determine to employ, in the administration of such plan;

"(25) contain such provisions pertaining to determining paternity and securing support and locating absent parents as are prescribed by the Attorney General of the United States in order to enable him to comply with the requirements of part D; and

"(26) provide that, as a condition of eligibility for aid, each applicant or recipient will be required—

"(A) to assign the United States any rights to support from any other person he may have (i) in his own behalf or in behalf of any other family member for whom he is applying for or receiving aid, and (ii) which have accrued at the time such assignment is executed, and which will accrue during the period ending with the third month following the month in which he (or such other family members) last received aid under the plan, and

"(B) to cooperate with the Attorney General or the State or local agency he has delegated under section 454, (i) in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and (ii) in obtaining support payments for herself and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due herself or such child."

(f) Section 406 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding the provisions of subsection (b), the term 'aid to families with dependent children' does not mean payments with respect to a dependent child, a relative with whom any dependent child is living, or any other individual (living in the same home as such a child and relative) whose needs such State determines should be considered in determining the need of the child or relative claiming aid under the plan of such State approved under this part, who for any month is the parent of a child with respect to whom such aid is claimed who fails to cooperate with any agency or official of the State or of the United States in obtaining support payments for herself or such child."

(g) Section 402 (a) (17), (18), (21), and (22), and section 410 of such Act are repealed.

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall become effective on January 1, 1974.

By Mr. McINTYRE:

S. 2082. A bill to divorce the businesses of production, refining, and transporting of petroleum products from that of marketing petroleum products. Referred to the Committee on Commerce.

PETROLEUM MARKETING DIVORCEMENT ACT OF 1973

Mr. McINTYRE. Mr. President, the legislation I am introducing today would make it unlawful for any person engaged in the marketing of any refined petroleum product to engage in one of more of the other basic operations of the petroleum industry, namely, production, refining and transportation. The basic purpose behind the legislation is not new to the Congress. Divorcement legislation was first introduced in both the Senate and the House in the 75th Congress. As early as 1937, there was awareness of the danger of allowing complete and total vertical integration in our domestic petroleum industry.

The one difference between the consideration of marketing divorcement legislation in 1937 and considering it today, however, is the clearly recognizable fact that there is now underway a definite movement by a number of major oil companies to attain control over the marketing segment of the oil industry.

During the past few years, a number of developments have given a clear indication that if Congress does not act swiftly the wholesaling and retailing functions of our domestic petroleum industry will become completely dominated by a relatively small number of integrated oil companies.

In these last few years, we have witnessed a substantial number of mergers and acquisitions in which the dominant companies have substantially increased their control within the oil industry. During the same period that we have witnessed a significant number of mergers within the industry, there has also been a number of marketing realinements. It appears that rather than attempting to market on a national scale, several major companies have decided to concentrate in localized marketing territories, thus dividing the retail market of this country among a small number of strong regional companies. Examples are the withdrawal of Gulf Oil Co. from 18 States, while other countries such as Exxon, Phillips Oil Co., British Petroleum, Atlantic Richfield, American Oil Co., and Sun Oil Co. pursue a similar pattern.

The impact on competition of such a marketing realinement is obvious. In various regions of the country, we will find that one company dominates a given marketing territory. If coupled with control over the marketing operations in those areas, this will mean that price competition will be severely restrained and consumer costs will rise.

At the same time that these major oil companies are retrenching in localized marketing, there are also definite signs that a concerted effort is underway to destroy the independent marketing segment of the industry.

There is considerable discussion as to whether the fuel shortages we are presently experiencing are, in fact, real or are contrived by the dominant members of the petroleum industry itself.

Several investigations by congressional committees and regulatory agencies are in progress to determine the true causes of the gasoline and home heating oil shortages. Until these investigations are completed, it is difficult to make an accurate appraisal of what actually caused the present supply conditions. However, it is becoming clear that whether the shortage itself was caused by lack of supply or other physical factors, a number of companies are using the shortage to severely restrict competition at both the wholesale and retail level of the marketing segment of the industry. Hundreds of independent retail marketers, both branded and unbranded, have been forced to discontinue operation, and thousands of other retailers are being forced to severely curtail their marketing activities.

If immediate action is not taken, I am afraid that before this shortage is over, we will find that the marketing of gasoline, home heating oil, and other petroleum products will be totally controlled by a small number of totally integrated major oil companies.

Congress must take affirmative action to halt any further market domination and control. If a handful of giant petroleum corporations are allowed to gain control over the entire petroleum industry—from crude oil production to refining to transportation to marketing—then the implicit abuse of marketing power is obvious.

The marketing dominance of a relatively small number of major integrated companies was clearly illustrated during the hearings I chaired before the Senate Banking, Housing and Urban Affairs Committee in early May.

Testifying before the committee, the chairman of the board of City Service Co., Citgo, described his corporation as:

> A small oil company engaged in all phases of the petroleum industry in the United States.

This so-called small oil company was listed in this year's Fortune's 500 largest industrial corporations as the 63d largest in the country. This statement by the chairman of the board of the 63d largest industrial corporation in this country clearly depicts the tremendous concentration that has already developed within our domestic oil industry.

It is clear that if the major oil companies are allowed to continue to take over the marketing segment of the industry then thousands of small business wholesalers and retailers will be destroyed.

The argument is usually made that whenever the Federal Government intrudes into the operations of an industry competition suffers. But in this case, I think that it is clear that the only way to preserve the integrity of competition within the marketing segment of our domestic oil industry is for Congress to clearly state that no refiner of petroleum products shall also be allowed to market, that is, to retail and wholesale.

If the major companies are allowed total control and ownership of retailing, the result will be fewer and fewer sources of supply available to consumers in any given part of the country. As I pointed out earlier, there is a movement underway now among the dominant companies in the industry to withdraw from various sections of the country and expand in others. These same companies are also expanding in the operation of their own stations by directly selling under their own brand name and developing secondary brands at key stations in major marketing areas. If this trend is allowed to continue, a relatively small number of companies can and will completely control the retail price of petroleum products throughout the country.

The solution is to prohibit refiners and producers from integrating forward into the retailing of gasoline. Not only must they be prohibited from totally controlling the marketing segment of the industry but they must be required to divest themselves of the stations they presently operate.

The major companies—with Government assistance through tax laws and such programs as the quota system—have already been allowed to monopolize the production and refining segments of the industry.

The so-called gasoline shortage is now being used as the weapon to allow them to complete the process of monopolizing the total marketing system.

Mr. President, affirmative action is needed now. If the desire and goal of this country is to maintain competition, then the Petroleum Marketing Divorcement Act of 1973 must be acted upon by Congress immediately.

Numerous small business marketers of gasoline and petroleum are being driven out of business daily. It is clear that the Federal Government must draw a line between the production and refining of petroleum products and its marketing if competition in its true sense is to be maintained.

All evidence indicates that the shortages we are presently experiencing will increase substantially over the next few years. What we are experiencing in 1973 will be worse in 1974, and this trend will continue for the next few years at least.

The divorcement of marketing from other functions within the petroleum industry will not resolve all the problems we are presently facing. It is obvious that if we are going to overcome our present energy crisis, a detailed and consolidated Federal energy program must be developed to encompass research and development of fuel sources, conservation, development of additional domestic fuel sources, construction of substantial storage capacity, and a realization of the balance between energy needs and environmental goals. However, during this critical period in demand and supply of energy resources, we must make sure that short term supply dislocations do not result in long term competitive distortions within the petroleum industry. The maintenance of an independent marketing segment of the oil industry is imperative. Only through clear and affirmative actions by the Federal Government can we assure a meaningful level of competition in the marketing of petroleum products.

Mr. President, I ask unanimous consent that the Petroleum Marketing Divorcement Act of 1973 be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of Congress to protect commerce among the several States in petroleum and its products from the burdens and harmful effects and monopolies which result from the operations of persons in the marketing of petroleum products combined with operations in production, refining, and transportation of petroleum and petroleum products.

Sec. 2. As used in this Act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, joint-stock companies, trustees and receivers in bankruptcy and reorganization, common-law trusts, or any organized group, whether or not incorporated.

(b) The term "commerce" means trade, traffic, or transportation among the several States or within the District of Columbia, or between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof.

(c) The term "production" means the development of oil lands within the United States and the production of crude petroleum and natural gas thereon, the storage of crude petroleum and natural gas thereon.

(d) The term "transportation" means the transportation of petroleum products by means of pipe lines, railroads, or tankers.

(e) The term "refining" means the refining, processing, or converting of crude petroleum, fuel oil, or natural gas into finished or semifinished products. It shall include the initial sale with transfer of ownership of refined petroleum products to customers at the refinery.

(f) The term "marketing" means the sale and distribution of refined petroleum products, other than the initial sale with transfer of ownership to customers at the refinery.

(g) A person shall be deemed to be an affiliate of another if such person controls or is controlled by or is under common control with such other person.

(h) The term "control" means actual or legal power or influence over another person, whether direct or indirect, arising through direct or indirect ownership of capital stock, interlocking directorates or officers, contractual relations, agency agreements, or leasing arrangements where the result is used to affect or influence persons engaged in the marketing of petroleum products.

Sec. 3. It shall be unlawful for any person directly or indirectly to be engaged in commerce in the marketing of refined petroleum products while such person or affiliate of such person is also engaged in one or more of the other three branches of the petroleum industry, namely, production, refining, and transportation.

Sec. 4. Any person knowingly violating the provisions of this Act on or after January 1, 1974, shall upon conviction be punished by a fine of not to exceed $100,000 for each such offense committed.

Sec. 5. It shall be the duty of the Attorney General immediately to examine the relationships of persons now engaged in one or more branches of the petroleum industry and to institute suits in equity in the United States district courts for the issuance of mandatory injunctions commanding any person to comply with the provisions of this Act.

Sec. 6. The United States district courts shall have exclusive jurisdiction of violations of this Act and of all suits in equity and actions at law brought to enforce any compliance with or enjoin any violation of this Act. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enforce compliance with or enjoin any violation of this Act may be brought in any district wherein the defendant is found or is an inhabitant or transacts business, and process in any such cases may be served in any other district.

SEC. 7. This Act shall be known as the "Petroleum Marketing Divorcement Act of 1973".

By Mr. CHILES:

S. 2083. A bill to amend the Foreign Assistance Act of 1961, as amended. Referred to the Committee on Foreign Relations.

Mr. CHILES. Mr. President, I am introducing today a bill to amend the Foreign Assistance Act of 1961 to give it greater focus on the problems of poor people in developing countries, especially health, nutrition, education, family planning and small farm agriculture. The bill also introduces language to assure a phase out of each aid project authorized within 3 years, host country financing of all our aid projects to the extent of 20 percent and an end to the "follow on" character of many of our loans where one project leads to another. My bill also contains language which would require the aid agency to more tightly relate aid to specific program purposes, intermediate goals and defined time periods so that results, or the lack of them, will be more visible.

I ask unanimous consent that this bill and the testimony I will present to the Foreign Relations Committee today be printed in the RECORD at this point.

There being no objection, the bill and testimony were ordered to be printed in the RECORD, as follows:

S. 2083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(b) of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended by striking out the first sentence and "In so doing," at the beginning of the second sentence and inserting in lieu thereof the following:

"The President is authorized to make loans payable as to principal and interest in United States dollars on such terms and conditions as he may determine in order to be responsive to efforts in developing countries to address the problems of the poorest people, emphasizing projects in health nutrition, education, family planning and small farm agriculture. In so doing, the President shall see to it that, in order to assume that host country interest and initiative exist and that there not be endless funding by the United States, (A) the host country participate in the financing of the project to the extent of 20 percent of the total cost, (B) the phase-out period of the project not exceed three years with efforts being made to find local and other international sources of financing both during and after the three year period, and (C) projects not have a "follow on" character which necessarily links one project to another.

SEC. 2. Section 211(a) of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended by striking out the first sentence and "In so doing" in the second sentence and inserting in lieu thereof the following:

"The President is authorized to furnish assistance on such terms and conditions as he may determine in order to be responsive to efforts in developing countries to address the problems of the poorest people, with emphasis upon health, nutrition, education, family planning and small farm agriculture. In so doing the President shall see to it that, in order to assure that host country interest and initiative exist and that there not be endless funding by U.S. assistance, (A) the host country request the technical assistance before it is authorized, (B) the host country finance 20 percent of the costs of technical assistance and grant aid projects, (C) that any given technical assistance and grant aid be phased out within three years with efforts being made to find local and other international sources of financing both during and after the three year period, and (D) that grant aid projects not have a "follow on" character which necessarily links one grant to another; and"

SEC. 3. Section 251 of the Foreign Assistance Act of 1961, relating to Alliance for Progress, is amended as follows:

(1) Strike out the last sentence of subsection (a) and insert in lieu thereof the following:

"The President is authorized to furnish assistance on such terms and conditions as he may determine in order to be responsive to efforts in Latin America to address the problems of the poorest people, with emphasis upon health, nutrition, education, family planning, and small farm agriculture."

(2) In subsection (b) strike out the first sentence and 'In furnishing assistance under this title," in the second sentence and insert in lieu thereof the following:

"Assistance furnished under this title shall be directed toward the development of human as well as economic resources. In furnishing assistance under this title the President shall see to it that, in order to assure that host country interest and initiative exist that there not be endless funds by U.S. assistance, (A) the host country participate in the financing of the project to the extent of 20 per centum of the total cost, (B) the phase out period of the project not exceed three years with efforts being made to find local and other international sources of financing both during and after the three year period, and (C) that projects not have a "follow on" character which necessarily links one project to another; and"

SEC. 4. (a) Subsections (a) and (b) of section 621A of the Foreign Assistance Act of 1961, relating to strengthened management practices, are amended to read as follows:

"(a) The Congress believes that United States foreign aid funds could be utilized more effectively by developing program purposes in objectively measurable terms with stated time periods for achievement, together with a management system which provides for systematic in-house evaluation of the progress made toward such purposes by knowledgeable officials who have no responsibility for program management. The management system should provide for the application of advanced management decision-making, information and analysis techniques such as systems analysis, automatic data processing, benefit cost studies, and information retrieval.

"(b) To meet this objective, the President shall establish a management system that includes: the formulation of program aims, objectives, goals and targets, both final and intermediate, in objectively measurable terms with defined time periods for accomplishment; the development of a comprehensive, unified plan for each separate overall program, and for each country or region to which program resources are directed—not in relation to a single budget year but in terms of intermediate and final program aims setting forth the final program aims, objectives, goals and targets which have been or are to be achieved, together with the strategy and aggregate financing requirements for achievement of the program purposes; and the development of mission oriented budgets. All requests presented to the Congress for authorizations and appropriations for fiscal year 1975 and subsequent fiscal years to carry out programs under this Act shall be formulated in accordance with the management system required to be established by this subsection."

(b) Section 644 of the Foreign Assistance Act of 1961, is further amended by adding the following new paragraphs immediately below paragraph(m):

"(n) 'Program aim' means the final or ultimate purpose of a given program.

"(o) 'Program objective' means the final or ultimate purpose in a given country or region.

"(p) 'Program goal' means an element in a plan to accomplish a stated objective.

"(q) 'Program target' means an element in a plan to accomplish a stated goal.

"(r) 'Program purposes' includes program aims, program objectives, program goals and program targets."

TESTIMONY, SENATOR LAWTON CHILES, COMMITTEE ON FOREIGN RELATIONS, JUNE 27, 1973

Mr. Chairman, I am honored to have this opportunity to testify before the Committee on Foreign Relations on our foreign assistance programs. I share a strong interest in Latin America with several members of this committee but I am also concerned about our overall foreign assistance effort world wide. Many of our constituents are increasingly worried about what this nation is involved in abroad and how much of our resources are going into foreign countries without us getting any visible results from it. I think we have to pay increasing attention to what the people are thinking about aid. We in the Congress need to take a new look at what the aid program is doing and decide what's worth the taxpayer's money and what is not.

The time has come for the Congress to act. We have gone on now a year and a half on the basis of Continuing Resolution Authority instead of an authorization bill. This provides the executive agencies with the opportunity to go on doing what they have been doing in the past the way they want without any new direction or guidance from the Congress on where to go. This can't go on.

Times have changed. The present program is rooted in the thinking of the years immediately after World War II. The Marshall Plan approach is not viable in the 1970's. We now have a new understanding of the limits of our own power. We find ourselves in very different economic circumstances where Europe and Japan have become strong competitors instead of friends in need. We are no longer the only big guy on the block with change in his pocket. We no longer find ourselves locked into a gang war with the Soviet Union trying to divide up the world between us.

We are also at a moment in history when we in the Congress must take a stronger hand in setting the priorities and direction the nation must take. The Constitution is like the Bible. It is overlooked because it was written a long time ago. Foreign aid is both a budget and a foreign policy matter. It is both these areas that the Constitution gives to the Congress clear authority to act. The time has come, Mr. Chairman, when to preserve the role of the Congress in our system of government, we must act. And the foreign aid program is one place we can begin, as the Chairman of this Committee has so forthrightly done in the military aid and sales program and just yesterday in putting forward an economic assistance bill.

A. AID FRAMEWORK

What we most need to do in the Congress is to provide a framework for the kinds of changes we want to see so the Executive has a clear idea of where we want them to go and perhaps most of all where we don't want them to go.

Before I go into some specific aspects of the legislation, I would like to make clear my outlook on aid—the framework within which I think specific changes in legislation should be made.

The basic problem of our economic assistance has been that it was born from the notion that we, the United States, could bring about change in the world if we only put some money, men and ideas to work on the world's problems. We could make the world safe for democracy with our military might and make the world economically viable through our wealth.

So we got ourselves spread thin in our aid program to developing countries. Our aid ranges across transportation, power, industry, mining, agriculture, health, education, community development, communications. You name it and we were into it.

If you take 20,000 employees and ask them what can be done to achieve more development in poor countries, you are going to get into everything. There are limitless numbers of things we can do to help development in underdeveloped countries. Unless some restrictions are put on what we set out to do, we can go on pouring more and more money into endless numbers of activities in a host of different countries.

Mr. Chairman, this still goes on. The other day I was looking at the ten new loans AID is taking final action on in the closing days of FY 1973 to the tune of over $100 million. These loans were for such things as a Savings and Loan Housing Program in Bolivia ($6 million), telecommunications in Malagasy ($2 million), power projects in Afghanistan ($5 million) and the Philippines ($4.5 million), roads in Nepal ($7 million) and an industrial bank in Turkey ($9 million). It's endless the places and kinds of things AID is doing.

These 10 loans provide a good sample to show what is going on. Take the loan to Malagasy, for example. Here is the AID description of the loan.

This loan is a follow-on to a $2.0 million loan project which A.I.D. initiated in 1967 to expand and modernize Malagasy's telecommunications system. The activity involves the purchase and installation of materials required for construction and rehabilitation of main telephone trunk lines and local links to these lines in rural areas in the Western and Southern regions of the Malagasy Republic. A.I.D.-financed materials will allow for developing 90 miles of additional telecommunications facilities and replacement of 622 miles of inadequate 50 year old lines.

Because many of the communities in the areas served by these lines do not have all weather road connections and are thus isolated during part of each year, the planned facilities will serve to alleviate the effects of such isolation.

Mr. Chairman, if we as a government are going to take upon ourselves responsibility for alleviating the isolation of rural folk in western and southern Malagasy, we are indeed prepared to take on responsibility for the fate of all men everywhere. This is nonsense.

So we have to place some very real restrictions on what kinds of activities aid can be spent on and what the goals of our aid should be. Otherwise we are going to be all over the map, which gets us nowhere. This kind of program doesn't give our taxpayers any sense that anything they can get a handle on is being done with their money.

Mr. Chairman, I call your attention to the fact that the Malagasy loan was a "follow on" loan in a previous AID loan. Two of the ten loans in this group were "follow on" loans. The other one has a classic description. Bear with me while I read another AID loan description.

Afghanistan-Kajakai transmission ($5 million)

This is a follow-on to an FY 1970 AID power project which did not include sufficient funds to finance complementary transmission facilities. The Afghan's attempts to fund that aspect of the overall endeavor from other sources failed: the Asian Development Bank, World Bank and Federal Republic of Germany declined to finance that part of the project. Thus, in late 1972 they made a direct appeal to the Administrator of AID for financing of the transmission facilities.

After careful study of the alternatives, AID concluded that the only practical way to limit an otherwise long hiatus between powerhouse completion and transmission system completion (both integral parts of the system) was to undertake the latter as an AID project. This supplement ($5,000,000) to the original loan is for the purpose of constructing the transmission line.

Now, Mr. Chairman, I am sure you agree this is the precise opposite of the kind of aid we should be giving. AID financed part of a project that couldn't show results unless the other part was financed. Instead of AID financing being a means of bringing in local financing or getting the international development banks on to something they might not have picked up, AID was left holding the bag. AID had to put good money after bad. One AID loan triggered another.

Mr. Chairman, I strongly believe that future AID loans should be carefully designed for the purpose of triggering other sources of financing and effort. The role of our aid should be to bring other people and institutions to bear on an activity which would have otherwise gone unheeded. Our bilateral economic assistance should principally be "front end money" with someone else picking up on our initiative and making it their own. Successful development is self generated not foreign financed. Our aid can stimulate and assist. But it should not substitute for the effort others might make.

So we need a clear *phase-out* principle to guide our aid program. Legislation by the Congress should, in my opinion, insist that the purpose of aid be to *trigger* not to finance.

Part of this would be to see that efforts are made by the aid agency (in both its public programs and through its volunteer service and private agency programs) to get a *mixing* of AID funds with financing by other groups. AID shouldn't be going in and paying for things when others more directly concerned are not willing to pitch in. Even U.S. private groups who work in developing countries should seek to elicit collaborative financing and effort rather than to move forward on their own.

The whole idea of development is to energize and activate people in ways which will enhance the quality of their lives. Paying, providing and pushing is not the way people and institutions from the outside can help. Only by getting people to act on their own behalf can our aid do any good. Otherwise we just leave a project in place but the people remain just as unable to change their own lives as before.

The establishment in legislation of *phase out* as the guiding principle of our bilateral economic assistance is the central recommendation I would make to this Committee. I would further recommend that language also be put into the legislation requiring AID seek to *mix* its own investment with funds from local or other foreign sources to the maximum extent possible.

B. TYPES OF ASSISTANCE

My philosophy of how AID should operate is probably nowhere better born out in practice than in the *emergency relief programs* run by AID. These efforts make a major impact abroad not only in the individual coutries affected by national disaster but in the world at large. We are helping people in tangible ways when they are at their moment of most acute need. We move in efficiently with significant resources and skills. The United States is known as being a generous and effective contributor when disaster strikes. Our emergency relief programs carry out the American people's desire to be of help.

At the same time, these programs are not permanent give away programs which commit us as a government to financing an endless string of apparently worthy projects. When relief gives way to reconstruction, other sources of funds frequently are and should increasingly be drawn in. Relief aid can be the perfect trigger to a larger national effort toward development more broadly supported by diverse international agencies and different countries. I am hopeful that this will be the case in Nicaragua, for example.

So I very much feel that emergency relief is one area where our bilateral economic assistance should continue to be strongly supported.

Another type of assistance which does not provide a bottomless pit for our money to go down is *technical assistance*. Technical assistance is a way we can share the great reservoir of knowledge built up over the years in this country in government, in the private sector and in our universities without becoming a worldwide dole. Through technical assistance, problem areas can be pinpointed and new approaches can be suggested. The multiplier effects and trigger potential of technical assistance is very high. Through technical assistance, along with some seed money for pilot projects, we can lead others to the trough without being the major source of funds ourselves.

Technical assistance should play a determining role in where capital assistance goes rather than technical assistance complementing a capital project. Instead of the AID thrust mostly being in the funding rather than in the ideas and skills, technical assistance should increasingly point the way for the financing. In this way it can be, like emergency relief, a means of implementing the phase out and triggering philsophy I have advocated.

I believe that technical assistance must relate to needs of the developing country and respond to requests by them rather than reflect the priorities of our aid agency. Again it is only if there is some initiative *within* the host country to seek change in a particular area that change will actually occur. It is only if there is some leadership there in the country to use the technical assistance we offer and continue on after our assistance has ended that anything will really come of our efforts.

Unless technical assistance is responsive to in-county requests it is all too easy that it become paternalistic and bureaucratic the way our capital assistance became. Also, if the host government were required to pay some portion of the cost of technical assistance this would assure that the request was real and the need valid rather than something trumped up to cover a requirement for in-country requests. All of this speaks to the need for a collaborative and cooperative style of assistance rather than the high-handed, we-know-what's-best-for-you style we have adopted in the past.

Finally we can't just stop providing *capital assistance* altogether. We need to continue to have a capital assistance program to provide the trigger for other spending sources and to try out new approaches resulting from our technical assistance efforts.

Again I think we should be clear about what the restrictions should be on this kind of money. I don't think there should be any lump-sum transfers to other governments, what are called program loans, to help them achieve their broad growth and import goals. We need to require that AID be more specific requiring the agency to link its loans to activities that generate the most jobs and help the most people. Our aid needs to be increasingly people oriented trying to reach people in poverty, hunger and disease. The American people are frustrated at being privileged in a world where the majority of mankind is poor and yet being unable to find a way to reach out to poor people abroad without interfering in the internal affairs of other countries or lining the pockets of the rich.

One way to reach poor people abroad is to focus more of our aid on health, nutrition, education, population, small farm agriculture and the like. This will bring more emphasis to the real problems affecting poor people abroad. With mixing requirements and a phase-out principle in our aid program, it can serve as a means of bringing more local local and world resources to bear on the poor in developing countries.

In this regard, I find myself very much in agreement with the priorities established in the House Foreign Affairs Committee bill which, among other things, seeks to focus more priority on the areas I have mentioned. I strongly support the general philosophy and overall direction of the House bill. This seems to me to be a very positive initiative from the Congress which is the kind that is increasingly needed by the legislative branch in foreign affairs.

C. BUDGET CONTROL

But whereas I am in basic agreement on the priority activities emphasized in the House bill I do not think that the five activities or programs in the House bill (agriculture, rural development, and nutrition; population planning and health; education, public administration, and human resource development; transportation, power, industry, and urban development; select countries and problems) should be the categories for funding. The liberal transfer authority of the House bill as between these different categories is desirable only if the Congress has tighter control in the amount of money available for the three types of assistance I mentioned before, namely

1. Emergency Relief Assistance.
2. Technical Assistance.
3. Development Assistance.
    a. Loans.
    b. Grants.

Only if the Congress has good control over these categories can we assure that the Congress does not continue to authorize a sweeping give-away program through grants rather than put our principal effort on technical assistance and seed capital loans.

Furthermore, while I am in agreement that the first two categories in the House bill namely, (103) agriculture, rural development and nutrition, and (104) population planning and health, as well as education (105), I am very much less comfortable with the broad categories of (105) public administration and human resource development and (106) transportation and power, industry and urban development and the program loan authority under section (107). These latter categories are either too broad, such as human resource development, or represent the kind of sectors that the international development agencies like the World Bank are involved in and that AID should get out of, especially transport, power, industry, and public administration. These areas have to do with the economic structure or the government of the country and not poor people per se. As I indicated at the outset, if we don't narrow down the aid program to definable objectives there is no end of things we can do to promote overall economic growth or political development. If we focus hard on health, education, nutrition, small farm agriculture and population aimed at bettering the lives of low income earners we will have given some more people-content to our foreign assistance and reduced our goals to specific programs rather than broad objectives for countries as a whole. This way the Congress can look at the health programs or the nutrition programs that we finance to see how concrete the goals are, whether there is matching of funds, whether there is a phase out date, whether the goals are being achieved and so on. Our assistance will become more concrete, more visible and hopefully more effective and justifiable.

One of the basic problems with our aid program has been that it has been linked to goals which are too broad and too grandiose. Development assistance by the U.S. up until now has been linked to the overall goals of nations as a whole—to accelerate economic growth, promote democracy, achieve social justice. Helping nations achieve these goals has been part of our foreign policy of seeking peace and stability in the world.

Once the foreign assistance program has been linked to these grand goals of foreign policy there is no end to the number of projects that can be judged as serving those ends. In my view, Mr. Chairman, this is where our aid program has gone off the track. The rationale for U.S. foreign assistance has been to serve the broad goals of U.S. foreign policy which is not a rigorous or specific enough criteria to ever say no—this project or this program doesn't meet the rules the Congress has established.

Mr. Chairman, I respectfully submit to you today for the consideration of the Committee a bill to amend the Foreign Assistance Act of 1961 to establish in clear language.

the phase out principle.

the host country financing requirement.

the end of "follow on" loans.

definition of more specific goals and programs.

I am hopeful that the language I put forward for your consideration meets the need for a more sensible aid policy that reflects more clearly public sentiment concerning the use of taxpayer funds and helps give the program more specific policy guidance from the Congress to the Executive.

By Mr. BELLMON:

S. 2084. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BELLMON. Mr. President, I am today introducing a bill to amend the Truth in Lending Act to prohibit discrimination against individuals seeking credit on account of sex or marital status.

The time for this statutory change has long since passed. If we act today on this bill, we will still be acting too late, for right now in various segments of the economy, women, both married and single, are being discriminated against when they seek credit, either in the form of retail credit, the issuance of credit cards, or bank loans. My bill would insure that women receive equal treatment and are held to equal standards when they seek credit.

In an economy which is increasingly dependent on credit, it is patently unfair and unjust to deny any segment of the population equal treatment under the law. The necessity of this legislation has been clearly documented in the findings of the National Commission on Consumer Finance and is increasingly a matter of public concern. This amendment would extend the rights and privileges now enjoyed by the male segment of our population to the female segment, by an extremely simple mechanism which provides for both criminal and civil liability in a statutory scheme already in existence. The credit-worthy woman should not be barred from economic transactions merely because of her sex or marital status. This amendment to the Truth in Lending Act would insure the rights of women in seeking credit by providing a vehicle which clearly defines the rights of women and provides a mechanism for judicial enforcement of those rights.

I urge the Senate to extend to women the rights presently accorded men in our society by adopting this bill.

Mr. President, I ask unanimous consent that the complete text of this bill be printed in full in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SEC. 2. Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end thereof the following new section:

"§ 135. Prohibition of Discrimination Against Individuals Seeking Credit on Account of Sex or Marital Status.

"(a) It shall be unlawful for any creditor or card issuer to discriminate on account of sex or marital status against any individual with respect to the approval or denial of credit or terms of credit in connection with any consumer credit sale whether or not under an open end credit plan, any consumer loan, or any other extension of consumer credit, or with respect to the issuance, renewal, denial, or terms of any credit card.

"(b)(1) Any creditor or card issuer who discriminates against any individual in a manner prohibited by subsection (a) is liable to such individual in an amount equal to the sum of—

"(A) in the case of an individual action, not less than $100 nor more than $5,000, or

"(B) in the case of a class action, not more than $100,000, and

"(C) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

"(2) Any action under this section may be brought in any court of competent jurisdiction during the one-year period commencing on the date of occurrence of the violation.".

SEC. 3. The amendment made by this section shall take effect on the sixtieth day after its enactment.

By Mr. CHILES:

S. 2086. A bill to require that all political contributions of money in excess of $50 to or for the benefit of candidates for nomination for election, or for election, to Federal office be made by bank check drawn on the account of the person making the contribution, or be accompanied by the name, address, and social security number of the contributor. Referred to the Committee on Rules and Administration.

Mr. CHILES. Mr. President, elections are the key device in democratic governments for regulating official decision-making. When working properly, they help to assure that officeholders remain responsive to the greatest possible number of citizens. Though no one can provide a simple answer to the question, "Does money win elections?" it is undeniable that money does play a major role in winning. It does not guarantee victory, but in some cases the amount collected and spent can be decisive. Money cannot totally obliterate the influence of issues and candidates' party orientation on voting decisions, but it can and often does make a difference.

In a democracy the voters choose the major policy officials in free and relatively frequent elections. The crucial factor determining whether or not we consider a government democratic is not how much power the public officials have, but rather how public officials secure and retain their offices.

Events surrounding the last general election have been and will, no doubt, continue to be examined and investigated in an effort to determine the source of enormous amounts of campaign moneys. Coupled with the investigation will be repeated cries for reform, for changes in the law concerning campaign financing. And surely some changes are in order.

I think Americans are aware that campaign costs are mounting. And though there is a scant amount of reliable data on the cost of running for office in this country, I believe we were all shocked at the findings made during the hearings about the tremendous amounts of cash the Committee to Re-elect the President had on hand. Accounts of suitcases stuffed and safes spilling over with dollars surprised many of us and alerted us all that something had to be done to get some kind of control over the complex matter of financing campaigns.

Some Americans view public policy-making as a sordid process where the wealthy control elected officials. And while there is some corruption, I believe its reputation for moving the wheels of government is far greater than its performance. But money can twist policy in subtle ways—and any effort we can make to erect a barrier between the direct translation of money into policy decisions must be made. The bill I am introducing today is such an effort.

My bill aims at making contributions traceable. It would require that any contribution of $50 or more be made by check, drawn on the account of the individual making the contribution, or accompanied by the name, address, social security number, and occupation of the contributor. The language of this proposal in no way places a new limitation on the aggregate amount of money allowed as a contribution, but simply would make the money traceable.

In a government whose level of citizen trust is at an all-time low, there is an obvious need to reestablish governmental accountability to the people. A recent Harris poll disclosed that 81 percent of the public is convinced that corruption in Washington is "serious" and the number with high respect for the Federal Government comes to no more than 27 percent. People are more suspicious than ever before of their government and their cynicism is only nurtured by the lack of accurate and dependable information concerning campaign contributions.

There has been much comment about the dramatic rise in the high cost of politics in recent years. It has been estimated that $400 million was spent in 1972 for all elective and party politics in this country at all political levels, in campaigns for nominations and for election. My bill, making contributions directly traceable if they are in amounts over $50 recognizes the high cost of campaigns, but recognizes also the need for knowing who the big contributors are and how much they gave—and to whom.

I strongly urge my colleagues to support this measure.

Mr. President, I ask unanimous consent to have the text of the bill printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 614. Form of contributions of money

"(a) No person shall make any contribution of money to or for the benefit of any candidate or political committee in excess of $50, in the aggregate during any calendar year, unless—

"(1) such contribution is made by means of a check from a National or State bank, drawn on the account of the person making the contribution and identifying that person by name and bank account number; or

"(2) the person making the contribution furnishes in writing to the recipient thereof his full name and address, and, in the case of an individual, his social security number.

"(b) (1) Violation of the provisions of this section is punishable by a fine of not to exceed $1,000, imprisonment for not to exceed 1 year, or both.

"(2) Willful and knowing violation of the provisions of this section is punishable by a fine of not to exceed $3,000, imprisonment for not to exceed five (5) years, or both."

(b) The table of sections for such chapter is amended by adding at the end thereof the following new item:

"614. Form of contributions of money."

(c) Section 591 of title 18, United States Code, is amended by striking out "and 611" and inserting "611, and 614".

SENATE RESOLUTION 133—SUBMISSION OF A RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. COOK (for Mr. Scott of Pennsylvania) on behalf of himself and Mr. McClellan submitted the following resolution:

S. Res. 133

Resolved, That Senate Resolution 56, Ninety-third Congress, agreed to February 27, 1973, as amended, is further amended as follows:

(1) In section 2, strike out "$4,067,600" and insert in lieu thereof "$4,093,600".

(2) In section 13, strike out "$143,000" and insert in lieu thereof "$169,000".

NOTICE OF HEARING ON WILDERNESS BILL

Mr. JACKSON. Mr. President, I wish to inform the Members of the Senate and the general public that the Subcommittee on Minerals, Materials, and Fuels, of the Senate Committee on Interior and Insular Affairs will hold an open hearing on S. 1010, a bill to amend the wilderness areas.

The hearing will be held July 18, 1973, at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARING CONCERNING NATIONAL RESOURCE LANDS

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Senate and the general public that the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs will hold an open hearing on S. 424 and S. 1041, bills to provide for the management, protection, and development of the national resource lands.

The hearing will be held on July 23, 1973, at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARING ON THE DESIGNATION OF SNOW MOUNTAIN WILDERNESS AREA, CALIF.

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Senate and the general public that the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs has rescheduled the open hearing on S. 114, a bill to designate 37,000 acres within the Mendocino National Forest, Calif., as the Snow Mountain Wilderness Area.

The hearing will now be held at 2 p.m. on June 29, 1973, in room 3110 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

DAV GOES TO COLLEGE

Mr. HARTKE. Mr. President, the unique readjustment problems confronting veterans of the Vietnam era have been well documented. The amelioration of these difficulties seems to be hampered, however, by the distrust with which these young Americans often view the so-called establishment.

As chairman of the Committee on Veterans' Affairs, it has become apparent to me that organizations wishing to genuinely assist the current generation of veterans must assume an active stance. We must dispel the young veterans' cynicism and reach out in a sensitive, responsive, and tangible fashion.

I am particularly encouraged by the efforts of the Department of Indiana, Division of Disabled American Veterans, to encourage Vietnam veterans to help themselves. Last fall, the Indiana DAV chartered Indiana University campus chapter 35, which is actively participating in a broad range of campus affairs. In addition, meeting in statewide convention Saturday, June 23, 1973, the Indiana DAV elected a Vietnam-era veteran and a member of chapter 35 to the position of sergeant at arms. These two noteworthy steps speak far louder than a thousand well-intentioned press releases, and the response confirms that Hoosier veterans of the Vietnam war are listening.

The June 1973 article of DAV magazine describes the activities of Indiana University campus chapter 35. I hope that chapter 35 is the forerunner of similar groups throughout the country, and therefore ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"We're younger . . . and that's really the only difference between us and the disabled veterans of any other war. All of us have shared a singular experience, regardless of whether it was in World War I, World War II, Korea or Vietnam. There will always be that one common bond . . . and that's why we joined the DAV."

This statement is typical of the sentiments expressed by the young Vietnam veterans of DAV Campus Chapter 35, Indiana University, Bloomington, Indiana.

However, the one thing that sets this unit apart from other DAV chapters is the fact that it represents the only on-campus student chapter of the Disabled American Veterans. And, hopefully, it is the forerunner of similar DAV chapters from coast to coast.

The DAV student unit, organized this past September and chartered in January 1973, is an activist group already working to improve life for handicapped/disabled students at Indiana University's Bloomington campus.

One of their first official activities as a group was to make an architectural survey of the sprawling IU campus, then submit substantial recommendations for alteration of present structures and revision of planned construction to consider the environmental requirements of disabled and handicapped students within the campus community.

They have also asked that a handicapped student be placed on the campus planning commission. Another request they have made of the IU administration is for a pre-registration program solely for handicapped students, and the establishment of a guideance counselor solely for handicapped students.

"What has brought us all together is our common bond of being war-time wounded," said Chapter 35 Commander Fred Taylor, a senior business administration major. "But, our biggest emphasis is on making the whole campus aware of the problems of being a handicapped college student—especially on such a huge campus—and on solving these problems to the extent that college will be a more satisfying experience for every handicapped student."

"We're fortunate in that the DAV organizational structure gives us an excellent forum from which to conduct our activities. We are now trying to organize non-veteran handicapped students so they can also make their contribution as a group to our campus society," Taylor said.

The DAV unit has already organized an intramural sports program exclusively for handicapped/disabled students. They intend to kick it off next year with a "crutch football" league, followed by a complete schedule of athletic activities.

While the disabled vets have access to Veterans Administration facilities, DAV Chapter 35 has recommended that Indiana University's Health Center establish physical therapy programs and set up a "no-waiting" policy for other disabled/handicapped students.

And, the chapter is preparing a handbook for handicapped students to be given away at registration time. It will contain lists of special parking areas, locations of elevators, best routes for wheelchair-bound students and faculty, special programs available to disabled/handicapped students, etc.

While most of the members of Campus Chapter 35 are of approximately college age and would get lost in the crowd at a rock concert, the chapter also contains student members who are in their thirties and forties.

They represent all services and they are both ex-officers and ex-enlisted men. Ethnically, they are like a movie rifle squad. There is at least one of every ethnic derivation. It is about as diverse a group as could possibly be put together, even on a college campus; but their camaraderie is strong and their common bond has given them real character as an organization and enough strength as a group that they have become an important force for progress on the campus in less than a year of existence.

"Don't make us look like goody goodies, though," said Senior Vice Commander John Thiel. "We like to have a good time as well as do good works. We like to drink beer and go to parties and yell loud at football games, just like everybody else on this campus," he said.

Before and after meetings, the interservice needling gets pretty heavy, and joshing of ex-officers by ex-enlisted men, and of former pilots by former infantrymen (and vice versa) is common. It is a group of men who really enjoy being with each other.

Hopefully, Campus Chapter 35 at Indiana University will set a precedent that will be followed on other campuses around the country. They are dedicated members of the Disabled American Veterans, and they have joined with the other chapters in the Department of Indiana to fight for the same goals and against the same obstacles that face all disabled veterans these days.

They are also infusing young, vigorous new blood into the organization to help it grow and thrive in the future. They have been welcomed into the DAV, both by the National organization and the Department of Indiana, as well as by their off-campus neighbor, Bloomington's Carry On Chapter 11.

Fred Taylor graduates this year, and after graduation he has applied to become a National Service Officer trainee in the DAV's Indianapolis office. As a rifleman with the 1st Air Cavalry Division in Vietnam, Taylor was wounded three times in combat.

At a meeting recently, his comrades presented him with a diamond DAV membership pin, a DAV distinguished service plaque, a diamond past commander's pin and a special citation for "exceptional distinguished service as founder and first commander of University of Indiana DAV Campus Chapter 35."

According to Chapter 35 treasurer Jan Janszen, who will serve as treasurer again next year, Fred was "really puzzled about where we got the money for these honorariums, especially since the Chapter's been broke all year."

Commander Taylor is married, and he and his wife, Sandy, have two children, Matt, 3, and Brandi, 2 months.

John Thiel will be Chapter Commander next year. Like Taylor, he was a member of the 1st Air Cavalry Division. He will be a newlywed at about the time this magazine is in the mail. His new wife, Judy, has a master's degree in business administration, one of the few ever earned by a woman at Indiana University.

Two of Chapter 35's members, Jan Janszen and Ian Johnson, both ex-Marines, were actually wounded in Vietnam combat before they were U.S. citizens. Janszen became a citizen while in the Navy's medical facilities, recuperating from his wound. He was a Polish national. Johnson, a citizen of Great Britain, has not yet been made a U.S. citizen.

Dave Rothgeb, an Air Force veteran majoring in public administration, has been a spark plug in the movement to establish continuing representation for handicapped students on University administrative and planning bodies. He also is interested in becoming an NSO when he graduates.

Willy Lackey, an ex-Marine, is majoring in child psychology. When he graduates, he wants to go back to his home town, Gary, Ind., and use his hard-won education to help ease racial problems in his strife-torn community. He is co-chairman of the Chapter's Social Committee.

Probably, the most unique thing about Chapter 35 is that every member is a potential leader. A complete list of every member and his accomplishments and capabilities would be much too long to list here.

If this chapter is any indication, there is a wealth of untapped membership and leadership potential for the DAV on America's campuses right now. And, the Disabled American Veterans intends to start taking advantage of this potential right away.

ARGUMENTS FOR ALASKA PIPELINE

Mr. STEVENS. Mr. President, again the Denver Post has reasserted its view that the trans-Alaska pipeline be built immediately. A recent Denver Post editorial offered many solid reasons why a trans-Alaska pipeline is important not only to Coloradoans, but the paper stressed the importance of a trans-Alaska route for the entire Nation.

Citing Canada's recent decision to control exports of gasoline and home heating fuel to the United States, the Denver Post properly suggests that a trans-Canadian route could also be subject to vague policies which could disrupt this Nation's flow of energy.

The Denver Post also points out that a trans-Canada route would not only increase the cost of the pipeline dramatically but that it would create a substantial delay in pipeline construction—a delay, I might add, that would place the United States in a dangerous position.

The Denver Post states that the proposed trans-Alaska pipeline is by far the best of the various proposals to augment U.S. energy needs in the immediate future.

I certainly agree with the Denver Post's view that the U.S. Senate should give early approval to legislation making a trans-Alaska pipeline possible.

I ask unanimous consent that the Denver Post editorial be printed in the Record for consideration by my colleagues who are concerned about how America can help meet its energy needs.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Denver Post, June 18, 1973]

FUEL PINCH, DOLLAR CRISIS ARGUE FOR ALASKA PIPELINE

The U.S. Senate should give early approval to the bill authorizing construction of the Alaska pipeline. The project is by far the best of the various proposals to augment U.S. energy needs over the next few years.

Long delayed by environmental efforts, the pipeline project simply is in the national interest.

As we have said before:

Alaska's North Slope contains known reserves of oil and gas on a significant scale. In full production this field could yield through the 800-mile trans-Alaska line 2 million barrels of oil a day. Present U.S. daily consumption is 15 million barrels—a demand we are filling with great difficulty. Clearly, Alaskan oil is important.

U.S. imports from overseas, rising rapidly, pose a serious threat to our balance of payments and the value of the dollar. Developing new domestic sources is essential and Alaskan crude is proven; it is not hypothetical.

The alternative idea of joining with Canada in a vast intercontinental pipeline across Canada has been given some currency, much of it by environmentalists concerned about damage to Alaska. The trouble with this idea is partly that Canada is not sure it wants such a pipeline.

Underscoring the doubtful nature of Canadian cooperation was an announcement from Ottawa on fuel exports last week.

Canada said it was putting controls on exports of gasoline and home heating fuel immediately. The object is to halt the drain to fuel-hungry U.S. users. Americans cannot criticize the Canadian intent—it is self interest. But it does suggest that a joint Canadian-U.S. pipeline would be subject to just such vagaries no matter how good our basic relationship with this northern neighbor.

The major enemy of the Canada plan, however, is delay. More than 10 years would be required for construction once such a plan were approved as against three or four for the Alaska line, which would go into construction immediately. Involved, too, is 28 trillion cubic feet of natural gas which can be moved out sooner if the Alaska line is built.

We don't think the U.S. economy can wait. There is much to be said for improved conservation, for learning ways of using less gasoline and heating fuel. Such methods must be pushed rapidly. But U.S. energy use also has escalated rapidly. So many daily functions depend on an adequate supply of petroleum and gas that our supplies must be augmented while we learn to live with the new realities. And even under tight restrictions on use, the Alaska supply would make sense as a protection against the vulnerability of imports from the Mideast.

So we recommend that the U.S. Senate vote favorably to authorize the Alaska line by legalizing the right-of-way requirement which a federal court cited early this year as a bar to construction. In urging this action we do not overlook the environmental fears. But we do believe damage can be minimized by careful construction. We believe, further, that any detailed examination of the alternatives will result in the same conclusion we have reached concerning the pipeline: build it—and soon.

THE OLDER AMERICANS

Mr. MONTOYA. Mr. President, I am pleased to call to the attention of my colleagues in the House and Senate a very excellent editorial from the Arkansas Gazette dated June 17, 1973, entitled, "The Older Americans."

I am sure that those Members of the Congress who served with the Honorable Brooks Hays remember him with great fondness and pleasure. Likewise, we all share a great pride in the leadership of our distinguished chairman of the Select Committee on Presidential Campaign Activities, the Honorable SAM ERVIN of North Carolina. A committee on which it is my pleasure to serve.

Mr. President, the vision and integrity of men such as former Representative Brooks Hays and Senator SAM ERVIN serve as an inspiration to us all. They have been guardians of the Constitution and kept their faith in our representative democracy.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TWO OLD AMERICANS

As the cameras roll on the Watergate hearings coverage and we look daily at the expressive visage of the chairman of the Select Committee, Sam J. Ervin, we keep going back in our memory to the picture of this same Sam Ervin campaigning at the side of Brooks Hays in North Carolina last fall in what Senator Ervin probably knew was a lost cause and what even Mr. Hays, infectious optimist that he is, probably guessed was a lost cause, considering the odds.

We are thinking now, as we thought then, that here is the Old America, two Old Americans. Being an old American has nothing to do with chronological age. Mr. Hays, as we in Arkansas know well, has always thought very young, indeed. So, we think, does Senator Ervin, as men of humor tend to. The two North Carolinians, the native and the adopted one, both are men of humor, then, and not only men of humor, but men of good humor. They are also men of character, and men who it appears were endowed by their very birth with "virtue" in the absolute meaning of the word, and, as present or former public servants, men possessed of all the civic virtues as well. These are men, in short, to whom "the honorable course" has never been thought of for an instant as an alternative course of action, but as the *only* course.

It was of course Brooks Hays, the expatriate Arkansan who could never get far from Arkansas in spirit even if he tried, who was the principal victim of the Little Rock "Troubles." When his name was called, he was there front and center, preaching the cause of sanity and moderation when sanity and moderation had all but fled the state—and then accepting the consequences of his courage and honesty.

Brooks Hays and Sam Ervin do not, as we know, see exactly eye to eye on what the Constitution does and does not guarantee to minority groups in America or on the precise best way of combatting prejudice in this country. But Senator Ervin is not a prejudiced man in that sense of the word or any other that we know. He is not even prejudiced against the sorry procession now passing in front of him, not as men. He is prejudiced, naturally, against all that he suspects that they have done and what he already *knows* they have done, but not against them as individuals.

It is usually a chancy thing to try to read character from a face. The worst of charlatans are the most plausible in the front they are able to put up. The veriest rogue and scoundrel frequently can look you unflinchingly in the eye even as he is lifting your coattails for the grab. But with Sam Ervin and Brooks Hays, there is no risk factor whatever in reading character from their faces. Old Americans, as we say.

Against them are the New Americans, men lacking in even the beginning of wisdom. Men lacking not only in wisdom, but even in simple knowledge. Men who know nothing, but were sure of everything and frequently *fanatically* sure. We have seen some of them on the screen lately, too, and seen them where they belong, which is on the other side of the bar from Chairman Ervin.

Comparisons really are invidious, aren't they.

RESOLUTIONS PASSED BY UTAH STATE LEGISLATURE

Mr. BENNETT. Mr. President, I have had transmitted to me a copy of a concurrent resolution of the Utah State Legislature (H.C.R. No. 2) pertaining to low cost housing, and a joint resolution of the Utah State Legislature (S.J.R. No. 6) requesting the President of the United States to relax restraints on the use of certain specific canine toxicants.

I ask unanimous consent that the resolutions and their letters of transmittal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF UTAH,
Salt Lake City, Utah, June 19, 1973.

Hon. WALLACE F. BENNETT,
Senator from the State of Utah, U.S. Senate, Washington, D.C.

DEAR SENATOR BENNETT: There is transmitted herewith a copy of H.C.R. #2, (Low Cost Housing Resolution), with certification by this office, as instructed by the Fortieth Session of the Utah State Legislature.

Sincerely,

CLYDE L. MILLER,
Secretary of State.
EUEDA C. MCCOY,
Assistant Deputy.

STATE OF UTAH EXECUTIVE DEPARTMENT

SECRETARY OF STATE'S OFFICE

I, Clyde L. Miller, Secretary of State of the State of Utah, do hereby certify that the attached copy of H.C.R. No. 2 (Low Cost Housing Resolution), is a true and correct copy of the original resolution as passed by the Fortieth Session of the Utah State Legislature, and signed by President of the Senate Warren E. Pugh and Speaker of the House Howard C. Nielson as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this third day of April 1973.

CLYDE L. MILLER,
Secretary of State.
EUEDA C. MCCOY,
Assistant Deputy.

HOUSE CONCURRENT RESOLUTION NO. 2

A concurrent resolution of the 40th Legislature of the State of Utah, the Governor concurring therein, recognizing the problems relating to present housing subsidy programs and the need for suspension of them; recognizing the continuing scarcity of housing particularly housing for the poor; and recommending that early substitute programs be implemented

Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

Whereas, the President of the United States of America, recognizing the financial and political problems connected with existing housing programs and their failure to accomplish the desired objectives, has placed by Executive Order a suspension on several existing housing programs designed particularly to provide housing for the poor;

Whereas, the State of Utah is presently suffering from an extreme shortage of housing for low and moderate income families, as indicated by a .05% vacancy rate among low income housing; and state estimates indicate an immediate need for 30,000 new or rehabilitated units of housing for these residents; and

Whereas, many individuals and families are living in condemned housing or deteriorated housing which is unsafe and should not be inhabited.

Now, therefore, be it resolved, that the 40th Legislature and the Governor of the State of Utah urge the President and Congress of the United States to implement early substitute programs which will aid the low and moderate income people of the State of Utah and the United States of America to obtain adequate housing.

Be it further resolved, that the Secretary of State send a copy of this resolution to the President of the United States of America and each member of the congressional delegation from the State of Utah.

SENATE JOINT RESOLUTION No. 6

A joint resolution of the 40th Legislature of the State of Utah requesting the President of the United States to relax restraints on the use of certain specific canine toxicants

Be it resolved by the Legislature of the State of Utah:

Whereas, the sheep, cattle and wildlife industries are a valuable source of food and fiber for the American public and also an important source of income vital to the economy of the State of Utah; and

Whereas, predation by coyotes has caused substantial losses of sheep and forced many sheep men out of the livestock business and is now threatening the entire sheep industry in Utah; and

Whereas, at times predation may become a limiting factor in wildlife populations; and

Whereas, a Presidential Executive Order dated February 8, 1972, restricted the use of chemical toxicants in predator control and which, combined with the prohibition in interstate shipments of chemical products registered for predator control by the Environmental Protection Agency has deprived livestock producers and game managers of their most effective, economical and highly selective predator control; and

Whereas, the Presidential order was issued contemporaneously with the Cain Committee Report without promised hearing and public review of the report; and

Whereas, no documented evidence exists to indicate that use of the chemical toxicant 1080 and coyote-getters reduces coyote populations to the point of making them an endangered species or poses on environmental threat through secondary killing of other species and, to the contrary, evidence indicates that such toxicant is highly specific for canines; and

Whereas, research is being conducted to ascertain alternative methods for predator control but at present, alternatives are not effective and future alternatives from research are at least four to five years away, and uncontrolled predation for that time is intolerable.

Now, therefore, be it resolved, by the 40th Legislature of the State of Utah that the President of the United States relax the strict ban on canine toxicants to provide that such toxicants may be used in properly supervised predator control programs in areas of urgent need on both public and private lands until such time as effective alternatives to predator toxicants are available.

Be it further resolved, that the Secretary of State send copies of this resolution to the President of the United States and to each member of the congressional delegation from the State of Utah.

CANADIAN NATIVE LAND CLAIMS—ANOTHER ROADBLOCK FOR THE TRANS-CANADA OIL PIPELINE

Mr. STEVENS. Mr. President, I have spoken several times before the Senate on the several problems that are likely to cause a delay in any trans-Canada oil pipeline. One of the many problems facing such a trans-Canada pipeline is the delay likely to be caused in the settlement of the Canadian Native Land Claims. Presently in progress is a major lawsuit in the Northwest Territories involving a claim by the Indian Brotherhood against 40,000 square miles of land covered by unsettled treaties. This massive area includes a significant portion of the trans-Canada oil pipeline.

On Wednesday, May 16, Justice William Morrow of the Northwest Territories Supreme Court ruled that a temporary land freeze imposed on the McKenzie Valley early in April shall be continued at least until the end of July. Moreover, he retained jurisdiction of the lawsuit and refused to transfer it to another Canadian court farther south in that country.

This has been widely interpreted as being a major victory for the Indian Brotherhood.

The president of the Indian Brotherhood, Mr. James Wah-Shee, has stated many times that Canadian Natives have a right to the settlement of their aboriginal claims, whether or not such claims are covered by treaties, and that the Natives are now beginning a major campaign to settle the issue in courts throughout Canada.

Mr. Wah-Shee spoke on May 4 before the French Foundation of Arctic Studies' Fifth International Congress in Le Havre, France. He spoke as a representative of the Native peoples north of the 60th parallel in Canada. He told the Fifth International Congress:

> As the indigenous population we believe we have certain rights both moral and legal. We claim aboriginal rights, a legal concept that has been recognized for centuries in the Western World. These rights consist of land, hunting, fishing, trapping, resources and other rights. These rights are based on our use and occupancy of the land from time immemorial and certain other more contemporary legal decisions.

He continued:

> . . . (W)e believe that the aboriginal rights that I outlined a moment ago are strong enough for us to delay indefinitely, through the judicial system, any proposed development.
>
> You see, we cannot allow any more development in the North until we are assured that it will benefit us for many years to come. We are the owners of the land and we believe that we have this right.

He went on to state that for an oil pipeline to benefit the Canadian natives, they must be hired as employees from the outset. They must participate in royalties and also directly participate in the planing and decisions of developments.

He stated that the Canadian natives are willing to meet with the oil companies now and work out an arrangement.

The Northwest Territories lawsuit and the statement of the President of the Indian Brotherhood are two facets of a growing movement in Canada. Canadian Indians and other Natives across the country have come to the conclusion that their government must settle their aboriginal claims fairly. This is the same position that our Indians have taken and that this Government shares. A just settlement of the claims of American Indians requires a careful and lengthy deliberation and process of negotiation. The land claims of Alaska Natives were 15 years in the solving. Aboriginal claims of Indians elsewhere in the country have taken almost a century. Many are still unresolved.

While calling this matter to the attention of my colleagues, I wish to state that while I am sympathetic with these claims I do not mean in any way to judge the merits or eventual outcome of these Canadian land claims. That is not my place.

I wish to cite the situation only as an example of a process that is likely to take many years. It is likely to delay significantly any trans-Canada pipeline. It is still too soon to tell the eventual outcome of the Northwest Territories lawsuit. It is impossible to tell whether there will be an additional lawsuit blocking the trans-Canada pipeline. In fact it is likely such lawsuits would only be filed after applications were received for the pipeline. It is difficult to prevent a pipeline for which no application has as yet been received. It is even more difficult and speculative to comment on such lawsuits.

It is not, however, difficult to foresee the possibility, or even the probability of the commencement of such lawsuits. Mr. Wah-Shee himself has indicated this in the passages I have just quoted.

And the time for thorough judicial deliberation, legislation, and political and economic negotiations, will be time this country cannot afford to spend. We need Alaskan oil now.

Mr. President, I request unanimous consent that the following documents be inserted in the RECORD: An article from the Winnipeg Free Press of May 17, describing the Northwest Territories lawsuit; the statement by Mr. James W. Wah-Shee at the Fifth International Congress; and an article from the Saturday June 2 Toronto Star describing the many contemplated legal actions of Canadian natives throughout the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Winnipeg Free Press, May 17, 1973]

INDIANS CLAIM VICTORY AS LAND BATTLE OPENS

YELLOWKNIFE, N.W.T.—The Indian Brotherhood of the Northwest Territories claimed a psychological victory Wednesday in the opening skirmish of a legal battle that will have far-reaching effects on economic development of the Northwest Territories.

Mr. Justice William Morrow of the Northwest Territories Supreme Court ruled that he will retain legal control of the case involving an attempt by the Indian Brotherhood to file a caveat—or declaration of interest—against 400,000 square miles of land covered by unsettled treaties. He also directed that the temporary land titles freeze imposed on the Mackenzie Valley in early April be continued until at least the end of July.

"It certainly is a psychological victory for the Indian people," said Brotherhood President James Wah-Shee after the case was adjourned until July 9. "This is the first action we've taken legally with respect to land on a large scale and we're happy with the way things have turned out."

A packed public gallery in the stuffy little courtroom in this Territorial capital heard complex legal presentations from six lawyers during the two-day hearing, with the main argument centred on Mr. Justice Morrow's jurisdiction.

The major contention by Crown lawyer Ivan Whitehall was that Mr. Justice Morrow had no jurisdiction to rule on the merits of the Indians' claims. The Crown wanted a ruling on the application to file the caveat with the land titles office while avoiding the broader issue of aboriginal rights which forms the basis of the Indians' case.

Mr. Whitehall argued that the broader issues in the dispute should be heard by a superior federal court.

Lawyers for the Indian Brotherhood said the judge has enough jurisdiction to deal with original rights claims. They want the case heard in a Northern court.

Both sides expected Mr. Justice Morrow to make a ruling on jurisdiction, but he reserved decision and ordered lawyers to be prepared to present him with all the evidence involved in the case in July.

Mr. Justice Morrow said he could not decide about jurisdiction until he heard the evidence from both sides.

"I have heard argument based on references to aboriginal rights, Crown title, Hudson's Bay land, the manner of the handling of patents and land grants, transfers involving the two governments—none of which is before me in concrete form as evidence."

"There has been very little agreement as to the true nature of these things."

The judge's decision brought an immediate protest from Mr. Whitehall.

"You are in fact entering on the merits of the case," he said. "Before you proceed any further, you should rule on the objections."

Mr. Justice Morrow replied:

"I agree that I am entering on the merits of the case. I appreciate your position entirely. At the same time, whether rightly or wrongly . . . I think these proceedings should be completed."

"I do not feel disappointed at this time to decide on jurisdiction alone. I may be doing the completely wrong thing in law and I may be subject to criticism from a higher judge—that's the risk of being a judge."

The judge also said he was reserving decision regarding filing of the caveat because if he upholds the Indians' application, it would impose a virtual land freeze on the N.W.T. "At the moment, I'm not prepared to take those risks."

Dr. Andrew Thompson, one of the Brotherhood's lawyers, said that if the caveat was filed, years of litigation could be required to remove it, stalling Northern development. With the temporary land freeze, any party experiencing hardship can apply to the court for an exemption, something which would require full-scale legal action in the case of a caveat.

"We want to get to the issues and that's what is happening," Brotherhood lawyer Gerald Sutton said. "Considering the experience of this court, it is the court we want to have our case heard in."

Dr. Thompson said outside court the case could affect National Energy Board hearings on a proposed natural gas pipeline from the Arctic Coast. The National Energy Board has maintained that applicants must show they have a right-of-way for a pipeline, he said.

STATEMENT MADE BY MR. JAMES WAH-SHEE, PRESIDENT FEDERATION OF NATIVES NORTH OF 60 DEGREES TO THE FOUNDATION FRANCHISE D'ETUDES NORDIQUES FIFTH INTERNATIONAL CONGRESS "ARCTIC OIL & GAS: PROBLEM & POSSIBILITIES" LE HAVRE, FRANCE, MAY 4, 1973

Mr. Chairman, ladies and gentlemen: I am speaking to you as a representative of the Federation of Natives North of Sixty. We are a group representing all indigenous people of the Canadian North and we have some international affiliations.

We would like to thank the meeting and especially Professor Mallory for the time that has been granted to us. We believe that we have a valid contribution to make here just as you have in our North.

We came here, as did the rest of you, to learn. For three days we have listened to your thinking concerning our ancestral home and how you are planning to exploit it. Now we feel the time has come for us to tell you of our hopes and plans so that we all might understand each other completely.

As you know, we are the indigenous people of the Canadian North. As the indigenous population we believe that we have certain rights both moral and legal. We claim aboriginal rights, a legal concept that has been recognized for centuries in the Western World. These rights consist of land, hunting, fishing, trapping, resources and other rights. These rights are based on our use and occupancy of the land from time immemorial and certain other more contemporary legal decisions.

Most of you here have been in the North and know first hand of the appalling economic, social and cultural situation our people are enduring. We did not chose to live this way, but through white migration. to our areas it has become difficult for us to follow our traditional life-styles. Now with the spectre of a pipeline, a road and all the attendant services it is apparent that for most of our people it will be impossible to live from the land any longer.

So we are faced with the future. Many people have told us that our future includes oil and a pipeline. Perhaps, but we believe that it will hold these things only if we have settled all our land claims satisfactorily.

We say this because we believe that the aboriginal rights that I outlined a moment ago are strong enough for us to delay indefinitely, through the judicial system, any proposed development.

You see, we cannot allow anymore development in the North until we are assured that it will benefit us for many years to come. We are the owners of the land and we believe that we have this right.

Until now much of what we have presented must sound sinister and familiar to you. This need not be so, for we are a reasonable people. We believe that the extraction of our northern mineral resources are perhaps in the best interest of the native people and the developers, if the native people are assured that our share of the wealth will allow our people to compete as equals with the rest of society.

For a pipeline to benefit us in the long run we must be employers as well as employees from the outset. We must be assured not only of enough royalties from resource extraction to guarantee a better life, but we also require direct participation in the planning and decisions of developments. This will ensure an active and not passive role for our children in our North.

To be more specific, the monies from a land claim settlement will enable us to take up for ourselves the development of a different economic system more in tune with our values and culture. We could also then assume responsibility for many of the services now being run by others, such as education, social assistance, and many other programs. Another and very important aspect of land settlement would be the exclusive parcels of land that we would control. We could use this land to ensure to some degree that our people will be able, now and in future generations, to still practice our hunting traditions. These lands could also serve to ensure the protection of many now endangered species of wildlife which we are concerned about.

To be blunt, a satisfactory land settlement would allow us to again become our own masters.

When our land claims are settled the question of title to land would be resolved and the developers could then move ahead assured of proper ownership and free from legal action. We also think that a satisfactory land settlement would allow us to cooperate and assist the developers in their planning.

In conclusion, we believe that successful land settlements could lead to a development of the North that would benefit us all. But we need our claims recognized and settled by our Government. We think that unless the oil companies wish to be caught in the middle of protracted court proceedings between ourselves and the Government, they should begin to meet with us. There is no question in our minds that with the moral, economic, and political support of the oil companies, our claims would be soon recognized and settled.

We propose then that the representatives of the oil companies present tell their companies that we are quite ready and willing to meet with them and perhaps even form some kind of committee to discuss all our mutual concerns.

We think that this kind of coalition would be to the benefit of everyone and would do much to make the dream of the North a reality.

Again, we thank you for the opportunity to speak to such a distinguished assembly.

[From the Toronto Star, June 2, 1973]

OUR NATIVES BEGIN WINNING FIGHT WITH WHITE MAN

(By Michael Lavoie)

OTTAWA.—Indian chiefs Leo Pretty-Young-Man and Jim Shot-Both-Sides will lead about 3,000 of their followers on to an empty stretch of southern Alberta plain later this month to celebrate the end of the 96-year-old dispute with the federal government.

On June 22, the Indians will pitch dozens of big teepees at Blackfoot Crossing on the Bow River, about 70 miles east of Calgary, and stage a three-day festival with singing, dancing, military bands and speeches.

Federal officials, possibly including Indian Affairs Minister Jean Chretien, will be there to hand over $250,000 to compensate for the failure to honor a treaty that was signed in 1877 between five Indian bands and the Northwest Territories government.

To Indian, Metis and Eskimo leaders across Canada, the celebration is significant because it marks the first time that the native people have been able to wring a major concession out of the federal government.

It is seen as a signal to Canada's 500,000 native people that they can finally assert their rights with some hope of success.

Native movements everywhere in Canada are now beginning to take eager advantage of an annual federal government fund of $2 million to finance research into their grievances against the white man.

Indians, Metis and Eskimos are going both to the government and to the courts to negotiate settlement of broken treaties or to seek legal title to lands that were never given up through treaties.

After about two years of research, results are now beginning to show, Indians could succeed in halting construction of the massive James Bay hydro-electric complex in Quebec and delaying development of the Mackenzie Valley corridor in the Northwest Territories with claims of control over vast expanses of land. In the high Arctic, the Eskimos are conducting a long-term land-use study with the government and are mounting a strong campaign to exert some control over oil and gas exploration.

COMPLEX CLAIMS

In the Yukon territory and British Columbia, Indian groups have confronted the government with complex legal claims to the control of thousands of square miles of land.

"There is probably not a band in Canada that is not working on a grievance of some sort," said Brian Pratt, director of the Indian Claims Commission, a Saskatoon-based federal agency for financing research into claims and arbitrating disputes between the Indians and the government. The Alberta settlement was the first for the recently appointed commission and it has "very great significance" for the native people, Pratt said.

"They never before really believed that the government would respond to them," Pratt said.

"The native people are now getting a chance to regain some of their lost resources and to take responsibility for making their own decisions," said MP Flora MacDonald, Indian affairs critic for the Conservatives in the House of Commons.

The key issue in the growing debate is so-called aboriginal rights—the claim by many native groups to ownership and control over vast expenses of land that were never ceded to the crown through formal treaties. The native groups—some of them employing the best legal talent available—are using a 1763 declaration by King George III to back up their claims.

That declaration, according to Osgoode Hall law professor Peter Cumming, an expert on the issue guaranteed limited property rights. Indians kept their property rights with the restriction that they held them in communal ownership and could sell them to the crown only.

Last January, in the first fullscale test of the question, the Supreme Court of Canada dismissed the Nishga Indians' claim to 4,000 square miles of ancestral land around the Nass River in northern B.C. The judges were split 3–3 with the deciding vote cast against the Indians on a technicality.

ABORIGINAL RIGHT

The case is seen both by the government and the Indians as significant because three of the judges acknowledged that the Nishgas have some aboriginal rights.

Now, other cases are pushing the question even further.

These include:

James Bay: With the aid of $320,000 in federal grants, Quebec Indians and Eskimos are into the seventh month of a court battle with the James Bay Development Corp. to stop construction of the $6 billion James Bay hydro project. The natives have launched a study of the effects of the project on their fishing and hunting grounds and have asked Judge Albert Malouf of the Quebec Superior Court to grant an injunction halting the project until the study is completed.

They also claim that the project is unconstitutional because the 27,000 Indians and Eskimos never gave up aboriginal control over the land. Judge Malouf hopes to rule on the application before July 1 when work is scheduled to begin on construction of canals which will divert waters in a 37,000-square-mile drainage basin into La Grande River where four dams are planned.

Ottawa's financing the native side of the court case but is otherwise staying out of the issue.

Mackenzie Palley: Members of the Northwest Territories Indian Brotherhood. representing 7,000 Indians, claim they never really gave up control over 400,000 square miles of land because the federal government failed to carry out treaties that were signed some 200 years ago. The land includes the Mackenzie Valley, route of a proposed transportation corridor to the Arctic coast that would include a $6 billion gas pipeline, a road and possibly an oil pipeline.

Brotherhood president James Wah-Shee has warned bluntly that the Indians will try to block the Mackenzie Valley development until their land claims are settled. So far, he is succeeding. Two weeks ago territories Superior Court Justice William Morrow delayed until July any ruling on whether or not he has jurisdiction in the case. But meanwhile, he imposed a ban on all private land transaction, halting construction of some projects within northern municipalities.

Chretien says Ottawa wants to negotiate with the Indians but will take no action as long as the issue is before the court.

British Columbia: The Union of British Columbia Indian Chiefs, in a move separate from the Nishga claim, has used $118,000 in federal grants to produce a 62-page brief asserting native land rights over almost all of the 366,000 square miles of the province. The claim prepared by former Conservative justice minister E. Davie Fulton, says that the B.C. Indians never formally signed away their sovereignty over the land. The few B.C. treaties that were signed allowed for only minimal compensation—usually small amounts of cash or wool blankets worth less than $5 each.

The Indians say they are totally denied any land rights and are gradually losing their hunting and fishing rights. They say the federal government must accept the validity of the claim and agree on "suitable terms of reference" for negotiating a settlement. They seek a guarantee of hunting and fishing rights and an unspecified amount of money as compensation.

Chretien says Ottawa and the B.C. government are consulting on ways to respond to the claim. While the federal government has responsibility for Indian affairs, he said, it has no control over crown lands within a province's boundaries, "so it is not up to me to give them land."

Yukon Territory: The Yukon's 5,000 Indians and Metis are asking for a big share in the development of the territory, including land, cash settlements and a percentage of oil, gas and mineral profits. The Yukon brief, like the one from B.C., claims aboriginal rights over the land and asks for negotiations on a settlement without listing specific demands.

The only direct government action so far has been on the Yukon claim because there are no court actions involved and the land is all under federal jurisdiction. Chretien appointed a negotiating team in April.

The native land claims have become a touchy political issue in Ottawa with the minority Liberal government resisting pressure from the Conservatives and New Democratic Party to endorse a policy statement on the issue by the National Indian Brotherhood. The brotherhood, a group composed of provincial and territorial Indian associations, has produced a four-point statement demanding: settlement "to the satisfaction of the Indian people involved" of all aboriginal land claims; no further encroachment, without permission, into areas now occupied and controlled by Indians; renegotiation of all treaties that do not meet "adequate standards of fairness," and compensation for the loss of hunting, fishing and trapping rights.

"It's easy for the opposition parties to declare that they are in favor of these aims," Chretien said. "But I am responsible and I cannot give them the moon."

Chretien said Ottawa is willing to negotiate settlements with native groups which have no treaties, as in the Yukon, or with groups who claim their treaties were not honored, as in southern Alberta.

"But the circumstances vary too much from one part of the country to the next to make any blanket statement about land rights," he said.

"We just want the federal government to recognize the principle of aboriginal rights," said George Manuel, president of the Indian Brotherhood. "The struggle is not for money but for a better chance to improve our way of life."

Manuel said this means giving native groups a chance to participate in development of lands that they still occupy as well as restoration of hunting, fishing and trapping rights that have been curtailed by government regulations.

Wally Firth, the NDP Indian affairs critic, and Flora MacDonald charge that government response to native land claims—including statements by Prime Minister Pierre Trudeau—has led to a general public belief that the natives are seeking enormous sums of money.

"Anything that will break the poverty cycle among the Indians and Metis, improve education, reduce the jail population, increase hospital services and improve the general standard of living will save the Canadian taxpayers money," said Firth, a 38-year-old Metis and newly elected MP for the Northwest Territories. "Those are the goals of the native people."

Ottawa should be prepared to renegotiate treaties on demand "because in many cases the Indians didn't even know what they were signing," Flora MacDonald said.

She tried to force the Liberals to take a stand on the aboriginal rights issue before a Commons committee but had to watch them abstain from voting.

DIFFERENT PROBLEMS

While different problems apply in different sections of the country. "You can't recognize a principle piecemeal—either you are in favor of aboriginal rights or you are not," she says.

Indians are not seeking money as much as a chance to make their own decisions, she said. The fact that the native groups are researching and preparing their own claims, is at least as important as any benefits they will ultimately receive from them, she said.

"We have to let them do it on their own and make their own mistakes," she said. "We have been making mistakes on their behalf for too long."

In southern Alberta Chiefs Shot-Both-Sides and Pretty-Young-Man pursued their treaty claims, involving $2,000 in annual ammunition allowances that were never paid by the government, without the aid of federal research funds.

"We fought it without one cent of their money," said A. Webster MacDonald of Calgary, lawyer for the 12,000 Blackfoot, Blood, Sarcee, Stoney and Peigan Indians affected by the treaty. The negotiations took place over a 12-year period.

"Winning this one shows that the treaties speak and must be honored," MacDonald said.

SMALL INVESTOR ABANDONING STOCK MARKET

Mr. BENTSEN. Mr. President, I rise today to speak of a problem, which if not corrected, could have disastrous consequences for our free enterprise system.

The small investor—the backbone of Wall Street, in fact the strongest ingredient in our economic system—has been abandoning the stock market in evergrowing numbers in recent years. He has been replaced by a small group of large institutions which continue to expand their domination of our capital markets.

I am concerned by this trend, Mr. President, and I am convinced that the Congress must launch an immediate, thorough inquiry to determine the extent of it and to provide a solution.

Under our economic system, businesses use one of two methods to obtain needed outside capital. They can either borrow the money or they can sell equity in their companies through the stock market.

This system of selling an equity share in business has worked remarkably well throughout our Nation's history. Not only has it provided the capital to build one of the strongest, most vibrant economies the world has ever known, it has also permitted millions of Americans to literally have a share in this economy through their investments on Wall Street.

However, since 1960, Mr. President, there has been a significant disturbing change in the makeup of the stock market. According to New York Stock Exchange figures the holdings of individuals relative to institutions has reversed itself. In 1960 individuals held over 60 percent of the value of stocks of this exchange while institutions held less than 40 percent. By 1971 individuals held slightly over 30 percent while institutions had increased their share to 68 percent. A recent article in Business Week indicates the figure for institutional trading is now over 70 percent.

Mr. President, for practical purposes, the small investor has left Wall Street. He has been replaced by the big institutions—the mutual funds, the insurance companies and the trust departments of banks, with their large pension funds and other capital to invest.

There are various explanations for the small investor's exits but I am convinced that it is due in part to a feeling that he cannot compete with the institutions for inside information. I also believe the small investor feels that trading by those large institutions creates distortions in the market over which he has no control and which may not even bear any relation to the soundness of the companies being traded. These institutions buy and sell stock shares in huge lots.

And it is disturbing to note that some of the biggest of these, the bank trust departments, are under little Federal supervision in their trading on the stock market.

Total stock holdings of banks today amount to $170 billion, compared to $45 billion for mutual funds. Yet, mutual funds are closely regulated by the Securities and Exchange Commission while the bank trusts are not.

Mr. President, the impact on the stock market of the huge investment funds available to these banks is tremendous. A handful of six or seven individuals, by their investment decisions, are in a position to exert a tremendous influence throughout the entire fabric of our economy.

The investment portfolio of one bank alone—the large Morgan Guaranty Trust—is reported to exceed $27 billion.

It is only natural, Mr. President, that managers of these bank trust funds—interested in protecting the money of their clients—would choose their investments carefully.

But I am concerned that the portfolio mangers of these bank trusts are unnecessarily concentrating their investments in a few companies—that they have bid the stock of a few favored companies to levels where their price-earnings ratio are excessive based on any historical precedent. Good companies are being ignored by a "herd psychology" favoring a select list which is purchased almost without consideration as to price.

Mr. President there is no requirement that these bank trusts either diversify or disclose their holdings. I am advised that one trust department now holds over 14 percent of the outstanding shares of Walt Disney, 10 percent of Polaroid and over $2 billion worth of IBM. And what individual investors remain in the market are following the lead of the institutions in order to survive.

The result is that today, while 10 percent of the stocks are doing quite well, the remaining 90 percent are not. Over the past year, in fact, the price of an average share of stock on both major exchanges has declined. And this has occurred even though personal income and the gross national product were on the rise.

What does this mean, Mr. President? It means that small and medium size companies which sell stock to the public—as well as newer companies which would like to sell public stock to obtain financing—are finding it harder and harder to attract investors.

They are unable to raise capital for expansion and the artificially low prices of their stock make them ripe for foreign takeovers.

Mr. President we have already seen some foreign companies taking advantage of the devalued dollar and the distorted market to attempt acquisitions—Brown & Williamson Tobacco of Great Britain has offered to purchase control of Gimbel Brothers, Inc.—Liquifin of Italy made an offer for control of Ronson—Slater Walker, Ltd.'s bid to control Franklin Stores. And there have been others.

Mr. President, unless changes are made in the current investment picture I am concerned we will see many of our companies acquired by foreign business interests and those which retain U.S. ownership will be subject to the control of a few institutions. For even those firms which presently enjoy the favor of the managers of the large investment funds must exert every effort to remain in their favor. With the kind of concentration of investment which exists today, a corporation cannot afford to have the institutions bailing out of its stock. Last fall one company fell out of favor with the institutions and the price of its stock fell $14 in a single half hour. I submit our economy cannot afford that kind of uncontrolled economic power.

For this reason I have asked both the Finance Committee and the Joint Economic Committee to examine this question. I am hopeful that the Congress will make a thorough public inquiry into every aspect of the present situation in our financial markets. The answer may lie in disclosure and diversification requirements and in limitations on the amount of disposition which can be made of a stock during a trading period. This might be accomplished through direct regulation or through the tax code.

But, our securities markets must be restored as a place where all sound business ventures can seek funds and where individuals can invest those funds with confidence. If we allow the U.S. securities market to become a place where only a select group of large institutions buy and sell the equity of another select group of large institutions, a great deal of American capitalism will be dead. Not only will the competitiveness of the securities market suffer, but the inability of small and medium size firms to raise equity for expansion will cause the competitiveness of our entire economy to decline. Should that happen it will not be just the investor and businessman who will be the loser. It will be the American consumer who suffers the greatest blow.

ENERGY, GOLD, AND OPEC

Mr. McCLURE. Mr. President, three of the major problems facing our Nation today—the energy crisis, inflation, and Middle East peace—are being brought even closer together, as shown by recent reports from the Arab press.

The Arab Fund for Economic and Social Development, a group of 16 Arab nations, has recently decided to investigate the establishment of a gold-based international Arab currency. The Dinar, as the currency might be called, would be one possible investment for the oil revenue which is expected to accrue to the Arab nations, amounting to billions of dollars over the next 15 years.

Kuwait's Finance and Oil Minister, Abdulrahman Al'Ateeqi, who made the suggestion at the group's second annual meeting held recently in Kuwait, said the fund could "issue bonds consisting of currencies or units of account tied to the price of gold at the date of issue and thus provide a guarantee of value and protection against the possibility of devaluation for the Arab investor who employs his funds in these bonds."

The suggestion parallels a recent statement by London banker Minos Zombanakis, who said that Arab oil-producing nations may insist that gold continue as the principal monetary asset. Mr. Zombanakis said:

> The real problem is to find an asset acceptable to the Arab nations or otherwise they may choose to keep their major asset—petroleum—in the ground. Gold could be the answer, especially if other countries besides the United States make their currencies convertible into gold.

In light of such statements, especially when viewed together with our current energy situation, I find it difficult to understand why the United States continues to stake its financial future on strengthening a system of special drawing rights, supposedly to replace gold as a monetary asset. As Mr. Zombanakis points out, such special drawing rights would be meaningless to nations that have continuous surpluses in their balance of payments, which the Arabs may quite reasonably expect in their position for some time to come, due to the growing dependence of the world's industrialized nations on Arabian oil.

Mr. President, I ask unanimous consent that two articles concerning these critical subjects, one from the Kayhan International and the other from the International Herald Tribune, be printed in the RECORD. I hope that they will help provide a better understanding of the critical energy/gold problem facing us in the Middle East—a problem which will require more realistic economic policies than those presently endorsed by the administration.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PAN-ARAB CURRENCY PROPOSED

BEIRUT.—Billions of dollars in oil revenues that will flow into Middle East coffers in the next 15 years may form the basis for an international Arab currency tied to gold and called the Dinar. The Arab Fund for Economic and Social Development, which met last week in Kuwait, resolved to study this possibility as one way of investing the region's surplus funds.

Details of this resolution, one of five adopted by the 16-nation group at its second annual meeting, were not disclosed. But Kuwait Oil and Finance Minister Abdul Rahman Atiki suggested in a speech at the session that the fund bring together projects it is financing and other suitable investments "so that the Arab investor has the right to take a share in this reserve which will bring him a permissible profit from the net income realised on it."

Atiki said the fund could "issue bonds consisting of currencies or units of account tied to the price of gold at the date of issue and thus provide a guarantee of value and protection against the possibility of devaluation for the Arab investor who employs his funds in these bonds." The Kuwait official rejected Western charges that Arab oil states were responsible for the continuing monetary crisis that has led to the devaluation of the dollar and other currencies. (Kayhan International, Tehran, May 1, 1973)

ARAB OIL STATE MAY INSIST ON ROLE OF GOLD, BANKER SAYS

A London banker said today Arab oil-producing nations may insist that gold remain the principal monetary asset in any reform of the international monetary system. Minos Zombanakis, managing director of First Boston (Europe) Ltd., said in an interview that the United States may well have to reach some sort of accommodation with the Arab oil states on the gold issue in view of increasing U.S. dependence on Middle East petroleum. So far, the United States has contended that gold should be gradually demonetized. Mr. Zombanakis said that special drawing rights (SDRs), which are supposed to gradually replace gold as a monetary asset, have meaning only to countries that sometimes run deficits as well as surpluses in their balance of payments. Unless a country runs a defict, it would have no need for SDRs to finance it, he indicated.

He said that the Arab oil states could count on running surpluses indefinitely because of soaring world demand for their oil. "The real problem is to find an asset acceptable to the Arab nations," Mr. Zombanakis said, "or otherwise they may choose to keep their major asset—petroleum—in the ground. Gold could be the answer, especially if other countries besides the United States make their currencies convertible into gold." Asked whether he thought that Arab oil states had already been buying gold on the Zurich and London bullion markets in expectation of a big increase in the official price, Mr. Zombanakis replied that he doubted it.

He said the recent rise in very short-term Eurodollar rates indicates that professional speculators are financing purchases of gold and currencies. Such financing would not be necessary if the buying were coming from the Middle East, he asserted. The banker added that it is very probable that the Arab oil-producing states at present do not have as much spare cash as is widely believed. "It is obvious that in the future their revenues will be enormous, but the revenues aren't so big right now." He pointed out that oil revenues of Saudi Arabia, the biggest oil exporter, totaled only $2 billion in 1971, while those of Iran, the next biggest exporter, totaled $1.9 billion. He said the situation would change drastically by 1980, when Saudi Arabia's annual oil revenues are expected to range between $12 billion and $25 billion and Iran's revenues between $8 billion and $13 billion (International Herald Tribune, Paris, June 3, 1973.)

DROUGHT AND FAMINE IN WEST AND CENTRAL AFRICA

Mr. ABOUREZK. Mr. President, I wish to commend Senator HUMPHREY and the African Affairs Subcommittee for drawing the attention of the Nation to the drought and famine in the Sahelian region of West and Central Africa. I believe that Senator HUMPHREY's remarks to this Chamber about the food shortage and America's responsibilities should commend the special attention of the Members of the Senate, and I am pleased to associate myself with them.

As we learned in my hometown of Rapid City, natural disasters are merciless destroyers of lives and of communities. But terrible as the flood was, I can think of no natural terror more devastating than a famine—a famine which first kills children, old people, and others least able to defend themselves. And a severe famine can cause its most profound damage in a society of subsistence farmers and herdsmen, where one's wealth, social position, and self-respect, as well as nourishment, are intimately tied to the barren land and the always-scarce food it brings.

Not only is the famine now causing the deaths of thousands in Africa, but it is also bringing humiliation to the proud and self-reliant people whose source of life has always been the countryside they cultivated or grazed, people who may survive the immediate crisis, only to find their homelands useless for keeping them alive in future years, with no harvests or herds to provide for the future.

There is a further serious problem in this particular drought area, because it is a perpetually dry region just south of the Sahara. The desert has been measurably expanding into this area, making less and less land habitable for the growing population. As the land of the Sahel dries up, herdsmen will be grazing their cattle farther and farther south. Such grazing, often overgrazing, accelerates the deterioration of the land and the advance of the desert. This vicious circle can be broken only by the infusion of food and money to feed the people for this year and to reclaim the land of the Sahel for future productivity.

As Americans, this famine should concern us because we have grain sitting on roadsides and in storage bins waiting for boxcars to move it to ports and markets. And this crisis should concern us because we have grain sitting in boxcars and warehouses waiting for ships to transport it around the world to fulfill trade agreements. The grain companies, the shippers, the middlemen could do a real national service by expediting their profitable transactions and diverting some of their grain to those who are hoping with their lives that some of it will reach them soon.

The irony of rotting grain where it is plentiful, and starving people where it is not, has been recognized many times before in this Chamber, and many commendable efforts have been made through Public Law 480 and individual relief efforts. I want in no way to disparage these acts of compassion and magnanimity. But do we need still another famine, another epidemic or earthquake or flood to jar our consciences to make available more of our wealth and resources to those who need it desperately and immediately?

RESOLUTIONS BY NORTHWEST PUBLIC POWER ASSOCIATION

Mr. STEVENS. Mr. President, I recently received a series of resolutions adopted by the Northwest Public Power Association that I believe, in light of the current energy crisis, are worth our every consideration.

Heading this list of resolutions in importance is No. 73–12 which strongly endorses immediate construction of the trans-Alaska pipeline, and urges Congress to take all action necessary to expedite this construction.

In addition to this new endorsement of the Alaska pipeline, there is a resolution—No. 73–1— requesting Congress to appropriate funds for several authorized and proposed Federal power projects in the Pacific Northwest; a resolution—No. 73–2—requesting congressional action to require release of funds appropriated for REA loans, and for hydroelectric and multiple purpose river development projects in the Pacific Northwest; a resolution—No. 73–7—asking that Congress establish an Electric Research Agency to coordinate electric power research; a resolution—No. 73–8—requesting Congress to enact a national energy policy to promote and guide the discovery, development and efficient utilization of all forms of energy and last a resolution—No. 73–4—urging Congress to enact the legislation necessary to encourage and support the exploration and development of geothermal resources.

I request unanimous consent for the printing of these resolutions in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 73–12 OF THE NORTHWEST PUBLIC POWER ASSOCIATION

ALASKA PIPELINE

Fuel shortages in America have become apparent and critical, contributing to an energy crisis of alarming proportions.

Increasing reliance on imports of foreign petroleum to meet the nation's energy needs can only contribute dangerously to the United States' balance of payments deficit, have an adverse impact on world economic relationships, and threaten the stability of the dollar in world markets.

Therefore we vigorously endorse immediate construction of the Alaska Pipeline from Prudhoe Bay to Valdez and urge that Congress take any necessary action to expedite construction of that pipeline to make available to the United States increased petroleum resources from domestic fields.

Resolution No. 73–1 of the Northwest Public Power Association

FEDERAL POWER PROJECTS

Federal Power Projects which are under construction, authorized and proposed are necessary on an accelerated schedule to meet anticipated electric power requirements in the Bonneville Power Administration marketing area, to provide development of the resources of Alaska, and to assure non-discriminatory transmission of federal power to preference customers.

We urge, therefore, that Congress appropriate funds for:

1. All projects recommended by the President for construction and operation of facilities of the Bonneville Power Administration, Alaska Power Administration, Corps of Engineers and Bureau of Reclamation during fiscal year 1974 in the Pacific Northwest to keep these vitally needed facilities on schedule.

2. Accelerated planning, construction and operation of the Second Powerhouse at Bonneville Dam and additional generators at Little Goose, Lower Monumental and Lower Granite Dams.

3. Initiation of studies for future development of hydroelectric potential of the Upper Susitna River in Alaska.

Resolution No 73–2 of the Northwest Public Power Association

RELEASE OF APPROPRIATIONS

We believe that the Congress of the United States reflects the will of the public and exercises sound fiscal judgment when it appropriates funds for REA loans, and for hydroelectric and multiple purpose river development projects in the Pacific Northwest. The Pacific Northwest is faced with critical power shortages because of withholding by the Executive Branch of Government of Congressionally appropriated funds.

We dispute the judgement and the Constitutional right of the Executive Branch of Government to arbitrarily withhold appropriated funds from expenditure when they are vitally needed for the public purposes for which they were appropriated.

We most strongly protest, therefore, such withholding of funds and deliberate delay of project completions by the federal Office of Management and Budget; and we urge Congressional action to require release of such funds for immediate utilization to build projects for which appropriated.

Resolution No. 73–7 of the Northwest Public Power Association

ELECTRIC POWER RESEARCH PROGRAM

We believe an adequate supply of clean electric energy to be necessary for preservation of the environment, the economic survival of the nation, and a quality life for all of the people.

We recognize, however, that present technology does not permit development of the necessary electric power supplies without some impact on the environment and depletion of natural resources.

We believe a massive research program must be undertaken at once to accelerate development of the Fast Breeder Reactor, the Nuclear Fusion Process, Magnetohydrodynamics, Geothermal Power Generation, Solar Conversion, and all other potential sources of clean and efficient electric energy.

We believe all electric consumers and all people will benefit from development of new and better technologies for electric power production and transmission; and we recognize present inadequate research programs are financed by only some power consumers through voluntary participation by their individual electric utilities.

Although we support the voluntary Electric Power Research Institute as an existing program, we believe the necessary research programs can be coordinated and financed only with required participation by all elecrtic utilities, and therefore, all electric consumers.

We endorse, therefore, the enactment of a federal energy surcharge on electric bills, applied equitably to all ultimate consumers, to provide a trust fund for research in electric power generation, transmission and distribution to develop more efficient means of providing and utilizing electric energy.

We propose that Congress establish an Electric Research Agency, governed by a joint public and industry commission, to administer the electric research funds provided by the public through such surcharge on their electric bills.

Resolution No. 73–8 of the Northwest Public Power Association

NATIONAL ENERGY POLICY

We recognize that the economic and social well being of the American people depends upon an adequate and reliable supply of energy.

The energy resources of the nation, however, are becoming in ever shorter supply because of inefficient development and utilization, because of monopolistic control of basic energy sources, and because of inadequate technology and facilities for coordination of energy resources.

We believe these energy problems are of such magnitude that a National Energy Policy must be conceived and implemented to assure the American people adequate and reliable energy and to conserve their environment and their natural resources.

We urge the Congress, therefore, to develop and enact a National Energy Policy to promote and guide the discovery, development and efficient utilization of all forms of energy.

We further urge that such National Energy Policy provide for coordination and cooperation with Canada and Mexico to assure the best conservation, development and use of the energy resources of all of the North American Continent.

Resolution No. 73–10 of the Northwest Public Power Association

GEOTHERMAL RESOURCES

We anticipate that geothermal resources shall be a significant source of energy in the future and that geothermal energy should be developed in a way which provides the most possible benefits for the most people.

We encourage and support the exploration and development of geothermal resources by public and cooperative power entities and by the federal government in order to bring the benefits of such resources to the public at the lowest cost and consistent with sound conservation practices.

We believe that geothermal resources on public lands, especially, are a public resource and should not be exploited for private gain.

Therefore, we urge the Congress of the United States to enact laws which require that preference to leases on public lands for development of geothermal resources be given to public bodies and cooperatives.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1973

Mr. CRANSTON. Mr. President, I would like to express my full support for S. 1125, the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973," as passed by the Senate last week. I would also like to express my admiration for Senator HUGHES' leadership in focusing national attention upon the problem of alcoholism, through developing this legislation initially in 1970, and by pursuing its extension and expansion this year.

The impact of the disease of alcoholism in this Nation has never been determined accurately. What we do know is that it is widespread—of epidemic proportions—and that the statistics we do have represent an iceberg-like view of the magnitude of the problem. Each victim of alcoholism touches upon many lives, and the nature of the illness is such that its social consequences have a tremendous ripple effect in addition to those so tragically affected directly.

Alcoholism was described as the Nation's No. 1 health problem by representatives of the Department of Health, Education, and Welfare in Senate hearings in 1969 and 1970, and the 1971 report "Alcohol and Health" released by that Department in 1971 estimated that there were 9 million alcohol abusers or alcoholics in this country at that time.

Recent reports of the increasing popularity of alcohol abuse by teenagers provide a frightening warning that these statistics may very well increase significantly in future years.

The legislation adopted by the Senate June 21 would provide the means whereby the programs for contract, project, and formula grants to support treatment and rehabilitation programs for alcohol abusers could be continued for an additional 3 years, and improvements would be made in existing program authorities.

Mr. President, I have received letters from two of the counties in California, San Diego and Los Angeles, which together have probably the greatest population concentration in the Nation. Both of these counties through their boards of supervisors have taken a strong stand in support of S. 1125. I would like to point out that in each of these cases, the counties have already initiated strong locally supported programs for treatment and rehabilitation of alcoholism. They are not sitting back waiting for someone else to solve the problem for them. They have utilized their own resources to the fullest extent in providing effective programs to prevent and treat alcohol abuse.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the close of my remarks the letters received from representatives of the county of Los Angeles and the county of San Diego.

I am pleased to see that the Senate has moved to approve this vital legislation, and I look forward to similar action in the House.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COUNTY OF SAN DIEGO,
BOARD OF SUPERVISORS,
June 15, 1973.

Hon. ALAN CRANSTON,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR ALAN: On June 5, 1973, the San Diego County Board of Supervisors unanimously endorsed a resolution in support of S. 1125, the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973." An identical resolution was adopted by the San

Diego County Alcoholism Advisory Committee on April 26, 1973. A copy of this resolution is enclosed for your reference.

At present more than 5,000 patients have utilized our present alcoholism programs which include a Men's Detoxification Center and an Alcoholism Rehabilitation Clinic. However, it is presently estimated that there are 80,000 alcoholics in San Diego County. According to the National Council on Alcoholism, every problem drinker adversely affects an average of four other persons in his family, and more than sixteen friends and business associates in the community. These people therefore affect more than 320,000 others in our County.

Our County's proposed Fiscal Year 1974 Budget recommends a total expenditure of more than one million dollars for alcoholism programs. $429,000 of this money would be derived from local taxes. If S. 1125 is enacted, our present programs, plus our proposed Women's Detoxification Center and expanded rehabilitation program services, would be eligible for the Federal support authorized by the bill in the nature of contract and project grant authority of $90 million in Fiscal Year 1974, $100 million in Fiscal Year 1975, and $110 million in Fiscal Year 1976.

S. 1125 also recommends that alcoholism be treated as a public health problem by delineating standards for State treatment programs in order to make the transition from a criminal justice approach to a community care approach for the treatment of alcoholics. It is my understanding that the bill will be considered by the Senate next week, possibly on Tuesday, June 19, 1973. I urge you to strongly support the passage of this legislation.

Sincerely,

ROGER F. HONBERGER,
Deputy Administrative Officer.

SAN DIEGO COUNTY ALCOHOLISM ADVISORY COMMITTEE

RESOLUTION

Whereas: Alcoholism is the Nation's leading health, social and law-enforcement problem.

Whereas: The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1973 (Senate Bill 1125), introduced by Senator Harold Hughes, represents constructive goals to alleviate alcoholism in the United States and its possessions.

Whereas: Alcoholism Programs funded under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 are providing valuable alcoholism rehabilitation services for the communities they serve.

Whereas: Alcoholism programs funded under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 have aided thousands of alcoholics in returning to active and productive lives.

Now therefore be it resolved, that the San Diego County Alcoholism Advisory Committee and it's members do approve and endorse the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1973 and support and encourage Senator Hughes and other members of Congress who advocate the continuance, expansion and improvement of Alcoholism programs. And further resolve that the County be encouraged to pass similar resolutions and that said resolution be conveyed to Congress and the President by the County.

ALCOHOLISM LEGISLATION

Sen. Harold Hughes (D-Iowa) on June 5 won unanimous support on the Senate Labor and Public Welfare Committee, to continue the first national effort to combat the devastating effects of alcohol abuse. This action on S. 1125 (the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973") was a clear expression of nonpartisan interest in maintaining and improving programs being implemented at county, state and federal levels under the direction of the National Institute on Alcohol Abuse and Alcoholism.

S. 1125 will come up for a Senate vote in the very near future. NACO fully endorses this legislation, and it is our hope that Rep. Paul Rogers (D-Fla.), Chairman of the Subcommittee on Public Health and Environment, and his colleagues of the House Interstate and Foreign Commerce Committee will act quickly to pass comparable legislation. It is our further hope that this crucial legislation will be signed into law by the President by early summer.

Actions by Congress and Administration to continue the programs started with initial legislation in 1970 have been delayed far too long. The initial legislation established the National Institute on Alcohol Abuse and Alcoholism, and for the first time in 1972 provided project support to counties for the implementation of a broad range of long overdue programs for people with alcohol drinking problems. State formula programs also were initiated at the same time. The institute, through both project and formula programs, has been highly responsive to the needs of counties. It has provided the kind of focal direction from the federal level that is required to mobilize local attention and efforts on a grossly neglected problem that effects, directly or indirectly, nearly every citizen.

Some highlights of S. 1125 important to counties are provisions continuing through 1976 the formula and project grant authorities; establishing a special grant for States which provide legal basis for a comprehensive community care approach; giving the Secretary of Health, Education, and Welfare the flexibility to locate the National Institute on Alcohol Abuse and Alcoholism within HEW where it can be most responsive to the needs of people in communities; providing the high level personnel needed to carry out this national responsibility; and reducing discrimination of people with alcohol drinking problems when seeking medical care from hospitals.

BOARD OF SUPERVISORS,
COUNTY OF LOS ANGELES,
June 15, 1973.

Hon. ALAN CRANSTON,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR ALAN: In the County of Los Angeles there is an alarming increase in the incidence of the tragic problem of alcoholism. The County's interest in the prevention and treatment of the problem is of such primary concern that we have committed approximately 75 million dollars in funds to rehabilitate alcoholics. At the present time, the County of Los Angeles has two applications totaling over one million dollars that have been approved by NIAA. However, since the President's budget deleted these funds, these programs cannot be funded.

Presently, the County of Los Angeles operates a 60 bed unit in the County USC Medical Center for the treatment of acute alcoholics. In addition, the County operates a 100 bed unit in the Long Beach Hospital for sub-acute alcoholics, many of which come from the Medical Center. Here efforts toward rehabilitation are begun. In the Antelope Valley area the County operates a 700 bed unit for homeless, male alcoholics. There are approximately five out-patient clinics throughout the County. Long Beach and Pasadena each have one such clinic by contract with the County.

In an effort to continue its alcoholic rehabilitation programs, the County is currently developing a plan to rearrange financing from its mental health funds.

The County feels that a more desirous mechanism for the funding of alcoholism programs is S. 1125, the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973".

I understand that this bill, S. 1125, is tentatively scheduled for Senate consideration the week of June 18, 1973.

I urge you to strongly support this legislation.

Sincerely,

JOSEPH M. POLLARD,
Legislative Consultant.

S. 1125, THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1973

Mr. MATHIAS. Mr. President, as a cosponsor of S. 1125, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973, I wish to pay a compliment to my colleagues who voiced their support for this bill last week. The passage of S. 1125 is due, in large measure, to the diligent efforts of the chairman of the Subcommittee on Alcoholism and Narcotics, the distinguished senior Senator from Iowa, HAROLD HUGHES, and I also wish to commend him and the members of his subcommittee at this time for their efforts.

S. 1125 will extend through fiscal year 1976 the State formula grant program originally authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91–616, which I was also pleased to have cosponsored. S. 1125 also extends the contract and project grant authority of the act for fiscal years 1974, 1975, and 1976 at the authorization levels of $90 million, $100 million, and 110 million, respectively. It provides incentives for States to adopt the Uniform Alcoholism Intoxication Treatment Act; it prohibits hospitals from adopting discriminatory admissions policies against alcoholic persons; and it strengthens the capacity of the National Institute on Alcohol Abuse and Alcoholism to carry out its mission.

The Senate's action on S. 1125 is living proof that today in America, there is a better understanding and awareness of the problems of alcoholism and alcohol abuse than ever before in our history. I am sure that all Members of this body are as grateful as I am to see that we are finally leaving the era in which a large segment of our society equated alcoholism and alcohol abuse with moral degeneration and sinful behavior. More and more Americans, as recent polls have shown, are now beginning to regard alcoholism as a disease—a disease which should be handled as a public health problem rather than a matter to be dealt with under criminal law. And I am certain that the landmark Public Law 91–616, the alcoholism bill of 1970 represented a giant step forward toward national recognition that alcoholism is an illness with an inherent potential for prevention, control, and recovery.

To gain some further insight into the dual problems of alcohol abuse and alcoholism, we need look no further than the Department of Health, Education, and Welfare's first special report to the Congress on alcohol and health. This report confirmed what many of us have known or suspected all along: That alcohol is the most abused drug in the United States—that the extent of alcohol-related problems in America is increasing and has, in fact, reached major proportions. We know that among the more than 95 million drinkers in this country, about 9 million men and women are actually alcoholics or abusers of alcohol. These statistics, however, do not take into account the fact that the lives of many more millions are adversely affected by living with someone who has. One in five persons surveyed by Harris reported that someone close to them—most often a family member—drinks too much.

Mr. President, it is a sobering fact, that industry, business, civilian government, and the military pay a price of $10 billion each year as a result of lost work time, medical expenses, impaired job efficiency, and accidents incurred by employees suffering from alcoholism. The facts of the case are that nearly 4.5 million American workers suffer from alcohol-related problems, 240,000 of whom are employees and their families. This means, in effect, that some $15 billion are drained from the economy each year due to alcoholism and alcohol abuse.

There is one additional expense we incur in our society, however, that cannot be quantified so easily or put through the rigors of cost-benefit analysis. No way has yet been found to set a fair price on the value of human life. How can we estimate the worth of those 27,000 lives that were lost last year in alcohol related traffic accidents—accidents which snuffed out the lives of drivers, passengers, and innocent pedestrians? Who can possibly gauge the cost of alcoholism and alcohol abuse to our society when more than half the individuals involved in fatal auto accidents each year have significant amounts of alcohol in their bloodstreams? But this we do know. That alcohol-related accidents cause injuries annually to half a million people, that alcohol-related accidents result in several hundred thousand arrests, that alcohol-related accidents carry a pricetag of more than $1 billion for property damage, insurance costs, and medical services.

This tragic problem which takes its toll in death and destruction is outrageous, shameful and most of all, absolutely unnecessary.

Mr. President, the question then is not whether this Nation can afford to support the attack on alcoholism at a meaningful level, but, rather, can we afford not to make a prime investment in alcoholism prevention, control, and treatment. I sincerely hope that the House now will promptly consider and pass this bill and that the President will see fit to sign it into law without delay.

Mr. President, I believe I would be remiss if I failed to acknowledge the incredible work that has been accomplished by the dedicated personnel of the National Institute on Alcoholism and Alcohol Abuse in Rockville, Md., and the hundreds of able, public spirited citizens in Maryland, both at the State and community level who are working in behalf of their fellow citizens who still suffer from this disease. It has remained for them to transfuse the sense of the ideas and policies developed in Congress into dramatic and effective programs.

Last year, over 205 alcoholism projects in poverty areas and 47 Indian poverty projects were transferred from a well staffed Office of Economic Opportunity to the NIAAA. While the authority and responsibility for these programs were shifted with minimum difficulty, the staffing necessary to administer these programs at the national level in NIAAA has never reached the desired level. The committee report accompanying S. 1125 aptly represents my view with regards to these poverty programs and their status within the NIAAA:

> Any sound analysis of the causes and conditions of poverty must recognize the high incidence of alcoholism as both a cause of unemployment, family dissolution, and dependence on public assistance, and a condition often induced by the frustration and despair arising from crowded and inadequate housing, lack of education and opportunity, and other forms of deprivation, which together constitute poverty in this Nation.
>
> The Committee is especially concerned over the fate of the transferred projects to an agency whose mandate is to serve all alcoholics rather than to concentrate solely on serving those who are poor. These projects must, of course, meet appropriate standards of administration and performance. However, the Institute should make every possible effort to assist them to meet those standards, taking into account the difficulties experienced by project administrators whose experience in working with governmental agencies or other institutions may be limited.

I commend the staff of the Division of Special Treatment and Rehabilitation Programs of NIAAA for the outstanding manner in which they have discharged their responsibilities for the poverty and Indian programs in the face of severe staff shortages, and the enormous, competing, yet, legitimate demands for program guidance and support from projects across the country. We should be particularly impressed with the leadership supplied by Dr. John Wolfe, the division director, and Mr. Fleetwood Roberts, the program director of the Community Alcoholism Services poverty programs; for it is largely through their efforts that the poverty programs are thriving today.

If the House of Representatives agrees with this body and passes S. 1125, and the President signs this bill into law, as I hope he will, the Congress can rest assured that the NIAAA, the State and community alcoholism agencies, and the hundreds of thousands of Americans who are actively engaged in the fight against alcoholism will give the American taxpayers the best return on their investment-restoration and preservation of human beings.

TRIAL OF PERSONS CHARGED WITH GENOCIDE

Mr. PROXMIRE. Mr. President, one of the arguments frequently raised against ratification of the Genocide Convention is that the country of which the accused is a citizen would not have jurisdiction to try him of his crime. This misconception stems from the wording of article VI:

> Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Thus under a strict interpretation of this article, only the country in which the genocide was carried out may prosecute.

CONCURRENT JURISDICTION

In reality, however, the theory of concurrent jurisdiction holds true. This means that two nations, not one, would be permitted to charge a person with the crime of genocide: The nation in which the genocide was carried out and the nation in which the accused holds citizenship. In the 1973 report by the Senate Foreign Relations Committee, it was brought out that—

> A number of nations, particularly colonial powers, have consistently asserted the right to try their own nationals for crimes committed outside their territory. Even the United States in certain limited areas—counterfeiting, theft of government property, treason, antitrust violations—has exercised jurisdiction over its citizens for acts committed abroad.

In order to make this point emphatically clear, the committee recommended the following understanding to the Senate:

> That the U.S. Government understands and construes article VI of the convention in accordance with the agreed language of the report of the Legal Committee of the United Nations General Assembly that nothing in article VI shall affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

Once more we find that, upon closer investigation, one of the arguments commonly used to argue against ratification of the treaty is groundless. I urge my colleagues to act without further delay and support the effort to ratify the Genocide Convention.

PHILIPPINES BAN ON CERTAIN EXPORTS

Mr. TAFT. Mr. President, the Philippine Government has recently decided to ban exports of rattan poles and narra logs. The ban is effective immediately, except that existing contracts will be honored.

I view this action as having extremely serious consequences. An embargo on exports is just as protectionist in nature as a halt in imports, which would be more immediately recognized as protectionist by many observers. In the case of the recent Philippine action, the interests of the United States are involved directly, because the United States imports millions of dollars' worth of the goods falling under the embargo and several thousand jobs in this country may be affected.

I realize that the domestic price of the rattan poles and narra logs, as well as the possibility that the increased demand resulting from foreign consumers would effect conservation, must be considered by the Philippine Government. Nevertheless, action of this type should only be called for in a quite severe situation. For that reason, I was reluctant to vote for export controls on our logs in the Banking, Housing and Urban Affairs Committee even though some estimate that the price of softwood logs has risen 56 percent during the last 2 years. The control measure which I finally voted for was a slight limitation rather than an absolute embargo.

I hope that the Philippine Government will reconsider the appropriateness of the export ban carefully. Of course, that government must also consider the possible negative effects on foreign trade of the embargo action. Not only will the income from exporting the rattan poles and narra logs immediately be cut off, but it seems possible to me as well that the gains which the Philippine products have already made in the American market might be nullified to a great extent.

SENATOR STEVENSON'S STATEMENT BEFORE THE OIL POLICY COMMITTEE

Mr. ABOUREZK. Mr. President, on June 13, Senator STEVENSON, of Illinois, testified before the Oil Policy Committee's public hearings on crude oil and product allocation. His subject—the subject of the hearings—was the gasoline shortage, and particularly how the voluntary allocation program which the administration established pursuant to the Economic Stabilization Act was working Senator STEVENSON surveyed the voluntary program in his own State of Illinois, and could only conclude that—

> It is simply inconceivable to me that anyone, including the majors, could claim the voluntary program is working in Illinois.

Senator STEVENSON exhorted the Oil Policy Committee to abandon the voluntary program in favor of an effective and equitable mandatory allocation program. He stated that if the Oil Policy Committee failed to act, Congress as a whole would, noting that the Senate had already passed S. 1570 on June 5.

Senator STEVENSON also suggested that—

> Circumstantial evidence supports the conclusion that the major oil companies are using the fuel shortage they helped create to drive out their competition.

Senator STEVENSON cited the facts constituting this circumstantial evidence in some detail.

I ask unanimous consent that the full text of Senator STEVENSON's remarks be inserted in the RECORD, so that we can all have the benefit of reading in full his informed remarks on this subject.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STEVENSON AT THE OIL POLICY COMMITTEE'S PUBLIC HEARINGS ON CRUDE OIL AND PRODUCT ALLOCATION, GSA AUDITORIUM, WASHINGTON, JUNE 13, 1973

There is more at stake here today than the question of whether the Administration will exercise the authority given to it six weeks ago by the Congress to institute a mandatory allocation program for petroleum products. The energy crisis is rapidly becoming a crisis of confidence in a government which, at best, stands by while both gasoline prices and the profits of the major oil companies soar to record highs.

My remarks are confined to the present emergency though I believe that the only acceptable solution requires energy conservation and the development of additional sources of energy for the long term energy requirements of the nation.

Recently completed market studies at Northwestern University and the Georgia Institute of Technology confirm what many of us have long suspected; the greater the concentration of independent gasoline retailers in any given area, the lower the average price charged by major branded dealers in that area. In every case, under varying conditions, including over-supplies and shortages in both large and small markets, the prices charged by major stations were always lower if independent stations were present in the same market.

Independents "keep the majors honest." Yet, since the first of this year, more than 1,500 independent gasoline stations have gone out of business, and 1,800 more are on the brink of disaster. At the same time, the average price of gasoline in a city like Los Angeles is 6.1 cents a gallon higher this June than it was last June. On a nationwide basis, the average price increase over the first five months of this year has been 9.6 percent or approximately four cents per gallon. With no further increases, that will cost the American consumer $3.2 billion more for gasoline in the next 12 months. And prices continue to rise. The president of one major oil company has predicted increases of 16 cents per gallon by the summer's end; the same company reported a 43 percent increase in its first quarter earnings. The Cost of Living Council's 1.5 percent guideline is either unworkable or is not being enforced.

Each week another 175 independent service stations are closing their doors, while gasoline prices and the majors' profits continue to climb. As a matter of public policy, this Administration must decide whether it wants to save what is left of the independent marketers as a force in the market place. The Congress made its decision on April 30, when it gave the President the power to institute a mandatory allocation program for the benefit of consumers in regions like the Middle West, industries like farming, and the independents. The Senate reaffirmed that commitment with passage of S. 1570 last week. The Administration's refusal to use the power it already has, coupled with the continued exit of independents from the market place, rising prices and an ineffective and under-staffed voluntary allocation program dependent on the good will and public spirit of 23 major corporations never noted for their charitable instincts, have left the American consumer somewhat skeptical of this government's intentions.

This committee, however belatedly, can begin to restore that lost confidence and salvage what is left of the independent market by instituting the mandatory allocation program provided for in the Economic Stabilization Act. To delay any longer, as the majors solidify their hold on the retail market place, will add yet another chapter to a dismal record which at best reflects inept policies and at worst may make the federal government a partner in an alleged conspiracy to eliminate competition in the petroleum industry.

Last fall Administration spokesmen assured us there would be no shortage. In the face of dwindling supplies and serious shortages last winter, it waited until April of this year to abolish the oil import quota program. Despite evidence of antitrust violations for several years, it was not until May 25 that we heard the Justice Department had finally begun a "broad-based inquiry." There is still no indication when, if ever, the Justice Department will act. An investigation begun by the FTC staff in 1971 is still not complete, and there is no indication when the full Commission will act upon the staff's recommendations. All the while, the majors grow stronger at the expense of the consumer, the independents and those they supply.

And now we have the voluntary allocation program. I think the staff of the Office of Oil and Gas, including Director Duke Ligon, Robert Plett and Lisle Reed, have been doing a superhuman job. But when they can only appoint three people to their Chicago Regional Office to administer the program for a six-state area, which has thousands of affected independent outlets, the problem is not with the people, but with insufficient personnel and an unenforceable program.

Several majors have simply announced they will not comply. Others have announced they will comply and made up their own base period. Others have announced they will comply, but are selling product at what amounts to black market prices. Some of them have announced they will comply, but simply have not made good on that promise.

In my own state of Illinois, I have received approximately 25 inquiries per week from independents and customers of independents, particularly farmers and municipalities, whose supply has been cut off or severely cut back. Almost one-half of those writing or calling have never even heard of the voluntary allocation program. Once they know where to call, many spend days hearing a busy signal at the other end of the telephone line before they even make contact with someone in the Office of Oil and Gas. Of those who do make contact, many are told that they will be called back and are never called again. In several cases with which I am familiar, constituents first called Chicago and were told to call Washington. When Washington never called back, they called Washington and were told that the rules had been changed and that they should now call Chicago again. When they called Chicago last week, some three weeks after their first call, they were told that nothing could be done for them until these hearings were completed.

Of the 108 cases which have been filed with my office, I am aware of only three in which positive action has been taken, all requiring my personal intervention. Even this relief is only partial. The 17,000 farmers supplied by two of these constituents and the hospitals supplied by the other are assured of adequate supplies only through next month. More significantly, these three cases involve suppliers which qualify for priority allocation under OOG guidelines. The average independent who does not supply farmers, municipalities or some other priority need has received little or no help, while we continue to receive reports of majors offering to buy independent locations or take over the larger accounts of failing independents.

It is simply inconceivable to me that anyone, including the majors, could claim the voluntary program is working in Illinois. The guidelines themselves are well drawn and sound. But even if it were properly staffed, the voluntary program is doomed to failure because it has no teeth—there are no incentives for the major oil companies to comply. When it works, it is because of extraordinary circumstances, including the intervention of individual members of Congress and now the threat of Congressional action.

The facts speak for themselves:

Because the greatest tax advantages are in the production of crude oil, the integrated majors for years poured their crude oil profits into the construction of an elaborate marketing system of expensive, full service gasoline stations which in turn allowed them to produce and move through the system more profitable crude.

Because crude production meant big profits, the majors also found it advantageous to sell to independents at the same time they were constantly building and perhaps overbuilding their own expensive stations.

By utilizing cheaper facilities, higher volume, mass marketing innovations and the added advantage of not having to pay the two-cents-per-gallon franchising fee paid by major branded dealers, the independents were able to expand their more efficient marketing system until by late 1972, they accounted for seven percent of the nation's retail outlets and 30 percent of retail sales.

Since mid-1970, a time of plentiful petroleum product supply, not one of the majors has constructed a new refinery in the United States.

With the tightening of world oil supplies in early 1971 and the prospect of reduced crude oil profits, the majors were faced with the need to improve the performance of an over-built marketing structure which, separated from the production of crude, was not as efficient as that of the independents and was being continually weakened by the independents growth.

In an effort to upgrade their own marketing systems, some majors borrowed the best techniques of the independents and began marketing their own discount gas through company-owned secondary branded stations.

As the squeeze between foreign crude and the growth of the independents reached its peak in 1972, major oil company profits—although still substantial—began to decline.

In the fall of 1972, major oil companies denied there was any danger of a shortage and argued against the lifting of the oil import quotas.

Since the advent of the shortage in late 1972 and early 1973, with the consequent cut off of supplies to many independents, the profits of all major oil companies increased 28 percent in the first quarter of 1973.

Following the lifting of the oil import quotas, 12 majors announced plans to build new refineries which should be coming on stream to alleviate the supply crisis in the country in about three years.

19 of the 23 majors are building stations and now actively marketing secondary discount brands.

Despite claims of healthy competition among the majors, nine majors have announced they are closing down and pulling out part of their over-built, expensive retailing system from some 58 markets, withdrawing closer to their geographic base and eliminating competition among themselves in an effort to increase profits.

I suggest that circumstantial evidence supports the conclusion that the major oil companies are using the fuel shortage they helped create to drive out their competition. One need not go that far, however, to understand why the voluntary program cannot work.

On the facts, it would appear that it is not in the best financial interests of the major oil companies to rescue the independents. Whether there is a conspiracy or not, if the independents are eliminnated from the market place in three years when refining capacity is increased, the majors will be in a much better position to turn increased supplies into still higher profits rather than return to lower consumer prices.

The consumers of the nation understand the difference between a voluntary and mandatory allocation program. This Committee has the power to do what must be done. Effective action must be taken to protect the consumer and restore competition in the oil industry. I urge you to do just that by instituting a mandatory fuels allocation program immediately.

INFLATION

Mr. FANNIN. Mr. President, inflation is the most serious problem facing our Nation today. To bring inflation under control it is essential that we cut Federal spending and bring the budget into balance. It also is essential that the American people cooperate by pledging to do a fair day's work in return for a fair day's pay. Wage rates must be restrained if if we are to control inflation.

Mr. President, a very informative commentary on our economic problems was carried in the Industrial News Review recently. This article points out that monetary policy, that is devaluation of the dollar, will not solve our problem in trade and will not cure the inflation. This article came to my attention when it was reprinted in the Arizona Legislative Review, one of the most reliable and astute observers of political activity in my State.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOLLAR DEVALUATION

There are all kinds of estimates of what the devaluation of the dollar may do as regards raising the cost of living in the United States. But what it all boils down to is that things are going to cost more. Most consumers, no doubt, already know this if they have any wits about them and, despite what professional consumerists say, most of them do.

When the dollar was devalued 10 percent, it meant that a unit of foreign currency which Americans previously bought for a dollar would now cost $1.10. The dollar cost of television sets, motorcycles, automobiles, clothing, cameras and everything else made in Japan, Germany and other countries will be higher. The reverse side of the coin is simply that the citizens of other nations will find that they can buy goods made in the United States more cheaply. The whole point to the exercise, of course, was to put a brake on imports by raising their cost and increase the flow of exports from the United States to other nations by lowering the price of American goods sold abroad. This should cut the disastrous $6.4 billion U.S. trade deficit run up in 1972 by an excess of imports over exports.

All of this is nothing more than a textbook version of how the dollar devaluation should work. As might be expected, the outcome is likely to be considerably different. For example, companies in foreign nations can absorb part of the higher dollar cost of their products in the U.S. by reducing profit levels as a means of holding on to their share of the American market. Some U.S. companies operating abroad will elect not to reduce the dollar cost of their products in line with the 10 percent devaluation of our currency. They will simply show increased profits. This can be done particularly in the case of high-technology items such as computers and aircraft. The demand for such things is little affected by small price changes anyway. Other nations may react to lower-priced American goods by erecting trade barriers as a counterforce—tariffs or quotas, for example. Our long-run trade deficit problems will ultimately be solved only by hardnosed trade treaty negotiations and control of inflation at home. Dollar devaluation is no cure for U.S. trade deficits. It is just another way of escaping the full consequences of inflation for a little while.

Mr. Ray Vicker writing in London for The Wall Street Journal points out the weakness of the dollar was brought on by our own lack of discipline at home. Policies discouraging industrial development, higher wages, shorter working hours and other factors that decreased our productivity combined with improvident fiscal policies at the federal level have allowed inflation to go its way unchecked. As Mr. Vicker puts it, "When a currency loses value within a country, the weakness appears in its external value, too. Foreigners note that the currency buys ever-smaller amounts of goods, so they lose respect for the currency."

And so we come back to basics. It is the attitude of the American people that counts. Do we want to put out a fair day's work for a fair day's pay, and do we have the self-discipline to demand that Congress achieve means of controlling federal spending even if it hurts us in the pocketbook as federal handouts decline? Can we cut through political rhetoric and recognize that national policies discouraging our business and industry—policies that often treat the productive economic institutions of private enterprise as enemies of the people—are dangerously detrimental to the future of all of us? Mr. Vicker points out the currencies of such countries as Japan, Germany and Switzerland are strong, and living standards are rising because of the economic policies that these countries have followed and because of the hard work of their people. Devaluation is no recipe for good times. If it were, Latin American nations, notably down at the heels economically, would be rolling in prosperity. After all, "Some of them seem to devalue about once a year, perhaps oftener in leap year."

The danger of the present dollar devaluation, which Mr. Vicker points out, is that it may lull the nation into an erroneous belief ". . . that the malaise is being corrected. Should anti-inflation weapons then be relaxed, the devaluation then may contribute to further weakening of the currency." To an increasing extent, if the world is successful in achieving an era of peace, the prosperity of nations and their leadership in international affairs will depend upon their strength as traders in the world market. The place of the U.S. will depend on our ability to see ourselves as others see us and act accordingly.

SPEND, SPEND, SPEND—IT'S ONLY THE TAXPAYERS' MONEY

Mr. PROXMIRE. Mr. President, each year the Pentagon wastes thousands of dollars in a last-ditch effort to spend congressional appropriations before the end of the year. The attitude of the military can best be summed up as "spend, spend, spend, before the end of the year, it is only taxpayers' money." While we all know this, it is often difficult to prove it. But a memorandum sent to me proves it in spades. It reads as follows:

FISCAL YEAR 1973 YEAR END OBLIGATIONS

1. In order to ensure that all FY 73 obligations reach the Authorized Accounting Activity (AAA), NSD Guam, in time for proper year end processing, it is requested that you obligate your remaining funds as soon as possible and immediately airmail me a copy of the requisition, work order, project order, etc.

It is clear that this memorandum was prompted by urging from higher command that all FY 1973 funds be obligated before the end of the year. There were no suggestions about how to use the money—just spend it quickly.

This situation develops just prior to the end of every budget year.

Last year Admiral Zumwalt sent out a directive requiring units to spend all of their funds so that Congress could not see that appropriated dollars had been left unused and perhaps refuse to provide a similar amount in the new budget. I called that the 'spend, spend, spend memorandum'.

Confirmation of this year-end splurge comes from another sources as well. According to documentation made available to me, the Pentagon has hurriedly requested bids to replace fences around five Nike air defense sites in the Baltimore-Washington, D.C. area. The estimated cost of this fence replacement is between $25,000 and $100,000, a paltry sum by comparison with major Pentagon programs but representative of the widespread abuses in the spend, spend, spend philosophy.

The fences in question have been judged by a longstanding specialist in this business to be in excellent condition. They are a six feet high chain link variety plus three strands of barbed wire for a total of seven feet. The new fences would be eight feet high plus three strands of barbed wire.

But since the troops at the various bases have already added concertina barbed wire on top of the seven foot fence, the fences as now constructed offer more security than the new nine foot fence would give.

The point is not security, however. The point is to spend that money before the fiscal year ends. I am told that these proposals for fence fixing come every year just before the end of June.

The truth of the matter is painful. The Pentagon does not care how the money is spent, just so it really is spent by the end of the year. No wonder the defense budget is out of control.

THE CONSTRUCTION UNIONS DECLARE WAR

Mr. FANNIN. Mr. President, the current issue of Reader's Digest carries the second installment in a series of articles on outrageous activities by labor unions.

Editor Charles Stevenson tells the terrifying story of the storm trooper tactics being employed by some building trades unions. These unions are using violence to intimidate nonunion contractors and workers, and firms which might do business with nonunion contractors.

Such violence and intimidation is an expected part of life in fascist countries and dictatorships, but it is repugnant and intolerable in any nation which is dedicated to freedom and justice under law.

Some unions have priced themselves right out of work in the building trades, and now they are seeking to attain by force what they could not possibly attain through legal means.

This is a very serious situation, and it may well be that we will have to institute new laws to prevent the type of terrorist activities—almost civil wars—which are described by Mr. Stevenson.

Mr. President, I believe this is a grave matter which demands the attention of all Members of Congress, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CONSTRUCTION UNIONS DECLARE WAR

(By Charles Stevenson)

Some 150 men sweep down on the $1-million Pointe North professional building, under construction in Lansing, Mich. They knock down walls and destroy machinery, leaving an estimated $50,000 damage in their wake. No arrests are made.

Three weeks later, about 400 more men, many of whom have been drinking heavily, block traffic at the main intersection of little Kalkaska, some 200 miles north of Detroit. The county prosecutor tries to persuade them to leave, and they do—after overturning his automobile. Unchecked, they move three miles down the road to the construction site of a $20-million Shell Oil processing project, where they set fires, wreck equipment, smash vehicles and demolish walls. Outnumbered, state troopers seize two of the rioters, but when the mob moves in on them, injuring two officers, the two rioters are released.

The guerrillas depart, and about 150 of them drive 50 miles south to Roscommon, where a school is under construction. After fires are set and some $50,000 damage is done to machinery, tools and supplies, six arrests are made and state police are called in to assist the local sheriff and his deputies in controlling the mob of rampaging men.

Scene from a grade-B bandit movie? No. These ugly incidents erupted for real last January and February. They opened the 1973 campaign of the AFL-CIO building-trades unions to retain their grip on the construction industry, the nation's biggest. Across the country, the word seems to have gone out: punish those who dare let anyone but union men construct buildings.

MATTER OF MUSCLE

"Those who dare" are becoming numerous. Squeezed by skyrocketing construction costs, wage increases, work slowdowns, featherbedding, jurisdictional disputes and outright corruption, builders in search of a full day's work for a full day's pay are increasingly turning from closed union shops to open, independent shops. Some 5500 contractors, together with their 250,000 workers, have formed the Associated Builders and Contractors, Inc. (ABC), which currently gets at least 35 percent of the nation's construction work. Instead of bucking ABC by making their own services competitive, certain union chieftains are resorting to terrorism—in the belief that their political muscle will discourage any steps to halt the lawlessness. And why shouldn't they think this way?

Item: In two weeks last year, in Baltimore, Md., more than 200 members of building- and construction-trades unions stormed three separate projects, toppling office trailers, beating up the vice president of a contracting firm, setting fires. Twenty-one people were arrested—most of them for "disorderly conduct." A similar attack involved 250 pickets from Ironworkers Local 16 at another site. Union members formed a human wall to block firemen from a burning crane and trailer. One group of firefighters broke through, but found their hose had been axed. Only seven arrests were made. Fire department officials confirmed allegations of arson.

Item: For two weeks during May 1972, building and construction workers in Memphis, Tenn., went on strike and, at one point, virtually paralyzed all the city's construction work. Police reported 70 to 80 separate acts of vandalism, and made 59 arrests. Work was resumed only after a number of contractors submitted to union demands.

Item: During June 1972, union goons in Michigan dynamited shopping-center sites, storage areas and an asphalt plant in one-eight-day rampage. More than $250,000 damage was done to a single W. T. Grant shopping plaza under construction in Lapeer. On October 25, 200 construction workers set fires, tipped over a mobile office trailer and tore down a 20-foot cement-block wall at a second W. T. Grant site in Grand Blanc. Before enforcements arrived to aid badly outnumbered police, the vandals were speeding to Lapeer, where they attacked the now almost-completed Grant site for the second time. No arrests were made at Grand Blanc; one arrest was made at Lapeer, but the charge was later dropped.

Item: In Rochester, Mich., some 300 building-trades men stormed the construction site of the Walter P. Reuther Junior High School last December 18. They spent about two hours ripping out electric wiring and setting fires. Damage: some $30,000. Arrests: none.

BATTING PRACTICE

Now consider this modern-day "Philadelphia story." Although unions in the City of Brotherly Love once received 100 percent of the work, non-union or open-shop contractors have been steadily winning large contracts in suburban Montgomery, Bucks, Delaware and Chester counties, where most craftsmen do not belong to unions. Displeased, union toughs have been attempting to scare them off by brute force.

At 10:30 a.m. on June 29, 1971, four cars screeched to a halt at a shopping center in Springfield, Delaware County. An estimated 16 men piled out, ran into a building under construction and began hitting the six non-union workers there with softball bats. Several minutes later, they roared off, leaving five men a mass of bloody flesh, broken arms and fractured skulls. One was nearly blinded. In their haste, the union goons left behind some of their bloody bats, several emblazoned with symbol, LOCAL 30 (a Philadelphia roofers' union).

The victims managed to take down one license number, and made positive identification of three assailants. But, at the preliminary hearing, they would not identify the suspects, who were subsequently released. "I think the union got to them," Lt. T. W. Ward, of the Springfield police department, told newsmen. One assailant protested over drinks in a bar that he disapproved of the vicious attacks. Next morning he was found dead in a ditch, shot through the head.

On February 11, 1972, employes of Kitson Brothers, an open-shop roofing contractor in Montgomery County, voted to reject membership in Local 30 (the roofers' union). The following May 7, eight Kitson trucks were set afire. Ten days later, a construction site where Kitson had been hired to do a job was picketed by Local 30. Roofing material was burned, and non-union workers were beaten. The management of the company that had hired Kitson received threatening phone calls, found its own tires slashed and delivery of materials blocked. Finally, Kitson was asked to give up the job, which went to a union firm. Kitson Brothers has since lost several other jobs under similar circumstances.

OPERATION ALTEMOSE

But these chapters in the Philadelphia story have been mere prelude. J. Leon Altemose, an aggressive young contractor engaged in big-time construction in the suburbs, farmed out the bulk of his work to subcontractors who came up with the best prices. But, beginning in 1971, the Building and Construction Trades Council demanded that he sign a contract turning over every job to union-dominated subcontractors—no matter how high their charges.

To soften him up, goons set fires at a school he was constructing, burned five of his trucks and began a campaign of repeated phone threats on his life. Although Altemose offered to assign 70 percent of his work to union contractors, this did not satisfy the Council. Forewarned that big trouble was on the way, he strung nearly a mile of chain-link fence, topped with barb wire around a $15-million Sheraton Hotel and office complex he was building adjacent to Valley Forge Park, about 20 miles west of Philadelphia. When a demonstration was scheduled against him on June 5, 1972, he told all employes and subcontractors to stay away and requested protection from Upper Merion Township police chief Donald Beacraft. The chief said a show of force would only be provocative.

At 7:30 a.m. on June 5, some 1000 men in automobiles and chartered buses arrived at the Valley Forge site carrying wrecking bars, Molotov cocktails and hand grenades. As 18 local police and state troopers looked on, the "demonstrators" rushed, screaming, at the fence and tore it down. Directed by colored smoke bombs to designated targets, they laid waste to everything in sight. "I felt like a war correspondent," reported Al Haas, a Philadelphia Inquirer writer. "The scene was right out of Vietnam." More than $300,000 damage was done in 45 minutes. Unable to restrain the rioters, police turned fire trucks away in fear for the firemen's safety.

Suddenly, at a signal from a command group of men in business suits, it was over. Sandwiches and soft drinks appeared, and the rioters wandered around quietly. Although state troopers finally arrived in force, not one arrest was made.

Fearing worse to come, Altemose and his attorneys prevailed upon Common Pleas Judge Vincent A. Cirillo to enjoin the Philadelphia Building Trades Council from picketing or congregating within a mile of any Altemose building site or his general headquarters at Center Square. Nevertheless, the next morning 200 marched upon his office, shouting that they would burn the building. This time large police forces were on hand. When 129 persons refused to disperse, they were arrested; most were fined $100 each for contempt of court. One of those arrested vowed that he would "get" Altemose and that the contractor should watch out for his wife. (Five months later, the Pennsylvania Supreme Court ruled that the pickets could be enjoined, but changed the one-mile limitation to "200 yards." Declaring that the arrested pickets had not been given their full constitutional rights, the court required all fines to be returned.

FIRE NEXT TIME

On June 13, local members of the Associated Builders and Contractors, Inc., met at the downtown Philadelphia Sheraton Hotel. That same day, a group of men checked into the hotel under aliases and, once inside, smashed the furniture of eight rooms to kindling, ripped mattresses and pillows, clogged toilets with cement, then fled after inscribing the walls with this message in red: "This time water, next time fire."

Two months later, Altemose and his wife emerged from a bank in the heart of Philadelphia's business district to be confronted by a throng of pickets. "Scab!" they screamed. "We'll teach you to show your face in Philadelphia." Fists flew, and Altemose slumped to the ground. "They kicked him in the face viciously," said one eyewitness. Three union hoodlums, identified both by Altemose and by police at the scene, were arrested and charged with assault. Yet a local judge dismissed the three for lack of evidence.

Although Altemose remains determined to complete his project, it is a desperate struggle. The only three ready-mix concrete firms logically situated to serve the Sheraton project have refused to do so; phone calls threatened the lives of their executives if they dared do business with Altemose. When a distant firm did begin to help him, 58 of its trucks' tires were slashed or punctured in the company's own parking lot. "Three informers have told me I am supposed to be dead," says Altemose. "But I can't change the way I live. I'm not giving in." (His company has since joined in filing an anti-trust suit against over 50 Philadelphia building-trades unions.)

ACQUIESCENCE?

In his determination to remain free of union dictatorship, Altemose reflects the feelings of thousands of other open-shop contractors and workers. But the price of their independence is unrelenting, unchecked terror and sabotage. Labor bosses piously disclaim responsibility, explaining that they cannot control those who become unruly when their "rights" are challenged. Yet word has been spread among the unionists that this year, 1973, will bring extermination of the enemy.

The question is: Why does a free society permit such storm-trooper tactics? Obviously, there is an urgent need for new federal legislation. Yet most of our politicians in Washington dare not move against the enormous power of the labor lobby and its millions of dollars in potential campaign contributions. The story of this shameful acquiescence in the face of union terror should arouse every law-abiding American.

COSTS OF OPERATING THE NATION'S AIRPORTS AND AIRWAYS SYSTEM

Mr. ABOUREZK. Mr. President, as you know, the Department of Transportation is conducting a cost allocation study to determine appropriate methods of allocating the cost of operating the Nation's airports and airways system.

It appears that early proposals by the study could have far-reaching and devastating effects on general aviation in America; and, in effect, that they would, price it out of the reach of the large majority of those who now travel and conduct business through general aviation facilities. This being the case, I am fearful that if the proposals are implemented the results would be counterproductive and even destructive. This point is not my argument alone, Mr. President, for it is presented most clearly in a comprehensive statement I received in a letter from Mr. Harold Strong of Bismarck, N. Dak. I would like to share Mr. Strong's observations with my colleagues and ask that his letter be inserted in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Bismarck, N. Dak.,
June 4, 1973.

Hon. James Abourezk,
U.S. Senate,
Washington, D.C.

Dear Senator Abourezk: By way of introduction, I am a commercial airline pilot with instrument and multi-engine ratings. I am also a Housing Specialist with Basin Electric Power Cooperative's "People's Housing Program" and in that capacity I must travel extensively over North Dakota, South Dakota, Montana, Wyoming, Colorado and Nebraska consulting on housing projects. Because of the nature of our country and the distances involved, the only way I can travel to many of these projects is by private plane or waste several days driving. I presently rent various single engine aircraft which I use for the above mentioned business purposes and for recreational flying.

As you are no doubt aware, some time ago the Congress, in Section 4 of the Airports and Airways Revenue Act of 1970, directed the Department of Transportation to conduct a study to determine the appropriate method for allocating the costs of the airport and airways system among the various users and to identify the costs of the system which should be borne by the federal government because of benefit to the general public.

The Department of Transportation contracted this study out to a private research company, the Resource Management Corporation of Bethesda, Maryland. The results of that study will be presented to the Congress soon, for your consideration and action. There are serious shortcomings, inadequacies, and inaccuracies in this Cost Allocation Study which I would like to take this opportunity to bring to your attention.

The primary shortcoming in the Study is in its findings of "no unique public benefit" from general aviation. At the outset of the Study, the researchers state that there are definitely benefits to the general public from general aviation, but that since they are diverse and difficult to measure (the study was done by economists), the study would simply not try to find them or quantify them. Then, 20 volumes later (and at an expense to the U.S. Treasury of $630,025.00) the researchers (who by their own game plan didn't try to define or quantify the benefits to the general public accruing from general aviation) state that they didn't find any such benefits. Such circular reasoning is a discredit to the value of the entire study and to the science of econometrics.

There are a great many benefits accruing to the American public from general aviation, and I would respectfully call a few to your attention. Basically, "general aviation" includes all aviation operations except the military and the certificated airlines. General aviation is a vital and integral part of the national transportation system. The airlines serve only 530 airports in the United States. The other 11,540 U.S. civil airports are served only by general aviation. As you well know, over the vast areas of our mid-west and the rest of the country beyond the major urban areas, general aviation is the only form of rapid transit available to the American public, and public reliance on this system is proved by the fact that almost 50 million passengers were carried by general aviation last year, according to Federal Aviation Administration statistics. Indeed, the availability of the general aviation rapid transit system is often credited with helping reverse the trend toward intensive urbanization (which has been the root of a great many of our nation's socioeconomic ills in the past few decades) by drawing industry to non-metropolitan locations convenient to industrial airparks and public airports served only by general aviation.

General aviation is not only transportation. It is also recreation for a growing number of Americans, as we American workers gain more leisure time in our work week. For many of us, sport flying is one of those "pursuits of happiness" which makes us glad to be alive and glad to be Americans. The quality of the American life would surely be diminished if our citizens could not enjoy such recreation because of government overregulation.

General aviation also provides other special services upon which the public relies, including aerial application (crop spraying) essential to agricultural pest control, pilot training, mapmaking, aerial ambulances, pipeline patrol, fire suppression and crime prevention.

The second major shortcoming in the Cost Allocation Study is that the economists left their job only half done, for they make specific recommendations as to user charges upon the users. The Study improperly assumes that if the cost of the system is spread over the user "market", it will be absorbed without significant after-effects. This is far from the case. The question is one of "market elasticity". The basic economic principle involved is that as the product (in this case, general aviation operations) becomes more expensive, fewer people will be willing to buy it.

The Cost Allocation Study does not consider this basic economic principle or make any effort to project its impact. The General Aviation Associations Committee, however, has commissioned a private study of this question by the Battelle Institute. Initial economic projections indicate that if the user charges suggested in the Cost Allocation Study are applied, 80% of all general aviation operations will be immediately terminated, because they will be immediately "priced out of the market" by the move.

As an example, the following are some of the "user" charges contemplated against general aviation: $1 per gallon fuel tax (airlines pay nothing); $1,530 per year registration for single-engine plane, $7,640 for twin, $15,300 for jet or turboprop; land fees of $3 per landing for single-engine itinerant aircraft at all airports with control towers, $8 for light twins, $25 for heavy twins and $60 for air carrier aircraft; $54 for filing a VFR flight plan and $88 for IRF flight plans.

This will, of course, not be the end of it, but only the beginning of a vicious spiral, for as the size of the market is reduced, the system costs (which will remain constant or continue to increase) will have to be borne by an ever-smaller group of consumers, at an ever higher cost to each, until simply no one can afford to fly and civil aviation (airlines included) ceases to exist.

In connection with this, it is also noteworthy (although this, too, is overlooked by the Cost Allocation Study) that the United States is the major exporter of general aviation aircraft in the world. Approximately 25% of all general aviation aircraft manufactured in the United States are exported. This amount to a benefit of our balance of trade of about $700 million in 1972. If general aviation operations in the U.S. are significantly curtailed, domestic sales of general aviation aircraft will be reduced, causing unit prices of such aircraft to rise, placing U.S. manufacturers at a competitive disadvantage in the world market and this eliminating a sizable component of our export trade.

Finally, the third major shortcoming of the Cost Allocation Study is that since it was done by economists, rather than those versed in and concerned with aviation safety, it overlooks the potentially disastrous effect which some of its proposals could have upon aviation safety. The Study recommends fees for filing flight plans and for taking advantage of federal services to flight safety, including weather briefings and use of navigational facilities. Again, basic economics dictates that as these services are made more expensive to the consumer, fewer consumers will make use of them. Discouraging aviators from seeking the benefits of such Federal services by interposing such fees can only result in a decrease of public safety. And public safety is the only reason why the federal government become involved in the regulation of aviation in the first place. It is certainly a potentially self-defeating proposal.

In summary, it appears to me that the Cost Allocation Study is woefully incomplete and scientifically unprofessional. I hope that the additional information which I have offered here will aid you in your evaluation of its proposals, when they are presented to the Congress, and that you will find, as I surely believe, that there are indeed benefits to the general public from general aviation which far outweighs the cost of the Federal services supporting it.

Sincerely,

HAROLD STRONG.

PRESS COMMENT URGING END TO SOVIET EMIGRATION RESTRICTIONS

Mr. JACKSON. Mr. President, the East-West Trade and Freedom of Emigration legislation which Representative WILBUR MILLS of Arkansas and I have introduced in the House and the Senate now has the cosponsorship of 285 Representatives and 77 Senators.

I would like to share with my colleagues some American press perspectives on our initiative which conditions trade concessions for the Soviet Union and other nonmarket economy countries on free emigration. This recent editorial sampling is of particular interest, I believe, in connection with Secretary Brezhnev's visit to the United States.

I ask unanimous consent to have this material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Clovis (N. Mex.) News-Journal, May 16, 1973]

TRADE COULD DEPEND ON ACT

The Administration is currently making every effort to encourage trade with the Soviet Union and other communist nations, despite the fact that these governments have not relaxed their tyrannical hold to their people or their aggressive designs on the rest of the world. But legislation currently pending in Congress could put a stop to this indefensible policy.

Congressman Wilbur Mills of Arkansas, chairman of the House Ways and Means Committee, has introduced a Freedom of Emigration Act, co-sponsored by close to 260 other House members. This act, identical to legislation introduced last year by Senator Henry Jackson of Washington, stipulates that no country may receive most-favored-nation treatment in trade with the U.S. or participate in U.S. credit guarantee programs, unless that country's government gives its own people freedom to emigrate.

This legislation is aimed directly at the Soviet Union, which prohibits free emigration and often imposes a heavy exit tax on those few citizens committed to leave the country. It would also affect other communist Bloc nations, including Poland which already has most-favored-nation status.

Unless the Soviet Union reversed its despotic emigration policy, it could not receive the special tariff concessions, nor could it take advantage of U.S. Government credit and investment guarantees which come through such agencies as the Export-Import Bank. This would make it very difficult for the Kremlin to trade extensively with the U.S. passage of this legislation would indicate a constructive concern for the suffering people behind the Iron Curtain. Citizens should let their Congressmen know that they support the Freedom of Emigration Act.

[From the Spokane Chronicle, June 20, 1973]

FREE EMIGRATION IS KEY

Trade concessions with the Soviets should be conditioned on free emigration from Iron Curtain countries. That is the contention of 77 senators and more than 280 representatives who joined as sponsors of the Jackson-Mills-Vanik amendment now before congress.

The prime sponsor, Sen. Henry M. Jackson, D-Wash., addressing the Freedom Assembly for Soviet Jews in Washington, D.C., Sunday, said that if the White House provides guaranteed credits, it should not be too much to ask that the Kremlin provide guaranteed free emigration, and if American industry provides the technology and investments to develop Soviet natural resources, Moscow should provide the visas for saving human resources.

Jackson explained that he is not against trade with the Soviet Union, but believes that such trade should serve larger interests and not just Soviet economic interests. He said that conditioning trade concessions on free emigration is the best hope for survival and freedom of Russians who want to leave that country, and it is an effective way to reconcile human rights with the relaxation of tensions between the Soviets and United States.

The Soviet government, in his view, can live easily with the East-West Trade and Freedom of Emigration amendment, but Soviet jewry will find it difficult to live without it.

The senator makes a good point.

The Soviets can allow free emigration without changing any laws, as there is no Soviet statute prohibiting freedom of emigration. Moscow is a signatory to international agreements specifying the right to emigrate. The Soviet government need only change its administrative policies to meet the conditions of the amendment.

[From the Philadelphia Inquirer, June 21, 1973]

NIXON-BREZHNEV CONFERENCES

There is one principle, partly played out in the last few days, that in the long range may be of more consequence than any other product of the current Nixon-Brezhnev conferences. It is that coherent public opinion can indeed influence public policy—even across political and ideological boundaries—especially if it is heard by those in power.

The recent object lesson has to do with the plight of Jews in the Soviet Union. For reasons that go deep into historical Russian anti-Semitism and the modern Soviet presumption that the citizen is a mere convenience of the state, Jews have fared badly there. Especially grim has been the woe of Jews seeking to emigrate, mainly to Israel.

Rigid bans and prohibitive emigration taxes have held many captive. Responding to American public sentiment, a movement has developed in Congress, known as the Jackson Amendment, to refuse the Soviet Union the international trade advantages it seeks unless it relaxes those emigration restrictions.

Clearly as an effort to diminish that threat, the Soviet government has recently relaxed the emigration tax, but not in such a way as to guarantee the right of exit, or to satisfy critics.

Then, Monday evening, the question was raised by reporters questioning Leonid M. Zamyatin, director general of Tass, who held a joint briefing in Washington with White House spokesman Ronald Ziegler. Mr. Zamyatin said:

"Those who ask such a question create the impression of proceeding from a position which is tantamount to interference in the internal policies of another sovereign state."

That, abruptly, was that. Straight party line and no elaboration.

Then, less than 24 hours later, Leonid I. Brezhnev, who is the boss of Mr. Zamyatin and for all intents and purposes everybody else in the Soviet Union, was asked the same question in a gathering with members of the U.S. Senate and House.

Mr. Brezhnev whipped out a little red notebook, quoted a complex, if disputable, battery of statistics on Jewish emigration and argued that, really, things are not as they seem. He concluded:

'We came here to consolidate good things, not to quarrel. We can stay at home and quarrel. Any of you who wants to spoil good relations can make up bad questions, spread the rumor that sometime in the future we will impose a new tax. I can't understand why these things should impair good relations between us."

Just as Mr. Brezhnev's statistics were not the last word, his peroration did not betoken a sudden resolve to replace Soviet political imprisonment policies with a grand democratic opening. But it and his ready notebook did demonstrate that the man who makes the decisions in the halls of the Kremlin had been pushed significantly beyond the intransigent party line.

That alone is a potent justification for increasing the mutual exposure of Americans and Russians—or Chinese or anyone else, from chiefs of state to private citizens. It is also a movement on behalf of repressed Russians, be they Jews or not, which we interpret with reserved optimism.

But most of all, we take it as an encouragement that coherent and constructive public concern can bring humane change, even across what used to be called the Iron Curtain.

That is the fundamental principle on which we base our preference for democracies, with all their failings, over totalitarian governments, with all their beguiling arguments for efficiency. For reconfirming that bias, our thanks to Mr. Brezhnev.

[From the New York Times, June 21, 1973]

Soviet Words and Deeds

(By Anthony Lewis)

London, June 20.—Dmitri M. Segal is a young Soviet scholar of extraordinary brilliance and breadth of interest. His field is linguistics, but he has worked also on folklore and anthropology. He has written on language theory, on mythology, on the structure of Edward Lear's limericks.

His works have been published in the Soviet Union, Poland, the Netherlands, Britain, Italy. He won an Italian prize for his studies in Russian folklore. His work is known to such Western figures as Claude Levi-Strauss.

Last Dec. 26 Dmitri Segal and his wife, Elena Dmitrievna Segal, applied at the visa office in Moscow for permission to leave the U.S.S.R. for Israel. Months later they got the answer: No. The reason given was "lack of parental consent."

Dmitri Segal is 36 years old, his wife is 29—and the age of majority in the Soviet Union is 18. Those who have seen the official form on which Soviet citizens must apply to emigrate say that it says nothing about parental permission. But when the authorities want to, they simply impose that condition, no matter what the age of the applicants.

The problem for the Segals is her father, Dmitri Tolstoi, who is the son of the Soviet writer, Aleksei Tolstoi. After giving his consent for his daughter's departure, he changed his mind under circumstances that are not clear. He then circulated an "open letter" saying that members of "prominent families" should not be allowed to leave the U.S.S.R.

Immediately after they applied for visas, the Segals were deprived of their work—as is the regular practice. Friends who have seen them recently describe them as desperate.

The case of Elena and Dmitri Segal throws some realistic light on Leonid Brezhnev's assurances to members of Congress about Soviet treatment of would-be émigrés. He said that 95 per cent of the Jews who asked to leave have been allowed to; only 738 recent applicants had been turned down, 149 on grounds of national security; the suspended exit tax would not be reimposed.

Such assurances from the leader of the Soviet Communist party carry great weight. That he should even talk with American politicians about what the U.S.S.R. has always considered an internal matter is highly significant. There are some practical constraints now on Soviet handling of the emigration problem—constraints imposed by the desire for better economic and other relations with the United States.

But the realities remain, and for the human beings involved they can be terrible. Not that a national judgment should be made on the basis of one injustice. The point about the Segals' case is its demonstration of continuing arbitrary treatment that simply does not fit the assurances.

There is, for example, no "national security" reason for denying exit visas to the Segals. Nor is theirs some old case that would be handled differently now: The refusal of their visa was confirmed to them just one month ago, on May 18, by a Colonel Verein of the Soviet Interior Ministry.

And of course there are many other cases of entirely arbitrary denials of exit visas, hundreds known in the West and probably many more unknown. Characteristically, the obstacle is not the tax or any other general rule but some special legal device such as the demand for "parental consent."

When Prof. Benjamin Levich, the great Soviet scientist, sought to go to Israel, his son was drafted. The young man has recently been reported to be suffering from a stomach tumor at a remote army post.

A pupil of Professor Levich, Victor Yachot, was also called up for military service when he sought to emigrate. He refused to go, saying that he had renounced his Soviet citizenship. He was thereupon sent to one of the notorious prison psychiatric "hospitals" used to punish dissidents. But he was fortunate: After protests from the West he was allowed to go.

It would be foolish to think that the United States, as part of its new relationship with the U.S.S.R., can force early or dramatic changes in Soviet legal practices—indeed, in the whole Soviet view of law and authority. Mr. Brezhnev and his colleagues cannot and will not abandon their system of power.

But it would be just as wrong for U.S. officials to pretend that all is well when it is not. American pressure can make some difference, as we have already seen. And in a larger sense, greater freedom of movement for people and ideas is perhaps the most important concrete objective for the West in the new relationship with the East—a goal to be kept in mind in all meetings and negotiations.

[From the Chicago Tribune, June 21, 1973]

Mr. Brezhnev's Jewish Problem

Leonid Brezhnev, consulting his notes, has informed several United States senators that there is no Jewish problem in the Soviet Union. Those Jewish residents who wish to emigrate can do so, he indicated, and he said that 60,200 out of 61,000 applicants had received permission to go last year.

On the surface, this sounded persuasive—as Mr. Brezhnev hoped it would prove to be. He urgently desires most-favored-nation tariff treatment from the United States, but this is stalled by a Senate amendment to ban such status to nations which restrict emigration. So Mr. Brezhnev was going all out to persuade those senators.

But there are problems. For one thing, sources in Moscow and Israel can account for only about 30,000—not 60,200—Soviet Jews who actually emigrated last year.

For another thing, several senators—and thousands of other Americans—are aware of cases such as that of Vitali Rubin, a Soviet citizen who is seeking to go to Israel and has not been permitted to do so.

The plight of Mr. Rubin, a distinguished authority on China, cannot be unknown to Mr. Brezhnev, because two-score Western academicians have written to him about it. Indeed, petitions supporting Mr. Rubin have been signed by 1,200 scholars. So the chairman knows about Mr. Rubin and the senators know he knows.

This is Mr. Rubin's situation: He was a researcher at the Institute of Oriental Studies of the Academy of Sciences in Moscow. In February, 1972, he applied to emigrate to Israel, where his sister lives. He promptly was ordered to resign from the institute. Publication of his works was halted. Reviews of his already published writings were cancelled. He has become a nonperson, and manages to stay alive only by selling his library, book by book, to buy food.

His Israel visa has not been granted. Neither was one for the United States after he was invited to teach at Columbia University last spring. He has been invited to deliver a paper on ancient Chinese thought at an International Congress of Orientalists in Paris next month. No visa has been granted for this, either.

What is the reason for this inhuman treatment? Soviet authorities have sometimes barred the exodus of scientists on the ground that they have had access to secret materials and that their emigration might be dangerous to state security. But Mr. Rubin's field of knowledge is, as he has pointed out, the Chinese classics, "no more secret than the Bible or the tragedies of Shakespeare."

If Mr. Brezhnev wants us to believe what he says about the absence of a Jewish problem at home, he had better see that Mr. Rubin is allowed to attend the Paris meeting and is granted a visa to Israel.

[From the Los Angeles Times, June 21, 1973]

The Nixon-Brezhnev Summit: Détente Without Morality Is Unworthy of America

(By George Will)

Washington.—Sen. Henry M. Jackson (D-Wash.) wants a law that would deny certain trade concessions to the Soviet Union and similar dictatorships at any time they deny their citizens the right or opportunity to emigrate. The current visit by Secretary Leonid I. Brezhnev makes the idea particularly pertinent. When Jackson first introduced his proposal last year, the Soviet government blustered something about its sovereign right to abuse its citizens. This bluster was encouraged by Nixon Administration assurances that the Jackson threat would disappear with the 92nd Congress. But now the 93rd Congress is here and Jackson, persistent rascal that he is, has rounded up 77 senators and approximately 275 representatives to support his proposal. The Russians, eyeball-to-eyeball with Jackson, have blustered again. And they have linked.

While some people have wrung their hands and worried about the threat to detente, Jackson has forced the Russians to promise to ease some restrictions on emigration. Because Soviet promises are as unreliable as Soviet agriculture, Jackson wants his measure made law. I believe it should be, for two reasons:

First, as Jackson says, only a *permanent* threat, embodied in law, will keep the Russians true to their word. The Soviet government has been known to fib about the rights it guarantees its citizens (*vide* the U.S.S.R.'s constitution).

Second, the Jackson measure should be passed because the nature of the opposition to it has made it a challenge to amoralism in our foreign policy.

Consider the opposition. Because the Soviet government is a "good customer," and because we should not "interfere" in the internal affairs of the Soviet Union, Sen. William B. Saxbe (R-Ohio) has opposed Jackson. Saxbe, who just a few months ago said the President seemed to have "taken leave of his senses," has become one of the President's few Senate allies in actively opposing Jackson. This is appropriate because opposition to Jackson rests on what deserves to be known as the President's "good-customer" principle of amoralism in foreign policy.

By amoralism I mean the idea that a nation has no obligations—other than those dictated by self-interest, narrowly construed—to other people. It is an idea cogently expressed by one of the President's favorite pinups, Charles de Gaulle: Nations have interests, not friends.

It is surpassingly hard to take seriously those who say they oppose the Jackson measure because it constitutes "interference" with the internal affairs of another nation. Jackson's measure is comparable to FDR's proclamations against Nazi anti-Semitism. The difference is the difference between empty words and effective deeds.

Jackson's interference consists of confronting a nasty regime with a difficult choice; the regime can modify one of its particularly disagreeable policies, or it can hurt itself economically, If it chooses to injure its citizens, and especially its Jewish citizens, rather than help its economy, there is nothing we can do about that. But we can make them choose, and it is our duty to do so. To do otherwise would be a failure to use a readily available nonviolent instrument on behalf of oppressed people.

The 23 senators who thus far have refused to cosponsor Jackson's measure include many who have voted to use economic leverage against nations they dislike. Sens. Nelson, Hatfield, Abourezk, Burdick, Fulbright, Hathaway, Metcalf, Moss, Pearson and Saxbe have voted for one or more of the measures to forbid aid to Greece, sugar quotas for South Africa, chrome imports from Rhodesia.

The unpleasant truth is that many senators who opposed Jackson are just unwilling to offend a dictatorship that is a "good customer." That is applied amoralism, and it is the essence of a popular view of what detente must be.

A sensible understanding of detente rests on the idea that there is a difference between doing life-and-death business with vicious regimes, and suggesting by deeds—e.g., opposing the Jackson measure—an official amoralism.

Such amoralism has a way of growing into the doctrine that it is rude, irrational or otherwise wrong to use even economic leverage against noxious regimes that are asking us for economic favors.

Any detente built on such amoralism is not worth having. What is worth having is a detente built on the middle ground between crusading moralism and flaccid amoralism in foreign policy.

Increasingly the idea of detente seems to involve more than just avoiding military conflict with totalitarian superpowers. And, increasingly, detente seems to require eschewing any action that will complicate commerce with regimes which, though tyrannical, are "good customers."

As American economic interests rally round this idea, detente comes to resemble Coolidgeism: The business of American foreign policy is business.

But this is neither wise nor necessary. The Jackson approach to detente is levering concessions from the Soviet government. And Saxbe can relax. The Soviets will continue to be good customers. They care more about commerce than human rights. We will not continue to be a decent country if we are like that.

ALLEGATIONS OF IMPROPER PRACTICES IN THE RECORDING INDUSTRY

Mr. McCLELLAN. Mr. President, in recent weeks there have been widely publicized allegations of improper and illegal practices in the recording industry. It has been alleged that the use of drugs and payola is prevalent in segments of the industry. There have been allegations that record companies have made payments to promote the playing of records by broadcasting stations. It has been reported that recording artists have been supplied with drugs in connection with their contractual relationship to record companies.

It is anticipated that later in this Congress the Senate will be considering legislation now pending before the Senate Judiciary Subcommittee on Copyrights relating to the payment of copyright royalties by broadcasters to record companies, and the creation of a performance royalty in the copyright statute for the benefit of recording artists and record companies. It will also be necessary for this Congress to act on the extension of the legislation to combat the unauthorized duplication of sound recordings and tapes.

I have supported such measures, and anticipate continuing to do so. It is apparent, however, that there will be a significant difference of opinion within the Senate concerning the creation of a performance royalty. That issue should be determined on its merits. To do so it is necessary to establish the actual facts with respect to the allegations of improper practices.

I am accordingly directing the staff of the subcommittee to conduct a prompt investigation of these charges. I wish to emphasize that this investigation will not delay action on the copyright revision bill.

RETIREMENT OF SENATOR COTTON

Mr. SCOTT of Pennsylvania. Mr. President, the impending retirement of our outstanding colleague from New Hampshire (Senator Cotton) has saddened us all. We will greatly miss his intelligence, his integrity, his finely honed wit and his quick analysis of complex legislative issues.

We will especially remember Norris Cotton as a Senator, and before that a Congressman, who was a true "Representative" in the finest sense of the word. He has always placed the needs of his fine New Hampshire constituents high above any personal thoughts. I know that despite his retirement, this innate understanding for and devotion to the people of New Hampshire will continue and they will long reciprocate these warm feelings.

I ask unanimous consent that two editorials, one from the Manchester Union Leader and another from the Valley News, be printed in the Record. They are a fine tribute to a great man and a good friend.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Daniel Webster Would Have Said "Well Done, Norris Cotton"

It is sad news for all of New Hampshire when one of its strongest sources of influence in government in Washington, D.C., Senator Norris Cotton, announces that he will not run again. The Senator is the third-ranking Republican member of the Appropriations Committee; he is the third-ranking Republican Senator on the subcommittee on Defense; he is the first-ranking Republican on the subcommittee for Health, Education, and Welfare; he is the ranking Republican on the Commerce Committee and he is the Chairman of the Republican Conference. With all of these, he has tremendous influence in Washington. It is very essential for a small state, such as New Hampshire, to have this sort of seniority and leverage in Washington if it is to be able to obtain what it needs from the federal government.

While the Senator is not the sort of individual to change his mind, we would very much hope that between now and the first of 1974, he will change his mind. This newspaper is well aware of the fact that Mrs. Cotton has not been well and since the Senator is a very conscientious husband, Mrs. Cotton's health is a serious obstacle to his running again.

On the other hand, the Senator has come such a long ways from Warren, New Hampshire, that it seems to this newspaper a great pity to throw it all over instead of finishing out his career with his boots on in the United States Senate. It's not as if the Senator were mentally or physically doddering. Senator Cotton is as physically and mentally tough as an old-time New Hampshire hickory fence railing. Those who have known him for many years know there is no deterioration in either his physical or his mental capacity.

The Senator's career has been a remarkable one for a country boy born in the village of Warren, New Hampshire. He has progressed from a plain background to holding an important position in the seats of the mighty in our nation's capitol. Probably when he attended school in Warren and afterwards when he attended Exeter Academy on a scholarship, he never thought that life would carry him into such a prominent position. Yet, his abilities were so outstanding that they brought him the recognition that he deserved.

This newspaper has on occasion disagreed with Senator Cotton and I am quite sure he has disagreed with us. We don't agree with his vote on the Bayh Bill banning certain types of pistols; we did not agree with his recent position in favor of scuttling and running out of Cambodia and all of Asia, thus turning it over to the Communists.

Yet on so many issues, this newspaper would have to assert, and most of New Hampshire would agree with us, that the Senator has been right most of the time.

One of Senator Cotton's outstanding characteristics is that he is essentially modest and has a bright and droll sense of humor, even at his own expense.

The Senator used to like to tell the story of the group of New Hampshire High School students who came to his office one day and in making conversation with one of the young ladies, he asked her what she was studying and she, not knowing where the Senator was born and raised, said very seriously, "Well, Senator, our class project right now is to study inbreeding and feeblemindedness in the town of Warren." That always gave the Senator a great chuckle.

Like many people with a sense of humor, the Senator has never taken himself seriously or behaved pompously. As a matter of fact, this observer does not believe that Senator Cotton ever enjoyed having to give orders and in any way act as a boss of the Republican Party in New Hampshire.

Essentially the Senator is an extremely modest individual who delighted in doing a conscientious, good job for the people he represented. Unlike some individuals, he did not ask for prominence, glory or recognition. He just wanted to be able to perform competently in the assignments that had been given him.

It has been a long hard, dusty road from Warren to the Senator's Office on Capitol Hill in the New Senate Office Building, but as the Senator looks back today on that road, recognizing all the obstacles along the way, he should be able to feel to himself that he walked it honestly, unlike many people who go to Washington who return to their native heaths with a large fortune accumulated through their Washington connections. The Senator's financial position is modest and he could no doubt have made much more money if he had remained in private law practice. But the Senator must feel very rich in friends and a sense of genuine accomplishment, and although he might not acknowledge it, the gratitude of the people of New Hampshire, many of whom wish that he would change his mind and stay on and be of even greater service to the Granite State.

Senator Cotton Steps Down

Those older citizens of the Upper Valley who remember so well the younger, active, vivacious, brilliant Ruth Cotton can describe the tremendous influence she had upon the younger Norris Cotton as he was climbing his way up the political ladder in local, state, and then national politics.

This is not to say that Sen. Cotton, who Thursday announced his intention not to seek re-election, could not have made it to the top of the Granite State's political pyramid without the assistance of his wife. But his task would have been immeasurably more difficult.

Sen. Cotton and this newspaper, as our more faithful readers are aware, have many times been on opposing sides of important questions. Nor do we expect that as the senator's last term winds down we will always see eye to eye. But it bears saying, particularly at this juncture, that our differences have been plainly and simply those of opinion. We have never doubted his sincerity, nor his desire to do the best possible job for his country and his constituency as he sees that job.

And we can understand and sympathize with him as he went through the agony of making this decision—not to seek re-election. His concern for Mrs. Cotton should bring forth in all of us the same response: we understand, we thank him for his long years of faithful and enterprising service, and we wish him many more years of active service to the American public he so obviously loves and respects, as senator or in whatever area he seeks to work after 1974.

More importantly right now, however, we all must wish Mrs. Cotton a quick return to good health. With the senator close by, perhaps that will be expedited—and this is why we applaud Norris Cotton's act of Thursday.

COURT OF APPEALS UPHOLDS FEDERAL TRADE COMMISSION AUTHORITY

Mr. MOSS. Mr. President, the Court of Appeals for the District of Columbia has today upheld the authority of the Federal Trade Commission to issue trade regulation rules. Coming on the heels of the Supreme Court's decision upholding the authority of the Food and Drug Administration in its efforts to protect the public health and welfare from unproven drugs, we can certainly claim that the American consumer is well on his way toward seeing his fundamental rights protected.

Many people have anxiously awaited this decision. Only time will tell the long-range significance of the court's decision. In the meantime, we will be able to watch the Federal Trade Commission, an agency that has demonstrated that it has the will to protect the public, make use of this authority to fulfill the needs of the American public. Now that this critical test is over and won, I am confident that the Federal Trade Commission, under the leadership of Chairman Lewis Engman, will get on with the business of protecting business and the public from unfair and deceptive practices.

CITIES SUPPORT LEAA AMENDMENT

Mr. HART. Mr. President, it now appears likely that the Senate will proceed to the consideration of the LEAA program and the Safe Streets Act extension tomorrow. We will take up the House bill, H.R. 8152.

I have already indicated that I plan to offer an amendment to the substitute proposed for the House bill by the Senator from Arkansas (Mr. McClellan) and the Senator from Nebraska (Mr. Hruska). My amendment would shorten the period for which authorization is provided from 5 years to 2 years.

My explanation for this amendment apears in yesterday's Record at page S11858. At this time I would like to insert in the Record a statement in support of my amendment from the National League of Cities and the U.S. Conference of Mayors. The groups of local officials perhaps most affected by the crime epidemic in our urban areas.

Their support for this amendment is particularly significant because some suggestion has been raised that a 2-year authorization would hinder local officials—particularly in our larger cities—in their efforts to plan and undertake long range projects from reform.

But the League of Cities and Conference of Mayors obviously do not agree with that position. They state:

> . . . [W]e feel that some scrutiny by the Congress bi-annually would *strengthen* this crime fighting program—which is so essential to local officials.

Mr. President, I ask unanimous consent that the letter from these organizations be printed in the Record at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National League of Cities,
U.S. Conference of Mayors,
June 27, 1973.

The Honorable Philip A. Hart,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Hart: The National League of Cities and the U.S. Conference of Mayors supports your proposed amendment No. 263 to the Crime Control Act of 1973 that would require LEAA to come back to Congress for additional authorization after a two year period.

City Officials are well aware of the improvements in the LEAA program since its inception in 1968, but we feel that some scrutiny by the Congress bi-annually would strengthen this crime fighting program—which is so essential to local officials.

Congressional oversight every two years, in our opinion, will also give public officials at all levels an opportunity to exchange information regularly on the progress of the LEAA program.

Sincerely,
Allen E. Pritchard, Jr.,
Executive Vice President, National League of Cities.
John J. Gunther,
Executive Director, U.S. Conference of Mayors.

THE SECRECY OF CORPORATE OWNERSHIP

Mr. MUSKIE. Mr. President, the current issue of the Indiana Law Review contains a significant article written by Senator Metcalf. In this article, entitled "The Secrecy of Corporate Ownership," the Senator notes that—

> Faceless, anonymous institutions control most of the stock in America. But the extent of that control is not known.

He also maintains that—

> Corporate documents have never been public records. Although corporations are often described as creatures of the state, they have never been treated as creatures of the people.

Senator Metcalf's remedy for this situation is full disclosure of the major stockholders in all large corporations.

Mr. President, I commend this article to my colleagues, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Secrecy of Corporate Ownership

(By Lee Metcalf)

I. INTRODUCTION

Last year, Safeway carried an article entitled "Who Owns Us?" in its bi-monthly magazine. That article described the easily identifiable stockholders, the small investors. Safeway characterized those "typical" participants in the great American dream as follows:

"They are the retired couple on the corner lot; they are the young couple who put a small inheritance in trust for their new baby; they are the store manager in Kansas, the mailman who serves his store and the truck driver who brings his supplies. They are the farmer who sells us lettuce and the rancher who raises beef. They are the local policeman and the boy next door who is away at college." [1]

But, when the author of that article put romance aside and cited facts and figures, a different picture of Safeway ownership emerged. Stockholders with less than 100 shares constituted forty-eight porcent of the total stockholders and represented only four percent of the total ownership.[2] Nearly fifty percent of the stock was held by some of the largest insurance companies, pension funds, mutual funds, banks, and trusts in the United States.

Safeway's situation is not atypical. Faceless, anonymous institutions control most of the stock in America. But the extent of that control is not known. Even the Safeway advanceman did not tell the whole truth about

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Footnotes at end of article.

ownership of his company's stock. He may not have known. The officers of Safeway, however, were most cooperative in providing additional information on the company's stockholders, and they should be commended for their public disclosure. Other corporations, including such giants as IBM, ITT, GM, Standard of New Jersey, and Texaco, would not supply information on their stockholders when this writer requested it.

The facts show that one institutional investor, Chase Manhattan Bank, holds and votes almost ten percent of Safeway's stock in just one of the three accounts of that bank listed among Safeway's top thirty stockholders. President Mitchell of Safeway and Mr. Stanton of his staff were most cooperative in verifying this fact. Somebody at Chase stamped "Kane and Company" on a proxy, and that proxy voted[3] almost ten percent of the total stock.

II. THE INVISIBLE "NOMINEE" SHAREHOLDERS

Kane & Co. has a lower profile than even Chase Manhattan Bank. A nominee for one of the numerous accounts at Chase, Kane & Co. does not even enjoy the sturdy brick walls and efficient tellers that give a bank personality. Instead, its character is shaped by the constant flow of sales and purchases that define the world of an investment account. It only exists on paper, and that can be a very nebulous existence.

Kane & Co. is joined in the investment world by such luminary and original "stockholders" as Cede & Co., "fronting" for the Stock Clearing Corporation, a wholly owned subsidiary of the New York Stock Exchange; Pace & Co., standing in for the Mellon National Bank and Trust; and Carson & Co., Powers & Co., and Teggee & Co., all pseudonyms for Morgan Guaranty Trust. Other "stockholders" include Fiveco, Forco, Octo, Oneco, Treco, and Twoco—devised perhaps by some computer operator—all code words for the Prudential Insurance Company.

These code names or "nominees,"[4] representing some of the biggest investors in the United States, can be traced directly to the institutional investors of our country, especially bank trust departments. Concentration of stock control is a frightening fact of the modern economic scene.

The massive institutional investors' study report by the Securities and Exchange Commission, which was printed in 1971 as *House Document* 64,[5] almost came to grips with the problem. The study analyzed concentration of stockholdings of the 230 largest institutional investors in 800 representative companies listed with the New York and American Stock Exchanges or traded exclusively over the counter. The study did not name the banks, insurance companies, investment houses, and other institutional investors. But it did name the companies in which these institutional investors had sole voting rights and partial voting rights to stated percentages of stock. And this study showed that various combinations of from one to three of the 230 institutional investors had sole voting rights to at least ten percent of the stock in more than one-fourth of 620 representative companies.

Some of the companies in which one, two, or three institutional investors vote at least ten percent of the stock include: Proctor & Gamble; Sears, Roebuck; Ford and Chrysler; two oil companies, Gulf and Standard Oil of Indiana; three drug companies, Upjohn, Parke-Davis, and A. H. Robbins; four insurance companies, Aetna Life & Casualty, Hartford Fire Insurance, Connecticut General Insurance, and Farmers New World Life; and six airlines, Eastern, TWA, United, National, Delta, and Northwest.

Chase Manhattan Bank is a major stockholder in most of the nation's biggest airlines. In 1972 annual reports filed by airlines with the Civil Aeronautics Board, Chase Manhattan was listed as holding 6.5 percent of the stock in TWA, 9 percent of Eastern Airlines stock, 8.4 percent of the stock in National, and 7.5 percent of American Airlines stock. Although the CAB reports did not divulge it, Chase Manhattan also held 6.86 percent of the stock in Northwest, 7.26 percent in Western Airlines, and 8.57 percent in United. The bank held the stock through nominees.

Time, Inc., the publishing giant, lists National Shawmut Bank of Boston, Mellon National Bank and Trust, the New York Stock Exchange, and Morgan Guaranty Trust among its stockholders. Time's ownership, however, does not appear in that form on its stockholder list. Instead, some ownership is identified in the Orwellian terms of nominees—Chetco, Pace & Co., Ferro, Cede & Co., Carson & Co., Powers & Co., and Tegge & Co. Although several banks hold blocks of stock in the magazine, Time did not disclose some of them in its 1971 ownership report.

In the electric utilities arena, fourteen banks are among the top ten stockholders of ten or more utilities: Chase Manhattan Bank, using four different names, appears among the top ten stockholders of forty-two utilities; Morgan Guaranty Trust, using thirteen different nominees, appears among the top ten of forty-one utilities; Manufacturers Hanover Trust, using five different nominees, appears among the top ten of thirty-one utilities; First National City Bank of New York, using eight different nominees, appears among the top ten of twenty-nine utilities; State Street Bank and Trust of Boston, using eight different nominees, appears among the top ten of twenty-one utilities; and Bankers Trust of New York, using eight nominees, is among the top ten stockholders of twenty utilities.[6]

III. GOVERNMENT INSPECTION

The full extent of ownership concentration and the effects of that concentration are not known. Federal regulatory agencies have a spotted record at best in attempting to obtain ownership information, and many companies simply refuse to divulge such information on a voluntary basis.[7]

Corporate documents have never been public records. Although corporations are often described as creatures of the state, they have never been treated as creatures of the people. Their transactions are essentially private, and the lid on that privacy is only pried off for special groups of people. The list of privileged people has not grown much since the common law, and statutory enactments of the inspection franchise have not added to the exclusive club. The privilege is still basically limited to agents of the government, stockholders of the corporation, and, of course, officers of the corporation.[8]

Corporations are schizophrenic entities. They owe their existence to the laws of the state, but they are still formed by private individuals under private, voluntary agreements. The charter privilege provided by the state, however, makes the corporation more public than private as far as government inspection is concerned. In *Wilson v. United States*[9] the United States Supreme Court held that a state, in granting a charter, reserved a "visitational power" to inspect corporate records and that a corporate custodian had, therefore, assumed the duty of producing these quasi-public records.[10] Justice Brown, in an earlier decision, *Hale v. Henkel*,[11] wrote for the Court that a "corporation is a creature of the State . . . presumed to be incorporated for the benefit of the public" holding special privileges which are preserved only "so long as it obeys the laws" of the state and its charter.[12]

The federal government's powers of corporate regulation can be found in the United States Constitution: the commerce power,[13] the implied powers,[14] its war powers,[15] and its powers over post offices and the mail.[16] Those powers lay largely unused until the New Deal era, although Congress had established regulatory agencies many years earlier.[17] The 1930's saw new and vigorous attempts at business regulation, and the United States Supreme Court reacted protectively to the new usurpation of power.[18] It finally found solace in the commerce clause,[19] and the federal government has been trying to regulate ever since.[20]

Regulation led to investigations, reports, staff appraisals, agency intervention into corporate conduct, and agency access to corporate books and records. The Government needed information to carry out its responsibilities. Some agencies have attempted to compile stock ownership information on the corporations they regulate. That information is seldom broken down into a convenient form, however, and often has to be culled from other reporting requirements imposed on the corporations.

IV. SHAREHOLDER INSPECTION

The common law has long recognized a shareholder's right to inspect company books. The privilege is a property right which grows out of the stockholder's investment in the company and his right to protect that investment.[21]

The common-law privileges of inspection are not absolute, however, and must be tied to some "proper purpose," a vexatious and troublesome term that defies description. Generally, courts have agreed that a proper purpose is one that is germane to his interests as a stockholder, and that means his *economic* interests.[22]

Statutory authorization for shareholder inspection has diluted the privilege even more. While a few states decree that the statutory privilege is an expansion of common-law rights, most states still retain the old common-law "proper purpose" requirement.[23] In interpreting state inspection statutes, courts have ruled that they were meant only as a reaffirmation of the common law's "proper purpose" doctrine.[24] Even the absolutists find a way out of their purity. Since inspection is enforced by a mandamus action,[25] a remedy invoked at the discretion of the court, the court can properly inquire into the purpose of the remedy.

Fletcher has summarized the kinds of proper purposes as follows:[26] (1) to ascertain the condition of corporate affairs, (2) to determine the propriety of dividends, (3) to obtain a mailing list of stockholders to solicit proxies, (4) to ascertain the value of stock, (5) to prepare for a law suit unless the suit is inspired by ulterior motives, and (6) to defeat a merger. On the other side of the coin, improper inspection purposes include blackmail of the corporation, idle curiosity, speculation and "window-shopping," annoyance and harassment, promotion of personal business interests, and aiding a competitor or divulging business secrets.[27]

Proper purpose is not the only stumbling block a shareholder must leap on his way to the corporate records. He has to get there at the right time. He has to be at the right place. And he has to schedule his trip for the right time of year, since the books might be preempted for corporate use. He should buy his stock some months, or years, in advance of inspection; and he better save his money, so he can buy a substantial quantity of stock.

State inspection statutes limit perusal to shareholders of record for some period of time, usually six months.[28] Other states require a minimum percentage of ownership, usually one to five percent. Some states combine the two requirements. Almost all states limit shareholder access to certain hours of the day and a particular inspection site.[29]

Footnotes at end of article.

The Indiana inspection statute is one of the least complicated of the state statutory regulations. It requires each corporation to keep a shareholders list, and requires that—

"[a]ll such books, records and lists of a corporation shall be open to inspection and examination during the usual business hours for all proper purposes by every shareholder of the corporation, or his duly authorized agent or attorney." [30]

Only the proper purpose doctrine and the business hours requirement dilute an otherwise absolute privilege.[31]

Florida [32] and New York have tied up the privilege with practically every limitation known to the inspection statutes. Both states limit inspection to shareholders of record for at least six months. Florida also requires ownership of at least one percent of the outstanding stock. Both states permit stockholders to combine their stock ownership to obtain inspection, and New York [33] incorporates the "business purpose" doctrine into the inspection requirements.

The recitation of provisions from New York and Florida inspection laws is not meant to demean the attitude toward stockholders in those states. Other states have provisions that are just as confusing and that further tie up the principles of common-law inspection.

V. SOME RECENT DEVELOPMENTS

Economic interests are not the only reason shareholders may desire inspection. Ralph Nader and the Project for Corporate Responsibility typify the approach to social attitudes which many stockholders desire. Two recent court cases illustrate this collision of emerging social attitudes and the traditional test of corporate inspection.

The most celebrated case appears to be *State ex rel. Pillsbury v. Honeywell, Inc.*, [34] a 1971 Minnesota decision. The shareholder, an heir to the flour millions, was also born with a social conscience. He was particularly concerned with the production of munitions by Honeywell, so he purchased stock in that company to conduct a proxy campaign and perhaps change the policies of the company. He was very frank in his motives, openly admitting the purpose of his stock purchase and his membership in the "Honeywell Project," a group of people also opposed to the production of munitions.

That honestly led to Pillsbury's demise. The Supreme Court of Minnesota upheld Honeywell's refusal to permit inspection and refused to issue a writ of mandamus to allow such inspection. Pillsbury had run aground on the "business purpose" requirement, which mandated an economic, and not a social awareness. The Minnesota court noted that Pillsbury "had utterly no interest in the affairs of Honeywell" until he learned of the corporation's production of fragmentation bombs and that after obtaining this knowledge Pillsbury purchased stock for the "sole purpose of asserting ownership privileges in an effort to force Honeywell to cease such production." [35] The court condemned the holding of stock for such a purpose [36] and suggested that "but for his opposition to Honeywell's policy, petitioner probably would not have bought Honeywell stock, would not be interested in Honeywell's profits and would not desire to communicate with Honeywell's shareholders." [37] The court in *Pillsbury* noted that the shareholder's avowed purpose in buying the Honeywell stock was to place himself in a position to try to "impress his opinions favoring a reordering of priorities upon Honeywell management and its other shareholders." Such a motivation, the court emphasized, could hardly be deemed a "proper purpose germane to his economic interest as a shareholder." [38]

For future Minnesota crusaders, the teaching of *Pillsbury* is clear: Eschew any reference to "political" or "social" concerns. Instead, the corporate crusaders should focus on claims of mismanagement of corporate funds or indicate a desire to communicate with shareholders about the "economic future" of the corporation, Courts in at least one state have already adopted that approach. They have pointedly said that a secondary improper purpose will not defeat a primary proper purpose.[39]

The social stockholder may fare a little better under federal inspection statutes—at least that is the conclusion of some writers. But their opinion is based on a case that only partially approaches the problem. The case, *Medical Committee for Human Rights* v. *SEC*,[40] arose under Securities and Exchange Commission rule 14a-8.[41] That section establishes provisions which require management to include stockholder proposals in proxy statements of the corporation, unless the proposals come within one of several enumerated exceptions.

The Committee, a group of doctors and psychiatrists across the United States, was opposed to the use of napalm in the Vietnam war. It became a stockholder in the Dow Chemical Company to stop the production of napalm by that company. The Committee submitted an amendment to Dow's articles of incorporation which called for a prohibition of napalm production by the company. Dow refused to submit the proposal with its proxy statement, and the Securities and Exchange Commission upheld that refusal. Dow and the SEC probably based their refusal on the exceptions to rule 14a-3, as set out in subsection (c) of that rule. The proposal was doubtlessly either not considered a "proper subject for action by security holders" or was considered as being submitted to promote "general economic, political, racial, religious, social or similar causes. . . ." [42]

The Court of Appeals for the District of Columbia overruled the Exchange Commission on a technicality and remanded the order to the Commission for reconsideration.[43] But in the process of reaching that decision, the *Medical Committee* court made some interesting observations about stockholder inspection. The court strongly implied that management should not be allowed to automatically block shareholder inquiry into company policies which might be economically profitable but, perhaps, socially irresponsible.[44] While the court conceded that the propriety of corporate political decisions was irrelevant to the controversy at hand, it stressed that of "immediate concern was the question of whether corporate proxy rules can be employed as a shield to isolate such managerial decisions from shareholder control." [45] Although the language may appear as a little venting-of-the-spleen on the part of the judges, the court's language still points away from the "business as usual" requirements of the Minnesota court.

When *Medical Committee* was appealed, the United States Supreme Court avoided a direct ruling on the propriety of the stockholder activity.[46] Instead, the Court ruled that the refusal by Dow was moot and held that it was "purely a matter of conjecture" as to whether the Committee would resubmit the proposal in 1974 and, if it did, whether Dow would accept it.[47] Political and social causes are still in limbo, a least as far as the provisions of section 14(a) of the Securities and Exchange Act are concerned.

Admittedly, the inspection right asserted by the stockholders in the *Pillsbury* case and the proxy right asserted by the stockholders in the *Medical Committee* case are different. But both cases deal with the broader question of stockholder access to corporate records and the corporate decision-making processes. The *Medical Committee* case is a much easier case to live with for the corporate reformer.

VI. PUBLIC ACCESS

The discussion so far has primarily been concerned with the inspection rights of shareholders and the Government. Inspection beyond that, in both state statutes and court cases, is limited to agents of the shareholder, officers and managers of the corporation, and judgment creditors.[48]

The record for public access is not without precedent, however. Some stockholder information has been available at many federal agencies for years. However, these lists are limited to the very few major holders who often hide their identity and the quantity of their holdings through use of nominees.[49]

The consequences of our present legal and corporate attitude toward ownership disclosure are predictable. The corporate election process in America today is as rigged as elections are in the Soviet Union. The outcome is as predictable. The accompanying propaganda is as self-serving.

Consider the procedures for an annual stockholders' meeting. The agenda and the candidates are determined well in advance by the corporate management. It polices the election. It chooses the auditors. Great effort and considerable expense, months prior to the meeting, are required to obtain consideration of the most modest proposals that have been offered by management. If the attempt to get a candidate or an issue on the ballot is successful, identification of the voting stockholders and timely communication with them is difficult or impossible. The proxies of a few key institutional investors decide the election, which is then publicly construed by the corporation publicists as a ringing endorsement of its past activities and a mandate to continue doing whatever it decides to do.

The flaw is secercy; the remedy disclosure. Last year the writer introduced legislation, S. 3923,[50] which would require corporations that gross more than $10 million a year to disclose quarterly, to the Library of Congress, the names and addresses of each person or instiution empowered to vote one percent or more of the voting securities of the corporation. This Corporate Ownership Reporting Act (CORA) further provided for publication of these ownership reports by the Library of Congress and sale of the ownership document by the Superintendent of Documents.

Studies now in progress indicate that large banks may have voting rights to more stock in individual companies than statutes and regulations permit. A Library of Congress analysis of material supplied, at the writer's request, by the Federal Communications Commission, shows that the largest stockholder in Columbia Broadcasting System, with sole or partial voting rights to more than fourteen percent of the stock, is Chase Manhattan Bank. It has similiar voting rights to 4.5 percent of the stock in RCA Corporaion, parent of the National Broadcasting Company. Bankers Trust has voting rights to more than ten percent of the stock in the American Broadcasting Company and 9.8 percent of the stock in Metromedia. The banks mentioned above, and a few others, also have substantial holdings in other broadcast companies.

Under FCC rules, one owner—individual or institutional investor—may control seven AM, seven FM, and seven TV stations (no more than five of the latter can be VHF stations). Ownership is also conditioned by the "duopoly rule," which prohibits ownership of two TV, FM, or AM radio stations which serve the same area. Beyond those liberal ownership provisions, no individual or bank, until last year, could own more than one percent of the stock of other broadcast companies that have fifty or more stockholders. Since 1968, mutual funds have been permitted to own three percent. Under more lenient regulations adopted last year,[51] banks are permitted to control five percent of the stock of other broadcast companies. The three percent limit for mutual funds, and the one percent limit for individuals, was not changed.

Unfortunately, the FCC was unaware of information in its own files which shows the concentration of stock which its own staff and the Library of Congress subsequently varified. The problem, as Commissioner Nicholas Johnson stated later last year, "is that the Commission's ownership reports for a variety of reasons, are not providing the relevant information on institutional holdings of broadcast stock."[52] A major reason, evident from examination of the files, is use of numerous nominees, rather than the single proprietary owner, in reports filed with the Commission. The FCC is certainly not the only governmental agency which lacks information: As Ralph Nader has recently stated, "[n]either the SEC, the Civil Aeronautics Board nor the Federal Power Commission penetrates the veil of so-called nominee shareholders to determine who the actual owners are—corporate or individual—of the industries they purport to regulate."[53]

VII. CONCLUSION

The banks that vote huge blocks of other person's stock constitute the legislative branch of corporate government. Power of the institutional investors is further increased through two other methods, control of credit and interlocking directorates. The CORA bill the writer is now drafting, for introduction and consideration in the Ninety-third Congress, will provide for disclosure in those two areas as well as stock voting rights.

The equipment and procedures now designed to service assets can and should be altered to provide ready access to the names and addresses of the individuals empowered to vote the principal blocks of stock in major corporations, principal creditors and the amount of indebtedness, and the affiliations of principal officials with officers of other companies. That information should be compiled, kept up-to-date, and broadly available.

If the Government Printing Office prints a corporate ownership report, it will become one of the best sellers the GPO ever issued. The report will be of inestimable value to regulatory commissions and the Justice Department in enforcing regulations and antitrust law. It is a necessary tool for persons who want to work within the system.

Ownership and control of many of our principal corporations have slipped into the hands of very few people. Corporate secrecy disguises, perpetuates, and accelerates their control.[54] They must be identified, and raised from low profile to sharp silhouette, so that they can be held accountable to the customers and stockholders, and to the laws enacted by those of us elected under the principle of "one man, one vote."

FOOTNOTES

[1] *Who Owns Us?* Safeway News, Feb.-Mar. 1972, reprinted in the Cong. Rec., vol. 118, pt. 18, p. 22794.

[2] *Id.*

[3] For a general overview of proxy voting, see H. Henn, Handbook of the Law of Corporations and Other Business Enterprises § 196 (1970) [hereinafter cited as Henn]; Axe, *Corporate Proxies*, 41 Mich. L. Rev. 38 (1942); Loss, *The SEC Proxy Rules in the Courts*, 73 Harv. L. Rev. 1041 (1960). It should be remembered that, in the parlance of corporation law, "controlling" stockholders are not, in the vast majority of instances, majority stockholders. *See* Perlman v. Feldmann, 219 F.2d 173, 175 (2d Cir.), *cert. denied*, 349 U.S. 952 (1955).

[4] A "nominee" list is compiled periodically and distributed to members of the American Society of Corporate Secretaries, Inc The twentieth edition of the list, which, in the words of the society's Executive Director, "will be invaluable in proxy solicitation and stock transfer work," was made public by this author in mid-1971 when the entire list of nominees, their principals, and addresses was inserted in the *Congressional Record*, vol. 117, pt. 17, p. 22142.

Although banks do not usually own the stock which is in the name of their various nominees, the banks frequently vote such stock. Accordingly, Indiana attorneys and investors may find it useful to know the nominees of some of the state's major financial institutions, as listed in the 1971 compilation *Id.* at 22,208–09.

American Fletcher National Bank & Trust Co. (Indianapolis): *Nominee*—Nom & Co.

First Bank & Trust Co. of South Bend: *Nominees*—Bend & Co., First & Co., and Mish. & Co.

Indiana Bank & Trust Co. (Fort Wayne): *Nominees*—Doehrman & Co., Dokar & Co., Goodin & Co., Hudson & Co., Indco, Janco, Jem & Co., Ladig & Co., Lenk & Co., Perry & Co., Piver & Co., Ranke & Co., Strutz & Co., Swenski, Witco, and Woolner & Co.

Indiana National Bank (Indianapolis): *Nominees*—Amstat & Co., Exem & Co., Indun & Co., and Novus & Co.

Irwin Union Bank & Trust Co. of Columbus: *Nominee*—IU & Co.

Lafayette National Bank, Trust Dept.: *Nominees*—Bondinc & Co., Bonding & Co., Comstock & Co., Fonla & Co., Purla & Co., Salus & Co., Scola & Co., and Swela Co.

Merchants National Bank & Trust Co. of Indianapolis: *Nominees*—Fren & Co., Merit Co., and Zel & Co.

Second National Bank of Richmond: *Nominees*—Notax & Co., Prof. & Co., and Secnab & Co.

St. Joseph Bank & Trust Co. (South Bend): *Nominees*—Bow & Co. Buyco, Saint & Co., and SJBIT & Co.

Terre Haute First National Bank: *Nominee*—Thafnab & Co.

[5] H.R. Doc. No. 64, 92 Cong., 1st Sess. (1971).

[6] It should be emphasized that many authorities consider a five percent voting interest in a widely-held company to be controlling if the other votes are scattered. The other banks listed among the top ten stockholders of ten or more utilities are New England Merchants National Bank, Bank of New York, Northwestern Bank of Minneapolis, United States Trust of New York, Continental Illinois National Bank and Trust of Chicago, Girard Trust of Philadelphia, National Shawmut Bank of Boston, and Chemical Bank of New York.

[7] Those companies which refuse to voluntarily disclose to the public their ownership information have, unfortunately, the weight of the law on their side. Shareholders, of course, can obtain shareholder lists and other records for various purposes. *E.g.*, Guthrie v. Harkness, 199 U.S. 148 (1905) (to ascertain whether the corporation was being mismanaged); Hauser v. York Water Co., 278 Pa. 387, 123 A. 330 (1924) (to determine corporation's condition in order to be able to vote intelligently and attempt to obtain proxies); *see also* Nationwide Corp. v. Northwestern Nat'l Life Ins. Co., 251 Minn. 255, 87 N.W.2d 671 (1958); E. Aranow & H. Einhorn, Proxy Contests for Corporate Control 40–50 (2d ed. 1968); Newman, *Inspection of Stock Ledgers and Voting Lists*, 16 Sw. L.J. 439, 450 (1962). However, this traditional type of disclosure does not solve the problems raised in this Article. The beneficial owners of stock may properly be afforded some degree of anonymity from the general public, but the proprietary owners—who vote the stock—should be disclosed.

[8] For a more complete discussion of inspection of corporate records, see 5 W. Fletcher, Private Corporations §§ 2213–57 (perm. repl. ed. 1967) [hereinafter cited as Fletcher].

[9] 221 U.S. 361 (1911).

[10] Writing for the Court, Justice Hughes opined:

"[w]hat then is the status of the books and papers of a corporation, which has not been created as a mere instrumentality of government, but has been formed pursuant to voluntary agreement and hence is called a private corporation? They are not public records in the sense that they relate to public transactions, or, in the absence of particular requirements, are open to general inspection or must be kept or filed in a special manner. . . . But the corporation form of business activity, with its chartered privileges, raises a distinction when the authority of government demands the examination of books. That demand, expressed in lawful process, confining its requirements within the limits which reason imposes in the circumstances of the case, the corporation has no privilege to refuse. . . . This is involved in the reservation of the visitatorial power of the State, and in the authority of the National Government where the corporate activities are in the domain subject to the powers of Congress." *Id.* at 382. *See also* George Campbell Painting Corp v. Reid, 392 U.S. 286 (1968), *aff'g* 20 N.Y.2d 370, 229 N.E.2d 602, 283, N.Y.S. 2d 31 (1967); Wild v. Brewer, 329 F.2d 924 (9th Cir.), *cert. denied*, 379 U.S. 914 (1964); United States v. White, 322 U.S. 694 (1944); Grant v. United States, 222 U.S. 74 (1913); Meltzer, *Required Records, the McCarran Act, and the Privilege Against Self-Incrimination*, 18 U. Chi. L. Rev. 687 (1951).

[11] 201 U.S. 43 (1906).

[12] *Id.* at 74–75. The Court continued:

"There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a State, having chartered a corporation to make use of certain franchises, could not in the exercise of its sovereignty inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purposes." *Id.* at 75.

[13] U.S. Const. art. I, § 8, cl. 3. *See, e.g.*, Ellingston Timber Co. v. Great Northern Ry., 424 F.2d 497 (9th Cir.), *cert. denied*, 400 U.S. 957 (1970). All of the major federal acts which directly regulate corporations are, of course, premised on the commerce clause. Sherman Antitrust Act, 15 U.S.C. §§ 1–7 (1970); Clayton Act, 15 U.S.C. §§ 12–27 (1970); Robinson-Patman Act, 15 U.S.C. § 13c (1970); Fair Trade Act, 15 U.S.C. § 45 (1970). *See also* Henn §§ 309–16.

[14] *See* U.S. Const. art. I, § 8, cl. 18.

[15] U.S. Const. art I, § 8, cl. 11. *See, e.g.*, Varney v. Warehime, 147 F.2d 238 (6th Cir), *cert. denied*, 325 U.S. 882 (1945).

[16] U.S. Const. art. I, § 8, cl. 7. *See, e.g.*, Pensacola Tel. Co. v. Western Union Tel. Co., 96 U.S. 1 (1878).

[17] The Interstate Commerce Commission was established in 1887, and the Federal Trade Commission was created in 1914, to note only two.

[18] *E.g.*, Carter v. Carter Coal Co., 298 U.S. 238 (1936); A.L.A. Schechter Poultry Corp. v. United States, 295 U.S. 495 (1935); Railroad Retirement Bd. v. Alton R.R., 295 U.S. 330 (1935).

[19] *See generally* United States v. Darby, 312 U.S. 100 (1941); NLRB v. Jones & Laughlin Steel Corp., 301 U.S. 1 (1937).

[20] *See generally* Fleischer, *"Federal Corporation Law": An Assessment*, 78 Harv. L. Rev. 1148 (1965).

[21] *See* Guthrie v. Harkness, 199 U.S. 148 (1905); Fletcher § 2213.

[22] Fletcher § 2214.

[23] *See id.* § 2215.1 & nn.45–48. Moreover, even when a "proper purpose" is established and corporations are required to disclose shareholder lists, the corporations will normally require the stockholder to come in and compile the list—even though management could furnish the list with little effort. *See* Aranow & Einhorn, *supra* note 7, at 49–50.

[24] Fletcher § 2215.1.

[25] Indianapolis St. Ry. v. State *ex rel.* Cohen, 203 Ind. 534, 181 N.E. 365 (1932); Charles

Hegewald Co. v. State *ex rel.* Hegewald, 196 Ind. 600, 149 N.E. 170 (1925).

[26] Fletcher §§ 2223–25.1.

[27] *Id.* §§ 2226–26.4.

[28] *See, e.g.,* Sawyers v. American Phenolic Corp., 404 Ill. 440, 89 N.E.2d 374 (1949) (construing the Illinois statute requiring ownership for six months).

[29] For a complete compilation of state corporation laws, see United States Corporation Council Manual, Vols. I–II (1971), in particular, subject heading seventeen for inspection rights.

[30] Ind. Code § 23–1–2–14 (1971).

[31] *Cf.* S.F. Bowser & Co., Inc. v. State *ex rel.* Hines, 192 Ind. 462, 137 N.E. 57 (1922) (registered owner who has assigned entire beneficial interest in shares has no right to inspect).

[32] Fla. Stat. Ann. § *608.39* (1956): The stock book or stock lists shall be open for;

"(1) . . . at least three business hours each business day for inspection by any judgment creditor of the corporation or any person who shall have been for at least six months immediately preceding his demand a record holder of not less than one percent of the outstanding shares of such corporation, or by any officer, director, or any committee or person holding or authorized in writing by the holders of at least five percent of all its outstanding shares. Persons so entitled to inspect stock books or stock lists may make extracts thereform."

For construction of this statute, see Florida Tel. Corp. v. State *ex rel.* Peninsular Tel. Co., 111 So. 2d 677 (Fla. App. 1959).

[33] N.Y. Bus. Corp. Law § 624 (McKinney Supp. 1972):

"(b) Any person who shall have been a shareholder of record of a corporation for at least six months immediately preceding his demand, or any person holding, or thereunto authorized in writing by the holders of at least five percent of any class of the outstanding shares, upon at least five days' written demand shall have the right to examine in person or by agent or attorney, during usual business hours, its minutes . . . record of shareholders and to make extracts therefrom. . . .

"(c) An inspection authorized by paragraph (b) may be denied to such shareholder or other person upon his refusal to furnish to the corporation, its transfer agent or registrar an affidavit that such inspection is not desired for a purpose which is in the interest of a business or object other than the business of the corporation and that he has not within five years sold or offered for sale any list of shareholders of any corporation of any type or kind, whether or not formed under the laws of this state, or aided or abetted any person in procuring any such record of shareholders for any such purpose. . . ." *See In re* Steinway, 159 N.Y. 250, 53 N.E. 1103 (1899); Levine v. Pat-Plaza Amusements, Inc., 67 Misc. 2d 485, 324 N.Y.S.2d 145 (Sup. Ct. 1971).

[34] 391 Minn. 322, 191 N.W.2d 406 (1971), *noted in* 46 Tul. L. Rev. 1002 (1972).

[35] *Id.* at 329, 191 N.W.2d at 411.

[36] *Id., quoting* Charles A. Day & Co. v. Booth, 123 Me. 443, 447, 123 A. 557, 558 (1924).

[37] 391 Minn. at 329, 191 N.W.2d at 411. *See also* Wall Street Journal, Jan. 11, 1972, § 1, at 4, col. 1 (indicating that corporate management was being flooded with anti-war, environmental, and other proxy proposals).

[38] 391 Minn. at 329, 191 N.W.2d at 411. One writer, perhaps tongue-in-cheek, remarked that, "[t]he court did not, however, imply that a shareholder whose political judgment led him to believe that a corporate policy could lead to economic injury would have an improper purpose." 46 Tul. L. Rev. 1002, 1008 (1972).

[39] Credit Bureau Reports, Inc. v. Credit Bureau of St. Paul, Inc., 290 A.2d 691 (Del. 1972); General Time Corp. v. Talley Indus., Inc., 240 A.2d 755, 756 (Del. 1968).

[40] 432 F.2d 659 (D.C. Cir. 1970), *vacated as moot,* 404 U.S. 403 (1972). *See* 57 Va. L. Rev. 331 (1971).

[41] 17 C.F.R. § 240.14a-8 (1972) provides:

"(a) If any security holder entitled to vote at a meeting of security holders of the issuer shall submit to the management of the issuer, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement. . . ."

[42] *Id.* § 240.14a-8(c)(1) & (2) (1972). *See also* Mills v. Electric Auto-Lite Co., 396 U.S. 375, 377 (1970); J.I. Case Co. v. Borak, 377 U.S. 426 (1964). A shareholder aggrieved by management's noncompliance with proxy rules has a private right of action which may be brought in federal district court to supplement SEC enforcement.

[43] The stockholder's petition for inclusion was remanded to the SEC for reconsideration, but this time the SEC had to clearly set out in its record of approval or denial the reasons for its action. The court declared that "the basis for [the SEC's] decision [must] appear clearly on the record, not in conclusory terms but in sufficient detail to permit prompt and effective review." 432 F.2d at 682. The *Medical Committee* decision destroyed the widely held assumption that the SEC's advisory processes were not subject to review. *See, e.g.,* K. Davis, Administrative Law Text 514 (1959).

[44] Writing for the court, Judge Tamm declared,

"[n]o reason has been advanced in the present proceedings which leads to the conclusion that management may properly place obstacles in the path of shareholders who wish to present to their co-owners, in accordance with applicable state law, the question of whether they wish to have their assets used in a manner which they believe to be more socially responsible but possibly less profitable than that which is dictated by present company policy. Thus, even accepting Dow's characterization of the purpose and intent of the Medical Committee's proposal, there is a strong argument that permitting the company to exclude it would contravene the purpose of section 14(a)." 432 F.2d at 681.

[45] *Id. See also* Bayne, *The Basic Rationale of "Proper Subject,"* 34 U. Det L.J. 575, 579 (1957). The circuit court in *Medical Committee* continued,

"[w]e think that there is a clear and compelling distinction between management's legitimate need for freedom to apply its expertise in matters of day-to-day business judgment, and management's patently illegitimate claim of power to treat modern corporations with their vast resources as personal satrapies implementing personal political or moral predilections. It could scarcely be argued that management is more qualified or more entitled to make these kinds of decisions than the shareholders who are the true beneficial owners of the corporation; and it seems equally implausible that an application of the proxy rules which permitted such a result could be harmonized with the philosophy of corporate democracy which Congress embodied in section 14(a) of the Securities and Exchange Act of 1934." 432 F.2d at 681.

[46] 404 U.S. 403 (1972).

[47] *Id.* at 406. Typically and eloquently, Justice Douglas dissented and condemned the "Court's abdication of its constitutional responsibility to decide cases properly within its jurisdiction." *Id.* at 411. Justice Douglas also chorused the reform attitude:

"The modern super-corporations, of which Dow is one, wield immense, virtually unchecked, power. Some say that they are "private governments," whose decisions affect the lives of us all. The philosophy of our time, I think, requires that such enterprises be held to a higher standard than that of the "morals of the marketplace" which exalts a singleminded, myopic determination to maximize profits as the traditional be-all and end-all of corporate concern." *Id.* at 409–0.

[48] Fletcher §§ 2213-57 (a comprehensive list of persons who usually have access to corporate records, and the reasons for access).

[49] A nominee list, priced at $20, is available from the American Society of Corporate Secretaries, Inc., 9 Rockefeller Plaza, New York, N.Y. 10020. *See* note 4 *supra.* The 1971 list is reprinted in the Cong. Record, vol. 117, pt. 17, pp. 22142–240.

[50] 92 Cong., 2d Sess. (1972). *See* the Cong. Rec., vol. 118, pt. 22, p. 28459.

[51] FCC 72–391, 75954, Dock. No. 18751, May 3, 1973, *reprinted in the* Cong. Rec., vol. 118, pt. 18, p. 22787.

[52] FCC 72–525, 79407, File No. BTC–6682, June 14, 1972, *reprinted in the* Cong. Rec., vol. 118, pt. 18, p. 22789.

[53] *Hearings on the Role of Giant Corporations Before the Subcomm. on Monopoly of the Senate Select Comm. on Small Business,* 92d Cong., 1st Sess., pt. 2, at 1056 (1972).

[54] In Ralph Nader's words:

"'[c]orporate secrecy' is not merely an aspect of the power of giant corporations. It is the first and usually decisive obstacle to knowledge of and response to the abuses, illegalities, and injustices which corporations heap upon citizens, governments, and environments. Without the ability to deny to the government, the small businessman, and the ordinary citizen literally every kind and form of information about their activities, large business enterprises simply could not dominate—as they too often do—our economic and political life. For control of the process of information is control of the process of policy." *Id.* at 1047. *See also* "Working Paper 'A'—The Nature and Dimensions of Corporate Secrecy," prepared by Senator Gaylord Nelson and Senator Ray Watts. *Id.* at 1203.

THE HUMPHREY AMENDMENT TO FEDERAL FINANCING BANK ACT

Mr. HUMPHREY. Mr. President, last Friday I was in London on official business, at the request of the Senate, heading its delegation to the Ditchley Conference in England with British Parliamentary leaders. Therefore, Senator Proxmire graciously agreed to bring up my amendment No. 228, of which he is a cosponsor, during floor consideration of S. 925. I was very pleased that the Senate adopted this exemption of the Farmers Home Administration from section 7 of the Federal Financing Bank Act by a 54 to 23 margin.

The amendment excludes the Farmers Home Administration from the crippling review by the Treasury Department previously required in section 7 of the act. Advance Treasury Department approval of the terms, timing, and conditions of Farmers Home Administration obligations is not only unnecessary but also not in the best interest of our rural citizens. Under present procedures, debt activities of the Farmers Home Administration are closely coordinated with the Treasury. The only reason I can think of for requiring prior Treasury approval is to permit them to control and allocate credit to the detriment of the Farmers Home

Administration and the cause of rural housing.

Housing conditions in rural America today are a national disgrace. Inadequate kitchen and bath facilities, water supply, heating systems, and a general situation of dilapidation characterize much of our housing in these areas. Given these conditions, this certainly is no time to curtail the flow of capital needed to remedy the sorry state of housing in rural America. We should be aggressively seeking out new sources of capital funds so that this pressing domestic social need can be given the support it needs and deserves.

S. 925 would create a serious conflict of interest for the Treasury that would hurt the FHA, since its obligations are marketed to the same pool of investors as Treasury obligations and it is virtually inevitable that Treasury will control the timing and other characteristics for the benefit of its own obligations. Is it realistic to expect Treasury to pursue any other course? To give an entity without any experience or expertise whatsoever in rural housing the life and death decision over substantive aspects of a rural housing program is, in my opinion, not only unfair but unwise as well. Treasury objections could hold up funding for rural housing indefinitely. And these decisions would not be subject to review by the congressional committees with substantive responsibility in the rural housing area. The delay of the operations and activities of the Farmers Home Administration could destroy the provision of rural housing completely because the availability of mortgage credit in many rural areas comes only from the Farmers Home Administration. There is no one else who will make these loans.

Therefore, I offered an amendment to section 7 of S. 925 to add a subsection (3) to section 7(a) to read as follows:

> . . . (3) obligations issued or sold by the Farmers Home Administration.

Again, Mr. President, I express my appreciation to all of my colleagues for their support in passing this amendment.

MISS LILY OF MARVELL

Mr. FULBRIGHT. Mr. President, Miss Lily Peter of Marvell, Ark., is a remarkable woman. She is a farmer, poet, philanthropist, patron of the arts, and much more.

Mid-South magazine, published with the Memphis Commercial Appeal, recently published an article on Miss Lily, as Arkansas' poet laureate is widely known.

The article relates some of Miss Lily's many accomplishments and what the writer calls her "philanthropic feats." She has done much to promote culture, music, and education in Arkansas. Several years ago she brought Eugene Ormandy and the Philadelphia Orchestra to Little Rock for two concerts. More recently she helped bring pianist Van Cliburn to Helena for a concert in the Lily Peter Auditorium. She set up music scholarship funds at the University of Arkansas and Arkansas State University.

Mr. President, I ask unanimous consent that the article entitled "Miss Lily of Marvell" by James G. Andrews, Jr., be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Miss Lily of Marvell

A few miles from Marvell, Ark., on a long and lonely stretch of gravel road, Miss Lily Peter pulled her pickup truck to a stop near the single gas pump at the plantation store.

Across the road lay the cotton fields—part of the 8,000 acres which enable Lily Peter to clear more than $100,000 a year from cotton, soybeans and a super-successful ginning operation.

This was the land that had made her one of the wealthiest farmers in East Arkansas. But her riches were hardly reflected in the tired old store or her home next door.

Not ante bellum but antiquated, the house is a plain, wood cottage with asbestos singles. No phone wires or TV antenna are affixed to the house, for good reason. 'Miss Lily' as she is called by Phillips Countians, has no need for telephone or television.

The diminutive—5-2 and ⅛, by her own reckoning—and dainty woman who is Arkansas' poet laureate has other uses for her time and her money.

And, besides, there is a phone in the store, if she just has to make a call.

As she stood in the road, talking with two of her employes, the mournful strains of a Charley Pride record overran the stillness of the countryside, pouring from the radio of a car parked across the road.

The night before, about 32 miles down the road in Helena, Miss Lily Peter had sat in all her glory, reigning over the festivities in the million-dollar Lily Peter Auditorium.

On the stage of that fantastic facility—boastfully dubbed "Carnegie Hall With a Southern Drawl"—internationally renowned pianist Van Cliburn had enthralled an audience of nearly 1,400 with a powerful performance of Beethoven's "Sonata in F minor, Opus 57," among other selections.

That someone of Van Cliburn's stature would be performing in a town the size of Helena (population 21,422, including West Helena), or that he would have there so magnificent an art center in which to perform, seemed highly contradictory.

But whenever and wherever Miss Lily Peter is involved, folks have learned to expect the unexpected.

And if she seemed to be enjoying the Cliburn recital more than anyone else, it was only fair. For while everyone else had gotten in free to hear this rare performance, Miss Lily, for all impractical purposes, had paid $4,250 for her eighth-row seat—or the evening would never have come about.

Also, had it not been for her role, and bankroll, the very art center itself might never have been constructed. Yet, there it stands on the campus of Phillips County Community College, with its modern, steeply sloped lines and its striking contrast of champagne-hued brick and ebony shingles.

Miss Lily was chairman of the fund-raising campaign for the center, and personally contributed $35,000, resulting in the auditorium's being named for her. Her sculptured portrait rests on the lobby wall, nestled amid plaques denoting those who gave $50 or more, placed alphabetically, from Aebly Grocery & Market to William Young.

Miss Lily's philanthropic feats have brought her nationwide notice in newspapers as prestigious as The New York Times. And she once took Peter Jennings and an American Broadcasting Co. television crew sloshing around in the Big Cypress Bayou, behind her home, when that newsman came to interview her.

Such publicity has helped spawn some of the little "legends" about Miss Lily—tales she relishes, but is quick to rectify.

"It's been said I drive a tractor all the time, and I don't—although I do drive my pickup truck all over creation. They also say I speak 11 languages, but that's because they've heard me speaking Spanish, and Spanish sounds like six or seven different languages. And they say that I am not afraid of the devil himself, because I have lived alone so many years."

Many newspapers carried the information that she was "nearly 100" years old, after she told a reporter that in jest. She will not tell her age, but she will admit that the antique camera she uses to snap nature shots for photographic exhibits was given to her "by a beau who wanted to marry me" in 1913.

She never bought a new camera, not for sentimental reasons, but because, as she explains it, "the old one still works just fine." For the same reason, she drives a Pontiac that is seven years old and has weathered nearly 100,000 miles. And she has no cook or maid, since she is perfectly able to do her own cooking and cleaning.

Her frugality will lead to such measures as driving the long way from Marvell to Memphis, to avoid paying the $1 toll on the Mississippi River bridge at Helena. But the pennies she pinches in all these pursuits, she pitches to the wind in displays of cultural zeal.

She has donated much and often to colleges and organizations in Arkansas and other states, and in 1969, she paid $60,000 to bring Eugene Ormandy and the Philadelphia Orchestra to Little Rock for two concerts—as a "gift to the people of Arkansas" during the state's sesquecentennial celebration.

"I wanted to bring great music within the reach of every person in Arkansas, to show the world we are at least as civilized as other places, and more civilized than some," she says.

She charged a modest admission for the two concerns, and netted $17,800 for two sell-outs. Then she added $2,200 more of her money to that to set up music scholarship funds of $10,000 each at the University of Arkansas and Arkansas State University.

Flitting about in her old auto and sporting the stylish brown wig she always wears in public, Miss Lily is forever stopping by to "chat" with folks all over Phillips County.

Those so honored may feel the combined floodgates of Webster's and The World Book have been opened upon them, so vast is her vocabulary and so voluminous her store of information.

Ever smiling, she holds her audiences with anecdotes which grow into epic narratives as she goes off on one "detour" after another before miraculously returning to her original point.

"Do you know that Ohio was never officially admitted to the Union?" she may suddenly ask in a discourse on Van Cliburn's affinity for turnip greens and cornbread. "It never was. It became a state in 1803 and applied for admission, but somehow was lost in the shuffle in Congress. And we just called it a state and forgot about it."

She is equally as divided in her interests, a veritable jack of all trades and master of many—a shrewd farmer who somehow got the bulk of her cotton in last year, while the crops of many others stood rotting in the fields, a ginner of note, a poet and writer, an amateur photographer, a community leader and unabashed and unsurpassed lover of music and the arts.

She has studied violin and piano and voice, attending schools like Juilliard and the Chicago Musical College, as well as Johns Hopkins and Columbia and the University of Chicago. She holds a bachelors degree from Memphis State and a masters from Vanderbilt and was a teacher for many years, covering, as her page in the "Who's Who of Arkansas" put it, "every subject in the curriculum except typing and shorthand."

She also has an interest in medicine (she gave $10,000 for a medical conference at Vanderbilt last year) and politics (she is proud of the fact that she "helped Senator John McClellan carry my township in the last election by making a lot of folks get out and vote, who wouldn't have, if I hadn't made them").

Anything she sets her mind to, say her friends, Miss Lily will get done—and others always seem to profit from her determination.

"I think she just really doesn't know how people appreciate what she's really done for us," says Helena real estate man Thad Kelly. (A former student of Miss Lily, he admits he and his classmates often used to talk her into singing or playing the violin for them, when they were not prepared for their lessons.)

The Van Cliburn recital, was just one example of what Miss Lily has done. Seldom does such a celebrity show up in Helena, although Hernando de Soto and Marquette and Joliet are said to have passed through a few years ago, and Arthur Fiedler and Harry James are among those who appeared at previous concerts in the high school gymnasium.

Such a commotion erupted over the pianist's arrival that Mrs. Cappi Lindsey, down at the Chamber of Commerce, was up to her ears in phone calls from folks wanting the tickets which had been exhausted in two days' time. And the Holiday Inn had spelled out "Welcome Van Cliburn" on the same marquee which read on the other side, "Prime Rib Every Friday."

All that was directly due to Miss Lily, because at one point the Van Cliburn recital had been called off by the Warfield Fund Committee, which supervises Helena's unusual free-concert program under stipulations of the will of S. D. Warfield. The pianist's $8,500 fee was a bit too steep for the committee, which draws its annual budget from the interest of the $500,000 estate of the late Mr. Warfield, a Phillips County landowner.

"When you have only $13,000 to $15,000 a year for your whole budget, you can't spend that much on one performance," says Mrs. Winston Mosby, a member of the committee. "But then I happened to see Miss Lily right after that and told her, 'Oh, Miss Lily, we could have gotten Van Cliburn, but he wanted $8,500 and that was just too much. So we had to turn him down.' "

"A few days later, Miss Lily called me and said, 'Well, honey, you all go on and get Van Cliburn, and I will pay half of it.' So we did, and she did. And that's how we were able to bring Van Cliburn to Helena."

Miss Lily has always been like that, even in the days when she did not have the money she has today, Mrs. Hal Nicholls, another member of the Warfield Fund Committee, says.

"I've heard the story of the time, back when Miss Lily was teaching, that they needed $100 to renovate the teachers' lounge," says Mrs. Nicholls. "Well, Miss Lily went out and bought some damaged prints of classic paintings and spent the whole winter repairing them herself with a paint brush. Then she sold them all for $2 each and got the $100."

Miss Lily did, indeed, have proud if humble beginnings. Born on a farm not far from where she now lives, she was the daughter of William Oliver Peter and a descendant of a line of ministers and professors of the Moravian faith.

When her father was injured by a runaway team and subsequently died, her mother had to take over.

"My father had made some unfortunate business investments," says Miss Lily, "so that we were left very much in debt. My mother sold everything salable, except the land."

She and her brother Jesse were the only two of the children that farming "took on," Miss Lily says. She retired from teaching in 1948, to take over the plantation at Marvell, when Jesse Peter moved to the plantation he had acquired at Ratio, to the south. When Jesse died in 1956, she took over the entire operation.

"I may never have driven a tractor, but as recently as 1967, I was working some nights from 6 p.m. to 6 a.m., weighing cotton," she says.

She feels she has been a good boss, paying well and never finding fault with her employes. In return, they loyally stay on with her.

"James King, my farm manager, and Reuben Wilson, who looks after my small herd of black Angus cattle, have both been with our family 42 years," she says.

Miss Lily still works nights a great deal, but it is the composition of poetry, not the weighing of cotton, which occupies her nocturnal hours.

The front den of her home contains a grand piano which she never has time to play, plus books with impressive titles, such as "Iberia," "Beethoven," "This England" and "Owls." (She is an ardent collector of miniature owls, ceramic, metallic and wooden, and of owl pictures, paintings and prints.)

A back room houses her collection of awards and honors, including a letter from President Nixon upon the occasion of her donation of 40 acres of virgin timber land to the state of Arkansas for a bird refuge.

"I am normally a modest person," she says of the array of certificates and proclamations. "But I thought if people were nice enough to give these different things to me, I really should display them. I don't have them all up—just the ones from people who live closest to me. They're the ones who are most likely to drop by and see them."

The awards include such honorary posts as membership on the national council of the Metropolitan Opera in New York, and more active ones, such as membership on the board of the Southern Cotton Ginners Association, which, "as a woman, is my favorite."

She has had two books of poetry published. ("The Green Linen of Summer" and "The Great Riding"), a third is currently in the works, and, as Arkansas poet laureate, she is frequently called upon to write poems for specific occasions.

Today, at her unpretentious home, Miss Lily clings to the memories of those occasions and the many others she has helped create or augment, just as she cherishes the withered bouquets she cannot bear to throw away, flowers she has been given at those "special times."

"I could have taken the $60,000 I spent on the concerts in Little Rock and bought myself a big home, I suppose," she says. "But a house will last only so long and will eventually fall down. I had rather have my money invested in music and art or things which will endure. So I will continue giving as much as the Internal Revenue Service will allow me to, every year.

"There are so many unhappy people in the world today. I want to see people happy. That way, I enjoy life. Every day to me is just as though I was 16 years old."

It is this attitude which prompted Gov. Dale Bumpers of Arkansas to call Miss Lily "a tremendous asset to this state."

"I have never known anybody as completely selfless as she is in promoting not just art appreciation, but also art participation. I met her after I became governor, and I was so entranced with her many talents and really more gratified with her deep dedication to the arts that I named her poet laureate of Arkansas."

At the country club reception which followed Van Cliburn's recital, the pianist talked with Miss Lily far past midnight. Gary Witt, a former Helena resident who now lives in Memphis, was growing concerned, because Mr. Cliburn had to be driven back to Memphis to catch a plane.

Finally, Mr. Witt was able to get Mr. Cliburn and Miss Lily separated, after the musician paused to kiss her hand one last time. He had never before met her, but they had talked nearly an hour.

"She is a remarkable person," Van Cliburn said, in what seemed a state of awe. "It was so terribly interesting, talking to her. She's quite a historian, you see, in addition to her other talents.

"It was absolutely thrilling. She brought up some historical data on the Latrobe family—Mr. Latrobe, who built the White House—and she was telling me about the earthquakes in this territory in, I belive she said 1814 and 1815. They were quite devastating. And she was telling me about. . . ."

Once more, Miss Lily had been in her element.

THE CONGERS TRAGEDY WAS A NATIONAL TRAGEDY

Mr. JAVITS. Mr. President, on March 24, 1972, a loaded schoolbus was struck by a train at Congers, N.Y., resulting in the tragic death of five boys and injury to more than a score of other youngsters. Those involved, the children and their families, are my constituents. But, in a larger sense they could have been the children or grandchildren or constituents of any Member of this body, for the Congers tragedy was but one of more than 47,000 schoolbus accidents in the Nation. With some 40 percent of all American schoolchildren traveling to and from school each day by bus, but by the grace of God the harrowing experience of the community of Congers could have occurred elsewhere in the Nation. The children of Congers were our children.

I am heartened that the Commerce Committee is studying the matter of schoolbus safety and will be holding hearings on my bill, S. 611, and the bill introduced by Senator Nelson, S. 847, of which I am a cosponsor, legislation which will hopefully result in increased security for the 20 million students riding the Nation's schoolbuses. As the parent of a daughter who was once injuired in a schoolbus mishap, I look forward to the time when there will be no repetition of the tragedy which occurred at Congers and similar tragedies which have occurred elsewhere in our country. The fact that schoolbuses have a better safety record than other forms of transportation should not deter a concentration of effort to assure as perfect a safety record as can be attained. For the children who travel in schoolbuses, unlike passengers in other vehicles, do so not out of individual choice nor are they able to refuse to ride because the vehicle is substandard or the driver ill prepared. Their well-being is our responsibility; they are all our children.

The current issue of Reader's Digest carries a chilling recounting of the Congers tragedy, "Bus Crash," by Floyd Miller. The fact that this article appeared in a foremost national publication underlines the fact that what occurred in Congers was not merely a local incident but a national tragedy. I ask unanimous consent that the article be printed in the Record as part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bus Crash

(By Floyd Miller)

No. 9 Third Street in the village of Congers, N.Y., is a neat frame house where Edward and Joan Fitzgerald live with their seven children and his mother. On the morning of March 24, 1972, the household routine was proceeding as usual. At 7:50 a.m., Joan was standing by the kitchen table brushing her six-year-old daughter's hair. The three older children had prepared their own breakfasts and gone off. Now Joan was downstairs to feed the younger ones and dispatch them to school.

There was one thing out of the ordinary in the kitchen this morning: the sink's drainboard was piled high with moulages that Joan had washed the night before and would pack away today. Moulages are artificial wounds—gunshot and stab wounds, burns, abrasions, lacerations—made of plastic in vivid, realistic colors. It looked as though some macabre autopsy had been performed in the Fitzgerald sink.

Joan was a first-aid instructor and a longtime member of the Congers Volunteer Ambulance Corps. Just the night before, she had conducted a disaster rehearsal for the corps. She had pasted the moulages on volunteer "victims" scattered about the scene of the "disaster," then sent corps members in to rescue, diagnose and treat them.

Now as she brushed her daughter's hair, Joan thought back on the rehearsal. There had been a few errors, of course. One concerned 16-year-old Stephen Ward, who had played the victim of a gunshot. The rescue squad found, diagnosed and correctly treated the bullet-entry wound on his chest—but failed to discover and treat the exit wound in his back! "I'm sorry, Stevie," Joan had joked, "but you're dead."

Perhaps it was preoccupation with the memory that prevented her from performing one small bit of her morning routine. At 7:55 there came the flat, penetrating blast of the horn on a diesel locomotive. This sound always made her look out the window, toward the point some 200 feet away where Gilchrest Road crosses the Penn Central railroad tracks. For whatever reason, on this morning she did not look.

Seconds later there came another sound, a thud, and she thought that perhaps her ten-year-old son, John, had fallen out of bed. Dropping the hairbrush, she started for the stairs, then saw John standing in the kitchen doorway. His face was drained of color, a white mask with two enormous eyes burned into it. He said, "A train just hit the school bus." She turned and looked out the window. What she saw made her stagger, and her lungs emptied of air as if a fist had been driven into her stomach. She could only utter a hoarse whisper, "Oh, my God!"

HARVESTING THE CHILDREN

Joseph Larkin was a 35-year-old New York City fireman, living in Rockland County and commuting to work. He had discovered the hard realities of suburban living; it was all but impossible to stretch his fireman's salary far enough to adequately feed, clothe and house a family of four. He needed a second job. In the fall of 1969, he had become a part-time school-bus driver, taking children to the village of Nyack, where the area high school was located.

On that morning, which had started so routinely in the Fitzgerald household, Larkin drove from his home to the school-bus parking lot in Congers. He entered the big yellow bus, No. 596, checked the brakes and the flashing red warning lights that festooned the vehicle, then headed for the Valley Cottage neighborhood he served.

Minutes later, he was weaving his way through streets lined with comfortable homes, picking up clusters of students at designated stops. At the corner of Gateway and Russet stood Barbara Trunz. Barbara had recently tried out for the lead in a school play, and the result would be announced this afternoon. With butterflies in her stomach, she had managed only a glass of orange juice for breakfast. Her mother, a former television actress, understood completely. At the door, as Barbara left, she called softly, "Chin up."

Barbara entered the bus and walked toward the rear, taking an aisle seat three rows from the back.

One of the next to board was Stephen Ward, his parents' only child. Always a quiet boy, this year he had come to the decision that he wanted to attend the U.S. Military Academy at West Point, some 25 miles up the Hudson River from his home. He composed letters to Vice President Agnew and to the two New York Senators, asking that they consider him for an appointment. And he set doggedly to work improving his grades. He had been a borderline student in math but his marks climbed until this last semester he had made a 92 average. Boarding the bus, he took a window seat on the right side in the sixth row.

The Macaylo brothers, 14-year-old Clifford and 18-year-old Richard, got on soon afterward. Clifford found a seat near the front while his older brother continued down the aisle to a vacant place next to Ward. Stephen had told Richard about his dream of attending West Point. Some of his friends might laugh at such an ambition, but not Richard, who was himself an outstanding student. Now as the Macaylo boy joined him, Stephen began to relate his misadventure of the night before when he had been "shot dead" during the ambulance corp's disaster rehearsal.

Coming aboard at the next stop were the Mauterer brothers—16-year-old David and 14-year-old Robert. David sat near the front, but his young brother walked back until he found a seat in the middle of the bus, just in front of Stephen Ward and Richard Macaylo, and across from one of his heroes, James McGuinness. "Muggsy" McGuinness played varsity football, lacrosse and hockey. A stocky boy, he was not a natural athlete, but few were so dedicated. "Muggsy looks like a walking fireplug," commented one of his coaches. "But he gives out 100 percent."

When Teresa McNeely climbed aboard, she walked toward the rear of the bus, where she stood next to Barbara Trunz. She wanted to talk to her friend—but also she wanted to display a new pair of slacks she was wearing.

Teresa's mother and stepfather, Alice and Tom Martin, were old-fashioned in their ideas about dress and, in spite of Teresa's protests, did not approve of jeans or slacks for school wear except in bad weather. Alice Martin was a nurse, a member of the IV (intravenous) staff at nearby Nyack Hospital, and this morning as she was getting ready to go to work, she caught a glimpse of Teresa passing her hall door, clad in slacks. She opened her mouth to call her daughter back, but a glance at the clock told her that to do so would make the girl miss her bus. She weighed the priorities of time and duty—and did nothing, resolving only to speak to Teresa about it later.

Driver Larkin worked his way through Valley Cottage, harvesting children, until the bus was full to overflowing. In all it contained 48 passengers: 31 boys and 17 girls, seven of them standees.

They started down Gilchrest Road on the final leg to Nyack High School. Normally the bus did not come this way, but construction work on a new sewer system had forced a detour in recent days. The road here descended gently to the tracks of the Penn Central railroad. There was no gate, no watchman, no electric warning lights or bell, only a round sign with the traditional X and RR, and above it an octagonal sign bearing the word STOP. South of the crossing a stand of trees partially blocked the view, but on this March day the trees were leafless. Through the bare branches, several of the students saw a train coming.

A BANSHEE HOWL

Penn Central train No. 2653 had been made up in the Weehawken, N.J., marshaling yards the night before. There were three giant diesel locomotives and 73 freight cars. The train crew arrived at 5 a.m., performed routine checks of the brakes, and then proceeded to North Bergen, where they picked up ten additional freight cars.

The run northward was uneventful until they arrived at control point 22 in West Nyack. Here they discovered a signal malfunction: the light kept turning from yellow to green to yellow. The train stopped and engineer Charles Carpenter radiotelephoned New York to report the condition. The dispatcher assured him the track ahead was clear and told him to proceed. On an upgrade, the three diesels strained and thundered to pick up the speed lost by the stop. At a point just south of Congers, the train, all 4000 tons of it, was moving at 25 m.p.h.

At 7:54 the lead engine came abreast of a whistling post, which meant that a road crossing lay 1500 feet ahead and procedure 14–L was in force. Under this regulation, the engineer sounds two long blasts, a short and another long on the horn. The warning was made.

Just beyond the whistling post the tracks curve to the left, and as the train rounded the bend the three men in the cab—engineer Carpenter, fireman George Gray and brakeman John Carey—had an unobstructed view of the Gilchrest Road crossing. Visibility was good. The track ahead was straight and clear.

Fireman Gray, seated on the left side of the cab, saw a distant flash of yellow—the bus. It was several hundred feet from the railroad crossing, plenty of space in which to halt. Still, Gray was worried. He always felt uneasy when school buses approached the tracks on which his train was riding.

All of the men in the cab of the train had now spotted the bus and all had their eyes fixed on it, expecting it to slow at any moment. Seconds passed and each man tensed his right-leg muscles, as if his own foot was riding that distant brake pedal. Opposite the approaching bus, on the other side of the crossing, a garbage truck, driven by William Muccio, had halted. Muccio, too, watched transfixed as the bus descended the hill. Then instinctively he brought his fist down on the horn. The howl was joined by a banshee cry from the train.

In the caboose, conductor Joseph Liberttucci kept a routine watch on the long line of swaying freight cars stretching ahead and, one by one, disappearing behind the stand of trees to the left. Suddenly the radio speaker came alive, and he heard engineer Carpenter's frantic voice from the cab far ahead cry out the warning of disaster: "Mayday! Mayday!"

At that moment the train was "dumped," as the engineer pulled the emergency brake that locked the wheels. There was a scream of metal, then a clatter as the strungout train began to contract. But the momentum of 4000 tons could not be stopped at once, and the great diesel engine thundered into the crossing.

Fireman Gray, hypnotized with horror, watched the hurtling bus enter the crossing at the same moment. Forever etched on his mind's eye is a row of faces framed in the bus windows—some with mouths open in silent screams, others with hands extended in pitiful hope of fending off the monster now upon them.

"DON'T PANIC! DON'T PANIC!"

The engine caught the bus just behind its center point with the force and the sound of a bomb exploding. Like a giant blade, the locomotive jaggedly sheared off the rear half of the bus and flipped ft onto its top near the crossing, spilling passengers and seats in the roadway. The rest of the bus—from row 6 forward—caved in under the impact and wrapped itself, as though made of flimsy foil, around the engine's blunt nose. Then, ripping and crumpling, the tangled mass of steel screeched 1000 feet farther down the track, the diesel's front still firmly encased in the bus.

Along the entire 1000 feet, broken bodies covered the right-of-way. A strange snow storm filled the air—thousands of bits of paper, torn from texts and notebooks, homework that would never receive a grade—and settled slowly over the bodies. At last the train halted and there was silence.

In the kitchen window overlooking this scene were the whitened faces of Joan Fitzgerald, ten-year-old John and six-year-old Eileen. Joan had her arms around her children, but there was no protecting them from this sight.

"The bus didn't stop," John kept repeating. "The bus didn't stop."

The disaster rehearsal Joan had conducted the night before seemed to have little relationship to the reality now before her. The moulages on her drainboard had produced no such feelings of helplessness and outrage as now flooded through her. How could such a thing happen?

She grabbed a phone and dialed the police. "A train has hit a school bus on Gilchrest Road!" she yelled into the receiver. "We'll need ambulances, a lot of them. And a fire company."

Then she threw on a topcoat, grabbed a bag of first-aid equipment and dashed out of the house. She felt as if lead weights were attached to her feet. She was running as fast as she could, yet her progress seemed to be measured in inches.

At last she arrived at the crossing, where the rear half of the bus lay. There had been 21 children in this half and, of that number, two were on their feet. A boy and a girl walked in tight little circles, around and around, their faces totally void of expression.

"Sit down," Joan said to them. "Sit on the ground and don't move until I can get to you!" The youngsters obeyed.

Her problem was one of priorities. Which child demanded immediate attention and which could be safely postponed? She came upon a boy who had been thrown from the bus with such velocity that his head was half-buried in the ground. She knelt and clawed the dirt away from his face so that he might breathe more easily. She felt for the pulse in his neck, and found it strong. He could wait.

Sprawled nearby was the still form of a boy whose leg had been severed below the knee. She scrambled to him. When she reached his side she discovered that, though the leg was grotesquely twisted back, with jagged ends of broken bone exposed, the foot and ankle were still attached by some calf muscles and tendons. She applied a tourniquet to stop his blood from draining out.

As she moved among the children, Joan had the impression she was watching a poorly-put-together movie in which disjointed scenes flashed briefly on the screen. Suddenly a policeman appeared between two of the freight cars. When he saw the carnage, his face drained of color. Hoarsely he shouted to no one in particular, "Don't panic! Don't panic!"

William Muccio, whose garbage truck had stopped for the train, appeared beside Joan, tears streaming down his face. "What can I do?" he begged. "What can I do?"

Next she saw two men wearing business suits running toward her. "Cover some of the children with your coats!" she shouted at them. Instantly, they obeyed. About this time her husband arrived. The three men worked along with Joan.

Sirens could be heard now as several ambulances came up Gilchrest Road from the east and halted by the train. Maggie Kuehne, a volunteer with the Nyack Community Ambulance Corps, climbed between the freight cars as the policeman had done and jumped from the railroad coupling to the ground. With her arms full of first-aid equipment, she landed awkwardly and grimaced with pain. She straightened at once and ran to the nearest child. As she would discover later, she had dislocated a vertebra in her neck. Though in great pain, she continued working over the children.

Between the flashing scenes, Joan Fitzgerald moved from child to child, letting her hands bandage and splint automatically, as if by reflex. Two of the children were known to her but if she saw them, she didn't recognize them—her senses retreated from the horror of the scene. Nearby lay the crumpled body of Stephen Ward, the boy on whom she had pasted the bullet-wound moulage the night before, the boy whom she had jokingly pronounced dead. He was still alive, but his pulse was thin and weak.

"THIS HELLISH DAY"

As Dr. Saul Freedman, chief of the Nyack Hospital Medical Emergency Service, pulled into his parking space, a nurse came running out with news of the accident. "Get Judy and Lillian and come with me," Freedman directed.

With three nurses and first-aid equipment in his car, he headed for Gilchrest Road, arriving at 8:15. Dr. Freedman had been a captain in the Navy's medical corps during World War II, but the thousands of battle casualties he had seen did not affect him quite the way these children did.

"I've seen bravery in battle," he said later, "but none more than here. There was no crying or wailing. Children with smashed pelvises, all but severed limbs, lacerated faces, torn abdomens, concussions, broken backs—they all waited with stoic patience until we could get to them."

One girl, Mary Jane Li Puma, had been sitting in the sixth row of the bus, opposite the point of impact. "She had a partial amputation of one leg below the knee," Dr. Freedman recalls, "and she was covered with blood from lacerations. Yet when I knelt beside her she managed to say, 'I'm all right. Please take care of my friend.'"

Also on the scene was Dr. Frederick Zugibe, the Rockland County medical examiner. In his job he has seen countless accidents, yet what he found here shook him. He remarked, "I have seven children of my own, and it was as if *they* were sprawled there beside the tracks. It was difficult not to weep."

After the Congers ambulance arrived and she had done as much as she could for the children on that side of the tracks, Joan Fitzgerald walked to the front of the train, where the forward half of the bus was still impaled on the engine. In the driver's seat sat Joseph Larkin, intermittently incoherent and as yet unattended. From time to time he would ask, "Was anybody hurt?" No one answered him.

It was determined that Larkin had a spinal injury and a "spine board" was ordered brought from one of the ambulances. His limp body was handed down from the wreckage, strapped to the spine board and taken to a waiting ambulance.

Now came a new horror. Between the flattened bus and the diesel locomotive, the rescuers discovered the body of a boy. The mystery of how, in that second of impact, he are internal injuries," he said. "We'll send dropped *between* bus and train would never be solved. An ambulance corpsman climbed up on the wreckage and worked his way close enough to touch the boy.

"He's alive. He's alive" he shouted back.

What could be done? It was beyond the strength of the men to separate the wedded metals of bus and locomotive, and an acetylene torch would ignite spilled gasoline. Miraculously, a tractor backhoe now appeared. A steel cable was swiftly linked to the body of the bus, and the tractor growled and backed off, tightening the cable. The twisted steel of the bus groaned, trembled and, with a metallic cry, came loose. Rescuers stepped into the widening gap—and found not one boy but two! Gently they were lifted down, placed in ambulances and rushed to the hospital. Both survived.

By 9:15, the last of the living had been removed. There were, however, two bodies beneath the train. That was how death had come for James McGuinness, the star athlete, and Richard Macaylo, the star student. They were removed by Dr. Zugibe and his assistant, and taken away for autopsies. A third boy, Robert Mauterer, was dead on arrival at the hospital. Three fatalities thus far.

Their jobs done for the moment, Dr. Zugibe and Joan Fitzgerald accepted mugs of coffee brought by neighbors. The doctor studied Joan for a moment, then said, "How do you feel about the bus driver? I noticed that you backed off when he was taken away."

"I couldn't bring myself to help him," Joan confessed. "I'm ashamed of myself, but there it is."

"Try to look at it this way," Zugibe advised. "He's a man who made a terrible mistake, but he will punish himself more than you ever can. He'll live with this hellish day for the rest of his life. So will his wife and children." This dialogue, in essence, would be repeated many times by many people in the days ahead.

BOY A AND GIRL B

STUNNED by the calamity, Nyack and its neighboring towns of Congers and Valley Cottage reacted swiftly, drawing together, pooling resources to meet the common crisis.

At 8:02 a.m., at the Nyack Hospital, the Disaster Plan was put into effect, the first time it had been used for an accident of this magnitude. All department heads were notified, from the director of pathology to the maintenance and food services. All off-duty nurses were summoned, with especial emphasis on emergency and intensive-care personnel.

A small community hospital such as Nyack's depends heavily on non-paid volunteers. The director of this department was soon on the telephone summoning her Pink Ladies (adults) and Candy Stripers (teenagers) to augment the staff of 35 that would normally report for duty.

There was one enormous piece of good fortune: a new six-story wing had just been completed. It added 140 new beds and brought the total of operating rooms to nine. One of these was now in use, but all other surgery was canceled.

Chief surgeon Dr. Herbert Sperling heard the first news bulletin of the crash on his car radio. He drove immediately to the hospital and gave instructions to summon all physicians in all specialties: cardiology, gastroenterology, hematology, neurosurgery, orthopedics, anesthesiology and plastic surgery. He canceled all regularly scheduled surgery. Meanwhile, the director of radiology ordered the cancellation of all scheduled work in the eight X-ray rooms.

At 8:30, the first of the injured students arrived at the hospital. As each was admitted, he received a tetanus shot, and an intravenous nurse drew a blood sample in case a transfusion would be needed. Then Dr. Sperling made preliminary diagnoses before sending the child to radiology for X rays or, in extreme cases, direct to surgery.

When the first child arrived, however, a problem of identification developed. Few carried wallets or purses, and those who did had lost them in the maelstrom of the collision. Moreover, most were unconscious or so disoriented that they could not answer questions. Who were they?

They were identified, for the time being, by marking letters of the alphabet on their foreheads, and all the medical records that accompanied them through the hospital carried the anonymous A, B, C label, until parents or schoolmates or someone could give them back their true names.

By 8:45 there was a continuous caravan of surgical carts bringing young patients down from emergency to the radiological department, where eight technicians and four radiologists, many of them not scheduled for work that day, were on duty. A General Electric technician who had just completed the installation of one of the machines stayed on to assist in the darkroom.

As each X-ray film was exposed, it was rushed off for immediate development. Seated in the viewing room all that morning and reading the films was Dr. Frank Dain, who noted each diagnosis—"loss of teeth . . . fractured nasal bones . . . partial amputation left leg below knee . . . compression of 7–8–9th thoracic vertebrae . . . fractured skull. . . ."

Dain attached each written diagnosis to the film and stuck both on the corridor wall with surgical tape. From there they were taken by an operating-room nurse into surgery, where they were matched with the letters drawn on the foreheads of the still figures stretched out on the operating tables.

At the switchboard, Marge Krupinski watched the incoming lines light up as doctors and nurses throughout the area called to offer their services. Then came ordinary citizens volunteering help. "I'm a grandmother," said one, "and an experienced babysitter. Perhaps I could help some family that has small children at home." A housewife called, offering to make beds or to "push stretchers."

The New York press called again and again with increasing impatience. When told that the names of the dead and injured were not yet known, they did not believe it.

Most difficult were the calls from frantic parents. One father called long-distance from Maryland wanting to know if his son had been on the bus. Marge Krupinski put his call on hold for 20 minutes while she ran through the offices and corridors searching for someone who might know the answer. At last she was able to report back to the father: his son had been on the bus and was injured. The father took the next plane home.

Telephone operator Fay Smith had a special relationship with the McGuinness family. One evening a year ago, Fay's older daughter had gone for an auto ride with her best friend, Carol McGuinness, and there had been an accident. Fay's daughter died. The two families, brought together by their mutual pain, had remained close ever since.

Now, Jim McGuinness's familiar voice came on the line asking Fay if there was any news about young Jimmy. "No news has come up yet, Jim. I'll call you back the minute I hear anything." Thirty minutes later Jimmy's mother called: "Fay, this is Peggy. I'm sorry to bother you again. . . ." Her voice trailed off.

By now the phone company had sent a chief operator to relieve the staff, a supervisor to handle any unforeseen problems, and a repair man to stand by in case there were mechanical difficulties. (The phone company was also installing eight direct-dial telephones for the free and unlimited use of parents.) Fay left the switchboard and sought out a doctor. "Put on a surgical gown and go through the operating rooms," he said. "Maybe you can identify him."

Wearing one of the wrinkled green garments, Fay began a tour of the hospital, peering down into face after face as she repeated, "Jimmy McGuinness. . . . Has anyone seen Jimmy McGuinness?" It became a prayer, but it brought no response. Jimmy McGuinness was not in the hospital. There was only one other place he could be—the morgue.

"IT WAS AWFUL, MAMA"

TOM MARTIN, Teresa McNeely's stepfather, owns a real-estate-appraisal firm and was working on a project for a Rockland County park. At 8:05, at his desk, he heard the alarm summoning volunteer firemen. He paused, pencil poised. He was a volunteer but was not required to answer all calls, and the park job was important. He decided not to respond, but even as he made the decision the pencil fell from his fingers and he found himself running.

At the fire station a lieutenant was directing volunteers who were loading all stretchers available onto the equipment truck. "What happened?" Tom asked.

"Train hit a school bus," came the reply. "Bodies all over the place. Gilchrest Road."

That was the route taken by Teresa's bus! The truck roared down the highway while Tom clung desperately to the handrail. It was the wildest ride he had ever experienced. Long before they reached the accident, they found the highway choked with traffic, so they turned off the road and jolted down the railroad right-of-way.

Tom saw a chaotic scene—14 emergency vehicles from three fire companies and six ambulance corps were already there, parked helterskelter on the tracks and the roads and in fields. Bodies of children were being pulled from the wreckage, treated on the grounds, or loaded into the ambulances. He saw a nurse at work in a blood-drenched uniform.

Within seconds he was propelled into the scene. He distributed stretchers, helped unload portable generators that could produce power for metal-cutting tools.

Teresa was in the back of his mind, but he could not abandon his job to search for her. Once, when he almost stumbled over the face-down of a girl, his heart rose into his throat. But it was not Teresa. He began to tell himself that Teresa had not been on this bus—and he repeated it, over and over, until it became a litany.

When Teresa's mother arrived at her desk at the hospital, she found a hastily scribbed note: "Alice, go to the emergency room." She hung up her coat and walked briskly to the rear of the building.

On the way another nurse told her about the bus crash. Alice felt a flicker of fear, but she banished it. Coming to work, she had followed the regular route taken by Teresa's bus, and had seen no accident. She did not know that the bus had taken a detour. She walked faster, in spite of herself. As she came down the corridor leading to the emergency room, she saw a long row of empty stretchers, ready for use. Not in the three years that she had worked here had she seen such extensive preparations.

Through the door from the emergency room came a stretcher containing a small, still figure, clad in slacks. Alice began to run.

"Teresa!" her mother called. "Oh, my God, Teresa!"

Three members of the ambulance crew were clustered about the stretcher, but Alice swept them aside and leaned over her child. Gravel was embedded in her lacerated face and scalp. Her eyes opened briefly, and a whisper came from blood-caked lips: "Mama."

"It's all right, baby. It's all right."

Dr. Sperling examined Teresa, then put his arm around Alice's shoulders. "I doubt there are internal injuries," he said. "We'll send her to X ray at once. Would you like to go along?"

Alice shepherded her daughter through the X-ray rooms, then upstairs where she supervised her transfer to a bed.

"It was awful, Mama, awful. The train came right down on us." Teresa began to tremble.

"Hush, darling. Try to go to sleep."

The sedatives were beginning to work and the young girl said drowsily, "I'm all right, Mama. Go help the others."

Alice Martin kissed her daughter tenderly on the forehead and left the room. She was more fortunate than the other parents. She had work to do.

AN INTIMACY OF FEAR

By 8:45 the hospital's main lobby was teeming with people. The emergency plan had not foreseen an invasion of close to 100 distraught parents, grandparents, brothers and sisters. Although kept off the surgical and recovery floors, they could not be told to go home; they had a right to be as near their children as possible.

To clear the congestion, hospital administrator Russell Drumm moved them to a large meeting room on the ground floor near the staff cafeteria, and arranged to have them supplied with coffee and sandwiches round-the-clock. Ordinarily used for conferences, the room was furnished with chair and tables, but it was secluded from the bustle of the lobby and main halls. Here the parents huddled together in the new intimacy of fear.

Nyack priests, ministers and rabbis arrived to offer support and comfort. Father Donald Whelan of St. Ann's Roman Catholic Church had been at breakfast in the rectory when a call came from the hospital switchboard. Living but five blocks away, he was in the emergency room when the first of the injured arrived. To those he knew were Catholic, he gave last rites. To the others, he gave conditional last rites. Then, after the last child had passed through the emergency room, he went to the meeting room to join the parents.

For the rest of that morning he was the parents' emissary to the upper floors. As the children were slowly being identified, it was usually Father Whelan who brought the news. When a child left surgery, Father Whelan appeared at the doctor's elbow to beg information for the parents. He is a soft-spoken, enduring sort of man. When the news he brought was bad, he didn't unload the full burden of it on the parents, but shared the weight with them.

Each time he entered the meeting room, all talk stopped and the parents looked at him with pleading eyes. Many thought they would welcome any news—surely nothing could be worse than the racking suspense of not knowing. But each time he returned they shrank within themselves, protecting their ignorance and their hope.

On one of his trips the priest walked slowly through the crowd to stop, finally, in front of Jean Moran. She blanched, and reached for a friend's arm to steady herself.

"I just saw Claudia," the priest said softly. "She's alive."

"Thank God," Jean Moran whispered, and let out a shuddering breath. But her relief lasted only a moment. "How badly is she hurt?"

"Some internal injuries. They're not sure of the extent, but nothing that can't be repaired. You can see her for a few minutes now before she goes into surgery."

The mother started for the door, but after a few steps she paused and looked back. The priest gave her a reassuring smile. "I'll come with you," he said, and took her arm.

There was bravery and consideration in that lonely room. No parent asked special attention over the others, and all shared the news, good and bad. As one later described it: "When a neighbor learned his child had only minor injuries, we all rejoiced. And when one was told his child was on the critical list, we all felt the knife in our hearts. It was as if we all had 45 children of our own."

As news of the accident spread, parents from all over the district began frantically calling the high school to make certain their children were safe in class. Teachers attempted to hold regular classes, but the constant interruptions were not conducive to study. And in each room one or more empty seats grimly attested to the accident.

One boy was summoned to the front office where his father waited; he insisted on meeting his son face to face before he would believe him safe. Upon seeing the boy uninjured, he broke into tears.

The youth returned to class, shaken. "I never saw my dad cry before," he said.

OPERATING ROOM 5

Within 38 minutes of the accident all the injured had been removed from the scene. One hour after the first arrival at the hospital, 45 children and one adult had been admitted, examined, and were in beds, radiology or operating rooms. By noon some 300 X-ray pictures had been taken, at least 25 transfusions of blood plasma and fibrinogen (a blood protein) given, and 17 major surgical procedures performed.

Pediatrician assisted anesthesiologist, ophthalmologist sutured for orthopedist, neurosurgeon sutured for urologist, plastic surgeon sponged for dental surgeon. "The doctors were simply wonderful," a parent later remarked. "They not only took care of our children but of us, too. I don't know exactly what the Hippocratic oath says, but that day we saw it in action."

In short, they did what had to be done. And sometimes they performed seeming miracles.

In operating room 5 lay a slender, dark-haired youngster of 14 who wore on his forehead the marking D. Unconscious from a blow on his head, he also had a fracture of the right collarbone, a broken left leg, and in many parts of his body there was hemorrhaging. But it was his right leg that now concerned a team of surgeons headed by Dr. Eric Rothschild. It was about to be amputated.

His real name was David Fleetham. He had been sitting by the window in row 7, just behind the point where the bus was cleft in two. In the right leg, both major bones had been severed at mid-shank between knee and ankle, and their jagged ends protruded through the flesh. The upper and lower half of the leg were still attached, but only by a few tendons and a lump of calf muscle. The foot was dead cold, having had no circulation in it for almost an hour.

Surgeons do not lightly remove a leg, and at some point during the preparations the doctors gathered around the operating table changed their minds. There was still a chance the leg might be saved, they decided. So they found themselves undertaking the long and difficult task of setting the jagged bone ends, then suturing together muscles, tendons, nerves and arteries. This finally done, a cast was put on the leg and the patient wheeled to the intensive-care unit.

In days hence, infection would set in. But it would be defeated and David's leg would be saved.

Sometimes no miracle on earth could suffice. At 9:10 a.m. 17-year-old Joan Ferrara lay on a stretcher in the corridor. She was in traumatic shock: pale and shivering, her pulse rapid and thready, her blood pressure 80/20. She had severe lacerations of the face, her cheek was laid open to reveal a bloodied jaw and missing teeth, her eyes had been jolted out of alignment, causing double vision. But as with **Boy D**, it was her right leg that gave the doctors greatest concern. The foot and lower leg were crushed, the muscles macerated. This grotesquerie was attached to the rest of the leg by a half-inch of flesh.

When wheeled into the operating room she was surrounded by specialists. Headed by Nyack chief orthopedic surgeon Dr. Edward Leahey, the team included a neurosurgeon, dental surgeon, plastic surgeon, urologist and ophtalmologist. They went to work on her broken body, and in a series of operations (extending over a number of weeks) they did some truly miraculous things. Her cheek and jaw were repaired, from inside her mouth so no scars would show. But there was no saving her right foot; truly, it was no longer a foot. The bit of connecting flesh was snipped.

THE HEALING PROCESS

Nyack and Valley Cottage awoke on Saturday morning, the 25th, with an emotional hangover, feeling drugged. Parents, relatives and friends, hospital staff and volunteers—all had been carried through the first day by a natural response to the disaster, and by a sense of unreality in the face of its enormity. On this bleak dawn the tragedy became real. Richard Macaylo, James McGuinness and Robert Mauterer were dead; Joan Ferrara had lost a leg, and later Mary Jane Li Puma would lose one too. Eight remained on the critical list.

On Sunday there was an interfaith memorial service in Valley Cottage's All Saints Episcopal Church. Some 500 mourners filled the church and spilled onto the lawn outside. Many were strangers. One woman from New Jersey explained, "When I heard the news I thanked God that my children were not involved. But then I found that I couldn't turn aside. These boys in some way were a part of me. I had to come here."

The following day, Terence Cardinal Cooke came from New York to conduct a requiem mass for the three dead boys at St. Paul's Roman Catholic Church in Congers. The pallbearers were teen-age friends and classmates.

That same Monday morning, 14-year-old Tom Grosse died at the hospital. He had been standing in the aisle of the bus at the point of impact. He never regained consciousness. A service for him was held Wednesday evening at the Germonds Presbyterian Church. This, too, was attended by many parents of the injured and dead, all members of a new family created and held together by the bonds of loss and sorrow.

Nor was this the end of the pain. On April 12, the critical list was again reduced, when Stephen Ward died.

After six days in the hospital, Joseph Larkin, the bus driver, was to be discharged. His safety had been a constant concern. Twice the security men had moved him to keep the location of his room a secret. Perhaps the precautions were excessive, but a number of threatening letters addressed to "Killer Larkin" had arrived at the hospital.

Even the floor nurses had initially felt hostility toward Larkin, but their attitude soon changed. One of the nurses explained, "He never rang for help of any kind. He had a fractured collarbone with some displacement, and he must have been in pain, but one would never have known it. Whenever a nurse entered his room she would find him staring out the window, his face a mask. He answered any question put to him, but otherwise was mute."

On March 30, Larkin was instructed to dress and remain in his room until someone came for him. He obeyed, sitting there staring out at the landscape he had studied so intently for six days. Finally the door opened and a nurse came in, guiding a wheelchair. Without a word he sat in it and was pushed into the thronged hall.

The safest, least conspicuous way to remove him was to act as if he were an ordinary patient being discharged in a routine manner. Guards had been placed at strategic points along his route through the halls, but they were careful to pretend no interest in the man wheeled past them.

As Larkin entered the lobby, several people turned to study him. Over their faces played the light of recognition, swiftly dimmed by uncertainty. His picture had appeared in a local paper but the photograph, taken at a happier time, bore but fleeting resemblance to the haggard man in the wheelchair. Larkin had aged markedly during his stay in the hospital. He was 35 when he entered; he looked 45 when he left. At last he was through the front door and into a waiting car.

On Friday, March 31, a giant two-motored Marine helicopter flew north from the U.S. Marine base in New River, N.C., hovered briefly over the athletic field of the Nyack High School, then with a fierce beating of the air settled to earth. Out stepped Lt. Vladimir Oksevski, the pilot Capt. William Hollis, and 14 enlisted men who had flown here to donate blood to the accident victims.

Lieutenant Oksevski, a refugee from Yugoslavia, had once lived in Congers. "When I heard about the crash," he said, "I knew I had to do something to help those people from my hometown."

Then the Marines marched across the street to the hospital, where they gave their blood and visited the injured.

The desire to help, to be a part of the healing process, ran through all segments of the community. Children from the Monsey Jewish Center began canvassing door to door to collect money for the victims and their families. Nyack and Congers high-school students and a Catholic Youth Organization group did the same. Merchants and local government offices set up "donation jars" on their premises. Athletic contests were held, with proceeds going to the families. Many sent contributions direct to the hospital—$3,000 arrived the first weekend.

As news of the growing fund was spread by press and television, checks began to come in from all over the nation. One envelope contained a brief but touching note, along with some crumpled bills that added up to $50. It was from a prisoner in a Southern jail.

Donations soon reached $70,000 and the fund became an official charity, registering with New York State. An "Instant Help Committee" was appointed and authorized to disperse money to the parents upon the presentation of any accident-related bills, including the hiring of baby-sitters, housekeepers and tutors. Whatever problems these families faced, worry about immediate medical bills would not be among them.

REASONS WHY

As the first shock waves that swept over the country began to subside, there arose some angry questions. How could such a thing happen? What had gone wrong? The community had always believed that the big yellow school buses represented the safest possible transportation for its children. Yet the unthinkable had happened. Why?

Out of the various hearings and inquests emerged some appalling facts and figures. For one thing, the crossing at Gilchrest Road had no gates, no warning lights, no bell, only the "RR" and "stop" signs. A year before, a petition had been circulated in the neighborhood asking the railroad to install at least a flashing light and bell that would be activated by an approaching train. But nothing happened. The Penn Central declared that warning lights or gates were unnecessary on a "single railroad track where trains can approach from only one direction at a time."

The grim truth was that, as of last summer, there were 2400 crossings in New York State without gates or electrical warning signals of any kind. The Penn Central and the state are currently installing signals at the rate of 30 a year, which means the job will be completed by 2052.

In 1971 in New York State, there were 906 school-bus accidents, resulting in eight deaths and 402 injuries. Nationwide, there were 47,000 school-bus accidents with 170 deaths and 5600 injuries. Unless drastic steps are taken, this toll can only mount. In 1971, 290,000 buses carried 20 million students a day. Each year sees another 500,000 students loaded into buses.

The big yellow buses are simply not as safe as they may appear. While passenger-car design has been frequently changed over the past few years in an effort to provide more safety for the occupants, comparable concern has not been shown for schoolchildren. Equipment failure and poor design are contributing factors in many school-bus injuries.

In January 1972, the New Jersey Department of Education sponsored a symposium on Safety in School Buses, to which many experts came. It reported: "Tests revealed severe safety deficiencies in present passenger seating. School-bus seats, improperly anchored, tend to rip out of the floor during an accident. Seat backs are of insufficient height, causing whiplash injuries during a collision from the rear, and severe head and torso damage occurs when passengers are flung ahead in a frontend collision. Padding of seat backs, bars and other exposed objects—long required in automobiles—is ignored in school buses." Nor are the buses equipped with seat belts.

Part of the carnage at Gilchrest Road resulted from the bodies of students slamming against seat backs, bars and stanchions. Many of the seats ripped loose from the floor to become deadly flying projectiles.

Emergency exits are all but useless in many accidents. Consider the bus that rolls over on its left side. The front door and right windows are high in the air, out of reach. The rear emergency exit has a complicated friction lock, is heavy and must be pushed up against the force of gravity. It is simply beyond the capacity of children to operate it. A solution would be to place an emergency escape hatch in the roof of the bus. This has not been done because there are no laws requiring it.

The National Transportation Safety Board has issued a report critical of the structural defects in most school buses. For example, experts report that a school bus is held together by fewer rivets than a commercial bus of comparable size. In crashes the rivets give way, exposing sharp sheet-metal edges that slash children. Such shortcuts in manufacturing are explained by the fact that auto makers must contend with budget-conscious school boards.

Whatever the structural short-comings of school buses, the sad fact is that half or more of these accidents could have been prevented by the driver. A 1972 Indiana study revealed that in 495 accidents, the drivers were at fault in 240—or 48 percent. A 1972 Nebraska study concluded that 66 percent of that state's bus accidents could have been avoided by alert, healthy, trained drivers.

Since the driver's job is usually a part-time one and pays poorly, most of the drivers are moonlighting. Many of them are full-time policemen or firemen. In some states, men and women as old as 70, with heart conditions, impaired eyesight or partial deafness, drive school buses. Even youngsters of 17, statistically a dangerous age for motorists, are driving buses.

Obviously, fatigue and the pressure of other jobs can make a driver accident-prone. But even without outside pressures, there are plenty of distractions inside the bus that can reduce driver efficiency—specifically, the problem of discipline. A bus provides the only period of the school day when there is no direct, full-time supervision of students yet it is the most hazardous time of all. Each time a quarrel erupts, or even innocent horseplay, the driver's attention is distracted from the road. The New Jersey Department of Education symposium recommended providing trained driver's assistants "to safely cross these young children as they load and unload the bus, conduct evacuation drills, maintain discipline."

Safety regulations are inconsistent. The Clarkstown school district had bus-route guidelines that prohibited travel over the dangerous Gilchrest Road crossing; neighboring Nyack had no such rule. There are generally rules against standees in the bus, but in Nyack they were not strictly enforced. Special screening and licensing of bus drivers also is a sometime thing. In May 1971 the New Jersey Division of Motor Vehicles found that 230 school-bus drivers had been given "special" licenses for their jobs without ever having possessed a regular driver's license. In Rockland County one driver was found to have a record of arrests for child molestation. Alcoholism occasionally surfaces, one driver kept a pint in the first-aid kit.

Whatever rules are ultimately established, there must be enforcement. At present there exists but the vaguest sort of regulation, much of it left to the carriers themselves. The public often believes the buses are owned and operated by the schools. Frequently, as in the Nyack school district, this is not the case, for economic reasons. In Nyack, cost of the buses alone would have been $331,000, so the district contracted for the service with a private carrier. The minimum requirement would therefore appear to be a stiff safety code for all carriers, enforced by state inspections.

RECOVERY

Twenty-five days after the accident, on April 18, Joseph Larkin broke his self-imposed silence. In a petition served on the Rockland district attorney, he said, "No one is more sorry than I for the tragedy of March 24, 1972. It will be part of me for the rest of my life. But it was an accident, not a crime."

Nonetheless, on April 27, Larkin was called before a carefully guarded grand jury sitting in the county courthouse in New City. Reporters and television crews gathered on the front steps to record his arrival, but he was smuggled into the building through a back door. He came out two hours later, his shoulders slumped, his face haggard.

The following Wednesday he was indicted on five counts of criminally negligent homicide—one for each of the five boys who died. It was the first time in New York State history that such indictments had resulted from a school-bus accident. "Criminally negligent homicide" means that the defendant's actions "constituted a gross deviation from the standard of care that a reasonable person would observe in the situation."

The indictments charged that "he failed to stop said school bus at a distance not less than 15 feet nor more than 50 feet before such (railroad) crossing, that he failed to shift into low gear; that he failed to stop for a clearly marked stop sign, and failed to have said bus under proper and adequate control . . . that he failed to open the bus door to look and listen, as required by the rules; and as a result of which he drove said school bus upon said tracks into the path of a Penn Central freight train, which was clearly visible, and which sounded an audible signal within 1000 feet as it approached the crossing with Gilchrest Road."

Larkin's wife stood close beside him during the reading of the indictment. At the completion, she silently wept. Her husband was led away to be photographed and fingerprinted; then he was released on his own recognizance.[1] By this time, 17 patients had been discharged from the hospital, and the remainder would be going home within the next 30 days. Among them was David Fleetham, Boy D, his leg still intact, and Barbara Trunz, the aspiring actress. Barbara won the female lead in the school play. A local newspaper critic wrote of her: "She has an impressive way of delivering a song. One factor that makes Miss Trunz's performance even more remarkable is that she performs on crutches. She moved with amazing grace."

The heaviest burden of recovery fell on the amputees. To lose a leg—at the youthful age of proms, athletics and budding romance—was a cruel blow.

One afternoon, shortly before she was to be discharged, amputee Joan Ferrara had a visitor—a stranger, an attractive young woman not much older than herself—who simply walked in and announced that she was a friend of Dr. Leahey, the doctor overseeing Joan's case. She sat down and began to chat.

Did she stare at the bed sheet, poked up by the one foot underneath, but smooth and flat where the other one should have been? Joan was convinced that she did, convinced that everyone who entered her room did so.

In return, Joan stared back with bitterness and envy at the visitor's two shapely legs, and thought, *Easy enough for her to be animated and happy; she is not half a woman.* But those dark thoughts were interrupted by an unbelievable scene. The visitor suddenly reached up under her skirt, unsnapped a couple of buckles and removed her right leg. Then she reached up a second time and removed her left leg. She, too, had been involved in a train accident, and she had lost both legs just below the knees.

She matter-of-factly described how the artificial legs worked. They were made of a new plastic material, soft to the touch. They slipped on over the stumps like a stocking, and attached to a sort of garter belt. They looked completely natural. After the visitor had put them back on, Joan found it difficult to believe what she had seen.

Before leaving, the young woman took Joan's hand in hers and said, "I'm getting married in June. Would you come to my wedding?"

MOST PRECIOUS POSSESSION

No matter what disaster befalls a community, there are still the unchanging rituals that mark the passage of time. In Nyack, on the evening of June 24, it was the hour for graduation. At eight o'clock, family groups began arriving at the school's football field, and by 8:30 the stands were full.

At the 50-yard line was a row of chairs for faculty, honored guests and student leaders. Centered was a podium, and on the left a cluster of music stands for the school orchestra. Behind was an eight-foot backdrop made of evergreen branches. The floodlights were focused here, leaving the goalposts distant and shadowy. Across the street to the west was the hospital, its lighted windows partly obscured by the trees that line Midland Avenue, but its presence strongly felt.

The class of 1972 emerged from the school, and in procession moved across the field to occupy the 235 chairs awaiting them. The boys wore black gowns and mortarboards, the girls white. "At last," muttered one parent, "you can tell the boys from the girls."

When it came time for the presentation of diplomas, the students walked up to the podium in alphabetical order. First was Steven Abernathy; the last would be Nazira Zada. Halfway through were the Ms, and as the names sounded, a hush settled on the stands. Finally, over the public-address system came the words, "Richard Macaylo, with honor." Applause erupted on all sides, and continued steadily while a friend of the dead youth came forward to receive the diploma for the family.

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[1] On March 8, 1973, after 29 hours of deliberation, a jury found Larkin guilty on all five charges of criminally negligent homicide. On April 20, he was sentenced to five years' probation.

At 10:30 the ceremonies ended and the stands emptied onto the field, where each graduate attracted a cluster of relatives. But these many islands were not isolated from each other; they were linked by the shared experience of tragedy. The young people had known loss, but also something gained—a discovery of their own human concern for each other. And in this they had found themselves buttressed by the adults of Nyack and the surrounding villages. The generation gap had dramatically narrowed, for they discovered they were loved.

After the congratulations, the handshakes and kisses, the groups slowly dissolved, some of them off to attend parties, others to return home. Soon the field, the goalposts, the stands and the assembled chairs were only shadows in the bright lights of the hospital across the way.

Three months later, on September 16, another ceremony took place: the dedication of a new children's park half a mile up the road from the railroad crossing. A bronze tablet embedded in a large stone was to be unveiled, and the audience included most of the surviving crash victims and their families. Some were still wearing casts, a few were on crutches, one was in a wheelchair.

At the far edge of the crowd, a man and his wife stood quietly, withdrawn. The man was Joseph Larkin, the bus driver. Though his arrival had not been noticed, an awareness of his presence soon ran through the crowd. A few glanced in his direction, then quickly looked away. No one reached out to comfort him; it was perhaps too much to expect of these grieving parents. But neither did they now reproach him or add to his torment. They realized that, whatever Larkin had done or failed to do, at this moment they were in the presence of courage.

Music was provided by the Nyack High School band, four of whose members were survivors of the accident. Then Cardinal Cooke gave a short address.

The plaque was undraped. It bore the date of the dedication, the names of those who had died, and these words:

THE CHILDREN'S MEMORIAL

In memory of our town's most precious possession—five of our youth. Their promise, as a result of tragedy, was unfulfilled. May all who pause to share this land realize each generation carries all our hopes and our heritage.

THE NATIONAL INSTITUTE OF DENTAL RESEARCH

Mr. MAGNUSON. Mr. President, I should like to take note that the National Institute of Dental Research is observing its 25th anniversary this year. The Institute was created by the Congress in recognition that dental diseases are a threat to the Nation's health, well-being, and productivity.

As a newcomer to the biomedical scene, dental research had neither a rich scientific base from which to draw sustenance nor a cadre of trained investigators to nurture its growth. In addition, the handful of men and women who comprised the National Institute of Dental Research had the difficult task of interpreting to an indifferent world the significance of the oral diseases they fought. Some 25 years—and nearly $400 million—later, the Institute is in its maturity both as an organizational entity and as a notable contributor to the sum of knowledge collected by the biomedical research community.

The uphill struggle is reflected in a bit of budgetary history. Although funding of individual project grants began in 1949, it was not until some years later that the level of scientific knowledge advanced sufficiently to support large-scale program projects and to bring into play teams of investigators from various disciplines able to use complex, costly equipment for sophisticated studies.

The development of a trained manpower pool was accelerated by the establishment in 1958 of a program of grants to provide graduate research training in disciplines fundamental to dental research. Through this program, hundreds of dental scientists have been trained in dental, medical, graduate, and other research institutions throughout the country. The fellowship program, dating back to the founding of the Institute, was also greatly strengthened. It is impossible to gauge the number of research breakthroughs that have resulted from this vital program. Extramural funding for research and training, which had laboriously climbed from $235,000 in 1950 to $521,000 in 1956, leaped up to $3,715,000 in 1957.

With the sharp rise in grant money in 1957, the scope of dental research began to expand. Similarly, as more opportunities for research and training developed, the Institute was able to involve an ever-increasing number of dental schools in the pursuit of knowledge. This support has enabled a long list of educational institutions to develop and maintain a creative research environment.

As congressional interest and support continued, the concept of interdisciplinary research centers attracted growing attention. It led to the appointment of a prestigious group of consultants to make a careful study both as to the need for and the best approach to such a program. Finally, in 1967, the Institute established a grant program to support a limited number of dental research institutes—centers—in university environments. This activity has its own line item in the congressional appropriations for the National Institute of Dental Research.

Five centers are now in operation at the Universities of Washington, Alabama, Michigan, North Carolina, and Pennsylvania. As they enter their sixth year of development, it is abundantly clear that they are fulfilling their major objectives. They have been unusually successful in attracting outstanding scientists in a variety of fields previously not involved in dental research. The participation of biological, physical, and social science specialists in the study of oral health problems is made possible by the interaction of the centers with the research and educational activities of the parent university.

The growing recognition of the programs of the Institute was further accentuated in fiscal year 1971, when the President declared dental caries as a special health initiative. By that time an adequate scientific base had been built on which to structure a targeted program of research and development. As a result, the national caries program was born with an appropriation of $5 million to sustain its initial operation. In 1973, supported by a budget of $8,697,000, it has gained dramatic momentum toward its goal of reducing the incidence of caries and extending the capability of the dentist, the hygienist and others on the dental team to prevent decay.

It is to the credit of the National Institute of Dental Research that progress against oral disease has been largely generated through its own support programs. Private assistance for dental research, particularly from foundations, has been generally absent.

Although about 80 percent of the Institute's total appropriations are spent for extramural research and training activities, the intramural staff has played a pivotal role in advancing the state of knowledge, particularly in caries, and more recently, periodontal disease. The nucleus of highly trained scientists at the NIH campus continues to serve as a catalyst for new insights and approaches. In company with their extramural colleagues, they are working to bring about a golden age of dental research and dentistry.

THE MASSACRE OF THE INNOCENTS

Mr. HARTKE. Mr. President, I want to say a few words about the continuing tragedy of the war in Vietnam. We had many deaths; some 55,000 men. But also we had the terrible ordeal involved in bringing back our prisoners of war.

Tonight another prisoner of war, who spent some 5.5 years in captivity, took his own life.

This is not the first case of that happening to a prisoner of war. It is certainly not the first case among those who participated in that war, the veterans of the Vietnam war.

I think it is high time that we take seriously the warning given to us by the doctor who said, after the prisoners of war had returned, that the health of those individuals, both physical and mental, was certainly not what it appeared to be on its face, and that something should be done to make sure that they had the proper adjustment, physically and mentally, back into society.

Yet nothing has been done. I would like to call to the attention of the Senate that it is high time we recognize that we are willing to go ahead and give people basic training, take them from civilian life, and put them into the military environment, while at the same time we have completely ignored the fact that there is also that type training which is necessary to bring those people back out of the military environment, to readjust them to their society.

We know that at the present time unemployment among veterans, for example, especially among those who served in Vietnam, is substantially higher than that of nonveterans of the same age.

We know that in the situation today as far as health treatment is concerned, there is a cutback instead of an increase, in the facilities made available for those individuals; even though a million veterans will be added to the rolls this year, we will have fewer hospital beds than we had last year. We know that as far as educational benefits are concerned, they do not equal those that some of us received who came out of World War II.

In other words, these veterans are being treated as second class citizens, and being paid as second class citizens. My position against the war has made me all the more determined to make sure that those who participated in this war should receive not alone gratitude from the Nation they served, but more than that, that they should be respected and honored in a fashion which is meaningful to them.

There is nothing we can do for the young man who spent 5½ years as a prisoner of war in Vietnam and took his life today; but I think it is high time that those of us who have a responsibility for those who serve the Government accept that responsibility as seriously when the boys come out as we did when we sent them in.

As chairman of the Veterans' Affairs Committee, I thought it was appropriate that we call this matter to the attention of the Senate, and that we rededicate our efforts and our sincerity and do it with something which is meaningful and beneficial not alone in the field of education and child health generally, but also in that type of readjustment which is often neglected in the society, and that we recognize at some time that psychological and psychiatric treatment is as important as medical treatment.

Mr. PELL. Mr. President, I just wish to commend the Senator from Indiana on his remarks and say how particularly true it is to those of us who have opposed the war.

I could stand, perhaps, as firm as any other Senator, or firmer, in believing that those who fought the war and came back should be given the treatment, care, and compassion to which they are entitled. If anything, they should fare better than those of us who came back from World War II. We fared pretty well. We had benefits; we had the GI bill. We were received into the community.

Generally speaking, those of us who were not wounded or did not suffer came back better men for the experience. But the men who came back from Vietnam have come back unwelcomed, unable to find jobs, and not better men because of the conditions they experienced in Vietnam.

I think we have a responsibility to give them better care than they have received.

Mr. HARTKE. I thank the Senator from Rhode Island.

GUARANTEEING QUALITY MEDICAL CARE FOR DISABLED VETERANS

Mr. CRANSTON. Mr. President, on April 16 and 18, 1973, the Subcommittee on Health and Hospitals, which I am privileged to chair, of the Committee on Veterans' Affairs, conducted oversight hearings on the Veterans' Administration hospital program—including the quality and quantity of care for our disabled veterans, the impact on that care of the President's fiscal year 1974 budget, and the failure to implement Public Law 92-541, the VA Medical School Assistance and Health Manpower Training Act of 1972.

OVERSIGHT HEARING THEME

The theme for these hearings was set forth in my opening statement, when I said:

> These hearings are designed to answer the question: Whether or not it is the policy of the American people and its Federal Government that when the shooting ends, so does the compassion and concern for the veterans of the Indochina war and the veterans disabled from our earlier wars?

RESULTS OF PRIOR COMMITTEE OVERSIGHT

Mr. President, these hearings were the third set of VA medical care oversight I have chaired since coming to the Senate in 1969. The first two were in 1969-70, and 1971. Based on the extensive data developed at those hearings, I made comprehensive recommendations to the Appropriations Committee Subcommittee regarding the VA hospital and medical program budget items for each of the last 3 fiscal years.

The result has been that the VA hospital and medical program budgets were increased by $450 million above the President's initial budget requests over the last 3 fiscal years.

QUESTIONS TO BE ANSWERED AT 1973 HEARING

Mr. President, we posed a number of questions at the outset of the hearings held in April 1973, about the status of VA medical care under the fiscal year 1973 appropriations and freezes:

We asked how the treatment of sick and disabled Vietnam era veterans has been affected by:

President Nixon's impoundment of $64 million in fiscal year 1973 medical care funds?

The OMB's order that the VA hold back $4.8 million appropriated for medical and prosthetic research?

The fact that $35 million in fiscal year 1973 appropriations that was supposed to have been used to increase medical staffs in veterans hospitals has been used for pay raises instead?

As to fiscal year 1974, we asked:

How can the administration justify a proposed cutback in fiscal year 1974 VA hospital patient loads that will deny hospital care to 30,000 disabled veterans next year—and perhaps even twice that number?

And why did the Veterans' Administration bow to a demand by the Office of Management and Budget that it slash by more than half the VA request for hospital construction funds in fiscal 1974—from the $211,118,000 originally recommended by the VA down to $100 million flat?

We also tried, Mr. President, to find out why the VA has requested no funds and at that time taken no steps to implement Public Law 92-541, the "VA Medical School Assistance and Health Manpower Training Act of 1972," which I authored in the Senate last Congress and the President signed into law on October 24, 1972.

PRO FORMA VA DENIALS OF NEED FOR MORE FUNDS

Mr. President, the able VA spokesmen in their testimony at these hearings attempted to show how everything is "A-OK" with the VA hospital program. Of course, it is their job to take that position.

But I also know they have been saying that at hearings since 1969 and that they have been contradicted by our expert witnesses and their own subsequent actions time and time again.

The VA witnesses for these last 4 years have been telling us that they did not need more funds and did not need more hospital staff and did not need more medical equipment. Then, when we appropriated $450 million above the initial budget requests for the last 3 final years, they went out and increased staffing by 8,600 in 1 month alone and continued hiring new hospital personnel so that by the close of fiscal year 1973 we will have provided for the addition of 19,000 new VA hospital workers since 1970.

And the VA also used these same funds for equipment replacement, for construction and for other urgent needs—all of which they had officially denied existed when they appeared in congressional hearings. Over this time period they managed to spend most all of the $450 million Congress added to their budgets.

In addition, Mr. President, some startling facts came out of these hearings. For example:

The VA requested $173 million more for medical care for fiscal year 1974 than OMB decided was needed; and VA's own doctors had estimated the need at fully $240 million more than that amount.

The VA itself requested $16.5 million more for medical and prosthetic research, and OMB's response was to deny that increase and cut out $5.8 million more—below the fiscal year 1973 appropriation amount.

The VA requested approximately $29 million to establish some 161 new specialized medical services, such as cardiac units, alcoholism treatment units, drug treatment centers, home dialysis programs, intensive care units, nuclear medicine units and pulmonary labs. All these new specialized units were denied by OMB for fiscal year 1974.

Other interesting facts are that the VA estimated the necessary average hospital census at 83,000 in its projections to OMB and OMB slashed it to 80,000 and at the same time added a substantial number of outpatient visits the VA itself had not anticipated.

Turning to construction needs, we found further startling revelations:

First. There is no money for air conditioning of VA hospitals in the fiscal year 1974 budget, as compared with reasonable progress in air-conditioning over the last 2 years. Funds for air-conditioning or planning air-conditioning at eight VA hospitals were axed by OMB: at Poplar Bluff, Mo.; Huntington, W. Va., Kerrville, Tex.; Salisbury, N.C.; Gulfport, Miss.; Waco, Tex.; San Juan, P.R.; and Wichita, Kans. I would like to see the OMB decisionmakers give up their air-conditioned ivory towers in the EOB as readily as they deprive sweltering sick and disabled veterans in climates like these from a decent state of comfort.

Second. $16,333,000 were deleted for urgently needed research and education space.

Third. One hundred beds and $7.4 million were slashed from the Loma Linda, Calif., hospital construction project without any demographic study on which to base such cuts.

REAL DECISIONMAKERS HIDDEN

There was much more, but that is the flavor. Mindless, apparently thoughtless, reductions here, cuts there, all laid down by arbitrary OMB fiat.

Yet of course, Mr. President, we could not question the real decisionmakers themselves to learn directly the real reasons why. Nevertheless, through the hearings and our subsequent investigations, we did our best to get to the bottom of this so as to prevent any unwarranted program cutbacks and learn where program expansions were necessary.

Finally, Mr. President, I want to stress that in these hearings we continued to investigate areas where savings in the fiscal year 1974 budget could be carried out, but because OMB had already slashed over $300 million from the VA hospital and medical submissions, we were unable to develop any recommendations for increases in these budget items.

DEMANDS FOR CARE OF VIETNAM ERA VETERANS

The VA hospital situation must be viewed in the context of the steadily increasing demands being made on the VA in and outpatient medical programs by Vietnam era veterans. According to the most recent data, during fiscal year 1972, Vietnam era veterans constituted 15.9 percent of all veterans discharged from VA Hospitals, as compared to 13.2 percent in fiscal year 1971 and 9.9 percent in fiscal year 1970.

The same pattern exists with respect to outpatient visits. In fiscal year 1972, Vietnam era veterans accounted for 17.8 percent of all VA—staff and FEE—outpatient visits, as compared to 14.9 percent and 10.8 percent in fiscal years 1971 and 1970, respectively.

Mr. President, of particular significance, it seems to me is that Vietnam era veterans constitute 26.2 percent of all veterans discharged from VA hospitals in fiscal year 1972 after treatment for service-connected disabilities.

Although the trends I have outlined toward greater care of Vietnam era veterans by the VA hospital and medical program will not continue indefinitely at the same upward pace, I am aware of no indication that they will not continue upward over the next several years.

Thus, this is the time of the very greatest demands on the VA system by our most recent and, as our hearings have illustrated only too plainly, our most seriously disabled veterans.

FISCAL YEAR 1973 BUDGET RESTRICTIONS AND FREEZES

However, Mr. President, our hearings indicated that OMB was once more in the process of imposing restrictions, freeze, and other funding controls with a view toward seriously constricting the scope and effectiveness of VA treatment programs.

The $64 million appropriated by the Congress for the VA for fiscal year 1973 have been impounded and another $35 million of that medical care appropriation has been applied to pay for the January 1973, pay raise for the Department of Medicine and Surgery.

In addition, the one-tenth of a grade rollback imposed by OMB continues in force at least through fiscal year 1973, with the effect through January 8, 1973, that of 22,457 essential promotions reported by each of the 168 VA hospitals throughout the country, only 2,610 of these 22,457 were accomplished.

Those actions with respect to the fiscal year 1973 VA budget have had a serious negative impact on overall VA hospital staff morale, accompanied by the loss of medical care competence and experience as lesser qualified staff must be hired to replace existing hospital workers leaving under normal attrition. Together these factors pose a continuing serious problem for the caliber of care for our disabled veterans.

ARBITRARY RESTRICTIONS ON PATIENT CENSUS IN FISCAL YEAR 1974 BUDGET

Mr. President, the situation regarding the fiscal year 1974 budget request of the President can only be viewed in the context of these fiscal year 1973 budget actions. In addition, there is plenty of bad news itself in the VA fiscal year 1974 budget submissions.

Most serious is the requirement that the VA reduce the daily patient census in existing VA hospitals by 2,698 in fiscal year 1974, which in individual patient-care terms translates down to denying VA hospital care next year to between 30,000 and 54,000 disabled veterans who would otherwise receive it.

Mr. President, all of this will come—if the Congress permits it—at a time when the VA will be activating five new hospitals and several new affiliations with medical schools—all requiring millions of new dollars and hundreds of new staff to be carried out.

FISCAL YEAR 1974 APPROPRIATIONS RECOMMENDATIONS

Mr. President, it is against this background that we undertook and carried out our oversight hearings this past April. These hearings produced a great amount of very detailed factual information—most of which was submitted by the VA itself in response to our specific inquiries.

After compiling and analyzing all of the exhibits and other materials developed at these hearings, Chairman Hartke, chairman of the Committee on Veterans' Affairs, and I submitted Monday, June 25, 1973, to the Appropriations Subcommittee on HUD-Space, Science-Veterans, our recommendations for increases in the VA hospital and medical budget items and for certain matters to be discussed in the Appropriations Committee report.

The total amount we recommended be added above the amount in H.R. 8825, the House-passed act, was $158,679,063 plus retention of the $14,350,000 which had already been added in the House-passed act to the medical care item to increase nursing staffs.

BREAKDOWN

A breakdown of our recommendations is as follows:

First. $80,366,063 for medical care, in addition to the $14,350,000 already added by the House, for 6 purposes: First, to support an average daily patient census 2,000 higher than arbitrarily projected in the President's budget; second, to activate closed wards at 7 VA hospitals where there is a clear demand for hospital beds; third, to establish three new outpatient clinics; fourth, to establish programs to improve admissions services at 102 affiliated hospitals; fifth, to add staffing so as to meet minimum requirements prescribed by the Joint Committee on Accreditation of Hospitals with respect to emergency coverage; and sixth, to establish 52 new and upgrade 39 existing specialized medical services units—spinal cord injury programs, alcohol dependence units, hospital-based home-care programs, pulmonary function labs and intensive care units.

Second. $9,375,000 for medical and prosthetic research over the amount in the budget which the House retained. This increase would be: First, to provide funds to meet the 8 or 9 percent research inflation costs in order to maintain a level program effort; second, to bring animal research standards in eight VA hospitals up to minimum national standards; and, third, to support research at seven VA hospitals newly affiliated with medical schools.

Third. $13,938,000 for construction of hospital and domiciliary facilities above the amount in the President's budget which the House retained. This increase would be: First, to complete eight air-conditioning projects which were scheduled for VA hospitals in some of the hottest areas of the country, but were cut out by OMB—these funds to be made available with the cavat that no Federal funds to air-condition OMB building shall be expended until the money for VA hospital air conditioning is released; second, to correct seismic defects in certain VA hospitals and proposed by the VA but disapproved by OMB; and, third, to acquire necessary temporary facilities for a new outpatient clinic.

Fourth. $55,000,000 for training assistance grants to health manpower training institutions pursuant to Public Law 92-541.

Mr. President, I ask unanimous consent that these be set forth in the Record at this point, June 25, 1973, letter to the distinguished Senator from Wisconsin (Mr. Proxmire), chairman of the Appropriations Subcommittee, and the accompanying detailed narrative justification, summary of recommendations, and appendixes.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 25, 1973.

Hon. William Proxmire,
Chairman, HUD-Space, Science-Veterans Subcommittee, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This letter supplements Senator Cranston's letter to you of June 20, in which he recommended the inclusion in H.R. 8825, which contains the Fiscal Year 1974 appropriations for the Veterans Administration, of $55 million for implementation of P.L. 92-541, the Veterans Administration Medical School Assistance and Health Manpower Training Act of 1972.

As mentioned in that letter, there are a number of other specific areas in the administration of the Veterans Administration medical and hospital program which testimony at oversight hearings before the Veterans Affairs Subcommittee on Health and Hospitals on April 16 and 18, 1973, has shown require additional funding. We would like at this time to bring to your attention these areas and our recommendations based on the information presented to the Subcommittee.

In total, we recommend the addition of the following amounts over the President's budget in the following three appropriation items in H.R. 8825:

RECOMMENDED INCREASES IN VA HOSPITAL AND MEDICAL BUDGET ITEMS

A. Medical Care:	
1. (new in this letter)	$80, 366, 063
2. (P.L. 92-541)	55, 000, 000
3. (House action)	14, 350, 000
Total	149, 716, 063
B. Medical and Prosthetic Research	9, 375, 000
C. Construction of Hospital and Domiciliary Facilities:	
1. (major)	11, 938, 000
2. (minor)	2, 000, 000
Total	13, 938, 000
Total hospital and medical program increases	172, 029, 063
1. Previously requested for P.L. 92-541	55, 000, 000
2. House action	14, 350, 000
Total subtraction	−69, 350, 000
Total new recommendations	103, 679, 063

We would like to point out that the total amount—$172,029,063—we are recommending be added to the VA hospital and medical program appropriation items above the budget request is far less than the $301,126,000 which the Office of Management and Budget struck from the agency's submission for these same items. This overall total of approximately $172 million also is approximately half of the amounts which were recommended to the Appropriations Committee for the last two fiscal years as a result of prior years' oversight hearings and investigations conducted by the Subcommittee on Health and Hospitals.

In view of our commitment to the establishment by Congress of an overall budget ceiling and our desire to eliminate unnecessary Federal spending, we have attempted to pare our recommendations to the minimum, and have eliminated many items worthy of serious consideration. Moreover, we have searched the VA hospital and medical program budget very carefully to determine if there are cost savings and efficiencies to be realized in each of the three appropriation item amounts requested by the Administration (Medical Care—$2,591,202,000; Medical and Prosthetic Research—$71,000,000; and Construction of Hospital and Domiciliary Facilities—$100,000,000). We had hoped to be able to find some areas where reductions could be recommended, but we have not been able to do so.

Actually, the O.M.B. $300 million plus cut has removed the fat along with much meat. We believe, however, that the relatively modest amounts we are recommending be added to the three appropriation items could readily be derived from the elimination of only a tiny fraction of the $30 billion requested by the Administration to operate U.S. military installations in foreign countries.

Attached is a comprehensive submission for the Subcommittee, including a detailed narrative justification for each recommendation, a summary of the recommendations, and several appendices.

We urge your fullest and most sympathetic consideration of our recommendations. We very much hope we can have the support of the Subcommittee and the full Committee for adding the recommended increases and making the points we have proposed for the Committee report, so that these matters will be in the strongest possible posture for consideration by the full Senate.

With best regards,

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

VANCE HARTKE,
Chairman, Committee on Veterans Affairs.

SUBMISSION TO APPROPRIATIONS SUBCOMMITTEE ON HUD-SPACE, SCIENCE-VETERANS AND CERTAIN INDEPENDENT AGENCIES, NARRATIVE JUSTIFICATION FOR FISCAL YEAR 1974 APPROPRIATION, RECOMMENDATIONS BY SENATOR ALAN CRANSTON, CHAIRMAN OF THE VETERANS AFFAIRS SUBCOMMITTEE ON HEALTH AND HOSPITALS AND BY SENATOR VANCE HARTKE, CHAIRMAN OF THE COMMITTEE ON VETERANS AFFAIRS FOR VA HOSPITAL AND MEDICAL PROGRAM

I. ADDITIONAL FUNDING

A. Medical care item

1. Patient Care

Mr. Chairman and members of the Subcommitte on Hud-Space, Science-Veterans and Certain Independent Agencies, the Senate Veterans' Affairs Committee and the House Veterans Affairs Committee, with the assistance of the national veterans organizations have been compiling data on the many cases brought to their attention where veterans have been denied admission to VA medical facilities and have been forced to seek and have received needed care in the community. This data—involving hundreds of cases—is now being analyzed in depth, but a preliminary analysis shows very clearly that there is a constant unmet demand for health care in VA facilities.

The House Veterans Affairs Committee has conducted a limited two week survey of several thousand veterans who applied to VA medical facilities for treatment of a variety of medical problems. While a majority expressed either general or limited satisfaction with their treatment, there were hundreds who expressed either minor or major dissatisfaction with some phase of their treatment episode. For instance: a) many expressed denial of hospitalization either because of apparent incomplete examination or artificial admitting guidelines based on numerical rather than medical considerations; b) others complained of overcrowded and understaffed admitting facility which created chaotic and confused conditions often contributing to inordinate decision delays in the admitting or treatment process; c) there was considerable dissatisfaction with the medical and personal demeanor of many employees, largely attributable to understaffing and overcrowding; and d) there was apparently less than satisfactory attention paid to patients by VA medical staff members.

Figures provided by the Veterans Administration itself show that the average daily patient census (ADPC) for fiscal year 1973 has been consistently between 1000 and 2000 higher each month than the census for the comparable month in the previous year.

In fiscal year 1971, as you will recall, OMB ordered a reduction in the ADPC of over 5,000 which resulted in the total ADPC falling to 79,865 by the end of that fiscal year. Since then, due to strong Congressional protest that this figure should be based on medical need rather than budgetary considerations, and mandates in the FY 1972 and 1973, Appropriation Acts the ADPC has been rising steadily, reflecting a figure more nearly approximating the actual hospital care needs of veterans. On March 6, this year, the Senate passed S. 59 by an 86–2 vote. The Veterans Health Care Expansion Act of 1973 directed that an ADPC be maintained at a level of 82,000 for any fiscal year, and that individual station allowances be premised on a census of 85,000. This step was taken by the Senate as a response to a further proposed arbitrary reduction from 82,000 to 80,000 directed by OMB for FY 1974.

The ADPC figures to date indicate that the ADPC for fiscal year 1973 will be somewhat in excess of the figure in the Senate bill and, given the documented cases of veterans needing hospital care who have been turned away by VA facilities, the figure should actually be higher. For example, the estimated monthly census during May, 1973 was 82,493, as compared to 81,305 for May a year ago.

Despite these realities ,the Administration has predicated its FY 1974 budget request on an average daily patient census for fiscal year 1974 of 80,000, obviously an inadequate projection. We, therefore, recommend that your committee increase the medical care appropriation by $45,360,000 which would provide the 3,000 staff needed for the VA to maintain this ADPC of 82,000 in fiscal year 1974 and direct O.M.B. to provide the necessary personnel ceiling to support this funding increase for new personnel. This figure is based on providing the staff-to-patient ratio of 1.5 to 1 set in the budget request, for each additional occupied bed, a ratio which is barely adequate in comparison to the ratio in community hospitals generally of 2 or 3 to one, or more.

In any event, we urge you to discuss in your committee report the ADPC history and the need for O.M.B. to refrain from arbitrarily reducing it in the face of a demonstrated demand for hospital care.

2. Activation of Closed and Needed Wards

Our recent oversight hearings also brought out that there are a number of wards in seven VA hospitals throughout the country which have been closed due to lack of staff to provide care to the patients. The closed wards amount to 278 needed beds denied to eligible veterans—the equivalent of an average sized VA hospital. We wish to stress that the full data provided by the VA showed 49½ closed wards at 32 hospitals, and those we are including in our recommendation are only those where the VA's own data confirms that there is a *demand* for services which is not being met.

Reactivation of these seven wards would mean that eligible veterans in these areas could receive needed treatment without delay. We recommend that $2,478,063 be added to enable the hiring of the 197 medical personnel needed to open these 278 beds in these seven wards.

Following is a listing of the locations of the hospitals, the number of beds in the wards, and the number of personnel needed to staff the wards adequately:

VA Hospital	Beds	Personnel
Lyons, N.J.	51	32
Atlanta, Ga. (alcohol unit)	40	28
Columbia, S.C.	38	27
Dallas, Tex.	72	50
Miami, Fla.	31	22
Topeka, Kansas	27	28
Saginaw, Michigan (respiratory care unit)	19	10
Total	278	197

3. Nurse Staffing Enrichment

We were very pleased by the House action adding $14,350,000 to the medical care item specifically for upgrading the number of nursing and related staff in VA medical facilities. This is fully in line with testimony received at oversight hearings since 1969. In addition, the VA's own studies show that nursing staffing in VA hospitals is clearly inadequate in numbers, and on certain shifts such as at night, it is dangerously low, by comparison with comparable ward units in community hospitals. This subject was discussed at length in the report on S. 59, (No. 93–54) on pages 29–31, copies of which are attached for your information in the appendix.

We urge that you retain this added $14,350,000 amount for nursing staff enrichment and that you specifically direct that O.M.B. assign the 1,000 additional personnel positions to the VA for this purpose. You will recall that last year the approximately $54 million additional appropriated for more hospital staff to support a higher ratio than projected was shortcircuited when O.M.B. refused to assign the necessary ceiling.

4. New outpatient facilities

During our oversight hearings in April, Senator Cranston discussed with officials of the Veterans Administration the need for additional outpatient facilities in Los Angeles, California, and in Sacramento, California. There is a real demand in Los Angeles for additional treatment centers for veterans in areas more easily accessible than are the current VA facilities located downtown or in West L.A. We have received assurances from the Los Angeles County Department of Health Services that they are eager to enter into cooperative relationships with the Veterans Administration at locations where the county already has health facilities. Two of the Los Angeles county facilities are already integrally connected with medical schools—the L.A. County Medical Center, in East Los Angeles, with the University of Southern California, and the Martin Luther King Jr. General Hospital, in South Central Los Angeles, with the Charles Drew Postgraduate Medical School.

Each of these locations are easily accessible to a large number of eligible veterans, particularly Black and Chicano veterans in the central and eastern areas and in the south central areas of Los Angeles County. The existing affiliations with medical schools offer an opportunity to the VA to provide care in an outpatient center which would have readily available the finest resources in staff, facilities, and equipment. The estimated cost of operating such a new center is $5,750,000 the first year, and we recommend that the $5.75 million be included in the appropriations act for 1974 for the two new centers in Los Angeles County ($11.5 million now being utilized at the downtown L.A. outpatient clinic can be reprogrammed.)

The establishment of an outpatient facility in each instance would not necessitate any construction, since there is adequate space available in the county facilities. One of the facilities would replace an already existing outpatient clinic operating out of rented space in downtown Los Angeles; operating costs for that facility in fiscal year 1973 which are estimated at $11,432,000, would be shifted to support the new centers.

In the Sacramento area, we have been receiving numerous and repeated inquiries from veterans organizations from the entire far Northern California region as to the possibility of a VA facility to serve the veterans in that area. The recent affiliation of the VA Hospital in Martinez, California—some 60 miles from Sacramento—with the University of California Medical School at Davis offers an ideal opportunity for this affiliation to be strengthened by the establishment of an outpatient facility at the Sacramento County Hospital—which is the clinical center for U.C. Davis. Such a facility could be initiated in temporary buildings for about $800,000 in the first year, with an additional $1.5 million for first-year operational cost. The facility would serve approximately 130,000 veterans in the immediately neighboring counties of Sacramento, Yolo, Solano, and Contra Costa, and could be a forerunner of the eventual relocation of the Martinez Hospital to Sacramento where it would be much more effectively located in terms of proximity both to eligible upper California veterans and its affiliated medical school.

We urge the inclusion of $2.3 million for this Sacramento VA outpatient facility.

5. Hospital and mission improvements

Some very promising findings are resulting from a pilot study conducted at 12 VA Hospitals where special efforts are being made to reduce the length of time required to admit a patient. Based on these studies, we estimate that the addition of 10 staff at each hospital can significantly reduce the inexcusable delays of many hours which currently are the norm in far too many VA hospital admission operations. To implement this program would cost approximately $100,000 per hospital. As a start, we believe these new policies should be implemented at those hospitals which are a part of a major medical complex, where the admission rates are high and where the patients tend to be suffering from more serious illnesses. At the minimum, those VA hospitals affiliated with medical schools should have the benefit of these improved admission policies, and we recommend that $10.2 million be added for improved admissions services at these 102 hospitals.

6. Emergency coverage

We were also very surprised to learn that few of the VA hospitals meet one of the requirements of the Joint Commission on Accreditation of Hospitals—that is, to have 24-hour emergency coverage. To meet this requirement, the VA estimates it would need one additional person on duty at all times. For each hospital this would mean the addition of six FTEE at a total cost of $10 million. While this is an ideal projection, we believe that with better utilization of admission personnel during the day-time shift, this could be reduced to an additional four FTEE individuals per hospital. We also believe that in many of the hospitals, particularly those in scarcely populated areas, the demand for emergency services is more limited than in urban areas, and, therefore, the staff might be more effectively utilized on an ad hoc basis. Thus, we recommend addition of $5 million to provide for emergency coverage at VA hospitals as required by the JCAH standards. In any event, we expect the VA to make every effort to meet this requirement through better utilization of existing personnel, and through better means of communication within the hospital in an emergency situation.

7. Specialized medical services program

Specialized medical services programs initiated in the Veterans Administration hospital system have been of tremendous value in providing highly specialized care to veterans suffering from serious illnesses. In fiscal year 1973, the number of these specialized units had grown to 1187, and the VA has made great advances in developing new treatment procedures to provide care to veterans in these units.

It is generally conceded that high quality care today is virtually impossible without such programs specializing in intensive care, coronary care, nuclear medicine, respiratory care, drug and alcohol treatment, mental hygiene, and speech pathology, for example.

In its budget submission to OMB, the VA had requested $39,101,000 for upgrading 139 existing units and establishing 121 new units. The OMB allowed only $2,328,000 for a very limited expansion of this much needed program area.

We have carefully analyzed those programs deleted by O.M.B. to ascertain those we believe hold promise of the most cost effective improvements in the most urgently needed care categories.

(a) Spinal cord injury home care program

The general oversight over VA programs conducted by the Subcommittee on Health and Hospitals has shown that four programs providing hospital-based home-care services for the spinal cord injured have been proved highly effective in easing and speeding the readjustment of these catastrophically injured veteran to life in the community. The program consists of periodic visits to the recently hospital-discharged veteran in his home by a coordinated team of physician, nurse, therapist, nursing assistant, psychologist and social worker. Working together in helping the veteran adjust to his home and community, as well as working with the family so they may provide the necessary support to the veteran these multi-disciplinary teams have facilitated the transition of the spinal cord injured veteran from hospital patient to member of the community.

We believe that the success achieved at the four hospitals currently providing this service—Long Beach, California; Richmond, Virginia; and Bronx and Castle Point, New York—should be repeated at additional locations, specifically at Hines VA Hospital in Chicago, Illinois; and the VA hospitals in Memphis, Tennessee; West Roxbury, Massachusetts; and Cleveland, Ohio. There has been an eleven percent increase in admissions to VA spinal cord injury centers in the last fiscal year. This increase adds to the importance of finding new means of releasing patients more quickly. We, therefore, recommend that $544,000 be added to the Medical Care appropriation for this purpose to establish these four new S.C.I. home-care programs and to upgrade those at Castle Point and Bronx, New York.

(b) Alcohol dependence treatment centers

The VA now operates and staffs the nation's largest single system for alcoholism rehabilitation. Alcohol abuse and related health problems represented 13 per cent of total VA hospital discharges for 1969. VA and DOD figures show that of the approximately 9.5 million veterans discharged since the Korean War, 235,000 now have, or had at time of discharge, an alcohol problem serious enough to require hospitalization. Further, the VA states that one in seven of their present patient load has a diagnosis or sub-diagnosis of alcoholism.

It is apparent that the veteran population is in no way spared the overall population's problems with what Special Assistant to the President Dr. Roger Egeberg called the nation's number one health problem—alcohol abuse. We must continue to provide the priority and care this problem deserves.

The average peak age of the alcohol abuser among veterans is 40–55. Recent projections by the VA show a continued high incidence of veterans with alcohol abuse problems through 1985. Therefore, we must be sure sufficient resources are made available to meet what will be, unfortunately, a continuing high demand for many years to come.

Hence, we urge addition of the $2.16 million which O.M.B. deleted from the VA FY 1974 request for the establishment of 10 new and the upgrading of 4 existing Alcohol Dependence Treatment Centers. As indicated in the Senate Report (No. 93–56) on S. 284, the Veterans' Drug and Alcohol Treatment and Rehabilitation Act of 1973 (pages 21–22), activation of these 10 centers and upgrading of the four was postponed until FY 1975. These facilities are needed now to continue the growth toward meeting the enormous unmet need for alcoholism treatment facilitates as these veterans grow older and require hospitalization and rehabilitation.

(c) Hospital-based home-care programs

The same services involved in the spinal cord injury home-care program are utilized to benefit other seriously ill and severely disabled veterans. A hemiplegic patient, for example, may need this same type of continued monitoring which can be provided effectively outside the hospital. Similarly, the blinded veteran needs re-orientation to adjust to his home and community.

These types of therapeutic and medical problems for severely disabled veterans can be anticipated and dealt with to some extent during hospitalization. But total reorientation to home and community can take place only when the patient is actually back in that milieu. In addition, many medical services can be more effectively provided in the very personalized and supportive environment of a loving family, rather than in an institution, no matter how adequately staffed. That is why these programs are so important and need to continue to expand.

Therefore, we are recommending that $1.273 million, which O.M.B. cut from the VA budget request, be added to activate 15 new and upgrade 16 existing Hospital-based home-care programs.

(d) Pulmonary function laboratories

Documentation by the Office of Vital Statistics of the Bureau of the Census shows that deaths from respiratory disorders are increasing at a more rapid rate than deaths from any other cause. Before proper treatment, either through inhalation therapy or through surgical procedures, basic laboratory information must be made available to the surgeon or the therapist.

With an ever-increasing patient load in this area, the need for the 12 new laboratories requested by the VA but not approved by O.M.B. is obvious. Without the ability to quickly and adequately diagnose the pulmonary problems and their seriousness, the patient may suffer prolonged and unnecessary discomfort.

Complete diagnostic testing requires about two hours, or perhaps a half day if the entire eight-test series is required. It is imperative that prompt testing be available so that appropriate early diagnosis can be assured in order that therapy can be implemented as quickly as possible.

Hence, we recommend the addition of $360,000 for 12 new pulmonary function laboratories—cut out of the budget by O.M.B.

(e) Intensive care units

The addition of many new and sophisticated devices and means of therapeutic relief through surgery for far more illnesses has created a need for highly specialzed units to provide the most comprehensive care for patients who need constant attention and supervision. In addition, use of this complex machinery requires highly specialized personnel, who must be assigned full time to these units.

The Veterans' Administration projections show that in FY 1973 195,000 days of patient care will be given in Intensive care units. This is an increase of 15,000 from FY 1972. Certainly, there is every indication that such increases will continue.

We, therefore, recommend addition of the $5.741 million which O.M.B. deleted from the budget request to activate 17 new I.C.U.s and upgrade 11 existing units.

In total, then, we recommend that the Medical Care item be increased by $80,366,063 over the budget request.

B. Research item

The April oversight hearings also provided the Subcommittee with invaluable data on the importance of research to the care of veterans, and on the inadequacies of the proposed VA budget for FY 1974 in this regard.

1. Meeting Inflation

Testimony was provided from eminent research figures—such as Dr. Michael De Bakey, President of Baylor Medical College—that, in general, just to maintain research at the same level at which it was conducted in fiscal year 1973, an increase of 8–10% would be essential to offset increased research costs just due to inflation.

The budget request when coupled with almost $5 million in unobligated fiscal year 1973 funds, provides for roughly a $2.6 million increase in funds available for research. This $2.6 million, the VA says, would cover the costs of 100 additional personnel and some initial research programs. But this does not take into account increased costs due to inflation. In addition, the VA submitted to the Subcommittee a list of the research programs which had been approved by the central office and included in the original VA budget submission to OMB. These deleted research programs totaled $16.5 million to be spent at 124 hospitals.

We recommend that at least $6.8 million be added to the medical and prosthetic research item budget request of $71 million in order to keep the VA research programs operating at the same level as fiscal year 1973. This $6.8 million represent a 9% increase over the $76 million appropriated for fiscal year 1973.

2. Meeting Minimal Animal Research Standards

During hearings the committee members learned that eight VA hospitals failed to meet minimum national standards for animal research facilities and that funds which would have corrected these deficiencies were included in the $4.8 million in research appropriations which was frozen in FY 1973. The following eight stations among a total of 97 with animal research programs in medicine do not presently meet minimum standards and need the amounts included parenthetically to come up to such standards within two years: Atlanta, Georgia ($157,000); Chicago, Illinois (Research) ($24,000); Long Beach, California ($200,000); Minneapolis, Minnesota ($187,000); Palo Alto, California ($80,200); Pittsburgh, Pennsylvania (UD) ($140,000); Salt Lake City, Utah ($15,300); and Tucson, Arizona ($250,000). We urge the inclusion of the necessary $1,535,500 to upgrade these animal research facilities to meet minimum national standards.

3. Research Funding for New Medical School Affiliations

In addition, where there is a new affiliation agreement between a VA hospital and a medical school, there will be an immediate need for increased research funding to support the expanded medical care programs which necessarily follow. There were 3 new affiliations in fiscal year 1973, and in these cases, research programs were not increased commensurately. There will probably be 3 or 4 new affiliations in fiscal year 1974, and in each of these cases a minimum increase should be allowed of $150,000 for each facility. This amount should also be made available to the 3 new affiliations completed in fiscal year 1973.

To make the most out of these affiliations in terms of the improved patient care which flows from an active research program, we recommend that $1 million be added to the research appropriation so that the benefit of these 7 new medical school affiliations can be fully realized, and the expertise of the highly qualified staff who will be attracted to a VA hospital with a medical school affiliation can be fully utilized.

In total, then, we recommend that the Medical and Prosthetic research item be increased by $9,375,000 over the budget request.

C. Construction of hospital and domiciliary facilities item

1. Restore Scheduled Air Conditioning Projects

Although the VA has between 30 and 35 hospitals (VA data appears unclear as to the precise number) that have been determined to be in need of air conditioning, the FY 1974 Construction budget contains no funds to be able to continue the significant progress made over the past several years—under Congressional prodding—to reduce this "swelter gap". This is because O.M.B. cut out $10,138,000 for eight projects (6 major and 2 minor) for some of the hottest areas of the country.

There is positively no justification for O.M.B.'s removal of these funds from the VA's budget submission. Certainly those disabled, sick and dying veterans and the overworked staff attending them in hospitals in such climates as Gulfport, Mississippi, and Wichita, Kansas, deserve the simple comfort enjoyed by those who work in the air conditioned, dehumidified, often dehumanized, comfort in OMB. The denial of that VA request is not "fiscal responsibility" on the part of OMB, it is gross insensitivity.

We, therefore, recommend full restoration of the $10,138,000 deletion from the Construction item in order to proceed with the scheduled air conditioning projects at the following hospitals (the last two of which were classified as minor projects): Poplar Bluff, Missouri; Huntington, West Virginia; Kerrville, Texas; Salisbury, North Carolina; Gulfport, Mississippi; Wichita, Kansas; and Charleston, South Carolina. It is imperative that these funds be restored so that our disabled veterans can enjoy a sane, healthful temperate climate during their hospitalization period.

Frankly, we find O.M.B.'s action in this particular instance lacking even a scintilla of justification and especially inhumane. We strongly believe O.M.B. should be administered a taste of its own prescription for ill veterans. Thus, in addition to adding the funds for the eight air conditioning projects, we urge that the following provision be added to this appropriation item: "*Provided*, That unless the $10,138,000 included in this item for air conditioning projects at eight Veterans' Administration hospitals are made available for obligation in full, no funds appropriated in this or any other Act shall be used in connection with the expense of air conditioning or cooling of any building to which employees of the Office of Management and Budget or of the Executive Office of the President are assigned."

2. Correction of Seismic Defects

The budget request includes $5 million of the $8,000,000 ($4 of $5 million in the major construction projects and $1 of $3 million in the minor projects) requested by the VA to correct seismic defects in existing VA medical facilities. After the disaster at the San Fernando, California, Hospital just 29 months ago with the tragic deaths, injuries and property loss to patients and staff, and the enormous disruption of the operation of the Wadsworth VA Hospital in West Los Angeles due to the massive evacuation 18 months ago due to seismic deficiencies found as a result of comprehensive engineering and seismic surveys, we fail to comprehend how O.M.B. can ignore the safety of those patients in other areas relegated to the "it can wait" category by the deletion of $3 million. It is imperative that all these scheduled corrections be made immediately. It is criminal in the true sense of the word to allow known defects like this to remain unabated, for despite O.M.B.'s life and death pursestring control, even it cannot cause the next earthquake to wait for a more propitious budgetary situation.

We thus recommend addition of $3 million to the construction item ($1 million for major and $2 million for minor projects) to carry out the seismic corrections scheduled but disallowed by O.M.B.

3. Temporary Facilities for Outpatient Clinic

In connection with the discussion under item A. 4., above, proposing establishment of an outpatient facility at Sacramento, California, we recommend that $800,000 be added to the minor projects Construction item to support acquisition of temporary (trailer, prefabricated, etc.) facilities for a Sacramento outpatient clinic.

In total, then, we recommend that the Construction of Hospital and Domiciliary Facilities item be increased by $13,938,000 over the budget request.

The totals we are recommending be added in the three appropriation items is $80,366,063 for Medical Care plus $55,000,000 for implementation of P.L. 92–541, $9,375,000 for Medical and Prosthetic Research, and $13,938,000 for Construction of Hospital and Domiciliary Facilities, for a grand total above the budget request of $158,679,063 plus retention of the $14,350,000 added in Medical Care by the House to increase nursing staffs. The total above the budget request, then, is $173,029,063.

II. PROPOSED REPORT LANGUAGE

A. Medical care

1. Hospital Census Situation

We have covered this matter in our discussion of item A. 1., above.

2. Personnel Ceiling for Funded Staffing Additions

Under items A. 1. and A. 2., above, we have stressed the importance of directing that personnel position ceilings be provided by O.M.B. in connection with the addition of any funds provided for new staffing. This applies to virtually every one of our recommendations.

3. Pay Raise Cost

We continue to be concerned by the omission in the Veterans' Administration budget of a request to cover the costs of the pay raise which went into effect in January of 1973. The cost of this pay raise in fiscal year 1973 for the Medical Care appropriation is $35,790,000 and for fiscal year 1974 will be $75,198,000.

The OMB has imposed very rigid employment ceilings, as well as a reduction in the average grade level. These arbitrary controls already have restricted the VA's ability to provide adequate care to eligible veterans. With the increased emphasis on outpatient care "to obviate" the need for hospitalization where feasible, a move we have long urged, as proposed in S. 59, we have grave concerns lest sufficient leeway not be provided to support the increased staff to enable VA outpatient services to expand their programs, particularly if any part of the $76.37 million pay raise cost (including $1.17 million for Research salaries) is squeezed out of the VA's FY 1974 appropriations rather than fully provided for in a supplemental appropriation bill.

We wish to stress that this is the position which VA officials took during the Subcommittee on Health and Hospitals oversight hearings on April 18, 1973. They testified that the pay increase of January 1973, in connection with the hospital and medical items would not have to be absorbed under the present budget request, but would be taken care of by transfer of sums from unearmarked funds contained for this purpose in the President's FY 1974 budget.

The history of recent pay raises, however, has been to the contrary. When such pay raises were granted in the past, funds specifically earmarked for additional staffing were used to pay for the pay raise. This occurred in both FY 1972 and 1973 with respect to $45,790,000 and $42,270,000, respectively, the full costs of the pay raises in those years. This resulted in a lessening of the VA's capability to provide quality care. We believe this should not happen again.

We thus believe it is imperative that this Committee make it very clear that the January 1973, pay increase, and any further pay raise which may take place in FY 1974, will not be absorbed from any other VA hospital and medical budget item, nor provided for by transfer of vital medical care funds or any other budget category funds within the VA requested appropriation.

4. Costs to Implement Senate-Passed S. 59

We would also like to bring to your attention the likelihood that S. 59, the Veterans Health Care Expansion Act of 1973, which passed the Senate on March 6, will become law in July. Final negotiations are underway to avoid a second veto of this vital legislation, and House Committee action is scheduled for this week.

This Act will improve the ability of the Veterans Administration to deliver quality medical care to its beneficiaries by removing certain legislative restrictions on the scope of treatment, particularly for ambulatory and nursing home care, and by expanding the coverage for eligible veterans and including as VA beneficiaries, for the first time, the very small number of dependents and survivors of totally and permanently disabled service connected veterans who are not covered by other Federal health benefit programs. The Act also makes a number of important improvements in the training and the personnel system of the Department of Medicine and Surgery as well as authorizing premium and differential pay for nurses.

The VA's estimates of the cost of these new authorities is $103.85 million for fiscal year 1974. Attached in the Appendix is a chart showing the breakdown of this amount for your information. We plan to follow up on enactment of S. 59 by urging the inclusion in the First Supplemental Appropriations Act for FY 1974 of the appropriate portion of this $104 million and ask that you acknowledge in your Committee report now that the Committee will look at the need for funding of new statutory authorities at this later date.

B. Research—None

C. Construction of hospital and domiciliary facilities

1. New Bronx VA Hospital

On page 25 of House Report No. 93–296, which accompanies H.R. 8825, under "Construction, Major Projects", the second sentence of the first paragraph directs the Veterans' Administration to "carefully reexamine the possibility and feasibility. . ." of the VA's taking over the St. Albans Naval Hospital scheduled to be closed by the Department of Navy, as an alternative to proceeding with the scheduled and partially funded $86 million construction of a replacement Bronx VA Hospital at the present Bronx site. Although we agree that this alternative might be economical and less disruptive to patient care, there are several other aspects of this situation that the Committee should also consider. Concerns about demography and lack of public low-cost transportation have been raised by veterans and veterans' groups in the New York area. These concerns, as well as those of economy and appropriate patient care, must be met.

The VA study must take fully into account patient distribution and the accessibility of alternative sites to public transportation. It is unclear, for example, that a VA Hospital at the St. Albans site, located in the Borough of Queens, New York, could serve the same population of veterans now utilizing the Bronx hospital, as well as other veterans for whom such a new location in Queens would result in improved access to VA services.

We thus urge that the Committee incorporate in its report a requirement that the VA in its study make a detailed comparative demographic study for the two sites and also assure that proper public transportation (or some kind of VA shuttle service) to and from St. Albans would be available to veterans and their families.

2. Loma Linda Hospital Bed Reduction

The VA budget shows a reduction in the new hospital at Loma Linda, California, from 700 to 600 beds and a deletion of $7.4 million for construction of this facility. It s not clear exactly what portion of those funds relate to the 100-bed reduction. It is very clear, however, that this reduction was purely the result of an O.M.B. dollars and cents decision and was proposed without any demographic study of the veterans who would be served in the San Bernardino/Riverside, California area.

At our April 18 hearing, tht VA agreed to undertake such a study in cooperation with the GAO.

Without an adequate survey of the veteran population and their need for VA medical care, it is inconceivable that OMB or the VA could have the slightest idea as to whether even the 700 beds originally proposed would be sufficient to meet the need. Certainly any decision to reduce bed capacity without benefit of such a study can only be viewed as totally arbitrary and capricious.

We, therefore, urge the Committee to instruct the VA very closely that no reduction in the beds proposed for Loma Linda is to be approved until such time as a full demographic study is submitted to the appropriate Committes of Congress to assure that the medical neeeds of the veteran population will be well served by the bed capacity, and ask that the cost of any bed reduction then proposed be fully explained.

3. Reduced fiscal year 1974 Funding of Construction Projects

In the budget request, O.M.B. deleted very substantial funds (approximately $65 million) for six major replacement and modernization projects (Bronx, N.Y.—$15.9 million; Columbia, S.C.—$5.2 million; Denver, Colo.—$11.7 million; Hines, Ill.—$3.76 million; Loma Linda, Calif.—$7.4 million; and W. Roxbury, Mass.—$21.7 million) and two major improvement projects (Brookyln, N.Y.—$1.9 million; and Wichita, Kans.—$1.4 million).

The VA explained these cuts at our April 18 hearing as attributable to a very careful assessment of exactly the amount of money which could actually be spent in FY 1974 and to a decision to hold down appropriations by funding construction projects only in appropriate spendable portions of the total cost. This may well be a valid explanation. We do not necessarily quarrel with the concept on its face. We do note, however, that there have already been enormous delays in getting underway at the Wadsworth West Los Angeles replacement hospital and feel strongly that this method of funding must not be used as a basis for foot-dragging or for an outright slowdown of the construction schedule for such urgently needed replacement facilities.

We, therefore, urge that you include in your report appropriate language to indicate that the Committee fully understands that the piece-meal funding of construction projects is not a true estimate of the total cost and that in approving any such funding the Committee in no way approves a slow down in implementation of approved projects; rather it expects that all projects begun will be completed as scheduled and that all appropriate funds to accomplish that result will be made available in subsequent budget requests for subsequent fiscal years.

Mr. Chairman, we have prepared a tabular summary of our recommendations for additional funding and Committee report language, which it attached.

SUMMARY OF RECOMMENDATIONS BY SENATOR ALAN CRANSTON, CHAIRMAN OF THE VETERANS' AFFAIRS SUBCOMMITTEE ON HEALTH AND HOSPITALS, AND BY SENATOR VANCE HARTKE, CHAIRMAN OF THE COMMITTEE ON VETERANS' AFFAIRS, FOR ADDITIONAL FUNDS FOR VETERANS' ADMINISTRATION FISCAL YEAR 1974, HOSPITAL AND MEDICAL APPROPRIATIONS IN H.R. 8825, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1974

I. ADDITIONAL FUNDING

A. Medical care item

1. Support 82,000 ADPC (3,000 new staff)	$45, 360, 000
2. Activate closed wards (197 new staff at $12,579 each)	2, 478, 063

3. Increase nursing staffing (1,000 new positions, retain House increase)[1]	(14, 350, 000
4. Establish three new outpatient clinics:	
a. Los Angeles (in addition to funds for one reprogramed)	5, 750, 000
b. Sacramento	1, 500, 000
Subtotal for outpatient clinics	7, 250, 000
5. Implement pilot program to improve admission services (100,000 at 102 affiliated VA hospitals)	10, 200, 000
6. Provide emergency coverage to meet JCAH requirements	5, 000, 000
7. Specialized medical services:	
a. Establish four new and upgrade two existing Spinal cord injury home care programs	$544, 000
b. Establish 10 new and upgrade four existing Alcohol dependence treatment units	2, 100, 000
c. Establish 15 new and upgrade 16 existing Hospital-based home care programs	1, 273, 000
d. Establish 12 new Pulmonary function labs	360, 000
e. Establish 11 new and upgrade 17 existing Intensive care units	5, 741, 000
Subtotal for establishing 52 new and upgrading 39 existing specialized medical services units	10,078, 000
Medical care total	80, 366, 063

B. Medical and prosthetic research item

1. Provide increase for inflation	6, 840, 000
2. Meet animal research standards	1, 535, 000
3. Support seven new medical school affiliations ($150,000 each	1, 000, 000
Medical and prosthetic research total	9, 375, 000

C. Construction of hospital and domiciliary facilities item

1. Complete all scheduled major and minor air-conditioning projects in eight VA hospitals	$10, 138, 000
2. Correct seismic defects in certain VA hospitals:	
a. (major)	1, 000, 000
b. (minor)	2, 000, 000
Subtotal for seismic defects	3, 000, 000
3. Acquire temporary facilities for new outpatient clinic in Sacramento	800, 000
Construction total	13, 938, 000
Grand total[1]	103, 679, 963

[1] Not included in total or grand total since this amount has already been added by House action.

II. PROPOSED REPORT LANGUAGE

A. *Medical care item*

1. A discussion of the ADPC history and the need for the Office of Management and Budget to refrain from arbitrarily reducing it in the face of a demonstrated demand for hospital care. (See pages 22–24 of House Report No. 93–296 under "Medical Care".)

2. An expression of the Committee's understanding with respect to the non-absorption of the January 1, 1973 pay raise by the Veterans' Administration from existing appropriation items (Medical Care, MAMOE, Construction, and Research).

3. A direction to OMB to provide the VA with all necessary personnel ceiling positions to permit addition of the staffing required to implement funding recommendations.

4. Acknowledgment that the committee will consider at the time of the First Supplemental Appropriation bill the need for additional medical care funding to carry out the new statutory authorities to be added with enactment of S. 59—annual estimate $103.85 million.

B. Medical and prosthetic research—none

C. *Construction of hospital and domiciliary facilities*

1. Incorporation of language to insure that there will be no takeover by the VA of the St. Albans Naval Hospital in lieu of construction of a new Bronx VA Hospital at the present site until appropriate demographic and transportation studies have been completed and submitted to the appropriate congressional committees.

2. Incorporation of language to require the VA to submit a detailed demographic study prior to the approval of the reduction of 100 beds proposed in the budget with respect to the new Loma Linda Hospital (California) and of the reduction of the overall hospital cost by $7.4 million as suggested by the administration proposal.

3. Incorporation of language to indicate that the committee fully understands that the piece-meal funding of construction projects is not a true estimate of the total cost and that in approving any such funding the committee in no way approves a slow down in implementation of approved projects; rather it expects that all projects begun will be completed as scheduled and that all appropriate funds to accomplish that result will be made available in subsequent budget requests for subsequent fiscal years.

APPENDIX

I. (ITEM I.A.3)—NEED FOR VA NURSING STAFF INCREASE

(Excerpt from S. Rep. No. 93–54 on S. 59, pages 29–31)

VA staff-to-patient ratio survey

A survey conducted in 1971 by the VA (set forth in the Appendix) shows some of the wide variations that exist in staffing intensity between VA hospitals and community hospitals. The VA hospitals used in the survey ranged in size from 188 beds to 1,565 and contained 5,339 operating beds. The gross staffing ratios in VA hospitals ranged from 1.19 to 2.49 employees per operating bed. The overall ratio for the nine VA GM&S hospitals surveyed was 1.70 employees per operating bed. Since outpatient staffing could not accurately be separated from inpatient staffing in several of the hospitals, all statistics were included in the total.

The community hospitals ranged in size from 130 beds to 1,063. The eight community hospitals surveyed contained 3,678 operating beds. The gross staffing ratios in community hospitals ranged from 2.08 to 4.33 employees per operating bed. The overall ratio for the eight community hospitals was 3.23 employees per operating bed.

Overall, the community hospitals were staffed almost 2 to 1 over VA hospitals. The overall occupancy rate of the VA hospitals surveyed was 89 percent compared to 85 percent for the community hospitals. Percentagewise the VA utilizes almost three times as many volunteer and other nonpaid productive workers as the community hospitals. This amounted to 6½ percent of the paid VA hospital combined staffs as compared to 2½ percent of the paid community hospital combined staffs. When the unpaid personnel are added to the paid staff, the overall VA ratio rises from 1.70 to 1.81.

The community hospital ratio rises from 3.23 to 3.31.

Especially significant, the Committee believes, is a survey of nursing service statistics made in this study. It illustrate that community hopitals are staffed for nursing personnel on the average about twice as well numerically as VA hospitals. The cumulative averages showed VA hospitals have one nursing employee to every 1.8 beds while community hospitals in the survey have one nursing employee to every 1.0 bed. It is important to note that staffing of nursery, labor and delivery rooms in community hospitals was not included in these figures because VA hospitals do not have these services.

Moreover, the study showed that community hospitals have approximately twice as many registered nurses per bed as VA hospitals. It should be noted that special duty nurses in the community hospitals are hired *in addition* to basic nursing personnel, while in the VA hospitals the basic staff provides special duty nursing. Since the community hospitals covered by the survey did not keep statistics indicating the utilization of special duty nurses, which would cause an *increase* in their staff to patient ratios, the survey does not provide a totally accurate picture of staffing ratios.

The following tables from the survey show the three basic tours that all hospitals use. The statistics gathered show the average VA hospital nursing unit was 33 beds and the average community hospital nursing unit was 30 beds. For the total Nursing Service, personnel were assigned as follows:

TABLE II.—ALL NURSING PERSONNEL

[In percent]

	Day tour	Evening tour	Night tour
VA	64	20	16
Community	57	26	17

This table and the survey data show that the day tour was staffed almost 50 percent better per nursing unit in community hospitals than VA Hospitals. The evening tour in community hospitals was staffed twice as well as the VA hospitals, and the night tour was staffed a little less than twice as well in the community hospitals.

In the terms of numbers of nursing personnel, for the night shift the VA hospitals surveyed had an average 2.9 nursing personnel per unit in the hospitals surveyed for 7 day coverage. The community hospitals averaged 5.2 nursing personnel per unit.

Regarding the evening shift, the community hospitals used more of their staffs than did the VA hospitals, 26 percent versus 20 percent. By contrast, the VA staffed its day shift with a higher proportion of available staff than community hospitals—64 percent versus 57 percent. The night shift is about the same—VA 16 percent versus community 17 percent.

The following table shows registered nurses by shift; the percentages assigned to the three shifts are in the same approximate proportion as for all nursing personnel.

TABLE III.—REGISTERED NURSES

[In percent]

	Day tour	Evening tour	Night tour
VA	67	19	14
Community	58	24	18

The survey also showed that community hospitals are staffed nearly three times as well in X-ray units as VA hospitals. This is in part attributable to the fact that community hospitals tend to use scheduled staff at night and on weekends rather than to use callback.

This study and the figures cited quite clearly demonstrate the types of startling staffing disparities which exist today between VA and community hospitals and which the staff-to-patient provision in the reported bill is designed to deal with.

II. (ITEM II.A.4)—FUTURE NEED FOR FUNDING NEW STATUTORY AUTHORITIES UPON ENACTMENT OF S. 59

(Excerpt from S. Rept. No. 93–54 on S. 59, page 38)

TABLE V.—SECTION-BY-SECTION COST CHART FOR S. 59, 93d CONG.

Section and provision	Fiscal year cost (in millions) 1974	1975	1976	1977	1978
TITLE I					
101. (a) Definition of "VA facility" changed to reflect long-standing interpretation	(1)	(1)	(1)	(1)	(1)
Contract care expanded to include wives, widows, and child	21.3	21.4	21.5	22.9	24.4
(b) Mental health services and training to certain dependents	10.0	10.5	11.0	11.5	12.0
(c) Home health services to veteran or dependent	(2)	(2)	(2)	(2)	(2)
102. Hospital or nursing home care for:					
Peacetime vets	7.9	8.5	9.0	9.7	10.4
Wives, widows and children	12.9	13.8	14.8	15.8	16.9
103. Outpatient care to obviate need for hospitalization	(1 3)	(1)	(1)	(1)	(1)
80 percent s/c/disabled	1.6	1.7	1.8	1.9	2.0
104. (a) Direct admission of military to community nursing home	(2)	(2)	(2)	(2)	(2)
(b) Nursing home care for dependents	(2)	(2)	(2)	(2)	(2)
(c) Nursing home standards	(2)	(2)	(2)	(2)	(2)
(d) Direct admission to community nursing home for s/c condition	[4] 11.2	12.7	13.5	13.9	14.2
105. U.S. vets nursing home care in Philippines	(1)	(1)	(1)	(1)	(1)
106. Earthquake—Reimbursement for loss of personal effects	(2)	(2)	(2)	(2)	(2)
107. Reimbursement for emergency medical care	(1)	(1)	(1)	(1)	(1)
108. Grants to Philippines	2.1	2.1	2.1	2.1	2.1
109. Sickle cell anemia	2.3	2.3	2.3	2.3	2.3
TITLE II					
201. Expansion of D.M. & S. Mission	(1)	(1)	(1)	(1)	(1)
Staff-patient ratio	(2)	(2)	(2)	(2)	(2)
202. 2 additional assistant CMD's	.089	.094	.099	.104	.110
Change titles of service heads	(1)	(1)	(1)	(1)	(1)
203. Salary rate D.M. & S. increase salary range for service heads	.063	.606	.0074	.07	.780
Nurse, premium pay	26.7	29.2	31.7	34.4	37.3
204. Personnel administration	(1)	(1)	(1)	(1)	(1)
205. Technical changes	(1)	(1)	(1)	(1)	(1)
206. Temporary full-time D.M. & S. appointments	(1)	(1)	(1)	(1)	(1)
Central administration of interns and residents	(1)	(1)	(1)	(1)	(1)
207. Malpractice protection for VA medical personnel	(1)	(1)	(1)	(1)	(1)
208. Clarification of authority to contract for scarce medical specialists	(1)	(1)	(1)	(1)	(1)
301. (a) Provide for 98,500 beds and 85,500 ADPC; maintain 82,000 ADPC and 8,000 nursing beds	(2)	(2)	(2)	(2)	(2)
(b) Construction standards for fire and earthquake	(2)	(2)	(2)	(2)	(2)
(c) Contribute to local governments for traffic controls and roads	(2)	(2)	(2)	(2)	(2)
302. Relinquishment of legislative jurisdiction	(1)	(1)	(1)	(1)	(1)
303. Expand sharing authority	(1)	(1)	(1)	(1)	(1)
401. VA Office in Manila		.975	.975	.975	.975
402. Telephones for nonmedical directors	.003	.003	.003	.003	.003
403. (a) Increase per diem rates to State homes	5.0	5.3	5.5	5.6	5.6
(b) Increase grants to State homes	2.7	2.7	2.7	2.7	2.7
Total (in millions)	$103.85	$111.3	$117.04	$123.95	$131.06

[1] No cost.

[2] No estimate.

[3] This estimate is based upon a plan of implementation whereby any costs could be absorbed mostly through a utilization of funds which would otherwise be needed for the obviated hospitalization.

[4] This estimate represents refined data indicating a substantial increase in new admissions over those anticipated from in VA-facility admissions.

Note.—Estimated 5-year total: $587.20.

FUNDING PUBLIC LAW 92–541 PROGRAMS

Mr. CRANSTON. Mr. President, the recommendations referred to in our June 25 letter with respect to funding for Public Law 92–541 were set forth in my June 20, 1973, letter to Chairman PROXMIRE along with substantial documentation produced at our April oversight hearings. I ask unanimous consent, Mr. President, that the text of this letter and the enclosure to it be set forth at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., June 20, 1973.
Hon. WILLIAM PROXMIRE,
Chairman, HUD–Space, Science-Veterans Subcommittee, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: I was very pleased that the Conference Committee on H.R. 7447, the Second Supplemental Appropriations Act for Fiscal Year 1973, agreed to include $20 million for the Veterans' Administration to begin implementation of P.L. 92–541, the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972. I am very grateful to you and to the other Senate Conferees for your efforts in successfully retaining this Senate provision in the conference report.

I am writing now to recommend that your Subcommittee include in its amendments to H.R. 8825, the Fiscal Year 1974 Department of Housing and Urban Development, Space, Science, Veterans and Certain Other Agencies Appropriations bill the sum of $55 million to carry out the provisions of P.L. 92–541. This sum, when added to the $20 million to be appropriated if the fiscal year 1973 Second Supplemental Act is enacted, would provide an appropriation over a two fiscal year period equal to the total amount authorized for a single year.

Of the $55 million I am recommending for inclusion in the Fiscal Year 1974 appropriations measure, I would recommend $10 million be made available to carry out subchapter I (Pilot Program for Assistance in the Establishment of New State Medical Schools) pursuant to section 5072 of title 38, and $45 million be made available to carry out the full chapter (including subchapter I) pursuant to section 5082 of title 38.

It is my understanding that the Veterans' Administration has completed the preparation of regulations governing administration of these authorities and that the publication of these regulations in the Federal Register will occur this Friday or Monday.

When I wrote you recommending the addition of $25 million to the Second Supplemental Appropriations Act for fiscal year 1973, for these purposes, I went into some detail on the demonstrated need for funding of these authorities. I attach a copy of my letter to you at that time, to reemphasize to you the extent of interest throughout the nation in implementing these authorities.

I plan to make further recommendations with regard to other Veterans Administration hospital and medical program items in a letter I will send separately.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

MAY 9, 1973.

Hon. WILLIAM PROXMIRE,
Chairman, HUD-Space, Science-Veterans Subcommittee, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in support of an amendment to the Second Supplemental Appropriations bill, FY 1973, in which I am joining with Senator Byrd of West Virginia to add $25 million to carry out the new chapter 82 (Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions) in title 38, as enacted in P.L. 92–541, the Veterans Administration Medical School Assistance and Health Manpower Training Act of 1972. Our amendment would fund only one-third of the $75 million FY 1973 authorizations, and under it, $15 million would be to carry out subchapter I (Pilot Program for Assistance in the Establishment of New State Medical Schools) pursuant to section 5072, and $10 million would be to carry out the full chapter (including subchapter I) pursuant to section 5082.

On April 16 and April 18, the Subcommittee on Health and Hospitals, which I am privileged to chair, of the Veterans Affairs Committee, held oversight hearings on the impact on Veterans Administration medical care of the revised FY 1973 and proposed FY 1974 budget requests and the failure to implement P.L. 92–541. At those hearings the Chief Medical Director of the Veterans Administration stated that the VA had received 62 inquiries about grants under the new chapter from health manpower and other institutions. Thirteen of these inquiries were regarding subchapter I (New State Medical Schools), 27 were regarding subchapter

II (Grants to Affiliated Medical Schools) (which also generally inquired regarding subchapter III), and 22 were regarding subchapter III (Assistance to Public and Nonprofit Institutions of Higher Learning, Hospitals and other Health Manpower Institutions Affiliated with the Veterans' Administration to Increase the Production of Professional and other Health Personnel). These inquiries covering the following 31 states are detailed in the enclosure: Alabama, Arizona, California, Connecticut, Georgia, Idaho, Illinois, Kansas, Kentucky, Maine, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

At the hearings, the VA indicated on April 18 that the regulations implementing the new law would be published in the Federal Register in 45 days—in other words, by the end of May.

The hearings also developed important support for the need to find the new Public Law. A number of outstanding leaders in the health education field testified to the importance of affiliations between the health professions schools and VA medical facilities in terms of the beneficial effect on the care provided the veteran as well as the impact on meeting national needs for additional health care personnel. A few quotes from some of these individuals eloquently express the benefits of such affiliations, and the effect of inadequate funding of these programs on the ability of these affiliations to achieve their full potential.

Dr. Dennis, Vice President for Health Sciences at the University of Arkansas Medical Center, said: "On the basis of information provided to us, our V.A.-Demas Committee Hospital can, with the projected budget for fiscal year 1974 (July 1973–June 1974), expect to be fortunate to maintain operations at the 1973 level yet the service demands will be greater. They can employ no more than the current number of house staff (residents and interns) at a time the medical school enrollments are increasing and the need for an additional ten resident positions are essential. Other deficiencies in the FY 1974 budget include (1) inability to obtain additional staffing that would permit employment ratios of staff to patients equivalent to that of the average private hospital, (2) inability to recruit additional professional and allied health personnel required to serve ever increasing demands, particularly in the outpatient areas, (3) inability to fund the new School of Health Related Professions in order to provide for the students, programs and facilities that would permit even a fraction of the tremendous growth potential in this short supply field of health manpower, and (4) indefinitely delayed are plans, meticulously generated over a period of several years, to activate an innovative, critically needed program for high quality geriatric medical care and a unique program of Geriatric Home Care. These programs were designed to provide the basis for a new medical school department for research and teaching in the field of aging. Neither institution can do this alone. The importance of the intolerable neglect of research, teaching and care for the aged requires no amplification."

Dr. Edmund Pellegrino, Vice President for Health Sciences and Director of the Health Sciences Center of the State University of New York concisely stated the importance of funding P.L. 92–541 to achieving up to date methods of providing quality care to veterans: "I would like to emphasize that my support for the specific provisions of S. 59 I have discussed and elements of 92–541 now awaiting funding is based on my conviction that they will improve the care of veterans and especially those veterans in the category for which we have the greatest moral responsibility as a nation. These measures if enacted and funded as the case may be—will bring certain aspects of medical care delivered to all veterans closer to optimal than is now the case. Surely, the veteran should not receive inferior care when a comprehensive pattern is available (to the non-veteran) in the community. But these measures will also enable the veterans hospitals to develop and provide improved methods of care. Thus, in selected areas of care, the veterans hospitals can take a role of leadership for the benefit of these they serve and all others, as well."

Dr. Schmidt, Vice President for Academic Affairs and Dean of the College of Medicine at the Upstate Medical Center, SUNY-Syracuse, seconded this statement saying: "The contributions of the Veterans Administration to health science education have been great and have been amply documented by others. Suffice it to state that a very large proportion of practicing health professionals in the United States have had portions of their education and training with Veterans hospitals. In turn, the partnership between the Veterans Hospitals and Academic Health Science Centers has materially benefited the veteran patient in terms of the quality of his care. Largely because of this partnership, patients in veterans hospitals have had available to them most of the skills and resources that modern scientific medicine and technology can offer. This partnership has not been free of stress or critics and there are admitted points of weakness. In my testimony, however, I would prefer to dwell on opportunities, especially as they concern the three major missions of patient care, education and research. These three are interdependent and no one of them can be of highest quality without each of the others."

And Dr. Stanley S. Bergen, Jr., President of the College of Medicine and Dentistry of New Jersey, gave examples of the benefits to the veteran resulting from an affiliation with New Jersey Medical School: "In return, the Veterans' Administration Hospital receives numerous advantages as a result of its participation with the medical school. Prior to its affiliation with the College the East Orange Hospital had no intensive care unit, no coronary care unit, no dialysis unit, nor any vascular caterization program. In large part these deficiencies were due to the difficulties experienced by the Hospital in attracting adequately trained staff. Furthermore, the hospital had difficulty attracting sufficient housestaff to meet its needs.

The affiliation with the medical school has substantially altered the picture. The assurance of faculty appointments and the stimulation involved through participation in a teaching environment has greatly enhanced the ability of the Veterans' Administration Hospital in East Orange to attract highly qualified and in some cases nationally known individuals to its staff. It has also been of great assistance in attracting housestaff.

Based on all the information available to the Subcommittee on Health and Hospitals, it is clear to me that (1) implementation of the new law can play a major role both in upgrading care to veterans and assisting the nation to meet its health manpower shortage; (2) there is great interest in the public and the health community and enormous capacity and untapped potential to carry out effective programs; and (3) the VA will finally—after more than 6 months—be issuing its regulations so that applications can begin to be submitted in June. It is important to stress that under sections 5072(b) and 5082(b) of title 38, sums appropriated for the new chapter 82 remain available until the end of the sixth fiscal year following the final year of appropriation.

Thus, this $25 million can get the program started and avoid the almost inevitable delay, under a continuing resolution for FY 1974, in starting up the program next fiscal year.

In closing, I wish to reiterate my conviction that the money is needed for these programs now and express my opinion that any expression to the contrary by the VA or the administration is dictated by OMB, which strenuously opposed enactment of P.L. 92–541, despite the facts involved. I very much hope you will support the amendment.

I have taken the liberty of sending copies of this letter and the enclosure to Senator Byrd and Chairman McClellan.

With best regards,

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

EXPRESSIONS OF INTEREST IN THE VETERANS' ADMINISTRATION MEDICAL SCHOOL ASSISTANCE AND HEALTH MANPOWER TRAINING ACT OF 1972—PUBLIC LAW 92–541

SUBCHAPTER I

There have been inquiries or statements of interest on behalf of 13 states (Attachment A). This number, and the still lesser number (about seven) which reflect potential immediate eligibility, is probably accounted for on two bases: The Act itself requires that the applicant present reasonable assurance of appropriate accreditation of the new medical schools to be initiated with this assistance (Section 5073b 1 D). Implementing regulations, as presently drafted, would also eliminate from eligibility under this subchapter the "new" schools which are provisionally accredited and receiving Federal assistance under one or more of the authorities contained in the Comprehensive Health Manpower Training Act of 1971 (PL 92–157) administered by the Bureau of Health Manpower, NIH, DHEW. Such schools, if they are presently affiliated with the VA hospitals, would be eligible for assistance under Subchapter II.

SUBCHAPTERS II AND III

There have been about 27 inquiries from Medical Schools specifically concerning *Subchapter II*, the majority of these also express interest in Subchapter III in behalf of nursing or other allied health programs conducted either by the School or by other Schools within the academic health center of which they are a part (Attachment B). There have been an additional 22 letters from institutions inquiring specifically about *Subchapter III* (Attachment C). These range from Schools of Allied Health, Schools of Pharmacy, etc. which are components of academic health centers to single programs conducted in community and junior colleges.

Most of these inquiries and statements of interest do not include specific proposals. Although the Act itself is rather explicit in defining eligibility, it is not all specific regarding the kinds of "projects and programs in furtherance of the purposes of the subchapter" (Section 5083 and 5093) for which grant assistance might be sought. Publication of regulations will undoubtedly elicit more detailed plans.

Letters, submitted directly and through Congressmen, generally express the need for additional clinical experience opportunities for medical students (Subchapter II) and other health professions and occupations students at all levels (Subchapter III), to complement the academic programs in medical schools, schools of nursing, dentistry, pharmacy, and other health-related fields which have been created or significantly expanded in response to recent Federal, State, or local funding initiatives.

General inquiries

There have been several expressions of general interest from health professions societies, organizations of health professions schools, and others; and inquiries on behalf of "otherwise eligible veterans" (Section 5070e) who are seeking or planning to seek admission to medical schools (Attachment D).

SUBCHAPTER I

State, Institution or agency, and VA Hospital(s):

Alabama, University of Alabama, Troy State University, Tuscaloosa, Medical District No. 14.

Arizona, Navajo Health Authority, Medical District No. 34.

California, Charles R. Drew Postgraduate School of Medicine, San Joaquin Valley Health Consortium, San Fernando Valley Health Consortium, Sepulveda, Fresno, Medical District No. 36.

Georgia, Georgia State University, Atlanta.

Idaho, Medical Education Foundation, Inc., Boise.

Maine, University of Maine, Bangor, Togus.

Mississippi, Fifth Congressional District of Mississippi, Gulfport/Biloxi.

New Hampshire, University of New Hampshire, Manchester.

Ohio, Wright State University, Dayton.

South Carolina, University of South Carolina, Columbia.

Tennessee, East Tennessee State University, Mountain Home.

Texas, Texas A&M University System, Texas College & University System, Temple/Waco/Marlin, Medical District No. 26.

West Virginia, Marshall University, Huntington.

SUBCHAPTER II

State, Institution or agency:

Alabama, University of Alabama in Birmingham University of South Carolina—Mobile.

California, Stanford University Medical Center.

Kansas, Wichita State University, College of Health Related Professions.

Kentucky, University of Kentucky Medical Center.

Louisiana, Louisiana State University Medical Center.

Massachusetts, Boston University, Tufts University School of Medicine.

Michigan, University of Michigan School of Medicine.

Mississippi, University of Mississippi Medical Center.

Nevada, University of Nevada School of Medical Sciences.

New York, Mt. Sinai Medical Center, S.U.N.Y at Stonybrook.

North Carolina, University of North Carolina School of Medicine.

North Dakota, University of North Dakota School of Medicine.

Oklahoma, University of Oklahoma Medical Center.

Oregon, University of Oregon Medical Center.

Rhode Island, Brown University Division of Biological and Medical Sciences.

South Carolina, Medical University of South Carolina.

South Dakota, University of South Dakota School of Medicine.

Tennessee, University of Tennessee Medical Units.

Texas, University of Texas Southwestern Medical School at Dallas; Baylor College of Medicine; Texas College & University System (all campuses); Texas Tech. University School of Medicine.

Virginia, Eastern Virginia Medical School.

Wisconsin, University of Wisconsin (Madison) Medical College of Wisconsin.

SUBCHAPTER III

State, Institution or Agency:

Alabama, Tuskegee Health Education Center.

California, East Bay Area Health Education Center, De Anza Community College, San Joaquin Valley Health Consortium (Fresno Area Health Education Center).

Connecticut, Western Connecticut State College.

Georgia, Georgia State University.

Illinois, University of Illinois at the Medical Center, School of Allied Health Professions.

Michigan, Saginaw Valley College—Saginaw Area Health Education Center.

Missouri, Central Missouri State College.

Nebraska, University of Nebraska—Lincoln Area Health Education Center.

New York, Consortium of Health and Educational Institutions—Bath, New York, S.U.N.Y.—Downstate Medical Center.

New Mexico, University of Albuquerque.

North Carolina, Duke University Medical Center—Division of Allied Health., Western Carolina University.

Ohio, Wright State University.

GENERAL INQUIRIES

LOCAL ORGANIZATIONS AND GROUPS

Arkansas, Arkansas State Medical Society, a practicing physician.

Maine, Maine's Regional Medical Program.

New York, 29th District of New York (Congressman Stratton), Albany/Schenectady area.

Ohio, "Interested citizens of Ross County" (Chillicothe area).

ASSOCIATIONS AND SOCIETIES

Association of American Medical Colleges, Association of Schools of Allied Health, American Medical Association—Council on Medical Education, American Podiatric Association, American Optometric Association, Association of Colleges of Pharmacy.

LETTERS IN BEHALF OF POTENTIAL STUDENTS

Senator Jacob Javits, Senator James Buckley, Senator Bob Packwood, Congressman Olin Teague.

State, *Institution or Agency:*

Pennsylvania, St. Francis College, Altoona Lakes Area Health Education Center.

Tennessee, Vanderbilt University School of Allied Health Professions.

Texas, St. Joseph's Hospital, Houston, Central Texas Regional Medical Education Foundation (Temple Junior College).

Utah, Weber State College.

Washington, City of Seattle—Schools and Colleges.

Mr. CRANSTON. Mr. President, I believe that these materials amply illustrate the substantial value for veterans' health care of providing funds to carry out the new public law—for which the VA's regulations have just been issued—and thereby utilize the great potential of VA hospitals as clinical facilities for the training and education of physicians, dentists, nurses, and other health care personnel. These materials also make abundantly clear the enormous interest throughout the country in providing this funding. Through the end of February of this year the VA received more than 40 expressions of interest from State governments, medical schools, nursing and allied health schools, universities, and other health manpower training institutions about utilizing the new authorities in that public law, to establish new medical schools using VA clinical facilities or to expand the education and training capacities of medical and other schools affiliated with existing VA health facilities.

CASE HISTORIES OF VA HOSPITAL REJECTIONS

Mr. President, I have received a copy of a June 27, 1973, letter to Chairman PROXMIRE from Mr. Francis W. Stover, national legislative service director of the Veterans of Foreign Wars, endorsing our appropriations recommendations. This letter included most disturbing case histories of 15 veterans who applied for VA hospitalization, and were rejected and subsequently had to receive private medical care for the condition for which they were seeking VA hospitalization. It is extremely shocking to note that in 8 of these 15 cases the veteran died shortly after having been rejected by the VA hospital to which he had applied.

This is a grievous and absolutely inexcusable situation, Mr. President, and in order to let all Senators see these very, very sad examples—which I might add are only a small portion of those being uncovered by a joint on-going survey by the Veterans' Affairs Committees in both Houses—I ask unanimous consent that the text of Mr. Stover's letter and the enclosure in question be set forth in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., June 27, 1973.

Hon. WILLIAM PROXMIRE,
Chairman, Housing and Urban Development, Space, Science, and Veterans, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is to indicate the support of H.R. 8825 as it relates to the appropriation for the Veterans' Administration for fiscal year 1974 as approved by the House and scheduled for consideration by your Subcommittee this date.

It will be recalled that in testimony before your Subcommittee the Veterans of Foreign Wars further charges that Veterans' Administration spokesmen, speaking for the Office of Management and Budget, has been providing misleading information regarding veterans' hospitals and other programs calculated to provide the erroneous impression that all is well in the Veterans' Administration.

The Veterans of Foreign Wars has conducted its own survey among its members and it is no surprise we have learned that hundreds of veterans have had the door slammed in their face when seeking VA hospital care or when discharged prematurely, according to the best medical opinion.

Enclosed is a representative list of cases which proves our charges in this regard and is in support of action by Congress to increase the VA appropriation for 1974.

This date the recommendations of Senator Hartke, Chairman of the Senate Committee on Veterans' Affairs, and Senator Cranston, Chairman of its Subcommittee on Health and Hospitals, have come to our attention. The V.F.W. associates itself with the recommendations of Senators Hartke and Cranston and submits to you and your Subcommittee that evidence obtained by Senator Cranston's Subcommittee is overwhelming proof that the VA is not requesting the amount of funds it needs to carry out its mission of caring for veterans and their dependents.

Accordingly, the V.F.W. supports the House approved VA appropriation bill with its additional funds for veterans medical care; further, the V.F.W. agrees with the thrust of Senator Hartke's and Senator Cranston's recommendation, particularly as it relates to the need to provide a minimum level of care of 82,000 average daily patient census in VA hospitals. The V.F.W. also associates itself with additional funds needed for research in VA hospitals, which programs are most important in attracting and retaining highly qualified doctors and other medical personnel who will contribute to better care for veterans, but most important make a contribution to better health for all citizens.

Lastly, the V.F.W. has supported a stand by Selective Service System on the same basis that we need fire departments in our communities. One never knows what the future holds. A copy of the V.F.W. support of the appropriation for the stand by Selective Service System is also enclosed.

Your favorable consideration of these views and recommendations of the Veterans of Foreign Wars will be deeply appreciated.

With kind personal regards, I am

Sincerely,
FRANCIS W. STOVER,
Director,
National Legislative Service.

LIST OF CASES

(1) Veteran was paralyzed October 16, 1972—applied VA Hospital, Lebanon, Pennsylvania—denied hospitalization or treatment—presently planning to be examined by Dr. ———, Neurosurgeon at Duke University, North Carolina on May 13, 1973.

(2) Veteran was prematurely discharged from VA Hospital with cancer and no one to take care of him—died within two weeks after discharge from hospital.

(3) Veteran was denied admission at VA Hospital, Philadelphia. Rushed to Hahnaman Hospital with cancer of the stomach.

(4) Veteran applied for hospitalization at Jefferson Barracks on April 16, 1973 at 8:40 a.m. and was rejected. Veteran went home and died the same night.

(5) Veteran was hospitalized at Hines VA Hospital, February 28, 1973. Service connected amputee, right leg and lower back condition. Veteran given examination, EKG, X-rays, blood tests. He was advised that he could not have surgery performed during his hospitalization of February 1973 and was discharged from Hines on March 8, 1973 and told to report in two weeks. Upon his return home, the veteran contacted his personal physician, Dr. ——— and was admitted to St. Mary's Hospital, Decatur, Illinois on March 8, 1973. Dr. ——— performed surgery on March 16, 1973 to remove lump on the veteran's right leg (service connected). The veteran's original 10–10 for Hines was for a cyst on his right leg.

(6) Veteran had respiratory problem—applied at VA Hospital, Columbia, Missouri—rejected June 17, 1972—family contacted V.F.W.—admitted to Still Hospital, Jefferson City, Missouri—transferred to VA Hospital, Jefferson Barracks, Missouri—died.

(7) Veteran was having difficulty standing and walking, appeared to be partially paralyzed—VA Hospital, Biloxi, Mississippi rejected on April 9, 1973—relative carried him home. Veteran continued to get worse, experiencing reduced ability to move. On April 10, 1973, relatives carried veteran to LMD (Dr. ———, in Gulfport, Mississippi). LMD would not call VA Hospital due to many previous experiences (run-a-rounds) he had received from VA Hospital. LMD was to admit veteran to Gulfport Memorial Hospital on the afternoon of April 11, 1973. Relatives found veteran much worse approximately midday on April 11, 1973. Ambulance was called and veteran rushed to Gulfport Memorial Hospital—Dead on Arrival.

(8) Veteran applied to VA Hospital, Hines, Chicago, Illinois. Examined in corridor of the hospital and denied admission. Immediately taken to Chicago County Hospital and died one half hour after arrival at County Hospital.

(9) Veteran had chronic emphysema. He arrived at the admissions area of the Syracuse VA Hospital on April 14, 1972 because of increase in symptoms of shortness of breath. Consultant felt that there was no acute changes present which required hospital care. At home the veteran had available to him a respirator and oxygen administering devices and he was instructed to use these. He was further instructed to return to the hospital if the condition should further deteriorate. Veteran lived at Y.M.C.A. in Auburn, New York and had to climb three flights of stairs where this equipment was set up. The next morning, April 15, 1972 the veteran was found dead. Veteran expired due to acute coronary occlusion. Contributory cause was emphysema.

(10) Veteran applied for hospitalization at VA Hospital, Nashville, Tennessee, January 7, 1973 and was rejected. VA scheduled him to come back. Veteran was again rejected on January 17, 1973 and the veteran's private physician had him admitted to Baptist Hospital in Nashville, Tennessee on January 18, 1973. X-rays determined that he had cancer of his right lung. When the private physician requested the x-rays that were made at the VA Hospital and compared them with the x-rays taken at the Baptist Hospital, the VA's x-rays indicated a cancerous condition. The veteran presently is on cobalt treatment.

(11) Veteran came to the admitting office and made application for hospitalization. His wife accompanied him to the VA Hospital. The veteran was complaining and wanted treatment for a heart condition. He was examined by the outpatient doctor. No cardiogram or any other tests were conducted on this man and he was refused admittance to the hospital. The doctor's report shows that this man's age was 75, with general senility and arteriosclerosis. On March 29, 1973, I believe at his home, the veteran suffered a severe heart attack and was rushed to the local hospital, St. Johns, by ambulance where he was pronounced dead on arrival. On March 27, 1973, the date he sought admittance to the VA Hospital, there were 171 patients in this hospital and there were 53 vacant beds.

(1) Veteran was admitted to the Lake Region Hospital, Fergus Falls, Minnesota, on March 11, 1973 for a relapse of pancreatis. On the following morning he requested that he be transferred to the VA Hospital at Fargo, North Dakota, as he had no hospital insurance to pay for his local hospital bill. He was informed that he could not come in on March 12 but could be admitted on March 13. "My intravenus tubes were removed and my IV needle was plugged and taped so that the VA Hospital could hook me up to the same needle. At 10 o'clock in the morning of the 13th a friend brought him to the VA Hospital in Fargo where he arrived at approximately 11 o'clock in the morning. At that time he turned over the papers from his doctors at the Fergus Falls Hospital. "At that time I thought I would be taken to a room where my IV would be hooked up immediately. Instead I was told to please take a seat where I waited approximately 2½ hours before I was able to see a doctor. When I saw the doctor, he read through my paper work made some notes, after which he had me lay down and he pressed on my abdominal area. He asked me how I felt and I told him I felt alright in most areas but a little tender in one place. He asked me how I felt otherwise at which time I answered I was feeling O.K. The doctor felt I did not need any further hospitalization and they were thoroughly crowded and had other patients needing the beds more than I did at the present time. He also stated that if I should have further trouble I could always return. The following day I had severe abdominal pains at which time I went to St. Lukes Hospital in Fargo where I already had had gall bladder x-rays and a checkup by a doctor familiar with pancreatis. I also did not go to the VA Hospital again because I did not want to run into the risk of having to wait due to the pain. I went to St. Lukes Hospital on the 14th of March and remained there until the 5th of April, approximately 22 days. I had surgery on Monday the 26th of March. The surgery was to drain a cyst approximately 7000 cc in size, into my stomach. The cyst was displacing my stomach and blocking or partially blocking a duct." The veteran now has a bill from the Fargo Clinic for $732.50. He also has a bill from the St. Lukes Hospital, Fargo for $33.13. There were 48 vacant beds at the VA Hospital on March 13, 1973.

(13) Veteran applied for hospitalization at VA Hospital, Palo Alto on March 27, 1973—had bronchial pneumonia. He had already set up an appointment and arrived at Palo Alto at ten minutes to 2 p.m. After considerable difficulty breathing and waiting all afternoon, still did not receive any care from the doctors and nurses and at 5:20 he was taken to Eden Hospital in Castro Valley where the specialists worked on the veteran for three hours trying to assist him and he finally died at 5:30 p.m., March 28, 1973. Cause of death—heart failure caused by bronchial pneumonia, "neglected".

(14) Veteran applied for hospitalization at VA Hospital, Atlanta, Georgia, September 1972, as a sliver of metal penetrated the right eye. The eye specialist operated on his eye, bandaged and sent him home. After two days of considerable pain, day and night, he returned on Sunday morning. The admitting officer advised him that there was nothing that could be accomplished and for him to go home. He also advised the veteran that he could not give him anything to relieve the pain to assist in sleeping. After the rejection at the VA Hospital, the veteran went to the Atlanta Eye Hospital where the sliver of metal was removed from his eye. He was operated on at the Atlanta Hospital and the metal had already caused an infection. Considerable expense was involved at the civilian hospital.

(15) Veteran applied for hospitalization on October 26, 1972 at Iowa City, Iowa and was given medication after examination. His complaints were muscular soreness, abdominal pain and arthritis and was rejected for hospitalization. Veteran went to private hospital, St. Francis, Peoria, Illinois where gall bladder was removed, surgery performed on upper colon and he faces further surgery for the repair of nerves and arteries in the shoulders.

OMB–HEW ANTI-VA AXIS

Mr. CRANSTON. Mr. President, the need for strong appropriations action to insure the continuation of quality medical care for veterans has never been greater. The administration has apparently set upon a course of severely retrenching the VA hospital system and of selling or transferring to local communities many of the VA hospital properties and facilities.

HEW DECISION REGARDING FUTURE OF VA HOSPITAL SYSTEM

On May 22, at page 16460, the distinguished Senator from Massachusetts (Mr. KENNEDY), chairman of the Subcommittee on Health of the Labor and Public Welfare Committee, inserted into the RECORD two memorandums with respect to national health insurance and the decisions of Secretary of the Department of Health, Education, and Welfare with regard to certain action recommendations made to him. Senator KENNEDY has done us all a great service by making this enormously interesting material available for public scrutiny and analysis.

This material reveals that on April 23, Secretary Weinberger—who it must be remembered was then serving as Special Counselor to the President for Human Resources, with responsibility with respect to the Veterans' Administration—approved proceeding to analyze immediately the "restructuring of VA medical programs."

The restructuring recommended to him in an April 16, 1973, memorandum from Mr. Stuart H. Altman, Deputy Assistant Secretary for Planning and Evaluation/Health, was as follows:

D. VETERANS' ADMINISTRATION (VA) MEDICAL PROGRAMS

The VA operates its own system of 169 hospitals and other facilities. VA outlays for medical programs are budgeted at $2.4 billion in 1974. VA patients fall into two categories: (1) veterans with service-connected disabilility [*sic*] and (2) low income veterans without service-connected disabilities, who receive services on a space available basis. Some 64% of hospitalized VA patients fall in the second category. When NHI becomes a reality, particularly if universal entitlement is achieved, a strong argument can be made for restricting special VA medical programs to veterans with service-connected disabilities, since other veterans would be covered under general programs. The estimated budget savings of such a change would be over $1 billion annually.

In addition, those who do have service-connected disabilities could be covered under VA-issued health insurance programs rather than [be] eligible for treatment only in VA facilities. VA hospital properties could be sold to the private sector, transferred to local communities, or used for other governmental purposes.

I wish to note parenthetically, Mr. President, that the second paragraph from this quotation was inadvertently omitted from the material previously printed in the Record at Senator Kennedy's request.

CRISIS IS AT HAND

So, Mr. President, the crisis is now. The long-feared OMB–HEW conspiracy to do in the Veterans' Administration is upon us. It is all too real. It is the product of no one's fantasies, vivid imagination, or even, as some have suggested, veterans organization-inspired paranoia.

It is there in black and white for all to read and all to understand. I trust that my colleagues in the Senate and on the Committee on Appropriations will want to provide a resounding answer to this VA death sentence apparently about to be decreed by the administration.

TANGIBLE ACTION TO CARRY OUT VA HOSPITAL DEATH SENTENCE

Mr. President, if OMB succeeds in its effort, set forth in the fiscal year 1974 budget request, to arbitrarily reduce the VA hospital patient census down to 80,000 from the most recent level of approximately 82,500 at present, the downward trend and the steady erosion of the VA hospital system may well be irreversible. In my view this would be an enormous tragedy both in terms of meeting our obligation to care for those who have served our Nation in times of national emergency, and in terms of wasting, and inviting the dissipation of a highly cost-effective national medical care resource, which performs an indispensable role in the total provision of health care in America.

CONCLUSION

The best way to put a stop to this OMB–HEW treachery, Mr. President. would be to add the necessary funds to insure that the VA medical and hospital system remains independent, strong, modern, and vibrant and continues to provide quality medical care for sick and disabled men and women—young and old—who have sacrificed years, limbs, good health, and job opportunities in the service of their Nation.

Mr. President, I feel extraordinarily deeply about the need to continue the efforts we have been making to insure quality care for our returning Indochina veterans, who, as I have indicated, are our most seriously disabled veterans and are comprising a continually growing proportion of VA patients, as well as for our disabled veterans from prior wars.

In the past, the members of the Appropriations Committee have proven themselves second to none in supporting quality health care for veterans, and it has not been necessary to propose increases in the basic VA appropriations through floor amendments. I very much hope we can continue this spirit of dedication and cooperation, and that the Appropriations Committee will act favorably on our recommendations when it meets to consider H.R. 8825, which may be scheduled for full committee markup as early as this Friday, June 29.

ADDITIONAL ROUTINE MORNING BUSINESS

The additional routine morning business transacted later in the day is printed at this point in the Record by unanimous consent.

ADDITIONAL REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 11. A bill to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma (Rept. No. 93–268).

By Mr. RANDOLPH (for Mr. Clark), from the Committee on Public Works, with an amendment:

S. 1776. A bill to amend the Federal Water Pollution Control Act, as amended (Rept. No. 93–269).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 129. An original joint resolution to provide for a temporary extension of the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes (Rept. No. 93–267), together with minority views. Placed on the calendar.

By Mr. PELL, from the Committee on Foreign Relations, with amendments:

S. Res. 71. A resolution expressing the sense of the Senate that the U.S. Government should seek the agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war, or the carrying out of any research or experimentation directed thereto (Rept. No. 93–270).

By Mr. PELL, from the Committee on Labor and Public Welfare and the Committee on Commerce jointly, with an amendment:

H.R. 5452. An act to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended (Rept. No. 93–271).

ADDITIONAL INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar as indicated:

By Mr. MAGNUSON (for himself and Mr. Beall):

S. 2089. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2090. A bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2091. A bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 2092. A bill to authorize a compact between the several States relating to taxation of multistate taxpayers and to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

By Mr. MAGNUSON (for himself and Mr. Tunney):

S. 2093. A bill to amend the Horse Protection Act of 1970 to better effectuate its purposes. Referred to the Committee on Commerce.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 129. An original joint resolution to provide for a temporary extension of the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes. Placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2090. A bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs, and ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the Record with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress asembled, That section 1002(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(c)) is amended to read as follows:

"(c) If the Administrator or the Board finds, after notice and hearing, in any investigation instituted upon complaint or upon their own initiative, with respect to matters within their jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Administrator or the Board shall issue an appropriate order to compel such person to comply therewith, including an order directing restitution for compensation collected for air transportation, or for any service in connection therewith, which is greater than the rates, fares and charges applicable thereto under tariffs lawfully on file with the Board.".

Sec. 2. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended to read as follows:

"(a) If any person violates any provision of this Act, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit issued under this Act, the Board or Administrator, as the case may be, their duly authorized agents, or, in the case of a violation of section 401(a) of this Act or an order directing a person to make restitution for compensation collected for air transportation which is greater than the rates, fares, and charges applicable thereto under tariffs lawfully on file with the Board, any party in interest may apply to the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this Act, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees and representatives, from further violation of such provision of this Act or of such rule, regulation, requirement, order, term, condition or limitation, and requiring their obedience thereto".

Statement of Purpose

Under the Federal Aviation Act, the Board has discretion to act on complaints against violations of the Act, including complaints that carriers have collected charges in excess of those contained in effective tariffs. The Act empowers the Board to issue orders requiring air carriers to cease and desist from exacting such overcharges. However, the Act does not in terms authorize the Board also to order the carrier to repay the overcharges. The Board requires, therefore, as an incident to the issuance of cease and desist orders and for purposes of granting full relief, the authority to order restitution where charges are in excess of tariff ones.

The bill is not designed to establish the Board as a forum for adjudicating private claims for overcharges. Rather, the Board would retain its present discretionary authority as to whether it should entertain a complaint or leave the complainant to its judicial remedies. However, where the Board has held hearings on a complaint, and has found that tariff violations have occurred, the Board should be empowered to provide full relief by directing the repayment of any overcharges. For example, such authority is particularly desirable in light of the greatly expanded scope of group travel activities. In the case of group travel, relatively slight overcharges with respect to individual passengers may not justify individual court suits by each passenger; but the aggregate amount involved may constitute a sizable sum which would constitute unjust enrichment to the carrier if retained by it. It should be emphasized that the bill does not result in the granting of reparations authority beyond that necessary to provide full relief to passengers and shippers by requiring air carriers to refund charges in excess of lawfully filed tariffs.

The bill amends section 1002(c) of the Act, relating to the entry of compliance orders, and section 1007(a), relating to judicial enforcement of Board orders, in implementation of the proposal.

Civil Aeronautics Board,
Washington, D.C., April 17, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs."

The Board has been advised by the Office of Management and Budget that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

Robert D. Timm,
Chairman.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2091. A bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings, and ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the Record with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1371) is amended by:

(1) Amending the heading of such section to read as follows: "NOTICE OF APPLICATION; CONTEMPORANEOUS CONSIDERATION"; and

(2) Inserting "(1)" immediately after "(c)" and by adding at the end thereof the following new paragraph:

"(2) Contemporaneous consideration of applications may, in the Board's discretion, be afforded by assigning applications for consolidated hearings and decisions or by assigning such applications for separate hearings followed by simultaneous decision: *Provided,* That applicants excluded from a particular hearing are allowed to participate therein as intervenors, adduce evidence, and cross-examine adverse witnesses: *Provided further,* That contemporaneous consideration is not required in a proceeding for the consideration for a particular type of service within a defined area or over a described route segment where applications (or portions of applications) not proposing service of such type within such area or over such segment are excluded by the Board and new authorizations granted in such proceeding provide for a mandatory stop at any point marking the boundary of the defined area or common to any application (or portion thereof) which is excluded. Direction or refusal by the Board to consolidate any application for hearing with any other application, or otherwise to provide contemporaneous consideration thereof, shall not be subject to review prior to the issuance of an order granting such other application in whole or in part. The Board shall not be required to hold, prior to a hearing on any application, a preliminary hearing on the question of whether any other application filed pursuant to this section should be heard together with the application noticed for hearing, or whether such other application should otherwise be afforded contemporaneous consideration. The burden of establishing that applications should be consolidated for hearing or given contemporaneous consideration shall be on the person making request therefor. As used in this subsection, the term 'application' shall include an investigation instituted by the Board upon petition or complaint or upon its own initiative to alter, amend, modify or suspend a certificate pursuant to section 401(g)."

Sec. 2. Section 1006(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1486) is amended by adding at the end thereof a sentence reading as follows: "Orders of the Board directing or refusing consolidation or contemporaneous consideration of applications filed under section 401 of this Act shall be subject to review only at the time prescribed in section 401(a)(2) of this Act".

Sec. 3. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Sec. 401. Certificate of public convenience and necessity." is amended by striking out "(c) Notice of Application." and inserting in lieu thereof "(c) Notice of application; contemporaneous consideration.".

Civil Aeronautics Board,
Washington, D.C., April 17, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings."

The Board has been advised by the Office of Management and Budget that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

Robert D. Timm, *Chairman.*

Enclosure.

Statement of Purpose and Need for a Draft Bill To Amend the Federal Aviation Act of 1958 so as To Clarify the Powers of the Civil Aeronautics Board in Respect of Consolidation of Certain Proceedings

One of the most persistent problems the Board has encountered, particularly in large area route proceedings, has been the contention of applicants at the consolidation stage, based on the doctrine of *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945), that they are entitled as a matter of legal right to consolidation of particular applications. Such an applicant usually asserts that the grant of an application which the Board proposes to hear will preclude a subsequent grant of its own application, and that the Board therefore must also hear its application in the proceeding and accord it comparative consideration.

In many instances in the past, a refusal by the Board to consolidate has resulted in an appeal to the courts from the consolidation order, with a request that the court stay further procedural steps in the Board proceeding pending disposition of the petition for review. The bill is designed, among other things, to resolve these problems.

This matter has been the subject of consideration and recommendation by the Administrative and Judicial Conferences of the United States. In its 1962 final report (Recommendation No. 20), the Administrative Conference recommended that the Federal Aviation Act be amended. First, the Administrative Conference recommended that the Board should be allowed to give contemporaneous consideration of applications, when required, by assigning various of the applications for separate evidentiary hearings and then consolidating them for simultaneous decision by the Board. This recommendation was made subject to the condition that applicants excluded from a particular hearing should be allowed to participate therein as intervenors, adduce evidence, and cross-examine adverse witnesses. Second, the Administrative Conference recommended that when the Board considers applications for service within a defined area or over a described route segment, the Board is not required to consolidate certain applications if it provides that new service must make a mandatory stop at a point marking the boundary of the defined area or common to the excluded applications. Lastly, the Administrative Conference recommended that the Board should not be required to hold a preliminary hearing on the issue of consolidating applications. Subsequently, the Judicial Conference of the United States also endorsed the recommendation of the Administrative Conference (see Report of the Proceedings of the Judicial Conference of the United States, September 22–23, 1965 (H. Doc. No. 356, 89th Cong., 2d Sess., p. 68)).

The legislation amends section 401(c) of the Federal Aviation Act of 1958, relating to certificate proceedings, so as to reflect in substance these recommendations of the Administrative and Judicial Conferences, and makes a technical amendment to section 1006 (a) of the Act, relating to judicial review of Board orders.

By Mr. MAGNUSON (for himself and Mr. Tunney):

S. 2093. A bill to amend the Horse Protection Act of 1970 to better effectuate its purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, today I am introducing for myself and Mr. Tunney a bill to amend the Horse Protection Act of 1970 to facilitate enforcement of that act and to put an end to the cruel practice of soring horses.

When we passed the Horse Protection Act of 1970, it was intended to stop, once and for all, the inhumane and absolutely unnecessary practice of soring Tennessee Walking Horses to effect their natural gait. After extensive investigation and oversight hearings by the Senate Commerce Committee which were chaired by Senator Tunney, I was very disturbed to learn that our legislative action did not provide a final solution. Further legislation will be necessary to stimulate the administration action originally mandated by Congress.

At the Commerce Committee hearings, expert witnesses testified that the practice of soring continues on a widespread scale despite the fact that it has been illegal for over 2 years. As a strong supporter of the earlier legislation, I was shocked when Senator Tunney described to me deficiencies in the U.S. Department of Agricultures' administration of the act. Thousands of sored horses now move in interstate commerce, ironically often to appear in charitable benefit shows. But since the passage of the act over 2 years ago, not one criminal conviction nor one civil penalty has resulted from the enforcement efforts of the Department of Agriculture.

In fact, even the rules and regulations from posing civil penalties were not adopted by the USDA until after the Commerce Committee scheduled hearings to investigate the agency's lack of enforcement effort.

While we are convinced that the purposes of this act could have been realized under the Horse Protection Act of 1970, we also realize that act contains certain deficiencies which made enforcement efforts more difficult than necessary. Therefore, the bill I am introducing today is intended to increase the enforcement powers of the Department of Agriculture to make it more likely that individuals who persist in the cruel practice of soring will be brought to justice.

I hope that this bill, when enacted, will put a stop to amateur and commercial soring of the Tennessee Walking Horse. This mutilation of animals to enterain man's violent sensitivities can only be termed barbaric. Because soring leads to the breeding of inferior animals, its continuance would only destroy the once honorable walking horse industry. We should no longer tolerate this pointless cruelty to animals undertaken for profit.

AMENDMENT OF TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—AMENDMENTS

AMENDMENTS NOS. 289 THROUGH 291

(Ordered to be printed and to lie on the table.)

Mr. SCOTT of Pennsylvania submitted three amendments, intended to be proposed by him, to amendment No. 248, intended to be proposed by Mr. McClellan to the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 284, TO H.R. 8410

At the request of Mr. Church, the Senator from Wyoming (Mr. McGee), the Senator from New Jersey (Mr. Williams), the Senator from Kentucky (Mr. Huddleston), the Senator from South Carolina (Mr. Hollings), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), the Senator from Michigan (Mr. Hart), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), the Senator from Massachusetts (Mr. Brooke), the Senator from Nevada (Mr. Bible), the Senator from Maine (Mr. Muskie), the Senator from California (Mr. Tunney), the Senator from Iowa (Mr. Clark), the Senator from South Dakota (Mr. Abourezk), the Senator from Illinois (Mr. Stevenson), and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of amendment No. 284 to H.R. 8410.

REMOVAL OF INJUNCTION OF SECRECY ON A TREATY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty on Extradition between the United States of America and Italy, signed at Rome on January 18, 1973 (Executive M, 93d Congress, first session), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Extradition between the United States of America and Italy, signed at Rome on January 18, 1973. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty significantly updates the extradition relations between the United States and Italy and adds to the list of extraditable offenses both narcotic offenses, including those involving psychotropic drugs, and aircraft hijacking.

The Treaty will make a significant contribution to the international effort to control narcotics traffic and to cope with other offenses. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

Richard Nixon.

The White House, *June 26, 1973.*

ORDER FOR RECESS TO 8:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 8:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized tomorrow, the following Senators be recognized for not to exceed 10 minutes each, and in the order stated: The Senator from Oklahoma (Mr. Bartlett); the Senator from Arizona (Mr. Fannin); the Senator from Wyoming (Mr. Hansen); the Senator from Oklahoma (Mr. Bellmon); the Senator from Alaska (Mr. Gravel); and the Senator from New Mexico (Mr. Domenici).

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, there will be no morning business tomorrow. At 9:30 a.m., under the previous order, the Senate will take up the Schlesinger nomination.

If the orders for the recognition of Senators should be consummated prior to 9:30 a.m., it is hoped that the Senate can move to the consideration of the Schlesinger nomination earlier than 9:30 a.m. A yea-and-nay vote will occur on the nomination, but that vote will not occur before 12:30 p.m.

It is not implied that the debate on the nomination will last from 9:30 a.m. to 12:30 p.m.

Following the close of debate on the Schlesinger nomination, it is intended to take up the bill making appropriations for the Department of Agriculture, H.R. 8619.

I ask unanimous consent that it be in order for the Senate to proceed, following debate on the nomination, to the consideration of H.R. 8619.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Upon the disposition of the agriculture appropriation bill, the Senate will proceed to the consideration of the Omnibus Crime Control and Safe Streets Act of 1968, H.R. 8152.

I ask unanimous consent that when the Senate completes action on the agricultural appropriation bill it proceed to the consideration of the omnibus crime bill, H.R. 8152.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there will be several yea-and-nay votes tomorrow. The first vote will occur on the Schlesinger nomination at 12:30 p.m.

It is anticipated that any yea-and-nay votes in relation to the agricultural appropriation bill will occur after the vote on the Schlesinger nomination. There will be several yea-and-nay votes tomorrow.

RECESS TO 8:30 A.M.

Mr. GRIFFIN. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 8:30 a.m. tomorrow.

The motion was agreed to; and at 11:01 p.m., the Senate recessed until tomorrow, Thursday, June 28, 1973, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 27 (legislative day of June 25), 1973:

COMMUNITY DEVELOPMENT CORPORATION

Alberto Faustino Trevino, Jr., of Californit, to be a member of the Board of Directors of the Community Development Corporation, vice Samuel C. Jackson, resigned.

THE JUDICIARY

Prentice H. Marshall, of Illinois, to be a U.S. district judge fo the northern district of Illinois vice Alexander J, Napoli, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 27 (legislative day of June 25), 1973:

FEDERAL BUREAU OF INVESTIGATION

Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation.

DEPARTMENT OF COMMERCE

Sidney L. Jones, of Michigan, to be an Assistant Secretary of Commerce.

(The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Wednesday, June 27, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

According to the riches of His glory, may God grant you to be strengthened with might through His spirit in the inner man.—Ephesians 3:16.

Eternal God, the source of all that is good and true and beautiful in human life, once more we turn to Thee, worried, seeking Thy peace, weak, needing Thy strength and tired, desiring rest in Thee. We have tried to content ourselves with little things of minor importance but Thou art calling us to greater things of major importance. Restless we are until we find rest in Thee. Help us to respond to Thee, to be strengthened by Thy spirit in the inner man that we may do our work this day with Thy cause in our hearts.

O spirit of the living God, send us forth to serve Thee and our country with clear minds, clean hearts, and courageous spirits.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 296]

Addabbo
Alexander
Ashbrook
Badillo
Blatnik
Boggs
Breaux
Broyhill, N.C.
Byron
Chisholm
Clark
Clay
Conte
Cronin
Danielson
Davis, Ga.
Dellums
Derwinski
Dickinson
Diggs
Dingell
Dorn
Fisher
Ford,
  William D.
Fountain
Gude
Hébert
Hinshaw
Jones, Ala.
Macdonald
Metcalfe
Mills
Murphy, N.Y.
O'Neill
Parris
Pepper
Powell, Ohio
Pritchard
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Sandman
Seiberling
Stark
Steed
Stokes
Sullivan
Teague, Tex.
Thompson, N.J.
Thornton
Veysey
Young, Tex.

The SPEAKER. On this rollcall 380 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

INCREASED DAIRY IMPORTS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the administration has continued its backdoor efforts to increase dairy imports without first consulting Congress.

I am talking about regulations, published in the Federal Register last week, which say that when countries fail to fill their import quotas for dairy products the Secretary of Agriculture may reassign the unfilled portion of these quotas to other countries.

What is really happening is that the administration is implementing by fiat the recommendations of the Flanigan report.

When Members of Congress were finally able to blast the confidential Flanigan report out of the USDA, we found out that the report advised the President "not to approach the Congress until after negotiations" on agriculture trade policies were concluded.

The administration's action in this recent case is bad enough, but the general attitude behind it is even more disturbing.

Changes in agriculture policy have a significant effect on both farmers and consumers, and should not be determined unilaterally by the executive branch.

Yet that is what is happening. Three times this year the administration has recommended increased quotas for foreign dairy products. Twice the dairy products were already here before the Tariff Commission met to see if they ought to be allowed into the country.

Mr. Speaker, we know that dairy products imported from other countries do not meet the same sanitation standards which our own products meet. Consumers in this country should find these regulations on import quotas published last week quite disturbing.

FIRE PREVENTION AND CONTROL ACT OF 1973

(Mrs. HOLT asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. HOLT. Mr. Speaker, I rise today to commend the National Commission on Fire Prevention and Control for their report entitled "America Burning," and to express my support for the Fire Prevention and Control Act of 1973.

The National Commission report represents a 2-year investigation of fire prevention and control. A number of specific recommendations of the Commission have been incorporated in this act including the establishment of a U.S. Fire Administration within the Department of Housing and Urban Development. The Fire Administration would be comprised of a National Fire Academy, a national fire data system, a research and development division, and a State and local programs division.

The magnitude of human and economic losses from fires in America is almost beyond comprehension. It is indeed appalling that a country of our resources and wealth leads all the major industrialized countries in per capita deaths and property loss from fires. The National Commission has estimated that fires take an annual toll of 12,000 lives, 300,000 injured, and over $11 billion in wasted resources each year. These grisly statistics will continue to rise in the future unless immediate steps are taken to stem this tide.

The National Commission has estimated that enactment of its recommendations will result in annual reduction of fire losses of 5 percent until such losses are halved in 14 years. If we can achieve this objective, the savings afforded through the reduction of losses will more than offset the costs of the program.

I am pleased to have the opportunity to cosponsor the Fire Prevention and Control Act and I urge swift action on this necessary legislation.

THE LATE HONORABLE JAMES V. SMITH OF CHICKASHA, OKLA.

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROYHILL of North Carolina. Mr. Speaker, it was with a deep sense of sadness that I recently learned of the tragic and untimely death of our former colleague and friend, James V. Smith, of Chickasha, Okla.

During his service in the House of Representatives, Jim Smith earned the deep respect of all his colleagues. He proved himself to be an able legislator who won the friendship and admiration of Members on both sides of the aisle.

When President Nixon appointed Jim as Administrator of the Farmers Home Administration, his choice was applauded as an excellent one. Jim's innovative programs initiated during his tenure as Administrator led the FHA to some of its greatest achievements. As a Representative from a rural congressional district, I can attest to the responsiveness of the FHA to the needs and problems of rural America. Programs of this fine agency have had a widespread impact in North Carolina and have assisted a number of my constituents.

When Jim retired to his farm in Chickasha, Okla., his many friends in Washington paid tribute to his many accomplishments and wished him well.

Today, we are all saddened by his tragic loss. Jim was an unusual man who combined the abilities of a legislator and administrator with a deep concern for the well-being of his fellow man.

He will be missed.

EXTENSION OF EXISTING SUSPENSION OF DUTY ON CERTAIN ISTLE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2261) to continue for a temporary period the existing suspension of duty on certain istle, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object—and I shall not object—I ask the gentleman from Oregon to give us an explanation of this legislation.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, the purpose of H.R. 2261 is to continue for 3 years from September 5, 1972, the suspension of duty on imports of processed istle fiber.

Crude istle fiber has always been afforded duty-free entry under the Tariff Act of 1930. However, the processed fiber has been dutiable under the act at the rate of 20 percent ad valorem. Beginning in 1957 successive 3-year extensions have continued the suspension of the duty applicable to the processed fiber until the close of September 5, 1972.

Istle fiber is derived from several species of the agave plant which is indigenous to Mexico. Its principal use in the United States is in the manufacture of brushes.

There is no domestic production of the raw istle fiber. Domestic production of the processed fiber from imported raw fiber has been long insignificant. The original purpose of the suspension of the duty in 1957 was to reduce the burden of higher prices on domestic users of the fibers and of the finished products. The committee is informed that conditions continue to warrant the suspension of this duty.

Mr. Speaker, H.R. 2261 continues the suspension for another 3 years from September 5, 1972. The bill also carries provisions to obviate any possible confusion concerning the liquidation or reliquidation of entries after this last-mentioned date and before the date of enactment.

No objection to H.R. 2261 was received from the interested department and agencies. The Committee on Ways and Means is unanimous in recommending enactment of this bill.

I urge that the House approve H.R. 2261.

Mr. SCHNEEBELI. I thank the gentleman for his explanation.

Mr. Speaker, I support H.R. 2261, which would continue for 3 years the suspension of duty on processed istle fiber.

Istle fiber is derived from a plant which is indigenous to Mexico. Its main use in the United States is in the manufacture of brushes and brooms.

The duty on this fiber initially was suspended 15 years ago, and the suspension has been continued every 3 years since then. The most recent suspension expired on September 5 last year.

When Public Law 85-284, which provided the initial suspension of processed istle fiber, was enacted in 1957, no raw istle fiber was being produced in the United States and very little production of processed fiber from imported raw fiber was taking place. The main purpose of the suspension was to reduce the burden of higher prices on domestic users of the fibers and of the finished products. The committee has been advised that the conditions which occasioned the original and subsequent suspensions of istle fiber continue to exist and, accordingly, it warrants continued suspension.

As previously indicated, all the imports of istle fiber come from Mexico and their value was $3.4 million in 1970, $3.0 million in 1971 and $2.7 million in 1972. The Department of Labor advised the committee that the importation of istle fiber as a raw material helps to maintain employment in the domestic broom and brush industry.

Mr. Speaker, the committee reported H.R. 2261 unanimously after being informed that there were no objections to the extension of this suspension. I recommend its enactment by the House.

Mr. Speaker, I withdraw my reservation .

The SPEAKER. Is there objection to the request of the gentleman from Oregon.

Mr. ASPIN. Mr. Speaker, reserving the right to object, I should like to say to the gentleman from Oregon that I am not going to object to the bill he is bringing up, nor will I object to any of the bills he will be bringing up under the unanimous-consent procedure today. I believe the bills he is bringing up today are in a lot of ways much better than other bills that have been brought up under unanimous consent previously.

I believe there is still an awful lot about the procedure which ought to be improved. The reports ought to be better. We ought to know exactly who benefits from these bills and the details of revenue aspects of these bills. But I believe these bills are not the tax loopholes that other bills have been which were brought up under the unanimous-consent procedure.

The procedure itself is something we ought to have. I believe it has been abused in the past, but I do not believe it is being abused today.

Mr. ASPIN. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to

the request of the gentleman from Oregon.

There was no objection.

The Clerk read the bill, as follows:

H.R. 2261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 903.90 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "9/5/72" and inserting in lieu thereof "9/5/75".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the sixtieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after September 5, 1972, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as through such entry or withdrawal had been made on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DUTIES ON CERTAIN FORMS OF COPPER

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2323) to continue until the close of June 30, 1974, the suspension of duties on certain forms of copper, which was unanimously reported to the House by the Committee on Ways and Means.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. COLLIER. Mr. Speaker, reserving the right to object—and I shall not object—I do so for the purpose of having the gentleman from Oregon explain the bill.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, the purpose of H.R. 2323, as reported, is to suspend the duty on certain forms of copper during the period July 1, 1973, to July 1, 1974.

The duty on imports of unwrought copper (except nickel copper), copper waste and scrap, copper articles imported to be used in remanufacture by smelting, and on the copper content of certain copper-bearing ores and materials was suspended from February 1966 to June 30, 1972.

These previous suspensions of duty were enacted to relieve the tight supply situation in the United States and world markets. Although the supply situation has improved since 1970 when the last suspension of duty was enacted, the supply situation has tightened since mid-December 1972, and both domestic and foreign prices have risen sharply. On April 9, domestic and foreign prices were at 60 cents per pound and 74 cents per pound, respectively. In 1966 the domestic price of copper was 36.2 cents per pound and the foreign price was 69 cents per pound.

Mr. Speaker, while the domestic producing interests which opposed the extension of the duty suspension last year have removed their opposition to this bill, H.R. 2323, they have continued to express concern with increasing foreign capacity and rising domestic costs including cost of meeting air quality control standards for copper smelters.

In recognition of this concern and in view of the increases in the prices of copper since 1966, the Departments of Interior and Commerce suggested, and the committee agreed to, amendment of the Tariff Schedules to provide that the proposed suspension of duty on imports of copper be set aside at such times as the domestic price of copper declines to 51 cents per pound. Previous suspensions of duties on copper had been subject to a "peril point" as provided in the Tariff Schedules, under which the suspension of duty became inapplicable during any period in which the prices of electrolytic copper in styles, shapes, and sizes delivered Connecticut Valley, fell below 36 cents per pound. The committee amendment provides that this "peril point" be adjusted to 51 cents per pound.

The Committee on Ways and Means was unanimous in reporting H.R. 2323, and I urge its approval by the House.

Mr. COLLIER. Mr. Speaker, I support H.R. 2323, which would extend through June of 1974 the suspension of duties on certain forms of copper. In addition to extending these suspensions, the bill would also increase the "peril point" from 36 cents per pound to 51 cents per pound. The "peril point" is the U.S. domestic price at or below which the duty becomes automatically reinstated. The change in the "peril point" was recommended by the Department of Interior to reflect the domestic price and cost trends which have developed since 1966 when the 36 cents "peril point" was established. The committee agreed to this change.

The items covered in the existing suspension which is extended by this bill are unwrought copper, copper waste and scrap, copper for remanufacture by smelting, and copper contained in certain ores and materials. The initial suspension was enacted in 1966, when there was an extremely tight situation worldwide with respect to this valuable and necessary metal. Demand was outstripping supply, and prices were high and rising.

Several steps were taken domestically to deal with this situation, including the release of stockpiled copper and congressional enactment of a suspension of duties for 2 years. The Congress has acted twice since then to extend the suspension.

In its consideration of this latest proposal to continue the suspension, the committee was informed that the copper situation has improved in the 7 years since duties were initially suspended. Domestic production has increased and supply is not as tight, while imports have declined, both in absolute terms and as a proportion of domestic consumption.

The committee also was told that over the long run the United States will continue to be dependent to some extent on foreign sources of supply. Additionally, foreign and domestic prices have increased since mid-December 1972, due to a tighter supply situation. It is felt that the duty suspension will lower prices of imported copper without adversely affecting the domestic industry. For these reasons, the committee amended the bill, as introduced, to provide for a 1-year rather than a 2-year extension of the present suspension of duty.

In light of this information, and inasmuch as the interested executive branch agencies—registered no objections to the proposal, the committeee unanimously reported H.R. 2323, as amended and recommends its enactment.

Mr. Speaker, I withdraw by reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper bearing ores and materials), 911.14 (relating to cement copper and copper copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/72" and inserting in lieu thereof "6/30/74".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after June 30, 1972, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry or withdrawal, shall notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

With the following committee amendments:

Page 1, line 3, after "That" insert "(a)".

Page 2, strike out line 1 and all that follows thereafter down through line 17 and insert the following:

(b) Headnote 3 of subpart B of part 1 of the Appendix to such Schedules is amended by striking out "36" each place it appears therein and inserting in lieu thereof "51".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 1973.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF EXISTING SUSPENSION OF DUTIES FOR METAL SCRAP

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2324) to continue until the close of June 30, 1975, the existing suspension of duties for metal scrap, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. COLLIER. Mr. Speaker, reserving the right to object, I do so only for the purpose of permitting the gentleman from Oregon (Mr. ULLMAN) to explain the bill.

Mr. ULLMAN. Mr. Speaker, will the gentleman from Illinois (Mr. COLLIER) yield?

Mr. COLLIER. I would be happy to yield to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, the purpose of H.R. 2324, as reported by the Committee on Ways and Means, is to continue to the close of June 30, 1975, the existing suspension of duties on certain metal waste scrap, provided by item 911.12 of the Tariff Schedules of the United States.

Legislation for the temporary suspension of the duties on metal scrap was first enacted in 1942. With various changes the suspension was continued from time to time depending upon the scarcity of the particular metals at the time.

H.R. 2324 would continue for another 2 years, until July 1, 1975, the temporary suspension of the duties on such metal scrap as iron and steel, aluminum, magnesium, nickel, and nickel alloys. As before, the bill would not suspend the duties applicable to waste and scrap of lead, lead alloy, zinc, zinc alloy, tungsten, or tungsten alloy, nor would it suspend the duties applicable to articles of lead, lead alloy, zinc, zinc alloy, tungsten or tungsten alloy.

The Committee on Ways and Means has received no information which would indicate any opposition to the legislation. Moreover, the committee is informed that the conditions which prompted the initial suspension of duty on metal scrap and the continuations thereof to the present time have not materially changed.

The committee is unanimous in reporting H.R. 2324, and I urge its approval by the House.

Mr. COLLIER. Mr. Speaker, I rise in support of H.R. 2324, which continues until June 30, 1975, the existing suspension of duties on certain metal waste scrap which expires on the 30th of this month.

There has been legislation on the books since 1942, with varying changes depending on the prevailing supply of the particular metal, suspending the duty on various metal scrap. Under present law, the duty is suspended for certan metal scrap, primarily scrap from iron and steel, aluminum, magnesium, nickel, and nickel alloys, until June 30 of this year. With that date close at hand, the Committee on Ways and Means has unanimously voted to continue the existing suspension for the period ending June 30, 1975.

Metal scrap is an important source of metal supply and is often considered raw material in the same sense as metal ores. Since many independent smelters in America depend on imports of metal scrap, to reimpose the duty now would reduce these imports and result in a reduction in our mineral resource base.

As before, this bill would not suspend the duties applicable to waste and scrap of lead, lead alloy, zinc, zinc alloy, tungsten or tungsten alloy, nor the duties applicable to articles of lead, lead alloy, zinc, zinc alloy, tungsten, or tungsten alloy.

The committee was advised that the conditions justifying the suspension of duty on these metals through the years continue to prevail. The committee received no objections to the legislation from the interested departments and was unanimous in recommending enactment of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 911.12 (relating to articles other than copper waste and scrap and articles of copper) of the Tariff Schedules of the United States (19 U.S.C. 1202 is amended by striking out "6/30/73" and inserting in lieu thereof "6/30/75".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1973.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF EXISTING SUSPENSION OF DUTY ON CERTAIN DYEING AND TANNING MATERIALS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3630) to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. COLLIER. Mr. Speaker, reserving the right to object, I do so once again for the purpose of permitting the gentleman from Oregon (Mr. ULLMAN) to explain the bill.

Mr. ULLMAN. Mr. Speaker, will the gentleman from Illinois (Mr. COLLIER) yield?

Mr. COLLIER. Yes, I yield to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, the purpose of H.R. 3630, as reported by the Committee on Ways and Means, is to suspend temporarily, until the close of September 30, 1975, duties on imports of certain dyeing and tanning materials.

Legislation for the temporary suspension of duties on certain dyeing and tanning extracts was first enacted in 1957. With various changes, including the addition of other dyeing and tanning extracts, the suspension of duties has been extended on a number of occasions. The last such extension terminated on September 30, 1972.

Mr. Speaker, the only vegetable tanning material which has been produced in the United States in significant quantity is chestnut tanning extract. With the continued decline in the availability of chestnut trees, domestic firms producing tanning extracts have been unable to secure raw materials. Thus, the domestic availability of tanning extracts has steadily declined, and imported vegetable tanning materials are needed by U.S. tanning and leather industries to convert raw hides and skins into leather. Also certain of the materials are used by the oil well drilling industry as a thinner for fluids used in rotary drilling operations. Because of the continued lack of domestic availability of dyeing and tanning materials, the suspension of duties as provided in H.R. 3630, as amended, is warranted.

Mr. Speaker, in view of the fact that the last suspension of duty terminated on September 30, 1972, the bill has been amended by the committee to provide that the suspension will only apply to entries made on or after the date of enactment of the act, and to entries made after September 30, 1972, and before the date of enactment the liquidations of which have not become final on such date of enactment.

No objection has been received by the committee on this bill, and it was unanimously reported by the committee. I urge its approval by the House.

Mr. COLLIER. Mr. Speaker, I support H.R. 3630, which would extend for a 3-year period—until September 30, 1975—the duty-free treatment of certain dyes and tanning materials.

In the past, we have provided for the

temporary suspension of duties on dyes and tanning products which were found to be in short supply in the United States. The last such suspension terminated on September 30 of last year, and the committee amended this bill to provide that the suspension of duties will apply only to entries made on or after the date of enactment of the act and to entries made between September 30, 1972, and the date of enactment where the liquidation of the article has not become final on the date of enactment.

The materials covered by this legislation include certain dyeing and tanning products of canaigre, chestnut, curupay, divi-divi, eucalyptus, and others which are provided for in the Tariff Schedules of the United States.

As I previously indicated, the supply of vegetable tanning materials in the United States has been declining with the result that it is necessary for us to import the materials needed by the leather industry to convert raw hides and skins into leather. Also, certain of the materials are utilized by the oil well drilling industry as a thinner for fluids used in rotary drilling operations.

In view of these requirements, it is important that we continue to provide for the duty-free treatment of the materials included in the legislation for another 3-year period.

The committee has been advised that the conditions which led to the original suspension of duties on dyeing and tanning materials continue to exist and believes that the continuation of these suspensions is warranted. The committee unanimously reported the bill and I urge its approval.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 907.80 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "9/30/72" and inserting in lieu thereof "9/30/75".

With the following committee amendment:

Page 1, after line 5, insert the following:

SEC. 2. The amendment made by the first section of this Act shall apply wtih respect to (1) articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act; and (2) to any article covered by an entry or withdrawal (A) which was made after September 30, 1972, and before such date of enactment, and (B) the liquidation of which has not become final on such date of enactment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, an a motion to reconsider was laid on the table.

SUSPENSION OF DUTY ON CAPROLACTAM MONOMER IN WATER SOLUTION

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6394) to suspend the duty on caprolactam monomer in water solution until the close of December 31, 1973, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object, I take this time to ask the gentleman from Oregon (Mr. ULLMAN) to explain the bill.

Mr. ULLMAN. Mr. Speaker, will the gentleman from Pennsylvania (Mr. SCHNEEBELI) yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, the purpose of H.R. 6394, as reported by the Committee on Ways and Means, is to extend from December 31, 1972, to December 31, 1973, the temporary suspension of duty on imports of caprolactam monomer in water solution.

Caprolactam monomer, a benzenoid chemical, is principally used as an intermediate in the preparation of Nylon 6, which in turn is used in the manufacture of synthetic fibers, moulding resins, and nonwoven fibers.

Under Public Law 92-587, the duty on imports of caprolactam monomer was suspended from August 16, 1972, to December 31, 1972. This temporary duty suspension was in response to the short supply situation in the United States. The severe short supply of caprolactam monomer has been due in large measure to the fact that a new plant designed to add 100 million pounds to the U.S. production capacity has not come on-stream as planned because of technical difficulties. In order to supply the needs of its customers, the domestic producer is importing unrefined caprolactam to be further processed in units of its new plant that are operational. The two remaining domestic sources cannot supply the additional unrefined caprolactam required by the customers of the firm importing caprolactam.

The Committee on Ways and Means is satisfied that the conditions supporting the original suspension of duties have continued and that the extension of the duty suspension for 1 year from December 31, 1972, is warranted. Favorable reports on H.R. 6394 were received from interested executive branch agencies and an informative report was received from the U.S. Tariff Commission.

In view of the termination of the suspension of duty on December 31, 1972, the bill also provides that the entry or withdrawal of any articles which was made after December 31, 1972, and before the date of enactment of H.R. 6394 may be liquidated or reliquidated as though such entry or withdrawal had been made on the date of enactment. Such liquidation or reliquidation of any entry or withdrawal is subject to a request being filed therefor with the customs officer concerned on or before the 90th day after the date of enactment.

Mr. Speaker, the Committee on Ways and Means is unanimous in reporting this measure, and I urge its approval by the House.

Mr. SCHNEEBELI. Mr. Speaker, I rise in support of H.R. 6394, which provides for the suspension of duty on caprolactam monomer in water solution, until December 31, 1973.

Caprolactam monomer, a benzenoid chemical, is used in the preparation of Nylon 6 which, in turn, is used in the manufacture of synthetic fibers, molding resins, and nonwoven fabrics. A small amount of caprolactam is used in floor polishes, in specialty coatings, and adhesives.

The United States has been importing caprolactam for some time and our imports have been rising while our exports of caprolactam have decreased. In the 92d Congress, we enacted legislation suspending the duty on caprolactam monomer in water solution. Under this legislation, the duty was suspended from August 16, 1972, through December 31 of last year. The bill before the House would continue the duty-free importation of this substance from last December 31 through December 31 of this year.

The severe shortage of caprolactam monomer has been due to the delay in construction of a new plant facility designed to greatly increase U.S. production capacity of one of the three domestic producers. The domestic producers are currently unable to supply the existing demand. Since the construction of new facilities will have an impact on supply, the extension of duty-free treatment is only through December 31 of this year.

Caprolactam in water solution has been used in increasing amounts in America and the committee is satisfied that the conditions which occasioned the original suspension of duty have continued and that the extension of duty suspension for 1 year is warranted.

I urge the enactment of H.R. 6394.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the appendix of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 907.45 the following new item:

"907.50	Caprolactam monomer in water solution (provided for in item 403.70, part 1B, schedule 4).	Free	No change	On or before December 31, 1972".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after January 1, 1973 and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

With the following committee amendments:

Page 1, line 5, strike out "907.45" and insert "905.31".

Page 1, in the matter immediately following line 6, strike out "December 31, 1972," and insert "12/31/73".

Page 2, line 9, strike out "January 1, 1973" and insert "December 31, 1972".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTIABLE STATUS OF MANGANESE ORE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6676) relating to the dutiable status of manganese ore, including ferruginous manganese ore, and manganiferous iron ore, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object, I ask the gentleman to explain this legislation.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman.

Mr. ULLMAN. Mr. Speaker, the purpose of H.R. 6676, as reported by the Committee on Ways and Means, is to continue for a 3-year period, through June 30, 1976, the existing suspension of duty on certain manganese ores.

Mr. Speaker, there is little production of manganese ore in the United States. In recent years, domestic ore has accounted for less than 1 percent of the manganese ore consumed in this country. Thus the preponderant share of domestic consumption of manganese ore is supplied by imports principally from Brazil, Gabon, Congo, Ghana, India, and the Union of South Africa.

The principal use of manganese ore is for metallurgical purposes in the production of steel. Much smaller amounts are consumed in the production of dry cell batteries and in the manufacture of manganese chemicals. Consumers of manganese ore in the United States are principally producers of manganese ferroalloys, primarily ferromanganese, and to a lesser extent silicomanganese. Continued suspension of duty, as provided in H.R. 6676 will aid in reducing costs to these processors and in enhancing the competitive position of domestically produced alloys.

The Committee on Ways and Means is convinced that the continued suspension of duty on manganese ore provided in H.R. 6676 as reported is fully justified and warranted. As originally introduced, H.R. 6676 would have suspended the duty on manganese permanently. At the suggestion of the Department of State, the committee amended the bill to extend the suspension temporarily for a period of 3 years. No objection to the extension of duty suspension was received from the interested Federal agencies, and the committee is unanimous in recommending enactment of the bill. I urge its approval by the House.

Mr. SCHNEEBELI. Mr. Speaker, I rise in support of H.R. 6676, which will continue for a 3-year period the existing suspension of duty on certain manganese ores. If this legislation is enacted, suspension on these manganese ores will be extended from June 30 of this month until the close of June 30, 1976.

Most of the manganese ore used in the United States has been and no doubt will continue to be imported. In fact, in recent years, only about 1 percent of the manganese ore consumed here has been produced domestically. The remaining share has been supplied by Brazil, Gabon, Congo, Ghana, India, and South Africa. It is anticipated that the situation vis-a-vis the need to import most of the manganese ore for domestic use will continue for the indefinite future.

As a result, H.R. 6676, as introduced, would have suspended permanently the duty on manganese. However, at the suggestion of the Department of State, the committee decided to limit the suspension to an additional 3-year period.

Manganese ore is used primarily for metallurgical purposes in the production of steel and secondarily in the production of dry cell batteries and the manufacture of manganese chemicals. The principal consumers of manganese ore are producers of manganese ferroalloys, and the enactment of this legislation will, in the view of the committee, be helpful to these producers.

The committee is satisfied that the conditions which prompted the past suspension of duties on manganese ore still prevail. The committee unanimously reported this legislation, and I urge its approval.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill as follows:

H.R. 6676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Tariff Schedules of the United States (19 U.S.C. 1202) are amended as follows:

(1) Item 601.27 (relating to manganese ore) is amended by striking out "0.12¢ per lb. on manganese content" and inserting in lieu thereof "Free".

(2) Effective July 1, 1973, item 911.07 (relating to manganese ore) is repealed.

(b) The rate of duty for item 601.27 in rate column numbered 1 of the Tariff Schedules of the United States, as amended by subsection (a), shall (1) be treated as not having the status of statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carrying out foreign trade agreements to which the United States is a party, and (2) supersede the staged rates of duty provided for such items in annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., Numbered 244, part II, page 19037).

(c) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 1, 1973.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

That (a) item 911.07 (relating to manganese ore, including ferruginous manganese ore and manganiferous iron ore) of Tariff Act of 1930 or any other provision of law, be liqui-(19 U.S.C. 1202) is amended by striking out "6/30/73" and inserting in lieu thereof "6/30/76".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1973.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to continue until July 1, 1976, the existing suspension of duty on manganese ore."

A motion to reconsider was laid on the table.

SUSPENSION OF DUTY ON COPYING SHOE LATHES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8215) to provide for the suspension of duty on certain copying shoe lathes until the close of June 30, 1976, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object, I ask the gentleman to explain the bill.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman.

Mr. ULLMAN. Mr. Speaker, the purpose of H.R. 8215, as reported by the Committee on Ways and Means, is to provide for the suspension of duty until the close of June 30, 1976, on copying lathes used for making rough or finished shoe lasts from models of shoe lasts and capable of producing more than one size shoe from a single size model of shoe last.

The duty on copying shoe lathes has been temporarily suspended on a successive basis, beginning in 1956, for 2- and 3-year periods. The suspension of duty on these lathes was initially made and has been continued in order to make available to domestic shoe-last manufacturers highly specialized and expensive copying lathes on a duty-free basis. The Committee on Ways and Means is advised that such lathes can only be obtained from foreign sources. The duty suspension as provided in H.R. 8215, therefore, will continue to benefit the shoe-last manufacturing industry in the United States without detriment to any domestic interests.

In view of the termination of the suspension of duty on June 30, 1972, H.R. 8215 also provides that the entry or withdrawal of any articles which was made after June 30, 1972, and on or before the date of enactment of H.R. 8215, may be liquidated or reliquidated as though such entry or withdrawal had been made after the date of enactment.

No objection to the enactment of this suspension has been received, and the committee is unanimous in recommending its approval by the House.

Mr. SCHNEEBELI. Mr. Speaker, I rise in support of H.R. 8215, a bill to continue until June 30, 1976, the existing suspension of duty on certain copying shoe lathes. The duty applicable to these lathes has been suspended for 2- and 3-year periods since 1956.

The copying shoe lathes involved are not produced in America. Throughout the years, our domestic shoe industry has requested suspension of the duty on these items which are used for making rough or finished shoe lasts from a single-size shoe last model. The Congress has granted these extensions in the past on the ground that the lasts could not be purchased in this country. The exemptions benefit domestic shoe manufacturers, their workers, and consumers without damaging any domestic interests. No objection has been received to the extension of the present suspension of duty on these items.

The suspension of the duty on these copying shoe lathes terminated last June 30. As a result, the bill provides that entry or withdrawal of any articles made after that date and on or before the date of enactment of H.R. 8215 may be liquidated or reliquidated as though such entry or withdrawal had been made after the date of enactment. This liquidation or reliquidation of any withdrawal or entry as subject to a request being filed with the customs officer concerned on or before the 120th day after the date of enactment of this legislation.

The committee is informed that continuation of the suspension of these copying shoe lathes is warranted and unanimously reported the bill. Therefore, I urge its enactment.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill as follows:

H.R. 8215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 911.70 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "On or before June 30, 1972" and inserting in lieu thereof "On or before June 30, 1976."

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after June 30, 1972, and on or before the date of the enactment of this Act, and

(2) with respect to which the amount of duty would be smaller if the amendment made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of the enactment of this Act.

With the following committee amendments:

On page 1, line 4, strike out "'On" and all that follows thereafter down through line 6 and insert the following: "6/30/72" and inserting in lieu thereof "6/30/76".

On page 2, lines 6 and 7, strike out "the amount of duty would be smaller" and insert the following : "there would have been no duty".

The SPEAKER. The question is on the committee amendments.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 403, nays 0, answered "present" 1, not voting 29, as follows:

[Roll No. 297]

YEAS—403

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk

Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton,
J. William
Stanton,
James V.
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson,
Charles H.,
Calif.
Wilson,
Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

ANSWERED "PRESENT"—1

Cronin

NOT VOTING—29

Anderson, Ill.
Ashbrook
Badillo
Blatnik
Breaux
Chisholm
Clay
Danielson
Davis, Ga.
Derwinski
Dorn
Edwards, Ala.
Fisher
Gray
Hébert
Leggett
Lent
Mills, Ark.
Murphy, N.Y.
Parris
Patman
Pepper
Robison, N.Y.
Rooney, N.Y.
Sandman
Steed
Teague, Tex.
Thompson, N.J.
Whalen

So the committee amendments were agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Anderson of Illinois.

Mr. Rooney of New York with Mr. Mills of Arkansas.

Mr. Teague of Texas with Mr. Sandman.

Mrs. Chisholm with Mr. Leggett.

Mr. Blatnik with Mr. Lent.

Mr. Hébert with Mr. Robison of New York.

Mr. Gray with Mr. Derwinski.

Mr. Fisher with Mr. Badillo.

Mr. Dorn with Mr. Ashbrook.

Mr. Breaux with Mr. Parris.

Mr. Davis of Georgia with Mr. Edwards of Alabama.

Mr. Danielson with Mr. Clay.

Mr. Murphy of New York with Mr. Pepper.

Mr. Steed with Mr. Whalen.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CRONIN. Mr. Speaker, on rollcall No. 297, I was recorded as voting "present." I intended to vote "yea."

TAX TREATMENT OF SURVIVOR BENEFIT PLANS OF UNIFORMED SERVICES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 4200) to amend section 122 of the Internal Revenue Code of 1954, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. BROYHILL of Virginia. Mr. Speaker, reserving the right to object, could I ask the gentleman from Oregon to explain the bill briefly?

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, this bill, H.R. 4200, amends the tax laws to continue the same tax treatment for servicemen, and former servicemen, of the United States under the recently enacted survivor benefit plan as was formerly available for them under the retired serviceman's family protection plan in the case of survivor annuities.

Mr. Speaker, this bill is necessary because of legislation enacted in the 92d Congress which changed the method by which servicemen or former servicemen choose to participate in a survivor's benefit program. Until recently, a serviceman or former serviceman could provide survivor benefits for his dependents only by electing to participate in the retired serviceman's family protection plan. If he made the election under this plan, he would receive a reduced amount of retired or retainer pay in order to finance survivor benefits for his dependents. Under the present tax law, when this election is made, the funds used to finance these survivor benefits need not be included in his gross income. However, the recently enacted legislation, Public Law 92–425, revised the program for survivor benefits to provide these benefits automatically unless the serviceman, or former serviceman, elects not to provide them.

Since the present tax law is cast in terms of an election into the survivor benefit program and since the new survivor benefit program is provided automatically unless a serviceman, or former serviceman, elects out of the program, it is necessary to change the tax law to continue excluding from current tax the funds used to provide these survivor benefits.

As a result, the bill reported by the Committee on Ways and Means, H.R. 4200, excludes from current tax the funds used to provide the survivor benefits without regard to the election requirement of prior law. Similar conforming amendments are also made to other provisions of the tax laws.

Mr. Speaker, this bill will not change present revenues and has been reported unanimously by the Committee on Ways and Means. The Treasury Department recommends its enactment. I urge that the bill be adopted.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 4200, which would conform the Internal Revenue Code to changes in the survivors benefit program for servicemen resulting from the enactment recently of Public Law 92–425, the survivor benefit plan.

This legislation amends the Internal Revenue Code in several instances to provide the same tax treatment for servicemen and former servicemen as existed prior to the enactment of Public Law 92–425. Under the prior law—the retired serviceman's family protection plan—a serviceman could elect to provide an annuity for his surviving spouse and certain child beneficiaries by having a certain amount substracted from his monthly annuity. That amount under existing tax law was excluded from his gross income.

Under Public Law 92–425, the survivor benefit plan, the retired serviceman is covered by the plan unless he elects not to be included. Since the existing tax law which provides an exclusion for the amount of this deduction is cast in terms of an election to participate and since that election is no longer available to the serviceman under the new law, it is necessary to change certain provisions of the tax law if the serviceman is to continue to be able to exclude the amount he monthly deducts for the annuity for his survivors. Similar conforming amendments are also made to other provisions of the tax law.

It is important to note that the adoption of this legislation will not create a new benefit to any military retiree but simply allow a continuation of the treatment which presently exists with respect to exclusions under survivor benefit plans of military retirees.

The survivor benefit plan legislation was reported by the House Armed Services Committee late in the last session of the 92d Congress. That committee would normally have referred the legislation to the Ways and Means Committee in order that the appropriate changes in the tax law could have been included in the bill. However, due to the lateness of the session and the desire of the Armed Services Committee to obtain passage of the survivor benefit plan provisions in that session, they decided not to further delay the bill by referral to the Committee on Ways and Means. Similarly, the Ways and Means Committee could not act on the matter until the Armed Services Committees had decided upon the full provisions of that legislation. As a result, in October of last year, our committee reported legislation similar to H.R. 4200. However, again due to the lateness of the session, it was not brought to the floor for action. Accordingly, in order to correct the inequity previously described, we have reported the bill before us.

The treatment afforded by this bill is the same as that which is applied to the survivor annuity program administered by the Civil Service Commission for civilian employees of the United States. It seems clear that we should allow the military retirees to continue to be on an equal par with their civilian counterparts as far as this particular exclusion provision is concerned. For these reasons, I urge the House to approve this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill as follows:

H.R. 4200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 122(a) of the Internal Revenue Code of 1954 (relating to certain reduced uniform services retirement pay) is amended to read as follows:

"(a) GENERAL RULE.—In the case of a member or former member of the uniformed services of the United States, gross income does not include the amount of any reduction in his retired or retainer pay pursuant to the provisions of chapter 73 of title 10 of the United States Code."

(b) Section 122(b)(2) of such Code is amended by striking out "section 1438" in subparagraph (B) and inserting in lieu thereof "section 1438 or 1452(a)".

(c) Section 72(o) of such Code is amended by inserting after "PLAN" in the heading of such section "OR SURVIVOR BENEFIT PLAN".

(d) Section 101(b)(2)(D) of such Code is amended by striking out "if the individual who made the election under such chapter" and inserting in lieu thereof "if the member or former member of the uniformed services by reason of whose death such annuity is payable".

(e) Section 2039 of such Code is amended by striking out "section 1438" in the last sentence and inserting in lieu thereof "section 1438 or 1452 (a)".

(f) The amendments made by subsections (a), (b), and (c) shall apply to taxable years ending on or after September 21, 1972. The amendments made by subsections (d) and (e) shall apply with respect to individuals dying on or after such date.

With the following committee amendments:

On page 2, line 2, strike out "(a)" and insert "(d)".

On page 2, line 11, insert "(c)" immediately after "2039".

On page 2, line 13, strike out "(a)" and insert "(d)".

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 298]

YEAS—402

Abdnor
Abzug
Adams
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—31

Anderson, Calif.
Anderson, Ill.
Ashbrook
Badillo
Blatnik
Breaux
Brotzman
Clay
Coughlin
Danielson
Derwinski
Devine
Dorn
Fisher
Ford, William D.
Gray
Hébert
Hinshaw
McKinney
Maraziti
Mayne
Mills, Ark.
Murphy, N.Y.
Parris
Patman
Rooney, N.Y.
Steed
Symington
Thompson, N.J.
Van Deerlin
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Anderson of Illinois.

Mr. Hébert with Mr. Dorn.

Mr. Rooney of New York with Mr. Coughlin.

Mr. Blatnik with Mr. Brotzman.

Mr. Gray with Mr. William D. Ford.

Mr. Steed with Mr. Mayne.

Mr. Van Deerlin with Mr. McKinney.

Mr. Fisher with Mr. Hinshaw.

Mr. Anderson of California with Mr. Wyatt.

Mr. Breaux with Mr. Ashbrook.

Mr. Danielson with Mr. Parris.

Mr. Mills of Arkansas with Mr. Devine.

Mr. Murphy of New York with Mr. Maraziti.

Mr. Symington with Mr. Derwinski.

Mr. Clay with Mr. Badillo.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST H.R. 8917, DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1974

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 470 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 470

Resolved, That during the consideration of the bill (H.R. 8917) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes, all points of order against said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Ohio (Mr. LATTA), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 470 permits the Committee on Appropriations to submit the 1974 appropriations bill for the Department of the Interior and other related agencies including the U.S. Forest Service for action on the floor of the House of Representatives without being subject to points of order.

House Resolution 470 provides that the provisions of clause 2, rule XXI of the Rules of the House are waived against the bill.

The total appropriation in the bill is $2,269,554,200. Of this total, $529,590,000 is allocated for the Bureau of Indian Affairs, $234,705,000 for the National Park Service, $72,940,000 for the Smithsonian Institution and $13,689,000 for the Office of Water Resources.

Mr. Speaker, H.R. 8917 also includes funds for soil and water conservation, for the protection of mineral, fish, and wildlife resources, and for many other vital and necessary programs.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 470 is the rule which provides for the consideration of H.R. 8917, Department of the Interior and related agencies appropriation bill. The rule waives points of order against the bill for failure to comply with clause 2, rule XXI, which prohibits both unauthorized appropriations and legislation on an appropriation bill.

The several programs which need a waiver because the authorizing legislation has not yet been enacted into law are:

Page 20, lines 15 to 22, the National Visitor Center.

Page 22, lines 9 to 12, the John F. Kennedy Center for the Performing Arts.

Page 35, lines 10 to 25 and page 36, lines 1 to 18, the National Foundation on the Arts and the Humanities.

The committee report notes several legislative provisions not heretofore carried in connection with any appropriation bill:

Page 7, in connection with construction, Bureau of Indian Affairs.

Page 20, in connection with planning and construction, National Park Service.

Page 23, in connection with departmental operations, Office of the Secretary.

Page 32, in connection with administrative provisions, Forest Service.

Page 37, in connection with museum programs and related research—special foreign currency program—Smithsonian Institution.

Page 41, in connection with general provisions.

The purpose of H.R. 8917 is to provide $2,269,554,200 in new budget authority for the Department of the Interior and related agencies for fiscal year 1974. This is $4,877,100 less than requested and $285,476,100 less than fiscal year 1973. The total for liquidation of contract authority is $7,000,000 less than requested.

Because of a lack of authorizing legislation, the Appropriations Committee decided to pass over the following programs without prejudice.

Trust Territory of the Pacific Islands	$56,000,000
Preservation of historic properties (grants-in-aid-to States)	15,505,000
Saline water research	2,527,000
American Revolution Bicentennial Commission	7,100,000

Mr. Speaker, I urge the adoption of House Resolution 470 in order that the House may begin debate on H.R. 8917.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be pleased to yield to my friend, the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, the gentleman from Ohio made the statement that the Committee on Rules decided to pass over without prejudice certain programs.

Mr. LATTA. Mr. Speaker, I am sorry to interrupt the gentleman from Iowa, but I would like to correct the gentleman.

It was not the Committee on Rules that passed them over without prejudice, but the Committee on Appropriations.

Mr. GROSS. I would then ask the gentleman from Ohio what exactly is meant by "pass over without prejudice" in this instance?

Mr. LATTA. That means the Appropriations Committee did not put them in this appropriation bill because the authorizing legislation on them has not yet gone through the Congress.

Mr. GROSS. Would not that have been the proper procedure in the opinion of the gentleman from Ohio on all the rest of the proposals they did include in this appropriation bill that have not been authorized?

Mr. LATTA. I would say to the gentleman from Iowa that I could probably point to a couple of projects that I mentioned here that I oppose, and I believe the gentleman from Iowa opposes, that probably they could have passed over without prejudice, but they did not.

Mr. GROSS. Is this an appropriation committee, or a legislative committee?

Mr. LATTA. It is an appropriation committee. And I would say in defense of this committee that I think they have done a very excellent job on a very difficult subject.

Mr. GROSS. I guess so, because if you can get the rules bent and warped to take care of every situation, perhaps you can do a good job. That all depends on your interpretation of what is good and what is bad.

Mr. LATTA. I quite agree with the gentleman from Iowa that it is an interpretation. But, in view of the fact that we are right up to the end of this fiscal year, and we have to get some of these appropriation bills passed, there is no other way to do it so as to cover the situation.

Mr. GROSS. Once again I suggest to the gentleman that we should do one thing or the other, either forget about authorizing legislation and turn that function over to the Committee on Rules; or in a combination of the Committee on Rules and the Committee on Appropriations, or go back to the procedure that served the Congress well for so many years, that of a consistently enacting authorizing legislation as a requisite to appropriation.

Mr. LATTA. I might advise my friend, the gentleman from Iowa, further that there just is not any other way when legislative committees have not completed their work. Until such time as they complete their work, this is the only way this committee can operate.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California.

(By unanimous consent, Mr. WIGGINS was allowed to speak out of order.)

Mr. WIGGINS. Mr. Speaker, this morning, the Washington Post, and perhaps many other newspapers around the country, carried a column by Mr. Jack Anderson criticizing several members of the House Select Committee on Crime for allegedly "gutting"—and that is his word—the report of that committee dealing with drug commercials on radio and television. The reckless charge of Mr. Anderson was that members of the Crime Committee sold out the public interest in exchange for campaign contributions by deleting from their report a recommendation that drug commercials be severally curtailed.

In particular, our colleague, the gentleman from Ohio (Mr. KEATING) was singled out for special attack.

Mr. Speaker, once again Mr. Anderson is wrong, and once again he has acted irresponsibly. The truth is that members of the Crime Commitee staff, acting without guidance from the committee, drafted a proposed report which was intended to reflect our hearings on drugs in schools. Although there was no careful inquiry into the effect of drug advertising on drug abuse, these staff members interjected their own unsupported views that such advertising should be curtailed.

As has been the custom, unfortunately, in the Crime Committee, the staff effort was promptly leaked to sensationalists in the press.

When the committee itself considered the draft, it unanimously—all of its members—rejected the staff recommendations and instead recommended that an appropriate committee of this Congress, the House Committee on Interstate and Foreign Commerce, conduct an in-depth study to determine the true effect of drug advertising on drug abuse.

There was no industry pressure of any sort, absolutely none, on this member, and so far as I have been able to determine, on any other member, to affect the content of our report.

Mr. KEATING is a fine, honorable, hardworking Member of Congress, Mr. Speaker. I deeply deplore this irresponsible, unfounded attack on Mr. Keating which was made today by Mr. Anderson.

I yield back the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman briefly explain some of the contents of this bill, with particular reference to the arts and humanities?

Mr. LATTA. I should be happy to yield to the gentlewoman from Washington, the chairman of the subcommittee, if she would like to go into greater detail at this time on the question of the arts and humanities.

Mrs. HANSEN of Washington. If the gentleman will yield, I shall be glad to, if given the opportunity, discuss this bill and any items in it not on the presentation of the rule but on the presentation of the bill.

Mr. GROSS. I would say to my friend, the gentleman from Ohio, if he will yield further, I note in the report that it is stated:

> The Committee is aware of the rapidly increasing production costs for all the performing arts and is also deeply aware of the wide public support for these programs. The Committee has provided an increase of $24,161,000 in this appropriation over 1973 to reflect its support for these programs in the arts and the humanities.

I am sure the gentleman is as equally and deeply aware of the need to stop inflation in this country and stop the increases in the cost of bread, milk and bacon and beans for the poor in this country who command so much blood from the House of Representatives in other appropriation bills?

Mr. LATTA. In answer to the gentleman's question, let me say, as he knows I do not serve on this committee, I am a member of the Rules Committee, and we were not privy to the information that was given to the distinguished Subcommittee on Appropriations which handled this bill.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, may I suggest the distinguished gentleman from Iowa may find the answer to his question on page 59, part 5 of the hearings, wherein, in response to a question propounded by the gentlewoman from Washington this dialog ensued:

> Mrs. Hansen. Please insert in the record the total number of people you feel that the program reaches, through your museum participation, art training, et cetera.
>
> Miss Hanks. We have estimates broken down roughly between the fields. We would be glad to submit that.
>
> [The information follows:]

Estimates on audiences/participants (based on full funding, fiscal year 1974)

	Audiences/Participants
I. Availability of the Arts	331,000,000
II. Cultural Resources Development	175,000,000
III. Advancement of our Cultural Legacy	380,000,000

Miss Hanks, as the gentleman knows, is Miss Nancy Hanks. If the gentleman refers to that page he will see the estimates of the numbers of people the arts programs will reach. As the gentleman can see, availability of the arts reaches 331 million, cultural resources development reaches 175 million people, and advancement of our cultural legacy reaches 380 million people.

In other words, the arts are no longer just for the wealthy or the gifted or for the favored few. The arts in this country are now for the benefit of all the people.

Mr. GROSS. Will the gentleman from Ohio yield so I may ask the gentleman from Illinois a question?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS, Mr. Speaker, if I may have the attention of the gentleman from Illinois, will the arts and humanities operation in the District of Columbia reach to the one in every six people who are on welfare rolls here?

Mr. YATES. I would suggest to the gentleman that, yes, the people who are on welfare will probably find pleasure in some of the arts exhibitions that are on display in the District of Columbia.

Mr. GROSS. Who will pay for their tickets to the Kennedy Center at $10 to $12 each? I would assume once in awhile they would like to occupy the boxes and better seats in the place.

Mr. YATES. The performances at the Kennedy Center of which the gentleman speaks are not supported by the arts and humanities programs.

Mr. GROSS. But the gentleman does think the arts and humanities will reach out to the one in every six in the District of Columbia who are on welfare?

Mr. YATES. I would say they are available and I think it is a good thing that they are available to all people in this country.

Mr. GROSS. The gentleman means they are as available for the one in six as they are to the Mayor and other poohbahs of Washington?

Mr. YATES. Again I say the performances at the Kennedy Center are not supported by the Endowment for the Arts and Humanities. I think we have to keep them separate.

Mr. GROSS. But how else do they get this culture unless it is at some place?

Mr. YATES. There are exhibits in the schools, at the Anacostia Museum, there are traveling exhibits and programs and other performances.

Mr. GROSS. Do these one in every six who are on welfare in the District of Columbia get grants for studies under the arts and humanities?

Mr. YATES. Some of them may. I suggest to the gentleman, if they have talents for that purpose they can receive appropriate grants for these purposes.

Mr. GROSS. All I want to see is the poor, wherever they may be, enjoy these benefits, if they can be called that.

Mr. YATES. The gentleman is seeking to end any possible discrimination against them?

Mr. GROSS. Yes. I want them to have some of the good things in life that are being passed around to others and on the same basis.

Mr. YATES. Mr. Speaker, I am glad that the gentleman joins me, then, in supporting this program.

Mr. GROSS. Mr. Speaker, especially in view of the fact that the appropriation is practically being doubled to $145 million for the arts and "humanities", or whatever it is.

Mr. LATTA. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I yield five minutes to the distinguished gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. Mr. Speaker, I would like to inquire about the purpose of the resolution and the way in which it is worded. Could I inquire of the gentleman from Louisiana or the gentleman from Ohio why it was necessary to bring this bill up under such a resolution?

I have noticed an alarming increase in the number of instances in which we are considering such resolutions prior to the consideration of appropriations bills. I think it is a serious departure from our past practice. In the footnotes, underneath rule 21, clause 2, it is indicated that:

> In rare instances the House, by agreeing to a report from the Committee on Rules or by adopting an order under suspension of the Rules, has authorized legislation on general appropriations bills.

These rare instances have been coming one after another in the last few weeks. In fact, this is, I think, the third such resolution we have considered within the last week.

Mr. Speaker, could I inquire of the gentleman from Louisiana why we are doing this?

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield to me?

Mr. O'HARA. I yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. Mr. Speaker, if the gentleman will recall, there was a colloquy on this matter on the floor of the House between Mr. Bolling of the Committee on Rules and Mr. Dingell of Michigan yesterday. Mr. Dingell had earlier in the day appeared before the Committee on Rules and made exactly the same point the gentleman from Michigan (Mr. O'Hara) is making at the present time.

It was considered by the Committee on Rules at the time. We felt that there was some validity in the comments which were made to the Committee on Rules by Mr. Dingell. Consequently, the Committee on Rules unanimously agreed at that time that, while we were, with respect to bills which were before the Committee on Rules, under a considerable amount of pressure to get those rules out, we would continue those under more or less a broader rule than had been some years ago, before I joined that committee, employed by the committee in their approach to these bills.

We did decide that we would go ahead with them at this time, but that we would narrow our interpretation back to what it had been previously in general consideration of this nature. This was the unanimous view of the Committee on Rules.

Mr. Speaker, I think the point is a valid one.

Mr. O'HARA. Mr. Speaker, I am very happy to hear that. I really believe that it is most important that we do so, because if the Appropriations Committee is going to establish itself in the business of legislating, we might as well forget about other committees.

I would certainly hope that the Committee on Rules exercises the restraint that the gentleman from Louisiana has indicated it will.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to my distinguished colleague from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, I commend my good friend from Michigan for raising this point. The gentleman from Louisiana indicated there was colloquy in the Record yesterday between Mr. Bolling and myself and other Members of this body on the precise point.

I want to commend the gentleman for raising it again. I think it is well for the House to have clearly before it the determination that we will not see again these broad waivers of points of order with which we have been afflicted in the last few days.

I think the Committee on Rules is moving toward some intelligent resolution of this problem, and I give the gentleman from Michigan my assurance that I intend to follow it through, as I am sure he will.

Mr. O'HARA. Mr. Speaker, I wish to apologize to my friend from Michigan and to the House for having brought the matter up today after it was discussed yesterday. I was not present for the colloquy referred to on yesterday.

Mr. EVANS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Colorado (Mr. Evans).

Mr. EVANS of Colorado. Mr. Speaker, I think it is interesting that the gentleman brings this up. I think he should know, from the standpoint of various subcommittees on the Appropriations Committee, that we are under great pressure not only from the leadership of the House, but from departments in the Government to move to get appropriations out before the end of the fiscal year, June 30.

In many instances the authorizing legislation has expired, and the chances of having new authority passed before we appropriate are rather slim. It is a problem we have to face. It is faced this way under this rule.

Certainly, for the future, I believe it would be good to design a better program of authorizing and appropriating, so as not to have this overlapping.

Mr. O'HARA. I understand that. I understand that there may be instances when authorization bills are lagging behind or have not been approved by the other body that the House would want to waive the provisions of the first sentence of clause 2. But I cannot see any real justification for waiving the provisions of the second sentence of clause 2. I am particularly concerned that the waivers have been so broad that they include not only the first sentence but also the second sentence.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I simply wanted to say to the gentleman from Michigan (Mr. O'Hara) that the House ought to commend him. He owes the House no apology for bringing up this subject.

I want to welcome the two gentlemen from Michigan, Mr. O'Hara and Mr. Dingell, to the ranks of the few in the House who for a long time have been protesting the increasing use of rules waiving points of order, not only on appropriation bills but also on other bills. I commend the gentlemen.

Mr. YATES. Mr. Speaker, if the gentleman will yield, I agree with the gentleman. I would hope that the Rules Committee would be more discriminatory in the rules it drafts, in order to protect points of order against legislation not passed. If there are other points of order they ought not to be waived.

Mr. GROSS. I add a "welcome" to the gentleman from Illinois.

Mr. LATTA. Mr. Speaker, I might say I have enjoyed listening to this colloquy. I would invite some of these gentlemen to come up before the Rules Committee and sit in on some of our sessions. It is easier said than done.

We have seven appropriation bills coming before this House in about as many days. We have not been as busy in our legislative committees, or perhaps I should say not as productive in some of our legislative committees as in the Appropriations Committee. If we had been we would not be in this situation.

Certainly there is not any other way to conduct the business of this House at this time. That is the reason why the Rules Committee brought forth this rule.

Mr. Speaker, I reserve the remainder of my time.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 401, nays 12, not voting 20, as follows:

[Roll No. 299]

YEAS—401

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.

Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—12

Beard
Crane
Daniel, Dan
Gross
Hays
Landgrebe
Macdonald
Price, Tex.
Rarick
Rousselot
Satterfield
Symms

NOT VOTING—20

Anderson, Ill.
Ashbrook
Badillo
Blatnik
Breaux
Danielson
Derwinski
Dorn
Fisher
Gray
Mills, Ark.
Murphy, N.Y.
Parris
Powell, Ohio
Rhodes
Rooney, N.Y.
Thompson, N.J.
Whalen
Widnall
Wilson, Bob

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Widnall.

Mr. Rooney of New York with Mr. Anderson of Illinois.

Mr. Blatnik with Mr. Dorn.

Mr. Breaux with Mr. Derwinski.

Mr. Danielson with Mr. Bob Wilson.

Mr. Fisher with Mr. Parris.

Mr. Mills of Arkansas with Mr. Rhodes.

Mr. Murphy of New York with Mr. Powell of Ohio.

Mr. Badillo with Mr. Whalen.

Mr. Gray with Mr. Ashbrook.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 12, 1973:

H.R. 6077. An act to permit immediate retirement of certain Federal employees.

On June 14, 1973:

H.J. Res. 533. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673.

On June 15, 1973:

H.J. Res. 296. Joint resolution to authorize the President to proclaim the last week of June 1973, as "National Autistic Children's Week."

On June 18, 1973:

H.R. 2246. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.

On June 19, 1973:

H.R. 4704. An act for the relief of certain former employees of the Securities and Exchange Commission.

On June 22, 1973:

H.R. 4682. An act to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile; and

H.R. 5610. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1973—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-125)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning today without my approval H.R. 7447, the Second Supplemental Appropriation Act of 1973.

I am doing so because of my grave concern that the enactment into law of the "Cambodia rider" to this bill would cripple or destroy the chances for an effective negotiated settlement in Cambodia and the withdrawal of all North Vietnamese troops, as required by Article 20 of the January 27 Vietnam agreement.

After more than ten arduous years of suffering and sacrifice in Indochina, an equitable framework for peace was finally agreed to in Paris last January. We are now involved in concluding the last element of that settlement, a Cambodian settlement. It would be nothing short of tragic if this great accomplishment, bought with the blood of so many Asians and Americans, were to be undone now by Congressional action.

The decision to veto is never easy, but in this case there is no other responsible course open to me. To understand this decision, we should all recognize what the full impact would be if we call a total halt to U.S. air operations in Cambodia, as now sought by the Congress:

—A total halt would virtually remove Communist incentive to negotiate and would thus seriously undercut ongoing diplomatic efforts to achieve a ceasefire in Cambodia. It would effectively reverse the momentum towards lasting peace in Indochina set in motion last January and renewed in the four-party communique signed in Paris on June 13.

—The proposed halt would also gravely jeopardize the ability of the Cambodian armed forces to prevent a Communist military victory achieved with the assistance of outside forces and the installation of a Hanoi-controlled government in Phnom Penh.

—A Communist victory in Cambodia, in turn, would threaten the fragile balance of negotiated agreements, political alignments and military capabilities upon which the overall peace in Southeast Asia depends and on which my assessment of the acceptability of the Vietnam agreements was based.

—Finally, and with even more serious global implications, the legislatively imposed acceptance of the United States to Communist violations of the Paris agreements and the conquest of Cambodia by Communist forces would call into question our national commitment not only to the Vietnam settlement but to many other settlements or agreements we have reached or seek to reach with other nations. A serious blow to America's international credibility would have been struck—a blow that would be felt far beyond Indochina.

I cannot permit the initiation of a process which could demolish so substantially the progress which has been made, and the future relationships of the United States with other nations.

However, I must emphasize that the provisions of H.R. 7447, other than the "Cambodia rider," contain a number of appropriations that are essential to the continuity of governmental operations. It is critical that these appropriations be enacted immediately.

By June 28, nine Government agencies will have exhausted their authority to pay the salaries and expenses of their employees. The disruptions that would be caused by a break in the continuity of government are serious and must be prevented. For example, it will be impossible to meet the payroll of the employees at the Social Security Administration, which will threaten to disrupt the flow of benefits to 25 million persons.

But an even greater disservice to the American people—and to all other peace loving people—would be the enactment of a measure which would seriously undermine the chances for a lasting peace in Indochina and jeopardize our efforts to create a stable, enduring structure of peace around the world. It is to prevent such a destructive development that I am returning H.R. 7447 without my approval.

RICHARD NIXON.

THE WHITE HOUSE, *June 27, 1973.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

The question is, Will the House, on reconsideration, pass the bill H.R. 7447, the objections of the President to the contrary notwithstanding?

Mr. MAHON. Mr. Speaker, Members of the House have had wide exposure to the content of H.R. 7447, the second supplemental appropriation bill for fiscal year 1973. Members are familiar with portions of the bill which relate to the regular ongoing affairs of the Government, the pay of employees and other matters. Members have debated at great length the international aspects of the matter as the bill relates to Southeast Asia.

Mr. Speaker, I cannot see that any profit would result from an extensive additional debate at this time. Members are quite familiar with the situation confronting the House. Therefore, at this historic moment, I move the previous question.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 19, as follows:

[Roll No. 300]

YEAS—241

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Archer
Ashley
Aspin
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clark
Clausen, Don H.
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gude
Gunter
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCormack
McDade
McKinney
McSpadden
Macdonald
Madden
Mallary
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Steele
Steelman
Stokes
Stubblefield
Studds
Sullivan
Symington
Symms
Taylor, N.C.
Teague, Calif.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Ga.
Zablocki
Zwach

NAYS—173

Abdnor
Andrews, N. Dak.
Arends
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dennis
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Erlenborn
Flood
Flowers
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Gettys
Goldwater
Goodling
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
McCollister
McEwen
McFall
McKay
Madigan
Mahon
Mailliard
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
O'Brien
Passman
Pettis
Poage
Powell, Ohio
Price, Tex.
Quillen
Railsback
Rarick
Regula
Roberts
Robinson, Va.
Rousselot
Ruth
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion

NOT VOTING—19

Ashbrook
Badillo
Blatnik
Bolling
Breaux
Danielson
Derwinski
Dorn
Fisher
Hawkins
Heinz
Mills, Ark.
Murphy, Ill.
Murphy, N.Y.
Parris
Rhodes
Rooney, N.Y.
Rooney, Pa.
Thompson, N.J.

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey and Mr. Blatnik for, with Mr. Rooney of New York, against.

Mr. Braeux and Mr. Rooney of Pennsylvania for, with Mr. Murphy of New York against.

Mr. Danielson and Mr. Murphy of Illinois for, with Mr. Fisher against.

Mr. Badillo and Mr. Hawkins for, with Mr. Rhodes against.

Until further notice:

Mr. Dorn with Mr. Ashbrook.

Mr. Mills of Arkansas with Mr. Derwinski.

Mr. Heinz with Mr. Parris.

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill are referred to the Committee on Appropriations.

The Clerk will notify the Senate of the action of the House.

PERSONAL EXPLANATION

Mr. DOWNING. Mr. Speaker, on rollcall No. 300 on the Presidential veto of the second supplemental appropriation bill, I intended to vote "yea," but inadvertently voted "no." I ask that the RECORD show that I would have voted "yea."

PROPOSED ACTION ON SECOND SUPPLEMENTAL APPROPRIATIONS

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, I would like to state for the benefit of the Members of the House that there is, insofar as I know, no controversy in the Committee on Appropriations in regard to the matters which were encompassed in the second supplemental appropriations bill, other than those matters relating to Southeast Asia.

Mr. Speaker, it would be my hope that the Committee on Appropriations could convene probably this afternoon, that we could report out a bill covering all items except the items referring to Southeast Asia, not changing the bill in any other respect—not even changing a comma or a period—and bring the bill back to the House by way of whatever parliamentary procedure may be deemed best. Then let us send it to the other body.

I feel really that the contest over the matter of the bombing in Cambodia can now best be handled during consideration of the continuing resolution to which the amendment has also been added.

We, of course, have the problem of what to do about the continuing resolution, but that is another matter which we will have to deal with later this week.

Mr. WHITTEN. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I would like to point out I am in thorough accord with my chairman, but I would like to point out that in the bill just passed we do have funds available for the great disaster that occurred in the lower Mississippi Valley. It is my feeling those matters will not be taken care of in the continuing resolution for a variety of reasons. I hope the gentleman will not include the objectionable matters on the bill, so that we do take care of that matter in the lower Mississippi Valley.

Mr. MAHON. I agree it is urgent that these matters be taken care of in an unencumbered second supplemental appropriation bill.

Mr. GIAIMO. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. GIAIMO. Do I understand that it is the intention of the chairman of the Committee on Appropriations to come out with legislation which will make appropriations for all activities of the Government, including the Department of Defense, except that it will not provide for any funds for Southeast Asia?

Mr. MAHON. I am not sure. The gentleman appears to be talking about the continuing resolution which has already passed the House.

Mr. GIAIMO. No. I am talking about the supplemental.

Mr. MAHON. The second supplemental contains about $900 million, I believe, in pay and many other items for various departments and agencies of the Government. As you say, flood control for the lower Mississippi Valley area and many other items are involved which are not controversial.

Mr. GIAIMO. Yes. Exactly.

Mr. MAHON. For the year ending, of course, Saturday night.

Mr. GIAIMO. Let us get to the controversial matter, which is that this is a direct confrontation between the President of the United States and the Congress over the question as to whether or not bombing shall continue in Cambodia and, of course, the statement of the President in support of his veto message.

In seems to me, in listening to what the gentleman from Texas suggests, we are going to meet and convene in the committee and report out a bill which will make provision for all of the necessary needs of Government but, in effect, still allow the President to continue bombing in Cambodia.

Mr. MAHON. If the gentleman will permit me to say this, the fiscal year which is covered in the second supplemental ends on Saturday night.

Mr. GIAIMO. It also ends with the President, Mr. Speaker.

Mr. MAHON. The Federal Government as a legal matter will be out of operating funds for all purposes beginning Saturday night midnight unless the continuing resolution is enacted. The place for the confrontation and the appropriate resolution of the matter involving Southeast Asia is not in the second supplemental now at this late hour. It is better placed with the continuing resolution.

These matters will be discussed by the committee and by the leadership in the House and the Senate. I am hoping we will find a way to resolve our differences.

Mr. LONG of Maryland. Will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Basically what the chairman is saying is we are proposing legislation that would yield to the President in relation to the bombing activities in Cambodia. I ask myself why did the President bother to veto the legislation in view of the fact that the continuing resolution takes over in just a few days. I finally figured that he vetoed it, because without this bill he can continue to spend money in the pipeline.

The heretofore appropriated money, not the money in the second supplemental, but the money in the pipeline, he can continue to spend that money in the next 48 hours and during the next fiscal year until he runs out of pipeline money, and begins to run into a bind on the continuing resolution. I am trying to find out, and perhaps the chairman can tell me, when the time is going to come as a practical matter that he runs out of money on the continuing resolution, because I understand they have to pay the people on the 15th of July, but there may be many bills that have to be paid by July 1.

Mr. MAHON. Mr. Speaker, I cannot yield further.

The gentleman from Maryland is aware of the fact that the continuing resolution provides that no funds appropriated by the continuing resolution or funds heretofore appropriated by Congress can be used for the bombing of Cambodia or Laos. So there is no pipeline money that would be available for these purposes.

I think, Mr. Speaker, that this is a matter that we can cover in general debate. I asked for only 1 minute. I do not wish to trespass on the time of the House. We will have a bill before the House momentarily, the Department of Interior appropriation bill, which will be followed by another appropriations bill tomorrow, and another appropriations bill on Friday.

PRESIDENTIAL VETO OF SECOND SUPPLEMENTAL

(Mr. GIAIMO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GIAIMO. Mr. Speaker, and my colleagues, let us not confuse the second supplemental and the continuing appropriation. We have before us today the supplemental appropriation. The gentleman from Texas (Mr. MAHON) has correctly stated that unless we have these supplemental moneys that many, many projects, and important projects, Federal pay increase payments, civil service retirement pay, grants to States for public assistance, military pay, payments for our educational institutions and many other kinds of expenditures will come to a halt on Saturday night.

We have a responsibility to act in a responsible fashion to make sure that the affairs of the U.S. Government continue. But, so does the President of the United States have an equal if not greater responsibility.

Now, the President has based his entire veto message on one key point that he does not want to stop the bombing in Cambodia even though the House and the Senate have overwhelmingly told him on several occasions that they want the bombing stopped. And I suggest, Mr. Speaker, that we cannot, if we are to remain responsible to our constitutional oaths, cave in at this time and pass a sanitized supplemental bill which will, in effect, provide for all of the necessary activities of the Government, but will also allow the President to continue bombing in Cambodia.

PRESIDENTIAL VETO OF SECOND SUPPLEMENTAL

(Mr. LONG of Maryland asked and was given permission to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, I subscribe to the remarks made by the gentleman from Connecticut (Mr. GIAIMO) that the President has the responsibility because he vetoed a bill containing congressional appropriations. Now, the continuing resolution certainly contains the same language as the second supplemental. It applies to heretofore appropriated money.

Once the President signs the continuing resolution there cannot be any pipeline money from this $8 or $10 billion that is hanging around unspent. What the President has gained by this veto is time. He can continue to spend pipeline money until he signs the continuing resolution. When the time will be that he signs it, or refuses to sign it, I do not know, but it could be 5 or 10 days. And that is the important thing here that we have to consider.

PRESIDENTIAL VETO OF SECOND SUPPLEMENTAL APPROPRIATION BILL

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, I think we ought to put this matter in its proper perspective. If they want to have a clear-cut issue on the question of bombing in Cambodia, they ought to bring out a bill from the Committee on Armed Services or the Committee on Foreign Affairs. The only reason they put it in the continuing resolution and in the supplemental is they did not think the President had guts enough to veto it, and his veto message clearly sets forth his reasons.

Why do they not do it the proper legislative way? This is not the way to do it. They just did not think that the President would veto it, because they had him in a bind; that is why.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield.

Mr. CEDERBERG. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. We can put it another way. We can say the President did not think we had guts enough to stand up to him.

Mr. CEDERBERG. We have already found that out just a few minutes ago.

Mr. LONG of Maryland. If the gentleman will yield further, let me point out that the entire power and strength of constitutional democratic government has stood for 500 years in the power of appropriations. Where would there be a more appropriate place in which to deny the President power to bomb except in an appropriation bill?

Mr. CEDERBERG. Except on a continuing resolution and on a supplemental at the end of the fiscal year, and the gentleman knows that is correct.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1974

Mrs. HANSEN of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8917) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974; and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. McDADE) and myself.

The SPEAKER. Is there objection to the gentlewoman from Washington?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentlewoman from Washington.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8917, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentlewoman from Washington (Mrs. Hansen) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. McDade) will be recognized for 1 hour.

The Chair recognizes the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to be as brief as possible, because this is not exactly the climate in which to conduct the domestic affairs of the United States. In fact, I sort of feel like an early Christian in a lion's den in Rome.

There has been some question here about why the Committee would ask for a rule. May I say, first of all, this is the first time in 7 years we have ever gone for a rule. The reason is as we have enumerated, three bills do not have the President's signature: The Visitors Center is on the desk at San Clemente, but it has not been signed as of this hour; the John F. Kennedy Center passed the House, and I believe it was scheduled to pass the Senate yesterday; the Arts and Humanities bill also has yet to be enacted.

Today, again, I bring you the appropriations bill on the Department of the Interior and related agencies.

However, before presenting the details of this bill, I would like to express my deepest appreciation to all the members of the subcommittee who have so faithfully participated in our committee activities. I particularly appreciate the opportunity of working with members from so many areas of this Nation, from the Far West to the east coast, who have worked diligently and responsibly in carrying out the activities of this committee. Congressman Yates of Illinois, Congressman McKay of Utah, Congressman Long of Maryland, Congressman Evans of Colorado, and Congressman Veysey of California, all from diverse areas, bring to the committee a wealth of knowledge from their own fields and localities. Their work has been exceptional and I wish to thank them for their efforts to make our great Nation greater.

It has also been a distinct privilege and pleasure to work with our ranking minority member, Congressman Joe McDade, of Pennsylvania. We have been on the committee together for several years. His dedication and effort to understand and solve our complex problems are outstanding. His unfailing courtesy is deeply appreciated.

With him is my very distinguished and capable colleague and neighbor, Congressman Wendell Wyatt, of Oregon.

To each and every one of these colleagues, I express my appreciation. All of us do not always agree, but from these disagreement discussions come a better understanding of our great common denominator—America.

I would also like to express my appreciation to the very distinguished gentleman from Texas, the chairman of the full committee, who has been most cooperative, courteous, and helpful, although very economical.

I also want to take this opportunity to thank the hard-working and excellent staff of our appropriations subcommittee, the committee's new Clerk, Dave Wilson, and Byron Nielson who has been with us for 4 years, as well as Keith Mainland of the full committee.

I would also like to thank and express appreciation to each Member of the House who took the time to appear at hearings before our subcommittee, who has talked with me and other members of the committee relative to funding items in this bill and the importance and impact of what that funding means to our total national environment, economy, land management and human progress. I am only sorry that each and every request could not be granted in this funding year.

The committee recommends to Members of the House that they read our six volumes of hearing testimony. Within these you will find detailed budgetary analyses and innumerable facts relative to the operation of the 27 departments and agencies funded here today. These hearings may help you explain to many of your constituents exactly what problems our Government faces in this year, 1973, and some of the solutions available through the budget system. In studying these volumes you will find numerous detailed contracts relative to management of pertinent activities, some in highly controversial areas.

In presenting this bill, I will try to give you a short summary, as in other years, of where we have been, where we are, what we are trying to achieve through the funded activities and, indeed, perhaps enable you to have a glimpse of that part of the Nation owned by our people for the benefit of all Americans.

This committee does not spend the most money, but our significance is in the immensity of the land we serve and the people. The boundaries of this committee's responsibility run from Micronesia to Maine and from Alaska to Florida. We present to you management funds proposed for the preservation and orderly development of our national resources, not in the amounts which we wish or in the amounts we think responsible, but solely within arbitrary budget constraints. These encompass recreation across the far-flung areas of our domain, pollution abatement, the welfare and education of approximately 600,000 American Indians in and adjacent to the reservation world and 230,000 citizens of the Trust Territory of the Pacific Islands, Guam, and American Samoa.

In addition, there are programs here for the people in the cities through the arts and humanities, summer in the parks, urban Indians, urban Indian health, and there is a substantial portion of this bill devoted to education.

If you are a fisherman standing on the banks of some stream in the wilderness, please remember that it is entirely possible and probable that the fish you catch are from one of the hatcheries in the Bureau of Sport Fisheries and Wildlife. As Americans share the beauty and delight within our magnificant national park system, which is the finest in the world; or in a national forest; or on the BLM lands of the desert; it is my hope that they remember that funding for their opportunity of enjoyment comes from money in this bill.

In addition, I would ask you in consideration of this bill today, to appropriate to yourself a great degree of tolerance and understanding, for unlike most appropriation bills in this House which deal with a single or a very related program, the Interior and related agencies' bill demands of you great breadth of understanding and imposes upon you the discipline of a complete disregard for regionalism.

The members of this subcommittee, because of the spread of the 27 agencies, have had to be interested in the arts and humanities, parks, sport fishing, migratory fowl, forests, deserts, Indians in the Navajo world, young Indians at boarding schools, and children in the far north of Alaska who are sick and need hospitals.

The members of our subcommittee have never been able to afford the luxury of a narrow viewpoint. We have always had to take this great American world of ours from Alaska to Florida, from Maine to Micronesia with all its variety and diversity of thinking, customs, and desires into consideration.

The committee has not been legislating for Illinois, Washington, Maryland, Oregon, Utah, Colorado, California, or Pennsylvania. We have had to become American all the way and to appropriate for the entire United States. The letters "U.S." in the committee's vocabulary stands for US, America. Our land is wide, its needs and people are divergent, and perhaps, ladies and gentlemen of the House, this is the best definition of America there is—a dream that is endless as time for a country weaving multiple strands of national need and desire into one great, strong fabric, America.

This bill before you reflects to some degree the best of each of us and the understanding we each try to give the building of this Nation. It also reflects our shortcomings, our failures, and our mandate to use the lessons from these failures and measure with the successes, the total needs of tomorrow.

There are thousands of Americans who cannot possibly understand why a neighbor spends an hour in an art gallery. There are thousands of others who will never realize the pleasure of a day spent on the banks of a fishing stream, and there are many who also ponder and are troubled that we bother with recreation.

Thus, in summary, may I say that this has been the great task of this subcommittee; the challenge to these outstanding members to understand, to know, to love and appreciate each segment of the American experience which is reflected moneywise here today. People, programs, land, energy, lack of energy, roads, schools, forests, water—you name it, it is here, and it is America, our land, your land, surviving in spite of the unfriendly sky of budgetary constraints but needing and demanding the relaxation of budgetary ill will.

The America that our children inherit depends upon this Congress, the Office of Management and Budget, and the administration tomorrow. We could only correct part of the problems this year, but in the future if our land and people are to survive, we must surmount the inherent weaknesses of placing land resources and people second to other activities.

The greatest dilemma the committee has in this funding year was posed by budgetary cuts and appropriation impoundments in a wide variety of fields. The mine health and safety research was cut more than $3 million, and the forest program was cut by more than $79 million. In fact, the forest roads program was reduced by $71 million and nothing was provided for trials. In spite of the increasing need for Indian health care and hospitals, the budget provided only the current escalation of doing business as usual. Water research funds were cut, the Federal land and water conservation acquisition program was nonexistent in this budget, and the State program was funded only to $50 million, leaving at least 10 States that had done a splendid job with only enough money for operating expenses for this next fiscal year.

There is a recognition of the national desire for an increasing sum of money for the arts and humanities and activities of the Smithsonian Institution. There was a small step toward accomplishing research for solutions to the energy problem. All projects which Congress had funded last year for research in fields of disease and insects in the Forest Service were not only impounded but money was shown as a transfer from these projects to other projects selected by the Office of Management and Budget. We did not agree.

I was told by the chairman of the full committee that we must stay within the top budget request of $2,274,431,300 in new obligational authority for the 27 agencies included in this bill. Therefore, the committee was confronted with the task of reducing some programs, desirable and wanted as they might be, in order to make sure that Indian health needs were met, that mine health and safety work continue, and that the Forest Service did not disintegrate.

Please bear in mind as you listen to the summary of this bill that there are crises today in the United States. First, is the field of energy; second, in the field of producing enough lumber for our housing; third, that our environmental standards remain high; and fourth, that the needs of human beings be met. Therefore, this bill reflects not wishes but hard disagreeable choices. It is very similar to the housewife who wants to give her family roast beef and strawberries and has to settle for hamburger and tapioca pudding.

I again regret that the Office of Management and Budget continually refuses to recognize that a nation depending upon its natural resources and made up of living people must be provided with funds. I suspect that, when the totals are in during these last 7 years of budget constraints, we will have spent far less to maintain and manage our forests, Indian schools, discover some of the energy answers than we have spent in destroying the forests of Indochina.

The committee has tried to be responsible fiscally and responsive to America, which has not been easy, and all our answers will not be popular. Perhaps in this bill one can see what overall budget ceilings could reflect, for in the 27 agencies we have had to sort out the blunt necessities from the pleasure of spending where we would like to spend.

I think the committee is also particularly unhappy about having to provide so meagerly for activities that produce revenue as I will note in a moment. The Department of Interior and the Forest Service in the year 1973 have estimated receipts of $5,094,119,933, almost twice the total appropriations bill of 1973, which included permanent appropriations and trust funds.

A summary of the bill follows:

SUMMARY OF BILL

Item	Budget estimates, fiscal year 1974	Recommended in bill	Comparison
Title I. Department of the Interior: New budget (obligational) authority	$1, 450, 567, 000	$1, 467, 684, 500	+$17, 117, 500
Title II. Related agencies: New budget (obligational) authority	823, 864, 300	801, 869, 700	−21, 994, 600
Grand total, new budget (obligational) authority	2, 274, 431, 300	2, 269, 554, 200	—4, 877, 100

TOTAL APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

In addition to the amounts in the accompanying bill, which are reflected in the table above, permanent legislation authorizes the continuation of certain Government activities without consideration by the Congress during the annual appropriations process.

Details of these activities are listed in appropriate tables appearing at the end of this report. In fiscal year 1973 these activities are estimated to total $620,788,266. The estimate for fiscal year 1974 is $632,750,788.

The following table reflects the total budget (obligational) authority contained both in this bill and in permanent appropriations for fiscal years 1973 and 1974:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES TOTAL BUDGET AUTHORITY FOR FISCAL YEARS 1973-74

Item	Fiscal year—		Change
	1973	1974	
Interior and related agencies appropriations bill	$2, 555, 030, 300	$2, 269, 554, 200	−$285, 476, 100
Permanent appropriations, Federal funds	424, 276, 266	478, 745, 788	+54, 469, 522
Permanent appropriations, trust funds	196, 512, 000	154, 005, 000	−42, 507, 000
Total, budget authority	3, 175, 818, 566	2, 902, 304, 988	−273, 513, 578

REVENUE GENERATED BY AGENCIES IN BILL

The following tabulation indicates total new obligational authority to date for fiscal years 1972 and 1973, and the amount recommended in the bill for fiscal year 1974. It compares receipts generated by activities in this bill on an actual basis for fiscal year 1972 and on an estimated basis for fiscal years 1973 and 1974.

Item	Fiscal year—		
	1972	1973	1974
New obligational authority	$2, 423, 563, 035	$2, 555, 030, 300	$2, 269, 554, 200
Receipts:			
Department of the Interior	720, 435, 364	4, 672, 354, 933	[1] 2, 551, 155, 158
Forest Service	350, 006, 700	421, 765, 000	379, 545, 000
Total receipts	1, 070, 442, 064	5, 094, 119, 933	2, 930, 700, 158

[1] Excludes the following decreases in Outer Continental Shelf receipts: Bonus sales $952,000,000; and release of escrow funds as a result of the Supreme Court's Dec. 20, 1971, order of $1,123,336,000 for a total decrease in fiscal year 1974 of $2,075,336,000.

SUMMARY OF INCREASES AND DECREASES

Following is a summary by activity of the major increases and decreases in new obligational authority recommended for fiscal year 1974 compared to the budget estimates:

Major increases:	
Education, welfare, health services, and other assistance to American Indians	+$24, 096, 000
U.S. Forest Service	+19, 095, 000
Land and Water Conservation Fund	+16, 000, 000
Coal Research	+9, 000, 000
Mines and Minerals	+8, 600, 000
Fish and Wildlife	+4, 746, 500
Oil and Gas Activities	+1, 100, 000
Water Resources Research	+540, 000
Subtotal, major increases	+83, 177, 500
Major decreases:	
Arts and Humanities	−46, 325, 000
Office of the Secretary of the Interior	−26, 360, 000
Bureau of Land Management	−7, 475, 000
Smithsonian Institution	−5, 865, 000
National Park Service	−1, 454, 000
Office of the Solicitor, Interior	−350, 000
Subtotal, major decreases	−$87, 829, 000
Other increases and decreases (net)	−225, 600
Net total, decreases under budget estimates	−4, 877, 100

EFFECT OF COMMITTEE ACTION ON PROJECTED BUDGET EXPENDITURES (OUTLAYS) IN FISCAL YEAR 1974

The budget estimates for bureaus and agencies funded in this bill projected new obligational authority of $2,274,431,300, and total expenditures of $2,530,047,000.

The committee has recommended total new budget (obligational) authority of $2,269,554,200, a decrease of $4,877,100 below the budget estimate. Concurrent with its recommendation of a decrease in new budget (obligational) authority, the Committee has also recommended a reduction of $7,000,000 in appropriations to liquidate contract authority.

The estimated net effect of Committee action on expenditures for bureaus and agencies funded in this bill for fiscal year 1974 will be an increase of about $9,000,000.

EXTENT OF ACTIVITIES FUNDED IN BILL

There follows a listing of selected items which indicate the extent of activities funded in this bill:

Management of public lands

Acres onshore:	
Bureau of Land Management	$451, 043, 353
U.S. Forest Service	187, 101, 120
Bureau of Indian Affairs	52, 573, 863
Bureau of Sport Fisheries and Wildlife	31, 103, 595
National Park Service	28, 878, 123
Subtotal, acres onshore	750, 700, 054
Acres offshore:	
Under 200 meters	515, 000, 000
Over 200 meters	631, 680, 000
Subtotal, acres offshore	1, 146, 680, 000
Total acres	1, 897, 380, 054

	Current inventory	1974 construction
Road construction (miles):		
Bureau of Land Management	44, 330	102
Bureau of Indian Affairs	21, 559	676
National Park Service	10, 185	10
Bureau of Sport Fisheries and Wildlife	6, 022	
U.S. Forest Service	198, 206	7, 473
Total miles	280, 302	8, 240
	1972 actual	1974 estimate
Recreation visitation (millions):		
National Park Service	206	225
Bureau of Sport Fisheries and Wildlife	23	20
Bureau of Land Management	52	60
U.S. Forest Service	182	198
Total visitations (millions)	463	503

Timber production

Forest Service.—An estimated harvest of 11.8 billion board feet is anticipated for 1974, with receipts from sales of approximately $355 million. This volume represents about one-fourth of the total timber and 30 percent of the softwood timber cut for industrial purposes annually, and is equivalent to the construction of about 1.1 million average sized homes.

Bureau of Land Management.—Administers the sale of over 1.3 billion board feet of timber annually. Timber receipts are estimated to be $76.8 million in 1974.

Soil and water conservation

Forest Service.—The National Forests of the West, about 20 percent of the area, produce about 50 percent of the water, conservatively estimated at a value of over one billion dollars annually.

Bureau of Land Management.—Administers an active program of soil stabilization practices on 160 million acres of public lands covering about 1,300 watersheds. Practices are designed to conserve and develop public land soil and water resources and include construction of small water control structures, contouring and cultivation, revegetation, protective fencing, and water developments.

Grazing

Bureau of Land Management.—Administers grazing of approximately 9.5 million head of livestock and 2.4 million big game animals. Grazing receipts are estimated to be about $11.2 million in 1974.

Forest Service.—Administers the grazing of 7.0 million head of livestock, including offspring. This provides a continued and necessary source of grazing required by 17,200 family-type ranch units. In addition, an estimated 4.1 million big game animals graze on National Forest lands.

Mineral Resources

Bureau of Land Management.—Administers mining and mineral leasing on approximately 760 million acres of land in the continental United States and more than 515 million acres of submerged lands of the Outer Continental Shelf within 200 meter water depth.

Geological Survey.—Provides the basic scientific and engineering data concerning water, land, and mineral resources; and supervises the development and production of minerals and mineral fuels on leased Federal Indian, and Outer Continental Shelf lands. The annual value of production on Federal, Indian, and Outer Continental Shelf mineral leases is $3.5 billion, with royalties accruing to the Government of $492 million. Bonuses from lease sales this fiscal year will approximate $2.2 billion.

Fish and Wildlife Resources

Bureau of Sport Fisheries and Wildlife.—Produces in excess of 7 million pounds of fish a year. The cumulative effect is estimated to support approximately 45 million fisherman-days annually. In addition, this Bureau's refuges accommodate about 1.6 billion waterfowl-use-days, not including Alaska. These refuges also support almost 5 million hunting and fishing-use-days.

Administration of Territories

The Department of the Interior is responsible for the administration of the Trust Territory of the Pacific Islands (over 2,000 islands covering about 3 million square miles of the Western Pacific Ocean), American Samoa, and Guam. This involves the management of about 985 square miles of land with a total native population of approximately 222,000.

Indian Education and Welfare

Indian children in Federal Day and Boarding Schools, 56,566.

Indian children in Public Schools, 93,800.

Indians provided with welfare guidance service, 96,100.

Operation and maintenance of 300 Indian irrigation systems.

In the committee report to the Congress the committee stated the following:

MANAGEMENT OF OUR NATION'S NATURAL RESOURCES

As the foregoing statistics indicate, the programs included in this bill cover a wide variety of activities. These are programs which are vital if we are to successfully address and solve the urgent needs which this country faces in the last quarter of this century: improving the environment, providing an adequate supply of energy, improving the wise utilization of our scarce natural resources, providing adequate recreation opportunities for all Americans and assuring that our American Indians have sufficient resources to determine their own destiny.

The Committee, after lengthy hearings and deliberations, has reported a bill which is within the total Administration budget estimates. However, the Committee does not believe that the funds provided in this bill are adequate to meet the pressing needs facing this country in the management of its natural and human resources. Those who are responsible for the budget show a lack of foresight by failing to consider adequately the long-term implications of present management and budget decisions. They appear to have no recognition that a tree planted today cannot be harvested the following day; that an Indian who fails to learn because he has no glasses will be handicapped for the rest of his life; that delays in land acquisition for Federal recreation areas will eventually cost the Nation many times the current prices; that the need for an adequate supply of quality drinking water is a necessity, not a luxury; that the solutions to our critical natural resources management problems are dependent on long-range research; and that the wealth of this great Nation lies fundamentally in its resources and its people.

The committee also addressed itself as to the problem of impoundment and to the effect of continued constrained budgets.

IMPOUNDMENT OF FUNDS

In spite of the pressing need for improved management of our natural and human resources, those who determine the budget have followed a policy of severely constrained budgets in these areas. In recent years, the committee has reordered priorities in order to provide additional funds for forest management and research, additional funds for Indian health services and facilities, additional funds for Indian education, and additional funds for energy and minerals research. Time after time, these funds have been impounded.

When the proposed budget for fiscal year 1974 was announced drastic actions were taken with respect to the fiscal year 1973 budget. There were proposals to rescind or reprogram $6,208,000 added by Congress for critical health needs of the Indian people. Furthermore, there were proposals to reprogram or transfer $22,105,000 provided by Congress for increased management and research of our forest resources by the U.S. Forest Service. Funds added by Congress for Forest Service construction in fiscal year 1973 have been impounded and, almost without exception, proposed for different construction projects in fiscal year 1974.

The committee takes a dim view of these policies which fail to recognize that the priorities established by the Congress in the appropriations process are those of constitutional direction. If adjustments to the budget have to be made for the sake of fiscal policy, both the pressing need for improved natural resources management and also the will of Congress as expressed in appropriation bills must be considered.

It is time to stop and ponder what a Nation without trees, water, and natural beauty could be. Coupled with the necessity for fiscal restraint is also the mandate to be equally responsible to the future of this great Nation.

EFFECTS OF CONTINUED CONSTRAINED BUDGETS

In the course of its hearings on the 1974 budget, the committee was continually confronted with the unpleasant realities we face in the management of our natural resources. The adverse effects of many years of constrained budgets were continuously apparent to the committee. Some highlights of this situation follow:

Calculations made by the committee

indicate that the Federal Government spends about $1.37 per acre per year, onshore, for the management of its lands; estimates of spending by the commercial forest industry for their land are about $128.42 per acre per year for acreage planted and $4.30 per acre per year for total acreage.

Offshore, the Federal Government is responsible for 515,000,000 acres of land under 200 meters depth and an additional 631,680,000 acres beyond 200 meters. A total of 7,300,000 of these acres are presently under lease. The Federal Government spends about $2.40 per acre per year for acres under lease and about $.03 per acre per year for total acres under 200 meters.

An estimated 6.8 billion board feet of sawtimber is killed each year by insect damage, fire, disease, and animal damage on commercial forest lands. This compares with the total sales projection in fiscal year 1974 of 10.8 billion board feet as stated in the budget justfications of the U.S. Forest Service.

An estimated 179,938,000 acres of public land is currently in need of rehabilitation. Rehabilitation would permit 57.8 million animal unit months of grazing compared to the 30.6 million animal unit months at present, substantially increasing our meat supply and the economic development of the areas affected. Many of these areas contain some of the lowest income groups in the Nation.

The Geological Survey has just issued a study which states that the United States is critically short of some of the key minerals which "are the physical source of most of the necessities, conveniences, and comforts of life in the United States today." Future supplies must come from subeconomic deposits or from potential resources yet to be discovered. Yet the budgets for research on minerals extraction, processing, utilization, and recycling are woefully inadequate and have been for many years in the budget proposals submitted to the committee.

The committee for the past several years has been deeply concerned with the increasing energy crisis. The committee heard testimony several years ago about the need to explore with ever increasing speed our resource reserves and correlate this knowledge with research techniques for wise and efficient use.

A long step was taken a few years ago by the committee in granting the Geological Survey money so that Agency might have an ever-increasing knowledge of our offshore oil potential as well as its hazards.

Money was placed in last year's budget for several coal research projects. However, the committee is still concerned in the energy area.

NATIONAL COAL POLICY

The average American citizen is the greatest consumer of energy in the world. Americans presently consume about 390 million Btu's per year per capita. This compares with 170 million Btu per capita in Great Britain, 140 million Btu per capita in West Germany, and 20 million Btu per capita in Brazil.

A good deal of public attention has recently been focused on the energy crisis. The extraction and utilization of coal is an important component of our total energy resource picture and is likely to become more important in the years ahead. Last year, the committee urged the Secretary of the Interior, in cooperation with the appropriate committees of the Congress, to give immediate attention to the promulgation of a formal national coal policy. The committee said:

> There is considerable discussion today regarding the extent to which strip mining should be limited. In fact, several bills are currently pending in the Congress which, if enacted into law, would greatly reduce the extent of strip mining activity in this country. It is to be remembered that about 35 percent of our coal is obtained by strip mining.
>
> On the other hand, the Committee is being requested to approve the appropriation of millions of dollars per year for research and development of coal utilization processes. Although the Committee endorses adequate reclamation of strip mined areas, it is neither advocate nor antagonist with regard to strip mining per se. However, the Committee does feel the question of whether it is practical to invest millions of dollars in various coal research programs if the source of supply for these programs is to be severely limited must be resolved at the earliest possible date.
>
> Another important matter for consideration in this connection is the effect of various pollution control limitations that might be placed on the use of coal. If standards are so severe that the utilization of coal is priced out of the market, the cost-benefit ratio of various coal research programs now underway and anticipated will be most adverse.

The urgency of such a policy has not diminished in the past year. Although the hearings revealed that a coal policy report was currently in "secretarial review," the Committee has not yet seen such a statement.

Despite the absence of a national coal policy there are many items proposed in the 1974 budget which hinge on such a policy. Almost $120 million was requested for coal research by the Office of Coal Research, the Bureau of Mines, and the Office of the Secretary. Budget estimates for the Bureau of Land Management and the Geological Survey also include funds relating to the leasing and extraction of coal from public lands.

The committee emphasizes again the need for a formal statement of national coal policy. Such a statement should focus on three problems of critical concern:

First. Reclamation.—What sorts of reclamation requirements must be imposed for surface and underground coal mining? How are these requirements to be enforced? What will be the effect on total coal availability and costs as related to these various types of requirements?

Second. Leasing Procedures on Federal Lands.—What leasing policies and lease terms will adequately assure the environmentally sound and timely utilization of Federal coal resources, at the same time providing a maximum return to the U.S. Treasury? How are leasing policies and practices to be enforced, given the current constraints in budget and personnel?

Third. Research.—What capability does present technology provide in the extraction, processing, and utilization of coal? What further developments are required in order to provide us the capability to increase coal utilization while protecting the environment and the health and safety of America's coal miners? How does the importance of coal research compare with other energy research? What are total Btu needs of the future and what are the necessary conservation measures?

ENERGY RESEARCH

Despite this lack of a formal coal policy, the committee believes that the current energy situation necessitates increased energy research, particularly in coal. Accordingly, the committee recommendation provides substantial increases over the current budget for research projects related to energy. These are summarized as follows:

[In millions of dollars]

Activity	1973 current estimate	1974 committee bill	Change
Coal resource development	94.5	115.5	+21.0
Petroleum and natural gas	5.6	6.3	+.7
Geothermal energy	2.7	3.1	+.4
Economic analyses, energy conservation		1.5	+1.5
Total	102.8	126.4	+23.6

In addition to the items listed above, the committee has included an additional $1.1 million for the Office of Oil and Gas. These additional funds will provide for 50 additional persons to help the Office implement new responsibilities under the voluntary petroleum allocation program.

The committee believes that a vigorous energy research program in all areas of energy use, resource management, and conservation is vital if Government and industry are to provide the Nation with a substained and reliable energy supply in the future. The 23-percent increase in energy research provided in this bill will help reach this objective.

The committee also believes that the appropriate committees of Congress should conduct an inquiry into the apparent monopolistic tendencies in the American energy industry. Attention should also be given to our domestic resource base, and the availability of those resources.

At every corner one hears discussions about energy, how we may discontinue the use of cars, discontinue the use of lights, and so forth. May I say to the Congress, let us not get carried away with what can and cannot be done. Can you men imagine your wives returning to ironing your shirts with an iron heated on the stove? Of course you cannot. And if you could EPA would have fits over burning more wood with increased smoke rising into the air.

Second, what about better street lighting? We are well aware, and statistics bear it out, that the failure of street lighting means crime and it takes power to provide lights. Sometimes certain dark Washington, D.C. streets remind me of stories of medieval times when citizens proceeded down the street with a pine torch and guards fore and aft. Nationwide, we will never return to those days. Crime operates in the dark and I do not believe this Congress is about to offer criminals a series of havens.

May I also remind the Congress that we are all "gung-ho" about recycling. Taking care of our garbage is mandatory. But we cannot merely say we are going to do it; we have to provide energy to fuel recycling plants.

The committee has been deeply concerned for years about the total knowledge of American resources which are available to make America operate efficiently. We are still concerned and we ask the American public to join us in providing budget implementations. We must provide the public with all the facts and research necessary for judgment making. Funds were provided to get to the Moon. My suggestion is that we now provide funds to prevent America's liquidation.

We have been extremely generous with countries around the world in various aid programs and in support of the independence of the South Vietnamese. What do we have to show for it? Not even much good will. I think the time has arrived and I do not mean this in terms of isolation, but in terms of strengthening America so that she may become an example of a nation dedicated to the service of human goals, an example of a nation who develops maximum potentials from all sources and for all sources of her daily life.

It is time to build our technology, environment and environmental knowledge so that we may share these great strengths with other nations as we have shared our military strength in the past. We must know how to salvage man's destroyed land, how to stop pollution and safeguard against future pollution, to provide an international dominion of security from the results of neglect, callousness and in many instances greed. This, the committee is dedicated to accomplishing.

America which was built because of transportation—once the covered wagon, now the automobile, suddenly finds itself with a shortage of gasoline and no genuine comprehension of what a transportation system is all about. We are not putting into context the press releases which warn of diplomatic problems in North Africa, the Middle East, South America and our own failure to know how to protect the development of future energy sources.

Mr. Chairman, it is mandatory that in the phrase of the "now" generation, we "get with it." And to the Office of Management and Budget I reemphasize, Mr. Chairman, stop closing your fists on America and shaking them in the face of everyone when we do not have the knowledge to realize that an open handful of knowledge is worth more than all the guns on earth to the world of tomorrow.

LOG EXPORTS

The committee has placed a limitation on the use of funds available under this act for sales of unprocessed timber made by the Secretaries of the Interior and Agriculture where the timber will be sold for export, or be used as a substitute for timber exported by the purchaser. The limitation would not apply to the use of such funds for activities under sales already made. In any future sales, the committee expects the Secretaries to take steps to include provisions in timber sales contracts that will assure that the timber involved will not be exported, or used by the purchaser as a substitute for timber he exports, or sells for export. The committee expects the Secretaries to publish regulations to implement this limitation and the act of April 12, 1926 (44 Stat. 242, as amended, 16 U.S.C. 617) so as to control substitution of Federal timber for private timber sold for export.

This provision will make an estimated additional 200 million board feet of timber available for domestic needs.

INDIAN ACCOMPLISHMENTS AND CONTINUING PROBLEMS

There has recently been a great deal of attention to the problems in the world of the American Indian. The committee is aware of these problems and has endeavored over the years to ameliorate them. With the funds provided by this committee and with the active participation of the Indians themselves, substantial improvements have been made in recent years. The committee believes that the Congress, and the public, should be aware of these accomplishments. They include the following:

As a result of improvements in Indian health services and facilities, the last 16 years have seen a decrease in death rates for infants of 62 percent; for maternal deaths, a decrease of 54 percent; from influenza and pneumonia, a decrease of 57 percent; from tuberculosis, a decrease of 86 percent; from gastritis, a decrease of 84 percent.

Also in the last 16 years, hospital admissions have increased 104 percent; the percentage of babies born in hospitals has increased 12 percent; the number of outpatient visits has increased 391 percent; and dental services have increased by 396 percent.

During the last 2 years, 995 new homes have been constructed and 9,040 homes renovated under the BIA housing improvement program.

Since 1962, 26,211 new classroom spaces and 13,548 replacement classroom spaces have been provided to Indian children through the Bureau of Indian Affairs.

In the last 12 years, enrollment in BIA schools has increased from 40,194 to 56,566.

Before 1969, there was no kindergarten program in BIA schools. In 1969, there were 761 Indian children in kindergarten; by 1972, the number increased to 2,522.

In 1962, 763 Indian students received higher education grants; the average grant was $328 per year. In 1973, 13,500 Indian students will receive higher education grants; the average grant will be $1,350.

Despite these accomplishments, there is still much to be done. In the course of the 1974 hearings, the committee was constantly confronted with the deficiencies in Indian programs. Some of these deficiencies are as follows:

Despite the improvements noted above, the mortality rate from various causes for Indians is considerably higher than the general population.

Twenty Indian hospitals need replacement and 16 additional hospitals require major modernization. The estimated cost of this work is more than $210 million.

Only 12 out of 51 Indian hospitals fully meet fire and safety codes; only 21 of the 51 Indian hospitals are accredited by the Joint Commission on Accreditation of Hospitals.

An estimated 18,843 Indian homes need running water and adequate waste disposal facilities; and estimated 18,968 Indian homes need upgrading of existing sanitation facilities.

According to a recent survey, there are about 103,300 Indian families for which only 30,100 existing dwellings are in standard condition. About 20,500 can be renovated to standard condition and about 48,300 new homes are required to replace existing substandard dwellings.

The Bureau of Indian Affairs estimates a major alteration and improvement backlog amounting to $55,481,000.

The estimated school construction needs for public schools where there is a substantial Indian impact amount to over $116,000,000.

The committee recognizes these inadequacies and has provided $759,735,000 for Indian programs in the bill. This is an increase of $25,139,000 over the 1973 level and $24,296,000 above the budget estimates for 1974. However, the committee reiterates that in no way do these funds meet the total requirements. The committee urges that future budget proposals provide funds which will eliminate inadequacies in hospitals, housing, and education facilities.

INDIAN EDUCATION ACT

Last year, Congress passed the Indian Education Act. Congress provided $18 million for implementation of this act in the 1973 supplemental appropriation bill. The President proposed to rescind this appropriation, but Congress did not concur. It is expected that these funds will be obligated before the end of fiscal year 1973 and available for the coming school year.

Because the applications for assistance under this act from eligible school districts have just come to the Department of Health, Education, and Welfare, the Department could give the committee no basis for making a reasonable projection of requirements for the coming fiscal year. They have assured the committee that when the requirements are known, the information will be supplied to the committee so that consideration can be given to proper funding.

The committee directs that both BIA and the Department of Health, Education, and Welfare review the impact-aid program, the Johnson-O'Malley program, and the Indian Education Act program and provide recommendations so that all Indian children will have an equal educational opportunity. The committee also requests the BIA to review and reassess the Johnson-O'Malley distribution formula. The committee cannot emphasize too strongly that it is deeply interested in the progress of Indian education, but it wants the funds for these programs to be managed with complete fiscal responsibility so there is equity among the children served by them.

PROPOSED INDIAN GRANT PROGRAM

When the budget was submitted to Congress in January, there was a $25 million item for the proposed Indian self-determination grant program. Unfortunately, the proposed legislation was not transmitted to Congress from the administration until June 12, 1973. The authorizing committees have not yet had an opportunity to take action on this proposal and it is therefore impossible for the committee to provide funding for the program in the bill. When authorization action has been completed, the committee will look favorably upon budget requests to fund this program.

Emotion alone will never solve the Indian problem. There must be a recognition in every city, every State, and every county that the Indian is an American citizen. When an Indian has left the reservation, he or she has the same rights and privileges as all other Americans. There is no excuse for an Indian in any city which provides welfare and medicaid, et cetera, to its citizens to go without these services.

It is the singular problem of Congress to try and offer a fiscal program that will allow our Indians knowledge of what is available to them as Americans. A little later in the bill you will note that the committee has provided $1 million for counseling services in cities with major Indian populations. This money does not provide for the construction of Indian health centers; it provides for people with know-how to tell the Indian and to counsel them with regard to what is available to him or her.

Minneapolis was given a grant by this Congress 2 years ago. With the cooperation of Minneapolis and St. Paul Indian people, and the Indian health service, an outstanding job was done in providing information and service to Indian people in that area. It is this pattern of making available to Indian people these services that we hope will be used in this million dollar appropriation.

I would also like to call your attention to one more facet in the Indian problem of education. Public Law 815 has never been funded adequately to provide for the construction of public schools which have large Indian student daily attendance. Therefore, year after year, appeals come to us for unbudgeted funds to construct Indian attended public schools. The committee can only meet a small portion of these needs.

I would, therefore, remind communities who have bonding ability unused that they work with the Congress in a total construction program. It is unrealistic to ask the Congress to completely fund a school in a public school district which has available unused bonding authority. The district has a responsibility to Indian students to provide its share.

I have discussed with you many times the desire and hope that Indian people determine their own future and manage their own affairs. It is a pleasure to report that increasing contracts with Indian tribes are being made to carry out this philosophy. Tribes are now managing Indian schools, Indian development programs, and the Indian economy.

However, I cannot stress too strongly that many of the funds of the past, like OEO, are in a questionable status today. If funds in these categories do not remain available, the BIA budget must of necessity be increased. It is mandatory that Indian children have the opportunity for Headstart programs and that Indian tribes have access to a program such as CAP. It is hoped that the Indian development fund may be expedited to the fullest, for upon that fund depends much of the Indian economy.

The Indian world can only be self-sufficient when its economy will sustain its people; when education is universal; when health is maintained at a maximum standard. We must recognize the fact that Indian housing is substandard and sanitation facilities are substandard. We will never have a diminution of ignorance and illness until we have provided a way to work, a place to learn, and a home which will not contribute to illness.

DEPARTMENTAL REORGANIZATION

On February 6, and again on May 7, 1973, the Department of the Interior announced a series of organizational changes. The highlights of these changes are the following:

New staff assistant secretaries for management, and program development and budget have been created.

The Assistant Secretary-Energy and Minerals has within his jurisdiction the power marketing agencies and the Bonneville Power Administration as well as the other agencies under the former Assistant Secretary-Mineral Resources. New staff offices have been established for energy data and analyses, research and development, and energy conservation. The health and safety enforcement activities of the Bureau of Mines have been split off into a new Mining Enforcement and Safety Administration which is also under the jurisdiction of the Assistant Secretary-Energy and Minerals.

The Assistant Secretary-Land and Water Resources has within his jurisdiction the Bureau of Land Management, Office of Saline Water, Office of Water Resources Research, and the Bureau of Reclamation.

The Commissioner of Indian Affairs, with responsibility for the Bureau of Indian Affairs, reports directly to the Secretary. The same is true for the Office of Territorial Affairs.

The committee has discussed this reorganization with Interior Department officials. The committe will have a full review of the implementation of this reorganization, including the increased efficiencies and cost savings in Departmental operations, in the 1975 hearings.

The committee notes with interest the intention of the President, expressed in the recent energy message, to propose a Department of Energy and Natural Resources. It is recognized that such a reorganization cannot be accomplished without action by Congress. The committee will have a full review of the proposal in the 1975 hearings, or sooner if congressional action should be forthcoming. It is not the intention of this committee to appropriate funds for one purpose and then have them used for another.

PROGRAMS NOT INCLUDED IN THE BILL

The budget estimates for fiscal year 1974 included funding for the following activities:

Trust Territory of Pacific Islands	$56, 000, 000
Preservation of Historic Properties (grants-in-aid to States)	15, 505, 000
Saline Water Research	2, 527, 000
American Revolution Bicentennial Commission	7, 100, 000
Total	81, 132, 000

Existing legislation authorizing these activities expires June 30, 1973.

Hearings were held on the budget estimates, but in absence of authorizing legislation for these activities in fiscal year 1974, the committee has decided to pass over these items without prejudice.

LIMITATION ON UNIT COST OF EMPLOYEE HOUSING

The limitation on the unit cost of employee housing—regardless of the source of financing—in the continental United States, Alaska, Hawaii, and the Territories shall be $29,000. This limitation includes engineering and design costs, but excludes provision of utilities to the lot line. Any exceptions to this monetary limitation shall be submitted to the committee for its advance review and approval. Employee houses shall not exceed the standards outlined by the committee in House Conference Report No. 2049, 87th Congress, 2d session.

TITLE I—DEPARTMENT OF THE INTERIOR

PUBLIC LAND MANAGEMENT

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Appropriation, 1973	$96, 565, 000
Estimate, 1974	91, 347, 000
Recommended, 1974	83, 872, 000
Comparison:	
Appropriation, 1973	−12, 693, 000
Estimate, 1974	−7, 475, 000

The amount recommended by the committee, compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with— 1973 appropriation	Bill compared with— Estimate, 1974
Resource management, conservation and protection	$67, 212, 000	+$5, 533, 000	−$7, 450, 000
Cadastral survey	8, 201, 000	+199, 000	
Firefighting and rehabilitation	5, 400, 000	−18, 500, 000	
General administration	3, 059, 000	+75, 000	−25, 000
Total, management of lands and resources	83, 872, 000	−12, 693, 000	−7, 475, 000

The Bureau of Land Management is responsible for the conservation, management, and development of about 451 million acres of the Nation's public lands, including 278 million acres in Alaska.

In addition, the Bureau administers

mining and mineral leasing on other federally owned lands, or former Federal lands where minerals have been reserved in public ownership, and on the submerged lands of the Outer Continental Shelf.

The reduction of $7,475,000 below the budget estimate consists of the following decreases:

Supervision of trans-Alaska pipeline construction—$7,400,000.

Off-road vehicle management—$50,000.

General administration—$25,000.

The committee is deleting, without prejudice, requested funds to supervise the construction of the trans-Alaska pipeline. Before a permit can be issued by the Secretary of the Interior, legislation must be passed by Congress, authorizing a wider right-of-way. This legislation must be passed before appropriations can be made. The committee believes that the correct forum for a debate on this entire issue, including the question of pipeline location, is on the authorizing legislation rather than the appropriation bill. When authorization legislation is passed, the committee will consider a request for additional funds for construction supervision.

This Nation must have the know-how to accomplish this increasingly important project without disrupting vast areas of the North American continent. We have through the years accomplished equally complex construction feats. The only new problem is the protection of the environment and there is progress in that area on all fronts.

I have other basic concerns relative to funding both the Forest Service and the Bureau of Land Management—the need for acceleration of reforestation on our public forest lands, as well as an ever increasing education of the public in the proper protective use of these lands. Manmade fires, roads, and trails strewn with litter as well as an amazing amount of plain vandalism are destructive of the America we love.

Also, in the Bureau of Land Management, Forest Service, and BIA, I have a distinct feeling that the Office of Management and Budget has disappeared into a dark hole without examining its responsibility relative to improved range land. Not only the economy but, as we noted earlier, the increase of food is involved in a stepped-up supply of better range lands.

CONSTRUCTION AND MAINTENANCE

Appropriation, 1973	$7, 965, 000
Estimate, 1974	6, 300, 000
Recommended, 1974	6, 300, 000
Comparison:	
Appropriation, 1973	—1, 665, 000
Estimate, 1974	

The committee recommends an appropriation of $6,300,000, the budget estimate, for construction and maintenance of various facilities necessary for the proper administration of public lands under the jurisdiction of the Bureau of Land Management.

The Committee notes with dismay the testimony from the Bureau of Land Management that at the beginning of fiscal year 1974 only 14 percent of the estimated 16 million visitations annually can be accommodated by BLM recreation facilities. The committee expects that future budget proposals will reflect the high priority needs in this area.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS

(LIQUIDATION OF CONTRACT AUTHORITY)

Appropriation, 1973	$3, 265, 000
Estimate, 1974	4, 000, 000
Recommended, 1974	4, 000, 000
Comparison:	
Appropriation, 1973	+735, 000
Estimate, 1974	

This appropriation is required to liquidate obligations incurred under contract authority provided in the Federal Aid Highway Act for development of roads and trails on public lands.

The Bureau of Land Management is responsible for maintaining about 45,000 miles of roads on the 451 million acres administered by the Bureau. Of the 36,000 miles of roads which are classed as primitive, 32,000 are in need of upgrading. There is an additional need of 21,300 miles of road construction and surfacing in order to serve the long-term management needs of the public lands.

OREGON AND CALIFORNIA GRANT LANDS

(INDEFINITE APPROPRIATION OF RECEIPTS)

Appropriation, 1973	$17, 500, 000
Estimate, 1974	17, 500, 000
Recommended, 1974	17, 500, 000
Comparison:	
Appropriation, 1973	
Estimate, 1974	

The bill continues the indefinite appropriation of 25 percent of the gross receipts from sales of timber and other products, representing one-third of the 75 percent of revenues due the Oregon and California counties.

It is estimated that a total of $17,500,000 will be available during fiscal year 1974 for construction, acquisition, and operation and maintenance of access roads and improvements, and for forest protection and development on the revested lands and on other Federal lands in the Oregon and California land grant counties of Oregon.

RANGE IMPROVEMENTS

(INDEFINITE APPROPRIATION OF RECEIPTS)

Appropriation, 1974	$2, 714, 000
Estimate, 1974	3, 376, 000
Recommended, 1974	3, 376, 000
Comparison:	
Appropriation, 1973	+662, 000
Estimate, 1974	

The committee recommends an indefinite appropriation of $3,376,000 to be derived from public lands and Bankhead-Jones Farm Tenant Act Lands grazing receipts for construction, purchase, and maintenance of range improvements.

RECREATION DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

Appropriation, 1973	
Estimate, 1974	$165, 000
Recommended, 1974	165, 000
Comparison:	
Appropriation, 1973	+165, 000
Estimate, 1974	

The committee recommends an appropriation of $165,000, the budget request. This is an appropriation of receipts from admission fees and user charges from recreation users of lands administered by the Bureau of Land Management. The funds will be used to help maintain the 214 recreation sites, plus the 11 sites proposed for construction in 1973. The funds will also be used for necessary improvements at older facilities.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

Appropriation, 1973	$303, 556, 000
Estimate, 1974	297, 072, 000
Recommended, 1974	299, 976, 000
Comparison:	
Appropriation, 1973	—3, 580, 000
Estimate, 1974	+2, 904, 000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with— 1973 Appropriation	Bill compared with— Estimate, 1974
Educational assistance, facilities, and services	$185, 991, 000	—$1, 335, 000	+$1, 804, 000
Welfare and guidance services	70, 312, 000	+4, 775, 000	+1, 000, 000
Employment assistance	35, 307, 000	—7, 120, 000	
Maintaining law and order	8, 366, 000	+100, 000	+100, 000
Total, education and welfare services	299, 976, 000	—3, 580, 000	+2, 904, 000

The increase of $2,904,000 over the budget estimate includes the following projects:

Operation of the Navajo Community College, Arizona, +$600,000.

Demonstration program in college counseling, +$250,000.

Operation of the St. Francis School, +$140,000.

High priority needs of the Busby School, Montana, +$14,000.

National Indian Training Center, Intermountain School, Utah, +$300,000.

Housing improvement program, including funds for the Miccosukee Tribe of Florida and the Housing Demonstration Project of the Quileute Tribe of Washington, +$1,000,000.

Assistance to tribal governments, including funds for Papago Tribal roll, Quinault Tribal government, and the Sioux Tribal Government Development Program, Minnesota, +$500,000.

Law enforcement, Navajo Tribe, Arizona, +$100,000.

Under the administration's policy of self-determination for Indian people, many of the activities formerly carried out directly by the Bureau of Indian Affairs are now being contracted out to the tribes. The committee expects that, in making these contracts, the BIA will include a reasonable provision for overhead and administrative costs incurred by the tribes in administering these contracts.

The committee has provided an additional $100,000 for law enforcement on the Navajo Reservation. The committee acknowledges and endorses the traditional and historical responsibility which existed prior to 1958 for the maintenance of law and order on the Navajo Reservation as being a joint Federal-tribal responsibility. However, in recent years the funding responsibility for law enforcement has been completely assumed by the Navajo Tribe. The committee directs that the BIA include the Navajo Division of Law Enforcement as a budget item on a continuing basis. The BIA should meet with the appropriate Navajo officials to develop a joint plan and budget by which the acknowledgment of the joint Federal-tribal responsibility for law and order on the Navajo Reservation will be effected and made operational.

Again, I cannot emphasize enough the necessity for additional Indian housing and in correlation with Indian housing more work by the extension agency of the Department of Agriculture in a down-to-earth program of teaching Indian people how to live in their new homes. It is also mandatory, I believe, for us to explore a new kind of low cost housing which will fit into the environment of the Indian world. Merely because a house is successful on Seventh Street, Washington, D.C., does not necessarily mean it is equally successful in Taholah, Wash.

Let us use some of our artistic ingenuity and engineering skills in planning the kind of home which fits into the environment and accommodates the very simple down-to-earth desires of the Indian people.

RESOURCES MANAGEMENT

Appropriation, 1973	$86,041,000
Estimate, 1974	85,358,000
Recommended, 1974	86,022,000
Comparison:	
Appropriation, 1973	−19,000
Estimate, 1974	+664,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with— 1973 Appropriation	Bill compared with— Estimate, 1974
Forest and range lands	$10,723,000	+$2,577,000	+$564,000
Outdoor recreation	353,000		
Fire suppression and emergency rehabilitation	800,000	−2,900,000	
Agricultural and industrial assistance	17,362,000		
Soil and moisture conservation	10,089,000	+304,000	
Maintenance of roads	6,592,000		
Development of Indian arts and crafts	688,000		
Management of Indian trust property	$12,314,000	−$100,000	
Repair and maintenance of buildings and utilities	24,967,000	+100,000	+$100,000
Operation, repair, and maintenance of Indian irrigation systems	1,611,000		
Environmental quality services	523,000		
Total, resources management	86,022,000	−19,000	+664,000

The increase of $664,000 over the budget estimate includes $100,000 for the work-learn program, $350,000 for reforestation and forest management, Quinault Tribe, and $214,000 for management and administration of the McQuinn Strip, Oreg.

May I urge that more and more money be budgeted to Indian tribes in the United States for the management of all their natural resources, that they assume management of their own reforestation, train their own forest workers, and negotiate the financial arrangements for sale or preservation, as the case may be, of their land.

CONSTRUCTION

Appropriation, 1973	$56,078,000
Estimate, 1974	44,000,000
Recommended, 1974	53,343,000
Comparison:	
Appropriation, 1973	−2,735,000
Estimate, 1974	+9,343,000

The amount provided in the bill includes a net increase of $9,343,000. Testimony before the committee revealed that of the $5,730,000 appropriated in 1973 for the Haskell Junior College, Kans., $1,930,000 will not be obligated until fiscal year 1975. The committee directs that these funds be reprogramed for use in fiscal year 1974. These funds, along with the funds added by the committee, shall be used for the following projects not included in the budget estimate:

Design for Riverside Indian School, Oklahoma, +$250,000.

Design and master site plan, Chilocco Indian School, Oklahoma, +$200,000.

Exterior facilities, Cherokee High School, North Carolina, +$500,000.

Construction of classrooms and related facilities, Pryor Elementary School, Montana, +$223,000.

Construction of classrooms and related facilities, Lame Deer Elementary School, Montana, +$500,000.

Planning, design, and land acquisition, Edgar High School, Montana, +$100,000.

Construction, Santa Rosa School, Arizona, +$4,500,000.

Navajo Indian irrigation project, +$4,000,000.

Colorado River irrigation and power project, +$1,000,000.

As we have noted earlier, the committee is continually confronted with plans and expenditures for the construction of classrooms and related facilities in the public schools which Indians attend.

I have expressed this thought earlier, and I express it again; the BIA cannot afford to construct facilities unless the proportion of bonding authority available by the local school district is integrated with the BIA expenditures.

It is more than unconscionable that white citizens in an area expect that the Indians attending locally should carry the entire cost of construction projects in their school district when available tax bonding authority should provide their share. It is entirely un-American to expect that Indian students carry the burden of white students. We are all Americans and as Americans we can expect to spend jointly for the construction of facilities.

ROAD CONSTRUCTION

(LIQUIDATION OF CONTRACT AUTHORITY)

Appropriation, 1973	$45,539,000
Estimate, 1974	43,000,000
Recommended, 1974	43,000,000
Comparison:	
Appropriation, 1973	−2,539,000
Estimate, 1974	

This appropriation is required to liquidate obligations incurred for Indian road construction under contract authority provided in the Federal-Aid Highway Act.

In addition to the proposed obligation program, the Department is directed to provide $75,000 for road construction at the Fort Totten Indian Reservation, N. Dak.

In many Indian areas roads are the key to good schools, good Indian health programs, and the economy. I urge that we get on with the business of building environmentally conscious and economically sound roads by and with the advice of those they will serve—the Indians.

ALASKA NATIVE FUND

Appropriation, 1973	$50,000,000
Estimate, 1974	70,000,000
Recommended, 1974	70,000,000
Comparison:	
Appropriation, 1973	+20,000,000
Estimate, 1974	

Section 6 of the Alaska Native Claims Settlement Act (Public Law 92-203) provides for the establishment in the U.S. Treasury of an Alaska Native Fund into which $462,500,000 shall be deposited over a period of 11 years.

After completion of an Alaskan Native roll, all money in the Alaska Native Fund, except for certain fees as provided in section 20 of the act, will be distributed among the regional corporations—organized pursuant to section 7 of the act—for the benefit of Alaskan Natives.

The bill includes $70,000,000, the budget estimate, which is the amount specified in the authorizing legislation for deposit in the Alaska Native Fund in fiscal year 1974.

GENERAL ADMINISTRATION EXPENSES

Appropriation, 1973	$6,200,000
Estimate, 1974	5,319,000
Recommended, 1974	5,244,000
Comparison:	
Appropriation, 1973	−956,000
Estimate, 1974	−75,000

The deduction of $75,000 below the budget estimate relates to decreases in BIA administrative costs.

TRIBAL FUNDS

Appropriation, 1973	$16,530,000
Estimate, 1974	16,505,000
Recommended, 1974	16,505,000
Comparison:	
Appropriation, 1973	−25,000
Estimate, 1974	

Funds held in trust for Indian tribes under the provisions of various acts are used for expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

Appropriation, 1973	$4,150,000
Estimate, 1974	4,436,000
Recommended, 1974	$4,396,000
Comparison:	
Appropriation, 1973	+246,000
Estimate, 1974	−40,000

The Bureau of Outdoor Recreation serves as the focal point in the Federal Government for activities relating to outdoor recreation. In addition, a liaison is maintained with State and local governments and with the private sector with a view toward developing and executing a nationwide coordinated effort in the provision of outdoor recreation opportunities.

The Bureau also administers a program of matching grants to States for recreation planning, for acquisition of land and water areas, and for the development of such areas.

The committee recommends an appropriation of $4,396,000, a reduction of $40,000 below the budget estimate.

LAND AND WATER CONSERVATION FUND

Appropriation, 1973	$300,000,000
Estimate, 1974	55,223,000
Recommended, 1974	71,223,000
Comparison:	
Appropriation, 1973	−228,777,000
Estimate, 1974	+16,000,000

The following table reflects the action recommended by the committee on the budget request.

Activity	Budget estimate	Committee bill, 1974	Change
Assistance to States	$50,000,000	$66,000,000	+$16,000,000
Federal programs		(Reprogram)	
Administrative expense	5,223,000	5,223,000	
Total, estimate	55,223,000	71,223,000	+16,000,000

The committee recommends an appropriation of $66 million for the State grant portion of the Land and Water Conservation Fund program. In addition, an estimated $146 million in unobligated balances from previous years' appropriations will be available in 1974. This $212 million obligation program in 1974 is compared to estimated obligations of $202 million in 1973. Of the $66 million appropriated for apportionment to the States, $16 million is to be apportioned by the Secretary through a special account to those States who have fully obligated all previously apportioned moneys, including the funds otherwise apportioned for fiscal year 1974. In addition, the Secretary may establish a $2.5 million contingency fund. Upon request from a State, the Secretary may make available from the special account an additional apportionment not to exceed the lesser of either 7 percent of the total amount appropriated or the amount apportioned to the State in fiscal year 1973, minus the fiscal year 1974 apportionment. All apportionments to any State from the special account will be deducted from the State's fiscal year 1975 apportionment or from other future year apportionments as shall be determined by the Secretary. Fiscal year 1975 or future year apportionments to all States shall be adjusted upward or downward by the Secretary to reflect their apportioned share of the special account to assure that each State's accumulative apportionments are equitable under the formula.

The Federal land acquistion program is to be carried out in 1974 entirely from unobligated balances from previous years. Of the total $80 million program proposed, $59,400,000 will be obligated by the National Park Service, $18,000,000 by the U.S. Forest Service, $2,400,000 by the Bureau of Sport Fisheries and Wildlife, and $200,000 by the Bureau of Land Management. In the course of its hearings, the committee discovered that $31,422,000 in funds previously appropriated for the Federal land acquisition program will not be used until fiscal year 1975. The committee directs that a portion of these funds be reprogramed for use in fiscal year 1974, as follows:

National Park Service:	
Golden Gate National Recreation Area	$10,000,000
Delaware Water Gap National Recreation Area	10,000,000
U.S. Forest Service: Lake Tahoe Basin lands (California)	4,030,450

The committee expects the Department to submit formal reprogramings to implement these actions.

The committee also expects that those responsible for budget decisions will provide in the 1975 budget the full $300 million program so that escalation of land costs does not consume the authorized limits for the various recreation areas provided by Congress for the use of the American people.

TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Appropriation, 1973	$22,375,000
Estimate, 1974	15,000,000
Recommended, 1974	15,000,000
Comparison:	
Appropriaion, 1973	−7,375,000
Estimate, 1974	

The Secretary of the Interior is charged with responsibility of promoting the economic and political development of those territories which are under the U.S. jurisdiction and within the responsibility of the Interior Department.

In addition to certain funds available to the Virgin Islands and Guam under permanent appropriations, this bill provides $1,000,000 for the Guam Economic Development Fund.

The $14,000,000 included in the bill for American Samoa will provide for priority programs in education, public health, sewage facilities, and electric power. The committee calls attention to the progress made by the legislative branch of the government of American Samoa in accepting more responsibility and providing additional funds for various programs in American Samoa.

The committee has no way of knowing the amount of money expended by OEO programs which will not be funded in 1974. However, if the committee is called upon to provide extra money for these activities, it will be necessary to have additional hearings and supplementary estimates.

I would remind the administration that until special revenue sharing is passed by the Congress that some monetary provisions may need to be included as additions to the budget. Of the amount for these the committee has no knowledge since we do not have the OEO justifications.

MINERAL RESOURCES

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Appropriation, 1973	$150,450,000
Estimate, 1974	156,000,000
Recommended, 1974	155,974,000
Comparison:	
Appropriation, 1973	+5,524,000
Estimate, 1974	−26,000

The total amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with—	
		1973 Appropriation	Estimate, 1974
Special resource and environmental projects	$4,053,000	+$300,000	+$300,000
Alaska pipeline related investigations	838,000	−501,000	−12,000
Topographic surveys and mapping	34,259,000	−300,000	
Geologic and mineral resources surveys and mapping	42,795,000	−170,000	
Minerals discovery loan program	272,000		
Water resources investigations	39,854,000	−275,000	
Conservation of lands and minerals	16,029,000	+1,770,000	
Facilities	$5,700,000	+$5,700,000	−$214,000
Earth-resources observation systems	8,443,000	−1,900,000	
Resource and land information program	900,000	+900,000	−100,000
General administration	2,831,000		
Total, geological survey	155,974,000	+5,524,000	−26,000

The Geological Survey provides the basic scientific data concerning water, land, and mineral resources and supervises the prospecting, development, and production of minerals and mineral fuels on leased Federal, Indian, and Outer Continental Shelf lands.

The net reduction of $26,000 below the budget estimate consists of decreases of $12,000 for Alaska pipeline related investigations, $214,000 for relocation of personnel to the National Center, Reston, Va., $100,000 for the Resource and Land Information program, and an increase of $300,000 for geothermal studies.

BUREAU OF MINES

MINES AND MINERALS

Appropriation, 1973	$157,456,000
Estimate, 1974	$136,824,000
Recommended, 1974	145,424,000
Comparison:	
Appropriation, 1973	−12,041,000
Estimate, 1974	+8,600,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with—	
		1973 appropriation	Estimate, 1974
Mineral resources development:			
Energy	$19,396,000	−$425,000	+$1,300,000
Metallurgy	14,393,000	−1,000,000	
Mining	5,633,000	−100,000	+600,000
Data collection and analysis	10,763,000	+1,192,000	+500,000
Subtotal	50,185,000	−333,000	+3,400,000
Engineering, evaluation, and demonstration	8,696,000	−1,229,000	+1,400,000
Mine health and safety:			
Coal mine inspections	$31,734,000	−$432,000	
Metal and nonmetal mine inspections	7,574,000	+1,454,000	
Education and training	5,321,000	−12,892,000	
Technical support	7,194,000	+300,000	
Research	32,117,000	+915,000	+$3,800,000
Subtotal	83,940,000	−10,655,000	+3,800,000
Program administration	2,603,000	+176,000	
Total, mines and minerals	145,424,000	−12,041,000	+8,600,000

The increase of $8,600,000 over the budget estimate consists of the following:

Research on subsurface disposal of industrial wastes, Bartlesville, Okla., and Morgantown, W. Va., +$300,000.

Research on conversion of organic wastes to oil, +$400,000.

Research on extraction technology and explosives, +$600,000.

Research on filling critical mine void areas, Rock Springs, Wyo., +$700,000.

Mined area investigations and demonstrations, anthracite coal region, +$700,000.

Coal mine health and safety research, +$3,800,000.

Energy economic analysis and research on energy conservation, +$1,500,000.

Nonnuclear stimulation of oil and gas, +$500,000.

Research on the corrosive effects of geothermal steam on metals, +$100,000.

The committee directs that funds appropriated for the Bureau of Mines will be spent in conformance with the departmental reorganization that was discussed with the committee. The Bureau of Mines will continue to perform its historic mission with respect to research and data analysis. Only those activities concerned with health and safety enforcement responsibilities will be moved to the new organization, the Mining Enforcement and Safety Administration.

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

Appropriation, 1973	$43,490,000
Estimate, 1974	52,500,000
Recommended, 1974	61,500,000
Comparison:	
Appropriation, 1973	+18,010,000
Estimate, 1974	+9,000,000

The Office of Coal Research contracts for research and development of new and more efficient methods of mining, preparing, and utilizing coal.

The committee recommends an appropriation of $61,500,000, an increase of $9,000,000 over the budget estimate.

Testimony before the committee revealed that there is presently unobligated about $2,000,000 which has been previously appropriated for operation of the facility at Cresap, W. Va. Since this project is presently deactivated, the committee directs that the $2,000,000 be reprogramed for other priority needs. The net increase of $9,000,000 over the budget estimate consists of a decrease of $2,000,000 from reprograming the funding for the Cresap facility and increases of $7,000,000 for the solvent refined coal process, $2,000,000 for research on magnetohydrodynamics—MHD—and $2,000,000 for project COED.

The research on MHD includes enthalpy extraction testing in Tennessee, and also cooperative programs with the U.S.S.R. in advancing this technology.

The 1974 program consists of the following:

Coal gasification pilot plant projects (to be matched with $10,000,000 of private contributions)	$20,000,000
Coal liquefaction pilot plants	16,000,000
Non-pilot-plant projects	24,300,000
Administration	1,200,000

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

Appropriation, 1973	$1,558,000
Estimate, 1974	1,485,000
Recommended, 1974	2,585,000
Comparison:	
Appropriation, 1973	+1,027,000
Estimate, 1974	+1,100,000

The Office of Oil and Gas serves as a focal point for leadership and information on petroleum matters in the Federal Government, and the principal channel of communication between the Federal Government, the petroleum industry, and the oil producing States. It also maintains the capability to respond effectively to emergencies affecting the Nation's supply of oil and gas to consumers.

The Office of Oil and Gas has recently assumed the responsibility for administering the Voluntary Petroleum Allocation program. The committee recommendation provides an additional $1,100,000 above the budget estimate to assist in implementing these responsibilities. The additional funds will provide for an additional 50 positions. The committee expects a supplemental estimate from the administration if further resources are necessary.

FISH AND WILDLIFE AND PARKS

BUREAU OF SPORT FISHERIES AND WILDLIFE

RESOURCE MANAGEMENT

Appropriation, 1973	$76,639,500
Estimate, 1974	79,004,000
Recommended, 1974	80,137,000
Comparison:	
Appropriation, 1973	+3,497,500
Estimate, 1974	+1,133,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with—	
		1973 Appropriation	Estimate, 1974
Habitat preservation	$11,849,000	+$376,000	−$100,000
Wildlife resources	36,208,000	+3,844,500	+775,000
Fishery resources	19,317,000	−82,000	+208,000
Endangered species	4,372,000	+200,000	
Interpretation and recreation	5,163,000	−841,000	+250,000
Administration	3,228,000		
Total, resources management	80,137,000	+3,497,500	+1,133,000

The net increase of $1,133,000 above the budget estimate consists of a $100,000 reduction for preparation of environmental impact statements and the following increases:

General wildlife refuge management, +$750,000.

Recreation management on wildlife refuges, +$250,000.

Mason Neck National Wildlife Refuge, Virginia, +$25,000.

Warm Springs National Fish Hatchery, Georgia, +$50,000.

Welaka National Fish Hatchery, Florida, +$13,900.

Millen Aquarium and Hatchery, Georgia, +$23,000.

Miles City National Fish Hatchery, Montana, +$65,000.

Marion National Fish Hatchery,

Training, and Research Center, Alabama, +$50,000.

Orangeburg National Fish Hatchery, South Carolina, +$6,100.

The budget proposal for 1974 included significant curtailments in National Wildlife Refuge management and fish production from warm-water hatcheries. The basis of these reductions, in large part, was that these activities could be transferred to the State or local jurisdictions involved. The committee is concerned that ongoing programs will be abandoned before adequate arrangements can be made for funding from other sources.

The committee directs that before any ongoing programs in the refuge or hatchery system are transferred to other jurisdictions, the committee be consulted. The committee wants assurances that the Federal investment in technology, land and improvements, and fish and wildlife resources is not sacrificed for the sake of budget priorities.

The budget also proposed reductions in the recreation use of selected wildlife refuges. The committee is aware of the provisions of the Recreational Use of Conservation Areas Act, which allows consistent public recreational uses on wildlife refuges. The committee has restored $250,000 of the proposed budget reduction for curtailed public use of refuges. This increase is provided in order to allow an orderly coordination between the Federal Government and the various jurisdictions who must implement the policies of this act. The committee intends to give close attention to the results of this effort.

Within available funds, the committee directs that the Bureau continue work on the Malheur-Harney Basin study.

The committee feels that the loss of a single life due to nonsupervision of recreation on our wildlife refuges is too expensive in the context of the American experience. We urge that the Bureau of Sport Fisheries and Wildlife work with the States and local jurisdictions to iron out the acceptance of responsibility so that the entire program of recreation and wildlife may be integrated expeditiously and safely.

The committee urges that those responsible for budgeting in the United States recognize that our wildlife refuges are desperately in need of increased maintenance moneys and increasing enforcement.

CONSTRUCTION AND ANADROMOUS FISH

Appropriation, 1973	$2,333,000
Estimate, 1974	9,233,000
Recommended, 1974	12,846,500
Comparison:	
Appropriation, 1973	+10,513,500
Estimate, 1974	+3,613,500

This appropriation finances the construction and rehabilitation of fish hatcheries and wildlife refuge facilities, and fishery and wildlife research facilities. It also provides funds to carry out the provisions of Public Law 91-249, to preserve, develop, and enhance anadromous fishery resources within the several States and the Great Lakes.

In addition to those projects included in the budget estimate, the committee recommendation includes the following projects:

Core hole drilling, Salton Sea, Calif., +$43,000.

Warm Springs National Fish Hatchery, Oreg., +$1,300,000.

Makah Fish Hatchery, Wash., +$500,000.

Atlantic Salmon Fish Hatchery, Bethel, Vt., +$600,000.

Pumping station, Mammoth Springs National Fish Hatchery, Ark., +$60,500.

Green Lake National Fish Hatchery, Maine, +$160,000.

Lighthouse interpretive complex and seawall restoration, St. Marks National Wildlife Refuge, Fla., +$200,000.

Fishing ponds and reservoir, Fishery Research Laboratory, LaCrosse, Wis., +$600,000.

Allegheny National Fish Hatchery, Pa., +$150,000.

The 1974 program recommended by the committee will provide $11,013,500 for construction and rehabilitation and $1,833,000 for anadromous fish grants-in-aid.

Finally, may I say to the Bureau of Sport Fisheries and Wildlife and to the Office of Management and Budget, please do not go on acquiring more land if you have no intention of managing it.

Our facilities owned by the United States of America and managed by it should represent the finest kind of American management. Sloppy down-at-the-heels Federal land management is discouraging not only to visitors but to our hard-working personnel, and may I say at this point that the people in the service of the United States in all facilities funded by this bill are top-flight. From Alaska to Florida and Maryland to Micronesia, the people who work for us are entitled to a salute. Not only do they give us extra hours of service but they cheerfully live in remote areas, serving us with courtesy and energy.

One only has to visit our Federal installations to realize the day-after-day affectionate care lavished on facilities by our employees.

MIGRATORY BIRD CONSERVATION ACCOUNT

Appropriation, 1973	$7,100,000
Estimate, 1974	------------
Recommended, 1974	------------
Comparison:	
Appropriation, 1973	−7,100,000
Estimate, 1974	------------

An estimated $7,000,000 will be available from receipts from Federal migratory bird hunting stamps to continue the wetlands acquisition program.

Under the provisions of the Wetlands legislation, this appropriation provides advances to the fund for acquisition of refuges. The advances are to be repaid from receipts beginning in fiscal year 1977. The congressional intent in approving advance funding was to enable purchase of wetlands before land price escalation. The budget policy of eliminating this advance funding is shortsighted. The committee expects further requests from the budget authorities to continue this advance funding program.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriation, 1973	$162,918,000
Estimate, 1974	176,780,000
Recommended, 1974	176,720,000
Comparison:	
Appropriation, 1973	+13,802,000
Estimate, 1974	−60,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with— 1973 appropriation	Bill compared with— Estimate, 1974
Park management	$171,880,000	+$13,802,000	−$60,000
Forest fire suppression and rehabilitation of burned areas	700,000		
Executive direction	4,140,000		
Total, operation of the National Park System	176,720,000	+13,802,000	−60,000

The reduction of $60,000 below the budget estimate relates to the interpretive program for Bicentennial Parks.

The committee recommendation provides for the operation of new facilities in 30 park areas. It also provides for initial funding and staffing at 11 new areas and at three existing areas. Included in the total increase over 1973 is $6,209,600 for the Gateway National Recreation Area, New York-New Jersey, and $2,537,400 for the Golden Gate National Recreation Area, Calif.

PLANNING AND CONSTRUCTION

Appropriation, 1973	$54,146,000
Estimate, 1974	20,000,000
Recommended, 1974	20,000,000
Comparison:	
Appropriation, 1973	−34,146,000
Estimate, 1974	------------

Information supplied to the committee revealed that there will be an estimated unobligated balance of $41,967,000 at the end of fiscal year 1973. Many projects for which Congress previously appropriated funds have been delayed because of planning delays and the preparation of environmental impact statements. Others are now considered lower priority by the National Park Service. The committee directs that funds for these projects be reprogramed to provide for the following projects:

Continued restoration work, Fort Vancouver, Wash., $500,000.

Park development, Indiana Dunes National Lakeshore, Ind., $771,000.

Stabilization and project planning, Gulf Islands National Seashore, Fla., $750,000.

Visitors center planning and fencing, Alibates Flint Quarries and Texas Panhandle Pueblo Cultural National Monument, Tex., $190,000.

Project planning, Arkansas Post National Memorial, Ark., $110,000.

Planning and design, and seawall restoration, Perry's Victory and International Peace Memorial, Ohio, $420,000.

The committee directs the Department to provide a formal reprogramming request to implement these actions.

The committee directs the National Park Service to provide assistance, as requested, for advice and consultation in planning the Makah-Ozette Museum, Wash.

Included in the committee recommendation is $175,000 for the Franklin D. Roosevelt Memorial. Funds for this project are to be derived from $130,000 previously requested for the Old Georgetown Stone Craft Center and $45,000 from the planning activity.

I would personally recommend that the planning program of the Parks Department meld together the planning for the Franklin D. Roosevelt Memorial funded in the form of a Rose Garden with that of the Constitution Garden and see what kind of program could emerge. It seems to me that money could be saved in integrated planning and that not only a memorial, but beauty could be assured.

ROAD CONSTRUCTION

(LIQUIDATION OF CONTRACT AUTHORITY)

Appropriation, 1973	$5,416,000
Estimate, 1974	35,000,000
Recommended, 1974	35,000,000
Comparison:	
Appropriation, 1973	+29,584,000
Estimate, 1974	

This appropriation provides for liquidation of obligations incurred for construction of parkways and roads and trails by the National Park Service under contract authority provided in the Federal-Aid Highway Act.

In addition to the obligation program proposed for 1974, $560,000 shall be obligated for planning and $2,000,000 for construction of section 3-C of the Natchez Trace Parkway, Mississippi. No additional liquidating cash is required in fiscal year 1974.

Also in addition to the obligation program proposed, $60,000 shall be used for planning the Big Spring Canyon Bridge, Canyonlands National Park, Utah. The committee directs that the required environmental reviews for this project be completed as expeditiously as possible.

In conformance with committee recommendation on the Constitution Gardens in the Planning, Development, and Operation of Recreation Facilities appropriation, $150,000 included in the proposed obligation program will be unnecessary in fiscal year 1974.

PRESERVATION OF HISTORIC PROPERTIES

Appropriation, 1973	$4,054,000
Estimate, 1974	4,054,000
Recommended, 1974	4,054,000
Comparison:	
Appropriation, 1973	
Estimate, 1974	

The committee recommendation provides $4,054,000, the budget estimate, for those portions of this program which are currently authorized. The committee regrets that due to lack of authorizing legislation it was not possible to provide funding for the grant portion of the program, including the proposed Bicentennial grants. The total amount provided includes:

Maintenance of the national register	$674,100
Advisory council on historic preservation support	479,000
Historic sites survey	545,200
Historic American buildings survey	400,200
Historic American engineering record	209,600
Archeological investigations and salvage	1,745,900
Total	4,054,000

The committee directs that within the funds provided, $150,000 be included for continuation of work at the Makah-Ozette diggings.

PLANNING, DEVELOPMENT, AND OPERATION OF RECREATION FACILITIES

Appropriation, 1973	
Estimate, 1974	$32,925,000
Recommended, 1974	31,531,000
Comparison:	
Appropriation, 1973	+31,531,000
Estimate, 1974	−1,394,000

The committee recommends an appropriation of $31,531,000, a reduction of $1,394,000 below the budget estimate. Authority for this program originates from Public Law 92-347, approved July 11, 1972, whereby fees collected by the National Park Service for admission to designated units of the system and for special recreation-use facilities are earmarked for appropriation for its own use.

The reduction of $1,394,000 includes $79,000 for cherry tree lighting around the Tidal Basin, and $1,315,000 for construction of the information building, boathouse and lakes for Constitution Gardens, National Capital Parks. The committee recommendation includes $1,885,000 in this appropriation and $150,000 in the parkway and road construction obligation program for construction of underground bus parking facilities and related utilities for the proposed Constitution Gardens. Also included is $1,300,000 for reconstruction of the C. & O. Canal, $300,000 for repairs to the Jefferson Memorial, $200,000 for repairs at the Washington Monument, and $973,000 to reconstruct the Reflecting Pool.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Appropriation, 1973	$2,000,000
Estimate, 1974	2,400,000
Recommended, 1974	2,400,000
Comparison:	
Appropriation, 1973	+400,000
Estimate, 1974	

The committee recommends an appropriation of $2,400,000, the budget estimate, for the cost of the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. These funds will provide for maintenance, security, information, interpretation, janitorial, and all other services necessary to the nonperforming arts functions of the Center.

OFFICE OF WATER RESOURCES RESEARCH

SALARIES AND EXPENSES

Appropriation, 1973	$16,344,000
Estimate, 1974	13,149,000
Recommended, 1974	13,689,000
Comparison:	
Appropriation, 1973	−2,655,000
Estimate, 1974	+540,000

The objective of this program is to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the fields of water and resources which affect water, in order to assist in assuring the Nation of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population.

The committee recommends an appropriation of $13,689,000, an increase of $540,000 over the budget estimate. The increase will provide an additional $10,000 per State for the 50 States and Puerto Rico where institutes have already been established—for a total of $110,000 per State. In addition, $10,000 each is provided for newly authorized institutes in the Virgin Islands, Guam, and the District of Columbia.

The amount included in the bill provides the following:

Assistance to States for institutes	$5,640,000
Matching grants to institutes	3,000,000
Water resources research to be performed by any qualified entity or individual as provided under Title II of the Act	3,170,000
Scientific information center	934,000
Administration	945,000
Total	13,689,000

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

Appropriation, 1973	$7,360,000
Estimate, 1974	7,850,000
Recommended, 1974	7,500,000
Comparison:	
Appropriation, 1973	+140,000
Estimate, 1974	−350,000

The commitee recommends an appropriation of $7,500,000, a reduction of $350,000 below the budget estimate. The reduction consists of $300,000 for printing and publication of Indian civil rights works, which is not authorized, and a $50,000 general reduction in operating expenses.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Appropriation, 1973	$15,295,100
Estimate, 1974	15,895,000
Recommended, 1974	15,495,000
Comparison:	
Appropriation, 1973	+199,900
Estimate, 1974	−400,000

The committee recommends a general reduction of $400,000 in the operating expenses of the Office of the Secretary.

The committee disapproves the Department's proposal to add eight staff assistant positions for the Secretary's regional field representatives.

DEPARTMENTAL OPERATIONS

Estimate, 1974	5,737,000
Appropriation, 1973	$4,466,000
Recommended, 1974	5,737,000
Comparison:	
Appropriation, 1973	+1,271,000
Estimate, 1974	

The bill provides $5,737,000, the budget estimate, for Departmental Operations. The amount provided includes $3,628,000 for the Office of Hearings and Appeals, $1,189,000 for the Natural Resources Library, $220,000 for the Johnny Horizon

Program, and $700,000 for the World Energy Conference.

The committee approves the creation of the proposed Office of Aircraft Services and will discuss the results of the implementation of the pilot program in Alaska during the 1975 hearings.

CENTRAL ENERGY RESEARCH AND DEVELOPMENT FUND

Appropriation, 1973	------------
Estimate, 1974	$25,000,000
Recommended, 1974	
Comparison:	
Appropriation, 1973	------------
Estimate, 1974	−25,000,000

The committee recommends no appropriation for this activity. At the time of the hearings, the Department had only a vague idea as to the allocation of this large amount of money. Subsequently, the committee received a suggested allocation from the Office of the Secretary. The committee believes that funds provided for energy research should be appropriated for specific projects to agencies already involved in these activities. Accordingly the committee has provided additional funds in appropriations for the Bureau of Mines, Geological Survey, Office of Coal Research, and the U.S. Forest Service for specific energy research projects, using the overall guidelines provided by the Office of the Secretary.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

Appropriation, 1973	$500,000
Estimate, 1974	1,630,000
Recommended, 1974	670,000
Comparison:	
Appropriation, 1973	+170,000
Estimate, 1974	−960,000

The committee recommends an appropriation of $670,000, a reduction of $960,000 below the budget estimate, for various research programs utilizing excess foreign currencies.

The allowance will provide for the continuation of on-going projects related to energy, minerals, mine safety, and desalination research.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE—FOREST SERVICE

This year the committee did an unusual thing for an Appropriations Subcommittee. Following the completion of the presentation of the U.S. Forest Service we called a panel of experts and interested citizens in forest programs to sit with the committee and express viewpoints and discuss problems and solutions. Those participating were: Mr. Kenneth B. Pomeroy, National Association of State Foresters; Mr. Brock Evans, Washington representative, Sierra Club; Mr. Joseph McCracken, Western Forest Industries Association; Dr. Robert Wombach, dean, School of Forestry, University of Montana; Mr. Ralph Hodges, president, National Forest Products Association; Mr. George Alderson, Washington representative, Friends of Earth; Dr. James S. Bethel, College of Forest Resources, University of Washington; and Mr. Charles Connaughton, American Forestry Association.

Volume I carries this full discussion and I urge that Members of this House read it. It is challenging and stimulating and out of it came the consensus that the Nation's forests must have more effective and efficient management which is largely the responsibility of the budget dollar.

There must be good planning to provide for a maximum timber crop in the high yield harvest context as well as provide for an adequate lumber cut which will not encroach upon nor endanger our wilderness, or our beauty, that will not contribute to erosion or the destruction of watersheds, and that will still leave our forests for the enjoyment of millions of people who visit them for an experience in the outdoors.

As you act upon the appropriations here, I want you to realize that in no way does the committee feel that this bill provides the necessary appropriations. It is a continuation of the committee's feeling that because of the serious deficiency in managerial funds, we have of necessity added to the budget within the context of the overall budget frame. Therefore, the committee has been handicapped by money to do what it desires.

However, we have provided funds to make it possible for the Forest Service to increase tree planting, but we urge that future budget officials step up this amount until we are able to plant the maximum for future production. The committee will be decidedly angry if any of these funds today provided are impounded or transferred to other purposes. We want it plainly understood that this appropriation is to be used for more intensive and better management of forest area and for better management of our recreation areas.

I would point out to Members that the Forest Service is an agency which contributes substantial direct financial assistance to the U.S. Treasury and more indirect revenue. Timber sales for 1974 are expected to provide revenue to the U.S. Treasury far in excess of the costs of administration. Total receipts in the bill are estimated at $2,930,700,518 while fiscal year 1974 appropriations are recommended at $2,269,554,200.

We cannot regard national forests as "just another patch of trees." These U.S. forests have a tremendous role in the national economy. Logging and the manufacture of lumber, plywood, and other building products provide extensive employment throughout the Nation. After lumber leaves the marketplace for use in home construction, it again contributes to the economy of the United States in the building trades industry and total home production.

You will note that we have discussed log exports. I have felt for many years that those products raised on our national forests should not be in the export category, but should be available for domestic consumption. This is not usurping in any way a State Department policy.

I am sure the State Department would not sell its building to a foreign country. Our national forests are in the same context. Certainly in this critical time of underplanting and underfunding of these forests we are not in the position of ability to sell abroad. Any nation who is a purchaser from us should realize exactly our dilemma. Until we have put our national forests back into top-flight shape and until there is no further need for this volume of timber, I think it is mandatory we use this timber in domestic consumption.

FOREST PROTECTION AND UTILIZATION

The bill includes under this heading a total appropriation of $346,606,000, a decrease of $47,608,000 below the 1973 appropriation, and an increase of $19,247,000 over the budget estimate.

The following is a summary of actions taken on the programs included under this appropriation:

FOREST LAND MANAGEMENT

Appropriation, 1973	$299,231,000
Estimate, 1974	246,324,000
Recommended, 1974	259,701,000
Comparison:	
Appropriation, 1973	−39,530,000
Estimate, 1974	+13,377,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with—	
		1973 appropriation	Estimate 1974
FOREST LAND MANAGEMENT			
National Forest protection and management:			
Timber resource management:			
Sales administration and management	$68,909,000	−$571,000	−$560,000
Reforestation and stand improvement	35,136,000	+3,034,000	+12,000,000
Recreation-public use	42,280,000	+124,000	+937,000
Wildlife habitat management	7,802,000	−55,000	------------
Range land management	14,987,000	−529,000	------------
Soil and water management	11,123,000	+1,225,000	+1,000,000
Mineral claims leases and special uses	6,667,000	+899,000	------------
Land classification, adjustments, and surveys	9,085,000	+890,000	------------
Forest fire protection	32,127,000	−618,000	------------
Maintenance of improvements for fire and general purposes (including communications)	8,576,000	+667,000	------------
Forest advanced logging and conservation (FALCON)	------------	−$5,000,000	------------
Payments to Employees' Compensation Fund	$2,300,000	+169,000	------------
Subtotal	238,992,000	+235,000	+$13,377,000
Amount advanced from cooperative range improvements	−700,000	------------	------------
Subtotal, National Forest protection and management	238,292,000	+235,000	+13,377,000
Water resource development related activities	4,022,000	−75,000	------------
Fighting forest fires	4,275,000	−39,563,000	------------
Insect and disease control	10,585,000	−111,000	------------
Cooperative law enforcement program	2,527,000	−16,000	------------
Total, forest land management	259,701,000	−39,530,000	+13,377,00

The net increase of $13,377,000 over the budget includes reductions of $560,000 for log exports and $63,000 for visitor information services and the following increases:

Reforestation, +$7,000,000.

Timber stand improvement, +$5,000,000.

Administration of recreation and public use facilities, +$1,000,000.

Project SEAM—Surface environment and mining, +$1,000,000.

Testimony before the committee has revealed for years that there are serious deficiencies in the management of our national forest lands. Millions of acres of potential commercial forest lands are unreforested, and commercial forest lands are not managed with the intensity necessary for high yield. In addition, budget cutbacks have forced curtailment of recreation use of the national forests.

With the additional funds again provided by the committee, the Forest Service will be able to make a beginning at catching up on the reforestation backlog. The committee will be highly displeased if budget authorities impound these funds or propose to transfer or reprogram them to other purposes. The committee directs that funds included in this appropriation be used for more intensive management of those forest areas which are amenable to high-yield timber production without serious environmental damage. The committee further directs that the Forest Service provide the committee with a long-range multiyear budget and management plan to bring the management of Forest Service lands up to standards consistent with multiuse objectives. The committee points out that an estimated $20 million is spent by the Forest Service each year to pick up after visitors and repair damage done by vandals in the national forests. If the public were more careful in the use of these lands, additional funds could be used for critical forest management programs.

It is the understanding of the committee that the timber sales goal as justified to the committee by the Forest Service consists entirely of sound merchantable timber volume. It is also the committee's understanding that other provisions have been made in the budget to handle nonsound volume, such as cull volumes, in addition to the announced volumes of commercially sound volumes mentioned above.

The administration has recently announced an increase in the timber sales program for fiscal year 1974 of 1 billion board feet, for a total sales program of 11.8 billion board feet. However, with this announcement, there was no revised budget estimate submitted to the committee to provide for this increased sales program. The committee directs that none of the additional funds provided by the committee for forest management be used for administration of the increased timber sales program, but that the administration submit a budget amendment or supplemental requesting such funds. It should be noted that timber sales provide revenue to the U.S. Treasury far in excess of the costs of their administration and therefore additional budget requests are entirely justified.

In addition to language limiting log exports, discussed earlier in this report, the committee has included a provision in the bill to prohibit the realinement of the regional boundaries of the U.S. Forest Service.

FOREST RESEARCH

Appropriation, 1973	$62,146,000
Estimate, 1974	57,275,000
Recommended, 1974	59,145,000
Comparison:	
Appropriation, 1973	−3,001,000
Estimate, 1974	+1,870,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with— 1973 appropriation	Bill compared with— Estimate, 1974
Forest research:			
Forest and range management research:			
Timber management research	$11,936,000	−$902,000	+$190,000
Watershed management research	7,116,000	+390,000	+850,000
Wildlife habitat and range research	3,833,000	−823,000	+360,000
Forest recreation research	1,153,000	−221,000	+50,000
Subtotal, Forest and range management research	24,038,000	−1,556,000	+1,450,000
Forest protection research:			
Fire and atmospheric sciences research	7,578,000	−389,000	+200,000
Forest insect and disease research	9,950,000	−747,000	+120,000
Subtotal, Forest protection research	17,528,000	−1,136,000	+320,000
Forest products and engineering research:			
Forest products utilization research	$9,231,000	−$163,000	+$100,000
Forest engineering research	1,478,000	−20,000	
Subtotal, Forest products and engineering research	10,709,000	−183,000	+100,000
Forest resource economics research:			
Forest survey	3,433,000	−63,000	
Forest products marketing research	2,030,000	−23,000	
Forest economics research	1,407,000	−40,000	
Subtotal, Forest resource economics research	6,870,000	−126,000	
Total, Forest research	59,145,000	−3,001,000	+1,870,000

The increase of $1,870,000 over the budget estimate includes the following:

Silviculture research, Bend, Oreg., +$90,000.

Intensive culture of Southern hardwoods, Stoneville, Miss., +100,000.

Strip mining research, Berea, Ky., +$50,000.

Watershed management research, Durham, N.H., +$100,000.

Project SEAM—Surface Environment and Mining—+700,000.

Wildlife habitat research, Stoneville, Miss., +$100,000.

Wildlife habitat research, Olympia, Wash., +$100,000.

Wildlife habitat research, St. Paul, Minn., +$100,000.

Wildlife habitat and range management research, La Grande, Oreg., +$60,000.

Recreation use management research, Seattle, Wash., +$50,000.

Controlled burning research, Macon, Ga., +$200,000.

Black walnut tree research, Carbondale, Ill., +$120,000.

Forest residues research, Madison, Wis., +$100,000.

As earlier noted, the annual destruction to our forest resources from insects, animals, and disease is phenomenal. The research funds provided in this appropriation will provide necessary steps to help solve our insect and disease problems as well as provide a reservoir of knowledge on how to properly manage recreation use, timber production, and forest products.

STATE AND PRIVATE FORESTRY COOPERATION

Appropriation, 1973	$32,837,000
Estimate, 1974	23,760,000
Recommended, 1974	27,760,000
Comparison:	
Appropriation, 1973	−5,077,000
Estimate, 1974	+4,000,000

This program, carried on in cooperation with the States, encourages private timber management.

The increase of $4,000,000 above the budget estimate applies to cooperation in forest fire control. This will provide for a total program of $20,000,000 in this activity.

At present, 188 million acres of commercial timber lands are owned by the Federal Government, 21 million acres by the States, and 364 million acres by private individuals and corporations. In future years, there will need to be an accelerated program of small timber lot management because in many areas these small timber lots will mean the difference between an adequate and inadequate supply of timber.

CONSTRUCTION AND LAND ACQUISITION

Appropriation, 1973	$48,794,900
Estimate, 1974	25,498,000
Recommended, 1974	26,353,000
Comparison:	
Appropriation, 1973	−22,441,900
Estimate, 1974	+855,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with— 1973 appropriation	Bill compared with— Estimate, 1974
Forest land management construction:			
Development of recreation—public use areas	$1,075,000	−$6,116,400	+$1,075,000
Water resources development construction	169,000	−3,021,000	+122,000
Construction for fire, administration, and other purposes	1,103,000	−1,225,500	
Research construction	5,058,000	−87,000	+5,058,000
Pollution abatement	17,648,000	−11,988,000	−5,500,000
Land acquisition, Weeks act	1,300,000	−4,000	+100,000
Total, construction and land acquisition	26,353,000	−22,441,900	+855,000

The net increase of $855,000 above the budget estimate consists of a reduction of $5,500,000 in pollution abatement construction for projects as yet unplanned and the following increases:

Laboratory construction, Corvallis, Oreg., +$1,500,000.

Land exchange-purchase, Madison, Wis., +$963,000.

Construction of Redwoods laboratory, Arcata, Calif., +$800,000.

Construction of shrub improvement laboratory, Provo, Utah, +$760,000.

Construction of headhouse-greenhouse, Rhinelander, Wis., +$335,000.

Laboratory construction, Auburn University, Ala., +$700,000.

Recreation construction, Council Bluffs, Clark National Forest, Mo., +$500,000.

Recreation facilities, Mount Rogers National Recreation Area, Va., +$200,000.

Visitors Center and campgrounds, Lava Lands, Oreg., +$200,000.

Recreation facilities, Cave Run Reservoir, Ky., +$122,000.

Recreation facilities, Okanogan National Forest, Wash., +$175,000.

Land Acquisition, Weeks Act, +$100,000.

The committee was *disappointed* that no funds were requested for continuing the renovation and expansion of Timberline Lodge, Oregon. This facility is in danger of serious deterioration because of overuse unless the program begun by the committee is vigorously and promptly pursued. The committee understands that the Forest Service and the concessionaire are considering a revision of the original plans which would result in a considerable saving in capital outlay, and encourages both parties to complete agreement along these lines.

YOUTH CONSERVATION CORPS

Appropriation, 1973	$3,500,000
Estimate, 1974	10,000,000
Recommended, 1974	10,000,000
Comparison:	
Appropriation, 1973	+6,500,000
Estimate, 1974	----

The bill provides $10,000,000, the budget estimate for the Youth Conservation Corps.

The objectives of this program are to provide gainful employment and knowledge of America's outdoor world to America's youth, ages 15 through 18, during the summer months. In a healthful outdoor atmosphere, an opportunity for understanding and appreciation of the Nation's natural environment and heritage is provided. In addition, there is further development and maintenance of the natural resources of the United States by our youth.

FOREST ROADS AND TRAILS

(LIQUIDATION OF CONTRACT AUTHORITY)

Appropriation, 1973	$158,840,000
Estimate, 1974	87,700,000
Recommended, 1974	90,700,000
Comparison:	
Appropriation, 1973	−68,140,000
Estimate, 1974	+3,000,000

These funds are required to liquidate obligations incurred under contract authority contained in the Federal-Aid Highway Act. The increase of $3,000,000 over the budget estimate is to be used for liquidation of an increased obligation program for the construction of trails.

The budget proposed a substantial reduction in the obligation program, and a corresponding reduction in the liquidating cash requirements. The basis for this reduction was that timber purchasers should be given the responsibility for constructing timber access roads. The committee does not agree with this policy. It has the effect of reducing total receipts to the Federal Government, and therefore to the State and county governments who also share the revenues. Furthermore, it encourages construction of roads whose quality is not consistent with the multiple use objectives of Forest Service lands. In addition, it discourages the small timber operator from competing for timber contracts and depletes the fine engineering staff presently employed by the Forest Service.

The committee directs that no funds be used to prepare for timber sales which require purchasers to locate, survey, or design permanent roads. The committee expects a supplemental estimate or budget amendment to be submitted to the committee providing for both the 11.8 billion board feet sales program recently announced and also a more responsible road construction program in light of the long term needs of *all* forest users. It is recognized that the road construction program must have the most thoughtful attention if it is to serve both timber production and the environment esthetics of the Nation.

In addition to the proposed obligation program, the committee directs the Forest Service to assist the State and county jurisdictions involved in the costs for construction of a 29-mile segment of road between Boulder, Utah, and Grover, Utah.

ACQUISITION OF LANDS FOR NATIONAL FORESTS, SPECIAL ACTS

Appropriation, 1973	$80,000
Estimate, 1974	94,000
Recommended, 1974	94,000
Comparison:	
Appropriation, 1973	+14,000
Estimate, 1974	----

Congress has enacted several special laws which authorize appropriations from the receipts of specified national forests for the purchase of lands to minimize erosion and flood damage.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

Appropriation, 1973	----
Estimate, 1974	$55,300
Recommended, 1974	55,300
Comparison:	
Appropriation, 1973	55,300
Estimate, 1974	

The act of December 4, 1967—16 U.S.C. 484a—stipulates that deposits made by public school districts or public school authorities to provide for cash equalization of certain land exchanges can be appropriated to acquire similar lands suitable for national forest system purposes in the same State as the national forest lands conveyed in the exchanges.

COOPERATIVE RANGE IMPROVEMENTS

(SPECIAL FUND, INDEFINITE)

Appropriation, 1973	$700,000
Estimate, 1974	700,000
Recommended, 1974	700,000
Comparison:	
Appropriation, 1973	----
Estimate, 1974	----

Part of the grazing fees from the national forests, when appropriated, are used for revegetation of depleted range lands, construction and maintenance of range improvements, rodent control, and eradication of poisonous plants and noxious weeds.

ASSISTANCE TO STATES FOR TREE PLANTING

Appropriation, 1973	$1,020,000
Estimate, 1974	1,020,000
Recommended, 1974	1,013,000
Comparison:	
Appropriation, 1973	−7,000
Estimate, 1974	−7,000

These funds are used to provide advice, technical assistance, and financial contributions under section 401 of the Agricultural Act of 1956, to carry out increased tree planting and reforestation work on non-Federal forest lands.

Grants are matched by the States, and work is conducted in accordance with the plans submitted by the States, and approved by the Secretary of Agriculture.

CONSTRUCTION AND OPERATION OF RECREATION FACILITIES

Appropriation, 1973	----
Estimate, 1974	$3,546,000
Recommended, 1974	3,546,000
Comparison:	
Appropriation, 1973	+3,546,000
Estimate, 1974	----

The committee recommends an appropriation of $3,546,000, the budget estimate. Authority for this program originates from Public Law 92-347, approved July 11, 1972, whereby admission fees and user charges collected by the U.S. Forest Service at certain recreation areas are made available for appropriation for recreation-related activities.

The recommendation will provide for repair of facilities at 3,053 fee-designated sites and increased enforcement of laws and regulations on Forest Service lands in order to reduce vandalism.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

Appropriation, 1973	
Estimate, 1974	$1,000,000
Recommended, 1974	
Comparison:	
Appropriation, 1973	
Estimate, 1974	−1,000,000

The bill provides no appropriation for this activity. The committee believes that forest-related research can more usefully be accomplished in this country at this particular time.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

Appropriation, 1973	$135,000
Estimate, 1974	144,000
Recommended, 1974	143,000
Comparison:	
Appropriation, 1973	+8,000
Estimate, 1974	−1,000

The Commission of Fine Arts is a permanent advisory agency created to give advice concerning aesthetic standards and matters of civic design involved in the orderly development of the city of Washington; and to furnish expert opinion on questions of art to the President, to the Congress and its committees, and to the heads of various departments and agencies of the Federal and District governments.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Earlier I noted the deficiencies we have in our hospital programs. I cannot urge too strongly that OMB correct this imbalance in the next budget year. We must begin to put money into the reconstruction and construction of Indian hospitals.

Interestingly enough, in the years from 1965 through 1972 this Congress has authorized the expenditure of $43,675,000 for the construction and capital improvements of American hospitals abroad in Beirut, Paris, Turkey, Rome, Taiwan, Nigeria, Israel, Poland, Afghanistan, India, Turkey, and Liberia. In those same years the Indian hospital construction for the American Indians in the United States of America was $19,693,900. These figures speak for themselves, but as a footnote may I remind this Congress that American Indians are our own citizens and it was probably due to their cooperation that we are now here as a nation. Some recipients of hospitals abroad, I dare say, seldom bother to worry about the United States for more than the cash that has been spent there. I am interested in good hospitals wherever they be, but let us not forget that our American Indians have a priority.

Ladies and gentleman of this Committee, I speak not as an isolationist but on behalf of the first Americans on this continent—our Indians. Let OMB remember their needs in the next budget year.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

INDIAN HEALTH SERVICES

Appropriation, 1973	$172,748,000
Estimate, 1974	176,968,000
Recommended, 1974	184,118,000
Comparison:	
Appropriation, 1973	+11,370,000
Estimate, 1974	+7,150,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate by activity is as follows:

Activity	Committee bill, 1974	Bill compared with— 1973 appropriation	Bill compared with— 1974, estimate
Patient care	$124,893,000	+$7,132,000	+$4,100,000
Field health services	55,701,000	+4,134,000	+3,050,000
Administration	3,524,000	+104,000	
Total, Indian health services	184,118,000	+11,370,000	+7,150,000

The increase of $7,150,000 over the budget estimate include the following:

Mental health care, +$500,000.

Medical care program, Ute Mountain Tribe, Colorado, +$100,000.

Health Centers at Hugo, McAlester, and Eufaula, Oklahoma, including 51 additional positions, +$500,000.

Dental care, including programs for the Crow Tribe, Montana and the Small Tribes Organization of Western Washington, +$300,000.

California Rural Indian Health Board, including funds for a medical care program of the Hoopa Valley Tribe, California, +$2,000,000.

Pilot urban Indian Health projects using the model of the Minneapolis Indian Health Board, +$1,000,000.

Additional 150 community health representatives, +$750,000.

Contract health care, including the Navajo Tribe, Arizona, +$2,000,000.

INDIAN HEALTH FACILITIES

Appropriation, 1973	$44,549,000
Estimate, 1974	41,717,000
Recommended, 1974	46,027,000
Comparison:	
Appropriation, 1973	+1,478,000
Estimate, 1974	+4,310,000

The recommended increase of $4,310,000 over the budget estimate will provide for the first phase construction of a replacement facility for the Philadelphia Indian Hospital, Philadelphia, Miss.

The committee urges that the budget authorities present to Congress next year construction and maintenance budgets commensurate with the needs in this area.

The bill provides $4,378,000 for replacement of a health facility at Black Rock, N. Mex. It also provides sanitation facilities for 8,500 new housing units and for water and/or waste disposal facilities for 3,489 existing housing units.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

Appropriation, 1973	$1,075,000
Estimate, 1974	1,086,000
Recommended, 1974	1,086,000
Comparison:	
Appropriation, 1973	+$11,000
Estimated, 1974	

The committee recommends an appropriation of $1,086,000, the budget estimate for the Indian Claims Commission.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

Appropriation, 1973	$1,425,000
Estimate, 1974	1,462,000
Recommended, 1974	1,459,000
Comparison:	
Appropriation, 1973	+34,000
Estimate, 1974	−3,000

The bill provides $1,459,000, a reduction of $3,000 below the budget estimate.

The committee has approved $32,000 for the 1976 Bicentennial exhibit program rather than the $35,000 budget estimate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

Appropriation, 1973	$74,514,000
Estimate, 1974	138,000,000
Recommended, 1974	98,675,000
Comparison:	
Appropriation, 1973	+24,161,000
Estimate, 1974	−39,325,000

The bill provides a total appropriation of $98,675,000 for activities under this appropriation account. This is a reduction of $39,325,000 below the budget estimate.

The following tabulation reflects the distribution of funds as provided in the bill:

Activity	1973 appropriation	1974 budget estimate	Committee bill, 1974	Increase or decrease
National Endowment for the Arts:				
Grants-in-aid to groups or individuals	$27,825,000	$56,750,000	$41,425,000	−$15,325,000
Grants-in-aid to States	6,875,000	8,250,000	8,250,000	
National Endowment for the Humanities: grants and loans to individuals and groups	34,500,000	65,000,000	42,500,000	−22,500,000
Administrative expenses	5,314,000	8,000,000	6,500,000	−1,500,000
Total	74,514,000	138,000,000	98,675,000	−39,325,000

The committee is aware of the rapidly increasing production costs for all the performing arts and is also deeply aware of the wide public support for these programs. The committee has provided an increase of $24,161,000 in this appropriation over 1973 to reflect its support for these programs in the arts and the humanities. The committee regrets that budget priorities required that the full budget request could not be provided.

As a part of the Arts Endowment program, the State Arts Councils are doing an excellent job throughout the Nation. In testimony before the committee, the Humanities Endowment also presented one of the most impressive Bicentennial programs which will incorporate national participation in the realization of the essential values of the revolutionary period.

The entire committee, I am sure, is aware of the importance of Arts and Humanities to the quality of life in the United States. However, at the beginning of my presentation I warned the House that we had to regard the bill in context of a total overall spending ceiling.

The Arts and Humanities budget shows a 30-percent increase over 1973 funds.

Moneys added for the Indians and forests are not in this range. For that all important item of crisis today—research for energy—there is a 23-percent increase.

Therefore, although the committee is a strong supporter of our arts program, and we are tremendously excited and pleased with their programs for all Americans, we had to face the brutal realities of our budgetary ceilings and considerations.

I commend the management of the very distinguished Director of the Arts, Nancy Hanks, and I commend Dr. Berman of the Humanities Foundation, for their tremendously perceptive and outstanding work. However, I think they, too, understand the fiscal imponderables and difficulties we face. And, please do not think that the money reflected in Arts and Humanities is all the money in this budget for the arts. I list for you now the programs associated with arts which are in this bill.

ARTS PROGRAMS FISCAL YEAR 1974

Endowment for the Arts	$53,675,000
Endowment for the Humanities	46,500,000
Development of Indian arts and crafts	688,000
Commission of Fine Arts	143,000
National Gallery of Art	5,832,000
American Samoa—Museum and Arts Councils	110,000
Smithsonian Institution:	
National Museum of Art	$874,000
National Collection of Fine Arts	1,478,000
National Portrait Gallery	1,068,000
Hirshhorn Museum and Sculpture Garden	1,269,000
Freer Gallery of Art	191,000
Archives of American Art	208,000
National Armed Forces Museum Adv. Bd	136,000
Smithsonian Archives	108,000
Anacostia Neighborhood Museum	302,000
Division of Performing Arts	341,000
Subtotal, Smithsonian	5,975,000
National Park Service:	
John F. Kennedy Center for the Performing Arts	2,400,000
Ford's Theater	523,000
Wolf Trap Farm Park	1,474,000
Carter Barron Amphitheater	452,600
Summer-in-the-parks	1,090,000
Sylvan Theater	110,000
Gunboat *Cairo*	42,100
National Symphony	215,000
Audiovisual Arts (Harpers Ferry)	880,600
Museum exhibit production (Harpers Ferry)	834,900
Preservation of historic properties	4,054,000
Subtotal, National Park Service	12,076,200
Grand total	124,999,200

MATCHING GRANTS

Appropriation, 1973	$7,000,000
Estimate, 1974	15,000,000
Recommended, 1974	8,000,000
Comparison:	
Appropriation, 1973	+1,000,000
Estimate, 1974	−7,000,000

Funds provided under this appropriation account are available for matching in an amount equal to the total amount of gifts, bequests, and devises of money, and other property received by each endowment during the current and preceding fiscal years, for which equal amounts have not previously been appropriated.

The bill provides a total of $8,000,000 for this appropriation account, a decrease of $7,000,000 below the budget estimate. This will provide $4,000,000 for each endowment.

There are those who would oppose spending anything for arts. To these people may I say that, had you watched the CBS presentation of the arts train the other evening, you would understand the committee's desire to fund our arts program.

The reporter on the train moving through the West and arriving at small towns in Montana and Idaho showed us the faces of children who, for the first time in their lives, saw a magnificent work of art, who had an opportunity of watching artists at their work, and who, perhaps, for the first time were introduced into that singular quality of life which takes us out of the syndrome known to many as frustration and despair—the opportunity to know that beauty and creativity are eternal and can belong to everyone.

I have watched with interest Kenneth Clark's presentation of "Civilisation," and when we realize in the so-called Dark Ages of world history and in the emerging renaissance, art was actually the basic language of survival. Battles, bombs, and boundaries are forgotten, but existing forever is the architecture and sculpture of Greece, cathedrals of England and France, paintings of all nations, the music of all nations, and the great literature of every era. The American Indians, the Samoans, the Micronesians, those who came to America from other lands have brought us their heritage of music, dancing, and the joy of living.

The small amount in this budget which will sustain the vitality of artistic presentation to people across this Nation, and the small amount that will insure, that in a country of free people, discussions of ethics, the contribution which a deep sense of values gave to the founders of this country and were intrinsic to the establishment of this country's Government, lying, in fact, beneath its Bill of Rights, are moneys well expended.

We have subsidized cotton, milk, corn, wheat; we have subsidized a thousand other items of life. This Congress need not be ashamed of subsidizing some essential immortal qualities of the spirit.

Two thousand years ago civilization fought battles, nations were conquered and died. Two thousand years ago these same civilizations developed poetry, drama, music, and art. All survived. Two thousand years from now Cambodia, Vietnam, and other names on the map may well be erased in the tears of time. But the music, literature, art, we leave behind us will be a precious legacy. And, I think this Congress, regardless of our personal feelings about some one grant or some one allocation of funds will be proud to know that we said we are interested as a nation in the survival of the spirit, the beauty of our finest and best expressions and bequeath to the future a better understanding of our human goals.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Appropriation, 1973	$51,633,000
Estimate, 1974	56,438,000
Recommended, 1974	55,438,000
Comparison:	
Appropriation, 1973	+3,805,000
Estimate, 1974	−1,000,000

The amount recommended by the committee compared with the 1973 appropriation and the 1974 budget estimate is as follows:

Activity	Committee bill, 1974	Bill compared with— 1973 Appropriation	Bill compared with— Estimate, 1974
Science	$19,362,000	+$1,200,000	−$385,000
History and art	7,660,000	+410,000	−105,000
Public service	2,230,000	+143,000	−31,000
Museum programs	5,940,000	+576,000	−125,000
Special programs	3,339,000	+384,000	−110,000
Administrative, protection, and support	7,849,000	+470,000	−150,000
Buildings management	9,058,000	+622,000	−94,000
Total, salaries and expenses.	55,438,000	3,805,000	−1,000,000

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

Appropriation, 1973	$3,500,000
Estimate, 1974	9,000,000
Recommended, 1974	4,500,000
Comparison:	
Appropriation, 1973	+1,000,000
Estimate, 1974	−4,500,000

This appropriation item is to provide for the special foreign currency program of awarding grants to American universities, museums, or other institutions of higher learning, interested in conducting research in foreign countries. The committee urges that these funds be used only for projects of the highest possible priority.

The reduction of $4,500,000 below the budget estimate includes decreases of $3,000,000 for the salvage of archeological sites on the island of Philae, Egypt, $600,000 for archeology and related disciplines, $600,000 for systematic and environmental biology, $250,000 for astrophysics and earth sciences, $30,000 for museum programs, and $20,000 for grant administration.

SCIENCE INFORMATION EXCHANGE

Appropriation, 1973	$1,600,000
Estimate, 1974	1,665,000
Recommended, 1974	1,650,000
Comparison:	
Appropriation, 1973	+50,000
Estimate, 1974	−15,000

The science information exchange receives, organizes, and disseminates information about research in progress in the life, physical, and social sciences. Its mission is to assist the planning and management of research activities supported by Government and nongovernment agencies and institutions by promoting the exchange of information that concerns subject matter, distribution, level of effort, and other data pertaining to current research in the prepublication stage.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Appropriation, 1973	$675,000
Estimate, 1974	3,850,000
Recommended, 1974	3,650,000
Comparison:	
Appropriation, 1973	+2,975,000
Estimate, 1974	−200,000

The amount recommended will provide for the following:

Construction of Lion Hill	$3,000,000
Planning:	
Visitors parking	160,000
Primate exhibit	100,000
Elephant house	100,000
Bird house	60,000
Repairs and renovations	230,000

The recommended program will put emphasis on providing better quarters for the animals. The master plan for the zoo has recently been approved and this program represents the first stage of its implementation.

RESTORATION AND RENOVATION OF BUILDINGS

Appropriation, 1973	$5,014,000
Estimate, 1974	1,220,000
Recommended, 1974	1,070,000
Comparison:	
Appropriation, 1973	−3,944,000
Estimate, 1974	−150,000

The reduction of $150,000 below the budget estimate consists of decreases of $75,000 for Smithsonian facilities master plan and $75,000 for library addition and planning, National Museum of History and Technology.

CONSTRUCTION
(APPROPRIATION TO LIQUIDATE CONTRACT AUTHORITY)

Appropriation, 1973	
Estimate, 1974	$27,000,000
Recommended, 1974	17,000,000
Comparison:	
Appropriation, 1973	+17,000,000
Estimate, 1974	−10,000,000

This appropriation provides liquidating cash requirements for contract authority previously authorized for construction of the National Air and Space Museum. Testimony from the Smithsonian Institution indicated that only $17,000,000 is actually needed to liquidate obligations in fiscal year 1974.

I am pleased to report to this committee that the National Air and Space Museum is on schedule and has to date no overrun. Also, I urge the members of this committee to read the hearings and understand the kind of new contracting system being done by the GSA. To GSA I offer a salute. I think they have done a practical and tremendously efficient job of rearranging their contracting management.

NATIONAL GALLERY OF ART
SALARIES AND EXPENSES

Appropriation, 1973	$5,420,000
Estimate, 1974	5,832,000
Recommended, 1974	5,832,000
Comparison:	
Appropriation, 1973	+412,000
Estimate, 1974	

The bill provides $5,832,000, the budget estimate, for salaries and expenses of the National Gallery of Art.

The National Gallery of Art receives, holds, and administers works of art acquired for the Nation by the Gallery's board of trustees; maintains and administers the Gallery building so as to give maximum care and protection to art treasures and to enable these works of art to be exhibited regularly to the public without charge.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS
SALARIES AND EXPENSES

Appropriation, 1973	$800,000
Estimate, 1974	800,000
Recommended, 1974	800,000
Comparison:	
Appropriation, 1973	
Estimate, 1974	

The Woodrow Wilson International Center for Scholars was authorized by Public Law 90–637, approved October 24, 1968, as the Nation's official living memorial to the 28th President. It sponsors a continuous advanced scholar, international fellowship program on various social and scientific subjects of special interest in the world of today.

The committee recommendation will provide $427,350 for the fellowship program and $372,650 for administrative expenses.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY
SALARIES AND EXPENSES

Appropriation, 1973	$290,000
Estimate, 1974	300,000
Recommended, 1974	100,000
Comparison:	
Appropriation, 1973	−$190,000
Estimate, 1974	−200,000

The bill provides $100,000, a reduction of $200,000 below the budget estimate, for the National Council on Indian Opportunity.

The function of the Council is to encourage full use of programs to benefit the Indian population.

The committee believes that the objectives of the Council can be better met by providing funds directly to agencies handling Indian-related programs and has provided substantial increases over the budget for Indian programs contained in this bill.

May I urge that in the future the National Council on Indian Opportunity work with all Indian groups in trying to establish a common denominator approach to Indian problems.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW
SALARIES AND EXPENSES

Appropriation, 1973	$160,000
Estimate, 1974	160,000
Recommended, 1974	60,000
Comparison:	
Appropriation, 1973	−100,000
Estimate, 1974	−100,000

The committee recommends an appropriation of $60,000, a reduction of $100,000 below the budget estimate, for the Federal Metal and Nonmetallic Mine Safety Board of Review which was established by section 10 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

The adjudicative duties of the Board, in docketed cases, involve the hearing and determination of applications filed by mine operators seeking annulment or revision of, and temporary relief from, orders issued by the Secretary of the Interior under sections 8 and 9 of the act.

Testimony before the committee revealed that to date, no appeals have been made to the Board for hearing. Because of the absence of appeals, $85,000 of the current appropriation is estimated to lapse. If appeals materialize in fiscal year 1974 and budget increases are required, the committee will entertain a supplemental appropriation request.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA
SALARIES AND EXPENSES

Appropriation, 1973	$708,800
Estimate, 1974	750,000
Recommended, 1974	694,400
Comparison:	
Appropriation, 1973	−14,400
Estimate, 1974	−55,600

The Joint Federal-State Land Use Planning Commission for Alaska was established by the Alaska Native Claims Settlement Act (Public Law 92–203). Under the act the Federal Government will pay 50 percent of the Commission's expenses and the State Government will pay 50 percent.

The committee recommends an appropriation of $694,400, a reduction of $55,600 below the budget estimate. The reduction is necessitated by the fact that the State of Alaska has appropriated only $694,400 for this purpose in fiscal year 1974.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION
SALARIES AND EXPENSES

Appropriation, 1973	$350,000
Estimate, 1974	200,000
Recommended, 1974	200,000
Comparison:	
Appropriation, 1973	−150,000
Estimate, 1974	

The Corporation is charged with the responsibility to develop and implement a development plan for the portion of Pennsylvania Avenue between the White House and the Capitol. The plan must be approved by Congress before it is implemented.

The committee recommends an appropriation of new obligational authority of $200,000. The budget request was for $200,000 in borrowing authority. The committee believes that when the Corporation is ready to begin implementation of the plan, funds can be requested under the borrowing authority provisions of the Pennsylvania Avenue Development Corporation Act, Public Law 92–578.

Mr. Chairman, before I close and because there are many inquiries from the District of Columbia about expenditures, I would like to list at this time the moneys directly being spent through this legislation in the District of Columbia.

Also, because we have had many inquiries on costs of the Zoological Park, I am attaching also, some facts relative to the cost of the zoo operations, aside from construction. These costs are associated with the visitor load which continually escalates.

The zoo tells me that more than 7 million people have enjoyed the pandas, making this probably the most heavily visited single exhibit in the history of our National Capitol.

SELECTED QUESTIONS RELATING TO NATIONAL ZOOLOGICAL PARK

First. What are the costs of animal food by popular species?

Total annual food costs for the National Zoological Park for fiscal year 1973 are an estimated $160,000.

Illustrations of annual costs for selected popular species are noted below, with the numbers of each in parentheses:

Pandas (2)	$3,989
Elephants (4)	4,940
Gorillas (3)	1,708
Orangutans (5)	2,701
Tigers (5)	5,136
Jaguars (2)	685
Kiwis (3)	4,380
Pythons (10)	1,800

Second. What are the costs of the panda exhibition?

Construction costs have totaled $499,983.53 in order to prepare climate controlled quarters suitable for successful animal management of the pandas and to enable millions of annual visitors to successfully view the animals.

Operating costs of the exhibit, on an annual basis, are less than $100,000. This cost includes $91,740 in labor, as follows: animal keeper costs, $31,140; facility custodial costs, $11,200; protective services and crowd management costs, $43,900; and interpretation services costs, $5,500.

Three. How many visitors have the pandas brought to the zoo?

The pandas were placed on exhibit on April 20, 1972. For the 12 months preceding that date 4,903,723 visitors came to the zoo. For the 12 months following that date 6,417,588 visitors came for a percentage increase on an annual basis of 51 percent. Assuming that the general rate of increase for visitors to the zoo would have been 10 percent, then 40 percent more visitors have been attracted to the place by the pandas. It is reasonable to assume that 90 percent, at the very least, of zoo visitors view the pandas, in addition to other exhibits. Thus, more than 7,000,000 people have enjoyed the pandas since their arrival making this, probably, the most heavily visited single exhibit in the history of the Capital.

Operating costs for the pandas thus average out at less than 1.7 cents per visitor, or less than 2 cents per visitor including capital investment. Considering the educational and recreational value of the exhibit this must be the finest value in town.

FUNDING IN THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL FOR THE DISTRICT OF COLUMBIA, FISCAL YEAR 1974

National Park Service programs

Operation of the National Park System:	
Office of the Director, NCP	$2,134,500
Professional Services	394,900
National Capital Parks, East	3,386,000
National Capital Parks, West	3,881,400
National Visitor Center	358,400
U.S. Park Police	10,756,800
Executive Direction	206,200
Subtotal, Operation of the National Park System	21,118,200
John F. Kennedy Center for the Performing Arts	2,400,000
Planning, Development and Operation of Recreation Facilities: Operation of recreation facilities	26,700
Total, operating funds, National Capital parks in the District of Columbia	23,544,900

Appropriation account, planning and construction, fiscal year 1974

Building, utilities and other facilities:	
National visitor center:	
Developments (portion) remodeling of Union Station	$7,100,000
Audiovisual equipment, exhibits and furnishings	1,580.000
Subtotal, planning and construction	8,680,000
Road construction, roads, trails and parkways:	
Anacostia Park: developments (portion) community and visitor recreational use facilities	300,000
Constitution gardens (Navy munitions site): project planning and developments (portion) reception center, audiovisual and exhibits, underground bus parking and miscellaneous facilities	3,000,000
Downtown parks: development (portion) improvements to downtown parks	501,000
Ellipse: developments (portion) outer circle walks	250,000
Fort Circle parks: developments (portion) community and visitor recreation use facilities	$300,000
Jefferson Memorial: developments (portion) safety railing	78,000
Mall: developments (portion) improvements to roads, drives and provide bikeways	1,870,000
Pedestrian walks	500,000
West Potomac Park: project planning (portion) Tidal Basin safety railing	35,000
Developments (portion) reconstruct reflecting pool and walks	22,000
Subtotal, Road Construction	6,856,000

Appropriation account, planning, development and operation of recreation facilities, fiscal year 1974

Planning and Development of Recreation Facilities:	
Anacostia Park: developments (portion) community and visitor recreational use facilities	$200,000
Constitution Gardens (Navy munitions site): project planning and developments (portion) reception center, audiovisual and exhibits, underground bus parking and miscellaneous facilities	500,000
Downtown Parks: developments (portion) improvements to downtown parks	499,000
Fort Circle Parks: developments (portion) community and visitor recreation use facilities	$352,000
Georgetown Waterfront: developments (portion) Old Stonehouse Craft Center[1]	130,000
Jefferson Memorial: developments (portion) exterior cleaning, repointing and lighting improvements	300,000
Lighting cherry trees (portion)	79,000
Mall: developments (portion) skating rink, national sculpture garden	200,000
Underground comfort station (3)	450,000
Washington Monument: project planning (portion) elevator and visitor use improvements	200,000
Watering System	30,000
Developments (portion) lighting improvements	68,000
West Potomac Park: project planning (portion) comfort station	8,000
Developments (portion) reconstruct reflecting pool and walks	973,000
Subtotal, planning and development of recreation facilities	3,989,000
Total, development funds, National Capital parks in District of Columbia	$19,525,000
Total, National Park Service	$43,069,900

Other Programs:

National Zoological Park	4,406,000
Anacostia Neighborhood Museum	302,000
National Capital Planning Commission	1,459,000
Pennsylvania Avenue Development Corporation	200,000
Total, other	6,367,000
Grand total	49,436,900

[1] This project is being deferred in order to allow funding of the Franklin D. Roosevelt Memorial Project.

Mr. Chairman, as I conclude, may I urge that you support this bill. It is not perfect, it could be larger and I would hope it can be larger in the years ahead. But this year it acknowledges the necessity of a total national effort to make America the kind of Nation we are all dedicated to serve.

This bill has, as I have told you, money for surveys, construction; it also has music and laughter, education and health services for our young, our old, our blacks and our Indians. It is the composite summary of a committee's affection for its Nation and I urge an aye vote.

I include the following:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated.]

				Bil compared with—	
Agency and item	New budget (obligational) authority appropriated, fiscal year 1973 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in bill	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—DEPARTMENT OF THE INTERIOR					
PUBLIC LAND MANAGEMENT					
Bureau of Land Management					
Management of lands and resources	[1] $96, 565, 000	$91, 347, 000	$83, 872, 000	−$12, 693, 000	−$7, 475, 000
Construction and maintenance	7, 965, 000	6, 300, 000	6, 300, 000	−1, 665, 000	
Public lands development roads and trails (appropriation to liquidate contract authority)	(3, 265, 000)	(4, 000, 000)	(4, 000, 000)	(+735, 000)	
Oregon and California grant lands (indefinite, appropriation of receipts)	17, 500, 000	17, 500, 000	17, 500, 000		
Range improvements (indefinite, appropriation of receipts)	2, 714, 000	3, 376, 000	3, 376, 000	+662, 000	
Recreation development and operation of recreation facilities (indefinite, special fund)		165, 000	165, 000	+165, 000	
Total, Bureau of Land Management	124, 744, 000	118, 688, 000	111, 213, 000	−13, 531, 000	−7, 475, 000
Bureau of Indian Affairs					
Education and welfare services	303, 285, 000	295, 572, 000	298, 476, 000	−4, 809, 000	+2, 904, 000
Education and welfare services (appropriation to liquidate contract authority)	(271, 000)	(1, 500, 000)	(1, 500, 000)	(+1, 229, 000)	
Resources management	[1] 86, 041, 000	85, 358, 000	86, 022, 000	−19, 000	+664, 000
Construction	56, 078, 000	44, 000, 000	53, 343, 000	−2, 735, 000	+9, 343, 000
Road construction (appropriation to liquidate contract authority)	(45, 539, 000)	(43, 000, 000)	(43, 000, 000)	(−2, 539, 000)	
Alaska native fund	50, 000, 000	70, 000, 000	70, 000, 000	+20, 000, 000	
Payment to Ute Tribe of Uintah and Ouray Reservation	65, 000			−65, 000	
General administrative expenses	6, 200, 000	5, 319, 000	5, 244, 000	−956, 000	−75, 000
Tribal funds (definite)	3, 000, 000	3, 000, 000	3, 000, 000		
Tribal funds (indefinite)	13, 530, 000	13, 505, 000	13, 505, 000	−25, 000	
Total, Bureau of Indian Affairs	518, 199, 000	516, 754, 000	529, 590, 000	+11, 391, 000	+12, 836, 000
Bureau of Outdoor Recreation					
Salaries and expenses	[3] 4, 150, 000	4, 436, 000	4, 396, 000	+246, 000	−40, 000
Land and Water Conservation Fund					
Appropriation of receipts (indefinite)	300, 000, 000	55, 223, 000	71, 223, 000	−228, 777, 000	+16, 000, 000
TERRITORIAL AFFAIRS					
Administration of territories	22, 375, 000	15, 000, 000	15, 000, 000	−7, 375, 000	
Permanent appropriation (special fund)	(469, 000)	(420, 000)	(420, 000)	(−49, 000)	
Transferred from other accounts (special fund)	(470, 000)	(645, 000)	(645, 000)	(+175, 000)	
Total, Territorial Affairs	22, 375, 000	15, 000, 000	15, 000, 000	−7, 375, 000	
Total, Public Land Management	969, 468. 000	710, 101, 000	731, 422, 000	−238, 046, 000	+21, 321, 000
MINERAL RESOURCES					
Geological Survey					
Surveys, investigations, and research	[4] $150, 450, 000	$156, 000, 000	$155, 974, 000	+$5, 524, 000	−$26, 000
Bureau of Mines					
Mines and minerals	[5] 157, 465, 000	136, 824, 000	145, 424, 000	−12, 041, 000	+8, 600, 000
Office of Coal Research					
Salaries and expenses	43, 490, 000	52, 500, 000	61, 500, 000	+18, 010, 000	+9, 000, 000
Office of Oil and Gas					
Salaries and expenses	1, 558, 000	1, 485, 000	2, 585, 000	+1, 027, 000	+1, 100, 000
Total, Mineral Resources	352, 963, 000	346, 809, 000	365, 483, 000	+12, 520, 000	+18, 674, 000
FISH AND WILDLIFE AND PARKS					
Bureau of Sport Fisheries and Wildlife					
Resource management	[1] 76, 639, 500	79, 004, 000	80, 137, 000	+3, 497, 500	+1, 133, 000
Construction and anadromous fish	2, 333, 000	9, 233, 000	12, 846, 500	+10, 513, 500	+3, 613, 500
Migratory bird conservation account (definite, repayable advance)	7, 100, 000			−7, 100, 000	
Total, Bureau of Sport Fisheries and Wildlife	86, 072, 500	88, 237, 000	92, 983, 500	+6, 911, 000	+4, 746, 500
National Park Service					
Operation of the National Park System	[1] 162, 918, 000	176, 780, 000	176, 720, 000	+13, 802, 000	−60, 000
Planning and construction	[1] 54, 146, 000	20, 000, 000	20, 000, 000	−34, 146, 000	
Road construction (appropriation to liquidate contract authority)	(5, 416, 000)	(35, 000, 000)	(35, 000, 000)	(+29, 584, 000)	
Preservation of historic properties	[6] 4, 054, 000	[11] 4, 054, 000	4, 054, 000		
Planning, development and operation of recreation facilities (indefinite, special fund)		32, 925, 000	31, 531, 000	+31, 531, 000	−1, 394, 000
John F. Kennedy Center for the Performing Arts	2, 000, 000	2, 400, 000	2, 400, 000	+400, 000	
Total, National Park Service	223, 118, 000	236, 159, 000	234, 705, 000	+11, 587, 000	−1, 454, 000
Total, Fish and Wildlife and Parks	309, 190, 500	324, 396, 000	327, 688, 500	+18, 498, 000	+3, 292, 500
OFFICE OF WATER RESOURCES RESEARCH					
Salaries and expenses	[7] 16, 344, 000	13, 149, 000	13, 689, 000	−2, 655, 000	+540, 000
OFFICE OF THE SOLICITOR					
Salaries and expenses	7, 360, 000	7, 850, 000	7, 500, 000	+140, 000	−350, 000

Footnotes at end of table.

				Bill compared with—	
Agency and item (1)	New budget (obligational) authority appropriated, fiscal year 1973 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1974 (3)	New budget (obligational) authority recommended in bill (4)	New budget (obligational) authority, fiscal year 1973 (5)	Budget estimates of new (obligational) authority, fiscal year 1974 (6)
OFFICE OF THE SECRETARY					
Salaries and expenses	15,295,100	15,895,000	15,495,000	+199,900	−400,000
Departmental operations	4,466,000	5,737,000	5,737,000	+1,271,000	
Central energy research and development fund		25,000,000			−25,000,000
Salaries and expenses (special foreign currency program)	500,000	1,630,000	670,000	+170,000	−960,000
Total, Office of the Secretary	20,261,100	48,262,000	21,902,000	+1,640,900	−26,360,000
Total, new budget (obligational) authority, Department of the Interior	1,675,586,600	1,450,567,000	1,467,684,500	−207,902,100	+17,117,500
Consisting of—					
Appropriations	1,675,586,600	1,450,567,000	1,467,684,500	−207,902,100	+17,117,500
Definite appropriations	(1,341,842,600)	(1,327,873,000)	(1,330,384,500)	(−11,458,100)	(+2,511,500)
Indefinite appropriations	(333,744,000)	(122,694,000)	(137,300,000)	(−196,444,000)	(+14,606,000)
Memoranda—					
Appropriations to liquidate contract authority	(54,491,000)	(83,500,000)	(83,500,000)	(+29,009,000)	
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,730,077,600)	(1,534,067,000)	(1,551,184,500)	(−178,893,100)	(+17,117,500)
TITLE II—RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest protection and utilization:					
Forest land management	[18] 299,231,000	246,324,000	259,701,000	−39,530,000	+13,377,000
Forest research	62,146,000	57,275,000	59,145,000	−3,001,000	+1,870,000
State and private forestry cooperation	[1] 32,837,000	23,760,000	27,760,000	−5,077,000	+4,000,000
Total, forest protection and utilization	394,214,000	327,359,000	346,606,000	−47,608,000	+19,247,000
Construction and land acquisition	[1] 48,794,900	25,498,000	26,353,000	−22,441,900	+855,000
Youth conservation corps	3,500,000	10,000,000	10,000,000	+6,500,000	
Forest roads and trails (appropriation to liquidate contract authority)	(158,840,000)	(87,700,000)	(90,700,000)	(−68,140,000)	(+3,000,000)
Acquisition of lands for national forests:					
Special acts (special fund, indefinite)	80,000	94,000	94,000	+14,000	
Acquisition of lands to complete and exchanges		55,300	55,300	+55,300	
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000		
Assistance to States for tree planting	1,020,000	1,020,000	1,013,000	−7,000	−7,000
Construction and operation of recreation facilities (indefinite, special fund)		3,546,000	3,546,000	+3,546,000	
Scientific activities overseas (special foreign currency program)		1,000,000			−1,000,000
Total, new budget (obligational) authority, Forest Service	448,308,900	369,272,300	388,367,300	−59,941,600	+19,095,000
COMMISSION OF FINE ARTS					
Salaries and expenses	135,000	144,000	143,000	+8,000	−1,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Health Services and Mental Health Administration					
Indian health services	[9] 172,748,000	176,968,000	184,118,000	+11,370,000	+7,150,000
Indian health facilities	44,549,000	41,717,000	46,027,000	+1,478,000	+4,310,000
Total, Health Services and Mental Health Administration	217,297,000	218,685,000	230,145,000	+12,848,000	+11,460,000
Office of Education					
Indian education	18,000,000			−18,000,000	
INDIAN CLAIMS COMMISSION					
Salaries and expenses	$1,075,000	$1,086,000	$1,086,000	+$11,000	
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	1,425,000	1,462,000	1,459,000	+34,000	−$3,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
Salaries and Expenses					
Endowment for the arts	34,700,000	65,000,000	49,675,000	+14,975,000	−15,325,000
Endowment for the humanities	34,500,000	65,000,000	42,500,000	+8,000,000	−22,500,000
Administrative expenses	5,314,000	8,000,000	6,500,000	+1,186,000	−1,500,000
Subtotal, salaries and expenses	74,514,000	138,000,000	98,675,000	+24,161,000	−39,325,000
Matching Grants					
Endowment for the arts (indefinite)	3,500,000	7,500,000	4,000,000	+500,000	−3,500,000
Endowment for the humanities (indefinite)	3,500,000	7,500,000	4,000,000	+500,000	−3,500,000
Subtotal, matching grants	7,000,000	15,000,000	8,000,000	+1,000,000	−7,000,000
Total, National Foundation on the Arts and the Humanities	81,514,000	153,000,000	106,675,000	+25,161,000	−46,325,000
SMITHSONIAN INSTITUTION					
Salaries and expenses	51,633,000	56,438,000	55,438,000	+3,805,000	−1,000,000
Museum programs and related research (special foreign currency program)	3,500,000	9,000,000	4,500,000	+1,000,000	−4,500,000
Science information exchange	1,600,000	1,665,000	1,650,000	+50,000	−15,000
Construction and improvements, National Zoological Park	675,000	3,850,000	3,650,000	+2,975,000	−200,000
Restoration and renovation of buildings	5,014,000	1,220,000	1,070,000	−3,944,000	−150,000
Construction	13,000,000			−13,000,000	
Construction (contract authority)	27,000,000			−27,000,000	
Construction (appropriation to liquidate contract authority)		(27,000,000)	(17,000,000)	(+17,000,000)	(−10,000,000)
Salaries and expenses, National Gallery of Art	5,420,000	5,832,000	5,832,000	+412,000	
Salaries and expenses, Woodrow Wilson International Center for Scholars	800,000	800,000	800,000		
Operation and maintenance, John F. Kennedy Center for the Performing Arts	[10] 1,500,000			−1,500,000	
Total, Smithsonian Institution	110,142,000	78,805,000	72,940,000	−37,202,000	−5,865,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated.]

				Bill compared with—	
Agency and item (1)	New budget (obligational) authority appropriated, fiscal year 1973 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1974 (3)	New budget (obligational) authority recommended in bill (4)	New budget (obligational) authority, fiscal year 1973 (5)	Budget estimates of new (obligational) authority, fiscal year 1974 (9)
HISTORICAL AND MEMORIAL COMMISSIONS					
Franklin Delano Roosevelt Memorial Commission	38,000			−38,000	
NATIONAL COUNCIL ON INDIAN OPPORTUNITY					
Salaries and expenses	290,000	300,000	100,000	−190,000	−$200,000
FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW					
Salaries and expenses	160,000	160,000	60,000	−100,000	−100,000
JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA					
Salaries and expenses	708,800	750,000	694,400	−14,400	−55,600
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION					
Salaries and expenses	[1] 350,000	200,000	200,000	−150,000	
Total, new budget (obligational) authority, Related Agencies	879,443,700	823,864,300	801,869,700	−77,574,000	−21,994,600
Consisting of—					
Appropriations	852,443,700	823,864,300	801,869,700	−50,574,000	−21,994,600
Definite appropriations	(844,663,700)	(804,524,300)	(789,529,700)	(−55,134,000)	(−14,994,600)
Indefinite appropriations	(7,780,000)	(19,340,000)	(12,340,000)	(+4,560,000)	(−7,000,000)
Contract authority	27,000,000			−27,000,000	
Memoranda—					
Appropriations to liquidate contract authority	(158,840,000)	(114,700,000)	(107,700,000)	(−51,140,000)	(−7,000,000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,038,283,700)	(938,564,300)	(909,569,700)	(−128,714,000)	(−28,994,600)
RECAPITULATION					
Grand total, new budget (obligational) authority, all titles	2,555,030,300	2,274,431,300	2,269,554,200	−285,476,100	−4,877,100
Consisting of—					
Appropriations	2,528,030,300	2,274,431,300	2,269,554,200	−258,476,100	−4,877,100
Definite appropriations	(2,186,506,300)	(2,132,397,300)	(2,119,914,200)	(−66,592,100)	(−12,483,100)
Indefinite appropriations	(341,524,000)	(142,034,000)	(149,640,000)	(−191,884,000)	(+7,606,000)
Contract authority	27,000,000			−27,000,000	
Memoranda—					
Appropriations to liquidate contract authority	(213,331,000)	(198,200,000)	(191,200,000)	(−22,131,000)	(−7,000,000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(2,768,361,300)	(2,472,631,300)	(2,460,754,200)	(−307,607,100)	(−11,877,100)

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[1] Includes the following amounts contained in the Conference Agreement 2d Supplemental bill fiscal year 1973:

Bureau of Land Management, "Management of lands and resources"	$18,500,000
Bureau of Indian Affairs, "Resources management"	2,900,000
Bureau of Sport Fisheries and Wildlife, "Resource management"	900,000
National Park Service:	
Operation of the National Park System	4,040,000
Planning and construction	3,100,000
Forest Service:	
Forest land management	43,627,000
Forest research	1,003,000
State and private forestry cooperation	77,000
Construction and land acquisition	213,000
Pennsylvania Avenue Development Corporation, "Salaries and expenses"	350,000
Total	74,710,000

[2] In addition $2,040,000 transferred from "Salaries and expenses", Office of Water Resources Research and $286,000 from "Surveys, investigations, and research," Geological Survey pursuant to the Conference Agreement 2d Supplemental bill fiscal year 1973.

[3] In addition $72,000 transferred from "Surveys, investigations, and research," Geologica Survey pursuant to the Conference Agreement 2d Supplemental bill fiscal year 1973.

[4] Includes $1,064,000 transferred to other Interior Agencies pursuant to the Conference Agreement 2d Supplemental bill fiscal year 1973.

[5] In addition $706,000 transferred from "Surveys, investigations, and research," Geological Survey pursuant to the Conference Agreement 2d Supplemental bill fiscal year 1973.

[6] Excludes $7,505,000 for grants-in-aid.

[7] Includes $2,040,000 transferred to "Education and welfare services," Bureau of Indian Affairs, pursuant to the Conference Agreement 2d Supplemental bill fiscal year 1973.

[8] In addition $3,179 000 transferred from "Forest Research" and $5,000,000 from "State and private forestry cooperation" pursuant to the Conference Agreement 2d Supplemental bill fiscal year 1973.

[9] In addition $2,734,000 transferred from "Special benefits for disabled coal miners," purusant to the Conference Agreement 2d Supplemental bill fiscal year 1973.

[10] Appropriated in fiscal year 1973 for obligations incurred in fiscal year 1972. Fiscal year 1973 funding is included in the National Park Service Appropriation.

[11] Excludes $15,505,000 for grants-in-aid, not authorized.

Mr. GROSS. Mr. Chairman, will the gentlewoman from Washington (Mrs. HANSEN) yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, speaking of vandals, may I ask the gentlewoman this: Is there any money in this bill to take care of the vandalism that was perpetrated in and on the Bureau of Indian Affairs building last November, or does that come under the General Services Administration appropriation?

Mrs. HANSEN of Washington. Mr. Chairman, the restoration of that building has been completed. Many of the stolen items have been returned. There are no specific funds for that purpose in this bill.

Mr. GROSS. Mr. Chairman, I am speaking in particular of the desecration of the interior of the building and the destruction of equipment in the building.

Mrs. HANSEN of Washington. We had a complete investigation of this incident done by our investigative staff. I would be pleased to give that report to the gentleman from Iowa if he is interested. It is a very interesting report.

Of course, it was a regrettable incident, but on the other hand I would like to say that if you go through the Indian reservations, we have much to be apologetic about. There is yet much to be done for the economy, health, education, and daily living of our Indian people.

Mr. GROSS. Will the gentlewoman yield further;

Mrs. HANSEN of Washington. Yes. I yield to the gentleman.

Mr. GROSS. I should like to comment by saying that I have never seen more wanton, ruthless, and senseless destruction than that in the Bureau building. I visited that building last November and saw the destruction. I do not know how anyone can possibly, under any guise, justify what they did to the interior of that building.

Mrs. HANSEN of Washington. No one justifies violence. But, I would also say to the gentleman that the $20 million spent by the Forest Service each year because of vandalism and litter in our National Forests by some of the most respectable people in the United States is just as regrettable.

Mr. SEIBERLING. Will the gentlewomen yield?

Mrs. HANSEN of Washington. Yes. I yield to the gentleman.

Mr. SEIBERLING. I would like simply to commend the gentlewoman for a very fine statement.

Mrs. HANSEN of Washington. I thank the gentleman.

Mr. SEIBERLING. It shows the kind of priorities I think our country needs, and I want also to commend her subcommittee for doing an outstanding job under rather stringent conditions.

Mr. HECHLER of West Virginia. Will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I would like to add my commendation to the chairman of the subcommittee, the very able gentlewoman from Washington. I would like to raise one question concerning coal mine health and safety. On page 21 of the committee report, it is indicated that there is $10,655,000 less in the new appropriation than in the committee bill for fiscal year 1973. Knowing the interest and leadership of the committee in funding coal mine health and safety, I was wondering if we could have an explanation of the reason why the item under education and training has been reduced $12,892,000 in comparison to the appropriated amount for fiscal year 1973.

Mr. McDADE. Will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentlewoman for yielding.

In reply to the question of the gentleman from West Virginia, in order to refresh his recollection, this is a training camp that was built in the State of West Virginia. Construction has been completed, so there is obviously no need for additional funding. It is a one-shot deal.

Mr. HECHLER of West Virginia. Yes. I would simply like the RECORD to show I was certainly aware of the Federal Coal Mine Health and Safety Academy located at Beckley, W. Va., in my district. I am pleased that the record shows it was not a reduction of the emphasis of the committee on mine health and safety, but simply a large amount of construction funds were involved. The committee is to be commended for its concern that adequate funds are made available to protect the health and safety of coal miners.

Mr. DINGELL. Will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Michigan.

Mr. DINGELL. I would like to join my colleague in commending the distinguised gentlewoman from Washington for her very fine efforts in the subcommittee and in the committee in presenting to us a very good appropriation bill under the unwise and stringent guidelines as to expenditures set out by the administration. I believe the report merits particular consideration and commendation of the House and referring particularly to page 5, beginning with the words "The management of our natural resources" and running through the middle of page 7 wherein the gentlewoman and the subcommittee have set forth words that I think merit the consideration of this body, of the Nation, and certainly the administration.

I do wish to think the gentlewoman.

I thank the gentlewoman for yielding.

Mrs. HANSEN of Washington. Mr. Chairman, I wish to thank the distinguished gentleman from Michigan (Mr. DINGELL). The committee has been deeply concerned about the lack of management funds for our natural resources. We will no longer have these priceless resources of our Nation, nor the quality of our environment that we need, if we do not start spending more money in these areas.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, I want to add my words of congratulation and my compliments to the gentlewoman from Washington (Mrs. HANSEN) for an excellent presentation of this bill. I also wish to express my pleasure and appreciation to the members of her subcommittee, all of them, for an excellent job. I think perhaps in certain areas the bill is rather stringent and the amounts appropriated have been dropped on several matters affecting items in Wyoming. However, I recognize, as we all do, that we all have to pay the price of some reasonable balance in our spending policies.

I would also like to say that I am very pleased for the portion of the bill relative to the preservation of our natural resources.

I would like to suggest that some time during the debate it might be well to present into the RECORD a sheet showing the receipts and revenues of various Department of Interior agencies. These revenues are increasing every year through leasing, through BLM drawings, through these agencies that we now fund.

Mrs. HANSEN of Washington. If the gentleman from Wyoming will yield, I would like to say that our hearings contain a detailed statement of receipts by the Interior Department and the U.S. Forest Service and I will insert them in the RECORD at this point. If the Members will save their copy of the CONGRESSIONAL RECORD, they will have a very accurate report on those very things.

The material follows:

RECEIPTS BY SOURCES

[The following table shows actual receipts of the Bureau of Land Management for fiscal years 1970, 1971, 1972 and estimated receipts for 1973 and 1974]

	Actual 1970	Actual 1971	Actual 1972	Estimate 1973	Estimate 1974
Sales, public lands and materials	$2,099,849	$2,013,823	$1,941,520	$2,700,000	$3,200,000
Fees and commissions	4,468,455	4,096,965	5,351,278	5,400,000	5,500,000
Mineral leasing	141,217,162	151,332,134	145,098,401	156,851,000	160,206,000
Mineral leasing, Outer Continental Shelf	186,861,451	1,050,549,370	279,352,756	[1] 4,175,000,000	[1] 2,100,000,000
Grazing fees	5,668,742	7,549,969	8,021,646	9,828,000	11,152,000
Right-of-way leases	249,892	270,963	293,908	300,000	310,000
Timber sale	65,419,401	70,663,296	83,519,703	77,368,000	76,789,000
Trans Alaska pipeline				10,938,000	7,120,000
Miscellaneous receipts	401,606	482,104	341,584	621,000	625,000
Total	406,386,558	1,286,958,624	523,920,796	4,439,066,000	2,364,902,000

[1] Despite a critical need for additional resources, the receipt level for fiscal year 1973 and fiscal year 1974 will depend upon the anticipated impact of each proposed sale upon the environment as well as the continuing safe operation of existing OCS facilities.

Note: This table does not include public land administration or litter prevention and cleanup receipts.

NATIONAL FOREST SERVICE RECEIPTS

[In thousands]

	Fiscal year 1972 actual	Fiscal year 1973 estimated	Fiscal year 1974 estimated
National Forests Fund:			
Timber sales	$321,015	$387,000	$345,000
Grazing	4,856	5,960	6,240
Power	205	210	210
Recreation	3,561	4,100	4,100
Land uses	1,068	1,200	1,200
Mineral leases and permits	4,984	5,700	5,700
Admission and user fees	3,198	4,500	4,900
Subtotal	338,887	408,670	367,350
Oregon and California grant lands (primarily timber)	9,040	11,000	10,000

	Fiscal year 1972 actual	Fiscal year 1973 estimated	Fiscal year 1974 estimated
National grasslands and land utilization:			
Timber sales	$4	$15	$15
Grazing	656	660	660
Power	2	2	2
Land uses	22	22	22
Mineral leases and permits	1,391	1,391	1,491
Admission and user fees	5	5	5
Subtotal	2,080	2,095	2,195
Total receipts	350,007	421,765	379,545

Mr. RONCALIO of Wyoming. I thank the gentlewoman.

Mr. JOHNSON of California. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I will be happy to yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I just want to say that I wish to commend the chairman, the gentlewoman from Washington (Mrs. HANSEN) and the ranking minority member, the gentleman from Pennsylvania (Mr. McDADE) and the entire subcommittee of the Committee on Appropriations dealing with the Department of the Interior and related agencies appropriations.

I think that the gentlewoman has brought forth a very fine bill, and that the gentlewoman has made an excellent statement in behalf of the bill.

Mr. Chairman, I also want to thank the gentlewoman for the consideration the committee gave to the Lake Tahoe area. There has been a need for some time to buy the three parcels that are in the bill before us today. I believe that these and other such areas should be acquired by the Forest Service, and be put under their jurisdiction.

Again I want to thank the gentlewoman from Washington for the consideration the committee has given to this matter.

Mrs. HANSEN of Washington. The committee was very pleased to do so.

Mr. BURTON. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I too would like to join with my colleagues in support of the praise and approbation they have given to the work done by our distinguished colleague, the gentlewoman from Washington (Mrs. HANSEN), and also the gentleman from Pennsylvania (Mr. McDADE), the ranking member of the committee, and all of the other members of the subcommittee, for what I believe to be a very thoughtful and desirable legislative product.

May I note just parenthetically that all of the millions of people who reside in the San Francisco Bay area are very grateful that the committee recognized that with skyrocketing land costs that confront this area that the Golden Gate National Recreation Area was given funding that will make it possible, hopefully, to be able to buy some of the land at a price this year that will be a good deal less than the price we would have to pay if the purchase of those lands is postponed.

Mr. Chairman, may I ask of the distinguished chairman, the gentlewoman from Washington (Mrs. HANSEN), whether or not the gentlewoman concurs with my hope, as the author of that legislation, that the Department of the Interior will use these funds, hopefully to make downpayments, rather than using them just to perhaps buy one, two, or three parcels in their entirety?

I may say that a number of the private owners—many of them old Californians—voluntarily offered that their lands be included in the park area, and the authorizing legislation provided for stage payments so that the tax consequences to these landowners would not become onerous, particularly in light of the fact that they generously, rather than resisting that their own family properties being included, to the contrary they offered and encouraged that their properties be included as a long term haven, if you will, for the millions of people that live in our part of the country.

Mrs. HANSEN of Washington. If the gentleman will yield. I will reply that the committee was very interested in this procedure. We requested an opinion of the Interior Solicitor. It was the Solicitor's opinion that the purchase on a contract or installment basis was entirely legal.

Subsequent to that time I have learned that the Office of Management and Budget does not approve of this procedure. The members of the Committee on Appropriations and the Congress can never see the Office of Management and Budget to confer with them on the subject of their legal opinions. The best information that I can give the gentleman is that the Solicitor from the Department of the Interior says the procedure is completely legal.

Mr. BURTON. Is it our colleague's view that the Solicitor's opinion is one well founded?

Mrs. HANSEN of Washington. Yes, it is.

Mr. BURTON. And that the Department should proceed on this downpayment route rather than exclusively on the entire-purchase route?

Mrs. HANSEN of Washington. Yes, I do, because I think we have had enough experience with the purchase of land in the United States to realize that the price escalation that goes on, once a park is established, is utterly fantastic. I would hope that the Office of Management and Budget would no longer curtail land and water funds, because this fund was established to meet the critical needs for the purchase of recreation lands in the United States before prices escalate.

Mr. BURTON. I thank the gentlewoman. If I may also note, because I think it most justified and proper, that in addition to Mrs. HANSEN's and Mr. McDADE's work, there was enormous assistance and valuable contribution made by the gentleman from Oregon (Mr. WYATT); the gentleman from California (Mr. VEYSEY); the gentleman from Colorado (Mr. EVANS); the gentleman from Utah (Mr. McKAY); the gentleman from Maryland (Mr. LONG); and the gentleman from Illinois (Mr. YATES). All of us in our part of the country are grateful to all of these Members for this fine product.

Mrs. HANSEN of Washington. I thank the distinguished gentleman.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-five Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 301]

Archer
Ashbrook
Badillo
Baker
Blatnik
Boland
Bolling
Breaux
Brotzman
Broyhill, N.C.
Buchanan
Clark
Clay
Cleveland
Conyers
Coughlin
Danielson
Davis, Ga.
Delaney
Dellums
Derwinski
Devine
Diggs
Dorn
Edwards, Calif.
Erlenborn
Evins, Tenn.
Fisher
Frey
Fulton
Fuqua
Gettys
Gray
Hastings
Hawkins
Hébert
Jarman
Johnson, Colo.
Kastenmeier
Landrum
Long, Md.
McEwen
Martin, Nebr.
Mills, Ark.
Mitchell, Md.
Murphy, Ill.
Murphy, N.Y.
Nelsen
Patman
Pike
Podell
Powell, Ohio
Reid
Rodino
Rooney, N.Y.
Rosenthal
Runnels
Ruth
Shipley
Skubitz
Stanton, James V.
Stephens
Stokes
Stratton
Teague, Tex.
Thompson, N.J.
Tiernan
Wilson, Charles H., Calif.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8917, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 365 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. McDADE. Mr. Chairman, I rise in support of the bill, H.R. 8817, making appropriations for the Department of the Interior and related agencies for fiscal 1974. Before discussing the bill, I wish to extend my appreciation to the chairlady of the subcommittee, Mrs. HANSEN, for the impartial way in which she conducted the hearings on the bill. Her actions have been conducted in a most thorough and nonpartisan way. I want to compliment, as well, the other members of the subcommittee. Each of them has made an important contribution to the betterment of this bill.

Mr. Chairman, the Interior appropriations bill, which we consider today, is, first and foremost, a resource bill. But it it much more than that. It is both a long term and a short term investment in the people, the land, and the resources of America. The funds we invest today not only generate additional moneys for the treasury tomorrow, but they develop the resources necessary to fuel this Nation's energy needs. They develop the minds of all Americans who benefit from the historical, cultural, and recreational programs funded here. And they develop the bodies and minds of the many native Americans who benefit from the health services and educational opportunities of the Bureau of Indian Affairs and the Indian Health Service.

The Members will note, however, that this bill is, by no means, an extravagant investment. The committee bill estimates for new obligational authority are $4,877,100 below the requested amounts. However, the committee was quite active in establishing certain priorities, making the bill a prudent investment and a responsive investment as well.

The moneys we invest today to manage the Nation's natural resources will be used to maintain and improve the nearly 2 billion acres of Federal lands, including the vast outer continental shelf off shore. These lands are a vast storehouse of public wealth. Each year, they yield 13 billion board feet of timber, 50 percent of the Western half of the Nation's water, grazing area for 16 million head of livestock, 7 million pounds of fish, and $3.5 billion worth of mineral leases—with royalties accruing to the Government of nearly one-half million dollars per year. Bonuses from these lease sales will amount to more than $2.2 billion this year.

In human terms, these lands and programs provide educational assistance for nearly 150,000 Indian children in Indian and public schools, funds to operate the more than 300 irrigation systems to help Indian farmers grow food, and welfare and family services to some 95,000 Indian families.

This bill provides for the needs of the 222,000 residents of the Trust Territories of American Samoa and Guam, for the 533,700 reservation Indians on 39.7 million acres of tribal land and the estimated 503 million visitations by all Americans to our national parks and national forests.

Once again, my colleagues will note that the largest single increase in this bill is directed to the needs of the American Indians. Many basic services of life, which we take for granted—dental care, maternity care, the birth of a child in a clean, sanitary hospital, are new and life-giving experiences to the American Indians. Death rates from disease, such as tuberculosis, influenza, and gastritis, are decreasing dramatically, while the housing construction, school construction and health services available to Indians are making important advances.

While the committee report details at great length the many accomplishments of the Indian Health Service and the success attributable to the BIA education program, I hope the Members would take the time to read of the many problem areas remaining. They indicate that, while we are making progress, there is still a long road ahead for the American Indian if he is to have the life to which he is entitled.

The budget makes a significant increase in the accounts for management and development of our national resources. The second largest increase found in the budget is directed to the U.S. Forest Service, the Federal agency charged with the responsibility for managing over 187 million acres of national forests and grasslands. The Forest Service also carries on an active program of research in areas such as pest and disease control, as well as cooperative programs with the State and local governments to protect and preserve more than 393 million acres of State and local forestland in our country.

Since 1971, the Forest Service has been cooperating with the States to implement programs to control gypsy moth infestation. Gypsy moth infestation now covers 1.4 million acres—an increase of 500,000 acres over the past decade. The Forest Service presently funds such agreements with the States on a 50–50 basis. I urge the Forest Service to expedite its efforts to develop better environmental controls and alternative solutions that will provide wide application of such controls without any environmental difficulty.

The U.S. Geological Survey and the U.S. Bureau of Mines total activities need $300 million to monitor and meet the Nation's mineral and energy needs. The energy crisis, we all envisioned for the future, is very much with us today. However, the Nation is on the verge of another potentially more dangerous crisis brought on by the careless and wasteful way in which we use our Nation's minerals. Recently, the U.S. Geological Survey, in a detailed report, outlined the gravity of the shortages we face in providing vital minerals.

Supplies of our Nation's raw minerals are being seriously depleted. We are now importing 29 percent of our oil and gas requirements, about 33 percent of our iron, and a massive 87 percent of our aluminum. At current rates of consumption, our Nation's supply of copper will be exhausted in 50 years. While we produce 9 percent of the world's zinc, we use three times that much. The fifth most widely used metal is manganese. Yet this Nation has no known reserves, and the last manganese mine in the Nation closed its doors in 1970. And you cannot make steel without manganese.

Even more disturbing is the evidence that we are wasting the ores we use at an alarming rate. If the Government does not devote more significant amounts of its future budgets to new mineral extraction technology, then we will soon find ourselves without any domestic supplies and relying to even greater degrees on foreign imports to meet our mineral needs.

This bill makes a major contribution toward alleviating our energy shortages. The sum of $126 million is contained in this bill for energy-related research. This is an increase of $23.6 million above last year's budget for specific projects within the Office of Coal Research, the U.S. Bureau of Mines, the Geological Survey, and the Forest Service. Many of these projects are in the development or pilot plant stage, all of which, we are confident, will yield significant returns on our investment.

The activities of the U.S. Bureau of Mines focus on several major areas. Since its inception, the Bureau has been the Government's chief research arm in trying to develop new energy sources from our fossil fuels. They have been charged with the responsibility of implementing the Federal Coal Mine Health and Safety Act to protect our Nation's mine workers from the hazards of their occupation. The committee added $3.8 million in additional funds for coal mine health and safety research to help conquer these hazards.

The Bureau has also embarked upon active and imaginative programs to improve the lands damaged by strip and subsurface mining. Their activities in my Congressional District, wherein so much of the Nation's coal was mined and industry was fueled since the turn of the 20th century, have been particularly laudatory. The present director, Dr. Elburt Osborn, is, in my opinion, the finest director in that agency's proud history. He has an extremely able and cooperative staff, one of whom I would like to single out for special praise. He is Mr. Joseph Corgan, Chief of the Environmental Division of the Bureau, who will be retiring effective June 30, after 36 years of distinguished service to the Bureau and to the Nation. In the often impersonal Federal bureaucracy, Mr. Corgan has become a personal friend not only to me but to the residents of northeastern Pennsylvania. His assistance in extinguishing underground mine fires, in eliminating burning culm banks, in stabilizing vast underground mined areas underlying property, has made the major contribution to a better environment in northeastern Pennsylvania. All of us in the subcommittee shall miss his counsel, and we wish him many happy years of retirement.

I call the Members attention to the $16 million increase in new budget authority for the Bureau of Outdoor Recreation's Land and Water Conservation Fund. Since its creation, this fund has been the prime source of funding, not only for State and local outdoor recreation projects, but for Federal land acquisition activity by such agencies as the National Park Service, the Forest Service, the Bureau of Sport Fisheries and Wildlife, and the Bureau of Land Management. Income for this fund is generated chiefly from receipts from offshore oil leases.

This year, the budget estimate contained $50 million in new budget authority for the Bureau of Outdoor Recreation to provide a catch-up year wherein the Bureau could reduce a backlog of unobligated balances. The BOR indicated to the committee that a program level of $196 million for fiscal 74 would clean up their pipeline applications. The committee felt that such a program level was inadequate to meet our recreation needs for State assistance. The committee added $16 million in new budget authority which, when coupled with previous balances, will bring the program level to a point $10 million above amounts expended in fiscal year 1973. With $80 million in the pipeline for fiscal year 1974, the Bureau requested no new funds for Federal programs. The action in reprograming funds for three critical acquisition projects on the Federal side also brings the Federal obligational level to $110 million.

Mr. Chairman, H.R. 8917, the Interior and related agencies appropriations bill contains two items of particular importance to the residents of my congressional district.

On page 20 of the committee report, the committee has directed that the Bureau of Outdoor Recreation, through its land and water conservation fund, to spend an additional $10 million for land acquisition in the Delaware Water Gap National Recreation Area. I am grateful to the committee for taking this course of action at my request. The committee's decision to commit these funds at this time is a wise one indeed.

This park, authorized in 1962, is the largest unfinished park in the eastern half of the Nation. Yet 6 million Americans visit and enjoy it each year. Last year, the authorization expired, and the National Park Service found itself without the legal means to acquire the remaining 15,000 acres of land. The Congress wisely enacted Public Law 92–575, legislation which I sponsored increasing the authorization ceiling to $65 million. This represents an increase of $28 million above the old ceiling. Shortly thereafter, the Office of Management and Budget approved an Interior Department request to reprogram an additional $7 million through fiscal 1975 to activate its land acquisition program. The action of the House today in making an additional $10 million available brings the total dollar figure for acquisition to $17 million through 1974. This does not include the acquisition activities of lands administered by the Army Corps of Engineers. These funds should enable the National Park Service to accelerate their threat of condemnation currently facing land acquisition program to remove the many residents of the park area. These people are in desperate and of relief from the many problems that beset people living in the environs of a half-completed park.

On page 22, the Bureau of Mines has included an additional $700,000 for environmental improvement in the anthracite area of the district. This money will be used by experts at the Bureau to improve and alleviate various environmental difficulties caused by the ravages of strip and subsurface mining. Last year, the committee also included funds for the Bureau to undertake a demonstration project by taking a badly stripped and scarred piece of land and converting it into a country park. This new money will be used for similar purposes as part of a continuing program to improve the environment and reclaim abandoned strip mined areas in that area.

The committee's action, while recognizing the difficult budgetary problems we face this year, has attempted to keep the Land and Water Conservation Fund at a viable level for the coming year. Last year, the BOR spent $202 million. This year, they will have $212 million available for obligation. Hopefully, the Bureau will return next year with a more realistic budget.

Mr. Chairman, I believe this is a good bill. It deserves the support of every Member of this House. It is the product of careful scrutiny by the subcommittee and the full committee. We did not accept the budget recommendations blindly. We added some and cut some, and the result is a flexible budget that addresses itself to some of the Nation's most critical needs. I urge its adoption by the House.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. I thank the gentleman for yielding.

Mr. Chairman, I regret that members of the Appropriations Committee did not have the benefit of hearing witnesses before our committee testify as to the need for the $145 million in appropriations for fiscal 1974 for the Endowments for the Arts and Humanities.

The arts endowment alone has almost 8,000 formal and preliminary written requests for assistance, of which NEA can assist less than one-fourth. The humanities endowment can fund only 936 out of 1,844 highly rated applications—total applications 4,113.

The arts endowment has been especially successful in raising private and public moneys to match—and overmatch the stimulus of Federal money. They average $3 to $4 for every Federal dollar, and in many many projects have had spectacular results in funding programs which benefit areas which heretofore have never been reached with major cultural efforts.

For instance, the Arttrain—now touring in my Rocky Mountain area—a $50,000 endowment grant, stimulated the raising of $680,000 to send this unique 6-car art show and educational project into remote and rural, small town areas which have never had the benefit of such art work.

Tell of tour now in Rocky Mountain.

This will tour Southeastern United States soon.

The endowments have made extraordinary efforts to have their programs reach a broad spectrum of American society—they have stretched themselves as I pointed out during debate on the authorization bill—to reach isolated groups, the poor, the aged, the sick, in hospitals in prisons in homes for the handicapped. They have provided seed money to start local theatre groups, dance groups, orchestras, which are still struggling to make ends meet. They have been particularly helpful in helping the modern dance groups become viable at a time when the public is demanding—in the wake of the increased leisure time and better incomes—more cultural programs.

The President had requested $72.5 million for the arts endowment in fiscal 1974, not quite double the fiscal 1973 amount of $40 million. Canada, with nearly 22 million people, spent $26.5 million in 1972 compared to our $29.7 million that year. Great Britain, with some 54 million people spent $66 million. And West Germany, with 55 million people, spent $134 million.

It is the hope of the group called the partnership for the arts, a private organization of citizens, that the United States by 1976 could be appropriating $200 million, or roughly $1 per capita for such expenditures.

Compare this goal, which will not be reached, if the Appropriations Committee does not in future years provide us with more money—with the per capita expenditures of: West Germany: $2.42 per capita; Austria $2 per capita; Sweden $2; Canada $1.40; Israel $1.34 and Great Britain $1.23.

We should be doing better in this area and I should like to emphasize that $145 million would definitely have been a justifiable expenditure for the arts and humanities in fiscal 1974 for the richest country in the world.

To the critics who rationalize cutting this budget because the material needs of Americans have not been fully met, I counter with the argument that we should think for a minute of where our preoccupation with material things has led us. Are we nearer to the peace or understanding between nations? And do not the humanities—reading the great works of literature, history, ethics, and philosophy—do they not have something to say to the present condition of man in this country?

I agree wholeheartedly with witnesses who testified that "humanistic studies have as vital and unique a contribution to make to the amelioration of problems in our national life as do the sciences."

Yet we continue to spend over $600 million for the National Science Foundation, $17 billion for research and development. Our priorities are askew; the humanities have more to say to us—perhaps we would not be in the present moral crisis if we had spent more time on ethics, on learning truths from history.

I agree with Dr. Ronald Berman, the very able chairman of the National Endowment for the Humanities, who said in testimony that by the study of the great books of literature such as, say John Milton, Shakespeare, and all the rest, we are "challenged by moral imperatives" which demand that we conduct our private and public lives in the best way we know how.

This is what the National Endowments for the Arts and Humanities are attempting—and believe me, such consciousness raising is drastically needed in this country.

Under the gifted leadership of Miss Nancy Hanks, the chairman of the National Endowment for the Arts, the renaissance of the arts which already had begun has been stimulated further by Federal support.

There are programs in the Nation's schools which have met with fantastic success—the public is clamoring for the creative artists who visit schools for a week or more; it is anticipated that $3 million will be available this coming year—a pitiful amount considering the need and the public popularity.

I have heard critics claim that the National Endowments benefit only the big cultural centers on the east and west coasts. Let me state emphatically that the programs of the National Endowment have given badly needed encouragement and new life to our efforts to enhance cultural opportunities in the sparsely populated Rocky Mountain region.

We do not begrudge any of the Endowment funds which are also assisting the arts in major Eastern centers, because we share the pride of all Americans in the world famous arts institutions which exist there.

But we join in the growing judgment of Americans from all walks of life that cultural development and enrichment of human life rate a higher priority—across the board. The National Endowments for the Arts and Humanities have proven themselves to be very effective agents of response to this growing concern of our people.

Cutbacks will mean the State programs will suffer in their attempts to grow and strengthen the cultural activities begun at the grassroots level, and quite importantly, the planning for quality programs for the Bicentennial will also suffer. I regret that the committee has seen fit to cut this budget. It is my feeling that perhaps we in the committee, or the endowments themselves did not do their homework in informing the members of the Appropriations Committee of the very real value of these programs. For I believe that if you saw with our eyes and heard with our ears the tremendous work of these endowments, the Appropriations Committee would have funded these programs at $145 million for the coming year.

Mr. QUIE. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the chairman of the subcommittee the gentlelady from Washington (Mrs. Hansen) and the ranking Republican member of the subcommittee, the gentleman from Pennsylvania (Mr. McDade) for their efforts in increasing the amounts for the Arts and Humanities by $24.1 million over 1973 appropriations. Naturally, I regret that the President's full budget request of $145 million for 1974 was not granted.

As I tried to point out during the debate on the authorization bill, the need for programs funded by those endowments are very great in planning for the Bicentennial in 1976. The Endowments have been deluged by applications which have received the highest rating from their panels of experts and the endowments are anticipating continuation of those highly rated applications and the need for increased appropriations to help the Nation's communities in their preparation for celebration of its 200th birthday in 1976.

For instance, the NEH—the Humanities Endowment—planned to spend the largest share of its projected budget—$28 million—for public programs. This would have been of immense benefit to the member districts in terms of educational projects in the humanities—educational and cultural films; public forums on important State issues; the availability of historical documents, books; new and scholarly papers on the Founding Fathers; courses by newspapers on the history of America, educational displays on the early days of the Revolution to help the overburdened museums get ready for the onslaught of visits; films which have been commissioned—television films which trace the historical development of the Revolution; another which is a biography of our revolutionary greats: the Adams family, George Washington, Thomas Jefferson—and many more.

This whole question came up, of course, when the authorization legislation was before the House. Amendments were offered to lower the amount authorized and the majority agreed with the Education and Labor Committee that the amount for the Arts and Humanities Endowments for 1974 be the amount the President requested. I think this was an act of legislative responsibility, and while, as I indicated, I appreciate the increase in appropriations over last year by the committee, I do wish it would have been possible for the committee to increase that amount.

I would at this time urge that when the other body reports its appropriation bill, and if in its wisdom the higher figure is adopted than the House amount, the House conferees would look favorably on their reasoning and agree to that additional amount.

This is a time when money is well spent to rethink and restudy the meaning of our democracy to try to better understand our ideological roots and through the Arts and Humanities to stir once again our national pride and faith in ourselves as a people. In my mind the intangibles which the Arts and Humanities provide are just as important as road building, research and disease, and strengthening our economy, and from these expenditures I expect the quality of life of all Americans will be improved.

Mr. WYATT. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield 10 minutes to the gentleman from Oregon.

Mr. WYATT. Mr. Chairman, I would commend our chairman, the gentlewoman from Washington, for an outstanding job and also the gentleman from Pennsylvania (Mr. McDade), the ranking minority member of the committee for a well balanced, good job under very difficult budgetary restrictions.

I would like to address myself very briefly primarily to one area involving the Forest Service. This has to do with the budget request we received in our committee for the forest management in our national forests. The budget request was cut back shockingly, frankly, from last year, and our committee was able to restore some $14 million for timber resource management, and of this $14 million, $7 million was for reforestation and $5 million was for timber stand improvement. This cutback was particularly unacceptable in view of the high price of soft wood lumber and plywood. At a time when our supplies should be increasing they were cut back.

I would like to direct the attention of the committee to the language on page 31 of the report in which we point out the serious deficiencies in the management of the national forest lands by reason of lack of money. This is an area where we spend $1 and we get several dollars back into the Federal Treasury. This is to produce a renewable natural resource, one that can be renewed over and over again.

We have nearly 5 million acres of national forest land capable of the commercial growth of timber, needing reforestation and lacking reforestation. Testimony is to the effect that approximately 50 years are needed to reforest the land. It says in the report:

> With the additional funds again provided by the Committee, the Forest Service will be able to make a beginning at catching up on the reforestation backlog.

I have in mind that we will have a program presented to us of approximately 10 years duration which will permit us to reforest most of the easily reforested backlog. This program perhaps will cost $100 million to $150 million a year average for the 10-year period of time, but if we undertake to do so we will be doing a job which fulfills a commitment to our children and will make money for the Federal Government. It is just that simple.

Again I would commend the members of the subcommittee and our leadership for the very good job in putting this bill together as well as the report.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman particularly for his activity in the subcommittee on the question of reforestation. I am new on the committee and it was appalling to me to learn from the testimony of witnesses that we really have no policy, no firm policy of catching up on those areas that need to be reforested most. As a matter of fact I believe the testimony was that today we are as far behind on reforestation as we were 5 or 10 years ago. We are just barely preventing this backlog from growing even more.

I want to thank the gentleman and our distinguished chairman, the gentlewoman from Washington, for their interest in this and for the tremendous efforts both have made. We on the subcommittee have insisted that a policy be developed which will show the total cost and the items that will be included in a 10-year period of accelerated reforestation, so we can begin to catch up.

I thank the gentleman for his remarks and for his yielding to me.

Mr. WYATT. I thank the gentleman for his interest and strong support.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman for yielding.

This is obviously of interest not only to those of us who live in the West but also to the Nation and it is one of the critically important bills that we will be facing in this session.

I would commend the chairman of the subcommittee (Mrs. Hansen) for what she has done once again in wrestling with a very difficult task and coming out with a balanced budget. Certainly, there are certain things that some of us would like to see increased and yet, measured against all the competing needs which were involved in the bill, I think represents a balanced and good allocation of the dollar. She has done her customary careful work with the members of her subcommittee, and we commend her as we do our colleague (Mr. McDade) the ranking minority member, and other members of the subcommittee.

Mr. Chairman, we are grateful for the terribly long hours on each side that do not strike close to home for all members of the subcommittee unless they look hard at the fact that these needs properly are national problems, as indeed they are.

Particularly, I would like to commend my colleague in the well (Mr. WYATT) whom I know to be as knowledgeable on the problems with which the subcommittee deals as anyone in this Congress, and most particularly is this true in this area of the forest. The problems are complex problems. He has been alluding to certain of them, and I personally, knowing him as well as I do, and knowing his devotion to the problems of the forest and what we need to do in connection with them, am grateful for his being on the committee, as I am grateful for the exceptionally fine work I know him to do in this area.

Mr. Chairman, I would join with him in the remarks he has made about the praise due to the subcommittee for what has been done in connection with forest land management. The remarks about the need for reforestation are, if anything, too weak in what they say. The problems are immense. There is great need in this area, and the thing which I think many of our colleagues just do not realize is that we are here dealing with this type of renewable resource that will, if properly handled, not be a net outgo in funds to this Government, but will actually yield more dollars back to the general fund, back to the treasury, than we will be investing in these expenditures.

Mr. Chairman, my colleague in the well has made this point, and I seek to make the comment on this only to emphasize what he said. This is an investment of Federal dollars that will return not only the amount we invest, but will return more than that.

Mr. Chairman, there are a series of other things set forth in the report which our colleagues have read, which deal with State and private forestry cooperation, forest research, roads and the like. I commend the committee for what it has been able to add to the bill in those particular areas.

Mr. Chairman, I would like to close with comment on two more areas outside the field of forest; one completely outside and one involved, but not in the management. First, in the area of log exports. As the report makes clear on page 9, and I say this largely for purposes of making the point clear to the secretaries involved, the committee expects the Secretaries of Agriculture and Interior to take steps to include provisions in timber sale contracts which will assure that the timber involved will not be exported or used by the purchaser as a substitute for timber he exports, or sells for export. The committee expects the secretaries to publish regulations to implement this limitation. The power to do this has been on the books for some time. The secretaries have failed to use that power, and I am delighted to see that the committee is speaking strongly and that the Secretaries of Agriculture and Interior are warned that this is something they are to do.

Mr. Chairman, the last comment is in this field of energy research, this immense problem the Nation is facing at the present time. As the committee points out on page 8, the committee recommendation provides substantial increases over the current budget for research problems relating to energy.

Mr. Chairman, I commend the committee for this particular item in an area where obviously much more needs to be done than has been done.

Mr. Chairman, I close once again by commending the subcommittee, and most particularly Mr. WYATT, for their actions under adverse circumstances to present a very fine bill.

Mr. WYATT. Mr. Chairman, I thank my friend and colleague from Oregon, who has been a strong supporter in this effort.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I thank my colleague for yielding to me.

Mr. Chairman, I know that this committee has been at work because the gentleman in the well took time last year to come to southern California and totally review the fuel modification program which is an important part of the forest fire protection expended in this bill.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. McDADE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Oregon (Mr. WYATT).

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to the gentleman from California.

Mr. ROUSSELOT. I know the gentleman in the well took time to survey some of the problems we have in southern California on the management of our forests, and especially relating to a program of the Forestry Service known as fuel modification. This is basically a program to try to anticipate and prevent forest fires before they occur because of the very dry conditions we have in southern California during the fall months. Can the gentleman inform me what was done in the way of improving the money spent for fuel modifications? For every dollar spent, we are told by the Forestry Service that it, usually can save anywhere from $7 to $10 in eventual fire prevention control.

Mr. WYATT. Yes. I would tell my colleague that we increased the money approximately $150,000, from an area in the neighborhood of $534,000 to close to $678,000.

I might say to my friend that in the opinion of most of us on the committee this figure is wholly inadequate, as the figures are in many other areas for the Forest Service, but in view of the pressures upon the committee and the necessity for us to keep within the total budget figure, this is all we felt we could do.

We hope the OMB will increase the figure in the future. I know that just in the Angeles National Forest, in which the gentleman is especially interested, we could use the entire amount, and then some, that is available for the entire United States for these purposes.

Mr. ROUSSELOT. I appreciate the gentleman's comment that the committee was good enough to increase this funding, because it is a substantial preventive measure. It does greatly decrease the long-range fire hazard. For every dollar spent now it does, in fact, result in a substantial savings of dollars that would have to be spent should a fire break out.

I appreciate the gentleman's explanation, and wish to thank the committee for a wise allocation of funds. Our delegation from southern California is grateful.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. McDADE. Mr. Chairman, I yield to the gentleman from Oregon 2 additional minutes.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I should like to join with my colleague from Oregon (Mr. DELLENBACK) in praise of the gentleman in the well (Mr. WYATT). I am happy the gentleman serves on the subcommittee.

I was very disappointed on the amount of money provided for forest roads as this is so detrimental to the local governments involved, as well as the forest products industry. I wonder if the gentleman from Oregon could go into that subject a little bit and, more specifically, discuss why we recommend $98.6 million for the National Foundation on the Arts and the Humanities and cut back on roads on Forest Service lands?

Mr. WYATT. I would say to my friend from Idaho, and this should be a part of the record, that he should direct his attention to page 35 of our report. The committee has made it very clear that we do not agree with the policy of shifting heavy forest road construction to the timber purchasers, because it is going to reduce the share going to the counties and reduce the return to the Government. We do not agree with this policy.

We also direct that no funds be used to prepare for timber sales which require purchasers to locate, survey, or design permanent roads.

We have also said we expect a supplemental estimate or budget amendment to be submitted to the committee, providing both for the increased sales program announced recently and a more responsible road construction program, in light of the long-term needs of all forest users.

The amount which was eliminated for permanent forest roads was so huge there was no way we could deal with this meaningfully within the budget restraints. We are very well aware of it, and there is strong language in the report on that page on our position.

Mr. SYMMS. The gentleman does believe there is a possibility of increasing this?

Mr. WYATT. I would hope we would have a budget supplemental.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to my chairman.

Mrs. HANSEN of Washington. I should like to say to the gentleman that the committee is seriously concerned about this proposal to transfer road construction responsibilities to the timber purchasers. When we transfer to the timber companies the responsibility for construction of roads we reduce the receipts to the Federal Treasury and also the funds to the States and counties. In addition, we are depriving the small timber operator of having an opportunity to participate in these timber sales, because it takes substantial capital to be able to purchase the timber and provide for the construction of the roads.

The committee is seriously disturbed about this, as the gentleman from Oregon (Mr. WYATT) has stated.

Mr. SCHERLE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-nine Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 302]

Andrews, N.C.
Ashbrook
Badillo
Blatnik
Breaux
Breckinridge
Chisholm
Clark
Collins, Ill.
Conyers
Danielson
Derwinski
Devine
Dickinson
Diggs
Dorn
Edwards, Calif.
Fisher
Frelinghuysen
Gibbons
Hawkins
Hébert
Hungate
Kastenmeier
Landrum
McEwen
Martin, Nebr.
Melcher
Mills, Ark.
Minshall, Ohio
Murphy, Ill.
Murphy, N.Y.
Nichols
O'Neill
Patman
Powell, Ohio
Reid
Rooney, N.Y.
Rosenthal
Steele
Stratton
Teague, Tex.
Thompson, N.J.
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill H.R. 8917, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 389 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The committee resumed its sitting.

Mrs. HANSEN of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. LONG), a member of the committee.

Mr. LONG of Maryland. Mr. Chairman, first I express my admiration for the chairman of the Interior Appropriations Subcommittee, the gentlewoman from Washington (JULIA HANSEN). The gentlewoman from Washington (Mrs. HANSEN) guided the course of our hearings with thoroughness and grace. Her attention to the fine points of the Nation's natural resources budget, her deep sense of priorities, and her skillful handling of the witnesses have earned her the respect of the committee.

The issues raised in considering H.R. 8917, the Interior appropriation bill for the fiscal year 1974, are among the most important facing our Nation today. The work of the Interior Appropriations Subcommittee represents a conscious effort toward achieving a balanced utilization of our scarce natural resources. These natural resources are getting scarcer all the time.

Several of the projects included in the 1974 appropriation for Interior programs are of interest to my constituents in the Baltimore area.

In anticipation of the American Bicentennial celebration in 1976, the National Park Service is undertaking to restore Fort McHenry. The Star Fort will be refurbished, the upper battery reconstructed, the moat outworks restored, and the interpretive programs of films, exhibits, dioramas, tours and ceremonies will be improved.

In Baltimore County, the Geological Survey will work toward completion of geologic and hydrological studies which will help local planning officials identify natural resources, potential groundwater supplies, and areas of contamination. Equipped with such knowledge, officials may plan more effectively for local growth.

With an estimated 1974 apportionment of $971,000 in moneys from the Land and Water Conservation Fund being made available to the State of Maryland, a total of $4.7 million in matching funds, including money carried over from previous years, will be available through the Bureau of Outdoor Recreation for land and water resource protection.

There are several other matters of concern to Baltimoreans, Mr. Chairman, on which I would urge that careful study and appropriate action be taken.

The Maryland shoreline, its estuaries, beaches, marshes, and wetlands, which offer the finest recreational facilities as well as natural settings for both man and wildlife, are threatened by the prospect of oil drilling in the Baltimore Canyon area of the Mid-Atlantic Outer Continental Shelf, 40 or 50 miles off the Maryland coast. It is important, therefore, that the Geological Survey and the Bureau of Land Management, which have undertaken studies of the Baltimore Canyon, actively seek to protect Maryland's coast for the use and appreciation of our citizens.

The Chesapeake Bay and the Susquehanna River are two bodies of water extremely important to the State of Maryland—indeed to the Nation. The Chesapeake is Maryland's most valuable resource. The Japanese once pointed out they could feed the entire population of Japan from that estuary if they had to. So much of our economic well-being and recreational activities are irrevocably linked to the bay. The Susquehanna River may in the future become the main source of water for the Baltimore region. At present, the Susquehanna faces an enormous siltation and pollution problem. In order to adequately protect the future of Maryland's water resources, I call upon the Geological Survey and the Office of Water Resources Research to undertake studies of the water quality of both the Chesapeake Bay and the Susquehanna River.

There are several issues of national importance upon which I would also comment.

Strip mining has increased, not only in Maryland. but all across the United States. As a result, much more landscape is being scarred by the scraping of minerals from the earth, leaving unsightly holes and terrifying erosion. Unless intensive efforts are made to restore and reclaim the land, the practice of strip mining must be stopped, or we must enforce an effective means of overcover where the strip mining has been completed. These actions must be taken, because coal is becoming an increasingly important significant energy source.

Under the energy crunch which the Nation now finds itself in, the most pressing need is an increased supply of fuels. In seeking new sources, the United States must step up research into the liquefication and gasification of coal and other plentiful energy sources. In addition, it is high time that oil import quotas be lifted permanently, enabling an increased supply of oil to enter the country at competitive prices, a source which we can count upon.

Mr. Chairman, in my opinion and in the opinion, I think, of others, the United States need not fear for any length of time any price fixing or oil withholding schemes among the oil exporting nations. Never has an international cartel successfully held together for a long period of time. A policy to admit more foreign oil would ease the current energy shortage and would help to preserve our rapidly disappearing domestic oil reserves, and make unnecessary some of the proposals to start drilling along the Continental Shelf, in Alaska, and in many other places.

Finally, amid soaring lumber costs and severe shortages in the national supply of lumber, I call for the administration to release the backlog of funds earmarked for better reforestation and timber management programs in the U.S. Forest Service. The cost of new homes is skyrocketing. Witnesses who came before us estimated that in another 8 or 10 years, the cost of an average home would be double what it is now, mainly because of lumber costs.

With this reality, the administration has, nevertheless, left millions of acres in the national forests unplanted after previous timber crops were harvested. Delaying reforestation as a measure against inflation is self-defeating, because balance of payments arise when we rely on imported lumber, and uncovered timberland poses an ecological threat to the rest of our national forests.

Mr. Chairman, it is my belief that H.R. 8917, the Interior appropriation for fiscal 1974, reflects a deliberate and conscious effort to achieve responsible management of our natural resources. I, therefore, recommend to my colleagues the passage of this important measure so energetically, capably presented by the gentlewoman from Washington (Mrs. HANSEN).

Mr. WYATT. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. VEYSEY).

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to my colleague from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I just wanted to express my appreciation to the gentlewoman from Washington (Mrs. HANSEN) and other members of the subcommittee for the very sympathetic hearing they gave to us when they were in the process of developing this bill, and to add to the colloquy I heard earlier this afternoon between my colleague from San Francisco (Mr. BURTON) and the chairman of the committee, the gentlewoman from Washington (Mrs. HANSEN).

Mr. Chairman, I see by the committee report that the committee has directed the reprograming of money in the land and water conservation fund to the extent of $10 million for the purchase of land in the Golden Gate National Recreation Area.

Just so that the record is clear, am I correct in assuming this will be $10 million in addition to the $5.9 million which was earlier reprogramed, with the approval of the committee?

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will yield, the answer is "yes." This is in addition to that which was previously reprogramed.

Mr. MAILLIARD. I thank the gentlewoman.

The other point made, which I should like to reemphasize, is that I would hope whatever influence the subcommittee may have on the Office of Management and Budget, that we would together try to persuade them—I have had no success whatsoever so far—to utilize the device which was in the authorizing legislation of fixing the price of this land as of now by signing contracts and paying for it over a period of years. Congress wrote this in order that we not run into the trouble we ran into in years past, where we have set a legislative cost ceiling on a particular piece of property we were going to purchase for the public, and then we delayed the purchase so long the cost was escalated, so we had to come back and get a new ceiling in order to purchase the property. It is beyond my understanding why there is a refusal to use the device, whereby we could fix this year the exact cost of this property which the public is going to acquire.

If we delay and do not use this device, I fear we could end up, as in the case of Point Reyes, with the authorizing legislation inadequate to cover the cost of the property.

I would appreciate any help we can get in leaning on them as to the use of this excellent device the Congress provided.

Mr. VEYSEY. I thank the gentleman from California for his remarks. I wish to assure him that all members of the subcommittee are deeply understanding of the problems of creating this beautiful Golden Gate National Recreation Area. I am sure we will move forward as rapidly as possible. Indeed, we have moved rapidly into the acquisition of the necessary lands.

Mr. Chairman, I should like to thank the gentlewoman from Washington, the very gracious and very capable chairman of our subcommittee, for extending to me, really, a very delightful experience as a new member of this subcommittee, and permitting me to participate in the decisionmaking and the hearings with this group. It has been a most interesting experience, a most worthwhile experience, and I truly have enjoyed it. I thank the gentlewoman.

To all the members of the subcommittee, including the ranking Republican member, the gentleman from Pennsylvania (Mr. McDADE) I would extend that same gratitude and thanks.

Mr. Chairman, I can recommend this appropriation bill to the Members without reservation. It is below the budget, and that suits me, very well. It does deal with major concerns of our Nation.

I find myself in stronger approval of some portions of the bill than I am in other portions of the bill. I should like to just run down two or three concerns I do have about it.

While it is under the budget request figure, I do not feel that we have totally dealt with some of the problems that have come before our committee. I see the possibility, indeed the very serious prospect, that later on we will be called upon for a supplemental appropriation. That will be for just as real money as though it had been in the original bill, and we will have to deal with those needs.

The problem of forest lands, and dealing with the removal of aging or diseased——

Mr. DELANEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-seven Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 303]

Ashbrook
Badillo
Blackburn
Blatnik
Breaux
Chisholm
Clark
Conyers
Danielson
Derwinski
Diggs
Dorn
Dulski
Fisher
Fraser
Gray
Gubser
Hawkins
Hébert
Huber
Hungate
Ichord
King
Kuykendall
Landrum
Melcher
Mills, Ark.
Minshall, Ohio
Murphy, Ill.
Murphy, N.Y.
Patman
Pike
Powell, Ohio
Rees
Reid
Rodino
Rooney, N.Y.
Sikes
Sisk
Stephens
Stratton
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Udall
Vander Jagt
Whitten

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8917, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 386 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. McDADE. Mr. Chairman, I yield 5 additional minutes to my colleague the gentleman from California.

Mr. VEYSEY. Mr. Chairman, I was making the point that the gentleman from Oregon (Mr. WYATT) had so carefully developed in the subcommittee. We are not doing a sufficient amount in terms of expenditure to really take care of our problems on our national forest lands in terms of removing diseased timber, burned timber, overage timber, and thus adding it to our supply of lumber available for construction so sorely needed in the United States today. We must furnish additional funds in this area.

We await a request from the Department for the appropriate amount of funding, and I feel that additional funding must be provided for this purpose.

In another area a request was made for a research slush fund of $25 million for energy research. This had no support on the subcommittee, and I think appropriately so. Not that there was not need for a further effort in energy research, because we are caught up in an energy crisis at this time, but the committee was totally unwilling to pass out a blank check in this amount.

I assume that correct identification and description of projects will come to the committee and additional funds will be provided in this area.

Let me bring to the attention of the committee the fact that there are some additions in this bill to the research and development in geothermal energy. I refer to energy removed from the ground. This is a promising new form of energy which is particularly exciting in the Western United States but not confined to that area. It is found in several forms—pure steam, steam and hot water, dry hot rock formations, and geopressured form. It is available now, the closest in timespan of any new source of energy. It is environmentally acceptable as compared to all other forms of energy. It is the lowest cost form of energy available not only in terms of initial investment in plant and equipment but also in operating costs. In my own State of California if we could fully develop our geothermal potential it would mean a savings of over $2 billion a year to the consumers of power in that State.

I will insert in the RECORD an article which appeared yesterday in the New York Times noting the coming on line of a geothermal power generating facility in Mexico, just across the border from my district, which will soon be powering the factories and lights in northern Mexico.

We should be doing the same thing. We are not moving rapidly enough to develop this energy source and it is not solely for lack of money in a bill such as this. I think it is for lack of desire and lack of organization within the Department of Interior to bring about the necessary implementation of a program which we need sorely at this time.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from California (Mr. Brown).

Mr. BROWN of California. Mr. Chairman, I commend the gentleman for what he has just said about this important subject. I think the Members of the House should know about the very fine work he has done in encouraging the use of this new energy resource. I personally commend the gentleman for that work and join with and associate myself with the remarks he has made.

Mr. VEYSEY. I thank my colleague, the gentleman from California (Mr. Brown) for his comments.

It is estimated that by year 2000, geothermal energy could provide 395,000 megawatts of power in this Nation. That is in excess of the total power-generating capacity of the United States today. This is an enormous resource which we have and which we must use. They are doing it in Mexico, in Russia, in New Zealand, in Iceland, and in California to a limited extent, where one-third of the energy for the city of San Francisco is now coming from geothermal sources. I would like to see us work much more effectively at the development of this needed resource at this time.

Mr. Chairman, the importance of geothermal development cannot be downgraded or overlooked. The potential in this country is tremendous.

I submit an article which appeared only yesterday in the New York Times. It tells an exciting story of geothermal development in Mexico, and it is indicative of what we can do here if we put the necessary effort into it.

The article follows:

Mexico Seeking Energy From Geothermal Areas

(By Richard Severo)

Cerro Prieto, Mexico, June 23.—On a savagely hot patch of desert in Mexico's Baja California, the energy needs of nearly half a million people are being met without the use of gas, oil or coal and with virtually no pollution. For the people of Baja and the Mexicali Valley, the energy crisis has become someone else's problem.

The energy is geothermal—steam trapped at 7,500 feet below the surface at a temperature of 675 degrees and piped to the surface where its power is channeled to turbines.

19 WELLS IN COMPLEX

Mexico's Cerro Prieto plant started operation in April and by the end of this month will be providing at least 50,000 kilowatts; within three months it will have an output of 75,000 kilowatts, according to Bernardo Dominquez, the engineer who is resident superintendent.

The 19 producing wells that make up the Cerro Prieto complex are 22 miles southeast of Mexicali near the Cucapah Mountains. The complex is the biggest operating geothermal facility in the Americas and one of the largest in the world—New Zealand, Japan and Italy also have major projects.

The complex is being watched closely by energy-conscious United States scientists who know that in geological conditions similar to Mexico's which might permit massive geothermal development, exist in the western region of the United States.

Robert Rex of the University of California's Institute of Geophysics and Planetary Physics, thinks that in California's Imperial Valley alone, it would be possible to produce 20,000 to 30,000 megawatts of electrical power. He said that Cerro Prieto is currently tapping less than 1 per cent of the potential of the Mexicali Valley, which abuts the Imperial.

Mr. Rex laments that the United States has not yet developed its geothermal energy.

Dr. L. Trowbridge Grose of the Colorado School of Mines says geothermal potential now exists in Nevada, Oregon, New Mexico, Idaho, Montana, Colorado, Utah, Washington and Wyoming, in addition to California.

Jorge Guiza, head of the Mexican Government's Department of Geothermic Resources, is very cautious about making predictions as to where this new development will take Mexico, but he noted that at its present level, Cerro Prieto is saving Mexico's 800,000 barrels of fuel oil a year.

Mr. Dominguez estimated that by 1983, Cerro Prieto will have the capacity to provide electrical power to the estimated 2 million persons who are expected to live in this area.

Under Mr. Guiza's direction Mexico is pushing geothermal exploration in 123 different places, some of them in Central Mexico. The Mexicans may thus provide such energy to many millions of its citizens, including those in rapidly growing Mexico City, which is having difficulty keeping up with the energy needs of its more than 8 million residents. Mexico City's population is growing at an estimated 800,000 a year.

Although Mexico imports less than 5 per cent of her annual petroleum needs and has large deposits of oil, the Government is pushing research into other forms of energy. "Oil reserves are limited," said Mr. Guiza, "and even if they were not, we would certainly prefer energy sources that do not pollute."

The Mexicans are developing their own geothermal technology as they pursue the delicate and sometimes dangerous task of tapping subterranean steam. "This is one instance where we are really benefiting from the Mexican experience," said Dr. Andre Simonpietri, science officer with the United States embassy in Mexico City and a close observer of Mexican geothermal progress.

Conditions for exploration are ideal. Around Cerro Prieto—which means "dark mountain," four geological faults lie beneath the earth's surface—the famed San Andreas as well as the Imperial, San Jacinto and Cerro Prieto's faults. Cerro Prieto itself is a dark basalt mound that was an active volcano 30 million years ago.

"The volcano is dead, but the earth is still hot," said Mr. Guiza. He explained that the faults have allowed underground water to come into contact with hot magma.

Layers of sandstone and shale sit over the deposits of hot water and shafts must be dug with great care, lest the steam escape through lateral fissures and come to the surface in a great eruption.

The drilling area looks like something from another planet. Pipes emerge from wellcaps—called "Christmas trees"—and snake across a desert where it is frequently 128 degrees in the shade.

"Mexicali has its own Disneyland," says Mr. Guiza "and it is called Cerro Prieto."

Mr. O'NEILL. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Massachusetts.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

(By unanimous consent, Mr. O'Neill was allowed to speak out of order.)

Mr. O'NEILL. Mr. Chairman, I would like to notify the House of a change in the schedule. House Joint Resolution 542, the war powers legislation, will not be taken up later today but will be taken up when we return from vacation.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I would like to also notify the House if the second supplemental is again brought before the House tomorrow it will be my intention to again offer the no-bombing-in-Cambodia resolution and will ask the House to stand by our previous stand.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I am very pleased with the remarks of my colleague from California (Mr. Veysey) concerning geothermal energy.

The gentleman should be complimented for his leadership in advancing the utilization of geothermal steam in southern California. We were the pioneers of this field in northern California and recognize the great value and potential of this resource.

The subcommittee has also shown its awareness of the geothermal potential and I fully support its efforts in this regard.

Also, Mr. Chairman, let me take this opportunity to express my strong support for H.R. 8917 which appropriates funds for the Department of the Interior and related agencies.

The distinguished gentlewoman from Washington (Mrs. Hansen) and her subcommittee continue to demonstrate a remarkable and effective ability to develop a balance between the funding limitations we must maintain and the important and clearly demonstrated needs these funds are intended to meet.

I have discussed many of the items included in this bill on a number of occasions with the gentlewoman and she has always shown the highest interest in helping to advance our proposals.

The same is true for the distinguished gentleman from Pennsylvania (Mr. McDade), my friend from Oregon (Mr. Wyatt), and the outstanding staff of the subcommittee. They have gone far beyond the norm in their assistance to me, to my constituents, and to the many others who follow the work of the subcommittee.

I would like to speak briefly, Mr. Chairman, on several specific items in the bill in order to bring the attention of the House to them.

First, the committee has again recognized the invaluable work of the California Rural Indian Health Board in meeting the medical care needs of the Indians of our State.

I strongly support the $2 million in earmarked funds for CRIHB. I am concerned, however, that these funds may be impounded by the Office of Management and Budget as was the case last year. I urgently recommend that this policy not be continued and that these vital funds not be diverted from this work.

Second, the Forest Research Laboratory at Humboldt State College in Arcata, Calif., is funded by the bill for the full amount of $800,000.

As a longtime proponent of reforestation, forest improvement and updating our forest management programs, I believe this scientific facility must be constructed without delay.

Finally, and in line with the forest research lab, I am pleased that the committee has given a higher priority to reforestation activities and that it has taken the initiative to place a restriction on the export of timber from public lands.

Reforestation needs more money than is included in this bill as well as greater incentives for small private landowners to become involved, but I believe we are making progress in a field that has been too long neglected. The subcommittee obviously shares this view and has recommended a substantial $7 million increase above the budget request for reforestation.

The export question is more complicated and requires our continuing efforts toward administrative, legislative, and diplomatic means to deal with it.

All of these items deserve the full support of the House, Mr. Chairman.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I wish to take this opportunity to thank the gentlewoman from Washington (Mrs. HANSEN) for the $600,000 she put in this bill, at my request, for the Atlantic salmon fish hatchery at Bethel, Vt.

The proposed hatchery is not in my district; it is way out of my district, but the gentlewoman knows I have taken a great interest in the Atlantic salmon. This fish has fought a very hard battle to survive; first against the netting by the Danes, and people in the Greenland and Iceland areas, and then against pollution and the nettings at the mouths of the rivers of Canada.

Finally, after a great deal of work, we have a treaty signed by the Danes and the Canadians. For all intents and purposes, the Canadians are no longer netting, and the Danes have agreed to reduce their netting year by year, eventually cutting it out entirely. Before we achieved this agreement, however, this severe overfishing had dangerously depleted the numbers of this great fish. Therefore, we now have to work together to try to supplement the Atlantic salmon population. By this appropriation of $600,000 for the hatchery in Bethel, Vt., we are going a long way toward helping to restore the Atlantic salmon on the Atlantic seaboard.

This hatchery will produce 500,000 smolts a year, which will be put into the Connecticut River.

At one time that river was one of our finest Atlantic salmon streams. Unfortunately, it became polluted, as did many of our other rivers. But now it is being cleaned up and we are working with the electric powerplants to see that fish ladders are built on the river. When this hatchery is completed, the smolts will be provided and hopefully we will have salmon again in the Connecticut River.

The Members may wonder why the gentlewoman from Washingon has taken such an interest in this. In the last 2 months, it has been my privilege to visit her State. I fished for steelhead salmon in the Klamath River, which runs through her hometown. I might say it is one of the most beautiful and scenic places in the world. I can understand why the gentlewoman is such a beautiful woman; everything out there is beautiful. I recommend a visit to that area to anyone in the House and in the country. It is just breathtaking.

Mr. Chairman, I fished also in Washington's Quinault River near the Quinault Reservation, an exceptionally beautiful stream. I fished in many other places of great natural beauty in that area, so I can see why the gentlewoman from Washington has taken such a deep interest and gone forward in helping us with this needed appropriation.

Mr. Chairman, I also want to thank my good friend from Pennsylvania (Mr. McDADE) who has taken a great interest in this particular project, for working with the chairman of the committee to make this hatchery a reality. I hope the other body will go along with it, and when the money is appropriated that the administration will spend it. At that time, I hope the three of us, and all the members of the committee, will go up to Vermont for the opening of that hatchery.

Mr. Chairman, I thank the committee.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I again wish to commend the gentlewoman from Washington, and the subcommittee, for the very fine job they have done on the bill under difficult circumstances.

Mr. Chairman, the committee has done a good job under difficult circumstances. I would like to direct a question to the gentlewoman from Washington regarding the matter that concerns me before I begin my remarks.

My question is, Madam Chairman, can she inform me of the status of wildlife refuges, particularly with their visitors and the secondary uses, such as recreation? I am troubled that there is not sufficient money here for the administration of those refuges, and I would point out that under law, before refuges may be opened for these appropriate and secondary uses, that there must be an administrative certificate by the Secretary indicating that there is sufficient money on hand for the administration of the refuges.

Does the committee in any way intend to change that law or to make possible the opening of refuges for these secondary uses without that certification?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Chairman, I may say the committee is as disturbed as the distinguished gentleman from Michigan about the entire refuge problem.

The Bureau of Sport Fisheries and Wildlife recommended reductions in the recreation uses of wildlife refuges. The committee cannot agree with this policy because if some youngster should drown at a beach, or if there is an accident of some kind because of lack of adequate supervision, it will be a terrible tragedy. You will note that the committee placed in the bill an additional $250,000 for the Bureau of Sport Fisheries and Wildlife for recreation management on wildlife refuges. We urge that before the Department proceed with this kind of policy, they should consult with the proper committees in the Congress and should work with State and local governments to make suitable agreements.

Mr. DINGELL. I would advise the gentlewoman that that legislation has already been written by the committee having jurisdiction over the refuges, and we have provided that unless they can show on an annual basis there is sufficient money to administer and to protect the refuge for its principal purpose that these secondary uses may not be allowed.

I should like to turn with the gentlewoman to the question which troubles me next, and that is the question of refuges and the closure of refuges. There are a large number of refuges under this bill for which there will be no money for administration. I am sure the gentlewoman is aware of that. I am satisfied the gentlewoman is as critical of that kind of practice as I am. Can the gentlewoman comment on that subject?

Mrs. HANSEN of Washington. Yes. We believe that when the Government has acquired land and opened a refuge it should properly manage that refuge. You will note that we have placed in the bill an additional $750,000 for general wildlife refuge management.

Mr. DINGELL. I thoroughly agree with the gentlewoman.

I should like to direct the attention of the gentlewoman to a further point, which is that in the committee report $100,000 has been deleted from the Bureau of Sport Fisheries and Wildlife request for funds. The reduction relates to the "preparation" of environmental impact statements required in connection with the Bureau programs under section 102(2)(c) of the National Environmental Policy Act.

I note that this relates to the "preparation" of impact statements. I am troubled, but I assume that the gentlewoman has made the judgment that there is sufficient money for them to make the impact statements as required by law. Is that correct?

Mrs. HANSEN of Washington. The gentleman is correct. There is a great deal of money for environmental impact statements.

Let me point out to the gentleman from Michigan that this bill contains something in the vicinity of $60 million for the preparation and review of environmental impact statements. There has been an unconscionable amount of paper which has been going into some of the reports.

Let me give the gentleman one interesting figure, because I am sure he is as concerned about the environment as I am. Each Sunday issue of the New York Times uses wood from 20,000 trees and 175 acres of land. Even if 25 percent of the newspaper is recycled, we can still imagine the amount of trees involved.

We believe the Department of the Interior should lead the way. They could single space some of their statements and economize in a way that will not jeopardize the environmental impact statement preparation.

Mr. DINGELL. I do wish to draw the attention of the gentlewoman to the point that troubles me now; that is, I assume that this is not intended in any way to be a restriction on the Bureau of Sport Fisheries and Wildlife to make comments on environmental impact statements, also required by law, and this does not relate to that.

Mrs. HANSEN of Washington. Not at all. I can assure the gentleman that the Bureau of Sport Fisheries has done an outstanding job on environmental impact statements. I am sure they will continue to do so. This would in no way jeopardize that operation.

Mr. DINGELL. I thank the gentlewoman.

I am now concerned with the question of the basic operation and maintenance needs of the national wildlife recreation system. I recognize that the gentlewoman received inadequate requests, and I do not attempt to direct her attention to this more forcefully, except to say that I believe she has done about the best she could with that with which she had to work.

I should like to make some further legislative history at this time, and I wonder if my good friend the gentlewoman from Washington would agree with me that it is the intent of the committee that there could be no transfer of the total management responsibility on any refuge or transfer of jurisdiction or transfer of any refuge to any State or local jurisdiction without the approval of the Subcommittee on Interior and Related Agencies and the appropriate legislative committee of the Congress; namely, the Merchant Marine and Fisheries Committee.

Mrs. HANSEN of Washington. Mr. Chairman, the committee agrees with the gentleman's statement.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman from Michigan (Mr. DINGELL) yield?

Mr. DINGELL. I will yield to my friend, the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman for yielding.

I am sure that the committee had no intention of doing this. I have received communications personally, and I have been assured they have no intention of doing this. In spite of the fact some of the regional areas are talking about this, we still have assurances that we will not get into the problems the gentleman points out.

Mr. Chairman, I became concerned about this matter when I received numerous reports of plans to shift the management of wildlife refuges from the Bureau of Sport Fisheries and Wildlife to the States or other Federal agencies after being told in the subcommittee hearings that the Bureau had no such plans.

I made an inquiry to Assistant Secretary of the Interior for Fish, Wildlife and Parks—Nathaniel P. Reed—about these reports and received a prompt and reassuring reply from his office. So that there can be no misunderstanding that the Congress is not approving or authorizing any shift in administration or management of wildlife refuges by passing this appropriations bill, I would like to quote from the letter I received and relied upon dated June 8, 1973, and signed by Douglas P. Wheeler, Deputy Assistant Secretary of Fish, Wildlife and Parks; Assistant Secretary Reed and Spencer Smith, Director, Bureau of Sport Fisheries and Wildlife; reaffirm their statements to the House Appropriations Subcommittee on Interior and Related Agencies:

> You may be assured that the Bureau has no plan or intent to transfer any National Wildlife Refuge, or the administration of any such area, to any State agency.

I would like to add that since I received Secretary Reed's letter, and notwithstanding the letter, I have continued to receive reliable reports that regional offices of the Bureau have continued to plan for the shifting of management and administration of refuges to the States and other Federal agencies.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Colorado (Mr. EVANS) for his contribution.

I am disturbed again, Mr. Chairman, about the level of funding for the anadromous fish program. I note that the gentlewoman from Washington (Mrs. HANSEN) has again done a good job, even though there are inadequate budgetary requests from the administration, and I would be glad to yield to her for a comment on this subject.

Mrs. HANSEN of Washington. Mr. Chairman, as the gentleman is well aware, in 1973 the amount was $2,333,000, and this year it is $1,833,000 for the anadromous fish conservation program for grants in aid to States.

If I might say just one thing to the gentleman from Michigan, I wish he would join the committee in telling OMB that they are so shortsighted in the management of our natural resources and that they are very shortsighted concerning this country's future.

Mr. DINGELL. Mr. Chairman, I would thoroughly agree.

Mr. Chairman, I will now direct the attention of my good friend, the gentlewoman from Washington (Mrs. HANSEN) to the problem of refuge acquisition funds.

As the gentlewoman knows, there are two funds involved here, the first of which is the accelerated wetlands acquisition program. I notice there are no funds in the bill and none was requested. I personally happen to think that this is outrageous.

Mr. Chairman, I am not critical of the efforts of the gentlewoman from Washington (Mrs. HANSEN) but I would be glad to yield to her for further comment on this subject.

Mrs. HANSEN of Washington. Yes. Mr. Chairman, there is an estimated $7 million to be available from receipts from the Federal migratory bird hunting stamp fund to continue the wetlands acquisition program. This is a permanent appropriation and the committee does not act on it each year.

However, there is no money provided in the budget for the accelerated acquisition program, as the gentleman has stated. The committee was unfortunately faced with severe budget constraints.

Mr. DINGELL. Mr. Chairman, I would now like to direct the attention of the gentlewoman from Washington (Mrs. HANSEN) to the problem of migratory bird stamp receipts.

As I am informed by the Department of Interior, there was approximately $10 million in receipts from duck stamp sales last year. I am informed that there is $7.1 million which is authorized or which was requested and which was appropriated in the bill.

Mr. Chairman, I note here that the law is so phrased that the $7 million or, rather that the $10 million in duck stamp sales constitutes an earmarked fund. It is my view that to spend less than the $10 million is illegal.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would note that this constitutes in my view as a chairman of the subcommittee which handled the legislation which authorized all recent earmarking of funds and price increases in duck stamp prices. I also speak as the author of all the recent legislation relating to migratory bird stamp sales—and first at $2, then raising the price to $3, and finally to $5. Those were earmarked funds, and after duck stamp prices were increased to $5 and earmarked for the migratory bird conservation fund, this constitutes an illegal impoundment of what are essentially trust funds.

I wonder if my good friend, the gentlewoman from Washington (Mrs. HANSEN) would comment on that.

Mrs. HANSEN of Washington. Mr. Chairman, the committee felt the same way, and we had quite a dialog on this subject when departmental witnesses were before the committee.

Mr. DINGELL. Mr. Chairman, I thank the gentlewoman from Washington (Mrs. HANSEN).

CONCERNING ENVIRONMENTAL IMPACT STATEMENTS

Mr. Chairman, I note in the committee's report on H.R. 8917 that a reduction of $100,000 has been made in regard to the request by the Bureau of Sport Fisheries and Wildlife. The reduction relates to the "preparation" of environmental impact statements required in connection with the Bureau's programs by section 102(2)(C) of the National Environmental Policy Act.

I am concerned about this reduction. I think it is ill-advised. However, since it only applies to the "preparation" of impact statements, I believe that its effect on the Bureau's program will not be too great. The Bureau prepares only about 100 such statements annually. This represents only a small proportion of the total Bureau workload under this section of NEPA. The principal area where the Bureau spends a great deal of time and money is in the review of environmental impact statements prepared, not by the Bureau, but by other executive branch agencies.

It is my understanding that the Bureau reviews over 90 percent of the impact statements prepared by these Federal agencies. It is essential that when the Bureau conducts this review, they do so in a timely fashion and with complete thoroughness.

My subcommittee is currently investigating the activities of the Interior Department and the Environmental Protection Agency to determine whether there is in fact adequate funding and personnel to carry out this review responsibility under NEPA. Thus, my colleagues will understand my concern over this $100,000 reduction in H.R. 8917.

But since, as the committee report stresses, this reduction does not and cannot affect the Bureau's review of impact statements, I have decided not to seek an amendment to restore this sum at this time. I hope, however, that the committee will agree to its restoration if the Bureau makes a good case in the Senate for it.

Once again, I want to stress to all here today and to the Bureau that it is my understanding that none of this reduction would be applied to the Bureau's costs of reviewing impact statements. That review, which is certainly an awesome task, must continue unhindered so as not to undermine NEPA. I also want to stress that if my investigations prove that further appropriations for this function are needed, I will urge that they be included in any supplemental appropriations considered during this session of this Congress.

CONCERNING THE NEEDS OF THE NATIONAL REFUGE SYSTEM

Next Mr. Chairman, I would like to turn to basic operation and maintenance needs of the national wildlife refuge system.

In an audit report recently issued by the Department of the Interior, it was concluded that the national wildlife refuge system is seriously underfinanced. It found that many existing facilities are badly in need of repair, some of which are literally falling apart; increased costs of utilities, material, supplies and contract labor for maintenance functions have eroded base appropriations; and new programs have created additional demands on a diminishing dollar base, resulting in overcommitment for resources in both funds and manpower. To fully achieve the output potential of the areas within the system, it was estimated that an annual operation and maintenance base of $34 million would be needed.

Mr. Chairman, in order to insure that these refuges continue present levels of production, I appeared before Chairman HANSEN's subcommittee and requested that an additional $5 million be added to the Department's request. I note from pages 23 and 24 of the committee report on H.R. 8917 that the Appropriations Committee increased the budget estimate by the following amounts: $750,000 for general wildlife refuge management; $250,000 for recreation management on wildlife refuges; and $25,000 for Mason Neck National Wildlife Refuge.

Mr. Chairman, in connection with this program, I would like to call to the attention of the Members certain language contained on page 24 of the committee report which gives me great concern. I refer to the following language of the report:

> The budget proposal for 1974 included significant curtailments in National Wildlife management and fish production from warm water hatcheries. The basis of these reductions, in large part, was that these activities could be transferred to the State or local jurisdictions involved. The Committee is concerned that on-going programs will be abandoned before adequate arrangements can be made for funding from other sources.
>
> The Committee directs that before any on-going programs in the refuge or hatchery systems are transferred to other jurisdictions, the Committee be consulted.

Mr. Chairman, I think it could easily be interpreted from the language of the report that the committee would not object to the transfer of jurisdiction over refuges to State or local jurisdictions provided the committee was consulted before such transfers actually took place. I certainly hope this was not the intention of the committee.

Personally, because of recent budgetary restrictions, I would have no objection to the Bureau of Sport Fisheries and Wildlife temporarily entering into cooperative agreements with certain States for the purpose of obtaining assistance in the management of certain activities in certain refuges, such as the management of resident wildlife, including big game and upland game species; and the management of hunting and fishing activities in such areas. However, I would object most strenuously to the turning over of total management responsibility or the transfer of units of the system to State or local jurisdictions.

In a recent statement carried by the press, Assistant Secretary Reed stated that the Department has no intention of turning wildlife refuges over to States. In fact, he said, the Department has no authority to turn over refuges to States.

CONCERNING THE ANADROMOUS FISH PROGRAM

Mr. Chairman, I would like next to discuss the anadromous fish conservation program.

This program authorizes the Secretaries of the Interior and Commerce to enter into cooperative agreements with the States for the purpose of carrying out programs to conserve, develop, and enhance the anadromous fishery resources of our Nation and the fish in the Great Lakes that ascend streams to spawn. For the period ending June 30, 1974, there is authorized to be appropriated $10 million to carry out the purposes of the act, with approximately one-half of the authorization to be used by each of the Secretaries.

Mr. Chairman, it has been bought to my attention that for fiscal year 1974, the States had indicated to the Bureau of Sport Fisheries and Wildlife a need for $4,120,000 but only $1,605,000 had been included in the appropriation request. I appeared before Chairman HANSEN's subcomittee and requested that the appropriation for this program be increased, at least $500,000 to a total of $2,105,000 for cost sharing, the same level as in recent years. Needless to say, I am disappointed that only $1,833,000 was finally included in the bill for this important program. Naturally, this action will require a cutback in planned programs, a reduction in trained and experienced personnel with losses to program accomplishments and uncertainty for the future. This is just not fair to the States as well as to the abused anadromous fish resource.

CONCERNING THE NATIONAL WILDLIFE REFUGE SYSTEM

Next Mr. Chairman, I would like to discuss a matter that is of particular distress to me. I refer to the land acquisition program under the migratory bird conservation account.

As Chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment and as a Member of the Migratory Bird Conservation Commission, I am greatly concerned over the lack of funds with which to carry out this program. This program has not been adequately funded since the Wetlands Loan Act was passed in 1961, which authorized a total of $105 million to be appropriated on an advanced basis to the migratory bird conservation account over a 15-year period. Through fiscal year 1973, $81.4 million of the $105 million authorization has been appropriated, leaving a balance of $23.6 million to be appropriated over the remaining 3-year life of the program. The moneys advanced under this act are added to the annual receipts from the sale of duck stamps and are available for expenditure for wetland and refuge acquisitions.

Mr. Chairman, it is folly to make cuts in this program in the face of rapidly escalating land prices and despoilment of waterfowl habitat everywhere. Postponements now may very well be permanent, either because the habitat is gone, priced beyond reason, or is being rapidly diverted to other uses, such as for residential and commercial development programs.

Mr. Chairman, because of my concern over the inadequate funding of this program, I appeared before Chairman HANSEN's subcommittee and requested that $7.5 million be added to this program for fiscal year 1974, which would be in keeping with advances made in prior years. Much to my great sorrow, the Appropriations Committee failed to appropriate the first penny for this program for fiscal year 1974. I think a tragic mistake has been made.

To add insult to injury, the Office of Management and Budget has taken steps to place further constraints on this program by placing a limitation on the level of expenditures. This action, Mr. Chairman, has resulted in the impoundment of duck stamp receipts and I will briefly explain at this time the actions taken by OMB which resulted in the impoundment of these funds.

The budget presented to the Congress for the Federal Migratory Bird Conservation Fund for fiscal year 1973 showed that estimated obligations of $14.4 million would be incurred. It was estimated that the fund would receive $7 million from the sale of duck stamps and it was requested that $7.1 million be appropriated under the Accelerated Wetlands Acquisition Act. It was estimated that $3 million in unobligated funds would be carried over from fiscal year 1972 and that there would be no unobligated funds available at the end of fiscal year 1973.

The requested appropriation of $7.1 proved. The latest estimate by an official of the Department of the Interior is that receipts from the sale of duck stamps total $10.7 million for fiscal year 1973, or $3.7 million in excess of the budget estimate and that about $1 million in unobligated funds were carried over from fiscal year 1972. If the estimate of receipts proves to be correct, $18.8 million would be available from the fund for obligation in fiscal year 1973.

It is my understanding that, for fiscal year 1973, an obligational ceiling of $12.1 million has been placed on the fund by OMB and as a result the fund will carry over about $6.7 million in unobligated funds into fiscal year 1974.

It is my further understanding that OMB has placed an obligation ceiling of $9 million on the fund for fiscal year 1974. No appropriated funds were requested and no funds were appropriated for the fund for fiscal year 1974 and it is now estimated by Interior officials that duck stamp sales are expected to be $10 million for this fiscal year. If the Department of the Interior's estimates of receipts for fiscal year 1973 and 1974 are correct, then the obligation ceilings imposed by OMB will result in the impoundment of $6.7 million at the end of fiscal year 1973 and $7.7 million at the end of fiscal year 1974.

Mr. Chairman, the obligation ceiling makes no distinction between appropriated funds advanced to the migratory bird conservation fund by specific congressional action and receipts from the sale of stamps which are automatically appropriated and available to the fund. Since $7.1 million was advanced to the fund for fiscal year 1973 and an estimated $6.7 million will be impounded at the end of that year, it may be assumed that the funds impounded at the end of fiscal year 1973 will be advanced funds. However, since no advance has been requested or appropriated for fiscal year 1974 and it is estimated that the funds impounded at the end of fiscal year 1974 will increase to $7.7 million, part of the impounded funds at the end of fiscal year 1974, if the estimates are correct, will apply to receipts from the sale of stamps.

Mr. Chairman, I might point out for the benefit of the Members that the information I have just presented on the impoundment of duck stamp receipts was supplied to me by letter today by the Honorable Elmer B. Staats, the Comptroller General of the United States, in response to my request to him of March 30, 1973, to audit the migratory bird conservation account with a view toward determining if duck stamp receipts had actually been impounded by OMB.

Mr. Chairman, the impounding of these duck stamp receipts by OMB is in my opinion an illegal action. This body must make it clear that these trust receipts are to be expended as intended by the Congress, without OMB interference.

Mr. McDADE. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, in view of the many nice things that have been said about this legislation, I am reluctant to come up with a sour note, but, nevertheless, I feel that I must.

It was just 2 weeks ago this House acted on the National Endowment for the Arts and Humanities. This was, as you know, a very detailed debate that was carried on in the House. There was much discussion and many amendments. Finally, the House, by a 5-to-1 majority, passed this legislation. What we passed was a bill calling for $153 million for the arts and humanities. This was the amount of money that had been budgeted by the administration for this legislation.

The arts and humanities reaches all sections of this country; it is not a bill that favors one section of the country over another.

However, the committee has made a cut of nearly $46 million from the amount that we passed in the House just 2 weeks ago. In other words, a cut of nearly 30 percent.

I am on the committee that put this bill together, and the impact of this cut is going to be quite broad, it will affect a number of programs. It will affect museum programs that were laid out for this coming year; it will affect funds to State art agencies for community councils, which is a part of a new program; it will affect the expansion of art programs involving heavily the Nation's black, Indian, Chicano, Appalachian, and other regions and people who have traditionally been missed by this program. There is a whole list—and I will not take the time of the House at this time to list one project after another—that will have to be grossly curtailed or in some cases eliminated.

The same thing is true in the humanities. It is a shame, I feel, that this one area which reaches out so deeply into our country and affects for the good so many people would be cut so severely.

I am not going to offer an amendment during the amending period to reinstate this money, because I feel the Appropriations Committee has made its decision, and I will not challenge it on the floor of the House.

Mrs. HANSEN of Washington. Will the gentleman yield?

Mr. PEYSER. I will be glad to yield to the gentlewoman.

Mrs. HANSEN of Washington. May I say to the gentleman this was one of the most difficult decisions the committee had to make. Unfortunately, this was the single major agency in our bill where full funding was requested. I want to mention however, that although there is a reduction, the committee has provided about a 30-percent increase over the amount of funds appropriated last year.

Funding for the Indian programs contained in this bill received only a 3.3 percent increase. In forestry the committee provided an increase of only 5 percent. For energy research programs there is an increase in this budget, which is for the whole United States, of only 23 percent.

We do deeply regret this reduction, but at the same time in the allocation of funds, how do you explain the fact that you will grant 100 percent funding in one instance and in another instance grant a small or no increase?

It is very unfortunate that this bill had to be confined to a budget limitation considering the 27 agencies funded by this bill.

I want to remind the gentleman that the States art councils were granted all of the budget increases that were requested.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. HANSEN of Washington. I yield the gentleman 1 additional minute.

If the gentleman will yield further, let me say, the reductions will have to be allocated on the determination of the foundation, and I hope they will be as wise as possible.

I want to join the gentleman in his regrets, but I just wish there were more money available.

Mr. PEYSER. I appreciate the statement of the gentlewoman.

It is still my hope that these cuts can be restored by the Senate and in conference.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I want to commend the committee for the cut it made in the Arts and Humanities, and say to the gentleman from New York (Mr. PEYSER) that if a reduction was to be made, a grossly severe one would be the kind to make.

I note, however, that the Arts and Humanities will have an increase next year of some 32 percent in salaries and expenses. Such an increase, in view of the Government's financial crisis and inflation, is unreasonable.

Mrs. HANSEN of Washington. Mr. Chairman, would the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I would say to the gentleman from Iowa that the Chairman of the Arts Endowment, Miss Nancy Hanks, explained to the committee that the most reliable kind of management of these programs is only possible through a very careful surveillance. I think the gentleman from Iowa will agree that the money that is expended needs to be audited carefully, and watched carefully. That is the reason for the increase.

Mr. GROSS. Mr. Chairman, I have a newspaper article, a United Press newsstory which indicates that there is being created in the Office of the Secretary of the Interior an assistant for the arts. And apparently she has already been selected, a woman by the name of Pamela Susan Coe, 30 years old, who is to be assistant to the Secretary of Interior for the Arts.

I wonder if the committee had any indication of this?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will yield to the gentlewoman in just 1 minute.

Her function in life from here on out apparently will be to create Federal cultural centers across the land in phasedout military facilities, as well as seashore parks, and atop trails, wherever atop trails may be.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, may I say to the gentleman from Iowa that the young lady is an assistant to the Secretary.

Mr. GROSS. She is now an assistant to the Secretary?

Mrs. HANSEN of Washington. She is now an assistant to the Secretary.

Mr. GROSS. Apparently she is one of the reasons why the expenses and salaries are going up 32 percent, since she is to be paid $32,000 a year.

Mrs. HANSEN of Washington. I would say to the gentleman from Iowa, if the gentleman will yield further, that I am sure that is not the reason the expenses are going up. I may say, that the National Park Service and other components of the Interior Department have many programs throughout the country that deal with the arts. These include the Wolf Trap Farm, Ford's Theater, the Summer in the Parks program, the Carter Barron Amphitheater, and many other programs, including some involving Indian arts and crafts. I think that the young lady will probably earn her money very handily.

Mr. GROSS. I would ask the gentlewoman from Washington if her committee is prepared to finance all these new culture centers across the land, atop winding trails, in abandoned air bases, Army bases, and so on and so forth?

Mrs. HANSEN of Washington. If the gentleman will yield further, there is no money to fund winding trails beyond the regular programs of park and forest trails.

Mr. GROSS. My understanding, according to this United Press news dispatch, is that the cultural centers will be located atop winding trails as well as the inactivated air bases, Army bases, naval bases, and so on and so forth.

Mrs. HANSEN of Washington. If the gentleman will yield further, I must say that the Secretary has not been before the committee for the rather elaborate program the gentleman from Iowa has detailed as the result of the reading of a press release.

I can only warn the gentleman that sometimes press releases from various sources are not fully accurate.

Mr. GROSS. Can I assume now that the committee has approved the $32,000-a-year job for Pamela?

Mrs. HANSEN of Washington. She is on the payroll.

Mr. GROSS. She is on the payroll now?

Mrs. HANSEN of Washington. Yes.

Mr. GROSS. All ready to go.

Did the committee approve hiring 40 recognized artists to paint pictures of Government projects? Is that a part of the arts and humanities? Or is this something new?

Mrs. HANSEN of Washington. I did not hear the gentleman's question.

Mr. GROSS. Forty recognized artists to paint pictures of Government projects—is that a part of the arts and humanities program, or is this something new that would come under Pamela's jurisdiction?

Mrs. HANSEN of Washington. That item was not reviewed specifically by the committee. I would point out to the gentleman from Iowa that some of the best art we have in America is the result of the WPA art program.

Mr. GROSS. I should hope we are not returning to the days of the old WPA.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Chairman, I also should like to commend the gentlewoman from Washington, the chairman of the subcommittee, as well as my colleague, the gentleman from Pennsylvania, the ranking Republican, and the entire subcommittee for doing an outstanding job on this bill. However, there is one thing that does disturb me, and that is that on April 1, 1971, I introduced a bill, H.R. 7088, with 24 cosponsors. That bill was reported out later on February 3, 1972, by the Committee on Merchant Marine and Fisheries, and then was passed on February 7, 1972, by this House by a vote of 361 to 8. I might read to the Members the last part of the bill where it says:

> Appropriation, section 7. There are hereby authorized to be appropriated $2.25 million to carry out the provisions of this Act.

I should also like to read to the Members section 1 of the act, Public Law 92–326:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the preservation from imminent destruction the last remaining Tinicum marshland in the Commonwealth of Pennsylvania with its highly significant ecological features, including a prime habitat for many species of wildlife and a feeding and resting place for migratory wild fowl,
>
> The Secretary of the Interior is authorized and directed to establish a Tinicum National Environmental Center and administer the same as a unit of the National Wildlife Refuge System.

Mr. Chairman, what we are talking about is 1,200 acres lying within the metropolitan area of Philadelphia, the fourth largest metropolitan area in the United States. The Tinicum Marsh at one time consisted of thousands of acres. It is now down to a maximum of 1,200 acres. Much of the marshland has been used for the construction of a large part of the Philadelphia International Airport. Every square inch of these 1,200 acres is owned by corporations who, through community pressure and the fact that the Congress did pass this act in the last Congress, have shown restraint and have not used the land for construction purposes.

A landfill has been stopped at the suggestion, and only the suggestion, of a Federal judge who is hesitant to see this case go to litigation. From each side this 1,200 acres is receiving tremendous pressure. One corporation has offered to give the land they own, while another corporation, namely Westinghouse, when I–95 was constructed through property owned by Westinghouse settled for something like $15,000 per acre. They have offered to sell this land, their remaining land, the marshland to the Department of the Interior at a substantially lower amount than they received from the condemnation, and 90 percent of it was Federal money. So we do have a time limit.

If we drew a radius around this entire marsh of say 12 miles we would encompass approximately 6 million people and if this Tinnicum area is properly developed it will not only provide a wildlife refuge and a stopping and feeding place for tens of thousands of wild fowl but will also provide a place where people can go and actually see nature. I would hope we could preserve this.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Chairman, I have no amendments. I have no quarrel with this bill. On the contrary, I have appreciation and understanding for the great significance of this bill and for the work required of the members and staff of the subcommittee. I doubt that it is generally known, but this is one of the most comprehensive of all the appropriation bills in that it covers so many agencies; some of very great importance. Nobody questions the first-line essentiality of the Forest Service or the various programs involved in Indian Affairs or the National Park Service or the Bureau of Sport Fisheries and Wildlife or the Bureau of Mines or the Youth Conservation Corps to say nothing of the Department of Interior itself. These are names selected at random from the many agencies which come under the jurisdiction of this very important subcommittee.

This has frequently been called the "all-America bill," and in truth it well justifies the title. Anyone who loves the outdoors or who appreciates the grandeur of America's resources or seeks the preservation and protection of our country's assets must be proud of the distinguished manner in which this committee exercises and lives up to its responsibilities.

Now in particular let me pay tribute to the distinguished chairman of the committee. There have been many who served with ability and distinction as subcommittee chairmen of appropriations and as chairman of this subcommittee. I question that there have been any who presided with more dignity and ability and more effectiveness than JULIA HANSEN. I want the record to show that I, as an outdoorsman who loves America and its great natural resources and its beauty, am appreciative and proud of the way that JULIA HANSEN has carried on the very essential work of this subcommittee. She is a great lady—a great Congresswoman. She is ably supported by an outstanding subcommittee and staff. They deserve the full support of the committee and the House on their bill.

Mr. JOHNSON of California. Mr. Chairman, it is rare that we can bring to Congress an appropriations bill which is in effect, a money making proposition. We have here today the Interior and Related Agencies bill for fiscal year 1974. As you know, the legislation contains appropriations for a variety of Department of Interior agencies, plus the U.S. Forest Service within the Department of Agriculture.

Legislation which the Appropriations Committee has reported to the floor adds up to some $2,269,000 in new obligational budget authority. With carryovers and so forth and other funds, the spending program for fiscal year 1974 would add up to about $2.9 billion. At the same time, we have revenues which would be generated by agencies funded by this legislation totaling a little over $2.9 billion. This fact to me demonstrates the wisdom of the wise conservation and utilization of our God-given natural resources.

We need these resources for a variety of things, including recreation of all types, ranging from intensified high use areas to wilderness. We also need these resources, however, for timber production and the legislation before us reflects a timber harvest of 13.1 billion board feet. This is equivalent to the construction of about 1.1 million average size homes.

We have heard a great deal about the need for new homes and adequate housing for our people and we must recognize that to build these homes we need timber.

Again, turning to other areas of interest we have soil, water conservation in the various Department of Interior agencies. We have improvement of our grazing conditions, the husbandry of our all too scarce mineral resources which are so important to our technological society and contribute so much to our high standard of living.

All in all, I think, that the investment is a wise one and I would like to commend the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON), and the chairman of the Interior and Related Agencies Subcommittee, the gentlewoman from Washington (Mrs. HANSEN), for an outstanding job.

We have heard quite frequently, discussions about the "free-spending Congress." Yet here we have a bill in which we have met our responsibilities and reduced the spending recommendations submitted by the administration by nearly $5 million. The committee in its wisdom has increased some of the funds over and above what was recommended by the President and in other areas they have reduced the recommendations.

A review of these increases and decreases reflects very accurately the great consideration for the committee and I hope the Congress, for what I believe, and my colleagues I am sure believe, are the human areas of responsibility.

The biggest increase over the budget in this bill is for Indian education, welfare and health services. We have made over the past 16 years substantial progress in providing for these native Americans, but there is much to be done and it is our hope that through realistic funding, as is recommended by this committee, we will continue on with this effort.

The next major item of increase is in the national forests. The President has called upon the Forest Service to increase its production of timber in order to help face up to the high cost of lumber in the retail market and also the high cost of home construction. If we are going to accomplish this goal we are going to have to spend the money to do it. Therefore, I am pleased to note that the national forest program would be expanded under the recommendations contained in this bill.

The third major area of increase is in the land and water conservation fund. A program which the administration has tried to phase out. This is a program which the Congress has found to be successful in providing adequately for our recreation uses for all people and I think, that its a beneficial program which the Congress should continue.

The other areas of increase represent efforts to solve the energy crisis which we face today and certainly all of us know how important that is.

At this point I would like to single out a specific recommendation made by the committee, this calls for an allocation of $4,030,450 for the acquisition of lands in the Lake Tahoe Basin. The Forest Service would be utilizing these funds out of the land and water conservation fund. It is our hope that with this start of an acquisition program we can make major strides in protecting the fragile soil structure in the basin and thereby not only enhancing the preservation of this scenic resource but also halting and reversing the pollution and erosion problems which we face there.

In conclusion, Mr. Chairman, I urge my colleagues to support this fine bill and commend the committee for an excellent job.

Mr. WAMPLER. Mr. Chairman, I rise in support of H.R. 8917. This bill recommends that $2.3 billion be appropriated for the Department of the Interior and related agencies for fiscal year 1974. This is 1 percent less than last year's appropriation and 2 percent below the administration's budget request. It is a reasonable appropriation for a well-managed Department that administers many vital areas of national commitment.

There is included within the allocation for the U.S. Forest Service a line item of particular interest to me, and the people of my district; $200,000 is earmarked for the specific purpose of expanding the recreational facilities at Mount Rogers National Recreation Area near Abingdon, Va. The funds will make it possible to complete construction of a very desirable portion of the park. In addition, by utilizing funds already appropriated for Job Corps and Manpower Training personnel, who will perform the work required, this appropriation will result in improvements worth nearly a million dollars.

The proposed improvements will greatly enhance the esthetic value and practical use of the Mount Rogers Reccreational Area, and will provide many happy hours of relaxation for nearby residents and visitors alike. Recent years have seen a new awareness of nature's beauty and healing properties. Consequently, more and more people are taking advantage of any opportunity to leave behind the burden and worry of everyday existence to seek solace in simplier things.

I urge my colleagues to vote favorably for H.R. 8917 to enable this and other worthy programs to continue through the next fiscal year.

Ms. HOLTZMAN. Mr. Chairman, I rise in support of the Interior Department Appropriation for fiscal year 1974 (H.R. 8917). I am especially pleased by the inclusion in this bill of an appropriation of $6.2 million for Gateway National Recreation Area. This appropriation represents a real and substantial commitment for the development of Gateway.

Gateway is a project which is of great importance to my constituents, because it will provide desparately needed recreational facilities.

I want to commend the distinguished gentlelady from Washington for her efforts to insure that this project is speedily completed.

Mr. RARICK. Mr. Chairman, I want to commend the gentlelady from Washington (Mrs. HANSEN) and her committee for several of the provisions contained in the interior appropriations bill which she has brought to the floor.

I am particularly pleased, Mr. Chairman, that the bill before us recognizes the importance of the role played by the Forest Service of the U.S. Department of Agriculture. Mrs. HANSEN has brought us a bill which contains an appropriation of $346,606,000 for the Forest Service, an increase of $19,247,000 over the budget estimate. This certainly indicates that the Appropriations Committee recognizes and supports the work done by the Forest Service in preserving our environment and insuring maximum timber production from our forest lands.

The committee has also recognized the need for reduction of U.S. log exports, while encouraging reforestation and timber stand improvement. There are, I believe, sound steps toward solving the impending crisis which the United States faces in the availability of timber products for our own use. We will never meet the national additional housing goals set by Congress unless we plan for additional lumber needs.

As chairman of the Forests Subcommittee of the Agriculture Committee, I share the concern expressed by Mrs. HANSEN's committee over the fact that the Forest Service expends an estimated $20 million yearly to pick up after visitors and repair damage done by vandals in the national forests. This is an expense that could be avoided. If the public were more careful in the use of these lands and were concerned over their environment, additional funds could be used for critical forest management programs.

Finally, I would like to commend the gentle lady and her committee for recognizing the importance of the Land and Water Conservation Fund in preserving our environment and insuring adequate outdoor recreational opportunities for future Americans. The bill before us appropriates $71,223,000 for this purpose, an increase of $16 million over the budget estimate. I am especially pleased Mr. Chairman, that the committee has set aside $16 million of the funds appropriated for the States to be apportioned through a special account to those States who have fully obligated all previously apportioned moneys, including the funds otherwise apportioned for fiscal year 1974. I certainly share the committee's feeling that these States, including my State of Louisiana, which have taken advantage of the funds appropriated under this program in previous years to preserve and protect their environment while insuring outdoor recreational facilities for their people should not be penalized.

Mr. Chairman, these provisions which I have discussed are in the best interests of the American people. I shall cast the sixth District vote in favor of this legislation.

Mr. McDADE. Mr. Chairman, I have no further requests for time.

Mrs. HANSEN of Washington. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LAND AND WATER CONSERVATION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965 as amended (16 U.S.C. 4601-4-11 as supplemented by Public Law 92-347), including $5,223,000 for administrative expenses of the Bureau of Outdoor Recreation during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, not to exceed $71,223,000, of which not to exceed $66,000,000 shall be available for payments to the States to be matched by the individual States with an equal amount.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: Page 12 strike lines 1 through 6 inclusive, and insert in lieu thereof the following: "State, or Federal agency, concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, not to exceed $73,473,000, of which (1) not to exceed $66,000,000 shall be available for payments to the States to be matched by the individual States with an equal amount; and (2) not to exceed $2,250,000 for the Bureau of Sports Fisheries and Wildlife."

Mr. WILLIAMS. Mr. Chairman, what I am doing with this amendment is simply adding the $2.25 million which would be necessary to acquire the Tinicum Marsh and to convert it into the Tinicum Environmental Center.

During my remarks in general debate, I called attention to the fact that this is the last remaining tidal marshland in Pennsylvania. There is nothing similar to it anyplace else in the country within a metropolitan area. I did remark that we were getting tremendous cooperation from Mr. Richard Griffith, Regional Director of the Fish and Wildlife Service, which takes in this part of Pennsylvania and in fact runs all the way from Boston in New England, down to West Virginia. He has said that this is one of the most important projects that he has had to handle in recent years.

I can only say this: I just referred in passing to some of the pressures that are being brought to bear on this 1,200 acres of land within the metropolitan area. Another company involved is the Tinicum Real Estate Holding Co., which is a subsidiary of the First Pennsylvania Bank.

Mr. Richard Griffith of the Department of the Interior, Regional Director, and I have had meetings with the offiicals of these corporations, and they have agreed to cooperate. We have managed to keep this land open for a period of over 2 years. I can tell the Members that we do not have much chance of continuing to keep it open.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New Jersey.

Mr. HUNT. I should like to associate myself with the remarks of the gentleman in regard to Tinicum Marsh. It is just across the line from my district in New Jersey. It is very important to preserve this last piece of marshland in Pennsylvania. Everything else is taken up. There is no place for the wildlife to go, no place for the ducks to go, on the eastern flyway, in the rest of that area.

New Jersey quite recently passed a new bill protecting our wetlands across the coastal areas. It is too bad we did not have the foresight to do the same as Pennsylvania, because they have the only piece left over in Tinicum Marsh. It is now paralleled by I-95 highway.

We do need further wildlife sanctuaries. This is very close to the city of Philadelphia. It is a very desirable tract to be kept in the itinerary of the Tinicum land.

I commend the gentleman, and I shall support him when he brings his amendment to a vote.

Mr. WILLIAMS. I thank the gentleman from New Jersey for his comments.

I should like to call to the attention of my colleagues that a part of this marsh does lie within the city of Philadelphia itself. In fact, city hall is approximately only 9 miles from the marsh.

In addition to all of the benefits we would gain by properly providing for our wildlife and migratory waterfowl, section 3 of the authorization bill makes this statement:

The Secretary shall construct, administer, and maintain at an appropriate site within the Tinicum National Environmental Center hereby authorized a wildlife interpretative center for the purpose of promoting environmental education, and to afford visitors an opportunity for the study of wildlife in its natural habitat.

The only reason I bring this proposal up at this time, rather than waiting for the possibility of having the committee put it in next year, is that the fact that next year may be too late and this land might not be there.

Mrs. HANSEN of Washington. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hate to rise in opposition to the acquisition of land which is very valuable to an area, but unfortunately the Office of Management and Budget did not this year see fit to provide the committee with a proper land and water conservation fund budget. I believe it was a grave mistake.

We have made a very sincere attempt to assist the States to maintain their programs. We have provided an additional $16 million for this purpose.

I am not going to support and cannot support this additional $2,250,000. We receive hundreds of requests. The committee had over a billion dollars worth of requests for budget increases. We had to turn many down simply because there is just not enough money.

I would say to the very distinguished gentleman from Pennsylvania that he should reserve his request until the Office of Management and Budget decides the natural resources of this country should be preserved and sends to us a proper budget.

If we adopt this amendment, then some other Member will have an amendment, and very rapidly we will be over the committee budget ceiling.

I do hope my colleagues will vote against this amendment.

Mr. WARE. Mr. Chairman, I move to strike the last word.

I merely wish to support the gentleman from Pennsylvania (Mr. WILLIAMS) in his request for consideration of this very valuable area which should be a national park. I am quite familiar with the area. It adjoins my own district.

I well recall the efforts to preserve this area when I was in the Senate of the Commonwealth of Pennsylvania. It required the relocating of the U.S. Highway I-95. It has encountered a number of problems with the Philadelphia International Airport. After many years of struggle we have reached a point where some action can be taken by the Federal Government to preserve this unique area, unique not only in the Commonwealth of Pennsylvania and adjoining States but indeed unique in the Nation.

Indeed it is unique for the Nation, and I would hope it may be saved.

I might say parenthetically that I well understand the concern of the Chairlady, the gentlewoman from Washington (Mrs. HANSEN) concerning amendments to this bill ad litem, but our interest is in but a single situation here.

Mr. Chairman, I cannot conceive of

OMB refusing to cooperate in this particular instance.

Mr. WILLIAMS. Mr. Chairman, will the gentleman from Pennsylvania (Mr. Ware) yield?

Mr. WARE. I yield to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Chairman, I would also like to repeat that OMB is not running this Congress, and the only reason I am bringing this point up at this time is because it could very easily be our last chance.

Part of the deal that Westinghouse made in their condemnation procedure with the State for the construction of I-95 was to have an access road built into the marsh so they could fill and construct on a major part of these 1,200 acres.

We are not going to let that happen, but we are not going to relinquish this last remaining marshland in Pennsylvania as a wildlife refuge and for the enjoyment of at least 6 million people in the immediate vicinity and of those who appreciate nature.

Mr. GREEN of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out to the Members the significance of this vote concerning the Tinicum Marsh.

My colleague, the gentleman from Delaware County, Pa. (Mr. Williams) makes a crucial point, I think, when he says that if something is not done about this now, the chances are that nothing will be done at all, and that this land may be lost. It is the last tidal marsh in the State of Pennsylvania. It is extremely important from a wildlife point of view; it is important from an ecological point of view.

Mr. Chairman, this may be the last chance the House will have to do something about this project.

I am always most reluctant to ask the House to disagree with my friend, the Chairman of the Committee here today, but this is an emergency situation.

Mr. HUNT. Mr. Chairman, will the gentleman from Pennsylvania (Mr. Green) yield?

Mr. GREEN of Pennsylvania. I yield to the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. Mr. Chairman, I am very happy that my colleague, the gentleman from Pennsylvania (Mr. Green) has pointed this out, because as we all know, the pressure will be severe to acquire this marshland for industrial purposes rather than to keep it intact for environmental protection that it will be impossible to save that land in another 2 or 3 years.

Mr. GREEN of Pennsylvania. Mr. Chairman, The gentleman from New Jersey is correct and makes some of the points I was about to mention when I yielded to him. There are other important reasons for action now.

This land is right next to the Philadelphia Airport, and I am sure there is tremendous commercial interest in this land.

I have been in and around the area; my colleague, the gentleman from Pennsylvania (Mr. Williams) and I have even taken boat trips through this marsh.

Mr. Chairman, one can see right from the water there literally garbage and rubbish being pushed inch by inch over this area, and it is just a question of time as far as survival for this marsh is concerned.

Mr. Chairman, once again I rise to urge the members to support this amendment and save this treasure for recreation and ecological reasons.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Williams).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including teletype rentals and service, and not to exceed $2,000 for official reception and representation expenses, $15,495,000.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dingell: Page 23, line 18, strike the period and insert the following: ": *Provided,* That no part of any appropriation under this Act shall be available for salaries and expenses of any special assistant for field coordination."

Mr. DINGELL. Mr. Chairman, I have an amendment at the desk which reads as follows:

Page 23, line 18, strike the period and insert the following: ": *Provided,* That no part of any appropriation under this Act shall be available for salaries and expenses of any special assistant for field coordination."

Mr. Chairman, several years ago the Interior Department established the position of field coordinator or representative and stationed one in each of eight regions of the Nation. For some time these coordinators did little and were of little value to the Department or the public. But they were costly. Their budget exceeds $400,000 annually. Gradually, however, several of them began to take on added responsibilities and became little czars. They often overruled other departmental officials. On several occasions the House Committee on Government Operations and my subcommittee objected to this practice.

Finally, it came to my attention that the Interior Department until recently had also been supplementing its appropriation for field coordination by requiring that the various constituent agencies of Interior provide funds, personnel, and services to Interior's field representatives. Last November I called this matter to Secretary Morton's attention, and at the same time again objected to the fact that the field representatives were in a number of cases overruling the recommendations of Interior's bureaus regarding various environmental matters. On January 4 Secretary Morton advised me that he was going to streamline the field coordination function, and on April 9, 1973, he issued an order reorganizing the Secretary's field offices.

The order provides that the personnel detailed by Interior agencies should be returned to those agencies, and takes from the field coordinators certain functions. But at the same time the order changed the title of "field representative" to "special assistant to the Secretary" and provided that each such special assistant "will have one or more staff assistants."

However, it did not prohibit these new special assistants from utilizing bureau personnel, services, and funds. It did not prohibit them from overruling the bureaus on various matters. Moreover, a review of the departmental manual which sets forth the duties and responsibilities of these special assistants raises a serious question as to whether the public should be spending nearly half a million dollars annually for this purpose.

Several weeks ago, I called these facts to the attention of the Appropriations Committee and urged that these field coordinator positions, which are not required by any law, be abolished. At the very least, I urged that the committee specify in the appropriation act that Interior's constituent agencies shall not be allowed to supplement appropriations for these special assistants by providing funds, personnel or services to them.

Today, I am pleased to note that the Appropriations Committee, to its great credit, has wisely reduced the budget of the Office of the Secretary of the Interior by $400,000 and specifically disapproved the Department's "proposal to add eight staff assistant positions for the Secretary's regional field representatives." See House Report 93-322, June 22, 1973, page 29.

This is a progressive step in the right direction. It will save the taxpayers money and will improve efficiency in the Department.

But I am concerned that the Interior Department may attempt to continue this useless coordination role using other departmental funds as it has done in the past. Unfortunately, the committee's bill and report does not preclude this possibility. My amendment will prevent this.

I urge its adoption.

Mr. Chairman, I will be glad to yield to the gentlewoman from Washington (Mrs. Hansen), the chairwoman of the subcommittee.

Mrs. HANSEN of Washington. Mr. Chairman, on page 29 of our report the committee makes it quite clear that the request for the additional eight staff assistant positions for the Department regional coordinators was not approved. In addition to that, the committee has reduced the salaries and expenses.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may continue, the committee has reduced the salaries and expenses for the Office of the Secretary by $400,000. So I believe that the legislative intent in this matter is quite clear. I have no doubt that this legislative intent will be honored by the Department of the Interior. I might add further that I know of no agency of the Government that follows the committee report as meticulously as does the Interior Department.

Therefore, Mr. Chairman, I do not believe the amendment is necessary.

Mr. Chairman, I wish to state that the committee did discuss this entire matter, as the gentleman from Pennsylvania (Mr. McDADE) is aware. We informed the Interior Department that the committee was not agreeable to this proposal, as the report states.

I do not think the amendment is necessary, but I know the gentleman feels he must offer this amendment.

Mr. McDADE. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I thank the gentlewoman for yielding to me, and I would say that I do not believe this amendment is at all necessary. As a matter of fact, I hope the amendment is voted down.

We try to deal with these matters, and to see that the Secretary of the Interior has the necessary assets to do his job, and at the same time balance the requirements that our committee has to watch in the budget, and to see that that money is used properly.

Mr. Chairman, I do not see that there is any reason to take a great deal of time on this subject. I will just add again that we have tried to deal with this in the report, and we have discussed these things with the Secretary. So, Mr. Chairman, I would urge that the amendment be rejected.

Mr. DINGELL. Mr. Chairman, if the gentlewoman from Washington will yield further, I think that the committee has made a good case that the purpose of the amendment is to make sure that the intent of the committee is carried out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DINGELL: Page 26, between lines 14 and 15, insert the following:
>
> "SEC. 106. None of the appropriations made in this title shall be available for any advisory committee, council, board, or similar body which is not established by, or pursuant to, law, unless such committee has been established in accordance with section 9(a) of the Federal Advisory Committee Act (86 Stat. 770) and its charter has been filed in accordance with section 9(c) of said Act."

Mr. DINGELL. Mr. Chairman, this amendment was to have been printed in the RECORD last night but was not printed because of the lateness of the meeting, although permission was extended.

The amendment simply does away with the payment of the cost of advisory boards, panels, and commissions which are not established by law. Had it not been for the rule under which we are functioning today which denies me and other Members of Congress the right to attack legislation in the bill now before us, I would be seeking to reach the same result through the device of a point of order.

Mr. Chairman, the first annual report of the President on Federal advisory committees, dated March 1973, indicates that as of December 31, 1972, the Department of the Interior had a total of 126 advisory committees, of which only 78 were established by, or pursuant to, statute. The total cost of these committees is over $472,000 annually, according to the President's report.

Some of these nonstatutory advisory committees are:

First. The Industry Advisory Committee on Coal Exports which was established in 1964 by secretarial memorandum and consists of six members, all from the coal industry.

Second. The Industry Advisory Committee to the Defense Electric Power Administration which was established in 1966 by a Secretary's memorandum. It consists of 11 non-Federal members, all of whom are public and private power executives.

Third. The National Petroleum Council, established in 1946 by secretarial directive, and consisting of over 100 executives from petroleum companies and related industries and law firms, plus the vice president of the Chase Manhattan Bank.

It is interesting to note that, in a statement setting forth the purpose of the National Petroleum Council, which is attached to the Interior Department's annual report of agency advisory committees concerning this Council, the Council states that—

> Membership is drawn from all segments of the petroleum and natural gas industries. The Council is supported entirely by the voluntary contributions received from its members.

Yet, astounding as it may seem, in answer to question K on the Interior form which asks what is the estimated "total annual cost to the United States to fund, service, supply, and maintain" the National Petroleum Council, Interior's report gives a figure of $30,000. Apparently the National Petroleum Council is unaware that it is using Federal funds to carry out its activities. Or is it possible that the Interior Department is unaware that the Council claims that it is funded entirely by "voluntary contributions"?

Fourth. The Emergency Advisory Committee for Natural Gas which was established in 1962 by secretarial directive. It has 26 members from various gas companies, such as El Paso Natural Gas Co., and, at least one member, the chairman of the board of Continental Oil Co., who is also on the National Petroleum Council.

Fifth. The OECD Petroleum Advisory Committee, which was established in 1962 by secretarial directive and has 11 members, all from the petroleum industry.

It is interesting to note that one committee—the Natural Energy Committee—was terminated in September 1972. It was established in September 1970, "to conduct a study to provide the Secretary of the Interior with data upon which national energy policies could be developed." It never met. Yet, according to Interior's report, $50,000 was available for this committee.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 4 additional minutes.)

Mr. DINGELL. Mr. Chairman, on June 22, 1973, when the Committee on Appropriations reported H.R. 8917, no mention was made in that bill or the committee's report—House Report 93–322—of June 22, 1973, about any of these advisory committees. Nor does H.R. 8917 specify an appropriation item for these committees. Apparently, the Interior Department funds these committees out of general appropriations to the Department or its constituent agencies. They do not want us to review that funding. So it is buried in the bill.

The act of March 4, 1909—31 U.S.C. 673—specifically forbids the use of any "public moneys, or of any appropriation made by Congress for the payment of compensation or expenses of any council or other similar body, or—or for expenses in connection with any work or the results of any work of any council or other smilar body, unless the creation of the same shall be or shall have been authorized by law."

The Federal Advisory Committee Act—Public Law 92–463; October 6, 1972—which applies to all advisory committees, unless otherwise specified by law, provides in section 9(a) a procedure for the establishment of such advisory committees "by law." Until this is done, however, the 1909 law prohibits these committees from expending Federal funds.

My amendment will provide that none of the funds appropriated by this bill may be used for these committees unless they comply with the 1972 act.

I urge adoption of my amendment in order to reduce Federal costs, cut back on the proliferation of unnecessary advisory committees, and most importantly, comply with the congressional mandates of the 1909 and 1972 acts.

Mrs. HANSEN of Washington. Mr. Chairman, I rise in opposition to the amendment.

I would like to identify some of the committees which, under the gentleman's amendment, would probably fall by the wayside. These apply only to the Department of the Interior. In addition, the committee has a compilation of data relating to advisory committees of the U.S. Forest Service which goes on for 627 pages. The advisory committees for Interior where there is no specific authority are as follows:

Indian Education for Health Committee	$8,000
O & C District Advisory Boards	5,000
O & C Advisory Board	4,000
Industry Advisory Committee on Coal Exports	------
National Advisory Board for Sport Fisheries and Wildlife	10,000
Industry Advisory Committee to the Defense Electric Power Administration	1,000
Advisory Committee on Water Data for Public Use	6,000
Advisory Panel for the USGS National Center for Earthquake Research	5,000
Committee on Minority Participation in Earth Science and Mineral Engineering	7,400
National Park Service Midwest Regional Advisory Committee	6,000
National Capital Memorial Advisory Committee	100
Advisory Board on the San Jose Mission National Historic Site	280
Wolf Trap Farm Park Advisory Board	------
National Park Service Western Regional Advisory Committee	7,500
National Park Service Pacific Northwest Regional Advisory Committee	7,500
National Park Service Northeast Region Advisory Committee	6,000
Historic American Engineering Record Advisory Committee	4,000
Natural Sciences Advisory Committee	2,500
Historic American Buildings Survey Advisory Board	4,000
Emergency Advisory Committee for Natural Gas	8,000
OECD Petroleum Advisory Committee	3,500
National Petroleum Council	30,000

Mr. Chairman, I would like to draw your attention to several provisions of the Federal Advisory Committee Act which the gentleman refers to. In the first place, the very first sentence in the Act states that—

> Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government *and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.*

It seems quite clear to me that Congress did not say that all advisory committees are bad. Yet the gentleman's amendment would affect both the good and the bad without discrimination.

Second, Mr. Chairman, I would call the committee's attention to section 5 of the act. That section places clear responsibility on the committees of Congress to review the need for advisory committees. It states that in exercising its legislative review function, each committee shall take appropriate action to abolish, revise, or merge advisory committees. I believe, Mr. Chairman, that the appropriate place to review this network of committees is in the legislative committees where the process can be careful and selective.

Finally, Mr. Chairman, I would like to point the committee's attention to section 14 of the act which says that "each advisory committee which is in existence on the effective date of this act shall terminate not later than the expiration of the 2-year period following such effective date unless ***" certain conditions are met. The act, therefore, provides for the orderly termination of advisory committees.

Mr. Chairman, I believe that the Federal Advisory Committee Act is a good piece of legislation. It provides for an orderly, thorough review of all committees and for the orderly termination of those that are wasteful or unnecessary. The act was enacted on October 6, 1972, and became effective on January 4 of this year. Let us give the act a chance before we start using the meat-axe approach to its implementation. Mr. Chairman, I urge defeat of this amendment.

Mr. McDADE. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Pennsylvania (Mr. McDade).

Mr. McDADE. Mr. Chairman, I just want to state to the Members of the House that I share the opinion of the gentlewoman from Washington. The Committee on Government Operations has enacted a specific statute to try to deal with this problem in an orderly and effective process.

I regret to say that I must disagree with my distinguished colleague from Michigan on this amendment. I think he is wrong here in not separating the good from the bad and not trying to do it in an orderly manner.

Mr. Chairman, I hope the amendment is defeated.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from North Carolina (Mr. Taylor).

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to associate myself with the remarks made by the last two speakers.

Last year, Congress passed legislation which would abolish all advisory boards in about 2 years unless they were extended by act of Congress, all boards that do not have a specific termination date in legislation creating them.

Mr. Chairman, the purpose there was to get rid of deadwood type advisory boards and put on Congress a specific burden to continue those performing a viable service and which should be continued. Two weeks ago, this House approved a continuation of the National Historic Advisory Council, because it was meeting in connection with our national historic program. Several of these other advisory councils performing important services with regard to the operation of our national parks, and I feel as to those that the Interior Committee, which studies and deals with the national parks, should have an opportunity to consider them individually as to whether they should be abolished or not.

Mr. Chairman, they should not be abolished by an amendment in this manner.

Mr. ECKHARDT. Mr. Chairman, I rise to speak in favor of the amendment.

Mr. Chairman, I do not rise here to attack or support advisory committees, but only to support the proposition that funds within an appropriation of this type should only go to advisory committees which are authorized by law. It seems to me that this is a very simple proposition. That is all this amendment says, as I read it.

Mr. Chairman, had this matter come before us without certain waivers of points of order, these advisory committees could be stricken out. This appropriation for advisory committees could be stricken out on a point of order.

It does seem to me that if the advisory committee is worth maintaining under Executive order, then somebody ought to be willing to put up the money from some previously appropriated fund.

To provide for advisory committees that are not established by law seems to me to be beyond a proper use of funds under this bill. I am not against advisory committees generally, but it does seem to me that the authorizing committee should justify the expenditure and look into the question before advisory committees are permitted to be financed by governmental money.

I support the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Iowa.

Mr. GROSS. I want to agree with the gentleman from Texas on the amendment of the gentleman from Michigan. If there is anything we have too much of in this Government these days it is more advisory boards and committees.

Mr. ECKHARDT. I thank the gentleman.

Mr. GROSS. I thank the gentleman for taking the floor.

Mr. ECKHARDT. I certainly agree on this point. It does seem to me if it is a good advisory committee it ought to be able to sell itself to the authorizing committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Dingell).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; purchase or rental of two passenger motor vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $55,438,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, we also are surfeited in this Government with people on whom we spend a good many millions of dollars for studying things of one kind and another.

I note the Appropriations Committee has approved an increase in counterpart funds to the tune of $1 million to sustain Smithsonian Institution do-gooders in the globe-trotting style to which they have become accustomed. At $4.5 million, this year's request favors archeologists who are supposed to bring you a report on such projects as "The Cultural, Economic, and Social Impact of Rural Road Construction" in Poland at a cost of $85,000 for fiscal year 1974. Incidentally, the same fellow wandered about the paths of Poland last year and managed to spend $30,000. If nothing else, he learned how to soak Uncle Sucker for another year at an increase of $55,000—page 29.

Biology, earth science, and museum enthusiasts did not fare as well as the archeologists this year. They will have to be content with the same level of funding received last year.

I can only wonder what led Congress to provide authority for such as this:

A project in Yugoslavia which will purportedly tell all there is to know about what hermit crabs say to one another. That costs $5,000 in Yugoslav currency—page 62.

Over the years, the biological rhythms of catfish and flatfish which inhabit the streams of India have been under the looking glass of American braintrusters. Not satisfied with the $8,000 received last year, the flatfish experts want another $4,000 to continue their studies—page 38.

Another project to again receive the Smithsonian's favor is the "Ecology of Hoolock Gibbons" which, we are told, is studied because like man, it "mates for life." I suggest that before the mating experts spend another $5,000 in India, they might give further study to the concept of and increased divorce at home—page 40.

I will wager that it will take some explaining if the equivalent of $6,000 is spent to study bisexual frogs in Poland. I am sure we could not get along without that one—page 54.

Last year, $15,000 was spent on the "Comparative Bioenergencies of the House Sparrow" of India. I see they wanted another $3,000 for it this year—page 41.

I am somewhat stymied by a proposal to spend $5,000 to compare the similarities between American and Indian whistling ducks—page 46—but I note that lizards are also well provided for. While the experts want to spend $3,000 in search of Indian lizards—page 47—Yugoslav lizards must be less plentiful as it will require $15,000 to find them—page 60.

You may recall the Smithsonian sent a man to India last year to survey the tiger population. I fail to notice a request for continued funding for that project this year, and I was wondering if he returned alive. At any rate, this year researchers will be receiving $35,000 to chase wild boars in Pakistan. We have already spent $73,000 on that, and some $50,000 to conduct "A Survey of the Wild Sheep and Goat Population" also in Pakistan which cost $10,000 last year.

Mr. Chairman, from the collection of moss in Burma—page 32—to the collection of art high in the Himalayas of Bhutan—page 16—you will find Uncle Sucker an easy catch for researchers waiting to lure a sponsor.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein. This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1974".

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 41, after line 18, insert the following new subsection:

Sec. 303. No part of the funds appropriated by this Act shall be expended for any expense in connection with any lease, permit, approval, or other action hereafter authorizing surface coal mining on any lands within any area of the National Park System; the National Wildlife Refuge System; the National Wilderness System; or the Wild and Scenic Rivers System, including "study rivers" designated under section 5(a) of the Wild and Scenic Rivers Act.

Mr. SEIBERLING. Mr. Chairman, this is a very simple amendment.

The committee report notes that the Interior Committee of the House is considering and has been for some time considering legislation concerning the control of the strip mining of coal. That legislation is still working its way through the subcommittee, but it seems to me there is one thing we can do to make perfectly clear the position of the Congress with respect to the lands where, as a matter of policy, the executive branch departments do not authorize new coal strip mines but where the Congress has never expressly ratified that policy.

All this does is to say that the funds we are appropriating here shall not be used for granting any additional permits, other than those that already exist, for strip mining coal in national parks, national wildlife refuges, national wilderness systems, or areas set aside as part of the Wild and Scenic Rivers System. It does not prevent anybody from doing so who already has rights to mine the coal, and it does not affect any minerals other than coal, but it does make it clear that Congress backs the policy already in existence with respect to those areas.

Mr. HECHLER of West Virginia. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. HECHLER of West Virginia. I am pleased that the gentleman from Ohio has offered this amendment to ban strip mining in certain areas. I hope that eventually the Congress in its wisdom will vote a complete ban on strip mining everywhere. Mark my words, that day will come. This amendment really does not go far enough, it seems to me, I will say to the gentleman from Ohio. It does not cover national forests, and there is strip mining going on in the gentleman's own State in the Wayne National Forest in Ohio. There are 24 permits for strip mining, covering 1,800 acres in the Wayne National Forest. The amendment does not cover deep mining which causes great damage in the areas that the gentleman is interested in protecting. It seems to me the gentleman's amendment really ought to be extended to cover those areas, but I enthusiastically support it nevertheless and strongly urge the adoption of the amendment.

Mr. SEIBERLING. It does not go far enough, I agree. And I might say I also feel that, in the end, we will come to realize that a phaseout of coal strip mining is in the national interest, both from an energy standpoint and an environmental standpoint. I also appreciate the advice and assistance the gentleman has given me on this amendment. It has been most helpful.

The reason why it does not cover national forests is a purely technical one, which is that there is money in this bill to authorize experimental work on reclamation of strip mining of coal in national forest land. Since, under the House rules, we cannot have legislation in an appropriation bill, I was unable to draft an exception which would cover that particular provision in the bill. For that reason, and in deference to the wish of the distinguished chairwoman of the subcommittee (Mrs. HANSEN) that I not propose action which would block that experimental work, I eliminated the reference to national forest land. However, I am sure she will agree with me that, by deleting the reference to national forests, we are not thereby approving the principle of surface mining of coal in national forest land.

Mrs. HANSEN of Washington. Will the gentleman yield to me?

Mr. SEIBERLING. I yield to the gentlewoman.

Mrs. HANSEN of Washington. I did discuss the amendment with the distinguished gentleman from Ohio, and I think he will recognize there is $1,700,000 in this bill for Project SEAM, which is a research and demonstration program devoted to finding better ways to reclaim surface-mined areas.

There is also experimental work going on in Berea, Ky. There is also a continuing program going on in Utah in the dry, arid lands. It would seem to me that it would be irresponsible to cut off this research given our present energy crisis. At the same time, as the gentleman knows, the Interior authorizing committees in both Houses are marking up strip mine regulation bills. This amendment, which proposes to prohibit surface coal mining in the National Park System, the National Wildlife Refuge System, the National Wilderness System, and the Wild and Scenic Rivers System certainly does no violation to this needed research.

I commend the gentleman from Ohio for bringing this subject up, and the wording the gentleman has used. I certainly have no objection to the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

Mr. RONCALIO of Wyoming. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes, and I will try not to take even 1 minute. However, I want the record to show, and I want the Members to know that strip mining is taking place now in the national grasslands of the State of Wyoming.

The Members in the Congress created

the national grasslands in the interim while I was not in the Congress, and the time that I came back. So I now wish to make it a matter of official record that strip mining is going to take place in the national grasslands.

Mr. Chairman, I know that we cannot change the amendment to include them, but I do take the floor at this time so as to have this made a matter of record for the balance of our Congress, so that the Members and the proper committees can work upon it.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO of Wyoming. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I commend the gentleman from Wyoming on his remarks. The gentleman from Wyoming is absolutely right. This merely points up the fact that the only solution to the giant rip-off involved in strip mining is for the Congress to enact a complete ban on this assault on our land, forests, waters, and soil. We hear a great deal about the "energy crisis," and someof my colleagues ask me: "How can you favor a ban on strip mining when the Nation faces an energy crisis?" The answer to this question is very clear: There are only 45 billion tons of coal available which can be strip-mined economically with current technology. Even the most rigidly conservative estimate of the tonnage of deep-minable coal which can be extracted economically with current technology would place the figure at 356 billion tons—which is eight times as much deep-minable as strip-minable coal.

A recent study made for the Senate Committee on Interior and Insular Affairs places the ratio of deep to strip coal at 30 to 1. In any event, it is vital if we are to meet the energy crisis to stockpile our strippable coal reserve underground to be utilized if needed after we have used up our deep-minable coal reserves. This is why I have introduced H.R. 1000, and companion bills, which phase out the strip mining of coal in steep, contour areas within 6 months, and phase out the deep mining of coal within 18 months in relatively flat areas.

This is why I consider the amendment of the gentleman from Ohio (Mr. SEIBERLING) as a very constructive step in the right direction, and I urge its adoption.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that the hour is late. I believe that this amendment is absolutely worthless. It purports to ban strip mining where none exists, and it does not address itself one iota to the areas where it does exist. It borders upon the ludicrous, but it does not violate, of course, the spirit or the efforts of our committee in overseeing the national public lands. It is inconceivable that strip mining, for example, would ever occur in a national park.

In that spirit, Mr. Chairman, I am willing to accept the amendment but, as I say, I do not think the amendment does any good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment was agreed to.

Mrs. HANSEN of Washington. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8917) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 405, nays 4, not voting 24, as follows:

[Roll No. 304]

YEAS—405

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall

Wiggins
Williams
Wilson, Bob
Wilson,
  Charles H.,
  Calif.
Wilson,
  Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Collins, Tex.
Gross
Landgrebe
Mathis, Ga.

NOT VOTING—24

Ashbrook
Badillo
Blatnik
Bolling
Breaux
Clark
Conyers
Danielson
Derwinski
Dorn
Evins, Tenn.
Fisher
Goldwater
Hays
Hungate
King
Mills, Ark.
Murphy, Ill.
Murphy, N.Y.
Pike
Rooney, N.Y.
Sisk
Teague, Tex.
Thompson, N.J.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Clark.

Mr. Rooney of New York with Mr. Evins of Tennessee

Mr. Blatnik with Mr. Hungate.

Mr. Breaux with Mr. Murphy of Illinois.

Mr. Murphy of New York with Mr. Derwinski.

Mr. Danielson with Mr. Goldwater.

Mr Fisher with Mr. Ashbrook.

Mr. Pike with Mr. Sisk.

Mr. Badillo with Mr. Conyers.

Mr. Dorn with Mr. King.

Mr. Teague of Texas with Mr. Hays.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

COAST GUARD AUTHORIZATION AND PERSONNEL AND STUDENT STRENGTH

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5383) to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, after line 10, insert:

"AIRCRAFT

"For procurement of a long range search and rescue helicopter, $3,000,000."

Page 2, line 17, strike out "$72,510,000" and insert "$75,260,000".

Page 4, after line 19, insert:

"(27) At a location between San Francisco, California, and Astoria, Oregon: Establish helicopter search and rescue station."

Page 4, line 21, strike out "37,482" and insert "37,607".

Page 5, line 3, strike out "4,000" and insert "4,006".

Page 5, after line 17, insert:

"SEC. 6. (a) Section 1 of the Act of June 20, 1936 (49 Stat. 1544, 46 U.S.C. 367), as amended, is further amended by deleting the entire third sentence and substituting in lieu thereof the following sentence: 'The exemption in the preceding sentence for cannery tender or fishery tender vessels shall continue in force for five years from July 11, 1973.'

"(b) Section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by deleting the entire last sentence and substituting in lieu thereof the following sentence: "The exemption in the preceding sentence for cannery tender and fishery tender vessels shall continue in force for five years from July 11, 1973.'."

Amend the title so as to read: "An Act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentlewoman be good enough to give us a brief explanation of the Senate amendments?

Mrs. SULLIVAN. I shall be happy to.

Mr. GROSS. The request is to concur in the Senate amendments?

Mrs. SULLIVAN. That is correct.

Mr. GROSS. I should appreciate a brief explanation of the Senate amendments, as to whether they are germane and whether the figures in the bill were increased or decreased.

Mrs. SULLIVAN. All the amendments the Senate added are germane.

The first Senate amendment would add an additional $3 million to the authorization bill for a long-range search and rescue helicopter which would be suitable for basing at Alaskan Coast Guard facilities such as Cordova, Alaska. There was nothing in the House bill for this. The amendment is germane, and the added $3 million cost is justified by the search and rescue and safety aspects of the helicopter.

The second amendment would add an additional $2,750,000 to the bill for the construction of a helicopter search and rescue station to be located at a suitable point between San Francisco, Calif., and Astoria, Oreg. Also, an additional 44 personnel will be added to the Coast Guard end strength levels to man this base.

The reason for this amendment was that the north coast of California is inadequately served by the existing Coast Guard installations located at San Francisco and Astoria, and flight time from these installations is excessive, especially in view of the growing number of boating incidents.

The amendment is germane, and the added cost would appear to be justified by the additional safety and surveillance capability provided.

The other amendment was in response to the Coast Guard attempt to close 6 of the 23 search and rescue stations in the State of Michigan, which has 3,177 miles of coastline and an avid boating population. The Senate authorized an additional 46 personnel to keep 3 of these 6 stations in operation.

Mr. Speaker, in addition, Senator MANGUSON added two amendments on the Senate floor. The first amendment increased the year-end strength of personnel from 37,572 to 37,607. These figures include the personnel for the base in California.

The present authority exempts six cannery and fishing tender vessels used in the salmon and crab fisheries in the States of Oregon and Alaska from certain inspection requirements of the Coast Guard. This authority expires on July 11 of this year.

Mr. Speaker, the original exemption was afforded these vessels because they differ significantly in construction and operation from the general class of vessels included in the inspection requirements.

The Coast Guard is presently developing separate requirements for these vessels, but they have not been completed. Thus the Senate voted to extend this exemption for 5 additional years.

Mr. Speaker, this amendment is germane and would not result in any additional cost. The Coast Guard supports the amendment, and it was added at the insistence of Senator MAGNUSON.

Mr. GROSS. Mr. Speaker, I thank the gentlewoman from Missouri (Mrs. SULLIVAN) for her explanation.

Mr. FROEHLICH. Mr. Speaker, will the gentlewoman from Missouri (Mrs. SULLIVAN) yield for another question?

Mrs. SULLIVAN. I yield to the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. Mr. Speaker, may I ask the gentlewoman, is there any language in this amendment regarding those six stations that remain open that happen to be in Michigan?

Mrs. SULLIVAN. No, they did not name the stations referred to that remain open. But they are supposed to be in the State of Michigan, because of the boating activity in that area.

Mr. FROEHLICH. Mr. Speaker, there is just as much boating activity in Wisconsin.

Does this specifically limit it to Michigan?

Mrs. SULLIVAN. Mr. Speaker, my understanding is that it limits it to the State of Michigan. They were going to close 23 stations, and of that number these six will be kept open.

Mr. FROEHLICH. Mr. Speaker, unless that is a general amendment that allows the House to work its will, I will be forced to object.

The House committee included a 30-day study that would have permitted after the study the priority listing with the increase of the $600,000 in the appropriation bill to apply on a priority basis, rather than limiting it to any particular States.

If this amendment in the Senate limits this just to the State of Michigan, I am forced to object to that specific amendment.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

Mr. FROEHLICH. Mr. Speaker, reserving the right to object, may I ask, will some Member please inform me whether this applies just to the State of Michigan and thus making the 30-day study by the House committee of no value?

Mrs. SULLIVAN. Mr. Speaker, will the gentleman from Wisconsin (Mr. FROEHLICH) yield?

Mr. FROEHLICH. I yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, the only thing that we know, the amendments were insisted on by Senator GRIFFIN of Michigan, and although the Coast Guard does not particularly support these amendments because of the indirect cost relating to the Coast Guard budget, they, nevertheless, passed the Senate.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri (Mrs. SULLIVAN).

Mr. FROEHLICH. Mr. Speaker, I object to that particular amendment.

The SPEAKER. The gentleman from Wisconsin (Mr. FROEHLICH) has an objection under consideration to the specific Senate amendment.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman from Wisconsin (Mr. FROEHLICH) yield further?

Mr. FROEHLICH. I yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, my understanding is that while these six stations are in the State of Michigan, it depends upon the result of the report.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri (Mrs. SULLIVAN).

Mr. FROEHLICH. Mr. Speaker, I am forced to object.

The SPEAKER. Objection is heard.

USE OF THE DISTRICT OF COLUMBIA STADIUM

Mr. GRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6330) to amend section 8 of the Public Building Act of 1959, relating to the District of Columbia, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That section 8 of the Public Buildings Act of 1959 (40 U.S.C. 607) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding the District of Columbia Stadium Act of 1957 or any other provision of law, the Armory Board (hereafter in this subsection referred to as the 'Board'), created by the Act of June 4, 1948 (D.C. Code, sec. 2-1702), is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musicial concerts, and other events, and to increase the seating capacity of such stadium by an additional number of seats, not to exceed eight thousand, and at a cost not to exceed $1,500,000. Notwithstanding such Act of 1957, or any other provision of law, the Board is further authorized to borrow such sums as may be necessary to provide for the additional seating authorized by this subsection in accordance with the following terms and conditions, which terms and conditions shall be effective during the period that any of such sums so borrowed remain unpaid:

"(A) 50 per centum of all revenues from professional football derived from such additional seats shall be used solely for the purpose of repaying the sums borrowed for such seats.

"(B) 44 per centum of such revenues shall be paid to the team operating under the trade name of the Washington Redskins, or its successors; and

"(C) 6 percentum of such revenue shall be subject to the provisions of section 6 of such Act of 1957.

"(2) In no case shall the National Football League or any team within such league (other than the aforementioned Redskins team or its successors), during the period within which any part of such sum so borrowed pursuant to paragraph (1) of this subsection remains unpaid, be considered as being entitled to, or as acquiring any right in connection with, any part of the revenues attributable to the additional seats authorized by this subsection.".

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Speaker, reserving the right to object, can the gentleman tell us about this?

Mr. GRAY. I will be delighted to if the gentleman will yield.

Mr. GROSS. I yield to the gentleman.

Mr. GRAY. There are no substantive changes, I will say to my good friend from Iowa, but because of the question he raised earlier about the assurances that no Federal or District of Columbia moneys would be involved, the Senate report contains very clear language, and I will quote:

> There will be no Federal or D.C. guarantees or underwriting of any obligation undertaken by authority of this bill.

In addition to that, the Senate wrote in an amendment stating that the District of Columbia during the time of the repayment of the loan would get 6 percent of all the revenues, which should aggregate $50,000 to $60,000 a year to the taxpayers when all 8,000 seats have been installed. When the loan has been repaid the regular percentage of 12 percent would accrue to the District of Columbia. I am sure the changes are in full agreement with the gentleman's taxpayers and their best interests since the bill requires no underwriting on the part of the Federal Government. When all seats have been installed it will provide about $800,000 in additional revenue to the District of Columbia each year and an additional 88,000 people will be allowed to see games there.

We wrote in the report that at least 11,000 seats must be offered to the general public each season; that is, 1,000 per game for 11 games.

As I said when the bill passed the House, this is an all-American bill. We provide improvements through the sale of tickets, thereby letting the people who use the seats pay for them. At the same time the Government will receive a lot of free revenues.

Mr. GROSS. What number of seats is being provided?

Mr. GRAY. The 1,000 new seats can be installed this year if we get the bill passed and signed soon and the loan closed and then 7,000 removable seats will be put in for the 1974 season, or a grand total of 8,000.

Mr. GROSS. There is no obligation whatsoever on the part of the taxpayers of this country or the District of Columbia?

Mr. GRAY. The gentleman is correct.

Mr. GROSS. And there is no obligation on the part of the Federal Government at any time in the future to guarantee the financing through the Armory Board. Is that correct?

Mr. GRAY. The gentleman is eminently correct. Plus it is written and spelled out in the report—$1.5 million is being put up by the bankers of the District of Columbia with no faith or credit being furnished either on the part of the District government or the Federal Government. The Armory Board and the District of Columbia bankers are depending solely on the sale of tickets to recoup the money.

I think we should highly commend the banks in the District of Columbia who are willing to take part in this important community project.

Mr. GROSS. The gentleman is assuring us that neither he nor anyone else on behalf of the Committee on Public Works will be back here asking us to finance the seats if they do not pay out?

Mr. GRAY. An unequivocal yes, I will say to the gentleman.

This gentleman will not be back asking the taxpayers for any money since the Redskins fans are knocking the doors down to buy the tickets. They could sell all of the seats in advance if they wanted to.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. HARSHA. Mr. Speaker, reserving the right to object, and I shall not object, because I support this bill; I wish to address myself to any Federal obligation this legislation might incur. It is the position of the House Committee on Public Works and likewise of the same committee in the other body that this bill in no way commits either the Federal Government or the District of Columbia to assume any obligation, either now or in the future, incurred as a result of the borrowing authority granted in this legislation. This position is clearly spelled out in the Senate report on H.R. 6330; it is in the legislative history in that Chamber, and it is certainly part of the legislative history in this Chamber.

Mr. Speaker, in my judgment, the other body has improved on this measure and I urge its adoption.

Mr. Speaker, supplementing my previous remarks, I want to reiterate the words appearing in the Senate report. They are as follows, and I quote:

> There will be no Federal or District of Columbia guarantee or underwriting of any obligation undertaken by authority of this bill.

That is exactly what the House intends. That is our construction of the language of the bill itself and we expect that the sole security for any loan incurred under this legislation for these purposes shall be the receipts from the sale of these seats.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. PICKLE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois about a point that may be understood, but I do not have that information.

Who will be available now to have these 8,000 seats that are being provided?

Mr. GRAY. I will say to my friend from Texas that there are approximately 15,000 people on the waiting list for these 8,000 tickets. The Redskins wanted to take all of the people on the waiting list and provide them with the new seats, but we said no, there are a number of people who are not financially able to buy a season ticket; therefore, we should offer at least 1,000 seats per game on a first-come, first-serve basis. That will be done.

That will insure that 11,000 people will be able to see games each season by putting that many tickets on sale at the window on a first-come, first-serve basis.

Mr. PICKLE. Then the other 7,000 tickets will be for people whom the Redskins management chooses to sell tickets to?

Mr. GRAY. Those who have been patiently waiting for tickets.

Mr. PICKLE. So if a person is not on the waiting list now, this will not enable them to get a ticket, will not help them at all.

I might say that I have not been able to buy a ticket out there in years. So, if a person has not made an application in advance for tickets, there is no chance for them. For instance, a Member of Congress or anyone else, so they would have to make application and possibly they could be one of the 7,000?

Mr. GRAY. I would say to my friend, the gentleman from Texas, that we hope that all the Members of this body, or anyone else that would like to have tickets can do so, and go ahead and write a letter and ask to be put on the list, because we have asked the Redskins to review the present ticketholders and find those who have large blocks of tickets plus the scalpers and cut down on their numbers. Mr. Ed Bennett Williams, the president of the Redskins, has assured me this is being done, therefore by next season or no later than 1974 we may have several thousand additional seats to offer the public in addition to the 8,000 seats authorized in this bill.

So I do not want to discourage anyone from writing a letter to the Redskin management asking to buy a ticket. We will do everything we can to see that there is an equitable distribution of tickets.

Mr. PICKLE. If the gentleman from Iowa (Mr. GROSS) were to make an application for four tickets, would his name be just put in the pot?

Mr. GRAY. If the gentleman from Iowa or the gentleman from Texas wants to attend a game see me in the cloakroom and I will give you my ticket.

Mr. PICKLE. Had the gentleman thought about drawing lots, or some other means of distribution?

Mr. Chairman, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois (Mr. GRAY)?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE A REPORT ON H.R. 8860

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on the bill H.R. 8860.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. W. C. SCRIVNER

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, today Mrs. W. C. Scrivner of Belleville, Ill., is being inaugurated as the 1973–74 president of the Woman's Auxiliary to the American Medical Association.

As a resident of the 23d Congressional District of Illinois, Mrs. Scrivner brings national recognition to the area. I am proud of her fine accomplishment.

At this point, I include her biography and her inaugural address:

BIOGRAPHY

"The ground swell of humanism has not escaped the attention of our Woman's Auxiliary, for part of our thrust this year will deal with nutrition and child abuse. To accomplish this and the rest of our goals will require an active, growing membership, inspiring committee leadership and member participation."

With these words, Mrs. Willard C. Scrivner, 1973–74 president of the Woman's Auxiliary to the American Medical Association, challenged auxiliary members to active participation in meeting community needs.

Installed at the 1973 convention in New York City, Mrs. Scrivner set the year's priority programs: better nutrition for all ages, with emphasis for the aging; children and youth, with special emphasis on child abuse; and safety, with emphasis on street and pedestrian safety, hazards of flammable fabrics, dangerous toys, medicine and poisonous household substances.

Long active in auxiliary work, Mrs. Scrivner has been national first vice president, a director, chairman of the home-centered health care committee and North Central Regional vice president. She was president of her state auxiliary, as well as serving as vice president, a district councilor, a director and chairman of the revisions and resolutions committee. A member of her county auxiliary since 1934, she was president of that organization in 1952–53 and has served many chairmanships.

"It seems the good life must begin with improved health education translated into proper nutrition and health habits to carry our people through life," she has said. "Attaining and supporting the good life will depend to a significant degree on community commitment."

Mrs. Scrivner has herself been active in numerous community activities, in addition to her auxiliary work. These have included Red Cross activities for more than 25 years; activating a parent's organization in Signal Hill School and serving as vice president for two years; being the first woman to be elected to her area school board; activating the Home Care Association of St. Clair County; being a member of the National Investment Clubs of America; and being a member of the Child Care Association of Illinois. She was appointed to the White House Conference on Aging by the Illinois governor in 1972, and presently is a member of the Board of Directors of the Belleville chapter of the American Red Cross.

Born Ruth Shaw in East St. Louis, Ill., Mrs. Scrivner attended Washington University School of Nursing in St. Louis, Mo., where she received her R.N. Further education was pursued at Washington University and Missouri University, from which she received a bachelor of science degree. Her career has included teaching medical nursing; being supervisor of men's medical at Barnes Hospital in St. Louis; teaching basic nursing to freshman nursing students; teaching clinical microscopy; and teaching basic nursing principles to freshman medical students.

Mrs. Scrivner first met her husband at a church picnic. Later, when she was a nurse and he a student at Barnes Hospital, their paths crossed again, and they were married in 1931.

Dr. Scrivner, a gynecologist and obstetrician, is 1973–74 president of the Illinois State Medical Society. He has been a member of the board of trustees of that organization since 1963, and has served on and been chairman of its maternal welfare committee, and has been chairman of the ethical relations committee. A member of the St. Clair County Medical Society, he was president in 1948, has been chairman of and active on many committees and serves on the executive committee. Dr. Scrivner is a member of the AMA's Committee on Health Care of the Poor; was president of the Southern Illinois Medical Society in 1962; president of the American Association for Maternal and Child Health in 1967; and is a member of many medical and civic organizations. He is the author of 22 published scientific and educational articles in medical journals.

The couple has two children, Peter C. Scrivner, administrative assistant to Congressman Melvin Price in Washington, D.C.; and Roger M. Scrivner, an attorney in Belleville, Ill. Both sons are married and have children.

INAUGURAL ADDRESS

The honor and privilege of being your president is appreciated and the responsibility of the office duly recognized. Today is the day for assuming responsibilities beyond my personal capacities, but with the help of you and 90,000 members under divine guidance, the task will be done. Captured by the rich tradition of our organization over the past 50 years by outstanding leaders preceding me, my hope and endeavor will be that the organization will not have suffered as a result of my stewardship.

As your President, I shall be ever mindful of contributions of those before me while being currently benficiary of our organization's prestige and achievements.

While visiting NASA last January, I noticed this quotation of Robert H. Goddard, Father of Rocketry, enscribed on one of the walls—"It is difficult to say what is impossible, for the dream of yesterday is the hope of today and the reality of tomorrow." This is certainly applicable to our organization in its ongoing forward movement. If it took leadership only, we'd be in Utopia today, but we all know real progress can only result from combined efforts of all our members.

While recognizing the talents, ideas and contributions of individuals from all sections of this great country, it would seem the most fruitful results occur when the group action prevails. With biased attacks by government, news media, and consumer, it behooves us to present a united front to our critics. We do not have the time nor can we afford prima donnas or splinter groups if we are to maintain effective leadership in protecting and improving the health of our fellow citizens. (Remember, the banana that leaves the bunch gets skinned.)

Special tribute is due Mrs. Robert F. Beckley (Huldah) for her dedicated service, for it is my feeling our 50th anniversary year was one of consolidation with encouraging prospects for tranquil progress this year and hopefully, the future.

My sincere thanks to all members of the Woman's Auxiliary to the Illinois State Medical Society and to Illinois State Medical Society for their interest and efforts in preparing me for this national office. Steeped in convictions that we can do more when united and through strength we can—and will be more successful, I earnestly plead we herd our efforts for unity, strength and effectiveness. Strength and effectiveness with a purpose should be our goal.

Somehow, the idea that there is a "crisis in our present health care system" has been accepted by many people. Some critics in and out of government falsely maintain organized medicine has restrained medical school enrollment and physician supply. Yet the facts are physician supply is increasing about 3 percent per year while general population increase is less than 1 percent.

In almost every instance organized medicine directly or indirectly, through various activities including legislative persuasion, has been instrumental in increasing our nation's medical schools from 85 to 110. Furthermore, it has been estimated by a reliable source that an adequate number of physicians will be obtained by 1980. It would seem desirable to separate fact from fallacy. For *health care*, including distribution of physicians, is a responsibility of all our citizens while *medical care* is a major responsibility of the medical profession.

It seems there is a strong desire and uniting effort among physicians to tell their view and provide workable solutions to improve *health care* with *quality medical care* at *acceptable costs*. The quiet men and women of medicine were further stimulated to have the story told as it really is and not as portrayed on the NBC TV program. (It behooves the media to remember when you throw mud you lose ground.)

As an auxiliary this is but one example of a part of our obligation to know the facts in order to repute misrepresentation by our critics. We must be informed—involved—articulate, 90,000 strong through national, state and county auxiliaries.

An official physician survey revealed improved communication and public relations among their top priorities. Just think what a P.R. job we could do if every eligible physician's wife joined our ranks. The two words "Information" and "Communication" are often used interchangeably, but they signify quite different things. Information is *giving out;* communication is *getting through*.

We are confident our committee chairmen are equal to the challenges of their appointments and we know your officers and board members will fulfill requests from our policy making House of Delegates.

While we enjoy separate organization status, we shall hold steadfast to our traditional relationship with the American Medical Association. Functioning through our programs and projects, the doctors' wives and widows shall endeavor to serve as catalysts, leaders and opinion-makers along the general guidelines and poliices of the AMA.

The time honored role of the volunteer will enable us to best serve as leaders in our respective communities. Each project and program in our several communities should not become our sole responsibility if we had planned well and been good catalysts.

Our official ongoing programs will be fully supported while we measure our efforts in new areas of community involvement in assessing our effectiveness and our resources. Our fiscal conscience will require proposals for new ventures and involvement of our organization to be accompanied by a plan to finance.

We desire individuals and committees to be sufficiently familiar with our policies and guidelines to avoid those inexplicable lapses of communication which plague all organizations from time to time.

Physicians are adaptable, flexible and in a unique position to detect *health needs*, propose meaningful recommendations as exemplified by Medicredit, a plan for financing health care. The medical profession is on record favoring practical preventive medicine and health education, has fostered physician placement and pilot program to ease the rural and inner city problems.

While unity calls for a degree of conformity to protocol, we shall maintain sufficient flexibility to recognize the minority opinion and the right to dissent to the outer perimeter of safety to insure our unity.

While we hope never to overlook or underestimate the brilliant and apparent contribution emerging from our ranks, we firmly believe our auxiliary, the public, our communities will benefit most from a skillful orchestration of all our efforts rather than the temporary blinding light of a shortlived super star, for wearing your halo too tightly gives others a headache, too.

To our critics we may well say, blaming the medical profession alone for health care deficiency is as plausable as placing the blame for inferior education and leaky toilets on teachers and plumbers. And we may quite properly add—what new medical system will reverse highway deaths, inner city homicides—what new medical system will change those teenagers with their drug culture—what new medical system will keep psychotic parents from battering their babies to bloody pulp—certainly none of the systems existing in less democratic countries than America have achieved these objectives.

Our tasks as an auxiliary are many—our goal is clear—to aid the medical profession in its objectives and work for improvement in the quality of life through better health care for every American.

CONCERNING INTRODUCTION OF THE ANTIARCHITECTURAL BARRIERS ACT OF 1973

(Mr. COHEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COHEN. Mr. Speaker, one of the most serious and least understood problems facing elderly and handicapped citizens is the large number of architectural and transportation barriers that thoughtlessly stand in their way.

Today, along with Congressman Burke of Massachusetts, I am introducing in the House the Antiarchitectural Barriers Act of 1973. This bill, which is virtually identical to legislation introduced in the Senate by Senators Percy and Dole, provides tax incentives to encourage owners of commercial buildings and transportation facilities to remove existing barriers from the paths of the aged and disabled.

The exact number of mobility-limited individuals in the United States is unknown, but several estimates underscore the immensity of the situation. According to the National Center for Health Statistics, there are approximately 6 million physically handicapped persons whose mobility is restricted as a result of a chronic or long-term medical condition. This group is of major national concern because greater accessibility to private buildings and public transportation is likely to bring about significant changes in their lives.

Elderly citizens constitute the largest sector of the population that regularly experiences difficulty with structural barriers. These 16,500,000 Americans are unique among the handicapped because their restricted mobility is as much a product of the natural process of aging as of illness or injury.

The Department of Transportation estimates that there are at least another 4.6 million people at any one point in time who are temporarily disabled by a serious but short-term sickness or injury. Still others live with less obvious handicaps such as heart disease, respiratory difficulties, and vertigo suffering. When all of these groups are added, they total approximately 44 million people who would benefit immeasurably in social and economic opportunities if architectural barriers were eliminated.

Throughout the 20th century, mobility-restricted persons have been forced to overcome a melange of environmental barriers which most able-bodied individuals take for granted. These barriers include the presence of such impediments as:

Doors too narrow for wheelchairs or too heavy to open for an individual using crutches;

Long stairways too steep for the sufferers of respiratory disease;

Obstructions in the paths of the blind;

Inadequate restrooms with toilet stalls not wide enough for the wheelchair-bound.

Despite these formidable barriers and the large numbers of citizens affected, many people remain unaware that any problem exists. In one nationwide survey, two-thirds of all persons interviewed said they had given the matter little or no thought.

Nevertheless, I am convinced that the American people, if they understood the problem, would move quickly to provide the handicapped, the elderly, the heart patients, and the temporarily incapacitated their right to equal opportunity. Indeed, the same survey indicated that about 60 percent of those questioned view barriers as a serious problem, two-thirds feel more should be done to overcome them, and 75 percent approve the use of tax money to overcome them, and 75 percent approve the use of tax money to eliminate them.

There is no question in my mind that a barrier-free environment is possible, for the cost of creating such an environment would not be substantial. The General Services Administration estimates that the average increased cost for barrier-free renovations is less than 1 percent of total cost.

Yet, greater accessibility to buildings for the aged and disabled is only one aspect of the solution to the overall problem. Even if we assume that the buildings are usable, the handicapped individual must still have a means of getting there.

Private transportation, with expensive hand controls in automobiles, is the answer for only a small percentage of the disabled. Many individuals are simply unable to maneuver hand controls. The blind, the deaf, and the poor are automatically prevented from pursuing this option.

Very few mobility-limited individuals can even afford private transportation. As a group, the mobility-restricted are generally income-poor. According to the Department of Transportation, nearly 60 percent of the Nation's chronically handicapped earn less than $3,000 per year. In addition, 30 percent of all Americans aged 65 or over live in households which fall below the poverty level.

Thus, for the vast majority of aging and handicapped citizens, public transportation is the only alternative. But, here again, systems of transportation are usually not designed to provide accessibility for the disabled. Few find boarding a bus easy; those in wheelchairs find it impossible. The steps from platforms to trains or curbs to buses are sufficiently high to present a barrier not only to the elderly and handicapped but also to the undersized and small children. Subway stairs and turnstiles pose formidable obstacles for those with crutches, heart disease, or respiratory illness.

For these and other reasons, it is not surprising that the National Commission on Architectural Barriers to Rehabilitation of the Handicapped found that transportation is the most serious problem encountered by the disabled. Nor is it any wonder that the President's Task Force on Aging stressed:

> It is as important for the Nation to develop or have developed special transportation arrangements for older persons as it is for the Nation to meet their income, health, and other needs.

Looking at the potential benefits of a barrier-free environment, only 36 percent of our Nation's chronically handicapped population, aged 17 to 64, are employed, compared with 71 percent of the nonhandicapped population of the same age. If the Nation's architectural and transportation barriers were removed, it is estimated that 13 percent of the chronically handicapped population of working age—some 200,000 people could return to work.

The minimum annual economic benefits that would result from employment of this group has been estimated at $824 million—a sum which overwhelmingly offsets the cost of this bill. These estimates omit the benefits of time savings for the severely handicapped or the benefits of easier access to educational and vocational training. They also avoid consideration of all transfer payments, such as larger tax revenues and lower welfare payments.

And, of course, in the end, no cost-benefit analysis can ever account for the psychological advantages of self-sufficiency, the social benefits of equal opportunity, or the human costs of continuing to permit existing barriers to further handicap the handicapped.

In closing, I think it is appropriate to quote some remarks by Dr. Henry Betts of the Rehabilitation Institute of Chicago:

> Centuries ago, parents of deformed or handicapped babies in Sparta abandoned their infants on the hills, and the Eskimos still abandon their aged on icebergs. We're supposed to be the most progressive of societies. But by designing the vast majority of facilities and services to meet the needs of the "average" young, able-bodied American, by creating an environment with architectural barriers which limit the mobility of millions of Americans, we have taken the disabled and aged off the hills and the icebergs and imprisoned them in their homes.

Mr. Speaker, I submit that it is time to take the aged and disabled out of their homes so that they are no longer handicapped in the activities of daily living. The anti-architectural barriers bill would help America take a large step toward a barrier-free society in which commercial buildings and public transportation are no longer out of reach for the elderly and handicapped.

DISCRIMINATION AGAINST THE OVERQUALIFIED

(Mr. COLLIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COLLIER. Mr. Speaker, on the opening day of the current session I introduced H.R. 388. This measure would, if enacted into law, make it an unlawful employment practice under the equal employment opportunity provisions of the Civil Rights Act of 1964 to discriminate in employment because of a person's overqualification for the job. The bill is pending before the Committee on Education and Labor.

A letter that I recently received from a Government economist contains some interesting comments on the subject of discrimination against potential employees because of overqualification. I would like to place some excerpts from it in the RECORD:

> My own impression is that this form of discrimination is quite widespread, and more serious in recent years when large numbers of professional employees have been out of work, who previously commanded very high salaries—salaries which frighten off potential employers.
>
> A situation which comes closer to home is that in my own . . . office, where promotions have inverse relation to any standards of ability—education, years of experience, or even native intelligence—for the very powerful reason that our director is afraid of competition! . . . In private industry I imagine [that phenomenon] would be disastrous, but in government it can happen much more easily without detection. Maybe that can be remedied by legislation, but it would be of a different nature—in the reform of the Civil Service.
>
> The prospective employer may be prejudiced against the overqualified applicant for a number of reasons, including fear of losing one's own position in the organization to the new subordinate. . . . A very common and justifiable fear is that an overqualified applicant simply would *not* stay around long enough to justify the expense of his salary when so much of his short stay is spent in learning job duties and skills—a stay which may be for only three months, or six, or eight. . . . If a man has been making $30,000 a year, and is hired at $18,000 there is very real concern that all too soon he will *leave* for a job at $25,000 or $30,000 or $35,000, which the present employer is in no position to match.
>
> One idea may be of some merit: adding to the non-discrimination provision a further one that an employer may require an employee to sign a service contract for 12, 16, or 24 months. . . .
>
> A similar situation pertains to pending legislation on pension plan security. . . . A law basing pension vestment rights parity on age would add to the employer's bias against taking on the older employee.

The points raised by my correspondent are certainly meritorious. While it would be rather difficult to remedy the situation in private industry, even with legislation such as my bill, it seems to me that Government administrators could do a lot to improve matters in the executive agencies without new laws.

A person in authority who discriminates against an applicant for employment because he is afraid that a new employee might get his job should be overruled by higher authority. Part of the tremendous overstaffing in Government may be due to the hiring of two people simultaneously so each can knife the other instead of the boss.

Mr. Speaker, neither Government nor private industry can afford to lose the talents of people simply because they are overqualified. More mischief is wrought by those who are underqualified.

TRIBUTE TO HERBERT G. KLEIN

The SPEAKER pro tempore (Mr. McFALL). Under a special order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 20 minutes.

Mr. VAN DEERLIN. Mr. Speaker, Herbert G. Klein has been a true "good guy" in a White House which—in the eyes of this partisan, at least—does not boast an overabundance of his kind.

While other key aides have sought to isolate the President, Herb has worked against often formidable odds to open and maintain channels of communication between the news media and Mr. Nixon.

After more than 4 years as director of executive branch communications, Herb Klein is returning at the end of this week to private life, as a vice president of Metromedia, Inc. His departure has been noted in some of the most glowing press reviews given any official of this or any administration.

Obviously, the newsmen, most of them, like Herb.

I believe it is fitting that I as a former newsman and member of the loyal opposition, should have reserved this time today to discuss Herb and his accomplishments. I have been Herb's friend since we were fellow-students at the University of Southern California.

In San Diego, Herb is best known as the able former editor of the city's morning newspaper, the Union. Though the paper is, like Herb, unabashedly Republican in outlook and views, Mr. Klein saw to it that the handling of news about partisan officeholders and seekers was made scrupulously fair.

Nationally, Herb's star has always been tied to that of Mr. Nixon.

The two men met, and became friends, back in 1946, when Herb was news editor of the Alhambra Post-Advocate and Mr. Nixon was preparing to win his first election to Congress.

Four years later, Herb went to work for Mr. Nixon when he successfully ran for the Senate against Helen Gahagan Douglas. This was a particularly bitter campaign, the forerunner of others to come. After 2 years as a Senator and 8 as Vice President, Mr. Nixon tasted defeat against John F. Kennedy for President in 1960 and Edmund G. "Pat" Brown for Governor of California in 1962. Herb Klein was at his side both times, and emerged from the harsh process of losing, still a man of strength and principle.

As a Democrat, I am not really in a position to comment that Herb's influence may have waned during and after the campaign which led to Mr. Nixon's installation in the White House.

But I do know that the working newsmen of this town have seldom had a better friend in the "palace" than Herb Klein. He never gave up trying to provide some access to his difficult and aloof client.

Evans and Novak in their column published today credit Mr. Klein with "superb missionary work among the media." Even Mr. Nixon may not be fully aware of the extent of Herb's services to him, as well as to the media.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I should be very happy to yield to the father of the Freedom of Information Act.

Mr. MOSS. I thank the gentleman for yielding. Let me say that during the first 2 years of Klein's service to the President and to the Nation here in Washington, it was my privilege to serve as chairman of the Subcommittee on Government Information, a role I had filled for some 14 years previous to the beginning of this administration. I found that I was able to work with a sense of continuity toward the objectives shared by the members of both parties on that committee. We enjoyed the cooperation of Herb Klein. It was openly given, and I commended him then.

Now, as he leaves Government, I think it should be acknowledged on the record that he performed well. His service has been distinguished, and I give him my best wishes as he moves on into other fields.

Mr. VAN DEERLIN. I thank the gentleman for his comments.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from New York, a former San Diegan, and also a close personal friend of Mr. Klein's.

Mr. KEMP. I appreciate very much the gentleman's yielding, and I appreciate his bringing to the attention of the House, the remarkable career of Herb Klein. I appreciated his remarks and those of the gentleman from California (Mr. Moss) that reflect the bipartisan regard and respect here in Congress for Herb Klein.

I first met Herb Klein when I was in San Diego as a quarterback for the San Diego Chargers and I came to have a high regard for Herb and his work and I appreciate the influence he had on my career both on the gridiron and here in the House of Representatives.

I would just say to the gentleman in the well how grateful I am that he has taken this time so I and my colleagues on both sides of the aisle can express our appreciation to a great American, Herb Klein.

When it was first announced that Herb Klein was leaving his post as the President's Director of Communications for the executive branch, effective July 1, as I said in my speech here in the House on June 5 "that while I am very pleased for Metromedia and for Herb and his wonderful family, I also viewed, with deep regret, Herb's leaving public service."

I also observed that no man has done more to symbolize honesty and integrity in public life and that Herb has been for all a shining example of the fact that you can be successful and still not sacrifice your ideas and principles.

Herb Klein, more than anyone else, helped me get started in political life and, as grateful as I am for that, I am even more grateful for his friendship and counsel. His distinguished career as a newspaperman and his great efforts on behalf of President Nixon have been an outstanding demonstration of service to his country in both private and public life.

Aside from these feelings, I think of Herb as much more than just one of my best friends, or a gifted, dedicated, and selfless public servant.

In the judgment of many of my friends in the newspaper, radio and television profession, Herb is frequently characterized by the highest compliment journalists sparingly employ.

He is, they say, "a newsman's newsman." What greater tribute to a professional.

Herb enjoyed that rare reputation as a working journalist before he assumed the responsibilities as the President's Director of Communications.

During his long and busy tenure at that post, Herb never forgot that he was, first and foremost, a communicator between the executive branch of the U.S. Government and the people of our Nation.

Herb crossed and criss-crossed our country and the oceans, talking to newsmen, world and local government leaders, getting them to open a vein on local, State, national, and international concerns. In exchange, he communicated the views of the White House and the U.S. Government on a wide variety of programs and policies. The concept of the new federalism to make Government more responsive at the local level, expanded foreign trade, reassurring allies, building bridges and closer, peaceful ties with the Soviets and Chinese and other activities, contemplated and being implemented, were simply and factually conveyed by this gifted man.

In this role as the President's communicator, Herb not only brought the Federal Government closer to the people but, through the information he gleaned from newsmen and others, brought the concerns and thinking of the people back to the White House.

And, at times when some in Government were critical of the press or segments of the press warned that the traditional rights to gather news were being jeopardized, it was Herb who calmed fears and apprehensions, real or imagined, with his enduring confidence in both a free system of government and a free press.

From his experience as a newsman, he knew the press can never be intimidated. As a public servant, he steadfastly maintained his faith in the traditional and basic soundness of the American system.

As a veteran newsman and with a depth of historical understanding, he maintained an even keel, maintaining a constant and true course as an unsurpassed communicator against winds and waves of controversy he had faced, logged and charted soundness of the American system.

With his background as a veteran newsman and with an extraordinary depth of historical knowledge, Herb brought healing and healthy understanding to the traditional, friendly adversary relationship between public servant and those responsible for informing the public.

Mr. Speaker, Herb Klein, who has devoted his lifetime to date to perfecting the art of communication, has enjoyed the best of worlds in his chosen profession. He has, by talent and effort, performed superbly for his country and an informed public.

Now that he has returned to the media, the publishing field with Metromedia, Inc., we look forward to the continuing contributions of Herb Klein, a great American and by his side, his lovely wife Marge.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from California who I believe represents a portion of the district where

Herb Klein's newspaper career got started.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from San Diego (Mr. Van Deerlin) for yielding to me, and most especially for taking this appropriate time to express appreciation for a job well done by Herb Klein. As the gentleman from San Diego has already indicated, Herb Klein began his career as a newspaperman with the Alhambra Post Advocate, a Copley publication in Alhambra, Calif., which is in my district. It was, incidentally, as a reporter for the Post Advocate that Herb first became acquainted with the now President, Richard M. Nixon, who was then the Congressman from that old 12th Congressional District. Herb has always been known for an excellent professional approach in his writing and general news media work. He gained a reputation at the executive branch, first while working for the Vice President and then more recently in his special job as Director of Communications at the White House, as an accurate and precise reporter of the facts. He has many times been lauded by his own peers in the news media for the highly responsible way in which he made sure that various agencies of the Federal Government were reporting the facts honestly and accurately to the public and to the news media. Although Herb has always approached his job with a quiet mannerism and has never tended to be flamboyant, everyone realized that he was most serious about making sure that the facts about the Government were presented in an accurate and fair manner. We will all miss him here in the Congress of the United States because he was always accessible in helping Members of Congress obtain documented statements and full information at all levels of the executive branch. Herb Klein's parents reside in Alhambra, Calif., which is a town shared by myself and my colleague, George Danielson. I know that they must have a tremendous sense of pride in the outstanding manner in which their son has served the President and his country; but, even more important, they can be immensely proud that Herb Klein has abided by a higher sense of principle than most people would expect of a Government official. I am sure that his parents are extremely pleased about the dignified way in which he has always handled himself under tremendous fire and pressure. Now, as Herb enters once again into the world of private business, with one of the larger firms in the field of communications, we can do nothing but wish him the greatest success and express our regrets that he will no longer be around Capitol Hill to keep Members of Congress, the public, and his fellow workers in the news media totally and fully informed.

Mr. BURGENER. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from California (Mr. Burgener), a fellow San Diegan.

Mr. BURGENER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, with mixed emotion I join my colleagues in paying tribute to a fine American and personal friend as he leaves the executive branch of Government to enter the private sector. The Government will lose a spokesman of refreshing candor and high professional competence. For this reason it is with deep regret we bid farewell, officially, to Herb Klein. But for Herb personally, and his devoted wife, Marge, it will be a new and exciting life—with its own problems and rewards. But commonsense would tell most anyone that this particular transition from public life must be akin to being reborn, although I hasten to add I have never heard a single word of complaint from Herb Klein about the immense burdens of his public responsibility.

In these troubled times, one could well ponder or reflect upon the one most desired quality with which a public personage need be endowed. I would suggest that the one quality needed most today and in the immediate years past is stability. And stability is Herb Klein. Yes, there are other words—fidelity, trust, faithfulness, credibility—to name a few, and Herb Klein is richly endowed with them all.

I have known Herb politically and personally for more than 20 years. I remember with sometimes unfortunate clarity my first campaign for the State legislature. It was 17 years ago when I finished a rather poor second in a primary campaign for my party's nomination for the State assembly. Since second place in politics is the equivalent of last place in any other contest—not only did I find this rather humbling, but I learned I could count my friends in high places almost on the fingers of one hand. Herb Klein was one of those friends. Although, due to his political experience and wisdom, he knew what I apparently did not know; namely, that I had no realistic chance to win, nonetheless, he took the time, the patience, and the interest to encourage and counsel a would-be politician. As I look back, I firmly believe I learned more from that losing campaign than I did from all the others I won.

Anyone who reads the newspapers and magazines, who follows the commentators, listens to radio, or watches television with even modest perception knows the official and personal difficulties of Herb Klein's job in the past few years. But through it all—he remained steadfastly loyal to his boss, the President of the United States. He somehow maintained the odd notion that what happened to Herb Klein was somehow far less important than what happened to the Nation. The most current colloquialism in vogue for this trait is "class." And Herb Klein will take it with him wherever he goes.

Mr. VAN DEERLIN. Mr. Speaker, the gentleman has stated it with great succinctness.

Mr. VEYSEY. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. Mr. Speaker, I yield to another member of the San Diego delegation (Mr. Veysey).

Mr. VEYSEY. Mr. Speaker, I thank my distinguished colleague from San Diego for yielding to me at this moment.

Mr. Speaker, I do want to join my other colleagues from San Diego and with others who are engaged in this sendoff for Herb Klein. It is a sad moment in a way, and yet a moment of rejoicing that we can remember the distinguished public service which Herb Klein has performed here. It seems to me that sincerity was always a hallmark of his operation as a spokesman for this administration, and I appreciated that above all else.

Herb has left his mark on journalism in the San Diego area, and I am sure will be long remembered there as he moves on into other fields.

Mr. Speaker, I suppose now, though, I will still get the question from people in San Diego about, "When is Herb Klein coming back," or "Is he coming back," or they perhaps will cite him as an example of how, if we let someone go on a leave of absence to take another job in Government, he never gets back.

Mr. Speaker, I thank my colleague for yielding to me.

Mr. PETTIS. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. Mr. Speaker, I shall indeed yield to a man who, even though he represents another county in California, is well known in San Diego (Mr. Pettis).

Mr. PETTIS. Mr. Speaker, I, too, am proud to rise in praise of Herb Klein, a man I have long admired and respected.

It was with deep regret that I learned Herb was leaving as Director of Communications for the executive branch, a post especially created for him and in which he has performed with distinction. The same distinction that has highlighted his career over the years—from copyboy to reporter, from editorial writer to editor in chief, from press secretary to White House Director of Communications.

Herb has been called the newspaperman's newspaperman.

Throughout his career, Herb's personal beliefs and loyalties have served to reinforce his strength of character and talent and to uphold, rather than detract from, the rights of a free press and the press' responsibility to the public. This was true whether he was asking a question or, in more recent times, fielding one. It did not matter that the press did not always agree with Herb on the issues. They respected him and he earned that respect and the good will of his fellow journalists because he was and is a responsible professional.

Now, he is returning to private enterprise to carry on his profession as a vice president for the Metromedia Corp. of Los Angeles. He will be sorely missed by those of us in Government who know and like him, but especially by the members of the Washington press corps who worked with him.

So I say good luck, Herb, and all best wishes for success in your new position. You deserve the best.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER of West Virginia. Mr. Speaker, I am delighted to join in the tribute which our colleagues from California is paying to Herbert Klein on his impending retirement from the White House. Other speakers have alluded to the superior qualities of Mr. Klein in the political arena, in the field of communications, and in his general ability. I would like to touch on one phase of Mr. Klein's human quality which has not been mentioned.

Last Sunday, a group of six students, winners of my "Week in Washington" program, had the honor to visit the studios of the National Broadcasting Co., where Mr. Klein appeared on the televised program "Meet the Press." The West Virginia students included Ronald McKenzie, Jr., son of Mr. and Mrs. Ronnie McKenzie of Roderfield, W. Va., and a student at Welch High School; Samuel Lee Groseclose, son of Mr. and Mrs. Bernard S. Groseclose of 1565 Stewart Street, Welch, and a student at Welch High School; Clarence Keith James, son of Mr. and Mrs. Zephnior James of Delbarton and a student at Burch High School; Philip Cary Christian, son of Mr. and Mrs. Tracy Christian of Nemours and a student at Branwell High School; Thomas Edward Gunter II, son of Mr. and Mrs. Thomas E. Gunter of Oceana and a student at Oceana High School; and Keith Browning, son of Mr. and Mrs. Luther Browning of Amherstdale and a student at Man High School.

Herbert Klein took time out to shake hands with these six West Virginia students, and hold a brief discussion with them. They all appreciate the courtesy on the part of a busy man. I am glad to join in paying tribute to a man who thus displays human qualities as well as professional competence.

All of us appreciated the graciousness of Mr. Klein.

Mr. Speaker, I ask unanimous consent to include the names of these students in the Record. They had an amiable conversation with Mr. Klein, unveiling a side of his personality which all of us in the Nation's Capital appreciate.

The SPEAKER pro tempore (Mr. McFall). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the dean of the San Diego County delegation, Bob Wilson.

Mr. BOB WILSON. I thank the gentleman.

I appreciate the distinguished gentleman from San Diego giving me this opportunity to say a few words about a man I claim as my dearest friend in Washington, a man I served with for 20 years in Washington, and whom I have known for longer than that.

I first met Herb Klein, as a matter of fact, in 1950, when he was working with the then Congressman from Whittier, Calif., Richard Nixon, who aspired to the job of Senator from California. Herb, having been a newspaperman in his area, up in Alhambra, had gotten to know Mr. Nixon. They were both veterns of the Navy and they both had a rapport that became important and obvious through the years.

I can truthfully say that I have known no one in Washington over these years who has had more integrity, who has worked in a more dedicated fashion on behalf of his boss, Mr. Nixon, and country than Herb Klein.

I had the very great privilege of working with him intimately in the campaign of 1956, when I was campaign coordinator for Mr. Nixon who was then running for reelection as Vice President, and Herb Klein was the press officer. Herb had given up his job as editor of the San Diego Union, a very fine job in San Diego, and had come back to help Mr. Nixon in his campaign for reelection.

I really got to know then how beautifully Herb Klein understood people and how capable he was in working with people, and particularly the tough-minded and sometimes unbelievably arrogant members of the press, with whom he had to deal. Herb had an ability to smooth over the problems that the press continually ran into during the campaign of 1956. He ended up as a sort of hero of that campaign, because of the way he smoothed over the problems the press faced during the rather difficult tours and campaign appearances the Vice President made.

Mr. Klein returned after 1956 to go back to San Diego. He got a beautiful home on the La Jolla coast, where he could look out across the Pacific Ocean, and where he had a beautiful swimming pool and recreational area, and had the most important newspaper job in San Diego.

Then when Mr. Nixon asked him again in 1960 to become his press officer he gave up his job and gave up his beautiful existence in La Jolla and came back here to Washington to serve with him as press officer and his confidant in the very difficult campaign of 1960.

I had the privilege—I guess one would call it that, although it was somewhat sad, too—to go with Mr. Klein and his wife, Marge, after the very narrow defeat in 1960 down to the Caribbean to spend a few days after the election. Herb was completely disconsolate with the idea that his hero had lost the election, yet he took it in stride.

Again he went back to San Diego and resumed his job with the press as editor of the San Diego Union until a few months later, when Mr. Nixon asked him to help in the campaign for Governor in 1962. Herb took a leave of absence at that time and helped Mr. Nixon in his campaign, which again was not successful.

Mr. Speaker, all during this time I know, from having been intimate with both Mr. Nixon and Mr. Klein during that time, that Herb never gave up on the feeling that Mr. Nixon was a leader who was destined for greatness in our country, and he willingly gave up his own aspirations and his own comfort and future in order to benefit Richard Nixon.

Mr. KEMP. Mr. Speaker, will the gentleman from California (Mr. Bob Wilson), yield?

Mr. BOB WILSON. I yield to the gentleman from New York (Mr. Kemp).

Mr. KEMP. Mr. Speaker, I appreciate the gentleman yielding to me.

I have great admiration and affection for the gentleman now speaking, and I appreciate his remarks.

At this point I just wish to make the statement as someone who played professional football for 13 years that I have great regard for competition and team play.

Mr. Speaker, the gentleman from San Diego mentioned the number of campaigns that Herb went through. I think there were something like six national Presidential campaigns. Some were lost and some were won, but to my way of thinking Herb Klein never lost; he won all the time, because the people with whom he came in contact and the people for whom he worked came out a winner, because of having Herb on their side.

Mr. Speaker, Herb Klein is a winner.

Mr. BOB WILSON. Mr. Speaker, I thank the gentleman. I appreciate his remarks.

Herb is a team player, and the gentleman from New York (Mr. Kemp) knows the importance of being a team player. Herb completely dedicated himself to the President in his campaign in 1960, and then again in 1968 and, of course, in 1968 he joined that team in a very successful endeavor and became the Director of Communications for the President.

Mr. Speaker, Herb is, as I mentioned before, a very dear friend. He taught me many things including how to skindive, back in the 1940's, many years ago. I had lived on the ocean most of my life, and I never realized before the beauties of exploring the depths of the Pacific Ocean.

Herb taught me how to dive for abalone and lobster, and so forth, off the San Diego coast. We have been checked out with the UDT Team in Key West, and we have dived in Puerto Rico and in the Virgin Islands.

Herb is really a tremendous athlete.

Mr. Speaker, his wife Marge and their two beautiful daughters are very dear friends of mine. It is a pleasure for me to pay tribute to Herb this afternoon.

Again I join all of my colleagues, as well as those who have submitted their remarks for the Record, in paying tribute to Herb Klein, who I think is one of the greatest characters and one of the finest persons who ever came to Washington to serve his country.

Mr. Speaker, I ask unanimous consent to include as a portion of my remarks an article entitled "Nixon-Klein Years: from Congress to the White House" which is an article from the San Diego Union; and also an article from Time magazine entitled "So Long to Old Herb Klein."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, the material referred to is as follows:

[From the San Diego Union, June 24, 1973]

Nixon-Klein Years: From Congress to the White House

Washington.—A bit more than 24 years ago, Herbert G. Klein was news editor of a Los Angeles newspaper and occasionally called on for extra duties outside the office as a reporter.

One on such occasion, overworked editor-reporter Klein met Richard Nixon, a bright-eyed and hell-bent-for-leather young Republican who wanted to be elected to Congress. Klein wrote stories about Nixon and between campaigns, they became close friends.

"I remember one time when we were sitting around talking," Klein recalled. "He was wondering whether he should get out of politics and I had the same concern about my future in the newspaper business."

As they say in both trades, things didn't work out half bad for either.

Klein is bidding his last farewells to government after resigning as White House Director of Communications to become a vice president of Metromedia, Inc., in Los Angeles.

The resignation also literally marks the end of the political trail in the association between Klein and President Nixon. Although saying he has no future interest in returning to government service, Klein added he was leaving the Nixon staff without discontent.

"I've been happy here and feel I've done a good job and I feel the President thinks so, too," Klein said in an interview.

As a Metromedia executive, Klein will be returning to Southern California where his parents, brother and two daughters reside. He also will be returning to his first professional love—newspapering.

Metromedia is the nation's largest independent television network but is diversified in other fields such as outdoor advertising, direct mail and motion picture production. The firm intends in the next few months to buy newspapers and Klein, when he joins the company July 2, will advise on acquisition and staffing.

"I didn't seek a job from anyone," Klein said, "but I felt this was the most challenging of the 22 I seriously considered."

In an interview which touched on a dozen subjects relating to President Nixon, Klein made these observations.

Concerning changes in the Nixon temperament today from that first congressional campaign:

"He has always had a quiet, informal sense of humor . . . there is a stronger sense of maturity now. . . . He's never lacked courage to make a decision . . . all of the problems have matured him."

On the high and low points of the Nixon political career:

"The campaigns of 1960 and 1962 would have to be the low points. They were for me and I think everyone else who had worked for him.

"Looking back I think in a lot of ways those defeats were ordained in a way of speaking . . . it was best that he became President when he did because many of the things which have been done now could not have been done then."

His personal high career points in the good and bad Nixon years:

"The two trips to Russia would be difficult to forget. The first (when Mr. Nixon was vice president) brought the confrontation with Nikita Khrushchev. The second brought the agreements with the Soviet Union on trade and arms policy."

During the talk, Klein said he wanted to "clear up" only one point that he indicated had been misconstrued after he joined the Nixon staff in 1969.

"I never wanted to be press secretary and there never was a feud between me and Ron (Press Secretary Ron Ziegler) over that. I thought I could do more in the job I wanted to set up. I have no regrets about the results."

Klein established the Office of Communications in the early months of Mr. Nixon's first term. Its main function, he said, was to provide as much clear information as possible to opinion makers throughout the country. As a former newspaper editor, Klein said he was frequently aware of "information gaps" at the local level.

"I remember often the challenge of trying to write a 12-inch editorial based on the information contained in a six-inch wire service story," he said.

Although criticized at one time in Washington, Klein's plan to hold regional news briefings for area publishers, cabinet members and senior White House staff was considered fully successful and a heavy contributing factor in media support Mr. Nixon received in his 1972 campaign.

Klein also is responsible for the publication of "Fact Sheets" on dozens of policy matters where the Administration has taken a position. Depending on the importance of the issue, Klein's staff has sent these often voluminous documents to between 2,000 and 20,000 writers and editors throughout the country.

In doing so, Klein said he received more television exposure himself during six years in the Administration than any other White House employe, including the President.

Klein also prides himself on probably knowing more reporters and editors than any other individual in the country.

"I believe the overall quality of journalism in this country is better now than it has ever been," he said.

Klein leaves Washington with an excellent bill of health from the reporters and editors he consulted here daily. The senior correspondent for Time magazine noted his resignation in a lengthy and laudatory article. This was more than 10 years after he was characterized by author Theodore White in "The Making of the President, 1960" as the man most singly responsible for allegedly poor press relations in that presidential effort.

Klein said the opportunity to be near his family and live again in Southern California were overriding factors in making the decision to join Metromedia.

One daughter, Mrs. Robert Mayne lives in Glendale and another, Mrs. Thomas Howell in the Ocean Beach suburb of San Diego. His parents, Mr. and Mrs. George Klein, live in Alhambra where he obtained his first newspaper copy boy job in 1940.

Klein eventually became editor of that newspaper and filled other news responsibilities with the Copley organization before becoming editor of the San Diego Union in 1959.

Klein said he expected to sever virtually all of his political ties after leaving Washington. However, he plans to offer "informal assistance" to former White House colleague Robert Finch in his anticipated run for the governorship in 1974.

During that General Election, Klein said he also would attempt to do some liaison work for the Republican National Party in California.

Otherwise, he said, it would be work, "some skindiving, a little golf and tennis."

Klein is now 55 and has added a few pounds here and there but shows no signs of losing the energy he was noted for in the early newspapering and campaign days.

When running the editorial office in San Diego, it was well known to associates that Klein would always return a phone call. One former assistant recalled:

"If you called him on Monday, he might get back to you on Wednesday or maybe Thursday. If not then, it would be safe to stay by your phone on Friday."

After settling down with Metromedia, Klein said he also would like to assist the journalism school at his alma mater, the University of Southern California, on some of its projects.

"It's just going to be nice to be home," he said.

SO LONG TO OLD HERB KLEIN

He is really not that old (55) nor is he vanishing from view. He is leaving the White House as Communications Director for a job in television, which will keep him in public matters.

But for 27 years he has been a considerable chunk of Richard Nixon's better nature. And that role is coming to an end.

His is a rather remarkable story. He was, these last years, abused and downgraded and ignored by Nixon and his supermen and yet he has stayed loyal, kept his honor, and goes off as one of the President's few remaining displays of decency and good humor.

He wasn't as efficient as the iron man H. R. Haldeman. Herb Klein kept his files in his coat pocket or somewhere, and like most ex-reporters he ignored flow charts and organization tables. What he had was an understanding that democracy and its government are untidy and considerably inefficient, and there isn't a hell of a lot you can do about that without destroying their soul.

Old Herb would listen to conflicting views, now and then admit mistakes had been made and take phone calls from critics as well as friends. He always figured it was a big wide world out there and a lot of people had something to say. The know-it-alls like John Ehrlichman found that sort of notion close to heresy.

When they finally pushed him farther and farther from the Oval Office he hardly complained. He took to the road supporting Nixon in the editorial offices and the newsrooms around the country. He brushed up against a lot of people in those journeys, and he made a lot of friends. Now when one travels and comes across these men and women, whether in the big metropolitan dailies or those dusty one-horse shops where the editor can be found feeding the presses, they ask with some concern if Herb got caught in Watergate. When they are told no, they almost always smile and say quietly, "I didn't think so. I like Herb."

He was no saint. Nor was he the best White House aide in all history. But he was an oasis of consideration and sympathy in a Teutonic desert of heel clicks and "Yes, sirs."

There are not many men on the beat here who haven't had a thoughtful moment or two and a few good laughs with Herb. Up in Alaska campaigning with Richard Nixon in 1958, he joined in a little dog-sled race and ended up in the snow, much to everybody's delight. In 1960 he knew that most of the men he had to deal with were a lot more sympathetic to John Kennedy than to Richard Nixon. He took it with good grace and for the most part kept his temper as he tried to get a fair shake on the front pages.

Once he sent out letters of complaint about the treatment Candidate Nixon was getting, and then he had second thoughts and called them back. At the Waldorf Astoria bar he bought the drinks for all those offended and went back to his old rut of being decent to people.

Once when Lyndon Johnson was doing a little campaigning out in California and had stopped at El Toro Marine Corps Air Station to send more troops off to Viet Nam, Herb showed up in the stands just to look over the President, the likely opposition for Nixon, who was gearing up to go again. Herb wrangled a handshake with L.B.J. like any tickled tourist, wished the President good luck and went off with a smile.

He has peddled the old Nixon propaganda with a straight face and given some of the dullest speeches on record, but he has always been there to listen when people, small as well as big, needed somebody to talk to when the rest of the White House was buttoned up, which was most of the time.

Herb still has some political mileage in him. But he probably has seen the pinnacles. Last year some of us were standing in the magnificent Hall of St. George in the Kremlin on the final day of Nixon's Moscow summit. All Russia's elite were there, cosmonauts and marshals, diplomats and artists, the Politburo and the KGB agents.

They played *The Star-Spangled Banner*, and then Nixon and his Soviet hosts walked down the length of the huge hall. It was a splendid moment.

As the President passed, there in view across the room was Herb Klein. He looked like he had slept in his suit, or maybe hadn't slept at all in those frantic days. But his face had the same kindly look, and there was a smile and a lot of pride and warmth beneath the surface. The thought occurred to us then, and again last week, that here was one of the few men around Nixon who gave more than he took.

Mr. GERALD R. FORD. Mr. Speaker, "Who's Who In America" lists him as Herbert George Klein but everybody knows him as just plain Herb, which says a lot about the fine guy that Herb Klein is.

Herb Klein has come a long way since his days as a cub reporter on the Alhambra, Calif., Post Advocate in 1940, and I venture to say that with his ability he will still go a long way. Herb's list of credits is almost too long to review, but for those who think of him as a politician's press secretary or White House Communications Director it is important to note that he has always been a newspaperman's newspaperman. He rose swiftly in journalism, becoming news editor of the Alhambra Post Advocate and special correspondent for the Copley Newspapers in 1946, a Washington correspondent in 1950, and then, successively, an editorial writer, associate editor, executive editor, and editor of the San Diego Union. Herb has been active in the Republican Party since 1952, when he served as publicity director for the Eisenhower-Nixon campaign in California. He has since been closely associated with Nixon campaigns and has been a close adviser of the President.

Mr. Speaker, everyone who has ever known Herb Klein looks upon him as a man of great integrity and great capabilities. I have always prized Herb Klein's friendship, and I wish him the very best as he leaves politics for new fields. It is with the keenest of pleasure that I join my colleagues in paying tribute to a real gentleman, Herb Klein.

GENERAL LEAVE

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from California?

There was no objection.

SEAFARER'S INTERNATIONAL UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, during the past few days, I have had the opportunity to discuss with Mr. Paul Hall, president of the Seafarer's International Union, its current battle with the Export-Import Bank. The issue is, of course, the export of U.S. jobs. The Export-Import Bank is contemplating supporting the export financing of nine U.S.-built tuna vessels for Mexico. These vessels will then be used to compete with the U.S. fleet.

On the face of it, approval of such a loan would be obviously against the best interest of the U.S. fishing and canning industries and their workers for several reasons:

Encouraging the export of advanced U.S. tuna vessels to Mexico will provide greater international competition for already limited world tuna resources, thus potentially harming existing tuna fleets, including the U.S. fleet.

Much of the tuna caught by these vessels will be canned in Mexico and shipped to the United States, thus seriously affecting the U.S. cannery industry and its workers.

International tuna conservation laws, signed by both the United States and Mexico, have been repeatedly violated by Mexican vessels, with little, if any, response from the Mexican Government. More tuna vessels under the Mexican flag could destroy the fragile conservation treaties on the west coast that are the only safeguards against the destruction of the west coast tuna schools.

Mexico has repeatedly sought in the past to violate international law, to extend its fishing boundaries and to impose unfair work practices on foreign fishing vessels.

The west coast tuna industry is already overcapitalized, with a large number of boats and a fishing capacity that exceeds the available catch. By the Bank supporting further investment in new tuna vessels, the stability of the industry could be destroyed and the U.S. tuna fleet could be ruined by the fierce competitive struggle that would ensue.

Finally, the boats which Mexico would buy from the United States are the best in the world, but comparable vessels are not available elsewhere. Thus, to deny Export-Import Bank support for this loan may help to maintain the economic and competitive stability of the international tuna fleets operating on the west coast.

Mr. Hall was very clear in expressing his and the union's continued strong support for the Bank's incentives for export financing. The incentives produce U.S. exports which not only aid the developing nation recipients, but also U.S. industries and employees, the Nation's economy and the balance of payments. However, it becomes clear that at the same time, we must be sure that the equipment we seek to export does not result in the export of U.S. jobs or create unfair or detrimental competition for U.S. industries. Yet, by all appearances, these are the very effects the Bank's contemplated export financing of tuna vessels would have.

Such a loan must surely be in direct opposition to the well-being of the tuna industry, particularly at a time when the industry is already under intense competitive and supply pressure. U.S. tuna vessels, because of depleted tuna stocks, are able to fish less and less, and must range farther for resources. Imports are rising steadily from 312 million pounds in 1968 to 376 million pounds in 1971. U.S. canners are already leaving the mainland. The jobs of thousands of workers are affected by this situation and could be lost entirely if an agency of the U.S. Government provides assistance to not only other fleets in direct competition with U.S.-flag vessels, but to a nation which has systematically ignored or flaunted major international fishing laws and conservation conventions.

I have today sent a letter to Mr. Henry Kearns, President and Chairman of the Export-Import Bank of the United States, advising him of the above objections and encouraging his reconsideration of the proposed loan. I would encourage my colleagues who share like reservations to do the same.

For my colleague's additional information, I would like to read a summary of information made available to me regarding the proposed transaction. I find it a thorough briefing and recommend it highly.

On June 13, 1973, the Seafarer's International Union of North America learned from its affiliates on the west coast that the Export-Import Bank of the United States was contemplating supporting the export financing of nine U.S.-built tuna vessels which would be sold to Mexico.

The following day, representatives on behalf of the SIU contacted the Export-Import Bank and sought to confirm the details of the transactions and the background on why and in what manner the transaction would be supported.

Mr. John Corrette, the Counsel of the Export-Import Bank would only confirm that export financing for tuna vessels was contemplated and that they would go to the Government of Mexico.

When questioned about the factors the Bank considers in supporting the export of U.S. equipment, including the effect on U.S. industries and employment, the effect on U.S. conservation laws, and the country's proposed use of the equipment to be financed, Mr. Corrette only confirmed that these factors were considered. He further indicated that it would not be known what weight these factors were given until the transaction was approved, when it will then be too late to act.

Mr. Corrette suggested we communicate our views to the Bank and that they would be considered. However, he again indicated that we would be told nothing about the transaction or the effect of our comments until the transaction was either approved or disapproved.

In spite of the obvious handicap posed by the Bank's disclosure and comment restrictions, the Seafarer's International Union of North America decided to submit a brief describing the reasons for its opposition to this proposed transaction.

It is clear, however, that the closed and secretive operations of the Bank make it doubtful whether our comments will be considered or given any weight. This is especially true in that there are no established Bank guidelines for weighing the various factors involved in a Bank transaction.

CONTINUED SIU SUPPORT OF BANK EXPORT FINANCING

At the outset the Seafarer's Union wishes to make clear its continued strong support for the Bank's incentives for export financing. These incentives produce U.S. exports which not only aid the developing nation recipients, but also U.S. industries and employees, the Nation's economy and the balance of payments.

However, we must at the same time be sure that the equipment we seek to export does not result in the export of U.S. jobs or create unfair or detrimental competition for U.S. industries.

Yet, these are the very effects the Bank's contemplated export financing of tuna vessels would have.

EFFECT OF BANK LOAN ON WEST COAST INDUSTRY

The Seafarer's Union is convinced that this proposed transaction is not in the best interests of either the U.S. west coast fishing or canning industries.

This proposal comes at a time when the U.S. tuna fleet and U.S.-based tuna canning industry is struggling to survive.

U.S. tuna vessels, because of depleted tuna stocks, are able to fish less and less for tuna in nearby stocks and must range farther abroad for tuna resources.

U.S. tuna imports have risen steadily, from 312 million pounds in 1968 to 376 million in 1971. At the same time, U.S. canners steadily are leaving the mainland of the United States. Imports of canned tuna remain at high levels.

The west coast tuna fishing and canning industry is thus already under intense competitive and supply pressures. The jobs of thousands of SIU affiliated union members are affected by this situation and could be lost entirely if an agency of the U.S. Government provides assistance to other fleets in direct competition with U.S.-flag vessels.

The Bank's proposed financing of nine new tuna vessels will only acerbate this grave situation. In addition, it will provide new and highly efficient tuna vessels to a nation which has systematically ignored or flaunted major international fishing laws and conservation conventions which it has signed.

MEXICO'S FISHERY POLICY

In the past, the small Mexican tuna fleet has been guilty of a number of actions designed to give its fishermen an unfair competitive advantage over U.S. west coast fishermen.

Among the illegal and anticompetitive pratices of the Mexican Government and its fishing fleet have been:

Mexican fishing vessels have regularly violated the Inter-American Tropical Tuna Commission's—IATTC—tuna conservation regulations, even though Mexico and the United States are both signatories to the convention. These international regulations are designed to regulate the taking of tuna from offshore areas, so that tuna stocks are not seriously depleted. By overfishing these areas, the Mexican vessels are endangering the future livelihood of the tuna fishermen of all nations.

Mexican fishing vessels were recently given, at their strong insistence, a special exemption during the IATTC closed season to fish for tuna up to a 6,000-ton limit. This has helped to further delete tuna stocks and gives Mexican vessels unfair access to cheaper supplies of tuna while U.S. vessels must travel long distances to less well-stocked fishing areas. In addition, it may be that Mexico will apply for even more special exemptions for these new vessels.

Mexican fines for violation of the IATTC by Mexican vessels are so small as to make violations of the convention profitable.

Mexico recently passed a law requiring that 50 percent of the crew of foreign vessels fishing in Mexican waters must be Mexican nationals, and that they must be hired in Mexico and paid the prevailing U.S. wage. Had this law been enforced as it was written, it would have caused a significant hardship to the U.S. fishing industry and its employees. When faced with the strong opposition of the U.S. fishing fleet, the Mexican Government held conferences with the United States to work out a compromise interpretation of the law that would not be as harmful to the U.S. fleet.

Mexico has voiced its support of a 200-mile fishing limit, which is contrary to international law and if imposed, would exclude U.S. fishermen from productive fishing areas in international waters.

To now reward Mexico for these policy and convention violations, through the sale of these new tuna vessels at favorable rates, would be both detrimental and shortsighted.

It would provide Mexico with the most modern tuna seiners in the world, which could then be used to gut the protected tuna stocks of the Inter-American Tropical Tuna Convention.

In so doing, the Bank could also contribute to the destruction of the U.S. west coast tuna fleet and the American tuna canning industry.

EFFECT ON U.S. LAW OF THE SEAS POSITION

Another potential casulty of the Export-Import Bank's proposed financing of the tuna boats for Mexico may be the U.S. species approach to the Laws of the Seas Conference.

The U.S. fisheries position at this vital meeting is based upon the division of the species of fish into three groups. The Coastal State would control two groups, fish that spawn in the Coastal States' waters or live on the Continental Shelf. However, migratory species, such as tuna, which live in the waters of several Coastal States, would be controlled by International conventions, patterned on the Inter-American Tropical Tuna Commission.

This Commission, which is made up of many nations bordering the Pacific, is designed to regulate and preserve the Pacific tuna stocks.

Mexico's actions, in ignoring or flaunting the IATTC's rules and prohibitions, seriously undermines the international convention concept and demonstrates that it may not be workable when a nation chooses to violate it.

Unless some means can be found to enforce the convention and prevent the kind of violations practiced by the Mexican fleet, then the species idea as a basic law of the sea, may be doomed before it is implemented.

AVAILABILITY OF FOREIGN TUNA VESSELS

The Export-Import Bank also stated that if the export financing for these vessels were denied by the Bank, then the Mexican Government would seek the vessels in a foreign nation.

This type of argument by the Bank is not based on hard facts or past experience.

Mexico would buy these tuna vessels from U.S. yards because they can be bought at advantageous rates, through Eximbank financing. If Mexico could obtain better terms elsewhere, it is likely that it would not buy the vessels in the United States.

Another strong factor in Mexico's desire to buy the vessels in the United States is the high level of technology and efficiency of U.S.-built tuna vessels. These vessels are rightly described as the best in the world, and are suited in every way to tuna fishing.

Mexico has experienced the poor quality and design of boats built in other countries. Recently Mexico purchased a group of Spanish vessels, which have proved to be of inferior quality and are more dangerous to operate than their American-built counterparts.

Thus, it is not merely for better financial terms, but also for qualtiy and suitability that Mexico would buy tuna vessels from U.S. yards.

OVERCAPITALIZED INDUSTRY

A final reason why the Bank should not support the export financing of these vessels to Mexico is that it may involve the Bank in the financing of vessels which are a poor risk.

At the present time, the west coast tuna industry already has more equipment than the fish stocks can sustain. The IATTC now restricts the fishing time in certain tuna areas and boats must range far afield to find tuna.

Putting more vessels into this fishery only increases the risk of business failures of fishery depletion. Either eventuality will signal the decline of this industry and, in retrospect, could make the Bank's involvement in this fishery a poor financial decision.

With the SIU's knowledge of this industry and with the expertise of our fishing affiliates, we are positive that the Bank's investment in this area is not prudent.

There are many other more fruitful areas for the Bank, where the opportunity is greater and the need more apparent.

SUMMARY

For these reasons, the Seafarer's International Union of North America urgently requests the Export-Import Bank not to support the export financing of tuna vessels for Mexico.

The proposed transaction would have a detrimental effects on the U.S. fishing and canning industry and on employment in these industries. It should be disapproved.

TRADE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, the Committee on Ways and Means is now meeting to draft the most far-reaching trade legislation ever requested from the Congress by any President. This bill affects every citizen of the United States and the future well-being of this Nation. The issues are complex and technical. The policies are the subject of national debate. The information about these issues and policies is often subject to many interpretations.

The 25-member committee is now behind closed doors writing this most important legislation.

But who is in that room behind closed doors to advise the committee, to answer questions and to provide alternatives for the members' consideration? Apart from one or two committee staff technicians, every 1 of the 10 or more additional persons admitted to that private meeting is a representative of the President and an advocate of the President's bill and no other.

The President's technical staff is there to explain, defend, and shape the President's policies for the members of Ways and Means. That is their job—to represent the President's point of view.

Led by Ambassador William R. Pearce, from the White House, formerly from Cargill Corp.—an international export firm—there are at least 10 technicians from various executive branch agencies. There are representatives of the Commerce Department, the Labor Department, the Treasury Department, the State Department, and the Office of the Special Representative for Trade Negotiations—and so on. The source of information on the President's bill, I repeat, is the technical staff of the President. The Tariff Commission is represented, and so are some other agencies, but even the Congress is denied adequate staff representation.

The people who will be affected by this legislation, the Members of Congress who must decide how to vote on this legislation, the Ways and Means Committee members themselves, are not allowed to have their own staffs in that room to give advice or to raise objective questions. The President's men are taking up all seats surrounding the committee table in the small room where the bill is being written. The President's staff arrives daily lugging bulging briefcases and carrying piles of documents. The congressional members arrive without staff and with virtually no professional aid at their disposal. It is a totally uneven situation. It is unfair to them, to the Congress they represent and to the American people.

What will emerge from these closed sessions where the President's staff has virtually all the cards and all the answers on complicated, technical issues?

The President's trade legislation is a major request for unlimited powers to the President. The President's technicians will, no doubt, participate in the drafting of whatever language emerges for the committee. This is not a hopeful sign for the content of the legislation which will be reported, nor for the powers of Congress to control its own procedures.

Mr. Speaker, last Wednesday I addressed my colleagues of my concern about the future of our international trade relations. I referred to the announced intentions of Communist China to penetrate our economy through the leader export of mushrooms to the United States which could seriously affect our already substantially crippled Pennsylvania mushroom industry. Additionally I discussed the Japanese steelmaker's decision to construct a steel-producing plant at Auburn, N.Y., using American industrial development bonds.

Today I wish to address my colleagues on another aspect of the increasing complexity of the international trade problem. An editorial in last Friday's Wall Street Journal discussed the possibility of extensive investment in American companies by foreign investors. The editorial favored such possibility and concluded:

> When the rest of the world has as much invested in the United States as the United States has invested in the rest of the world, mutual security will rest not so much on treaties or a symbolic military presence as on the clear perception that everyone is in the same boat.
>
> There are voices that warn of dangers and pitfalls, voices we think should be heard and and when necessary accommodated. But certainly not to the extent of barricading the borders. We're pleased to welcome the invasion of the United States by foreign investors and tourists. It's really the only kind of invasion to have.

At first blush this statement might appear to some as a plausible solution to our current international trade problem. But like all overly simplistic generalizations, it is fraught with many perils.

When we consider the many mistakes and miscalculations we have made in our foreign trade policy, it appears that the above-mentioned editorial is saying that all these mistakes and miscalculations will be remedied by allowing and encouraging foreign investors to invest in American companies.

I certainly do not accept such an illogical line of reasoning.

Instead I think we should analyze the reasons for this sudden flurry of activity by foreign investors and determine the causes that brought about the climate that currently favors such activity.

In so doing we notice that a substantial supply of "cheap dollars" in foreign countries have combined with the existing depressed state of our stock market to make investment in American companies extremely attractive to foreign investors.

Obviously, our unfavorable foreign trade balance and the recent devaluation of our dollar substantially contributed to the problem. And the fact that we are still somewhat in the dark as to the identity of the persons and organizations who were responsible for the sudden $6 billion flow of funds into Germany which was the final straw which led to the recent devaluation, only indicates how vulnerable our economy is to the machinations of international speculators.

In view of this, the proper course for this country to take is not to allow a further flow of the control of our economy into foreign hands but instead we should initiate the necessary action to recapture the control that has already passed into foreign hands.

There is much evidence that foreign countries are not standing idly by and allowing their control of their economies to erode. As evidence of this, Canada is currently considering legislation which would restrict foreign investment in its domestic economy. France has already passed such legislation. Additionally, many other countries have nontariff trade barriers—another form of control—to bar the import of American goods. The addition of Britain, Ireland, and Denmark to the Common Market would appear to indicate that, for all practical purposes, three more European markets will be off limits for American goods. In connection with this I must allude to the fact that the Commerce Department has just disclosed that for the month of May the United States experienced a trade deficit of $158 million. This should certainly bring into question the reason for the reported favorable balance of trade which was previously reported for the month of April.

The solution to our trade imbalance is indeed complex, and will require changes in many areas. But in the case of foreign investment in American companies we cannot remain passive while a flood of foreign investment seizes control of American companies. Once such control becomes a reality it would be an insurmountable task to effectuate a divestiture of foreign control. Accordingly I have cosponsored a bill with my distinguished colleague from Pennsylvania, JOHN DENT, that was introduced on Monday of this week.

This bill would—

First, restrict investments by non-U.S. citizens in American companies to 35 percent of nonvoting securities or 5 percent of voting securities;

Second, would prohibit a non-U.S. citizen who currently owns more than the above-specified percentages from acquiring any more of such securities;

Third, would require the registration of non-U.S. citizens before they could acquire any securities in American companies; and

Fourth, would authorize the Securities and Exchange Commission to enforce these provisions by appropriate rules to be prescribed within 90 days of enactment.

The problem of maintaining our national security becomes even more serious in the event control of American companies passes into the hands of foreign investors. Additionally our ability to establish and maintain national priorities would be seriously impaired if we lost control of critical segments of our economy. Our present energy crisis points out the problem when we have to depend on foreign sources of supply. This is an instance where at the present time we have no reasonable alternative source of supply and are at the mercy of our foreign suppliers. We cannot afford to let the situation arise where our domestic companies and their employees would be at the mercy of foreign investors.

There may well be many more potentially adverse effects to our economy which would result from extensive foreign investments in our economy, and it is indeed astonishing to read in the same edition of the Wall Street Journal—previously mentioned—an article whereby former Secretary of Commerce Peter G. Peterson has recommended to President Nixon that "we look at programs to stimulate foreign investment here." As a matter of curiosity, I wonder who is reading whose statement first, Mr. Peterson or the Wall Street Journal.

Needless to say this proposition is not received with complete equanamity by the entire American business community, as evidenced by the recent position taken by the officers and directors of the Ronson Corp. to resist an attempt by an Italian industrial firm to purchase a majority of Ronson's outstanding stock. Interestingly enough it appears that the Italian Government may well own up to 25 percent of the Italian company. What can happen when a foreign company owns American companies is limitless in possibilities, many of which could well have an adverse effect on our economy.

Once the offspring of American ingenuity, the multinational corporation has become the adopted child of every major economic nation in the world.

Multinationals actually have been around for some time but did not really come into their own until after World War II when American business quickly saw the rich markets to be realized in rebuilding shattered economies overseas. It recognized that reconstruction abroad also would enable the production of goods there at low cost for sale back home.

In recent years, however, American multinationals have had to make room for those from other nations whose economies have grown to maturity and who seek larger shares of international markets. The competition has become keen, opening the door to the possibility that out of the struggle will emerge giants-among-giants—supernational corporations which will wield massive political and economic power.

The time may come when a choice must be made as to which rules: the law of the land or the law of supply and demand.

Already there are predictions that by 1990 the world's economic development will make obsolete the individual economies of respective nations. With the coming of this single world economy, it is said some aspects of a nation's sovereignty will have to be transferred to a supernational regulating authority.

There are opinions attributed to George Ball, former U.S. Under Secretary of State, in the New York Times magazine of March 18, and to Roy Ash, former head of Litton Industries and now President Nixon's Director of Office of Management and Budget, in the April issue of American Opinion magazine.

Mr. Ball is said to have proposed a treaty creating this superauthority which would charter multinationals and control them while also standardizing the regulations and taxes of countries wherein they are located. Mr. Ash reportedly believes we have reached the point where economic issues and their related effects can be considered only in terms of world destiny, not separate national destinies, and "certainly not just as a separate go-it-alone destiny for the United States."

I do not agree with the idea of an economic United Nations. I would no more place the economic fate of American citizens in the hands of such a global regulating body than I would place our sovereign rights in the hands of the existing United Nations.

Nevertheless, there are signs such a supernational authority is on the way to becoming a reality just as there are signs the supernational corporations are coming. And when one of these corporate cyclops invests in a country it will exercise tremendous political, economic and social influence. It will be a property owner, taxpayer, employer, and so forth. Yet, it will owe allegiance to nothing save its own board of directors.

An executive of Ford Motor Co. has been quoted as saying:

> We don't consider ourselves basically an American company. We are a multi-national company. And when we approach a government that doesn't like the U.S. we always say, "Whom do you like? . . . We carry a lot of flags. We export from every country."

Also, Textron, Inc., another multinational, has said it wants to do away with the "Made in U.S.A." label. Instead, the company prefers a "made in the world—by people" stamp—because Textron believes we should think in terms of one worldwide economy.

The sovereignty of a nation requires it to be responsible for all that occurs within it borders, including its economy. But how can a government manage its economy when it cannot control all the factors within that economy? Multinationals require a smooth exchange of capital, goods and labor as though there were no national borders. Countries, therefore, become sales territories, not sovereign states. Which rules? The law of the land or the law of supply and demand?

Will the day come when the Constitution of the United States is superseded by a sales contract?

DEVELOPMENT OF GEOTHERMAL ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 15 minutes.

Mr. VEYSEY. Mr. Speaker, I rise to bring to the attention of my colleagues, the need for intensive action by the Federal Government to further the development of geothermal energy.

In several countries, including our neighbor to the south, Mexico, geothermal energy is seen as one of the most important new answers to the energy shortage.

And our geothermal fields, especially those underlying the Western States, the gulf coast, Alaska, and Hawaii, are estimated by experts to be among the richest in the world, if not the richest.

In 1970, the Congress passed the Geothermal Steam Act, which provides for development by private industry of federally owned geothermal resources through competitive and noncompetitive leasing arrangements. So far, we have not yet begun to lease those resources, even though science tells us that the energy is there and that it is almost surely economical. In light of the current energy situation, I find this situation appalling and inexcusable, and I am happy to say that the committee report we are considering here today includes $200,000 to expedite geothermal leasing through the Bureau of Land Management.

This legislation also includes $300,000 for geothermal studies, through the geological survey, $100,000 to study the problems of corrosion in the Bureau of of Mines, and $2,530,000 for geothermal investigations, by the geological survey.

Mr. Speaker, three agencies of the Federal Government have been involved in the research and development of geothermal energy resources; these are the Department of the Interior, the Atomic Energy Commission, and the National Science Foundation.

For fiscal year 1974, the Department of the Interior requested a total of $4.2 million to carry out its geothermal energy program. The bulk of these funds—$2,530,000—are intended for the U.S. Geological Survey. The USGS proposes to utilize these funds for: First, supervision of the geothermal leasing program; second, geologic, geochemical, hydrologic, and geophysical studies for prelease examination of promising areas and for improving exploration techniques; third, reconnaissance surveys in Oregon, Nevada, Idaho, and Alaska; and fourth, investigating the possible environmental impact of geothermal development. The Bureau of Reclamation has requested $1,270,000 to be directed toward determination of the feasibility of geothermal resources as a new source of water through desalting geothermal brines. The Bureau of Mines requested $200,000 to continue basic metallurgical research; their primary interest is in the recovery of mineral byproducts from certain geothermal steam resources. Finally, the Bureau of Land Management has requested $200,000 to be used for analysis and selection of potential leasing tracts and development of a leasing schedule.

The Department of the Interior's request for $4,200,000 is a decrease over the appropriations for fiscal year 1973. Last year, $5,280,000 was appropriated to the Department; the breakdown by agency for fiscal year 1973 appropriations was as follows:

U.S. Geological Survey	$2, 500, 000
Bureau of Mines	200, 000
Bureau of Land Management	348, 000
Bureau of Reclamation	1, 432, 000
Office of Saline Water	800, 000
Total	5, 280, 000

You will note from this breakdown that $800,000 in fiscal year 1973 funds were appropriated to the Office of Saline Water. These funds were dropped in the requests for fiscal year 1974.

The only other Federal agency receiving appropriations for geothermal resources is the National Science Foundation. In fiscal year 1974, they requested $1,080,000; in fiscal year 1973, their appropriations were $1,050,000. The Foundation has five projects underway, all of which are attempting to improve the effort to harness dry-rock and wet-steam geothermal resources.

The final agency concerned with geothermal resources development is the Atomic Energy Commission. In recent testimony before the Subcommittee on Water and Power of the Senate Committee on Interior and Insular Affairs, AEC spokesmen explained that small-scale research projects on the development of dry rock technology had been carried out by the Los Alamos Scientific Laboratory and the Lawrence Livermore Laboratory. However, no funds were directly appropriated for the purpose of geothermal research and development in fiscal year 1973.

In addition, it appears that no funds will be forthcoming during fiscal year 1974. The AEC did request $4.3 million for geothermal R. & D. for fiscal year 1974, but these funds were to have come from the "central energy research and development fund" contained in the Department of the Interior appropriations request. As you know, the House Appropriations Subcommittee on Interior and Related Agencies did not approve this funds. The Joint Committee on Atomic Energy subsequently requested $4.7 million for geothermal R. & D. in the AEC Authorization Act (H.R. 8662), but according to staff members of the House Appropriations Subcommittee on Public Works and AEC, these funds have been deleted from the bill as reported yesterday.

The following table presents a summary of the figure cited previously:

Agency	Fiscal year—	
	1973[1]	1974[2]
U.S. Geological Survey	$2,500,000	$2,530,000
Bureau of Mines	200,000	200,000
Bureau of Land Management	348,000	200,000
Bureau of Reclamation	1,432,000	1,270,000
Office of Saline Water	800,000	-------------
National Science Foundation	1,050,000	1,080,000
Total	6,330,000	5,280,000

[1] Appropriated funds.

[2] Budget requests.

One cautionary note should be mentioned about the above figures. The fiscal year 1973 moneys represent appropriations to the agencies and the fiscal year 1974 moneys were taken from budget requests. Thus, the figures are not easily comparable. It could be inferred, however, that the Federal Government's commitment to developing geothermal resources has not increased.

PRETRIAL DIVERSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 10 minutes.

Mr. RAILSBACK. Mr. Speaker, today I am introducing legislation which would permit a Federal court, upon the recommendations of the U.S. prosecutor to place certain persons charged with Federal crimes in programs of community supervision. This bill would authorize the courts to establish, within our present probation system, programs of pretrial diversion for certain Federal offenders.

A person would be eligible for deferred prosecution only on the recommendation of the attorney for the Government which then must be approved by the court. Such a person would have to agree to enter the pretrial diversion program and wave any applicable statute of limitations and his right to speedy trial for the period of his diversion. If the person fulfilled his obligations under the program for a period of 3 months to 1 year, the charges against him would be dismissed. Prosecution of the pending criminal charges could be resumed when the court found that the person was not fulfilling his obligation under the program.

The pretrial diversion concept has received support from the Judicial Conference of the United States, the American Bar Association, the Department of Justice, the National District Attorneys Association, and the Chamber of Commerce of the United States. In 1967, the President's Commission on Law Enforcement and Administration of Justice adopted a standard in its final report "The Challenge of Crime in a Free Society," which endorsed the concept of early diversion programs. It recommended that prosecutors undertake "[e]arly identification and diversion to other community resources of those offenders in need of treatment, for whom full criminal disposition does not appear required."

The ABA Section of Criminal Law supports the idea of pretrial diversion because it embodies provisions of the following standard for criminal justice:

> THE PROSECUTION FUNCTION
>
> 3.8 Discretion as to non-criminal disposition.
>
> (a) The prosecutor should explore the availability of non-criminal disposition, including programs of rehabilitation, formal or informal, in deciding whether to press criminal charges; especially in the case of a first offender, the nature of the offense may warrant non-criminal disposition.
>
> (b) Prosecutors should be familiar with the resources of social agencies which can assist in the evaluation of cases for diversion from the criminal process.
>
> THE DEFENSE FUNCTION
>
> 6.1 Duty to explore disposition without trial.
>
> (a) Whenever the nature and circumstances of the case permit, the lawyer for the accused should explore the possibility of an early diversion of the case from the criminal process through the use of other community agencies.

There is an increasing awareness, Mr. Speaker, that prosecuting a person charged with a criminal offense need not be the only method of dealing with antisocial conduct. In some cases, it may not be in the best interests of either society or the accused to pursue prosecution. "Early diversion" may be a relatively new phrase, but the underlying concept is not new. Experienced prosecutors have long exercised their discretion to defer prosecution upon certain conditions, such as an arrangement with the accused to enter the military service or obtain new employment or some other agreement to embark on what can be considered a rehabilitative program. Deferred prosecution is not used extensively because prosecutors and the court do not have the time, the staff, the money, the facilities, or the programs to handle such persons. Therefore, the prosecutors have little alternative but to prosecute and the court to sentence. Legislation is necessary in order to permit prosecutors and the courts to have the assistance of the probation office in order to evaluate cases before rather than after conviction.

In addressing the First National Conference on Corrections in Williamsburg, Va., in 1971, the then Attorney General John N. Mitchell said:

> Let us recognize that corrections should begin, not with the prisons, but with the courts. Let us ask whether in every case we need to achieve "the object so sublime" of the Mikado's Lord High Executioner—"to make the punishment fit the crime." In many cases society can best be served by diverting the accused to a voluntary community oriented correction program instead of bringing him to trial. The Federal criminal justice system has already used this formula in many juvenile cases—the so-called Brooklyn plan. I believe this program could be expanded to include certain offenders beyond the juvenile age, without losing the general deterrent effect of the criminal justice system.

Deferred prosecution was first used by the U.S. attorney for the eastern district of New York in 1936. At that time, the U.S. attorney and the chief probation officer were concerned with the handling of juvenile offenders and were seeking a method of avoiding the demoralizing influences of the court procedure on selected juvenile offenders, that is, young people with substantial backgrounds, good home influences, and no prior convictions. The decision whether to defer prosecution was made by the U.S. attorney on the basis of a complete investigation by the probation officer. This was the beginning of what became known as the Brooklyn plan. Under this plan, juveniles are interviewed in the presence of a U.S. probation officer who conducts an investigation and submits a preliminary report before the juvenile is formally charged in an indictment or information. This successful plan is presently used in many judicial districts throughout the United States and is considered to be an extremely valuable program of rehabilitation for juveniles.

Mr. Speaker, this legislation is neither revolutionary nor will it be a panacea for the successful rehabilitation of all defendants, but rather it is a small step toward increasing the personal incentive of selected offenders toward rehabilitation without losing the general deterrent effect of our criminal justice system.

THE BUREAU OF RECLAMATION VERSUS GARRISON PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK), is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, tomorrow, when the House considers the public works appropriations bill, Members will be requested to continue funding for the Bureau of Reclamation and, unfortunately, to continue the appropriations for some of their most questionable programs.

The Bureau of Reclamation has reached its point of diminishing returns, it has outlived its useful life. Today it creates more problems than it solves. Many of its programs have become pollution headaches. Many projects of the Bureau have caused the proliferation of agribusiness, helping the rich farmers get richer while the small farmers find survival more difficult. But the most important and damaging aspect of the Bureau's policies have been in the agricultural market distortions created by the Bureau's tremendous subsidies.

REPORT OF NATIONAL WATER COMMISSION, JUNE 1973

The final report of the National Water Commission has confirmed my criticisms of the Bureau of Reclamation. The report points out that the primary weakness of the irrigation projects is that they have been too heavily subsidized by the taxpayers of America while providing benefits to only a very few. Water users on some Federal reclamation projects repay no more than 10 percent of the construction costs attributable to irrigation.

In some instances, as a result of irrigation projects, landowners receive large windfalls by converting their woodland or pastureland into cropland with little or no cost to the owner. The Commission also points out that certain projects have resulted in large increases in the production of certain commodities without any consideration of the demand for those commodities, or their effect on the total market.

As in any economic free market structure, commodity demand is the wisest director for investment in any production. But if lands are cultivated and crops are grown to benefit from a subsidy, the result will be a distortion of that product's price and marketability—not just for those subsidized, for all producers. This is exactly what has happened. Because of the price support programs utilized to maintain farm income, certain crops are grown on this federally irrigated land, increasing the production of price supported commodities—creating the need for even more price supports. The Commission has reported that despite knowing this fact beforehand, the Bureau has continued to undertake projects that were not economically sound. Thus the American taxpayer has had to pay twice: Once to provide for the irrigation subsidies, and second, to pay for the agricultural price subsidies.

CONCLUSIONS OF THE COMMISSION

The Commission concluded that there would be no need in the next 30 years to continue federally subsidized water resource development programs to increase the agricultural land base of the country. In addition, the Commission made the following official recommendation:

> Legislation should be enacted to require full repayment of costs of federal water resource development projects that result in increases in production of food and fiber.

I would like to point out to my colleagues that the problems of the Bureau of Reclamation have not been a recent revelation to the rest of the country.

Earlier this year, on the CBS television show "60 Minutes," Mike Wallace detailed the abuses of the taxpayers' money in federally constructed irrigation projects. Through interviews with farmers in the Southwest, it became quite clear that large agribusinesses were making a fortune off the new projects, while small farmers claimed they were not receiving sufficient water and were losing their farms.

The roots of that problem are quite clearly the result of unenforced, broken laws. In the 1902 Reclamation Act, one of the most important sections states that no one may be entitled to the Bureau of Reclamation's water on more than 160 acres of land. This provision was never actively enforced. Now the giant farms scream. "You cannot stop our water or all of our crops will fail." This is a dilemma that could reasonably be solved by the forced divesting of illegally irrigated acreage.

GARRISON DIVERSION PROJECT

Mr. Speaker, tomorrow the House will have an opportunity to move in the direction of the Commission's recommendations. The Bureau of Reclamation appropriation includes an irrigation project for North Dakota: The Garrison Diversion project, that should be removed from the bill.

The Garrison Diversion unit is an immense project designed to divert and impound Missouri River Basin water for irrigation purposes. The project will reap widespread damage if it continues.

IMPACT ON FARMERS

Through inundation and constructon rights-of-way, 63,000 acres of productive farmland will be lost directly as a result of the project, and a substantially greater amount will be lost along the canal routes. The project's promoters claim it will help the small farmers, while a number of small farms are already being lost to the construction. It is also difficult to understand how the small farmer will benefit when the average cost of the irrigation sprinkler equipment needed in the project area is about $30,000 per 160 acres—far above the financing capacity of the small farmer. This will create a possibly absurd situation of "water, water everywhere but no capacity to use it." The two largest farm organizations in the State, the North Dakota Farmers Union and North Dakota NFO, have both recently passed resolutions asking for a moritorium on construction and land acquisition and an independent analysis of the project. If the farmers do not want this project then who does?

IRRIGATION NEED QUESTIONABLE

The land this project will be irrigating is already productive land. It would be tragic if this project results in increasing the water and land salinity on thousands of acres of fertile prairies already producing good crops. And many think this problem is likely to develop. I would only warn those who support this project of the disastrous consequences of the increased salinity of the lower Colorado. That similar Bureau project has already destroyed substantial amounts of fertile land in northern Mexico and the United States side of the border. The Bureau of Reclamation has not yet released any results of studies which would clearly identify and eliminate the possibility of such "salt destruction" in the Garrison project area.

DECEPTION OF THE BUREAU

The Bureau of the Budget twice rejected the proposals of the Bureau of Reclamation on the Garrison project, and it was only successfully approved on a cost-benefit ratio by attaching enormous fish and wildlife benefits to the project—benefits which to a large degree were concocted. They claimed that this project would create 16,000 acres of wetlands—instead by their own recent admission, there will not be again but instead a loss of 17,450 acres of wetlands. Many people who originally supported this project are now "signaling thumbs down."

The Garrison project is typical of too many other Bureau projects. It is time that the American Congress and the American taxpayer reexamine these programs—programs which have over $5 billion in unfinished construction pending. I hope that my colleagues will join with me in supporting the amendment of the gentleman from Pennsylvania (Mr. SAYLOR) in striking the appropriation for the expansion of the Garrison project. Only if we in the Congress give more careful study to the benefits and costs of these projects, will we be able to prevent the waste of the taxpayer's money, the disruption of our Nation's agricultural economy, and the degradation of our environment.

PECULIAR PARANOIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, peace movement people sometimes used to wonder if they were getting paranoid when they felt they were being watched. Now that the country is learning the extent of the spying that actually went on, it is apparent that the real paranoia was inside the White House.

James Wechsler's column in the New York Post today reflects on this phenomenon:

NIGHTMARES

> On one point the testimony of most of the witnesses heard so far in the Watergate hearings is remarkably consistent. It is the cumulative portrait of a White House obsessed with a brooding belief that antiwar demonstrations were part of a massive revolutionary conspiracy furtively sponsored by George McGovern and Larry O'Brien under alien direction and threatening a leftist coup.
>
> Until yesterday the stories told generally omitted any clear reference to President Nixon in describing the agitated apprehension that prevailed in high places. It remained for John Dean to offer the unforgettable image of the President personally insisting that one lonely picket carrying an antiwar sign be banished from his view. The sense that emerges is one of men who had literally become captives of their own fantasies, with Mr. Nixon himself instrumental in producing the epidemic of paranoia.
>
> One can almost hear him exclaiming in disblief and exasperation when the news was broken to him—as Dean reports—that no

evidence of far-flung, Hanoi-based conspiracy could be produced. Perhaps that is when he decided that the venerable J. Edgar Hoover, long a master spinner of ominous tales, was losing his grip and that a more elaborate—and illicit—"counter-intelligence" network was needed.

Certainly there were various species of revolutionaries scattered around the antiwar movement. What Mr. Nixon and his palace guard seemed unable or unwilling to understand is that a vast multitude of Americans had turned against the war before he assumed the Presidency; that this national revulsion had led to the abdication of Lyndon Johnson; and that his own pledge to secure a swift peace in Vietnam contributed decisively to Nixon's narrow victory over Hubert Humphrey in 1968. In the face of that knowledge how could he have anticipated for example, anything different than the largely spontaneous, intense popular uprising that followed his expansion of the war into Cambodia in 1970?

Now the evidence mounts that there was an authentic hysteria within Mr. Nixon's inner circle, most frenetically manifested in the Mayday mass roundups that Attorney General Mitchell ordered during the Washington protest of May, 1971.

In a sense this was Hanoi's ultimate triumph; this small "fifth-rate" country had succeeded, by its refusal to capitulate, in transforming the leadership of the self-proclaimed "Number One" power into a band of scared little men, as fearful of their own countrymen as of foreign adversaries.

The archives are far from fully revealed. Some may contend, on the basis of what is so far disclosed, that Mr. Nixon and his deputies cynically fashioned the fantasy of alien conspiracy to justify the pattern of lawless surveillance and sabotage now known as Watergate.

Certainly the crude "dirty tricks" played on Ed Muskie's campaign were at variance with the notion that the Administration's hatchet men were primarily protecting the country against what they deemed the monstrous menace of McGovernism (and its alleged Hanoi designers). There are, after all, indications that in fact one strategic aim of the Nixon cabal was to advance McGovern's primary fortunes on the theory that he would be the most vulnerable opponent. In doing so, they were necessarily increasing the risk that this most dangerous man—according to the gospel circulating among themselves—might capture the Presidency. If they were true believers in their own alarms, why did they give covert help to McGovern in strategic primary tests?

Another bizarre circumstance is that, even as fear of "revolutionary violence" was reportedly shadowing the White House, some FBI provocateurs were providing the tools and techniques of violence to antiwar zealots. Indeed, we have apparently only glimpsed the surface of such operations in the isolated confessionals unveiled at the Camden trial and in other places.

Perhaps these mysterious discrepancies can only be explained by a realization that there were many diverse aspects and characters in the intrigue that accompanied the desperate resolve to retain power at any price.

Some of the parodoxes are absurdly apparent. Even as government provocateurs were helping to foster the climate of violence, the White House and Mitchell's Justice Dept. were reading the reports of turmoil as proof that anarchy was at the gates. Were all the signals mixed?

Equally grotesque is the spectacle of the President and Dr. Kissinger secretly setting the stage for heralded trips to Moscow and Peking while the Nixon domestic operation was mounting a major assault on home-front "radicals"—from George McGovern to Daniel Ellsberg—with flagrant contempt for their Constitutional rights.

In immediate terms Mr. Nixon's complicity in the final, undercover attempt to obstruct justice, as asserted in Dean's testimony, may be the crucial turning point in the case. But historians may be equally fascinated by the mingled elements of irrationality and cold-bloodedness that seemed to have held sway in the top councils of the White House during the years now under review.

ROSWELL PARK MEMORIAL INSTITUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, I have previously called to the attention of my colleagues this year's 75th anniversary of Roswell Park Memorial Institute, the oldest comprehensive cancer center in the world. Today I am again privileged to place in the RECORD information about the humanitarian history of this world-renowned cancer complex.

Research into the causes, cures, and prevention of cancer is a vital part of Roswell Park, but it is not the only function. Quality personalized patient care is emphasized, with physical and emotional treatment administered by skilled teams of medical professionals, social workers, and hard-working volunteers.

The scientific community is making a concerted effort to combat cancer; government has now recognized its responsibility in the fight against this terrible enemy. Passage of the National Cancer Act of 1971 was a decisive move forward, but was by no means the end of the advance. Yesterday's House passage of the Labor-HEW Appropriations bill increased funding for the Cancer Institute and added $209 million to the budget request for NIH research institutes. This is another important stage of the war.

Roswell Park is not resting on past accomplishments. Dr. Gerald P. Murphy, director at the institute, has listed eight primary goals, five in research and three in other areas, to be emphasized in the next 7 years:

First. Pursuit of further studies in immunotherapy.

Second. Development of new cancer drugs:

> Our goal is to develop new compounds and to get them into controlled studies not taking seven years, but the shortest time possible.

Third. Study of the mechanisms and properties of cancer cells.

Fourth. Finite study of the subunits of cells—a study of what composes them.

Fifth. Examination of the environment to attempt to identify the hazardous things which may or may not be the cause for certain cancers and, through that identification, seek ways of prevention if possible.

Sixth. Training researchers and health workers involved in cancer for our own needs, those of the State, and the whole cancer commitment.

Seventh. Expansion of our clinical investigation activities—demonstrating the effectiveness in man of a great deal of what has been accomplished in our research here in the last 15 years.

Eighth. Public education:

> We acknowledge there is a great need to translate the tremendous accomplishments and hope in cancer research and what can be done in care to the public. We've got to take the fear out of cancer.

We must continue to provide the enabling legislation and financial assistance necessary to eradicate the killer. There is no doubt that the dedicated, brilliant men and women of Roswell Park, in cooperation with the best minds from around the world, will keep their commitment to the health of mankind.

I am inserting an article from the June 23, 1973, Buffalo Evening News, describing the work at the center since its inception:

MAJOR CANCER RESEARCH CENTER BEGAN 75 YEARS AGO AS UB LAB

(By Mildred Spencer)

Its name is known around the world.

Men and women who might otherwise never have heard of Buffalo have heard of Roswell Park Memorial Institute.

Scientists, physicians and laymen look to it in gratitude for the answers to cancer that have been found there and in hope that still more answers, perhaps the definite one, will be found in the years ahead. Although familiar with its present and anticipatory of its future, many of them know little of its past—a past that reaches back 75 years.

Some, indeed, think the "Roswell Park" of its title refers to a park rather than a famed Buffalo surgeon who attended President William McKinley when the latter was shot at the Pan-American Exposition here in 1901.

That was four years after Dr. Roswell Park, and the then editor and publisher of The Buffalo Evening News, Edward H. Butler, Sr., had first asked the New York State Legislature for a grant of $10,000 to establish a cancer laboratory within the University of Buffalo School of Medicine. And three years before the laboratory, first vetoed by Gov. Frank S. Black, became a reality with a state grant of $7500.

Today, that laboratory, which started with three rooms in the old Medical School at 24 High St., has 26 buildings—16 in Buffalo, five in Orchard Park, four in Springville and one in West Seneca.

Its physical plant is worth an estimated $70 million. In 1972 its yearly operating expenses totaled $31,772,947.

"The history of the world," Thomas Carlyle said, "is but the biography of great men."

So the history of Roswell Park Memorial Institute can be told in the records of the men—seven directors and two acting directors—who have determined its destiny in the years since 1898.

The first of these was the founder and first director, Dr. Roswell Park.

Dr. Park was already recognized as an outstanding figure in the field of surgery when he came to Buffalo in 1893 as professor of surgery in the 47-year-old University of Buffalo.

He had been graduated from Northwestern University's Medical Department, studied in Europe and returned to become lecturer on surgery in Rush Medical College and attending surgeon in Michael Reese Hospital, Chicago.

MORE THAN A SURGEON

But he was more than a surgeon. He was a universal man—a skilled musician, composer, brilliant conversationalist, world traveler, reader and writer on subjects as varied as tuberculosis and "The Relation of the Grecian Mysteries to the Foundation of Christianity."

One of his first impressions after coming to Buffalo was the apparent greater incidence of cancer in this vicinity than he had noted in Illinois.

It challenged him. He saw the problem of cancer as "the pathological mystery of the ages" and determined to do something about solving it.

The UB Medical School had no funds to underwrite this research, so he enlisted the support of Mr. Butler and turned to the state.

The research facility that the state's $7,500 made possible was known in its early days as the New York State Pathological Laboratory of the University of Buffalo.

It was the first government-supported cancer research laboratory in the world.

Dr. Park himself had too many other demands on his time to devote himself full-time to research. But much of the work done there by others in those early days was directed towards the "parastic theory" of the cause of cancer.

"For my own part," Dr. Park told the State Medical Society in 1893, "I cannot help feeling that we are on the eve of great discoveries in this matter. I have for years had a growing conviction that cancer—and syphillis, too—were parasitic diseases, due to either unfamiliar or yet unknown organisms, and that some new technical method, or some new application of old methods, would ere long furnish the key to the mystery.

DR. PARK'S WARNING

The methods to determine the truth or falsity of his belief never became available in Dr. Park's lifetime. His contribution, therefore, lay in his repeated warning that cancer was on the increase, his creation of the institute that now bears his name and the encouragement that he gave to research.

His contemporary, Dr. W. W. Keen, professor of surgery at Jefferson Medical College in Philadelphia, said of him:

"Dr. Park has done more work and better work than any other person in America in this direction, and his work has not only met with great encouragement and recognition abroad but is recognized as being as good as any done there."

During his six years as director, the laboratory moved from the Medical School to its own building, constructed in 1901 with $25,000 given by Mrs. William Gratwick on land across from Buffalo General Hospital which had been purchased by public-spirited citizens.

For the next several years the laboratory was known as the Gratwick Research Laboratory of the University of Buffalo.

In 1904, Dr. Park relinquished the reins of the directorship to Dr. Harvey R. Gaylord, who was to hold them for 19 years. During those Gaylord years the laboratory expanded from a small research unit to an institute concerned equally with research and patient care.

In 1911 Dr. Park, still active through no longer director, obtained the support of leading Buffalonians to make the laboratory a state institution. Its name was changed to the New York State Institute for the Study of Malignant Disease.

Two years later a 30-bed hospital for cancer patients was erected on land purchased by interested Buffalonians and donated to the state. It was named the Cary Pavilion in honor of Dr. Charles Cary, a Buffalo physician and trustee on the institute.

It was here that Buffalo first saw the large-scale use of radiation in the treatment of cancer. The institute received its first 50 milligrams of radium as a gift from Mrs. Ansley Wilcox in 1914.

HUGE X-RAY UNIT ADDED

Seven years later a 200,000-volt X-ray machine was installed as an alternate source of radiation.

Dr. George H. A. Clowes, during these early years, introduced the use of experimental drugs in the treatment of cancer for the first time in the United States. Later, in Indianapolis, he was to play a leading role in the development of methods for the manufacture and clinical use of insulin in diabetes treatment.

Laboratory research, however, remained the principal interest of the institute's director, Dr. Gaylord.

On a trip abroad he met Drs. Carl and Gerty Cori and persuaded them to join the institute staff. There they carried out studies of carbohydrate metabolism that later, when continued at Washington University in St. Louis, won them a Nobel Prize. The annual Cori Lecture Series at Roswell Park Memorial Institute honors their contribution.

Dr. Gaylord himself continued investigations into the parasitic theory of cancer advanced by Dr. Park after the latter died in 1914.

They were given impetus with the purchase in 1913 of an experimental farm near Springville—now the Springville Laboratories of the institute. The streams there were stocked with trout with thyroid tumors attributed to a possible parasite and later discovered to be a specific type of goiter.

In 1919 Dr. Gaylord obtained from Dr. Peyton Rous at the Rockefeller Institute a chicken bearing a tumor which Dr. Rous had identified as caused by a virus. Dr. Gaylord and other scientists at the institute interested in a possible parasitic cause of human cancer studied this tumor for several years.

IMMUNOLOGICAL ASPECTS

Dr. Gaylord was also deeply interested in the immunological aspects of cancer. Some persons, he noted, appeared to be "absolutely" immune to the disease and others, when affected, could apparently throw off diseased cells and overcome it. He hoped to be able, through vaccines, to produce immunity to cancer. Research in both of these areas—virus causation and immunology—has been stepped up in recent years after a long period of dormancy.

In 1913 the institute expanded its program of patient care and research to include statewide pathological services. Institute pathologists aided in the diagnosis of cancer in patients throughout the state by interpreting microscopic slides of tissue samples sent to them by the patients' physicians.

The chief pathologist in charge of this program was Dr. Burton T. Simpson, who was named the third director of the institute when Dr. Gaylord relinquished the position because of ill health in 1923.

Research took a back seat to patient care during the Simpson years, which extended until 1943.

"While we endeavor to keep some research under way in the laboratory," an annual report noted, "the increase in our routine duties has been making it more and more difficult to find sufficient time to devote to these problems."

A new hospital building, named for Dr. Gaylord, was opened in 1927. In 1940 another, the Simpson Building, added 78 beds.

The radiation therapy department was enlarged and divisions for the various phases of cancer were established. Each was headed by a full-time man trained in the specialty involved.

When Dr. Simpson retired in 1943, Dr. William H. Wehr, chief of the institute's division of breast cancer, was named acting director, a position he held until 1945.

It was Dr. Wehr who held the institute together during the difficult years of World War II, somehow balancing war-time staff shortages and a long waiting list of patients.

The contacts and know-how he gained in those years were to prove invaluable to subsequent directors whom Dr. Wehr served as unofficial go-between with State Health Department and other Albany officials.

ROLE OF WALTER MAHONEY

One of them, Supreme Court Justice Walter J. Mahoney, has stated that his initial interest in the institute came about as the result of a conversation with Dr. Wehr and Assemblyman Frank Gugino.

As majority leader in the State Senate, Sen. Mahoney was instrumental in obtaining the ever-increasing funds needed to make the institute a respected leader in the fight against cancer.

Dr. Wehr's name is perpetuated at the institute by the Wehr Building, constructed in 1962 to provide additional laboratory space and animal quarters.

In 1945, Dr. Louis C. Kress became the institute's fourth director. Dr. Kress, whose association with the institute as a physician dated back to 1919, had been serving as director of the State Health Department's newly-organized Division of Cancer Control in Albany.

In his new job in Buffalo he added still another dimension to the role of the institute, officially renamed Roswell Park Memorial Institute in 1946. That dimension was education.

Students in the Medical School were invited to attend lectures at the institute, and local hospitals to send resident physicians for training.

Dr. Kress himself gave thousands of speeches on cancer to lay and professional groups, devoting his leisure as well as his professional hours to the task.

He died of a heart attack in 1952 while driving through a snow storm to make a speech on cancer in Rochester. The Kress Building today houses the institute's personnel, epidemiology and the computer center.

Two years before Dr. Kress' death, ground had been broken for a new 316-bed $7 million patient-care building, then under construction.

At the ground-breaking, Gov. Thomas E. Dewey, who had lost two members of his family to cancer, affirmed his intention of upgrading Roswell Park Memorial Institute.

MORE ACCENT ON RESEARCH

After Dr. Kress died, State Health Commissioner Herman E. Hilleboe announced a plan for making the institute not merely a patient treatment center with incidental research interest but a great facility devoted primarily to research.

With this in mind, he launched a search for a new director who could make the dream a reality.

Meanwhile Dr. Morton L. Levin, an epidemiologist who had been among the first to call attention to the relationship between cigarette smoking and lung cancer, became acting director.

His occupancy of the seat lasted less than a year.

On Nov. 1, 1952, Dr. George E. Moore, 32, was named fifth director of the institute.

One of the youngest men ever to hold a post of such responsibility, Dr. Moore had been associate professor of surgery, director of the Tumor Clinic and cancer co-ordinator at the University of Minnesota Medical School.

Like the institute's first director, Dr. Park, the fifth was a "man for all seasons."

A skilled surgeon and widely-respected researcher, he still found time for a variety of other activities ranging from painting to playing volleyball with the institute's championship team.

But first and foremost, during his 15 years as director, he gave himself to the development of the institute as a research facility second to none. When he was in Buffalo he was in his laboratory or office every day, and many evenings, even over the week-ends.

He culled the scientific literature and travelled throughout the world to find outstanding scietnists who were doing promising work in cancer research and persuade them to join the Roswell Park staff.

Evidence of his success is the increase in the number of scientific papers published by members of the professional staff during his directorship—from 13 in 1952 to 777 in 1967.

Because he knew that the solution to the cancer problem might not come in his lifetime, he encouraged young people to become interested in science as a career. The result was the institute's continuing Research Participation Program in Science, established in 1953.

UNIVERSITY'S ROSWELL DIVISION

Two years later a Roswell Park Division of the University of Buffalo Graduate School was established at the institute.

Because Roswell Park Memorial Institute could not, as a state facility, receive gifts and research grants, Dr. Moore was instrumental in the formation of a Roswell Park Division of Health Research Inc. for that purpose. And he exerted his considerable power of persuasion to obtain such gifts and grants from the federal government, the American Cancer Society and private sources.

To support the expanding research program, the institute needed increased operating funds.

Dr. Moore, with the knowledgeable assistance of Dr. Wehr, obtained the necessary budget increases each year by keeping the state legislators and the governor in close touch with the progress being made in the fight against cancer.

When he resigned the directorship to become director of research for the State Health Department, the institute's professional staff had increased from 276 to 1922, its annual budget from $1,225,751 to $19,444,979.

Over those years, Gov. Rockefeller noted at that time, almost the entire physical plant of the institute had been replaced at a cost of $30 million.

Dr. Moore's successor as director was Dr. James T. Grace Jr., who had been one of his assistants.

A tall, soft-spoken southerner, Dr. Grace had decided to devote his life to cancer research after his young son died of leukemia.

In his years at Roswell Park, Dr. Grace had achieved an international reputation for his studies of the possible relationship of viruses to human cancer—the subject in which Dr. Gaylord had evinced such interest a half-century earlier.

During the three years of his directorship, he was equally concerned about strengthening the image of the institute as an outstanding center for patient care.

The rapid growth of the institute in the basic research field had made some physicians reluctant to send patients there. The patients, they feared, might be used as human "guinea pigs," their personal welfare sacrificed to the researchers' desire to learn.

This had not happened and Dr. Grace set out to show the medical profession that it had not happened, that their patients would receive the best possible care for their disease when referred to the institute.

To strengthen the ties with practicing physicians throughout the state, he instituted a toll-free telephone system by which they could call the institute at any time for assistance in diagnosis and treatment of cancer in their own patients.

DR. GRACE AND HIS CHOICE

Both on and off the job, Dr. Grace was untiring in his efforts to carry the message of cancer to professional and lay groups.

One of his last acts, before he was critically injured in an automobile accident in 1970 (he died 17 months later) was to address the kickoff meeting of the Cancer Crusade of the American Cancer Society in Chicago. It was there that he spoke the words that have since been embossed on a plaque that hangs in the main lobby of the institute:

"If I had my choice between a moon walk and the life of a single child with leukemia, I would never glance upward!"

Dr. Gerald P. Murphy, who succeeded Dr. Grace, has continued to build the institute's programs in research, patient care and education.

A cancer drug center, planned by Dr. Grace, has been completed and named the James T. Grace Jr. Cancer Drug Center Building. An educational center, the Center Research Studies Center, has been opened. In 1972, the Institute received the largest federal grant in its history—$5,523,822—to build a cancer cell center.

In the planning stage is a badly-needed expansion of the pediatrics department and construction of an ambulatory care center to centralize and expand outpatient clinics and related facilities.

Recognizing the need for housing facilities for patients from outside the area who do not need hospitalization but cannot afford to pay hotel rates—and, in some instances, for their families—Dr. Murphy has encouraged the opening of two guest houses and hopes to follow these with others.

And he has announced plans to step up the institute's program to rehabilitate patients not only physically but also psychologically and socially after cancer treatment.

At the turn of the century, when Roswell Park Memorial Institute was founded, cancer was a virtual death sentence. By the 1930s, the survival rate was one in five. Today it is two in five.

The challenge of tomorrow is to increase that survival rate to three, four or even five in five.

Or, better yet, to prevent cancer entirely.

Research now under way at Roswell Park Memorial Institute may hold some of the answers.—Mildred Spencer

RESEARCH HEADS LIST OF FUTURE DIRECTIONS

Predicting that the 1970s will be "a very exciting period" for Roswell Park Memorial Institute, Dr. Gerald P. Murphy, director, has outlined eight directions which the institute will emphasize in the next seven years.

Five of the areas are in research:

(1) Pursuit of further studies in immunotherapy.

(2) Development of new cancer drugs. "Our goal is to develop new compounds and to get them into controlled studies not taking seven years but the shortest time possible."

(3) Study of the mechanisms and properties of cancer cells.

(4) "Finite study of the subunits of cells . . . a study of what composes them."

(5) Examination of the environment "to attempt to identify the hazardous things which may or may not be the cause for certain cancers and, through that identification, seek ways of prevention if possible."

Other areas include:

(6) Training researchers and health workers involved in cancer "for our own needs, those of the state, and the whole cancer commitment."

(7) "Expansion of our clinical investigation activities . . . demonstrating the effectiveness in man of a great deal of what has been accomplished in our research here in the last 15 years."

(8) Public education. "We acknowledge there is a great need to translate the tremendous accomplishments and hope in cancer research and what can be done in care to the public. We've got to take the fear out of cancer."

Mr. Speaker, it is a pleasure to join the distinguished Representative from the 38th District of New York (Mr. Kemp) in saluting Roswell Park Memorial Institute; may we all benefit from many more years of its contributions to health and long life.

ARCHAIC VOTING PRACTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, throughout the history of the United States there has been a consistent effort to extend the right to vote to nearly all adult Americans and to reduce unnecessary barriers to the exercise of this most basic right. Restrictions on grounds of property, religion, race, and sex have all been removed in the continuing effort to create a truly universal adult suffrage. Today one of the biggest obstacles that remains to the exercise of the vote are archaic voting practices that continues to penalize the growing number of mobile Americans.

The Voting Rights Act Amendments of 1970 sought to redress some of these inequities, yet today for a variety of reasons at least 750,000 Americans residing overseas are effectively disenfranchised. These Americans are missionaries, teachers, retirees, businessmen, and businesswomen and their families, news correspondents, and others. They play a very vital role in promoting American interests, promoting good will, securing trade, or providing information for American readers or viewers.

Yet because of their overseas residence most of these Americans are effectively prevented from voting in Presidential and congressional elections, even though they continue to be subject to the obligations and responsibilities of American citizenship. They are prevented from exercising the Federal franchise because the majority of States impose rules which require a voter's physical presence or maintenance of a home in the State or which have confusing absentee forms for registration or voting that appear to require the maintenance of a home in the State or which raise a doubt of voting eligibility—as do the majority of the States—of nonresident domiciliaries whose date of return is uncertain or because the citizen does not honestly know whether he or she will return to the State of last residence or be assigned to a different State.

Last year the Bipartisan Committee for American Voters Overseas surveyed the election officials of the 50 States as to the ability of overseas American citizens to vote for President and Congress in their respective States. The bipartisan committee is an organization of distinguished business and professional people in Europe of both political parties who have been seeking the enfranchisement of American citizens residing abroad. The following set of circumstances were presented to the election officials of the 50 States:

A qualified voting resident left the State a number of years ago to work abroad in a business or professional capacity. His former home in the State has been sold and he now only has a physical residence in a foreign country. However, he looks upon this as temporary and intends eventually to return to his State. He considers that his last residence before departing from the State remains his domicile or legal residence for voting in Federal elections, even though he has no present place of abode within the State.

Results from the survey indicate that nearly two-thirds of the States effectively disenfranchise or impair the ability of a nonresident domiciliary to vote in congressional elections.

In elections for President, barely half of the States—26 and the District of Columbia would clearly allow him to register and vote absentee. A number of these States have adopted the form 76 Federal Post Card Application form—FPCA—for absentee registration and voting by Americans abroad.

However, under present law, if our typical American citizen abroad does not have an intent to return to the State of his last residence, in other words is not a domiciliary of that State, it would appear that he would presently not be entitled to vote in any State of the Union. This would be the case, for example, if his employer transferred him overseas from one State but could give him no assurance what State he might be transferred to upon his return.

To correct this inequity Mr. RAILSBACK and I are today introducing legislation that would extend the Federal franchise to overseas American citizens. The legislation would allow the otherwise qualified citizen to vote in the State in which he or she had last voted or registered to vote, or if the citizen had not voted or registered, in the last State in which the citizen maintained a domicile before departure from the United States as long as the citizen complies with the absentee requirements of the State and does not qualify as a voter in any other State or territory or possession of the United States. This is the heart of the legislation we introduce today.

The bill we propose today would also write into law an Internal Revenue Service administrative ruling, referred to in Mr. RAILSBACK's speech which would assure the American citizen overseas that exercising the right to register and vote absentee would not jeopardize tax exemptions afforded by the Federal Government and the overwhelming majority of States income tax laws. Additionally it would assure the American citizen that the States would not make an inconsistent interpretation of their own income tax laws. It would establish the principle that the exercise of the right to register and vote in Federal elections by a U.S. citizen abroad should not constitute an act which would affect the determination of his or her actual residence—a distinguished from his or her place of voting for Federal, State, or local tax purposes.

The overseas citizens voting bill also contains a recommendation to the States that it accept as an application for registration—if required by State law—and/or as an application for an absentee ballot the form contained in our bill. This form is very similar to the Federal Post Card Application now used in most States as an application for registration and ballot for overseas military personnel and certain other groups which vary from State to State.

The principal concern of this legislation and fundamental to democracy is the right to vote. It must not be abridged by the exercise of another basic right of every American citizen—the freedom of movement and travel. This proposal would eliminate present obstacles and would help to insure to every American of voting age, the right to exercise his or her franchise in Federal elections.

I include a survey of the Bipartisan Committee for American Voters Overseas:

Survey of State Laws and Procedures for Absentee Registration and Voting in Presidential Elections by American Citizens Residing Abroad

The Bipartisan Committee on Absentee Voting has recently undertaken a survey of the laws and procedures in the various states to determine the eligibility of U.S. citizens residing abroad for absentee registration and absentee voting in Presidential elections. The survey involved (i) the sending of letters dated February 4, 1972 to the Attorneys General (or equivalent officials) of all of the states and the District of Columbia; (ii) consultation with the staff of the Federal Voting Assistance Task Force; and (iii) independent research by counsel for the Bipartisan Committee. In this survey, the Bipartisan Committee asked whether the person described in the following example would be eligible for absentee registration and voting in the 1972 Presidential election:

A qualified voting resident left the state a number of years ago to work abroad in a business or professional capacity. His former home in the state has been sold and he now only has a physical residence in a foreign country. However, he looks upon this as temporary and intends eventually to return to his state. He considers that his last residence before departure from the state remains his domicile or legal residence for voting in national elections, even though he has no present place of abode within the state.

The survey took into account two recent federal laws which were expected to expand absentee registration and voting rights of Americans temporarily residing abroad. First, the Federal Voting Assistance Act of 1955, as amended in 1968, recommended that the states adopt simplified registration and voting procedures for military personnel and other U.S. citizens temporarily residing abroad. One of the principal recommendations in the Federal Voting Assistance Act is the adoption of the simplified Federal Post Card Application (FPCA), which can serve as an application both for absentee registration and for an absentee ballot. As of now, 24 states and the District of Columbia have adopted the FPCA for U.S. citizens temporarily residing abroad, and the form may be used in those states for all elections—federal, state and local.

Second, Title II of the Federal Voting Rights Act Amendments of 1970 (the "1970 Amendments") endeavored (1) to abolish completely the durational residency requirement as a precondition to voting in Presidential elections; and (2) to establish uniform national standards for absentee registration and voting in Presidential elections. The language of Title II does not appear to deal specifically with absentee registration and voting rights of Americans residing abroad. During Senate debate on the 1970 Amendments, however, Senator Barry M. Goldwater interpreted Title II to provide that the retention of state domicile (*i.e.*, intent to return) is sufficient to assure these rights for all "civilian citizens who are temporarily living away from their regular homes," even if they are working or studying overseas, 116 Cong. Rec. 3539 (daily ed. March 11, 1970). Only two states (Connecticut and Illinois) appear to have clearly adopted the Goldwater interpretation of Title II. As noted above, 24 states and the District of Columbia accept the FPCA; and Michigan has a statute modeled in the Federal Voting Assistance Act of 1955, as amended but has not formally adopted the FPCA. The remaining states taking a position have either given a qualified response, or have refused to go along with the Goldwater interpretation entirely.

Below is a state-by-state breakdown of the Bipartisan Committee survey of the eligibility of Americans temporarily residing abroad for absentee registration and voting in Presidential elections, with the totals for each category (the District of Columbia being listed as a state):

ABSENTEE REGISTRATION

States (including the 25 FPCA states)—"Yes"	27
States—Qualified "Yes"	8
States—"No"	6
States—Unclear	10

ABSENTEE VOTING

States (including the 25 FPCA states)—"Yes"	27
States—Qualified "Yes"	11
States—"No"	5
States—Unclear	8

[Letters from state authorities were addressed to the Bipartisan Committee unless otherwise noted. The states for which the Bipartisan Committee has not yet received a reply from the Attorney General or other official are shown in the survey by an (*):]

State	Absentee registration	Absentee voting	FPCA for citizens temporarily abroad	Comments
Alabama	No	No	No	Letter from Attorney General, Feb. 9, 1972: Unable to give opinion to private party. [See Title 17, § 25 (Supp. 1969) (absentee registration problem); Title 17, § 64(16), (23), (24a) (Supp. 1969) (absentee ballot problem).]
Alaska	Yes	Yes	Yes	
Arizona	Unclear	Unclear	No	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. A.R.S. § 16-925 (Supp. 1971). Confusing registration form appears to require presence in State. A.R.S. § 15-143(A), (B)(Supp), 1971).

State	Absentee registration	Absentee voting	FPCA for citizens temporarily abroad	Comments
Arkansas	Yes	Yes	Yes	
California	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. West's Ann. Elec. Code § 14287 (1961).
Colorado	Yes	Yes	Yes	
Connecticut	Yes	Yes	No	Letter from Secretary of State, Feb. 24, 1972: Agrees that under the 1970 amendments a former Connecticut resident "who temporarily resides in Europe" may register in absentia for presidential (elector) elections, and may maintain his voting residence in Connecticut for such elections.
Delaware	Yes	Yes	Yes	
District of Columbia	Yes	Yes	Yes	
Florida	Yes	Yes	Yes	
Georgia	Yes	Yes	Yes	
Hawaii	Yes	Yes	Yes	
Idaho	Yes	Yes	Yes	
Illinois	Yes	Yes	No	Letter from Attorney General to the county attorney of Peoria, Mar. 13, 1972· Under the provisions of the 1970 amendments, a U.S. citizen and resident of Illinois may vote in the presidential (electors) election in his precinct by absentee ballot "even though he is living in a foreign country." The county clerk is required to allow absentee registration of such citizens.
Indiana	Unclear	Unclear	No	Statute raises doubt of voting eligibility or nonresident domiciliary whose date of return uncertain. Ann. Ind Stat. § 29–4803 (1969).
Iowa	Yes	Yes	Yes	
Kansas	Yes	Yes	Yes	
Kentucky	Qualified yes	Qualified yes	No. Indicated to Federal Voting Assistance Task Force intention to adopt FPCA by administrative rule in the future.	Letter from Attorney General, Feb. 11, 1972: Under the 1970 amendments, "American citizens living abroad who have established residence in Kentucky will be permitted to register in absentee. . . Certainly a person does not have to be physically present in the State in order to vote, but on the other hand he must have some specific residential address in order to register. Thus, concerning the example you present, if the voter cannot cite or declare a particular place within a precinct as being his legal residence in Kentucky, we cannot see how he can legally qualify to register and vote." [See K. R S. Ann. § 117.610 (1969).]
Louisiana	No	No	Legislation pending	Letter from Attorney General, July 29, 1966, verified by telephone, Oct. 27, 1971: "The place where one regards as his home is unimportant, where he actually resides is the determining factor." [See LSA–R. S. § 18.40 (1969) (absentee registration problem).]
Maine	Qualified yes	Qualified yes	No	Letter from Deputy Attorney General, Feb. 7, 1972. "This office has no quarrel with [your] example," but cannot speak for the several hundred registrars of boards of registration or voters in the State [See 21 M.P.S A. § 71 (Supp. 1979) (absentee registration problem).]
Maryland	Yes	Yes	Yes	
Massachusetts	Yes	Yes	Yes	Letter from Assistant Attorney General, Feb. 9, 1972: If a voter's name has been stricken from the list of registered voters as a result of the annual voting census and the voter seeks to reregister and can give no street and number which he maintains as a physical place of residence, "I think the voter would encounter grave difficulties."
Michigan	Yes	Yes	No	Letter from Attorney General, Mar. 10, 1972: Statute now provides for absentee voting for U.S. citizen temporarily residing abroad. Mich. Stat. Ann. § 6.1769(1). [Election clerks might accept FPCA as application for absentee ballot (and affidavit).]
Minnesota	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. M.S A. § 201.26 (1962).
Mississippi	Yes	Yes	Yes	
Missouri	No	No	No	Letter from Attorney General, Feb. 16, 1972: Legislation pending to incorporate requirements of the 1970 Amendments in Missouri statutes. [See U.A.M.S. § 113–240 (Supp. 1971); cf. U.A.M.S. § 112.310 (Supp. 1971) (absentee registration problem).]
Montana	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. Rev. Code of Mont. 1947, § 23–3022 (Supp. 1971),
Nebraska	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. R.R S. 1949, § 32–475 (1968).
Nevada	No	No	No	Letter from Attorney General, Feb. 18, 1972: "In light of the presumptions created by the Nevada Statute as well as the fact that the individual in question has broken up his home and moved to a foreign location it would appear that under the presently existing Nevada law the individual fitting your hypothetical situation would not qualify for an absentee ballot in this State." [See NRS § 293.500 (1969). See also MRS 293,517, 293,553 (1969) (absentee registration problem).]
New Hampshire	Qualified yes	Qualified yes	No	Letter from Attorney General, Feb. 15, 1972: "[Where the right to vote involves a temporary absence [from the State] it is a question of fact whether the voter has the requisite intention of returning thereto as his home." [Case raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. Felker v. Henderson, 78 N.H. 509, 102 Atl. 623.624 (1971)].
New Jersey	Qualified yes	Qualified yes	No	Letter from Attorney General, Apr. 5, 1972: "It is the position of this office that New Jersey domiciliaries temporarily residing abroad must be afforded an opportunity for both absentee registration and voting in presidential elections. Enabling legislation to this effect is being introduced in the New Jersey Legislature in order that New Jersey domiciliaries can exercise their legitimate right of franchise in the presidential election while residing temporarily abroad." [But see N.J.S.A. §19:31–6 (1964) (absentee registration problem).]
New Mexico	Yes	Yes	Yes	
New York	No	No	No	Letter from Attorney General to Department of Defense, May 27, 1969, verified by telephone, Oct. 27, 1971: "[F]or a civilian to vote by absentee ballot he must retain a permanent residence within the State of New York [unless voter is employed by the United States]". Letter from Attorney General, Mar. 30, 1972: Unable to give opinion to private party. "I recommend that you direct your efforts to the legislative bodies which have the power to make changes in New York Law."
North Carolina	Qualified yes	Qualified yes	No	Letter from Attorney General, Feb. 11, 1972: "[I]f a person goes into another State or country for temporary purpose without the intent of making that country his permanent residence and with the intent of returning to this State and particularly where he continues to vote absentee ballots in this State, then he would not generally be considered as having lost his residence in North Carolina." [The North Carolina statute, Gen. Stat. § 163–57, makes clear that a person shall not be considered as having lost his residence if he goes into "another State or county of this State." However, the Attorney General appears to have liberally construed this language to include "another country." Note also that the statute raises some doubt as to the voting eligibility of a nonresident domiciliary whose date of return is uncertain. Gen. Stat. § 153–57 (Supp. 1969). See also Gen. Stat. §§ 163–67, 163–68, 163–245 (Supp. 1969) (absentee registration problem.)]
North Dakota	Yes	Yes	Yes	
Ohio	Qualified yes	Qualified yes	No	Letter from Secretary of State, Feb. 15, 1972: "From the facts given in your hypothetical situation, it would appear that the citizen would be eligible to vote by absentee ballot if he otherwise qualifies, i.e., 6 months residence in the State, 30 days residence in the county and precinct, and registered if required." [Ohio appears to impose a 3-year cutoff on absence from the State in determining eligibility to vote. Ohio Rev. Code Ann. § 5303.02 (1960). See also Ohio Rev. Code Ann. §§ 3503.11, 3503.27 (Supp. 1970) (absentee registration problem).]
Oklahoma	Yes	Yes	Yes	
Oregon	Yes	Yes	Yes	
Pennsylvania	Qualified yes	Qualified yes	No	Letter from Deputy Attorney General, Feb. 22, 1972: As a result of the 1970 amendments, "The Pennsylvania Elections Bureau has made provisions for registering electors as absentee electors who consider Pennsylvania their domicile. Requests for absentee registration will be handled by the Elections Bureau in the Department of State. From there they will be forwarded to the elector's home county where he will be enrolled. It is important that the elector designate the county in which he wishes to be enrolled. Requests for absentee ballots will, as usual, be handled at the county level." Legislation is pending to incorporate requirements of the 1970 amendments in Pennsylvania statute. [Note that the present statute raises some doubt as to the voting eligibility of a nonresident domiciliary whose date of return is uncertain. 25 P.S. § 2815 (1963). See also 25 P.S. §§ 951–18, 951–18.1, 951–18.2 (Supp. 1970) (absentee registration problem).]
Rhode Island	Unclear	Unclear	No	See General Laws of Rhode Island § 17–9–7 (1969); cf. § 17–9–10, 17–9–11, 17–9–25 (1969) (absentee registration problem).
South Carolina	Unclear	Qualified yes	No	Letter from Assistant Attorney General, Feb. 9, 1972: As a result of the 1970 amendments, a citizen domiciled in South Carolina who is temporarily absent from the State during the 1972 presidential election will be able to vote by absentee ballot. Legislation is pending to incorporate the requirements of the 1970 amendments in the South Carolina statute. In the event that legislation is not enacted, the Attorney General and State Election Commission "shall, by necessity, devise some emergency procedure to ensure compliance with the mandate of the Congress and the United States Supreme Court." [See South Carolina Code Law § 23–63 (absentee registration problem).]

State	Absentee registration	Absentee voting	FPCA for citizens temporarily abroad	Comments
South Dakota	Qualified yes	Qualified yes	No	Letter from Assistant Attorney General, Feb. 29, 1972: "[N]o citizen of South Dakota loses his right to vote here unless he has established legal residence elsewhere." [However, confusing registration form appears to require presence in State. S.D.C.L. § 12-4-7 (Supp. 1971). See also S.D.C.L. §§ 12-19-16, 12-19-22 (1967) (absentee registration problem).]
Tennessee	Unclear	Qualified yes	No	Letter from Assistant Attorney General, Feb. 9, 1972: "The question whether [a person temporarily out of this country is] a bona fide resident, entitled to register and vote in this State, is a factor to be determined by each local county election commission." [However, there may be a problem with absentee registration, Tenn. Code Ann. § 2-360 (1971), and confusing form of absentee ballot appears to require presence in State, Tenn. Cod Ann. § 2-1604 (1971).]
Texas	Yes	Yes	Yes	
Utah	Unclear	Unclear	No	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. Utah Code Ann. § 20-2-14 (1969). Confusing registration form appears to require presence in State. Utah Code Ann. § 20-2-11 (Supp. 1971)]
Vermont	Unclear	Unclear	No	Confusing registration form of absentee ballot appears to require presence in State. 17 V.S.A. §126 (1957).
Virginia	No	Qualified yes	Qualified yes	
Washington	Yes	Yes	Yes	
West Virginia	Unclear	Unclear	No	Confusing form of absentee ballot appears to require presence in State. W. Va. Code Ann. § 3-3-5 (1971).
Wisconsin	Unclear	Unclear	No	Letter from Attorney General to the Secretary of State of Wisconsin, Jan. 20, 1972: "[I]t does not appear that Wisconsin Statutes provide authority for allowing former residents of the State who now reside permanently in a foreign country to vote by absentee ballot in a presidential election in the election district of the former residence in the State of Wisconsin, simply because the person has retained their U.S. citizenship." Letter from Attorney General to the Secretary of State of Wisconsin, June 7, 1971: "[I]t can be generally stated that a vague general determination to return to Wisconsin in the distant future, may very well be insufficient to support a contention that residency elsewhere is only for temporary purposes." Moreover, confusing form of absentee ballot appears to require presence in State. W.S.A. § 6.87 (Supp. 1971).
Wyoming	Unclear	Unclear	No	Confusing registration form appears to require presence in State. Wyo. Stat. § 22-158 (Supp. 1971).

COMPENDIUM OF STATE LAWS LEADING TO THE DISENFRANCHISEMENT OF AMERICAN CITIZENS RESIDING ABROAD IN NON-PRESIDENTIAL ELECTIONS

Thirty-three states effectively disenfranchise or impair the ability of nonresident domiciliaries to vote in elections other than for President and Vice President. Illinois, Louisiana, and New York require a voter's actual presence or maintenance of a home in the state, thereby rendering overseas domiciliaries ineligible. Ohio allows temporary absentees to vote for three years but no longer. Thirteen states appear to recognize the voting eligibility of nonresident domiciliaries but have statutes, decisions or an Attorney General's Opinion which raise doubts regarding that eligibility. Ten states require the execution of absentee registration or voting forms which confuse voters by requiring a state "residence", thereby inducing nonresident domiciliaries to forego the franchise for fear of perjuring themselves. Finally, eighteen states disenfranchise these voters by failing to provide absentee registration or absentee ballots.*

1. The laws of the following three states appear to require physical presence or the maintenance of a home within the state in order to vote in non-Presidential elections:

State and authority:

Illinois, *Stein* v. *County Board of School Trustees*, 85 Ill. App. 2d 251, 229 N.E. 2d 165 (1967); *Clark* v. *Quick*, 337 Ill. 424, 36 N.E. 2d 563 (1941).

Louisiana, *Estopinal* v. *Michel*, 121 La. 879, 46 So. 907, 908 (1908); Opin. Att'y Gen. to Bipartisan Committee (July 29, 1966) (verified by telephone Oct. 27, 1971); "The place where one *regards* as his home is unimportant; where he actually resides is the determining factor."

New York, Letter from Secretary of State to Office of Information, Department of Defense (May 27, 1969) (verified by telephone Oct. 27, 1971): ". . . for a civilian to vote by absentee ballot he must retain a permanent residence within the State of New York (unless voter is employed by the United States)"

2. Ohio permits a voter to retain his eligibility to vote while absent from his home "for temporary purposes." However, "temporary purposes" is defined as "a period of absence not in excess of 8 years." (Ohio Rev. Code Ann. Sect. 3503.02 (1960).)

3. Thirteen states appear to recognize the voting eligibility of nonresident domiciliaries but have statutes, decisions, or the opinion of an Attorney General which raise doubts regarding that eligibility. Twelve of those states have a statute or decision approximately as follows: "If a person removes to another state as a place of permanent residence, with the intention of remaining for an indefinite time, he loses his residence in this state, notwithstanding that he entertains an intention of returning at some future period."

State and authority:

Arizona, A.R.S. Sect. 16-925 (Suppl. 1971).

California, West's Ann. Elec. Code Sect. 14287 (1961).

Indiana, Ann. Ind. Stat. Sect. 29-4803 (1969).

Kentucky, K.R.S. Ann. 117.610 (1969).

Minnesota, M.S.A. Sect. 201.26 (1962).

Montana, Rev. Code of Mont. 1947 Sect. 23-3022 (Supp. 1971).

Nebraska, R.R.S. 1943 Sect. 32-475 (1968).

Nevada, NRS 293.500 (1969).

New Hampshire, *Felker* v. *Henderson*, 78 N.H. 509, 102 A. 623, 624 (1917).

North Carolina, Gen'l Stat. N. Car. Sect. 163-57 (Suppl. 1969).

Pennsylvania, 25 P.S. Sect. 2815 (1963).

Utah, Utah Code Ann. 20-2-14 (1969).

Although New Jersey's decisional law indicates that residence equals domicile for voting purposes, the Attorney General of the State of New Jersey wrote to the Bipartisan Committee on May 11, 1966 (verified by telephone Oct. 28, 1971), as follows: ". . . in order to have a voting residence in this State it is necessary that a person possess an intention to make this State his home for an indefinite period and, in addition, he must have a residence to which he is entitled to return at will. For instance, if a person rents an apartment and subsequently leaves the State, and that person no longer has a fixed address in New Jersey, he is not a domiciliary who is entitled to vote irrespective of his intentions."

4. Ten states require the execution of absentee registration or voting forms which confuse voters by requiring a state "residence," thereby inducing nonresident domiciliaries to forego the franchise for fear of perjuring themselves:

State and form:

Arizona, A.R.S. Sect. 16-143(B) (Supp. 1971) (Absentee Registration): "My place of residence is ____________________ precinct, ______________ street, city of ______________ ________________, county of ______________, state of Arizona." Sect. 16-143(A) (Supp. 1971) describes the required residence as "actual places of residence."

Idaho, Idaho Code Sect. 34-411 (supp. 1970) (Application for Registration—Contents): "The period of time . . . during which [I] have resided in the state . . ." See also Idaho Code, Sect. 34-410 (supp. 1970).

Minnesota, M.S.A. 207.19 (Supp. 1971) (Absentee Ballot): "His home and place of residence is and on said election days will be at ____________________ in the ____________ (town, city, or village) of ________________ County of ______________________ State of Minnesota."

South Dakota, S.D.C.L. (Supp. 1971) Sect 12-4-7 (Absentee Registration): " . I reside in the ___ precinct in the city of _______ __________________, at ______________ (street number), ______________________ street (or town, or __________________ township), and in the ______________________ independent school district, in ________________ county; . . ."

Tennessee, Tenn. Code Ann. Sect 2-1604 (1971 (Absentee Ballot): "I, ______________ __________________, hereby declare that my fixed residence is __________________________ (street address), ____________________ (city or town), ______________________ (county), ________________ Tennessee:"

Utah, Utah Code Ann Sect. 20-2-11 (Supp. 1971) (Absentee Registration): "4. Residency qualifications:

A. Will you have resided in Utah six months continuously prior to the next election? __________ yes __________ no.

B. Will you have resided in _______ County sixty days continuously prior to the next election? __________ yes __________ no.

"I do solemnly swear . . . that I will not vote a ballot from any other state or election district under penalty of law."

Vermont. 17 V.S.A. Sect 126 (1957) (Absentee Ballot): "State of Vermont, County of ________________________________

. . . I am a resident, a citizen and a legal voter of the town (city) of ______________, county of ________________________."

West Virginia, W. Va. Code Ann. Sect. 3-3-5 (1971) (Absentee Ballot): "I, ________ ________ hereby declare that I am now, or will have been, a resident of the State of West Virginia for twelve months, and of the county of ____________ for sixty days next preceding the date of the ensuing election to be held on the ______ day of ____________, 19__; that I now reside at ____________________ (give full adddress) in the magisterial district of ______________ in said county." (Form ambiguous on whether voting right of a citizen temporarily residing abroad requires maintenance of a state "residence".)

Wisconsin, W.S.A. 6.87 (Supp 1971) (Absentee Ballot) " . . . I am a resident of the ________ precinct of the town) (village) of ______________, or of the ______ ward in the city of ___________, residing at ___________ in said city, the county of ___________, state of Wisconsin, . . ."

Wyoming, Wyo. Stat. Sect. 22-158 (Supp. 1971) (Absentee Registration): "I do solemnly swear . . . that I will have actually and not constructively been a bona fide resident of [Wyoming] one year and of said county sixty days, and of election district No. ------ in said county ten days preceding the next election; that I am an actual resident of ward No.------ . . . that my address is ------------------------(within) (not within) the limits of an incorporated city or town . . ."

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*The subtotal add up to more than 33 states because several states fit into more than one category.

5. Eighteen states do not appear to provide the U.S. citizen overseas (in a nongovernmental capacity) with absentee registration or an absentee ballot in non-Presidential elections:

(a) Absentee ballot:

Alabama, Title 17 Sect. 64(16)(23) (Supp. 1969); Title 17 Sect. 64(24a) (Supp. 1969).

Mississippi, Miss. Code Sect. 3196–01 (1957); Sect. 3203–11 (Supp. 1971).

South Carolina, Cf.S.Car. Code Law Sect. 23–441 *et seq.*, 23–449.31 *et seq.* (Supp, 1970).

(b) Absentee registration:

Alabama, Title 17 Sect. 26 (Supp. 1969).

Connecticut, Conn. Gen'l Stat. Ann. Sect. 9–20 (Supp. 1971).

Delaware, Del. Code Ann. 15 Sect. 1722 (Supp. 1970); cf. 15, Sect. 1901 *et seq.*

Idaho, Idaho Code Sect. 34–410 (Supp. 1970).

Louisiana, LSA–R.S. 18:40 (1969).

Maine, 21 M.R.S.A. Sect. 71 (Supp. 1970).

Mississippi, Miss. Code Sect. 3196–06 (1957).

Missouri, V.A.M.S. Sect. 113.240 (Supp. 1971); cf. 112.310 (Supp. 1971).

Nevada, NRS 293.517; cf. 293.553 (1969).

New Jersey, N.J.S.A. 19: 31–6 (1934).

North Carolina. Gen'l Stat. N. Car. Sects. 163–67, 163–68 (Supp. 1969); cf. Sect. 163–245 (Supp. 1969).

Ohio, Ohio Rev. Code Ann. Sect. 3503.11 (Supp. 1970); Sect. 3503.27 (1960).

Oklahoma 26 Okl. St.Ann. Sect. 93.4 (Supp. 1970); cf. 26 Okl. St. Ann. Sect. 345.1 (Supp. 1970).

Pennsylvania, 25 P.S. Sect. 951–18 (1963); cf. 25 P.S. Sects. 951–18.1, 951–18.2 (Supp. 1970).

Rhode Island, Gen'l Laws of R.I. Sects. 17-9–7 (1969); cf. Sect. 17–9–10, 17–9–11, 17–9–25 (1969).

South Carolina, S. Car. Code Law Sect. 23–63 (Supp.)

South Dakota, S.D.C.L. Sect. 2–19–16 (1967); cf. Sect. 12–19–22.

Tennessee, Tenn. Code Ann. Sect. 2–306 (1971).

Virginia, Code of Va. Ann. Sect. 24.1–47 (Supp. 1971).

Mr. RAILSBACK. Mr. Speaker, today, I am sponsoring, along with the distinguished chairman of the House Committee on the Judiciary, Mr. RODINO, the introduction of legislation which would allow U.S. citizens living abroad to vote in all Federal elections. More specifically, the bill would provide that no citizen who is otherwise qualified to register and vote in his domiciliary State, with respect to any Federal election, shall be denied the right to vote in such State merely because such citizen is residing outside the United States and has relinquished his place of abode or other address in the State—provided that he has not qualified as a voter in any other State.

The right to vote is one of the most basic rights of American citizenship, yet over 750,000 Americans—including thousands of businessmen and women, missionaries, teachers, lawyers, students, engineers, and many others residing overseas are denied the Federal franchise. This occurs because the majority of States impose rules which require a voter's actual presence or maintenance of a home in the State; or which raise a doubt of voting eligibility of nonresident domiciliaries whose date of return is uncertain; or because the citizen is unsure whether he or she will return to the State of last residence or be assigned to a different State; or the State has confusing absentee registration of voting forms that appear to require the maintenance of a home or other abode in the State.

Last year the Bipartisan Committee for American Voters Overseas surveyed the election officials of the 50 States as to the ability of overseas American citizens to vote for President and Congress in their respective States. The bipartisan committee is an organization of distinguished business and professional people in Europe of both political parties who have been seeking the enfranchisement of American citizens residing abroad.

Mr. Speaker, the legislation we propose today would allow the American citizen residing overseas to vote in Federal elections in the State in which the citizen had last voted or registered to vote, or if the citizen had not so voted or registered, in the last State in which the citizen maintained a domicile before departing from the United States as long as the individual is otherwise qualified to vote in that State and complies with the absentee ballot requirements of the State and provided the citizen does not qualify as a voter in any other State, territory, or possession of the United States. This is the crux of the legislation we are introducing today. The present checkerboard pattern of domicile rules among the States should no longer be permitted to deny Americans overseas the franchise in Federal elections.

The legislation proposed today would also provide a form which the States may accept as an application for an absentee ballot to vote in a Federal election and as an application for registration to vote in such election if registration is required by the laws of the State. The form is modeled after the Federal post card application form—FPCA—now used in most States as an application for registration and ballot for overseas military personnel and certain other groups which vary from State to State. Although the States are not required to adopt this form it is our hope that whenever feasible they will do so.

The legislation would also establish as Federal law, in clear and unequivocal statutory language, the principle that the exercise of the right to register and vote by a U.S. citizen abroad should not constitute an act which would affect the determination of his or her actual residence—as distinguished from his or her place of voting for Federal, State, or local tax purposes. The Internal Revenue Code and the laws of all but a handful of the States offer Americans currently residing abroad an income tax exemption, in whole or in part, for income earned abroad. The legislation I am introducing today would help assure that the exercise of the right to register and vote absentee by such a citizen would not jeopardize any such income tax exemption.

The Internal Revenue Service has already indicated, most recently in an August 28, 1972, ruling letter to Senator GOLDWATER, that the exercise of absentee registration and voting rights will not jeopardize the nonresident Federal income tax exclusion available to a U.S. citizen residing abroad. The legislation being introduced today would enact this administration interpretation into law for Federal income tax purposes and would assure that the States would not make an inconsistent interpretation of their own income tax laws. I ask unanimous consent at this time to have printed in the RECORD the Internal Revenue Service ruling letter sent to Senator GOLDWATER by subject.

Mr. Speaker, this proposed legislation does raise several constitutional issues which we will have to explore very carefully during the hearings. Strong arguments may be made on both sides of the issue of whether Congress may legislate to establish new requirements for voting in all Federal elections, different from those which the States have enacted. Constitutional authority, based upon previous decisions by the Supreme Court, appears clearest in support of Federal legislation affecting qualifications for voting for Representatives and Senators. Authority is less clear for elections held to choose electors for the President and Vice President, and for primary elections to choose candidates for Congress.

The principal source of power for Congress to enact qualifications for voters in congressional elections comes from article I, section 4, of the Constitution, which provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time make or alter such regulations, except as to the place of choosing Senators.

According to the Supreme Court, this provision gives Congress "general supervisory power over the whole subject of congressional elections," *Smiley* v. *Holm*, 285 U.S. 355, 367 (1932).

The opinion in Smiley stated that—

> These comprehensive words embrace authority to provide a complete code for congressional elections, not only as to time and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud, and corrupt practices, counting of votes, duties and inspectors, and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved . . . (285 U.S. at 336; emphasis added).

Those who would limit the scope of article I, section 4, point out that the foregoing in Smiley were but dictum, as the actual holding of the case concerned only the issue of reapportionment of congressional districts by State legislatures. Nevertheless, the quoted paragraph is often repeated with approval in Supreme Court decisions, most recently in the opinion of the late Justice Black in *Oregon* v. *Mitchell*, 400 U.S. 112, 119 (1970), supporting the holding that article I, section 4, empowers Congress to lower the minimum voting age to 18 years in Federal elections, and to abolish durational residency requirements as qualifications for voting in Presidential elections. The broad interpretation of article I, section 4, regarding the supervisory power of Congress over congressional election appears to be widely accepted in other courts as well. See, for example, *United States* v. *Manning*, 215 F. Supp. 272 (D. La., 1963); *Commonwealth ex rel. Dummit* v. *O'Connell*, 298 Ky. 44, 181 S.E. 2d 691 (1944).

In contrast with the generous powers granted Congress to regulate congressional elections are the relatively scant express powers with respect to elections for the President and Vice President:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States. (Article II, section 1, cl. 3). . . . Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified (Amendment XX, section 3). The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them. Amendment XX, section 4).

The Constitution provides that—

> The citizens of each state shall be entitled to all privileges and immunities of citizens of the several states, (Article IV, section 2), and bestows upon Congress the power to make all laws which shall be necessary and proper to carry out this provision. (Article I, section 8, cl. 18).

Further:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. . . . (Amendment XIV, section 1).

Congress may enforce the foregoing by appropriate legislation—amendment XIV, section 5.

From these provisions, it is argued that because the right to vote for national officers is a privilege and immunity of national citizenship—*Oregon* v. *Mitchell*, supra, at 149; cf. *Ex parte Yarbrough*, 110 U.S. 651 (1883)—Congress may enact legislation appropriate and plainly adapted to the end of protecting the privilege of voting in Presidential elections. In any case, these questions, among others, will have to be fully explored during the hearings.

Mr. Speaker throughout American history there has been a continuing attempt to guarantee the franchise and to eliminate arbitrary hindrances to voting to insure that every American citizen has the opportunity to exercise that most basic right in a democracy—the right to vote. I believe this legislation I am introducing today will help further to secure this worthwhile goal.

The letter follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., August 28, 1972,

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: This is in reply to your letter August 16, 1972, regarding the possible effect that voting by absentee ballot by United States citizens residing abroad may have on their claiming the exclusion from gross income provided by section 911 (a) (1) of the Internal Revenue Code of 1954.

Section 911(a) (1) of the Code provides, in relevant part, that the following items shall not be included in gross income and shall be exempt from Federal Income taxation. In the case of an individual citizen of the United States who establishes to the satisfaction of the Secretary or his delegate that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) which constitute earned income attributable to services performed during such uninterrupted period.

You forwarded with your letter a copy of a report prepared by the American Chamber of Commerce of Venezuela. That report and your letter indicate concern that if a United States citizen residing abroad signs an application for registration to vote in one of the States and represents in such application no more than that he intends to return to that State as his domicile, he may thereby jeopardize or forfeit his entitlement to the section 911 exclusion from gross income based on his claim of bona fide residence in a foreign country. You are referring in particular to Internal Revenue Service Publication 54 (10–71) *Tax Guide For U.S. Citizens Abroad,* 1972 Edition, which provides on page 4:

"A U.S. citizen living abroad may vote by absentee ballot in elections held in the United States (national, State, and local) without jeopardizing his eligibility for tax exemption as a bona fide resident of a foreign country. Such voting will not, of itself, nullify the taxpayer's status.

However, where a U.S. citizen makes a representation to the local election official regarding the nature and length of his stay abroad that is inconsistent with his representation for purposes of the tax exclusion, the fact that he made the representation in connection with absentee voting will be considered in determining his status for the exclusion, but will not necessarily be conclusive.

You are concerned that the "inconsistent representation" language of the above-quoted material might be interpreted to mean that a representation by a taxpayer of domicile in a State and of an intent to ultimately return there is not compatible with the taxpayer's claim of bona fide residence in a foreign country for purposes of section 911 of the Code.

The Service has held in a recently published ruling, Revenue Ruling 71–101, C.B. 1971–1, 214:

"[G]enerally the exercise by a citizen of the United States of his right to vote in National, state, or local elections in the United States by absentee ballot is not an action that would affect the length or nature of his stay outside the United States and consequently would not jeopardize the exemption under section 911(a)(1) of the Code. However, where absentee voting in the United States involves a representation to the local election official regarding the nature and length of the taxpayer's stay abroad that is inconsistent with the taxpayer's representation of intention for purposes of section 911 of the Code, the fact that he made the representation in connection with absentee voting will be taken into account in determining his status under section 911 of the Code, *but will not necessarily be conclusive.*" (Emphasis added).

It is our conclusion that "inconsistent representation" as referred to in the above cited publications does not refer to a mere statement by a taxpayer that he considers himself a voting resident of a State and ultimately intends to return to the State as his domicile. Such a statement is not incompatible with a taxpayer's claim of bona fide residence in a foreign country. Instead, "inconsistent representations" refer to other representations which the taxpayer may have made to the Service regarding the *specific* nature and length of his stay in a foreign country. If a taxpayer in support of his claim to the section 911 exclusion from gross income makes certain *specific* representations as to the purpose, nature, and intended length of his stay in the foreign country, and in an application for absentee voting makes other statements which appear inconsistent with those specific representations, the Service must take such inconsistent statements into account *in determining the true facts* upon which the taxpayer bases his claim to bona fide residence in a foreign country. Further, as stated in Revenue Ruling 71–101, even such inconsistent statements will not necessarily be conclusive.

However, the mere representation by a taxpayer made in support of an application for absentee voting that he considers himself a voting resident of a particular State and that he intends to ultimately return to that State, will not by itself in any way affect his claim to the section 911 exclusion from gross income based on bona fide residence in a foreign country.

We hope that this letter will clarify any ambiguities that may have existed with respect to this situation. We hope that no United States citizen living abroad will hesitate to exercise his voting right out of concern that this action may jeopardize his claim to the section 911 exclusion from gross income.

Sincerely yours,
A. FEIBEL,
Acting Chief, Corporation Tax Branch.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order delivered today by the gentleman from New Jersey (Mr. RODINO).

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IMPROVING THE NATION'S SPENDING CONTROL PROCEDURES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, the fiscal 1974 budget, like each of its predecessors, is a statement of national priorities.

A comparison of the totals for various programs will reveal a picture of the values and priorities that the Government will emphasize during the coming fiscal year.

Early in 1973, many Members of Congress were concerned about the priorities reflected in the new budget for fiscal

1974. It was to be the first postwar year, and yet spending authority for defense was going up—not down. President Nixon had recommended $85 billion for defense, an increase of $5.5 billion, larger than for any other single government program. Altogether, the United States would continue to spend more on defense in fiscal 1974 that it would spend on education, health, community development, environmental improvements, and agriculture combined.

Still fresh in the memory of many Members was President Nixon's attempt of the year before to take unilateral control of the budget-trimming process. He wanted the power to cut such programs as he saw fit. Congress, however, refused to abandon its constitutional responsibility to pass judgment on all spending requests. Members were concerned that the President would use his unrestricted budget-cutting authority to negate policy decisions by Congress; he could set national priorities according to his own preferences alone.

So Congress denied him the authority, and the President's response was to impound appropriated funds—to refuse to spend for those programs which he personally did not favor. In effect, he was setting national priorities by himself, even though Congress has specifically denied him this authority.

After the new 93d Congress convened last January, the President submitted his new budget and accompanied it with a propaganda barrage attacking Congress as a big spender, presenting himself as the economizer—even though his first four budgets had had deficits that increased the national debt by $102 billion. For fiscal 1974, he proposed his fifth consecutive deficit which would add yet another $18.8 billion to the national debt.

Members of Congress, concerned with the President's priorities and his red ink, decided to act. The Congress was determined to enact a fiscal responsible budget for 1974 and—once again—to make it clear that it would not yield its power of the purse to the executive branch.

The result is an important new legislative proposal, initiated by the Congress, modified after extensive hearings as to its efficacy and its constitutionality, and cleared for consideration by the full House of Representatives early in July.

The bill, numbered H.R. 8480, would deal with the immediate problem by imposing a fiscal 1974 spendng ceiling of $267.1 billion—a figure $1.6 billion less than President Nixon had proposed. The legislation would reinforce its spending ceiling by directing President Nixon to withhold funds—or to impound—if necessary to stay within the $267.1-billion limit for fiscal 1974. However, the bill would carefully circumscribe the President's impoundment authority so that he could not use it to kill programs or to shift priorities within the budget. All budget programs would have to be cut a proportionate amount—except for social security, veterans benefits and similarly mandated expenditures—and there would be an absolute safeguard limit on the amount any single program could be cut.

That portion of the legislation would take care of fiscal 1974—proposing a level of Federal spending well within the limits the President himself had said was necessary to combat inflation.

For the longer range problem of impoundments, the bill proposes a permanent check-and-balance system. The bill would require that after fiscal 1974, the President would have to report to Congress within 10 days of any impoundment of funds. The Congress thereafter would have 60 days in which to consider the impoundment, and if it determined that the impoundment was undesirable, could overrule the President by a majority vote of either the House or the Senate.

The bill would direct the Comptroller General—an agent of the Congress—to help enforce the legislation. The Comptroller General, who has long served as a watchdog on executive branch expenditures, would be required to analyze each impoundment message and to report to Congress. Among other things, the Comptroller General would say whether he believed the impoundment to be lawful. Second, the Comptroller General would keep a watchful eye on the Executive and inform Congress of any impoundment not reported by the executive branch. This action would trigger the impoundment review procedures. The Comptroller General would have authority to hire his own attorney and to sue any agent of the President to force compliance with the impoundment law.

During the spring and early summer, support for such a bill continued to grow. Members of Congress felt that some method was needed to preserve congressional authority from further intrusion by the President and to enact a meaningful control on spending in light of the inflation that now disrupts the economy.

The House Rules Committee on June 22, 1973, cleared the bill for floor action, and the full House is expected to begin general debate on the matter in July.

Beyond its consideration of this legislation, the Congress is looking ahead to even longer range measures of dealing with Federal spending control.

As long ago as last October, Congress had created a special committee, made up of Members of both the House and the Senate, to study ways of improving spending control procedures.

The study committee submitted its report last April. Among its proposals were recommendations for, first, a new Committee on the Budget in each of the Houses of Congress; second, a spending ceiling each year to be established by Congress; third, provision for a special tax if necessary to make up a deficit, and fourth, an enlarged professional staff equipped with computers to serve the new budget committees.

Both Chambers praised the study committee for its work; leaders in the House expressed their intention to take up the longer range implications of the study committee's report after the immediate legislation on spending ceiling and impoundment had been disposed of.

Under the study committee recommendation, the new budget committees would take functions from the existing appropriations and tax committees, and would draw two-thirds of their membership from the same committees. The spending ceiling, to be recommended by the budget committees each year, would take into account the Nation's economic situation as well as the Government's financial position—thus, in times of recession, a Congress could recommend a deficit to spur the economy. The special tax would take the form of a surcharge, and it would make up any deficit that Congress thought inappropriate to the national economic situation.

The imbalance between staff in the executive branch and the Congress is marked. The appropriations subcommittees in both Houses have small staffs. In contrast, the President has within his Executive Office the full-time staff of the Office of Management and Budget with 660 employees, including financial experts who devote the full year to budget preparation and review. Despite his much publicized cut in Executive Office staff, the President did not touch the OMB, which is one of its largest components.

The study committee proposals must now undergo hearings, and the House Rules Committee has scheduled them for the week of July 15. The matter is complex; it has long range implications for the Nation's spending control process. This bill, like the spending ceiling and impoundment review legislation ahead of it, will require major attention from Congress. Both measures will get it, but first things must come first. The impoundment legislation and spending ceiling, already well advanced, will get priority. Then Congress will be free to give thorough consideration to the longer-range budget control procedures.

Rarely has Congress been confronted with such a challenge to its constitutional responsibilities; never has it responded with greater vigor.

As THOMAS P. O'NEILL, JR., Democratic majority leader of the House, said:

> The President can shake his finger all he wants. The Congress is not about to be bullied away from its constitutional responsibilities as guardian of the purse.

THE HOUSING AND URBAN DEVELOPMENT AMENDMENTS OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 10 minutes.

Mr. BARRETT. Mr. Speaker, on June 13, the Subcommittee on Housing approved for full Banking and Currency Committee action, H.R. 8879, a bill "to make various changes in laws relating to housing and urban development, and for other purposes." This bill includes several provisions that were agreed upon earlier by the Banking and Currency Committee when it reported out its 1972 omnibus housing and urban development legislation. As you know, that legislation never reached the floor of the House. The bill also contains some new provisions authorizing some needed improvements in our housing and urban development programs.

H.R. 8879 contains no special revenue sharing or community development block grant proposals, nor does it contain any major new subsidized housing initiatives since the Housing Subcommittee plans to hold etxensive hearings on these subjects later this summer or in the early fall.

For the information of my colleagues, I would like to place into the RECORD a section-by-section summary of H.R. 8879 as approved by the Housing Subcommittee.

SECTION-BY-SECTION SUMMARY OF H.R. 8879

TITLE I—NEW COMMUNITY DEVELOPMENT

Change in name of Community Development Corporation

Section 101 amends Part B of Title VII of the 1970 Act by striking out all references to "Community Development Corporation" and substituting "New Community Development Corporation".

Membership of board of directors of New Community Development Corporation

Section 102 amends section 729(b) of the 1970 Act to increase the size of the Board of Directors of the Corporation from five to seven members.

Increase in interest differential grants to State land development agencies

Section 103 amends section 713(a) of the 1970 Act to increase the amount of interest differential grants which the Secretary is authorized to make to State land development agencies to an amount not exceeding the difference between the interest paid on obligations of the agency and the interest which would be paid under the interest rate (decreased by one-half of 1 percent) on similar obligations whose income is tax-exempt.

Interest differential grants for State development agencies with unguaranteed obligations

Section 104 amends section 713(a) of the 1970 Act to authorize the Secretary to make grants to any State land development agency whose obligations are eligible for guarantee but are not guaranteed. Such grants could not exceed the amount for which the agency would have been eligible if its obligations were guaranteed.

Supplementary grants for projects assisted by National Foundation on Arts and Humanities

Section 105 amends section 718(c) of the 1970 Act to include within the definition of "new community assistance projects" a project or portion thereof assisted by contracts or grants under section 5 of the National Foundation on the Arts and the Humanities Act of 1965.

Inclusion of waste disposal facilities and community or neighborhood heating or air-conditioning systems among eligible land improvements

Section 106 amends section 711(f) of the 1970 Act to include waste disposal installations and community or neighborhood central heating or air-conditioning systems within the definition of "land development" for the purpose of assistance in the development of new communities under Part B of Title VII of that Act.

Reservation of housing subsidy funds for new Community development

Section 107 amends section 712 of the 1970 Act to require the Secretary to reserve such housing assistance funds as he finds appropriate for use in connection with new community development programs.

TITLE II—STATE DEVELOPMENT AGENCIES

Declaration of purpose

Section 201 defines the purpose of this title as an effort to encourage the formation of state development agencies authorized to provide housing for low- and moderate-income families, to revitalize blighted areas, and to improve employment opportunities.

Eligible development agencies

Section 202(a) requires that the State development agency, in its role as a large-scale developer, have power to sell, lease or otherwise dispose of its interests in projects; to participate in Federal, State and local government projects; to relocate those who are displaced as a result of activities carried out by the agency; to establish subsidiaries through which its functions can be carried out; and to establish community advisory committees.

(b) defines "State development agency" as any public body or agency, publicly sponsored, or instrumentality of one or more States, designated by the Governor or Governors, for purposes of this title.

(c) defines "State" as any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

Guarantees of obligations

Section 203(a) authorizes the Secretary of HUD to guarantee taxable obligations of a State development agency and to make grants to these agencies which would cover the difference between the interest paid on such obligations and the interest which would be paid (decreased by one-half of one percent) on similar obligations the income from which is exempt from Federal taxation.

(b) provides that the full faith and credit of the United States would be pledged to the payment of these guarantees; that any guarantee made by the Secretary would be conclusive evidence of the eligibility of the obligations involved for the guarantee; and that the validity of the guarantee would be incontestable in the hands of a holder.

(c) directs the Secretary to establish and collect fees and charges for and in connection with the guarantees.

(d) limits the amount of obligations which could be guaranteed and outstanding at any one time to $500,000,000.

Limitation on guarantees

Section 204 directs the Secretary to take reasonable steps, with respect to the guaranteed obligations, to assure issuance to approved investors; acceptable public offerings; satisfactory interest rates; and satisfactory provisions for repayment, maturity and protection of the security interest of the United States.

Revolving fund

Section 205(a) authorizes the Secretary to establish a revolving fund comprised of receipts from fees and charges; recoveries under security, subrogation, and other rights; repayments, interest income, and other receipts derived from guarantees; proceeds of the obligations issued to the Secretary of the Treasury pursuant to the following subsection; and such sums, authorized to be appropriated as may be required for the interest differential grants and for other purposes under this title. Money in the revolving fund would be kept in cash on hand or on deposit; invested in obligations of or guaranteed by the United States; or invested in lawful investments for fiduciary, trust, or public funds unless needed to pay liabilities incurred as a result of guarantees or grants or to pay obligations issued to the Secretary of the Treasury under the following subsection.

(b) authorizes the Secretary to issue sufficient obligations to the Secretary of the Treasury to meet his liabilities pursuant to guarantees under this title. The Secretary of the Treasury would determine the maturities and interest rates of such obligations and would be authorized to purchase such obligations by using as a public debt transaction the proceeds from the sale of Second Liberty Bond Act securities.

(c) provides that in order to protect the interests of the revolving fund, the Secretary would have the power to pay out of such fund expenses or charges associated with the acquisition, handling, improvement, or disposal of real or personal property acquired as a result of recoveries under security, subrogation, or other rights regardless of any other provision of law which would otherwise apply.

Technical assistance

Section 206 authorizes the Secretary to provide technical assistance to State development agencies to assist them in planning and carrying out development activities under this title.

Labor standards

Section 207 requires that prior to any assistance, assurance be given that all laborers and mechanics employed by contractors or subcontractors in development activities under this title will be paid prevailing wages, as determined in accordance with the Davis-Bacon Act, except in the case of residential property designed for the use by fewer than eight families.

General provisions

Section 208(a) gives the Secretary power to contract (before or after default) to extinguish all rights or interests of a State agency in any instrument held by or on behalf of the Secretary for the protection of security interests of the United States. He would also have power to foreclose or to enforce any right conferred on him by law or contract. Property which the Secretary purchases at foreclosure sale may be completed, remodeled, leased or disposed of or otherwise dealt with, notwithstanding other provisions of law. The Secretary could pursue to final collection all claims acquired by him in connection with any security, subrogation or other right obtained by him.

(b) requires that interest paid on obligations issued by State development agencies which elect the benefits of guarantees under this title must be included in gross income for the purposes of Chapter I of the Internal Revenue Code of 1954.

TITLE III—FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION

Federal National Mortgage Association

Section 301(a) amends section 302 of the National Housing Act to specify that September 1, 1968 is the effective date on which the original Federal National Mortgage Association was divided into two entities, the Federal National Mortgage Association and the Government National Mortgage Association.

(b) amends such section 302 to provide that the principal office of FNMA may be located anywhere in the District of Columbia metropolitan area, though for jurisdiction and venue purposes FNMA is to be considered a District of Columbia corporation.

(c) and (d) amend such section 302 to allow purchase of a conventional mortgage with the outstanding balance exceeding 80 percent of value when the excess over 80 percent is insured by a qualified insurer. Under existing law such mortgages may be purchased only where the outstanding balance exceeding 75 percent of value is insured by a qualified "private" insurer.

(e) amends such section 302 to provide that the maximum amount of a conventional mortgage purchased by FNMA may not exceed the limitations contained in the first sentence of section 5(c) of the Home Owners Loan Act of 1933 ($45,000 in the case of single-family dwellings and the dollar amounts contained in section 207 of the National Housing Act for multi-family housing), except that such limitations may be increased by 25 percent with respect to mortgages on property located in Alaska, Guam, and Hawaii.

Section 302 amends section 303 of the National Housing Act to eliminate from the capitalization of FNMA the initial nonvoting preferred stock.

Section 303 amends section 304 of the National Housing Act to correct an erroneous citation to section 243 of that Act.

Section 304 amends section 309 of the National Housing Act to provide that employees subject to the Civil Service retirement law who became employed by FNMA prior to January 31, 1972 may continue under such law.

Section 305 repeals certain provisions of law relating to FNMA's transitional period, now completed, and related to GAO audit of FNMA while any mortgage-backed securities issued by FNMA and guaranteed by GNMA are outstanding.

Federal Home Loan Mortgage Corporation

Section 306 amends section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act to allow the FHLMC to purchase a conventional mortgage with the outstanding balance exceeding 80 percent of value when the excess over 80 percent is insured by a qualified insurer. Under existing law such mortgages may be purchased only where the outstanding balance exceeding 75 percent of value is insured by a qualified "private" insurer. The section also provides that the maximum amount of conventional mortgage purchased by FHLMC may not exceed the limitations contained in the first sentence of section 5(c) of the Home Owners Loan Act of 1933 ($45,000 in the case of single-family dwellings and the dollar amounts contained in section 207 of the National Housing Act for multi-family housing), except that such limitations may be increased by 25 percent with respect to mortgages on property located in Alaska, Guam, and Hawaii.

TITLE IV—PROHIBITION AGAINST DISCRIMINATION IN EXTENSION OF MORTGAGE ASSISTANCE

Title IV adds a new section 525 to the National Housing Act which (1) prohibits the denial of any Federally-related mortgage loan or Federal insurance guarantee or other assistance to any person on account of sex, and (2) directs every person engaged in making mortgage loans secured by residential real property to consider without prejudice the combined incomes of both husband and wife for the purpose of extending mortgage credit in the form of a Federally-related mortgage loan. "Federally-related mortgage loan" is defined to mean any loan which (1) is secured by residential property designed principally for occupancy by one to four families, and (2) is either (A) made by a lender regulated by or whose deposits are insured by the Federal government, or (B) insured, guaranteed, supplemented, or assisted in any way by the Federal government, or (C) eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or (D) made in whole or in part by any "creditor" (as defined in the Consumer Credit Protection Act of 1968) who makes or invests in residential real estate loans aggregating more than $1,000,000 per year.

TITLE V—MISCELLANEOUS

Increase in maximum mortgage amounts under Federal Housing Administration one-to-four family mortgage insurance programs

Section 501(a)–(d) amends various provisions of the National Housing Act to increase from $33,000 to $40,000 the maximum mortgage amounts for sales housing insured under the FHA sections 203(b) regular program, 220 urban renewal program, 222 servicemen's program, and 234 condominium program.

Sales of housing projects by Secretary to cooperatives

Section 502 amends title V of the National Housing Act by adding a new section 526 to the Act providing that in the case of the sale of a housing project by the HUD Secretary to a nonprofit cooperative which will restrict occupancy to members, the Secretary may accept a mortgage in an amount equal to the appraised value of the property plus the amount of prepaid expenses and costs involved in achieving cooperative ownership. Prior to disposition the Secretary could pay for the repairs and improvements necessary to make the housing suitable for cooperative ownership.

Rural housing

Section 503(a) amends section 507 of the Housing Act of 1949 to include the post-Korean period and Vietnam Era for the purpose of defining veterans and families of deceased servicemen entitled to preference under the Farmers Home Administration's rural housing programs.

(b) amends section 506 of the 1949 Act to eliminate the present requirement that rural housing financed under title V be inspected only by employees of the Department of Agriculture, thus permitting the use of private inspectors under contract agreements; and section 507 of the Act to authorize funds in the Rural Housing Insurance Fund to be used to pay for inspection, appraisal, and other such services.

(c) amends section 517 of the 1949 Act to transfer from the Agricultural Credit Insurance Fund to the Rural Housing Insurance Fund the assets, rights, and liabilities of the Government with respect to those farm labor housing loans and rental housing loans that were insured through the Agricultural Credit Insurance Fund prior to the establishment of the Rural Housing Insurance Fund in 1965.

(d) amends section 502 of the 1949 Act to authorize the Agriculture Secretary, on a discretionary basis, to require rural housing borrowers to pay taxes and insurance into escrow accounts on such terms and conditions as he may prescribe.

Determination of rentals under public housing program

Section 504 amends paragraph 2(1) of the United States Housing Act of 1937 to (1) impose a minimum rental for each low-rent public housing unit equivalent to 40 percent of that part of the cost of operating and maintaining the project which is attributable to that dwelling unit, (2) require that the aggregate rentals charged each year to families residing in the dwelling units administered by any local public housing agency equal at least one-fifth of the sum of the incomes of all such families, and (3) impose a maximum rental for any dwelling unit occupied by a family receiving welfare assistance of not to exceed the greater of one-fourth of the family's income or the maximum amount of welfare assistance which the family could receive for the specific purpose of assisting the family in meeting its housing expenses. The section also defines "income" for purposes of the public housing program as income from all sources of each member of the family in the household, except that there shall be excluded (A) the income of any family member (other than the head of the household or his spouse) who is under eighteen years of age or is a full-time student; (B) the first $300 of the income of a secondary wage earner who is the spouse of the head of the household; (C) an amount equal to $300 for each member of the family residing in the household (other than the head of the household or his spouse) who is under eighteen years of age or older and is disabled or handicapped or a full-time student and who has no income included in family income for purposes of this paragraph; (D) nonrecurring income as determined by the Secretary; and (E) such extraordinary medical expenses as the Secretary approves for exclusion. This section would become effective, with respect to any public housing agency, on the first day of such agency's first fiscal year which begins after the date of the enactment of this section.

Interstate land sales

Section 505(a) amends section 1402 of the Housing and Urban Development Act of 1968 to extend the land sales regulatory requirements to land located in, and commerce involving, foreign countries.

(b) adds to section 1402 of the 1968 Act a new subsection (c), extending the exemptions from the requirements of the program to include those who hold land as fiduciaries and who must file a statement of record, where the Secretary finds that enforcement is not necessary in the public interest or for the protection of purchasers.

(c) amends section 1404(b) of the 1968 Act to extend the period during which a purchaser may revoke an agreement to purchase or lease land if he has not received a timely property report from forty-eight hours to seventy-two hours (excluding Saturdays, Sundays, and legal holidays). It also deletes the language which provides that the contract may stipulate that a revocation may not be made where the purchaser acknowledges that he has inspected the land and read the report before signing the contract. These changes would be effective sixty days after enactment.

(d) amends section 1403(a)(9) of the 1968 Act to exempt from the requirements of the program the sale or lease of real estate which is zoned by the appropriate governmental authority for industrial or commercial development when (A) local authorities have approved access from such real estate to a public street or highway; (B) the purchaser or lessee of such real estate is a duly organized corporation, partnership, trust, or business association; (C) the purchaser or lessee is represented in the transaction of sale or lease by counsel of its own selection; (D) the purchaser or lessee affirms in writing that it is purchasing or leasing such real estate for its own use; and (E) a policy of title insurance or title opinion is issued in connection with the transaction showing that title to the real estate purchased or leased is vested in the purchaser or lessor, subject only to such exceptions as may be approved in writing by such purchaser or the lessee prior to recordation of the instrument of conveyance or execution of the lease; except that any purchaser or lessee may waive, in writing in a separate document, this requirement.

COTTER PROPOSES SOCIAL SECURITY TAX CHANGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 10 minutes.

Mr. COTTER. Mr. Speaker, many working men and women are now perceiving the new higher social security tax bite. The rampant inflation in food, clothing, and all areas of the cost of living combined with increased social security taxes are eroding the workers take-home pay.

It is widely held that the social security tax is one of the least progressive Federal taxes. The tax rate of 5.8 percent is applied to a flat base of $10,000 this year and a $12,000 base next year. The tax burden is no different if a worker makes $12,000 and has four dependents, or $50,000 with two dependents.

Last year, when I supported the new 20 percent increase in social security benefits, I promised to study the social security tax structure to get a more equitable system.

The crux of the problem, of course, is that a social security retiree is getting similar pension whether he makes $12,000 or $50,000 annually during his working years. Under the new law, in 1974, a person working 30 years in a covered job gets a minimum pension of $170.00 and a maximum of $274.60.

The social security problem is important. Twenty years ago, only 3.2 percent of the American population drew social security stipends. Today, 14 percent of the American population receives social security benefits. Under the new law, residents of Connecticut will pay an estimated additional $52 million in 1973.

The new social security tax rate is 5.85 percent on a base of $10,800. Next year the 5.85-percent tax rate will be applied to a $12,000 base.

What this means to the worker who makes at least $10,800 this year is that social security taxes will be $63 more this year, and $126 more in 1974.

A little chart which appeared in the U.S. News & World Report tells it better than I can. This chart shows that with a 5-percent wage increase most workers actually lose money during the months they are paying social security taxes.

SUPPOSE YOU GET A 5-PERCENT PAY RAISE— A MAN WITH A WIFE AND 2 CHILDREN GETS A 5-PERCENT BOOST IN PAY EFFECTIVE JAN. 1, 1973. HERE IS WHAT HAPPENS AT VARIOUS LEVELS OF WEEKLY INCOME

Base pay now	$150.00	$250.00	$400.00	$500.00
Take-home pay now	131.20	222.40	337.00	408.00
Base pay after 5-percent raise	157.50	262.50	420.00	525.00
Federal income tax takes this	11.00	29.60	68.60	98.40
Social security takes this	9.21	15.36	24.57	30.71
Take-home pay after raise	137.29	217.54	326.83	395.89
Change from present take-home pay	[1] 6.09	[2] 4.86	[2] 10.17	[2] 12.11

[1] Increase.

[2] Decrease.

Note: At base pay above $208 a week, social security taxes become paid up before the year is over and are not withheld for the rest of the year.

As I began my search for a more equitable formula, I expressly rejected using general tax revenues to supplement shortfalls. This I did because I believe that the social security trust fund can be, and should be, self-sustaining—a "pay as you go operation."

Therefore, working with both the Library of Congress and the actuaries in the Social Security Administration, I devised a formula that would lower the 1974 social security tax bite by $72.00, but would require those making in excess of $12,000 to pay 5.6 percent on income up to $24,000. This allows for equity because it introduces an "ability to pay" feature that is absent in the present tax system. For those paying the additional tax, I would give a tax deduction for the additional social security taxes. I would be the first to admit that my formula does not give massive relief to the worker earning less than $12,000, but it does introduce a more progressive tax base. According to the Actuary at the Social Security Administration, my new proposal would generate $71.2 billion for 1974, a figure of $1.2 billion more than the revenues estimated for 1974 under the old formula.

Since those persons making between $12,000 to $24,000 would receive similar benefits to those making under $12,000, I believe simple equity demands that he be given similar relief for tax burdens. Therefore, I propose that a tax deduction be allowed for the social security payments between $12,000 to $24,000. Again, even with this feature, the viability of the social security trust fund remains complete. The revenue loss for this feature is between $1.4 and $1.9 billion.

For the employer, the social security tax rate would remain at 5.85 percent on the first $12,000, and no tax for salaries over $12,000. For the self-employed, the rate would be reduced from 8 percent to 7.5 percent on the first $12,000, and a rate of 7.6 percent would be applied on incomes between $12,000 and $24,000 for self-employed individuals.

In summary, this proposal will grant some tax relief to workers making under $12,000, will require taxation of those with the ability to pay, but for their contribution, those required to pay the additional taxes with an increase in benefits, will receive a tax deduction.

Candidly, this proposal does not grant massive tax relief, but it does retain economic viability in the social security trust fund, and does introduce a more progressive social security tax rate:

H.R. 9000

A bill to establish for the year 1974, under chapters 2 and 21 of the Internal Revenue Code of 1954, more equitable rates and schedules of social security taxes on employees and self-employed individuals (with partial income tax deductibility therefor), and to provide a method for the development of similar rates and schedules for years after 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) with respect to wages received during the calendar year 1974—

(1) the figure "4.85 percent" in section 3101(a)(4) of the Internal Revenue Code of 1954 (relating to rate of tax on empolyees for purposes of old-age, survivors, and disability insurance) shall be deemed to read as follows: "(A) 4.6 percent to the extent that such wages do not exceed $12,000 and (B) 4.8 percent to the extent that such wages exceed $12,000 but do not exceed $24,000"; and

(2) the figure "1.0 percent" in section 3101(b)(2) of such Code (relating to rate of tax on employees for purposes of hospital insurance) shall be deemed to read as follows: "(A) 0.6 percent to the extent that such wages do not exceed $12,000, and (B) 0.8 percent to the extent that such wages exceed $12,000 but do not exceed $24,000".

(b) With respect to self-employment income for any taxable year beginning after December 31, 1973, and before January 1, 1975—

(1) the phrase "7.0 percent of the amount of the self-employment income for such taxable year" in section 1401(a)(4) of such Code (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) shall be deemed to read as follows: "(A) 6.9 percent of the amount of the self-employment income for such taxable year to the extent that such amount does not exceed $12,000, and (B) 6.8 percent of the amount of the self-employment income for such taxable year to the extent that such amount exceeds $12,000 but does not exceed $24,000"; and

(2) the phrase "1.0 percent of the amount of the self-employment income for such taxable year" in section 1401(b)(2) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) shall be deemed to read as follows: "(A) 0.6 percent of the amount of the self-employment income for such taxable year to the extent that such amount does not exceed $12,000, and (B) 0.8 percent of the amount of the self-employment income for such taxable year to the extent that such amount exceeds $12,000 but does not exceed $24,000".

SEC. 2. For purposes of the taxes imposed under sections 3101 and 1401 of the Internal Revenue Code of 1954 (as modified by the first section of this Act) with respect to wages received during the calendar year 1974 and self-employment income for any taxable year beginning after December 31, 1973, and before January 1, 1975, the figure "$12,000" in sections 3121(a)(1) and 1402(b)(1)(H) of such Code shall be deemed to read "$24,000".

SEC. 3. Notwithstanding any other provision of law, the taxes imposed on self-employment income in excess of $12,000 under subsections (a)(4)(B) and (b)(2)(B) of section 1401 of the Internal Revenue Code of 1954 (as modified by the first section of this Act) for taxable years beginning after December 31, 1973, and before January 1, 1975, and the taxes imposed on wages in excess of $12,000 under subsections (a)(1)(B) and (b)(2)(B) of section 3101 of such Code for the calendar year 1974, shall be allowed as a deduction for the taxable year within which paid or accrued under section 164 of such Code (relating to deduction for taxes) in the same manner and to the same extent as in the case of the taxes enumerated in subsection (a) thereof.

SEC. 4. The Secretary of Health, Education, and Welfare shall develop and formulate, and submit to the Congress no later than January 1, 1974, a proposed revision of the tax rates and schedules set forth in sections 3101 and 1401 of the Internal Revenue Code of 1954 (and of related provisions of such Code) to be applicable with respect to calendar years after 1974 and taxable years beginning after December 31, 1974. Such revision shall maintain the same relationships between the proposed tax rates and the rates otherwise applicable to the years involved under such sections 3101 and 1401 as those which are established under the preceding provisions of this Act with respect to the year 1974, shall include deductible taxes on amounts in excess of the contribution and benefit base otherwise applicable for the years involved, and shall utilize the same methodologies and actuarial assumptions as those on which the rates and schedules established under the preceding provisions of this Act are based.

SALE OF JETS TO SAUDI ARABIA: A FOREIGN POLICY MISTAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, on May 31, 1973, the State Department announced its intention to accomplish the sale of a "limited number"—reportedly between 24 and 30—of sophisticated F-4 Phantom jet fighter-bombers to Saudi Arabia. It has also been reliably reported that the United States is considering the sale of these same aircraft to Kuwait.

I wish to express my grave concern over the proposed sale of Phantom aircraft to Arab nations. To a substantial extent the security of Israel can be attributed to the continued exclusive use of the effective, versatile, and advanced Phantom F-4 aircraft. To place this weapon in the hands of a potential foe of Israel would in my view be dangerously irresponsible.

While I recognize the legitimate interest that the United States has in the security of the Persian Gulf area, I must question whether massive American arms sales of sophisticated weaponry to Saudi Arabia and Kuwait will in fact contribute to the security of the area—or whether it will, instead, do just the reverse. The sale of Phantoms to Saudi Arabia would add a dangerous new element to the military, political, and diplomatic factors upon which the uneasy peace in the Middle East hinges. I must question the appropriateness of selling Phantom aircraft to these Arab nations when there are other, less-destabilizing and more defensively oriented aircraft that are available for sale.

I do not believe that the question of the security of the Persian Gulf can be detached from the larger question of the stability of the entire Middle East. For this reason I cannot accept the argument that the United States must supply F-4's to Saudi Arabia so as to protect it from its occasionally hostile neighbors, for the sake of maintaining the "balance of power" in the Persian Gulf. I must ask the question: What good is a balance of power in the Persian Gulf if its achievement threatens the balance of power in the whole Middle East?

It is my hope that the administration will reconsider its announced intention to sell Phantoms to Saudi Arabia. If it does not, however, I would urge Congress to act to stop such sales.

U.S. INTERESTS IN THE PERSIAN GULF

Since the departure of Great Britain from the Persian Gulf, it has been popular to refer to a "power vacuum" in the area. This "power vacuum" is in part responsible for the often frenetic scramble of the United States and the Soviet Union to get a piece of the action and consolidate their influence in the area.

In addition, two-thirds of the world's known oil reserves are located in the Persian Gulf area, according to President Nixon. Saudi Arabia reportedly has the largest oil reserves of any of the countries in the area, and is also the world's largest exporter of petroleum. Iran is said to be second on both counts. Even tiny Kuwait, with a population of 900,000, is rich in oil.

Given the so-called energy crisis in the United States, it is not at all surprising that the United States has cast its lot with these countries. While denying that the "energy crisis" was exclusively responsible for the proposed Phantom deal, a State Department spokesman has admitted that "oil is one of the considerations" in our intended agreement to arm Saudi Arabia with these aircraft.

While the United States is not presently the major importer of oil from the Persian Gulf States, it nonetheless makes good sense for the United States to protect our legitimate interests in the area, and, similarly, to enhance the prospects for genuine stability in the troubled area. These policies should not come at the expense of the security of Israel. But, our current policies will not bring stability to the area and may threaten our principal ally in the Middle East, Israel.

Both the Soviet Union and the United States have been pumping weapons into Persian Gulf countries and show every intention to continue doing so. Other parties interested in this burgeoning weapons market are Great Britain and France. Britain, for example, just signed a $625 million agreement to upgrade the Saudi Arabian air defense system.

The political splits in the area can be roughly viewed as the "traditional" states—Saudi Arabia, Kuwait, and non-Arab Iran—against the "radical" states—Iraq and South Yemen. Iran has been the largest purchaser of American arms in the area, having recently concluded a $2 billion agreement for U.S. weapons. Iran, traditionally at least a tacit supporter of Israel, is the primary supplier of Israel's oil, and is presently participating in a technical assistance effort with Israel. Further, the strategic implications of Iran to the Mediterranean also distinguish it from other states in the Persian Gulf.

Saudi Arabia's relations with Iraq, and South Yemen are not good, and Kuwait's problems, particularly with the Iraqis, are worse. The threat to Saudi Arabia and Kuwait from Iraq did not really develop until April of last year, when Iraq concluded a treaty of friendship with the Soviet Union and massive Soviet arms shipments, estimated to total about $1 billion worth, began.

Subsequently, signs of growing hostility from Iraq, rebellion in Oman, and at least some evidence of subversive activities throughout the Gulf supported by Syria and Iraq, aggravated the situation. The sharpest incident to date was the Iraqi takeover of a Kuwaiti border-post at Al-Samta on March 20 of this year. This incident more than highlighted the weakness of the Kuwaits; it raised the specter of a larger and more ominous confrontation between Iraq and the other "radical" states with Kuwait and its "traditional" allies.

The perils of Kuwait are illustrated by a statement made by the Iraqi Foreign Minister shortly after the March 20 "incident." In an interview with the Beirut Al-Sayad published on April 5, 1973, the Foreign Minister responded to a question of whether the border-post at Al-Samta was located on disputed territory by saying that:

> The whole of Kuwait is disputed territory.

The Iraqi official then suggested that Iraq had never formally accepted the existence of Kuwait at all.

ARMS AND THE PERSIAN GULF

One can trace the dramatic growth in American military support for Kuwait and Saudi Arabia to the growing tensions in the area. It is now expected that U.S. arms sales to the Persian Gulf will total $4 billion—$2.5 billion for Iran, $1 billion for Saudi Arabia, and $500 million to Kuwait.

Included in the $1 billion total for Saudi Arabia is a $500 million agreement which the United States is currently negotiating with the Saudis, involving ships, military communications equipment, and training. According to some reports, as many as 19 U.S. warships could be sold to Saudi Arabia as part of this deal. New aircraft—possible Phantoms—and other forms of military hardware would comprise the remaining $500 million. By way of contrast, U.S. military sales to Israel amounted to $317.9 million in 1972.

The Kuwaiti Army, which numbers approximately 8,000, is reported to be about to receive $500 million worth of armor, rolling stock, artillery, and light weapons. In addition, two Ling-Temco-Vought (LTV) F-8H/K fighters have been flown to Kuwait for demonstration purposes, according to Aviation Week and Space Technology—June 11, 1973. Aviation Week also reports that the F-8 aircraft have been flown by "resigned" U.S. Navy and Marine pilots, under contract to the Kuwait Government to "train Kuwaiti pilots, and also, give the country an instant air defense capability." If true, the suggestion that U.S. pilots could fly Kuwaiti aircaft in combat missions—possibly against Iraqi, South Yemeni, or even Cuban pilots—gives great cause for alarm.

Included in the Soviet Union's $1 billion worth of arms shipments to Iraq are, according to one estimate, 800 tanks, 150 Migs of various types, including the relatively advanced Mig-21C, Sukhoi Su-7 attack aircraft, and an air defense system, including SA-2 "Guideline" and SA-3 "Goa" surface-to-air missiles, both of which were encountered by U.S. forces in combat operations in Southeast Asia. According to some sources, the Soviet Union is considering supplying Iraq with advanced SA-6 "Gainful" missiles, which are mounted on tracked transporters and thus pose a greater ground-to-air threat.

According to another source, the Iraqi Air Force, as of late-1972/early-1973, was equipped with:

> Nine Tu-16 "Badger" jet bombers, which can also be used for reconnaissance, anti-shipping, and electronic countermeasures (ECM) activities; 48 Su-7 single-seat ground attack/close-support aircraft; 32 Hunter F.GA. British-made ground attack aircraft, some of which have reportedly been transferred to Egypt; 80 MiG-21C jet fighters, the most advanced Soviet fighter flown by non-Soviet pilots outside the Warsaw Pact; and 20 MiG-17/19 older, less sophisticated jet fighters.

In recent months South Yemen has also been the recipient of large quantities of Soviet arms. The South Yemeni's are estimated to have about 15 older Mig-17 and Mig-19 aircraft, and reportedly the Soviet Union has begun to send South Yemen the more advanced Mig-21C fighter. According to a report that appeared in the Washington Post on June 25, 1973, South Yemeni pilots are being trained by Cubans to fly the Mig-21C's. According to another estimate, South Yemen will eventually receive about 20 of the more advanced Soviet aircraft.

Reportedly the Saudi Arabians—and the Kuwaiti's—claim that they require a highly sophisticated aircraft if they are to deter any potential Iraqi or South Yemeni threat, given the sophisticated nature of the military hardware supplies to their potential adversaries by the Soviet Union. The aircraft favored by the

Saudi's is the F–4 Phantom, made by McDonnell-Douglas in the United States, and currently the mainstay of not only the Israeli Air Force, but also the U.S. Air Force and Navy as well.

MAKING MATTERS WORSE

Typically, both the Soviet Union and the United States have forsaken the diplomatic route to acquiring influence and achieving stability for the time-worn, and unconvincingly demonstrated, method of trying to buy friends through military favors. Both the United States and the Soviet Union have seriously exaggerated existing tensions in the area through massive shipments, present and pending, of arms to their "friendly partners." While the arms influx has not contributed in any measurable way to real security in the area, it has served to exacerbate tensions and dramatically increase the level of violence possible between the antagonistic camps in the Persian Gulf.

It has also served, and I am sure that these factors have not gone unnoticed in either the Soviet Union or the United States, to lessen the balance-of-payments difficulties that both superpowers are encountering, as well as to consolidate the hold of various regimes in the area upon their populations. In this case, as was lamentably also true with our tragic experience in Southeast Asia, our expressed desire to enhance the "security" of the area can be translated to mean, in part, relentless support of the status-quo. Allegedly, the status quo of these countries is in our "national interest."

This is not to say that there are not real and important differences between Persian Gulf nations, and that the United States has no valid stake in the area. The opposite is true. What I am suggesting, however, is that our efforts to date, and our future policy as currently outlined, will prove to be counterproductive to our genuine objectives. Our efforts, combined with the even more reprehensible efforts of the Soviet Union, have made matters worse, not better. Throwing a new level of technological sophistication into the weapons "mix" of this potentially explosive area—such as is proposed in the sale of Phantoms to Saudi Arabia—will increase the risk of war, not reduce it.

On the other hand, it would be precipitous and irresponsible for the United States to withdraw entirely from the Persian Gulf and leave this oil-rich part of the world to the Soviet domain. Both the Soviet Union and the United States would be well-advised to mutually reduce the flow of arms into the Persian Gulf, as well as to the Middle East as a whole.

Given that neither the Soviet Union nor the United States is likely to make such a foreign policy turnaround overnight, I think it necessary to examine more closely the particulars of the proposed sale of Phantoms to Saudi Arabia and the possible sales to Kuwait. The evidence conclusively demonstrates to me, at least, that such a sale would do more harm than good to the legitimate policy objectives of the United States in the region. I believe that a plausible alternative to the sale of Phantoms is available—one that would not jeopardize the security of Israel.

THE DANGERS OF SELLING PHANTOMS TO SAUDI ARABIA

Upon taking a few reasonable assumptions, the F–4 Phantom is qualitatively superior to any aircraft likely to be operating in either the Persian Gulf or in the entire Middle East region in the near future. These assumptions are: first, that the United States does not sell Iran either the F–14 or the F–15 fighter—both newly introduced and under development for the U.S. Navy and Air Force, respectively; second, that the Soviet Union continues its longstanding policy of keeping its best aircraft to itself, and thus does not sell advanced aircraft—for example, the Mig-25 Foxbat, the Su-11 Flagon-A, the Mig-21J, or the Mig-21E—to any Arab State; and third, that the Soviet Union does not again provide pilots to Arab States to fly these aforementioned advanced aircraft, as it did to some extent during the "war of attrition" and before the expulsion of Soviet "advisers" from Egypt.

Assuming these assumptions are all correct, the F–4 fighter, of which the Israeli Air Force has approximately 120, is the superior aircraft operating in any potential combat zone. Its superiority lies chiefly in its great flexibility—it can double as a straight air-superiority fighter and can handle tactical air-to-ground missions, and do both jobs well.

Top speed of the F–4 is in the mach 2.2 range. It can carry four AIM–7 Sparrow "standoff" air-to-air missiles, four to six AIM–9 Sidewinder heat-seeking close-in air-to-air missiles, an internally mounted M–61 multibarrel air-to-air cannon—which can also be used for strafing—and can carry up to 16,000 pounds of conventional ordnance, including gravity bombs, "smart" bombs or missiles, and a variety of other missiles. The aircraft can be equipped with a variety of ECM, electronic counter-measures, gear. Israeli F–4's include a number of features designed and built in Israel, including a modification to the American fire-control system which provides for a lead-computing gunsight, and the Israeli "Shafir" air-to-air missile, which though similar to the American Sidewinder is reputed to be superior in some characteristics.

In an interceptor mode, the F–4 can operate over a radius of action of 350 to 400 miles, while in a ground-attack configuration the aircraft has a nonrefuel range of 350 to 450 miles depending on ordnance carried. Range and performance figures with a large quantity of ordnance exceed those of any other fighter-bombers presently operating in the Middle East, although in certain flight conditions other aircraft might have advantages over the F–4. Nonetheless, the multirole characteristics of the F–4, its advanced avionics, its excellent air-combat or ground-attack performance—depending on configuration—all combine to make it the dominant aircraft in the Middle East.

The F–4 is at the core of the Israeli Air Force, and the Israeli Air Force is at the core of Israeli's security. Although Israel did not have F–4s at the time, the 6-day war of 1967 was to a large extent won by Israel because Israel established air-superiority and was thus able to utilize effective ground attack aerial capabilities. When it had F–4s, the Israeli Air Force defeated Nasser in the "war of attrition", even though conditions were far more difficult, by continuing to demonstrate air-superiority in all meaningful operational conditions.

To be sure, the Israeli aerial advantage in the Middle East, which I believe acts to deter Arab aggression, is due not only to the characteristics of the Israeli aircraft but also is due in large measure to superior Israeli tactics and training. But if the United States sells F–4s to Saudi Arabia, an Arab state, the grave possibility exists that Israeli superiority in hardware and in tactics will be negated.

POTENTIAL THREAT TO ISRAEL

There are essentially four reasons to be concerned that the sale of Phantoms to Saudi Arabia might imperil the military security of Israel. First, there is the possibility, although Saudi Arabia did not actively participate in the 1967 war, that Saudi Arabia might use the F–4 against Israel itself. Second, Saudi Arabia might transfer these aircraft to another more aggressively hostile country, such as Egypt. Third, a revolution or coup in Saudi Arabia could emplace the aircraft in the hands of a more violently anti-Israeli Government. Fourth, Saudi Arabia might allow other Arab countries to study the F–4, to train their pilots against F–4s, and to develop tactical advantages over Israeli F–4s through these means. Already under intense pressure from its fellow Arab states to take a more aggressively anti-Israeli stance, Saudi Arabian acquisition of Phantoms would only increase this pressure, and increase the likelihood of the Saudi's taking one of these forms of anti-Israeli actions.

If the Saudis had the F–4 and chose to attack Israel, the F–4 would give them a marked increase in damage infliction capabilities. The ordnance capability of the Phantom in the ground attack mode would mean that the Saudis could attack any target in Israel and do serious damage. This ordnance capability is possessed by neither of the other two aircraft that could be sold by the United States to Saudi Arabia, the F–5E or the F–8J. On a 150-mile strike, the Phantom carries 4 times the ordnance of the F–8.

The risk of a transfer of these aircraft to a third country is perhaps more serious. Under this scenario, the Saudis would "give" the Phantoms to a country like Egypt or Syria, which are far more willing to take on the Israelis given any new advantage, than is the traditionally more reluctant Saudi Arabia. That such a transaction is a real possibility is demonstrated by the recently revealed transfer of 38 French Mirage fighters to Egypt from Libya.

While the Saudi Government seems relatively stable at this time, the risk of another Colonel Qaddafi cannot be altogether discounted. Political instability in the area, increased agitation sponsored or supported by Iraq, South Yemen and other potential hostile Arab neighbors, or other developments in the region might bring about the fall of King Faisal, and thus the Phantoms could fall into worse hands.

The risk of tactical advantages for the Arab States from experimentation and training with the F–4 is potentially extremely serious. Saudi Arabia could share the technical secrets of the Phantom with other Arab States. It could allow pilots from other Arab countries to train against Phantoms, thus mimicing potential Arab-Israeli air battles. That these tactical factors are important is evidenced by the stall/spin problem exhibited by the F–4 in certain highly classified flight conditions. According to Aviation Week and Space Technology, the U.S. Air Force and Navy have lost more than 170 F–4's in the past 7 years from failures attributable to stall/spin problems. If the Arab pilots learn what conditions put the Phantom into a stall/spin, this knowledge can be applied to aerial combat with Israelis, when the Arabs would attempt through their tactics to force the Israeli aircraft into high-risk, potentially fatal, modes of flight. Through such means as these the Israeli advantage in tactics could be seriously diluted.

SAUDI ARABIA AND ISRAEL

While it is true that Saudi Arabia has not taken an active part in hostilities against Israel, it is true nonetheless that Saudia Arabian officials have time and again expressed their opposition to the very existence of Israel. Expressed Saudi sentiments on Jews and Israel offer little comfort to those who would sell F–4's to Saudi Arabia and then hope that the aircraft would not be "misused."

In a June 1966 visit to New York City, King Faisal offered the following in response to a newspaper reporter's written question:

> The Jews throughout the world are supporting Israel. We regard those who provide assistance to our enemies as our own enemies . . .

As a result of this blunt statement Mayor Lindsay of New York and Governor Rockefeller cancelled planned functions for visits with the Saudi leader.

Saudia Arabia has always barred Jews from the country. Attitudes of Saudi officials towards Jews and Israel are also reflected in such statements as these:

> Zionism is the mother of Communism. It helped spread Communism around the world. It is now trying to weaken the U.S. and if their plan succeeds, they will inherit the world—Newsweek, December 21, 1970.
>
> The battle is now actually a pan-Arab battle. The pan-Arabism of the battle means the unification of efforts. We must double our work towards this end.
>
> We have succeeded more than we expected. I fully hope that every drop of Arab bloodshed will, God willing, explode in the enemy's face.—Saudi Arabian Foreign Minister Omar Saqaf replying to journalists' questions in Amman, Jordan, June 1971.
>
> The enemies of Islam are criminals, Jews and infidels, who do evil throughout the world.
>
> We must fight these attempts of our enemies. The Zionists are behind all wicked schemes, and it is regrettable that there are still some countries which support Zionism."—King Faisal, quoted in a Niger newspaper during a visit to Niger in November 1972.

Given such statements as these—which are but a small sampling of the virulent anti-Semitic and anti-Israel rhetoric which flows out of Saudi Arabia, it is hard to feel altogether sanguine that the Saudis will not use their Phantoms to the detriment of Israel.

There is no way that the United States, even though we would be selling these aircraft, can insure that they are not used against Israel. One of the enduring lessons of American military aid and assistance programs—as well as that of other nations, including the Soviet Union, is that once put in the hands of a foreign nation, there are no effective strings of control running back to the seller. Apparently the State Department has forgotten the sorry history of previous attempts to control the use of American-made arms. During the 1965 India-Pakistan war, American arms were used on both sides. Also, of course, there is the much cited example of our sale of Patton tanks to King Hussein's Jordan in the early 1960's. As a condition of sale, Jordan signed an agreement that these tanks would not be used against Israel, and that the tanks would not cross the Jordan River. Like the Phantoms the administration wants to sell Saudi Arabia, these tanks were to be used for self-defense—and presumably internal purposes—only. Yet when the smoke cleared from the 6-day war, the burning hulks of the U.S.-made tanks were found on the West Bank—across the Jordan River. So much for the agreement.

Announcing the intention to sell Phantoms to Saudi Arabia, a State Department spokesman said that:

> Any military equipment sold by the United States to the [Persian] Gulf states is not allowed to be transferred to a third-country without specific U.S. approval.

But in response to questions from a subcommittee of the House of Representatives Foreign Affairs Committee, Assistant Secretary of State Joseph Sisco admitted that:

> There is no guarantee, and there is no one who can guarantee, that they [the F–4s] will not go to third parties.

Further, the Phantoms have a great symbolic importance to Israel. They are a symbol not only of the military security of Israel, but a symbol of the support of the United States for that country. To sell these same aircraft to an Arab State would be a damaging blow to the prestige and morale of Israel.

AN ARMS RACE VERSUS PEACE

There are two other important considerations. The great difficulty in securing a negotiated peace settlement in the Middle East virtually goes without saying. I believe that there will never be a negotiated peace settlement if the Arab nations believe that they are in a position of strength. Selling Phantoms to the Arab world would at the very least raise hopes of victory, and depending on Saudi Arabian uses of these aircraft, could lead to intoxicating visions of new-found power. Why should the Arabs negotiate if they believe that a military solution is possible?

Finally, it seems likely that sales of Phantom aircraft to Israel would trigger yet another spiral in the Middle East arms race. As I suggested earlier, a "balance of power" is not an end in and of itself, especially if that balance is precariously maintained by the virtue of more and more arms, at ever higher levels of violence. Our objectives in the Middle East and in the Persian Gulf ought to be to defuse the area; but the sale of Phantoms would accomplish the reverse. It would continue the action/reaction trap of the arms race.

Billions of dollars would in all likelihood be spent on new arms, but no security, or stability, would be gained. Once the Saudis acquired Phantoms, the Iraqis might be compelled to demand more advanced aircraft and air-defense apparatus from the Soviets. This in turn could cause other Arab states, such as Egypt and Syria, to ask for the same favors. On the other side, Israel would almost inevitably have to seek more and better arms in response. Already there have been reports in the press of Israeli interest in the F–14, F–15, and the improved version of the F–4—the F–4M—which mounts maneuverable leading edge slats for increased maneuverability and an improved fire-control system. This escalation in weaponry does not provide stability. It is inherently destabilizing, because it enhances the risk that one country or another, intoxicated by its seeming military strength, might launch an attack—an attack that would cause a war far more destructive than the last.

So what is to be gained from selling Phantoms to Saudi Arabia? Very little, I believe. The risks are great. The only sure rewards are a slight improvement in our balance of payments—a benefit far too small for the price to be paid. Even the benefit of increased "influence" in the Persian Gulf—a goal that is impossible to quantify—is problematical. In sum, I believe that the proposed Phantom deal is a grievous mistake.

If we need to sell aircraft to Saudi Arabia, if they are in fact necessary to provide for the defense of Saudi Arabia against its Soviet-armed and unfriendly neighbors, then we would be far better advised to sell not the F–4s but the F–8s. I personally believe that compelling arguments can be made not to sell advanced aircraft to Saudi Arabia at all, and that further arms transfusions will make more problems than they solve. But if there is a serious threat to Saudi Arabia from Iraq and/or South Yemen, the F–8 would make a far better choice than the F–4.

The F–8 is a defensively-oriented weapon. It is better at air-to-air combat than the F–5E, a version of which the Saudis already have. It has very limited ground attack capabilities, so that it does not pose an offensive threat to Israel. It does not represent a quantum leap in military technology in the area.

The F–8 is relatively cheap, at approximately $1.8 million per copy, as opposed to approximately $3.5 million for the F–4. It could be available almost immediately, as the U.S. Navy Reserve uses only a small part of the more than 1,500 that have been manufactured. And, as the Navy Reserve receives F–4B's that are being replaced in the fleet by F–4J's, F–8J's will be readily available.

The F–8 has better avionics than the F–5E, better "first detection" characteristics than the F–5E, better endurance, and is superior in performance to the F–5E in most air-combat modes. It would provide a credible deterrent to the Mig–21C's operated currently by Iraq and South Yemen. The F–8 is a proven air-to-air system. The F–8 has enjoyed a 6-to-1 kill ratio over Migs in Vietnam, whereas the F–5E was not employed in air-to-air combat in Vietnam, and in fact has rarely been used for this purpose. In addition, the F–8 poses one-half the maintenance and one-half the crew requirements of the F–4, since it is a single-engined, single pilot aircraft. It reportedly enjoys a 30–40 percent edge in maintenance reliability over the F–4.

But the F–8 is not a threat to Israel and is not destabilizing to the weapons balance in the Middle East.

Reportedly the United States is considering selling F–8's to Kuwait as a hedge against possible sales, 2 or 3 years hence, of the F–4. I have already noted that an LTV team is in Kuwait for "demonstration" purposes. Assistant Secretary of State Sisco has reportedly said that he considers the F–8 a viable aircraft in the Persian Gulf area for at least 3 to 4 more years. I would urge the administration to extend the logic applied to Saudi Arabia, which faces essentially the same military threats as Kuwait. If the security of Saudi Arabia requires an upgrading of its aerial capabilities, then the sale of F–8's is more appropriate, all things considered, than the sale of F–4's.

CONGRESS AND PHANTOMS

If the administration does not choose to reconsider its precipitous and most unfortunate action in agreeing in principle to the Phantom sale, then I urge that Congress act to stop such a sale. Congress has the power to do so, and there are a number of precedents for such an action.

There are two methods through which the Saudi Arabian Government can purchase American Phantom aircraft. A cash sale through commercial channels, that is between the Saudi Arabian Government and McDonnell-Douglas, could be arranged. Such a cash sale would require an export license from the State Department, and approval from the Pentagon as well. Or, the sale could be made on a credit basis, either on a government-to-government basis or on a government-to-manufacturer basis. In the latter case an export license and Department of Defense approval would also be required.

Credit sales are limited by section 31 (b) of the Foreign Military Sales Act (22 U.S.C. 2771(b)), which establishes an aggregate ceiling on foreign military sales credits:

> (b) The aggregate total of credits, or participations in credits, extended pursuant to this Act (excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) shall not exceed $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be available to Israel only.

Since $300 million in credits are guaranteed to Israel, only $250 million can be used to finance arms deals to all other nations. Thus limits are placed on the amount of credits that the Saudi Arabian Government could receive. Section 31(b) of the Foreign Military Sales Act has not been amended.

Within the broad limitation of $250 million in military credit sales, Congress has enacted a network of other more restrictive limitations on all types of military sales. Section 33 of the Foreign Military Sales Act (22 U.S.C. (sec. 2773)) establishes regional ceilings on Latin America and Africa. Subpart (a) of section 33 establishes a limitation of $100 million on aggregate military cash or credit sales to Latin America, while subpart (b) of section 33 establishes a similar ceiling of $40 million for all types of sales to African nations. In either case, subpart (c) states:

> (c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements to the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding.

In no event, however, is the President allowed to increase aggregate military sales to a region beyond an amount equivalent 50 percent above the regional ceilings.

There are many precedents for limitations on foreign military sales or other forms of assistance applied to specific countries. Section 620 of the Foreign Assistance Act (22 U.S.C. section 2370) contains a listing of conditions for foreign aid and military sales as well as a categorization of countries to which the United States will not give assistance to (such as Communist countries or the United Arab Republic Egypt) or to which assistance is limited. Section 620 (v) and (w) apply specific limitations to Greece and Pakistan:

> (v) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding . . .
>
> (w) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunition, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on the date of enactment of this subsection.

Sophisticated weapons systems, such as jet fighters, have also been singled out in previous legislation governing foreign assistance and foreign military sales. Section 4 of the Foreign Military Sales Act (22 U.S.C. 2754) establishes restrictions on the credit sale of advanced weapons to all but a handful of countries. Section 4 reads in part:

> . . . *Provided,* That none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with the sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines and Korea unless the President determines that such financing is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Saudi Arabia is not on the list of nations entitled to receive sophisticated weapons without a Presidential determination. However, the section 4 limitation applies only to credit sales. Cash sales are not similarly restricted.

It is apparent in each of the aforementioned limitations imposed by Congress on foreign military sales that the President is granted, by Congress, limited authorities to waive various restrictive provisions. The President can waive the limitations of section 4, supra, to facilitate credit sales of "sophisticated weapons systems" to countries not enumerated in section 4, such as Saudi Arabia. An example of such a waiver is Presidential Determination 73–14, signed by President Nixon on May 21, 1973. Presidential Determination 73–14 provides for the waiver of the restrictions contained in section 4 of the Foreign Military Sales Act, supra, to provide for the extension of credit for foreign military sales to the Governments of Argentina, Brazil, Chile, Colombia, and Venezuela, so as to facilitate the purchase of F–5E jet fighters to these nations.

Existing precedents, in the form of limitations on the sale of sophisticated weapons systems to particular countries, suggest that there are a number of methods through which Congress could act to stop or place certain limitations on the sale of Phantom aircraft to Saudi Arabia. Congress could amend the Foreign Assistance Act and/or the Foreign Military Sales Act, both of which require yearly congressional action.

Clearly the Presidential determination mechanism would have to be altered and strengthened in favor of increased congressional control over military sales. Congressional review of certain types of military sales actions could be required. For example, an amendment could be offered to the Foreign Military Sales Act, governing military sales of certain types of sophisticated weapons systems, on a cash or credit basis, to underdeveloped nations, similar to the existing section 4, supra, in the Foreign Military Sales Act. Such an amendment might require that approval of the whole Congress, or of the authorizing committees in the House and Senate, follow a Presidential determination to seek the waiver of statutory limitations on the sale of sophisticated weapons systems, such as jet fighters, to the excluded countries.

Or, Congress could amend the Foreign Assistance Act by inserting prohibitions against the sale of Phantoms to Saudi Arabia similar to those against assistance to Greece or Pakistan in section 620 (v) and (w), quoted above. The language of such an amendment might specifically prohibit the sale of F–4 aircraft to Saudi Arabia.

During its consideration of S. 1443, the Foreign Military Sales Act of 1974, the

Senate this week passed two amendments that are applicable to the proposed sale of Phantom jets to Saudi Arabia. An amendment offered by Senator Nelson would give Congress the opportunity to review any military sale in an amount of $25 mllion for any single sale to one country, or cumulative sales of over $50 million to one country in a year. The President would be required to report such a sale and the justifications for it to Congress, which would then have 30 days in which either House could adopt a resolution disapproving the sale.

Senator Jackson and Senator Ribicoff offered an amendment, subsequently adopted by a voice vote, which requires termination of arms shipments to any country which allowed "sophisticated weapons, including sophisticated jet aircraft," to be transferred to another nation. This amendment specifically addresses the concern that Phantoms sold to Saudi Arabia might be transferred to a more aggressively hostile Arab State.

Congress clearly has the power to prevent the sale of Phantom aircraft to Saudi Arabia, and there is ample precedent for such action. I hope that the administration will reconsider its intent to sell these advanced fighter-bombers to Saudi Arabia, but if such does not occur, then I hope that the members of the House Foreign Affairs Committee, now considering the House version of the Foreign Military Sales Act, as well as the Members of the House of Representatives as a whole, will add to the Foreign Military Sales Act language preventing what I believe would be a dangerous misstep in our foreign policy in the Middle East.

THE NEED TO REFORM THE HATCH ACT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on June 25, the Supreme Court upheld the constitutionality of the Hatch Act. While not disputing the Court's decision on the authority of Congress in this matter, I do believe it is a mistake for the Congress to exclude over 5.5 million public employees from active political participation. The Supreme Court has made it clear that the responsibility now rests with Congress to restore to these people their full political citizenship.

On March 20, 1972, I first introduced the Government Political Activities Act which I reintroduced as H.R. 668 at the opening of this Congress to legislate this much needed reform. H.R. 668 would preserve the valuable intent of the Hatch Act, cited by the Supreme Court, to protect public employees from involuntary political activity and coercion. But, it would eliminate from the present law the sweeping prohibitions against political activity by Government employees. The only restriction on political activity to remain would be a prohibition on holding a salaried office in a partisan political club. H.R. 668 would empower the Civil Service Commission to take action against public officials, including those appointed by the President, found guilty of unlawful coercion of Government employees. Most important for civil servants, is the bill's prohibition against the solicitation of political financial contributions from, or by, Government employees. The need for these prohibitions, extended to Presidential appointees, has been dramatized by the abuses which are being uncovered in the Watergate investigations.

In carrying out the provisions of H.R. 668, the Civil Service Commission would have a functional interrelationship with the Department of Justice. The Commission would process and investigate complaints and upon finding that a violation has occurred, would levy penalties and refer the case to the Justice Department for prosecution under section 602 of title 18.

In 1966, the Hatch Act Commission was established by Congress to study all Federal laws restricting political participation by Government employees. In its report of 1967, the Commission noted the need for substantial reform of the present act so as to clarify its intent and reduce the number of employees within its purview. The Commission found that most Government employees are so confused by the more than 3,000 prohibitions and have so little idea what activities are permissible, that they tend to avoid all political activity. Similarly, in his decision, U.S. District Judge Gerhard A. Gesell declared that the Hatch Act was a "classic case of a statute which in its application has a chilling effect under the first amendment."

When the Hatch Act was first enacted, its coverage was limited. Even when amended in 1940 to include State and local government employees working in federally funded programs, less than one-half a million were subjected to it. But this number has swelled over tenfold and is likely to increase if the much needed reform is not enacted. New York City alone has more than 300,000 municipal employees, many of whom receive some Federal contribution toward their salaries and therefore are "hatched" under the existing law. Other government employees, both State and local, are currently prohibited from engaging in political activity by similar local regulations.

H.R. 668 would lift the ban on political activity off all city and State government employees by mandating compliance by any State or local agency receiving funds under revenue sharing.

The responsibility now rests squarely with Congress to enact legislation that would continue to protect Federal employees from improper political solicitations as the Hatch Act was intended to do, but restore to millions of Government employees their full political citizenship. I urge Congress to act now to make this important reform. Congress has taken the initiative in recent years in expanding the opportunities for political activity through its civil rights legislation and the 18-year-old vote. It is time that Congress act on the recommendations made by the Commission that it created and restore full citizenship to all Government employees.

FOOD FOR THOUGHT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I would like to direct your attention to the following excerpt taken out of the Washington Post of June 26:

JAPANESE TOLD TO EAT LESS FISH DUE TO POLLUTION

Tokyo, June 25.—The world's foremost fish-eating nation awoke this morning to a government report advising the citizenry to restrict the fish in their diets and suggesting a shift toward meats and vegetables instead.

A Ministry of Health and Welfare committee finding, based on the hazard of mercury pollution from Japan's increasingly befouled coastal waters, was the top story in the press and the number one topic of political as well as family discussions.

The primary sources of protein in the diet of the American consumer are red meat, poultry, and fish. A particularly strong interest in consuming fish has developed with the skyrocketing increase in meat prices.

Of the sources mentioned, only fish are not required to be inspected for wholesomeness through the oversight of Congress. Since Americans consume approximately 2 billion pounds of fish and fishery products each year, we are left with a substantial source of food without a specific statutory mandate to insure wholesomeness. The public is not being protected.

Fish are extremely perishable and are highly susceptible to contamination during handling and processing because they offer an excellent medium for bacterial growth. For example, bacterial growth has been responsible for several outbreaks of poisoning which were attributable to fish. Nine deaths occurred in 1963 as a result of botulism from smoked lake fish. Smoked fish again caused 400 cases of salmonella poisoning in 1966, and 250 food poisonings occurred in the very same year from contaminated shrimp. In addition there has been an alarming increase in the discovery of hazardous materials in fish such as mercury and DDT.

While there continues to be concern about these various health hazards, Congress has done nothing. The inadequacies within our system for dealing with the inspection of fish and fishery products are horrendous. According to the National Marine Fishery Service, there are approximately 1,836 fishery plants within the United States—of those 1,836, only 42 plants are inspected by the Service, and those on a voluntary basis.

On December 2, 1971, the Senate passed S. 284, a strong and comprehensive bill setting stringent inspection standards for all aspects of fish and fishery products. The bill was referred to the House Committee on Interstate and Foreign Commerce on December 6, 1971. Since that time there has been no action on that bill. Hearings were never scheduled. The need, however, goes on. Sitting in committee are several other bills that also would launch massive inspection systems exclusively for fish and fishery products.

Furthermore, these bills would direct appropriate agencies to survey fisheries and vessels to gain further information for developing adequate standards for good processing, sanitary transportation and storage facilities; all of these are vital to insure wholesome fish and fishery products.

Is it necessary for more deaths to occur because of the present hazards before there is adequate legislation? Must we continue to eat rotten fish?

The ground has already been paved and the foundation set on which we can build. I therefore urge the respective committees to begin immediate hearings on the urgent problem of protecting the millions of Americans who consume vast quantities of fish.

TERRORIZING THE INNOCENT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the inherent danger in our "no-knock" laws has once again captured the limelight with the recent and repeated disclosures of violent drug raids against the innocent. In the fight to combat "Public Enemy No. 1," drugs, law enforcement officers have made no, or at best, shoddy preraid investigations, often followed up by illegal raids.

Adherence to the Constitution's fourth amendment, prohibiting unreasonable searches and seizures, is mandatory for law enforcement agents at all levels. Cases of hideous raids by narcotic officers have been reported in which the officers had: First, no search or arrest warrant; and second, the wrong address for the suspect operation. How many cases of a similar nature have unreportedly taken place?

A captain of the State police described smashing into the wrong house, massive destruction of property and terrorizing of innocent citizens as "insignificant." The frequent occurrence of these outrageous and illegal raids raises questions as to whether this "insignificant" attitude is an isolated opinion, or whether it is the view held by many law enforcement officers involved.

Stringent measures must be taken to prevent the recurrence of such activities. Legislation is needed to compensate innocent victims for both physical injuries and property damage. Federal law enforcement officers involved in these raids should be strongly disciplined. We can do that first.

Drugs are a menace to our society. But so are criminal violations of our constitutionally guaranteed right to freedom from the threat of illegal police searches. One evil cannot and should not be used to justify another. These illegal police tactics must be ended immediately.

IS THERE A THAW IN THE COLD WAR?

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, at this time when there is according to the media a thaw in the cold war and President Nixon and Chairman Brezhnev were recently pictured toasting each other in champagne, it might be well to look carefully at the Soviet Union and ask ourselves whether the Russian bear is now housebroken.

I am alarmed that Americans and Members of this body and the other body as well seem to have forgotten the long list of political prisoners in the U.S.S.R. as the government of that nation continues its repressive policy of forced Russification of subject nationality groups.

Mr. Speaker, no one wants peace and disarmament more than I do. I have lived through two major wars as well as the Korean conflict and our more recent involvement in Southeast Asia. I know what war's horror means. But my desire for peace does not mean that I have forgotten justice of the commitment this Nation has to the cause of self-determination.

Clearly, Mr. Brezhnev wants the present detente. I think the impetus for this policy change comes in large measure from the Kremlin. Which in my view is not wrong. On the other hand, since they want a normalization of relations, why should we simply accede? If we are to make concessions, and I think it reasonable that we should make concessions, then let the Soviets make a few concessions of their own.

The concession I want is not impossible for Comrade Brezhnev and his cohorts to put into effect. All they have to do is to call a halt to the great Russian imperialism which has gone on for centuries under czars as well as commissars. I bear no ill will against the great Russian people. They, like all people, have a right to pursue their own national traditions, but Mr. Brezhnev has no right to impose them on other people.

Mr. Speaker, lest we forget I ask unanimous consent to include at this point in the RECORD a list of Ukrainian political prisoners.

The list follows:

A LIST OF UKRAINIAN POLITICAL PRISONERS IN THE U.S.S.R.

CHORNOVIL, VYACHESLAV

36; journalist.

July 1966: arrested for the first time and sentenced to 3 months hard labor for refusing to testify at a closed trial of Ukrainian dissidents.

August 1967: rearrested and on November 15, 1967 sentenced to 3 years hard labor for compiling documents on the arrests and trials of twenty Ukrainian intellectuals in 1965–1966. The document were published in the West in 1968 under the title "The Chornovil Papers." Chornovil was released after 18 months due to an amnesty.

December 1969: Chornovil signed a petition against the imprisonment of Sviatoslav Karavansky (journalist and poet); against the inhumaneness of sentences for 25 years; and demanding open trials.

November 1970: refused to testify at the closed trial of Valentyn Moroz (historian).

August 16, 1971: wrote a protest letter concerning the deliberate destruction by the KGB of tombstones at Yaniv Cemetery in Lviv of World War I Ukrainian soldiers.

September 1971: signed a letter to the editors of "Radyanska Ukraina" protesting a slanderous attack on V. Moroz.

December 1971: joined a committee headed by the Jewish dissenter Pyotr Yakir to defend Nina Strokata-Karavanska (a microbiologist).

January 1972: arrested.

February 1972: tried in camera and sentenced to 7 years hard labor and 5 years exile.

DZYUBA, IVAN

42; literary critic.

September 4, 1965: together with Chornovil and Vasyl Stus (poet) publicly condemned the arrests of dissenters in August and September 1965. Shortly after he was arrested for allegedly sending abroad the diary of the deceased poet Vasyl Symonenko. Because he suffers of tuberculosis he was released. Following the arrests of 1965–66, Dzyuba wrote "Internationalism or Russification?", a critique of the current Soviet nationalities policies. His work was published in the West in 1968.

November 1967: signed with others a letter protesting the sentencing of V. Chornovil.

Early 1968: together with more than 150 persons signed a petition addressed to First Secretary of CPSU, Leonid Brezhnev, Alexey Kosygin, and Nikolai Podgorny, protesting closed trials.

July 1968: wrote an open letter to "Literaturna Gazeta", defending Chornovil and Karavansky, after they were attacked by that newspaper.

June 1970: together with Chornovil, Ivan Svitlychny (literary critic) and Ivan Sverstyuk (literary critic), wrote a protest letter concerning the arrest of V. Moroz.

November 1970: refused to testify at the closed trial of V. Moroz.

August 1971: wrote a protest letter to the newspaper "Radyanska Ukraina" defending V. Moroz against a slanderous attack.

September 1971: along with others wrote a letter to "Radyanska Osvita" concerning yet another slanderous attack on V. Moroz.

January 1972: placed under house arrest.

March 1972: expelled from the Union of Writers of the Ukrainian SSR.

April 1972: put in prison.

March 1973. tried in camera, and sentenced to 5 years imprisonment. (It should be noted that Ivan Dzyuba suffers from acute tuberculosis).

HEL, IVAN

36; a locksmith, and an evening student of history at the University of Lviv (enrolled in 1960).

August 24, 1965: arrested.

March 25, 1966: tried and sentenced in camera to 3 years hard labor.

February 23, 1967: sent a letter to the Chairman of the Presidium of the Supreme Soviet of the Ukrainian SSR stating his innocence, and protecting the illegality of his arrest.

After Feb. 1967 and before Aug. 1968: wrote to the Supreme Soviet of the U.S.S.R. stating a number of demands: to annul Art. #62 of the Criminal Code of the Ukr. SSR as illegal and unconstitutional; that Ukrainian political prisoners serve their sentences on Ukrainian territory, stating that 50% of all political prisoners held in the camps of Mordovia are Ukrainians; to abolish discrimination and hard labor; etc. He further demanded that his statement be published in the newspaper "Izvestia", since 1968 had been proclaimed by the United Nations as the "Human Rights Year".

November 28, 1970: Alla Horska (artist) was assassinated by the KGB—according to dissident sources. I. Hel delivered an eulogy at her funeral calling her "the faithful daughter of the Ukrainian Revival". For his participation in the funeral and the eulogy he got a strong reprimand from his employer for "truancy".

End of Nov. and begin Dec. 1970: wrote an appeal protesting the harsh sentence given to V. Moroz.

Jan. 12–13, 1972: arrested.

August 1972: tried and sentenced to 10 years hard labor and 5 years exile.

KALYNETS, IKOR

34; poet.

Beginning Nov. 1970: along with his wife Iryna Stasiv-Kalynets and others sent a telegram to the Prosecutor's office of the Ukr. SSR and to the Ivano-Frankivsk Regional Court demanding they be permitted to attend the trial of V. Moroz.

November 29, 1970: Ihor Kalynets and his wife Iryna wrote a letter to the Chairman of the Supreme Court of the Ukrainian SSR protesting the imprisonment of V. Moroz to 14 years "merely for what he was thinking".

After the arrest and trial of V. Moroz, I. Kalynets wrote some poems dedicated to him. The same year a collection of his poems was stopped from being published in Ukraine, while another collection appeared in the West under the title "Poetry from Ukraine".

August 11, 1972: arrested.

November 1972: tried and sentenced to 9 years of imprisonment and 3 years exile.

KALYNETS, IRYNA STASIV

33; philologist; wife of Ihor Kalynets.

Summer 1970: dismissed from her position as instructor of the Ukrainian language and literature at the Lviv Polytechnical Institute, and forced to work in a textile factory.

Sometime in 1971: Iryna Kalynets on her behalf, and the family and friends of V. Moroz, wrote a letter addressed to Alexey Kosygin, Ministry of Interior, Ministry of Health, and to the Chairman of the Red Cross Committee in the USSR, to release the seriously ill V. Moroz; to investigate the inhumane conditions at the Vladimir prison. In the early summer of 1971, V. Moroz was critically stabbed while serving his sentence at the Vladimir prison.

January 12, 1972: arrested.

End of July 1972: tried and sentenced to 6 years imprisonment and 3 years exile.

MOROZ, VALENTYN

37; historian.

August 1965: arrested for the first time.

Jan. 20, 1966: tried and sentenced to 5 years hard labor.

April 15, 1967: he produced an appeal to the Supreme Soviet of the Ukr.SSR entitled "Report from the Beria Reservation"—a lengthy analysis of the Soviet system.

Sept. 1, 1969: released, but unable to find employment because of his "criminal" record.

June 1, 1970: rearrested for having written "A Chronicle of Resistance"—a critical essay in which he assailed the Russification of Ukraine.

Nov. 20, 1970: tried and sentenced to 9 years hard labor and 5 years exile. In court he delivered his famous final statement "Instead of the Last Word", in which he challenged his jailers with "there will be a trial . . . very well, we will fight!". Moroz's essays and his statement to the court have already appeared in the West in numerous publications and in many languages.

The last reports about V. Moroz stated that he was seriously ill in a prison hospital. Early summer 1971 Moroz received stab wounds in the Vladimir prison.

KARAVANSKY, SVIATOSLAV

53, journalist, poet, and literary translator.

July 1941: after his Soviet army unit was routed by the Germans, he managed to escape to Odessa.

June 1944: after Odessa was recaptured by the Soviets he was arrested, and later court-martialed and sentenced to 25 years at hard labor "for connections with the Ukrainian underground". In reality, he refused to inform on fellow students.

December 1960: released due to an amnesty. He returned to Odessa where he worked on literary translations from English into Ukrainian. In that period he began translating the novel *Jane Eyre* by Charlotte Bronte.

Feb. 24, 1965: wrote a letter to the Prosecutor General of the Ukr. SSR charging certain officials with national and racial discrimination; as well as Russification of the Ukrainian educational system.

March 4, 1965: Karavansky's apartment was searched.

Nov. 13, 1965: rearrested for having written a memorandum to the Polish and Czecho-Slovak Communist Parties regarding the arrests of Ukrainian intellectuals. Without trial Karavansky was sent for 8 years and 7 months to a hard labor camp to complete his 25 year sentence. In the camp he wrote a number of petitions to official organizations and highly placed persons, for which he was repeatedly punished in camp isolators.

Between Jan. 9 and June 7, 1966: wrote several letetrs and petitions to various Government officials and agencies, in which he at length analysed the abuses of the Soviet system regarding the rights of individuals and nationalities.

Jan. 15, 1968: *The New Leader* of New York published Karavansky's petition in defense of the Soviet Jews and other nationalities.

Sometime in 1969: while in prison the authorities staged another "trial" for Karavansky for having written several articles, in particular one concerning the mass execution of Polish officers (PoW's) in the forests of Katyn perpetrated by the Russians in 1941. As a result Karavansky's total term of imprisonment was increased to 33 years.

KARAVANSKA, NINA STROKATA

48; microbiologist; wife of S. Karavansky.

End 1965, and beginning 1966: wrote to the Presidium of the Supreme Soviet of the U.S.S.R. protesting the renewed imprisonment of her husband.

Sometime in 1969: at the "trial" (in Vladimir prison) of her husband, she appeared as a witness defending him and accusing his jailers for cruelty. In response the court sent a resolution to the Odessa Medical Institute where she was working, accusing her of failing to "reeducate" her husband. She answered that it was her moral duty to support her husband. However, at this point the authorities had to stop further harassment due to a cholera epidemic that she actively was helping to control.

Beginning 1971: renewed harassment and threats in the local press (in Odessa), with accusations "why hasn't she yet denounced" and "broken off" with her husband "the enemy of the people".

May 1971: she was dismissed from her job at the Institute.

End of summer 1971: due to continuing harassment and the impossibility to find work, she was forced to leave Odessa for Nalchik (Kabardinian-Balkarian ASSR).

Dec. 8, 1971: she was arrested on her way from Nalchik to Odessa.

May 15–19, 1972: tried and sentenced to 4 years of imprisonment. A citizens' committee in defense of Nina Strokata Karavanska was immediately formed by Pyotr Yakir, Iryna Stasiv-Kalynets, Wasyl Stus, Vyacheslav Chornovil, and Leonid Tymchuk (sailor). On Dec. 21, 1971 the committee issued a public announcement stating that the committee in defense of Nina Strokata-Karavansky was formed "on the basis of the guarantees provided by the Constitution of the U.S.S.R. and the Declaration of Human Rights . . . In its activities the committee will abide by the Soviet law". The members of the committee were arrested in early 1972.

SHABATURA, STEFANIA

32; artist.

Nov.–Dec., 1970: protested with others the arrest, trial and sentencing of Valentyn Moroz.

Jan. 12, 1970: arrested.

Early July 1972: tried and sentenced to 5 years imprisonment and 3 years exile.

SHUKHEVYCH, YURI

40; married with two small children; son of the General Roman Shukhevych, C-in-C of the Ukrainian resistance against the Nazis and Soviets during and after World War II, who died in action against Soviet troops in March 1950.

1947: arrested for the activities of his father, and sentenced to 10 years of imprisonment, at the age of 14.

Aug. 21, 1958: on the same day of his release, he was rearrested and shortly thereatfer sentenced to a second 10 year term for "anti-Soviet agitation among the prisoners of Vladimir prison".

July 28, 1967: Yuri wrote a letter to the Chairman of the Presidium of the Supreme Soviet of the Ukr.SSR, stating his innocence, and accusing the authorities of continuing "blackmail in order to force me to come out with the required public statement . . . in which I would condemn my father . . .". So far he has resisted all KGB pressure .

Aug. 21, 1968: released, but denied the right to return to Ukraine for 5 years.

Feb. 27, 1972: arrested for the third time, in Nalchik (Kabardinian-Balkarian ASSR), where he was living with his family.

Antonyuk, Zinoviy, 40, scientist. Arr.: Jan. 12–13, 1972. Trial: Aug. 8–15, 1972. Sent.: 7 plus 3 yrs.

Chubay, Hryhoriy, 30; poet and worker. Arr.: Jan. 12–13, 1972. Fate: unknown.

Hulyk, Stefania, former employee of the Society for the Protection of Historical and Cultural Monuments; married, with small child. Arr.: Jan. 12–13, 1972. Fate: unknown.

Katala, ———, 30; engineer. Arr.: April April 1972. Committed suicide during interrogation in Lviv.

Kholodny, Mykola, 31, poet. Arr.: Jan. 12–13, 1972. Fate: unknown.

Kovalenko, Ivan E., 54; teacher. Arr.: Jan. 12–13, 1972. Trial: July 10–13, 1972. Sent.: 5 yrs.

Krasin, Victor, 44; economist. First arr.: Dec. 20, 1969. Second arr.: Sept. 12, 1972. Fate: unknown.

Lisovyi, Vasyl, 30. Arr.: Jan. 12–13, 1972. Fate: unknown.

Melnychuk, Taras, 30; poet. Arr.: Jan. 12–13, 1972. Trial: July 1972. Sent.: 3 yrs.

Osadchyi, Mykhailo, 35; journalist, poet and writer. First arr.: 1965. Second arr.: Jan. 12–13, 1972. Trial: Sept. 4–5, 1972. Sent.: 7 plus 3 yrs.

Plakhotnyuk, Mykola, 36; medical doctor and lecturer. First arr.: 1965. Second arr.: Jan. 13, 1972. Held in psychiatric asylum, until Sept. 9, 1972. Suffers from tuberculosis. Fate: unknown.

Plushch, Leonid, 33; scientist. Arr.: Jan. 20, 1972. Imprisoned in a psychiatric asylum.

Pronyuk, Yevhen, 30. Arr.: July 6, 1972. Fate: unknown.

Rechetnyk, Anatoly. Arr.: Jan. 1972. Fate: unknown.

Rokytsky, Volodymyr, 28; worker; expelled from the university. Arr.: Jan. 12–13, 1972. Trial: early June 1972. Sent.: 5 yrs.

Rev. Romanyuk, Vasyl, 50; priest. Arr.: Jan. 12–13, 1972. Trial: end July 1972. Sent.: 7 plus 2 yrs. Like many others he protested the imprisonment of historian Valentyn Moroz, and opposed Russification in Ukraine.

Senyk, Iryna, 48. First imprison.: 1947–1957. Second arr.: Dec. 72. Trial: Apr. 1973. Sent.: 6 plus 5 yrs.

Seredyak, Lyuba, 20; student (?). Arr.: Jan. 12–13, 1972. Trial: Nov. 1972. Sent.: 1 yr.

Serhiyenko, Oleksander, 40; engineer. Arr.:

Jan. 12–13, 1972. Trial: early June 1972. Sent.: 7 plus 3 yrs.

Shumuk, Danylo, 50; worker. Arr.: Jan. 12–13, 1972. Trial: July 5–7, 1972. Sent.: 10 plus 5 yrs.

Stus, Vasyl, 34; poet. Arr.: Jan. 1972. Trial: Aug. 1–Sept. 7, 1972. Sent.: 5 plus 3 yrs.

Sverstyuk, Yevhen, 43; literary critic. First arr.: Sept. 1965. Second arr.: Jan. 12–13, 1972. Trial: March 1973. Sent.: 5 yrs.

Svitlychnyl, Ivan, 42; literary critic. First arr.: Sept. 1965. Second arr.: Jan. 12–13, 1972. Trial: March 1973. Sent.: 5 yrs.

Svitlychna, Nadya, 36; philologist; sister of Ivan Svitlychnyi. Arr.: April 1972. Fate: unknown.

Dyak, Volodymyr. Arr.: Dec. 1971. Trial: April 1972. Sent.: 7 yrs.

Lupynis, Anatolyi, 38; poet (?). First arr.: late 1950's or early 1960's. First imprisonment left him disabled. Second arr.: May 28, 1971. Placed in psychiatric asylum. Fate: unknown.

Prytyka, Oleksa, 40; medical doctor. Arr.: July 9, 1971. Fate: unknown.

LEGEND

Arr.: arrested; sent.: sentenced to; sentences mainly consist of years if imprisonment and hard labor, plus a number of years of banishment from Ukraine.

DOCUMENTARY SOURCES

The Chornovil Papers, 1968; Chronicle of Current Events (Russian underground publication); Ferment in the Ukraine, 1971 and 1973; Internationalism or Russification?, 1968; Revolutionary Voices, 1971; Ukrainian Herald (Ukrainian underground publication); Ukrainian Intellectuals tried by the KGB, 1970; U.S.S.R. Labour Camps, Testimony of Avraham Shifrin before the U.S. Senate, Feb. 73.

PROSPECTS BRIGHTEN FOR PUBLIC TV

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we will be considering on Friday H.R. 8538, the bill to amend the Communications Act of 1934 to extend authorizations for the Corporation for Public Broadcasting and provide for construction grants for educational television and radio stations throughout the country.

I strongly support this legislation, reported favorably by the Committee on Interstate and Foreign Commerce, as I have previous legislation to create the Corporation for Public Broadcasting and develop an effective system of noncommercial broadcasting in this country.

I am pleased, therefore, that the conflicts which threatened the future of the Corporation for Public Broadcasting and the Public Broadcasting Service have been resolved and we have an opportunity to consider this legislation to continue this vital public education service.

In this connection I would like to call to the attention of my colleagues articles which have appeared recently in major newspapers in my State. The first of these articles is by the distinguished editor of The Miami News, Mr. Sylvan Meyer, who has had an intimate association with public broadcastings, as well as long experience in the print media. The text of his editorial column, entitled "Prospects Brighten for Public TV," is as follows:

The second article by the Associated Press appeared in the Tampa Times and reports the statements of Mr. William S. Frates, chairman of the board of WPBT, our Miami educational television station, regarding governmental interference with educational TV programing.

The text is as follows:

PROSPECTS BRIGHTEN FOR PUBLIC TV

(By Sylvan Meyer)

Give the credit to public pressure, managers of local public television stations, the public television broadcasts of the Watergate hearings and Dr. James Killian.

It looks as though public television, threatened by monolithic bureaucratic control and congressional disillusionment, will survive. It looks as though public television's capacity to prepare and telecast strong public affairs programs, in keeping with honest journalistic practices, may also survive.

Dr. James Killian is the former president of the Massachusetts Institute of Technology. He recently was named chairman of the Corporation for Public Broadcasting, the Presidentially-appointed commission at the apex of the structure of public organizations that have the responsibility for various portions of public TV program production and network transmission.

Dr. Killian's arrival midst these embattled agencies obviously brought some common sense to bear on what appeared to be an arbitrary assumption of power, contrary to earlier congressional mandates, by CPB staff executives.

CPB and PBS (Public Broadcasting Service, which is in charge of the "interconnect," or public network) reached agreement on several critical points. The Corporation, which gets money from Congress and distributes it to cooperating agencies and local stations, as well, yielded its earlier demands for total prior approval of all programs. It will be informed generally of the programs planned by subsidiary agencies. It will not censor the interconnect. If it cannot agree with PBS on a particular program or the agency producing programs, there is an arbitration procedure that should work fairly well.

The agreement reaffirms that public affairs are an essential responsibility of public broadcasting. This statement is significant because for a while the administration-appointed CPB people insisted that public affairs programs had been captured by chronic liberals who spent their time sabotaging the Nixon administration. They described what they wanted henceforth as "non-journalistic" public affairs, but no one could figure out what that meant.

There will be public affairs, given sufficient budget, and programs financed by foundations or contributing corporations will be accepted for the interconnect. The Ford Foundation, which has been providing major funding for public affairs programs, was about to withdraw its help because it woud not fund an agency subject to censorship. It appears now that Ford will continue its support.

Public TV can turn once again to Congress with a degree of unity in its appeal for funds. The Congress generally is delighted with public TV's evening re-runs of the Watergate hearings, which have drawn more than 65,000 favorable letters to the network, and now might approve the two-year funding requested of it, at substantial increases over current funding.

A proposed federal money distribution formula would put about half of whatever Congress appropriates directly into the hands of local public stations, an adroit piece of leverage that assures grass roots support for the legislative branch, possibly enough to overcome a Presidential veto of the appropriation, an action no longer considered likely in view of the fact that the White House has other things on its mind right now.

So, public TV has a double shot in the arm—a working climate that is philosophically and professionally acceptable and the probability of enough federal funds to assure two years of operation at a level as high or higher than the current one.

It can then consider in some comfort the basic question flagged by the whole interagency argument in the first place, which is whether public television should use or be dependent upon federal money in the first place.

TV STATION HITS U.S. "INTERFERENCE"

MIAMI.—Condemning "governmental interference in programing," Miami's non-commercial television station has declared its independence from federal funding.

"Any government that seeks to circumvent the right to free expression must be repudiated," said William S. Frates, chairman of the board of WPBT. "Public broadcasting cannot be the voice of government."

Frates said while the station would not refuse federal funding, it wanted to "make it clear to viewers that Channel 2 must be able to stand on its own—independent of federal monies.

He said only five per cent of WPBT's annual budget comes from federal sources, with the rest coming from viewer contributions. He said the station plans to seek more contributions from its 2.3 million viewers in south Florida.

Frates said federal interference with national programing had caused cancellation of "a number of favorite programs," including William F. Buckley Jr.'s Firing Line, World Press, Washington Week in Review, Bill Moyers Journal and America '73.

FOREIGN POLICY IN A STRANGE WORLD

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on May 31 my wife was privileged to attend a luncheon at the Women's National Democratic Club and to hear a most stimulating and enlightening address entitled "Foreign Policy in a Strange World," from a great American, a great scholar, and a great former Secretary of State, Dean Rusk.

Mr. Rusk was able to bring to bear upon this challenging subject his rich and long experience as Secretary of State and as one who has long been at or near the center of great national and international events. Mr. Rusk objectively, yet persuasively, and with his own inimitable charm and wit surveys the world scene from the point of view of our country.

He also discusses the making of foreign policy as he has known it under the Kennedy and Johnson administrations and as he sees it under the present administration. He tells us about what our country has done in world affairs, the price we have paid for doing what we thought was right and he also points out the problems and perils that we face today. My wife has obtained a copy of Secretary Rusk's address and I offer it here in this RECORD following my remarks, Mr. Speaker, because I believe every Member of Congress and every citizen who reads this able address will be better informed, for having read it, about the problems of our country's relationship to other nations and will also have great respect, high esteem, and warm feeling toward the great and able American and good man who delivered it.

The address follows:

Foreign Policy in a Strange World

(Address by Dean Rusk, former Secretary of State)

Ben Read, Mrs. Koteen, Peter McClellan, members, and guests of the Women's National Democratic Club, Virginia Rusk and I are delighted to be with you today.

This is my first visit with this club. During the 1960s, President Kennedy and President Johnson made it very clear that this type of club was off-limits to the Secretary of State, the Secretary of Defense and the Secretary of the Treasury, and those gentlemen present who have served in the armed forces will know what I mean when I say it is always intriguing to visit with women who have been off-limits (laughter).

Ben, I deeply appreciate your moving introduction. Now that I am happily dropping out of the public eye, I do not take introductions for granted anymore. For example, in the Atlanta Airport not long ago a man came up to me and said, "Aren't you John Foster Dulles?" And I can only say to him, "Well, if I am, there's been quite a miracle!"

But there may be some of you who feel that I too much resemble John Foster Dulles (laughter). He, in his term, was criticized for being too much like Dean Acheson. I noted that the worse thing that Senator Fulbright could find to say to Secretary Rogers according to press reports in a hearing some months ago was: "You sound just like that fellow, Rusk" (laughter). So Secretaries of State share a certain common tradition of disapprobation.

When I left Washington to go back to a campus, I realized I'd have to spend a good deal of time in learning the new vocabulary of the campus, not necessarily to use it, but at least to understand it. I think I've succeeded in doing that. But I had not expected that when I came back to Washington I would have to learn the new vocabulary of Washington. But I shall try. Let me make one thing perfectly clear (laughter), everything I said as Secretary of State is now inoperative (laughter and applause), and I mean that 1000 percent (laughter). I'm going to divide my time with you today. We'll get out of here at the usual time. I'll try to speak relatively briefly in order to take your questions. If any of you have to withdraw from heat exhaustion or any other purpose, don't worry about me. I've been walked out on by Mr. Gromyko and it won't hurt my feelings at all! (laughter).

It is hard to come into this poisonous fog that is settled over our National Capital and this Nation without some comment on Watergate. I hesitate to do that because all of you are more expert than I in the matter. But to use an adjective used by Judge Sirika, this has been an odious affair. I feel myself that it is very important that we get all the truth as quickly as possible and take the remedial action and get on with the public business. As far as I am concerned I shall withhold my personal judgments with the respect to those matters that are attributed to unnamed sources or to uncorroborated hearsay evidence, but I have no doubt that the full truth will come out and very shortly. Several committees of the Congress, including the most distinguished committee under Senator Ervin; the work of Mr. Cox, and Mr. Richardson, both of whom I have personal confidence; various grand juries and courts that will be sitting on this matter, and a vigorous and inquiring press. . . .

I hope you in Washington realize this is not a matter which is concentrated in Washington. I visited many small communities in all parts of the country—and I can tell you that this is a matter of deep concern to people throughout the land—and I find no comfort in this matter for Democrats. We're all in this ship together; we're going to come through together; we'll go down together; and such a deep injury to our national political system is something in which we can take no joy whatever.

I do think it is important for us to realize that 99.0 percent of people in government both in the executive and the electoral branches are honest and decent people who are trying to do the right job. And I would hope that the malefactions of a few would not be used to condemn as a class those who are trying to serve their government.

As far as the Democratic Party is concerned I've been a Democrat since the time of Woodrow Wilson. I have two suggestions to make which will be of no importance because I'm not even a "private, first class" in the Democratic Party. But I would hope that the Democratic Party would not forget that the great domestic program of Lyndon Johnson is a permanent requirement of a free people in our society (applause). To me that means that the Democratic Party must come back to complete and effective power in 1976. It also means that we made a mistake when we tried to brush Lyndon Johnson under the rug at our last national convention (applause) because there are millions of American who think of him with great respect and deep affection. But that is a program which must be resumed even though there are efforts now to sabotage those necessary steps in our society. Yes, with a reform with perhaps tighter administration with whatever needs to be done to make them more effective, because L.B.J. was an impatient man. He knew he had only a limited time and he wanted to get these things started, and he started them with more compassion than any man I have ever known in my life.

Now a second suggestion to the Party will mean nothing whatever because it is too simple to be accepted. It's not a bad idea for a political party to start with those who have the votes (laughter). As far as I'm concerned, I would be glad to see all Democratic senators, congressmen, and governors made voting members of the national convention, reinforced by whatever additional members the situation requires, because they won the election in 1972. They won it. And I would hope they would not forget there was a time when the Democratic Party under Franklin Roosevelt had room in it for people with as diverse opinions as Senator Bilbo of Mississippi and Henry Wallace, and build a coalition of support on a broad base across the country, because I am convinced that the Democratic Party is the party that can do the job which is required.

Now, I want to comment to you very briefly on the foreign policy agenda in the years ahead. My topic is: "Foreign Policy in A Strange New World." First, let me say that in general the foreign policy has not been partisan. In all of the hundreds of visits I was privileged to make with committees and subcommittees of the Congress over a period of eight years, not once did I see differences in foreign policy turn on party lines. There were lively differences, as there were in the executive branch, because many of these problems are extraordinarily complicated. Many of them require on-balance, knife-edged decisions on which honest men can disagree. But I've never seen foreign policy issues out of foreign policy questions because there are reasons to believe the American people get a little nervous when that effort is made.

But I believe that we are now faced with a series of problems which are different in kind and I emphasize "in kind" from any which the human race has faced before and that these problems must be resolved somewhere around the turn of the century, if homo sapiens is going to make it. And that leads me to put great emphasis on our young people; that has led me to commit what time remains to me in working with young people in the field on international law, because I believe this generation now in our schools and in our colleges are destined to write a unique chapter in the history of the human race. Some of those problems are on our immediate doorstep.

I think of the Law of the Sea Conference which is to convene next spring in Santiago, Chile, to take up territorial waters, the narrow straights, the resources of the deep ocean seabeds, fisheries, the environment of the oceans, the freedom of scientific research—topics which break down into more than 90 sub-topics. But we're at a great crossroads in history on these matters because unless we can find agreed international conclusions on these matters we face the prospect of a national race for the control of the open ocean areas comparable in scope and danger to the race for land areas during the period of European explosion into all parts of the world. It's an extraordinarily complicated negotiation but it deserves a great deal more attention than it is now getting.

I think of the nuclear arms race. There is no way in which one can describe to you what it means to live with that black box that goes around with the President wherever he goes than—that box which controls nuclear weapons. Thousands of megatons now lie in the hands of frail human beings. If all of those megatons were to go off within the course of an hour or so at least it would raise a serious question about whether or not this planet could sustain the species, homo sapiens. And the arms race continues. We have had two rather limited agreements in the so-called SALT talks—agreements which I supported—but that's like building a dam about one-eighth of the way across the river.

Unless we continue that work, just as much water will flow in terms of nuclear competition as flowed before—if in somewhat different channels. There is no agreement on bombers; there is no agreement on the number of warheads and we can expect both sides to continue to put multiple warheads in their missiles, multiplying several-fold the number of war heads deliverable upon the other. There is no agreement of megatonnage. Before the Nuclear Testban Treaty of 1963, we were aware that the Soviet Union had exploded a 50 megaton weapon. Bear in mind that one megaton is 50 times Hiroshima.

There is no agreement on land-based, mobile launchers such as big truck-trailer combinations or railroad cars wandering about the countryside. No agreement on surface vessels fiiring intercontinental missiles at sea. No agreement on qualitative improvements which alone could divert billions of resources on both sides from urgent national requirements, and no agreement on money. It is of the greatest urgency that SALT II proceed despite the complexities—the difficulties—to an extension of the existing agreements. Related to that is the problem of how to organize a durable peace in the world.

My generation of students was led down the "chute-to-chute" into World War II because the governments of that day could not organize to resist aggression at its earliest stages and allowed that aggression to develop a momentum which made World War II inevitable. We came out of that war with a notion that collective security was the key to the prevention of World War III. Now there is a great disease and erosion in this country about collective security. That is not irrational—something I can understand—because this country alone has taken more than six hundred thousand casualties in dead and wounded since the end of World War II, and it hasn't been all that collective. We provided 90% of the non-Korean forces in Korea and 80% of the non-Vietnamese forces in Vietnam. I can understand why people would say, "Look, if collective security is going to require 40 or 50 thousand American dead every decade and is not even collective maybe it's not a good idea."

My concern is that we are not addressing ourselves to the question—if not collective security, what do we put in its place in terms of organizing a durable peace? It is a question different in kind for throughout human history it has been possible for us to pick ourselves up out of the death and destruction of war and start over again. But if I could say one thing to you today that I hope you will never forget is that we shall not have that chance after World War III. There just won't be enough left. At long last the human race has reached the point where it must prevent that war before it occurs. And that's going to take a considerable amount of doing. And each generation must find its own answer to that problem.

I think of the environment. We now know that we can inflict irreparable damage upon this thin, biosphere around the surface of this fleck of dust in the universe on which the human race lives. Here I'm relatively optimistic because I believe that there is still time to get at these matters while they are still merely serious before they become disastrous. Although there is much unfinished business it is clear that action is breaking out all over the place at the federal, state, and local level in this country, and that new initiatives are being taken in the international field following the Stockholm Conference and under the leadership of a most extraordinary Canadian, Mr. Maurice Strong. But I hear that there is even some doubt about whether we ourselves are going to come up with forty million dollars a year as our share of an international fund to give impetus to these developments—forty million dollars a year.

I think of the population problem. If the developed countries reach zero population growth by around the year 2000, which seems entirely possible, and the developing countries reached the same position by the year 2040, which seems rather less likely, the world's population will level out in about a century at a level of about 15 and a half billions—with enormous implications for food, housing, jobs, education, transportation, communication, the amenities of life, raw materials, all that go with that. 1974 has been designated by the United Nations as "Population Year," under the leadership of a most extraordinary man, former foreign minister of Mexico, former ambassador in Washington, Mr. Antonio Flores, who many of you know. I would hope that the United States would be prepared to take as active and substantial role in the work of the United Nations on that matter as the political traffic will bear. Our own public policy has turned around in this field in the last decade.

Between 1961 and 1971 major changes came about because of work in both the executive and legislative branches of the government and by many individuals and organizations with whom you are familiar. No country since 1945 has been basing a policy of territorial expansion on the notion of "lebensraum," what Hitler called living space. But, when we reach the point where burgeoning populations can no longer expect to derive from advancing science and technology their minimum needs, then expanding populations could once again become a cause of war, which has been true since the dawn of history. And so it is an urgent problem.

I think of race relations. When one thinks back over the last 300 years and the explosion of Europe into all parts of the world, it's a miracle that we have not had a direct confrontation between the white race and all the rest in these last few years. I talked to many foreign ministers of non-white countries about why the United States has not been hauled before the United Nations to be assaulted for our unfinished business in this field.

Most of them have given me two answers. One is that you people in the U.S. have no such monopoly on such problems. That wherever there are different races, different religions, different cultural traditions there are problems and most of us have them. But secondly they add, that what is really exciting and stimulating is that there appears to be a national decision on the part of the U.S., its government and its people to find better answers in this field than we have found before. And they say that what happens in the United States is important not just because of what happens in our country but what impact that might have upon other countries where similar issues are present. The white race has a very deep interest in this because we are a minority race in the world and by the end of the century we shall be even more a minority race and this is a matter with which we must definitely grapple.

I think of the problem of raw materials and non-renewable resources such as fossil fuels. We have become rather used to in this country to the notion of doubling our gross national product every twenty years. A Russian representative at a recent meeting of the United Nations. That, if the other nations of the world approximated us in the standard of living, productivity and consumption, that the old earth itself would simply groan and collapse.

Six percent of us—of the world's population in this country—consume about 50% of the world's raw materials. I have no doubt that down the way, our young people are going to have to face up to a rather difficult and complicated question. And that is whether or not we can readjust our own personal and national economic expectations in light of the capacity of the earth's environment to fulfill them.

If I look back with regret on various things, as I do, in my tour as Secretary of State, one of those regrets is I did not, despite the fact that it was not strictly within my responsibilities, insist upon more concern about what we are now calling the energy crisis. I would hope that we could now organize as quickly as possible something like a NASA or a Manhattan Project with full funding to look into every aspect of our future requirements for energy and resources from which that energy might come. Not only the conventional sources such as the fossil fuels and the gasification of coal or the use of oil shales but the so-called unconventional sources which tend to be infinite in their availability, such things as the winds, ocean tides and currents, thermal springs, the heat that is just beneath the crust of the earth, fusion reaction—whatever is required.

We are underestimating the disaster we face in the years immediately ahead. We're always being told by our government that by 1980 or shortly thereafter we shall be depending on the rest of the world for 50% of our oil requirements and that that alone will require us to generate twenty billion dollars a year of additional foreign exchange in order to pay for those requirements. And I would hope that we would get at this in a dedicated fashion.

I can mention other serious tasks ahead of us but I am deliberately avoiding the domestic field because of lack of time, but there are great problems ahead. I personally hope that the Democratic Party would have the guts to talk about taxes (applause). If I'm not mistaken, I am paying a lower rate of federal income taxes today than I have paid since the Depression days of FDR. If we were paying the Kennedy taxes, the Eisenhower taxes, the Truman taxes, we could be finding substantial additional sources to deal with some of these admittedly urgent problems that we have on our domestic scene.

Now having indicated the problems, let me just mention that in the long run I must confess that I am an optimist. I have considerable faith in the capacity of man to be rational at the end of the day even though in the early morning we can all be pretty ridiculous (laughter). I must confess that I believe that there is coming into being a family of man—not based upon world government, certainly not based upon sentiments of brotherhood which are not present in the breadth and depth required for that purpose, but out of sheer necessity. The hounds of history are barking at our heels. And, if there is anything we can do to give a lift to these young people who must grapple with definitive solutions to these questions, now is the time to make a lunge. And I'm greatly distressed to see the cutback in programs aimed at these young people and their educational institutions at this time in the history of the human race.

So I would hope, fellow Democrats, that we would, yes, deal with the short-term problems as they must be dealt with, but would not be so engrossed in them, that we not be so involved in the temporary ambitions and appetites of our immediate scene that we shall somehow fail to lift our eyes to the great tasks to which we can commit ourselves and which can unify us as a people.

The American people at their best are a very good people, even a great people, and I think the time has come for us to look out to some of these great challenges that are ahead and, if you'll forgive a Presbyterian for mentioning this, to think a little bit about the first question of the Westminster Shorter Catechism, "What is the chief end of man?" And when you talk to your young friends, whatever they think about the older generation, you might just point out two things to them. One is that they will not necessarily improve themselves if they reject the mistakes of their fathers merely to embrace the mistakes of their grandfathers (laughter).

There is no place to hide—no place to hide! This notion that we should forget the rest of the world and take care of our problems here at home, now being put forward by some as a new idea for the 70's, is where I came in in high school. It's an antediluvian idea and down that road leads disaster, because our national problems which penetrate into every home and village in the nation can no longer be solved except as a part of that family of man. And secondly I would suggest to these young people that there is one point on which they can be just a little grateful to us older people. It is obvious that we've been saving some extraordinarily interesting problems for them to solve (laughter).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUNGATE for 3:15 p.m. to end of the day, on account of official business.

Mr. BLATNIK (at the request of Mr. O'NEILL), for this week, on account of official business.

Mr. DANIELSON (at the request of Mr. O'NEILL) for today, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LOTT), to revise and extend their remarks, and to include extraneous matter:)

Mr. VEYSEY, for 15 minutes, today.
Mr. CRONIN, for 5 minutes, today.
Mr. RAILSBACK, for 10 minutes, today.
Mr. BURGENER, for 5 minutes, today.

(The following Members (at the request of Mr. MOAKLEY) to revise and extend their remarks and include extraneous material:)

Mr. VANIK, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mr. DULSKI, for 10 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. ALEXANDER, for 15 minutes, today.
Mr. BARRETT, for 10 minutes, today.
Mr. COTTER, for 10 minutes, today.
Mr. DRINAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. MINK, and to include extraneous matter notwithstanding the fact that it exceeds three pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $637.50.

Mr. HECHLER of West Virginia following the remarks of Mr. RONCALIO of Wyoming during debate on Interior appropriation bill in Committee of the Whole.

(The following Members (at the request of Mr. LOTT), and to include extraneous matter:)

Mr. KEATING.
Mr. STEIGER of Wisconsin.
Mr. SYMMS.
Mr. SMITH of New York.
Mr. HANRAHAN.
Mr. MCCLOSKEY.
Mr. HOSMER in three instances.
Mr. HOGAN in two instances.
Mr. YOUNG of Alaska.
Mr. WYMAN in two instances.
Mr. VEYSEY in two instances.
Mr. REGULA.
Mr. CONTE.
Mr. PRICE of Texas.
Mr. ESCH.
Mr. DUNCAN.
Mr. COLLINS of Texas in four instances.
Mr. FRELINGHUYSEN.
Mr. MARTIN of North Carolina.
Mr. BOB WILSON.
Mr. NELSEN in four instances.
Mr. RONCALLO of New York.
Mr. HUDNUT in two instances.
Mr. KEMP.

(The following Members (at the request of Mr. DELLUMS) and to include extraneous matter:)

Mr. WILLIAM D. FORD.
Mr. ANDERSON of California in three instances.

(The following Members (at the request of Mr. MOAKLEY) and to include extraneous material:)

Mr. FLOOD in two instances.
Mr. HARRINGTON.
Mr. FRASER in five instances.
Mr. DINGELL in four instances.
Mrs. GRIFFITHS.
Mr. DENT.
Mr. DOMINICK V. DANIELS.
Miss HOLTZMAN in 10 instances.
Mr. GAYDOS in 10 instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mrs. COLLINS of Illinois.
Mr. CARNEY of Ohio.
Mr. REID.
Mr. ECKHARDT.
Mr. DULSKI.

ADJOURNMENT

Mr. DELLUMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Thursday, June 28, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1076. A letter from the Assistant Secretary of Defense, transmitting the third quarter fiscal year 1973 report of receipts and disbursements from disposal of military supplies and lumber or timber products, pursuant to section 712, Public Law 92-570; to the Committee on Appropriations.

1077. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit officers of certain foreign navies to serve aboard vessels of the U.S. Navy; to the Committee on Armed Services.

1078. A letter from the Chairman, National Commission of Productivity, transmitting the second annual report of the Commission, pursuant to Public Law 92-210; to the Committee on Banking and Currency.

1079. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a listing of excess defense articles to be furnished foreign countries on a grant basis, pursuant to section 8(d) of the Foreign Military Sales Act Amendments of 1971, as amended; to the Committee on Foreign Affairs.

1080. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting notice of a Presidential determination to permit transfer of supporting assistance funds to administrative expense funds to cover fiscal year 1973 costs of the Vietnam program, pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1081. A letter from the Chairman, National Commission on Materials Policy, transmitting the final report of the Commission, entitled, "Material Needs and the Environment: Today and Tomorrow," pursuant to section 201, Public Law 91-512; to the Committee on Interstate and Foreign Commerce.

1082. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to permit not more than 30 persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy; to the Committee on Merchant Marine and Fisheries.

1083. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of June 13, 1933 (Public Law 73-40), concerning safety standards for boilers and pressure vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

1084. A letter from the Governor of the Canal Zone, transmitting a draft of proposed legislation to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act; to the Committee on Merchant Marine and Fisheries.

1085. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the report on the statutes restricting the private carriage of letters, pursuant to section 7 of the Postal Reorganization Act; to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

1086. A letter from the Comptroller General of the United States, transmitting a report on social services, relative to helping welfare recipients achieve self-support or reduced dependency, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. H.R. 8480. A bill to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding, and to establish for the fiscal year 1974 a ceiling on total Federal expenditures; with amendment (Rept. No. 93-336). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 8860. A bill to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices (Rept. No. 93-337). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK:

H.R. 8998. A bill to require the Secretary of Housing and Urban Development to furnish additional consumer protection services, and for other purposes; to the Committee on Banking and Currency.

By Mr. COHEN (for himself and Mr. BURKE of Massachusetts):

H.R. 8999. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 9000. A bill to establish for the year 1974, under chapters 2 and 21 of the Internal Revenue Code of 1954, more equitable rates and schedules of social security taxes on employees and self-employed individuals (with partial income tax deductibility therefor), and to provide a method for the development of similar rates and schedules for years after 1974; to the Committee on Ways and Means.

By Mr. EVINS of Tennessee:

H.R. 9001. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. GIBBONS:

H.R. 9002. A bill to revise and restate certain functions and duties of the Comptroller General of the United States, and for other purposes; to the Committee on Government Operations.

By Mrs. GRASSO (for herself, Mrs. Abzug, Mr. Brasco, Mr. Buchanan, Mr. Frenzel, Mr. Harrington, Mr. Mazzoli, Mr. O'Hara, Mr. Podell, Mr. Roncalio of Wyoming, Mr. Stark, Mr. Stokes, Mr. Stuckey, Mr. Studds, Mr. Charles H. Wilson of California, and Mr. Won Pat):

H.R. 9003. A bill to provide for an investigation by the General Services Administration of various problems involved in providing toll-free telephone numbers for incoming calls at each regional office of most executive agencies; to the Committee on Government Operations.

By Mrs. GRASSO (for herself, Ms. Abzug, Mr. Brasco, Mrs. Chisholm, Mr. Frenzel, Mr. Harrington, Mr. Mazzoli, Mr. O'Hara, Mr. Podell, Mr. Roncalio of Wyoming, Mr. Stark, Mr. Stuckey, Mr. Studds, Mr. Charles H. Wilson of California, and Mr. Won Pat):

H.R. 9004. A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail to the President or Vice President of the United States, to Federal executive departments and agencies, or to Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HÉBERT (for himself, and Mr. Bray) (by request):

H.R. 9005. A bill to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

By Mr. LONG of Louisiana (for himself and Mr. Breaux):

H.R. 9006. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself, Mr. Burgener, Mr. Cohen, Mr. Coughlin, Mr. Fish, Mr. Fraser, Mr. Frenzel, Mr. Gude, Mr. McCloskey, Mr. McDade, Mr. Mitchell of Maryland, Mr. Podell, Mr. Robison of New York, Mr. Stokes, and Mr. Young of Illinois):

H.R. 9007. A bill to amend title 18, United States Code, to permit a Federal court, upon the recommendation of the U.S. prosecutor, to place certain persons charged with Federal crimes in programs of community supervision and services; to the Committee on the Judiciary.

By Mr. RANGEL (for himself and Mr. Eckhardt):

H.R. 9008. A bill to amend title 18 and title 28 of the United States Code to remove the possibility of abuse from the grand jury system without removing the effectiveness of the grand jury as a tool for investigating and returning indictments, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 9009. A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail to the President or Vice President of the United States, to Federal executive departments and agencies, and to Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROUSH:

H.R. 9010. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits shall continue through the month of his death (except where the continuation of such entitlement and the consequent delay in survivor eligibility would reduce the total amount payable to the family); to the Committee on Ways and Means.

By Mr. SAYLOR (for himself and Mr. Lujan):

H.R. 9011. A bill to authorize grants for Indian tribal governments, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THONE:

H.R. 9012. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THORNTON (for himself, Mr. Hammerschmidt, Mr. Mills of Arkansas, and Mr. Alexander):

H.R. 9013. A bill to consent to the Interstate Environment Compact; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mr. Andrews of North Dakota, Mr. Bowen, Mr. Harrington, Mr. Rooney of Pennsylvania, Ms. Schroeder, and Mr. Winn):

H.R. 9014. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Ms. ABZUG (for herself and Mr. Peyser):

H.R. 9015. A bill to facilitate the completion of the New York Harbor collection and removal of drift project; to the Committee on Public Works.

By Ms. ABZUG (for herself, Mr. Grover, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Carey of New York, Ms. Chisholm, Mr. Delaney, Mr. Dulski, Mr. Fish, Mr. Gilman, Mr. Hanley, Mr. Hastings, Ms. Holtzman, Mr. Horton, and Mr. Koch):

H.R. 9016. A bill to modify the project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, N.Y., and for other purposes; to the Committee on Public Works.

By Ms. ABZUG (for herself, Mr. Grover, Mr. Lent, Mr. McEwen, Mr. Mitchell of New York, Mr. Murphy of New York, Mr. Peyser, Mr. Podell, Mr. Rangel, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Smith of New York, Mr. Walsh, Mr. Wolff, and Mr. Wydler):

H.R. 9017. A bill to modify the project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, N.Y., and for other purposes; to the Committee on Public Works.

By Mr. ANDERSON of California:

H.R. 9018. A bill to establish the Tijuana National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries

By Mr. ASPIN (for himself and Mr. Gude):

H.R. 9019. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce

By Mr. KASTENMEIER:

H.R. 9020. A bill to amend the Voting Rights Act of 1970 to prohibit the States from denying the right to vote in Federal elections to former criminal offenders who have not been convicted of any offense related to voting or elections and who are not confined in a correctional institution; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 9021. A bill to amend title II of the Social Security Act to provide that the coverage extended to individuals of Japanese ancestry who were interned in the United States during World War II shall also be extended to individuals of Japanese ancestry who voluntarily left the areas of their residence in order to avoid such internment, and that such coverage shall be available to any such individual who was a resident of the United States without regard to his or her citizenship; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 9022. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. RODINO (for himself and Mr. Railsback):

H.R. 9023. A bill to amend the Voting Rights Act of 1965 to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens who are residing or domiciled outside the United States; to the Committee on House Administration.

By Mr. DRINAN (for himself, Ms. Abzug, Mr. Aspin, Mr. Badillo, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Conyers, Mr. Dellums, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mr. William D. Ford, Mr. Fraser, Mr. Frenzel, Mrs. Grasso, Mr. Gude, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Lujan, and Mr. Matsunaga):

H.J. Res. 643. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. Metcalfe, Mr. Mezvinsky, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Mosher, Mr. Moss, Mr. O'Hara, Mr. Pepper, Mr. Preyer, Mr. Railsback, Mr. Rangel, Mr. Rees, Mr. Reid, Mr. Roe, Mr. Rosenthal, Mr. Roy, Mr. Seiberling, Mr. Stark, Mr. Udall, Mr. Vanik, Mr. Waldie, Mr. Wolff, and Mr. Won Pat):

H.J. Res. 644. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.J. Res. 645. Joint resolution proposing an amendment to the Constitution of the United States providing for the reconfirmation of Justices of the Supreme Court every 12 years; to the Committee on the Judiciary.

By Mr. McEWEN:

H.J. Res. 646. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mrs. GRASSO (for herself, Ms. Abzug, Mr. Brasco, Mrs. Chisholm, Mr. Frenzel, Mr. Harrington, Mr. Mazzoli, Mr. O'Hara, Mr. Podell, Mr. Roncalio of Wyoming, Mr. Stark, Mr. Stuckey, Mr. Studds, Mr. Charles H. Wilson of California, and Mr. Won Pat):

H. Res. 472. Resolution providing monetary allowances for toll-free telephone service for telephone calls to the district offices of Members of the House, and for other purposes; to the Committee on House Administration.

By Mr. RIEGLE:

H. Res. 473. Resolution to provide the House of Representatives with pertinent information with respect to the possible grounds for impeachment of the President of the United States; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H. Res. 474. Resolution creating a special committee to investigate campaign expenditures; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

266. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to canine toxicants used for predator control; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 9024. A bill for the relief of Feliciano Mecaraeg; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 9025. A bill for the relief of Israel Wald; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 9026. A bill for the relief of Knickerbocker Hospital, New York City; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 9027. A bill for the relief of Maria Grazia Bongiovanni; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

247. The SPEAKER presented a petition of Louis Mira, San Luis Obispo, Calif., relative to redress of grievances which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ENDANGERED SPECIES ARE BEING THREATENED

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. ANNUNZIO. Mr. Speaker, I want to call to the attention of my colleagues an editorial that appeared in today's Washington Post with reference to the Endangered Species Act. It discusses the necessity of passing a strong endangered species bill.

The Endangered Species Act of 1973 is now being considered by the House Merchant Marine and Fisheries Committee. This bill has been cosponsored by over 70 Members of the House, including myself, and if passed, would protect species of fish and wildlife threatened with extinction. If we allow the extinction of our endangered species, then the entire balance of nature may be destroyed and eventually our entire environment may be threatened.

This bill contains strong provisions to deal with violators of protective regulations specified in the legislation, and is designed to promote the long-term survival of the human species by insuring continuation of the balance of nature. Certain sections of the bill will put strict controls on those who persist in killing rare animals. We have a worldwide problem in this area and it is imperative to demonstrate to the rest of the world that the United States is willing to take an important step in restoring nature's ecological balance.

The editorial follows:

PROTECTING ENDANGERED SPECIES

America has long been a nation of pet owners, and there surely is no shortage of dogs and cats. But large numbers of other animals exist, ones that will never be pets but which nevertheless deserve to survive as species and play their roles as nature intended. Most of us seldom or never see such creatures as the cheetah, of which only 2,000 are left, or the Puerto Rican parrot, down to 15 or 20, or the red wolf, which is almost wiped out. These animals and some 900 others are seriously endangered or are becoming threatened with extinction. They are in this precarious state because we have been overhunting, polluting and exploiting them, as if the animals' breeding capacity is as limitless as our folly. To date, more than 225 species and sub-species of birds and mammals have disappeared from the earth since 1600. They won't be back.

Thanks to the energetic parts of the wildlife and conservation movement, Congress has expressed interest in preventing further destruction. But the interest is not yet great, at least not in the sense that strong legislation has been passed. The 1969 endangered species conservation act has too many weak parts to be effective; for example, there is no federal control over killing native endangered species, and the import of furs from a foreign endangered species is banned only when the animal is nearly gone.

Currently, several much-improved bills are before the Senate Commerce Committee and the House Merchant Marine and Fisheries Committee. Whatever bill finally emerges, it seems sensible that the ultimate authority rest with the federal government, not the individual states, many of which have proven indifferent to the problem. With little open opposition to the bills, there is no reason—except congressional inertia—for inaction. It is true, the survival of animal life is not a burning political issue of the day, but there is the recent observation of Dr. Lee M. Talbot of the Council on Environmental Quality: "During the past 150 years, the rate of extermination of mammals has increased 55-fold. If (these) exterminations continue to increase at that rate, in about 30 years all the remaining 4,062 species of mammals will be gone." With such a thought before it, Congress has an important obligation to act. Another lost opportunity on Capitol Hill could mean a number of lost species elsewhere.

MARKING UP THE INVENTORIES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. GAYDOS. Mr. Speaker, a constituent has told me of picking a "49 cents" price sticker from a food package bought in a supermarket and finding "39 cents" stamped beneath.

Others, so I am informed, have had like experiences. They have noted ink blurs on plastic tops and lids caused by abrupt price alterations, always upward, made while the products were on the shelves.

This denotes, of course, that old business practice of, when opportunity permits, marking up the inventory. In the case of the "49 cents" sticker covering the 39 cents originally stamped price, the markup was in the neighborhood of 25 percent, a hefty profit indeed.

How much of this is going on these days? The administration's price checkers have dealt with the validity of general increases. But no Federal agency to my knowledge is policing inventory markups in the retail establishments and, in a time of perilous inflation, it seems to me that this is a matter demanding attention.

Inflation is caused by a number of forces in an economy. Too much money chasing too few things. Price and cost boosts leapfrogging all along the line from producer to consumer. Heavy Government spending. But too little is said about those profit-hungry dealers who take advantage whenever possible of their trusting customers by boosting prices on their stocks on hand. These people give inflation a big shove.

What can be done about them? Complaints can be made to consumer protection bureaus which, in turn, might publicize a profiteer. But this necessitates an angry buyer with strong evidence of fraud, a wrong that is not clearly defined in the deed of gouging by the inventory price hiking route.

The problem could be too big and too important nowadays to be left to the individual. The Federal Government, it appears to me, has both a responsibility in this situation and the means whereby it can be corrected—the taxing authority. Undue profits reported in consequence of marked up inventories ought to be spotted easily on tax returns and made the target for "excess" levies high enough to stop them.

We had our "war profiteers" in times past—people who took advantage of national difficulties to unfairly line their pockets at the expense of the public. Now, apparently, we have "inflation profiteers" who warrant measures against themselves as strong as those which were applied in wartime.

AMENDMENT TO H.R. 8947

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. McCLOSKEY. Mr. Speaker, when the Public Works Appropriation bill, H.R. 8947, comes on the floor Thursday, I intend to offer an amendment to delete funds for construction of the New

Melones Dam project on the Stanislaus River in California.

Mr. Speaker, the text of my amendment to preserve one of the last whitewater stretches of River in California follows, placed in the RECORD at this point pursuant to rule 23, clause 6:

Floor amendment to H.R. 8947, the Public Works Appropriations bill:

"On page 5, line 17, strike $864,569,000, and insert in lieu thereof $848,569,000.

"On page 6, line 6, and provided further, that no part of this appropriation shall be used for construction of the New Melones Lake project."

ROBERT L. COUGHLIN HONORED BY LEGION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. GAYDOS. Mr. Speaker, on June 30, Legionnaires from the city of McKeesport and throughout Pennsylvania will meet in my 20th Congressional District to pay tribute to one of their leaders—Mr. Robert L. Coughlin, western vice commander, department of Pennsylvania, American Legion.

Mr. Coughlin will be feted at a testimonial dinner to be held in the Gen. Smedley D. Butler Post 701 in White Oak, for his long and dedicated service on behalf of all veterans and people of the community.

A life member of Burt Foster Post 361 in McKeesport, Pa., Mr. Coughlin has served in every elected line office of that particular organization. He also has served as adjutant of district 33 for 4 years, district deputy commander for 4 years, and as district commander from 1965 to 1967.

In addition, Mr. Coughlin has been active in State and National Legion activities, serving as chairman and vice chairman of numerous special committees. In 1961 he was named director of Pittsburgh Convention Corp., a post he has held ever since, and last July in Philadelphia was elected State vice commander of the Pennsylvania American Legion.

A Navy veteran of World War II, Commander Coughlin served 26 months overseas on the destroyer, U.S.S. *Pickering,* which participated in seven invasions and eight bombardment actions in the Pacific theater. He was recalled to active duty during the Korean conflict and served from October 9, 1950, until July 21, 1952.

Commander Coughlin is married to the former Dorothy Jean Schreiber of McKeesport and they are the parents of two sons: James, 25, who served 2 years in Vietnam aboard the U.S.S. *Dewey,* before returning home last November, and Robert Jr., 22, now a technician at Braddock General Hospital.

Mr. Speaker, I consider it a great pleasure and privilege to call the attention of my colleagues to a man I feel exemplifies the highest standards of the American Legion and the American people. Comdr. Robert L. Coughlin has earned the admiration and respect of all who know him and I join with his many friends in public acknowledging his many contributions to the Legion, to his community, and to our society.

OFFICE OF TECHNOLOGY ASSESSMENT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. TEAGUE of Texas. Mr. Speaker, several weeks ago, columnist James J. Kilpatrick wrote a story about Congress' new Office of Technology Assessment which has been circulating on and off ever since the Wall Street Journal ran it last March 27. The story is largely based on reportorial imagination and is to the effect that Senator KENNEDY and other so-called liberal members of the policymaking Technology Assessment Board intend to subvert the activities of the Office to their own political uses. These implications are without foundation and many of the supposed facts on which the assertions are made in the recent stories are not fact at all—for example, the allegation that Senator KENNEDY and his friends had anything to do with developing either the concept or the legislation on technology assessment; or the supposition that the Board itself will be responsible for preparing assessments that are made.

Mr. Speaker, I have no wish to disseminate this kind of thing further. However, since the assertions in the column were concisely refuted in a letter to the Washington Star-News by Craig Deck on June 20, I believe it would serve a useful purpose to reproduce the two articles at this point:

WHAT DOES SENATOR KENNEDY HAVE IN MIND?

(By James J. Kilpatrick)

It drew very little attention when it came into being last October, but Sen. Edward Kennedy's new Office of Technology Assessment now is triggering alarm bells on Capitol Hill. Conservatives in both parties are wondering if they have created, in a fit of absentmindedness, a tax-paid lobby for liberal causes.

Thus far the OTA exists mainly on paper. It seems to be generally understood that $5 million will be sought for its operations in the 1973–74 fiscal year. But no funds have yet been authorized or appropriated. Hearings on the request have not been scheduled, but can be expected later this month.

The embarrassing truth, sad to say, is that we watchdogs of the press must have been baying on other trails when the "Technology Assessment Act of 1972" became law on Oct. 13. The presidential campaign was then at full speed. Negotiations with the North Vietnamese were much in the news. The House and Senate were crunching toward adjournment, gobbling down bills as fast as the yeas and nays could be ordered. Most of us missed this act altogether.

On paper, the idea of an Office of Technology Assessment has a plausible appeal. Only a handful of congressmen have professional training in science. Most members sit in numb silence when the bureaucracy sends witnesses to testify on space exploration, weapons systems, medical research and the like. The staffs of standing committees have developed some expertise in these arcane fields, but they generally are overworked and ill-equipped for full-blown research.

In an effort to close the ignorance gap, Kennedy—and others—thought up the OTA. The office would not wait upon the introduction of bills. It would seek to anticipate technological areas of probable legislative activity, in order to keep Congress informed on the impact, for example, of new pesticides or super-tankers.

The board is to consist of six senators and six representatives. In odd-numbered Congresses, the chairman will come from the Senate, in even-numbered Congresses the House. Sen. Kennedy has been named as the Board's first chairman.

The Senate contingent includes, in addition to Kennedy, three other certified liberals (Case of New Jersey, Humphrey of Minnesota and Schweiker of Pennsylvania), one moderate (Hollings of South Carolina) and one conservative (Dominick of Colorado). The House contingent is somewhat better balanced, but the bias of the policymaking board, charged with preparing these unbiased reports, is as plain as the tilt of the Tower of Pisa.

As newsman have begun belatedly to ask questions, some familiar names have cropped up. Kennedy's choice for a full-time $40,000 director reportedly is Emilio Daddario, former Connecticut congressman, a consistent dove on defense legislation. An OTA advisory council, according to Human Events, probably will include such disarmament spokesmen as Herbert York and Jerome Wiesner. The left-leaning Federation of American Scientists, which has been plugging hard for OTA, reasonably may be expected to play a leading role in its operations.

ANALYZING THE OTA

SIR: Several points recently made by James J. Kilpatrick on the Office of Technological Assessment were misleading:

(1) Overall the Technological Assessment Board is fairly evenly balanced. There are five liberals (Kennedy, Case, Schweicher, Humphrey, and Udall), five conservatives (Dominick, Davis, Teague, Harvey and Gubser), and two moderates (Hollings, Mosher). Likewise, the Board's membership is balanced according to geographical region, support of the President, League of Conservationist Voters ratings and National Association of Business ratings.

The problem, if there is one, is that the House and Senate are polarized—the Senate membership being liberal, environmentally concerned, low supporters of business and the President, while the House membership is typically just the reverse. This may aggravate the already difficult job of communication and coordination between senators and representatives (already the House and the Senate have split on the budget for OTA and the salary for its director).

(2) OTA isn't something Sen. Kennedy dreamed up, though he and his aide, Ellis Mottor, have given it some momentum. Originally, it was proposed and supported by Daddario, Davis, and Mosher in the House, years before Kennedy got involved.

(3) Daddario is the obvious choice for OTA's first director, not because he is a liberal, but because he coined the phrase "technological assessment," nurtured the field through its infancy, and has both the technical background and experience within Congress necessary for the job. The conservative House board members support Daddario as much as if not more than the Senators.

(4) Since the advisory board should have a cross-section of ideologies, it might well contain someone like York or Weisner, balanced by someone from the opposite end of the spectrum.

(5) There don't seem to be any "alarm bells" on Capitol Hill, though the press (Wall

Street Journal) is trying its best to generate a clamor, Members are mildly for OTA or apathetically indifferent. Few see it as a political ploy at this stage.

(6) It is true that most of the press and the general public have "missed this act altogether," and this is too bad. Public input is imperative for adequate weighing of the pros and cons of technological issues. Technology here includes "social techniques" such as Social Security, OEO programs and the Peace Corps, which are relevant to everyone, not just philosophers or computer "jocks."

The central question is whether Congress will continue to govern our national system through a disjointed, incremental, remedial approach or whether it will find ways to be coordinated, systematic and anticipatory, such as OTA hopes to be.

CRAIG DECK.

COLUMBIA, MD.

KEYNOTE ADDRESS

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Miss JORDAN. Mr. Speaker, last Friday, June 22, 1973, I had to leave Washington before the House had completed its business that day. I was scheduled to deliver a keynote address to 500 delegates of the National Newspaper Publishers Association in Houston. Earlier in the year I had to cancel an appearance before this same association. I did not feel I should disappoint these delegates a second time. As a result, I was not present for the entire consideration of H.R. 8825, the fiscal year 1974 appropriation bill for the Department of Housing and Urban Development, Space, Science, Veterans', and certain other independent agencies.

Three recorded votes developed during the proceedings on this legislation, Representative RICHARD HANNA offered an amendment to increase the fiscal year 1974 appropriations for comprehensive planning grants under section 701 of the Housing Act of 1954 from $25 million to $100 million. These funds support coordinated, comprehensive planning by State and local units of government so that a wide range of Federal categorical programs can be rationally integrated and developed. If I had been present, I would have voted in favor of this amendment, which was defeated by a vote of 168 to 184.

The second recorded vote developed on an amendment offered by Representative ROBERT GIAIMO to increase the fiscal year 1974 appropriation for urban renewal from $600 million to $1 billion. The administration has proposed to phase out this program, but the Appropriations Committee recommended a $600 mililon figure which is nonetheless some $400 million less than the current levels of funding for urban renewal. The continuing deterioration of many of the Nation's cities requires that programs such as this not be reduced. The Texas Urban Renewal Association supported a $1.45 billion appropriation. Had I been present I would have supported this amendment, which failed to pass on a vote of 106 to 241.

Finally, Mr. Speaker, there was a recorded vote on the final passage of H.R. 8825, providing $19.07 billion in new budget authority for HUD, NASA, the Veterans' Administration, the National Science Foundation, the FCC and several other Federal agencies. I was paired in favor of the bill, which passed the House by a vote of 316 to 21.

EASTEX USES PAPERMILL WATER FOR BETTER RICE PRODUCTION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. COLLINS of Texas. Mr. Speaker, recently, I received a package of rice from the Eastex Paper Mill Co., located in Jasper, Tex. I was interested in the fact that they were testing their papermill effluent to see to what extent it could be used in producing rice.

I wrote Ollie Crawford, the vice president of Eastex, and asked for a full statement about their field study. It is gratifying to see industry taking the lead in getting maximum use of our natural resources and especially water.

You will be interested in the rice production report of Eastex Paper Co. which I received from Ollie Crawford about the Eastex experience:

EASTEX INC. RICE PRODUCTION REPORT

One of the major uses of water in southeast Texas is for irrigation purposes in commercial rice production, a principal agricultural crop in the coastal plains of east Texas.

Due to the abundance of fresh water in east Texas, there is presently no critical competition between industrial needs, municipal demand, and agricultural requirements for these available fresh water resources.

In 1965, the management of Eastex Incorporated (owners of a paper mill located in the south Jasper County community of Evadale, Texas) felt that it would be worthy to find out exactly what effect paper mill effluent would have on production of rice.

The company enlisted the service of a rice agronomist and through his expert guidance prepared an 11-acre rice field which allowed for separate irrigation from fresh well water as well as mill process water or effluent.

With the exception of the type of water utilized in irrigation, the 11-acre field was given identical treatment with respect to land preparation, seeding, irrigation, fertilization and harvest.

Eastex "rice farmers" have now grown three experimental crops maintaining careful records of quality and yield.

The results are as follows:

[In barrels]

Year	Process water yield/acre	Well water yield/acre
1965	11.9	10.1
1968	20.0	18.7
1972	16.2	15.3

In all years, milling quality was comparable.

An Eastex technician working closely with the experimental project drew the following conclusions based upon the results of the experiment: "The only conclusion we could reach was that the process water produced rice equal in all respects to rice grown with fresh well water and that the process water, in fact, imparted nutrients to the soil that resulted in increased yields."

REASSIGNMENT OF FEDERAL PERSONNEL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. KEATING. Mr. Speaker, in fiscal year 1972 the Federal Government spent $68 million to relocate 25,784 present and new Federal civilian employees in 11 specific agencies.

Earlier this year I became increasingly alarmed over the amount of money that the Federal Government spends in moving about and transferring its civilian employees from city to city.

In the EPA operations in Cincinnati, Ohio, over 500 positions and employees have been transferred to other locations in the last 4 years. This substantial movement of Government personnel alerted me to the huge cost that the American taxpayer is forced to subsidize with respect to these moves.

At my request the General Accounting Office surveyed 11 Federal agencies to determine how much money was paid to to such employees to cover their moving costs and related expenses. I am enclosing with these remarks copies of the following:

My letter of March 1, 1973, to Elmer B. Staats requiring relocation expenses paid by these agencies;

Response of June 22, 1973, by Thomas D. Morris, Assistant Comptroller General of the United State, giving the information as it relates to these agencies; and

Copy of guidelines issued by EPA personnel office outlining reassignment and change of duty station benefits for Federal civilian employees as of February 1973.

GAO estimates that only 10 percent of these reimbursed moves involve new employees. The remaining 90 percent are existing employes who are moved about at the discretion of their employers.

The direct relocation costs have grown considerably since present law allows for reimbursement of expenses connected with the sale of real estate at the old location and purchase of a new dwelling at the new location. Because of increased real estate costs, higher brokers' fees, and related expenses, amounts reimbursable under this section can reach as high as $7,500 for one single move.

A close reading of the reassignment and change of duty station benefits attached to this statement will reveal the broad scope of reimbursable expenses.

In addition to the direct costs, I am particularly concerned about the other negative aspects of a policy of heavy transfers and numerous relocations of Federal personnel.

The interruption of work necessarily connected with any significant move is lengthy and very wasteful. For instance, by consulting with Federal employees in my district I learned that ongoing projects would have to be scrapped, and delays of up to 1 year would occur in the event of a transfer of a whole section. In scientific areas such as many departments of HEW, EPA, and other agencies, the work product of scientists and engineers is literally thrown away because of transfers and moves.

In addition to project delays, the manhours that are lost in or consumed by a major move are too large to accurately estimate. Productive equipment is stored and shipped in the transfer, labs are closed or inoperative, and the efficiency of the Federal workers greatly suffers.

Because many employees are unable to make the transfer, some lost their jobs, and morale at the old location sinks to new lows—further impeding the efficiency of employees.

Physical equipment is too large or too old to make the move, so it is disposed of—again at a loss to the taxpayer.

A major problem also associated with large transfers is the incentive it gives to Federal employers to enlarge the bureaucracy by creating new departments at the old location to accommodate those employees unable to make the transfer because of family or community ties.

Department heads and assistant administrators are loathe to reduce the number of personnel under their jurisdiction. So if one part of a Federal operation is transferred to a new city the job of the department head is to create enough new jobs at the old location to retain all of those unable to make the transfer. In this unorderly way the department grows, and the prestige and importance of the department head similarly increases—again at taxpayers' expense.

Other negatives of such moves include "bumping" qualified Federal employees in other agencies on the basis of seniority and sometimes RIF.

I am hopeful that we can reduce the number of transfers of Federal civilian employees in the Government and adopt the policy whereby any significant movement of Federal employees is made only after thoughtful consideration has been given to all of the costs involved—both direct and indirect—and all avenues of maintaining operations in present facilities are fully explored.

New Federal employers should not be given the option of transferring departments under their jurisdiction to geographic areas of their preference, nor should new Government administrators be elected to adopt their own reorganization plans to demonstrate their own knowledge and expertise in Government organization and operations.

Government should assess the transfer of its facilities very carefully and make moves only when mandated by all of the circumstances.

I am communicating these thoughts to the Office of Management and Budget and am hopeful that the Appropriations Committee will tighten the expenditures of agencies in the area of major transfers and relocation expenses.

The material referred to follows:

MARCH 1, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the U.S. General Accounting Office, Washington, D.C.

DEAR MR. STAATS: I have become increasingly concerned over the amount of money that the Federal government spends in relocating its civilian employees. While several Government agencies have furnished me with examples showing the amount of funds some employees were reimbursed for relocating expenses, I have been unable to find out from these agencies the *total annual amount* spent by these agencies for relocation expenses. Therefore, I am requesting your Office to obtain information for me for the following agencies for fiscal year 1972:

HEW, HUD, Agriculture, Commerce, Transportation, Treasury, EPA, VA, GSA, Justice, Interior.

1. The total cost, excluding payroll costs, to the above agencies for relocating their employees (both present employees who are relocated and new employees reporting to their initial duty station). It is not necessary to separately identify the cost associated with each group of employees. The total annual cost should include such expenses as real estate fees, per diem, and temporary lodging, and total reimbursed moving expenses.

2. To the extent possible, the total number of transfers or moves associated with the above costs.

Mr. Thomas A. Hayes of my staff is handling this matter for me; and if you have any questions, kindly get in touch with him.

I anticipate that you will be able to obtain this information by requesting the accounting departments of each of the agencies involved for the figures and that no separate audit or individual and time-consuming investigation will be necessary on the part of GAO. If this information is not readily available and GAO will be required to conduct a costly audit to obtain same, please let me know so that I may modify my request.

I appreciate your attention and look forward to hearing from you.

Very truly yours,
WILLIAM J. KEATING,
Member of Congress.

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., June 22, 1973.

Hon. WILLIAM J. KEATING,
House of Representatives.

DEAR MR. KEATING: In accordance with your request of March 1, 1973, we have obtained unverified information from the 11 specified Federal agencies on (1) the total cost, excluding payroll costs, for relocating both present employees and new employees reporting to their initial duty stations and (2) the number of moves associated with these costs.

The agencies reported that their estimated costs for over 25,000 relocations in fiscal year 1972 amounted to over $68 million. The enclosed schedule shows the number and cost of relocations for each agency.

Several agencies could not readily provide us with information to separate the costs of relocating present employees and new employees. However, on the basis of the information received, we estimate that less than 10 percent of the total number and cost of relocations related to new employees reporting to their initial duty stations.

We trust that this information will help you in your study.

Sincerely yours,
THOMAS D. MORRIS,
Assistant Comptroller General of the United States.

NUMBER AND COST OF EMPLOYEE RELATIONS FOR SELECTED FEDERAL AGENCIES—FISCAL YEAR 1972

			Major cost categories			
	Number of moves	Total cost of moves	Residence transactions	Subsistence and transportation of employee and family	Transportation and storage of household goods	Other costs [1]
Department of:						
Agriculture	5,261	$9,169,405	$2,745,213	$1,809,944	$3,794,072	$820,176
Commerce	1,005	2,981,383	1,296,371	448,749	1,218,174	18,089
Health, Education, and Welfare	2,278	4,654,623	1,250,243	1,196,963	1,913,890	293,527
Housing and Urban Development	976	2,191,659	1,050,181	645,052	356,916	139,510
Interior	3,796	7,510,058	1,105,215	951,745	1,857,240	3,595,858
Justice	3,616	9,479,776	2,137,870	2,723,141	3,819,106	799,659
Transportation	[2] 4,009	14,318,075	8,307,603	1,351,093	4,616,195	43,179
Treasury	[3] 751	8,895,172	1,990,792	[4] 1,452,333	2,474,351	2,977,696
Environmental Protection Agency	[2] 950	2,992,622	1,520,547	205,077	789,986	477,012
General Services Administration	205	547,749	202,517	134,072	183,079	28,081
Veterans Administration	2,937	5,513,358	1,420,029	1,378,793	2,370,853	343,683
Total	25,784	68,253,880	23,026,581	12,296,967	23,392,862	9,536,470

[1] Includes other miscellaneous expenses and costs which were not submitted in sufficient detail to be included in 1 of the other major cost categories.

[2] Represents agency estimates on the number of moves.

[3] Does not include number of moves for Internal Revenue Service personnel, which represents $6,673,996 of the costs reported by Treasury.

[4] Does not include cost of employees' subsistence and travel for 1 agency.

EMPLOYEE BENEFITS

REASSIGNMENT AND CHANGE OF DUTY STATION

Reimbursement to civilian employees for relocation expenses when they are transferred in the interest of the Government to new duty stations is authorized by Public Law 89-516, and implementing regulations of the Office of Management and Budget in Circular No. A-56, revised. The law and regulations provide the following entitlements, conditioned upon the civilian employee having signed an agreement to remain in the service of the Government for twelve months following the effective date of the assignment, unless separated for reasons beyond his control and acceptable to the Agency.

A. A net allowance for household goods of 5,000 pounds for employees without a family, and 11,000 pounds for employees with a family.

B. Travel and transportation expenses for the employee and his immediate family by common carrier not to exceed the allowable cost by usually traveled route between the employee's old and new official duty stations.

C. An allowance for per diem in lieu of subsistence expenses incurred by the employee's immediate family while traveling between the old and new official duty stations. The maximum per diem allowances are as follows:

1. For the spouse.

a. When accompanied by the employee—three-fourths of the $25 per diem granted the employee.

b. When unaccompanied by the employee—$25 per diem.

2. For each family member age 12 or older—three-fourths of $25 per diem.

3. For each family member under 12 years of age—one-half of $25 per diem.

D. An allowance for use of privately owned automobile for permanent change of duty station will be allowed as follows:

1. Employee only, or one member of immediate family—six cents per mile.

2. Employee and one member, or two members of immediate family—eight cents per mile.

3. Employee and two members, or three members of immediate family—ten cents per mile.

4. Employee and three or more members, or four or more members of immediate family—12 cents per mile.

E. Payment of travel and transportation expenses of the employee and spouse traveling together, or either one of them, for one round trip between the localities of the old and new duty stations for the purpose of seeking residence quarters. Such trips may not exceed six calendar days and will not be authorized until after the transfer has been agreed upon and the date of the transfer established. If the employee accepts the transfer and, after making such a trip, or after the spouse has made such a trip, declines the transfer, he is liable for any money expended by the Agency for such travel, transportation and allowances.

F. Subsistence expenses for the employee and each member of his immediate family may be allowed for a period of not more than 30 days while necessarily occupying temporary quarters.* Reimbursement will be only for expenses reasonable as to amount and duration. Expenses can include fees and tips incident to lodging, meals, laundry, and dry cleaning.

G. Miscellaneous expenses resulting from various costs associated with discontinuing residence at one location and establishing residence at a new location. These expenses include, but are not liimted to, the following:

1. Disconnecting and connecting appliances, equipment and utilities involved in relocation.

2. Cutting and fitting rugs, draperies, and curtains moved from one residence to another.

3. Utility fees or deposits that are not offset by eventual refunds.

The amount payable, when supported by paid bills and statements, may not exceed one week's salary if the employee has no family, or two weeks' salary if the employee has a family. The reimbursement cannot in any case exceed the maximum salary rate for GS-13.

The following may be claimed without receipts or itemized statements:

1. Employee without family, $100 or the equivalent of one week's salary, whichever is less.

2. Employee with an immediate family, $200 or the equivalent of two weeks salary, whichever is less.

H. Reimbursement for expenses required in connection with the sale of one dwelling at the old location; purchase of one dwelling at the new location; or settlement of an unexpired lease at the old location. The conditions under which such allowances are authorized and paid are very detailed. The claim must be supported by copies of purchase agreements, sales agreements, receipts, etc. Amounts reimbursed cannot exceed 10% of actual sale price or $5,000, whichever is smaller, at old location and, 5% of purchase priec or $2,500, whichever is smaller, at new location.

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*Generally, employees will not be permitted to receive total benefits under E and F but rather one or the other.

THE NEED TO SAVE THE HOUGH NORWOOD FAMILY HEALTH CARE CENTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. STOKES. Mr. Speaker, I have spoken out on many occasions, since President Nixon's 1974 budget was first sent to Congress, about the effect which the President's proposed cuts would have on many vital and important social programs in this country.

The Hough Norwood Family Health Care Center in Cleveland, Ohio, is one such program which may not be able to survive the President's fiscal ax. In order to convince the people of Cleveland and of this Nation about the need for this excellent health care center, the staff prepared an outstanding "report to the taxpayer."

Because of my conviction that this report provides a complete description of the need for the continuation of this vital program, I include it, in its entirety, below:

A REPORT TO THE TAXPAYER

(Prepared by the staff of the Hough Norwood Family Health Care Center, Cleveland, Ohio)

The Hough Norwood Family Health Care Center is in danger of being discontinued because of likely cuts in the federal budget. However, we believe that the work of the Center has been so effective, and its value to the community so great, that it deserves further federal support. For this reason, we have put together this booklet to explain:

What the Center Is
What it has accomplished
Why it is a sound investment of tax dollars.

WHAT THE CENTER IS

The Hough Norwood Family Health Care Center was established in December of 1967 to provide free health care for impoverished residents of the Hough, Norwood, and Goodrich Neighborhoods of inner-city Cleveland. To be eligible to receive care, patients must live in the target area and have a family income of less than the federal poverty guidelines ($4200 for a family of four). Of the area's 76,000 residents, 30,000 fall within this definition. (Table 1)

The Center was established and has continued to operate through a grant from the Office of Economic Opportunity (OEO). In addition to the OEO funds, the Project receives a small amount of in-kind support from the City of Cleveland, and limited fee-for-service reimbursements from the State Welfare Department for Medicaid eligible patients who have received treatment.

The original OEO grant was awarded because Cleveland and OEO believed a concentrated health service to be essential to the area both because of the high rate of illness among impoverished inner-city residents, (Tables 2-4) and because of the scarcity of primary heatlh care resources available to them.

The Center consists of primary care facilities at the Newton D. Baker Building and at the three back-up hospitals and at other agencies, and tertiary care (in-patient care at hospitals, nursing homes) at these same hospitals and other community facilities.

With completion of a new building (scheduled for June 1974) and assuming continued financial support, the Center hopes to expand from its present 24-25,000 active patient load (Table 5) to 30,000 persons with incomes under the poverty guidelines and 15,000 with incomes of up to twice the poverty guidelines.

The professional and paraprofessional staff consists of:

Categories:	*Number**
Dentists	7.5
Pediatricians	6.7
Internists	7.6
General practitioners	1
Registered nurses	5.3
Pharmacists	3
X-ray technicians	2
Dental laboratory technician	1
Dental hygienist	1
Social workers	4
Psychologists	1
Medical assistants	27
Dental assistants	19
Family health care workers	21
Navy corpsmen	1.5
Laboratory, X-ray, pharmacy, optometry and other assistants	30.8

*Expressed as full-time equivalents.

Hough Norwood pioneered by establishing an effective partnership with the community it serves in the management of the project. It is controlled by a non-profit corporation, Cleveland Neighborhood Health Services, Inc., which is composed of at least one-third (12 of 36) nonprofessional residents of the target area. Most of this group of trustees are eligible to be, or are, patients at Hough Norwood. They are nominated to the Board by the local office of the Council for Economic Opportunities in Greater Cleveland, called the Hough Community Opportunity Board (the COB) and the Hough Community Council. The COB itself is composed of Block Club Presidents and other persons from the target area who are elected to represent various neighborhoods. Thus, the target area representatives to Cleveland Neighborhood Health Services, Inc., are elected by elected representatives.

In addition to this direct role in the administration of the health center, the community we serve has many other ways of influencing the direction in which the Center is moving. Our annual budget request has first been approved by the Hough COB, and then by the Cleveland Council for Economic Opportunities before being submitted to State and Federal funding agencies.

WHAT HOUGH NORWOOD HAS ACCOMPLISHED

Because of the high rates of acute and chronic illnesses. combined with a shortage of primary care resources, we have developed *Health Care Teams* of primary practitioners and paraprofessionals. The teams are well trained and capable of handling the serious illnesses of our patients. At present we have five teams, each caring for patients from a different part of the target area. Each team consists of a Pediatrician, an Internist or Generalist, a Dentist, two Medical Assistants to help each Physician, two Dental Assistants to help the Dentist, three Family Health Care Workers (outreach workers) to assist with the social and home environmental problems of patients, a Mental Health Consultant (Psychologist, Psychiatric Social Worker or Psychiatric Nurse) to assist in the evaluation and treatment of patients' mental health problems, and a Clerk.

The innovative aspects of these Teams are the following: By teaming-up a Pediatrician, Internist, and Dentist, the principal primary health care needs are available for all family members, regardless of age or sex, assuring comprehensiveness of primary care. By using full-time staff members on the teams, we assure that *continuous* care will be available. The team structure permits the organization of *family-centered* care since the physical proximity of team members and the weekly team conferences provide the opportunity to discuss the implications of illness of a specific family member on others in the family.

The use of *paraprofessionals* (Medical Assistants, Dental Assistants and Family Health Care Workers) provides office nursing and social services at reasonable cost for services provided. These new-career workers are under the supervision of a Registered Nurse, a Dentist or a Social Worker. The supervisor/employee ratios assure reasonable cost (1 RN/27 Medical Assistants, 1 Dentist/19 Dental Assistants, 1 Social Worker/21 Family Health Care Workers). A distinct advantage of using paraprofessional employees recruited from the local community is that they facilitate communication with patients which greatly improves our patient education programs.

Other innovative aspects of our model of health care delivery include the use of the Problem Oriented Patient Record, the Center's Night Service, the Walk-in Service and Patient Transportation Services.

Hough Norwood was the first health center to utilize the Problem Oriented Patient Record.[1] It was brought to the center by Drs. Laura and Larry Weed in 1967, and it has remained an essential ingredient in the problem defining process in the center. It has since been widely adopted throughout the United States.

The Night Service was established to provide medical and dental coverage for patients after the Center closes. It operates until midnight seven days each week. It was designed with both quality and economy in mind. A former Navy Corpsman, stationed by a conference telephone in the Record Room, receives incoming calls from patients. A vehicle with driver and assistant is available: Physicians and Dentists are on telephone call at home, (voluntarily, without reimbursement) and contracts exist with a pharmacy and with hospital emergency services should back-up care be necessary. Data concerning the effectiveness of the system are contained in Tables 6 and 7. They show that the night service is efficient in replacing professional with paraprofessional personnel (half of the pertinent calls were handled by the corpsman alone) and further that persons ultimately sent to an emergency service needed to be there, as shown by the very high proportion of referred patients actually admitted (25%). We are thus using the emergency services themselves efficiently.

The Walk-in Service: While the Center's principal thrust is toward an appointment service, many patients who are sick come in without appointment. Approximately 1/3 of those seen on any given day "walk-in" in this way. To handle these unscheduled visits in as efficient a way as possible, we have organized a *Walk-in Service.* Patients are interviewed briefly by a Walk-in Expeditor who is a Medical Assistant specially trained for the job. She determines the urgency of the problem. The less urgently ill patients are then seen by the Screening Nurse who, working from carefully prepared guidelines, cares for about half of these patients. The other half of these patients and those considered urgent by the Expeditor are referred to a Pediatrician, an Adult Physician, or a Dentist, depending upon the age of the patient or the nature of the complaint. All patients seen by the Walk-in Service are scheduled for a complete evaluation if they have not yet received one.

The effectiveness of the Walk-in Service will be demonstrated in two ways—by an analysis of waiting times and by a presentation of costs (See Tables 8 and 9). Table 8 shows that ¾ of all walk-in patients are diagnosed, treated and leave the Center within 2½ hours—a fine record compared with local hospital out-patient departments and emergency services. The direct costs of the Walk-in Service are competitive with other Cleveland resources.

Patient Transportation Services: Transportation is made available to patients who need it to encourage their participation in the comprehensive health care program. Two mini-buses make an hourly trip along a scheduled route in the target area. Handicapped patients are picked up at home in station wagons. Bus tickets are provided for patients who have special needs and are not transported in one of the above two ways.

On an average day 9% of patients arrive at Hough Norwood by our bus, 27% by station wagon and 3% by Hough Norwood supported public transportation. Sixty-one percent provide their own transportation. Patients are also transported to and from the hospital. These rides account for 11% of all transportation provided for Hough Norwood patients. The cost per patient transported is shown in Table 10.

In addition to these innovative aspects of health care delivery, we have always been concerned about the acceptability of these services to our patients. With this in mind, four years ago Hough Norwood initiated the preparation of a *Patients' Rights pamphlet,* which all newly registered families receive. It has three parts—a listing of those rights a patient should expect to have, a list of responsibilities we feel the patient must take, and a grievance procedure the patient may follow if he feels that the Center has failed to protect his rights. This pamphlet is reprinted in the Appendix.[2]

THE COST EFFECTIVENESS OF THIS MODEL OF HEALTH CARE

Cost data for the project are shown in Tables 11 and 12. Several ways of assessing the effectiveness of the system are available. Our performance can be measured by counting the number of patient visits, the number of completed data bases (medical history, physical examination, laboratory tests, etc.) or the number of other processes involved in providing health care. In addition, we should assess the impact of the project on the overall health of the area it serves. This last is much more difficult for the following two reasons. First, our patient population is too small to allow the collection of reliable data about such important health indicators as infant mortality rates and overall morbidity and mortality rates, and second, we haven't been in the area long enough to allow demonstration of the effects of preventive health care on such rates if they were available.

To restate our principal objective, we are attempting to provide comprehensive family health care to each patient enrolled in the project. Comprehensive Family Health Care has the following aspects:

(a) All the necessary preventive and treatment resources are available

(b) The family unit becomes the focus for the provision of these resources.

Our success in delivering comprehensive family health care to each individual enrolled in the project can be assessed in two ways. We must determine whether the resources are available and whether, if available, they are being used.

The project has made comprehensive resources available as indicated earlier. The primary involvement of the family unit was assured by the development at Hough Norwood of the team approach to health care. Present on each team are the principal resources needed in the provision of primary care to all family members. Our *family record number* assures that all family records are stored and are available together. The *family record card* kept by the Team Clerk, assists the team in coordinating family care by conveniently listing appointment dates and the status of the workup on each family member.

Thus, we have successfully assured the availability of family centered, comprehensive health services. Are they being used? Table 13 shows one aspect of patient utilization; the number of presently active patients sampled who have benefitted from a complete work-up. Many patients who have received complete examinations are not included in Table 13 because they have moved from the target area and are thus no longer "active".

The table shows that of patients in the project for two or more years, at least 65% of children and 53% of adults have had a complete medical evaluation. A smaller number have also had a complete dental evaluation; the difference lying in the greater time required to complete restorative work on each dental patient.

Comprehensive health services also include: 1) regularly scheduled visits for preventive care and for following existing disease conditions; 2) walk-in visits in the event of acute illness; and 3) telephone call consultations about a variety of health problems.

During 1972, of the 23,696 registered patients, 16,328 made 65,764 visits to the Center, during which they had 84,200 encounters with providers of care (Physicians, Dentists, etc.). An additional 6000 encounters took place away from the Center. When telephone consultations are included, Hough Norwood staff had more than 110,000 encounters with patients in 1972.

Environmental Health Hazards. An inseparable part of providing comprehensive health services to a group of families is acquiring accurate knowledge of the environmental health hazards confronting them. We have done a careful study of these hazards in our target area, and summaries of the study are available upon request. In short, we have found that our patients must face a discouragingly high level of hazards to health, including appalling poverty, bad housing, high crime rates, frequent fires, and excessive injury and death from accidents. Health educational programs have been established to combat the preventable aspects of such health hazards.

WHY HOUGH NORWOOD IS A SOUND INVESTMENT OF TAX DOLLARS

The Hough Norwood Family Health Care Center is both *efficient* and *essential.*

The Center's efficiency can be studied in two ways; first by examining the mechanisms the center has developed to assure continuing improvement in its operations, and second by observing the steady decrease in cost per unit of services.

An essential part of improvement is the development of audit procedures to assess the quality of work done. The Hough Norwood Center has pioneered in the development of such audits. Typical are the audits to assure that the teams are providing high quality health care. These audits are of several kinds. First, a peer audit is conducted by Physicians and Dentists, using randomly selected charts of patients seen by them.

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[1] Weed, L. L. Medical Records, Medical Education and Patient Care, The Press of Case Western Reserve University, 1970.

[2] Our patients' Rights Pamphlet has recently received national attention, when it was endorsed by the Secretary's (The Secretary of HEW) Committee on Medical Malpractice.

The use of the Problem Oriented Patient Record greatly facilitates these audits, since the record contains a list of all the defined health problems recognized in that patient. The *Physicians' Chart Audit* concentrates upon two things—has the Physician followed the problem oriented approach, and does the care compare favorably with the standards set by the Center Physicians? The Dental Audit has similar objectives but additionally provides for follow-up evaluation of work completed.

Table 14 is a sample tabulation of peer audits of the work of our full-time Physicians. This table was set up to determine whether the heavier patient load in 1971–72 compared with 1969–70 was detrimental to the quality of patient care. In one category, "diagnostically" and to a lesser extent in "follow-up" it appeared that it had been. To help solve this problem, we have since added more physician hours to each team.

The Center has an *Audit of Prescribing Practices* coordinated by the Director of our Pharmacy. A sample of prescriptions is regularly selected for comparison with agreed upon prescribing standards to determine compliance with these standards.

The Center has also benefited from three outside audits of the quality of our care. These have been conducted bi-annually by an independent group from the Albert Einstein Medical College, under contract from OEO. Suggestions from each audit have been built into the program to improve the overall center operations. Tables 15 and 16 are sample tabulations of the quality of services taken from our two most recent audits by Dr. Morehead of Albert Einstein.

The increasing cost efficiency of the center is shown in Figure 1. It demonstrates that, despite increasing inflation, the cost per patient visit has steadily fallen. The principal limiting factor in further cost reduction is a lack of space. To provide more space, which will allow our present staff to see more patients, we are constructing a new facility. Our projected costs per visit when it is completed are also shown in Figure 1.

Hough Norwood is *essential* for several reasons. First, we are providing comprehensive health services to a large area of Cleveland's inner-city, and other alternative methods for accomplishing this have not been demonstrated as being available. We have moved the equivalent of 14 full-time physicians and eight full-time dentists into the target area. No other agency has demonstrated an ability to do this. We are now able to provide care at costs not significantly higher than comparable services provided by local hospital out-patient departments. Private practitioners may be able to provide care at lower per visit cost but they are less able to achieve the other goals of the Hough Norwood Center. Private practitioners, for various reasons,[3] are either leaving or not entering inner-city practice, so they may not be able to provide a viable alternative to the Hough Norwood program.

Second, while not a primary objective of our project, we do provide many jobs to the local community. This has three effects: it provides gainful employment to persons living in an area part of which is characterized by a disastrously high unemployment rate; it enlarges the pool of persons trained in the delivery of ambulatory health care; and it facilitates communication between the Health Center and its patients. Table 17, taken from the 1970 Census, demonstrates the extent of unemployment in our target area and it compares it with that of the City proper, and with the County. Since the 1970 Census, unemployment has increased in the area.

At present (March 1973) Hough Norwood has 275 full-time employees. Of this number, 100 were recruited from the target area, and an additional 70 from other inner-city neighborhoods. Practically all non-credentialed employees have thus been recruited locally.

The Center has attempted to promote local employees to positions of leadership when this has seemed possible. Table 18 shows the frequency with which this has been accomplished. Sixty-three percent of our supervisory staff came from an inner-city environment.

A policy of the Center has been that uncredentialed employees will be given an opportunity to earn educational credentials while employed at Hough Norwood. This has been made possible by agreements with Cuyahoga Community College, the Cleveland Board of Education (at the Jane Addams School) and Cleveland State University. In general, classroom work has been provided by these agencies while Hough Norwood has provided on-the-job training. To summarize the results of this program, 157 employees, who have worked at the Center for an average of 3.4 years, have earned an average of 17.0 credit hours at one of the educational institutions.

Finally, Hough Norwood is essential as an example to a badly divided city that multiracial projects can thrive through their diversity and devotion to serving the needs of their fellow citizens. We have done this while providing high quality care at competitive cost.

In conclusion, we have demonstrated that the tax dollars awarded to Hough Norwood have been wisely and prudently used. We feel that no comparable alternative source of health care is available to the residents of this neighborhood, and that further local, state and federal support is not only essential, but is deserved.

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[3] Ohio has failed to include all impoverished patients in Medicaid, so no mechanism is available to pay private practitioners for services rendered non-medicaid eligible families. Many practitioners are thus driven from the inner city despite a desire to remain.

TABLE 1.—POVERTY IN THE TARGET AREA[1]

	Population	Families	Percent families below poverty level	Percent families below twice poverty level[2]
Hough	45,487	9,564	39.4	65.5
Norwood	21,910	5,368	15.8	37.0
Goodrich	8,730	2,212	13.8	37.0
Target area total	76,127	17,144	28.8	52.8
Cleveland	750,903	183,356	13.4	33.3
County	1,721,300	439,838	7.4	21.0

[1] Data for table from 1970 Census (PHC (1)–45). Since the Census, the number of impoverished have increased to approximately 30,000.

[2] This category includes those families not ordinarily able to pay the full cost of their own health care.

TABLE 2.—THE PREVALENCE OF CHRONIC ILLNESS AMONG HOUGH NORWOOD PATIENTS[1]

Age	Number with at least 1 chronic illness	Males number of examinations	Rate per 100	Number with at least 1 chronic illness	Females number of examinations	Rate per 100	Number with at least 1 chronic illness	Total number of examinations	Rate per 100
Children (under 12) (not tabulated separately by sex)							175	1,953	9
Adolescents (12 to 20)	29	182	16	71	283	25	136	[2]719	19
Adults (21 to 59)	199	403	49	337	535	63	536	938	57
Aged (60 and over)	79	104	76	129	144	90	208	248	84
Total							1,055	[3]3,858	27

[1] Includes only patients having had a complete physical examination.

[2] Includes 254 adolescents not tabulated by sex.

[3] The sample comprising tables 2, 3, 4 and 13 was taken from all still-active families with numbers from 1-8,252, and all nontitle 19 supported families with numbers from 8,253 and 10,673. More than 14,000 families have registered with the project since its inception.

TABLE 3.—THE FREQUENCY OF MULTIPLE CHRONIC ILLNESSES IN HOUGH NORWOOD PATIENTS

[Percent with the following number of chronic illnesses]

Age (years)	0	1	2	3 or more
Children (0 to 11)	91	7.8	0.7	0.5
Adolescents (12 to 20)	81	15.7	2.9	.4
Adults (21 to 59)	43	26.2	18.2	11.9
Aged (60 and over)	16	19.3	30.2	34.4

TABLE 4.—*Prevalence of the most common illnesses among Hough-Norwood patients (aged 21 and over), compared with illnesses of patients treated by Kaiser Permanente*[1]

WOMEN (1,280)

Illness	*Rate/100*
Obesity (19.6)	[2] 41
Anxiety reaction (5.75)	21
Hypertension (7.97)	21
Osteoarthritis (5.88)	6.6
Diabetes (2.54)	6.6
Chronic heart disease ischemic (1.23)	5.1
Chronic bronchitis (0.82)	2.9
Psychoneurosis (2.15)	2.1
Alcoholism	1.5
Arthritis, other	1.4
Asthma	1.2
Chronic cervicitis	1.0
Personality disorder	0.7
Tuberculosis	0.7
Arteriosclerosis, other	0.7
Psychosis	0.6
Blindness	0.5
Hemoglobinopathy	0.5
Rash, chronic	0.5

MEN (507)

Illness	*Rate/100*
Obesity (12.55)	[2] 20
Hypertension (7.69)	19
Anxiety reaction (3.01)	8.1
Chronic heart disease ischemic (1.44)	7.9
Diabetes (3.08)	7.5
Osteoarthritis (2.82)	7.5
Alcoholism	4.7
Chronic bronchitis (0.97)	3.5
Arthritis, other	2.0
Tuberculosis	1.2
Psychoneurosis (1.51)	1.2
Gout (0.95)	1.0
Chronic cough	1.0
Seizures	1.0
Chronic lung disease, other	1.0
Cirrhosis	0.8
Back ache, chronic	0.8
Blindness	0.6

[1] The patient sample was described on Table 2.

[2] Figures in parentheses show reported rates from Kaiser Permanente, Oakland, California. Kaiser treats principally middle income patients. Diagnosis not followed by comparative data were not among those listed in the Kaiser study. (from M. Collen, in Presymptomatic Detection and Early Diagnosis by C. Sharp and H. Keen, Williams and Wilkins publ., 1968)

TABLE 5.—AGE, SEX DISTRIBUTION OF HOUGH NORWOOD PATIENTS[1]

Age and sex	Number	Percent with at least 1 visit in 1972.
Under 1 yr:		
Male	279	90.0
Female	263	93.2
1 to 4 yr:		
Male	1,831	70.8
Female	1,753	70.5
1 to 14 yr:		
Male	3,439	65.3
Female	3,588	67.2
55 to 24 yr:		
Male	1,806	62.2
Female	3,040	67.5
25 to 44 yr:		
Male	1,458	66.8
Female	2,961	68.6
45 to 64 yr:		
Male	963	73.8
Female	1,382	75.8
65 and over:		
Male	440	71.4
Female	493	72.8
Total	23,696	

[1] Includes only patients registered through Dec. 31, 1972

TABLE 6.—UTILIZATION DATA—NIGHT SERVICE

Pertinent[1] calls received per hour[2]	0.8
Total calls received per hour	5.1

DISPOSITION OF PERTINENT CALLS[3]

Calls handled by	Other action	Percent of total
Corpsman only	None	48
Corpsman, physician	do	10
Corpsman, dentist	do	4
Corpsman, physician	Medication delivered	10
Do	Patient sent to emergency service at hospital	28
Subtotal		100
Corpsman, physician	Patient sent to emergency and then home	75
Do	Patient hospitalized	25
Subtotal		100

[1] A pertinent call is one during which a Hough Norwood patient asks for help with a health problem.

[2] Based upon calls made during the 3d and 4th weeks of February 1973.

[3] Based upon an analysis of 829 pertinent calls received between Jan. 1 and Aug. 31, 1972.

TABLE 7.—*Cost data—night service*

Yearly Salaries and Fringe Benefits	$33,000.00
Vehicles	1,200.00
Telephone	108.00
Total direct[1] cost	34,308.00
Cost per telephone call	$2.64
Cost per pertinent call	11.40
Cost per active patient per year	1.40

[1] Costs exclude administrative overhead. Such costs are included in the data in Table 11.

TABLE 8.—SERVICE[1] TIME[2]

Quartile	Appointed patients	Walk-in patients
25 percent out by	45 min	1 hr 8 min.
50 percent out by	1 hr 14 min	1 hr 49 min.
75 percent out by	1 hr 54 min	2 hr 36 min.
100 percent out by	5 hr 10 min[3]	5 hr 20 min[3].

[1] Service time is defined as the duration of time elapsing between the patient's arrival at the health center and his departure from the building. It thus includes both waiting and treatment time.

[2] These data are based upon analysis of 311 patient experiences randomly selected from 1,101 patients seen during a 3-day period in fall, 1972.

[3] The charts of all patients whose service times were greater than 3½ hr were reviewed. Al. had received multiple services on the day of the visit.

TABLE 9.—*Cost data*[1]*—the walk-in service*

Salaries and Fringe Benefits (Expeditors, Walk-in Physician, Medical Assistants, Screening RN's)	$205,790.88
Supplies	$1/Visit
Pharmacy	$2.07/Visit
Laboratory	$2.42/Visit
X-ray	$1.00/Visit

Total (based upon 30,000 visits/year)—$13.30/Visit

Annual cost per active patient—$15.15

[1] Costs exclude administrative overhead. Such costs are included in the data in Table 11.

TABLE 10.—*Cost data*[1]*—transportation service*

Yearly salaries and fringe benefits	$63,096
Vehicles, gas, oil	10,076
Total direct cost	73,172

Mode	*Cost Per Patient Ride*
Minibus	$2.53
Station wagon—Ambulance	2.69
Public transportation	.50
Cost per active patient per year	2.13

[1] Costs exclude administrative overhead. Such costs are included in the data in Table 11.

TABLE 11.—TOTAL COSTS OF ALL SERVICES COMBINED, BY QUARTER

Quarter	Patient visits	Direct	Indirect	Total
1968 (total)	19,253			$1,210,800
1969:				
1st	7,362			402,756
2d	7,371			358,216
3d	10,691			483,599
4th	10,988			441,373
1970:				
1st	9,941			465,708
2d	11,633			522,344
3d	11,664			554,824
4th	13,330			627,000
1971:				
1st	13,094	$343,498	$77,691	421,189
2d	11,284	412,439	52,426	464,865
3d	14,106	435,587	98,160	533,747
4th	16,580	441,255	131,557	572,812
1972:				
1st	19,374	549,522	147,471	696,993
2d	20,003	480,791	193,459	674,250
3d	19,039	481,521	183,944	665,465
4th	21,020	501,741	151,335	653,076

Note: Beginning with 1971, OEO required that expenditures be divided into direct and indirect costs. Direct costs include the following departments: Medical, dental, laboratory, X-ray, pharmacy, mental health, home health, health action, transportation, referrals, nursing, optometry. Indirect costs include the following departments: Administration, training, housekeeping and maintenance, receiving and stores, data collection, registration and appointments, billing, purchasing, playroom, etc.

TABLE 12.—PER CAPITA COSTS,[1] 1972

Types of services	Units of service			Total costs	Unit cost
	Center staff	Noncenter staff	Total		
Medical encounters	64,470	2,894	67,364	$1,267,381	$18.81
Laboratory tests	69,723	3,489	73,212	170,294	2.33
X-ray examinations	8,259	682	8,941	88,717	9.92
Prescriptions	76,682		76,682	210,787	2.75
Mental health encounters	[2] 1,897		1,897	157.278	82.91
Dental health encounters	15,760	148	15,908	[3] 564,277	35.47
Optometry	8,484	11	8,495	84,266	9.92

[1] The allocation of costs to various categories follows the plan contained in OEO manual 6128-1.

[2] Not included in mental health units of service are many community benefits of this department.

[3] Dental costs includes a disproportionate number of prosthetic devices, elevating unit cost.

TABLE 13.—*PROPORTION OF ACTIVE PATIENTS WHO HAVE RECEIVED A PHYSICAL EXAMINATION AND/OR A DENTAL EXAMINATION BY YEAR OF REGISTRATION*

Year 1st registered	Total in sample[1]	Medical and dental exam	Medical exam only	Dental exam only	Percent with medical exam	Percent with dental exam	Year 1st registered	Total in sample[1]	Medical and dental exam	Medical exam only	Dental exam only	Percent with medical exam	Percent with dental exam
Age less than 15 yr:							Age 15 and above:						
1968	1,642	464	891	51	80	31	1968	1,305	499	425	134	71	49
1969	784	193	447	15	82	27	1969	726	284	213	86	69	51
1970	1,108	166	555	53	65	20	1970	998	234	290	133	53	37
1971	1,282	173	666	88	65	20	1971	1,815	297	354	397	36	38
1972	164	30	74	6	63	22	1972	370	40	51	87	25	34

[1] Sample: These data are based upon a chart review that included all active families with numbers 0-8582, and 40 percent of active families with numbers 8583-10,673. The center has now given out more than 14,000 family numbers.

TABLE 14.—PHYSICIAN AUDITS OF 269[1] MEDICAL RECORDS OF FULL-TIME PHYSICIANS

Are center standards being met?	Year of audit	Percent scored: Yes	Sometimes	No	Not answered
Diagnostically	69-70	71	14	5	10
	71-72	57	24	4	4
Therapeutically	69-70	72	12	5	11
	71-72	75	16	3	5
Follow-up	69-70	69	15	5	11
	71-72	62	24	6	8

[1] 1969-70, 166, audits; 1971-72, 93 audits.

TABLE 15.—SCORES OF BASELINE MEDICAL CARE

Name and date studied	Average	Medical	Obstetrics[1]	Pediatrics
Hough Norwood: April 1968	85	85	84	87
Hough Norwood: February 1970	83	90	74	76
Hospital out-patient department:[2]	64	70	73	48

[1] Hough-Norwood obstetrics care has been provided by the Maternal and Infant Care Project of Cleveland Metropolitan General Hospital.

[2] A large, well run public Cleveland Hospital, also serving our target area, kindly agreed to be audited for purposes of comparison.

TABLE 16.—COMPARATIVE PATIENT HANDLING SCORES[1] JANUARY 1972

	Score
Physical setting	4.5
Accessibility	4.8
Priority	3.0
Wait time	4.5
Patient information availability	5.5
Patient understanding	4.5
Staff manner of addressing patients	6.0
Patient physician continuity	5.0
Overall[2] score	37.8

[1] Each factor has a maximum score of 6. These are added to yield the overall score.

[2] Overall patient handling scores: 0 to 21, unsatisfactory; 21.1 to 34.9, satisfactory; 35.0 to 48.0, very satisfactory.

TABLE 17.—UNEMPLOYMENT OF MALES, AGED 16 AND OVER[1]

Area	Number of men unemployed	Total men in the civilian labor force	Percent of men unemployed
Target area, total	1,349	14,726	9.1
Hough	725	5,789	12.5
Norwood	389	5,188	7.5
Goodrich	157	2,376	7.5
Downtown	78	1,373	5.6
City of Cleveland	9,718	180,889	5.4
Cuyahoga County	15,466	445,533	3.5

[1] Data from 1970 census (publication No. PHC (1)-45).

TABLE 18.—PROMOTION OF LOCALLY HIRED EMPLOYEES TO SUPERVISORY POSITIONS

[Addresses (when hired) of present directors and assistant directors of departments at Hough Norwood]

	Target area	Elsewhere in city	Outside city	Total
Lived in	12	17	17	46

FIGURE 1.—*Total cost per visit by year (total expenditures/total visits)*

1968	$68.09
1969	46.33
1970	46.60
1971	36.19
1972	33.86
1973	32.00
1974[1]	25.00

[1] Projected for first year in new facility.

PATIENTS' RIGHTS

1. You have a right to know what's going on. Always ask questions about anything that you do not understand or that is worrying you.

2. If you think you have been waiting too long for service, ask at the front reception desk and they will find out the reason for the wait and help you to be served as soon as possible.

3. You should be called Mr., Mrs., or Miss unless you have given a staff member permission to call you by your first name.

4. You have a right to have things explained clearly. For example, Health Center procedures and possible side effects of medicines.

5. You have a right to consent to or refuse any treatment for yourself or your child.

6. You have the right to know the procedure for changing physicians and dentists. Ask for the Medical or the Dental Director.

7. You have the right to expect our staff members to display the highest regard for your privacy.

A. No employee should talk to you about your problems in the waiting room or halls where others may hear.

B. No one should call across the room for personal information. For example, "Do you have Medicare", etc.

C. You have a right to consent to any visit to your home. If anyone from the Center visits you at a time you don't want to see him, tell him if and when you would like him to return.

D. You have the right to refuse to participate in or be interviewed for research purposes. You have the right to full explanation of purposes and uses of the information if you do participate.

8. You have a right to choose a convenient time and day for your appointment, if it is available. You should be told what times are available.

9. You should be notified in advance whenever possible when your physician cannot keep an appointment.

10. If you are too sick to walk or take a bus, you can request transportation to and from the Health Center. Ask the staff member who is working with you to arrange transportation. If you decide not to use the transportation system, please call and cancel your transportation.

11. You can receive help in applying for social services. Ask your physician to refer you to the Department of Health Action Services.

12. If a delay is expected in getting your medicines or certain tests (such as an EKG), you have the right to know and to request to return some other time if possible.

PATIENTS' RESPONSIBILITIES

1. Patients should keep appointments. If you cannot keep an appointment, call the appointment section as early as possible so that another patient may be scheduled in your place.

2. Patients that cannot keep appointments at referral centers (e.g. to see a specialist or have special X-rays done) should call the Center and cancel the appointment so another patient may have that time.

3. The patient should bring with him to the Health Center the name and address of other physicians that he has been seeing, or the cards of any clinic he has attended, including your Hough Norwood card. This will enable the Health Center staff to send for old records that may help give better health care.

4. You should be frank about medical instructions of the Center staff. If for any reason you feel you cannot or should not follow recommendations, talk to the staff member right away.

5. You should bring your children's immunization records when you bring them to see their doctors.

6. Patients should inform the record room about new addresses, telephone numbers, change of names as soon as possible to prevent loss of appointments and to be able to reach patients in serious situations.

COMPLAINT PROCEDURE

If you have a complaint about any aspect of the Health Center operations, do not hesitate to call the Executive Director at 881-2000, extension 44.

He will:

1. Take down complaint in writing and read it back to patient for his approval.

2. Take personal data.

3. Designate some person to contact the appropriate department and make sure the complaint is taken care of.

4. Notify the patient.

AMENDMENTS TO H.R. 8917 CONCERNING ENVIRONMENTAL IMPACT STATEMENTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. DINGELL. Mr. Speaker, on page 23, the House Appropriation Committee report on H.R. 8917 (93-322), I note that the committee has reduced the budget for the Bureau of Sport Fisheries and Wildlife by $100,000.

This money had been earmarked "for the preparation of environmental impact statements."

I am deeply concerned about this cut in the Bureau's budget since it is responsible for commenting on 80 to 90 percent of the environmental impact statements prepared by other Federal agencies.

Only a few days ago my Subcommittee on Fisheries and Wildlife Conservation and the Environment began an investigation into the problem of inadequate funding and personnel at Interior and the Environmental Protection Agency for the preparation and review of environmental impact statements. This investigation was initiated because of complaints received by many of my colleagues and the public in general that these two agencies were slow in both preparing and reviewing such statements.

My initial investigation indicates that this is due in large measure to the administration's tight-fisted budget controls.

I certainly do not want to see the Congress compound this problem by reducing the Bureau's budget in this particular area and thereby helping to undermine the National Environmental Policy Act.

I urge the restoration, Mr. Speaker, of this $100,000 and I plan to offer an amendment on the floor Wednesday, or later this week, when the bill, H.R. 8917, is considered by the House.

My amendment follows:

Page 17, line 17, strike ($80,137,000) and insert ($80,237,000).

NATIONAL BLOOD BANK ACT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. KEATING. Mr. Speaker, today I have joined my colleague VICTOR VEYSEY in reintroducing the National Blood Bank Act. This is a revised version of the legislation introduced by Representative VEYSEY during the 92d Congress. Last year this bill enjoyed strong bipartisan support in the House, and received attention from the administration and general public.

The National Blood Bank Act of the 92d Congress highlighted the antiquated blood bank system upon which this Nation has been depending. At least 50,000 cases of serum hepatitis occur annually, resulting in the death of 5,000 persons each year.

Even though last year's version of the Blood Bank Act progressed no further in the legislative process than the Interstate and Foreign Commerce Subcommittee on Health and the Environment, its effect has been felt. Several administrative changes in the present blood bank system were made. Serious committee attention to this bill in both the House and Senate has been assured, and thousands of people throughout the United States, including serum hepatitis victims themselves, have proffered their support.

The main emphasis of the National Blood Bank Act would be directed toward bringing about a transformation in our nationwide blood banking system, doing away with our reliance on buying and selling blood to supply our needs.

A national blood bank program would be set up under the Department of Health, Education, and Welfare to be administered by the Secretary of Health, Education, and Welfare, with the job of assuring an adequate supply of safe blood throughout the country.

A nationwide campaign would be directed for volunteer blood, which is statistically 11 to 70 times safer than purchased blood. The intent is to do away with those people who sell their diseased blood.

This legislation would require that predominately volunteer blood be labeled class A, and that commercial, or purchased blood be labeled class B unless the Secretary of Health, Education, and Welfare can otherwise justify classifying purchased blood class A from a particular blood bank's past performance.

This legislation would also institute a close watch on sources of diseased blood through the establishment of a National Blood Donor Registry. Persons involved in the transmission of hepatitis will be notified and eliminated from contribution to the blood bank.

An advisory council would also be established to be composed of nine members, representing the various interests involved in the program, to be appointed by the President. This council would make recomendations to the Secretary with respect to long-term policy goals, encouragement of blood donation, and the recruitment of blood donors.

KNXT CALLS FOR AMNESTY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. BROWN of California. Mr. Speaker, just 5 days ago I read into the RECORD an article which related to the issue of amnesty for those young men who refused to participate in our intervention in Vietnam's civil war. It has since been brought to my attention that KNXT, the CBS-owned television station in Los Angeles, has recently spoken out on this subject. At this time, I would like to insert the KNXT editorial in the RECORD:

KNXT EDITORIAL: FOOT-DRAGGING ON AMNESTY

Congress is dragging its feet on amnesty. There was a flurry of comment about amnesty when the war ended and the POW's came home. Since then there's been little talk and even less action. Not one bill has been introduced in the Senate. There are seven bills in the house, and all are buried in the Judiciary Committee. No hearings are scheduled.

The house bills fall into two main categories—unconditional amnesty for everyone, including deserters, and conditional amnesty with a requirement of mandatory military or public service. The authors of some of the bills include Congressmen Ed Roybal of Los Angeles, an Army veteran; Ron Dellums of Berkeley, a former Marine, and Edward Koch of New York, a combat infantry sergeant.

We've supported a middle ground—unconditional amnesty for draft evaders, but not for deserters. We would include a voluntary national service program. This would give draft evaders an opportunity to show the sincerity of their motives. It's hard to say how many were sincere when they refused to serve during an unpopular war, but no doubt many were.

A draft evader who came home to face mandatory military or public service would in effect admit guilt, and we think most particularly those who were sincere, would reject such an admission.

Figures vary, but perhaps 70,000 young Americans are now in exile. Their continued absence is a strain on their families and a needless source of controversy here.

While we believe that our proposal of amnesty and voluntary service offers the best approach, the critical thing is for Congress to resolve the issues—so these thousands of expatriated Americans know where they stand and have the opportunity to come home.

Mr. Speaker, I expect to make some observations on this subject myself at an appropriate time, but for the moment I will close.

PEOPLE-TO-PEOPLE DIPLOMACY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 1973

Mr. FRENZEL. Mr. Speaker, on April 7, Deputy Assistant Secretary of State for Educational and Cultural Affairs, Alan A. Reich addressed the Florida Sister Cities Conference. His theme was "People-To-People Diplomacy."

Secretary Reich is a consistent, effective spokesman for international exchange programs of all kinds. His Florida address reveals, in addition to his own enthusiasm, the amazing range of exchange programs. Like Secretary Reich, I believe people-to-people programs are the key to world understanding, and I commend his address, which follows, to all Members:

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

Diplomacy has gone public. Foreign relations no longer remain the exclusive domain of the professional diplomat. In almost every country in the world, foreign affairs communities, in varying degree, have opened their ranks to public participation.

Technological advances have made nuclear war a threat to mankind's existence. Fortunately, new initiatives and agreements in the disarmanent field offer hope that the deadly cycle of weapons build-up may be broken. Recent developments in international relations are encouraging. Termination of the Viet-Nam war, the strategic arms limitation agreements, new China and Soviet agreements following President Nixon's visits to those nations, the recent Berlin agreement, new cooperation on environmental and drug problems, and international trade agreements are among the foremost. Prospects for increased government-to-government cooperation appear better now than at any time since World War II. The great powers are focusing on areas of common concern and not only on their differences. The results are promising.

While technology has made nuclear annihilation possible, it has simultaneously sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy, traditionally the task of men behind closed doors, has become a public matter. Many foreign offices no longer confine themselves to speaking with other foreign offices *for peoples;* they also help and encourage peoples to speak *for themselves* across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world. I shall talk today about the importance of this activity, the State Department's role and interest in it, and comment on the contribution of Americans to international understanding through sister city relationships.

Many Americans ask why we should concern ourselves with international problems when we have so many serious domestic concerns demanding attention. There are several good reasons for our getting "involved with mankind": sense of common humanity. In addition, there is common sense. Modern transportation and communications, not to speak of modern weapons, have brought our neighbors' problems to our doorstep. We have no choice but to become involved, because if the problems next door are ignored, they soon become our problems.

Poverty, illiteracy, hunger and disease recognize no nation's borders and travel under no country's passport. It is not a matter of the world's poor getting poorer while the rich get richer. The poor are getting richer too. But their lot is improving so slowly that the difference—the gap—between rich and poor is widening, not closing. Unless some way can be found to reverse this trend, those who are better off must one day suffer the horrible consequences.

Whether we cooperate with our international neighbors because it is good, or right, or necessary, we must get on with it *while* we are improving the quality of life at home. We can also take some solace in knowing that the job is not ours to do alone. Many other nations share with us the desire and the capacity to help close this gap between the have and have-not peoples of the world. The facts of international life today are that common sense and common survival dictate common action to solve common problems.

People-to-people relationships contribute by enhancing the understanding of these human problems and increase the likelihood of meaningful cooperation toward their solution. Neither we nor our children will have the luxury of working on our domestic problems if we do not succeed in bringing about a climate of peaceful cooperation throughout the world during the next few years.

As societies and their problems have become more complex, more and more people are educated in international affairs and have become concerned citizens. Mass media reach and stimulate increasing numbers of people. The number of individuals and institutions that influence major decisions in every country is growing. This is true in international as well as in domestic matters.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Research scholars such as Dr. Herbert Kelman at Harvard University are attempting to develop a more scientific base for these transnational cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur; they contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures; these predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political lines. This research is consistent with the rationale which governs the exchange of persons programs of the Department of State.

DEPARTMENT-SPONSORED EXCHANGES

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program does not come immediately to mind. It is, nonetheless, a significant and important activity of the Department. The Bureau of Educational and Cultural Affairs works constantly and quietly to improve the climate for diplomacy and international cooperation.

To fulfill the aims of the Mutual Educational and Cultural Exchange Act of 1961, Department-sponsored programs are designed to strengthen patterns of cross-cultural communication in many ways which will favorably influence the environment within which U.S. foreign policy is carried out and help build the intellectual and human foundations of the structure of peace.

More specifically, these programs aim to increase mutual understanding and cooperation between the American and other peoples by enlarging the circle of those able to serve as influential interpreters between this and other nations, by strengthening the institutions through which people abroad are informed about the United States, and by improving channels for the exchange of ideas and information.

The exciting, challenging job of the Bureau is to utilize its modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. It also coordinates, as necessary, the activities of other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come not too long ago from the business world, I have a great appreciation for what is being done for an investment of $45 million annually. There are several major elements of the Department exchange program:

The Fulbright-Hays exchange program over 25 years has engaged more than 100,000 people in academic exchanges. Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States.

The international visitor program brings to the United States about 1,500 foreign leaders and potential leaders annually for one- or two-month orientation programs. This includes nonacademic leaders and professionals, from Cabinet officers to journalists. One out of every 10 heads of state in the world today has been a State Department exchange visitor, as have some 250 Cabinet ministers of other nations.

The Department of State sends abroad annually several leading performing arts groups and athletic stars; for example, recently Duke Ellington toured the Soviet Union; several jazz groups performed in Eastern Europe; and Kareem Jabbar and Oscar Robertson of the Milwaukee Bucks visited Africa.

Nearly 500 United Nations specialists selected by their home countries and funded by the UN, are programmed annually by the State Department through 30 other government agencies for six- to nine-month training programs in the United States.

The commitment to these programs is substantial. They are administered, in cooperation with thousands of volunteers and many private organizations, by Bureau personnel in Washington and at our reception centers in Honolulu, Miami, New Orleans, New York, and San Francisco. Abroad they are administered, in cooperation with the United States Information Agency, by the cultural affairs officers in our embassies. In 50 countries these are binational commissions which have responsibility for supervising the academic exchange program.

The State Department's catalytic exchange-of-persons program with 126 countries stimulates constructive communication among leaders and future leaders in many fields here and abroad. We believe it helps create durable reservoirs of information, understanding, and empathy. It develops rewarding and lasting contacts of key people of other countries with their counterparts here.

PRIVATE SECTOR PARTICIPATION

These programs depend heavily on the willing cooperation of countless private individuals and organizations throughout the United States. Their response has been outstanding. The Department contracts with a number of organizations to assist in carrying out these activities. For instance, COSERV—the National Council for Community Services to International Visitors—is a network of 80 voluntary organizations throughout the United States which enlists some 100,000 Americans to provide home hospitality and orientation for international visitors. They serve voluntarily because they believe in the importance of their work to strengthen international understanding. This makes an indelible impression on the foreign visitors they serve.

The National Association for Foreign Student Affairs counsels many of the 150,000 foreign students now studying in American colleges and universities. The Institute of International Education and several private programming agencies help carry out the Fulbright and international visitor programs.

We in the Department of State are aware that government-funded programs represent only a portion of the total private-public participation in exchanges aimed at furthering international mutual understanding. Service organizations, such as Rotary, Lions, Kiwanis, Chamber of Commerce, and Jaycees carry out world-wide people-to-people activities. Professional associations of doctors, lawyers, journalists, engineers, architects, municipal administrators, and others link their members with counterparts throughout the world. More than 30 American sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad; several youth organizations conduct international exchanges involving nearly 5,000 Americans and foreign teenagers annually. Foundations, businesses, and institutions throughout America support people-to-people activities including the private studies of many of the 150,000 foreign students who come to study in the United States annually and approximately half that number of Americans who study abroad each year. Private American performing art groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad. The People-to-People Federation and its various committees actively promote and carry out meaningful exchanges. The sister city program links 425 American cities with counterpart communities in 64 countries of the world. The Partners of the Americas carries out a significant program between the countries of Latin America and 41 partner U.S. states.

Before we undertook to encourage new exchange activities in the private sector, recently, we asked the cultural affairs officers in our embassies around the world whether they wanted an increase in exchanges by private groups. They were also asked whether these activities further our long-term purpose of increasing mutual understanding with their respective countries. Almost without exception the posts replied that they want increased exchanges. They want them to occur both to and from the United States. They confirmed that these activities contribute to removing barriers to understanding and to forming durable cooperative relationships.

The Bureau of Educational and Cultural Affairs has developed new and expanded programs, emphasizing international linkages of professional, sports, minority, youth, and community organizations. We recently set up a special office to respond to the needs of private organizations seeking to participate in international person-to-person programs. This Office of Private Cooperation, on request, helps private organizations to become active internationally.

THE CONTRIBUTION OF SISTER CITIES

The Sister City Program and the linkages you are developing around the world are playing a significant part in furthering our common objective of international understanding and the interests of the United States. In meetings with community leaders throughout the United States, I have become very familiar with the intensive activities being carried out between U.S. sister cities and their counterparts throughout the world. What impresses me most about this program is that it provides for a feeling of identification and a feeling of belonging to another community in another part of the globe; this feeling has much carry-over benefit in the process of breaking down barriers to understanding and dispelling myths not only at the local, but also at the national level. I know from having talked to many of your leaders, how strongly the citizens of one city, Hialeah, felt on December 23rd when they learned their sister city had suffered a disastrous earthquake. Because people in this community cared about the people in their sister community, they succeeded in providing more than $8,500,000 in relief assistance to the people of Managua. Unlike almost all other exchange of persons programs the sister city affiliations develop this feeling of attachment. It goes beyond the communities concerned and affects the climate for international cooperation.

Thousands of American and foreign youth live with families and attend schools in their sister cities. A number of U.S. cities have sent technical assistance to their sister cities. A few U.S. cities have received aid and assistance from their sister cities abroad. Many cultural and performing arts groups have been exchanged between sister cities. I know of a number of cooperative arrangements in which sister cities are working with their counterparts in finding solutions to urban problems. In a number of cases, a sister city in the United States has teamed up with a sister city abroad to provide assistance to yet a third city in another country. The celebration of important anniversaries in the life of sister cities or the nations of the sister cities has done much to generate international goodwill and cooperation. I could go on reciting literally hundreds of projects and programs, with substantial mutual advantages, with which I am familiar being carried on within the sister city framework. However, I know the Sister Cities International, as the national, private coordinating organization which promotes and facilitates these relationships, is keeping you well informed.

I have been asked on many occasions by private organizations and individuals what more they might do to further international understanding. My colleagues in the Department of State and I frequently suggest they participate through the sister city program. As a more general response, I would urge American communities to adopt the following 10-point program either in whole or in part, as a means of furthering understanding within the sister city framework:

1. Service organizations can carry out their public service activities on an international level with their counterpart groups in sister cities.

2. Youth organizations such as the Boy Scouts, Girl Scouts, 4–H, YMCA, YWCA can carry out their programs with their international counterpart groups in their sister cities.

3. Sports organizations can carry out athletic programs with counterparts in their sister cities.

4. Music and art groups can carry out meaningful interchange, enhancing communication in their respective "universal languages."

5. Professional organizations of doctors, lawyers, journalists, city officials, architects, engineers, and many others can work creatively and usefully on common problems with their counterparts in their sister cities.

6. Institution-to-institution linkages on a one-to-one basis can be formed in sister cities between, for example, libraries, hospitals, rehabilitation centers, universities, schools, and museums.

7. U.S. corporations operating internationally can, as a public service, sponsor sister city activities both in furtherance of international understanding as well as their own interests.

8. Communities can internationalize their local American Revolution Bicentennial Commemoration by engaging sister city counterparts in planning and implementation.

9. All organizations can expand their programs of home hospitality and community orientation for visitors from their sister cities.

10. The media organizations can help maximize the goodwill developed by ensuring wide media coverage both in the U.S. and abroad.

I hope you will continue your state-wide cooperative efforts to strengthen sister city relationships throughout the world. Your new programs with the Soviet Union, Eastern Europe, and young countries in Africa are all very exciting. Just as exciting are the expansion and strengthening of programs now underway in Latin America, Asia, Western Europe, Australia, and Canada. The sister cities of Florida are providing a model of state-wide cooperation for the nation in furthering people-to-people relationships. As you move ahead, please do keep us informed through Sister Cities International. We might be able to help.

Your work is important to all of us in improving our international relationships, lessening the likelihood of hostility resulting from misunderstanding, and reinforcing tendencies to constructive cooperation by governments and peoples.

Thank you for all you are doing in drawing upon the tremendous capacity for commitment of the American people to further international understanding. As President Nixon, who is honorary chairman of your national organization, has said, "When we truly know one another, we can have differences without hating one another." You are helping in this work to build the human foundations of the structure of peace.

THE LATE NICK BEGICH

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. HANLEY. Mr. Speaker, I want to take this opportunity to offer a personal note of sympathy to the family of our late, beloved colleague, Nick Begich.

I think everyone in this Chamber will agree that Nick Begich was on the threshold of a magnificent career in government. He had already served the people of Alaska, and indeed, of the entire United States, with great dignity and dedication. The fact that he was reelected to the House of Representatives last fall, even though presumed dead, is a testimony to that fact.

Nick was a skilled legislator and a good politician in the finest sense of that term. We will miss him as a legislative colleague, but we will miss him more as a friend.

Rita joins me in extending our deepest prayers to Nick's lovely widow, Pegge, and to their six wonderful children.

SPORTS—THE UNIVERSAL LANGUAGE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. O'NEILL. Mr. Speaker, I know of no finer way to enhance international understanding and cooperation than through the universal language of sports.

Friendly and spirited team competition like basketball, baseball, and soccer, or individual tests of skill, speed, and endurance like tennis, track, swimming, and gymnastics can open doors to societies and individuals for expanded economic, cultural, and political contacts.

Sports can indeed pave the way for serious comunication and cooperation across ideological and political barriers.

Alan Reich, Deputy Assistant Secretary for Education and Cultural Affairs for the Department of State is a dedicated advocate of developing better understanding between peoples of the United States and other countries through the language of sports.

I wholeheartedly commend to my colleagues the excellent remarks Alan made before the General Assembly of the International Sports Federation at their annual conference in Oklahoma City and ask that his remarks be inserted in the RECORD at this point:

SPORTS—GATEWAY TO INTERNATIONAL UNDERSTANDING

We all have two important interests in common—sports, and furthering international understanding. You represent thirty-seven different sports played in all nations of the world by many millions of people. You personify mankind's continuing commitment to sports. Throughout history—from the Egyptians to the Romans to the Greeks to the Celts to present day—sports have ennobled man's existence. But not until the modern Olympic era began in 1896 have sports, as one kind of cross-cultural, transnational interaction and communication, become a significant force for international understanding.

I shall discuss the rationale for this informal communication (I call it people-to-people diplomacy); the interest of the U.S. Department of State in the activity; and our work, in cooperation with the private sector, in furthering international understanding through sports. In my closing, I shall acquaint you with twelve suggestions I offer to U.S. sports groups, when they request them, for contributing toward this goal.

PEOPLE-TO-PEOPLE DIPLOMACY

Technological advances have made nuclear war a threat to mankind's existence. Fortunately, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons build-up may be broken. Prospects for increased government-to-government cooperation look better today than at any time since World War II. The great powers are focusing on areas of common concern and not only on their differences. The results appear promising.

While technology has made nuclear annihilation possible, it also has sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy, traditionally the task of men behind closed doors, has gone public. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people interchange.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Research scholars such as Dr. Herbert Kelman at Harvard University are developing a more scientific base for these transnational cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur. They contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures. These predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political or nationalist lines.

ROLE OF STATE DEPARTMENT IN INTERNATIONAL EXCHANGE

When you think of the State Department's conduct of our international affairs, people-to-people diplomacy and exchange-of-persons program may not come immediately to mind. It is, nonetheless, a significant Department activity carried out with 126 nations of the world. The Bureau of Educational and Cultural Affairs works constantly to improve the climate for diplomacy and international cooperation.

To fulfill the aims of the Mutual Educational and Cultural Exchange Act of 1961, Department-sponsored programs are designed to strengthen patterns of cross-cultural communication in ways which will favorably influence the environment within which U.S. foreign policy is carried out and help build the intellectual and human foundations of the structure of peace.

More specifically, these programs aim to increase mutual understanding and cooperation between the American and other peoples by enlarging the circle of those able to serve as influential interpreters between this and other nations, by strengthening the institutions through which people abroad are informed about the United States, and by improving channels for the exchange of ideas and information.

The exciting, challenging job of the Bureau of Educational and Cultural Affairs is to use its resources to reinforce the work of American individuals and organizations who want to help construct the foundation of better relationships with the rest of the world.

It also coordinates, as necessary, the activities of other government agencies with international exchange programs in such fields as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come to the State Department from private business, I have gained great appreciation for what is being done at an investment of $45 million annually. There are several major elements in the Department's exchange program:

Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States. The international visitor program brings to this country about 1,500 foreign leaders and potential leaders annually for short orientation tours. Each year we send abroad several leading performing arts groups and athletic stars. For example, in the past two years, Duke Ellington toured the Soviet Union; several jazz groups performed in Eastern Europe; and Kareem Jabbar and Oscar Robertson of the Milwaukee Bucks visited Africa. (The visit of the U.S. table-tennis team to the People's Republic of China was, of course, totally a private effort.) We also send some 150 U.S. lecturers abroad annually for short lecture tours.

These programs depend on the cooperation of thousands of private individuals and organizations whose response has been outstanding. The Department works closely with a number of organizations that assist in carrying out these activities.

The National Council for Community Services to International Visitors (COSERV) is a network of 80 voluntary organizations in the United States, which enlists some 100,000 Americans to provide hospitality and orientation for international visitors.

The National Association for Foreign Student Affairs, counsels many of the 150,000 foreign students now studying in American colleages and universities.

The Institute of International Education and several private programming agencies help carry out the Fulbright and international visitor programs.

PRIVATELY SPONSORED EXCHANGES

We in the Department of State are aware our programs represent only a portion of the total private-public participation of Americans in exchanges aimed at furthering international mutual understanding. Service organizations, professional associations of doctors, lawyers, journalists, municipal administrators, and others link their members with counterparts throughout the world.

More than 40 national sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad. Several youth organizations conduct international exchanges with nearly 5,000 American and foreign teenage participants each year.

Numerous foundations, businesses, and institutions throughout America facilitate the private studies of many of the nearly 150,000 foreign students who come to the United States annually and approximately half that number of Americans who study abroad each year. Private American performing arts groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad.

The People-to-People Federation and its committees actively promote and carry out meaningful exchanges; 430 American cities are linked through the Sister City Program with communities in 63 countries of the world.

What may not be quite so apparent yet is the quite logical social and political fall-out of these countless millions of contacts between people and organizations of various nations. Such contacts become ongoing human and institutional interactions. In turn, these interactions develop into the dynamic and largely spontaneous growth of thousands upon thousands of linkages—between towns and cities, clubs and organizations, professional societies, universities and cultural institutions, sports enthusiasts and businesses, government ministries, labor unions, and individuals—all over the world. These linkages in turn become webs of more and more complex relationships. As a result physical, psychological, cultural, and economic interdependence, become an indisputable overarching reality.

But we have not as yet arrived at the millennium. Swords cannot yet be beaten into plowshares. For the foreseeable future there will be much work for my diplomatic colleagues in their customary stocks-in-trade of crisis management, conflict settlement and trade negotiation. But hopefully constructive, cooperative and complementary linkages and webs will become commonplace *at* every level of society and *between* every level—and *among* institutions public and private as well as *within* each such sector. At that point there should be less of the traditional *political* and more of the new functional emphasis in our foreign offices.

As the recent annual Foreign Policy Report of the President stated, "These trends are not a panacea but they are contributing to the climate of international understanding in which governments can pursue the adjustment of official relationships. They also afford the individual citizen meaningful ways to help build the structure of peace which is America's goal."

SPORTS FURTHER INTERNATIONAL UNDERSTANDING

So much for informal, international communication in general; what about sports, in particular? In this decade we have witnessed some of the most significant international sports events in history; some have *made* history. I should like to comment on the ways in which sports, as a universal language, can further international understanding. (I recognize of course the nature of the contribution of sports varies greatly depending on the countries involved, their relationships, and the particular sport.)

Sports open doors to societies and individuals and pave the way for expanded contact—cultural, economic, and political. The recent table-tennis exchanges with the People's Republic of China are an outstanding example in which U.S. athletes have been involved.

Sports provide an example of friendly competition and give-and-take two-way interchange which hopefully characterizes and dignifies other types of relationships between nations in this era of growing interdependence.

Sports convey on a person-to-person basis and through the media to the broader public a commonness of interest shared with other peoples across political boundaries. This awareness and emphasis can carry over to and influence other kinds of international relations.

Sports enhance understanding of another nation's values and culture, so important but often absent in many forms of international communication. These qualities include determination and self-sacrifice, individual effort as well as teamwork, wholesomeness, empathy, good sportsmanship, and a sense of fair play. Sports thus help to improve perceptions of other peoples and to close the gap between myth and reality.

Organizing and administering international sports are the basis for ongoing, serious communication and cooperation across ideological and political barriers. This is demonstrated here. In this work, sports associations, as nongovernmental groups are symbols of the freedom of peoples to organize themselves, to travel and communicate across national boundaries, and to work together to carry forward freely their own interests. They further the ideals of freedom.

Your respective sports associations help develop leadership which is needed especially by the developing nations as they struggle to reduce the gap between the have and have-not peoples of the world.

I could illustrate each of these values of international sports with many examples, as I am sure you could. We could cite cases in which negative results were realized. But on balance, the many thousands of ongoing interactions in sports annually are a tremendous force for good in the world. For all these reasons, the U.S. State Department has a serious commitment to international sports.

THE ROLE OF U.S. DEPARTMENT OF STATE IN SPORTS

Since sports in the United States is a nongovernmental activity, the State Department's role reflects this basic concept in international sports. Our interest is in furthering international mutual understanding and communication through sports. As part of the official U.S. cultural relations program, our sports office in the Department carries out, in cooperation with the cultural officers in our embassies, a small, but excellent, and we hope catalytic, program. It includes sending overseas each year 10–20 coaches on request of other nations.

We also send a small number of outstanding athletes abroad to conduct demonstrations and clinics. We are planning to send abroad on request a few carefully selected groups of coaches and athletes to teach the organization and administration of sports. We bring several sports administrators annually to the U.S. for orientation tours as recommended by our embassies. We occasionally arrange to "pick up" a US group participating in a sports event abroad and send them on a goodwill tour into additional countries. Last month, for example, the Coca Cola Company sponsored an AAU international swimming meet in London; we sent four small teams of U.S. participants after London into Eastern Europe and North Africa.

We also make a few small seed money grants each year to help selected organizations raise private funds to carry out their programs more effectively. Reflecting our interest in two-way interchange, we recently assisted the Partners of the Americas to send a group of basketball coaches to Latin America and bring soccer coaches to the United States.

In addition to these programs, we facilitate private efforts, when possible, by providing briefings in the United States or abroad, by offering suggestions for cooperative programming, by assisting with communications, or by furnishing guidance on international affairs. Our Consulate General in Munich provided considerable planning assistance to the U.S. Olympic Committee over a period of months in response to their request.

There are thousands of privately-sponsored international sports activities annually involving trips to and from the United States of athletes, coaches, and administrators. It is in our national interest—in the U.S. taxpayers' interest—to help ensure that these activities do in fact contribute, to the maximum extent possible, to better international mutual understanding. We assist while at the same time seeking to preserve and encourage the private sector initiative, vigor, and dynamism which are America's strength. Therefore, our facilitative role in helping U.S. sports organizations carry on *their own* international programs effectively is our most important one. As the focal point for all these activities, our sports office has a big job to do.

I frequently have been asked by leaders of private U.S. sports organizations what more they might do, beyond what they already are doing, to further international understanding. You might be interested in 12 suggestions I offer to them for their consideration and action:

1. Help strengthen the Olympic movement, including the Olympic development program.
2. Strengthen the ties which bind us with other peoples by actively participating in international sports associations.
3. Increase exchanges both to and from the United States of leaders in sports.
4. Increase the exchange of sports films, journals, and other printed materials.
5. Develop cooperative programming with other private organizations such as People-to-People Sports Committee, Partners of the Americas, Operation Cross-Roads Africa, Sister Cities International, youth, and community service organizations.
6. Seek greater public visibility through the media to expose the maximum number of people here and abroad to the international goodwill generated.
7. Help ensure U.S. participants in international sports interchange gain advance understanding of important cultural differences and political realities.
8. Seek facilitative and financial assistance of U.S. companies operating internationally, since they have an interest in carrying out public service activities abroad as they do in the United States.
9. Develop and carry out international sports events in support of disaster relief, which also serves to dramatize the humanity of sports.
10. Encourage and publicize the participation of international federation representatives at sports events to dramatize the universality of sports and its contribution to international understanding.
11. Assist other nations as requested in building their counterpart sports organizations to ensure ongoing interchange.
12. Provide home hospitality, in cooperation with community organizations, for international sports visitors to the United States.

While we carry out a few programs and facilitate many more, our most important consideration, as a government, lies not in winning but rather in increasing understanding as a basis for cooperation. From the standpoint of the U.S. Department of State, one of the most important sports exchanges in recent years was the visit of the table-tennis team to the People's Republic of China. It didn't matter who won; it did matter that it opened the way for greatly increased two-way communication. In many less spectacular instances sports interchange, whether we have won or lost has contributed greatly over the years to our common objective of furthering international mutual understanding.

It is an honor to welcome officially to the United States this group of distinguished sports leaders from around the world for your first conference in our country. Together with you, I am grateful to the General Assembly of International Sports Federations, the International Softball Federation, the Amateur Softball Association of the United States, and the dedicated citizens of Oklahoma City for making possible this important meeting.

Thank you for your continuing efforts to further the ideals of sports worldwide and in the process for helping to build the human foundations for the structure of peace.

EUROPE AT THE CROSSROADS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. WHALEN. Mr. Speaker, the recently concluded Paris Air Show provided the opportunity for a review of where the United States stands in the important field of international aviation.

That we are the world leader in aerospace is an undisputed fact, although one would have been hard put to glean that information from our showing in Paris. According to the press reports I have read and the comments of firsthand observers, our presence was distinctly minor because of key individuals in the executive branch taking the small view of things.

The Europeans have begun to crowd the United States for first place but still have a long way to go. The point at issue is not that of prestige so much as it is that of exports and the revenues they produce. Aerospace provides a massive credit on the debit-ridden ledger of American payments balance. Whether the Europeans, including the Soviets, can wrest that lead from us remains to be seen.

Two valuable insights into the world of international aviation and the Paris Air Show itself have been provided by the distinguished editor of the aerospace bible, Aviation Week & Space Technology magazine. Robert Hotz approached both subjects with his customary candor and I insert his editorials from June 4 and June 11, 1973, at this point in the RECORD.

EUROPE AT THE CROSSROADS

The European aerospace industry is facing a critical crossroads in its quest to achieve the status of a major competitor in the international marketplace. Its current dilemma was reflected in the mirror of the thirtieth Paris air show last week where all of the elements of international competition were etched in sharp relief for all but the most unperceptive observers to see.

As we have noted before, Europe has made tremendous strides in the past decade in organizing its resources to produce technical products that are competitive. But it has not yet achieved the results that these technically sound products promised. Therein lies the essence of European aerospace's current dilemma. The reasons that this new line of technically sound products has not yet paid off in substantial sales lie in three basic areas.

First, Europe has not organized as a market to support the industry alliances it has achieved at the technical levels. The captive markets created by each European consortium are still fragmenting the European market. Although they have made the fragments larger they are still too small to be economically viable. Not even within the framework of the 15-nation NATO alliance can a common military market be found.

In the commercial field the outlook is equally dismal. The nationally supported scheduled airlines of Europe are doing a miserable job of serving the traffic needs of European travelers. Supported by capacity restrictions, high fares and revenue pooling, the European national airlines have let the air travel market pass them by. The bulk of European air traffic is being carried by charter operators. The pattern of scheduled air service has been outmoded by changing times. If transports such as the A-300B Airbus and Europlane are to sell in profitable quantities in Europe a new air service pattern must be established serving the mass market needs and modern economic patterns.

Second, European aerospace has concentrated so much on developing new lines of technically advanced hardware that it has badly neglected its marketing and sales capacity. The kindest thing that can be said about current European sales techniques is that they are elementary. Even worse is the lack of shrewd marketing inputs in the design and development stage. European marketeers are discovering too late that many of their products, while fine flying machines, just miss most of the operating airlines' requirements. At Le Bourget last week there was a veritable snowstorm of paper airplanes emanating from European manufacturers that emphasized this tendency to produce hardware without much thought as to where and how it can be sold. One veteran perceptive observer of the international scene described it as "technology in search of a market." Another quipped: "A lot of solutions looking for a problem."

One very sensitive element of the European sales pitch is price and here tradition lays a heavy dead hand on progress. The European aerospace industry is heavily overstaffed and there is strong trade union and political pressure to keep it that way. Despite Rolls-Royce's bankruptcy two years ago there has been no substantial reduction in its swollen employment and it is still producing far less horsepower than its two American competitors do with far fewer employes.

The heavy, constant overhead that European aerospace is forced to carry makes it difficult to develop a competitive pricing range.

Third, the competition is getting tougher. The U.S. industry has come out of its three-year recession a leaner, tougher and more hungry industry that has learned some important major lessons in productivity, product development and the vital need for exports. Aerospace exports also have become a major national economic necessity where their 10:1 ratio is urgently needed to keep the U.S. negative trade balance from growing to unmanageable proportions. The sagging of the dollar in international exchange has provided a 20% price advantage in the export market. The U.S. Congress would be well advised to abolish the 5% import duty on aerospace products as it serves no useful purpose and could do future damage. It was evident at Le Bourget that the European sales teams are not used to the kind of rough and tumble game that Boeing, Lockheed and McDonnell Douglas have been playing against each other for decades. They tend to interpret it as something special directed against Europeans as part of a mythical American plot and not just a normal way of life for the aerospace hardware peddler. It reminds us very much of European hockey players, whose rules protect them from body checks everywhere except in the offensive zone, running up against the Canadian game for the first time where checking is legal all over the ice.

There is no American plot to throttle European aerospace. That is a myth concocted to conceal poorly executed programs that failed. In fact there will be increased U.S. technical and economic ventures with Europe. But there is a lean, tough and hungry American aerospace industry that needs exports more than ever before and is going to play aggressive, rough hockey all over the ice—not just behind its own blue line.

Europe must decide soon whether to tackle these very real problems and forge ahead, or abandon its gallant attempt to become a potent force in international aerospace.

—Robert Hotz.

Paris Vintage 1973

The chalet flags were drooping limply at half staff in mourning for the six-man Russian crew of the Tupolev Tu-144 supersonic transport and the French citizens killed by its fatal plunge as the thirtieth Paris air show passed into history. The sense of tragedy over the loss of the crew and the villagers of Goussainville was made more poignant by the loss of a fine aircraft that had aroused the professional technical admiration of the designers of many nations who observed it for the first time at Paris.

The Tu-144 that appeared at Le Bourget two weeks ago was a far different aircraft than the prototype that made its Western debut in 1971. The speed, determination and skill with which the Tupolev design bureau had corrected the obvious deficiencies of the early prototype excited admiration from Western counterparts who studied the 396,000-lb. gross weight. Mach 2 giant. Soviet aircraft production ministry officials said soon after the Tu-144 crash that their supersonic transport development program would continue. And so it should. For the circumstances that tore apart the pre-production model over Le Bourget would never be met in the severest transport operations and no civil aircraft could withstand stresses imposed on the Tu-144 in the final phase of its demonstration at Le Bourget.

Aside from the Tupolev tragedy, the 1973 Paris air show lacked some of the effervescence of its earlier stagings. Exactly which qualities were missing elicits varying opinions, but virtually all agree that something was missing and it was a less exciting occasion than formerly.

Some observers felt that the change came from a shift in emphasis from developing exciting new technology to the more mundane business of trying to sell existing technology to hard-nosed markets. There was certainly plenty of that going on in the rows of chalets and the usual abundance of customers from the far reaches of the globe that makes the Paris show unique. Other observers felt that the sobering effects of the American industry's recent recession and the dimming of once bright European prospects to make profitable inroads into the international civil market produced the more sombre tone.

In contrast, the management of the show was never better. The new permanent construction exhibit halls, the new chalets and the drainage and pavements effected long needed improvements. Col. Henry Lafont, director of the show, deserves considerable credit for his efforts that bore fruit in 1973.

There also was new technology, if not in the exciting quantities that gave previous shows a champagne effervescence. The dramatic Apollo-Soyuz docking display of flight-type hardware linked as it actually will be in space was the star attraction of the static show. Equally interesting was the manner in which a U.S. team headed by Charles Biggs of NASA's Johnson Space Center in Houston and a Russian Academy of Sciences team in Moscow headed by Igor Pochitalin worked together in two languages and two countries to join their spacecraft above the crowds at Le Bourget.

In addition to the new design Tu-144 supersonic transport, the most interesting aircraft at the show was the Navy's Grumman F-14 Tomcat fighter powered by two Pratt & Whitney TF30-P-412 engines and flown by a Navy fighter team with Cdr. Jim Taylor in the front seat and Lt. Kurt Strauss in the rear cockpit. This Navy team flew almost every day of the show in skillful performances that demonstrated eloquently the remarkable flying qualities of this aircraft. It was a tonic to the U.S. industry at the show to see its superb performance as well as an eye-opener for the international observers. It was obvious at Le Bourget that, underneath the bales of legal and financial controversy that have hampered this aircraft's development, the U.S. has again produced a superb new generation of fighting aircraft. Other notable flight performances were by:

Capts. Gunnar Stahl and Anders Levert of the Swedish air force with their twin Viggen routine.

Ron Gellatly and Roy Moxan of the Westland flight test staff for their performance in the Lynx helicopter.

Robert W. Fizer and Hartwig A. Baier for their demonstration of the maneuverability and short-field capability of the Cessna Citation.

John Farley and Andy Jones of Hawker Siddeley for displaying still more capability in the oft-demonstrated Harrier V/STOL fighter.

Siegfried Hoffman for his flights in the Boelkow Bo. 105 helicopter.

Bob Hoover contributed another chapter to his growing stature as an international folk hero with a four-a-day flight routine demonstrating the Northrop F-5E for the first time and repeating his incredible energy control technique with the Rockwell International Shrike.

The U.S. Navy Blue Angels, the Patrouille de France and the British Red Arrows all flew beautifully precise and imaginative areobatic routines with the Blues having only a slight edge over their international competitors who were in as fine form as we have ever seen them.

The U.S. flight line suffered greatly from interdepartmental bureaucratic fumbling that kept several highly exportable military aircraft out of the show. It is obvious that the U.S. government needs some perceptive top-level policy direction for its aerospace exports to thwart the tiny minds of entrenched civil servants that blunt the thrust of so many excellent ideas.

There appear to be three major lessons to be learned from the 1973 Paris air show.

First, technology is no longer enough. It must be accompanied by shrewd market analysis from design stage to production for any sales success in the tough international competitive markets.

Second, new patterns of international cooperation are necessary to open new international markets, with customers demanding a share in new technology as part of their price.

Third, transport aircraft should be demonstrated in the flight regimes for which they were designed. No useful purpose was served by French and Russian pilots dueling in their supersonic transports like giant pterodactyls in a flight regime that should be reserved for high-performance fighters.

Robert Hotz.

MAN YOU DON'T SEE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. KARTH. Mr. Speaker, it is regrettable, but a fact of life nonetheless, that in the face of problems when help is needed the average citizen often says he just does not have the time to lend a hand. Fortunately there are other citizens who are hardly average who unselfishly give of themselves. I am not talking about the once-a-year check to a community fund drive, but the kind of citizen who contributes his time and talents on a day-to-day basis to make this world a better place for all of us.

The only reward sought is that of knowing that something useful is being accomplished and that someone's life has been made better for the effort. It is altogether fitting that our friends in the press discover these citizens who give so untiringly of their time and bring them to the attention of the community. I am proud today to put in the RECORD a recent "Oliver Towne" column written by Gareth Hiebert that appeared in the St. Paul Dispatch. The subject of the column is a man I have known personally for a number of years, but to illustrate this man's modesty I had no idea of the work he has been doing with young men on probation. Citizens like Dick Long deserve our honor and recognition, and I place his example of citizenship in today's RECORD.

The article follows:

MAN YOU DON'T SEE

(By Oliver Towne)

Dick Long is a name you read in the Cadillac ads.

"Long Cadillac" is a sign over a showroom of sleek, expensive cars on W. Seventh Street.

Dick Long is a regular at the Round Table in Bob Gallivan's at noon. His Irishness blends into the scene. His "Green Cars" on St. Patrick's Day haul the celebrities. He is a hail-fellow-well-met.

That's "Cadillac Dick Long."

Dick's business day touches the wealthy, influential cross-section of the city because they can afford what he sells.

There is another Dick Long you won't read about in the ads or see in Gallivan's at noon or the Minnesota Club.

If you happen to be in the vicinity of Long Cadillac some afternoon about 4 p.m., a young man will saunter up the street, walk into the showroom and Dick's office.

He doesn't look like a Cadillac customer. He's not.

He's one of Dick's "probation boys." For maybe 30 minutes, Dick and he will have a "rap session" about the new job the young man has—Dick arranged that. And about how he's getting along living alone in one room near the Loop instead of a Group Home.

One thing about those daily meetings. Whatever else Dick Long may be doing—even selling somebody a $10,000 automobile—when the kid comes in, Dick drops everything and they go into the office to talk.

How did the boy's day go? Is he having any problems he can't solve? Does he like the job? Can he come to dinner at the Long house on Sunday?

The boy isn't Dick's only concern. There are four other young fellows in the city, for whom Dick Long has assumed a certain responsibility.

When you know that Dick has five children of his own, and is deeply involved in building a business, his efforts take on even more meaning.

For a man who has been part of the city only six years, you naturally ask "why?" And "how?"

Dick and his wife and family started out in Chicago after his return from the Korean War in the 1950s. Then they moved to Rhinelander, Wis., where he had the Cadillac-Pontiac agency.

"When this opportunity opened in St. Paul, I was scared about coming back into a big, impersonal city, where there was a lot of throat cutting, where nobody knew his neighbor," says Dick.

But St. Paul was just the opposite for him. A big, overgrown town where people knew each other and tried to help each other, given half the chance.

"Or at least I found people would go more than half way if you did," says Dick.

It was his involvement with a lot of activities and also some personal reasons that brought him face to face with a place called Boys Ranch near Austin, an idea sponsored by the sheriffs of Minnesota to rehabilitate juveniles in trouble.

"Actually, it was Ramsey County Sheriff Kermit Hedman who got me started," says Dick.

When these boys come off the Ranch, "they walk a tight wire . . . family problems . . . job problems . . . making friends . . . personal identity . . . and they can go bad again," says Dick.

"I saw this happening and I offered to try and help a few. Informally. But I discovered that once you make a commitment, you have to hang in there. It's sometimes a frightening trust these kids have. You can't drop them once you start."

So Dick Long has become a volunteer probation agent and he works through the court of Juvenile Judge Archie Gingold.

It will be midnight and the police department calls to say one of Dick's boys has just been arrested for celebrating his 17th birthday by drinking a bottle of vodka at a party.

So Dick goes down next morning to talk to the boy in jail or at Woodview Detention home and he talks to the police and the court and maybe the suggested solution is a new Group Home or perhaps Dick suggests he will tighten the reins a little in monitoring the kid's day by day life.

This takes time. This takes concern. But there are rewards. One of Dick's "boys"—a real challenge—expressed it this way:

"I sit in a room thinking of a man
A man of trust and
A man of understanding
A generous person as well as kind
To whom I owe the world
In times of depression he's always at my side
In times of sickness a person on which I can
    rely—upon on a man who guides me
    through trials, hardship and life
So as I travel through time
I'll try to understand
What life has to offer and to this I thank a
    man."

"I wish I were like that man," says Dick. The kid thinks he is.

THE HOUSING SHORTAGE HUD CREATED

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mrs. GRIFFITHS. Mr. Speaker, when Richard Nixon was a candidate for President in 1960, he made comment that a President's main area of responsibility is in the field of foreign affairs, and that a good Cabinet is capable of attending to the domestic side of the Government. Now that Leonid Brezhnev has gone home and before another day passes in the presidentially proclaimed "Year of Europe," President Nixon should turn his attention to the United States to determine just how well the domestic side of the Government has been attended.

The President, or HUD, owns a home in practically every Detroit neighborhood. He even owns a house down the street from my home in Detroit, and let me assure you that he is a lousy neighbor. He does not cut his grass nor replace broken windows, and allows vagrants, vandals, and arsonists to do whatsoever they desire to his property. I am referring, of course, to the swelling tide of homes repossessed by HUD's Federal Housing Administration that is engulfing Detroit and its surrounding communities. On this date, almost one-fourth of all FHA repossessed homes are located in eight counties of southeastern Michigan.

In this eight-county area, HUD holds the deeds to over 15,000 vacant homes. Some of these homes are custom designed, have four bedrooms, as many baths, and have marble windowsills throughout. If these homes had been placed on the market immediately upon repossession, they would not have gone long without buyers. The problem is that HUD's redtape prevents the ready sale of these houses, and during the interim between repossession and notice for sale the houses are neglected, repair costs mount, and the value of the houses fall, taking with them the property values of the neighboring homes.

There have been many articles in newspapers across the country on the amount of taxpayers money that has been spent for "security reasons" on President Nixon's residences in San Clemente, Calif., and Key Biscayne, Fla. In repossessing homes in the Detroit area and then refusing to sell them until there are no longer any interested buyers, however, the people in FHA have made the Secret Service look like pikers. Since 1970, holding costs alone for repossessed homes in the Detroit area have totaled over $180 million. More than $60,000 is being lost each day on these homes—over $20 million a year—and none of this money is going to rehabilitate the properties. In an effort to save money, HUD turns off heat in these houses. In doing so, however, they regularly neglect to turn off the water. Anyone who is familiar with Midwestern winters should realize that this lack of foresight has caused many broken pipes, accompanied by ruined floors, rotting plaster, and severe structural damage.

The Detroit News has gone to great length to bring information on this excessive waste of taxpayers money before the public in an effort to spur HUD to effective action. The man responsible for writing the majority of these perceptive, albeit disheartening, articles is a constituent of mine, Mr. Donald Ball. In his most recent article for the News, published on Sunday, June 24, Mr. Ball cites the many shortcomings of the Detroit area FHA office, including the overwhelming passion to call in expensive "experts" when additional office personnel would go much further to relieve this evergrowing burden from the shoulders of the Nation's taxpayers.

In this year when Government spending has become the overriding issue before Congress and the American people, I urge my colleagues to read Mr. Ball's article. We need not lie awake at night to consider how poorly our Nation's priorities have been alined. It is obvious from this article that they have not been alined at all:

Eight-County Mortgage Losses May Reach $250 Million—HUD Housing Blight Widens in State

(By Don Ball)

The house blight threatening to strangle Detroit—thousands of vacant, deteriorating homes repossessed by the U.S. Department of Housing and Urban Development (HUD)—is creeping into the suburbs and beyond.

One mortgage banker who thought the problem was confined within the Detroit city limits described its cancer-like growth in southeastern Michigan as "horrendous."

"There was no reason for it to become a problem out there if HUD had done its job properly," he said.

Bureaucratic red tape and confusion has blocked the sale of many HUD-owned homes in southeastern Michigan, allowing them to fall into disrepair or be pillaged and burned by vandals, according to many reputable real estate brokers.

One measure of the staggering proportions of the scandal is that the repossessed homes in southeastern Michigan make up nearly one-fourth of all homes owned by HUD in the nation.

With FHA mortgage insurance losses in southeastern Michigan climbing toward the quarter-billion dollar mark by the end of this year, one worried HUD official conceded:

"There's never been an equal to the Detroit-area situation in the history of the FHA."

The scope of the failure of the Detroit-area HUD office to control the problem and prevent its spread was uncovered by a Detroit News survey of more than 22,000 deeds recorded since Jan. 1, 1970, in eight southeastern Michigan counties.

In that time, the records show that the Detroit HUD office has repossessed 18,337 homes in Wayne, Oakland, Macomb, Genesee, Monroe, Midland, St. Clair and Washtenaw counties.

The record also showed that HUD sold only 3,781 of its homes in the same period.

With the acquisitions, HUD's inventory in the eight-county area soared to more than 15,500 residential properties because HUD owned 1,089 homes repossessed prior to Jan. 1, 1970.

In sheer volume of properties, HUD's inventory is considerably larger than the number of residential units in Bay City—14,000 units for that city's 49,500 residents.

Records in the eight-county area also reveal that more than three-quarters of the HUD homes have stood vacant and deteriorating for periods up to several years.

At the same time there are housing shortages in southeastern Michigan.

One mortgage banker, indignant over such waste, blamed Washington HUD headquarters, saying:

"The huge number of repossessions has swamped the Detroit HUD office, and it has never been given sufficient manpower to handle the job."

Most of the real estate brokers, salesmen and mortgage bankers contacted by The News agreed to discuss the size and impact of the HUD fiasco only if their identities were withheld.

Real estate brokers generally blamed red tape for the empty homes, saying they could sell most of the houses if only they were put on the market as soon as possible after repossession.

Others said HUD wasted money—$2½ million—by sending a task force of experts to Detroit last year instead of hiring more staff.

There were hints that some management brokers given houses to rehabilitate and sell were instead sitting back and collecting HUD fees while the houses remained vacant.

Most agreed that:

The threat of blight accompanies the spread of vacant homes in communities outside Detroit.

Instead of keeping up with the problem, HUD is falling further and further behind.

Past efforts by HUD to stem the tide have proven fruitless and it needs a new "sell" philosophy if it is to clear away the backlog and halt the spread of the worst housing situation in the country.

The HUD-administered FHA insurance fund has paid out an estimated $160 million in southeastern Michigan for mortgage foreclosure costs on homes which HUD has repossessed since Jan. 1, 1970, and not resold.

At least another $20 million has been paid out by the fund in the same period for holding costs on the homes in southeastern Michigan, including such charges as taxes and management fees.

With the total costs in 41 months standing at $180 million, the end apparently is not in sight.

"Reputable real estate salesmen could market most of the HUD homes in the eight counties in a relatively short time if HUD would eliminate some of the confusion and red tape," one broker said.

"As it is, a broker will get a buyer for a home only to find that HUD is not ready to sell.

"Then the chances are that the home will deteriorate so badly before HUD gets around to selling it that either a fortune has to be spent on rehabilitation or it is torn down."

The county records examined by The News showed that HUD has regularly been repossessing more than four times as many houses as it has sold.

Records showed the major problem is in Wayne County, where HUD has repossessed 14,700 homes—most of them in Detroit—and sold 2,946, increasing its inventory of vacant dwellings by 11,762 properties in the last 41 months.

But HUD also repossessed 3,673 homes in the seven outlying counties, while selling only 835 during the same period.

HUD in the past has said that its major problem in rehabilitating and selling its homes was in Wayne County because of the sheer volume and "big-city troubles."

However, its percentage of sales in the outlying counties has been only 22.9 percent, barely above the 20 percent in Wayne County.

In Oakland County last year, for instance, HUD repossessed 637 homes—mostly in Pontiac—and sold only 117, or 18.3 percent. Some of the other homes are in Madison Heights, Royal Oak, Hazel Park and Ferndale.

In Genesee County, where HUD repossessed 1,394 homes and sold 379 over the past 41 months, one county official is puzzled.

"We've tried and tried to get HUD to put its Flint houses back on the market and to send more employes here to get the job done," said Floyd J. McCree, register of deeds and a former Flint mayor.

"As the records show, Detroit is not the only city with a critical problem because of empty HUD homes."

HUD has repossessed 84 homes in St. Clair County—mostly in its county seat, Port Huron—and sold only 14, despite a critical housing shortage.

Although there is a ready market, one broker said, there is only frustration in trying to clear the way to sell a HUD home.

One salesman raised the question of whether HUD had temporarily forgotten it owned homes in Port Huron.

HUD recently paid water bills of $300 each on several houses it has owned since 1970, according to the Port Huron Water Department.

Apparently no one at HUD had thought of having the water turned off in the vacant homes while they remained unsold.

Macomb County is only a little better off. In the past 41 months, HUD has repossessed 397 homes and resold 86. While many of the homes are in Mt. Clemens, there also are a scattering of houses in Roseville and East Detroit.

One veteran HUD official said there is "no doubt" of a personnel shortage in the property management division of the Detroit HUD office. The division is responsible for the rehabilitation and sales of repossessed homes.

"If they had spent the $2½ million wasted on the task force last year on needed personnel, we would be a lot farther along on solving the problem," he said.

The official also pointed out that costs for holding a repossessed home add up to $4 a day for the FHA insurance fund.

"That means right now the fund is losing nearly $60,000 a day for the properties we have in the inventory, or a total cost of at least $20 million this year," he said.

"In other words, we're spending probably 20 times more on holding costs than it would cost us to get an adequate staff to dispose of the homes.

"Talk about penny-wise, pound-foolish, there's no better example than the HUD operation in Detroit."

Only recently, HUD personnel from other divisions of the Detroit office were assigned temporarily to property disposition.

"They assigned appraisers and mortgage credit people to property disposition several weeks ago and now it takes three to four times as long to process a routine home sale with an FHA-insured mortgage," one mortgage banker said.

"They just can't seem to learn that you don't solve problems by robbing Peter to pay Paul."

Still undecided is whether HUD will attempt to improve its system of turning repossessed houses over to the care of area management brokers.

The brokers, hired on a contractual basis, are paid a monthly fee for each house they manage, including its maintenance and the supervision of its rehabilitation.

By spreading the repossessed homes around among a number of brokers, the system is supposed to speed up the rehabilitation and sales of the houses.

There is a growing suspicion among real estate people that some area management brokers make no effort to market the HUD homes and perform little maintenance while they continue collecting monthly fees from HUD.

"The system is made for cheating," one real estate broker said.

"A management broker can sit on his hands and still collect a handsome monthly check because HUD doesn't ride herd on lazy or cheating brokers.

"There also have been some pretty bad stories about kickbacks to management brokers from contractors chosen to rehabilitate the houses."

The broker added that he was awarded a management contract for several Detroit homes but backed out after inspecting some of the houses.

"I checked the repair contracts that had been paid against the work done in the houses and decided I didn't want any part of the setup," he said.

A task force of FBI agents, investigators for the Internal Revenue Service and agents of HUD's inspector general's office are investigating FHA fraud in southeastern Michigan, including management and repair contracts for repossessed homes.

A Wayne County management broker and several repair contractors already have been indicted by a federal grand jury.

The News first called attention to the soaring inventory of HUD repossessed homes in a series of articles in October, 1971, based on Wayne County foreclosure records.

William C. Whitbeck, then director of the Detroit HUD office, said new programs were being devised to sell the homes.

Shortly after, John E. Kane, deputy director of the Detroit HUD office, was placed in charge of the new programs. All of the programs were canceled within the next six months.

In May of last year, Kane was succeeded by a task force of 250 HUD experts brought to Detroit from throughout the nation at a cost of $2½ million to resolve the problem. The task force was headed by Ben T. Austin, a Washington HUD official.

The task force wound up its efforts last October and left with Austin predicting that the problem of repossessed homes would be under control by Jan. 1 of this year.

Instead, county and HUD records alike show that sales have dropped off while repossessions have remained about the same.

Whitbeck left HUD earlier this year for a position with state government and Kane was appointed acting director.

Last month when it became evident that sales of repossessed homes were still bogged down, HUD headquarters sent in William Halpern, another expert, to tackle the problem.

Both Halpern and Kane, however, refused to comment on the results of The News' examination of the county records or to discuss new approaches in the problem of repossessed homes.

Kane said answers will be given only to written questions.

The News instead has sent the list of questions to H. R. Crawford, assistant secretary of HUD for property management, in Washington.

MR. AND MRS. NELSON BATES

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. HAWKINS. Mr. Speaker, I wish to give recognition to two outstanding citizens of this country, Mr. and Mrs. Nelson Bates, who have lived and worked in south central Los Angeles, Calif., for three decades. They personify the qualities of strength, character, integrity, and devotion to family, church and community which are so cherished in this Nation. Migrating from Texas to California in 1945, Mr. and Mrs. Bates have for more than 20 years operated a successful family business which over the years has grown into several enterprises to become a landmark operation in the community.

Still participating with Mr. and Mrs. Bates in operating the family business are three of their four children. The children, Donna, Ted, James and Joseph, all attended Los Angeles public schools and earned higher degrees from major universities. The children of Nelson and Mable Bates have continued to honor their parents through scholastic achievement, and through the many awards and citations they have received for outstanding activities in the fields of sports, health and education.

I wish to pay tribute to Mr. and Mrs. Nelson Bates for their unheralded devotion to a fundamental religious family life. Their dedication to hard work and family solidarity has been an example not only to their children but also to their community.

FATHER HESBURGH URGES A VISION OF WORLD UNITY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. BRADEMAS. Mr. Speaker, Father Theodore M. Hesburgh, C.S.C., was well known to this body for years as one of America's most forceful advocates of equal rights.

As Chairman of the U.S. Civil Rights Commission, he fought valiantly against racial injustice.

But Father Hesburgh, president of the University of Notre Dame for over 20 years, has also devoted much of his efforts to a vision of equity and moral unity for all the world's people, for all the passengers on "Spaceship Earth."

At Harvard University's Alumni exercises recently, Father Hesburgh described, in both practical and poetic terms, his belief that in the coming years, the nations of the world will have to consider their individual problems less and their collective problems more.

In light of the recent summit conference accords between this country and Russia, I feel Father Hesburgh's vision of world equity and justice will be of considerable interest:

A NEW VISION FOR SPACESHIP EARTH

It is a strange paradox that the most striking photograph brought back from the moon by the astronauts was not a close-up picture of the moon itself, but a faraway picture of the earth. There it shines as no earth dweller had ever seen it before: blue, green, flecked with white cloud patterns, a beautiful small globe set against the blackness of space's void through which it is whirling at incredible speed.

NATURAL HARMONY AND MAN'S DISSONANCE

Harvard's own Archibald McLeish caught the poetry of the vision. It is up to all of us to make the new vision come true. The sad reality is that the earth is much more beautiful from afar than it is up close. Not that physical beauty does not exist on earth. I have been awed by the majesty of the soaring snowy, windswept heights of the Himalayas seen against the jade green uplands of Nepal. The pastel-colored sweep of the Britannica Range in Antarctica seen from McMurdo base camp almost two hundred miles away is enough to thrill the soul of any observer. A sunset following a storm at sea, a sunrise on the hushed African game-filled caldera of Ngorongoro Crater, the Cordillera Blanca of Peru and Chile viewed from a high-flying jet on a bright winter afternoon, these are unforgettably beautiful earthly visions. Note, however, that in most of them, man, apart from the viewer, is almost completely absent, and where man is present in large numbers on earth, one can almost always expect a diminution of beauty, both physical beauty diminished through pollution and spiritual beauty marred by violence and injustice.

It is a singular blessing for our age that we have been able to see the earth from the moon, to see it as it really is, in Barbara Ward's words: Spaceship Earth, a beautiful, small space vehicle, providing a viable ecosystem for human beings with quite limited resources. As Heilbroner has said so well: "Life on this planet is a fragile affair, the kind of miraculous microbial activity that flourished on the thin film of air and water and decomposed rock which separates the uninhabitable core of the earth from the void of space."

VEHICLE FOR AN UNCERTAIN JOURNEY

We, the passengers of spaceship earth, have the capability of creating by our intelligence and freedom a whole series of man-made systems that will enhance the inherent beauty of our planet, and make it even more humanly viable and physically beautiful, or we can turn spaceship earth into an ugly wasteland where human beings barely survive and hardly live in any human sense.

AN UNNECESSARY CONTRAST OF SQUALOR AND LUXURY

If you have any doubt that we are doing the latter rather than the former, walk through the streets of Calcutta, visit the favellas, barriadas, villas miserias, and callampas surrounding the Latin American capital cities, step aboard the floating junks adjacent to Hong Kong's harbor, or look at the native locations north of Johannesburg in South Africa, or inspect some of our own inner-city slums or Chicago colonias in the Southwest, or miners' rotting villages in Appalachia, or almost any American Indian reservation in the West. It isn't just what you see that will sicken you. It is that it is all so unnecessary, that it is man-made, and man-kept, and and that it is in startling contrast to the way other humans are living in luxury only a few miles away from each of these human sewers and garbage heaps.

An easy answer would be to say that there is just not enough of the world's resources to house and feed everyone—but then remember that last year, and for most of the years that we can remember, the governments of this planet have spent about $200 billion on armaments, and that is more than the total annual income of the poorest half of the earth's population. We do it because the Russians do it, and they do it because we do it, and so the foolishness goes on, and on, and on, all around the world. Meanwhile, the poor go to bed hungry, if they have a bed.

STATISTICS CONFOUND EQUALITY

To put the case for the poor most simply, imagine our spaceship each with only five people aboard instead of more than three billion. Imagine that one of those five crew members represents those of us earth passengers who live in the Western world of North America and Europe, one-fifth of humanity on earth, mainly white and Christian. The person representing us has the use and control of 80 per cent of the total life-sustaining resources available aboard our spacecraft. The other four crewmen, representing the other four-fifths of humanity—better than 2½ billion people—have to get along on the 20 per cent of the resources that are left, leaving them each about 5 per cent to our man's 80 per cent. To make it worse, our man is in the process of increasing his use of these limited resources to 90 per cent.

Now if this sounds piggish to you, it is! If you put resources just in terms of energy, we in the United States, with 6 per cent of the world's population, used last year about 40 per cent of the total world's available energy. While we complained about a trade deficit, we made two billion dollars excess from the less developed countries, depending on our less favored brethren in Latin America to provide us with one billion of these dollars in surplus trade balances, while we provided them with the least aid ever, since aid began.

CAN WE HAVE PRIDE IN THIS MAN-MADE WORLD?

(5) How much human peace can you visualize or expect aboard our spacecraft when its limited resources are so unjustly shared, especially when the situation is worsening each year? Peace is not gained by armaments, but by justice. If four-fifths of the world's people live in misery while the other fifth in the United States and Europe enjoy ever greater luxury, then we can expect no peace aboard spaceship earth, only frustration, despair, and, ultimately, violence.

The tragedy is that this is the world that man has made and is making. The general human condition is very bad indeed aboard our spacecraft.

SHUCK OFF THE MADNESS FOR A NEW VISION OF JUSTICE

(6) Is there any hope for man? Is our spacecraft really hurtling towards massive human disaster, cataclysmic human upheaval and ultimately the reduction of this beautiful globe to a burned-out cinder in space? One can be optimistic, I believe only if this generation—and I address the young particularly—can shuck off the madness of the nightmare that man for centuries, and increasingly of late, has been creating aboard our planet. A new global vision is needed if man is to create on earth the beauty that this planet manifests and seems to promise from afar. The vision must be one of social justice, of the interdependence of all mankind on this small spacecraft. Unless the equality, and the oneness, and the common dignity of mankind pervade the vision—the only future of this planet is violence and destruction on an ever-increasing scale, a crescendo of man's inhumanity to man that can only result globally in the extermination of mankind by man.

As one of our graduates in the Peace Corps in Malawi, Africa, put it: "While our leaders have their power battles and ego trips, countless millions of unknowns are in need of a bit more food, a year or two more of education, another pot or pan, a sensible way of controlling family size, a book or a bicycle. These people aren't asking for much; they would only like to be a bit more free to be a bit more human."

HAS EQUITY BECOME CONTRARY TO AMERICAN IDEALS?

I believe that none but the young—or the young in heart—can dream this vision or pursue this ideal. Why? Because it means leaving behind the conventional wisdom that pervades the old and aging bones of the Western World. The vision of one peaceful community of mankind on earth, dedicated to justice, equity, and human dignity for all is contrary to most of the modern American myths—unlimited growth for us at the expenses of almost everyone else; the absoluteness of our Declaration of Independence; patriotism isolated from every other moral value, my country right or wrong; security only by force of arms, however unjustly used; material wealth as the greatest goal of all, since it guarantees pleasure, power, and status—everything but compassionate, unselfish rectitude.

A DIFFERENT DRUMBEAT, NOT OF POWER BUT OF HONOR

Who but the young or young in heart can say, I will march to another drumbeat; I will seek another vision for my country and my world? Not a vision of might makes right, but noblesse oblige. Not a vision of power, but of honor. Not just honor proclaimed as we hear it proclaimed so loosely today, but honor lived. As Robert Frost said:

Two roads diverged in a wood, and I—
I took the one less travelled by,
And that has made all the difference.

What is mainly needed today to make the difference is a vision of justice to which we commit ourselves anew at home, to demonstrate that if justice is possible here in America, between different races, different religions, different socioeconomic classes, it might just be possible all around the world. America's leadership must be demonstrated at home while it is proclaimed abroad, and lastly, our leadership must be inspired by the same kind of vision that first inspired the birth of this country, a vision of human equality and dignity needed today to create the rebirth of one whole world, a new planet where human beings aspire to be humane, where beautiful human beings begin to replace the past creations of human ugliness with new creations born of compassion, concern and competence, too.

Is all this an empty dream, a naive vision? Not if young people take it seriously, joining intelligence to their idealism, competence to their vision, and the courage to dare to be different in how they view the world they are going to make, or better, remake. I am often asked, "How can we possibly turn the world over to them?" My answer is both simple and obvious. "What other choice do you have? Tomorrow is theirs, not ours."

DECLARE THE INDEPENDENCE OF MANKIND

We might all begin by a declaration of the interdependence of mankind today. The evidence is totally on the side of such a declaration—even as regards this country which was founded almost two centuries ago by a Declaration of Independence. There is no serious problem facing our country, and indeed the world today, that is not global in its sweep, as well as in its solution. You can make a whole list: pollution, the dollar, population, trade, peace, human rights, human development, security, health, education, communication, drugs, crime, energy, space, raw materials, food, freedom, and so forth. Try solving any one of these problems in any adequate way without involving the whole world. Try even thinking about the philosophical implications of a true solution without reference to the inherent unity, equality, fraternity and dignity of mankind, and what that dignity demands and requires of human persons everywhere, but more especially those who live where the power, the wealth and the leverage lie.

IT'S A NEW WORLD, WITH NEW ECONOMIC RELATIONSHIPS

I was brought up in an America visualized as completely separated from the rest of the world, proud of its independence and oceanic-insured isolation. Now we learn that the energy that makes all of America run, or be lighted, heated, mechanized and mobile, will depend mainly on sources outside the United States in another dozen years, and that the 14 basic metal resources we need for our manufacturing and industrial process will come mainly from other less developed countries by the turn of the century. The almighty dollar my contemporaries idolized has been devalued twice in less than two years.

Containing Communism has been for almost three decades the one all-embracing reason for doing almost anything abroad—from the Marshall Plan announced on this platform to save Europe, to destroying Vietnam in order to save it. What validity does containing Communism have now when our greatest diplomatic concerns today are better relations with the two worldwide root sources of Communism, Russia and China? If we can recognize self-interested and new interdependence in this new relationship with China and Russia, as indeed we must, then we can recognize it anywhere and everywhere. As our students love to sing during liturgical celebrations at Notre Dame, "There's a new world coming, every day, every day." Indeed there is!

It would appear quite obviously at this point that the winds of unity are blowing, that many are working to bridge the many chasms that have separated mankind aboard spacecraft earth. Diplomacy is happily bridging the chasm of ideology. All mankind need no longer visualize society exactly as we do. Ecumenism is bringing the Christian and non-Christian religions together in understanding at last, thank God. Cultural exchange is finding new and mutual values in the East and the West, while mercantilism in the modern dress of the multinational corporation is pioneering some unusual ways of economic development between the Northern and Southern parts of our spacecraft. The energy crisis is pushing for a solution to the Middle Eastern dilemma. Racial prejudice stands convicted worldwide of idiocy when Africans in Uganda expel Asians who were born there and have adopted that country long ago, or when the citizens of Bangladesh cannot forgive their fellow Bihari. Male chauvinism is on the way out in the Western World, belatedly since in the East and Middle East, India and Israel already have female Prime Ministers. The unity of mankind must be the wave of the future if we are not to divide ourselves unnecessarily according to race, religion, color, sex and age, and thereby make human life impossibly complicated aboard our shrinking spacecraft.

WHAT REASON FOR NATIONAL DIVISIONS REMAINS?

This leaves the one great remaining divider of humankind, perhaps the worst of all, national sovereignty. Suppose that an intelligent and cultured visitor from another solar system were to be informed, on seeing our planet earth as the astronauts saw it from the moon, that in addition to all the inequities, injustices and alienations already mentioned, mankind on earth insisted on governing our spaceship by dividing it into 150 different nationalities, some very large, some impossibly small, and quite a few in between. Our interplanetary visitor would also learn that there was no reasonable rationale for these national divisions, that they often represented people of the same language, religion, race, and culture, and were, in fact, often separated only by historical accidents. Now that the political separation is a fact, they are ready to fight to the death to maintain their national identities and territorial prerogatives.

Since this is a factual description of how things mainly are on spaceship earth, how difficult it will be to achieve human unity, decency and oneness of purpose aboard our spaceship. We must find some new way of transcending this inane block of nationality that pits human against human because by an accident of birth they happen to be American or Canadian, East or West German, Venezuelan or Colombian, Kenyan or Ugandan, North or South Vietnamese.

I would like to propose a solution that would bypass, rather than cut the Gordian knot of nationality. It is likewise a solution which is bound to be misunderstood unless someone stands in spirit on the moon and views the world from there, with all its promise of beauty, unity and a common home for mankind united. As McLeish said: "To see the earth as it truly is, small and blue and beautiful in that eternal silence where it floats, is to see ourselves as riders on the earth together, brothers on that bright loveliness in the eternal cold—brothers who know now they are truly brothers."

A SOLUTION, THE COMMITMENT OF DUAL CITIZENSHIP

What I would suggest is that everyone in the world would be allowed to hold dual citizenship—to be a citizen of the nation in which he or she happens to be born and, in addition, to be able to qualify for world citizenship.

The application to be a citizen of the world, of spaceship earth, would involve certain commitments:

1. One would have to certify his or her

belief in the unity of mankind, in the equal dignity of every human being, whatever his or her nationality, race, religion, sex or color.

2. One would have to certify his or her willingness to work for world peace through the promotion and practice of justice at home and abroad.

3. One would have to do something to prove the sincerity of these beliefs, something to promote justice for all, something to promote the peace and well-being of his or her fellow humans at home and abroad.

The growing number of human beings on spaceship earth who would freely opt for world, in addition to national, citizenship might begin to prove that men and women are ready to regard each other truly as brothers and sisters, to seek justice for all, to live in peace, to commit one's idealism to practice, to transcend nationalistic chauvinism, and to seek to realize a new vision of a spaceship earth with liberty and justice for all—the only true road to world peace.

One would hope that whatever international agency would certify this additional world citizenship might also grant to its world citizens some benefits befitting their commitment, such as free passage without visas anywhere in the world, a small concession, but one symbolic of what one free world might be for all its citizens as more of them apply for work passports.

UNITED STATES SHOULD TAKE THE LEAD

One would like to hope that our country, with its rich transnational, multiracial and polyreligious population base, might be the first to propose and allow this new idea of dual citizenship for all who would desire to give leadership and meaning to this new concept of a more beautiful, more human spaceship earth.

I would like to say for myself, and I would hope for many of you, that I would welcome this kind of opportunity to declare myself interested in the welfare of mankind everywhere in the world, concerned for the justice due all who suffer injustice anywhere in the world. I would like to believe that being a citizen of the world would enlarge me as a person, would declare my fraternity with every other man, woman and child in the world. I would take world citizenship to be a firm commitment to work for a new vision of spaceship earth and all its passengers, to be a harbinger of hope for all who are close to despair because of their dismal human condition, finally, to be a beacon of light for humanity beleaguered by darkness in so many parts of our world today.

Again, one of Notre Dame's Peace Corps volunteers, now studying at Harvard, puts it well: "One comes away from an experience like the Peace Corps with a sense of real international brotherhood. The fact that a fellow who had never been out of the Midwest and could speak only English could then live in two countries on the south and eastern fringes of Asia, form deep and lasting friendships with the native people, learn a language and a culture in both Ceylon and Korea and function well in them—it makes one feel a sense of oneness with people all over the world."

A CHANCE TO DECLARE OUR INDEPENDENCE

I do not see the possibility of world citizenships as a panacea or an immediate answer to all the world's ills and evils. Rather, it would be for each of us a chance to declare our interdependence with one another, our common humanity, our shared hopes for our spaceship earth, our brotherhood as members of the crew, our common vision of the task facing humanity—to achieve human dignity and the good life together.

Once more, Barbara Ward has elucidated the new vision best:

"One of the fundamental moral insights of the Western culture which has now swept over the whole globe is that, against all historical evidence, mankind is not a group of warring tribes, but a single, equal and fraternal community. Hitherto, distances have held men apart. Scarcity has driven them to competition and enmity. It has required great vision, great holiness, great wisdom to keep alive and vivid the sense of the unity of man. It is precisely the saints, the poets, the philosophers, and the great men of science who have borne witness to the underlying unity which daily life has denied. But now the distances are abolished. It is at least possible that our new technological resources, properly deployed, will conquer ancient shortage. Can we not at such a time realize the moral unity of our human experience and make it the basis of patriotism for the world itself?"

SUSTAIN OUR FRAGILE CAPSULE WITH MORAL UNITY

It will be easy to scoff at this vision of our humanity, our oneness, our common task as fellow passengers on a small planet. The great and powerful of this earth, and indeed of our country and Europe, can easily sniff cynically and return to their game of power politics, national jealousies, mountains of armaments, millions of graves of men mourned by widows and orphans, ravaged oceans, and unverdant plains and hungry homeless people who despair of the good life. Somehow I believe that there is enough good will in our country and in the world to expect millions of people to declare all of this powerful posturing of corrupt politicians to be arrant nonsense on a common spaceship, to say that we do want all men and women to be brothers and sisters, that we do believe in justice and peace, and that we think homes, and swaying fields of grain, and schools and medicine are better than billions spent for guns, tanks, submarines and ABM's. The trouble is that the millions of little people, the ones who really man spaceship earth, the ones who really work, and suffer, and die while the politicians posture and play, these little ones have never been given a chance to declare themselves. And this is wrong, globally wrong.

It is, I believe, a most important, urgent, and timely part of the new world a-borning that everyone in the world should be able to declare his or her broader citizenship in adopting a wider vision for spaceship earth, a vision that transcends nationality and anything else that separates man from man. Having traveled across the face of our beautiful planet, having traversed all its oceans and its continents, having shared deep human hopes with my human brothers and sisters of every nationality, religion, color, and race, having broken bread and found loving friendship and brotherhood everywhere on earth, I am prepared this day to declare myself a citizen of the world, and to invite all of you, and everyone everywhere to embrace this broader vision of our interdependent world, our common humanity, our noblest hopes and our common quest for justice in our times and, ultimately, for peace on earth. Lest I sound too Utopian, or even too secularistic, since I am first and foremost a priest, may I also now pray that the good Lord Jesus who lived and died for us may also bless these living efforts of ours to be truly followers of Him who blessed both the peacemakers and all who hunger for justice.

THE SINS OF THE FATHERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. FRASER. Mr. Speaker, on June 19, NBC televised a documentary, entitled, "The Sins of the Fathers." It was a documentary on the Vietnam war's youngest and most innocent victims; the children of American servicemen and Vietnamese mothers.

My constituent, Mrs. Estelle Smith, of Minneapolis, Minn., was shocked by the film. Her letter is a compassionate plea that the United States take the initiative in helping these tragic victims of a decade of war.

The letter follows:

DEAR SIR: The NBC program, "Sins of the Fathers" tonite just shocked me. I have heard about these children, read articles concerning them, but that show tonite really brought it all out.

I know nothing of all the legal and political angles, but I'm sure that you, as our Congressman, can set some measures in action that will really do somethings to help those poor victims of war.

Please, please, do all in your power to get aid to them!

Sincerely,

ESTELLE SMITH,
(Lucky, happy mother of eight).

A GOVERNOR IN THE WHITE HOUSE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. SIKES. Mr. Speaker, the Christian Science Monitor, one of the Nation's better newspapers, recently carried an article entitled, "A Governor in the White House?" by Godfrey Sperling, Jr. Mr. Sperling refers in complimentary terms to Florida's Governor Reubin Askew, as a presidential prospect. There are many in Florida and elsewhere who also feel that Governor Askew is presidential timber. His responsible handling of the intricate problems of government in the Nation's eighth largest and fastest growing State entitle him to special recognition. I submit the Monitor's article for inclusion in the RECORD:

A GOVERNOR IN THE WHITE HOUSE?

(By Godfrey Sperling, Jr.)

LAKE TAHOE, NEV.—Watergate has turned this national Governors' Conference into a little presidential nominating convention.

On the Republican side, strong drumbeats are being heard here for Govs. Nelson A. Rockefeller and Ronald Reagan.

Fellow state chief executives are making the point that the New York and California governors have been strengthened as possible candidates because of their "disassociation" from the administration in Washington.

At the same time, Democratic governors are looking more and more among themselves for a 1976 candidate.

They feel that the prospects of such governors as Reubin Askew of Florida, John J. Gilligan of Ohio, Jimmy Carter of Georgia, and Daniel Walker of Illinios have been enhanced by the blow that they see Watergate has dealt to the acknowledged front-runner for the nomination—Sen. Edward M. Kennedy of Massachusetts.

POTENTIAL NOMINEES

These Democratic leaders are saying that Senator Kennedy, because of Chappaquiddick, has disqualified himself from presenting himself as the clean, upstanding, moral candidate that the people—and the party—will be looking for in the presidency.

These same Democrats believe that the man above all others who could present such an image is sitting with them in the meetings here at Lake Tahoe—Mr. Askew.

"He is our Mr. Clean," one governor has described Mr. Askew, and others have often echoed a similar opinion. The rank and file of Florida voters also view Mr. Askew in this light. Even those who oppose him raise no question about his high moral approach in both private and public matters.

Republican governors still view Vice-President Spiro T. Agnew and John B. Connally as the front-runners for the opportunity to carry the GOP banner in 1976.

But they believe that both Messrs. Agnew and Connally are damaged by their close association with the President and with his administration.

What is becoming increasingly apparent, too, is that both Governors Rockefeller and Reagan are interested in a presidential runoff. Mr. Rockefeller, in a series of interviews, has said as much.

Mr. Reagan has led many of those around him to believe that he will engage in an all-out effort to get the nomination.

There is another among the governors here who cannot be counted out by any means: George C. Wallace of Alabama. Mr. Wallace is getting read for another bid for governorship of his state. And his pluck alone—in wake of the assassination attempt that left him paralyzed in the legs—has evoked a whole new wave of sympathy and support.

He, too, has told interviewers that another try at the presidency is possible.

YOUNGER CANDIDATES

The Republican governors have their younger candidates, too.

Again and again Republican leaders—both here and all around the United States—speak of Michigan's William G. Milliken and Washington's Daniel J. Evans as being particularly attractive "young" possibilities for the White House.

Talk of a governor as president has buoyed this conference. For the first time in years, the state leaders now see a strong possibility that the voters will turn away from their long-time trend of selecting U.S. senators for presidential candidates.

As a part of the continuing shadow cast by Watergate at the governors' get-together, Patrick J. Lucey of Wisconsin, contending that the whole administration processes were gringing to a halt, called for President Nixon's resignation.

In response, Tom McCall, Oregon's outspoken Republican Governor, labeled Gov. Lucey's statment as a "hair-trigger reaction."

EDITOR OF THE ALL AMERICAN NEWS RETIRES

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. STEPHENS. Mr. Speaker, Jones T. Bond of Greensboro, Ga. president of the Southern Branch of the 82d Division Association, has informed me that Mr. Ira L. Greenhut has recently retired as editor of The All American News, the newspaper of the 82d Division Association, after holding that position for almost 20 years.

Mr. Greenhut, who comes from a military family, served with the 82d Division in World War I as sergeant in the 307th Ammunition Train. He is a member of Paris Post No. 1, France; Veterans of Foreign Wars, McKee Post, Lexington, Ky.; the Order of Lafayette; and attended New York Law School, class of 1918.

As editor of The All American News, Mr. Greenhut has promoted the ideals of unity, brotherhood, and patriotism. I would like to take this opportunity to extend warmest regards to Mr. Greenhut and thank him for his outstanding service and contribution to the veterans of the 82d Division and America.

PUBLIC WORKS APPROPRIATION BILL

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. OBEY. Mr. Speaker, the public works appropriations bill for fiscal year 1974 will be debated and voted on by the House this week.

Last year, and this year again, I raised questions about this appropriation bill because for many projects no draft and/or final environmental impact statements have been filed.

So that my colleagues can see the current status of environmental impact statements for Corps of Engineer projects for which funds were requested in fiscal year 1974, I include the following information, provided by the corps:

FISCAL YEAR 1974 BUDGET—STATUS OF EIS FOR PROJECTS UNDER CONSTRUCTION

Project	Date filed with CEQ		Scheduled filing date		Remarks
	Draft	Final	Draft	Final	
John Hollis Bankhead locks and dam, Alabama	Oct. 6, 1972			June 1973	
Jones Bluff locks and dam, Alabama	May 11, 1973			December 1973	
Tennessee-Tombigbee Waterway, Ala. and Miss	Feb. 1, 1971	Apr. 20, 1971			
Chena River Lakes, Ark	July 23, 1971	Oct. 27, 1971			
Humboldt Harbor, Ark		Nov. 13, 1970			Draft not filed.
Snettisham power project, Arkansas		Jan. 22, 1971			Do.
Phoenix and vicinity, Arizona	Mar. 15, 1971	May 22, 1972	September 1973*	June 1974*	
Santa Rosa Wash, Ariz		June 17, 1971			Do.
DeGray Lake, Ariz			June 1973	September 1973	(1).
DeQueen Lake, Ariz	July 19, 1971	May 19, 1973	March 1975*	June 1975*	
Dierks Lake, Ariz			June 1973	December 1974	
Gillham Lake, Ariz	Aug. 26, 1971	Jan. 10, 1972	June 1974*	December 1974*	
McClellan-Kerr Arizona River navigation system Arizona and Oklahoma, bank stabilization and channel rectification.			June 1973	March 1973	(1).
McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, locks and dam.			do	do	(1).
Ouachita and Black Rivers, Arkansas and Louisiana (1960 Act)			do	December 1973	
Ozark locks and dams, Arkansas			do	September 1974	(1).
Red River levees and bank stabilization below Denison Dam Arkansas, Louisiana, and Texas.	Feb. 27, 1973	May 11, 1973			
Alameda Creek, Calif			June 1973	September 1973	
Buchanan Lake, Calif		May 17, 1971			Draft not filed.
Dry Creek Lake and Channel, California			June 1973	December 1973	
Hidden Lake, Calif		June 29, 1971			Do.
Imperial Beach, Calif			June 1974	September 1974	
Los Angeles county drainage area, California			June 1973	September 1973	
Lytle and Warm Creeks, Calif	Apr. 7, 1972	May 23, 1972			
New Melones Lake, Calif	Mar. 15, 1972	July 17, 1972			(2).
Port Hueneme Harbor, Calif	May 12, 1972			August 1973	
Sacramento River bank protection, Calif	May 24, 1972			June 1973	
Sacramento River, Chico Landing to Red Bluff, Calif			June 1973	September 1973	
San Diego Harbor, Calif			September 1973	March 1974	
San Francisco Bay to Stockton, Calif		Oct. 14, 1971 [3]	March 1974	June 1974	(3).
Sweetwater River, Calif	Jan. 15, 1973			September 1973	
Tahquitza Creek, Calif	Sept. 29, 1973*	June 21, 1971		September 1973*	
Ventura-Pierpoint, Calif			September 1973	March 1974	
Bear Creek Lake, Colo	Aug. 27, 1971	Feb. 10, 1972			
Chatfield Lake, Colo			June 1973	September 1973	
Los Animas, Colo		Mar. 4, 1971			Draft not filed.
Trinidad Lake, Colo			December 1973	March 1974	
Brevard Canal, Fla		Nov. 2, 1972			Do.
Central and southern Florida, Florida	Nov. 30, 1972			June 1973	(4).
Four Rivers Basin, Fla			June 1973 [5]	September 1973	(5).
Jacksonville Harbor, Fla. (1965 act)	June 7, 1971 May 24, 1971	Feb. 15, 1972 June 23, 1972			(15).
Miami Harbor, Fla. (1968 act)	Dec. 3, 1971	May 26, 1972			
Pinellas County, Fla			March 1974	July 1974	
Carters Lake, Ga	Nov. 1, 1972			December 1973	
Savannah Harbor, Ga., 40 foot (widening and deepening)			September 1973	March 1974	
Savannah Harbor, Ga. (sediment basin)	May 25, 1973			December 1973	
Tybee Island, Ga	Mar. 5, 1972			July 1973*	

Footnotes at end of table.

Project	Date filed with CEQ		Scheduled filing date		Remarks
	Draft	Final	Draft	Final	
West Point Lake, Ga. and Ala			June 1973	December 1973	
Waikiki Beach, Hawaii	Jan. 17, 1973	May 4, 1973			(9).
Dworshak Dam and Reservior, Idaho			June 1973	September 1973	
Ririe Lake, Idaho	June 13, 1973	Feb. 13, 1973			
East St. Louis and vicinity, Illinois (Cahokia Dam)			December 1973	March 1974	
Illinois Waterway Calument Sag Mod., part I, Illinois and Indiana			September 1973	do	
Kaskaskia River navigation, Ill			March 1974	June 1974	
Lake Bluff, Ill., shore of Lake Michigan, Ill	Nov. 9, 1972	Apr. 18, 1973			
Lake Shelbyville, Ill			March 1974	September 1974	(1).
Lincoln Lake, Ill	May 8, 1971			December 1973	
Mississippi River between Ohio and Missouri Rivers: Chain of Rocks, Ill			December 1973	March 1974	
Mississippi River between Ohio and Missouri Rivers and regulatory works Illinois and Missouri.			do	do	
Rend Lake, Ill			June 1974	September 1974	
Rock Island, Ill			September 1973	December 1973	
Saline River and Tributaries, Ill			March 1974	June 1974	
Smithfield locks and dam, Illinois, Indiana, and Kentucky		Feb. 5, 1971			Draft not filed.
William L. Springer Lake, Ill		July 1, 1970	June 1973* (8)	December 1973* (8)	
Big Pine Lake, Ind			September 1973	do	
Brookville Lake, Ind			June 1973	September 1973	
Cannelton locks and dam, Indiana and Kentucky			December 1973	June 1974	(1).
Clifty Creek Lake, Ind		Sept. 17, 1971			Draft not filed.
Evansville, Ind			June 1973	September 1973	
Greenville Bayou levee, Ind	Aug. 24, 1972			September 1973	
Levee unit No. 5, Ind					(7).
Mason J. Niblack, river levee, Ind		Oct. 28, 1971			Draft not filed.
Newburg lock and dam, Ind. and Ky			March 1974	June 1974	
Patoka Lake, Ind		Feb. 4, 1971			Do.
Uniontown lock and dam, Ind. and Ky			March 1974	June 1974	
Clinton, Iowa	Feb. 15, 1973			June 1973	
Marshalltown, Iowa		Mar. 24, 1971			Do.
Missouri River, Sioux City to mouth, Iowa, Kans., Mo., and Nebr			December 1974	June 1975	
Saylorville Lake, Iowa			August 1973	September 1973	
Waterloo, Iowa	Aug. 13, 1971	Nov. 12, 1971			
Big Hill Lake, Kans	July 6, 1972*	Mar. 30, 1971		June 1973*	
Clinton Lake, Kans	Oct. 19, 1971	Oct. 28, 1971			
Dodge City, Kans		Mar. 26, 1971	September 1973*	December 1973*	Do.
El Dorado, Kans	Apr. 26, 1971	Sept. 21, 1972			
Hays, Kans	Aug. 1, 1972	Apr. 27, 1973			
Hillsdale Lake, Kans	Sept. 17, 1971	Feb. 2, 1972			
Kansas City, Kans		Dec. 2, 1970			Do.
Lawrence, Kans	Feb. 8, 1972 Feb. 5, 1973*			June 1973	
Melvern, Kans			June 1973	September 1973	
Carr Fork Lake, Ky			do	do	
Cave Run Lake, Ky			do	do	
Laurel River Lake, Ky			September 1973	March 1974	
Martins Fork Lake, Ky		July 6, 1971			Do.
Paintsville Lake, Ky		Aug. 19, 1971			Do.
Red River Lake, Ky			September 1973	March 1974	
Southwestern Jefferson County, Ky	Dec. 9, 1971			June 1973	
Taylorville Lake, Ky		Oct. 27, 1971			Do.
Yatesville Lake, Ky	July 6, 1971	Apr. 12, 1972			
Atchafalaya River, Bayou Chene, Boeuf and Black, La	Apr. 25, 1972			June 1973	
Bayou Lafourche and Lafourche Jump Waterway, La	Jan. 16, 1973			do	
Grand Isle and vicinity—Larose to Golden Meadows, La	Oct. 3, 1972			do	
Lake Pontchartrain and vicinity, Louisiana	Aug. 17, 1972			do	
Mermentau River (channel improvement), Louisiana	Mar. 4, 1972	June 23, 1972			
Michoud Canal, La	Oct. 31, 1972			September 1973	
Mississippi River, gulf outlet, Louisiana			June 1973	do	
New Orleans to Venice, hurricane protection, Louisiana	Oct. 3, 1972			June 1973	
Ouachita River levees, Louisiana		Nov. 18, 1970			Do.
Overton-Red River Waterway (lower 31 mi only), Louisiana	Feb. 27, 1973	May 11, 1973			
Red River emergency bank protection, Louisiana	Mar. 24, 1972	Aug. 23, 1972			
Red River Waterway, Mississippi River to Shreveport, La., Ark., Okla., and Tex	Feb. 27, 1973	May 11, 1973			
Bloomington Lake, Md. and W. Va		Dec. 24, 1970			Do.
Tred Avon River, Md	May 11, 1972			June 1973	
Charles River Dam, Mass	Feb. 7, 1973*	Sept. 17, 1971		July 1973*	
Fall River Harbor, Mass	Dec. 2, 1971			Indefinite	
Weymouth-Fore and Town Rivers, Mass			September 1973	December 1973	
Great Lakes connecting channels, Mich	Jan. 16, 1973*	Jan. 3, 1972		June 1973*	
Lexington Harbor, Mich	Jan. 16, 1973			June 1973	
River Rouge, Mich	Mar. 13, 1972	Jun. 1, 1972			
Saginaw River, Mich	Feb. 28, 1972	Mar. 22, 1973			
Big Stone Lake-Whitestone River Minn. and S. Dak		Dec. 18, 1970			Do.
Mankato-N. Mankato, Minn		Apr. 12, 1972			Do.
Tombigbee River and tributaries Mississippi and Alabama			December 1973	July 1974	
Clarence Cannon Dam and Reservoir Mo			do	March 1974	
Harry S. Truman Dam and Reservoir, Mo	Sept. 15, 1972	Feb. 28, 1973			
Little Blue River Channel, Mo	Sept. 17, 1971	Mar. 10, 1972			
Little Blue River Lakes, Mo	Sept. 13, 1971 July 6, 1971	Feb. 17, 1972 Nov. 9, 1971			(10).
Long Branch Lake, Mo	July 29, 1971	Jan. 27, 1972			
Meramec Park Lake, Mo	June 4, 1973*	Feb. 23, 1971		September 1973*	
Pattonsburg Lake (I-34 crossing), Mo					(11).
St. Louis, Mo			December 1973	March 1974	
Smithville Lake, Mo	Aug. 30, 1971	June 14, 1972			
Union Lake (State highway 185) Adv. Part.), Mo			June 1973	September 1973	
Libby Dam, Lake Koocanusa, Mont	June 23, 1971	Jan. 28, 1972			
Gavins Point Dam—Lewis & Clark (relocation of Niobrara) Nebraska and South Dakota	July 10, 1972			June 1973	
Papillion Clark and Tributaries, Nebr	Aug. 26, 1971	Nov. 29, 1971			
Beaver Brook Lake, N.H	Feb. 4, 1971	May 6, 1971	February 1973*	Indefinite	
Elizabeth, N.J		Apr. 20, 1971			Draft not filed.
Newark Bay, Hackensack and Passaic River, N.J		June 17, 1971			Do.
South Orange, Rahway River, N.J		Mar. 31, 1971			Do.
Cochiti Lake, N. Mex	Apr. 26, 1973			September 1973	
Las Cruces, N. Mex	Apr. 6, 1971	Mar. 15, 1972*	September 1973*	December 1973*	
New York Harbor, N.Y. (anchorages)	Feb 1, 1972	Mar. 13, 1973			
Brunswick County, beaches, North Carolina		Feb. 25, 1971	June 1973*	March 1974*	
Chowan River, N.C. and Blackwater River Va		Mar. 17, 1972			Do.
New Hope Lake, N.C		Oct. 22, 1971			Do. [12]
Garrison Dam, Lake Sakakawea, N. Dak			June 1973	September 1973	
Minot, N. Dak		Mar. 24, 1971			Do.
Missouri River, Garrison Dam to Lake Oahe, N. Dak	**July** 18, 1972			June 1973	
Pipestem Lake N. Dak		Dec. 18, 1970			Do.
Alum Creek Lake, Ohio	**May** 19, 1972	Feb. 23, 1973			
Caesar Creek Lake, Ohio		June 1, 1971			Do.
Clarence J. Brown Dam and Reservoir, Ohio			March 1974	June 1974	

Footnotes at end of table.

FISCAL YEAR 1974 BUDGET—STATUS OF EIS FOR PROJECTS UNDER CONSTRUCTION—Continued

Project	Date filed with CEQ		Scheduled filing date		Remarks
	Draft	Final	Draft	Final	
Cuyahoga River, Ohio	Sept. 3, 1971			December 1974	(12).
East Fork Lake, Ohio		May 9, 1971			Draft not filed.
Hannibal locks and dams, Ohio and West Virginia	Apr. 24, 1972				
Lorain Harbor, Ohio			December 1973	Indefinite	
Paint Creek Lake, Ohio			do	June 1974	(1).
Salt Creek Lake, Ohio		Oct. 28, 1971	September 1973 *	do	Draft not filed.
Willow Island locks and dams, Ohio and West Virginia	Aug. 30, 1971	Sept. 14, 1972			
Birch Lake, Okla	Mar. 15, 1971	Sept. 15, 1972			
Clayton Lake, Okla	July 1, 1971			June 1973	
Copan Lake, Okla	June 21, 1971	Oct. 19, 1972			
Hugo Lake, Okla			June 1973	September 1973	
Kaw Lake, Okla		Dec. 31, 1970	September 1973 *	December 1973 *	
Optima Lake, Okla			June 1973	September 1973	
Skiatook Lake, Okla	Apr. 7, 1971	Mar. 10, 1972	June 1974 *	December 1974 *	
Waurika Lake, Okla		Dec. 7, 1972	September 1973 *	December 1973 *	
Webbers Falls locks and dams, Okla			do	do	(1).
Bonneville locks and dam (modification for peaking) Oregon and Washington	Aug. 17, 1971	June 16, 1972			
Catherine Creek Lake, Oregon	Sept. 8, 1972			June 1973	
Colorado River and Lower Willamette River (40-ft. channel) Oregon and Washington	Oct. 10, 1972			do	
Cougar Lake, Oregon			June 1973	December 1973	
Elk Creek Lake, Oregon	Feb. 17, 1970	Sept. 17, 1971			
John Day locks and dam, Oregon and Washington					
Lost Creek Lake, Oregon	Feb. 11, 1972	June 7, 1972			
Lower Colorado River bank protection, Oregon and Washington	do	Jan. 29, 1973			
McNary locks and dam, Oregon and Washington			December 1974	June 1975	
Scappose Drainage District, Oregon	Apr. 30, 1971	Apr. 24, 1972			
Tillamook Bay and Bar (south jetty), Oregon			September 1973	December 1973	
Willamette River bank protection, Oregon			July 1973	October 1973	
Blue Marsh Lake, Pa		Apr. 16, 1971			Draft not filed.
Chartiers Creek, Pa			September 1973	March 1974	
Cowanesque Lake, Pa	Feb. 4, 1971	Feb. 21, 1973			
DuBois, Pa		June 28, 1971			Do.
Raystown Lake, Pa	July 3, 1972			June 1973	
Tioga-Hammond Lakes, Pa	Feb. 4, 1971	June 2, 1971			
Tocks Island Lake, Pa., N.J., and N.Y	Feb. 3, 1971	Oct. 1, 1971			
Tyrone, Pa		Apr. 29, 1971			Do.
Union City Lake, Pa	Dec. 6, 1972			June 1973	
Woodock Creek Lake, Pa	May 8, 1972	Mar. 30, 1973			
Portugues and Bucana Rivers, P.R		Nov. 13, 1970		June 1973	Do.
Providence River and Harbor, R.I	May 25, 1973			August 1973	
Hunting Island Beach, S.C			March 1974	June 1974	
Big Bend dam and locks, Sharpe, S.D			September 1973	December 1973	
Oahe Dam, S.D. and N.D			do	do	
Cordell Hull Dam and Reservoir, Tenn	May 3, 1972			September 1973	
Buffalo Bayou and tributaries, Texas			Indefinite	Indefinite	(13).
Copper Lake and Channels, Texas			September 1973	March 1974	(15).
Corpus Christi Ship Channel, Tex	Feb. 8, 1971	May 7, 1971			
Duck Creek channel improvement, Texas		May 6, 1971			Draft not filed.
El Paso, Tex.:					
(northwest area)	Apr. 23, 1973	Nov. 9, 1970		December 1973	(14).
(central area)			December 1973*	March 1974*	
Freeport and vicinity, Texas			September 1973	December 1973	
Galveston Channel, Tex		Nov. 13, 1970	September 1973*	December 1973*	Draft not filed.
Highland Bayou, Tex	Jan. 29, 1971	Aug. 11, 1971			
Lavon Lake modernization and East Fork channel modernization, Texas		Mar. 29, 1971	June 1975*	Fiscal year 1976	Channel only.
Port Arthur and vicinity, Texas			June 1973	December 1973	
San Antonio Channel improvement, Texas	Apr. 13, 1971	Nov. 9, 1971	September 1974*	December 1974*	
San Gabriel River, Tex	Sept. 3, 1971	Mar. 27, 1972			
Taylors Bayou, Tex	Mar. 18, 1971	May 26, 1972	June 1973*	December 1973*	
Texas City and vicinity, Texas			June 1973	December 1973	
Trinity River and tributaries, high level bridge, Texas					EIS filed by others.
Wallisville Lake, Tex	Jan. 29, 1971	Jan. 21, 1972			
Four Mile Run, Va		Apr. 24, 1973			Draft not filed.
Gathright Lake, Va	Aug. 28, 1972	Feb. 2, 1973			
Virginia Beach, Va (reimbursement)			June 1973	August 1973	
Chief Joseph Dam, Wash	May 20, 1971	Feb. 2, 1972			
Ice Harbor locks and dam, Washington	Feb. 18, 1971	Aug. 19, 1971			
Lower Granite locks and dam, Washington		Nov. 8, 1971			Do.
Lower Monumental locks and dam, Washington				June 1975	
The Dallas locks and dam, Washington	Aug. 17, 1971	June 16, 1972			
Beach Fork Lake, W. Va			June 1973	December 1973	
Burnsville Lake, W. Va		Aug. 19, 1971			Do.
East Lynn Lake, W. Va			September 1973	March 1974	
R. D. Bailey Lake, W. Va			do	June 1974	
LaFarge Lake and channel improvement, Wisconsin	Nov. 30, 1971*	Apr. 18, 1972*			
Sheridan, Wy					(8).
MISSISSIPPI RIVER AND TRIBUTARIES					
Cache Basin, Ark		September 1972.	September 1973*	March 1974*	
Lower White River Clarendon levee, Arkansas		March 1971			
St. Francis Basin, Arkansas and Missouri	Feb. 7, 1973*			June 1973*	
Tensas Basin, Arkansas and Louisiana			March 1974 December 1973	June 1974 do	Excluding pumping. Pumping plants.
West Kentucky tributaries, Kentucky	June 1971			do	
Atchafalaya Basin, La			March 1974	do	
Lower Red River, south bank levees, Louisiana			do	September 1974	
Old River, La			do	do	
Yazoo Basin, Miss. (11 EIS to be prepared)			June 1973, June 1973, December 1973, March 1974, June 1974.	September 1973 (1), December 1973 (2), March 1974 (2), June 1974 (2), December 1974 (4).	
West Tennessee tributaries, Tennessee		May 1971	December 1973*	June 1974*	
Channel improvement, Arkansas, Illinois, Louisiana, Mississippi, Missouri and Tennessee			June 1973	September 1973	
Mississippi River levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.			do	do	

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[1] EIS for O. & M. only--construction essentially completed.
[2] Award of main dem contract being delayed by litigation.
[3] Submitted in 3 segments—2 segments filed and 1 scheduled.
[4] 5 additional segments to be filed later.
[5] To be filed in 5 segments.
[6] 3 additional segments to be filed later.
[7] EIS not required—project turned over to locals to operate and maintain
[8] EIS not required—negative assessment.
[9] ———
[10] Filed in 2 segments.
[11] Corps not lead agency—EIS by DOT.
[12] 4 segments have separat EIS and filing dates, earliest draft.
[13] Construction substantially complete except remaining main channel work indefinitely postponed.
[14] Control area only—planning incomplete, other areas remaining.
[15] Court issued preliminary injunction.
* Update.

CARE FOR THE ELDERLY IN FOREIGN COUNTRIES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. HARRINGTON. Mr. Speaker, most of us are aware of the plight of the elderly citizen who cannot afford the proper medical care, particularly custodial care. We have passed such programs to ease the financial burden of caring for oneself after the age of 65. These programs include social security and medicare. However, these programs do not go far enough in treating the actual health problems of the aged.

One of my constituents, Ms. Gertrude Parkman, participated in a geriatric study tour of Europe. The results of her study were published in the Haverhill Enterprise on June 14, 1973. It is truly amazing the high quality of care that other countries provide for their senior citizens. There is no loss of dignity, no loss of pride. In the interest of all my colleagues and the elderly of America, I am having Ms. Parkman's article reprinted in full:

FOREIGN COUNTRIES FAR ADVANCED IN CARING FOR SENIOR CITIZENS

Society at last became concerned with the well being of the elderly and our senior citizens, including those who have outlived most of their relatives and friends are no longer neglected and misunderstood. Government on all levels help make the lives of these people brighter, within the limits of financial capability. But, in the United States giant steps must be taken to match the achievements of some foreign countries.

Some years ago I was able to combine a deep personal concern for the elderly with a job opportunity in a relatively new specialized field and today the needs—physical and otherwise—of senior citizens are an abiding mission in my life.

GERIATRIC STUDY TOUR IN EUROPE FOR 2 WEEKS

I took a trip in May of last year as one of Twenty Two nursing home personnel in this country. Our group was from Baltimore, Washington, D.C.; George, Wisconsin, San Francisco, California; Phoenix, Arizona; New York, New Jersey, I was from Massachusetts.

My trip was sponsored by Mr. Maxwell Baker who was at the time owner of Oxford Manor Nursing Home, Haverhill and Maplewood Manor Nursing Home, Amesbury. I have been a Social Activities Director for four years, I am still employed at Oxford Manor and love my work, furnishing an exciting adventure in service to humanity.

Our group visited Nursing Homes and Hospitals in three Countries, Sweden, Denmark, and London. We observed, took pictures (I have over 100 slides) and sat in on "Rap Sessions" where doctors and nurses, health officials explained their program and answered our questions. We took notes as we would at a Seminar of college lectures. I would like to tell you of some highlights.

As you know the United States gives dollars assistance to its elderly, but, the government does not provide direct care.

Our privately owned nursing home and hospitals want to do everything possible for the care, comfort, and well being of the elderly; but their efforts are limited by the high cost of everything involved in maintaining institutional care.

To give you an example; In contrast the per-day patient cost at hospitals I visited is about $2.00 in American Currency. A doctors visit is $1.00. A minor fraction of the cost in our country. If a patient needs to take a taxi to the doctor or hospital the cost is $.50. He or she is reimbursed by the government.

In the Scandinavian countries, particularly the needs of the elderly have long been a government concern.

In Sweden and Denmark, institutional care is involved with the socialized medicine program which began in 1913. Of course, Great Britain has a similar medical care program plan.

Swedish Nursing Homes that we visited have several catagories of care.

The flats are designated for quarters assigned to qualified bodies Senior citizens who enjoy many privileges of those who live in subsidized government housing in the U.S.A.

These living quarters cost a small fee to all 10 percent of the pension check which is about fourteen hundred dollars, for the wife supplement if husband is 61 years old the wife is 67 years old she will receive $838.00 per year until husband is 67. Then, she receives the same as husband, regardless of income or money in the bank, every one receives a pension, because they have paid all their lives until retirement age to help the program.

When one reaches the age of 67 years and wants to keep on working, it does not effect his pension, he can keep his weekly wages plus he or she receives their pension check. The object is to help the elderly to manage by themselves in the best way and as long as possible in the flats and surroundings they prefer and thus to make them continued being gay and active members of society.

That is why those who are able to look after themselves can have the benefit of small pension flats with the accommodations, the facilities of nurses, home help, and meal service provided.

The government circular on the provision of homes for the elderly in 1967, discribes the functions of Nursing Homes for the elderly infirms, old age pensioners homes and old age pensioner's falts.

The nursing home is a place for the elderly infirm needing care where the less infirm should be able to be cared for in homes for the elderly.

Those able to look after themselves can have the benefit of small pensioner's flats with the latter type of accommodations, facilities of the district nurse, home help and at a limited number of places meal services age pensioner's flats.

Most elderly people like to end their days as individuals—surrounded by their own possessions. The only problem of the elderly in their own homes—is that being along and possible infirm. That is why they have a new type of accommodations which is classed as a Service Flat with Nursing care. Each flat, residents bring their own furniture all but the bed.

FLATS FOR THE HANDICAPPED

The visit of this flat was very enlightening. Flats are built and furnished for the wheel chair patients having no doorsteps, no cupboards under the kitchenette tables. Each flat also has intercommunication system and telephone on which help can be called from the Central Aid Department which is situated at the entrance of the building.

Some of these buildings with the flats, contain a restaurant, shops, and a bank. That area also has a large hall which can be used as a meeting place for all the tenants, visiting friends and relatives. It also has a large recreation hall and hobby rooms, physical exercise facilities, swimming pools, etc.

They play a big part in keeping the handicapped active and at home rather than institutionalized. Many aspects of Swedish welfare system were clarified when one sees the program in action.

The Home of the Aged—The tour of these homes was heartwarming experience. The house was beautifully maintained, the furnishings and surroundings complimented the age of the persons living there.

The emphasis was always on the wishes of the aged and every effort is made to keep them contented. This was definitely reflected in the attitude of the geriatrics in this home, they were very productive and alert. The use of the Recreation department by the Swedish people in the geriatric program is very exciting. They cater to every need of the person and keep them moving to the challenge of intricate handwork and woodwork to keep them mentally stimulated, creative and useful individuals.

In the self contained flats residents can look after themselves, do shopping, etc., as long as they can do so, but if one should need for help, such as during a short spell of illness or as in chronic illness, such as infections, as diabetics might require nursing care and domestic service can be obtained through the buildings inter-communication system from the Central Aid Dept.

From this department all the various types of help can be drawn, besides nursing care, help in bathroom, cleaning, doing errands, etc. If residents are unable to cook due to disability, meals may be taken in the restaurant or brought up to the flat, if they are unable to go down, or the Service of Meals on Wheels.

The Service flats for the elderly are not a new idea, but the new trend is the added nursing services which provides this safety for the elderly people.

There is a reason to believe that many elderly people "Yes" even the majority under these circumstances will be able to remain in the Service flats and "Never Require" a bed in a real nursing home. A great number of people in nursing or rest homes could function very well in the community if housing programs were provided such as in Europe. Income and Service added and facilities.

The Nursing Home sections are for those who require nursing care. The dominant goal is that the elderly shall maintain their self-respect and dignity and that they shall not be allowed to become "Cabbages", Human Beings vegetating from lack of productive activity and skillfully administered to their needs.

EVERY ONE NEEDS A HOLIDAY EVEN PATIENTS IN NURSING HOMES

Pleasant as life is in European nursing homes, persons administering the programs are aware of the need of a change of pace. The social activities include holidays, shopping trips, dining out, visits to the theater and scenic rides.

This gives the people a feeling of normalcy and a sense of participation in "The world outside." We do this as far as possible in our nursing homes here in America and similar activities are provided for able-bodied senior citizens who do not require nursing care. Such programs remove dreariness in life and afford something special to live for.

In the early summer as well as in late summer from a climate point of view, the best season of the year arrangements are made for a 2 week recreation stay for weak and handicapped elderly people in modern, well equipped and most beautiful tracts of country holiday resorts near Rome and Naples, traveling out of home by plane. Nurses and care personnel come with them.

Christmas arrangements for the elderly people travel by plane to other countries who would otherwise be alone at Christmas. There is a celebration on Christmas Eve and a 3-day Christmas stay at some holiday places.

Quote from Hospital Administrators: From a Session I attended:

QUOTE

To get some form of unified concept perhaps we can glance at why we care for the elderly. When we look back at the foundation of our culture, I think we can say roughly that the Romans taught us how to rule and the Greeks taught us how to think, so when we are considering the source of any social or ethical practice "Quote" I like to see what the Greeks thought about it. In Plato's Republic about 400 BC, Socrates Said: "I enjoy talking with the very aged for, to my thinking, we have to learn of them as it were from way fares who have preceded us on the road "Which we too" It may be, must sometime fare. What is it like? It is rough or hard going? Or easy and pleasant to travel."

Old age should be respected and its opinion valued but it was a paramount necessity that life in old age should be worth living, I think that most of us would accept this view today, but we have arrived at it only fairly recently.

When we decry the by-gone methods of the Poor Law and deplore geriatric long stay places, it is really against this lack of the concept of worthwhile living that we inveigh. We who are working among the elderly may feel that we are reasonably enlightened but it is certain that there are large pockets of the custodial attitude still to be rooted out from various places. And it is only people like you who can do it.

THE FUNCTION OF A HOSPITAL OR NURSING HOME

Is to rehabilitate patients up to the hospital standards of independent living of which they are capable. When we cannot send them out to enjoy that standard we should think of it not in terms of pressure on welfare accommodation but, in terms of personal tragedy and unfair deprivation for these poor victims of circumstances, few indeed, would make their hospital their permanent home.

WHAT DO WE MEAN BY WORTHWHILE LIVING

I suppose we think of it mostly in terms of living in a true home. A home may be defined as a place where reasonable creature comforts exist, for example: Shelter, food, heat, light, and simple sanitary facilities where besides the person concerned, at least one other reasonably fit person with interest, Goodwill and Commonsense is present most of the time, and where the services of an interested family doctor is available.

Try to enable handicapped people to regain independence and return to the community.

QUOTE FROM A DOCTOR IN LONDON

"Some patients have to be encouraged to find their feet again, must learn to get themselves out of bed and chair without help, to wash, dress, eat, and communicate with one another. I feel at times some of the Geriatric wards have been grossly understaff and it is easier for a hard pressed nurse to lift a patient out of bed, dress her, put her on a bed pan, or wheel her in a sani chair than spare precious time to help her to do things slowly for herself.

Most of the elderly people with whom we come in contact are probably suffering from some handicap which we associate with old age, but, they are still people with likes and dislikes which they have developed through their lives. I feel that a great many geriatric patients become sick merely from the fact that when they retire from their own job they have nothing to do and begin to deteriorate." Let us adopt this slogan.

We have put life to the years, not just years to the life.

GERTRUDE R. PARKMAN.

PUBLIC BROADCASTING LAUDED

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. ROY. Mr. Speaker, I wish to call the attention of my colleagues to an editorial which appeared in the Topeka State Journal on May 11, 1973.

This editorial reflects the community support enjoyed by public television—specifically KTWU, Channel 11—in Topeka, and also coincides with my strong personal and legislative support of public broadcasting:

PUBLIC TV FEELS PINCH

Washburn University's television station, KTWU, channel 11, is one of the local institutions feeling a pinch this year because the federal government is forced to cut back; or, in other cases, not increase its spending.

This cutback in federal spending is necessary if taxpayers aren't to be hit by higher taxes or more inflation. But, like other worthwhile agencies and programs, KTWU finds it is cramped.

KTWU hasn't suffered any actual cutback this year. For 1973 it gets $24,336, compared to $24,000 in 1972. The pinch came because KTWU had been advised it would be eligible for $62,000 and had hoped to increase its services greatly.

It means, explains Dr. Dale Anderson, director-manager of the station, that KTWU will operate this year at the same level as last. "We won't see any growth this year," he said.

The station gives Topeka and the area fine service. It brings good music and drama. The Masterpiece Theater, has been popular. So have children's programs like "Sesame Street," "The Electric Company," and "Mister Rogers' Neighborhood," Telecasts like "Book Beat." "The French Cook," "Chess" and "Black Journal," appeal to specialized audiences.

KTWU wants to expand its local programs, but this it can't do now.

Public or educational TV serves a fine purpose. Part of KTWU's funds come from Washburn University, part from membership of the public in the Channel 11 club; part from the Action Auctions. In a time when federal funds must be limited to hold down taxes and inflation, KTWU might well find help through increased gifts from those who feel they have been greatly benefited from programs they receive only over such a station.

RARICK REPORTS TO HIS PEOPLE: TRADE WITH THE SOVIETS AT TAXPAYERS' EXPENSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. RARICK. Mr. Speaker, American corporate executives, who normally take a hard dollars-and-cents look at their business dealings in this country, seem to have forgotten everything they ever learned in the world of big business when it comes to "trade" dealings with the Soviet Union. They are caught up in the propaganda merry-go-round of the public relations campaign to sell American business on trade possibilities in Russia. The "240 million Russian consumers," that the State Department frequently refers to, have the U.S. business community making eager, often expensive, attempts to gain trading favor from the Russian Communist Party.

In fact it is difficult to decide whether the Communists are becoming more capitalistic, or the capitalists are becoming more communistic in their business approach. Perhaps what we are seeing developed today is a new breed of multinational businesses more properly labeled CAP-COM—that is those corporate giants who seek to make a respectable capitalist profit by exploiting the work of Communist laborers.

In any event, a large contingent of American businessmen, with ruble signs in their eyes, last week met with Russian Communit Party Boss Brezhnev during his Washington visit, and found him much to their liking. With 52 of the Nation's top corporate leaders looking on officials from the United States and the Communist Party of the Soviet Union signed agreements binding the two countries into further trade relations. The groundwork was cemented for a United States-Soviet "Chamber of Commerce" in the near future. Ten U.S.-based corporations were formally "accredited" to do business in the Soviet Union, and several others are reported to be vying for the approval of the party in their pursuit of the almighty ruble. This event, and other treaty signings during Brezhnev's stay, gathered wide coverage in the world press and on television.

The full story was never told, however. The fact that the U.S. taxpayer will pay for the expensive, and financially questionable ventures in trade with the Soviets. Through a number of U.S. Government agencies, the American taxpayer's money will be used to finance and insure the projects in the Soviet Union.

The giant American firms do not chance their capital in the risky Russian ventures; they prefer to use the American taxpayers' dollars to foot the bill for investments abroad.

Through the Export-Import Bank of the United States, the CAP-COM businessman can get large sums of tax money in the form of low-interest, decade-long payback period loans that are backed by the full faith and credit of the U.S. Government. Two years ago, the lending power of the Bank was expanded to allow $20 billion from tax money in the U.S. Treasury to be used to finance private business deals overseas. The money was made available to all Communist countries, including Communist China. The Bank extends loans and guarantees and insures credit extended by U.S. companies to finance export sales of U.S. goods and services. Relatively few of our people know that their money is being used to expand and finance goods for sale to the Communist regimes around the world.

Through the Commodity Credit Corporation of the U.S. Department of Agriculture—taxpayer supported incidentally—industrialists are able to finance almost unlimited exports of U.S. agricultural products to the Russian dinner table. It should be remembered that the massive "sale" of 400 million bushels of grain last fall which cost the taxpayers some $300 million in subsidized arrangements with large U.S. grain trading firms, and sent the price of meat and livestock byproducts soaring in this country was financed through the Commodity Credit Corporation.

Housewives trying to balance a budget and still feed meat to their families, have discovered the effect that this business venture, supported by tax money, had on U.S. pocketbooks. Last year large grain combines exported three-fourths of the

1972 wheat crop, and more than one-half the soybean crop. A reported one-fourth of the wheat went directly to the Russians. The Red Chinese got a smaller percentage, but this year their take of the U.S. wheat crop is expected to reach $100 million in long-term, low-interest credit extended by the USDA.

The Comptroller General of the United States estimated recently that when all the facts are known, the Russians may have gotten a much better bargain in their wheat deal than was first reported. Because of dollar devaluation in February, the Soviets will save an additional $100 million on the wheat they bought on credit.

Even if American companies should decide to invest some of their stockholders' money in Soviet speculation, they have no fear of the possibility of losing their investment. If the Red-bloc countries fail to pay, or seize and nationalize a company's holdings, the American company can collect from the U.S. taxpayers. The Overseas Private Investment Corporation—OPIC—an agency of the Federal Government, guarantees foreign investment against loss, with your money.

OPIC's "political risk insurance" makes certain that the big corporations investments are protected by the full faith and credit and the Government. So, if a U.S. company's holdings are seized by the Soviet Government, as they were in the 1930's, the investment will be repaid by OPIC, with tax money.

Any trade with the Soviet Union, because of all the credit, insurance and other manipulation of taxpayers' money by Federal agencies, amounts to little more than a form of foreign aid.

At the present time, the size of the Russian market for imported Western goods is governed by the Soviet Union's ability to sell its own products on the free market. That market is likely to remain rather low for some time to come despite glowing reports in business publications. The only goods that the Russians can export for hard Western currency are raw and partially processed raw materials such as oil, natural gas, timber, some metals and furs, and their potential for expansion is limited. Soviet industrial design is still in a primitive state. Ther consumer goods and machinery are so shoddy in workmanship that their only markets abroad are those that will accept Russian goods only as a last resort. Even those countries in the Red-bloc prefer to import Western consumer goods, and export their best products to the West where they will bring a better price.

A massive injection of U.S. technological knowhow is not likely to improve their flagging system of production. The top-heavy Kremlin bureaucracy that controls Russian industrial production remains the primary stumbling block of their emergenc as an industrial country capable of supplying their own consumer demands and exporting goods to the West, according to informed international sources.

Soviet dependence on Western assistance during times of economic crisis goes back more than 50 years to the earliest days following the Bolshevik revolution. An influx of American money and technicians in the 1920's and 1930's has been largely credited for saving the Communist Party from total economic defeat during its shakey beginning. American engineers designed and built the large hydroelectric powerplant that still supplies much of the country with electricity. Russia's largest steel plant was created with American personnel and knowhow. Henry Ford applied mass assembly line technique he developed in this country to build a big truck factory at Gorky, Russia, during the 1930's. That plant is still in use with machinery that is decades behind the times. It might be remembered that once the plant was built and operating, Joseph Stalin kicked the foreigners out and took over the facility.

There is no guarantee that the same thing will not happen again, yet several American firms are hard at work building what will become one of the world's largest industrial complexes in the Soviet Union. The Kama River truck factory is designed to produce some 150,000 trucks and a quarter of a million engines a year. The factory, equivalent to 400 covered football fields, will complete all the tasks necessary for production from producing the steel to finishing the vehicles—all under a single roof. An automobile factory, built with Western design and workers and using Western machinery, is already producing half a million cars a year for the Russian market. The cars and trucks now being driven in the Soviet Union are a good example of the many areas where Western production is accomplishing manufacturing feats the Soviet Union cannot match on its own.

One area where the Soviet Union excells in its production skills is the manufacture of war material. It has little apparent trouble turning out the missiles, bombs and planes to fuel wars all over the globe. The factories and steel mills that U.S. aid built in Russia during the 1930's were used later to create the munitions that killed American GI's in Korea and Vietnam.

It was all smiles last week when the Nation's top industrial leaders met in Washington to hail the Russian chief, and for good reason. East-West trade agreements will benefit both the big multinational corporations in this country and the floundering Russian system at the expense of the American taxpayer. The businessmen have nothing to lose, as long as the American public continues to pick up the tab for financing and insuring their dealings with the Communists. The Russians also are able to get the low-cost financial backing they need to stay afloat.

The only one who is not smiling at all the wheeling and dealing taking place in Washington and Moscow is the American taxpayer. He is the one who stands to lose his hard earned tax money in entangling trade alliances with the Soviet Union.

THE COOPERATIVE MOVEMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. BINGHAM. Mr. Speaker, the cooperative movement is an important economic, political and sociological factor both within the United States and abroad. The basic goal of the cooperative effort is to create business structures which are owned and directed by the consumers of those enterprises' goods and services.

Here in America, the Cooperative League of the U.S.A. is the national federation of cooperatives which promotes the common goals of the various U.S. cooperative groups and organizations. This league has played an important role on the international stage through its post-World War II sponsorship of the CARE program and its growing effort in assisting the Agency for International Development—AID—to foster economic growth and democratic progress in the developing nations.

Mr. Stanley Dreyer, the president of the Cooperative League of the U.S.A., recently testified on the activities of the league before the Subcommittee on Foreign Operations of the Senate Appropriations Committee, and I am including his statement for publication in the RECORD:

STATEMENT BY STANLEY DREYER, PRESIDENT, COOPERATIVE LEAGUE OF THE U.S.A., TO SUBCOMMITTEE ON FOREIGN OPERATIONS, U.S. SENATE APPROPRIATIONS COMMITTEE, MAY 16, 1973

My name is Stanley Dreyer. I am President of the Cooperative League of the USA (CLUSA). We are a national confederation of institutions which represents the major sectors of the cooperative movement. Included in our membership are primary level cooperatives, regional cooperative associations, auxiliary service organizations and sector federations. The League's service activities are designed basically to serve its membership in the areas of information, promotion and education; in research and development; and in representing a cooperative viewpoint in legislative matters.

In addition to these direct membership services the League also undertakes development activities directed toward strengthening the cooperative movement and expanding participation in cooperative enterprises. These development activities are carried out both domestically and internationally, and respond to the conviction that participation in cooperative organizations provides the most effective means for the individual to influence and affect changes in the marketplace, whether as a consumer of goods and services, or as a producer attempting to sell his produce, negotiate credit or purchase production supplies.

Since 1945 when we helped establish CARE (the Cooperative for American Remittances Everywhere) the League has had a long history of concern for reaching out to other people in other lands—assisting them in analyzing their situation, their needs and their potential, assisting them in applying the principles of cooperation to the task of bettering their socio-economic condition, and participating with them in the building of viable cooperative enterprises.

From 1954 through June of 1972 the League has channeled to the developing nations a total of 71 man years, mostly in short term consultants' time, of privately financed technical assistance. This capacity to transfer the experience and expertise of U.S. cooperatives to developing countries was greatly expanded from 1963 when the U.S. Government's Agency for International Development (AID) entered into a working agreement with the League as part of its implementation of Title V of the Foreign Assistance Act of 1961, which declared it to be the policy of the United States "... to encourage the development of cooperatives . . ." as a part of the foreign aid program.

Under this agreement, the Cooperative League was authorized to establish an office and staff in order to advise and assist AID in its cooperative development program, and to help mobilize resources which could transfer to the developing countries that which would be most appropriate and applicable of the U.S. cooperative experience and expertise.

We have also signed individual country task orders with AID Missions for specific technical assistance and cooperative development projects. During 1972, CLUSA had active country task orders in Ecuador, Peru, Chile, Panama, and India. During 1972 CLUSA also initiated a technical assistance program in Costa Rica under a contract with the National Bank of Costa Rica. Although this is not a task order with an AID Mission, the contract is directly related to an AID development loan to the Bank.

The League also supports development through membership in collaboration with other international organizations. The League has long been the U.S. member of the International Cooperative Alliance (ICA). Founded in 1895, the ICA now embraces more than 255,000,000 members of cooperative societies in 60 different countries, half of which are developing nations. It is the only world organization entirely and exclusively dedicated to the promotion of cooperation in all parts of the world. The ICA is the largest non-governmental organization with a voice in the United Nations and enjoys the highest consultative status with the United Nations' Economic and Social Council. As such, it is working with the United Nations and related agencies to mobilize other resources for integrated cooperative economic and social development.

Our interest in development is perhaps best documented in our 1972 Biennial Congress Delegates reaffirmation of CLUSA's historic policy of support to cooperative development wherever human needs exist:

"Cooperatives have proved effective around the world in raising living standards and helping stimulate economic growth; they are a source of individual dignity, and develop skills among people to establish and preserve democratic society . . . The Cooperative League . . . urges that (foreign assistance) programs should be expanded, drawing on resources of existing cooperatives and their associations for direct assistance . . . The League will continue to utilize advisory committees of cooperative personnel to assist and advise specific overseas projects . . . to improve agriculture production and distribution, decent housing, adequate credit and better job training. We can help people to help themselves through the creation of democratic, non-profit institutions such as cooperatives, credit unions and similar grass root organizations . . . we realize that long-run self-sufficiency can come only through practical assistance to developing countries so they can increase their own production of food, and other necessities."

The bulk of people of the developing world have yet to gain access to goods, services, and markets. The technical resources of the U.S. cooperative movement can play a substantial role in helping to obtain that objective. Through our membership in the ICA we feel we are in a position to tap such resources and channel them to areas of greatest need. It seems consistent that it should be a part of the U.S. Government's foreign assistance program to expand these cooperative activities in the developing countries by providing positive support to organizations with experience in this field.

As a part of this involvement, CLUSA has established a series of advisory committees to backstop its outreach activities. Committee members come primarily from boards, management and staffs of CLUSA member cooperatives, but in some instances they are recruited also from universities and government agencies. These advisory committees serve as a direct practical link between the U.S. cooperatives and the development activities. They assist in analysis of project potential, in project design, identification of technical personnel for project implementation and in project evaluation. Committee members often participate in field advisory visits. Their professional participation usually represents a direct contribution by their cooperative. Thus, for every person we involve actively in our assistance programs overseas, hundreds more U.S. citizens develop a widening interest in and support of our foreign assistance program.

In addition to the personal contributions of individual cooperators with special knowledge in a particular area, there is a consequential role for League staff people in getting organizations in our own and recipient countries to work together. Meshing the energies of separate groups in the domestic scene and in developing countries is their unique function, and one which with the passage of a quarter century they have come to exercise with considerable skill. This is done by identifying a problem when we are at work and quickly finding here at home the group or organization best able and most willing to cope with it. The time saved and the higher quality of assistance received are but two of the measures of the effectiveness of this type of expertise.

Throughout its involvement in international assistance programs, CLUSA has operated with conviction that real development must reach the masses of people at the lower economic levels, and that those people must be involved on a self-help basis to a great extent. We are delighted that this is the current thinking of many developmental institutions including AID, the World Bank, the United Nations' agencies, and others.

THE DAY OF THE ARCTIC HAS COME

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. YOUNG of Alaska. Mr. Speaker, next week members of the Public Lands Subcommittee of the Interior and Insular Affairs Committee will fly to Alaska to learn firsthand about the trans-Alaska pipeline.

Already, the committee has had the benefit of expert testimony from Interior Secretary Rogers C. B. Morton and others in hearings that have spanned more than 2 months.

In this factfinding mission, committee members will cover the entire 789-mile route of the proposed pipeline from Prudhoe Bay in the Arctic to the port of Valdez. I am confident their time will be taken up with the pipeline, but, in their brief stay in Alaska, I am certain, too, that they will see Alaska's great potential as a storehouse of natural resources.

These resources can be utilized, for the benefit of all Americans, with minimal disruption of the environment. While more will be heard on this subject in coming years, I should like to offer a brief introduction at this time in the form of a magazine article that was published in the Reader's Digest this month by Walter J. Hickel, Governor of Alaska from 1966 to 1969 and Secretary of the Interior in 1969 and 1970:

THE DAY OF THE ARCTIC HAS COME

By Walter J. Hickel, Governor of Alaska, 1966–69; Secretary of the Interior, 1969–70: "The eyes of the world are turning north. We must start using our Arctic resources—including natural beauty and fossil fuel—right now."

Up here in my office in Anchorage, I sit 90 minutes flying time east of Soviet territory and 90 minutes south of our rich North Slope oil fields, and I wish there was some way I could make the rest of America grasp the urgent importance to our nation of Alaska and this whole top of the world.

It is a vast, forbidding territory as mysterious as the moon, yet under its cover of ice and snow lies a unique opportunity for the future.

Take a good look at a schoolroom globe. Look down at the Arctic—ten million square miles, extending roughly from the 60th parallel up and across the North Pole. Within it lie most of Alaska, almost half of Canada, all of Greenland and Iceland, parts of Scandinavia, an incredible sweep of northern Russia and Siberia, plus most of their continental shelves and islands. In area, it's as big as Western Europe, the continental United States, Japan, India and China combined—nations which support two billion people. The Arctic, just as big, is practically unpeopled, and all but unknown.

Now, focus in on Alaska. Note that the shortest air route from New York to Tokyo, or to Peking, is not through Honolulu but along the Great Circle route through Alaska. Note, too, how the Pacific coasts of North America and Asia stretch south like legs of a wishbone, and how Alaska sits there strategically, atop the entire Pacific basin.

More than this, Alaska is a treasure-house of natural beauty and fossil fuel—fuel that lies undeveloped and unused, at a time when we desperately need it to produce energy to run our country.

How much fuel? Nobody knows. Some 30 billion barrels of oil have already been located on the North Slope—enough to supply the "lower 48" with two million barrels a day, from now until the year 2000. And that's not all. Estimates of other Alaska oil reserves, both on- and offshore, add another 20–30 billion barrels. And if you count potential continental-shelf reserves out to a depth of 200 meters, the total swells unbelievably, by another 600–780 billion barrels. To top all this, Alaska's coal reserves may exceed 120 billion tons, and natural-gas reserves are estimated at 238–438 trillion cubic feet.

Thus, Alaska is 1) geographically a crossroads of the globe, 2) a place of incalculable economic potential. In world politics, these two things add up to tremendous clout. But the northern regions of Russia, Siberia and Canada share similar strategic locations and the same rich potential. This is why the whole Arctic is destined to become a dominant force in the economic-political balance of the world. This is why I believe the world's power center is destined to shift from the Middle East to the Arctic.

What should we Americans be doing about it right now? I am convinced that we should get on with the job of extracting North Slope oil, so that we can reduce our dependence on Venezuela and the Middle East, and start damming up the critical and unnecessary flow of American dollars abroad.

As living space for man, the Arctic will never compete with the softer climates; no one is going to buy a retirement home on Prudhoe Bay. That is why the Arctic is a perfect location for a storehouse of wealth. And what a storehouse, for everything from mineral resources to the rarer resources of natural beauty and wildlife—perhaps most precious of all, in the long run. They will refresh the spirit of man as long as he inhabits earth.

The unique Arctic conditions encourage two opposite points of view. One says: "Exploit it fast. Get in—grab—and get out." The other warns: "The Arctic is a precious wilderness, so delicate and fragile we should lock it up. Man should stay out forever."

Both viewpoints are wrong. Today we can get the oil out—and the gas, the iron and the copper—without seriously disrupting the environment. We know better now than simply to take over the engineering techniques that worked in Texas and Oklahoma. We have learned to work *with* the Arctic elements, rather than against them.

This is something the Russians have learned, too. It began when they built the Trans-Siberian railroad in the 1890s, across 5500 miles of blizzard-swept desolation—"rusty streaks of iron through the vastness of nothing to the extremities of nowhere," as detractors scoffed. Then, recognizing potential in the region, Lenin in 1917 set up an institute to study the waters north of Siberia, the "Northwest Passage" between the Atlantic and the Pacific.

Fearful of depending on other nations, Soviet leaders were determined to find and develop raw materials within their own borders. As a result, new cities have materialized in the Soviet Arctic and sub-Arctic at fantastic speeds, and established ones have grown. Novosibirsk, on the River Ob in Siberia, now has a population of 1.1 million.

Today, oil-production plans for western Siberia stagger the mind: two million barrels a day by 1975, and double that by 1980, or some 40 percent of the U.S.S.R.'s total. Overall, including offshore areas, the Soviet Arctic may contain nearly a half-*trillion* barrels of oil, or almost as much as the "proved" reserves (540 billion barrels) of the rest of the world. Even more overwhelming are the Soviet Arctic's natural-gas reserves, estimated in 1970 at 425 trillion cubic feet (15 trillion more than ours at that time).

The Russians have laid down some 18,000 miles of oil pipelines plus 39,000 miles of gas pipelines, and will soon begin piping gas—probably to Austria and West Germany this year, Italy next year, and later Belgium. Before long, we may even be depending on Russia to ease *our* energy crisis. For example, under Soviet study now is the feasibility of constructing two 56-inch pipelines, one to carry western Siberian natural gas northwest to Murmansk for tanker shipment to our East Coast, the other to convey eastern Siberian gas southeast to a port near Vladivostok for shipment to our West Coast. Their combined length: 4,000 miles—five times that of our proposed trans-Alaska oil pipeline.

Understandably, the Russians now say, "There is no Russia without Siberia." They have turned a corner in their attitude toward the Arctic. It is time for us to do the same. The Arctic is not as difficult as it is different. Our challenge is to appreciate that difference. Let's stop being afraid of the Arctic. Let's roll up our sleeves and get started.

We need, for example, information about the continental shelf and the offshore lands of the Arctic. We need up-to-date polar maps. We need answers to questions about international sovereignty over Arctic waters and their seabeds. We ought to know more about Arctic transportation and communications systems, about the problems of large human settlements in the far north. We need a comprehensive study, leading to a coordinated national policy for Arctic development.

It is a responsibility we share with all the nations that rim the Arctic Ocean: the Soviet Union, the Scandinavian countries and, closest of all, Canada, on whose Mackenzie River delta and Arctic islands oil and natural gas have recently been discovered in enormous quantities. The region can become a hostile arena of economic and possibly military conflict. Or it can become a shining example of how nations can plan, live and work together, intelligently and wisely, with love for their planet Earth. We must join other Arctic nations in a federated approach to our common problems and opportunities. We owe it to future generations of the whole world.

As much as we have yet to learn, one thing is clear to me here in Anchorage—as clear as the peak of Mt. McKinley, 20,300 feet high against the blue Alaskan sky across the inlet. We need to move *right now*. The eyes of the world are turning north. We must start using our Arctic resources, those of natural beauty and those that meet man's other needs. And we must take the first steps, whatever our government and Congress judge them to be, toward cooperative international development of the whole polar region.

I have dreamed of the day when Americans would change their attitude toward Alaska and the Arctic. It begins to look as though history, economics and world politics are with me, and as though the day has begun.

THE NEED FOR A BAN ON HANDGUNS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. BINGHAM. Mr. Speaker, the menace of handguns in our society has been a major factor in the growth of crime, violence, and personal tragedy which our country is experiencing. I have introduced legislation which would ban all handguns in the United States, with the exception of those necessary for use by the military, law-enforcement personnel, and qualified pistol clubs, and I shall continue my efforts to seek passage of this proposal.

Unfortunately, Congress has a poor track record in the field of gun control legislation, and the inertia which has marked its posture is becoming a target of growing vocal public criticism. WCBS Radio in New York City is broadcasting a fine editorial today on the pressing need for congressional action to curb the handgun peril which is rampant in America, and I urge my colleague to take note of the broadcast editorial, which I am including for publication in the CONGRESSIONAL RECORD.

GUN CONTROL

After a New York City policeman was shot to death last week, the Police Commissioner said it was time for the public to be disarmed.

It was a plea that has been heard many times before. He was talking about gun control—or gun non-control, a more accurate description of life in America.

Nationwide, civilians own roughly 24 million handguns, and more are sold every minute. They are not all used for sport. The FBI reports that in 1971, fifty-two percent of all murders were committed with handguns. Last year in New York City, over 700 people were killed with handguns. This despite the fact that New York's Sullivan Law is considered one of the toughest licensing and registration measures in the nation.

The problem is, there is no effective, national effort to control the availability and ownership of handguns. And the Congress has historically been reluctant to meet this problem head on, obviously because so many voters are gun owners.

Last year, the Senate passed legislation aimed at controlling snub-nosed pistols. But a bill that would ban handguns got just seven votes and one requiring licensing and registration received fewer than 20. The House of Representatives did not pass any gun control legislation.

So things start all over again this year. The issue is in the hands of the House Judiciary Committee, where more than 20 gun control bills of varying severity have been introduced. Hearings on them have not been held yet. The new chairman of that committee is Congressman Peter Rodino of New Jersey. If you agree with us that it's time to control the killer handgun, write to him. Let him know you're looking for action this year. And we'll be watching, too.

DEATH OF AN AGE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. HANNA. Mr. Speaker, The era of military dominance in both domestic and international affairs has ended. The need for selecting economic and socially oriented decision leaders is clear. It is not that the Armed Forces will no longer be needed. Rather, they are to be subordinate to and will serve to stabilize the emerging patterns of progress. These emerging patterns call for cooperation, trade, and mutual restrain—for creation of an environment in which differing ideologies can move peacefully toward mutually desired goals. The time has come when the advantages enjoyed by some be used to the advantage of all. If these trends are seen as a process, and not a contest, then no one need be out to "bury" his neighbor. Instead, we should seek long-term benefit by offering goods and services between neighbors within a framework of trade and commerce which profits the neighborhood of all mankind.

The challenges of the new age are clearly before us. These are challenges the United States should be uniquely qualified to meet. We need but to recognize the changing times and correctly adjust our capabilities and responses to meet them. The speech of State Department Legal Advisor, J. Dapray Muir, spells some of this out for us. His words are worth our time and attention.

The speech follows:

AMERICA'S NEED FOR EXPANDED INTERNATIONAL TRADE

(Remarks by J. Dapray Muir, Assistant Legal Adviser for Economic and Business Affairs, Department of State, at Jefferson State Junior College, Birmingham, Alabama, April 25, 1973.)

As the President has remarked on so many occasions, the world has entered into a new era in which there are new mediums of international competition. Hopefully, war and preparations for war will become passé, and alliances and security arrangements will occupy ever decreasing attention from our policy planners and diplomats.

Few governments are any longer dominated by elites who justify their position by expertise with arms. Most governments—whether Eastern or Western, whether capitalist or communist—reflect the needs of business and economics, for which markets and profits are more important than victories and colonies. The new elites are motivated by the same objectives: domestic prosperity and a high standard of living for their people. Attainment of these goals involves certain conditions however for which nations must increasingly compete. These include access to raw materials access to advanced technology, access to capital investment, high wages, and sufficient exports to sustain a favorable balance of payments.

The United States is no exception to these conditions, but for the first time, it is required to actively compete. No longer is "fortress America" economically feasible. The United States is no longer self-sufficient in a growing number of raw materials on which it depends. These include petroleum, aluminum, chromium, natural gas, and lumber. Our technology is no longer unique and unaccessible. New steel processes only recently being adopted for United States production were developed in Western Europe and are a part of their existing plant; the Japanese and French are well advanced in the design and development of computers; and the newest developmental work in aviation, supersonic transport, has been undertaken by a joint venture of England and France. Indeed, capital investment is no longer assured; domestic industries must compete for investment dollars with business opportunities all over the world, and, as in the case of steel, additional investment may be threatened where there is fear of increased imports of competitive products. Finally, our exports no longer pay for our imports. In 1972, our trade deficit exceeded $6 billion.

These circumstances, most of which are new or at least of new proportions for the United States, pose a challenge to our very way of life. We can no longer be assured that our goods will be competitive in world markets; that we can export sufficient quantities of goods to pay for the imports of raw materials necessary to our economy; or that we will continue to have infinite quantities of reasonably priced energy.

President Nixon has recognized these challenges from the outset of his administration. During the four years in which he has been in office, he has taken a number of important steps to insure that the United States and our way of life can survive these major changes in circumstance. I am going to mention but a few.

As the markets in Europe and Asia have become increasingly competitive and in some cases protectionist, the President began to look around for new markets for American exports. He observed that two of the greatest economies in the world—that of the Soviet Union and of mainland China—were effectively barred to United States trade, by virtue of misunderstandings and legal constraints which in many cases were no longer justified by evolving political relationships. In May of 1972, President Nixon personally visited the Soviet Union, and in his meetings with Brezhnev and Kosygin, ways of opening this vast market to United States goods were among the most important matters discussed. It was agreed that a joint commercial commission would be established to explore means of developing trade between these two countries. There quickly followed a trade mission to Moscow and Warsaw, and in October, 1972, an agreement was signed which seeks to eliminate the principal legal barriers to such trade and to develop a framework which would be conducive to increased commercial contacts between these two great economies. Export-Import Bank credits were extended by the United States and a promise was made to seek repeal of 1948 legislation requiring discriminatory tariff treatment for products by the Soviet Union. In return, the Soviet Union would assure nondiscriminatory tariff treatment for U.S. products, and would also facilitate the operations of American companies seeking to do business in Moscow, including concessions relating to offices, employees, and settlement of commercial disputes.

The importance of trade between the U.S. and the Soviet Union cannot be overemphasized; the Soviet Union is a reservoir of vast quantities of raw materials of interest to the U.S.; and its market potential for consumer type products and machines for making such products is immense. Its interest in our consumer type products and technology is reflected in the tableware factory being constructed with American machinery in Kiev; in addition, natural gas contracts are being considered by Occidental Petroleum.

For these reasons, the nondiscriminatory tariff treatment for Russian products which is the precondition for the increased trade contemplated by the October Trade Agreement, and which the President has, in his Trade Reform Act of 1973, requested Congress to enact, are of great importance.

The Trade Reform Act which was submitted by the President two weeks ago, is of great importance to American exports in another respect, as well. This Fall, negotiations for the liberalization of international trade will begin among the major trading countries in Geneva. While tariff duties on a number of products have been reduced through negotiation over the past twenty-five years, there remain a number of tariff barriers of great concern to U.S. industries, and an increasing number of barriers to U.S. exports which do not involve tariff duties. These latter include practices ranging from quotas for certain U.S. products to customs practices which cause delay in shipments. The bill which the President has just submitted will give him the authority to negotiate with these countries for the elimination of such barriers—both tariffs and non-tariff. His power to independently negotiate mutual agreements as to tariffs would extend for five years; agreements as to the elimination of non-tariff barriers, which usually involve complicated collateral considerations, would become effective only with the acquiescence of Congress, except for a few matters closely related to the assessment and collection of duties, which he would be entitled to adopt independently. This legislation will also empower the President to take certain steps against imports from countries which unfairly discriminate against U.S. exports and from countries which obtain a competitive advantage in third-country markets by subsidizing exports. While similar provisions have long been a part of our laws, the new act will expressly permit the exercise of such powers in the event of a balance of payments crisis and will otherwise make refinements and amendments necessary to increase their effectiveness.

In recent weeks, the President has also sent forward a message to Congress outlining new policies with respect to our energy needs. As I mentioned earlier, the United States is required to import increasing quantities of petroleum from the Middle East and elsewhere. These imports entail important security considerations—the same considerations which led President Eisenhower in 1958 to impose limitations on the quantities of petroleum which could be imported into the United States. For example, how would we protect, in case of an emergency, the vast numbers of tankers which will be required to ply extended sealanes between the United States and the Middle East? Now, however, new discoveries within the United States have been unable to keep up with increases in our demand for petroleum, so that increased imports are a necessity. In recognition of this, the President has essentially terminated the quota limitations, admitting whatever quantities may be needed. In order to curb inflation, he has eliminated tariffs on petroleum, imposing only certain license fees on imports previously barred by the quotas. The President recognized, however, that our balance of payments situation, as well as the national security considerations which I have just mentioned, make it increasingly important to limit our dependence on foreign petroleum. For these reasons, he announced a major increase in funds for development of alternative sources of energy available domestically. These include geothermal sources, coal liquifaction and nuclear fission and fusion. In the interim he has urged the simplification of licensing procedures for new plants utilizing existing nuclear technology, and that for the interim, there should be greater reliance on coal, of which we have an abundance. To increase the development of domestic natural gas resources, he has requested that natural gas from newly discovered sources be permitted to be sold at unregulated, market prices, which will be somewhat higher than the current regulated price. This economic incentive shoulld result in increased exploration by our domestic natural gas producers. Lastly, but not least in importance, he has urged a new "energy ethic", in which conservation will be part of the thinking of each and everyone of us.

The disparity of national interests with respect to exports and imports and with respect to access to raw materials is infinitely preferable to armed conflict—let there be no misunderstanding, however, but that economic competition is no less real. What is at stake is our standard of living, our way of life, and for these reasons, regardless of how remote international trade may seem, these initiatives are deserving of your interest and support.

AN AUTISTIC CHILD

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. HARRINGTON. Mr. Speaker, today in my daily insert during National Autistic Children's Week, I would like to discuss the case of a particular, but typical, autistic child.

A recent article in the National Enquirer related the life of Jay Nolan, son of actor Lloyd Nolan. Jay was an autistic child and not once during his 27 years did he utter a single word. Although not all autistic children are mute, many are. Jay did learn how to swim and play the piano, but as he grew older he became less manageable and demanded constant surveillance. Eventually, Jay was sent to a special school.

Life with an autistic child in the household is an extremely difficult one. The care and attention that must be rendered to the child demands total devotion. Many recommend the institutionalization of autistic children, but this is not the answer. Special schools and special training can help an autistic child develop. This, coupled with further research and a possible cure, will enable the autistic child to become a productive member of society.

The article from the Enquirer follows:

LLOYD NOLAN TELLS OF TRAGEDY IN HIS LIFE: SON WHO NEVER SPOKE AND DIED AT 27

(By Edward B. Camlin)

Famed actor Lloyd Nolan slowly leafed through an album filled with prized snapshots of a healthy, blond boy swimming in a pool.

The pictures were of his son, Jay—a son who lived and died without once uttering a single word.

Jay, who died 4 years ago at the age of 27, was a victim of infantile autism. This severe emotional and biological condition makes children unresponsive to the world around them.

In an Enquirer interview at his home in Brentwood, Calif., Nolan talked about his family's years of heartbreak, in the hope of helping others with autistic children.

"My wife Mell and I didn't know Jay was autistic. We had never even heard the word before. We first noticed something was wrong when he was about two years old. Jay wouldn't react to people and I thought, 'My God, he's deaf!' But doctors said he wasn't."

Then the family noticed extreme patterns of outlandish behavior—crying and shouting all day long until Jay was weary.

"I was terribly sorry for Mell. I'd go off to work early in the morning and come home at 7 p.m. She'd be with this problem all day long. And the problem became greater.

"When Jay was 3 years old, he refused to feed himself. Acting under a doctor's suggestion, we didn't feed Jay even though the food was in front of him. As the days wore on, he got thinner and thinner.

"Poor Mell was getting thinner each day too, from worry. Finally on the ninth day, Jay picked up his spoon and fed himself. After that, we never had to feed him again."

Nolan said his son had to be taken out of school because he disrupted classes. Although Jay was usually unmanagemable, he learned to play some piano and loved to swim in the family pool all day.

"Jay's sister Melinda was two years older than him and she was very sweet and understanding—for a while. Jay would rudely break up his sister's games. More and more Melinda began finding excuses to visit friends and it was obvious she was trying to avoid her brother.

"As she got older, it began to take a toll on her—on all of us. He needed constant 24-hour surveillance. Eventually we put Jay into a special school when he was 13.

"We used to visit him as often as we could, but I was never sure that he knew me. He'd look right through me as if I wasn't there."

After 3 years, Jay was transferred to a special school in Philadelphia where he lived for 11 years. In 1969, he choked to death on a piece of food that lodged in his throat.

Since then Nolan's goal has been to spread understanding about the tragedy of autism. He has been named honorary chairman of the National Society for Autistic Children, 1973–74.

"Autistic Children can be taught, but it's on a one-teacher-to-one-student basis. The system of teaching is heartbreaking. The children have to come to school hungry and they're rewarded with food when they do something right. Over a period of time, one child was asked 4,700 times to raise his hand before he finally did it.

"The hope is to be able to begin to communicate with these children, then to teach them so they can go on to a public school.

"I know of one 15-year-old autistic boy who is going to a public school and loves it. He's learning Spanish.

"Sometimes autistic children have total recall and can remember everything they've ever read.

"Through grants, there are special schools for autistic children so they can learn to enter society and become human beings."

STATEMENT OF COMMENDATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mrs. SCHROEDER. Mr. Speaker, in keeping with the custom of this body of recognizing meritorious achievement, I would like to present the following statement of commendation to station KMGH–TV, Denver, Colo., for its distinguished public service program, entitled "Colorado: Options for the Future."

In an era when the mass media is frequently subjected to criticism by both the Government and private sector, it is gratifying to learn of a locally produced television documentary presented by a Denver TV station that received almost unanimous public acclaim.

This documentary, entitled "Colorado: Options for the Future," broadcast on station KMGH–TV on March 22, 1973, in prime time—7:30 to 10 p.m.—was a remarkable production not only for its length—2½ hours—but for its exhaustive treatment and practical solutions for such pressing community needs and problems as housing, land use, utilization of natural resources, population control, and the advantages and disadvantages of growth.

The television editor of the Rocky Mountain News, Walter Saunders, said in his column of March 22, 1973:

> This program is the most ambitious effort ever made by a Denver TV station. The program deserves to be seen, not because it is an ambitious effort, but rather, because it is educational and informative.

Barbara Haddad Ryan, Denver Post television-radio editor, devoted an entire page of "Roundup," the newspaper's Sunday magazine supplement of March 18, 1973, to comment and interviews concerning the documentary with KMGH–TV station manager, Jack Tipton, news director, Bob White and Bob Burton, producer/writer/narrator of the program.

The Aspen (Colorado) Times, in its issue of April 26, 1973, declared:

> Very little programming originates in Denver and controversy is generally avoided at all costs. In that light, Channel 7 should get an A for effort and another A for devoting nearly an evening's entire prime time to the film, rather than burying it in the weekend afternoon graveyard.

Prof. Frank S. Mathews of the Colorado School of Mines was so impressed with the prospectus for the program that he requested permission to bring his class of 50 junior and senior high school teachers, taking a special course in environmental issues, to the studios to view the documentary in a group.

One teacher from the group wrote in part:

> The program was one of the most beneficial two hours I have invested in television, and I would like to encourage Channel 7 to continue in their work of public instruction and public awareness.

Another teacher observed:

> I believe the show will serve as resource material for many groups including the legislature now in session. I am impressed by the amount of data contained in the program, all of which I thought was treated unbiasedly.

Still another teacher in Professor Mathews' class commented the program was:

> Excellent and provocative. It zeroed in on the kind of questions, we, as citizens of this State, must begin to answer if we are to have a State worthy of any kind of pride.

Various persons in public life took the unusual step of writing to Station KMGH–TV in praise of the program, including an official of the Denver public schools who wrote:

> Please know that our schools have eagerly responded to the beautiful program, "Colorado: Options for the Future", . . . our science departments, our social studies departments, our student activities departments all viewed the initial airing of the program. . . . Please be assured that we recognize good homework and good scholarship . . . and great television. This particular program . . . is one of the great television efforts of our time.

I understand that the KMGH–TV News Department staff, and its documentary producer, Bob Eurton, devoted 8 months to the planning and production of this program, indicating something of the time and effort that went into its preparation.

For the reasons cited herein, KMGH–TV is deserving of high commendation for its distinguished public service through the presentation of the documentary, "Colorado: Options for the Future".

HUMAN DECENCY IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. BIAGGI. Mr. Speaker, for almost 5 years now, there has continued to exist an affront to basic human decency in Northern Ireland, perpetrated by successive British governments. That affront has been crystallized by the storm trooper-like actions of the British Army, taken against a substantial number of the people of Northern Ireland.

Because of the countless number of violations of basic human rights by the British Government against a segment of a nation which Britain itself considers to be an integral part of the United Kingdom, it would be simply impossible for me to go into this area at great length. However, one particular draconian abrogation of human justice, imposed upon the people of Northern Ireland—without any consideration of revocation since its implementation in 1922—is the so-called "Special Powers Act," maintained and controlled by every successive British Government since that time—by the government of a nation greatly lauded for its judicial system and sense of democratic fairplay. Briefly, the "Special Powers Act," permits the denial of freedom to the people of Northern Ireland as it does in no part of the British nation. Perhaps this is because Britain does not actually believe that Northern Ireland is an integral part of the United Kingdom. Surely the aggressive actions of the British Army there indicates she is not. The Special Powers Act permits authorities to arrest and search without warrant; to imprison without charge or trial, denies the right to legal counsel, prohibits inquests upon prisoners deaths, et cetera. Along with the so-called "Internment Camps"—the British answer to concentration camps—these are examples of the current state of affairs in Northern Ireland.

It is now painfully obvious to us all, from what information we do get from the media about Northern Ireland, that the Heath government's so-called solution to the Irish question has had only negative results. Rather than bringing about peace, the Heath government has succeeded in promoting hatred and discrimination. Gentlemen, I know the true nature of the present situation in Northern Ireland; I was there; I spoke with the people whose lives have been made so miserable by these totalitarian policies; and I know that the distorted picture which the British Information Agency conveys to the American people is definitely false. They seek to justify their fiendish policies on the grounds that it is the wish of the people of Northern Ireland to remain *British* because union with the Irish Republic would bring religious and cultural discrimination. This is utter nonsense, and the sooner we realize this, then the better for free men everywhere. The only single solution which has not been tried in an effort to bringing peace to the north of Ireland, is the total reunification of the Irish nation, north and south. That there exists no discrimination in the Republic of Ireland, was manifested so clearly 2½ weeks ago, when the vast majority of the Irish people elected, an English-born Protestant, Erskine Childers to be president.

Therefore Mr. Speaker, in order to give my colleagues a clearer perspective as to what is actually happening in Northern Ireland. I now submit for the Record, the motion presented by Mr. Luis Kutner, chairman of the Commission for the International Due Process of Law, to the European Commission of Human Rights, concerning alleged charges of brutality and inhumane treatment committed by the British Government against the people of Northern Ireland. Subsequently, I shall submit for the Record sections of the briefs pertaining to these charges, including sworn eyewitness testimony.

The presentation follows:

Motion To Grant and Issue Appropriate Directives to Respondents and To Adjudicate the Applications; Together With Brief in Support of Said Motion

Now comes Luis Kutner, duly empowered counsel for Patrick Brendan McDonnell and other Applicants above-captioned, in response to the Commission's directive of June 6, 1973, and moves the Commission of Human Rights to find and transmit to the Council of Ministers the following:

1. That Applicants be given *locus standi* before the European Court of Human Rights;

2. That each Applicant has exhausted all practical available domestic remedies regardless of technical shortcomings;

3. That each Applicant has established degradation, torture and arbitrary imprisonment;

4. That each Applicant is procedurally competent to have the right of petition and the right of action;

5. That the Respondents, The United Kingdom of Great Britain and Northern Ireland, have deliberately infringed each Applicant's guarantees enumerated in the European Convention of Human Rights, particularly life and liberty (Article 2); protection against torture, inhuman or degrading treatment (Article 3); security of the person (Article 5); protection of civil rights and "due process" in criminal proceedings (Article 6); freedom of thought, conscience and religion (Article 9); freedom of expression (Article 10); said Articles to apply to all persons without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or status, *inter alia*;

6. To find that each Applicant has complied with Article 25(1) of the Convention, which provides:

"(1) The Commission may receive petitions addressed to the Secretary-General of the Council of Europe from any person, non-governmental organization or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention. . ."

In support thereof, counsel further states:

That in his letter of June 6. 1973 to counsel for Applicants herein, received June 9, 1973, the Secretary to the European Commission of Human Rights in response to Motion made on February 26, 1973 for legal assistance and an accelerated hearing and other relief, stated, *inter alia*:

a. that the Commission declined to proceed with examination until detailed information concerning the injuries resulting to each Applicant from Respondents' acts or omissions;

b. that exact information regarding the exhaustion of domestic remedies would be required;

c. that counsel for Applicants would be afforded approximately twenty-one (21) days to furnish such information to the Commission.

That in response to the Secretary's direction, pursuant to the Commission's arbitrary and unfair order, Applicants' supporting Brief is attached hereto and made a part hereof.

Therefore, Applicants pray:

That the Commission

1. Grant and hear the several Applications herein as a Collective Application, pursuant to its inherent powers;

2. Grant a hearing on Applicants' Petition for Writ of Habeas Corpus;

3. Issue appropriate directives to Respondents to disclose the names of all persons arrested, detained and interned from August 10, 1971 to the present;

4. Appoint several Members of the Commission as special Investigators to observe the conditions of detention in the various detention centers in Northern Ireland; to interview Applicants to ascertain with greater particularity the circumstances of each Applicant's detention;

5. Direct Respondents to show cause why the Special Powers Act of 1922 should not be abrogated forthwith;

6. Direct Respondents to show cause why Applicants, individually and collectively, should not be put to a fair and just trial and afforded the minimal standards of due process of law;

7. Require Respondents to answer or plead to the Applications within a short day;

8. Recommend to the Council of Ministers to the European Court of Human Rights to suspend the Council of Europe membership of the United Kingdom of Great Britain and Northern Ireland pursuant to Article 8 of the Statute of the Council of Europe for their failure to faithfully comply with Article 3 of said Statute.

EDUCATION AT ITS BEST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. RANGEL. Mr. Speaker, though America needs its Harvards and Yales and Columbias, and it needs its preparatory schools and academies, it needs, just as much, schools such as Malcolm-King Harlem College Extension.

A recent article in the New York Times entitled "Malcolm-King: A College Geared to Help Highly Motivated Adults" described the institution and what it is doing in and for the community.

[From the New York Times, June 18, 1973]

Malcolm-King: A College Geared To Help Highly Motivated Adults

(By Gene I. Maeroff)

College was out of the question for Marguerite Marshall when she graduated from high school in the nineteen-thirties. She was poor, black and orphaned and it was the Great Depression.

But recently, Mrs. Marshall, now 51 years old and the mother of three, was graduated summa cum laude from Marymount College on the city's East Side. Had it not been for Malcolm-King: Harlem College Extension, from which she transferred to Marymount, Mrs. Marshall feels she would not have resumed her long-interrupted schooling.

Malcolm-King, the only institution of higher education with degree-level work in Harlem, is little publicized and almost unnoticed by the rest of the city. But in the five years of its existence it has offered a growing number of adults such as Mrs. Marshall a second chance in life, the opportunity to pursue fully accredited college-level studies.

FACULTY IS NOT PAID

Malcolm-King is an institution without a single paid faculty member. All 97 professors are volunteers whose full-time jobs are elsewhere. More than half hold doctorates or are in the process of completing doctoral programs.

There is no tuition at Malcolm-King and the college gets almost all of its classroom space rent-free. The classes, scattered throughout Harlem, meet only in the evenings and on Saturdays in space contributed by Intermediate School 201, Resurrection Catholic Church and the Urban Center.

The average age of the 753 students, 90 per cent of whom are black and most of whom are Puerto Rican, is 32. A fundamental aspect of the college's policy is to discourage recent high school graduates from applying for admission.

"We are interested in older people, the ones who missed the boat because they got out of high school too long ago, before Open Admission and the other opportunities that minority youngsters coming out of high school today enjoy," says Mattie Cook, Malcolm-King Administrative director, one of the few black women in the country to head a college.

Mrs. Cook, a Harlem resident for 18 years, holds a master's degree from Teachers College of Columbia University. She is a forthright and immensely popular woman who has been with Malcolm-King since its founding.

Mrs. Cook, who was unsalaried for the first two years she ran the college, now draws $16,000 annually. Malcolm-King's entire income of less than $250,000, which comes almost solely from Federal and state grants, pays for an administrative staff of 27 and office space.

Eleven stories above 125th Street, in the college's headquarters in the Lee Building, overlooking the rooftops of Harlem's dreary tenements, Mrs. Cook reflected on the purpose of Malcolm-King.

NINETY-FOUR COURSES OFFERED

"Black people have had enough of training programs that lead to certificates," she declared. "It is evident that the better jobs are not open unless you have credentials, academic degrees. Society demands it and if that's what it takes to move up, then let's not say people don't need credentials."

From the outset, Malcolm-King's courses there are now 94 listed in the mimeographed booklet that serves as a catalogue—were recognized by the State Board of Regents as carrying full academic credit, although the college is unchartered because it does not have the necessary $500,000 to guarantee financial solvency.

The Regents have allowed Malcolm-King to give accredited courses because the college's faculty members have been appointed adjunct professors by one of three colleges that have agreed to help Malcolm-King. They are Fordham, Marymount and Mount St. Vincent.

Malcolm-King's courses are of the sort usually offered during the first two years of college—accounting, American history, urban politics, economics, child psychology and biology. There are departments of business, education, history and social science, humanities and mathematics and natural science.

A student may earn up to 62 credits at Malcolm-King and then transfer elsewhere as a junior to complete a bachelor's-degree program. Officials at Marymount and Mount St. Vincent say that none of the dozens of Malcolm-King students they have accepted has failed or dropped out.

"Some of my best students have been those I have taught at Malcolm-King," says the Rev. Frank Gignac, a theology professor at Fordham whose doctorate in Greek philosophy is from Oxford University. Father Gignac has taught linguistics and philosophy at Malcolm-King.

"Students at Malcolm-King are intensely motivated," he said.

Malcolm-King requires with few exceptions, that a candidate for admission be a high-school graduate or pass the high school equivalency test.

Placement examination are mandated in English and mathematics and students who are deficient must take remedical courses. All students must take a two-credit freshman course in study and research skills.

"PERSONAL ATTENTION" NOTED

Elliott Brown, a former Wall Street clerk, remarks that "this kind of personal attention is what you need after you're been away from school for so long." Mr. Brown, who is 40, has gone on to Manhattan College as a business major after studying at Malcolm-King.

Despite such individual success stories, however, Malcolm-King has its problems, one of which is a high dropout rate. The college also has found it difficult to attract male students, women dominating the enrollment by a more than 3 to 1 margin.

Nevertheless, Malcolm-King officials remain convinced that the college can make a special contribution in an area of the city in which a tiny portion of the population has had higher education. Endeavoring to widen the college's service to the community beyond the regular courses, Malcolm-King has become involved in programs to curb drug abuse and to help ministers, educators and ex-convicts.

"Our biggest handicap to expansion is financial," says Mrs. Cook, who notes that the college is turning down almost 300 students a semester because it cannot accommodate them.

"We are doing what everyone is always telling minorities they are supposed to do—pulling ourselves up by our bootstraps," she declared. "We need more money and though the Harlem community has been very cooperative it does not have within it the kind of financial resources we need. We have to find ways to tap more outside aid."

Malcolm-King has long had a knack for working its way out of tough situations.

In 1968, when the college was less than a year old and its 30 students got together to choose a name, they found themselves in a heated deadlock, one faction urging the name Malcolm X College and the other holding out for Martin Luther King College.

Following a tie vote, skillful maneuvering ended what seemed to be an irreconcilable conflict, giving the college a combined name and averting lasting dissention.

IN SUPPORT OF A SELECT COMMITTEE ON AGING

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. STEELE. Mr. Speaker, as chairman of the House Republican Task Force on Aging, I wish to express my strong support for the creation of a House Select Committee on Aging. The problems of the aged are too enormous to neglect the formation of such a panel any longer. Today there are approximately 20 million American citizens age 65 and older. Inflation, including rising housing, food and health care costs is often devastating to a retired person who has worked all his life hoping to live out his old age in dignity.

Like other predominately low income groups older Americans spend disproportionately more of their income on food, shelter and medical care. While the average family pays 17 percent of its budget for food, the elderly person spends 27 percent. Housing needs consume about 34 percent of an older person's income compared with a national average of 23 percent.

Since housing is one of the highest items in the average elderly person's budget, the lack of low-cost, specifically designed units is a critical problem, necessitating the provision of such decent and reasonably priced shelter for the needy elderly. The suspension of new commitments for public housing, rent supplements, section 235 (homeownership, and section 236 rental housing intensifies the housing shortage for the aged. Moreover, while subsidized starts are scheduled and continue at a rate of 250,000 per year, there is no guarantee that a definite number of units specifically designed for the elderly will be constructed.

Fortunately, more and more attention at both the Federal and State levels is being focused on the drain on elderly income caused by property taxes. These taxes, which take a disproportionate share of retirement income, have jumped by 39 percent over the past 4 years, nearly twice the overall increase in the Consumer Price Index. Since over 70 percent of those over 65 own their own homes, the impact has been especially severe for the aged.

An added critical problem for the elderly is the serious income drain caused by the high cost of health care. Today, out of pocket, per capita direct payments for medical treatment for the elderly are actually $42 higher than they were in 1965, the year before medicare went into effect.

Beyond these areas of immediate concern remain a myriad of other problems facing older Americans.

At present there are eight different committees considering legislation affecting the elderly. This fragmentation of effort submerges the special problems of the elderly, which are often lumped together with those of the rest of the population in such critical areas as transportation, housing, and medical care. Because the problems of the aged have not been adequately focused on in the House, the elderly have been given less attention than they deserve.

There are significant advantages to a single permanent House Committee on Aging as outlined in House Resolution 460. Such a committee would specifically treat the problems of the aged and give them a full-time voice in the House. Moreover, it would provide an overview of the effects of legislation not offered under the present structure. The committee would not only provide needed expertise, but would also allow study and analysis of problems on an on-going basis, promoting efficient and effective legislation. As the numbers of elderly and their concerns grow daily, we as elected representatives simply cannot afford to make ad hoc, piecemeal, and insufficiently informed judgments on their problems.

Finally, the committee would enable the House, as a legislative body, to be a self-reliant gatherer and disseminator of information on problems of aging to its own members. Unlike the Senate, which has had its own Special Committee on Aging for 12 years, the House has had limited expertise regarding problems of the aged. A committee which has the advantage of focusing on the elderly could remedy this situation because its members and staff would be in a position to closely examine and develop courses of action to deal with these problems.

For example, the Senate committee, in operation since 1961, has built up a significant bibliography of reports and activities. During 1972 alone, the committee held 9 days of hearings in Washington on "Future Directions in Social Security." It also held field hearings in New York City on the conditions of tenants in public housing. In addition, it produced five reports related to home nursing care, unemployment, legal affairs, and the history of legislation on the elderly. A major part of the committee's efforts have concentrated on following up the recommendations of the White House Conference on Aging. It has worked closely with the Senate Finance Committee in reports on the issue of nursing home care, and in the passage of the 20 percent social security increase in H.R. 1.

Moreover, the Senate Select Committee has also had an impact on other Senate committees, particularly those concerned with specific legislation affecting the elderly. For example, the committee was involved in 66 provisions of legislation enacted in the 92d Congress, either through recommendations of legislation or investigation of the problem. Finally, the committee played a key role in encouraging the passage and signing of the critically important Older Americans Act amendments.

We, in the House, need a select Committee on Aging in order to provide a comprehensive approach to the problems of the Nation's elderly. Although the creation of this committee will require the utilization of additional House resources and finances now, in the long run these resources will be spent to reduce the duplication of effort, coordinate research and benefit elderly Americans by helping them live their later years as proud, active and contributing members of society.

CONGRESSIONAL RESPONSIBILITY FOR THE ENERGY SHORTAGE—A DISGRACE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. WYMAN. Mr. Speaker, it is the clearest responsibility of the Congress to act immediately to reduce the inexcusably and unnecessarily high auto emissions pollution control requirements, to a level consistent with actual public need. Unless this is done, the requirements of present law will mean a waste, and I repeat, waste, of nearly 3 million barrels of oil per day starting in 1976. There is no excuse for this legislative delay in facing the realities of overkill in the Clean Air Act of 1970 requirements, despite unwillingness of certain Members of Congress to act responsibly lest they be misunderstood by their constituency.

Apparently the author of that act is hedging on the subject for whatever reason. Meanwhile the U.S. automobile industry is faced with a 15-month leadtime dilemma, the U.S. automobile buyer faces a price tag for 1975–76 cars up several hundred dollars, and a gas mileage for these cars that is utterly ridiculous—all because of pollution control gadgetry that is not required by public need for public health in almost any identifiable part of the country.

I urge interested citizens to write to their Congressman or Senator to protest this congressional procrastination. It is in truth a disgrace and those responsible ought to be identified and held responsible. These are the Members with authority over bills such as H.R. 4313 that would reduce emissions control requirements from the present level of 96 percent pollution free to 90 percent pollution free. Even the 90 percent figure is more than is required by California for Los Angeles—the No. 1 air inversion problem in the United States.

In this connection I commend the reading of a recent editorial appearing in the Wall Street Journal on this subject.

THE TAILPIPE DEBATES

Now that Senator Muskie has completed two weeks of oversight hearings on the automobile emission standards required by the 1970 Clean Air Act he not only has a better idea of what the auto manufacturers want by way of relief, but also what they are willing to give in return. It shouldn't be any surprise that each of the Big Three had a different proposal depending on how each views its competitive advantage.

General Motors Corp. has an immense investment in oxidizing catalysts and trails Ford Motor Co. in research on the stratified-charge engine. So GM President Edward N. Cole proposes nationwide application of the interim standard that the Environmental Protection Agency has set for California, freezing that standard into law "for several years." This approach would force GM's competitors to employ oxidizing catalysts without delay, divert them from pursuit of alternate clean-up methods and give GM the chance to get its investment in catalysts back while catching up with Ford on the stratified-charge engine.

Ford would naturally like to press its advantage with the stratified-charge engine while not completely abandoning its investment in the oxidizing catalyst. So Ford President Lee Iacocca proposed to the Muskie subcommittee that the industry be granted a year's extension in meeting the carbon monoxide and hydrocarbon standards, this on top of the extra year already granted by EPA. In return, Ford would launch a "priority effort" to put as many as 500,000 1977 cars on the road with stratified-charge engines. The year's delay would enable Ford to avoid tooling up for oxidizing catalysts on that one engine line it would convert to stratified-charge.

Chrysler Corporation despises any and all catalysts. But it believes it leads its competitors in the use of electronic ignitions and fuel control as a means of cleaning emissions not at the tailpipe but within the engine. So Chrysler President John Riccardo proposes that the interim EPA standard for 1975 be extended through 1976 and that California, which now must meet a tougher standard than the rest of the nation, be kept on a par with other states those two years. For the 1977 model year, he pledges to meet the slightly tougher standards that the state of California proposed as being sufficient to protect public health. All of this, he says, without any catalysts.

What Detroit completely agrees on is its desire to have the standard for oxides of nitrogen (NOX) revised as soon as possible by Congress. None of the auto makers like the reduction catalysts necessary to get down to the 1976 federal standard of 0.41 grams per mile. Without this second catalysts, GM and Ford propose getting down to 2.0 gr./mi., Chrysler to 1.5 gr./mi. And since EPA admits that the current federal standard derived from faulty scientific evidence and is thus unsupportable, it now seems almost sadistic for Congress to require Detroit to continue pouring resources into reduction catalysts simply as a means of "maintaining pressure" on the industry.

We have no idea how seriously Senator Muskie is pondering any of these proposals. But we hope he is sorting through them to try to find where the public interest lies. It's highly probable that what Mr. Muskie decides to do, Congress will go along with, leaving the Senator with what amounts to a presidential decision that will determine the future course of the auto industry. Our only concern is that he may choose not to make a decision, but to simply let matters ride.

Our own preference is some kind of solution that would get the nation off the catalyst course entirely while maintaining pressure on the industry in a drive toward the cleanest possible air. At the very least, catalysts will require cumbersome maintenance systems, test procedures that have not yet even been developed and a total conversion of the petroleum industry to unleaded gasoline.

Because 1975 model cars sold in California have to employ oxidizing catalysts which do not tolerate lead, 70% of all the gas stations in the nation will have to provide unleaded gas by the fall of 1974. At a time when refinery capacity is strained to the limit and the industry faces capital spending needs of up to $30 billion through the decade merely to keep up with demand, it hardly seems prudent to impose further demands on it, especially when clean alternate power systems not requiring unleaded gas appear so close at hand. Additionally, it takes 5% to 6% more crude oil to refine unleaded gas than the leaded type.

Jettisoning the catalysts would not mean capitulation to Mr. Dirt. It would merely mean revising the standards to levels the California pollution experts found sufficient to protect public health, perhaps granting an extra year to get there so no auto manufacturer has a clear advantage over its competitors in getting there.

In writing the 1970 Act, Senator Muskie designed it as shock treatment for the auto industry. And it worked to the extent that there is now intense technological competition in the industry. The present moment calls for much more delicate, refined action on the part of Congress. It waits for Senator Muskie to point the way.

LETTER WRITTEN TO FRENCH AMBASSADOR ON FRENCH NUCLEAR TESTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. EILBERG. Mr. Speaker, the proposed French nuclear tests in the South Pacific have caused a storm of protest around the world. In the past these protests have come from international organizations and groups specifically formed to deal with the problem of radioactive contamination of the atmosphere.

However, the danger from these tests have become apparent to a great many people who would not normally be concerned with this problem.

A clear indication of this growing awareness of the danger is a letter which was sent to the French Ambassador to the United States by C. L. Dennis, international president of the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, protesting the tests.

At this time I enter into the RECORD this letter:

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES,
June 20, 1973.

MR. JACQUES KOSCIUSKO MORIZET
French Ambassador to the United States,
Washington, D.C.

DEAR MR. AMBASSADOR: As a long-term member of the International Transport Workers' Federation (ITF), the Brotherhood of Railway and Airline Clerks (BRAC), whose more than 250,000 members I am honored to represent, wishes to add its voice to those of some seven million ITF-affiliated transport workers throughout the world in an international protest against the continued atmospheric nuclear tests conducted by the French Government in the Pacific area which endanger the life and health of all mankind.

Over a decade ago, world-wide public protests led the United States and the Soviet Union to abandon atmospheric nuclear testing. Nevertheless, in spite of international opposition, the French Government has continued testing nuclear weapons in the atmosphere for some thirteen years, while completely disregarding the interests and well-being of others. It is known that the effects of exposure to fallout are cumulative and irreversible. In fact, the International Commission on Radiological Protection has stated that, down to the lowest levels of dose, the risk of inducing disease or disability increases with the dose accumulated by the individual. Genetic birth defects and all forms of cancer and leukemia are the results of such exposure. Therefore, we must strongly denounce the attitude of your Government and its refusal to recognize the validity of international demands for a halt to these deadly tests. While the impact of fallout is presently greater in South America and the Pacific islands, a continuous buildup of atmospheric radiation endangers the peoples of the entire globe.

In accordance with ITF Executive Board policy, I am requesting that BRAC International Vice-President J. F. Otero, with offices in Washington, D.C., further coordinate this matter on my behalf. Therefore, please address any future correspondence to him at the address shown below

Sincerely yours,

C. L. DENNIS,
International President.

REVOLUTION REMAINS CASTRO'S PRIME COMMODITY OF EXCHANGE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. RARICK. Mr. Speaker, the "Cuba si, Yankee no" stance that the Castro regime has maintained over the years, has hardened rather than softened. And any attempt by the United States to "normalize relations" with the island dictator, as some Americans have suggested, would be strictly a unilateral move on our part. It is a move that the Cuban Communists have indicated they want no part of.

In his 2-hour May Day harangue, the Cuban Premier reiterated his position:

> We are not interested in receiving any Yankee representatives here.

Castro also called for establishment of a new regional organization, similar to the Organization of American States, which would blackball the United States. He went so far as to say that the members' interests should be defended "against the aggressions of the United States."

Little has really changed since the dark days when more than a half million freedom-loving Cubans were forced to flee the dictatorship. Castro's platform continues to be best served by making the "U.S. imperialists" the whipping boy for his political failures, which have bankrupted the economy of the island.

One popular argument favoring normalized relations revolves around recent diplomatic policies adopted by the State Department. The syllogism goes: Since the President has extended dialogs with other Communist countries, notably Red China and the Soviet Union, and Cuba is a Communist country, therefore, we should extend recognition to Cuba. Thawing relations with the Communist party leadership of China and Russia are a result of Presidential fiat and Executive order—not congressional action. In fact, Congress has opposed attempts by the President to grant "most favored nation" trading status to the Soviets and to aid North Vietnam. Thus far, relations with North Korea and East Germany have not been normalized.

The recent hijacking agreement signed by the United States and Cuba is yet another example of the nontreaty diplomatic course followed by the administration. Many Cuban exiles have expressed fear that the accord has jeopardized the hope of escape for thousands of remaining anti-Communist Cubans.

When Cuba was outsted from the OAS in 1964, the regime was found guilty of international subversion. The same brand of Castro's Communist revolution that was exported to other Central and South American countries during the 1960's, continues to be the country's prime commodity of exchange. A shift in tactics from the rural guerrilla warfare which plagued such countries as Colombia and Venezuela under Havana's direction has taken place in recent years. Urban terrorism presently being experienced in Uruguay, Brazil, and Argentina is Castro's new plan for the 1970's.

Recent reports now indicate that Cuban revolutionaries are broadening the scope of their operations and have moved into trouble spots in the Middle East and Africa. More than 100 Cuban agents are now training pilots in South Yemen to fly the Soviet-supplied Mig-21 jet fighters, according to Washington reports. Additional Cuban military advisers are also training anti-Portuguese guerrillas at bases in Guiana. The style and location of the revolutions may have changed, but the Castro stamp remains.

Any alleged benefits to be gained from resumed ties would go to Castro. The Cuban threat to the peace and security of the Western Hemisphere remains as strong today as when diplomatic ties were cut in 1962. The policies, actions, and rhetoric of Castro remain adamantly anti-United States. Until such conditions change in Cuba, there is no legitimate reason to resume direct communication with Castro's Cuba.

The policy we have maintained toward Cuba remains justified, since nothing has changed to alter that course. To normalize relations with the Communist Party of Cuba would be to break faith with the Cubans who have sought sanctuary in this country.

I include the related newsclipping:

[From the Washington Post, June 25, 1973]

CUBA TRAINS SOUTH YEMEN PILOTS

(By David B. Ottaway)

Cuba has begun training pilots for Marxist-oriented South Yemen to fly the advanced Mig-21 jet fighters the Soviet Union is now supplying to the Yemenis, according to well-informed Washington sources.

There are more than 100 Cubans in South Yemen, many of them military advisers training the South Yemeni milita and air force, the sources say. An unspecified number of Yemeni pilots have also gone to Cuba for training.

The arrival of Cuban military advisers in large numbers in South Yemen, the only leftist regime on the Arabian peninsula, which contains the world's largest oil reserves, appears to be linked to a stepup in the delivery of Soviet aircraft and other arms to the country.

Strategically located at the Red Sea's entrance, South Yemen, whose capital Aden was a former British crown colony, has provided the Soviets with their only toehold on the Arabian peninsula.

The military buildup there has become a major concern not only of U.S. officials but also of North Yemen and Saudi Arabia, which have turned to the West for diplomatic support and increased military assistance.

The presence of Cuban pilots there has led to speculation that Cubans may have been the unidentified foreigners who flew two South Yemeni Migs in an attack on a Saudi Arabian border post in late March.

That attack and the Saudi realization that the South Yemenis are obtaining Mig-21s are understood to have triggered the Saudi decision to procure either Phantom fighter-bombers from the United States or advanced Mirage 5Es from France to match the Soviet craft.

While the Soviets are supplying South Yemen and Iraq with more than $1 billion in military hardware, the United States has decided to sell massive amounts of arms and aircraft to Iran, Saudi Arabia and Kuwait.

The prospective and ongoing U.S. arms deals with these three oil-rich Persian Gulf states total about $5 billion, including training and service contracts.

The Soviet-American rivalry in the gulf is serving to aggravate the numerous existing intra-Arab conflicts.

Assistant Secretary of State Joseph J. Sisco told a Congressional committee recently, without going into further details, that the Mig-21s were about to become operational in South Yemen.

Sisco said that the Saudis want a credible second-strike capability against Mig-21s attacking them from Iraq or South Yemen.

Sources here said the Soviet arms buildup in South Yemen began late last year, about when North and South Yemen ended a two-month spate of border fighting by agreeing to unification of the two countries.

The precise number of Mig-21s going to South Yemen is unclear. One analyst said that between 20 and 30 were involved, but others say this number is far too high, although they concede the Yemenis might eventually get that many.

The deliveries are said to be continuing, and the total number of Migs, including earlier model ones, in Yemeni hands is said to total around 60.

South Yemen is the only Arab country where the Cubans are actively involved in a military assistance program and in backing guerrillas to overthrow a conservative regime. Cuban advisers in South Yemen are training commandos fighting in Dhofar, the western province of neighboring Oman, to overthrow the sultan there. In Africa, the Cubans have trained anti-Portuguese guerrillas at camps in Guinea.

Cuban involvement in South Yemen goes back many years and stems primarily from the two governments' similar commitments to socialist revolution based on the peasantry.

The Cubans provided a few advisers to the National Liberation Front, the ruling party in South Yemen, even before the country's independence in 1967, and this continued afterwards.

A strengthening of the Cuban-Yemeni relationship came last November, according to Washington sources, when the NLF secretary general Abdel Fattah Ismail, visited Cuba and apparently arranged for a large Cuban military mission to help both in upgrading South Yemen's 5,000-man people's militia and in training Mig pilots.

Cubans may have flown the two South Yemeni Migs which attacked the Saudi border post of Al Wadia March 22, although sources here note that Pakistani mercenaries also fly South Yemeni aircraft and Soviet military advisers are stationed in the country. However, it is regarded as unlikely that Soviets would have piloted the planes, which sources here say were Mig-15s or Mig-17s.

The military buildup has put a scare in the North Yemeni government, which has obsolete Soviet aircraft, none of which is now operational according to sources here.

So, North Yemen is pressing the U.S. government for military assistance. It reestablished diplomatic ties with Washington last year, after breaking them over the 1967 Arab-Israeli war.

The Soviet Union was once the principal backer of both Yemens, but it cut off most of its aid to the North during last year's border fighting and has since sided increasingly with the South.

The two countries, both desperately poor without petroleum resources, committed themselves to a unity agreement last November which neither side shows signs of wanting to implement.

In fact, relations between the two Yemens have become extremely tense since the May 30 assassination in Taiz of Sheikh Mohamed Ali Osman, a member of the three-man Presidential Council that rules North Yemen.

North Yemen charged that his assassins were South Yemeni infiltrators. Yesterday, it announced the killing of three "saboteurs" from the South, raising the total number of alleged South Yemeni agents executed or killed in action to 16 in the past five weeks.

The Marxist regime in the South, with a population of only about 1.5 million compared to the North's estimated 5 million, fears being absorbed by the far more conservative North Yemeni government, with Saudi blessing.

This is believed to be the main reason for the South's current military buildup.

HONORS TO DR. LEALLYN B. CLAPP

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. ST GERMAIN. Mr. Speaker, the Manufacturing Chemists Association, Washington, D.C., each year honors as human catalysts "the chemistry teachers who activate students and colleagues with a dedication and enthusiasm for inquiry and excellence." Recently, the association announced five winners of its 1973 Chemistry Teacher Awards, and I learned, with much pride, that one of the recipients nationally acclaimed for his outstanding work in the chemistry teaching profession is my constituent, Dr. Leallyn B. Clapp, of Brown University, Providence, R.I.

Professor Clapp received his B. Ed. degree from Eastern Illinois University, where he was later awarded an honorary doctorate degree in 1956. He received his M.A. and Ph. D. degrees from the University of Illinois. The University of Rhode Island honored him with an honorary LL.D. in 1964.

Born in Paris, Ill., where he once taught mathematics at Paris High School, he was a teaching assistant at the University of Illinois before moving to Brown, where he now holds the faculty rank of Newport Rogers Professor.

He was awarded the American Chemical Society's Western Connecticut Section Visiting Scientist Award for teaching ability and science education in 1969.

Dr. Clapp has been active in the American Chemical Society and the New England Association of Chemistry Teachers for more than 30 years and has served in major offices of both organizations.

The teacher awards program was established by the Manufacturing Chemists Association to recognize and reward teachers in North America in the chemistry field who have been outstanding in the teaching of students, and to enhance public recognition of the importance of good teaching in the fields of chemistry and chemical engineering. During a 17-year period, more than 80 teachers throughout the United States and Canada have been honored, and those selected receive a medal, a citation, and a check for $1,000. The five 1973 award winners were recognized for their ability to instill in students a continuing desire for science education, and included in a brochure that the association dedicated to the five "human catalysts" is an excerpt from a student's letter saying of Dr. Clapp:

> His warmth and humanity are reflected in his acceptance of students as individuals who have something to contribute. They respond with a commitment to learning and scholarship.

As further testimony to Dr. Clapp's charisma as a teacher, the brochure elaborates:

> His contribution to chemical education is inadequately reflected in descriptions of his activities or in his catalogued accomplishments. It is best seen in the man and the effect he has on those around him. He respects each colleague and student as a human being; his influence is humanizing. Truly sympathetic, sensitive and considerate, he senses when he pushes students too rapidly. Gently he turns on the apathetic student.
>
> Seldom is his office not filled with students seeking help and advice. While he communicates an enthusiasm for organic chemistry and a solid foundation in basic knowledge, he imparts the need for warmth and humanity among scholars.
>
> A courageous warrior and statesman of chemical education, he left his indelible stamp on the revolution in chemistry teaching in secondary schools during the '60s. He influenced more than 500 high school teachers through National Science Foundation funded institutes at Brown and provided leadership in the Chemical Bond Approach to chemistry. He now spearheads the Inner City Science Teaching Programs sponsored by his school. Prime mover in the curriculum reform at Brown, his innovations influence college teaching throughout the United States. Numerous publications are the result of his active research in organic chemistry. The American Chemical Society and New England Association of Chemistry Teachers are grateful beneficiaries of his prodigious labors. Visiting professor to more than 60 U.S. and 40 foreign colleges and universities, his contributions to chemistry are international.

The Manufacturing Chemists Association found it fitting to honor Dr. Leallyn B. Clapp, of Brown University, and I enthusiastically agree with their judgment.

AMENDMENT TO H.R. 8917 CONCERNING FIELD COORDINATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. DINGELL. Mr. Speaker, several years ago the Interior Department established the position of field coordinator or representative and stationed one in each of eight regions of the Nation. For some time these coordinators did little and were of little value to the Department or the public. But they were costly. Their budget exceeds $400,000 annually. Gradually, however, several of them began to take on added responsibilities and became little czars. They often overruled other departmental officials. On several occasions the House Committee on Government Operations and my subcommittee objected to this practice.

Finally, it came to my attention that the Interior Department until recently had also been supplementing its appropriation for field coordination by requiring that the various constituent agencies of Interior provide funds, personnel, and services to Interior's field representatives. Last November I called this matter to Secretary Morton's attention, and at the same time again objected to the fact that the field representatives were in a number of cases overruling the recommendations of Interior's bureaus regarding various environmental matters. On January 4 Secretary Morton advised me that he was going to streamline the field coordination function, and on April 9, 1973, he issued an order reorganizing the Secretary's field offices.

The order provides that the personnel detailed by Interior agencies should be returned to those agencies, and takes from the field coordinators certain functions. But at the same time the order changed the title of "Field Representative" to "Special Assistant to the Secretary" and provided that each such special assistant "will have one or more staff assistants."

However, it did not prohibit these new Special Assistants from utilizing bureau personnel, services, and funds. It did not prohibit them from overruling the bureaus on various matters. Moreover, a review of the departmental manual which sets forth the duties and responsibilities of these Special Assistants raises a serious question as to whether the public should be spending nearly half a million dollars annually for this purpose.

Several weeks ago, I called these facts to the attention of the Appropriations Committee and urged that these field coordinator positions which are not required by any law be abolished. At the very least, I urge that the committee specify in the appropriation act that Interior's constituent agencies shall not be allowed to supplement appropriations for these Special Assistants by providing funds, personnel or services to them.

Today, I am pleased to note to the House that the Appropriations Committee, to its great credit, has wisely reduced the budget of the Office of the Secretary of the Interior by $400,000 and specifically disapproved the Department's "proposal to add eight staff assistant positions for the Secretary's regional field representatives." See House Report 93–322, June 22, 1973, page 29.

This is a progressive step in the right direction. It will save the taxpayers' money and will improve efficiency in the Department.

But I am concerned that the Interior Department may attempt to continue this useless coordination role using other departmental funds as it has done in the past. Unfortunately, the committee's bill and report does not preclude this possibility. Therefore, I intend to offer the following amendment to H.R. 8917 when it is considered by the full House later this week:

Page 23, line 18, strike the period and insert the following:

": Provided, that no part of any appropriation under this Act shall be available for salaries and expenses of any special assistant for field coordination."

FOOD SHORTAGE LOOMS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. NELSEN. Mr. Speaker, articles in recent newspapers stress a developing problem that could well become more serious to the American public than the price increases that have occurred involving processed foods. Creating the news is the problem of food shortages being created by the present price freeze. The longer this price freeze continues, the more serious will be the dislocation and impact on the Nation's food supply.

In my view, it is essential that the administration place phase IV controls in effect at the earliest possible moment to halt the kinds of actions which producers and processors have found necessary to take under the price freeze, and which will lead to serious shortages of food in the market. Basically, phase IV should be designed in a manner to achieve a sound solution to price problems for food; namely, these controls should be fashioned to stimulate production and the supply of food rather than act as a deterrent to increasing our food supply.

Due to the seriousness of this situation, I am inserting in the Congressional Record articles from the June 25 issue of the New York Times and the National Observer. These reports highlight the situation as it is developing. We all must be vitally concerned with the developing problem of food shortages.

[From the New York Times, June 25, 1973]

Food Processors Predict Shortage—Delivery of Some Products Cut Because of Freeze on Retail Prices

(By Philip Shabecoff)

Washington, June 24.—A number of food processors and canners are raising the specter of food shortages with disclosures over the last few days that they have already cut or are considering cutting delivery of some products because of the Nixon Administration's price freeze.

Some processors, including the General Foods Corporation, have stopped taking orders for some product lines, saying that they would lose money because their ceiling prices during the freeze is lower than the price of the raw product.

More processors report that they are shipping on a day-to-day basis and may soon have to shut down some of their production lines.

LETTER CIRCULATED

Representative Peter A. Peyser, Republican of Westchester, citing the decision of General Foods and other processors to cease selling certain product lines, is now circulating a letter among fellow Congressmen asking them to join in an appeal to the White House to impose an immediate freeze on prices of raw agricultural products.

Unless a ceiling is placed on farm goods, Mr. Peyser said, there will inevitably be a black market or consumers will be deprived of marketplace choices.

However, some food industry experts and consumer advocates charge that the canners are using scare tactics to persuade the Administration to allow them to pass on to the consumer the increases in raw agricultural prices.

Rodney Leonard, director of the Community Nutrition Institute, asserted that the food processors were trying to "test the Government's resolve to stick to the freeze." He said that while some processors might be facing a cost squeeze, particularly those processing grain products, most had contracted for their raw materials early last winter and have long since adjusted their prices for the new crop.

And an executive of a major can manufacturing company scoffed at the reports that canners would take their products off the shelves. He said that orders for cans were not abating and that all processors had production "in the pipeline and could not halt shipments even if they wanted to.

However, the president of the National Canners Association, Charles J. Carey, said in a telephone interview that unless changes were made in the freeze program, a lot of products will never get to market."

Mr. Carey said that this was the beginning of the season for most produce and "a lot of contracts have not been consummated yet" between growers and processors. The growers, he explained, are asking prices substantially higher than last year's, while the canners and processors are often frozen at last year's prices.

He cited peaches as one example. One of the major canned fruits, peaches cost the processor about $75 a ton last year. This year, Mr. Carey reported, growers are asking more than $110 a ton.

Meanwhile, he asserted, the growers have increased costs and will not reduce prices even if the canners cannot afford the same orders as last year. The result, he said, will be that some smaller canners will stop production entirely and most peach canners will exercise options in their contracts and produce at a much lower level during the freeze.

A number of products have already started to disappear from production lines, Mr. Carey said. One, he said, is pork and beans, a reflection of a 25 per cent rise in the price of beans since the last harvest. Other items likely to be affected soon are tomatoes, peas, cherries and seafood, he added.

"WILL HAVE NO CHOICE"

"Unless something is done awfully fast to allow us at least to pass through our costs, canners will have no choice but to contract supplies," the canning industry executive asserted. He said that a freeze on raw agricultural prices would have no effect at this point because these prices were already so high.

A spokesman for General Foods said that because of the freeze pressures the company had taken action to cut off new orders on some of its frozen foods, particularly raspberries and strawberries. The big company is also halting shipments of chocolate and coconut to its industrial customers, the spokesman said.

"We are not looking to book any business when we have to sell at a loss," the official said. "Unless we can pass through our costs we are simply going to store some of the crops until the freeze is over. This will not result in an immediate emptying of shelves, because retailers still have some stocks. But it could mean shortages later on."

An official of Oconomowoc, Inc., a Wisconsin-based processor that cans vegetables for chain-store house brands and for institutions such as schools and hospitals, said it was limiting the size of the orders it accepts. He also said that institutional buyers were having trouble getting food supplies because they operate on a low-bid system and canners were reluctant to take a low price during the freeze period.

A spokesman for Del Monte, one of the nation's biggest canners, described the current situation as "scary and confused" and said that the company had not yet decided whether to start taking its products off supermarket shelves.

He reported, however, that one of the company's subsidiaries, the Purky Pie Company, had been unable to get any new shortening because of skyrocketing prices for soybean oil and would have to stop production of its pies fairly soon.

Ray Robinson, of the Robinson Shrimp Company in New Orleans, told an interviewer by telephone that because of the squeeze between prices for raw and processed shrimp he was exporting more of his canned shrimp to Europe—where there is no price freeze.

[From the National Observer, June 30, 1973]

Freeze Forecast Calls for Shortages Aplenty—Chickens, Eggs To Be Among the First To Grow Scarce in Cost-Price Squeeze

(By Michael T. Malloy)

Behold the egg, a natural marvel of form and function beyond the possibility of manufacture by the hand of mortal man.

Behold it while you can. The egg is one of the natural marvels you may see less often on your breakfast table because of the price freeze that mortal man has lately wrought from Washington.

Others are cooking oil, potatoes, margarine, celery, fish sticks, chicken, salad dressing, strawberries, pork and beans, plums, and many of the "specials" that your neighborhood supermarket advertised in the first week of June.

And if the freeze goes on for very long, you might also worry about baby food, towels, shoes, meat, and most kinds of canned and frozen vegetables.

CUTTING BACK BROILERS

"It's a hair-curling situation," says a spokesman for the National Association of Food Chains. "From what we hear from our members, there's no way you can overstate the situation."

Well, you probably can overstate it. Campbell Soup Co. spokesmen, for instance, say the food business will be less upset than some other industries because it has already been under various controls for the past two years. A spokesman for Kroger supermarkets says it may just mean having to buy potatoes in 10-pound bags when you would rather buy 5- or 20-pound sizes. But it does seem likely that there will be shortages of some brands, of some items, in some parts of the country, and that they will get worse if the freeze goes on for the full 60 days President Nixon announced on June 13.

"I was in Washington when the President made his speech," says Ed Covell, whose Easton, Md., company normally puts 700,000 eggs into incubators each week in the first step of a process that puts broiler chickens on your table about three months later. "That was a Wednesday. We started cutting back on Thursday. We cut back 25 per cent this week. In 11 or 12 weeks there's going to be a real shortage of broilers in this country."

WIRE FROM MILLERS

The freeze caused the Joan of Arc Food Co. to stop canning pork and beans in its Peoria, Ill., plant. It led Anderson, Clayton & Co. of Houston to schedule reduced production of shortening and margarine. It led Henningsen Foods of White Plains, N.Y., to stop quoting prices on new contracts for the dried and frozen eggs that processors need for everything from noodles to mayonnaise. It led one supplier to warn a Del Monte Corp., subsidiary in California that it could no longer supply the shortening needed to manufacture Perky Pies. And in Washington, the Millers' National Federation telegraphed the President:

"Major segments flour milling industry cannot ship flour and must shut down at once . . ." if one section of the freeze order isn't rewritten.

About the bleakest wrap-up of the situation was offered by the National Association of Food Chains:

"The first place the consumer will see shortages is [in] fresh fruits and vegetables. A number of items they normally see all year 'round are not going to be there: potatoes, tomatoes, and celery too. Plus seasonal items—plums, strawberries, raspberries—that will not be coming to market.

"The next effect is going to be a disappearance of at least private-label vegetable oils and things made of these oils such as margarine. If the freeze continues the full 60 days, manufacturers' brand may disappear too.

CANNER'S DECISIONS

"Private-label flour: Suppliers are already refusing to honor contracts made before the freeze. . . . In many areas eggs are going to disappear very quickly. . . . We've got a real poultry crisis. . . . Canned salmon has already been discontinued by many stores.

"The canners and freezers of vegetables have to make some difficult decisions. They pack once a year, they've got to move now, they are frozen to 1972 prices, and they are paying 1973 prices."

The President's order froze prices at their level of June 1 to June 8. It exempted raw farm products when they are sold by the farmer, but froze their prices at the wholesale and retail level. There's the crunch, at the point where uncontrolled farm prices collide with the ceilings set on businesses that process or distribute the things that farmers sell.

"Obviously, we are not going to keep something for less than we pay for it," says a spokesman for the Giant supermarket chain in Washington, D.C. "If the prices we pay continue to go up, and the freeze lasts more than a few days, then those items that cost more than we can sell them for have got to be dropped."

SOME PRICES ROLLED BACK

Some examples: The food-chain association says supermarkets in a Southwestern city have to pay $1.39 for a 10-pound bag of potatoes, but can't sell it for more than $1.35. Economist Lawrence Van Meir of the National Canners Association says growers are asking $115 per ton for the coming crop of cling peaches—from canners whose own prices are frozen to reflect last year's purchases at $75 per ton. Chicken raiser Covell says it costs 47 cents at current grain prices to produce a pound of chicken, but the people who buy it from him are frozen to a price that makes it impossible for them to pay more than 41 cents a pound.

Four things make the crunch even worse: world trade, geography, the calendar, and the Government's definition of "transaction."

"Transaction": Nixon's executive order pegged prices to those of "transactions" that took place between June 1 and 8. The Cost of Living Council defines a transaction to include the delivery as well as the sale of a product. But thousands of products, from corn to cloth, are sold on contract for delivery some weeks or months later. Some of these products don't face a freeze; they face a drastic rollback to the prices charged months ago when contracts were made for goods delivered in the first week of June.

Thus one Kansas City flour miller is currently delivering on a five-million-pound order at a price set last winter at $6.48 per 100 pounds. It would now cost the same miller $6.82 just to buy the wheat to make 100 pounds of flour. This kind of price spread is especially pronounced for soybeans, which are a key ingredient in production of meat, chicken, eggs, margarine, and the vegetable oils used in cooking and baking. This is why makers of shortening, chicken, and margarine are among the first to cut production, and why flour millers and eventually bread manufacturers may have to follow.

Geography: New York grocery stores were getting a lot of their tomatoes from Florida during the June 1–8 base period. The Florida harvest is about over, and the stores should normally turn to California for fresh supplies. But the Florida tomatoes reached New York at 18 cents a pound, and the California tomatoes will cost about 30 cents a pound. The stores can't possibly buy California tomatoes and sell them for Florida prices. This kind of pattern applies to many crops in many areas, and suggests that shortages may crop up in one city while another suffers from a glut.

The calendar: The prices for canned and frozen vegetables are set at harvest time, and change little before the next harvest. This means that most canning and packing companies are frozen into year-old prices, because the 1973 harvest is just beginning for most fruits and vegetables. In the meantime, though, the prices they pay for cans, cartons, labor, and the crops themselves have risen from 5 to 15 per cent. So they must now choose betwen selling the new crop at a loss or holding it until the freeze is over. If they hold it, says Van Meir of the Canners Association, "We'll have some bare shelves in supermarkets in two or three weeks."

World Trade: Corn, wheat, soybeans, cotton and many other products are in great demand all over the world. So the prices won't necessarily go down in this country if the millers make less flour and the margarine makers use less soybean oil; foreigners will be happy to buy the raw material that we don't use.

BREEDING FLOCKS TRIMMED

Nixon proposes to prevent this development by restricting foreign sales. But if that succeeds in bringing prices down, it may also succeed in getting farmers to grow less as a result. It would also undermine the Government's efforts to strengthen the dollar by selling more American goods abroad. And it still would do nothing for products in which the freeze runs head-on into the uncontrolled costs of foreign goods. Most of the fish that we eat is imported, for instance. Industry spokesmen say American fish processors would have to cut production if the cost of this imported fish near the ceiling price at which they can resell it.

The problem wouldn't be so bad if there weren't shortages already. Van Meir says the supply of canned fruit and vegetables is at the lowest level since World War II. The United Egg Producers trade association says stocks of eggs in storage are down 40 per cent from last year. Cotton, grain, and a host of other commodities are also scarce in relation to world-wide demand; that's why prices got so high in the first place.

Some of these shortages can be attributed to heavy buying by foreigners, some to bad weather, and some to previous price freezes.

Thus poultry raisers cut the size of their breeding flocks last year when the price of broilers was frozen. So broiler production is down 1.5 per cent from last year. Egg farmers' flocks are 4 per cent smaller than a year ago. Production of canned fruits and vegetables has also fallen. Canners like Joe Weix, Jr., of the Oconomowoc Canning Co. in Wisconsin, attribute this decline to price controls that for two years have limited their industry to 1968–70 profit margins.

SWALLOWED LOSSES

Now this cycle may begin again. The egg producers' association says some plants that slaughter excess chickens are booked up for weeks in advance. "Some of these little guys [in the canning industry] may go belly up," says a spokesman for the Del Monte Corp. The marketing director of the American Meat Institute says the freeze tones down his earlier predictions of a substantial growth in meat production later this year.

This doesn't mean that Americans will all be naked and starving at the end of 60 days. Many companies will swallow their losses for a while, rather than antagonize suppliers and customers. The big companies will find this easier than the small ones. The prospect seems one of localized shortages of individual products, with a great variation from city to city and even from store to store.

The spokesman for Giant Foods suggested a supermarket that offered sirloin steak as a "loss leader" during the June 1–8 period may have to stop selling sirloin, rather than lose money on it for two more months. The store that had a "special" on lettuce might have to drop lettuce.

Companies that make a variety of products may have to concentrate on producing the more profitable ones. So the "private label" goods that supermarkets sell under their own names should vanish before the more expensive national brands. Fish sticks will go before higher quality filets do. Canners will stop canning potatoes before they stop canning peas.

The extent of the shortages will depend in part on how long the freeze lasts, on whether it is amended to account for problems of geography, season, world trade, and the definition of "transaction," and on the scope of the Phase IV rules that should supplant the freeze by August 13.

But even if the freeze ends tomorrow, the eggs that Covell didn't put in the incubators will never grow up into chickens, and the nation will miss about 200,000 chicken dinners. The pork and beans that Joan of Arc didn't can last week will never appear on supermarket shelves. The three million hens that were slaughtered the week before will never lay another egg. And the food industry will labor under another dose of the "psychological damage" that President Thomas House of the American Frozen Food Institute says it suffers with each new regulatory gyration.

"Our major concern," complained Board Chairman Donald S. Perkins of the Jewel supermarket chain, "is that a temporary control of prices today can only lead to curtailed farmer enthusiasm for the future accompanied by curtailed farm production and more shortages resulting in even higher prices or rationing or both in the future."

SURVEY OF VOTERS' VIEWS

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. SCHNEEBELI. Mr. Speaker, this year, for the 14th time since I have been in Congress, I have conducted a survey of voters of the 17th Congressional District of Pennsylvania to learn of their views on the important issues of the day.

I am very pleased with this year's response, well over 22,000, which represents an increase of more than 1,000 over last year's return.

Efforts were made to send a questionnaire to each registered voter in our 17th District, which includes all of the counties of Dauphin, Lycoming, and Union, most of Northumberland County, and a large section of Lebanon County. More than 300 volunteers assisted in the mailing of questionnaires, and an additional 60 helped to tabulate the results.

Mr. Speaker, I know that surveys of this nature can be quite useful to Members of Congress in attempting to represent the best interests of the people of their Districts, and in this spirit I would like to share with my colleagues the results of our 1973 survey:

The first section of the questionnaire was directed towards "pocketbook issues," including the setting of Federal spending priorities. The first question listed spending categories, and asked if Federal spending should be "more" "less" or "same" for each.

In three areas, a majority of people indicated spending should be increased: fighting crime (73%), drug control (70%) and aid to the elderly (53%).

In the other hand, 81 percent want our foreign aid outlays to be reduced, 67 percent want less welfare spending, and 59 percent believe our space outlays have been too high.

In the following areas, the largest group indicated spending should remain the same: agriculture, education, environmental control, health services, housing, anti-poverty, public works, and transportation.

On the controversial question of military and defense spending, 16 percent believe we should spend more, 45 percent less, and 39 percent agree with present levels.

In general, people continued to express concern about the state of the economy; only 23 percent said the Nixon Administration is solving our inflationary and economic problems to their satisfaction.

A full 64 percent indicate that Congress should approve legislation which would fix an absolute limit of Federal spending each year. This is in line with the unanimous recommendation of the Joint Committee on the Budget, of which Congressman SCHNEEBELI is vice chairman.

Part of the attention of questions on foreign affairs related to the new relationship between the United States and some of the Communist nations.

The first question in this area pointed out that presently we do not have the same favorable policies with Communist countries as with other nations. Only 33 percent of those taking part in the survey believe the Communists should be placed on an equal basis.

Because of improving relations with other Communist nations and the need for cooperation in the handling of hijackers, it has been suggested that the U.S. should attempt to establish normal relations with Cuba. Forty-nine percent agree, 40 percent disagree, and 11 percent are undecided, according to Congressman Schneebeli's poll.

On the possibility of using our funds to help rebuild North Vietnam, most people—55 percent—say under no circumstances. Thirty percent would be willing to help if the project included the reconstruction of all areas of Southeast Asia, and if other nations cooperated.

The response was similar on the question of amnesty for those who chose not to fulfill military obligations during the Vietnam conflict. Fifty-four percent say definitely not, while 31 percent say amnesty should be granted to those who would devote at least two years to public service. Only seven percent favor unconditional amnesty, and only eight percent believe the issue should be left to the President to decide.

The official end of our military involvement in Vietnam apparently has not affected sentiment on this issue significantly; the response was quite similar to that of a similar question on our 1972 survey.

On the controversial question of "Should private and parochial schools receive Federal assistance through income tax credits to the pupils' parents?" most people—59 percent—said no, and 33 percent yes.

While most people want more money spent to control drugs, people seem to be fairly evenly divided as to whether drug addiction should be treated as a disease, or as a criminal offense. On a related question, 56 percent responded that the Federal Government should increase present penalties for the possession and use of marijuana; 18 percent believe present penalties are correct; 14 percent say they should be reduced; and 12 percent support the legalization of the possession and use of marijuana.

A question on Health Maintenance Organizations brought the largest indication of indecisiveness among voters. These organizations, known as HMOs, would provide all medical services for their members in return for the payment of an annual dues. Forty-two percent said the establishment of HMOs should be encouraged, 36 percent said no, and 22 percent were undecided.

On another question relating to health care, nearly a third of those responding stated they want no new national health insurance legislation at this time. However, 36 percent do favor a federally operated program financed by employer and employee contributions, similar to Social Security. Twenty-one percent want complete reliance on the private health insurance program financed by taxpayers through the Federal Treasury.

One question on the survey was designed to discover if the public's opinion of the Supreme Court has been changing following President Nixon's appointments to the Court. People were given the opportunity to rate the Court as excellent, good, fair, or poor. The same categories were listed on our 1968 questionnaire, and the comparison follows:

[In percent]

	1968	1973
Excellent	6	1
Good	15	27
Fair	27	45
Poor	40	27

Another question asked, "Should the sale of cheap handguns be banned?" A surprising 72 percent said yes, since in past years there have been objections to firearm controls of any type.

The survey also sought the voters' views on an issue which has been before the courts and which is now before the Congress: "Do you believe the federal government should be allowed access to the confidential files of newsmen which concern criminal investigations?" Forty-three percent said yes, 48 percent no, and nine percent were undecided.

Federal farm controls and supports should be phased out within five years, 43 percent responded. Another 40 percent want the activities continued, but with a limit upon supports any one farm could receive.

ADDRESS OF VICE PRESIDENT SPIRO T. AGNEW TO CUYAHOGA COUNTY REPUBLICAN EVENT

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, on the 31st of May last, my home community of Cleveland, Ohio, had the privilege of a visit from the Vice President of the United States. It was a matter of keen personal regret that other official duties prevented me from being in Cleveland to receive and welcome this distinguished visitor, for I hold Vice President AGNEW in the higest esteem and regard.

I have since read the outstanding address he delivered to the dinner meeting of the Cuyahoga County Republican organization. It is timely, perceptive, and I commend it to your attention:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

It gives me great pleasure to return to Cuyahoga County and to share this evening with your outstanding Republican organization and with my good friend, Ralph Perk. Ralph's accomplishments as Mayor of Cleveland have attracted nationwide attention, and there is every reason to expect that in November you will return him to office for another sucessful term.

I realize, of course, that your municipal election is non-partisan, but everyone here tonight understands that Ralph Perk is an effective Mayor because of the principles he espouses. And those are the same principles that provide the social and philosophical bedrock upon which the Republican Party has been built.

It is our Party that I want to talk to you about tonight.

It would be disingenuous on my part to stand here tonight and fail to mention the subject that dominates our newspapers and television screens. And I'm not referring to the energy crisis. Nor will I attempt to gloss over the fact that some of the charges levelled against certain individuals are serious ones. But I would like to suggest that we attempt to regard those charges in perspective.

This is admittedly difficult, I know, for we live in an age in which Marshall McLuhan's formulation of several years ago seems to have become definitive—the media are the message. Indeed, we are so bombarded by sensational accusations that it sometimes becomes difficult to separate facts from the conflicting assertions reported by the media. It is small wonder, then, given this information—or perhaps innuendo—explosion, that we sometimes find ourselves confusing appearance with reality.

But as Republicans proud of our Party and its contributions, we owe it to our Nation to continue to distinguish fact from fiction and to avoid the accommodating paroxysms of guilt our political opponents demand from us. And let us not forget, incidentally, that many of those opponents are also responsible for providing us, through the mass media, with those juicy morsels of gossip and accusation upon which we often base our judgments.

By these remarks, I do not attempt to assert that certain individuals are without fault, or that the Watergate matter is a defensible lark. But I do state that the Republican Party is not involved, not indicted, and not responsible.

The so-called Watergate affair, let us remember, was not representative of our Party. From what we know of the affair, it was the result of the misguided zeal of a few individuals who in no way were sensitive to the mandate of the millions of men and women who, just as all of you here tonight, worked diligently and enthusiastically for our National ticket and for Republican candidates at all levels.

As we continue to be inundated with stories detailing charges and counter-charges, let us not lose sight of one basic truth—the Republican Party will ultimately be judged, just as it always has been judged, on its record. And that record, ladies and gentlemen, is an outstanding one. And the American people understand this.

As all of you are well aware, this is a year in which numerous municipal elections take place. And the results so far are most encouraging. Republicans have won city races in Columbus, Georgia; in Ann Arbor, Michigan; and in Annapolis, the capital of my home State of Maryland. The Republican Mayor of Oakland was reelected, and I am confident that, although your race here in Cleveland is non-partisan, a registered Republication will continue to lead your City next year.

Our Party will continue to grow and prosper during this year and next and we will continue to elect Republican candidates at all levels. We will do so, ladies and gentlemen, because the principles that underlie our Party are the principles embraced by the vast majority of Americans.

Perhaps this is a fitting time to reexamine and reaffirm our faith in these principles.

The first, and most basic, is an abiding belief in the dignity and the worth of the individual, and that belief pervades our political philosophy.

We believe that every individual should be given the opportunity to rise as far as his energies and abilities will carry him. Consequently, we are diligent in the defense of our free enterprise system, and in our commitment to removing any unfair obstacles which may still stand in any individual American's path.

Thus, we oppose the continued Federal control of locally oriented programs and decisions, for such control often hinders, rather than helps, the individual and his community in their quest for betterment.

It is our faith in the individual that guides us in our attempts to reverse this tendency to concentrate all power in Washington. The term republic, from which our Party derives its name, means a system of Government in which people exercise power through their elected representatives. Thus, we believe that the officials you elect to administer your communities know more about your local needs and desires than does the best intentioned Federal employee in Washington. Our goal is to return executive power to State and local elected officials. This has been the objective of such programs as revenue sharing, and I am confident that we will continue to make strides during the next three and a half years.

Our efforts to cut back on Federal spending also spring from this basic first principle. Alexander Hamilton once noted, "In the general course of human nature, a power over a man's subsistence amounts to a power over his will." Now I will not maintain, ladies and gentlemen, that we are being taxed quite that heavily yet. But if thoughtless schemes for unlimited Federal spending continue to receive favorable Congressional attention, the President's vetoes may be overwhelmed and Hamilton's observation may threaten to become an operative definition of Federal policy. For the very simple fact is—and it's a fact that a surprising number of people seem to ignore—that every cent spent by Government must come from somewhere. And that somewhere, of course, is your wallets and pocketbooks.

If the tax structure becomes confiscatory, then you are in effect penalizing each man for succeeding, thus undercutting the motivating force behind the concept of individual initiative. But our Party does not intend to let this happen, ladies and gentlemen. We are the Party of fiscal responsibility, and we continue to oppose the experimental social engineering that depends for funding on more and more of your hard-earned dollars.

Ours is the Party that believes in the primacy of the individual. And ours is the Party that believes in the efficacy of our system.

And that is why, ladies and gentlemen, I am confident that serious as it is, the Watergate affair will have no permanent effect on the electoral fortunes of our Party. I say this because I know the President is determined to see the current investigation through to the end and I am convinced that those who have broken the law will be brought to justice. Our opponents may try to convict others through hearsay and innuendo, but the American people are able to distinguish fact from fancy, and gossip from truth. They will demand—as all of us must—that the guilty be punished. But Americans are not about to condemn the innocent. And I am confident that when the clamor dies we will discover that the guilty are not as numerous as you are being led to believe. Our system is responsive and it does work. And it will render the final judgment without the assistance of alarmists who wish, and have always wished, our Party and its leaders ill.

Let me conclude by mentioning one of the greatest of those leaders, a President I am proud to serve—Richard M. Nixon.

As one distinguished United States Senator said recently: "It appears that the vultures are circling—hoping against hope to find the corpse of the Presidency."

Let me assure you, ladies and gentlemen, that the vultures will be disappointed. The President is alive and well as vigorous as ever.

Amidst the heat and noise generated by the current brouhaha—noise so intense that were Walter Cronkite to announce the official time for the end of the world he would do it after thirteen minutes of Watergate and it would appear on page 13 of the Washington Post—amidst that heat and noise, some people appear to have lost sight of just what has been accomplished to date.

I am sure, however, that I don't need to remind this Republican audience of the President's historic accomplishments—journeys for peace to Moscow and Peking, the successful negotiations that led to the winding down of American involvement in Indochina and the return of our POW's. And on the domestic front, as well all know, he has cut the increase of serious crime; cooled the cities and campuses and halted the spending excesses that we inherited from the preceding decade; and restored the concept of fiscal responsibility to its rightful place in Washington.

And what he began in his first term, ladies and gentlemen, he is continuing in the second. And I am certain that he will bring those efforts to a successful conclusion, so that when historians look back on the first half of the decade of the Seventies, they will view it as one of the most dynamic and progressive of this century.

It is a good time to be a Republican, ladies and gentlemen, and I am just as proud of my Party tonight as I was on the day I first registered. I know that all of you share that pride with me.

PRESIDENT URGED TO TERMINATE PRICE FREEZE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. KEATING. Mr. Speaker, I am today strongly urging the President to terminate the phase 3½ price freeze which has been nothing short of disastrous to many areas of the economy and which will have long-range adverse effects on the supply and cost of food.

The current price freeze is having a devastating effect on agriculture products generally and more particularly on domestic livestock and poultry industries. Pregnant cattle are reportedly being slaughtered because the farmers literally cannot afford to feed new calves. Feed prices, which are not frozen, are putting farmers in the position of destroying chickens and eggs because they cannot obtain a market price for their products above that which it costs to raise them.

Wholesale losses for fruit and vegetable dealers may have a limiting effect on the marketing of these products. The problem arises after a wholesaler purchases a large amount of agricultural products at a price higher than he had been selling such products during the "freeze base period" of June 1 to 8, 1973.

The irony of the price freeze is emphasized by indications that farmers are planning other production cutbacks, with the imminent result being a severe shortage in livestock products, followed by even higher prices.

Chairman of the Council of Economic Advisers Herbert Stein has indicated the possibilities of production shortages. Secretary of Agriculture Earl Butz has predicted such shortages.

The President has been besieged with the plea and entrusted with the power to do something to change the uncomfortable direction of phase III.

Unfortunately in an effort to do something—anything—to give the impression of coming to grips with the difficulty, he has taken the wrong turn in the road and is aggravating the same problem he is trying to solve.

If no other action is taken soon to eliminate phase 3½, all other issues will pale in significance when compared to the difficulties being created for the future. If the price freeze continues, the Nation will be confronted with the very situation Secretary Butz envisioned months ago when he warned against the rising public clamor for a price freeze. Shortages of food will inevitably occur. Supermarket shelves may be sparsely stocked, and in some instances, completely empty. Black markets will spring up, and astronomical prices may be asked, dwarfing by comparison the prices being paid today.

A poignant example of the detrimental effects of this freeze is the Miami Margarine Co. of Cincinnati, Ohio. As a direct result of the current price freeze this company was forced to lay off 100 workers last Friday, relieving the remaining 200 workers and closing its doors yesterday.

The Miami Margarine Co. is unable to purchase the vegetable oil it needs to produce margarine at a price low enough to allow it to sell margarine at the "freeze base period" price.

This company is the largest single margarine manufacturing facility in the United States, and its plight is by no means unique. It is a tragedy which is occurring across the country in the food industry.

Flour millers throughout the Nation would incur great losses if they sold milled flour at the frozen-price level, while at the same time buying wheat to mill at unfrozen prices.

The logical conclusion drawn is that mills forced to sell their flour at a price lower than the cost of the raw wheat will soon stop buying wheat and close down. A shortage of flour for bread and other baked goods would be imminent.

An article in this morning's Wall Street Journal indicated that already two Midwestern mills, major suppliers of corn flour and corn grits to Kellogg Co., have closed down because of the profit squeeze. Kellogg reportedly said that if the mills do not resume operations within the next few days, it will be forced to lay off workers.

I admit to a natural repugnance to controls over our economy and marketplace and believe the current price freeze is a heavy-handed approach clearly causing many more problems than it solves.

Many observers feel the adverse effects of the freeze will terminate at the end of the 60-day period. This is not true. The disruptions caused by the freeze are not of a temporary nature. Rather, they are more permanent and will extend into the future production levels of livestock and poultry products next year. Perhaps the lingering effects will be experienced for several years to come.

It is of utmost and immediate importance to rethink the merits of a price freeze, especially when it pertains to raw agricultural products. Allowances must be made so that this country does not force American firms to sell their produce at less than they paid for it.

Each day the situation grows worse. Immediate action to increase the supply is necessary—not one which has the opposite effect.

AMENDMENT TO WAR POWERS LEGISLATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. YOUNG of Florida. Mr. Speaker, tomorrow when the House considers House Joint Resolution 542, legislation to define the war powers of the President and the Congress, I intend to offer an amendment which protects the President's constitutional authority as Commander in Chief but prohibits any future commitment of U.S. troops to hostilities not so authorized without prior congressional approval.

My war powers resolution will provide substitute language clearly protecting the President's constitutional prerogatives and the role of the Congress in situations not involving a direct threat or attack upon the United States or its territories and possessions.

Section 1 of the bill titles it the "War Powers Resolution of 1973."

Section 2 protects the President's constitutional authority to commit U.S. troops to hostilities in case of an attack or threatened attack on the United States or any of its possessions or territories.

Section 3 defines a procedure for expeditious congressional consideration of a Presidential commitment of troops pursuant to a treaty obligation which has been taken without a prior declaration of war or other specific congressional authorization. It requires the President to report on such action to the Congress not later than 72 hours after taking it, after which the Congress must either approve or disapprove the action within 120 days. If the Congress fails to take a position on the President's action, then the failure to act shall be considered approval and authorization for its continuation. If the Congress approves the President's action, then the President is required to report on the progress of such hostilities at least every 6 months. Within 30 days of the receipt of this report, Congress must again act to approve or disapprove the continuation of U.S. involvement.

Section 4 clearly prohibits any commitment of U.S. troops to hostilities without prior authorization by the Congress if the President is not exercising his constitutional prerogatives or acting pursuant to a treaty obligation.

Sections 5, 6, and 7 define the application of the act with regard to current treaty obligations, severability, and ongoing hostilities. Though the legislation is effective upon enactment, its provisions would not apply to any situations in which U.S. troops might be involved at the date of enactment.

Mr. Speaker, the legislation which I am offering is intended to rectify two critical failures of House Joint Resolution 542. First, it protects the constitutional rights of the President as Commander in Chief. Second, it prevents any commitment of U.S. troops to either direct attacks upon another nation or to "third-party" hostilities, without a specific prior congressional authorization.

Under House Joint Resolution 542, and also under the substitute expected to be offered by Mr. DENNIS, a President could utilize the 120-day "grace period" as an authorization to commit U.S. forces to hostilities anywhere in the world so long as he removes them within 4 months. A so-called brush fire might be expected.

But once the match is dropped and the fire is lit, it more often than not turns into a forest fire and tends to burn out of control until everything in its path has been consumed. We must insure that any war powers legislation passed by the Congress prevents the match from being lit in the first place. The lessons of history have taught us that we cannot commit troops to a conflict and then arbitrarily and abruptly withdraw them without severely damaging our national interests and endangering the safety of those troops. Once the commitment is made, the tendency is to continue on the deadly course of conflict.

The constitutional mandates are clear. The President must have the power to protect the United States, and to honor our treaty obligations. But beyond that, in cases of "third party" involvement, the Congress must invest itself with a mechanism for prior approval and control of any commitment of U.S. troops to foreign hostilities.

The amendment to be offered is as follows:

AMENDMENT TO HOUSE JOINT RESOLUTION 542, AS REPORTED, OFFERED BY MR. YOUNG OF FLORIDA

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This measure may be cited as the "War Powers Resolution of 1973".

CONSTITUTIONAL AUTHORITY OF PRESIDENT NOT IMPAIRED

SEC. 2. Nothing in this Act shall be construed to impair the authority of the President to commit United States Armed Forces to hostilities in any case of attack, or threatened attack, on the United States, or any possession or territory of the United States to the extent that the President has such authority under the Constitution.

TREATY OBLIGATIONS

SEC. 3. (a) If the President commits United States Armed Forces to hostilities pursuant to any treaty obligation of the United States without a prior declaration of war or other specific Congressional authorization for the use of such forces, the President shall report such action to the Congress in writing, as expeditiously as possible but not later than twenty-four hours after the taking of such action. Such report shall contain a full account of the circumstances under which such action was taken and shall set forth the facts and circumstances relied upon by the President as authorizing and justifying the same. In the event the Congress is not in session, the President shall forthwith convene the Congress in an extraordinary session and shall make such report to the Congress as expeditiously as possible but not later than twenty-two hours after the taking of such action.

(b) Not later than one hundred twenty days after the receipt of the report of the President provided for in subsection (a), the Congress, by the enactment within such period of a bill or resolution appropriate to the purpose, shall either approve, ratify, confirm, and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove and require the discontinuance of the same.

(c) If the Congress, acting pursuant to and under the provisions of subsection (b), shall approve, ratify, and confirm and shall authorize the continuation of the action taken by the President and so reported to the Congress, the President shall thereafter report periodically in writing to the Congress at intervals of not more than six months as to the progress of any hostilities involved and as to the status of the situation, and the Congress shall, within a period of thirty days from and after the receipt of each such six-month report, again take action by the enactment of an appropriate bill or resolution, to either ratify, approve, confirm, and authorize the continuation of the action of the President, including any hostilities which may be involved, or to disapprove and require the discontinuance of the same.

(d) If the Congress shall at any time, acting under the provisions of subsection (b) or (c), disapprove the action of the President and require the discontinuance of the same, then the President shall discontinue the action so taken by him and so reported to the Congress, and shall terminate any hostilities which may be in process and shall withdraw, disengage, and deploy the United States Armed Forces which may be involved, just as expeditiously as may be possible having safety of such forces, the necessary defense and protection of the United States, its territories and possessions and the safety of citizens and nationals of the United States who may be involved.

(e) In the event that the Congress, despite the provisions of subsections (b), (c), and (d) of this section, shall, nevertheless, in any instance, fail to adopt legislation either approving or disapproving the action of the President, as provided and required by such subsection, such failure to act on the part of the Congress shall be taken and deemed to be an approval, ratification, and confirmation of the action of the President, and an authorization of the continuation thereof. Disapproval of the President's action, with the consequences attendant thereupon as provided in subsection (d), shall result only from action by the Congress affirmatively disapproving and requiring the discontinuance thereof, as provided in such subsection. Any such failure to act on the part of the Congress shall not relieve the President of the duty to make periodic reports as provided in subsection (c).

OTHER HOSTILITIES

SEC. 4. The President may not commit United States Armed Forces to hostilities in any case in which he is not exercising his constitutional authority or acting pursuant to a treaty obligation of the United States unless the Congress enacts a declaration of war or other specific authorization for the use of such forces.

CERTAIN TREATY OBLIGATIONS

SEC. 5. Nothing contained in this Act shall alter or abrogate any treaty to which the United States is presently a party.

SEVERABILITY

SEC. 6. If any provision of this Act or the application thereof to any particular circumstance or situation is held invalid, the remainder of this Act, or the application of such provision to any other circumstance or situation, shall not be affected thereby.

EFFECTIVE DATE AND APPLICABILITY

SEC. 7. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States might be involved on the effective date of this Act.

FISCAL IRRESPONSIBILITY EVIDENCED IN THREE WHITE HOUSES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. RARICK. Mr. Speaker, many Americans who have been conditioned to believe that the President is following a policy of fiscal responsibility and businesslike management of our country's fiscal affairs may be quite surprised to see that what applies to the people does not apply to the ruler.

Considering the many domestic programs where the funds have been impounded, the seemingly unlimited expenditure of funds to maintain the second and third Presidential White House presents a strange double standard.

As he has demonstrated in foreign aid and international giveaways of American taxpayers dollars, perhaps President Nixon feels that spending taxpayers money on his three White Houses is noninflationary.

I include a related newsclipping:

GSA LISTS BILLS IT PAID ON NIXON HOMES

The General Services Administration yesterday made available a breakdown of improvements made by the GSA at President Nixon's San Clemente home and at his Key Biscayne presidential complex. A partial list includes:

SAN CLEMENTE

$4,834 for furniture in President's den: includes $72 for brass lamp, $79 for table lamp, $146 for end table, $186 for coffee table, $419 for lounge chair and ottoman, $472 for leather top desk, $171 for chair, $504 to recover a sofa, $201 to recover a club chair, $141 for swivel chair, $131 for lamp, $268 for two chairs, $544 for two additional chairs, $237 for desk chair, $86 for decorative pillows, $523 for blinds, and $654 for a carpet and underpadding.

$312 for restraining entrance gates and doors.

$388 for installing exhaust fan.

$523 for repairing gazebo and removing beach debris and for anchoring planks in nearby railroad crossing.

$1,950 for pruning trees.

$3,200 for roof tile.

$6,642 for tiling the roof and floor of a gazebo.

$1,950 for repairing walls.

$8,810 for landscaping, including removal of dry weeds.

$2,496 for asphalt paving.

$2,630 for relocating a tree and replanting a fallen tree.

$130,530 for exterior electrical work.

$53,644 for interior electrical work.

$13,500 for heating system.

$3,800 for sewer line.

$2,916 for surveying to determine property lines.

$1,600 for window alterations.

$1,105 for cleaning the beach.

$1,853 for installation of flagpole and $476 for painting flagpole.

$1,525 for surveying residence.

$998 for replacement of hand rail.

$460 for fertilizer.

KEY BISCAYNE

$4,786 for securing screening project.

$3,898 for demolishing trees and plants.

$122,714 for constructing Secret Service command post.

$128,708 for bullet-resistant glass doors and windows.

$587 for flagpole.

$3,030 for golf carts for Secret Service patrol.

$621 for ice-maker for Secret Service men.

$475 for swimming pool cleaner.

$119 for washing machine.

$2,000 to design to correct beach erosion.

$314 for sea wall ladder.

$995 for septic tank and lid.

AMENDMENTS TO H.R. 8917 CONCERNING ADVISORY COMMITTEES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. DINGELL. Mr. Speaker, the First Annual Report of the President on Federal Advisory Committees, dated March 1973, indicates that as of December 21, 1972, the Department of the Interior had a total of 126 advisory committees, of which only 78 were established by, or pursuant to, statute. The total cost of these committees is over $472,000 annually, according to the President's report.

Some of these nonstatutory advisory committees are:

First. The Industry Advisory Committee on Coal Exports which was established in 1964 by secretarial memorandum and consists of six members, all from the coal industry.

Second. The Industry Advisory Committee to the Defense Electric Power Administration which was established in 1966 by a secretary's memorandum and consists of 11 non-Federal members, all public and private power executives.

Third. The National Petroleum Council established in 1946 by secretarial directive, and consisting of over 100 executives from petroleum companies and related industries and law firms, plus the vice president of Chase Manhattan Bank.

Fourth. The Emergency Advisory Committee for Natural Gas which was established in 1962 by secretarial directive. It has 26 members from various gas companies, such as El Paso Natural Gas Co., and, at least one member, the chairman of the board of Continental Oil Co., who is also on the National Petroleum Council.

Fifth. The OECD Petroleum Advisory Committee which was established in 1962 by Secretarial directive and has 11 members, all from the petroleum industry.

It is interesting to note that one committee—the Natural Energy Committee—was terminated in September, 1972. It was established in September, 1970 "to conduct a study to provide the Secretary of the Interior with data upon which national energy policies could be developed." It never met. Yet, according to Interior's report, $50,000 was available for this committee.

On June 22, 1973, the Committee on Appropriations reported H.R. 8917—the Department of the Interior and Related Agencies appropriation bill, 1974. No mention is made in that bill or the committee's report—House Report 93–322—of June 22, 1973, about any of these advisory committees. Nor does H.R. 8917 specify an appropriation item for these committees. Apparently, the Interior Department funds these committees out of general appropriations to the Department or its constituent agencies.

The act of March 4, 1909 (31 U.S.C. 673), specifically forbids the use of any—

> Public moneys, or of any appropriation made by Congress . . . for the payment of compensation or expenses of any . . . council . . . or other similar body, or . . . or for expenses in connection with any work or the results of any work . . . of any . . . council . . . or other similar body, unless the creation of the same shall be or shall have been authorized by law.

The Federal Advisory Committee Act—Public Law 92–463; Oct. 6, 1972—which applies to all advisory committees, unless specified by law, provides in section 9(a) a procedure for the establishment of such advisory committees "by law." Until this is done, however, the 1909 law prohibits these committees from expending Federal funds.

It is my intention to offer an amendment to H.R. 8917 to provide that none of the funds appropriated by this bill may be used for these committees unless they comply with the 1972 Act.

My amendment is as follows:

> Page 26, between lines 14 and 15 insert the following:
>
> "SEC. 106. None of the appropriations made in this title shall be available for any advisory committee, council, board, or similar body which is not established by, or pursuant to, law, unless such committee has been established in accordance with section 9(a) of the Federal Advisory Committee Act (86 Stat. 770) and its charter has been filed in accordance with section 9(c) of said Act."

I urge adoption of my amendment in order to reduce Federal costs, cut back on the proliferation of unnecessary advisory committees, and most importantly, comply with the congressional mandates of the 1909 and 1972 acts.

CANCER TREATMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. KEMP. Mr. Speaker, my friend the distinguished and able Member from Buffalo, N.Y. (Mr. DULSKI) is to be commended for this special order concerning the Roswell Park Memorial Institute and I am pleased to participate in this discussion, calling attention to the advances in cancer treatment which have taken place over the past 75 years at Roswell. Mr. DULSKI has always made every appropriate effort to insure proper funding for cancer programs and I have, and will continue, to join him in that effort. We are both great fans of Dr. Jerry Murphy, institute director, whose leadership in our community and country is unmatched in the fight against cancer.

Roswell Park is known the world over for major progress in fight against cancer. And, Mr. Speaker, to illustrate a point I now apply cancer statistics to an estimated situation for a 500,000 population grouping, such as Buffalo, which would show this pattern for 1973: There would be 2,150 cancer cases under treatment and 1,400 new cases, of whom 750 would die. Approximately 465 would be saved from cancer, but 125,000 of that 500,000 population will eventually develop cancer and—at present rate—75,000 would die.

Mr. Speaker, these statistics show that much more needs to be done to advance the work at Roswell and other cancer centers around the Nation. However, I point with pride to outstanding achievements at Roswell. Dr. George H. A. Clowes during the early years of Roswell first introduced the use of experimental drugs in cancer research. Dr. James F. Holland, former director of Roswell Cancer Clinical Research Center won Lasker honor for outstanding work in treatment of leukemia.

More recently, Dr. Edmund Klein, chief of dermatology at Roswell won the Lasker Award for his developments of chemotherapy and new methods of using immunologic factors to control malignancy. I hasten to add that Dr. Klein presented this new approach to the Labor-HEW Appropriations Subcommittee 6 years ago. The subcommittee recommended strong support for the program and now great progress has been made on cancer immunology.

Mr. Speaker, I commend our congressional committees of the House and Senate for farsighted action such as this and I will cast my vote in support of full funding to maintain a superior national program. At this point I include two articles from the June 23 issue of the Buffalo Evening News concerning Roswell's search for knowledge to preserve life, and, again, express my gratitude to all the doctors, nurses, technicians, and other dedicated people of Roswell who are at the forefront of a war we cannot afford to lose.

As chairman of Buffalo's Association for Research of Childhood Cancer, I call special attention to the article by Mr. Page:

ADVANCING TO CONTAIN CHILDHOOD'S GREATEST THREAT

(By Arthur Page)

Some of the largest efforts in cancer therapy in recent years have been made in an area about which much of the public is particularly sensitive—childhood cancer.

Approximately 10 in every 100,000 children between the ages 1 and 15 develop some form of cancer, according to Dr. Lucius F. Sinks, chief of the Department of Pediatrics, Roswell Park Memorial Institute.

Dr. Sinks notes that cancer is the number-one killer disease in children of that age group.

He explains that there used to be more problems with infectious diseases such as measles and polio but medical advances in such areas have decreased their fatal effect on children below that of cancer.

About half of all the affected children in the 1–15 age group, Dr. Sinks explains, have a form of leukemia or lymphoma (cancer of the lymphoid tissue).

About one-fourth have brain tumors and the remainder have solid tumors including those of bone and muscle.

"The most common types of malignancies in adults we don't find in children," Dr. Sinks says. "And the problems are entirely different in terms of diagnosis and treatment."

It's because of those differences, he adds, that there have been significant advances in treating childhood cancer.

"If a malignancy occurs in childhood," he notes, "the approach is different because the philosophy of the people treating the child is different," he stresses.

In adults with cancer, the goal of treatment often is palliation, an easing of the disease without cure.

"But what's palliation for two or three years for a kid?" Dr. Sinks asks. Because of a desire to add more than a minimal amount of years to a child's life, "the approach in childhood cancer has been more aggressive than in adult cancer."

Dr. Sinks cites the example of acute leukemia.

Noting that in 1947 when effective drugs for the problem were just being developed, children with acute leukemia had an average survival rate of four months, he adds:

"Today, you can tell parents when they come in that their child has a 90 per cent chance of being restored to normal in remission.

"And following that remission a child has a 50 per cent chance of staying in remission for three years and approximately a 35 per cent chance of staying in remission for five years without evidence of the disease."

The advances and development of appropriate treatment, he adds, are the result of co-operative studies involving several institutions in this country.

The co-operative approach also is being used in other childhood malignancies based on the success in acute leukemia.

The efforts are co-ordinated, he says, adding: "Everyone is not going off and doing their own thing."

Also of benefit, he notes, is that researchers did not make a complete understanding of acute leukemia a prerequisite to developing a treatment. "We haven't gotten any closer to an idea of what leukemia is in terms of cause or basic defects than we were in 1947."

Successes in leukemia and other childhood cancers, he adds, also are due to aggressive use of all available forms of therapy as soon as a problem is diagnosed.

The approach to childhood cancer, he says, should be a model for treating adult cancers, adding: "The success in the treatment of childhood malignancies has been far advanced compared to that enjoyed in adult malignancies."

As for future advances in childhood cancer, Dr. Sinks predicts accomplishments to a point with brain, bone and muscle tumors.

While he sees much hope, he warns that there will always be a cancer problem.

"I don't think that ever in any way or form is there going to be this miraculous breakthrough where you eradicate the disease, like many people predict, until there is an understanding of the defects and causes of different forms of cancer."

TEDIOUS, OFTEN-FALTERING SEARCH FOR KNOWLEDGE TO PRESERVE LIFE

(By Arthur Page)

Although most cancer research is restricted to the laboratory, Dr. Takao Ohnuma's work has taken him to the road-side vegetable stands of Western New York in search of two strains of potatoes.

Dr. Ohnuma, a cancer research clinician at Roswell Park Memorial Institute, is investigating the possible use of an enzyme from the potatoes as a drug for persons with acute lymphocytic leukemia.

He is injecting the enzyme into mice with cancer because preliminary tests showed it could kill individual human cancer cells cultured in the laboratory.

If the enzyme is effective in many mice experiments, with no undesirable side effects, further experiments using other animals will be tried.

If those tests are successful, several years from now the enzyme, or a form of it, may be used as an experimental drug in humans.

Like all cancer research, Dr. Ohnuma's work is based on a series of "ifs" and unsatisfactory results anywhere along the line might negate the work.

Such cancer research involves dedication and a long process of carefully-designed and controlled studies as the work progresses from concept to test tube to animals to man.

Sometimes it's tedious. Often it's disappointing.

Even in failure and blind alleys, however, researchers further their understanding of cancer and what it might take to prevent, treat, control or cure it.

As one of the world's oldest and largest comprehensive cancer centers, Roswell Park—founded in 1898—has been involved in cancer research from its earliest days. The work always has been geared to the patient's needs and the goal of containing cancer.

As Dr. Gerald P. Murphy, institute director, describes it:

"Our goal is to have an effect, an impact on society which will result in less persons losing their lives to cancer, more people living normal lives without this threat and others living normal lives who have been cured or freed of cancer."

Discussing research efforts at Roswell Park, Dr. Murphy stresses that "rather than point to the accomplishments of personalities, I think our greatest accomplishments have to be measured in terms of people."

Research at Roswell Park, he adds, "has contributed to the survival of countless of thousands of Americans."

Cancer research is complicated by the fact that cancer is not just one disease.

"Cancer is best defined by saying there are approximately 137 different kinds of cancer," Dr. Murphy says. "We are not talking about a single disease. When we're talking about treatments, we're talking about a combination."

Comparing the attempt to cure all cancers to landing a man on the moon, Dr. Murphy adds: "There is a need for a lot more information in this area. It's fine with a moon shot when you have a single object and the knowledge and instruments to get there. We have to do the same thing and, in effect, we have to do it at least 137 times."

Getting that necessary information and knowledge is the goal of cancer research.

In addition to surgery, cancer treatment is in three areas: Radiotherapy (use of radiation), Chemotherapy (use of drugs) and Immunotherapy (use of the body's natural defense system).

Each can be used alone or in combination with the others, depending on the patient's condition and state of his cancer.

Research at Roswell Park continues to contribute to advances in radiotherapy, chemotherapy and immunotherapy. And advances in one area often mean a step forward in the others.

The targets of cancer research are the cancer cell and the uncontrolled cell division and multiplication which characterizes cancer.

"The fundamental cancer problem is the matter of uncontrolled cell proliferation and the control of that proliferation," says Dr. John Webster, chief of Radiation Therapy Services.

"In cancer," he adds, "the control is out of whack."

Work on the effects of radiation on cancerous and normal cells and application of findings through radiotherapy have been long established at Roswell Park.

"The institute," Dr. Webster notes, "was a pioneer in radiotherapy in this country and, in certain respects, in the world."

The effect of radiation on cancer cells, he adds, "is partially understood, like everything else in cancer. Essentially, the radiation damages the ability of the cells to reproduce themselves . . . and a dose can be so great as to destroy the cells."

The radiation, however, also affects normal cells which are "better capable of repairing the damage than are the cancer cells."

The aim of radiotherapy, he explains, is to do maximum damage to cancer cells while minimally damaging normal cells. He says there now is a "narrow band" in which that can be done and research at Roswell Park is striving to widen it.

In addition to studying cells and new methods of delivering radiotherapy, researchers strive to combine radiation with other treatment modalities. In one instance, researchers are looking at special chemicals which only can be activated through irradiation.

"Radiotherapy will be even more effective when we learn to more precisely couple it with drug therapy, immunotherapy and surgery," Dr. Webster comments.

"Radiotherapy today has a place in treatment whether for cure or palliation in well over half of all patients with malignant diseases," he says. "Our problem is to bring it to bear on the malignant patient population as a whole."

Looking to advances in radiotherapy, Dr. Webster adds that "radiotherapy and surgery are the grandmother and grandfather in cancer treatment, there is no question about it. Our hope is other approaches will equal and increase their effectiveness."

While radiotherapy has been around since the early part of this century, chemotherapy is a development of the 1940s.

"The use of drugs in treatment of tumors in man has been proven by virtue of success in four types of tumors in which there has been remission and no detectable disease for five years," according to Dr. Enrico Mihich, chief of Roswell Park's Department of Experimental Therapeutics. He also is director of the J. T. Grace Jr. Cancer Drug Center of the institute scheduled to open next month.

The direction in chemotherapy research, Dr. Mihich says, is "to develop new drugs and learn more about the mode of action of existing drugs so we can learn how to use them in an optimal way."

He predicts that the 1970s will be "a time of rationalization of drugs, of learning how to use them in combination and with other modes of therapy."

The problem in chemotherapy is similar to that in radiotherapy—a need to increase selectivity.

"So far, all of our compounds have been limited in their selectivity of action," Dr. Mihich reports. "They have an effect on both tumor cells and some normal cells."

He notes that "many times a tumor will respond adequately to a drug but then there will be an onset of resistance. One way to get by this is to increase the amount of the drug, but this can have toxic effects on normal cells and the patient because of lack of selectivity."

* * * * *

To remedy the situation, Dr. Mihich believes, "we need to develop new drugs which are better by not only being more potent but more selective."

He adds that there is a need to study the pharmacology of drugs and the biochemical mechanism of cancer cells to see if they differ qualitatively from normal cells.

"We also have to learn more about the mechanism of action of these drugs in target cells so we can combine drugs with drugs. Drug A, Drug B and Drug C together may be more effective than any one alone."

Dr Mihich, noting that researchers must further study the use of drugs along with surgery, radiotherapy and immunotherapy, is "optimistic that we will develop with higher and higher speed and in greater and greater numbers drugs which are effective in cancer."

"It's probable there will be no breakthrough if by breakthrough one means finding a single drug which is effective in all forms of cancer. Cancer is many diseases and each will have to find its own cure."

The application of immunology in the treatment of cancer has been around as long as Roswell Park, with papers about it published in the late 19th Century.

However, reading about it in scientific and general publications, you'd think it was discovered yesterday. What those articles actually reflect is the current emphasis on cancer research involving the body's natural defense system.

Dr. David Pressman, associate director of Roswell Park and director of its Department of Immunology and Immunochemistry Research, says immunology "isn't far enough along for it to be called a therapy yet.

"A lot of it is on the basic research side but more and more application is being made in the clinical area."

The research focuses on the fact that the human body has a natural system to fight its invasion by foreign substances.

Because a tumor cell varies from a normal one, an individual's immune response recognizes it as foreign and sets up a mechanism to destroy it.

Dr. Pressman says it appears this occurs quite often in individuals.

"Considering the mutation rate of cells in general, one would expect a large number of altered cells to be formed and one would except a very high incidence of cancer. It appears, however, that the reason why we don't have a high incidence of new cancer is because of surveillance by the immune system which kills off the altered cells."

Problems arise, however, when an altered cell escapes from the immune surveillance and multiplies, forming a tumor with which the immune response for one reason or another can't cope.

Research in immunology, Dr. Pressman notes, "is in the direction of trying to enhance the immune system in order to increase its ability to destroy cancerous cells and tumors."

It's not a simple job for, as he explains, "the immune response is not a simple response."

In addition to there being several ways in which immune factors can fight cancer, sometimes these individual factors may be working in opposite directions and indeed some factors may actually be protecting cancer cells.

Some of the research will attempt to combine immunology with other therapies.

For example, Dr. Pressman sees a possibility that radioactive material can be combined in piggyback fashion with immune factors called antibodies which then will carry it directly to the cancer site.

"We're very optimistic about the work," Dr. Pressman reports. "There are a great many lines of research and a great many interactions with parts of the immune system which we must investigate. To reach our goal we have to have a better understanding of the immune system."

Progress is being made on several fronts and results are being made available to help cancer patients combat their cancer.

ONE INDISPENSABLE: A SOUND AGRICULTURAL EDUCATION SYSTEM

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. NELSEN. Mr. Speaker, Jim Bormann of Station WCCO in Minneapolis has put together an excellent community needs and interests report about the importance of a sound agricultural education system in the State of Minnesota.

As Mr. Bormann points out, we faced a near-disaster situation when attempts were made in our State legislature to shut down the Agricultural-Technical College at Waseca, which is located in my congressional district. This unjustifiable effort has shocked rural people, however, into a new awareness of the necessity to educate the public about the key role of agriculture in our economy.

Farm prosperity does help everyone in Minnesota, but we have to do more to emphasize this concept. For this reason, I include Mr. Bormann's report at this point in my remarks to indicate what our people in Minnesota are doing to help improve our broadly based agricultural education system:

Needs and Interests Report

Education in agriculture in Minnesota has just passed through one crisis, and may soon be facing another. The near-disaster was the attempt in the Legislature to shut-down the Agricultural-Technical college at Waseca. That action was averted by the rallying at the last minute of the supporters and defenders of special agricultural training. The experience has left the aged people badly shaken. The attack came unexpectedly and came close enough to passing in the legislature to remind the farming community that it has lost much of the clout that would have made such a move unthinkable in previous years.

The impending crisis, mentioned above, is an outgrowth of the general public failure to understand fully the key role of agriculture in the American economy. While the political influence of agriculture has been diminishing, its impact on the total economy has been growing—particularly in the field of foreign trade. The 11-billion dollars in agricultural exports in 1972 went a long way toward improving our desperately short balance of trade.

And even though prosperity on the farm is essential to general prosperity in Minnesota and other states, farms and farmers are under attack by consumers who protest increasing food costs.

To head-off further raids by the Legislature and to improve understanding of agriculture in general, a two-day seminar was held June 5 and 6 in Alexandria to mobilize the state's diverse agricultural education agencies and to consolidate them for greater effectiveness. Such a move was started in 1965, and four seminars have been held with this goal in mind. This time, the educators have finally organized under the spur of the crisis atmosphere. The formal organization will be known as the "Minnesota Council for Coordinating Education in Agriculture."

In the banquet speech to the group, Editor Bob Rupp of The Farmer magazine bluntly told the educators they must stop stalling and start acting. Dr. Sherwood Berg, who is retiring as Dean of the U of M Institute of Agriculture, said the same thing, but less bluntly. He pointed out that after years of farm depression, agriculture now is on the move and is expanding rapidly.

"There's a lot more to agriculture than farming," he said, referring, of course, to agribusiness and the complexities involved in the farm-related businesses that produce what the farmer needs and process what the farmer produces. Berg pointed out these needs:

Specialization and intensification of on-farm production. Mergers and consolidations of co-ops and corporations. Expanded capacity for technical input in farming. Increased expertise in the field of farm management.

To meet these needs, Dean Berg described the rapid expansion of educational opportunities in agriculture. He cited these facts:

Enrollment in ag-ed programs has doubled in last 5 years.

More grads have entered agri-business than farming.

Minnesota now offers post-high-school agricultural education programs on about 30 campuses throughout the state.

The majority of these are in vocational-agricultural schools, rather than university-sponsored programs.

Women are now entering the field in substantial numbers. Three per cent of FFA members nationally are females.

The need for ag grads still exceeds the supply, despite increased enrollments and continuing economic squeeze on farms.

These and other developing changes in agriculture and in ag-ed call for continuing re-evaluation of how to meet the new needs. There is danger that some educational, industry and staffing resources may have been over-looked. There almost certainly is some duplication and over-lapping of ag-ed programs which could be eliminated. Legislators and others will want to know how efficiently the ag-ed facilities are being used.

One of the big stickers in the seminar's proceedings (Rupp called it the "hot button") is the burgeoning growth of vo-ag training. Some educators and administrators fear that this *training* will be regarded as an adequate substitute for the complete 4-year course in agricultural *education*, and that farming quality will decline as a result. Others believe that the complexities of ag-ed are better served through specialization in vo-ag short courses. It's the old argument between preparing for a vocation as opposed to an avocation.

U of M Vice President Stanley Wenberg pointed out that the educators should not be inflexible about this. He recalled that educators in medicine had resisted crash programs which would lead so-called "family practitioners". But the need and the demand were so great that the medical schools finally were forced to adopt a compromise program to fill the urgent need for more doctors. Agricultural education, he said, will almost surely have to make some compromises, and the vo-ag training may be one answer.

The draft proposal for organizing a Council for Coordinating Education in Agriculture included the Area Vo-Tech schools, along with the state college system, the junior college system, the private colleges, the U of Minnesota and its various branches and the state department of education—all listed as "agencies, institutions and systems which provide and coordinate education in agriculture in Minnesota."

But the *draft* proposal did not include any spokesman for vo-ag schools on the list of membership in the proposed coordinating Council. That list was dominated by the University. The question about dealing-out the Vo-ag schools was raised, and the answer was that Vo-ag training is included in the State Department of Education which *was* represented on the Council. It was felt this was not enough, and after a vote was taken, the membership of the Council was expanded to give the Vo-ag people full representation.

The purposes of the newly-formed Council were listed:

To provide a formalized, but voluntary means for coordinating the programs and courses in agricultural education at all levels.

To provide a structure for continuing and improving communication among those who are responsible for the various programs and courses in ag-ed.

To provide a coordinated means for studying, analyzing and evaluating agriculture, its related industries and agricultural education, and to encourage innovative and responsive development and utilization of programs, courses, services, staff or facilities.

To provide a means for consolidating and coordinating the resources committed to agricultural education, and for effectively projecting them to the people of Minnesota.

To serve in an advisory capacity to the Minnesota Higher Education Coordinating Commission in its routine process of review.

No provision was made to include farm-related industries in this essentially educational Council, as Bob Rupp had urged, but it was agreed that such input should be welcomed and even solicited by asking industry people to serve on task forces of the Council dealing with specific issues and areas related to their fields of interest. It also was pointed out that industry people already are serving on the advisory committees for some of the ag-ed institutions. (Maynard Speece and I are members of such a committee attached to the Technical college at Crookston.)

The first chore of the new Council will be to meet with the appropriate committees of the Legislature before the next session in January to rebuild some of the prestige that ag-ed is believed to have lost in the hassle to save the Waseca school from extinction in the last session. It was pointed out that agriculture can no longer take for granted a generous reservoir of understanding and sympathy in the Legislature. Redistricting has changed all that, and it now requires more direct lobbying to put forward the agricultural viewpoint in the law-making and budgeting process. The legislature must be convinced that expanding need for ag-ed requires more money and that the money is being spent wisely and without undue duplication of programs.

The Council also will attempt to improve communication and understanding between the farm community and city-dwelling consumers. Farm prosperity helps everyone in Minnesota, the Council believes, but that concept needs selling—particularly to those food consumers who are outraged by the sudden price increases.

PERSONAL CONTACTS

Dr. Donald Draine, Dir. of Academic Planning, Higher Education Coordinating Commission, St. Paul.

Robt. Van Tries, Asst. Commissioner of Education, State Dept. of Education.

Paul Day, Superintendent of Agricultural Education, State Dept. of Education.

Dr. Phillip Helland, Chancellor, State Junior College Board, St. Paul.

Dr. John Frey, Worthington State Junior College, Worthington.

Leo Keskinen, Itasca State Junior College, Grand Rapids, Minn.

Dr. Melvin Renner, Director of Continuing Education, Southwest State College, Marshall.

John Thell, Agricultural Coordinator, Vocational Technical School, Willmar.

Delbert Hodgkins, Agricultural Coordinator, Vocational Technical School, Mankato.

Ed O'Connell, Agricultural Coordinator, Vocational Technical School, St. Cloud.

Stanley Wenberg, Vice Pres. for State & Federal Relations, U. of Minnesota.

Dr. Paul Marvin, Head, Agricultural Education Dept., U. of M., St. Paul.

Dr. Laverne Freeh, Director Office of Special Programs, U. of M., St. Paul.

Dr. Deane Turner, Office of Placement, College of Agriculture, U. of M., St. Paul.

Dr. James App, Asst. Dean, College of Agriculture, U. of M., St. Paul.

Dean Woodrow Berg, Institute of Agriculture, U. of M., St. Paul.

Dr. Pat Borich, Agricultural Extension Service, U. of M., St. Paul.

Dr. Ed Fredericks, Provost, U. of M. branch, Waseca.

Peter Fog, Agricultural Director, U. of M. Technical College, Waseca.

Francis Jamsehka, County Agent, St. Cloud.

Jim Edman, County Agent, Benson.

John Morris, County Agent, Glenwood.

Norman Bombach, Pres., Minn. Vo-Ag Instructors Assn., Waseca.

Ivan Stone, Chairman, Institute of Ag. Advisory Council, Madelia.

Dr. Rodney Briggs, Asst. to the President, U. of M., Minneapolis.

Vernon Mack, Director, Area Vo-Tech school, Alexandria.

Robert Rupp, Editor, The Farmer Magazine, St. Paul.

Hiram Drache, History Instructor and Author, Concordia college, Moorhead.

Dick Dyke, Publisher, Alexandria Newspapers.

John Haaven, Editor, Alexandria Newspapers.

Vernon Hoysler, Extension Agent, Glencoe.

Harvey Hammergren, Entrepreneur (retired), Alexandria.

HOOSIERS SUPPORT THE PRESIDENT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. LANDGREBE. Mr. Speaker, since the President is being subjected to a mock trial by hearsay and innuendo with a "hanging" jury composed of the members of the national news media, I want to bring to the attention of my colleagues the results of a poll taken in my home district of Indiana by the Lafayette Journal and Courier which is published by Mr. Gregory Deliyanne. It was very encouraging to me to see that the people in Indiana show more concern for the Constitutional doctrine of "innocent until proven guilty" than various segments of the news media have demonstrated in recent months.

More importantly, the Journal and Courier's poll shows that a resounding majority of those Hoosiers responding approval of the President's performance in office. Among the reasons given by the over 72 percent who supported the President in this poll were first, the fact that the President was doing an excellent job, especially in ending American involvement in Vietnam and securing the release of our POW's, and second the sentiment that the news media is trying to discredit the President through blatant attacks not based on proven fact.

Mr. Speaker. I commend this article from last week's Journal and Courier to the attention of all my colleagues who are interested in gaging public opinion of the President's performance from the most valid reliable source that we can call on—the people themselves. The full article is set forth below:

BALLOTS FAVOR NIXON REMAINING

(By Cathy Burnes and Rose Russell)

More than 1,100 readers responded to the Journal and Courier's June 15 poll on the question: "Should Nixon Go?"

And the answer by about an 8-3 margin was "Nixon Should Stay."

A tabulation of ballots received as of today showed that 1,105 persons voted as follows:

Nixon should stay on the job, 801.

Nixon should resign, 193.

Nixon should be impeached, 12.

Comments accompanied the ballots sent by nearly one of every four participants. Comments from those who feel the President should stay in office fell into three general categories:

1. Nixon is doing a good job, especially in ending the war in Vietnam and achieving the release of POWs.

2. The U.S. Constitution says a man is innocent until proven guilty.

3. The news media are blowing Watergate out of proportion and trying to "get" Nixon.

A fourth reason, not mentioned as often, was the incident involving Sen. Edward Kennedy four years ago at Chappaquidick. Readers who commented felt this incident was far more important than Watergate and thought the press was trying to protect the Massachusetts senator.

Many praised Nixon as "one of the greatest Presidents we've ever had" and thought the idea of impeachment or resignation was "out of the question."

Others cited the "good" the President has done, particularly in achieving peace.

"We should think of the good our President has done in bringing our POWs home . . . and pray for him as he asked us to do," one person wrote.

Another asked, "How can anyone compare bugging to ending a war?"

One woman thought President Nixon was lax in picking his White House aides, but said, "at least he fetched our POWs home. The very same POWs that Presidents Kennedy and Johnson sent to Vietnam. After eight years in the White House, they found no way to bring our boys home, and the very same people who cry, "Impeach the President," never opened their skulls to impeach the two previous Presidents."

Another person felt that impeachment "must have some basis, but I feel there is none in this case. Resigning is quitting and a sign of failure. President Nixon has not failed."

Concern about assuming guilt was mentioned by numerous readers, who thought chances for trials would be lessened by the hearings and news coverage.

One reader wrote that he thought the Journal and Courier was "entirely out of order to publish such a ballot."

"Why convict a person before he is tried? These Senate hearings are the most disgusting things I've ever heard. How do they expect to have a fair trial after this?"

"Why must so many members of the press try to influence the readers (often successfully) to believe Mr. Nixon 'guilty until proven innocent,' instead of 'innocent until proven guilty," which has always been the honorable procedure?" another reader questioned.

Another wondered if the newspaper's poll "wasn't a bit premature. The man has not been found guilty yet."

The angriest comments came from readers who disapprove of the coverage given the hearings, as well as the coverage given the President over-all.

"Of greater concern," one person wrote, "should be the abuse of the First Amendment rights by a blatantly biased press—notably TV—which has been used as a vehicle to discredit the Presidential administration."

Another reader wrote that Nixon "got into office by being dishonest. We sure don't need that kind of 'person' running the country. Impeach him. Maybe that will wake people up to what's going on in Washington, D.C. We have a wonderful country, let's keep it that way."

In preparing their ballots and comments, the readers went to a great deal of trouble to back up their positions. Flag decals were used in one letter, red, white and blue stationery in another, and one woman alternated red and blue ink stationery to show her patriotism.

Prayers were requested and biblical quotes from both the Old and New Testaments were used. The one appearing most often was from John's gospel: "He who is without sin among you, let him cast the first stone." However, persons quoted verses from Matthew, Timothy and Ecclesiastes as well.

Two respondonts wrote after seeing Tuesday's story that the foreign student quoted should leave the country.

Robert Kriebel, Journal and Courier Metro editor who conducted the poll, incurred the wrath of some readers. About one per cent said he should be impeached.

And one person wrote that "some folks would even ask God to resign because He's not running the world the way they'd like Him to."

SUMMER CAMP SAFETY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, every summer, over 8 million children go off to summer camp for what their parents believe will be a happy time in safe and sanitary surroundings under the guidance of trained counselors. All too often, this is not the case.

There have been numerous horror stories as a result of the hearings we held in the 90th, 91st, and 92d Congresses on this subject. In addition, it is often financially and physically impossible for parents to visit the sites of youth camps to which they are sending their children. Although most camps are safe, there are many latent dangers which to the untrained eye of parents are impossible to identify on a trip to camp.

In the closing days of the 91st Congress, we passed the Occupational Safety and Health Act. Under its provisions, working conditions for the counselors at youth camps must be safe and healthful. Therefore, while the Congress has legislated that counselors must be employed under suitable conditions, it has failed to enact legislation to protect the health and well-being of our youngsters in those very same summer camps, day camps, travel camps, and public recreational facilities.

Therefore, I have introduced, along with my distinguished colleague from New York, PETER A. PEYSER, H.R. 1486 which would set up minimum national standards to be administered by the States. And because of the strong bipartisan support, there are two companion bills with 48 cosponsors.

Mr. Speaker, I firmly believe in the need for such legislation and was most pleased to find support for my efforts in an editorial in the Washington Post of June 23. I would like to insert that editorial in the RECORD at this time:

Summer Camp Safety

Most of the nation's 10,600 summer camps have opened again, or soon will open, for business. The traditional lure of the outdoors is still strong, and as many as 8,000,000 youngsters are expected to attend camps this summer. For most, it will be an enriching experience, well worth the money and effort. For some, however, serious risks will be taken because the camps they attend are lax in safety standards. It is estimated that of the nation's 10,600 camps, only 3,500 are accredited by the American Camping Association. The standards of the association number 164 and about 17 per cent of the camps inspected this year failed.

Large numbers of parents send their children off with little or no thought to possible dangers. Yet, according to testimony in congressional hearings, camping is not regulated at all in 19 states. Only four states have requirements for camp drivers and 10 states have no requirements for acquatic counselors. Camp owners naturally have their budgets to watch, and if expenses can be cut in the area of safety, well, why not cut them if the law allows it. By no means all camp owners think that way, but enough do to present a serious problem.

Exact figures are hard to come by, but it is estimated that some 250,000 children are injured in camping accidents each year. With such evidence, as well as the lack of regulations in so many states, it is clear that Congress has a special responsibility. Yet, for the last three sessions it has failed to pass any kind of meaningful legislation. The law passed last year was weak and evasive, calling for a "study" of the situation, as though enough facts were not already known. But even this weak law has not been carried out. The Department of Health, Education and Welfare was required to report to Congress before March 1, 1973 on the results of an investigation of youth camp safety, but the department—citing statistical problems—could not come up with a complete report.

Once again, Rep. Dominick Daniels (D-N.J.) has proposed strong legislation calling for national standards to be administered by the states. The opposition to his bill comes from camp owners who complain about federal interference but whose costs will most likely go up when forced to be safety conscions. That is the choice before Congress: what is worth more—the safety and lives of children or the business-as-usual attitudes of a few camp operators. Meanwhile, it is urged that parents be cautious in choosing summer camps. Many are run with strict regard for safety and health, but some are not. Obviously, it is better to learn the differences without leaving it to luck, good or bad.

CLASS OF 1973—AMERICA NEEDS YOU

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. REGULA. Mr. Speaker, the class of 1973 of Mount Union College, Alliance, Ohio graduated on June 10, 1973. I was privileged to attend that graduation ceremony and to listen to a remarkable address to that class by Mr. James B. Watt, who is the Director of the Bureau of Outdoor Recreation, U.S. Department of the Interior.

Mr. Watt had earlier, at my request, agreed to travel to Alliance with me to give a commencement speech. I expected an eloquent and timely address but as I listened, I realized that I was listening to something more than the usual commencement speech.

The text of Mr. Watt's address follows for all to read. It is truly a call to service for America:

Class of 1973—America Needs You!

COMMENCEMENT ADDRESS BEFORE THE CLASS OF 1973, MOUNT UNION COLLEGE, BY JAMES G. WATT

The experiment called America is almost 200 years old. It has been a successful and exciting political experiment. One that has tested the courage and character of its people.

Yes, I watch on TV and read in newspapers about the faults and shortcomings of our people. We are all concerned about crime, inflation, pollution, the energy crisis and wrongdoing in high places—as well as low places. But America is great!

We love her, and we serve her!

This Country is powerful because of her people. People who have built and hammered together a system which allows freedom of thought and freedom of action.

This system, composed of our social, economic, and intellectual institutions, has not been easily built. It has cost us time, resources and lives.

Like a strong chain—it has been forged and hammered into shape with enough independence of each part that flexibility is assured. Flexibility with unity, for in unity there is strength. But like that chain, this Nation is no greater than its weakest link.

How strong is the Nation? Very strong.

God has blessed America with vast resources and people who have the determination to build a system that will prevail.

In America, we have the highest standard living in the world. Personal income is at the highest level in history.

Over 84 million people have jobs—the highest number of working Americans ever. Ninety percent of the men and 84% of the women polled in a recent survey indicated that they *liked* their jobs. Job satisfaction is at an all time high.

Sixty-four percent of all American families own their own homes.

Eighty percent own one or more automobiles.

Almost every consumer index is at an all time high. This Country is on the move, and the consumer is benefiting.

Not only are the people of America *doing well,* they are also *doing good.* Today we have more socially concerned organizations and people than ever before. In the past two or three years, more money has been programmed in the Federal budget for social programs than for National Defense. As an example, in 1968 the U.S. Budget called for $60 billion dollars for human resources programs. The figure has now risen to $125 billion.

College enrollment figures for the last 10 years show that the number of white students has more than doubled, and non-white student enrollement has tripled.

We could go on and on extolling the virtues of this Country—because *America is great!* I am proud to be an American and proud to be in its government.

But a question still lingers in my mind—and in yours. Is America good enough? The answer is, "No, not yet!"

She needs you!

She needs a commitment from you; a commitment to serve, honor and believe in those God-given fundamentals which bind this Country together.

America the Beautiful—America the Great—is seeking a *commitment to excellence* and a *commitment of service* from each of us.

We have to build a better man before we build a better society.

Many commencement speakers this Spring will be telling the Class of 1973 of the unlimited opportunities that await you. I do not want to minimize that fact, but I do want to stress the *needs* that are before you. America needs you. Society needs you.

This is a Commencement Program. You are to commence.

Commence what? Serving your fellow man.

How do you serve? In many ways—by helping to manufacture a needed product; by helping to build a road, a home, a town; by selling needed goods or providing a service; by working in government; by teaching; by doing something that is needed and desired by the ones you *should* care for.

Our economic system is built on this concept. If our motives are something other than to serve people—problems will develop.

The real purpose of our existence is *not* to "make a living;" but to make a life—a worthy, well-rounded, useful life.

Christ said, "Whoever will be great among you, let him be your servant."

Our call is to serve.

A few years ago, I was serving as Legislative Assistant and Counsel to a U.S. Senator from Wyoming. I was fresh out of college with two degrees conferred with honors, and a head full of memorized facts and figures. I was standing in a garage and an old, weathered mechanic came up to me and said, "Young man, do you *understand* what you know?" I was taken aback. My mind reeled as I thought of my education. I had been trained and educated in many ways—but what did I understand?

Knowledge plus common sense and experience bring understanding. Sometimes understanding is called maturity.

Fortunately for young people today, understanding and maturity can be and are attained without simply the passage of time. We don't have to be old and grey, or even bald, to have maturity and wisdom through experiences.

We are capable of having experiences today that can be coupled with our knowledge to give real understanding—understanding of life that just a decade or two ago would have taken years and years of experience to acquire.

Our challenge is to seek the experience of life that will give us the ability to properly serve America and make her better.

We must be careful not to let ourselves be placed in a rut that will give us one experience. I am reminded of the two teachers who retired from the school system after 30 years of employment. One had 30 years of experience. The other had one year's experience 30 times.

So that we will not just make a living—but rather a life, a useful life—we must search for balance in our growth.

A well-rounded person has experiences in the several dimensions of life.

This College was founded on and continues to adhere to the principle that a well-educated person must have experiences that will open opportunities for social, physical, mental and spiritual growth.

No person achieves greatness unless he has maturity in these four essential dimensions of life. Each of us, as we seek to grow in understanding, recognizes that there must be balance in life. It is not enough to be the smartest person in the room, nor is it enough to be "in" with the socially elite. Like a sturdy table, a person must have four underpinnings long enough to reach the ground.

It takes an enormous amount of discipline and courage to develop these four dimensions. To be successful, one must make a *comimtment* in his mind and heart to accomplish a *predetermined* goal. If he allows himself to follow a situation ethic, he will drift through life; without a course, without a mission. The sad part about drifting is: If you don't know where you are going, you won't know *when* you get there.

You, the Class of 1973, have demonstrated your discipline and commitment to mental and intellectual growth. Four or more years ago, you established a goal to graduate from Mount Union College. *Today* you graduate from that goal and comence on new ventures. The social and financial pressures, as well as the many temptations, made it difficult at times to continue toward your objective. But you did! And you know where you are, because you planned to be here. That type of discipline is needed on a continuing basis.

We must set goals and objectives, and have plans for fulfilling them in other aspects of life as well. A goal without a plan is a mere dream. We must plan our work—and work our plan.

We must establish and set our minds firmly on predetermined, basic standards of conduct, standards of morality to help us cope with the many circumstances and situations which present themselves.

I might mention one standard that needs to be established, and that is honesty. We must predetermine that we will be honest in all situations. That sounds like an odd thing to highlight, but it is not. We must learn to be honest with others, and that is probably the easiest realm in which to be honest. We must learn to be honest with ourselves, and that is more difficult. And, we must be honest with God. If we are honest with God, we will be honest with ourselves and with our fellow man.

Honesty tests the character of a man and a woman, and it determines the success that each has in living a life. Not only must we determine to be honest, we must determine to appear to be honest. We must live our lives so that we are honest and appear to be honest.

One of the dimensions, and probably the most important, is the spiritual aspect of life. Too frequently we have trained ourselves mentally, socially, and physically and have neglected spiritual growth. Weak men have been the result.

Inside each person is a desire to find his real identity and to find the source of his being. Those of us who have committed our lives to Jesus Christ know who we are, and further, we know our relationship with God. This understanding brings the peace and security that allows us to serve our fellow man with confidence.

It takes discipline to be a Christian. But when we make the commitment and determination with our hearts and our minds to be one, God makes it possible.

In one city, a man walked through the neighborhood selling balloons to excited children. He sold many colorful balloons—red, green, yellow, gold, blue. All sharp and appealing to the eye. When the children would disappear with their balloons, the vendor would walk to another neighborhood. As he walked, he would let a few balloons go up into the sky, and thus attract the children. A small black boy had followed him from one section of the town to another. And on one quiet street corner, he asked the balloon salesman, "If you let the black balloon go, Mister, will it go up like the other balloons?"

"Yes, son, it's what's inside that counts."

Is America good enough? No, not yet.

She needs you! She needs your discipline, your drive, your determination, your commitment. Things need to be done. Institutions need to be improved and changed. Change never comes easily. But if we serve our fellow man, we will build a Nation filled with love, peace and understanding.

Greatness comes from serving. We have been called to serve—to serve God, to serve our Country, and to serve our fellow man.

In the days of old, there was a wise man who traveled from town to town teaching the people the great things of his time. Jealousy sprang from the heart of one young man who was determined to show the town's people that he was wiser than the old man.

He planned to take a pigeon to the town square and ask the wise old man whether the bird in his hand was dead or alive. If the old man said that it was alive, he would crush the life out of that bird and drop it to the ground. If the wise old man said that the gird was dead, he would lift it up and let it fly away.

When the young man saw that the town square was crowded, he yelled for the attention of the wise man.

"Old man, tell me whether the bird I hold in my hand is dead or alive."

The wise old man looked into the boy's eyes and said, "My son, it depends upon you whether the bird lives or dies."

Class of 1973—America needs you!

YOUNG AMERICA DELIVERS EPIC MESSAGE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. FLOOD. Mr. Speaker, I take particular pleasure in making this insertion in the CONGRESSIONAL RECORD for the reason that I have known the Flora family for many years and the young man's father, Al Flora, Sr., and I have been close friends since we were young men together in Wilkes-Barre, Pa., and Al was a leading figure in prize fighting, as a fighter himself, a promotor, trainer and manager. I congratulate his son, Al, Jr., for the fine address and impression he made last month at a banquet held by the Maryland Press Club in Baltimore. I would like at this point, Mr. Speaker, to insert a column by John F. Steadman, sports editor, The News American in Baltimore, of May 3, 1973, in which he captures the impressions made by young Al Flora, Jr. on that occasion.

YOUNG AMERICA DELIVERS EPIC MESSAGE

(By John F. Steadman)

They called on the youngest individual in a room crowded with dignitaries to deliver a mesage. It was a masterpiece in eloquence and his moving words told much of what America—past, present and future—is all about.

The voice of this bright, articulate youth, son of a former boxer and fight promoter, filled the room with excitement and emotion and, yes, epic effect.

Al Flora, Jr., only 21 years of age, was before an audience that was sophisticated and numbered some of the leading citizenry of Baltimore and Maryland.

The head table was graced with the presence of Spiro Agnew, Vice President of the United States, who was being honored as "Man of the Year" by the Maryland Press Club.

Governor Marvin Mandel, Mayor William Donald Schaefer, Baltimore County Executive Dale Anderson and Mrs. Helen Delich Bentley, commissioner of the Federal Maritime Commission, were flanking Agnew.

They had whimsical remarks to make and the tenor of the occasion was one of friendliness and deep personal warmth. There wasn't anything that was controversial or screamed for headline treatment.

Flora, a graduate of Mt. Washington Country School and Lycoming College who is now attending the University of Scranton, was placed in a difficult position yet was the "star of the show."

There were government leaders all around him. All eyes of the banquet gathering focused front and center—on Flora, a thin, clean-cut youth who was being thrust into a lineup of power hitters, politically speaking.

But he not only came through loud and clear, with a message that was profound and meaningful, enunciated and delivered with diction that was extraordinary, but he wound up being applauded long and loud by the assemblage.

It's rare when Spiro T. Agnew is placed in a secondary role when it comes to dialogue. But a 21-year-old put him in the second place last night.

IMMENSE APPLAUSE FROM AUDIENCE

The reaction to Flora's remarks, as he verbally presented what he called "an open letter to the Vice President," brought resounding applause.

And there in the room were his proud mother and father and younger sister. Al Flora, Sr., came up the hard way, out of the coal fields of Pennsylvania, lacking in education, and had to fight to live and make his way.

He campaigned as a middleweight and then began promoting bouts in Wilkes-Barre, 1947, and came to Baltimore in 1953. He owns Al Flora's Sportsmen's Bar in Arbutus and thanks God every day that he, a poor boy, is so rich in being blessed with the kind of family he has.

The tough, lean and hungry times of Al Flora were forgotten and the price he paid along the way came to a glorious fruition by the way his son handled himself and how men and women came up to shake his hand.

William Adelson, highly educated, perceptive and respected as one of the country's outstanding attorneys plus chairman of the Friendship Airport Authority, said the youngster presented one of the most "superb" public speeches he had ever heard.

AGNEW HIGHLY IMPRESSED

The opening of Flora's presentation, directed to Agnew went this way . . .

"Can you remember once when the building of character was the most important subject in a secondary education; when respect for the rights of others was sacred; when the Lord's prayer, said at the start of each school day, instilled a sense of warmth and love in every boy and girl; and when the American flag was considered far more than a mere symbol, it was considered the heart of America.

"My concern does not rest so much with my generation as with the future. To them, the word character may only have a dictionary meaning; the recitation of the Lord's prayer may only exist in a study of Ancient History; and the American Flag may be but another museum relic.

"Now, as the epitaph of a future generation might be prematurely written, this letter comes your way, knowing full well that few in America hold the character of this nation in such reverence as you."

He went on to reveal other feelings of how a young man who is part of a generation that has been erroneously generalized to be "hippie, disrespectful, disruptive and unpatriotic" reacts to maligning because of the actions of a minority.

Vice President Agnew was impressed with what Al Flora had to say and the way he presented it. There wasn't anything political or self-serving.

A country like America will be better because of the Al Floras of the future—a deep, sensitive individual, with love in his heart for his fellow man and an intellect that will allow him to do much for the cause of humanity and its ideals.

RETIRING HEAD OF OEO HONORED

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. CRONIN. Mr. Speaker, on June 30 of this year the Government will lose one of the most courageous administrators we have ever had. I have known Howard Phillips since we were both in college. Like many young men in our Government, he is bright and able. But Howie is much more. He has principles, and he sticks by them. When he assumed his position with OEO, Howie was charged for the first time in modern times with completely dismantling a Federal agency. It was a task from which many able men would shrink. The path was predictably tough, but so was the man charged with the responsibility. He never faltered, he never gave up his principles, he never yielded except to convictions of honor and good sense. Government needs more men with the unique breadth of ability, integrity, eloquence, and experience of Howard Phillips. I hope we will see him serve his country in another capacity in the not to distant future.

Mr. Speaker, Howard Phillips issued his final official statement at OEO yesterday. I would like to share it with my colleagues and, hence, submit it to the Record at this time:

Statement of Howard Phillips

In accordance with the intention which I announced at the time of my appointment in January, it is my plan to leave OEO when the current fiscal year ends this Saturday, June 30.

During the period immediately following July 1, I expect to witness the completion of the actions we set in motion following the President's budget message of January 29: the transfer of programs and personnel to other departments, the enactment of legislation which will lead to reform of the legal services program and will place OEO's economic development activities at the Department of Commerce, the completed reassignment of decision-making concerning community action to local elected officials, and the general discontinuation of OEO's operational activities.

Just as OEO itself came to symbolize the Great Society's unsuccessful and unwise reliance on centralized bureaucratic power, so shall our effort be recalled as an historic turning point toward the disaggregation of unaccountable bureaucratic authority, and its dispersal back to the people, from whom it derives.

According to law, OEO will be a statutory entity until the end of June, 1975. In order to carry out the residual requirements set forth under the statute, it was necessary that a name be sent to the Senate of a person to direct the agency's remaining phase-out activities.

In the wake of a recent court ruling restricting my authority, many cities are awaiting the release of special summer recreation funds which have been held up because of legal uncertainties.

It, therefore, is appropriate that there be no further delay in naming a Director-Designate, so as to reduce any possibility of harm to those cities whose financial conditions require an early release of funds.

I am pleased that Alvin Arnett, who has served with great ability as my first assistant, will assume responsibility for heading residual OEO. The former Executive Director of the Appalachian Regional Commission, and a past Executive Assistant to U.S. Senator J. Glenn Beall, Mr. Arnett is well qualified for his new role.

In preparing to leave, I wish to thank those employees of OEO, both temporary and career, who have acted with integrity to carry forward the President's reforms. Civil servants, whatever their personal ideological or political viewpoint, must be ever mindful of their duty to implement, rather than establish, Executive Branch policy.

Personally, I am most grateful for the opportunity which has been afforded me and proud of the skill and energy with which members of my staff have directed those matters over which they exercised control.

Believing that social progress can be measured by the condition of individual liberty and opportunity, it has been our constant objective to advance policies which enhance regard for the rights of the individual and which strengthen the power of the individual to direct the course of his own life—not by empowering others to speak in his name, or to act in his behalf—but by directly extending the opportunity for choice to the individuals concerned.

It is for this reason that we have favored school tuition vouchers and it is why we have fought for client choice in legal services: to divest government of power and to return it to the people.

This is a revolutionary doctrine, wholly consistent with the vision of America's future which has been so brilliantly articulated by President Nixon. As he reminded us in 1971: " . . . No great movement goes in the same direction forever. Nations change, they adapt, or they slowly die. The time has now come in America to reverse the flow of power and resources from the states and communities to Washington, and start power and resources flowing back . . . to the people across America."

CURE THAT'S KILLING THE PATIENT

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. SYMMS. Mr. Speaker, my desk is overflowing with letters and telegrams from businessmen in Idaho who face bankruptcy under the President's new economic game plan. Ten years ago, I would never have thought it possible that the hard heel of government could bear down with such inequity and economic anarchy—but here we are today with a "cure" that is killing the patient.

In my mail this morning, I received a copy of a full-page advertisement that ran in the Salt Lake City, Utah, Tribune on June 19. It says a lot about the mood of the American public, and I do not believe that the Congress or the administration can afford any longer to ignore this mood. People have suffered injustice and tyranny before. Had our founding fathers not had the courage to strike back against injustice, there would be no America today.

The ghosts of Hamilton and Jefferson are still with us, you know. Fortunately, we have no need of crystal balls to recollect their words to a very young America. We have chapters upon chapters of their writings—words about freedom, individual liberty, proper restrictions of central government, and free enterprise. I suggest that the American public would benefit if Members of Congress and the administration took off a few days to read and reacquaint themselves with the principles in the writings of these great men.

The message of the newspaper advertisement which follows is very clear, and I hope my colleagues recognize its consequences.

[From the Salt Lake Tribune, June 19, 1973]

Rocky Mountain Mint and Depository proudly announces that effective June 13, 1973, in direct violation of Richard Nixon's latest price freeze, we have raised the price of our precious metal products an average of 10%. We invite the federal government to attempt legal action against us for our exercise of the inalienable right to engage in free trade.

It is our sincere hope that other retailers, in all lines of business endeavor, will follow suit and raise prices, as their business needs require.

Slavery, whether political or economic, is the opposite of the United States Constitutional free enterprise system. Rocky Mountain Mint and Depository will, so long as human freedom and free trade still exist, refuse to comply with the national socialist economic policies of Richard Nixon. We urge the Utah State Legislature to effect a separation of state and economics.

Laissez-faire,

Karl J. Bray,
President.

Rocky Mountain Mint and Depository, 1381 So. Main in Salt Lake City, engages in the sale of gold coins, gold nuggets, gold dust, silver ingots and medallions, and U.S. silver coins. Call 486–1339 for further information.

SHOULD THE UNITED STATES RECEIVE FOREIGN AID?

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. SMITH of New York. Mr. Speaker, Americans often wonder how people in other countries view them. Our policy of lending a helping hand to those in need has often been sneered at and criticized, sometimes even by those in the countries receiving the aid. There are times when we wonder if anyone appreciates old Uncle Sam's efforts.

One of my constituents, John G. C. Miller of Lockport, recently sent me a copy of an editorial entitled "Americans," which was aired on radio station CFRB in Toronto, Ontario, Canada. The editorial was written by Gordon Sinclair for his "Let's Be Personal" show on June 5, 1973.

Mr. Miller said he has shown the editorial to many people and the usual reaction has been.

> It has never occurred to me that any other country might send help to us!

I insert this editorial in the Congressional Record:

Americans

(By Gordon Sinclair)

The United States' dollar took another pounding on German, French and British exchange this morning, hitting the lowest point ever known in West Germany.

It has declined there by 41 per cent since 1971 and this Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people in all the earth.

As long as sixty years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze. Who rushed in with men and money to help? The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges and the Niger.

Today the rich bottomland of the Mississippi is underwater and no foreign land has sent a dollar to help.

Germany, Japan, and to a lesser extent Britain and Italy, were lifted out of the debris of war by the Americans who poured in billons of dollars and forgave other billions in debts.

None of those countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquake it is the United States that hurries in to help . . . Managua, Nicaragua, is one of the most recent examples. So far this spring, 59 American communities have been flattened by tornadoes. Nobody has helped.

The Marshall Plan, the Truman Policy, all pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent war-mongering Americans.

I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes. Come on let's hear it!

Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10?

If so, why don't they fly them? Why do all international lines except Russia fly American planes?

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles.

You talk about American technocracy and you find men on the moon, not once but several times . . . and safely home again.

You talk about scandals and the Americans put theirs right in the store window for everybody to look at.

Even their draft dodgers are not pursued and hounded. They are here on our streets, most of them . . . unless they are breaking Canadian laws, are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they said the Hell with the rest of the world. Let someone else buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

I can name to you 5,000 times when the Americans raced to the help of other people in trouble.

Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone and I'm one Canadian who is damned tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these.

But there are many smug, self-righteous Canadians.

And finally the American Red Cross was told at its 48th annual meeting in New Orleans this morning that it was broke.

This year's disasters . . . with the year less than half over . . has taken it all and nobody has helped.

BANGLADESH

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, despite the passage of many months now since the independence of Bangladesh—which occurred in December 1971—little progress has been made in bringing about a settlement of the difficulties between India and Pakistan which arose out of the conflict which led to the establishment of Bangladesh. In my opinion, this is a tragic situation, and one which should be of genuine concern, to the world community.

About a year ago there did seem a possibility that there might soon be movement toward a reconciliation of the issues which thus far have blocked progress. Indeed, at Simla in the summer of 1972, President Bhutto of Pakistan and Prime Minister Gandhi of India reached agreement on what appeared to be a framework for a peace settlement. One of the major problems has been India's continued retention of approximately 93,000 Pakistani prisoners of war. Included in this group are members of the Pakistani armed forces, paramilitary groups and civilians. Although in theory, and under accepted principles of international law, these prisoners should have been released, that has not occurred. This is a plain violation of the Geneva Conventions covering treatment of prisoners of war, and in defiance of two U.N. resolutions regarding this problem.

India's position has been that release of Pakistani prisoners, though held in Indian prison camps, depends on the willingness of the Bangladesh Government to let them go. Unfortunately, both India and Bangladesh have also agreed in a formal declaration issued last April, that release of these prisoners could be considered only if agreement is reached simultaneously on the repatriation of "Pakistanis in Bangladesh."

This attempt to link release of the Pakistani prisoners with a mass transfer of Biharis from Bangladesh will probably only complicate a difficult situation and prolong the deadlock. Pakistan has said that she remains willing to discuss all issues with India, including the future of the Biharis, but that she cannot accept "dictated" conditions. Pakistan may not have much leverage to bargain, but she can hardly expect to accept unconditionally the consequences of the mass emigration which both India and Bangladesh seem to expect.

Major pawns in this unhappy situation include, quite obviously, the 93,000 prisoners. Whatever may be the reason for the failure of meaningful negotiations, these men, in my opinion, should be allowed to return promptly to their homes. It would be a further tragedy if the Biharis community in Bangladesh should also become pawns. There are an estimated 260,000 Biharis in Bangladesh. The Biharis, it should be noted, have been living in what is now Bangladesh but what was formerly East Pakistan, since 1947, when they emigrated from the State of Bihar in India. During the events which led to the conflict preceding the establishment of Bangladesh the Biharis supported the efforts of the Pakistan Government. For that reason, they have had an extremely rough time in Bangladesh. That government has gone so far as to announce that the Biharis should be expelled to an island in the Indian Ocean.

What seems to be needed is another meeting this time between the leaders of Pakistan, India, and also Bangladesh. The three countries surely must see the need for progress toward an early settlement and a resolution of some of the tragic humanitarian problems which the conflict of December 1971 developed.

MR. RAY FIELDEN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. DUNCAN. Mr. Speaker, I want to bring to the attention of my colleagues a noteworthy act of mercy undertaken by one of my constituents, Mr. Ray Fielden of 910 Phillips Avenue, Knoxville, Tenn. Because of his unselfish actions, Mr. Fielden has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The certificate bears the signatures of the President of the United States, who is the honorary chairman, and Frank Stanton, chairman of the American National Red Cross.

On June 8, 1972 Mr. Fielden, trained in Red Cross lifesaving and water safety, was at a boat dock when a 20-foot cruiser hit the dock and flipped over. The boat operator was pinned in the cabin under the water. Mr. Fielden dove into the water and after three attempts was able to locate and pull the victim from the cabin to the surface. Mr. Fielden then carried the victim to the dock where he treated him for shock. Mr. Fielden's immediate and correct use of his lifesaving skills undoubtedly saved the man's life.

This action exemplifies the highest ideal of the concern of one human being for another who is in distress.

SENATE—*Thursday, June 28, 1973*

(Legislative day of Monday, June 25, 1973)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by Hon. Frank E. Moss, a Senator from the State of Utah.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, ruler of men and nations, in whose will is our peace, send Thy light and Thy truth into our lives this day. Fit us in mind and spirit that we may rise to new heights of service to our Nation and to the world. Gather us to Thyself and bind us to one another that we may concert our best efforts at this time of crisis and of opportunity. Reinforce us by the constant assurance of Thy presence, relieving our weariness, renewing our physical energies, and enlarging our vision. At length give us hearts at peace in the knowledge of work well done.

We pray in His name who came not to be ministered unto but to minister. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 28, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Frank E. Moss, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. MOSS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, June 27, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. Bartlett) is recognized for not to exceed 10 minutes.

THE ENERGY CRISIS

Mr. BARTLETT. Mr. President, in this morning's Washington Post there is an article by Hobart Rowen entitled "The Energy Crisis." In one caption he says, "The energy question cuts across all other problems—security, the dollar, trade, everything."

There is lots of talk heard about the energy crisis. There are those who question that it really exists. But I say you only need to go to the nearest filling station or go to the nearest farmer to learn that it exists. But little has been done to help solve the problems of the energy crisis.

This body and the Congress have not yet come up with solutions and in the past several years have unknowingly, I believe, added to some of those problems. My colleagues and I this morning are going to address ourselves to various aspects of the energy problem, and I will discuss one approach that has been mentioned as a solution—more Federal controls.

What has been happening to the U.S. dollar abroad is alarming, even frightening when you consider the consequences.

The first quarter of this year our Nation had a balance-of-payments deficit over $10 billion. There are U.S. dollars aplenty abroad, so many in fact, that many are being cashed in hurriedly. Our domestic inflationary spiral and strangling fuel shortage add to the uneasiness of foreigners that hold U.S. dollars.

The sad, but true, fact is that in the near future we will have to spend more and more dollars abroad for crude oil and other petroleum products. John Winger of the Chase Manhattan Bank estimates that within the next 3 years we will have a $17.5 billion balance-of-payments deficit from imports of petroleum alone. That will be almost 50 percent of our total energy demand. By 1985, John Winger estimates a balance-of-payments deficit from petroleum alone from $30 to $40 million.

The more we spend, the less our dollars will be worth—it is a vicious cycle. We could, in a very few years, become a bankrupt nation.

Unfortunately, many cast the blame for our energy problems on the energy industry only. It is not without blame, but we should recognize that there are many reasons for our problems and certainly not the most insignificant of these has been Federal controls imposed with honorable intention, but sometimes with disastrous results.

Federal regulation of interstate natural gas prices is a classic example. It has depressed the domestic energy industry in many ways. The fuels which have had to compete with the artificially low gas prices have also been depressed to artificially low levels—all this leads to a lack of sufficient profit incentives for development of our indigenous resources.

Another offshoot of depressed prices is the premature plugging of oil and gas wells because of the unfavorable economics of maintaining production.

Controlling the price of natural gas has effectively controlled the market price of all competing fuels—providing cheap energy for the short pull, but providing shortages and inevitably higher prices for the long run. There is no telling how much this particular Federal control is costing the United States today in additional oil import requirements.

The cost to keep our environment clean is great, too—perhaps greater than we can afford.

If the States choose to require the secondary standards of the National Environmental Policy Act, by 1975, 150 million tons of coal would be made unusable with current stack gas emission technology. That means about 1.6 million barrels per day more in imports will be required at an annual cost of about $2.5 billion more in our balance-of-payments deficit. This is assuming our dollar retains its value abroad and the price of foreign crude remains relatively constant. Both seem unlikely.

The auto emission standards that have been imposed by the Environmental Protection Agency also have a high cost. The decrease in fuel economy could cost over half a million barrels per day in imports or $900 million annually by 1975. The EPA itself recommends that the standards be reviewed.

Much needed domestic Alaskan oil has also been held up for environmental considerations and right-of-way difficulties. The 2 million barrels that we could be getting would replace imported oil—saving the country another $3 billion annually in balance-of-payments deficit.

Congress is moving like molasses in correcting the technicality in the Federal Rights-of-Way Act.

Now Congress is considering additional controls which would result in significant costs to our Nation if the architects of the language are not careful.

Tremendous coal reserves could be nullified if arbitrary surface mining limits are set. Coal must be allowed to assume a large part of the energy burden.

Other legislation that must be considered very carefully is the land use bill.

Mr. President, the distinguished Senator from Ohio (Mr. Taft) had planned to take part in this colloquy this morning, but unfortunately, he could not be here. Therefore, I am pleased to ask unanimous consent to submit his prepared statement and an insertion for the Record.

Statement by Senator Taft

THE ENERGY CRISIS

Already we are seeing signs of the energy crisis hitting home: gas stations that normally are open 24 hours a day are closing early in the evening, an attendant was murdered when his pumps were empty and he was unable to satisfy a customer, and many of us have passed pumps that say "empty."

In the energy crisis, I believe we will face both a short-term and a long-term problem. The short-term crisis is primarily in gasoline and heating oil, which was in short supply last winter, despite the mild weather. Farmers have been desperate for fuel to plow and to dry their crops, local companies have been suggesting that their customers turn down their thermostats, and airports have had to close for short periods for lack of sufficient fuel.

In the long term, however, unless we act now, the dependence of our economy upon fossil fuels will be even more severely felt. A basic feature of the American way of life, the highest possible general standard of living, seems most likely to perpetuate the constant taking of power and use of fossil fuels which we cannot replace.

I have recently cosponsored two bills to help alleviate this situation. First, the Jackson energy research bill, S. 1283, which hopefully might put the United States on the road to self-sufficiency in the energy area by 1983.

Another resolution I have cosponsored requests the President to call a conference of oil-importing nations for two purposes: (1) to establish an international organization of oil-importing countries, and (2) to establish common practices and policies affecting oil pricing, importation and consumption.

The dependence of the United States on Arab oil supplies could become an achilles' heel, from defense and economic viewpoints, if at some point these suppliers decided to withhold their products from us for political reasons. The Arab nations have indicated that they plan to raise the price of oil by at least 10 percent. Several Arab states have also asked other Middle East oil-producing countries to withhold oil supplies from nations aiding Israel. The policy advocated by this resolution would certainly not reduce the demand for the oil, but it might be a step toward a reassertion of international monetary stability and a partial defense against one of the problems that may lie ahead.

Even against this somber background, in the forseeable future, there will always be a need for a natural gas industry. Up to the last year or so, our own supplies have been sufficient for our needs. But this is not the case now and may never again be, especially in light of the 37 percent rise in demand for gas from 1966 to 1973, a period during which annual additions to reserves were for the first time falling below the annual consumption. Because of the large increase in gas demand, with little or no prospect that this new demand can be met by supply over the next decades, out of the remaining resource base of indigenous gas supplies, we are now facing the crisis in natural gas. Our existing energy policy, since the depression, has been to get the energy to the consumer as quickly as possible with little regard for the environment, replacement cost, foreign exchange or national security. All of these factors must be taken into consideration as we ponder where we will have to compromise in order to meet our needs and priorities.

In making such policy decisions relating to the gas industry, several questions have to be answered:

1. Should the Federal Power Commission continue to regulate the field price of natural gas? Should Congress turn gas prices loose? Or should there be some compromise between these two courses?

2. What should be the import policy of the U.S. as it affects gas supply, crude distillates, liquefied natural gas and gas from Canada?

3. Should the use of gas be rationed or controlled by price or other means?

4. What role should the Federal Government play in the production of synthetics particularly needed to restore the balance between demand and supply?

5. What tax policies are justified to encourage supply or control use of natural gas?

6. What environmental and land use policies are sound and proper relating to drilling, extraction, and importation of natural gas?

Let me comment on the first question, the regulation of the field price of natural gas.

The President in his energy message of April 18 of this year urged that our domestic energy production be expanded. He announced that he would submit legislation to amend the Natural Gas Act so that prices paid by interstate pipelines to producers for new supplies of domestic natural gas would be determined by the competitive forces of the market system rather than regulated by the Federal Power Commission. This proposal is designed to stimulate new exploration and development of usable domestic gas resources while maintaining current prices on present interstate supplies and eliminating unfair gains at the expense of the consumer. It would seem that low regulated prices have discouraged development of an amount of resources to meet the ever-increasing demand, and it is certain that proven reserves have fallen by 21 percent since 1966. Another result of the price regulation has been that more than 50 percent of our natural gas is consumed by industrial users and utilities, many of which might otherwise be using coal or oil. Homeowners are being forced to turn to other less desirable fuel to fill their needs. In addition, because prices within producing states are often higher than the interstate prices established by the Federal Power Commission, most newly discovered and newly produced natural gas does not enter interstate pipelines.

Many people seem to feel that if prices at the wellhead are deregulated, the cost will soar to such an extent that we will be forced to rely more on synthetic alternatives, which are at this time priced three times as high as natural gas, and greatly increased importation of gas and crude oil. By 1985, it has been estimated that our outflow of cash for importing crude oil, petroleum and gas could be $30 billion or higher. And even this figure is based on the precarious notion that these products will be sold to us at today's prices, and is based on a demand curve that is conservative. We already know that the OPEC countries intend to raise the prices, and other estimates have increased the import bill to $54 billion and even $70 billion, which could bankrupt America.

The increased field price of natural gas, which will probably result if prices are deregulated, seems likely to result in modest increases at the home for the average consumer, because the pipelines and local distributors will remain regulated, and because the new supplies of natural gas will be only a small percentage of the total supplies of the interstate pipelines for several years into the future. At the current time, the price paid to the producer for gas supplies is approximately 10 to 20 percent of the ultimate price paid by the homeowner in most areas.

FPC Chairman John Nassikas has said recently, however, that the commission has no studies to show a cause-effect relation between deregulation of natural gas at the wellhead and increased supplies. In addition, actual price increases cannot be predicted, and any price increases at this time would be subject to the cost of living council's freeze regulations.

The President's proposed energy legislation provides that the FPC be granted rate jurisdiction over the direct industrial sales of pipelines. This action will allow the FPC to assure that industrial customers, who use natural gas, are paying a fair and equitable share of the costs of obtaining this premium fuel. However, the President's action does not alter state and local authority over intrastate pipelines and natural gas distributors.

The proposed legislation would also allow the competitive forces of the market system, through arms length negotiations between producers and pipelines, to determine the price of new supplies of natural gas. It would permit, as well, the interstate pipelines to compete with the intrastate pipelines for new gas supplies and lead to a more desirable distribution and usage. On balance, the action hopefully may provide consumers more supplies of natural gas at a lower cost than any other alternative.

Another possible approach to the deregulation problem would be the optional pricing procedure that has recently been put into effect. This "pragmatic regulation" of oil and gas prices at the wellhead increased prices from 26 cents per thousand cubic feet (mcf) to 45 cents mcf in one specific case. This takes the pressure off deregulation, but adds an incentive to the industry for exploration.

Another stimulus for exploration by investors is the deduction of intangible drilling expenses and development costs. On April 30, Secretary of the Treasury Shultz announced that in the administration's proposed tax reform bill these deductions from unrelated income would no longer be permitted. The essence of this proposal is that losses resulting from expenditures for intangible drilling and development costs can only be used to offset oil and gas income and not income from other sources. I joined with 35 other Senators in writing to Secretary Shultz to protest this proposal. Prohibition of this deduction would not only be inconsistent with the President's stated objective to encourage more exploration for oil and gas, but it would have a particularly serious impact on the independent producer segment of the industry which historically has accounted for about 75 percent of exploratory wells drilled, and has heavily relied upon outside investors for needed capital. Moreover, the Secretary's proposed tax reform bill of 1973 will probably not be taken up by the Congress before late this year. This particular proposal has already had an immediate adverse impact because it has been proposed to be retroactive to April 30, 1973 and because it must be noted on soliciting material as a so-called "red herring." That means that most investors do not wish to or cannot afford to make commitments until the Congress acts. In the meantime, while the merits of the proposal are being debated, our gas position will needlessly deteriorate.

For example, in my home State of Ohio, the result has been to cut off the supply of outside capital for development of oil and gas wells in the State. Approximately 1,300 wells have been drilled in Ohio in each of the last 4 years. As the natural gas shortage has worsened, the producers have emphasized natural gas exploration in the area. This has resulted in a significant percentage increase in production of natural gas in the State. While the amount may be small when compared with the natural gas imported from other states, it is a vital margin in a time of shortage. And it is reliably estimated that 90 percent of the new drilling in Ohio is financed at least partially by investment from outside the industry itself.

One of the major factors inducing this investment is the present tax treatment of intangible drilling and development costs afforded the investor. Loss of this outside investment could obviously cripple the oil and gas exploration and development in Ohio and elsewhere. Thus the only way to remove the "unfavorable" aspects of this potential investment and to avoid completely cutting off outside investment is for the Secretary of the Treasury to reverse the position he has taken. In the telegram which I joined in sending to the Secretary, I requested that he revoke the position on the proposal concerning the retroactive effect of any changes which are adopted, so that it would not do harm while the matter was being considered by the Congress.

Much of the rest of the world itself now has energy consumption patterns that are growing at a faster rate than our own. It now appears that the world as a whole will use as much energy from all forms between 1970 and 2000 as it did from the start of mankind until 1970. No single approach will be enough to solve our problem. It will take a combination, including "trade-offs." In fact our efficiency in the use of available energy is expected to deteriorate to the point where in 1960 we wasted or rejected 50.8 percent of our energy and in 1985 we are expected to reject 58.4 percent and continue to make use of only 41.6 percent.

The energy situation is extremely serious and it is a national and a worldwide problem. It has been said that we are in the "twilight" of the fossil fuel age. I believe that gas and oil will be primary fuels for the near future, and that substantial alternatives to gas and oil will not be available within the next ten years to mitigate substantially the energy problem. It appears imperative, therefore, that we achieve improved domestic supplies in order to continue our national security and to offset the balance of payments problems as much as possible.

I ask unanimous consent to have printed in the RECORD the lead article in the July issue of Foreign Affairs magazine. I believe it is an excellent article, and I commend it to Senators for their information and consideration.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PLAN FOR ENERGY INDEPENDENCE

(By Carroll L. Wilson)

I believe the United States is facing a national energy emergency. It arises from our extravagant and wasteful use of energy and from a shift in the sources of fuels. Per capita consumption is three times that of Western Europe, and we may ask ourselves whether our greater use enriches the quality of life by any such margin. Our cars are twice as heavy and use twice as much fuel as European cars which run about the same mileage each year, and the ratio is getting worse because of the sharp drop in fuel economy on recent models of American cars, owing to emission controls and air conditioners. We keep our houses and buildings too hot and use large amounts of fuel in air-conditioning everything. We have not given a thought to fuel conservation and efficiency since the days of rationing in World War II—an era which only 30 percent (those over 45) of the population can remember. These are some of the reasons why with six percent of the world's population the United States uses 33 percent of the world's energy—and why Europe and Japan are unlikely to be sympathetic to our plight as we ask them to share with us their traditional supply sources in the Middle East.

The costs and perils of dependence upon Middle East nations around the Persian Gulf were eloquently stated by James Akins of the State Department in the last issue of this Journal.[1] His analysis of the expected scale of payments to Middle East countries and the inability of the largest producer, Saudi Arabia, to absorb or use a significant fraction of these payments for internal purposes underscores the perils of open-ended dependence upon these nations for our oil. The most critical aspects of the national energy emergency are the shift to such dependence and the enormous foreign-exchange drain it must progressively entail by the late 1970's alone. Recent "symbolic" interruptions by some Middle East countries, in protest against U.S. policy toward Israel, may be one hint of what the future holds; the continued hard bargaining on price is another. Although we will have to live through a period of substantial reliance on Middle East oil, it is hardly an acceptable national policy to leave the emerging situation in this highly unsatisfactory state. There are simply too many cumulative problems and dangers involved.

The question, of course, is what *could* we do about it. The time has come to propose solutions. I propose a strategy to overcome this emergency, a program of action to implement such a strategy, the machinery needed for implementation, and an assessment of the global and environmental consequences of the adoption and execution of such a program by the United States. Obviously, the number of variables is immense and only by gross simplification can one define a strategy and program; there should be alternative strategies and plans. But this may be a place to begin.

II

The objectives of my proposal are to achieve, by 1985: first, the independence of the United States from critical reliance on imports of energy in any form—defining critical reliance as anything more than ten percent of our needs; second, energy costs below some target level, in dollars per million British Thermal Units (BTU), which is a common energy pricing unit for all fuels. I suggest as a goal keeping energy costs for premium fuels such as gas or oil below $1.00 per million BTU. This is equivalent to oil at $6.00 per barrel, roughly twice present prices, or to gas at $1.00 per thousand cubic feet, twice present wellhead prices on new contracts. The current cost of coal is very low in relation to its heat content, and the proposed ceiling gives great latitude for its use.

To see how we might reach these goals, let us start by examining the components of energy supply in the United States—past, present and future. Current projections make three key assumptions—that total energy consumption will continue to grow at the rate of 4.5 percent a year that has prevailed in the past decade, that the present pattern of use of particular energy sources will continue, and that nuclear power will be rapidly developed. As we shall see, all three of these assumptions can be challenged. If they were the case, however, the currently projected picture (seen in relation to present and past) would look as follows:

TABLE I.—U.S. ENERGY SOURCES AT STATED PERIODS

[In percent]

	Actual		Projected	
	1960–63	1970–73	1980–83	1985
Oil	44.0	44	44	47
Natural gas	29.0	33	28	20
Coal	23.0	18	17	17
Hydro/geothermal	4.0	4	5	6
Nuclear	.5	1	6	10

As the table shows, the crux of the problem is that oil has had to assume a large and slowly increasing share of the total. Natural gas appears to have reached its peak and will decline as a proportion of total supply even if higher prices produce increased exploration and discovery. Hydro sources can at most hold their place.

There remains, of course, the question whether present geothermal sources can be expanded to a greater degree and whether new "miracle" sources of energy can be found from solar energy, nuclear fusion, hydrogen broken down by nuclear methods, or any other. In all of these there is hope if we look ahead on a 30-year projection—and in the most promising areas there is justification for much greater research and development effort. But if one puts together the theoretical possibilities and the best available sense of what it would take to develop any of these "miracle" sources to major production levels, the honest judgment at this stage must be that they will contribute nothing by 1985 nor be substantially operative before roughly the year 2000, if then. And we simply cannot wait that long.

Rather, then, we have to look to our present sources of energy within the 1985 time frame. Obviously, we must have the maximum possible expansion of domestic oil and natural gas production, but the increases cannot be large in relation to total need. In addition, we should establish synthetic oil industries based on shale and on coal, building some large-scale plants to demonstrate feasibility and costs and to test features that minimize environmental impact. Such developments might yield a few million barrels per day, and we might require refineries to mix such oil with regular crude oil for a fraction of their feedstocks—even if initial prices of synthetic crude oil exceeded the $6.00 per barrel ceiling target for 1985 energy costs.

Looking at all the technological possibilities, however, it is my conclusion that the best sources of energy that can be greatly expanded in this time frame, at reasonable cost and with an impact on resources and on the environment that we can bear, are nuclear fission and the production of gas from coal through gasification—a process which produces from coal a clean, all-purpose and readily transportable gaseous fuel. For this purpose, some of the necessary technology now exists, but some still requires additional development. Gasification itself has been demonstrated, and technologies are already in use that produce low-BTU gas. However, the technological obstacles to producing gas of pipeline quality from coal are still formidable; a massive crash program of parallel pilot and demonstration plants for the four or five processes that now appear possible should permit construction to start in two to three years on production plants that make use of whichever process or processes then look best.

This selection of technological possibilities is the first element in the proposed strategy. The second—at least equally important and urgent is—a program effectively to reduce the rate of growth in our energy consumption. Actually to lower our consumption substantially is not, I believe, acceptable without far too drastic changes in our whole society. But I believe it is feasible, and should be our target, to achieve and maintain a rate of growth in our energy consumption of three percent per year, rather than the present 4.5 percent. In arithmetic terms, instead of our energy consumption in 1985 being 70 percent greater than it is now, it would be "only" 43 percent greater—a large and critical difference without which no action program can, I believe, do the job.

This is still a drastic target. To achieve it requires a recognition and acceptance that we are in a national emergency. Since shortages are upon us, we will have to begin to practice conservation not because of price but because of shortages. Although the first guidelines for voluntary "sharing of shortages equitably" have been issued by the government, we have no rationing machinery except to give priority to domestic heating and to drop other loads if not enough energy is available. There are not even the rudiments of machinery for rationing fuel. The only serious study of an emergency program has been made by the Office of Emergency Preparedness, which has produced two very useful studies indicating measures that could be taken if the will existed to diminish significantly our energy demands, thereby reducing our dependence upon imported oil. Yet, before the year is out, shortages of gasoline and heating oil in many parts of the country will make it clear that a national emergency exists and that appropriate steps must be taken.

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[1] "The Oil Crisis: This Time the Wolf Is Here," *Foreign Affairs*, April 1973.

Some of the necessary measures will involve presently extravagant uses and waste, and some an increase in efficiency. Here it is striking to note how little scientific and technical effort now goes into this latter question; a very modest improvement in our present low fuel efficiency may turn out, over time, to be in itself sufficient to bring us close to the three percent growth rate. But in the meantime we must surely cut back painfully.

III

On the whole we do very well in dealing with national emergencies. Many examples come to mind from World War II when we created the machinery; gave it the necessary authority; provided the money; mobilized the parts of the society, public and private, which were needed to overcome the emergency or meet it; energized the program by a system of contracts; and achieved the target results.

A notable example was our action in dealing with the abrupt cessation of the natural rubber supply. We carried out a crash program to set up a synthetic rubber industry, quickly creating the necessary machinery, authority and money. The results were dramatically successful. Another example was the decision to produce an atomic bomb in time to be usable in World War II. The decision was taken at a time when there were four or five possible routes to securing fissionable material from uranium and only some clues as to how to make a weapon from fissionable material. Special machinery was set up with the needed authority, with superb leadership and organizing capability, and within the tradition of mobilizing the private sector by contract. The Manhattan District then conducted that remarkable program of carrying forward simultaneously four different approaches to producing fissionable material and two simultaneous approaches to making a weapon, while building everything from cities to railroads to huge and completely novel factories, all in the space of less than three years. It worked.

Another example of how we can mobilize resources against an explicit target was the space program. In 1960, for reasons then considered sufficient, we decided that we should put a man on the moon before the end of the decade. To accomplish this, we created a special agency with great authority and lots of money and manned it with extraordinarily capable leadership. The fantastically complex and difficult scientific, technical and logistical problems were overcome, and, indeed, we put the first man on the moon in July 1969.

These are a few examples of how we have acted successfully when we have accepted the existence of a national emergency and taken the necessary actions (through Congress and the President) to provide the authority, the money, the machinery and the leadership to meet and overcome it. It is our national style to be most effective in tackling concrete programs, or working toward specified goals. Sometimes that approach is not appropriate as, for example, in solving the problem of cancer; in this case, however, it is the right one.

What might be the action program aimed at 1985—the Decade Program if you will—if we accepted the existence of a national energy emergency and then took the necessary steps to cope with it through meeting the specific targets suggested?

The first element in any such program must concern the use of oil. To limit our oil imports to ten percent of energy requirements by 1985—using now the target three percent annual growth rate to estimate total 1985 energy consumption—would mean that we would be importing no more than five million barrels of oil per day at that time (compared to the roughly 15 million barrels now projected).[2] In the total energy picture shown in Table I, oil (domestic and imported) would have to drop markedly from its projected 47 percent to a proportion of roughly 30 percent in 1985.

This at once suggests the first component of the action program. Thirty percent is roughly the proportion of our energy that now goes to transportation, especially automotive uses—for which, of course, oil is uniquely suited. It will take work to keep our transportation uses down to this proportion, for they are now expanding faster than total energy consumption and this tendency will be accentuated by lowered efficiency due to tighter emission controls—not to mention the current sales rate of a million passenger cars a month! But if the proportion can be kept down—actually slightly reduced—then it can and should be met from oil, and oil should be withdrawn from other energy uses such as heating. This is a harsh measure but an indispensable one—the keystone of the whole program in fact.

The next component of the action program concerns nuclear power—currently providing one percent of our total energy, and projected in Table I to provide ten percent by 1985. In this respect, Table I reflects technological possibilities with proven techniques, but it does *not* reflect current political realities, nor, in my judgment, the true difficulty of meeting valid safety and environmental objections to the kind of major expansion it would take to achieve the projected figure.

Like others who have followed closely the development of nuclear fission as an energy source for more than 25 years now, I originally and for some time believed that it could, without undue difficulty, become the most important source of energy we have, especially for electricity. But problems have mounted, and delays, restrictions and technical uncertainties have dogged nearly every one of the many steps needed to bring a new nuclear plant into full operation, thus drastically slowing down the nuclear input to our energy system. The determined opposition of states and localities and citizen action groups, plus rising caution by the Atomic Energy Commission, has stretched out to ten years the interval between application for a plant permit and bringing the plant "on line" at an economic power level.

In part, the political forces at work reflect an exaggeration of the problems, or at least a failure to weigh fully the inevitable tradeoffs between energy supply and other factors. But these politically reflected concerns do have a substantial basis, both as to safety and as to unnecessary and unacceptable environmental consequences. Only if we deal with these factors can nuclear fission play the role I believe it must play in our total energy picture by 1985.

On safety, a real uncertainty now exists concerning possible accidents which could have disastrous consequences—especially the failure of liquid cooling systems resulting in a melt-down of the highly radioactive core and release of the gaseous fraction of these radioactive products into the atmosphere. A year of hearings by the AEC has not persuaded the critics that current reactor plans are safe against such accidents, and the problem exists as well in the liquid-metal-cooled breeder reactor designs.

As I see it, the only way to meet these objections and so resolve the current impasse is to put all new plants underground. This is an entirely practicable course of action. Studies indicate that placing nuclear power plants underground would add only a small fraction to their cost. The extensive know-how of the mining industry plus that of the underground gas storage industry could be applied in placing such plants in suitable geological formations 500 or more feet underground near load centers. So located, with suitable locks in the elevator shafts to contain and hold back any pressure of radioactive gas in the event of an accident or a meltdown, these plants could meet the requirements for nuclear safety. Placed in a suitably impermeable geological formation, a meltdown, even if it buried itself below the underground chamber level, would not leak radioactive products into underground water or into the atmosphere.

The second big nuclear production problem today is primarily environmental; it concerns the effects of the water discharge from large reactors in heating up streams and large bodies of water, thus altering the ecology in many harmful ways. Here Europe has pointed the way to the answer—large cooling towers, built on the surface to recycle and cool the hot water discharges with very low net water heating.

Finally, there are problems in the safety and security of handling and transporting plutonium, and in the perpetual storage of radioactive wastes. In these areas, risks cannot be totally eliminated, but they can and should be sharply reduced to an acceptable level by determined action—as we enter an era of massive production, transport and handling of plutonium, which is one of the most toxic substances known.

All in all, the measures required to permit expansion of nuclear-fission plants will not be cheap or easy. But if the necessary steps are taken, nuclear-fission plants should be able to provide roughly ten percent of our total 1985 energy needs at tolerable levels of risk and bearable costs. And experience in this next decade should tell us much about the degree to which we can hope to expand, by the end of the century, our use of nuclear fission, especially through the breeder reactor; in the 1985 time frame, the breeder is not likely to make a significant contribution.

If roughly ten percent is the best we can hope to get from nuclear sources by 1985—the figure used in our original Table I—it follows that there remains a very large shortfall from the proposed reduction in overall oil use. Even if we now assume that total consumption would be less than assumed in Table I, the proportion to be made up is on the order of 15 percent. Indeed, on my own best guess about the amount of domestic natural gas we shall be able to find by 1985, I thould think that natural gas (even with some imports) should not be counted on for more than 15 percent of the total, and perhaps as little as ten percent; perhaps new gas reserves will be found on a large scale, but at the moment much expert opinion doubts this. We would do well to plan prudently on a figure not exceeding ten percent, or a total shortfall of roughly 25 percent of the total to be made up from sources other than oil or gas.

Inevitably, we are drawn to coal—and to greatly expanded coal production and gasification as the third central element in an action program. To whatever extent possible, coal as a solid fuel should be expanded in its own right, especially in electric power plants—using processes to remove the sulfur from stack gas such as the Japanese now employ.

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[2] Oil would not, of course, be the only energy source imported. As we know, substantial possibilities exist for the importation of natural gas from Canada and of liquefied gas from Algeria, the Soviet Union and perhaps other sources. Without judging the wisdom of expanding any of these sources, their proportion of total energy is not likely to add much to the ten percent of total energy represented, for this program, by imported oil. We would still be within reasonable overall margins of import dependence.

But for every reason — adaptability, transportability and environmental consequences—gas from coal is particularly important.

Available options for processing coal include conversion to low-BTU gas, high-BTU pipeline-quality gas, oil or various combinations. Technical, economic and time criteria should guide the choices made. But the great advantages of pipeline-quality gas for most uses justify major emphasis on this choice. A massive crash program is needed to move present process options forward. Current estimates indicate that the cost of capital investment in new gasification plants should be on the order of $20,000 per ton of daily coal feed to process coal into pipeline-quality gas.

Any program to increase coal mining must face up fully to the problem of environmental impact. The necessary coal must come overwhelmingly from surface mines, predominantly west of the Mississippi. In the past, such strip mining has rightly acquired a bad reputation. Fortunately, a large part of the coal reserves in the West are located on public lands. Therefore, the federal government is in a position to set the conditions for mining operations. I believe it essential that such conditions include provision for restoring the land after the coal is extracted, putting solid waste from the mining process back underground and creating a land surface that must be at least as stable, fertile and valuable as the original. An allowance of $2,000 per acre for such purposes may be a fair approximation of what it would take, and this cost would have to be considered a basic cost of production. Underground mines must control pollution and use several practices which might increase costs up to a dollar per ton. Similarly, coal gasification plants can and must incorporate controls to avoid air and water pollution. Altogether, while the mere existence of the plants means that the countryside can never be quite the same in the future, the problem of environmental impact can at least be reduced to bearable proportions in view of the stakes involved.

Building up our reliance on coal would involve capital costs for mining production as well as for the gasification plants. In 1970 U.S. coal production was about 500 million tons and accounted for roughly 20 percent of our energy needs. To meet 50 percent of total energy needs in 1985 (at the three percent intervening growth rate) would require a production level of two billions tons per year—a quadrupling of the 1970 level and an average growth rate for the next 12 years of 12 percent per year. Investment needed to produce this basic production increase can be roughly estimated at $10 per ton, or $15 billion. If two-thirds of the increase, or one billion tons, went to gasification, the plant investment would be approximately $60 billion, and there would be a major additional investment in gas pipelines. Finally, for the one-third of increased coal output burned directly in power plants (to replace present oil and natural gas supplies), a substantial railway transportation investment would be required, as well as costs of conversion to coal where feasible, and desulfurization of stack gases.

Obviously, such a buildup of coal production and coal gasification is a truly major undertaking, difficult from a technical standpoint and costly and complicated in terms of the mix of private and public effort involved. It is a big job, but no bigger than the Manhattan or Apollo projects—in fact substantially less in proportion to the scale of the American economy in the 1970s and 1980s.

One crucial question remains—the adequacy of reserves. Before embarking on a course designed to make coal our principal source of energy by 1985 and thereafter, we need to assess the scale of our coal reserves and how long they might last. While I have stated my proposal purely in terms of 1985, it is obvious that we would not wish to mount an effort on this scale and then change course quickly thereafter; on the contrary, it is my own belief that we should plan tentatively at this stage to meet not just 50 percent but as much as 75 percent of our energy needs from coal by the year 2000. It is now forecast that natural gas reserves will be gone before 2000 and that global oil reserves will be declining fast (even with less U.S. consumption than now forecast). Thus, coal and nuclear power *could* be our overwhelming energy sources by that time, with coal by then being converted on a large-scale to oil for transportation needs. Oil from shale might also have become a substantial source; present reserves of oil shale are such that we could produce five million barrels of oil a day for more than 300 years before such reserves were exhausted. We need not be quite this futuristic for concrete planning—but we do need to assess reserves on the basis of large assumptions, to be sure of what we are doing in the 1985 time frame.

Happily, the coal reserve picture is reassuring even if all this comes true. The current Bureau of Mines estimate (1970) of U.S. coal reserves is 1,600 billion tons. If coal use now moves up steadily to 50 percent of total energy by 1985 and to 75 percent by 2000 (again allowing for a small but steady annual increase in energy use), then total consumption in the entire period from 1974 to 2000 would be on the order of 70 billion tons, or four and one-half percent of known reserves. Exhaustion of reserves would be roughly 100 years away in 2000, even if the use continued to increase at a steady rate.[3]

In sum, coal reserves are ample to meet the projected needs through the balance of this century and to leave us with supplies to last another century. Through the use of coal on this scale, coupled with the restriction of oil supplies to transportation uses and the regaining of our momentum on nuclear power, we could meet the strategic goals stated at the outset: minimal dependence on overseas supplies and reasonable rises in energy costs—to levels not over two or three times present rates. This is the best action program now available. It would get us through this period and buy crucial time for whatever innovations may develop, while allowing us to continue with expanded coal use if such innovations do not appear on a large scale.

IV

I have outlined this "Decade Program" first in order to define the key elements in our effort between now and 1985. These key elements are essential, they take time to bring about, and we must get started on them at once.

But as we do so we must also reckon that the required changes cannot be brought about immediately. The program needs at least the whole decade to take full effect, and in the meantime—even if we have cut our energy growth rate to three percent—we face extraordinarily serious problems. Hence, in addition to our Decade Program, we must have what might be called an "Emergency Program."' This would dovetail as well as possible with the Decade Program but inevitably would not be wholly consistent with it.

Oil remains the crux of our present problem. The standstill on new refinery construction, partly for environmental and related political reasons and partly because of unattractive return on investment, may compel some rationing of gasoline this summer and of fuel oil next winter. And even if new refinery capacity existed today, an adequate supply of crude oil from abroad could not now be landed without at least one new "superport" and also large-scale new tanker construction. As for domestic oil development, the Alaska pipeline is still in abeyance, and off-shore exploration is inhibited by state opposition and disputes with the federal government about royalties. Also significant is the public belief that all offshore operations are as disastrous as the Santa Barbara episode (which disregards the large-scale operations conducted in the Gulf of Mexico and the North Sea for years without major accidents).

The fact is that we cannot avoid a continuing increase, for some years to come, in our imports of oil—especially from the Middle East. In 1973 we shall be importing 3.4 million barrels a day from the Middle East and North Africa, and two million from Latin America. These figures are bound to rise—for some years well above the Decade Program goal of only five million barrels a day of imports by 1985.

Finally, there is a basic policy question that must be faced—whether in common prudence the United States should now have a strategic reserve of crude oil or refined products to protect against interruptions. Crude stocks are currently below 20 days and refined products in the form of working inventories in the distribution system are less than 40 days—essentially minimum working levels with no strategic reserve. Such a reserve is something individual Americans have quietly urged on Europe for years, and in 1968 the members of the European Community accepted the obligation to build up oil stocks equivalent to 65 days' use. Now it has been proposed that this reserve be raised to 90 days. In the case of the United States, the targets need not be defined in terms of such periods of total oil use, but as our imports increase we should at least have a strategic reserve equal to perhaps 90 days of our imports, to cushion the shock of any interruption for political or bargaining reasons. To urge this does not indicate the slightest degree of hostility to the supplying countries; it is what businessmen all over the world prudently do in order to negotiate on a relatively even keel with suppliers.

Solving all of these emergency problems will take both resources and ingenuity. In the case of refineries, I believe inland sites must be found, and new refineries must adopt available technology which produces virtually no air or water pollution. Such refineries exist in Europe; they can be matched here, and not at excessive cost. Similarly, superports must be built with expensive safeguards—their cost would be perhaps as high as $1.5 billion to unload ten million barrels a day, with additional pipeline costs to bring the oil to inland refineries, and conceivably an investment of $15 billion for tankers adequate to haul the ten million barrels a day from the Persian Gulf. It is a daunting prospect—and underscores the vital importance of preventing our maximum import dependence from going beyond roughly the ten million figure at any time, and the importance of reducing dependence as soon as possible to our target ceiling of five million barrels. The painful fact is that some part of total refinery capacity, and as much as half of the planned superport capacity, will become obsolete or surplus as we carry out the shift to coal and the reduction in the proportion of our energy needs supplied by oil imports.[4] When a problem has been neglected as long as we have ignored or misjudged the energy situation, the short-term requirements may not mesh with the requirements for the medium and longer term—and so it is in this case. We have to fix the roof and build a new house at the same time.

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[3] The actual calculation here is that 17 billion tons of coal would be consumed between now and 1985 and 50 billion in the next 15 years. The latter figure assumes that growth in total energy needs (in terms of BTU content of fuels) would have been reduced to two percent per year, versus the three percent target of the Decade Program and the present 4.5 percent.

[4] It seems likely that substantial strategic reserves of crude and refined products may still be important to protect against the effects of important interruptions.

V

In short, it will take a two-fold crash program to master the situation, part directed to a transformation in our energy pattern by 1985, part directed to getting along in the meantime. The dual task involves a series of massive new efforts, some of them within the capacity of private companies, some beyond that capacity, some which will be so clearly uneconomical that private companies would be reluctant or unable to undertake them with their own funds. No one can now say just what the mix of public and private effort will be—but what seems absolutely clear is that a much larger public role will be required than now exists, partly to pull together all the strands of both parts of the program, partly to support private effort, partly to undertake those aspects that cannot be handled by private companies.

I see no alternative to new government machinery at the federal level. Accordingly, I propose a National Energy Authority (NEA) with a ten-year life and with appropriate powers to deal with the national emergency. This will mean authority to override obstacles in regard to land acquisition, siting, environmental impact, and other areas as necessary to carry out the program. This should not relieve the NEA of a very serious obligation to make environmental assessments of its proposed projects and to hold public hearings to develop the best available means to minimize the environmental consequences and risks of the actions it takes, but it would authorize the NEA to proceed with its program and not be stopped by the obstacles which stall so many things today.

Under the NEA it would be essential to create a National Energy Finance Corporation (NEFC) to provide funds for parts of the program which may not be privately financeable, including the superport, a billion-barrel strategic stock and its storage facility, sites for refineries, offshore production units, tankers, coal gasification plants, and gas, oil and coal pipelines. Large amounts of capital are going to be needed. An important obstacle today is that some of these essential investments are not attractive to private capital. In designing the NEA and the NEFC we have many examples such as the TVA and the New York Port Authority, the Reconstruction Finance Corporation and the Export-Import Bank. There are ample precedents for the kinds of authority needed and the appropriate legislation controls and accountability.

The NEA should be an independent agency, perhaps modeled on the original Atomic Energy Commission, in any event as resistant to political pressures as that Commission was. I propose that NEA have a ten-year life and go out of existence in 1985 except for the NEFC, which is likely to be needed beyond that time. There are several reasons for this proposal. First, the exercise of emergency powers is anomalous in our system and should be limited to as short a time as required to overcome the emergency. I believe the job will take a full ten years, but can be done in ten years if the program is geared to such a timetable. Second, when the job is done most of the programs should be carried forward by industry on a commercial basis, and necessary continuing governmental functions can be transferred to other agencies. Third, the best period in the life of any agency is the first ten years. After that the sclerosis of bureaucracy sets in and we certainly do not need any more bureaucracies. No one should seek a career in NEA—only the excitement and satisfaction of doing a critically important job and finishing it. Meeting numerical targets and being measured on performance in meeting them through frequent public reports is the kind of a challenge which should attract the kinds of people needed.

The NEA will have to undertake extensive research and development and pilot plant and demonstration operations. It should, for example, underwrite the incremental costs and use its authority to clear the way for the first two or three nuclear power plants which are built underground. It should back the construction of several demonstration units of large offshore oil production operations incorporating the maximum safeguards in technology and procedures and should use these for public education and to provide a model for the industry. NEA can work out with AEC appropriate joint activities in regard to the underground power plants, waste disposal, plutonium shipment handling and so on.

In addition, in the Program for the Decade and beyond, conservation should be an important component; this might include the creation of a national fuel efficiency service to effect economies in the use of fuels. Currently, there is an almost complete absence of professional interest, actvity, or expertise in this subject—whether in universities, engineering firms, business enterprises or the government. A major task of NEA would be to stimulate such expertise and put it to work. As a result of coping with limited fuel supplies during the next few years, we may discover economies which are not only relatively painless but which reveal to us better life-styles. Adopting such life-styles might substantially reduce per capita energy use.

In the Emergency Program of NEA, one of the first projects will be a superport. It may be sufficient for the NEA to exercise the authority to establish the superport and to supplement its financing. Clearly the NEA must work in close collaboration with the oil industry in many of the things it does. It must be shown that gas and oil pipelines can come ashore on their way inland and leave no offensive trace of their transit across the coastline. A second project is to acquire inland sites for oil storage and refineries. It should be noted that even packed closely together a billion barrels of oil storage would take 10,000 acres, or 15 square miles. Inland sites will save our finite coastline for better public uses. Another major project is the question of supplementary finance for tankers—at a time when world shipyards are solidly booked.

The NEFC will have much to do. To repeat, one problem in the financing of facilities such as the superport, tankers and perhaps the refineries is that at the end of the Decade imports are to be brought down again to only five million barrels per day. Thus, the success of the Decade Program may mean a fairly early obsolescence for part of the capacity of the superports and tankers—hence one key need for significant public financing.

VI

In laying out this proposed program, I have indicated some specific steps to minimize its consequences for the physical environment. In some areas we should be better off in the new 1985 situation: our cars should be smaller and have reduced volumes of emissions; most fossil-fueled electric power plants would be taking sulfur out of the stack gases or burning clean non-polluting gas; new nuclear power plants would be safely underground and out of sight save for their enormous cooling towers; most important, a declining rate of energy expansion would make a great difference to the environment all across the board, at least as compared to what we are heading for at our current rate of expansion. This would represent a sensible modification of our past craze for growth, and the environment would be the gainer in some respects.

But not in others. Up to now we have behaved as if we had the luxury to have the best of both worlds. We have not made the tough choices. Now the energy emergency makes us choose, and the choices are few. Some environmental prices must be paid: one or more oil superports off the East coast, and added refineries (however pure) inland; the Alaska pipeline with residual risks that even the safest design and procedures cannot avoid; much increased offshore oil development, and most increased coal mining largely from surface sources—which even with the best possible measures would tend for a time to deface the particular area. I do not minimize these costs, but feel them keenly as one who has been active for several years in the scientific effort in support of national and international environment measures. In each case, the trade-off has been weighed, and it seems to me that the gain outweighs the loss.

VII

What I have proposed is a national program for the United States, calculated on the basis of particular American resources and American needs. One of its major purposes is, of course, an international one, to shorten the duration of the costs, pain and strain—and of the dangers to world harmony and peace—that lie in a situation of growing American dependence on external energy sources, especially Middle East oil. But it is primarily the United States that would be hitching up its belt and putting its energy house in order by measures that do not in themselves harm any other nation.

Is the program, however, not only national but nationalistic? Would it affect the world energy picture indirectly to the disadvantage of others, whether suppliers or consumers? Does it mean an increase in American autarky, fortifying the tendency other countries now see for the United States to take care of its own needs and let the rest of the world go hang?

The answer to all these questions is a resounding "No." This is most obvious if we look at the relations between the United States and the other major industrialized countries, which are also the major consumers of energy. As things now stand, Western Europe and Japan are inescapably dependent, far more than the United States and far longer into both past and future, on imported oil and gas; if the United States becomes a vastly increased buyer of both, the effect can only be, at best, friction, and, at worst, price wars and preëmptive deals that would cut at the very roots of coöperation between the United States, Europe and Japan. This danger is indeed already visible, and it will take a good deal of statesmanship to avoid it as things stand now; by 1980 or 1985, on present trends, the seeds of strife could be beyond control.

Yet Japan and most of Europe have no alternative comparable to what coal can be for America. Only the United Kingdom, among the major European countries, can meet a significant part of its needs from coal and from North Sea natural gas—and the latter only at the expense of its neighbors' expectations.

Hence these countries should welcome a determined American effort to reduce dependence on the oil sources that are a "must" for them. And the same should hold true for the oil-consuming developing countries, now being badly hurt by the price rises of Middle East oil.

But does this mean that the oil-producing countries would be hurt? I think not. If Mr. Akins and others are correct, the 1980 prospect already assumes that at least two key countries (Saudi Arabia and Iran) will produce more oil, and tap a higher proportion of their predicted reserves, than they may like.[5] To prolong the life of these reserves and to space out the income of the producers can mean a net benefit to most of the producing countries. Their prices will rise in any event in the years to come, but the present prospect of runaway increases in production cannot be attractive compared to a more orderly expansion that prolongs their assets.

Indeed, I would go one step further. I believe that an American program such as I have described could be an essential ingredient in a new approach to the energy situation by the whole international community. On any rational look at the production and consumption of energy all over the world, the United States represents not only a statistical discrepancy and target for the role of villain (six percent consuming 33 percent, and getting greater), but a potential disruptive force in almost every market day by day; only if this is brought under control can the United States play any responsible role in the effort that may have to be undertaken within the next decade, or at least by the end of the century—to balance and distribute world energy supplies much more fairly and reasonably than nature or men have ever done to date. For unless we do this there is scant hope for human progress and peace in the long run.

Thus, I propose a program based in the first instance on American national interest. But I deeply believe that this program could make a vast difference to international relations in the next 10 to 20 years, and serve as a step toward a more rational world use of energy for the benefit of man.

Mr. BARTLETT. Mr. President, the ultimate effects of such comprehensive legislation are indeterminable. The situation is in a turmoil. Just take the National Environmental Policy Act, for example, I think I can safely say that no one at the time of its enactment realized how costly it would be in terms of dollars, energy, and delays in progress for our country.

This is not the time to take more power from the people at the State and local levels. But that is exactly what the land use bill that passed the Senate does.

In short, those who propose more Federal controls should beware. Controls have been choking the domestic energy industries for years. Energy is the basis of our Nation's strength. Now it is the "vulnerable jugular" of America's economy. New laws must be carefully drawn to assure progress, not prevent it.

The letting of blood was given up as a prescription for ills long ago. Let us quit stabbing our energy industry in the back with needless controls. We cannot afford for it to die. For those who propose, in essence if not in fact, Government ownership of the energy industry, I have a suggestion. Take a good look at the success we have had with the Federal Post Office.

I have faith in the system which has made this country great—freedom and free enterprise. They will, if given the chance, make it greater.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Under the previous order, the Senator from Arizona (Mr. FANNIN) is recognized for not to exceed 10 minutes.

Mr. FANNIN. Mr. President, I ask unanimous consent that the Senator from Wyoming (Mr. HANSEN) precede me and that I will follow him.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Wyoming is recognized for not to exceed 10 minutes, to be followed by the Senator from Arizona for not to exceed 10 minutes.

Mr. HANSEN. Mr. President, first of all I would like to express my very real appreciation to the distinguished Senator from Oklahoma (Mr. BARTLETT) for calling attention, from his great background and understanding and knowledge, to those steps that must now be taken if we are to begin to ease ourselves out of the energy crisis in which we find ourselves.

As the Senator from Oklahoma so accurately points out, there is no single step nor no one single action that will extricate America from the very real energy crunch in which this country finds itself. Rather, we will move in the direction of a solution to those problems by a series of steps, by a broad ranging front of initiatives.

I am pleased that the Senator from Oklahoma took occasion to point out the great contribution that economic initiatives can make in solving this crisis.

Most knowledgeable people seem to agree that there is no way we can avoid the continuing great need for oil and natural gas in the immediate years ahead of us. So, what can the Government do?

The Government can do precisely some of those things indicated by the Senator from Oklahoma. It can encourage further exploration of our untapped petroleum reserves in this country.

The Under Secretary of the Interior, and former head of the United States Geological Survey, William T. Pecora, pointed out that in his judgment there was yet to be discovered in America and within our Outer Continental Shelf 100 times as much oil and gas as we used in the year 1971. So there is a great opportunity in this country to do something specific about getting more oil and gas back into the bloodstream of our industrial machine in this country.

And it is not only industry that will sorely need this extra energy. It is the great effort that America is committed to making in cleaning up our environment. If we are going to recycle the waste products of the cities and of the factories in America, it will take more, not less, energy to do that job. And if we are going to clean up our sewage so as to make the sewers more clear and clean and the waters of the great rivers and estuaries of America, it will take more and not less energy.

What does that mean? It means that we have to expand the general energy base that we now have. It means exactly that.

So, Mr. President, I think that as America gropes, probes, and examines the matter to determine what it should be doing today, let us first take stock, as the Senator from Oklahoma suggests, of where we are now and what we can do today.

I know that the next speaker, the distinguished Senator from Arizona (Mr. FANNIN), will focus—or I would hope that he would—on what geothermal energy could do for America. These are not pie-in-the-sky ideas. These are down-to-earth ideas, here and now. They are possibilities, probabilities, and great potentials that we could focus on to do something to bring relief to this Nation before 1985.

I subscribe to those efforts to put more Federal funds in an intensified research and developmental effort in this country. It makes good sense.

But let us not beguile ourselves into believing for one moment that that is the only hope for America. We have great energy reserves in this country. They are contained in the oil and natural gas deposits that we have not yet found or discovered in America. They are contained in the coalfields that we have. They are contained in the uranium that is found in much of the West. They are contained in the oil shale that is found, as the Acting President pro tempore knows, in his State of Utah, in my State of Wyoming, and in the great State of Colorado. They are to be found in other yet undiscovered sources of energy that can play an important role. But the real crunch is going to come in large measure from what we do in the next 5 to 10 years.

So I think it is most appropriate, Mr. President, that we keep in mind what we can do now with the tools presently in our hands to see that we shorten and minimize, as indeed we can, the great and growing shortage of energy in America.

Free enterprise has always risen to the task in America to do the job.

In World War II, when there were practically no people in the normal range of laborers on America's farms and ranches, what did this country do under the great direction of the late President Roosevelt?

The Government then said to the farmers of America:

> We need more wheat, and we want to encourage you to raise more wheat. In order to make certain the job is a profitable endeavor for you, we will guarantee that the price of wheat shall be not less than a certain amount.

As a consequence and despite the labor that had left the farms and ranches of this country and had gone to fight the war, we turned out a greater abundance than most people believed was ever possible, the greatest outpouring of grain that America had seen.

Mr. President, I think the same opportunity is before us today. The opportunity is there to give encouragement, incentive, and stimulation to the oil industry to do precisely that which was done at the time of World War II.

Obviously, we may not find—indeed, I would be surprised if we were able, as some people predict, to discover enough oil in the next 2 or 3 years to completely erase and eradicate our shortage. I do not think that we can do that. However, we can minimize, as indeed we must, the current shortage. It is there that the domestic oil industry can make such a great contribution.

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[5] Akins, *loc. cit.*, p. 480.

We are presently in a position of being blackmailed further by the oil-producing countries of the world. We are in a position, as indeed they know full well, of being cut off from our imports of oil if they find it politically expedient to do that, because of their displeasure with our foreign policy.

My plea, Mr. President, is that we seriously consider and heed the advice of the distinguished expert on energy, the junior Senator from Oklahoma, and take all of the steps that can be taken now in order to shorten as much as we possibly can the situation in which we find ourselves.

So, Mr. President, I am happy to join my good friend and colleague, the junior Senator from Oklahoma (Mr. BARTLETT) in a continuing effort to emphasize the urgent need of congressional action in the energy field. He is, as most of us know, probably the most knowledgeable man in the Senate in the field of oil and gas and represents one of the major oil and gas producing States. The able Senator from Oklahoma can speak from experience on the petroleum industry.

As a member of the Interior Committee, he has taken a leading part in the hearings on the national fuels and energy policy study authorized by Senate Resolution 45. More than 40 days of hearings have been held pursuant to that study and a wealth of valuable information has been developed.

From this vast testament and the unfolding events of the past 3 years in particular and the warnings of others who knew what was coming more than 3 years ago, the message comes through loud and clear for action now. The blueprint is ready and, hopefully, the administration has finally realized the urgency of the situation and is ready with a proposed Department of Energy and Natural Resources and a so-called energy czar in the White House.

If the speculation is correct the President in the next week or two will name the man to head up the new Energy Council and send the reorganization plan to Congress.

Inasmuch as the Senate has already passed a bill to establish such an office in the White House, I would hope we might get on with quick approval of the plan which would also add considerable emphasis to fossil fuel research as I understand it. Inasmuch as the chairman of the Senate Committee on Interior and Insular Affairs, the distinguished Senator from Washington, HENRY M. "SCOOP" JACKSON, has introduced and held hearings on a bill to accelerate research and development of coal gasification and other domestic energy resources, I would hope that he would favor such a reorganization plan as the President proposes. He is urging quick passage of a bill that would cure the right-of-way deficiencies in the Mineral Leasing Act and clear that obstacle from the path of the long-delayed Alaska pipeline.

It is incredible that we have a potential of 2 million or more barrels of needed oil and vast amounts of gas awaiting transport from the North Slope of Alaska now more than 5 years since it was discovered while we allocate a shortage of gasoline, diesel and jet fuel and look forward to another winter of scarce supplies of home heating oil and further curtailment of natural gas. It couldn't happen anywhere but in America but it has happened.

In the last 2 years, there has been more said and written about the energy problem than anything other than Watergate. But what have we done other than point a finger at the petroleum industry, the Federal Government, the environmentalists and each other in the Congress for what was done or not done? No issue of the CONGRESSIONAL RECORD goes to press without pages of print on the energy crisis and every national magazine and every newspaper and all of the TV networks have publicized the problem until no one certainly is unaware that we do have a shortage of fuels.

There is no need here to recount the history and background before this distinguished body. We have heard it all before. But what has been done to get on with a comprehensive national fuels and energy policy?

The able junior Senator from Tennessee (Mr. BROCK) addressed this distinguished body just a week or so ago on the energy crisis. There is mounting evidence that we are on a collision course with an energy crisis unparalleled in recent history, he said.

Senator BROCK made such a reasoned summary and assessment of the situation that I would like to repeat part of what he said. He said it so well and so impressively that I would like to quote a few paragraphs of his speech before this body.

> The nation desperately needs action now if it is to solve its developing energy problems. Those who minimize the problem are deceiving the public about the true extent of the problem and thereby impeding the progress of Congress and the Government in moving toward a solution.
>
> We will get nowhere by playing politics. We will get nowhere by setting up strawmen. We will get nowhere by demogoguery. We must have action.

Senator BROCK concluded his remarks with the following and I certainly would not attempt to improve on the way he said it:

> We are going to have a tough few years to weather out, and unless the Government, private enterprise and the public cooperate, it cannot be done.
>
> I said at the outset there is enough blame to go around. It is time we stopped playing that kind of charade. Just as each of us shares in being a part of the problem even more each of us has a role to play in achieving a solution. This country demonstrates its true greatness when it faces squarely a problem and in common purpose seeks to solve it. We, each one of us, have a problem now. Without looking over our shoulder, we must get about the job of removing this obstacle to our future.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Under the previous order, the Senator from Arizona (Mr. FANNIN) is recognized for not to exceed 10 minutes.

Mr. FANNIN. Mr. President, first of all I commend the distinguished Senators from Oklahoma and Wyoming. They are former Governors of oil-producing States, and are highly qualified to speak on this subject. Their expertise is recognized by all who have been in contact with them and have observed their work in this particular field. I praise them for their dedication to assisting and solving the very serious problem we face today.

Mr. President, nearly 6 months have passed since the convening of the 93d Congress. Everyday the CONGRESSIONAL RECORD contains statements about the energy crisis. Every day the newspapers print stories about the energy crisis. Every day radio and television stations broadcast items about the energy crisis. Yet to date no bill has reached the Senate floor which is designed to remove obstacles impeding the supply of domestic resources.

Only one bill has passed the Senate which is principally related to the energy crisis. I am referring to the Emergency Petroleum Allocation Act of 1973. That bill provided a means to spread the shortage around.

Yet in recent weeks we hear pronouncements by politicians that the energy crisis is a phony. They say there are no shortages. They say there is only the appearance of a shortage resulting from an industrywide conspiracy to sit on reserves, to force prices up, to put the little guy out of business and to obtain a license to pollute.

Most of the statements are being made by members who voted for passage of the Emergency Petroleum Allocation Act of 1973.

Yet that act contained the following express finding:

> The Congress hereby determines that extraordinary shortages of crude oil (including natural gas liquids) and refined petroleum products (including liquid petroleum gas), caused by unprecedented demand and inadequate domestic production of crude oil and refined petroleum products, environmental constraints and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent. The Congress further determines that such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and business, reduction of crop plantings and harvesting and curtailment of vital public services, including the transportation of food and other essential goods. The Congress further determines that such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis that is a threat to the public health, safety, and welfare . . .

Why are we short on petroleum, natural gas, coal and electricity? To oversimplify, it can be said that the demand for fuels is racing ahead of available supplies. But the supply-demand imbalance is only a symptom of the energy crisis. The root causes of the crisis are much more difficult to explain.

Today I would like to share with my colleagues in some detail some thoughts about the energy crisis, its causes and its complexities.

As a member of the U.S. Senate Committee on Interior and Insular Affairs I have benefited from the challenge of participating in a national fuels and energy study which the committee has been conducting, pursuant to Senate

Resolution 45, in conjunction with the Senate Committees on Public Works and Commerce and the Senate representatives of the Joint Committee on Atomic Energy.

As part of our study we have held over 40 days of hearings on over 20 different energy-related topics. These hearings have focused on a broad range of subject matter including the structure of the Federal Government for energy policy decisionmaking, the outer continental shelf, Federal leasing policy for energy resources, natural gas policy, deep water ports and supertankers, coal gasification, oil shale, geothermal steam, trends in exploration and development of oil and gas, Federal policy for energy-related research and development. Fuels allocation, import policy, strategic reserves, energy conservation, and surface mining, among others. And there will be more to come.

At least five factors, in varying degrees, have acted to prevent the Nation from closing the gap between energy demand and energy supply:

One. Rapidly-escalating energy demands, which make it necessary to find increasing quantities of fuel each year.

Two. Aggravating the demand problem are inefficiencies in energy use, which because of our history of energy abundance have not been given adequate attention.

Three. Adverse cost-price relationships, which have discouraged investment in the development of domestic energy supplies.

Four. Environmental constraints, which have acted to prevent or delay the production, development, and manufacture of needed energy fuels.

Five. National security needs, which raise questions about the desirability of becoming excessively dependent upon foreign nations for energy.

NATURAL GAS

Researchers in government and industry are working to resolve these problems.

It is to be hoped that the next few years will bring about major breakthroughs in oil shale technology, such as a method of removing the oil from the shale without taking the shale out of the ground.

Also in the future as a potential new source of energy is tar sands. Large deposits of these oil-bearing sands are known to exist in the Athabasca region of Alberta, Canada, and smaller deposits are found in Utah, California, New Mexico, Kentucky, and 10 other States. Like oil shale, the sands are first brought to the surface by mining, and then processed to remove the oil. This again creates a waste disposal problem, which will retard the development of this resource until an inplace recovery method is developed.

GEOTHERMAL STEAM RESOURCE

Mr. President, today I would like also to cover some of the other items that offer us hope. We have heard from two Senators who are very familiar with the petroleum industry, as I have stated, and they have discussed some of the problems that exist in the petroleum field. But let us take another field that very much has been said about over the years, but very little action has been taken. That is our geothermal steam resource.

Geothermal energy—heat from the Earth itself—is another potential energy source.

Geothermal energy could provide a source of additional water supply as well as heat or steam to drive electric generators.

Naturally occurring hot springs, mostly in the West could be tapped to provide steam and water, while in other parts of the country, water could be injected deep into the Earth, heated and returned to the surface, thus providing heat or steam to drive the generators. Again, however, the technology for such development is still being researched.

Thus a clean energy source is becoming available in our backyard. Steam from below the ground is a clean way to generate electricity.

Although the technology is relatively primitive, several major companies have been lured into the field. Beneath the desert of the Imperial Valley and hopefully parts of Arizona, such as the site southwest of Chandler, vast reservoirs of subterranean hot water are thought to exist. Geologists say this resource can provide 30 times the power generated from the Hoover Dam. It is further estimated that geothermal energy resources have the potential of supplying 132 million kilowatts of electricity by 1985 and by the year 2000 could provide 350 million kilowatts.

Geothermal reservoirs are prevalent in more than 80 countries. Both dry steam and hot water systems are available. The latter necessitates reinjection of the waste water into the ground. The nature of this commercially unproven resource is not fully known. For example, the Magma Power Co. has drilled 80 wells in the dry-steam field known as the Geysers, 75 miles north of San Francisco, and still is unable to reliably determine either the extent or the life of the resource which is currently producing 302,000 kilowatts of power.

Due to the increasing energy crisis, I am convinced that further incentives are immediately needed to induce the development of new clean sources of energy which minimize environmental problems and the Nation's dependency on imported fuels.

Accordingly I have been working on a bill in cooperation with Senators on both sides of the aisle which would provide temporary incentives to encourage commercial production of energy by utilization of geothermal resources.

We are having legislation drafted to encourage the exploration and development of this resource to its fullest potential to supplement the Nation's energy supplies and conserve nonrenewable resources and environmental quality.

The bill as preliminarily drafted would authorize the Secretary of Interior to cooperate with private and public parties to undertake geothermal resource research and development designed to demonstrate the technical and economic feasibility of utilizing geothermal steam resources.

The draft bill further contemplates that the research and demonstration program shall be a 5-year program to:

First. To establish a body of knowledge;

Second. Develop guides for exploration and identification of reservoirs;

Third. Conduct surveys;

Fourth. Develop knowledge of systems necessary for recovery;

Fifth. Provide for project research to determine economic feasibility;

Sixth. Provide project research to ascertain impact on the environment; and

Seventh. Provide project research to improve technology of recovery, processing, generating and waste disposal.

This section of the bill would authorize the Secretary to enter into arrangement by grant or contract to carry on proceeding objectives.

The bill would also provide temporary incentives to encourage commercial production of energy by utilization of geothermal resources. In order to assist qualified borrowers to obtain loans for the purpose of establishing, operating, and maintaining facilities for the commercial production of energy utilizing geothermal resources, the Secretary would be authorized to enter into commitments to guarantee, any bank or financial institution against the loss of principal or interest on any such loans made by such institutions pursuant to the proposed act. Such guarantees would be subject to a number of restrictive stipulations as well as the availability would lapse with the 10th anniversary date of the act. The intent of the incentive is to insure the borrower against unanticipated loss due to failure of the geothermal resource to produce energy at a level to operate the facility or subsequent environmental restrictions which could not be reasonably contemplated, either of which prevent the commercial production to continue on an economically feasible basis.

The bill would also provide the incentive of treating the geothermal resources utilized in connection with commercial production of energy by facilities financially assisted pursuant to the act to be treated the same as oil and gas wells for the purpose of permitting depletion allowances to be credited against Federal income tax payments.

It must be emphasized that the overall intent of this proposed bill is to provide that temporary incentives to generate the knowledge and interest to developing this potential energy resource at the earliest feasible time in order to help alleviate the energy crisis and minimize environmental consequences.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article entitled "Drilling Probes Geothermal Source," published in the Oil and Gas Journal, of June 11, 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRILLING PROBES GEOTHERMAL SOURCE

An experimental geothermal drilling program under way near Jemez Springs, N.M., is aimed at determining the feasibility of a different type of thermal energy production.

A 4½-in. hole has been drilled to 2,575 ft as the first step in the program. Testing is continuing on the well, and complete evaluation of the project may take several months.

Primary purpose of the experiment is to study the possibility of producing thermal energy from shallow, dry reservoirs by pumping cold water into them, circulating it over hot subsurface rocks, and returning the superheated water to surface power plants.

The work is under the direction of the Los Alamos Scientific Laboratory, which is operated by the University of California for the U.S. Atomic Energy Commission.

DRILLING

After drilling the initial hole into hot rock, 2⅞-in. tubing was run and the formation fractured with conventional oil-well methods. Planned tests include electric logging and down-hole television pictures to pinpoint the area of fracture.

If these tests look promising, plans are to move the rig about a half mile to the top of a mesa and start another hole which will go to 4,500 ft. About 50 yd. away, a second hole will be drilled, to be connected laterally with the first hole.

Then cold water will be pumped down the second hole and over the hot formation. The superheated water will flow to the surface where it would pass through a heat exchanger capable of removing 150 mw of thermal energy. Then the cooled water from the heat exchanger would be reintroduced into the formation.

Once a moderated temperature difference has been established between cold water entering the input hole and hot natural convection, pumping would be discontinued except when makeup water was needed to keep the system full.

POTENTIAL

Geothermal energy has been used for power generation in other countries for years. Geothermal areas of the U.S. are found primarily in the western states. They occur along the circum-Pacific belt of young volcanism and mountain building, and where the Pacific ridge system—a locus of high heat flow—intersects the North American continent along the Gulf of California and the Imperial-Coachella Valley of California.

In the eastern U.S., potentially economic reservoirs of geothermal energy have been identified in the deep portions of the Gulf of Mexico sedimentary basin.

Most of the steam fields now proven commercial are reservoirs of mineral-heavy, briny hot water and require extensive processing. They are loaded with polluting minerals, which must be disposed of without damage to the surrounding environment.

The "cycling" technique now being studied at Jemez Springs could minimize many of these problems. The area includes the remnant of a huge, extinct volcano whose magma chamber extends several miles beyond the rim of the crater formed by the collapse of subsidence of the central part of the volcano.

Mr. FANNIN. Mr. President, this article refers to an experimental geothermal building program underway near Jemez Springs, N. Mex., which is aimed at determining the feasibility of a different type of thermal energy production. A 4½-inch hole has been drilled to 2,575 feet as the first step in the program.

This is what they call the "hot rock" program, Mr. President, and the potential is unknown, but many feel that this offers a great opportunity for development of power. It is my hope that the AEC will go forward with their program, though I understand their funds for this purpose are in jeopardy in the House of Representatives. The chairman of the Atomic Energy Commission, Dr. Ray, reported to the Committee on Interior and Insular Affairs that they hoped to go forward on this program, and they were asking for additional funds.

Mr. President, I feel that we have been lagging in going forward with the leasing program on Federal lands where this great potential exists. We have been held up for almost 2 years, with no definite assurance that the situation will change in the next few weeks or months. I am very hopeful, and we have assurances, that it will go forward, but I am really concerned about when it will go forward.

Just to look at another possibility, I do not feel that we have fully investigated the other potentials for assisting in solving our energy problems, such as propane and our offshore propane prospects. We have a great opportunity to study the possibilities of maximizing the development of propane as a supplemental fuel. Where needed, this fuel can be used in motor vehicles, in trucks, buses, and various equipment. It is a clean fuel. It would help greatly in solving environmental problems in areas where conventional fuels have caused too much pollution.

I ask unanimous consent to have printed in the RECORD an article entitled "Offshore Propane Prospects," written by G. H. Curtis for delivery at the National LP Gas Association Convention in Chicago, Ill., May 7, 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OFFSHORE PROPANE PROSPECTS

(By G. H. "Kurt" Curtis)

If I were giving this talk in 1970 or 1971, there would be little interest in the subject because, at that time the U.S. propane industry was going through another of its regular, almost traditional, over-supply periods but, the last six to eight months have drastically changed the propane supply picture in the U.S. How are we to know that this is not just another one of the tight supply situations which this industry has experienced so many times before and which within a year or two had reversed itself to push propane production beyond the propane demand and fill the storage domes with surplus material?

The supply/demand balance in the U.S. is being reviewed in detail in another paper at this convention. So we will not dwell on this aspect in this presentation. However, some basic feel for the future surplus or deficit in the U.S. is needed to identify the magnitude of offshore propane which could be required to meet the minimum needs of the U.S. propane industry.

A combination of mild winter weather and general economic slow-down had caused a substantial increase in propane inventories in the U.S. in 1971 and 1972. Propane in storage reached 70 million barrels in November 1972 compared to the 40 million barrels which has been considered normal. However, in one heating season these surplus barrels were consumed because of new factors entering the market. Among these factors are limited growth in production of propane in the U.S. and the increased demand for propane by natural gas distributors to supplement their supplies during peak demands.

For a brief review of the future supply/demand balance in the U.S. let us look at Figure 1. In 1970 the net U.S. supply, including imports from Canada, exceeded the U.S. demand by approximately 9 million barrels, or an amount equivalent to the Canadian imports. This surplus material went into storage, and a similar surplus in 1971 increased the U.S. stocks of propane to the 70 million barrels mentioned earlier by November 1972. However, I don't have to tell you what happened to those inventories. Figure 2 is the latest data from the API on propane inventories. Between the end of October 1972 and the beginning of March 1973 over 48 million barrels of propane were removed from inventory compared to a normal dip in inventories over this same period of approximately 25 million barrels.

Well, how about the future? Let's return once again to Figure 1. Based on a recent estimate by Purvin & Gertz, Inc., U.S. production of propane is expected to increase from 310 million barrels in 1973 to 320 million barrels in 1980 and to over 330 million barrels in 1985. The production of propane from natural gas is expected to remain relatively constant between 1973 and 1975 at approximately 214 million barrels per year and to drop in 1980 to 204 million barrels, dropping further to less than 198 million barrels by 1985. So you can see that the production from refineries is expected to increase at a faster rate than the reduction in the LPG produced from natural gas.

The total U.S. supply in 1973 including imports from Canada will be approximately 320 million barrels, but the U.S. demand is expected to be a minimum of 332 million barrels, leaving a deficit this year of 12 million barrels of propane. As you can see from the figure, this deficit is expected to grow to a minimum of 43 million barrels in 1975 and to over 150 million barrels by 1985. I can assure you that these estimates are conservative. For instance, they do not include a dramatic increase in the consumption of propane by gas utilities for peaking purposes.

Less than 10 million barrels per year of propane is forecast to be used by natural gas distributors in 1975 for peaking. However, it should be noted that if only 1% of the present natural gas demand is shifted to propane, it would require approximately 44 million barrels per year of propane. To put this in perspective, the demand for natural gas has been growing at 4% to 6% per year, with the production of natural gas in the U.S. expected to peak within the next year or so and then begin to decline. What I am trying to say here is that the demand for propane to supplement natural gas *could* be as great as the total present demand for propane for all of the uses *if* sufficient propane were available to supplement our diminishing natural gas supplies. We do not expect this amount of propane to be available or to be used for this application, but it remains in the background as a major demand factor that *must* be closely watched.

To summarize, the U.S. will require over 10 million barrels of propane from overseas in 1973, and this deficit is expected to grow to over 150 million barrels by 1985. All of these figures are in addition to the supply of propane that can be expected to be imported into the U.S. from Canada, which we have estimated to grow to 27 million barrels by 1985.

Where will the propane come from? Venezuela? In 1970, the total production of propane in Venezuela was just over 7 million barrels with almost all of this material committed to markets in Venezuela and other Latin American countries. By 1975, Venezuela could produce as much as 25 million barrels of propane, but it is estimated that less than 10 million barrels of this would be available for export to the U.S. market after Venezuela has supplied its own other Latin American markets. This means that by 1975 over 30 million barrels per year of propane will have to be obtained from sources in the Eastern Hemisphere.

Thirty million barrels! How much is this? The equivalent of approximately 90,000 barrels per day, or the output of nine plants the size of Humble's King Ranch processing plant or Shell's processing plant at Yscloskey—two of the largest in the world. By 1985 we will be importing over 150 million barrels—more propane than we produced from natural gas in the United States in 1966.

Are the quantities of this magnitude available in the Eastern Hemisphere? The answer to that question is "Yes, at a price" but the United States will not be the only country competing for Eastern Hemisphere propane. The Eastern Hemisphere, in total, is now producing approximately 75 million barrels per year of total LPG. Of this quantity, less than 60%, or 45 million barrels, per year is propane.

The most logical source for LPG for importation into the U.S. is the oil-producing countries of North Africa. The proximity of these countries to the East and Gulf Coast of the United States offers the lowest potential transportation cost from any producing area in the Eastern Hemisphere. The primary sources of LPG in the near future would be the lucrative and large oil and gas fields of Algeria, Libya and the Gulf of Guinea.

As you can see from the accompanying Figure 4, there is at present, capacity in North Africa to supply approximately 20 million barrels per year of total LPG with another approximately 15 million barrels of capacity under construction in Algeria. At this time, Algeria has the potential of producing twice as much LPG as the 20 million barrels it is now planning to produce. The Hassi Massoud fields represent a major possible source with an ultimate potential of approximately nine to eleven million barrels per year of LPG based on their present oil production. The first phase of construction is underway on a project to recover 5.5 million barrels per year of LPG from the associated gas. This should be completed within the next few months. Additional processing facilities could bring the potential production from this field to its ultimate potential.

The Hassi R'Mel field is a vast reservoir containing approximately 700 trillion cubic feet of gas and about 3.5 million barrels of recoverable condensate. Plans have been proposed to recycle this field at the rate of 4.2 billion cubic feet of gas per day, but Sonatrach is also contemplating blowing it down for immediate sales at a production rate of six to eight billion cubic feet per day.

By simple mechanical separation, the minimum propane and butane recovery (at about a 50/50 mix) would be a minimum of 10 barrels of LPG per MMCF, or approximately 70,000 barrels per day. This amounts to over 25.5 million barrels per year in the larger-gas-volume case, or 15.3 million barrels per year if the gas is recycled. The Hassi R'Mel project is now in the development stages and studies have been conducted to determine the method of operation. Together with the Hassi Massoud LPG volumes, Hassi R'Mel makes Sonatrach the largest producer of undedicated LPG in Africa.

Libya has LPG recovery facilities capable of producing 13 million barrels per year of LPG, but these facilities have never operated at capacity because of a combination of technical problems and political problems. Recent press announcements indicate these problems are being solved and the production from these plants can be expected to increase. In addition to this LPG production, Libya is estimated to have the potential of producing an additional 60 million barrels per year of LPG. Here again, approximately 50% of this material would be propane.

Nigeria is just beginning to overcome the effects of its disastrous civil war. Its first LPG project was announced by Nigerian Gas Products Limited, a joint venture of the Nigerian government and Guadalupe Gas Company of Houston. This plant is intended to process flare gas from the Shell and BP oil production near Port Harcourt. However, serious consideration is being given to liquefy this flare gas for export and LNG, and if these projects materialize, it is possible that the LPG will not be removed from this gas before liquefaction. However, large quantities of associated gas are still being flared in Nigeria so that additional LPG projects are likely to be developed there.

Beyond the three major countries listed above, Algeria, Libya, and Nigeria, there is little major potential LPG production in Africa at this time. However, exploration is being conducted in many parts of Africa which could yield significant quantities in the future.

Another area that could supply LPG to the United States with the minimum of transportation cost is the area generally referred to as the North Sea. In the last ten years, large quantities of gas and oil have been found under the North Sea between Great Britain and the Scandinavian countries.

The fields that have been found close to Great Britain have been primarily gas fields and very lean at that. Gas production becomes richer in LPG and associated with crude oil and condensate in fields discovered farther north. The most prolific fields have been found almost at the apex of the boundaries of the five countries who claim territorial rights in the North Sea. Studies are now underway as to where the gas, oil and products from these northern fields will be transported. Since there has not been a final decision on where this oil and gas production will be processed, the LPG production cannot be assigned to any given country.

Due to the locations of the major fields near the vast Ekofisk production, there will probably be a single pipeline or parallel pipelines to jointly transport all adjacent production. Therefore, the LPG will be available at the point or points finally decided upon to land the crude oil and natural gas. Crude oil productions from fields in the vicinity of Ekofisk is scheduled to be transported to the United Kingdom if export approval can be obtained from the Norwegians.

In general, buyers in the United Kingdom have paid a lower price for crude oil and natural gas than purchasers in other countries. For this reason, there is pressure on the Norwegian companies to move their production to German or Norwegian buyers. However, there is a deep trench in the ocean floor between the production areas and the Norwegian coast which prevents normal methods of pipeline construction. The new techniques required to bridge this trench will cost considerably greater than those for laying a pipeline to the United Kingdom and must be evaluated in determining the final allocation of hydrocarbon sales.

None of the fields discovered in the deeper waters of the North Sea are in full production at this time, so the LPG potential has not been fully evaluated. However, initial data indicate a minimum of 13 million barrels of LPG could be recovered per year from North Sea gas. Much of this material will be sold and used in Europe, but it does take some of the pressure off the European supplies that otherwise would have to be shipped from African sources.

The largest potential production area for LPG in the world is undoubtedly in those countries which border on the Persian Gulf. These countries include over 50% of the known crude oil reserves.

The production of crude oil and hydrocarbons in this area has grown rapidly and is expected to accelerate in the future as the world attempts to cope with its present energy problems. The amount of LPG presently recovered in the Persian Gulf area for export is in excess of 40 million barrels per year, about two-thirds of which moves to Japan.

This production represents only a relatively small share of potential recoverable LPG in the Persian Gulf area. In some countries, all of the wet gas associated with oil production is flared without any processing whatsoever. In other areas, only the easiest sources of LPG from associated gas are recovered. This condition exists because at present the potential supply of natural gas and natural gas liquids in this area far exceeds the demands for these products.

The natural gas processed in the Persian Gulf is almost exclusively associated gas or gas that is produced in association with crude oil. Many of the producing oil wells in the Persian Gulf area are in locations remote from the coastline and existing export terminals. In the field, crude oil is flashed in several stages and then transported to a seacoast terminal by pipeline for subsequent shipment by tankers to consuming countries. During this flashing in the field, much of the contained LPG is carried off in the natural gas and is flared.

Where LPG recovery is considered, the final flashing in the field is omitted and some LPG is carried in the oil to the seacoast where the oil is stabilized to a specified vapor pressure. The gas produced in this stabilization is rich in LPG and provides a source for most of the LPG recovery to date in the Persian Gulf. However, even when the final flashing in the field is omitted to retain some LPG in the crude oil, approximately twice as much LPG is lost during the initial flashing than is recovered in the stabilization of the crude oil on the seacoast.

Of course, this method of producing LPG represents the lowest cost increment of production in the Middle East since the LPG can be transported cheaper in association with crude oil. The recovery of the remaining LPG now being flared in the field would require processing of natural gas in the field and transportation of LPG in more expensive pressure pipelines to an export terminal.

Of the countries in the Persian Gulf area, Saudi Arabia has the largest present production of LPG with a 17.5 million barrels per year plant at Ras Tanura and an expansion under construction at this location for an additional 15 million barrels per year. In addition to this recovery, it is estimated that Saudi Arabia could potentially supply in excess of 90 million barrels per year based on its present oil production and this potential will increase as oil production is increased.

Kuwait has a facility which can produce 16 million barrels per year of LPG and is seriously considering a second gas processing plant to produce an additional 12 million barrels per year. Although its unrecovered potential is not as large as Saudi Arabia's, it is estimated that up to 80 million barrels per year of additional LPG could be produced if economic markets were available.

The next large potential LPG producer in the Persian Gulf is Iran. Two small LPG recovery facilities are now operating in Iran, one recovers 7 million barrels per year and a new facility, recently brought on stream, has a capacity for 2.8 million barrels per year.

In Iran associated gas is processed for natural gas liquids recovery from only two of the six largest oil fields. Even in these two fields, only the leanest from field separators is processed since this processing has as its main objective the reduction of associated liquids in natural gas which is subsequently shipped to the Soviet Union by pipeline. The richer, low pressure separator gases are still flared. There is a minimum of 70 million barrels of material available from these sources.

Australia offers another, although smaller, potential source for propane. At present Australia is exporting approximately nine million barrels per year of LPG to Japan from the Bass Strait. This production area will have an equivalent amount available above present commitments by 1975. In addition, South Australia gas production could make available up to 5 million barrels per year about the same time. Although the logical market for these materials is Japan, they could be imported into the West Coast of the U.S. if that market offered a better netback to the producers.

Indonesia offers another potential source for propane shipments to the U.S. West Coast but no specific LPG projects are known to be under consideration at this time.

The major international movements of propane and other LPGs at this time is from the Persian Gulf to Japan. This material is presently priced at approximately 4¢ per U.S. gallon at the source. A comparable price at North African LPG export terminals is presently approximately 5.5¢ per U.S. gallon. These prices are forecast to reach 6¢ per U.S. gallon in the Persian Gulf and 8¢ per U.S. gallon in North Africa by 1980.

Figure 5 indicates the minimum prices that can be expected to prevail for imported propane at a Gulf Coast import terminal. Venezuela will not be able to supply all of the propane required by the U.S. between 1975 and 1985. Therefore, North Africa seems the logical source. Propane from North Africa is calculated to cost approximately 13¢ per gallon FOB the import terminal by 1975.

I must emphasize at this point that the prices shown in this slide are minimum prices, and the U.S. companies going into international markets to purchase propane and other LPGs must realize two factors if they are to attain these minimum prices. First, that most of the present production of LPG outside the U.S. is committed on long term contracts, and second, that the type and magnitude of the competition in international markets is different from that which exists in the U.S. LPG industry.

For example, the Japanese government agency known as MITI has forecast that Japan will have to import a minimum of 60 million barrels of LPG in 1975 and their demand for imported LPG is continuing to rise at a rapid rate. This substantial block of competition is backed by a business philosophy which includes long term credits, willingness to invest large amounts of capital, and the ability to offer trade-outs of technology and other products for LPGs or other hydrocarbons.

In addition to a different type of competition, American LPG buyers will find that much of their overseas imports will have to be purchased from national oil companies whose sales philosophy is based as much on political considerations as it is on the profit motive.

In summary, the amount of the LPG that will have to be imported into the U.S. to supply our markets between now and 1985 is available from offshore but the prices will be higher than what the U.S. LPG industry has been accustomed to in the past and the competition for these supplies will be significantly different from that which you have experienced here in the U.S. Incidentally, almost as an after-thought, you had better learn to convert gallons and barrels to metric tons because in world markets, materials are bought and sold on the basis of metric tons.

I thank you for your attention.

COAL

Mr. **FANNIN**. Mr. President, turning now to coal, our most abundant resource, we are confronted with a most ironic situation. We have enough of it to last several hundred years and therefore need to import none. Thus, coal is the only primary fuel which presents absolutely no national security or balance of payments problem. Although the U.S. Geological Survey estimates that 200 billion tons are recoverable under current technological and economic conditions, the level of coal production is lower today than it was in 1947. This is due to a number of factors, including the loss of home heating and steam locomotive markets for coal. Equally as important, concern for the health of coal miners and the need to cut down on air pollutants has run up the cost of coal production and limited its availability. Low sulfur coal is in short supply in eastern States while low sulfur western coal costs more to be delivered to eastern users because of high transportation expenses. But about one-third of our recoverable coal has a sulfur content too high to meet current standards. Strict new strip mining regulations at the State and Federal levels are certain to impose greater costs and physical constraints upon the low sulfur coal resources in both the East and West.

ENVIRONMENT ACTIONS INCREASE OIL DEMAND

Environmental considerations have had an adverse impact on available oil supply. For lack of a pipeline, the largest known oil field in North America—the Prudhoe Bay field in northern Alaska—has lain dormant since its discovery in 1968. Marine exploration and development have been restricted in some areas with outstanding petroleum potential, such as offshore California. Oil leasing has been delayed in the Gulf of Mexico, and strongly opposed off the east coast.

While some environmental steps were playing a role in restricting domestic oil production, still other environmental actions were increasing the Nation's requirements for petroleum and petroleum products.

In 1970, the Congress passed legislation leading to very rigid Federal standards for air quality and automotive emissions. This historic act was welcomed in principle by all Americans concerned with the quality of their environment—and rightfully so. However, to implement the act, it became necessary to ban the burning of high-sulfur fuel oil and coal in many industrial and commercial installations. In fact, use of 155 million tons of coal per year would be banned by 1975 if both primary and secondary standards of the act are met.

These restrictions have placed still more strain on the already tight supplies of natural gas and low-sulfur fuel oil.

Moreover, to comply with the new act, it also became necessary to redesign automobile engines to run cleaner. These new engines consume significantly more gasoline per mile.

The side-effects of the Clean Air Act compounded the already extremely taxing demands on the oil industry to fulfill energy needs.

Unfortunately, other energy sources offer little help in meeting additional fuel requirements:

Natural gas will do well to maintain its current level of output; and

Nuclear energy is badly behind schedule and can offer little immediate assistance as a substitute for coal or high-sulfur oil.

Therefore, the burden of meeting the public's energy requirements lies heavily on the shoulders of the petroleum industry. Already the industry is supplying some 17.6 million barrels of oil a day to meet about half of our country's energy needs. This requirement will probably increase some 40 percent by 1980, and 70 percent by 1985.

UNCERTAINTIES RESTRICT REFINERY CONSTRUCTION

Unfortunately, U.S. refining capacity has been unable to keep pace with this surging demand.

It is estimated that the equivalent of six 150,000 barrels-daily refineries should be built in the United States each year to 1980, just to stay even with increasing requirements for petroleum products in this country. Yet, at this writing, not a single new refinery is under construction—although several expansion projects have been announced at existing facilities.

Planning of new refinery capacity has been impeded because of shortages in local crude oil supply, uncertainties about the future of the crude oil import program, uncertainties as to required product, specifications, and poor profit performance of domestic refining in recent years.

These problems have increased the difficulty of planning and engineering for the large amounts of investment capital required for expansion of industry operations. Refineries cost in the neighborhood of $250 million, and before companies can afford to allocate this amount of capital to a project, they must have reasonable assurance that the investment will be economic.

However, the time for study is drawing to a close; the time for action is at hand. Time is a critical element in the development of energy supplies. In the case of almost every energy fuel, there is a long timespan—usually 3 to 10 years—between the time the search for new energy resources begins and the time the new supplies can be delivered to consumers. Even if we should take positive actions today to accelerate domestic output of energy, the gap between demand and supply would continue to widen for several years. Delay can only prolong and deepen the energy crisis and lead to increasing dependence upon uncertain foreign supplies of energy.

There are those who insist that we use more clean-burning natural gas in our major urban centers, but who resist efforts to develop our important offshore petroleum supplies.

Others urge higher production of low-sulfur fuel oils, but do not want pipelines, terminals, or refineries near their homes.

Still others talk of energy conservation, but continue to use more and more electricity every day—and oppose the construction of powerplants and powerlines in their neighborhoods.

While more efficient use of energy is desirable, some of our national goals call for more energy, not less; full employment; an end to poverty; and even the task of environmental housecleaning.

Many people object to rising prices for gas, oil, coal, and electricity. But the question is: How much energy can be produced without higher prices if costs of producing it are irreversibly on the rise?

We are going to have to give up "either-or" and start considering our energy problems in terms of tradeoffs. By this, I mean we may have to trade off a little of one goal in order to reach another. Every energy option has its cost—an environmental cost, a discomfort cost, a national security cost, or an actual financial cost. However, as a nation we should be willing to accept such tradeoffs rather than run the risk of turnoffs. We cannot turn off our energy needs and we should not have to.

A balanced approach which recognizes these hard facts is the soundest route to optimum use of our energy resources and the fullest possible attainment of our national goals.

The President sent his energy message to the Congress on April 18. The executive branch has already begun to implement portions of the President's program under existing legal authority. But new legal authority for new programs has been requested. The Congress has been slow in responding.

The President is in the process of finalizing plans for organizational changes related to energy both within the White House and the executive branch as a whole. Other changes will be proposed regarding our Federal energy R. & D. program. I look forward to the presentation of these proposals to the Congress.

Much work needs to be done in both the executive branch and the Congress. The necessary legislative action cannot take place until there is an acceptance of the facts which have given rise to the problem. I am hopeful that the summary of the facts contained in this statement will be of use to my colleagues in focusing on the national energy problem as a whole. We must face the facts and avoid the temptation to focus our efforts on finding scapegoats. Conducting witch hunts will not solve the energy problem, but exacerbate it.

Until we start focusing on solutions the energy crisis will continue to intensify. We have sufficient facts with which to proceed. The time has come to implement legislative solutions.

We made a start by passing the Emergency Petroleum Allocation Act of 1973 insofar as recognition of the problem is concerned. We have now reached the point where we must start passing laws designed to solve the problem.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Oklahoma (Mr. BELLMON) is now recognized for not to exceed 10 minutes.

Mr. BELLMON. Mr. President, I wish to congratuate my colleague, Mr. BARTLETT and other Members of the Senate who have participated and are participating in the colloquy this morning, hoping to draw the attention of the Senate and perhaps to a degree others to the serious problems we have in trying to work our way out of the energy shortage situation in which this country finds itself.

What has happened should be no surprise to anyone. Those who have been observing the energy situation in this country have been saying and predicting for years that we were working ourselves into the present tight energy supply situation.

Along with other Members, including some of those who have spoken this morning, I have participated in these discussions on the Senate floor during the past 4½ years. As a former chairman of the Intertsate Oil Compact Commission, I can remember 10 years ago the projections that were made, that unless the United States changed its direction and adopted a more sensible energy policy, we would, one day, be in the present situation.

My colleague from Oklahoma (Mr. BARTLETT) and former Governor of Oklahoma, also has been active for years in other areas, besides the Senate, in trying to get the country to accept a more effective energy policy so that we would not find ourselves in the kind of energy shortage situation that we are now in, and becoming more and more dependent upon insecure foreign sources for our oil and gas.

I am distressed that current reports describe the energy shortage as some sort of so-called phenomenon, being produced deliberately for some kind of sinister purpose.

The leaders of the industry have tried for years to get a more realistic policy enacted by the Government. They have generally been rebuffed, so that they clearly are not the ones responsible. Rather, they are the ones who have been trying to avoid this situation with every means at their disposal.

The facts are plain when we examine the situation: Ever since 1956, the rate of drilling for oil and gas has been going down, until most recent years when there was a slight upturn. At the same time, a decline in development has been occurring. We have been experiencing a rapid increase in total energy consumption. Demand for crude oil has been going up 700,000 barrels per day each year and, at the same time, we have not been expanding domestic production to meet this growth in demand.

These facts have been well known, but those who have opposed incentives to accelerate the development of our abundant domestic energy reserves, have done so because they thought, that as our ability to meet our requirements from domestic sources declined, we would be able to import all the energy we needed from foreign sources and, they have generally claimed, at lower prices.

The fact is that not only this country has been increasing its energy requirements, but all the other industrialized countries of the world have been increasing their energy requirements also. So that now there is no uncommitted crude oil available anywhere in the world.

At the same time that these shortages have been developing throughout the world, prices have been increasing. So, at the present time, the cheapest crude oil in the world in right here in the United States. In addition, increasing restraints on the use of energy brought about by environmental concerns and already expressed by my distinguished colleagues this morning, have contributed a great deal to the already critical energy situation this country now finds itself in.

I want to add my recommendation and my suggestions as to a solution to the others that have been made this morning.

There is no question, as has been pointed out, that this country has all the energy reserves it needs to meet its requirements for hundreds of years in the future.

The problem is largely one of economics. We have the reserves, we have the technology, and we have the demand. What is needed is to get out of the frame of mind that, somewhere, there is an easy, cheap solution to the energy question.

Once we face the fact that we will probably not, in our lifetime, ever again see energy as cheap as it has been during the past several decades, then I believe we will be well on our way to working out of the present situation.

We are going to have to pay the price it costs to produce energy from reserves and resources located in more remote areas such as Alaska and in deeper layers than was the case in the early part of this century when oil and gas fields were being discovered in abundance in more easily accessible terrain. For example, early drilling would yield oil and gas with 1,000 to 2,000 feet. These relatively easily accessible layers are rapidly being depleted necessitating the need to drill deeper and at higher cost. It is becoming common place to drill 15,000 to 25,000 feet and even as deep as 30,000 feet. To drill these wells is costing anywhere from $3 to $6.5 million and 2 to 3 years. The day is over when cheap energy is readily available simply because it is more difficult and more expensive to produce it.

Already the technology is available for us to shift to a coal-based energy industry by liquefying and gasifying coal. The only problem is that to do this the price of the product has to rise in order to make it economically attractive for the investments that must be made.

Recently, I visited a coal gasification and liquefaction pilot project called COED at Princeton, N.J., where a demonstration plant has been operated for several years by the Food Machinery Corp. under contract to the Office of Coal Research of the Department of the Interior. At this point, it is possible, starting with $7 a ton coal, to produce crude oil at a price of about $5.50 a barrel, and to produce natural gas at a price far less than the cost of imported LNG.

Unfortunately, at the present time, crude oil in this country is selling at about $4.20 a barrel, therefore it is not economically feasible to get investors to construct plants using the COED process for coal liquefaction and gasification.

If we could allow the price of gasoline at the pump to go up from 3 cents to 5 cents a gallon, then it becomes economically feasible, at once, to begin coal liquefaction and gasification on a large scale, so that we will be able to utilize the abundant coal reserves we possess and meet the need for petroleum products.

In my opinion, making this kind of decision, to allow energy prices to rise only slightly, would be one of the best insurance policies this country could buy.

If we allow ourselves to go along the route now followed, by holding the price of petroleum products down at artificially low levels, we are going to cause excessive usage of the products during a period when they will be in short supply, regardless of what we do.

In addition, we will increase the dependence of this Nation on highly insecure sources from abroad. We will also greatly overstrain our balance-of-payments situation so that this country's economy will be even further weakened.

I believe that American energy users would much rather have a dependable and abundant supply of energy available at 3 cents to 5 cents per gallon more than they are now paying, than they would be able to see the Senate, and the Congress, go in for some kind of national rationing system, or to see the establishment of a system of allocation that would perhaps make it possible for whatever kind of energy czar we finally would wind up with, to work great hardships on certain elements of the economy, while favoring others.

I believe sincerely that American consumers are willing to pay a reasonable price for the products they feel they must have and that they would not hesitate to accept the necessary upward adjustments of the prices if they felt this was, indeed, the only long-range answer to the problem that has suddenly now begun to get national attention.

I feel strongly that the time has come for us to quit looking for artificial solutions to this problem and, rather, to rely, as others have recommended this morning, upon the American free enterprise system, upon American technology, upon American resources, to make this country again self-sufficient in meeting its energy crisis.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BELLMON. Mr. President, I ask unanimous consent to have printed in the RECORD an article relating to the Japanese use of American coal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

How Japan Will Develop Alaska's Beluga Coal Reserves

One side effect of the world energy crisis is that a slice of Alaska's vast coal reserves may be tapped and brought to market before the oil can even start to flow from the North Slope. The people who will be initially developing this reserve will be the Japanese because of their proximity to the source, their urgent needs, and the relative abundance or high-grade coal in the lower 48. With coal—unlike oil—Japanese developers will not be competing against American interests.

They know they can't win in any competition for North Slope oil, but they are certain that the huge deposits of relatively low-grade coal in Alaska are available and they have been quietly gearing up to take advantage of it.

Japan's appetite for coal is just about as big as Alaska's known reserves. They need coal in huge quantities for the steel industry and have gone as far as Australia to haul it home. Japan's steel production should exceed that of the United States by 1975 and to do that, they will need a lot more coal than is now available.

One of the largest trading companies in Japan—Nissho-Iwai—has blueprints for a $900 million to $1 billion coal mine and related dock and processing facility to be established at Beluga, near Anchorage. The huge development could begin as soon as the end of this year, if the tests being conducted show satisfactory results. Mr. Ikawa, Director and Deputy General Manager/Planning and Project Development Division, told Alaska Construction & Oil during an interview at the Tokyo headquarters that "We will make the announcement about our final decision by the end of the year."

The company expects to be doing about $8 billion worth of business in its worldwide trading operation this year and ranks as one of the top three in Japan when it comes to heavy iron, steel and chemicals.

They are waiting for the test results of the new solvent coal process that is being developed to utilize the relatively low-grade of sub-bituminous Beluga coal.

The solvent coal process had been under investigation in this country by the Office of Coal Research, Department of Interior, for more than seven years as an alternative to oil as a source of clean and readily available energy. The research has progressed beyond the laboratory stages. In fact, test results from a bench-scale pilot plant have been so encouraging the government has awarded a $20 million contract to build a full scale test plant in Tacoma. The plant is now under construction and expects to be in business a year from now.

In Japan, Nissho-Iwai, Nippon Steel and a group of electric power companies are conducting their own feasibility studies. They have used up the initial three-ton sample shipment and, encouraged by the results, are now bringing a six ton shipment for further analysis.

Two critical problems they have to combat are keeping the product within pollution limitations and raising the heating value of the coal so that it can be economically used in the steel and power industry.

The basic concept is to pulverize coal and put it in a hot oil which, at 350 degrees, will turn the coal into a liquid. In doing so the moisture in the coal evaporates and the ash is filtered out. The process, in effect, purifies the coal so that it meets environmental burning standards.

"You can remove the ash and moisture in the stack with expensive anti-pollution equipment or you can take the ash out before you burn it," Ikawa said. In the case of Beluga coal 30–35 percent of its volume is ash and moisture, so earlier removal produces a considerable savings in transportation cost.

Another major attraction of the process is that it enhances the energy value of the coal. Again, in the case of Beluga, the coal has a rated BTU of 7500/lb. After it has been processed the BTU value jumps to 16,000 BTU/lb., or slightly more than double.

So, in the most elementary terms, the process cleans the fuel, reduces its bulk by about one third and increases its energy value by more than 100 percent.

The processor has two choices; either keep the coal in its liquid form for easy transportation (in pipelines and insulated tankers), or resolidify the coal into beads or marble-like pieces which can be easily handled in bulk (as one would handle grain, for example).

The Beluga field Nissho-Iwai is talking about contains about one billion tons of recoverable coal which will be strip mined.

The Beluga reserve, though—an area between the Beluga and the Chuit River—is estimated by the U.S. Geological Survey to contain about 2.6 billion tons of coal. It is the largest known deposit of coal so close to the sea, which provides the cheapest form of transportation for such products.

When Nissho-Iwai mentions the figure of $950 million investment, it includes the entire system—including extraction, processing, delivery, storage and other consumer-end handling facilities. They are talking about facilities to handle five million tons a year, including the ships and the dock facilities for such ships. The largest coal production in the U.S., also strip mined, has yielded about seven million tons a year.

The solvent coal process plant itself could cost more than $150 million, based on the projected cost of $75 million for a 10,000-ton per day plant given by Pittsburgh and Midway Coal, one of America's largest coal companies and a pioneer in the field of solvent coal. Assuming that Nissho-Iwai's plant will have to produce about 200,000 tons per day, its cost could approximately double.

The Beluga field consists of several dish-shaped deposits that range from a few inches below ground to a few hundred feet. So it is ideally suited for strip mining, and that is what the plans call for. The mining, storage, processing, and shipping operation in Alaska will employ about 300 people for a minimum of 20 years (that is the amortization period Nissho-Iwai figured) and will probably last as long as the coal holds out.

With the normal three-to-one ratio of peripheral employment a plant at Beluga might support about 800–1,000 Alaskans.

The great value of solvent coal for Japanese industry becomes self evident—power plants which cannot now use coal because of pollution standards can use solvent coal. The steel industry, recently turning to petroleum coke, can revert to solvent-refined coal.

The big question at Beluga is not about the validity of the concept or the process, but concerns the detailed information to invest the kind of money that is required for an operation of this scope.

Placer-Amex, which holds a choice 20,000-acre lease between the Beluga and the Chuit rivers, will probably joint-venture with Nissho-Iwai in the development. Placer-Amex thinks five to seven years will elapse before American industry will incorporate the process commercially. Their timetable calls for one year to get the plant built, two years to test the various concepts and production techniques and another two to three years to design and build commercial plants for specific products, based upon the results of the Tacoma test plant.

Placer-Amex thinks that West Coast industries will be using solvent coal from Beluga, too, and estimates that as much as two-thirds of the total estimated 2.6 billion tons may end up fueling power plants and steel mills on the West Coast.

On the other hand, Japanese industry, faced with a greater rate of expansion and total lack of domestic energy supply, may not proceed at the leisurely pace outlined by Placer-Amex.

It is our personal opinion that energy pressures in Japan will indeed force them to jump the gun and get into this coal field before U.S. companies really begin experimenting.

There is reason to believe that tests conducted in Japan have yielded very favorable results and that, basically, the Nissho-Iwai's studies can be concluded much faster than ours because they have a closed-circuit situation.

On one end, they have specific clients with specific requirements, and on the other hand they have the coal and a process that probably can be made to fit the need. If the shoe fits, they won't need additional information before getting started.

It is with this background, as well as the briefing provided by Mr. Ikawa, that we are convinced that a decision at the end of this year on the project is not unrealistic.

And, following the Japanese industry's batting average, it's a safe bet that the word will be "go."

Mr. BELLMON. Mr. President, Americans are becoming more and more aware of critical shortages of energy fuels. The threat of an energy crisis, which has been developing in recent years, has become a reality. Public apathy has now become public concern.

While energy is the focal point of current discussion, we should not overlook two other "E's"—the economy and the environment. The three are all closely interrelated. Because without adequate supplies of energy for agriculture, industry and everyday public use, the economy suffers; and without a healthy economy, industry and government cannot have sufficient funds to spend to develop the necessary technology that will assure us the quality of life that we all desire for the future.

The relationship of the three E's—energy, the environment and the economy—was the subject of a panel presentation at a recent meeting of the Oklahoma Press Association. The panelists participating were three knowledgeable Oklahomans.

W. A. Roberts, executive vice president and director of Phillips Petroleum Co., Bartlesville, presented "The Outlook for Energy."

Dr. James C. Kirk, general manager of research and development for Continental Oil Co., Ponca City, discussed "The Environmental Challenge."

G. R. Brainard, Jr., midcontinent district manager for Atlantic Richfield Co., Tulsa, and president of the Oklahoma Petroleum Council, moderated the panel and provided information on "Oil and Gas and the Oklahoma Economy."

Mr. President, the views of these three speakers can help to broaden understanding of the Nation's energy problem. I ask unanimous consent that the texts of their statements be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Remarks by W. A. Roberts

Good morning, Gentlemen. I supppose the ideal way to start my remarks would be to say: "A funny thing happened on the way to Western Hills Lodge . . . I ran out of gas." That would emphasize the first point I want to make. And that is, the energy shortage has reached Oklahoma. Though our state is the nation's fourth largest oil producer and third largest natural gas supplier, we have not been insulated from the uncomfortable effects of the fuels pinch.

For several weeks now, your publications have been reporting how service stations are cutting their hours of operation and limiting sales in response to the product allocations of the major oil companies. Bulk buyers have felt the fuel squeeze perhaps even more than the average motorist.

Perhaps the ultimate irony of the energy dilemma was reported several weeks ago when a number of drilling rigs in the state had to be temporarily shut down because there wasn't enough fuel to keep them going.

The state's 12 refineries have been scrambling to obtain enough crude to keep going. At least two refineries have been running at aroundt 50% capacity.

The exploration picture is no brighter. The number of exploratory wells drilled in Oklahoma dropped 50% between 1962 and 1972. Proved reserves of oil fell 25% and those of gas slumped by 20% during the period. By contrast, production from these reserves is increasing. For example, the state's natural gas production jumped 70% in the last decade.

Let's look for a moment at how we got into this predicament. To my mind, the energy crunch is a calamity of good intentions.

One of these has been the effort by the federal government, beginning in 1954, to regulate the wellhead price of natural gas sold between states. This was done to protect the consumer against rising prices. The results are well known. The best fuel has been selling for the lowest price. Demand for gas has skyrocketed, while the economic incentive for finding and producing it has dwindled. That would have been bad enough, but natural gas price control also distorted prices for oil and coal, and therefore squelched their development as well. The exploitation of nuclear, geothermal, oil shale and other more exotic forms of energy also has been retarded.

Environmental protection has been another good intention contributing to the energy problem. Nobody can argue with the need for cleaner air and water. Yet our lawmakers have gone far beyond what is needed to achieve reasonable goals, and at the expense of draining energy supplies. The best example is the federal auto emissions standards which will reach their disastrous culmination in the 1976 models. Anyone in this room who has a 1973 car is already getting a glimpse of what engine efficiency—or inefficiency—will be like in a couple of years. I imagine Jim Kirk will discuss other effects of the environmental issue on the energy situation.

Another good intention that went awry has been the effort by the federal government to relieve the tax load on the average individual by boosting the taxes for industry, particularly the petroleum industry. These so-called "tax reforms" further reduced the amount of available money needed by the industry to find new reserves, and made the industry less attractive to investors who had the capital.

The most recent example of these well-meaning but misguided proposals was the Secretary of the Treasury's proposal to disallow the deduction of intangible drilling expense from unassociated income. This would have a disastrous effect on exploration.

The industry itself also has had some good intentions which we now know are contributing to the energy problem. One example has been the industry's programs to see America as a result of these programs, and we sold more gasoline.

Now let's examine some of the ways the gap between energy supply and demand might be bridged.

Last April President Nixon delivered his long-awaited energy message. In it, he directed the Secretary of Interior to accelerate the leasing of federal offshore areas, where there is great promise of discovering new reserves. The President also implemented a new petroleum import program designed to increase the flow of foreign crude oil and perhaps some finished products such as gasoline. The trouble is, the energy crunch is being felt worldwide. The extra foreign oil that is available is high priced or not suited for U.S. refinery processing. Imported gasoline is even harder to get. Tanker rates have skyrocketed. Just this week, Canada hinted that it may start controlling the amount of gasoline it exports to the U.S.

The really big questions about the nation's energy future must be resolved by Congress. A speedy resolution to the Trans-Alaska Pipeline dispute is absolutely essential. So is the modification of environmental laws and standards which are currently aggravating the energy problem. Most important, natural gas prices must be deregulated and other roadblocks to a free market for energy must be removed.

Consider what a free market could bring—

Most obviously, it would correct the current inequities among energy prices. For example, new gas produced here in Oklahoma destined for interstate markets sells at about one-third the price of Oklahoma crude on a BTU basis. There's also a tremendous inequity between prices for gas itself. Currently new Oklahoma interstate gas sells at 22¢ per million BTUs, or about half the price of gas sold within the state. The latter, unregulated price gives an indication of the true value of the gas.

A free market for energy would revitalize our domestic exploration, and stimulate the search for oil and gas in high-cost areas such as offshore and deep onshore regions. It would direct the various energy sources into their most efficient uses, thereby reducing wasteful consumption. Finally, the freemarket would give momentum to alternate energy sources—shale oil, tar sands, coal gas, and geothermal power. These are all technically feasible energy sources, but they simply can't compete with conventional fuels given today's prices. Nuclear power, which is still noncompetitive, would get a big boost, too.

What would a free energy market mean to Oklahoma?

First, it would be a definite stimulus to the development of Oklahoma gas, particularly the deep gas of the Anadarko Basin The estimated untapped reserves of this region range from 35 to 100 trillion cubic feet. In addition, many marginal gas fields in Northwest Oklahoma would become economically viable.

As for local oil exploration, the outlook is not so encouraging, even if a free market is established. The state has been pretty well blanketed by geological surveys, and there is little indication that any major oil reservoirs remain undiscovered. On the other hand, more satisfactory crude prices would bring a step-up in secondary and tertiary recovery from existing fields and in research to increase the degree of recovery. Currently about half the state's fields are undergoing this type of treatment.

I think it's also reasonable to assume that a free energy market would enhance the value of the state's considerable coal reserves. However, costly environmental restraints could outweigh the stimulus of higher coal prices.

The free market admittedly cannot be considered the panacea for all our problems, but, in my judgment, it is far superior to effective nationalization through piecemeal regulation. It has taken us 20 to 30 years to get in this condition and it will take some time to recover under the best of circumstances.

Looking at the overall energy situation 10 or 15 years from now, I think we'll see new energy sources, especially geothermal and nuclear power, coming on strong. In the meantime, however, petroleum must continue to be the workhorse of our industrial economy. There's enough petroleum still in the ground here in the U.S. to see us through this period. The challenge is getting to it. Can the petroleum industry meet this challenge? I'm sure it can. Given an atmosphere in which private enterprise can operate as it should, the industry can find, develop and deliver the goods.

Remarks by Dr. James C. Kirk

When Jim Kemm asked me to participate in this particular panel discussion on "the three E's" I quickly agreed because I so keenly felt the need for opportunities to discuss these important and intricately inter-related subjects. You'll note that my portion of the discussion has been titled, "the environmental challenge," because the challenge before us today is one of finding rational solutions to our environmental problems. We need a reasonable, balanced approach which recognizes the interrelationship between the three E's. If you conclude that I think we've not had a rational approach to solving environmental problems, you are right! We've overworked and misused the term "environmental crisis." This crisis approach may have been useful in calling attention to problems and whipping up enthusiasm and support for tough regulations, but it was not useful in providing a setting for dialogue leading to optimum solutions which balance our desire for a clean environment against our requirements for energy and a healthy economy.

Attempts to discuss the cost and consequences of some of the goals being established were discounted as an attempt to justify continuing pollution. We got caught up in a numbers game with control agencies competing with each other in establishing ever lower permissible limits. In at least two major instances, the federal limits were established on faulty data. Up to this point there has been such an intense commitment to correcting an accumulation of environmental abuses it was almost out of order to ask, "how clean is clean enough?" However, when we've cleaned up our most obvious messes, this becomes a very pertinent question. If one considers the cost of cleaning up versus the effectiveness of his efforts, he finds that frequently dramatic improvement can be made for reasonable cost; but as he strains to get the last bit of impurities out, the cost can go up dramatically with little effective improvement. In other words, we reach a point of diminishing returns. While I'm very pleased at the progress which we've made and are continuing to make, I am deeply concerned that some of the long-range goals which have been established, and in some cases these have been frozen into law, go beyond the point of diminishing returns. In some cases, the goal may be impossible at any cost. Let's consider some of these.

1. THE ZERO DISCHARGE GOAL FOR WATER

Congress has announced that the ultimate goal is total recycle with zero discharge by 1985. Nobody knows how much this might cost even if it were possible. While some recycle is possible and is currently being done, total recycle is ridiculous. It's about as sensible as saying to a person, "when you breathe, you can inhale only." We can't reach the goal but we may be forced to waste a great deal of money trying.

2. NONDEGRADATION

At first blush it may sound like a good idea to prevent any further degradation of our air and water. In more heavily populated areas this is certainly desirable, but when this policy is applied in sparsely populated areas, it is a serious impediment to development in those areas. Any use of pure air and pure water will result in some contamination even though the levels may in no way be harmful. The adoption of this policy certainly makes pointless the elaborate exercise the FWPCA went through in the early days of the water pollution control program. Every stream in the country was classified as to its beneficial uses, that is: recreational, fishing, municipal water supply, etc. Limits of impurities were established below which there would be no interference with the use of the water for its designated use. Use of the water was to be permitted and controls were established to prevent the limits from being exceeded. This seems to be a sensible approach but will be negated if the non-degradation policy is adopted.

In Oklahoma we generate virtually all of our electric power by burning natural gas. As a result, the present level of sulfur dioxide in this area is extremely low. With the increasing scarcity and rising price of natural gas, alternate fuels containing sulfur will have to be burned. The non-degradation policy will have to be abandoned.

3. SULFUR IN FUELS

Sulfur dioxide is easily measured in small concentrations and for that reason we have more data on this air pollutant over a longer period than any other. In fact, in many of the recorded air pollution episodes, sulfur dioxide has borne the brunt of the blame because it was the only thing quantitatively measured. The level of perception of sulfur dioxide for most people is about 3 ppm and long-term tests with sensitive test animals have demonstrated that twice this concentration is not harmful to health of the test animals. The EPA has adopted permissible levels 1-200th of this value. Control strategies are being devised to achieve these very low levels. This has created a booming demand for low sulfur fuels for heating and power generation. Much of the demand has been filled by importing low sulfur foreign oil and by burning scarce natural gas.

In 1964 the east coast had 100 coal burning plants which supplied 70% of the power for the area. Three-fourths of these have been converted to oil burning. A coal-fired plant normally must scrub its stack gases to remove the sulfur dioxide in order to comply with the permissible limits. The cost of the best scrubbing processes is about as much as the cost of the coal itself (i.e., about 40¢/million btu). In addition, other environmental problems can be created. The limestone scrubbing process is one of the processes being used. a 500 megawatt plant requires 600 tons per day of limestone which must be quarried and then the solid waste disposed of.

Notwithstanding these problems, a significant portion of our power will continue for the next decade or so to be generated by burning coal. As a matter of fact, by 1985 the demand for coal will be nearly twice last year's production. OG&E has recently announced that it will build a coal-fired plant in Oklahoma.

The British advocate the use of tall stacks for power plants burning sulfur-containing coal and contend that this is a satisfactory solution to the problem. Tall stacks permit the stack gases to pierce the inversion layer and permit dispersion. We have already mentioned the difficulties and the cost of stack gas scrubbing. Other routes would be to convert the coal to a low sulfur liquid or gas. Conversion to low sulfur liquid will be at least as expensive as stack gas scrubbing, that is, about 80¢/mm btu. Conversion of coal to a high btu gas is technically feasible but the cost will be very high. Gas produced by this method will require a price of $1.25 to $1.50 per million btu. This compares with the interstate 1970 price of natural gas of 17.1 cents per million btu. Obviously such a high priced fuel can be used only as a convenience fuel for applications such as home heating.

4. AUTOMOTIVE EMISSIONS

The Clean Air Act of 1970 requires among other things, that by the 1975 model year, automotive emissions of carbon monoxide and hydrocarbons must be reduced 90% from the 1970 levels. By 1976, emissions of oxides of nitrogen must be 90% below the average levels of uncontrolled fuels for 1971. What is often overlooked is the fact that emissions of hydrocarbons in the 1970 vehicles were already 80% below those of uncontrolled vehicles, and carbon monoxide emissions had already been cut 70% and oxides of nitrogen had been cut by 50%. Therefore, the fact is that 1975–1976 standards actually require 97% reduction of hydrocarbons compared with uncontrolled vehicles, 96% on carbon monoxide, and 93% on oxides of nitrogen. Congress froze these requirements in the law before the technical and economic feasibility of achieving these levels had been determined. After several years of diligent effort, it is now becoming painfully obvious that the technical difficulty and the cost of achieving these objectives will be so severe as to raise the question of whether the objectives should be modified.

The National Academy of Science in studying the automotive emissions problem concluded that there are large portions of the United States which have neither a health nor aesthetic problem due to automotive emissions. Oklahoma is certainly one of these areas. They were particularly critical of a control strategy which would require catalytic mufflers since this was judged to be the poorest choice among several alternatives. Unfortunately, because of time deadlines, this is the direction the automotive industry is being forced to go. This is also the prime reason for removing lead from gasoline since lead inactivates the catalyst in these mufflers.

The National Academy of Science has called for a review of the automotive emission standards, but it is not the only qualified scientific group which has doubts about the standards. The California Air Resources Board is a body with great expertise and experience; and even for a state with the greatest pollution problems, it set more lenient standards than the federal ones. The cost difference in achieving the federal standards versus achieving California-type standards is a staggering $66 billion.

To this point, it has been all but impossible to talk in terms of costs and tradeoffs. However, I sense a growing awareness on the part of the public to the necessity of considering tradeoffs and compromises in order to achieve a reasonably clean environment, a reasonably healthy economy, and a reasonably comfortable life style.

REMARKS BY G. R. BRAINARD, JR.

The remarks from our other panel members have shown you the importance of meeting the nation's energy needs and facing up to our environmental challenges. Whether or not we are able to succeed in these tasks will depend to a great extent upon whether we are able to maintain the economic health of the petroleum industry.

It should be obvious to all of us that the state of Oklahoma has a large stake in the future of the oil and gas industry.

Oklahoma has often been referred to as "the state that oil built" and that statement can certainly be backed up with the facts. From the standpoint of production alone, it is significant that oil and/or natural gas are produced in 72 of the 77 counties of the state. The only counties without either oil or gas production (or both) are: Delaware, Cherokee, Adair, Choctaw, and Harmon counties.

Despite the decline of production during recent years, reflecting a national trend, Oklahoma still ranks fourth in the nation among all the states in which oil and natural gas are produced.

It also ranks fourth in refining, and it is a pipeline transportation center, with more than 25,000 miles of pipelines crisscrossing the state.

Approximately 80,000 Oklahomans are employed in the petroleum industry or in related fields, and this does not include the many thousands of others who obtain at least a portion of their livelihood because of the presence of oil and gas in our state.

The state of Oklahoma itself depends heavily upon the petroleum industry for much of its tax revenue. Taxes on the industry and its products, such as gasoline, account for 29 percent of the total tax collections by the state. These *direct* taxes do not include the income tax, sales tax, and other taxes paid by the oil industry and its employees in Oklahoma. Furthermore, I am talking now about taxes paid to the *state* government. In addition, oil companies also pay millions of dollars in ad valorem taxes to all of the counties in Oklahoma.

All of you are well aware of the increase in taxes that took place two years ago on the production of oil and gas in Oklahoma, at a time when production was declining. To give you an idea as to the impact upon the petroleum industry, it meant that the state collected more than 72 million dollars in gross production taxes in fiscal 1972 as compared with about 50 million dollars in the previous year. This added tax load of more than 22 million dollars on oil and gas production in Oklahoma doesn't include the amount paid by the petroleum industry in additional state income taxes that were boosted the same year.

In addition to the money paid in taxes, the various companies and individuals engaged in petroleum activities have made a number of other contributions to the state.

A survey was conducted recently by the Oklahoma Petroleum Council among many of the companies that make up the industry in the state, and the information compiled gives some idea as to the involvement of oil people and oil firms in improving their communities.

Take the subject of the environment as an example. The average expenditure by the industry in Oklahoma toward improvements in the environment in 1970 and 1971 amounted to more than 20 million dollars a year. The companies revealed that during 1973 they plan to spend more than 27 million dollars to improve the environment in Oklahoma by helping to eliminate and present air and water pollution, as well as to improve the appearance of their facilities and eliminate and prevent noise. An additional 2.7 million will be spent on other environmental improvement activities such as litter clean-up campaigns and beautification projects. This makes a grand total of nearly 30 million dollars to be spent on the environment this year in Oklahoma.

The industry's contributions to better education through scholarships, equipment donation, and financial grants to Oklahoma colleges and universities amount to an average of more than $860,000 a year. When you include other support to education, including guest lecture programs and field trips for students, the total amount donated to education by the petroleum industry is close to a million dollars a year.

Oil companies also support community health programs in Oklahoma. Contributions to hospital building funds and other projects will amount to about $213,000 in 1973. The companies also contribute in a year's time about $136,000 to youth and minority programs in our state and donate equipment or land for parks or recreation purposes that amount to about $74,000, plus more than $72,000 to other recreational opportunities for the citizens of their communities.

Oil companies and their employees are supporters of many other worthy causes in their communities also. If you add the amount contributed by 34 oil companies and their employees to United Fund or Community Chest campaigns, it comes to a total of more than a million dollars a year.

Incidentally, this survey was not all-inclusive, as there were many other companies not covered in these totals.

Turning again to the subject of crude oil production, I mentioned earlier that it has been dropping in Oklahoma and nationwide during recent years, while the demand for more petroleum has been rising at a rapid rate. Last year the production of crude oil declined by 2.1 percent in Oklahoma. I am pleased, however, to report that as the industry geared to meet the nation's challenge of supplying more energy there was a slight increase in drilling in Oklahoma last year.

A total of 2,300 wells were drilled in Oklahoma in 1972, which was an increase of 2 percent over the wells drilled in 1971. These figures, incidentally, include both productive wells and dry holes. There were 176 new field wildcat wells drilled in Oklahoma last year. These wells, which were drilled in areas where there has been no previous production of oil or gas, resulted in 7 oil wells, 25 gas wells and 144 dry holes.

In other words, nearly 82 percent of the efforts to find new petroleum deposits in Oklahoma last year resulted in failure! This is evidence of what we have been saying during recent years—that the oil and natural gas that have been relatively easy to find have already been discovered in Oklahoma, and now it is up to those companies and individuals willing to risk tremendous sums of money in the search for petroleum at greater depths.

You probably already know that Oklahoma can claim the world's record for the deepest well ever drilled. That record was established last year in Beckham County at a depth of 30,050 feet. To drill wells of this sort will require millions of dollars in risk capital, and in order to encourage this sort of exploration and drilling the oil and gas industry in Oklahoma will need some new incentives and a fair and equitable tax treatment—from both the federal government and the state government.

All of us are aware of the inflationary spiral that has hit our nation. Costs of operating any business have gone up, as all of you editors and publishers know. This is certainly true of the oil business, where the costs of drilling wells—including equipment, the wages and salaries of company personnel, and everything else that a company needs to pay for in connection with its operations—have gone up much faster than the prices of crude oil and gasoline.

Crude oil prices nationally during the last 10 years increased by less than 17 percent. At the same time, oil well casing prices and average hourly wages in oil and gas production climbed more than twice as fast.

To sum up, we believe it is obvious that Oklahoma—which depends upon the petroleum industry for tax money and for contributions in many other ways—will continue to see the effects of any economic crisis that hits the petroleum industry. At the same time, when the industry is healthy, the state of Oklahoma will gain.

There is a need for all Oklahomans to support those policies that will help increase domestic oil production, both in Oklahoma and in other parts of the nation, and we trust that you will do your part in helping to bring these facts to the attention of your readers.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska (Mr. GRAVEL) will be recognized for not to exceed 10 minutes.

Mr. GRAVEL. Mr. President, today we begin, in a smaller way, the great national dialog that is going to take place over many ensuing years. In fact, I congratulate the junior Senator from Oklahoma and others who have chosen to participate in this beginning dialog. I think the dialog will come to a little stronger point in the ensuing weeks, when this body takes up the Jackson bill, S. 1081, which is a bill to correct the deficiencies that exist in present right-of-way legislation. The bill also authorizes the President to negotiate with Canada for the possible construction of a pipeline through that country.

What that bill does not do, of course, is to address itself to the more immediate problem, and that is the problem of constructing the Alaska pipeline, so that we can get the stocks to American markets.

Today I am submitting a paper which I call "Dollars and Energy: Domestic and International Crises." It is a white paper I have prepared as a product of my knowledge of the energy crisis, and I hope it adds some measure of additional information and perspective to those who want to address themselves to the problem.

The nature of the crisis, interestingly, is twofold. One is the short-run part of the crisis, dealing from now until about 1990, and then the long-term nature of the crisis goes from 1990 forward.

If we do not solve the long-term nature of the crisis within the leadtime provided us between now and 1990, I would imagine that our society—the world as we know it today would see ourselves besieged by unbelievable tragedies.

I could talk of the consumption of energy. Generally, we talk of the consumption of energy by the developed nations of the world, and we have no way of taking into account what the consumptive needs of the burgeoning nations of the world are, where most of the population of the world resides. So that we really do not have a very accurate perspective as to the total nature of what this crisis will be, occasioned by the needs of a cybernated society. In a cybernated society, the total base of living is energy.

So human beings, by the turn of the century, by the last decade of this century, are going to have to find a new energy source or a totally integrated energy source which permits human beings to live in concert with the ecosystem. I think we can rise to that task. I think it is just a function of effort. I think there are ready vehicles available for us to do this, not the least of which would be the parallel experience we picked up in the most successful endeavors since the world war: One, our highway system and, two, our space system. I think we can have a combination of them and apply it to our energy problems and move forward aggressively.

I am referring to the fact that we set up a special administration for space and vectored all our energies in one direction. The vehicle for implementing the highway program was the highway trust fund.

I hope we can meet our long-term needs by setting up a trust fund and accompanying the trust fund with a Federal energy administration to handle the moneys and to handle the national effort, commensurate with the size of the problem.

The short-run problem, however, is a little more interesting. How we handle this will obviously be a product of our maturity. I am chagrined to see that the large body of Senators and Representatives and leaders in this country are so intent upon a course of action that really does not address itself to the energy crisis.

I am talking about the inuendo that the energy crisis is a fabrication of the oil industry, that it is a conspiracy. It is almost a wish that we could put somebody in jail and that that would dissipate very complex problems.

I think we all recognize that the oil industry is not different from any other industry. As in any other industry, we have human beings who are profit motivated, some of whom have a broad sense of moral values and some of whom have a narrow sense of moral values, some of whom obviously would capitalize on a situation to increase their profits. I think we need not point the guilty finger only at the oil industry. With the present controls of the Government, we can look into the problem and address ourselves to that.

But that is minor to the total problem. The danger is that a large segment of the leadership of this country will vector on this red herring, the conspiracy, of excessive culpability. I do not think excessive culpability exists in the oil industry more than any other industry—and that we will not address ourselves to the total breadth of the problem. That is the tragedy and the threat we face, and I think that is something we will watch in the ensuing weeks in this body. We will be able to see, through votes, whether or not this body can take a more mature attitude toward the broader spectrum of the problem, rather than a demagogic approach to the problem.

The short-run situation carries us to the year 1990. I wish I could say the energy crisis is really the problem we face, but that is not so. I think that, as human beings, we can make a personal decision as to whether or not we want the light on at a certain rate or want to dim it. We can also make a personal decision as to how much we want to use our car or the balance of our fuels. But one thing we will lose total control of with respect to the problem that faces us is not the energy crisis; but is the financial crisis, as a product of the energy crisis. That is where we get into a dimension that I think few in this body and few in the Nation can begin to appreciate.

It has been said that if we want the oil, we can buy it abroad. There is oil abroad; and, as Senator BELLMON pointed out, most of it is committed. I join him in the statement that there is no more cheap oil in this world. If there is, it is going to be domestic oil, including Alaskan oil, because we have just begun to see the rise in prices. Prices have doubled since 1970, and I think that in an equal period they will double again. So when we are talking about oil at $4 a barrel, more or less, believe me, before 3 years are out or before 5 years are out, we will be seeing it at $7.50 a barrel. This, obviously, will permit alternate sources of energy to be developed.

But the consequences of this outflow of dollars for petroleum products are absolutely horrendous, and that is where the crisis exists. I could give figures. In this decade, we are talking about $10 billion a year; by the mid-1980's, $30 billion a year. Between now and the Second World War, our expenditures outside of this country have come to $80 billion.

So in the mid-1980's we will get as much money flowing out of this country in two and a half years as it took from the Second World War until today.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. GRAVEL. Mr. President, will the Senator from New Mexico yield to me for 2 minutes?

Mr. DOMENICI. I yield to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, although much has been said about our energy problems recently, a serious discussion of the energy crisis is just beginning. Hopefully, throughout the coming months the totality of our energy difficulties will be realized.

Power failures, gasoline, and heating oil shortages are but the tip of an iceberg. Underneath floats a mammoth threat to the economic, social, and technological well-being of this country. The iceberg, I am afraid, has been built by the chill winds of apathy and indifference.

Our energy crisis is the result not of some byzantine conspiracy on the part of private industry, but the consequence of virtually no coherent public policy for the single most important factor in American life: Energy. Simply put, we have failed to adequately plan for our needs in this highly cybernated society of the last half of the 20th century.

Now that we have arrived at the first crucial stages, time is being invested in finding a scapegoat for our troubles. Some would hope to blame our ills on private industry, as though in the hope that somehow the crisis will diminish. This effort is futile, because we all know where the responsibility rests—right here, with the leadership. It is incumbent upon the leaders of this Nation to take their part in resolving the energy crisis.

A frank appraisal will show that every effort should be made at solving our short run energy shortages—from now until 1990—while plans are developed for the longer range energy needs of the 21st century.

In their recently published book, "The Energy Crisis," Dr. Richard Runyon and Dr. Lawrence Rocks estimate that unless the United States takes immediate and drastic action, we—and I quote—

> Permanently curtailed use of heating and air conditioning in public places by 1975; by 1977, there may be governmental control of key industries to ration energy; by 1980, enforced gasoline rationing; followed in 5 years by a great financial depression and world conflict of existing energy shortages.

Their predictions, Mr. President, are not based on scare statistics—but are cautiously determined projections for a nation so heavily dependent on fuel sources that are quickly diminishing.

We are in the beginning of the end of our use of fossil fuels. That fact is apparent now. Available domestic sources of crude oil and natural gas are on the decline. Ability to refine oil products is frozen at a level below our current needs. More and more American dollars are spent abroad to purchase sufficient supplies of oil and gas—and costs to the average consumer are multiplying.

Each year we spend billions of dollars on foreign oil—a drain on our economy which is mounting each year. One reasonable estimate places the total spent on imported crude oil to reach $130 billion by 1985. More of our oil imports will of necessity have to come from the Middle East where a surplus of wealth may lead to mischievous use of those funds to influence the international money market.

All of the elements for a first ranking financial crisis—both at home and around the world—lies in our need for energy.

This potential and the long-range consequences of a national energy shortage are the subject of a paper which I have prepared.

The main conclusion I have drawn in the paper is that if the United States continues to rely on foreign supplies of crude oil and neglect building our domestic supplies, a far reaching economical disaster will ensue.

The largest single element in solving our energy shortage is the trans-Alaska oil pipeline which when complete could bring 2 million barrels of oil per day into the United States. An accelerated pumping of Alaskan oil could well reverse our balance-of-payments deficit by more than $100 billion by 1980.

Yet we refuse to facilitate its construction. Every day that the United States waits for Alaskan oil adds $6 million to our balance-of-payments deficit.

As our energy shortages mount, Mr. President, the American public will become more and more agitated that their leaders have not acted to prevent the situation.

It is rightful and proper that we consider appropriate means of averting this national crisis.

There are only three ways to solve this financial crisis. First, we must reduce the supplies of American dollars abroad, because their misuse will influence the world money market. This could cause international panic which, in turn, could cause a domestic depression. This, then, could cascade into a world depression. That is what we may be looking at in the 1980's. Second, we should bring back an expanded domestic manufacturing program, but even that would only handle relatively small sums of money.

Therefore, the only real alternative to our monetary dilemma is to reduce our dollar exports along with our energy imports. And we can only do this by developing our Alaska oil reserves.

They are significant enough to dampen the flow of dollars abroad.

Mr. President, I hope the Senate will have a chance to vote on my amendment to the Jackson bill and I hope the Senate will go on record as voting for the immediate construction of the pipeline. I hope my colleagues support my amendment when it is presented to the Senate.

I thank the Senator from New Mexico for yielding to me a few minutes of his time.

Mr. President, I ask unanimous consent to have printed in the RECORD the white paper I prepared entitled "Dollars and Energy: Domestic and International Crisis."

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

DOLLARS AND ENERGY: DOMESTIC AND INTERNATIONAL CRISIS

(By Senator MIKE GRAVEL)

I. THE ENERGY CRISIS TODAY

There can no longer be discussion as to whether the United States is faced with an energy crisis. The crisis is real, tangible and here with us today. It is a crisis of our own making, to a large extent, and for that reason we must assume an aggressive role in determining early solutions.

With just six percent of the world's population, the United States consumes a third of the earth's total energy and mineral production. Our use of energy has developed without restriction, under no explicit policy and with little attempt made at efficient consumption. So that presently we find the United States a complex nation dependent in so many ways upon quickly diminishing sources of fuel.

If anything, our energy problems remain tremendously understated. Demand for energy, both national and world-wide is expanding at such an unexpectedly rapid pace that total depletion of non-renewable resources within this century may be unavoidable. Increases in population and technological progress form the basis of the dilemma.

For the United States a 50% increase in the 25 to 35 year-old age group and a 57% jump in per capita use of energy, a by-product of our highly cybernated society, will concentrate the difficulties. Paralleling our domestic consumption explosion is an even more rapidly accelerating demand throughout the developing countries of the world. This rate is double that of the United States.

Some background information is essential before a discussion of the energy crisis may proceed. National energy consumption has increased almost as rapidly as the national economy, at an annual average rate of about 3%. But since 1965, the rate accelerated quickly to an average annual rate of 4.8%. Consumption is divided accordingly: industrial, 38.8%; electricity generation, 25.6%; transportation, 25%; and household and commercial, 20.6%.

Fossil fuels—coal, oil, and natural gas—supply the largest share of energy needs in the United States. Oil and gas have come to replace coal as a major supplier to the point that these fuels now contribute approximately 75% of the total gross energy consumption. Nuclear, hydro-electric, geothermal and other sources make up the rest.

Domestic production of fossil fuels had remained at about the same level for the past few years and has not expanded adequately enough for increased demands. Instead, the United States has come to rely more and more on foreign imports, mostly from the Middle East, for its crude oil. In 1973 1.7 billion barrels, constituting 29% of the total national consumption level were imported.

Our estimates of future levels of importing will continue to be underestimated because of our constricted refinery capacity and its attendant lack of flexibility. The continued decrease in domestic gas will also continue to aggravate oil needs. Because regulated wellhead price of natural gas has tended to encourage a flight of capital from this production area denying us the vitally needed domestic replacement stocks.

Additionally, environmental concerns have limited the use of high sulphur fuels such as coal which, at one time, provided half of the nation's energy needs. Low sulphur fuels are scarce. The same concerns have delayed the siting and construction of energy facilities, including hydro-electric and nuclear reactor plants.

Experts glibly predict that in a dozen years our energy needs will double those of 1970. Clearly in the coming years we will have to deal with a series of energy crunches. The main effort will have to be a vectoring on the vast untapped reserves of fuel that we have within our own boundaries.

Over half the world's known coal reserves are in the United States. We have the potential resource of 810 billion barrels of recoverable oil, shale oil, and over 2,000 trillion cubic feet of natural gas. But also the effort must be aimed at an understanding of the disaster built into unrestricted growth. We will need considerable more imagination in our public policy if we are to experience the fruits of a cybernated society. In view of the fact that energy is the most important physical element in our society, the present situation could not be more ludicrous.

Schools and factories were closed or put on a three-day week in the Great Plains by power shortages this past winter. Homeowners in the Middle West had no heating fuel. Filling stations were put on such short allotments of gasoline that they could serve only regular customers and the police had to rescue stranded transients. Grain rotted on the ground for lack of propane gas for drying ovens, or was stranded on barges. Scheduled non-stop transcontinental flights took off with such light fuel tanks that they had to make intermediate stops to refuel.

Ironic touches underscored the power famine in this land of affluence. The University of Texas, which is endowed with hundreds of thousands of oil-rich acres, had to postpone the registration of 38,000 students in mid-January because there were insufficient deliveries of natural gas to operate its facilities.

That was last winter. This summer holds the bleak prospect of additional hardships. Electric utilities throughout the country have warned of impending brownouts and admit they will have to be lucky with the weather to prevent the brownouts from turning into blackouts. All sectors of the country have been touched by gasoline rationing; 1,020 filling stations had been closed by June 1.

Efforts are being made to establish that the current dilemma is a contrivance of major oil and gas suppliers. Somehow, there exists the notion that we can place the "blame" for our energy ills and punish the culprits. Such exercises are futile. An honest assessment of the energy crisis is imperative now so that we may avert a national paralysis that would result from continued shortfalls.

Prices of energy will inevitably increase due not only to extended inflation, but to additional decreases in the value of the dollar and likely increases in the price of crude oil from the Middle East. Knowledgeable sources predict that by 1980 oil from the Eastern Hemisphere may be costing $7.50 per barrel, compared to the present average cost of $3.70 per barrel. It is a reasonable estimate that the United States will be importing 60% of its oil from those sources by 1980.

In an effort to thwart these horrendous hikes in the cost of energy, we should not fall prey to hasty short-sighted reactions. The United States can, and should, develop a sound short-run plan of action, that is, from until 1990 and a foresighted and an imaginative long-term course of action to meet the energy needs not only of the United States but also of the world by providing the necessary breakthrough to new energy sources.

II. THE MIDDLE EASTERN SITUATION

The change in the U. S. energy posture from sufficiency to dependency forbodes increasing political and economic dangers. The crux of the energy and financial crisis in the United States is the increasing importation of oil and gas from the Middle East.

Statistics show that of our total consumption of petroleum products in 1972, we imported 27%. That figure is expected to rise to 33% in 1973, and to 60% by the end of this decade. Certainly these figures give us cause for grave concern, particularly so since our continued importation from the Middle East has a high degree of uncertainty.

Since 1970, Arab countries have doubled the price of oil. This escalation, which is steadily gaining momentum, was touched off by Colonel Muammar al-Qaddafi, who seized power in Libya by a military coup in 1969. The following year Qaddafi demanded sharp increases in oil prices and the tax rates paid by Western European companies holding concessions in Libya. The companies resisted for seven months, but Qaddafi forced them to settle on his terms by cutting production from 3.3 million barrels per day to 800,000.

Arab leaders and their financial advisers are shrewd businessmen. They are the product of the Western world's finest universities. They are no different from American businessmen exercising their Yankee ingenuity and this means taking advantage of an economic situation to maximize their profits. As champions of the free enterprise system we cannot condemn the Arabs for their policies, much as we deplore the cost to us. Looking at the situation realistically, we have been their greatest teachers.

It was in 1959 and again in 1960 reacting to the economies of affluence that American oil companies forced a price reduction upon the Middle East oil producing countries. These actions prompted the reactions that gave birth to the Organization of Petroleum Exporting Countries (OPEC) by Saudi Arabia, Kuwait, Iran, Iraq and Venezuela. This group, since expanded to include six additional Arab countries and sheikdoms, has boosted the price of oil periodically and has issued blunt warnings that further increases will be imposed. In March, 1971 OPEC arbitrarily raised the price of exported oil to compensate for the devaluation of foreign currencies—a crisis exacerbated in no small degree by the OPEC's revenue of $16 billion in 1972. Conservative estimates are that the figure will rise to $50 billion by 1980.

Thus far decisions by Arab oil-producing countries have been motivated by economic rather than political considerations. Actually, oil has calmed the troubled waters of the Middle East. Arab governments in that area are more concerned with boosting their oil revenues than going to war with Israel. Propaganda against Israel and the United States for our support of that country is merely rhetoric to salve the injured pride of the Arab masses.

It is significant that Arab leaders retaliate faster and more violently against Palestinian guerillas who try to disrupt the flow of oil than they do against Israeli attacks on their territory. When terrorists blew up two oil storage tanks owned by American companies in Beirut on April 14, 1973, the Lebanese government risked a civil war by cracking down harshly on the guerillas who had instigated the sabotage. Similar reprisals were made against the guerillas who cut the pipeline from Saudi Arabia to the Mediterranean after the clash with Israel in 1967.

A movement fomented by Colonel Nasser to bar oil shipments to the United States after the Six-day War was a dismal failure. Oil-producing Arab countries valued American money above venting their frustrations after four military defeats by Israel.

We have, however, no assurance that politics will continue to be subordinated indefinitely to economic objectives. The greater economic independence they acquire the greater will be the temptation to use the oil as a political wedge. In recent months there have been some disturbing signs. Governments are demanding more revenue and control of foreign companies holding oil concessions. There were oninous overtones of an impending showdown in March when Sheik Ahmed Zaki al-Yamani, the very able financial adviser to King Faisal of Saudi Arabia, declared that resistance to OPEC's price policies will mean "war," in which case "all civilization and industries of consuming countries will be destroyed."

The muscle behind such saber-rattling is oil revenues of seven Arab states that stagger belief. Authorities who are not in the habit of making absurd statements estimate the total will run as high as one *trillion* dollars during the next thirty years if the United States, Western Europe and Japan are forced to rely on the Middle East for their oil.

Something more substantial than sheer fantasy has gone into that appraisal. In 1972, oil purchases in the Middle East added up to $8,777,000, a figure that will snowball in a geometrical progression at the projected rate of oil consumption in heavily industrialized nations. Information from international banking institutions indicate that the Middle East's monetary reserves increased more than 50% in 1972 alone. Saudi Arabia has tripled its central bank reserves to more than two billion dollars in the last two years.

Some Arab governments are amassing more money than they can possibly use domestically. For example, Abu Dhabi, a tiny shiekdom on the Persian Gulf with a population of 49,000, had oil revenues last year of $497 million—a per capita income in excess of $10,000.

The mischief—or misery—such concentrations of wealth can cause if one extremist decides to push the panic button is nightmarish. The threat of an oil embargo hangs over every nation that is dependent on the Middle East. George A. Lincoln, Director of the Office of Emergency Preparedness, told the Senate Interior and Insular Affairs Committee in January: "Certain of the oil states are acquiring large revenues which will eventually permit them to risk losses of revenue for considerable periods of time for political ends."

If the Arabs' domination of the world petroleum market is not challenged by intensive exploration for new sources, a handful of small states on the Persian Gulf will have every industrialized nation over a barrel—an oil barrel. Arab leaders can sit back and cripple targets of opportunity by refusing to sell them oil, a decision that could ruin the victim's domestic economy and its world trade.

The realization that a handful of rulers on the other side of the globe could cripple our quality of life through energy cut-offs or lay waste our economic system by the deliberate movement of the large quantities of dollar currency they can hold in ransom will have a devastating impact on the American people. I don't believe that they will accept it. The American public tacitly approved for several years—too many years—a bloody war in Southeast Asia for a principle that posed no immediate threat to our freedom and the quality of life we enjoy. It is alarming to contemplate the violent reaction of Americans when they can not heat their homes adequately or secure enough gasoline to drive to work.

III. ECONOMICS—AND THE BALANCE-OF-PAYMENTS DEFICIT

In 1972 our balance of trade deficit totaled $6.1 billion and imported petroleum products accounted for fully 60% of it—$4 billion. This year the volume of imported petroleum products is running 20% higher and currently is supplying one-third of our exemption. If the present trend continues, there is no doubt that we will be calling upon the Middle East for 60% of the oil we need by the end of this decade. Expenditures for it will consequently amount to $10 billion annually. The rate of oil and gas consumption in the United States is increasing in such quantum leaps that by the mid-nineteen eighties our payments to the Arab countries could reach an untenable level, unless domestic sources of oil are developed. Sheer volume alone does not explain the rising torrent of dollars flowing to the Middle East. The increase in the price of oil has accelerated our flow of dollars, compounding our balance of payments problem.

The United States is particularly vulnerable to a dollar disaster. The Arabs have the power to dump their hoard of dollars on the international money market, setting off a devastating chain reaction. This dumping may not be mischevious since some of our finest American multinational corporations have done the same thing as a hedge toward devaluation of the dollar such as occurred in February, causing a severe depression at home which, in turn would send shock waves throughout the world which could conceivably result in a world depression.

There are three possible approaches to the dilemma posed by the dollars we ransom abroad to alleviate our energy dependency.

The first is simply to increase our exports of other products—farm and industrial to offset our energy purchases. This approach is easily implemented with the U.S.S.R. in trade agreements which amount to barter. Also, this will work with nations like Iran, Venezuela, Canada, Kuwait, Iraq, and Libya (if united with Egypt) because their populations have consumptive appetites to essentially bring about a barter-type, trade relationship with the U.S. This would, however, require a little aggressive commercialism, particularly in the Middle East, than the U.S. has exhibited in the past.

An extension of this approach, that is, "aggresivse Yankee commercialism" in Europe and the Far East, in order to repatriate our dollars could be very destabilizing to both economic communities and not necessarily be in our own long term economic interests.

As a foot note to this approach one should speculate as to whether or not the U.S. has the "elan vital" to become an export nation.

The second approach to our dollar drain would be repatriation through foreign dollar investments in the U.S. economy. This approach is the only viable solution to the problem occasioned by recipient dollar nations with small populations and low consumptive abilities. The U.S. will be buying the lion's share of its oil imports from these nations, Saudi Arabia and the Trucial States. The U.S. has very limited options for without these Arab investments in the U.S. economy, their money—or our dollar—will float to the money markets of Europe and intentionally or not raise havoc with the stability of the international dollar.

Mature Arab dollar managers will have to secure U.S. investments just as mature U.S. policy makers will have to permit it. The former has to place in perpetuity "the economic blessing of Allah." The income from a depletable resource has to be transformed into an annuity so that future generations of Arabs can similarly enjoy Allah's blessings. Investments in the stable and mature economies of developed nations affords this opportunity. Or for that matter, capital investments in developing economies requiring American products can also effect stable annuities.

Arab fiscal maturity is becoming quite visable.

In 1970, the Union des Banque Arabes et Francaises grew out of a partnership formed by twenty-three Arab banks and Western European institutions. The UBA at last report held more than $700 million in deposits. A subsidiary in London, started only last June with the Midland bank as a minority partner, already has deposits in excess of $200 million.

These syndicates are underwriting international issues and are reputed to hold a sizeable portfolio of bonds, some of which represent the debts of many American companies. Obviously Arab fiscal maturity will have to be complimented by American maturity. In an outburst of monetary chauvinism, Arthur Burns, chairman of the Federal Reserve Board, expressed grave concern about the burgeoning monetary power of the Arab states. He has observed that the oil sheikdoms will be able to take over any U.S. industry simply by going to the stock market and buying up control of it. Saudi Arabia's foreign currency holdings are rising at a rate that could reach $30 billion in monetary reserves today. Through investments, Middle Eastern countries could gain control over sizeable amounts of the American economy.

Over-reaction to this fear could recipitate public policy measures that could restrict and eventually destroy our free enterprise system.

These fears are groundless for the simple reason that Arab dollar investments in the U.S. will not have the luxury of gunboat diplomacy to back up irresponsible actions. A luxury, unfortunately, we in the Western world have all too often enjoyed.

Arab dollar managers have no choice but to handle their U.S. investments maturely, a blessing to all parties.

There is, however, a more positive side to this. My recent conversations with Arab leaders convinced me that what they desire most is a classic commercial relationship with the United States—nothing more, nothing less. This requires a relationship between equals.

Businessmen in this country pursue a commercial relationship based on equality. Although the resources of one company may exceed another, they deal with each other because they can fulfill mutual needs. One company has goods or services and the other has money to spend for them.

It is in this same type of relationship that the Arabs desire with the United States. One of the biggest roadblocks to this relationship may well be in the United States not in the Middle East.

A good deal of our foreign policy, both economic and military, has been considerably based on imperialistic attitudes. Our ego, or machismo as some would say, persuades us that we know what is best for ourselves and the rest of the world. Thus, we have been accustomed to getting what we want from other countries at the price we have been willing to pay. A true relationship among equals has been out of character for us.

Although this has changed in recent years with our failures in Southeast Asia, attitudes die hard. Our commercial dealings with European nations, with Japan, and to an extent with the Soviet Union are beginning to develop more realistically. The credit for progress is not all ours since these nations have matured as a product of their own economic successes.

But when we deal with the other so-called developing nations of the world, the relationship among equals vanishes. We expect to get what we want, and what we think they want and need, on our terms, with little or no problem. What a shock it will be to our national ego, to find these tiny Arab nations will have the economic clout to talk to us as equals. Still more shocking is the fact that they want to invest like equals. The vestiges of our imperialism may prevent us from seeing this as a benefit to our Nation and its economy.

For it is our dollars they will use to invest here in the United States. The dollars that have been flowing out of the country to pay for oil we import, will return to this country in the form of capital invested in our industries. That this will improve our balance of payments posture should be obvious. But it will also supply us with capital to expand and develop our economy, creating jobs and employment.

Rather than being a danger this will be an insurance policy. We have been accustomed to using the words "deterrence" and "parity" in their military applications. In this case, the words have commercial application. A classic commercial relationship, a relationship of equals, based on a United States purchase of Arab oil and on Arab investments in this country, produces a mutuality of interest, a parity. Arab countries would be less likely to nationalize our holdings in their countries knowing that we could, and likely would, in turn, nationalize their interests here. Their investments act as deterrences to the oil blackmail that could take place in an effort to seek unfair advantage in the Arab-Israeli conflict.

This investment of Arab money in the United States can be good for us and for the Arabs. It will make available an investment market for the Arabs that will improve our balance of payments posture. It will provide each country with security for its investments. Most importantly, it will bring about commercial relationships between equals.

The key to this occurring is the attitude that must exist here in the United States and in the Arab world. We must both develop the maturity to set aside our out-dated baggage. Of course, another and more obvious roadblock to this continuing commercial maturity is the Arab/Israeli conflict. This paper cannot begin to broad upon that crucible of conflict other than to hope that time and the good will of all parties will someday permit a direct relationship among these Semitic peoples.

But for the goals chartered in this paper let me emphasize that the two approaches outlined above are but minor efforts to the solution of our energy crisis which occasions our financial crisis—the real dilemma before us.

In testifying before the Senate Interior and Insular Affairs Committee on May 3, in support of the Trans-Alaska Pipeline, the Honorable William E. Simon, Deputy Secretary of the Treasury, stated:

"The United States faces serious economic and monetary problems today because of our rapidly deteriorating balance of payments. We cannot afford to permit these deficits to go on mounting unnecessarily by delaying the development of already proven domestic resources."

We cannot afford to become increasingly dependent upon other countries by deliberately delaying the development of the largest find in U.S. oil history—Prudhoe Bay.

There is only one way to stop the adverse balance of payments plaguing us that is to *stop* them. In order for this nation to avoid bankruptcy, we must avoid the quantity of imports necessitated by our energy needs. We have to produce as much energy as possible domestically.

The significance of our North Slope energy potential is not just the 2 million barrels per day that could someday be delivered through an Alaska pipeline. Nor is it the 10 billion barrel proven reserves in the Prudhoe Bay field. Alaska has far greater potential reserves. Projections indicate that the North Slope has potential reserves of as much as 80 billion barrels. Thus, we might someday achieve an Alaska production of 5 to 8 million barrels per day.

This, in turn, could possibly reduce our first round balance of trade outflows by $7 to $10 billion per year. Production at maximum rates would also materially strengthen our bargaining position with producing countries and increase our ability to meet any supply disruptions with minimum adverse economic consequences. It could, in short, go a long way toward solving our energy and financial problems.

EFFECT OF ACCELERATING PRODUCTION OF NORTH SLOPE OIL AND GAS

	Oil[1]			Gas[1]		
	Trans-Alaskan line	Northwest passage	Trans-Canadian line	Canadian gas line[2]	Alaskan gas line[2]	Dollars lost to foreign markets without Alaskan oil
1977	[3] 219,000,000					1,095,000,000
1978	219,000,000			[4] 274,000,000		2,465,000,000
1979	[5] 438,000,000	[6] 219,000,000		274,000,000		4,655,000,000
1980	438,000,000	219,000,000		274,000,000		4,655,000,000
1981	[7] 730,000,000	219,000,000		274,000,000	[8] 109,500,000	6,662,500,000
1982	730,000,000	219,000,000	[3] 219,000,000	274,000,000	109,500,000	7,757,500,000
1983	730,000,000	219,000,000	219,000,000	274,000,000	109,500,000	7,757,500,000
1984	730,000,000	219,000,000	[5] 438,000,000	274,000,000	109,500,000	8,852,500,000
1985	730,000,000	219,000,000	438,000,000	274,000,000	109,500,000	8,852,500,000
1986	730,000,000	219,000,000	[7] 730,000,000	274,000,000	109,500,000	10,312,500,000
1987	730,000,000	219,000,000	730,000,000	274,000,000	109,500,000	10,312,500,000
1988	730,000,000	219,000,000	730,000,000	274,000,000	109,500,000	10,312,500,000
1989	730,000,000	219,000,000	730,000,000	274,000,000	109,500,000	10,312,500,000
1990	730,000,000	219,000,000	730,000,000	274,000,000	109,500,000	10,312,500,000
Total	8,614,000,000	2,628,000,000	4,964,000,000	3,562,000,000	1,095,000,000	104,315,000,000

[1] Estimated reserves in the Prudhoe Bay area are 10–40 billion barrels of oil and 26–30 trillion cubic foot of gas. Use of the Northwest Passage could be realized as additional fields are opened on the North Slope after pipeline construction begins.

[2] Oil equivalencies.

[3] 600,000 bbls/day.

[4] 4,500,000,000 cufl/day.

[5] 1,200,000 bbls/day.

[6] 3 super-tankers weekly, 1.5 mil bbls capacity per tanker.

[7] 2,000,000 bbls/day

[8] 1,800,000,000 cufl/day.

IV. TRANS-ALASKA VS. TRANS-CANADA

Contrived obstacles blocking the Trans-Alaska Pipeline are adding six million dollars a day—every day—to this country's balance of payments deficits. Oil from Alaska's North Slope can be a tourniquet on the dollar drain that is, and will continue to, bleed the Nation white. Failure to apply the tourniquet is indefensible in view of the worsening situation.

With the background of political problems of the oil producing/exporting countries of the Middle East, our critical energy shortage, the balance of payments dilemma, and Alaska's need for revenue from oil and gas production, the most imperative measure, unquestionably is the immediate start of the construction of oil and gas pipelines from the North Slope of Alaska to the Port of Valdez for trans-shipment of fuels to the West Coast. The largest oil field ever discovered on this continent was found on the North Slope in February, 1968. Yet more than five years later not a single barrel of that oil has been delivered from Alaska despite mounting shortages in the Lower 48 States. We are caught up in an energy crunch that is worsening each day.

The Trans-Alaska Pipeline has been held up through court action to determine the adequacy of an environmental study of the pipeline. The opponents of the Trans-Alaska Pipeline have recently altered their positions to the extent they are willing to admit that a Trans-Canadian Pipeline and in so doing have ignored a whole series of problems and constraints that would frustrate construction of an oil line through Canada for a minimum of ten years.

The Mackenzie Valley Pipe Line Research Limited conducted a preliminary feasibility study—and that is exactly what it is, a preliminary feasibility study—in 1972 for a Trans-Canada line.

The study lists eight conclusions, the third of which states: "It can be designed, built, and begin operation within a period of four years after a final decision to proceed, *providing* final approvals are granted within the first year."

Few would argue that a Trans-Canada Pipeline is not technically feasible and that it cannot be built and operated without major or irrepairable damage previously reached in the comprehensive engineering and environmental study conducted on the Trans-Alaska Pipeline which is the model for Arctic construction, and will undoubtedly be the model for construction of all future pipelines in the United States, if not the world.

The problem of construction of a Trans-Canada line is one of timing—against a backdrop of a national energy shortage and our balance of payments position. The overriding factor in timing is that construction of the Trans-Alaska Pipeline can get underway within 90 days after the right-of-way question and environmental roadblocks have been cleared, and completed within three years.

The problems and constraints on construction of a Canadian line are many, and time estimates have ranged from seven to twelve years. While our energy crisis will worsen during the estimated three years of construction time for a Trans-Alaska Pipeline, what will the full impact be to our Nation if we wait seven years for a Trans-Canada line? Or ten years? Or twelve years?

What are the problems and constraints dealing with the proposed Trans-Canada route? They include political, economic, logistic, nationalistic, and environmental considerations involving the Canadian Federal and Provincial governments and lengthy negotiations between the United States and Canada. Other time-consuming problems will deal with comprehensive engineering and environmental studies, and settlement of Canadian Native Land Claims.

Many proponents of the Trans-Canada route have armed themselves with out-dated quotations of responsible Ministers of Canada that appear to favor the building of an oil pipeline down the Mackenzie Delta. There is little doubt in my mind that eventually the Canadians will become convinced that an oil pipeline down the Delta is needed. However, at the present time Canada does not even have an energy policy that deals effectively with the question of northern resources and pipeline development. The Canadians, however, have been devising policy options. On January 24, 1973, the Honorable Donald S. Macdonald, Canada's Minister of Energy, Mines and Resources, stated that within the next six months he planned to table in Parliament studies which would be the basis of a review of an energy policy for Canada.

In a recent interview with a Canadian oil industry publication, entitled Oilweek, Minister Macdonald discussed four basic approaches that would be included in the energy statement: 1) Maximum energy development; 2) Optimum environmental considerations; 3) Ultimate conservation; and 4) Continuing development along current lines.

Prime Minister Trudeau has said he expects that the energy policy which will result from discussion of the above options and other studies being presented in the energy policy statements is still a year away. Such a policy must be developed in careful cooperation with the Provinces of Canada when formulating its own. Minister Macdonald specifically points out in his discussions of January 24, when he said: "Since so much of Canadian energy resources are under the control and jurisdiction of the Canadian Provinces, it is not possible for a Canadian Federal Government to enunciate a comprehensive policy on its own. Rather, what we will be doing is to put before the public, and other levels of government, an analysis of the Canadian energy scene as we see it, the implications in terms of the economy and the environment, and then use this as a basis upon which to attempt to achieve a national consensus on energy objectives."

(This was demonstrated forcefully in recent months when a dispute broke out between Alberta, Canada's main energy-producing province, and Ontario, the main energy-consuming province. Alberta successfully denied increased gas exports from that province to Ontario because they were not satisfied with the current wellhead price in their province. This illustrates the ability of a single province to frustrate national objectives and this ability would certainly play a large role in any negotiations that might take place between the United States and Canada.)

Aside from the problem of Canada developing a coherent energy policy, it is extremely naive to assume that environmentalists and nationalists will not vigorously oppose the construction of an oil pipeline down the Mackenzie Delta. Such groups will have ample opportunity to make their views known during the lengthy hearings that must take place before any pipeline—oil or gas—is approved in Canada. There is, in fact, already organized resistance to the proposed gas pipeline from the Delta.

An application for a gas pipeline from the Mackenzie Delta is expected to be submitted to Canadian authorities sometime this year, and the group hopes that the line can be started in 1975. An oil pipeline application would be in direct competition with a gas line. It is not well understood in the United States that the size of Canadian capital markets and industry is very small in comparison with our own. It is already felt to be a significant problem in Canada to find enough Canadian capital and supplies to make the gas pipeline truly Canadian. The Canadian Government has stated on a number of occasions that any line built in Canada must maximize its Canadian content and ownership. If it is difficult to find supplies, construction men and capital to build one pipeline, how can the Canadians possibly consider building two lines at the same time down the Mackenzie Delta corridor?

If an oil pipeline application were placed before the National Energy Board and the Department of Indian Affairs and Northern Development, a choice would have to be made at some stage between an oil or a gas line down the Delta. It should be pointed out that before the Government can make any decision on a pipeline application, full-scale hearings are required before the above boards. Some proponents of a Trans-Canada line have intimated that the Canadian Government would unilaterally approve an oil pipeline without the normal hearings, and Minister of Energy, Donald S. Macdonald, has specifically refuted this. Since it would eventually come down to a choice in Canada between an oil and a gas line, and since the discoveries in Canada's North have so far been confined mainly to gas discoveries, obviously the Canadian choice would be for a gas line.

Another fallacy is the estimated cost of a Trans-Canada line. The estimated cost of the Trans-Alaska line now stands at $3 billion. A number of cost estimates have been given for the Trans-Canada line, with the figure of $4.2 billion the most often cited, although many believe that this figure again is extremely conservative.

At this point it might be well to present other comparative information on the two proposed lines:

	From Prudhoe Bay to—	
	Trans-Alaska, Valdez	Trans-Canada, Edmonton
1. Length of line	789	1,738
2. Cost of line (billions)	$3	$4.2
3. Construction time (years)	3	4
4. Miles of permafrost	355	482
Miles of discontinuous permafrost	375	918
5. Pumping stations	12	22
6. Differential settlement (feet)	1	3
7. Gravel construction pad (feet)	5	2
8. River Crossings (major)	1	8
Stream crossings	25	69

It is not realistic that a Trans-Canada line more than twice the length of the Trans-Alaska line could be built with a cost difference of $1.2 billion. Obviously the higher per mile cost of the Trans-Alaska line provides the safer line with the deeper gravel construction pads for line settlement. In construction the greater environmental threats are posed at river and stream crossings. With the Trans-Alaska route only one major river—the Yukon—has 25 smaller rivers would be crossed as compared to 8 major rivers and 69 smaller rivers for the Trans-Canada. Both routes have seismic threat, the greater, however, is in Alaska.

It has been pointed out that the Midwest is an oil deficient area. It also happens to be a severely gas deficient one. While opposition to the Trans-Alaska pipeline was originally based on environmental considerations, the opposition has now turned to arguments setting one regional economic interest against another. The longer this argument persists, the more untenable will be the Nation's position in attempting to resolve a part of its energy and balance of payments problems. The actual situation in the Midwest is that the current gas shortage is compounding the oil shortage. As more and more prospective gas customers and existing interruptable gas customers are forced to turn to oil, the oil shortage gets more serious. By approving the Trans-Alaska Pipeline we will be able to get earlier delivery of gas to the midwest area from Canada and Alaska.

In a recent interview with the Canadian publications Oilweek, Mr. William B. Wilder, Chairman of the Board of the Canadian Arctic Gas Study Limited, made the following points:

"It would be very helpful if the Alyeska Pipeline is cleared this summer to start construction next winter. The longer it is delayed the longer the delay in finding out whether gas can be released from the North Slope. If no substantial volume is likely to be available from this source, Canadian Arctic will have to depend on more reserves from the Delta to support its ultimate development." He goes on to later say, "It is important also to integrate the Canadian project with Alaska gas. Alaska gas at this stage is required to provide sufficient reserves. It will also answer to a large extent the public concern over the speed with which Canadian reserves will be used."

An additional delaying factor is that Canada has not settled with the Canadian Natives in their aboriginal claims. A total of seven years was consumed by the Alaskan Natives from the time their claims were pressed until Congress finally enacted in December, 1971, PL 92–746, the "Alaska Native Claims Settlement Act." While it is, of course, difficult to predict a time frame for settlement of the Canadian land claims, I think it would be fair to assume that the negotiations and settlement would consume a similar number of years. To think otherwise is simply naive on our part. On May 4, 1973 before the Foundation Francaise D'Etudes Nordiques' Fifth International Congress in Le Havre, France, a statement was delivered by Mr. James Wah-Shee, President of the Federation of Natives North of Sixty Degrees. Mr. Wah-Shee clearly made his point when he said: ". . . . we believe that successful land settlements could lead to a development of the North that would benefit us all. But we need our claims recognized and settled by our Government. We think that unless oil companies wish to be caught in the middle of protracted court proceedings between ourselves and the Government, they should begin to meet with us."

The Supreme Court of the Northwest Territories in Yellowknife has ordered a temporary freeze on clear transfer of Federal (Crown) land titles in the territories, in response to a caveat filed with the office of the Territorial Registrar of Land Titles by the Northwest Territories Indian Brotherhood. On May 15, the Court adjourned until July 9, and the land-freeze is expected to continue to at least the end of July. It would appear that the Court's action presents a similar situation to the stages of the executive freeze on Federal lands in Alaska back in 1966/1968.

The Proponents of a Trans-Canada Pipeline have proceeded on the blithe assumption that the mere agreement by both United States and Canadian officials the line could be constructed and in operation by 1977. Summing up the problems inherent in a Trans-Canadian Pipeline, and calculating from 1973, the following basic facts are essential in considering the time-frame for construction:

	Dating from—	
	Trans-Canada, 1973	Trans-Alaska, (1966)
1. 1st the Canadian Government must develop a national energy policy based upon Canadian Parliamentary procedures, which is at least a year away.	1 yr, 1974	
2. Before an application for an oil pipeline across Canada can be entertained comprehensive cost, engineering, environmental, and economic studies will have to be completed, which studies can run concurrently.	3 yr 1977	4 yr (1969–72).
3. Settlement of Canadian native land claims. A fair estimate is 7 yr, of which 4 can run concurrently with development of national energy policy and completion of required studies.	3 yr 1980	7 yr (1965–71).

	Dating from—	
	Trans-Canada, 1973	Trans-Alaska, (1966)
4. Environmental suits, legal delays.	------------	3 yr (1970–73).
5. Conservative estimate of construction time.	4 yr, 1984----	3 yr, 1977.
Total years already consumed in cost, engineering, environmental, economic studies and settlement of Alaska native land claims and legal delays.	------------	8 yr (1966–73).
Estimated years for realization of a Trans-Canada pipeline (assuming no time is lost in environmental suits and legal delays).	11 yr (1973–84).	
With NEPA and rights-of-way questions resolved immediately, the Trans-Alaska pipeline could be realized in.		3 yr (1977).

The time-frame for the Trans-Alaska Pipeline differs by four years because the Alaska Natives began their fight for land claims settlement eight years ago.

There are a good many IFS involved in a proposed Trans-Canada Pipeline. We have been talking about problems and constraints facing the Canadian Government with little thought to possible constaints for the United States. Actually, there is a 6th consideration of paramount importance, and this is the resolution of United States legal constraints involving Canada's requirement for ownership and control of the Trans-Canada Pipeline. The possible legal complications are many as cited by a study conducted recently by the Alaska Pipeline Coordinating Committee: [1]

"A Trans-Canadian project would undoubtedly engender a series of new legal problems in the United States. Significantly, few if any of these anticipated problems lend themselves to resolution by the affected governments until the enterprises that would own and operate a Trans-Canadian Pipeline have come into being and the details of the project have crystallized."

"Rights-of-way over Federal land would be required. Regardless of the action that the Congress takes to alter the width limitation of Section 28 of the Mineral Leasing Act, there is a possibility that the acquisition of rights-of-way for a Trans-Canadian over Federal lands would run on the shoals of Federal law just as the Trans-Alaska Pipeline did. If, for example, conflicts with Federal withdrawals accomplished by the Alaska Native Claims Settlement Act were encountered, amendatory legislation might be necessary."

"If the international agreement necessary for a Trans-Canadian line took the form of a treaty, Senate ratification would have to be obtained. Depending on the nature of the entities that were created to own and operate a Trans-Canadian Pipeline or any of its components, upon the circumstances of the financing of the project and upon the terms of any relevant international agreement, the existing Federal economic regulatory authority the Interstate Commerce Commission might prove inadequate, requiring Congressional action.

"Further, the dissenting judges of the Court of Appeals in the Trans-Alaska Pipeline case pointed out that a significant legal impediment to the acquisition of a Federal permit under Section 28 of the Mineral Leasing Act for a Trans-Canada Pipeline may lie in the Canadian insistence on 51 percent ownership of any pipeline running through Canada." (See p. 20 *infra.*) Judge MacKinnon said for the dissenters:

"Since United States laws provide that rights-of-ways for oil pipelines through public lands may only be granted by the Secretary of the Interior to applicants who possess the citizenship and nationality qualifications required by section 181 (of Title 30), a Canadian insistence on 51% control of a pipeline through Canada might mean that a United States pipeline *controlled as to its through-put capacity of Canadian citizens* could not acquire a grant of any right-of-way in the United States because Canadian laws, customs and regulations do not permit a pipeline in Canada to be controlled by United States citizens through a Canadian corporation." Wilderness Society v. Morton, D.C. Cir. Nos. 72–1796 etc., decided February 9, 1973, slip op. at 135.

Some opponents of the Trans-Alaska Pipeline who are supporting a Trans-Canada route are proposing that the Congress authorize a study comparing the two. On the basis of the completed study, the Congress would then decide which pipeline should be built.

Two things concern me about this approach. One is the "either-or" nature of the decision. There is sufficient oil to supply both pipelines. *Both pipelines are needed.*

The other matter for concern is the arrogance with which such a decision would be made. If the Congress opted for the Canadian route over the Alaskan, the decision would say that we do not want a pipeline in our country; we want it in someone else's!

It may be that I am naive, or perhaps my Canadian heritage is coming to the front, but I believe Canada's sovereignty as a nation gives it the right to make the first move. Although we should be willing and ready to work with Canada for the building of their pipeline, it is arrogant of us to decide that it should be built.

We should be requesting the President to meet with the Canadians to determine if they are interested in studying a pipeline through their country and offering our assistance in that.

The main point is that Canadians decide if it is in their national interest that the pipeline be built. I have already mentioned some of the factors that will go into their decision. We should not be so arrogant as to assume that the Canadians will build a pipeline through their country to meet our needs and desires, simply because our Congress says that is its wish.

We must use Alaska's huge oil reserves to help meet the energy requirements of the U.S. in the late seventies and through the eighties. Only in doing so, will we be able to retain some control over the horrendous balance of payments deficits that our country will be creating to meet our ever increasing need for oil.

Today, we are importing more than 6 million barrels of petroleum products daily at an approximate cost of 8½ billion annually. And, as our insatiable needs for these critical energy sources grow, we will by 1985, find ourselves in the chaotic position of spending more than $30 billion a year for imported petroleum products. Our nation cannot afford to incur deficits of that magnitude. With Alaskan oil, we can reduce that cost drastically.

For example, most energy experts agree that if we can make it through the 1980's then our country will have developed the technical expertise necessary to enable us to meet most of our requirements as a result of major breakthroughs in alternate energy sources. If, during this time, we over deplete the Alaskan reserves in order to avoid the financial disaster of the 1980's, we could, through the use of a completed Alaskan pipeline in 1977, a Canadian pipeline in 1982, and a Northwest Passage marine route in 1980 provide our country wtih more than 20 billion barrels of oil. This will save the United States at least $100 billion in balance of payment deficits.

The more we delve into the imponderables of a Trans-Canadian pipeline, the clearer the issue becomes that the only alternative to our dilemma is through the immediate construction of an all-american owned/operated/controlled oil pipeline from Prudhoe Bay to the Port of Valdez. The interests of the United States and the state of Alaska can best be served by such an American owned line with an oil flow at the earliest possible time. To delay action, to further ponder our problems only compounds them. Time is rapidly running out. Construction of the Trans-Alaska Pipeline is imperative.

V. ALASKA'S NEEDS—AND ECONOMIC SURVIVAL

National needs—the energy shortage and the balance of payments deficits—are, of course the overriding concerns of the Congress. The needs of the State of Alaska are of vital importance and must be given consideration. The rugged grandeur of Alaska camouflages the melancholy fact that it is the poorest state in tht Union. The lack of agricultural, commercial, and industrial bases of a modern economy had kept my state on the brink of poverty. By the standards of the Social Security Administration, 14% of the families in the state and fully 50% of the Native families have incomes below the poverty level.

Alaska is trying to rise above its present status as the nation's impoverished stepchild, forced to take handouts from the federal government. Its state income tax is the highest in the nation, 16 percent of the federal assessment. The annual general fund expenditures have grown from $41 million in 1959 to more than $300 million in 1972. Education, administration of justice, and welfare comprise approximately 75% of the State budget. Alaska's operating deficit of $118 million this year is financed by the principal and the interest from the $900 million that was received in 1969 from the sale of oil leases on the North Slope. But that fund is shrinking at an alarming rate and will be virtually exhausted in five years.

The development of Alaska's rich natural resources holds the only hope of its people for attaining the quality of life enjoyed elsewhere in the Nation.

The Honorable William A. Egan, Governor of Alaska, detailed Alaska's needs in testifying before the Senate Interior and Insular Affairs Committee on March 9:

"When Alaska became a State in 1959 it did not have the extensive agricultural, manufacturing, transportation, industry, trade and commerce, and population that have been the greatest sources of revenue to other states in our nation. In conferring statehood, Congress acted recognizing that Alaska could become itself, a self-sustaining economic unit *only* by the careful management and timely development of her rich natural resource potential. The promise that Alaskans would be free from the yoke of a territorial form of government in shaping their destiny; it was also a promise by Alaska to the Federal Government that Alaska could develop her resources wisely, so that she would not always be the poor step-child of the States, but could stand on her own, independent of an extraordinary amount of Federal support."

VI. EFFECTS OF DELAYED RESOURCE DEVELOPMENT ON THE ALASKA NATIVES

While further delay in development of Alaska's resources and particularly further delay in the construction of the Trans-Alaska Pipeline, will further aggravate the State's economic position, the Natives of Alaska—the people who need help most—are among the principal beneficiaries of further revenue from the pipeline. The Indians, Eskimos and Aleuts of Alaska comprise almost one-fourth of the State's total population. In December 1971, Congress passed the Alaska

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[1] Moving Alaskan Oil—Trans-Canada or Trans-Alaska? "A study of the merits"—A report of the Pipeline Coordinating Committee, State of Alaska, May 1973.

Native Claims Settlement Act in recognition of their valid aboriginal land claims.

Under the act, village and regional corporations were established to administer the land and money settlements. Approximately half of that settlement was to have come from a revenue sharing provision of all mineral resources taken in the State of Alaska. Without the Alaska pipeline, revenue sharing from oil production will be non-existent.

The Natives of Alaska are among the most deprived people in the Nation. They have the highest unemployment rate, the lowest educational level, and the lowest average life span of any ethnic group in the United States. In interior and western Alaska, where the majority of Alaska's natives live, existence is still primarily a subsistence way of life. The primary cause of death in these areas is accidental. The secondary cause is respiratory ailments, particularly pneumonia and tuberculosis. This is due to the harsh environment and the rigorous life they must lead just to survive.

According to the latest Bureau of Indian Affairs statistics, the average unemployment rate is over 65 percent. During the winter months, the unemployment rate can exceed 95 percent in some areas. As late as 1968, one district in Alaska had a median school year completed at 1.6 years. Today, only slightly more than 1 percent of Alaska's natives have completed college.

The Natives of Alaska were painfully aware of these problems as they negotiated the historic land claims settlement act. It was their hope not only to have the land reserved for them for traditional uses, but to have enough of a cash base so that each village and regional corporation can begin to establish a viable economy. If the funds that they were counting on are not in sufficient amounts, the corporations will fail, and we will not have met our commitment to them when we passed the settlement act.

VII. ENVIRONMENTAL CONSIDERATIONS

The environmental considerations that were triggered by the proposed pipeline are most important, requiring careful study. However, we cannot permit the objections of a handful of individuals to paralyze a project of vital need to the nation.

I am convinced that the protective measures and devices built into the plans for the pipeline will give full protection to Alaska's environment and wildlife. With the possible exception of the space program, no engineering project ever has been examined more exhaustively than the pipeline from Prudhoe Bay to Valdez.

After the initial discovery of oil and gas fields on the North Slope, the Department of the Interior appointed a task force to study the situation. It spent two years and $9 million on the study. An additional $350 million was spent on engineering and environmental studies by the Alyeska Pipeline Service, the private company that will build the pipeline. That was not the full extent of preliminary work before the plans were drawn. The State of Alaska, several Federal agencies and at least a dozen universities and research institutions were involved in investigating all facets of the project. The total expenditure is something in excess of $400 million.

A summary of the features incorporated in the pipeline attests to the overriding concern for protecting the environment, which embraces some of the most hostile, yet delicate, country on the face of the earth. The greater part of the 789-mile pipeline will be underground, even when it crosses three mountain ranges and 350 rivers and streams. The cost of the pipeline has been doubled by putting it below the surface of the tundra to avoid defacing the landscape. When completed, the pipeline and all supporting facilities, requiring 1/100th of Alaska's 586,000 square miles, will be as inconspicuous as a line of sewing thread on a golf course extending from the first to the eighteenth holes.

The entire system will be monitored continuously from a computer-control center in Valdez. Electronic devices will detect any break in the pipeline, immediately, and automatically stop the flow of oil to minimize leaks. Extreme precautions have been taken to control the hazards of earthquakes. The pipeline has been engineered to sustain a horizontal movement of 20 feet and three feet vertically. Remote control cutoff valves will detect any change in pressure and seal off the line on both sides of a rupture within a few minutes. It should be noted that a gas pipeline across Cook Inlet did not break when Alaska was hit by a violent earthquake in 1964.

Wildlife will not be endangered because of habitat loss since the pipeline will not cross any major breeding areas. One reason for burying or ramping the pipeline is to permit two herds of 400,000 caribou to follow their customary migratory patterns. In widely scattered places where the line is above ground, ramps and underpasses will be built to permit crossing by caribou, moose, bears and sheep. Experience at Prudhoe Bay has shown that caribou are indifferent to man's presence and use passageways readily. Some small game and furbearing animals living directly along the route may be disrupted temporarily during the construction, but experts believe they will return after the crews have departed.

A good deal of attention was devoted to studies of fish migration and spawning activities in all rivers and streams crossed by the pipeline. Actually, the pipeline will be buried at least five feet under the beds of the waterways and encased in thick concrete to prevent the transfer of heat to the water.

All land excavated for the pipeline will be revegetated with fast growing grases to prevent erosion and to insulate the permafrost under the tundra. The Institute of Arctic Biology at the University of Alaska Agriculture Experiment Station tested some 40 species of grass at various sites along the route of the pipeline to find the most suitable type at each location.

Finally, in June 1972, the Alaska legislature passed a bill imposing strict liability, without regard to fault, for any damage caused by oil spills in the water or on the land. The bill also provides compensation for the loss of subsistence resources resulting from the oil spills on land and water by the native population.

The environmental concern about Alaska has been an asset since it now permits us to give assurances to all that oil will be transported in Alaska safer and more sophisticatedly than anywhere else in the world.

Environmentally speaking, the Alaska line will be the model for all. Its construction will provide a new level of environmental attainment for others to strive for. The Alaska line is the environmental position for reasonable environmentalists.

VIII. A SYSTEM FOR SAFE TANKER TRANSPORT

The construction of the pipeline is but one aspect of protection of the environment. Once the oil reaches its terminus at Valdez, I am equally concerned in seeing that it will be transported as safely as modern navigational engineering will allow. To assure this, I have had meetings with the U.S. Coast Guard on the types of navigational systems which could be provided. Information on an ultimate system is now completed, and it should provide tankers moving through Prince William Sound with all-weather, collision/grounding free transit.

Elements of my proposed Positive Vessel Control System include:

VHF–FM Communications network with complete coverage of Prince William Sound and 30 miles to sea from Cape Hinchinbrook.

Mandatory charted traffic lanes inbound and outbound, with an intervening separation lane.

Augmented aids to navigation.

Complete Radar coverage of the tanker route from approximately 30 miles south of Cape Hinchinbrook through Prince William Sound to terminal at Valdez.

Compulsory Pilotage.

Positive control of tanker transit including course stray advisories, recommended speed of advance, as well as movement control such as permission to get underway, anchor, etc.

Computerized control center to be located in Valdez with all remote site inputs transmitted by Microwave.

To a major extent this system should eliminate the probability of an incident occurring as a result of poor weather, ship master's error, faulty navigational aids or ice problems.

Cost for installing, operating and maintaining this system will be returned to the government out of a fund to be established from monies paid to the United States equal to ½ cent for each barrel of oil transported. And, to further assure that the most reliable collision avoidance system possible is used, I am also proposing that the ships transporting Alaska's oil to the "Lower '48" be equipped with navigational systems which, through the use of digital computers and display consoles, will provide the ship captains with pictorial displays of the harbor approaches and the dangers around them. This will provide the ship masters with instantaneous assessment of the area and it will further reduce the probability of human error by providing automatic radar fixes in relation to navigational aids, shoal displays, possible collision points and course and speed of ships in the vicinity. This type of system would also include automatic alarm notification to the captain alerting him when the ship is navigating outside of the parameters of its programmed course or if it is exceeding its authorized speed.

A most important and unique feature of this type installation is that it allows the ship to use the Navy's Navigational Satellites to pinpoint its location in any type weather as it journeys from Valdez to Washintgon or California. This additional equipment, when used with the satellite system, is extremely accurate and will enable the ship to fix its position within 200 yards of its actual location on the ocean's surface.

And, while I am certain that the cost of collision avoidance systems will result in some opposition, I feel that the additional safeguards which they would provide will assure safe, collision-free transit of ships transporting the oil.

IX. NUCLEAR ENERGY: AN UNACCEPTABLE ALTERNATIVE

Obviously our fossil fuels are not going to last forever and alternate sources of energy will have to be developed. The question remains which alternatives are most desirable from a variety of standpoints. For years, the United States has assumed that nuclear power will be the future's major source of energy. Billions of dollars have been appropriated by the U.S. Government for research and development of the peaceful use of the atom. Yet after several decades of experimentation with nuclear energy, it is becoming increasingly apparent that we cannot have atomic energy without dangerous risk to public health and safety.

In other words, through peacetime use of nuclear energy, the United States will have the potential of supplying enough radio-activity should a catastrophic accident occur, to annihilate whole populations. No means of assuring against any unforeseen accident or act of sabotage has yet been developed, nor does there appear to be any secure method of perpetual containment of radio-active wastes from our "peaceful" atom.

Presently, 30 nuclear power plants are in operation, providing 1 percent of total U.S. energy. If the program of nuclear plant construction proceeds as now planned, we shall have at least 500 and possibly 1,000 such plants by the turn of the century. Just one of those plants will necessarily generate per year the long-lived radioactive fission products equivalent bombs. By simple arithmetic, we can see that the steady build-up of these deadly materials will over a stretch of time surmount the total megatonnage of all the weapons testing ever performed by the United States, Russia, or Great Britain.

In other words, through peacetime use of nuclear energy, the United States will have the potential of supplying enough radioactivity, should a catastrophic accident occur, to annihilate whole populations. No means of assuring against any unforeseen kind of accident or act of sabotage has yet been developed, nor does there appear to be any truly secure method of perpetual containment of radioactive wastes from our "peaceful" atom.

An unavoidable by-product of the nuclear fission process is strontium-90. A single curie of lethal strontium-90, with a radioactive half-life of about 30 years, will release about 37 billion high-speed particles per second, each with enough energy to break a quarter million chemical bonds in human tissue. Both cancer and genetic defects can start with radiation injury to a single cell. One hundred thousand curies of strontium-90 are produced every year of operation for a 1,000 megawatt power plant.

Another by-product of nuclear fission, plutonium-239, is the most poisonous element ever handled by man. Dispersed as fine insoluble particles, invisible to the naked eye, one pound of plutonium-239 represents the potential for some nine billion human lung cancer doses. Given the 24,400 year half of plutonium–239, and plutonium dispersed into the biosphere represents a major carcinogenic hazard for more than the next thousand generations. The annual handling of plutonium-239 in a fully developed nuclear power economy will be over the one-hundred-ton category, or some 200,000 pounds annually.

The most ordinary observer will have no difficulty in imagining the havoc a small band of political terrorists could wreck by capturing just one atomic power plant. Entering criminals will also be quick to see opportunities in nuclear power blackmail. In order to achieve a minimum amount of public safety under a system of proliferated nuclear power plants, the United States will, of necessity, require its citizens to restrict their daily habits, open their personal comings and goings to electronic scrutiny, and to submit to pervasive police authority at the least prospect of danger.

We are presently experiencing this police invasion as a result of our dependency on air travel. And this is only when a few hundred lives are at stake. What kind of society will we create when the stakes are millions of lives?

This view may sound like an excerpt from science fiction and many may wish to discount the possibility. But thoughtful analysis will show that all the elements are present. Serious risk is involved in a future society dependent upon nuclear power. Already, minor accidents and a case of sabotage at an unloaded plant have occurred.

The Congress and the general public have yet to take a realistic assessment of the dangers. Hopefully, they will do so soon and demand that a halt be brought to power plant construction until a high degree of safety can be assured. Legislation to accomplish these ends has been introduced in the Senate. To declare a moratorium at this time would cause little dislocation to our domestic energy network and I believe it imperative to develop necessary safeguards. At the same time, the United States must take the initiative in perfecting cleaner and better ways to produce energy.

X. LONG RUN ENERGY SOURCES

That so much of our resources have been spent on the refinement of dangerous energy sources and so little on cleaning up our dirty energy sources, and little or nothing spent in developing new and compatibly healthy energy sources, are unfortunate commentaries on our society. Many alternative energy sources are known, and many are within the realm of immediate economic possibility.

Prominent among the possibilities is use of the solar energy system. Solar cells have been used with great reliability in the space program for a dozen years. It has been estimated that the total electric energy consumed in the U.S. in 1969 could have been supplied by the solar energy falling on 0.14 percent of the land area, based on a 10 percent conversion efficiency for the solar cells.

Solar cells are too expensive to use today, but a solar energy panel estimates that the cells could reach public use in 10 to 15 years if some effort is made to reduce the cost.

Again using the sun's energy, we could grow our own clean gas to make electricity. The trick is in conversion of tiny algae plants to methane gas by fermentation, a technology which was demonstrated long ago. A panel appointed by the President's Office of Science and Technology concluded that if solar development programs are adequately supported . . . synthetic fuels from organic materials could reach public use in five to eight years. The National Science Foundation has said that all the world's energy requirement in the year 2000 could be met by combustion of high energy plants cultivated on only about 4% of the world's land surface.

Another Governmental study reported in 1970, that domestic animals in this country—cattle, chickens, pigs—produce enough waste every year to make two billion barrels of low sulfur oil—or nearly 40 percent of our present consumption. In addition, our cities generate enough organic garbage each year to make another 400 million barrels.

A more exotic form of energy production exists in harnessing the wind. Giant windmills attached to generators and electrolyzers can create storable—and ultimately usable—hydrogen fuel by separating hydrogen and oxygen. Electricity, heat and water can be produced whenever needed. Presently, studies to make use of windpower, particularly along coastal regions are underway.

Perhaps the most promising source of clean, safe energy is underground hot water and steam. By a new method—Magmamax—utilizing isobutane to drive a vapor-turbine heat is exchanged and energy is produced. The production of electricity from geothermal steam is a proven capability. It is being done in California, Russia, Japan, New Zealand and a number of other countries. Hot springs are prevalent in the western states and even a few are located in the east in Virginia, New York and Arkansas, and along the gulf coast.

We may have a powerhouse at our feet in geothermal energy. The potential electric power of steam and hot water under California's Imperial Valley alone may be as large as 90 percent of the entire country's 1970 electrical production. An additional 1,500 megawatts of geothermal steam is available at the Geysers, 75 miles north of San Francisco. That is three times the power of the Hoover Dam.

Presently, Pacific Gas and Electric Company operate the Geyser geothermal plant north of San Francisco, at 3.05 miles per kilowatt hour. This compares with 3.35 miles at a coal plant in the Pacific system and with nuclear electricity at 5.63 miles from a Humboldt, California plant.

The potential of energy generation which is cheap pollution free, non-radioactive, and presents little risks to public health and safety is so great that we must plan to make use of those alternatives with all deliberate speed. A brave, new policy of energy research and development should be undertaken.

Coordinating energy programs

A vital step in the direction of a coherent national policy on energy is the establishment of federal office charged with the responsibility of directing energy research and development. Such a Federal Energy Administration would develop the technology and information base necessary to support development of the widest possible range of options available for future energy policy decisions.

The administration would not only determine the most effective short term solutions to immediate energy shortage problems but also carry out comprehensive demonstration programs in the fields of nuclear power, geothermal energy, solar, tidal and wind power, and other unconventional sources.

This administration would keep an eye to wise and conservative use of energy with the long range goal of transferring our present energy base from non-renewable sources to renewable, self-perpetuating supplies such as wind, solar, waste, geothermal and so on. An overall objective of the administration would be to determine and support those energy systems which afford maximum benefit to the American consumer.

The Atomic Energy Commission will be transferred to the new administration so as to obtain a necessary means of checks and balances upon their activities.

A specially established trust fund, financed by an excise tax on energy sources, will underwrite costs of the Federal Energy Administration. I believe that the creation of such an entity at the Federal level to be of primary importance to the secure and orderly development of our nation.

XI. CONCLUSION

The ability of our nation to properly address itself to the energy crisis will depend upon its perception of the crisis. This perception is not correct today. Not even the leadership is truly aware of the severity and consequences.

The dismal facts of today's problem are not new or surprising. Nor are they part of some oil industry conspiracy. The oil industry is no better and no worse than any other industry. But because oil and the wealth it has drawn became the elements of a free-wheeling and colorful West, a certain attitude has evolved. Images of a few eccentric personalities like John D. Rockefeller, Clint Murchison, J. Paul Getty and others come to mind. Their legends and scandals have been made popular. As a result, the image of oil is not well accepted in many quarters of this country. This is really too bad for below all the imagery and bravado there exists an industry that has served this nation well and given us power among nations.

Its technology has brought us to a high level of dependency for our energy. However, the industry lacked the ability to inform the nation about the future. And the nation refused to believe the bias projections of oil. This unfortunate disbelief has and continues to impair the accurate development of the intelligent public toward energy.

Interestingly, it is new environmental awareness and the adversary role of small enlightened constituencies that tilt to restore the balance and define the totality of our human needs. These are the new forces that will permit us to meet our energy requirements within the parameters of our economic system. Profit alone will no longer be the sole arbiter.

Increased oversight and regulation of our energy suppliers may have to come about. Certainly, we can no longer permit any arrogance of great wealth and power to jeopardize our national well-being. We have long since passed beyond the injustices of a laissez-faire economy.

Our national policy on energy should not be limited by the artificial boundary of our national economy. The issue of sufficient energy is one of vast international implication. Not only does the environmental factor weigh heavily upon our actions, but so does the prospect of an extended "cold war" for adequate energy supplies. The seeds of tremendous political and economic conflict can be found in the unjust distribution of energy resources.

For the time being, we must act realistically. The issue before us is quite simple. We have not planned for our needs in a cybernated society. As a nation, we have not planned properly for what we are most dependent upon—energy.

The U.S. has moved from self-sufficiency to dependency. The short run consequences of this would not be so dire except for the skewed nature of our economy. The importance of large quantities of oil to meet our needs will put in jeopardy our free enterprise system. The long run solution to this problem lies in a national resolve, backed by a financial commitment that must exceed our effort which put man on the moon. Regardless of the cost, it is a pittance, for survival is at stake.

The short run solution is equally simple for one solution looms above all others: we must maximize our domestic production not only to satisfy our energy needs but more importantly to ward off bankruptcy. The largest single element in maximizing domestic production is the construction of the Alaskan pipeline. Our nation is bleeding today and will be hemorrhaging tomorrow. The Alaska line can serve as a tourniquet for this nation. It strikes me as ridiculous that we do not have the good sense to apply it.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for not to exceed 10 minutes.

Mr. DOMENICI. Mr. President, I am delighted to yield 2 minutes to the distinguished Senator from Alaska. I will try to keep my remarks brief so I can yield a few moments to the junior Senator from Utah.

Over the next 6 weeks or so, I anticipate studying and developing my knowledge of an area which involves the lack of orderliness or truthfulness concerning the people in this country.

I am reminded, in beginning my discussion of this matter, of a statement made by a great statesman named Bismarck. Many decades ago Bismarck said that it seemed to him that God watched over drunks, children, and the United States of America. I think what he was saying, as he looked at America from the outside, that this great country, even if it makes mistakes, has such viability, such people power, and natural resource power that it bounces back, and, in looking at it, it would appear that God has protected it in a very special way.

Mr. President, I conclude that that observation of providential guidance really no longer applies and that the United States of America cannot continue to make mistakes, that the margin for error is getting smaller and smaller.

I am firmly convinced, whether there is a crisis or not, that it is not the prime issue. The prime issue is that we need to bring more orderliness and truthfulness on the American scene so the American people can begin to make choices based upon sound facts.

I wish to begin by talking about technology; I am concerned that the United States of America is on the losing edge in world technology. I ask unanimous consent to have printed in the Record an article from the Albuquerque Journal of June 24, 1973, wherein details of this lag in world technology are recounted.

There being no objection, the article was ordered to be printed in the Record, as follows:

UNITED STATES LOSING EDGE IN WORLD TECHNOLOGY

(By Howard Benedict)

For nearly a quarter century after World War II the United States held a commanding lead over the rest of the world in developing and using new technologies. But this leadership is being eroded by a resurgence of industry in Western Europe, Japan and the Soviet Union. Consequently:

For the first time in 93 years the U.S. surplus in international trade turned into a deficit in 1968 and the balance of payments has continued to deteriorate slowly since then.

Hundreds of thousands of jobs have been lost in this country.

The Soviet Union has taken advantage of the American slowdown to embark on the all-out technological development program aimed at global military supremacy.

A concerned Nixon administration has initiated programs intended to stimulate and direct the nation's technological progress. Many are aimed at developing technology to solve technology-spawned problems such as pollution, an energy shortage, transportation snarls and urban development.

There are many reasons for the relative decline of U.S. technology in the world arena. Included are lower wages overseas, higher foreign productivity, a drop in federal funding for research in this country, the establishment of plants abroad by American multinational companies and the selling to other nations of American technological know-how and sophisticated products like space rockets.

Most important, it was inevitable that many highly industrialized nations, flat on their backs after World War II, would rebound and rebuild. Many did it with the help of U.S. foreign aid.

Now, several products and processes which this country developed and prided itself on are being imported to America.

In steel production, the United States has gone from 47 per cent of world production to 20 per cent in the last 20 years.

Nine out of every 10 home radios sold in the United States come from overseas, as do half of the shoes, 52 per cent of black and white television sets, 95 per cent of the motorcycles, 90 per cent of the baseball gloves, 76 per cent of the tennis rackets, 65 per cent of the sewing machines and 16 per cent of the automobiles, once an almost exclusive American enterprise.

Your color TV set might have a "Made in USA" label, but a look inside will disclose many foreign electronics, mostly from Japan.

The AFL-CIO estimates 700,000 U.S. jobs have been lost to this kind of competition in the last five years. The electronics industry estimated 50,000 jobs lost; the footwear industry predicts 175,000 jobs will be lost by 1975, and the textile industry says it lost 250,000 jobs in 1969 alone.

More than 100,000 industrial scientists, engineers and technicians in the United States are unemployed.

Much of the U.S. balance of payments deficit comes in the so called low technology areas such as footwear, textiles, iron, steel and furniture. There are items of low productivity or widely available old technology. They produced a trade deficit of $6.8 billion in 1970.

But in high technology products in which the United States has excelled—aircraft, chemicals, computers, automobiles, and machine tools—this nation has had a steady trade surplus of more than $9 billion annually every year since 1965.

Economic analysis shows this nation has achieved much of its standard of living by turning out these high technology items in which the individual worker produces high value per man hour, while importing low technology products and decreasing our production of them.

This lesson has not been lost on other countries, particularly Japan and Western Europe. They are investing heavily in high technology industries, converting present industries to greater productivity, taking advantage of their lower wage rates and moving in on the international market in just the area where the United States was doing best.

In 1970, the U.S. trade surplus in high technology products with developed nations like Japan, Western Europe and Canada was $2.1 billion, off 43 per cent from 1965, while its surplus with the rest of the world in those products was $7.4 billion, up 37 per cent.

In that same period, American exports to all the world in high technology goods dropped from 80 to 65 per cent of the market.

Says Edward Cole, president of General Motors Corp.:

"America's technology advantage over advanced nations such as Japan and those of Western Europe has been trimmed substantially—in some fields eliminated. With the ready availability of technology of all other nations, it is difficult to foresee the possibility of American industry re-establishing any appreciable technology gap in the years ahead.

"Also, the productivity growth of leading overseas competitors in recent years has been higher than that of U.S. manufacturers."

Between 1965 and 1970, according to an Argus Research Corp. study, Japan led the world with a 14.2 per cent increase in output per man hour, or productivity. West Germany ranked next with a 5.3 per cent gain. while the United States, traditionally the world leader, ranked at the bottom of the list of advanced industrialized economies with a 2 per cent gain.

Stated another way, a Japanese company gets more than 100 hours of work for each $100 of wages. Compared with that, a French British or German company will get about 50 hours work. For the same wages, a U.S. company gets only 25 hours of work.

"The current high level of absenteeism, the work stoppages and turnover rates in American industry are having serious detrimental effects on our efforts to increase productivity," reports GM's Cole. "Some GM plants see as much as 20 per cent absenteeism on certain Mondays and Fridays. We have to staff for the absentees, and as a result our total costs go up and productivity per man hour goes down.

"Somehow, we must find ways—working with our employees and the unions—to improve the employes' pride of workmanship and personal dedication to do the best job possible every working day."

From the end of World War II through the mid 1960s, the United States was unmatched in its ability to produce new products, get them into a mass market place and keep increasing the productivity of its industry with work-saving machines.

There were other reasons besides a post-war hangover in many parts of the globe. Proportionately, the United States had a much larger force of technical manpower.

Risk capital was more readily available, and American companies moved fast to introduce new products.

Moreover, the United States was spending more than $20 billion in federal funds a year for research and development on such massive projects as nuclear power, missiles and space. The money helped to propel the technology of computers and microelectronics.

Most of the world's airlines flew jetliners made in America. Most of the world's computers and electric instruments came from this country. U.S. contractors and engineers scattered around the globe to build chemical plants, bridges, dams and harbors.

But as the Europeans and Japanese recovered in postwar years the reverse technology lag began to appear. Foreign steelmakers began installing new processing—like the basic oxygen furnace—on a wider scale than American industry. New, modern foreign plants suddenly made many U.S. factories almost obsolete by comparison.

In the early 1960s, American heavy machinery builders encountered strong overseas competition in both design and price. Twenty years of foreign aid had forged many nations' economies into significant factors in international trade.

The cold war, meanwhile, fueled an intense technological battle between the U.S. and Russia. Both sought prestige and power in developing sophisticated new military weapons and space vehicles.

The United States won the race to the moon and then seemed content to sit on its laurels. It cut space funding nearly in half—from $5.9 billion in 1966 to $3.2 billion this year, tossing thousands of skilled technical people out of work.

Simultaneously, with cold war tensions eased, military research funding has been sliced by several billion dollars.

But the Soviets have not slowed down according to Defense Dept. officials. Examples:

The U.S. Air Force is developing an advanced strategic bomber, the B1, scheduled to fly in about two years. The Russian equivalent, the Backfire, already is in the air.

The Soviet MIG-23 Foxbat, already flying, is a Mach 3 all weather fighter aircraft that outperforms in speed and altitude anything the United States has in service or on the drawing board. The F-14 Navy fighter craft and the F-15 Air Force fighter are being developed and both will have a speed less than Mach 3.

The Russians have 50 per cent more first line aircraft than the United States, and more than half this nation's air fleet is more than 10 years old.

America and Russia have about the same number of naval vessels in commission. Fewer than 10 per cent of the Soviet craft are more than 25 years old, compared with 75 per cent of the U.S. fleet.

In space, the Soviets have developed an orbital bomb system and a satellite killer capable of knicking American reconnaissance communications and other payloads out of the sky.

"Now, more than anytime over the past quarter century, USSR military investment represents the most direct challenge to U.S. power and national security" warns a Defense Dept. analyst. "On the other hand, our forces still represent a very realistic deterrent."

He said the United States still holds an edge in strategic bombers, electronic warfare, missile guidance systems, mulitple maneuverable missile warheads and submarine missile systems.

Another factor in the reverse technological gap has been the establishment around the globe of automobile, chemical, machinery, electronics and other plants by U.S. multinational companies, lured by cheap labor and other incentives. This has caused a transfer of considerable American technology abroad.

Organized labor long has protested this practice, and in March the AFL-CIO legislative director, Andrew J. Biemiller, told a Senate committee that McDonnell Douglas Corp., is selling an entire Thor Delta rocket system to Japan—which will use it to compete with the U.S. commercial satellite launching business.

Biemiller also said the company has given permission to Japan to build 91 F-4 fighter-bombers and that Northrop is about to permit production of its F5E fighters in Taiwan.

Under a Western Electric Co. contract, Lockheed Electronics Co. is assembling components of the Safeguard anti-missile system's memory core racks in a Hong Kong factory employing 700 workers at $2 a day, Biemiller said.

He said sharing advanced U.S. engineering and aircraft technology with other countries not only costs American workers their jobs, but represents the turning over of advanced technology paid for by the American taxpayer.

Sen. Abraham Ribicoff, D-Conn., the panel chairman, commented "we have been under the illusion that high technology is the saving grace in our balance of trade. I believe that what Mr. Biemiller is pointing out is that we are in the process of exporting our high technology and our trade surplus in this area."

A growing school of economists believe the country is under-investing in industrial research.

They feel that massive research funds of the last 25 years were so heavily weighted to the needs of the military and, to a lesser extent, the space program, that industrial research suffered a real decline.

The analysts say industry is reluctant to invest in research because risks and costs are high. A study by Michael Boretky, a Dept. of Commerce economist, shows that in the 1960s, U.S. industry was not employing scientists, engineers and technicians on anything like the scale of Western Europe or Japan.

Western Europe, with a population 30 per cent larger than that of the United States and a gross national product one-third smaller, had 33 per cent more technical people in industrial research. Japan, with half the population of the United States, one-seventh of its GNP, had 70 per cent as many researchers in the civilian research area.

And while wages have been rising steadily in these countries, much of this has been offset by increased public research money to promote so called "industries of national interest" in high technological fields.

In 1966, the latest year for which Scientific Manpower Commission figures are available, the United States graduated 38,000 engineering students while the Soviet Union graduated more than four times that number. Because of layoffs in technical fields, American youth in recent years has been less inclined to study engineering or science.

President Nixon has taken steps in recent months in an effort to turn the tide. He hopes to set new technological goals for the nation, attacking national problems in a way which also will help the U.S. trade position.

Among solutions being considered are financial incentives to stimulate development and use of new technology. They could include loan guarantees, grants, procurement contracts and tax incentives for research and capital expenditures. It also has been suggested that some antitrust restrictions that prevent companies from working in joint programs might be dropped.

Nixon's proposed budget for fiscal year 1974 includes $772 million for research into new energy sources, aimed at offsetting a growing dependence on foreign oil.

The budget also includes $700 million for research into socially oriented goals such as communications for education, urban development, health care, nutrition, waste management, antipollution measures and better weather prediction and control.

With the end of huge munitions and logistic expenditures in Vietnam, the military is diverting much of these allocations in the 1974 budget to more research to push promising developments—hoping to achieve increased military effectiveness at a lower price.

The Navy budget includes a look at creating a new type of sea force with new technology hydrofoils, air cushion vehicles and verticle and short takeoff aircraft which could spin off into commercial applications. In the Army, heavy lift helicopter development offers a dual promise for military and civil applications.

In space, the President strongly backs development of the space shuttle, the revolutionary rocket plane which late in this decade is to start making repeated trips into space.

Shuttle research could produce new families of electronics and materials as well as completely alter space exploration. Even supersonic transport study is being continued in the 1974 budget, but at a modest pace of $28 million. With this money, NASA will evaluate an advanced version of the plane, studying longer range, lower noise and improved sonic boom conditions.

"We must concertedly apply technology to national opportunities," says a specialist in technology policy. "And we have to keep our exploratory research strong, that's the wellspring of all our progress—technological or social."

The next few years will tell how well the philosophy will work in improving America's technology position.

Mr. DOMENICI. Mr. President, anyone who reads the article would conclude that America's strong technological advantage over the world is, indeed, on the way down. I think we will all agree that it is certainly not good for our country.

Concerning energy, I think we must also conclude that without an adequate source of energy, America's edge in world technological application, and thus its real power in the international market place, are also destined to lag and, indeed, destined to turn us into a second-rate power. So the first truth this country must set out to prove is that, indeed, technology is good and that America must remain on the top rung of applied technology for the well being of its citizens and for the well being of the world. If we establish that fact, we must conclude that it is time for us to get on with a true approach to giving the American people the truth about our need for energy and to add some orderliness to the chaos that exists.

So if I have one word of advice for the executive that is going to set up this new department and zero in on the energy crisis, it is this: Build into it a fact-finding machinery that is beyond reproach so that when the American people are told this is the status of energy, that it is short-term or long-term, an American source, or a world source, that this is the source we may develop some day or this is the source today, then the American people can believe it.

We should build into it a fact-finding mechanism so that when we discover detrimental facts about the development of energy, the American people will be told the truth, and they can make a choice about the Alaskan pipeline based upon the facts and not upon emotions.

In connection with nuclear energy, we should develop a true factfinding ability so that we can tell the American people the alternatives and they can make a choice.

Mr. President, I start today convinced that there are many people who do not believe we have a crisis. Many people believe myths about America's technological strength; and there are many people who believe myths about America's production of energy—namely, what it can and what it cannot do.

I submit that the first order of business is to build a machinery that will develop the truth and present it to the American people to make a choice. If they have the truth, or the best of truth that we can develop, they will make the right choice.

The second item I would like to call to the attention of the Senate to prove my point about the facts is an article entitled "'Coal Gas' Plants Facing Lengthy Delay." This is an article which was published in the Albuquerque Journal of May 6, 1973, and it is a Western Resources Wrap-Up. In the article, facts are developed with respect to how long it might take to get an experimental gasification plant in the Four Corners area of the United States, as described by the Washington reporter who is preparing the Western Resources Wrap-Up. The article indicates some Western companies do not know what agency of Government to apply to for permits to get on with the development of an experimental plant.

Mr. President, I ask unanimous consent that this article may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Coal Gas" Plants Facing Lengthy Delay

(By Helene Monberg)

Washington.—The two proposals to build "coal gas" plants in the Four Corners area of New Mexico, Colorado, Utah and Arizona face the same problem as the Alaska pipeline proposal—lengthy delay because of possible deficiencies in the law.

A consortium of oil companies planning to build the Alaska pipeline to move oil from Prudhoe Bay on Alaska's oil-rich North Slope to the port of Valdez in southern Alaska applied for a right-of-way permit from the Interior Dept. in June, 1969. In 1970, three environmental groups filed a suit to block the pipeline on environmental grounds and also on the key point: that Interior did not have jurisdiction under the 1920 Mineral Leasing Act to grant the permit.

Backing a U.S. Court of Appeals decision in February, the U.S. Supreme Court on April 2 agreed with the environmentalists' challenge, and ruled that Interior had no authority to grant the permit. The consortium sought a pipeline right-of-way 200 feet wide, but the courts held Interior only had the authority to grant a right-of-way of 50 feet, not including the width of the pipe, under the 1920 Mineral Leasing Act.

Now the Mineral Leasing Act must be amended before Interior can act on the application. The courts did not consider the environmental questions raised in the lawsuit, so these will be considered by the courts later if and when Congress changes the right-of-way law.

A similar question is posed by the Four Corners coal gasification proposals, the first ever filed at the Federal Power Commission. Does FPC have jurisdiction over "coal gas" plants? El Paso Natural Gas Co. filed its application with FPC on Nov. 15, 1972, for a certificate to construct and operate minor natural gas tap and valve facilities to move into its interstate pipeline system synthetic gas to be manufactured by the big coal gasification plant that El Paso plans to build in San Juan County, N.M. El Paso did NOT ask FPC to take jurisdiction over the "coal gas" plant itself, on the belief that FPC does not have such jurisdiction.

Four companies on Feb. 7 filed an application with FPC for a certificate to construct and operate both a big coal gasification plant and a 67-mile pipeline from the proposed plant in San Juan County to the main gas pipeline near Gallup, N.M. The four companies DID ask FPC to take jurisdiction over the entire "coal gas" operation. They are Trans-western Coal and Gasification Co., and Trans-Western Pipeline Co., both of Houston; Pacific Coal Gasification Co. of Los Angeles, and Western Gasification Co. of Farmington, N.M.

Both applications test the authority of FPC to take jurisdiction over the synthetic gas from coal and the plants that make coal into gas. Each project involves a plant that will gasify coal into 250 million cubic feet of synthetic gas a day. Cost of the El Paso plant complex is currently estimated at $420 million, $70 million more than when El Paso Trans-Western project was $428,339,000, of which $405,940,000 is estimated as the cost of the coal gasification project and $22,399,000 as the cost of the 67 miles of additional pipeline to be built in San Juan and McKinley Counties, N.M.

Because FPC itself is not sure of its jurisdiction, its procedure in similar cases in the past has been to go through its entire hearings process to develop the facts in the case before making a decision. Also, this makes FPC's final decision less vulnerable to attack in court. In the Four Corners cases, FPC is regarded as the lead agency at the federal level, though both the Depts. of Interior and Transportation are also involved.

FPC has to complete environmental statements on both projects before hearings can begin. Each statement will probably be a year or more in preparation because these applications are breaking new ground, FPC officials said. The El Paso application is expected to be heard first.

The hearings process on big applications before FPC commonly takes a couple of years. So it is likely to take FPC a minimum of three years to determine whether it even has jurisdiction over the "coal gas" plants and the pipelines carrying the synthetic gas before it is mixed with natural gas in the big interstate gas systems. Legal challenges after FPC rules will cause more delay.

The 1938 Natural Gas Act gave the FPC the authority to regulate the transportation and sale for resale of natural gas in interstate commerce. It defined "natural gas" as "either natural gas unmixed, or any mixture of natural and artificial gas." The courts in the past have restrained FPC from expanding its jurisdiction beyond its statutory limits.

Citing these court cases, FPC has declined to take jurisdiction on several applications recently. It ruled last Dec. 7 that it did not have jurisdiction over the construction of a plant to be built by Algonquin Gas Transmission Co. near Fall River, Mass., to convert naphtha feedstocks into synthetic gas to be commingled with natural gas at an Algonquin tap in Berkley, Mass.

Mr. DOMENICI. Mr. President, I have placed this article in the Record to show that we have not even reached the point in America where anyone knows the truth about the energy crisis.

I close my remarks by saying that Bismarck was correct when he said that God watches out for little children, drunks, and the United States of America, because here today we are beginning to develop what is the resource of America, and that is a discussion with its people about its problems and from it we will come up with the answer. I think that truth and orderliness are what we need for starters. Programs can develop from there.

I understand the Senator from Utah would like to comment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has less than 1 minute.

Mr. DOMENICI. Mr. President, I yield the remainder of my time to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. I thank the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator may proceed.

Mr. MOSS. Mr. President, in the very few seconds remaining I wish to commend the Senator and those who preceded him in this very excellent discussion on the energy problems of this country. I have been much concerned with this matter for a number of years, reaching back to 1965, when I first introduced the bill to create a Department of National Resources in order to deal in an orderly manner with the problem that has been diffused through the Federal Government, and on which even today we do not have an integrated, sensible policy on how we are going to develop and utilize our energy resources.

I would like at a later time to participate in a further colloquy with the other Members of the Senate on this problem, and I congratulate all who have participated this morning and assure them that I want to participate as we discuss this matter further.

Mr. PEARSON. Mr. President, first let me say that I appreciate the initiative of the distinguished Senator from Oklahoma in organizing this very helpful and useful discussion of the energy crisis.

The energy crisis which many of us have had a hard time believing would occur, is now upon us and it will be with us a good long time. Indeed, I believe that it is quite possibly the most serious long-range problem facing the Nation.

The crisis is the result of our demand for energy outstripping our supply. We are already experiencing shortages in refined fuels. These shortages are likely to become more severe and we will experience shortages of other forms of energy in the years ahead. These shortages mean inconveniences. These inconveniences have been and will be irritating to energy consumers. Indeed, it is likely that we will have to alter our life styles in several respects in an effort to accommodate the limitations on energy supplies.

But the major significance of the energy crisis is its potential impact on the economy. This impact is twofold. First of all, the shortage of energy relative to supply will almost certainly add powerful new impetus to the inflation. Inflationary pressures flowing from the shortage of energy will by no means be limited to higher prices to the automobile driver for gasoline and to the homeowner for heating oil. The price of energy is a basic component in the price we pay for every item produced and every service provided in this country. This type of structural inflation is extremely difficult to control and the magnitude of its impact is only dimly perceived at this date.

At the same time, the energy shortage can act as a very serious drag on the economy. If the energy shortage is of major magnitude it can sharply reduce the growth of our economy. It could make it impossible for us to create enough new jobs in this country to take care of those entering the labor market. It could, indeed, produce a significant depression in this country.

Beyond the impact of the energy crisis on the economy, it is, also, likely to have a significant impact on our political and economic relations with other countries in view of the fact that in the years ahead we must rely heavily on energy sources from abroad.

Mr. President, we have already seen the first hard signs of the energy crisis. A number of noncontract gasoline distributors have been forced out of business. And in our rural areas, farmers have suffered temporary work stoppages because of shortages in gasoline and diesel. So far, crop production has not been significantly reduced, but great inconveniences have been suffered and considerably higher economic costs have been incurred.

Concern has been expressed over the prices of food. Let me assure you, Mr. President, that if farmers do not have enough fuel to carry out their production schedule we will face not only sharply higher food prices, but actual food shortages.

To prevent this from occurring, I believe it is essential that the administration adopt a mandatory fuel allocation program. I fully recognize the reluctance of the administration to adopt that course of action. Fuel allocation is complex and an incorrectly designed mandatory program could cause greater problems than it solves. Nevertheless, I believe that insofar as the needs of agriculture are concerned, a mandatory allocation program is justified and, indeed, demanded at this time.

In this connection I would stress the importance of action by the administration to assure adequate crude oil supplies to the inland, independent refineries which are such an important source of gasoline and diesel for farmers. It is outrageous to me that at a time when we desperately need every barrel of refinery production many of the inland refineries have been forced to run at considerably less than capacity because of their inability to obtain sufficient supplies of crude. This is a problem that can be solved. It must be corrected and soon.

By emphasizing the need for a mandatory allocation program to meet the needs of agriculture, I do not suggest that there should not be mandatory allocation for other sectors. I do believe that at the moment, the agriculture situation is the most critical and it must be dealt with first.

Mr. President, beyond the immediate problem of providing an allocation of refined petroleum products to assure adequate supplies for priority users, we need to address ourselves to the energy problem in all its aspects and the full range of actions that will be necessary over the next several decades. And in this respect it is absolutely essential it seems to me that we develop as early as possible and practical, a coordinated national energy policy.

There are currently more than 60 departments, agencies, boards, commissions, offices, and bureaus, in the Federal Establishment which have some responsibility to form energy policy. This fragmentation of effort has led to chaos in the decisionmaking process—and to mistakes that will be most costly and inconvenient to correct.

The situation is little better in Congress: The Library of Congress reports that energy-related bills have been referred to 13 different Senate committees, 15 different House committees, and one joint committee. As of May 2, 1973, a total of 414 energy-related bills and resolutions had been introduced in the two Houses.

This flurry of legislative activity may be characterized as frenetic—but it, also, reflects the deep concern of Members over various aspects of the energy problem.

There are literally dozens of excellent suggestions contained in these scores—hundreds—of bills. But there is little opportunity for Congress to consider priorities in dealing with energy policy on a rational and constructive basis.

Mr. President, there have been some efforts to create the machinery for orderly energy policy making. Senate Resolution 45, approved May 3, 1971, established a panel of Senators from various committees to conduct a national fuels and energy policy study. That study, under the leadership of the distinguished Senator from Washington (Mr. JACKSON), is well underway.

The Senate has passed S. 70, a bill to create a White House Council on Energy Policy. The major duties of the Council, of course, would be to coordinate energy policy in the executive branch, and to assist Congress in meeting its responsibilities in this area of concern. Finally, I note that the President will propose a major reorganization of the Government to centralize energy policy under one cabinet level official.

The more diligent and timely our efforts to get organized, the better our chances will be in dealing with the profoundly important and challenging policy options which must be considered in the coming years.

Mr. President, I earlier spoke of the impact of the energy crisis on economic conditions in this country. It is, also, important to view the energy problem as it relates to national security. For example, in 1959, President Eisenhower issued a proclamation which placed a limit on oil import levels. President Eisenhower recognized that a secure domestic energy base is a vital element of national security, and asserted that oil import quotas were needed to encourage development of domestic reserves.

This policy was successful for little more than a decade. Texas and Louisiana oil fields operating at less than 50 percent of capacity in 1967 are at 100 percent today. President Nixon in April of this year was forced to suspend all direct controls on crude oil and refined products imports in order to accommodate the country's voracious appetite for gasoline.

I will not attempt to lay blame for those conditions which occasioned the President's decision to suspend direct import quotas. Suffice it to say that the "national security" arguments are no less valid today than when President Eisenhower advanced them to justify the quotas in the first instance.

The National Petroleum Council, an industry advisory group, has estimated that by 1985 oil imports could represent as much as 65 percent of our total oil supply—and as much as 33 percent of our total energy supply.

These startling statistics—not seriously disputed by the industry or the administration—have profound implications in assesing the security interest of the United States. Under any circumstances now foreseeable, the country will be profoundly affected by the economic and political decisions of a relatively few foreign leaders for a smooth flow of oil and gas supplies within a few short years.

Western Europe and Japan are dependent—almost totally—upon imports for their petroleum requirements. And now the United States has joined in the quest for foreign supplies to meet essential needs. The price of oil on the world market has doubled over the past 3 years—it may double again in the next 3 years. No one knows. But we can predict that a $1 increase in the price of a barrel of crude oil in 1980 will increase the American foreign oil bill by a staggering $7 billion.

Mr. President, the American people are today, and will be for some time to come, the captives of a foolhardy energy policy which has emerged—by default and helter-skelter—over the years. Our economy and life-style are based upon the presumption that cheap supplies of petroleum products and natural gas would be available in quantity almost indefinitely. That presumption has been proved by events to be false, and the crunch has come sooner than had been expected by most.

The U.S. balance of payments and trade position will be under assault for the next two decades—at least—as the country turns abroad for oil and gas. The dollar drain will be in the hundreds of billions, and the competition for access to foreign reserves in politically unstable regions of the world will be intense. The national security interest can be maintained under such circumstances—but the balance will, at times, be precarious.

Mr. President, although we do not have all the information presently available which will be needed to form an effective national energy policy, we can accurately project some of the elements that such a policy must contain.

The long-range policy must contemplate conversion to energy sources which are, essentially, infinite. The capabilities of solar, wind, geothermal, tidal, and thermonuclear must be explored through federally assisted research and development programs in order to greatly expand our total energy supply.

A scientist at the National Science Foundation recently published a paper which contended that 100,000 windmills strategically located throughout the United States—could generate one-third of the Nation's electrical needs. How can we afford not to research this possibility?

The United States with only 6 percent of the world's population consumes 33 percent of the world's energy. Our consumption of energy has doubled in the past 20 years. We cannot reasonably expect to preempt forever this proportion of the world's energy—unless we convert from fossil fuels to unconventional sources of power. The U.S. standard of living necessarily will diminish as other nations increase theirs, if all humanity is determined to base its prosperity upon the exploitation of those exhaustible resources already in short supply.

Another element in a sound national energy policy will be the adoption, by all Americans, of a fuel and energy conservation ethic. Marketplace forces will promote this ethic, of course, as the price which consumers pay for gas, oil and electrcity increases. But more will be required. The Congress must consider legislation which will diminish energy consumption without materially diminishing the quality of life or the national standard of living.

This can be done in transportation. For example, we must explore all practical means of reducing automobile fuel consumption rates.

Mr. President, the National Petroleum Council, in a respected study completed at the request of the Secretary of the Interior in December 1972, concluded that new capital investment in the energy area—by 1985—should exceed $540 billion. This massive sum includes urgently needed research and development, exploration for and exploitation of oil and gas reserves at home and abroad, construction of new refineries, deep water ports, electrical generating facilities, and all the rest.

The question is, of course, how much of the investment should be made by the private sector—and how much should be made by the Federal Government. President Nixon has requested about $800 million for Federal research and development in the energy field for fiscal year 1974. This allocation of public resources, in view of the need, is, in my judgment, wholly inadequate.

Mr. President, I would hope that at least 10 percent of the needed capital investment and R. & D. funds could be contributed by the public sector. Some of the most promising opportunities for the long term have the most dismal short-term prospects for profitability.

The private sector cannot reasonably be expected to perform the R. & D. which will be required to exploit successfully solar, tidal, and other possible sources of energy. But the country cannot afford not to conduct thorough research in these critical areas.

Ultimately, our children and grandchildren at the turn of the century will depend for their energy upon decisions and investments which we make in the next few years. If solar energy can successfully be collected and stored—as most scientists and physicists in the field say that it can—the savings will be enormous and far exceed the initial cost of development.

Mr. President, I would conclude by saying that a NASA-type commitment of Federal funds for energy R. & D. is in the public interest. I would suggest that a public investment, matched nine times over by private investment, is not unreasonable.

The $30 billion Apollo program has been the pride of the American people these past few years. Perhaps we will conclude that a $50 billion Federal energy research, development, and prototype program can be undertaken if the American people perceive the opportunities and the challenges which lie ahead.

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I ask unanimous consent that I may at this time be permitted 5 minutes' time to present a conference report and that the matter scheduled be set aside for that length of time before we proceed under the previous order.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I shall not object—the Senator wishes to call up a conference report, which is a privileged matter and, as I understand, it has been cleared on the other side, and he is limiting himself to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on H.R. 7528, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space flight operations, $555,500,000;

(2) Space Shuttle, $475,000,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $63,600,000;

(5) Lunar and planetary exploration, $311,000,000;

(6) Launch vehicle procurement, $177,400,000;

(7) Space applications, $161,000,000;

(8) Aeronautical research and technology, $180,000,000; of this amount $14,000,000 is reserved for the JT-3D Refan Retrofit Research Program;

(9) Space and nuclear research and technology, $72,000,000;

(10) Tracking and data acquisition, $244,000,000;

(11) Technology utilization, $4,500,000.

(b) For "Constructon of facilities," including land acquisition, as follows:

(1) Replacement of transportation facility, Goddard Space Flight Center, $660,000;

(2) Rehabilitation of vibration laboratory, Goddard Space Flight Center, $710,000;

(3) Modifications of and addition to 25-foot space simulator building, Jet Propulsion Laboratory, $740,000;

(4) Modification of planetary mission support facilities, Jet Propulsion Laboratory, $580,000;

(5) Rehabilitation and modification of 600 pounds per square inch air supply system, Langley Research Center, $2,410,000;

(6) Construction of systems engineering building, Langley Research Center, $1,620,000;

(7) Rehabilitation of airfield pavement, Wallops Station, $57,000;

(8) Rehabilitation of communication system, Wallops Station, $575,000;

(9) Modification for fire protection improvements at various tracking and data stations, $1,885,000;

(10) Modification of space launch complex 2 West, Vandenberg Air Force Base, $980,000;

(11) Modification of power system, Slidell Computer Complex, $1,085,000;

(12) Space Shuttle facilities at various locations, as follows:

(A) Modifications for auxiliary propulsion and power systems test facilities, White Stands Test Facility, $1,290,000;

(B) Modifications for shuttle avionics integration laboratory, Lyndon B. Johnson Space Center, $1,240,000;

(C) Modifications for radiant heating verification facility, Lyndon B. Johnson Space Center, $1,260,000;

(D) Modifications for the Orbiter propulsion system test facilities, Mississippi Test Facility, $11,300,000;

(E) Modifications for external tank structural test facilities, Marshall Space Flight Center, $4,400,000;

(F) Modification of manufacturing and subassembly facilities for the Orbiter, NASA Industrial Plant, Downey, California, $2,650,000;

(G) Modification of and addition to final assembly and checkout facilities for the Orbiter, Air Force Plant Number 42, Palmdale, California, $7,350,000;

(H) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $9,510,000;

(I) Construction of Orbiter landing facilities John F. Kennedy Space Center, $28,200,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $14,785,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,600,000;

(15) Facility planning and design not otherwise provided for, $13,600,000.

(c) For "Research and program management," $707,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law of which not more than $549,020,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, shall be available for personnel and related costs.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be acquired at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided,* That of the funds appropriated pursuant to subsection 1(a), not in excess of $25,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilitites" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. (a) Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. Section 203(b) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)), is amended by inserting immediately after paragraph (10) the following new paragraph:

"(11) to provide by concession, without regard to section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administrations' discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation;".

SEC. 7. Title II of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471 et seq.), is amended by adding at the end thereof the following new section:

"DISPOSAL OF EXCESS LAND

"SEC. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of $50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics of the House of Representatives and the President and the Committee on Aeronautical and Space Sciences of the Senate of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action."

SEC. 8. Section 5316, title 5, United States Code, is amended by deleting paragraphs (15), (16), and (17) and by substituting therefor a new paragraph (15) to read as follows:

"(15) Associate Administrators, National Aeronautics and Space Administration (6)."

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1974".

And the Senate agree to the same.

OLIN E. TEAGUE,
KEN HECHLER,
DON FUQUA,
JAMES W. SYMINGTON,
CHARLES A. MOSHER,
ALPHONZO BELL,
JOHN W. WYDLER,
Managers on the Part of the House.

FRANK E. MOSS,
STUART SYMINGTON,
HOWARD W. CANNON,
BARRY GOLDWATER,
CARL CURTIS,
Managers on the Part of the Senate.

Mr. MOSS. Mr. President, the total authorization request for the National Aeronautics and Space Administration for fiscal year 1974 was $3,016,000,000. The House approved an authorization of $3,073,500,000. The Senate in its amendment to the House bill approved a total of $3,046,000,000. The committee of conference is recommending a total authorization of $3,064,500,000, an amount $48,500,000 above the NASA request, $9,000,000 less than provided by the House, and $18,500,000 more than provided by the Senate.

Mr. President, in adjusting the difference between the House and the Senate, the conferees agreed upon $2,245,500,000 for the 11 programs under research and development. The Senate had authorized $2,231,000,000 for these programs and the House $2,254,500,000. The conference agreement therefore is $14,500,000 above the amount authorized by the Senate and $9,000,000 below the amount authorized by the House.

For the construction of facilities, the conferees agreed to an authorization of $112,000,000, the amount requested by NASA, and $2,000,000 more than approved in the Senate amendment to H.R. 7528.

For research and program management, the conferees agreed to an authorization of $707,000,000, the amount of the NASA request and $2,000,000 more than approved by the Senate in its amendment to the House bill H.R. 7528.

As in previous years, the conferees agreed to the Senate amendment to limit the amount that may be used for personnel and related costs under the research and program management authorization; for fiscal year 1974 this limitation is set at $549,020,000, the amount requested.

Mr. President, these and other actions taken by the committee of the conference on the individual programs and other items included in this authorization bill are recorded in the joint statement of managers accompanying the conference report. I believe that the agreement reached by the committee of conference will allow the National Aeronautics and Space Administration to carry out a good program during fiscal year 1974. This bill represents the work of many conscientious people who dedicated themselves to achieving a mutually satisfactory objective.

Mr. President, at this time I would like to express my appreciation to the distinguished Senator from Arizona (Mr. GOLDWATER), the ranking minority member of the committee, for his fine and dedicated work on the bill during the meetings of the committee and the committee of conference.

Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. Would the Senator ask that the printing requirement be waived?

Mr. MOSS. Mr. President, I ask that the requirement that the report be printed as a Senate report be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now is on agreeing to the conference report (putting the question).

The report was agreed to.

Mr. MOSS. Mr. President, I yield the floor.

ORDER FOR S. 1081, ALASKAN PIPELINE BILL, TO BE LAID BEFORE THE SENATE ON ADJOURNMENT OR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns or recesses for the holiday period, if and when it does, at that time Calendar No. 195, S. 1081, the so-called Alaskan pipeline bill, be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION—NOMINATION OF JAMES R. SCHLESINGER TO BE SECRETARY OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of James R. Schlesinger, to be Secretary of Defense.

The nomination will be stated by the clerk.

The legislative clerk read the nomination of James R. Schlesinger, of Virginia, to be Secretary of Defense.

The PRESIDING OFFICER. Debate on this nomination is limited to 1½ hours, to be divided as follows: 1 hour to the Senator from Wisconsin (Mr. PROXMIRE), 15 minutes to the Senator from Virginia (Mr. HARRY F. BYRD, JR.), and 15 minutes to the Senator from Pennsylvania (Mr. SCOTT) or his designee. The vote is to occur at 12:30. The yeas and nays have been ordered.

Mr. PROXMIRE. Mr. President, the confirmation of a new Secretary of Defense is one of the most important obligations of the Senate. The Secretary of Defense stands second only to the President in terms of the power he wields. At his command, U.S. forces can be committed abroad and even hostilities can be initiated. It is an awesome responsibility and one that demands the most from those that serve in that capacity.

The Senate, therefore, should exercise a great deal of care and deliberation in the confirmation of any Secretary of Defense.

This is especially true at a time when sensitive negotiations are continuing with the Soviet Union about further strategic arms limitation agreements; when the war in South Vietnam is over for American soldiers; when massive bombing continues in Laos and Cambodia; when the defense budget is the highest in the history of the Nation; and when the Defense Department has so many critical internal problems facing it.

There is one other sound reason why this confirmation and any confirmation should be thorough and deliberate. After a Secretary of Defense is confirmed and assumes his position, it frequently becomes more difficult to obtain answers to questions that can be easily received before confirmation.

It is our duty, our responsibility, to assess the policies of any new Secretary of Defense.

The Armed Service Committee, under the very able leadership of my distinguished colleague from Missouri (Mr.

SYMINGTON) has held hearings with Mr. Schlesinger. The committee has clarified many points of confusion. It has done an excellent job and I commend them for the way in which the hearing was handled.

Not all questions can be asked in a few hours, however, and certainly the complex job of running the Defense Department cannot be reviewed that quickly. In fact, there is no way for the Senate to fully analyze what policies a new Secretary would follow. The new Secretary might not have had time to read into the issues at hand. He might be unsure about other problems or require more time to work them out.

There are certain items, however, which are obviously of national interest and others which demand answers due to the unfolding events of the past year.

Several questions of this type struck me as I read the transcript of the Armed Service Committee hearing.

I summarized these questions in a letter to the acting chairman of that committee. I ask unanimous consent that a copy of the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. STUART SYMINGTON,
Acting Chairman,
Senate Armed Services Committee.

DEAR MR. ACTING CHAIRMAN: The confirmation hearings held by the Armed Services Committee for James Schlesinger, Secretary of Defense Designate, have raised serious questions in my mind that need to be answered.

While I do not subscribe to the opinion that Mr. Schlesinger is a superhawk, and while I find many of his statements to be candid and some show receptivity to change, nonetheless, there are other elements that are most disturbing.

Foremost is his statement that he could perceive of circumstances in which he would advise the President to resume bombing North Vietnam. What possible circumstances does he refer to? Under what conditions would we again bomb the North and thereby run the risk of another American POW crisis? The Senate should know what the Secretary Designate has in mind. He should spell out these conditions.

Mr. Schlesinger also defended the bombing of Cambodia although giving a veiled suggestion that there may be changes soon in that policy. This position should not be allowed to stand unchallenged. The Secretary Designate should give a clear justification for the Cambodian bombing. The Senate should allow no leeway for ambiguity in this matter. We should not accept a partial or obscure answer.

I am also concerned about the statements by Mr. Schlesinger regarding the military budget. For the first time, the defense budget will go up after the conclusion of a major war. In all previous cases, it has gone down and by a considerable margin.

How can the Secretary Designate be so sure that no savings can be made in this budget if he has not even assumed the duties of Secretary of Defense?

The Senate has managed to find great savings in recent years that have resulted in more efficient fighting capabilities. Should not the new Secretary of Defense do as much?

There are certain other questions that bother me. For example:

Has Mr. Schlesinger indicated that he would appear before any duly constituted Congressional Committee or subcommittee upon request?

Did Mr. Schlesinger agree to provide working papers and documentation to the Armed Services and Appropriations Committees as requested?

What are Mr. Schlesinger's feelings about the use of civilian or military employees of the Department of Defense engaging in domestic intelligence activities?

Will the Department of Defense give wholehearted cooperation to the General Accounting Office in its Congressional investigations? What category of information will DoD deny the GAO?

Will the Department of Defense provide briefings for other Committees of Congress in addition to the Armed Services and Appropriations Committees on military topics under review by these other Committees?

To what extent will Mr. Schlesinger participate in any active political campaigning?

Would Mr. Schlesinger be a party to any plans in the future to involve the CIA or Defense Department in domestic intelligence activities of any type? Would he actively resist such involvement?

Does Mr. Schlesinger oppose the use of active duty military officers as political advisors?

We do not often get the opportunity to question a new Secretary of Defense. That opportunity sometimes erodes after he is in office.

Under these circumstances, would it be possible for you to raise the questions contained in this letter with the Secretary Designate prior to a confirmation vote on the Senate floor?

At that time I would make Mr. Schlesinger's reply available to the Senate.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

Mr. PROXMIRE. Mr. President, the chairman graciously agreed to submit my questions to the Secretary-designate. Mr. Schlesinger quickly put together his answers and made them available to me through the committee. I appreciate his promptness in this manner.

Here was the first question for which I requested Mr. Schlesinger's response:

Foremost is his statement that he could perceive of circumstances in which he would advise the President to resume bombing North Vietnam. What possible circumstances does he refer to? Under what conditions would we again bomb the North and thereby run the risk of another American POW crisis? The Senate should know what the Secretary Designate has in mind. He should spell out these conditions.

The Secretary-designate answered:

As I believe the Congress well knows, all the efforts of the United States are designed to help conclude the hostilities, not to expand them. I said in my testimony that I could perceive of circumstances in which I would advise the President that resumed bombing of North Vietnam was necessary, but I also said, and strongly believe, that I doubt that such circumstances would in fact arise. While I cannot spell out in detail the specifics of hypothetical future circumstances, it does seem to me that the United States has a responsibility, as a participant in the efforts to achieve an Indochina cease-fire, to put forth our best efforts to encourage adherence to the Paris agreements. In general, the only circumstances in which I could foresee any possibility of renewed U.S. bombing of North Vietnam would be major aggressive actions by the North Vietnamese which would threaten South Vietnam in obvious violation of the Paris agreements. As I said during the hearings, I do not believe that such circumstances will arise. But they are even less likely to arise, in my view, if the North Vietnamese understand clearly that the U.S. Government is keenly interested in the international cease-fire agreements. We would take very seriously indeed any major aggressive actions on their part in contravention of those agreements.

Now I realize that we cannot expect the President and Secretary of Defense to lay all our military plans out in the open. This not necessary. But we are entitled to a firm commitment from this administration that congressional restraints on the question of carrying on the war in Indochina will be observed. The Secretary-designate's reply does not address this point and only in a general way makes reference to the conditions under which he would recommend renewed bombing of the north.

What "major aggressive actions by the North Vietnamese" is the Secretary-designate referring to? He does not say. Does he mean a full scale invasion across the DMZ or renewed guerrilla warfare or the introduction of sophisticated weaponry or what?

The Senate is entitled to know. We are not told.

The second question deals with the continued bombing in Cambodia. I said:

Mr. Schlesinger also defended the bombing of Cambodia although giving a veiled suggestion that there may be changes soon in that policy. This position should not be allowed to stand unchallenged. The Secretary Designate should give a clear justification for the Cambodian bombing. The Senate should allow no leeway for ambiguity in this matter. We should not accept a partial or obscure answer.

Mr. Schlesinger replied, and I read from his letter:

The Secretary of State, on behalf of the Administration, has testified before the Senate Foreign Relations Committee concerning the legal basis for U.S. air operations in Cambodia. In my judgment U.S. air operations in Cambodia are, at present, an important element in the efforts to achieve a workable Indochina cease-fire. I have drawn a distinction in my testimony between the kinds of air operations—the air lifting of supplies, the tactical air operations and the B-52 bombing—and I have suggested that these were in decending order of priority. I would hope that we could begin to reduce and terminate our air operations soon, as the effects of the recent cease-fire agreement begin to take hold.

So in effect Mr. Schlesinger has given two answers. First he pushes off the difficult chore of defending the administrations bombing policy on the Secretary of State, who, by the way, made a very weak case by any standards. Then Mr. Schlesinger suggests that the entire problem may disappear soon anyway as the recent cease-fire agreement begins to take hold. This may or may not be the case. But the critical point once again is glossed over. We do not have a clear statement of the legal basis of the bombing in Cambodia.

In my next series of questions, I

focused on the issue of the defense budget, stating:

> I am also concerned about the statements by Mr. Schlesinger regarding the military budget. For the first time, the defense budget will go up after the conclusion of a major war. In all previous cases, it has gone down and by a considerable margin.
>
> How can the Secretary Designate be so sure that no savings can be made in this budget if he has not even assumed the duties of Secretary of Defense? The Senate has managed to find great savings in recent years that have resulted in more efficient fighting capabilities. Should not the new Secretary of Defense do as much?

I may say not only in the Senate, but also in Congress, as a whole.

Mr. Schlesinger provided the following justification for the defense budget:

> As the Senator is aware, military activities of the United States have been steadily and significantly reduced since 1969. This has been done consistent with the Vietnamization policy and the explicit decision of the Administration to end the war and to alter national priorities in favor of greater spending on domestic needs. Unlike earlier wars in the Nation's history, these enormous reductions in defense activities have been taken coincidentally with the ending of the war, so that we find ourselves as the war comes to a conclusion, already in the position of having a smaller military force than we had before the war began—in fact, a smaller military force than at any time since the Korean war.

I do not know on what basis the Secretary assumes it is smaller. It may be smaller in terms of manpower. It should not be in the case of firepower, however, or of assured destruction capability.

The Secretary-designate continued:

> These dramatic reductions in defense activities have been disguised by the marked pay and price increases during these recent years. But it is nonetheless the case that defense spending has been held stable over the last five years, despite these pay and price increases, and notwithstanding the additional costs of moving, with full Congressional approval, to an all-volunteer force—and while increasing enormously the amount of federal spending on domestic programs (while federal spending on other programs goes up $94 billion from FY 1968 to FY 1974, defense spending only increased $1 billion in that same period). It is clear to me that the budgetary dividend resulting from the ending of the war has been paid out continually over the past four years, well ahead of the negotiation of a cease-fire agreement last January.

Once again, the Secretary overlooks, I assume, that the war was costing, on a marginal basis, between $25 billion and $30 billion. Presumably, now, it is costing a very small portion of that amount.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am very happy to yield.

Mr. SYMINGTON. Mr. President, I appreciate the able senior Senator from Wisconsin yielding. In an effort to accommodate the leadership, we agreed this nomination would come up yesterday. Then, in addition, we agreed it would come up this morning starting at 9:30.

Two Senators have problems incident to hearings on base closing; therefore, it is necessary for me to leave the Chamber shortly to chair those hearings.

I want the able Senator from Wisconsin to know I am impressed with the questions he has asked, also with his efforts to get on the record the thinking and convictions of the nominee for this important position in the Government. As usual, the Senators questions were temperate and thorough. I think also the answers of the Secretary-designate were thorough and to the point. It would have been difficult to have answered the questions in any other way at this time, going into this administration, as Cabinet officer and based on the policies of the administration. But, I do think he left himself open to where he would consider change after he got himself weathered into the job.

Mr. PROXMIRE. One of the objections I had to his answers—and I agree with the Senator from Missouri that Mr. Schlesinger's answers generally were responsive and thoughtful, as I shall demonstrate as I go along—but in particular instances, such as how he would advise the President about the wisdom of bombing North Vietnam, when he said "major bombing actions," they were inadequate. Generally, he was not specific. What kind of situation does he envision?

Mr. SYMINGTON. I agree, but if the Secretary-designate had joined the majority of the Senate in the matter of concluding the Cambodian bombing at this time, he would have found it difficult to proceed with his work. Possibly his name would have been withdrawn.

What I like about Director Schlesinger's record is the fact that he has enough experience and knowledge so as not to become completely subservient to the Joint Chiefs of Staff, as have other Secretaries. As the able Senator from Wisconsin knows, after he gets into the position, he can exercise civilian control, and I believe he will. He has the knowledge to do so in intelligent fashion.

I first got to know this nominee fairly well when he became Chairman of the Atomic Energy Commission. As a member of the Joint Atomic Energy Committee, I had the opportunity to watch him reorganize that Commission, and to note his independence of the heavy military emphasis that had characterized that Commission for many years. I found him independent and courageous.

With the experience he has had, even though I too regret some of the things he has said in articles and speeches in the past, we have an opportunity to get a Secretary of Defense who if he uses his own judgment in these matters, could become a great Secretary.

May I say also that we ought soon to have someone to run this Pentagon show, the largest business in the world. As the Senator well remembers, Secretary Richardson left HEW earlier this year to become Secretary of Defense. Thereupon he asked that he be permitted to have some extra weeks in order to, as in effect, he put it, "get his hand in" in the new Defense Department job he had agreed to undertake.

That seemed a reasonable request, and so, with the approval of the distinguished ranking minority member, the senior Senator from South Carolina (Mr. THURMOND), whom I now see on the floor, also with the approval of the able chairman of the committee (Mr. STENNIS), we agreed to give him many weeks beyond the normal time for having posture hearings on the new defense budget.

Nevertheless, shortly after we had those hearings and Secretary Richardson had completed his statements, he was again transferred, the third transfer in a few months. He was made Attorney General because of the unfortunate developments on the domestic scene.

The question, therefore, was whether we could have new posture hearings to understand the thinking of the new Secretary. Obviously, the limited time made additional posture hearings impossible. So we had an extended hearing when he came up for confirmation; and then, I might say unanimously, his confirmation was recommended by the Senate Armed Services Committee.

There is much merit in the observations of the Senator from Wisconsin. I am confident in my own mind that the Secretary-designate, after he takes office, will learn more about the things that have been brought up this morning.

I wish, therefore, at this time, to tell my colleagues that I support this nomination without reservation. The able senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) will remain on the floor during the remaining consideration of the nomination. He is reporting the nomination, therefore, I know Secretary Schlesinger is in good hands. I endorse the nomination. Also thank the Senator from Wisconsin for bringing up these matters, assure him that all he has done has been constructive. I hope some of his apprehensions will not prove out in the future, and am confident the Senate will confirm the nomination of this man who is extraordinarily well trained for this job.

Mr. PROXMIRE. Mr. President, I thank the distinguished acting chairman of the Armed Services Committee, and I appreciate his coming to the floor under difficult circumstances, when he had a hearing pending.

I still am very troubled by the remarks by the Secretary-designate about the Vietnam bombing, not only his initial remarks but his failure to give what I think could have been a more satisfactory response, in keeping with the Nixon administration's position, much as I disagree with it, both on Cambodia and on Vietnam.

But I would agree that the Secretary-designate does have many distinguished qualifications, and has a very fine record, until he testified. I do think actions speak louder than words, and his actions at the Budget Bureau, at the Atomic Energy Commission, and elsewhere have all indicated that he is a man of competence, restraint, and wisdom, and would make a good Secretary.

I do think we ought to make this record, though, because this is such a vitally important position.

Mr. SYMINGTON. I thank the Senator. I shall now take my leave.

Mr. PROXMIRE. Mr. President. to continue quoting from this letter of the Secretary-designate, he went on to say:

I obviously cannot at this point testify myself as to whether or not true savings are possible on certain programs in the FY 1974 budget. Budget reductions, of course, are always possible. But budget reductions should not be confused with savings. Budget reductions may only defer, at higher long-term costs, expenditures that will have to be made at a later date. Budget reductions could imply a lowered state of readiness, which could be very costly indeed if the contingencies for which we maintain a defense establishment should occur.

I do know that the budget was carefully prepared by Defense Secretary Melvin Laird, and closely reviewed and approved by the President. I do know that it was reviewed by Defense Secretary Elliot Richardson, who supported it at the present level. Consequently, while I cannot give the Senate personal detailed assurances, I am confident that it is a well-founded budget. I will of course be looking for economics and efficiencies in defense oeprations and management, and I will particularly look at the support structure to insure that combat capability is optimized. If there are possibilities for savings you may be assured that I will pursue them. At the same time I will be looking for deficiencies in our defense programs, and I will be equally diligent in reporting these to the Congress. I can assure the Senate that I will recommend no more and no less than I believe is essential to an adequate Defense posture for the United States.

Mr. President, my reaction to that response is this:

First the Secretary-designate is right about increased manpower costs. But I draw different conclusions. With manpower costs eating up the military budget there is only one sound policy to follow—increase our combat readiness by severely prunning the officer corps, which is extremely topheavy, and cut off the huge logistics tail that is distorting the fighting capabilities of our military forces. Take away the servants for the top brass and their chauffeurs. Start training a higher proportion of fighting men rather than administrators and clerks. Bring some of those 600,000 troops overseas home. Stop generals from fixing up their airplanes for luxury private use. Crack down on the phony disability payments to high ranking generals and admirals. Prohibit the nonflying brass from collecting flight pay. All these would help restore some sensibility to the military budget.

Mr. President, just last night in the Washington Star, a very wise and thoughful comment was made by the correspondent Frank Getlein, when he said:

Despite the presence of Leonid Brezhnev and the continuing revelations of aspects of Watergate, despite the recess of the Senate Select Committee, the most important long-term news last week came from the appearance before the Senate Armed Services Committee of James R. Schlesinger, seeking confirmation as secretary of defense.

Mr. President, it is ironic that all the attention of the country is focused on Watergate and, of course, on Brezhnev we had a great deal of attention, but very little attention on the appointment of perhaps the most powerful person the President of the United States will appoint.

Mr. Getlein goes on to say:

In reference to the continued bombing of Cambodia, Schlesinger took the administration position that bombing anyone anywhere anytime is an inherent God-given right of the President of the United States. He didn't put it in those terms, but any rational defense of the devastation of yet another country can rest only on that assumption.

And he rattled a bomb or two at North Vietnam, apparently just for form, saying the United States could certainly resume bombing North Vietnam if it chose, but he did not foresee the circumstances arising in which it would so choose.

The most important part of his testimony, however, had to do with what he felt was the vital necessity of building some super-sophisticated nuclear bombs at a cost of just under a half-million dollars per bomb—not allowing for cost overruns run over by the Defense Department's most favored incompetent contractors.

It was pointed out to him that Secretary Brezhnev was in town and that this was taken as a sign of some measure of detente between the two nations. Surely, with detente already here, we need not go on spending ourselves blind on fantasy weapons?

He replied that he was aware of the atmosphere of detente, and detente itself was a powerful reason for spending ever more money on ever more sophisticated weapons.

He thus revealed himself as an ideal Secretary of Defense from the point of view of the Pentagon.

The reasoning, hardly original with Schlesinger, goes like this.

In times of peace and friendship with the Russians and Chinese, we must pour ever-increasing amounts of money into fantasy arms because that's the only way we can keep them friendly.

In times of unfriendliness on the part of either the Russians or the Chinese, on the other hand, we must pour ever-increasing amounts of money into fantasy arms because that's the only way we can keep them from attacking us tomorrow.

In times that are neither friendly nor unfriendly, we must pour ever-increasing amounts of money into fantasy arms so as to be prepared for either eventuality.

In a changing world, one thing alone is constant: more money for arms.

The new secretary thus, by his own testimony, is incapable of foreseeing, or even imagining, a situation in which his new department's attitude would be anything but incessant demands for more money for arms.

To support all this, he testified that he sees as his "pre-eminent challenge" the duty to create a "national sense of purpose and cohesion behind the defense program" and thus overcome what he called "the psychological urge" in Congress to "chop away" at arms spending.

Translated, what that means is that not only must we underwrite the wildest dreams of the arms fantasists in the Pentagon's think tanks, but we also must pay for Schlesinger's efforts to brainwash us into being happy to be bankrupt for the sake of the arms programs.

Schlesinger's appointment was perhaps inevitable. After the deluge of Watergate, he was, it seemed, one of the two or three honest men the President had available and so, like Elliot Richardson, he kept getting transferred around to create the illusion of honesty everywhere. When the music stopped, he happened to be in Defense.

But he is the wrong mind for that job, for he shares all the assumptions of open-ended fantasy weapon building that gave us the arms race and keep it going.

What the Pentagon needs at the top is a mind capable of saying: Once we can kill every Russian and Chinese 20 times—or 200 times—that is enough; we don't need to kill them more times than that.

For Schlesinger, as for his generals and their hired think-tankers, that is the real unthinkable thought.

My next two questions to Mr. Schlesinger inquired about his willingness to assist Congress by supplying testimony and documents. I asked:

Has Mr. Schlesinger indicated that he would appear before any duly constituted Congressional Committee or subcommittee upon request?

And—

Did Mr. Schlesinger agree to provide working papers and documentation to the Armed Services and Appropriations Committees as requested?

His answers were to the point and firm:

My response to this question at the time of the hearings was as follows:

It is my intent to insure that the duly constituted committees of the Congress receive the most complete and accurate testimony possible from the most competent witnesses available to address the subject in question. To that end, if I am confirmed, I will cooperate fully with this Committee and with others by appearing upon request when my testimony would be of assistance in your deliberations.

And—

I agree that the Department of Defense should provide the committees all necessary information. Where there is disagreement about particulars, I will personally review the circumstances with the aim of being as helpful to the committees as possible.

I then made two inquiries about the ominous practice of using the Department of Defense and the intelligence community as investigative agencies domestically. This is an area I consider to be as important as foreign military threats.

If any American reflects on the implications of Watergate—a far more likely threat. If the huge resources of the intelligence community, the FBI, CIA, DIA, NSA, Department of Defense were ever turned to use to rig an election or suppress individual liberty, both our democracy and our freedoms could perish. We have already seen the signs of this in the Watergate crisis. It is the most chilling aspect of that case.

I submit it is by far the most serious threat to this country, to democracy, to freedom—far, far more likely, many times more likely than any invasion by the Russians or the Chinese.

I asked:

What are Mr. Schlesinger's feelings about the use of civilian or military employees of the Department of Defense engaging in domestic intelligence activities?

and

Would Mr. Schlesinger be a party to any plans in the future to involve the CIA or Defense Department in domestic intelligence activities of any type? Would he actively resist such involvement?

His answers follow:

I am opposed to the use of Department of Defense personnel in this way except as provided by law. There are strict laws governing such activities. Very stringent regulations governing Department of Defense activities in this area were adopted by the Department under Secretary Melvin Laird. I intend to review these regulations to assure

> myself of their continued vitality and, if necessary, I will take steps to strengthen them.

and

> As I have already mentioned, there are stringent laws and regulations concerning these matters. The Central Intelligence Agency is properly confined to foreign intelligence activities. I have said that I am opposed to the use of Department of Defense personnel for this purpose, and that I would review and if necessary change the DoD rules and regulations in this area. I intend to see to it that the laws and regulations in this area are strictly followed by all Department of Defense personnel.

Again, his answers appear to be straightforward and clear. But we should remember that the CIA has been given certain functions domestically. And the charter of the CIA as contained in secret National Security Council Intelligence Directives provides considerable flexibility to the intelligence community. It is time that the CIA's charter be made public so that Congress can determine if the Agency's operations are within the boundaries of the legislation that established the CIA—the National Security Act of 1947.

At this point, we do not know it because the NSCID's are secret and they have not been disclosed to us.

Furthermore, it is now prudent to release the budget of the intelligence community. Only by reviewing that budget can Congress exercise oversight responsibility.

The next question and answer focus on the relationship between the Department of Defense and the General Accounting Office—the investigating arm of Congress.

I asked the Secretary-designate:

> Will the Department of Defense give wholehearted cooperation to the General Accounting Office in its Congressional investigations? What category of information will the DoD deny the GAO?

This question is important due to the tendency to limit the information GAO can acquire. I found many times, when I asked the GAO to investigate defense matters, that our way had been blocked by the Defense Department. In the case of the C–5A, we had that happen to us, and in other cases.

Mr. Schlesinger's answer dispels any doubts. He stated:

> The General Accounting Office may be assured of the Department's wholehearted cooperation. All information required by the GAO to fulfill its responsibilities will be provided, and no necessary information will be withheld.

I am delighted to see this, Mr. President, as it constitutes an improvement. We certainly intend to hold the Secretary to this commitment.

Another question attempted to determine if the DOD would honor the requests of other congressional committees, in addition to the Armed Service and Appropriations Committees, when these other committees were undertaking examinations of military issues.

The question read:

> Will the Department of Defense provide briefings for other Committees of Congress in addition to the Armed Services and Appropriations Committees on military topics under review by these other committees? I am particularly concerned that the Department of Defense cooperate with the Foreign Relations Committee and the Joint Economic Committee, both of which examine military problems from different perspectives.

Mr. Schlesinger answered:

> It is the Department of Defense's view that it is the prerogative and the responsibility of the Congress to define under its rules which of its committees have responsibilities for the activities of the Department of Defense. The Department of Defense is fully prepared to brief any committees of the Congress on Department of Defense activities in which they have a pertinent interest.

That seems to be a fair answer and would indicate that other committees such as Foreign Relations and the Joint Economic Committees could expect continued cooperation from the Department of Defense.

Considering the charge that various members of the present administration were employed during the last election in active political activities in addition to their Government jobs. I thought it necessary to determine to what extent Mr. Schlesinger will participate in any active political campaigning, whether he would, as some Secretaries have in the past, campaign or as other Secretaries have in the past, declared that they were not politically active and would not take part in a campaign.

His answer is revealing and strong:

> I have no intention of participating in active political campaigning. It is my view, which I am confident the President shares, that the Department of Defense must be aloof from partisan political activities. The central purpose of this Department has traditionally been, and must continue to be, to build and maintain the necessary forces to deter war and to defend our country. This is a task which has had the understanding and support of the great majority of the American people. I believe it is absolutely essential that there be a strong, non-partisan, national concensus in support of a sufficient defense posture, and in my judgment my abstention from active political campaigning will best serve to illustrate the non-partisan nature of my responsibilities.

I asked Mr. Schlesinger this final question:

> Does Mr. Schlesinger oppose the use of active duty military officers as political advisors?

He replied: "Yes"

Mr. President this would mean to me that Mr. Schlesinger would be opposed to other generals or admirals serving as political advisors in a capacity similar to the position of General Alexander Haig.

Therefore, I would suggest to the Secretary-designate that he carefully check to see what other generals may now be assisting Mr. Haig in his present political post and that he strongly resist the use of any more military personnel in such positions. It should not become an acceptable practice, for it would soon encourage our military officers to seek career advantages through party politics. More important, it would mean that active military officers would have authority and power over domestic agencies, which is, of course, anathema to our system, some thing we should resist and prevent.

Mr. President, I do not want to leave the impression that everything that Mr. Schlesinger has said before the Armed Services Committee was unacceptable. On the contrary I found many of his statements to be well made and positive in outlook.

For example he has testified, in one way or another, to the following points:

That savings can be made in the Department of Defense intelligence activities.

That he wants to bring support costs in line.

That he believes in the overall equivalence in strategic power between the United States and U.S.S.R.

That he will initiate a study on close air support requirements.

He stated that we must separate the national intelligence estimates from budgetary judgments so as to preclude an inflating of the threat.

That he will review the SAM–D program and that he questions its role in European defense.

That he is skeptical of the submarine-launched cruise missile for strategic purposes.

He is concerned about over-classification and will move to correct present abuses.

He said it might be possible to release the budget of the intelligence community without endangering national security. It is only classified to keep Congress from cutting it back.

He shares misgivings about the grade creep problem—the fact that we have more generals and admirals now than we had in World War II, when we had six times more people in the Armed Forces.

He hinted that the Air Force may be trying to scrap the SCAD to save the B–1.

Many of these items show the Secretary-designate as a reflective man and I think he should be given credit for a willingness to rethink serious problems and arrive at corrective solutions. In the months to come I will be following up on many of the statements the Secretary-designate made during the confirmation hearings, especially in response to a letter I wrote him through the acting chairman of the Committee on Armed Services.

Mr. President, though I have certain reservations on particular issues, I intend to vote for the confirmation of the Secretary-designate. I wish to offer my appreciation to the Armed Services Committee for assisting me in obtaining answers to the questions I have just presented. I hope that it will come to be known that every name submitted to the Senate for confirmation, involving a position with authority and responsibility such as this, will receive the most thorough scrutiny possible.

Mr. President, I point out that Mr. Schlesinger has had a number of jobs already in the Federal Government, and in each instance he has distinguished himself as a responsible, careful, thoughtful, and competent person. I first knew him when he was in the Bureau of the Budget, as one of the top men in the Bureau. Before that, however, he was a strategic analyst at Rand Corp. and developed great experience in procurement and in the technology of military operations.

He was a man of great competence in the Budget Bureau, partly because he was one of the people who brought to it the background of understanding of military weaponry, an area in which we have wasted and thrown away more money, probably, than in any other area of our governmental operations.

As Senator Symington pointed out this morning, Mr. Schlesinger was a highly competent head of the Atomic Energy Commission, resisting some efforts by the military which took considerable courage and principle.

He also served briefly as the head of the Central Intelligence Agency. No agency is more clouded and mysterious, no agency in which our information is more limited, than the CIA. But from everything I have heard about it—and I have heard a great deal— he did bring to the CIA a concern with waste and a concern with improper involvements, a concern that the CIA should be made as responsive to the President as possible. All these are certainly in his favor.

So, in sum, this man has a good record. I think he could be an excellent Secretary of Defense. I do think, however, that his responses to the Committee on Armed Services are most disturbing. They do make it hard, despite this fine record, for some of us to vote for him. But, under the circumstances and on balance, I must conclude that I will support the nomination.

Mr. President, I reserve the remainder of my time, and I yield the floor.

Mr. HARRY F. BYRD, JR. Mr. President, I yield such time as he may need to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The senior Senator from South Carolina has 15 minutes of his own. Does the Senator from Virginia wish to add his 15 minutes to that?

Mr. HARRY F. BYRD, JR. No. I want to give the opportunity to the distinguished Senator from South Carolina to speak longer this morning, if he so desires.

Mr. THURMOND. The Senator from Virginia may speak now, if he wishes.

Mr. HARRY F. BYRD, JR. Mr. President, I think the Senator from Wisconsin has rendered the Senate a fine service in propounding the questions he asked of the nominee for the position of Secretary of Defense. I think it is important that the Senate get on the Record the detailed views of the top officials of our Government.

James R. Schlesinger has been before the Senate for confirmation on three occasions, this being the third. His nomination to be Chairman of the Atomic Energy Commission was confirmed by the Senate. I have not searched the Record, but I believe it was a unanimous vote. His nomination to be Director of the Central Intelligence Agency was confirmed this past January or February. There, again, I have not searched the Record, but I am confident that it was by a unanimous vote. His nomination to be Secretary of Defense was approved unanimously by the Committee on Armed Services.

As the Senator from Wisconsin has just mentioned, Dr. Schlesinger has a distinguished record in Government. He is a Virginian—a resident of Virginia, although not a native of Virginia. For 7 years he was a professor at the University of Virginia. His entire record in Government has been distinguished. I believe he has the ability, the intellect, and the courage to make an outstanding Secretary of Defense. I am pleased to support his nomination.

I am pleased to have the Record show today that every member of the Committee on Armed Services approves his nomination.

I put one question to Dr. Schlesinger when he appeared before the Committee on Armed Services which I would like to read into the Record. My question to Dr. Schlesinger was this:

> Do you feel the United States should police or, to use another word, guarantee the cease-fire in Indochina?

Dr. Schlesinger replied:

> No, sir. I think that either "police" or "guarantee" would be far too strong phrases to be used in this regard. I think that what I would prefer to say is that the United States has some responsibility to avoid and therefore some responsibility perhaps to take action were there to be gross and massive violations which might threaten the continued existence of South Vietnam. I do not expect those circumstances to develop, Senator, and they are the only circumstances that would call for U.S. action of the type that I think you are referring to.

I think he certainly is on sound ground in saying that the United States cannot undertake to police or guarantee the cease-fire in Indochina.

The only way that can be done, it seems to me, is for the United States to become massively involved, such as we became massively involved in Indochina in 1965, 1966, and so forth.

Mr. President, I commend to the Senate the nomination of James R. Schlesinger to be Secretary of Defense.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from Virginia for offering for me the opportunity to go ahead of him, but he was reporting the nomination and I felt that out of respect he should go first.

The PRESIDING OFFICER. The Chair wishes to ask the Senator from South Carolina if he is proceeding on the time allotted to the Senator from Pennsylvania (Mr. Scott).

Mr. THURMOND. I am not particular which time it is. I shall only take 3 or 4 minutes.

Mr. BEALL. Mr. President, I am the designee of the Senator from Pennsylvania (Mr. Scott) as the acting minority leader.

I yield the time of the Senator from Pennsylvania (Mr. Scott) to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, as the ranking minority member of the Committee on Armed Services, I rise in support of the nomination of Dr. James R. Schlesinger as Secretary of the Department of Defense.

Dr. Schlesinger brings to this office exceptional qualifications and an excellent background. His qualifications stem from his work at Harvard University where he received his undergraduate degree with honors in 1950. Subsequently, he earned his master and doctorate degrees. He then entered the teaching profession and assumed responsibilities as a consultant to the Federal Reserve Board, the Rand Corp., and the Naval War College.

In 1963 he turned his attention full time to defense-related matters as director of strategic studies for the Rand Corp. At this time he specialized in strategic analysis with particular reference to nuclear weaponry.

With this splendid background, Dr. Schlesinger in 1969 began a period of Government service which enables him to be such an outstanding nominee. He entered the Bureau of Budget as an Assistant Director, quickly rising to the position of Acting Director. He had responsibility for the Office of Management and Budget for budget activities associated with national security and international programs. Also, he served as the OMB representative on the Space Council and on various National Security Council committees.

In 1971 Dr. Schlesinger became Chairman of the Atomic Energy Commission and Head of the U.S. Delegation to the 16th International Atomic Energy General Conference. After 2 years in this capacity he was appointed in February, 1973, as Director of Central Intelligence Agency.

As a teacher, author, and specialist in strategic analysis he is intellectually prepared for the demanding task and awesome responsibility as the President's chief architect of our national defense.

Mr. President, the record clearly shows that Dr. Schlesinger is "exceptionally well-equipped," to use the words of President Nixon, to provide strong leadership at the Pentagon. At age 44 he is the youngest man ever chosen as Secretary of Defense and perhaps has broader preparation than any who preceded him.

It is my firm belief that Dr. Schlesinger will bring to the Department of Defense the kind of leadership we all desire. He will run a tight ship, while at the same time be a strong and believable advocate of the defense systems needed to maintain our national defense posture at a level second to no other nation.

Mr. President, I can understand the interest of the distinguished Senator from Wisconsin in propounding questions to the Secretary nominee. I might say, however, that I think many of these questions are matters that the Secretary of Defense would not make a decision upon. For instance, on the question of bombing the Secretary of Defense might have a view, but the President of the United States, who is the Commander in Chief, would make the decision. He would have to carry out the decisions of the President or it would be his duty, under the circumstances, probably, to resign.

In the matter of troops abroad, I think this is another decision that would have to be made by the Commander in Chief. Most of these broad decisions, many of which were properly covered in the questions of the distinguished Senator from Wisconsin, are questions of great magnitude. They are questions involving not only this Nation, but foreign nations and questions involving foreign policy.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. Therefore, decisions would have to be made by the Commander in Chief. However, as I understand, the Secretary of Defense might be called upon to make recommendations and if the President called upon him for a recommendation it would be his duty to make such a recommendation. It would be his duty to make recommendations, but the point is that on these broad questions of national and international import, questions of great magnitude, the Commander in Chief would have to make this decision.

I am very pleased to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I wholeheartedly concur in the latter part of the Senator's statement. What I was concerned about in the statement by the nominee is that he could conceive circumstances under which he would recommend to the President to resume bombing in Vietnam, for instance.

The Senator is correct that the President is Commander in Chief and that he has authority over the armed services. I am sure the Secretary of the Department of Defense would do as he was told to do. But his recommendations to the President are of great importance. He is the chief adviser to the President. His view that he would recommend that to the President is important, although he cannot act on his own recommendation.

Mr. THURMOND. I thank the distinguished Senator from Wisconsin. Of course, circumstances existing at the time might determine many questions. What exists today may not exist tomorrow, next month, or next year, and the decision that he might recommend on a certain course of action today might be a different course of action, whether it is in Vietnam or somewhere else, next month, next year, or in years ahead.

At any rate, I know of no man who has ever gone to this position who is more highly educated; I know of no man who has ever gone to this position who has had the benefit of such broad experience in government—the Atomic Energy Commission, the Bureau of the Budget, the Central Intelligence Agency, systems analysis, and various fields—which should be of great importance in arriving at decisions and recommendations which he would make during his tenure of office.

It is my opinion that Dr. Schlesinger is openminded. I think he will be pleased to listen to Members of Congress and hear what they have to say, and he should do so. It is my judgment he will carry the big picture as well as minute matters that are important. The Secretary has to look after details, but at the same time he has to carry the big, broad picture. I think Dr. Schlesinger has the capacity to do this.

The Defense Department spends more money than any other department of Government. The HEW is now spending such tremendous amounts, it is rivaling the Defense Department. Just a few years ago the Defense Department budget was 50 percent of the entire budget. Today it stands at about 30 percent. So the Defense Department, although it may be spending more today than it did some years ago, is spending less in proportion, because escalation has taken place, inflation has come about, and it requires more money to buy tanks, planes, weapons, and equipment, just as it costs more to live and costs more for other products. So we cannot blame the Defense Department for that.

The purpose of the Defense Department is to keep our country prepared to prevent war, and if we get into a war, then to win the war. The greatest thing we can do to prevent war, in my judgment, is to maintain a strong military establishment, and that means a military establishment that is second to none in the world.

If we do that, I think we can prevent a general war. I think we can prevent a nuclear holocaust. I think we can help to keep the whole world free if we keep this Nation strong, because if this Nation should go under, the rest of the free world, the free nations would collapse. It would be just like gathering ripe apples in a basket if this Nation went under.

So it is my hope that we can keep this country strong. I believe Dr. Schlesinger will advocate that policy. At the same time, I believe he is going to scrutinize—and scrutinize very closely—what is spent in the Defense Department. Every item of waste and extravagance should be eliminated. As the ranking Republican member of the Armed Services Committee, I shall certainly cooperate with him in this matter, because I am a great believer in thrift. I am a great believer that when you are spending the public's money, you ought to be more careful than if you are spending your own money. I am a great believer in getting a dollar's worth for every dollar spent. I am sure that Dr. Schlesinger will pursue a course of action along that line.

I am very pleased to speak for Dr. Schlesinger on this occasion, and I urge that the nomination be approved unanimously. I sincerely hope it will be. I predict that he will make an able Secretary of Defense, and one of the most dedicated men who has ever served in this capacity.

I wish to commend the distinguished Senator from Virginia for presenting this nomination in the fine manner he has.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself such time as I may take.

I think the able senior Senator from South Carolina has made a powerful presentation in behalf of the nominee for Secretary of Defense. I associate myself with his remarks and I associate myself also with his remarks with regard to the need that this country maintain a strong national defense.

Mr. President, there is no apparent opposition to Dr. James R. Schlesinger to be Secretary of Defense. That being the case, I see no further need for discussion. I am willing to either yield back the remainder of my time or reserve that time for a later discussion. I understand the vote on the nomination will come at 12:30.

Mr. PROXMIRE. Mr. President, I intend to speak very briefly and then yield back the remainder of my time at that point.

I would like to emphasize one further point, a point which I have made to some extent, but I want to underline and emphasize it, because this is an opportunity in which we can realize the irony of our increasing military spending at a time not only when the war is ending in Southeast Asia and Vietnam, but also at a time when we are seeking better relations with the Peoples Republic of China and the Soviet Union.

I have commented on this point before, but I would like to read from an editorial from the Philadelphia Inquirer which I think does a fine job of summarizing this irony:

> To Mr. Brezhnev, the President declared his hope of making even greater progress toward the goals of better relations between the U.S. and U.S.S.R., and, above all, of "lifting the burden of armaments from the world and building a structure of peace."
>
> To the Senate Armed Services Committee, Mr. Schlesinger declared that it would be impossible to reduce the $79 billion U.S. defense budget. On the contrary, "the military budget will have to rise," since needs must be "based upon the capabilities of our opponents rather than the atmosphere of international relations."
>
> Similarly, and even more strongly, on the eve of the Brezhnev visit, Acting Secretary of Defense William P. Clements referred to "this so-called atmosphere of detente" and pronounced himself apprehensive about Soviet capabilities.
>
> Mr. Clements does not anticipate budget cuts. He is not even looking for them. "To the contrary," he told newsmen, "I've been looking into areas where programs may be expanded and where we might in fact move the other way."
>
> Now Messrs. Schlesinger and Clements are not generals or admirals. They are civilians, but civilians who sound as if they think nothing has changed in the 14 years since Mr. Brezhnev's predecessor, Nikita Khushchev, visited these shores, breathing beligerence.
>
> It all makes you wonder. Does the President select men for the Pentagon who think this way, or do they begin thinking this way after they are selected? Is it some kind of institutional imperative which they automatically accept—the military man's assumption that no amount of hardware is ever enough and that no expense should be spared to be prepared for even the remotest of contingencies, whatever other social costs must be endured as a consequence?

This editorial concludes:

> Obviously, it is unrealistic to expect either Washington or Moscow to inaugurate a program of unilateral disarmament. But it is not unrealistic—it is, indeed, the epitome of realism, and very much in their mutual interests—for them to seize the opportunity to curb the arms race, and, while they are about

it, to curb the mental set and rhetoric of the cold war.

One further observation on this, Mr. President. I have on my door an assertion that may surprise some. It says, "National defense is our insurance policy. We must be No. 1." I feel very strongly that way. We must have a strong military. The Senator from South Carolina is absolutely right in that statement, as is the Senator from Virginia; but, Mr. President, there is not any question that the waste is appalling in the military. We now have an F–14 plane that the Defense Department seems determined to move ahead on and produce in volume, costing some $20 million per copy, some 10 times as much as a Mig-21 of the Soviet Union. There is no possible way that 1 plane of ours can stand up to 10 Russian planes; yet 10 of those Russian planes cost no more than 1 F–14.

Because we are helping the Defense Department to build these enormously expensive, highly complex weapons, we are creating a situation in which our force levels are reduced and the strength of our military is reduced. It does not necessarily follow that because we are going to spend more money on the military, we are going to have a stronger military force. That is not necessarily so. We can spend more money and have a weaker defense posture when those moneys are spent on nuclear aircraft carriers for an unlikely nuclear scenario, F–14's, which cost tremendous amounts of money, and at the same time reduce our force levels. We should recognize that.

So I do hope that on this occasion, when the Senate is about to confirm, perhaps unanimously, the nomination of a new Secretary of Defense, we recognize two things: No. 1, that we are moving into a new kind of world in which we can have a detente, in which we can have a mutual reduction of arms, as President Nixon and Mr. Brezhnev have agreed to do.

No. 2, it is very possible to have a strong military force, indeed, the strongest Air Force, the strongest Navy, the strongest deterrent in the world, while at the same time devoting less of our limited resources to the military than we have in the past.

Mr. President, I yield the floor, and if the Senator from South Carolina and the Senator from Virginia are willing to yield back their time, I am willing to yield back my time.

Mr. PELL. Mr. President, the Senate has presently before it the nomination of Mr. James R. Schlesinger to be Secretary of Defense. It is with real reservations that I would consider this nomination, for, Mr. President, during the past week I was present for 2 full days and testified before the Military Construction Subcommittee on Armed Services, and it was apparent to me as well as to others that our Department of Defense needs a Secretary of Defense who is responsive to the needs of the Nation and to the Congress.

We in the Rhode Island and Massachusetts delegations have been outraged by the decisions to close the Newport Naval Station, Quonset Point Naval Air Station, the Naval Air Rework Facility at Quonset, and the Boston Naval Yard. For 2 days the Senate Subcommittee on Military Construction on Armed Services heard testimony in which it was clearly illustrated that the interests of national defense, our economy, and indeed the efficiency of DOD would best be served by the continuance of these strategic and economic naval bases in Rhode Island and Massachusetts. These hearings were replete with the political overtones that surrounded the decisionmaking process in regard to base closings.

The Defense Department although quick to close these bases has dragged its feet in supplying those interested Senators and Congressmen with the facts encompassing their decisions.

It would appear that while the Defense Department is projecting a $25 million savings in regard to the Rhode Island naval bases and their closure that this misguided decision may well cost the taxpayers of this country one-quarter of a billion dollars.

What I am most critical of, Mr. President, is the system that the Defense Department uses to determine which bases should be closed and the manner in which they close them. There either is no system at all or otherwise there is a particularly insensitive one to human needs.

If Mr. Schlesinger and the White House allows this decision to stand notwithstanding the pages and pages of testimony before Mr. SYMINGTON'S Subcommittee on Military Construction, then it will be apparent to all that this administration may well go down in history as the most inhuman, indifferent, insensitive administration since the very beginning of our Nation.

It was brought out in the hearings that the list of base closings prior to their announcement was reviewed by White House employees. I think the Congress has the right to know just who in the White House had access to this list—a list that was compiled in secrecy and kept in secrecy from the Governors and the congressional delegations of the States involved. Furthermore, I would hope that the new Secretary of Defense might be able to tell us whether any revisions were made in this list by White House employees.

It seems to me more than coincidence that a list of base closings is drawn up in an election year but does not surface until 6 months after election. What particularly disturbs me is that the Defense Department called for the largest amount of money to be spent in Rhode Island since World War II knowing at the same time that firm plans were in being for closing these same bases. I believe this waste of taxpayers' money for what would at least in part appear to be political reasons is particularly galling and outrageous.

Last, I would hope, Mr. President, that Mr. Schlesinger, if he is at all concerned with the integrity of the Department of Defense, would do his best to reverse this determination, and it is with that hope and that plea that I speak today on his nomination.

The PRESIDING OFFICER. Do all Senators yield back their time?

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, I yield back whatever time I may have.

The PRESIDING OFFICER. All time has been yielded back. The vote on the confirmation of the nomination of Mr. Schlesinger to be Secretary of Defense will take place at 12:30 p.m. today.

LEGISLATIVE SESSION

By unanimous consent, the Senate returned to the consideration of legislative business.

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AND CONSUMER PROTECTION AGENCIES APPROPRIATIONS, 1974

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senate will now turn to the consideration of H.R. 8619 which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 239 (H.R. 8619), a bill making appropriations for agriculture and environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, without the time coming out of either side on the bill, there be a brief period at this time for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Moss) laid before the Senate the following letters, which were referred as indicated:

Approval of Loan to Brazos Electric Power Cooperative

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Brazos Electric Power Cooperative, Inc., of Waco, Tex. (with an accompanying paper). Referred to the Committee on Appropriations.

Proposed Legislation From the Secretary of Commerce

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to permit not more than 30 persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy (with accompanying papers). Referred to the Committee on Commerce.

Proposed Legislation From the Secretary of Transportation

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of June 13, 1933 (P.L. 73–40), concerning safety standards for boilers and pressure vessels, and for other purposes (with accompanying papers). Referred to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Industrial Management Reviews of Defense Contractors' Operations," Department of Defense, dated June 26, 1973 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Social Services: Do They Help Welfare Recipients Achieve Self-Support or Reduced Dependency?", Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated June 27, 1973 (with an accompanying report); to the Committee on Government Operations.

Report of Board of Governors, U.S. Postal Service

A letter from the Chairman, Board of Governors to the U.S. Postal Service, transmitting, pursuant to law, a report entitled "The Private Express Statutes and Their Administration," relating to statutes restricting the private carriage of letters, dated June 29, 1973 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report of National Commission on Materials Policy

A letter from the Chairman, National Commission on Materials Policy, transmitting, pursuant to law, a report entitled "Material Needs and the Environment: Today and Tomorrow," dated June 1973 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the **ACTING PRESIDENT** pro tempore (Mr. **Moss**):

A joint resolution of the Legislature of the State of Utah. Referred to the Committee on Agriculture and Forestry:

"Senate Joint Resolution No. 6

"A joint resolution of the 40th Legislature of the State of Utah requesting the President of the United States to relax restraints on the use of certain specific canine toxicants

"Be it resolved by the Legislature of the State of Utah:

"Whereas, the sheep, cattle and wildlife industries are a valuable source of food and fiber for the American public and also an important source of income vital to the economy of the State of Utah; and

"Whereas, predation by coyotes has caused substantial losses of sheep and forced many sheep men out of the livestock business and is now threatening the entire sheep industry in Utah; and

"Whereas, at times predation may become a limiting factor in wildlife populations; and

"Whereas, a Presidential Executive Order dated February 8, 1972, restricted the use of chemical toxicants in predator control and which, combined with the prohibition in interstate shipments of chemical products registered for predator control by the Environmental Protection Agency has deprived livestock producers and game managers of their most effective, economical and highly selective predator control; and

"Whereas, the Presidential order was issued contemporaneously with the Cain Committee Report without promised hearing and public review of the report; and

"Whereas, no documented evidence exists to indicate that use of the chemical toxicant 1080 and coyote-getters reduces coyote populations to the point of making them an endangered species or poses on environmental threat through secondary killing of other species and, to the contrary, evidence indicates that such toxicant is highly specific for canines; and

"Whereas, research is being conducted to ascertain alternative methods for predator control but at present, alternatives are not effective and future alternatives from research are at least four to five years away, and uncontrolled predation for that time is intolerable.

"Now, therefore, be it resolved, by the 40th Legislature of the State of Utah that the President of the United States relax the strict ban on canine toxicants to provide that such toxicants may be used in properly supervised predator control programs in areas of urgent need on both public and private lands until such time as effective alternatives to predator toxicants are available.

"Be it further resolved, that the Secretary of State send copies of this resolution to the President of the United States and to each member of the congressional delegation from the State of Utah."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **PROXMIRE**, from the Committee on Appropriations, with amendments:

H.R. 8825. An Act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93–272).

By Mr. **MAGNUSON**, from the Committee on Commerce, without amendment:

S. 902. A bill to amend section 607 (k) (8) of the Merchant Marine Act, 1936, as amended (Rept. No. 93–273).

By Mr. **BAYH**, from the Committee on the Judiciary, with an amendment:

S. 1083. A bill to amend certain provisions of Federal law relating to explosives (Rept. No. 93–274), together with additional views.

By Mr. **KENNEDY**, from the Committee on Labor and Public Welfare, with an amendment:

S. 1977. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 93–275).

By Mr. **McCLELLAN**, from the Committee on Appropriations, with amendments:

H.J. Res. 636. Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes (Rept. No. 93–277).

By Mr. **PROXMIRE**, from the Committee on Banking, Housing and Urban Affairs:

S. 2101. An original bill to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes (Rept. No. 93–278). Placed on the calendar.

Mr. PROXMIRE. Mr. President, from the Committee on Banking, Housing and Urban Affairs, I report a committee bill to amend the Truth in Lending Act. I ask unanimous consent that the committee be given until midnight, July 10, 1973, to file a copy of the committee report.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. **MAGNUSON**, from the Committee on Commerce, without amendment:

H.R. 6187. An act to amend section 502(a) of the Merchant Marine Act, 1936 (Rept. No. 93–279).

REPORT ENTITLED "THE IMPACT OF CRIME ON SMALL BUSINESS—PART V (CARGO THEFT—RAILROAD INDUSTRY)"—REPORT OF A COMMITTEE (S. REPT. NO. 93–276)

Mr. BIBLE. Mr. President, from the Select Committee on Small Business, I submit a report entitled "The Impact of Crime on Small Business, Part V," summarizing today's costly problems of cargo thievery and losses in the railroad industry and based on our hearings and investigations. I ask that the report be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, this report is the fifth submitted to the Senate by our committee, since December 1969, dealing with crime and its effects on the Nation's 8 million small business establishments. This document, as have its predecessors about the airline, maritime, and motor freight transport modes, seeks to assess the economic impact of railroad activity and losses on small businesses who compete in the marketplace despite the social and economic disadvantages of our times. And as crime victims, small business men and women are 35 times harder hit than larger businesses according to a nationwide Federal survey. And it must be borne in mind that the country's railroad industry, our oldest form of surface transport, is itself a substantial victim of crime and has other substantive economic problems of its own in these changing times.

In 1970 our committee estimated that cargo theft losses from air, truck, maritime and rail carriers were in excess of $1½ billion per year. At that time we estimated the railroad industry suffers theft and other losses up to $250 million per year. An even more alarming factor, focused on by the committee during its investigations, is that the rate of increase in crime is greater in the rail industry than in other transport modes. In fact, between 1970 and 1971 there was, according to industry figures, a 100 percent-increase in the extent of railroad cargo crime.

As Gus Welty, senior editor of Railway Age Weekly, recently stated:

> With mounting outrage and more than a little frustration, railroad security forces are adding up a steadily increasing cost of theft

> and vandalism—running all the way up to the looting of whole freight trains.
>
> This is serious business—and it's getting worse. Acts of vandalism have caused death and serious injury to employees and to rail passengers. Criminal acts are draining millions of dollars from an industry that can ill afford any drain at all.

I believe this is a succinct description of the problem covered by this report.

There is also another aspect of railway crime which has far too long been ignored. That is the indirect cost of crime paid for by the shipping industry generally and the consumer public specifically. Crime causes inflated prices as George Stafford, Chairman of the Interstate Commerce Commission, testified during our committee's hearings on rail cargo losses:

> The economic loss from cargo theft and pilferage directly affects the viability of this (railroad) industry and is ultimately reflected in the rates paid by the shipping and consuming public.

Mr. President, one problem area this report discusses is the absence today of a uniform loss reporting system, either industry or governmental, to determine the actual losses suffered by the railroad industry. For a sophisticated industry or Government not to have statistics on cargo thievery and losses, valuable for many purposes, is an admission that all of us have more work to do before we can deal effectively with problems of society's own makings.

As a result of our hearings, I wrote to Chairman Stafford urging that the Interstate Commerce Commission establish mandatory uniform loss reporting for the rail carriers to determine the true impact of this crime and loss problem. On April 3, 1972, Chairman Stafford responded to my appeal and advised that the Interstate Commerce Commission had "established a target date of January 1, 1973, as the effective date for railroad reporting of these data."

Even though we are in the sixth month of 1973, we have been advised that serious discussions between the ICC and railway and shipper representatives are now in progress. We hope for their success because we are confident that effective solutions cannot be forthcoming until such time as accurate data have been collected. Thereafter, they must be analyzed by the ICC and acted upon affirmatively by the Commission, where possible, and by the carriers, who should by hard data know their own security and loss problems much better.

One significant finding of this report is that the railroad industry has failed to demonstrate a recognition of the seriousness of the theft and loss problem. In my judgment, until the industry does and joins with shippers, the Federal Government and local law enforcement agencies to do something about it, there cannot be effective crime prevention and control programs.

Another significant finding of the report is that law enforcement in general, including the Federal Bureau of Investigation, State and local railroad police, has been inadequate in preventing the increase in railroad cargo theft and losses. The report cites a multiplicity of jurisdictional responsibilities as encouraging lapses in information exchanges and in prevention and apprehension efforts.

Our committee's crime reports on the airline, maritime, and motor freight industries have been a basis for legislation we have offered and have seen passed. We have also tried to energize concerned executive departments and regulatory agencies to focus on key areas within their jurisdiction and thereby provide some assistance in dealing with the crime and loss problem and in helping carriers, shippers, and the purchasing public involved in the commercial chain.

During the last Congress, our cargo security bill, S. 942, was passed by the Senate. The other body, during the final days of the last Congress, passed a bill significantly different from the Senate-passed proposal. Unfortunately, there was no opportunity for a conference to reconcile the differences between the two versions.

Presently, I am preparing a cargo security bill which I hope will be acceptable and yet deal affirmatively with the problems of crime losses from the transport modes.

Recently, our Committee on Small Business has initiated hearings and investigations into the criminal redistribution—fence—systems. Their purpose is an attempt to determine the method by which thieves dispose of the $1½ billion or more of goods stolen from the different modes of transportation each year and the manner in which they are reintroduced back into legitimate commercial channels. I believe strongly that if we can destroy the marketing ability and thereby the profitability of these middlemen fences and also institute basic preventive and security programs in each of the different modes of transportation, particularly the railroad industry, we can control this upward spiral of cargo thievery.

Mr. President, I ask unanimous consent that a summary of the committee's findings and recommendations be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

COMMITTEE FINDINGS RE RAILROAD CARGO THEFT

Similar to the problems described in the air, maritime and truck cargo industries, the Committee finds that:

1. The frequency of railroad cargo transportation thefts and loss is increasing at an alarmingly rapid rate;

2. Law enforcement personnel find it difficult to cope with this increase;

3. The task of apprehending and convicting criminals is made more difficult by the absence of systematic prevention programs by shippers, allied transport modes, rail freight forwarders, and railroads to reduce railroad cargo theft and loss; and

4. Physical security, documentation, and personnel policies of the railroad industry are lax and negligent, and unnecessarily facilitate criminal activity.

COMMITTEE RECOMMENDATIONS RE RAILROAD CARGO THIEVERY

1. That Federal legislation be enacted to provide Federal police commissions for members of the railroad police forces to permit those officers to cross state boundaries in furtherance of their specific duties. Also, legislation should be enacted which would enable members of the railroad police forces to participate in Federal police training programs.

2. That Federal support for research and development of new techniques and equipment for railroad security be increased. The Department of Transportation's Office of Transportation Security and the Federal Railroad Administration should institute a more effective research and development program for the protection and security of rail cargo.

3. That closer cooperation between the police and security forces of the railroad industry and Federal, state, and local law enforcement authorities be supported.

4. That a proposed model state railroad police statute—which would authorize state governors to enter into reciprocal agreements empowering any police officer to perform railroad police functions within that state—be developed and encouraged.

5. That the Justice Department, the Federal judiciary, and the U.S. Congress cooperate to improve the administration of justice involving crimes against the railroads, both interstate and intrastate, especially those involving juveniles.

6. That the Interstate Commerce Commission establish a uniform cargo loss reporting system for all Class I railroads similiar in content and scope to that presently required of Class I motor carriers.

7. That Federal legislation be considered which would require all rail carriers to provide for the safety and security of cargoes while in the possession of such carriers.

8. That your Committee continue its investigations into the criminal redistribution systems which support rail cargo and other transport thievery, and seek enactment of a civil damage remedy* designed to dislocate markets for stolen goods.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Robert E. Hampton, of Maryland, to be a Civil Service Commissioner.

(The above nomination was reported with the recommendations that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Fred Charles Ikle, of California, to be Director of the U.S. Arms Control and Disarmament Agency;

Amrom H. Katz, of California, and Robert M. Behr, of Michigan, to be Assistant Directors of the U.S. Arms Control and Disarmament Agency; and

John Hugh Crimmins, of Maryland, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary to Brazil.

(The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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*S. 13 passed U.S. Senate on March 29, 1973. S. 800, Title IV, passed U.S. Senate on April 3, 1973.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McGOVERN (for himself, Mr. Dole, Mr. McGee, Mr. Mansfield, Mr. Nelson, and Mr. Cranston):

S. 2094. A bill to amend the Economic Stabilization Act of 1970. Referred to the Committee on Banking Housing and Urban Affairs.

By Mr. HUMPHREY:

S. 2095. A bill to provide that local educational agencies shall not receive Federal financial assistance unless they provide educational services to all handicapped children at levels of expenditure at least equal to expenditures for other children. Referred to the Committee on Labor and Public Welfare.

By Mr. SCOTT of Pennsylvania:

S. 2096. A bill for the relief of Marta C. DeJesus; and

S. 2097. A bill for the relief of Angelo Luciano Colavita, his wife Maria Carmela Colavita, and their son Antonio Colavita. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 2098. A bill for the relief of Antonio O. Sales and his wife Emma Sales. Referred to the Committee on the Judiciary.

By Mr. BELLMON:

S. 2099. A bill to prohibit the public disclosure of Federal election returns during Presidential election years prior to midnight, eastern standard time. Referred to the Committee on Rules and Administration.

By Mr. ERVIN:

S. 2100. A bill for the relief of Miss Veronica Dorothy Anthony. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

S. 2101. An original bill to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes. Placed on the calendar.

By Mr. MATHIAS (for himself, Mr. Bayh, Mr. Humphrey, Mr. Roth, and Mr. Brock):

S. 2102. A bill to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens who are residing or domiciled outside the United States. Referred to the Committee on Rules and Administration.

By Mr. JAVITS:

S. 2103. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MATHIAS:

S. 2104. A bill for the relief of Trevor D'Andrade. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 2105. A bill to amend Public Law 90–335 (82 Stat. 174) relating to the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGOVERN (for himself, Mr. Dole, Mr. McGee, Mr. Mansfield, Mr. Nelson, and Mr. Cranston):

S. 2094. A bill to amend the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

PROTECTING FOOD PRODUCERS AND FOOD CONSUMERS

Mr. McGOVERN. Mr. President, on behalf of myself and the Senator from Kansas (Mr. Dole), the Senator from Montana (Mr. Mansfield), the majority leader; the Senator from Wisconsin (Mr. Nelson); the Senator from California (Mr. Cranston); and the Senator from Wyoming (Mr. McGee), I introduce for appropriate reference a bill to require an adjustment in the price for agricultural commodities in those situations where the Secretary of Agriculture determines that the current price freeze will produce a shortage of a commodity and there is no alternative means for increasing the supply.

Mr. President, if things remain as they are, consumers will soon find it as hard to buy certain agricultural products such as eggs, chickens or milk, as they do now to get gas on a Sunday afternoon. This is because the costs of producing these products, particularly feed grains, has gone up even faster than the costs of living. The result of the price freeze is that the farmer cannot get from the middleman or the store a price sufficient to cover his costs.

A few days ago we saw on television a farmer destroying 100,000 baby chicks. Because they also depend on high intensity feed, the same thing will happen to countless young hogs and lambs. The dairy farmer will sell off his herd if milk production continues to mean losses. And the cattle rancher will not put yearling steers and heifers on the feedlot, if he knows his costs will exceed sales price.

In the end, it is the consumer who will pay the most for these shortages unless we act promptly now. The pattern reported in the press for broiler chickens is already being seen in eggs. For example, an egg producer in South Dakota told me this week that his cost of soybean meal has increased from 5 cents per dozen eggs to 25 cents in the past year. He will not continue producing eggs, even for a short time, if he is likely to lose money on every case of eggs he ships. And other products raised on high intensity feeds are not far behind.

So the Government must move promply to insure that the consumer has food products to buy.

The bill we are introducing today offers the quickest and, in the long run, least expensive way to do this. It would require in emergency situations an adjustment in the maximum price for agricultural commodities whose supply is being reduced by the freeze. This would provide the sufficient incentive to keep farmers producing products consumers need.

Of course, there are other methods too. The administration announced last night that it has prohibited further exports of soybeans and cottonseed and their products, in an effort to stem the export of feed grains. Let us hope that these actions will retard the catastrophic increases in the prices of processed feeds which have occurred in recent weeks; however, it may be some days before we can know its effect.

Another method might be to determine immediately how phase IV can operate for food, and move rapidly to a special phase IV for food while working out the details for other sectors of the economy. The administration is working toward that goal, but it appears some time off.

Yet another method might be to institute an emergency supplemental payment from the Treasury to food producers who are forced to sell at less than cost. Such an approach is not without merit, but it, too, involves complexities and may require some time to implement.

But none of these methods would be able to take hold for some time. By then it would be too late to bring back to life countless young animals needlessly slaughtered.

Our bill, Mr. President, offers a simple and effective method of dealing with a problem of potentially major proportions. It deserves the support of my urban colleagues, whose consumer constituents need an adequate food supply; it deserves the support of my colleagues from farm States, where adequate income is of paramount concern.

Mr. President, the other members of the Agriculture Committee and I are meeting with John Dunlop, the Director of the Cost of Living Council later today. We hope to convince him of the need to take the actions we suggest right away. But if we fail to get him to take the appropriate action, the cosponsors of the bill and I will offer it as an amendment to an appropriate bill before the Senate recesses for the July 4 holiday.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. Yes, I yield.

Mr. DOLE. Let me, first of all, indicate that I am pleased to cosponsor this measure with the distinguished senior Senator from South Dakota.

To underscore even more what the Senator has said, I ask unanimous consent to have printed in the Record, at the conclusion of my remarks, an article published in today's Wall Street Journal, entitled "Bare Cupboards."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. The article quotes one source after another as saying that we face food shortages—whether in poultry or eggs or meat or whatever—unless there is some immediate relief from the price freeze. That will be discussed, as the Senator has indicated, very soon with Secretary Shultz and Mr. Dunlop and others.

I can only underscore what the distinguished Senator from South Dakota has said. I think it is important that we have action now. I am pleased that the Senator has moved quickly to obtain passage of this bill.

I invite attention to one excerpt from the article to which I have referred:

"Ceiling prices for many feeds are $20 to $50 a ton below the cost of production," says Mr. Ray of the Feed Manufacturers Association. Ralston Purina, one of the biggest companies in the industry, has withdrawn more than 300 feed products from the market. "Others are simply closing," Mr. Ray adds. "It's the greatest crisis our industry has ever faced."

I think this indicates the problem we have and the necessity for quick action.

EXHIBIT 1

BARE CUPBOARDS: FOOD SHORTAGES LOOM AS FIRMS, FARMS CUT OUTPUT UNDER PHASE 3½

(By John A. Prestbo)

CHICAGO.—The nation's food-production machinery is starting to grind to a halt under Phase 3½.

Across the country, flour millers, feed manufacturers, corn processors, salad-oil refiners and other food companies are either slowing down or closing their plants because their prices are frozen below the cost of their raw materials.

For the same reason, broiler-chicken and egg farmers have been cutting production sharply, even to the extent of killing baby chicks rather than going to the expense of feeding them. Hog farmers are barely keeping pace with last year's output and are marketing pregnant sows rather than allowing them to farrow. More dairy farmers are selling their cows for beef to cut feed expenses, and some dairymen predict that milk supplies could be scarce when school resumes in the fall.

Yesterday, the government took one step in easing high production costs by embargoing all exports of soybeans and cottonseed and the products made from them. Strong foreign demand for these products has been instrumental in ballooning domestic prices for many foods, including meat, milk and eggs. But the freeze itself remains in effect.

"If these price-freeze rules continue for the full 60 days, the nation's supplies of meat, milk and eggs are going to be scarce for a long time to come," warns Oakley Ray, president of the American Feed Manufacturers Association.

BAD NOW, WORSE LATER

"Things are bad enough now, but it's the long-range ripple effects that worry us most," says a spokesman for the National Association of Food Chains. "We can put up with short supplies of lettuce and other produce for a while but what happens if the canners don't can and freeze as much as they might—what will we do for food six months from now?"

Indeed, Nixon administration officials have indicated that food rationing is a possibility. "For the first time in our history, there might be great, gaping blank spaces on our supermarket shelves, says C. J. Tempas, president of Green Giant Co.

Adds Dale D. Wolf, sales manager of Joan of Arc Food Co. in Peoria, Ill., which last week stopped selling its canned pork and beans: "If consumers were complaining before about high food prices, they're going to complain even more now because they won't be able to get things. Price becomes secondary when you can't get the product.

Not everyone is crying gloom and doom, of course, and the Cost of Living Council apparently plans to grant relief to a few especially hard-pressed companies. Because the distribution pipelines are filled, shortages of food items haven't yet been reported—though even the government acknowledges that the U.S. may run out of soybeans before the season ends Aug. 31.

A PANDORA'S BOX

Nonetheless, Phase 3½ is turning out to be a Pandora's box for the food industry. One rule is particularly nettlesome because many food products are sold at an agreed-upon price for delivery several weeks or months later. The freeze rules say that prices of goods delivered in the June 1–8 base period can't go any higher, even though those prices may be months old and raw-material costs may have skyrocketed in the meantime.

As a result, some food-processing and manufacturing companies say they find themselves forced to price their products at levels below the current cost of production. Evans Milling Co. in Indianapolis, for instance, closed its doors last Saturday because of freeze-imposed losses of 20 cents a bushel on the corn it milled. Flour millers, soybean processors and others are similarly affected.

"At least three soybean plants have closed, and more than a dozen others have cut back because they were locked into unprofitable prices," says a spokesman for the National Soybean Processors Association. "Some of our members have base prices of less than 16 cents a pound for oil and little more than $200 a ton for meal," he says, "and it's simply impossible to sell at those prices when soybeans bring nearly $12 a bushel." Based on 19 cents a pound—when it can be bought at current soybean prices, oil costs more than all—and meal brings $390 a ton.

GREATEST CRISIS EVER

"Ceiling prices for many feeds are $20 to $50 a ton below the cost of production," says Mr. Ray of the Feed Manufacturers Association. Ralston Purina, one of the biggest companies in the industry, has withdrawn more than 300 feed products from the market. "Others are simply closing," Mr. Ray adds. "It's the greatest crisis our industry has ever faced."

On Tuesday, the Cost of Living Council announced that it had decided not to revise its rule concerning the price freeze on transactions as of the delivery date. Changing the transaction rule, the council decided, would only move the price squeeze further up the production ladder.

But the squeeze is already climbing that ladder. Earlier this month, Anderson, Clayton & Co., Houston, cut production of salad oil, shortening and margarine that it sells in bulk to other food companies. Supermarket executives say they are being cut off by their suppliers of private-label salad oil and expect to be soon for margarine. The flow of products containing flour also is slowing down, supermarket-industry sources say.

Meat processors, which were saddled with price ceilings in April, also are slowing production. Missouri Beef Packers, for instance, has cut back by 20%, and Green Giant has stopped its slaughtering operations in Alabama and reduced operations at its Florida plant to two days a week from six. Iowa Beef Processors says it hasn't had to cut production yet, but a spokesman says that "it's getting more and more difficult to get enough cattle."

The freeze isn't slowing production of some food items, but it is distorting the marketing of them. Retail prices of some seasonal fruits and vegetables, for instance, are still pegged at last year's levels because no sales were made during the base period; wholesale prices, however, had climbed sharply higher to reflect smaller crops caused by bad weather.

Plums, for example, may not be stocked in many markets this summer because of the freeze. Last year's retail price, which is this year's ceiling, was $9 a box, but the wholesale price ceiling under Phase 3½ is $20 a box, the National Association of Food Chains says. Another example: Florida tomatoes were selling for 18 cents a pound in New York during the base period, but now those supplies are gone, and California tomatoes are coming into season—costing about 30 cents a pound. Stores that had been selling the Florida tomatoes may have to stop carrying any, while those in the West normally dependent on California supplies could be so glutted with them that they would feature them on special.

The anomalies aren't limited to fresh produce. General Foods Corp. says that it has stopped selling frozen red raspberries and that when present supplies of frozen strawberries are exhausted, it will stop selling those, too. Some canning-industry sources worry that smaller canners faced with the prospect of paying higher raw-material prices but not being able to sell the finished product at a profit will simply choose not to can. The packing season for many items is just getting under way and inventories of canned fruits and vegetables are sharply lower than normal because of increased demand. No canner has announced such a move, however.

Earlier this week, the government said it may ease the ceiling on certain food products if it appears that shortages are developing. It was obvious that the publicity about farmers' killing baby chicks caused some consternation among price controllers, and hints began circulating that the price freeze may be lifted on broiler chickens and selected other food items sooner than on other products.

Yesterday, for instance, a Paris, Ill., corn-processing plant, Illinois Cereal Mills Co., said it plans to reopen today after pleading its case to the government. The company said in a statement: "We have reviewed our situation with the Price Commission (and) we are optimistic that an early favorable reply will be forthcoming. So we are starting up our plant and will attempt to operate on a day-to-day basis until it is resolved."

The Cost of Living Council apparently is reviewing other pleas for exemptions to the freeze case by case. Illinois Cereal is an important supplier to major breakfast-cereal makers, including Kellogg Co., which said it would lay off workers if the processing plant had remained closed.

Technically, the price freeze doesn't apply to farmers but becomes effective after the farmer sells to a wholesaler or processor. But commerical firms, of course, resist paying any more for the raw product than they can recoup in the selling price, so the farmers have de facto ceilings, too. That's why poultry, dairy and livestock farmers are cutting production until either ceilings are removed or feed costs go down enough to make their operations profitable.

The Nixon administration is working toward both ends. The embargo on soybean and cottonseed exports will remove some of the upward price pressure on these commodities, though it isn't certain yet whether it will be enough to bring costs below Phase 3½ ceilings.

Meanwhile, the Cost of Living Council apparently is speeding its efforts to formulate Phase 4 and end the freeze. Presumably, Phase 4 would resemble Phase 2 in that some price increases would be permitted under stringent conditions—such as short supplies resulting from bad weather.

"If Phase 4 doesn't come soon, I don't see how we can avoid rationing and black-marketeering," says one food executive, whose company makes sausage, among other things. "Any day now I expect a meat supplier to tell me that at the ceiling price he can give me only 500 pounds when I need 10,000. Then he'll let me know that maybe he could provide the other 9,500 pounds at an additional charge. If I don't take it, my competitors will. If we come to that, God help us all."

Mr. McGOVERN. I thank the Senator.

Mr. President, my understanding is that a bill such as this could lie at the desk for several days for additional cosponsors.

The PRESIDING OFFICER. Not unless there is unanimous consent.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the bill—

The **PRESIDING OFFICER.** The Chair informs the Senator that there is established precedent against it.

Mr. **McGOVERN.** I know that other Senators are interested in the bill. Perhaps later in the day I can ask unanimous consent that their names be added as cosponsors.

Mr. **McGEE.** The Senator from Wyoming would like to have his name added, by whatever means.

Mr. **McGOVERN.** Mr. President, I ask unanimous consent that the name of the Senator from Wyoming (Mr. McGEE) be added as a cosponsor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

By Mr. HUMPHREY:

S. 2095. A bill to provide that local educational agencies shall not receive Federal financial assistance unless they provide educational services to all handicapped children at levels of expenditure at least equal to expenditures for other children. Referred to the Committee on Labor and Public Welfare.

EDUCATION FOR HANDICAPPED CHILDREN

Mr. **HUMPHREY.** Mr. President, I introduce for appropriate reference a bill to assure that every handicapped child is provided educational service at least equal to expenditures for other children in that school district.

My bill, identical to legislation introduced by Representative CHARLES A. VANIK, of Ohio, on April 11, 1973, would amend the Education of the Handicapped Act by adding a new part E, providing that a local educational agency shall not receive Federal financial assistance for which it is otherwise eligible if it does not provide educational services to handicapped children, as further defined under this bill, within its jurisdiction. My bill makes further provision to permit a parent of a handicapped child who is denied such educational services to institute a civil action in an appropriate district court of the United States. Subject to making a finding that the local educational agency is making a bona fide effort to provide such services, the court shall order the Commissioner of Education to refrain from granting or continuing Federal financial assistance to the local educational agency.

Mr. President, I have concluded that such decisive measures are required on behalf of 4½ million handicapped children of school age who are excluded from public schools in America. These children constitute about three-fifths of all school-age handicapped children in the United States—an incredibly high proportion who are being isolated and denied the opportunities of education to which every child has a right under the laws of the several States.

I was a sponsor of original legislation in the current Congress—S. 6, the Education for All Handicapped Children Act, introduced by the Senator from New Jersey (Mr. WILLIAMS)—which provided for Federal financial assistance incentives to the States for improved educational services for handicapped children. And I have stated my full support of enactment of the Education of the Handicapped Amendments, S. 896, passed by the Senate on June 25, 1973. Under this important legislation, the goal of Federal assistance will now be the provision of full educational opportunity for all handicapped children. State plans, to be in effect by June 30, 1975, must provide for the identification and evaluation of all handicapped children and for affirmative action toward the achievement of this full-opportunity goal.

But I believe that the implementation of such State plans must be accelerated by firm pressure—the loss of other Federal assistance for education if these educational services for handicapped children are not provided, coupled with civil action relief on behalf of these children. This is the clear purpose and intent of my bill.

The immediate enactment of S. 896 is essential. But it must be recognized that the funding authorizations under this bill have been substantially reduced in response to budgetary pressures by the administration. Moreover, the language of this bill calls for the eventual achievement of educational goals for handicapped children—in other words, the States are to promise that sometime in the future full and equal educational opportunity will be established for all children, including the handicapped.

In my remarks during Senate debate on S. 896, I argued in the strongest possible terms that this is simply not good enough—that the handicapped individual deserves a full measure of justice now; that there is no area of human need that is greater than this; and that the time has come for Congress to face up to the responsibility of helping those who really need the help, through providing for adequate program appropriations.

The fact is that inadequate efforts by the States on behalf of handicapped children have been met with indifference by the executive branch of the Federal Government, which requested only $37.5 million of the $220 million authorized by Congress, for the grants to the States program for fiscal 1973 under the Education of the Handicapped Act. And further reductions in funds available for education programs serving handicapped children resulted from the correction of illegal activities by the Office of Education in back-dating to fiscal year 1972, grants and contracts actually processed in the early part of fiscal 1973—a cover-up for inexcusable bureaucratic delays in processing applications.

To make up this short-fall, it was recently necessary for Congress to enact $13.8 million in supplemental appropriations, to remain available until September 30, 1973. However, the President has just vetoed this appropriations bill. It is profoundly wrong that handicapped children should suffer because of bureaucratic bungling, but it is an unconscionable act of irresponsibility for the President to disapprove these further appropriations, intended to right this wrong.

However, beyond achieving an effective level of Federal assistance, Congress must also insist that the States fulfill their responsibilities for the education of handicapped children. Even granting the allegation of States that funds required for special educational services for handicapped children are inadequate, the evidence strongly suggests that States too often are failing to make a determined effort to assure that handicapped children have opportunities for decent care and development. Too often, parents confront long waiting lists in seeking counseling services for their handicapped children; too often, handicapped children are denied access to public schools, whether because of the lack of adequate professionally trained staff or because these children are simply viewed as an extra burden; and too often, the children are left with no alternative to being sent to an institution or to being shut up in their homes, because of the limited availability and higher costs of private schooling.

I am advised that, in point of fact, State and Federal authorities were only able to identify, counsel, and place in educational facilities some 40 percent of handicapped persons under 21 years of age in 1971.

Mr. President, at the conclusion of my remarks I request unanimous consent to include in the RECORD a listing by the Department of Health, Education, and Welfare of the estimated number of handicapped children served and unserved during 1971–72 in the respective States. This listing does not indicate the quality of training and care for those who were served, which only emphasizes the serious lack of information about handicapped children across the Nation. In turn, this lack of information is clear evidence of a basic failure to give the needs of handicapped children the priority attention that must now be demanded.

There are presently pending more than 20 "right to education" suits in Federal district courts on behalf of handicapped children. Therefore, it is clear that the time for decisive action is at hand. We are confronting an extensive case of what has rightly been called taxation without service. Our Federal, State, and local governments tax handicapped people, their parents and relatives, but fail to provide services for them. Parents of handicapped children pay school taxes, yet cannot send their children to public school.

Under my bill, the details of educational services for the handicapped will be determined in light of local needs, with the flexibility needed for efficiency. But educational opportunity will be required for every child.

I urge that Congress take the leadership on this vital issue by mandating the provision of educational services to handicapped children across America.

Mr. President, I ask unanimous consent that in addition to the previously mentioned State-by-State listing of handicapped children served and unserved, the following items be included in the RECORD: The text of the bill, and an article entitled "Handicapped Pupils Face Schooling Crisis," appearing in the May 30, 1973, issue of the Washington Post.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Education of the Handicapped Act is amended by adding at the end thereof a new part E as follows:

"PART E—EDUCATIONAL SERVICES FOR HANDICAPPED CHILDREN

"PROVISION OF APPROPRIATE EDUCATIONAL SERVICES TO HANDICAPPED CHILDREN

"SEC. 671. (a) Federal financial assistance which the Commissioner is otherwise authorized to extend to a local educational agency by way of grant, loan, or contract, other than a contract of insurance or guarantee, shall not be granted or continued to any local educational agency which does not provide educational services to handicapped children within its jurisdiction.

"(b) For purposes of this section, the term 'educational services to handicapped children' means such services as are provided by a local educational agency, either directly through public elementary or secondary schools, or indirectly through programs in cooperation with a State educational agency or other State agency, with one or more other local educational agencies, or with private institutions, which are appropriate to the educational needs of handicapped children, at levels of expenditure at least equal to such agency's expenditures for other children in public elementary or secondary schools within its jurisdiction, as determined by the head of the bureau for the education and training of the handicapped established under section 603.

"CIVIL ACTION FOR WITHHOLDING OF FEDERAL FINANCIAL ASSISTANCE

"SEC. 672. (a) A parent (including any person standing in loco parentis) of a handicapped child within the jurisdiction of a local educational agency receiving Federal financial assistance in violation of section 671(a) may institute a civil action in an appropriate district court of the United States against such parties as may be appropriate. If the court finds that such agency is receiving Federal financial assistance in violation of such section, the court shall order the Commissioner to refrain from granting or continuing such assistance until such time as such assistance will no longer constitute a violation of such section. The court may, in its discretion, stay the taking effect of such order for no more than one year from the date of such finding, if the court finds that such agency is making a determined effort to provide educational services to handicapped children, as defined in section 671(b).

"(b) Each district court of the United States shall have jurisdiction of actions brought under subsection (a).

"(c) In any civil action instituted under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person."

ESTIMATED NUMBER OF HANDICAPPED CHILDREN SERVED AND UNSERVED, 1971–72 (AGED 0 TO 21 YEARS)

State	Total served	Total unserved	Grand total
1 Alabama	22,384	88,765	111,149
2 Alaska	1,875	3,175	5,050
3 Arizona	12,678	27,318	40,059
4 Arkansas	12,492	109,173	121,665
5 California	321,765	219,320	541,085
6 Colorado	37,566	38,289	75,855
7 Connecticut	35,544	54,322	89,866
8 Delaware	8,351	7,371	15,722
9 District of Columbia	9,568	12,334	21,907
10 Florida	105,021	34,822	139,843
11 Georgia	65,061	64,803	129,864
12 Hawaii	9,106	10,484	19,590
13 Idaho	3,395	28,166	36,561
14 Illinois	180,877	74,504	255,381
15 Indiana	86,599	58,492	145,091
16 Iowa	36,521	58,210	94,731
17 Kansas	27,713	26,853	54,566
18 Kentucky	24,336	54,050	78,386
19 Louisiana	45,056	77,288	122,344
20 Maine	6,758	23,985	30,743
21 Maryland	66,259	57,380	123,639
22 Massachusetts	63,460	45,152	108,612
23 Michigan	165,018	123,279	288,297
24 Minnesota	70,423	52,242	122,665
25 Mississippi	16,587	99,479	116,066
26 Missouri	65,110	156,468	221,578
27 Montana	5,358	18,242	23,600
28 Nebraska	23,734	69,834	93,568
29 Nevada	6,300	7,340	13,640
30 New Hampshire	6,070	13,304	19,374
31 New Jersey	99,189	131,866	231,055
32 New Mexico	8,655	44,471	53,126
33 New York	221,219	151,592	372,811
34 North Carolina	73,739	98,841	172,580
35 North Dakota	9,470	38,268	47,215
36 Ohio	175,300	160,578	335,898
37 Oklahoma	23,746	120,840	144,586
38 Oregon	26,274	21,770	48,044
39 Pennsylvania	156,830	108,619	265,449
40 Rhode Island	13,475	26,000	39,475
41 South Carolina	38,275	68,230	106,505
42 South Dakota	4,414	13,381	17,795
43 Tennessee	49,173	82,730	131,903
44 Texas	175,622	602,069	777,731
45 Utah	27,079	17,100	44,179
46 Vermont	4,612	16,019	20,631
47 Virginia	44,768	101,980	146,748
48 Washington	64,223	15,071	79,294
49 West Virginia	15,161	65,400	80,561
50 Wisconsin	66,230	89,583	155,813
51 Wyoming	5,665	12,810	18,475

Source: U.S. Department of Health, Education, and Welfare.

[From the Washington Post, May 30, 1973]

STILL IN SPARTA?—HANDICAPPED PUPILS FACE SCHOOLING CRISIS

(By Andrew Barnes and Bart Barnes)

In ancient Sparta, authorities had a singular way of dealing with children who were born with crippling deformities.

They took those children out of the city to the mountainside and left them to die.

In 20th Century America, there are those who argue that society's treatment of the handicapped hasn't changed that much since the days of the ancient Greeks.

Despite a spate of court decisions and laws to the effect that the handicapped now have a right to an education, there is still a strong tendency simply to put them away, it is argued.

Although that attitude is now being challenged and, in some cases, rejected in courts across the country, the tradition of excluding the handicapped is deeply rooted in custom and law.

In a landmark case in Wisconsin in 1919, a judge sanctioned the exclusion of a blind, but otherwise normal, child from school on the grounds that his handicap had a "depressing and nauseating effect on teachers and students."

Until recently, there was a statute in North Carolina making it a misdemeanor punishable by law for the parent of a handicapped child to persist in trying to have the child admitted to school once the schools had certified they had no program for him.

When the state of Pennsylvania signed a court order in the fall of 1971 stipulating that no retarded child could be excluded from a publicly supported education, the response of one local school board was immediate.

It adopted a regulation that no retarded child would be eligible to try out for the high school cheerleading squad.

An estimated one in every 10 Americans suffers from some type of handicap. Those handicaps range from crippling physical deformities to mental retardation to nervous disorders that impede the ability to communicate and learn.

Approximately 7 million are of school age. It is these children, 60 per cent of whom are not receiving the specialized kind of educational services they need, and their parents who are now demanding an education as a matter of constitutional right.

In this, Washington is a microcosm for what is happening elsewhere in America. Last Aug. 1, U.S. District Court Judge Joseph C. Waddy ordered the city's school system to stop telling handicapped children there was no place for them in the public schools.

Even if it is expensive, the judge said, the handicapped have a right to a suitable education at public expense. If proper instruction cannot be provided in a normal classroom setting, then it is the obligation of the public school system to see that every child gets whatever instruction he needs, either in a special school, special class, remedial program or home instruction.

If there is no suitable program available under any of those methods, the judge directed, then the city is obligated to pay the full cost of the child's tuition at a private school.

As of last February, the last time a count was taken, there were 8,113 children in the District of Columbia public school system enrolled in programs of special education. That figure is nearly twice the number enrolled in special education programs before the judge's order. And the number continues to increase as more and more of the handicapped are identified among the city's school population of 140,000.

Judge Waddy's order came in response to a lawsuit filed by the parents of a number of handicapped children who either had been excluded from the public schools altogether or had been denied special programs they needed.

It grew out of years of frustration and agony on the part of the parents of handicapped children struggling against an unresponsive bureaucracy to get what was best for their children.

Dorothy Banks, the mother of an aphasic child, is one who spent 15 years doing battle with the system on her son's behalf. "If you can't raise hell, you can cry," is how she sums up her attitude towards the system.

Aphasia, which also afflicts adult stroke victims, is an impairment of the power to communicate with words. It is also known as one of the specific learning disabilities.

When Keith was somewhat more than 1 year old, Mrs. Banks remembers, "I knew he couldn't talk." The well baby clinic at Freedmen's Hospital told her she was "expecting too much. Some kids talk late."

Time passed, and things were still not right. Further tests showed Keith "couldn't see very well. Hardly at all."

Still, "nobody knew quite why he couldn't talk." One doctor told Mrs. Banks that Keith's only trouble was his "hysterical mother—in so many words. That's the way they put most mothers down."

The doctor "told me to put him in a camp. He couldn't speak a word—fearful of everything, because nobody knew he couldn't see. This fool tells me put him in a residential camp. As usual, I ended up raising hell."

The complete diagnostic workup took many months. Each clinic visit meant a day off work at the Pentagon for Mrs. Banks.

Mrs. Banks says she encountered many helpful, sympathetic people in the search for ways to help Keith, but the hardest for her to take were the bureaucrats who told her: "I don't know what you're going to do, but don't sit there and bug me."

"I do get very impatient with people who do not do their job," Mrs. Banks says.

Mrs. Banks only chanced to see a display in a down town department store window that put her on the track of the private school Keith has attended for the last several years.

"I did know the word aphasia," she remembers, "but I hadn't thought about the necessary retardation from lack of communication." The school offered individual attention. They visited it and it seemed suitable.

But it cost $1,200, far more than Mrs. Banks could pay. "I was ready to beat somebody to death, but I didn't have anybody to beat."

There's a law on the books, a friend told Mrs. Banks, that the public schools must pay private school tuition if there is no suitable public school. "That's where the fight began."

She ended up going before the board of education, which voted the tuition money.

Keith has gone from a child whose eyeballs just wiggled the whole time to six feet two, walking down the street, you would never think there was anything wrong with him.

"In most cases there is somebody in the education world who could help a child," Mrs. Banks says. She feels sorry for parents. "There are so many that get burdened down so they can fight for themselves for their kids."

For those handicapped who do make it through the system, it takes unusual strength and an ability to withstand society's contempt and indifferences, along with the best therapy and education.

At 23, Andy Cowin is a college graduate, just beginning his first job. He is a victim of a form of cerebral palsy that makes the muscles of his right hand and arm uncontrollable. His speech is sometimes difficult to understand, particularly when he gets excited, which is often, and the palsy causes him to walk somewhat carefully, though swiftly.

He can remember standing, slapping his thighs as hard as he could and shouting his frustration: "You're not a goon, walk straight, be normal."

Nobody is more determined to achieve normality than a handicapped person, yet just walking down the street can be an ordeal. "People laugh all the time," Cowin says. "They are afraid.

"How dare you be out of the cage?" he feels people ask. "You don't belong on the street."

Despite the handicap of cerebral palsy, Andy Cowin had the advantage of being bright, yet year after year his teachers in school wanted to hold him back because he was unable to write with a pencil. (He types now, but still can only use his left hand.) His mother refused, pointing out that he understood the content of the school work.

By a combination of summer tutoring and sheer push, he stayed in his regular public school classes until he was 11, when he left his Boston home and went to the Massachusetts Hospital School.

He took regular academic courses and did first-class work. He also had regular speech therapy and learned to type 25 words a minute with his left hand.

Cowin graduated with his regular academic high school degree at 17. He has trouble with written tests, he says, but does well on spoken ones.

He had attended four colleges before getting his degree—bachelor of business administration—from George Washington University last August.

Cowin remembers the judgment of one of his first college teachers: "You need help, but you are smart."

He ended up with A's and B's, immensely proud. "I was an honor student. What the hell is a goon?"

But the stories of Cowin and Mrs. Banks and her son Keith are of handicapped people who got an education by perseverance, in spite of, not because of the established public school systems. Now, in the District of Columbia, the schools are under court order to see that all handicapped get such an education.

That order directing a public education for all handicapped children has been met, for the most part, through a program whose underlying philosophy is called "mainstreaming."

Increasingly in use across the country, mainstreaming is a program to keep children in regular classes whenever possible. They are taken out only to provide therapy, small group instruction or special individual assistance required by each particular child.

Proponents of mainstreaming say it prevents the stigmatization of being set apart from "normal" children. They are handicapped children who will emerge better prepared for adult life because they will not fear to deal with the real world.

But there are also people who say it doesn't work.

"I really think we are going in the wrong direction," says Elwood Swarmer of the Montgomery County Cerebral Palsy Association. The handicapped are "accepted while they're in school, but they are a lot of trouble. I don't think we are ever going to make them normal."

There are many teachers and administrators of the D.C. public school systems who are among the most unhappy about keeping handicapped children, particularly the emotionally disturbed, in regular classes.

Under the Waddy decree, they can no longer suspend and expel "troublemakers," and yet they feel they have not been given sufficient help in handling these children in school.

School principals filled a public meeting recently, complaining loudly that they cannot teach anybody with disruptive children in the classroom.

Children with special problems, they argued, should be sent to special schools so that normal children can get on with their school work.

This is opposed by Merle Van Dyke, the George Washington University professor now in charge of special education for the city and a firm believer in mainstreaming.

Often, he argues, special schools represent the "take them out for special magic approach."

Special magic, he said, just does not exist. Instead, he said, dealing with the handicapped effectively means identifying the problem early and then working with it. For some children it can be simply the routine of drill: moving the eyes from left to right in preparation for reading or the use of colors to help a child to identify letters. For hundreds of others who defy inclusion in the mainstream, it is a matter of learning to feed themselves and use the toilet at the city's institution for mentally retarded in Laurel.

In Pennsylvania, the courts have explicitly ruled that if feeding himself is the most a person can learn, that is the education he has a constitutional right to receive.

Beginning today and continuing through Wednesday, the House District Committee's education subcommittee headed by Rep. Ronald V. Dellums (D-Calif.), will hold hearings on the implementation of the Waddy decree in Washington.

There are also efforts underway to aid the handicapped in places where there is no litigation pending.

Bernice Munsey in Arlington, for example, has led a campaign there to provide special education for every child needing it. Fairfax County's public schools have expanded their special education program so that now they hope to include all handicapped children.

In ancient Greek mythology, there is the story of Hephaestus, born ugly and lame of Hera into a community of beautiful gods. As an offense to the community, Hephaestus was cast out from heaven.

In Washington in 1973 the belief is still widespread that the handicapped should be put away in their own institutions, says Yetta Galiber of the Information Center for Handicapped Children.

Only a few months ago at a meeting on how to improve the public schools, one woman rose to address the gathering:

"I don't want my child in school with a handicapped child," she said. "My child is normal."

SOURCE OF INFORMATION

One source of information concerning the many programs available in the Washington area for handicapped children is the Information Center for Handicapped Children, located at 1619 M St., NW. The phone number is 347-4986. The center's referral service is free.

By Mr. BELLMON:

S. 2099. A bill to prohibit the public disclosure of Federal election returns during Presidential election years prior to midnight, eastern standard time. Referred to the Committee on Rules and Administration.

Mr. BELLMON. Mr. President, today I am introducing a bill which will make it unlawful for election officials to publicly disclose the election returns for President, Vice President, and Members of Congress prior to midnight, eastern standard time, during Presidential election years.

This proposal was originally presented on June 27 as an amendment to S. 343, the Federal elections bill, and later withdrawn with the understanding that this measure will later be considered by the Rules Committee or as an amendment to S. 372 which should be considered by the Senate sometime before the August recess.

This bill would rectify an election abuse which occurs every Presidential election year, the publicizing of Presidential and congressional election results before the polls close in our Western States. Because of the differences in time zones and voting hours in various parts of the country, the polls in the east coast States close far earlier than do those in the west coast. This variance in publicizing election returns works a detriment to the free election process because of the bandwagon influence which comes from the broadcasting and prediction of congressional and Presidential election results in Western States long before the polls have closed.

Many citizens are concerned because of the likelihood that the present practice of publicizing returns influences the way many votes are cast, and discourages others from voting because of the belief that the outcome of the election has already been decided.

In fact, in my State of Oklahoma, we have a State law against revealing election results in any particular precinct until the polls are closed. It seems to me to be entirely inconsistent that we do not have a similar law for national elections where results are now publicized while some polls are still open.

Few would contend that the broadcasting of election results while citizens are voting has anything but a negative impact.

My bill, if enacted, would accomplish the following:

First, it would make it a Federal offense for any state or local election official to publicly disclose any information in regard to the number of votes cast for President, Vice President, or Members of Congress in any Presidential election year before the hour of midnight eastern time.

Second, violation of this prohibition could result in a fine of not more than $5,000 and imprisonment for not more than 1 year or both.

Third, State law would continue to govern the "hour of voting" as distinguished from the time for public disclosure as established by this bill.

Mr. President, the net effect of my bill will be to prevent the publicizing of election results or predictions based on actual returns tabulated in eastern States until after 9 p.m., Pacific coast time, or 1 hour after the polls have closed in California. Because polls in Hawaii close at 6:00 p.m. local time those polls would have been closed 1 hour. Delayed broadcasting in Alaska would avoid serious problems in Alaska where one-half the voters would still have 1 hour to vote.

This bill represents a simple, direct approach to the correction of an election abuse whose time for solution is long overdue.

By Mr. MATHIAS (for himself, Mr. Bayh, Mr. Humphrey, Mr. Roth, and Mr. Brock):

S. 2102. A bill to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens who are residing or domiciled outside the United States. Referred to the Committee on Rules and Administration.

THE OVERSEAS CITIZENS VOTING RIGHTS ACT OF 1973

Mr. MATHIAS. Mr. President, I rise this morning to offer with my distinguished colleagues, Senators Bayh, Humphrey, Roth, and Brock, a bill to extend effectively the Federal franchise to overseas American citizens.

I have been concerned to learn that there are by one count some 750,000 American civilians residing abroad who are barred from participating in Presidential or congressional elections. These civilians include thousands of businessmen, as well as church officials, teachers, lawyers, accountants, engineers, and other professional people serving the interests of their country abroad and subject to U.S. tax laws and the other obligations of American citizenship. It seems remarkable that in a day when so many Americans pursue commercial, educational, and cultural interests overseas, these numerous citizens are disenfranchised. This occurs because the majority of States impose rules which require a voter's actual presence or maintenance of a home in the State; or which raise a doubt of voting eligibility of nonresident domiciliaries whose date of return is uncertain; or because the citizen is unsure whether he or she will return to the State of last residence or be assigned to a different State; or the State has confusing absentee registration or voting forms that appear to require the maintenance of a home or other abode in the State. I have recently been given the following illustration of a typical American residing abroad:

A qualified voting resident left the State a number of years ago to work abroad in a business or professional capacity. His former home in the State has been sold and he now only has a physical residence in a foreign country. However, he looks upon this as temporary and intends eventually to return to his State. He considers that his last residence before departure from the State remains his domicile or legal residence for voting in Federal elections, even though he has no present place of abode within the State.

What are the chances for this typical American residing abroad to vote in elections back home?

It appears that nearly two-thirds of the States effectively disenfranchise or impair the ability of a nonresident domiciliary to vote in congressional elections.

In elections for President, I understand that barely half of the States—26 and the District of Columbia would clearly allow him to register and vote absentee. A number of these States have adopted the form 76 Federal post card application form—FPCA—for absentee registration and voting by Americans abroad.

Certain other States, such as Illinois, would clearly allow the citizen abroad to vote in Presidential elections as a result of legislative history developed by my distinguished colleague Senator Goldwater of Arizona for title II of the Federal Voting Rights Act amendments of 1970. The remaining States taking a position have either given a qualified response, or have otherwise indicated some reluctance to go along with the Senate interpretation of the 1970 amendments set forth so eloquently in the legislative history by my friend from Arizona. In short, the opportunity to vote even for President in nearly half the States still seems to be shrouded in confusion and ambiguity. Under present law, moreover, if our typical American citizen abroad does not have an intent to return to the State of his last residence, in other words is not a domiciliary of that State, it would appear that he would presently not be entitled to vote in any State of the Union. This would be the case, for example, if his employer transferred him overseas from one State, but could give him no assurance what State he might be transferred to upon his return.

These figures on voting in Presidential and congressional elections are based on State-by-State surveys conducted by the bipartisan committee for American voters overseas. The Bipartisan Committee is an organization of distinguished business and professional people in Europe of both political parties who have been seeking the enfranchisement of American citizens residing abroad. At this time, I ask unanimous consent to have printed in the Record following my remarks a copy of these surveys.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, the findings in these materials have been confirmed by firsthand reports from frustrated American citizens as close as Canada or Mexico, and as far away as France or Brazil. As an illustration of this, I ask unanimous consent to insert in the Record a New York Times article indicating the frustration Americans in Mexico City faced in seeking to vote in the 1972 election.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MATHIAS. The need for specific new legislation to enfranchise overseas Americans was pointed out last March in an opinion letter sent by the Department of Justice to the Bipartisan Committee on Absentee Voting—now renamed the Bipartisan Committee for American Voters Overseas. In brief, the Department concludes that a State may still require maintenance of an abode or other address as a requirement for voting in Presidential elections "in the absence of clear and unequivocal language" in the statute. It is the purpose of our legislation to provide this clear and unequivocal statutory language for congressional as well as Presidential elections. At this point, I ask unanimous consent to insert this opinion letter from the Justice Department in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MATHIAS. The legislation we propose today would allow the American citizen residing overseas to vote in Federal elections in the State in which the citizen had last voted or registered to vote, or if the citizen had not so voted or registered, in the last State in which the citizen maintained a domicile before departing from the United States as long as the individual is otherwise qualified to vote in that State and complies with the absentee ballot requirements of the State and provided the citizen does not qualify as a voter in any other State, territory, or possession of the United States. This is the crux of the legislation we are introducing today. The present checkerboard pattern of domicile rules among the States should no longer be permitted to deny Americans overseas the franchise in Federal elections.

The legislation would also establish as Federal law, in clear and unequivocal statutory language, the principle that the exercise of the right to register and vote by a U.S. citizen abroad should not constitute an act which would affect the determination of his or her actual residence—as distinguished from his or her place of voting for Federal, State, or local tax purposes. The Internal Revenue Code and the laws of all but a handful of the States offer Americans currently residing abroad an income tax exemption, in whole or in part, for income earned abroad. The legislation I am introducing today would help assure that the exercise of the right to register and vote absentee by such a citizen would not jeopardize any such income tax exemption. The Internal Revenue Service has already indicated, most recently in an August 28, 1972, ruling letter to Senator Goldwater, that the exercise of absentee registration and voting rights will not jeopardize the nonresident Federal income tax exclusion available to a U.S. citizen residing abroad. The legislation being introduced today would enact this administrative interpretation into law for Federal income tax purposes and would assure that the States would not make an inconsistent interpretation of their own income tax laws. I ask unanimous consent at this time to have printed in the Record the Internal Revenue Service ruling letter sent to Senator Goldwater by subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. MATHIAS. The legislation proposed today would also provide a form which the States may accept as an application for an absentee ballot to vote in a Federal election and as an application for registration to vote in such election if registration is required by the laws of the State. The form is modeled after the Federal Post Card Application Form—FPCA—now used in most States as an application for registration and ballot for overseas military personnel and certain other groups which vary from State to State. Although the States are not required to adopt this form it is our hope that wherever feasible they will do so.

Strong enforcement provisions are contained in the bill to guard against fraudulent voting. Although, I might add, fraudulent voting has never been a real problem with overseas ballots, since each application for registration and for a ballot must be notarized. The legislation we introduce today would continue that practice.

Mr. President, I might add that I was gratified to see, upon examination of the previously mentioned surveys by the bipartisan committee, that my own State of Maryland is one of the States that has adopted the simplified registration and voting procedures recommended by the Federal Voting Assistance Act of 1965, as amended in 1968, allowing U.S. citizens temporarily residing abroad to use the simplified Federal post card application form for both absentee registration and absentee voting in Federal, State, and local elections.

I am pleased at the progress made in the use of the Federal post card application form in Maryland and the other States, and the good work of the Federal voting assistance task force in encouraging State adoption of the FPCA. And I know that all Americans residing abroad are enormously grateful to Senator **GOLDWATER** for his efforts in connection with the Federal Voting Rights Act Amendments of 1970. It is apparent, however, that much more yet needs to be done until we reach the time when every American citizen residing abroad may actively participate in the election process at the congressional as well as the Presidential level. We hope that the legislation being introduced today will be a helpful step in that direction.

EXHIBIT 1

SURVEY OF STATE LAWS AND PROCEDURES FOR ABSENTEE REGISTRATION AND VOTING IN PRESIDENTIAL ELECTIONS BY AMERICAN CITIZENS RESIDING ABROAD

The Bipartisan Committee on Absentee Voting has recently undertaken a survey of the laws and procedures in the various states to determine the eligibility of U.S. citizens residing abroad for absentee registration and absentee voting in Presidential elections. The survey involved (i) the sending of letters dated February 4, 1972 to the Attorneys General (or equivalent officials) of all of the states and the District of Columbia; (ii) consultation with the staff of the Federal Voting Assistance Task Force; and (iii) independent research by counsel for the Bipartisan Committee. In this survey, the Bipartisan Committee asked whether the person described in the following example would be eligible for absentee registration and voting in the 1972 Presidential election:

A qualified voting resident left the state a number of years ago to work abroad in a business or professional capacity. His former home in the state has been sold and he now only has a physical residence in a foreign country. However, he looks upon this as temporary and intends eventually to return to his state. He considers that his last residence before departure from the state remains his domicile or legal residence for voting in national elections, even though he has no present place of abode within the state.

The survey took into account two recent federal laws which were expected to expand absentee registration and voting rights of Americans temporarily residing abroad. First, the Federal Voting Assistance Act of 1955, as amended in 1968, recommended that the states adopt simplified registration and voting procedures for military personnel and other U.S. citizens temporarily residing abroad. One of the principal recommendations in the Federal Voting Assistance Act is the adoption of the simplified Federal Post Card Application (FPCA), which can serve as an application both for absentee registration and for an absentee ballot. As of now, 24 states and the District of Columbia have adopted the FPCA for U.S. citizens temporarily residing abroad, and the form may be used in those states for all elections—federal, state and local.

Second, Title II of the Federal Voting Rights Act Amendments of 1970 (the "1970 Amendments") endeavored (1) to abolish completely the durational residency requirement as a precondition to voting in Presidential elections; and (2) to establish uniform national standards for absentee registration and voting in Presidential elections. The language of Title II does not appear to deal specifically with absentee registration and voting rights of Americans residing abroad. During Senate debate on the 1970 Amendments, however, Senator Barry M. Goldwater interpreted Title II to provide that the retention of state domicile (*i.e.*, intent to return) is sufficient to assure these rights for all "civilian citizens who are temporarily living away from their regular homes," even if they are working or studying overseas, 116 Cong. Rec. 3539 (daily ed. March 11, 1970). Only two states (Connecticut and Illinois) appear to have clearly adopted the Goldwater interpretation of Title II. As noted above, 24 states and the District of Columbia accept the FPCA; and Michigan has a statute modeled on the Federal Voting Assistance Act of 1955, as amended, but has not formally adopted the FPCA. The remaining states taking a position have either given a qualified response, or have refused to go along with the Goldwater interpretation entirely.

Below is a state-by-state breakdown of the Bipartisan Committee survey of the eligibility of Americans temporarily residing abroad for absentee registration and voting in Presidential electons, with the totals for each category (the District of Columbia being listed as a state):

ABSENTEE REGISTRATION

States (including the 25 FPCA states)—"Yes"	27
States—Qualified "Yes"	8
States—"No"	6
States—Unclear	10

ABSENTEE VOTING

States (including the 25 FPCA states)—"Yes"	27
States—Qualified "Yes"	11
States—"No"	5
States—Unclear	8

[Letters from state authorities were addressed to the Bipartisan Committee unless otherwise noted. The states for which the Bipartisan Committee has not yet received a reply from the Attorney General or other official are shown in the survey by an (*).]

State	Absentee registration	Absentee voting	FPCA for citizens temporarily abroad	Comments
Alabama	No	No	No	Letter from Attorney General, Feb. 9, 1972: Unable to give opinion to private party. [See Title 17, § 26 (Supp. 1969 (absentee registration problem); Title 17, § 64(16), (23), (24a) (Supp. 1969) (absentee ballot problem).]
Alaska	Yes	Yes	Yes	
Arizona	Unclear	Unclear	No	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. A.R.S. § 16–925 (Supp. 1971). Confusing registration form appears to require presence in State. A.R.S. § 16–143(A), (B) (Supp. 1971).
Arkansas	Yes	Yes	Yes	
California	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. West's Ann. Elec. Code § 14287 (1961).
Colorado	Yes	Yes	Yes	
Connecticut	Yes	Yes	No	Letter from Secretary of State, Feb. 24, 1972: Agrees that under the 1970 amendments a former Connecticut resident "who temporarily resides in Europe" may register in absentia for presidential (elector) elections, and may maintain his voting residence in Connecticut for such elections.
Delaware	Yes	Yes	Yes	
District of Columbia	Yes	Yes	Yes	
Florida	Yes	Yes	Yes	
Georgia	Yes	Yes	Yes	
Hawaii	Yes	Yes	Yes	
Idaho	Yes	Yes	Yes	
Illinois	Yes	Yes	No	Letter from Attorney General to the county attorney of Peoria, Mar. 13 1972: Under the provisions of the 1970 amendments, a U.S. citizen and resident of Illinois may vote in the presidential (electors) election in his precinct by absentee ballot "even though he is living in a foreign country." The county clerk is required to allow absentee registration of such citizens.
Indiana	Unclear	Unclear	No	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. Ann. Ind. Stat. § 29–4803 (1969).
Iowa	Yes	Yes	Yes	
Kansas	Yes	Yes	Yes	
Kentucky	Qualified yes	Qualified yes	No. Indicated to Federal Voting Assistance Task Force intention to adopt FPCA by administrative rule in the future.	Letter from Attorney General, Feb. 11, 1972: Under the 1970 amendments, "American citizens living abroad who have established residence in Kentucky will be permitted to register in absentee. . . . Certainly a person does not have to be physically present in the State in order to vote, but on the other hand he must have some specific residential address in order to register. Thus, concerning the example you present, if the voter cannot cite or declare a particular place within a precinct as being his legal residence in Kentucky, we cannot see how he can legally qualify to register and vote." [See K. R. S. Ann. § 117.610 (1969).]

State	Absentee registration	Absentee voting	FPCA for citizens temporarily abroad	Comments
Louisiana	No	No	Legislation pending	Letter from Attorney General, July 29, 1966, verified by telephone, Oct. 27, 1971: "The place where one regards as his home is unimportant; where he actually resides is the determining factor." [See LSA–R. S. § 18:40 (1969) (absentee registration problem).]
Maine	Qualified yes	Qualified yes	No	Letter from Deputy Attorney General, Feb. 7, 1972: "This office has no quarrel with [your] example," but cannot speak for the several hundred registrars or boards of registration of voters in the State. [See 21 M.R.S.A. § 71 (Supp. 1970) (absentee registration problem).]
Maryland	Yes	Yes	Yes	
Massachusetts	Yes	Yes	Yes	Letter from Assistant Attorney General, Feb. 9, 1972: If a voter's name has been stricken from the list of registered voters as a result of the annual voting census and the voter seeks to reregister and can give no street and number which he maintains as a physical place of residence, "I think the voter would encounter grave difficulties."
Michigan	Yes	Yes	No	Letter from Attorney General, Mar. 10, 1972: Statute now provides for absentee voting for U.S. citizen temporarily residing abroad. Mich. Stat. Ann. § 6.1759(1). [Election clerks might accept FPCA as application for absentee ballot (and affidavit).]
Minnesota	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. M.S.A. § 201.26 (1962).
Mississippi	Yes	Yes	Yes	
Missouri	No	No	No	Letter from Attorney General, Feb. 16, 1972: Legislation pending to incorporate requirements of the 1970 Amendments in Missouri statutes. [See U.A.M.S. § 113–240 (Supp. 1971); cf. U.A.M.S. § 112.310 (Supp. 1971) (absentee registration problem).]
Montana	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. Rev. Code of Mont. 1947, § 23–3022 (Supp. 1971).
Nebraska	Yes	Yes	Yes	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. R.R.S. 1943, § 32–475 (1968).
Nevada	No	No	No	Letter from Attorney General, Feb. 18, 1972: "In light of the presumptions created by the Nevada Statute as well as the fact that the individual in question has broken up his home and moved to a foreign location it would appear that under the presently existing Nevada law the individual fitting your hypothetical situation would not qualify for an absentee ballot in this State." [See NRS § 293.500 (1969). See also NRS 293.517, 293.553 (1969) (absentee registration problem).]
New Hampshire	Qualified yes	Qualified yes	No	Letter from Attorney General, Feb. 15, 1972: "[W]here the right to vote involves a temporary absence [from the State] it is a question of fact whether the voter has the requisite 'intention of returning thereto as his home." [Case raises doubt of voting eligibility of nonresident domiciliary whose date of return uncertain. Felker v. Henderson, 78 N.H. 509, 102 Atl. 623, 624 (1917).]
New Jersey	Qualified yes	Qualified yes	No	Letter from Attorney General, Apr. 5, 1972: "It is the position of this office that New Jersey domiciliaries temporarily residing abroad must be afforded an opportunity for both absentee registration and voting in presidential elections. Enabling legislation to this effect is being introduced in the New Jersey Legislature in order that New Jersey domiciliaries can exercise their legitimate right of franchise in the presidential election while residing temporarily abroad." [But see N.J.S.A. § 19:31–6 (1964) (absentee registration problem).]
New Mexico	Yes	Yes	Yes	
New York	No	No	No	Letter from Attorney General to Department of Defense, May 27, 1969, verified by telephone, Oct. 27, 1971: "[F]or a civilian to vote by absentee ballot he must retain a permanent residence within the State of New York [unless voter is employed by the United States". Letter from Attorney General, Mar. 30, 1972: Unable to give opinion to private party. "I recommend that you direct your efforts to the legislative bodies which have the power to make changes in New York Law."
North Carolina	Qualified yes	Qualified yes	No	Letter from Attorney General, Feb. 11 1972: "[I]f a person goes into another State or country for temporary purpose without the intent of making that country his permanent residence and with the intent of returning to this State and particularly where he continues to vote absentee ballots in this State then he would not generally be considered as having lost his residence in North Carolina." The North Carolina statute, Gen. Stat. § 163–57, makes clear that a person shall not be considered as having lost his residence if he goes into "another State or county of this State." However, the Attorney General appears to have liberally construed this language to include "another country " Note also that the statute raises some doubt as to the voting eligibility of a nonresident domiciliary whose date of return is uncertain. Gen. Stat. § 163–57 (Supp. 1969). See also Gen. Stat. §§ 163–67, 163–68, 163–245 (Supp. 1969) (absentee registration problem).]
North Dakota	Yes	Yes	Yes	
Ohio	Qualified yes	Qualified yes	No	Letter from Secretary of State, Feb. 15, 1972: "From the facts given in your hypothetical situation, it would appear that the citizen would be eligible to vote by absentee ballot if he otherwise qualifies, i.e., 6 months residence in the State, 30 days residence in the county and precinct, and registered if required." [Ohio appears to impose a 3-year cutoff on absence from the State in determining eligibility to vote. Ohio Rev. Code Ann. § 5303 02 (1960). See also Ohio Rev. Code Ann. §§ 3503.11, 3503.27 (Supp. 1970) (absentee registration problem).]
Oklahoma	Yes	Yes	Yes	
Oregon	Yes	Yes	Yes	
Pennsylvania	Qualified yes	Qualified yes	No	Letter from Deputy Attorney General, Feb. 22 1972: As a result of the 1970 amendments, "The Pennsylvania Elections Bureau has made provisions for registering electors as absentee electors who consider Pennsylvania their domicile. Requests for absentee registration will be handled by the Elections Bureau in the Department of State. From there they will be forwarded to the elector's home county where he will be enrolled. It is important that the elector designate the county in which he wishes to be enrolled. Requests for absentee ballots will, as usual, be handled at the county level " Legislation is pending to incorporate requirements of the 1970 amendments in Pennsylvania statute. [Note that the present statute raises some doubt as to the voting eligibility of a nonresident domiciliary whose date of return is uncertain. 25 P.S. § 2815 (1963). See also 25 P.S. §§ 951–18, 951–18.1, 951–18.2 (Supp. 1970) (absentee registration problem).]
Rhode Island	Unclear	Unclear	No	See General Laws of Rhode Island § 17–9–7 (1969); cf. § 17–9–10, 17–9–11, 17–9–25 (1969) (absentee registration problem).
South Carolina	Unclear	Qualified yes	No	Letter from Assistant Attorney General, Feb. 9, 1972: As a result of the 1970 amendments, a citizen domiciled in South Carolina who is temporarily absent from the State during the 1972 presidential election will be able to vote by absentee ballot. Legislation is pending to incorporate the requirements of the 1970 amendments in the South Carolina statute. In the event that legislation is not enacted, the Attorney General and State Election Commission "shall, by necessity, devise some emergency procedure to ensure compliance with the mandate of the Congress and the United States Supreme Court." [See South Carolina Code Law § 23–63 (absentee registration problem).]
South Dakota	Qualified yes	Qualified yes	No	Letter from Assistant Attorney General, Feb. 29, 1972: "[N]o citizen of South Dakota loses his right to vote here unless he has established legal residence elsewhere." [However, confusing registration form appears to require presence in State. S.D.C.L. § 12–4–7 (Supp. 1971). See also S.D.C.L. §§ 12–19–16, 12–19–22 (1967) (absentee registration problem).]
Tennessee	Unclear	Qualified yes	No	Letter from Assistant Attorney General, Feb. 9, 1972: "The question whether [a person temporarily out of this country is] a bona fide resident, entitled to register and vote in this State, is a factor to be determined by each local county election commission." [However, there may be a problem with absentee registration, Tenn. Code Ann. § 2–306 (1971), and confusing form of absentee ballot appears to require presence in State, Tenn. Code Ann. § 2–1604 (1971).]
Texas	Yes	Yes	Yes	
Utah	Unclear	Unclear	No	Statute raises doubt of voting eligibility of nonresident domiciliary whose date of return is uncertain. Utah Code Ann. § 20–2–14 (1969). Confusing registration form appears to require presence in State. Utah Code Ann. § 20–2–11 (Supp. 1971).]
Vermont	Unclear	Unclear	No	Confusing registration form of absentee ballot appears to require presence in State. 17 V.S.A. § 126 (1957).
Virginia	No	Qualified yes	Qualified yes	
Washington	Yes	Yes	Yes	
West Virginia	Unclear	Unclear	No	Confusing form of absentee ballot appears to require presence in State. W. Va. Code Ann. § 3–3–5 (1971).
Wisconsin	Unclear	Unclear	No	Letter from Attorney General to the Secretary of State of Wisconsin, Jan. 20, 1972: "[I]t does not appear that Wisconsin Statutes provide authority for allowing former residents of the State who now reside permanently in a foreign country to vote by absentee ballot in a presidential election in the election district of the former residence in the state of Wisconsin, simply because the person has retained their U.S. citizenship." Letter from Attorney General to the Secretary of State of Wisconsin, June 7, 1971: "[I]t can be generally stated that a vague general determination to return to Wisconsin in the distant future, may very well be insufficient to support a contention that residency elsewhere is only for temporary purposes." Moreover, confusing form of absentee ballot appears to require presence in State. W.S.A. § 6.87 (Supp. 1971)
Wyoming	Unclear	Unclear	No	Confusing registration form appears to require presence in State. Wyo. Stat. § 22–158 (Supp. 1971).

APPENDIX A

COMPENDIUM OF STATE LAWS LEADING TO THE DISENFRANCHISEMENT OF AMERICAN CITIZENS RESIDING ABROAD IN NON-PRESIDENTIAL ELECTIONS

Thirty-three states effectively disenfranchise or impair the ability of nonresident domiciliaries to vote in elections other than for President and Vice President. Illinois, Louisiana, and New York require a voter's actual presence or maintenance of a home in the state, thereby rendering overseas domiciliaries ineligible. Ohio allows temporary absentees to vote for three years but no longer. Thirteen states appear to recognize the voting eligibility of nonresident domiciliaries but have statutes, decisions or an Attorney General's Opinion which raise doubts regarding that eligibility. Ten states require the execution of absentee registration or voting forms which confuse voters by requiring a state "residence", thereby inducing nonresident domiciliaries to forego the franchise for fear of perjuring themselves. Finally, eighteen states disenfranchise these voters by failing to provide absentee registration or absentee ballots.*

1. The laws of the following three states appear to require physical presence or the maintenance of a home within the state in order to vote in non-Presidential elections:

State and authority:

Illinois, *Stein* v. *County Board of School Trustees*, 85 Ill. App. 2d 251, 229 N.E. 2d 165 (1967); *Clark* v. *Quick*, 337 Ill. 424, 36 N.E. 2d 563 (1941).

Louisiana, *Estopinal* v. *Michel*, 121 La. 879, 46 So. 907, 908 (1908); Opin. Att'y Gen. to Bipartisan Committee (July 29, 1966) (verified by telephone Oct. 27, 1971): "The place where one *regards* as his home is unimportant; where he actually resides is the determining factor."

New York, Letter from Secretary of State to Office of Information, Department of Defense (May 27, 1969) (verified by telephone Oct. 27, 1971): ". . . for a civilian to vote by absentee ballot he must retain a permanent residence within the State of New York (unless voter is employed by the United States)".

2. Ohio permits a voter to retain his eligibility to vote while absent from his home "for temporary purposes." However, "temporary purposes" is defined as "a period of absence not in excess of 3 years." (Ohio Rev. Code Ann. Sect. 3503.02 (1960).)

3. Thirteen states appear to recognize the voting eligibility of nonresident domiciliaries but have statutes, decisions, or the opinion of an Attorney General which raise doubts regarding that eligibility. Twelve of those states have a statute or decision approximately as follows: "If a person removes to another state as a place of permanent residence, with the intention of remaining for an indefinite time, he loses his residence in this state, notwithstanding that he entertains an intention of returning at some future period."

State and authority:

Arizona, A.R.S. Sect. 16-925 (Suppl. 1971).

California, West's Ann. Elec. Code Sect. 14287 (1961).

Indiana, Ann. Ind. Stat. Sect. 29-4803 (1969).

Kentucky, K.R.S. Ann. 117.610 (1969).

Minnesota, M.S.A. Sect. 201.26 (1962).

Montana, Rev. Code of Mont. 1947 Sect. 23-3022 (Supp. 1971).

Nebraska, R.R.S. 1943 Sect. 32-475 (1968).

Nevada, NRS 293.500 (1969).

New Hampshire, *Felker* v. *Henderson*, 78 N.H. 509, 102 A. 623, 624 (1917).

North Carolina, Gen'l Stat. N. Car. Sect. 163-57 (Suppl. 1969).

Pennsylvania, 25 P.S. Sect. 2815 (1963).

Utah, Utah Code Ann. 20-2-14 (1969).

Although New Jersey's decisional law indicates that residence equals domicile for voting purposes, the Attorney General of the State of New Jersey wrote to the Bipartisan Committee on May 11, 1966 (verified by telephone Oct. 28, 1971), as follows: ". . . in order to have a voting residence in this State it is necessary that a person possess an intention to make this State his home for an indefinite period and, in addition, he must have a residence to which he is entitled to return at will. For instance, if a person rents an apartment and subsequently leaves the State, and that person no longer has a fixed address in New Jersey, he is not a domiciliary who is entitled to vote irrespective of his intentions."

4. Ten states require the execution of absentee registration or voting forms which confuse voters by requiring a state "residence," thereby inducing nonresident domiciliaries to forego the franchise for fear of perjuring themselves:

State and form:

Arizona, A.R.S. Sect. 16-143(B) (Supp. 1971) (Absentee Registration): "My place of residence is ____________________ precinct, __________________ street, city of ____________ ____________________, county of ____________, state of Arizona." Sect. 16-143(A) (Supp. 1971) describes the required residence as "actual place of residence."

Idaho, Idaho Code Sect. 34-411 (Supp. 1970) (Application for Registration—Contents): "The period of time . . . during which [I] have resided in the state . . ." See also Idaho Code Sect. 34-410 (Supp. 1970).

Minnesota, M.S.A. 207.19 (Supp. 1971) (Absentee Ballot): "His home and place of residence is and on said election days will be at __________________ in the ______________ (town, city, or village) of _________________ County of ________________________ State of Minnesota."

South Dakota, S.D.C.L. (Supp. 1971) Sect. 12-4-7 (Absentee Registration): ". . . I reside in the ___ precinct in the city of ________ ________________, at ______________ (street number), _________________________ street (or town, or _________________ township), and in the ________________________ independent school district, in _________________ county; . . ."

Tennessee, Tenn. Code Ann. Sect. 2-1604 (1971) (Absentee Ballot): "I, ______________ _________________, hereby declare that my fixed residence is __________________________ (street address), _____________________ (city or town), _______________________ (county), _________________ Tennessee;"

Utah, Utah Code Ann. Sect. 20-2-11 (Supp. 1971) (Absentee Registration): "4. Residency qualifications:"

A. Will you have resided in Utah six months continuously prior to the next election? ________ yes ________ no.

B. Will you have resided in _______ County sixty days continuously prior to the next election? __________ yes __________ no.

"I do solemnly swear . . . that I will not vote a ballot from any other state or election district under penalty of law."

Vermont, 17 V.S.A. Sect. 126 (1957) (Absentee Ballot): "State of Vermont, County of ______________________________

. . . I am a resident, a citizen and a legal voter of the town (city) of ________________, county of _____________________."

West Virginia, W. Va. Code Ann. Sect. 3-3-5 (1971) (Absentee Ballot): "I, ______, ______ hereby declare that I am now, or will have been, a resident of the State of West Virginia for twelve months, and of the county of ____________ for sixty days next preceding the date of the ensuing election to be held on the ______ day of ___________, 19__; that I now reside at ______________________

(give full address)

in the magisterial district of ____________ in said county." (Form ambiguous on whether voting right of a citizen temporarily residing abroad requires maintenance of a state "residence".)

Wisconsin, W.S.A. 6.87 (Supp. 1971) (Absentee Ballot) ". . . I am a resident of the ______ precinct of the (town) (village) of ______________, or of the ______ ward in the city of ____________, residing at ____________ in said city, the county of ____________, state of Wisconsin, . . ."

Wyoming, Wyo. Stat. Sect. 22-158 (Supp. 1971) (Absentee Registration): "I do solemnly swear . . . that I will have actually and not constructively been a bona fide resident of [Wyoming] one year and of said county sixty days, and of election district No. ______ in said county ten days preceding the next election; that I am an actual resident of ward No. ______ . . . that my address is __________________________ (within) (not within) the limits of an incorporated city or town . . ."

5. Eighteen states do not appear to provide the U.S. citizen overseas (in a nongovernmental capacity) with absentee registration or an absentee ballot in non-Presidential elections:

(a) Absentee ballot:

Alabama, Title 17 Sect. 64(16)(23) (Supp. 1969); Title 17 Sect. 64(24a) (Supp. 1969).

Mississippi, Miss. Code Sect. 3196-01 (1957); Sect. 3203-11 (Supp. 1971).

South Carolina, Cf.S.Car. Code Law Sect. 23-441 *et seq.*, 23-449.31 *et seq.* (Supp. 1970).

(b) Absentee registration:

Alabama, Title 17 Sect. 26 (Supp. 1969).

Connecticut, Conn. Gen'l Stat. Ann. Sect. 9-20 (Supp. 1971).

Delaware, Del. Code Ann. 15 Sect. 1722 (Supp. 1970); cf. 15 Sect. 1901 *et seq.*

Idaho, Idaho Code Sect. 34-410 (Supp. 1970).

Louisiana, LSA-R.S. 18:40 (1969).

Maine, 21 M.R.S.A. Sect. 71 (Supp. 1970).

Mississippi, Miss. Code Sect. 3196-06 (1957).

Missouri, V.A.M.S. Sect. 113.240 (Supp. 1971); cf. 112.310 (Supp. 1971).

Nevada, NRS 293.517; cf. 293.553 (1969).

New Jersey, N.J.S.A. 19:31-6 (1964).

North Carolina, Gen'l Stat. N. Car. Sects. 163-67, 163-68 (Supp. 1969); cf. Sect. 163-245 (Supp. 1969).

Ohio, Ohio Rev. Code Ann. Sect. 3503.11 (Supp. 1970); Sect. 3503.27 (1960).

Oklahoma 26 Okl. St.Ann. Sect. 93.4 (Supp. 1970); cf. 26 Okl. St. Ann. Sect. 345.1 (Supp. 1970).

Pennsylvania, 25 P.S. Sect. 951-18 (1963); cf. 25 P.S. Sects. 951-18.1, 951-18.2 (Supp. 1970).

Rhode Island, Gen'l Laws of R.I. Sects. 17-9-7 (1969); cf. Sect. 17-9-10, 17-9-11, 17-9-25 (1969).

South Carolina, S.Car. Code Law Sect. 23-63 (Supp.)

South Dakota, S.D.C.L. Sect. 12-19-16 (1967); cf. Sect. 12-19-22.

Tennessee, Tenn. Code Ann. Sect. 2-306 (1971).

Virginia, Code of Va. Ann. Sect. 24.1-47 (Supp. 1971).

EXHIBIT 2

[From the New York Times, Sept. 10, 1972]

AMERICANS OVERSEAS FACE DENIAL OF VOTE UNDER LAW

(By Richard Severo)

MEXICO CITY, September 9—Thousands of Americans living abroad are apparently being denied the right to vote in the 1972 Presidential election, despite a new Federal law intended to provide for the first time absentee ballots for all citizens living or traveling overseas.

Although both political parties are actively organizing campaigns in foreign countries for the first time on any scale, their efforts are being frustrated at home by a combination of ignorance, complex legal questions and a bureaucratic vacuum.

In Mexico, where some 100,000 Americans are living on a permanent or semipermanent basis, dozens of people have already been notified by local voting officials in the United States that they are not "qualified" to vote under the laws of their states.

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*The sub-total add up to more than 33 states because several states fit into more than one category.

Still others, making similar applications to different states and different election officials, have been welcomed as voters and told that their ballots would be approved.

The inconsistencies and confusion have so upset Senator Barry Goldwater, who was largely responsible for the Voting Rights Act Amendments of 1970, that he has sent one of his legislative aides, Terry Emerson, on a swing through France, Germany, Switzerland and Holland to catalogue voter problems. Mr. Emerson is scheduled to visit Mexico next Monday.

There are estimated to be 1.5 million Americans living outside the United States, and for years they have been unable to vote because they had no legal residence in the states.

It was Mr. Goldwater's intention to permit every holder of an American passport to vote, no matter where he was abroad. The law is by no means being completely ignored. Mr. Emerson, who was reached by telephone in Phoenix, Ariz., estimates that there is little or no trouble for voters who apply to about three-fifths of the states.

But among the problem states—New York, California and Ohio, to name three—are the most populous.

The new voting law requires, for the first time, that states must register "duly qualified residents" up to 30 days before the Presidential election. It also prohibits states from denying the right to vote for President to residents who are outside the state on Election Day but who comply with absentee voting requirements.

Problems arise, according to Justice Department officials in Washington because the states have 50 different definitions of what constitutes a "resident." These are based on statutes, court decisions and sometimes on the off-hand administrative judgment of a state or local official.

UNRESOLVED QUESTIONS

Although the new Federal statute apparently gurantees all American citizens abroad the right to vote, no one who has been denied that right has yet brought a court action that might define more clearly the responsibilities of the state and local election boards—how far they have to go.

Completely unresolved, for example, is whether the new law is intended to cover American citizens who have lived abroad for years and who have no visible intention of returning to the United States.

And what about the Americans in Canada who are either servicemen absent without leave or draft evaders? In many states, felons are not permitted to vote, and it is up to election officials now to determine whether a man charged with desertion but never brought to trial should be classed as a felon.

In any event, Washington officials assume that many local boards of election, who must approve applications for absentee ballots, remain unaware of the 1970 law altogether or, at the least, uncertain as to how to interpret its broad mandate.

"ACT IS MEANINGLESS"

For example, Mrs. Helen Whittlesey, wife of a businessman here, received a form letter this week from George Mann, registrar of voters in Santa Clara County, Calif., who told her that unless she resided in Santa Clara County he could not permit her to vote there.

Mrs. Whittlesey was born in Santa Clara County, but left before she was 21 years old and has lived in Mexico for years. She has never been permitted to vote in a national election.

"I've never been interested in voting for sheriff or dog catcher," she snapped. "But I do think we ought to be allowed to vote in national elections."

Mrs. Whittlesey complained to the office of the United States Attorney General. In a response received from David L. Norman of the Civil Rights Division, she was informed that "the question of whether an individual presently residing abroad is a bona fide resident of a state for voting purposes is . . . to be determined by state officials according to state election laws and procedures."

"All of which means," said Mrs. Whittlesey, "that this voting rights act is meaningless."

But Mrs. Whittlesey's husband, Horace, had an entirely different experience when he applied to register in the town of his birth, Emporia, Kan.

One of Mr. Whittlesey's ancestors, Nelson Whittlesey, was the first Mayor of Emporia. It is impossible to determine what effect this may have had on officials in Emporia, but they responded to Mr. Whittlesey's application with a warm, personal note, welcoming him as an Emporia voter.

"Well, you know the bureaucratic mind," said Harry Wright 2d, secretary of the Mexico City Republican Club and one of the city's most prominent Republican boosters.

"A lot of them don't know about the law where they don't like the work involved in registering a foreign resident," he said of the local election officials.

M'GOVERNITES CONCERNED

For James Trowbridge and Alex Smith, cochairmen of the local Democrats for George McGovern, the apparently capricious criteria for voter acceptance or rejection is quite serious.

"I think this may very well be a close election." Mr. Trowbridge said, "and I see no reason why George McGovern should lose even a single vote because some clerk is ignorant of Federal law."

New York is emerging as a particularly troublesome place for Americans living abroad.

Mr. and Mrs. Robert Lockwood and Miss Dorothy Gast have received letters from Albert T. Haydick, commissioner of the Board of Elections of Westchester County, denying their applications for absentee ballots.

From the information you present, the indication is that you are not a duly qualified resident of New York State," Mr. Haydick wrote to Miss Gast, a guidance counselor in the schools here who was a teacher in Hawthorne about seven years ago.

Miss Gast is a native of Chicago and decided to claim an address in Hawthorne because that was her last address in the United States.

What angers the New Yorkers living in Mexico is that some upstate counties—such as Putnam—have honored requests and are apparently going to permit people to vote, but Westchester and some New York City election boards appear to be inflexible on the issue.

Mrs. Diana Anhalt, who was born in the Bronx but has lived in Mexico for many years, was told in a letter from Beatrice Berger, clerk of the Bronx Borough Office, that her application would be honored if an "appeal is upheld by the Supreme Court."

The letter did not specify the appeal, Mrs. Anhalt does not know what it is and not even in the office of Senator Goldwater did anyone know about a pending Supreme Court decision on the 1970 law.

In Mexico City, applications for absentee ballots were prepared by the United States Chamber of Commerce and thousands have been printed up at no cost to voters by the United States Embassy.

The embassy has also offered to notarize the applications for voters at no charge, although one embassy worker admitted there was a great deal of confusion over what each state would and would not accept.

Thus far, the embassy has processed more than 2,000 applications and they are coming in at a rate of about 40 a day.

George Munro, executive director of the American Society of Mexico, is receiving mounting complaints about the rejections, which he feels are coming from "clerks who haven't heard about the law."

Among the most troublesome in this respect are Alabama, Arkansas, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, North Carolina, Oregon and South Carolina. Some voters here have sent in applications only to receive state tax forms in the return mail.

At present, an American with a permanent address abroad working with private industry can be exempt from as much as $25,000 a year in Federal taxes. Many Americans earn much more modest salaries than that, working in foreign countries as school teachers and interpreters. Frequently, they justify their lower income on the ground that it is tax-free and that the cost of living may be less than in most areas of the United States.

One American living here was warned by his accountant in New York City not to vote.

"Mark my words," the accountant said, "the state will come after you for taxes, and if that happens, can the Feds be far behind?"

Traditionally, Congress has regarded voting as entirely within the states' legal jurisdiction, only approaching the question to set minimum age limits and prohibit discrimination based on race or sex. In 1955, Congress approved a law urging but not requiring states to provide absentee ballots for servicemen overseas.

Subsequently, some states extended the same privilege to civilian government employees stationed abroad and other specified groups. But it was not until 1970 that all citizens abroad were given the right to vote for President—if their state regarded them as residents.

A complication in the inconsistency among election clerks is that some states and the District of Columbia are threatening to collect taxes from Americans who attempt to establish a voting address in them.

In some countries, partisan blocks of American citizens are already organizing to combat resistance to their voting by hometown election officials. In Toronto, where some 40,000 Americans live, a group supporting Mr. McGovern met last week for some strategic instructions.

TOLD TO WRITE THEIR SENATORS

These expatriates were advised to write to their Senator if an application for an absentee ballot should be denied. In at least one instance, they were told, a citizen living in Canada had written to Mr. Goldwater, who referred the problem to the home-state Senator, who then got the election board to reverse its position.

Estimates of the potential impact of the overseas vote vary widely. Richard McAdoo, special ballot director of the Committee to Re-elect the President, who is now on a European campaign tour, has estimated that there are 2.5 million Americans living abroad, which he contrasts with the 500,000-vote Nixon majority in 1968.

Exhibit 3

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., August 28, 1972.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: This is in reply to your letter August 16, 1972, regarding the possible effect that voting by absentee ballot by United States citizens residing abroad may have on their claiming the exclusion from gross income provided by section 911 (a) (1) of the Internal Revenue Code of 1954.

Section 911(a)(1) of the Code provides, in relevant part, that the following items shall not be included in gross income and shall be exempt from Federal income taxation. In the case of an individual citizen of the United

States who establishes to the satisfaction of the Secretary or his delegate that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) which constitute earned income attributable to services performed during such uninterrupted period.

You forwarded with your letter a copy of a report prepared by the American Chamber of Commerce of Venezuela. That report and your letter indicate concern that if a United States citizen residing abroad signs an application for registration to vote in one of the States and represents in such application no more than that he intends to return to that State as his domicile, he may thereby jeopardize or forfeit his entitlement to the section 911 exclusion from gross income based on his claim of bona fide residence in a foreign country. You are referring in particular to Internal Revenue Service Publication 54(10–71) *Tax Guide For U.S. Citizens Abroad,* 1972 Edition, which provides on page 4:

"A U.S. citizen living abroad may vote by absentee ballot in elections held in the United States (national, State, and local) without jeopardizing his eligibility for tax exemption as a bona fide resident of a foreign country. Such voting will not, of itself, nullify the taxpayer's status.

However, where a U.S. citizen makes a representation to the local election official regarding the nature and length of his stay abroad that is inconsistent with his representation for purposes of the tax exclusion, the fact that he made the representation in connection with absentee voting will be considered in determining his status for the exclusion, but will not necessarily be conclusive.

You are concerned that the "inconsistent representation" language of the above-quoted material might be interpreted to mean that a representation by a taxpayer of domicile in a State and of an intent to ultimately return there is not compatible with the taxpayer's claim of bona fide residence in a foreign country for purposes of section 911 of the Code.

The Service has held in a recently published ruling, Revenue Ruling 71–101, C.B. 1971–1, 214:

"[G]enerally the exercise by a citizen of the United States of his right to vote in National, state, or local elections in the United States by absentee ballot is not an action that would affect the length or nature of his stay outside the United States and consequently would not jeopardize the exemption under section 911(a)(1) of the Code. However, where absentee voting in the United States involves a representation to the local election official regarding the nature and length of the taxpayer's stay abroad that is inconsistent with the taxpayer's representation of intention for purposes of section 911 of the Code, the fact that he made the representation in connection with absentee voting will be taken into account in determining his status under section 911 of the Code, *but will not necessarily be conclusive.*" (Emphasis added.)

It is our conclusion that "inconsistent representation" as referred to in the above cited publications does not refer to a mere statement by a taxpayer that he considers himself a voting resident of a State and ultimately intends to return to that State as his domicile. Such a statement is not incompatible with a taxpayer's claim of bona fide residence in a foreign country. Instead, "inconsistent representations" refer to other representations which the taxpayer may have made to the Service regarding the *specific* nature and length of his stay in a foreign country. If a taxpayer in support of his claim to the section 911 exclusion from gross income makes certain *specific* representations as to the purpose, nature, and intended length of his stay in the foreign country, and in an application for absentee voting makes other statements which appear inconsistent with those specific representations, the Service must take such inconsistent statements into account *in determining the true facts* upon which the taxpayer bases his claim to bona fide residence in a foreign country. Further, as stated in Revenue Ruling 71–101, even such inconsistent statements will not necessarily be conclusive.

However, the mere representation by a taxpayer made in support of an application for absentee voting that he considers himself a voting resident of a particular State and that he intends to ultimately return to that State, will not by itself in any way affect his claim to the section 911 exclusion from gross income based on bona fide residence in a foreign country.

We hope that this letter will clarify any ambiguities that may have existed with respect to this situation. We hope that no United States citizen living abroad will hesitate to exercise his voting right out of concern that this action may jeopardize his claim to the section 911 exclusion from gross income.

Sincerely yours,

A. FEIBEL,
Acting Chief, Corporation Tax Branch.

EXHIBIT 4

DEPARTMENT OF JUSTICE,
Washington, March 13, 1972.

J. EUGENE MARANS, Esquire,
Cleary, Gottlieb, Steen & Hamilton,
Washington, D.C.

DEAR MR. MARANS: This is in response to your discussion with members of my staff on February 1, 1972, and your letter of February 3, 1972, concerning the Voting Rights Act Amendments of 1970, 42 U.S.C. 1973aa–1, particularly the provisions of Sections 202(d) and (f) pertaining to absentee registration and absentee balloting in presidential elections. As counsel for the Bipartisan Committee on Absentee Voting, you have asked whether, in our judgment, the 1970 Amendments require a state to provide absentee registration procedures and absentee ballots to former residents of that state new temporarily residing abroad.

In brief, our conclusions are (1) that the 1970 Amendments do not *per se* preclude a state from applying a requirement of residency to those seeking to register within that state and (2) that the question of whether a person outside a state is a resident of that state for voting purposes is, at least in the first instance, a question of that state's law.

The United States Constitution reserves to the federal government the power to regulate the time and manner of federal elections (Article I, section 2; Article I, section 4; Article II, section 1) while reserving to the states the power to determine voter qualification. (*Beachman* v. *Braterman,* 300 F. Supp. 182 (S.D. Fla.), affirmed 396 U.S. 12 (1969); *Lassiter v. Northampton County Board of Elections,* 360 U.S. 45, 50–51 (1959)). Traditionally, this right has included the power to determine bona fide residency. (*Hall* v. *Beals,* 396 U.S. 45, 53 (1969) (Marshall, J., dissenting); *Carrington* v. *Rash,* 380 U.S. 89 (1965)). The Congress and the states acting together have, through the amendment process, placed additional restrictions on the powers of the states so that they may not now establish procedures violative of the equal protection clause nor deny or abridge the right to vote on account of race, color, or sex or age if the age is eighteen or more. Legislation passed by Congress to implement the equal protection clause and the voting amendments, such as the suspension of literacy tests, has placed additional limitations on the powers of the states. It is with this constitutional scheme in mind that we must look to the 1970 Amendments to determine what, if any, limitations Congress placed upon the traditional right of the states to determine voter qualifications.

At the beginning, it is necessary to distinguish between two general types of voter qualifications, durational residency requirements and bona fide residency. The former require an individual to have resided in a certain state or political subdivision for a specified length of time before he can be qualified to vote, while the latter is a determination of whether an individual is a bona fide resident of the state or political subdivision regardless of the length of his residency.

Congress expressly dealt with durational residency requirements in Section 202(c) of the 1970 Amendments (hereafter cited by section only) by prohibiting a state from imposing such a requirement to deny or abridge the right of a citizen otherwise qualified to vote in a presidential election. The Amendments provide that applictaions for registration or other means of qualification must be accepted up to the 30th day before the presidential election. (Section (d)). The limitation of this section, however, does not supersede the power of the states to require a citizen to be a bona fide resident of that particular state as a qualification for registration and voting in that particular state.

Section (e) is, to a limited extent, a restriction on the power of the states to require bona fide residency as a condition to obtaining a ballot. Under that Section, when a citizen moves from one state or political subdivision to a new state or political subdivision within 30 days of a presidential election and is unable to register at his new residence because the registration deadline has passed, he must be allowed to vote, either in person or absentee, in the place of his former residence. Section (e) did not expand or qualify the concept of bona fide residency in any other manner.

With regard to the absentee provisions, Section (c) provides that if a citizen of the United States has complied with the requirements of state law providing for the casting of absentee ballots, no state may deny such citizen the right to vote in a presidential election because of his failure to be physically present in such state or political subdivision at the time of such election. A state is, accordingly, prohibited from restricting the availability of absentee ballots to persons or classes absent for particular purposes, but this language does not appear to preclude a state from establishing bona fide residency as a requirement for obtaining an absentee ballot in that state.

Sections (d) and (f) establish standards for absentee registration and the casting of absentee ballots. Under Section (f), each citizen "who is otherwise qualified to vote by absentee ballot in any State or political subdivision" in an election for electors for President or Vice-President must be given the opportunity, if registration or other qualification is necessary, to register or qualify absentee. The provision applicable to absentee balloting. Section (d), requires each state to provide precedures for the casting of absentee ballots by "all duly qualified residents of such state" who will be absent from the state on election day and who have applied for an absentee ballot not later than seven days prior to a presidential election and return the ballot up to the time of the closing of the polls.[1]

Since anyone who is qualified to vote absentee may also register absentee, we must look to Section (d) to determine which citizens are covered by the absentee provisions of the Amendments. This Section requires the state to provide absentee ballots to each "duly qualified resident of such state." While Sections (c) and (e), by prohibiting durational residency requirements, as discussed above, expressly limit the power of the states in certain situations, there is no language in Section (d) placing additional limitations on the right of the states to ascertain the residency of an individual. Since there is no language in Section (d) restricting the states' right to determine bona fide residency, we must, under this Section, follow the constitutional scheme of reserving to the states the power to determine which citizens are "duly qualified residents" according to state law.

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[1] Section (g) provides generally that any state or political subdivision may adopt voting procedures which are less restrictive than those contained in Section 202.

From our reading of the legislative history of the 1970 Amendments, it appears that Senator Goldwater was, among other things, concerned with instances in which states did not accord civilians the same absentee registration and voting privileges they gave military personnel. However, in light of the general reservation of power to the states to determine voting qualifications, we do not consider it appropriate to assume Congressional intent to preclude the states from having a requirement of bon fide residency, or to enact a federal standard for measuring bona fide residency, in the absence of clear and unequivocal language. While a state may not conclusively presume that a certain class of citizens may never be considered bona fide residents, each state must determine, on a case-by-case basis, the true intent and residency of the individual requesting to register absentee or obtain an absentee ballot. (See *Carrington* v. *Rash*, *supra.*) Under Sections (c), (d) and (f) a State may not deny absentee registration procedures and absentee ballots to individuals outside the country if such person has been determined by the state or local officials to be a "duly qualified resident of such state."

Sincerely,

David L. Norman,
Assistant Attorney General,
Civil Rights Division.

VOTING BY AMERICAN CITIZENS RESIDING OVERSEAS

Mr. ROTH. Mr. President, I join the distinguished senior Senator from Maryland (Mr. Mathias) in cosponsoring legislation to insure that qualified voters residing abroad are not denied their right to vote in Federal elections.

At present, over three-quarters of a million American civilians residing abroad are effectively barred from voting in Federal elections by complex and restrictive State laws applicable to voting by nonresidents. Some States require a voter to be physically present at the time of voting; others require him to maintain a home in the State. Another State allows temporary absentees to vote for 3 years but no longer. Several States disenfranchise civilians abroad by failing to provide absentee registration or absentee ballots.

Recognizing the inequity that may exist under current Federal law, the Delaware General Assembly amended the election laws of my State to insure that civilians temporarily living outside the United States, who are otherwise eligible to vote, would not be denied suffrage. It is important to remember, however, that many Delawareans, such as those employed by large corporations, may be transferred to States which still have restrictive voting laws.

For this reason, Congress should enact the proposal offered today by Senator Mathias and extend to all U.S. citizens residing abroad—who otherwise qualify to vote under the election laws of their State—the same protection afforded such former residents of Delaware.

I urge the Senate to enact this bill and extend to 750,000 Americans the fundamental right of suffrage.

By Mr. JAVITS:

S. 2103. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Mr. JAVITS. Mr. President, I send to the desk and introduce for appropriate reference a bill to establish a National Institute of Building Sciences.

The absence of an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally acceptable standards for local building codes has proven to be a great obstacle to efforts to meet the national housing goals set forth in the Housing and Urban Development Act of 1968. Moreover, the lack of a system of uniform building code standards increases the cost of construction and inhibits innovation in building techniques. The resulting fragmentation in the housing industry is clearly not in the public interest.

This bill seeks to meet the problems in the housing area by establishing a nongovernmental nonprofit corporation which would develop and publish standards affecting building materials and local building codes; would promote and coordinate tests and studies of new building products and construction techniques, would provide research and technical services with respect to such materials and techniques; and would assemble and coordinate, to the extent practicable, all present activities in this area.

The bill carries authorization for appropriations for 5 years starting at $10 million a year, and scaling down to $4 million a year at the end of the 5-year period. After that time the Institute is expected to be self-supporting.

This bill is similar to S. 2368 which I introduced in the last Congress except that Federal agencies would be required to make use of the standards, techniques, and developments which have been certified as acceptable by the Institute and the same requirements would apply to all programs and projects which are dependent upon Federal financial or other assistance.

I believe that this bill meets a very important need and should have the support of all groups who are involved in the housing and construction industry. I would hope that this legislation will receive prompt and favorable consideration in the Senate. I would like to point out that this measure passed the Senate last year as part of S. 3248, the omnibus housing bill, which did not pass the House. However, this measure was also included in the housing bill reported by the House Banking Committee. The bill I am introducing today is basically the same as the bill which passed the Senate but the authorization has been doubled.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following new title:

TITLE X—NATIONAL INSTITUTE OF BUILDING SCIENCES

Sec. 1001. (a) (1) The Congress finds: (A) that the lack of an authoritative national source to make findings and to advise both the public and private sectors of the economy with respect to the use of building science and technology in achieving nationally acceptable standards and other technical provisions for use in Federal, State, and local housing and building regulations is an obstacle to efforts by and imposes severe burdens upon all those who procure, design, construct, use, operate, maintain, and retire physical facilities, and frequently results in the failure to take full advantage of new and useful developments in technology which could improve our living environment; (B) that the establishment of model building codes or of a single national building code will not completely resolve the problem because of the difficulty at all levels of government in updating their housing and building regulations to reflect new developments in technology, as well as the irregularities and inconsistencies which arise in applying such requirements to particular localities or special local conditions; (C) that the lack of uniform housing and building regulatory provisions increases the cost of construction and thereby reduces the amount of housing, and other community facilities which can be provided; and (D) that the existence of a single authoritative nationally recognized institution to provide for the evaluation of new technology could facilitate introduction of such innovations and their acceptance at the Federal, State, and local levels.

(2 The Congress further finds, however, that while an authoritative source of technical findings is needed, various private organizations and institutions, private industry, labor, and Federal and other governmental agencies and entities are presently engaged in building research, technology development, testing, and evaluation, standards and model code development and promulgation, and information dissemination. These existing activities should be encouraged and these capabilities effectively utilized whereever posible and appropriate to the purposes of this section.

(3) The Congress declares that an authoritative nongovernmental instrument needs to be created to address the problems and issues described in paragraph (1), that the creation of such an instrument should be initiated by the Government, with the advice and assistance of the National Academy of Sciences-National Academy of Engineering-National Research Council (hereinafter referred to as the "Academies-Research Council") and of the various sectors of the building community, including labor and management, technical experts in building science and technology, and the various levels of govenment.

(b)(1) There is authorized to be established, for the purposes described in subsection (a)(3), an appropriate nonprofit, nongovernmental instrument to be known as the "National Institute of Building Sciences" (hereinafter refered to as the "Institute"), which shall not be an agency or establishment of the United States Government. The Institute shall be subject to the provisions of this section and, to the extent consistent with this section, to a charter of the Congress if such charter is requested and issued or to the District of Columbia Nonprofit Corporation Act if that is deemed preferable.

(2) The Academies - Research Council, along with other agencies and organizations which are knowledgeable in the field of building technology, shall advise and assist in (A) the establishment of the Institute; (B) the development of an organizational framework to encourage and provide for the maximum feasible participation of public and private scientific, technical, and financial organizations, institutions, and agencies now engaged in activities pertinent to the development, promulgation, and maintenance of performance criteria, standards, and other technical provisions for building codes and other regulations: and (C) the promulgation of appropriate organizational rules and procedures including those for the selection and operation of a technical staff, such rules and procedures to be based upon the primary object of promoting the public interest and insuring that the widest possible variety of interests and experience essential to the functions of the Institute are represented in the Institute's operations. Recommendations of the Academies-Research Council, shall be based upon consultations with and recommendations from various private organizations and institutions, labor, private industry, and governmental agencies and entities operating in the field, and the Consultative Council as provided for under subsection (c)(8).

(3) Nothing in this section shall be construed as expressing the intent of the Congress that the Academies-Research Council itself be required to assume any function or operation vested in the Institute by or under this section.

(c)(1) The Institute shall have a Board of Directors (hereinafter referred to as the "Board") consisting of not less than fifteen nor more than twenty-one members, appointed by the President of the United States by and with the advice and consent of the Senate. The Board shall be representative of the various segments of the building community, of the various regions of the country, and of the consumers who are or would be affected by actions taken in the exercise of the functions and responsibilities of the Institute, and shall include (A) representatives of the construction industry, including representatives of construction labor organizations, product manufacturers, and builders, housing management experts, and experts in building standards, codes, and fire safety, and (B) members representative of the public interest in such numbers as may be necessary to assure that a majority of the members of the Board represent the public interest and that there is adequate consideration by the Institute of consumer interests in the exercise of its functions and responsibilities. Those representing the public interest on the Board shall include architects, professional engineers, officials of Federal, state and local agencies, and representatives of consumer organizations. Such members of the Board shall hold no financial interest or membership in, nor be employed by, or receive other compensation from, any company, association, or other group associated with the manufacture, distribution, installation, or maintenance of specialized building products, equipment, systems, sub-systems, or other construction materials and techniques for which there are available substitutes.

(2) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute as provided for under subsection (b)(1).

(3) The term of office of each member of the initial and succeeding Boards shall be three years; except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. No member shall be eligible to serve in excess of three consecutive terms of three years each. Notwithstanding the preceding provisions of this subsection, a member whose term has expired may serve until his successor has qualified.

(4) Any vacancy in the initial and succeeding Boards shall not affect its power, but shall be filled in the manner in which the original appointments were made, or, after the first five years of operation, as provided for by the organizational rules and procedures of the Institute.

(5) The President shall designate one of the members appointed to the initial Board as Chairman; thereafter, the members of the initial and succeeding Boards shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of their number as Vice Chairman. Terms of the Chairman and Vice Chairman shall be for one year and no individual shall serve as Chairman or Vice Chairman for more than two consecutive terms.

(6) The members of the initial or succeeding Board shall not, by reason of such membership, be deemed to be employees of the United States Government. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this title, be entitled to receive compensation at the rate of $100 per day including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(7) The Institute shall have a President and such other executive officers and employees as may be appointed by the Board at rates of compensation fixed by the Board. No such executive officer or employee may receive any salary or other compensation from any source other than the Institute during the period of his employment by the Institute.

(8) The Institute shall establish, with the advice and assistance of the Academies-Research Council and other agencies and organizations which are knowledgeable in the field of building technology, a Consultative Council, membership in which shall be available to representatives of all appropriate private trade, professional, and labor organizations, private and public standards, code, and testing bodies, public regulatory agencies, and consumer groups, so as to ensure a direct line of communication between such groups and the Institute and a vehicle for representative hearings on matters before the Institute.

(d)(1) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Institute shall inure to the benefit of any Director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

(e)(1) The Institute shall exercise its functions and responsibilities in four general areas relating to building regulation, as follows:

(A) Development, promulgation, and maintenance of nationally recognized performance criteria, standards, and other technical provisions for maintenance of life, safety, health and public welfare suitable for adoption by building regulating jurisdictions and agencies, including test methods and other evaluative techniques relating to building systems, subsystems, components, products, and materials with due regard for consumer problems.

(B) Evaluation and prequalification of existing and new building technology in accordance with paragraph (A).

(C) Conduct of needed investigations in direct support of paragraphs (A) and (B).

(D) Assembly, storage, and dissemination of technical data and other information directly related to paragraphs (A), (B), and (C).

(2) The Institute in exercising its functions and responsibilities described in paragraph (1) shall assign and delegate, to the maximum extent possible, responsibility for conducting each of the needed activities described in paragraph (1) to one or more of the private organizations, institutions, agencies, and Federal and other governmental entities with a capacity to exercise or contribute to the exercise of such responsibility. monitor the performance achieved through assignment and delegation, and, when deemed necessary, reassign and delegate such responsibility.

(3) The Institute in exercising its functions and responsibilities under paragraphs (1) and (2) shall (A) give particular attention to the development of methods for encouraging all sectors of the economy to cooperate with the Institute and to accept and use its technical findings, and to accept and use the nationally recognized performance criteria, standards, and other technical provisions developed for use in Federal, State, and local building codes and other regulations which result from the program of the Institute; (B) seek to assure that its actions are coordinated with related requirements which are imposed in connection with community and environmental development generally; and (C) consult with the Department of Justice and other agencies of government to the extent necessary to ensure that the national interest is protected and promoted in the exercise of its functions and responsibilities.

(f)(1) The Institute is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants and donations from private organizations, institutions, and individuals.

(2) The Institute may, in accordance with rates and schedules established with guidance as provided under subsection (b)(2 , establish fees and other charges for services provided by the Institute or under its authorization.

(3) Amounts received by the Institute under this section shall be in addition to any amounts which may be appropriated to provide its initial operating capital under subsection (h).

(g) (1) Every department, agency, and establishment of the Federal Government, in carrying out any building or construction, of any building- or construction-related program, which involves direct expenditures, and in developing technical requirements for any such building or construction, shall be encouraged to accept the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute, which may be applicable.

(2) All projects and programs involving Federal assistance in the form of loans, grants, guarantees, insurance, or technical aid, or in any other form, shall be encouraged to accept, use, and comply with any of the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building codes and other regulations brought about by the Institute, which may be applicable to the purposes for which the assistance is to be used.

(3) Every department, agency, and establishment of the Federal Government having responsibility for building or construction, or for building- or construction-related progams, is authorized and encouraged to request authorization and appropriations for grants to the Institute for its general support, and is authorized to contract with and accept contracts from the Institute for specific services where deemed appropriate by the responsible Federal official involved.

(4) The Institute shall establish and carry on a specific and continuing program of cooperation with the States and their political subdivisions designed to encourage their acceptance and its technical findings and of nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute. Such program shall include (A) efforts to encourage any changes in existing State and local law to utilize or embody such findings and regulatory provisions; and (B) assistance to States in the development of inservice training programs for building officials, and in the establishment of fully staffed and qualified State technical agencies to advise local officials on questions of technical interpretation.

(h) There is authorized to be appropriated to the Institute, over the first five fiscal years which end after the date of the enactment of this section, the sum of $10,000,000 for each of the first two such fiscal years, the sum of $6,000,000 for each of the next two such fiscal years, and the sum of $4,000,000 for the last such fiscal year (with each appropriation to be available until expended or until six years shall have passed), to provide the Institute with initial capital adequate for the exercise of its functions and responsibilities during such years; and thereafter the Institute shall be financially self-sustaining through the means described in subsection (f).

(i) The Institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within sixty days of its receipt. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this section and may include such recommendations as the Institute deems appropriate.

By Mr. JACKSON:

S. 2105. A bill to amend Public Law 90–335 (82 Stat. 174) relating to the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce a bill that would amend Public Law 90–335—act of June 10, 1968, 82 Stat. 174. This act provided for the acquisition of lands within the Spokane reservation in the State of Washington by the Secretary of the Interior for the Spokane Indian Tribe. These lands so acquired are given trust status and are nontaxable as are other tribal and alloted Indian trust lands within the Spokane reservation.

In section C of this act it was provided that the value of lands acquired by the Secretary for the tribe in any 12-month period could not exceed the value of lands that passed out of trust, taxfree status from the tribe. This amendment would strike that provision from the act so that there would be no restriction on how much land the Secretary of the Interior acquires whether through purchase, gift, exchange or relinquishment within the boundaries of the Spokane reservation to be held in trust status for the benefit of the tribe.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 16

At the request of Mr. SCHWEIKER, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 16, the Broadcast License Act of 1973.

S. 1252

At the request of Mr. BAYH, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1252, a bill to amend the Controlled Substances Act to establish effective controls, including production quotas, stricter distribution and storage security, and more stringent import and export standards, against diversion and abuse of methaqualone, by placing this depressant substance on schedule II of such act.

S. 1535

At the request of Mr. BELLMON, the Senator from Kansas (Mr. DOLE) and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1535, to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs in civil cases involving the internal revenue laws.

S. 1604

At the request of Mr. BROCK, the Senator from Wyoming (Mr. HANSEN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1604, a bill to prevent discrimination on the basis of sex in housing.

S. 1605

At the request of Mr. BROCK, the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. HANSEN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1605, to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit.

S. 1686

At the request of Mr. DOMINICK, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1686, the Civilian Science and Technology Policy Act.

S. 1769

At the request of Mr. MAGNUSON, the Senator from Washington (Mr. JACKSON) and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 1813

At the request of Mr. DOMINICK, the Senator from Arizona (Mr. FANNIN) and the Senator from Colorado (Mr. HASKELL) were added as cosponsors of S. 1813, relating to the impact aid program.

S. 1814

At the request of Mr. JAVITS, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1814, the Adult Education Amendments of 1973.

S. 1844

At the request of Mr. ABOUREZK, the Senator from Maryland (Mr. MATHIAS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Idaho (Mr. CHURCH), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1844, to provide for the establishment of an American Folklife Center in the Library of Congress.

S. 1845

At the request of Mr. BAYH, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1845, a bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

S. 2026

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 2026, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

SENATE JOINT RESOLUTION 1

At the request of Mr. BAYH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 1, proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

SENATE CONCURRENT RESOLUTION 37—SUBMISSION OF A CONCURRENT RESOLUTION ON NATIONAL AMERICAN INDIAN POLICY

(Referred to the Committee on Interior and Insular Affairs.)

Mr. JACKSON. Mr. President, I am reintroducing today on behalf of Mr. NELSON, Mr. ABOUREZK, and myself a Senate concurrent resolution on national American Indian and native American policy that I had originally submitted to the 92d Congress. While it was adopted by the Senate in December of 1971, it unfortunately was not acted upon in the House. Through it I propose a clear-cut break with past national Indian policy, at least as it is embodied in House Concurrent Resolution 108. That policy, adopted by the first session of the 83d Congress proposed to end the unique relationship between the Federal Government and its Indian "wards," using the guise of freeing Indian people from Federal control and granting him the same rights and privileges as other American citizens.

The resolution I submit today recognizes and reaffirms this unique Federal Indian relationship which gives rise to that important Federal responsibility of protecting Indian lands, resources, and personal rights as well as providing basic community services to Indian people. Most importantly, it specifically repudiates the termination policy outlined in House Concurrent Resolution 108.

As I stated when I first submitted this resolution to the 92d Congress, I feel that it is responsive to the kind of policy expression that American Indians and Alaska natives have asked the Federal Government to adopt on their behalf.

The concurrent resolution reads as follows:

S. CON. RES. 37

Whereas it is recognized by the Congress that the American Indian stands in a unique legal, social, and economic relationship to the Federal Government which is based upon the Constitution, treaties, statutes, Executive orders, agreements, judicial decisions, and history; and

Whereas it is further recognized that this unique relationship is the basis for the Federal responsibility to protect lands, resources, and rights of the American Indians as well as to provide basic community services to American Indians residing on reservations and in other areas considered to be within the scope of the trust relationship; and

Whereas it is understood that as citizens of the United States and the communities in which they reside, American Indians are entitled to share and participate on the same basis as all other citizens in the full range of social and economic development programs authorized by Federal, State, and local units of government; and

Whereas the Federal Government is responsible for assuring that the aforementioned rights of American Indians are fulfilled and that the eradication of adverse economic, education, health, and social conditions which prevent any American from achieving a life of decency and self-sufficiency is a priority national goal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) our national Indian policy shall give full recognition to and be predicated upon the unique relationship that exists between this group of citizens and the Federal Government and that a governmentwide commitment shall derive from this relationship that will be designed to give Indians the freedom and encouragement to develop their individual, family, and community potential and to determine their own future to the maximum extent possible;

(2) this statement of national Indian policy replaces the policy set forth in House Concurrent Resolution 108, Eighty-third Congress (August 1, 1953);

(3) improving the quality and quantity of social and economic development efforts for Indian people and maximizing opportunities for Indian control and self-determination shall be a major goal of our national Indian policy;

(4) there should be a recognition of Federal responsibility to see that those Indians residing beyond the areas served by special Indian programs and services are given equal consideration with other citizens in the provision of services by other Federal, State, and local agencies.

(5) Indian property will be protected; Indian culture and identity will be respected; and Congress will commit and dedicate itself to support a policy of developing the necessary programs and services to bring Indians to a social and economic level of full participating citizens;

(6) the Office of Management and Budget should submit an annual report to the Congress showing combined expenditures made by all departments and agencies of the Federal Government for the social and economic betterment of Indians; and

(7) as used in this resolution the term "American Indian" or "Indian" shall include "Alaska Natives".

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. DOMINICK, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) was added as a cosponsor of Senate Concurrent Resolution 34, relating to the energy crisis, and the Department of Defense.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 89

At the request of Mr. BROCK, the Senator from Delaware (Mr. BIDEN), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Resolution 89, to study the Senate committee structure.

FEDERAL ELECTION CAMPAIGN ACT—AMENDMENT

AMENDMENT NO. 292

(Ordered to be printed, and referred to the Committee on Rules and Administration.)

Mr. DOMINICK submitted an amendment, intended to be proposed by him, to the bill (S. 372) entitled "The Federal Election Campaign Act."

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1974—AMENDMENT

AMENDMENT NO. 293

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

FEDERAL ELECTION CAMPAIGN ACT OF 1973—AMENDMENT

AMENDMENT NO. 294

(Ordered to be printed and referred to the Committee on Rules and Administration.)

Mr. President, I submit an amendment to S. 372, the Federal Election Campaign Act of 1973, and ask that it be printed.

Mr. BENTSEN. Mr. President, all Senators are familiar with the astronomical and constantly increasing costs of financing campaigns for Federal elective office. The Federal Election Campaign Act of 1971, with its limitations on media expenditures and its disclosure requirements, was certainly an important first step toward getting political campaign financing out into the open and toward restoring the confidence of the American people in the democratic process.

I am convinced, however, that we must go farther. Too great a percentage of political contributions come from too small a percentage of the population; this is an unhealthy and dangerous situation. Politics in the United States should be less a game of big contributions and more an art of talent and ideas and dedication. Wealth must not be allowed to become the yardstick for political talent. The people must not be forced to choose among competing financial interests but should have a free choice of independent candidates, minimally influenced by the great financial sources which have the wherewithal to share their wealth in campaigns.

Mr. President, I strongly support placing limitations on campaign spending, as S. 372 does, but I question how a meaningful lid can be put on expenditures if the question of how much we are going to allow an individual to contribute to a campaign is not addressed. Limitations must be placed on contributions as well and my amendment is designed to accomplish this goal.

My amendment places a limit of $3,000 on aggregate contributions by any individual to a candidate for nomination to a Federal office and $3,000 to a candidate for a Federal office. This means that an individual may contribute a total of $6,000 to a candidate for nomination and election to a Federal office. I believe that this is a reasonable amount which will allow adequate campaign financing while limiting the role of the large contributor.

My amendment also specifies that any contribution over $100 must be in the form of a check drawn on the bank account of the person making the contribution. This is to eliminate the abuses of large cash contributions which cannot be traced.

Mr. President, the question of the constitutionality of limiting contributions to a political candidate has been raised as an infringement of the individual's right to participate in the electoral process. I believe that this is a spurious argument. The Congress has the right to establish guidelines for conducting Federal elections. Moreover, I am sure our Founding Fathers did not envision the extent to which participation in the electoral process could be abused through financial contributions.

They would undoubtedly have been

aghast at the scope of present-day contributions. I certainly am. Some may even argue that the limitations provided in my amendment are too high. But I believe that $3,000 per race per individual contributor will insure that a candidate can run for office without being forced to become or appear to become beholden to a few large contributors.

Mr. President, the American people are quite legitimately concerned about the influence that money can wield on candidates for political office. I believe my amendment would meet that concern.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 287 TO AMENDMENT NO. 248, TO H.R. 8152

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Amendment No. 287 to amendment (numbered 248), to H.R. 8152, an act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

George W. F. Cook, of Vermont, to be U.S. Attorney for the District of Vermont for the term of 4 years (reappointment).

John R. Wilks, of Indiana, to be U.S. Attorney for the Northern District of Indiana for the term of 4 years, vice William C. Lee, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, July 5, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, July 10, 1973, at 10:30 a.m., room 2228, Dirksen Office Building, on the following nominations:

John F. Nagle, of Missouri, to be U.S. District Judge for the Eastern District of Missouri, vice William H. Webster

William H. Webster, of Missouri, to be U.S. Circuit Judge for the Eighth Circuit, vice Marion C. Matthes, retiring

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as Chairman.

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, July 10, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nomination:

Thomas G. Gee, of Texas, to be a U.S. Circuit Judge for the Fifth Circuit, vice Joe McDonald Ingraham, retiring

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

NOTICE OF HEARING ON NOMINATION OF BURTON W. SILCOCK, TO BE FEDERAL COCHAIRMAN OF JOINT FEDERAL-STATE LAND-USE PLANNING COMMISSION FOR ALASKA

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate that a hearing has been scheduled before the Committee on Interior and Insular Affairs on the nomination of Mr. Burton W. Silcock, of Virginia, to be Federal Cochairman of the Joint Federal-State Land-Use Planning Commission for Alaska for Tuesday, July 10.

The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building. Anyone wishing to present testimony on the nomination of Mr. Silcock to this Commission which was created by the enactment of Public Law 92-203, the Alaska Native Claims Settlement Act, is welcome to do so.

Mr. Silcock is currently serving as Director of the Bureau of Land Management, having been appointed to that position in June 1971, and is quite familiar with matters relating to the State of Alaska.

I ask unanimous consent that a copy of his biographical data be included in the RECORD at this point in my remarks.

There being no objection, the biographical data was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF BURTON W. SILCOCK

Burton W. Silcock was appointed Director of the Bureau of Land Management on June 23, 1971.

He was born on July 29, 1922 in Burley, Idaho.

He joined the Bureau of Land Management in 1948 as a member of BLM's field parties assigned to Missouri River Basin studies, working mainly in the Big Horn Basin in Wyoming. Over the years, those studies developed into a comprehensive inventory of the Missouri River Basin's natural resources and economic outlook.

He has held three successive BLM costs in Wyoming, two years as Assistant District Manager in Lander; two years as District Manager in Pinedale; and six years as District Manager in Worland.

During his assignment at Worland he worked out and negotiated grazing use adjustments to maintain livestock in numbers consonant with the amount of available forage.

In 1959, he was named Chief of the Division of Range and Forestry in the BLM Idaho Office at Boise and in 1962, he became Assistant Director of the BLM Wyoming State Office, with responsibility for the Land Office and for the lands and minerals resource programs.

In 1965, he was named State Director of Alaska and was responsible for guiding the management public lands in the Nation's largest state. Under his leadership, the BLM Alaska State Office has sought the knowledge and views of all elements concerned wtih the future of land in Alaska.

In 1970, Silcock received the Presidential Management Improvement Award, in which President Nixon stated that "the noteworthy efforts and intense dedication required for this achievement exemplify the high performance needed to keep our country strong." Particular accomplishments for which he was cited were his progressive environmental management in preparation of the Alaska fire-fighting plan and his role in the development of stipulations for the proposed trans-Alaska oil pipeline right-of-way.

In 1969, he was cited by the Secretary of the Interior "for excellence of service in the preservation of Alaska's natural resources and fragile environment." He also received the American Motors Conservation Award of the Year for 1970.

In Alaska, Silcock also spearheaded initiation of BLM's HELITACK system for control of forest fires on public domain lands. Keys to this effort are a recently developed communication system, training each year of crews of native Alaska villagers who remain on standby for employment during the fire season, and the selection and placement of equipment, operators and supplies in the State's forested areas.

He served as representative of the Secretary of the Interior in a joint Canadian-United States study of the Yukon River. From 1967 to 1970 he served as Chairman of the Interagency Board of U.S. Civil Service Examiners for Alaska.

Silcock grew up on his father's southern Idaho farm at Burley, where he developed a strong interest in conservation and the use of land and water. He was a three-year varsity letterman in football and track at his local high school and later earned letters in these sports at Utah State University in Logan. Following military service in World War II he returned to Utah State, where he majored in range management and received a B.A. degree in 1947. During his college years, he worked as a seasonal employee of the U.S. Forest Service. His first full-time Federal position was in Texas in 1947 as a Range Service. A year later, he joined BLM.

He is married to the former Ruth Nordstrom, who also is a native of Burley, Idaho. They have two married daughters, Gloria (Mrs. Merlin Brinkerhoff of Calgary, Alberta, Canada) and Marlee (Mrs. Terry Hall of Salt Lake City). They also have a daughter, Penny, who graduated from high school in 1971; a son, Bill, who recently graduated from high school; and four granddaughters.

Silcock's professional associations include membership in the American Society of Range Management, the Society of American Foresters, and the American Forestry Association. He is an Elk.

ADDITIONAL STATEMENTS

AN ENGLISH VIEW OF WATERGATE

Mr. BROCK. Mr. President, in the midst of a controversy, it is frequently valuable to consider the views of intelligent persons who are removed from the scene.

In this regard, it has been of great interest to me to read the views from England on the Watergate affair. We share so many common traditions with our British friends that their perspective, being close enough in spirit, yet distant enough to clearly distinguish forest from tree, can be extremely helpful as we seek to define our own views.

In this regard, I was quite impressed with an article written by a member of the British Parliament, the Honorable Angus Maude. Originally written for the London Express, the article has been carried in this country by several newspapers, including the Memphis Press-Scimitar.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

British MP Charges Watergate Investigations Being Used in an Attempt To Destroy Nixon

(By Angus Maude)

London.—Have the Americans taken leave of their senses? Looking objectively at the handling of the Watergate Affair and its ramifications, one is almost forced to the conclusion that they have.

It is pretty horrifying to watch the way in which supposedly responsible Americans in the higher echelons of politics and public affairs are going about the business of discrediting not only their President but the whole system of government in the United States.

The press and the other media are enthusiastically urging them on and revelling in the resultant mess. Every accusation against President Nixon and his staff, however untested and however tainted its source, is given the widest publicity.

Every possible innuendo is used to slant the impression given to the public, apparently in the hope of fixing the people's verdict before half the evidence has been heard.

Perhaps the most nauseating feature of the campaign is the self-righteous pretense of the smearers that they are only "acting in the public interest" and "helping to get at the truth." The only facts that they are interested in are those that can be used to discredit the President: and the way the campaign has been handled is not in the public interest at all, but deeply damaging to the United States and to all the best things for which America stands.

All the half-forgotten elderly whizz-kids of the Jack Kennedy era have been writing articles—many of them syndicated over here—viciously venting their traditional hatred of President Nixon, but adding sententiously that the whole horrible business is really a blessing in disguise which will lead to much-needed reforms in the system of government.

Clearly they see it as a heaven-sent bandwagon on which they can hitch a ride toward the ultimate triumph of Senator Edward Kennedy. That a victory for this deplorable man would be for them and for most of the Eastern American liberal establishment, a desirable consummation of the present campaign is a sufficient guide to their sense of values.

Of course, the Watergate Affair is a sorry mess. It is at least obvious that the President appointed some pretty strange people in his personal and political staffs. But the widespread assumption that he himself is guilty of corruption and illegal practices is still unsupported by convincing evidence.

In default of this, his detractors have resorted to the argument that if he were not guilty he would already have proved himself innocent—which is a typical inversion of the principles of fairness and justice for which they purport to stand.

The important point, however, is this. Whatever truth emerges at the end of the inquiries, whether the President is vindicated or brought down, the whole business is being handled and exploited in a way calculated to do the most not the least, lasting damage to America and to the true interests of its people.

Mr. Nixon's enemies, of course, are saying smugly that it is his handling of the affair that is doing all the damage; but even a cursory study of the American press coverage makes it clear that this is not true.

They are out to destroy him, and they do not seem to care who or what suffers in the process.

Of course I do not know what, if anything, the President has to hide. But at this critical juncture for both the American economy and his own foreign policy, he carries a burden of responsibility that must make him hesitate to become personally involved too deeply in the comparative irrelevancy of the Watergate inquiries. Any responsible householder is more concerned about an imminent threat to the fabric of his building than about a temporary smell in the drains.

You would have thought that any educated American could foresee the desperate consequences of a major constitutional crisis at this time. And that any responsible commentator over here would hesitate before light-heartedly handling out more ammunition to America's enemies in this country. Yet the B.B.C. seems to be positively revelling in it.

Let us remember one or two things about President Nixon.

He won his landslide election victory because the American people recognized his practical achievements and wanted him to complete the job.

He seemed to be halting the hopeless drift toward anarchy and violence in which the country was involved. Peace had returned to the chaotic university campuses. A stand was at last being made for law and order. He was getting to grips with the problem of inflation.

Mr. Nixon brought to its ownly possible end, the hopeless bloody struggle in Vietnam—a struggle to which Kennedy and Johnson had committed America at the wrong time and on the wrong terms. He has laid the foundations of detente with Russia and China.

America, and indeed the whole Western world, already owes him quite a lot. If he survives we may yet come to owe him a great deal more. No possible successor is likely to be a statesman of anything like his caliber.

About all, let us pray that if Mr. Nixon is brought down by the rabble now pursuing him, the damage to America and its friends may be less than they seem determined to inflict. Perhaps they will at least have the grace to stop appearing to enjoy it all so much.

OUR SENIOR CITIZENS DESERVE BETTER

Mr. McGOVERN. Mr. President, as Senator Church, the distinguished chairman of the Senate Special Committee on Aging has pointed out, the administration's new set of medicare proposals boil down to a callous attempt to make senior citizens pay $1 billion more a year than they currently pay for health care. The administration's proposals are presented under the guise of "fiscal responsibility." Nothing could be further from the truth.

Under the present medicare regulations, the patient pays for the first day of hospitalization—an average of $72—and medicare pays for the next 60 days. The rates increase to $18 per day between the 60th day and the 90th day, and thereafter to $36 per day.

Of course, few people remain in the hospital for as long as 60 days. In fact, the average hospital stay for medicare patients is 13 days. So the overwhelming majority of beneficiaries pay a total of $72 for each hospitalization.

Now, the administration proposes to increase the patient contribution by more than 200 percent. They want medicare patients to pay the first day's cost—$72—and 10 percent of the cost for each additional day. So under the administration plan the average medicare patient would pay the hospital $163, instead of the present $72.

For outpatients, by far the majority of medicare beneficiaries, the news is not much better. The administration wants to increase the present rate of the first $60 of a doctor's bill and 20 percent of the remainder to the first $85 and 25 percent of the remainder. This would mean that a doctor's bill would cost a patient $188.75 instead of the present $148.

If the administration proposal passes, each of South Dakota's 82,000 senior citizens would have to pay an average of $43 a year more for health care.

For most senior citizens these increases would be more than they could bear. They now live on fixed incomes already badly eroded by rising inflation. Many have difficulty in making ends meet. When they get sick, they have to cut their budgets for other essentials.

The average senior citizen now pays more than $275 a year for health care—more than they were paying before medicare went into effect—thanks to the inflation in health costs over the last 5 years.

So, in justice, we should be considering a proposal to increase benefits such as covering prescription drugs and eliminating deductibles rather than increasing costs for the present inadequate services.

Many of my constituents have asked me, "Why?" Why should the cost of their health care increase more than 15 percent when the value of their income has been decreased at an annual rate of nearly 10 percent this year.

The administration's answer of "fiscal responsibility" is no answer at all.

I agree with the President that the spiraling cost of government must be held in check to hold down inflation. In fact, I have joined with Senator Proxmire and other Senators in proposing that the President's budget be reduced by $4.7 billion. But the place to cut the budget is not in health care for senior citizens. Instead, let us cut the waste from the military budget and eliminate other unnecessary programs.

Let us put first priorities first. I support Senate Resolution 124 and I trust that funds necessary for America's senior citizens to have the health care they need and deserve will be provided at a cost they can afford.

LEE T. MORGAN

Mr. DOLE. Mr. President, I wish to extend my thanks and appreciation to a native Kansan, Lee T. Morgan, who retires June 30 at Salina after 38 years of notable service with the U.S. Department of Agriculture.

Mr. Morgan's civil service career has

taken him to many points of the Nation, and for the last 2½ years he has directed the work of the USDA Soil Conservation Service in Kansas.

Born and raised on his family's wheat-livestock farm in Stevens County near Hugoton, Kans., Mr. Morgan has experienced drought and other soil and water conservation problems, both as a farmer and as a technical expert.

From 1927 to 1934 Mr. Morgan combined tenant farming and attendance at Kansas State where he earned a degree in agricultural economics and quarterbacked the Wildcats' football team in 1932 and 1933.

He joined what was then the Soil Erosion Service in the Interior Department as a student trainee at 40 cents per hour in February 1935. While he was a trainee at Dalhart, Tex., the Soil Erosion Service was transferred to the Department of Agriculture and emerged as the Soil Conservation Service.

Mr. Morgan's first professional assignment with the Soil Conservation Service was in its Hereford, Tex., office. There he worked from 1935 to 1939 with the Deaf Smith County and Oldham County wind erosion conservation districts, predecessors of the present-day soil and water conservation districts.

Transferring from Texas to Washington, D.C., in 1939, Mr. Morgan worked in the Service's Project Plans Division until 1944. During the 1939–44 period many of the Nation's 3,000 soil conservation districts were formed by referendums under State soil conservation enabling acts. In this period Mr. Morgan helped establish policies, procedures, and working relationships between the U.S. Department of Agriculture and the soil conservation districts.

In 1944, he moved from Washington, D.C., to Fort Collins, Colo., to become assistant head of the work of the SCS in that State, and in 1950, he went to Albuquerque, N. Mex., to head the regional information division. He served as deputy State conservationist for Utah in Salt Lake City from 1954 to 1959 and then became State conservationist for Idaho. He worked in Boise until his transfer and promotion to Salina.

Throughout his career as one of the pioneers in the Soil Conservation Service, Mr. Morgan has staunchly supported local responsibility in the planning and carrying out of the national program of soil and water conservation through conservation districts; technical excellence in assistance of the Soil Conservation Service; strong working relationships with land-grant colleges and universities; and active public information programs on soil and water conservation problems and progress.

Mr. Morgan's career has spanned the whole life and growth of the Soil Conservation Service; he has contributed to the progress in halting soil blowing and washing, and in restoring beauty and improving the environment of many areas of rural America.

I would like to extend my congratulations to Mr. Morgan for his years of exemplary service in the U.S. Department of Agriculture, and wish him and his wife, the former Anna Bernice Cook, a native of Hutchinson, Kans., many enjoyable years of retirement.

ECONOMIC CONTROLS

Mr. BAYH. Mr. President, when President Nixon on June 13 announced the present price freeze I applauded his long overdue decision to take some forceful action to stem the rampant inflation which has plagued the country since he took office. But I warned at that time, and since, that a freeze of any sort inevitably results in economic distortions and inequities. For that reason, I urged that the President quickly move into a strong fair phase IV along the lines of phase II, and that he move to force companies which had raised prices in excess of the guidelines to roll their prices back to proper levels. I urged him, in short, to take out the stick which had been put in the closet during phase III and to put it to good use.

It is now 2 weeks since the price freeze went into effect. We still do not know what the plans for phase IV are. The administration has had almost 2 years experience with economic controls. There is no excuse for further delay. The administration must move—and move now—to lay out the guidelines for phase IV. The phase II guidelines provide an adequate model on which to base the new controls.

The price freeze—and the prospect that it may last another 6 weeks—has forced farmers in my State and elsewhere to destroy baby chicks and to sell laying hens for slaughter. The farmers are being squeezed between soaring prices for feed grains, up as much as 60 percent in the past 3 months, and the retailers and wholesalers in the food industry whose prices are frozen. If the destruction of chicks and hens continues—if the freeze continues without modification—the consumer will soon suffer from a shortage of supply of eggs and chickens which will make phase IV controls meaningless.

The poultry producer is not the only person caught in the squeeze. I have received complaints from many small, independent business and working people in Indiana about the economic distortions caused by the freeze. Keeping the current price freeze in effect for the full 60 days is unacceptable economic policy. There are only two responsible options open to the administration: grant individual exemptions from the freeze or move quickly into phase IV. I believe that of these two options, the far better course is to move to phase IV. For the grant of individual exemptions without a clear overall plan for combating inflation cannot possibly be successful or equitable.

Mr. President, I believe that only a concerted effort on a number of fronts will hold down inflation. The President should end the freeze and begin a strong, fair phase IV. Controls on food exports should be imposed so that agricultural products for which the farmer can get a fair price and which are needed here at home are not shipped abroad. The tax loopholes which grant huge profits to corporate giants, and which lead to inflationary budget deficits, should be closed. And the Congress and the President must hold Federal expenditures in all areas—military as well as domestic—to a minimum.

This is a program which can work. But no program like this can work unless it is implemented quickly.

DEATH OF MRS. MARIE McKINNEY PEDEN

Mr. THURMOND. Mr. President, the people of Greenville, S.C., recently lost an outstanding journalist and an invaluable member of the community, Mrs. Marie McKinney Peden.

Mrs. Peden joined the Greenville Piedmont Newspaper in 1955 and was soon appointed women's editor. She served in this position until her death.

Mrs. Peden possessed all the necessary ingredients of success: ability, integrity, character, and desire to entertain and inform her readers. Her professional accomplishments were matched only by her devotion to her community, church, and family.

The paper which she loved so dearly recently carried a story on her death and a subsequent editorial of her accomplishments. I would like to share them with my colleagues.

Mr. President, I ask unanimous consent that the article entitled "Women's Editor Marie Peden Dies," which appeared in the Greenville Piedmont, June 21, 1973, the editorial entitled "Marie M. Peden: Our Associate Earns Rest," which also appeared in the Greenville Piedmont, June 22, 1973, and the editorial entitled "Marie M. Peden," which appeared in the Greenville News, June 23, 1973, be printed in the RECORD.

There being no objection, the article and editorials were ordered to be printed in the RECORD, as follows:

[From the Greenville Piedmont, June 21, 1973]

WOMEN'S EDITOR MARIE PEDEN DIES

Funeral services will be held Friday at 11 a.m. at The Mackey Mortunary for Mrs. Marie McKinney Peden, women's editor of the Greenville Piedmont.

She died Wednesday afternoon in a local hospital after an illness of several months. She was the widow of Ralph Hutchings Peden and a resident of 18 Tomassee Ave.

Marie, as she was known to all of her associates, was both a skilled newspaperwoman and a community leader. She was South Carolina Newspaperwoman of the Year in 1961 and 1967, but she was more than her biography reveals.

In the nomination for that honor, it was stated, "She has the rare combination of a woman who shares the confidence of women in their daily pursuits while maintaining the respect of her fellow newsmen because of her professional knowledge in layout and techniques of production."

She was always seeking perfection in the women's pages of The Piedmont, but she had a sense of humor and could laugh at some of the inadvertent errors that sometimes crept into the type.

Marie joined The Piedmont in 1955 on a part-time basis, then became women's editor in 1958 where she soon pioneered in a broader concept of women's news. It was no longer "'society", but the world seen through the eyes of women and their families.

"Well, we'll manage somehow," Marie would say when a difficult situation was imposed on her. And she did, with an optimism and a skill.

She became known throughout the South for her firsthand reports on fashion and furniture shows. But she never lost her genuine interest in Greenville people and especially youth. The Piedmont had emphasized youth news and Marie supervised the high school columns that appeared in her section of the paper.

She was called on numerous times for speeches before civic groups and appeared at publicity workshops. She was one of 120 women in Canada and the United States invited to Bermuda for the introduction of a new perfume.

Marie received numerous awards, perhaps more than 30, in writing competition of the South Carolina Press Association women's division. A graduate of Brenau College, she was a charter member of the Greenville Woman's Club and Zonta Club of Greenville.

Perhaps her mark as a professional women's editor was best known through the weekly Friday layouts, sometimes in color, that represented her "special pride" in writing and reporting.

Marie was born in Greenville County, daughter of the late Marvin Ansel and Lillie Barton McKinney. She was a past president of the board for the S.C. Press Association women's division and was listed in Who's Who in Communications and American Women.

Surviving are a daughter, Miss Patricia Elaine Peden of Columbia; a son, Ralph Hutchings Peden Jr. of Atlanta; two sisters, Mrs. Flora McKinney Welch of Anderson; and Mrs. Lucille McKinney Perry of Greenville and a grandchild.

The family asks that any memorials be made to the Greenville County Cancer Society, 826 E. Washington St.

[From the Greenville Piedmont, June 22, 1973]

Marie M. Peden: Our Associate Earns Rest

Shakespeare: "The time of life is short; "To spend that shortness basely were too long."

Marie McKinney Peden: May she rest in the comfort deserving of a woman who used every minute of her life preciously.

The Piedmont joins thousands of her friends, associates and newspaper acquaintances in the mourning which comes from loss of a dear person whose life should not have been so short.

Our prime consolation is how tightly packed her time on earth was with virtually every good element of family, home, church, community activity—and a profession through which she reached the very highest points of accomplishment.

The latter is our overriding interest here, though we could fill several columns with her other fulfilling participation in and unfailing response to extraordinary outside demands.

She joined The Piedmont staff in 1955 and because of outstanding work was a natural choice as woman's editor three years later.

We quote from the professional viewpoint of one of her associate editors a few years after Mrs. Peden had taken over:

"She has played the major role in turning the paper's former Society Section into a well-rounded Woman's Section. Under her leadership, the women's pages reach into every section of this area and cover all phases of living and women's activities.

"The department deals with all segments of the community, regardless of economic or social position."

A large part of Mrs. Peden's success was due to the latter observation. It never was "just a job" for her, as also none of her other myriad undertakings was ever entered halfheartedly.

Whatever involved women—and for most of her years as editor the women were strong forces for total community betterment—Mrs. Peden was an important part of it, both as journalist and personal participant.

Because she was so active, because she was so much a part of everything around her, it is almost impossible to pick a particularly signal honor among the dozens she received for her civic and professional attainments.

Somehow we feel she may have derived the greatest pleasure and personal reward, however, in being chosen by the S.C. Press Association in 1961 and again in 1967 as South Carolina Newspaper Woman of the Year.

As we recall the 1967 events, on returning from the award ceremony she beamed that always-wonderful smile in a few moments of personal triumph before plunging again into her furious pace.

That was Marie Peden, bless her soul.

Marie M. Peden

Marie M. Peden simultaneously pursued three careers as wife and mother, professional journalist and active community worker—and was an outstanding success in all three.

The happy home she and the late Ralph Peden maintained here and the lives of their two children, now grown, speak for themselves about her role as wife and mother.

Twice she was South Carolina Newspaperwoman of the Year. Her statewide journalistic awards would cover an entire wall. She was a prime mover in the Women's Division of the South Carolina Press Association. She promoted journalism constantly by appearing before school clubs and scholastic press associations.

She was an early and avid leader in the movement which transformed the old society sections of daily newspapers into women's and family interest sections, probing and reporting on every facet of human and community life.

As Women's Editor of the Greenville Piedmont, Marie Peden ranked near the top of the list of distinguished South Carolina journalists. She had the profound respect and admiration of her colleagues here and throughout this state.

Her pioneering work in civic club affairs made her an active participant in efforts aimed at community betterment in this county. She richly deserved her listing in Who's Who Among American Women.

Along the road of her life Marie made and kept countless friendships here and throughout the state. Her recent death brings sadness to this community and creates a void in the ranks of South Carolina journalists. We who knew her well feel the loss keenly.

COUNTIES ACROSS THE NATION FIND LIMITED FUEL AND HIGH PRICES

Mr. HUMPHREY. Mr. President, the National Association of Counties Task Force on the Fuel Crisis has just concluded a Washington meeting to discuss the growing fuel crisis. The results of the meeting, briefly summarized, are as follows:

Counties across the country are experiencing great difficulties in getting competitive bids for gasoline, diesel fuel, and heating oils. Counties that have supply bids find that prices are up from 25 to 66⅔ percent over the previous year and that the bids are replete with new restrictions, limitations, and requirements.

NACO has taken the position that fuel must, by law, be provided for essential public services in sufficient quantity and at reasonable prices. I agree completely with this position. A solution must be worked out immediately so that the Nation's counties will be able to continue to run their fire, police, and other public vehicles; heat their buildings, hospitals, schools, and continue other necessary public services during the coming winter. The solution to this urgent problem is found in S. 1570, the Emergency Petroleum Act of 1973, which passed the Senate June 5 by a wide margin, 85 to 10. Identical bills, H.R. 8597 and H.R. 8863, have been introduced in the House and referred to the House Interstate and Foreign Commerce Committee. I urge that committee to act speedily on this legislation. Each day the fuel situation becomes more alarming, and we in Congress have a great responsibility to push the administration to begin a mandatory plan to deal with existing shortages so that the public's health, safety, and welfare is not further jeopardized.

Mr. President, it is due to the urgency of this present energy situation that I ask unanimous consent that the National Association of Counties special report on "Counties and the Fuel Crisis" be printed in the Record.

There being no objection, the special report was ordered to be printed in the Record, as follows:

June 22, 1973.

Dear Senator: Our counties are experiencing great difficulties in getting competitive bids for gasoline, diesel fuel and heating oils. Counties that have supply bids find that prices are up from 25 to 66⅔% over the previous year and that the bids are replete with new restrictions, limitations and requirements.

NACo has taken the position—we want to do our part during the crises but that fuels must, by law, be provided for *essential* public services in sufficient quantity and at reasonable prices.

Enclosed you will find a special report on "Counties and the Fuel Crises" that we have put together as a result of a recent Washington, D.C. meeting of the National Association of Counties' Task Force on the Fuel Crises.

We want to share this information with you because the present crises appears to be affecting many counties in the United States. We want to work with Congress in finding a solution so that our counties will be able to continue to run their fire, police and other public vehicles; heat their buildings, hospitals and continue other necessary public services during the coming winter.

Sincerely,

Bernard F. Hillenbrand,
Executive Director.

Counties and the Fuel Crisis

(Bernard F. Hillenbrand)

NACo, under the leadership of Los Angeles County Supervisor Jim Hayes and NACo President Gladys Noon Spellman, has just concluded a Washington meeting which makes us most apprehensive about the ability of counties to secure gasoline, diesel fuel, and heating fuel in sufficient quantities and at reasonable prices.

We assembled representatives from 25 counties at random, and an amazing pattern emerged from their local reports. It can be summarized as follows:

NO BIDS

Many of our counties are unable to get bids of any kind for gasoline, diesel fuel or heating oil.

RESTRICTED BIDS

It has been the practice for counties to issue a single bid that would also supply fuels for towns, villages, cities, school districts and other smaller jurisdictions within the county. Without exception, the oil companies are rejecting that non-county portion of the bids.

PRICE

We have discovered that the oil companies are bidding at prices from 25 percent to 66⅔ percent above last year's quotes.

RESTRICTIONS

In many cases, the bids are providing that the oil companies can get out of the contract on 30 days notice.

NEW REQUIREMENTS

Many of the oil companies are using the bid form to institute new requirements on local government. These take the form of requiring the purchase of gasoline tanks and facilities; requiring the locality to move the fuel from refineries to their own outlets; restricting the number of new outlets that will be served; requiring larger tanks and storage facilities at acceptable fuel points.

HEATING OIL

To date, we have not had a report of any county that has been successful in getting bids for heating oils for public facilities for the coming winter season. This is a particularly aggravating point, because if we are unable to get sufficient supplies of heating oils by the first cold spell, we run grave risks of frost damage to the plumbing and structure of schools, hospitals and other buildings.

NATURAL GAS

While it was not discussed during our Washington meeting, we have subsequently learned that natural gas suppliers are requesting, and apparently it will be granted, a tripling of the price of gas at the well head. This will, of course, cause new financial hardships for those counties and other public agencies that use natural gas for heating public buildings.

In general, it would certainly seem to us that the pattern of response to the fuel crisis bodes very ill for the public sector. We must keep in mind that with our tight budgets every increase in the cost of fuel must be made up either with a cut back in some other service or an increase in taxation.

NACo's position is clear. Our Board of Directors (backed up by a similar action by the delegates to NACo's Western Region Conference) is clearly on record as wanting compulsory allocation of gasoline, diesel fuel, and heating oils for vital public functions such as police, fire, ambulance, school buses, transportation and heating public buildings. We also want these supplies to be provided to the public at reasonable prices.

We make one further observation. There is fragmentation of federal governmental effort in the fuel crisis response. NACo met, for example, with the Assistant Secretary of Interior for Energy and Minerals. This Agency is responsible for monitoring the voluntary allocation formulas now in effect.

We find, however, that this agency has no control over the prices. We must go to another agency, namely the Cost of Living Council, to adjudicate any claim of excessive fuel prices.

Finally, regardless of the short term problems, we obviously have a long range problem of providing fuels for the future. The leadership for this problem is under a third agency, located in the United States Treasury. It is called the President's Oil Policy Committee. Presumably this unit is responsible for developing policies about the Alaska Pipeline (which NACo is strongly supporting); more research into atomic energy and hydroelectric power; processing of shale oil; and conversion of coal to gasoline and other fuels.

We believe that we have both short term emergency and possibly a long-term problem in the energy crisis. We are awaiting the proposed action plan on energy that President Nixon has announced he is developing and will shortly release.

SENATOR ERVIN HONORED BY AMERICAN INDIANS

Mr. ROBERT C. BYRD. Mr. President, on June 25, 1973, one of our distinguished colleagues in the Senate was honored by the National Congress of American Indians, the Nation's oldest and largest national Indian organization.

Senator SAM ERVIN, of North Carolina, was named as one of two recipients of the first annual Henry M. Teller Awards for outstanding legislative achievements affecting the welfare of American Indians. Congresswoman JULIA BUTLER HANSEN, of Washington, was also honored.

The awards are named in honor of 19th century congressional champion of Indian people, Senator Henry M. Teller, of Colorado. So it is most appropriate that the efforts of Senator Teller be continued by SAM ERVIN, 20th century champion of the rights of all Americans. Of special importance in this connection was congressional enactment of the so-called "Indian Bill of Rights" in 1968, which was introduced by Senator ERVIN.

USER CHARGES ON AIRCRAFT

Mr. BROCK. Mr. President, a great deal has been said about Congress abdicating much of its power to the executive branch of Government. I, for one, have been a proponent of the theory that whatever the reasons advanced, we really have no one to blame but ourselves. Instead of Congress acting as a responsible body, it seems we have been content to sit idly by while the White House slowly usurps our powers.

A situation exists today, which unless attended to, threatens to do irreversible harm to the aviation community. I invite attention to it in hopes we will not sit idly by.

The aviation community has been advised that the Office of Management and Budget has directed the Federal Aviation Administration to impose administratively, effective July 1, 1973, a schedule of user charges, or selective taxation, designed to produce not less than $50 million in miscellaneous receipts to the Federal Treasury for FAA's safety regulatory activities.

Needless to say, the proposal has caused a great deal of consternation not only to aircraft owners, but to informed individuals fully aware of the consequences of such a measure. The Aviation Resources Corp. recently conducted a survey to determine the "probable impact" should the user charges be implemented. So that there could be no question as to the validity of the survey, the ARC canvassed twice the usual segment—20 percent versus 10 percent, and received a 40-percent response—over four times the usual expectancy. Those questioned were owners of airplanes presently worth $4,000 to $10,000, and the results are electrifying.

What it amounts to is that rather than face exorbitant costs, the owners would rather give up flying completely. For instance, when asked if Government were to impose an annual tax of 5 percent—$5 per $100—based on value of the aircraft, 78.6 percent said they would sell their planes and quit flying. These additional expenditures could obviously result in effectuating the end of virtually all civil aviation, as greater and greater costs are loaded on fewer and fewer people until no one could afford anything.

Apparently, the FAA is relying upon title V of the Independent Offices Appropriations Act of 1952 for its authority to impose these charges. Grave doubt remains that this vague piece of legislation provides a proper basis for establishment of user charges. In fact the American Bar Association has urged its repeal and advocated that no schedule of agency fees and charges specified under title V should be adopted unless first authorized by specific legislation dealing with the particular subject matter or agency.

Some of the doubt may be resolved by the Supreme Court review of title V now in process. Regardless of the outcome, however, Congress should be involved in determining its validity.

The Department of Transportation presently has an aviation cost allocation study in process to ascertain what portions of the Federal costs of the airport and airway system should be borne by users and by the general public. Thankfully, Congress will have an opportunity to have its say in this regard when the Department of Transportation, as required by law, eventually submits its report.

I firmly believe though, that the FAA should not be permited to establish user charges administratively until Congress has received the results of the cost allocation study and made its consequent decision on how much of the costs and taxes should be borne by users and the general public. To impose these charges at the whim of the OMB without adequate study of the consequences is ludicrous and represents an invasion of our basic rights.

To begin with, the user charge concept is an extremely complex issue. At present only about 7 percent of the total Federal revenue comes from user charges. Included are such charges as taxes on gasoline and tires, which go into a truck fund for highway development. This leaves 93 percent of Government financing from general taxation to provide programs in the total public interest.

One example of general taxation for programs in the public interest is education, where everyone contributes regardless of whether or not they have a child in the system. A program of user charges could alter this to where only those persons who are the direct users of the education system would bear the major portion of the expense.

It is exactly for this reason I am gravely concerned about these proposed charges. The user charge concept has such far-reaching implications that it is time Congress makes a declaration of policy before things get out of hand. It is our responsibility and not that of the executive branch.

The House passed versions of the DOT appropriations bill has an amendment precluding for 1 year any use of funds for implementation or execution of any program in the DOT, including the FAA, to collect any fees, charges, or prices for approval, tests, authorizations, certificates, permits, registrations, or ratings which are in excess of levels in effect January 1, 1973. Mr. President, I earnestly hope you support this version. In doing so, we will then have the time to evaluate the alternatives and respond responsibly, and hopefully with an equitable solution, mutually respected by all parties concerned.

COUNTIES FIND LIMITED FUEL AND HIGH PRICE

Mr. HUMPHREY, Mr. President, county officials from across the Nation met last week in Washington with Assistant Secretary of the Interior, Stephen A. Wakefield, to discuss the current fuel crisis. The officials—all members of the National Association of Counties—related similar problems with respect to fuel supplies and prices. Their reports all point up the urgency of the fuel crisis this Nation is experiencing, and the need for the administration to begin an immediate mandatory allocation program to equitably distribute dwindling fuel supplies to all parts of the Nation, and to all vital services. The time for such action is now, as the reports by these county officials indicate.

I ask unanimous consent that excerpts of their remarks be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

COUNTIES FIND LIMITED FUEL AND HIGH PRICE

PRINCE GEORGES COUNTY, MD.

(By Gladys Noon Spellman, County Councillor and NACo President)

"I'll start, if I may, by introducing the resolution which was passed by the National Association of Counties when we met in Alaska. And I can tell you, we heard a great deal about pipelines out there, and we were very sympathetic.

"I'd like to present the situation as we see it right here in our own jurisdiction of Prince Georges. Now we have had admonitions through the news media that there was an approaching energy crisis. And so when, in February, we went to bid on our motor fuels, we were pleasantly surprised. We did have a bidder, and the fuel was only 2 cents a gallon more than we had paid before. Normally, that would have dismayed us, but we felt we were quite fortunate at that time. The bidding was extremely limited, and the normal discounts were substantially reduced.

"I might say, when I say we, that Prince George's County bids for the county government, the board of education, the police and fire companies, the municipalities, and the various agencies, boards and commissions. While the contractual commitments on all of our required fuels were obtained, our projections indicated that there was going to be an annual increase in cost for us, in the amount of $154,000.

"We got only one bid on diesel fuel and that was an interesting one because there was a proviso that the county purchase all of the underground diesel fuel tanks, which in the past we had just been able to have supplied to us—those had been furnished. Since these fuel tanks are used by the various fire companies around the county, there were a heck of a lot of fuel tanks that we had to buy. But that's what we had to do in order to get the diesel fuel.

"But that was back in February. In May, when we went out to bid for fuel oil, we got no bids. So at this moment, we won't have fuel oil to heat the schools and the public buildings this coming winter.

"Then in May, we received from our contract source for gasoline a letter indicating that due to the tight supply situation on gasoline, they were going to find it necessary during the month of May 1973 to limit our purchases of gasoline to 90 percent of the purchases of May of last year, and that in June they would take us back to 70 percent of the purchase of June of last year. Now when you consider that during that interim we've had an increase in the number of police cars alone of 66 percent—we've increased our police cars by 66 percent—yet we're being cut back to 70 percent. We have had 49 additional fire vehicles, we have 39 cars that the sheriff has on order, many of which have been delivered, that he can't put out on the street now because we've already had to cut back on gasoline, then you know we're in trouble. And you add to that that Prince George's County has been blessed with a forced busing system in our schools, and we have the largest private fleet of buses in the country—we've got problems."

ST. LOUIS COUNTY, MO.

(By Lawrence K. Ross, Chief Executive Officer)

"I won't throw out facts and figures because it would be merely repetitious, except our price increase has been more abrupt than yours (Prince George's County). We have used one technique which has brought forth rather excellent results, and which I think you at the local government level and conceivably the Department of the Interior might quietly bless as an effective means of getting these guys off dead center.

"That (technique) is that we all have the zoning power and we have frequent requests for large and small oil companies for new filling station locations in our large suburban county, and our county council has publicly expressed itself that it's totally illogical, if these people cannot meet their obligations to providing fuel for emergency services, to create more retail outlets. I can't tell you the extent of the response; however, these oil people are scared to death of being accused of collusion. They all call and say I'm calling as an individual company. But this is something—and I wonder whether we as an association couldn't really make some ripples by taking a position—and I don't mean to involve you all in this—why in the world create more retail outlets, why make it more possible for these people to serve the retail market more readily when they're ignoring their responsibilities to us? I think that's something we might think about."

MACOMB COUNTY, MICH.

(By Herbert McHenry, Vice Chairman, Board of Commissioners, and Roy McPeters, Chief Civil Counsel)

"Very briefly, we're going to focus our remarks on the fuel shortage experienced by Macomb County, since the expiration of our contract with our only supplier, Gulf Oil, on May 31, 1973. That briefly is this:

"Prior to the expiration of the contract we requested bids on two different occasions and received none. After the expiration of the contract, Gulf advised us orally that they would continue to supply us along the base period guidelines 63 percent of that requirement, for a period of 6 months, at a price differential of some 52 percent. We had requested that Gulf give us that commitment in writing, and Gulf has absolutely refused to put it in writing. They have just told us that we will continue to supply you along that line until such time as we make another decision. That very succinctly is our position in Macomb County."

SAN DIEGO COUNTY, CALIF.

(By Roger Honberger, Washington Representative)

"Despite the fact that our contract negotiations were settled earlier this year in gasoline, you will be hearing from us on diesel fuel. We have about 15 days left in our contract for diesel fuel. We've gone out for bids and have received none. We need approximately half a million gallons per year. Our supplier has told us, off the record, that there's no problem with the amount of diesel fuel that should be available to us, but the question is price. And until the price situation can stabilize, we will receive no bid."

ANNE ARUNDEL COUNTY, MD.

(By Randy Rosencrantz, Central Services Officer)

"In Anne Arundel County it's our opinion that we've never really had a competitive situation as it relates to gasoline. For the last several years, it's been a one-bid type situation. The law requires that we bid gasoline. We have bid gasoline, but we usually only get response from one buyer. This is not unique just to our county. I understand that there are other counties in the state of Maryland who experience the same thing.

"By virtue that this has happened several years indicates to me that perhaps there's a need for some investigation of more than just the current prices, but perhaps some history that has developed up to this point and perhaps some effort made so that this kind of thing will be discontinued. We are required by law to be competitive, and I think that the gas companies should play ball with us and be competitive also.

"This year, we got in touch with the vendor that served us last year (the last two years for gasoline) and we were advised that there's no need to bid it because we won't bid on it, but if you want to bid, you can. If you don't get a bid, we will negotiate with you.

"The whole sum of that negotiation amounted to their telling us: that we will supply you probably with the same amount of gas next year that you receive this year, that it will cost you 56 percent more to get that amount of gas, and please do not ask us to deliver to any location that will accept less than $1000, or do not ask us to increase the number of locations delivered to presently within the county."

"In view of this, we feel that we're not really in a negotiating position—we just have to sit there and take the best that can be offered to us. I would also suggest to you that in the Baltimore area, there are 13 potential suppliers of gas, and I just cannot convince myself that only one is interested in our business.

"Additionally to this, I would remind the Secretary that, as other counties have, in the counties we are taking steps to conserve our fuel. We've even gone to the extent of asking people not to use the air conditioners in their cars. I don't know how this is going to be received. I even sent out a memorandum to the police chief and suggested about 8 different things, and I noticed that when he passed the memorandum on to his troopers, he deleted that suggestion."

HENNEPIN COUNTY, MINN.

(By Herbert Klossner, County Engineer)

"In our seven-county metropolitan area, I've polled most of the people in that area, and it seems to me we're having problems in three categories:

"The first category is no bids whatsoever. The second category was bids with ten-day termination clause—not guaranteeing price or quantity in ten-day written notice. Or there were only bids for partial needs. And some of the tactics that apparently developed—of those that have received bids, they have all been between 40 and 50 percent higher than the previous contracts.

"In our own case, Hennepin County has a cooperative bidding procedure with some 26 municipalities and agencies within the county. We have a contract for 1973 with the Shell Oil Company. They have started an allocation process wherein they have said to us that 'Your June 1973 allocation volume will be the volume that you had in June of 1972.' And they have not given us any indication of what our July volume will be—they haven't figured that out yet. They're going to let us know.

"Another problem seems to be that several of our counties who have received no bids are able to get gasoline if they will go to a bulk plant and load up their own trucks. Under those conditions, they will receive a normal truckers discount of 3 percent. There are others that will deliver diesel oil at 1,000 gallons at a time—no limits as to the number of times.

"Generally, the feeling in the area is that fuel is available at an * * * find now a situation in fuel oil, gasoline and diesel fuel, that, what I gather at this meeting today, simply is this—it will be available.

"But we will not be able to determine, by any way, shape or form, what we're going to have to pay for it. Now, we are purchasing gasoline, and I won't go into any statistics because I'm sure the national statistics are staggering—but for the City of Alexandria, Falls Church, Town of Vienna, and several other municipalities, we are finding that in gasoline we were fortunate enough to early bid and come up with about a 39 percent increase.

"In fuel oil, which I think has been very lightly touched on today, we are experiencing no bids. Some of the major suppliers are indicating to us that because of their production on gasoline, that fuel oil will not be available in any large quantities. Now one can surmise from that, and we're in the same posture on school buses—we operate about 706 school buses, much to our chagrin—that we'll either have to educate the children in the school buses or we'll not have any heat in the school system.

"Now, I've talked with the governor's office, and several other members in the state, and several congressmen, and the interweaving of this issue has gotten us to a point of where I have to tell the county executive as late as yesterday, and the director of budget, that probably—and I believe this is going to occur in Maryland if it has not—we are going to have to bid on a per-tank basis for delivery of fuel oil.

"Now, fortunately or unfortunately, I'm not an elected official. But many elected officials in the commonwealth, and I'm sure in the country, are going to be awfully hard-pressed to defend this bidding process—and let's fact the facts of it, it's going to have to be passed on to the individual taxpayer in the municipality—without really a true explanation of what is occurring. Now I'm much enlightened after some of the previous discussion, but there are several factors that still are not clear to me.

"Number one—the major suppliers are not giving out consistent prices in this Metropolitan area. Now I could understand this west-coast prices differing, transportation prices differing, and this type of thing. But it's not happening in this metropolitan area. It's who gets there when, or on any given day what the price is going to be. And that seems to be inconsistent with the suppliers' argument that they must pass on their increased costs. We'll certainly be glad to pay increased costs. I cannot understand why Maryland has to pay more, per gallon than Virginia. And we're not that geographically dispersed. This is not logical, for us to go to the Cost of Living Council increase in price. And there is some doubt whether the shortage is real. The supplies seem to be there if you're willing to pay the price."

GENESEE COUNTY, MICH.

(By Edward Wiles, County Engineer)

"We are not receiving bids—only in partial bidding. Opposite to some of the comments I've heard today, we are receiving bids for our small tank-leg drop points and no bids for transport. We apparently are going to get the fuel if we negotiate the price, and still it won't be really excessive compared to some of the others. So the thing that I would be interested in now—we are naturally concerned about what may happen later—and you mentioned the Operational Centers is who should we contact?"

NASSAU COUNTY, N.Y.

(By James Baker, Deputy Commissioner of Purchasing)

"Mr. Secretary, we presently enjoy a contract with a major oil company which happens to be Chevron. Based on our allocation of 3.5 million gallons of gasoline, the executives of the Chevron Company assurred us, as of the moment, that they would try to furnish us with that estimate of product for the contract year, as far as and including the first of December.

"The problem with gasoline, as we experience it, is with our political subdivisions. By mutual agreement with them, they have asked us, due to the shortage, to relieve them of their obligation to furnish gasoline under our contract. So by mutual agreement, with a cut-off date of April 23, those political subdivisions who were on contract with them, they will still honor. Any new agencies or lesser political subdivisions will have to be denied at this time.

"For fuel oil, our contract will expire August 31, so we're just working up to this now. However, many of our villages, towns, special districts bid on their own. They have been receiving, again, single bids—and in some cases no bids. One large village in our community operates its own power plant, generates their own electricity. Their normal needs are 9 million gallons per year. They received one bid from Mobil—4.5 million gallons, or half their requirement—at 17 cents per gallon, which represents about a four-cent increase over what they paid last year."

FAIRFAX COUNTY, VA.

(By Jay Hamilton Lambert, General Services Director)

"Mr. Secretary, I'm from Fairfax County. We in the Commonwealth have historically been conservative-minded people. We (and I certainly don't want to belittle that), but how in the world could they determine whether Fairfax County per se, or Montgomery County, was taking the short end of the deal on a gasoline price, when we're very similar in geographic area and in number of vehicles, I assume. But yet already we're starting from a base that is different. I don't believe that is a fundamental that could be mathematically modeled?

"Now, if you maintained your fleet at the same level that it was last year—the same number of vehicles—and we've just run some computer programs that indicate to us that our gasoline consumption is still going to go up on an astronomical basis, primarily due to the federal restraints on air pollution and what they're having to do to police vehicles and schoolbuses and this type of thing. So this 80 percent allocation puts us in a bind even if we were to hold last year's level fleet and reduce vehicles.

"I cannot prepare a plan for emergency, other than to say generally what I imagine every jurisdiction is saying—fires, police and health, in that order, and the rest of it we'll have to let go. This is why I think really we are in a tremendous bind. I don't know how to plan for a gasoline shortage—not with any reasonable certainty."

THE DEBT CEILING BILL

Mr. TOWER. Mr. President, I strongly believe that the Senate has established a bad precedent in attaching nongermane amendments to the debt ceiling bill. I realize that the debt limit bill is made the vehicle for so many amendments of varying subject matters simply because it is considered veto-proof. While this may seem to be good strategy to some, in my opinion it is a very poor way of legislating.

Therefore, during consideration of H.R. 8410, I opposed all amendments in the first degree. I opposed them despite the fact that many of them are worthy of congressional approval. For instance an amendment was approved that would increase the retirement test under social security to $3,000. I have long championed this proposal, and only recently have introduced legislation to make this particular change as well as reducing the age of applicability of the test from 72 to 70.

I was also one of the first Senators to propose automatic cost-of-living increases in social security because I recognize that inflation is most damaging to those Americans living on fixed incomes. Additionally, improvements in the supplementary security income program and the postponement of the implementation of the social services regulations so that Congress can review them in more depth have my support.

Nevertheless, Mr. President, attachment of these positive proposals to a debt ceiling is not the best way for the Senate to legislate on subjects that everyone admits are deserving of individual attention. This is especially so when there is enough time remaining in the 93d Congress for the Senate to give adequate time to these issues.

The action taken by the Senate seriously jeopardizes the enactment of the legislation to continue the temporary debt limit. The ability of the Federal Government to function in an orderly fashion depends on this legislation being approved by midnight Saturday. This must be our primary concern during the waning days of the fiscal year. It is of course my hope that the Congress is able to fulfill its responsibility by meeting this deadline. Additionally, I personally would welcome a more comprehensive debate of the social security and related programs at a future date when we could all give them our full attention.

THE FLAG

Mr. BROCK. Mr. President, a student at Lawrence County High School in Lawrenceburg, Tenn., Vernon Sides, has written a moving and eloquent essay expressing his patriotic sentiments regarding the flag of our Nation.

It is popular to say that patriotic attitudes are out of fashion among our young people. My own experience does not support this feeling, but it is certainly true that expressions of dedication to America by youth have not received a great deal of publicity in recent years.

For that reason, and because of the quality of this work itself, I would like to ask permission to have Mr. Sides' essay printed in the RECORD.

There being no objection the essay was ordered to be printed in the RECORD, as follows:

THE FLAG

I have quite a story to tell. It's a story of life, of people living, working and playing together, but it's also a story of fighting and death. For you see I'm the flag of the United States of America.

I've grown over the years. Since I was first raised and flown over this great country, I've tried on various stars and stripes and will probably continue to do so. I've gone from 13 stars to 50 in only a matter of years.

I'm proud to be what I am. I laugh at my cousin the Union Jack. He thinks he's the best since I was copied from him, but that's not true. I'm the one that stands for freedom.

I've been all around this world. Right now I'm flying from thousands of poles, cars, and ships. I've been to the moon, but with the good goes the bad. I've been ripped and tattered and had a few songs written about me. I've been carried through eight major wars and through numerous skirmishes. My fabric has fluttered in the wind from the top of Mt. Suribachi on Iwo Jima and tears have been shed upon me by a mother who's son gave his life fighting for his belief. I've seen gay parades on the streets of San Francisco and I've been saluted by happy rejoicing men, POWs returning from Viet Nam.

I'm famous. Perhaps the most important symbol in America and the world, because I stand for liberty. I command everyone's respect and it makes me sad to see people who don't put their hands over their hearts or salute me as I pass in review. Nevertheless, I shall continue to wave over their heads—the symbol of liberty for all the world to see. The red, white, and blue, the flag of the United States of America. LONG MAY I WAVE.

VERNON SIDES.

AIR TRAFFIC BETWEEN THE UNITED STATES AND THE SOVIET UNION

Mr. CANNON. Mr. President, I am sure my colleagues noted that during last week's visit of Soviet Communist Party Chief Leonid Brezhniv to the United States, the United States and the U.S.S.R. announced an extension and a broadening of the bilateral air transport agreement which governs reciprocal air service between the two nations.

Aeroflot, the Soviet Union's state-owned airline was given access to Washington—it previously had access only to New York—in exchange for the right for the U.S. carrier, Pan American, to serve Leningrad. Currently, Pan Am is allowed to serve only Moscow. In addition, each carrier was given authority to operate an additional flight each week: Currently both Pan Am and Aeroflot offer twice weekly service between New York and Moscow. The new agreement, judged by an knowledgeable source, is of no significant benefit to the United States, on the contrary, the Russians are the chief beneficiaries.

While I generally applaud the President's initiatives to broaden trade and cultural relations with the Russians while at the same time seeking to lessen tension and the threat of nuclear war, experience with the Russians in relations to civil air services has been disappointing to say the least.

Mr. President, the Civil Aeronautics Board—the regulatory agency charged under the Federal Aviation Act of 1958 with regulating the economic structure of the air transportation industry, is about to announce a massive complaint and enforcement action against Aeroflot for what I am told are more than 100 separate violations of U.S. air Transportation law. What the CAB has discovered and is about to act upon is the fact that Aeroflot has apparently been selling cut-rate tickets at prices below the published and lawfully filed fare. This has been done, apparently, to widen the gap in an already inequitable situation in which Aeroflot is currently carrying more than twice as many passengers between the U.S. and the U.S.S.R. than is Pan American. This discounting, as it is called in the airline industry, of course, puts Pan Am at a tremendous disadvantage in that the traveling public, if it knows that the Soviet airline is offering discounts, will obviously jump at the bargain. This unlawful activity by the Soviet airline is only but one indication that the Soviets continually seek to obtain an unfair advantage for their own airline at the expense of the U.S. carrier certificated to serve the Soviet Union.

Mr. President, the CAB's enforcement action which I am told will be announced shortly has unfortunately been held up by the White House because of the fact that the announcement would have served to embarrass the Soviets if it had come before or during the recent visit of Mr. Brezhnev.

I think it is high time to stop worrying about embarrassing the Russians and time to stop making more concessions to them until they begin operating in compliance with the laws of the United States which all carriers—domestic and foreign—are obliged to comply with. Trade, like most relations between nations, is a two-way street or it is a deception which cannot endure. I note a deplorable tendency on behalf of U.S. diplomats and the executive branch to look the other way at Aeroflot's violations of U.S. laws and its well-documented attempts to engage in unfair practices, while at the same time encouraging the Russians by granting them new air rights which, because of their unfair and unlawful tactics, they have not earned.

Mr. President, there was no need whatsoever at this time to broaden and enlarge the scope of the U.S. air agreement with the Soviet Union. The talks served only to further the Soviet's interests and there was little of value to be gained in the agreement by the United States or Pan American. In fact, partially because of the Russians' tactics, Pan American continues to lose money on its operations to Moscow and those losses may well be exacerbated by the extension of new authority to Aeroflot.

Rather than sitting down to sign a new agreement making further concessions to the Soviets, I am troubled and disappointed that U.S. negotiators did not insist first that the Soviets start living up to the terms of the present agreement and cease using tactics both unlawful and unethical to gain an advantage for Aeroflot. The Russians understand our views, our laws, and our objections to the way they operate but I suspect they have concluded, perhaps rightly, that the United States will not be firm in insisting on adherence to our laws and practices as a condition to the rights granted to Aeroflot. This is not the way to do business with the Soviet Union or any other nation. This is not the method by which we should encourage trade, cultural exchange, and tourism. Indeed, it is detrimental to the best interests of the United States and to its flag carrier, Pan American. I suggest that before going another step further with the Soviets, the executive branch change its attitude and its approach if reciprocity and equality of opportunity is to be restored. The Executive must stop winking at Aeroflot's operations or some of us here in the Congress are prepared to take legislative action.

Mr. President, let me detail for a moment some of the abuses which presently occur in the reciprocal air service pattern between Pan American and Aeroflot.

The commercial relationship between Pan Am and Aeroflot is determined in outline by an airline commercial agreement approved by the two Governments within the framework of the overall bilateral air agreement. The problems are accentuated by the uniqueness of these agreements, by the differences in the social and economic systems of the two countries, by the priority of earning foreign convertible currency assigned to Aeroflot, and by stringent currency controls and security restrictions imposed by the Soviet Government. Although most of the traffic moving over the agreed services between the two countries is U.S. originating, most of Pan Am's business problems are related to traffic which originates or should originate in the U.S.S.R.

The airline agreement requires that all transportation documents sold in the U.S.S.R. must be issued by Aeroflot as general agency for Pan Am. On a reciprocal basis this provision serves to balance and partially control Aeroflot's access to the lucrative travel market in the free U.S. economy, but in Moscow it allows Aeroflot to impede Pan Am's ability to secure business in the much smaller U.S.S.R.—originating market. Aeroflot may open its offices anywhere in New York, but in Moscow it practically takes a major investigation to locate the Pan Am sales office.

The Government agreement says that passengers and shippers will have freedom of choice of carrier, and will be able to pay in the currency of the country where payment takes place, but in the Soviet world choice of carrier is the exception rather than the rule. Although in theory Aeroflot as Pan Am's general sales agent in the U.S.S.R. should prepare tickets for Pan Am customers upon request, in practice this process rarely works smoothly because Aeroflot's apparent goal is to hinder rather than facilitate the conduct of Pan Am's commercial activities in the U.S.S.R.

Incidents in which Aeroflot refuses to prepare tickets as requested for Pan Am customers continue to occur, particularly when they want to travel on an airline other than Pan Am or Aeroflot from Moscow to an intermediate point for connections to Pan Am services. Even when Aeroflot is to be used from Moscow to the intermediate point, ticketing is sometimes refused on the grounds that space is available on a direct Aeroflot flight to the United States.

Aeroflot continues to refuse to accept rubles from certain types of passengers such as foreign students resident in the U.S.S.R. Although there is significant amount of prepaid transportation, paid for in the United States in dollars, for travel which originates in the U.S.S.R., Aeroflot regularly refuses to process prepaid tickets in the Soviet Union for travel which originates outside the U.S.S.R. Recently Aeroflot has said only persons resident in the U.S.S.R. can purchase tickets with rubles.

Such harassments and roadblocks put in the way of passenger revenue generation in Moscow, which has been essentially static for the last several years, are disturbing when taken in the perspective that only the tip of the iceberg is seen under the best of conditions. An extremely small percentage of the population of the U.S.S.R. is permitted any foreign travel. A very small percentage of that group is permitted to travel across the Atlantic to the United States, and equally small percentages of trans-Atlantic travelers are reluctantly permitted to fly foreign carriers. Most Soviet citizens are government employees, and virtually all transportation paid for by the Soviet Government—including sports and theatrical groups—must fly on the national carrier. Only a small number of emigrants or older people visiting relatives in the United States, either paying for their own transportation or traveling on prepaid tickets, are permitted on Pan Am. I have heard that Americans of Russian ancestry are told in Moscow that conditions might improve for their Russian relatives if they traveled Aeroflot as a gesture of goodwill by a U.S. citizen.

It is interesting to note that most of these few Soviet passengers who do find their way to Pan Am's obscure, ill-identified second floor office in the old Metropol Hotel, and then manage to stick with Pan Am through the cumbersome Aeroflot ticketing process, are not Russians. They are largely members of minority groups such as Ukrainians, Armenians, Georgians, or people from the Baltic Republics who have relatives or friends in the United States. A big plus for Pan Am is its offer to advise these relatives in advance of the passengers' travel plans and the status of their exit visas. Aeroflot does not offer such service, and in fact will generally not even undertake reservations and ticketing formalities until exit documentation has been completed.

The situation is even more serious in the cargo field. Pan Am is virtually excluded from westbound cargo originating from Moscow, with the exception of U.S. Embassy shipments, and those of the few foreign residents, and tourists who have the perseverance to find Pan Am's office, and insist that their cargo move by the U.S. flag carrier. The bilateral air agreement notwithstanding, the Soviets have unilaterally decreed that Soviet citizens flying with Pan Am and who wish to ship personal effects may only do so on the services of Aeroflot.

Even holding onto U.S. Embassy shipments has been like pulling teeth. During the last 2 years another form of harassment has been placed in front of Pan Am. It is now required that the relatively small U.S. Embassy shipments must be submitted by the embassy to the Soviet Government agency responsible for handling such cargo 10 days in advance of the flight, largely defeating the purpose of air shipment.

Pan Am should be given a more equitable access to general cargo moving from the U.S.S.R. to the U.S.A., not limited to a few token embassy and foreign residents' shipments. Certainly, in the interest of our overall balance of payments problems, American businessmen should be able to specify that items ordered from the U.S.S.R. for export to the United States by air should be carried by the U.S.-flag carrier if the American consignee so prefers. If the spirit as well as the letter of the airline agreement is to be adhered to, Pan Am must be given more equitable treatment to bring its commercial opportunities in the small U.S.S.R. market closer to Aeroflot's unlimited opportunities to tap the huge U.S. market.

While these problems are serious enough, the more serious problem, and one that has been investigated by the CAB, involves the conduct by Aeroflot of its commercial activities in the United States. In addition to not fulfilling its commercial obligations under the airline agreement, Aeroflot engages in a number of illegal and unfair competitive practices, and, in effect, "buys" business in the United States in at least four ways:

First. By giving to travel agents and tour operators free transportation on domestic segments within the U.S.S.R., which they can in turn sell or provide free to their clients.

Second. By paying to tour operators and travel agents illegal commissions amounting to as much as $100 per passenger.

Third. By giving travel agents free transportation instead of collecting the 25 percent service charge required by IATA Resolution 203 (USA).

Fourth. By offering to the traveling public transportation on Aeroflot at fares discounted from the lawful traffic conference levels required to be charged under the airline agreement and approved by the CAB.

Mr. President, it is against this background that the United States last week authorized further expansion of Aeroflot's opportunities in the United States. Any reasonable man would ask why? He would ask why not force the Soviets to live up to the existing agreement and to U.S. law before any discussions whatsoever are held which are aimed at increasing Aeroflot's authority to serve the United States. I believe that the Executive has been derelict in its responsibility to maintain equity and fairness in this situation. Unless the matter improves by reason of a Soviet change in attitude, or further negotiation, then I plan to call hearings in my Aviation Subcommittee to explore whether the act should be changed or strengthened in order to more effectively deal with foreign air carriers who choose to ignore and flout U.S. law and practice. I hope such hearings will not be necessary. They should not be necessary because the Executive presently has a variety of tools with which to deal with the recalcitrant Aeroflot. The real question is, Does the Government want to deal with the situation?

I wonder what future there is in trade with the U.S.S.R. if those business exchanges are to be patterned after the Aeroflot-Pan Am experience.

I do not pretend to be an oracle of knowledge on commercial transactions between the two countries. But I do know that we need no more horrible examples such as the one I have described to the Senate today.

Nor is it in the interest of this country to burden our own citizens with any more wheat deals such as the one which imposed a frightful price upon American consumers earlier this year—the adverse effects of which are still being felt by our own people.

I also know that we need no more dumping of illegal, cutrate titanium on our shores such as happened a few years ago and dealt our own titanium a devastating blow which resulted in layoffs and plant closures in our own country.

Mr. President, we are a rich and powerful country, but we will be weak and impotent and our days of affluence numbered if we permit our business with Russia to be a massive giveaway of our rights and equities, despite the cosmetics of summitry and the heralding of great events of progress between the two countries which in examination are discovered to be one-sided, deceptive, and against the interests of the United States. Let us not confuse the rhetoric of peace, understanding and cooperation with the reality of things as they are.

GLADYS HARKNESS

Mr. DOLE. Mr. President, a native Kansan who established a national reputation in journalism recently died in Washington. Mrs. Gladys Harkness was widely read in her native State and throughout the country, and the rich background of her Kansas youth was a strong influence upon her throughout a long and productive career.

The people of our State are always proud of the achievements of its sons and daughters, and had good reason to find special satisfaction in the accomplishments of Mrs. Harkness.

A detailed description of her life and career was printed in the June 18 edition of the Washington Star-News, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> **GLADYS HARKNESS DIES; WROTE FOR MAGAZINES**
>
> Gladys Suiter Harkness, 65, wife of a longtime Washington newsman and coauthor with him of articles in national magazines, died Saturday at George Washington University Hospital after a long illness. She lived on Dumbarton Avenue NW.
>
> Mrs. Harkness, known as "Daz," came to Washington in 1934 with her husband, Richard, then a reporter for the Old United Press. He later was with the Philadelphia Enquirer and then was an NBC newsman here.
>
> She was born in Rock, Kan., in 1908, and was graduated in 1929 from Kansas State University.
>
> "Graduating during the worst of the Depression," she once wrote, "I was one of the lucky few to find a job." She went to work as an editor for a book publisher in Kansas City and there met her future husband. They were married in 1934.
>
> Her parents homesteaded in Kansas, progressing from a sod house to a frame home with a "large storm cellar where the children were gathered when the cyclone winds blew," she wrote.
>
> "Life was simple" on the wide plains of Kansas. "My earliest memories are of riding in the family surrey behind high-stepping horses," she recalled.
>
> ". . . In what is variously described as the Bible belt, the Conscience or the Bread Basket of America, I grew up. It was a happy, self-contained community where families lived full, unrestrained, self-sufficient lives. We were virtually isolated. Thoughts were circumscribed, uncomplicated by events that took place beyond our range of vision. Our livelihood was dependent upon our own efforts and the weather . . .," Mrs. Harkness wrote.
>
> "Complacency settled with summer gentleness upon the people and this land of beautiful emptiness. Social life was simple and centered about the churches and schools and family reunions."
>
> "Our reading was limited to the classics, the Bible, the family medical book and the mail order catalogues . . . We were almost completely self-reliant and solitary." The Harknesses arrived in Washington in 1934 as the New Deal was radically shaking the old Southern town. She went to work on the public relations staff of one of the New Deal agencies, staying until the couple's first child was born.
>
> During World War II, she was local chairman of the Women's Action Committee for Victory and Lasting Peace which grew out of Carrie Chapman Catt's Committee for the study of the Cause and Cure of War. The group attempted to promote an interest and knowledge of foreign affairs among women and to support postwar programs such as the Marshall Plan.
>
> During the 1950s and 1960s she wrote with her husband articles for such magazines as the New York Times Sunday Magazine and Saturday Evening Post.
>
> She was a member of the International Club, the Sulgrave Club and the Washington Press Club.
>
> In addition to her husband, she leaves three sons, Richard, Peter, and Christopher; three grandchildren; and two sisters and a brother, all of Macksville, Kan.
>
> A memorial service will be held tomorrow at 11 a.m., in the Bethlehem Chapel of the Washington Cathedral. The family requests that expressions of sympathy be in the form of contributions to the American Cancer Society.

GENOCIDE AND THE QUESTION OF EXTRADITION

Mr. PROXMIRE. Mr. President, the question of extradition as it pertains to the crime of genocide has often been raised as an argument in opposition to the ratification of the Genocide Convention. This matter is discussed in the treaty in article VII:

> Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.
>
> The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

It should be clear that this section is not to be construed as an extradition treaty per se. Rather, as the Senate Foreign Relations Committee report states:

> It obligates the contracting parties to grant extradition *in accordance with their laws and treaties in force* and neither U.S. law, nor any extradition treaty to which the United States is a party, covers genocide at this time." (emphasis supplied)

The chief concern resulting from article III is the fear that American citizens could be extradited for trial in a foreign court without the protection guaranteed by our Constitution. But this is a misinterpretation. By ratifying this convention, we are simply permitting genocide to be included among other crimes for which Americans may be extradited under formal extradition treaties.

At least 75 nations, including most of our NATO and SEATO allies, have ratified the Genocide Convention, and it is a disgrace to the United States not to be among them. This treaty will not violate any of the rights of our citizens, and it is sheer folly to believe that it will.

THE COURTS AND SPEEDY TRIAL—OUT TO LUNCH

Mr. ERVIN. Mr. President, a recent article which appeared in the New York Times strikingly underlines the speedy trial dilemma facing the criminal courts in this country. The article, based on studies by the Economic Development Council and the Judicial Data Processing Office of the city of New York, provides a statistical analysis of the amount of time that New York Supreme Court justices handling cases in New York City actually spend on the bench each working day. Among other interesting statistics, the study by the Economic Council notes that the justices sitting in Manhattan spend an average of 3 hours and 21 minutes per day on the bench. This amounts to approximately 52 percent of their nominal working day. The Judicial Data Processing Center survey cited in the Times article found that State supreme court justices in Queens and the Bronx spend an average of 17.1 percent of the court day in recess and 24.2 percent at lunch.

While I, as a former jurist, can view the statistics generated by these studies with the benefit of an understanding and sympathetic eye, it nevertheless appears to me that the trial delays and underutilization of court facilities noted in these surveys go somewhat beyond that which can be characterized as normal or acceptable. The Economic Council report cited several factors which apparently played a major role in causing court delays.

> Late court reporters, delays in fetching prisoners, late prisoner deliveries, absence of tardy attorneys, late jurors in pending trials, a missing interpreter or sometimes the late arrival of the judges themselves, often cause a part to be shut down.
>
> Many of these staff problems could be alleviated by better supervision and where outside parties or agencies are at fault, the adoption and enforcement of sanctions and policies designed to insure proper function of the court.
>
> When any delay occurred and the judge left the bench there was frequently a progressive breakdown until the part shut down for the day. When a part closed at any time in the afternoon, the court staff usually disappeared. We could not determine their location or how they might be reassembled if new work were to be found.

In summary, the Economic Council study ascribes the delays noted in its survey to "the failure of the judiciary to schedule its workload properly and to discipline lawyers and other court personnel who were absent or tardy."

The problems of court delay in the State Supreme Court of New York City are similar to those being experienced in the Federal courts. I have proposed a solution to court delay in the Federal courts in S. 754, the speedy trial bill. The Economic Council report calls for "sanctions and policies to insure proper function of the court." S. 754 includes such sanctions and policies. The bill requires automatic dismissal with prejudice of any case which is not brought to trial within its mandatory time limits. This sanction should effectively curtail the extensive pretrial delays which frequently occur in the Federal court system. The dismissal sanction provides a selfish motive for the criminal defendant to seek a speedy trial and provides a harsh penalty for any unjustifiable delay by the prosecution or the courts in bringing a case to trial. S. 753 also provides that each Federal court district prepare a plan detailing its requirements for additional staff and resources which will be needed to achieve the ultimate goal of commencement of trial within 60 days of arrest. Faced with a stiff dismissal sanction and the availability of sufficient administrative assistance under the provisions of S. 754, Federal judges will no longer be able to allow the type of activities which frustrate speedy justice in the State Supreme Court of New York City.

For too long the Congress has relied on the Federal courts to put their own house in order. For a variety of reasons, the hoped for improvements have not been forthcoming. What is now necessary is a national statement of policy that the Congress will no longer tolerate business as usual in Federal criminal trials.

Only strong legislation such as S. 754 will provide the momentum and the pressure to achieve speedier trials and insure that we never have to read an article that says that Federal district judges spend almost a quarter of their working days at lunch.

Mr. President, I ask unanimous consent that the full text of the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 6, 1973]

JUDGES FOUND ON BENCH ONLY 52 PERCENT OF DAY

(By David Burnham)

During a sample week, the State Supreme Court justices handling criminal cases in Manhattan were on the bench an average of 3 hours and 21 minutes a day, or 52 per cent of their nominal working time, a study by the Economic Development Council has found.

The study by a task force of management specialists concluded that the two major causes of what is called the "substantial under-utilization" of the courts was the failure of the judiciary to schedule its work load properly and to discipline lawyers and other court personnel who were absent or tardy.

23 MINUTES SHORTER

Although other sections of the council's examination of State Supreme Court were released last summer by Presiding Justices Harold A. Stevens and Samuel Rabin, the highly critical reports concerning the handling of criminal cases in Manhattan never were publicly distributed.

The court-utilization study dated Nov. 28, 1972, and a brief follow-up study dated January of this year, were done without cost for the courts by a team of eight management and system specialists working full time.

For the first study the task force monitored 19 Manhattan courtrooms from Feb. 28 to March 24 last year, when it found that the average on-the-bench time was 3 hours and 44 minutes. During the follow-up study, which covered the week of last Dec. 11–15, the on-the-bench time declined to 3 hours and 21 minutes.

The general rules of the Judicial Conference, the umbrella organization of state courts, say the courts in the state shall open "not later than 10 A.M." and close "not earlier than 5 P.M." and that daily session "shall total not less than six hours."

Supreme Court Judge Edward R. Dudley, who administered the courts during the period covered by the council study, said the report was "full of half truths," partly because it "gives no idea of what goes on in the back room or the chambers." He also complained that the management specialists who did the study at the request of Judge Stevens, the presiding justice of the Appellate Division, First Department, "never talked to me."

Neither Judge Stevens nor Gerald Stern, director of administration of the courts in the first department, could be reached for comment about the report.

Discussing the major causes of the "down time" of the courts, the council report said that with the exception of the decentralized narcotic parts, "there appeared to be no procedures for transferring work or obtaining additional cases when a fully staffed part was on standby basis or about to close in the afternoon for lack of cases."

The report said the lack of procedures to coordinate the courts was aggravated "by poor staff support both from within and outside the court."

SEVERAL FACTORS CITED

"Late court reporters, delays in fetching prisoners, late prisoner deliveries, absent of tardy attorneys, late jurors in pending trials, a missing interpreter or sometimes the late arrival of the judges themselves, often cause a part to shut down," the report continued.

But the council said these staff failures did not exonerate the judges. "Many of these staff problems, the report said, could be alleviated by better supervision and, where outside parties or agencies are at fault, the adoption and enforcement of sanctions and policies designed to insure proper functioning of the court."

'When any delay occurred and the judge left the bench," the report said, "there was frequently a progressive breakdown until the part shut down for the day. When a part closed at any time in the afternoon, the court staff usually disappeared. We could not determine their location or how they might be reassembled if new work were to be found."

HOUR-BY-HOUR ACCOUNT

The council's first report, which monitored the Manhattan courts during most of March 1972, provided an hour-by-hour breakdown of the activity recorded by the monitors. "While the court was officially open at 10 A.M., only limited bench activity was apparent," the report said, noting that judges were on the bench in only 58 per cent of the parts.

From 11 A.M. to 1 P.M. the council found that judges were on the bench in 71 per cent of the courts, the high point of their work day.

During the period from 1 P.M. to 2 P.M., the normal time for lunch, the average proportion of judges on the bench dropped to 7 per cent; it jumped back to 53 per cent from 2 P.M. to 3 P.M. and 61 per cent from 3 P.M. to 4 P.M.

Of the period from 4 P.M. to 5 P.M., the report said: "Substantially less was accomplished during this hour than any of the previous hours. Utilization by judges active on the bench dropped to 38 per cent of capacity."

Although the council report involved only Manhattan judges, other studies have found similar problems elsewhere in the city. An analysis for the Judicial Data Processing Office from June 16 to Aug. 4, 1970, in the Bronx and Queens, found that 17.1 per cent of the court day was spent in recess and 24.2 per cent for lunch.

The report on the bench activity of the Manhattan judges became available at a time when the courts' performance has been criticized by several officials, including Mayor Lindsay, former Police Commissioner Patrick V. Murphy and Paul J. Curran, the former chairman of the State Commission of Investigation who earlier this week became the United States Attorney for the Southern District of New York.

The Mayor's Criminal Justice Coordinating Council said in its annual report three weeks ago that the backlog of felony cases in the State Supreme Court meant that "its ability to deter crime is negated."

Another problem is the large number of arrested persons awaiting trial in jail because they cannot meet bail requirements. Though there are many different reasons for pre-trial detention, there were 1,310 defendants awaiting supreme court action in Manhattan as of the last week in May, and to the city Department of Correction.

NOW

Mr. BEALL. Mr. President, I wish to extend my congratulations today to a group of dedicated people who in a relatively short period of time has made an indelible mark upon American society—the National Organization of Women. Today, the women of NOW mark their seventh anniversary, and, although there remains much to be done, its membership can look back at a fine record of accomplishment.

Actually, 1973 marks a significant milestone in the process of Women's Rights. This year we mark the 125th anniversary of the famous Seneca Falls convention which is generally recognized as the beginning of the modern women's rights movement. In 1848 Mrs. Elizabeth Cady Stanton issued her famous "Declaration of Sentiments" which proclaimed that all men and women are created equal, and her rallying cries then have been picked up by millions of today's women as an expression of their demands for equal citizenship. 1973 also commemorates the 50th anniversary of the drafting of the equal rights amendment. Last year, the Congress finally passed this needed amendment, of which I was proud to cosponsor; and the process of early ratification by the necessary number of States is taking place. To date, 30 State legislatures have affixed their seal of approval to this measure, and the work continues to reach the long sought goal as soon as possible.

I commend the entire membership of the National Organization of Women, and wish them continued good fortune.

THE CHICAGO PLAN TO SAVE ARCHITECTURAL MASTERWORKS

Mr. PERCY. Mr. President, the struggle between the often conflicting interests of protecting the environment and insuring continued social progress is often in the news these days. We are all aware of increasing concern for protecting endangered species of animals, for conserving our natural resources, and for cleaning up our polluted environment.

Most Americans have by now been made aware of the importance and desirability of preserving our rich natural heritage. Too few, however, are as yet dedicated to preserving the masterworks of our manmade world. In cities across the land, wonderful old buildings are being razed to make room for more utilitarian structures. The efforts of local groups to save buildings of architectural and historical importance are too often unheeded by city planners who seek greater financial returns that larger but less esthetic structures can bring.

I am very pleased that the city of Chicago, which has a renowned heritage of architectural excellence and uniqueness, now has a plan under consideration that would provide the necessary incentives to keep and restore buildings of architectural significance rather than to demolish them in the names of progress and increased revenue.

A recent article in the Christian Science Monitor discusses the so-called Chicago plan and describes the current situation in Chicago. I ask that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DEVELOPMENTAL ETHIC: PRESERVING OLD BUILDINGS CAN PAY OFF

(By William Marlin)

(Is Chicago shortchanging its civic identity for bargain-basement schemes? The Monitor's architectural critic points out that Carl Sandburg's great city has all but turned its big shoulders on buildings that have become architectural benchmarks. Some of these pioneer buildings have already fallen to the wrecking ball. Others are threatened. Economics is given as the reason. Yet other cities are finding moneymaking uses for landmarks that have outlived their original purpose. Now, the federal government has suggested that Chicago consider setting aside its valuables in a national cultural park.)

CHICAGO.—For keeps. That's how they built.

"For keeps and a single day," as author Nelson Algren put it.

The Chicago school of architecture, spanning the last two decades of the 19th century, spawned a fundamental revolution in its Art and Science building.

Fundamental in its use of new materials and methods—the elevator, the steel frame, expanses of glass, those caisson foundations (the first even) driven deep into the bedrock of social and technological change. Fundamental, too, in its impact on the look, the outlook, the livelihood of urban America, at least as fundamental as the transcendental flowering of New England, or the New Orleans genesis of jazz.

EXPRESSION IN BUILDING

With the Chicago school, construction became expression. Straightforward elegantly simple, without a single dissenting line, the tall building was born—technology turned to human service, harbinger of a new age. It was not for Otis (with his elevator) or for Bessemer (with his steel) to envision the school's ultimate significance, however. It was for architect Louis Sullivan—the school's legendary, beloved patriarch—to note: "The social significance of the tall building is, in finality, its most important phase."

For what Sullivan, his famous partner Dankmar Adler, and their contemporaries had in mind was not just a new structural system, but a new ethical system by which to enhance the visual and functional harmony of city life.

Perhaps they were asking too much.

Present day Chicago, seemingly dead-set on disarray, has all but turned its big shoulders on these pioneering buildings—the very sources of its renown as an architectural mecca, and the benchmarks by which men have built since.

THE BENCHMARKS

There is the Rookery, designed by Daniel H. Burnham and John Wellborn Root (1886), and their Monadnock (1891)—a stunningly spare cliff of brick. The Manhattan by William le Baron Jenney (1890). The Marquette by Holabird and Roche (1895). The "glassic" Reliance by Burnham (1895)—alternating ribbons of glass and terra cotta hung from steel, expressing its structure, the true "curtain wall." These, and a dozen others around the downtown Loop (operating at or near full capacity) are living, working ties to Chicago's past. Yet one is in grave danger of being pulverized for the sake of speculative profit.

Only last year, Adler & Sullivan's famed Stock Exchange (1894) bit the dust. It was too dirty to clean up, too cluttered to clean out, its owners said. It will be replaced by a 40-story high-rise of subsistent design.

Sure enough, this new building will pay more taxes than the old one did and earn far more. After all, the Stock Exchange was only 13 stories high—hardly enough to meet the zoning (and profit) of its La Salle Street site.

Even though it qualified for official designation as a city landmark, its owners said such status was a "confiscation" of their rights, and demanded that the city either issue a demolition permit or "compensate" them for the loss.

CITY COUNCIL BALKED

Although the city's Landmark Commission recommended official status for the Stock Exchange, based on overwhelming endorsement from experts around the world, the City Council balked, as it has on several other commission recommendations since then.

The council's reasons for doing so are many—the main one being economics. Yet, it is the politicians' stubborn refusal to envision the moneymaking potential of these landmarks which makes their actions so remarkable. In many parts of the country—in Boston and San Francisco, especially—adaptive use of old buildings for timely, revenue-producing purposes has become almost a developmental ethic.

Sadly, official Chicago's idea of growth is to pull the city up by its roots and, in so doing, lose the scale and character of its streets, exchanging its civic identity for bargain basement schemes.

Some of them are benign in themselves—the Sears Tower by Skidmore, Owings & Merrill, stretched sportingly to 1,450 feet, the Hancock (also by SOM), combined apartments and offices, and 10-year-old Marina City by Bertrand Goldberg, a true city within a city. But many more of them are blatantly banal office and apartment complexes which insist on calling attention to their mediocrity with kitsch as tasteless as reheated coffee.

Can there be a balance between development and preservation of the past? Or will Chicago opt for that ultimate condemnation of W. H. Auden and settle for being "graceless" about urban growth?

There is no reason it should not. Not now.

The U.S. Department of the Interior has come up with a proposal which would work Chicago school landmarks into the economic mainstream, setting them aside as units in a national cultural park—America's first. It is a concept worth study for cities and towns across the United States where remnants of our architectural and urban heritage are threatened.

INCENTIVE ZONING

To fully appreciate the value of the Interior Department's Chicago Plan, as it is being called, one must appreciate that the Chicago School was, itself, a result of economic incentive. The great fire (1871), the frenetic growth after it, both called for lots of new space—and fast. As the price of downtown land soared, so did the buildings—what with the new means to make tall buildings possible.

In the process, economic incentives created a cultural presence which continues to inform and inspire people everywhere—coming, as they do by the thousands each year, to get a handle on the Chicago heritage.

It is only natural, then, that the Chicago Plan should seek out these same incentives to save the Chicago School.

The prod (or the poker, depending on how charitable you are) is zoning. Incentive zoning, to be specific. According to provisions worked out by John J. Costonis, professor of law at the University of Illinois, development rights in excess of what regular zoning would normally permit on a landmark site could be transferred to adjacent or nearby parcels.

Such transfers would take place within an agreed-on preservation district, with height and density guidelines set down and supervised by relevant city agencies. In the bargain, economic pressure of the landmark at stake would be cased, if not removed. The sale of development rights would enable the landmark owner to clean up and maintain his building rather than close it out. New projects benefiting from the transfer of development rights would, of course, pay proportionally more to the city's coffers, while the recycled landmark would pay proportionally less.

DEVELOPMENT-RIGHTS BANK

Complementing this provision—one which real-estate lawyers call "compensatory zoning"—would be a development rights "bank" where unused rights would be deposited and later sold, varying chunks at a time, under city supervision. Such sales would create a revolving preservation fund. Seed money for the bank and related fund would come from Congress which must approve the cultural park concept when (and if) Chicago accepts it.

Sadly, and in contrast to the enthusiasm of local business, civic, and cultural leaders, city officials have been sitting on their hands for the past two months, making little or no comment on the Interior Department's overture. Even the legal and real-estate community is getting impatient. After all, several of its representatives have been involved with putting together and lobbying for Professor Costonis's study over the last two years—men like Jared Schlaes (a real-estate man) and Richard Miller (a lawyer and head of the Landmarks Preservation Council).

Architect William Hartman of Skidmore, Owings & Merrill, is heading a committee, appointed by Mayor Richard J. Daley last year, to see what might be done to formulate a package deal for saving the remaining masterworks. Now, all of them have the Chicago Plan to rally round. Mail to Mayor Daley and to Rogers C. B. Morton, Secretary of the Interior, has been heavily in favor of the plan—even from those who have never studied architecture.

OFFICIALS CRITICIZED

So official Chicago's so-far refusal to accept would be in outright defiance of keen local, national, even international, sentiment. It would also be in outright, ignorant defiance of its own, oft-stated priority—meaning "economic realities."

For the reality is that these Chicago School buildings, officially designated, restored, and adapted for new uses, would be a source of cold cash. As units in the national cultural park, with speculative pressure and real-estate tax burdens transferred to other sites, they would be freed for new life—places to work, places to learn from.

This would be so much more pertinent than putting the usual plaque on a landmark, designating it as such. Timely use, while keeping a landmark's design integrity intact—this is the test of relevance. And in today's market, the survival of a city's culture is no less relevant because it is rooted in economics. The strength of the Chicago Plan is that it looks at economics as Louis Sullivan and his peers looked at architecture: a human-oriented blend of science and art. It can only be hoped that Chicago will recognize that its past accomplishments can contribute to its energetic growth, lending identity and image to new development and giving people a grip on the city and its heritage.

THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, we will soon be voting on S. 1081, the Federal Lands Right-of-Way Act of 1973. The passage of this bill is important because it will pave the way for issuance of permits for construction of the trans-Alaska pipeline.

Recently I received a letter of support for S. 1081 from the American Gas Association, representing some 300 distribution and transmission companies which deliver 92 percent of the natural gas consumed in the Nation. The association raises some important points on the need to pass S. 1081 and the need to proceed with the trans-Alaska pipeline as soon as possible.

I ask unanimous consent that the association's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN GAS ASSOCIATION,
Arlington, Va., June 20, 1973.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: The American Gas Association, representing some 300 distribution and transmission companies which deliver 92% of the natural gas consumed in the nation, would like to summarize its position on S. 1081, the Federal Lands Right-of-Way Act of 1973. We understand S. 1081 will be called up soon for Senate consideration and we have enclosed a detailed memorandum of our position on the bill for additional reference.

The bill is important to us because it will pave the way for issuance of permits for construction of the Trans-Alaska oil pipeline, which is the necessary forerunner to construction of a gas pipeline from Alaska's North Slope. North Slope gas is estimated at 358 trillion cubic feet of proved and potential reserves, and is urgently needed to help alleviate the severe gas shortage in the nation and to help our cities meet current air quality standards by making available additional quantities of this cleaner burning fuel.

However, before we can proceed with a gas pipeline, now proposed to be routed through Canada, there must be firm supplies of gas. The gas resources at Prudhoe Bay provide the "anchor" for the gas pipeline project, and since most of the Prudhoe reserves are associated with oil in the reservoir, gas production must of necessity await oil production. The quickest means of initiating oil production is the 800-mile Trans-Alaska route, and serious delays of up to 10 years would result if the oil must come through a Trans-Canada route. Building the two lines simultaneously through Canada has been suggested, but this is not feasible for the economic and logistic reasons detailed in our memorandum.

A.G.A. supports the version of S. 1081 reported by the Interior Committee as the best vehicle now available to resolve this problem. We urge you, on behalf of our member companies and the 150 million consumers they serve, to support this legislation so vitally needed for the continued comfort and health of this I would, of course, be happy to answer any further questions you may have on this issue.

Sincerely,

GEORGE H. LAWRENCE.

MEMORANDUM RE S. 1081

As a result of the decision in the case of *The Wilderness Society vs. Morton* on February 9, 1973, Federal legislation is needed immediately to modernize the right-of-way provisions of the Mineral Leasing Act of 1920. The major issue, of course, was that of the Trans-Alaska oil pipeline which led to the Court of Appeals decision that the right-of-way provisions of the 1920 Act are applicable to today's pipeline projects, even during time of construction. We wish to address this major issue and the significance of the Trans-Alaska oil pipeline to the timely solution of our nation's natural *gas* supply problem. Please note the emphasis on gas supply. All of the controversy and, unfortunately, most of the attention is devoted to oil supply. Yet the Trans-Alaska oil pipeline is an essential step in making Alaska's vast natural gas supplies available by as much as 10 years sooner than would be possible if the Canadian oil route is pursued.

As Mr. Wilber Mack, Chairman of the American Natural Gas System of Detroit, Michigan, stated when he testified before the Senate Interior Committee on May 3 "the oil pipeline is an essential forerunner to an overland gas pipeline." Mr. Mack went on to say:

"Because the Prudhoe Bay reserves contain natural gas in solution and in association with the oil, no gas can be produced from the field until oil production has commenced. The gas pipeline is therefore scheduled to be constructed as soon after completion of the Trans-Alaska oil line as possible, and it is now expected that gas from Alaska and northern Canada will begin to flow to the Lower 48 states by about 1978.

"If, however, the oil line were to be constructed through Canada, it is clear that the gas line would be delayed until the mid-1980's or beyond and that the cost of gas transported through the line would be increased so significantly as to cast doubts on its economic feasibility. . . . (T)he delay in construction of the Trans-Alaska oil pipeline has already delayed the gas pipeline timetable by several years, and our earlier estimates of the cost of the project have increased by several billions of dollars."

Construction of the gas pipeline would necessarily have to be deferred for these basic reasons:

(1) The gas reserves provide the "anchor" for the proposed Arctic gas pipeline. Until large volumes of gas are being produced and delivered, it would be impossible to produce the gas required to support construction of a gas pipeline.

(2) Nor is it possible to construct an oil pipeline and a gas pipeline through Canada simultaneously. Construction of an oil line would require all available construction equipment, construction personnel, transport, supply and communications facilities. There is simply *no* way a gas pipeline could be constructed while construction of the oil line was in progress through the same area.

(3) Even apart from the two preceding factors, a gas pipeline could not be constructed through Canada at the same time as the oil line because of financial considerations.

(a) We have been advised that financing of the gas pipeline alone, which will cost about $5 billion for the Alaskan and Canadian facilities and another $1 billion for facilities in the Lower 48 states, will be a very difficult undertaking which will strain the capability of both Canadian and United States capital markets. There is no likelihood that the gas pipeline could be financed at the same time.

(b) In the second place, while we are convinced that construction of the gas pipeline alone will not have a disruptive effect upon the Canadian economy, simultaneous construction of *two* such projects in Canada having a total cost of well over $10 billion would involve such a massive influx of capital as to threaten a severe increase in the value of the Canadian dollar and a massive dislocation of the Canadian economy.

There is an additional reason why the Trans-Alaskan oil pipeline should receive immediate priority—the environment. It may seem strange to argue that the environment is a reason *for* building the Trans-Alaska line when concern for the environment has delayed construction of the line for so long. However, we believe that the potential environmental benefits to be derived from the delivery of the 31.5 trillion cubic feet of proved Alaskan reserves to the lower 48 are significant and this supply will improve the environment and supplement the energy supplies in those areas where it is most needed.

It is for these reasons that A.G.A. testified on May 3 before the Senate Interior Committee in support of S. 970, which would grant Congressional approval of the Trans-Alaska oil pipeline. Congressional approval of this bill would have solved the immediate problem of the TAPS but would have deferred for further deliberation the broader question of rights-of-way legislation, which A.G.A. supported in testimony before the same committee on March 27. However, the Committee decided to adopt the general legislative approach contained in S. 1081 rather than the specific legislative approach in S. 970, and reported the amended version of S. 1081.

This legislative action has very special impact on the health and comfort of existing and prospective consumers served by the nation's gas industry. I cannot emphasize too strongly the A.G.A. concern for the "health and comfort" of the 150,000,000 natural gas consumers in this nation. S. 1081 will help solve the immediate right-of-way problem and the long-range solution to the natural gas shortage. We urge you on behalf of the A.G.A. member companies and our constituent consumers to vote in favor of the reported bill, S. 1081, to help us meet our responsibilities to our consumers.

THE PROBLEMS OF STRIP MINING

Mr. STEVENS. Mr. President, the Mine Area Protection Act of 1973, S. 923, and H.R. 4863, is legislation that will be of interest to miners throughout Alaska and the United States.

This bill is one of several the Senate Interior Committee is considering to deal with the problems of strip mining. Far from being unable or unwilling to deal with the problem, the administration has shown by the introduction of this bill that it is prepared to deal forthrightly with the States in this matter.

In order to explain this legislation, the Department of the Interior published a fact sheet on it on June 1. I request unanimous consent that this fact sheet be reprinted in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 1, 1973.

MINED AREA PROTECTION ACT OF 1973

The Mined Area Protection Act of 1973 was introduced in the 93rd Congress by Messrs. Jackson and Saylor respectively as S. 923 and H.R. 4863. Its purpose is to broaden Federal-State cooperation in all aspects of mining operations and to prevent further environmental deterioration attributable to underground and/or surface mining.

Both surface and underground mining have adversely affected millions of acres of land throughout the Nation. Siltation and acid laden drainage have contributed to the deterioration of waterways and the destruction of wildlife habitats.

Present trends indicate that the production of coal and minerals by surface methods is on the increase. This increase in production will undoubtedly be accompanied by an increase in environmental degradation if proper controls are not made an integral part of the mining process.

Twenty-nine States have enacted some form of legislation dealing with surface mining problems. Only three have done so with respect to underground mining. State laws, however, vary according to minerals mined and stringency of requirements. Federal legislation is clearly needed to ensure equitable mining regulations, eliminate regulatory inconsistencies within and between States and reaffirm the authority of the States over their mining operations.

The Mined Area Protection Act is designed to fulfill that need. It would require the Secretary of the Interior to develop guidelines (within 90 days of enactment) for States to follow in developing their legislative programs. The bill would also require the Secretary to develop performance standards within 120 days of enactment for the reclamation of surface and open pit mines and within one year for underground mines. The States would have one year to submit their regulatory program for approval of the Secretary. Failure to do so would result in the Secretary issuing and enforcing regulations for that State.

To advise the Secretary in developing guidelines and performance standards, the bill provides for the establishment of an advisory committee composed of representatives from the Departments of Agriculture and Commerce, the Environmental Protection Agency, the Tennessee Valley Authority, the Appalachian Regional Commission and the Council of State Governments.

Hearings on this and other proposed mined area protection legislation were held March 13 through 16, April 30, and May 14 and 15 before the Senate Committee on Interior and Insular Affairs. Hearings in the House were held on April 9, 10, 16, and 17 before the Subcommittees on the Environment and Mines and Mining, Committee on Interior and Insular Affairs.

MACKENZIE PIPELINE MAY FACE QUAKES

Mr. STEVENS. Mr. President, much has been said and written about the danger of earthquakes along the trans-Alaska pipeline route. On the other hand, little has been said about similar hazards along a proposed trans-Canadian route.

An article appearing in the Oilweek magazine on June 4 places this matter in proper perspective. It states that seismic risk is significant along the proposed Mackenzie Valley pipeline corridor near Fort MacPherson in the Mackenzie Delta.

I ask unanimous consent that this article be placed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mackenzie Pipeline Corridor May Face Quakes Near Delta

Seismic risk is significant along the proposed Mackenzie Valley pipeline corridor near Fort MacPherson in the Mackenzie Delta. And peak horizontal ground accelerations greater than 10 degrees gavity are predicted for part of Northern Yukon near the proposed corridor.

However, seismic risk doesn't seem to be significant elsewhere along the proposed corridor in Canada. Anne Stevens, geophysicist with the earth physics branch of the federal Energy, Mines and Resources Department, told the Arctic geology symposium.

Pipelines and stations in risk areas will have to be designed to resist earthquakes, she said. And essential characteristics of geological structures must be considered by engineers involved in pipeline construction.

Risk of quakes is moderate in most of the Arctic Islands—about the same as Ottawa or Montreal, Miss Stevens said.

Before 1961, data came from stations outside Canada, so only larger quakes were recorded. These occurred in the southwestern and central parts of Yukon and in Baffin Bay.

The first seismic station in Northern Canada was opened in 1950 at Resolute, but it recorded only distant quakes, of several thousand kilometers. Other Canadian stations were all in the southern part of the country.

In 1957, instruments for recording closer quakes—within several thousand kilometers—were installed at Resolute. Two more stations, at Mould Bay and Alert, were opened in 1961, making it posible to triangulate and so locate earthquakes in the Arctic Islands. A station at Coppermine was opened in 1963 and closed in 1969. Yellowknife began operating in 1964, Inuvik in 1969 and Whitehorse in 1971.

The seismic network is now complete, with no point in Canada more than about 500 miles from a seismic station. Miss Stevens said. However, there is only a decade of data for quakes in the Arctic Islands and smaller quakes in the Yukon and Mackenzie Valley were not detected during that time.

FURTHER STUDY IMPERATIVE TO RESOLVE ALASKAN OIL CONTROVERSY

Mr. PROXMIRE. Mr. President, during the continuing controversy as to how Alaskan oil may be best brought into the American market, increasing attention has been focused on the relative merits of the two major pipeline systems which have been proposed to transport these reserves into the United States. In the course of debate on the issue it has bebecome clear that the trans-Canadian alternative is in many ways superior to the proposed pipeline across Alaska. The Interior Department's own Environmental Impact Statement has acknowledged that a trans-Canadian route would be superior to an Alaskan route from the viewpoint of both the terrestrial and marine environments.

The economic benefits which would justify the environmental cost are also greater under a trans-Canada pipeline. The Interior Department has agreed that the oil companies, the State of Alaska and the national economic welfare would be best served by the trans-Canadian pipeline, assuming that both pipelines could be built in approximately the same length of time. This is a valid assumption. The chairman of the board of Exxon Corp., one of the three partners in the consortium pushing for the Alaskan pipeline, stated on May 17 that Exxon's most optimistic date for completing such a pipeline was late 1978, a date similar to Canadian Government estimates as to when a trans-Canadian line could be completed.

Why, then, have the administration and the oil companies opposed efforts which would mandate a thorough and independent study of alternatives to the trans-Alaskan pipeline as required by the National Environmental Policy Act?

A recent article by Dr. Charles Cicchetti which was published in Environment magazine explores this question in detail. Dr. Cicchetti is the author of an excellent book entitled "Alaskan Oil: Alternative Routes and Markets," which offers a penetrating insight based on 2 years of research into the economic and environmental aspects of the proposed pipeline systems for the delivery of Alaskan oil. He was formerly a Research Associate at Resources for the Future and is well qualified to address this issue on the basis of his comprehensive study of the matter.

I am sure that Dr. Cicchetti's most recent article will be helpful to my colleagues in the Senate in understanding this situation more clearly.

Mr. President, I therefore ask unanimous consent that the article by Dr. Cicchetti which appeared in the June edition of Environment be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

The Wrong Route

(By Charles J. Cicchetti)

Attempts to balance the economic benefits of the Alaskan oil field in Prudhoe Bay against the environmental costs of getting the oil to market are handicapped by heavy emphasis on the Trans-Alaska Pipeline (TAP) as opposed to overland pipeline routes through Canada. This stems largely from the fact that the TAP is preferred by the oil companies developing the Alaskan fields. A major reason for this preference, as will be explained, is that the TAP until recently appeared to offer the oil companies considerably greater profit potential than the Canadian routes. Recent changes in government oil import regulations have nullified the profit advantage, however. Yet so entrenched has the TAP route proposal become, and so urgent has Alaskan oil development been viewed by the companies, that the developers continue to press for the Alaskan route even though the Canadian pipeline would, in fact, yield more profits for them, produce more tax benefits for Alaska and the federal government, deliver oil where it is most needed in the U.S., and probably do less damage to the environment.

To explore the situation, I propose here to sketch an environmental comparison between the two different transport systems and then to concentrate on an economic comparison between them.[1] My intention is to assess the economic benefits of these particular alternative routes in order that environmentalists can more easily balance them against environmental costs which have been detailed elsewhere. It is important, I believe, for environmentalists to have this definitive knowledge about the pipeline systems, since these are presently the most likely methods to be used for oil shipment even though other means of transportation have been mentioned (and will be discussed later).

It is also important to state my conclusion at the outset so that environmentalists and others will realize that a pipeline route chosen under existing circumstances would not necessarily be the one that would yield the greatest advantage to society, even though society has a just claim to maximum benefit if it is to accept the consequent environmental costs. The reason for this state of affairs is that the oil companies found it to their economic advantage to push hard for the TAP system, even though the public would gain considerably and the environment would suffer less from the Trans-Canadian system.

To summarize briefly what follows, a Trans-Canadian Pipeline (TCP) would be subject to fewer environmental stresses, would avoid ocean pollution associated with port and terminal facilities which are a part of the TAP system, and would be a more logical trunk pipeline for combined oil and gas developments in Alaska and Canada. In addition, the Canadian pipeline would deliver oil to U.S. markets east of the Rocky Moun-

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Footnotes at end of article.

tains, which are in short supply, rather than to the West Coast where oversupply caused by input from the TAP eventually will produce a misallocation of natural resources. Furthermore, utilization of the Trans-Canadian as opposed to the Trans-Alaskan line would mean a present value of up to *$1 billion more* in oil tax revenue for the state of Alaska, probable lower costs to oil consumers east of the Rockies, and a present value of up to *$5 billion more* in net profit to the oil companies before corporate income taxes. The higher corporate income taxes would, in turn, add more to the U.S. federal treasury.

If Alaska, Canada, the U.S., the oil consuming public, the oil companies, and the environment all stand to gain from the Trans-Canadian line, why have the oil companies steadfastly focused their plans on the Trans-Alaskan route? A number of reasons were given publicly, particularly the desirability of a line completely on U.S. soil to circumvent possible political difficulties with Canada. But there were far more compelling reasons for companies to favor the TAP: Despite the apparent economic disadvantages, the companies planned the distribution of TAP oil in a way that would ingeniously take advantage of complex U.S. laws regarding the import, export, and ocean transport of oil. The laws were designed in large part to give domestic oil producers and U.S. merchant shippers advantages in the U.S. oil market. Companies with trading interests in the Alaskan oil, however, planned to seek U.S. Presidential support for an elaborate scheme (to be explained later) that was proposed in 1970[2] which would have enabled them to play off Alaskan oil exports against imports to Japan, thereby reaping a profit even larger than would be obtained by using the seemingly advantageous TCP.

Another plan that will be discussed in more detail later would take TAP oil not needed on the West Coast, transport it by ocean tanker or a combination tanker-pipeline system to the Virgin Islands to the Caribbean for refining, then ship it to the U.S. East Coast for sale. This arrangement, if the state of Alaska retained tax provisions that were in effect when TAP was first proposed, would enable the companies to use less-expensive foreign tankers, make certain oil sale or exchange arrangements that actually would reduce taxes owed to the state of Alaska, and import Alaskan oil to the East Coast without regard for the Mandatory Oil Import Quota Program. (The quota program, which controlled the quantity of oil imports to the U.S. at the time plans were being made by oil companies, has recently been changed by the President, and now even from a strict profit standpoint an all-land Canadian system is superior.) The TAP-Virgin Islands system would vastly increase marine pollution since new terminals would be needed on both sides of Central America (in the case of the tanker-pipeline option) and probably in the Virgin Islands. The foreign tankers, normally excluded by law from routes between U.S. ports but which could be used here because of the special political status of the Virgin Islands, generally have less-advanced pollution control systems than U.S. ships and so inevitably would produce greater oil contamination in the Pacific and in the Caribbean. The TAP route under the now defunct Mandatory Oil Import Quota Program thus offered unexpected economic potential for the oil companies—at the expense of the environment, the oil consumer, the U.S. merchant marine industry, and the Alaskan and U.S. treasuries (and hence of the general taxpayer). Now, even though the profit potential has been eliminated with the demise of the import quota program, the oil companies seem reluctant to give up their initial plans for the TAP, perhaps because they are reluctant to experience further delays and for other reasons to be discussed later.

PIPELINE ROUTES

A brief description of the Trans-Alaskan and Trans-Canadian systems provides a comparison between their market potentials and environmental problems. The route (TAP), which is currently proposed by the consortium of oil companies,[3] would move the oil in a north-south direction across Alaska, crossing two major mountain ranges and, in its southern half, the most earthquake-prone region in North America (Figure 1). The pipeline would terminate in the port city of Valdez, Alaska, where storage and terminal facilities would be constructed to service the oil for ocean shipment to final markets.

The Trans-Canadian Pipeline actually is a misnomer, since segments of the line would cross part of Alaska before proceeding to the southeast across Canada. Several alternative TCP routes have been proposed, as seen in Figure 1. One alternative would be a pipeline from the North Slope to the Canadian city of Edmonton, following the natural corridor of the Mackenzie River. Actually, there are two routes which have been proposed for the Mackenzie Valley, labeled TCP–IA and –IB in Figure 1. Another alternative would follow the TAP route to the Alaskan city of Fairbanks, then the man-made corridor of the Alaska Highway, and, in some portions, previous pipeline routes, to the Canadian city of Edmonton. This route is labeled TCP–II in Figure 1. The all-land TCP pipeline alternatives would link up with existing lines from Edmonton to the U.S. Midwest and perhaps even the Pacific Northwest.

Either the TAP or the TCP obviously would cross long stretches of land, and ruptures or settling of the pipelines along any of the routes would lead to serious environmental problems (see "The Long Pipe," *Environment*, September 1970). The pipeline itself might interfere with migrations of caribou. A route which would *minimize* damage could be chosen, but some environmental damage is inevitable. Other alteratives such as air or rail transport have been suggested, but much debate over their economic and environmental characteristics seems to indicate that a pipeline will inevitably be the system used. The experiment to test ocean transport through the Northwest Passage, from the Atlantic to the Pacific, utilizing the specially outfitted tanker *Manhattan*, produced difficult technical and legal problems that also make the overland route more attractive. Another alternative, of course, is to cap the oil fields of the Alaskan North Slope as a reserve for some future need. This would prevent all immediate environmental hazards, but in terms of any benefit-cost analysis, it would mean that those environmental impacts would be assigned a value in excess of the economic and resource allocation benefits to be obtained by immediate use of the oil. While such a comparison should have preceded the current debate, it did not. Accordingly, the following discussion will concentrate on the current controversy over the best route.

Among the pipeline alternatives, there are some clear-cut differences in potential environmental difficulties. The TCP routes across a far less rugged terrain as well as avoid the zone of most intense earthquake activity along the southern leg of the TAP from Fairbanks to Valdez. Fragile soil conditions imposed by permafrost (a permanently frozen layer of soil or subsoil) are most extensive along the TAP route but do exist on the Trans-Canadian courses as well, particularly along TCP–IA, the line that follows the Arctic Ocean coastline, then the Mackenzie River channel. TCP–II, the southernmost Trans-Canadian route, passes through less permafrost than the other TCP routes. Since TCP–II follows the Alaska Highway from Fairbanks, physical effects of the pipeline on permafrost probably would be minimal from that city to Edmonton.

Perhaps the most notable difference between the TAP and the TCP environmental impacts would be in marine pollution. Key to the TAP system is the ocean link between the city of Valdez on Prince William Sound and terminal facilities at Puget Sound or at Los Angeles. Oil transfer and tanker operations along this route would produce chronic, low-level oil contamination as well as probable major discharges resulting from tanker accidents. The hazards of navigation near Valdez and Puget Sound include many islands, frequent fog, violent winds, and high waves. These problems would have to be negotiated by large tankers that have had an unfortunate safety record in the past ten years (see "Horizon to Horizon," *Environment*, March 1971). Shipment of oil to Japan and to the Caribbean, according to plans discussed earlier, for marketing oil not needed on the West Coast would greatly increase the areas affected by the marine pollution. If tankers associated with greater pollution were utilized and more oil terminal operations were involved, the level of marine pollution would increase.

Although the Trans-Canadian routes present much less of a direct threat, there are nonetheless potential problems. TCP-IA passes close to the coast of the Arctic Ocean as well as across many rivers flowing into that ocean. An oil leak from the pipeline thus could be carried into the sea. Furthermore, if TCP oil were piped from Edmonton to Seattle in Puget Sound, then shipped by ocean to Los Angeles or San Francisco, ocean pollution would result as it would in that portion of the TAP system. Although the TCP Seattle-California arrangement has been suggested by TAP proponents, the Edmonton-Chicago pipeline to the Midwest would produce far greater profit, and so it is much more likely to be selected by the oil companies if the companies are forced to accept an all-land system.

THE GAS PROBLEM

In addition to these overt environmental considerations, there is a related point that has regretably had little attention. The natural gas that will be released from the oil wells in Prudhoe Bay most probably will be piped to market, since Alaskan law now forbids flaring (burning) it. This means that developers must plan for still another pipeline across the North. The most likely route for the gas line would be across Canada to the Midwest for the following reasons: (1) it is a cheaper system, since it avoids the expensive liquification that would be necessary if tanker transport were used; (2) many of the same companies have found vast gas fields in Canada and need a transport system; and (3) the gas market in the Midwest is far larger than on the West Coast.

The natural gas pipeline will not present the imminent environmental hazards inherent in pipes carrying hot crude oil, but there will be considerable environmental disruption in securing overland rights-of-way for the gas line. Since this disruption appears to be an inevitable, overlooked, environmentally significant cost of the North Slope development, it can be argued that the cost could best be minimized by combining oil and gas pipelines in one Trans-Canadian corridor to Edmonton. This would do away with the need for one pipeline route to Valdez, for oil (the TAP plan) and another route through Canada for natural gas. The combined corridor through Canada would also better serve transport of oil and gas from the Canadian Northwest Territories.

Footnotes at end of article.

The various pipeline developments thus might be combined into a northwestern petroleum transport corridor.

A number of these considerations are weighed in a comparative analysis of the alternative routes in the environmental impact statement on the TAP prepared by the U.S. Department of the Interior. The department concluded: "No single generalized route appears to be superior in all [environmental] respects to any other."[4]

However, the department concluded that, first, the TAP was superior to the Trans-Alaskan-Canadian routes only from the standpoint of its impact on the abiotic, or nonliving, environment. This difference occurred because the TAP right-of-way would occupy less land than the TCP route. Department of the Interior analysts pointed out that this advantage was lost if a natural gas pipeline were to be considered as part of the Arctic development plan, since the gas pipeline would require a right-of-way in addition to that for the TAP, resulting in a vast increase in land exposed to environmental problems relatêd to development of North Slope oil. Second, the department concluded that from the standpoint of the impact on the overall biotic environment, TCP–IA was superior. Third, the department concluded that from the standpoint of the unavoidable impact upon "socioeconomic systems, . . . recreation, aesthetic, wilderness, communities, and native culture and substance," the TCP–IA route was superior. Fourth, the department concluded that routes TCP–IB and TCP–II would probably have the least impact on the marine environment. From the standpoint of risk, or threatened environmental impact, the Department of the Interior concluded that both of the TCP routes were superior to the TAP from the viewpoint of both the terrestrial and marine environments. Since the TAP is environmentally inferior, its economic advantages will be examined next to determine the social tradeoffs that are necessary to select the optimal route.

ECONOMIC ANALYSIS

The first step in assessing the economic benefit of the Trans-Alaskan, ocean route is to determine the construction and operating costs. Capital investments represent opportunities foregone in several time periods. For example, one could invest the money in a bank at a guaranteed rate of interest rather than risk it to build the TAP. One may decide, however, that the TAP risk is worthwhile in view of profits to be made at some time in the future once the pipeline is operating. To help make the decision, one generally reduces, or discounts the anticipated profits by some set rate to facilitate a comparison with the amount of money that could be made by banking or otherwise investing the money at a fixed rate of interest.

Presently, there is some agreement among economists and government officials that this discount rate is 10 percent.[5] However, since benefits and cost comparison are generally very sensitive to the value of the discount rate which is selected, rates of 8 and 12 percent will be used here to test the sensitivity of conclusions to this important parameter.

The present cost of a pipeline depends on the rate of utilization of the system, determined by the use of capacity as measured in barrels of oil piped per day. This anaysis also depends on several interdependent factors: (1) the project's life expectancy; (2) the total amount of oil transported by the project; and (3) the amount of oil that is produced in any given year. In the present analysis two production schedules are examined, as shown in Table 1.

Footnotes at end of article.

TABLE 1.—PROJECTED PIPELINE SCHEDULES

]Barrels per day]

Year	Alyeska	Accelerated[1]
1975	350,000	2,000,000
1976	900,000	2,000,000
1977	1,200,000	2,000,000
1978	1,400,000	2,000,000
1979–2000	2,000,000	2,000,000

[1] "Alyeska" schedule refers to that originally suggested by Alyeska, the pipeline service company formed to develop North Slope oil holdings. Alternatively, a faster, or accelerated schedule is sometimes assumed.

Note: These flow rates would produce approximately 16.7 billion and 18.3 billion barrels for the Aleyska and Accelerated schedules, respectively, over the estimated 25-year lifetime of the North Slope field.

Source: Tussing, A. R., G. W. Rogers, V. Fischer, R. Norgaard, and G. Erickson, Alaska Pipeline Report, prepared for the USDI by the Institute of Social, Economic and Government Research, University of Alaska, 1971, p. 72, table IV-1.

There have been many estimates of the construction costs for the TAP system. At the present time there is still no single estimate that is agreed upon by industry and government sources. Therefore, the strategy here is to use various capital costs ranging from $1.75 billion to $2.5 billion in 1971 U.S. dollars in a simulation model.[6]

The total transportation costs of the proposed TAP (which equal average capital costs plus operating costs) and of the tanker operations to Los Angeles are shown in Table 2 for each flow rate, discount rate, and capital cost. These estimates are based upon tanker costs of 35 cents per barrel and the pipeline and terminal operating costs of 13 cents per barrel.

TABLE 2.—REPRESENTATIVE PREDICTED COSTS OF TRANS-ALASKAN PIPELINE[1]

	Capital costs (in billions, 1971)			
	1.75	2.00	2.25	2.50
At Alyeska flow rate (dollars per barrel).[2] Discount rates[3] (percent):				
8	$0.819	$0.868	$0.916	$0.965
10	.913	.975	1.037	1.099
12	1.024	1.102	1.179	1.257
At accelerated flow rate: Discount rates (percent):				
8	.736	.803	.844	.844
10	.832	.882	.932	.982
12	.909	.971	1.032	1.093

[1] Total cost per barrel to Los Angeles from the North Slope, via the American flagships and the Trans-Alaskan pipeline.

[2] Flow rates in barrels per day, as explained in table 1, taking into account operating costs.

[3] Costs vary according to discount rate selected, as explained in text.

MACKENZIE VALLEY PIPELINES

An interested person who attempts to keep track of the various public estimates of the cost of a Trans-Canadian pipeline will probably have a difficult time of it. Estimates of construction costs ranging from $1 billion to $7 billion may be found by reviewing the public statements and writings of various oil companies and public officials in both Canada and the U.S.[7]

It should be noted that all TCP routes avoid the necessary expenditures for terminal and marine facilities that are included in the TAP estimates above. Using the same costs per mile as TAP, the capital costs of crude oil pipeline from the North Slope to Edmonton down the Mackenzie Valley range between $2 billion and $2.75 billion in 1971 U.S. dollars.[8] Beyond that it is often presumed that it may take two years longer to put a Canadian route into operation than it would the TAP. This can be accounted for by further discounting against the proposed flow rate.

The second component of costs after capital costs, is the operating cost per barrel of crude oil. This has been estimated by the three major North Slope companies for the North Slope-Edmonton-Chicago system operating at 2 million barrels per day to be approximately $0.30 per barrel.[9] This operating cost may be broken down into costs of $0.174, $0.126, and $0.065 per barrel for the North Slope to Edmonton, Edmonton to Chicago, and Edmonton to Puget Sound, respectively.

The capital cost estimates per barrel for the Edmonton to Chicago leg depend upon the assumption that is made about the costs of looping (using existing excess pipeline capacity) on the interprovincial pipeline (between Edmonton and Chicago) and may be as small as $100,000.[10] On the other hand, frequently cited figures for a Canadian pipeline to Chicago are $3 to $3.5 billion, thus implying estimates nearly $1 billion greater for this route than for the TAP route. In order to bracket the above estimates,[9] the range of capital costs, from $600 million to $1 billion are analyzed here for the Edmonton to Chicago leg (Table 3). Finally, one can add the total per barrel operating and capital cost estimates for the North Slope to Edmonton and Edmonton to Chicago segments and determine the total North Slope to Chicago transportation cost estimates per barrel, shown in Table 3.

TABLE 3.—COST OF TRANS-CANADIAN PIPELINE[1]

1st leg: Range, representative capital costs to Edmonton in billions of dollars, 1971	2.00		2.75	
2d leg: Range of estimated capital costs, Edmonton to Chicago, in billions of dollars, 1971	0.6	1.0	0.6	1.0
Cost in dollar per barrel, including capital costs, above, and pipeline operating expenses.[2]—Production schedule:[3]				
Alyeska flow rate:				
8 percent	.804	.882	.850	1.027
10 percent	.943	1.042	1.129	1.228
12 percent	1.108	1.232	1.341	1.465
Accelerated flow rate (no delay):				
8 percent	.720	.785	.841	.906
10 percent	.822	.903	.973	1.053
12 percent	.938	1.036	1.222	1.220
Accelerated flow rate with 2-year delay:				
8 percent	.790	.867	.932	1.007
10 percent	.932	1.029	1.114	1.211
12 percent	1.100	1.223	1.331	1.454

[1] Total cost per barrel from the North Slope via a Mackenzie Valley crude oil pipeline, then to Chicago via TCP-1.

[2] Costs vary according to discount rates selected, as explained in text.

[3] Production schedules utilize different flow rates in barrels per day, as explained in table 1.

It is useful to compare the per barrel transportation cost estimates shown in Table 3 for the Mackenzie Valley crude oil pipeline TCP–I, with the per barrel cost estimates for the TAP—tanker system to the Los Angeles market. Table 2 indicates that the accelerated flow-rate schedule without delay for TCP–I has lower costs per barrel than the TAP estimates using the Alyeska schedules for comparable capital costs. This comparison, of course, assumes that the accelerated flow rate will be achieved immediately once TCP–I is operating, whereas the slower Alyeska flow rate will pertain initially in the TAP system. This assumption is based on the larger market needs of the Midwest and East Coast (approximately 10 million barrels of oil per day in 1970) as opposed to those of the West Coast (approximately 2 million barrels of oil per day in 1970). In other words, greater demand for oil east of the Rockies would most likely absorb the accelerated 2 million barrels per day flow rate from the start, whereas lesser need on the West Coast probably would mean a delay of some time while normal supply sources were phased out. Furthermore, if North Slope oil production rates prove too low to support the accelerated schedule, the possibility of supplementing the flow with Canadian Arctic or Mackenzie Valley oil (at some additional cost) is greater than the TCP than the TAP alternative. This illustrates the advantages of flexibility to be gained by the suggested northwestern oil-gas transport corridor through Canada.

Even when one compares the slower Alyeska flow-rate schedules for both the TAP and the TCP, costs are similar, starting at about 80 cents a barrel and ranging up to $1.26 per barrel for TAP, $1.46 per barrel for TCP–I. A seemingly small difference to 20 cents per barrel in costs actually is large, of course, when millions of barrels are involved. Pinning down this comparison exactly is difficult, mainly because of the uncertainty of the cost for the Edmonton-Chicago leg of TCP–I. Overall, the cost comparisons between the TAP and TCP–I are inconclusive at best. Since the capital and operating costs are so close, the profit to be expected from the oil and cost of alternative sources of supply, according to the different market conditions of the West Coast as opposed to the Midwest and East, are the predominate factors in comparing the economic advantages of the respective transport systems.

OIL PROFITS

One method of calculating the economic efficiency benefits of producing and transporting oil on the North Slope of Alaska is to determine the costs of alternative means of supplying oil to the same market. Such alternatives range from importing foreign oil to increased production of domestic oil. After mathematical computations, the ratio of the costs of the best alternative to the costs of the proposed development project (TAP or TCP) can be obtained to determine the benefit-cost ratio of the development project. The mathematics are detailed in my full report on the subject published by Resources for the Future[1] and are beyond the scope of this presentation. Also considered in the full report are a number of alternative factors related to the U.S. domestic oil demands, domestic and foreign oil supplies, and various optional pipeline transportation arrangements. For example, one might wonder what would happen if an excess of North Slope oil delivered to Puget Sound were shipped via the existing Trans-Mountain pipeline to Edmonton, then to Chicago, rather than being shipped to Japan or to the Caribbean as suggested before. The answer to this, and to the other alternative plans to meet various supply-demand situations by the TAP, is that the margin of the TCP over the TAP profits remains as large, or in some cases even increases.

So far we have compared only the TAP and TCP–I, or Mackenzie Valley, routes. This was done partially for convenience, partially because the TCP–I option is one of the least expensive Canadian routes, and because it passes through the areas of Canada where new oil discoveries are most likely, making the route the probable best choice for an oil-gas transport corridor for northwestern North America. On the other hand, TCP–II, the southernmost route that follows the Alaskan Highway on the way to Edmonton, probably would have the least environmental impact, as mentioned earlier. TCP–II would be more expensive than TCP–I to build and operate, however, because of the greater distance. Allowing for an estimated $400 million increase in capital cost of TCP–II over TCP–I,[11] plus additional operating costs for the longer distance, the TCP–II route still has the edge over the TAP in terms of tax revenues to Alaska and net profits for comparable flow-rate schedules. This is shown in Table 4, which summarizes the various dollar values of the TCP–I, TCP–II, and TAP routes, allowing for average estimated capital and operating costs and for different flow-rate schedules. A discount rate of 10 percent is used. The flow-rate schedules are the slow Alyeska schedule (see Table 1 for explanation), the accelerated flow rate, and the accelerated flow rate with a two-year delay. (As mentioned above, the Trans-Canadian lines may take two years longer to build than the Trans-Alaskan line.)

Table 4 is arranged to reflect potential increases in TCP costs caused by inaccurate cost data or by new taxes or other costs imposed by Canada for the privilege of building the pipeline across that country. Case I gives the benefit comparison without such increase in costs. Case II includes cost increases of 20 percent. In all cases, the dollar-benefit of the Trans-Canadian lines exceeds that of the TAP. This is true even if the TCP–II route with a two-year delay and 20 percent increase in costs is compared with the TAP accelerated schedule.

TABLE 4.—DOLLAR BENEFITS OF PIPELINES

	Mackenzie Valley (TCP–I)		Alaska highway (TCP–II)		Trans-Alaska (TAP)	
	Accelerated[1]	Accelerated after 2-yr delay	Accelerated	Accelerated after 2-yr delay	Accelerated	Aleyska
Case I—No increase in costs:						
Average capital cost (dollar billions, 1971)	3.2	3.2	3.6	3.6	2.25	2.25
Present value of net social benefits (dollar billions, 1971)[2]	12.6	9.9	12.1	9.5	8.3	6.3
Case II—Operating and capital cost of Trans-Canadian alternatives increase by 20 percent:						
Average capital costs (dollar billions, 1971)	3.9	3.9	4.3	4.3	2.25	2.25
Present value of net social benefits (dollar billions, 1971)	11.6	9.0	11.1	8.5	8.3	6.3

[1] See table 1 for explanation.

[2] Net social benefits are based upon the cost of supplying each market with oil from alternative domestic and foreign sources if Alaskan oil is not brought to the relevant west coast or east of the Rockies market.

THE PROFIT MOTIVE

As explained at the outset, several complex plans were uncovered that would have enabled the oil companies to profit from the TAP despite the apparent economic advantages of the Trans-Canadian systems. The key to the plans is the oversupply of oil that will be produced on the West Coast by TAP oil. The oversupply may be 500,000 to 1 million barrels a day and may last until 1990 or so.[12] By comparison, oil demands east of the Rockies would exceed even accelerated schedule delivery through the TCP system. But to consider profit potential rather than domestic needs, for the moment, oil experts have proposed an import-for-export plan[13] under the Mandatory Oil Import Quota Program, a federal requirement that, until the President changed the system on April 18, 1973, dictated permissible quantity of oil imports according to a complex formula. The plan would have made it very profitable to sell this excess Alaskan oil to Japan, which needs large amounts of petroleum. The oil would be shipped in foreign tankers from Valdez to Japan, producing a lower transportation cost since shipment is less expensive in foreign as opposed to U.S.-registered tankers. The exporting company would then be allowed to import an equal amount of foreign oil, say from Venezuela, to the U.S. East Coast—again, in less expensive foreign-flag tankers. Under the Mandatory Oil Import Quota Program, the amount of foreign oil that could be shipped to the U.S. East Coast normally is determined by a set percentage of domestic production. This requirement, in effect, guaranteed a high price for the East Coast market to domestic companies producing oil in the U.S. The import-for-export plan, on the other hand, if approved, would have allowed oil companies to import a foreign barrel of oil on the East Coast for every barrel of oil exported from Alaska to Japan.

Proponents contended that the plan was needed to compensate exporting companies for lower profits obtained from sale of Alaskan oil in Japan, as compared with the West Coast. At the same time, they asserted national security and balance of payments problems would be avoided since exports and imports would be equal. There is no doubt that the oil companies would have been well compensated under the export-import plan. Although the price obtained for oil in Japan would have been lower, taxes to Alaska would have been correspondingly less since they are in part based on income from oil sales. Then the companies would have been able to import foreign crude oil—again, in less expensive foreign tankers—for sale on the East Coast at the highest prices obtainable anywhere in the world.

The results of the proposed import-export plan are summarized in Table 5. We start with prices that are $1.17 per barrel higher in Los Angeles than in Japan. We then subtract production and pipeline costs that are the same in both cases since the same TAP line is used. Then, although tanker costs are lower to Japan, net revenue is nearly $1 more for sale in Los Angeles. However, we must then add to the Japan export column a profit of $1.75 for the barrel of imported crude oil that would be allowed on the East Coast. Furthermore, we must add 23 cents to that column for the saving in taxes resulting from the difference in posted prices in Los Angeles and Japan. In sum, the oil companies would gain nearly $1 per barrel under the import-export plan. Between 100,000 and 300,000 barrels of Alaskan oil per day might be shipped to Japan by 1980, which at 96 cents per barrel would mean a profit considerably in excess of what could be obtained from sale of oil on the West Coast.

TABLE 5.—NET REVENUE FROM IMPORT-EXPORT PLAN

[In dollars per barrel]

	Los Angeles	Japan
Export portion: Posted prices	3.17	2.00
Minus:		
Approximate production costs for North Slope oil	—.25	—.25
Approximate pipeline costs	—.60	—.60
Approximate tanker costs	—.35	—.20
Before tax net revenue	1.97	.95
Import portion: Excess of domestic price over foreign costs on the east coast of the United States		+1.75
Taxes: Savings in taxes to the State of Alaska from a price difference of $1.17 per barrel ($3.17—$2=$1.17)		+.23
Per barrel equivalent net revenue	1.97	2.93
Gain in revenue from import-export plan		+.96

Footnotes at end of article.

After the Japanese exports, oil companies might still have up to 700,000 barrels per day in excess of West Coast needs. A second plan was proposed that would yield exceptional profits by selling the additional excess on the U.S. East Coast by a round-about way. For that matter, the profits from the second plan would be proportionately greater if as much Alaskan oil as possible were sold on the East Coast, where the demand is much greater than in Japan and where prices for oil are highest. Under one version of the plan, Alaskan oil would be shipped from Valdez in foreign tankers to Central America, piped across the isthmus, and loaded on other foreign tankers for shipment to the Virgin Islands. The Virgin Islands have been selected, because, first, they are exempt from restrictions of the Jones Act, which otherwise requires U.S. Ships rather than less-expensive foreign ships to be used to carry cargo between domestic ports. Second, crude oil can be refined in the Virgin Islands and then shipped to the East Coast, completing the long circuit from Valdez while greatly increasing the amount of routine marine pollution and intensifying the risk of major oil tanker accidents. One company already is reported to have expanded its Virgin Islands refinery to process 450,000 barrels of oil per day in anticipation of large amounts of North Slope oil to be marketed in the U.S.[2]

To make the plan pay, oil companies would receive the world price for oil, $2.01 per barrel, the Virgin Islands before refining; in actuality, the companies might do this by selling or swapping oil through subsidiaries. (The world price is that agreed upon by members of the Organization of Petroleum Exporting Countries to prevent price wars among member countries. Prices paid by those receiving the oil, may be higher, as in the U.S.)

The low world price would yield the state of Alaska only 10 cents per barrel in taxes, some 35 cents per barrel less than if the oil companies sold the Alaskan oil in California at prices much higher than the world price. (The state of Alaska has passed a law, which is being challenged by the oil companies, to protect themselves from such obvious tax dodges.) The refined oil then could be shipped to New York City to be sold at the highest prices in the world, producing net profits to the oil companies, before corporate taxes, that would be about 50 cents per barrel greater than would be obtained from North Slope oil shipped by the most favorable Trans-Canadian route (specifically TCP–I allowing for a 10 percent discount) to Edmonton and then by direct pipeline to the Midwest. In other words, this round-about delivery of Alaskan oil to the East Coast via pipeline and tanker offered a most profitable arrangement for the oil companies under the Mandatory Oil Import Quota Program but would produce by far the greatest environmental damage, would yield less in tax benefits to state and federal governments, and would require the largest consumption of fuel energy in transporting the oil by pipeline and tanker.

In addition to these two ingenious, complex plans that were to manipulate tax, oil quota, and shipping regulations to the oil companies' advantage, two other considerations may play a part in prompting the company officials to press for rapid construction of the TAP rather than accept the delay associated with the TCP routes. As to the first, the average rate of return from domestic oil and gas production in the U.S. is greater than other industries because of enormous tax benefits afforded that industry. Additionally, in 1968 the ten largest domestic oil companies paid average corporate income taxes which were less than 10 percent. Accordingly, while a delay of a year may cost society or the state of Alaska only about ten cents per dollar foregone per year, the oil companies on the North Slope may find their opportunity costs to be several times greater than this amount. A delay of three or more years to build a superior Canadian alternative might double the costs to the oil companies. Thus, their decision in favor of the route they judged initially to be the fastest possible development made private—if not social sense.

As to the second consideration, British Petroleum, Limited (one of three major members of the TAP consortium) has merged with the Standard Oil Company of Ohio. In order to complete this merger as agreed, British Petroleum must produce 600,000 barrels of oil per day by the end of 1977. The company has doubtless selected and pursued the TAP alternative in order to develop the speediest alternative and hence the surest bet to achieve the 1977 production goal, regardless of U.S. and Canadian national interests.

For its part, as facts began to emerge, Alaska moved to protect itself against loss of revenue from either the Japanese or Virgin Islands marketing schemes by passing a law similar to that used in Middle-Eastern countries. There, a posted price for oil is used to calculate taxes regardless of where the oil is marketed. Such a law in Alaska would mean that oil companies could not use transportation costs and low market prices elsewhere to reduce their tax obligations. To date, the main concern in the state has been the most rapid development possible in order to gain immediate tax revenue and to provide employment to ease a chronically high unemployment rate.

To summarize, the TAP system is inferior to the Trans-Canadian route in a number of respects. First, the overland route through Canada is environmentally superior, though by no means environmentally harmless—it avoids the most serious earthquake and avalanche problems in southern Alaska and will not contribute directly to ocean pollution since tankers will not be used. Furthermore, TCP–I or TCP–II would utilize existing rights-of-way over part of the distance rather than all new construction as would TAP. The interprovincial pipeline, which now carries oil from Edmonton to eastern Canada and the Midwest, could be incorporated into the TCP to carry North Slope oil to Chicago. The pipeline could be extended from Chicago to the East Coast without loss of profits, because the higher East Coast prices would offset added construction and transportation costs. Finally, the Department of the Interior conceded that a joint oil and gas transportation system through Canada would be environmentally superior to an arrangement requiring an oil pipeline through Alaska and a gas line through Canada, as probably would be the case if the TAP were built.[14]

A Trans-Canadian system would supply the U.S. markets most in need of oil at costs that would be of greatest benefit to the public and, seemingly, to the oil companies. It was only when the companies' profit motive alone was considered under the now defunct Mandatory Oil Import Quota Program that the TAP had the edge—and then only if arbitrary, though legal, manipulations were made to take advantage of U.S. laws that are at least ostensibly designed to benefit more than just the oil companies. The only remaining justification for the TAP is the cash flow problem of two American and one British oil companies; it hardly seems wise to let this one factor dominate a major decision of this type.

To close, I would like to quote from the final two paragraphs of my basic report written for Resources for the Future: [1]

"It is not surprising that the possibility of a Trans-Canadian pipeline for Alaskan oil has never been thoroughly explored with the Canadian government—although there is every sign that Canadian officials are receptive to such a proposal. After all, this alternative has been resisted by both the oil men and [the Department of the Interior] and has suffered in comparisons with TAP because too little has been known about its economic and environmental merits.

"No one analyst can produce all the answers needed to resolve the controversy over Alaskan oil, particularly when so many variables and unquantifiable factors are involved. . . . But it is my hope that the merits of TCP alternatives will receive further consideration before a final—perhaps irreversible—decision ends the controversy over TAP. The consequences of a TAP-tanker system for transporting Alaskan oil could haunt an entire continent for many years to come. Even [the Department of the Interior] acknowledged this in its environmental impact statement: 'Because of the scale and nature of the project, the impact would occur on abiotic, biotic, and socioeconomic components of the human environment far beyond the relatively small part . . . of Alaska that would be occupied by the pipeline and oilfield.' "

FOOTNOTES

[1] This article is based in large part on two technical reports by the author: "Alaskan Oil: Alternative Routes and Markets," published by Resources for the Future, Inc., distributed by The Johns Hopkins University Press, Baltimore, 142 pp., 1972; and "The Trans-Alaska Pipeline: A Benefit Cost Analysis of Alternatives," presented at the annual meeting of the American Association for the Advancement of Science, Washington, D.C., December 1972.

[2] Corrigan, R., "Resources Report/Japan May Get Some Alaskan Oil; Foreign Flag Shipping of Exports is Likely," The National Journal, July 31, 1971.

[3] The consortium is named the Alyeska Pipeline Service Company and is owned by Amerada Hess Corporation, ARCO Pipeline Company, British Petroleum Pipe Line Corporation, Humble Pipe Line Company, Mobil Pipe Line Company, Phillips Petroleum Company, and Union Oil Company of California. The acknowledged major ownership is in the control of three parent companies which have found the most North Slope oil: Atlantic-Richfield Company, British Petroleum Company Limited (its U.S.-owned subsidiary is BP Oil Corporation, which was merged with the Standard Oil Company (Ohio) on January 1, 1970), and the Standard Oil Company of New Jersey (Humble).

[4] "Final Environmental Impact Statement Proposed Trans-Alaska Pipeline." U.S. Dept. of the Interior, National Technical Information Service, p. 320 and following, 1972.

[5] Eckstein, O., and A. Harberger, "Economic Analysis of Public Investment Decisions: Interest Rate policy and Discount Analysis," Joint Economic Committee, USGPO, Washington, 1968. Seagraves, J. A., "More on the Social Rate of Discount," Quarterly Journal of Economics, vol. LXXXIV, no. 3, Aug. 1970. "Proposed Principles and Schedules for Planning Water and Related Land Resources," Federal Register, Water Resources Council, 36(245):24144–94, Part II, Dec. 21, 1971. "Discount Rates to be Used in Evaluating Time Distributed Costs and Benefits," Circular A–94, Office of Management and Budget.

[6] The most recent estimate utilized by the Department of the Interior placed the 1973 construction costs at $2.8 billion. Converting this back to 1971 for comparability using a 10 percent discount rate implies a 1971 capital cost estimate of $2.3 billion, which is within the range utilized in this analysis. See Nehring, R., "Future Developments of Arctic Oil and Gas: Analysis of the Implications of the Possibilities and Alternatives," U.S. Dept. of the Interior, Office of Economic Analysis, May 10, 1972.

[7] For a more detailed discussion of the reasons for this confusion, see Cicchetti, C. J.,

Alaskan Oil: An Economic and Environmental Analysis of Alternative Routes and Markets, Johns Hopkins Press, Baltimore, 1972.

[8] In a recent Department of the Interior Analysis, Nehring uses a total system cost of $5.3 billion in 1974 dollars. Converting this to 1971 dollars at a 10 percent discount rate makes his total cost estimate to Chicago $4 billion, and splitting this at 66 percent for the North Slope to Edmonton segment results in his comparable estimate being equal to $2.63 billion in 1971 dollars.

[9] "Transcontinental Pipeline Project, Transportation of Alaskan Crude Oil, Atlantic, BP, Humble, Dec. 31, 1968. Prudhoe Bay to Chicago Pipeline," Atlantic-Richfield Company memorandum re Trans Canada Alternative Route submission to U.S. Dept. of the Interior, Appendix B, Sept. 10, 1971.

[10] "Interprovincial Adds a Quarter Million Horsepower," Oil and Gas Journal, Oct. 18,

[11] Parker, Walter B., A Comparison of Prudhoe Oil Costs via Valdez or via a Mid-Canada Pipeline, Federal Field Committee for Development Planning in Alaska, Anchorage, March 1971.

[12] Cicchetti, C. J., "Alaskan Oil: Alternative Routes and Markets," loc. cit; "The Trans Alaska Pipeline," loc. cit. Corrigan, loc. sit.

[13] Proposed by Rollin Eckis, executive with Atlantic-Richfield Company and a former president of Richfield Oil. He discussed the Japanese market in his paper, "Alaska Oil in Domestic and World Markets," Change in Alaska (George W. Rodgers, ed.), University of Alaska Press, College, Aldska, 1970.

[14] Final Environmental Impact Statement . . .," op. cit., vol. 1, Introduction and Summary.

FRAUDULENT PASSPORTS AND OTHER DOCUMENTS

Mr. THURMOND. Mr. President, on September 15, 1972, Miss Frances G. Knight, Director of the Passport Office, testified before the Internal Security Subcommittee of the Senate Judiciary Committee with reference to the high degree of fraud involved in obtaining passports and other official identification papers. In recent weeks it has been brought to my attention that the fraud situation still exists and may, in fact, be even worse than in 1972.

On June 21, 1973, I contacted Miss Knight and asked for a full status report on the situation, including all efforts that were currently being taken to resolve the problems. Miss Knight's reply to my inquiry reveals facts that are most alarming.

Mr. President, I ask unanimous consent that Miss Knight's statement be printed in the Record and I urge all of the Senators to read it very carefully.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Passport Fraud

(By Frances G. Knight)

On September 15, 1972, I testified before the Internal Security Subcommittee of the Senate Judiciary Committee concerning passport fraud, particularly as it relates to the world narcotics traffic. At that time, I also testified concerning passport fraud in general and the problem the Passport Office faces in combating this criminal activity.

The passport fraud statistics I submitted on September 15, 1972 are sadly out of date now. The statistics available today show that passport fraud committed within the United States continues to increase in volume. I would like to submit, for the record, a chart (number 1) setting forth the fraud statistics for fiscal years 1970 through 1972 and for the first 11 months of fiscal year 1973. The chart also gives a month-by-month breakdown of fraud statistics for the first 11 months of fiscal year 1973.

As you will see from the chart, the number of frauds totaling 622 detected thus far in fiscal year 1973 already exceeds the total for fiscal year 1972, which was 614. Perhaps of greater significance is the increase in the number of domestic frauds, that is, those frauds committed within the United States detected thus far in fiscal year 1973. During the entire fiscal year of 1972, we uncovered 300 domestic frauds. During the first 11 months of this fiscal year, we uncovered 362 frauds. This is an increase of 62. Averaging out the frauds for the entire year shows that we have an increase of over 31% of this fiscal year over last fiscal year. Also, it is startling to note that the number of domestic frauds detected in the first 11 months of this fiscal year, which amounts to 362, is more than double the number of domestic frauds detected for the entire fiscal year 1970. Since every passport fraud is perpetuated for the purpose of covering another illegal activity, this enormous increase in domestic passport frauds from 1970 to the current time disturbs me greatly. One of the principal reasons for my concern is the fact that persons involved in domestic passport frauds, especially at this time, are engaged in trafficking in narcotics. For this reason, I should like to direct this statement to the domestic fraud picture.

A vivid example of the currency of the narcotic-connected passport fraud problem is shown by the apprehension by Customs agents on May 12, 1973 in Boston of John, Kathy, Richard, Peter, and Dennis Murray for importing 1.5 million dollars worth of hashish. It was discovered that the Murrays had been traveling as John, Paula, Richard, Kathy, and Christopher Mosley on United States passports obtained by fraud.

Investigation thus far conducted by the Passport Office with the assistance of the Division of Vital Statistics, Department of Health, Education and Welfare, and officials in New Jersey disclosed that, in each instance, counterfeit Nebraska birth certificates and counterfeit New Jersey drivers' licenses were used as evidence of birth and identity to obtain these five passports. In addition, Peter and Dennis Murray had obtained two other passports using counterfeit documentation. To add to the problem, it has been ascertained that the Murrays' father and uncle had passports obtained in false identities using counterfeit documentary evidence. Thus, in connection with this one recent drug seizure, nine fraudulent passport applications have surfaced.

The Murrays have been identified with the Brotherhood of Eternal Love, an international narcotics smuggling ring, originally founded by Timothy Leary and referred to in my testimony of September 15, 1972.

At that time, I stated that 91 passport files had been located which related to the Brotherhood; that 40 cases had been documented and sent to the Office of Security of the Department of State for investigation as passport frauds; and that another 10 to 12 cases previously sent for investigation had been tentatively identified as members of the Brotherhood.

Today, almost 250 files have been located and 120 passport frauds established. I would like to submit, for the record, a chart (number 2) showing the growth of our investigation of passport frauds connected with the Brotherhood. Although the Brotherhood is the largest narcotics organization perpetrating passport frauds uncovered to date, it is but one of several groups which are committing passport frauds for the purpose of facilitating the international trafficking of narcotics. Page 2 of the chart also reflects the growing trend toward the use of counterfeit birth documents. These documents are of a high quality, which makes their detection very difficult absent a referral to the state which purportedly issued the documents. This fact illustrates the sophistication of the fraud perpetrators which confronts the Passport Office at the present time.

Another reason for my concern is the use of United States passports obtained fraudulently by illegal aliens in the United States. This type of illegal activity has been the subject of Congressional concern for some time.

In my testimony of September 15, 1972, I submitted background information concerning Dominican and Mexican nationals illegally in the United States who were using birth certificates issued for persons born in Puerto Rico or the several states bordering Mexico for the purpose of obtaining United States passports. This type of fraud is not limited to nationals of Mexico or the Dominican Republic.

On October 6, 1972, the Immigration and Naturalization Service of the Department of Justice received information that a group of Philippine nationals illegally in the United States had obtained United States passports in false identities. To date, investigation by both the Immigration and Naturalization Service and the Department of State's Office of Secretary have documented 23 such cases.

In each case, the Philippine national was approached by a so-called "broker", an individual dealing in fraudulent citizenship, travel, and identity documents. For a fee of $2,000, the broker provided the alien with documentation showing birth in the United States. The alien applied for a passport using the birth certificate provided by the broker. In most cases, the broker served as the alien's identifying witness when the alien applied for the passport in his false identity.

In at least 12 cases, the "broker" identified the aliens when they applied for loans in order to pay the broker's $2,000-fee. In addition to the $2,000-fee, investigation indicates that these Philippine nationals subsequently were subject to blackmail or extortion by the "broker".

This case illustrates the type of "brokerage" operation through which aliens who obtain United States passports in false identities for the purpose of remaining in the United States illegally are then victimized by the "broker" who made the aliens' frauds possible.

A significant factor in the statistics for the first six months of fiscal year 1973 is the fact that, of the 135 domestic frauds detected during that period, 54 were discovered in the application stage before a passport was issued. This compares with the figure of 25 discovered in the application stage for the same period in fiscal year 1972.

In my opinion, the dramatic increase in the detection of frauds in the applications stage is a direct result of fraud seminars being conducted by attorneys of the Legal Division of the Passport Office. This program was initiated by the Passport Office in 1972 when it became apparent that domestic passport fraud was on the increase. To date, all permanent Passport Office personnel in the United States who accept or adjudicate passport applications have attended at least one of these seminars. This program continues with the goal of extending fraud training to all persons taking passport applications.

You may be interested to know that enterprising persons involved in illegal activities have written a "manual" on how to get documents to assume a false identity. The "manual" describes how the documents necessary to substantiate the false identity can be obtained from official government sources. It also describes in detail how to get birth certificates and identity documents. The "manual" pays the Passport Office a left-handed compliment by emphasizing the fact that the United States passport is the single most valuable document which an imposter can have to substantiate a false identity. Possession of a valid passport in a false identity gives the alien, narcotics trafficker, fugitive, or criminal a freedom or movement which would otherwise be denied to him.

A few days ago, the Passport Office was informed that the manual had been revised. Although a copy is not available, it is believed that those portions of the manual describing how to obtain a valid passport in a false identity have been the subject of much of the revision.

While the fraud seminar program has proved successful, as demonstrated by the dramatic increase in the number of frauds detected in the application stage, it is at best, only a partial solution. I believe that more frauds would be detected in the application stage if the pressures on Passport Office personnel are reduced to realistic levels.

These pressures are especially acute in the passport field agencies where the majority of all United States passports are issued and where, as a result, the greatest fraud potential exists. In this regard, I would like to submit for the record a copy of a memorandum of April 27, 1973 (number 3) sent to me by Mr. William E. Duggan, Chief of the Passport Office Legal Division. This memorandum vividly portrays some of the problems the Passport Office confronts in combating passport fraud. Comment number one on page two of this memorandum is significant with regard to the detection of passport fraud in the application stage.

The acceptance of passport applications by non-Passport Office personnel has relieved to some degree the pressure on passport field agency personnel working day-after-day under the stress and strain of handling hundreds of passport applicants pushing and arguing for expeditious service. It has done little to reduce the other pressures since each application must be examined and adjudicated by Passport Office personnel for the purpose of establishing the applicants' citizenship and identity. It has in fact increased the pressure in applications where there is an identity and possibly a fraud question. The question which might easily be resolved by a trained person in a face-to-face confrontation cannot be resolved with more documents in front of you. Thus more paperwork is engendered.

The Passport Office has been drowning in paper work involved in management studies, reports, statistics, time-studies, manpower utilization studies, productivity analysis, and other such matters which seep down to us from upper echelons of management and administration.

However, the passport field agencies are not the only areas experiencing acute pressures. The Legal Division of the Passport Office, with many responsibilities other than fraud detection and processing, has at present 35 permanent employees of whom only 9 are attorneys. This staff will be decreased by the retirement of one attorney on June 30, 1973. To give you a better understanding of the law enforcement procedures, I would like to submit for the record a copy of a memorandum (No. 4) which describes the procedural steps involved when a fraud is uncovered or when a fraud is suspected in a given case. Given the increasing number of passport frauds, the limited number of personnel available to process these cases in the Legal Division, and the many other responsibilities of the Legal Division, it is obvious that the fraud seminars conducted by Legal Division attorneys, as valuable as the seminars are proving, imposes tremendous strains, physically and operationally, on the legal staff.

Without adequate staffing, the pressures on the Legal Division continues to increase and an exorbitant amount of costly overtime is the only answer. In due course, a point will be reached where this patchwork remedy will become counter-productive.

Even when fraud cases have been expeditiously processed through the Legal Division, the Passport Office is frustrated by long delays by the Department's Office of Security in investigating such cases. This was explained in considerable detail in my testimony of September 15, 1972. To update this data, I would like to submit, for the record, a copy of a chart (No. 5) which shows the number of cases ending investigation by the Office of Security as of April 24, 1973.

The explanation given by the Office of Security for the number of delinquent investigation cases continues to be a "shortage of manpower," as well as "several high priority requirements in other aspects of the total security program."

I do not take exception to the explanation furnished by the Office of Security. I am reasonably sure that office is interested in endeavoring to meet our requirements and, I might say from personal observation, the local security field agents are intensely interested in helping us combat passport frauds. I think I can state without fear of contradiction that this interest stems from the fact that passport fraud cases, as a category, offer real challenges to a professional investigation.

It seems eminently clear that the Office of Security does not have sufficient manpower to meet our passport fraud problems and that the "delinquency" is due, in good measure, to greater priority given to other "security requirements."

By now, it should be obvious, as illustrated by the Brotherhood of Eternal Love, the Philippine alien cases, and the "manual" on fraudulent identities which I have described, that the individuals committing passport fraud are becoming increasingly more knowledgeable in methods of obtaining fraudulent birth and identity documentation. We are endeavoring to meet this increased knowledge on the part of our "opposition" by making our personnel more alert and knowledgeable in detecting symptoms of fraud. It is an established fact that careful and thorough examination by trained personnel of passport applications and their accompanying documents will result in the detection of many frauds in the application stage. A face-to-face confrontation increases the possibility that such frauds will be detected before the passports are issued and used in the furtherance of illegal activities. At the present time, while we are doing our best, our efforts are diminished and frustrated by the inadequate facilities and insufficient personnel furnished to the Passport Office.

Passport fraud as it pertains to narcotics and to illegal aliens is only one phase of a serious problem which we, in the Passport Office, have struggled with for years and called to the attention of anyone who would listen. Frankly, I am very discouraged about the whole situation and I don't believe that a piecemeal approach to the problem will be successful. One hole in the dike may be plugged up, but two others will develop.

The Passport Office has been fighting, for years, this battle of fraudulent documentation to protect the integrity of the United States passport as well as the ensuing evils to society, such as illegal drug activity, which flows from the use of such a valuable document. However, this evil is not restricted to passports; it also involves credit cards, social security cards, welfare and pension payments, birth records, drivers' licenses, and the list goes on *ad nauseam* into the very fabric of our society.

In summary, I think it is plain that the problem of the effects of fraudulent documentation and impersonation are not restricted to the passport area. It is symptomatic of one of the serious ills of our society at the present time, and it is time we work together and say a vigorous "no" to the enemies of our society.

It is with considerable regret that I advise you that in my opinion no action will be taken by the Executive Branch of our Government until such time the Congress steps in with clear language legislation to make the use and presentation of fraudulent identifying documents to any Government Department or Agency or unit thereof a very expensive, unprofitable and unpleasant experience for the perpetrator. Furthermore, the Congress should insist upon swift prosecution of these cases for two valid and relatively simple reasons. Swift prosecution by the Department of Justice would engender second thoughts by criminals engaged in the practice of deceiving Government Agencies by the use of false identity documents and this, in turn, would help put the producers of such documents out of a very lucrative business which is presently flourishing around the United States.

The second reason is that the salutary effect of swift and stern government action will save millions of dollars now wasted or irretrievably lost by such Federal and private operations as the Passport Office, Social Security, Insurance Companies, Banks, Health Services, Pension Funds and even extend to the world-wide credit card racket. It is a known fact that the United States Passport is used the world over as an instrument of identity. Therefore, it makes sense to see to it that it is protected by law and that the Passport Office is given financial and administrative support in its role to maintain the integrity of the document.

In my considered opinion, it has been proven impossible to obtain from the Executive Bureaucracy the required support, consideration and protection which the Passport Office requires to carry out its statutory functions to provide efficient and effective passport and citizenship services to United States citizens both here and overseas.

FRAUD STATISTICS—FISCAL YEAR 1970 THROUGH MAY FISCAL YEAR 1973

Fiscal year	1970	1971	1972	1973 (through May)
Domestic	174	288	300	362
Foreign	327	316	314	260
Total	501	604	614	622

FRAUD STATISTICS BREAKDOWN—FISCAL YEAR 1973

	Domestic	Foreign	Total
July	21	10	31
August	30	19	49
September	14	18	32
October	13	38	51
November	34	21	55
December	23	13	36
January	34	27	61
February	58	19	77
March	59	28	87
April	19	39	58
May	57	28	85
Total	362	260	622

	Apr. 27, 1973	June 1, 1973
Number	73	120
Type fraud:		
Alteration	2	2
Use	2	2
Identifying witness	9	17
False statement	60	99
Place filed:		
Los Angeles	22	31
San Francisco	13	24
Miami	0	6
Chicago	4	4
Post Office	4	5
New York	3	5
Kabul	3	3
Clerk of court	2	6
Other	9	15
Date filed prior 1969	3	5
1969	10	11
1970	11	20
1971	21	35
1972	13	23
1973	2	5

	Apr. 27, 1973	June 1, 1973
Detected before issue	5	8
San Francisco	4	4
Seattle	1	1
Miami	1	1
Los Angeles	1	1
Lookout system	1	1
Counterfeit birth certificates	26	45
Hospital birth certificates	5	6
Nebraska	0	8
Missouri	4	5
Chicago	14	4
Colorado	2	2
Utah	2	3
North Carolina	0	3
Ohio	0	2
Referred United States attorney	34	41
Indicted	17	19
Prosecution declined	3	3
Convicted	2	4

Note: 1 each from Iowa; Albion, N.Y.; San Diego County; Los Angeles County; New York State; Wisconsin; Seattle County; Syracuse, N.Y.; Orange County, Calif. In addition, counterfeit birth certificates were picked up in a Brotherhood raid from Missouri (2); Nevada; Seattle-King County, Wash.; Newark, N.J. and Ohio.

APRIL 27, 1973.

To: PPT—Miss Frances G. Knight.

From: PT/L—William E. Duggan.

Subject: Observations Regarding Counter Work at New York.

The team of attorneys observed that the number of persons applying for passports in the New York Agency began to accelerate about 9:45. The number of applicants continued to increase until about 2:30 to 3:00 in the afternoon. At that time there were in the neighborhood of 20 to 25 or possibly 30 applicants in front of each station. The number of applicants gradually diminished until about 4:00 when there were about 10 applicants in front of each station. With the closing of the Agency doors, the agents were able to complete the work about 4:45 or 5:00.

Observations indicated that each agent took about 3 to 5 minutes per applicant. The average time an applicant stood in line during the peak period of 11 to 3 was about 45 minutes. Obviously, persons are not in the best frame of mind after being required to stand in line for this length of time. This factor is mentioned because it exerts further pressure upon the agent in performing his job. Given the number of persons in line, it is a practical impossibility for the agents to spend more than 3 to 5 minutes with each applicant.

The following conclusions must be stated in fairness to the agents concerned as well as our fraud prevention program:

1. Given the number of factors which must be considered, a period of 3 to 5 minutes is totally inadequate to do a thorough job of taking a passport application;

2. The constant pressure of applicants in front of an agent also creates barriers which make it difficult for the agent to detect fraud;

3. The physical limitations of the reception room are inadequate and create at times a sense of turmoil. This also lessens the effectiveness of our agents;

4. From a fraud point of view, I feel it is necessary to state that except for the most obvious frauds, it is totally unfair to the agents concerned to hold them accountable for such frauds as may filter through;

5. Some action must be taken to reduce the pressure on agents taking applications in New York if we are to expect an acceptable standard of fraud detection in that Agency.

6. The "melting pot" population situation in New York is peculiarly conducive to fraud potential.

COMMENTS

1. It seems obvious to me that the current program of having a number of Clerks of Court and Post Offices accept applications has not solved the counter problem at New York City although it has helped to a certain extent. The apparent reason for this seems to be that individuals wish to go to the agency responsible for issuing the passport rather than to a Post Office or Clerk of Court whenever it is possible to do so.

2. Since New York is the most important overseas departure airport in the United States, the Agency has an exceptional load of emergency cases which must be handled at the counter.

SUGGESTED SOLUTION TO THE PROBLEM

Despite the views of the upper echelon in the Department of State that increase of Passport Agencies is a "bureaucratic" maneuver, I recomend as strongly as I can, that we establish several sub-agencies in the New York area to accept applications. One obvious area is in the so-called Financial District of New York. The other areas can be determined by a review of counter applications to determine the areas from which the counter applications are coming. During my trip to New York I tentatively made arrangements to have counter applications segregated and sent to Washington for a survey to obtain statistics which would support a rational basis for establishing sub-agencies in New York.

APRIL 24, 1973.

To PPT—Miss Frances G. Knight.

From PT/L—William E. Duggan.

Subject Current Procedures Used in the Processing of Passport Fraud Cases.

When information appearing on a passport application, or received subsequent to the issuance of a passport, raises the possibility that a person has perpetrated a fraud, the case is referred to the Legal Division of the Passport Office. An attorney in the Legal Division reviews the entire file in order to determine what evidence is available to establish a prima facie case of fraud or what addititonal evidence may be required to establish such a case.

The attorney then prepares a detailed memorandum outlining the facts involved and the investigative action necessary to establish a prima facie case of fraud. This memorandum and the case file are forwarded to the Office of Security of the Department of State which has investigative jurisdiction in passport fraud cases. Upon completion of the requested investigation, the file is returned to the Legal Division of the Passport Office along with whatever evidence and information was developed in the course of the investigation.

If the concerned Passport Office attorney is satisfied that the investigation has developed sufficient admissible evidence to establish a prima facie case of passport fraud, he prepares a "Criminal Prosecution Summary." The "Summary" along with the file, then is forwarded to the appropriate U.S. Attorney through the Office of Security of the Department of State. This procedure is designed to offer the U.S. Attorney with as much personal assistance and contact as possible with the Department of State.

After receipt and, in due course, review of the case, it is the responsibility of the U.S. Attorney to decide if prosecution should be initiated or declined. If prosecution is declined, the case is returned to the Passport Office, through the Office of Security, with a statement from the U.S. Attorney giving his reasons for not initiating prosecution. If the U.S. Attorney accepts the case for prosecution, he initiates the necessary procedures to bring the case to trial.

Cases pending SY investigation as of April 24, 1973

Cases opened in 1973	165
Cases opened prior to January 1, 1973	221
Cases opened prior to January 1, 1972	78
Cases opened prior to January 1, 1971	20
Cases opened prior to January 1, 1970	17
Total cases pending	501

ATTORNEYS FOR INDIGENT DEFENDANTS IN THE DISTRICT OF COLUMBIA

Mr. BAYH. Mr. President, the Senate will shortly consider the continuing resolution, which provides funds for fiscal 1974 for agencies and programs for which the regular appropriation bill has not been passed. I am pleased to note that the House version of this vital bill includes continued funding for the compensation and reimbursement of attorneys appointed by judges of the District of Columbia courts pursuant to the Criminal Justice Act. I hope the Senate will agree with this responsible course of action.

If funds are not provided in the continuing resolution for these attorneys, the criminal justice system of the District of Columbia will have to slow down drastically, if not grind virtually to a halt. This would have wide and undesirable consequences: Longer delays from arrest to trial; more persons detained in the existing inadequate jail; less expert defense counsel and thus a higher likelihood of reversible error at the trial, not to mention potential unfairness to the defendant. While the Superior Court in the city has begun to prepare for this contingency by seeking private lawyers to act without compensation, it is clear that this is not a satisfactory solution. Furthermore, a matter of principle is involved, for the Criminal Justice Act plainly intends that the funding for such attorneys be carried out under its provisions.

The continuing resolution provides funds until the Departments of States, Justice and Commerce, the Judiciary and Related Agencies Appropriation Act for fiscal 1974 becomes law, or September 30, 1973, whichever first occurs. Thus we have only a temporary solution, even if the Resolution is approved in its present form. To take care of the problem for the remainder of fiscal 1974, I will offer, along with the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from North Carolina (Mr. ERVIN) an amendment to the State-Justice-Commerce-Judiciary bill to provide funding under the Criminal Justice Act for appointed attorneys in the District through fiscal 1974.

The administration did not request and the House did not include funds for these appointed attorneys in either the State-Justice-Commerce appropriations bill or the District of Columbia appropriations bill. I believe that the proper place for such funds—which everyone agrees are vitally needed as part of our crime control efforts—is the State-Justice-Commerce appropriations bill. First, the Criminal Justice Act clearly contemplates funding for appointed attorneys in the District under its provisions, and thus through the State-Justice-Commerce appropriations bill. Second, the District of Columbia budget for fiscal 1974 will have to be cut $8.5 million below the President's request because of action taken by the Congress on the supplemental appropriations bill. In view of the necessity of developing a balanced budget for the District for fiscal 1974, the other vital programs involved, and certain expenses not provided for in the budget request, the proper place for the $2.4 million needed by the courts for attorneys for indigent defendants next year is, in our view, the State-Justice-Commerce appropriations bill.

For these reasons, I will support the present version of the continuing resolution on this point, and move to add the necessary funds to the State-Justice-Commerce appropriations bill for fiscal 1974.

Mr. MATHIAS. Mr. President, I am deeply disturbed by the possibility that funds may not be provided for continuation of the program for legal representation of indigent defendants in Washington, D.C., beyond the end of this fiscal year. Differences of opinion over how this program should be funded are causing concern in many quarters that no funds will be forthcoming from any source. The House Appropriations Committee has now reported out appropriations under the Criminal Justice Act for fiscal 1974 and the committee has failed to include funds for District of Columbia indigent representation.

Unless these funds are reinstated or are somehow forthcoming, the result could be havoc in the District of Columbia court system. Without Federal funding to maintain the indigent defense program, such defendants will be without representation in the criminal courts of the District. Under prevailing law, such defendants are entitled to counsel and the failure to provide such counsel could make it legally impossible to proceed with the disposition of criminal cases. How this will be squared with the right to a speedy trial remains to be seen.

This problem has arisen because of conflicting opinions about the proper channel by which this program should be funded. In the past, it has been administered by the Administrative Office of the U.S. Courts under the Criminal Justice Act. This procedure began in 1966 after a ruling by the Comptroller General, and has continued under 1970 amendments to the CJA (18 U.S.C. 3006A (1)) and more recent rulings of the Comptroller General—May 26, 1972. Many people believe that the program should be administered and funded through the District of Columbia and its budget. This view is consistent with that of the Judicial Conference of the United States which failed to request funds this year for the D.C. indigent program in the Federal judiciary appropriation request. District of Columbia funding is difficult this year, however, because the District budget has been set and cannot be changed at this late date for fiscal 1974. The result is the current impasse.

The private bar has declined to attempt to undertake the defense of indigents. The enormity of the problem of coordinating so many private attorneys and joining them up with defendants have been cited as reasons. In addition, increasing specialization in the practice of law also means that many members of the private bar have had little or no criminal experience. This could raise serious constitutional questions of adequate representation. Use of the private bar in lieu of continuation of Federal funding for the current program, therefore, appears impractical.

Whatever the eventual outcome of the debate about the preferred method of administering and funding the program in the future, we in the Congress should take steps to insure its continuation in fiscal 1974.

Accordingly, I will join with Senators BAYH and ERVIN in an effort to add the necessary funds to the State-Justice-Commerce appropriations bill for fiscal 1974. I hope that my fellow Senators will support this amendment as the best means to solve the problem.

RETIREMENT OF JOHN M. REYNOLDS, SENIOR COUNSEL, OFFICE OF THE LEGISLATIVE COUNSEL

Mr. SPARKMAN. Mr. President, at the end of this month, a number of career employees who have performed long and faithful service to the Senate will retire. One of them is John M. Reynolds who has served in the Office of the Legislative Counsel of the Senate for almost 26½ years.

John Reynolds graduated from Wesleyan University in 1939 and received his law degree from Yale University in 1942. After serving in the Army during World War I, he joined the staff of the Legislative Counsel on January 9, 1947. Since June 1963, he has served as a senior counsel in that Office.

During most of his Senate career, John specialized in the fields of law over which the Committee on Banking, Housing and Urban Development, which I now serve as chairman, has jurisdiction. He worked so closely with the committee that we sometimes felt that he was a member of our staff. He assisted the committee on almost every important piece of legislation reported by it in the past 20 years. His service cannot be praised enough. Not only his expert drafting skill, but his equally expert knowledge of the substantive provisions of law with which our committee deals, has immeasurably assisted the committee in carrying out its legislative functions during this long period.

Mr. President, I take this opportunity to thank John Reynolds for the outstanding service and assistance which he has given to the Committee on Banking, Housing and Urban Development over these years. While he will be missed by the entire Senate, and, of course, by his colleagues in the Office of the Legislative Counsel, he will be particularly missed by our committee.

And, finally, I want to convey my wish—and I am sure the wish of all Senators—that John and his wife, Anne, will enjoy a long and happy retirement.

Mr. PROXMIRE. Mr. President, I, too, would like to join my colleague in paying tribute to John Reynolds, who is leaving the Office of the Legislative Council of the Senate.

John served the Banking, Housing and Urban Affairs Committee during the entire period I have been in the Senate. His services to us were invaluable. He was extremely qualified in his job and in dealing with the wide variety of the legislative matters over which our committee has jurisdiction. He was a very able Senate employee and public servant. His services to our committee and to me will be missed.

Certainly I wish for he and his wife the very best in his future retirement.

Mr. TOWER. Mr. President, I would like to add my words of appreciation to those that have been said regarding the retirement of John Reynolds. John's service to the Senate in the Office of Legislative Counsel has been outstanding. He worked closely with those of us on the Banking, Housing and Urban Affairs Committee in drafting and marking up legislation. His broad legal knowledge and long background of experience in working with our committee has helped us resolve many difficult questions. So often in our markup sessions when a particularly sticky legal point would come up, one of our members would say "Let's hear from John Reynolds on that," and we could depend on a cogent, well-reasoned response from John. John is a gentleman in the finest sense of the word, and we in the Senate will miss him very much.

I would like to extend my best wishes to John and his family and hope that he will have a happy and rewarding retirement.

Mr. BENNETT. Mr. President, I would like to join my colleagues in paying tribute to John Reynolds, who just recently retired from the Office of the Legislative Counsel of the Senate.

John was one of those individuals whose diligent work behind the scenes made our work on the Banking Committee much easier. Although the legislation which he was asked to deal with ranged over a wide variety of issues, members of the committee always found that John had a grasp of the issue involved and an ability to convey our intent into the proper legislative format. His expertise on matters both technical and substantive is highly regarded and appreciated I am sure by all members of the committee.

I extend my best wishes to John in his retirement and in whatever new endeavor he may undertake, and offer the thanks which he deserves for so ably assisting the committee.

Mr. McINTYRE. Mr. President, I join with the chairman (Mr. SPARKMAN) and other members of the Senate Banking, Housing and Urban Affairs Committee, in expressing our appreciation for the work and dedication that John Reynolds has exhibited during his most commendable service to the Senate.

Our form of government is based primarily on the written law. The task of developing an idea of public policy into explicit written legislative language is an extremely difficult task that quite often is overlooked.

During John's service to the Senate, he was recognized on a national level as one of the most competent and skillful legislative drafters.

While we can understand John's departure, his expertise will be missed. I can only wish him the best.

THE BOMBING IN CAMBODIA

Mr. HATFIELD. Mr. President, continued bombing in Cambodia is a misuse of Executive power that ignores the Congress, ignores the people, and ignores the Constitution.

The President's veto message on the Cambodia bombing ban raises interesting questions. The veto message uses the word "Communist" five times in threatening tones.

Just who are these Communists?

Can they be the Communists so frequently toasted last week and whose flags were officially flown throughout Washington?

Can they be the Communists in Peking who strolled with us at the Great Wall?

Use of the word "Communist" is a scare tactic and a misrepresentation of "national security" to rally support.

Our bombs are not destroying an ideology; they are killing Cambodians opposing a feeble and corrupt regime kept afloat by U.S. tax dollars.

Regardless of the Executive scorn for the Constitution, we in Congress must uphold our constitutional duty and continue to legislate a halt to this illegal bombing.

GRAND FORKS, N. DAK.

Mr. BURDICK. Mr. President, last Sunday "the Baltimore Sun" published a thoughtful and reflective article by Ernest B. Furguson about Grand Forks, N. Dak. I think it captures very well the feelings of warmth and pleasantness that make the middle-size towns of the Midwest such attractive places to live. The citizens of Grand Forks do not have to gear their lives to avoid traffic jams or live in fear of getting mugged. Grand Forks, like other towns its size, allows its citizens to strike a good balance between social concern and involvement and the simple enjoyment of life. It is no wonder that more and more people are returning to that kind of relaxed and enjoyable lifestyle available in North Dakota.

At this time, I ask unanimous consent that Mr. Furguson's article be printed in the RECORD, and I commend its reading to all who wish to know what life is like away from "the big city."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GRAND FORKS: MAN HAS A GRIP ON THINGS

GRAND FORKS, N. DAK.—When the community powers have their daily 3 o'clock get-together for coffee at the back table at the Golden Hours, their conversation distills a growing attitude among the leaders of the smaller towns and emptier states of America. Increasingly, they are just as pleased about what they do not have as about what they do.

Flying west three years ago, I came to this Red River valley of the north with the President's entourage. He stopped to join a Northern Plains regional governor's conference, and at that time the governors' main collective worry was their states' loss of population.

Heading East this summer aboard the Empire Builder, I hear a different note. The population drain has slowed, but not stopped. Many young people, especially from the farms, still leave for the cities and the coasts in search of jobs. Being only 150 miles east of the geographical center of North America, Grand Forks itself figures to be a proportionately heavy loser on the census theory that the national population trend is outward from the middle.

But the town is growing. Its net additions include some youngsters off the farms as always, but more conspicuously families that have gone away to the coast or the big city, and having tasted life there have hurried back.

Smug is not the word for the attitude of the men around the back table. But the Chamber of Commerce manager, the conservative lawyer, the retired banker who used to be on the state board of education, the editor and the power company manager are comfortable with what Grand Forks is.

Like other small towns, Grand Forks has the quality so prized by James Rouse, the Maryland urban planner who likes to break big communities into manageable neighborhoods—a scale to which individual can relate, rather than being smothered by it.

People here have more reason than most to be alert to the nuances of Mr. Nixon's agreements with Brezhnev—after all, the town is flanked by the Minuteman III's, B-52's, and ABM's at sprawling Grand Forks Air Force Base. They make this one of the prime sites on any enemy's strategic target list.

But Soviet-American relations are not something the voters here can affect directly. When the great congressional debate over the ABM was going on, here where the first installation was to be built the main news was the state high school basketball tournament where the Fort Yates Indians were romping.

During Brezhnev's visit, it has been whether and how many young North Dakotans are traveling the 100 yards to Minnesota to buy drinks they cannot buy on this side of the Red River. North Dakota turned down liquor for 18-year-olds on a referendum while Minnesota was approving it, and since June 1, places like the Spud Bar in East Grand Forks across the river have been bursting with students from this side. It has inspired some second thoughts among local voters.

The scale of the traffic problem here is that drivers cannot get out of the habit of turning left in front of others at the main downtown intersection. (To which I added the tourist observation that Third street outside the hotel becomes a drag strip for about an hour at 1 A.M., when things are shutting down around town.)

As to crime, there is about one murder a year, and perhaps two or three rapes—few enough to always qualify for Page One. Right now, the big item is a double murder of five years ago, in which the man convicted is trying to win a new trial.

Culture? The new $3 million auditorium at the University enables the town to bring in talent like Van Cliburn for the first time since the early 1900's, when Caruso and other major artists stopped here because it was the obvious break point between the Twin Cities and Winnepeg.

The university's football team went gloriously to the Camellia Bowl last winter, and no home game is more than five minutes away from any home in town. A medical complex that will make Grand Forks "another Rochester," in the Chamber of Commerce man's words, is in process. There is some debate over what to build in the part of town near the depot where urban renewal is under way.

There is no lack of seriousness among the coffee drinkers at the Golden Hour, nor of public concern. But there is a sense that here man has a grip on things, rather than being at the mercy of events far away.

That is what draws back so many of those who have tried life elsewhere and found it frustrating. That is why men who draw grand plans for the next America, and others who simply seek a place to raise a family, are so convinced that the obvious road leads back to the small towns.

SENATOR GEORGE McGOVERN'S TAX REFORM PROPOSALS

Mr. KENNEDY. Mr. President, GEORGE McGOVERN recently testified before the House Ways and Means Committee on the need for tax reform. His proposals reflect not only the expertise he has developed over his years in Congress on this highly complex subject, but also his grasp of what is fundamentally wrong with the present tax laws.

Senator McGOVERN points out in careful detail how our supposedly progressive tax system has become riddled with loopholes for wealthy individuals and large corporations over the years. As he says, "the loopholes do very little for most taxpayers and a lot for a few tax avoiders." His research shows that families with incomes of less than $10,000 a year pay a higher percentage of their income in tax then those who make $25,000 a year; and small businessmen—individual enterprises and family farmers—pay a higher percentage of their income in tax than America's 100 largest corporations.

Senator McGOVERN suggests a number of revisions to the tax code which would correct those inequities. Under his plan, big business and individuals with incomes in excess of $25,000 would be required to pay their fair share of the cost of government and the additional revenue gained from loophole closing would be redistributed to the average citizen—in the form of a property tax credit for homeowners as well as relief from the 400 percent increase in the payroll tax on workers over the last 15 years. And under the McGOVERN plan, the 90 percent of American enterprises which are technically small business or family farms would continue to benefit from the Investment Tax Credit and ADR.

In conclusion, Mr. President, let me stress one other point. The recent flood of Watergate disclosures has further undermined already badly shaken public confidence in government. We must heed the counsel of our leaders such as GEORGE McGOVERN who by their example have shown us that government is capable of representing all the people, not just the vested interest. We must propose and adopt laws which will restore decency to government. And tax reform is, as Senator McGOVERN suggests, a good place to start.

So I join with Senator McGOVERN in urging the Congress to act promptly on tax reform. I hope all our colleagues will make this matter of the highest priority. And I ask unanimous consent that the text of Senator McGOVERN's tax reform proposals be printed in the RECORD.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR GEORGE McGOVERN BEFORE THE WAYS AND MEANS COMMITTEE, APRIL 16, 1973

First of all, Mr. Chairman, let me say that it is a privilege to appear before this committee and participate in the landmark series of panel discussions and hearings you are conducting this spring. I hope that the Trade legislation you will soon consider will not deflect you from your goal of reporting out a comprehensive Tax Reform bill for House passage this year. And I pledge to do my part to prevent the mutilation of that bill from Tax Reform to revenue giveaway, as happened in the Senate in 1969.

Before I discuss certain specific suggestions, I would like to raise three policy questions that are central to the issue of tax reform.

The first is the question of spending priorities.

Although the fact is generally ignored, the tax laws themselves create a kind of Federal spending by favoring some groups over others. For instance, the law permits taxpayers to avoid paying their normal share of taxes if they make designated types of investment. Thus if J. Paul Getty puts his billions into oil, he can—as he has in the past—escape paying any taxes at all. The loss of his tax revenue has the same effect on the Federal budget as if the Treasury had collected his same taxes from him and then written him a multimillion dollar welfare check. And the increasing number of such loopholes has resulted in a generally regressive tax code which takes more and more from the people and less and less from the privileged.

And not only do the loopholes rob us of revenue, but many of them do not even repay us with proportionate gains in economic growth. A 1969 Treasury Department study showed that $1.5 billion in tax preferences for the oil industry resulted in only a $150 million increase in investment. In other words, these preferences were only 10% effective. But if we repealed them and taxed oil income at the normal rate, we could achieve the same investment result with a direct subsidy, *and* the government would have one billion three hundred and fifty million dollars more for essential domestic programs or tax relief for ordinary citizens.

So what is at stake in these hearings, as much as in any other budgetary debate before the Congress, is the setting of priorities. We are the representatives of the people. And we must decide what is right for the people—tax and expenditure policies that directly benefit all of them or indirect subsidies to the few in the form of tax forgiveness.

It is in this same context of tax loopholes as expenditures that we must view the President's budget. It actually reflects only 80% of Federal spending. It leaves out $77 billion worth of tax subsidies.

Many of these tax expenditures aid the average citizen, or achieve worthwhile ends, and should be retained. I refer, for example, to the deductability of mortgage interest payments, state and local taxes and charitable contributions.

But many others are not justified. They enable wealthy individuals and corporations to shelter their income and avoid paying their fair share of the burden of government, at a revenue cost that far exceeds the benefit to society. I refer, for example, to the tax breaks procured in the last two years alone for big business. According to the most recent Treasury Department estimates, they will cost the government approximately $7 billion in 1973—more than the entire cost of Mr. Nixon's proposed special revenue sharing program.

The concept of a tax expenditure is, of course, not new. The Senate version of the 1971 Revenue Act would have required indirect tax subsidies to be reported as Federal expenditures in the President's budget, just as direct subsidies like welfare are now reported. But, the Administration succeeded in killing the proposal.

I think that we in the Congress must revive that principle this year. For it teaches us that in the last analysis the battle of the budget and the debate over tax reform are really two parts of the same problem. Indirect tax subsidies and direct Federal expenditures both involve the same thing: Spending the taxpayer's dollar. And now Mr. Nixon's cutbacks and the need for a noninflationary ceiling on Federal expenditures—whether tax subsidies or direct Treasury payments—require us to make harder choices than ever before about an issue that is always with us: Where should the taxpayer's dollar go?

To a $6.6 billion tax subsidy for business in the form of accelerated depreciation and the Investment Tax Credit, or to property tax relief for homeowners across the country?

To a $4 billion tax subsidy for the heirs of wealth, or to fairly priced electricity through REA, low cost loans to family farmers, and water and sewer grants and REAP?

Will we continue to tax money earned by money at a lower rate than money earned by men, or will we arrest the decay in our crime-ridden cities and seriously attack the problems of drug addiction?

These, Mr. Chairman, are the choices before the Congress this year.

The President understands the implications of the expenditure aspect of Federal tax policy. He has launched an aggressive campaign to secure his own priorities for both the direct and the tax subsidy expenditures he favors.

The Administration's oversimplified claim is that the Congress must accept the President's priorities—or raise taxes on the average citizen by 15 percent. Mr. Nixon apparently has decided that his victory last November was an excuse to abandon his campaign promise to send comprehensive tax reform to the Congress before the first of this year. His post-election position is that there is no revenue in tax reform.

As the President's chief domestic adviser recently said in a television interview:

"Actually there is a lot of misinformation around in this business of tax loopholes. You don't raise very much money by making every taxpayer pay some tax. You don't raise very much money by making every corporation pay a tax. Where you really can raise money by closing loopholes is if you don't let the average householders deduct the interest on his mortgage anymore, and you don't let him deduct charitable contributions to his church or to the Boy Scouts, or you don't let him take personal exemptions."

This kind of apology for tax favoritism is a calculated attempt to frighten the public about tax reform.

White House agents and indeed the President himself have sought to paint the picture of a wise and prudent Executive courageously holding a spendthrift Congress in check. We stand accused of advocating a $15 billion increase in Federal spending and misleading the people with a bogus claim that tax reform can help pay the bill.

Let me quote again from the Ehrlichman interview:

"I think you will see, as the House Ways and Means Committee goes through this process, that there is no way to raise the $15 billion, for instance, that the spenders in Congress want to run over the President's budget, unless you start digging into the average taxpayer's exemptions, or charitable deductions or mortgage credits or something of that kind."

That is untrue—and Mr. Ehrlichman knows it is untrue. It is false on two counts. Mr. Ehrlichman knows that a number of Senators, including me, have joined in sponsoring legislation which would hold the budget to $4.7 billion less than Mr. Nixon wants to spend. The Senate has already approved a spending ceiling $700 million below the Administration's budget. And Mr. Ehrlichman knows, too, that many billions of dollars can be retrieved without even looking to the sensible and universally popular tax provisions he describes.

Actually, Mr. Nixon has proved to be a bigger spender than any of us in the Legislative Branch. He seeks to spend, in the form of direct and tax expenditures, a total of $345.7 billion; but under the proposal I have cosponsored in the Senate, we would spend at least $4.7 billion less.

So let us examine Federal spending as a whole—not just the direct Treasury expenditures the President assails, but the tax expenditures that steal our revenues away.

Let us not permit the Administration to ignore the budget-busting impact of unjustified tax subsidies.

Let us look closely at all forms of welfare, for those who are powerful, as well as those who are poor. For in the end it is the ordinary citizen who pays for both.

The President has urged that we review the domestic budget and eliminate needless waste and programs which do not work. I agree with that as a principle, although I differ with Mr. Nixon on particulars. But why does the President exempt unfair and unproductive tax giveaways from this review?

Mr. Chairman, I understand the skepticism you have expressed, not about our ability, but about our will, to raise further revenue tax reform. In 1969, you saw the strong reform bill you reported out weakened by the time the President signed it into law. However, I think that circumstances are different this year. The public is sensitive to tax injustice, and angry about tax favoritism. And more members of Congress seem ready for real tax reform.

So now is the time to ask ourselves where we should invest our people's hard-earned taxes, in the domestic programs they need, or in tax giveaways no one truly needs? Should the majority of Americans pay more regressive taxes so a minority of Americans can avoid most taxes?

In 1960, corporate income taxes accounted for 23% of the Federal tax burden. Today they account for 15%. And who has made up the difference? The individual taxpayer whose share has risen 60% to 75% in the same period. And the most regressive Federal tax, the payroll tax on workers, now accounts for twice as much of Federal revenues as it did in 1960. Payroll taxes increased 400% between 1958 and 1969; and additional increases since then have already wiped out the tax reductions for ordinary citizens enacted only four years ago.

As Americans, we have long prided ourselves on our progressive tax system. But the loopholes have subverted that progressivity. They do very little for most taxpayers and a lot for a few tax avoiders. That is the unmistakeable message of this first chart:

[In percent]

Family income	Nominal rates	Actual rates	Loophole savings
$2,000 to $3,000	1.9	0.5	1.4
$5,000 to $6,000	7.5	2.8	4.7
$10,000 to $11,000	12.4	7.6	4.8
$20,000 to $25,000	20.8	12.1	8.7
$75,000 to $100,000	46.0	26.8	19.2
$200,000 to $500,000	58.0	29.6	28.4
$500,000 to, $1,000,000	60.5	30.4	30.1
Over $1,000,000	63.1	32.1	31.0

Source: Brookings Institution computer study, Brookings Reprint 230, May 1972.

As you can see, there is an enormous difference between the rates taxpayers are nominally supposed to pay and what they really pay—and the difference strongly favors the wealthy. For example, those who make over a million dollars a year pay at least $310,000 less than the statutory tax rate. And if you look at the column labelled loophole savings, you will see how overwhelmingly the loopholes benefit the rich. It is the exact opposite of progressive taxation—under the loopholes, the more you have in income, the more you save in taxes. For example, the loopholes now save a machinist who earns $10,000 a year only $480; but an investor who makes $500,000 a year avoids $150,000 of tax.

However, these Federal statistics tell only part of the story. In the last twenty years those state and local taxes which fall hardest on the average citizen have also increased dramatically. For example, property and sales taxes have more than doubled in the last fifteen years.

This second chart reflects the percentage of *all* taxes—Federal, state, and local—for different income groups in 1968:

Percent of private income paid in taxes

Income Group:	
Under $2,000	50.0
$2,000 to $4,000	34.6
$4,000 to $6,000	31.0
$6,000 to $8,000	30.1
$8,000 to $10,000	29.2
$10,000 to $15,000	29.8
$15,000 to $25,000	30.0
$25,000 to $50,000	32.8
Over $50,000	45.0

SOURCE.—Herriot-Miller Study: Who Paid Taxes in 1968, Table 7.

These figures speak more eloquently than any words about the injustice of our tax system. If you make $6,000 a year, you pay 31% of your income in taxes. But if you make $25,000, you pay at a lower rate. And the rate is almost the same for someone who makes $10,000 as it is for someone who earns $10,000. Our tax system is regressive, not progressive. And it hits average citizens doubly hard. They receive none of the public assistance given to some people in the lowest brackets, but their taxes support the loophole savings given to all the people in the highest brackets.

More than four years ago, statistics released by Treasury Secretary Joseph Barr led to what became known as the taxpayer's revolt. He disclosed that in 1967, 155 Americans with incomes over $200,000 had paid not one penny in income taxes. And when the figures for 1969 came out, they showed that 1,235 Americans with incomes over $100,000 had escaped taxes entirely.

So the Congress and the Administration sought to satisfy the public outrage by enacting what was called the Tax Reform Act of 1969. It should have been called the Tax Reform Mirage of 1969.

The bill you reported out, Mr. Chairman, was a strong bill. Sections 301 and 302 of the House bill provided for a complicated, but I think effective, minimum tax. Unfortunately, a far weaker substitute was in the bill finally signed by the President.

As a result, 394 families with incomes over $100,000 paid no Federal income tax in 1970. In the same year, 1,338 families with $50,000 incomes and 3,314 families with incomes over $30,000 also paid no tax.

And while the minimum tax made many wealthy families pay something, it did not make them pay their fair share. In 1970, 318 of America's richest families paid an average of less than 4.5% of their earnings in income taxes. They were in income groups that averaged between $470,000 and $1,400,000 a year. Had they paid taxes at a rate of 60 percent, not even the nominal rate for their income groups, the government would have gained $291 million in revenue—only $9 million less than the entire cost of the Rural Water and Sewer grant program the President just vetoed.

This is the tax system that Mr. Ehrlichman defends. And these are the priorities the President has set: A 4 percent tax for 318 wealthy families and no water and sewer grants for rural communities.

And such favoritism is not limited to wealthy individuals. Although the total amount is obscure, some of our largest corporations also profit from tax welfare.

One commentator has estimated that the 100 largest companies in America paid just 27 percent of their net income in Federal corporate taxes in 1969. And a group of experts examining documents filed with the Securities and Exchange Commission and other public sources has estimated that at least eight of America's largest corporations paid no Federal income taxes at all in either 1970 or 1971. Though they amassed $788 million in before tax profits and paid their shareholders more than half a billion dollars in dividends, these companies actually managed to get tax refunds.

This third chart reflects the experts' findings:

Corporation	Net profits before taxes	Dividends paid to shareholders	Federal income taxes paid	Income tax refund
1971:				
Alcoa Aluminum	$50, 199, 000	$41, 300, 000	0	$17, 036, 000
Continental Oil	109, 030, 000	76, 329, 000	0	24, 472, 000
Gulf & Western	51, 381, 000	15, 939, 000	0	29, 350, 000
McDonnell Douglas	144, 613, 000	38, 904, 000	0	8, 087, 000
1970:				
Bethlehem Steel	$122, 071, 000	$78, 917, 000	0	$13, 000, 000
Consolidated Edison	110, 027, 000	108, 021, 000	0	17, 500, 000
National Steel	73, 449, 000	41, 009, 000	0	19, 825, 000
Republic Steel	18, 264, 000	40, 440, 000	0	9, 916, 000
United States Steel	109, 491, 000	127, 691, 000	0	66, 100, 000

Source: Profits, taxes (or refunds) of particular corporations: Representative Vanik, 118 CRH 5713-16 (daily), July 19, 3972.

Most of us are familiar with the names on the chart—names like Alcoa, McDonnell Douglas, and U.S. Steel. And all of us in this room, and almost every wage-earner in America, paid more income taxes than they did. We paid our taxes and we paid their taxes, too. We made up for the taxes Continental Oil did not pay on $109,000,000 in net profits. We paid for the $76,000,000 that went to their shareholders in dividends rather than to the government in taxes. And even the corporations that do pay something often pay at a lower rate than low income citizens. In 1971, I.T.T. had net income before taxes of $413,000,000. And they had almost as much left after taxes, since at most they paid at a rate of only 4.9%.

Let me stress that these figures are just estimates. So long as the law shields corporate returns from public view, we can never know the full extent of corporate tax avoidance. But the information now available indicates that the amounts involved are astronomical.

It is small wonder that many ordinary Americans have come to distrust the government and to resent even some of its best programs and goals. We cannot reasonably expect our people to pay for justice to others when the tax laws deny justice to them.

So my point here, Mr. Chairman, is that your legislation require all Americans, corporations as well as individuals, to carry a fair share of the load. Higher taxes for the tax avoider will mean lower taxes for the average citizen. And fairer taxes for all our citizens will mean greater public confidence in government.

Finally, Mr. Chairman, I suggest that the most efficient and effective way to speedy tax reform is to combine your tax reform legislation with the tariff legislation the Administration has requested. The most recent press reports indicate that the current White House strategy is to derail tax reform by stressing the urgency of trade legislation. I do not mean to imply that such legislation is not essential. This nation's balance of payments deficits have increased dangerously in recent years. We need new trade legislation this year. We needed it last year, too.

But it is interesting that the urgency the White House has given to trade legislation has grown in direct proportion to the threat that the Congress might pass meaningful tax reform.

I think we must enact both bills. And my suggestion that you combine them would assure that we could have both within a resonable period of time. Indeed, I believe many Senators will agree that we cannot meet our responsibilities unless we pursue that strategy before the Finance Committee and on the Senate floor.

As to my specific suggestions for reform, Mr. Chairman, my views are well known. Last fall during the presidential campaign, I put forward a comprehensive tax reform proposal which could have lowered the taxes for all taxpayers, and at the same time raised substantial new revenues through loophole reduction. I would like to submit for the record a memorandum of that proposal which I ask that you consider in your deliberations. It is essentially a long term plan for reform. But what I would like to focus on today is a short term plan for the next three years, which would allow us to reduce tax avoidance and restore program cutbacks now, while we carefully re-examine and reform the Federal tax code.

I suggest that we begin with a modified version of the proposal Chairman Mills has put forth and repeal the entire tax code, effective January 1, 1977. Then over the next three years, this committee could continue the process you have started, and write a new tax code which would do justice to all our citizens, and at the same time rationally raise the revenues we will need in the decades ahead.

I also suggest the following temporary but immediate revisions in the tax code, to be effective until your longer term reforms are enacted.

First, we should revise the accelerated depreciation provisions of the 1971 Revenue Act and adjust the Investment Tax Credit. While they should continue to be available to small business and independent farmers, for larger firms ADR should be repealed and ITC should be limited to net increases in investment.

These revisions would not only lead to greater tax justice; they are also good economics. Business taxes are, in many instances, as regressive as the individual tax rates I described earlier. While the 100 largest companies paid just 27 percent of their net income tax in 1969, smaller corporations paid 44 percent—a rate two-thirds higher than those they struggle to compete against. In effect, our tax system discriminates against individual enterprise and family farms in favor of conglomerates and agribusiness.

Limiting ITC to net investment would end wasteful subsidies and restore the original purpose of the act—to reward increases in investment that would not otherwise be made. And limiting this revision of ITC to large firms would thwart the Administration's argument against the reserve ratio test—the formula used in the Kennedy years—because it would make extra bookkeeping unnecessary for the 90.1% of American business which is small business.

The revision of ADR and the reform of ITC would increase tax receipts by more than $5 billion.

Second, we should close the loophole for unrealized capital gains at death, with an exception for estates of moderate size, a deferral of taxes on property left to a spouse, and extended averaging provisions. The inevitability of death should not assure the avoidability of taxes. We should no longer permit the passage from generation to generation of vast sums of unearned and untaxed wealth. And if wealthy estates paid taxes on the real value of property, we would have $2.5 billion more in revenues each year.

Third, we should grant a more equitable $160 tax credit in place of the regressive personal exemption. Under the present system, a personal exemption reduces taxes by $525 for taxpayers in the highest bracket, but only $107 for those in the lowest bracket. By changing from an exemption to a tax credit, we would reduce taxes for more than 85% of American families and at the same time raise nearly $1.5 billion in additional revenue.

Fourth, we should remove the $100 dividend exclusion. Eighty-six percent of the benefits of this loophole go to the richest 5% of our taxpayers, while only 4% goes to the average citizen. Its elimination would yield $400 million dollars.

Fifth, we should subject those who earn income from investments to the same withholding and reporting requirements as wage earners. Because the banks and Wall Street brokerage houses did not want the annoyance of extra bookkeeping, withholding for the rich was repealed during the Eisenhower Administration. But the question in this age of computers is which problem is the more serious—bookkeeping for banks and brokers or the revenues lost in unreported dividend and interest income. One commentator has estimated such unreported income at $6 billion a year, with a $1 billion revenue loss.

Sixth, we should repeal DISC and other tax breaks for foreign earned income. In a period of high unemployment, corporations should be encouraged to export their products, but not the jobs of American workers. And by enacting that principle into the tax code, we can raise $1.3 billion more.

These six proposals, if adopted, would give us $11.5 billion in additional revenue the first year. Some of that should be applied to reducing the tax on ordinary citizens and the rest should be invested in our needs at home.

In addition, I think we should limit the amount of income taxpayers with gross incomes in excess of $25,000 can shelter from taxation by exploiting existing loopholes. This would not pass judgment on the merit of any individual loophole. Instead, it would set a reasonable limit on the amount of tax the wealthiest 1% of taxpayers can avoid. The figure I suggest is the fifty percent standard of the 1969 House bill. That would mean that even though a taxpayer with a million dollar income might find a way to shelter up to $500,000, at least he would have to pay full taxes on the other five hundred thousand.

Tax relief for the average citizen should be among the highest priorities of this Congress. But so should restoring the cutbacks unilaterally imposed by the Executive Branch. That is why I would also like to see the military budget reduced to a maximum of last year's level minus the cost of last year's military operations in Indochina. Those military savings, if applied to our needs at home, could free Federal revenues and permit substantial tax reduction.

But given the present organization of the Congress, there is no way for revenue committees such as yours to reconcile their legislation with the committees who review the outlays side of the budget. And the need for an effective lid on Federal spending in this time of rampant inflation makes it unwise for us to approve tax reductions which might ultimately increase the Federal deficit and further fan the fires of inflation.

However, we can adopt a system of tax credits for some of the regressive taxes the average citizen pays and direct the Treasury to calculate the amount of the credit on a per capita basis. We can provide that all Federal revenue in excess of the amounts needed to keep the Federal deficit at the President's proposed $12.7 billion "full employment" level be turned back next year in the form of tax credits.

In this way, we can achieve a reasonable and just rate reduction which will assure that tax savings will not be subverted by an even greater inflation.

Those are my specific suggestions for the next three years.

But in conclusion, let me stress again the three general principles with which I opened my testimony.

I hope that the Administration will not successfully sidetrack your tax reform efforts with trade legislation.

I hope the Congress will evaluate the revenue side of the budget in light of the tax expenditure concept, so that we can judge fairly which kinds of Federal spending deserve priority.

And I hope that tax reform this year will not be a mirage once more—that whatever reforms we adopt will do justice to the average citizen rather than handing more subsidies to the privileged few.

Summary of Senator McGovern's Proposals for Longterm Federal Tax Reform

There is no better indicator of the health or illness of a society than the way in which it imposes taxes on its members. A fair, efficient and evenhanded tax system is a basic demand and urgent need of every American.

Over the years the personal and corporate income taxes and the estate and gift taxes, which should be the best and most equitable of taxes, have become riddled with loopholes, special tax shelters, inequities and a mass of complexities.

Senator McGovern proposes fundamental tax reform. We should set clear objectives and basic guidelines for fair and effective taxation and proceed toward legislation to accomplish these goals just as rapidly as an orderly and responsible transition will permit. All of our objectives cannot be accomplished at once, but we can no longer delay full recognition of those objectives and a significant start toward them.

The Nixon administration in recent months has been dispatching emissaries to the Congress and the people to assure them that nothing much is wrong with the tax system and that a little minor tinkering here and there will set everything right. This is simply not true and every informed person knows it. Omissions from income, excessive deductions and "tax shelters" abound. A systematic overhaul is essential but the Nixon administration, while talking reform during the campaign has since pulled back from its campaign promises. The congressional initiative is needed now to give reform both aim and life.

With these special tax provisions removed we would be able to restore real progressivity to the income tax system and still reduce the high top rates that today give a superficial appearance of heavy taxation. In fact, these top rates catch few people. A properly reconstructed individual income tax could have a maximum rate of 48% as part of the reform program. Such a tax, by treating taxpayers equally, would be neutral as between various forms of investments and competing alternative sources of income.

The Senator's specific recommendations for reform include equitable and fair rules of transition, which will bring about fully effective changes within three years. In the aggregate these reforms when fully effective will add to annual Federal revenues over $22-billion and give all taxpayers faith in the fairness of the tax system. They involve no tax increase for the average person who already pays his fair share of taxes and would result in actual tax reduction for the average citizen.

The specific reforms include:

1. *Inclusion of capital gains in income.* Under present law, half of all capital gains on property held by individuals over six months goes untaxed completely. In addition, a special maximum rate of 25% applies to the first $50,000 of gain, benefiting only the highest brackets. Corporations also enjoy a special 30% rate on capital gains.

The taxation of all capital gains at the rates applicable to income generally with equitable exemptions for house holders and independent farmers would produce, if phased in by 1975, added revenues of $7-billion from individuals and another $1-billion from corporations. This massive addition to revenues can be achieved with a maximum tax for all income of 48%, and this recommendation includes this important reform in the tax rate structure. These provisions, in addition to their fairness, will also accomplish a major simplification of the income tax. The 10% increase in the capital gains tax in 1969 did not produce the depression its critics foretold. Indeed the stock market has reached new highs since. And equitably phasing in the reforms would, combined with overall rate reduction, result in more not less capital for investment.

The Senator proposes also that the new provisions be phased in equitably over a period of two or three years. The present system for averaging income which is bunched up in a single year should be perfected for capital gains so as to avoid any excessive tax on isolated gains, such as from the sales of a business built up over many years. In addition, losses would be made fully deductible against gains.

2. *Taxing capital gains at death.* At present, no income tax is collected on property which has gone up in value but which a taxpayer still owns at death. The appreciation in value is added to the cost basis at death and so is never taxed. This tends to lock in investments and also produces inequitable differences between taxpayers.

The Senator proposes that all gains be taxed at death (with an exemption for estates of moderate size and for property left to a spouse.) The same rules should apply to gifts. Again, the tax rate would not exceed 48%, with appropriate transition and averaging provisions. This reform would produce added revenues of $4-billion in 1975.

3. *Taxable municipal bonds.* Interest on state and municipal bonds today goes completely free of tax. States and cities thereby save on interest costs. But only about 70% of the Federal revenue lost goes to the local governments. The other 30% goes to the bondholders. For a top bracket taxpayer, $5.00 of tax exempt interest is equivalent to $16.67 of other income, a bonus of $11.67. For a 20% bracket taxpayer, the bonus is only $1.25. Generally, only high bracket taxpayers and banks buy municipal bonds.

The Senator recommends a plan, along the basic lines supported by the U.S. Governors Conference, the National League of Cities, the Investment Bankers Association and a recent Federal Reserve Bank of Boston conference including state and municipal government representatives, under which local governments could at their option issue taxable bonds and receive a Federal subsidy of 50% of the interest cost. This should result in widespread issuance of taxable bonds, not only ending the present tax inequity but also producing a substantial increase in revenues to hard pressed local governments and thus easing the pressure for increasing local taxes.

The net cost to the Federal Government of this measure would be small—probably $300-million in 1975. The total benefits flowing directly to the state and local governments would be large—$900-million.

4. *Eliminating tax preferences for oil, gas and other natural resources.* The long-criticized system of percentage depletion allowing deductions far in excess of actual costs incurred, should be abolished. If phased out equitably, this reform would generate $1.4-billion of additional revenue in 1975.

Intangible drilling, development and exploration costs should be required to be capitalized where producing properties result from the outlays. This step would by 1975 add another $800-million annually to our revenues.

A 1969 Treasury Department study proved how wasteful these subsidies are. The $1.5 billion in oil tax preferences produced only a 10% or $150-million increase in investment.

A properly conceived Federal energy policy should replace the present scattershot tax subsidy. If subsidies are found necessary *they should be adopted outside the tax system* and directed as specifically needed.

5. *Reducing depreciation allowances.* The recently added ADR provisions of the tax law permit businesses to increase depreciation allowances by 20% in excess of industry guideline rates, which themselves are excessively generous in that they produce faster write-offs than average industry experience. The result has been an unjustified and indefensible tax reduction for large businesses. In the interests of simplification and administrative convenience, taxpayers should be permitted to use the industry guidelines as a matter of right. However, the new 20% leeway should be abolished for all but small business and independent farmers and the guidelines reexamined and tied to average experience (instead of to the present 30% of taxpayers who depreciate their assets the fastest.)

These corrections to business depreciation would add revenues of $4.2-billion in 1975.

6. *Revision of the investment credit.* The investment credit has proved a useful device in the past for stimulating business investment and should be retained for individual enterprise and family farms. But for larger concerns it should be limited to net increases in investment instead of rewarding, as it does now, investment which would have been made without the incentive of the credit. An adjustment reducing the revenue loss by 1975 is a reasonable goal.

An adjusted credit allowance in 1975 should produce at least an additional $2.5 billion of business taxes, leaving about $1.5-billion of credits.

7. *Eliminating real estate investment tax shelters and special amortization provisions.* At present, real estate investors are provided with tax write-offs and allowances which are accurately known as "tax shelters". Elimination of these subsidies encouraging excessive investment in such properties as commercial buildings, offices, shopping centers and luxury apartments, is an essential reform. The Senator favors a program of Federal subsidies for low income housing outside the tax system and as part of a well conceived housing bill will provide stimulus where needed.

In addition, various rapid amortization provisions brought into the law since 1969 have created further incentives for the formation of "tax shelter syndicates" for high bracket taxpayers. These should be repealed for future ventures. While these provisions should not have been enacted in the first place, it would be unfair to penalize investors who have relied on them. If there is a meritorious case for some subsidy in any of these areas, this can be efficiently handled through direct expenditure programs rather than through tax deals for the wealthy.

This series of recommendations would add an estimated $1.1 billion to revenues in 1975.

8. *Repeal special treatment for income earned abroad.* Last year, corporations engaged in foreign export were granted a special tax deferral (called DISC) on half their earnings, which may be perpetuated indefinitely and thus amounts to a virtually permanent tax reduction. The measure is ineffective and indefensible and should be repealed promptly.

Controlled foreign subsidiary corporations are frequently used to defer all U.S. tax on their earnings for long periods of years. Provisions enacted in 1962 to reach some cases should now be extended so as to tax U.S. parent shareholders on their share of all profits of their controlled foreign subsidiaries.

The basic provisions relating to the foreign tax credit allowed for taxes paid abroad should be retained but should be tightened and revised to eliminate excessive allowances and abuses now producing unacceptable reductions in effective rates of taxation.

These improvements in our treatment of American business conducted abroad will produce more neutral and evenhanded taxation as compared with taxes placed on domestic business enterprises. In 1975 this series of tax reforms will produce some $1.3-billion in added revenues.

9. *Eliminating "tax shelter" farm losses.* Wealthy non-farmers today often invest in farm properties as tax shelters. Deductions available to farmers are used to offset high bracket non-farm income. This is a threat to real farmers and causes a distortion of true farming activities and unsound competition for farmland.

The Senator recommends a provision similar to the Metcalf bill which would prevent farm losses in excess of $15,000 from being deducted against non-farm income. This will not affect real farmers but will end "tax shelter" for white collar "farmers."

The revenue yield from this reform is estimated at $100-million a year.

10. *Strengthen the excess investment interest provision.* Many wealthy taxpayers today use borrowed money to make non-income producing capital investments and deduct the investment interest from other income, thus deferring or totally escaping tax on such income. The only limit today on this practice is to disallow half of the interest in excess of investment income and then only above $25,000 annually.

The $25,000 exemption should be reduced to a $1,000 level and otherwise investment interest should be deductible only against investment income.

This reform will increase revenue by $300-million a year.

11. *Revision of death and gift taxes.* Our present estate and gift taxes are imposed on estates of decedents and on persons making lifetime gifts. The structure is riddled with loopholes and inequities. Moreover, the gift tax is not integrated with the estate tax, but operates as an ineffectual separate element in taxing transfers of wealth. Various trust devices also permit very large estates to skip generations with no tax. In some instances estates may escape any tax for a hundred years. On the other hand, an estate left wholly to a surviving spouse may be twice taxed in relatively few years. There are other gross defects in the system.

The Senator recommends that these taxes be replaced by a single accessions tax, imposed on recipients of property, this being the most appropriate way of measuring ability to pay and assuring fairness. This integrated accessions tax would remove generation skipping devices, but would not apply to transfers to spouses. It would provide generous exemptions for moderate sized receipts of transferred property. This new tax, because it creates more taxpayers and splits estates so that it require a new structure of rates and exemption which will require careful detailed statistical study in the early days of the new administration.

This much improved and fairer transfer tax ssytem would significantly increase revenues in the long-run. In social terms it would be a much better tax system, aimed directly at avoiding unduly high concentrations of wealth, while permitting more adequate provisions for spouses and very fair allowances for descendants.

CONCLUSION

These reforms will make available, for our urgent Federal programs and needs, over $22-billion annually. Even more important, by closing the present loopholes and eliminating the shelters, they will give a sense of assurance to hard pressed lower and middle income taxpayers that they are not bearing an unfair and disproportionate share of the costs of government services and programs. No assurance is more essential for a healthy domestic economy. And a significant portion of these revenues can and should be used to reduce the taxes on the overburdened average citizen.

The Senator's short term proposals are contained in his testimony before the House Ways and Means Committee today.

SELECTED TAX REFORM ESTIMATES, CALENDAR YEAR 1975

[In billions of dollars]

	Individuals	Corporations	Total
Full inclusion of capital gains gains (top rate of 48 percent)	7.0	1.0	8.0
Tax unrealized gains at death (top rate of 48 percent)	4.0		4.0
Provide option to issue taxable municipals	−.1	−.2	−.3
Eliminate percentage depletion tion and capitalize intangible drilling expenses	.5	1.7	2.2
Repeal ADR and revise depreciation guidelines	.8	3.4	4.2
Remove real estate shelters and repeal special amortization for low-income housing, etc	.9	.2	1.1
Repeal DISC and other features granting preferential treatment on foreign income	.1	1.2	1.3
Revise tax treatment of farm losses	.1	(1)	.1
Strengthen excess investment interest provision	.3		.3
Convert investment credit to net investment credit	.4	2.1	2.5
48 percent top bracket individual income tax rate [2]	−1.4		−1.4
Total	12.6	9.4	22.0

[1] Less than $50,000,000.

[2] Revenue loss for reduction of tax rates on noncapital gain income.

THE CASE OF THE FORT WORTH FIVE—THE DEPARTMENT OF JUSTICE PERPETUATES A GRAND JURY ABUSE

Mr. KENNEDY. Mr. President, earlier this week, I received a letter on the case of the Fort Worth Five from Mr. Henry E. Petersen, Assistant Attorney General in charge of the Criminal Division in the Department of Justice. Mr. Petersen's letter was in reply to my inquiry of May 3, protesting the harsh treatment inflicted on these five Irish Americans, who are now in their eighth month of imprisonment in what is widely regarded as an abuse of the grand jury in Fort Worth, Tex.

Originally, the Fort Worth grand jury investigation was carried out under the supervision of the Internal Security Division of the Justice Department. Earlier this spring, however, that division was folded into the Criminal Division. Thus, there was an opportunity for a fresh look at the circumstances of the case, and it was my hope, in writing to Mr. Petersen, that he would embrace the opportunity and enable the Justice Department to do justice in this case.

As his reply makes clear, however, the hope was in vain, and the unjust imprisonment of the Fort Worth Five apparently must go on—I say "apparently," because pending legal motions in the Federal courts may yet result in their release.

The most serious defect in Mr. Petersen's reply is that it is not responsive to the specific question as to why these five individuals were called before the grand jury in Fort Worth. Granted, on the basis of the information now provided by Mr. Petersen and previously made available by the Department of Justice, there appears to be ample justification for the Department's decision to convene a grand jury in Fort Worth to investigate the shipment of arms to Northern Ireland.

But the separate question, still unanswered, is why the Fort Worth Five themselves were required to travel from New York to appear before that grand jury. To be sure, Mr. Petersen notes his regret that the case has given the appearance of being an investigation of matters totally related to New York. But this expression of "prosecutor's regret" is not much comfort to the Fort Worth Five. Mr. Petersen's position has a hollow ring, because his letter does nothing to dismiss the appearance he so readily admits and so readily regrets.

In view of the national interest aroused in this case, and, more to the point, in view of the long incarceration of these five individuals for no apparent valid law enforcement purpose, it is not too much to say that the case demands a better justifiction.

In a crucial paragraph of his letter, Mr. Petersen refers to the Department's belief that the Fort Worth Five "and other New York witnesses" subpenaed before the grand jury had information about the investigation. And therein lies the appearance of injustice. The Department subpenaed 12 Irish Americans from the New York City area to Fort Worth, but only five—the Fort Worth Five—were called before the grand jury. The seven others, including a number of high officials of the Irish Northern Aid Society, were discharged from their subpenas and were never required to appear before the grand jury.

Because Mr. Petersen fails to distinguish in his letter between the Fort Worth Five and the other seven subpenaed witnesses, the inference is obvious that it may well be the other witnesses who were thought to have information about the Texas transaction under investigation, not the Fort Worth Five, and that the Department of Justice is now hiding behind the other seven witnesses in an effort to justify its treatment of the Fort Worth Five. Certainly, the Fort Worth Five have repeatedly denied any contacts or associations with Texas. And, the questions asked them by the grand jury show no specific concern with Texas, but total concern with people and events in New York. To this day, there is no indication that the Texas grand jury is pursuing its investigation, or has pursued it at any time over the many months since the impasse over the Fort Worth Five originally developed.

To me, the obvious solution to dispel the appearance of gross injustice in this case is to discharge the Fort Worth Five from their subpenas in Texas. If the Department of Justice really wants their testimony, it should subpena them before the New York grand jury investigating the very same New York matters about which the Fort Worth Five were questioned in Texas.

But so far the Department of Justice has failed to take this obvious step, a step that could bring simple justice to the case and dispel the appearance of a cruel injustice.

Mr. President, on June 15, at page S. 11262 of the RECORD, I discussed this case in greater detail. I now ask unanimous consent that my exchange of letters with Mr. Petersen may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 3, 1973.

Hon. HENRY E. PETERSON,
Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C.

DEAR HENRY: Knowing of your current heavy responsibilities in the Watergate and Ellsberg investigations, I hesitate to write on a separate topic at this time, and I would not do so unless I believed that a serious injustice is taking place at the hands of the Department in the case of the Fort Worth Five.

This week, the five Irish-Americans imprisoned in the Federal correctional institution at Seagoville, Texas passed another unhappy milestone in their long incarceration. They have now been imprisoned for a total of six months for civil contempt arising out of their refusal to testify before a Federal grand jury in Fort Worth investigating the shipment of arms from this country to Northern Ireland.

For your information, I am enclosing a copy of the hearings held on the case last March by House Judiciary Subcommittee No. 1. The volume sets out the factors in the case in great detail, especially (1) the questionable circumstances requiring these five New York residents to appear in Fort Worth when they could just as easily have been called before a grand jury sitting on a closely related investigation in New York City; and (2) the difficult new questions arising out of the O'Gara indictment in New York, issued subsequent to the subpoenas to the Fort Worth Five.

It is my hope that in the near future, you will have the opportunity to personally review the circumstances of the case, and to determine whether the continued imprisonment of the Fort Worth Five is justified.

To my knowledge, six months' confinement for civil contempt is virtually unprecedented. At the very least, I feel they should be discharged from contempt in Texas and called before the grand jury in New York, if the Department genuinely believes they have information of value to any current investigation. Surely, whatever the merits of their initial confiement, the changed circumstances of the case make the continued incarceration of these men in Texas unduly harsh and unjust. Now that you yourself have a new responsibility for oversight of this investigation, I hope you will take action to review the case and ensure that justice is done.

Sincerely,

EDWARD M. KENNEDY.

JUNE 25, 1973.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in further response to your letter of May 3, 1973, regarding the five individuals who have become known as the "Fort Worth Five" and have been incarcerated in the Northern District of Texas for contempt of court. In my last letter to you I promised that I would reexamine this whole investigation and the treatment of these witnesses, in light of the concern that you had expressed.

During the latter part of 1971, the Federal Government received information from several different sources indicating that individuals with Irish accents were attempting to purchase large quantities of firearms. Coincidently, about the same time Customs officials in Ireland uncovered a large shipment of firearms and grenades aboard the Queen Elizabeth II which had sailed from New York. These firearms and grenades were traced to sources wtihin the United States. In the same time frame, late 1971, the Government received information from one source in New York and one source in Texas that sympathizers of the Irish Republican Army were attempting to make a large purchase of weapons and grenades from Mexican sources through a Texas contact. Investigation by Bureau of Alcohol, Tobacco and Firearms of the Treasury Department developed leads on several individuals, some of whom were known only by their aliases, who had attempted to arrange a large procurement of weapons for a very considerable amount of money. The size of the proposed buy indicated that these individuals were central figures in a gun running ring.

A grand jury was convened in Texas to seek indictments against the Texas contact in this investigation, the unidentified persons who were seeking to arrange the gun purchase, and to develop information regarding what appeared to be a nation-wide conspiracy to violate federal firearms laws by IRA sympathizers. In this regard individuals from New York were summoned to testify, because information had been developed as to their association with various groups and individuals attempting to purchase weapons illegally. Texas was chosen as the venue in the expectation of prosecuting Texas defendants and other figures, who, at that time, had appeared in Texas in connection with their illegal activities.

Five of the witnesses from New York, now commonly refered to as the "Fort Worth Five", and other New York witnesses were subpoenaed before the grand jury because the investigation at that point indicated that they may have had information about this transaction and related ones. The Government was seeking from them whatever information they had relevant to the investigation. They were protected from prosecution relating to these events by a grant of immunity.

Contrary to suggestions made in the recent congressional hearings on this matter, the investigation by the Grand Jury in Texas was not a fishing expedition, merely probing into possible violations in other districts. Rather, it was an investigation of the first large-scale illegal purchase of weapons as to which the Government had received advance information. At the time these witnesses were subpoenaed, the Government already had information which indicated that these witnesses also were involved in or knew of violations in New York. This information was obtained independently and not as a result of the Texas Grand Jury, and those criminal violations have subsequently been prosecuted in the Southern District of New York. In the latter part of 1972 two licensed firearms dealers were prosecuted federally and convicted for selling firearms and failing to keep records. Another individual, James O'Gara, was also indicted federally for the purchase of weapons by means of false statement and false identification. The indictment against O'Gara alleges that he used the identification of several of the Fort Worth Fve and others to purchase weapons illegally. O'Gara is also charged with illegally shipping weapons to Ireland.

It is regrettable that this case has given the appearance of being an investigation of matters totally related to New York, which were being investigated in Texas at the Government's convenience. We also regret the hardship that it may have caused to these five New York individuals. It was hoped that they would come forth with the information they had on the criminal violations or, if they had none, deny having any.

Senator, members of my staff and I have thoroughly considered this matter. Concededly, it is a matter of severe hardship. This is indeed a tough, and some say dirty, business. We are really not in a position to add to the personal well being of those who are allegedly in violation of the law. Whatever satisfaction we get from the pursuit of our obligations must come from a grander realization of the ultimate objectives of the pursuit of truth and the satisfaction that we are objectively enforcing the laws of the United States. This in particular is a difficult case. There is a great deal of emotionalism involved.

I am reminded of a comment of your brother when he left here, when he said: "I am simply tired of chasing people." I sometimes feel that way too. Be that as it may, I feel I must support the judgment of my staff and pursue this matter. While I recognize the hardship involved, you must also recognize that the witnesses have been contumacious, that they are in a position to secure their release, that they can testify if they choose to do so and it would be ill advised for the Government to be more considerate of their welfare than they are of their own well being.

For your information, grand juries in Philadelphia and San Francisco have also conducted probes into the overall conspiracy and firearms violations involved in gun running between the United States and Northern Ireland. Several individuals have pleaded guilty to indictments which have been returned. Most of these firearms and explosives were procured and exported in violation of our laws. The Bureau of Alcohol, Tobacco and Firearms has a continuing active investigation under way into the overall conspiracy. The Department of Justice also has a duty to continue its efforts to identify and prosecute the perpetrators of these criminal acts.

In sum I hope it isn't trite but this matter seems to me to call for the old adage of "hate the sin and love the sinners." In that context I can say I feel sorry for the persons who are involved but confident that the Government's actions have been proper.

Sincerely,

HENRY E. PETERSEN,
Assistant Attorney General.

SOVIET JEWRY AND GENERAL SECRETARY BREZHNEV VISIT

Mr. JAVITS. Mr. President, in view of the very great interest in the recent visit of Soviet Communist Party General Secretary Leonid Brezhnev—and the concern within the Congress and our Nation over the plight of Soviet Jews—I wish to make available to the Senate the transcript of my interview on "Face the Nation" on June 24, 1973.

As the Senate knows, General Secretary Brezhnev met with a group of Senators and Congressmen on June 19. In connection with that occasion there was discussed the deep humanitarian issue of the plight of Jews in the Soviet Union. As is well known throughout the world by now, there is much documentation and evidence of Jews in the Soviet Union who wish to immigrate to Israel and have not been allowed to do so that in many instances the mere display of interest in emigration can provoke persecution, harassment and other retaliatory sanctions upon the heads of the long-suffering Jews of the Soviet Union.

Indeed, in the Senate where 77 members of this body have joined hands in sponsoring the Jackson amendment, in the House over 280 members have joined in the Mills-Vanik bill, which conditions the granting of economic benefits to the Soviet Union by our Government upon a satisfactory resolution of this emigration issue. Accordingly, I ask unanimous consent that the transcript of my "Face the Nation" interview be printed in the RECORD at the conclusion of my remarks.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION

(As broadcast over CBS television and CBS radio, June 24, 1973)

Guest: Senator Jacob K. Javits, Republican of New York.

Reporters: George Herman, CBS News; Marquis Childs, St. Louis Post-Dispatch; Bruce Morton, CBS News.

GEORGE HERMAN. Senator Javits, during the Nixon-Brezhnev talks, something like eight agreements have been signed despite claims that this was rather a bad time for the visit. In principle, do you think something really moved during this visit, or is it a lot of showmanship and window dressing?

Senator JAVITS. Well, I think what moved is the evidence of the fact that the Soviet Union wants to get together with us on as much as possible, and it simply certified what we already knew, that they are very interested in detente and that Mr. Brezhnev was here essentially on a sales job, and especially in the economic field where I think the Soviet Union feels the pinch the greatest. And what we have to decide is what he's prepared to give for what will be for a long time help to them, rather than particularly to us. The little carrot of gas and petroleum, which they might send here, will take some years to deliver. It's very valuable but it will take some years to deliver. In the meantime, billions of investments, which will be located on the ground in the Soviet Union, must be made by the United States. Now that's going to be fixed there, and not movable, and we have to invest much more than we're going to get back, I would say for a minmum of five years.

ANNOUNCER. From CBS Washington, Face the Nation, a spontaneous and unrehearsed news interview with Senator Jacob Javits, Republican of New York. Senator Javits will be questioned by CBS News Correspondent Bruce Morton, Marquis Childs, syndicated columnist for the St. Louis Post-Dispatch, and CBS News Correspondent George Herman.

HERMAN. Senator Javits, as you look at the hammer and sickle in the red flag floating over the White House grounds, you must have sort of thought to yourself, now who's selling whom what, who's doing what to whom? How did it turn out?

Senator JAVITS. Well, I think Mr. Brezhnev is selling us primarily and I think we are demonstrating in respect to trade and the discussion held with him at luncheon by senators this week a fidelity to the principles of conscience, especially in respect to the immigration from the Soviet Union, including so importantly the immigration of Jews from the Soviet Union, which has characterized our country. You know, so many of us tend to forget our primary history. As far back as Martin Van Buren in 1840 we made the first of many declarations by successive presidents, including Nixon, against the persecution of Jews and other minorities. This is a tenet of our country, and I didn't get in the Brezhnev discussion any idea that he understood that. And he's kind of a pragmatist. We've got a lot to sell, says he, a lot of assets. You've got a lot of money and a lot of technology, we need it, so let's go, why fool around with things that trouble peoples' conscience, like persecution.

CHILDS. You were a leader in those discussions of the congressmen with Mr. Brezhnev. Do you feel he was deliberately lying to you about the small number of exit visas granted to Jews in the Soviet Union?

Senator JAVITS. I don't believe he was deliberately lying. Mr. Brezhnev is a very important statesman and figure, and if he were it would be most ungracious to say so, and I don't believe he was. He was quoting their case, their figures, which is the whitewash for the Soviet Union, because he said they'd given say 60,000 visas in 1972. About 32,000 are accounted for as having gotten into Israel in that time.

So there is an order of magnitude established. He himself admitted that they had serious disputes about some 740, of whom 150 were continuing to be held in the Soviet Union for alleged security reasons. Well, everybody knows in the Soviet Union everything is state security, that a fellow who's a technician on research in pots and pans is in state security too. The answer is that it's strictly arbitrary, that thousands are scared from applying because the penalty is ostracism or imprisonment and the loss of your job and Siberia and a psychiatric ward somewhere, especially the intellectuals and the educated, because the Soviet Union, though it signed the Declaration of Human Rights, which says people have a right to leave a country, just as we did, believe that they have a right to hold on to people. That's statism, that's their whole concept, and lacks the conscience to realize you can't do it in this world, especially to a people who have lost one-third their number in the holocaust of exactly what dictatorship means in World War II.

MORTON. Senator, if you think it would be ungentle to call Mr. Brezhnev a liar, you would, I take it, agree with Henry Jackson's description of his figures as wrong and misleading?

Senator JAVITS. Yes.

MORTON. So you're unchanged in your support of the Jackson amendment which would deny trade concessions to the Russians?

Senator. JAVITS. Let me put it this way. I am resolute in the support of the proposition that trade concessions so much loaded in favor of the Soviet Union should be coupled with the demands of conscience by our country, which is represented at this time by what is called the Jackson amendment. The real issue, however, is the substance of the Jackson amendment. Shall the Russians get what they want in trade, to wit, most favored nations treatment, and in credits from the Export-Import Bank and others to the tune of billions, unless they meet this call of conscience and let these people go who are being persecuted for the sole reason that they want to be let go? So I'm resolute, and I believe 77 senators and 284 congressmen are resolute behind that proposition, and I would treat Mr. Brezhnev's explanations as proposals—that's really what they are. He no longer argues this was an internal matter for the Soviet Union. He jettisoned that one fast.

Herman. Well, if you're all resolute, then you're saying that his salesmanship failed?

Senator Javits. Well, you can't tell what he thought he would get out of it. Maybe in his eyes, it succeeded. And that's why I'm on this program, because a lot of facts need to be known.

Herman. How do you mean—he may have thought that it succeeded?

Senator Javits. Because he was able in a very great public forum to make himself appear very agreeable and to give these figures about the fact that 95 percent of those who apply are given the visas. One, those figure are, as Jackson said properly, misleading and inaccurate, but beyond that it doesn't take account of the persecutions and the thousands, including some six scientists who are on a hunger strike right now, who were persecuted for the sheer matter of applying.

Herman. But I'm trying to get back to your idea of how he may have succeeded. Do you mean that because he appeared in this public forum, you may get now a lot of mail, and all the senators and congressmen may get a lot of mail pressuring you to abandon your position? How has he gained?

Senator Javits. I doubt that. In my judgment, he may have gained with his own colleagues in the Kremlin, who may consider that, with a very bad case, he tried to put a good face on it. Now just let me finish my thought this way. He made proposals, in my judgment, and as I say jettisoned the idea that this is an internal matter and you can't even talk about it. That was their position for a long time. So that's real progress. And then a great many visas are being granted; the most important ones, the most leading applicants, are not being granted visas. They are the refused and they and their families are suffering, and the horror stories appear every day in our press. But personally I invite further proposals from the Soviet Union. There is nobody in this list of senators and congressmen who doesn't want detente and who doesn't want a trade deal as much as Mr. Brezhnev, but it must be made possible to the American conscience, so I invite further proposals which will make it possible.

Childs. But, Senator, if the Jackson amendment passes and you support it so ardently, as you've just made plain, doesn't this kill what you've been referred to as detente entirely?

Senator Javits. It may not.

Childs. How do you mean, it may not?

Senator Javits. Because nobody knows what the Russians want really and what will enable them to go forward. Now let me illustrate that. Really, most favored nations treatment doesn't mean much to them because they're not going to be selling much to the United States that's under tariffs. For example, gas is relatively unaffected by most favored nation. They want that as a matter of dignity and respectability. What they really want are large-scale credits. Well, they may find some way of doing without them if they have to. So one doesn't know really what's going to kill this deal, but I agree with you that the American people and the senators and congressmen concerned must be prepared in good conscience to assume that even if it killed the deal, it's still worthwhile in terms of somehow or other letting the Russians know that you can't deal with the world and still have the cynicism, the injustice, and the persecution for which they are responsible in this case.

Morton. Senator, isn't that kind of a dangerous precedent? How do you react then if other countries tell us that we will only sell you goods if you change this policy or that policy—if the Arab states say we will only sell you oil if you change your policy towards Israel? Aren't you getting into a very swampy area?

Senator Javits. I don't think so, Bruce, and I'll tell you why. Because every country has a right to tell us what they please, and we have a right, in accordance with our historic traditions and I've just pointed out it starts back in 1840, goes through successive presidents, Taft, and Rutherford Hayes, and Nixon and many presidents have taken—as a matter of fact, Taft cancelled a treaty with the Soviets because of persecution of Jews. But to continue—any nation has a right to tell us that about blacks or about other minorities or about U.S.-Israel relations, et cetera. We don't have to buy it. Neither do the Russians. They don't have to buy it either. That doesn't prevent a nation, which feels in conscience that this is the representation it ought to make, from making it, and that's the position of our country, and it's completely compatible with our history.

In addition, as I say, that nobody has any assurance that these dire predictions, which the Russians count on—that's how they think they're going to break this up, because we're going to be afraid. that we're going to be concerned, that we're going to be—think they're going to back away from a trade deal. Well, they've come forward a great distance in this manner with the very figures which Mr. Brezhnev cites, which doesn't indicate that they're about to break off because they have to go a good deal further.

Childs. But if I read the Jackson amendment correctly, he demands the right of everyone to immigrate from the Soviet Union—Latvians, Ukrainians, whatever——

Herman. And any other country.

Childs. Any other country. Isn't that, in effect, asking the Soviet Union to change its system? It might be a desirable end but how can we make a demand like that?

Senator Javits. Well, Marquis, it may be in effect asking the Soviet to change its system, but the proponents of the Jackson amendment, in my judgment, don't have their feet set in concrete. It's perfectly true that this shouldn't be confined to the Jews alone—it should be confined to any persecuted minority, though the American people can understand it very well, considering what the Jews have gone through and the dangers to them from the traditional anti-Semitic history of the Soviet Union, and from show trials on money blackmail—we've just concluded that—and from the persecutions which are going on in this immigration matter. So I don't believe that this is asking more than the Russians can and should do. Now no one wants to insult them, no one expects them—Mr. Brezhnev—to sign a letter saying he's repealing the law because of the agitation in the United States. But having come forward as far as they have, I'm deeply satisfied that they can come forward further. And that what change that means in the Russian system will be very good from the point of view of U.S.-Soviet detente and assure that the detente will be bona fide and will really be followed through. It has a very great measure of assurance to us that detente will really be meaningful.

Herman. Senator Javits, the whole subject of the Brezhnev visit is much broader than simply the Jackson Amendment. For example, a principles on a Strategic Arms Limitation Agreement was signed, to guide our negotiators; Peaceful Atomic Energy Uses Bill was signed, just 20 years after the execution of the Rosenbergs for giving nuclear science secrets to the Russians; Provocative Acts Agreements were signed. Who is giving way here, or is this a fair and even, mutual agreement? Is one side getting the better of these agreements?

Senator Javits. I don't think so. I think in this respect, both sides are getting a very fair and honorable shake. You will remember that I was one of the most ardent supporters of the Nuclear Test Ban Treaty for that reason, and of the treaty respecting the ABM. No one hopes better than I that all these things will go forward, and that the concept of nuclear parity, which is what animates all of this, will result in both sides agreeing to lower the table stakes. Let us remember there are only two super powers, with great atomic weapons. They're making the stakes; they can also reduce them. Indeed, the big tradeoff in respect of trade, which the Soviets want a lot more than we, will be what they're ready to do, really. These agreements are good; I thoroughly welcome them.

Herman. Have they been over-emphasized, because there really is not an awful lot of content to them yet?

Javits. They're promises, but they're promises which are very interesting in view of the Test Ban Treaty and the ABM Treaty. After all, there's been some performance. Think of the boon to mankind if there can be a measurable cut in the costs of nuclear weapons preparation in this country, and in the Soviet Union, for that matter. I mean, we don't wish them ill, so I welcome that very much and feel it should be greatly forwarded and that it's a good tradeoff if we can work something out compatible with our conscience on trade.

Morton. Senator, I think there's a rule in Washington these days that you can't have a program this long and not ask about the Watergate.

Sen. Javits. That's the rule. (Laughter)

Morton. I wonder, as a man who's up next year, who's running for re-election in '74, is the Republican Party wounded, or is it just the President? How do you assess that?

Sen. Javits. Well, certainly the Republican Party must be hurt by the fact that its administration is put in this kind of jeopardy, and no amount of saying the Democrats did the same thing is going to negate the fact that we are hurt. At the same time, I think we start with such tremendous assets as, for example, a totally new world situation respecting the hopes for peace, including the People's Republic of China, as, for example, the end of Viet Nam, albeit with a lot of loose ends, including the deplorable bombing in Cambodia, but still our people are out, our POWs are back, and so on, and hopefully, if the President keeps his chin up and really applies a new Phase 4, with the hope of abating the inflation—now, with all those assets, in which I think we're very superior to the Democrats, I don't expect—quite aside from my independence and the fact that New York looks at me as—for what I am as an individual senator—I don't expect to be disadvantaged at all by the Watergate situation.

Childs. In the context of the Brezhnev summit, do you feel this has been a big boost for President Nixon's stock in public opinion?

Sen. Javits. I think it's been a boost in public opinion, but he suffers, as Bruce has just said, from the doubts raised by Watergate, and I would hope that he will—first, that the Senate investigation will be gone through with to the end, no matter who it reaches—same with the prosecutions, and that the President will come out O.K., but all of this has got to happen, and it's going to be very much a breaker.

Childs. Do you feel that he's indifferent to the plight of the Soviet Jews in Russia on this immigration issue?

Sen. Javits. No, no. I don't think he's indifferent at all, but I think with President Nixon it's a matter of orders of magnitude and what he thinks is the major priority, and naturally a fellow who is on the threshold of a big deal would like to close it, and the President is on the threshold of a big deal and he'd like to close it, and he gets a little irritated perhaps—I don't think he is in this case—with what might be standing in the way. But I've been in lots of big deals myself, and most of them you find a way to deal with what's standing in the way, and I think that's very likely to happen here if we continue to be resolute in our purpose.

Herman. You seem to indicate that you feel that President Nixon has been somewhat damaged, somewhat injured by the Watergate case. Do you feel the presidency has been injured by it? Is there now a weaker presidency than there was two years ago, three years ago?

Sen. Javits. I believe that—you remember that I'm the author of the War Powers Act too.

Herman. Right. I was subtly leading you in that direction.

Senator Javits. So I'm all for a much bigger partnership by Congress in this awful decision about making war, but aside from that, I think whether or not the presidency is weakened will depend on what happens now with Mr. Nixon's future. I believe that if he does his job, as he's doing it with Brezhnev, in a historic way, the president needn't—the presidency need not and will not be damaged. This country will not be dismantled; neither will the Republican Party.

Herman. Is he doing it equally well with the economy?

Senator Javits. He doesn't—he's not doing it as well with the economy, in my judgment, but he is capable of doing it. He showed that by imposing another freeze; if he really gets a hold on food prices in Phase 4, then I think he has an excellent chance to do well with the economy too, so on balance, I would say damage to the presidency remains in the balance, but I don't think it's going to happen, and even the President's historic position. He has an excellent chance to buttress, affirm and strengthen.

Morton. What should he do about the Watergate? Should he make another speech? Should he have a press conference? Should he stand on what he said up until now?

Senator Javits. In my judgment in Watergate he has made whatever record he can make. Maybe if I were he I would have started very differently and done what he did months and months ago, but he didn't. Now, in my judgment, he's got to withhold executive privilege or any barrier whatever to the most complete exploration of the facts by the Senate investigation and by the courts—pull nobody out, pull no punches, and meet whatever questions are asked of him, and I hope he will. If he does that, I think that's his best chance.

Morton. Senator, I have a kind of philosophical question. As a result of Watergate and the Ellsberg burglary and all of the other disclosures, it has become obvious that governments—not just under this president but going back over the years—have felt they had the right to burglarize, wiretap and generally spy on their citizens in the name of national security. I wonder if Congress ought legislatively to set some sort of limit on the government's right to spy?

Senator Javits. I think we should. I think we're in that respect the defenders of the people, and I've joined in a bill with Senator Ervin, who is kind of a leading figure in this—interestingly enough, he and I were deadly opponents in civil rights, and we're now great allies in civil liberties—very interesting, but I feel we should and must. He's very exercised, and he's right, by the military's activities, in respect of the surveillance of the individual citizen, and I thoroughly agree that Congress must set limits —with intelligence; everything can't be nonsecret. This is still a pretty tough world, but I think we have a very long way to go before we cross that line where we're compromising the security of the nation, which is bandied around as an excuse for a lot of very wrong things, in terms of restraints on individual liberty.

Herman. How about the security of the Senate? Your colleagues in the United States Senate have been indulging in some very talkative behavior during this past week on the supposedly secret testimony of John Dean. What's been going on? Is there a plot?

Sen. Javits. Well, I don't think there are any plots in the Senate, but senators being public figures, generally try to exercise their own judgment as to what they think ought to be kept secret, and they kind of incline to lean over on the side of the public being informed. Frankly, if there are going to be mistakes, I'd prefer them on that side, but to say there are no mistakes would be wrong. I think the Senate ought to use its disciplinary power, which it has on every senator, in order to correct any really serious breach of confidence.

Herman. Has there been such a serious breach of confidence in this?

Sen. Javits. Well, I would not wish to evaluate that. We have an ethics committee which is very capable and willing to do that when a state of facts is called to its attention, and you can't make a show trial if there is no case, but I do believe that the public ought to know that the Senate stands ready, if it's going to have big responsibility, as for example in the matter of war, which is so deeply interesting to me and so many of our people, that it's also going to exercise discipline on its membership.

But let us not assume for a minute the Senate can't keep a secret. Let's not forget the Manhattan Project, all the work of the Joint Atomic Energy Commission, work in the Foreign Relations Committee, of which I am a member, where there isn't a peep or a leak. I would hazard that there are less leaks out of Congress than there are out of the White House.

Childs. Senator Javits, if I can come back for just a moment to the Jackson Amendment, with 77 senators and 285 members of the House, you must be convinced that amendment will pass both houses of Congress.

Sen. Javits. I would not wish to be so arrogant or presumptuous. These are all men who are doing what they think is right or wise, and whatever the final state of facts will be, they will react to. On this record, as we stand now, I'm ready to say yes, it will be passed, but it may—events, to wit, further proposals from, directly or indirectly the Soviet Union, could change that situation, and I don't think we ought to, as I say, have our feet rooted in concrete or give any assumption that we are basically unfriendly to the idea of detente between the United States and the Soviet Union; we are not.

Herman. You talked a little while ago about—I guess you call it Phase 3½, the current freeze and the controls—but are they really going to work in this wise: I notice once again, as you study the figures, that food is not—food production is not increasing at the rate at which it was hoped for, and it's necessary that food should increase so that prices can be kept down. If the freezes discourage farmers, farmers don't produce enough; is the freeze in the long run working, or is it hurting us?

Sen. Javits. Well, the freeze is only sixty days, and freezes never can be said to work. All they do is stop a runaway situation.

Herman. Well, the controls beyond them, then?

Sen. Javits. Well, now, we haven't imposed those yet. Let's take the food prices; I think we have to control food prices, without any question. The question is how. The American people have to resolve that even if they have to have less in terms of choice in the supermarket, they want these prices abated.

On that basis, you can put the controls in, and then you would have to deal with inequities, as for example, we have a big problem with soybean feed, etc., in New York, for cattle and for chickens, where there are big problems—inequities, you see, but if the American people resolve that they prefer controls over food prices, even to the range of choice they now have, then you'll get an adjustment in which they'll * * * production and price. Prices are pretty good, but there are inequities.

Morton. Would you put controls, then on basic farm commodities? I mean you've got this bind now where what the farmers buy to feed chickens, for example, is uncontrolled.

Sen. Javits. I would, I would put farm prices under basic control and correct the inequities which hurt many farmers, including small farmers, and I'd help small farmers financially, if they can't make the grade on that basis, and after a period of trial production will come through, because we're not going to be unfair, and prices are pretty high right now.

Herman. How long are you talking about that you think we may have to administer prices, controls, and really have a controlled economy?

Sen. Javits. I would say—well, I think I would say six months to a year, and that's a mighty cheap price to pay, considering—

Herman. Do you think that's enough?

Sen. Javits. Yes—considering the erosion of confidence in the dollar, which we've seen, but I don't make any promises at the end of that road that you take everything off and you go back to the original status. We will see, but my estimate is six months to a year controlling food prices ought to do it.

Childs. What about gasoline prices? We're already in the midst of a shortage, with the accusation that the big oil companies have whipped this up in order to raise prices. Would you control gasoline prices?

Sen. Javits. I would control gasoline prices like others, but in gasoline it's even more important to allocate fairly and to do an awful lot of things the President's energy message does many et cetera, in terms of big cars instead of little cars and speed limits, and many other problems to conserve energy. That's enough for a Face the Nation itself.

Herman. I noticed a little while ago you talked as though you were a candidate and Bruce mentioned it. Are you in fact a legitimate, official candidate, now?

Sen. Javits. Well, I am not as yet a declared candidate, but I am planning to run for re-election.

Herman. Thank you very much, Senator Javits, for being with us today on Face the Nation.

THE NATIONAL ORGANIZATION OF WOMEN

Mr. MATHIAS. Mr. President, June 28 marks the seventh anniversary of a truly "liberated" organization, the National Organization of Women.

Many will recall that in 1963, Betty Friedan wrote "The Feminine Mystique," which enjoyed tremendous popularity and captured the interest of many women. During the next fey years, in creasing numbers became interested and active in the effort to protect the civil rights of women. In June of 1966, Ms. Friedan and other like-minded women met and agreed that what their movement needed was a national civil rights organization. The result of their meeting was the founding of the National Organization of Women, created to end sex discrimination in education and employment, urge passage of the equal rights amendment, work toward the expansion of child-care centers, and other worthy goals.

On this occasion, it is interesting to note that this year also marks the 50th anniversary of the drafting of the equal rights amendment. To some it may seem as though the question of equal rights for women is a new issue whose adherents are but casual participants in the policymaking process. This is not the case. The women's rights movement has been around for many, many years, and it is my pleasure to have been in the Senate to vote for passage of the equal rights amendment.

Mr. President, I am pleased that the State of Maryland has several active NOW chapters in Prince Georges County, Montgomery County, Howard County, Anne Arundel County, and Baltimore County. These groups have experienced increasing membership growth and activity. I would like to extend to all NOW members my very best wishes today and my hope that the coming years will bring many rewards for this dedicated group.

SENATOR ALAN CRANSTON FINANCIAL DISCLOSURE

Mr. CRANSTON. Mr. President, at the request of the Los Angeles Times I prepared a statement disclosing my assets, liabilities, and net worth as of January 1, 1973, as well as my outside income for 1972 not otherwise publicly disclosed. Since I believe such complete disclosure should be required by law—and not left to the decision of individual Members and candidates—I wish to present these figures to my colleagues with the hope that this action will encourage the favorable consideration of such legislation.

Mr. President, I ask unanimous consent that my financial disclosure statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FINANCIAL STATEMENT—ALAN CRANSTON, JANUARY 1, 1973

Bank accounts, commercial:	
Wells Fargo, San Francisco, Calif.	$6,998
First Western, Los Angeles, Calif.	1,088
Savings:	
Wells Fargo, San Francisco, Calif.	8,142
Westdale Savings and Loan, Los Angeles, Calif.	552
Westdale Savings and Loan, Los Angeles, Calif.	14,043
Sacramento Savings, Sacramento, Calif	11
Total	30,834
Receivable—Loans and Accounts:	
Bernard and Patricia Snyder	5,000
Cecil Weintraub (sale of ranch)	36,932
Jeffrey Edmonds (sale of lot and building)	24,553
Total	66,485
Beneficial interest in a blind trust	2,500
Personal property	5,000
Art objects	2,500
Retirement funds:	
State of California	10,082
U.S. Government	10,469
Total	20,551
Cash value of insurance policies	7,500
Payable—Personal loan Eleanor C. Fowle (sister)	−18,700
	116,670
Net value of real estate	431,130
Net value of total estate	547,800

OUTSIDE INCOME—ALAN CRANSTON, 1972

Net income from rent from business properties	$14,924.62
Honoraria:	
Honoraria in excess of $300 previously reported in Statement of Honoraria filed with the Secretary of the Senate	8,297.00
Brookings Institute	150.00
Bay Cities Savings & Loan League	227.00
Griffin Productions	215.57
Brookings Institute	150.00
State School Officers	250.00
Total	9,289.57
Gifts:	
Eleanor Fowle—donor	$3,000.00
John M. Fowle—donor	3,000.00
Total	6,000.00
Interest income:	
Riggs National Bank	27.20
A. B. Wall (Black Ranch Sale)	1,836.43
Sacramento Savings and Loan	.55
Wells Fargo Savings and Loan	499.41
Westdale Savings and Loan	655.64
Bernie Snyder	314.46
Estate of Carol D. Cranston	66.21
Total	3,408.90
Capital gains from sale of real property	$1,569.84
Articles:	
Articles previously reported in Statement of Honoraria	750.00
American Optometric Association	250.00
National Enquirer	100.00
National Enquirer	100.00
Total	1,200.00
Book royalities (The Killing of the Peace, 1945)	107.72
Total outside income	36,500.65

REAL ESTATE OWNED, ALAN CRANSTON

Description and address	Title	Market value	Mortgage due to—	Mortgage amount	Net value
Lot and building, 505 San Mateo, San Bruno, Calif	Self, wife	$67,500	Wells Fargo, San Francisco	$34,000	$33,500
Lot and building, 115 Main St. Los Altos, Calif	Self	65,000	do	35,000	30,000
Lot and building, 163 Main St., Los Altos, Calif	⅜ self, wife	37,500			37,500
Lot and building, lot 2, building 20, Fort Bragg, Calif	⅓ self, wife	20,000			20,000
Lot and building, 318 University Ave., Palo Alto, Calif	½ self	62,500			62,500
Lot and building 482 San Mateo Ave., San Bruno, Calif	do	50,000			50,000
Ranch, Star Route, Smartsville, Calif	½ self, wife	25,000			25,000
Subdivision No. 2, Thornwood Drive, Sacramento, Calif	Self, wife	76,500			76,500
Co-op apartment No. 112, 2700 Virginia Ave., NW., Washington, D.C	do	100,000	Watergate, Inc. In care of Cafritz, Washington, D.C.	43,500	56,500
Land, Vineyard Properties, Sherman Oaks, Calif	1/60 self, wife	7,335			7,335
Land, Simi-Moorpark Properties, Sherman Oaks, Calif	1/100 self, wife	15,695			15,695
Land and building, Wilshire Properties, Los Angeles, Calif	1/40 self	4,700			4,700
Land, 5-Area Properties, Los Angeles, Calif	1/100 self	4,400			4,400
Lots, Venice Property, construction loan, duplex, Venice, Calif	1/4 self	10,000	Real Estate School of California, Los Angeles	2,500	7,500
Total		547,130		115,000	431,130

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is concluded.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side on the bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 241, 243, 245 through 248, 249, 251, 253, 254, and 256.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

The bill (S. 2079) to amend the Federal Property and Administrative Services Act of 1949, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (j) of section 210 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490), as amended by the Public Buildings Amendments of 1972 (86 Stat. 219), is amended—

(1) by striking the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "except for space and services furnished to the Federal Judiciary or the United States Tax Court."; and

(2) by adding in the last sentence after the comma the following: "or in the case of space and services furnished the Federal Judiciary or the United States Tax Court,".

GRAPEFRUIT MARKETING ORDERS

The bill (S. 1945) to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is further amended by inserting in the first proviso "and Florida Indian River grapefruit" immediately after "with respect to almonds".

CERTAIN OFFICERS AND EMPLOYEES OF THE GOVERNMENT PRINTING OFFICE

The bill (S. 1794) to amend section 308 of title 44, United States Code, relating to the disbursing officer, deputy disbursing officer, and certifying officers and employees of the Government Printing Office, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 308 of title 44, United States Code, is amended to read as follows:

"§ 308. Disbursing officer; deputy disbursing officer; certifying officers and employees

"(a) The Public Printer shall appoint from time to time a disbursing officer of the Government Printing Office (including the Office of the Superintendent of Documents) who shall be under the direction of the Public Printer. The disbursing officer shall (1) disburse moneys of the Government Printing Office only upon, and in strict accordance with, vouchers certified by the Public Printer or by an officer or employee of the Government Printing Office authorized in writing by the Public Printer to certify such vouchers, (2) make such examination of vouchers as may be necessary to ascertain whether they are in proper form, certified, and approved, and (3) be held accountable accordingly. However, the disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which, under subsection (c) of this section, is imposed upon a certifying officer or employee of the Government Printing Office.

"(b)(1) Upon the death, resignation, or separation from office of the disbursing officer, his accounts may be continued, and payments and collection may be made in his name, by any individual designated as a deputy disbursing officer by the Public Printer, for a period of time not to extend beyond the last day of the second month following the month in which the death, resignation, or separation occurred. Accounts and payments shall be allowed, audited, and settled, and checks signed in the name of the former disbursing officer by a deputy disbursing officer shall be honored in the same manner as if the former disbursing officer had continued in office.

"(2) A former disbursing officer of the Government Printing Office or his estate may not be subject to any legal liability or penalty for the official accounts or defaults of the deputy disbursing officer acting in the name or in the place of the former disbursing officer. Each deputy disbursing officer is responsible for accounts entrusted to him under paragraph (1) of this subsection, and the deputy disbursing officer is liable for any default occurring during his service under such paragraph.

"(c)(1) The Public Printer may designate in writing officers and employees of the Government Printing Office to certify vouchers for payment from appropriations and funds. Such officers and employees shall (A) be responsible for the existence and correctness of the facts recited in the certificate or other voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved, (B) be responsible and accountable for the correctness of the computations of certified vouchers, and (C) be accountable for, and required to make restitution to, the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved. However, the Comptroller General of the United States, may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds that (i) the certification was based on the official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (ii) when the obligation was incurred in good faith, the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment. The Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 66 of title 49, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

"(2) The liability of such certifying officers or employees shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. Such certifying officers and employees shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.".

(b) Item 308 contained in the analysis of chapter 3 of such title 44 is amended to read as follows:

"308. Disbursing officer; deputy disbursing officer; certifying officers and employees.".

OFFICIAL GOVERNMENT PRINTING OFFICE SEAL

The bill (S. 1795) to authorize the Public Printer to adopt an official Government Printing Office seal, and to designate employees to administer oaths was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 301 of title 44, United States Code, is amended as follows:

(1) Insert "(a)" immediately before "The President of the United States shall nominate".

(2) Add at the end thereof the following new subsections:

"(b) The Public Printer is authorized to adopt a seal for the Government Printing Office which shall be judicially noticed.

"(c) The Public Printer may designate employees of the Government Printing Office to administer any oath or affirmation of office required by section 3331 of title 5 and any other oath or affirmation that may be required by law or regulations in connection with the operation of the Government Printing Office."

(3) Amend the section caption to read as follows:

"§ 301. Public Printer: appointment; seal; oaths"

(b) Item 301 in the analysis of chapter 3 of such title, preceding such section 301, is amended to read as follows:

"301. Public Printer: appointment; seal; oaths.".

AUTHORITY OF THE JOINT COMMITTEE ON PRINTING

The bill (S. 1802) relating to certain authority of the Joint Committee on Printing, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 111(e) of the Federal Property and Administrative Services Act of 1949 is amended by inserting immediately after "section 602(d) of this Act" the following: "(other than paragraph 18)".

SALARY INCREASES FOR THE POLICE FORCE OF THE LIBRARY OF CONGRESS

The bill (S. 1904) to amend the Act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of August 4, 1950 (64 Stat. 411; 2 U.S.C. 167), is amended to read as follows:

"(a) The Librarian of Congress may designate employees of the Library of Congress as special policemen for duty in connection with policing of the Library of Congress buildings and grounds and adjacent streets and shall fix their rates of basic pay as follows:

"(1) Private GS-7—step one through ten;

"(2) Sergeants GS-8—step one through ten;

"(3) Lieutenant GS-9—step one through ten;

"(4) Senior Lieutenant GS-10—step one through ten; and

"(5) Captain GS-11—step one through ten.

"(b) The Librarian of Congress may apply the provisions of subchapter V of chapter 55 of title 5, United States Code, to members of the special police force of the Library of Congress.

"(c) The amendments made by this Act shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act."

PAYMENT OF INTEREST ON TIME AND SAVING DEPOSITS

The joint resolution (S.J. Res. 128) to provide for an extension of certain laws relating to the payment of interest on time and saving deposits, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966 (Public Law 89-597; 80 Stat. 823), is amended by striking out "June 1, 1973" and inserting in lieu thereof "December 1, 1974".

SUPPLEMENTAL AUTHORIZATION FOR RADIO FREE EUROPE AND RADIO LIBERTY

The Senate proceeded to consider the bill (S. 1972) to authorize supplemental fiscal year 1973 appropriations for Radio Free Europe and Radio Liberty, which had been reported from the Committee on Foreign Relations with an amendment in line 7, after "1973", strike out "such additional or supplemental amounts as may be necessary" and insert "not to exceed $1,150,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948, as amended, is hereby amended to insert the following sentence between the first and second sentence thereof: "There are further authorized to be appropriated in fiscal year 1973 not to exceed $1,150,000 for nondiscretionary costs.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARKANSAS RIVER BASIN COMPACT

The bill (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Arkansas River Basin compact, Arkansas-Oklahoma, 1970, as ratified by the States of Arkansas and Oklahoma as follows:

"ARTICLE I

"The major purposes of this Compact are:

"A. To promote interstate comity between the States of Arkansas and Oklahoma;

"B. To provide for an equitable apportionment of the waters of the Arkansas River between the States of Arkansas and Oklahoma and to promote the orderly development thereof;

"C. To provide an agency for administering the water apportionment agreed to herein;

"D. To encourage the maintenance of an active pollution abatement program in each of the two States and to seek the further reduction of both natural and manmade pollution in the waters of the Arkansas River Basin; and

"E. To facilitate the cooperation of the water administration agencies of the States of Arkansas and Oklahoma in the total development and management of the water resources of the Arkansas River Basin.

"ARTICLE II

"As used in this Compact:

"A. The term 'State' means either State signatory hereto and shall be construed to include any person or persons, entity or agency of either State who, by reason of official responsibility or by designation of the Governor of that State, is acting as an official representative of that State.

"B. The term 'Arkansas-Oklahoma Arkansas River Compact Commission,' or the term 'Commission' means the agency created by this Compact for the administration thereof.

"C. The term 'Arkansas River Basin' means all of the drainage basin of the Arkansas River and its tributaries from a point immediately below the confluence of the Grand-Neosho River with the Arkansas River near Muskogee, Oklahoma, to a point immediately below the confluence of Lee Creek with the Arkansas River near Van Buren, Arkansas, together with the drainage basin of Spavinaw Creek in Arkansas, but excluding that portion of the drainage basin of the Canadian River above Eufaula Dam.

"D. The term 'Spavinaw Creek Sub-basin' means the drainage area of Spavinaw Creek in the State of Arkansas.

"E. The term 'Illinois River Sub-basin' means the drainage area of Illinois River in the State of Arkansas.

"F. The term 'Lee Creek Sub-basin' means the drainage area of Lee Creek in the State of Arkansas and the State of Oklahoma.

"G. The term 'Poteau River Sub-basin' means the drainage area of Poteau River in the State of Arkansas.

"H. The term 'Arkansas River Sub-basin' means all areas of the Arkansas River Basin except the four sub-basins described above.

"I. The term 'water-year' means a twelve-month period beginning on October 1, and ending September 30.

"J. The term 'annual yield' means the computed annual gross runoff from any specified sub-basin which would have passed any certain point on a stream and would have originated within any specified area under natural conditions, without any man-made depletion or accretion during the water year.

"K. The term 'pollution' means contamination or other alterations of the physical, chemical, biological or radiological properties of water or the discharge of any liquid, gaseous, or solid substances into any waters which creates, or is likely to result in a nuisance, or which renders or is likely to render the waters into which it is discharged harmful, detrimental or injurious to public health, safety, or welfare, or which is harmful, detrimental or injurious to beneficial uses of the water.

"ARTICLE III

"A. The physical and other conditions peculiar to the Arkansas River Basin constitute the basis of this Compact, and neither of the States hereby, nor the Congress of the United States by its consent hereto, concedes that this Compact established any general principle with respect to any other interstate stream.

"B. By this Compact, neither State signatory hereto is relinquishing any interest or right it may have with respect to any waters flowing between them which do not originate in the Arkansas River Basin as defined by this Compact.

"ARTICLE IV

"The States of Arkansas and Oklahoma hereby agree upon the following apportionment of the waters of the Arkansas River Basin;

"A. The State of Arkansas shall have the right to develop and use the waters of the Spavinaw Creek Sub-basin subject to the limitation that the annual yield shall not be depleted by more than fifty percent (50%).

"B. The State of Arkansas shall have the right to develop and use the waters of the Illinois River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

"C. The State of Arkansas shall have the right to develop and use all waters originating within the Lee Creek Sub-basin in the State of Arkansas, or the equivalent thereof.

"D. The State of Oklahoma shall have the right to develop and use all waters originating within the Lee Creek Sub-basin in the State of Oklahoma, or the equivalent thereof.

"E. The State of Arkansas shall have the right to develop and use the waters of the Poteau River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

"F. The State of Oklahoma shall have the right to develop and use the waters of the Arkansas River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

"ARTICLE V

"A. On or before December 31 of each year, following the effective date of this Compact, the Commission shall determine the stateline yields of the Arkansas River Basin for the previous water year.

"B. Any repletion of annual yield in excess of that allowed by the provisions of this Compact shall, subject to the control of the Commission, be delivered to the downstream State, and said delivery shall consist of not less than sixty percent (60%) of the current runoff of the basin.

"C. Methods for determining the annual yield of each of the sub-basins shall be those developed and approved by the Commission.

"ARTICLE VI

"A. Each State may construct, own and operate for its needs water storage reservoirs in the other State: *Provided, however,* That nothing contained in this Compact or its ratification by Arkansas or Oklahoma shall be interpreted as granting either State or the parties hereto the right or power of eminent domain in any manner whatsoever outside the borders of its own State.

"B. Depletion in annual yield of any sub-basin of the Arkansas River Basin caused by the operation of any water storage reservoir either heretofore or hereafter constructed by the United States or any of its agencies, instrumentalities or wards, or by a State, political sub-division thereof, or any person or persons shall be charged against the State in which the yield therefrom is utilized.

"C. Each State shall have the free and unrestricted right to utilize the natural channel of any stream within the Arkansas River Basin for conveyance through the other State of waters released from any water storage reservoir for an intended downstream point of diversion or use without loss of ownership of such waters: *Provided, however,* That a reduction shall be made in the amount of water which can be withdrawn at point of removal, equal to the transmission losses.

"ARTICLE VII

"The States of Arkansas and Oklahoma mutually agree to:

"A. The principle of individual State effort to abate man-made pollution within each State's respective borders, and the continuing support of both States in an active pollution abatement program;

"B. The cooperation of the appropriate State agencies in the States of Arkansas and Oklahoma to investigate and abate sources of alleged interstate pollution within the Arkansas River Basin;

"C. Enter into joint programs for the identification and control of sources of pollution of the waters of the Arkansas River and its tributaries which are of interstate significance;

"D. The principle that neither State may require the other to provide water for the purpose of water quality control as a substitute for adequate waste treatment;

"E. Utilize the provisions of all Federal and State water pollution laws and to recognize such water quality standards as may be now or hereafter established under the Federal Water Pollution Control Act in the resolution of any pollution problems affecting the waters of the Arkansas River Basin.

"ARTICLE VIII

"A. There is hereby created an interstate administrative agency to be known as the 'Arkansas-Oklahoma Arkansas River Compact Commission.' The Commission shall be composed of three Commissioners representing the State of Arkansas and three Commissioners representing the State of Oklahoma, selected as provided below; and, if designated by the President or an authorized Federal agency, one Commissioner representing the United States. The President, or the Federal agency authorized to make such appointments, is hereby requested to designate a Commissioner and an alternate representing the United States. The Federal Commissioner, if one be designated, shall be the Chairman and presiding officer of the Commission, but shall not have the right to vote in any of the deliberations of the Commission.

"B. One Arkansas Commissioner shall be the Director of the Arkansas Soil and Water Conservation Commission, or such other agency as may be hereafter responsible for administering water law in the State. The other two Commissioners shall reside in the Arkansas River drainage area in the State of Arkansas and shall be appointed by the Governor, by and with the advice and consent of the Senate, to four-year staggered terms with the first two Commissioners being appointed simultaneously to terms of two (2) and four (4) years, respectively.

"C. One Oklahoma Commissioner shall be the Director of the Oklahoma Water Resources Board, or such other agency as may be hereafter responsible for administering water law in the State. The other two Commissioners shall reside within the Arkansas River drainage area in the State of Oklahoma and shall be appointed by the Governor, by and with the advice and consent of the Senate, to four-year staggered terms, with the first two Commissioners being appointed simultaneously to terms of two (2) and four (4) years, respectively.

"D. A majority of the Commissioners of each State and the Commissioner or his alternate representing the United States, if they are so designated, must be present to constitute a quorum. In taking any Commission action, each signatory State shall have a single vote representing the majority opinion of the Commissioners of that State.

"E. In the case of a tie vote on any of the Commission's determinations, order, or other actions, a majority of the Commissioners of either State may, upon written request to the Chairman, submit the question to arbitration. Arbitration shall not be compulsory, but on the event of arbitration, there shall be three arbitrators:

"(1) One named by resolution duly adopted by the Arkansas Soil and Water Conservation Commission, or such other State agency as may be hereafter responsible for administering water laws in the State of Arkansas; and

"(2) One named by resoluton duly adopted by the Oklahoma Water Resources Board, or such other State agency as may be hereafter responsible for administering water law in the State of Oklahoma; and

"(3) The third chosen by the two arbitrators who are selected as provided above. If the arbitrators fail to select a third within sixty (60) days following their selection, then he shall be chosen by the Chairman of the Commission.

"F. The salaries and personal expenses of each Commissioner shall be paid by the Government which he represents. All other expenses which are incurred by the Commission incident to the administration of this Compact shall be borne equally by the two States and shall be paid by the Commission out of the 'Arkansas-Oklahoma Arkansas River Compact Fund,' initiated and maintained as provided in Article IX(B)(5) below. The States hereby mutually agree to appropriate sums sufficient to cover its share of the expenses incurred in the administration of this Compact, to be paid into said fund. Disbursements shall be made from said fund in such manner as may be authorized by the Commission. Such funds shall not be subject to the audit and accounting procedures of the States; however, all receipts and disbursements of funds handled by the Commission shall be audited by a qualified independent public accountant at regular intervals, and the report of such audit shall be included in and become a part of the annual report of the Commission, provided by Article IX(B)(6) below. The Commission shall not pledge the credit of either State and shall not incur any obligations prior to the availability of funds adequate to meet the same.

"ARTICLE IX

"A. The Commission shall have the power to:

"(1) Employ such engineering, legal, clerical and other personnel as in its judgment may be necessary for the performance of its functions under this Compact;

"(2) Enter into contracts with appropriate State or Federal agencies for the collection, correlation, and presentation of factual data, for the maintenance of records and for the preparation of reports;

"(3) Establish and maintain an office for the conduct of its affairs;

"(4) Adopt and procure a seal for its official use;

"(5) Adopt rules and regulations governing its operations. The procedures employed for the administration of this Compact shall not be subject to any Administrative Procedures Act of either State, but shall be subject to the provisions hereof and to the rules and regulations of the Commission: *Provided, however,* All rules and regulations of the Commission shall be filed with the Secretary of State of the signatory States.

"(6) Cooperate with Federal and State agencies and political subdivisions of the signatory States in developing principles, consistent with the provisions of this Compact and with Federal and State policy, for the storage and release of water from reservoirs, both existing and future within the Arkansas River Basin, for the purpose of assuring their operation in the best interests of the States and the United States:

"(7) Hold hearings and compel the attendance of witnesses for the purpose of taking testimony and receiving other appropriate and proper evidence and issuing such appropriate orders as it deems necessary for the proper administration of this Compact, which orders shall be enforceable upon the request by the Commission or any other interested party in any court of competent jurisdiction within the county wherein the subject matter to which the order relates is in existence, subject to the right of review through the appellate courts of the State of situs. Any hearing held for the promulgation and issuance of orders shall be in the county and State of the subject matter of said hearing;

"(8) Make and file official certified copies of any of its findings, recommendations or reports with such officers or agencies of either State, or the United States as may have any interest in or jurisdiction over the subject matter. Findings of fact made by the Commission shall be admissible in evidence and shall constitute prima facie evidence of such fact in any court or before any agency of competent jurisdiction. The making of findings, recommendations, or reports by the Commission shall not be a condition precedent to instituting or maintaining any action or proceeding of any kind by a signatory State in any court, or before any tribunal agency or officer, for the protection of any right under this Compact or for the enforcement of any of its provisions;

"(9) Secure from the head of any department or agency of the Federal or State government such information, suggestions, estimates and statistics as it may need or believe to be useful for carrying out its functions and as may be available to or procurable by the department or agency to which the request is addressed;

"(10) Print or otherwise reproduce and distribute all of its proceedings and reports; and

"(11) Accept, for the purposes of this Compact, any and all private donations and gifts and Federal grants of money.

"B. The Commission shall:

"(1) Cause to be established, maintained and operated such stream, reservoir or other gaging stations as may be necessary for the proper administration of this Compact;

"(2) Collect, analyze and report on data as to stream flows, water quality, annual yields and such other information as is necessary for the proper administration of this Compact;

"(3) Continue research for developing methods of determining total basin yields;

"(4) Perform all other functions required of it by the Compact and do all things necessary, proper or convenient in the performance of its duties thereunder;

"(5) Establish and maintain the 'Arkansas-Oklahoma Arkansas River Compact Fund,' consisting of any and all funds received by the Commission under the authority of this Compact and deposited in one or more banks qualifying for the deposit of public funds of the signatory States;

"(6) Prepare and submit an annual report to the Governor of each signatory State and to the President of the United States covering the activities of the Commission for the preceding fiscal year, together with an accounting of all funds received and expended by it in the conduct of its work;

"(7) Prepare and submit to the Governor of each of the States of Arkansas and Oklahoma an annual budget covering the anticipated expenses of the Commission for the following fiscal year; and

"(8) Make available to the Governor or any State agency of either State or to any authorized representative of the United States, upon request, any information within its possession.

"ARTICLE X

"A. The provisions hereof shall remain in full force and effect until changed or amended by unanimous action of the States acting through their Commissioners and until such changes are ratified by the legislatures of the respective States and consented to by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

"B. This Compact may be terminated at any time by the appropriate action of the legislature of both signatory States.

"C. In the event of amendment or termination of the Compact, all rights established under the Compact shall continue unimpaired.

"ARTICLE XI

"Nothing in this Compact shall be deemed:

"A. To impair or affect the powers, rights or obligations of the United States, or those claiming under its authority in, over, and to the waters of the Arkansas River Basin;

"B. To interfere with or impair the right or power of either signatory State to regulate within its boundaries of appropriation, use and control of waters within that State not inconsistent with its obligations under this Compact.

"ARTICLE XII

"If any part or application of this Compact should be declared invalid by a court of competent jurisdiction, all other provisions and application of this Compact shall remain in full force and effect.

"ARTICLE XIII

"A. This Compact shall become binding and obligatory when it shall have been ratified by the legislature of each State and consented to by the Congress of the United States, and when the Congressional Act consenting to this Compact includes the consent of Congress to name and join the United States as a party in any litigation in the United States Supreme Court, if the United States is an indispensable party, and if the litigation arises out of this Compact or its application, and if a signatory State is a party thereto.

"B. The States of Arkansas and Oklahoma mutually agree and consent to be sued in the United States District Court under the provisions of Public Law 87-830 as enacted October 15, 1962, or as may be thereafter amended.

"C. Notice of ratification by the legislature of each State shall be given by the Governor of that State to the Governor of the other State, and to the President of the United States, and the President is hereby requested to give notice to the Governor of each State of consent by the Congress of the United States.

"IN WITNESS WHEREOF, the authorized representatives have executed three counterparts hereof such of which shall be and constitute an original, one of which will be deposited with the Administrator of General Services of the United States, and one of which shall be forwarded to the Governor of each State.

"Done at the City of Little Rock, State of Arkansas, this 16th day of March A.D., 1970.

"FOR ARKANSAS:

"S. KEITH JACKSON,
"Committee Member.
"JOHN LUCE,
"Committee Member.

"FOR OKLAHOMA:

"GLADE R. KIRKPATRICK,
"Committee Member.
"MILTON CRAIG,
"Committee Member.

"Approved: TRIGG TWITCHELL, Representative, United States of America.

"Attest: WILLARD B. MILLS, Secretary."

SEC. 2. In order to carry out the purposes of this Act, and the purposes of article XII of this compact consented to by Congress by this Act, the congressional consent to this compact includes and expressly gives the consent of Congress to have the United States of America named and joined as a party litigant in any litigation in the United States Supreme Court, if the United States of America is an indispensable party to such litigation, and if the litigation arises out of this compact, or its application, and if a signatory State to this compact is a party litigant, in the litigation.

SEC. 3. The right to alter, amend, or repeal this Act, is expressly reserved.

EXTENSION OF WASTEWATER TREATMENT PLANT OPERATORS TRAINING PROGRAM

The Senate proceeded to consider the bill (S. 1776) to amend the Federal Water Pollution Control Act, as amended, which had been reported from the Committee on Public Works with an amendment on page 1, after line 8, insert:

SEC. 2. Paragraphs (1), (2), and (3) of subsection (f), and subsections (g) and (i) of section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 866-868), are amended by striking "(b)(2)" wherever it appears and inserting in lieu thereof "(b)(3)".

SEC. 3. The last sentence of paragraph (2) of subsection (f) of section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 867), is amended by striking "Secretary" and inserting in lieu thereof "Administrator".

SEC. 4. Section 207 of the Federal Water Pollution Control Act, as amended (86 Stat. 839), is amended by inserting "206(e)," after "sections".

SEC. 5. Section 509(b)(1)(C) of the Federal Water Pollution Control Act, as amended (86 Stat. 892), is amended by striking "treatment" and inserting in lieu thereof "pretreatment".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (u) of section 104 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), is amended by striking the phrase "fiscal year 1973" where it appears in paragraph numbered (2) thereof, and substituting therefor the phrase "fiscal years 1973 and 1974".

SEC. 2. Paragraphs (1), (2), and (3) of subsection (f), and subsections (g) and (i) of section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 866-868), are amended by striking "(b)(2)" wherever it appears and inserting in lieu thereof "(b)(3)".

SEC. 3. The last sentence of paragraph (2) of subsection (f) of section 311 of the Federal Water Pollution Control Act, as amended (86 Stat. 867), is amended by striking "Secretary" and inserting in lieu thereof "Administrator".

SEC. 4. Section 207 of the Federal Water Pollution Control Act, as amended (86 Stat. 839), is amended by inserting "206(e)," after "sections".

SEC. 5. Section 509(b)(1)(C) of the Federal Water Pollution Control Act, as amended (86 Stat. 892), is amended by striking "treatment" and inserting in lieu thereof "pretreatment".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL SEA GRANT COLLEGE

The Senate proceeded to consider the bill (H.R. 5452) to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended which had been reported from the Committees on Commerce and Labor and Public Welfare with an amendment on page 3, after line 17, strike out:

(8) Delete section 205, together with the heading therefor.

And, in lieu thereof, insert:

(8) Amend section 205 to read as follows:

"STUDY OF INTERNATIONAL MARINE TECHNOLOGY TRANSFER

"SEC. 205. (a) The Secretary of Commerce is authorized and directed to undertake, through the National Sea Grant College Program, a study of the means of sharing, through cooperative programs with other nations, the results of marine research useful in the exploration, development, conservation, and management of marine resources.

"(b) In carrying out the study required by subsection (a), the Secretary is authorized, without regard for paragraphs (1) and (3) of section 204(d), to enter into contracts with, and make grants to, institutions, agencies, and organizations described in section 204(c).

"(c) The Secretary shall submit to the President and to the Congress the results and findings of such study, including specific recommendations, not later than September 30, 1974.

"(d) For the purpose of carrying out this section there is authorized to be appropriated not to exceed the sum of $200,000.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. I ask that the time be taken out of neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR NATIONAL BANKS TO INVEST IN AGRICULTURAL CREDIT CORPORATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 250, S. 1884.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1884) to permit national banks to invest in agricultural credit corporations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Banking, Housing and Urban Affairs, with an amendment on page 2, line 3, after the words "per centum", strike out "of the capital stock of the association actually paid in unimpaired and 20 per centum of the unimpaired and 20 per centum of the unimpaired surplus of the association" and insert "of the unimpaired capital and surplus of the association"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph "Seventh" of section 5136 of the Revised Status (12 U.S.C. 24) is amended by adding at the end thereof the following: "Notwithstanding any other provision in this paragraph, the association may purchase for its own account shares of stock issued by a corporation organized solely for the purpose of making loans to farmers and ranchers for agricultural purposes, including the breeding, raising, fattening, or marketing of livestock. However, unless the association owns at least 80 per centum of the stock of such agricultural credit corporation the amount invested by the association at any one time in the stock of such corporation shall not exceed 20 per centum of the unimpaired capital and surplus of the association."

Mr. BELLMON. Mr. President, I urge favorable Senate action on S. 1884. The need for its enactment is quite clear. Let me explain.

During the past 12 years there has been a major effort to modernize and strengthen the financial institutions that serve agricultural and rural communities. The Farm Credit Act of 1971 and the Rural Development Act of 1972 are two important laws that illustrate this development.

Today, we have before us S. 1884, which is designed to aid community banks in our rural areas to improve their capability of serving the rapidly changing credit needs of farm people.

Many of the banks in our major agricultural commodities are small in size and, therefore, the amount of money they can loan to one borrower is limited; in fact, often less than the amount needed by many of our commercial farmers. These same banks also quite often find that the total demand for credit, especially during certain seasons of the year, exceed the funds on deposit at their bank which, of course, limits the ability of the bank to serve the credit needs of the community and forces rural borrowers to turn to sources outside the community for funds.

Bankers themselves have studied these problems thoroughly and have come up with several ways to help overcome them. One of their recommendations is that several small banks join together in forming an agricultural credit corporation capitalized by the banks. By joining together a capital structure sufficient to support large individual requests for credit could be achieved. It would also mean that an agency would be established that would have the capability of going to sources outside the community for funds. Such an agricultural credit corporation would be able to discount loans with Federal intermediate credit banks or to sell commercial paper and debentures in the central money market.

Our national banking laws will not permit a national bank to purchase a minority interest in an agricultural credit corporation. This limitation prevents small banks from joining together and forming an agricultural credit corporation. The legislation which we have before us today, S. 1884, would permit a group of banks to form an agricultural credit corporation but no bank in the group can invest more than 20 percent of its capital and surplus in the corporation.

I believe this limitation will be sufficient to permit maximum availability of agricultural credit but at the same time provide an adequate safeguard against overexposure by the bank. As under present law where a bank owns 80 percent of an agricultural credit corporation there would be no such quantitative limitation on bank investment. A number of States have recognized the need for State-chartered banks to own minority interest in agricultural credit corporations.

An agricultural credit corporation will make loans to farmers and ranchers for agricultural purposes including the breeding, raising, fattening, or marketing of livestock.

The Comptroller of the Currency has examined this legislation and indicated that he believes it to be sound and desirable.

The adoption of S. 1884 will provide small rural bankers with an opportunity to modernize their mechanism for serving farm people.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 6330) to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 261. An act to continue for a temporary period the existing suspension of duty on certain istle;

H.R. 2323. An act to continue until the close of June 30, 1974, the suspension of duties on certain forms of copper;

H.R. 2324. An act to continue until the close of June 30, 1975, the existing suspension of duties for metal scrap;

H.R. 3630. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty;

H.R. 4200. An act to amend section 122 of the Internal Revenue Code of 1954;

H.R. 6394. An act to suspend the duty on caprolactam monomer in water solution until the close of December 31, 1973;

H.R. 8215. An act to provide for the suspension of duty on certain copying shoe lathes until the close of June 30, 1976; and

H.R. 8917. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2261. An act to continue for a temporary period the existing suspension of duty on certain istle;

H.R. 2323. An act to continue until the close of June 30, 1974, the suspension of duties on certain forms of copper;

H.R. 2324. An act to continue until the close of June 30, 1975, the existing suspension of duties for metal scrap;

H.R. 3630. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty;

H.R. 4200. An act to amend section 122 of the Internal Revenue Code of 1954;

H.R. 6394. An act to suspend the duty on caprolactam monomer in water solution until the close of December 31, 1973; and

H.R. 8215. An act to provide for the suspension of duty on certain copying shoe lathes until the close of June 30, 1976. Referred to the Committee on Finance.

H.R. 8917. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes. Referred to the Committee on Appropriations.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 6330) to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Moss).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABOUREZK). Under the same conditions as before?

Mr. MANSFIELD. Yes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill making appropriations for the Department of Agriculture be laid aside temporarily, for not to exceed 10 minutes, and that the Senator from Rhode Island be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMTRAK IMPROVEMENT ACT OF 1973

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the motion of June 21, 1973, to reconsider the passage of S. 2016.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 2016 was passed, together with the third reading of the bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

Mr. COOK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 1, immediately after line 4, insert the following:

"Sec. 2. Section 102 of the Rail Passenger Service Act (45 U.S.C. 502) is amended by striking in subsection (5) '(A)' striking all after 'operations', and inserting in lieu thereof a period; and by the addition of the following new subsection: '(9) "Auto-ferry" service means service characterized by transportation of automobiles and their occupants.' "

On page 1, line 5, strike "Sec. 2." and insert in lieu thereof "Sec 3.".

On page 2, line 2, delete the word "shall" and insert in lieu thereof the words "is authorized to".

On page 2, line 5, strike "passengers" and insert in lieu thereof the following: "passengers, except that nothing contained in this Act shall prevent any other person other than a railroad from engaging in such auto-ferry service over any route whether or not such route is a part of the basic system."

On page 2, lines 5 and 6, delete the words "and directed".

On page 2, line 6, insert after the word "acquire" the word "lease,".

On page 2, line 8, strike "service" and insert in lieu thereof the following: "service, or to enter into contractual relationships for the provision of such service".

On page 6, lines 11 and 18, strike "Sec. 3." and "Sec. 4.", respectively, and insert in lieu thereof "Sec. 4." and "Sec. 5.", respectively.

On page 6, immediately after line 20, insert the following new section:

"Sec. 6. Section 401(c) of the Rail Passenger Service Act (45 U.S.C. 561(c)) is amended by striking 'No' and inserting in lieu thereof 'Except as provided in section 305(b) of this Act concerning auto-ferry service, no'."

On page 6, line 21, strike "Sec. 5." and insert in lieu thereof "Sec. 7.".

On page 8, lines 10 and 21, strike "Sec. 6." and "Sec. 7.", respectively, and insert in lieu thereof "Sec. 8." and "Sec. 9.", respectively.

On page 10, lines 1 and 19, strike "Sec. 8." and "Sec. 9.", respectively, and insert in lieu thereof "Sec. 10." and "Sec. 11.", respectively.

Mr. COOK. Mr. President, since its inauguration in December 1971 between Washington and Sanford, Fla., auto-train service has been used by more than 250,000 people. This is vivid testimony to the convenience, time savings, and economy this important transport innovation affords to the traveling public. Regrettably, however, existing law greatly restricts the opportunity to make available this valuable new service to people in all parts of the country.

The basic reason is that section 401(c) of the Rail Passenger Service Act of 1970 has, in effect, given Amtrak the power to keep anyone else from providing auto train service on those routes along which it operates even though it is unwilling or unable to provide such service itself. This is an anomalous situation, to say the least, and it both denies the public an opportunity to make use of such service and prevents private companies, with their own funds, from responding to the demands of the market. There is no good reason why Amtrak should not be allowed to conduct auto train operations, but there is certainly no justification for keeping others from doing so if they are willing to make the requisite investment. And yet, with the law as it now stands, Amtrak is in a position and of a disposition to stop others from inaugurating this service, as illustrated by its June 20 announcement objecting to the proposed initiation of service from Louisville to Florida by the Auto Train Corp. From the standpoint of the public interest this is an absurd situation. Remedial legislative action is badly needed.

My proposed amendment would correct this situation. It would allow any private firm to offer auto-train service anywhere in the country where suitable terms could be agreed upon with participating railroads. Its purpose is very simple: To remove the artificial restrictions that now exist and to allow unsubsidized private companies to make auto-train service available along any rail route in the United States. If adopted the amendment would have substantial benefits to the traveling public and be fully consistent with the congressional aim of promoting modern, efficient, intercity rail passenger service as part of a balanced transportation system.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. PASTORE. I understand that this amendment is agreeable to the manager of the bill on the previous occasion, Mr. Hartke, and we are ready to vote.

Mr. COOK. I say to the distinguished Senator from Rhode Island that I have gone over it with him.

Mr. PASTORE. Does this provide the 1-year extension?

Mr. COOK. The bill does, not this amendment.

Mr. PASTORE. It does not change that at all?

Mr. COOK. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later in the day, the following proceedings occurred:)

Mr. HARTKE. Mr. President, I ask unanimous consent that the vote earlier today by which S. 2016 was passed, together with the third reading of the bill, be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

The Senate proceeded to consider the bill.

Mr. HARTKE. Mr. President, on behalf of the Senator from Kentucky (Mr. Cook), I call up an amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike from the amendment on page 1 the words "other than a railroad."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2016) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2016

An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Amtrak Improvement Act of 1973".

Sec. 2. Section 102 of the Rail Passenger Service Act (45 U.S.C. 502) is amended by striking in subsection (5) "(A)", striking all after "operations", and inserting in lieu thereof a period; and by the addition of the following new subsection: "(9) 'Auto-ferry' service means service characterized by transportation of automobiles and their occupants."

Sec. 3. (a) Section 305(a) of the Rail Passenger Service Act (45 U.S.C. 545(a)) is amended by striking the second sentence thereof.

(b) Section 305(b) of such Act (45 U.S.C. 545(b)) is amended by deleting the second sentence and inserting in lieu thereof the following: "In order to increase revenues and to better accomplish the purposes of this Act, the Corporation is authorized to modify its services to provide, as a part of the basic passenger services authorized by this Act, auto-ferry service characterized by the carriage of automobiles or other property belonging to passengers, except that nothing contained in this Act shall prevent any other person from engaging in such auto-ferry service over any route whether or not such route is a part of the basic system. The Corporation is authorized to acquire, lease, modify, or develop the equipment and facilities required for the efficient provision of mail, express, and auto-ferry service, or to enter into contractual relationships for the provision of such service.".

(c) Section 305 of such Act (45 U.S.C. 545) is further amended by adding at the end thereof the following three new subsections:

"(c) The Corporation is authorized to take all steps necessary to insure that no elderly or handicapped individual is denied intercity transportation on any passenger train operated by or on behalf of the Corporation, including but not limited to, acquiring special equipment and devices and conducting special training for employees; designing and acquiring new equipment and facilities and eliminating architectural and other barriers in existing equipment and facilities to comply with the highest standards for the design, construction, and alteration of property for the accommodation of elderly and handicapped individuals; and providing special assistance while boarding and alighting and in terminal areas to elderly and handicapped individuals.

"(d)(1) The Corporation is authorized, to the extent financial resources are available, to acquire any right-of-way, land, or other property (except right-of-way, land, or other property of a railroad or property of a State or political subdivision thereof or of any other government agency), which is required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, by the exercise of the right of eminent domain, in accordance with the provisions of this subsection, in the district court of the United States in which such property is located or in any such court if a single piece of property is located in more than one judicial district: *Provided*, That such right may only be exercised when the Corporation cannot acquire such property by contract or is unable to agree with the owner as to the amount of compensation to be paid.

"(2) The Corporation shall file in the district court, with the complaint or at any time prior to judgment, a declaration of taking which shall contain or have annexed thereto—

"(A) a statement of the public use for which the property is taken;

"(B) a description of the property taken sufficient for the identification thereof;

"(C) a statement of the estate or interest in the property taken;

"(D) a plan showing the property taken; and

"(E) a statement of the amount of money which the Corporation reasonably estimates to be just compensation for the property taken.

"(3) Upon the filing of the declaration of taking and the depositing in the court of the amount of money estimated in such declaration to be just compensation for the property, the property shall be deemed to be condemned and taken for the use of the Corporation. Title to such property shall thereupon vest in the Corporation in fee simple absolute or in any lesser estate or interest specified in the declaration of taking, and the right to the money deposited as estimated just compensation shall immediately vest in the persons entitled thereto. The court, after a hearing, shall make a finding as to the amount of money which constitutes just compensation for such property and shall make an award and enter judgment accordingly. Such judgment shall include, as part of the just compensation awarded, interest on the amount finally awarded as the value of the property on the date of taking minus the amount deposited in the court on such date, at the rate of 6 per centum per annum from the date of taking to the date of payment.

"(4) Upon application by the parties in interest, the court may order immediate payment of the money deposited in the court or any part thereof for or on account of the just compensation to be awarded in the proceeding. If the just compensation awarded by the court exceeds the amount deposited, the court shall enter a judgment against the Corporation for the amount of the deficiency.

"(5) Upon the filing of a declaration of taking, the court may fix the time within which and the terms upon which the parties in possession shall surrender possession of the property taken to the Corporation. The court may enter such orders as it deems just and equitable with respect to any encumbrances, liens, taxes, assessments, insurance, or other charges which are applicable to such property.

"(e) The Corporation is authorized to take all steps necessary to—

"(1) establish improved reservations systems and advertising;

"(2) service, maintain, repair, and rehabilitate railroad passenger equipment;

"(3) conduct research and development and demonstration programs respecting new rail passenger services;

"(4) develop and demonstrate improved rolling stock;

"(5) establish and maintain essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system, over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines on the same or different railroads;

"(6) purchase or lease railroad rolling stock; and

"(7) develop and operate international intercity rail passenger service between points within the United States and points in Canada and Mexico, including Montreal, Canada; Vancouver, Canada; and Nuevo Laredo, Mexico. For purposes of section 404(b) of this Act, such international rail passenger service is service included within the basic system.".

SEC. 4. Section 306 of the Rail Passenger Service Act (45 U.S.C. 546) is amended by adding at the end thereof the following new subsection:

"(h) The Corporation or any railroad or government agency contracting for the operation of intercity trains shall not be subject to any State or local law interfering with its efficient provision of mail, express, or auto-ferry service.".

SEC. 5. Section 308(b) of the Rail Passenger Service Act (45 U.S.C. 548(b)) is amended by striking out "January 15" and inserting in lieu thereof "March 15".

SEC. 6. Section 401(c) of the Rail Passenger Service Act (45 U.S.C. 561(c)) is amended by striking "No" and inserting in lieu thereof "Except as provided in section 305(b) of this Act concerning auto-ferry service, no".

SEC. 7. Section 402 of the Rail Passenger Service Act (45 U.S.C. 562) is amended by redesignating subsection (c) as subsection (d) and inserting the following new subsection:

"(c) If the Corporation and a railroad or government agency are unable to agree upon the terms and conditions for the sale to the Corporation of property (including interests in property) owned by such railroad or agency and required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, the Corporation may apply to the Commission for an order establishing the need of the Corporation for such property and directing that such railroad or agency convey such property to the Corporation on reasonable terms and conditions, including just compensation. Unless the Commission finds that—

"(1) conveyance of such property to the Corporation would significantly impair the ability of the railroad or agency to carry out its obligations as a common carrier; and

"(2 the Corporation can adequately meet its obligations to provide modern efficient, and economical rail passenger service by the acquisition of alternative property (including interests in property) which is available for sale on reasonable terms to the Corporation or which is available to the Corporation pursuant to section 305(d) of this Act,

the need of the Corporation for such property shall be found to be established, and the Commission shall order such property to be conveyed to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation. The Commission shall expedite proceedings under this subsection and shall, in any event, issue its order not less than one hundred and twenty days after receipt of the application from the Corporation. If just compensation has not been determined as of the date of such order, the order shall require, as part of just compensation, payment of interest by the Corporation at the rate of 6 per centum per annum from the date prescribed for conveyance until the date of payment of just compensation.

SEC. 8. Section 403 of the Rail Passenger Service Act (45 U.S.C. 563) is amended by adding at the end thereof the following new subsection:

"(d) The Corporation shall initiate not less than one experimental route each year, such route to be designated by the Secretary, and shall operate such route for not less than two years. After such two-year period, the Secretary shall terminate such route if he finds that it has attracted insufficient patronage to serve the public convenience and necessity, or he may designate such route as a part of the basic system."

SEC. 9. (a) Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended to read as follows:

"AUTHORIZATION FOR APPROPRIATION

"(a) There is authorized to be appropriated to the Secretary for the benefit of the Corporation for the fiscal year ending June 30, 1974, such sums as are necessary, not to to exceed $185,000,000. Funds appropriated pursuant to such authorization shall be made available to the Secretary for payment to the Corporation during the fiscal year for which appropriated and shall remain available until expended. Such sums shall be paid by the Secretary to the Corporation, for expenditure by it in accordance with spending plans approved by Congress at the time of appropriation.

"(b)(1) Whenever the Corporation submits any budget estimate or request to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Corporation submits any legislative recommendation, proposed testimony, or comments on legislation to the President or the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Corporation to submit its legislative recommendations, proposed testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.".

SEC. 10. (a) Section 602(d) of the Rail Passenger Service Act (45 U.S.C. 602(d)) is amended to read as follows:

"(d) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time, which are guaranteed by the Secretary under this section, may not exceed $500,000,000. The Secretary shall prescribe and collect a reasonable annual guarantee fee.".

(b) Section 602 of such Act (45 U.S.C. 602) is further amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, a guarantee may not be made of a security, obligation, or loan if the income from such security, obligation, or loan which is not includable in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.".

SEC. 11. Section 801 of the Rail Passenger Service Act of 1970 (45 U.S.C. 641) is amended to read as follows:

"REGULATIONS AND ENFORCEMENT

"(a) The Commission shall promulgate and shall from time to time revise such regulations as it considers necessary to provide adequate service, equipment, tracks and other facilities for intercity rail passenger service.

"(b) Any person who is found by the Commission, upon its own initiative or through petition of any person, to be in violation of any regulation issued under subsection (a) of this section or any standard established pursuant to section 402(d) of this Act shall be assessed a civil penalty by the Commission or its deisgnated agent. Each day of noncompliance shall constitute a separate violation. The amount of such penalty shall not exceed $5,000 for each such violation. No penalty shall be assessed unless the person is given notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Any such penalty may be compromised by the Commission or its designated agent.

"(c) If a person fails to pay any penalty assessed under subsection (b) of this section, the Commission may by its own attorneys institute and prosecute a civil action against such person in the district court of the United States for any district in which such person is found, resides, or transacts business, to collect such penalty, or the Commission may request and the Attorney General shall institute and prosecute such action. Such court shall have jurisdiction to hear and decide such action, regardless of amount in controversy. In hearing an action under this subsection, the court shall sustain the Commission's finding of violation and the amount of civil penalty assessed if such action is supported by substantial evidence.".

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AND CONSUMER PROTECTION AGENCIES APPROPRIATIONS, 1974

The Senate continued with the consideration of the bill (H.R. 8619) making appropriations for the Department of Agriculture and environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

Mr. EAGLETON. Mr. President, I ask unanimous consent that Jack Lewis have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I ask unanimous consent that the amendments of the Appropriations Subcommittee on Agriculture and the Environment be considered and agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be waived by reason of the agreement to that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 1, in line 4, after "appropriated," insert "and shall be made available for expenditure except as specifically provided by law,";

On page 2, in line 14, strike out "$10,822,000" and insert "$10,872,000";

On page 3, beginning in line 13, strike out:

> None of the funds provided by this Act shall be used to pay the salaries of any personnel which carries out the provisions of section 610 of the Agricultural Act of 1970.
>
> None of the funds provided by this Act shall be used to pay the salaries of personnel who formulate or carry out:
>
> (1) programs for the 1974 crop year under which the aggregate payments for the wheat, feed, grains, and upland cotton programs for price support, set aside, diversion, and resource adjustment to one person exceed $20,000, or.
>
> (2) a program effective after December 31, 1973, which sanctions the sale or lease of cotton acreage allotments.

On page 5, in line 1, strike out "172,790,000" and insert "$178,828,900".

On page 6, at the end of line 1, insert "*Provided further*, That $830,000 of this appropriation shall remain available until expended for plans, construction, and improvement of facilities without regard to the foregoing limitations;"

On page 7, in line 2, strike out "$5,000,000" and insert "$10,000,000"; in line 22, strike out "$287,171,000" and insert "$342,871,000";

On page 8, at the end of line 1, strike out "conditions" and insert "conditions, and $49,000,000 shall be for repayment to the Commodity Credit Corporation of advances (and interest thereon) made in accordance with authorities contained in the provisions of the appropriation items for the Agricultural Research Service in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1972, and for the Animal and Plant Health Inspector Service in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1973:".

On page 9, beginning in line 11, insert: "*Provided further*, That $6,700,000 shall remain available until expended for plans, construction, and improvement of facilities, without regard to limitations contained herein:".

On page 10, in line 7, strike out "$68,565,000" and insert "$69,104,000"; in line 15, strike out "$5,962,000" and insert "$6,444,000"; in line 18, strike out "$11,183,000" and insert "$11,583,000"; in line 21, strike out "$500,000" and insert $2,500,000;

On page 11, in line 5, strike out "$86,700,000" and insert "$90,121,000"; in line 16, strike out "$434,217,000" and insert "$141,217,000";

On page 12, in line 6, strike out "$500,000" and insert $2,500,000"; in line 8, strike out "$195,027,000" and insert "$204,027,000";

On page 13, in line 2, after "$4,546,000" insert a colon and the following "That not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109." In line 22, strike out "$22,834,200" and insert "$22,859,200:"

On page 14, in line 22, strike out "$15,505,000" and insert "$15,780,000";

On page 16, in line 3, strike out "$34,528,000" and insert "$34,865,000";

On page 17, in line 3, strike out "$508,560,000" and insert "$510,560,000 (including not to exceed $2,000,000 to assist local public or nonprofit agencies with the cost of distributing supplemental foods to pregnant and lactating women and infants and";

On page 18, in line 6, strike out "$4,054,650" and insert "$4,154,650"; in line 23, strike out "$25,805,000" and insert $26,000,000";

On page 19, in line 18, strike out "$189,051,000" and insert "$289,051,000"; in line 21, strike out "$264,587,000" and insert "$364,587,000: *Provided*, That the availability of this appropriation is contingent upon enactment of necessary legislative authorization."

On page 24, in line 18, strike out "$5,000,000" and insert "$20,000,000."

On page 25, in line 20, after "loans," insert "not less than"; and in the same line, after "$618,000,000" insert "but not more than $750,000,000"; in line 21, after "loans," insert "not less than"; in line 22, after the first comma, insert "but not more than $200,000,000,";

On page 27, in line 1, strike out "$1,500,000,000" and insert "$2,144,000,000"; in line 2, after "not" strike out "to exceed $500,000,000" and insert "less than $1,200,000,000"; in line 3, after "for" insert "subsidized interest"; in line 5, after "Secretary" insert a colon and the following: "*Provided* That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or reinvests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein:".

On page 28, in line 15, after "disaster" insert a colon and the following: "*Provided*, That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or reinvests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein.".

On page 29, in line 16, strike out "$5,000,000" and insert "$15,000,000"; in line 22, strike out "$3,000,000" and insert "$5,000,000";

On page 30, at the beginning of line 5, strike out "water and sewer" and insert "water, waste disposal and other community"; in line 6, strike out "$445,000,000;" and insert "$545,000,000 and"; in line 7, strike out "$100,000,000; and community facility loans, $50,000,000" and insert "$400,000,000; *Provided,* That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or invests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein."

On page 33, in line 19, strike out "$49,475,000" and insert "$50,375,000"; beginning in line 20, strike out:

For an amount to provide for the preparation of Environmental Impact Statements as required by section 102(2) (C) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, $5,000,000.

And insert

For an amount to provide for the preparation of environmental explanations on all proposed actions by the Environmental Protection Agency, $5,000,000.

On page 34, in line 7, after the semicolon, insert "uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902;" in line 14, strike out "$154,175,000" and insert "$182,975,000"; in line 15, strike out "$13,000,000" and insert "$9,000,000"; in line 23, after the semicolon, insert "uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902;".

On page 35, in line 5, strike out "$251,100,000" and insert "$258,500,000"; in line 6, strike out "$5,700,000" and insert "$1,700,000"; in line 8, strike out "1973" and the period and insert "1973: *Provided,* That these funds shall be available to carry out the activities authorized by sections 104(g) (1) and (2) of the Federal Water Pollution Control Act." In line 17, after "waste" insert "to be transferred to and merged with the authority of the Agricultural Conservation Program (REAP) of the Department of Agriculture for the 1974 program".

On page 36, in line 6 after the semicolon, insert "uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902;" in line 12, strike out "$45,950,000" and insert "$46,850,000". Beginning in line 19, insert:

In allocating funds for reimbursement under Section 206 of the Federal Water Pollution Control Act Amendments of 1972, of the total amount of $1.9 billion available for the purposes of that Section, the Administrator of the Environmental Protection Agency shall obligate no less than $200 million for reimbursement provided for by Subsection 206(b).

On page 37, in line 8, strike out "$2,000,000" and insert "$4,000,000"; beginning in line 12, insert:

NATIONAL STUDY COMMISSION ON WATER QUALITY MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for the National Study Commission on Water Quality Management authorized by section 315 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816–904), $7,500,000:

On page 39, in line 14, strike out "aircraft" and insert "aircraft; and for necessary expenses for carrying out responsibilities under section 302 of the Rural Development Act of 1972 (Public Law 92–419), approved August 30, 1972,".

In line 18, strike out "$160,000,000" and insert "$168,069,000."

On page 41, in line 10, strike out "$7,053,000" and insert "$12,000,000."

On page 45, beginning in line 19, insert:

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $10,000,000, to remain available until expended.

On page 46, beginning in line 8, insert:

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, established by Executive Order 11583 of February 24, 1971, as amended, $1,200,000, including services authorized by 5

On page 47, at the end of line 17, strike out "area" and insert "area: *Provided,* That funds made available by this section for the Food and Drug Administration tea inspection program shall not exceed the amount of fees collected during the same period in accordance with the Tea Import Act (21 U.S.C. 41), as amended.".

On page 49, in line 3, strike out "$29,600,000" and insert "$32,090,000"; in line 17, strike out "$16,110,000" and insert "$28,110,000";

And on page 50, in line 15, strike out "$25,000,000" and insert "$97,123,000"; and in line 18, strike out "$2,200,000,000" and insert "$2,500,000,000".

Mr. McGEE. Mr. President, the committee is reporting today its recommendation for appropriations for the Department of Agriculture and the environmental and consumer agencies. I will capsulize the bill as reported, for I am submitting for the Record a lengthy and detailed explanation of the various segments of this bill. But in order to expedite matters in this body, I will report its highlights informally.

The bill appropriates a total of $10,159,208,500. That is a great deal of money. That exceeds the budget estimates by $653 million. It is more than the House figure by $773 million. But it is below our last year's appropriation bill by $2.5 billion. That is the significant factor in this effort.

The committee, in its deliberations, made every effort to cut, to trim, and yet to preserve the equities that are so important in this measure. The fact that we succeeded in going under our effort last year by $2.5 billion, I think, is testimony to the efforts of the committee and its membership.

I particularly want to express my appreciation to the ranking minority member of the committee, the Senator from Hawaii (Mr. Fong), for his diligent efforts in attempting to arrive at just allocations and at the same time respecting the urgency of economies in these particularly troubling days. Also, I express my appreciation to the Senator from North Dakota (Mr. Young), who spent a great deal of time with us on this measure, and to the Senator from Nebraska (Mr. Hruska). Until this year, Senator Hruska and I were the team working on this matter; but the shifting of other responsibilities has made it necessary that he serve in another capacity. Nonetheless, his expertise and cooperation on all the measures are very much appreciated. The chairman of the full committee, Senator McClellan, was invaluable in arriving at compromises and adjustments in the balance of it all.

Finally, all the members of the subcommittee participated with an attendance that exceeded all preceding experiences—at least, in my tenure as chairman of the subcommittee. There was almost a religious fervor in attendance at the subcommittee markup sessions.

I should like to discuss briefly at this point a decision made by the chairman of the subcommittee and lived with by all of us in regard to hearings. After last year's hearings in which we spent several hundred hours in toto listening to the Department's case for agricultural programs, listening to all facets of our population concerned with those problems, we were suddenly confronted without warning or intimation—in fact, we read about it in the newspapers—that the Secretary had not only cut back funds through a freezing process but also eliminated programs for which he himself had requested funds and in behalf of which he had submitted a case eloquently for the continuation of those programs when we held those hearings a year ago.

So, because of the summary way in which I felt the committee had been treated after its conscientious efforts to hear it all out and to do the best it could, I announced we would not be interested this year in hearing from the Secretary of Agriculture and his assistants on their petition for new requests for agriculture appropriations.

It seemed to me to be straining the sense of responsibility and to be an imposition on committee members, in the light of the experience last Christmastime, when the program for 2-percent REA loans at that time were summarily disposed of by the decision of the Secretary as well as the Water Bank, the Water and Sewer Development program, and the REAP were all wiped out after funds were requested for them during the hearings.

We felt there was no assurance that whatever the committee did this year, however detailed our hearings might have been, we would have no assurance that our deliberations would be honored or recognized.

Therefore, in our procedures we studied carefully the House hearings; we yielded very substantially to the President's requests for economies in Government, and on the basis of our accumulative records in all these well-known programs, ongoing activities, we submitted our proposed overall budget.

Mr. HRUSKA. Mr. President, will the Senator yield at that point?

Mr. McGEE. I am glad to yield to the Senator from Nebraska.

Mr. HRUSKA. It is with interest that the Senator from Nebraska hears the explanation for the lack of hearings on this bill. It is the first time in my experience in Congress, let alone my experience on the Committee on Appropriations, that this situation has occurred. I would like to make inquiry of the Senator from Wyoming at a later time as to his expectations for the following year.

In the meantime, however, may I say with respect to wiping out the programs and the impoundment of funds—a word which has a wide and wicked connotation in the minds of some people—and in connection with the policy of the Secretary of the Department of Agriculture, larger considerations were existent.

To be sure there are priorities, expressed in our appropriations bills for this fiscal year. There are priorities that also must be established on a national basis. A nation which has been very severely endangered by devaluation of its currency, and other economic problems must cut down on extravagant expenditures to insure continued existence in an orderly fashion. It was the judgment of the administration and the Department of Agriculture when it came to cutting down or eliminating programs that the higher priority was being served.

That, of course, is a debatable question. It was with some reluctance that I acquiesced in the lack of hearings; first, because of the impact it has on the Appropriations Committee and Congress, and, second, because this method shortchanged those people who are interested in agriculture and would desire to come here and present their views on this important subject.

My next question is: What assurance is there, even without hearings, that the Secretary of Agriculture will pay any greater attention to the bill we turn out, without hearings, than he would if we had the regular hearings, which serve a highly useful purpose?

Mr. McGEE. I would say to my colleague that there is no assurance; we cannot have any assurance on something like that, particularly after the way it was handled last year. That was a shock to a great many of us.

We would have expected that a responsible head of a department would at least have extended the courtesy to the committee, to its chairman and ranking minority member, of preceding the Washington Post release with a little consultation with members of the committee. We thought that was a courtesy that should have been extended.

Second, as to eliminated programs for which he, himself, had requested the funds, I think the Constitution probably would justify our expectation that there would have been a submission of a case to wipe it out, as long as it was an ongoing program. We felt we were given short shrift in that respect. In any case, one cannot guarantee, but this was one way of simply saying that we were not interested in hearing a few thousand more words of rhetoric about something he might not even mean after his petition.

I appreciate the Senator's point about higher priorities, but I wonder whether those higher priorities would take precedence over the constitutional process. I thought that was strained a bit on the programs that were wiped out.

Mr. HRUSKA. After all, is it not a fact that the Secretary did mean what he testified to last year, and the witnesses did mean what they testified to about proper programs, and so forth. Nevertheless, there was the proposition that there had to be a rescission of some spending by the Government.

In this fiscal year, together with the next 2 fiscal years, the expenditures would have reached a total of $54 billion over and above a full employment budget. Obviously that is a situation which this country, as strong and rich as it is, could not tolerate or endure. That is the firm feeling of the administration, as well as many economists and financial experts.

Agriculture is not the only department where that judgment was imposed. Every department and every activity in Government went through the same wringer to reduce the budget by $11 billion, from $261 billion to $250 billion.

I fail to see the point of saying we will not listen to him because he did not carry out the pledges he made in his testimony; they are, but there is something higher.

I agree with the Senator from Wyoming. Maybe the treatment we received by way of intelligence and lack of timeliness is something to which we should direct our attention. Looking at it, in retrospect, I imagine Cabinet officers realize that now. To have been informed by reading the morning newspaper and then learning the particulars from the Department is a little abrasive. If it is abrasive to us, imagine what it is to the recipients affected by the programs.

Frankly, I felt some of the programs did not warrant such rough and summary treatment. Certainly, the idea of phasing them out, or some other plan, could have been given consideration.

That is behind us now. So I would ask my second question: Has the Senator now established his point of shock treatment in reciprocation of the shock treatment we received? Does he think we can now resume the regular practice next year when we get to the budget for fiscal 1975?

Mr. McGEE. I would say to my colleague that I certainly hope so. A government cannot be run in the way these events have followed one another. It has to be run in the ways that we are accustomed to running it. That means an understood process under the Constitution, not over the Constitution, and in regular hearings. That is what hearings are all about.

I am certainly hopeful, as is the Senator from Nebraska, that the members of the Cabinet got the message which we were trying to give, too. We felt we had a say in this business, and that should such a crisis arise again, it will be handled differently with members of the committee.

I feel the whole committee process is very important. It is an irreplaceable, fundamental part of our system of government.

I have no intention that this be interpreted as a precedent or policy. It could be provoked again if messages have not gotten through, or perhaps something more extreme, but we did address ourselves to the question, likewise, of the budget crunch. We are all concerned about that. In fact, we lowered our appropriations from last year in the amount of $2.5 billion, which attested the bona fide concern of the committee.

Mr. HRUSKA. Congress also got the message by reason of that shock treatment, because we formed immediately a Joint Committee on the Budget. We have a recipe now, so that Congress will pay closer attention to keeping within a general level of expenditures that is livable, to the extent that this bill is now $650 million over. I imagine that if those budget control measures were in effect right now, we would have to perhaps put a surcharge on our taxes in order to raise the extra $650 million, or announce that we will want to raise the public debt ceiling, which we operated on yesterday, to accommodate the $650 million, or decide we are going to cut out something so that we would come down $650 million.

That response on the part of Congress I think is salutary. I think it is good. I hope Congress will proceed to enact some of the rules adopted by the joint committee.

There is no doubt that a shock was received by both sides. I join the Senator from Wyoming in the hope that the executive branch has also benefited by the shock treatment.

Mr. McGEE. I think it is a two-way benefit in the long run.

I ought to point out the new procedure initiated by the chairman of the full Appropriations Committee, the Senator from Arkansas (Mr. McCLELLAN). The chairman asked his subcommittee chairmen to submit an estimate of the amount of money which was to be included in the respective bills so we could balance these matters out at the beginning of this session of Congress. It is the first time we have done that in the Appropriations Committee. I think it is a great step forward, but I think it does also dramatize the fact that we probably do not have one wizard who can determine what those figures must be. We have a constitutional process that seeks to arrive at a collective judgment. We still believe we belong in that collective judgment process.

Mr. HRUSKA. I think so, also. I forecast, and firmly believe, that the events of the last 6 or 8 months in the field of appropriations will result in a closer and more effective cooperation between the departments and Congress. I hope it will happen, because that is the only way we can make it firm.

I thank the Senator for allowing this colloquy with him.

Mr. McGEE. I appreciate the colloquy with my colleague from Nebraska.

I would just inject there that as the subcommittee sorted through the programs and submitted a tentative figure to the chairman of the committee early in April, we estimated that we would exceed the budget estimate by approximately $800 million. We held that down.

As I indicated earlier we are over the budget by approximately $650 million in the bill now before us.

Mr. HRUSKA. I want to compliment the chairman. He was very kind in allowing me to express my views as the bill developed. It testifies to the fine leadership he is giving us in this field.

Mr. McGEE. Mr. President, I shall now proceed to a more detailed statement and explanation of the bill.

Mr. President, the appropriations bill we are considering here today for Agriculture, Environmental and Consumer Protection agencies contains new obligational authority of approximately $10.1 billion. As indicated in the figures contained in the report on this bill, this amount is about $650 million over the budget estimates and $773 million over the House figure. It is significant to note, however, that it is more than $2.5 billion less than the new obligational authority contained in the 1973 act.

As usual, the committee report accompanying the bill contained a detailed breakdown and explanation of the various items in the bill, and I shall not go into them at this time but I think that some preliminary remarks are in order on the size of the bill as presented to the Senate. I can assure you that my colleagues on the subcommittee and the full committee made every effort to hold this bill down in view of the critical fiscal situation facing the country today. It appeared to many of us that—as reflected in the budget estimates for fiscal year 1974—agriculture was being called upon to make financial sacrifices far in excess of any reasonable share or ratio and far in excess of its ability to absorb the proposed decreases and still survive.

A quick look at the budget estimates for 1974 revealed that this committee could in no way report a bill below the budget estimates and at the same time discharge its obligation to this country—not alone the farmer but also the consumer. We must not lose sight of the fact for a single minute that we are all consumers.

At a time when we are all desperately seeking ways to produce and market more effectively and more efficiently the administration-proposed drastic cuts in research across the board. Not only was the Agricultural Research Service recommended for drastic cuts, but the Cooperative State Research Service was proposed to be reduced substantially. The committee added funds for ARS, Cooperative State Research, and the extension service. It is my opinion that this type of research has paid off handsomely in the past and the committee thought it was sheer folly to reduce them so severely at this time.

At a time when we are directing more attention to conservation of our natural resources, the administration proposed to eliminate some of the finer and more successful conservation programs that we have. The agriculture conservation program, or REAP, as it is now known, was the first to get the ax. The water bank also was completely eliminated. The Soil Conservation Service, with a background of several decades of conservation activities to its credit, also felt the wrath of the OMB. Some of its programs were reduced by as much as two-thirds. Here again, this committee could not in good conscience stand by and let these cuts go unopposed. To do so would not be exercising fiscal responsibility but, in fact, would be the height of irresponsibility. We should have learned our lesson from experiences in the Dust Bowl days of the early and mid-thirties—the pre-Soil Conservation Service and the pre-ACP days—that the problems involving conservation and preservation of our natural resources do not just go away. So, we restored funding for REAP and we restored funding for the water bank program. We also restored at least some of the drastic reductions to which the Soil Conservation Service had been subjected.

The other large items of increase involved some of the food programs. At a time when the press and the administration reports that food prices continue to climb at an alarming rate—the latest figure I recall is something like 12 percent per year—and at a time when unemployment continues at a high and unacceptable level, the administration chose to propose a reduction of some $300,000,000 in the food stamp program. While I cannot fully explain the rationale behind such a proposal, I presume it must be based on some ill-conceived notion that the food stamp recipients have found some secret method to beat inflation and to absorb the higher food costs that the rest of us have not yet discovered. Now I sincerely hope that the spiraling food prices do adjust in the months ahead and that an improved economy will result in less unemployment so that fewer people will require food stamps. That is my hope, but it would be highly unrealistic to appropriate on such baseless assumptions. We must look at the situation we face today and what we can reasonably expect to face in the future and when one takes that long hard look it is readily apparent that this is not the time to reduce the food stamp program.

We added money for the school milk program. Every year it seems we are called upon to play this little game with the administration. As a budget-reducing measure, they recommend that this school milk program be eliminated or reduced. I am certain that it comes as no surprise to anyone that the Senate restores this money.

We also added considerable funds for environmental programs. At a time when the administration is giving considerable lip service to solving environmental problems, and I certainly agree that some headway is being made, they are still submitting budget estimates at a small fraction of the authorized levels of many programs.

Mr. President, later in my remarks I shall include a short table indicating the increases we made in several selected items but I did want to discuss just a few of them to indicate, to some degree at least, some of the priorities of the committee. I think a review of these items will show that the committee did act responsibly and I bring this bill to the floor of the Senate today with no apologies for being $650 million over the budget, but rather with this explanation of that action.

By way of further discussion, I feel there is no man in this body with a greater fiscal responsibility or with a greater dedication to discharging that responsibility than the chairman of the Appropriations Committee, the senior Senator from Arkansas, Mr. McCLELLAN. He has been a leader in this area and early this year he called upon his subcommittee chairmen to submit an estimate to him indicating what would be required in the various bills within the committee. To his great credit, he did not impose or even attempt to impose an artificial ceiling of his own on the subcommittee chairmen, but simply wanted the best estimates of the amounts which would be required to maintain at least a minimal program level for the various agencies included in the respective subcommittee jurisdictions.

At that time, I advised him that I expected to exceed budget estimates by approximately $800,000,000. The bill which we are considering here today falls about $150 million short of that figure, about $650 million over the budget, so it is obvious that we on the subcommittee and the full committee did not take our responsibilities lightly. We rejected several new programs, many worthwhile programs. We have recommended only one new construction item for the Department of Agriculture and that one is the critically needed animal quarantine facility at Fleming Key, Fla. This is, in my opinion, a bare-bones appropriation bill.

Now, Mr. President, I shall list several of the major items of increases over the budget estimate contained in this bill:

	Over Budget
1. Agricultural Research Service	$8,038,900
2. Animal and Plant Health Inspection Service	6,700,000
3. Cooperative State Research Service	16,421,000
4. Extension Service	11,742,000
5. Agricultural Stabilization and Conservation Service (REAP and Water Bank) Salaries and Expenses	17,235,000
6. Rural Water and Waste Disposal	$30,000,000
7. Environmental Protection Agency	68,000,000
8. Soil Conservation Servcie	68,246,000
9. ASCS–REAP	160,000,000
10. Water Bank	10,000,000
11. Food and Nutrition Service	384,573,000

We added: $300,000,000—to the 1973 appropriation for food stamps; $72,123,000—special milk; $12,000,000—nonfood assistance—equipment.

The committee is reporting this bill, H.R. 8619, the agriculture, environmental and consumer protection appropriations bill for fiscal year 1974, without subcommittee hearings having been held. While this is somewhat of a deviation from past committee and subcommittee practices, it was done only after serious deliberations and thought and for good reason.

In past years, the subcommittee conducted extensive hearings and received considerable testimony from both agency and nongovernmental witnesses. For example, the subcommittee hearings for fiscal year 1973 consisted of almost 2,700 pages of printed testimony and supporting documents. Those hearings commenced on March 6, 1972, and concluded on April 13, 1972. The subcommittee examined the administration's budget estimates in detail and in good faith. Agency witnesses were questioned extensively and considerable weight was given to their views and comments because it was felt that they were familiar with their respective programs and had a real and significant input in the budgeting processes. This is not to say or suggest, of course, that their views were accepted because the committee was well aware that the recommendations of the agency heads were subject to review and adjustment at higher echelons, both within the Department and elsewhere in the administration. But their views were solicited to be considered by the committee in arriving at an overall judgment on the various items under the jurisdiction of this subcommittee.

The entire appropriations procedure—and the legislative procedure for that matter—was drastically and abruptly changed by the administration late in calendar year 1972 and early in 1973. At that time, as is well known, the administration suddenly announced the termination of many programs within the Department of Agriculture. The acts of termination were made without prior notice and without consultation with Congress.

These were programs which had been duly enacted by Congress through the regular legislative processes set forth in the Constitution. They were programs which had been reviewed by the President of the United States at the appropriate time—prior to their having been signed into law over the President's signature, as provided by the Constitution. Some of these had been enacted into law as late as last year, others had been on the statute books for several years. But one thing is common to all of them—they were enacted into law and became the law of the land.

Likewise, the terminated programs had been funded for fiscal year 1973, again through the established legislative and constitutional processes. They were programs for which specific requests had been made in the President's budget requests for fiscal year 1973 and/or proposals to utilize carryover funds from prior years' appropriations and which were contained in the official budget estimates. After having been approved by an overwhelming majority in both Houses of Congress, the bill for fiscal year 1973 was reviewed by the President and was signed into law on August 22, 1972.

At no time during this process was it even remotely suggested by anyone that programs such as the 2-percent direct loan program of the REA, the rural environmental assistance program, or the water and sewer grant program under the Farmers Home Administration and others would be terminated. As a matter of fact, the record clearly shows that administration witnesses supported these programs.

It is only too clear then that the administration completely ignored not only the unquestioned and clearly expressed intent of Congress, but also the laws which had been duly enacted. The work of the committee in developing the bill for fiscal year 1973 was completely obliterated by Executive fiat. With this background, the subcommittee could see little justification for convening the subcommittee and for devoting several weeks to hearings only to have their carefully considered judgments and decisions emasculated by some "higher authority" in the executive branch of our Government.

The committee, in this preface, will not go into detailed discussions on all of the programs involved, but a brief discussion of the rural environmental assistance program will serve to illustrate the point. This program, formerly referred to as the agriculture conservation program, was authorized in the mid-thirties and has been so authorized since that time. To the knowledge of this committee, the administration did not suggest or propose legislation to repeal this authority. For fiscal year 1972, the administration requested an advance program level of $140 million. Congress provided $195.5 million, and the full amount was authorized for use in fiscal year 1972. For fiscal 1973, the agency requested an advance program level of $200 million. This request was reviewed within the Department and reduced to $195.5 million. It was this amount that was requested by the Department. Upon further review, however, this was reduced to $140 million by the Office of Management and Budget and it was this amount that was contained in the official budget estimates which were forwarded to the Congress. Congress provided $225.5 million, with special emphasis to be placed on pollution control practices.

In September of 1972, the Secretary of Agriculture announced the program at a level of $140 million, the same amount requested by the administration. In addition to this program level, however, he held out great hope to those who supported a larger program by indicating that the $140 million was the initial authorization for the annual program, thereby suggesting that at least some of the $85.5 million would be released at a later date. The only subsequent announcement was that the program was terminated effective December 26, 1972.

The same story could be told with reference to other programs. This illustrates the extent to which the integrity of the appropriations process has been challenged.

The committee is deeply concerned with the budget estimates for the Department of Agriculture for fiscal year 1974, and finds it most difficult to believe that this budget represents the thinking of those involved with agriculture or the rural areas of this country. It appears that many of the decisions reflected in the budget represent the thinking of those who serve in the higher echelons of authority in the budget process, with little knowledge of and perhaps even less interest in agriculture or rural America.

The committee is reminded of the fact that the present Director of the Office of Management and Budget, Mr. Roy Ash, is the same individual who, just a couple of short years ago, recommended that the Department of Agriculture be abolished and that its present functions be distributed to various other departments and agencies. He is the same individual, in testimony before Senator McCLELLAN's Government Operations Committee some 2 years ago, said that:

> We believe that the farmer is today without substantial representation on issues that are very important to him.

The action taken by the President in December and January, and the 1974 budget estimates for the Department of Agriculture, seem to lend considerable credence to Mr. Ash's statements and this is a frightening thought.

Another disturbing fact is that we are, in effect, dealing with people in the Office of Management and Budget about whom we know nothing. It has been the practice of this subcommittee for many years to request a biographical statement on all departmental witnesses who appear before the committee for the first time. By reviewing that personal data, we are able to evaluate his testimony and relate it to his background and qualifications. His views, his testimony, and his decisions can be carefully weighed in connection with his experience, background, and expertise. But we have no such opportunity to question OMB personnel, nor are we privileged to know of their qualifications, expertise, or interest. In testimony before the House subcommittee this year, it developed that there are about eight "professionals" within the Office of Management and Budget assigned to work with the Department of Agriculture. A specific request was made that the qualifications and background of these individuals be furnished but it was noted that: "The Office of Management and Budget declined to provide this information."

We are faced with the untenable situation in which we cannot rely upon the knowledgeable administrators and experts with the Department since they are bound to defend the administration's budget and proposals, budgets and proposals clearly not of their making or to their liking. We cannot rely upon the real decisionmakers in the Office of Management and Budget because these "professionals" are not available to us.

While we do not know who is advising the President on matters involving agriculture and rural America, there is every indication that it is no one with an interest or background in agriculture and its various programs. It is most disconcerting, for example, for the President of the United States to appear before the American public and state that 80 percent of the REA loan funds go to country clubs and diletantes. The Secretary of the Treasury followed up this statement several days later by stating that:

> I think it is dumb to spend money in the form of a two-percent loan to finance a country club.

With statements such as these by the highest officials in Government, the people of rural America have every right to question the degree to which its elected leaders have an interest in or knowledge of their problems.

The months and years ahead will be

critical ones for agriculture and rural America. In addition to the social and economic problems which have plagued rural America, there are additional threats of a political nature. As indicated above, there are those in positions of great responsibility today who would abolish the Department of Agriculture, but this proposal met with great congressional opposition when it was put forth. The Congress, and this committee, have a particular interest in and responsibility to rural America, and intends to do everything possible to meet and discharge its obligations in a responsible and forthright manner.

One further matter I would like to discuss, Mr. President, is that of current activities within the Department of Agriculture of reducing field personnel. It was brought to the attention of this committee several weeks ago that substantial reductions were being programed effective July 1, 1973, on the basis that REAP and Soil Conservation Service programs were being eliminated or reduced. With that in mind, this committee wrote the following language in its report on the second supplemental appropriations bill in mid-May of this year:

> ### Reduction of Programs
>
> The Committee is aware of the plans within the Department of Agriculture to substantially reduce personnel in both the Agriculture Stabilization and Conservation Service and the Soil Conservation Service. These proposed reductions are based on (1) the announced termination of the Rural Environmental Assistance Program, which is administered by the ASCS, and (2), the proposed reductions in appropriations for the Soil Conservation Service for fiscal year 1974. In connection with the proposed personnel reductions, several offices within these agencies have been scheduled for consolidation or closing.
>
> When the appropriations bill for fiscal year 1974 is considered the Committee will consider funds for continuation of the Rural Environmental Assistance Program and funds for the Soil Conservation Service to maintain operations at a level above that proposed in the Administration estimates for fiscal year 1974.
>
> The Committee feels, therefore, that the Department should take no action by way of transferring or terminating personnel nor closing, consolidating or otherwise changing the status of any offices of the above-named agencies, based on the proposed termination or reduction of programs of these agencies, until such time as the appropriation bill for fiscal year 1974 is considered and acted upon by the Congress, and it is so directed.
>
> If it appears that the fiscal year 1974 bill will not be enacted into law prior to July 1, 1973, any funds required to carry out the policy set forth above may be included in an appropriate continuing resolution.

When the House committee filed its report on this bill on June 12, 1973, the following language was included:

> The Committee has accordingly provided $247,581,000, the same amount as was available for fiscal year 1973, for salaries and expenses of the Agricultural Stabilization and Conservation Service, which would include funds for administration of the Agricultural Conservation Program (REAP) which has been reinstated by the Committee.
>
> Notwithstanding any previous action that may have been taken by the Department to reduce personnel or eliminate various offices in this organization, the Committee directs that the organization be continued in fiscal year 1974 at essentially the same level that prevailed in fiscal year 1973. If, for the purpose of efficiency and/or economy, the Department has bona fide studies that would indicate the same work could be carried on with less personnel, the Committee will consider such proposals with the understanding that no reductions be made until prior Committee approval has been obtained.
>
> Consolidation of county offices should not be made in view of the additional costs and maintenance and inconvenience which would be experienced by local farmers because of having to travel inordinate distances to transact day-to-day business.

Finally, Mr. President, in the report which accompanies this bill to the Senate, our committee provided the following language and direction:

> The proposed reduction by the Department was based on the assumption that REAP and the Water Bank Program would be inoperative during fiscal year 1974. This Committee served notice some time ago that funds for these programs would be continued into fiscal year 1974 and, with the reinstatement of these programs, it is necessary that the administrative costs to manage them be provided and the recommended appropriation will suffice.
>
> The Committee strongly concurs in the direction of the House Committee in reference to the prohibition against the reduction of personnel or the elimination of any offices of the agency based on any proposed reduction of the program. This is consistent with the action of this Committee in its report on the Supplemental Appropriations Bill which was recently considered by Congress. The Committee, of course, does not want to maintain or perpetuate any unnecessary or inefficient office facilities and if the agency at any time feels it can reduce its costs by increasing its efficiency without sacrificing service and without increasing the cost and inconvenience to the farmer, the Committee would most certainly be receptive to any such proposal. As is indicated in the House report, however, no such action should be implemented or finalized by the Department without prior notice to and approval of the Committee.

The disturbing thing, Mr. President, is that in spite of these clear and unequivocal directives and expressions, I continue to receive disturbing reports from throughout the country that massive terminations are still scheduled for June 30—just a few days hence. I hope that these reports are not accurate, but I fear they might well be and if so, this is a matter of grave concern to all of us.

This committee and the committee in the House has made every possible effort to be fair and cooperative with the Department. The Department has been kept advised of our position and views both officially and unofficially in this regard. I hope that they have not chosen to completely ignore and disregard our suggestions and directives because this could certainly lead to some further difficulties. With time drawing short, we should have some answer to these questions within the next few days.

Mr. FONG. Mr. President, I ask unanimous consent that Mrs. Alyce Thompson, of my staff, be allowed the privilege of the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, the importance of the pending appropriation measure, which provides funds for the fiscal year beginning July 1, for agricultural, environmental, and consumer protection programs, cannot be overestimated.

High among our national concerns at this time is the need to expand production of food and to protect and enhance our environmental resources. The pending measure provides funds that will enable our Nation's farmers to increase their crop yields, to carry on conservation measures, to develop our rural areas, and to continue the Environmental Protection Agency's drive to clean up America's air and water, dispose of solid wastes, and advance the technology necessary to permit even greater antipollution efforts in the future.

For agriculture programs, the Senate Appropriations Committee, on which it is my privilege to serve as ranking minority member of the Agriculture, Environmental and Consumer Protection Subcommittee, recommends a total of $5,258,490,500 in new authority to obligate funds.

This is $280,141, 900 more than the House of Representatives provided, but it is $95,447,100 less than the President's budget request and $151,540,700 less than Congress appropriated for the current 1973 fiscal year.

For rural development programs, our committee recommends a total of $412,822,000 in new authority to obligate funds. This is $27,000,000 more than the House of Representatives approved and $56,000,000 more than the President's budget request, but $618,175,000 less than Congress appropriated for 1973.

For environmental programs, our committee recommends a total of $1,097,746,000. This figure is $78,516,000 higher than the House amount and $312,332,000 more than the President requested, but $1,870,602,000 less than Congress provided in fiscal year 1973.

The reason for the big decrease in new obligational authority is in the construction grant program. No new funds are required or were requested for 1974 as this program has been put on an advanced contract basis. EPA will be able to make grants to municipal, intermunicipal, State, and interstate agencies to help finance planning, design, and construction of municipal wastewater treatment facilities. Grants are made to States on a formula basis, with the Federal share at 75 percent.

Thus, the apparent decrease in environmental funds for fiscal year 1974 is not a real decrease in terms of program.

For consumer programs, our committee recommends $3,390,150,000 to fund such programs as the Office of Consumer Affairs; Food and Drug Administration salaries, expenses, buildings and facilities; the Consumer Information Center of the General Services Administration; the National Commission on Consumer Finance; the Consumer Product Safety Commission; the Federal Trade Commission; and the child nutrition programs; special milk program; and food stamp program.

Our committee total is $387,813,000 more than the House provided, $380,573,000 more than the President requested, and $134,870,500 more than Congress approved for fiscal year 1973.

The grand total recommended by the Senate Appropriations Committee in this far-reaching bill is $10,159,208,500 in new obligational authority.

This is $773,470,900 more than the House provided and $653,457,900 more than the President's budget request. It is, however, $2,505,447,200 less than Congress appropriated for the 1973 fiscal year which ends June 30.

I believe the committee bill is a sound and well-balanced bill. While I personally would increase some items more than the committee did and would decrease some, on the whole I believe the committee has put emphasis where it belongs in the areas of agriculture production and quality of life in rural areas and on environmental needs and consumer protection.

As the Senator has a heavy workload during the remainder of this week, I shall not take any more time to explain the bill. The committee report is quite clear and comprehensive on the various items included.

I hope the Senate will move quickly to pass the pending bill, so that it can go to a House Senate conference for differences to be resolved and become law as soon as possible following the July 4 recess.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. FONG. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I thank the Senator from Hawaii. I notice that the distinguished floor manager of the appropriations bill is not on the floor at the moment. I have discussed this amendment with both the Senator from Wyoming and the Senator from Hawaii.

I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 35, between lines 11 and 12, insert the following:

For carrying out the provisions of section 314 of the Federal Water Pollution Control Act, $50,000,000.

Mr. MONDALE. Mr. President, this amendment is to carry out the provisions of section 314 of the Federal Water Pollution Control Act. Section 314 is the so-called clean lakes amendment which authorizes funds for the restoration of America's fresh water community lakes.

As the Senate is aware, most of our environmental programs to protect the quality of our water affect interstate waters such as Lake Superior, the Mississippi River, and other major waterways and do not deal with the problems of the thousands and thousands of fresh water community lakes that are deteriorating—some of which have already died.

In 1972 we passed strong new legislation to fill that gap and to provide funding for State and local communities to restore lakes and protect the lake shores. Funding was authorized for sewage collection and treatment to protect these lakes from further eutrophication, and money was also made available for restoration projects.

Unfortunately, there is no money in the pending appropriations bill, even though we now have a study by the U.S. Environmental Protection Agency that shows dramatic deterioration in the fresh water community lakes surveyed in various parts of the country.

Mr. President, I ask unanimous consent at this point that the preliminary results of the study submitted to me by Robert Sansom, assistant administrator of the Office of Air and Water Programs be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., May 7, 1973.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Administrator has asked me to respond to your correspondence of March 29 in which you requested additional information regarding implementation of Section 314 of the Federal Water Pollution Control Act Amendments.

Your letter addressed two specific issues: first, how many lakes the EPA has identified as endangered by accelerated eutrophication, sedimentation and pollution; and second, how much it is estimated it would cost to restore these lakes.

With regard to your first question, the data which currently are available indicate the following:

a. A state-by-state survey was conducted in 1971 under EPA contract to provide a preliminary assessment of the number of polluted lakes nationwide. The data for this survey were provided primarily by the Water Resources Board of each individual State. A total of 376 lakes in 33 States were identified as polluted and in need of rehabilitation. The survey results indicate the type and frequency of occurrence of pollution in these lakes to be as shown in Table I. The sources of pollution of these 376 lakes are as indicated in Table II.

b. A second source of data concerning endangered or polluted lakes in the EPA National Eutrophication Survey. This program was initiated during 1972 in ten states, will expand into seventeen additional states during 1973, and is scheduled to start west of the Mississippi River during 1974. We expect to include about 800 lakes nationwide in our Survey; interim results will be published as they become available, with the final series of reports to be issued during 1976.

TABLE I.—NUMBER OF POLLUTED LAKES

Lake size (surface acres)	Only eutrophication	Only sedimentation	Other pollution	Combined forms of pollution
0 to 50	50	0	0	11
50 to 100	35	1	3	4
100 to 500	84	2	3	27
500 to 1,000	33	0	1	7
1,000 to 5,000	46	4	1	12
5,000 to 10,000	13	1	4	3
10,000	13	3	10	8
Total	274	11	19	72

TABLE II.—NUMBER OF LAKES WITH SOURCE OF POLLUTION

Lake size (surface acres)	Municipal effluent	Rural runoff	Septic tanks	Industrial wastes	Urban runoff	Ground water	Feed lots	Marsh drainage
0 to 50	20	3	6	2	4	0	1	2
50 to 100	10	4	4	4	2	1	1	1
100 to 500	37	26	22	17	16	5	4	4
500 to 1,000	24	15	12	5	2	2	2	0
1,000 to 5,000	35	13	15	12	6	3	1	2
5,000 to 10,000	12	6	6	4	3	1	1	0
10,000	14	9	6	15	5	2	2	2
Total	152	76	71	59	38	14	12	11

The Survey involves periodic collection of water sample data on each lake over a one-year interval. We are now about half way through the sampling period for most of the lake projects initiated during 1972 and thus are in a position to provide only preliminary findings at this time.

A total of 242 lakes were sampled by our helicopter team in the ten-state area from Maine to Minnesota. The majority of these lakes are subject to potential accelerated eutrophication because they receive effluent from municipal sources. Preliminary results for these 242 lakes indicate that 64 lakes (26 percent) have algae problems, 29 lakes (12 percent) have nuisance weed problems, 54 additional lakes (22 percent) have both algae and weed problems, and 10 lakes (4 percent) have potential near-term algae or weed problems. Twelve lakes (5 percent) were found to be free from both algae and weed problems. The status of the remaining 73 lakes has not been established at this time. In terms of water quality as determined from chemical analyses of lake samples, it currently is estimated that 13 of the 242 survey lakes are oligotrophic (very pure), 25 are mesotrophic (good condition), 15 are mesoeutrophic (starting to go bad), 139 are eutrophic (bad condition), and 50 are hypereutrophic (going dead).

One of the important objectives of the EPA National Eutrophication Survey is to provide a sound scientific basis for developing a national lake rehabilitation program. To complete this objective requires that we determine a nutrient balance for each of the survey lakes and assess the significance of controllable sources of pollution. To assist us in this effort, National Guard volunteers are collecting tens of thousands of water samples from streams tributary to the Survey lakes; in June, the State of Vermont's year-long tributary sampling program will be the first to be completed. A third sampling activity, involving monthly collection of composite effluent samples by the operators of municipal sewage treatment plants (over 200 plants), will be completed by mid-to-late 1973 for the first ten states. Final interpretation of the Survey data for each lake requires completion of the three sampling programs outlined above followed by appropriate chemical analysis and assessment of the results.

Another fundamental part of our lake classification activity relates to the water basin planning required of all States under Section 303 of the Federal Water Pollution Control Act Amendments. Section 303 basin plans, which will include area-by-area assessment of lake water quality, will begin to be submitted for EPA approval starting in July 1973. In those situations where existing water quality and pollution source information is not adequate to develop acceptable 303 basin plans, the EPA will work closely with the States in implementing necessary monitoring and analysis programs. Funding support for this basin planning work will be provided to the States as a part of their program grants under Section 106 of the Act.

The second question which you raised in your letter to the Administrator was how much it is expected to cost to implement a national lake restoration program. In responding to this question, let me first review briefly for you our water pollution control strategy as it applies to lake restoration.

Phase I: Planning and Assessment. The planning and assessment phase of our clean lakes strategy consists of three elements:

Prepare an assessment of the national lake pollution problem. This requires a description of the pollution problem in each lake, its severity and causes.

Prepare an assessment of alternative measures available to eliminate the sources of pollution of each lake.

Determine what restoration techniques (chemical seeding, biological control, etc.) can be used most effectively in dealing with each specific polluted lake.

Phase II: Lake Rehabilitation. The lake rehabilitation phase of our clean lakes strategy consists of two elements:

Provide Federal assistance to the States under Title II of PL 92-500 in those situations where improvements in municipal waste water treatment systems are needed to achieve lake or impoundment water quality standards. It is noted that the data presented previously in Tables I and II indicate that effluent control of municipal sources is necessary for rehabilitating a large percentage of the polluted lakes identified by the States in our 1971 survey.

Development of a program for implementing approved lake renewal methods and procedures where our experience with demonstrated restoration techniques indicates there is high probability of accomplishing effective lake rehabilitation projects at reasonable cost.

In all cases the commitment of Federal, State, or local funds for dealing with lake pollution problems should be consistent with the water basin plans and the water pollution control plans submitted by the States and approved by the EPA.

Let me comment further about the three elements of our lake pollution control planning and assessment activities and indicate specifically what the EPA is doing as a prerequisite to estimating lake restoration costs.

First, we need a reliable ecological assessment of the nation's lakes, including the following diagnostics information for each individual lake or impoundment which may require treatment: (a) water quality; (b) sources of pollution; and (c) effect of each source of pollution on water quality. Although such information exists for some lakes, quantiative and reliable data are not available at this time on anything approaching a national scale. The need for this data is recognized in Section 314(a)(1) wherein each State is required to prepare and submit lake classification information to the Administrator. The State pollution control plans required under Section 106 and the State basin plans which I discussed previously, supported by our own lake survey work, will provide the lake ecological assessment information which we need to determine the magnitude of the lake pollution problem on both a lake-by-lake basis and in a total national sense.

Second, we need, for each individual polluted lake, an assessment of the alternative measures that can be taken to reduce or eliminate the root causes of pollution, be this from sewage treatment plants, septic tanks, agricultural runoff, industrial wastes, ground water, or other causes. The need for this information is recognized under the provisions of Section 314(a)(2) wherein each State is required to establish procedures, processes, and methods for controlling sources of lake pollution. The State basin plans being prepared under Section 303 and the State pollution control program reports to be submitted under Section 106 will serve as primary sources of information concerning measures that can be implemented to reduce or eliminate the flow of pollutants into our lakes.

Third, we need, for each individual polluted lake, a determination of what lake restoration technique should be adopted. In some instances, desired water quality can be achieved simply by eliminating pollutant sources. In other situations, additional measures such as chemical seeding, weed harvesting, biological control, draw-down and sediment consolidation, etc., may be required. The importance of this area is recognized in Section 314(a)(3) wherein it is required that each State establish methods and procedures for restoring the quality of its polluted lakes. The Office of Research and Monitoring within EPA is conducting a series of research projects aimed at developing improved lake restoration processes. One phase of this work is the EPA National Eutrophication Research Program, a companion program to the national Eutrophication Survey, under which we are investigating many promising lake restoration techniques via projects ranging from laboratory experiments through pilot demonstration programs. This effort currently is funded at some $2.1 million annually. A second phase of this work consists of a series of projects aimed specifically at developing and demonstrating advanced technology for reducing municipal sewage-related pollution, a primary source of pollution to the nation's lakes. These projects are concerned with nutrient, solid, and organic removal techniques, sludge disposal techniques, treatment of combined storm and sanitary sewer runoff, land-spreading disposal of treatment plant effluents, and the like. The level of EPA funding for this work in FY '73 is some $8.5 million; projected funding for FY '74 is approximately $9.0 million. In July of this year we will publish the results of an EPA contract study which reviews the state-of-art of lake rehabilitation activities and experiences worldwide. Further, as required under Section 304(i), the EPA shortly will issue a report summarizing all available pertinent information on lake restoration techniques.

Turning once again to your question of funding, I feel that the only way in which we can make credible estimates of the costs of carrying out lake restoration programs is to base such estimates on the results of the ongoing State planning activities together with our own assessment of what lake renewal projects appear to be justified on the basis of need and likelihood of success. I wish to emphasize that we currently are able to make good estimates of what a prescribed pollution control program on a given lake will cost, once it has been determined what control measures would be effective and should be implemented. However, at this time we do not have an accurate national inventory of the number of lakes which warrant restoration nor do we have an analysis of each polluted lake sufficient to permit us to determine the type and level of remedial action needed to achieve desired water quality objectives. Our guidance to the States for implementing PL 92-500 requires that the States prepare and submit such inventory and analysis information to the EPA as part of their 303 planning process and their proposed pollution control programs. Only when this information is available will we be able to provide you with an accurate accounting of the level of funding needed to accomplish the lake restoration provisions of the Federal Water Pollution Control Act Amendments.

Because there may be significant delays in receiving and analyzing State basin plans and State pollution control program submissions upon which future funding decisions will be based, I have directed my staff to prepare an interim preliminary estimate of the level of funding that we believe reasonably may be required to implement a national lake restoration program. We will issue guidelines to the States later this month which will direct the States to submit to the EPA, as part of their Section 106 reports, available information on the nature and extent of their lake pollution problems, sources of pollution, and measures that could be implemented to alleviate recognized lake eutrophication problems. These data are to be submitted to the EPA by June 15, 1973. Upon receipt of the 106 reports, we will prepare an overall analysis of the national lake pollution situation, including an assessment of restoration efforts which the States are planning to undertake as part of their FY 74 program. Although we will initiate this analysis as soon as the State 106 reports are submitted, please understand that both the time required to complete this project and the degree of its success will depend in large measure on the ability and responsiveness of the States in providing the necessary input data. If we receive good cooperation from the individual State water pollution control agencies, I anticipate that preliminary results will be available by late July. If we find that we do not receive good State cooperation or that the State data simply are not acceptable for making preliminary lake restoration funding estimates, I will so advise you and indicate at that time what additional steps we will take to provide you with the information you have requested.

We sincerely appreciate your interest in our lake restoration activities and your efforts toward achieving the goal of improved water quality. The EPA is vitally interested in this area, and I believe that the program which I have outlined for you will lead to effective State and national progress.

Sincerely yours,

ROBERT L. SANSOM,
Assistant Administrator, Office of Air and Water Programs.

Mr. MONDALE. Mr. President, this is the most thorough study that has yet been undertaken on the problem. I thank the EPA for its full response. I think that it shows we must act immediately. The study I have had printed in the RECORD shows that a total of 242 lakes were sampled by a helicopter team in the 10-State area from Maine to Minnesota.

The majority of these lakes are subject to potential accelerated eutrophication because they receive effluent from municipal sources. Preliminary results from these 242 lakes indicate that 64 lakes—26 percent—have algae problems, 29 lakes—12 percent—have nuisance weed problems, 54 additional lakes—22 percent—have both algae and weed problems, and 10 lakes—4 percent—have potential near-term algae or weed problems. Twelve lakes—5 percent—were found to be free from both algae and weed problems.

The study further shows that of the 242 lakes studied, 25 are in good condition. However, 15 are starting to go bad, 139 are in bad condition, and 50 are near dead.

Based on the preliminary results of this survey by the EPA, the first survey of its kind in the country, they have concluded that most of the lakes studied are in serious condition and many are near dead. Therefore, I think that the time is running out on us.

Congress passed the Clean Lakes Act unanimously. It is a program that is long overdue.

I would hope that we could begin to make a start by obtaining funds for States and communities in this long-overdue effort.

I would appreciate the response of the Senator from Wyoming.

Mr. McGEE. Mr. President, if the Senator will excuse me, I was negotiating on behalf of the proposal of the Senator from Minnesota.

Mr. MONDALE. And I was praying for the Senator as he was doing so.

Mr. McGEE. This measure which has been submitted by the Senator from Minnesota has had very careful attention paid to it. It has an excellent background and history. It was submitted to the committee with plenty of time for the committee to consider it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I will be glad to yield such time as may be necessary for this colloquy.

The case is not only a very substantial one, but it is also a very urgent one, as well.

The committee felt, in view of the pressures that were on this year, and in view of the fact that all of these programs were being severely cut back, that we were compelled to disallow it at this time. They were not ready to implement it in the agency, and therefore, it would be subject to ongoing reconsideration. However, due to the Senator's case which he has articulated so well, my colleague and I want to be responsive to the request.

I must confess that I did not hear the Senator quite correctly. I thought the Senator mentioned the sum of $15 million. I now discover that he is asking for $50 million. I would be prepared to accept the $15 million request on behalf of the committee. It gives a toehold and gets it going along, which I think is important.

Mr. MONDALE. Mr. President, that would be satisfactory to me. I modify my amendment accordingly.

The PRESIDING OFFICER. The amendment is accordingly modified.

The amendment, as modified, is as follows:

On page 35, between lines 11 and 12, insert the following:

For carrying out the provisions of section 314 of the Federal Water Pollution Control Act, $15,000,000.

Mr. MONDALE. Mr. President, I am most grateful to the Senator from Wyoming and the Senator from Hawaii for their thoughtfulness.

Mr. FONG. Mr. President, we are very happy to accept the amendment of the Senator from Minnesota which requests $15 million. I believe it is a very worthwhile project. We think that it should be funded.

Mr. MONDALE. Mr. President, I am advised that the EPA has now issued guidelines requesting States to identify and classify lakes needing assistance under the act. Many States are ready to act. Although a year ago we were in a condition where they were not ready to use the money, we now have a pioneer study and the guidelines. And several States are ready to go. So, I am very hopeful that the same recognized and persuasive powers of the chairman of the subcommittee will prevail in conference.

Mr. McGEE. Mr. President, it is strange how my hearing has suddenly improved. I can hear that with great clarity [laughter].

We pledged to make every effort to hold as much of that as possible. The important thing is to get it going. They are moving on it now, and as these are implemented, that would certainly be one of the prime items for the supplemental, in order to keep it moving at an accelerated rate.

Mr. MONDALE. I thank the floor manager and the ranking minority member (Mr. FONG).

Mr. President, last year the Congress authorized the creation of a clean lakes program under section 314 of the 1972 Federal Water Pollution Control Act Amendments. That law authorized $50 million for fiscal 1973, $100 million for fiscal 1974 and $150 million for fiscal 1975 for grants to the States to carry out lake restoration and pollution control programs. Unfortunately, the administration requested no money to carry out this program in fiscal 1973 and proposed no expenditures for the program during fiscal 1974.

The amendment I offer today makes clear that it is the intention of Congress that this program be carried out in accordance with the 1972 law and, as modified, specifies that $15 million shall be made available in grants to the States.

Mr. President, soon after I discovered that no funds were included in the administration's fiscal 1974 budget for the clean lakes program, I wrote to Administrator Ruckelshaus at the EPA, requesting the agency's estimate of how many lakes the EPA has identified as endangered by accelerated eutrophication, sedimentation, and pollution, and how much money the agency estimated it would cost to restore them. On May 7 I received a reply.

EPA's letter of May 7 describes survey results which show a severe pollution problem in lakes located near sewage outfalls and widespread eutrophication of lakes from sources other than municipal effluent.

The results of a survey of 242 lakes in 10 eastern and midwestern States indicate that 26 percent have algae problems, 12 percent have nuisance weed problems, another 22 percent have both algae and weed problems; and another 4 percent have potential near-term algae or weed problems. Only 5 percent of the lakes were found to be free from both algae and weed problems.

In terms of water quality, it was estimated that 13 of the 242 lakes are very pure, 25 are in good condition; nevertheless, 15 are starting to go bad, 139 are in bad condition and 50 are near death.

Although we do not have figures on every lake in the Nation, the evidence clearly shows that many lakes are in desperate need of help.

The Environmental Protection Agency has issued guidelines to the States which will yield needed information from the States on the extent of their lake pollution problems, measures which can be utilized to alleviate these conditions and programs which are now planned or underway.

Many communities in Minnesota and throughout the Nation are struggling to clean up their lakes and keep them clean. Technology is available to do the job, but the cost is far beyond the ability of States and localities to meet without Federal help.

In 1972 Congress clearly recognized this problem, and also recognized that the Federal Government had a responsibility to help.

By including an appropriation of $15 million specifically for lake restoration and pollution control, we can begin to treat lakes that are suffering, and prevent them from being destroyed.

Mr. President, I urge the adoption of my amendment by the Senate.

The PRESIDING OFFICER (Mr. HATHAWAY). The question is on agreeing to the amendment of the Senator from Minnesota (Mr. MONDALE).

The amendment was agreed to.

Mr. MONDALE. Mr. President, I have one further amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. MONDALE. I am not prepared to submit it yet. This is an amendment which would provide $200,000 for much-needed research in the field of wild rice.

Last year the committee was most cooperative, and recommended that $100,000 be put into this project for wild rice research, which was done. Now we are the recipient of a report which shows that for a total of $350,000, pioneering essential research could go forward to provide progress in one of the most hopeful areas of agricultural development in our State—namely, the growth and expansion of the production of wild rice.

I would hope that the additional funding might be permitted in this bill.

Mr. McGEE. Mr. President, as the Senator knows, in considering this project, we did encourage it last year.

Mr. MONDALE. That is correct.

Mr. McGEE. And we have put another $100,000 in this year, because it has real merit, and we are hopeful that we will be able to hold that. How we can maneuver to hold it we do not know yet. The House of Representatives does have some unearmarked money with which we might be able to work out some tradeoffs. We have every intention of trying to hold that item.

Mr. MONDALE. I am most grateful that the committee amendment does provide $100,000 to carry on this research. What my amendment calls for is an additional $200,000 consistent with the studies we have in our possession showing that that further amount is necessary to carry out the work in this field.

I am willing to be guided by the feelings of the floor manager.

Mr. McGEE. We would like to hold all that we can, and are fearful we might lose some trading stock for our case if we were to overload it. I would think, with this colloquy, and because there is great merit in the proposed addition of $200,000, the colloquy will make it very clear that we intend to continue to pursue this one. It would be my feeling that we will have a better chance to hold the $100,000 without the additional amounts at this time, because of the great cutbacks that both Houses are indulging in at this particular point.

Mr. MONDALE. I realize what the

Senator from Wyoming is up against, and in light of the those comments, I will withhold offering the amendment, but submit at this point for the Record a report which I think very clearly and eloquently proves the need for additional funding in the field of wild rice research. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the study was ordered to be printed in the Record, as follows:

Report: Continuing Funds for Wild Rice Research Under Public Law 89–106

SUMMARY

Wild rice is a wild crop native to the Northern Midwest region that is being proven as a potentially successful domestic crop—a bonanza to a financially depressed area.

Its development as an agricultural crop spans scarcely a decade, yet it is recognized as a boon to future food needs.

The development of paddies has already resulted in the expenditure of many millions of dollars annually in land, labor, and capital. It has caused land values to increase ten times and mode. It has significantly decreased outside aid to our schools because of the increased local tax base.

The Indian is involved in the industry, and is updating and more efficiently producing the crop that traditionally was his most staple food and source of income.

Wild rice paddy development, by providing improved habitat for nesting and food, has greatly increased waterfowl production.

But the industry is experiencing severe growing pains. There is need for financial and technical help. These needs include:

$250,000 annually for the next 3 years for research and development of processing methods to meet today's food standards.

$100,000 for research in agronomy to develop disease-resistant and better yielding varieties.

History of wild rice paddy development. Wild rice is as old as corn, both American native crops used by the Indians as a staple food. Since wild rice grew naturally in rivers and lakes, it was not discovered that wild rice could be grown and harvested successfully as an agricultural crop until the early 1960's. The industry got its biggest surge of growth when in the mid 1960's shatter-resistant varieties of wild rice were put into production. However, these early varieties, like the first models of anything, will need a considerable amount of additional research to isolate and perfect desirable characteristics. The very limited and unreliable supply from natural stands caused high prices and could not in any way satisfy demand. In the 1970's, with the assurance of a steady increase in production, we see the expansion of marketing by the involvement of "new" markets and the development of new uses for wild rice as a food product, for example—flour, dressing, prepared casseroles, frozen products, freeze-dried products, and the pure grain. The rapid expansion of wild rice in Minnesota as an agricultural crop, as reported by Dr. Ervin Oelke, University of Minnesota, illustrates the potential for growth, as follows:

Year, paddy acreage, "rough paddy" production: 1964: 22 acres, 6,000 pounds. 1968: 908 acres, 135,000 pounds. 1969: 2,645 acres, 400,000 pounds. 1970: 5,202 acres, 910,000 pounds. 1971: 8,705 acres, 1,520,000 pounds. 1972: 17,000 acres, 3,740,000 pounds.

Federal funds spent on wild rice paddy development. Over one-half million dollars in Federal Funds, through the Upper Great Lakes Resources Commission, OEO, BIA, EDA, and Indian Land Settlements, has been spent since 1968 to investigate and develop wild rice paddies on four major Indian reservations in Minnesota and Wisconsin, as follows:

Red Lake Indian Reservation, Minnesota.
Leech Lake Indian Reservation, Minnesota.
Nett Lake Indian Reservation, Minnesota.
Bad River Indian Reservation, Wisconsin.

Economic impact on an economically depressed area. A new agricultural crop that flourishes under the adverse growing conditions (cool weather and short growing season) of the Northern Midwest Region has changed an economy that was starving into one that has all the signs of "new life." These signs are apparent in the competition for land that previously had little or no value; in the rapidly increasing tax base providing funds for local government self-support; in the appearance of new equipment on sales lots and on farms that have been vacant in recent decades; in the full use of available labor in areas where jobs had been difficult to find; in the active flow of capital where money had been at a standstill; and in the optimistic fever of people who are creating new life in an area where an attitude of pessimism and decay had prevailed a few years ago. Funds spent annually by wild rice growers for land, labor, and equipment in Minnesota alone will exceed $10,000,000.

Wild rice paddies help conserve water and wildlife. Ideal habitat is provided in the construction of paddies for the reproduction of fish and waterfowl. Wild birds and animals seem to benefit from a controlled wetland environment. Water is stored in paddies during periods of excess water runoff (reducing flooding conditions) and is released during periods of shortage of water runoff (adding to short supplies in rivers for other industries).

Research projects underway. (1) In 1969 the University of Wisconsin started to receive funds through the Upper Great Lakes Resources Commission to do research on the processing of wild rice and work in the food science areas. About $155,000 has been spent in this program up to 1973, but funds will be cut off as of June 1973 with the termination of UGLR Commission. The research had just reached a point where it was becoming meaningful to the new industry. (2) In 1971 the Minnesota State Legislature appropriated $150,000 for agronomy research at the University of Minnesota for 1971–1972. In the short span of 2 years, the agronomy research has gotten off to a tremendous start with the employment of full-time research people in plant breeding, pathology, entomology, soils and agricultural engineering. The $150,000 is a part of the University of Minnesota budget for 1973–1974, with requests for additional funds to expand the program. Prospects are good for the continuation of this research. (3) In 1972 the Congress of the United States gave a mandate to the Department of Agriculture to use $100,000 of existing funds for research on wild rice. This mandate was passed on to Mr. Earl R. Glover, Deputy Administrator, North Central Region, Peoria, Illinois, and to Dr. R. J. Dimler, Director, Northern Regional Research Laboratory, Peoria, Illinois. Three-year contracts have been made with the U.S.D.A. and the University of Wisconsin providing $16,000 per annum for agronomy research and the Universtiy of Wisconsin providing $16,000 per annum for processing research. (4) The Manitoba Legislature has allocated $362,000 to support agronomy research during the next 5 years at the University of Manitoba. The University of Minnesota and the University of Manitoba are in close contact and exchange information and plant varieties. Canada's shorter growing season requires an earlier maturing wild rice than the varieties that are being grown in Minnesota.

Urgent need for continuing Federal funds. At this time the problems are in the two broad areas of processing and agronomy. The following is a brief description of the broad problems in the two areas and an estimation of the minimum amount of funds needed NOW per annum to seek solutions to these problems:

Processing. Green wild rice must go through a processing stage before consumption. This phase of the industry has not had enough research done to keep pace with the rapid growth and volume production of the industry, the changes brought on by new varieties and combine harvesting, and the demands of new markets for specialized and uniform product. Thus, processing has become a bottleneck for the industry. Research is desperately needed on the following problems related to processing: (1) Storage of perishable green wild rice to maintain quality and provide time to process large quantities of wild rice in limited facilities. (2) Evaluate samples of new varieties of wild rice for food quality. (3) Control of the fermentation process prior to roasting to insure beneficial results. (4) Design or find modern, technical equipment that will do the fermentation, roasting, cleaning, and grading more effectively and efficiently.

A minimum of $250,000 is needed annually for the next 3 years to find answers to these critical problems. Unless new funds are provided to the Northern Regional Research Laboratory at Peoria and to the University of Wisconsin, processing research will be greatly reduced, and the progress of this growing industry will be severely and definitely retarded.

Agronomy. Funds are being appropriated in Minnesota by the State Legislature to start and carry on a limited program in agronomy. The staff involved in wild rice research on plant breeding, entomology, pathology, soils and agricultural engineering have about one-half the funds needed to carry on a program that will fit the needs of the industry. The funds for supporting research people and equipment are limited to the point where competent research people are unable to work to their fullest capacity.

An annual Federal grant of $100,000 for agronomy research would match the Minnesota State effort and provide the total funds currently needed to develop a good agronomy research program.

Mr. MONDALE. I thank the distinguished floor manager.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. McGEE. The time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RURAL HOUSING GRANT PROGRAM

Mr. CRANSTON. Mr. President, I would like to call to the attention of the Senate the language on page 32 of the Agriculture appropriations bill, H.R. 8619, which prevents the Farmers Home Administration from administering a rural housing grant program which dates back to the original rural housing title of the Housing Act of 1949. This language appears on page 32 at the end of the "Salaries and Expenses" section of the Farmers Home Administration appropriations and states simply that "no part of any funds in this paragraph may be used to administer a program which makes rural housing grants pursuant to section 504 of the Housing Act of 1949, as amended." In other words, the rural housing grants authorized by section 504 are made inoperative.

I think this amounts to legislating through the appropriations process, and I am opposed to it. If the Congress feels that the grant program authorized by section 504 should not be continued then we should develop a better program to put in its place. To prevent the administration of this program by prohibiting the payment of salaries to those who would administer it not only leaves a tremendous void for those who might benefit, it does so by sneaking through the back door.

Mr. President, section 504 has been on the books since 1949 and it has remained there because housing conditions in rural America are deplorable: rural areas contain 63 percent of all housing units lacking essential plumbing. Rural areas contain 29 percent of all overcrowded units. According to Colman McCarthy in the Washington Post, June 5, 1973, an estimated 14 million rural Americans live in shacks, hovels, and car bodies.

Section 504 authorizes the Secretary of Agriculture to make low-interest loans and grants for the repair and improvement of farm dwellings. The recipients of these loans and grants are those not eligible for loans under sections 502 and 503 of the Housing Act of 1949—in other words, the very poor.

Section 504 loans and grants provide assistance to correct the most basic repairs necessary to make a rural dwelling safe and sanitary and to remove hazards to the health of the occupant. Section 504 provides assistance for repairing a roof, installing toilet facilities, making possible a convenient and sanitary water supply, repairing structural supports, and making other fundamental corrections.

The maximum amount of a loan, grant or combined loan and grant under section 504 is $3,500.

This program was designed to help the rural poor; yet the people for whom this section was enacted are denied access to assistance because the appropriations bill contains a proviso prohibiting the expenditure of funds to administer the grant portion of the program.

While loans may be made under section 504, in many cases rural families have incomes too low to carry the loan and need to combine it with a grant. The absence of the grant program thus precludes loans to those who need them most and severely cripples the program's ability to provide the housing assistance so sorely needed in rural America.

I submit, Mr. President, that the Senate must decide whether it will implement the Farmers Home Administration program for rural home repair grants or it must replace it with a better program. It cannot, in good conscience, continue to stand by and witness the atrophy of a needed and effective program. Perhaps the appropriate time to consider these questions will come later this year when the Senate takes up an omnibus housing and community development act now being developed by the Banking, Housing and Urban Affairs Committee. As a member of that committee, I will do all that I can to provide housing assistance to the millions of American citizens now living in substandard structures in rural America. The Senate cannot have it both ways: it cannot leave a program on the books and then block its implementation by prohibiting the payment of salaries to those who would administer it. The people who lose are those who can least afford this indecision.

While I will not offer a specific amendment to strike this language at this time, I will work in the Banking Committee to seek a better solution, if that is what is needed. And I will raise the issue again next year if we have another appropriation bill being used as the vehicle to cripple this housing program. The people of rural America deserve better.

SUPPLEMENTAL FOOD PROGRAM

Mr. EAGLETON. Mr. President, the agriculture-environmental and consumer protection appropriation bill now before us contains my amendment which makes available $2 million of section 32 funds to assist local public or nonprofit agencies with the cost of distributing supplemental foods to pregnant and lactating women and infants.

Under the supplemental food program administered by the Department of Agriculture, Federal funds are used only to purchase food and transport it to the States. The costs of local transportation, storage, and distribution have been a local responsibility. In fact, however, the principal source of local funding has been Federal—OEO's emergency food and medical services program which is now being terminated.

My amendment, making assistance available from the Department of Agriculture for these local administrative costs, is necessary to prevent the demise of many existing supplemental food programs during fiscal 1974.

In order to place my amendment in context, I want to describe briefly the three efforts, current and planned, to provide special nutritional assistance to expectant and new mothers and infants.

In 1969, the Department of Agriculture began, as an adjunct to the food distribution program, a program under which supplemental food packages are made available to local agencies for distribution to low-income pregnant women, nursing mothers, and infants who are found to be at nutritional risk.

The supplemental food program was initiated by the Department under the authority contained in section 32 of the act of August 24, 1935, to distribute surplus commodities to low-income persons.

In addition to this authority, the following more specific authority for the use of section 32 funds for the distribution of supplemental foods in food stamp areas has been included in successive appropriations acts:

> (b) additional direct distribution or other programs, without regard to whether such area is under the food stamp programs or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to other needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food.

Where supplemental foods are made available in food distribution counties, the same administrative structure is utilized for both programs and the supplemental food program does not require any significant additional local expenditures.

In food stamp areas, however, local agencies distributing supplemental foods are required to bear the costs of transportation, storage, and distribution. As I mentioned earlier, the principal source of local funding has been OEO's emergency food and medical services program.

Foods made available for infants include evaporated milk, cereal, corn syrup, and juices. In addition to these items, women and older children receive instant milk, protein foods, and canned vegetables.

Participants in the program must be certified as in need of additional food by medical personnel. Assistant Secretary of Agriculture Yeutter, in recent testimony before the Senate Select Committee on Nutrition and Human Needs said:

> Health officials report that the supplemental food program plays a role in attracting the target group to health clinics earlier, and over a longer period; this is seen as a definite plus factor in the over-all health and welfare of these women and children.

In June 1971, there were approximately 300 local supplemental food programs serving about 203,000 women and children. With the drying up of OEO funds for administrative expenses, the number of programs dropped to 263 in fiscal 1973 serving about 164,000 people. Today, the number of programs has dropped further to 248, serving about 161,000 women and children.

It is estimated that, unless another source of funding becomes available, participation in this program will be reduced by another 61,000 women and children by the end of this year, cutting the size of the program back to half of its June 1971 level.

In 1970, the Department of Agriculture initiated, under the same authority as the supplemental food program, a pilot food certificate program for mothers and infants.

At five projects, located in Georgia, Illinois, Texas, Vermont, and Washington, women are issued special certificates which may be exchanged at local stores for infant formula, infant cereal, and milk in various forms.

Women receive certificates worth $5 per month during pregnancy and for 12 months following delivery. Children under 1 year of age receive food certificates worth $10 per month.

Approximately 10,000 women and children are currently receiving food assistance through these five pilot projects.

Public Law 92–433, signed into law last September, authorizes a 2-year pilot program of grants through State health departments to local agencies to make available supplemental foods to pregnant and nursing women and infants who are medically determined to be at nutritional risk. This program is known as the special supplemental food program.

The law directed the Secretary of Agriculture to spend $20 million of section 32 funds for the pilot program in fiscal 1973 and authorized the appropriation of $20 million for fiscal 1974.

To date, however, the program has not been implemented. In fact, the Department has not yet issued proposed regulations.

The Department of Agriculture spent approximately $14.2 million in fiscal 1972 and $16.1 million in fiscal 1973 for supplemental feeding programs, about $1.5 million each year for the pilot food certificate program and the remainder for supplemental foods.

The President's fiscal 1974 budget includes a total of $20 million in section 32 funds to carry out all three of the programs I have described—the supplemental food program, the pilot food certificate program, and the special supplemental food program.

Although Congress authorized the use of $20 million for the new program in fiscal 1974, the Department has indicated it intends to spend only a fraction of that amount.

While the Department has sufficient authority under section 32 and existing appropriation language to assist local agencies with the cost of distributing supplemental foods, the President's budget this year, as in the past, includes no funds for that purpose.

In Missouri, about 50 of the 103 counties participating in the food distribution program also distribute supplemental foods to women and children. In February of this year, 1,800 women and children received supplemental foods in these counties.

A relatively small supplemental food program, begun in Kansas City in December 1971, was terminated recently when it exhausted OEO funding.

A major, and highly successful, supplemental food program still exists—by the skin of its teeth—in St. Louis.

This program, begun in the fall of 1969, has to date served some 70,000 women and children in St. Louis and St. Louis County. In fiscal 1973, it was serving about 12,000 each month and a total of 20,000 annually. Because of reduced funding, that level has now been cut back to about 8,000 women and children per month.

Under the St. Louis program, low-income pregnant women, post-partum mothers up to 1 year, and children up to age 6, who have been medically certified as being at nutritional risks, received supplemental foods through 17 distribution centers.

Every major private and public hospital and clinic in St. Louis and many neighborhood health clinics have been involved in this program on a voluntary basis.

Data compiled by the St. Louis Health Department shows that the infant mortality rate dropped from 35.6 per 1,000 births in 1969 to 28.2 per 1,000 births in 1971 in poverty areas of the city. The supplemental food program is believed to have played a significant role in this result by attracting mothers and babies into health clinics.

The St. Louis program was initially funded by an OEO grant. That funding was exhausted in June 1972. From June 1972 until March of this year, the program operated at a reduced level on $40,000 raised through a community fund-raising effort and $29,000 contributed by the St. Louis model cities agency. Since March, the program has been continued by borrowing personnel from other community action programs. Efforts to find other sources of funding at the local level have been unsuccessful.

The supplemental food program in St. Louis, a program which has proved to be both popular and effective, will in all probability go under within the next few months unless it receives some assistance from the Federal Government.

Mr. President, an increasing body of scientific knowledge indicates that during fetal growth and the first few years of life an adequate diet is a crucial factor for normal mental and physical development.

And yet, despite this evidence, the sad fact is that we have no national policy with respect to providing nutritional assistance during this critical stage of life.

We spend over a billion dollars a year on food for school-age children, and rightly so. We will spend this year only about 2 percent of that amount on special nutritional assistance for expectant mothers and infants.

And now existing programs which are putting milk and cereal into the mouths of babies in St. Louis and other cities across the country are threatened with extinction simply because the Department of Agriculture has not seen fit to request the minimal amount of money necessary to keep them going.

My amendment makes available $2 million for this purpose in fiscal 1974.

Mr. President, I ask unanimous consent that a statement in support of the Federal funding of supplemental food programs by the Committee on Nutrition of the American Academy of Pediatrics and the most recent project by project monthly report on the supplemental food program be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ACADEMY OF PEDIATRICS, COMMITTEE ON NUTRITION, SUPPLEMENTAL FEEDING PROGRAMS FOR MOTHERS AND INFANTS

The Committee on Nutrition of the American Academy of Pediatrics is seriously concerned about the fate of several thousand mothers and infants who may soon be denied further participation in a special feeding program designed to provide adequate nutrition for infants from low income families during the critical developmental period extending from pregnancy through the first few years of life. The Supplemental Feeding Program currently operated by the Department of Agriculture provides nutritious surplus foods to 157,000 program participants, which is less than ten percent of the women and children whose low incomes place them within the population of nutritional risks. According to recent surveys, approximately 37% of that already dwindling program is likely to cease operation soon due to the elimination of OEO funds that had been used in many localities to administer the program and distribute the foods.

The need to accord special attention in federal feeding programs to pregnant and lactating women and to infants and preschool children is supported by medical evidence indicating that improper nutrition during gestation and during the first few years of life can cause serious damage in the course of a child's physical and mental development. Studies have shown that iron, protein, and calorie deficiencies are especially dangerous during the first two years of life because of adverse effects upon the child's growth during a critical developmental period.

The nutritional experience of the mother is crucial to the child's development. There is no doubt that malnutrition in pregnant women contributes to the birth of premature and low-birth-weight infants. Prematurity and low-birth-weight contribute in turn to infant mortality and mental retardation. Seventy percent of all infant deaths in the first year of life occur in infants of low-birth-weight, and a high proportion of premature babies have demonstrable intellectual or behavioral deficits when they reach school age. Optimal maternal nutrition and prenatal care should decrease the high incidence of low-birth-weight infants, and, since prematurity is correlated with mental retardation, relief of maternal malnutrition may have a long range effect upon the prevalence of mental retardation as well.

The special needs of mothers and infants, then, are well established. Solutions to the problem are perhaps less evident. Ideally, family feeding programs should be sufficient to assure that all members of the family get a nutritious diet. At the present time, however, this is simply not the case. The recently completed Ten-State Nutrition Survey conducted by the Department of Health, Education, and Welfare indicates that "substantial numbers" of American children are malnourished and that evidence of retarded growth is apparent in children from low income families. The survey further points to a widespread protein deficiency among pregnant and lactating women, stating that the problem demands special attention because of its relationship to the frequency of unsatisfactory pregnancies and the excess of low-birth-weight babies in low income groups.

While the current Supplemental Feeding Program is far from an ideal solution, it is a source of much needed food for some 157,000 people. Furthermore, it is a means of getting pregnant women to visit clinics where they get medical care they probably would not receive otherwise. The Committee on Nutrition therefore urges that the program be maintained through federal efforts to distribute the already available commodities until a better means of caring for mothers and infants has been implemented. In the many areas where OEO funds supported commodity distribution and where local communities cannot take over that responsibility, it is incumbent upon the federal government to lend its support.

The initial step toward improving nutritional services for mothers and infants was taken by Congress last year with the establishment of a $20 million pilot feeding program designed, not to kill the current supplemental program, but to explore alternative approaches and to test the effects of those approaches. Unfortunately, the implementation of the pilot has been delayed for many months because the Department of Agriculture has not promulgated the regulations under which the program will operate. Furthermore, the federal budget reflects a minimal interest in the pilot program. USDA's Food and Nutrition Service has estimated that $500,000 to $1 million will be spent on the new program in FY 1973, and of the $20 million requested for the two supplemental programs in FY 1974, about $5 million will be available for the pilot.

If the two year pilot is to serve its function as a means of evaluating special feeding programs for pregnant and lactating women and infants, it must get off the ground immediately. The Committee on Nutrition urges

that the entire authorization of $20 million per year be appropriated and spent so that the pilot will be a meaningful tool for the collection of data and the fulfillment of nutritional needs rather than a mere exercise.

Until more is known about control of the higher incidence of morbidity, mortality, and developmental problems among children from low income families, the special feeding programs are a rational response to at least part of the problem. From a practical viewpoint, we would point out that malnutrition leads to social and economic costs far beyond the expense involved in these programs. From a humane viewpoint, we should remind ourselves that, while federal programs may be expendable, our children are not.

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE, SUPPLEMENTAL FOOD PROGRAM REPORT, FEBRUARY 1973

Number of States participating, (includes District of Columbia)	34
Number of areas participating:	
Food stamp	113
Nonfood stamp	132
Total	245

Item/area	Infants	Children	Women	Total
Participation:				
Food stamp areas	23, 815	86, 001	25, 172	134, 988
Nonfood stamp areas	6, 342	17, 256	6, 753	30, 351
Total	30, 157	103, 257	31, 925	165, 339
Foods distributed:				
Food stamp areas:				
Sec. 32	798, 292	2, 672, 623	564, 848	4, 035, 763
Sec. 416	36, 708	155, 481	18, 296	210, 485
Total	835, 000	2, 828, 104	583, 144	4, 246, 248
Nonfood stamp areas:				
Sec. 32	215, 594	551, 483	155, 078	922, 155
Sec. 416	8, 903	26, 254	5, 059	40, 216
Total	224, 497	577, 737	160, 137	962, 371
Total:				
Sec 32	1, 013, 886	3, 224, 106	719, 926	4, 957, 918
Sec. 416	45, 611	181, 735	23, 355	250, 701
Total	1, 059, 497	3, 405, 841	743, 281	5, 208, 619

Item/area	Infants	Children	Women	Total
Cost of commodities:				
Food stamp areas:				
Sec. 32	129, 962	613, 586	140, 134	883, 682
Sec. 416	5, 511	23, 341	2, 745	31, 597
Total	135, 473	636, 927	142, 879	915, 279
Nonfood stamp areas:				
Sec. 32	34, 712	121, 504	38, 585	194, 801
Sec. 416	1, 337	3, 941	761	6, 039
Total	36, 049	125, 445	39, 346	200, 840
Total:				
Sec. 32	164, 674	735, 090	178, 719	1, 078, 483
Sec. 416	6, 848	27, 282	3, 506	37, 636
Total	171, 522	762, 372	182, 225	1, 116, 119

		Participation (number of persons)			Quantity of commodities (pounds)			Value of commodities (dollars)		
State and area	Type of family food assistance program in area	Food service areas	Nonfood service areas	State total	Food service areas	Nonfood service areas	State total	Food service areas	Nonfood service areas	State total
Alabama (1): Elmore (total)	Food district		789	789		27, 077	27, 077		5, 742	5, 742
Arkansas (10):										
Baxter	Food stamp	76			2, 289			479		
Boone	do	195			6, 849			1, 369		
Hot Spring	do	333			12, 227			2, 648		
Jefferson	do	1, 352			49, 443			10, 396		
Marion	do	288			8, 020			1, 576		
Newton	do	155			3, 482			698		
Pulaski	do	5, 434			198, 658			42, 256		
St. Francis	do	331			6, 985			1, 450		
Saline	do	346			12, 799			2, 727		
Washington	do	200			5, 683			1, 126		
Total		8, 710		8, 710	306, 435		306, 435	64, 725		64, 725
California (12):										
Alameda	Food stamp	447			13, 439			2, 819		
El Dorado	Food district		42			1, 125			246	
Inyo	do		43			1, 528			306	
Lake	do		322			10, 008			2, 098	
Los Angeles (Watts)	Food stamp	1, 058			39, 207			8, 269		
Marin	do	472			9, 420			1, 933		
Quechan Tribe	Food district		55			1, 325			230	
Sacramento	Food stamp	988			29, 847			6, 789		
San Benito	do	84			2, 361			483		
San Francisco	do	7, 875			208, 139			46, 479		
Santa Barbara	do	207			6, 668			1, 193		
Ventura	Food district		119			4, 271			863	
Total		11, 111	581	11, 692	309, 081	18, 257	327, 338	67, 965	3, 743	71, 708
Colorado (7):										
Conejos	Food stamp	301			11, 106			2, 419		
Costilla	do	226			7, 322			1, 630		
Denver	do	6, 941			230, 986			49, 612		
Mesa	do	414			14, 495			2, 926		
Prowers	do	330			11, 675			2, 511		
Rio Grande	do	298			10, 927			2, 336		
Weld	do	1, 379			49, 985			10, 796		
Total		9 889		9, 889	336, 496		336, 496	72, 230		72, 230
Connecticut (1): Norwich (city) (total)	Food stamp	63		63	1, 639		1, 639	367		367
District of Columbia (1): Washington (total)	do	10, 756		10, 756	329, 835		329, 835	74, 104		74, 104
Georgia (6):										
Clarke	Food district		115			3, 920			874	
De Kalb	do		1, 341			47, 755			10, 051	
Fulton	do		3, 567			94, 293			19, 301	
Gwinnett	do		48			1, 522			298	
Rockdale	do		33			1, 011			202	
Webster	do		59			1, 899			405	
Total			5, 163	5, 163		150, 400	150, 400		31, 131	31, 131
Idaho (1): Fort Hall Indian Reservation (total)	Food district		85	85		1, 952	1, 952		444	444
Illinois (2):										
Cook	Food stamp	3, 173			100, 816			21, 629		
East St. Louis (city)	do	2, 141			68, 273			15, 566		
Total		5, 314		5, 314	169, 089		169, 089	37, 195		37, 195

State and area	Type of family food assistance program in area	Participation (number of persons)			Quantity of commodities (pounds)			Value of commodities (dollars)		
		Food service areas	Nonfood service areas	State total	Food service areas	Nonfood service areas	State total	Food service areas	Nonfood service areas	State total
Iowa (35):										
Audubon	Food stamp	67			2,038			429		
Benton	do	110			3,768			758		
Black Hawk	do	577			19,568			4,052		
Buchanan	do	106			3,226			653		
Buena Vista	do	88			2,635			478		
Calhoun	do	93			3,281			666		
Carroll	do	162			5,114			1,086		
Cedar	do	42			1,155			241		
Clay	do	88			2,100			398		
Clinton	do	202			6,218			1,278		
Crawford	do	55			2,053			443		
Dallas	do	233			7,678			1,574		
Dickinson	do	56			1,641			317		
Emmet	do	75			2,441			455		
Greene	do	128			4,137			834		
Guthrie	do	113			3,712			777		
Harrison	do	96			3,368			763		
Iowa	do	29			957			194		
Jasper	do	126			3,579			655		
Johnson	do	193			5,084			1,114		
Jones	do	139			4,744			1,039		
Kossuth	do	86			2,648			513		
Linn	do	1,017			24,841			5,137		
Marion	do	132			4,234			766		
Monona	do	122			4,167			896		
Muscatine	do	248			6,877			1,247		
Palo Alto	do	66			1,721			316		
Pocahontas	do	83			2,442			480		
Polk	do	1,633			48,175			9,072		
Poweshiek	do	80			2,726			559		
Sac	do	80			2,619			540		
Scott	do	928			26,613			5,420		
Shelby	do	49			1,707			380		
Tama	do	156			4,975			975		
Warren	do	52			1,490			273		
Total		7,510		7,510	223,732		223,732	44,778		44,778
Kansas (3):										
Migrant health service	Food district		99			3,551			741	
Do	Food stamp	154			5,361			1,118		
Shawnee	Food district		1,147			39,489			8,083	
Total		154	1,246	1,400	5,361	43,040	48,401	1,118	8,824	9,942
Kentucky (1): Warren (total)	do		102	102		2,251	2,251		448	448
Louisiana (2):										
Orleans	Food stamp	13,955			357,616			73,412		
Webster	do	1,523			40,878			8,647		
Total		15,478		15,478	398,494		398,494	82,059		82,059
Massachusetts (1): Boston (city) (total)	Food district		203	203		5,878	5,878		1,311	1,311
Michigan (1): Detroit (city) (total)	Food stamp	14,683		14,683	507,740		507,740	112,582		112,582
Minnesota (4):										
Leech Lake Indian Reservation	do	325			11,032			2,535		
Ramsey	do	1,013			28,143	3		6,226		
Red Lake Indian Reservation	Food district		384			12,334			2,744	
White Earth Indian Reservation	do		371			12,698			2,793	
Total		1,338	755	2,093	39,175	25,032	64,207	8,761	5,537	14,298
Mississippi (2):										
Bolivar	Food stamp	3,800			65,944			16,778		
Holmes	do	2,014			61,390			12,726		
Total		5,814		5,814	127,334		127,334	29,504		29,504
Missouri (54):										
Atchison	Food district									
Audrain	do		53			1,326			251	
Barry	do		19			699			108	
Barton	do		8			303			47	
Bollinger	do		16			576			100	
Boone	do		99			2,941			576	
Calloway	do		49			1,449			294	
Camden	do		23			732			146	
Carter	do		1			34			5	
Cass	do		29			996			187	
Charlton	do		2			62			10	
Christian	do		35			1,064			218	
Clay	do		42			1,291			247	
Cole	do		45			1,432			289	
Cooper	do		28			826			169	
Crawford	do		36			1,136			232	
Dade	do		32			1,026			197	
Dallas	do		36			1,130			234	
Dent	do		72			2,191			453	
Hickory	do		10			272			52	
Iron	do		57			1,782			385	
Jackson	Food stamp	193			6,413			1,133		
Jasper	Food district		125			3,949			809	
Jefferson	do		150			4,620			941	
Lafayette	do		21			677			129	
Lawrence	do		42			1,396			269	
Macon	do		4			147			23	
Madison	do		28			923			182	
Miller	do		35			1,136			224	
Montgomery	do		21			652			124	
Morgan	do		41			1,350			270	
Newton	do		108			3,604			717	
Oregon	do		53			1,698			338	

State and area	Type of family food assistance program in area	Participation (number of persons)			Quantity of commodities (pounds)			Value of commodities (dollars)		
		Food service areas	Nonfood service areas	State total	Food service areas	Nonfood service areas	State total	Food service areas	Nonfood service areas	State total
Osage	Food district		29			933			184	
Ozark	do		4			136			23	
Pettis	do		47			1, 245			237	
Pike	do		22			716			141	
Platte	do		1			35			5	
Polk	do		26			852			169	
Pulaski	do		58			1, 907			381	
Ralls	do		5			181			29	
Reynolds	do		14			459			90	
Ripley	do		7			230			36	
St. Charles	do		15			538			91	
St. Genevieve	do		19			609			105	
St. Louis (independent city)	Food stamp	7, 530			264, 940			55, 649		
St. Louis	do	2, 464			87, 215			18, 128		
Saline	Food district		30			961			195	
Shannon	do		30			938			197	
Taney	do		91			2, 903			593	
Warren	do		3			110			17	
Wayne	do		70			2, 263			446	
Webster	do		8			293			45	
Wright	do		16			577			92	
Total		10, 187	1, 815	12, 002	358, 568	57, 306	415, 874	74, 910	11, 304	86, 214
Nebraska (2):										
Douglas	Food stamp	2,008			59, 499			13, 103		
Thurston	Food district		172			5, 670			1, 157	
Total		2, 008	172	2, 180	59, 499	5, 670	65, 169	13, 103	1, 157	14, 260
Nevada (5):										
Clark	do		472			12, 185			2, 225	
Lyon	do		21			653			134	
Mineral	do		25			825			158	
Washoe	do		192			5, 912			1, 174	
White Pine	do		15			359			84	
Total			725	725		19, 934	19, 934		3, 775	3, 775
New Jersey (1): Passaic (city) (total)	Food stamp	174		174	1, 692		1, 692	390		390
New York (3):										
Oneida	do	1, 207			41, 433			8, 769		
Rockland	do	286			10, 274			2, 291		
Tioga	do	111			3, 651			791		
Total		1, 604		1, 604	55, 358		55, 358	11, 851		11, 851
North Carolina (30):										
Alamance	Food stamp	606			22, 048			4, 725		
Alleghany	Food district		40			1, 493			311	
Ashe	do		97			3, 655			801	
Avery	do		86			3, 105			686	
Buncombe	do		97			3, 042			613	
Caldwell	do		93			3, 244			675	
Camden	do		134			4, 770			1, 075	
Caswell	do		12			381			69	
Cherokee	do		13			416			78	
Chowan	Food stamp	204			7, 478			1, 587		
Gaston	Food district		842			29, 909			6, 434	
Gates	do		22			686			130	
Guilford	do		1, 513			51, 995			10, 787	
Halifax	Food stamp	617			22, 632			4, 809		
Haywood	Food district		156			5, 110			1, 117	
Hertford	do		165			5, 339			1, 036	
Madison	do		179			6, 296			1, 325	
Mecklenburg	do		4, 688			157, 710			32, 447	
Northampton	Food stamp	199			6, 827			1, 430		
Orange	do	402			13, 377			2, 894		
Pasquotank	Food district		320			10, 315			2, 218	
Perquimans	do		195			7, 310			1, 545	
Rowan	do		244			8, 276			1, 726	
Rutherford	do		10			313			60	
Wake	do		678			23, 621			4, 971	
Washington	do		165			6, 018			1, 271	
Wayne	Food stamp	59			1, 968			413		
Wilkes	Food district		212			7, 705			1, 566	
Yadkin	do		82			3, 001			634	
Yancey	do		10			308			62	
Total		2, 087	10, 035	12, 122	74, 330	344, 018	418, 349	15, 859	71, 637	87, 496
North Dakota (4):										
Fort Berthold Indian Reservation	Food district		90			2, 305			410	
Fort Totten Indian Reservation	do		34			1, 128			215	
Standing Rock Indian Reservation	do		51			1, 608			263	
Turtle Mountain Indian Reservation	do		325			8, 606			1, 485	
Total			500	500		13, 647	13, 647		2, 373	2, 373
Oregon (13):										
Clackmas	Food district		15			409			98	
Clatsop	do		8			205			43	
Columbia	do		46			1, 661			362	
Crook	do		86			3, 163			642	
Gilliam-Wheeler	do									
Hood River	do		123			3, 820			885	
Jefferson	do		95			2, 426			610	
Linn	do		646			18, 966			4, 527	
Malheur	do		2			35			9	
Sherman	do		7			224			49	
Tillamook	do									
Wasco	do		166			5, 154			1, 159	
Total			1, 194	1, 194		36, 063	36, 063		8, 384	8, 384

State and area	Type of family food assistance program in area	Participation (number of persons): Food service areas	Participation (number of persons): Nonfood service areas	Participation (number of persons): State total	Quantity of commodities (pounds): Food service areas	Quantity of commodities (pounds): Nonfood service areas	Quantity of commodities (pounds): State total	Value of commodities (dollars): Food service areas	Value of commodities (dollars): Nonfood service areas	Value of commodities (dollars): State total
Pennsylvania (1): Philadelphia (Temple University) (total).	Food stamp	83		83	2,841		2,841	660		660
South Carolina (5):										
Allendale	do	111			4,343			914		
Beaufort	do	971			36,204			7,590		
Berkeley	do	1,672			42,837			9,282		
Jasper	do	675			24,959			5,287		
Sumter	do	690			26,724			5,898		
Total		4,119		4,119	135,067		135,067	28,971		28,971
South Dakota (7):										
Brown	Food stamp	70			2,254			506		
Charles Mix	do	109			2,511			712		
Cheyenne Ibdian Reservation	Food district		693			11,610			2,853	
Day	do		47			1,408			315	
Kingsbury	do		12			283			57	
Pine Ridge Indian Reservation	do		597			18,052			4,182	
Rosebud Indian Reservation	do		580			13,662			3,468	
Total		179	1,929	2,100	4,765	45,015	49,780	1,218	10,875	12,093
Tennessee (14):										
Cheatham	Food district		121			3,934			906	
Davidson	Food stamp	6,236			221,192			47,046		
Decatur	do	52			1,883			392		
Dyer	do	531			19,159			4,100		
Gibson	Food district		545			10,319			1,548	
Henry	Food stamp	231			8,777			1,851		
Lake	do	280			10,407			2,215		
Marshall	Food district		103			3,221			684	
Obion	Food stamp	166			5,313			1,209		
Robertson	Food district		375			13,955			3,031	
Shelby	Food stamp	7,109			222,071			50,074		
Shelby (Hap-South)	do	3,008			111,131			23,653		
Stewart	Food district		56			1,666			411	
Weakly	Food stamp	217			7,954			1,726		
Total		17,830	1,200	19,030	607,887	33,095	640,982	132,266	6,580	138,846
Texas (3):										
Dallas	Food district		2,818			105,669			21,424	
Grayson	do		101			3,411			716	
Willacy	do		552			13,788			3,096	
Total			3,471	3,471		122,868	122,868		25,236	25,236
Utah (10):										
Box Elder	Food stamp	464			9,972			1,969		
Cache	do	322			10,958			2,269		
Carbon	do	74			1,499			348		
Davis	do	314			11,123			2,246		
Emery	do									
Grand	do									
Salt Lake	do	2,658			92,165			19,157		
Uintah and Ouray Indian Reservation	do	203			5,328			1,283		
Utah	do	546			16,021			3,840		
Weber	do									
Total		4,581		4,581	147,066		147,066	31,112		31,112
Washington (1): King (total)	Food stamp	1,316		1,316	44,764		44,764	9,551		9,551
Wisconsin (1): Lac du Flambeau Indians (total).	Food district		84	84		1,902	1,902		507	507
Wyoming (1): Wind River Indian Reservation (total).	do		302	302		8,966	8,966		1,832	1,832
U.S. total		134,988	30,351	165,339	4,246,248	962,371	5,208,619	915,279	200,840	1,116,119

THE ENERGY CRISIS

Mr. HART. Mr. President, the Senate Appropriations Committee recommends that "in light of the current energy crisis, particularly in the petroleum and natural gas sectors," $2 million be added to the budget of the Federal Trade Commission to fund a detailed investigation of the energy shortage.

It is my hope that the Senate will accept that recommendation and that our conferees will press for the increase when they meet with their counterparts from the House.

Based on a discussion of a similar amendment offered on the floor when the House considered this bill, I think it is fair to state that there is disposition in the House to accept this amendment.

Before outlining the justification for the increase, I would like to thank Senator McGEE, chairman of the Agricultural, Environmental, and Consumer Protection Appropriations Subcommittee, for taking the lead in securing committee approval of the amendment.

As the committee report states, the justification for the increase stems from the energy shortage.

Recent events in the energy industries, particularly the petroleum and natural gas sectors, lead me to believe that a detailed, hard-hitting study of the current situation is desperately needed. Thousands of small branded and independent service stations are either being curtailed in their fuel supply or completely cut off. Independent refiners are operating well below capacity, in a time of shortages, because they can no longer get adequate crude oil supplies from the majors who control these supplies. Significant dislocations and major oil company withdrawals from various geographic areas are in process. The rate of possible anticompetitive market structure changes in both refining and marketing is accelerating.

On June 8, the Subcommittee on Antitrust and Monopoly heard testimony from the Attorney General of six States concerning the lack of competitive behavior in the petroleum industry. Several of these gentlemen have already filed antitrust cases against the major companies. Five days later, the National Association of Attorneys General passed, without dissent, a resolution encouraging congressional legislation to establish a task force with adequate funding for a thorough investigation.

A number of persons have charged that a conspiracy among the major companies is the most probable reason for the present shortages. Other insist that, even absent an illegal conspiracy, the structure of the industry is such that the present crisis was almost inevitable. Any investigation should be deep and thorough enough to establish the validity or lack of validity of either of these positions.

Three years ago, I urged the Federal Trade Commission to conduct a comprehensive investigation into the petroleum industry. Even earlier, the then Chairman, Caspar Weinberger, had included the energy industry in an announcement of a detailed study of a group of concentrated industries. Most recently, Commission Chairman Ehgman has promised a preliminary report on or about July 1 of this year. This is a long period of time for Congress to wait for guidance.

In fairness to the Commission, let me point out that staff resources are limited and must be allocated to a broad area of Commission responsibilities. It is for this reason that I proposed that the Commission budget be increased by $2.6 billion in order to carry out a special "task force" type of study of the energy industry.

In its report to the Congress, the Commission should be specifically charged with presenting findings on whether either conspiracy or market structure is at fault. If the former, certainly cases should be immediately instituted. If the latter, then the Commission should be prepared to make responsible suggestions for correction of the market structure.

WATER POLLUTION

Mr. NELSON. Mr. President, as we consider the 1974 Environmental Appropriation bill, I think that it is appropriate to direct our attention to the serious problems that have arisen as a result of the impoundment of previous congressional appropriations of a similar nature. Specifically, I refer to appropriations for the implementation of the Water Quality Act of 1972. I am concerned about the failure of the Environmental Protection Agency to spend funds appropriated for much-needed water pollution abatement.

In December of 1972, the administration impounded 55 percent of the congressional appropriation for municipal waste treatment plant construction for 1973 and 1974. This impoundment has severely retarded the national effort for water quality improvement.

In Wisconsin, 130 water quality control projects are currently being delayed because of the impoundment of Federal funds. The twin cities of Neenah and Menasha are under Federal order to cease their discharge of wastes into the Fox River. Neenah and Menasha have been promised Federal funding for a new municipal waste treatment facility, and on the basis of that promise have spent over $1 million in planning and bid-letting processes. These cities are ready to begin construction of their project, but construction cannot be commenced until the receipt of Federal funds. During this period of delay, Neenah and Menasha have been fined $46,900 by the Environmental Protection Agency for failure to comply with Federal orders. And while these cities await the receipt of promised Federal funds, they anticipate added expenses of over $2 million for additional planning and reopening of bids. All of this delay period results in 31 million gallons of municipal and industrial wastes being discharged into the river every day, wastes which would be handled by the new waste treatment facility, were it completed.

In the Milwaukee Metropolitan Sewerage District, the 1973 construction schedule has come to a complete halt as a result of the lack of Federal funds. One project pending in Milwaukee would eliminate the discharge of raw waste into Lake Michigan during storm periods, when the present sewerage system becomes overloaded. Milwaukee currently faces a lawsuit brought by the State of Illinois to cease and desist the discharge of waste into Lake Michigan. With the completion of the new sewerage system, the discharge will cease, but until the district receives Federal aid, this serious situation will continue.

Nationally, as in Wisconsin, many cities have had to halt construction of new waste treatment facilities because of a lack of funds. The Chicago Regional Office of the Environmental Protection Agency, which serves Minnesota, Michigan, Indiana, Ohio, Illinois and Wisconsin, has over 500 project applications from cities awaiting Federal funding. The matter of cleaning up our environment, which has been recognized as a national priority by the American people has been grossly neglected by the administration.

We in the Congress have set standards and deadlines for cleaning up our Nation's waterways. We have appropriated the funds to implement these standards and deadlines. I urge the administration to allow this country to get on with the business of improving the quality of our waterways by releasing all appropriated funds for the implementation of the Water Quality Act of 1972.

INTRODUCTION OF A BILL

Mr. McGEE. Mr. President, I ask unanimous consent that the pending business may be set aside for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Senator McGovern made at this point on the introduction of S. 2094, to protect food producers and food consumers, and the ensuing discussion, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AND CONSUMER PROTECTION AGENCIES APPROPRIATIONS, 1974

The Senate continued with the consideration of the bill (H.R. 8619) making appropriations for the Department of Agriculture and environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

Mr. McGEE. Mr. President, the Senator from Hawaii has a proposal.

Mr. FONG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 37, between line 18 and 19, insert the following:
>
> "DEPARTMENT OF COMMERCE, NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL
>
> "For necessary expenses to provide staff support for the National Industrial Pollution Control Council, $323,000."

Mr. FONG. Mr. President, my amendment would restore to the pending bill (H.R. 8619) $323,000 for the National Industrial Pollution Control Council.

This is the amount of the President's budget request and is the same amount that Congress appropriated for fiscal year 1973.

In reporting H.R. 8619, the House Appropriations Committee recommended $1,323,000 for the Council, an addition of one million dollars above the budget request.

This is what the committee stated in its report on this matter:

> The National Industrial Pollution Control Council was established by Executive Order 11523, April 9, 1970 to advise the President and the Chairman of the Council on Environmental Quality on programs of industry relating to the quality of the environment. The primary objectives of the Council are to provide top-level industrial advice on formulation and implementation of environmental policy and to stimulate more vigorous pollution cleanup action by industry.
>
> The Committee is impressed with the work of the Council and will expect the Council to continue to provide the Council on Environmental Quality and the Environmental Protection Agency with industrial advice on environmental policy. The Committee also encourages the Council to study and report on the cost of agricultural pollution abatement practices.
>
> The Committee recommends adding $1,000,000 over the budget request to allow the Council to conduct a major study of the effect of environmental requirements on the competitive position of American business. The study should also examine the extent to which American business or branches of American business are relocating to foreign countries in order to protect their competitive position in world trade.
>
> To the maximum extent possible the Council should seek the assistance of the appropriate agencies of the Department of Commerce in conducting the study and preparing the final report. The Committee will expect the Council to make preliminary reports to the Committee periodically and to complete the report by February 1, 1974. Copies of the report shall be provided to the appropriate executive departments and agencies and to the Congress.

When H.R. 8619 came up in the House of Representatives for debate, the language and funding for the National Industrial Pollution Control Council were stricken on a point of order as not authorized by law.

The chair ruled that it was not in a position to construe the origin of the President's authority to issue the Executive order establishing the Council. Because the Executive order was the only authority cited in the committee provision in H.R. 8619, the chair was compelled to rule that under House rule XXI, the Executive order is not a law and does not qualify as a law and, therefore, the point of order was sustained.

Actually, the Council is established by law. Originally, it was set up by Presidential Executive Order No. 11523 on April 9, 1970. But it has been continued pursuant to the authority of section 9(a)(1) of the Federal Advisory Committee Act of 1972—Public Law 92-463, October 6, 1972—as an advisory committee authorized by the President. Charters have been filed with the appropriate congressional committees for NIPCC and each of its subcouncils under section 9(c) of the act, and it has otherwise been operating under other provisions of the act.

Additional statutory basis for the Council is the National Environmental Policy Act of 1969—Public Law 91-910, January 1, 1970. Pursuant to section 205, the Council on Environmental Quality is authorized to consult with industry representatives and to utilize information thereby obtained. The NIPCC advises the Council on industry programs relating to the quality of the environment and in other respects, in accord with Executive Order 11523 and as the Council otherwise deems advisable.

In addition, under section 102 of the act, the Secretary of Commerce utilizes the NIPCC to assist and advise him in identifying and developing methods and procedures, separately and in consultation with the Council on Environmental Quality, which insure that environmental values are considered along with other considerations in departmental decision-making.

Also, the Secretary of Commerce utilizes the NIPCC not only as an industry advisory committee to assist and advise him in fulfilling his responsibilities under the National Environmental Policy Act, but also pursuant to his general authority in 15 U.S.C. 1512 to foster, promote, and develop the foreign and domestic commerce of the United States. Commerce Department employees who support NIPCC operations are paid under this and above-related authorities.

There are 63 top industry executives who serve on the Council. In addition, there are 167 top industry executives who serve on industry subcouncils of the Council. None of these executives receives any pay or compensation for his service. Neither do they, under NIPCC policy, receive any per diem or travel expenses.

I reiterate, Mr. President, that 63 top industry executives serve on this Council. In addition to the 63 top industry executives, 167 top industry executives serve on industry subcouncils, and none of these executives receives any pay whatever, nor any per diem or travel expenses.

The Council has 11 staff members, including seven professionals and four clerical workers, all Department of Commerce employees. The $323,000 which my amendment would provide is to pay their salaries and expenses. This small staff, working with the Council and industry subcouncils, has prepared more than 50 reports with recommendations on a wide range of industrial pollution problems. A listing of the reports follows my remarks.

I am not requesting the $1 million the House Appropriations Committee proposed for the Council to conduct a major study of the effect of environmental requirements on the competitive position of American business and the extent to which American business or branches of American business are relocating to foreign countries in order to protect their competitive position in world trade.

Although I believe such a study is urgently needed to give us a comprehensive picture of the impact of environmental requirements on American industry, I am not asking for the $1 million. I am only asking that the budget amount of $323,000 be provided.

This is less than two-thousandths of 1 percent of the total increment expenditures industry will make between fiscal year 1971 and 1980.

They will make probably $65 billion worth of expenditures for maintaining pollution control facilities. These capital investments are over and above the costs of operating and maintaining pollution control facilities in 1970.

Inasmuch as industrial pollution comprises one of the largest segments of our Nation's pollution problems, I urge approval of my amendment.

The Council has done very fine work. Reports which have been made by the National Industrial Pollution Control Council are as shown on a list I have before me. I ask unanimous consent that the list may be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Reports of the National Industrial Pollution Control Council

The following list represents reports prepared by the National Industrial Pollution Control Council or its Sub-Councils on specific environmental problems. These reports have been submitted to the President and the Chairman of the Council on Environmental Quality and are made publicly available through the U.S. Government Printing Office:

Acid Mine Drainage.
Air Pollution by Sulfur Oxides.
Airports and the Community.
Animal Slaughtering and Processing.
Animal Wastes.
Appliance X-Ray Pollution Problem, An Evaluation of the Cans.*
Chemical Industry and Pollution Control.
Council Report.
Deep Ocean Dumping of Baled Refuse.
Detergents.
Detergents (A Status Report).
Disposal of Major Appliances (The).
Electric Power Industry (The).
Engineer's Responsibility in Environmental Pollution Control (The).
Exhaust Emissions from Diesel Locomotives.
Exhaust Emissions from Gas Turbine Aircraft Engines.
Fertilizers and Agricultural Chemicals.
Fluorescent Lamps.
Forest Chemicals.*
Glass Containers.
Industrial Solid Waste.
Junk Car Disposal.
Land and Water Pollution from Recreational Use.
Leisure Time Product Noise.
Maintaining Vehicular Emission Control System Integrity.
Mathematical Models for Air Pollution Control Policy Decision-Making.
Mercury.
Natural Gas Industry & the Environment (The).
Noise from Gas Turbine Aircraft Engines.
Non-Coal Surface Mining.*
Paper.
Paper and Wood Packaging in Solid Waste.
Plastic and Solid Waste.
Pollution Control Costs & Research Priorities in the Animal Slaughtering & Processing Industries.
Pollution Problems in Selected Food Industries (Excludes Meat, Poultry and Grain-Based Foods).
Railroads and the Environment.*
Railroads and the Environment in Rail Freight Operations.
Regionally Consolidated Industrial Wastewater Treatment.
Rubber.
Self-Analysis of Pollution Problems.
Synthetic Rubber Industry, Environmental Protection in the.*
Steel Industry and Environmental Quality (The).
Tank Car Cleaning and Pollution Problems.*
Textile Industry and Pollution Control (The).
Tobacco Industry and Pollution (The).
Use and Disposal of Electrical Insulating Liquids (The).
Waste Disposal in Deep Wells.
Wastewater Reclamation.
Wood Products.

In addition, the following have been presented to the President and the Chairman of the Council on Environmental Quality as evidence of the members taking seriously the President's charge of industry leadership impilict in Council membership:

Commitments: Industry Cleanup Actions in Progress—Volume I—February 10, 1971; Volume II—December 21, 1971; and Volume III—March 5, 1973.

Casebook: Pollution Cleanup Actions—February 10, 1971.

Mr. FONG. Mr. President, I also ask unanimous consent to have printed in the Record a memorandum covering examples of commitments by the National Industrial Pollution Control Council members to pollution abatement practices within their own corporate organizations.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

NIPCC Commitments of Industrial Pollution Cleanup

The following are examples of commitments by National Industrial Pollution Control Council members to pollution abatement practices within their own corporate organizations.

These examples have been summarized for brevity from the three volumes of *Commitments* presented to the President and the Chairman of the Council on Environmental Quality over the past three years. Copies of the *Commitment* volumes are attached as well as the specific letters from which these summarized examples were taken:

Trans-World Airlines:

Has spent or committed $16.8 million capital investment for noise attenuation programs.

Initiated a new fuel dumping policy in regard to unscheduled landings which during its first six months in operation resulted in an estimated 1,000,000 pounds less of fuel being dumped into the atmosphere.

Burlington Northern: Has expenditures of $750,000 in 1971; $100,000 in 1972, and proposed expenditures of $125,000 for reclaiming to useful purposes its strip mined coal land in Montana.

CPC International, Inc.: Has met with other industry members to give them the benefit of CPC developments in an unique wastewater treating facility for corn wet milling operations.

Long Star Industries, Inc.: Has initiated a $3.5 million program involving highly efficient electrostatic precipitation at cement plant in Birmingham, Alabama, which is scheduled to be on stream eighteen months from July 1972.

Interlake, Inc.:

One of the first companies in Illinois to analyze its pollution problems voluntarily, report effluent loading and provide a timetable of projects to local officials.

Pioneered development of a recirculation water system for blast furnaces through a Federal grant for $175,000. Invested $1 million to perfect and install it.

Adolph Coors Company: Coors Distributors continue to pay $200,000 a month for return of aluminum cans and Coors bottles. As of

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*For submission in the near future.

July 1972, 36 million pounds of aluminum cans had been turned in for recycling—in some areas amounting to 60–75% of Coors cans coming back for recycling.

General Electric Company: Has undertaken a major plant improvement program at the Erie, Pennsylvania facility involving use of low-sulfur coal and installation of electrostatic precipitators that is scheduled for completion July 1973. Capital cost is—estimated at $2.3 million.

Firestone Tire & Rubber Company: Expended a total of $6,710,000 since 1971, including $347,000 for eliminating sulfur dioxide and particulates, $2,560,000 for installing air pollution control facilities from production processes, $3,427,000 for water treatment, and $376,000 for solid waste management.

Outboard Marine Corporation: Reported that its operating division, producing leisure products throughout various locations in the Midwest and Northern Plain states, was committed to 1972 expenditures of $1.6 million; and a probable 5-year spending level for pollution abatement of an estimated $7.7 million.

National By-Products, Inc.: Since 1969 has completed installations at 9 plants, totalling almost $12 million. This includes $785,000 for rendering odor control, $180,000 for water treatment, and the remainder for incineration and other air cleaning. Projected expenditures at 4 plants total $720,000, of which $150,000 will be spent on water treatment and the remainder on odor and other air emission control.

Atlantic-Richfield Company: In 1971, Atlantic-Richfield spent $170 million on environmental control. This involved control facilities, devices, new procedures, land improvements, and noise considerations.

Armco Steel Corporation: Through 1971, Armco had total capital expenditures of $115 million at its installations. At its Middletown, Ohio plant alone, the company spent $42 million in 1965–71, including almost $20 million for hot strip mill water clarification and $15.2 million for high-energy wet scrubbers to remove air particuates.

Ideal Basic Industries, Inc.: This company identified seventeen projects, primarily to control air pollution. They were to be undertaken at an authorized cost of up to $20 million. By the time of this report, nine projects had been completed, and environmental improvement expenditures exceeded $10 million. All these figures excluded the sizeable operation and maintenance costs associated with these improvements.

Stauffer Chemical Company: Stauffer completed capital commitments of $4.8 million in the 16-month period ending on May 1, 1971. These expenditures included in excess of $1 million for mist elimination and dust emission control and the remainder for wastewater treatment.

The Procter & Gamble Company: Procter & Gamble had capital expenditures of $65 million during the five-year period 1970–74 for environmental control, mainly air and water control. Since then, supplemental spill protection type projects have invoved expenditures of $500 million and pretreatment projects amount to another $500 million.

Shell Oil Company:

As noted in the report of the Shell Chemical Company, its parent organization had been expending some $50 million a year in environmental improvements.

Over and above this, the Chemical Company reported that Shell Oil's decision to provide a third, unleaded, gasoline pump at its retail outlets, resulted in obligation of $70 million for this particular action leading to cleaner-burning automobiles.

Mr. FONG. Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum showing accomplishments of the Council and what would not have been accomplished without the Council.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

WHAT THE COUNCIL HAS ACCOMPLISHED

1. Furnished a legal entity to bring chief executives of American industry together in partnership with government to address pollution problems.

2. Educated consumers, through 50 reports on subjects as diverse as mercury and animal wastes, on industry's assessment, solutions, and recommendations on various pollution problems. (Approx. 160,000 items have been distributed through the Government Printing Office.)

3. Made industry aware of the nation's environmental concern and elicited industry's support for improving the environment through a yearly *commitment program.*

4. Stimulated industry to initiate cost-benefit studies on pollution problems.

5. Focused on the need for government to examine international market effects of pollution abatement policies.

6. Focused, through cross-industry relationships, on multi-industry pollution problems.

7. Focused on the need for technology development and international marketing of pollution control equipment.

8. Focused on the need for industrial environmental impact statements as a policy for industrial planning.

9. Reduced adversary attitudes between government and industry.

10. Provided industry's views and comments to the Executive Branch on legislation dealing with: water pollution; land use; pesticides; toxic substances; ocean dumping; PCB's; noise; and radiation.

11. Become a major source of industrial information for Commerce and other government agencies on industrial pollution activities.

WHAT WOULD NOT HAVE BEEN ACCOMPLISHED WITHOUT NIPCC

1. Top management of industry would have been on the side-lines in the country's fight against pollution.

2. Industry's adversary role with government regulations would not have been mollified.

3. Government would not have access to top level industrial advice and counsel.

The **PRESIDING OFFICER.** Who yields time?

Mr. McGEE. Mr. President, I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I understand we will have a vote on the nomination of Mr. Schlesinger to be Secretary of the Department of Defense at 12:30.

The **PRESIDING OFFICER.** The Senator is correct.

Mr. EAGLETON. Mr. President, it is my intention to move to table the amendment of the distinguished Senator from Hawaii with the expectation we will have a back-to-back vote on the motion to table after the vote on the Schlesinger nomination, and that we will be able to get the yeas and nays when Senators arrive in the Chamber for the vote on that nomination.

Mr. McGEE. Mr. President, if I may interrupt the Senator, I supported the effort of the Senator from Hawaii in the subcommittee and I voted with him in the full committee. But the full committee voted against him and, therefore, I am compelled to support the committee action. I wanted the RECORD to reflect that.

Mr. ROBERT C. BYRD. Mr. President, I understand both sides will yield their time back and the Senator from Missouri will then offer a motion to table. I ask unanimous consent that the vote on the motion to table occur immediately upon the disposition of the nomination of Mr. Schlesinger.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I shall be brief. I must be brief because of the vote at 12:30 p.m. on the Schlesinger nomination.

As a member and vice chairman of the Subcommittee on Air and Water Pollution of the Committee on Public Works, it was my privilege to hold hearings last year on the implementation of the Clean Air Act. During those hearings in March and April of 1972 we inquired into the utilitarian value, if any, of the National Industrial Pollution Control Council, the agency referred to in the amendment of the Senator from Hawaii. We found no legitimate purpose being served by this Council. It was created by Executive order. It is one of the classic examples of a committee wandering around with some vague authority which then seeks certain funding to conduct its business.

The amount of money in the amendment of the Senator from Hawaii, insofar as the total Federal budget is concerned, is not large—only $323,000. But an important principle is involved.

This council, which represents 500 of the biggest and wealthiest corporations in the country has no business utilizing taxpayers' money to the extent of $323,000. In effect, the taxpayers are subsidizing this group to represent themselves before the Federal Government. It gives industry disproportionate influence in the sense that this group, by reason of the fact that it has official standing, can influence EPA regulations even before they are printed in the Federal Register. It has a leg up that no other citizen, consumer or organization has. When EPA regulations come out they are printed in the Federal Register for public comment, but NIPCC has its nose in the tent before that process begins.

I want to point out and emphasize that this item was stricken on the floor of the House and eliminated from the budget. As pointed out by the distinguished chairman of the subcommittee (Mr. McGEE) when it was voted on at the full committee level by the Senate Committee on Appropriations the item likewise was stricken, even though it was defended by the Senator from Hawaii (Mr. FONG).

Mr. President, this agency is of highly dubious value. During the hearings we had last year, Mr. Hamilton of the Council testified before our committee for a considerable period of time. We could find little if anything the Council was doing of a constructive and useful nature. It printed some reports, but libraries are filled with reports printed by councils and commissions. We do not need another collector's item on a big shelf. We have more reports printed and hanging around now than we need. So far as I can determine, the Council has no legitimate function. Its purpose is to provide input and thereby gain advantage in framing EPA regulations prior to promulgation.

Therefore, when the time is yielded back, pursuant to the unanimous-consent request obtained by the Senator from West Virginia, I shall move to table the amendment to restore funding of this Council and I request a vote after the vote on the Schlesinger nomination.

Mr. FONG. Mr. President, this Council is doing yeoman work. Representing the chief executives of industry, this Council is giving its talent and time, and the only expense for the Council is for the 11 staff members comprised of seven professionals and four clerks. These are all employees of the Commerce Department, and the real work is being done by these men themselves.

It is helping the Government to a very great extent, because they themselves will be expending approximately $65 billion on these antipollution projects.

Mr. EAGLETON. Mr. President, if all time on the amendment has been yielded back, I move to table the Fong amendment. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

EXECUTIVE SESSION—NOMINATION OF JAMES R. SCHLESINGER TO BE SECRETARY OF DEFENSE

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate will go into executive session.

The question is, Shall the Senate advise and consent to the nomination of James R. Schlesinger, of Virginia, to be Secretary of Defense? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. FULBRIGHT. Mr. President, on this vote I have a pair with the junior Senator from Mississippi (Mr. Stennis). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. McClure) and the Senators from Ohio (Mr. Saxbe and Mr. Taft) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from Connecticut (Mr. Weicker) are detained on official business.

If present and voting, the Senator from Ohio (Mr. Taft) would vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[No. 252 Ex.]

YEAS—91

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—0

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Fulbright, against

NOT VOTING—8

Biden
Clark
Goldwater
McClure
Saxbe
Stennis
Taft
Weicker

So the nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative business.

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AND CONSUMER PROTECTION AGENCIES APPROPRIATIONS, 1974

The Senate continued with the consideration of the bill (H.R. 8619) making appropriations for the Department of Agriculture and environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

The PRESIDING OFFICER. The vote occurs on the motion to table the amendment of the Senator from Hawaii (Mr. Fong). On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, will the Chair ask Senators to take their seats during the rollcall vote so that we may have order in the Senate.

The PRESIDING OFFICER. The Senators will take their seats and the Senate will be in order. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. McClure) and the Senators from Ohio (Mr. Saxbe and Mr. Taft) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from Connecticut (Mr. Weicker) are detained on official business.

The result was announced—yeas 48, nays 44, as follows:

[No. 253 Leg.]

YEAS—48

Abourezk
Allen
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cotton
Cranston
Eagleton
Ervin
Fulbright
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Jackson
Kennedy
Magnuson
Mansfield
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Scott, Va.
Stevens
Stevenson
Symington
Tunney
Williams

NAYS—44

Aiken
Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Cook
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Gravel
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Inouye
Javits
Johnston
Long
Mathias
McClellan
Metcalf
Nunn
Packwood
Pearson
Percy
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Talmadge
Thurmond
Tower
Young

NOT VOTING—8

Biden
Clark
Goldwater
McClure
Saxbe
Stennis
Taft
Weicker

So the motion to table was agreed to.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McGEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUMPHREY and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. McGEE. Mr. President, I had agreed to yield first to the Senator from New York.

Mr. HUMPHREY. May I just ask unanimous consent to have two staff members come to the floor?

Mr. McGEE. I yield.

Mr. HUMPHREY. I ask unanimous consent that Mr. James E. Thornton and Mr. Barnacle be permitted the privileges of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am grateful to the Senator from Minnesota and the Senator from Wyoming for yielding, as I have a question I would like to ask. I call attention to language in the committee report, at page 51, with reference to the allocation of $100 million for basic sewer and water facilities to deal with a demonstration program which is under the jurisdiction of HUD to fund a special Great Lakes program in an effort to deal with the pollution in the Great Lakes. As you know, my State has a great shoreline on the Great Lakes.

The language reads as follows:

> The committee concurs with the action of the House in its desire for the use and distribution of these funds and for the reactivation of this program.

Referring back to the action of the House, I ask unanimous consent that a statement from the report of the House committee on page 61 under the heading "Special Great Lakes Program" be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SPECIAL GREAT LAKES PROGRAM

Last year the Committee recommended that the Environmental Protection Agency, the Department of Housing and Urban Development and the Office of Management and Budget work together to establish a program, coordinated by the Environmental Protection Agency, to make "frozen" HUD water and sewer funds available, under HUD's legislative authority, to fund the Special Great Lakes Program. The $100,000,000 would have been used to fund nine or ten selected storm and combined sewer projects on a demonstration basis to study the cost/benefits of the various systems. This procedure was recommended by the Committee because EPA did not, at that time, have the necessary legislative authority to fund storm and combined sewer projects. Regrettably, the Office of Management and Budget did not see fit to release these funds for this critically-needed program.

Therefore, this year the Committee has recommended that langauge be included in the bill transferring *$100,000,000* of the $400,000,000 in "frozen" HUD water and sewer funds to the Environmental Protection Agency in order that this very important dedemonstration program may be carried out.

The Committee has also included language in the bill to continue the availability of $3,500,000 that was provided last year by the Congress for other activities in connection with the Special Great Lakes Program which shall be in addition to the $5,000,000 for this program contained in the budget request.

PUBLIC AFFAIRS

Mr. JAVITS. Mr. President, I refer also to page 73 of that report which reads as follows:

> Last year, the committee directed the Department of Housing and Urban Development to cooperate with the EPA in establishing a procedure to make $100 million of frozen funds available to fund a special Great Lakes program. This program calls for the construction of nine or ten selected storm and combined sewer projects and a study of the cost-benefits of various systems.

Mr. President, I might add that one of those experimental projects is likely to go into the town of Amherst, which is near Buffalo, N.Y.

Continuing to read:

> However, the funds were never made available to the EPA to fund this important program for cleaning up the Great Lakes. Therefore, this year, the committee recommends that language be carried in the bill to provide for the transfer of $100 million to the EPA to carry out this important program.

Language has been included in both the House and Senate versions of the bill and provides that $100 million of the $400 million for water and sewer grants shall be available to the EPA to fund storm and sewer projects on the Great Lakes.

Mr. President, it will be noted that these funds have been frozen by the administration in spite of past congressional intent and that the House committee emphatically wanted them unfrozen. Now the Senate committee report without, however, spelling it out specifically, concurs with the action of the House.

What I should like to ask the distinguished manager of the bill is whether he would be kind enough to make it clear for the RECORD that our feeling about this, the judgment of the committee, that this is a desirable and vital thing to do, is just as specific and just as detailed as that of the House with respect to the $100 million for the special Great Lakes program.

Mr. McGEE. Mr. President, I say to my colleague from New York that we feel very strongly on this. We agree completely with the House language. Had we written our report in the sharpest capsule form, it would have been one word, "Amen." And I want to reiterate the position of the Senate on the House language.

Mr. JAVITS. We expect these funds to be spent and we consider the purpose so desirable that even at a time of financial stringency, we think it should be done.

Mr. McGEE. Indeed, yes.

Mr. JAVITS. I thank the Senator from Wyoming very much.

I am happy now to yield to my colleague from Hawaii.

Mr. FONG. Mr. President, I would say to the distinguished Senator from New York that I join my chairman in response to the Senator's question.

Mr. JAVITS. I thank the Senator from Hawaii very much.

The PRESIDING OFFICER (Mr. MUSKIE). The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, I send an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 14, line 22, delete "15,780,000" and insert in lieu thereof "$15,880,000".
>
> On page 15, line 17, strike out the period and insert in lieu thereof a colon and the following:
>
> "*Provided further*, That $100,000 shall only be available for the purpose of undertaking, in cooperation with appropriate Federal agencies, as well as State and local governments, an in-depth study of the existing crisis in rural transportation and recommend to Congress by June 30, 1974, steps to be taken by all levels of government to overcome inadequacies in rural rail, farm-to-market roads, highways, waterways, and port facilities and services."

Mr. HUMPHREY. Mr. President, I modify my amendment to make it $15,880,000.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. HUMPHREY. Mr. President, the amendment would provide up to $100,000 for the Department of Agriculture's Economic Research Service to undertake a study of the current rural transportation crisis and recommend steps to alleviate it.

These funds would be available for this purpose and this purpose only. By June 30, 1974, the USDA would be expected to report its findings to the Congress. In carrying out this study, the USDA would draw on all of the appropriate Federal agencies, as well as State and local governments.

The rural transportation system of this country has been seriously neglected for 30 years. The soaring food prices in our supermarkets today and the clogged grain movements all over the country, are symptoms of the inadequate attention that has been given to the transport needs of agriculture and other rural industries.

Railroad abandonments have cut off many rural areas of the country from their markets. Freight car shortges have seriously delayed, and in some cases actually prevented, delivery of agricultured commodities from the farm to our urban population centers. Inadequate farm-to-market roads prevent large enough trucks from delivering fertilizer and other items farmers need to produce our food at economically competitive unit prices. Of course, the same high costs exists for shipping the farmer product to market.

We have asked the relevant Government agencies to carry out studies of this type in the past. Our requests have been by letter and congressional resolution, but, to date, no response has been forthcoming. Perhaps we can get the advice we need on what to do about this critical transportation problem if we specifically appropriate funds to carry out the proposed study. At least, this is my hope in offering this amendment today.

Mr. President, I have introduced a resolution, Senate Concurrent Resolution 28, on June 4, 1973, which expresses the same request, but I believe that this is the quickest and most appropriate way to get at the problem.

Mr. President, I ask unanimous consent to have the text of Senate Concurrent Resolution 28 printed in the RECORD.

There being no objection, the text of Senate Concurrent Resolution 28 was ordered to be printed in the RECORD, as follows:

S. CON. RES. 28

Concurrent resolution expressing the sense of the Congress that a moratorium be declared on any further abandonment of rail services or facilities within the rural and nonmetropolitan regions of the United States until such time that appropriate investigations can be conducted to determine what might be done to continue such service where it is determined to be essential to the continued growth and development of communities and industries located within such regions. This moratorium shall remain in effect until at least June 30, 1974

Whereas the American people, in the early days of our Nation's history, made generous grants of land, including the mineral rights of such land, to American railroad companies in order to stimulate the growth and development of the then unsettled rural parts of our Nation; and

Whereas the pursuit of a more balanced national growth and development pattern in the United States has been declared by the Congress as a matter of the highest priority, and

Whereas the President and Executive branch of the Federal Government has indicated concurrence in the pursuit of this goal; and

Whereas it has been acknowledged by both the Legislative and Executive branches of Government that revitalization of rural America and our Nation's smaller communities is essential to the successful attainment of this goal; and

Whereas the continued availability of rail transportation services and facilities within rural America today are absolutely essential to the continued economic and social viability of those communities and industries located within this part of our Nation; and

Whereas wholesale abandonments of rail service are being permitted within rural areas, which is causing major disruptions in the commerce and movement of goods and services produced and required in such areas; and

Whereas little is known about the overall impact that these abandonments are having on future growth and development of such areas: Now, therefore, be it

Resolved by the Senate (*the House of Representatives concurring*), That it is the sense of the Congress that the Federal Interstate Commerce Commission, in cooperation with the United States Department of Transportation and other appropriate departments and agencies of Federal and State governments, declare a moratorium on all further abandonment of rail service or railways until such time as appropriate studies and analysis can be made concerning the adverse impact that such abandonments are having on the areas and communities served by rail transportation. As a part of these studies and analysis, recommendations should be submitted to the Congress, the executive branch, and to the Interstate Commerce Commission regarding what actions might be taken to continue such rail service where it is essential to the continued growth and development of the regions and communities largely dependent upon such service.

Mr. HUMPHREY. Mr. President, I am hopeful that the distinguished chairman and the members of his committee might see fit to accept this amendment.

Mr. McGEE. The urgency of this matter is demonstrated all over the country in all the rural areas. The Senator has been constructive in placing his urgency tag in a fully promiscuous way to force action now.

The two of us managing the bill have agreed to accept the request for the $100,000 as a starting transfusion to get it off the ground and we will carry that to conference. We are willing to accept the amendment.

Mr. HUMPHREY. I am very grateful to the Senator from Wyoming and the Senator from Hawaii. I believe that if the Department will pursue this matter, we can get some valuable information that will give us some guidance in the future.

Mr. President, I yield back the remainder of my time.

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Minnesota (Mr. HUMPHREY).

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I have another amendment which I send to the desk and ask that it be stated. I might say to the distinguished chairman that I should like to engage him in a colloquy on the school lunch program for just a few moments afterwards.

Mr. McGEE. Certainly.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 30, line 20, insert the following immediately after the period:

"Loans provided to rural communities, under the Rural Development Insurance Fund, to enable them to attract new or expand industrial enterprises, by providing sewer, and water, and for other necessary facilities, may allow for a grace period of not to exceed three years on the repayment of principal and interest on direct and insured loans, if these communities demonstrate to the satisfaction of the Secretary of Agriculture that they do have serious economic problems that such industrial expansion would help to alleviate."

Mr. HUMPHREY. Mr. President, this amendment does not involve any appropriation, as the Senator knows. What it would do——

Mr. McGEE. I find that very refreshing at this stage of the afternoon.

Mr. HUMPHREY. I am sure that the Senator does find it a unique experience as well as a refreshing one.

Mr. President, the purpose of the amendment, without requiring an expenditure of one additional dollar, would greatly assist in the economic development of the poorest communities in rural America.

The Senator from Wyoming and the Senator from Hawaii may recall that it was my privilege in the previous Congress to serve as chairman of the Rural Development Subcommittee. Our full Committee on Agriculture and Forestry unanimously brought here to the Senate last year the Rural Development Act of 1972, which was passed, I believe, almost unanimously by the Senate. We have found, however, in monitoring rural development needs there are some serious deficiencies that still require attention because of the economic conditions that persist in some of our Nation's smaller rural communities.

I will not take the time to restate the statistics that thoroughly document the depressed conditions that afflict so may of this Nation's rural areas. We are all aware of the extremely high levels of unemployment, the dilapidated housing conditions, the terribly inadequate health care available, the meager levels of income, and all the other dismal data that has been collected.

Nor will I draw the detailed picture of outmigration of the young from these areas to our urban centers and the problems that this creates. We are all too familiar with this. The need for and value of balanced growth in our urban and rural areas is apparent and widely accepted. The amendment I am proposing would go directly to the aid of the poorest of our rural areas.

This amendment would provide a grace period of up to 3 years to rural communities, that the Secretary of Agriculture determines to be economically distressed, receiving loans for industrial development, including water and sewer loans for this purpose, under the rural development insurance fund.

Many small depressed rural communities cannot afford to make principal and interest payments on the loans they require to provide the water and sewer and other facilities needed to get desperately needed industry to move in. However, a few years after an industry is established and begins paying taxes, and the community begins, in other ways as well, to benefit from the new investment, it could then afford to repay a loan. This amendment would, help the poorest rural communities to attract new investment or permit existing industry to expand. The employment, income, taxation, and other benefits to our rural communities would be substantial. In some cases, it would make it possible for poor communities for the first time to actively help themselves out of their economic depression.

Mr. President, poor rural Americans need our help. I believe that the proposed grace period on industrial development loans would contribute to a permanent solution to decline in rural areas of this Nation.

This amendment would not relieve the communities of their obligation to repay; but where there are extenuating circumstances that can be documented fully to the Rural Development authorities of the Department of Agriculture, it would provide a grace period, on interest and principal, not to exceed 3 years. It might only be 6 months or 1 year or 2 years, whatever the Secretary and his appropriate officers deem necessary to make the loan a viable one to assure repayment in full.

Mr. FONG. It only gives them a deferment of payment?

Mr. HUMPHREY. That is correct. It does not relieve them of their loan repayment obligations. It permits a flexibility for those communities that find themselves overstretched or unable to meet the immediate commitment, up to a period of 3 years.

Mr. FONG. It is a very reasonable amendment.

Mr. McGEE. The committee will accept the amendment.

Mr. HUMPHREY. I appreciate that very much, and I am sure rural America will be very grateful.

I yield back the remainder of my time.

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, will the Senator yield me some time?

Mr. McGEE. I yield.

ANTICIPATED ADDITIONAL FUNDS FOR SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS BEGINNING FISCAL YEAR 1974

Mr. HUMPHREY. Mr. President, I invite attention to the fact that Congress will soon be asked to increase the basic authorization levels for cash reimbursements under our national school lunch and child nutrition programs. Given the sharp rises in food costs and other costs relating to the operation of our Nation's school lunch, school breakfast, and other child nutrition programs that have occurred over the last year, current Federal reimbursement rates will undoubtedly have to be increased prior to the beginning of school this fall.

Representative CARL PERKINS, chairman of the House Education and Labor Committee, and I have introduced companion bills to provide for such necessary increases—H.R. 4974 and S. 1063 respectively.

Mr. President, I ask unanimous consent to have the full text of S. 1063 printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1063

A bill to establish a program of nutrition education for children as a part of the national school lunch and child nutrition programs and to amend the National School Lunch and Child Nutrition Acts for purposes related to strengthening the existing child nutrition programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Nutrition Education Act of 1973".

SEC. 2. (a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to formulate the basic elements of a nutrition education program for children to be extended on a voluntary basis through State educational agencies to schools and service institutions as a part of the school lunch and child nutrition programs. Such a program shall include, but shall not be limited to, the preparation of course outlines, based on the advice of experts in the field of child nutrition, classroom teaching aids, visual materials, the training of school food service personnel, and the training of teachers to conduct courses in nutrition utilizing the school food service program as a laboratory. In developing such a program the Secretary shall consult with the Office of Education of the Department of Health, Education, and Welfare and with recognized authorities in the field of human nutrition and nutrition education.

(b) For the fiscal year 1974, the Secretary is authorized to use not to exceed $2,000,000 out of funds made available for the conduct of school lunch and child nutrition programs for the purpose of developing a nutrition education program as outlined under (a) above. From the funds made available under this subsection, the Secretary shall advance to each State educational agency an amount not to exceed $25,000 for the fiscal year 1974. The amounts so advanced shall be for the purpose of the employment of a nutrition education specialist in each State educational agency in order to provide for the planning and development of a nutrition education program for the children in each State.

(c) For the fiscal year 1975 grants to the States for the conduct of nutrition education programs for children shall be based on a rate of 50 cents for each child enrolled in schools or service institutions within the State and, for each fiscal year thereafter, grants will be based on a rate of $1 for each child so enrolled. Enrollment data so used will be the latest available as certified by the Office of Education of the Department of Health, Education, and Welfare.

(d) The funds made available under subsection (c) may be used for the employment of personnel including supporting services, in the State educational agencies to coordinate and promote the conduct of nutrition education programs in participating school districts, and for other purposes related to such programs.

There is hereby authorized to be appropriated the funds necessary to carry out the purpose of this section.

(e) A nutrition education advisory council shall be established in each State to provide guidance and assistance in formulating the nutrition education program to be conducted in the State under the authority of this section. The members of the council shall be appointed by the chief state school officer of each State, and approved by the State educational agency and shall be professionals in the fields of nutrition, education, health, and welfare.

STATE ADMINISTRATIVE EXPENSES

SEC. 3. Section 7 of the Child Nutrition Act of 1966 is amended by adding at the end thereof the following:

"For each fiscal year beginning with the fiscal year 1974, State educational agencies are authorized to use an amount, not to exceed 2 per centum of aggregated payments made to such agencies by the Secretary under the National School Lunch Act and the Child Nutrition Act of 1966 in the preceding fiscal year, to assist in the administration and supervision of the programs authorized under such Acts: *Provided,* That not less than 75 per centum of any funds used under this authority shall be directed to the employment of field nutrition supervisors and auditors who have a certificate of training in the subject areas or the equivalent in field supervisory or auditing experience: *Provided further,* That the funds expended under this section shall be used to supplement the existing level of administrative support services and expenditures therefor for the child nutrition programs in each State."

SCHOOL BREAKFAST PROGRAMS

SEC. 4. (a) The first sentence of section 4(c) of the Child Nutrition Act of 1966 is amended to read as follows:

"Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency to assist such schools in financing the costs of operating a breakfast program and for the purpose of subsection (d)."

(b) The second sentence of section 4(c) of the Child Nutrition Act of 1966 is deleted.

(c) Section 4(b) of the Child Nutrition Act of 1966 is amended by adding the following paragraphs at the end of such section:

"The national average payment established by the Secretary for all breakfasts served to eligible children shall not be less than 8 cents; an amount of not less than 15 cents shall be added for each reduced-price breakfast; and an amount of not less than 20 cents shall be added for each free breakfast. In cases of severe need, a payment of up to 45 cents may be made for breakfasts served to children qualifying for a free breakfast.

"For the fiscal years subsequent to the fiscal year beginning July 1, 1973, the breakfast payments specified in this subsection shall reflect changes in the cost of operating a school breakfast program under this Act by giving equal weight to changes in the wholesale prices of all foods and hourly wage rates for employees of eating places published by the Bureau of Labor Statistics of the Department of Labor."

NATIONAL ADVISORY COUNCIL

SEC. 5. Section 14 of the National School Lunch Act is amended as follows:

(1) In subsection (a) replace the word "thirteen" with the word "nineteen" and insert after the phrase "(or the equivalent thereof)", the first time it appears the following: "one member shall be a supervisor of a school lunch program in a school system in an urban area (or the equivalent thereof); one member shall be a supervisor of a school lunch program in a school system in a rural area; two members shall be parents of school age children; two members shall be secondary school students participating in the school lunch program,";

(2) Subsection (b) is amended by striking out "nine" and inserting in lieu thereof "fifteen", and by adding the following to said subsection: "The new members to be appointed to the council as provided for by reason of the amendment to subsection (a) made by section 5 of the Child Nutrition Education Act of 1973, shall be appointed for terms of three years, except that the terms of the secondary students shall be two years."

(3) In subsection (e), delete the word "seven" and insert in lieu thereof the word "ten".

(4) Subsection (f) is amended by adding the following at the end of such subsection: "For the purpose of obtaining information incident to making the aforesaid recommendations, the council, by vote of its members present may request the appearance, at any of its meetings, of representatives from governmental or nongovernmental agencies or organizations concerned with the nutrition and welfare of children."

(5) Such section is amended by adding at the end thereof the following:

"(i) The Council shall continue in existence until terminated by Act of Congress enacted after the enactment of the Child Nutrition Education Act of 1973."

REGULATIONS

SEC. 6. The National School Lunch Act is amended by adding after section 15 the following new section:

"SEC. 16. Prior to the publication in the Federal Register of any proposed regulations to implement the provision of this Act or the Child Nutrition Act of 1966, the Secretary shall solicit the comments and recommendations of the National Advisory Council on Child Nutrition, and a representative group of State and local school food service administrators and selected lay citizens and shall establish a five-member group to work with the Department of Agriculture in the development of such regulations that reflect the comments of such groups."

REIMBURSEMENT

SEC. 7. (a) Section 4 of the National School Lunch Act is amended to delete the phrase "8 cents per lunch" as it appears in said section and substitute the phrase "10 cents per lunch". For the fiscal years subsequent to the fiscal year beginning July 1, 1973, the national average payment shall reflect changes in the cost of operating the school lunch program under this Act by giving equal weight to changes in the wholesale prices of all foods and hourly wage rates for employees of eating places published by the Bureau of Labor Statistics of the Department of Labor.

(b) In any fiscal year in which the national average payment is increased above the amount prescribed in the previous fiscal year, the maximum Federal food-cost contribution rate, for the type of lunch served, as provided for under section 8 of the National School Lunch Act, shall be increased by a like amount.

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 8. Section 13 of the National School Lunch Act is amended by adding the following to subsection (d) of said section ": *Provided, however,* That the Secretary may enter into agreement with the State educational agencies for the administration of the program in situations where it is conducted under sponsorship of the local government. In such situations the Secretary shall reimburse participating service institutions through State eduactional agencies under agreement with the Secretary.".

COMPETITIVE FOODS

SEC. 9. (a) Section 9(a) of the National School Lunch Act (nutritional and other program requirements) is amended by adding at the end thereof the following: "Additional foods which make a significant nutritional contribution may be offered for sale to children during the periods of food service conducted under programs authorized under this Act and the Child Nutrition Act of 1966 to the extent such offerings are necessary to meet nutritional needs of pupils in participating schools: *Provided, however,* That the sale of such additional foods shall be under the management and control of the food service department of the school and proceeds from such sales shall accrue to said department."

(b) The second sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is deleted.

SPECIAL ASSISTANCE FUNDS

SEC. 10. (a) Section 11 of the National School Lunch Act is amended by redesignating subsection (h) as subsection (c), and by striking out subsections (a), (b), (c), (d), (e), (f) and (g) and inserting in lieu thereof the following:

"(a) Except as provided in section 10 of this Act, in each fiscal year each State educational agency shall receive special assistance payments in an amount to be determined in the following manner: multiplying the number of lunches (consisting of a combination of foods and meeting the minimum nutritional requirements prescribed by the Secretary pursuant to subsection 9(a) of this Act) served free to children eligible for such lunches in schools within that State during such fiscal year by the special-assistance factor for free lunches prescribed by the Secretary for such fiscal year and multiplying the number of lunches served at a reduced price to children eligible for such reduced-price lunches in schools within that State during such fiscal year by the special-assistance factor for reduced-price lunches prescribed by the Secretary for such fiscal year. For the fiscal year beginning July 1, 1973, the Secretary shall prescribe a special-assistance factor for free lunches of not less than 45 cents and a special-assistance factor for reduced-price lunches which shall be 10 cents less than the special-assistance factor fro free lunches. For fiscal years subsequent to the fiscal year beginning July 1, 1974, the special-assistance factor to be prescribed by the Secretary for free lunches shall reflect changes in the cost of operating a school lunch program under this Act by giving equal weight to changes in the wholesale prices of all foods and hourly wage rates for employees of eating places published by the Bureau of Labor Statistics of the Department of Labor.

"(b) Except as provided in section 10 of the Child Nutrition Act of 1966, the special-assistance payments made to each State agency during each fiscal year under the provisions of this section shall be used by such State agency to assist schools of that State in financing the cost of providing free and reduced price lunches served to children pursuant to subsection 9(b) of this Act. The amount of such special assistance funds that a school shall from time to time receive, within a maximum per lunch amount established by the Secretary for all States, shall be based on the need of the school for such special assistance. Such maximum per lunch amount established by the Secretary shall not be less than 60 cents."

(b) Subsection (c) of such section (as so designated by subsection (a)) is amended by adding at the end thereof the following:

"(4) Notwithstanding any other provision of this Act, in the case of any school attendance unit in which 85 per centum or more of the students are eligible for free or reduced price meals, all students in such school attendance units shall be served meals free of charge. In such case, all meals served in such attendance unit shall be reimbursed at the special assistance factor for free lunches approved by the State educational agency."

COMMODITIES

SEC. 11. Section 9 of the National School Lunch Act is amended by adding the following subsection:

"(d) In any fiscal year in which the Secretary is unable to expend the full amounts budgeted and programed for the purchase of commodities under section 6 of this Act and section 32 of the Act of August 24, 1935, the amounts unexpended shall be distributed among the States for the purchase of food by public and nonprofit private schools participating in the school lunch program. The determination of the amounts available for such distribution shall be made by February 1 of each fiscal year and the actual distribution shall be made as soon as practicable after that date, but in no event no later than March 15. The distribution of funds to the States under this section shall be made on the basis of the formula used in allocating section 6 and section 32 commodities for the school lunch program among the States."

DEFINITIONS

SEC. 12. Subsection 5(e) of the Child Nutrition Act of 1966 is amended by adding the following sentence at the end of such subsection: "For the purposes of this subsection the term 'schools without a food service' shall include those schools which have initiated food service on a temporary and emergency basis and desire to establish an improved and more effective food service on a permanent basis to better meet the needs of children in attendance."

APPROPRIATIONS FOR NONFOOD ASSISTANCE

SEC. 13. The first sentence of section 5(a) of the Child Nutrition Act of 1966 is amended by deleting the figure "$20,000,000" and substituting the figure "$40,000,000".

EXTENSION OF PROGRAM TO ALL SCHOOLS

SEC. 14. Section 8 of the National School Lunch Act is amended by adding the following before the period at the end of said section: ": *Provided,* That a school food authority that operates a school lunch program under this Act in one or more of the public schools under its jurisdiction shall operate the program in all schools under its jurisdiction by no later than the fiscal year ending June 30, 1975. It is further provided that the national school lunch program is to be extended, by September 1, 1975, to all public schools in which children are in attendance who qualify for free or reduced price lunches under the standards established by this Act."

INCLUSION OF TRUST TERRITORY

SEC. 15. Subsection (d) of section 12 of the National School Lunch Act, as amended, is amended by inserting the phrase "the Trust Territory of the Pacific Islands," before the word "or" in paragraph (1); by deleting paragraphs (4), (5), and (6); and by redesignating paragraph (7) as paragraph (4).

GRANTS FOR PROGRAM COSTS

SEC. 16. The National School Lunch Act is amended by adding at the end thereof the following:

"LOCAL COSTS OF SUPERVISION

"SEC. 17. The Secretary is authorized to make grants to State educational agencies, out of amounts appropriated by Congress for the purposes of this section, to assist in the supervision of local program operations. The grant to each State is to be determined on the basis of $250 for each school attendance unit participating in programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966."

Mr. HUMPHREY. It should be noted that the proposed legislation provides for increasing general assistance under section 4 of the National School Lunch Act from 8 cents per lunch to 10 cents per lunch. It also provides for increased reimbursement rates for free and reduced priced lunches. It further provides for increased authorization levels for nonfood or equipment purposes. And, it provides for authorizing expenditures for nutrition education and reimbursement for administration costs relating to the administration of school lunch programs.

Mr. President, based upon my conversations with Chairman Perkins of the House, I anticipate his companion bill (H.R. 4974) to clear the House of Representatives sometime during the month of July, followed by Senate action on my bill S. 1063 sometime that same month.

My estimates of the principal additional costs that would be involved if these bills are enacted prior to the beginning of school this fall are as follows:

Estimated additional costs for school lunch and child nutrition programs under S. 1063 and H.R. 4974

[In millions of dollars]

	Fiscal years	
	1974	1975
Nutrition education	2	25
State administration	20	20
Breakfast	75	100
Lunch:		
General assistance	80	80
Special assistance	75	75
Special need	15	15
Supervison	22	22
Total	289	337

Mr. President, I ask the distinguished Senator from Wyoming, Senator McGEE, whether he and his Committee are prepared to provide the additional monies that will be required under this bill now, or whether he is prepared to make a commitment to us now with respect to providing them promptly following completion of congressional action on these legislative proposals.

Mr. McGEE. Obviously, we could not provide it now, in anticipation of legislation that is still pending.

Mr. HUMPHREY. That is correct.

Mr. McGEE. But we certainly will receive it warmly, as provided by the new law, and thus it would be a subject, I think, for consideration in a supplemental request.

Mr. HUMPHREY. That is the kind of commitment we received last year, and it was fully honored.

I express to the Senator my thanks, because I am sure I speak for many members of the Committee on Agriculture and Forestry. We are going to take some action on this. The Senator is saying that once we have authorized the increase in funds, we will take prompt action to provide the funds.

Mr. McGEE. There will be no delay so far as the committee is concerned.

Mr. HUMPHREY. Mr. President, on page 30, line 2, of the bill before us relates to a rural development insurance fund. The language refers to "loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of," and so on.

There is a sum total of $545 million for community facilities, $400 million of that amount for industrial loans. What I should like to know is whether the amounts specified in that section include loans made on a guarantee basis, which, as we know, are loans which involve money being provided by private lenders. The Government merely guarantees the payment of these loans. It provides no money itself.

If these amounts in the bill cover guaranteed loans, I should like to ask "Why"? Would the manager of the bill and his committee associates be willing to exempt guaranteed loans from the ceilings that are there provided?

Mr. McGEE. It is the committee's understanding that that applies only to insured loans.

Mr. HUMPHREY. Guaranteed loans are exempt from the ceilings?

Mr. McGEE. That is the committee's understanding.

Mr. HUMPHREY. I do appreciate that clarification. That meets the needs of rural America.

Mr. HRUSKA. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 5, line 1, strike out "$178,828,900" and insert in lieu thereof "$178,928,900".
>
> On page 6, at the end of line 4, add the following: "*Provided further*, That $100,000 of this appropriation shall be available only for the purpose of conducting a study to determine the feasibility of extracting fuel from grain:".

Mr. HRUSKA. Mr. President, I yield myself such time as I may require.

The amendment will provide funding to conduct a study to determine the feasibility of extracting ethyl alcohol from grain to be used as motor fuel, know as gasohol. Such a study would be timely as well as practicable in view of current and growing gasoline shortages.

Several years ago, the State of Nebraska began studies and experimentation on a gasohol project. It explored the utilization of alcohol distilled from grain and blended on a 10–90-percent basis with gasoline. It was found that the product of this mix can be successfully burned in any existing automobiles.

It is a fact that a major problem effecting the manufacture of gasohol is the cost. Up until now, the economics of the situation and the cost of the product have outweighed the feasibility of developing large scale production. However, even given the high cost, which was about 6 cents more per gallon, the National Petroleum Council has noted that:

> When evaluated against assistance to many U.S. regional economies, improved air pollution control and engine performance, fermentation alcohol must be considered in any future industrial energy considerations.

It is my hope that the Senate will see the importance of including the requested funding for gasohol in the legislation that we are now considering. I hope the amendment will be accepted, so that we can explore the matter in conference and see whether the House has more recently received information on the subject.

Mr. FONG. I am quite sure that the manager of the bill (Mr. McGee) is willing to accept the amendment, because it requests a very reasonable amount. In the meantime, since he temporarily has left the Chamber, he has asked me to engage in a colloquy.

Mr. HRUSKA. Very well; I am available.

Mr. FONG. May I ask the distinguished Senator from Nebraska: What was the result of the preliminary studies on blending alcohol with gasoline?

Mr. HRUSKA. Early studies indicated that the cost factor was quite great compared with the cost of motor fuel. In view of the more recent development regarding the increasing price of gasoline—6 cents or more per gallon—such a study is now even more important. The higher price now is an encouraging factor for this experimentation. In fact, it would now be very comparable on a cost basis.

Several factors now exist which encourage the further study of gasohol. New technology, coupled with the rising cost of gasoline, makes the situation entirely different from what it was during the original experimentation.

The rising cost of gas and the difficulty of transporting grain now provide an ideal opportunity to explore further the possibility of developing this needed resource. Before this project can be implemented on a large scale, a feasibility study must be made to determine the cost estimates and practicalities. Of course, this appropriation would include funds to make such a study. The amendment would include $100,000 to make such a study. The overall cost of the project is estimated to be in the neighborhood of $20 million.

It is clear that a study of the possible development of a gasohol program is of the utmost import with widesweeping ramifications, including the alleviation of the energy crisis.

Mr. FONG. Is this confined to wheat?

Mr. HRUSKA. No; grain of any kind. Very often, as the Senator knows, in the Middle West we get grain which is spoiled due to excessive moisture content or by storage, and while it is spoiled for human or animal consumption it is still good and can be used for extracting alcohol from it.

Mr. FONG. What is it used for now?

Mr. HRUSKA. Much of it is disposed of or discarded.

Mr. FONG. This would be a very fine experiment.

Mr. HRUSKA. I think it would be.

Mr. FONG. It would be a good experiment to see if we can generate enough alcohol from it to make it reasonably priced.

Mr. HRUSKA. It should be explored more scientificially and completely.

Mr. FONG. I think this is a very fine proposal and I am willing to accept it.

Mr. President, I am quite sure the manager of the bill will be willing to accept it. I suggest the absence of a quorum.

Mr. HRUSKA. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, we discussed this amendment and we are prepared to accept it. I think it is very commendable and the committee will accept the amendment.

Mr. HRUSKA. I yield back my time.

Mr. McGEE. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that Leon Billings of the staff of the Committee on Public Works be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

Mr. McGEE. Mr. President, the Senator from Maine has a number of questions he would like to ask in the field he has established as a major concern of this Congress. It is a long time coming and many did not listen to him in the early years when it might have been less expensive than now, and that is in the field of environmental pollution control.

The committee welcomes the comments and inquiries of the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. I thank the Senator from Wyoming.

Mr. President, at the outset I wish to say that I am going to offer an amendment, but before I do so I wish to make several observations. The amendment would be to increase the appropriation for the national study commission on water quality management.

I think it is time for me to say frankly on the floor of the Senate how frustrating and difficult I find present arrangements in the Committee on Appropriations of the Senate for considering appropriations for environmental protection programs.

Three members of the Committee on Public Works, which has jurisdiction over those programs, are ex officio members of the Committee on Appropriations. But we are not members of the Agriculture Subcommittee, which for some strange reason handles Environmental Protection Agency appropriations. So what we have is an agricultural oriented subcommittee without inputs from those of us who serve on the Committee on Public Works, making important decisions on appropriations for environmental programs.

This appropriations bill before us reflects the frustrations we have had. There have been three improvements made in the bill reported by the subcommittee to the full committee. Three increases were approved in full committee:

First. An increase of $20 million for sulfur oxide control;

Second. An increase of $5 million—$10 million had been recommended—for resource recovery technology; and

Third. An increase of $2 million for removal of in-place toxic pollutants from harbors.

All other recommendations relating to increases in funds, including those covering such areas as improving studies of the relationship of air pollution to public health, increasing the effectiveness of enforcement of auto emission standards, and improving Environmental Protection Agency staffing to aid in meeting deadlines specified in the laws were ignored. Further, the committee refused to consider sections of report language which were proposed in our report to the Appropriations Committee and which we believed particularly essential to assure proper implementation of the air and water pollution laws. As we know, report language is very important in appropriations legislation.

Also, the Appropriations Committee ignored the recommendation to restructure the appropriations legislation along programatic lines authorizing funds according to the air, water, noise, and other laws rather than authorizing funds for functional areas such as research or enforcement as in now done. Our hearings indicated this change was particularly essential to improve oversight because the present appropriations structure gives great discretion to EPA and makes it very difficult to determine if funds are being allocated consistent with congressional intent.

So I would like to include in the RECORD at this point, if I may—and I ask unanimous consent to do so—language indicating the improvements in appropriations for environmental programs which we sought from the Appropriations Committee and failed to achieve.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Recommendations for appropriations: The report recommends the following changes in the EPA budget:

Air pollution from $146,369,000 to $187,360,000.

Water pollution from $192,356,000 to $209,356,000.

Solid waste from $5,760,000 to $24,760,000.

Noise $4,037,000 with no change recommended.

Totals $348,522,000 to $425,513,000.

Within the substantive areas, the following changes are recommended:

Air Pollution:

(1) Increased funding for abatement and control by $10 million to provide more support for State programs and for increasing efforts to develop and publish new source performance standards.

(2) An increase of $1 million in enforcement funds to provide more persons for certification and surveillance in the auto emissions control program.

(3) An increase of $10 million in funds for research to identify adverse effects of pollution and further examine and develop air quality criteria and standards, along with a recommendation that the Appropriations Committee find ways to terminate funding for the Coordinating Research Council.

(4) An increase of $20 million for development of emission control technology for sulfur oxide control, and an expression of concern about funding for the alternative power systems program which we do not believe has been effectively administered.

Water Pollution:

(1) An increase of $15 million in the funding for abatement and control, to provide $10 million for increased funds for State programs and another $5 million to increase EPA's capacity to meet deadlines under the water bill which it has failed to meet regularly.

(2) A recommendation that the Appropriations Committee provide no funding for section 303(e) of the water pollution program, relating to development of water quality standards, until EPA has adequately implemented other sections of the new law which recognize the new directions toward effluent limitations and areawide basin planning which the new law had mandated but which EPA is placing at a low priority.

(3) A request that the Appropriations Committee provide enough funds to implement the waste treatment facilities grant program at the full $11 billion level recently required by the courts.

Solid Waste:

An increase of $9 million in abatement and control to provide continued technical assistance and other activities in the Washington office and an increase of $10 million in grant programs to develop new resource recovery demonstration projects. (As you will recall, the solid waste program was severely cut in this year's budget from a $36 million appropriation last year, and a $30 million budget request to only $5 million.) To assure funds are spent, it is recommended the funds for EPA publicity and legislative activities be conditioned on quarterly obligations of solid waste funds being consistent with the appropriated levels.

Noise:

A recognition that the noise program needs increased staff, but without a recommended increase in the budget because of concern expressed to the current confused way in which the program is run.

Mr. MUSKIE. And, Mr. President, one of the reasons, I think, is that those of us who have been close to these programs do not have an effective voice in subcommittee consideration of these appropriations.

Both with respect to the Clean Air Act of 1970 and the Clean Water Act of 1972, in connection with our action in reporting those bills to the floor, we sought and obtained from the administration estimates of the appropriations needed to implement the legislation.

It was our feeling that too often legislative committees report legislation to the floor and get Senate approval of policy that is later not implemented for lack of funds.

So we undertook to put in the record and it is in the record of the debate on that legislation, the actual numbers reflecting the dollars necessary to do what the Senate was committing itself to do in approving the authorizing legislation.

In 1966 we increased the authorization for waste treatment facilities several fold, but it took several years to persuade the Appropriations Committee to reflect that change in policy in appropriation bills, and we still have not fully overcome this problem.

I am not going to offer a multitude of amendments to try to achieve on the floor what we were unable to achieve in committee, but I am going to propose one amendment which illustrates the point I am making.

In the Clean Water Act of last year, we laid down specific deadlines in 1977, 1983, and 1985. The achievement of those deadlines depended upon the ability of American industry and government to stimulate the development of the technological breakthroughs necessary to do the cleanup job, but we set the deadlines notwithstanding those uncertainties because at the same time we created a National Study Commission whose job it is, under that law, to examine the possibilities, to tell us what the problems are, and to lay them out for us before those deadlines arrive, so that we can decide whether or not what we required of the American people in last year's law is achievable in 1977, 1983, and 1985.

For that purpose, the Congress authorized $15 million for a 2-year study. The administration has asked for that full $15 million to be appropriated this year. The commission has been created, headed by Governor Rockefeller of New York, made up of distinguished people, who also urged that the full amount be appropriated. The committee rejected the recommendation and appropriated half of that amount. The explanation in the committee report is as follows:

> The committee is concerned with the possible duplication of the resources and efforts by the commission and the Environmental Protection Agency.

Mr. President, there is no conflict or overlap between this commission and the Environmental Protection Agency.

We are charged to inform the Congress on the impact of the 1972 clean water legislation and are given 2 years to do it. We asked for the full $15 million at the outset because much of this work is going to have to be contracted out. Some of it may take no longer than 30 days, some of it no longer than 6 months, some of it as much as 2 years; but we would like to get it all started now.

Mr. McGEE. Mr. President, I wonder if the Senator will yield?

Mr. MUSKIE. Under the committee proposal, we must hold up half of the work until next year.

Yes, I yield to the Senator from Wyoming.

Mr. McGEE. The Senator has burned up the remainder of the time on the bill itself, because there is no amendment pending. I wonder if he would submit an amendment.

Mr. MUSKIE. All right. I will submit my amendment.

Mr. President, I send an amendment to the desk and ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37, line 18, strike "$7,500,000" and insert in lieu thereof "$14,800,000";

Mr. MUSKIE. Mr. President, the amendment increases the amount from $7.5 million to $14.8 million, because the committee has received $200,000 of its appropriation in the current fiscal year. So this is the full amount that was authorized.

I would like to read, if I may, from the remarks of the distinguished chairman of the full Committee on Public Works (Mr. RANDOLPH) last year on this commission. He said then:

> Mr. President, the impact of programs contained in S. 2770 will undoubtedly be substantial. The large amounts of the money authorizations for pollution control would alone be felt, but in addition, we are directing new approaches to the total problem which should be carefully evaluated as they are placed in operation.
>
> The House version of S. 2770 required the National Academies of Science and of Engineering to conduct certain studies on the impact of this legislation. The Senate conferees preferred a different approach, and as a result, I offered a proposal to create a National Study Commission which was accepted by the conference. Since the goals of this legislation are to be achieved through long-range programs, I believe it is essential to maintain some surveillance over these programs, particularly since, as I have said, much that is in this legislation is new. The study commission authorized by section 315 will have congressional representation. This is extremely important for it is the Members of Congress who will have the responsibility in the years ahead to make whatever changes may become necessary in our national water pollution control program.
>
> Since the success of our program is to a large degree, dependent on existing and anticipated technologies, the National Study Commission will give its principal attention to the technological aspects of achieving the effluent limitations and goals set for 1983. It also will examine the total economic, social, and environmental effects of achieving these goals. Only by being fully informed can the Congress act when it is again called on to consider legislation in this general field. The National Study Commission will help provide the information on which to base the necessary decisions.

Mr. President, we are seeing almost every day now the consequences and the potential for disruption of our economy associated with achieving air quality and water quality goals; and these problems exist because all too often in the past we have failed to do what needed to be done at the time it needed to be done.

There was no doubt in the Congress about what we wanted this Commission to do when we created it. We wanted it to provide us with information necessary to get things moving as soon as possible. Now, what do we do? We have the Commission's requested appropriation cut in half so that we may have to postpone half our work for a full year.

We are going to spend the money. It is a question of deciding how best we can do 2 years of work, authorizing or appropriating the full amount now or delaying half of it for a year.

And it is for that reason that out of several subjects that I might have picked this afternoon, I chose this one.

This Commission has just been formed. Governor Rockfeller organizeed it in May. That is why we delayed the testimony before the committee. He is assembling his staff at the present time. It will be a distinguished staff. We should provide it with the resources already authorized by the Congress.

Mr. President, I withhold the remainder of my time.

Mr. McGEE. Mr. President, the distinguished Senator from Maine makes an eloquent case, and he always does. I would have to say in behalf of the committee that the amount which was submitted to the committee from the House of Representatives was zero. They gave them not one nickel. The administration requested $1 million. The subcommittee, on which two members of the Public Works Committee Subcommittee on the Environment were present, made no additional representation on these instances. However, because we also sensed the urgency of the matter which the Senator from Maine has pled so well, we increased the budget request 7½ times, to $7.5 million.

I simply submit it was attesting to the sense of urgency, knowing that we had to go to the House of Representatives which had provided nothing.

The Senator from Maine makes the case for congressional action.

That is why we proceeded in this fashion. We, too, have some responsibility to live up to.

Mr. MUSKIE. Mr. President, if the Senator will yield, at the time the House acted, the commission had not been appointed or organized. So, the House had no basis on which to act.

Mr. McGEE. But the point is that we considered this with a budget estimate of $1 million and a House allowance of zero.

Mr. MUSKIE. I understand. Let me fill in the rest of the picture. The budget request was based upon that same set of circumstances. However, the circumstances changed. In May the commission was appointed. It was organized. It is working on this program. It is appointing the staff, and it needs to get started. The executive branch supports our request for the full $14.3 million from the committee. Am I misinformed on that?

Mr. McGEE. The subcommittee has received no such affirmation from the director. That is the reason behind the committee's action.

Mr. MUSKIE. I can try to get it for the Senator this afternoon. Governor Rockefeller was on the telephone, and I was present with Mr. Ash on the other end. They assured me this was the administration's position.

Mr. McGEE. This is the second time that we have heard he is going to do that. We have had reports of a forthcoming budget amendment but I have not seen any such document yet. That is the reason for the explanation.

Mr. MUSKIE. That is not the reason given here in the committee report. The reason given here is:

> The committee is concerned with the possible duplication of resources and efforts by the Commission and the Environmental Protection Agency."

That is entirely without justification.

Mr. President, it is evident the committee shares some of the frustrations I find in trying to get environmental appropriations up to the levels needed.

If the position of the Bureau of the Budget is not as I have stated, Mr. Ash is in difficulty with Senator MUSKIE, Governor Rockefeller, and Mr. Congressman JONES. We were assured that the letter was coming up and going to the committee.

Mr. McGEE. Mr. President, I wonder if in the interest of saving time, we were to agree with the Senator from Maine on a figure of $10 million to get going and agree that he could perhaps get another $2.5 million later. As these things come up we could consider them later.

Mr. MUSKIE. Mr. President, when will the first supplemental appropriations be up?

Mr. McGEE. It will likely be up in the early fall. However, this will at least assure that they are going full steam because it will be a relatively short period of time.

Mr. MUSKIE. Mr. President, I would be willing to cooperate in that respect. All I want is a hearing at the right time so that the committee can get at least an exposure to our point of view.

I understand the difficulties of the committee. It is so close to the end of the fiscal year. My principal objective was to get more money. Secondly, I wanted to try to get attention. I hope that we have gotten attention. If we get more money, we can go along.

Mr. President, I modify my amendment to change the $14,800,000 to $10,000,000, with the understanding that we can consider additional amounts later.

The PRESIDING OFFICER. The amendment is so modified.

Mr. McGEE. Mr. President, we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Maine (putting the question).

The amendment, as modified, was agreed to.

Mr. MUSKIE. Mr. President, may I call the attention of the Senate to another point. The last sentence of the language which I was reading from the report states:

> The commission is directed to notify this committee 30 days in advance of letting or awarding of any contracts.

That is going to be a very stultifying kind of requirement on the commission.

Mr. McGEE. If the Senator would wait just a moment, I will check that language. It is on page 50 of the report.

Mr. MUSKIE. Mr. President, I would like to have agreement that there be a suspension of that requirement until we can discuss that with the commission and the members of the committee later on.

Mr. McGEE. Mr. President, the committee would be willing to amend that portion of the report and delete the last sentence which the Senator has just read.

Mr. MUSKIE. Mr. President, I would like to express my appreciation to both the Senator from Wyoming and the Senator from Hawaii for this evidence of their cooperation.

I look forward to discussing the first

supplemental appropriations bill with them. I think that by that time we should have specific and sufficient indication of the direction in which we are moving and the things we want to do so that we can reassure the committee as to the budgetary aspects of the matter.

I am pleased to yield back the remainder of my time, Mr. President.

Mr. McGEE. The amendment has already been agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 1, strike out "$178,828,900" and insert "$178,846,900".

On page 6, line 7, strike out the period and insert in lieu thereof the following: "*Provided further*, That of the appropriations hereunder, the sum of $18,000 shall be available only for the purpose of offsite improvements on property adjoining the boundary of the Grain Marketing Research Laboratory, Manhattan, Kansas, to remain available until expended."

The PRESIDING OFFICER. Does the Senator request that his amendment be considered en bloc?

Mr. DOLE. Yes.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. DOLE. Mr. President, I wish to bring to the attention of my colleagues the immediate need for Federal funds to help finance improvements on a major traffic artery in Manhattan, Kans., which has been seriously affected by the recent construction of a U.S. Department of Agriculture grain marketing research center. Construction of this facility changed the watershed of the area whereby water, which previously drained harmlessly into a nearby pasture, now collects in the research center parking lot and is flushed directly into Dickens Avenue. Due to the steep grade, the water discharge has eroded the street and made it nearly impassable.

The local community has responded to this situation by making the necessary preparations for upgrading and paving the street. School district property has been annexed, right-of-way obtained, and legal petitions requesting funds for the street improvements have been prepared for submission to the city of Manhattan.

Since Dickens Avenue is the primary access route to the research center and its construction gave rise to the need for these improvements, the city has requested Federal participation in the costs, and the Agriculture Research Service has agreed to allocate funds for this purpose. However, implementation of this agreement has been delayed by a decision of the Comptroller General requiring Congress to specifically approve such an allocation of funds.

Similar provisions have been made for off-site improvements at ARS centers in Newell, S. Dak., and Riverside, Calif. I believe authority should also be granted in this case and at the earliest possible date. I, therefore, request that the 1974 Agriculture appropriations bill now under consideration include provisions to permit the expenditure of not more than $18,000 by the ARS for improvements on Dickens Avenue. Similar authority was provided by the Senate in the first and second 1973 supplemental appropriations bills. However, the provision was stricken during House consideration of the measure.

The funds are urgently needed to repair street damage caused by the Federal construction. They are needed to sustain adequate access to the grain maketing lab and also so that citizens attending the church and school also located on Dickens Avenue will not be plagued with the hazardous road conditions. It would seem reasonable that since it was a federally financed project which to a large degree created the existing road conditions, the Federal Government should assist in its small share of the repair costs, and I would ask that my colleagues join in support of this measure.

Mr. President, I have discussed this amendment briefly with the subcommittee chairman, who in turn has discussed it with the ranking Republican member. It has been offered before and accepted before. It involves as I have stated, an offsite improvement in Manhattan, Kans., in connection with the Manhattan Grain Marketing Research Laboratory.

Heretofore we have had difficulty convincing the House conferees that it is an expenditure which can be allowed, but I hope that the amendment will be accepted. It involves a very small sum, $18,000, for certain street improvements.

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard.

Mr. McGEE. Mr. President, we have consulted on the subject matter of the amendment which the Senator from Kansas is offering. We have dealt with the matter once before, unsuccessfully, in connection with the supplemental bill.

Both Senator FONG and I heartily agree with the merit of the request, and we are willing to accept the amendment.

The PRESIDING OFFICER. Is time on the amendment yielded back?

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas (Mr. DOLE).

The amendment was agreed to.

EXECUTIVE IMPOUNDMENT OF APPROPRIATED FUNDS

Mr. BAYH. Mr. President, the current controversy over impoundment comes down to a single question: Will the Congress and the President together determine national priorities, or will the President alone make these crucial determinations? The Constitution, I believe, requires decisions about priorities—about where we will spend the money we raise—to be made by both the executive and legislative branches. The decision is not Congress' alone—unless it can muster a two-thirds majority—for the President can veto any appropriations or legislative bill sent to him. But it is just as certainly not the President's decision alone. The Constitution specifically provides that—

> No money shall be drawn from the Treasury, but in consequences of appropriations made by law.

And, except in certain narrowly defined areas, the Congress has not by legislation authorized any refusal to spend money it appropriates.

The issue involved is one of great principle. It cuts close to the heart of our representative democracy. Impoundment by this or any other administration—and both Republican and Democratic Presidents have claimed the power—violates the constitutional separation of powers. Recent court cases involving water pollution control funds, highway funds, and OEO funds have proved the point.

The battle over impoundment is not a battle between a high-spending Congress and a frugal President. The Congress does not—and I as one Member do not want—the Federal Government to spend more than the President has recommended. Indeed, the Senate has passed, and I have supported, a spending ceiling for fiscal 1974 which sets a limit on total outlays at $268 billion—a figure which is somewhat below the limit the President proposed, and which will result in a budget surplus if the economy runs at full employment. The differences between the Congress and the President revolve around only two points: How will the $268 billion be allocated between human needs and military needs, and how will that decision be made.

If the President can impound funds at will, without the opportunity for Congress to affect the decision, then the influence of the Congress over national priorities will be slight indeed. In effect, the President would have an item veto over appropriations. This is a power purposely not given to the President by the Constitution, for our Founding Fathers wisely recognized the dangers of the concentration of power. If the President can impound at will, then one man alone will decide where the country spends its tax dollars: one man would decide whose needs are most important, and whose will have to wait. That is simply not the way the Constitution meant for the system to work.

The Senate recently took one important step toward correcting the imbalance of power created by unilateral executive impoundments when it passed the Impoundment Procedures Act, introduced by the distinguished Senator from North Carolina (Mr. ERVIN). That bill, which I cosponsored, requires the President to obtain the approval of Congress in order to impound or withhold from obligation any appropriated funds or other grant of budget authority. That bill is presently pending in the House, and hopefully will soon be sent to the President for signature.

But in the meantime there is another step which the Congress can and should take. We should require that the money we appropriate be spent in accordance with the law, so that our say in national priorities is preserved.

To accomplish this goal I offered an amendment to the Agriculture-Environment Consumer Protection Appropriations bill which is now before the Senate. My amendment, approved by the Appropriations Committee, requires that, except in very limited situations, all money appropriated by the act be expended. I have successfully offered this amendment, to the HUD-Space-Science-Veterans Appropriation bill and the continuing resolution in committee. I plan to offer an identical amendment to all future appropriations bills for fiscal 1974.

My amendment states that the sums appropriated by the bill—

> Shall be made available for expenditure except as specifically provided by law.

The committee report accurately explains that this language is intended to assure that—

> All funds be available for obligation except those which may legally be withheld under the Anti-Deficiency Act or other specific statutory authority.

This amendment will send the administration a message about what Congress means when it passes an appropriations bill. It will tear asunder the administration's argument—which I think specious in any event—that the amount granted in an appropriations bill is only the maximum which can be spent on the program in question, and that the administration has discretion to spend less—down to nothing if it feels like it. And it will make it perfectly clear to the courts that Congress intends that the money it appropriates be spent—and spent on the programs and activities for which it was intended.

The only exception to the instruction contained in the amendment is for situations in which the refusal to spend the funds appropriated is specifically authorized or directed by law. This is a narrow exception, and must be narrowly interpreted. The Anti-Deficiency Act is the best example of such authority. Under that act, the President is authorized, in carefully defined situations, to establish reserves for contingencies or to effect savings through changes in requirements, greater efficiency of operations, or other developments subsequent to the date of the appropriation. The act does not permit the President to impound funds simply because he thinks a program is no longer worthwhile, or because of broad social or economic policy considerations which go beyond the program he wants to restrict. The Anti-Deficiency Act does, however, allow limited withholding of funds where the program can be accomplished fully at a lower cost than had originally been anticipated. This is only sensible, and is permitted by my amendment.

There are a few other situations in which the failure to make funds available for obligation is justified by specific statutory authority. Under the Agriculture appropriations bill itself, for example, certain reserves are directed to be established until the States come into the fire ant program. Under the impoundment procedures bill, if it is enacted, the Congress may come to approve certain impoundments, and these withholdings too would be valid under my amendment. But in other situations, the mandatory language of the amendment—the requirement that the sums appropriated shall be made available for obligation—would be controlling. Thus impoundments said to be justified on some vague inherent powers of the Executive, or on the statutory debt ceiling or similar bases would not be permitted under the language I proposed. If in such situations the President believes that funds which have been appropriated should not be spent, he should come forward to Congress with a proposal for rescission of the appropriations or such changes in the authorizing legislation as he considers necessary.

I believe that this amendment is a sound, reasonable way for Congress to make its intentions clear. In combination with the impoundment procedures bill it is the proper way for Congress to reassert its constitutional rights and responsibilities for the budget, and for national priorities. I urge my colleagues to support it.

CHILD NUTRITION PROGRAMS—NONFOOD ASSISTANCE

Mr. EAGLETON. Mr. President, title V of the Child Nutrition Act authorizes a program of assistance to the States to enable schools to purchase equipment and provide facilities to establish, maintain, and expand a school food service program.

Testimony presented to the committee during consideration of the supplemental appropriations bill earlier this year indicated that there are at least 17,500 schools in the country without a school lunch program primarily because they lack kitchen equipment and facilities.

In recognition of the numbers of children who are still denied participation in a school lunch program, Congress last year increased the authorization for nonfood assistance to $40 million for fiscal 1974.

The administration requested only $16.1 million, and this is the amount made available by the House of Representatives.

The Senate bill increases this amount by $12 million, bringing the total appropriation for nonfood assistance to $28.1 million.

Within the last week, a survey of State school food service directors concerning their need for nonfood assistance funds during fiscal 1974 was conducted by the Food Research and Action Center in New York City. This survey clearly indicates the need for additional funds for this purpose if all children are to have the opportunity to participate in a school lunch program in the foreseeable future.

Mr. President, I ask unanimous consent that the survey I have referred to be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

A SURVEY OF STATE SCHOOL FOOD SERVICE DIRECTORS CONCERNING THEIR NEED FOR NON-FOOD ASSISTANCE FUNDS DURING FISCAL YEAR 1974 TO MAINTAIN AND EXPAND THE NATIONAL SCHOOL LUNCH PROGRAM

This survey was conducted by the Food Research and Action Center between June 22 and June 26, 1973. During that time, the Center contacted 48 State School Food Service Directors by telephone and asked the following question:

What amount of non-food assistance funds do you need for fiscal year 1974 to effectively meet your State's need for the school kitchen equipment required to maintain and expand your State's participation in the National School Lunch Program?

The answer to this question was broken down into three categories:

The amount of non-food assistance funds needed for "no-program" public schools in fiscal 1974.

The amount of non-food assistance funds needed for "program" public schools in fiscal 1974.

The amount of non-food assistance funds needed for private schools in fiscal 1974. (This question was asked only of those State agencies that actually administer National School Lunch Program funds for private schools as authorized by State law.)

The responses of 48 State agencies are contained in this survey. The answers show those amounts that States "could effectively use." Each State director was asked for his own estimate. They used various sources from which to draw the figure they thought most reflective of their State's need. Some directors used figures quoted in their State Plan of Operation; some used the results obtained from other surveys; and some applied their own analysis to available information and quoted a compromise figure. Many State directors indicated that these were conservative estimates.

The results of this survey show a great need for non-food assistance funds to maintain existing programs and to implement new ones. Many State directors asserted that they could spend amounts far exceeding the figures quoted in the survey, but felt that the amounts they reported gave a realistic appraisal of need. Many directors, especially those from the southern States, stressed the need for "unreserved funds;" i.e., funds that could be used to modernize and revamp old programs operating with substandard equipment.

Fiscal year 1973's appropriation for non-food assistance (from section 5 of the Child Nutrition Act of 1966, as amended) was $15,000,000. Each State's share of this $15 million is listed in the survey (the figures used are those after the reapportionment dated May 14, 1973). This appropriation, from an authorization of $40 million (section 5(a) of the Child Nutrition Act of 1966, as amended), was not sufficient to meet States' needs in fiscal 1973.

In a previous survey conducted by the Food Research and Action Center, published on March 7, 1973, it was determined that 43 State directors needed $28 million to meet their non-food assistance obligations as they saw them for the balance of fiscal 1973. The $6 million included in H.R. 7447 (the Second Supplemental Appropriations Bill of 1973), will only go a small distance toward meeting that need. If that bill is signed into law, that $6 million will be expended immediately and will in no way diminish the need for the $70 million expressed by State directors in this survey.

A summary of the survey results, by category, is as follows:

1. Total non-food assistance apportionment for fiscal 1973 to the 48 States surveyed

(after the May reapportionment), $13,853,880.

2. Amount of non-food assistance funds needed in fiscal 1974 for "no-program" public schools in the 48 States, $19,286,639.

3. Amount of non-food assistance funds needed in fiscal 1974 for "program" public schools in the 48 States, $44,619,571.

4. Total amount of non-food assistance funds needed in fiscal 1974 for public schools in the 48 States (sum of No. 2 and No. 3), $64,406,210.

5. Total amount of non-food assistance funds needed in fiscal 1974 for public and private schools in the 48 states, $73,206,749.

State	Total apportionment to State agency in fiscal year 1973 (1)	Amount needed for "No-program" public schools in fiscal year 1974 (2)	Amount needed for "Program" public schools in fiscal year 1974 (3)	Total amount needed for public schools in fiscal year 1974 (4)	Total amount needed for public and private schools in fiscal year 1974 (5)
Alabama	183,738	None	2,755,603	2,755,603	[1] 2,755,603
Alaska [2]					
Arizona	166,853	283,932	944,000	1,227,932	1,228,932
Arkansas	102,360	None	2,500,000	2,500,000	[1] 2,500,000
California	1,110,942	1,000,000	3,000,000	4,000,000	4,200,000
Colorado	111,275	237,000	238,000	475,000	[1] 475,000
Connecticut	340,012	358,000	102,000	460,000	[3] 460,000
Delaware	35,487	None	87,956	87,956	91,956
District of Columbia	23,199	None	308,000	308,000	408,289
Florida	388,539	50,000	4,350,000	4,400,000	4,500,000
Georgia	303,558	None	2,000,000	2,000,000	[3] 2,000,000
Hawaii [2]					
Idaho	54,091	86,000	47,900	133,900	[1] 133,900
Illinois	937,147	(4)	(4)	(4)	5,620,000
Indiana	351,784	550,000	258,160	808,160	[3] 808,160
Iowa	159,131	[5] 250,000	[5] 250,000	500,000	[1] 500,000
Kansas	176,070	250,000	80,000	330,000	350,000
Kentucky	199,729	16,707	271,202	287,909	305,909
Louisiana	235,233	None	300,000	300,000	[3] 300,000
Maine	86,872	1,700,000	825,000	2,525,000	[1] 2,525,000
Maryland	169,542	None	345,000	345,000	595,000
Massachusetts	948,427	1,600,000	550,000	2,150,000	2,490,000
Michigan	698,425	1,300,000	700,000	2,000,000	[3] 2,000,000
Minnesota	305,138	1,776,000	700,000	2,476,000	[3] 2,476,000
Mississippi	157,039	None	600,000	600,000	[3] 600,000
Missouri	206,012	None	2,000,000	2,000,000	[3] 2,000,000
Montana	96,656	270,000	90,000	360,000	[1] 360,000
Nebraska [2]					
Nevada	14,245	12,000	60,000	72,000	[1] 72,000
New Hampshire	92,135	300,000	300,000	600,000	[3] 600,000
New Jersey	833,112	1,000,000	600,000	1,600,000	[1] 1,600,000
New Mexico	77,204	75,000	825,000	900,000	1,000,000
New York	1,281,586	1,000,000	2,000,000	3,000,000	3,500,000
North Carolina	321,657	None	900,000	900,000	1,000,000
North Dakota	44,444	60,000	140,000	200,000	[1] 200,000
Ohio	665,169	2,500,000	1,040,000	3,540,000	[1] 3,540,000
Oklahoma	120,683	100,000	1,700,000	1,800,000	2,110,000
Oregon	141,720	280,000	1,000,000	1,280,000	1,400,000
Pennsylvania	827,671	750,000	750,000	1,500,000	[1] 1,500,000
Rhode Island	136,073	3,000,000	1,500,000	4,500,000	5,000,000
South Carolina	158,512	None	4,900,000	4,900,000	[1] 4,900,000
South Dakota	51,236	(4)	250,000	250,000	[3] 250,000
Tennessee	196,556	50,000	750,000	800,000	[1] 800,000
Texas	405,265	200,000	1,300,000	1,500,000	[3] 1,500,000
Utah	84,354	192,000	681,750	873,750	876,000
Vermont	42,862	80,000	80,000	160,000	170,000
Virginia	217,690	None	2,000,000	2,000,000	[1] 2,000,000
Washington	138,416	55,000	95,000	150,000	[1] 150,000
West Virginia	89,445	150,000	750,000	900,000	[1] 900,000
Wisconsin	339,963	245,000	175,000	420,000	[1] 420,000
Wyoming	26,623	10,000	20,000	30,000	35,000
Total	13,853,880	19,286,639	44,619,571	64,406,210	73,206,749

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[1] Indicates estimates for State agencies that do not administer funds for private schools in their States. These figures, therefore, do not include the amount of funds needed for private schools in these States.

[2] Indicates the 3 States which are not included in this survey.

[3] No figure was available as to private schools' needs. The number which appears is the same as the figure in col. 4, so as to preserve the value of the totals.

[4] Information was unavailable.

[5] These figures were not available from the State director. For the purposes of the table, the $500,000 total in col. 4 was evenly distributed between "program" and "no-program" schools.

Note: The figures in col. 1 represent the total amounts of nonfood assistance received by the State agency from sec. 5 of the Child Nutrition Act of 1966, as amended, after the May reapportionment.

GYPSY MOTH CONTROL

Mr. SCOTT of Pennsylvania. The pending Agriculture Department appropriations bill contains $2,216,700 for gypsy moth control, which reflects a $500,000 increase initially proposed by the House Appropriations Committee. I am pleased that there has been an increase in funds. I wish there could be more.

Last November, well before the gypsy moth began chewing his way through northeastern Pennsylvania's forests, I wrote to Mr. Weinberger, who was then Director of the Office of Management and Budget, and urged him to recommend an increased budget request. In spite of the fact that USDA's Animal and Plant Health Service last year treated approximately 200,000 acres of land nationwide in an effort to eliminate the gypsy moth, the Department's scientists were predicting the defoliation of 500,000 acres in Pennsylvania alone this summer unless the pest was controlled. I feared that the eastern counties of the Commonwealth, especially Monroe, would sustain the heaviest damage.

I am afraid that those dire predictions have become stark reality. Letters coming into my office indicate that the forests are literally being eaten alive by the gypsy moth. Some areas are entirely bare, taking on a midwinter appearance. The Western Pocono Vacation Association in Lake Harmony is predicting a drastic reduction in tourism if the defoliation continues.

One young man who had just returned from Buck Hill Falls wrote that he saw—

> Millions and millions of gypsy moth caterpillars swarming all over the place and ruining the forest. If the trees are completely bare, without any leaves, can I sue? Or what?

The question, indeed, is "What can be done?" With this appropriation, I am strongly urging USDA to place the gypsy moth on its most-wanted list. It must be destroyed before it destroys our precious forest land.

THE SUPPLEMENTAL FOOD PROGRAM

Mr. COOK. Mr. President, I feel that it is important at this time to bring special attention to one particular item in H.R. 8619. In title I of that bill, the committee recommended an additional $2 million of section 32 funds be made available to assist local public or nonprofit agencies with the cost in distributing supplemental foods to pregnant and lactating women and infants.

I strongly support this item and urge my distinguished colleagues to do the same. This $2 million may seem an insignificant figure in comparison to the total figure of $10 billion appropriated in H.R. 8619, but this $2 million is extremely important to 161,000 Americans. This is the number of mothers and children now being reached through the supplemental food program. However, this figure has steadily decreased in the last year primarily due to the lack of local funds to administer the program and distribute the foods. Emergency food and medical service funds under OEO had been used for this purpose at one time, but the elimination of these funds have forced several programs to close down. It is likely that participation will continue to decrease unless Congress appropriates this $2 million for assisting localities in distributing the foods.

Why is it important that these supplemental foods get distributed? This feeding program helps provide adequate nutrition for mothers and infants from low-income families during the critical developmental period extending from pregnancy through the first few years of life. There is no doubt that malnutrition in pregnant women contributes to the birth of premature and low-birth-weight infants. Prematurity and low-birth-weight contribute in turn to infant mortality and mental retardation. Therefore, this program may greatly help in preventing malnutrition among the 161,000 participants. Once again, I strongly urge that this $2 million be appropriated by Congress.

Mr. ABOUREZK. Mr. President, I was one of the Members of this body who supported Chairman McGee in his courageous efforts earlier this year to draw the line on Executive usurpation of the congressional power of the purse.

I was willing to lend my support to his efforts, even on legislation so vital to my State as this bill, because I believed that the principles which Mr. McGee sought to defend were so basic to the constitutional separation-of-powers that the mustering of any power within this body's domain to their defense would be fully warranted.

Now we are told that the President is willing to entertain a new spirit of cooperation with the Congress; I, for one, cheer it.

I believe that in this bill we have

firmly demonstrated once again that this Congress does in fact behave in a fiscally responsible manner which deserves the cooperation of the executive branch.

Moreover, in this bill I believe that we have once again demonstrated that this Congress can lead the way, within the boundaries of fiscal responsibility, to attend to the huge tasks at hand within the confines of the borders of this Nation.

In particular, I refer to the committee's action with respect to rural housing.

By now you have heard the figures many times, but I repeat them again: more than 60 percent of this Nation's inadequate housing is suffered by 30 percent of its population—the rural Americans.

This disproportionate distribution of one of our worst problems only hastens the demise of rural America, compounds the impossibility of the urban dilemmas, destroys human health and well-being, robs the Nation of a rational distribution of prosperity across its landscape and wreaks destruction on the basic notions of equity which underpin the strength of this Government.

To put it more bluntly, the lack of decent housing at reasonable prices in rural America is a shortcoming we can ill afford in human and economic terms.

I am pleased that this bill takes cognizance of that simple, basic truth.

It restores the rural housing loan fund of the Farmers Home Administration to the level approved by Congress for fiscal 1973—a level of $2.144 billion.

Moreover, it directs that 50 percent of that amount, or $1.2 billion, be channelled to the interest credit subsidy of mortgage credit for low-and moderate-income rural families. It is, by any standard, a fairly meager amount. Moreover, this item is not an appropriation; it is merely an authorization of an operating level of an insured revolving loan fund which relies on the private capital market for its corpus.

I say this to preclude the possibility that its budgetary impact might be dramatically overstated.

The committee has likewise wisely acted to increase funding for the self-help technical assistance program of Farmers Home to a level of $5 million.

This program is the key to one of the soundest housing approaches we have in all of the Federal Government.

This program provides the administrative and staff money to teach low-income rural families how to build their own homes, to guide them through the bureaucratic process and to guide them as they contribute their own sweat to construction of a decent home.

This program, unlike many of our subsidized programs, enjoys widespread community support where it exists—there is one getting underway in Rapid City, S. Dak., my hometown. It demolishes the community stigma which often attaches to subsidized housing. A man who has built his own home can hold his head high in the community, even if he is poor.

What is more, having helped to build that home, he knows how to take care of it.

This program has been a success, and deserves 10 times the amount of money it is getting.

I was also pleased by the compassionate judgment shown by the committee in increasing funding for the domestic farm labor housing program to a level of $15 million. The migrant farmworkers who stoop and sweat in the fields of this land have too long been forgotten, to use a kind word.

It is my hope that this body will put a resounding stamp of approval on these actions. They are at one and the same time responsible and compassionate.

Having said that, I cannot in any honesty fail to express disappointment that once again one of the most potent, rational tools for dealing with bad rural housing has been relegated to the dungeon.

I am referring to the section 504 program of title V of the Housing Act of 1949, the Farmers Home Administration home repair grant and loan program. Although there is some activity in the loan portion of this program, the grant part of it has been killed every year since 1964 by what amounts to legislative language in an appropriations act.

Simply put, Congress has been instructing the Farmers Home Administration not to use the grant program. This program is intended for the very poor.

Under it, a loan-grant combination of up to $2,500 can be extended to a rural family to fix up its existing house. If the addition of water or sewage facilities is included, the combination can go as high as $3,500.

I would point out, somewhat cynically, that if this program were reactivated, we could cut down the expense of building a house for many of our very poor rural people under another program.

If a family needs additional space, or a new heating unit, or plumbing, or perhaps insulation, or a new roof, or if they simply need to make their house weather-tight, or to fix up the steps so the old folks do not fall and break their hips, then this program would be ideal—and if they were very poor, then the grant part of this program would bring the needed repair within their economic range.

In so doing, the family would be allowed to stay in its present home, the Government would not incur the expense of building a new home for them, and our inventory of repairable substandard homes could be more fully brought to bear on the total problem.

To make things worse, the cities, under HUD sections 312 and 115, have programs that are roughly comparable—while the rural areas have nothing. It is more of the same kind of discrimination to which our rural people have become altogether too well accustomed.

I would not presume to suggest the motivations of this Congress in shutting down one of its most sensible and potent tools, but I would hasten to add that the matter deserves reexamination and that I will be working to bring about that reexamination and a restoration of this program next year.

Otherwise, Mr. President, I believe that on balance the rural housing portions of this bill reflect the kind of sound judgment which is deserving of the support of every Member of this body who entertains in some corner of his conscience a concern for the health and well-being of the millions of rural American families for whom the promise of a decent home remains hollow.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 8619) was read the third time.

Mr. McGEE. I yield back whatever time I may have remaining.

Mr. FONG. I yield back my time.

Mr. McGEE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Chiles). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. McClure) and the Senators from Ohio (Mr. Saxbe and Mr. Taft) are necessarily absent.

On this vote, the Senator from Idaho (Mr. McClure) is paired with the Senator from Ohio (Mr. Taft). If present and voting, the Senator from Idaho would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 88, nays 6, as follows:

[No. 254 Leg.]

YEAS—88

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—6

Cotton Mathias Ribicoff
Hartke Pell Roth

NOT VOTING—6

Biden McClure Stennis
Clark Saxbe Taft

So the bill, H.R. 8619, was passed.

Mr. McGEE subsequently said: Mr. President, in the rapid movement at the end of this debate on H.R. 8619, and the yeas and nays being called for, I inadvertently left on my desk a request for an amendment to correct a technical error in the bill. The ranking minority member (Mr. Fong) favors this amendment.

I ask unanimous consent that the vote by which the bill was passed and its third reading be reconsidered, that the amendment be adopted, and the bill as thus amended be passed.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. McGEE. Mr. President, this amendment is necessary because the citation contained in the bill as originally printed did not recognize a recodification of the statutes which has taken place. The basic law to which the citation refers remains the same. Only the legal citation has been changed.

The text of the amendment is as follows:

> On page 3, lines 1 and 2, strike the following: "section 73 of the Act of January 12, 1895 (44 U.S.C. 241)" and insert in lieu thereof: "44 U.S.C. 1301"

Mr. McGEE. Mr. President, I ask unanimous consent that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees.

There being no objection, the Presiding Officer (Mr. Bartlett) appointed Mr. McGee, Mr. McClellan, Mr. Proxmire, Mr. Robert C. Byrd, Mr. Talmadge, Mr. Fong, Mr. Hruska, and Mr. Young conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Bartlett) laid before the Senate a message from the President of the United States submitting the nomination of George A. LeMaistre, of Alabama, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation, which was referred to the Committee on Banking, Housing and Urban Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1938) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 5383) to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mills of Arkansas, Mr. Ullman, Mr. Burke of Massachusetts, Mrs. Griffiths, Mr. Schneebeli, Mr. Collier, and Mr. Broyhill of Virginia were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Stratton, Mr. Hébert, Mr. Nichols, Mr. Bray, and Mr. Hunt were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 29) authorizing the printing of additional copies of Senate hearings on illegal, improper, or unethical activities during the Presidential election of 1972.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 132) providing for the printing as a House document of a revised edition of "The Capitol."

RETIREMENT OF HARRY C. BURKE WITH 61 YEARS OF SERVICE

Mr. COTTON. Mr. President, Mr. Harry C. Burke, the Senate's longtime Clerk of Enrolled Bills, will retire June 30. His retirement ends more than 61 years of dedicated employment to his country and his Government. In that timespan, some 44 years were given in service to the U.S. Congress, beginning with his appointment as a messenger to the Congressional Record clerk on January 24, 1906, and afterward as assistant Journal clerk and clerk of enrolled bills in the Office of the Secretary of the Senate.

Between these periods of employment on the Hill, Mr. Burke was at one time with the American Embassy in Paris during World War I, and with the Public Works Administration and Public Buildings Administration during the early 1930's.

It is interesting to note here that Harry Burke has served the Congress during the tenures of every Speaker and President pro tempore for whom the House and Senate Office Buildings are named today.

Mr. Burke married Yvonne A. Gelinas in Nashua, N.H., their native city, on December 27, 1919, and celebrated their 50th wedding anniversary in 1969 of that marriage that has brought him 4 daughters, 1 son, and 13 grandchildren.

I think I am safe in claiming that my association with, and friendship for Harry Burke has been longer and closer than any other Member of the Congress or any of his associate officials and employees of the Senate. I came to Washington in 1924 shortly after my graduation from college to serve on the staff of the late Senator George H. Moses, of New Hampshire, and to attend law school. Harry Burke was then assistant Journal clerk of the Senate and welcomed me as a fellow New Hampshirite. During my 4 years in law school and in the service of the Senate he and Yvonne became my fast friends. Many an evening I used to take my lawbooks to their home and babysit with their children when they had occasion to go out. Twenty years later when I came to the House of Representatives that friendship was resumed and has continued through my 8 years in the House and my nearly 20 years in the Senate.

Harry Burke has been universally esteemed and held in deep affection by all who have known him throughout his service here. Fundamentally, he is a friendly, unassuming man but with a warmth of personality that has endeared him to the hundreds who have come and gone through is 61 years of service. No man has ever been more faithful to his family, his church, and his country or more meticulous in the discharge of his duties in every capacity in which he has served—nearly all of that service having been here in the Senate.

At an appropriate time today, his fellow employees will present him with a plaque commemorating all his years with the Congress. I know that my colleagues will all join me in wishing him well in his retirement, and contentment and happiness for both him and his wife for many years to come.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

Bartlett). Under the previous order, the
The PRESIDING OFFICER (Mr.

Senate will proceed to the consideration of H.R. 8152, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8152) to amend the title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON HUD APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished majority leader to make the following request. It has been cleared on the other side of the aisle and with the manager of the bill.

I ask unanimous consent that at such time as the HUD appropriation bill is called up and made the pending business, there be a time limitation thereon of 3 hours, to be equally divided between Mr. PROXMIRE and the distinguished ranking Republican on the committee (Mr. YOUNG) or his designee; that the time on any amendment be limited to 30 minutes; and that the agreement be in the usual form with respect to time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any debatable motion or appeal be limited to 30 minutes, and that that, likewise, be incorporated in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That, during the consideration of H.R. 8825, the HUD Appropriation Bill for 1974, debate on any amendment, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader, or his designee.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from Wisconsin (Mr. Proxmire) and the Senator from North Dakota (Mr. Young) or his designee: *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order for the leadership to call up the HUD appropriation bill at any time on tomorrow or Saturday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, when the Executive Calendar was called up today, was the nomination of Mr. John W. Barnum, of New York, to be Under Secretary of Transportation, taken up?

The PRESIDING OFFICER. It was not.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider that nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION

The second assistant legislative clerk read the nomination of John W. Barnum, of New York, to be Under Secretary of Transportation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, on this nomination and all preceding nominations, I ask unanimous consent that the President be notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, is the pending business H.R. 8152?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the following members of the staff of the Subcommittee on Criminal Laws and Procedures be allowed on the floor for the duration of the consideration and votes on H.R. 8152: G. Robert Blakey and Paul C. Summitt.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that Ken Lazarus, Chuck Bruse, Ken Davis and Chuck Kern be granted the privilege of the floor during the debate and vote on H.R. 8152.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I ask unanimous consent to have the privilege of the floor for a member of my staff, Rick Rubin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the privilege of the floor be granted to George Shanks of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. The Senator may proceed.

Mr. McCLELLAN. Mr. President, the authority for the Law Enforcement Assistance Administration—LEAA—will expire on June 30 of this year. If we do not want this vital program to come to an end, it is imperative that we take action before June 30.

The House, after extensive hearings and debate, has now completed its work on a comprehensive measure (H.R. 8152) to revise and to extend the LEAA program. The House-passed bill is a good bill, not perfect, but it seems to be a good compromise of competing interests. With some modifications, I am sure that a majority of the Senate will want to support it.

The Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, has held 2 days of hearings on a number of LEAA related proposals. Testimony has been taken from the Attorney General, Members of the House and Senate, and representatives of the Governors, counties, mayors and public interest groups. On June 19, the subcommittee also reported to full committee its own version of comprehensive legislation to revise and to extend the LEAA program. On June 20, mindful of the time pressures we are now laboring under, I attempted to bring this measure up before the full Committee on the Judiciary. It appeared that a majority of the committee was apparently willing to report it out. Nevertheless, some members of the committee moved to postpone further consideration of the bill for 1 week, as the committee rules provide.

Mr. President, this 1 week delay has made it most difficult, if not impossible for the Senate and House to work its will on this comprehensive legislation in time to save this program from expiration on June 30. It appears that we will now be forced to take up the House passed measure directly on the Senate floor.

Mr. President, I ask unanimous consent that Amendment No. 248, which is pending at the desk, be offered in the nature of a substitute, that it be agreed to, and that the bill as thus amended be considered as original text for purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Crime Control Act of 1973".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended (42 U.S.C. 3701 et seq.), is struck in its entirety and the following substituted in lieu thereof:

"TITLE I—LAW ENFORCEMENT ASSISTANCE

"Declarations and Purpose

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Deputy Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. One Deputy Administrator shall be designated the Deputy Administrator for Policy Development. The second Deputy Administrator shall be designated the Deputy Administrator for Administration.

"PART B—PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime. Any regional planning units within the State shall be comprised of a majority of local elected executive officials and shall include representatives of law enforcement and criminal justice agencies.

"(b) The State planning agency shall—

"(1) develop, in accordance wtih part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local government, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

"PART C—LAW ENFORCEMENT REVENUE SHARING

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

"(1) public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devises, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places;

"(2) the recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice;

"(3) public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies;

"(4) constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence;

"(5) the organization, education, and training of special law enforcement and criminal justice units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

"(6) the organization, education, and training of regular law enforcement and criminal justice officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment;

"(7) The recruiting, organization, training, and education of community service officers to serve with and assist local and State law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety, and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement and criminal justice agency;

"(8) the establishment of a criminal justice coordinating council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities;

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders; and

"(10) The establishment of interstate metropolitan regional planning units to prepare and coordinate plans of State and local governments and agencies concerned with regional planning for metropolitan areas.

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated, in the aggregate, by State or individual units of government, for the purpose of the shared funding of such programs or projects, or, where grant is made to a nonprofit organization, money contributed by such organization.

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement and criminal justice personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration, or other short-term programs.

"Sec. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title.

"Sec. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general type of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

"(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would, in the absence of such Federal funds, be made available for law enforcement and criminal justice;

"(11) provide for such fund accounting audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(12) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the Administration may reasonably require to evaluate programs and projects carried out under this title and to administer other provisions of this title;

"(13) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice; and

"(14) provide for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administrator, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date.

Any portion of the per centum to be made available pursuant to pargaraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"Sec. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"Sec. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

"Sec. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

“(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title. Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph.

“The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State or units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

“(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

“Sec. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

“Sec. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval) within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 303(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term ‘date of submission’ means the date on which a State plan which the State has designated as the ‘final State plan application’ for the appropriate fiscal year is delivered to the Administration.

“Part D—Training, Education, Research, Demonstration, and Special Grants

“Sec. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice, and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

“Sec. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereinafter referred to in this part as ‘Institute’). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice and to disseminate the results of such efforts to State and local governments.

“(b) The Institute is authorized—

“(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

“(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

“(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evalute the success of correctional procedures;

“(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and crimial justice;

“(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

“(6) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

“(7) to establish a research center to carry out the programs described in this section.

“(c) The Institute shall serve as a national and international clearinghouse for the exchange of information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

“The Institute shall undertake, where possible, to evaluate various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

“The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), and shall describe in such report the potential benefits of such activities to law enforcement and criminal justice and the results of the evaluation made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

“Sec. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

“Sec. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

“(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement personnel;

“(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice; and

“(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

“(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

“Sec. 405. (a) Subject to the provision of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provide*, That—

“(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

“(2) Any funds obligated under subsection (1) of this section and all activites necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

“(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

Sec. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice.

“(b) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding $2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

"(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition, books and fees, not exceeding $250 per academic quarter or $400 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a law enforcement and criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administrator may prescribe.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums. The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for grants not exceeding $65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title.

"SEC. 408. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities including those of probation, parole, and rehabilitation;

"(9) provides necessary arrangements for the development and operation of narcotic treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts or drug abusers; and

"(10) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government or where a subgrant is to a nonprofit organization, such organization shall provide the non-Federal share of funds. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the applicaton of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"PART F—ADMINISTRATIVE PROVISIONS

"SEC. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

"SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

"SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

"SEC. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"SEC. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"'(55) Administrator of Law Enforcement Assistance.'

"SEC. 506. Title 5, United States Code, is amended as follows:

"(a) Section 5315(90) is amended by deleting 'Associate Administrator of Law Enforcement Assistance (2)' and inserting in lieu thereof 'Deputy Administrator for Policy Development'.

"(b) Section 5316 is amended by adding at the end thereof 'Deputy Administrator for Administration.'

"(c) Section 5108(c)(10) is amended by deleting the word 'twenty' and inserting in lieu thereof the word 'twenty-four'.

"SEC. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the general purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals. The Administration is also authorized to transfer funds to the American Revolution Bicentennial Commission or any other Federal agency dealing with activities of the Bicentennial for planning or coordinating law enforcement efforts and other appropriate efforts related to Administration activities.

"SEC. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title; the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusion of the Administration shall be final and conclusive upon all applicants except as hereinafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant, the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determations of the Administration, following the notice and hearings, provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings, and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the four succeeding fiscal years.

"SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

"SEC. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

"SEC. 515. The Administration is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under or related to the purposes of this title;

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(c) to cooperate with an render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, institutions, or international agencies in matters relating to law enforcement and criminal justice.

Funds appropriated for the purpose of this section may be expended by grant or contract as the Administration may determine to be appropriate.

"SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551).

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"SEC. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

"(c)(1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (c)(1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within a reasonable time after such notification the chief executive fails or refuses to secure compliance, the Administration is authorized:

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d);

"(C) to exercise the powers and functions provided in section 509 of this title; or

"(D) to take such other action as may be provided by law.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"SEC. 520. There is authorized to be appropriated $1,000,000,000 for the fiscal year ending June 30, 1974; $1,250,000,000 for the fiscal year ending June 30, 1975; $1,500,000,000 for the fiscal year ending June 30, 1976; $1,750,000,000 for the fiscal year ending June 30, 1977; and $2,000,000,000 for the fiscal year ending June 3, 1978. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"SEC. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"SEC. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities.'

"SEC. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State may be used to provide up to 90 per centum of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggregate by the State or units or general local government.

"SEC. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, or any recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(b) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addiiton to any other penalty imposed by law.

"SEC. 525. The last two sentences of section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, are amended as follows: 'In addition, under such cooperative agreements, and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Office of Civil and Defense Mobilization, or the Administrator, Law Enforcement Assistance Administration, surplus property which the Administrator may approve for donation for use in any State for purposes of law enforcement programs, education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3) or (j)(4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director or the Administrator, Law Enforcment Assistance Administration that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director or Administrator, Law Enforcement Assistance Administration, that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.'

"PART G—DEFINITIONS

"SEC. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction of the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title: *Provided, however,* That such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience, shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State. Goals, priorities, and standards must be established in the plan. The plan must address methods, organization, and operational performance; physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders; and institutional and noninstitutional rehabilitative measures.

"PART H—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"SEC. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"SEC. 653. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"PART I—ATTORNEY GENERAL'S ANNUAL REPORT OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

"SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within 90 days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report of Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act 1968, the Gun Control Act 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance)."

SEC. 3. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 4. This Act shall become effective upon the date of enactment.

Mr. McCLELLAN. Mr. President, the purpose of this amendment, in the nature of a substitute, is to authorize the continuation of the Justice Department's Law Enforcement Assstance Administration (LEAA) for another 5 years beyond June 30 of this year, when the initial 5-year authorization provided for in the 1968 Safe Streets Act expires. The amendment also makes a number of changes in the structure of LEAA and in its authority and responsibilities. These changes are based upon the conclusions and recommendations of the Subcommittee on Criminal Laws and Procedures formulated after hearings on June 5 and 6 during which testimony was received from the Attorney General, several Members of Congress, and numerous individuals and organizations familiar with LEAA and the Nation's crime problem. The legislation also draws substantially on the House-passed bill, H.R. 8152, which resulted from 9 days of hearings before the House Committee on the Judiciary.

Like the House bill, this amendment does not substantially alter the basic block grant structure of LEAA, but instead seeks to improve the agency's existing structure by rectifying some of the problems that have come to light since the last oversight hearings and amendatory legislation in 1970. The major features of the bill may be briefly summarized as follows:

First. Administration: All policy and administrative authority is vested in the Administrator. The two Associate Administrators are replaced by a Deputy Administrator for Policy Development and a Deputy for Administrative Management.

Second. Public accountability: Open meeting and records access provisions are added.

Third. State planning function: The minimum planning allocation to each State is increased from $100,000 to $200,000. Regional planning boards are required to include a majority of local executive officials.

Fourth. Matching requirements: noncash match has been eliminated. Parts B, planning; C, action; and E, corrections, are now all governed by a 10 percent cash-match requirements. Match funds must be appropriated in the aggregate by governmental units or provided by nonprofit organizations when the nonprofit organization is the grantee. State buy-in provisions are retained for past C and added to parts B and E.

Fifth. Comprehensive plan: More specificity has been added to the definition of a "comprehensive State plan." A maximum of 90 days is provided for LEAA approval or disapproval of plans.

Sixth. Discretionary program: Authority to make direct grants to nonprofit organizations is provided. All match has been specified to be 10 percent cash match. Authority to make grants to multi-State planning bodies—councils of government—is provided. Funding incentives for coordination are added.

Seventh. Law enforcement education program: Benefits for law enforcement students and interns have been increased. Another amendment provides that a recipient of these funds need not remain in the same law enforcement agency to retain eligibility for benefits.

Eighth. Correctional program: New requirements have been added relating to narcotics treatment programs.

Ninth. Accountability: The standard of State accountability has been upgraded and additional requirements for LEAA evaluation authority and responsibility have been added.

Tenth. Civil rights: The provisions of title VI of the Civil Rights Act are incorporated along with the optional remedies.

Eleventh. Confidential information: New confidentiality provisions have been added to protect statistical and research information received for research purposes.

Twelfth. Criminal penalties: New language relating to criminal "endeavors" as well as completed acts has been added.

Thirteenth. Authorization: A 5-year authorization is provided with provision for authorized funding from $1 billion to $2 billion over the 5-year period.

RETENTION OF BLOCK GRANT STRUCTURE

Mr. President, the subcommittee received numerous proposals to make major alterations in the basic structure of LEAA. These proposals ranged from the administration's proposal for special revenue sharing for law enforcement, which would merge grants for planning, action and corrections programs into one annual revenue sharing payment to each State with greatly reduced Federal direction and supervision, to various proposals to provide for sizable direct grants to the major cities outside the block grant system. However, a majority of the subcommittee felt that the State-oriented block grant approach devised in 1968 and reaffirmed in 1970 has worked reasonably well on balance and should be retained.

The special revenue sharing proposal would have merged the separate planning grants now awarded annually to each State into the single annual revenue sharing payment to each State and would have deleted the existing requirement that each maintain a separate planning agency for law enforcement, requiring instead that each State merely have a "planning process." The proposal also would have eliminated the requirement that each State's comprehensive plan for law enforcement improvement be approved annually by LEAA.

Mr. President, the separate planning agency for law enforcement that now exists in every State is perhaps the major accomplishment of LEAA and no change in the legislation should be contemplated that would permit these planning agencies to be merged into planning agencies for other State functions or otherwise dilute the States' law enforcement planning capability. In the same vein, Federal supervision over the planning process should not be eliminated; it should be retained and strengthened.

The subcommittee substitute does just that. It continues the annual plan approval responsibility with the additional provision that a plan not be approved unless LEAA finds that it reflects a "determined effort" to improve the quality of law enforcement and criminal justice throughout the State. The amendment also broadens the definition of the term "comprehensive" as it relates to State plans and adds the words "and criminal justice" after the term "law enforcement" wherever it appears in the LEAA statute. The net effect of these changes is to make LEAA more accountable for enforcing high standards of law enforcement and criminal justice planning in the States.

The plan approval function is in a real sense the keystone of the Safe Streets Act and LEAA should fully exercise the leverage provided by that authority in order to require each State to devise a truly comprehensive plan that reflects a balanced and integrated effort to address all of the needs of the State, including specifically the needs of the court system and correctional system as well as those of the public.

The subcommittee rejected the proposals for direct grants to cities, as it has done in the past, this year because such grants are not necessary either to speed up the flow of LEAA funds or to redress fund distribution inequities that disadvantage the cities. On the first point, fund flow, proponents of the proposals for direct grants to cities maintained, as have critics of the block grant program since soon after its inception, that the State planning agencies constitute bureaucratic bottlenecks that clog the distribution "pipeline" and prevent LEAA funds from reaching the cities where they are most desperately needed. The statistics do not substantiate this criticism. I refer to the date contained in the publication, "State of the States on Crime and Justice," an analysis of State administration of the Safe Streets Act by the National Conference of State Criminal Justice Planning Administrators. This report was submitted during the hearings by Charles L. Owen, chairman of the conference, who is executive director of the Kentucky LEAA State Planning Agency.

This report shows that the State planning agencies have been awarding funds to local subgrantees in a timely fashion and that the fund flow problem arises from the inability of local units to expend the money on subgrant projects in a timely fashion.

As of December 31, 1972, the State planning agencies had awarded to subgrantees 95 percent of fiscal year 1971 funds and 68 percent of fiscal year 1972 funds. However, their subgrantees, mostly local governments, had actually withdrawn for expenditure only 64 percent of fiscal year 1971 funds and 20 percent of fiscal year 1972 funds. Mr. President, these are cold, hard statistical facts, and they persuade me that the critics of the block grant structure who favor direct grants to cities have been criticizing the State planning agencies for shortcomings that should be blamed on the cities.

The other familiar criticism of the block grant approach is that the State planning agencies do not allocate sufficient funds to the large cities where much of the crime problem is physically concentrated, and that the remedy for this is direct grants to cities based at least in part on crime statistics. Again, the statistics do not support this criticism.

The "State of the States" report amply reveals that the States have allocated appropriate shares of LEAA funds to the high crime urban areas. During fiscal years 1969 through 1972, these areas, which contain about 49 percent of the Nation's population and about 70 percent of reported serious crimes, received an average of almost 65 percent of all LEAA funds available for local units of government. In the last year of that period, fiscal year 1972, the high crime cities received over 71 percent of the funds. Significantly, this is a substantially greater share than they would be entitled to under the population-crime statistics formulas included in a number of the proposals for direct city grants. On the basis of these statistics, the House Committee's studies, and other testimony received during our hearings, the subcommittee concluded that the existing block grant structure, with its pass-through requirement and its emphasis on high crime areas has delivered an appropriate share of funds to the large cities. The subcommittee, therefore, voted to retain the existing structure.

However, we have made a few changes in the act that should help to assure the continued flow of adequate funds to cities. The present act requires that 40 percent of a State's planning funds must be passed through to units of local government, and a subcommittee amendment increases the minimum planning funds to each State from $100,000 to $200,000.

The act also provides that before a State plan can be approved, it must assure an allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity.

Other subcommittee amendments provide funding incentives for localities that coordinate law enforcement and criminal justice activities with other localities, even where such coordination is achieved over a multistate region. Finally, I note, it is within the discretion of the State planning agencies to fund localities for a package of programs and projects as well as simply for single programs or projects on an individual basis.

PLAN APPROVAL TIME LIMITS

The subcommittee has incorporated provisions suggested by Senator TUNNEY to speed up the flow of funds. It has been provided that LEAA must approve or disapprove a State plan within 90 days after its submission or the plan shall be deemed approved. Similarly, each State plan must contain procedures that assure that applications to the State by local units shall be approved or disapproved—together with the reasons for disapproval—within 90 days or deemed approved. Compliance with these changes should not be overly difficult for either LEAA or the State planning agencies and should help to speed up fund flow.

MATCHING REQUIREMENTS

The subcommittee has revised the act's matching requirements. Except for construction projects, which remain at the 50 percent matching level provided in the present act, all non-Federal match is reduced from 25 percent of total project costs to 10 percent of project costs. This new 90 to 10 matching ratio will now apply to all grant programs that require match—part B planning grants, part C block grants, part C discretionary grants and part E grants for corrections improvements. The subcommittee bill requires that this 10 percent non-Federal share of project costs be contributed in cash as opposed to donated services or other forms of "soft match." The effect of this change is to eliminate "bookkeeping match," which adds nothing to the actual expenditures on a program, while keeping the level of cash match where it was under the 1970 amendments.

BUY-IN

The State "buy-in" has been increased from 25 percent to 50 percent for part C grants and from 0 to 50 percent for part B grants. Thus, the States will now be required to contribute, in the aggregate, at least 50 percent of the local share of the costs of both planning and action programs.

AGGREGATE MATCH AND BUY-IN

The subcommittee retained language providing that cash matches shall be appropriated in the aggregate, so that a governmental unit need show only that its total grants under the act do not exceed 90 percent of the cost of programs and projects undertaken, rather than being required to demonstrate that there is a 10-percent match for each of its programs and projects. The State "buy-in" provisions, with respect to funds passed through to units of general local government under part B or C, are also written in the "aggregate." This means that a State is not obligated to buy into any specific program or project. Rather, a State may pick and choose which programs or projects and whose programs or projects to assist, provided that the total of such assistance equals at least 50 percent of the total of all local obligations with respect to the funds passed through. This flexibility is believed desirable so that each State may decide which units of general local government within the State are in greatest financial need and render assistance accordingly.

RETROACTIVITY OF SOFT MATCH ELIMINATION

In view of the subcommittee's conclusion regarding the undesirability of requiring "soft match," the subcommittee also eliminated the soft match with regard to funds made available under parts B, C, and E prior to July 1, 1973, which have not been obligated—or were obligated and later deobligated—by the States or units of general local government in making awards. Such funds may provide up to 90 percent of the cost of any program or project.

It is expected that the administration, however, will not provide in excess of 50 percent of the cost of any construction program or project funded under part C lest these nonobligated funds become more "desirable" than funds made available after July 1, 1973.

REGIONAL PLANNING UNITS

In the case of planning grants to regional planning units, the matching requirement has been eliminated entirely thus authorizing 100-percent planning grants to such units. This is one of several changes in the law designed to encourage regional cooperation and planning. As noted above, LEAA will now be required to allocate discretionary funds in such a way as to provide incentives to such regional cooperative undertakings. In addition, the subcommittee has provided that a majority of the membership of regional planning units shall be elected local executive officials, thus increasing local participation and responsibility on such planning boards.

MISCELLANEOUS

The subcommittee has also made numerous changes to strengthen and improve existing LEAA programs and responsibility. Part E, the special section added in 1970 to assure adequate attention to corrections programs, has been amended to require plans submitted by the States pursuant to the part to provide for the development and operation of narcotic treatment programs in correctional institutions, and to require LEAA to issue regulations to guide the States in this important area.

Also retained and strengthened is LEEP, the law enforcement education program. The subcommittee has raised the amout of funds that may be provided to LEEP students in order to keep pace with the cost of living. A similar increase has been authorized for the internship program added to the act in 1970 by an amendment introduced by Senator KENNEDY.

The subcommittee added an amendment offered by Senator TAFT to remove the requirement that a LEEP recipient must remain with the law enforcement agency where he was employed during his LEEP studies in order to earn cancellation of his LEEP debts. The amendment will permit a recipient to earn cancellation so long as he remains employed in law enforcement.

In addition, there are new requirements that all planning meetings be open to the public when final action is taken on State plans; that each plan must provide for "fund accounting, audit, monitoring, and evaluation procedures," to assure "fiscal control and proper management" of funds; and new provisions guaranteeing the privacy and confidentiality of research and statistical data gathered under the act.

ADMINISTRATIVE MANAGEMENT OF LEAA

Mr. President, I believe several comments are necessary to clarify the changes the subcommittee amendment has made in the management structure of LEAA. The "Troika" established in the 1968 act and modified by the 1970 amendments has been abolished together. The LEAA management will now consist of an Administrator and two Deputy Administrators. The Administrator, appointed by the President at executive pay level 3, will exercise all policy and administrative authority vested in LEAA. The Deputy Administrator for Policy Development, appointed by the President at executive pay level 4, will, by delegation, assist the Administrator in policy matters and will be the senior Deputy Administrator who will assume the functions and duties of the Administrator in the case of a vacancy or disability in that position. The Deputy Administrator for administration, appointed at executive pay level 5, will, by delegation, assist the Administrator in the administrative housekeeping of the agency.

It is important to note that the subcommittee has not created a new position of Administrator of LEAA, and it is contemplated that the present Administrator of LEAA may continue to serve without the necessity for reconfirmation by the Senate. Similarly, the subcommittee amendment contemplates that the President may designate the incumbent Associate Administrators of LEAA to fill the position of Deputy Administrators without the necessity for reconfirmation by the Senate of either of those officials.

As is stated in the analysis of the Constitution of the United States prepared by the Legislative Reference Service, at page 503 citing Shoemaker against United States:

> Congress may devolve upon one already in office additional duties which are germane to his office without thereby rendering it necessary that the incumbent should be again nominated and appointed.

AUTHORIZATION OF FUNDS

The bill provides for the continuation of LEAA for another 5 years and authorizes appropriations that increase in equal yearly increments from $1 billion in fiscal 1974 to $2 billion in fiscal 1978. The authorization for the first 3 years is actually less than the authorization in the present act for fiscal 1973, but the subcommittee believes that these authorizations are realistic in terms of the level of funding requested in the past and the demonstrated capacity of the States and cities to utilize the funds effectively. It should be stressed that a 5-year authorization ranging from $1 billion to $2 billion represents an important commitment to law enforcement improvement and continues LEAA's status as one of the fastest growing programs in the Government.

EQUIPMENT EXPENDITURES BY LEAA

In concluding these remarks I want to comment further on some of the criticisms that have been leveled at LEAA, unfairly in my opinion. It has been claimed by practically all of LEAA's critics that the program has been primarily a police program and that inordinately high percentages of LEAA funds have been spent on police hardware. This is another criticism that crumbles when faced with the hard statistical facts.

The "State of the States" report, noted above, shows that equipment expenditures in fact were never inordinately high and that they have declined steadily over the lifespan of LEAA. Equipment expenditures as a percentage of total action funds declined from 28 percent in fiscal 1969 to a little over 10 percent in 1972. This represents an average over the 4-year period of only 15.5 percent, certainly not an exceptional figure when you consider the fact that, at the beginning of the LEAA program, most of the criminal justice equipment and facilities in the country were demonstrably inadequate, antiquated or dilapidated, a fact that was documented and stressed by the report of the President's Crime Commission in 1967.

Mr. President, on this point it is also interesting to reflect on what the reaction of the LEAA critics would have been had LEAA or the State planning agencies arbitrarily restricted the expenditure of LEAA funds for equipment in the early years of the program. They probably would have been accused of "not responding to local needs" or "abdicating their planning responsibilities" by imposing theoretical percentages instead of assessing actual needs. This case illustrates well the "no win" position the State planning agencies and LEAA often have found themselves in when caught between critical public interest groups with conflicting views. Other examples are given in the "State of the States" report in an interesting section, which I commend to my colleagues, entitled "Scylla and Charybdis." Many examples are given of contradictory criticisms that have placed the States and LEAA between the rocks of one public interest group and the whirlpools of another.

For example, certain critics have charged that funds must be disbursed more rapidly to the cities while others have said that State planning agency financial controls and fund accounting procedures are too lax and must be increased even at the cost of fund flow slowdown. Similarly, it has been charged on the one hand that not enough funds have gone to the large cities, while, on the other hand, rural and suburban areas have charged that they are neglected and disadvantaged by the emphasis on the large cities and that this emphasis even increases suburban problems by causing crime to "spill over" from the inner cities.

Many other examples are included in the "State of the States" report and, so that all Members of the Senate may read this revealing section, I ask unanimous consent that this part of it be placed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATE OF THE STATES ON CRIME AND JUSTICE

(An Analysis of State Administration of the Safe Streets Act, A Report by the National Conference of State Criminal Justice Planning Administrators)

INNOVATION

Scylla: SPAs must reduce funding for "innovative" projects [37]

Charybdis: SPAs have devoted too much money for traditional purposes and not enough for experimentation.[38]

FISCAL CONTROLS

Scylla: SPAs must strengthen financial controls at all levels of the Safe Streets program [39]

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[37] Gregory Ahart, Deputy Director, Government Accounting Office, *Hearings,* Part 1, p. 137.

[38] *Law and Disorder III,* a report by the Lawyers' Committee for Civil Rights Under Law for the National Urban Coalition, 1973, p. 9.

[39] *CGO Report,* pp. 78–95, 17–47.

Charybdis: SPAs should reduce red tape and give cities more flexibility [40]

PROGRAM CONTROLS

Scylla: LEAA and SPAs must set rigid program guidelines, if necessary by limiting funding for certain categories [41]

Charybdis: SPAs must relax strict controls over local project selection since this is in direct contradiction to locally identified needs and priorities [42]

FUND FLOW

Scylla: SPAs must disburse funds more rapidly to cities; money is moving too slowly [43]

Charybdis: SPAs should insure accountability and program integrity by careful review of all project proposals and by stringent financial regulations [44]

EQUIPMENT EXPENDITURES

Scylla: SPAs must substantially reduce expenditures for equipment and concentrate on system reform [45]

Charybdis: SPAs must respond to locally identified needs where equipment receives a high priority [46]

GEOGRAPHIC IMPACT

Scylla: SPAs ought to devote a larger percentage of funds to high crime rate areas [47]

Charybdis: SPAs must direct more funds to rural and suburban areas before they experience the same crime problem seen in today's cities [48]

POLICE VERSUS THE WORLD

Scylla: SPAs must spend less money for police—more for courts, corrections and juvenile delinquency [49]

Charybdis: SPA spending for police programs is not too high if you understand that the police function accounts for over 60% of all criminal justice expenditures annually [50]

SYSTEM SUPPORT

Scylla: SPAs should support and improve the criminal justice system [51]

Charybdis: SPAs must reduce crime by whatever means available, including projects outside the traditional criminal justice system [52]

WHICH CRIME?

Scylla: SPAs must spend more money on white collar and high volume crimes like drunkenness that clog the justice system [53]

Charybdis: SPAs must concentrate their resources on serious crimes which threaten the security of persons and property such as robbery and burglary [54]

BUREAUCRACY

Scylla: SPAs must cut red tape and avoid multiple reviews of local proposals [55]

Charybdis: SPAs must submit each and every local project proposal to regional and state clearinghouses for review prior to action [56]

CONSULTANTS

Scylla: SPAs should not utilize consultant services, which are generally overpriced and abused [57]

Charybdis: SPAs must provide specialized knowledge and assistance to localities that only consultants can offer.[58]

The issues drawn above are illustrative of early debate over SPA administration of the Safe Streets Act. Every equipment expenditure dismays reform-oriented critics while every delinquency prevention program is suspect to traditionalists. Furthermore, new *federal* controls imposed on the SPAs (deadlines for disbursment, expenditure and reporting) have sometimes been lamented by city officials as time-consuming *State* bureaucracy. The "issues" of fund flow and equipment expenditures stand out as excellent examples of the dilemma faced by the SPAs who stand between Scylla and Charybdis.

Mr. McCLELLAN. Mr. President, I believe the subcommittee amendment is a well-balanced effort and will contribute greatly toward the continuation of the success we have observed in the war against crime in the last year, a success that must be attributed in large part, in my opinion, to the LEAA program.

I urge my colleagues to support this amendment.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

Mr. President, the pending amendment, No. 248, addresses itself to the continuation of the present Law Enforcement Assistance Administration. It was drafted initially to be a 5-year authorization, and expires this coming Saturday. In considering the bill that was received from the other body, it was felt that the pending amendment should be advanced as an amendment in the nature of a substitute.

Amendment No. 248 received the approval of the Subcommittee on Criminal Laws and Procedures, presided over by the distinguished Senator from Arkansas (Mr. McCLELLAN).

Mr. President, in 1968, the Congress enacted the Omnibus Crime Control and Safe Streets Act, which created the Law Enforcement Assistance Administration and gave the Nation its first comprehensive Federal, State, and local program to reduce crime and improve our criminal justice system. I am proud to say I cosponsored and helped draft that important legislation.

The initial 5-year authorization for the LEAA expires on June 30 of this year, and we are now being asked to review the LEAA program and evaluate its effectiveness in meeting the mandate established by the Congress. On June 5 and 6 of this year, the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary held hearings on legislation to extend this important program.

The subcommittee received testimony from the Attorney General, Members of the Congress, mayors, State directors of LEAA programs, and from representatives of virtually every segment of the law enforcement and criminal justice system. Subsequently, the subcommittee referred a clean bill to the full Judiciary Committee.

Although there was overwhelming support in the full committee for the subcommittee's bill which is now pending as an amendment to the House-passed bill, it was impossible to have the bill reported prior to the June 30 expiration date.

The subcommittee believes it has fully addressed the beliefs and points of view expressed by those who testified and after careful study and consideration, has rejected all proposals for major changes in the LEAA program. The subcommittee believes the bill it has produced will enable the LEAA to continue its invaluable service.

The amendment which we are now considering retains the basic structure and authority of LEAA. However, it contains a number of changes streamlining the agency's block grant funding mechanism, and it emphasizes LEAA's responsibility for administering the program and assisting the States in comprehensive planning. By and large, it incorporates most of the provisions of H.R. 8152.

The distinguished Senator from Arkansas (Mr. McCLELLAN), chairman of the Criminal Laws Subcommittee, has outlined several of the changes we have made.

I fully endorse and concur with the changes Senator McCLELLAN has brought to your attention, but I want to reemphasize a few of the changes he noted and add several more that I think merit special notice.

The measure eliminates the unwieldy and cumbersome "troika" system in the LEAA administration and replaces it with a single Administrator and two Deputy Administrators. All policy and administrative authority is vested in the Administrator. The Administrator's policy functions would be shared with a Deputy Administrator for policy development. He would not share in the overall authority or have a veto power. A second deputy at a lower level would be delegated administrative management responsibilities. Overall, this change will enhance the operations, efficiency, and management of LEAA.

I want to add my support to Senator McCLELLAN'S construction of the tenure of the various incumbent administrators to the effect that their reconfirmation will not be necessary.

Other significant features of the pending measure are:

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[40] Draft Report on LEAA for the Federal Assistance Review Program, prepared by the International City Management Association, May 1, 1972, *passim*.

[41] *CGO Report*, pp. 61–69, 17–47.

[42] *ICMA Report*, p. 42.

[43] Congressman James V. Stanton, *Congressional Record—House*, November 16, 1971, p. H11138.

[44] *CGO Report*, pp. 17–47, 78–95.

[45] *Ibid.*, pp. 17–47.

[46] *The Cities and Law Enforcement Assistance: A Review of the Need for Federal Assistance to Cities*, testimony of the National League of Cities/United States Conference of Mayors before the House Judiciary Committee, March 23, 1973, p. 6.

[47] Stanton, *op. cit.*, pp. H11138–H11145.

[48] Every SPA can produce dozens of letters maintaining this viewpoint from state legislators, rural police, suburban elected officials and non-metropolitan planning regions.

[49] *Law and Disorder III*, p. 9.

[50] Again, since this viewpoint is not "fashionable" in the literature cirticizing the SPAs, nationally known sources are difficult to find. Each SPA can produce many letters from local police chiefs irately complaining about refusals to support police programs to an even greater extent.

[51] *CGO Report*, pp. 61–69.

[52] *Law and Disorder, III*, pp. 8–9.

[53] *Ibid.*, pp. 16–17.

[54] "LEAA's overriding objective should be to increase [the criminal justice system's] ability to reduce crime . . . The criminal justice system is not an end in itself . . . Crime reduction is our basic objective." LEAA Administrator Jerris Leonard, August 10, 1973, at the Annual Meeting of the National SPA Conference, Boston.

[55] National League of Cities/United States Conference of Mayors, *op. cit.*, at note *45*, p. 5.

[56] *OMB Circular A–95*, Attachments A & D.

[57] *CGO Report*, pp. 48–60.

[58] *Law and Disorder III*, pp. 8–9.

It reduces all non-Federal match from 25 to 10 percent of project cost with the exception of part C construction projects, which remain at the 50 percent matching level provided in the present act. The new matching ratio governs parts B, C, and E grants. The 10-percent non-Federal share would be contributed in cash as opposed to donated services or other forms of "soft match." This change would require that all match now be in the form of cash. In addition, it would require that the State "buy-in" into the part B planning and part C action program of the local units of government. The net result of these changes is that the State and local commitment will now completley consist of cash contributions, and the paperwork and fictional contribution of so-called soft match would be eliminated. The reduction of non-Federal matching requirements will facilitate immediate attention to crime fighting. As the Attorney General noted in testifying before the committee:

> The lack of available match money has . . . prevented many good programs from getting the funding they deserve and has sometimes directed State and local efforts into less worthy channels.

It permits LEAA to make grants from its discretionary funds to private nonprofit organizations. Important law enforcement and criminal justice programs involving more than one State or locality or those that are national in scope cannot be appropriately funded by a single State. The present law requires LEAA to award grants to local and State units of government which then must accept the administrative burden of serving as a conduit for funding to nonprofit organizations qualified to operate the multi-State programs. This provision would eliminate that cumbersome and sometimes inefficient administrative arrangement.

It retains and strengthens the law enforcement education program. It would raise the amount of funds that may be provided to LEEP students to keep pace with the cost of living and provide an increase for the internship program, which was added to the act in 1970.

It provides new confidentiality standards on statistical and research information received for research purposes.

It extends the life of LEAA for an additional 5 years and authorizes the appropriation of $1 billion for fiscal 1974; $1.25 billion for fiscal 1975; $1.5 billion for fiscal 1976; $1.75 billion for fiscal 1977; and $2 billion for fiscal 1978.

Mr. President, these are the major provisions the subcommittee provided.

I think they deserve the prompt approval of the Senate, and I urge Senators to join with me in such action.

There is little disagreement that LEAA has made major steps in fighting crime.

Since 1968, the LEAA has disbursed more than $2.4 billion in anticrime funds to implement thousands of crime-control projects across the country. Hundreds of criminal justice jursidictions have received technical advice from LEAA. In hundreds of instances, the LEAA was the catalyst in initiating innovative and imaginative crime-fighting programs. For the first time a Federal agency is working with 55 State and territorial criminal justice planning agencies in a comprehensive program to turn back the tide of crime that threatened to engulf the Nation.

The results of this cooperative and coordinated effort have been dramatic.

The National Conference of State Criminal Justice Planning Administrators noted in its report, "State of the States on Crime and Justice":

> Since the passage of of the Safe Streets Act, the rampaging annual increase in crime has been halted and reversed. For the first time in 17 years, crime has actually decreased. During 1972, 94 of 154 cities with over 100,000 population reported actual crime decreases. In four years, crime in the United States has been reduced from an 11 percent increase to a 3 percent decrease and the number of large cities reporting actual decreases has gone from under 20 to almost 100.

LEAA certainly cannot claim all the credit for this turnaround in crime, but it should be noted that LEAA's efforts to develop comprehensive criminal justice standards and work plans with the States and local governments has helped forge a coordinated criminal justice system from formerly fragmented efforts.

There are many examples of national achievements by the LEAA program, and I would like to cite a few:

High impact anticrime program: Under this program, up to $160 million has been made available to eight major cities: Atlanta; Baltimore; Cleveland; Dallas; Denver; Newark; Portland, Oreg.; and St. Louis. The objective of this program is to reduce street crime and burglary by 20 percent during the next 5 years in those eight cities.

Pilot cities program: This project tests the best and newest methods of crime control in several cities. It is the simultaneous adoption of innovative programs, new knowledge, and the latest technology for that particular city's police, courts, and correctional systems. This is the first time that any locality has attempted such a project.

National bomb data center: The purpose of this program is to provide State and local law enforcement agencies with comprehensive information on bombing, explosive devices and security precautions. This program is funded by the LEAA and is administered by the FBI. The LEAA also is funding the hazardous devices course at Huntsville, Ala., which teaches law enforcement officers how to properly handle and dismantle explosive devices.

Interjurisdictional coordination: This program has been initiated through several grants and fosters interstate cooperation and coordination to fight crime and immediately act to meet civil emergencies. This program has been particularly effective in fighting organized crime and controlling narcotics traffic.

Standards and goals: The LEAA funded the National Advisory Commission on Criminal Justice Standards and Goals. This Commission produced a working blueprint for State and local law enforcement agencies in the areas of police, courts, corrections, and community crime prevention programs. It is a step-by-step program that—when fully implemented—will revolutionize the Nation's criminal justice system. The report was drafted by working professionals and participation is strictly voluntary—law enforcement agencies can accept it, reject it, or modify it to meet their specific programs.

In addition to these national programs, LEAA funds have supported thousands of projects at the State and local levels.

They have been used for police training, equipment, and anticrime patrols. For rehabilitation projects for offenders, with the emphasis on community-based programs. For ways to speed and improve the processing of felony cases in the courts. For new ways to prevent and control juvenile crime and delinquency. And for ways to prevent and control narcotics abuse—and rehabilitate addicts.

The following projects are just a few of the programs in these areas:

The YMCA Youth Service Bureau, a $162,000 block grant program in Lincoln, Nebr., to divert young people from the juvenile justice system before they get into serious trouble.

Project Oz, a $507,000 block grant program in San Diego, Calif., that operates a 24-hour treatment center for youths between 13 and 17 years old who have run away from home or are otherwise beyond their parents' control. The project assumes that counseling for troubled youths and their parents can help resolve their mutual problems.

The Vera Institute of Justice supportive employment program, a $1,333,000 block grant project in New York City to employ former heroin addicts and former criminal offenders and then help them integrate themselves into jobs.

The New Jersey Court Planning Service, a $65,000 block grant project to institute comprehensive planning for the New Jersey court system that uses a separate staff of highly qualified administrators who are free of organizational responsibilities so that all their energies can be devoted to identifying problem areas in court operations.

The California College of Trial Judges, a $282,000 block grant project to give newly appointed California judges 2 weeks of special instruction in evidence rules, judicial ethics, and correctional problems.

The Indiana University Center for Judicial Education, a $210,000 block grant program to provide a full range of education and information services to judges and other court personnel. The center sponsor workshops for judges to help them develop their own guidelines for sentencing probation, docket administration, personnel supervision, and psychiatric services.

The Roxbury-Dorchester Community defenders project, a $331,000 block grant program in Roxbury, Mass., that established a State public defender branch office in a black neighborhood to give high visibility to public defender services through weekly radio programs and a policy of serving walk-in customers, 90 percent of whom are charged with felonies.

The Maryland job counseling and placement program, a $225,000 block grant project to provide individualized job counseling to inmates who are nearing release from the Maryland prison system. The program is part of a contract between the State Division of Correction and the Maryland State and District of Columbia Council of the AFL–CIO.

The Maryland Correctional Training Academy development project, a $642,000 block grant program to develop and run a correctional personnel training facility.

The Marquette University project, a $522,000 discretionary grant program to establish and run the institute for minority opportunities in Criminal Justice Administration.

The law enforcement minority manpower project, a $350,000 discretionary grant program run by the National Urban League to improve the relationships between minority group citizens and law enforcement agencies through an increase in the number of minority group members employed in criminal justice agencies.

In short, Federal assistance through the LEAA program has enabled states and localities to develop unprecedented programs to fight crime.

Mr. President, I think we can see LEAA's program is an ambitious one. It seeks to reduce crime, improve the criminal justice system, and enhance the quality of life for every American.

It already has accomplished a great deal over the last 5 years and equally landmark achievements are well within its reach. It is without doubt a great boon to law enforcement in the Nation.

The measure before us holds the potential for even greater strides toward our goal of making America safe for all her citizens, and I urge its swift passage.

Mr. HRUSKA. Mr. President, I reserve the remainder of my time.

Mr. TUNNEY. Mr. President, I call up my amendment No. 277, which is at the desk. I should like to submit a perfecting amendment to amendment No. 277.

The PRESIDING OFFICER. Does the Senator from California desire to modify his amendment?

Mr. TUNNEY. Yes; I should like to modify my amendment as it is called up.

The PRESIDING OFFICER. The amendment will be so modified, and the clerk will state the amendment as modified.

The assistant legislative clerk proceeded to read the amendment.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with and that the amendment, as modified, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment is as follows:

On page 18, strike everything starting from line 21, starting with the words, "Eighty-five per centum", through page 19, line 9, including the words "with this title", and insert in lieu thereof:

"(1) Ten per centum shall be for programs authorized by part D of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by this and other Acts.

"(2) Fifteen per centum shall be distributed by the Administration to:

"(a) units of general local government which are identified by the Administration as high crime areas having a special and urgent need for Federal financial assistance in meeting law enforcement and criminal justice needs; and

"(b) States and units of general local government as determined by the Administration, with special consideration being given to meeting the reasonable costs of programs or projects which States and units of general local government have executed and which the Administration determines have demonstrably improved the criminal justice system of said State or unit of general local government.

"(3) The remaining 75 per centum shall be allocated to States and eligible units of general local government according to their population in accordance with the provision of section 203 and subject to the following conditions:

"(A) not less than 10 per centum and not more than 40 per centum of such remainder distributed to the States and eligible units of general local government pursuant to the provisions of this subsection shall be expended by such State or eligible unit of general local government upon programs related to each of the following areas:

"(1) law enforcement;

"(2) corrections;

"(3) courts and judicial administration;

"(4) juvenile justice; and

"(5) criminal justice planning.

"(B) if any recipient eligible unit of general local government does not exercise jurisdiction over programs in any area set forth in clause (1), (2), (3), or (4) of paragraph (A) of this section, that minimum percentage of funds which must be allocated to that program area shall be allocated to programs in that area administered by the larger unit of government which exercises jurisdiction over that program area.

"DISTRIBUTION OF FUNDS

"SEC. 306. (a) The amounts made available by this section for any fiscal year under this title shall be distributed by the Administration, according to their population, among:

"(1) Eligible units of general local government.

"(2) States, for use in those areas of the State not within the jurisdiction of eligible units of general local government and for programs and projects subject to the general jurisdiction of a State or State agency.

"(b) Whenever a unit of general local government either wholly includes another unit of general local government or is contiguous to another unit of general local government, the Administrator shall determine, based upon the population of the eligible units, how funds shall be distributed equitably among such units. In carrying out this subsection, the Administrator shall insure that no person shall be included in the population of more than one eligible unit and provide that the funds shall be distributed directly to eligible units of general local government.

"(c) Not less than three months prior to the beginning of any fiscal year, the Administrator shall determine the units of government eligible for funding pursuant to this title during the subsequent fiscal year, and shall publish in the Federal Register the percentages each eligible unit is entitled to receive under the provisions of subsections (a) and (b) of this section and, as soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Administrator shall publish in the Federal Register the amount of funds actually appropriated and distributed pursuant to subsections (a) and (b).

"(d) In the event that an eligible unit of general local government refuses to accept funds as provided by this Act, the funds to which it would have been entitled under subsections (a) and (b) of this section shall be disbursed by the State in which that unit is located for discretionary use in providing programs under this title.

"(e) In the event that a State refuses to accept funds as provided by this Act, the funds to which it would have been entitled under subsection (a) of this section shall be available for expenditure by the Administrator for purposes of this title.

"(f) If by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganization, or by reason of other circumstances the application of any provision of this section to units of local government does not carry out the purposes of this title, the application of such provision shall be made, under regulations prescribed by the Administration, in a manner which is consistent with such purposes."

On page 19, on line 10 before the words "any grant" add the words "section 306(c)", and substitute for the phrase "paragraph (2) of this subsection" on line 10, the words, "306(a)".

On page 20, on line 13 change "(b)" to "(d)".

On page 49, line 25, insert the word "eligible" before the words "unit of general"; and on page 50, line 2, after the word "State", insert the phrase "with a population of fifty thousand or more persons".

Mr. TUNNEY. Mr. President, I take the floor to discuss proposed legislation that I think is vital to every citizen in this country. The Law Enforcement Assistance Act was unveiled some 5 years ago as the Nation's premier crime-fighting program, and many of its initial objectives have been achieved.

Nevertheless the crime rates continue to rise in many of our cities; juvenile offenders represent a disturbingly large figure on the crime charts, but preventive measures are lacking; narcotics addiction has reached epidemic proportions in some areas, but the illicit sales continue; violence still stalks the streets.

Recent statistics revealed in the FBI Uniform Crime Report for 1971—table II, Index of Crimes, page 61—show a sharp increase in crimes which affect us all. Between 1969 and 1971, murders increased from a yearly rate of 7.3 per 100,000 people to 8.5 per 100,000 while crimes of larceny were increasing from 757 per 100,000 to over 909 per 100,000.

The message I think is clear: In our largest urban centers, after all the millions of dollars expended for law enforcement, crime continues in its pernicious growth. Five years ago the challenge to law enforcement was to identify the most critical priorities and to launch a coordinated attack on crime in all its forms utilizing Federal funds in conjunction with the resources of the State and local governments. Today it is once again necessary to take a very hard look at what we have done in meeting that challenge. Rather than sitting back and counting our achievements, we should recognize the defects where they exist and do what is required to eliminate them.

I have sought to do this in a bill which I introduced earlier in this session as S. 1497 entitled the Law Enforcement and Criminal Justice Act of 1973.

As I said in submitting the proposed legislation, the most certain guarantee that law enforcement remains impartial and just, it seems to me, is to assure that the major decisions affecting police and our judicial system are made at the local level where the average citizen can most effectively make himself heard.

With all due respect, I must take exception to the conclusions arrived at in the report by the Senate Judiciary Committee when it states:

> Although there can be not doubt that cities, particularly the large cities, bear a disproportionately large share of the crime problem, the Committee is of the view that the existing block grant structure, with its pass-through requirement and its emphasis on high crime areas, has delivered an appropriate share of funds to the large cities.

It is certainly true that the bulk of the LEAA funding has been directed to the cities, and it is equally certain that these areas are the breeders of most of our crime.

But that is only part of the equation. It is not only important that funds arrive at their proper destination; it is also important how they arrive and how much time it takes.

The timelags between application for funds and their actual receipt are documented in the complaints by law enforcement personnel across the Nation. I have talked to many of them in my own home State of California and elsewhere. I am persuaded by these discussions, conducted over a period of many months both this year and last, that the present LEAA system is not expediting the delivery of funds for law enforcement and criminal justice to where they are needed most.

I have had an opportunity to speak with many law enforcement personnel, and they tell me that the time-lags sometimes are as great as 6 months.

Quite to the contrary, LEAA grants are presently bogged down in layer upon layer of needless bureaucracy and wasted motion—processing grants through three four, and five tiers of Government with no discernable benefits to the ultimate consumer—the public.

Former Attorney General Kleindienst, in testifying during the House hearings on the LEAA legislation, said that the program was snarled in "a morass of redtape." House Judiciary Committee report on H.R. 8152, June 5, 1973, page 53.

The report issued by the National Conference of State Criminal Justice Planning Administrators on June 1, 1973, entitled "State of the States on Crime and Justice" dramatically reinforces the point made by Mr. Kleindienst: As of December 31, 1972, 5 percent of the funds allocated to LEAA during fiscal years 1970 and 1971 had not even been awarded, while for fiscal year 1972, a full one-third of the LEAA funds had yet to be distributed. This demonstrates strikingly that under the present LEAA system, it has not been possible to expedite the flow of funds to the local levels. We have established tedious and confusing requirements which are lumped into the catchall phrase comprehensive planning. This term has become a vehicle for subjugating the needs of the cities to the State's perceptions of their priorities. When a local application does not conform to a State plan drawn up in complete isolation from without substantial input from those who are primarily responsible for law enforcement, the State can simply hold up the funds and say try again.

This situation is repeated over and over in States across the Nation. In the competitive system of grantsmanship which the LEAA program has in part helped to subsidize, the big winners are those who have mastered the bureaucratic language, who have figured out the right agency doors to go through. In such a system the needs of local law enforcement officials become subordinated to a system of grant review and approval dictated from the top which filters funds downward but obstructs the flow of information upward.

The results are obvious and unfortunate:

First. The stratification of decision-making at all levels of government as a condition for the receipt of funds has caused delays of up to 2 years from request to delivery.

Second. Local officials who know most about their law enforcement needs have had least to say about how to solve them. While it is true that the State planning agencies have attempted in their composition to be most representative of all law enforcement interests in the respective States, in practice the desires of the cities have received short hearing. By the funding system proposed in amendment 248, introduced by Senators McCLELLAN and HRUSKA, which the Senate is considering today, the measures sought by the cities are still the captive of State policymakers who may or may not be receptive to these locally felt needs.

By the method of sending funds directly to the cities as I propose, we can energize local law enforcement officials with immediate injection of badly needed funding and take full advantage of the ample planning capacities that cities and towns have developed and refined over years of experience with countless State and Federal programs. Furthermore, LEAA would merely have to do some simple mathematical calculations, to determine the populations of the respective States and cities and then to distribute the funds accordingly. The days and months of times wasted on reviewing and approving grant applications would be eliminated.

The National League of Cities and U.S. Conference of Mayors are on record as supporting the fundamental objectives of my legislation. This organization, which represents local officials across the country, stated in hearings before the House on H.R. 8152, that—

> There must be stronger support in planning and coordinating efforts at the local level.

Finally they called for removal of the State planning agency from much of the grant award process. My proposal would accomplish both aims.

Third. While the present LEAA Act permits regional law enforcement planning, the ambiguity of the present law has discouraged many States from such planning.

Regional arrangements for certain law enforcement and criminal justice activities have been tried successfully in such places as Nassau County, N.Y., Hudson and Middlesex Counties in New Jersey, St. Louis County in Missouri, Dade County, Fla., and in Los Angeles.

But this does not set up any competition between cities and counties or between them and other regional units. My proposal specifically guards against such a possibility by requiring that in making the grant allocations based on population, no person can be included in the population of more than one eligible unit for the purposes of receiving funds. This simply means that the city of Los Angeles, with a population of roughly 3½ million, will receive an amount of funds equal to the percentage which its population bears to the rest of the State. While Los Angeles County, with a population of roughly 8½ million, would be eligible to receive an amount of funds equal to the percentage which its population bears to the rest of the State after first subtracting out the population of the city of Los Angeles and other cities in Los Angeles County with populations of 50,000 or more. My amendment therefore, insures a completely equitable distribution.

Fourth. Although LEAA has recognized from the start that continuing professional education for law enforcement personnel is necessary and desirable, many individuals committed to pursuing careers in law enforcement and criminal justice have suddenly found themselves without funds needed to stay in school because institutions have been unwilling or unable to reimburse them.

To unclog the grantmaking machinery, to enable more efficient and innovative law enforcement planning, and to enhance the possibilities of continuing education for those in the law enforcement field, I am, therefore, proposing today several amendments:

First. The first, and what I believe to be the most important of these would require that 75 percent of the block grant funds under part C of the Omnibus Crime Control and Safe Streets Act of 1968 be given directly to States and eligible units of local government. This in no way changes the fact that each State would be eligible for a percentage of funds based on the relationship that its population bears to the other 49 States.

Similarly, each unit of local government with a population of 50,000 or more would be eligible to receive directly a percentage of funds based on the proportion of its population to other units of local government within the same State.

Cities and counties with populations smaller than 50,000 would also be eligible for funds, subject however to the general jurisdictions of the States which would, pass through the remainder of funds to units of less than 50,000 again in strict accordance with their populations. Furthermore all municipalities would be additionally eligible for funds out of the 25 percent which the LEAA retains for discretionary purposes. In recognition of the urgent need to provide extra resources to the high-crime areas, my legislation would ask that 15 percent of this remaining 25 percent be distributed to such areas, as well as for programs and projects which States and local units have demonstrated improved the criminal justice system.

Under my amendment cities and local units of government would stand to receive at least as much as they presently do, although not more than their pro rata share based on their population. Under no circumstances could any cities receive less funds then they are entitled to under the present law which Amendment 248 essentially perpetuated. Furthermore, under the present law, which requires that 85 percent of the funds go to the States, the States are only told that they must spend 75 percent on local units of government—that is exactly how much I ask to have distributed, but to have distributed directly.

If revenue sharing is to have real meaning, then the Federal Government must go in the direction where it is truly willing to share. My LEAA legislation would take a long step in that direction.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 8 minutes.

I oppose the amendment offered by the junior Senator from California. This amendment contains provisions which would create a system in which the Federal Government would soon begin to shape State and local crime reduction programs according to its judgment and its preference, and take away from them the opportunity to make the great contribution that they are permitted to make now in planning and having the kind of program they think most suited for their problems.

The method of allocating Federal crime fighting funds as proposed in this amendment is wholly inconsistent with the original Omnibus Crime Control and Safe Streets Act of 1968, and the recently passed House bill, H.R. 8152, presently pending here.

Beginning in 1968, when this proposal was originally before the Senate, I was not convinced of the validity of the State comprehensive planning approach and preferred the advantage of direct grants. I was afraid that States would overpower the cities and perhaps use some of these funds for political advantage rather than to make a fair distribution. I have become convinced, however, as it has operated that the municipalities and other local jurisdictions are getting a fair break.

I do not mean to say that this is true in every instance. This law is not perfect and its administration is not perfect.

There may be instances where some favoritism or injustice has occurred. However, I am convinced that overall this is the best approach. If we take the power away from the States to determine their own needs and plan comprehensively to meet them and put it in the LEAA authority up here in Washington, we are creating a bureaucracy over which local people and local government will have far less control than they have today.

I believe that we should stay with the system we have.

Mr. President, annual approval of the State plans as a condition of funding is written in the present bill. The way we have operated in the past has been that a plan would not be approved unless LEAA finds that there is a determined effort in the State plans to improve the results of law enforcement throughout the State. This provision is intended to stress the requirement that a State plan do more than merely provide for a wide geographic and institutional distribution of funds within the State. It must be a balanced effort and indicate a just need of the State.

This amendment would essentially return it to the categorical system of Federal grants in aid, a system that has proven unsuccessful in the past. The same amendment—this amendment or an amendment with the same substance and import—has been before the Senate, I believe, twice. It has been before the House a time or two. Each time it has been voted down.

The theory of this amendment is not new. The issue has been debated by this body and by the House. The last time it was voted on in the Senate, I believe the vote was 41 to 16 against this approach to this problem.

This is a repetition. I think Congress has demonstrated that it is satisfied that a block grant approach at the State level is the best approach after all.

I would hope that the amendment would be rejected.

Mr. President, I yield 5 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I rise in opposition to the amendment No. 277 offered by the Senator from California (Mr. TUNNEY).

This is what has been commonly referred to as the big city amendment. It was designated in the other body as the Stanton-Seiberling amendment.

It would provide for direct grants to the cities in the fashion which it describes. It could destroy some of the most valuable and important parts of the present LEAA act.

The basic objectives of this proposal, as I understand it, is to: First, speed the flow of funds to the local communities where the frontline fight against crime is being waged; and second, to give local government great latitude in determining their own priorities for strengthening law enforcement and improving criminal justice.

These also are objectives of the amendment offered by Senator McCLELLAN and of the bill passed by the House as H.R. 8152.

The critical point, however, is that the proposed amendment would not advance the program toward those objectives. Instead, it would add restrictions and redtape to the funding process, and it would directly interfere with the authority and responsibility of State and local governments to set law enforcement spending priorities in accordance with local needs. The amendment would destroy the comprehensive statewide planning process that has been one of the major achievements of the LEAA program. Moreover, it would tieup the crime-fighting funds in redtape and substitute Federal requirements for local priorities by mandating fixed proportions of expenditures in five criminal justice categories.

In short, this amendment would move the program in a direction directly contrary to the block grant concept of law enforcement assistance which has proven its effectiveness and value in these last 5 years.

It is important to note that the LEAA program under the block grant system established by the Omnibus Crime Control and Safe Streets Act of 1968 has, in fact, done an effective job of directing Federal funds to the high crime areas. Testimony presented to the Judiciary Subcommittee showed that almost 65 percent—almost two-thirds—of all local-use funds were allocated by the State planning agencies to high crime areas containing 49 percent of the Nation's population. Significantly, in fiscal 1972 the States allocated over 71 percent of local funds to these high crime areas. There being dissatisfaction with 71 percent, the request comes for more. Someone must have read Charles Dickens and Oliver Twist.

Under the present LEAA funding structure the large cities are now receiving a greater proportion of funds than they would be entitled to on the basis of either population or crime statistics and a substantially greater share than they would be entitled to receive under the formulas included in the legislative proposals examined by the subcommittee which provided for direct large city grants.

Mr. President, I would call attention to the fact that efforts to make the Federal law enforcement assistance program merely another categorical grant program dominated by Federal bureaucrats have been repeatedly rejected by the Congress.

In 1968, during the debate preceding the enactment of the Omnibus Crime Control and Safe Streets Act there was extensive debate of block grants versus categorical grants—of Federal assistance for local law enforcement versus Federal domination of local law enforcement. The outcome of that debate was decisively in favor of State and local control under a block grant program. As the act states, Congress found "that crime is essentially a local problem that must be dealt with by State and local government if it is to be controlled effectively."

This big city plan, the counterpart of which was considered in the Judiciary Committee of the other body, was overwhelmingly rejected by a vote of 22 to 14. And it was not proposed on the floor of the other body.

This comprehensive planning requirement, in conjunction with the assignment of State and local responsibility for law enforcement are preserved in the bill, but would be reversed by the amendment proposed by the Senator from California.

When the Senate and House considered amendments to the Safe Streets Act in 1970, new attempts were made to shift away from block grants and to involve the Federal Government more directly in local law enforcement decisionmaking. Once again, these efforts were rejected by the Senate and the House.

This year, the issue was again revived under various guises. Nevertheless, after extensive hearings by the House Judiciary Subcommittee, the concept of direct funding to cities was voted down in the subcommittee and voted down in the full Judiciary Committee. So clear was the sentiment against this concept in the House Judiciary Committee that the issue was not even considered by the House during its consideration and passage of H.R. 8152.

Mr. President, I believe the Congress exercised good judgment in 1968 with the passage of the Safe Streets Act and creation of the block grant and comprehensive planning program for law enforcement. The wisdom of that judgment was sustained in 1970 and again this year in the House of Representatives. I believe further the amendment offered by Senator McClellan contains appropriate and constructive improvements to the Safe Streets Act while preserving and strengthening the fundamental character of this important Federal program. I therefore urge rejection of the pending amendment which would severely alter some of the most important aspects of the program.

Mr. President, I reserve the remainder of my time.

Mr. TUNNEY. Mr. President, I think everyone understands the issue. The question is whether, as a matter of philosophy, they want to see the money go to the States to be distributed by the States according to State plan or whether they feel that a portion of the money ought to go to the cities with a population of over 60,000 so that they can do with these funds as they see fit within certain grounds.

Under the amendment offered, no more than 40 percent of the money could be spent on any one of the five following areas: One, law enforcement; two, corrections; three, courts and criminal administration; fourth, juvenile justice; and fifth, criminal justice planning.

There would also be a requirement that at least 10 percent of the funds would have to be spent in each of those areas. So it is just a very simple question for the Senate to decide.

The reason that I have offered the amendment that I have is not because I enjoy tinkering with laws that are on the books, but because I feel that there has been a delay in getting the funds to these urban areas, and I have indicated that in the case of 1972, as of December 31 of that year, 33 percent of the funds had yet to be distributed.

That is a part of the problem. Another part of the problem is that they sometimes have applications rejected or turned back five or six times from a local law enforcement agency before the application is approved, and there is not only a tremendous time delay, but also the creation of a sense of frustration on the part of local law enforcement agencies because they do not have the highly paid programers and application drafters that some of the large cities have, and they get into trouble with their city councils because they are spending too much time preparing these applications and having them constantly turned back.

For the last 200 years in the United States, law enforcement has been handled by local governments. I do not think that it represents such a unique or sharp departure from past experience to suggest that the local law enforcement agencies of this country ought to have the primary responsibility for spending the moneys that are going to them from the Federal Government and through the assistance of the Federal Government.

I feel very strongly that my own personal investigation, which has resulted in my talking with perhaps 200 or 300 law enforcement officials, law officers, judges, and parole officers, would lead me to believe that the present structure of the program, no matter how well meaning, is just not working as effectively as it should.

The proposal I have made today is one I have discussed with law enforcement officials, with people involved in corrections, and juvenile judges, and the great majority of them are highly supportive of the suggestions contained in this amendment as a very simple, straightforward approach to the problem.

We are in no way attempting to affect the moneys that would go to the section of the LEAA law that relates to planning, part B. I feel very strongly that the States can perform a valuable service by establishing State plans, but that does not mean the Federal Government ought to be spending $850 million here, through the LEAA program, and having the great majority of that money go through that State planning structure, and then on out to the local communities. If it had been successful, fine; I would certainly be in favor of it. It has not been successful, however. All you have to do is listen to local law enforcement officials talk about their sense of frustration in trying to develop innovative programs.

That is now the buzz word: In order to get an application approved, you have to have an innovative program, whatever that means, and all these local law enforcement officials sit down, scratch their heads, and try to find something that is innovative, and they come out, oftentimes, with programs that have very little connection whatsoever with the mitigation of crime in their communities, but they are highly innovative.

I do not know who it was who developed the master plan that you had to have innovative programs in order to get funding under the LEAA, but whoever it was has been responsble for creating a morass of confusion at the grassroots level. I suppose the people who are being paid at the State planning agency love it, because that gives them something to do. They can show they are doing their job by constantly rejecting applications that come in because they are not sufficiently innovative, but that is not the way to run a program.

The way to run a program is to give to the city councils and county governments the money they need to do the job. They have been doing the job for two hundred years, as I say, and there is no reason to believe they cannot do it in the future. They know what they need, whether they need more people on the streets, more squad cars, more people in corrections—they have a far better understanding of the nature of the problem than some whiz kids sitting up at the State level trying to justify their fat salaries.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the Record at this point a comparison of major features of the amendment of the distinguished Senator from California, the Stanton bill of the House of Representatives (H.R. 5746), and Kennedy amendment No. 948 (amendment to the Crime Control Act of 1970). These are measures that had comparable provisions.

There being no objection, the table was ordered to be printed in the Record, as follows:

Comparison of Major Features

TUNNEY BILL—S. 1497 *Amendments—Phase I*	STANTON BILL—H.R. 5746	KENNEDY AMENDMENT NO. 948—CRIME CONTROL ACT OF 1970
1. Maintain present funding of $850 million for first year.	1. No provision for change.	1. No provision for change.
2. Retains Institute; places overall program evaluation of state programs in the Institute.	2. No provision for change.	2. No provision for change.
3. Adds language to require applications to be approved or rejected within 60 days. D/F Part C funds directed to SPA's & local governments that have demonstrably proved law enforcement programs.	3. No provision for change.	3. No provision for change.
4. D/F Part E funding to states that can show demonstrably improved correctional programs (not by population).	4. Included in block grant allocation to high crime urban areas.	4. No provision for change.

COMPARISON OF MAJOR FEATURES—Continued

TUNNEY BILL—S. 1497—Continued *Amendments—Phase I*—Continued	STANTON BILL—H.R. 5746—Continued	KENNEDY AMENDMENT NO. 948—CRIME CONTROL ACT OF 1970—Continued
5. Exclusion of persons having made application for funds from voting during the consideration of application.	5. No provision.	5. No provision for change.
6. Adds language to (1) make grants to institutions of higher learning to develop curriculum leading to degrees in criminal justice planning (2) $3000 loans to individuals in law enforcement education programs and cancellation provisions for services as full-time officer in law enforcement agency (25% per year).	6. No provision for change.	6. No provision for change.
7. Parts B, C, and E of Title I repealed as of July 1, 1975, new act effective FY 1076. (Phase II)	7. Parts B and C distribution of funds subject to formula.	7. No portion of funds can be used for projects funded under part 301 of Safe Streets Act of 1968 (Decrease in block funds.)
8. Increase funding, 5% after first year, for next four years.	8. Increase of funds to provide Special Impact Grants to high crime urban areas.	8. No provision for change.
9. Funding Formula: (a) 10% for Part D (b) 15% to high crime areas—D/F (c) Remaining 75% distributed according to population. 1. Directly to units of local governments over 100,000 (equitably). 2. To states, not otherwise "eligible units of local government" and for state programs. (d) Of the 75%: not less than 10% but not more than 40% to be spent in each of the following areas: 1. law enforcement 2. corrections 3. courts & judicial administration 4. juvenile justice 5. criminal justice planning	9. Title I: for cities 250,000 and larger, of the 40% pass-through: 1 x % of state pop. within high crime urban area, plus 2 x % of incidence of all crime in state that takes place in high crime urban area. The above sum, divided by 3 equals per centum of 40% pass-through funds to high crime urban areas. Title II: $5 per head for cities 250,000 and larger. (Special Impact funds to High Crime Urban Areas.)	9. (a) Direct grants to "eligible units of government," who submit grant applications to LEAA. (b) Grants could be used to initiate or to expand criminal justice programs under 23 listed purposes (e.g., police recruitment, bail or court reform, training, improved street lighting, better coordination between State and local units of government, etc.). (c) Amount of grant—$5 per person within each "eligible unit of government" as determined by most recent U.S. Census.
10. Governmental units are eligible by population, and as determined by the Administrator.	10. Eligibility by applying the "formula".	10. (a) "Eligible Unit"—any city, or any of the 10 largest counties of any state, whose population is greater than 100,000 according to most recent U.S. Census. (If a county contains an eligible city, the population cannot be used to determine the eligibility of the county.) (b) If a state has no city of at least 100,000 population, then the largest city of the state automatically qualifies.
11. Adds language to require states and local units of government to publish program objectives and projected uses of funds prior to beginning of fiscal year and file annual reports plus a three year projection. Makes provision for publication and comments by the Institute, no plan approval.	11. Urban Law Enforcement Councils required to file plan with the state to be eligible for block funds and special impact grants, plan approval by LEAA, but no state plan approval for pass-through funds, no provision for publication.	11. Creation of a local criminal justice coordinating agency is required (local agency other than State planning agency).
12. All funds distributed shall be accounted for as federal funds. Admin. shall have direct access to books.	12. No provision for change.	12. Procedural requirements—similar to Safe Streets Act of 1968 for keeping financial records, submitting interim reports.
13. Attorney General may initiate action to recover funds (less comprehensive than under law enforcement SRS).	13. No provision for change.	13. No provision for change.
14. No provision for criminal penalties.	14. No provision for change.	14. No provision for change.

Mr. McCLELLAN. Mr. President, under the present law the States submit a comprehensive plan. In that plan, they must take into account the cities and their needs and pass on programs and plans that they submit. After that plan is approved by the LEAA as a State plan, if a city or municipality feels aggrieved that it has been left out or has some special program that ought to be financed, it has access to 15 percent discretionary money—nearly $150 million—direct from the LEAA to supplement the overall State program.

The issue here is this: Shall we have comprehensive State plans with the initial responsibility for developing these programs left to the State and local authorities or shall we have practically everything coming direct up here to Washington?

Mr. President, I am persuaded that the local law enforcement officials, the Governors of the States, and the mayors of the municipalities have a better judgment about what their communities need than we can devise in Washington. I hope this program will not be interrupted.

I would point out to my distinguished friend from California that in his State, in 1972, the large metropolitan areas, with high crime incidence, received 120.9 percent of their share of the local funding. Overall, the cities received 101.8 percent covers since 1969. I do not see how we can say that there is an unfair distribution of funding there. It may occur in one city or another occasionally but, overall, the program is operating, I think, commendably well.

I hope that this amendment will be rejected.

Mr. TUNNEY. I think that everyone understands the issue. This is an important amendment insofar as the basic postulation underlying it is concerned. We should have a record vote on this amendment. I am prepared to yield back my time.

Mr. HRUSKA. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER (Mr. BARTLETT). The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, I would like to take this opportunity to express my opposition to the amendment introduced by the Senator from California.

This amendment would contribute nothing toward improving the Safe Streets Act's activities.

Indeed, it would impair LEAA's effectiveness.

The amendment's funding formula is so complex and cumbersome that it is sure to be the source of substantial confusion.

It would almost certainly wrap new

layers of redtape around the entire financial assistance program.

The Nation can do without amendments that only make things worse.

The LEAA approach is already working well as it is.

For example, in a statement issued just a few weeks ago, the National League of Cities and the U.S. Conference of Mayors had this to say about the Federal law enforcement and criminal justice assistance program:

> At present there are in *all* [italics in the original] of the nation's largest cities full-time staffs devoting themselves to planning, research, and program development.

"A very major part of the credit for this belongs to the Safe Streets Act and LEAA," the statement declared.

It should be noted that before LEAA there were few cities with anticrime planning programs.

In fact, there were not many States that had the broad-ranged, comprehensive crime reduction plans that they have today as the result of the Safe Streets Act.

I believe that we should keep these facts in mind during our consideration of this amendment.

This proposed change does not enhance the LEAA program. It holds out no substantial promise of improving on what we already have.

I cannot help but feel that the proposed amendment would damage the LEAA program in my own home State and elsewhere throughout the country.

Mr. President, this should not be allowed to happen, and I, therefore, categorically oppose the amendment and urge my colleagues to do likewise.

At this point, I offer for inclusion in the Record a letter setting forth the views of the Department of Justice with respect to Senator Tunney's original bill, S. 1497.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Justice,
Washington, D.C., June 26, 1973.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Senator: This is in response to your request for the views of the Department of Justice on S. 1497, a bill entitled the "Law Enforcement and Criminal Justice Act of 1973."

The purpose of this bill is to amend the Omnibus Crime Control and Safe Streets Act of 1968, and to provide for an improved federal effort to combat crime. The bill continues the Safe Streets Act beyond its current expiration date of June 30, 1973. It would also make a number of revisions in the existing law, and particularly in the formula for allocating federal assistance to states and local units of government.

The Administration submitted to the Congress on March 14, 1973, a legislative proposal entitled the "Law Enforcement Revenue Sharing Act of 1973", which would extend the LEAA program in a somewhat modified form. This measure was introduced as S. 1234 and H.R. 5613. As a result of House action on this and other proposals, the House passed H.R. 8152. While H.R. 8152 differs in many respects from the Administration proposal, the Department in most significant features supports H.R. 8152.

There are a number of provisions in S. 1497 which are contrary to the House bill, H.R. 8152 as amended. One such provision is section 201(3) of title II of S. 1497, which provides direct grants to states and local units of government. This form of allocating federal assistance is wholly inconsistent with both the original Omnibus Crime Control and Safe Streets Act of 1968 and the bill now before the Senate. The approach taken by S. 1497 would establish a system of categorical grants—a system of allocating funds which has proven to be unsuccessful in the past.

Section 201 of S. 1497 establishes a complicated formula for the distribution of LEAA funds which would bypass the state criminal justice planning agencies. For example, the bill provides that of the remaining funds available to states and eligible units of general local government, up to 40 percent of those funds may be expended on programs related to each of the five high priority areas: law enforcement, corrections, courts and judicial administration, juvenile justice, and criminal justice planning.

Thus, if an eligible unit of government, which is defined as having a population of 100,000 or more persons, deemed it desirable to expend the full 40 percent of funds in one or two of such high priority areas, other needs may necessarily go unmet. It would also result in an inequitable distribution of funds among the various criminal justice programs in the state. It would be contrary to the established notion of comprehensive planning and funding for the total criminal justice system throughout the state.

The provisions of S. 1497 also call for increased authority for the Administrator of LEAA to determine "in his discretion" the distribution of funds to the states based on criteria developed to evaluate state plans. This provision would increase the flow of funds into specified areas at the direction of the Federal Government. The Federal Government would be making the decisions that are properly within the province of state and local officials.

S. 1497 also establishes procedures which would require the states to approve or reject fund applications by localities to state planning agencies within 60 days. The present House bill provides for 60 day approval or rejection by the state planning agency and a 90 day requirement for the rejection or approval of state comprehensive plans by LEAA.

The definition of an "eligible unit of general local government" is defined in S. 1497 as an existing unit of local government with a population of 100,000 or more persons. The purpose of this definition is to assure the flow of funds to large urban areas. The present bill provides that before a state plan can be approved it must assure an allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Moreover, under H.R. 8152 as amended, it is within the discretion of the state planning agencies to fund localities for a package of programs and projects as well as for single programs or projects. S. 1497 would destroy the flexibility which is now provided under the legislation now being considered by the Congress.

Finally, S. 1497 would almost totally eliminate the comprehensive planning process now in existence in the states. When the Senate and House considered amendments to the Safe Streets Act in 1970, numerous attempts were made to shift away from the block grant system and the comprehensive planning process which accompanies it. These efforts were rejected by both the House and the Senate.

Basically, the provisions of S. 1497 would eliminate the underlying purpose of LEAA as mandated by the Omnibus Crime Control and Safe Streets Act of 1968, which is to assist the states and local units of government to strengthen and improve law enforcement and to reduce and prevent crime and delinquency among the states absent overwhelming federal controls.

For the above reasons, the Department of Justice recommends against the enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Mike McKevitt.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays on the Tunney amendment.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to the amendment (No. 277) of the Senator from California (Mr. Tunney).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. Biden), the Senator from Idaho (Mr. Church) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. McClure) and the Senators from Ohio (Mr. Saxbe and Mr. Taft) are necessarily absent.

The Senator from Illinois (Mr. Percy) is detained on official business.

The result was announced—yeas 24, nays 68, as follows:

[No. 255 Leg.]

YEAS—24

Abourezk
Bayh
Brooke
Case
Cranston
Hart
Hartke
Hathaway
Hughes
Humphrey
Javits
Kennedy
Long
McGovern
Metcalf
Mondale
Muskie
Proxmire
Ribicoff
Schweiker
Scott, Pa.
Stevenson
Tunney
Williams

NAYS—68

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater

Gravel
Griffin
Gurney
Hansen
Haskell
Hatfield
Helms
Hollings
Hruska
Huddleston
Inouye
Jackson
Johnston
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Randolph
Roth
Scott, Va.
Sparkman
Stafford
Stevens
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—8

Biden
Church
Clark
McClure
Percy
Saxbe
Stennis
Taft

So Mr. TUNNEY's amendment (No. 277) was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, both the House bill and the substitute proposed by the distinguished chairman of the Senate Criminal Laws Subcommittee make many constructive improvements in the management and control of the Law Enforcement Assistance Administration—LEAA.

We can all agree that there are few if any concerns more important to the people of the United States than solving the problems of crime. But I think we can also all agree that LEAA, established under the 1968 Omnibus Crime Control and Safe Streets Act, has been beset with problems, controversy, and justified criticism of some aspects of its operation.

The legislation we are considering today represents a substantial improvement over the present law. The provisions for speeding up the approval of State plans and grants applications at both the Federal and State levels, if followed in practice, could eliminate one of the most serious problems that has existed in the administration of the law up to the present time; namely, the excessive delays in getting LEAA funds down to local law enforcement and criminal justice personnel, where most of the efforts against crime necessarily must be made. Former Attorney General Kleindienst, testifying during hearings before the House Judiciary Committee, conceded that the program has been bogged down in "a morass of redtape."

Last year, a subcommittee of the House Government Operations Committee held 9 days of hearings on the Law Enforcement Assistance Administration. The subsequently published report of the hearings stated that—

> No federal grant-in-aid program has ever received a more rapid increase in appropriated funds than LEAA, yet there has been a startling underutilization of these funds.

The bill we are considering today provides for expediting the flow of these funds, and it also eliminates some of the rigidities in the present law. This will permit greater flexibility in administration both at the Federal and State levels. The bill also provides for a better balanced program by making explicit the intent of the Congress to improve not only the effectiveness of the Nation's police forces but the entire criminal justice system. In addition, the bill makes provision for open meetings and for citizen and community participation and strengthens provisions for civil rights and the right of privacy.

In other respects, the legislation we have before us is also basically good. The bill eliminates the unwieldy "troika" system of LEAA administration, and replaces it with a single Administrator and Deputy Administrator appointed by the President with the advice and consent of the Senate.

It makes more emphatic the intention of the Congress that moneys expended under this act address all aspects of the criminal justice system—not merely police and not merely the purchase of police hardware. The purpose of rehabilitating criminals as well as simply detecting and apprehending them is added to the intent of this act.

I also am gratified to see that the bill we are considering strengthens the National Institute of Law Enforcement and Criminal Justice, by giving the institute a major new role in evaluating projects, developing training programs and acting as a clearinghouse to stimulate research and reform.

The strengthening of this Institute calls to mind the need for consideration and enactment of the bill I introduced in the last Congress (S. 3612) and reintroduced in the present Congress (S. 1422) to establish a National Institute of Justice. The Institute of Justice, I have proposed would be independent of course. It does not duplicate the limited functions of the NILEC in the LEAA. It would be made up of the best legal minds in our Nation, to undertake on a national scale the refinement and reform of our judicial and related processes, I will continue pushing for this legislation. It would not supplant existing State, local, or Federal entities, but it would both call upon them and be available to assist them when requested.

We spend but a single dollar on justice research and development for every several hundred dollars on defense research and development. Justice has been too low, too long, on our priority list.

We have never provided the means whereby our system of justice can be examined in all its parts and improvements made accordingly. Our courts are seriously overburdened, our law enforcement mechanism ever lessening in prestige, and our jails and prisons institutions of higher education in crime.

Mr. President, most of the changes we are discussing today in the management and control of LEAA are good proposals; they would strengthen LEAA and would make sure that it does the job it is set up to do, namely, be a financial and technical aid to State and local governments in reducing crime and improving the Nation's criminal justice system.

However, the major deficiency of the Senate substitute of the House bill is that it would extend LEAA for 5 years and would provide specific authorization for each of these years.

I cannot agree with this. Since LEAA first came into existence in 1968, total crime across the Nation has increased by 34 percent and in my State of Minnesota by 30 percent. Total crimes include the following: Murder, rape, robbery, aggravated assaults, burglary, larceny over $50, and auto theft.

So clearly, even with LEAA's efforts the crime problem in our Nation has been compounded, contrary to statistics one often hears quoted by the administration.

For this reason, I believe the House-passed version of the LEAA authorization bill is the correct approach, the House bill extends the program only for 2 years and provides authorization only for fiscal year 1974 and fiscal year 1975. Thereafter LEAA would have to come back to Congress for further authorization. Continued scrutiny by Congress of LEAA is the correct approach, and I intend to vote for an amendment to that effect, which my distinguished colleague from Michigan (Mr. HART) will be introducing.

For all the problems LEAA has been beset with up to now, it has made some innovative and good moves. One of the outstanding projects funded through LEAA is Arlington House in St. Paul, Minn. This House, really composed of two houses—one for boys and one for girls—is a professionally staffed group home for disturbed teenagers. The teenagers live at the home, but attend public schools in the area and use community facilities. I have received reports of the excellent work being done to help these disturbed young adults, and I am encouraged.

We need more such programs.

The LEAA bill we are discussing today goes a long way toward finding solutions to the problem of crime, but LEAA is only one mechanism to achieve this goal. Clearly we must do more. Among the other pressing needs in the field of crime: an all-out attack on organized crime; programs to eradicate the sources of hard drugs; programs to emphasize training, rehabilitation, and employment of convicts; effective gun control legislation; speedier trials; programs to reduce juvenile crime;

Mr. MANSFIELD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> At the end of the pending substitute, add the following section:
>
> FEDERAL VICTIMS OF CRIME GRANT PROGRAM
>
> SEC. 3. Subsection (b) of section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, is amended by adding at the end thereof the following new paragraph:
>
> "(11) The cost of administration and that portion of the costs of State programs, other than in the District of Columbia, to compensate victims of violent crime."

SEC. 4. Paragraph (a) of section 601 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and" the second time it appears, striking "or" the sixth time it appears, striking the period, and inserting the following: ", or programs for the compensation of victims of violent crimes."

SEC. 5. Section 501 of part F of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "501" and adding at the end thereof the following new subsection:

"(b) In addition to the rules, regulations, and procedures under subsection (a) of this section, the Administration shall establish by rule or regulation criteria to be applied under paragraph (10) of subsection (b) of section 301 of this title. In addition to other matters, such criteria shall include standards for—

"(1) the persons who shall be eligible for compensation;

"(2) the categories of crimes for which compensation may be ordered;

"(3) the losses for which compensation may be ordered; and

"(4) such other terms and conditions for the payment of such compensation as the Administration deems necessary and appropriate."

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Arkansas, the manager of the bill, and the distinguished Senator from Minnesota (Mr. MONDALE), and myself, I should like to say, by way of explanation, that S. 300 is the bill that establishes at the Federal level a program to compensate innocent victims of violent crime. S. 300 has already passed the Senate and is now pending before the House Committee on the Judiciary where Chairman RODINO, Mr. EILBERG, and others have exhibited strong interest in such a proposal. Indeed, Chairman RODINO has himself introduced a similar bill and deserves enormous credit for taking the lead to assure that such a program is enacted into law before this session adjourns sine die so that at long last the victim and those coming to his aid are given the consideration that is so long overdue.

As it passed the Senate, part B of S. 300 would provide a Federal grant program to be administered by the Law Enforcement Assistance Administration. Since such an assistance program lies squarely within the framework of the pending proposal designed to reshape and extend LEAA, I have taken part B of S. 300 and redrafted it to conform to the pending bill.

While I am confident that S. 300 will receive expeditious consideration by the House and will pass overwhelmingly there as it did here in the Senate.

This amendment will highlight, once again, the extraordinary need for such assistance in today's society. In this respect I am indeed heartened with a report of last week carried in the New York Times. It related that the apathy of certain citizens is beginning to turn gradually into concern when it comes to aiding the victim. It should be pointed out that S. 300 pays particular attention to those who would risk their own lives and limbs to aid others.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 20, 1973]

MAYOR AND CAWLEY HAIL CITIZENS ON AID IN SEIZING SUSPECTS

(By John Sibley)

Mayor Lindsay and Police Commissioner Donald F. Cawley yesterday applauded an evident new willingness on the part of New Yorkers to get involved and to try to stop crimes of violence.

The evidence came in the capture—for the third time in a week—of a suspect in a crime. In every instance bystanders held the suspect until the police arrived.

Recalling the much-publicized Kitty Genovese case of 1964—in which 38 New Yorkers failed to respond to cries for help by a young woman in Kew Gardens, Queens, who was fatally stabbed—Commissioner Cawley said:

"There's been a definite turn-around from that view."

The latest incident occurred late Monday night in the Brownsville section of Brooklyn.

A 12-year-old boy ran to the street from his apartment at 664 Ralph Avenue, screaming that a man had broken into the apartment and was hurting his 9-year-old sister. (The police did not make public the names of the victims because of the childrens' ages.)

Moments later, when a man ran from the building neighbors pounced on him. When the police arrived soon afterward, the suspect lay unconscious on the sidewalk in front of the building, surrounded by several dozen angry people.

The suspect, 38-year-old David Hill of 199 Powell Street, Brooklyn, was taken to Kings County Hospital, where his condition was listed yesterday as fair. A hospital spokesman said he had a collapsed lung as well as cuts and bruises.

Mr. Hill was charged with burglary, attempted rape, sexual abuse and endangering the welfare of a minor.

Mayor Lindsay learned of this latest case of citizen participation in San Francisco, where he is attending a conference of mayors.

"No city could possibly have enough police officers to be in all places at all times. People must help each other. And we're encouraged by reports that New Yorkers are doing just that. We certainly hope it's the beginning of a trend."

Commissioner Cawley, while praising citizen participation, voiced concern lest the public take the law into its own hands.

In an interview yesterday, the Commissioner put it this way:

"The fact that the people of the city are becoming more directly involved when they see a crime committed is a healthy sign—providing they don't get carried away to the point where they see themselves as police, prosecutor and jury.

"The involvement that they have should be a responsible one. They should call the police and permit the police to take the prisoner before the courts.

"There's where the ultimate decision should be made—not in the streets."

In contrast to the words of praise from the Mayor and the police Commissioner, a cynical note was injected by one high police official. This official, who asked not to be named, commented that the new public participation was "good while it lasts," but added:

"As soon as someone gets a bullet between the eyes, that's going to be the end of it."

Before Monday night's incident in Brooklyn, there were two cases on Manhattan's West Side in which bystanders caught and held fleeing criminal suspects.

Last Friday night, three men captured two suspects in the mugging of a man on Riverside Drive near 160th Street. One of the captors in that case was Stephen S. Gold, a member of the State Liquor Authority. Another was Herman Farrell, a recently elected Democratic district leader in the area.

Mr. Gold and Mr. Farrell chased the suspects on foot in different directions, then wrestled with them and held them until police arrived.

One day earlier, an angry crowd surrounded a taxicab into which three suspects had jumped after allegedly assaulting a young woman and snatching her purse. The suspects appeared relieved and surrendered eagerly when the police arrived to arrest them and escort them away.

Mr. MANSFIELD. Mr. President, I hope the amendment is agreed to by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I am pleased to accept the amendment and take it to conference. This bill has been passed by the Senate twice already. I cosponsored this measure in the past. It relates to crime and it deals with crime. I am prepared to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MANSFIELD. I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

AMENDMENT NO. 278

Mr. TUNNEY. Mr. President, I call up amendment No. 278.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TUNNEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 62, line 12, strike everything after the phrase "contracts to make" through page 63, line 5, including the words "of the Administration" and insert in lieu thereof the following:

"The Administration is authorized to enter into contracts to make payments to individuals employed in law enforcement and criminal justice or committed to enter an occupation in law enforcement and criminal justice, for loans, not exceeding $3,000 per academic year if that individual is enrolled on a full-time or part-time basis in undergraduate or graduate programs approved by the Administration. Loans to individuals assisted under this subsection shall be made on such terms and conditions as the Administration may determine, except that the total annual amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement or criminal justice agency at the rate of 25 per centum of the total annual amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration."

On page 64, after subsection (4) add the following new section:

"(5) developing curriculums leading to a degree in the field of criminal justice planning."

Mr. TUNNEY. Mr. President, I ask unanimous consent that Thomas Susman of the staff of the Senator from Massachusetts (Mr. KENNEDY) may be granted the privilege of the floor during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, this amendment would improve the LEEP program by providing direct grants to individuals employed in law enforcement and criminal justice so they can choose the universities that will best serve their professional needs, and second, by providing funds to colleges and universities to encourage curriculums in criminal justice planning. Amendment No. 248 has a similar provision but would give funds only to the institutions.

Police authorities and others in the law enforcement field have expressed their strong desire for direct grants and the concept was accepted long ago by this body and the House in many of the higher education assistance measures which have been enacted.

We should no longer entice able people into the law enforcement field with the inducement of furthering their educations, only to suddenly dash their hopes of completing their studies after their first or second year because of unpredictable reductions in institutional budgets or in the Federal LEAA funding. This betrays our commitment to enrich the field of law enforcement and criminal justice with more highly trained professionals. The law enforcement profession is unanimous in its desires for this goal.

My intent in this amendment is to follow the path already established in other Federal assistance programs to students of higher education. I ask for a ceiling figure of $3,000 per year per student in LEAA grants to people in the law-enforcement field. The Office of Education reports that under the guaranteed student loan programs up to $2,500 is given to students each year, and that does not include the various State assistance programs which boost this figure considerably. I ask for a forgiveness feature, which would allow a 25-percent reduction per annum working in the law-enforcement field in the amount of the loan which must be repaid, in order to provide incentive to students under the program to continue in the law-enforcement field once they have accepted a loan. The Office of Education reports that under their various assistance programs, forgiveness percentages run at 25 percent for graduate students, and 20 percent for upperclassmen in undergraduate schools. In other words, my recommendations closely parallel the procedures followed in other Federal assistance programs to higher education, and if implemented, will remedy the present inequities and inefficiencies which are preventing the LEEP program from functioning most effectively.

Mr. President, this amendment is very simple in nature and it is easily understood. It does not have to be debated long. I hope that the amendment will be accepted by the Senate, inasmuch as so many law-enforcement officials want it.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, the proposal of the Senator from California would provide for direct grants to individual students for the law enforcement educational programs. The focus of that program would be fixed in such a way that any individual could apply for a grant directly rather than having the LEAA make the grants to the schools that then pay to the applicants for the funds.

The disadvantages of the approach are numerous. In connection with administration, every school participating in the LEEP program administers the program through its own institutional resources. The universities do not charge for this service. It is provided free to the Government and to the students they are dealing with. There are over 2,000 schools participating in the LEEP program and almost 100,000 students. If the Federal Government had to assume the responsibility for administering this program, it would need to have someone at each of these 2,000 schools each semester at registration time to determine if the student was eligible to participate, to determine if the school had acceptable programs, and to determine if teachers and classrooms were adequate.

That would be a very burdensome task and a very expensive one, not nearly as efficient as the manner in which it is now handled.

The second disadvantage would be in planning. It would be impossible for schools to adequately plan for the influx of LEEP students if it did not receive a direct grant of funds. The direct grant gives the school a projected level of funding from which it can determine how many teachers to hire, how many classrooms to set aside for the program, and how many courses to offer. If the schools did not have direct grants, they would not know until registration time how many applicants they would have for the LEEP program and accordingly could not guarantee that they would have teachers and classrooms available for dealing with these students.

Finally, the third disadvantage lies in the fact that LEEP programs differ from other Government student loan programs. It is an individualized program which requires universities to establish specialized courses in law enforcement. These courses require highly specialized teachers in law enforcement and require a great deal more administrative planning than other programs. Such planning would be impossible if the schools did not know in advance a firm level of students who would be participating in the program.

The amendment, if agreed to, would result in chaos. It would also be much more expensive and burdensome and inefficient than the present method. I urge that the amendment be rejected.

Mr. TUNNEY. Mr. President, this amendment is designed to do the opposite of what the distinguished Senator from Nebraska suggested. It is supposed to provide a mechanism whereby students can apply to LEAA for a loan. There is no vast bureaucracy at the university level. They could make an application for a loan, and if they are able to receive that loan, they can be guaranteed they will get an education in law enforcement.

The purpose of the amendment, as I indicated, is to do away with the bureaucratic method we now have. Sometimes when they apply they are told, "All right, you have 3 years. We have the money. We will provide that for 3 years." Then, 1 year goes by and they are cut off and there is no question that they can complete their studies. They say, "We do not have the money this year."

I feel it is clear that we need a simpler, better coordinated mechanism, and the mechanism I am suggesting in this amendment could not be simpler. One makes an application to LEAA. He does not make an application to 1 of 1,000 colleges, or to 10 of 1,000 colleges in our country; he makes an application to the LEAA for the money.

There are other programs in our Government that apply in exactly this way. That is why we did it—because there has been experience with this form of program.

We are attempting in this amendment to track existing programs. That is what we are doing. There is an experience in this. This is not something unique. This is not something we have pulled out of the clouds. We have had experience with this in other agencies of Government, for example, in the Office of Education. We are trying to make it work in the law enforcement area.

If we want to have the best-equipped and the most highly trained law-enforcement officers, we had better educate them and we had better give them the kinds of loans they need to be educated.

There is nothing wrong at all in providing a foregiveness provision. I think if we get the young men who have this education to stay in law enforcement for 4 years, we will have accomplished a great deal.

So I would like the Senate to accept the amendment, and to do for students in the field of law enforcement what we are doing now for students in the field of liberal arts, the sciences, and in graduate studies.

Mr. McCLELLAN. Mr. President, does the Senator from Kentucky want some time?

Mr. COOK. I will take a couple of minutes.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOK. Mr. President, the amendment of the Senator from Caifornia, in a way, is an addition of some $200 under the proposal, because I think we now provide something like $2,200. We have another section in the bill that provides approximately another $600 to the individual for books.

I could be mistaken about that because of the difference between the Senate and the House bill. I am not quite sure, but I believe I am close to being right.

What does surprise me is that, somehow or other——

Mr. McCLELLAN. Will the Senator put his microphone on? We cannot hear what he is saying.

Mr. COOK. I am afraid the volume control is not being operated.

The Senator from Kentucky has been here for approximately 4½ years. What we have to do is make available to the individual, as close as we can to his own location, those benefits which the Federal Government extends to him in the various programs. I am not sure how big the bureaucracies are. I can say that the student loan office at the University of Louisville has four people in it. I do not believe that is too big a bureaucracy.

The Southern Police Institute, which is located at that university, has working programs with the city of Louisville Police Department and the county police department. As a matter of fact, the city and county provide a great deal of education for their policemen. Many of them are supplemented, and they do that through the student loan office where LEAA funds are available there.

May I ask the manager of the bill how many universities and colleges in the United States are now authorized to make and are accredited for making LEAA loans?

Mr. McCLELLAN. There are more than 1,000. I do not have the exact number, but it is more than 1,000, and there are over 95,000 students in this program now.

Mr. COOK. I would only say to the Senator from California, I would hate to see the LEAA office in Washington, if we are talking about a bureaucracy, having to handle 95,000 applications for student programs or for LEAA programs. If we wanted to have a disaster, that would really be a disaster. We would not have to worry about whether a student was accredited for 3 years and perhaps his funds would be cut off after the first year; we would really be concerned about whether he would be able to get his loan within those 3 years.

The manager of the bill said that 95,000 student loans have been issued under the program. The manager of the LEAA office in Washington would have to keep track of 95,000 loans or grants under the present program. Therefore, they have been disbursed to more than 1,000 educational institutions throughout the Nation, so that the students can be handled at the local level.

I can only say, when we talk about a bureaucracy, that the proposal of the Senator from California would be an astronomical proposal of bureaucracy of the worst kind.

I ask for rebuttal from the Senator from California, because having been on the boards of several universities and colleges—not now, but before I came to the Senate—I think the receptivity of administrators at the college level is one of understanding and trying to work out a program for students who do not have financial resources.

On the other hand, if a student had to make a written application and send it to the LEAA office in Washington, it would be of the most impersonal nature. A student would have to wait in line for an allocation of funds, to see whether that could be accomplished.

The amendment would seem to defeat the purpose of placing a student in a local institution, with local law officers, to obtain sufficient funds to finish his training. We would then find ourselves in the overwhelming situation of having an agency—an impersonal agency—in the Nation's Capital which now, as of this date, would have 95,000 files on loans that had been made to students. I am quite sure that many of those students would not now have those loan opportunities if they had to be made through Washington, instead of through resident colleges where loan offices are located.

Mr. McCLELLAN. Mr. President, I share with the distinguished junior Senator from California his concern that the LEEP program be as responsive as possible to the needs of law enforcement officers throughout the Nation. But after a careful analysis of his amendment and consultation with those who now administer the LEEP program, I find I cannot support the amendment.

LEEP funds now go directly to schools throughout the Nation which have established law enforcement education programs. The establishment of these programs requires a financial commitment on the part of the colleges or the universities.

Programs must be planned, and instructors must be hired. If the schools cannot count on the set number of dollars—as under the present program—commitments of this kind cannot be made.

I am concerned that funding this program through students would introduce a significant element of uncertainty into the program that would undermine its quality of education.

In addition, I note that the administrative cost of this program is now borne by the schools. Were this to be made a direct aid to students program, this administrative cost would have to be picked up by LEAA itself.

I am concerned that this could lower by 8 to 10 percent the funds that are now available to support education. I would prefer that this 8 to 10 percent not be taken up in administrative costs.

Finally, we must all recognize that all bureaucratic programs that operate by mail have difficulties. Were LEAA to award students grants through applications without personal contact between the agency and the student, all sorts of problems would arise. The schools now work out these difficulties face to face. I do not believe, in short, that this amendment would give people better service or better education.

I cannot support it.

STATEMENT BY SENATOR BAYH

Mr. BAYH. Mr. President, this history of the Law Enforcement Assistance Administration over the past 5 years has been a classic study in the misallocation of resources. While LEAA has been expending ever increasing funds, its administration—with four directors in 5 years, and an 11-month hiatus without leadership—has been crippled by confusion and instability. LEAA has been unable or unwilling to see to it that its funds were not misspent. We have seen Federal funds send the sons of State officials to a private school, provide free transportation for city and State officials, buy 1,000 McDonald's hamburgers and produce a $15,000 film that was never used. We have seen excessive cash balances of Federal funds maintained by States and used to purchase Federal bonds. We have seen large corporations profiting from contracts for which there was no competitive bidding, and consulting firms with little or no credentials receive huge contracts. Those funds which were properly spent were often of questionable value. Defense contractors received lucrative contracts with LEAA funds to provide law enforcement agencies with modified military equipment, some of it originally developed for the Indochina war. Little research has been done into the necessity or usefulness of such machinery. Excessive funds have been spent on police hardware. Meanwhile, programs such as those designed to address juvenile delinquency—where most crime is spawned—were extremely underfunded.

Most seriously, LEAA has provided no standards or guidelines to the States for their expenditure of funds. Nor has any effective evaluation program been developed.

LEAA has also been accused of insensitivity to the constitutional rights of those its funds are spent to protect. It took over 2 years, and the persistent efforts of the Leadership Conference on Civil Rights, before LEAA recognized its responsibilities to prevent racial discrimination in the use of its funds. Throughout this period, citizens were forced to turn to the Federal courts to end discrimination by States that were receiving these Federal funds. LEAA still makes little effort to examine possible discriminatory distribution of services. Nor does the Agency give sufficient attention to privacy rights. Computer data systems and surveillance equipment are undoubtedly necessary tools in modern law enforcement. But their use must be carefully tailored to prevent interference with the constitutional rights of citizens. LEAA has not provided adequate regulation to accomplish this.

I could dwell at length on the misuse of funds, the insensitivity to constitutional rights, the bureaucratic redtape and delay that have characterized LEAA operations, but these have been well-documented through the careful and thorough investigations of the House Government Operations and Judiciary Committees, and by the report of the National Urban Coalition. I do not say that all the decisions reached by LEAA have been wrong, not that the great bulk of LEAA funds have not been used properly, and with good results. But there is no question in my mind that millions of dollars have been wasted on programs that have been inadequately planned and controlled.

There is little question that LEAA operations have improved considerably over the past 2 years. If the trend continues, the program might resolve many of its deficiencies. We cannot, however, assume that victory over waste and misallocation is complete. We cannot expect this improvement to be permanent.

Much of the failure of LEAA has been due to a lack of direction. It was in its beginning a new program with the admirable objective of returning power and decisionmaking to the States. But the legislation failed to inform either the States or LEAA what was expected of them. It spoke of comprehensive plans, but failed to define what that meant. It spoke of improving law enforcement, but failed to delineate what that included. It spoke of local needs, but failed to assure local participation. LEAA has been allowed to drift without a thorough examination of its operations.

We are now being asked to fund LEAA for another 5 years. The Criminal Laws Subcommittee has only held 2 days of hearings on LEAA, and the full Judiciary Committee has been denied an opportunity to examine the issues. The House, however, has studied it deeply, and made many vital changes in the law. These should give LEAA a stronger sense of direction. Comprehensiveness has gained a meaning. States remain free to develop programs appropriate to their particular needs, but will be held to a greater degree of accountability, both federally and locally, for misdirected programs and misused funds. But as admirable as these provisions may be, they depend on the executive branch for effectiveness. My distinguished colleague from West Virginia (Robert C. Byrd) has recently stressed the need for continuing oversight of the FBI. We cannot afford less diligence with LEAA. The many abuses to which FBI operations are subject—the covert, unnecessary surveillance of private citizens, the maintenance of data files unrelated to criminal justice, the use of respected law enforcement personnel as political pawns—the potential for such abuses are multiplied many times over on the State level.

I think a 2-year extension of LEAA is justified. This will allow time to adapt to the new amendments, and perhaps to remedy many of the deficiencies that we have seen. Many State projects depend on longer term funding. But we cannot afford to wait 5 years before examining LEAA again.

Mr. McCLELLAN. I yield back my time.

Mr. TUNNEY. I yield back the rest of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from California (Mr. Tunney), (putting the question).

Mr. McCLELLAN. I ask for the yeas and nays.

Mr. TUNNEY. I am willing to take a division.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. McClure) and the Senators from Ohio (Mr. Saxbe and Mr. Taft) are necessarily absent.

The result was announced—yeas 9, nays 85, as follows:

[No. 256 Leg.]

YEAS—9

Bayh
Hart
Hathaway
Kennedy
Mansfield
Ribicoff
Stevenson
Tunney
Williams

NAYS—85

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—6

Biden
Clark
McClure
Saxbe
Stennis
Taft

So Mr. Tunney's amendment was rejected.

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the distinguished Senator from Missouri.

Mr. HRUSKA. Mr. President, will the Senator yield first for a motion to reconsider the vote?

I move to reconsider the vote by which the amendment was rejected.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF TITLES 10 AND 37, UNITED STATES CODE

Mr. SYMINGTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8537.

The PRESIDING OFFICER (Mr. Bartlett) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SYMINGTON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Symington, Mr. Harry F. Byrd, Jr., Mr. Hughes, Mr. Tower, and Mr. Scott of Virginia conferees on the part of the Senate.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

The Senate continued with the consideration of the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I call up my amendment No. 263.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Hart's amendment (No. 263) is as follows:

On page 45, lines 24–25, and page 46, line 1, strike out the words: "$1,500,000,000 for the fiscal year ending June 30, 1976; $1,750,000,000 for the fiscal year ending June 30, 1977; and $2,000,000,000 for the fiscal year ending June 30, 1978." and insert in lieu thereof: "and for succeeding fiscal years, such sums as the Congress might authorize."

Mr. HART. For Senators who are present, it would be my judgment that we will come to a vote on this amendment shortly.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Michigan may proceed.

Mr. HART. In arguing in support of this amendment, I would anticipate taking no more than 5 minutes. It is a very simple amendment.

While we have a sufficient number of Senators present for a second, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. Mr. President, this amendment was printed in yesterday's Record, together with some explanatory remarks which may be found at page S11858.

The amendment does not change or affect the structure of LEAA in any way. What it does is reduce the period for which money is authorized from 5 years to 2 years. This shorter 2-year period of authorization matches the 2-year authorization provided in the House bill and the amounts for these 2 years under this amendment are the same as the amounts for those 2 years in the substitute. Thereafter, for the remaining 3 years, my amendment provides that appropriations be made of "such sums as Congress might authorize."

Mr. JAVITS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HART. I yield.

Mr. JAVITS. I ask unanimous consent that Brian Conboy, of the staff of the Committee on Government Operations, be permitted to be present in the Chamber during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. My amendment does not change the 5-year renewal of the agency's life provided by the substitute. But it would require LEAA to come back after its next 2 fiscal years of operation and seek additional authorization.

The other body in passing H.R. 8152 felt that 5 years was too long a time before Congress would have another in-depth review of this critical agency, which administers a billion-dollar program and which has had more than its share of problems, complaints, and controversies—which I think is a very compelling argument.

I agree, and urge the Senate to extend the authorization for only 2 years. We all know that the great majority of programs such as this are authorized on a 2- or 3-year basis, not 5. Right now my colleagues are, I believe, particularly sensitive to the problem of adequate congressional oversight of how the executive branch implements the laws we pass. Here is an opportunity to insure we will be able to exercise our power and discharge our duty to carry out the necessary oversight.

To be sure LEAA would still be subject to annual appropriations review under the very able and conscientious scrutiny of the Senator from Arkansas. I commend the Senator for the improvements that his substitute would make in the LEAA program and I am confident that he will review carefully the agency's expenditure of funds when the Justice Department appropriation is processed.

Nevertheless, we all also know that substantive amendments to a program and a basic review of its fundamental operations is difficult, if not impossible, in the course of the appropriation process; the necessary leverage for fundamental congressional oversight also requires insuring that the agency will have to seek additional authorization in the not too distant future.

I expect it will also be suggested that the 2-year period is too short even if 5 years might be considered too long an extension of the agency's authorization. In the past, LEAA has received two 3-year authorizations.

First. But we have continued serious questions about LEAA's performance;

Second. There is a new director at LEAA and his policies are unknown;

Third. The House has decided that a 2-year authorization is needed for oversight; and

Fourth. A substantial number of Senators and Representatives feel that further fundamental reforms may be needed.

In view of all these considerations we should review LEAA in 2 years.

Mr. President, the one concern that bothered me for a while was whether, by limiting to just 2 years the money commitment, even though the program's structure runs for 5 years, we would be disabling the cities, the States, and other recipients of grant money from making the kind of long-term planning that usually is most helpful and efficient. My concern was relieved when the National League of Cities and the U.S. Conference of Mayors wrote in support of this amendment limiting the authorization to 2 years. One paragraph of their letter reads as follows:

> City officials are well aware of the improvements in the LEAA program since its inception in 1968, but we feel that some scrutiny by the Congress bi-annually would strengthen this crime fighting program—which is so essential to local officials.
>
> Congressional oversight every two years, in our opinion, will also give public officials at all levels an opportunity to exchange information regularly on the progress of the LEAA program.

That letter is printed in yesterday's Record at page 21738.

Mr. President, I hope that we can agree to an amendment which I think is in the order of a conservative proposal, and I think it is a wise one.

One other point should be noted.

Last November, the Detroit Free Press carried a very interesting story regarding the White House's own evaluation of LEAA.

The story referred to a memorandum obtained by Knight newspapers sharply critical of the agency. The memo was prepared by career experts on the agency in the President's Office of Management and Budget. The Free Press story went on to state, and I quote:

> The memo says LEAA is suffering from "substantial management weaknesses" and doesn't even know whether the hundreds of millions of dollars it has parceled out were spent in accordance with the law.
>
> "Fund disbursements under this loosest of grant programs are so slow as to make one wonder whether a real need exists," the memo says. "Reliable indications of accomplishment are practically non-existent, and criticism of the program is increasing."

According to the news story, the memo went on to say:

> That LEAA doesn't know what is happening with its funds, evaluation is impossible and attacks on a defenseless program are encouraged.

According to the news story, Casper Weinberger, Director of OMB, acknowledged the existence of the memo and that it had been drafted by the OMB staff, but merely demurred that it did not have "official status."

So what we have here is an evaluation by the Office of Management and Budget admitting that LEAA right now does not have adequate control, much less evaluation of how the funds have been spent or an ability to determine what the results have been.

If there was ever an indication from the horse's mouth that we ought to watch this agency closely and not leave it run amuck for 5 years, I think this memo is a good illustration.

I ask unanimous consent to have printed in the Record an article entitled "Anticrime Funds Mishandled."

There being no objection, the article was ordered to be printed in the Record, as follows:

Anticrime Funds Mishandled

(By Clark Hoyt)

Washington.—A White House staff memo charges that the federal Law Enforcement Assistance Administration (LEAA) is so badly managed and has achieved so little it might be wise to consider firing the boss, Jerris Leonard.

The confidential memo obtained by Knight newspapers contains a scorching appraisal of an agency which has distributed about $850 million in federal anti-crime funds to state and local governments over the past four years.

Prepared by career officials of President Nixon's Office of Management and Budget, the memo does not actually recommend the dismissal of Leonard, generally regarded as a Nixon favorite.

But it says one alternative for reforming LEAA might be the appointment of a new administrator "in order to obtain a more effective management approach."

Caspar Weinberger, director of the budget office which drafted the memo, said it "doesn't have anything like an official status."

Weinberger added in a telephone interview that he personally was "not aware of any crying problems at the moment" within LEAA, which was created by the Omnibus Crime Control and Safe Streets Act of 1968.

Nevertheless, the document is the first clear indication that doubts about the effectiveness of LEAA, aired frequently on Capitol Hill, are shared by at least some members of the Nixon administration.

The memo says LEAA is suffering from "substantial management weaknesses" and doesn't even know whether the hundreds of millions of dollars it has parceled out were spent in accordance with the law.

"Fund disbursements under this loosest of grant programs are so slow as to make one wonder whether a real need exists," the memo says. "Reliable indications of accomplishment are practically non-existent, and criticism of the program is increasing."

Budget officials described the sharply critical memo as one of a series of working papers written last spring in preparation for internal meetings to begin shaping a new presidential budget.

The officials emphasized that the memo was intended as a basis for discussion about the future of LEAA and did not represent White House policy.

Final review of LEAA spending requests will be taken up early in November, Weinberger said.

He added that there was never any serious discussion within the budget office about the alternative of recommending Leonard's replacement. Nor has the budget office ever requested—either formally or informally—that the White House oust Leonard, Weinberger said.

The budget director hinted broadly, however, that LEAA's days could be numbered because it might no longer be needed if Congress approves a Nixon request for special law enforcement revenue sharing.

Under that proposal, federal crime fighting dollars would go directly to the states to be spent as state and local officials thought best. The present setup, under which the states must receive prior LEAA approval for their programs, would presumably be scrapped.

"I don't know if a new LEAA would be necessary," Weinberger said. "It is at least possible to suggest it would be unnecessary."

He added: "What we want to get away from is a formal application for federal funds for each rather narrow program." If state and local officials misspend the money they get from Washington, Weinberger continued, "state and local voters would be able to take care of them."

In the meantime, the memo said, LEAA has been regarded as a forerunner of revenue sharing.

"This similarity has been elevated to a guilding principle by LEAA and has been misinterpreted and misapplied as a justification for the exercise of minimum management responsibility for the funds which it administers."

That means, the memo said, "that LEAA doesn't know what is happening with its funds, evaluation is impossible and attacks on a defenseless program are encouraged."

LEAA began a "belated crash effort" to audit the use of its funds by states, the memo said. But, it added: "Where audits have turned up discrepancies, LEAA has been slow to take appropriate action."

The memo posed three alternatives for improving LEAA:

Budget office pressure on the Justice Department, which controls LEAA, in the form of a letter uring specific reforms.

A special task force to draft a plan of improvement.

Firing Leonard.

The memo recommended the first alternative and concluded that, while there are serious problems with LEAA, "the potential for significant accomplishment remains and additional time and effort to develop this potential appears warranted."

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

Mr. McCLELLAN. Mr. President, I believe there is an urgent need for a 5-year authorization for the Law Enforcement Assistance Administration program.

The 2-year authorization proposed by the House Judiciary Committee does not give adequate time to meet the very real and compelling needs of State and local governments deeply involved in carrying out the LEAA-supported crime reduction program.

One reason a 5-year period is needed is apparent from an examination of the LEAA-sponsored program to date.

The planning agencies of the 50 States now plan on a 5-year cycle under a request by LEAA that they make long-range plans. Serious disruptions to the efficiency and effectiveness of that planning process could develop if there is an authorization for only 2 years.

Planning capabilities built up at the State and local levels are essential to sound program development and execution, and these planning capabilities have been built at considerable effort.

I believe we should not chance the considerable risk of harming this intricate—and very productive—planning process.

The 5-year cycle is seen by planning experts as essential to a variety of programs.

State and local governments will be reluctant to embark on long-range improvement programs if there is only a 2-year authorization.

I doubt that they will make long-range plans for 2 years without any assurance that those plans will be accommodated. If those plans are to be accommodated, there is no reason why we should not accommodate them now in this legislation. Nothing we do in including a 5-year authorization here would keep any committee having jurisdiction from holding hearings from time to time.

I point out something else, that if we now pass this amendment, 2 years from now we will have no new experiences to show any development since these last hearings. Hence, I do not see anything will be gained by this amendment.

I would say this, too, that the House has a 2-year provision in its bill. If we put 5 years in here, I am confident there will have to be some adjustments, some compromise with the House and it will result in less than 5 years, no doubt. Four years, it seems to me, are the very least that should be considered because 2 years does not give time to gain any new experience, and we would want to be able to develop a record as to how the program is progressing.

Mr. President, I note, too, that there are several thousand employees of State and local planning agencies. Experts in crime control and criminal justice are not easy to find. Many States may find it difficult to recruit replacements to fill vacancies caused by normal attrition if only a 2-year authorization exists.

I can very well foresee that many of the experts in planning, employed by the States on a permanent basis, who continually evaluate the needs of the State and make the plans, would not feel comfortable or secure on a 2-year planning authorization.

Mr. President, let me read from the statement of Mr. Ronald Weber on behalf of the National Association of Urban Criminal Justice Planners of Los Angeles, Calif., when he testified with regard to this particular issue, as follows:

> Senator HRUSKA. You suggest that annual plan requirements should be abandoned in favor of multiyear plans. That would carry with it the inherent element of a longer term of authorization for the LEAA rather than a shorter term, would it not?
>
> Mr. WEBER. Yes, sir, it would. If the question is, Mr. Chairman, do I favor 2 or 5 years, my answer would be the 5-year extension if that is possible.

He is from the National Association of Urban Criminal Justice Planners. That is how the planners feel about it.

Another thing, Mr. President, criminal justice experts agree that most anticrime projects take more than 2 years to plan and carry out. The average life of LEAA projects is in excess of 3 years. Even a project that sounds rather easy—for instance, developing a new curriculum for a police training program—will take at least 3 years to carry out.

One danger in a short-term authorization is that some agencies may be tempted to expend a disproportionately large amount of funds on equipment items—which can be handled on a short-term basis.

In other words, instead of planning programs for the training and development of the system so as to make it more effective, many cities, municipalities, and so forth may simply say, "We have only got 2 years. In order to get our share of this, we will just buy equipment."

I think that would do more harm than good.

Long-range, studied planning approaches would suffer as a result.

Good planning for use of funds is based on some certainty that the funds will be available for a reasonably long period of time.

All of us in the Congress are deeply concerned over obtaining maximum value from Federal funds. The wisest use and allocation results from sound planning, and planning that stretches beyond the period of only a year or two.

The Congress must continue to watch carefully the LEAA-sponsored program—as it watches all programs for which it bears responsibility. This oversight responsibility can be carried out effectively in the context of a 5-year authorization. Hearings can be held whenever needed, and amendments to the legislation proposed whenever needs arise.

As we all recall, substantive amendments relating to the LEAA program were fashioned by the Congress in 1970, midway through the 5-year authorization period.

The Congress intentionally made LEAA an agency which has a small staff. I am concerned that a 2-year authorization would be counterproductive. It would preclude the staff from devoting the time needed to operating and improving the program, since there would be more frequent need to go through the complex process of hearings on new legislation every 2 years. The Congress in its own self-interest should not divert the limited staff resources from the priority tasks, especially when it determined that the agency must manage very large appropriations.

I believe that a 5-year cycle is consistent with sound use of Federal funds and will enable States and localities to build soundly on their work of the past 5 years. As we have seen during the past 5 years, it is easy for the Congress to have oversight hearings and fashion changes in the program even in the context of a 5-year authorization. We should continue with this basic approach, for it is a necessity for States and localities to have the time needed to develop the most effective and long-lasting approaches to reduction in crime.

Mr. President, I should like to make this last observation. As I stated a few moments ago, I believe that 2 years is too short. Some may honestly believe that 5 years is too long. But, as I pointed out, if we put 2 years in this bill, that will be the end of it. There will be no way to correct it or to discuss it or even to evaluate it. That is an issue that would not be in the conference. But, with 5 years, it will be in conference and will give us the opportunity to discuss and evaluate the matter.

In my judgment, 4 years should be the minimum if we are going to make this program effective and give some stability, and give to those who are engaged in planning, who are employed as experts in that field, some assurance of a feeling of security that they do not have to be looking for other jobs, that if they do their work well, the planning can continue.

Mr. HRUSKA. Mr. President, a 2-year term for a plan like the LEAA is not practical. It would be highly disadvantageous. In fact, it would be obstructive to a smooth-running organization. My hope is that the Senate will approve the 5-year term provided for in the bill.

I invite attention to the fact that we are coming to the end of the 5th year of the initial 5-year term of the LEAA, and it has worked very well.

There are three points I should like to make in connection with the advisability of a longer term.

One is this: One of the major factors that called for the formation of statewide plans had been the fragmentation of law enforcement efforts. Many thousands of different political subdivisions were engaged in the law enforcement business, but with very little interconnection, cooperation, or interrelationship. One of the saving features of the plan for improvement has been the longer term given to the life of this program, on an assured basis, where the communities can engage in plans for common use.

For example, a radio station would not be very practical if the permit were for only 2 years. There are many such instances in which political subdivisions can work on a better basis over a longer period of time.

Second, the normal budgeting period for purposes of planning financial programs of these political subdivisions goes into the future anywhere from 3 to 5 years. It cannot be done on a yearly basis. This would virtually mandate a yearly basis since there is high degree of probability that it will end after 2 years.

The third point is that the various programs involve many employees. They involve many experts in the field of law enforcement and criminal justice. There would be great difficulty in recruiting and maintaining personnel on the basis of an assured 2-year term, and that would be highly disadvantageous.

It is said that it would facilitate an overview by Congress if we had only 2 years. We then could look at the plan and decide whether we wanted to change it, and if not, we could renew it.

This plan was originally passed in 1968. In 1970, our Judiciary Committee decided some improvements had to be made. They were made at the end of 2 years, and they were made to advantage. However, there was no threat at that time to the cessation of that program. Those who subscribed to it knew that there was an assured life of 5 years.

So any time we see something that is maladjusted, the Judiciary Committee and Congress can work on it and make such changes as are necessary.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. We also have an annual oversight opportunity in this program each year, in each House, in the Appropriations Committees, with respect to the funding of it—whether we are overfunding it or underfunding it.

Mr. HRUSKA. The Senator is correct.

Mr. McCLELLAN. So that we have the supervision, the oversight, by each House—the Senate and the House—each year. We can go further than that, if it is necessary, and hold hearings on it at any time.

I do not see what this amendment adds.

Mr. HRUSKA. That is a good observation, and of course that is within the framework of the authorization. We must appropriate annually for the purpose of the next year's program.

Mr. MATHIAS. Mr. President, I rise in support of the pending amendment offered by Senator HART to reduce the LEAA authorization from 5 to 2 years. This will bring the Senate bill into line with the bill as passed by the House of Representatives and will serve a number of desirable ends. It will allow some degree of certainty for a period of 2 years in LEAA planning and funding. At the same time, it will give the Senate ample time to give the LEAA program the review that it deserves by reason of its importance. An extension of time for a period less than 2 years would not, in my view, serve either of these purposes as well. Extending the program now for a period of 5 years would, on the other hand, make needed review difficult.

The role of LEAA in our total national efforts to achieve improved law enforcement cannot be underestimated. LEAA has resulted in improved police work. It has aided comprehensive planning at the State and local level.

In Maryland, we now have a unified district court system, a statewide public defender system, a corrections training commission, new standards for command and supervising training for police management personnel, and standards for police agency funding including training, communications, insurance, reporting, and salary and hours, among others. These reforms are in some part due to the LEAA programs.

Importantly, LEAA has also provided a framework within which we can operate to comprehensively attack problems of law enforcement, corrections, and rehabilitations. I believe that this framework can assist us in a reevaluation of the effectiveness of the program.

Some changes in the program, I believe, cannot wait such a review. Accordingly, I am cosponsoring the amendment today to increase the juvenile justice component of LEAA funding to the States. But this is only one aspect of the changes that should be considered. Accordingly, I believe we should extend the program now for 2 years, a period which would give the Senate adequate opportunity to consider proposals for change, and begin to hold full and complete hearings on such possible changes in the program.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

The question is on agreeing to the amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. MCCLURE) and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) are necessarily absent.

The result was announced—yeas 43, nays 48, as follows:

[No. 257 Leg.]

YEAS—43

Abourezk
Bayh
Beall
Brooke
Byrd,
  Harry F., Jr.
Case
Chiles
Church
Cranston
Eagleton
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Scott, Va.
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—48

Aiken
Allen
Baker
Bartlett
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Robert C.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Huddleston
Inouye
Johnston
Long
McClellan
Moss
Nunn
Packwood
Pearson
Randolph
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Talmadge
Thurmond
Tower
Young

NOT VOTING—9

Biden
Clark
Eastland
Ervin
McClure
McIntyre
Saxbe
Stennis
Taft

So Mr. HART's amendment (No. 263) was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 1808) to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 6676) to continue until July 1, 1976, the existing suspension of duty on manganese ore, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6676) to continue until July 1, 1976, the existing suspension of duty on manganese ore, was read twice by its title and referred to the Committee on Finance.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

The Senate continued with the consideration of the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

AMENDMENT NO. 276

Mr. KENNEDY. Mr. President, I call up my Amendment No. 276.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

> On page 13, between lines 19 and 20, insert the following:
>
> "(4) provide for procedures under which plans may be submitted annually from units of general local government or combinations thereof having a population of at least one hundred thousand persons to use funds received under this part to carry out a comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;".
>
> Renumber the succeeding paragraphs in section 303(a) accordingly.

Mr. KENNEDY. Mr. President, the amendment is self-explanatory. It would require that the States—

> Provide for procedures under which plans may be submitted annually from units of general local government or combinations thereof having a population of at least one hundred thousand persons to use funds received under this part to carry out a comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, with this amendment we are trying to take the same reasoning which we have accepted for the law enforcement assistance program itself, as it applies to the States, and apply that same reasoning in the development of procedures governing the relationship of the States to units of local government or political subdivisions of 100,000 or more.

When we set up the law enforcement assistance program, we did not require the States to come to the Federal Government and ask for funds for a juvenile delinquency program, a corrections system, or hardware in individual applications. What we expect from the States is that they plan and develop a comprehensive program.

This amendment would require the States to set up procedures to permit local units of government of 100,000 or more to develop a comprehensive plan so that they would not have to come back to the State planning agency time and time again, as so often happens on each one of a number of different applications, instead, they would be permitted to come back to the States each year with a comprehensive program.

Let me point out at the outset that there is nothing mandatory about this provision: a local government representing 100,000 or more persons, if it wants to make a direct application to the State agency for each element of its law enforcement system, can do so, but if it wants to develop a comprehensive program, one each year, then procedures will be established to enable it to do that.

In principle, this amendment is not a new idea. At least two States at the present time have developed procedures to permit local political subdivisions to make such applications, and I think most successfully—the State of Ohio and the State of Florida.

In Ohio it has been enormously successful and it has been extremely well received by both the Governor and by the mayors, in many instances representing different political parties. It has also been successful in Florida.

What I want to stress at this point, Mr. President, is that the States themselves will still retain the ability either to approve or to disapprove the plans. They will still have final authority. We are not infringing on State authority whatsoever.

I want to mention that point because I know the argument will be made that if we set up such a procedure, we may very well be undercutting the authority of the States to administer this program. But I quote now from the report, "The State of the States on Criminal Justice," which is the report of the State planning agencies on the effectiveness of the Law Enforcement Assistance Act, and in that report, at page 483 of the hearings, states:

> Under the current Safe Streets Act or President Nixon's special revenue sharing proposal for law enforcement, SPAs may choose to create local block grant programs, if, for whatever reason, that appears desirable. In both Ohio and Florida, the SPAs have exercised that option, but each retains authority to review local plans and programming.

So I want to give assurance to the Senate that this is the substance of this amendment. The States still have final authority and final discretion for approval of these comprehensive local plans. What we will be establishing here is the opportunity for the communities, on a voluntary basis, to have procedures by which they can take advantage, in their comprehensive programs, of the various benefits of the Law Enforcement Assistance Act.

I can think of some communities—some in my own State—that have 10 or 15 different jurisdictions, and every time a community wants to receive some kind of grant under LEAA, they have to clear it with 10 or 12 levels of administrative review.

One of the complaints we hear time and time again from planners, and particularly mayors and the League of Cities, is the enormous amount of duplication and redtape they have to undergo in order to receive benefits under this program.

It is hoped that with this program, taking the experience of the States of Ohio and Florida, and other States that are presently developing similar procedures, we will go a long way toward eliminating much of the duplication and redtape which exists in the program.

So, for those reasons, I would hope this amendment may be accepted.

Mr. President, I ask unanimous consent that a letter to me in support of this amendment from the National League of Cities and the Conference of Mayors be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 27, 1973.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The National League of Cities and the U.S. Conference of Mayors are in agreement with the intent of your proposed amendment to S. 1234, The Crime Control Act of 1973.

Since 1968, City Officials have been deeply concerned with the limitations of the Safe Streets Act with regard to the identification of priorities at the local level. Further, there is no evidence to show that the cumbersome grant application process experienced by local criminal justice planners, does anything to improve and strengthen programs to reduce crime. To the contrary, there is reason to believe that the great duplication of effort required to review each application has had a negative effect on the development of crime reduction programs at the local level.

We believe that the Administration's assertions that S. 1234 alleviates this problem should be subjected to close scrutiny by the Congress. Further, we feel that your amendment will improve local capabilities by requiring localities to develop and carry out a comprehensive plan for criminal justice and to be funded on the basis of that plan. This would not be inconsistent with the present requirement by LEAA that States similarly develop and submit a plan prior to receiving federal funds.

We favor your amendment and welcome the opportunity to work with Congress in improving the capability of state and local governments to further reduce crime.

Sincerely,

ALLEN E. PRITCHARD, Jr.,
Executive Vice President, National League of Cities.
JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

This amendment—or one construction of it—is simply the Tunney amendment, the first amendment offered this afternoon, in a little different form, but the consequences would be just about the same. As I read it, it would be a breakdown of the present State comprehensive planning block grant program.

Notice what this amendment does. It compels the State in its overall planning to "provide for procedures under which plans may be submitted annually from units of general local government or combinations thereof having a population of at least 100,000 persons to use funds received under this part to carry out a comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;

"Renumber the succeeding paragraphs in section 303(a) accordingly."

It takes away from the States the opportunity to have a comprehensive plan. It would mean every large city can have a plan of its own independent of the State plan. If that is done, we have no State plan. It counts for nothing.

Mr. President, I yield to the Senator from Kentucky (Mr. COOK).

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOK. Mr. President, the only thing I can add to what has been said is that within the framework of the Tunney amendment, the distinguished Senator from California put in a figure of 50,000 population, and this amendment puts in a figure of 100,000 population.

I do not know about the makeup of the respective States of some Senators here, but a figure of 100,000, unless we had a combination of counties in my own State, would not include the great majority of our cities. There would be only two areas in my State that could even qualify under this amendment.

We are talking about the availability of funds to develop plans in metropolitan areas, and metropolitan areas are, in many areas in my State, those of less than 100,000 population. What in effect we are doing is extending a form of exclusivity to two metropolitan areas in my State and we are leaving out many communities that are in the 50,000 and 60,000 population category which operate under city councils, which have mayors, which operate under responsible county forms of government. They are going to be left to a State agency the way they are now.

May I say that the figures in my State are encouraging to the Senator from Kentucky, because the largest metropolitan areas, as they are developed under the LEAA program, receive well over 60 percent of the funds.

I can only say that the Tunney amendment, which was turned down by the Senate, had a figure of 50,000, which I felt rather discriminated against many metropolitan areas that face crime problems and want to solve them.

The pending amendment is more discriminatory. In many areas of the Midwest, this would be rather an exclusive club. This would have them propose their own plans as opposed to a State board which is composed of officials of the respective cities, people who have common knowledge of the problems of those cities.

As a result, I feel that this is more of an exclusive curtailment than the Tunney amendment, and the Tunney amendment has been rejected by the Senate.

Mr. KENNEDY. Mr. President, I wish my good friend, the Senator from Kentucky, were addressing his remarks to my amendment, because when listening to him, I could not even understand the amendment.

The Tunney amendment required that 75 percent of the LEAA funds go to jurisdictions with 50,000 people in block grants. There is nothing mandatory about my provision, other than that the States set up certain procedures. Nothing requires that they distribute funds to any of these units. The only thing we require in the amendment is that the State set up procedures by which groups of 100,000 or more can make application. It is completely different. Let me make it clear that the amendment would not affect the amount of money going from the States to units of local government. It would not deprive the State planning agency of any discretion in setting standards or priorities, since it would still have to approve the local comprehensive plan. It would not prevent States from imposing its comprehensive plan on local governments, since the amendment presumes that the State planning agency would require local plans to be consistent with the State plan and the amendment would not dictate allocation of funds among local recipients or among elements of the State comprehensive plan.

Mr. COOK. Mr. President, if the Senator will yield, I want to know the difference between the Tunney amendment which requires that 75 percent of the block grant funds go to jurisdictions having 50,000 people who can then propose their own plans and boards, and the Senator's amendment which requires that there be communities of at least 100,000.

Mr. KENNEDY. It is very simple. Under the Tunney amendment it is as if the State has to approve the plan. Under mine, the plan has to be consistent with the State program. That is a major difference.

Mr. COOK. Mr. President, I hate to disagree with the Senator from Massachusetts. However, I do not read that in the Senator's amendment, and I hope that I can read. The amendment does not say that it is subject to the jurisdiction of the State.

Does the Senator mean by his language jurisdiction covered by the State plan or covered by the jurisdiction and plans that the local communities have to submit to the LEAA to have approved?

Mr. KENNEDY. My amendment requires that the State set up procedures by which groups of 100,000 or more can make application through the State planning agency. The State planning agency then makes the final judgment as to whether the local groups are in conformity with the State plans, and it has to either approve or disapprove those plans.

Nothing in the amendment says that any communities within the State necessarily have to get together. It does recognize the extraordinary number of different jurisdictions that exist in many parts of the country. Rather than require the people in each small community to make an application to the LEAA and say that they want to make an application for hardware or some other item, this would permit them to bind together to make a single comprehensive application and make it conform with State plans. They make one request. This is really a proposal to eliminate duplication. And redtape.

This program is endorsed by the League of Cities and the county mayors. It is an approach which is beginning to be utilized in New Orleans, Honolulu, and other major cities in the country.

It is in use in an increasing number of cities in Florida, and with considerable support. The Governors of those States have embraced it and have endorsed it. We have found out that this is a system that eliminates duplication and redtape. It is an attempt to deal with a major problem in the administration of law enforcement funds today.

But unlike in the Tunney amendment, we do not restrict the distribution of funds. If the local communities want to plan this way, that is fine. If the States want to approve it, that is fine. Any local plan will necessarily have to be inconformity with State plans. This is not greatly different in terms of planning from the kind of actions we have taken here a short while ago, such as with respect to the land use planning projects and a number of other programs the Senate has adopted.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

I see nothing in the amendment which requires the States to approve plans at all. It is simply that they can do it now by going through the States. As the distinguished Senator has said, if they want to get up a plan and submit it to the States, and it is approved, it is a part of the State's plan. But in this instance, if they submit it, that is all.

They specify that a plan must be submitted. There is no power under the provisions of the amendment to treat it. They have their plan. As to whatever money they take, there is no limit.

Mr. COOK. I might say that the explanation of the Senator from Massachusetts is clearer than his amendment. If in fact what the Senator says is true, that they are already utilizing this plan in New Orleans, in Ohio, and Florida, then obviously the authority to do this is already in existence under the act. If, in fact, that is the case, would not the Senator's amendment be redundant?

Mr. McCLELLAN. If they are doing it now, then they are doing it now. But now they do get the approval of the State as a part of the State plan. The Senator's amendment would eliminate that.

Mr. KENNEDY. If they are doing it now and it is not destroying the program, why is everyone so concerned about setting up different procedures? It has been successful in the States. It is recognized in a number of States. If it is being used now, it must be successful.

Mr. McCLELLAN. The answer is that the Senator says it must fit with the State plan, but there is no provision for it on the face of his amendment.

Mr. KENNEDY. I ask the manager of the bill where in the amendment he finds that suggestion.

Mr. McCLELLAN. I ask the Senator to show where in his amendment there is any such authority.

Mr. KENNEDY. I would invite the attention of the Senator to section 304, which provides the requirements for the States. This is just another required item.

We are requiring an additional requirement for the States to establish procedures. All we are requiring is that a State shall have procedures, so that they can entertain comprehensive plans. We are not saying that they have to approve the program. It is going to have to be in conformity with the whole State program.

Communities all over the country have taken advantage of the LEAA program. This is an attempt to eliminate red tape which mayors and counties throughout the country have had to confront in the LEAA program.

Where the procedure has been established by some States, it has been widely endorsed at the State and local level. The Governors themselves have indicated that in places where they have established these procedures, each retains authority, referring to the State Planning Administrators' report, to review local programs. The States retain the authority.

The amendment is an attempt to eliminate the red tape which has been a nightmare.

Mr. McCLELLAN. On page 12, line 8, we find the following:

> No State plan shall be approved as comprehensive unless the administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity.

Then it says:

> Each such plan shall——

and it provides what the plan shall have.

Your amendment provides here that the cities can have a separate plan which is not explicitly required to conform to the State plan. It provides:

> (4) provide for procedures under which plans may be submitted annually from units of general local government or combination thereof having a population of at least one hundred thousand persons to use funds received under this part to carry out a comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan.

If they are permitted to do that, then there are bases to approve or disapprove it once they submit it to cover just that jurisdiction. I submit that it is simply a device that will place in those groups and those areas the power to decide exactly for themselves what they want, and when they once do it, it will be approved.

Mr. HRUSKA. Mr. President, will the Senator yield me 5 minutes?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, I rise in opposition to the amendment.

I would first like to treat the question of whether this amendment imposes mandatory or optional procedures.

The fact is, as the Senator from Arkansas has just explained, that it is mandatory on the State to develop a plan which will provide for the procedures that are contained in the amendment proposed by the Senator from Massachusetts.

However, as I read the language, once those procedures have been mandatorily prescribed and set out, the State no longer has any option about it. It is mandatory and obligatory on them.

The plain fact is that groups and combinations of political subdivisions can get together, and they can collaborate. They can make an application for funds that will be paid to them collectively. This is now being done. It is being done in our largest States—California, New York, and Pennsylvania.

The real vice of this amendment is that it will do violence to the comprehensive planning process.

It is generally recognized that one of the most valuable aspects of LEAA is the requirement for a compresensive process. Prior to this act, there were thousands and thousands of fragmented law enforcement efforts throughout the land.

The merit of this act has been that it requires the States to sit down now and justify related aspects of the overall process.

The amendment would reverse this process by requiring a jurisdictional plan rather than a comprehensive, statewide plan, and the State commitment to planning with cities on such matters as pooling resources, regionalizing programs, and merger of activities, would no longer be required if the amendment were adopted.

As stated by President Johnson's National Council on Crime and Delinquency.

> Responsibility for crime control is shared by State and local governments.

This amendment, if it is adopted, will put a position of priority upon a group of local political subdivisions, and that is where the essential flaw of the amendment lies.

If it is true that this is not a mandatory plan, there is no necessity for it, because the States and the combinations of political subdivisions can enter into such agreements now. It is permissive now, and it can be done.

As against the possibility that this section would be construed to place obligations upon the State, it is not a desirable amendment, and I hope it will be defeated.

The concept upon which this amendment is based is not new to the Senate. In one form or another it has been considered in previous sessions and was deliberated in the appropriate subcommittees of both the Senate and the House of Representatives.

The most common argument in favor of either direct LEAA grants to urban areas or requiring the States to award block grants to cities is summarized in the phrase, "to get the money where the crime is." It is reasoned that the major portion of crime-fighting funds should be made available to the large cities because that is where the largest concentration of reported crime is to be found.

There is merit, of course, both in efforts to "get the money where the crime is" and in emphasizing the needs of urban areas. Every examination of crime statistics indicate that index crimes, especially violent crimes, follow population. Consequently, we know that population is a useful indicator of law enforcement needs. This fact, moreover, gives validity to the present system under which LEAA allocates funds to the States on a population-based formula. By putting law enforcement funds where the people are—allocating on the basis of population—we do in fact get the money where the problems are.

As we know from testimony presented during the subcommittee hearings, the Nation's cities have received an increasing portion of block grant funds. During the fiscal years 1969 through 1972, State planning agencies allocated almost 65 percent of all LEAA funds for local units of government to high-crime areas containing 49 percent of the Nation's population and 70 percent of reported major crimes.

In fiscal year 1969, 61.2 percent of LEAA funds went to high-crime areas. In fiscal year 1972, 71.3 percent went to those areas.

The Subcommittee on Criminal Laws and Procedures does not share the view that direct grants to cities are necessary to speed up the flow of funds and to eliminate State bureaucracies that work to the disadvantage of the cities. The statistics made available to the subcommittee during the hearings simply do not support that contention. These statistics show that the State planning agencies have been awarding funds to local subgrantees in a timely fashion and that the fund flow or "pipeline" problem is actually a reflection of the inability of local units to expend the money on subgrant projects in a timely fashion.

For example, as of December 31, 1972, the State planning agencies had awarded to subgrantees 95 percent of fiscal year 1971 funds and 68 percent of fiscal year 1972 funds. However, their subgrantees, mostly local governments, had actually withdrawn for expenditure only 64 percent of fiscal 1971 funds and 20 percent of fiscal 1972 funds.

On the second point, the contention that State planning bureaucracies generally disfavor local units, the subcommittee noted that, on a national average, 60 percent of the members of State planning agency supervisory boards are local government representatives.

Furthermore, under the present law and under H.R. 8152, it is within the discretion of the State planning agencies to fund localities for a package of programs and projects as well as simply for single programs or projects on an individual basis. It is also significant that the provisions of H.R. 8152 will assure the continued allocation of funds to "areas characterized by both high crime incidence and high law enforcement and criminal justice activity" (sec. 303(a)).

To go beyond this requirement would cripple the comprehensive criminal justice planning process and would contradict the reality of crime as a national problem, not merely an urban problem.

Committing a significant amount of funds by statute would require that this money continue to go to large cities regardless of the need there or elsewhere in the State. This proposal appears to make the assumption that the major crime problem will continue to be in large cities. However, the Uniform Crime Reports for 1972 show that crime is decreasing in the large cities and is rising in the smaller areas.

Cities with over 100,000 inhabitants reported an average decrease in major crime of seven percent. Meanwhile, the smaller communities of less than 100,000 reported an increase in reported crime.

These figures do not prove that crime is no longer a problem in large cities. They do, however, show that crime rates change from year-to-year. While some States will be experiencing right rates of urban crime, other States will be combating crime problems in the suburbs and rural areas. The amendment does not give proper recognition to this fact.

Mr. President, the truly fatal flaw in the amendment is, in my judgment, the violence it would do to the comprehensive planning process.

It is generally recognized that one of the most valuable contributions to the cause of improved criminal justice made by the Safe Streets Act is the comprehensive planning process. Prior to the act, neither this Nation nor the various States had a "system" of criminal justice. Instead, there existed fragments—police, courts, corrections, prosecution, defense, rehabilitation—each operating with a minimum of coordination or cooperation. The Safe Streets Act brought these diverse elements together in the statewide planning process that involves the cities, counties and States. The result has been a degree of coordination and mutual advancement unprecedented in the field.

The amendment would reverse this progress by requiring a jurisdictional plan rather than a comprehensive statewide plan. The State commitment to planning with cities on such matters and sharing and pooling of resources, regionalized programs, merger of activities, and considerations of intrasystem impact would no longer be required, and the dialog and cooperation between cities, regions and States would no longer occur.

As stated by the National Council on Crime and Delinquency:

> Responsibility for crime control is shared by state and local governments, with the role of the state expanding steadily. The growth of inter-county and interstate crime, the inability of local governments to provide services, and the complexity of local crime control have demanded greater state and Federal involvement. Local agencies cannot meet the problem because effective law enforcement, as well as courts and corrections, cannot be operated by individual communities acting alone. . . .
>
> The machinery of law enforcement in this country is fragmented, complicated, and frequently overlapping. America is essentially a nation of small police forces, each operating independently within the limits of its jurisdiction. The boundaries that define and limit police operations do not hinder the movements of criminals, of course. They can and do take advantage of ancient political and geographic boundaries, which often give them sanctuary from effective police activity.
>
> A serious program of law enforcement assistance will promote at least pooling of police departments in the major metropolitan areas. The President's Commission recommended this, and there really cannot be a question of doing it. Regionalization, sharing of facilities, and services, and realistic planning are going to occur. The real question is who will decide how and which combinations will take place. Cities, even those with a population of 50,000, cannot do it. Metropolitan areas are beyond the jurisdiction of cities. It must be done either by the State or Federal governments.

With each jurisdiction planning only for itself, with no overall objectives and priorities for the State as a whole, waste and duplication through uncoordinated planning will occur.

Again, quoting from the National Council on Crime and Delinquency's support of the bloc grant concept in 1968:

> The possibilities for productive state action are unlimited. Where as funds given directly to cities or counties might permit them to build new jails, a state-operated regional detention center would meet the needs both of that city and other towns nearby. Whereas assistance directly to cities can reinforce the disparity of sentencing within states, funds to states can be used to establish state training institutions for judges and local probation staff to attack the disparity, and to increase use of non-institutional services. . . .
>
> Even in law enforcement, narrowly confined, the states have great responsibility. They determine the division of police responsibilities among jurisdictions and agencies, and decide what will be done by the state police, county sheriffs, and city, township, borough, and village police. They define by law the permissible behavior of police dealing with suspects.

The States do have a strong role in law enforcement. This role would be hampered by a planning process which did not consider the entire State's law enforcement priorities in one plan.

Mr. President, the amendment would severely impede the progress made during the past 5 years in speeding the flow of funds to the areas of need while strengthening the criminal justice systems of each State on a coordinated basis. I therefore urge rejection of the amendment.

Mr. KENNEDY. Mr. President, I would like to draw the attention of the Senator from Arkansas and the Senator from Nebraska to the amendment, and ask them whether it would be any more acceptable to the managers of the bill if we said that the plans of units of local government had to be consistent with the State plan.

Mr. McCLELLAN. I would have no objection, if the Senator provided that the plan be submitted to the States, as with all other applications. But to let a city or a group of 100,000 population say, "This is what we want," without coordination with a State plan, I think, is a mistake.

If the Senator wants to say, "with approval of the State," that would be all right. I have no objection to that.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. KENNEDY. Mr. President, I should now like to propose an amendment which will read as follows——

The PRESIDING OFFICER. Will the Senator please send the amendment to the desk.

The clerk will state the amendment.

Mr. KENNEDY. Mr. President, I should like to ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I should like to modify my amendment as follows——

Mr. COOK. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. COOK. Did the Senator mean to withdraw his amendment or did he mean to amend his amendment?

Mr. KENNEDY. Since I had called for the yeas and nays, I thought that I would start with the modified proposal——

The PRESIDING OFFICER. The new amendment will be stated by the clerk if the Senator from Massachusetts will send it up to the desk.

Mr. KENNEDY. I thought I had just sent it up.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

> On page 13, between lines 19 and 20, insert the following:
>
> "(4) provide for procedures under which plans may be submitted to the State Planning Agency for approval or disapproval annually from units of general local government or combinations thereof having a population of at least one hundred thousand persons to use funds received under this part to carry out a comprehensive plan, consistent with the State plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;".
>
> Renumber the succeeding paragraphs in section 303(a) accordingly.

Mr. McCLELLAN. Mr. President, I have no objection to this amendment as it has now been clarified. I am glad to accept it.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. KENNEDY. Mr. President, I yield back my time.

Mr. McCLELLAN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. Kennedy).

The amendment was agreed to.

Mr. KENNEDY. Mr. President, now I call up my amendment No. 273 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

> On page 47, insert the following after the word "title": "All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein.".

The PRESIDING OFFICER. Will the Senator from Massachusetts clarify a point for the Chair?

Mr. KENNEDY. I shall be glad to do so.

Mr. President, I have just sent an amendment to the desk and asked that it be stated.

The PRESIDING OFFICER. Is that in lieu of amendment No. 273?

Mr. KENNEDY. It is an unprinted amendment which is a modification of amendment No. 273.

The PRESIDING OFFICER. The modification to amendment No. 273 will be stated.

The legislative clerk read as follows:

On page 47, line —, insert the following after the word "title": "All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein.".

Mr. KENNEDY. Mr. President, the purpose of this amendment is to encourage agencies and governments operating data and information systems which are in any way supported by LEAA funds to include information concerning dispositions where arrest information is included in the system.

The use and misuse of arrest records in data banks has been the subject of extensive attention. In June 1971 a district court in the District of Columbia considered a lawsuit to require expungement of an arrest record and in the course of the court's opinion indicated not only that there exists many possible opportunities for improper dissemination and misuse of criminal information, but also that arrest record material "is incomplete and hence often inaccurate, yet no procedure exists to enable individuals to obtain, to correct or to supplant the criminal record information used against them." The court recognized that constitutional guarantees—including the presumption of innocence, due process, the right to privacy, and the freedom from unreasonable search—may be threatened by misuse of arrest records, and it invited legislative guidance setting national policy to build into criminal information systems adequate sanctions and safeguards.

An advisory group of LEAA, the Privacy and Security Committee of Project Search, in a 1970 technical report, urged that procedures be adopted to regularly purge master tapes of outdated information that would give an inaccurate picture of a subject's current behavior, and the American Civil Liberties Union and many other experts support the purging of all arrest records where convictions did not follow.

This amendment does not adopt a rigid, inflexible standard requiring purges or inputs into any criminal information system, and it recognizes the difficulties where disposition information does not reach law enforcement authorities because of judicial control over such information. The amendment does require that where LEAA funds are used—either discretionary or block grant funds—"procedures" be adopted to assure that every arrest record indicate the current status of the criminal charge growing out of that arrest. By "procedures," it is intended that the criminal justice information system at least adopt the procedures set out in Technical Report No. 2 of the Privacy and Security Committee of Project Search. LEAA is presently attempting to require criminal justice information systems it funds under its comprehensive data systems program to adopt these procedures. Unfortunately LEAA has met resistance in its effort probably because of the absence of any explicit Federal statutory requirement, such as that proposed by this amendment.

This amendment is not a comprehensive and final answer to the problem of collection and dissemination of criminal history information. The administration and several committees of the House and Senate have been studying this question for several years. The administration and several Members of Congress have sponsored legislation in this and prior Congresses. Indeed, last year the Senate adopted an absolute prohibition on the FBI's dissemination of arrest records unless they indicated that the defendant was convicted of the charge arising out of that arrest. I understand that the administration is working on such legislation at the present time. Therefore this amendment is designed to protect innocent individuals from being harmed by incomplete or inaccurate criminal history records until such time as Congress adopts more comprehensive legislation.

This is not really a new problem or a new issue. The Judiciary Committee has been concerned with this problem, under the leadership of Senator ERVIN, for some period of time. We have seen that computerized criminal history information has been used by our new Director of the Federal Bureau of Investigation, he believes, with considerable success.

I know that this particular aspect of the collection of information and the availability of information in relation to arrests is of concern not only to law enforcement personnel but also to all citizens, and we must make sure that a final disposition is indicated in the collection and in the distribution of the information.

I know that this entire issue will be examined by the Committee on the Judiciary and that there will be final comprehensive legislation on it. But this is at least an initial step to insure that information systems and data banks which are supported by the Law Enforcement Assistance Administration will include the disposition where arrest information is included in the system.

I think this amendment is a bare minimum attempt by us to provide protection to individuals whose names would appear in such systems. It is a simple amendment, and I hope it will be accepted by the manager of the bill.

Mr. McCLELLAN. Mr. President, I yield myself three minutes.

I think the amendment offered by the Senator from Massachusetts is a good amendment. But I think it needs to be supplemented, and I send such an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the amendment proposed by Mr. KENNEDY to amend the amendment (numbered 248) proposed by Mr. McCLELLAN (for himself and Mr. HRUSKA) to H.R. 8152, an act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes, before the amendment add "(1)" and add the following at the end: "the Administration shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction."

(2) On page 47, line 21, of amendment numbered 248, strike the word "such" and insert in lieu thereof "research or statistical".

(3) On page 52, following line 23, insert the following new subsection: "(n) 'Criminal history information' includes records and related data, contained in an automated criminal justice informational system, compiled by law enforcement agencies for purposes of identifying criminal offenders and alleged offenders and maintaining as to such persons summaries of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation and release."

Mr. McCLELLAN. Mr. President, if this amendment to the amendment is acceptable to the distinguished Senator from Massachusetts, I am prepared to accept his amendment.

Mr. KENNEDY. Mr. President, I believe that the amendment to my amendment actually strengthens the amendment itself. It would provide that an individual would have access to the material that has been collected on him. And it would require information in these computers be relevant to law enforcement and criminal justice purposes. This would be enormously useful and extremely important, and I think it is a very constructive addition. I think it strengthens my amendment.

With these two provisions, the Senate goes on record today in a very important way to insure fairness and equity in the protection of individual liberties for the American citizen.

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. MATHIAS. I am glad that the Senator has brought the subject of this amendment to the attention of the Senate. I generally support the thrust of the amendment. But I am somewhat concerned by the use of the words, on line 4, "to the maximum extent feasible."

"To the maximum extent feasible" is a phrase we sometimes use which has the effect of vesting a considerable amount of discretion in the Department of Justice. I would hope that at some time we would have statutory guidelines which would really shoulder the burden of responsibility that Congress ought to be carrying.

I wonder whether the Senator would comment on his general feeling about what "to the maximum extent feasible" is.

Mr. KENNEDY. It is an attempt to write into the legislation the language to insure that there is no excuse by the departments—the law enforcement agencies, the police departments, and other relevant agencies—for not complying with this provision. This is the strongest language I could think of at this time, without being totally inflexible, to insist that the local departments that do receive the LEAA funds will actually comply with our intentions.

I invite the attention of the Senator from Maryland to the next line in my amendment, which reads:

> The collection, storage and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein.

I would expect that these procedures be incorporated promptly, immediately. Procedures already have been developed under an LEAA grant, Project Search.

Mr. President, I ask unanimous consent to have printed in the RECORD the recommendations as to the procedures contained in the Search report.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

RECOMMENDED SYSTEM POLICIES RELATED TO SECURITY AND PRIVACY

The following list comprises those specific points that the committee believed to be important enough to establish a policy early in the development of a final system concept. Although one of the direct tasks of the committee was to propose procedures for inclusion in the Project SEARCH Operating Manual that would be used during the demonstration, it was very difficult to prepare procedures in the absence of general policies regarding a total system. It became apparent that a set of major policy statements had to be derived as an initial starting point for the procedures relative to the demonstration. Although it is not always easy to determine which policies could be directly implemented for a two-month demonstration, there was general agreement regarding the long-range issues to be treated.

The Project Group officially approved these statements of recommended policy, and the procedures stipulated in the Operating Manual are based on this list.

The reasoning behind each recommendation is presented in the discussions of the following chapters, and a page is cited for reference to the appropriate discussion, where the context is explained. The recommendations are grouped into categories related to later discussion sections.

RECOMMENDED POLICY

Data content

1. Data included in the system must be limited to that with the characteristics of *public record*, i.e.: (Reference pages 16–18)

a. Recorded by officers of public agencies directly and principally concerned with crime prevention, apprehension, adjudication, or rehabilitation of offenders.

b. Recording must have been made in satisfaction of public duty.

c. The public duty must have been directly relevant to criminal justice responsibilities of the agency.

2. Participants shall adopt a careful and permanent program of data verification: (Reference pages 19–20)

a. Systematic audits shall be conducted to insure that files have been regularly and accurately updated.

b. Where errors or points of incompleteness are detected, the Agency of Record shall notify the central index (if necessary) and any participant to which the inaccurate or incomplete records have previously been transmitted.

c. The Agency of Record shall maintain a record of all participants that have been sent records.

d. Within a state, a record should be kept of all agencies to which the system's data has been released.

e. All known copies of records with erroneous or incomplete information shall be corrected.

3. Purge procedures shall be developed in accordance with the Code of Ethics. Each participating agency shall follow the law or practice of the state of entry with respect to purging records of that state. (Reference pages 20–22)

4. A model state statute for protecting and controlling data in any future system should be drafted and its adoption encouraged. (Reference pages 34–37)

Rules of access and data use

5. Direct access to the system should continue to be restricted to public agencies which perform, as their principal function, crime prevention, apprehension, adjudication, or rehabilitation of offenders. (Reference pages 23–28)

6. Definitional questions as to users should be presented for resolution to representatives of all the participating states in the system. (Reference pages 23–28)

7. In order to limit access, the following restrictions should be made: (Reference pages 26–27)

a. Participating states should limit closely the number of terminals within their jurisdiction to those they can effectively supervise.

b. Each participating state should build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration on and operation of the center should provide for the integrity of the data base.

c. Participating agencies should be instructed that their rights to direct access encompass only requests reasonably connected with their criminal justice responsibilities.

8. Requests from outside the criminal justice community to examine data obtained through the system should be honored only if the receiving agency is authorized access by local law, state statute, or valid administrative directive. Efforts should be made to limit the scope of such requirements. (Reference pages 26–27)

9. The security and privacy staff should study various state "public record" doctrines and begin prompt efforts to obtain appropriate exemptions from these doctrines for the system's data. (Reference page 27)

10. The use of data for research shall involve the following restrictions: (Reference pages 32–34)

a. Proposed programs of research should acknowledge a fundamental commitment to respect individual privacy interests.

b. Representatives of the system shall fully investigate each proposed program.

c. Identification of subjects should be divorced as fully as possible from the data.

d. The research data should be shielded by a security system comparable to that which ordinarily safeguards system's data.

e. Codes or keys identifying subjects with data should be given special protection.

f. Raw data obtained for one research purpose should not subsequently be used for any other research purpose without consent of system's representatives.

g. Security and data protection requirements should be included in any research contract or agreement.

h. Non-disclosure forms should be required and the system should retain rights to monitor and, if necessary, terminate any project.

Data dissemination

11. Data received through the system should be marked and readily identifiable as such. (Reference page 27)

12. Heads of agencies receiving information should sign a copy of an appropriate recommended non-disclosure agreement. (Reference page 32)

13. Educational programs should be instituted for all who might be expected to employ system data. (Reference page 30)

14. Users should be informed that reliance upon unverified data is hazardous and that positive verification of identity should be obtained as quickly as possible. (Reference pages 30–31)

15. Users should be clearly informed that careless use of this data represents unprofessional conduct, and may be subject to disciplinary actions. (Reference pages 30–31)

16. The central computer within each state, through which all data inquiries should pass, will screen all inquiries to exclude those that are inconsistent with system rules. (Reference pages 26 and 34)

Rights of challenge and redress

17. The citizen's right to access and challenge the contents of his records should form an integral part of the system consistent with state law. (Reference page 28)

18. Civil remedies should be provided for those injured by misuse of the system where not provided for by state law. (Reference pages 36–37)

Organization and administration

19. The system participants should elect a board of directors (governing body) to establish policies and procedures governing the central index operation. (Reference pages 36–37)

20. The system should remain fully independent of noncriminal justice data systems and shall be exclusively dedicated to the service of the criminal justice community. (Reference page 26)

21. A permanent committee or staff should be established to consider problems of security and privacy and to conduct studies in that area. (Reference page 35)

22. The permanent staff should undertake a program to identify differences among the states in procedures and terminology, and to disseminate information concerning them to all participants. (Reference page 35)

23. A systems audit should be made periodically by an outside agency. (Reference page 20)

Mr. KENNEDY. I think the recommendations in the search report are really first rate. I think there will be very little excuse for there not to be prompt adoption by local agencies. These recommendations are sound, constructive, and well thought out. With the mandate "to the maximum extent feasible," applied in conjunction with the second sentence of the amendment, I would expect that there would be immediate action by local agencies.

Mr. MATHIAS. It is the Senator's view that, in the absence of statutory guidelines, until they can be provided, it should be very strictly construed and rigidly enforced?

Mr. KENNEDY. The Senator is correct.

We want to recognize again that this

is not a final answer to the problems raised by the collection and dissemination of criminal history information. It is enormously complex. It is difficult. It is a sensitive issue and problem. There are competing issues in this area. But this is a first step. I think it is a step which is responsible and one which can be implemented immediately.

I hope the amendment will be accepted.

Mr. MATHIAS. I thank the Senator. I think it is very useful to make clear the continuing interest of the Senate in the subject.

Mr. KENNEDY. Mr. President, I move to modify my amendment, to accept the McClellan amendment.

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and it is so modified.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time on both the amendment to the amendment which has been accepted and on the amendment of the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified.

The amendment, as modified, was agreed to.

Mr. HRUSKA. Mr. President, I should like to make this comment with respect to the amendment which has just been agreed to. I support the amendment. It contains certain features of a bill, S. 2456, which was considered in the 92d Congress by the Committee on the Judiciary. The language in this amendment is not dispositive of the entire problem, but additional legislation will be forthcoming soon on that subject, and it will supplement and complement this measure.

AMENDMENT NO. 275

Mr. KENNEDY. Mr. President, I call up my amendment No. 275.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 37, line 8 immediately after "Federal Government" insert a comma, and the following: "not including the Central Intelligence Agency".

Mr. MATHIAS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. I yield.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Bernadette Fritschie be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the thrust of this amendment is to eliminate the possibility of the Central Intelligence Agency's relying upon the Law Enforcement Assistance Act and its provisions for in any way allowing them to be involved in the training of law enforcement personnel here in the United States.

The reasons for this amendment came about as a result of a newspaper story that appeared in the latter part of 1972 which indicated that the CIA had been involved in training law enforcement personnel.

On December 17, 1972, the New York Times reported that 14 New York policemen received training from the CIA in September in the handling of "large amounts of information." The Times quoted a CIA spokesman as acknowledging that "there have been a number of occasions when similar courtesies have been extended to police officers from different cities around the country."

The General Accounting Office, in investigating the allegations made in the news story, determined that the CIA had been involved in training "within the last 2 years less than 50 police officers from a total of about a dozen city and county police forces." The GAO found that instruction was given "in such techniques as record handling, clandestine photography, surveillance of individuals, and detection and identification of metal and explosive devices."

In response to an inquiry concerning these activities from a House committee chairman, the CIA's legislative counsel replied on January 29 of this year that authority for these activities could be found in the Omnibus Crime Act, in the LEA title. The CIA admitted that the National Security Act provided that "The Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions," but asserted that LEA legislation declared a sense of Congress that the Federal Government assist State and local governments in strengthening law enforcement and specified that LEAA was authorized to use services of other agencies of the Federal Government to carry out its function.

I ask unanimous consent that the letter from Mr. Maury to Congressman Koch be included in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Central Intelligence Agency,
Washington, D.C., January 29, 1973.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: This is in response to your letter to Mr. Helms of 28 December 1972, regarding a New York Times story describing some briefings which the Central Intelligence Agency has provided to the New York Police Department, and to your request during our telephone conversation on the same subject on 23 January 1973.

Regarding the first question in your letter, I do not have a precise figure but I can assure you that less than fifty police officers all told from a total of about a dozen city and county police forces have received some kind of Agency briefing within the past two years.

These briefings have covered a variety of subjects such as the procedures for the processing, analyzing, filing and retrieving information, security devices and procedures, and metal and explosives detection techniques.

These briefings have been provided at no cost to the recipients. Since they have been accomplished merely by making available, insofar as their other duties permit, qualified Agency experts and instructors the cost to the Agency is minimal.

All of these briefings have been conducted in response to the requests of the various recipients. The Agency intends to continue to respond to such requests on matters within its competence and authority, and to the extent possible without interfering with its primary mission.

Regarding the Agency's authority to conduct such briefings, the National Security Act of 1947 (P.L. 80–253, as amended) specifically provides that "the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions." We do not consider that the activities in question violate the letter or spirit of these restrictions. In our judgment, they are entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90–351, 42 U.S.C.A. 3701 et seq). In enacting that law it was the declared policy and purpose of Congress "to assist State and local governments in strengthening and improving law enforcement at every level by national assistance" and to ". . . encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals" (42 U.S.C.A. 3701). By the same law Congress also authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel and facilities of the Department of Justice and of "other civilian or military agencies and instrumentalities" of the Federal Government to carry out its function (42 U.S.C.A. 3756).

The identities of the individual police forces which have attended these briefings have, by mutual agreement, been kept confidential and I would therefore appreciate your treating the information I gave you in our conversation regarding these identities accordingly.

I trust the foregoing information is responsive to your interests, and I will be glad to discuss the matter with you further if you so desire.

Sincerely,

John M. Maury,
Legislative Counsel.

Mr. KENNEDY. This amendment would make it clear that Congress does not approve of the CIA's involvement in domestic training activities and that the LEA statute will not provide authority for such activities.

I think the Law Enforcement Assistance Act should be the authority for providing the training and providing of information and support for training of police officials in this country. But I do not believe there is any room for the Central Intelligence Agency to be involved in this kind of activity. I think this would clarify it once and for all so that the CIA would not be involved in the training of any law enforcement people in this country. With this amendment we would make that our intention clear.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

I do not think that acting on this amendment would unduly reflect on the CIA and its basic activities in any way.

Under the law as written now, the LEAA has a right to call on any agency of Government for cooperation and assistance. I doubt they have been guilty of improprieties up to now, but in view of the situation I think it is very well that the CIA be restricted to its statutory function defined by the statute.

I have no objection to the amendment and I am prepared to accept it.

I yield back the remainder of my time, unless there is some objection.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I thank the manager of the bill, the Senator from

Arkansas, who is the chairman of the Criminal Laws Subcommittee and who has done such an outstanding job in this area.

AMENDMENT NO. 260

Mr. BURDICK. Mr. President, I call up amendment No. 260.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was stated, as follows:

On page 33, line 21, after the word "narcotic" insert the words "and alcoholism".

On page 33, line 25, delete the words "or drug abusers" and insert in lieu thereof a comma and the following: "drug abusers, alcoholics, or alcohol abusers".

The PRESIDING OFFICER. Who yields time?

Mr. BURDICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BURDICK. Mr. President, the Senate today is considering a very important legislative authorization, a continuation of the Law Enforcement Assistance Administration. This agency has provided funding for a number of innovative and successful projects in the correction of criminal offenders, a field in which I am vitally interested. I wish to commend the work of Senator McCLELLAN and Senator HRUSKA on this legislation.

I am pleased to note that the legislative language under consideration today, amendment No. 248, continues part E which directly provides funds for innovations in the field of corrections. One of the changes which would be made by this proposal would require correctional authorities to establish drug treatment programs as a condition for receipt of funds. I would propose a further amendment relating to a requirement for alcoholic treatment programs. I offer this for two reasons. First, there are far more alcoholics under correctional supervision of one kind or another today, and these people commit many millions of dollars of crime each year. I believe that it is necessary for the States to take into consideration the problems of alcoholism in planning for the future of correctional programs. In addition, there are a number of small penal and correctional institutions where it is difficult to justify expenditure for drug treatment programs alone, but which could readily offer combined drug and alcoholic treatment. These programs can and should exist side by side and share in resources.

Mr. McCLELLAN. Mr. President, I have no objection to the amendment.

Mr. HRUSKA. I have no objection to the amendment.

Mr. McCLELLAN. I yield back my time.

Mr. BURDICK. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 259

Mr. BURDICK. Mr. President, I call up my amendment No. 259.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 13, line 3, delete the period and insert in lieu thereof a colon and the following: *"Provided, however,* That the Administration may in its discretion waive one-half of such requirement for aggregate non-Federal funding until such time as the legislature of such State shall have next convened in regular session, or until January 1, 1975, whichever is earlier.".

Mr. BURDICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BURDICK. Mr. President, the legislative proposal before us today, amendment No. 248, makes certain modifications in the requirements for cash contributions from the States toward the cost of local projects funded under LEAA. The proposal before us would decrease the State requirement in some cases, but would double it in certain other areas. In order to ease the transition which the States would have to make under this legislation, I urge the Senate to adopt the amendment I am now proposing. It would allow these new requirements for cash from the State treasuries to be waived until the State legislature has had an opportunity to meet. As all of you are no doubt aware, the legislature of many States are not likely to be in session when the legislation which we are considering today becomes effective. In order to assure orderly progress, I believe that it is necessary for the States to be given flexibility in meeting their obligations.

Mr. President, this merely permits the States, until their legislatures meet or until January 1, 1975, whichever is the earlier, to come under the funding of the present law.

Mr. McCLELLAN. Mr. President, this is a wise amendment, in view of the change in the Federal law, to give the States an opportunity to adjust to the change in the Federal law. I have no objection to it.

Mr. HRUSKA. Mr. President, I have no objection to it. I would approve of the amendment.

Mr. McCLELLAN. Mr. President, I yield back my time.

Mr. BURDICK. Mr. President, I ask unanimous consent that a letter from the North Dakota Combined Law Enforcement Council be made a part of my remarks at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA COMBINED
LAW ENFORCEMENT COUNCIL,
Bismarck, N. Dak., June 25, 1973.

Hon. QUENTIN BURDICK,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BURDICK: Oliver Thomas of my staff informs me that Jim Meeker called the other day regarding the proposed LEAA legislation. I certainly appreciate Mr. Meeker's thoughtfulness and your continuing interest in the LEAA program. I would like to re-emphasize the point that Mr. Thomas made relative to construction grants. As I understand the proposed change in the federal law the matching formula for most grants will be changed from a 75–25 basis to a 90–10 basis. The state must then put up 50 percent of the local match which would, in actuality, amount to 5 percent of the total project costs for a regular program grant. The Law Enforcement Council certainly endorses this change and requests your enthusiastic support. However, the problem that I see in this bill relates to the effect that it will have on construction grants. The Law Enforcement Council over the past several years has set aside approximately 25 percent of its block grant monies for construction purposes. Construction, generally, entails the building of combined law enforcement centers. The matching ratio is 50–50. If I interpret the proposed legislation correctly it will be necessary for the state to contribute 50 percent of the local match or, in the case of construction grants, 25 percent of the total costs. When we presented our budget request for construction projects to the State Legislature we requested a buy-in which amounted to 12½ percent in state appropriated funds. If the legislation, as presently proposed, is enacted it will mean that we will be 12½ percent short in our state appropriation. Some solutions to this dilemma are 1) change the matching formula for construction to 75–25, 2) change the state's matching portion for construction to 25 percent of the local share, 3) delay enactment of the change until the State Legislature has an opportunity to consider the matter or 4) simply reduce the amount of construction grants available through the block grant program. The last alternative is by far the least desirable.

I would certainly appreciate your considering this problem and exerting all efforts possible to change the proposed legislation so that it will be possible to continue to fund construction projects here in North Dakota. I believe that option 3 is perhaps the most feasible solution at this time. The Law Enforcement Council does feel that construction of these law enforcement centers will result in the provision of better and more efficient law enforcement services for the citizens of our state.

Sincerely yours,
KENNETH J. DAWES,
Executive Director.

Mr. BURDICK. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BAYH. Mr. President, I call up my amendment No. 287.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 287) is as follows:

On page 12, line 13, after the period, insert the following: "No State plan shall be approved as comprehensive, unless it includes a comprehensive program for the improvement of juvenile justice, as defined in part G, section 601(n), and provides that at least 20 per centum of Federal assistance granted to the State under parts C and E for the first fiscal year after enactment of this section be allocated to such comprehensive program for the improvement of juvenile justice, and that at least 30 per centum of Federal assistance granted to the State under parts C and E for any subsequent fiscal year be allocated to such comprehensive program for the improvement of juvenile justice.".

On page 52, after line 23, insert the following:

"(n) 'A comprehensive program for the improvement of juvenile justice' means programs and services to prevent juvenile delinquency, rehabilitate juvenile delinquents, and improve the juvenile justice system, which includes, but is not limited to, the following:

"(1) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, and any other designated community-based diagnostic, treatment, or rehabilitative service;

"(2) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit, so that the juvenile may be retained in his home;

"(3) community-based programs to support, counsel, provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

"(4) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted youth, and 'drug dependent' youth (as defined in *section 2*(g) of the Public Health Service Act (42 U.S.C. 201(g));

"(5) educational programs or supportive services designed to keep delinquents or youth in danger of becoming delinquent in elementary and secondary schools or in alternative learning situations;

"(6) diagnostic facilities and services on a statewide, regional, or local basis;

"(7) expanded use of probation as an alternative to incarceration, including programs of probation, subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel, and community-oriented programs for the supervision of juvenile probationers and parolees; and

"(8) programs and services, including training of court and correctional personnel, to improve the administration of juvenile justice, and to protect the rights of juveniles.".

Mr. BAYH. Mr. President, I wish to emphasize the fact that this amendment has not only the endorsement but the strong support of the distinguished Senator from Kentucky (Mr. COOK), the distinguished Senator from Maryland (Mr. MATHIAS), and my following distinguished colleagues: Mr. ABOUREZK, Mr. BENTSEN, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGOVERN, Mr. NELSON, Mr. PEARSON, Mr. SCOTT, Mr. HATFIELD, Mr. GRAVEL, Mr. CANNON, and Mr. JAVITS.

The Senator from Nebraska suggested that when sufficient Senators were present, we should ask for the yeas and nays. I am advised by the distinguished Senator from Florida that there are perhaps sufficient of our brethren in the cloak room to ask for the yeas and nays at this time.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Indiana may proceed. How much time does the Senator yield himself?

Mr. BAYH. Mr. President, I yield myself 7 minutes.

Mr. President, I have the good fortune of serving on the Judiciary Committee with the floor manager of this bill, the distinguished senior Senator from Arkansas (Mr. MCCLELLAN). I know how hard he and the other members of that committee including the distinguished Senator from Nebraska, have labored to provide strong and effective legislation in this area.

The amendment the Senator from Indiana proposes at this time is not designed to find fault with their efforts. Rather, it is designed to carry out the responsibility that the Senator from Indiana has as the chairman of another very closely related subcommittee of the Judiciary Committee, the Juvenile Delinquency Subcommittee.

The Senator from Indiana thinks that this measure, which is cosponsored by the 15 other Senators I have mentioned, is will make it possible for us to control crime with more efficiency and with a higher degree of success.

Mr. President, as chairman of the Juvenile Delinquency Subcommittee, I know beyond question that juvenile delinquency is one of the most critical aspects of the crime problem facing our Nation today. The statistics are alarming, and too often ignored. During the past decade, for example, arrests of juveniles under 18 for violent crimes, such as murder, rape, and robbery, jumped 193 percent. During the same period, arrests of juveniles for property crimes, such as burglary and auto theft, increased 99 percent. Recidivism among juvenile offenders is currently estimated to be between 74 and 85 percent. One can only conclude that existing programs are inadequate and ineffective.

Today I am offering an amendment to the bill extending the Law Enforcement Assistance Administration which will be an important first step in reversing this alarming trend. Two of my distinguished colleagues on the Juvenile Delinquency Subcommittee, Senator COOK, the ranking minority member, and Senator MATHIAS, are joining with me in introducing this measure.

Our amendment requires a State to allocate 20 percent the first year, and 30 percent in every subsequent year, of the LEAA block grants it receives to a comprehensive program to improve juvenile justice. Our amendment does not authorize any additional appropriations: it simply insures that States will allocate crime control funds more nearly in proportion to the seriousness of the juvenile delinquency problem than is now the case.

While the percentages vary from State to State, more than half the States allocated at least 20 percent of their LEAA funds to juvenile delinquency in fiscal 1971. In my own State of Indiana, for example, 21.3 percent of the block grant funds were allocated to juvenile delinquency programs in fiscal 1971. Although State by State percentage breakdowns are not available for fiscal 1972, the average percentage of block grants allocated to juvenile delinquency has increased slightly this past year to 21 percent. Thus, our amendment, which requires that 20 percent of block grant funds be allocated to juvenile delinquency programs the first year and that 30 percent be allocated in any subsequent year, would allow the States adequate time to make the necessary transition.

In light of the fact that juveniles account for half the crime problem in this country, we believe that our amendment requires only the minimal acceptable effort. To do less would be unthinkable. The statistics—and our own experiences—demonstrate overwhelmingly that today's juvenile delinquent is tomorrow's adult felon. Our past efforts have failed largely because they have been so grossly inadequate. As legislators, we must go on record that we believe that our crime control money should be put to work on our biggest crime problem—juvenile delinquency.

Our amendment gives the States maximum flexibility to determine their greatest needs with respect to juvenile delinquency programs and services. As part of its application for part C and part E block grant funds, a State would be required to include a comprehensive program for the improvement of juvenile justice. This comprehensive program is broadly defined in our amendment to include programs and services to prevent juvenile delinquency, rehabilitate juvenile delinquents, and to improve all aspects of the Juvenile Justice System.

Our definition of a comprehensive program includes, but is not limited to: First, community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, and any other designated community-based diagnostic, treatment or rehabilitative service; second, community-based programs and services to work with parents and other family members to maintain and strengthen the family unit, so that the juvenile may be retained in his home; third, community-based programs to support, counsel, provide work and recreational opportunities for delinquents and youths in danger of becoming delinquent; fourth, the comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted youth, and drug dependent youth; fifth, educational programs or supportive services designed to keep delinquents or youth in danger of becoming delinquent in elementary and secondary schools or in alternative learning situations; sixth, diagnostic facilities and services on a statewide, regional, or local basis; seventh, expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel, and community-oriented programs for the supervision of juvenile probationers parolees; and eighth, programs and services, including training of court and correctional personnel, to improve the administration of juvenile justice, and to protect the rights of juveniles.

The programs outlined in our definition of "comprehensive program for the improvement of juvenile justice" are by no means an exclusive list. Each State will assess what types of programs and services are necessary to meet its particular problems. Any part C and part E block grant funds which it expends for these juvenile delinquency programs would be counted toward the percentage requirement established by our amendment.

During the past 2 years, the Juvenile Delinquency Subcommittee has conducted numerous hearings and heard from countless witnesses about the failure of our existing effort to prevent and control juvenile delinquency. We have learned that the juvenile justice system too often makes hardened criminals of first offenders through a woefully unsatisfactory program of incarceration and nonrehabilitation. We have learned that it is far more effective as well as less expensive to treat a first-time juvenile offender with intensive probation services, while he remains at home, than to lock him away in an institution. We have learned that nothing less than a dedicated effort—like the one this amendment will begin—has a chance to reverse the alarming upward spiral of juvenile delinquency.

It is the shame of the entire system of justice in this country that once a teenager is arrested for experimenting with marihuana or stealing a car for a joyride that the treatment he is likely to receive can set him off on a life of crime which might easily have been prevented.

Hundreds of thousands of young children enter the juvenile justice system because they are charged with juvenile status offenses, such as running away from home or being truant from school. These children have done nothing criminal; rather, they are the victims of parental and societal neglect. Too often, these children are locked up with sophisticated offenders in institutions where they are physically beaten, homosexually assaulted, or terribly neglected. We need programs to respond to the needs of these young people, programs that will help them remain in their families, their schools, and their communities. We cannot be assured of these progressive programs unless we act—act now to pass this amendment.

The amendment which the Senator from Kentucky and the Senator from Maryland and I, as members of the Juvenile Delinquency Subcommittee, are offering today is designed to strengthen the effort that our Nation is making to prevent that first juvenile offense and to try to rehabilitate that offender once he or she has committeed that juvenile offense.

If we look at the statistics, we see that 95 percent of all adult felons have juvenile records, and that half the crimes in this country are committed by youngsters not old enough to vote. These are alarming facts which point to one very sad conclusion: whatever we are doing in the area of prevention and rehabilitation has been a dismal failure.

The Senator from Indiana and those who have joined him in this effort are trying to apply the age-old principle that an ounce of prevention is worth a pound of cure. If by investing more of our resources, we can get the young people back in school, if we can provide dispositional alternatives to a juvenile court judge, instead of incarcerating juveniles in jail with hardened criminals or sending young people to reform schools which do not rehabilitate them. Instead, if we can provide adequate resources to deal with the problems of young people, perhaps many more young people can avoid criminal lives.

Very simply, Mr. President, the amendment before us would do two basic things: First of all, it would require that any State, in its comprehensive planning application for LEAA block grant funds, would have to include a comprehensive program for treating the problems of juvenile delinquents and potential delinquents.

Second, and of equal importance, we are going to assure that each State gives adequate attention to the problems of juvenile delinquency. We need to do more than talk about rehabilitation and correction. We are going to require the States to invest 20 percent the first year, and 30 percent in every subsequent year, of their block grant funds in this comprehensive juvenile justice component.

This amendment is not a straitjacket. It is not tying the hands of the State; rather it is requiring them to invest in a wide variety of prevention and treatment programs, so that the juvenile may be retained in his home, in his school, in his community; community-based programs and services to work with parents and other family members; community-based programs to support, counsel, provide work and recreational opportunities; comprehensive programs of drug abuse education and prevention; educational programs and supportive services designed to keep delinquents or youths in danger of becoming delinquent in the school system.

We are trying to get this country to commit within a year 30 percent of LEAA resources in a wide variety of programs to prevent juvenile delinquency, rehabilitate juvenile delinquents, and to improve all aspects of the juvenile justice system.

Mr. President, I yield 4 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, I thank the distinguished Senator from Indiana. I expect that perhaps the Senator from Maryland might want to add something to this. I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am pleased to join today with Senator BAYH and Senator COOK in proposing an amendment to the Omnibus Crime Control and Safe Streets Act of 1968 which would require the allocation of a portion of LEAA funds to State programs dealing with juvenile justice. The allocation less than 20 percent of the funds to a State in the first year and no less than 30 percent of such funds in subsequent years for programs directed at improving juvenile justice.

In 1971, I introduced S. 2148, a bill cosponsored by 26 other Senators which would have provided for a comprehensive grant program for the prevention of juvenile delinquency and the rehabilitation of juvenile delinquents. A major feature of that bill was the requirement that no less than 40 percent of part C LEAA funds be allocated to juvenile justice programs following a 2-year grace period. The amendment we offer today substitutes a two-stage requirement for the grace period and requires a lower percentage of LEAA funds to be devoted to the juvenile justice component. In light of the 19 percent of LEAA block grant funds now being devoted to juvenile delinquency programs nationwide, I believe this amendment represents a significant improvement.

The Senate is well aware that there is frequently controversy over the most effective place in the law enforcement-criminal justice system to place resources for the purpose of combating crime.

Some believe that increasing police effectiveness should be the major priority so that crimes can be deterred and criminals apprehended. Others would place their emphasis on the courts and the processing of alleged violators. Still others view the role of our prisons and our rehabilitative programs as holding the key to reducing crime in America by reducing recidivism. I might add that as a member of the Penitentiaries Subcommittee of the Judiciary Committee, I have been greatly impressed with what I have learned of this portion of the criminal justice system and I believe that improvements in the corrections part of the criminal justice "pipeline" to be of vital importance. Still others stress factors which will prevent motivation for crime, such as a strong economy, jobs, and education.

I am cognizant of the importance of all of these components of the criminal justice system and believe that the amendment which Mr. BAYH, Mr. COOK, and I offer today is consistent with their importance. Statistics show that juveniles account for half the crime problem in the United States. They also show that juvenile crime is on the rise over the last decade and that an alarmingly high rate of recidivism exists among juvenile offenders. In addition, in my opinion, the juvenile justice system is poorly equipped—perhaps even more poorly equipped than the general criminal justice system—to deal with the particular problems presented by juveniles.

Efforts to improve this juvenile justice system—efforts which hopefully will lead to a reduction of juvenile crime and better methods of dealing with juvenile offenders, will rebound to the benefit of the entire law enforcement-criminal justice system. If we can help prevent today's juvenile offender from becoming tomorrow's repeated adult violator, we can relieve some of the burden on the police, the courts, and the corrections system. The amendment we offer today is, in my opinion, a first step in this direction.

The chaneling of additional funds into programs designed to combat juvenile delinquency is not, I hasten to add, the whole answer. Yesterday and today, the Subcommittee on Juvenile Delinquency of the Judiciary Committee, of which I am a member, held hearings on legislation to deal with a number of other problems of juveniles. I applaud these efforts and look forward to working with the other members of the subcommittee on legislation dealing with these problems. But I do not think action should await such legislation and I believe that such action should be taken today by the adoption of the proposed amendment.

It was fashionable a few years ago to talk of breaking cycles—cycles of crime, cycles of poverty. We have gotten away from this rhetoric but hopefully we have not gotten away from the idea. I am hopeful that we attack the crime problem where the problem is bred—among young people and juvenile offenders. Our amendment is an attempt to do this.

Mr. COOK. Mr. President, a national average of the LEAA block grant money that must be allocated toward the improvement of juvenile justice is around 21 percent now. For instance, in the State of New York the percentage is somewhere around 25 percent. The percentage in my State is 22.9 percent.

The Senator from Oklahoma is here. The percentage in his State is 23.2 percent. This is calling only for an eventual increase of 6.8 percent in that State.

Mr. President, as we know, one of the most difficult problems facing America today is the rapid escalation of juvenile crime in our country. More than half the serious crime in the United States each year is juvenile crime. During the 1960's, the juvenile arrest rate increased approximately 7 times faster than the adult arrest rate. At the same time, arrests of juveniles under 18 more than doubled while the arrests of persons over 18 increased only 17 percent. Even more significantly, arrests of persons under 18 for violent crimes increased almost 3 times faster than the arrest rates for persons over 18.

Since few people are fully aware of the extent of juvenile delinquency in America, there is a tendency to give the problem only cursory treatment or to try to ignore it altogether in favor of other more sensational aspects of the crime problem. For the matter, when the word "crime" is used, most of us immediately think of an armed robbery or a gruesome homicide. We seldom think of a group of high school boys out on a Saturday night looking for trouble, or a teenaged girl running away from home to seek adventure with the street people in any number of major American cities.

In the two examples I have just cited, however, the young participants are primary targets for introduction into our juvenile justice system. In some cases, after initial exposure to our criminal justice system, it may be years before the once-naive adventurer totally extricates himself from the world of courtrooms, probation officers, detention centers, and ultimately, prison. In the year 1973 alone, approximately 1 million juveniles will enter the juvenile justice system and over 100,000 will be incarcerated in various institutions.

In view of this rapid rise of juvenile delinquency in America, I feel it is imperative that Congress recognize the immense proportions of this problem and take appropriate steps to remedy the situation. One of the ways we can accomplish this is by requiring the various State planning agencies to expend a realistic portion of their LEAA block grant money on juvenile justice programs. Therefore, as the ranking minority member of the Juvenile Delinquency Subcommittee, I join today with the chairman of that subcommittee, Senator BAYH, Senator MATHIAS, and several other of my colleagues in cosponsoring such an amendment to H.R. 8152.

Our amendment provides that no State plan shall be approved by LEAA unless it includes a comprehensive program for the improvement of juvenile justice in that State.

In addition, at least 20 percent of the LEAA block grant money under parts C and E of H.R. 8152 must be allocated toward the improvement of juvenile justice in the first fiscal year after enactment of this legislation. Then, 30 percent of the block grant money under parts C and E must be allocated for the improvement of juvenile justice for each subsequent fiscal year during the life of this act.

Mr. President, I am certainly heartened by the fact that in 1972, for the first time in 17 years, there was a decrease in the crime rate in the United States. If we are to continue to win this war against crime, however, we must be more cognizant of the need to impede juvenile crime in America. I believe the amendment we are offering today will substantially improve our efforts to combat the escalation of juvenile delinquency.

Mr. President, I would hope that if this amendment is accepted—and I am sure the Senator from Indiana will join me in this hope—we have an understanding with the distinguished floor manager of the bill and the ranking minority member of the committee that when this bill goes to conference, the basic concept of this amendment will be well understood within the confines of the conference. I hope they will understand the significance of this and will understand that, on a national average, we are increasing the percentage, in essence, no more than 9 percent over the average national utilization of LEAA funds for juvenile programs.

This calls for many programs that we would like to get the States involved in.

We would like to get into the RECORD some expression of the feelings on the part of the manager of the bill and the ranking minority member that when this goes to conference we could be reasonably assured by the Senators that under the circumstances, a real commitment to this amendment, can be made and will be made in conference.

Mr. HRUSKA. Mr. President, I did not hear the inquiry. I am sorry, but I was engaged in colloquy.

Mr. COOK. Mr. President, I say to the Senator from Arkansas and to the Senator from Nebraska that we would like to get some kind of commitment that the basic concept of the amendment and the basic concept of an expansion of juvenile justice systems within the LEAA program will be a serious matter before the conference and that they will attempt to set forth the arguments of the Senator from Indiana, the Senator from Kentucky, and the other Senators who are cosponsors of the amendment to the extent that at least the case will be made and that we can rely upon that fact.

Mr. BAYH. Mr. President, if the Senator would yield, I ask for the indulgence of those two Senators who have worked so hard on this legislation, the distinguished Senator from Arkansas and the distinguished Senator from Nebraska.

I would like to ask the opinion of the Senator from Arkansas concerning the effect of a voice vote—assuming the pending amendment is accepted will we have just as good a chance of sustaining the Senate position in conference on a voice vote as if we require all Senators to come back at this hour for a rollcall vote?

Mr. McCLELLAN. Mr. President, I am in full accord with the general purposes of the amendment.

The States are spending that much money now for juvenile purposes. If we take it all together, they are already spending more than 21 percent directly, and if we take into account all the other money for correctional and other purposes, it would probably reach 30 percent all together, if we allocate the proper part of it to the juvenile effort.

The only thing I am concerned about with respect to the amendment is that we are beginning to earmark all of these funds away.

This is setting a precedent. But as far as the 30 percent is concerned, I have no objection to it. I would be glad to give the amendment my support to that extent. I cannot tell the Senator whether the House would be adamant or not.

Mr. BAYH. May I inquire——

Mr. McCLELLAN. Whether I am going to make an out-and-out, life-and-death fight I do not know. I do not know what the situation will be, and the Senator knows I do not know that until I get there.

Mr. BAYH. No one knows what the situation will be, but we are faced here——

Mr. McCLELLAN. If the Senator wants a rollcall, that is all right with me. I try to accommodate everyone.

Mr. BAYH. I do not want to insist on a rollcall, as long as the manager of the bill will tell us what interpretation is going to be put in the RECORD. I appreciate the fact that the Senator has accepted our amendment's requirement that 30 percent of each State's LEAA block grant funds must be allocated to juvenile delinquency prevention and treatment programs. That may be the answer to the question.

Mr. McCLELLAN. It is not quite a custom, I do not think, to do things around here in a devious way.

Mr. BAYH. I did not mean to suggest that. I am only searching for information. I have never sat on a conference committee in this particular area, and would like——

Mr. McCLELLAN. I think the distinguished Senator from Kentucky has sat on one or two with me, and knows I am not a pushover in a conference.

Mr. COOK. I might say to the Senator from Arkansas, his State is presently receiving a little over 20 percent, so that is not a great increase.

Mr. McCLELLAN. If you take into account that part apportioned to juvenile delinquency as well as that part apportioned to rehabilitation, and these other things, you would have well over 30 percent, in my judgment.

Mr. MATHIAS. Mr. President, I believe the Senator from Arkansas has expressed very well the impact of this problem, and I have confidence that he will support the Senate position in conference.

Mr. McCLELLAN. If the Senator does not have confidence, he can ask for a rollcall.

Mr. BAYH. No, I am sure the Senator from Arkansas will understand that is not the implication, but I do want to be sure that our brethren in the House of Representatives, when they read the RECORD tomorrow morning, will have the benefit of the colloquy we are now developing.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes on the bill.

I would like to express my thoughts in this regard. The concept of bloc grants could be violated by the amendment now under discussion.

We would be doing more by this amendment than simply saying 20 or 30 percent of the money will have to be devoted to this purpose. We would be taking regressive action back toward the outdated notion of categorical grants. As an individual Senator, I cannot support that concept.

That fact, regardless of what the vote is here, will stick out very conspicuously.

I would hesitate not to express these thoughts, for fear that by not presenting them I would be thought to be a burning advocate and zealot for the amendment that is under consideration now. That is not my position. I wanted to make that clear.

Mr. McCLELLAN. As I have stated, the only position I take on the amendment is that so far as the amount is concerned, I do not think it is too much. I fully support the general purpose to be achieved in allocating added funds for the purpose of dealing with juvenile delinquency. But we do take the risk of doing violence to the present approach of the act that the Senator from Nebraska has spoken of. I think we will just take the amendment to conference; and if this is the Senate's position, I will support the Senate's position.

Mr. BAYH. Mr. President, I have no desire for a rollcall if the Senator from Arkansas is willing to accept the amendment.

I must say that I look at the question differently from the Senator from Nebraska (Mr. HRUSKA). He has spoken against the principle of earmarking a certain percentage for juvenile delinquency programs. However, juvenile delinquency is such a critical part of our crime problem that I believe we can, and must, use LEAA funds where our greatest problem is. Our amendment allows the States flexibility to determine what kinds of juvenile delinquency prevention, treatment, and rehabilitation programs they need.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. BAYH. I yield back the rest of my time. I ask unanimous consent to dispense with the request for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Indiana, the Senator from Kentucky, and the Senator from Maryland (putting the question).

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting the nomination of Jack R. Miller, of Iowa, to be an associate judge of the U.S. Court of Customs and Patent Appeals, was communicated to the Senate by Mr. Marks, one of his secretaries.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

The Senate continued with the consideration of the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

Mr. BELLMON obtained the floor.

Mr. JAVITS. Mr. President, will the Senator from Oklahoma yield briefly to me? I assure him that I will take just a minute.

Mr. BELLMON. I yield.

Mr. JAVITS. Mr. President, I send three amendments to the desk.

The assistant legislative clerk proceeded to read the amendments.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with and that the amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments ordered to be printed in the RECORD are as follows:

On page 52, after line 23, add the following new subsection:

"(n) The term 'treatment' includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs or by controlling his dependence, and his susceptibility to addiction.

On page 34, after the period, insert the following new sentence:

"The Administrator shall coordinate or assure coordination of the development of such guidelines with the Special Action Office For Drug Abuse Prevention".

On page 24, following line 17, insert a new paragraph:

"The Institute shall within not less than three years, following enactment of this Title, survey existing and future personnel needs of the Nation in the field of law enforcement and criminal justice and the adequacy of Federal, State and local programs to meet such needs. Such survey shall specifically determine the effectiveness and sufficiency of the training and academic assistance programs carried out under this Title and relate such programs to actual manpower and training requirements in the law enforcement and criminal justice field. In carrying out the provisions of this section, the Director of the Institute shall consult with and make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education and Welfare, Federal, State and local criminal justice agencies and other appropriate public and private agencies. The Administration shall thereafter, within a reasonable time develop and issue guidelines, based upon the need priorities established by the survey, pursuant to which project grants for training and academic assistance programs shall be made."

The PRESIDING OFFICER. Does the Senator from New York desire to have the amendments considered en bloc?

Mr. JAVITS. Yes. I would first like to explain them.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. JAVITS. Mr. President, I am pleased to speak in general support of this legislation which extends and improves the Law Enforcement Assistance Administration. In 1968, Congress set a priority for national crime control, a priority for making our streets safe and our homes secure. During the intervening years funding for this program has been dramatically increased in order to bring about what we all hoped would be major institutional reform in all sectors of the criminal justice system.

Although the national crime rate, as reflected in FBI crime indices, declined somewhat in 1972 for the first time in many years, we cannot diminish our concern about the deplorable conditions that exist in the Nation's courts and prisons.

Although many improvements in the LEAA program have been incorporated into the bill, there is much work which remains to be done in improving the effectiveness of this major Federal anticrime program.

I am particularly pleased that the grant-making process for both the Federal-State block grants and the State-local project grants has been streamlined. Legitimate complaints have been made concerning inexcusable delay and inefficiency in putting LEAA funds to work in the field. The bill mandates LEAA to perform its approval or disapproval functions within 90 days after receipt of the State plan, thus assuring both an adequate time for meaningful consideration and a prompt flow of funds to the States.

I am also pleased to note that recently LEAA has undertaken new efforts in carrying out its civil rights responsibilities. The administration has suggested strengthening LEAA's civil rights enforcement powers and responsibilities. These provisions parallel the language of title VI of the Civil Rights Act of 1964 with an added prohibition against discrimination on the basis of sex. They also specify special procedures for enforcing those provisions.

With reference to the matching requirements, I strongly support the recommendation of the subcommittee that all non-Federal match be reduced from 25 percent of total project cost to 10 percent of project cost. Although I continue to be concerned about the fact that not enough Federal anticrime funds under the LEAA program are going directly to our urban areas where the crime problem is greatest, I am encouraged by the fact that during fiscal year 1972 State planning boards allocated more money than ever before to high crime urban areas.

Mr. President, I have long been involved during my career in the Senate in Federal programs to refine, develop and fund narcotic treatment, rehabilitation and prevention programs as an important tool in our efforts to control juvenile delinquency and criminal conduct. I commend the subcommittee for its decision to require the States to include in their applications for part E corrections funding, plans for programs providing for the development and operation of narcotic treatment programs in correctional institutions, and to require LEAA to issue regulations to guide the States in this important area.

In looking back over the first 5 years of the LEAA program, I would mark as one of the great disappointments of the program the fact that the Institute for Law Enforcement and Criminal Justice has not achieved its original potential. Strong Federal leadership must come from the institute if we are to have genuine reform of our criminal justice system. More imaginative use must be made of the discretionary grant programs, and strong, comprehensive and tough-minded evaluation of all LEAA programs must be undertaken.

Most important of all, minimum program standards for all State block grants must be developed. Unless national standards are adpoted which are tied to priority reform objectives in the police, corrections and courts component of the criminal justice system, we will not be able to measure performance of this program. In this regard, I would hope that th institute would implement many of the recommendations of the National Advisory Commission on Criminal Justice Standards and Goals.

Mr. President, I must continue to express concern about the fact that city governments and local law enforcement agencies do not have an adequate role in the LEAA reform process. They are still required to approach State planning agencies on an ad hoc, piecemeal basis without being able to establish their own comprehensive anticrime priorities. I would support a more responsible role in this process for our high crime urban areas, without altering or weakening the function of statewide planning boards, I believe that local criminal justice plans should be prepared by local units in the aggregate—in coordination with State planning agencies—and block grants awarded to those local governments on the basis of those plans. Such authority would greatly improve the efficiency of LEAA and allow for more comprehensive planning at the local level.

Mr. President, although I support some amendments to the bill I strongly support this legislation and urge the Senate to pass it expeditiously.

Mr. President, the purpose of the first amendment is to define "treatment" wherever it is used in the legislation to provide for a more comprehensive effort toward solving the problem of drug addiction.

This would be achieved by providing for treatment which controls, as well as that which terminates, addiction. Essentially, the use of methadone would be authorized.

Complete recovery of an addict is not always achieved by complete withdrawal from addictive drugs. The underlying cause of such dependence must be eliminated if one who has ceased to rely on drugs is to be able to retain his independence. When a patient is on a methadone maintenance program, his activities no longer must be centered on the attainment of illicit drugs to support his habit, rather he can channel his energies in a more constructive manner and lead a more normal life, while the basic reason for his drug needs are being explored.

This definition is a reflection of congressional policy that narcotic addicts should be afforded the opportunity to be rehabilitated and restored to health for the benefit of both the individuals and society, established by Public Law 92–420. The constructive and enlightened broadened definition of treatment which permits the use of methadone—set forth in this amendment—is in great measure due to the leadership of Senators McCLELLAN and HRUSKA. Their leadership in the passage of the Narcotic Addict Rehabilitation Act Amendments of 1971 became the cited public law and for the first time, permitted persons within the purview of the Narcotic Addict Rehabilitation Act to be enrolled in methadone maintenance programs as an additional mode of available treatment.

Mr. President, the bill adds an important new provision giving support for the development and operation of narcotic treatment programs and facilities for drug addicts in State and local correctional systems. I commend the chairman and the subcommittee for its leadership in this important area.

Public Law 92–255 gave to the Special Action Office for Drug Abuse Prevention governmentwide responsibility for the overall planning, policy, and coordination for all Federal drug abuse programs relating to drug treatment, rehabilitation, training, education, and research. The legislation was predicated upon the principle that antidrug efforts located in 13 different agencies must be better coordinated and that the control of drug abuse requires the development of a comprehensive, coordinated, long-term Federal strategy.

The White House Office, until recently headed by Dr. Jaffe, and now headed by Dr. Dupont, has had mixed results in attempting to coordinate drug prevention activities in HEW, OEO, VA, State, the military departments, and in other Federal agencies. In the development of drug treatment policy through the Bureau of Prisons and LEAA, I am advised that cooperative relationships have already been developed.

Although Public Law 92–255 gave the Director of the Office statutory authority and responsibility for general coordination of all such Federal programs, the purpose of this amendment is to strengthen and formalize that relationship by bringing the Dupont office into the process by which the standards are developed.

I believe it is important for the Office to be meaningfully involved in the development of drug programs in State and local prisons and detention facilities where very little work has been done. In view of the fact that Public Law 92–255 passed the Senate unanimously giving to the Office such a broad mandate to develop all Federal drug treatment policy, I believe the Senate should support this amendment.

Mr. President, when the Safe Streets Act was initially passed, Congress provided for a wide range of programs designed to improve training and education opportunities for professionals working in criminal justice agencies. The National Commission on Correctional Manpower and Training issued its report in 1969 and called for major reform and Federal legislative action in this area. In view of the projected expansion of criminal justice employees and the lack of quality curricula or training institutions, the need was determined to be quite urgent.

The Safe Streets Act authorized LEAA "to carry out programs of academic educational assistance to improve and strengthen law enforcement." Specifically, the program, known as the law enforcement education program—LEEP—provides for loan and grant programs to cover the tuition and fees—coverage of books was added in 1970—of law enforcement personnel enrolled in approved undergraduate or graduate programs.

In 1970, the act was amended to expand LEAA's educational development and training responsibilities. The amendments provide for an internship program to give undergraduates work experience in criminal justice agencies; a training program in organized crime for prosecutors and a regional program of training workshops. The LEEP program accounts for roughly 95 percent of the budget of the manpower division of LEAA. In 1972, it was funded at $29 million, up from $6.5 million in 1969. It operates through grants made directly to participating institutions for financial assistance to qualified students. In fiscal year 1971, 894 institutions participated in the program. I enthusiastically support this program.

One criticism of the LEEP program has been its neglect of criminal justice agencies other than the police. In fiscal year 1971, of the 60,516 persons who participated in the LEEP program, almost 50,000 were police. I would hope that a more equitable participation for other professionals could be developed.

Also, LEAA has not developed manpower projections for the criminal justice agencies or attempted to measure the extent or quality of existing training resources in relationship to the demand for such training. No priorities which aim at improvement of institutional capabilities for reform at the local level have been developed.

The purpose of my third amendment is to redress this failing. It would require the Institute for Criminal Justice to undertake a detailed national survey of criminal justice personnel needs and to relate the LEAA programs to those actual manpower and training requirements. It would further require LEAA to issue guidelines which would establish priorities for the LEEP and other criminal justice manpower programs.

Mr. McCLELLAN. Mr. President, I shall be glad to take these amendments to conference. I know of nothing wrong with them. I yield back my time.

Mr. JAVITS. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. HUMPHREY). All time on these amendments has been yielded back.

The question is on agreeing to the amendments of the Senator from New York (Mr. JAVITS).

The amendments were agreed to.

Mr. BELLMON. Mr. President, I have an amendment at the desk which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 34, following line 4, insert the following:

(11) "Provides for accurate and complete monitoring of the progress and improvement of the correctional system. Such monitoring shall include rate of prisoner rehabilitation and rates of recidivism in comparison with previous performance of the state or local correctional systems and current performance of other state and local prison systems not included in this program."

(12) "Provides that state and local governments shall submit such annual reports as the Administrator may require."

On page 31, line 25, following the word "State' 'insert the following: "or local government."

Mr. BELLMON. Mr. President, my amendment would simply provide a means of finding out which correctional techniques effectively reduce recidivism and which ones are not effective.

One of the principal problems with present efforts to reduce crime in this country is that we do not know accurately which approach to correcting a lawbreaker works and which does not.

The fact is that if every State had the dollars to completely restructure and restaff its correctional system no one would know how to do the job with assurance of obtaining desired results.

Recognizing this need, on February 8, 1971, I introduced S. 662, a bill to promote the development and reform of penal and correctional systems. Part E of H.R. 8152 as amended encompasses this same concept. I congratulate the committee and believe this is an important step in the right direction.

However, to accomplish the needed result a provision needs to be added to make certain that a system of cataloging and evaluating results. Unless we have a means of finding out what works in recidivism, we will never make progress.

This Nation is guilty of carrying on correctional programs which still have their foundations laid in the past. The same basic staffs are carrying on the same basic programs in the same basic structures as were used at the turn of the century.

The need to find out the makeup of staff, the kind of program and the type of institution that can successfully, effectively and permanently turn lawbreakers into productive law-abiding citizens.

This is the purpose of this amendment. It is well to restructure the national correctional system—unfortunately we do not now know how this should be done. My amendment provides an accurate means of finding out which approach gets the best results and for making this information generally available to interested persons.

The amendment includes a second part which will make it clear that both State and local governments are eligible for grants under section E.

Mr. President, I have discussed this amendment with both the ranking minority member and the chairman of the committee, and I believe they have no objection to the amendment.

Mr. McCLELLAN. Mr. President, I am happy to accept the amendment and yield back my time.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

Several Senators addressed the Chair.

Mr. SCOTT of Pennsylvania. Mr. President, I have two rather technical amendments at the desk——

The PRESIDENT pro tempore. The Chair was going to recognize the Senator from Maryland.

Mr. MATHIAS. I have one or two questions that I should like to ask, but I would be happy to defer to the Senator from Pennsylvania (Mr. SCOTT).

Mr. SCOTT of Pennsylvania. I would be very glad to yield to the Senator, so that he can ask his questions.

Mr. MATHIAS. I appreciate very much the Senator from Pennsylvania yielding to me at this time.

Mr. President, I have one or two brief questions. I was very happy to see that the committee embodied in the bill the substance of S. 1796, a bill which I had introduced earlier this year, to authorize grants to interstate regional metropolitan councils for planning in law enforcement. The bill will help to alleviate the problems of metropolitan crime and will make it easier for the interstate regional metropolitan councils to obtain funds for interstate plannng.

I have some questions so as to make it clear as we approach enforcement of the bill—which I have discussed with the manager of the bill—first, is it contemplated that the moneys to facilitate law enforcement and criminal justice planning by interstate councils of governments and planning agencies are to come from part C 15 percent discretionary funds?

Mr. HRUSKA. Mr. President, I yield myself 3 minutes on the bill.

I should like to say to the distinguished Senator from Maryland (Mr. MATHIAS), in answer to his questions—did he pose two questions, or one?

Mr. MATHIAS. I only posed one question. Second, would funds still be available from the States out of part C nondiscretionary funds if several States thought it advisable to contribute to a project by an interstate planning agency?

Mr. HRUSKA. Such funds would be available for those purposes and under those conditions.

Mr. MATHIAS. I appreciate that assurance from the Senator from Nebraska. If there was any doubt as to the language here, that doubt has been resolved.

Mr. HRUSKA. I want to say to the Senator from Maryland that there was a difference of opinion as to whether the language in the amendment was necessary as it was thought that the present language of the act was sufficient for the purpose. However, without getting into it in more detail, let me say that this is an explicit way to describe what we believe might be subject to an uncertain interpretation.

In that connection, I ask unanimous consent, Mr. President, to have printed in the RECORD a short statement on this point, including a table showing the source and the availability of funds under these conditions.

There being no objection, the statement and table were ordered to be printed in the RECORD, as follows:

Mr. President, with respect to amendment No. 248, section 301(b)(10) deserves particular attention. This amendment would authorize funding of interstate metropolitan regional planning units and incorporates the principles of S. 1796 introduced by Senator Mathias. This amendment places the authority to make grants for interstate regional planning units under Part C which we believe will add greater flexibility in funding. By authorizing the funding of interstate metropolitan planning councils from both block and discretionary fund sources, LEAA can assure attention to the priorities for cooperative efforts which is a part of this bill and the House bill. It will also assure that the interstate units will not be in competition with each State's own planning units for scarce planning dollars. The danger of duplication of efforts and proliferation of planning units will be minimized in that each State can see that the interstate efforts are coordinated with its own planning efforts.

COMPARISON

MATHIAS AMENDMENT S. 1796	AMENDMENT NO. 248 TO H.R. 8152
Provision	*Provision*
Amends Part B of the Omnibus Crime Control and Safe Streets Act by adding a new section 206 which authorizes grants to organizations composed or predominantly composed of local elected officials within any interstate metropolitan area for the purpose of interstate regional planning and coordination.	Amends Part C of the Omnibus Crime Control and Safe Streets Act by adding a new paragraph (10) to section 301(b). This authorizes the State and LEAA to make grants for the establishment of interstate metropolitan regional planning units to prepare, and coordinate plans of State and local governments and agencies concerned with regional planning for metropolitan areas.
Amounts and match	*Amounts and Match*
Amount of grant not to exceed 90 per centum of expenses. Funds to be allocated by	Under Part C such grant will not exceed 90 per centum of the expenses. No provision

COMPARISON—Continued

MATHIAS AMENDMENT S. 1796—Continued	AMENDENT NO. 248 TO H.R. 8152—Continued
Amounts and match—Continued	*Amounts and match*—Continued
the Administration according to relative needs and population of an interstate area but no less than $25,000.	for specific amounts for metropolitan planning units. The basic criteria would be need as shown by the size of jurisdiction, nature of interstate problems, etc.
Source of Funds	*Source of Funds*
Sets forth specific authorization of $1,500,000 FY 74 and $2,000,000 FY 75 and FY 76.	Since Part C is amended, both State block grant and LEAA discretionary grants are potential fund sources. Under both the Senate Subcommittee bill and the House bill priority must be given to these types of efforts.

Mr. MATHIAS. I thank the distinguished Senator from Nebraska. With his usual precision, he has made it explicit and removed any ambiguity.

Mr. HRUSKA. I want to thank the distinguished Senator from Maryland for his leadership in this effort.

AMENDMENTS NO. 289 AND 290

Mr. SCOTT of Pennsylvania. Mr. President, I call up two amendments which are at the desk. No. 289 and No. 290, and ask for their immediate consideration. I also ask unanimous consent that they be considered en bloc.

The PRESIDENT pro tempore. Without objection, the amendments will be considered en bloc. The clerk will state the two amendments.

The assistant legislative clerk read as follows:

On page 4, line 16, after the word "executive" add the words "and legislative".

On page 54, line 3, delete the word "annual", inserting in lieu thereof the word "quadrennial" and at line 8, after the word "each", insert the word "fourth".

Mr. SCOTT of Pennsylvania. Mr. President, amendment No. 289 would clarify that the composition of regional planning units under section 203(a) of the bill as amended, be composed of a majority of elected officials representing general purpose local government. The substitute amendment appears to limit such elected officials to executive officials, such as mayors and county executives, whereas my amendment would broaden it to include local legislative officials such as city councilmen and county commissioners or supervisors on these regional units.

The provision in the substitute amendment is intended to insure adequate representation of local elected executives on these boards to insure that such officials who have overall responsibility for coordinating criminal justice or crime prevention programs with other programs being carried out in their jurisdictions would be meaningfully involved in regional planning and priority setting affecting their jurisdictions.

However, the number of local elected executives is limited. By broadening the representation to local elected legislative officials the same purpose will be achieved. These officials are elected by the people, and they, along with local elected executives, have a responsibility for criminal justice as well as other programs being carried out by general purpose local governments.

Now, Mr. President, I wish to speak in support of Amendment No. 290, to change section 670, which requires the Attorney General to submit to the President and to the Congress a report on Federal law enforcement and criminal justice assistance activities.

The amendment would change the present requirement of reporting annually to a requirement that the report be made once every 4 years.

The Attorney General's first such report was issued on September 1 of last year.

It was an extraordinarily comprehensive, thorough, and detailed book of 841 pages.

The report was of such excellence, and so filled with facts, that I believe it serves as a benchmark for all future reports on this subject.

It was the first comprehensive report ever compiled of all Federal law enforcement and criminal justice activities, and contained detailed accounts of the work in these fields by 37 Federal departments and agencies.

The compilation of the report was an exhaustive undertaking, requiring substantial amounts of time for research and writing by each of 37 departments and agencies involved.

The report serves now as the standard, detailed reference work in this field of Federal activity. The areas of specific responsibility will be updated each year in the normal course of events by the 37 departments and agencies in their regular annual reports to the Congress and the President.

It would be needlessly expensive and time consuming for the Department of Justice to recompile this information every single year.

I feel the Congress should not impose upon any Federal agency requirements to undertake activities that might be considered wasteful or mere duplication.

The facts cited in the first Attorney General's report, which was distributed to some 20,000 persons and institutions, are still valid and complete. I am not suggesting there is no need for such reports in the future. I am suggesting, rather, that in the interests of economy and efficiency that there be longer intervals between submission of such reports. Under the terms of this amendment, the next report would be issued in October 1976.

This is a realistic period of time in which to expect sufficient changes in law enforcement and criminal justice activities to warrant a new, comprehensive description and report—under one cover—to the Congress, to the President, and to the people.

I urge the Senate to adopt my amendments No. 289 and No. 290.

Mr. McCLELLAN. I have no objection to the amendments, and I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I wish to take this opportunity to support amendment No. 290 to change a reporting requirement in the Safe Streets Act.

As it now stands, the Department of Justice must prepare a detailed study of all Federal law enforcement and criminal justice activities throughout the Federal Government every year.

This is an important activity, and it is equally important that the public be well informed on the nature and progress of these efforts.

However, the requirement that this report be written and published every year is excessive. Of course, it can be done. However, the question is whether that would be a worthwhile effort. I believe not.

I think we should not burden a Federal agency with a specific assignment that consumes money and staff time unless it is entirely warranted by a need.

There was, without doubt, a genuine demand from the information that was contained in the Attorney General's first report. I am equally convinced that a report on the criminal justice support programs four years hence will be equally worthwhile.

However, I can see no need for a report every 12 months, and I therefore ask my colleagues to lend their own support to this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. McCLELLAN. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 46, lines 17 and 18, strike out "and the Comptroller General of the United States.".

On page 46, line 18, strike the word "their" and insert in lieu thereof the word "its".

On page 46, following line 22, insert the following new subparagraph:

"(c) The Comptroller General of the United States, or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers and records of recipients of Federal assistance under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title."

On page 46, line 23, stike "(c)" and redesignate as "(d)".

Mr. McCLELLAN. Mr. President, in support of the amendment, the purpose of the amendment is to set out more clearly the authority of the Comptroller General to make audits and examinations of the programs authorized under this act.

It is a technical amendment.

I ask unanimous consent to have printed in the Record a letter from the Comptroller General requesting this language.

There being no objection, the letter was ordered to be printed in the Record, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., May 2, 1973.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: It has come to our attention that S. 1234, 93d Congress, a bill which would amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide for special law enforcement revenue sharing, has been referred to your Committee. We are concerned in particular with proposed section 512(b) in which provision is made for review by this Office in the following terms:

"The Comptroller General of the United States is authorized to make reviews of the work as done by the Attorney General, the State governments, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this title."

While under existing law we have access to the books, records, etc., of the Department of Justice, the above-quoted provision does not adequately authorize access to the records of recipients of Federal assistance under such title. Without such access, we cannot evaluate compliance and operations as required. Therefore we suggest for the Committee's consideration the following sentence to be added to section 512(b):

"The Comptroller General of the United States, or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers and records of recipients of Federal assistance under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title."

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

COMMUNITY SERVICE OFFICERS PROGRAM

Mr. PERCY. Mr. President, in its consideration of amendments to the Omnibus Crime Control and Safe Streets Act of 1968, the Senate grapples again with one of the most persistently vexing problems of society; that is, the proper enforcement of its laws and the appropriate Federal role in that process.

The hard questions of crime control and justice have been asked in recent years by the American people in their attempts to come to grips with a problem that threatens the viability of a free and open, yet secure, society. We must seek methods of controlling criminal activity that will not seem oppressive or authoritative to the general community. Responsive government must seem an extension of a shared spirit of concern within the community instead of a strictly external mechanism of control.

In this regard, I am especially hopeful about one particular program in local law-enforcement efforts—the community service officer program. It is a program designed to increase the effectiveness of local crime control while also contributing to the improvement of police-community relations.

This program, allowing the funding of grants for community service officers, was authorized by an amendment to title I of this act that I was privileged to introduce in 1968. That amendment, adopted into law and part of the present legislation, specifies that grants might be approved for:

> The recruiting, organization, training and education of community service officers to serve with and assist local and state law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section.

Subject of course to the approval of the local government or law enforcement and criminal justice agencies.

The amendment was a response to a clear need for an initiative in that area. Such a program was recommended by the President's Commission on Law Enforcement and the Administration of Justice in 1967 and a nearly identical proposal by the National Advisory Commission on Civil Disorders in 1968.

The essence of the concept is that particular attention should be directed to those areas and those segments of our society which are the most seriously affected by crime, especially the densely populated, deteriorating sections of our inner cities.

It is in these areas that relations between the community and the police are notoriously strained and have, in too recent memory, tragically erupted into street violence. It is here that suspicion and hostility rather than confidence have been the order of the day.

My amendment in 1968 was an effort to emphasize to local government the inadequacy of crime control efforts in urban communities and to suggest that the problem was partially structural in nature. Specifically, there is a basic weakness whenever law enforcement is simply superimposed on a community rather than appearing to the people as a natural reflection of their own community concerns.

The community service officer program addressed this problem by creating a link between the community and the police in the person of the community service officer. In addition to performing many of the regular police functions, the community service officer provides a special and critical understanding of his own community. The program helps to minimize the negativism and the demoralization of the adversary relationship. Law enforcement then truly becomes a part of the community, a service in the purest sense; and the enlarged confidence of the people in the police will itself increase the effectiveness of local crime control in that a highly constructive partnership evolves.

I would like to refer my colleagues to the May 10, 1968, Record in which I elaborated certain aspects of the program as I then hoped it would evolve.

Mr. President, I ask unanimous consent that the excerpts be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, I would like to relate specifically the experience of the city of Minneapolis with a community service officer program. In a letter to me dated April 24, 1972, Jerris Leonard, then Administrator of the LEAA, wrote about the program.

Mr. President, I ask unanimous consent that Mr. Leonard's letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PERCY. I would, however, like to read briefly from his letter at this time:

> Although all of the community relations programs have not been as successful as you or I would hope, I would like to give you a report on a current program in Minneapolis which is quite successful. The Minneapolis Police Department was awarded $129,455 by LEAA in FY 1970 to operate a community service officer recruitment and training program.
>
> This particular program has helped to provide positive feedback to and from the minority communities and has aided in the development of a meaningful effort by the Police Department to bring minority members into the police force.

Further, according to Deputy Chief Eugene W. Wilson of the Minneapolis Police Department:

> As project director of the grant, I can state unequivocally that the Community Service Officers Program has benefitted the Minneapolis Police Department as well as the cadet.

The National Institute of Law Enforcement and Criminal Justice, established under the LEAA authorization in 1968, has prepared summaries of a sampling of projects made possible by the community service officer provisions of the LEAA legislation. I believe the summaries are testimony to the wisdom of the broad legislative approach that the Congress took in 1968. We suggested in a general manner the response that local governments might make to the problem of improving police community relations; and, as indicated in the National Institute summaries, the local agencies responded flexibly, according to their special situation and needs.

Mr. President, I ask unanimous consent that the project summaries dealing with community service officers and related concepts be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. PERCY. Mr. President, related programs have been developed in Chicago, Milwaukee, Washington, D.C., Sacramento, Boston, Las Vegas, Denver, Portland, Honolulu, Des Moines, Iowa, Dayton, Ohio, and numerous other cities.

It is clear that the questions of community relations are difficult ones. Not all programs have or can enjoy the success of the one in Minneapolis; but this shows once again the wisdom in the principle of maintaining the greatest discretion at the local level where the problems are most clearly perceived.

It is the Federal role to provide selective supplemental funds and sometimes to suggest appropriate uses of those funds. This was our purpose in permitting funding of community service officers. In the years since the passage of the 1968 legislation, the wisdom of our action has been demonstrated by the experiences of many of our Nation's cities.

But while substantial progress has been made, the problem of unsatisfactory policy-community relations remains urgent; and the funding for community service officer programs under title I, part C of this legislation remains a valuable resource to local government.

The provision for the community service officer funds is maintained as originally adopted in the House-passed bill to revise and extend the LEAA authorization (H.R. 8152) and the Senate amendment No. 248 that is being offered as a substitute to the House bill.

I wish to suggest today that, on the basis of our experience thus far, the program merits your continued support.

Mr. President, I am pleased that the community service officer provisions are being maintained in the LEAA legislation and I am hopeful that they will continue to be of assistance to local crime control efforts.

Exhibit No. 1

The community service officer is a police assistant or police aide. He should be qualified in capability, motivation, and integrity for police assistance work, and be from the locality of the police unit with which he serves. He should be a representative member of the community he will serve in ethnic origin and economic status. He may lack formal requirements for regular police qualifications, such as a high school degree or a spotless arrest record.

His service should be geared to enable him to qualify for regular police status, in most cases.

As a part of the ghetto, the community service officer would have a measure of understanding of ghetto problems that could never be acquired by an outsider. He would be an agent for the people of the central city as much as for the police. He would provide a vital link—a bridge—for communication. He would help translate the concepts of one society to the other. While performing his basic tasks, he could provide the kinds of non-police services that police normally perform outside the ghetto, but rarely have the manpower to provide in the ghetto. This would, by the way, free regular policemen for the very demanding traditional police functions.

The uniformed or at least readily identifiable community service officer, while not possessing full law-enforcement powers or carrying arms, though frequently equipped with a 2-way radio link to police headquarters, would be available to assist precinct level line officers in their regular patrol and investigative work. They would work closely with other uniformed and nonuniformed police personnel to keep open valuable lines of communication to and from the ghetto communities. They would inform the officers with whom they work of the culture, attitudes, and institutions of the community. They would also inform the community of the attitudes and concerns of the police departments.

Community service officers, in addition to continuing their education with the aim of becoming full-fledged police officers, will make a significant contribution to a development of better police-community relations. Indeed, their very presence in the community will symbolize a quickening relationship between the police departments and the community.

The community service officer would be a transfer agent for municipal information to the ghetto community. He would enable a police department to refer citizen complaints, like violations of the housing code or the closing of a school playground to other governmental agencies. He would enable the police departments to handle more service calls, such as getting a homeowner into his locked house or getting a drunk off the street. He could seek to refer delinquent children to a social service agency.

A very important task he could undertake is working with juveniles who were in trouble and explain to parents why their children had been arrested. This juvenile work has been successfully undertaken in Richmond, Calif., where five neighborhood aides have been assigned to a juvenile unit. The Richmond project shows that the community service officer could be very effective in organizing community meetings to deal with problems within the community relating to the police. It is hoped that the community service officer would work with regular policemen in these projects so that the police officer will not be viewed as a more isolated person than he is considered today in many ghetto communities.

The CSO could also be trained to render emergency aid to the sick, the mentally ill, or the alcoholic. He could investigate certain minor thefts and loss of property. This investigative function currently is done by regular officers and is a tremendous drain of man-hours which could be more effectively used for patrol. Creating the CSO might do much to solve some of the manpower problems which prevail in many police department, and allow the police to better serve the public. The community service officer program offers a rapid means of recruiting large numbers of well-qualified and experienced minority group personnel—it is an employment program as well as a police-augmentation program.

The community service officer could provide continuing assistance to families encountering domestic problems; a frequent, but often unrecognized job of our policemen. The CSO could become active in police athletic league activities, Boy Scout troops, and many other character development programs.

In short, there is almost no limit to the function that community service officers could perform with imaginative local programing. The young men reached under this program—many of whom could be returning servicemen—are a valuable source of energy which we can harness and direct into productive community service. We have seen the ugly harvest if this tremendous energy is not directed to creative, beneficial activity. The communuity service officer is one possible way to direct a valuable dynamic human resource to helping inner city residents in particular, and our society generally.

Exhibit No. 2

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Senator Percy: This is in response to your recent letter requesting information regarding the funding of community service officer programs under section 301(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968 and regarding the evaluation of these programs.

Because 85 percent of the Law Enforcement Assistance Administration's Part C action funds is distributed to local units of government by the state planning agencies under the block grant concept, we will not have a complete record of individual subgrants until our Grants Management Information system is fully operational. I have, however, directed the Programs Management Division to manually review the FY 1972 Comprehensive State Plans to determine the number of community service officer programs that will be funded out of FY 1972 block grant funds and the total amount of funds for these programs. This effort will not be completed until after the close of FY 1972, when all the state plans have been approved by LEAA.

I have also had our Programs Management Division compile a list and description of all community service officer programs and all other police-community relations programs funded directly by the Law Enforcement Assistance Administration during fiscal years 1969–1971. This material is enclosed.

Although all of the community relations programs have not been as successful as you or I would hope, I would like to give you a report on a current program in Minneapolis which is quite successful. The Minneapolis Police Department was awarded $129,455 by LEAA in FY 1970 to operate a community service officer recruitment and training program. After initial recruitment problems involving traditional civil service testing procedures, this program has developed into a very beneficial effort to provide better opportunities for minority members to become policemen. The Minneapolis program is one in which the CSO recruits are fully integrated into the police department and are given rotating assignments which familarize them with all aspects of the department's law enforcement program. This particular program has helped to provide positive feedback to and from the minority communities and has aided in the development of a meaningful effort by the Police Department to bring minority members into the police force.

To date we have not had an evaluation of community service officer programs. The National Institute of Law Enforcement and Criminal Justice is presently studying some aspects of community relations programs in police departments. When the general study is completed during the latter half of FY 1973, the National Institute will undertake an evaluation of selected community service officer programs funded directly by LEAA and by the states. I will advise you when this effort is started.

Although this is not a complete answer to your inquiry, I trust you know that LEAA shares your concern about the need for viable community service officer programs as important steps in the effort to improve our criminal justice system.

With kind regards.

Sincerely,

Jerris Leonard,
Administrator.

Enclosure.

Exhibit No. 3

Project Title: Servaid II (Community Service Aides).

Grantee: New York State Division of Criminal Justice Services.

Subgrantee: City of Mount Vernon.

Functional Program Category: Prevention.

Project Director: Edward J. Lorch, Police Department, Roosevelt Square, Mt. Vernon, New York.

Total Project Cost: $113,115.

LEAA Contribution: $81,545.

State Contribution: $31,570.

Period of Award: July 1, 1970-July 31, 1973.

Project Summary: Like many urban areas,

the City of Mount Vernon has encountered a growing antagonism between its police department and its minority group residents. One of the chief concerns of the city's Black community has been its lack of property representation on the Police Department and the general lack of communication with the Department.

To ameliorate the situation the applicant implemented a community service aide program primarily aimed at utilizing young Blacks in an attempt at improving rapport between the Black community and the Police Department, and to recruit young Blacks into the Department. Ten young people were selected for the Aide position, given training in the operation of the Police Department and other city agencies, and assigned a number of tasks including: manning the Police Mobile Information Center to record citizen complaints and requests for service; providing service requested or making referrals; accompanying community relations officers on visits to schools and community group lectures; patrolling the community and maintaining direct contact with its citizens; and assisting police at large public gatherings.

Indices of Effectiveness: The evaluation of the project found it to be successful in performing the tasks cited above. On-site observation, interviews, and attitude surveys show that the Aides were very effective in averting potential conflicts between youth and police during the summer months, in assisting the city's schools in stopping disturbances, in rendering service to the general public in terms of taking complaints, providing referrals, and in following up on these actions. Police officers had a generally favorable attitude towards the Aides—expressing the opinion that the program had helped to improve the police relationship with the public. Surveys taken of the City's youth indicate their awareness and acceptance of the program as a positive force for helping to avert disorder and for "cooling" things. In some respects, however, the evaluation illuminated several weaknesses of the project. Recruitment procedures were far too narrow—none of the Aides was selected through the schools or community groups. Entrance requirements and tests were often irrelevant to the needs of the program, training had to be revised to reflect the requirements of the project, and the city failed to provide sufficient opportunities for admitting Aides into the Department

To correct these deficiencies and expand the impact of the program, the applicant seeks to implement many of the recommendations made by the evaluator. These include: a small increase in the number of Aides (to a total of 14, including several white Aides); improving the recruitment and selection system for Aides, modifying the training procedure to reflect more accurately the requirements of the Aide position; providing greater opportunities for Aides to advance in the program as a reward for effective service, tightening of the administrative controls of the project, and finally, seeking to develop with the City's Civil Service Commission procedures for entry into the Department of some Aides who might otherwise be ineligible for positions as police officers.

Project Title: Expanded School Relations Bureau.

Grantee: Alabama Law Enforcement Planning Agency.

Subgrantee: Montgomery Police Department.

Functional Program.

Category: Prevention.

Project Director: Raymond D. Fowler, Jr., Ph.D., Department of Psychology, University of Alabama, University, Alabama 35476, 205/348-5083.

Total Project Cost: $262,002.

LEAA Contribution: $114,263.

State Contribution: $147,739.

Period of Award: May 11, 1972–April 30, 1973.

Project Summary: To effect early detection and control of juvenile delinquency and to foster deeper understanding between youth and police officers, the Montgomery Police Department established a School Relations Bureau. By placing teams of officers, who work with the 37,000 students in the City's forty-nine public high schools and in three of the City's junior high schools, the School Relations Bureau endeavors to redirect pre-delinquent as well as delinquent behavior.

The school and the Board of Education serve as a conduit through which youth and policemen may encounter one another in a positive and helpful environment. Cooperation between these two agencies has created an opportunity for early detection and correction of problem behavior and for better communication and understanding among school, police and youth.

At the close of 1971, the School Relations Bureau could refer to several favorable results of its program. Placement of officers in a situation where they could be perceived as friends of youth has resulted in an increased respect for and more positive attitude toward law enforcement and police officers. This placement has resulted in the early identification of seriously disturbed individuals while simultaneously maintaining the treatment of nondelinquent behavioral problems in an informal environment outside the criminal justice system.

The coverage of the School Relations Bureau has almost doubled since this grant has gone into effect. Eight additional officers have been placed on the staff, cars and equipment have been purchased for these officers, and a two-week training institute in delinquency prevention has been conducted. A full-time Ph. D. psychologist has been added to the School Relations Bureau staff to work with youth exhibiting delinquent and pre-delinquent behavior resulting from underlying emotional problems.

The School Relations Bureau coordinates the services of many of the community agencies to assist in problems outside of the particular police expertise. Therefore, a student, who shares his problem with the officer in his school, essentially asks for assistance not only from his school and the officer but also from the community agency to which his particular need will be referred.

Indices of Effectiveness: Since the initiation of the project, a decreased tendency for students to progress from minor infractions to more serious ones has been noted. Property damages in the schools as well as acts of violence against persons have declined. Data collected from 1971 and 1972, while inconclusive, indicate the desired tendency to treat more individuals on an informal basis, less on a formal, courtroom basis. With an increase from eight personnel in 1971 to nineteen in 1972, the School Relations Bureau has increased its number of informal dispositions from 422, in 1971 to 649 in 1972, while diminishing the number of cases which had to be disposed formally from 115 in 1971 to 96 in 1972. Preliminary data covering the first months of this grant show an even stronger trend in this direction.

Project Title: Many Aiding Youth By Experience (MAYBE).

Grantee: State Law Enforcement Planning Agency.

Subgrantee: West Orange Police Department.

Functional Program Category: Community Involvement in Local Juvenile Delinquency Prevention Programs.

Project Director: Joseph J. McGuire, Municipal Plaza, West Orange, New Jersey 07052, 201/736-1500.

Total Project Cost: $123,363.

LEAA Contribution: $88,705.

State or Local Contributions: $34,658.

Period of Award: October 7, 1972–October 6, 1973.

Project Summary: West Orange policemen are working hand in hand with university authorities on human relations in a program designed to help youngsters in trouble and to help the police help the youngsters stay out of trouble. They call the program MAYBE (Many Aiding Youth by Experience) but there seem to be few "maybes" voiced over the effectiveness of the project in promoting understanding between the police and youngsters enrolled in the program and their families.

West Orange is a suburb of Newark in populous Essex County. The project was initiated by the West Orange Youth Services Bureau in conjunction with the West Orange Police Department and Seton Hall University. The program, first of all, gives West Orange police officers training designed to enable them to relate better with youngsters and to understand their needs and problems. Seton Hall educators providing the training have in turn been getting the policemen's point of view by spending hours riding in patrol cars and monitoring calls and reports at police headquarters. The theory, explains one of the professors, is that police can give emotional or psychological first aid on the beat just as they give physical first aid; that training in behavioral sciences enables the policemen to deal more effectively with people and their problems.

The second phase of the program is the counseling service bureau which is staffed by 12 counselors from Seton Hall plus four group therapists, a psychiatrist and a psychologist.

Indices of Effectiveness: Between last October and mid-May, the service agency had treated nearly 200 boys and girls between the ages of 13 and 20. The program, aimed at preventive action, is open without charge to any resident of West Orange but most of the youngsters come in through referrals from the police. Youths who have appeared in Juvenile Court can have their records cleared if they agree to counseling and are judged to be making progress in the program. The actual counseling is confidential and winds up with the youngster's family joining him in counseling sessions. People close to the program say the municipality's youngsters are beginning to see policemen in a new light—that they realize police aren't out just to arrest them but are willing to help them out. Representatives from another state have come into West Orange and plan to use the program as a model for one of their own.

Project Title: Crime Prevention Unit.

Grantee: New Jersey State Law Enforcement Planning Agency.

Subgrantee: City of Plainfield.

Functional Program Category: Prevention of Crime Through "Hardening" Crime Targets and Public Education.

Project Director: Charles K. Allen, Director of Public Affairs and Safety, 200 E. Fourth Street, Plainfield, New Jersey 07060 209/561-5933.

Total Project Cost: $60,599.

LEAA Contribution: $45,449.

State or Local Contribution: $15,150.

Period of Award: June 1, 1972–May 31, 1973.

Project Summary: The Plainfield Crime Prevention Unit project has united police and residents of an aging, high crime rate neighborhood in an effort that has had a marked effect on both the incidence of crime and community/police relations. The project director reports that crime statistics in all categories have undergone a steady downward trend since the program was initiated. The unit staff has been engaged in multi-pronged efforts to educate and gain the confidence and cooperation of residents. The unit staff got the program rolling by sending letters describing the aims of the program to all residents and by holding a series of conferences during which problems and complaints were aired and crime prevention tips were provided.

Staff members make daily detailed checks of police reports, using the data to evaluate crime patterns and schedule visits with crime victims. These visits are designed not only to obtain information that might aid in apprehending criminals but to provide suggestions on what can be done to protect the victims from future incidents. The unit makes house surveys, checks locks, advising residents on security precautions and educating them on crime patterns.

Early in 1972, a "hotline" for anonymous reports of suspected criminal activity was established. It has produced an average of a tip a day. Other components of the program are: "Operation Identification", a project to etch commonly stolen household valuables with personal identification markings undertaken with the aid of the local Jaycee chapter; "Operation Good Neighbor"; "Operation Nightlight"; and "Operation Aware", a project designed to let risedents know about all of the other projects. The director notes that both residents and line police officers have accepted the program as a means of reducing crime and the hostility that had built up between the two groups during and after the 1965 riots.

Indices of Effectiveness: The target neighborhood, according to 1969 statistics, contained 12 per cent of the city's population, but accounted for 32 per cent of its adult crime and 52 per cent of its juvenile crime. Generally, the crime rate has gone down during the progress of the project with breaking and entering reduced by 50 per cent over the previous year. Other project results include the production of 8,000 pieces of crime prevention literature and the erection of 64 street lights in the target area.

Mr. McCLELLAN. I know of no other amendments.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The PRESIDENT pro tempore. Is all time yielded back?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 8152) was passed.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be allowed to make certain technical and clerical corrections as necessary in the engrossment of H.R. 8152.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. McCLELLAN, Mr. ERVIN, Mr. HART, Mr. HRUSKA, and Mr. SCOTT of Pennsylvania conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

U.S. COURT OF CUSTOMS AND PATENT APPEALS

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nomination at the desk, which was received from the President today.

The PRESIDENT pro tempore. Without objection, the clerk will report the nomination.

The assistant legislative clerk read the nomination of Jack R. Miller, of Iowa, to be an Associate Judge of the U.S. Court of Customs and Patent Appeals.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FUNDS FOR NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1808.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1808) to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes:

Page 2, line 3, after "appropriated", insert: "out of the Highway Trust Fund.".

Mr. RANDOLPH. Mr. President, I am gratified to report to the Senate that the House of Representatives today passed S. 1808. This bill provides $1.5 billion for the Federal-aid highway program so that it can continue functioning while Senate and House conferees continue to work on the Federal-aid Highway Act of 1973 (S. 502).

Members of the Senate are familiar with the history of S. 502 which has been under consideration by the conference committee since May 6. Our first meetings in conference were productive and agreement was reached on a number of points in the bill. In recent weeks, however, little progress has been made. We reached this plateau in our negotiations when the conferees turned their attention to the most controversial issue in the bill. This issue is whether the Highway Act should provide flexibility in the development of transportation systems to the extent that highway trust funds could be used for public transportation purposes. When the bill was considered by the Senate, an amendment was adopted permitting this use of trust fund resources. The House of Representatives rejected a similar proposal.

The two votes thus established the positions of the two bodies and at this time the conferees of neither House have abandoned them.

There have been thorough discussions on this issue and its wide implications. Conferees on both sides of the table have offered compromise proposals but still we have failed to reach agreement.

Based on our experiences last year, when the 92d Congress adjourned without passing highway legislation, members of the Senate Public Works Committee knew that completion of a new highway bill would be a long and arduous task. Early this year it was apparent that State highway departments were rapidly depleting available highway funds. This situation arose because Federal-aid highway funds normally are apportioned to the States 6 months in advance of the fiscal year for which they are authorized. Funds authorized for fiscal year 1973 were being exhausted and there were no fiscal 1974 authorizations.

After the conference on S. 502 convened, I introduced S. 1808 with the cosponsorship of members of the Senate Committee on Public Works. This measure authorizes apportionment of $1 billion for the Interstate System and $500 million for primary, secondary, and urban extension roads. Both of these figures are within the limits of authorizations which have been agreed to by the conference at this time. The Senate passed S. 1808 by voice vote on May 23.

Until yesterday, members of the House Committee on Public Works had been reluctant to consider this bill. Their feeling was that we might soon reach agreement on S. 502, thus obviating the necessity for an interim financing measure.

Frankly, I did not share this optimism. It was apparent that resolution of the remaining points of dispute in the conference would require several weeks. I, therefore, urged the Members of the House on several occasions to act on S. 1808, so that highway construction in the United States would not come to a complete halt.

Meanwhile, the situation throughout the country continued to deteriorate. States were obligating 1973 funds available to them and projects already underway went forward. The total level of construction activity dropped precipitously. On a yearly basis, an average of about $370 million in new construction contracts are awarded monthly. The level has not been reached in a single month this year. Even in the spring and early summer months, when many highway contracts are awarded, in no month has the total of new highway contracts amounted to more than $254 million. They could reasonably have been expected to be more than $400 million under normal conditions. Approximately 30 States are now without Federal-aid highway money and the situation will be even more critical when the fiscal year ends on Saturday. Without S. 1808, the pot would have run dry.

The conferees met again last night to discuss the Federal-aid Highway Act of 1973. We explored the issues remaining to be resolved and the House conferees at that time informed us of their willingness to take immediate action on S. 1808. That action has been taken today and this bill can soon become law.

I am gratified that the House of Representatives has passed this bill. The continuation of an orderly highway program is important, not only to the development of improved transportation but also to the many thousands of Americans who depend on the highway program for a livelihood. The States already have lost considerable time on their 1973 construction schedules. The enactment of S. 1808 will permit normal activities to resume while Members of the Congress continue to come to grips with the issues that are preventing the enactment of a general highway bill.

I do not view the authorization of interim funds as in anyway reducing the pressure on either the Senate or the House of Representatives to move expeditiously on S. 502. I remind the Senate that the interim financing bill contains no authorizations for the urban highway system. It would be improper to include urban highway funds in this bill since the structure and financing of the urban system is a central feature of the mass transit controversy.

Mr. President, I again express my gratification at the passage of S. 1808 and my appreciation of the attitude of the House conferees in agreeing to this measure. I pledge to Members of the Senate that the conference on the Federal-Aid Highway Act of 1973 will continue to work diligently on the remaining issues so that the full highway programs can continue unimpeded.

Mr. GRIFFIN. Mr. President, I understand that this measure has been cleared with the minority members of the committee and that there is no objection or controversy about it.

Mr. RANDOLPH. Mr. President, the able assistant minority leader is correct. We had felt that Senator STAFFORD would be present. He has been notified, and I am sure he will be in the Chamber in just a few minutes. Perhaps because of some other commitment, he has not yet come to the Chamber.

Mr. GRIFFIN. If the distinguished chairman of the committee will indulge me, perhaps to put in a quorum call, I understand that the Senator from Vermont is on his way to the Chamber and that he will be here momentarily.

Mr. RANDOLPH. He had been notified earlier in the afternoon and indicated that he would like to be here.

Mr. GRIFFIN. We checked with his office, and he is on his way. I think we should hold up action on this matter until he arrives.

Mr. RANDOLPH. I know that there is no problem.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am honored to support passage of S. 1808, which the House passed earlier today, with a technical amendment.

S. 1808 provides an authorization for important Federal-aid highway programs for fiscal year 1974. Many of the States, as my colleagues know, have depleted their available Federal-aid highway funds. This bill will authorize a total of $1.5 billion in obligational authority, a sum that will carry forward important new highway programs for approximately 3 or 4 months.

I would like to take a few moments of the Senate's time to bring my colleagues up to date on developments relating to comprehensive Federal-aid highway legislation.

As my colleagues know, the Congress adjourned in 1972 without adopting new highway legislation. Therefore, one of the first activities of the 93d Congress had to be the development of a new highway bill to carry forward programs that would otherwise expire at the end of fiscal 1973.

Recognizing that this issue would take time to resolve, I was honored to introduce Senate Concurrent Resolution 6, along with the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) and others. That resolution would have authorized the immediate apportionment of $1 billion in Federal-aid support for the Interstate Highway program for fiscal 1974. Introduced in January, that resolution was passed by the Senate on March 6. The House did not act upon it.

A week later, on March 15, the Senate passed S. 502, a comprehensive 3-year bill that would continue the Federal-aid highway program and provided an important new intiative, the so-called Muskie-Baker amendment, which would have opened a portion of the highway trust fund for the support of public transportation including rail mass transit. Subsequently, the House adopted a differing version of S. 502, which lacked this trust fund support for mass transit.

When it became clear that we would not resolve quickly this and some other issues in conference, Chairman RANDOLPH, with my cosponsorship, introduced S. 1808, the bill now before the Senate. This bill passed the Senate on May 23. It was our hope, at that time, that the House would adopt this interim bill, giving the conferees the time needed to complete the action on S. 502 without impeding in any way, the highway programs in the States. Once again, the House did not act on this legislation because they believed that a final resolution of S. 502 was possible prior to the end of the fiscal year.

The conference has met on some 20 occasions and we have resolved many of the provisions that were in dispute.

However, we have been unable to resolve the most significant issue: The issue of urban flexibility in the use of highway trust funds for both highways and mass-transit purposes.

In an effort to resolve these differences, the Senate conferees developed a new approach that built upon a suggestion that had been made by several of the House conferees. This new section would return 20 percent of the gasoline taxes collected nationally to the States for any transportation purpose.

Last evening, the conferees met for several hours at and following dinner. That discussion was most constructive and valuable. But, frankly, it became clear that we could not reach agreement on the Senate's compromise, or any other variation that was suggested last evening.

Because of that awareness, and a desire not to penalize the States, the House conferees agreed to seek adoption of S. 1808.

While I believe that the Senate's June 21 offer represents a reasonable compromise between the two bodies, I recognize there are other variations that could resolve this issue. It is my hope that following the July 4 recess that we will be able to return promptly to conference, to meet this issue head on, and to work out our differences.

Pending that resolution, the adoption of S. 1808 means a fresh flow of Federal-aid funds to the States to allow highway programs to continue. I urge my colleagues to approve this bill.

While I cannot say that the conference can be completed in 1 week or even 1 month, I am confident that a spirit of compromise and cooperation prevails in the conference and that we will have a final 3-year bill to bring back to the Senate in the near future.

Mr. President, to give my colleagues an understanding of the importance of S. 1808, I ask unanimous consent that a table of the funds that will be apportioned under this bill be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

APPORTIONMENT OF FUNDS AUTHORIZED BY THIS BILL

The following table indicates the amounts which would be available to each State under the provisions of this bill:

APPROXIMATE APPORTIONMENT OF FEDERAL-AID HIGHWAY FUNDS PURSUANT TO S. 1808

[In thousands of dollars]

State	Interstate ($1,000,000)	ABC ($500,000)	Total ($1,500,000)
Alabama	$20,247	$9,177	$29,424
Alaska		20,144	20,144
Arizona	19,923	6,479	26,402
Arkansas	7,438	6,590	14,028
California	67,169	31,526	98,695
Colorado	20,325	7,886	28,211
Connecticut	28,449	4,942	33,391
Delaware	1,558	2,166	3,724
Florida	30,939	11,875	42,814
Georgia	24,382	11,382	35,764
Hawaii	10,143	2,347	12,490
Idaho	4,381	4,537	8,918
Illinois	48,304	20,122	68,426
Indiana	11,848	11,054	22,902
Iowa	10,447	9,835	20,282
Kansas	11,848	9,419	21,267
Kentucky	14,465	8,005	22,470
Louisiana	29,733	7,831	37,564
Maine	5,165	3,204	8,369
Maryland	37,514	6,169	43,683
Massachusetts	30,478	8,000	38,478
Michigan	35,025	16,565	51,590
Minnesota	22,795	11,744	34,539
Mississippi	8,771	7,116	15,887
Missouri	18,796	12,758	31,554
Montana	10,074	7,236	17,310
Nebraska	1,480	7,408	8,888
Nevada	4,822	4,584	9,406
New Hampshire	4,312	2,170	6,482
New Jersey	$27,646	$9,607	$37,253
New Mexico	9,094	6,159	15,253
New York	37,671	27,162	64,833
North Carolina	17,895	11,735	29,630
North Dakota	1,549	5,191	6,740
Ohio	30,106	18,414	48,520
Oklahoma	7,115	8,873	15,988
Oregon	24,853	7,050	31,903
Pennsylvania	48,177	19,991	68,168
Rhode Island	8,771	2,531	11,302
South Carolina	8,066	6,227	14,293
South Dakota	3,538	5,466	9,004
Tennessee	13,602	9,849	23,451
Texas	44,884	29,177	74,061
Utah	11,446	4,522	15,968
Vermont	3,734	1,946	5,680
Virginia	42,561	9,953	52,514
Washington	35,162	8,033	43,195
West Virginia	22,560	4,386	26,946
Wisconsin	11,437	11,212	22,649
Wyoming	5,547	4,354	9,901
District of Columbia	23,755	2,481	26,236
Puerto Rico		3,410	3,410
Total	980,000	490,000	1,470,000
Administration's 2 percent	20,000	10,000	30,000
Total	1,000,000	500,000	1,500,000

Mr. BENTSEN. Mr. President, I want to express my personal appreciation to Congressman JIM WRIGHT and the rest of the House conferees on the highway bill for moving this interim authorization highway measure through the House of Representatives. I know that it was their personal preference to have a complete highway bill to offer the Congress and the States, and, indeed, that was my preference as well. However, we have reached a point in the highway conference at which we are, at least temporarily, stalemated. In the meantime, 30 States or more do not have the funds to continue their highway programs, and we are running a real risk of bringing highway construction to a halt in this country. This measure will release some of the undisputed funds to the States and will allow them to continue their efforts while the conferees work to report out a complete bill.

This action today does not lessen the pressure on the House and Senate conferees. The amount of money in this bill represents only a small portion of the funds the States require, and soon we will confront a situation equally as serious as the one we confront today. What this bill does is to give conferees and the States a little breathing room while we continue our work on the larger bill.

I pledge that I, as the chairman of the Senate conferees, will work just as diligently as before to move a complete highway bill through the Congress. I know that my colleagues among the Senate conferees agree with me on this point and will still consider themselves obligated to work as rapidly as possible toward a reasonable solution.

Mr. GRIFFIN. Mr. President, what is the pending question?

The PRESIDENT pro tempore. The question is on the motion to concur in the House amendment to S. 1808. [Putting the question.]

The motion was agreed to.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

ORDER FOR COMMITTEE ON COMMERCE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow the Senate will convene at 10 o'clock a.m., following a recess.

After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The majority leader at that time in all likelihood will call up the continuing resolution. There will be yea-and-nay votes thereon.

The HUD appropriation bill will be taken up Saturday under a time limitation.

Aside from the foregoing, the debt limitation conference report must still be called up, when ready, either tomorrow or Saturday.

Any of the following measures are eligible to be called up on Friday or Saturday at any time as the circumstances permit, and the order of listing is not significant, nor is it all-inclusive:

S. 1435. District of Columbia Home Rule.

S. 2047, Dulles Airport Transit.

H.R. 7445, Renegotiation Act, which expires on June 30.

S. 426, Premarket Testing of Chemical Substances.

Senate Joint Resolution 129, Temporary Extension of Certain HUD Authority.

House Joint Resolution 512, Extension of Certain HUD Authority.

Both Friday and Saturday can be long days, and yea-and-nay votes will occur on both days. Senators will be prepared for possibly long sessions on both days.

The Senate will reconvene on Monday, July 9, following the Independence Day recess—assuming that there will be a recess. The main track item for consideration on the day of our return will be S. 1081, rights-of-way across Federal lands. Any other calendar measures which have been cleared for action prior to that date may be called up on a double-track system for that Monday.

Hence, rollcall votes can be expected on Monday, July 9, when the Senate reconvenes, keeping in mind that we will then have only 4 weeks in which to transact business prior to the August recess.

RECESS UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and at 6:32 p.m. the Senate recessed until tomorrow, Friday, June 29, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28 (legislative day of June 25), 1973:

FEDERAL DEPOSIT INSURANCE CORPORATION

George A. LeMaistre, of Alabama, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of 6 years, vice Irvine H. Sprague, resigned.

U.S. COURT OF CUSTOMS AND PATENT APPEALS

Jack R. Miller, of Iowa, to be an Associate Judge of the U.S. Court of Customs and Patent Appeals vice J. Lindsay Almond, Jr., retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28 (legislative day of June 25), 1973:

DEPARTMENT OF DEFENSE

James R. Schlesinger, of Virginia, to be Secretary of Defense.

DEPARTMENT OF TRANSPORTATION

John W. Barnum, of New York, to be Under Secretary of Transportation.

(The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

U.S. COURT OF CUSTOMS AND PATENT APPEALS

Jack R. Miller, of Iowa, to be an Associate Judge of the United States Court of Customs and Patent Appeals.

HOUSE OF REPRESENTATIVES—*Thursday, June 28, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Seek the Lord and you shall live.—Amos 5: 6.

Dear Lord and Father of mankind, we thank Thee for Thy mercies which are new every morning and fresh every day. By our attitudes may we prove ourselves worthy of the gifts Thou art so abundantly bestowing upon us.

Bless us with good health in mind and body and give us the good sense to take good care of ourselves for the sake of our families and for the good of our country. Deliver us from cynicism which corrodes faith and from discords which discourage our efforts to seek peace and pursue it.

Give to us all faith in the ultimate triumph of righteousness and good will, no matter how dark and dismal the day may seem to be. May our faith be seen in our worship, our words, and our works.

In the spirit of Him whose life is the light of men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8410. An act to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8410) entitled "An act to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. HARTKE, Mr. RIBICOFF, Mr. BENNETT, Mr. CURTIS, and Mr. FANNIN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7528) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 343. An act relative to Federal primary elections and national conventions;

S. 969. An act relating to the constitutional rights of Indians;

S. 1352. An act to require loadlines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes;

S. 1410. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury;

S. 1443. An act to authorize the furnishing of defense articles and services to foreign countries and international organizations;

S. 1615. An act for the relief of August F. Walz;

S. 1618. An act to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building";

S. 1759. An act authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; and

S. 1901. An act to amend the act of August 20, 1963, as amended, relating to the construction of mint buildings.

APPOINTMENT OF CONFEREES ON H.R. 8410, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, Messrs. SCHNEEBELI, COLLIER, and BROYHILL of Virginia.

UNNECESSARY RECORDED TELLER VOTES

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, there is no question about it, that the electronic voting device is saving time for the Members and the staff, but it can be made to be more effective by a change in the rules. We are, in my opinion, having too many rollcall votes, especially recorded teller votes.

Mr. Speaker, I have done some research on this subject. In the first session of the 92d Congress, through June 22, 1971, there were 25 recorded teller votes. Last Friday, June 22, we had had 62 recorded teller votes, over twice as many for the same time as in 1971. Also we have had 271 rollcall votes so far, in comparison to 157 votes in 1971.

Mr. Speaker, I am introducing a resolution today that will raise the number required in order to order a recorded teller vote. The resolution will raise the number from 20 to 44, or one-fifth of a quorum in the House.

Forty-four Members standing is not an unreasonable request, and will reduce unnecessary recorded votes.

COMMENT BY CONGRESSMAN JOHN BRADEMAS ON THE DISCLOSURE IN THE WATERGATE HEARINGS YESTERDAY THAT HE WAS NAMED ON A SECRET 1971-72 WHITE HOUSE LIST OF "POLITICAL ENEMIES" TARGETED FOR RETALIATION

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Speaker, I am honored to be included on the list of distinguished Americans whom the White House conspirators regarded as "enemies."

The secret plan to use Federal money and Federal power to harass critics is further evidence of the contempt for law and common decency that has characterized the Nixon White House.

The real "enemies" Americans must fear are those who would subvert the rule of law and the institutions of freedom.

SOCIAL SERVICES FOR ELDERLY AMENDMENT TO THE PUBLIC DEBT LIMIT

(Mr. HEINZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HEINZ. Mr. Speaker, I rise today to call the attention of my colleagues to an amendment to H.R. 8410, the public debt limit, which was adopted yesterday—Wednesday—when the Senate considered that legislation. The particular amendment, offered by Senator CHURCH, would exempt the aged, blind, and disabled from the requirement that 90 percent of social services funds be directed solely to current welfare recipients.

Because I, and 155 of my House colleagues, believe that this 90-10 ratio has resulted in unnecessarily increased welfare rolls and a widespread reduction of services for a large number of elderly, blind, and disabled persons who are not on welfare, we attempted to eliminate this unfair provision by cosponsoring H.R. 3819, and companion bills H.R. 4636, H.R. 5710, H.R. 5711, H.R. 8018, H.R. 8019, and H.R. 8020, all identical to the Senate amendment. Chairman WILBUR MILLS and Representative HERMAN SCHNEEBELI, both of whom will be House conferees on the public debt limit bill, are also cosponsors of this corrective social services legislation. I am informed that they will support efforts to keep this Senate amendment so that it will be included in the conference report, when it comes to the House for a vote.

It is important that we insure recipients of social services a continuation of those beneficial programs which have permitted them to live independently, with some Government aid, rather than being welfarized or institutionalized at a much higher cost to our taxpayers, and to their spirits.

I urge all Members' consideration and support of this amendment to H.R. 8410, which I expect will be voted on when the debt limit conference report comes before us, probably tomorrow.

PERSONAL EXPLANATION

Mr. HEINZ. Mr. Speaker, on rollcall No. 300 I was unavoidably absent. Had I been present, I would have voted "aye."

RECOMPUTATION

(Mrs. HOLT asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. HOLT. Mr. Speaker, the subject of recomputation of retired pay for members of the military has been an extremely complex and difficult problem for myself as well as all my colleagues on the Armed Services Committee. The debate surrounding this topic has been highly charged since 1958 when the recomputation system was abolished.

From the time of the Civil War until 1958, military retirement annuities were directly tied to active duty pay scales. Fifteen years ago, this 100-year tradition was abandoned by Congress in favor of a cost-of-living increase system. This new system simply has not proved beneficial for retirees.

Previously, retired pay was a function of years of service and merit; today, it is dependent upon one's date of retirement. The inequities of this system are obvious. The gap between active duty pay and retired pay has been widening each year. The cost of living for the man who retired in 1950 is just as great as that for the man who retired during the sixties. And yet, older retirees now receive considerably less than their younger counterparts, in fact, the disparity can be as high as 50 percent.

In addition, many current retirees enlisted at a time when recomputation was the standard method of computing annuities. At retirement time they found that the whole system had been changed. What once had been held out as an incentive for enlistment has now been eliminated by Congress. They have seen their years of service and sacrifice rewarded with a callous breach of faith on the part of the Government.

Recomputation is not another Federal giveaway program; it is just compensation for dedicated service.

I strongly urge my colleagues on the Armed Services Committee to take prompt acton to remedy this injustice.

PERMISSION FOR SUBCOMMITTEE ON INDIAN AFFAIRS TO MEET WHILE HOUSE IS IN SESSION TODAY

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs may be allowed to meet while the House is in session today.

The SPEAKER. Is there objection to the request of the delegate from the Virgin Islands?

There was no objection.

U.S. SPACE WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 223), requesting the President to proclaim the 7-day period of July 16 through 22 of each year as "U.S. Space Week," and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 223

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind; and

Whereas the United States space program and its technology directly and indirectly benefit relations among countries, astronomy, medicine, business, air and water cleanliness, urban development, industry, agriculture, law enforcement, safety, communications, the study of the earth resources, weather forecasting, and education; and

Whereas the United States space program has an efficient organization and strong moral leadership, both of which serve as good examples to the people of the United States and to the people of all nations; and

Whereas the National Aeronautics and Space Administration and other organizations throughout the world involved in space exploration programs have cooperated in the cause of the peaceful exploration of space for the benefit of all mankind; and

Whereas the United States program, through Project Apollo and other space efforts, has provided our Nation with scientific and technological leadership in space; and

Whereas the United States aerospace industry and educational institutions throughout the United States contribute much to the United States space program and to the Nation's economy; and

Whereas in the week of July 16 through 22, 1969, the people of the world were brought closer together by the first manned exploration of the Moon: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President is requested to issue a proclamation designating the seven-day period of July 16 through 22 of each year as "United States Space Week", and calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On pages 1 and 2, strike out the entire preamble.

On page 2, line 4, strike the words "of each year" and insert in lieu thereof ", 1973."

The amendments were agreed to.

The concurrent resolution was agreed to.

The title was amended so as to read: Requesting the President to proclaim the 7-day period of July 16 through 22, 1973, as "United States Space Week."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on House Concurrent Resolution 223.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PRINTING OF HOUSE REPORT ENTITLED "REFORM OF OUR CORRECTIONAL SYSTEMS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–339) on the resolution (H. Res. 462) providing for the printing of additional copies of the House report entitled "Reform of Our Correctional Systems", and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 462

Resolved, That there shall be printed for the use of the Select Committee on Crime of the House of Representatives five thousand additional copies of the House report entitled "Reform of Our Correctional Systems" (Ninety-third Congress, first session).

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. BRADEMAS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, to whom are these reports going to be distributed?

Mr. BRADEMAS. These are to be distributed to the Select Committee on Crime of the House of Representatives.

Mr. GROSS. Would they be available to all Members?

Mr. BRADEMAS. Of course.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF INAUGURAL ADDRESSES BY THE PRESIDENTS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–340) on the concurrent resolution (H. Con. Res. 185) to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 185

Resolved by the House of Representatives (the Senate concurring), That a collection of inaugural addresses, from President George Washington to President Richard M. Nixon, compiled from research volumes and State papers by the Legislative Reference Service, Library of Congress, be printed with illustrations as a House document; and that seventeen thousand and ninety additional copies be printed, of which eleven thousand nine hundred and forty copies shall be for the use of the House of Representatives, and five thousand one hundred and fifty copies for the use of the Senate.

Sec. 2. Copies of such document shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House Documents Rooms.

With the following committee amendments:

Line 7, delete "seventeen thousand and ninety" and insert "sixteen thousand two hundred".

Line 8, delete eleven thousand nine hundred and forty" and insert "eleven thousand and fifty".

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF "THE FEDERAL CIVILIAN EMPLOYEE LOYALTY PROGRAM"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–341) on the concurrent resolution (H. Con. Res. 219) providing for additional copies of "The Federal Civilian Employee Loyalty Program," House report No. 92–1637, 92d Congress, second session, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 219

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Internal Security six hundred additional copies of a report entitled "The Federal Civilian Employee Loyalty Program", House Report Numbered 92–1637, Ninety-second Congress, second session.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF COMMITTEE HEARINGS ESTABLISHING NATIONAL INSTITUTE OF EDUCATION

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–342) on the concurrent resolution (H. Con. Res. 233) providing for the printing of committee hearings establishing a National Institute of Education, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 233

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for use of the House Committee on Education and Labor one thousand copies of the hearings (including the three appendices thereto printed in separate volumes) on H.R. 33, H.R. 3606, and related bills, to establish a National Institute of Education.

The concurrent resolution was agreed to. A motion to reconsider was laid on the table.

PRINTING OF "OUR AMERICAN GOVERNMENT. WHAT IS IT? HOW DOES IT WORK?"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–34[illegible]) on the concurrent resolution (H. Con. Res. 256) to provide for the printing, as a house document, a revised edition of the house document "Our American Government. What is it? How does it Work?" and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 256

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, as a House document, a revised edition of the House document "Our American Government. What Is It? How Does It Work?"; and that two hundred and seventy-two thousand five hundred additional copies be printed, of which two hundred and twenty-one thousand shall be for the use of the House of Representatives and fifty-one thousand five hundred shall be for the use of the Senate.

Sec. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF "STREET CRIME: REDUCTION THROUGH POSITIVE CRIMINAL JUSTICE RESPONSES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–338) on the concurrent resolution (H. Con. Res. 257) providing for the printing of additional copies of the house report entitled "Street Crime: Reduction Through Positive Criminal Justice Responses", and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 257

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Select Committee on Crime of the House of Representatives thirteen thousand additional copies of the House report entitled "Street Crime: Reduction Through Positive Criminal Justice Responses" (Ninety-third Congress, first session).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF "DRUGS IN OUR SCHOOLS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-345) on the concurrent resolution (H. Con. Res. 258) to provide for the printing of additional copies of the House report entitled "Drugs In Our Schools", and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 258

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Select Committee on Crime of the House of Representatives seventy-five thousand additional copies of the House report entitled "Drugs in Our Schools" (Ninety-third Congress, first session).

With the following committee amendment:

Page 1, line 1, delete everything following the enacting clause and insert the following: "That there shall be printed sixty-eight thousand two hundred and fifty additional copies of the House Report entitled 'Drugs in Our Schools', of which fifty-five thousand two hundred and fifty copies shall be for the use of the House of Representatives, and thirteen thousand copies for the use of the Select Committee on Crime of the House of Representatives."

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF SENATE HEARINGS ON ILLEGAL, IMPROPER, OR UNETHICAL ACTIVITIES, PRESIDENTIAL ELECTION OF 1972

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-346) on the Senate concurrent resolution (S. Con. Res. 29) to provide for the printing of additional copies of Senate hearings on illegal, improper, or unethical activities during the Presidential election of 1972, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Select Committee on Presidential Campaign Activities not to exceed five thousand additional copies of all parts of its hearings on illegal, improper, or unethical activities during the Presidential election of 1972.

SEC. 2. The authorization conferred by section 1 of this concurrent resolution shall terminate on February 28, 1974.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF "THE HISTORY AND OPERATION OF THE HOUSE MAJORITY WHIP ORGANIZATION"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-347) on the resolution (H. Res. 457) to provide for the printing, as a House document, the booklet entitled "The History and Operation of the House Majority Whip Organization," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 457

Resolved, That there shall be printed as a House document with photographs the booklet "The History and Operation of the House Majority Whip Organization"; and that 5,000 additional copies shall be printed for the use of the House majority whip.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I shall be glad to yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, what kind of publication is this? Is this to be with pictures and diagrams?

Mr. BRADEMAS. Mr. Speaker, the report to which the resolution applies would provide for the printing of an objective, historical account of the operation of the House majority whip organization. The total estimated cost is $866.86. There will be included protographs in the document.

Mr. GROSS. There will be a few photographs?

Mr. BRADEMAS. The gentleman is correct.

Mr. GROSS. That is the majority whip organization?

Mr. BRADEMAS. The gentleman is correct.

Mr. GROSS. Mr. Speaker, if possible, we ought to have some diagrams to delineate the various lines of command and methods of operation, and so forth and so on.

Mr. BRADEMAS. Mr. Speaker, I would be very glad to call that subject to the attention of those who prepared the document.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF REPORT ENTITLED "ORGANIZED CRIMINAL INFLUENCE IN HORSE RACING"

Mr. BRADEMAS. Mr. Speaker, I submit a privileged report (Rept. No. 93-348) on the resolution (H. Res. 463) providing for the printing of additional copies of the House report entitled "Organized Criminal Influence in Horse Racing," and ask for immediate consideration of the resolution.

H. RES. 463

The Clerk read the resolution, as follows:

Resolved, That there shall be printed for the use of the Select Committee on Crime of the House of Representatives three thousand five hundred additional copies of the House report entitled "Organized Criminal Influence in Horse Racing" (Ninety-third Congress, first session).

With the following committee amendment:

Page 1, line 1, after "printed" insert "concurrently with the original press run".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF REVISED EDITION OF "THE CAPITOL"

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 132) providing for the printing as a House document of a revised edition of "The Capitol," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "four hundred and seventy-two" and insert "five hundred and seventy-five".

Page 1, line 8, strike out "Representatives" and insert "Representatives, one hundred and three thousand copies shall be for the use of the Senate,".

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

NATIONAL MARKETING QUOTA FOR WHEAT REFERENDUM

Mr. FOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1938) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1938

An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof the referendum with respect to the national marketing year beginning July 1, 1974, may be conducted not later than the earlier of the following: (1) thirty days after adjournment sine die of the first session of the Ninety-third Congress; or (2) October 15, 1973.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPORTIONING FUNDS FOR THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Mr. WRIGHT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1808) to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes, as amended.

The Clerk read as follows:

S. 1808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. The Secretary of Transportation shall apportion $1,000,000,000 of the sums authorized to be apportioned for fiscal year 1974 for immediate expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Report Numbered 92-1443.

SEC. 2. For the purpose of carrying out the provisions of title 23, United States Code, there are hereby authorized to be appropriated, out of the Highway Trust Fund, $500,000,000 for the Federal-aid primary system, the Federal-aid secondary system, and for their extensions within urban areas for the fiscal year ending June 30, 1974. The sums authorized in this section shall be available for expenditure as follows:

(a) 45 per centum for projects on the Federal-aid primary highway system;

(b) 30 per centum for projects on the Federal-aid secondary highway system; and

(c) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

SEC. 3. The time requirements in section 104(b) of title 23, United States Code, shall not be applicable to the apportionment of sums authorized by this Act for the fiscal year ending June 30, 1974, and the Secretary shall apportion such sums for such fiscal year as soon as practicable after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. HARSHA. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT) that the House suspend the rules and pass the bill S. 1808, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman from Iowa withhold his point of order?

Mr. GROSS. Mr. Speaker, this bill has been passed.

The SPEAKER. There are other preliminary matters.

Mr. GROSS. Mr. Speaker, I desired to ask a question concerning the bill.

The SPEAKER. The Chair did not see the gentleman.

Mr. WRIGHT. Mr. Speaker, will the gentleman withhold his point of order?

Mr. GROSS. Mr. Speaker, I will not withhold.

The SPEAKER. The gentleman will not permit the proceedings to be vacated, because the Chair did not see the gentleman?

Mr. GROSS. Mr. Speaker, I do not want the proceedings vacated.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present, and evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 305]

Alexander
Ashbrook
Ashley
Badillo
Blatnik
Bolling
Breaux
Brown, Ohio
Burke, Fla.
Chisholm
Clark
Danielson
Davis, Ga.
Dent
Derwinski
Diggs
Fisher
Gray
Holifield
Hungate
Matsunaga
Murphy, N.Y.
Nelsen
Pepper
Peyser
Reid
Rooney, N.Y.
Sandman
Stark
Steiger, Wis.
Teague, Tex.
Thompson, N.J.
Tiernan

The SPEAKER. On this rollcall 400 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPORTIONING FUNDS FOR THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

The SPEAKER. The Chair desires to make a statement.

On the suspension of the rule and passage of the Senate bill S. 1808, the Chair did not hear anyone addressing the Chair, and was not aware that there were Members who desired to be heard on the matter, and after waiting for a time the Chair put the question, which is the common practice.

But in view of the fact that the Chair was in error in anticipating and thinking that the matter had been worked out, without objection, the proceedings whereby the Senate bill S. 1808 was passed under suspension of the rules will be vacated.

The Chair hears no objection.

The Chair recognizes the gentleman from Texas (Mr. WRIGHT) for 20 minutes.

Mr. WRIGHT. Mr. Speaker, this is a very simple bill. It has already passed the Senate. Its purpose is to provide an interim highway funding measure for those States—some 34 of them—which without the enactment of such a measure will be completely out of their highway funds within 30 days. Some 10 States already are out of highway funds. Twenty-four more will have completely exhausted one or more categories of those funds within a matter of days if this bill is not enacted.

This bill simply provides that, on a temporary basis while the House-Senate conference continues its labors in an effort to reach an agreement on the regular highway bill, $1 billion shall be authorized for work on the Interstate System and $500 million shall be authorized for work on the primary, secondary, and urban extension systems.

Last night at 10 o'clock after 2 months of long and intensive negotiations it became evident to the conferees on the House and Senate sides that we were at least temporarily deadlocked. After having made enormous progress on more than 70 provisions of the bill theretofore in disagreement, we have reached an impasse on remaining sections of the bill. Rather than penalizing the States for our inability to agree, rather than putting the House and Senate under the pressures of having to agree on something they might not want to agree to, rather than putting small contractors out of business and people out of work, and rather than making the Northern States which have short building seasons lose completely their entire year's highway construction, we thought the decent responsible thing to do was to pass this interim bill which will hold them for 30 to 60 days.

Hopefully, during that time we can hammer out upon the anvils of mutual compromise and understanding the kind of long-range bill that both the House and Senate will approve and appreciate.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. ANDERSON of California. I thank my colleague for yielding. Being one of those trying to get help for mass transit, I want to join Mr. WRIGHT in asking support of this measure to go along with this 120-day extension, and I emphasize the "one" because I would hope the conferees could come to some agreement in that length of time.

We do not want to be obstructionists. We are all aware of the problem affecting our States. Right now the pot is dry, and by July 30 at least 30, and maybe more, States will have dry pots. We feel the conferees are making headway, but we want them to work out their differences in good faith, and we want to remind them that a mass transit is in dire need, and we are going along on this one extension. We hope in the Members' conference they realize the plight and the needs of those of us in the city.

I thank the gentleman for yielding.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Florida.

Mr. SIKES. I commend the distinguished gentleman and his committee for this step. It is important. There are many States, including mine, which are in a serious plight as a result of being out of funds.

I want to ask the gentleman this question. Do I understand there is a time limit on the period in which the billion and a half would be available?

Mr. WRIGHT. No. There is no precise time limit. We are estimating that this will tide the States over for 30 to 60 days, during which time we earnestly hope we will be able to produce a long-range highway bill.

Mr. SIKES. But there is no time limit on the billion and a half dollars as such?

Mr. WRIGHT. They are to remain available until expended.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Of course, I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I want to express the concern of many in this House, including most of the Members of the New York delegation on both sides of the aisle as to the dissatisfaction we feel at having to pass a continuing resolution at this time.

We appointed conferees on the highway bill on April 19, and the conference has been meeting since the beginning of May. The conferees of the other body have offered a number of compromise proposals which to me seem eminently reasonable and not at all violative of the position of the House, yet our conferees have rejected each one.

For example the Senate has offered a proposal wherein each State would be given back 20 percent of the gasoline tax revenues collected within its borders, for such public transportation uses as it desires. This proposal would not invade the highway trust fund. It would not take one penny from any rural State or rural area. Yet our conferees refused to consider it.

It may well be true that most of the States are very much pinched right now on highway funding, but we must realize that our cities and our suburbs are pinched too. They too are desperately in need of funds for their transportation systems.

Since the House voted on April 19, the energy crisis and the alleged gasoline shortage have been critical, and the EPA has told many of our major cities that they must drastically reduce the amount of vehicle travel within their borders.

Almost all of the 39 Members of the New York State House delegation have joined in writing to ask the conferees to take a more reasonable approach to compromise proposals, and I urge other delegations to do the same.

As I said at the outset of my remarks, we are willing to consider this resolution, but we may not be so willing if any additional extension of it is asked later on.

I urge the House conferees to reconsider what I regard as their intransigent stance and to bring us a bill—soon—that will satisfy all of the interests affected by this highway legislation.

Mr. WRIGHT. Mr. Speaker, I thank the gentlewoman for her comments and I would merely ask her to understand this. The House conferees have not been intransigent or wholly unyielding. We have made numerous overtures in the direction of agreement and compromise. During the first 3 weeks of the conference we did resolve more than 70 different points in disagreement. There existed a spirit of compromise and understanding on both sides.

During the past 4 weeks, House conferees have offered several substantive proposals in an effort to compromise the remaining disagreements. We feel, quite frankly, that we have been more reasonable and conciliatory than the Senators. No doubt they feel they have been more so than we. I think it really unfair to take a position that either the House or the Senate has been totally stubborn.

We have had difficulties, and I must say it has been extremely frustrating to me as chairman of the conference to have been unable to have persuaded our colleagues to find an avenue on which we can walk arm in arm on the remaining four or five items in disagreement. But we continue, dedicated to the proposition that we shall succeed in that endeavor.

Meanwhile, of course, I think all Members would agree that it would be ridiculous to hold the States hostage to our inability to agree. Therefore the only responsible thing remaining to do is to provide them this limited money on this limited basis, during which time we will continue our efforts to find a solution to the long range problem.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. I want to express my appreciation to the Speaker for returning to consideration of this bill and to the gentleman from Texas for his explanation of it. When it was first called for consideration I had no idea of the nature or content of the bill, as was the case of many other Members of the House. I had absolutely no idea of what we were considering for there was no bill available on the House floor.

I support the bill. I think it is a reasonable extension, and again I thank the gentleman for his explanation.

Mr. WRIGHT. I thank the gentleman from Iowa. Surely I would agree that the gentleman and all Members of the House are fully entitled to understand what is involved in the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HARSHA. Mr. Speaker, I would like to point out that this bill is solely an interim measure. As the distinguished gentleman from Texas (Mr. WRIGHT) indicated, there are a number of states which are out of interstate money as of right now. There are an additional number of states which are out of ABC money right now. As time goes by even more will be out of highway money. Without this bill, this means that a number of our American taxpayers are going to be unemployed and that our economy will suffer.

Mr. Speaker, we have got a problem of inflation in this country, and if we delay the construction of these roads which are now under contract by not enacting this legislation, we are going to add to the ultimate cost of those roads and compound the inflationary problem of the highway construction industry. However, more important than that is that hundreds upon hundreds of workers will be laid off and unemployed until such time as the House and Senate can work their will in this conference.

Mr. Speaker, contrary to what the gentlewoman from New York said, and it always amazes me how one not in attendance at a conference can know so much about the transactions in that conference. Not one of the suggestions or proposals by the other side has been in such a form that we could accept it, because each one totally violated the position of the House on the issue of rail transit. As a conferee on that committee from the House, I feel it is my responsibility to sustain the House position as much as possible. There has not been one offer of compromise from the other body that would not do violence to the House position on invading the Trust Fund.

Mr. Speaker, we, on the other hand, on the House side have offered a number of compromises in an effort to try to resolve this issue, each time going a long way from the House position. Therefore, I urge the members not to be misled by the accusations of those who were not privy to the conference and who do not in substance know what they are talking about.

Mr. Speaker, this bill provides for $1 billion for interstate money, and $500 million for ABC money, which is primary and secondary roads and urban extensions of primary and secondary roads. It does not provide any money for mass transit or the urban systems because that is involved in the central issue we are trying to resolve. We have deliberately left out the urban systems and mass transit; retaining that issue for ultimate resolution by the conference committee we are not jeopardizing the House position in any way by this action, but we are trying to alleviate almost sure unemployment and stop breaking up the continuity of the highway construction program.

There was a question raised about when this will go into effect. The language of the bill is mandatory in that it requires the Secretary to apportion the States as soon as practicable after the enactment of this legislation. It is felt that as soon as this is enacted, that the administration will have to issue the apportionments and then the States can immediately obligate the money. In most instances, most of this money will be completely obligated within 30 days. This buys the conferees a little time so that we can hope ultimately to resolve this issue without interrupting the economy of the country, without adding to the unemployment of this nation: Mr. Speaker I urge the adoption of this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I support this apportionment act which will allow the States limited money for the continuation of their highway programs. It affects all the States, but the need for it especially comes home to me since my own State of Arkansas is out of interstate funds and it only has $6 million in ABCD funds for the secondary and primary system.

Mr. Speaker, it is a logical and reasonable approach to allow the conferees to continue their work without pressure that could lead to too hasty and untimely compromises. I fully recommend this legislation be passed.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to support this legislation, which is an interim bill, as a member of the conference committee. I want to state to the Members of the House that last night the House and Senate conferees met together informally in one of the most constructive and productive sessions of the entire conference.

We had an opportunity to elucidate on our own particular views as to what our individual objectives on transportation policy might be. Mr. Speaker, I want to put to rest the fact that, while we have differing points of view, we are a long way from being, in my judgment, at an impasse. With the pressure of time, we felt that this was the better part of wisdom to move toward passage of this interim bill. In this way, those States, the construction industry and the workers dependent upon a continuation of funding for highway projects will not be forced to stop their programing.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the distinguished gentleman from New Hampshire, another conferee on the House side.

Mr. CLEVELAND. Mr. Speaker, I rise in support of S. 1808 as a much-needed interim measure to ease the plight of some 30-odd States whose highway construction programs are impaired by our inability in conference to reach agreement on a highway bill.

At the same time, I wish to add a few words in further explanation of the remarks of my fellow conferee, Mr. HARSHA, concerning the highway conference.

It is true the conferees from both Houses have worked in a spirit of compromise and accommodation to resolve many of the differences between the respective versions of S. 502, the highway bill. But I regret to say that this spirit has been totally lacking regarding the principal issue before the conference: Diversion of highway trust funds for rail mass transit. On this issue, the Senate has been totally unyielding. From the beginning, Senate conferees have insisted that the House agree to the diversion for rail transit.

By contrast, the House conferees have made a momentous concession: We have provisionally agreed to the authorization of $100 million a year or even more over the term of the bill for capital investment in buses. This represents a major departure from past policy regarding use of trust fund revenues and reflects the good-faith willingness of House conferees to go the limit in pursuit of reasonable compromise. Refusing to give due recognition to the magnitude of our concession, the Senate side continues to insist on a complete cave-in by the House side. This unyielding attitude merely serves to reinforce my concern: that the proponents of diversion are bent ultimately on nothing less than massive diversion of highway funds for rail systems in a comparatively small number of large cities.

I have repeatedly stated and do so again that in New Hampshire and many other areas of the country, mass transportation means four wheels on a highway. Indeed, the economies of bus transportation—in comparison to rail transit—are due in no small measure to the fact that the capital investment is shared by multiple users, buses, trucks and private automobiles. Recognizing this, the House conferees have gone the limit in making available the financing for bus transportation under urban system funds. This is as far as we can conceivably go in keeping with the mandate of this body in its rejection of the Anderson amendment. If the Senate side insists on diversion and total surrender of the House position, I foresee a deadlocked conference with consequent losses to highway, highway safety, and urban mass transit programs in this country.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman.

I rise to thank the committee for moving this legislation forward, to remove the tremendous uncertainty which has existed for some months now.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentelman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I rise in support of S. 1808, a bill to authorize the appropriation of $1 billion, to be available for immediate expenditure for construction projects under the Federal-State highway programs.

Right now the Florida State Department of Transportation is literally out of Federal money. On May 15 of this year, the Department returned to the Secretary of Transportation the balance of its unobligated Federal funds for highway construction, as required by law.

Mr. Speaker, the amount of the check sent to the Secretary was $1.60.

Florida is a peninsular State and hence its highway systems are a primary mode of transportation. In addition, the State road systems are further burdened by the presence of millions of out-of-State automobiles every year, especially during the winter months. Florida's Interstate System will total 1,441 miles of multilaned, limited-access highways when it is completed. All State planning and design will be completed by 1975, but the completion of the system itself is dependent on Federal funds.

Florida's primary and secondary roads—the ABC system—total more than 18,000 miles. They are essential arteries for the delivery of Florida's agricultural crops to market centers. And they are increasingly important in linking fast-growing urban areas.

Under the provisions of S. 1808, Florida will receive $30.9 million for interstate construction, and $11.8 million for its ABC system. This is a grand total of $42.814 million. The seriousness of Florida's need for these moneys can be seen in one simple statement—the State department of transportation will obligate the entire sum within 30 to 40 days.

I would like to compliment my distinguished colleagues on the Public Works Committee. When they realized that the current impasse between the House and Senate over the Federal Highway Act of 1973 was working serious financial harm on the States' highway programs, they acted immediately on this emergency bill. Their speedy action to prevent a grinding halt in State highway construction is a reflection of their long-standing concern over successful implementation of the Federal-State highway programs.

I urge my colleagues in the House to give their approval without delay to S. 1808. I also want to express my sincere hope that the conferees will reach an early agreement on S. 502, the Federal Highway Act of 1973. Florida's highway systems are too important to the State and the Nation to face a constant specter of financial disaster.

Mr. WRIGHT. Mr. Speaker, I yield myself 1 minute.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentlewoman from New York.

Ms. ABZUG. Could the gentleman indicate to us whether there is any money in this continuing resolution for the urban system?

Mr. WRIGHT. There is money for the urban extensions. There is no money expressly earmarked for other urban systems.

Ms. ABZUG. Is there any proposal that is intended to take care of that in the interim?

Mr. WRIGHT. According to our information, and that of the Senators who put together the bill, including Senators RANDOLPH, MUSKIE, BENTSEN, BAKER, STAFFORD, and BUCKLEY, these categories covered in the bill are the categories in which States are running out of money. That is the reason for the coverage of those categories in this bill.

The hope is that we will produce a long-term bill within the next 30 days or so, and that bill of course will take care of all the systems on a long-term basis.

Ms. ABZUG. Is it the gentleman's impression that there have been no responses from the conferees in the other body with respect to any of these proposals, that there have been no compromise proposals at all?

Mr. WRIGHT. From the other body?

Ms. ABZUG. Yes.

Mr. WRIGHT. That is not my impression.

I would say to the gentlewoman that I believe the other body has in good faith offered several proposals. They were not acceptable to the House conferees. The House conferees in turn have offered several proposals in very good faith to the other body, which were not acceptable to the Senate conferees.

I believe the gentlewoman is ill-informed if she concludes in any sense that the Senate conferees have been more yielding than the House conferees. I believe the reverse is true. If I had the time, I would establish that. I do not believe however, that the House wants us to go into a long diatribe today about why the House is right and the Senate is wrong.

I am not in the position of trying to pick arguments. I am in the position of trying to make peace, of trying to harmonize two divergent positions. I have been unable to do that heretofore.

I ask the gentlewoman and the other Members of the House simply to pass this bill, so that the States will not suffer during the remainder of the time in which we shall continue trying to find that elusive grail of a compromise on which both sides can agree.

Mr. ZWACH. Mr. Speaker, I rise in strong support of S. 1808 the bill to provide temporary funds for defense and interstate highways.

I also want to commend the conference committee for standing firm against breaking open the highway trust fund.

In my congressional district highway improvement is imperative if we are to transport the feed and food so necessary to our large consuming centers. We have now and have had for months large stocks of feed which is so badly needed in other areas to produce meat and food products. Our railroad system has been able to supply only a trickle of the transportation needed. Modern highways are imperative to prevent hunger in our mass consuming centers.

Mr. FUQUA. Mr. Speaker, we are confronted with a crisis in the highway program. This is especially true in the State of Florida as my State will have exhausted its ability to award interstate contracts at the end of this month.

This crisis has developed as the Congress is working to complete action on a new general highway bill which will extend authorizations for the next 3 years. The House and Senate conferees have been unable to reach an accord on the major legislation and, consequently, it is imperative that we act with dispatch in providing this interim apportionment of interstate and other highway funds.

It is essential that this legislation be passed today so that the Secretary of Transportation will have the authority to apportion among the States $1 billion in obligational authority for the Interstate System. The bill would also authorize expenditures of $500 million for the primary and secondary highway systems and the urban extensions of these systems.

During the Senate debate on this legislation it was pointed out that the States are losing money every day that we delay in highway financing, as in other fiscal areas, which is demonstrated by the fact that during the 5-year period between 1967 and 1972, the cost of building highways increased by more than 38 percent.

Florida has a great need for its allocation which is contained in this legislation. Florida will receive $30,939,000 in interstate funds, $11,875,000 in ABC funds, for a total of $42,814,000 in obligational authority. I cannot impress enough upon my colleagues the great importance of this legislation. We must be able to permit the national highway construction program to continue without disruption.

I am not persuaded by the view that failure of this measure to pass would provide an added impetus to the conferees to report the Federal Aid Highway Act. Any further delay can only create additional hardships to the States and I am most hopeful that favorable consideration will be given this measure.

There are approximately 33 States that will exhaust highway funds by May 31, in either the interstate, primary, secondary, or urban extensions. The need is obvious and I certainly hope that favorable action will be taken today.

Mr. KLUCZYNSKI. Mr. Speaker, I want to at this time indicate my support for the passage of S. 1808, the interim bill for apportionment of highway funds to the States. This is a temporary measure while the House and Senate conferees finalize their deliberations on S. 202, the Federal Aid Highway Act of 1973.

I did like to especially commend the great gentleman from Texas, JIM WRIGHT, for his handling of this bill today and for his excellent leadership as chairman of the House conferees and chairman of the conference on S. 502.

Contrary to what some may be saying, the conference has been very productive and we have now reached that point in conference where the most important points are being considered. The conferees on both sides have been extremely diligent and in my opinion will continue to be so. I am certainly confident that a satisfactory solution can be worked out.

S. 1808 the interim bill will enable the States to continue their programs and prevent unemployment, economic losses and the other problems which go with an interrupted program. There is no reason to penalize the States while the conference deliberates, and there is no reason to expect that the conference will be in any way deterred from completing its business by the passage of this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT), that the House suspend the rules and pass the bill, S. 1808, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the passage of the bill S. 1808.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 7200, RAILROAD RETIREMENT AMENDMENTS OF 1973

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities, to change the railroad retirement tax rates, and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 22, 1973.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I will give a short explanation of the bill.

This is essentially the bill we passed originally with only four votes against it. Some minor changes have been put into it, which are all germane to the bill.

Title I of the conference substitutes deals with the Railroad Retirement Act, and is the same as the bill passed by the House with three exceptions. The Joint; Labor/Management Committee which was called for in the House bill is required to submit its report and recommendation by April 1, 1974, rather than July 1, as called for by the House bill. The conference agreement spells out in more detail than was contained in the bill the overall structure and procedures which this committee is to follow.

The conference agreement contains a declaration of intent by the conferees that next year legislation will be enacted which will resolve the actuarial deficit of the railroad retirement system, and we expect the recommendations of the joint committee to accomplish this result.

One labor organization had some difficulties with provisions of the House-passed bill shifting liability for payment of railroad retirement taxes from some of their employees to the union itself, and the conference substitute permits labor organizations affected in that fashion to delay the transfer of tax liability for a time.

Title II of the bill deals with ratemaking procedures to cover costs arising out of tax increases under the conference substitute. The Interstate Commerce Commission is required to adopt by August 1 through an expedited rulemaking proceeding procedures to be followed by railroads in applying for increases in interstate freight rates. With respect to interstate freight rates the conference agreement is essentially the same as the House-passed bill, but a compromise was arrived at on the procedure for intrastate ratemaking.

Under the conference substitute, the railroads are required in every instance involving freight rate increase applications to cover the costs covered by this bill to proceed initially before the appropriate State commission, and they may not go directly to the Interstate Commerce Commission for increases covering these costs. The State agency is given 60 days in which to act. Four situations are possible:

The State may grant the full increase requested within 60 days, in which case no further proceedings are called for. The State may grant an interim increase within the 60 days, and subsequently order refunds if the rate increases are determined to be excessive, subject, however, to the overriding power of the Interstate Commerce Commission to grant relief on burdens on interstate commerce or discriminations against interstate commerce.

The third possible situation is that the State agency may deny the increases entirely or fail to act upon them within 60 days, in which case the railroads may petition the Interstate Commerce Commission for rate increases and the Commission is required to act on that petition within 30 days, with the State authority subsequently authorized to require refunds subject again to the overriding authority of the Commission under section 13(4).

The fourth possible situation is that the State agency may grant an increase within the 60-day period, but in amounts less than requested, in which case the carriers may petition the Commission under section 13(4) of the Interstate Commerce Act, and the Commission is required to act on that petition within 30 days.

For purposes of the new section 15a (d)(B) proposed to be added to the Interstate Commerce Act by the bill, the word "finally" as used therein means action either granting an increase, denying an increase, granting an interim increase, or granting an increase in amounts less than requested.

I would like to say, Mr. Speaker, as I said when the bill passed, that this is really a landmark piece of legislation because it reduces the retirement age of men to age 60, after 30 years of service. I believe that all other labor, in days to come, and soon, will follow along this line. It will give the younger men and women a chance to have a job, and it will give those who are older a chance to enjoy some of the golden years of their lives in retirement.

Mr. Speaker, in another way it is a landmark piece of legislation, in that labor and management sat down and worked out a great many of the provisions together that would be acceptable to the Congress and to the administration.

With those remarks, Mr. Speaker, I will say that I hope there will be no opposition to the conference report in any way. I think this report is a very acceptable compromise. I recommend the report to the House as the very best we could do and I urge its adoption by the House.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. HARVEY) for any comments he might have.

Mr. HARVEY. Mr. Speaker, I thank the chairman, the gentleman from West Virginia (Mr. STAGGERS), for yielding.

Mr. Speaker, the railroad retirement bill which now comes back to the House after conference with the other body is basically the House bill. To major differences were the subject of the main negotiations.

The Senate bill, while providing for the continued negotiation by labor and management to perfect a restructuring scheme for the Railroad Retirement System in much the same manner as the House bill, added a 7.5-percent raise in the amounts to be paid into the fund. This was done without specifying who should be the donor—management, labor, Government, or a combination thereof.

This provision posed serious problems for the success of a rewrite because we do not know at this time whether the proper increase will be greater or smaller than the 7.5-percent figure, in which event it would have to be undone. Further, it seemed to be setting some kind of limit or goal. Although the administration is anxious not to continue deficit funding in the railroad retirement fund any longer than necessary, the inclusion of the increase with an uncertain figure should be no more satisfactory than none. The Senate agreed to drop the 7.5-percent increase.

The wording of the bill as finally agreed upon should satisfy anyone that the restructuring will be promptly accomplished. The labor-management committee which is designated to work upon it is held very tightly to a time schedule for interim reports and a final report.

In addition, the bill states unequivocally that Congress will legislate on this subject in 1974. If by any chance the labor-management committee fails to agree and bring forth a proposed bill, Congress will proceed to work out a system of its own.

The other main difference between the two bills concerned the automatic freight rate increases to cover the costs attributable to changes in railroad retirement benefits. The provisions of the Senate bill were cumbersome and would have defeated the very purpose of the pass-through. A compromise was offered by the Senate conferees which in its original form set out procedures which kept ICC and the State regulators chasing each other indefinitely around the barn. This was finally resolved with a fairly complicated set of provisions which in effect allow the increased rates to go into effect promptly. Thereafter the State regulators may review the intrastate portions of those rates and make decisions regarding their acceptability subject to ICC review to be sure that interstate commerce is not prejudiced thereby. These changes do give States considerably more authority to deal with the intrastate portions than the original House bill did, but the main purpose of the House bill is preserved because the rates are not held up pending any proceedings at the State level.

The changes made by the conference do not disturb the basic principles or the provisions of the agreements reached by labor and management and are recommended to the House.

Mr. GROSS. Mr. Speaker, will the gentleman from Michigan (Mr. HARVEY) yield?

Mr. HARVEY. Yes, I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I will ask the gentleman: Are all the amendments to the bill in conference germane to the bill?

Mr. HARVEY. Yes, they are.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 8537, AMENDING DEPENDENTS ASSISTANCE ACT OF 1950

MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Speaker, by direction of the Committee on Armed Services and pursuant to clause 1 of rule XX, I move to take from the Speaker's table the bill H.R. 8537, together with the Senate amendment thereto, disagree to the Senate amendment and request a conference with the Senate.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

> Mr. STRATTON moves to take from the speaker's table the bill H.R. 8537, with the Senate amendment thereto, disagree with the amendment of the Senate, and request a conference with the Senate.

Mr. STRATTON. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

MOTION OFFERED BY MR. PIKE

Mr. PIKE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PIKE moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, H.R. 8537, be instructed to insist on disagreement to title III of the Senate amendment.

Mr. PIKE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. I thank the gentleman for yielding.

The issue we are discussing this afternoon is on the question of flight pay for officers of the rank of colonel and above who do not fly.

Originally, in order to receive flight pay, an officer had to do a certain number of hours every month as proficiency flying. Then, because it turned out that it was costing so much money to buy planes and to buy fuel for people who were doing proficiency flying, some years ago the Appropriations Committee cut off the need for proficiency flying and determined they would no longer buy planes and fuel for that item.

While we cut out proficiency flying, we did not cut out at that time flight pay for those who were not flying, so it was a loophole in the law which continued.

Then in the fiscal year 1973 appropriation bill the Committee on Appropriations, which held hearings on the matter, decided that we were to cut off flight pay for officers, colonels and above, who do not fly. The cutoff date for that money was May 31, 1973, almost a month ago.

Since that time there has been tremendous lobbying by the Air Force and Navy to get this pay extended. They tried to get it attached to the bill we have before us here today, which is the Dependence Assistance Act. They tried to get the flight pay amendment attached to it in the House Committee on Armed Services, but the committee did not attach that amendment, and the bill passed the House on June 19, 1973, without the flight pay amendment attached to it.

However, the Air Force and Navy succeeded in getting it attached to the bill over on the Senate side. That bill passed the Senate, along with the amendment, last Friday without any debate on the Senate floor.

So the issue now is before us on the motion to instruct conferees to insist on the House version of the bill, which does not include flight pay for those officers, colonel and above, who are not flying. That is the issue we are voting on, and it is the only opportunity in either body where we have a chance to vote on that issue publicly whether we favor flight pay for people who do not fly or not.

Mr. Speaker, one of the reasons why we should insist on the House position is, first of all, with the cost of manpower going up and up and now consuming 56 percent of the budget it is imperative that we cut out any little boondoggle in order to get the most out of our defense dollar.

There are some 6,000 colonels in the Air Force and 4,000 are receiving flight pay but only 900 are flying. The cost is $14.6 million a year, which is money that could be very well spent elsewhere on other aspects of defense.

Flight pay is the only special pay we provide for the Armed Forces which continues after the person is no longer assigned to that billet. We pay submarine pay, but that stops when a person is no longer in the submarine force. We pay parachute jump pay, but that stops when a person stops jumping. We pay demolition pay, but that stops when the person is no longer assigned to the demolition force. We pay combat pay, but that pay stops when people leave the combat zone.

Only flight pay keeps going. Only flight pay continues after this activity has stopped. The Committee on Appropriations in its report made reference to the morale problems in the Air Force of people who receive flight pay even though they are not flying who serve alongside of somebody not receiving flight pay, and doing essentially the same job.

Undoubtedly there will be people who will be hurt when we cut off flight pay, and the lobbyists have been pointing out how these people will be hurt. They will lose $2,940 annually. This will be cut out if they lose flight pay. That is true. But I would like to point out that there is some compensation for these people. The pay of colonels and——

The SPEAKER. The time of the gentleman has expired.

Mr. PIKE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, if I may continue, I would like to point out that there are compensations for this. The pay of colonels has gone from approximately $19,000 to $30,000 in 5 years. They have received an automatic cost-of-living increase last January, and they will receive another automatic cost-of-living increase next January.

Mr. Speaker, it will be pointed out by people on the other side that this is an inequity. It is not an inequity. We are paying an awful lot of people these extra benefits.

Mr. Speaker, the question is are we going to get the most out of our defense dollar, or are we not? It will be said by the opposition that if we do not carry out this pay bill that these people will be living out of pocket. June 30 is coming up, and they will be living out of pocket. They will not be living out of pocket. We can pass the bill and make it retroactive. We have done this before, we did it 2 years ago when many of these provisions did not pass until October, and they were made retroactive to June 30.

Mr. Speaker, I repeat, the question is are we going to get the most out of our defense dollars, or are we going to continue with these costly little manpower boondoggles which together add greatly to the size of our defense budget and add nothing to our national defense?

Mr. PIKE. Mr. Speaker, I yield 30 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I was in hopes that the gentleman from New York (Mr. STRATTON) would address the House first because the gentleman is more conversant with all of the facts with relation to flight pay.

I notice that the gentleman from Wisconsin (Mr. ASPIN) who spoke before me, was speaking about flight pay, but he did not say anything at all about the Navy flight pay.

Mr. Speaker, Navy flight pay is one of the most important things, to my mind, and the most important thing to the minds of other people, for the young naval aviators today. They have gone into the service. They have been married. They have families. These young naval fliers are depending on this flight pay to assist in educating their children now, or when the time comes, and if we cut off this money from them now they will not enlist—we are not going to get the most for our defense dollars. I say this because most of these young fliers whom I have talked to have told me that they are ready to resign their commissions and leave the service rather than to wait until they are lieutenant commanders or commanders, wait until the time when they no longer receive flight pay. And whether you call it flight pay or whether you call it something else, it is still extra compensation for these people who have been trained by the services to the extent of $60,000, $80,000 or $100,000 to provide these young men to be naval aviators, so that they can land on our carriers, and so forth. Now they want to cut them off.

So, Mr. Speaker, I urge the House to permit the Speaker of the House to name conferees so as to go to the Senate and confer with them on this bill which is before the House this afternoon, without instructions.

Mr. STRATTON. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Speaker, I urge support of the bill and I point out that it would be the height of irresponsibility for the House to delay this legislation because some people want to see a reduction in the flight pay to colonels and generals.

The Dependents Assistance Act expires the 30th of this month. If this bill is not passed, our lower ranked GI's will suffer a reduction averaging $65 a month in take-home pay. We will be unable to offer special pay to physicians and dentists and veterinarians and optometrists who might be willing to join the Armed Forces. We cannot get enough of them to join the services even with the special pay we provide now. How many do you think we can get without any special pay at all?

The extension of the flight pay deadline is merely to provide a reasonable amount of time for the committees to consider a revision of the flight pay system.

If we are going to change the rules of the game on our pilots, we should not do so until we are at least able to tell them what the new rules of the game will be. When we bring the bills to the floor later in the year that provide for a revision of the system, the House will have a chance to work its will on the legislation. The House will have a chance to make deductions as it wishes. And the members of the Armed Forces will at least know where they stand.

It is not just the pay of high ranking generals involved here, it is the pay and morale of all of our combat pilots. If the cutoff is allowed to stand, some outstanding lieutenant colonels will find themselves being promoted to colonel, but taking a cut in their monthly income. The resignation rate among junior grade flying officers has already increased because of the uncertainty created by this arbitrary cutoff.

You may have noticed that Mr. STRATTON did not address himself to the cost implications of the bill. The reason is that there are none. The purpose of this bill is to continue allowances and special pays now in effect, to prevent a reduction in the income of our service personnel. The cost of this 6-month extension of the flight pay cutoff is $9.2 million, including the cost of flight pay for June. That compares with the total annual flight pay budget of $227.5 million.

Involved are approximately 5,000 officers out of the 99,000 who receive flight pay. What is proposed by those who oppose the bill is cutting off those 5,000 in a way that damages the morale of all of our 99,000 pilots.

There is a lot of sentiment on our committee for revising the flight pay provisions. It may be that we will determine that many of those in high positions should no longer receive flight pay. But let us do it in a reasonable manner that allows the people in the Armed Forces to know where they stand. Let us not attempt to legislate on the floor on such a very complex matter. Give the Armed Services Committee the opportunity to report back to you with a logical modernization of the flight pay system.

I urge the Members to vote for the motion to allow H.R. 8537 to be enacted into law.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman from Illinois.

Mr. CRANE. It is my understanding that the committee is going to make some provision in the interim period down the line for people who are in this peculiar situation.

Mr. HUNT. The armed services is currently conducting a study, and we do contemplate that there will be some officers who will be removed from the flying pay status. There will be a full legislative hearing on this before the Committee on Armed Services, so anybody who wishes to be heard might be heard, but at this time it is dangerous to hold this bill up because of the fact that we are so close to the end of the fiscal period, and we do not have a chance to get in there and tell the fellows what the ballgame changes are. It is like quitting half way through the football game playing according to the rules, and then very suddenly switching over to personal rules. We should permit this to go to conference with the conferees so we can have additional time to work the will of the House with the recommendations that we get.

Mr. PIKE. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, as has been explained, the gentleman from New York seeks by this motion to uphold the action of the House Appropriations Committee when it passed section 715 of the fiscal year 1973 Appropriation Act, and which was adopted overwhelmingly by the House to eliminate flight pay for the colonels and generals, captains and admirals who are not assigned to an operational flying billet.

I do not know exactly how much money the amendment of the Appropriations Committee will save. I have heard that between now and December 31 it will save $7.5 million, but as far as the Air Force is concerned this amendment will bring about an annual savings of over $10 million per year. At the present time in the Air Force—and this is the Air Force alone—there are 4,187 colonels and 354 generals who are entitled to flight pay. Those who are in an operational flight billet should receive the flight pay. Those who are not, should not receive the flight pay.

The House Committee on Appropriations merely mandated that those who do not fly should not receive flight pay. Section 715 went into effect on June 1. The gentleman from New York (Mr. STRATTON) seeks to undo the action of the House Appropriations Committee.

Let me say that I advised the gentleman from Wisconsin before coming to this well that is not very often that I take the well supporting the position of the gentleman from Wisconsin. In fact I highly suspect this is the last time this session I will be with him on matters of defense. It is probably the last time during this Congress and may well be the last time during our service in Congress together, because I bow to no one either in the Congress or outside the Congress in support of funding for a strong national defense. I think the best way to maintain the peace is to have a strong national defense, and I disagree with the gentleman from Wisconsin when he time and time again tries to make out whole weapons programs that would weaken the national defense of this country. I will be in the well supporting the B–1. I will be here in the well supporting the Trident system. We should not try to save money in defense by destroying or eliminating entire weapons systems.

We should do it by taking the fat out of the defense appropriations. There is literally and figuratively fat in flight pay. There are colonels and generals drawing flight pay who are really too fat to fly. I do think there are some inequities in section 715. I think the action was a little harsh, but we do have a bill in the House Armed Services Committee which we can consider to remove existing inequities. It is my intention to support a more liberal program, but at this time I ask the Members to save $10 million annually in the Air Force alone and we will be really making a diligent effort to take the fat out of our national defense appropriations.

Mr. STRATTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I support the committee's position, and I oppose the motion to instruct.

Mr. Speaker, all that is being requested here is a 6-months extension of present flight pay programs so that the legislative committees of the House and the Senate may work out an orderly flight pay; plan and keep faith with military personnel. It is felt that a plan can be worked out which can save money. All that we are requesting now is a 6-month extension.

Do not cut these deserving individuals off and leave them hanging. Give the Congress an opportunity to work out a reasonable plan.

The Department of Defense, in response to a request from committees of Congress, has provided a new program for flight pay which has merit and deserves consideration. Whether or not that is the plan which finally will be agreed upon, we do not know; the committees have not had time to work their will. However, remember that the officers who entered into an implied contract, a good faith contract, mind you, to serve while in flight pay status. have carried out their side of the bargain through three wars. They are ready to respond again when we need them.

Mr. Speaker, flight pay is for hazardous duty. The mortality rates are higher in this group. Look at the records. They show clearly that mortality rates are higher among flyers than nonflyers. That is the reason for the higher pay for flying officers. Submariners are in the same category as flying personnel in that they receive extra pay but it is not generally known that submariners get, in addition to hazardous duty pay, an enlistment bonus of $3,750 per year. It was found necessary to do that in order to enlist enough of them to do the essential job of manning the Nation's submarine fleet. The same may be required for flying officers if we take away their present incentive.

Mr. Speaker, I think that the cost of replacement training of pilots would be much more than the implied saving which would result if flight pay were canceled. I strongly support the position of the distinguished gentleman from New York (Mr. STRATTON) and his committee.

Now let me call attention to the fact the bill before us is not a flight pay bill. It is emergency legislation intended to help the most needy low-income service families. There should be no delay in passing this legislation. The basic livelihood of over 300,000 low-income service families will be impaired after July 1 if we do not complete action on the measure before us. The completion of H.R. 8539 is a very important matter indeed.

Mr. STRATTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MITCHELL).

Mr. MITCHELL of New York. Mr.

Speaker, I rise in opposition to the motion to instruct.

As we continue this important discussion. I wonder how many people in the Chamber realize that during those touch-and-go moments when Astronaut Capt. Peter Conrad was attempting, in a heroic manner, to save the Skylab mission he lost his flight pay. Think about it, at the very moment when this great hero was performing his most dangerous mission in space, he lost his flight pay. Even though our POW's are receiving their flight pay during their period of hospitalization, the O-6 and above will lose it immediately upon recovery.

There is a need for a comprehensive reevaluation of the philosophy of flight pay. Is it hazardous-duty pay? Is it incentive pay? Should it be paid by the flight, by the year, or by the career? Should it increase as pilot skills increase or should it remain constant?

H.R. 8593 directs itself toward answering these questions and eliminating the inequities in the present program. However, in the few days remaining before the end of the fiscal year, there is insufficient time for adequate hearings and thorough study.

Not to extend the present program until remedial legislation is adopted is both unfair and unwise. Such an act tends to destroy morale. At this point in time, if an aviator works hard, volunteers for and participates in combat, risks his life, and finally earns promotion to O-6, he is penalized roughly $2,500 in pay. It just does not make sense. When has our society penalized those who succeed?

An average O-5 has accumulated roughly 6,000 hours of flight time. During each of those hours there is a potential for loss of life. A lifetime career of flight pay would total approximately $60,000. This means the typical O-5 has risked his life for about $10 each hour of flying. Ten dollars an hour does not seem excessive.

How many times during a lifetime should a man risk his life for $60,000? How many individuals in this Chamber would put their lives on the line just once for that $60,000—or for any amount of money.

It costs the taxpayers of the United States nearly $800,000 to train a Navy jet carrier pilot. This is more than 10 lifetimes of flight pay. If we do not grant this extension, we are in danger of losing many of the young men in whom we have this big investment.

The Navy reports resignations of young aviators has increased 300 percent since last October when the new policy for flight pay was announced. Apparently these men see the handwriting on the wall. Obviously we are not just adversely affecting the "colonels and generals," or "Navy captains and admirals," but rather the young pilots America must rely on in time of crisis.

The argument has been advanced that not to grant the flight pay extension would save the taxpayers $7½ million. I submit this is a classic example of false economy.

On the basis of Navy pilot resignations alone, the cost to train replacements would run $50,000,000 a month or $350,000,000 for the 7-month period. I do not have Air Force statistics. However, if we assume the dollar cost for replacement is similar, and that we need to replace the young pilots who are resigning, instead of saving $7 million over 7 months we will need to spend $700,000,000 million in training costs.

As I understand it, the proposed flight pay legislation provides the highest flight pay during the earlier years when an aviator is most active and when the temptations to resign are the greatest. It gradually decreases and terminates after 25 years of service. I think many of the objections to flight pay now being raised.

Finally, Mr. Speaker, I would like to point out that two of the finest sources of inspiration and pride for all Americans have resulted from recent actions of our military aviators. I refer, of course, to the attitude and speeches of our returning POW's and the near miraculous repair of the Skylab.

I am not suggesting we should extend the present policy of flight pay forever. It needs revision. I am saying terminating present policy without a thorough evaluation of remedial legislation is both unfair to the aviators and costly to the taxpayer.

Denying these men flight pay prior to adopting new legislation may not prove a breach of contract legally, but it certainly does by implication.

Mr. PIKE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, I would say to the gentleman who just concluded his remarks that I recall vividly when many laid their lives on the line for $21 a month, the prevailing rate when I entered the service at the beginning of World War II.

I favor flight pay for those who fly and will continue to fly. I favor taking approximately $8 million additional and making it available for those who are really flying and exposing themselves to the hazards in the interests of increased military strength of this Nation.

The issue here is not to pay flight pay for fliers. The issue really is: Do the laws written by this body, signed into law by the President of the United States, mean anything at the Pentagon? Because the law mandating the reduced flight pay for the nonfliers became effective on the 31st day of May, and here we are, almost a month later, debating whether or not the law meant what it said.

If we were wrong let us proceed through a proper device, not here on a conference report.

I believe we have one solemn obligation, to instruct our conferees to serve notice to any department or agency of our Government that the law means what it says.

We cannot ignore it and be rewarded because of it.

Mr. Speaker, there is no point of bringing in the extraneous issue of the astronauts. I do not think any of them are going to end up on breadlines, but I do think that we cannot regard as extraneous the multiplying instances where the clear will of this body, of the institution of the Congress itself, is contemptuously ignored.

That is what we must face up to here today, and for that reason alone, with every bit of merit that we have in our system of government, we should adopt the instruction to the conferees and tell them to insist that that law be obeyed.

Mr. Speaker, I think there ought to be a vigorous slap on somebody's wrist for failing to obey it for almost a month.

Mr. STRATTON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. CHAPPELL).

Mr. CHAPPELL. Mr. Speaker, we had better have a real close look at the proposition before us. I rise in opposition to the motion to instruct. I want to point out some specifics which are extremely important.

If we want save money, we will vote "no" on the motion to instruct. If we wish to retain in the military services our best and most aggressive young pilots, we will vote "no." If we believe in retaining our most competent senior officers we will vote "no."

We are seek here nothing more than a 6-month extension within which to perfect legislation already introduced in the House to better resolve the problems caused by the so-called section 715. It is not a simple problem. Anyone who thinks it is a simple problem has not had the responsibility or laboring with recruiting and retaining military pilots. As a former Navy pilot and officer, I know that problem.

Mr. Speaker, let me emphasize the fact that we are competing with the airlines and other industries in recruiting and retention. This competition is taking place in a time of relative peace and prosperity. We seek capable, aggressive young college men. These men understand the present worth of lifetime earnings and this value is an important factor in their selection of a career. The glory of military jet flying and the value of its concurrent education is keenly persuasive to such men, but time and hazard has its dulling effect. About the 5th or 6th year of a young well-trained military pilot's career the higher pay of the airlines lures many to commercial aviation. They quit the Air Force, Navy, Marines, and Army because their chance of survival is six times greater in civil aviation and earnings that of the services over their lifetimes with the airlines.

Let me give you some statistics. Section 715 was passed in September 1972. The increase in resignations has gone rapidly upward since that time. In the Navy alone, monthly resignations went from 27 to 39, to 48, and right on up and in the first 4 months of this year we had 315 resignations, as opposed to 350 in all of last year. The files are complete with resignations of officers who stated section 715 as the cause of resignation.

Mr. Speaker, many feel the Congress is not keeping faith with our pilots who have already taken into account expected earnings over their lifetimes.

Mr. Speaker, let me talk a bit about saving money. Let us look at this from a profit and loss standpoint. At the most we would be expending, at the cost of enacting 715, an amount which would render to us an initial savings of a little over $15 million.

Now, if you take away from that $15 million in savings, the amount of income tax we lose, which would be $4 million——

Mr. STRATTON. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. CHAPPELL. If we take from the $15 million savings the $4 million we lose in income tax, it leaves a net gain of $11 million; but when we take into account the cost of training the people we lose by resignations due to section 715 we will lose some $25,000,000 so that we end up the year with a $13,904,000 loss. These figures and statistics are based on the most conservative of calculations.

I ask the House to give us the opportunity of 6 months—just to extend this and the opportunity to work this problem out—so we can come back to you with something reasonable and acceptable to this Congress.

Mr. Speaker, I urge the defeat of the motion.

Mr. STRATTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I appreciate the gentleman yielding this time to me.

I think the issue has been pretty well brought out and it has been done very clearly. Everybody on the Armed Services Committee agrees that the system needs to be overhauled and looked at and that there have been abuses.

I agree with that, but I think to cut off everybody from colonel and Navy captain up from drawing flight pay without a look at the overall situation to see what we are doing is being penny wise and pound foolish.

I believe this should be extended for a period of 6 months so we can take a look at it.

The Air Force was asked to come in with a plan and they did it, but they were late in doing it. They only filed their plan in May. We have not had a chance to study it and to see what it will do.

So I ask the Members of the House to go along with the majority of the Committee on Armed Services and do not instruct the conferees. Give us an opportunity to have hearings and see what we are doing so we will know what the final result will be and not be flying blind.

Mr. PIKE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD. I thank the gentleman for yielding.

Mr. Speaker, I know very little about this amendment and I am not trying to interject myself into the debate, but it seems there are different things being said concerning the amendment. I would like to know just what it is we are voting on. I would like to address myself either to the author of this motion or someone who spoke earlier to explain this matter to me.

As I understand it, we are voting not to cut flight pay of people who are flying but only to cut flight pay of people who do not fly.

Mr. PIKE. If the gentleman will yield, the gentleman is absolutely correct. It only applies to people who do not fly and only to colonels and above.

Mr. MACDONALD. I do not know why it should apply only to colonels and above, but I do not see, either, why people should get flight pay for not flying. I therefore support the gentleman's motion.

Mr. HUNT. Will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman.

Mr. HUNT. I do not think the answer was quite properly stated. The response to your question was it applies to flying officers who at the present time are not in a flying position. It may be an operations officer or someone else.

Mr. PIKE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I rise in belief of the action to instruct, but I do so with some misgivings, because it is always difficult to instruct conferees; to, in effect, tie their hands.

Having served as a conferee on the higher education bill, I am well aware that the House position is not in fact the final word of the conferees. So, this is really a sort of psychological exercise and give conferees an indication of really where the House stands.

I think it is a very important topic we are discussing here. What we are talking about here is welfare, if you will.

I have been in this House for 2½ years during which it has been my privilege to serve my district. I have heard the welfare state argued about and fulminated against and denounced generally as a very bad thing.

The welfare state is that state of mind and state of body in which someone gets something for nothing. It is a state in which you do not really do a service for something in return; but, it is where something is given to you for no effort in return.

With all due respect to the gentleman from New Jersey (Mr. HUNT), and those who have argued in behalf of preserving flight pay for nonflying general and colonel-grade officers, it would seem to me where are really recompensing them for something they did do and something they might do, but not for something that they are doing today.

I believe that in America you should be paid not for doing nothing, but for doing something.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I want to correct the impression that we are tryto preserve flight pay for generals. What we are trying to do is to get the information in time for the study that is being projected so that we might come back into the House and explain the reasons for those that should be deleted, and those who should be retained in flight pay but, in the meantime, in a very few days this act will expire, and if the act expires we are going to have many people who will be left dangling. It could create considerable financial hardship to some officers.

Mr. MAZZOLI. Mr. Speaker, I still say that those who are against the welfare state should vote for this motion to instruct.

Mr. STRATTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I hope that this House will not instruct the conferees in this instance without giving the conferees an opportunity to see what they can work out. I am against the general practice of instructing conferees unless it is on some really basic question, and something really predetermined before Members get into the conference.

Mr. Speaker, I would like to read a letter to the Members, if I may, which shows the other side of the coin, and may prove to some of the Members that we would be foreclosing discussion in the conference on this issue.

This is a letter from a colonel in the Air Force. He writes:

> As a career physician in the United States Air Force, I feel compelled to write to you expressing what I believe represents many of my colleagues' opinion, as well as my own. At this time I have 14 years of service in the United States Air Force and have recently sustained a $3,000 a year pay cut due to the loss of flying status. I am a Board-certified neurosurgeon and I sincerely desire to continue my career in the United States Air Force for many reasons which I will not take the time to enumerate. However, I have a large family and I must plan to support and educate six children. Unless appropriate, fair and badly needed legislation is passed soon in order to give me an adequate income to provide for the above, I will not be able to continue my military career.
>
> For years we, as physicians in the Air Force, have been underpaid but have been promised improved and fair remuneration for our services. It is my sincere opinion that if an all volunteer defense service is to become and remain a reality, appropriate payment of the military health services must be provided for.
>
> At the present time and for 5 years in the past I have had to utilize my leave time so that I could "moonlight" (which has been authorized under AFM-168-4) at a second job in order to provide for my family and to continue my career in the Air Force. Due to federal cutbacks and loss of federal funds, I do not know how much longer this additional employment will be available. Certainly, any further loss of income would be an even greater factor in my having to resign my commission in the Air Force and go into private practice.
>
> I believe further that the job I am doing for the United States Air Force is a good one, and I truly believe that medical care and expertise which I am able to provide the Air Force is of the highest quality obtainable. If this same care would be obtained by members of the service from a private neurosurgeon, the cost to the government would be many times what I am paid in a salary. I therefore believe that the government is obtaining a real bargain.

Mr. Speaker, here is a case of some merit, and one that the Members might consider carefully.

Time and time again, Mr. Speaker, I have heard Members of Congress complain about the times when they were in Bethesda or Walter Reed Hospital, that qualified, good doctors are leaving the services because they no longer can afford to stay in. If that is true of good doctors who we should keep in the service, that they are leaving, it means that the little man who is the sailor or the buck private, is not getting the kind of medical care he should have.

So I would say to the Members that I believe this question needs more consideration. It can be discussed in the conference, and we should not foreclose the opportunity to do so.

I would ask the House to please go slowly on asking that the conferees be instructed prior to the time that they have the opportunity to further discuss the question from all angles.

Mr. STRATTON. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, and Members of the House, I am very much in opposition to instructing the conferees as has been proposed here today, but I feel that I must speak to this question in another way.

Mr. Speaker, I wish to comment on the allegations made by the gentleman from Wisconsin concerning the Chief of Staff of the Air Force. I have been acquainted with Gen. John D. Ryan for many years—on a personal basis from the time he was Commander of the 2d Air Force at Barksdale Air Force Base in the early sixties. I have the highest regard for his ability, dedication, and integrity.

The country has been extremely fortunate during the past 4 years to have had General Ryan leading the Air Force.

The contributions made by the Air Force to the deterrence of strategic nuclear war, to our efforts in Southeast Asia and to the overall security of this country have been tremendous; success in each of these areas has depended to a large degree on the foresight, judgment, and leadership of General Ryan. Few men could have withstood the pressures and demands. None could have possessed the experience or ability to do as well.

I consider the allegations of the gentleman from Wisconsin a direct affront on the conduct and integrity of a man whose conduct and integrity I know to be beyond reproach.

Because I know the man, because I know how much this Nation should be grateful to him for his service, and because I know that the allegations made against him are not only false but reflect a sad lack of knowledge about the facts and lack of understanding of the public law on the part of a Congressman who should know better, I feel compelled, and, dutybound, to rebut those allegations.

There is a saying in the Air Force that goes like this:

> The Mission of the United States Air Force is to Fly and Fight. Don't You Ever Forget It!

It follows that whoever leads the Air Force had better know how to fly and he better be able to fly well. I thank my lucky stars that General Ryan can and does do both. The very minimum requirement of a competent commander and leader is that he have current firsthand experience in the operations about which he must make numerous, often critical, decisions. General Ryan, throughout his career, has always been this kind of leader—leading by example, not words, leading through firsthand personal experience and knowledge and not by abstract theory.

In the Air Force, this means flying. Since 1939, General Ryan has averaged 360 hours/yr. Contrary to what the gentleman from Wisconsin has allegated, the positions he has held have been flying positions as defined by public law and that includes the position of Chief of Staff. At no time has General Ryan been "in violation of law" and "in utter defiance of civilian authority" as Representative ASPIN has alleged. Certainly, by no manner of thinking can General Ryan be considered an "armchair" leader of the Air Force during his service as Chief of Staff. He is presently a fully qualified pilot in the KC–135. To be considered such, he has met the proficiency requirements, and logged the required flying time, that every other line pilot qualified in this aircraft in the Air Force has done. During fiscal year 1973, he flew 282 hours in the process of accomplishing his job as Chief.

In addition, because he bears so much of the responsibility for determining the best force mix and type aircraft the Air Force operates and must depend on in the future, General Ryan, throughout his tenure as Chief, has made a concerted effort to gain firsthand knowledge and evaluation of a great variety of military, civilian, and experimental aircraft. The number and variety of aircraft he has flown, again in discharging his responsibility as Chief to the future effectiveness of the Air Force, is quite impressive and includes the F–106, F–111, F–4, A–7, OV–10, AT–37, C–135, C–140, T–39, DC–10, 747, C–5, C–130, 737, Fan Jet Falcon, Beech 99, Hawker-Sidley 748 and the AV–23.

Overall, he has logged 1,380 flying hours as Chief of Staff—which incidentally, has given him a career total flying time of 12,660 hours.

I feel very strongly that the example General Ryan has set as a flying commander has been exactly what we, the Congress, expect of the Chief of Staff of the Air Force.

It might be well at this time to point out for the benefit of all that our statutes specifically require that "flying units shall be commanded by commissioned officers of the Air Force who have received aeronautical ratings as pilots of service types of aircraft." And the Air Force is a flying unit.

This provision was written into the law over 50 years ago—it was good law then and it is good law now. The successful application of air power to achieve our national objectives in World War II, Korea, and Vietnam has been due in great measure to the fact that the Air Force leaders throughout the years, Generals Arnold, Spaatz, Doolittle, LeMay, and General Ryan were men who could fly and who could fight. They knew their planes, they knew their crews, and they could lead by example. We should be eternally grateful to the contributions these men have made to the security of our beloved country rather than maligning and imputing base motives to a person such as General Ryan. Can you imagine for a minute an Air Force commanded by one who did not fly?

Without his extensive flying experience and current participation in flying operations, he could not have effectively led the Air Force through these difficult and demanding times.

Certainly, the highly successful direction of an Air Force that supported the 1972 bombing campaign which brought our POW's home from North Vietnam could have been accomplished only by a leader who had a current and thorough knowledge of the capabilities of the aircraft under his command. General Ryan is such a man.

Mr. PIKE. Mr. Speaker, I will simply say that there is nothing in this motion that cuts off the flight pay for anybody who flies. There is simply something in the motion that cuts off the flight pay for people who do not fly.

At this point I yield 3 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I have asked for this time to ask the gentleman from New York (Mr. PIKE) some questions. As I understand it from the discussion that has gone on here, there is a law in being which would have cut off the kind of flight pay we are debating on May 31, or should have cut off such flight pay on May 31.

Mr. PIKE. The gentleman is absolutely correct. We have had two members of the Committee on Appropriations at least down in the well saying that we should not do this today. The fact is that the Committee on Appropriations did it last year. The bill was passed in November. They have had from November until right now, and here we come in at the very last minute trying to squeeze this one through.

Mr. WYLIE. As I understand it further, there was an amendment offered on the floor of the Senate to the Dependents Assistance Act to permit the continuation of such flight pay until December 31 of this year.

Mr. PIKE. That is correct. The amendment was accepted in the Senate without any debate whatsoever and has not been debated anywhere in either body until this moment. This is the debate.

Mr. WYLIE. That amendment relative to flight pay in the opinion of the gentleman from New York, would not be germane to the bill under discussion if offered in the House; would it?

Mr. PIKE. Oh, definitely not. This is a classic example of a situation where many of those who always oppose nongermane amendments are today saying we have to accept this nongermane Senate amendment.

Mr. WYLIE. I might add that I made the same argument with reference to ignoring the law here a few weeks ago in that I argued we should not increase our contribution to the United Nations above the 25 percent limitation enacted into law last October, and in May we changed the formula here on the floor of this House. So, I am inclined to agree with the gentleman's position. It would seem to me at first blush as though this is a bit of a boondoggle.

I thank the gentleman.

Mr. STRATTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I should like to try to put this debate into a little perspective, because listening to the remarks that have been made thus far, one would think that this is a bill on flight pay, and an explanation of exactly what the bill is about is contained in a letter which I sent around this morning—the gentleman from New Jersey and I—to all of our colleagues. We have copies of it here on the table if anyone would like to take the time to read it.

This is basically a military dependents assistance bill. It is an emergency piece of legislation, because in the past every time we have renewed the draft, we have also renewed the provision that provides certain basic housing allowances for all the low-grade, low-income enlisted personnel and their dependents, those in grade E-4 and below. This year, of course, we are not renewing Selective Service, and so if we are to disrupt nearly 400,000 women and children who are looking forward to getting this allowance continued as usual into fiscal year 1974—and these are all low-income service families, let me remind the House, this bill has got to be enacted into law before the 30th of June. That is the real situation we face here today. It is all very simple, and the point is that we are today at the 28th of June. So if we are going to protect the families of our privates and corporals we have got to get the bill out fast.

Any motion to instruct the conferees is obviously only going to complicate the situation and very likely prevent enactment by Saturday. It is not a question of whether we do or do not want to vote for or against generals and admirals. It is basically a question of whether we are going to disrupt the livelihoods of nearly 400,000 service families, low-income service families, who are not involved in this controversy and who are entitled to this kind of support—disrupt it even for 2 or 3 weeks at a time when the cost of living is going up astronomically.

The House Committee on Armed Services did not put anything in this bill about flight pay. I have no brief for flight pay for generals and admirals. I was in the Congress when we enacted the original legislation, and as a matter of fact it was an economy measure because it eliminated the need to provide planes for aviators assigned to nonflying billets to maintain their flying proficiency. I imagine this thing has been in in recent years and it does need to be corrected. But we did not put in this provision with the House committee.

It was the other body that put it in, and because we know that adjusting flight pay was a complex issue if we were to be completely fair to all those in the service who believed this flight pay represented a contractual commitment, and because we knew we could not get the dependents' legislation enacted in time if we had to work out a fair solution to the flight-pay issue our committee reluctantly accepted the amendment of the Senate.

Mr. Speaker, this is an easy issue to demagog, but it is not really a simple matter, particularly as we are today on the eve of having a completely volunteer Army. Moreover, besides the funds included in this bill for wives and children of low-income personnel, it also includes the special professional pay that we give to doctors and dentists and optometrists in the military services. If we eliminate this special pay, too, then our services are going to be hard pressed indeed to retain qualified medical personnel on a volunteer basis.

Is it not a little bit silly on the eve of going to this Volunteer Army that we now are threatening to take action in this House that will present to our lowest paid GI's and their hard-pressed families an unexpected reduction in pay, and will also to take away the special pay now paid to physicians and dentists and other medical professionals in the services; and finally will also take away the special combat bonus now being paid to those who are in the high casualty ground infantry, armor, and artillery units? That is what this argument is all about.

The Senate amendment extends the present flight pay arrangements for another 6 months. I think that period is probably too long. But the fact of the matter is what the Appropriations Committee was trying to do when they put the cutoff date in the 1972 appropriations bill was to try to draw the attention of the Defense Department to the abuses of flight pay and to suggest the need for corrective legislation.

That corrective legislation has now been submitted to the Congress under normal House procedure it should be and will be considered in the committee itself, and I am the chairman of that subcommittee. I can assure the Members of this House that if we accept this extension inserted by the Senate our committee is prepared to examine this whole question of who is properly entitled to flight pay in great detail, and I can assure the House we will come out with a recommendation that will be fair and will eliminate any abuses that may have developed.

But let us not act today in haste, by trying to instruct the conferees and thus run the risk of jeopardizing the livelihoods of the families of nearly 400,000 low income service personnel. That is what the issue is all about. I ask Members of the House to vote down the motion to instruct and let us continue to take care of our enlisted men and their families as we properly should do.

Mr. Speaker, let me finally just summarize the history of this bill. H.R. 8537 passed the House on June 19. It passed the Senate on Friday, June 22. The Senate passed the bill with an amendment in the nature of a substitute.

The principal purpose of H.R. 8537 is to make permanent the housing allowances for junior enlisted personnel. Although they have been temporarily extended each time the draft was extended, these allowances have been in effect for 23 years. With the end of the draft induction authority June 30, if this bill is not passed, 368,000 junior-grade enlisted personnel will suffer reductions in their pay ranging from $15 to $76.50 a month. The bill also extends the authority to pay special pay to health professionals, physicians, dentists, veterinarians, and optometrists, ranging from $100 to $350 a month. Finally the bill continues the authority to pay a bonus for an initial enlistment in the combat arms.

The laws providing the authorities in question expire on the 30th of this month—on Saturday of this week. If we do not pass the bill, the enlisted personnel will face a reduction in pay and we will be no longer able to offer incentives to health professionals.

On Tuesday I asked unanimous consent to take the bill from the Speaker's table and agree to the Senate amendment. There was objection to that request because of one Senate change. The Senate made three changes in the bill.

Let me briefly summarize the changes:

First. The Senate acted to limit the extension of the combat bonus authority to 1 year instead of 2 years as provided in the initial House bill and to limit the bonus to enlistments in the infantry, armor, and artillery branches rather than the more general category of "a combat element of an Armed Force." In accepting the Senate language on the provision, I want the legislative record clear that we are doing so with the understanding that the matter will be the subject of later review when we take up the proposed Special Pay Act later this year.

Second. The Senate amended the bill to change the statutory definition of a military dependent to include illegitimate children in determining eligibility for various allowances. The Defense Department did not oppose the amendment. I want the record of legislative intent to be very clear that in accepting this amendment the House does so on the understanding that it will be diligently monitored by the Department of Defense to require a showing that additional allowances paid as a result of this section are being used to support the child and that the phrase "in fact dependent on the member" will normally be interpreted to mean dependent for over one-half of his support on the member. We do not intend for the Defense Department to pay allowances solely on the basis of a decree by a foreign court.

Third. The Senate added to the bill a provision extending until December 31, 1973, the May 31, 1973, deadline on continuation of flight pay for senior officers not in flight billets.

For many years the appropriations bill has contained a rider to limit the spending on proficiency flying and has authorized the continuation of flight pay to fliers assigned to duties which do not require the maintenance of basic flying skills. Last year's bill said that such continuation of flight pay would no longer be allowed after May 31 of this year for colonels and Navy captains and above.

In taking that action, the Committee on Appropriations clearly was encouraging the Department of Defense to come up with revised procedures for the payment of flight pay.

In line with this imperative, the Department of Defense has submitted a major legislative proposal to revise the flight pay system. However, the proposal arrived on May 17, too late for consideration before the May 31 deadline. The Department, therefore, asked that the May 31 deadline be extended for 6 months until the major proposal is considered; it is this extension that the Senate has placed in H.R. 8537.

It is this extension of flight pay which is in controversy today. Well, it may be that some billets are improperly designated flight billets when they should not be so. But you will not change that by voting against this bill. If some billets are improperly designated, they would continue to be so even if this provision is defeated. A redefining of flight billets and pay procedure requires study and analysis by our committee.

It may be that it is not proper to pay flight pay to officers when they are not assigned to flying billets. I myself believe that review is needed in this system and as chairman of the subcommittee that will consider the proposed revisions, I can assure you that we will look very hard at the whole question. But, if the procedure is wrong, it is a procedure which the Congress has acquiesced in.

The original act to continue flight pay for officers while excusing them from flying was taken by the Appropriations Committee to save money on proficiency flying. In 1954 it provided for automatic excusal from flying from officers who had held an aeronautical rating for 20 years.

In 1962 it reduced the automatic excusal time to 15 years. In 1972 it removed any time constraints on the entitlement of rated pilots to flight pay while in nonflying jobs. Most of these actions were taken to save money on proficiency flying. In view of this record of the Congress over a twenty-year period, it is, therefore, only fair to say that these personnel were led to expect flight pay to continue. If the Congress makes any change, therefore, there should be some reasonable notice to the personnel, and the change should be made in a rational manner which incorporates a modernization of the system.

If you vote against this bill today, you will not be assuring any reasonable change in the flight pay system but you will be assuring that some of our lowest paid enlisted personnel and their families will be facing a cut in their income at the time of the worst inflation in our history.

So, finally, Mr. Speaker, let me ask the Members of the House in voting on this bill to keep their eye on the donut and not on the hole. If this bill is not passed today and has to go to conference, it is doubtful, in view of the coming recess, if it can be passed and signed into law before the first pay day in July. Think of the chaos involved if over 300,000 families of privates and corporals and sergeants suddenly find themselves facing a 15-percent pay cut. The all-volunteer environment begins on July 1. Think how silly we will look if the Congress enters that environment by allowing a reduction in the pay of GI's, by allowing a loss in the authority to pay any special pay to new physicians, dentists, and other professionals, by allowing a cutoff of the bonus for men willing to volunteer for the high-casualty ground combat skills.

We must pass this bill and we must pass it this week.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I want to indicate my opposition to the motion and my support for the comments made by the gentleman from New York.

Mr. Speaker, the termination of flight pay for O-6 and above on May 31 has had a severe impact on over 5,000 service aviation officers. In the face of a sharp escalation in the cost of living all have experienced an immediate reduction in pay of up to almost $3,000 per year. Many of these officers have children in college and have planned for years to use this pay to help defray these costs of college education. Many are purchasing homes wherein flight pay was computed as income when qualifying for a loan. Because of this, many find themselves in financial difficulty through no fault of their own.

At the present time Navy commander aviators, many of them recent combat veterans, selected for captain face a pay cut of $54 per month as a result of their selection. These officers are the top 40 percent of their contemporaries. Navy commander aviators failing selection are presently drawing more money than their contemporaries who were promoted. This situation results in a gross inequity. The flight pay extension is required to correct such inequities until the Congress can arrive at a revised flight pay system that will preclude the existence of such situations.

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIKE. Mr. Speaker, I yield myself the balance of my time.

First of all, Mr. Speaker, Members should not get led down the primrose path that we have to do this tomorrow or it is all gone. The gentleman from New York did properly state that normally this is done in the selective service bill as it has been done in the past. The last time it was done in the selective service bill we did not pass the selective service bill until the end of October, and nobody lost any pay in the meantime.

We do not have to get led down that particular primrose path. Do not let them lead you down that path. Next, they say this has been done precipitously. I presume, when the Appropriations Committee cut off the pay for generals, colonels, and admirals who do not fly, they gave it a lot of consideration.

Do not get led down the path of this recruiting business, either, because honestly, there is no problem recruiting generals and admirals. There is no problem whatsoever in this area.

If flight pay for nonflying high ranking officers can be defended on any rational basis, it will be on the basis that heretofore it has been a veritable fountain of youth for senior officers, a great elixir protecting them from the ravages of old age, incipient senility, and decrepitude. According to the figures the Department of Defense compiled, for the period January 1, 1964, through June 30, 1972, more than half of the generals in the Air Force, 53 percent, retired disabled with disability pay, but here is the clincher: 77 percent of these same general officers had, within 6 months of retirement, allegedly passed a medical flight examination qualifying them for flight pay. Obviously, flight pay was all that was keeping them glued together, kept them vibrant and alert and healthy. With the approach of the end of flight pay and retirement, disintegration of bodily functions appears not only certain, but darned near instantaneous.

There are obviously many reasons why we should not give flight pay to colonels and generals and admirals who do not fly. When General Westmoreland came before the Armed Services Committee with a proposal to give proficiency pay to Army enlisted men who were not proficient, we laughed him out of the room, but these were E-2's, E-3's, and E-4's, not colonels and generals and admirals. We are infinitely kinder to colonels and generals and admirals, and there are some arguments for them.

Let us face it, being a desk jockey is a dangerous business, and those who do not appreciate this just do not understand the aerodynamics of a desk. I am not just talking about closing the drawers on one's fingers and those nasty hip bruises, but if the "in" basket is continually loaded on the starboard, or right-hand side, and the "out" basket is continually empty on the port, or left-hand side of the desk, wood fatigue sets in and the whole landing gear tends to buckle and the fuselage comes down on their feet. Happily, most of these colonels and generals and admirals have been flying these desks for a long, long time, and they have learned to keep their feet on the top of the desk out of danger's way.

Here, too, there is extreme risk, because if the general's orderly has overly polished both his shoes and the desk on the same day, the coefficient of friction can become so low as to cause foot slippage and a hard descent to the carpet below. Tibias have been known to fracture under less shock and stress.

Another risk in this hazardous duty is the remote possibility that if all the papers are ever removed from the top of the desk at one time, the unaccustomed lightness would cause the desk to become airborne. Certain later model desks have a tendency to stay behind the power curve, as we pilots call it, and stall out at about 600 or 700 feet. These desks fall into a very dangerous aerobatic maneuver called "the falling leaf," and usually crash and burn. No colonel has ever been known to survive the crash of a desk which stalls out at 600 feet. Earlier model desks are over-powered and tend to go into an outside loop, a very difficult maneuver, which causes a negative G force, a rush of blood to the head and apoplexy, which is not always fatal.

The symptoms, however, are clearly discernible in all of the desk jockeys who have been buzzing Capitol Hill in squadrons and even wings for the last few weeks.

Let us consider the tragic case of Rear Adm. J. Heavy Bottomley, who was sitting in his swivel chair at his desk doing his job at the Pentagon. His job consisted of reading secret documents, largely about Congressmen. This was what he was doing when he first heard the word that he might lose flight pay. He spun around rapidly in his chair. Unfortunately, his shoulder boards were at that particular angle of attack which combined with his rapid rotation, caused him to become airborne.

Unfortunately, also, the window had been left open because the air-conditioning was too cold that day and Rear Adm. J. Heavy Bottomley went soaring out of the window and into space where he achieved an orbit with an apogee of 190 miles and a perigee of 125 miles. For the first time in 10 years he is flying. He is visible to the naked eye out there as he circles the earth once every 91 minutes. He is particularly beautiful just before sunrise and just after sunset with the light flashing on the stars on his shoulder boards, but some of the effect is lost in the daytime. I am told that he will be passing over the Washington Monument just after sunset on the Fourth of July.

If Members believe in Rear Adm. J. Heavy Bottomley, then vote for the Senate amendment. If they do not, vote to instruct the conferees and let us cut out this ridiculous waste.

Mr. YOUNG of Florida. Mr. Speaker, as the gentlemen from New York (Mr. Pike) knows, in the Committee on Armed Services I supported the effort to instruct the House conferees to oppose the Senate amendment to H.R. 8537 relative to extending flight pay until December 31, 1973. But, Mr. Speaker, I resent his irresponsible and pathetic attempt to ridicule, belittle, and degrade members of the Armed Forces of the United States, many of whom are the very men who many times have risked their lives for this Nation. Yes, risked their lives so that a Congressman like Mr. Pike would have the right to make such a speech in the elected Congress of a free Nation. When I came to the floor today, I intended to support my original position as established in committee, but, after Mr. Pike attempts to ridicule American servicemen, I change my vote to "no" to guarantee that no one will misunderstand and think that I join Mr. Pike in his unworthy attacks on men who have risked so much to guarantee him the right to make such "unfunny" remarks.

Mr. MILFORD. Mr. Speaker, I would like to address the provisions of this legislation that pertain to flight pay.

As an experienced pilot with over 6,000 flying hours I can appreciate the necessity for all aviators to make frequent and regular aerial flights and be properly compensated for the hazards involved—and there are hazards, especially in military flying. For example, of 1,000 Air Force pilots entering operational flying, 70 will succumb to flying hazards before completing 20 years of duty.

I know that aviation, both commercial and military, is an attractive career and many young men desire to spend their lives in this endeavor. However, I also know that in addition to the hazards involved there are other burdens that must be borne such as family separations and increased expenses. In this latter regard, we must recognize that many insurance companies charge flying officers 30 percent more for life insurance premiums than that charged nonfliers. Over a life span of active flying these factors can be demotivating unless the individual in that career field can feel confident that continued and adequate compensation will be forthcoming throughout his career.

The main criticism against flight pay, concerns the so-called desk pilot. He flies very few hours per month and is not primarily assigned to a full-time flight job. Many ask, "Why pay this guy flight pay?"

There are several very good reasons why he should be paid flight pay. One of the key reasons for paying him extra money is because he is saving a tremendous amount of money for this Nation.

On the surface, it would not seem to make sense that, by paying extra money to an irregular flyer, the country would save money. However, if you will simply think it through, you will see that my statement is true.

It costs this Nation several hundred thousand dollars to train a pilot. Even a refresher course to retrain a pilot amounts to almost half the cost of training a recruit. You see, pilot training consists of much more than simply manipulating the controls of the airplane. That portion of the training is actually only a minor party.

In today's complex airplanes and in our crowded skies, a pilot must spend a tremendous amount of time in self-study to maintain currency in a mutitude of related technical matters. His real need for "stick time" is minimal.

Our Government has a choice. We can motivate the pilot to maintain currency by giving him additional pay to spend extra hours in self-study, or we can send him to an expensive school when we actually need him as a full-time active pilot.

It has been proven that the flight-pay route is far less expensive. There is still another—far more important—reason for the flight-pay incentive. That amounts to the vital element of time.

During the Vietnam conflict, the Air Force alone activated 1,150 "desk pilot" colonels and 62 generals. These commanders were able to move immediately into active full-time flight jobs because they had maintained their proficiency. If refresher courses had been required, they could not have been activated for several months.

My colleagues, you have been talking mostly about the Air Force during these discussions of flight pay. In so doing, we are forgetting that the U.S. Army has more airplanes and more pilots than the Air Force, Navy, and Marines combined. Furthermore, the flight-pay incentive in the Army is probably more important than in the other services.

The Army pilot spends his junior and intermediate years as an Army aviator. In the meantime, his associates build proficiency and command experience in the basic branch. That is, nonflying officers pursue careers as infantrymen, artillerymen, armored, et cetera. The pilot officer is unable to remain competitive without a tremendous amount of extra self-study. He deserves his flight pay.

Mr. Speaker, my point is simple. Our Government clearly saves money by retaining flight pay for officers that are not primarily assigned to full-time flight duties. It is vital to this Nation to have a ready reserve of trained pilots, yet we are unable to afford the tremendous expense of operating the aircraft to keep the needed number of pilots on full-time status.

The flight-pay incentive provides the answer to both problems. I urge my colleagues to oppose the motion made by the gentleman from New York.

Mr. CHAMBERLAIN. Mr. Speaker, the House has just been entertained by a rather cute attack upon the military "brass."

Just who are these "brass" who are subjected to this burlesque abuse?

Why, they are only the men who have spent the better parts of their lives in the service of their country, and who, by their superior performance of duty, have attained the ranks of leaders of our Armed Forces.

Of course, there are not very many of them, by comparison, and it is unlikely that any politician has more than a token few among his constituency, so it is perfectly safe to have your fun at their expense.

And since they have no forum in which to reply, and since it is both illegal and unthinkable for any one of them to answer the attack, it really takes a lot of courage for a politician in the sanctuary of this privileged Hall, to roast and ridicule these members of our military with complete immunity.

In the gigglish wake of these invidious insults it is unlikely that reasonable debate can be resumed.

The committee asks only for a little time—6 months—to resolve the matter under discussion in an orderly manner.

It is shameful that the question has deteriorated into a classist appeal. Either flight pay is wrong for all persons in nonflight status—and I happen to think it is—or it is not wrong, regardless of rank.

Either flight pay is justifiable for all persons whose duties require them to fly—and I believe that it is—or it is not justifiable for any.

It is an insult to all who have attained a measure of success, and disheartening to those who yet aspire to devote their lives to a career in the defense forces of our country, to find that matters of such importance to them can be treated so lightly and ludicrously by the very Congress that can order them into war at will.

The military "brass"—the perennial target of pettifogging partisans—are certainly not perfect. Indeed, they may be almost as imperfect as some of us here in Congress. But their license is limited to the letter of the legislation we write.

Need I remind you that theirs is a most serious business, and it would much better become us to deal with the problems of our armed services in a serious and thoughtful manner.

Mr. PIKE. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The **SPEAKER.** The question is on the motion offered by the gentleman from New York (Mr. PIKE), to instruct the managers.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PIKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 175, not voting 20, as follows:

[Roll No. 306]

YEAS—238

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Armstrong
Ashley
Aspin
Baker
Bell
Bergland
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Chisholm
Clancy
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Devine
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hogan
Holifield
Holtzman
Howard
Huber
Hudnut
Hungate
Hutchinson
Ichord
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Keating
Kemp
Kluczynski
Koch
Latta
Lehman
Litton
Long, Md.
Lujan
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Perkins
Pike
Poage
Podell
Preyer
Pritchard
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Skubitz
Smith, N.Y.
Staggers
Stanton, James V.
Stark
Steele
Steelman
Stephens
Stokes
Stuckey
Studds
Sullivan
Symington
Symms
Taylor, N.C.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Wampler
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wylie
Yates
Yatron
Young, Ga.
Young, Ill.
Zablocki
Zwach

NAYS—175

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Arends
Bafalis
Barrett
Beard
Bennett
Bevill
Blackburn
Boggs
Bowen
Breckinridge
Brinkley
Brown, Mich.
Broyhill, Va.
Buchanan
Burgener
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Collier
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Dellenback
Dickinson
Dorn
Downing
Duncan
Eshleman
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fulton
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Grover
Gubser
Hammerschmidt
Hanrahan
Hansen, Idaho
Hays
Henderson
Hicks
Hillis
Hinshaw
Holt
Horton
Hosmer
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Kazen
Ketchum
King
Kuykendall
Kyros
Landgrebe
Landrum
Leggett
Lent
Long, La.
Lott
McClory
McEwen
McSpadden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Michel
Milford
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Myers
Natcher
Nelsen
Nichols
O'Brien
Parris
Passman
Patten
Pepper
Pettis
Pickle
Powell, Ohio
Price, Ill.
Price, Tex.
Quie
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rousselot
Ruppe
Ruth
Satterfield
Saylor
Scherle
Shoup
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Snyder
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Talcott
Taylor, Mo.
Teague, Calif.
Thornton
Towell, Nev.
Treen
Veysey
Vigorito
Waggonner
Walsh
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Wright
Wydler
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zion

NOT VOTING—20

Ashbrook
Badillo
Blatnik
Breaux
Clark
Danielson
Dent
Derwinski
Fisher
Hébert
McCloskey
Murphy, N.Y.
Peyser
Railsback
Reid
Rooney, N.Y.
Sandman
Teague, Tex.
Thompson, N.J.
Tiernan

So the motion to instruct was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Fisher against.

Mr. Rooney of New York for, with Mr. Hébert against.

Mr. Murphy of New York for, with Mr. Breaux against.

Mr. Tiernan for, with Mr. Teague of Texas against.

Mr. Dent for, with Mr. Derwinski against.

Until further notice:

Mr. Clark with Mr. Ashbrook.
Mr. Badillo with Mr. Sandman.
Mr. Danielson with Mr. Railsback.
Mr. Blatnik with Mr. Peyser.
Mr. Reid with Mr. McCloskey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The **SPEAKER.** The Chair appoints the following conferees: Messrs. STRATTON, HÉBERT, NICHOLS, BRAY and HUNT.

COAST GUARD AUTHORIZATION AND PERSONNEL AND STUDENT STRENGTH

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5383) to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, after line 10, insert:

"AIRCRAFT

"For procurement of a long range search and rescue helicopter, $3,000,000."

Page 2, line 17, strike out "$72,510,000" and insert "$75,260,000".

Page 4, after line 19, insert:

"(27) At a location between San Francisco, California, and Astoria, Oregon: Establish helicopter search and rescue station."

Page 4, line 21, strike out "37,482" and insert "37,607".

Page 5, line 3, strike out "4,001" and insert "4,006".

Page 5, after line 17, insert:

"SEC. 6. (a) Section 1 of the Act of June 20, 1936 (49 Stat. 1544, 46 U.S.C. 367), as amended, is further amended by deleting the entire third sentence and substituting in lieu thereof the following sentence: 'The exemption in the preceding sentence for cannery tender or fishery tender vessels shall continue in force for five years from July 11, 1973.'

"(b) Section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by deleting the entire last sentence and substituting in lieu thereof the following sentence: 'The exemption in the preceding sentence for cannery tender and fishery tender vessels shall continue in force for five years from July 11, 1973.' "

Amend the title so as to read: "An Act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri (Mrs. SULLIVAN)?

Mr. FROEHLICH. Mr. Speaker, reserving the right to object, I would like to address some remarks to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mr. Speaker, I have had some consultation with the Coast Guard congressional liaison and others regarding the implication of item 3, page 3, "Explanation of Amendments to the Senate Report on H.R. 5383."

I am told that the Senate committee report is but a part of legislative history. The House debate on the $600,000 additional appropriation and the House Appropriation Committee bill report are also legislative history that clearly spell out that the reopening of any SAR stations are to be based upon priorities based upon the lifesaving mission of the Coast Guard, not on geography or political decisions.

That, in fact, the additional manpower authorized in the pending amendment are not limited to any location. That, in fact, less than 6 or all 13 SAR stations could be reopened based upon the 30-day study called for by the House. That, in fact, Plum Island in Wisconsin will compete with all 13 stations for reopening, not with just 7 non-Michigan stations

Is this a correct statement?

Mrs. SULLIVAN. That is essentially correct.

If the gentleman will yield, the gentleman is correct that the Senate report does have general language relating the six stations in question to the State of Michigan. However, it is noted that this is just general legislative history and that the bill does not anywhere specify priority placing for the six stations, just sets out personnel to man the stations. In addition, it is noted that the Appropriations Committee in its report, on page 12, stated that the remaining search and rescue stations might not be able to adequately assume these essential operations in all areas in which rescue stations are being closed.

As a minimum, the committee felt that the Coast Guard should strengthen the auxiliary, and increase the utilization of the Coast Guard Reserve in these areas. The committee went on to state that it expects a detailed report from the Coast Guard on this matter within 30 days. Thus, it is clear, that with respect to which particular 6 of the 12 stations may be continued in operation—the Coast Guard must report to the Congress in 30 days on this matter.

In addition, it is clear that this is an administrative decision to be made by the Coast Guard. In light of these facts it would seem that the question of which six stations would be continued is not really crucial to H.R. 5383, the authorization bill, and so I would urge my colleague not to delay this authorization bill, which is essential to the Coast Guard appropriations, by objecting to the acceptance of these Senate amendments. I particularly urge this on my colleague, since there is a June 30 expiration date for Coast Guard lease housing and an inordinate delay in the authorization may cause the Coast Guard some administrative problems.

For these reasons, I urge my colleague to accept the Senate amendments.

Mr. RUPPE. Mr. Speaker, will the gentleman yield on that point?

Mr. FROEHLICH. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Speaker, I think we have to understand that the Senate amendments simply provide the manpower for the additional six stations. It is the House appropriations bill for the Coast Guard that provides the additional $600,000 to finance these six stations of the Coast Guard. The Coast Guard indicated to the Committee on Appropriations that it would, indeed, develop the study for the Committee on Appropriations within 30 days, and based upon that study would open approximately 6 of the 13 stations.

That is an agreement developed by the Committee on Appropriations as far as this particular bill is concerned. The Senate amendments only refer to manpower authorizations of the Coast Guard. They are increased to take care of the additional six stations that we assume will be the result of additional moneys flowing to the Coast Guard by the actions of the Committee on Appropriations.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to express my support for this legislation but more importantly, to thank the gentlelady from Missouri, Chairwoman SULLIVAN, Mr. MURPHY, Mr. GROVER, and Mr. RUPPE and their respective staffs for their cooperation and acceptance of the Senate amendments.

In particular, your willingness to recognize our need for a helicopter search and rescue unit at Arcata, Humboldt County, Calif., and accept my request to retain Senator TUNNEY's amendment in this legislation rather than go to conference is greatly appreciated.

We are attempting to develop on the west coast an adequate system of search and rescue units that will serve the increasing needs of the area.

The weather conditions are unique and during storm seasons quite hazardous. The remote areas are inaccessible and the time and distance factors relating to adequate coverage make it essential to locate a facility at the agreed-upon site on the Arcata airport where navigation, communications, buildings, and logistical support facilities are readily available.

The county of Humboldt has offered full cooperation in making space available to this Coast Guard unit.

This location will serve the "missing gap" of the Mendocino, Humboldt and Del Norte County coastal areas. I say "missing gap" because it describes the only area between San Francisco and Astoria, Oreg., that does not have adequate helicopter search and rescue coverage.

Again, I thank the committee for its consideration and attention to this important matter.

Mr. FROEHLICH. Mr. Speaker, with the explanations given here, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri (Mrs. SULLIVAN)?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RE-REFERENCE OF H.R. 8094

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of the bill (H.R. 8094) to direct the Secretary of the Interior to redesignate the Alamogordo Reservoir, N. Mex., as Lake Sumner and that the bill be referred to the Committee on Interior and Insular Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. DICKINSON. Mr. Speaker, on rollcall No. 296 I am recorded as being absent. I was present and did vote my presence here. I wish to have the RECORD so reflect.

PERSONAL EXPLANATION

Mr. BUTLER. Mr. Speaker, on rollcall No. 280 I was present when the vote was taken, and evidently through a malfunction or through my error I was not recorded as being present. I should like to have the RECORD reflect that I was present.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas.

There was no objection.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1974

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 471 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 471

Resolved, That during the consideration of the bill (H.R. 8947) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes, all points of order against said bill for failure to comply with the provisions of clause 2, rule XXI, are hereby waived.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 471 permits the Committee on Appropriations to submit the bill making the fiscal year 1974 appropriations for public works for water and power development for action on the floor of the House of Representatives without being subject to points of order.

House Resolution 471 provides that the provisions of clause 2, rule XXI of the rules of the House are waived against the bill.

Title I of the bill appropriates funds for the Atomic Energy Commission in the amount of $2,297,688,000, a decrease of more than $335 million from the amount spent in fiscal year 1973. Titles II and III of the bill appropriate funds for the Corps of Civil Engineers and the Bureau of Reclamation. They also provide moneys for the power agencies of the Department of the Interior. The total amount appropriated by titles II and III is $2,021,856,000.

Title IV of H.R. 8947 includes funds for independent agencies and commissions such as the Federal Power Commission, the Tennessee Valley Authority, and related Appalachian programs. Title IV appropriates funds in the amount of $352,151,000. The grand total of all the appropriations in the bills is $4,671,695,000.

Mr. Speaker, I urge adoption of House Resolution 471 in order that we may discuss and debate H.R. 8947.

Mr. LATTA. Mr. Speaker, today we are considering House Resolution 471, which provides for the consideraton of H.R. 8947, the public works for water and power development and Atomic Energy Commission appropriation bill for fiscal year 1974. The rule provides a waiver of points of order against the bill for failure to comply with the provisions of clause 2, rule XXI, because two sections of the bill lack final action on the authorizing legislation. The two sections are:

On page 2, lines 10 to 25, all of page 3, and page 4, lines 1 to 9, the Atomic Energy Commission.

On page 25, lines 7 and 8, under Water Resources Council.

The purpose of H.R. 8947 is to make appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Development Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974. The total appropriation for 1974 is $4,671,695,000.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on H.R. 8947.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8947) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona (Mr. RHODES) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8947, with Mr. ICHORD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Tennessee (Mr. EVINS) will be recognized for 1 hour, and the gentleman from Arizona (Mr. RHODES) will be recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring you today the public works for water power development and Atomic Energy Commission appropriations bill for 1973.

This is an important bill—an all-American bill—a bill that touches the lives of virtually all Americans.

This bill represents substantial investment in the future of America—in our future—an investment that will pay rich dividends in services for our people and in economic benefits to the Nation.

The purpose of this bill is to build a stronger America—to strengthen our country.

In providing for water resource development for our Nation we assure needed electric power, a more adequate water supply, flood control, additional and improved waterways for navigation, recreation, and other essential services for our expanding population.

This bill also strengthens the muscle of America by providing for research and development by the Atomic Energy Commission—for defense and defense-related missions—and for development of nuclear energy for peacetime purposes.

I must advise my colleagues, however, that because of slowdowns, stretchouts and delays, this Nation is falling further behind schedule in the construction of needed public works projects—the current backlog totals 162 projects, for planning and construction. The trend of budget recommendations in the last few years has been on the decline.

Last year, it appeared, that the Office of Management and Budget had discarded its policy of delay, slowdown and stretchout because of a record budget for public works projects presented.

This year, however, OMB is back at the same old stand with the same old policy of slowdown and stretchout with a very few and limited number of new starts proposed.

Our committee has set some of its own priorities—we have added a modest number of new studies and planning and construction starts for the Nation.

Our subcommittee policy is to continue to give the highest priority to projects under construction—to maintain the construction timetable, as much as possible, and keep these projects on schedule.

I will go into this in some detail later in discussing this bill.

The bill we are recommending represents this Nation's continuing commitment to provide needed and essential services for our people at a time when there is a national power crisis—when the very halls of our Capitol buildings are darkened by brownouts as increasing demands overtax our capacity to produce electricity.

That is what this bill is all about—meeting the anticipated needs of the future. We are concerned over the power and energy crisis and we recommend fast and affirmative action to cope with this crisis.

This bill funds projects that will provide more than $723 million in annual public power benefits.

DISASTER BENEFITS

Certainly I am sure I do not have to remind my colleagues of the natural disasters that occurred this year—including Hurricane Agnes and the Mississippi River floods.

It is estimated that Corps of Engineers projects prevented flood damage totaling $7.4 billion in the Mississippi River area—and prevented $1.7 billion in damages from Hurricane Agnes.

BENEFITS IN BILL

This bill we are considering today funds projects that will provide an estimated $2.1 billion in further annual flood prevention benefits—flood damage averted.

Other annual benefits from projects funded in this bill are estimated at: $205.7 million in water supplies; $1 billion in improvements to inland waterways and navigation; $793 million in additional irrigation measures; and $246.9 million for recreation, among other benefits.

Let me at this time commend all of the members of our subcommittee who have contributed to the preparation of this bill—all have participated and all have been most helpful.

This bill is a product of the entire subcommittee—and we bring you a bill and report, which we trust will be speedily approved.

I want to commend the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Mississippi (Mr. WHITTEN), the gentleman from West Virginia (Mr. SLACK), and the gentleman from Louisiana (Mr. PASSMAN), the able and genial ranking minority member, the gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from New York (Mr. ROBISON). It has been a pleasure to work with all members of our subcommittee.

I want also to commend our excellent committee staff: Hunter Spillan, George Urian, and John Plashal. They are able, helpful, and excellent men.

Our subcommittee conducted 3 months of hearings on this bill.

The testimony fills five volumes and 6,500 pages of transcript.

A total of 1,500 witnesses including 200 Members of Congress, testified before the subcommittee on projects of interest to their States and this Nation.

This bill has four titles of—

Title I, the Atomic Energy Commission;

Title II, the Corps of Engineers, Department of Defense;

Title III, the Bureau of Reclamation, Department of the Interior; and

Title IV, related independent agencies—power and water resource commissions.

OVERALL SUMMARY

Mr. Chairman, the 1973 Public Works and AEC appropriations bill totaled $5,607,329,000.

The budget, as submitted and recommended by the President for 1974, totaled $4,809,969,000.

In other words, OMB recommended a bill this year which is almost $1 billion less than last year.

Beyond that, we have made cuts and reductions of $85,774,000 in the budget request.

Our committee is recommending $4,724,195,000.

I repeat: We have cut and reduced the President's budget request by $85,774,000.

This bill is 16 percent below the 1973 appropriations and 2 percent below the 1974 estimate. It represents only 1.48 percent of the total budget.

That is a remarkable achievement.

Cuts and reductions totaling $212,942,000 were effected in the overall budget. Primarily these reductions were made from the Atomic Energy Commission and predominantly in the weapons program, the committee made some off-setting increases for water resources development projects where needed.

Our committee in setting some of its own priorities recommended an increase of $33,524,000 for a limited number of new studies, planning and construction items for the Corps of Engineers and the Bureau of Reclamation.

Some $28,960,000 is being recommended for the Bureau of Reclamation which was literally cut to the bone by OMB. The increase provided is for general investigations, construction and rehabilitation.

We are recommending an increase of $29,000,000 for disaster relief for the areas near the Mississippi River and its tributaries which, as we all know, sustained recent severe flood damages, Hurricane Agnes.

We are also recommending some increases in the Atomic Energy Commission—including an additional $8 million for production of enriched uranium for sale to nuclear electric generating facilities.

The overall increases total $127,168,000 which yields a net reduction as indicated in the bill of $85,774,000.

We are recommending only 15 new planning starts for the Corps of Engineers and the Bureau of Reclamation—including six starts recommended in the budget—although the backlog of projects for both agencies totals 162 projects.

We are recommending 15 new construction starts for both agencies—including four recommended in the budget request—although the backlog of projects eligible for construction is 99.

We are recommending 23 studies—including 12 in the budget request.

As I indicated we are recommending that some priorities be set by the Congress, based on months of testimony by hundreds of witnesses before our subcommittee.

Our bill calls for the following breakdown in new starts recommended in the budget and additions by the committee.

	Budget	Committee additions	Total
Studies	12	11	23
Planning	6	10	16
Construction	4	11	15
Loan program	3	0	3

With these limited new starts and increases for construction, our committee is seeking to compensate for delays, stretchouts, slowdowns and the freezing and impounding of funds in some areas.

PROJECTS FUNDED

A total of 392 projects are funded in the bill—including old ongoing projects and new recommendations for planning or construction. The projects are listed in the report which we recommend to your reading.

Let me turn briefly to a few comments on the report of the National Water Commission.

May I say at this point that within the next few weeks and months you will probably hear discussions concerning the recent recommendations of the National Water Commission with respect to future funding of water resource projects.

In the view of our committee, the net effect of the recommendations of this Commission will be virtual abandonment of our national water resource development program—and an abdication of national responsibility to assure the American people of the benefits of water resource development.

This report by the National Water Commission proposes to transfer to State and local governments the responsibility for water resource development—and further, would make the application of user charges mandatory for any Federal involvement in such projects. The development of our navigable rivers is a national—not a State responsibility—and so considered since the founding of this Nation.

In the view of our committee, this report, in substance, recommends that water and water resource services be treated as salable commodities to our people rather than necessary and essential public services.

This report, if adopted would virtually stop water resource development throughout the United States at a time when our population is continuing to expand with the corresponding increases in demands for water—electric power and other essentials.

This report should be rejected in the public interest, especially in view of the fact that the Water Resources Council in a recent assessment of the Nation's water resources estimated that national requirements for municipal water supplies will triple and requirements for industrial use will increase 300 percent by the year 2020.

The report by the Water Resources Council further estimated that annual flood control damages will triple and that steam-electric powerplants will increase water withdrawals more than six times over the present rate of use.

It is estimated that water tonnage on the Nation's internal waterways will increase six times in the next 50 years.

Now is not the time to play games with the future of America by adopting a policy that will not only reverse present usage, tradition and history—but will effectively halt and curtail water resource development for the Nation.

U.S. CORPS OF ENGINEERS

For the Corps of Engineers, the Committee recommends $1,502,016,000—which is $345,635,000 less than new obligational authority provided for this fiscal year.

Our recommendation is $26,716,000 more than the budget request, primarily because of an increase of $29,000,000 required for disaster benefits as a result of the Mississippi River floods.

In addition, our committee is recommending the addition of $7,091,000 to the budget for general investigations and construction.

As I indicated earlier, our committee has added a limited number of new planning and construction starts. However, a cut and reduction of $9,375,000 in the appropriation for operation and maintenance more than offsets these increases.

It is interesting to note that the total budget request for general construction for the Corps of Engineers was less this year than 10 years ago.

Although construction costs have doubled since 1965, the budget request for the Corps of Engineers for construction for fiscal 1974 is $858 million—less than the $879 million requested in 1965.

In other words, this is an austere budget—a bedrock budget—a budget less than the budget request 10 years ago.

ATOMIC ENERGY COMMISSION

For the Atomic Energy Commission, the committee is recommending $2,297,688,000—which is $131,687,000 less than the budget request.

In summary, we have made some cuts and reductions principally in the weapons and testing programs and in proposed facilities construction to effectuate some economies.

While making these cuts and reductions, we are recommending some increases in programs to promote the use of nuclear power for peaceful purposes.

For example, we have increased the nuclear materials budget estimate by $8 million to increase the production of enriched uranium for sale to utilities for power production.

We have increased funding for several important reactor programs—including an increase of $4,700,000 for controlled thermonuclear fusion for peacetime purposes.

The committee is also recommending $600 thousand for solar energy research to explore further the potential of solar energy as a generator of electricity.

In addition to the Corps of Engineers, Bureau of Reclamation, and AEC we have funded the several power agencies, the Alaska Power Administration, the Bonneville Power Administration, the Southeastern Power Administration, the various river commissions, the Tennessee Valley Authority, the Federal Power Commission, the Appalachian Regional Development Commission, and others.

BUREAU OF RECLAMATION

For the Bureau of Reclamation in the Department of the Interior our committee is recommending $356,358,000 which is $111,459,000 less than the current year budget.

Our committee is recommending an increase of $21,515,000 over the budget estimate to compensate in a very small and limited way for the extremely low budget recommended for the Bureau by the Office of Management and Budget.

The President's budget indicates that the Bureau of Reclamation will change the thrust of its programs from irrigation to providing water and electric power for municipal and industrial purposes.

While the committee has no objection to this added emphasis, we do object to any change in the basic philosophy of bureau programs without specific action by the Congress.

APPALACHIAN REGIONAL DEVELOPMENT COMMISSION

The programs of the Appalachian Regional Development Commission are continuing to have a beneficial and highly visible impact in the 13-State Appalachian region.

The committee is recommending $270,000,000 for the Commission for 1974 which is $2,000,000 less than the budget estimate and $73,000,000 less than last year's budget.

It is the feeling of the committee that the amount recommended will be adequate to carry out all programs of the Commission for the next year.

The largest single appropriation for the Commission is $155,000,000 for highway construction.

The following table indicates the breakdown on allocations to various components of the Appalachian program:

Highways	$155, 000, 000
Health demonstrations	43, 000, 000
Mine area restoration	4, 000, 000
Housing fund	1, 500, 000
Vocational education	25, 000, 000
Supplemental grants	34, 000, 000
Research, demonstrations and local development districts	7, 500, 000
Total appropriation	270, 000, 000

FEDERAL POWER COMMISSION

The committee is recommending $27,000,000 for the Federal Power Commission which represents a slight decrease—$163,000—from the budget estimate.

Our recommendation is $3,500,000 over the last budget.

Recent court decisions require the Commission to provide its own environmental impact statements for every proposal submitted to the Commission for construction, operation, and maintenance of gas and power facilities.

This entails a substantial increase in workload and funds are provided in this bill for 106 new positions—principally to carry out the Commission's expanded responsibilities under the National Environmental Policy Act of 1969.

TENNESSEE VALLEY AUTHORITY

The committee is recommending an appropriation of $45,676,000 for the Tennessee Valley Authority—an increase of $2,500,000 over the budget request, but $18,874,000 under the last budget.

Appropriations to the Tennessee Valley Authority are limited to the water resources development program and related activities normally financed by the Federal Government.

All TVA power projects begun since the mid-1950's have been financed from electric power revenues and through the sale of bonds and notes as authorized by Congress in 1959.

Through the years, the committee has strongly supported the Tennessee Valley Authority, and, as chairman, I congratulate TVA and commend its leadership on the 40th birthday of this great agency.

The committee reflects with pride on its consistent and constant support of the vital and important programs of TVA which have prevented much flood damage, promoted navigation, produced electric power, created reforestation, encouraged industrial development, and generally improved economic conditions of the Tennessee Valley area.

However, the committee is deeply concerned over the series of escalating power rate increases by TVA over the past 6 years and extensive hearings were conducted into these continuing increases.

The committee urges the Board of Directors of TVA to take any and all actions possible to prevent any further rate increases, and, further, that prior to any proposed rate increase, a public hearing be held.

The committee has included funds for replacing three spans of an existing railroad bridge at Decatur, Ala., as this bridge constitutes a hazard to navigation—and funds to construct a new bridge to be located between White and Van Buren Counties, Tenn., to replace Reno Bridge, removed by TVA because of its unsafe condition.

WATER RESOURCES COUNCIL

Mr. Chairman, in this bill we are also recommending $7,417,000 for the work of the Water Resources Council—a cut and reduction of $395,000 under the budget request.

This appropriation provides for the expenses of the Council and the river basin commissions and for financial assistance to states in developing comprehensive water and related land resource plans as authorized by the Water Resources Planning Act of 1965.

IN CONCLUSION

Mr. Chairman, again I want to emphasize that this bill is an exercise in fiscal prudence, restraint and responsibility.

This bill is $883,134,000 less than the preceding year—and $85,774,000 less than the budget request.

Again may I remind you that:

This bill is 16 percent below the 1973 appropriations bill; 2 percent below the budget estimate for 1974; and represents only 1.48 percent of the total gross budget.

The committee has exercised its prerogatives and discretion by setting some of its own priorities. We have initiated a limited number of new planning and construction starts in the public interest.

This is a good bill—an important bill—one of the most important appropriations bill the House will consider this year, especially in view of the need of providing an adequate power supply for the people of this Nation today and in the future.

I repeat, Mr. Chairman, this is a good bill.

It is a bill in the public interest and for Americans.

It is a bill for progress for our country.

I urge prompt approval of this vital appropriations measure in the national interest.

Mr. SIKES. Will the distinguished gentleman yield?

Mr. EVINS of Tennessee. I yield to my good friend from Florida.

Mr. SIKES. First let me commend the distinguished gentleman, the chairman of the subcommittee, and his committee and staff for the excellent work they have done on this bill. I support all that the distinguished gentleman has said about the importance of this bill. I congratulate him on the fact that he has brought in a bill which is significantly below the budget, and that is indeed a rarity in these times. It shows particular diligence on the part of the gentleman's subcommittee.

May I ask the gentleman this question: Is it intended by this legislation to deauthorize or repudiate any project heretofore authorized by the Congress?

Hr. EVINS of Tennessee. No. I would

say to my good friend that it is not our function to authorize or deauthorize projects. There is no disposition to deauthorize any project.

Mr. SIKES. Then, I can safely assume this answer also applies to the Cross-Florida Barge Canal?

Mr. EVINS of Tennessee. The gentleman is correct.

Mr. PERKINS. Will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. PERKINS. I want to put in a word of thanks to a great chairman (Mr. EVINS) for doing to my way of thinking a great job. I know in the area I represent flood control is absolutely essential. We have suffered so much and our people have had their lives' belongings taken from them too many times. The gentleman, to my way of thinking, has done an excellent job and should be complimented by this whole Chamber for a job well done.

Mr. EVINS of Tennessee. I thank my friend.

Mr. Chairman, I reserve the balance of my time.

Mr. RHODES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to echo the words of my good friend, the chairman of the subcommittee (Mr. EVINS), in thanking the members of the subcommittee and the staff for the very hard work which they have put forth in bringing this bill before the House. We have worked harmoniously and effectively under the able leadership of the gentleman from Tennessee.

I happen to think this is a very good bill and a bill that the House should adopt unanimously. I do not know of any way it needs to be amended; in fact, it would be my purpose to be against any amendment and to hope no amendments would be adopted.

It is not that it is a perfect bill, because there is not any such thing, but it is certainly true this is a bill which goes as far toward taking care of the needs of the country for the expansion of water supplies, for flood control, for atomic energy as we can prudently do under the budget stringency which we suffer in this fiscal year 1974.

Personally, I should like to invest much more money on these great purposes than we are able to do today. I feel it is not a matter of pride but perhaps a matter to be deplored that the level of expenditure for the Corps of Engineers, the Bureau of Reclamation, is lower this year than it was last year. I am sorry, also, that the activities of the Atomic Energy Commission cannot be funded at a higher level. I think it is very important we fund the process known as controlled thermonuclear fusion just as rapidly as we possibly can. We suffer from an energy crisis today, and one of the reasons we do is that we have not been able to get as many nuclear powerplants on the line as we had hoped we would by this time. There are various reasons for that, only one of them being the increased concern for the effects such plants might have on the environment.

Whatever the reasons, we are in an energy crisis today and probably will be for some months and perhaps even years to come.

The controlled thermonuclear fusion process is everything to everybody.

Here you have a possible source of electricity which is unlimited. Here you have heat with which you can do all sorts of things, including taking salt out of seawater. Most important of all, the end product is not radioactive, since it is helium which, of course, is an inert gas.

So, if you had the engineering know-how to put the controlled thermonuclear fusion process to work for mankind, all in one fell swoop you could solve the energy crisis, you could solve the need for fresh water, and you could do it without harming the environment. Unfortunately, this Utopian condition is some time away. The members of this subcommittee have for years been asking the Atomic Energy Commission to speed this process up. This year, for the second time since I have been on the committee, they have come to us and said yes, we can use more money and we can use it effectively. We always respond.

I think we have provided in this budget the amount of money which can be used most efficiently in the years to come. So, I would not support an increase in this particular activity, although I would have hopes that in the years to come such increases not only could be asked for, but could be justified by the state of the art, and the proximity of that day in which this process can be harnessed and used for mankind.

I mentioned desalinization. This is one area where in the last several years we have actually gone downhill in our efforts to produce more fresh water. The brackish supply of water on the continent, and the salt water supplies of the ocean are the most obvious means of augmenting our supply of fresh, clean water. But there again any dramatic increase in the output from desalinization probably must await some breakthrough in the state of the art which we have not yet been able to experience.

One of the things which we are doing in this bill is to forward a study for salinity control of the various streams throughout the United States. One of these, of course, is in certain river valleys of the midwest. The most important one to me is a study of our great river, the Colorado River, which is a saline stream, largely from natural sources. The idea of this study, of course, is to find the reason for the existence of these natural sources, and to plan ways and means of blocking off the natural pollution of that great stream.

When we do this, of course, the water of the river will be more usable for mankind, not only in the United States, but in the great Republic of Mexico, our good neighbor to the south.

So this bill, in dealing with water, deals with three phases. One is to try to get more of it; another is to put it on land so that the land can be made more productive; and the third, and I guess maybe the most important in the short run, at least, is to keep it off the land. Mother Nature has really taught us a lesson this year, and that is that, try as we will and plan as we will, she still has the ability to make us look very puny. She has done it twice in the last year—in Hurricane Agnes and last spring in the great floods which have plagued so many of our river valleys, throughout the country, most particularly in the great Mississippi River Valley. In this bill we provide augmented funds not only to repair the damage of the floods on the Mississippi and other streams, but also to try to hasten the construction of necessary works to try to control future floods.

So this is an important bill. The chairman called it an all-American bill, and I think that is an appelation which is justly deserved. In this bill we invest in the future of our country. We try to do as the language of Daniel Webster indicates on the wall back of me, to try to do something in our time to improve the country and to try to pass it along to those who come after us in a better condition than it now is.

I think it is a good bill. I think the spending level is about right, and I ask that we support this committee, support this bill and pass it just as rapidly as we possibly can.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Chairman, I want to congratulate the chairman of the committee, the gentleman from Tennessee, and particularly the committee minority leader in the well, Mr. RHODES, for an excellent bill.

Last November the chairman of the Interior Committee Subcommittee on Water and Power, Mr. JOHNSON, and I and six other Members of the House made a trip to the Colorado River Basin. We saw the discharge of water, beginning with the Big Sandy in Wyoming pouring 80,000 tons of salt into the troubled downstream States and Mexico. We saw a place in Utah—Laverkin Springs—where sulfur water pours 500 thousand tons a year of salt into the Colorado River. We viewed the Gunnison River project and other points of saline discharge into the Colorado River.

We think this bill will provide an excellent service to the country, restoring water quality and preserving the country for the future. I commend my colleagues for setting an example and staying within the budget in doing so.

Mr. RHODES. I thank the gentleman from Wyoming.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman—

> We could leave to our children all the money in the world, and a worn out land, and in effect we would leave them nothing. On the other hand, if we leave them a rich land with soil erosion stopped, with rivers and harbors free of pollution, and our hillsides once again in trees, they'll make it, whatever our financial plight, for with a rich country behind them, they could establish their own financial system.

Today we are bring to you our Public Works appropriations bill for fiscal year 1974, it would be well, I think, particularly in view of the concern over Government spending and continued inflation, to give consideration to the basic real strength of our country which enables us to maintain our standard of living.

Mr. Chairman, as you know, I am ranking member of the Committee on Appropriations and feel indeed fortunate to serve on this Appropriations Subcommittee for Public Works and, at the same time, serve as chairman of the Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection, with the main purpose of both being to provide for, protect, and preserve our Nation's natural resources

You can understand why I enjoy serving in this capacity. It gives us such a wonderful opportunity to aid in things so essential to our well-being. My subcommitte, in our bill passed earlier this year, provided funds for rural electrification, rural housing, water and sewer grants and loans, and in the service area, for the 4-H Club work and many other programs so essential to rural development. We have restored again this year the ACP and the SCS. Our most pressing problem has been that the executive branch is holding up the funds, thereby adding to costs and further damage to our environment.

We are proud of our record on rural housing where, by changing one word "farm" to "rural" in the housing program, we led to the building of millions of rural homes. The money will be repaid. We are merely providing for rural people Government guarantees for loans which those in our urban areas have had for many years.

In preparing the bill before us, we attempted to meet, as far as circumstances would permit, the need for continuing the work of development and protection of each and every region. Now we submit to you a bill which provides funds for the continuation of Federal Government assistance in the development of rivers and harbors, to protect life and property from floods, to aid navigation, and, yes, Mr. Chairman, to aid in the restoration and protection of our environment.

Mr. Chairman, my colleagues have covered most of the details of the bill. However, there are numerous projects in my own area, where I have a great obligation and deep interest. These projects include $139,000,000 for the Lower Mississippi River and tributaries. We must remember that approximately three-fourths of all the water that falls in the United States flows down this great river valley, gathering in quantity and momentum as it goes.

THE TENNESSEE-TOMBIGBEE WATERWAY

We have provided for the Tennessee-Tombigbee Waterway, $18,000,000. This is an increase of $3,500,000, which our Committee added "* * * for the construction, including excavation, of the Divide Cut portion located in Northeast Mississippi of Tennessee-Tombigbee Waterway." This action will assure the completion of the project which will mean so much to our entire State.

OTHER MISSISSIPPI PROJECTS

Other projects in our section are the Ascalmore-Tippo and Opossum Bayous, $350,000 for planning, land acquisition, and initiation of construction; the upper auxiliary channel, $1,100,000, of which $400,000 is included for planning and the remaining $700,000 is provided to initiate construction; Yazoo Backwater, $2,050,000; Tombigbee River and tributaries, flood control, $700,000. The Corps of Engineers advised us that if these projects had been completed before this year's floods the water level would have been 4 to 8 feet lower at Swan Lake and Greenwood.

Mr. Chairman, we have once again provided for the four reservoirs—Enid, Arkabutla, Grenada and Sardis—for regular development toward the master plan sum of $1,240,000. This is a real step in bringing recreational development up to national levels.

MISSISSIPPI RIVER AND TRIBUTARIES, FLOOD CONTROL

Mr. Chairman, I am sure everyone is aware of the vast devastation caused by the recent Mississippi River floods. Our committee recognizes the severe problems created by the flooding where the latest estimate indicates that there was $494,600,000 in damages, 13,610,000 acres were flooded, and 50,225 people were evacuated. The damage prevented by existing crops projects, in the area, is estimated at $7.4 billion. We have attempted to appropriate accordingly, so as to provide for restoration and future prevention. Funds for restoration are included in the continuing resolution, amounting to $103,000,000.

We did recommend that within available funds, the Corps of Engineers restore those federally owned lands, currently under lease, to the condition which existed on those lands, immediately prior to the 1973 spring floods of the Mississippi River. Here the counties receive three-fourths of the land rentals for roads and schools.

TVA

Not to overlook another important aspect of the bill, in our report, the committee, reflecting great pride in the vital and important contributions and accomplishments of the Tennessee Valley Authority, provided $45,676,000 for its development programs and other related activities. Along with this amount, the committee expressed concern over a series of increases in the power rate. We recommended in the report that the Tennessee Valley Authority exert every effort required to maintain the power rates at the lowest possible level.

APPALACHIA

Funds in the total amount of $270,000,000 have been provided for the Appalachian Regional Development programs in 13 States which have meant so much to the development of much of my district; projects which in other areas are largely handled by the Economic Development Administration. Under this program, our area has received very valuable aid in sewer and water grants, grants for access roads, hospitals, health and educational pograms; and now in addition to access roads, we have finally obtained funds to start a corridor highway.

REPORT LANGUAGE

We placed the following language in our report:

> In reference to the Yazoo Basin reserviors, the Corps is urged to expedite the updating of the master plan to bring up to national standards the provision of recreational facilities, including the upgrading of access roads.

The following language is used in the bill, and I quote:

> "Yazoo Basin" *Provided*, that not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer.

The language used is authorized by Public Law 46, 86th Congress, as amended by Public Law 91–566, 91st Congress.

CONCLUSION

Mr. Chairman, I urge now, more than at any other time in our history, support of Federal spending to aid in the preservation of our most precious commodity, our land.

At this point let me say that I share my colleagues' concern with our present fiscal situation and presently serve as cochairman of the Joint Committee on Budget Control. We approached budgetary reform with one purpose in mind, that of returning to sound fiscal policy. However, refusing to invest in the future of our country is not the answer, particularly when we stand to profit from this investment, which has not always been the case with our spending.

In this bill we have attempted to provide the same type of development for the whole country, and our budget, when compared to the overall Federal budget—obligational authority—handled through the appropriation process is 2.75 percent. Our bill when compared to the total gross Federal budget estimate—obligational authority—for fiscal year 1974 is 1.48 percent. We are going to provide natural resource development for the whole country which is a little more than 1 percent of the Federal budget.

Is that too much to ask so that we may leave our children with a rich land?

Mr. Chairman, I repeat a statement I made several years ago, when on my motion the Congress overrode the President's veto on a second effort—the only time in history this has been done successfully. At that time, I said:

> The more we owe, the greater our problems, the more important it is that we protect the base on which it all depends—our land, our rivers and harbors, and natural resources—for without them not only could we not make it, but our children would not have a chance.

I wish to compliment my chairman, JOE EVINS of Tennessee, and ranking minority member, JOHN RHODES of Arizona, EDWARD P. BOLAND of Massachusetts, JOHN M. SLACK of West Virginia, OTTO E. PASSMAN of Louisiana, GLENN R. DAVIS of Wisconsin, HOWARD W. ROBISON of New York. They, along with our fine staff, headed by Hunter Spillan and his associates, have done a wonderful job and I urge your support of the actions of our Appropriations Subcommittee on Public Works.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Washington (Mr. McCormack).

Mr. McCORMACK. Mr. Chairman, first of all, I wish to congratulate the chairman, the gentleman from Tennessee (Mr. Evins) and the ranking minority member (Mr. John Rhodes) for the exellent work they have done on this bill, and to thank them for the advice and the assistance they have provided me during these days when I have expressed concern with respect to specific items in it.

I particularly want to express my agreement with the position taken by the chairman that the Congress must not ratify but rather must reject the National Water Resources Commission report. I certainly hope we will do that. I offer any support to the chairman in that effort.

Mr. Chairman, I planned to offer an amendment to this bill, but I decided not to do so. I should like to explain what the amendment was and why I decided not to offer it. I planned to move to add $3.8 million to the AEC appropriation for controlled thermonuclear research, that is, fission research.

However, I was persuaded by my conversations, with the chairman and with the Members of the other body, that this increase which I seek—or most of it—will be included in the version of the bill enacted by the other body.

Mr. Chairman, the administration requested $44½ million for operations for fusion research. The Joint Committee on Atomic Energy increased that authorization by $8½ million, to a total of $53 million. The Committee on Appropriations bill which we are considering here today increased it by $49.2 million, leaving it $3.8 million below the Joint Committee authorization that I had requested.

I consider it quite important that the authorization for fusion research be fully funded, and that this vital area of energy research never be budget-limited.

Since the administration budget for fusion research was completed about 8 to 10 months ago, very encouraging progress has occurred in three laboratories in this country in plasm studies, at Princeton, at Oak Ridge, and at Los Alamos.

For the first time in more than 20 years of extremely frustrating research, the best scientists in the world are convinced that now, for the first time, we understand the physics and dynamics of plasma behavior, the plasma in which fusion reactions must occur. This is a major accomplishment and will open the door to accelerated research leading, I hope, to early demonstration of scientific feasibility of controlled fusion reactions.

But, Mr. Chairman, a great deal of supporting work must be completed in the near future if this program is not to be delayed. We have a tendency to focus on the main line of research but ignore the vast number of important supporting programs that must be carried out if we are to take the next step. This is beginning to create problems in fusion research programing.

Several months ago I inserted in the Record a list of nine specific areas of supporting research that must be completed soon if we are to carry forward this program. None of these were included in the administration request and only part of them can be funded unless the authorization level is met by appropriation levels. These projects include new means of controlling the plasmas we are working with, of studying optional plasma cross sections of computerizing some of the more expensive research, of studying containment and working materials, and the effects of the high energy 14 MeV neutrons upon these materials. If this work is completed as I have recommended, we may then accelerate the program leading to a demonstration planned in the 1990's.

I would like to comment, that next year, if we go forward with fusion research, we may well find ourselves doubling or tripling our present $50 million budget for fusion research. But, Mr. Speaker, we are now moving on to the accelerating slope of the curve for research for controlled thermonuclear fusion. The rewards are great, but they are long range, and it will not really have an impact until about the year 2000. If we fund this program in a timely manner now, and carry out our research with the long-range goals in mind, we have an opportunity to really solve the energy crisis. So, Mr. Chairman, I want to bring this matter to the Members' attention and point out that when this bill is finally enacted, I hope it will be fully funded.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. EVINS of Tennessee. I yield the gentleman from Washington 1 additional minute.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I compliment the gentleman on the statement he has made and assure him that insofar as the members of this subcommittee are concerned we have always been convinced of the truth of the gentleman's statement as to the importance of the controlled thermonuclear fusion reaction, and if the Atomic Energy Commission in the future can, as we hope, convince us that they can spend more money, believe me, so far as I am personally concerned they will get it. I believe this is the most important single program we have in the whole U.S. Government today.

Mr. McCORMACK. I thank the gentleman. I certainly concur with his remarks.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, I compliment the gentleman from Washington on his statement. I support him 100 percent. I would like to go further and say this House is most fortunate to have the gentleman from Washington (Mr. McCormack) in this body. Most of us tend to think of plasma as something in blood, and having the gentleman present who is able to understand with clarity these very complicated subjects involved in atomic research is very fortunate for the House. Mr. McCormack is a recognized expert in the field of atomic energy. Research in this field is vital. Our economic survival, as a nation, will be dependent upon rapid development of this energy source.

I concur with the gentleman's statement.

Mr. McCORMACK. I thank the gentleman from Texas for his remarks.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Davis).

Mr. DAVIS of Wisconsin. Mr. Chairman, I certainly want to join the distinguished chairman and the distinguished ranking minority Member in recommending this bill to the Members in the form in which it has been presented.

I suspect that each one of us here could find a project here or there over which he was not completely enthusiastic, but in many of those cases we have found ourselves in the practical position that these projects are already well underway and it would be wasteful and disruptive to discontinue them in their present state. The practical thing for us to do, of course, is to attempt to nip the questionable projects before they do get well down the road.

But, it is a practical consideration that we are constantly besieged by requests for study and investigation funds. The funds for individual projects at this stage are not large, and we are also confronted with the practical political situation that if we do not provide these funds here, they will be put in as a matter of course, frequently simply as a matter of request of an individual Member of the other body, and they will be put in to the political disadvantage of our House colleagues.

So, this bill is a product of compromise, of the recognition of the political facts of life among members of the subcommittee, who represent many years of experience in dealing with the problems of this particular appropriation.

One of the things that I find it difficult to understand is that the product of this bill is invariably and annually attacked by some of those who call themselves the experts in the field of our environment. I would submit that if there is a bill which does more for environment and conservation factors of the economy and life of this country than this one, I do not know what it is.

In this bill are provisions for improving water supply; for making water-short areas produce many of the agricultural commodities which otherwise would be in short supply; for side-by-side development of fish and wildlife and recreation facilities, projects which save millions of cubic feet of the soil of our country each year; that protect the productive capacity and the quality of life of many of our people; that provide the only truly clean and nonpolluting sources of energy; that provide, particularly in the Appalachian area, for a substantial program of mine restoration.

Mr. Chairman, I think every one of us on the subcommittee has been impressed with the improved attitudes of members of the construction agencies in more recent years, where they have become environmentally oriented; where they are completing the commitments that have been made to this subcommittee and to the other individuals and committees of this Congress to take into careful consideration the environmental factors that are involved.

There are just a few details which the members may have missed in this report, and things which probably will be discussed by others at some later time in our discussion. One of them is the attempt to resolve what has always been a very controversial matter in this House, and that is the old Dickey-Lincoln project.

The Dickey-Lincoln project is not in this bill. Anyone who attempts to suggest that it is would be misleading the members. There is a committee-proposed solution to provide study money for a local project to develop the hydro and flood control potential of the St. John's River without becoming involved in all of the complications we have had with respect to Dickey-Lincoln.

There has also been some discussion since this bill was reported by our subcommittee about the wastefulness of the Plowshare program. I believe to some extent we could concede we cannot reach out and put our fingers on definite and tangible products of the research that has been carried on in this area, but I would also submit to the Members that in this era of energy crisis would certainly not be the time for us to cripple or seriously curtail this program. It may not be the best gamble in the world, but it does seem to me, in light of the facts of life as we now see them, that this is a gamble which has not yet paid off but one we cannot afford to discontinue.

In the report Members will find a discussion of a matter which has concerned us for some years.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. RHODES. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. DAVIS of Wisconsin. Mr. Chairman, this matter is the propensity of the Corps of Engineers in particular to want to develop and to use its in-house dredging capacity, though experience has shown in those cases where the corps has been required to put projects out to competitive bidding the Government and the taxpayers have saved a considerable amount of money in putting them out to contract.

The committee in the report has continued this effort of ours to maximize the amount of work that will be put out to competitive contract bidding in this area.

There are many details which I shall not dwell upon, because I believe the report of the committee is a comprehensive one. It does give specific information relating to specific projects. It does explain reductions that are made. It does explain some areas in which it was felt some increases in funding were required. I believe many questions have been made unnecessary, and many of them are answered, in the report of the committee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Gray).

Mr. GRAY. I thank my distinguished friend from Tennessee (Mr. Evins) for yielding.

Mr. Chairman, I rise to commend the distinguished gentleman, the chairman of the subcommittee, and my distinguished friend from Arizona Mr. Rhodes and all members of the subcommittee for bringing out what I consider to be a very fine bill.

Mr. Chairman, I take this time in addition to commending the committee to call attention of all the Members of the House to the fact that during the 19 years that I have served on the authorizing committee, the Committee on Public Works, I have heard this appropriations bill and the authorizing legislation referred to as "pork barrel," primarily in respect to the items contained in our Civil works program of the Army Corps of Engineers.

I should like to call to the attention of the House that my district in southern Illinois borders the Mississippi River for approximately 150 miles. During the most recent floods, Mr. Chairman, we found that the system of levees on the Mississippi from Cairo, Ill., to its confluence with the Gulf of Mexico, saved many lives and billion of dollars. The total cost of those levees during the entire history of their construction to the taxpayers of this country was $3.8 billion. The Army Corps of Engineers has given an official estimate of $7.4 billion in savings because of the levees being in place, or a net savings to the taxpayers from this one flood of more than $3 billion if you charge all the costs for the construction to 1 year's floods.

Mr. Chairman, I did not want this occasion to pass without calling to the attention of the members of the press and to those who have been referring to public works as "pork barrel" that this flood control program along the Mississippi River has saved more than $7 billion in property damage in 1 year and we certainly cannot measure in dollars the lives that might have been lost had not these improvements been made. I want to encourage the corps to speed up plans on internal drainage projects.

Mr. Chairman, I think we should commend this distinguished committee for its far-sighted efforts in providing flood protection, water supply, navigation, recreation and other public works. As one Representative who has served here for 10 terms I want to say on behalf of all the people in Illinois and those who reside along the Mississippi River, we are indeed grateful for this committee's efforts in providing us tools with which to help ourelves. Thank you.

Mr. RHODES. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. Robison).

Mr. COHEN. Mr. Chairman, will the gentleman from New York (Mr. Robison) yield?

Mr. ROBISON of New York. I yield to the gentleman from Maine (Mr. Cohen).

Mr. COHEN. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, as the House considers the public works/AEC appropriations bill today, there is one item contained in the bill which I am particularly pleased to see. I refer to page 19 of the committee report:

> St. John River Basin, Maine study—A total of $50,000 is included in the bill to initiate the St. John River Basin Study. The Corps is directed to use these funds to conduct a study oriented only to the needs of the State of Maine. There are no funds included in the bill for a study of the overall St. John River Basin.

The committee has recommended a study of the St. John River Basin with the view to limiting any potential public works project to the State of Maine for power purposes, for irrigation uses, for flood control, for recreation, and for water quality.

Mr. Chairman, the ever-present energy crisis resulted this year in the first message on energy policies ever submitted by an American President.

At one time, we hoped that nuclear plants would provide the solution to our power problems. In recent years, however, questions have been raised about the ability of nuclear plants to heat surrounding waters at levels which do not threaten the ecological cycle of life in or near the water. Because of these environmental considerations, the granting of licenses in several instances has been delayed or deferred.

As our energy demands continue to escalate, it is imperative that we develop new sources of nonpolluting, energy-generating facilities.

The St. John River Basin study would also consider irrigation benefits for the potato farmers in Aroostook County in northern Maine. Although Maine is the second largest producer of potatoes in the Nation, we fall far behind every other large potato producing area in the amount of yield we receive per acre. This happens because we do not have enough annual rainfall to take care of our water needs.

The irrigation benefits derived from a Maine project would be extremely beneficial to our farmers in Aroostook County. In fact, it has been estimated that this irrigation would add the equivalent of $20 million each year in more Maine potatoes.

Last, but certainly not least, the study would look into providing flood protection to the citizens of Fort Kent, Maine, who have withstood nine major floods within the past 46 years. Flood damage has unfortunately become a biennial event in Fort Kent, where serious floods have occurred as recently as May 1973, May 1971, and May 1969. And, when Fort Kent has not had major flooding, it has experienced some flooding on an annual basis.

The situation at the University of Maine in Fort Kent is particularly precarious. The recent floods caused extenssive erosion along the Fish River adjacent to the campus. Fifteen of the river's banks were washed away. The erosion has endangered the construction of a $1.5 million dormitary project.

For all of these reasons, I want to commend the Committee, the Public Works distinguished chairman, the Honorable JOE L. EVINS of Tennessee, for having included the St. John River Basin study in the bill. The citizens of Maine have waited a long time for a hydroelectric power project, and I am gratified that we are at least providing funds to consider the feasibility of such a project.

Mr. ROBISON of New York. Mr. Chairman, normally I would want to speak for at least 10 or 15 minutes on a bill as important as this one, and on which I have devoted a good share of my time these past several months.

However, as my colleagues—understanding their mood—will be glad to hear, the pressure of recent events has been such that I have not been able to prepare those detailed remarks and will, accordingly, take only a brief amount of time.

Let me say, first, that I do support this bill, and recommend it to you, even though I have some reservations about a number of the items contained therein. But, obviously, any such measure as this just simply has to be a creature of compromise, and I think that, collectively, we have compromised our differences as fairly and as honestly as possible. I would also like to say—as the one member of the subcommittee who our good and patient chairman sometimes refers to as "our environmentalist"—that I believe the bill, like others of recent years, contains in nearly all critical minds a good deal less "pork" in the so-called barrel than used to be the case. Certainly, this subcommittee now is most conscious of the need to consider the environmental impact of the kinds of public works projects we consider and decide upon, and we strive hard to strike that necessary balance as between economic, or social, and environmental interests. That is a very difficult task and, based on certain of the amendments I understand may later be offered, there are some few of you who feel we have erred in a number of instances. This is an area, however, of judgment, and involves matters over which reasonable men may differ, which is something we understand even as we respect the views of those who do have differences with us.

Speaking of "differences," I would feel compelled, Mr. Chairman, to take just a moment to state my inability to agree with the whole thrust of the language—as contained on page 5 of the committee report—having reference to the draft report of the National Water Commission. As you will note, that language sets forth, among other things, a purported subcommittee agreement that most of that draft report's conclusions and recommendations "appear to be ill-conceived."

Well, surely, Mr. Chairman, a goodly number of those same conclusions and recommendations are controversial in that, taken together, they would possibly suggest—as the report properly notes—at least in part—

> A repudiation of long-standing, basic principles of water resource development—which have guided these programs for decades.

The report language then also summarizes them as being—

> A giant step backward, and obviously—very detrimental to the national interest.

Mr. Chairman, I suggest this language itself to be too strong under the circumstances. On its own, it represents a jumping to conclusions that—I say in all kindness to my Chairman—is not yet justified. None of us as individuals, and none of the legislative committees of this Congress which may eventually have to consider the draft report, have as yet had time to truly assimilate those conclusions and recommendations, or to sort out those thereof which may have merit as opposed to those which might, conceivably, be against the public interest, the determination of which, in and of itself, is no easy task. So, Mr. Chairman, I suggest we all try to keep an open mind of the matters contained in that draft report—at least until they have had a full and fair hearing.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PATTEN).

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. PATTEN. I am glad to yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, I want to commend the chairman of the subcommittee and the associate members of the subcommittee. They have been most considerate during the proceedings, having given full consideration to the statements being made by the people who appeared before the committee.

Mr. Chairman, the Committee on Public Works has worked in total concord with the subcommittee of the Appropriations Committee dealing with these projects, and certainly none of the projects here being considered are out of season, because they have had the most diligent consideration by the Committee on Public Works.

Mr. Chairman, the Committee on Appropriations is to be commended for having taken this action.

Mr. PATTEN. Mr. Chairman, this year the Appropriations Committee on which I am privileged to serve received a great volume of testimony from members of the Delaware Basin congressional delegation and others, in support of the Tocks Island conservation project.

This authorized multipurpose development is needed to meet essential, existing public water supply, energy supply, flood control, recreation, mainstem flow improvement, and other environmental requirements of the people of the Delaware River Basin, including my own 15th Congressional District of New Jersey.

Its necessity is documented by a long line of past and recent Government and nongovernmental studies and reevaluations.

Its flood protection is needed to control the Delaware River's periodic flooding, the last of which, in August 1955, required two Presidential disaster declarations.

Its water supply will sustain New Jersey throughout the Delaware River's prolonged drought periods, the last of which persisted for 6 years, and required the Presidential disaster declaration of August 1965.

In the 1965 Senate Interior Committee hearings on that Northeast drought disaster, Secretary Stu Udall emphasized Tocks Island would have enabled this whole Delaware River Basin region—

> That is suffering most now to permanently solve its problems.

He emphasized:

> Just this one dam on the mainstem, you would have no problem, because you would have the storage. Northern New Jersey would have no problem because you would have an adequate, assured, long term supply.

Tocks Island's combined energy role will meet the public's peak demand for power and system reliability. It will also permit firm river flow for the downstream power capacity needed to sustain the homes and work force of our region.

And its public lake recreation will provide needed relief from "the long hot summers" of our impacted areas.

Tocks Island project has been consistently supported by all Governors of our State from its inception to the present, including Governors Al Driscoll, Bob Meyner, Dick Hughes, and now Bill Cahill.

Our incumbent Governor, Bill Cahill, supported it as a Congressman here in 1965, urging that our prolonged droughts "demonstrate the great need" for Tocks Island, which "will create a beautiful lake," he explained, and stressed that "the importance" of this "Tocks Island Dam and Reservoir cannot be overestimated." He strongly urged it as Governor in 1970, emphasizing that:

> Since our State's early need for water supply from the Tocks Island Project is evident, we strongly favor a start on [its] construction in the coming year as proposed by President Nixon.

And he reaffirmed its importance again just last fall, announcing that his own, independent reevaluation of it:

> Has confirmed that the Tocks Island Dam would afford public benefits, especially flood protection and provision for three hundred million gallons of water per day for the State of New Jersey, for which there are no readily available, feasible, less expensive, and less environmentally destructive alternatives.

The adjustments incumbent Governor Cahill suggested, to assure Tocks Island provides these essential human needs of New Jersey without adverse side effects, are being implemented now, and will be along the way to its completion.

Since Congress last acted on this matter, it enacted the Federal Water Pollution Control Act, of October 18, 1972. This authorizes programs and funds to handle any water pollution or eutrophication control at Tocks Island.

Accordingly, I strongly urge that the House appropriate the full amount recommended by the administration to fund this needed project, and the agencies' efforts to assure it will be built in a manner compatible with the environment.

I wish to commend the efforts of the committee's Subcommittee on Public Works in bringing us this fine bipartisan bill. It is a bill to fund this great country's necessary efforts to develop and maintain its natural resources, in a manner compatible with its environment, especially those necessary efforts recommended by the administration's Office of Management and Budget.

The committee bill contains the full amount recommended by the administration for Tocks Island. The committee report states this project "can proceed to construction" upon resolution of two questions, concerning water pollution control and possible effect on highways due to its recreation development.

Will the distinguished ranking minority member of the subcommittee that framed this language explain those two questions to be resolved so that this needed project "can proceed to construction"?

Mr. RHODES. The new Federal Water Pollution Control Act contains funding authorization and other provisions to control any potential water pollution or eutrophication problems at Tocks Island. Over the past year the additional work of the Corps of Engineers, and the Delaware River Basin Commission, and their university and other contractors, indicates that Tocks Island's potential water pollution is not as difficult to control as originally thought.

And last month the three or four States concerned unanimously adopted their Delaware River Basin Resolution, committing themselves to provide their share of the treatment facilities needed to protect Tocks Island's water by the time it is finished, and to manage any nonpoint pollution sources in its drainage area in accordance with EPA policy requirements.

On the effect of its recreation development on highways, last month the States also unanimously adopted, also with Federal concurrence, their Delaware Basin resolution cutting Tocks Island's recreation level, or affirming it at 4 million annually, or 42,000 daily, for a maximum of about 21,000 people on its recreation area's two, New Jersey and Pennsylvania sides.

Insofar as existing roads should be improved to facilitate this reduced traffic flow after tocks is finished, Federal highway law also authorizes financial assistance for improving those primary and secondary roads.

The Secretary of the Army or Corps of Engineers are now working with other concerned Federal, State, and interstate agencies on the details of these two matters. When they are sufficiently resolved, this needed project can proceed to construction.

Mr. PATTEN. I thank the gentleman for his explanation.

I want to thank the committee for including the budget request with regard to this project and tell Members of the House that this is one of the most beautiful projects you will ever see in America.

Mr. RHODES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, the Public Works Appropriation bill, now under consideration, contains a number of items funded for my congressional district. These projects are for flood control, water conservation, harbor navigation, and erosion study.

I want to thank Chairman Evins, Mr. Rhodes of Arizona, the members of this subcommittee and their very able and responsive staff for all the time and personal considerations given to my requests.

These gentlemen have a most demanding and difficult task in sorting out the multitude of requests and subsequently determining which projects are to be funded. I commend them and thank them most heartily.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO of Wyoming. I thank the chairman very much for yielding me this time.

I will again offer an amendment regarding Plowshare. I do this in order to free $3 million in the bill that can be used for other purposes. To use this money in nuclear detonations in tight gas formations is fast proving to be unwarranted. We can use it for geothermal research or for thermonuclear research, where there is only $8 million appropriated. H. R. Gross has said it was a wholesome act to cut an appropriation in these days. I am here to let you know that this is an opportunity to do a wholesome thing.

The USGS—the U.S. Geological Survey—has stated in an official Government report the damage to the trillions of dolloars worth of oil shale that can come from atomic stimulation of the sands under their grounds.

Mr. Chairman, I say to the Members that we are here as guardians of the public trust. I do not say that Plowshare will destroy these shale sands, I say to you that the U.S. Geological Survey reports say that these shales may well be rendered unrecoverable. So I ask the Members to please consider this $3 million cut in the Plowshare program.

The gentleman from California (Mr. Hosmer) a few days ago said that many authorities were not right that I have been citing.

I say that the Member who is speaking was not the authority for these things, but that the U.S. Geological Survey is the authority for the damage to the oil shale. The Atomic Energy Commission is the authority that there will be 5,000 wells in full field atomic stimulation. And they will be blowing the hell out of the Rocky Mountain States—please forgive me for that statement—but I am deeply concerned about this matter.

The Atomic Energy Commission—and I wish that the gentleman from California (Mr. Hosmer) were here to hear this—that it is not Mr. Roncalio but that it is the Atomic Energy Commission that says this. Dr. Fleming of the Atomic Energy Commission says that there will be large quantities of water that will contain tritium. And I suggest to my fellow Members of the Congress they learn what that means. What are you going to do with it? Are you going to shoot it back down into somebody else's aquifer? Or are you going to put it out into space and shoot it back into the sun? We have to dispose of these nuclear wastes.

So, Mr. Chairman, I ask that the Members not concur in the observation that now is not the time, I say that now is the time to help in our energy crisis, and in order to do that we must get rid of these wasteful programs and move on to programs that are truly worthwhile.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. Roush).

Mr. ROUSH. Mr. Chairman, I rise to discuss a project contained in this bill. The Big Pine Creek project, located in my home State of Indiana, raises some questions in my mind.

Let me stress that I do not unequivocably oppose the Big Pine project. Rather so many unanswered questions have been brought to my attention that I have difficulty justifying expenditures on this project at this time.

The first difficulty is that the Department of Natural Resources in Indiana has not yet even determined whether it will agree to the project at all. It seems to me that the Federal Government should not be committing funds for land acquisition until we know what the State of Indiana is willing to do.

The second problem is that the legal requirement that an environmental impact State be filed has not been met. Until one is filed I cannot justify proceeding with the Big Pine project.

The third problem raised is that of the economics of the project. You may have noted some substantial discrepancies among the benefit-to-cost ratios for Big Pine published in the corps' testimony. Conversations between my office and the corps office in Louisville yesterday prove that the situation has become even more confused since that testimony was provided to the committee. The corps, as indicated in the testimony, is in the process of recomputing the costs and benefits of the Big Pine project and is finding that at least some of the sites for the project have benefit-to-cost ratios substantially lower than the 1.7 to 1 published in the hearings. The corps indicates, however, that its review of the project is not yet complete.

In fact, the corps indicates that it will not engage in any land acquisition until it has held public hearings in the area, until it has an environmental impact statement on file, and until the State authorizes the project.

Mr. Chairman, all of this is to say simply that it is not yet time—especially in an era of fiscal restraint—to appropriate money wholeheartedly for a project that is marked by such uncertainty.

Finally, Mr. Chairman, let me call the attention of the committee to a study of the Big Pine that has just been published—so recently, in fact, that it has not yet been utilized either by the Army Corps of Engineers or by the subcommittee in its deliberations. This is a study of the geology of the Big Pine area undertaken by the Indiana Geological Survey. While I have not yet had an opportunity to see this study, I understand that it does contain some engineering implications that the corps should be aware of before proceeding with the project. For this reason, too, I think a delay in action would be appropriate.

Lastly, I want to say just a word about the natural beauty of the area. The Geological Survey report I just mentioned notes that Big Pine Creek is one of only two rivers in Indiana that is both navigable and has sandstone outcrops or bluffs. This is a rare natural phenomenon that I would be reluctant to see destroyed, at least until all of these other matters are resolved.

These problems are pointed out in the following passage contained in a letter from Mr. Travis S. Roberts, the Regional Director of the U.S. Department of Interior's Bureau of Sport Fisheries and Wildlife to Col. Charles J. Fiala, the Army Corps District Engineer in Louisville:

> There are . . . project aspects relating both to planning deficiencies and potential adverse effects on other natural resources (besides fish and wildlife) that greatly disturb us. We must now take the opportunity to reassess our position on this project and view its consequences, not only from the standpoint of fish and wildlife, but in respect to new responsibilities imposed by the Environmental Policy Act of 1969. From this standpoint, we concluded that the authorized plan for the Big Pine Reservoir (dam site on Big Pine Creek 2.5 miles above confluence of Wabash River) is environmentally unsound.

The committee has already reduced the budget request for this project, and I commend it for doing so. The funds in this bill for land acquisition for the Big Pine are so small—$64,000 in carry-over funds and $50,000 in new appropriations—that I do not intend to try to amend the bill so as to delete them. But I do feel obligated to admonish the corps to withhold the funds from what would at best be a questionable project, and could turn into a destructive and wasteful project, until the unresolved matters have been answered.

Mr. BROTZMAN. Mr. Chairman, I rise in support of H.R. 8947, the fiscal year 1974 Public Works Appropriations bill. This bill contains funding for two important flood control projects in the metropolitan Denver area which are urgently needed.

First, there is $7.5 million for the Chatfield Dam and Reservoir. This funding will allow the Corps of Engineers to maintain a schedule which calls for closure of the dam late this summer. Second, $3 million is included for the dam on Bear Creek. Most of these funds will be utilized for land acquisition. Finally, the bill provides $305,000 for general investigations of future flood control needs on the South Platte River below the Chatfield Dam. These studies and investigations will center on the creeks in the metropolitan Denver area which pose a continual flash flood threat.

Mr. Chairman, in May, low-lying areas along the South Platte River, including portions of the metropolitan Denver area, were again caused serious damage by flooding. In fact, all three counties which comprise the Second Congressional District were declared eligible for Federal disaster assistance by President Nixon. Had the Chatfield and Bear Creek projects been completed in May, it is very doubtful that the damage would have been very serious.

In addition to important flood control projects, H.R. 8947 also includes $162,000 for fiscal year 1974 for the continuation of the Colorado Front Range feasibility study. This project, scheduled for completion in 1976, is expected to show ways of adding more than 100,000 acre-feet of water to the annual supplies of such communities as Boulder, Longmont, Broomfield, Louisville, Fort Collins, Greeley, Loveland, and Estes Park. I am sure that my colleagues who are from the Southwest or who have been there can appreciate the vital importance such a projects holds for that area.

For all of these reasons, Mr. Chairman, I am grateful to the Appropriations Committee for its decision to provide the funds necessary to keep these important projects on schedule. I urge the passage of H.R. 8947.

Mr. CULVER. Mr. Chairman, during the past several years, I have been working with the Appropriations Committee on a public works project which is of substantial importance to the city of Clinton, Iowa. For many years, Clinton, located upon the banks of the great Mississippi River, has lived under the threat of annual flooding and high water. In 1961, the Corps of Engineers approved a flood control project for Clinton. After the tragic flood of 1965, the urgency of the project was realized and local support for the project intensified.

This bill appropriates $300,000 for the Clinton Flood Control project. These funds will be used to construct permanent floodwalls for Clinton. I have been advised by the Corps of Engineers that, with the adoption of this appropriation and the granting of necessary rights-of-way, construction could begin in May or June of next year.

Clinton was spared from severe losses by flooding this year, but this project is vitally needed to provide permanent flood protection. I have been in Clinton during periods of substantial flooding, including the 1965 disaster, and I know the destruction and expense which these recurrent tragedies have brought to individual families and to the entire city. This is the reason I have been working since I came to Congress for permanent flood control protection for Clinton and other areas vulnerable to serious flood damage.

Also included in this bill are funds to study the feasibility of relocating the small boat harbor at Clinton. The anticipated location and design of the floodwalls will make the present harbor unusable. Therefore, I requested the Public Works Appropriations Committee to include funds for a study of a new location for this important recreational facility. I am pleased that the committee recognized the justification for this project.

The funds appropriated for these two projects in this bill are a sound investment in the future. Reducing the incidence of flooding diminishes the need for Federal financial assistance for disaster relief programs. More importantly, however, the construction of permanent floodwalls will permit the people of Clinton, Iowa, to live without the annual fear that flooding may bring death, destruction, and severe financial loss to their fine city.

I urge your support for this bill.

Mr. RODINO. Mr. Chairman, the bill before us contains the administration recommendation for Tocks Island conservation project. The environmental and economic improvements provided by this authorized multipurpose undertaking are urgently needed by the people of the Delaware Basin area, including the people of the 10th Congressional District of New Jersey. I strongly urge adoption of the appropriations for Tocks Island.

Environmental questions have been raised that have delayed the beginning of work on this essential project, and I would certainly not lend my support to it if these questions were still to be answered. However, actions already taken and others underway fully assure that the waters of this particular reservoir will not become polluted. Specifically, the Water Pollution Control Act of 1972 authorizes Federal funds to prevent any existing or future sources of pollution in Tocks Island Reservoir, and on May 31, 1973, each of the four Delaware Basin State Governors and Secretary Morton unanimously resolved to take all appropriate water pollution control action to this end.

Other suggestions for environmentally perfecting Tocks Island—brought up last fall by New Jersey Governor Cahill, after new study convinced him that this conservation project is essential for our State—have either already been adopted, or are now being implemented in substance.

Mr. Chairman, it is imperative to proceed with construction of Tocks Island Dam and Reservoir. Every day we delay, the existing need for it grows greater. I urge the House to approve the full amount requested and already available for this needed conservation project.

Mr. HOWARD. Mr. Chairman, I rise in support of the committee's bill, H.R. 8947, funding the full appropriation request for the Tocks Island conservation project.

This project was authorized by the Congress in 1962 as a multipurpose facility to provide flood control for the mainstream of the Delaware River, a needed new source of water supply for New Jersey and its sister States, for the generation of electric power, and as a significant new lake recreation area.

Land acquisition for the reservoir site and its surrounding national recreation area has proceeded apace. But last June the committee directed that construction of the dam be delayed pending assurance that appropriate water pollution control devices would be provided to safeguard Tocks Island Lake.

As a member of the Committee on Public Works which wrote the new Federal Water Pollution Control Act of October 18, 1972, Mr. Chairman, I remind the membership that we placed in that legislation language which specifically addresses itself to any pollution problem which might arise with respect to the Tocks Island reservoir. Moreover, this act authorizes the Federal Government to pay 75 percent of the cost of any pollution control facilities which might be deemed necessary to protect the Tocks Island reservoir.

Mr. Chairman, lately we hear a great deal about the public energy crisis. As chairman of our new Subcommittee on Energy of the House Public Works Committee, I assure you we, indeed, do have energy problems in the Delaware Basin area, as elsewhere. Although generation of electric power was not a primary benefit when the Tocks Island project was authorized, Congress subsequently amended its authorization act to enable an applicant to apply to the Federal Power Commission for the licensing of an underground hydroelectric pumped storage installation at Tocks Island Dam. If and when approved, this new underground installation will generate 1,300 megawatts of needed hydroelectric power which will be available to the Northeast power grid at times of peak public usage. Appropriate statutory and other steps have been taken to safeguard the scenic attributes of the project area so this hydroelectric facility will not detract from the recreation potential of the reservoir lake and surrounding area.

Mr. Chairman, I sincerely believe the time has come to move this project forward. I therefore urge that the House approve the $3 million in carryover funds and the $5.1 million appropriation requested by the administration for the Tocks Island conservation project.

Our distinguished colleague, the gentleman from New Jersey (FRANK THOMPSON) has asked that I associate him with my remarks. He is presently returning from the International Labor Organization Conference in Geneva, where he has been representing the House as a congressional adviser.

Mr. STARK. Mr. Chairman, Members of Congress are becoming increasingly aware of the need for a reassessment of energy consumption in this country. The fuel shortage of last winter and the gas shortage of this summer are but two indications that there is indeed an energy crisis.

Dr. Paul E. Gray, chancellor of MIT and one of our most eminent scientists, delivered a statement on the energy problem several months ago that is particularly comprehensive and enlightening. I would like to paraphrase his remarks here, as they reflect my own view of the massive problems at hand.

Present energy consumption in this Nation is prodigious. Energy sales constitute approximately 10 percent of the GNP. The per capita rate of consumption is 10 kilowatts or 13 horsepower hourly. In other terms, each U.S. resident uses for personal needs in light, heat, and transportation and in the provisions of services we depend on, energy totaling 80 times the average daily caloric input. This is markedly more than consumption in any other country. The United States, with 6 percent of the world population, consumes 35 percent of the energy used throughout the world.

This rate of consumption is not merely a reflection of our level of industrialization in all sectors of our economy. In addition, it is the most conclusive indication of the American habit of luxury items. We drive larger cars that consume more gas than any other people; we are accustomed to central heating and air conditioning; and we have a national love for TV, dishwashers and washing machines. Every home that can afford such appliances possesses them.

In the last century the use of energy in the United States has doubled, on the average, every 22 years. The rate of energy use today grows at 4.3 percent annually, or, it doubles in 16 years. When further broken down, it appears that electricity consumption is growing nearly twice as fast—at a rate of 10 percent per year, or a doubling time of 7 years.

Certain ecological standards, such as those for automotive emissions, tend to increase the rate of growth of consumption. For example, the cost of removal of lead from gasoline equals a 12 percent increase in gasoline use for the same power output. Reduction of carbon monoxide and other exhaust to meet the 1975 standards will also be accompanied by a 26–30 percent increase in gas consumption. The day of the 6 mile per gallon automobile is no longer in the distant future.

Similar growth rates can be cited for the air conditioning in private homes, in industry and in transportation.

It must be noted that energy consumption and growth of the economy are closely related factors. A book entitled "Energy in the World Economy" by Darmstadter, Teitelbaum and Polach, documents the interdependence. This universal relationship, found in countries as diverse as the United States and Thailand, leads to the conclusion that economic growth is inevitably dependent on energy supply.

However, data leads us to the inescapable conclusion that our reserves are dwindling. If the demand for energy continues to grow at its historic rate we will exhaust our fossil fuel reserves, proven and anticipated, in less than a century, and possibly in 50 years. Such an accomplishment will mean that we will have used up in less than 200 years a resource that was made over hundreds of millions of years.

We do have several alternatives. The first choice, and perhaps the least wise, will be to turn increasingly to foreign sources of energy—Mideast oil or Russian liquified gas. There are large reserves in this areas but such dependence would be a blow to our diplomatic integrity. And the strain on our balance of payments would have serious ramifications to the world economy.

A second course of action is the development of alternative non-fossil-fuel energy sources. Solar energy, geothermal energy, and nuclear energy are some possibilities.

Solar energy is in abundant supply, but the capital costs associated with conversion to a more useful form are prohibitive. The matter of energy storage also presents many problems.

Similar objections are raised about geothermal energy—that energy associated with the hot, radioactive core of the earth. We are still many years away from an accurate assessment of costs and impacts of its use on large scale.

Nuclear energy is, of course, our primary non-fossil-fuel energy resource for the future. The breeder reactor, using the relatively inexpensive isotope of uranium as a fuel, can provide an unlimited supply of energy. However these are still problems associated with nuclear powerplants. For example, such plants emit small amounts of ionizing radiation into the environment. The risk associated with this emission is still undetermined. The possibility of an accident cannot be dismissed and memories of Hiroshima and Nagasaki still linger. And nuclear fission generates poisonous radioactive waste that is long-lived and potent. We have not yet adequately prepared for the management of this waste.

These problems can undoubtedly be solved, but it is difficult to predict how far in the future such resolution is. Thus, fusion power, while still a feasible long-range alternative, will not be a factor in meeting our energy appetite this century.

Clearly the most viable course of action involves reducing the rate of growth of energy demand. It would reduce future demand for energy and would buy us valuable time to develop non-fossil-fuel alternatives. This is not an impossible proposition. Full insulation of homes, and proper siting, could reduce home heating and air conditioning energy demand by 30 percent. Smaller automobiles and efficient mass transit systems would result in tremendous gasoline savings. Home appliances could be manufactured with energy utilization as a prime consideration. Many industrial processes could be redesigned. For example, Alcoa has a new process for smelting aluminum that requires 40 percent less energy. Adoption of this process by the aluminum refining industry could have a significant effect in reducing energy consumption. Finally, office building designs could be altered so that the dependence on energy for comfortable air is not so great. Tremendous economies are feasible in all areas of our society.

For the present, it seems unavoidable that energy conservation will become imperative. Market forces will require it. As energy becomes a more precious resource, rapidly rising costs will cause all of us to be much more frugal with it.

Our response to this energy crisis must be multiple: We must consume energy more carefully. We must develop alternatives to fossil fuels. Most important, we must develop a national structure to deal with the complex problem of energy in an integrated fashion. We must learn to plan more than a century ahead. At present there is no clear level of responsibility for exploring energy alternatives, let alone for developing policy. Concern at the Federal level is fragmented and the power industry has shrugged off any responsibility.

We must be hopeful that the heat of the debate, growing more powerful each day between the factions concerned with energy, will yield fruitful plans for confronting the crisis head-on. A rational, comprehensive and viable energy policy, emanating from the national level, is imperative.

Mr. VANIK. Mr. Chairman, the Bureau of Reclamation, during its hearings before the Public Works Subcommittee of the House Appropriations Committee, sought additional appropriations of $17,000,000 for work on the Garrison diversion unit in North Dakota, a part of the Pick-Sloan Missouri Basin program. This is an increase in obligation programs for this project from $17 million in fiscal year 1973 to $19,540,000 in fiscal year 1974. This construction is for the project authorized by Public Law 89-108 enacted in August 1965. In the original law, an authorization of $207 million was provided. Today, the total Federal cost is estimated to be about $340 million. Some $76 million has already been allotted—another $259 million will be required to complete the project. In other words, the project is between 15 to 20 percent completed—and there has been a cost overrun of about 60 percent. One can only guess at what will be the final cost of the project and the final percent of cost overrun.

If this was a justifiable project, I would not object. If benefits had increased as well as costs, then there would be little to complain about.

But the justification for this project has always been questionable—and the further the bureau proceeds, the more it finds that its planned and calculated benefits are turning into disastrous and unforeseen costs.

IRRIGATION

In the budget justification provided by the bureau this year, costs attributable to irrigation for the Garrison project were estimated for fiscal year 1974 at $305.4 million—an increase of $25.6 million over the estimate for fiscal year 1973.

Does this area of the country in North and South Dakota need irrigation? The fact is, as the North Dakota chapter of the Wildlife Society has pointed out:

> Under the project 250,000 acres are to be irrigated to increase agricultural production in a State where in 1970 over 4 million acres were idled to reduce crop production.

Furthermore, the 250,000 acres to be irrigated represents less than 0.6 percent of the 42 million acres of agricultural land in North Dakota. It is impossible to justify how irrigation of 0.6 percent of the State's agricultural land, which has a direct impact on less than 3 percent of the population of North Dakota, will result in the stabilization of the State's agricultural production, economy, and population.

The 19 North Dakota counties in the project area and the two South Dakota counties already produce a bountiful agricultural harvest through dry farming methods.

According to the 1969 census of agriculture the average size of the farms in the 21 counties was 831.4 acres, with 96.7 percent of the total area utilized for farming. Some 63.5 percent of the farmers have farms with over 500 or more acres: a shocking figure considering the bureau of reclamation prohibits the use of irrigation water on husband-wife farms of more than 320 acres. In short, the area is heavily farmed. It is not a desert waiting to be turned into an oasis by the Bureau's System of Canals.

In fact, the size of many of the farms in the area creates a problem in light of the bureau's original 1902 purpose and law. The bureau was established to help settle farmers on homesteads out west. The goal was the creation of a large number of small family farms. To obtain that goal, a single person was entitled to bureau irrigated water on only 160 acres of property; a couple was eligible for irrigation on up to 320 acres of land.

Now this law has frequently been ignored. Last November the General Accounting Office examined the 160-acre limitation and the way the Bureau was enforcing it in the Central Valley project of California. According to the GAO report, in the seven irrigation distrcts of the Central Valley project of California which were studied, "71,645 of the 502,499 acres (receiving irrigation benefits), or about 14 percent, were owned or leased by the seven largest farm operators. Their farms ranged from 1,774 to 40,404 acres."

Now perhaps it is time that we changed the 160-acre limitatio no nsubsidized irrigated land. I personally doubt that one could received an adequate return on investment on a Midwest farm, growing grain, if your landholding was limited to 160 acres.

But it is obvious that if the Bureau is going to enforce the acreage limitation laws, then many farmers in the area will only partially benefit or will even have to divest their property.

I have checked with the Department of Agriculture and they have provided me with county-by-county totals of the Agricultural Stabilization and Conservation Service's producer payments—excluding loans—which were made in calendar year 1972.

In North Dakota, in 19 counties, some 29,182 payees received $80,870,000 or about $2,780 per payee. In the two South Dakota counties, 3,147 payees received about $7.9 million—about $2,600 per payee. Crops presently grown in the area include wheat, feed grains, alfalfa, and corn for silage. Under irrigation, increased production of feed grains, forages, potatoes, and sugar beets are likely, the conclusion of my speech the table crops will be eligible for price supports.

I would like to enter in the RECORD at the conclusion of my speech the table of statistics I have compiled concerning the characteristics of the counties which will be participating in the garrison diversion unit irrigation program.

I do not know how much of the future agricultural crop subsidy payments in the area will go to farms receiving subsidizing irrigation waters from the bureau. It will take a detailed, on-site investigation to determine this data. But this is certainly something we should determine before we provide any more monumental irrigation projects.

It is clear that, not only is the area heavily farmed already, not only are there a number of large farm holdings, but the area produces so much food that it has to participate in the farm price support and stabilization programs.

If the land is irrigated through expansion of the garrison diversion project, apparently this will result in more intensive farming. More intensive farming will lead to more production—more production will decrease the price of similar products for farmers throughout the entire nation—and this will mean that the taxpayers will have to provide more in the way of stabilization payments.

This problem is confirmed by the review draft of the "proposed report of the National Water Commission" which was first released last November. That report stated on page 5-54:

> Not only must the taxpayer pay a large portion of the costs of bringing new land into production, but he must also pay for farm price support programs, the costs of which go up as farm production of supported crops increases. It has been estimated that in the period 1944-64, something between $83 million and $179 million in *annual* payments to farmers under Federal Farm price support programs can be directly attributed to increased production from reclamation lands.

It is a vicious circle—and the taxpayer is caught in the middle. The more the taxpayer pays for irrigation projects to create more farmland, the more he has to pay to farmers to provide them with a decent price for their products.

The need for expansion or continuation of these fantastically costly bureau projects is highly questionable. Again, as the review draft of the "Water Commission Report" stated last November—and reaffirmed in its final report issued 2 weeks ago:

> There is adequate productive capacity in the Nation's agriculture to meet food and fiber demand under various alternative futures at least until the year 2000. There consequently is no need in the next 30 years for federally subsidized water resource revelopment programs to increase the agricultural land base of the country.

I would like to add at this point that it would be interesting to try to determine how many farmers in other parts of the country—especially in the southern cotton lands—have been driven off their lands and into the cities because of subsidized competition from large, irrigated agribusiness farms supported by the Bureau of Reclamation. Again, quoting from the "review draft" of the "proposed report of the National Water Commission" on page 5-54 there is a footnote reference to a book by Howe and Easter entitled, 'Interbasin Transfers of Water" in which the authors estimate that—

> The 3.3 million acres of additional irrigated cropland developed by the bureau in the period 1944-1964 displaced from 5 to 18 million acres elsewhere in the country. This amounts to something between 8 and 20 percent of the 66 million-acre decline in harvested cropland in the 20-year period.

It is because of federally subsidized projects such as the Garrison diversion unit that causes the farmers from my State—a State of fertile soil and good climate—to come to me complaining of low farm prices. Because of these Federal subsidies there seems to be no profit in farming, causing young men and women to leave the farms for the cities. Driving through Ohio—or for that matter such of the surrounding Maryland and Virginia countryside—you can see thousands upon thousands of acres of farm land unused and abandoned. These farms and their economies have been destroyed by competition from subsidized irrigation projects which have opened up new lands—and driven the old lands out of production.

EFFECT OF THE GARRISON DIVVRSION UNIT ON THE INDIVIDUAL FARMER

The Garrison project is now opposed by the 31,000-member North Dakota Farmers Union, the NFO, and the North Dakota Wildlife Federation—the State's largest conservation irganization.

If the farmers of North Dakota do not want this project, who does?

It is interesting to note that if the individual farmer invested an amount of money equal to the per-acre costs of subsidized irrigation provided by the project into expanding and improving his dryland operations, his return would be larger than if his money was used for irrigation.

What is the per-farm cost of this irrigation project? Assuming that all 21,000 farms in the 21 counties receive irrigation water, at a total project cost of $340 million—allowing for no more cost overruns—then the irrigation investment per farm would be $16,000. A fantastic cost for farms that are already producing an abundance of food.

FISH AND WILDLIFE BENEFITS

In the area of fish and wildlife facilities, the Bureau of Reclamation seeks an increase in cost allocations from $29.8 million in fiscal 1973 to $32.3 million in fiscal year 1974. The increased funding over the life of the project is for the establishment of lakes and ponds to offset the loss to waterfowl habitat resulting from irrigation development and the draining of wetlands.

This request points out one of the unavoidable adverse effects of the project Not only will 26,311 to 39,533 acres of natural wet prairie wetlands be destroyed by the project but 34,000 acres of existing wetlands and 22,075 acres of new wetlands will be adversely affected from the introduction of rough fish species and the degradation of water quality throughout the area.

MUNCIPAL AND INDUSTRIAL WATER USE

The Bureau is increasing its estimated project costs in the area of municipal and industrial water supply from $17.5 million to 18.9 million. It is also asking for 58,000 for a new study of supplying water to local communities. This request has been submitted despite the fact that the major community in the area has just discovered a natural ground supply of water estimated to last for a minimum of 50 years.

There is one other disturbing aspect about the Garrison project in addition to all the other points which have been raised on the floor of the House today. In the committee's hearing record, in volume 3, there is a statement on page 216 of a possible future investigation program for the Garrison division.

This investigation is part of an effort to determine:

> The extent and location of the initial 250,000 acre stage of the Garrison Diversion Unit. The studies may result in recommendations for study of future stages of the 1,007,000 acres.
>
> A total of 1,700,000 acres of arable land has been delineated. This land would form the backbone for selection of about 757,000 acres as potential additions to the unit.

It is obvious that this project will continue to mushroom ever bigger and bigger.

It was originally scheduled to serve a quarter million acres for about $200 million. That cost has now doubled with only 15–20 percent of the construction work completed.

If the project is expanded to serve a million acres, then it is probable that the total cost of the expanded project would run between $1.6 billion and $2 billion.

It is time that this madnes be stopped.

WHAT PERCENTAGE OF BUREAU OF RECLAMATION BENEFITS ACCRUE TO EXPORTERS?

I have another objection to aspects of Bureau projects. Several weeks ago, when we considered the Agriculture Department appropriation bill, I indicated my displeasure with current agricultural policies under which the Nation was exporting agricultural products to such an extent that it was creating food shortages and high prices for the American people. While agricultural exports totaled $11 billion last year, these exports, including sharp increases in wheat and soybean sales, have raised prices to the American consumers by $24 billion—more than double the dollar value of the exports.

Subsidies, incentives, and land improvements may deserve taxpayer support. But in my judgment, subsidies, incentives, and land improvements make sense only when they are designed to provide food and fiber for the American market. I do not believe that the American taxpayer should be taxed to pay for subsidies, land improvement, and payment to create products for export. Let the producers for export risk their own capital and develop their own land.

IS THERE A BENEFIT TO THE NATION IN INCREASED REVENUES?

Finally, to a great extent, the benefit-cost ratios of these projects can be measured by the increased revenue reflected in Federal income taxes. While data are not available for specific irrigation districts, the Federal income tax payments of American agriculture are shockingly low.

According to estimates provided by the Joint Committee on Internal Revenue Taxation, it is estimated that for calendar year 1970, proprietorship, partnership, and corporate businesses engaged in agriculture, forestry, and fishing and showing a net profit had an income tax liability of $1.6 billion. Within this figure businesses classified as "farms" had an income liability of 1.4 billion and the corporate share of these estimates of income tax liability was approximately $100 million. These figures are so low—even after 71 years of Bureau activity—that they would indicate to me that the Bureau has generally failed in its effort to improve the income of American farmers. It is time that this entire program be reexamined and reevaluated.

A table follows:

U.S. DEPARTMENT OF AGRICULTURE COUNTY TOTALS OF AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE PRODUCER PAYMENTS EXCLUDING LOANS FOR CALENDAR YEA 1972, IN WHICH FACILITIES ARE LOCATED: 1969 CENSUS OF AGRICULTURE

County	Proportion in farms (percent)	Payees	Payment	Average size of farm in acres	Number of farms	Number 2,000 plus acres	Total market value of agriculture
North Dakota:							
Benson	93.2	1,531	$5,240,014	856.1	977	52	$14.4
Bottineau	99.7	2,336	6,641,648	838.1	1,277	72	16.1
Burleigh	98.5	1,185	2,646,863	1,099.7	932	122	15.0
Dickey	95.3	1,189	2,745,277	833.1	837	36	15.7
Eddy	102.0	604	1,674,242	931.1	445	30	7.0
Foster	95.5	642	2,124,063	916.9	430	36	9.4
La Moure	99.7	1,431	3,899,178	717.1	1,011	22	17.2
McHenry	94.1	1,886	4,311,405	934.2	1,211	144	15.0
McLean	95.3	2,530	6,729,078	874.8	1,439	79	19.7
Nelson	101.0	1,342	4,276,003	817.7	787	30	12.9
Ramsey	94.0	1,445	6,724,527	846.0	888	46	14.2
Ransom	101.0	1,064	2,625,927	723.0	770	27	12.3
Renville	93.5	1,340	3,447,722	861.1	616	58	8.4
Richland	92.8	2,336	5,158,141	528.7	1,627	17	29.6
Sargent	98.1	1,125	2,603,193	680.6	787	26	12.3
Sheridan	94.8	1,022	2,287,516	916.8	654	46	8.8
Stutsman	93.3	2,031	6,656,473	957.6	1,412	110	26.4
Ward	96.9	2,627	6,577,549	815.1	1,555	76	22.0
Wells	99.8	1,516	4,511,984	854.7	971	44	18.9
Total	1,838.5	29,182	80,880,803	16,002.4	18,626	1,073	295.3
South Dakota:							
Brown	99.7	2,137	5,501,871	759.8	1,406	69	35.4
Marshall	92.1	1,010	2,362,674	698.2	716	16	20.6
Total	191.8	3,147	7,864,545	1,457.9	2,122	85	56.0
Grand total	2,030.3	32,329	88,745,348	17,460.3	20,748	1,158	351.3

Mr. EVINS of Tennessee. Mr. Chairman, I yield back the balance of my time.

Mr. RHODES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed $30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $1,676,563,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO of Wyoming: Page 2, line 21, strike out "$1,676,563,000" and insert in lieu thereof "$1,672,763,000".

Mr. RONCALIO of Wyoming. Mr. Chairman, I would like my colleagues to note that this is not a sudden last minute attempt to revise the will of the House, but it is the product of repeated attempts to bring to the attention of Members what we are dealing with in regard to Plowshare and why this program must be abandoned.

The intent of my amendment is to eliminate funds for the continuance of Plowshare's nuclear stimulation of natural gas. A year ago, after months of study, I offered a similar amendment intended to delete funding for Plowshare in the appropriations bill. Now after concentrated research, discussions, and study of alternatives, I again offer an amendment with even stronger personal convictions. I submitted testimony to the Public Works-AEC Appropriations Subcommittee detailing objections to nuclear stimulation and requested that funds not be appropriated for this effort. As a member of the Joint Committee on Atomic Energy, I worked to have the program shelved there during consideration of AEC authorization. Finally, on Monday of this week, I offered an amendment to the AEC authorization bill to remove funds for nuclear stimulation from Plowshare and transfer such authorization amounts to controlled thermonuclear research.

My amendment today would simply delete such funds, but I would hope that they could be made available for use in the needed area of geothermal energy research and development.

We are dealing here with $3.8 million which is proposed for use by the AEC for its program of nuclear stimulation of natural gas trapped in deep, tight, formations in the Rocky Mountain West. I contend that this is a wasteful expenditure and that it would do far more to relieve our energy dilemma if it were made available for use in the area of geothermal energy research and development.

I am by no means opposed to going after this gas. There are economically feasible alternatives which can be developed for freeing and extracting it. The Bureau of Mines appropriation, passed by this body yesterday, included $500,000 for research on just this effort. The AEC appropriation we are considering today contains $800,000 for such research. I submit that if the amounts of funding which nuclear stimulation has enjoyed would have been available for development of conventional methods, hydrofracturing, we would not even be considering nuclear stimulation funding.

Let me briefly review for you once again my major objections to the development of the nuclear stimulation technology. The AEC has projected as recently as April 27, 1973, that 5,680 gas wells will be stimulated with nuclear devices over the next 35 years to release the amounts of gas estimated to be available. These wells would each have from three to six 100-kiloton nuclear explosives. By simple multiplication, that is 17,000 to 34,000 100 kiloton nuclear explosions racking the Rocky Mountain West.

Proponents of this technology argue that we have only stimulated three wells thus far, Gasbuggy, Rulison, and Rio Blanco, that these were test wells and that none are scheduled definitely for stimulation now. However, let me emphasize that this technology is not being developed for textbooks. If we allow it to continue, it will be employed. Gas companies are waiting for the go ahead from the AEC now. The very able chairman of the AEC, Dr. Dixie Lee Ray, has stated that Wagonwheel, the next projected test detonation for nuclear stimulation, is dead as a doornail. Nevertheless, the cooperating gas company on that experiment is still very much promoting it.

The three completed test wells were that, test wells, but from them we can gather an insight into what may be anticipated in full field development with this technology. In fact, any consideration of nuclear stimulation must be taken in the context of full field development. In this regard, it is interesting to note that there has been no Environmental Impact Statement compiled for full field employment and the consequences of such development of nuclear stimulation is where my concern, and that of many others in the vicinities to be stimulated, lie.

There remains a definite possibility of ground water contamination from these wells. Water has entered the Gasbuggy chimney through a defect in the emplacement well casing. Within the chimney are Strontium-90 and Cesium-137 which if dissolved in this water, or water entering future chimneys, may migrate from the well mingling with existing aquifers and possibly bringing radioactive contamination into usable ground waters. These nuclides have half lives of 28 and 30 years meaning that there will be a good deal of time for them to move significantly before they have decayed—1,500 years or more.

In late 1972, the U.S. Geological Survey reported its apprehensions over employment of nuclear stimulation. It stated the possibility of the mixing of low quality aquifers with good ground water as a result of fracturing of the separating underground formations. The USGS also discussed the ramifications which nuclear stimulation hold for recovery of the vast oil shale resources in the West. Here we are dealing with a serious energy trade off. At a time when we are seeking various avenues for alleviating energy shortages, we cannot afford to sacrifice crude oil shale to a technology which has workable alternatives. The Green River formation is estimated to contain 1.8 trillion barrels of crude oil shale, 54 billion barrels of which are economically recoverable. Large amounts of this oil shale overlay those trapped gas formations which are projected for nuclear stimulation. The Geological Survey has stated that the mining of oil shale would not be compatible with concurrent nuclear stimulation of gas wells.

Other serious concerns include the problem of disposing of 100,000 barrels of tritiated water which Dr. Edward Fleming of the AEC stated in March 1973 would be biproduced from each well. Using the AEC's full field development figures, we are talking about the disposal of up to 568 million barrels, or about 55,000 acre feet, of contaminated water. The recent Rangely Study conducted by the USGS demonstrates the correlation between injection of water into deep formations and ground movement along existing faults. The prominent proposals for disposal of the tritiated water are to reinject it back into wells from which it comes, inject into other deep wells, or inject it into cavities created for that purpose by nuclear explosions. The Rangely Study results definitely show the dangers inherent in such disposal. The containment of such volumes of contaminated water by any means is a serious question to be dealt with.

If uranium is used in the stimulation devices, there would be a serious detraction from our on-going reactor program. There is already a lag in uranium exploration and extraction. The AEC estimates that it will require 120,000 tons of uranium annually by the year 1990. Only 13,000 tons were produced in 1972. We cannot afford this detraction of uranium for nuclear stimulation. Even if plutonium were used, there is concern that not enough would be available for full field development until the breeder reactors are on line.

With nuclear stimulation, we are asking the consumer to pay twice for the natural gas, once as a taxpayer to support this program, and once again purchasing the gas. In order for nuclear stimulation to be economically feasible, the wellhead price of gas would have to raise considerably. If it is allowed to so rise, then conventional methods currently available become economically attractive. A recent University of Colorado study reported that nuclear stimulation of the Rulison well in 1969 cost $11 million and produced only $1.5 million worth of low quality, radioactive gas.

Experts in hydraulic fracturing now state that conventional fracturing treatments of these tight gas-bearing sands will reach out 500 to 1,000 feet from the producing well. It is now commercially feasible, according to a Texas A. & M. University expert, to produce gas from reservoirs having permeabilities of less than 0.05 millidarcy. Continued development of conventional hydro-fracturing will mean recovery from formations with permeabilities of less than 0.01 millidarcy.

Not only is nuclear stimulation economically and environmentally bad sense, but its employment will destroy the quality of life enjoyed by those persons living in the areas in which field development occurs. There will be seismic damage to their homes, buildings, and other permanent structures from the detonations. These people will be required to leave their homes during each set of stimulations. They will experience extreme inconvenience and uncertainty of the amounts of damage to their property from each new set of detonations.

Consider the implications which the development of this technology hold for the Rocky Mountain West. There are other alternatives to get at this gas. I appeal to you to vote for this amendment to stop further funding and development of nuclear stimulation.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I personally have great respect for the distinguished gentleman from Wyoming. He is a valued member of the Joint Committee on Atomic Energy. Last week on the authorizing legislation for the Atomic Energy Commission he offered a similar amendment to delete funds for Plowshare. It was defeated.

I have to tell you what the committee has done. The budget estimate was $3.8 million for Project Plowshare, which is not for atomic testing but for the stimulation of natural gas. We are facing an energy crisis in this Nation today. The purpose of this program is to provide funds for gas stimulation to help solve the energy crisis. The committee added only $800,000 to the program and there is $4.6 million in the bill.

In 1973 there was $6.8 million in the AEC budget for Plowshare; in 1972, $6.8 million. Thus the program has been cut back rather extensively from recent levels.

One of the objectives of this program is to determine economic feasibility of several non-nuclear stimulation techniques. The long range objective is to provide this Nation with the best technique to recover natural gas which is not now recoverable with current technology. Because of the emerging energy crisis especially in areas of natural gas I oppose the amendment to delete funds from the Plowshare program and I urge defeat of the amendment.

Mr. RONCALIO of Wyoming. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-three Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 307]

Ashbrook
Badillo
Blatnik
Breaux
Broyhill, N.C.
Carey, N.Y.
Clark
Danielson
Dent
Derwinski
Diggs
Dingell
Edwards, Calif.
Esch
Fisher
Fraser
Hansen, Wash.
Hébert
Heckler, Mass.
Holifield
Horton
Kastenmeier
King
Landrum
Nedzi
O'Neill
Peyser
Price, Tex.
Reid
Rodino
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Ryan
Sandman
Satterfield
Steiger, Wis.
Stuckey
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Wilson, Charles H., Calif.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. ICHORD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 8947, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 390 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. RHODES. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. WIDNALL. Mr. Chairman, will the gentleman from Arizona (Mr. RHODES) yield?

Mr. RHODES. I yield to the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, the committee's bill H.R. 8947 contains the administration's full appropriation recommended for the needed Tocks Island conservation project. I strongly urge its enactment.

For 17 years the Seventh Congressional District of New Jersey, which I have the honor to represent, included the area of the authorized Tocks Island Lake conservation project.

I represented it during the Delaware River's disastrous floods of 1955, and its disastrous drought period of 1960–66, and through all their lingering adverse effects "on the quality of the human environment."

I also represented it in 1962, when we authorized the Tocks Island multipurpose project to prevent repetition of those disastrous floods and protracted drought crises, and to meet the additional energy and lake recreation needs of the people of New Jersey, and elsewhere throughout the Delaware River Basin area.

While the other purposes of Tocks Island are important, Mr. Chairman, its water supply purpose is paramount. Our need for it was great at the time of the Presidential Drought Disaster Declaration of 1965. Our need for it is far greater today. For our numbers and requirements are now far greater, and will be still greater in the future.

In the congressional hearings called at the height of our last drought crisis, the head of the Water Resources Council then explained that the Tocks Island conservation impoundment:

> Is an opportunity for this very region that is suffering most now to permanently solve its problems," and "if we had the Tocks Island Dam in today, just this one dam on the mainstream . . . [in 1965] you would have no problem, because you would have the storage. Northern New Jersey would have no problem because you would have an adequate, assured, long term supply.

Again, last year Major General Groves reported that, under the Northeast Water Supply Act of 1965, all water supply feasibility studies, including desalination and all other studies, establish that there is:

> No viable alternative to Tocks Island if we are to meet the foreseeable water supply needs of this region, the needs toward which the Congress has directed our attention.

Finally, just this past fall, our incumbent Governor, William Cahill, reported that his own, independent reevaluation of Tocks Islands:

> Has confirmed that the Tocks Island Dam would afford public benefits, especially flood protection and provision for three hundred million gallons of water per day for the State of New Jersey, for which there are no readily available, feasible, less expensive, and less environmentally destructive alternatives.

The Tocks Island Conservation project has been authorized. It is essential. Its environmental effects have been determined and disclosed. It will be constructed to avoid or minimize adverse effects on the environment. I strongly urge appropriation of the funds necessary to bring it into being.

Mr. RHODES. Mr. Chairman, the amendment offered by my good friend, the gentleman from Wyoming (Mr. RONCALIO) would strike all but $800,000 of the funds for Project Plowshare—$4.6 million is in the bill for that project.

This is a rather modest project, Mr. Chairman. The comparable amount for last year was $6.8 millon. So actually the program is down.

Mr. Chairman, there are no nuclear explosion experiments projected for fiscal year 1974. This is a project which has as its purpose the freeing of supplies of natural gas so that they can be more readily captured and used for the benefit of mankind.

There is a lot of natural gas imprisoned in rock and hardpacked sand which cannot be recovered except by unusual means. The gentleman from Wyoming seems to indicate that this gas could be captured if wells were drilled in the proper places. That is just not the situation, because even though wells were drilled very likely the gas would not be freed in sufficient quantities to be commercially available for use.

So this is a very necessary thing. This is an experimental project which is important insofar as the conquering of our energy crisis is concerned.

It would certainly be my hope, Mr. Chairman, that we would vote down the amendment and keep this very important and very necessary item in the bill.

Mr. RONCALIO of Wyoming. Will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. RONCALIO of Wyoming. It is not my intention—and I am sure you do not want to mislead the Committee—to cut the entire appropriation for the Plowshare program, but only that portion which is used for research for nuclear detonation. There are still remaining very substantial sums, $800,000, for nonnuclear research looking to tight gas field stimulation.

Mr. RHODES. In that event, I really have problems understanding the gentleman's amendment, because, as I understand it, there are no nuclear detonations which are projected for fiscal year 1974.

Mr. RONCALIO of Wyoming. I am grateful to the gentleman for raising that point. Will the gentleman yield further?

Mr. RHODES. Yes.

Mr. RONCALIO of Wyoming. The fact is that this is precisely what we are voting on. This is an authorization in an appropriation bill for $3.5 million for laboratory work for nuclear development on detonating mechanisms for underground use.

Mr. RHODES. I am sure the gentleman will agree with me this is for experimentation and development of possible nuclear charges to be used at some time in the future if they can work, but, of course, if they do not work, they will not be used. So the idea is to try to get a better technique so that this very important project for the development of natural gas may proceed.

Mr. WAGGONNER. Will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

Certainly I would like to concur in his decision that this amendment should be opposed. The gentleman has said that it is felt by the sponsor of the amendment that if wells were drilled, this gas would be released. The basic problem in finding gas it to know where to drill wells. That is the reason, among others, or one of the reasons why we have a shortage; we do not know where to drill the wells. And we are dealing with a totally different set of circumstances in Plowshare.

Mr. RHODES. I thank the gentleman from Louisiana. He is precisely correct.

Mr. RONCALIO of Wyoming. Will the gentleman yield further?

Mr. RHODES. I yield further to the gentleman.

Mr. RONCALIO of Wyoming. Sometimes I think we sound like sixth graders when we talk this way. Tight gas formations are tight gas formations. They are where they are—Wyoming, Colorado, and few other places. Now, whether it is nuclear or not, the only places they drill to fracture is where necessary. There is no need to look for tight gas structures.

Mr. RHODES. Mr. Chairman, the gentleman's amendment would strike funds which are very important for experimentation for possible future use of nuclear means for the purpose of freeing natural gas, which we need, and I hope that the funds will be retained in the bill.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand the gentleman from Wyoming has taken my name in vain in repetition of his "what if's" syndrome whereby he says "what if this and what if that happens. won't the world fall in and the sky fall in along with it?"

I understand he has quoted an alleged report attributed to the Geological Survey, which is supposed to say that there is some leakage at the Rulison plowshare shot hole in Colorado.

This whole thing started when a man named Tom Adams whom I know nothing more about, started making some complaints to some unidentified authorities in Colorado against the Plowshare projects. These were made on a hearsay basis and attributed by Adams to somebody in the CERGEO Nuclear Corp. The second hand story was about some supposed leakage of water into the Rulison hole and somehow it was attributed to some unspecified Geological Survey report.

I understand further, and I am going to yield to the gentleman from Wyoming shortly, that the Atomic Energy Commission has made a search for such a report, and such a report has never been found. Insofar as the Atomic Energy is concerned such a report does not exist.

Furthermore, the Atomic Energy Commission states unequivocally that there has been no leakage of water into the Rulison hole. The Atomic Energy Commission states that when such and underground explosion goes off, as a natural consequence a certain amount of water is formed. It is called connate water. At the time this connate water is formed by a nuclear explosion there is also created a finite amount of tritium. This tritium at Rulison was monitored and measured and its concentration in the connate water established.

Since Rulison went off last year, or the year before, the concentration of tritium has not decreased any more than it would decrease in the natural decay. This, of course, is proof positive that no water is leaking into the hole. If so, the measureable concentration of tritium in the Rulison connate water would be found to be diluted. The fact is, that its measured concentration is exactly what it ought to be. No dilution has occurred. Therefore, no leak of water into the hole has occurred.

The only thing we know about any leakage in a Plowshare shot was that which occurred in the initial shot, the first shot that took place back in 1967 called Gasbuggy. In that case there was a small amount of leakage of water into the hole, but very quickly, however, it ceased and the casing sealed itself.

And I might add that in the Cannikan nuclear weapon test at Amchitka, which was almost 5 megatons, has been accompanied by no leakage of any kind.

So, Mr. Chairman, I would like to get this thing straightened out, and I will be glad to see any papers that the gentleman from Wyoming has.

I now yield to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO of Wyoming. Mr. Chairman, I thank the gentleman from California for yielding to me, and I too would appreciate some light being shown.

The gentleman from California said that I said there was some leakage. I said there was water in the casing, and my authority is the AEC which has admitted that water entered the chimney via faulty emplacement well casing.

Mr. HOSMER. We are talking about water, connate water, and not leakage of water.

Mr. RONCALIO of Wyoming. I stand on what I said.

Mr. HOSMER. Does the gentleman from Wyoming know the difference?

Mr. RONCALIO of Wyoming. I do not, and I submit that the gentleman does not know, and few others on the floor. That is the trouble with the nuclear field, so few know what we are talking about in this technical field.

Mr. HOSMER. I believe that I know what I am talking about when I say that I know the difference between leakage and connate water.

Does the gentleman from Wyoming understand the difference?

Mr. RONCALIO of Wyoming. I do not.

Mr. HOSMER. Does the gentleman from Wyoming admit he is speaking from hearsay?

Mr. RONCALIO of Wyoming. No.

If the gentleman will yield further, I am not speaking from hearsay. I quoted my authority in my argument that I presented when the gentleman from California was not present.

Mr. HOSMER. The gentleman from Wyoming says he is not speaking from hearsay, and cannot produce any document, so the gentleman must have been down at the bottom of the well and seen the water.

Mr. RONCALIO of Wyoming. If the gentleman will yield further, my authority is the U.S. Geological Survey, and the Atomic Energy Commission. And also the fact that despite the nice things the gentleman from California has said about these wells, they have been detonated with nuclear stimulation, the results are still unknown, and not 1 foot of natural gas has been produced for commercial sale. It is all contained, because it is still too contaminated.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. HOSMER was allowed to proceed for 1 additional minute).

Mr. HOSMER. The gentleman from Wyoming says that his authority is the Atomic Energy Commission and that the Atomic Energy Commission has told him that there has been leakage, and the Atomic Energy Commission has told me that there has been no leakage. Can the gentleman from Wyoming explain that?

I will yield the balance of my time to him for any explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RONCALIO of Wyoming. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 303, answered "present" 1, not voting 21, as follows:

[Roll No. 308]

AYES—108

Abzug
Addabbo
Aspin
Bafalis
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Brasco
Brinkley
Brown, Calif.
Burke, Calif.
Burton
Carey, N.Y.
Chisholm
Clay
Conte
Conyers
Culver
Daniels, Dominick V.
Dellums
Denholm
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Fish
Fraser
Frenzel
Gettys
Gilman
Gonzalez
Grasso
Green, Pa.
Gross
Gude
Gunter
Hanna
Harsha
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks
Howard
Karth
Kastenmeier
Koch
Leggett
Lehman
Long, La.
Long, Md.
Maraziti
Matsunaga
Mazzoli
Melcher
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Moss
Murphy, N.Y.
Nix
Obey
Pike
Podell
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rosenthal
Roybal
Ryan
St Germain
Sarbanes
Saylor
Schroeder
Seiberling
Skubitz
Stanton, J. William
Stanton, James V.
Stark
Steelman
Stephens
Stokes
Studds
Sullivan
Thone
Vanik
Vigorito
Waldie
Whalen
Yates
Young, Fla.
Young, Ga.

NOES—303

Abdnor
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Baker
Barrett
Beard
Bevill
Blackburn
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Ginn
Goldwater
Goodling
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harrington
Harvey
Hastings
Heckler, Mass.
Henderson
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lent
Litton
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Meeds
Metcalfe
Michel
Milford
Miller
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

ANSWERED "PRESENT"—1

Bell

NOT VOTING—21

Ashbrook
Badillo
Blatnik
Breaux
Clark
Danielson
Dent
Derwinski
Fisher
Hansen, Wash.
Hébert
Holifield
Holtzman
King
Peyser
Reid
Rooney, N.Y.
Sandman
Thompson, N.J.
Thornton
Tiernan

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to call attention to the committee's action recommending the full amount requested by the administration for the authorized Tocks Island conservation project.

As we note in our report, this needed project "can proceed to construction" upon the resolution now in progress of two remaining matters, concerning its eventual water pollution control program, and possible effect on highways due to its recreation attraction.

The urgency of this needed conservation undertaking was demonstrated anew this year by an overwhelming array of witnesses and informed testimony to the committee.

The case in support of Tocks Island is so lucidly explained by the new National Environmental Development Association, Inc., that I set forth their testimony as part of my remarks to this Chamber, and I quote:

> National Environmental Development Association (NEDA) is a non-profit, non-stock, non-political corporation, comprised of labor, agricultural, industry, and other private and public interest organizations and individuals. NEDA was established for the purpose of promoting the conservation, use and development of America's resources, in a manner that will enhance the quality of its human environment.
>
> This Association strongly supports the Administration's appropriation request for the authorized Tocks Island conservation Project.
>
> This Project illustrates a situation wherein the matter of excessive environmentalism has been pursued beyond the point of diminishing returns.
>
> The Delaware River is the primary source of water supply for this country's most densely populated, heavily industrialized region. The environmental effects of this River's alternate floods and droughts have been disastrous in the past (*Presidential Disaster Declarations,* of 1955, floods, of 1965, drought), and they will be worse in the future. For the needs and numbers of the people that depend on it are far greater now. The indispensable waters of this River now waste to the sea. The need to impound and conserve its high flows for the public convenience and necessity during its low flow periods is self-evident.
>
> The urgency of the authorized Tocks Island Project to meet the known domestic, municipal and industrial water supply, energy supply, flood protection, public lake recreation, and mainstream flow augmentation requirements of this region has been established many times, by many recent and past Governmental and non-Governmental studies.
>
> Continuing delay in commencing the construction of this Project is causing, and will continue to cause, increasingly adverse environmental effects—including delay of the additional power capacity downstream needed for the sustained public employment, economy, health, and welfare of the people of this important region.
>
> We have studied Tocks Island's multi-volume environmental impact statement, prepared in the depth and detail specifically directed by the Council on Environmental Quality. We are satisfied that this statement determines and discloses Tocks Island's significant environmental effects; that it will meet the human requirements of this region in a manner more acceptable environmentally and economically than any of its reasonable alternatives or series of alternatives; and that its adverse environmental effects will be avoided, minimized, or more-than adequately compensated for. We concur in the Council on Environmental Quality's prepared pronouncement, dated April 7, 1971, that: "The Tocks Island projects involve tradeoffs justifying adverse environmental impacts through social and economic benefits."
>
> In a reasoned opinion rendered last month, involving the authorized Gathright Project, the Chief Judge of the U.S. District Court for the Western District of Virginia was constrained to emphasize that: 'Chronic faultfinding by itself will not invalidate an EIS' (environmental impact statement). 'No project of any size is without its environmental impact', the Chief Judge observed, and: 'The court is well aware that when studies of this type are undertaken [i.e., environmental impact statements], complete satisfaction with the results is impossible. As is true with most endeavors, further study and analysis will produce a better document which is subject to less criticism. However, the purpose of an EIS is not to produce an objection free document, but rather to give

Congress and other responsible agencies sufficient information on the project's environmental consequences with which to make an intelligent decision about whether or not to proceed with the project (citations omitted)'. *Cape Henry Bird Club* vs. *Melvin R. Laird*, et al., Civil Action No. 73–C–9–R (April 1973). Measured by this standard, or that suggested by the National Water Commission, construction of Tocks Island conservation Project should go forward.

Tocks Islands' environmental advantages and effects have been determined and discussed, many times, to the satisfaction of the Committee, the Congress, and the President. The Congress has now enacted the Federal Water Pollution Control Act of October 18, 1972. This measure authorizes the programs and funds necessary to provide, by 1983, for water pollution or eutrophication control at the authorized Tocks Island Reservoir, thus meeting the Committee's remaining concern in this matter.

The environmental necessity, and benefits, of this Project are established. Detailed implementation, or exposition, of measures to maximize compatibility with its ambient ecology can best be carried out during, or not until, its construction phase. Continuing environmentalist delay of that construction is having a negative effect "on the quality of the human environment" (42 U.S.C. 4332(2)(C)).

We respectfully urge the Subcommittee to recommend the appropriation necessary for this authorized conservation Project.

Under permission obtained earlier in the House I submit a recent statement by Mr. Kenneth J. Bosquet on this important matter:

Water Resources Association of the Delaware River Basin

Mr. Chairman, fellow members of the panel, ladies and gentlemen of the audience: The subject here, "Metro Power and Related Water Supply Problems", is particularly apt, and particularly timely, here in the Delaware River Basin service area and elsewhere throughout the country.

As a result of the decennial census of 1970, we now know that today, 75 percent of all Americans live in "metropolitan areas". Another 13 percent live in their nearby communities. The definition of "metropolitan area" here means a city of at least 50,000 people and its surrounding areas having a population of at least 1,000 persons a square mile.

I should stress that these "metropolitan areas", containing three-quarters of this country's people, occupy less than two percent of its area.

And this concentration will continue and intensify in the years ahead. According to the recent National Population Commission studies, by the year 2000, over 85 percent of all Americans will live in its "metropolitan areas".

This will not be decelerated or diverted by zero population growth. Even if sustained in this country, zero population growth will not prevent expansion by our existing population base in this country for about 70 years, or until about the year 2040.

Accompanying this metro trend over time, the corresponding forecasts, conservative forecasts, establish an even greater growth in per capita electric energy consumption. Despite energy conservation, and assuming nearly zero population growth, a 50 percent decline in the rate of rise in individual wealth—the consumption of electric energy here in the United States will triple by the year 1990.

Whether or not we like this metro trend, with its various metro power and other problems, it is the environmental reality of most American life. It is the environmental reality that most of us have consciously chosen to create and to live with. And the simple reason we have done so is that—all things considered—metro life gives us a better life economically, educationally, socially, culturally, and spiritually, than any we can attain elsewhere in our lifespan.

So we, then, can understand the wishes of other Americans to join us here in the metro-regions, in their continuing human effort to improve the quality of their lives, and the lives of their children, as we improved ours.

We have tried to discourage them, of course. We have enacted statutes stating, or warning them, as the "Environmental Quality Improvement Act of 1970" warns them: "That population increases and urban concentration contribute directly to pollution and to degradation of our environment." But these other Americans will not, and do not intend, to stay away from the metro-regions. According to the Council on Environmental Quality, it is Federal policy in this country to slow down the inflow of population into our metropolitan areas. But it is not working. And it is doubtful that it will work, for the human reasons mentioned.

In the words of the recent Population Commission's report, therefore, the CEQ thus has concluded: that "our large urban regions 'will be called on to accommodate virtually all the Nation's future population growth.' "

All this helps focus the reality of metro power here, specifically, electric power. For metro society first and foremostly is an indoor society: of housing areas, and apartments, and offices, and industries, and commercial, and other organizational structures and complexes, in which most of its inhabitants spend most of their lives.

And these vast human complexes are organized and operable primarily on the basis of the existence—and steady availability—of electric power. They cannot function without it, even its brief interruption, without the most disturbing, potentially dangerous human consequences. And this dependence or danger increases in time, as metro society increases in size.

All of which brings us to the Delaware River Basin area—which is the most densely populated heavily industrialized river basin area in the whole country. Here as elsewhere, metro power supply preeminently involves metro water supply. For this energy transformation which is electricity is effected by heating water, lots of it. And like all energy transformations, this also entails a certain loss or waste of unusuable heat. And the essentially effective way of disposing of this unusable heat rise, that occurs in producing this energy form that our metro society has to have, is plain water.

Now we can regret this, or resent it, or rail against it, but we aren't going to change it in the foreseeable future. Between now and the year 2000, for example, the thermal conversion efficiency of new power generating units will not be significantly greater than the present 40 percent.

So the matter of metro power here in the Delaware River Basin service area, thus is the matter of selecting exactly where, in these waters or waterways, to position the power plants that your metro society has to have for the next few decades. You can do so on your rivers, or on your Bay, or on your New Jersey ocean front, or you can try to position them in somebody else's river basin. But you must position them somewhere. And you must do so promptly.

Now you can talk about long term break throughs, and solutions in power supply technology, and, of course, you should. But they frankly are not important to us: for they cannot get us through the *next* thirty years. And it is only the *next* thirty years—which is the period *we've* got to get *ourselves* through—that is important now.

In its latest report on delays in needed new power capacity, the Federal Power Commission's tabulations for your Mid Atlantic area (including the four Delaware River Basin State region, parts of Virginia, and the District of Columbia)—the FPC's tabulations show that there are some seven new generating units, totaling over seven million kilowatts of power capacity, which were scheduled to be in operation this summer, and which will not be. And I notice that four of those units, together totaling over four million kilowatts of needed capacity, were scheduled for operation back in 1971 or early 1972.

Now whatever its flexibility, and ingenuity of management, no regional power system—and certainly not that for the country's most populous, heavily industrialized river basin—can long endure a continuing postponement of seven million kilowatts of needed power capacity—without exposing itself to some very real emergency possibilities, and without impairing that evolving economic activity necessary to sustain the employment and incomes of the families of that region.

Some of these unnecessary economic effects are already discernable. For example, in the announcement that one of the large power supply systems in this great commercial metropolis can no longer serve any new commercial loads. And in the recent order of one of your Basin State's Department of Public Utilities, declaring that: "The State of New Jersey today faces the probability that, within the next three years, there will be a critical shortage of electrical energy with the consequent need to ration the existing supply"; and instituting an investigation for the purpose of determining what action should be taken "to minimize the impact of electric shortages, brownouts, and/or blackouts".

Some many accept this—as an offering to some perceived ecological mission or goal. But chance is they will not be among the families to be economically and socially victimized by this impending, damaging deficiency of power supply.

And of course the National Environmental Policy Act, which is concerned with "the quality of the *human* environment", perceives and propounds no such "goal". For its enacted policy is, and remains and must be administered responsibly and intelligently: 'to foster and promote the general welfare, create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements" of Americans.

Happily, however, the Delaware Basin is endowed with the water resources needed to fulfill these metro power and other human environmental requirements of its people in the decades immediately ahead. As elsewhere, you also have the phenomena of periodic disastrous flooding, and periodic disastrous drought. These have been disastrous here in the past. They will be even more so, now and in years ahead, absent conservation of your water resources. For your needs and numbers are far greater now.

Here as elsewhere, you have the problem of impounding the high or flood flows of your increasingly indispensable waters—which now you waste to the sea—and of conserving them to meet your multiple, urgent public needs during critical low flow periods.

Your approved program to achieve this imperative regional water conservation goal is a good one. To begin, at the top, it entails setting aside and preserving the upper eighty (80) miles of the Delaware River (from Hancock, New York, all the way down to Matamoras, Pennsylvania), for free-flowing, wild or scenic river purposes. And this is now recommended by the Governors of each of your four Delaware River Basin States, and Delaware River Basin Commission, on the basis of studies now completed by the United States Bureau of Outdoor Recreation. In this way you will forever preserve in its free flowing condition what the Bureau's report states is: "intrinsically a relatively unmodified and unspoiled river, pleasurable in all seasons, and exciting during periods of full flow, capable of supporting, without resources deterioration, a wide range of river-oriented recreation activities", and containing but "minimal" agricultural pollution. You will also be protecting this River's watershed and water quality for its numerous downstream public purposes.

Second, your program entails conservation of this River's high flows, and those of its upper tributaries, in a large mainstem Lake authorized to serve the known and growing public water resource requirements of this densely populated metroregion—including its needed water supply, flood control, metro power, water recreation, downstream water quality, and low flow augmentation requirements.

Third, it entails establishment of a vast, additional National Recreation Area surrounding this multipurpose conservation Lake.

Fourth, it entails continued improvement of the water quality of the Delaware River's downstream reaches, including the water quality of its vast and scenic Delaware Bay.

There are other elements of this water resource conservation program, all of them constructive. But I believe this framework shows you have an effective program to conserve the waters of this great River system to meet your known public water resource requirements in the decades ahead—including water supply for the metro power needed to sustain the great Delaware River metrobasin.

AMENDMENT OFFERED BY MR. LUJAN

Mr. LUJAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUJAN: Page 2, line 21 after "vehicles;", strike out the figure, "$1,676,563,000" and insert in lieu thereof the figure, "$1,681,263,000".

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, I have a very brief statement regarding a particular project funded by this public works appropriation bill. Specifically, the bill contains $3 million for the Meramec Park Lake project. While I will vote for the entire appropriations bill, I do so only with the understanding that this project is the subject of a suit pending in Federal district court in St. Louis filed against the Corps of Engineers by the Sierra Club. Federal District Judge Wangelin has not yet ruled on the plaintiff's motion for summary judgment, on the corps' motion for summary judgment, or on the Meramec Basin Association's motion to intervene in this suit. The original environmental impact statement pertaining to this project being inadequate and out-of-date, a new statement has been prepared. The court may rest its decision in part on its assessment of the new statement and a determination as to whether it meets the requirements of the National Environmental Policy Act. In this regard the court may be expected to focus attention, inter alia, on section 102 of the act which requires all agencies of the Federal Government to include in every proposal for major Federal action "significantly affecting the quality of the human environment" a detailed statement on its environmental impact, alternatives, irreversible commitments, and things of that kind. It is my hope that the court will move expeditiously to resolve the issues joined so that any further developmental initiatives will rest on an adjudication of the question.

Second, I am today announcing my cosponsorship of the Flood Plain Conservation Act which was originally introduced by my colleagues, Mr. BLACKBURN and Mr. PEPPER. This legislation could save millions of tax dollars by authorizing the Department of Interior to purchase flood prone regions in lieu of the present practice of massive and expensive construction projects in such regions. Federally-owned flood prone areas could become open space and refuge regions which could be utilized as greenbelt recreation areas during dry seasons. Such open space expanses are vitally needed near or in many of the Nation's metropolitan regions.

Mr. LUJAN. Mr. Chairman, I am not going to take very long, because it does not take very long to explain the amendment which I have offered. As a matter of fact, I am going to have a lot of time left that I will yield to any Member who might have some kind words to say about this amendment, because I am sure I am going to need them.

Very simply, what the amendment says is that we would add to this appropriation $4.7 million for geothermal research and development work. I want to be sure that there is no confusion. The geothermal work is hot steam coming out of the ground. We have tremendous capability within the laboratories of the Atomic Energy Commission which is not being utilized at the present time except in some shoestring operation method.

In the laboratory at Los Alamos there has been a research project going on. I am not a scientist, but as I understand it, they just pour some water over some hot rocks, and out comes the steam, and somehow or other energy comes out of that. Many other Members might know more about that than I do.

The interesting thing about this is that there are hot rocks all over, so these geothermal plants can be placed almost anywhere in the country and they are not limited to just where the steam now exists.

Let me say that the Joint Committee on Atomic Energy, did authorize this project in the amount of $4.7 million. It is my understanding, and very logical, that when the Appropriations Committee got it there was not enough time to really consider it in depth, because the time was too short.

Mr. Chairman, I know that I will face opposition, but even if the members of the committee would oppose my amendment, please take note that even in being opposed as a result of a policy by the committee not to allow any of these amendments, please, of course, note that they are opposing it in the kindest words possible.

Mr. BLACKBURN. Mr. Chairman, will the gentleman from New Mexico (Mr. LUJAN) yield?

Mr. LUJAN. I yield to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, am I to understand from the gentleman's remarks that there are no substantial funds for experimentation in the field of geothermal energy at the present time?

Mr. LUJAN. The gentleman is correct. So far as I understand it, Los Alamos has been conducting this experiment out of what they call the Director's discretionary fun. It has just been a very, very meager operation.

Mr. BLACKBURN. Mr. Chairman, I want to congratulate the gentleman for bringing this matter to the attention of the House.

With the whole world facing an increasingly severe shortage of energy, particularly in the form of fossil fuels, I think it is essential that we press forward in every area of research, and this is one in which I think there may be great promise. It is, in my opinion, a great mistake not to insist on greater efforts in this regard.

Mr. Chairman, I support the gentleman's amendment.

Mr. McCORMACK. Mr. Chairman, will the gentleman from New Mexico (Mr. LUJAN) yield?

Mr. LUJAN. I yield to the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, I do not want to be in the position of opposing the gentleman's amendment, but I do want to state in response to the question which was just asked that there is $4.1 million in the existing budget for geothermal research. It is under the National Science Foundation, the Department of the Interior, and the Geological Survey. There is geothermal research underway.

Mr. Chairman, I think we can treat the amendment on its own merit, but I hope that none of the Members will base their decisions on a misinterpretation of the facts that the gentleman perhaps did not understand. There is $4.1 million in the budget under NSF and the Department of the Interior for geothermal research.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I rise in support of the amendment by the gentleman from New Mexico (Mr. LUJAN). The potential for geothermal energy appears to be substantial. Last year, however, the Office of Management and Budget impounded what little money was appropriated by the Congress for research in this area.

In these times of uncertainty regarding the international situation, it is most important, I think, for the United States to strive for self-sufficiency in the energy field. Geothermal power is especially attractive because it is pollution free in addition to being energy efficient. Contrary to popular belief the potential for geothermal power is not confined to those western States with hydrothermal activity. There is every reason to believe that the "dry hole" will be more useful in the long run, and these can be developed anywhere.

In addition to increasing appropriations for R. & D. in geothermal power, it is important that Government encourage private enterprise to increase their R. & D. activities in alternate sources of energy. Such activity has been under way in my State. Aerojet Nuclear, Inc. has been working closely with the AEC in the development of a prototype geothermal powerplant. With a shortage of fossil fuels looming it is important that development of new energy sources proceed at an increased rate. To neglect a natural resource such as geothermal energy would be to the detriment of the Nation's economy as well as to our national security.

I hope that my colleagues will join me in supporting this amendment; I feel that the Atomic Energy Commission is one of the few Government agencies that gives the taxpayers their money's worth in returns. This program deserves our support.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I commend the gentleman for his action in offering this amendment. I support his amendment and urge the Members to offer their support.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, this has been a very difficult bill. I can understand that many members want to cut the bill, and there are others who want to add to it. We have made some substantial cuts to the Atomic Energy Commission weapons program and we have also reduced other programs. There are other areas in the bill where we have provided some substantial increases.

My friend, the gentleman from New Mexico (Mr. LUJAN) is a fine gentleman and a valued Member of this House. However, I oppose his amendment because there are funds in several areas throughout the budget for geothermal research. The Public Works—AEC Subcommittee has included $1,770,000 in geothermal investigation for the Bureau of Reclamation. As the gentleman from Washington (Mr. MCCORMACK) has pointed out, there are funds in the budget of the National Science Foundation for geothermal research.

In addition to these amounts, the appropriation bill for the Interior Department which passed the House yesterday contained a substantial amount for geothermal research.

Because there are substantial amounts provided throughout the Government for this research, we did not feel that more funds, which were not asked for in the budget, should be provided.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LUJAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 205, not voting 22, as follows:

[Roll No. 309]

AYES—206

Abdnor
Abzug
Anderson, Calif.
Ashley
Aspin
Baker
Barrett
Bergland
Biaggi
Biester
Bingham
Blackburn
Boggs
Bolling
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burton
Byron
Camp
Carey, N.Y.
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Tex.
Conable
Conlan
Corman
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Dellenback
Dellums
Denholm
Dennis
Dickinson
Diggs
Downing
Drinan
du Pont
Eckhardt
Edwards, Calif.
Findley
Fish
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Froehlich
Gaydos
Gilman
Ginn
Goldwater
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Guyer
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hawkins
Hechler, W. Va.
Heinz
Hicks
Hinshaw
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hunt
Jordan
Karth
Kastenmeier
Keating
Kemp
Ketchum
Koch
Kuykendall
Landgrebe
Leggett
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McKinney
Macdonald
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Mezvinsky
Miller
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Moss
Murphy, N.Y.
Obey
O'Hara
Owens
Parris
Pepper
Pettis
Pike
Poage
Podell
Price, Tex.
Quie
Randall
Rangel
Rees
Reuss
Riegle
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Roy
Roybal
Runnels
Ruppe
Ryan
Sarasin
Sarbanes
Satterfield
Saylor
Schroeder
Shoup
Spence
Staggers
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stuckey
Studds
Symington
Symms
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Van Deerlin
Vanik
Veysey
Waldie
Walsh
Whalen
Whitehurst
Widnall
Wilson, Bob
Wilson, Charles H., Calif.
Wright
Wyatt
Wydler
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ga.

NOES—205

Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Beard
Bennett
Bevill
Boland
Bowen
Breckinridge
Brooks
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clawson, Del
Cochran
Cohen
Collins, Ill.
Conte
Conyers
Cotter
Crane
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Devine
Dingell
Donohue
Dorn
Dulski
Duncan
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Fountain
Frelinghuysen
Fulton
Fuqua
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Gross
Gunter
Haley
Hamilton
Hanley
Hanrahan
Harsha
Hays
Heckler, Mass.
Helstoski
Henderson
Hillis
Hogan
Holt
Hudnut
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kluczynski
Kyros
Landrum
Latta
Lehman
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Mayne
Metcalfe
Michel
Milford
Mills, Ark.
Minish
Minshall, Ohio
Montgomery
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
O'Brien
O'Neill
Passman
Patman
Patten
Perkins
Pickle
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quillen
Railsback
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rose
Roush
Ruth
St Germain
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stratton
Stubblefield
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Ullman
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Charles, Tex.
Winn
Wolff
Wylie
Yates
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—22

Ashbrook
Badillo
Bell
Blatnik
Breaux
Clark
Danielson
Dent
Derwinski
Esch
Fisher
Hansen, Wash.
Hébert
Holifield
King
Nedzi
Peyser
Reid
Rooney, N.Y.
Sandman
Thompson, N.J.
Tiernan

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PERKINS. Mr. Chairman, I move to strike the last word and I rise in support of the bill.

It has now been 4 years since Congress first appropriated funds to begin construction of Paintsville Lake in the district that I represent.

Johnson County and the city of Paintsville, Ky., have repeatedly suffered millions of dollars in flood damage throughout the years. The Levisa Fork of the Big Sandy River back in 1957 was at least 10 feet above flood stage in the city of Paintsville. And another devastating flood of approximately the same depth occurred in 1963.

The Paint Creek reservoir is necessary from the standpoint of controlling floods in the Big Sandy area.

The Corps of Engineers is to be complimented for moving ahead on Paint Creek and for the great work performed throughout the whole of eastern Kentucky in recommending flood control projects that have saved lives and reduced property damage.

Several reservoirs yet remain to be constructed before we have an adequate flood control program in eastern Kentucky in both the Kentucky and Big Sandy River sections.

Then again we must move forward now with Yatesville, Red River, and Tygartts Creek reservoirs.

In the event the Paint Creek railway bridge is destroyed by flood—and this liked to have occured in 1957—the whole Big Sandy Valley will be paralyzed above this point. In other words, the coal could not be moved in railway cars until such time as the bridge was reconstructed. The construction of the Paint Creek reservoir will alleviate this situation.

It is claimed that the Corps of Engineers failed to report the existence of a geologic fault—a flaw in the earth's crust—under the area covered by the lake. It is claimed that this fault was not mentioned in the environmental impact statement filed by the corps in August 1971. The corps did so report.

This fault in the earth is no secret. It has been known for years, and has been described in various geology publications.

During the Public Works Subcommittee's consideration of this project, a question was asked about the effect of the fault upon the proposed dam. And this is the response of the spokesman for the Corps of Engineers:

> The existence of the fault in the vicinity of the Paintsville project has been known for many years. The location and description are contained in numerous publications. The Corps was aware of the subsurface conditions during surface reports and studies in the 1960s.
>
> In addition, the geological reconnaissance of the proposed Paintsville Reservoir was conducted during the early design stage with all structural features being mapped and evaluated, including the faults in the area.
>
> Due to the age of the structural features and reservoir design, seismic activity is not anticipated in the Paintsville area. Design of the Paintsville dam and appurtenances, however, will include considerations for seismic acceleration, which is a current design procedure for all Corps of Engineers reservoir projects.
>
> In this regard, an expert in the field of geophysics will assist in the evaluation of the design of the Paintsville project. No problems in the developing of a proper design are anticipated.

That is the statement of the Corps of Engineers, and I think it is reasonable and sound.

Bear in mind that the fault is not under the dam itself, but under an area upstream which will be covered by the lake.

Now, as to a claim that there are oil and gas wells in the area which might contaminate the lake, that is a minor matter. Such abandoned wells are routinely plugged before reservoirs are filled. This presents no hazard whatever, I am informed by the corps.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT: On page 3, line 1, strike the words "That of such," strike all of lines 2 through 6, and strike the words on line 7 "have been expended; provided funds."

Mr. ECKHARDT. Mr. Chairman, the effect of this amendment is to strike the following language:

> "That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be demed a sufficient voucher for the sum therein expressed to have been expended: *Provided* further, That from this ap-"

This is the amount that goes to the Atomic Energy Commission. I would ask the distinguished chairman of the subcommittee if he is at liberty to tell me what the $100,000, which may be expended without the Controller knowing about it, is for?

Mr. EVINS of Tennessee. I would say to my distinguished friend that years ago the bill included $200,000 to allow the chairman to make commitments of a confidential nature. A number of years ago this was lowered to $100,000. It has been reduced, but it has been carried in the bill for several years as authorized in the basic legislation. We must trust somebody in this Government and I trust the Chairman of the AEC to use these funds with discretion.

Mr. ECKHARDT. I thank the gentleman but I would trust the Comptroller also. As a matter of fact this legislation which is positive legislation might be subject to a point of order under clause 2 of rule XXI, were it not for the deplorable fact that the Rules Committee has commenced generally waiving that rule.

I have no objection to waiving that rule with respect to its relationship to the failure at this time of the atomic energy authorization bill having been passed. If it were waived only with respect to those matters, because the authorization bill has not yet been passed, it would be all right, but when we pass this sweeping waiver of points of order under rule XXI, clause 2, we permit all kinds of positive legislation.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, regarding waivers of points of order on appropriation bills, the authorizing bill for the Atomic Energy Commission was passed in the House and in the Senate and is now awaiting the signature of the President. If it had been signed, it would not have been necessary to have this waiver of the rule, but in order to hasten this bill along and to proceed in an orderly manner, we want to proceed with the appropriation bill at this time.

Mr. ECKHARDT. Mr. Chairman, I understand that. I certainly think the chairman is right in asking for the waiver of the rule in that respect, but had the authorization bill been final and had there not been any suspension of rule XXI–C, the point of order I am now making would be good.

That is the point I am making. I object to a waiver of a rule that changes that result. Let me point out here that what this does is to permit the expenditure of money by the agency with only the statement that the matter is of a confidential nature. Therefore, the agency does not want to disclose the purpose for which it is expended.

If this were not in the bill, all the agency would have to do is file the voucher in accordance with title 31, United States Code, sections 71, 72, and 74. That does not mean for a moment that they are going to have to disclose in the voucher any confidential or secret information.

Mr. Chairman, we spend billions of dollars for matters of a most confidential and secret nature through both the armed services appropriation, and through the atomic energy appropriation. All it means, if this provision were not in the bill, is that the Comptroller General would have a right to go in and find out what the money is expended for. He is the only one that is entitled to that right. The Comptroller General has security clearance. He can look at secret matters. I trust the representative of this Congress to look at that information.

Mr. Chairman, why should we write positive legislation in an appropriations bill that never appeared in the authorization bill? The question was not raised before the legislative committee. Why do we need to write such positive legislation in an appropriations bill?

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I would like to ask a question of the chairman of the subcommittee. The difficulty I have with this language is not only that outlined by the gentleman from Texas, but in addition, there is no standard set forth in this bill as to the basis on which it needs to be confidential. It does not say national defense or anything else.

Mr. Chairman, should we not set some standards?

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I assure my friend that this relates to matters of a confidential nature and it is only a small item out of a $1,676,000,000 amount for AEC's operating expenses.

It allows some discretion for the chairman of the Atomic Energy Commission if she feels it necessary to make expenditures of a confidential nature. Then, she would be empowered to do so.

Mr. SEIBERLING. Mr. Chairman, it seems to me at the very least it should be written so that she must certify that it must be kept confidential to protect national defense information, or some other specific language such as that as to the general basis on which it must be kept confidential.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, if there was such a question involved, and if it were important, what committee would be best qualified to determine whether that special status should be granted? It would seem to me the legislative committee, in this case the Joint Committee on Atomic Energy, and not the Appropriations Committee. This appears in the appropriation for the first time.

Mr. SEIBERLING. The gentleman has a valid point. I would simply like to add that it seems to me we have all gotten a liberal education in the past couple of months as to the abuses such vague words as "national security" can be used to cover. We had better start being a little bit more conscious of the dangers of this kind of vague secrecy authority, which can be used for legitimate but also for illegitimate purposes.

I commend the gentleman for raising this point.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Texas.

Mr. ECKHARDT. I merely rise to say we did strike such language out of the Coast Guard legislation, and I believe for exactly the same reason. I thank my colleagues for doing so.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. HOSMER. I should like to point out that the basic Atomic Energy Act, which establishes the five-man Atomic Energy Commission, contains within it certain very grave responsibilities that are assigned to the members of that Commission. Those responsibilities are the kind which control its judgment if it should be called upon to make this kind of an expenditure. As a consequence this is therefore not an intergovernmental type of thing.

I believe it should be noted and understood also that with respect to the atomic establishment there are certain areas of extremely critical security nature. We have had a practice in those cases of keeping the numbers of people who need to know down to the smallest possible number. Striking this would add one more, namely, the Comptroller General, and would open it up for him. As a consequence, rather than just the five-man Commission of very carefully selected people we might have a whole crowd of investigation in on this kind of thing.

For the amount of money involved, $100,000, there is simply no reason to engage in that kind of security risk taking.

I thank the gentleman.

Mr. SEIBERLING. I thank the gentleman. I would simply comment that we would be well-advised to make a general review of the language used for this type of security coverage so that we can write or rewrite our legislation to provide more precise guidelines for authorizing the use of secrecy.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Arizona.

Mr. RHODES. I thank the gentleman from Ohio for yielding.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RHODES. Mr. Chairman, I rise in opposition to the amendment.

I just wanted to point out the fact that this item has been in the appropriation bill for a number of years and it is an item which is pretty carefully described. In other words, it has to be for objects of a confidential nature, and in such cases a certificate must be made that the object is of confidential nature. I suggest to the gentleman from Texas and the gentleman from Ohio that this is subject to audit by the Comptroller General. If at any time the Commission makes a certificate which does not comply with the provisions of this law I am sure the Comptroller General could and would take cognizance of it.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am glad to yield to the gentleman from Texas.

Mr. ECKHARDT. If that be the only thing that the Comptroller General can look at, to find out whether or not the head of the Atomic Energy Commission has said this is of a confidential nature, that is all he could find. That is exactly the point I am making. He ought to know what it is really spent for.

Mr. RHODES. I am sorry, but I have to disagree with the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. RHODES. I yield.

Mr. ECKHARDT. I have just talked to the General Accounting Office, and I understand the process the gentleman describes is the process available under existing law.

Mr. Chairman, if we put this in, it will change it, and all he can look to is whether or not the head of the Atomic Energy Commission has said it is confidential. That is all we are trying to do.

Mr. RHODES. Mr. Chairman, we should make a little legislative history right here. As a member of the Committee on Appropriations handling this bill, I am of the opinion that the Comptroller General can look behind that certificate to make sure that the matter certified is actually of a confidential nature.

Mr. ECKHARDT. Mr. Chairman, if the gentleman from Arizona (Mr. RHODES) will yield, I will ask a question of the chairman of the subcommittee.

Mr. RHODES. I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I will ask the gentleman from Tennessee (Mr. EVINS) does the chairman of the subcommittee on this side of the aisle so construe the matter?

Mr. EVINS of Tennessee. I do. And if the gentleman would like to confer with us on this matter we would be glad to discuss it with him at length.

Mr. ECKHARDT. Mr. Chairman, in view of the fact that both sides seem to believe the interpretation of this language is that once the matter is listed as confidential material when the voucher is issued, the Comptroller General within the limits of his security clearance can determine whether or not it is in fact confidential material and so properly classify it, looking into the real facts of the voucher, if that is the understanding, I will ask unanimous consent to withdraw my amendment.

Mr. RHODES. Mr. Chairman, the gentleman from Texas (Mr. ECKHARDT) has stated my understanding of the matter better than I could do so myself.

Mr. ECKHARDT. Mr. Chairman, will the gentleman from Arizona yield?

Mr. RHODES. I yield to the gentleman from Texas for the purpose of asking unanimous consent to withdraw his amendment.

The CHAIRMAN. Does the gentleman from Texas make such a unanimous-consent request?

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. Not to exceed 5 per centum of appropriations made available for the current fiscal year for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

Mr. WYLIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will ask the chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS) to respond to a question, if he will please.

On page 19 of the report there is an item which says, "St. John's River Basin, Maine Study—a total of $50,000 is included in the bill to initiate the St. John's River Basin study."

Does this have anything to do with the Dickey-Lincoln project, or will it in any way serve to revive that project?

Mr. EVINS of Tennessee. Mr. Chairman I would say to the gentleman, that this study involves the St. John's River and would involve a small project, only for the State of Maine. It is under a new name, because it is a much smaller project. It is a study; it is not the large overall New England project.

Mr. Chairman, I understand that of two Senators in the other body, one favors the larger project and the other favors the smaller project. The committee would certainly favor only the smaller project.

Mr. RHODES. Mr. Chairman, will the gentleman from Ohio yield?

Mr. WYLIE. I would be glad to yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, actually the only resemblance between this project and the Dickey-Lincoln project is that they are both on the same river. This is a much smaller project. The State of Maine has no hydroelectric projects at all. It is an energy-short area, and I would vote the money for this project.

Mr. Chairman, it would seem to me to be a feasible project as far as the overall benefits are concerned. If the gentleman would yield further, let me assure him that as one Member of the Committee, if there is an attempt on the part of the other body to enlarge this project to even closely resemble the Dickey-Lincoln project in prior years, I, as one conferee, will oppose it.

Mr. WYLIE. What the gentleman from Arizona and the gentleman from Tennessee are saying is that this is a small local project confined to the State of Maine, and is not a huge hydroelectric New England project as contemplated by the Dickey-Lincoln project?

Mr. RHODES. The gentleman is correct.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I indicated in my supplemental views, I think there are a number of problems with this bill. First, the bill contains a number of projects which in one man's opinion, do not belong here. One involved a navigation channel through coastal wetlands which according to information I have, will bisect and pollute a State declared wild and scenic river of the highest water quality in the State.

Of 23 formal comments submitted in the corps' draft impact statement, 18 have been critical, including those of the Departments of Commerce and Interior, the Environmental Protection Agency and the Louisiana Advisory Committee on Coastal and Marine Resources.

Still another has been opposed by the Environmental Protection Agency as environmentally unsound and because the benefits of the project would seem to accrue largely to pulp mills which want to flush their pollution downstream.

The Governor of Illinois has just announced his opposition to the Lincoln Lake project in Illinois because of rising costs and environmental complications.

The cost-benefit ratio for many of these projects was calculated any number of years ago and a 3¼-percent discount rate was used.

If the calculations were made again, using the 5⅜-percent discount rate used today, a good number of them would clearly be economically unjustified. The second problem with this bill is that for some projects the Corps of Engineers has simply not followed the law.

For example, there are six projects in this bill for which construction was initiated after the enactment of the National Environmental Protection Act and for which no final environmental impact statement is yet available as clearly required by that law. In all, there are 119 projects in this bill for which draft and/or final environmental impact statements have not been filed with the Council on Environmental Quality. The bill provides $438 million to carry on those projects.

While some people contend that no environmental impact statements are required for these projects, I disagree. The act itself, legislative history, and guidelines for States implementation and the courts all indicate otherwise.

Mr. Chairman, I have roughly four choices: I could offer an amendment to make an across-the-board cut for all corps projects in an attempt to symbolically show that I think this budget is too large, hoping that the corps would cut funds from the most questionable projects. But, based on past performance of the corps, we know that would not happen.

Or, I could offer an amendment to cut funds for all 119 projects for which environmental impact statements are not available. But, frankly, given the political facts of life surrounding public works bills, I don't have much hope of such an amendment passing.

Third, I could offer an amendment to knock out the six projects for which construction began after January 1, 1970, the date on which NEPA took effect.

The fact is that none of these would work and I would be wasting the committee's time. The other alternative left for me is simply to vote against this entire bill, which is what I intend to do. I also intend to vote for amendments to delete other projects which will be offered by others.

I realize that the Corps of Engineers can give various reasons for not filing impact statements: that the program was authorized before 1970; that money was appropriated before 1970; that some local work was done before 1970; or that the project was neither controversial nor would produce significant environmental damage. But the fact is that the courts have ruled otherwise and while it is unlikely that the Congress will stop funds for these projects, it is not at all unlikely that the courts will stop them for not complying with NEPA.

Just last week a Federal district court in Wisconsin ordered the corps to stop dredging a segment of the Mississippi. The project had been underway for 5 days and was to have been completed in 2 or 3 more. the corps took the position that a project of less than a mile was not a major undertaking and was exempt from NEPA.

The court ruled otherwise, and a project the corps said was not subject to NEPA has been stopped because an environmental impact statement was not completed.

I say all this for this reason: I realize the Members of this body all value the projects in their districts, I have one of my own in my district. As far as the Congress is concerned they probably have little to worry about in terms of a cutoff of funds. But the courts are a different matter.

I would suggest that those of you who have the 119 projects without impact statements in your districts and want to keep them, ought to encourage the corps to finish the environmental impact statements on them. With my comments on this legislation last year and this year, I have tried to encourage the corps to get those impact statements done because, in my judgment, they are required by law.

Mr. Chairman, I want to serve notice right now that I intend to offer an amendment to the next year's bill recommending that for every project for which a 102 statement has not been filed, that I think 5 years will have been a long enough time to have given the Corps of Engineers a chance to produce them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, $53,939,000, to remain available until expended: *Provided*, That $1,000,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565), to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. CARNEY OF OHIO

Mr. CARNEY of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARNEY of Ohio: Page 5, line 8, insert immediately after "Army" the following: ": *Provided further*, That $10,000 of this appropriation shall be available to conduct a feasibility study with respect to canalization of the Beaver and Mahoning Rivers".

Mr. CARNEY of Ohio. Mr. Chairman, and my fellow Members of the House, this will probably be the easiest vote the Members have ever had in this session or in most any session. In the proposed appropriation for the Corps of Engineers there is an amount of $53,939,000. First of all, Mr. Chairman, I ask for no additional money. All I ask is that $10,000 of this $53 million be set aside for the Corps of Engineers to conduct a study of the canalization of the Beaver and Mahoning Rivers in western Pennsyvania and northeastern Ohio.

The canal feasibility study was unanimously authorized by the House Committee on Public Works on October 12, 1972, and put in their bill and adopted by this body, but the Corps of Engineers was unable to include these funds in the project book for the fiscal year 1974 budget due to the late approval of the measure.

On April 18, however, I talked to the chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS) who was very cooperative, and I received a capability study from the Corps of Engineers saying that they would be able to utilize for the purpose of conducting studies and holding public hearings $10,000 for fiscal year 1974.

Mr. Chairman, I want to emphasize that this does not conflict with any budget objectives. The purpose of this study is to determine if a proposed stub canal is feasible in terms of economic, social, and environmental effects.

Mr. Chairman, I would like to point out one other thing, and that is that I have the rather dubious distinction as a Member of the Congress in filling the shoes of one of the greatest Members who ever worked in this Congress, and that is the late Honorable Michael J. Kirwan who, for many years, was the subcommittee chairman of the Public Works Subcommittee of the Appropriations Committee.

Those Members who knew Mike, and most of the present Members did, knew that for many years he worked for a canal from the Ohio River to Lake Erie.

Unfortunately, opposition in Ohio and Pennsylvania, killed that project, and Mike Kirwan's dream. It was never realized.

I want to point out to the new Members, because all of the old-time Members know this, that Mike Kirwan was not only a Congressman for the 19th District of Ohio, but he was a Congressman for the entire United States.

There is hardly a veteran here who at some time or other did not go to Mike Kirwan, and Mike Kirwan always gave them a hearing. I am asking the Members to approve this, which is a modified version of Mike's study, based upon what he did for the Members. I am asking the Members to give the same consideration here, a hearing and a chance to be heard, that Mike gave the Members on their many projects. That is all I am asking for is $10,000 to see if this project is feasible.

I live in an area in northeastern Ohio near western Pennsylvania which is plagued with seasonal, cyclical unemployment. The unfortunate part is that it costs us more money to assemble raw materials. We are an old steel center with very fine, trained workers. It costs us more to assemble the raw materials. The Lykes Sheet & Tube Co., our biggest employer, has said that unless they can get some relief through a stub canal and water transportation to bring their raw materials in, they are going to be forced to shut down.

I do not know whether this canal is economically feasible. I do not know if there is enough natural water in the rivers to maintain a year around flow. All I am asking is for a chance to have the Corps of Engineers make studies and to have some public hearings to see whether or not this project is feasible. I assure the Members that should the Corps of Engineers say it is not feasible, I will never come back to this Congress and appear up here again and ask for more money. I do tell the Members that if they say it is feasible, I will fight for a canal in my district with everything I have got. There is no additional money asked for here. This is not the Kirwan Canal. This will be the canalization of two existing rivers. The experts tell me that the water is there, and I think that the Corps of Engineers should be allowed to have hearings, public hearings, where everybody involved would have a chance to have their say and then go on from there. I ask the Members for support.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with much regret that I oppose the amendment of the gentleman from Ohio. He is one of the most delightful gentlemen in the House.

Mike Kirwan was my predecessor as chairman of this subcommittee. We all know that for years Mike Kirwan advocated the Lake Erie-Ohio River Canal. I don't usually oppose a study, but the Governor of Pennsylvania and members of the Pennsylvania delegation have expressed opposition to it. In addition, I am informed that, at today's prices, the stub canal would cost about $1.1 billion. This would amount to about $18 million a mile.

I want to say to my friend from Ohio that he is fighting in the tradition of his illustrious predecessor and he is to be commended. I regret I cannot support his amendment. I ask that it be defeated.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened with interest to our colleague, the gentleman from Ohio, and I heard him plead for a project in his district. I can understand the economic situation which he has explained to the Members, but for those who have been here for a number of years, his predecessor, Mike Kirwan, was unable to convince the Congress that we should ever build the Lake Erie-Ohio Canal. The figures during Mike's lifetime have skyrocketed to the figures you have just heard the distinguished chairman of this subcommittee reiterate—over $18 million a mile.

I thought when the late Mike Kirwan passed to his reward that we had heard the last of the canal, but now we have a new version of this project called the Stub Canal.

I have been around here long enough to know that the Stub Canal is like the camel's nose in the tent. If we would just let it in to eat a little, the first thing we know the camel is in the tent and we are on the outside, and that is what will happen if we authorize the $10,000 for the Stub Canal.

The Corps of Engineers has studied this in every respect. It is basically a fight between two States. If this Stub Canal is built it will adversely affect the Commonwealth of Pennsylvania economically. For that reason the Governor of the State of Pennsylvania, who happens to belong to the opposite political party, after a careful search of all the facts to determine whether or not any benefits could come to that section of the country which would enable us to build this canal or to make a study, has come down and asked the entire Pennsylvania delegation, to oppose this because all the information that the State agencies are able to determine and all the information we are able to get from the Corps of Engineers is that there is no reason to waste $10,000 on studying this dead camel. Let us bury it. Let us keep it where it is, with the late Mike Kirwin, and hope we will not hear any more about the Stub Canal in Ohio.

Mr. CARNEY of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Ohio.

Mr. CARNEY of Ohio. I want to point out I got a letter of apology from Governor Shapp of Pennsylvania. He said he thought this was the lake to river canal. I have a letter of apology in my files signed by him at least in which he apologizes. He did not even know what I was talking about. This is not the Kirwan Canal, this is the canalization of two rivers, and the Corps of Engineers has assured me it should be studied. They have told me that.

Mr. SAYLOR. Governor Shapp has been in touch with the dean of our delegation Dr. MORGAN and myself and even though he has written my colleague a letter, and I do not doubt he did, I must oppose the gentleman.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, my good friend, the gentleman from Ohio, in his kind way sent me a copy of the letter from the Governor's office. It was not signed by the Governor himself. It was signed by a man in the Governor's office named Norvalle Reese, one of his secretaries. It was not signed by the Governor.

Mr. GAYDOS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with great reluctance that I stand in opposition to my good friend, the gentleman from Ohio.

I think there are some facts that must be brought to the attention of the Members. The Mon-Yough Chamber of Commerce, that represents some 80 particular businesses in southwestern Pennsylvania which would be affected by this amendment if it were adopted by this committee, has gone on record repeatedly and has stated that they are unalterably against this program. Second, the Greater Pittsburgh area chamber of commerce, which my good friend indicates would be affected in some indirect respects, also has gone on record through their chamber of commerce and the combined voice of business, that this canal should not be built.

Whatever name we call this turkey, the big ditch, the little ditch, the big-little ditch, it has been kicking around for the last 30 or 40 years in our area. I oppose this amendment. Every Congressman in the Pennsylvania delegation opposes this amendment. The dean of the delegation took time to appear personally before the committee opposing this amendment. Every Governor of Pennsylvania has opposed this amendment.

In 1957, just to illustrate the attention this project has received throughout the years, the Pennsylvania State Planning Commission requested the consulting firm of Ford, Bacon & Davis to study the feasibility of constructing the canal. That firm advised it was not practical and above all gave the further advice that such a canal would not be to the best interest of the Commonwealth of Pennsylvania. This same study recurred in 1965.

I would like to close with another observation.

Just recently the National Water Commission made available a study for this Congress, for the Nation in general, and also the administration, and reported that it recommends a toll or user tax be put into effect on inland waterways, and the whole proposition surrounding this big-little ditch or the big ditch or the little ditch involves a toll-free concept.

Second, that all costs for the construction in such projects be put on the local communities and local localities on this question.

Again, with great respect, sincere respect, to my friend from our neighboring State, I do have to make this observation, and it is not easy. I oppose the amendment and urge that it be defeated.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, over a period of years I have stood in this well many times to oppose this canal. It is designed and conceived for one steel company in Ohio to make it competitive with the other steel companies in Pennsylvania.

Let me tell the Members that this canal has been studied, and studied almost to death. The first time it was studied is in House Document 277 in the 73d Congress. Here we are, 40 years later in the 93d Congress, asking for the restudy of this same canal.

I agree with the gentleman from Pennsylvania (Mr. SAYLOR) when he stated this is a foot in the door approach. This canal—known as the Mononogahela-Ohio River-Lake Erie canal was proposed first in 1919.

The gentleman from Ohio (Mr. CARNEY) said this is a stub canal between two rivers, the Mahoning and Beaver, but by putting those rivers together and using barges, they can get their steel into Lake Erie cheaper than Pennsylvania steel.

Mr. Chairman, I cannot see us going forward with a project costing $18 million per mile and going to cost $2.5 billion dollars, the final version of this canal, for one single steel company.

Mr. HEINZ. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to my colleague from Pennsylvania (Mr. HEINZ).

Mr. HEINZ. Mr. Chairman, I would like to associate myself with the remarks of the gentlemen frim Pennsylvania, Mr. MORGAN, Mr. GAYDOS, and Mr. SAYLOR.

Mr. MORGAN. Mr. Chairman, I hate to oppose my good friend from Ohio, but I have long been against this canal.

Mr. Chairman, here we are today attempting to revive the project known as the Stub Canal, but please believe me when I say that the canal is going to grow and grow into a big ditch.

Mr. CARNEY of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Ohio (Mr. CARNEY).

Mr. CARNEY if Ohio. Mr. Chairman, the gentleman from Pennsylvania, Mr. MORGAN, corrected me, and now I want to correct him. It is not one steel company. There are U.S. Steel, Republic Steel and Youngstown Sheet and Tube plus all the fabricators of my district.

One more thing, all up the Beaver River, all the towns such as Ellwood City, and Newcastle in western Pennsylvania also are for the canal.

Mr. MORGAN. Mr. Chairman, this is very fine, but the same steel companies and steelworkers are in my district and they do not want the canal.

Mr. J. WILLIAM STANTON. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, the last thing this committee needs is a good battle between Ohio and Pennsylvania, so if the Congressman from Youngstown will permit me, I have a solution for the gentlemen from Pennsylvania who have taken the well.

This Congressman, whose 62,000 acres would have been inundated by the Ohio River-Lake Erie Canal, along with the Congressman from Pennsylvania (Mr. VIGORITO) has a bill in the Committee on Public Works to deauthorize the Lake Erie Canal. I recommend the support of all the gentlemen from Pennsylvania who have taken the well to support our legislation.

Mr. Chairman, in regard to the gentleman from Youngstown, I would say to him that this Congressman, the very first time he ever spoke in the well of this House, was to stand up to the late great Michael Kirwan and ask this House to vote against his canal when he wanted $750,000. After I got through speaking, the gentleman who went on to become the Governor of Mississippi, John Bell Williams, got up and said:

Let's give Mike his damned ditch.

That is exactly what happened on the House floor, and he got it minus two votes.

Mr. Chairman, I do say in all fairness that this is a $10,000 channelization study. We can deauthorize the Ohio River canal by getting on with Mr. VIGORITO's and my bill to solve this problem. I have no objection to the study and would recommend it to my colleagues.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to my colleague from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, I rise in support of the gentleman from Ohio (Mr. CARNEY).

I wish to associate myself with his remarks and with those of the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I believe it has been clearly established by now that the gentleman from Ohio (Mr. CARNEY) is not asking for a canal. He is merely asking for the channelization of two rivers which are already downstream from a major industrial area and therefore do not involve any horrendous ecological problems or the like.

I oppose the concept of the "Kirwan ditch," which I thought would have been a serious mistake from many standpoints, but that is not what the gentleman is asking for. He is asking only for a study of a newer channelization. If the study is impartial, which I would hope it would be, it would bring out whether there are any serious drawbacks to this proposal. I believe the gentleman has made a reasonable suggestion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CARNEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $864,569,000 to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That $1,100,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. M'CLOSKEY

Mr. McCLOSKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLOSKEY: "on page 5, line 17, strike "$864,569,000," and insert in lieu thereof "$848,569,000."

On page 6, line 6, add: "*Provided further*, that no part of this appropriation shall be used for construction of the new Melones Lake project."

Mr. McCLOSKEY. Mr. Chairman, I believe this is the first time that I have ever had the privilege of rising on the floor of the House to express a position concurred in by the Honorable Governor of the State of California, Ronald Reagan, and the Senator from California, JOHN TUNNEY. It is a bipartisan issue, and an issue of some interest, I believe, to the committee.

I want to apologize to the distinguished gentlemen of the subcommittee for not raising this earlier, before the markup session of the subcommittee, but from the facts I shall relate I believe the gentlemen of the subcommittee will understand that this issue has only been recently raised in the courts of California on the points I wish to make.

This amendment would delete $16 million from this year's portion of continuing construction of the New Melones Dam. The New Melones Dam was originally authorized on the central California Stanislaus River in 1944, a much smaller dam, primarily for flood control purposes.

In 1962 the authorization was increased, to be an extremely large dam, 620 feet high, to impound 2.4 million acre-feet, primarily for power use and for the use of water for irrigation purposes.

Since that initial authorization nearly $40 million of the $218 million estimated cost of the dam has been spent, and this year's appropriation would be for the continuing work on the diversion tunnel and works in connection with the dam.

Now, what has happened since we authorized this dam in 1962? Well, first, at the present time, the Circuit Court of Appeals for the Ninth Circuit, in California, has enjoined further construction of the dam. At present no construction can proceed, and the matter is going to be heard on July 9 of this year.

Mr. Chairman, I will come to my second point, and this is the point which makes this a far greater issue than merely the one of the conservationists who would like to preserve the white water and the raft trips down the river. This river has become in the last few years the second most popular white water river in America, second only to the Colorado.

What has happened is that on April 5 of this year, less than 3 months ago, the State Water Resources Board in the State of California unanimously ruled in a 5 to 0 decision that the impoundment of three-fourths of the water sought by the Bureau of Reclamation could not proceed and that water could be impounded only to the extent which would fill the dam one-quarter full.

What does that mean? If the State Water Resources Board of California is correct, it means that the primary purposes of the dam, the generation of power and the use of water for irrigation, cannot be fulfilled.

Mr. Chairman, here is what the board ruled on April 5:

> There certainly has been no demonstrated need for the additional water supplies developed by this project outside of the local area.
>
> The bureau has failed in spirit if not in substance to meet the statutory requirements for approval of a permit to appropriate water for such purposes.
>
> When the evidence indicates, as it does here, that an applicant already has a right to sufficient water to meet his needs for beneficial use within the foreseeable future, rights to additional water should be withheld.

Thus the board has ruled that there is no need for the water that this dam seeks to impound, and will only permit the impoundment of a quarter of the water behind the dam. This means the cost benefits which were considered by the committee when it authorized the dam are no longer valid. The benefits of this dam were $13.5 million per year, but if they take out the power and the water consumption under this rule of the water board, the benefits drop to less than $5 million per year, and the costs are roughly $8 million per year.

So the validity of the dam depends on whether or not the State Water Resources Board is upheld.

Now, Mr. Chairman, what has happened? The Bureau of Reclamation which applied to the State board for a permit to impound the full amount of water has been denied the rights applied for, and the Bureau of Reclamation has said:

> We are going to disregard the ruling of the State of California.

And the State of California 2 weeks ago, on June 19, filed an action in the Federal court for declaratory relief upholding the State's position.

The CHAIRMAN. The time of the gentleman from California (Mr. McCLOSKEY) has expired.

(By unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. McCLOSKEY. Mr. Chairman, the issue before the committee is now one which must be considered against the fact that a Federal court has enjoined further construction of the dam, and with the State of California contending that its rights are paramount in ordering a limit of the use of the dam to one-fourth of the capacity originally intended.

With that issue before the courts, with the State Water Resources Board having ruled unanimously that there was no demonstrated use for the water at the present time, the Congress is faced with this position: Do we appropriate $16 million at this time for the continuing construction of a dam which can be filled only one-quarter full?

Mr. Chairman, Russell Train—and I call the attention of my Republican colleagues to this—Russell Train, Chairman of the Council on Environmental Quality, said this in a letter to the Corps of Engineers 2 months ago:

> It appears to us the board's decision constitutes a significant new development requiring further response by the concerned Federal agencies before irreversible actions are taken on the project as originally proposed.

I think, Mr. Chairman, it is unwise for us to appropriate $16 million at a time when the Federal Government is reevaluating the project, when we have litigation pending as to whether or not the dam can even go forward, and at this time when we are in fiscal difficulties.

Mr. SISK, Mr. Chairman, will the gentleman from California yield?

Mr. McCLOSKEY. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, did I understand the gentleman to say that there was no conceivable need for this water that would be conserved in this particular dam?

Mr. McCLOSKEY. Mr. Chairman, I was quoting from the opinion of the State Water Resources Board, citing that the need has not been demonstrated in the foreseeable future.

Let me be specific in their ruling.

What they said is as follows:

> By failing to present evidence of a specific plan to use the water conserved by the New Melones project for consumption purposes, the bureau has failed in spirit if not in substance to meet the statutory requirements for approval of a permit to appropriate water for such purposes.

They further say that until the need for use of the water is demonstrated, they will not grant a permit for such use.

Mr. SISK. Mr. Chairman, may I ask the gentleman, where is this project located? Is it not a fact that it is located in the San Joaquin Valley in California?

Mr. McCLOSKEY. It is entirely located within the State of California.

Mr. SISK. Is it located in San Joaquin Valley?

Mr. McCLOSKEY. Yes, it is.

I do not care what the State board said, but we are in a deficit situation now by over 1.5 million acre-feet of water in the San Joaquin Valley.

Mr. McCLOSKEY. All I can tell you is the State Water Resources Board, which in the past has urged that water for use throughout the State be made available, says that this is not necessary.

Mr. SISK. The gentleman is living in a dream world. I will tell you that.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

My colleagues, this project was authorized in 1944. I visited that part of the country about 10 years ago and saw the dam when it was in the first stages of construction. To date $66.3 million has been allocated for planning and construction on the project. It is true a temporary injunction has been filed by the environmentalists on this project, but the final arguments will be made in July of this year. Because of the temporary injunction, the committee reduced the budget request from $18 million to $16 million, a cut of $2 million.

The flood control benefits are estimated to be over $2 million annually; the irrigation benefits are estimated to be $3.6 million annually; and power benefits are $5.6 million annually. Total benefits are $13.77 million annually.

Mr. Chairman, it seems to me to be a good investment to spend $16 million for an annual return or over $13 million on this project.

Because funding of the project is thirty percent complete I think we should not stop it at this time, but wait to see what decision the appeals court renders.

Mr. Chairman, I ask that the amendment be defeated.

Mr. Chairman, referring to the comments made earlier in connection with the Corps of Engineers responsibility under the National Environmental Policy Act, I want to insert the following statement supplied to me by the corps regarding environmental impact statements.

In order to comply with the spirit and philosophy of the NEPA, the Chief of Engineers directed a systematic review of all corps projects, and although not legislatively required, to have environmental statements prepared for all projects that were complete or under construction prior to NEPA if such projects have impacts that might be considered significant for any reason. Recognition of the heavy workload that requirement imposed, particularly in view of the emphasis concurrently being placed on manpower ceilings and funding limitations, it was necessary to schedule the preparation of statements over a period of time with priority to be given to the projects where controversies or unresolved environmental issues were known to exist.

Mr. McFALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this project is very vital to the people I represent. It is now in the district represented by the gentleman from California (Mr. MATHIAS). It was previously in the district represented by our good friend from California (Mr. JOHNSON).

I started working on this project when I first came to the Congress in 1957, so you can understand I have a deep interest in it. I had hoped that through all of us working together on it we would be able to get this project built by 1977. That is a period of 20 years. That is a career in Congress. So you can understand my deep feeling about the project.

I know that Mr. JOHNSON and Mr. MATHIAS and Mr. SISK and others whose districts are dependent upon this project for flood control and water conservation and all of the good things that we can provide through these projects feel equally about it as I do.

Mr. Chairman, this project is probably one of the finest environmental projects that will ever be built by the Corps of Engineers. We have worked very closely with the local Sierra Club people in the area, and they are for it. They have worked on it, so that we have water quality that will provide clear water going down the river and into the delta area of California.

We have water conservation benefits and power benefits, and in addition to that we will have bird habitats and hiking trails and caves that are being conserved. We have even taken a very valuable species of spider out of one of the caves that would be inundated and have put it into another cave so that this valuable spider will be saved. My local conservationists are all for it.

What we find is that conservationists and environmentalists that come from the city of San Francisco and Sacramento are against it.

But we who live with it, where we have millions of dollars of flood damage about every few years from this river, know we have to have this project.

The gentleman from California (Mr. McCLOSKEY), who lives over in the bay area, talks about the water rights, but the gentleman does not tell us that this has been before the U.S. District Court, and is now on appeal before the U.S. Court of Appeals for the Ninth Circuit in which the environmental report and the need for the water is being determined by the U.S. courts. Certainly it will determine the rights of the Federal Government to build and to determine the rights of the water resources board of California to determine how the dam is built.

Mr. Chairman, I say to the Members that it is my deepest belief that we have got to move forward with this dam. We have to allow the court to determine as to the rights of the parties and the rights of the State of California, and the Federal Government and the people of the district.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, the gentleman from California (Mr. McFALL) will concede, will the gentleman not, that the issue is not whether the dam can be built, but whether the State of California can require that it only be filled to one-fourth of its capacity. Is that not the issue before the court?

Mr. McFALL. It would be entirely in the court's decision. It would be undoubtedly decided by the court as is the environmental report issue which the Federal court is considering. We should point out, the district court has already determined that the environmental report is proper, that there is a sufficent plan for use of water, and that the dam can be built. It is now on appeal.

I might add, Mr. Chairman, that there is also a decision, if the gentleman from California will permit me to continue, there is a decision in a Colorado case that is exactly on all fours with this one, which holds the Federal Government has the right to go ahead with this dam.

Mr. McCLOSKEY. If the gentleman will yield further, the dam, yes, but it does not have the right to fill the dam.

Mr. MATHIAS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am strongly opposed to the amendment offered by my colleague, the gentleman from California (Mr. McCLOSKEY) which would delete $16 million for the New Melones Dam on the Stanislaus River. The dam, the white water, and the lake that are involved are all in my congressional district, and I am, I believe, infinitely more familiar with this important project than my colleague who has proposed this ill-conceived amendment.

The main purposes of this project are to provide pollution-free hydroelectric power, increased water sources, and, most important of all, the dam will control floods that have caused millions and millions of dollars worth of damage to the farms and residences along this river.

The Stanislaus River has flooded 15 times since 1907, each time causing millions and millions of dollars worth of damage.

Four years ago, which was the last time the river flooded, the estimate of damage in total was $2.5 million. Thirty-five thousand acres are subject to flooding at this present time.

I believe the Members all recognize the need today for necessary water supplies, necessary additional power sources, and necessary flood controls. The New Melones project would do this and, even more, it would provide a vastly improved recreational area.

The district engineer of the Army Corps of Engineers, Colonel Donovan, has worked very closely with the environmentalists, and the result has been a plan to improve the lower river, and actually enhance the environmental aspects.

Because of periodic flooding, the 55 miles of lower river, wildlife habitat and fish, including salmon, may be lost forever without this project.

Additionally, Mr. Chairman, the New Melones project has the backing of every governing body in the entire district.

I believe it comes down to this: That the New Melones Dam would sacrifice a 9-mile stretch of white water on the upper river, however, the Corps of Engineers has pledged to replace 5 miles of this lost white water downstream from the dam.

So let us remember that rafting down a river is great fun. In fact, I am taking a whitewater trip this July 5 down the Tuolumne River.

Let us also remember that rafting down the river is recreation. It has nothing at all to do with environmental considerations. This amendment to cut funding is, in my opinion, conceived by those who either have an imperfect understanding of the project or who are blinded by one narrow consideration. I feel that the pluses of water storage, recreation, hydroelectric power, flood prevention, and improved environmental conditions on the lower river far, far outweigh the desires of a handful of people who want a recreational pursuit of rafting down 9 miles of river, even though 5 miles would still be provided after the completion of the New Melones Dam.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS of California. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, I join the gentleman in his opposition and would associate myself with his remarks. I would point out to this body that every member of the San Joaquin delegation thus far has risen in opposition to this amendment.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS of California. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I want to congratulate the gentleman on the fine statement he has made. Actually, the $16 million for the New Melones Dam is budgeted. It was in the President's budget. If for some reason or another the money cannot be expended immediately, certainly the situation which has been described will have resolved itself before next year. If we strike this money out, then there will be no way for the project to continue, even though the decision may well be in favor of continuing the project. I think it would be wrong to pass this amendment and make it absolutely necessary to shut the project down for a year. I would prefer to have the money stay in the bill, and if it is necessary to temporarily impound it—that is an unpopular word, I know—for a few weeks or a month in order to resolve this situation.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS of California. I yield to the gentleman.

Mr. McCLOSKEY. If I understood the gentleman correctly, he stated that impoundment might be necessary. I want to point out that the project has stopped now. The court injunction from the Ninth Circuit Court of Appeals has shut down the project.

Mr. RHODES. If the gentleman will yield further, one never knows from the history of litigation, just exactly when the litigation will be determined, and if the litigation is to be determined favorably for continuance, my point is that I think the money should be available at that time.

Mr. WALDIE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think I am realistic and understand what will happen to this. But in order that my colleagues in the House not from California may have a better understanding that this is not a purely local matter that ought to be resolved between the local men involved in the local districts that are touched by this project, I want to say a word or two. Although the dam is not in my district, my district is, in fact, touched by the project, because if the dam were permitted by the State Water Rights Board to be filled to its full capacity, it would divert from the delta area in my own particular congressional district a quantity of water in excess of that which we presently can afford to permit to be diverted. So it has a direct impact upon my own congressional district, but that is not of much importance, I suspect, to a great number of the Members of the House of Representatives as they listen to the debate on this bill.

What may be of importance to some is the fact that this project has been opposed by an environmental coalition comprised of the following groups:

National Wildlife Federation.
National Parks and Conservation Association.
Defenders of Wildlife.
Environmental Action.
Wildlife Management Institute.
Environmental Policy Center.
American Rivers Conservation Council.
National Audubon Society.
Sierra Club.
Environmental Defense Fund.
Trout Unlimited.
Friends of the Earth.
Wilderness Society.

They have all gathered together in a national conservation movement and have characterized this project as one of the two greatest disasters in water development being proposed for this year in the Federal Congress.

That fact may be of importance to Members who are not involved in the local dispute.

There was a representation that the local Sierra Club chapter in the area involved with this particular project was in fact in support of it. I have a letter dated June 27, 1973, from the Washington representative of the Sierra Club, addressed to Congressman McCloskey, and in his statement in that letter the Sierra Club representative says:

> I am writing to you because there has been some question about the position of the local Sierra Club group on the New Melones Dam. Both the Mother Lode Chapter and the Sierra Club itself are strongly opposed to the dam. The Yokut Wilderness Group which is part of the Mother Lode Chapter indicated in its resolution that it could only support the dam if monies for downstream mitigation were simultaneously appropriated along with construction funds. Since none of the money in the fiscal '74 appropriation is allocated for any downstream mitigation, the Yokut Wilderness Group is definitely not in support of this appropriation.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California (Mr. McFall).

Mr. McFALL. Mr. Chairman, the gentleman's information is contrary to my own. There is a letter to Russell Train which was signed by members of the Yokut Club, the local chapter. I know them personally and I have discussed this with them and I know what their position is.

As far as the provisions for the fish and wildlife habitat downstream, that is possible within the funds allocated to the dam and I am certain that the Yokut Club and the people who have worked so hard on this project are in favor of it.

But I would ask the gentleman how it is possible that this dam can divert water from the delta which we share when all the water quality features of this dam and the fish and wildlife water which will be provided will be running down into his district. How is it possible that we can provide an extra approximately 160,000 acre-feet of water for the delta?

Mr. WALDIE. Mr. Chairman, I will not yield further.

Mr. Chairman, I presume the gentleman has read the water rights decision on this issue?

Mr. McFALL. I have but I do not believe it.

Mr. WALDIE. That decision said if this dam were filled 100 percent the delta waters would be damaged because the water necessary to implement that delta decision would not be available. Hence I conclude that to construct this dam and fill it to 100 percent would be contrary to the delta water decision which is beneficial to that area.

Mr. McFALL. Mr. Chairman, if the gentleman will yield further, if that decision is final, the total will require an extra 2 million acre-feet of water which we do not have and this dam will help provide it.

Mr. WALDIE. This dam will not help provide it because the quantity to be captured behind this dam is not to go into the delta, it is to be diverted elsewhere, and the gentleman knows that full well.

Mr. McFALL. This dam will provide 260,000 firm acre-feet of water. We are now 500,000 acre-feet of water short in the delta. If the other water board decision stands, we could be short 2 million acre-feet and there is no other place for us to get it.

Mr. DELLUMS. Mr. Chairman, I am in support of the amendment by the gentleman from California (Mr. McCloskey). I completely agree with the arguments of the environmental defense fund which maintains that this $218 million project is grossly overpriced and poorly planned. If built, this dam would destroy 15 miles of invaluable recreational area. Furthermore, the water provided by the New Melones Dam will not be needed for many years to come, if ever, according to State authorities.

Thus, I oppose the funding of the New Melones Dam project, and I urge my colleagues to support this important amendment to H.R. 8947.

Mr. HAYS. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. Hays was allowed to speak out of order.)

BUFFET SERVICE IN THE RESTAURANT

Mr. HAYS. Mr. Chairman, I will not take the 5 minutes. We have been getting some complaints about working late and having the same old menu in the restaurant, so in order to try to help, there is nothing I can do about working late but we have a buffet down there tonight, all one can eat for $4, including steamship round of beef and ham and fruit salad and cake and pie—what have you.

Mr. JOHNSON of California. Mr. Chairman, I move to strike the requisite number of words.

I rise today to voice my vigorous opposition to the amendment offered by my colleague from California. The New Melones project was authorized by Congress in the Flood Control Act of 1962. At that time it was a project reflecting benefit-cost ratio of 1.5 to 1, including the multiple purposes of flood control, irrigation, power generation, fish and wildlife water quality, and general recreation. Construction was started in 1966, following a 2-year preconstruction engineering period.

We have invested to date, approximately $66 million in this project. The appropriation before us would recommend the investment of another $16 million. Of this total about $6.5 million is allocated for meeting contract payments on the relocation of State Highway 49, which is now underway and another $2.4 million of this is for engineering design and other work which ironically includes the continuation of the environmental enhancement features so strongly supported by the local environmentalists in the immediate area who pretty much unanimously support the continuation of this project.

In discussing the points raised in support of the elimination of the appropriations for fiscal year 1974, I would like to first touch on the basic economics of this situation. This is not a money saving proposition. We are talking now about a $16 million appropriation. If we bring this project to an abrupt halt at the start of the coming fiscal year, it would involve termination of contracts already awarded with a resulting loss to the taxpayers as well as a loss of project benefits which would amount to almost $14 million annually.

This loss would increase whenever the project was started up again, as we would have to get the contracts awarded once again and try to pick up the pieces which is always a costly procedure. This leaves, I believe, just a couple of other points which should be considered in deciding whether or not we should move ahead with the project.

The basic opposition to it has been voiced by those who are concerned about the loss of some white water canoe resources. There is no question but what there will be a loss of some white water resources. The Corps of Engineers recognizes this and the question has been discussed fully and evaluated in the environmental impact statement which has been filed by the Corps of Engineers on this project. I should point out that Colonel Donovan, who is the district engineer in Sacramento, is something of a canoeing and kayak enthusiast himself and he has ridden these waters personally and he has gone to great pains to try to come up with some alternative proposals.

Through Colonel Donovan, the Corps of Engineers has made a commitment to the Governor and to others that potential white water reaches along other portions of the Stanislaus River will be developed to the maximum extent possible by the corps. Basically, I think the record will show that the studies to accomplish this purpose will be completed in a couple of years, long before the existing white water areas will be affected by the project.

Questions have been raised about the environmental impact statement. The final statement was filed with the Council on Environmental Quality on July 17, 1972. A supplemental statement was filed with the CEQ on January 23, 1973.

Subsequent to this filing the question of the adequacy of the environmental statement was raised in the U.S. Federal courts. A decision has been made by the U.S. district court in California that the statement and the supplement are legally sufficient. The matter has been appealed by those who would try to block the entire project in order to preserve the white water as is and who do not accept the alternate white water proposals. Final arguments on this appeal will be held in the appellate court, July 9, and I would assume a decision would be forthcoming very shortly thereafter.

We are, of course, optimistic that the project will be approved by the courts and at that time we will be able to move ahead.

Another point raised has been the impact of a California State Water Quality Control Board decision on the water rights involved in the project. I believe there is a great deal of misinformation spread about this decision, including some who would believe or contend that the Federal project would come under the jurisdiction of the State board. This is a basic issue, which has been raised in prior instances and I think the decisions have been pretty much consistent that they are not so applicable and I would anticipate that this will be the decision in this case.

Even if the decision of the State Water Quality Control Board was adhered to by the U.S. Government, the benefit-cost ratio on the project as now designed and conceived, still would be 1.3 to 1. So we would still have a viable project.

Second, it should be emphasized that the decision is somewhat of an interim matter in that the board itself stated:

> There is a demonstrated need for the full yield of the project in the four basin counties at some time in the future.

In other words, as far as the water is concerned, we will have to have this storage capacity ultimately to serve the immediate area without any consideration of export out of the basin.

In conclusion, I would like to raise two further points. One is that the key portion of the project is the development of hydro-electric energy. Energy which is pollution-free and which is desperately needed in California. There are none which we face today throughout the Nation in the power supply for our homes, our business and our industries. Even here in Congress, we are walking through darkened halls because of the energy shortage. Every effort must be made to develop these resources for the benefit of all people.

Once again I should stress that hydroelectric generation of electrical power is the cleanest, most pollution-free means of developing electrical energy.

Finally, I want to point out that while some may believe the current debate over the white water is a conservationist versus developers fight, we have the support of virtually all the local conservation groups for this project as conceived and now under construction. They include the Yokut Wilderness Group, the Mother Lode Chapter of the Sierra Club, the Associated Sportsman of California and the Stanislaus Speleological Association. Additionally we have the support of the Governor of California, California State Water Commission, California State Reclamation Board, California State Assembly and I anticipate in the next few days, the California State Senate will endorse the project. In the litigation, which I mentioned earlier, there were 30 intervenors in support of the United States. They include four counties; six cities; for water, sanitary or reclamation districts; eight water or land use associations; the Associated General Contractors of California; the State Building and Construction Trades Council of California; and local citizens.

In conclusion, Mr. Chairman and my colleagues here in the House, we have here a good project, one which, I think, will be beneficial to all people of the area and the Nation. One in which the Nation and its people will recover far more in dividends from their investment than in many other projects that we have funded and I would hope that my colleagues here in the House would not let a few people whose interest in a particular outdoor recreational activity, I recognize and respect, block this project for I am convinced that the Corps of Engineers and the rest of us involved in this project will do whatever is humanly possible to provide adequate alternatives for the white water resources which will be affected by this project.

Therefore, I would hope that this amendment will be defeated.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Chairman, the gentleman will recall that about 4 years ago a delegation from the Committee on Public Works of this House attended that very area of the country following disastrous floods. Several repeated floods had ensued. We had public hearings. I do not live there, but I saw the devastation that lay in the wake of those disastrous floods. I heard the local citizens testify. Not one single citizen raised a voice against this project.

In fact, Mr. Chairman, all of them were very much in favor of it. I cannot conceive of any national organization saying it is not environmentally sound to protect its people from those floodwaters.

Mr. JOHNSON of California. Mr. Chairman, the gentleman from Texas is correct. It is a very large river and a very large watershed. We have had numerous floods. That is why they are very much interested in seeing the project built, because the flood benefits are very large and they will control floods, because it is of sufficient size to do that.

Mr. EDWARDS of California. Mr. Chairman, I want to add my support to Congressman McCloskey's amendment to the Public Works Appropriation to delete funding for construction of the New Melones Dam on the Stanislaus River in California. From both economic and ecological points of view, the construction of the New Melones Dam is unwarranted.

Originally planned to store water for irrigation, as part of the Central Valley Project which is still unauthorized, the reservoir created by the dam is no longer required for agricultural purposes. In addition, the California State water resources control board has denied the Bureau of Reclamation the right to fill the reservoir because of lack of evidence that the water will ever be needed, much less needed in the near future. This means that on a cost-benefit basis, using the Army Corps of Engineers figures, there will be no economic advantage to construction of the dam.

Ecologically, the dam will destroy all 15 miles of the safe but challenging whitewater rapids of the Stanislaus River—the second most widely used whitewater river in the United States. It will also cause the loss of unusual limestone, geological formations, thousands of acres of wildlife habitat, and miles of excellent trout fishing. In return for this pointless destruction, the Corps of Engineers has not offered the State of California any mitigation or even promised to consider compensation of any kind until 1974.

These factors, I feel, cannot fail to make clear the obvious desirability of Congressman McCloskey's amendment and I heartily urge my colleagues to support this measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McCloskey).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. McCLOSKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, now that the warfare between the States of Pennsylvania and Ohio, and the internal warfare in California, has subsided, I wonder if we could get something started with respect to West Virginia and the half million dollars in this bill to study strip mining. I thought that was being studied all over the place.

Why is there $540,000 to study strip mining in Appalachia?

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. I will say to my friend that we do have Appalachian Regional Development Commission, which consists of States from New York to Mississippi, some 13 States. If you are referring to an Appalachian project, we have provided funds for highways, health care, trade centers, mine restoration, and for other authorized programs.

Mr. GROSS. That is the entire point. This bill increases by 23 percent over last year the funds for the Appalachian Commission, and yet there is $540,000 in this bill for a study of strip mining. Why is it that the Commission does not conduct the study of strip mining?

Mr. EVINS of Tennessee. The gentleman is referring to the item on page 19 of the report?

Mr. GROSS. That is right.

Mr. EVINS of Tennessee. The item I was speaking to was the Appalachian Regional Development Commission.

This item referred to on page 19 is for a Corps of Engineers study, which was included in the budget request.

The bill includes $540,000 for a study of the effects of strip mining operations upon the navigable rivers and their tributaries. As the gentleman knows, there is sedimentation which runs into navigable rivers and their tributaries. The Corps of Engineers wants to know the effects of those strip mining discharges and the hazards of flooding conditions on coal mining areas.

Mr. GROSS. How many other funds have been established and are being used for this purpose? I thought we had a discussion of one such fund in another bill only a day or two ago.

Mr. EVINS of Tennessee. Strip mining seems to be a large problem in many areas of several States. The corps is asking for these funds for this study, and the committee felt, based upon testimony received during the hearings, that it would be wise to approve the funds.

Mr. GROSS. I guess we are all for motherhood and against sin.

Let me ask the gentleman why there is an increase of 23 percent for the maintenance of the Appalachian Commission? Why should the Commission have more money to spend?

Mr. EVINS of Tennessee. The increase is for the Appalachian Regional Commission and is to provide for the salaries of the Federal cochairman and his staff and the Federal share, 50 percent, of the Commission's administrative expenses.

AMENDMENTS OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The portion of the bill to which the amendments relate is as follows:

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, $184,360,000, of which $115,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

The Clerk read as follows:

Amendments offered by Mr. SAYLOR: Page 10, line 22, strike out "$184,360,000" and insert in lieu thereof "$167,360,000".

Page 11, line 17, insert immediately after "waters" the following: ": *Provided further*, That no part of this appropriation shall be used to continue construction of the Garrison diversion unit of the Pick-Sloan Missouri Basin Program, except that funds may be expended with respect to the Minot extension of such unit".

Mr. SAYLOR. Mr. Chairman, when authorization hearings for the Garrison diversion project were held in 1965, I filed a minority report in which I said that, in my belief, the good people of North Dakota were being deceived by project claims and promises which would not be fulfilled.

I went on to state that I viewed the project as a Pandora's box which, though holding the seed of hope, would release much wrong and evil when opened. I voiced then a concern that the Garrison diversion project would prove not to be in the best interest of North Dakota, the Missouri River Basin, and the Nation.

That was 8 years ago. Garrison diversion was then only a promise on paper.

Today that "promise" is under construction—the Pandora's box has been opened—and the problems for the good people of North Dakota are just beginning.

Within the last 6 months, the largest farm organization in North Dakota—the 31,000-member North Dakota Farmers Union—and the largest conservation organization in the State—the North Dakota Wildlife Federation—have both formally requested the President of the United States to place a moratorium on further construction and land acquisition for the Garrison diversion project. They are not the only organizations to do so—the North Dakota Audubon Council, the North Dakota chapter of the National Farmers Organization, and the North Dakota Natural Science Society have passed resolutions with a similar request.

Why then have organizations like these, which 8 years ago offered enthusiastic support for the project, now called for a moratorium?

I believe the answer lies in the simple fact that a great deal concerning the project has changed since the time of authorization.

The most immediately apparent change is found in the cost to the taxpayer—the project was authorized at a cost of $212 million; the latest cost estimates released by the Bureau of Reclamation this year now show the project total cost at $378 million.

That represents a projected 78 percent cost overrun, already, for a project on which construction is, as of January 1, 1973, 15 percent complete—with construction scheduled to continue at least until the early 1980's.

Further, with 80 percent of the claimed benefits allocated to irrigation, there now exists for the project area a projected Federal subsidy of $1,208 per irrigated acre.

If cost overruns continue at the present rate, and I see little hope that they shall continue at anything less, then we are now facing a project that probably will eventually cost U.S. taxpayers over a half-billion dollars—with the irrigation subsidy then having reached an incredible $2,000 per acre.

Further, there are now sober indications that repayment to the Treasury of project costs will be no less than impossible. During authorization hearings, plans were detailed to pay back, over a period of 50 years, the majority of project costs from hydroelectric power revenues of the Missouri River Basin.

On March 3, 1972, however, an AP release from this city quoted Comptroller General Elmer B. Staats of the General Accounting Office as saying that electric power revenues from the Missouri River Basin power project were inadequate to pay for Federal investments, totaling an estimated $5.25 billion, within the required 50 years.

Aside from the inexcusible cost overruns now apparent, do we at least have reasonable guarantees that all benefits once claimed for the project are indeed to be realized?

Unfortunately, we do not.

When undertaking an irrigation project of any size, I would deem it desirable, as a basic consideration, to insure that the governmental agency to be charged with construction be at least able to provide ironclad guarantees that there is indeed land in the project area suitable for irrigation.

Thus it was that in 1965 I strongly criticized the Bureau of Reclamation for not having conducted adequate soil studies on all acreage on which they intended to implement irrigation. At that time, detailed studies had been completed, according to the then Commissioner of Reclamation, Floyd Dominy, on 113,000 acres of the 250,000 acres under consideration for irrigation—with the findings of those 113,000 acres extrapolated over the entire area.

Although concerned then, I cannot find the words to adequately convey my disgust at having now learned—8 years later—after having spent over $49 million on a major pumping plant and water delivery canal—the vitally necessary soil studies have still not been completed for portions of the project area.

For example, in an analysis of the project prepared last month by the North Dakota Farmers Union, it is pointed out that in the Middle Souris irrigation area, during the early part of 1972, a number of farmers who had earlier been encouraged to form the irrigation district were told, for the first time, that their land had been determined unfit for irrigation after detailed soil analysis.

In April of this year, the Bureau of Reclamation admitted that land studies were still only half complete in the Middle Souris area.

Nor is this all—at the same time the Bureau of Reclamation admitted that land classification studies for the New Rockford irrigation area will not be complete until May of 1974.

And in the Lincoln Valley area, the Bureau conceded in April of this year that "recent drainage studies have concluded that drainage problems may exist in a portion of the area and the final acreage developed may be less than the intended amount." In this area, detailed land classification studies are not scheduled for completion until June of 1975.

Well, what is going on in North Dakota, anyway?

It would appear that we have turned loose those who like to dig canals, without first determining if the canals, when dug, will convey water to an area that can actually use it. These land classification studies, presently incomplete, should have been completed before any canal construction was initiated—the present situation is intolerable and inexcusable.

In an area of related concern, there is now reason to question the effect that irrigation will have on water quality in the rivers of North Dakota.

This concern is not to be taken lightly. There has recently been brought to the concern of Congress, and the State Department, for example, the situation of international consequence that has developed between the United States and Mexico as pertains to the harmful effect of increasing salt quantities placed in the Colorado River largely as a result of irrigation return flows.

It has been estimated that a Federal expenditure of more than $200 million may be necessary if we are to clean up the Colorado River prior to its flow into Mexico.

The Garrison diversion project shall also involve irrigation discharged into a neighboring nation, Canada, through the Souris River and the Red River of the north.

According to figures recently released by the Bureau of Reclamation, the salt content of the Souris River will reach 2,260 mg/l during the first year of project implementation, average at 1,740 mg/l during the next 19 years, and average at 1,320 mg/l after that. The initial 19 year average, for this area of the Garrison diversion project, then, gentlemen, is approximately double that which is currently causing our problems with Mexico.

What, then, does the U.S. Bureau of Reclamation intend to do about the situation? Well, they have not decided. They have pointed out that a meeting was arranged to discuss the problem with Canadian officials—but not until February of this year. Should Canada decide, as Mexico did, that she does not want the degraded waters, then—to quote the Bureau's latest impact statement "a more detailed investigation . . . must be made."

Well, gentlemen, how much more will we then add to the already indicated cost overruns to cover this problem?

As if this were not bad enough, the Bureau then goes on to present data—in the same impact statement—that indicates TDS in the James River will increase by 300 to 400 percent, and that detailed irrigation flow and water quality studies, essential to any preliminary determination of the project's impact upon the environment, have not been conducted for the James, Sheyenne, Wild Rice, and Red Rivers.

What these studies might show, and how much future treatment measures might cost us, is anybody's guess—and, gentlemen, it is not a matter over which we should be guessing.

Of additional concern to me is the question of whether certain benefits claimed at the time of authorization, and used as the partial justification for that authorization, can yet be claimed as benefits—in light of alternative means of accomplishing a given project objective.

Of the cities originally scheduled to receive municipal and industrial water supplies through the diversion project, the city of Minot, N. Dak., is the largest.

At the time of project authorization, 8 years ago, the need of the city of Minot for water was indeed a valid consideration.

A report published by the city of Minot in 1970, however, indicates that substantial potential sources of water have been found to exist in underground reservoirs near the city. One of these is the Sundre Aquifer which, according to the report, could supply water suitable for Minot's needs at a withdrawal rate of 6 million gallons per day, even with no recharge, for the next 50 years.

To probe deeper into this bureaucratic quagmire, in another area of pertinent concern, we find that, in time of a growing energy crisis, the Bureau of Reclamation has, inadvertently or otherwise, deleted mention of substantial energy requirements that will be needed for operation of the Garrison diversion project in their latest environmental impact statement filed in April of this year.

In the latest statement they admit there will be an annual 112.1 million kWh hydroelectric generation loss from the Missouri River's mainstem dams—due to water diverted for the project and thus not flowing through the power turbines. They further qualify that 100 million kWh will be needed annually for on-farm pumping of project water. They do not mention, however, the 287.1 million kWh requirement to be needed annually for off-farm pumping of water through project features—that was listed earlier on page 37 of their previous preliminary final impact statement.

The total energy requirement for the Garrison Diversion project then will be 499.5 million kWh—or nearly three times the amount stated by the Bureau of Reclamation in their latest impact statement.

By way of comparison, this is 116 million kWh more than all of North Dakota industrial users required in 1971.

As such, at the time of a growing energy crisis, nearly a half-billion kWh will be used in North Dakota each year to irrigate 6/10 of 1 percent of the State's agricultural land—land that is already productive and producing fine crops through dryland agriculture.

The Bureau of Reclamation's latest impact statement also does not make mention of the fact, as admitted in an earlier statement, that:

> New power sources, presumably fossil fuel or atomic, with added environmental impact, must be developed to supply customers currently dependent on power supplied by hydrogeneration which will be serving the Garrison Diversion Unit.

Now this serious energy loss, it must be remembered, will be even more severe should additional water be required for any of the specific objectives of the entire project.

And, not too surprising, there are indications this may indeed be the case.

A major benefit for recreational and fish and wildlife purposes claimed at the time of project authorization was the intended freshening of the Devils Lake chain, a large series of lakes in north central North Dakota.

As reported, however, by the North Dakota chapter of the wildlife society after an intensive analysis of the project, an analysis that included contact with the U.S. Geological Survey, to actually freshen the Devils Lake area, will take 1.16 million acre feet of Missouri River water—which is one and one-third the amount presently allocated for the entire project.

Why the detailed analysis?—to point out, gentlemen, that this amount of water needed for this particular aspect of the project, 1.16 million acre feet, actually represents 11.6 times the amount of water allocated annually for all fish and wildlife benefits under the project plan . . . and, incredibly enough—1.33 times the amount of water now allocated for the entire project.

The freshing of the Devils Lake chain with project water as intended in the original authorization will then:

First. Be impossible, due to insufficient quantities of water now allocated.

Second. Be possible only through diversion of a substantially greater volume of water than originally planned, thus resulting in even less water available for Missouri River power generation and downstream navigation.

To add one final pinch of salt to an already festering wound now inflicted against the Nation's taxpayer's, it must be pointed out that a major justification for the project at the time of authorization—the projected fish and wildlife benefits—have now become the fish and wildlife costs.

At the time of authorization, indications were given that the project would result in a net gain of 16,000 acres of prairie wetlands, and much support was received then from conservation groups throughout North Dakota was in consideration of this promise.

As has seemingly been the mark of this project, however, the promise evaporated once Congress had granted the all-important authorization.

In the preliminary final impact statement released in January of this year. the Bureau of Reclamation admitted, in bold black and white print on the summary page, that the Garrison diversion project will result in the net decrease of 17,450 acres of prairie wetlands—and that represents the largest single unit loss of prairie wetlands of any project in North Dakota's history.

To put it bluntly, a major environmental benefit claimed at the time of authorization has become a major environmental hoax.

Nor is this all, when claiming major fishing benefits at the time of project authorization, through diverted water supplies, little consideration was apparently given to the fact, as now admitted by the Bureau of Reclamation, that carp and other rough fish will be introduced, via project water, to the presently carp-free waters of the Souris River, the Upper James and Sheyenne Rivers, the Devils Lake subbasin and eventually into Canadian waters.

In the opinion of the North Dakota wildlife society, this rough fish introduction will effectively negate fishing benefits once attributed to the project, as, through competition and predation, the rough fish will eventually replace valuable game fish presently in these waters.

Another intended benefit, another actual cost.

Now I do not believe that any man in this Chamber would wish to deny from the good people of North Dakota the claimed benefits of the Garrison diversion project—had the benefits once claimed been factual and realistic.

Conversely, I do not believe that any man in this Chamber should wish to stand aside if there is evidence—as there is now to an overwhelming degree—that ominous problems have become apparent with the Garrison diversion project.

Those from North Dakota who are aware of these problems, and who have expressed their concern via the resolutions I mentioned earlier, have asked for a construction moratorium so as to have time for additional analysis now necessary.

We have an opportunity to give them that time, to close the Pandora's box, and force the Bureau of Reclamation to answer the growing list of unanswered questions before any further appropriations might be granted at a later date.

I ask you to accept the responsibility of this House toward insuring the wise and proper use of tax moneys;

I ask you to accept the responsibility we have here today to demand greater assurances that this particular project will indeed stand in good merit for present and future North Dakotans;

I ask you to take the severe but necessary step—imperative in light of problems now encountered and yet unanswered—of deleting all funding earmarked for the Garrison diversion project for fiscal year 1974.

I respectfuly ask your support of my amendment.

Thank you.

Mr. RHODES. Will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to my colleague.

Mr. RHODES. I thank my friend from Pennsylvania for yielding.

For the purpose of refining the statement about the Colorado River, I would say to my friend that the river is quite saline but it is not all caused by man. As the gentleman well knows, even in its natural state the Colorado River has a lot of salinity. The half a billion dollar figure that the gentleman refers to is in my opinion, an optimistic figure. If we were to clean the river up as far as the natural salinity is concerned, it might take more than that.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SAYLOR was allowed to proceed for 1 additional minute.)

Mr. SAYLOR. I just want to say to my colleague from Arizona that the same is true of the Souris River. It has some natural salinity in it, too, but before there is any water run out the Bureau of Reclamation now says that the salinity will far exceed anything they expected in their original estimate when they authorized it.

Mr. ANDREWS of North Dakota. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know that the hour is late, but when the experts begin attacking projects in your own district you want to do the best you can to set the record straight.

My good friend from Pennsylvania is relying on some, shall I say, out of house experts and perhaps this fall or next fall I will get him up into North Dakota and let him take a look at the water there—I know what an avid outdoorsman he is—and get him into a duck blind, and I am sure that he will become as convinced a booster of the Garrison diversion project as anyone who lives up there.

I want to thank the committee for its support. This project is needed, because in 1944, under the Pick-Sloan plan they inundated 540,000 acres of the best land in North Dakota in order to provide flood control for downstream States. At that time North Dakota's compensation as their part of the bargain was to get this project which would irrigate 250,000 acres of land and provide a dependable water supply for the cities in the eastern two-thirds of the State and rehabilitate the major duck-breeding grounds in the central flyway.

To the best of my knowledge there is no loss in duck breeding and, in fact, we will have an enhanced area of 54,000 acres.

Now to prove the support of the people for water there. When my colleague said he was going to introduce his amendment I made a couple of calls to the State. I have a telegram here from our former colleague, Art Link, now Governor of the State and close to the people as any good Governor is. He says:

> This is to inform you of my strong and continued support of the Garrison project.

It is signed by Art Link, Governor.

I have a wire from Mr. Fahey, chief engineer of the North Dakota State Water Commission, who used to be city manager of Minot, and he emphasizes the need contrary to what my friend says the Bureau of Reclamation says.

Also I have a telegram from Mr. Meidinger, North Dakota head of Ducks Unlimited," that he urges us to support the Garrison project.

I have telegrams from the president of the Izaak Walton League Chapter in that area and from the Souris-Red-Rainey River Basin Commission.

I could go on for many minutes with these telegrams, but I will not.

Let me tell you a story about water in North Dakota. This is the Fargo Forum of 2 years ago. The Red River, the second largest river in our State, was totally dead; no flow at all. Sure there is going to be a little salinity problem, but some water is better than no water. The Public Health Service study says it is not safe to eat the fish that you catch between Grand Forks and Fargo, N. Dak. Garrison diversion will remedy our recurring low-flow stream problems and will greatly enhance an environment.

Mr. Chairman, we need this project, and I hope my colleagues will join in supporting this committee so that we can continue it, because we need it there.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have several questions that I would like to ask about this project of either the gentleman from North Dakota or members of the committee.

As I understand it, the Garrison project is intended to increase the agricultural output of the area. Can someone tell me what will be grown on these lands?

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I would be more than happy to answer the inquiry of the gentleman from Ohio.

Mr. Chairman, the Garrison diversion Dam project is a replacement for 540,000 acres of farm bottomland formerly producing a dependable winter feed supply for breed cows that will produce the beef that our country needs. This is necessary if we are going to correct the beef shortage that is going on in this country. The beef cattle population in North Dakota today is less than it was 20 years ago because we do not have the dependable feed supply.

Mr. VANIK. Do I understand as stated in the hearing record that it is going to be used for the production of feed grains, potatoes, and sugar beets?

Mr. ANDREWS of North Dakota. It is not going to be used primarily for the production of sugar beets, and it is not going to be used for the production of feed grains, because you can make more per acre by growing the forages that are necessary to keep the mother-cow herds going that produce the calves that eventually get fattened on feed grains grown under the dry-land program.

Mr. VANIK. Do I understand that there would be some feed grains produced such as alfalfa and corn?

Mr. ANDREWS of North Dakota. There would be alfalfa.

Mr. VANIK. In connection with the production of feed grains, sugar beets, and some of these other programs, am I correct in understanding that some of these are presently receiving some help under the price-support programs and the stabilization programs; is that correct?

Mr. ANDREWS of North Dakota. I am sure the gentleman knows that we just put export controls on feed ingredients because of their shortage in this country.

But, let me say that as a farmer who has studied this project for 15 years, that barley and wheat will seldom be raised on irrigated acres. These acres will be used for the growing of forage crops for livestock.

Mr. VANIK. The gentleman from North Dakota must admit that increased production could result in higher price supports.

Mr. ANDREWS of North Dakota. It could result in fewer price support payments, because those lands now being used in the production of wheat and barley will be transposed to forage production, which is more needed.

Mr. VANIK. In the 21 counties involved in the Garrison Diversion Dam area, what is the present level of agricultural stabilization, or conservation, and price supports?

Mr. ANDREWS of North Dakota. I would assume the level is about the level for any prairie State. I do not have the exact figure.

Mr. VANIK. According to the study by the Department that I received, some $88 million was paid into these counties.

The question I want to ask is, Does it make sense to increase production through irrigation, and then have to limit production and support the price for that production?

Mr. ANDREWS of North Dakota. As I would like to point out again to my friend, the gentleman from Ohio, the introduction of irrigation farming will lower the amount of payments made in these counties because they will move out of price-supported or program-supported grains and into nonfederally supported legumes, speciality crops, and forage.

Mr. VANIK. Perhaps the gentleman from North Dakota or someone else on the committee can tell me whether and how much agricultural subsidies go into other Bureau of Reclamation areas? Is there any calculation? I think the National Water Commission made an estimate of something between $83 million and $179 million annually, is that correct?

Mr. ANDREWS of North Dakota. I cannot speak as to that but, if my colleague will yield further, some time ago I read an estimate that the Bureau of Reclamation irrigation projects have returned to the Federal Treasury in increased income taxes by crops grown on them more than twice the money put into them by the Federal Government.

Mr. VANIK. I am glad the gentleman from North Dakota talked about income taxes, because I want to place in the RECORD right now the report that I received that in 1970 the total income taxes paid by agriculture, including lumber and fishing, and the fishery industry, was $1.6 billion. When you take out fishing and lumbering the total comes to $1.4 billion. This is probably the sector of our economy. Where taxpayers subsidize the greatest amount of incentive through taxpayer-supported programs, out of which we get a benefit-ratio in income taxes that I think is one of the lowest in the whole economic spectrum. I support the amendment of the gentleman from Pennsylvania (Mr. SAYLOR).

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. SAYLOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendments were rejected.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. ICHORD, chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 8947) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GUDE

Mr. GUDE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GUDE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GUDE moves to recommit the bill H.R. 8947 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 26, not voting 23, as follows:

[Roll No. 310]

YEAS—384

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.

Gross
Grover
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Heckler, Mass.
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—26

Bingham
Carey, N.Y.
Cleveland
Conte
Conyers
Drinan
Edwards, Calif.
Fish
Gude
Gunter
Harrington
Hechler, W. Va.
Heinz
Holtzman
Koch
McCloskey
Maraziti
Mathis, Ga.
Obey
Riegle
Rosenthal
Saylor
Seiberling
Steiger, Wis.
Vanik
Yates

NOT VOTING—23

Andrews, N.C.
Ashbrook
Badillo
Bell
Blatnik
Boggs
Breaux
Clark
Danielson
Dent
Derwinski
Fisher
Griffiths
Hansen, Wash.
Hawkins
Hébert
King
Reid
Rooney, N.Y.
Sandman
Teague, Tex.
Thompson, N.J.
Tiernan

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mrs. Hansen of Washington.

Mr. Teague of Texas with Mr. Andrews of North Carolina.

Mr. Rooney of New York with Mr. Danielson.

Mr. Hébert with Mrs. Griffiths.

Mr. Dent with Mr. Sandman.

Mr. Reid with Mr. Hawkins.

Mrs. Boggs with Mr. Badillo.

Mr. Blatnik with Mr. Bell.

Mr. Breaux with Mr. Ashbrook.

Mr. Clark with Mr. Derwinski.

Mr. Fisher with Mr. Tiernan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 8537) entitled "An act to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SYMINGTON, Mr. HARRY F. BYRD, JR., Mr. HUGHES, Mr. TOWER, and Mr. SCOTT of Virginia to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 128. Joint resolution to provide for the extension of certain laws relating to the payment of interest on time and savings deposits.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making supplemental appropriations for the fiscal year 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON H.R. 7528, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. SYMINGTON (on behalf of Mr. TEAGUE of Texas) filed the following conference report and statement on the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93-353)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space flight operations, $555,500,000;

(2) Space Shuttle, $475,000,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $63,600,000;

(5) Lunar and planetary exploration, $311,000,000;

(6) Launch vehicle procurement, $177,400,000;

(7) Space applications, $161,000,000;

(8) Aeronautical research and technology, $180,000,000; of this amount $14,000,000 is reserved for the JT-3D Refan Retrofit Research Program;

(9) Space and nuclear research and technology, $72,000,000;

(10) Tracking and data acquisition, $244,000,000;

(11) Technology utilization, $4,500,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Replacement of transportation facility, Goddard Space Flight Center, $660,000;

(2) Rehabilitation of vibration laboratory, Goddard Space Flight Center, $710,000;

(3) Modifications of and addition to 25-foot space simulator building, Jet Propulsion Laboratory, $740,000;

(4) Modification of planetary mission support facilities, Jet Propulsion Laboratory, $580,000;

(5) Rehabilitation and modification of 600 pounds per square inch air supply system, Langley Research Center, $2,410,000;

(6) Construction of systems engineering building, Langley Research Center, $1,620,000;

(7) Rehabilitation of airfield pavement, Wallops Station, $570,000;

(8) Rehabilitation of communication system, Wallops Station, $575,000;

(9) Modification for fire protection improvements at various tracking and data stations, $1,885,000;

(10) Modification of space launch complex 2 West, Vandenberg Air Force Base, $980,000;

(11) Modification of power system, Slidell Computer Complex, $1,085,000;

(12) Space Shuttle facilities at various locations, as follows:

(A) Modifications for auxiliary propulsion and power systems test facilities, White Sands Test Facility, $1,290,000;

(B) Modifications for shuttle avionics integration laboratory, Lyndon B. Johnson Space Center, $1,240,000;

(C) Modifications for radiant heating verification facility, Lyndon B. Johnson Space Center, $1,260,000;

(D) Modifications for the Orbiter propulsion system test facilities, Mississippi Test Facility, $11,300,000;

(E) Modifications for external tank structural test facilities, Marshall Space Flight Center, $4,400,000;

(F) Modification of manufacturing and subassembly facilities for the Orbiter, NASA Industrial Plant, Downey, California, $2,650,000;

(G) Modification of and addition to final assembly and checkout facilities for the Orbiter, Air Force Plant Number 42, Palmdale, California, $7,350,000;

(H) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $9,510,000;

(I) Construction of Orbiter landing facilities, John F. Kennedy Space Center, $28,200,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $14,785,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,600,000;

(15) Facility planning and design not otherwise provided for, $13,600,000.

(c) For "Research and program management," $707,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law of which not more than $549,020,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, shall be available for personnel and related costs.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be acquired at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that a deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation is aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. (a) Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. Section 203(b) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)), is amended by inserting immediately after paragraph (10) the following new paragraph:

"(11) to provide by concession, without regard to section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation;".

SEC. 7. Title II of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471 et seq.), is amended by adding at the end thereof the following new section:

"DISPOSAL OF EXCESS LAND

"SEC. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of $50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics of the House of Representatives and the President and the Committee on Aeronautical and Space Sciences of the Senate of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action."

SEC. 8. Section 5316, title 5, United States Code, is amended by deleting paragraphs (15), (16), and (17) and by substituting therefor a new paragraph (15) to read as follows:

"(15) Associate Administrators, National Aeronautics and Space Administration (6)."

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1974".

And the Senate agree to the same.

Olin E. Teague,
Ken Hechler,
Don Fuqua,
James W. Symington,
Charles A. Mosher,
Alphonzo Bell,
John W. Wydler,
Managers on the Part of the House.
Frank E. Moss,
Stuart Symington,
Howard W. Cannon,
Barry Goldwater,
Carl Curtis,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management submit the following joint statement to the Senate and House in the explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The NASA request for Fiscal Year 1974 totaled $3,016,000,000. The House authorized $3,073,500,000, and the Senate amendment authorized $3,046,000,000. The committee of conference agrees to a total authorization of $3,064,500,000, as follows:

CONGRESSIONAL ADJUSTMENTS TO NASA FISCAL YEAR 1974 BUDGET REQUEST

	Budget request	House	Senate	Committee of Conference
Research and development:				
Space flight operations	$555, 500, 000	$548, 500, 000	$555, 500, 000	$555, 500, 000
Space shuttle	475, 000, 000	500, 000, 000	475, 000, 000	475, 000, 000
Advanced missions	1, 500, 000	1, 500, 000	1, 500, 000	1, 500, 000
Physics and astronomy	64, 600, 000	59, 600, 000	64, 600, 000	63, 600, 000
Lunar and planetary exploration	312, 000, 000	309, 000, 000	312, 000, 000	311, 000, 000
Launch vehicle procurement	176, 400, 000	177, 400, 000	177, 400, 000	177, 400, 000
Space applications	147, 000, 000	159, 000, 000	161, 000, 000	161, 000, 000
Aeronautical research and technology	146, 000, 000	180, 000, 000	160, 000, 000	180, 000, 000
Space and nuclear research and technology	65, 000, 000	75, 000, 000	72, 000, 000	72, 000, 000
Tracking and data acquisition	250, 000, 000	240, 000, 000	248, 000, 000	244, 000, 000
Technology utilization	4, 000, 000	4, 500, 000	4, 000, 000	4, 500, 000
Total	2, 197, 000, 000	2, 254, 500, 000	2, 231, 000, 000	2, 245, 500, 000
Construction of facilities	112, 000, 000	112, 000, 000	110, 000, 000	112, 000, 000
Research and program management	707, 000, 000	707, 000, 000	705, 000, 000	707, 000, 000
Grand total	3, 016, 000, 000	3, 073, 500, 000	3, 046, 000, 000	3, 064, 500, 000

The points in disagreement and the conference resolution of them are as follows:

1. The House authorized $548,500,000 for the Space Flight Operations program which is $7 million less than the NASA request of $555,500,000. This action would have reduced the amount for the Skylab project by $10 million and added $3,000,000 to the Space Life Sciences project for continued spacesuit development during Fiscal Year 1974.

Acting subsequent to the initial Skylab launch the Senate amendment authorized $555,500,000, the exact amount of the NASA request, on the basis that the difficulties experienced during the Skylab launch did not permit a judgment that a reduction could be made in the Skylab project and that there was adequate funding in the program to support continued space suit development.

The conference substitute adopts the Senate position and authorizes $555,500,000 for the Space Flight Operations program.

2. The House authorized $500,000,000 for the Space Shuttle program, which is $25 million more than the NASA request of $475,000,000. The House increased the amount to provide for more effective program implementation and increase the confidence in attaining the key program milestones of first horizontal flight in 1976 and the first manned orbital flight in 1978.

The Senate amendment authorized $475,000,000, which is the exact amount of the NASA request.

The conference substitute adopts the Senate position and authorizes $475,000,000 for the Space Shuttle program.

3. NASA requested $64,600,000 for the Physics and Astronomy program. The House authorized $59,600,000, $5,000,000 less than the request. The House reduced the amount requested for orbital Explorer projects by $3,000,000 and the amount requested for Supporting Research and Technology projects by $2,000,000, these amounts to be applied to immediately reinstate work on the ERTS–B satellite under the Space Applications program.

The Senate authorized the full amount of the NASA request, $64,600,000 but concurred in the immediate reinstatement of the ERTS–B.

The conference substitute authorizes $63,600,000 for the Physics and Astronomy program, a reduction of $1,000,000 below the NASA request, but the reduction is not directed at any specific project within the program.

4. NASA requested $312,000,000 for the Lunar and Planetary Exploration Program. The House authorized $309,000,000, a reduction of $3,000,000. The reduction was made in Supporting Research and Technology of the Lunar and Planetary Exploration program on the basis that these funds be applied to the Space Applications program for the ERTS project and to the Launch Vehicle Procurement program to support the ERTS–B launch next year.

The Senate approved the full amount of the NASA request.

The conference substitute authorizes $311,000,000 for the Lunar and Planetary Exploration program, $1,000,000 less than the NASA request, but the reduction is not directed at any specific project within the program.

5. The House authorized $159,000,000 for the Space Applications program.

The Senate authorized $161,000,000 for the Space Applications program in order for NASA to exploit capabilities developed in NASA and apply them to the urgent national energy need. Specifically, the Senate directed NASA to formulate a long-term energy program that would create, explore and demonstrate options for energy generation and management from all the many technologies that NASA has developed.

The conference substitute adopts the Senate provision and authorizes $161,000,000 for the Space Applications program.

The conference considers that NASA should specifically investigate the collection and conversion of solar energy in synchronous orbit and the microwave transmission of such energy to earth. The conference also expects NASA to continue to cooperate closely with the National Science Foundation on its energy programs.

6. The House authorized $180,000,000 for the Aeronautical Research and Technology program, specifically providing $20 million to reinstate the quiet take-off and landing research aircraft project (QUESTOL) which was terminated in January 1973.

The Senate provided $160,000,000 for the Aeronautical Research and Technology program.

The conference substitute adopts the House provision restoring QUESTOL and authorizes $180,000,000 for the Aeronautical Research and Technology program.

The House added $14,000,000 to the Aeronautical Research and Technology program to reinstate the JT–3D aircraft engine Refan Retrofit Research program to achieve substantial noise reduction in that engine as soon as possible. The House bill included language reserving $14,000,000 for the JT–3D Refan Retrofit Research Program and $18,000,000 for the JT–8D Refan Retrofit Research Program which was part of the NASA request.

The Senate concurred with the House in adding $14,000,000 for the JT–3D aircraft engine Refan Retrofit Research program and, in addition, agreed to the language in the bill reserving this $14,000,000 for the JT–3D Refan Retrofit Research program. The Senate amendment did not include language reserving funds for the JT–8D program because funding for this program was part of the NASA fiscal year 1974 budget plan presented to the Congress.

The conference substitute adopts the Senate language on the Aeronautical Research and Technology program with respect to the JT–3D Refan Retrofit Research Program. Although the adopted language does not specifically reserve funding for the JT–8D program, the conference supports the NASA program plan for the JT–3D Refan Retrofit Research Program and expects NASA to proceed with this program as outlined to the Congress in its budget submission.

7. The House authorized $75,000,000 for the Space and Nuclear Research and Technology program.

The Senate authorized $72,000,000 for the Space and Nuclear Research and Technology program, making a $3,000,000 reduction in the amount requested for Space Research and Technology on the basis that since the space shuttle has moved into full development, the amount of direct shuttle support required from this program has decreased markedly and therefore the Senate believes that economies can be pursued in this program. The Senate specifically directed that the $3,000,000 cut is not to be applied against the Nuclear Research and Technology part of this program.

The conference substitute adopts the Senate provision and authorizes $72,000,000 for this program.

8. The House authorized $240,000,000 for the Tracking and Data Acquisition program, $10,000,000 below the NASA request.

The Senate authorized $248,000,000 for the Tracking and Data Acquisition program, $2 million below the NASA request.

The conference substitute authorizes $244,000,000 for the Tracking and Data Acquisition program.

9. The House authorized $4,500,000 for the Technology Utilization program, $500,000 more than the NASA request, to provide that the scientific, technical and management knowledge acquired with public funds spent by NASA be made available to the public sector as quickly and efficiently as possible.

The Senate authorized $4,000,000 for the Technology Utilization program.

The conference substitute authorizes $4,500,000 for the Technology Utilization program.

10. Both the House and the Senate authorized $67,200,000 for Space Shuttle Facilities, itemizing the individual construction projects. The House bill specifies the total amount authorized for Space Shuttle Facilities without identifying the amounts authorized for the 9 individual construction projects, whereas the Senate amendment authorizes the same facilities and specifies the dollar amount authorized for each individual construction project.

The conference substitute adopts the Senate language specifying the dollar amount authorized for each individual Space Shuttle construction.

11. The House authorized $13,600,000 for Facility Planning and Design, the amount of the NASA request.

The Senate authorized $11,600,000, $2,000,000 less than the NASA request.

The conference substitute authorizes $13,600,000 for Facility Planning and Design.

12. The House authorized $707,000,000 for the Research and Program Management program, the amount of the NASA request.

The Senate authorized $705,000,000 for this program, $2,000,000 less than the NASA request. Additionally, the Senate included language in its amendment stipulating that not more than $549,020,000 be used for personnel and related costs.

The conference substitute approves a total amount of $707,000,000 for Research and Program Management and includes language stipulating that not more than $549,020,000 can be utilized for personnel and related costs.

13. The Senate amendment modified Section 4 of the bill with the addition of subsection 4(b) which restricts the amount authorized by the bill for personnel and related costs.

The House had no similar provision in their bill.

The conference substitute adopts the Senate provision.

14. The Senate amendment modified Section 4(a) of the bill adding a provision to preclude any inconsistencies between the provisions of this Act and any other legislation which might be enacted with respect to the impoundment or selected withholding of appropriated funds.

The House bill had no comparable provision.

The conference substitute adopts the House position and deletes the language from the bill. However, the committee of conference notes that in Fiscal Year 1973 there were considerable adjustments by the Executive Branch to the amounts authorized and appropriated to NASA by the Congress. The conference strongly urges that the funds provided by the Congress for NASA for Fiscal Year 1974 be used to fully fund the programs to the levels approved by Congress.

15. In previous years the NASA authorization bill has contained a provision which denied payment by an institution of higher education of any funds provided under a NASA program to any student convicted by any court of record for involvement in disruption or other specified activities at any institution of higher education which prevented officials or students from engaging in their duties or pursuing their studies.

The recommended bill sent to the Congress by the Administration included this provision and it was adopted by the House.

The Senate deleted this provision on the basis that it was no longer considered necessary in the annual authorization bill for the National Aeronautics and Space Administration.

The conference substitute agreed to the deletion of this provision.

16. The Senate amendment added a new Section to the bill amending Section 5316, Title 5, U.S.C., which deletes, in the Executive Salary Schedule, Level V, the three NASA positions of Associate Administrators for Advanced Research and Technology, for Space Science and Applications, and Manned Space Flight, and inserting in lieu thereof, "Associate Administrators, National Aeronautics and Space Administration(6)." This provision updates Section 5316 to recognize the additional levels of responsibility which have been established within NASA and simplifies any subsequent reorganization within the agency by deleting the functional designation following the title of Associate Administrator. No change in individual salaries is effected by this amendment at the present time.

The House had no comparable provision in their bill.

The conference substitute adopts the Senate provision. This action was taken with the concurrence of both the House and Senate Standing Committees on Post Office and Civil Service.

Olin E. Teague,
Ken Hechler,
Don Fuqua,
James W. Symington,
Charles A. Mosher,
Alphonzo Bell,
John W. Wydler,
Managers on the Part of the House.

Frank E. Moss,
Stuart Symington,
Howard W. Cannon,
Barry Goldwater,
Carl Curtis,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8410, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. O'NEILL. Mr. Speaker, at the request of the gentleman from Arkansas (Mr. Mills) I ask unanimous consent that the managers be given permission to have until midnight tonight to file a conference report on H.R. 8410, to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Conference Report (H. Rept. No. 93–355)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, having met, after full and free conference, have been unable to agree.

Wilbur D. Mills,
Al Ullman,
James A. Burke,
Martha W. Griffiths,
Herman T. Schneebeli,
Harold R. Collier,
Joel T. Broyhill,
Managers on the Part of the House.

Russell B. Long,
Herman E. Talmadge,
Vance Hartke,
Abraham Ribicoff,
Wallace F. Bennett,
Carl T. Curtis,
Paul J. Fannin,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, report that the conferees have been unable to agree.

Wilbur D. Mills,
Al Ullman,
James A. Burke,
Martha W. Griffiths,
Herman T. Schneebeli,
Harold R. Collier,
Joel T. Broyhill,
Managers on the Part of the House.
Russell B. Long,
Herman E. Talmadge,
Vance Hartke,
Abraham Ribicoff,
Wallace F. Bennett,
Carl T. Curtis,
Paul J. Fannin,
Managers on the Part of the Senate.

ANNOUNCEMENT OF LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, I wish to make the following announcement: That the program for the remainder of the day will be Senate Joint Resolution 128, the continuing regulation Q to August 1. That will be the next item of business.

The item of business that we have scheduled for today, H.R. 8548, International Economic Policy Act, will immediately following regulation Q.

Mr. Speaker, that will be the program for the remainder of the day.

REQUEST FOR ADJOURNMENT TO 11 O'CLOCK, FRIDAY, JUNE 29, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would ask the gentleman to withhold that request until we find out whether we will be out of here in another hour or whether it will be midnight before we get out. I ask the gentleman to withhold that request and see if we can get out at a reasonable hour. I would not object if we are not going to be forced to work late tonight; otherwise I will certainly object.

Mr. O'NEILL. Mr. Speaker, may I say that it is certainly my opinion the House will not run late tonight.

The SPEAKER. Does the gentleman from Massachusetts (Mr. O'Neill) withhold his request?

Mr. O'NEILL. Mr. Speaker, I will withhold my request.

PERSONAL EXPLANATION

Ms. HOLTZMAN. Mr. Speaker, I was absent on rollcall No. 308. At that time I was in the Judiciary Subcommittee rooms, and there was no bell ringing at that time. I was not aware of the voting. Mr. Speaker, if I had been present, I would have voted "aye."

EXTENSION OF LAWS RELATING TO PAYMENT OF INTEREST

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 128) to provide for an extension of certain laws relating to the payment of interest on time and savings deposits, as amended.

The Clerk read as follows:

S.J. Res. 128

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966 (Public Law 89-597; 80 Stat. 823), is amended by striking out "June 1, 1973" and inserting in lieu thereof "August 1, 1973".

The SPEAKER. Is a second demanded?

Mr. ROUSSELOT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas is recognized.

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 128 is an emergency matter. Senate Joint Resolution 128, as amended, would extend regulation Q authority, which allows the various Federal financial regulatory agencies to establish ceiling rates on time and savings deposits from June 1 of this year—when it expired—until August 1 of this year.

For the benefit of the Members of the House, the House, on May 9, passed H.R. 6370, which included in it, among other things, a prohibition against so-called NOW accounts and extension of regulation Q. This conference has met innumerable times since the House passed this legislation and as yet has not been able to resolve the NOW account question.

In order to avoid any possible chaos that might ensue within the financial community, your Banking and Currency Committee is recommending this short extension of time for regulation Q in the hopes that prior to August 1, when this extension would expire, we can resolve these differences.

I support—as I know most, if not all of the members of the Banking and Currency Committee do—the adoption of this joint resolution, as amended.

Mr. BLACKBURN. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. BLACKBURN. I appreciate the gentleman yielding.

As I understand it, this is merely an extension of existing law and does not represent any substantial change in existing practices.

Mr. PATMAN. No change at all.

Mr. BLACKBURN. This is simply to preserve the status quo of the law?

Mr. PATMAN. That is correct.

Mr. BLACKBURN. I thank the gentleman for yielding, and support the extension.

Mr. REES. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman on the merits of the legislation.

Mr. REES. That is the first time that has happened.

Mr. Speaker, I would like to ask the chairman of the committee is it not true that for the past 28 days we have not had regulation Q?

Mr. PATMAN. That is correct.

Mr. REES. Regulation Q is the Federal regulation that governs the interest rates that can be charged to savers in savings and loans and banks?

Mr. PATMAN. Yes.

Mr. REES. Yes. So in the last 28 days there has been no regulation in effect, so that really the savings and loans and banks and other financial institutions could pay any interest rate they wanted to. Could they not?

Mr. PATMAN. Well, there is another side to that. All of the Federal financial regulatory agencies immediately gave notice to all of the financial institutions to let the status quo remain the same as it was because Congress was sure to pass a law. It is too important and too necessary and too much of an emergency for them to pass it over long. They were assured please do not violate the law. They could have the biggest black market in the world here if they were to start black market practices. We want to get away from that.

Mr. REES. Mr. Speaker, if you will continue to yield, the situation is that the cost of interest to the consumer has gone up. If you are buying a house, you pay 8½ to 9 percent interest for a loan. The prime rate today is 7¾ percent. So if you are borrowing from a bank and are an ordinary consumer of money, you find that you are probably paying 9, 10, or 11 percent. But the banks and savings and loans are paying the depositor on his saving account the same amount that they were paying last year. Therefore we have had an increase in the cost of money, and the increase in that goes into the profits of the banks and savings and loans and the person who has money deposited in that bank is getting interest from that deposit is not receiving a penny more.

For the last 27 days regulation Q has not been the law of the United States, and not one savings and loan or bank throughout the United States has raised the interest rate to their consumers, they have not given the consumers a break who have deposits in those savings and loans, and banks. Frankly, Mr. Speaker, I do not see why we have to give regulation Q 3 more months, because the banks and the savings and loans have not done anything in the last 27 days to increase the money they pay to their consumers.

Mr. PATMAN. Mr. Speaker, may I correct the statement made by the gentleman from California (Mr. Rees)? We are not asking for 3 months, we are asking for only 1 month. Time is of the essence here. This is a danger sign. It would be terrible if we did not pass this.

Mr. REES. If the gentleman will yield further, if they have gone 28 days, why do they need another month?

Mr. PATMAN. Mr. Speaker, I believe

that I have already answered that question.

Mr. Speaker, I now yield to the gentleman from Rhode Island (Mr. St Germain) who is the chairman of the subcommittee which is in charge of this bill.

Mr. ST GERMAIN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, very briefly, as the gentleman from Texas (Mr. Patman) has said, this is an extension to merely August 1, because of the reason that we have been deadlocked in the conference attemping to maintain the position of the House on the legislation previously adopted.

On the last point that was raised, if, by removing regulation Q a higher interest rate would in effect be paid to the consumers, that is one thing, if the rate to the borrower would remain the same, but I think we all realize that were regulation Q to be removed interest rates paid on time and savings deposits would be increased, then the amount the borrower would pay would have to be increased.

Mr. PATMAN. I thank the gentleman.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I wish to join in with the distinguished chairman of the committee, the gentleman from Texas (Mr. Patman). We endorse the proposal, and we ask the House to approve the joint resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Patman) that the House suspend the rules and pass the joint resolution (Senate Joint Resolution 128), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that I may be permitted to extend and revise my remarks prior to the passage of the Senate joint resolution.

Further, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING THE INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. McSPADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 468

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8548) to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 8548, it shall be in order in the House to take from the Speaker's table the bill S. 1636 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 8548 as passed by the House.

The SPEAKER. The gentleman from Oklahoma (Mr. McSpadden) is recognized for 1 hour.

Mr. McSPADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Del Clawson), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 468 provides for an open rule with 1 hour of general debate on H.R. 8548, a bill to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy.

The rule provides that after the passage of H.R. 8548 it shall be in order in the House to take from the Speaker's table the bill S. 1636 and to move to strike out all after the enacting clause of S. 1636 and insert in lieu thereof the provisions contained in H.R. 8548 as passed by the House.

H.R. 8548 extends the International Economic Policy Act until June 30, 1977. It also removes the President from membership on the Council on International Economic Policy and omits the requirement that he be the chairman of the Council, and substitutes the requirement that he designate the chairman from the members of the Council.

H.R. 8548 authorizes $1.4 million for the expenses of the Council for the fiscal year ending June 30, 1974. This is the only cost for the bill for fiscal year 1974.

Mr. Speaker, I urge adoption of House Resolution 468 in order that we may discuss and debate H.R. 8548.

Mr. Speaker, I yield to the gentleman from California.

Mr. DEL CLAWSON. I thank the gentleman for yielding.

Mr. Speaker, House Resolution 468, which provides for the consideration of H.R. 8548, amending the International Economic Policy Act of 1972, is an open rule with 1 hour of general debate. This rule also makes it in order to insert the House-passed language in the Senate bill, S. 1636.

The primary purpose of H.R. 8548 is to extend the International Economic Policy Act from June 30, 1973, to June 30, 1977.

The present act provides for a Council on International Economic Policy within the Executive Office of the President, in order to coordinate international monetary, investment, trade, and financial policies. The administration requested open-ended authorizations and called for permanent statutory authority for the organization. The administration proposal also deleted the provision requiring the President to serve as chairman of the Council.

This bill, H.R. 8548, removes the President from membership on the Council, and substitutes the requirement that he designate the chairman from the statutory members of the Council. It extends the act to June 30, 1977, and provides fiscal year 1974 authorization in the amount of $1,400,000. This bill also broadens the content requirements of the annual report of the President on the international economic position of the United States.

The cost of this bill is $1,400,000 for fiscal year 1974.

Mr. Speaker, I urge the adoption of House Resolution 468 in order that the House may begin debate on H.R. 8548.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman say this is an open rule?

Mr. DEL CLAWSON. That is right.

Mr. GROSS. A completely open rule with no points of order waived?

Mr. DEL CLAWSON. That is right.

Mr. GROSS. If I were not tone deaf, I would lead the House in singing "Happy Days Are Here Again."

Mr. McSPADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8548) to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Patman).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8548, with Mr. Gibbons in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for 30 minutes, and the gentleman from Georgia (Mr. Blackburn) will be recognized for 30 minutes.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I wish to commend the distinguished chairman of the Subcommittee on International Trade of the Committee on Banking and Currency and the entire subcommittee for the fine work they have done on this bill.

The distinguished subcommittee chairman, the Honorable Lud Ashley, of Ohio, will in a moment explain the bill in detail and give the reasoning why this bill should be supported.

I would like to remind my colleagues that the Council on International Economic Policy was established to coordinate international monetary, investment, trade and financial policy. The Presidential Commission on International Trade and Investment Policy recommended that the Council on International Economic Policy be given statutory authorization. I believe that the events of recent months with respect to further devaluation of the dollar, the continuing deficit in our balance of payments and, most dramatically in recent days, the worsening of the situation at home with respect to the price and supply of vital components of the national diet in the face of uncontrolled exports of agricultural commodities, only further demonstrates the need for better coordination of international economic policy and the achievement of a consistency between domestic and foreign economic policies as required under the International Economic Policy Act of 1972.

Mr. Chairman, I urge support of this legislation.

Mr. Chairman, at this time I yield such time as he may consume to the chairman of the subcommittee (Mr. Ashley).

Mr. ASHLEY. I thank the gentleman for yielding.

Mr. Chairman, I think that the measure before us is without controversy and can be disposed of in very short order. The International Economic Policy Act, as the Members may recall, was adopted by the Congress last year. Its purpose was to coordinate economic international monetary, investment, trade, and financial policies.

Our subcommittee has conducted oversight hearings of some duration and has been quite well satisfied with the operation of the council today. The council existed prior to last year, but it did not have statutory authority. The statutory authority that was granted last year does expire on June 30, and therefore it is necessary for us to renew that authority. Hence the purpose of the measure before us.

Mr. Chairman, there are four sections to the bill, which I think can be explained very briefly as follows.

Section 1 removes the President from membership on the Council on International Economic Policy and deletes the requirement that he be the chairman and substitutes the requirement that he designate the chairman from among the statutory members of the council.

Section 2 provides the International Economic Policy Act of 1972 will be extended to June 30, 1977. There was discussion about this that may be of some interest. It was my view that the administration should have the flexibility to shape the kind of mechanism that it thinks is necessary for the kind of coordination that is contemplated in the Council on International Economic Policy. There have been some changes in the last year which we reviewed in our most recent hearings. We are satisfied that the administration should be able to count upon continued authority through the remainder of this administration, hence the June 30, 1977 date.

Having said that, I want to make it clear that the subcommittee has insisted upon accountability to the Congress and has done so by providing that there be only a 1-year authorization with respect to funding, so that while we do continue funding at the $1.4 million level, no more and no less than last year.

Finally, Mr. Chairman, the measure before us directs attention to the substance of the report that is required on an annual basis from the Council on International Economic Policy and it makes provisions, that will be commented upon by the other members of the subcommittee, which better define the scope of the international economic report and the substance of the report that is to be furnished on an annual basis.

This would conclude the presentation of the substance of the measure before us. It was reported without dissent by the Subcommittee on Trade and reported also without dissent in the full Committee on Banking and Currency.

Mr. BLACKBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to reassure the members of the committee that this matter has been thoroughly discussed before the International Trade Subcommittee. We have had extensive hearings. Those Members who were here last year when we established this Council were aware that I frankly opposed establishment of the Council. I have changed my position. I feel the Council is in a position to do eminently well qualified work to promote the cause of international trade and particularly promote the cause of trade by this, our own Nation in international markets. So I would urge the committee to adopt the bill as it now exists. I would urge Members of the House and Members of Congress also to join in adopting this bill as it now exists.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I too opposed this bill the last time with the gentleman from Georgia and some other Members because of our major concern that it was merely a split-off of additional bureaucracy that some of us felt was already adequately handled under the Council of Economc Advisers and other groups within the White House staff.

I notice there is a slight increase in the dollars authorized in this. I think the gentleman from Ohio has properly explained the appropriation which will have to be made each year.

Mr. Chairman, I wonder if this is not just the beginning of the growth of another large bureaucracy about which there was great complaint here about the tremendous growth of the executive branch, especially the office of the President?

Is this not just another trend in the same direction?

Mr. BLACKBURN. Mr. Chairman, I share the gentleman's concern, but I think there is an overriding consideration at the present time. That is, the problem of our international balance of trade and international balance of payments. This council, because of its makeup, because of the focus of its attention, because of its whole purpose, I think that consideration is overriding at the present time. That is what persuades me to continue the extension of the council.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, I do not disagree at all with the gentleman's objective as he stated it. I would like to refocus on the question I raised.

Could not this have been adequately handled within the office of the President and Council of Economic Advisors, and is it not really true the Council of Economic Advisors, which has the basic responsibility of deciding on policy or recommending the policy for domestic affairs, should also very closely coordinate those policies that relate to international policy because they so directly affect each other?

Mr. BLACKBURN. Mr. Chairman, certainly the inseparability of domestic economic policy and international economic policy is recognized, I think, by everyone in this chamber; by everyone in this body.

Mr. ROUSSELOT. Mr. Chairman, that was the very argument the gentleman from Georgia raised the last time, and I wonder, is he really saying that this group is not going to grow just like all other bureaucracies and that it could not be adequately handled by the Council of Economic Advisers?

Mr. BLACKBURN. Mr. Chairman, of course the gentleman realizes that this body is going to review each year this appropriation for the operation of this organization. The President himself is controlling the operation of this Council the same as he is supervising the operation of the Council of Economic Advisers.

I frankly do not anticipate that the President is going to have a lack of coordination in both the purposes and recommendations of these two groups, so I am not pessimistic. There will be a proper degree of cooperation between both this Council and the Council of Economic Advisers.

Mr. ROUSSELOT. Mr. Chairman, I am disappointed that my friend from Georgia has been so easily convinced on the basis of past experience, but I wish to state that I still have great reservations. I intend to offer several amendments. We will go ahead and get on with the debate and the amendments.

Mr. BLACKBURN. Mr. Chairman, I reserve the balance of my time.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Rees).

Mr. REES. Mr. Chairman, we have two groups here within the White House. One is the Council for Economic Policy, which is the organization we are extending with this bill. The other is the Office of Special Trade Representative. The Office of Special Trade Representative was created by the Ways and Means Committee in the trade bill we had up several years ago.

CFIP is the Council for International Policy created by the Committee on

Banking and Currency, so that we have this problem of jurisdiction. The President, I understand, is planning to merge the two offices within the White House. This was opposed by many of us who are familiar with the operation of both the organizations. In the meeting of the subcommittee, I was prepared to offer an amendment which would hold off this merger because I felt that the purposes of one organization certainly were not the purposes of the other organization. There would be a great deal of confusion if they were prematurely merged.

In discussing this, however, with the chairman of the Ways and Means Committee, and the White House, there was a tacit understanding that there would be no merger of CIEP and the Special Trade Representative until the trade bill was approved by Congress and signed by the President.

This was my understanding. The reason this understanding was made was that the Ways and Means Committee, in dealing with trade policy of this country, might wish to structure the special trade representative in a different pattern within the White House, and it would be best to hold off to see what the Ways and Means Committee would be doing.

The reason why I bring this up is I do want to make it clear, I hope, to all here and downtown, that the two offices are not to be merged until a trade bill is signed by the President.

I should like to ask the chairman of the subcommittee one or two questions.

It is my understanding, Mr. Chairman, that the main difference between the Senate bill and the bill we have before us is that the Senate bill calls for a confirmation of the Chairman for International Economic Policy. There is also another section in the Senate bill which retains civil service protection for the members of the Special Trade Representative's Office. The members of the Council on International Economic Policy are considered more in political positions and are not covered by civil service.

Since I am very interested in both these matters, I was wondering if an amendment dealing with civil service would not be germane at this time on the floor. I am not sure if there will be an amendment on confirmation.

Is it the plan of the chairman of the subcommittee to insist on a conference with the Senate?

Mr. ASHLEY. Yes, it is.

Mr. REES. So we will have an opportunity to work these things out with the Senate?

Mr. ASHLEY. We will indeed.

Mr. REES. What my worry is, is that the Senate might agree to the House bill and then we would not have an opportunity to work out these problems.

Mr. ASHLEY. That is not the understanding I have gotten from the other body. There is insistence on the part of various Members of the other body that we do go to conference, and that would be my expectation.

Mr. REES. I thank the gentleman very much.

Again I urge the Members of the House to vote for this legislation. I believe it is definitely needed.

One part of the legislation calls for a look down the future in terms of international economic policy, and I believe this is what we have needed for a great many years.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. CULVER).

Mr. CULVER. Mr. Chairman, we are on the eve of a major round of international trade negotiations which are intended to undertake a reshaping of the international trading system. This undertaking is going to require, on the part of the United States, an effective organization in the executive branch to coordinate and implement U.S. foreign economic policy, as well as an open and constructive partnership between the Executive and the Congress.

As brought out in hearings held last year by the House Foreign Affairs Subcommittee on Foreign Economic Policy, and the hearings held this year by the Banking Currency Subcommittee on International Trade, many questions remain as to what is the best structure for coordinating U.S. foreign economic policy. Should it be CEP, CIEP, STR or the NSC?

The Subcommittee on Foreign Economic Policy for its part, will continue to exercise an oversight function on the foreign economic policy apparatus of the executive branch; paying particular attention to the difficult problem of coordination.

With the passage today of an extension of the International Economic Policy Act, it is clear that for the next several years CIEP will be the major organization in charge of coordinating U.S. international economic policy. I hope with this mandate the Executive and the Congress will work effectively together to develop a balanced policy for the United States; and most important, in the context of the upcoming trade negotiations, that Executive will eliminate current ambiguity and clearly designate who in the executive branch the private sector, Congress, and our trading partners can look to as the chief trade spokesman and office for our Government.

Mr. BLACKBURN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, apparently, the gentleman from Georgia (Mr. BLACKBURN) would rather switch than fight. After listening to his remarks today and comparing them with his comments of last August concerning this International Economic Council, he has indeed changed. At that time the gentleman from Georgia suggested that this Council was an unnecessary duplication of authority. I agreed with him and got up here on this floor in his support and associated myself with his remarks.

I asked the question at that time why cannot the Council on Economic Policy handle these duties, or why cannot the Council of Economic Advisers handle these duties, or perhaps the Office of Foreign Investments could work on these problems to avoid the necessity of creating this new agency with a $1.4 appropriation.

I also suggested that, once created, the Commission would go on ad infinitum, and that is apparently what is going to happen, because we are now going to authorize the Commission until 1977.

I notice from the report that I was not the only one who had some thought along these lines. In the report, it says, on page 2:

> While there was strong support in the hearings for the principle of policy coordination, questions were raised as to whether coordination could not be effected through other mechanisms such as the Council on Economic Policy (CEP). These questions remain unresolved in large measure because both CIEP and CEP are too new to have established clear patterns of inter-relationship and records of failure and success.

I still do not sense the urgency for this Council.

Mr. PATMAN. Mr. Chairman, the time for general debate having been exhausted, I ask that the Clerk read.

Mr. BLACKBURN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 205 of the International Economic Policy Act of 1972 (86 Stat. 647) is amended by—
>
> (1) striking out "(1) The President.";
>
> (2) striking out "be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place" and inserting in lieu thereof "designate the Chairman of the Council from among the members listed in paragraphs (1) through (9)"; and

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD, and that it be open to amendment at any point.

Mr. GROSS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

> (3) redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively.
>
> SEC. 2. Section 209 of the International Economic Policy Act of 1972 (86 Stat. 649) is amended by striking out "1973" and inserting in lieu thereof "1977".

AMENDMENT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ROUSSELOT: Page 2, line 9, strike out "1977" and insert "1975."

Mr. ROUSSELOT. Mr. Chairman, this is a very simple amendment. It incorporates what the gentleman from Ohio (Mr. ASHLEY) has said is needed: close congressional supervision. The gentleman said that we should come back to the House each year for appropriations.

Since we are still relatively unsure of this legislation—even the committee report shows these uncertain aspects—and because many of us have a great concern that this may grow into a huge bureaucracy, we are trying as a Congress to regain our control over the things that go on in the executive branch of Government. I have merely asked that we reduce the term of this legislation from 1977 to 1975. This is poposed so that those of us in Congress who have jurisdiction and responsibility over this administrative activity will have an opportunity to check the Council again to see if they are really producing all the great things that the Congress has been told they are going to produce. It will give the Council a full 2 years to prove that they can do the job.

Mr. Chairman, I wish to make it clear that I doubt that this Council can do anything that cannot be done in other agencies already existing, especially the Council of Economic Advisers. But I certainly think at the minimum that we should reduce the term on this legislation so that we have an opportunity to take a hard look in 1975.

Mr. ASHLEY. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment offered by my colleague, the gentleman from California (Mr. ROUSSELOT).

The "huge bureaucracy" that appears to be frightening our friend, the gentleman from California, now numbers 29 professionals. Obviously during the past year this number has not grown. The fears of the gentleman have no basis in fact whatsoever.

Mr. Chairman, as far as congressional accountability is concerned, let me say that we have insisted in the subcommittee and in the full committee on 1 year of funding.

Mr. Chairman, in order to assure congressional accountability, we most certainly do not need both annual authorization for funding and authorization every 2 years as far as the life of the program is concerned. It does seem to me that the administration is entitled, this administration as would be a different administration, to the flexibility that is essential and that is provided for in this legislation through a period of time between now and 1977 for the duration of the Council. That establishes, I think, the confidence of the Congress in the administration to use the Council for the purposes that have been provided.

So I would hope, Mr. Chairman, that the amendment will be defeated and that this body will have confidence in the fact that accountability is established in this measure.

Mr. ROUSSELOT. I appreciate the gentleman's comment. I do not think the Council poses a great threat of massive growth today, but as an example there were 10 people on the staff a year ago and now there are 29. I am sure it it will grow even more. My concern is most bureaucracies always start very small. Also, I think we have every right to ask that they come back in 1975 and justify what they have done or what they have not done.

Mr. ASHLEY. I think that is a good point, but it is satisfied by the fact that the Council will appear before a subcommittee on an annual basis.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask the gentleman from Ohio, what this budding bureaucracy has accomplished for the money that has been spent on it to date, and how much money has been expended?

Mr. ASHLEY. The amount of money spent to date is something under $1 million.

Mr. GROSS. For the past 2 years?

Mr. ASHLEY. No. We authorized the council last year.

Mr. GROSS. I thought it was authorized in 1972. Was it not?

Mr. ASHLEY. That was last year, if I may remind the gentleman. It was last year.

Mr. GROSS. Was it in the fiscal 1972 budget or the fiscal 1973 budget?

Mr. ASHLEY. In the present fiscal budget.

Mr. GROSS. What has it accomplished? I look around and see no accomplishment worthy of note by most of these bureaucracies—these advisory boards, councils, and commissions.

Mr. ASHLEY. Let me try to point out to the gentleman—

Mr. GROSS. I will be glad to have the gentleman do so.

Mr. ASHLEY. The international economic policy prior to the formation of the council had no focus. As a matter of fact, it has been estimated the international economic policy was the domain of between 35 and 40 different departments and agencies within the Federal Establishment. The purpose of the council is to bring together responsibilities previously exercised by this disparate group of agencies and concentrate it within one council. This is the only rational kind of policymaking and decisionmaking.

Mr. GROSS. But what is the tangible result of what has been spent thus far? When the gentleman speaks of flexibility—and I support the amendment to limit it to 1975—all we have gotten out of flexibility with respect to most of these councils is more bureacuracy and more and better paid bureaucrats in the Government.

Mr. ASHLEY. If I may respond to the gentleman, I will say that the council and its staff were intimately engaged in negotiations for the sale of wheat from Iowa and other States to the Soviet Union.

Mr. GROSS. I would not point to that as any great achievement. That was a nice "sweetheart" deal in all too many respects.

Tell me what has it done to rectify the trouble we are in with 100 billion American dollars floating around the world that all too few countries want? What has this international council done to show any tangible results?

Mr. ASHLEY. We still have difficulties and we have them aplenty. There is no question about that. I would suggest to the gentleman that he read the report that was issued in March of this year, the economic report of the President.

Mr. GROSS. Yes. And I will bet that was printed on beautiful, nice, slick paper, too.

Mr. ASHLEY. The gentleman can review it and decide for himself whether it was or was not.

Mr. GROSS. Replete with photographs of the members of the council and all that sort of thing.

Mr. ASHLEY. I think if the gentleman is seriously interested in the purpose of the council and the accomplishments of the council to date, he will find that in this report, and I commend it to him.

Mr. GROSS. Before my time runs out let me tell the gentleman what I am not interested in, and that is as one Member suggested—some more toys in the sandbox in the White House.

That is what I think the House will accomplish by extending the life of this bureaucracy.

Mr. ASHLEY. All I can say to the gentleman from Iowa, frankly, is that the committee decided to the contrary to what the gentleman has just bespoken last year, and I think it will do so this year on the basis of the record of the council, it is a good, solid record.

Mr. GROSS. I would say, that if the wheat deal with the Russians was what they accomplished, then we do not need them at all.

Mr. ASHLEY. The gentleman did not permit me to go through the full recitation of what the council has done. I would commend the report to the gentleman.

Mr. GROSS. I think that just about anyone could have engineered a better wheat deal than we got with the Russians last year, complete with a $100 million windfall due to the devaluation of the dollar. And the reason the dollar has been devaluated is because we have embarked upon the establishment of too many councils, too many advisory boards, and too many other agencies in this Government, all helping feed the flames of inflation.

I support the amendment and oppose the bill and continuation of this council as being unnecessary.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the amendment simply causes the act to expire 2 years earlier than the committee intended it to do. As the chairman of the subcommittee has pointed out, and I would point out, the authorization expires next year, so that this committee and others who will be interested, and there are other jurisdictions interested in the work of the CIEP, will have plenty of time to review annually all of the actions of this council, and the actions of this committee on what is authorized and what is appropriated.

Mr. Chairman, in answer to some of the questions that have been raised, I believe it is also important to point out that the authorization this year is at the same level as the authorization was last year. So far as I know, Mr. Chairman, the number of personnel was 29 last year when we handled this authorization, and it is still 29 this year.

With respect to the accomplishments of CIEP, this is the group that has coordinated the building of our American trade policy which has tried to coordinate the ideas of each of the disparate groups, as they are called, so that they can be coordinated. They are interested in our trade policy. They have coordinated this trade policy in the bill that is now being heard in another committee of this Congress. When this Congress produces the trade bill, then CIEP will have the authority to manage this policy, to take us through the next GATT round, and to carry out the trade policy which we give them.

Mr. Chairman, I believe the council has done a good job. I think it can do a better job. I think we have plenty of capability to manage it in our year-to-year authorizations.

So, Mr. Chairman, I urge that the committee defeat the amendment offered by the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I still do not understand why the gentleman would oppose the amendment. All we have asked to do is to have the Congress review this in 2 years instead of extending it for 4 years, so that we will have a chance to check it.

Mr. FRENZEL. The reason is that it is not necessary to review it annually anyway.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from California.

Mr. Chairman, I want to say that this report, prepared by the council, is a very fine, very thorough and very complete report. I personally suspect that it is so thorough and so complete for the precise reason that the existence of the council was very much in the balance when this report was new. And so long as we do keep the council under observation by the Congress, the better it will be.

Mr. Chairman, frankly, I advised the chairman of the council when the gentleman appeared before our subcommittee I would expect that council to speak out and speak loudly on the question of inconsistent domestic economic policies where they were in violent conflict with good international economic policies, and I would expect him to be an advocate in the White House for good economic national policies, and that he would speak against what would otherwise appear to be good domestic economic policies but which would be false economic international policies.

I think if we are going to hold the chairman of the council and his group to their promises to accede to my request, we should insist upon a more regular review of the assistance of the council. Therefore, I urge the Members to support the amendment of the gentleman from California.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROUSSELOT).

The question was taken; and on a division (demanded by Mr. ROUSSELOT) there were—ayes 53, noes 52.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. Section 210 of the International Economic Policy Act of 1972 (86 Stat. 649) is amended by striking out "1973" and inserting in lieu thereof "1974".

SEC. 4. Section 207(a) of the International Economic Policy Act of 1972 (86 Stat. 648) is amended by redesignating paragraph (4) as paragraph (5), by striking out "and" at the end of paragraph (3), and by inserting immediately after paragraph (3) the following new paragraph:

"(4) a comparative description and analysis of the following subject matter, with respect to the United States, the European Community and principal countries within the European Community, Japan, and whenever applicable, the Union of Soviet Socialist Republics—

"(A) research and development expenditures, and productivity and technological trends in major industrial and agricultural sectors;

"(B) investment patterns in new plant and equipment;

"(C) industrial manpower and training practices;

"(D) tax incentives and other governmental financial assistance;

"(E) export promotion practices;

"(F) share of the export market, by area and industrial and agricultural sectors;

"(G) antitrust practices; and

"(H) long-range governmental economic planning programs, targets, and objectives; and".

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: After line 14, page 3, add a new section 5:

"Section 205 of Public Law 92–412 is amended by adding 'The Secretary of Transportation.' "

Mr. PICKLE. Mr. Chairman, when this law was put in the books, section 205 provided that the Council shall be composed of the following members, and such additional members as the President may designate. He lists them, about 10 of them. The Secretary of Transportation is not listed. I merely want to add the Secretary of Transportation as one of these members. The reason is that we are dealing in all of these big international trades such as our grain deal, and we at least ought to have a Secretary of Transportation sitting in on the Council and perhaps preventing the fiasco we had last year.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, we have had an opportunity to review the amendment. We find on our side no objection to it and we will accept it.

Mr. PATMAN. If the gentleman will yield, we accept it.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Chairman, we have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. CULVER

Mr. CULVER. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, I think it would be nice to know what the amendments are.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. CULVER: Page 3, immediately after line 11, insert "(G) environmental practices;" and on line 12, strike out "(G)" and insert in lieu thereof "(H)" and on line 13, strike out "(H)" and insert in lieu thereof "(I)".

Page 3, immediately after line 14, insert the following new section:

SEC. 5. Section 207(a) of the International Economic Policy Act of 1972 is amended by redesignating paragraph (5), as redesignated by section 4 of this Act, as paragraph (6), and by inserting immediately after paragraph (4) the following new paragraph:

"(5) a review of the relationship between the United States Government and American private business with respect to the cateories of subject matter listed in subparagraphs (A) through (I) of paragraph (4) and any other appropriate areas of information, together with recommendations for appropriate policies and programs in order to insure that American business is competitive in international commerce; and"

Page 3, line 14, strike out "and" the second time it appears therein.

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa that his two amendments be considered en bloc?

There was no objection.

Mr. CULVER. Mr. Chairman, both of these amendments I believe are noncontroversial in nature. They have been discussed thoroughly with the chairmen of the full committee and the subcommittee and the ranking minority member of the subcommittee. I believe they strengthen the intent of this particular section of the legislation by adding one additional area of study which I believe would be useful; and by requesting recommendations I think will strengthen, hopefully, the competitiveness of American business in international trade.

Mr. Chairman, the first amendment would add "environmental practices" to section 4 of the International Economic Policy Act.

There is justifiable mounting concern in every nation for preserving the quality of the world's environment. However, it is clear that environmental laws, designed to improve the quality of our environment, can have a substantial impact on international trade and investment relations.

Environmental controls influence the international competitiveness of many industries and can in a real sense be considered part of the larger and long standing set of problems associated with nontariff carriers.

The competitive effect of environmental control programs may lead to national policies to offset their trade competitiveness effect—much as export subsidies and import surcharges and other compensatory policies.

Therefore, there is an urgent need—satisfied by this amendment—to understand and analyze the international impact of environmental practices.

My second amendment would require CIEP to review the relationship of the U.S. Government and the American private business sector, and then make recommendations to insure that American business remains competitive in international commerce.

Historically, although perhaps not always in real practice, the private sector and the Government have preferred to operate at arms length. All too often where we have seen Government respond to business interests it has been with regard to situations where special narrow private interests rather than broader public purposes have been served. We can surely give constructive thought to ways in which a more progressive and enlightened relationship of mutual benefit can be forged.

Today, there is much discussion in both U.S. business and U.S. Government circles about the unique and close relationship between the private business sector in Japan and Europe. There are some who feel that the U.S. should learn from, and adopt some of the programs and policies utilized by "Japan Inc"; for example, so as to move in concert toward desired, rational objectives as opposed to merely marshalling Government resources to protect noncompetitive obsolescence at public expense.

Obviously, models suitable for one society rarely fit another, but undoubtedly much of value and possible application can be learned from careful study of various systems.

The international economic realities of today require a review of the traditional relationship between the U.S. Government and the American private business sector in order to assure our competitiveness. The yearly report published by CIEP is, I submit, the proper forum for such a review since CIEP is charged with coordinating U.S. domestic and international economic policy in order to formulate a balanced U.S. policy.

Mr. ASHLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my understanding that the gentleman from Iowa has discussed his amendments with the Executive Director of the Council on International Economic Policy and has won favor in that discussion. Is that correct?

Mr. CULVER. Yes. I have been advised by the Director that he has no objection to these amendments.

Mr. ASHLEY. Mr. Chairman, we have no objection to the amendments and urge their adoption.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have reviewed the amendments on this side and will in fact accept the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Iowa (Mr. CULVER).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN: Add new section 6 on page 3 as follows:

"SEC. 6. Notwithstanding the provisions of section 208 (a) of the International Economic Policy Act of 1972, any future Executive Director of the Council on International Economic Policy appointed after the date of the enactment of this bill shall be appointed by the President, by and with the advice and consent of the Senate."

Mr. WHALEN. Mr. Chairman, this amendment does one thing. It requires that the Executive Director of the CIEP, who may be appointed hereafter, will be subject to Senate confirmation. This is somewhat similar to the amendment to this bill which was adopted unanimously by the House last year, the single difference being that this has prospective effect, whereas the amendment adopted last year had current effect.

Let me cite a couple of reasons why I feel this amendment should be adopted. First of all, the Constitution directs that the Congress shall have control over foreign trade, foreign commerce. It seems to me, therefore, that any organization established within the executive branch of Government should come under the direct scrutiny and supervision of the U.S. Congress.

This Executive Director is a statutory position created by the Congress. Therefore, since it is a creature of Congress, I think that the occupant of that position should be confirmed by the Senate.

The second reason is that this is a super agency, in effect. It is designed not only to create international economic policy, but also to coordinate. In view of the power which is being vested in this organization, in this council, I think it is very important that the chief operator, or the person given responsibility for administering the affairs of the council should, since he is appointed by the President, be subject to Senate confirmation.

For this reason, therefore, I hope that the House will adopt this amendment. Let me say that whereas last year the House incorporated in this bill the provision for Senate confirmation, the Senate did not ask for it. However, the Senate bill this year does have this provision in it, so I think that that question has been resolved.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, does the gentleman now say that the creature of this assembly should be——

Mr. WHALEN. Mr. Chairman, I said this is a creature of Congress.

Mr. HUNT. Mr. Chairman, the Executive Director is a creature of Congress. Does the gentleman think this organization did a good job last year, since it was created?

Mr. WHALEN. Mr. Chairman, I am not discussing last year.

Mr. HUNT. Mr. Chairman, I want the gentleman to discuss it. Since he wants to make the director a creature of the Senate, I want him to discuss whether or not he thinks it did or did not do a good job.

Mr. WHALEN. Mr. Chairman, I think that remains to be seen. I think the gentleman's question is not relevant to the situation.

Mr. HUNT. Mr. Chairman, it is relevant to many of us. The question has been asked before.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to my colleague from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Chairman, I would like to go on record as supporting the amendment. I understand it is only prospective, for the director who will be appointed.

Mr. WHALEN. That is correct.

Mr. J. WILLIAM STANTON. Mr. Chairman, I think it is a very good amendment.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to my colleague from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, I think a word of explanation is in order as to why the legislation before us is silent on the matter of confirmation.

It should be remembered, as my good friend from Ohio has pointed out, that last year the House did act on this when it adopted an amendment as suggested, I believe, by the gentleman from Iowa (Mr. CULVER). That amendment calling for confirmation was resoundingly adopted in the House. However, the Senate, which of course has the responsibility for confirmation, insisted to the contrary, that confirmation in their view at that time was not necessary.

Mr. Chairman, it is true that we have learned some things about the Council on International Economic Policy since that time. It is also a fact that the Senate has acted with respect to legislation similar to that which is being considered by us at this time.

The legislation has been adopted in the other body, and it does make provision for Senate confirmation. That being the case, Mr. Chairman, the view of the subcommittee on international trade, quite frankly, has changed.

I have no objection whatever to Senate confirmation of the Executive Director. I am most certainly mindful of the action taken by the House last year in this respect. Inasmuch as the other body now is of a different view from what it was last year, and has asserted itself with respect to this prerogative, I believe the gentleman's amendment is a prudent one and a good one, and I would recommend it be adopted.

Mr. WHALEN. I thank the gentleman for his support.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment offered by the gentleman from Ohio. Frankly, this amendment was not discussed before our committee this year.

It has never been discussed before any of the Members of the committee I know of until this hour.

I know that the practice of drafting legislation from the Banking Committee on the floor of the House is a very frequent thing, and I have learned to adjust myself to that. To propose amendments of this sort, without any legislative history, without any hearings, without any discussion, I believe is unwise. It is not that we are going to limit banking legislation to wise legislation; I have adjusted myself to the realities of that as well.

I would like to urge my colleagues to oppose this amendment as being unwise, unwarranted, and completely unnecessary.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

I have had quite a bit to say recently about the need for the Congress to be aware of its proper role in our Government.

The gentleman from Ohio is precisely right. The Constitution gives to the Congress the responsibility for the regulation of commerce.

I have served for some 18 years on the Committee on Interstate and Foreign Commerce. In the regulation we normally utilize independent regulatory commissions. Here there is no independent regulatory commission. At the very least the Executive Director should be subject to confirmation by the Senate.

I believe it is an excellent amendment. I believe it reenforces and underscores the importance of the role of the Congress, and I strongly urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

The question was taken; and on a division (demanded by Mr. ASHLEY) there were—ayes 88, noes 44.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GIBBONS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8548) to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes, pursuant to House Resolution 468, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROUSSELOT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 322, noes 62, not voting 49, as follows:

[Roll No. 311]

AYES—322

Abdnor
Abzug
Adams
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dickinson
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Fascell
Findley
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Lott
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schneebeli
Sebelius
Seiberling
Shoup
Shriver
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NOES—62

Anderson, Calif.
Bafalis
Baker
Beard
Burke, Fla.
Burleson, Tex.
Byron
Camp
Clancy
Collins, Tex.
Crane
Daniel, Dan
Davis, Wis.
Devine
Dorn
Duncan
Goodling
Gross
Gunter
Hanrahan
Holt
Hudnut
Hunt
Ichord
Jones, N.C.
Jones, Tenn.
Ketchum
Kuykendall
Landgrebe
Long, Md.
Lujan
McKay
Maraziti
Mathis, Ga.
Michel
Mizell
Moss
Myers
Owens
Parris
Powell, Ohio
Quillen
Rarick
Roncalio, N.Y.
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schroeder
Shuster
Snyder
Spence
Steiger, Ariz.
Symms
Taylor, Mo.
Towell, Nev.
Treen
Wyatt
Wylie
Young, Fla.
Young, S.C.

NOT VOTING—49

Addabbo
Ashbrook
Badillo
Barrett
Bell
Biaggi
Blatnik
Breaux
Clark
Conyers
Danielson
Dent
Derwinski
Diggs
Dingell
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fish
Fisher
Ford, William D.
Frey
Griffiths
Gubser
Hansen, Wash.
Hébert
Holifield
Jones, Ala.
King
Melcher
Mills, Ark.
Minshall, Ohio
Mosher
Poage
Reid
Rooney, N.Y.
Sandman
Shipley
Sikes
Sisk
Stubblefield
Teague, Tex.
Thompson, N.J.
Tiernan
Whitten
Wiggins
Wilson, Charles, Tex.
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mrs. Hansen of Washington.

Mr. Teague of Texas with Mr. Biaggi.

Mr. Rooney of New York with Mr. Dingell.

Mr. Hébert with Mr. King.

Mr. Dent with Mr. Sandman.

Mr. Holifield with Mr. Badillo.

Mr. Breaux with Mr. Ashbrook.

Mr. Danielson with Mr. Gubser.

Mr. Barrett with Mr. Conyers.

Mr. Addabbo with Mr. Fish.

Mr. Blatnik with Mr. Bell.

Mr. Clark with Mr. Derwinski.

Mr. Fisher with Mr. Tiernan.

Mr. Reid with Mr. Esch.

Mr. Evins of Tennessee with Mr. Eilberg.

Mr. Shipley with Mr. Minshall of Ohio.

Mr. Sikes with Mr. Frey.

Mr. Evans of Colorado with Mr. Mosher.

Mrs. Griffiths with Mr. Wiggins.

Mr. Melcher with Mr. Mills of Arkansas.

Mr. Diggs with Mr. Sisk.

Mr. Stubblefield with Mr. Whitten.

Mr. William D. Ford with Mr. Wright.

Mr. Charles Wilson of Texas with Mr. Jones of Alabama.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, pursuant to the provisions of House Resolution 468, I call up for immediate consideration the bill (S. 1636) to amend the International Economic Policy Act of 1972.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of the bill S. 1636 and insert in lieu thereof the provisions of H.R. 8548, as passed, as follows:

That section 205 of the International Economic Policy Act of 1972 (86 Stat. 647) is amended by—

(1) striking out "(1) The President.";

(2) striking out "be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place" and inserting in lieu thereof "designate the Chairman of the Council from among the members listed in paragraphs (1) through (9)"; and

(3) redesignating paragraphs (2) through (10) as paragraphs (1) through (9) respectively.

SEC. 2. Section 209 of the International Economic Policy Act of 1972 (86 Stat. 649) is amended by striking out "1973" and inserting in lieu thereof "1975".

SEC. 3. Section 210 of the International Economic Policy Act of 1972 (86 Stat. 649) is amended by striking out "1973" and inserting in lieu thereof "1974".

SEC. 4. Section 207(a) of the International Economic Policy Act of 1972 (86 Stat. 648) is amended by redesignating paragraph (4) as paragraph (5), by striking out "and" at the end of paragraph (3), and by inserting immediately after paragraph (3) the following new paragraph:

"(4) a comparative description and analysis of the following subject matter, with respect to the United States, the European Community and principal countries within the European Community, Japan, and whenever applicable, the Union of Soviet Socialist Republics—

"(A) research and development expenditures, and productivity and technological trends in major industrial and agricultural sectors;

"(B) investment patterns in new plant and equipment;

"(C) industrial manpower and training practices;

"(D) tax incentives and other governmental financial assistance;

"(E) export promotion practices;

"(F) share of the export market, by area and industrial and agricultural sectors;

"(G) environmental practices;

"(H) antitrust practices; and

"(I) long-range governmental economic planning programs, targets, and objectives".

SEC. 5. Section 205 of Public Law 92-412 is amended by adding "The Secretary of Transportation."

SEC. 6. Section 207(a) of the International Economic Policy Act of 1972 is amended by redesignating paragraph (5), as redesignated by section 4 of this Act, as paragraph (6), and by inserting immediately after paragraph (4) the following new paragraph:

"(5) a review of the relationship between the United States Government and American private business with respect to the categories of subject matter listed in subparagraphs (A) through (I) of paragraph (4) and any other appropriate areas of information, together with recommendations for appropriate policies and programs in order to insure that American business is competitive in international commerce; and".

SEC. 7. Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, any future Executive Director of the Council on International Economic Policy appointed after the date of the enactment of this bill shall be appointed by the President, by and with the advice and consent of the Senate.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 8548, was laid on the table.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill S. 1636 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, I object to that request.

The SPEAKER. Objection is heard.

AUTHORIZING THE CLERK TO CORRECT SECTION NUMBERS AND PUNCTUATION IN S. 1636

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendments to S. 1636 the Clerk be authorized to correct section numbers and punctuation to reflect the action taken by the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING FRIDAY, JUNE 29, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

A LETTER TO THE PRESIDENT: WHY IS THERE THE CONTINUING NECESSITY FOR AMERICAN AIR POWER TO BE UTILIZED IN CAMBODIA?

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I am addressing a letter to the President which was mailed yesterday, which I will insert in the RECORD today for the benefit of my colleagues. The purpose of the subject matter of my letter is the vote to terminate Cambodian bombing last Monday, on which I cast my vote to terminate the bombing.

Mr. Speaker, I have posed some questions to the President as to why it is necessary to continue to act in Cambodia and Laos when we have a very powerful army in the form of the South Vietnamese, a very powerful military force that we have built up with our training and with our military supplies and hardware.

I am asking the question, Mr. Speaker, of the President why it is necessary that American forces be used in Southeast Asia when the South Vietnamese have a great deal more to lose there than we have.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 27, 1973.

President RICHARD M. NIXON,
THE WHITE HOUSE,
Washington, D.C.

MR. PRESIDENT: As you are aware, I have been one of your more steadfast supporters regarding your policies in Southeast Asia since your assumption of the Office of the Presidency. In like manner, I supported President Johnson when I first arrived in the Congress. I felt that the President was the only person constitutionally authorized to negotiate agreements on behalf of the United States and, as a practical manner, the Congress as an institution is not equipped to handle negotiations.

I congratulate you on the success which you have achieved on the return of our American prisoners, and your success in developing in South Vietnam one of the strongest and best equipped military forces in the world.

The question which I present to you today by this letter arises because you are finding it to be a continuing necessity that American air power be utilized in Cambodia and, I assume, in Laos.

Inasmuch as we have assisted the South Vietnamese in developing a military capability, I want to know why the South Vietnamese cannot be of assistance to Cambodia? Certainly, the South Vietnamese have a great deal more to lose than we if the friendly government of Lon Nol collapses. They will find themselves once again facing North Vietnamese troops who enjoy the advantage of logistics, bases, as well as regrouping and recuperating areas across their borders in Cambodia.

I further cannot understand why the South Vietnamese are not using their ground forces in a more meaningful manner against the North Vietnamese forces in Cambodia, in South Vietnam, and even more realistically against the territory of North Vietnam itself. So long as South Vietnam is maintained in a defensive posture, always granting the enemy the tactical advantage of choosing the time and place of doing battle, the ultimate collapse of South Vietnam appears to me to be inevitable.

I voted against the continuation of American bombing in Cambodia this week because I have had enough of a permanent no-win policy in Southeast Asia. I think the South Vietnamese are capable of fighting, and fighting well, so long as they can see an ultimate hope of victory in ridding their land of North Vietnamese forces, including the destruction of North Vietnam as a military and political threat. So long as the territory of North Vietnam remains inviolate to South Vietnamese attack, her willingness and capability to continue her mischief and barbaric actions will be demonstrated.

I do think as a congressman who must speak for, and answer to, 450,000 Americans, I am entitled to answers to these questions before I can be asked to support "secret" negotiations leading to secret deals which by every objective standard appears to point to ultimate disaster for our cause.

Respectfully,

Ben B. Blackburn,
Member of Congress.

"Z" REVISITED

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, the attention of the public has been riveted this week on the testimony of former White House Counsel John Dean. The revelations Mr. Dean and prior witnesses have disclosed before the committee have stunned and dismayed the country. But perhaps the most alarming information is that the Internal Revenue Service, the CIA, the FBI, and the Secret Service have been used to further the political interests of the administration by intimidating and harassing opponents.

Testimony implicates the former Acting Director of the FBI as having illegally destroyed documents, the CIA as having assisted in a criminal burglary in connection with the Ellsberg case, and the Secret Service as having fed the White House information on Senator George McGovern's activities during the Presidential campaign. Furthermore, it has been suggested that the Justice Department, through its then Assistant Attorney General, Henry Petersen, aided the Watergate coverup and provided secret grand jury testimony to White House aids.

We now have testimony that a special service group was established in the Internal Revenue Service "to receive and analyze all available information on organizations and individuals promoting extremist views and philosophies." And, there is evidence that the administration placed pressure on IRS to conduct audits on certain of its political adversaries.

While the Senate committee continues its investigation of the Watergate affair, I think the House has an obligation through its committees, and particularly the Government Operations Committee, to exercise its oversight responsibilities over these Federal agencies and immediately investigate the allegations that their authority was abused on behalf of the political interests of the White House. Furthermore, we must take steps to make certain that such illegal and immoral activities do not occur again.

Presently, a House Armed Services Subcommittee is reviewing the alleged involvement of the CIA in the Ellsberg case. And, Chairman Wilbur Mills has ordered the staff of the Joint Committee on Internal Revenue Taxation to investigate Mr. Dean's allegations that the Internal Revenue Service investigated the tax returns of political activists at the request of the White House. But, this is not enough. In addition to these inquiries, it is imperative that the House Government Operations Committee investigate all allegations of improper activities by the Federal agencies and maintain a continuous vigilance in the future to prevent the recurrence of these and other abuses.

The closest analogy to what we see unfolding before us was that depicted in the movie "Z." Fortunately, this assault on our Republic was uncovered before we were permanently stripped of our democratic liberties.

THE FREEZE MUST END FOR FOOD PRODUCTION

The SPEAKER pro tempore (Mr. Mazzoli). Under a previous order of the House, the gentleman from California (Mr. Veysey) is recognized for 15 minutes.

Mr. VEYSEY. Mr. Speaker, today I have appealed to the President of the United States and to the Cost of Living Council, for an immediate end to the freeze on prices within the agricultural marketing structure. In California, as in agricultural areas throughout the Nation, farmers and businessmen who depend on agriculture are facing bankruptcy en masse.

Prices throughout the system are frozen below cost. For many, the control period of June 1 to 8 was a transitional period when prices had not yet adjusted to new increases in costs of production.

Agricultural prices are almost always undergoing a similar transition, and any freeze is extremely dangerous. The food and feed marketing system must maintain a high degree of flexibility in order to maintain a normal flow of goods to the consumer.

As of now, the freeze threatens to create severe poultry shortages by July 31, severe pork shortages by September 1, severe milk and dairy product shortages by Christmas, and severe beef shortages by Easter of 1974. These shortages will virtually be assured if the freeze is allowed to continue through July.

Already, growers, farmers, and ranchers in California and nationwide are sharply curtailing production. Breeding stock is going to market. Trucks are lined up at sale barns loaded with the parent stock which was to have supplied next year's red meat. Feed prices are simply too high to afford.

Peaches, pears, oranges, carrots, watermelons, grapefruit, tomatoes, potatoes, and other commodities are also under severe stress. Buyers are refusing delivery on the new crop in many cases, because their price is frozen below profit level.

Feed producers are also facing bankruptcy. Their prices are frozen at $5 to $15 per ton below their cost, and some have already shut down. This further complicates the severity of livestock producers, as their feed supplies dwindle.

Let us look at individual situations.

Pear producers and peach producers are today unable to get from the canners the price they need to break even. They are hamstrung in their negotiations for price on the new crop because the canners are, at best, limited in their ability to predict what price they can pass on to the consumer. Hence, the entire 1973 crop will likely be contracted at prices far below profit levels.

The same situation perils producers of virtually every kind of fruit in California. Some prices were especially low last year—and in fact, below profit levels in many cases. And those producers desperately needed a good price this year to recover.

Growers of fresh tomatoes, grapefruit, and carrots were caught in the vice of seasonal marketing patterns. The end of the harvest of a crop in one part of the country, with the usual cutrate, cleanup prices, actually set the freeze price for California's production.

Tomato growers in Arizona, the Imperial Valley of California, and Mexico were wrapping up their harvest and selling out the tail end of the crop. Prices were winding down at $4 per box on June 1.

At that time, shipping had not begun in the Central Valley of California, where the break-even price is about $7 per box.

Today, the tomato grower in central California is frozen at $4 because the chainstore buyers were selling $4 tomatoes to the consumer during the first week in June. The quality factor is nonexistent in this freeze.

Grapefruit prices were frozen at levels far below profit. The week of June 1–8 saw the market cleaning up tail end fruit from the Florida crop, and preparing for the new crop in California. That bargain-basement price is now the freeze price for grapefruit. Although there is now some promise that that price will be adjusted, this is one more example of how the complicated agricultural market system is strangled by a freeze such as this.

Carrot producers in the Salinas Valley provide another example. With the breakeven price at over $5 a box, the freeze was set at around $3.50. This happened simply because the tail end of the crop from my district—the Imperial Valley was on the market in early June.

In California today, the price received by farmers for eggs is effectively frozen at 5 cents per dozen below his cost of production. This has happened at just the time when our egg ranchers were getting back on their feet after an extended period of low prices and high losses. The industry cannot stand another blow, and already many small and several larger producers have begun to fold.

The feed industry, which supplies the livestock industry, finds itself in an impossible situation. During the past several months, the price of feed ingredients, especially soybean meal and other protein sources has been moving sharply higher. Feed manufacturers have been slowly raising their prices accordingly, but in trying to protect their customers—the livestock and the poultry producers—the feed manufacturer has struggled to hold the increase in feed prices to a minimum. In many cases, he has taken a loss for the short term rather than increase his price too sharply to the farmer.

That very necessary practice, which is common in agricultural marketing—that of protecting one's customer by sharing in the ups and downs in costs and prices—has now placed the feed producer in an untenable position. Soybean and other protein feed supplements continue to move sharply higher, and the producer is frozen at prices which he set purposely below his cost in early June.

The major suppliers of livestock feed to southern California's important beef, dairy, and poultry industries are each losing money today at the rate of $100,000 per month. Smaller feed companies are losing over $1,000 per day. I submit that we will have crippled livestock, poultry, and dairy industries in short order, with feed producers losing that kind of money.

It is only commonsense that the freezing of meat prices is a bit irrelevant if there is no meat to buy.

Mr. Speaker, if the freeze continues much longer, our food supply and food marketing system will be entrenched in the gutters of black marketeering.

I appeal to my colleagues today to join me in this effort. It is not just the farmer, not just the institution of American agriculture, but the entire economy and the welfare of every consumer in this country that is at stake.

The specter of a severe food shortage, with families going hungry across the Nation, looms very real today.

While the imposition of a freeze may hold consumer prices down by a few cents per pound for a few weeks, the end result will surely be utter chaos at the marketplace and economy-wrecking prices.

The freeze must be lifted and an orderly phase IV, perhaps with price controls tied to profit margins, must be implemented immediately. And that phase also must be geared toward reinstating free market conditions as soon as possible.

Mr. Speaker, California's agriculture supplies one-fourth of the Nation's table food, and 40 percent of our fresh fruits and vegetables.

Agriculture supplies half of our State's water borne exports, and one-half of the trucking business. It also supplies one-third of our rail shipments, and one-third of all of the jobs for 21 million residents.

Agriculture in California is a $5.7 billion industry annually—and a major share of that industry goes into exports each year—one of the few plus factors in this country's balance of payments.

Agriculture nationwide, in fact, is the only industry we can count on year after year, to improve our balance-of-payment situation. And I do not have to remind any of my colleagues how crucial that situation is. Without a healthy agriculture, and a healthy agriculture price and marketing structure, our economic problems will be compounded many times over.

Mr. Speaker, I urge that the Congress take serious note of this problem today. It is not a philosophical question, nor is it a rural-urban question. It is courting economic disaster for all Americans to continue the price freeze on food and the food production-marketing system.

THE SUPREME COURT AND PORNOGRAPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the Supreme Court's recent decision on pornography has supplied our States and local communities with some much-needed ammunition to rid bookstores and movies of obscene matter.

I applaud the Court's decision which abandoned the idea that all parts of the country must follow a national standard on what is obscene.

The Court reversed its previous trend toward permissiveness and laid down tougher new guidelines that can be used by the States and local governments in determining what books, films, or pictures may be banned as pornographic.

No longer must it be proved that a work is "utterly without redeeming social value" before it can be prohibited.

That rule, adopted in 1966, has been held largely responsible for the wave of dirty books and pictures that has swept the country in recent years.

Local community standards will now be used in determining whether material is obscene. As Chief Justice Warren Burger put it in the Court's majority opinion:

> To require a state to structure obscenity proceedings around evidence of a national community standard would be an exercise in futility.

The Chief Justice explained that it was not realistic nor constitutionally sound to read the first amendment as requiring that the people of a city like Mobile, Ala., have to accept public depiction of conduct found tolerable in cities such as Las Vegas or New York.

Defining what actually is obscene has been the most difficult part of obscenity cases in the past. The High Court, in its new decision, prescribed a new test to determine what State laws may prohibit.

The opinion said:

> Works may be banned, if, taken as a whole, they appeal to prurient interests; if they portray sexual conduct in a patently offensive way; and if they, taken as a whole, do not have serious literary, artistic, political or scientific value.

In holding that a jury may judge a work's obscenity by the standards that prevail in its community, the Supreme Court also listed a number of guidelines for State and local courts to follow.

The decision was by a 5-to-4 vote. All four of the Justices appointed by President Nixon voted with the majority: They are Chief Justice Burger, Associate Justices Harry Blackmun, Lewis Powell and William H. Rehnquist. They were joined by Associate Justice Byron White.

This "conservative" swing is a trend that has been developing in the Supreme Court over a period of time.

I have shared the concern of the people of Alabama and the first district over the smut and pornography that have plagued our Nation and I have introduced legislation to control the mailing or selling of indecent matter and to let the local community determine its own standards.

So it is welcome news to me to see that the Supreme Court has reversed its earlier permissive rulings, and I am sure it is good news, too, to the many citizens who have voiced concern and who have tried in vain to rid our communities of smut.

THE BIG THICKET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN) is recognized for 5 minutes.

Mr. STEELMAN. Mr. Speaker, the Big Thicket region in southeast Texas is one of America's last natural wilderness areas. It is an area unique to the United States, for nowhere else does there exist such a mixture of zoological and botanical life: temperate and tropical, western and eastern. "The Biological Crossroads of North America" is not an exaggerated description of this beautiful area.

The Big Thicket is being threatened with extinction however. Only a century ago it contained over 3 million acres. As late as 1938 over a million acres existed untouched. Today there are hardly 300,000 acres of the thicket remaining.

In order to protect the Big Thicket from completely disappearing, today I am introducing a bill to create a 100,000 acre Big Thicket National Biological Reserve.

Almost everyone agrees that there should be a portion of the Big Thicket set aside in order to be preserved in its natural state. The disagreement arises over how much land will be saved. Various groups have supported many proposals of from 35,000 acres up to 200,000 acres. I have had extensive consultations with my colleagues of the National Parks Subcommittee of the Interior Committee, the administration, and environmentalists throughout Texas. In February of this year I took a personal inspection tour of the Big Thicket area. For these reasons I believe the 100,000 acres included in my bill are reasonable and equitable to all parties concerned. The boundaries I have suggested exclude as many year-round residences as is possible. Just and adequate compensation is provided for the acquisition of private property.

This bill also contains a section which I consider vital toward the protection of the thicket. The "redwoods" provision allows the Federal Government to physically acquire the land provided for in the bill on the actual date of enactment. The biological reserve will thus be saved from further destruction as soon as the bill is enacted. No other bill has been proposed which includes this provision, which is especially important for the Big Thicket. The normal time lag between the dates of enactment and acquisition will not occur; an interim which otherwise would allow the decay of the thicket to continue at its present pace, or possibly faster.

We cannot delay any longer to preserve the Big Thicket. Now is the time for positive action to be taken by the House and all concerned parties. This beautiful and unique area in Texas must be saved.

CONGRESSMAN DON H. CLAUSEN ADDRESSES THE 11TH PAN AMERICAN HIGHWAY CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 10 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to take this opportunity to bring to the attention of the Congress a statement I made to the 11th Pan American Highway Conference in Quito, Ecuador.

I believe my remarks at that time retain their contemporary interest in view of the need to reassert our commitment among the nations of the Americas to treat each other with a mutual respect in a true spirit of brotherly love.

Therefore, Mr. Speaker, I shall insert my statement at this point in the CONGRESSIONAL RECORD.

STATEMENT BY THE HONORABLE DON H. CLAUSEN

On December 9, 1967, you accorded me the high privilege of addressing your plenary session in Montevideo, Uruguay.

At that time, I referred to the Pan American Highway program as "the most important single undertaking of our time"—"a coordinated and integrated road and highway system for the Americas."

"As we work toward this desired multination and inter-continental integrated system of highways, one cannot help but visualize the ultimate formation of a Common Market of all the Americas."

Today, it is with pleasure that we are able to report positive progress in the development of the Darien Gap Highway as the key segment remaining to be completed in the Pan American Highway.

Culminating 6 years of Darien Surveys, a formal report was prepared by the Darien Subcommittee entitled "Final Conclusions and Recommendations Regarding the Location, Design and Construction of the Pan American Highway Through the Darien Gap of Colombia and Panama." This report was formally presented to the Permanent Executive Committee President, Eduardo Dibos D., during the meeting of the Permanent Executive Committee of the Pan American Highway Congresses in Lima, Peru, in February 1969.

March 19, 1969, in the Council Chamber of the Pan American Union in Washington, D.C., and attended by members of the Permanent Executive Committee, Darien Subcommittee, Officials of National and International Highway organizations, the Final Report of the Darien Subcommittee was presented to the Secretary General of the OAS, Dr. Galo Plaza, by Don Romulo O'Farrill, our beloved Honorary Life Chairman of the Permanent Executive Committee—the "champion of the Pan American Highway System."

On June 10, 1969, in the House of Representatives of the United States Bill H.R. 12014 was introduced by myself along with colleagues Congressman John C. Kluczynski of Illinois and Jim Wright of Texas. The Bill would authorize the United States to cooperate with the Governments of Panama and Colombia in the construction of the Darien Gap Highway in these two countries to thus connect the Inter-American Highway with the Pan American Highway and authorize $100 million to pay two-thirds of the cost of construction of the highway.

Passage of the Federal-Aid Highway Act of 1970, on December 31, 1970, was signed by President Nixon; thus the construction of the Darien Gap Highway was assured. This was a memorable occasion for all those who had worked for many years to make the closing of the missing link of the Pan American Highway System a reality.

In a historic ceremony May 6, 1971, at the Pan American Union in Washington, D.C., the Governments of Colombia, Panama and the United States executed the final agreements for the construction of the Darien Gap Highway.

In signing the agreements for the United States, Secretary of Transportation John A. Volpe said, "The international project now agreed to will benefit all the Americas. It will bring both social and economic gains to all the countries of the Hemisphere."

Before the end of the fiscal year June 1, 1971, President Nixon requested supplemental appropriation by the United States Congress in the amount of $5 million for the Darien Gap Highway. These funds were immediately obligated and an announcement made to call for bids August 31, 1971, on the section of the Darien Gap Highway in Panama between Canitas and the Bayano River including the Bayano River Bridge.

In the 1972 budget, President Nixon and the Congress appropriated $15 million to continue to fulfill contract and construction commitments.

The continuing and intense interest of the United States Congress was next demonstrated when Mr. Wright, myself, and our House Roads Subcommittee, visited Colombia, Panama and the Darien Region to observe "on-the-spot" the construction problems to be encountered, the effect on the environment, the concerns of the native population of the area and, most importantly, to gain a greater understanding of the unique terrain, swamp and meteorological problems associated with this "impossible" construction project.

A helicopter flight over the proposed routing, an overnight stay in a Choco Indian village and meetings with native leaders—deep in the Darien Jungle—made a profound impression on all of us, as we sought to develop a fuller appreciation for the problems ahead.

All planning is aimed at "holing through" the Darien Gap with 5 years. If weather and construction conditions permit, it is our hope to accelerate the construction timetable. We are determined to complete the project and "close the Gap" at the earliest practicable date.

This presents a tremendous challenge to everyone connected with the program—from the political, administrative and financial people of our governments to the scientific, engineering and builder personnel that must accomplish the work.

The Darien Gap—long famous and challenging as the "Impossible Road Construction Project of our Hemisphere" will continue to intrigue the imagination until it is finally completed and the Pan American Highway—from Alaska to Argentina—linking the Americas—truly becomes Inter-Continental, thereby setting the stage for the unlimited economic, social, educational and cultural benefits that will become available to the people of North, Central and South America.

Where do we go from here?

In many ways, highways are comparable to the blood circulation system of our own body. The Pan American Highway is the main artery of the highway system for the Americas. Feeder roads form the main network which carries blood into the main artery. When there is active circulation of blood through the veins and arteries, the surrounding body tissues are kept healthy. Likewise, when feeder and lateral roads stimulate the production, trade and travel that flows into the main highways of our lands, our economies prosper and the lives and living conditions of our peoples benefit.

This analogy has proven useful to me. It has helped me to understand and relate the role of highways, coordinated with other land, sea and air transportation, and how these, in turn, serve the ultimate goal of national and inter-continental development.

I have often talked about the need for integrated national transport systems as a vital ingredient of national progress. By that I refer to the rational, planned, coordinated and integrated system of different transport modes that function together efficiently and economically in serving the transport needs of our societies.

But just as the human brain directs and coordinates our bodily functions, so likewise national development planning through the Pan American Highway Congress and OAS must serve to integrate our transport systems into the total development process of the Americas.

We in the United States have long ago learned the lesson that a well-developed transport system operating alongside an inadequately developed agricultural or industrial structure has very limited benefits.

In this sense, highways and transport systems are instruments by which national development and individual mobility are served. They are not ends in themselves. For example, a farm-to-market road program which is not integrally linked to a well-conceived agricultural development plan, providing research, extension, farm credit, and marketing services, is unlikely to bring progress to the rural community or a better life for its inhabitants.

From this analogy, I arrive at the conclusion that the basic goal of all of us who are interested in highways is national development. Our job does not end when we plan and finish construction of a highway. We must not be satisfied when the main arteries and veins of a transport system are in place. We must all actively involve ourselves in ensuring that a vigorous flow of blood is pumped through these arteries and veins. That means we must concern ourselves increasingly with national development strategies, with sectoral plans for agricultural and industrial development, with plans for balanced regional economic growth and urban decentralization. Only by involving the technical and management capabilities of the transport sector in the broad tasks of a national development planning will we realize our common goal—highway systems which will serve as the vital lifestreams of growth and individual betterment.

MY VIEWS ON A NEW LATIN AMERICAN POLICY

In discussing United States policy toward Latin America, I have often said, "We do not wish to be looked upon as your fathers; we prefer to be your brothers." Behind this phrase, there is a long history of continuing debate as to what the proper relationship should be between the United States and our neighbors to the South. That debate spans long periods of our history from the Monroe Doctrine, through the Good Neighbor Policy, and the Alliance for Progress, up to the present. Each phase of our evolving policy toward Latin America responded both to an assessment of United States interests and of the realities of our relationships in the Hemisphere.

The change in our desired role from being "fathers" to "brothers" goes to the very core of President Nixon's concept of the "mature partnership" we wish to have with our Latin American friends. As I have observed our working relationship during the sessions of our Pan American Highway Congresses, I have come to the firm conclusion that we are all proud of our national heritage, yet we are also willing to share ideas that will be helpful to all.

Why have we moved to this new policy and new diplomatic style?

We have realized that our Latin American neighbors have made great strides in recent years in the complicated tasks of nation building and economic and social change. These nations are increasingly flexing their "muscles of maturity" as they develop their self-confidence, as they thrust ahead in their efforts to modernize, and to bring the benefits of growth to more of their people.

We, too, have assessed our national interests and the realities of contemporary Latin America.

We have come to the conclusion that the special relationship we seek with our Latin American friends must be such as to assist the processed of change in an atmosphere of mutual respect, confidence and cooperation.

That special relationship must recognize the need of our neighbors to reconcile their interests in close ties with us with their determination to mold their own destinies.

It must be based on an understanding that our neighbors must determine their own national structures, their own solutions to their national problems, and setting their own priorities. Above all, it implies that our friends in Latin America must also live with the results of their own decisions and actions.

This is the essence of the mature partnership we seek.

On our side, a strong commitment to assist and cooperate, as requested, in dealing with the problems of change and growth in the Americas.

On the side of the Latin Americans, a growing sense of constructive nationalism and maturity in making a better life for their own people.

As this partnership develops and mellows with time, we not only help each other, but strengthen the quality of our political, social and economic institutions that bind us together in the Inter-American system.

In presenting my personal assessment of our relationship of the past, I am of the firm opinion that we must all accept a proportionate share of the blame for the problems that have not been resolved in an orderly manner.

Why has this occurred?

In my view, we have all wavered from one extreme to another—all the way from "benign neglect" on the one hand to the "bear hug" on the other.

When we needed each other desperately, we would join together to meet a common threat to our respective interests.

After the threat had passed, we would fail to communicate adequately, to "keep in touch", thereby neglecting to recognize or deal with promptly the increasing problems associated with the challenges of change in this jet-space-nuclear-technological age.

The result has been smothering paternalism wrapped in a blanket of immaturity, misunderstanding, unfulfilled promises and mounting uncertainty.

The time has come for all Americans, North, Central and South, to stand up and be counted on a man to man basis—treat each other with mutual respect in a true spirit of brotherly love, as intended, originally, by our Creator.

We are all constructive, creative, dedicated and determined individuals and nations.

We must all realize, however, that by maximizing our organizational inter-dependence, we can enhance the cherished goal of independence.

We, the delegates of this Eleventh Pan American Congress, can and must show the way.

Just as the late President John F. Kennedy and the United States Congress said in the early 1960's, "We will put a man on the moon during this decade," I know it is the desire of President Richard Nixon and the United States Congress to cooperate in uniting the Americas during this decade of the 70's.

The closing of the Darien Gap, when completed, will serve as THE SYMBOL of Hemispheric cooperation and solidarity and as a living monument to you, the delegates of these Eleventh Pan American Highway Congresses.

THE HIDDEN DANGER IN THE WHALEN-BUCHANAN AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, when the House takes up the war powers resolution, House Joint Resolution 542, in July, our colleague from Ohio (Mr. WHALEN) has announced his intention to offer the following amendment:

AMENDMENT TO HOUSE JOINT RESOLUTION 542, AS REPORTED OFFERED BY MR. WHALEN

Page 3, strike out line 24 and all that follows down through line 5 on page 4 and insert in lieu thereof the following:

(b) Within one hundred and twenty calendar days after a report is submitted or is required to be submitted (whichever is earlier) pursuant to section 3, the Congress, by a declaration of war or by the passage of a resolution appropriate to the purpose, shall either approve, ratify, confirm, and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove such action in which case the President shall terminate any commitment and remove any enlargement of United States Armed Forces with respect to which such report was submitted.

I believe this is a dangerous amendment.

The purpose of war powers legislation is to reduce the likelihood of Presidential wars—especially long ones—and to enhance the role of Congress in the war powers field.

This amendment has to be considered in the light of that purpose.

By any reasonable test, it is a serious mistake and should be rejected. It works just backward.

First, it inevitably will have the effect of enhancing the President's war powers.

It will reduce the likelihood that a future President will ask the Congress for a declaration of war, because any President will quickly conclude that the Congress is less likely to halt his action through the operation of the Whalen-Buchanan amendment.

Under it, Congress can cause the President to terminate the engagement in hostilities only if both Houses agree. Under the traditional war declaration, one House—just one—can cause the declaration to fail and, therefore war policy to fail.

A war declaration must pass both the House and Senate to be effective. Thus one House can effectively veto a war by failing to approve the declaration.

With the Whalen-Buchanan language, a President will be less likely to use the war declaration approach in dealing with Congress.

Also, the Whalen-Buchanan amendment does not say whether the resolution by which Congress may disapprove a war will be concurrent or joint.

By leaving the ambiguous language "appropriate to the occasion" in describing the type resolution to be used by Congress, the bill yields control to the President.

In signing or vetoing this bill, President Nixon—or any President may announce that the appropriate resolution must be a joint resolution. Can we expect anything else? He will be protective of Presidential power, as every other President in history has been, and do his best to protect full Presidential flexibility in war-making. He will say that a concurrent resolution, or a simple resolution, is inappropriate to any such occasion.

This interpretation would not, of course, be binding on future events, but inevitably it would be cited by a future President if the section became operative in a crisis.

This would mean that a President could seek to nullify by veto a resolution by the Congress to disapprove.

In this case the power of the President would be immensely enhanced, because only by two-thirds vote of both Houses could the Congress effectively stop a Presidential war.

The Whalen-Buchanan language would reverse exactly the roles of the Congress and President. Instead of just one House being able to veto a war, the President would be able to veto a resolution agreed to by both Houses to stop a war.

The vote Wednesday on the supplemental appropriations override illustrates perfectly the position in which the Congress will find itself if the Whalen-Buchanan amendment is adopted. The President wants to continue acts of war in Cambodia. By majority vote the Congress has voted to halt these acts of war. Because of the Presidential veto and the failure of bombing critics to muster a two-thirds vote in both Houses, the bombing goes on.

Under the Whalen amendment, Presidents in the future will be able to continue indefinitely Presidential wars simply by retaining the support of one-third of either House.

THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SHRIVER) is recognized for 10 minutes.

Mr. SHRIVER. Mr. Speaker, I rise to review some of the facts of what has become one of America's most serious domestic concerns—the energy crisis, particularly as it affects the users of petroleum products. The adverse effects of this situation hinders both rural and urban life of the Nation. The energy shortage is of utmost importance to Kansas' Fourth Congressional District, which produces, stores, and transports much of the feed grain for the rest of the Nation.

CAUSES

With respect to refined petroleum products, demand now outstrips supply. This situation will become more serious, as the growth rate of demand is expected to rise 5.7 percent per year from now to 1975, 2.7 percent per year from 1976 to 1980, and 3 percent per year from 1981 to 1985. Simply, demand for petroleum products will increase from approximately 17 million barrels per day to over 26 million barrels per day in 1985.

To further aggravate the problem, domestic refining capacity is projected to be 25.7 percent short of total capacity required to meet 1975 demand. This means that production of crude oil products will be an estimated 4.8 million barrels per day short of required output.

The decline in exploration for and production of domestic crude oil has resulted in greater difficulties in obtaining assured crude supplies. This has an inhibiting effect of the expansion of domestic refining capacity. Furthermore, imported crude oil has a high sulfur content as opposed to the low-sulfur content of crude oil produced domestically. Since many U.S. refineries are designed for low-sulfur crude oil, they are rendered useless with respect to imported crude, unless necessary installation of extensive new equipment is undertaken to prevent damage and meet product specifications.

Second, environmental concerns have created a conflict between energy requirements and environmental goals. This has been the case in two ways: First, environmental issues have delayed—and in some cases—prevented new refinery construction; second, the development of deepwater port facilities—for that crude oil which is imported—has been inhibited because of environmental concerns.

Third, economic factors have inhibited exploration for, production and refinement of domestic crude oil supplies. Independent oil producers no longer find it economically feasible to explore for crude oil. This is caused, at least in part, by the reduced oil depletion allowance. The independent oil producers have been hardest hit by this reduction. Additionally, economic factors have deterred refiners from expanding to meet projected demand for petroleum products. Investment dollars are "tight," forcing refiners to compete for funds in capital markets, while offering a lower rate of return. Furthermore, this situation is seriously aggravated due to the uncertain nature of the market in the supply of oil. If the supply of crude oil is inadequate to meet current refining capacity, investors have little reason to build more refineries in a market where capital funds are already tight. This serves to multiply the adverse effect of the energy crisis in the long run.

EFFECTS

Thinking in short-term effects, rather than long-term potential problems, the energy shortage is an enigma to all walks of American life.

People traveling through the country may find it difficult to buy gasoline for their automobiles, as limitations of purchases may be—and have been—imposed; municipalities and county governments will continue to find it difficult to locate adequate supplies of fuel oil for their buildings and gasoline for their automobiles; farmers, the source of the Nation's food supply, are already experiencing serious shortages in both fuel oil, used for grain dryers, and gasoline required to operate necessary farm equipment.

The deficiencies currently suffered by farmers are twofold, and perhaps more serious to the Nation as a whole. First, this summer's harvest is endangered by fuel shortages. This is serious enough, but when added to the prospect of a continued shortage of fuel into the planting season, preventing the planting and cultivation of crops, the production of food for the Nation may be seriously threatened.

In attempting to survey my constituency about the fuel shortage, I have found some examples of how the "energy crisis" is affecting citizens engaged in the production of food and related activities. Outside of the city of Wichita, as many as 5 to 10 gasoline stations are closed; 10 to 15 are limiting the quantity of sales, many are projecting a shortage of supply, and nearly all rural suppliers are serving regular customers only. Many suppliers are considering closing—or have already closed—their public stations in order to supply farmers for the wheat harvest, which is now in full swing. This indicates a serious deficiency which must be alleviated as quickly as possible.

SOME ALTERNATIVES

Perhaps the most immediate possible solution is to encourage exploration for and production of crude oil through a "loosening up" of the oil depletion allowance, and other incentives, particularly for independent producers, which serve many areas of what I consider to be first priority, the Nation's farmers. In this way, the providers of the Nation's food supply will have adequate resources to do their job.

Second, if the American people do their best to reduce demand, more petroleum products will be available for other priority items on the Nation's energy agenda, such as fuel for the protective services of fire and police departments, and ambulance services. Demand can be reduced by cutting down on unnecessary travel, encouraging mass transportation, reducing speed on highways, keeping automobile engines in top shape, using car air conditioners sparingly, and by driving sensibly. With respect to fuel oil, a change by 2 degrees on the thermostat in the home can save significant volumes of fuels.

In the long run, it is readily apparent that either a trans-Alaska or a trans-Canada pipeline will have to be built to provide for future energy needs. Additionally, we should encourage research in other energy fields such as the uses of atomic energy, geothermal energy, and the potential uses of solar energy.

In closing, Mr. Speaker, I should like to add my belief that Congress should consider the entire energy crisis as expeditiously as we can, and in the most thorough way possible. I have joined my colleagues from Kansas in expressing our concern to the President, urging immediate action. The nature of the crisis, and its severity, will necessitate the combined efforts of the legislative and executive branches of Government in finding a solution, as well as the expertise of those in the industry; and the cooperation and understanding of the public.

Under the leave to extend my remarks in the RECORD, I include the testimony which was given in behalf of the Kansas Independent Oil and Gas Association before the Oil Policy Hearing Committee in Washington. The testimony submitted by Tom L. Schwinn, executive vice president, follows:

STATEMENT BY TOM L. SCHWINN

Mr. Chairman, Members of the Committee: I am Tom L. Schwinn, Executive Vice President of the Kansas Independent Oil & Gas Association (KIOGA), an independent explorer-producer group of some 1400 members who produce or are interested in the production of crude oil and natual gas in the State of Kansas. As such, we are vitally interested in these hearings inasmuch as they have been broadened to include not only allocation of refined petroleum products, but crude oil as well.

We would like to clarify the record by making a distinction between major and independent producer companies. The former are vertically integrated from the well head to the gasoline pump. The independent only sells a commodity. The major generates vast amounts of capital throughout its sprawling and complex operations. Moreover, the major company exerts an invidious influence over independent operations for the reason that they buy much of his production and historically have posted prices at which the independent has sold his crude oil—indeed, independent refiners have followed major company postings in their own purchases.

Nevertheless, this spring as the shortage of energy became well recognized, a fact that had been forecast and well documented for more than a decade, independent refiners, first in Kansas and then elsewhere, advanced their prices to secure additional supplies of crude. In many cases, this has improved their position. In others, no improvement has been noted because major companies have met the increases in order to protect their own well head connections.

Let there be no doubt in the committee's mind. The shortage of crude is genuine, hence there is a shortage of refined products. The decline in crude production has followed closely the decline in exploratory drilling—especially in the mid-continent. Thus, to reach the root cause of the problem, we must make a start at once to turn around the level of exploratory drilling. All the suggestions in the world about how to allocate products will not alleviate a total shortage. Only more discovered reserves and more productive capacity can present a real short or long term solution.

We sympathize with the plight of the independent refiner. As the value of their import tickets has declined, their ability to secure crude supplies has been impaired. In Kansas, independent producers sell a great deal of their crude to independent refiners. Their survival is thus important to independent producers. But for more than 15 years, there has been a gradual demise of independent producers. Yet, I cannot recall in all of those years any significant appeal at any level by others about his deepening crisis.

We assert that an allocation program will succeed if properly staffed and reasonably administered. Adequate discretion must be provided. There must be an end to the diffusion of policy over the production of crude oil by government. What the nation needs is an administration of an allocation program that exhibits an interest in practical solutions—not abject hand-wringing over shortages, real or imagined.

Any base period will impose some inequities. This is so because the selection of a base period is per force arbitrary.

Shortages expressed in terms of gallons of product versus barrels of crude oil are misleading. Remember that a 100 barrel oil well will provide more than 4,200 gallons of product.

Establishment of priorities also contains danger. In any list of priorities, someone is at the top and someone is at the bottom. I can document the fact that the independent producer-explorer segment is now experiencing shortages and threatened shortages of some magnitude.

We strongly urge the committee to free the independent producer of the harassment of being included in the allocation of his crude oil sales. FPC control of well head prices for natural gas is the single most important reason for the natural gas shortage. To force him to continue sales to a major company purchaser will only compound the ominous trend toward monopoly in the industry. Since the major companies are net purchasers of domestic crude, it is to their economic advantage to keep the price of crude oil low. In essence, we need a small producer exemption. There are a myriad of good business reasons aside from price why an operator may wish to switch a connection.

I thank the committee for the opportunity to present this statement. We commend the committee for its quick decision to come to grips with this serious problem about which there is much said with so little understanding.

I shall be happy to answer any questions.

BEWARE OF THE FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 10 minutes.

Mr. MICHEL. Mr. Speaker, unfortunately there are a lot of people in this country who believe that any problem can be solved by legislation. They believe that if a problem arises, the first thing to do is run to Washington for a solution.

Obviously there are many problems which require attention at the Federal level. But there are other problems where Federal intervention merely compounds the problem—it does not solve or even mitigate the problem, it compounds it and may make solution improbable or even impossible.

One of the favorite areas for suggested Federal intervention in recent months has been in the area of food. Food prices have been rising, so self-styled consumer advocates turned to the Federal Government with demands for price ceilings, controls, and Federal decisionmaking.

This approach ignores a basic fact of life. That is that farmers are in business to make a living. They must have some profit or they would not produce. A farmer does not get up at 2 o'clock in the morning and go out to play midwife to a sow giving birth to a litter of pigs simply because he is fond of the sow. He leaves that nice warm bed and goes out to care for the sow because that is where his profit is.

If there is no profit in raising those pigs, then he sells the sow, she goes to market, we eat that pork—but there are no little pigs for the next year's pork supply.

We now are seeing this expected result from the imposition of price ceilings. Farmers' profit potential has been cut as retail prices are frozen. The ceiling effect backs up all the way to the farm gate, even though the farm price of raw, unprocessed commodities is exempt from the price freeze now in effect. Therefore, farmers are sending to market many of the female hogs which we had earlier thought would be producing a more abundant pork supply next year.

For the same reasons, the number of beef cattle going into feedlots is being reduced below the level expected earlier. And the Nation's canners are warning us that they cannot produce and distribute the quantity of fruits and vegetables and other canned products that we will need in the coming year, because the profit incentive is no longer there.

Broiler producers are cutting back on the number of broilers because, under the price ceiling so fervently demanded by many Members of the Congress, they are losing 4 cents a pound on their broiler production.

Now, perhaps we should pass a law which says farmers and canners and broiler producers should go ahead and produce at a loss. But even the most control-oriented people are not that stupid.

So one result of our monkeying around with the smooth functioning of our agricultural production and marketing systems is that we may be having shortages of food next year—when we are all up for reelection. If that occurs, we will be called upon by our constituents—and properly so—to explain just where we stood when consumer pressures were forcing the administration into supply-diminishing price ceilings on food products.

H.R. 8860 is another current example of an attempt to control prices by substituting unwise Government action for signals from the market to producers as to whether consumers want more or less of which products. You will be given an opportunity to vote on this bill in a few days. I ask you to reflect on the wisdom of moving Government more deeply into agriculture via this bill.

The unfortunate fact is that we do not seem to be able to learn from experience. Through 40 years of Government interference in agriculture—accompanied by the expenditure of billions of tax dollars—we have not grasped the simple truth that the commodities which get into price difficulties are nearly always those which have the so-called benefit of Government regulations. Now, I am not speaking of the problem of high prices; I am speaking of the more common problem—and the problem which H.R. 8860 purports to mitigate—the problem of low prices for farmers. However, the same result—dislocations, production not related to the needs of people, and so on—are much the same.

Some results which we could logically expect and reliably predict if we were to enact this legislation are as follows:

With target prices at incentive levels, farmers would produce for that Government target price, not for the demands of people for food production. We could confidently expect a return to escalating tax costs, surplus production which would have to be taken over by the Government, and the return to high storage costs and other inefficiencies which would soak up taxpayers' dollars without providing any meaningful public benefits.

The administrators of the program would be forced to choose between limiting tax costs of the program by shrinking allotments and production to force prices up, or of turning production loose, and trying to live with the attendant high production, and the accompanying burden of payments and storage costs out of the Federal Treasury. Under H.R. 8860 we would either sock it to consumers or sock it to taxpayers. And since taxpayers are also consumers—and most consumers also pay taxes—the choice is not pleasant either way.

And farmers, whom we intend to help by this legislation, are not really helped. In the first place, farmers do not like getting their income from the Federal Treasury. They have told us this in every conceivable way. Nor do they like having consumers and other taxpayers mad at them, making statements that they are living off a Federal dole and so on. Farmers prefer to get their incomes and prices out of the marketplace. There is no reason we should refuse them this privilege.

Further, under this proposed legislation the value of allotments and the target price goodies will be swiftly translated into land values, increasing the cost of production for farmers so they do not end up with any more net income—while the taxpayer and consumer is being hit. And land speculators, plus other big money interests, will increase their competition for land, making it more difficult for the family farmer to continue to compete for that land.

Mr. Speaker, these are just a few of the reasons why we need to consider carefully our votes on this bill. We can vote for this bill and move agriculture and consumers and taxpayers and the country backward. Or we can move to positive legislation which will move farmers in the direction of greater freedom and less dependence on Government, less dependence on outmoded allotments and quotas and production patterns based on decades-ago planting needs. We have a responsibility to move ahead, to let farmers take advantage of the opportunity for increasing production and profits which now are so obvious. We have a responsibility to let farmers produce for expanding markets at lower unit costs and increased profits—which will be good for consumers, for taxpayers, for farmers, and for people around the world.

FUND CUTOFF FOR CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 5 minutes.

Mr. WILLIAMS. Mr. Speaker, recent votes in the U.S. House and Senate to cut off all funds for bombing in Cambodia, although slightly different in their provisions, forecast an ominous future for the United States. This unwise action by a majority of the Congress endangers the tremendous strides we have made toward lasting peace during the last few years.

The very people who are offering and actively supporting the cutting off of all funds for Cambodia are the same people who passed the Gulf of Tonkin resolution. They then rallied behind and encouraged an administration which sent over 540,000 American troops to Southeast Asia. During this time, U.S.

casualities ran as high as 200 to 300 young American men each week.

Now that we have achieved at least 95 percent of our goal for a lasting peace, all of our troops are out of Southeast Asia, all known POW's and almost all MIA's have been returned, summarily cutting off all expenditures in Cambodia and Southeast Asia can only make this country's representatives ineffectual in striving for a complete and lasting peace.

We are presently making progress in our talks with Russia and China. A total halt of further expenditures to Southeast Asia would remove the Communist incentive to negotiate. Also, a Communist victory in Cambodia would threaten the fragile balance of negotiated agreements and alinements on which the overall peace in Southeast Asia depends.

I am voting against all attempts to cut off expenditures for Cambodia and Southeast Asia as it is my considered opinion that to do otherwise would result in serious danger to our country.

PROMISES UNKEPT FROM PRIOR TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, the Committee on Ways and Means is being asked to write a trade bill to give new and broad negotiating authority to the President. It might be interesting for the Members to read the following article from the New York Times on June 24, 1973—an article which provides insight on what we can expect in the trade negotiations that would take place under the bill's authority.

The Common Market, it seems, does not even want to negotiate or to pay us what is due us from the last negotiations. How are we going to get them to pay us under new rules? That is the question before the House when the President's trade bill—however amended—comes before it. Who wants to negotiate with us?

The New York Times is not protectionist. The writer of the article, Mr. Edwin L. Dale, Jr., is not a protectionist. But even these people are beginning to see that the trade game is rigged, and the other nations know it is rigged. If the United States even suggests applying its many present laws to promote its own interests, or to pass new laws to right old wrongs, the rest of the world—and often the New York Times—screams about a trade war. But what do the other countries do? They refuse to budge. And what does the United States say? "We will be under very strong pressure to retaliate." But we refuse to use the arms and the rights we negotiated.

It is time for a rethinking of where the United States stands at this point in history. The President has authority to act right now on the exclusion of U.S. goods from the enlargement of the Common Market. But what is happening is exactly nothing, because the rest of the world is interested in promoting its own self-interest, and understandably so. Only they, it seems, can act in their own self-interest. The United States is always wrong.

The full article follows:

EEC TRADE TALKS—A DIALOG OF THE DEAF

(By Edwin L. Dale, Jr.)

WASHINGTON.—An obscure negotiation in Geneva, seemingly so technical that even its existence is not widely known, may have a major influence on the whole future of the world's trading relations, particularly on the global trade bargaining due to begin next fall.

The talks, which essentially pit the United States against the European Common Market, are nearing their climax. So far they are deadlocked, though pessimism is regarded here as still premature. If they fail, the consequences are viewed by high Government officials here with major concern.

In the jargon of trade negotiators, the Geneva talks are known as the "24-6" negotiations, named for an article of the General Agreement on Tariffs and Trade. At issue is whether, and by how much, the Common Market will "compensate" the United States and other outsiders, through tariff cuts or other trade concessions, for exports that may be lost as a result of the recent enlargement of the Common Market to include Britain, Denmark and Ireland.

The outsiders' exports that may be lost are those now going to the three new members. The loss could come in two ways: through the adoption by the new members of the import-restrictive common agricultural policy of the Common Market and through increases in tariffs on some 600 nonfarm products as a result of adaptation of the individual tariff schedules of the new members to the common tariff of the Common Market.

The GATT says there should be compensation in cases such as this. But the Common Market and the United States have wholly different theories of how much the United States will lose. It has been, so far, a "dialogue of the deaf."

The Common Market argues that many more tariffs of the new members will be lowered than increased and that it owes the United States nothing. The United States has examined this argument, product by product, and rejects the Europeans' conclusion that no compensation is owed.

As an example, a British tariff on a certain chemical might drop from 10 per cent to 8 per cent, the latter being the common tariff of the community. Theoretically, the United States and other outsiders would benefit.

But suppose the principal supplier of the item to Britain is, say, West Germany. For the import into Britain from Germany (another Common Market member) the tariff will soon drop to zero. The United States cannot object to that, because it is part of the whole concept of a "customs union." But the United States can and does argue that it will get little benefit from the decline in the British tariff against outsiders from 10 per cent to 8 per cent.

The agricultural problem is even more serious. Again, the Common Market argues that it does not owe anything, over-all even if the United States might lose some sales of grain to the new members. The United States, it is understood, is not trying as part of this negotiation to have the European community modify its common agricultural policy, which affects mainly American grain exports. But the United States would like concessions on such products as tobacco, lard and citrus fruits, which do not come under the complex common agricultural policy.

The crucial issue is whether the Common Market will change its basic stand that no concessions are due. The matter will be debated in the next few days at the council of ministers in Brussels, with the deadline for completion of the negotiations already agreed by both sides as July 31.

And what if the Common Market refuses to budge?

"We will be under very strong pressure to retaliate," says a high United States official. This would take the form of "withdrawing" past tariff cuts—meaning raising tariffs on some goods from Europe. This is the stuff of which trade wars are made.

In addition, a refusal of the Common Market to offer some compensation could have a significant effect on the outcome of the major trade legislation now nearing its active phase in Congress.

Busy United States emissaries have in the last few weeks been quietly seeking to impress these facts upon the nine Common Market governments. They think they have made some headway in getting across the point that the United States is serious and simply cannot take "no" for an answer. The ball is now in the Common Market's court.

IMPACT AID FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LEHMAN) is recognized for 5 minutes.

Mr. LEHMAN. Mr. Speaker, on Tuesday, when I offered an amendment to delete portions of category B impact aid, I was unable to speak to my amendment and to outline my reasons for it due to the point of order which was raised against the amendment, and sustained.

As I intend to introduce legislation in the near future to eliminate the authorization for this kind of aid, I place in the RECORD the statement I would have made yesterday on my amendment which would have accomplished the same purpose:

Mr. Chairman, frankly I had anticipated my first trip to the well of the House would be to speak for more education funds, not less. My feeling that we do need additional appropriations for much of the authorized education legislation does not preclude my opposition to an education appropriation if the basis or the premise for the allocation of these funds is not justifiable.

In regards to impact aid funds, I have no quarrel with Category A children where the parents both live and work on a Federal installation.

But, Mr. Chairman, there are two kinds of Category B impact aid. The first, called "B-in" is for the child whose parent works in a Federal installation located within the school district which the child attends. I do not challenge the justification of impact aid for this group.

However, the second, called "B-out" is for the child whose parents work at a Federal installation which is NOT located within the same school district which the child attends and what my amendment would do is eliminate impact aid funding for the so-called B-out student.

A good example of B-out funding is the student in Montgomery County, Maryland, whose parents work at the Pentagon in Virginia. In this case, Montgomery County would receive impact aid for that child, although the Pentagon in no way diminishes the taxable property of Montgomery County by virtue of the fact that it is not located in the same State, much less the same school district.

Of the total Category B impact aid, approximately 24.5% amounting to over $79 million would go for the B-out child. This is general aid to education—to a privileged few. If this $79 million was pro-rated equally throughout the country, my own district would receive a quarter of a million dollars more for education.

While I understand the impact of a Federal installation located within the school district which the child attends, I cannot understand the logic of paying for the impact of Federal property which is not even located in the same school district.

As a former public school teacher, as a six-year member of the board of the 6th largest school district in the nation, and as a businessman for over 30 years, I feel this amendment is reasonable, sensible, justifiable, and fiscally responsible.

I hope my colleagues will feel the same way and support this amendment.

ANNIVERSARY OF THE BATTLE OF KOSOVO—JUNE 28

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today is the anniversary of the Battle of Kosovo, an event of tremendous historical significance to those of Serbian descent in America and indeed all over the world.

While the Battle of Kosovo was fought on June 15, 1389, its anniversary is June 28, under the Gregorian calendar. On this day in 1389, the kingdom of Serbia collapsed as Turkish attacks proved to be too strong for the Serbian empire to handle. The battle, which took the life of the Serbian Tzar Lazar I, forced the Serbs to live under Turkish domination until 1459 when Serbia became part of the Ottoman Empire.

For the next 400 years, the Serbians were harshly treated by the Ottoman rulers who subjected the peasantry to cruel and inhumane treatment. Throughout these years, however, the Serbian people, through the leadership of their church were able to maintain a sense of national pride. The weakening of the Ottoman rulers in the late 18th and early 19th century led to a series of events that enabled Serbia to regain its independence and become a kingdom in 1882.

Since the end of World War I, Serbia became part of what is now known as Yugoslavia. However, it was not until 1929 that the complete unification took place with such diverse ethnic groups as Croats, Slovens, and others joining together to form a single nation. After 1945, the monarchy was abolished and Communist domination of Yugoslavia was established. Unfortunately, the official observance of the anniversary of the Battle of Kosovo has been banned by the Yugoslav Government. Nevertheless, this historic date remains alive in the hearts of Serbs everywhere.

Serbians now make up the largest single ethnic group living in Yugoslavia. And those who are now living in America, I know, are committed to the preservation of their national heritage. I have been fortunate enough to witness the community spirit of Serbian-Americans in Chicago and I must say that their patriotism and self-determination is heartwarming indeed.

Mr. Speaker it is time that all Americans take note of this historic anniversary commemorated by the Serbian people. Although the quest for freedom has not yet been realized by the Serbian people, we do have a deep admiration for their pride and dedication, for they are waging a heroic struggle to achieve the full realization of the ideals embodied in the spirit of Kosovo.

I extend my greetings to the Serbian-Americans on this anniversary and my best wishes for the preservation of their culture and their sense of community, and for the achievement of their national aspirations.

ABORTION CONTROVERSY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, with admirable skill, Harriet Van Horne demolishes the arguments of the so-called right-to-life groups, in her column in the New York Post, June 25.

She notes:

> Leaders in the movement, while mouthing platitudes about the "killing" of a cluster of blood cells, invariably speak out in favor of capital punishment. One may also note in their ranks the leading hawks of the Vietnam war. Behind their thinking, one gathers, is the feeling that it's wrong to kill the unborn but right to kill the fully formed male once he has reached manhood.

She also lists some benefits of the legalization of abortion: lives saved by sanitary conditions for abortions, fewer unwanted and miserable children.

I insert the entire column in the RECORD at this point:

ABORTION CONTROVERSY

(By Harriet Van Horne)

It took the lives of half a million young women—dying in anguish at the rate of 10,000 a year—to make abortion finally legal.

Before American women won the right to end unwanted pregnancies, one million of us crept off to back-street butchers, sidled into sleazy motels under false names, or brought a purse full of begged, borrowed or extortion bills to a "midwife" whose surgical skill put her a bare notch above podiatrists and chicken-pluckers.

Behind the Supreme Court decision legalizing abortion lie the maimed bodies of young girls who "got into trouble," the women rendered sterile by instruments that perforated and ripped the walls of the womb. We have passed into an age of enlightenment now, and the moral fiber of our society is stronger in consequence. Some of the best people in this land—doctors, clergymen, legislators and bitter, damaged women—fought a 20-year battle for abortion reform. Their victory, in the eyes of most women, represents the triumph of decency over cruelty, honesty over hypocrisy.

But now the Pharisees—chanting their hollow pieties about "the right to life"—are massing for a new onslaught on womanhood. Yesterday they staged a protest outside the Americana Hotel, where the American Medical Assn. is holding its annual meeting. They hope to persuade—or frighten—physicians into supporting Sen. James Buckley's proposed amendment to the Constitution outlawing abortion.

The irrationality of these Right to Life zealots is matched only by their hypocrisy. Leaders in the movement, while mouthing their platitudes about the "killing" of a cluster of blood cells, invariably speak out in favor of capital punishment. One may also note in their ranks the leading hawks of the Vietnam war. Behind their thinking, one gathers, is the feeling that it's wrong to kill the unborn but right to kill the fully formed male once he has reached manhood.

It is extremely doubtful that Sen. Buckley's amendment has a chance in more than two or three state legislatures (Louisiana and Rhode Island come to mind). And if, by some freakish shift in public opinion, a law were to be passed restoring the ban on abortion, it would be no more enforceable than the 18th Amendment banning liquor. Why, one wonders, do these busybodies continue their obscene crusade to send women back to the Dark Ages?

The legalization of abortion has had, if one regards the results objectively, an altogether tonic effect on society. First, welfare cases have decreased. There are fewer unwanted children, born to be public charges most, if not all, of their lives. Second, pregnancies can now be terminated under decent, sanitary conditions. The phrase "criminal abortion" is gone from the language, and with it much of the guilt properly reared young women used to feel.

The Right to Lifers should be relieved to hear that the crime syndicate, which used to take in at least a part of the $350 million spent each year on illegal abortions, is now taking a loss.

I shall no doubt hear from readers who will state unequivocally that anyone who supports legal abortion is anti-Catholic. Not so. There are non-Catholic physicians in the Right to Life movement. And there are Catholic physicians who dispense birth control advice and perform abortions. That leaves us with the pickets outside the AMA meeting, and Winston Churchill's remark that "a fanatic is one who can't change his mind and won't change the subject."

There are many sound reasons—some of them urgent—for maintaining freedom of abortion for women who do not wish to bear a child. We live in a world moving from abundance to scarcity, a world threatened by famine, plague and the breakdown of cities. Dr. Desmond Morris, who wrote "The Human Zoo," says that overcrowding can easily lead, in the next 20 years, to chaos and the collapse of the social structure.

If our rate of growth is not curbed, we cannot expect both the human race and democracy to survive. Overpopulation must inevitably lead to a harsh, authoritarian government, desperately rationing the food and trying to maintain order. In a crowded lifeboat, do not expect tranquility and honor.

Nowhere is it written that the Lord hath commanded woman to carry each fetus full term. The most offensive aspect of the Right to Life crusade is that it insists all women, of whatever creed or class, bear unwanted children.

European countries—except certain Latin ones—have shown considerably more wisdom than the U.S. in regulating birth as well as abortion.

Year after year, the polls show Catholic couples—as many as two thirds—admitting to the use of birth control devices. Clearly, the Right to Lifers are not acting entirely from religious beliefs. There's a Freudian paradox in their extremism, a rigid authoritarian drive that transcends Catholic dogma. Like the Birchers and other right-wing groups, they alone perceive the "sin" and they alone, they believe, can save us.

TRIBUTE TO JAMES NATHAN ESTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I would like to take this occasion to recognize James Nathan Estes, of Livermore, Calif., who will be 100 years old on July 20, 1973. His long life has been an eventful one. Born in Indianapolis, Indiana a century ago, he moved westward, becoming a homesteader in Jackson Hole, Wyoming. He held a variety of jobs, including carrying mail on skis over Teton Pass, being a plasterer, and holding the position of assistant deputy sheriff. Married in 1907, he later moved his family of three children to Montana, and then to California, where he has lived ever since.

I am proud to have this man in my district, and I congratulate him on 100 years of life.

RUNAWAY YOUTH ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining with a number of my colleagues in introducing an improved version of the Runaway Youth Act of 1973. This bill is similar to other bills I introduced in March of 1972 and January of 1973. It provides for the establishment, maintenance, and operation of temporary housing and counseling services for runaway youth to facilitate their return to their families. It also provides for the strengthening of interstate reporting, for services for parents of runaway children and for the development of research on the size of the runaway youth population.

I am revising my bill in response to improvements made in similar legislation introduced in the Senate by the distinguished Senator from Indiana (Mr. BAYH). In this version of the bill, I have deleted the section requiring the Secretary of Health, Education, and Welfare to report annually on "effectiveness in reducing drug abuse and undesirable conditions existing in areas which runaway youth frequent."

I have also omitted the section in the bill which provided that the Secretary would pay 90 percent of the application costs of those whose applications for funds have been accepted.

Another change reflected in my new legislation is designed to protect the confidentiality of the individual records of youth receiving services from the facilities assisted under this act, except where the records are needed for law enforcement purposes. Where records are needed for statistical studies, the identity of individual runaways may not be disclosed.

Mr. Speaker, I hope that my colleagues in the House will give this proposal prompt and favorable consideration, remembering that a similar bill (S. 654) has already passed the Senate. At this point, I insert the text of the Runaway Youth Act into the RECORD:

H.R. 9042

A bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 to meet the needs of runaway youths and facilitate their return to their families without resort to the law enforcement structure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Runaway Youth Act".

SEC. 2. The Juvenile Delinquency Prevention and Control Act of 1968 is amended by redesignating title IV (and cross references thereto) as title V, by redesignating sections 401 through 411 (and cross references thereto) as sections 501 through 511, respectively, and by inserting after title III the following new title:

"TITLE IV FINDINGS AND DECLARATION OF POLICY

"SEC. 401. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many of these young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

"SEC. 402. (a) The Secretary of Health, Education, and Welfare is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this title. Grants under this title should be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grants should be determined by the number of runaway children in the community and the existing availability of services. Among applicants priority should be given to private organizations or institutions who have had past experience in dealing with runaways.

(b) The Secretary may promulgate and enforce any rules, regulations, standards, and procedures which he may deem necessary and appropriate to fulfill the purposes of this Act.

"SEC. 403. (a) To be eligible for assistance under this title, an applicant must propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without the permission of their parents or guardians.

(b) In order to qualify, an applicant must submit a plan to the Secretary of Health, Education, and Welfare meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway children;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to insure adequate supervision and treatment;

(3) shall develop an adequate plan for contacting the child's parents or relatives in accordance with the law of the State in which the runaway house is established and insuring his safe return according to the best interests of the child;

(4) shall develop an adequate plan for insuring proper relations with law enforcement personnel, and the return of runaways from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway children and their parents within the State in which the runaway house is located and assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves: *Provided, however,* That records maintained on individual runaways shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway: *Provided further,* That reports or other documents based on such statistical records shall not disclose the identity of individual runaways;

(7) shall submit annual reports to the Secretary of Health, Education, and Welfare detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required in section 102 (b)(6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary of Health, Education, and Welfare; and

(9) shall supply such other information as the Secretary of Health, Education, and Welfare reasonably deems necessary.

"SEC. 404. An application by a State, locality, or nonprofit private agency for a grant under this title may be approved by the Secretary only if it is consistent with the applicable provisions of this title and meets the requirements set forth in section 403. Priority shall be given to grants smaller than $50,000.

"SEC. 405. Nothing in this title shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other ways meet the requirements of this title and agree to be legally responsible for the operation of the runaway house. Nothing in this title shall give the Federal Government and its agencies control over the staffing and personnel decisions of facilities receiving Federal funds, except as the staffs of such facilities must meet the standards under this title.

"SEC. 406. The Secretary of Health, Education, and Welfare shall annually report to Congress on the status and accomplishments of the runaway houses which were funded with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services; and

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children.

"SEC. 407. As used in this title, the term 'State' shall include Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

"SEC. 408. (a) The Federal share for the construction of new facilities under this title shall be no more than 50 per centum. The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) For the purpose of carrying out this title there is authorized to be appropriated for each of the fiscal years 1974, 1975, and 1976 the sum of $10,000,000.

"Sec. 409. The Secretary of Health, Education, and Welfare shall gather information and carry out a comprehensive statistical survey defining the major characteristics of the runaway youth population and determining the areas of the country most affected. Such survey shall include, but not be limited to, the age, sex, socioeconomic background of runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report to Congress not later than June 30, 1974.

"Sec. 410. Records containing the identity of individual runaways gathered for statistical purposes pursuant to section 409 may under no circumstances be disclosed or transferred to any individual or other agency, public or private.

"Sec. 411. For the purpose of carrying out this title there is authorized to be appropriated the sum of $500,000."

PRAISE TO HON. WILBUR MILLS FOR INVESTIGATING WATERGATE IMPLICATIONS OF IRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, I rise today to commend the gentleman from Arkansas (Mr. Mills) for his initiative in ordering the Joint Committee on Internal Revenue Taxation to investigate the alleged improprieties in using, or proposing to use, the facilities of the Internal Revenue Service to harass and intimidate citizens who disagreed with the policies of this administration.

Evidence admitted yesterday before the Senate Select Committee investigating the Watergate scandal reveals that it was probably John Caulfield, a former officer of the Department of the Treasury, who recommended that the IRS machinery be used for "discreet political actions" calling for "an IRS audit of a group of specific individuals having the same occupation." (Senate Select Committee record June 1973.)

On several previous occasions I have expressed concern to my colleagues that Executive Order No. 11697, as modified by Executive Order No. 11709 permitting a department of this Government for the first time to make tax returns available for inspection of an entire class of people. I reiterate that this precedent is fraught with danger of abuse and is in my judgment a clear invasion of the right of privacy of every member of that class, the nation's farmers. After reviewing the Watergate testimony, can there be any question that every precaution should be exercised to protect the privacy of American citizens from government abuse?

Frightening is the admission of Assistant Attorney General, Robert J. Dixon, Jr. that the original Executive order was, in his words:

> Prepared by the Department of the Treasury in language designed to serve as a prototype for future tax return inspection orders. This Department (of Justice) approved the order as to form and legality. It (the Department of Justice) was not requested to, nor did it, express any policy judgment.

Which group is next? Was this an attempt ot reach the businessmen of the Nation through a similar Executive order for the Department of Commerce? Was this procedure designed to authorize the Department of Labor to provide oversight of wage earners? A technique for HEW to look into the private affairs of doctors, or teachers? How about HUD desiring information for "statistical purposes" of our Nation's homeowners having insured loans under FHA?

In spite of these warnings, the Department of Agriculture remains insensitive, both to the potential invasion of privacy of our Nation's farmers and of the implications revealed by the evidence admitted before the Senate Select Committee investigating the Watergate scandal.

Today I received a letter from Secretary Butz denying a request of the House Subcommittee on Foreign Operations and Government Information to suspend its authority to examine tax returns of farmers until our committee has completed its investigations. Mr. Butz states in his letter that:

> Because of the importance and urgency attached to the arrangements under consideration, as well as the lead time involved in developing a computer program for the work, we feel that we must proceed with the negotiations (with IRS) that have been started in order to meet our obligations in fulfilling projected statistical programs.

The information requested by the Department of Agriculture may be needed. That Department may be innocent of any involvement to willfully invade the right of privacy of our Nation's farmers. But is the USDA a stalking horse for another purpose? Has that Department been used as a "prototype" for other orders of other agencies? I implore the Secretary to open his eyes to reality, read the front page of his favorite newspaper and suspend his authority under the Executive orders until Congress can complete its investigations of this and related matters.

REV. THEODORE M. HESBURGH AND REV. DR. EUGENE CARSON BLAKE ARE INTERVIEWED BY CONGRESSMAN JOHN BRADEMAS ON "WASHINGTON INSIGHT"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Brademas) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, every month I have the privilege of moderating a television program "Washington Insight," on which outstanding figures in the Nation's life appear. The program is broadcast on station WSJV–TV, the ABC affiliate in South Bend-Elkhart, Ind.

The two distinguished Americans with whom I shall tonight discuss the role of religion in American life on "Washington Insight" are the Reverend Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame, and the Reverend Dr. Eugene Carson Blake, the retired general secretary of the World Council of Churches.

Mr. Speaker, I insert the transcript of our discussion at this point in the Record:

Mr. Brademas. Welcome to another edition of "Washington Insight." Tonight I am pleased to have with me as guests two distinguished American leaders recognized throughout the world for their leadership in the field of religion.

Father Theodore M. Hesburgh, C.S.C., has distinguished himself for the last 20 years as President of the University of Notre Dame. He has served on the United States Commission on Civil Rights for 16 years and as Chairman of that Commission for four years. Among the extraordinary variety of other responsibilities Father Hesburgh has undertaken is that he is now the Chairman of the Overseas Development Council, a task about which I shall shortly question him. For his achievements, Father Hesburgh received from President Johnson the Medal of Freedom, the nation's highest civilian honor.

The Reverend Dr. Eugene Carson Blake is a graduate of Princeton University, where he played guard on the football team, and Father, if Notre Dame had fostered the ecumenical spirit by recruiting Presbyterians, perhaps Dr. Blake might have played for the Fighting Irish. After receiving a Doctor of Divinity degree from Princeton University, Dr. Blake began a long and distinguished career as teacher, pastor, and theologian, and as chief executive officer of the United Presbyterian Church of the United States for 15 years. He was one of the most outspoken leaders of the civil rights movement in the early 1960's and for the last six years, Dr. Blake has served as the General Secretary of the World Council of Churches.

Gentlemen, welcome to "Washington Insight." Dr. Blake, you made a speech last year in New York which I had the privilege of hearing in which you discussed what you described as the continuing task of the ecumenical movement in the United States. Your speech contained several themes we might use for discussion today, but first of all, what do you mean by the ecumenical movement and what is the role of the World Council of Churches in it?

WORLD COUNCIL LEADS ECUMENICAL MOVEMENT

Dr. Blake. Well, the ecumenical movement is a movement rather than a organization. It is a movement toward unity and is used to describe Christian reunion. But it has always been broader than the membership of the World Council of Churches. For example, in these last six years nothing than the World Council has done was done without some kind of Roman Catholic participation; sometimes as full members of a commission; sometimes as observers. But this movement is something really new in our time. A great many Americans don't realize the utter change in the relationship of the churches: Protestant, Orthodox, and Roman Catholic, all over the world, since Vatican Council II.

Mr. Brademas. I want to come back to ask you another question or two about the role of the World Council, Dr. Blake, but first, Father let me ask you as a Roman Catholic, how you perceive the relationships developing between the Roman Catholic Church and the other Christian traditions in the world?

Fr. Hesburgh. Well, I think there's been a great openness and a searching and yearning since Vatican II, as Dr. Blake just said. There's no question in my mind but that we are coming together in a wide variety of ways, through action and through prayer together. All kinds of discussion are taking place on a variety of real problems. I would like to believe that before the turn of the century we may have one great Christian church. And I think there will be enormous variety in it, an enormous variety of liturgical practices, prayer, but a common belief in the message of Christ our Lord. I think it is moving quicker perhaps than people think; it's moving, I think, by the power of the spirit and perhaps over and above and beyond the efforts of human beings. It is to me one of the most promising motions and movements of our day.

Mr. Brademas. I recall that on the Notre Dame campus some months ago there was a very large meeting of Roman Catholics who are in the pentecostal tradition and then, Dr. Blake, I recall that at the last meeting of the General Assembly of the World Council in Sweden, I believe a Brazilian pentecostal church was admitted to the World Council.

SORTING OUT THE ECCLESIASTICAL BAGGAGE

Dr. Blake. That came just afterward, but we have now several pentecostal churches that have become a part. They are very important, especially in Latin America where you have, some people say, more pentecostals in church on a Sunday morning than Roman Catholics. I am delighted that there has been a taking seriously of this kind of movement. But it is basically the fellow who is the head of that second largest pentecostal church in Brazil. He said he didn't have much use for the ecclesiastical baggage that most of us were carrying but that he was interested in the Gospel and the common people, whom he served, and, he said, and he smiled, "After we come in, you'll never be the same again."

And that, of course, is the theory of the World Council, that each of us must bring his own tradition. It isn't a question of turning against your tradition; it is a faith that we really need each other rightly to hear and do the word of God.

Mr. Brademas. Father, I've noticed at Notre Dame that a number of non-Catholic theologies are being studied and, I think, you've had a number of persons visit and teach who are not in the Christian tradition.

Father Hesburgh. That's right. Ecumenism has become a very great reality. We have a number of non-Catholic theologians on our faculty. Somehow in the old days we thought we were practicing virtue by saying that Catholics had to study theology but that people who weren't Catholic didn't. Today we say everyone should take a couple of courses in theology, but you can take whatever theology you like.

Mr. Brademas. Following from that, I recall again, Dr. Blake's address at the Riverside Church in New York last year in which he said that the ecumenical movement was committed to dialogue with persons of other faiths and other ideologies. I wonder if each of you could comment from your own experience on how you see Christians developing in their relationships with non-Christians, especially eleswhere in the world. Dr. Blake?

Dr. Blake. Yes, well, it's quite obvious that if you are interested in the service of humanity or the question of overseas development, you have to, if its going to be religiously motivated, you've got to understand the Buddhists or the Muslims, whether in Thailand or Indonesia. It is partly a theological discussion of what it means to believe in God and the whole idea of a transcendant meaning of human life. I was preaching in Djakarta a year ago or so and I was saying a good deal about God in the sermon; some people don't think I talk enough about God. Every time I said, "God," the interpreter in Indonesia said "Allah" and that makes you stop and think. And my own feeling is that you don't have to weaken on your own central Chrstian conviction but really you ought to be sure you are speaking as if you belong to God rather than God belongs to you. I think that is the heart of the problem.

WHAT OF ENCOUNTERS BETWEEN CHRISTIANS AND MARXISTS?

Mr. Brademas. Father, I know you've traveled in the Soviet Union, for example, and in Eastern Europe. What kinds of comments can you give us on the encounters between Christians and Marxists?

Fr. Hesburgh. There's a good deal of growth there you know, John. Some people in the early days took Marxism as being completely antithetical to anything that was religious or any belief in God. I think the conversations that have been growing and other things that have come up since have opened up that whole area too, but I'm persuaded through moving around the world that if you take the Christians in the world, you're talking about a third of humanity. If you take other religions, it is partly more than a third of the remainder of the other two-thirds of humanity. And when you see their common belief in a Supreme Being or a common belief in immortality, a yearning to not just have life what it seems to be in our temporal days, if you see a sense of some universal moral code that unites all men everywhere and that is perceivable by our minds and by our conscience and ultimately, I think that the meaning of life, the transcendant meaning that Dr. Blake talked about, comes more through spiritual values than material values. In each of these four important concepts, which are fundamentally religious concepts we do have in common with other religions, and it gives you an important base to somehow bring mankind together, which I think is the first step toward world peace.

Mr. Brademas. Dr. Blake, I recall the last meeting of the General Assembly of the World Council of Churches, where, as you know, I was one of the delegates from my own church, The Methodist Church.

Dr. Blake. You are one of my bosses, as a matter of fact, because you are a member of the Central Committee of the World Council of Churches. That is, you were my boss until November 1st.

Mr. Brademas. Yes, I should make clear that Dr. Blake has retired and has been replaced as General Secretary of the World Council by Dr. Phillip Potter of Jamaica.

But what struck me very much there at the General Assembly—perhaps because my father is Greek Orthodox, I'm out of the Methodist tradition, my mother is of the Disciples of Christ tradition, and I spent a lot of time at the University of Notre Dame—was the different emphases brought by differing Christian traditions to that meeting. The Orthodox were very heavily concentrated on the spiritual dimension while some of the mainline Protestant churches were heavily committed to social action, for example.

Father Hesburgh, I want to ask you to make a comment deriving from what Dr. Blake said in his talk at the last World Council meeting and also from what he said in New York, namely that the ecumenical movement is committed to the establishment of the world community. You're now Chairman of the Overseas Development Council, and maybe you could tell us what that does and what impact you think the United States ought to be making in terms of the wider world community of which you spoke?

ECUMENICISM COMPATIBLE WITH SPACESHIP EARTH

Fr. Hesburgh. Well, John, the word that comes to mind immediately of course is world justice or social justice. And the concept that comes to mind if you walk in the offices of the Overseas Development Council in Washington, D.C., when you see that picture of the world from outer space, that beautiful globe, small but beautiful, in a void of black—and when you see this, I think you begin to realize, at least I do for the first time, that it is one world and we have to start to talk about the community of humanity, if you will.

We have to start talking about a little better distribution. It just isn't right that one-fifth of humanity has four-fifths of the resources available to humanity in this world, while the other four-fifths have to make do on 20% of the resources. It just isn't right; it's not just; and I think if religion does anything to mankind in our day or if Christianity does anything, it will make us conscious of that imbalance and make us want to do something to get a much better balance for the rest of the world and to try to move across these things that separate mankind, East and West and North and South, black and white, and Christian and non-Christian. We might begin to build these bridges that bring men together and aid their total development as human beings.

Mr. Brademas. Dr. Blake, what about the role of the World Council of Churches in economic development, especially in the poor countries of the world?

Dr. Blake. Well, we have been attempting very clearly to hear the best Christian voices from these churches from Asia, Africa, Latin America, and I think that the main thing that bothers me as I come back is that the American people seem to take for granted this privilege that we have of living better than anybody else. Somewhere I read that we make twice as much garbage per head in New York than they do in London even.

Well, this means that we are that much more wasteful of what we understand now are our limited resources. The World Council has been working to try to see how the churches could serve humanity not merely by charity, though our biggest operation is still a charitable operation. But we hear loud and clear from the best representatives from the Christian churches all over the world, "Look, if you don't worry about the structures that make us poor, we're not particularly impressed with your generosity and charity."

And today, I think, we are making progress, but it's slow and hard and the United Nations in many ways has got material that we ought to be listening to, but it becomes really a political thing in all the countries. There is a tendency now, as I come back, for people to say that any criticism of the United States is unpatriotic. I am at the point now where I am ready to criticize all the countries of the world and say, "Look, boys, you are on this spaceship earth that Barbara Ward has popularized so much, and we are going to survive together or not survive, and we had better begin."

Here again is an anti-secular kind of—you've got to have moral values in your world view—and I think we sort of gave up on that and we said that really morality is not a part of government; government is supposed to protect the people.

Mr. Brademas. Some people say, Dr. Blake and Father Hesburgh, that there is, as a result of the impact of the Vietnam war, a declining capacity for moral outrage on the part of the people of the United States and some observers say that we don't seem as outraged by corruption in high places, even in government in the United States, as a result of the War. Father Hesburgh, I wonder if you would address yourself to that question? What do you think about that?

VIETNAM LED TO DECLINE IN MORAL OUTRAGE

Fr. Hesburgh. I think that it's absolutely true, John. We seem to be beyond being shocked by things that would really have turned everybody off 20 years ago. Today, much larger irregularities happen, and people just pooh-pooh it. I think we've lost our sense of the dignity of life. For example, we saw so much violence—they talk about body counts—and I think that whole thing eroded the sense of dignity of life and the horror of violence and killing. There's been so much violence in all of the media that again, people have gotten used to it and don't see anything wrong in shooting people or beating up people. There is a kind of total disrespect, to sum up, for the dignity of the human person whatever their race or personality.

I do believe that in getting ourselves through Vietnam and other realities that were unhappy in the past decades, we're really in a kind of unshockable position. I think that's true of sex today. I think it's true of human violence, I think it's true of disrespect for human life, and I think it's true of the many terrible abberations that are visited upon children today.

Mr. BRADEMAS. Dr. Blake, you've been gone from the country on a permanent basis for the last six years, and just following what Father Hesburgh has said, what are the major changes in the United States that you sense? Are we more materialistic as a people? Do we have less regard for the role of religion in our lives than once we did?

Dr. BLAKE. I think the opposite side of the vision of the Kingdom of God, if you want to put it, on earth, which all of us pray for everytime we go to a service. This seems to have been lost somewhere as a really Christian commitment. We want God's will done on earth as it is in heaven. This is so central to anything in any of our traditions and it is not anti-Jewish or anti-Muslim or anti-Buddhist either.

But I find materialism is accepted. You fellows in Congress, nobody wants to vote for higher taxes. That's part of your problem right now. We don't have enough money to go around. Now sure, you can say priorities come in. I find really a danger in terms of taking it for granted that somehow God has favored us either by our virtue or by our good fortune to live better than everybody else, and that's not going to last forever. That's the reason so many of our people are uptight with fear of any change.

Now, on the other hand, I haven't been preaching a discouraging sermon for sometime because I think that the major thing that Americans need is some hope. I mean real hope, the kind of thing that people are willing to live for and die for, and that is the thing that I think we must find somewhere in our churches and synagogues.

Mr. BRADEMAS. I recall, Father Hesburgh, reading a very powerful article of yours in the *New York Times* a while ago entitled, "Even Good People Are Losing Heart," and I thought, in view of what Dr. Blake has just said, about the passage—I think it's in Chapter I of Isaiah—where the prophet said, "Away with your new moons and your appointed feasts; what I want to know, is are you bringing justice to the people? I'm not so much interested in ceremonies as in justice."

And I wonder if, against the background of your extraordinary experience with the United States Civil Rights Commission, you could comment on whether we have a prospect of gaining heart in the search for justice for the minorities and the oppressed in our society?

QUEST FOR SOCIAL JUSTICE WEAKENED

Fr. HESBURGH. John, what bothers me most at this moment is that we made enormous progress during the '60's because people really decided it was high time we practiced justice as regards our minorities, mainly blacks, and we got the vote assured after a century passed. We opened up a chance for running for political office. More than a thousand blacks were elected in the last general election. We broke up a dual school system so that we would have common school systems throughout the country for blacks and whites. We opened up many areas of employment; we opened up many of our state universities, and private universities to blacks. We opened up all our public accommodations that were just an open affront to black people every day of their lives. I mean they couldn't drink here, they couldn't eat here, they couldn't sleep there, they couldn't swim here, they couldn't even be buried here.

So we made that progress, but then you get to a point in progress, and I think Americans like a quick payoff, where you've really got to practice and not just talk about it. Everybody is in favor of open housing until it affects the people next door and then they get a little less favorable. Everybody gets interested in practicing virtue as long as it's done in the South, but up North it's a little more difficult. Everybody's in favor of open employment unless it threatens your job and then all of a sudden everybody turns a little less favorable and justice becomes not quite that reality.

And what I'm concerned about is that we made that upward progress helped by a lot of national disgraces, assassinations and all the rest. Then, suddenly, it begins to level off and I fear at times start down hill a little bit because people just don't have the solid commitment to justice in our times. And without this there is no hope for us as a people.

I can't imagine peace without justice. When I look at the Christian world, even in America that makes up 6% of the world's population, using 40% of the world's resources, that just isn't justice and there aren't limitless resources. We're going to have to do a little more sharing. People will talk about justice, but I'm not sure they want to share what is theirs in order to achieve justice.

Mr. BRADEMAS. Dr. Blake, I know that you were present just 10 years ago in August at the great Civil Rights March on Washington led by Martin Luther King. I know because I was there and I think, Father, you were there and I think that was an extraordinary day. And the churches were strongly represented in that march. But I sense that the churches have to some extent retreated from the search for justice in the field of civil rights. I don't know if that's an unfair charge and would you comment on it?

CHURCHES SHOULD STAY INVOLVED

Dr. BLAKE. Well, I think the churches are still involved and I think that's part of our problem still because some of our constituency isn't sure, because they think we get too much involved, and that is the difficulty. Basically I think the thing has gotten more complicated. In the early '60's we were able easily to use the word integration. And the greatest thing this country has done is to educate some of the greatest black leadership that there is in the world. And I have great confidence, through contacts with American blacks and other people of other colors all over the world, in such leadership. On the Central Committee, of which you are a member, of the World Council, all the smart people aren't white by any manner of means. The Chairman is an Indian as dark as an American black.

Mr. BRADEMAS. Your successor's black.

Dr. BLAKE. My successor, Dr. Phillip A. Potter, is black. I think Jean Bokeleale is one of the most eloquent Christians I've ever heard. He is from the African Republic of Zaire. These people are looking at things from a very different point of view than you did and in one sense than I did. We have different backgrounds; I'm a WASP basically. All of these things have changed now and people are trying to fight it, but it is perfectly clear that the American dream earlier did leave out the blacks. But we wanted them, even as we were opening up the doors, to behave the way we set the standard.

Black men are now saying, "no," and what's more, they are saying, "You white people are a minority in the world and you are going to have to adjust to our standards whether it be music, aesthetic, or anything else."

Now, I think that this shows advancement, but it doesn't make it as easy as we thought it was going to be. But I moved rather early in '64 from civil rights, when we won the battle, I thought, on the law, at least, to the poverty program, the Office of Economic Opportunity, which now seems to be being wiped out and basically this is because we weren't going to get any progress in our cities unless we have sufficient jobs and other necessities. That still is the number one thing as far as I'm concerned, the cities, and the minorities in the big cities, but this is also a world problem. We find that a lot of people who didn't think they had a race problem, do have it, all over the world.

Mr. BRADEMAS. I wonder if you could say just a quick word on what Dr. Blake alluded to, namely, the role of the churches in meeting social and political issues.

Fr. HESBURGH. John, I think the churches today are the great fire. I read an article by an Englishman recently who said the churches are so involved in social justice, human rights and human development around the world, they forgot to preach the message of Christ. Or they've forgotten to perform that great mediating service between God and men and to bring God to men and men to God.

Yet I've always thought, John, and maybe it's my own simple construction, that the reason that the cross is a great symbol in Christianity, apart from the meaning of Calvary, is that Christianity has to be a message of love fundamentally, and the love has to be vertical towards God and it's got to be horizontal towards your fellow man. So you have the vertical and horizontal nature of Christianity. And to the extent that we just try to love our fellow man and forget about God, it's wrong. We have to serve God and our fellow men. Insofar as we try to love God and forget the poverty and the misery and the injustice around us, we're not really loving God because He says, you know, "You're my followers, you should love one another."

And so I think the church is always going to have that kind of tension within it between those who would like it to stay in the sacristy and those who would like to see it fighting all the battles in the slums and in the difficult areas of human endeavor. But I think it's got to be in both places. It's the old prayer and work and work and prayer and faith and action and action and faith. We've got to somehow make it real by the total lives we live. I like what you said, Dr. Blake, about God not belonging to us.

Mr. BRADEMAS. Dr. Blake, I wonder if you would like to make a concluding comment on this point?

Dr. BLAKE. Father Hesburgh and I, I think, represent within the varying Christian traditions, the things we cannot separate. Both of them are ultimately important.

Mr. BRADEMAS. Well, gentlemen, you have spoken, I think, with great impact and power to the subjects of the development of the ecumenical movement in the United States and the search for justice on the part of Christians.

We've been joined for this edition of "Washington Insight" by the Reverend Dr. Eugene Carson Blake, who has just retired as General Secretary of the World Council of Churches, and by the Reverend Theodore M. Hesburgh, President of the University of Notre Dame. Thank you for being with us on this edition of "Washington Insight."

PRESIDENT COMPOUNDS UNCONSTITUTIONAL ACTIONS WITH APPROPRIATION VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

Ms. HOLTZMAN. Mr. Speaker, I am greatly troubled by the President's action yesterday in vetoing H.R. 7447, the second supplemental appropriation for fiscal year 1973. He has told us that he vetoed this bill not because he disagreed with the substance of our appropriations, but because he disagreed with this body's attempt to bring a war, which we never authorized and which is therefore in violation of the Constitution, to an end.

I seriously question the validity of such an action by the President. The Constitution in article I, section 8, squarely places the power to declare war, and conversely the power to stop a war, in the hands of Congress. The President never asked us to approve his Cambodia adventure. Is he now telling us that not only do we not have the power to declare war, but that when this esteemed body wishes to stop unilateral military actions on his part, we can only do so by a two-thirds vote? I do not think this is a valid interpretation of the Constitution and I think the President has compounded his unconstitutional action by vetoing this bill.

I would like to introduce into the RECORD for the benefit of my colleagues an article by the distinguished columnist of the New York Times, Anthony Lewis, who expands upon this argument and offers several suggestions to the Congress for alleviating this deadlock with the President:

MOMENT OF TRUTH

(By Anthony Lewis)

LONDON, June 27.—The United States has had many Presidents who took a broad view of their power under the Constitution but never before has any President sought to amend the Constitution by himself—brazenly, defiantly, by fiat.

That is what President Nixon has just done in vetoing the appropriations bill that banned any further money for the bombing of Cambodia. Even after all that we have learned in these last months, after the Watergate and its associated crimes, the import of that veto is breathtaking.

What it amounts to is this. If Mr. Nixon has his way, the Constitution will effectively contain a new clause that says:

"The President shall have power to wage war unless the Congress, by a two-thirds vote of both houses, shall order him to desist."

It is crucial that as many Americans as possible understand what is involved. Our country has had so many crises of conscience and law in recent years that a certain weariness is understandable. But this one is of a different character—a genuine constitutional crisis, in the words of that moderate and gentle man, Senator Mike Mansfield.

An explanation in ABC terms is therefore required. It must begin with the original language of the Constitution, which vested in Congress alone the power "to declare war."

Over the years, Presidents have taken military action of various kinds without a previous formal declaration of war. That is part of modern history, a gloss on the Constitution.

But until now these Presidential military adventures have been of limited character or duration, or else have depended for their legal support on the effective consent of Congress. The recent example was the Tonkin Gulf Resolution, which the Johnson Administration used as the legal equivalent of a Congressional declaration in the Vietnam war.

The bombing of Cambodia since the Paris agreements on Vietnam has been something quite different. For here Congress had not implied its consent in any way, not by resolution and not by ratifying any treaty that covered Cambodia. Nor could the President cite his responsibility for the safety of any American troops.

Now President Nixon has gone one long step further. He claims independent authority to wage war, in the name of the United States, not only in the absence of Congressional approval but in the face of clear disapproval.

In short, he is attempting to reverse the constitutional assumption. Instead of the old idea that the United States should be at peace unless Congress declared otherwise, the new rule would be that a President may take his country into war—and keep it there indefinitely—unless Congress stops him.

And more than that, much more. For of course the veto provision of the Constitution requires two-third majorities to override. And by this veto Mr. Nixon would impose that same requirement on Congress—and on the American people who it represents—to stop a war.

The consequences of this veto, and of the House sustaining it, are therefore grave. The first is political, the crisis to which Senator Mansfield referred.

Unless events somehow dissipate the clash between the President and the Congressional majority, the talk of impeachment must now take a new and more immediate ground. For in the ultimate, if there is no other resolution, Congress is faced with an attempt at a Presidential coup d'etat. It must consider its own ultimate weapon.

A second consequence is legal. The courts of the United States have been understandably wary of entertaining lawsuits that challenge the lawfulness of war-making. But that reluctance is likely to diminish when a President wages war in flagrant violation of law and the Constitution. On the legal merits, his attempt to impose a two-thirds rule on Congress' war power would certainly not protect any official sued by citizens seeking to enjoin unlawful military spending.

Finally, there is the consequence of conscience. Those of us who have opposed the war cannot be regarded as detached on this new question. And so it is fundamentally a problem for conservatives.

Will Barry Goldwater sit still for a unilateral Presidential amendment of the Constitution? Will Melvin Laird, who joined the White House staff as an avowed Congressional man? Will Elliot Richardson, who has begun to stake out his claim of independence as Attorney General? I hope and believe that the answer will be no.

PRESERVING THE COUNTRY'S HERITAGE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am introducing today a bill the Commission would be charged with developing a program for preserving and making accessible documentary resources throughout the Nation. This bill was introduced in the Senate by Senator BROOKE of Massachusetts and I feel it deserves serious consideration by the House.

A proper appreciation and understanding of our Nation's history is founded on the primary documents which are available. Each generation of scholars must have the opportunity to examine historical documents with the methods and insights of their own time. If we are concerned with maintaining a strong sense of continuity with our heritage we must assure that accurate information of the country's past is not lost.

Modern technology provides us with the means for preservation and dissemination of the country's great fund of source material, but effort and organization are needed as well. While the major burdens have been borne by private agencies and institutions the Federal Government must now accept a larger share in documentary preservation programs and activities.

The National Commission envisioned would aid and encourage agencies undertaking preservation by private means, would encourage training and instruction in the documentary preservation field, and would assist State and local governments in the expansion of their own programs.

Passage of the National Historic Records Act at this time, as we approach the bicentennial anniversary of the American Revolution, would signal our deep commitment to the traditions of this Nation's past.

WASHINGTON POST QUESTIONNAIRE

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, yesterday I received a form letter which I assumed was sent to all of our colleagues from the distinguished assistant managing editor of the Washington Post, Haynes Johnson. His letter attaches a questionnaire seeking to learn, anonymously, our conclusions on many of the key unanswered, unresolved questions surrounding the current Watergate prosecution and Senate investigation which concern alleged Presidential involvement The text of the questionnaire follows:

WASHINGTON POST QUESTIONNAIRE

1. Do you believe that President Nixon knew in advance of plans for the Watergate break-in? Yes. No.
2. Do you believe President Nixon knew of espionage-sabotage plans to be used on his behalf during the 1972 campaign? Yes. No.
3. Do you believe that President Nixon was personally involved in the Watergate cover-up? Yes. No.
4. If you have answered yes to any of the foregoing questions, do you believe that President Nixon should remain in office? Yes. No.
5. If you believe he should remain in office, do you believe he should be censured by the Congress? Yes. No.
6. If you believe the President should no longer remain in office, do you feel that he should resign? Yes. No.
7. Do you feel that impeachment proceedings should be brought against him? Yes. No.
8. Are you a member of the: Senate. House.
9. Are you a: Democrat. Republican.

Please put any additional comments you wish to in this space or on separate paper. (But do not sign your name anywhere on this questionnaire.)

I recognize the strong interest of the public and the media and particularly that of the Washington Post, which has contributed so much to uncovering of this sordid affair, in resolving unanswered questions, the answers to which could have a broad impact on our Government and society. I also recognize that it would be proper and legitimate for Members of Congress and Senators who have reached firm conclusions on questions of Presidential involvement to state their conclusions publicly. However, I think it is highly irresponsible for the Washington Post newspaper to invite anonmyous comments and conclusions on these very critical questions from the very Members of Congress and Senators who may, depending upon the ultimate answers to these questions, be called upon to act as grand jury and trial jury in the ultimate disposition of these matters.

I am among those who has been deeply shocked by the extent and impact of the allegations made thus far—not only those seeking to implicate the President personally in the Watergate cover up, but also those which paint a picture of the workings of an arrogant White House staff, which in many matters is said to have considered itself to be above the laws of this land which we in Congress have enacted. Not despite but because of the severity of these charges and because of their importance for our political and governmental system, I hardly think that firm conclusions should be drawn prior to hearing from thise who have been accused of serious wrongdoing, but who have had neither the opportunity to respond in open testimony nor the opportunity to have these charges weighed in judicial proceedings where the rules of evidence apply.

It is apparent that what the Washington Post seeks to do in distributing this questionnaire is to enable itself to publish an article containing a numerical survey of anonymous opinions gathered by this vehicle. Any headlines or news articles published in the current atmosphere which would read something like—"No Congressmen or Senators Feel Impeachment Is Justified," or "Half of Congress Feels the President Should Resign," would serve no useful purpose whatsoever and in fact would severely damage and distort the difficult and painstaking process of sorting fact from opinion in this entire sordid chapter of American history.

Worse yet, these anonymous opinions are sought from the very same men and women who could conceivably be called upon to act as grand jury and jury if certain of the allegations that have been made are found to be true. I for one am very deeply concerned about statements that have been made thus far but I am nowhere near drawing conclusions about the guilt or innocence of the parties said to be involved. I am not one who will draw public conclusions until more facts are in.

Mr. Johnson in his letter seeks to relieve Members of Congress and Senators of taking any responsibility for their current notions on Presidential involvement in Watergate by saying in his letter:

> We realize that some members may be reluctant to state their views publicly. For that reason, we are keeping the survey strictly anonymous. In that way, we hope you will be able to state your own private, personal views without regard to constituent wishes or party positions. . . . Please do not sign your name, or in any other way identify yourself, on the attached questionnaire.

At this relatively early stage of the development of these investigations, I see this questionnaire and the potential uses to which the results could be put as a heinous overstepping of the bounds of responsible journalism. Because of the seriousness of Watergate and the cover up for the Nation, and because of the high-level involvement which is being charged, it is probably proper for the raw testimony, unrestricted by rules of evidence to appear and be discussed in the public media, despite the potential impact of this publicity on securing fair trials for the accused later on. But there is clearly no justification for any attempt to conduct an anonymous, dry run, impeachment in the press. The serious question surrounding impeachment matters are questions for Congress and for Congress alone to decide. I feel that our responses to such an anonymous questionnaire could seriously impair our objectivity, should the occasion arise for us to decide these questions in the House and Senate.

I am not seeking to instruct or urge my colleagues to ignore this questionnaire. I do, however, Mr. Speaker, want to call to their attention the very serious implications which I feel this questionnaire and its effects may hold for our country. Every person, under our system of laws has a right to face and answer his accusers. The Washington Post has tried to provide us with an easy way to veil the identity of congressional accusers without relinquishing the public impact, and the impact on the Presidency, of the accusations they seek to survey. I for one cannot and will not participate in this process.

SMALL BUSINESS TAX REFORM BILL

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am pleased to introduce H.R. 9036, the Small Business Tax Reform Act of 1973. This bill has been introduced in the Senate by the distinguished Senator from Nevada, Mr. ALAN BIBLE, the chairman of the Senate Small Business Committee, and I wish to commend my distinguished friend and colleague from Tennessee, Mr. JOE EVINS, the chairman of the House Small Business Committee, for his hard work in developing this legislation.

Nationwide, there are more than 8 million small businesses which provide about 35 million jobs and which play a vital role in providing the American consumer with an enormous variety of goods and services. Last year, these small businesses contributed over $420 billion to the gross national product—GNP. The continued health and existence of American small business is a solid guarantee that the consumer will benefit from competition, from entrepreneurial initiative which provides new products and services and from managerial flexibility.

New York City has a long tradition as a commercial hub for productive, hard-working small businesses, and those enterprises are of vital importance to the continued economic viability of the city. While there are few industrial manufacturing enterprises in my congressional district, there are many small- and medium-sized retail establishments, and these have a considerable impact on the daily lives of my district's residents.

Unfortunately, as is all too frequently the case with our inequitable tax laws which benefit the powerful at the expense of the working person, small businesses find themselves unfairly burdened with a business tax structure which taxes them at an effective rate of about 50 percent, while big businesses only pay about 35 percent.

One study presented to the House Ways and Means Committee revealed that the largest 4,348 U.S. corporations pay tax at an effective rate of merely 26.9 percent. As a result, big business gets richer all the time, while small and medium-sized businesses struggle to maintain their payrolls, provide quality goods and services to the consumer, and cope with ever-increasing business costs.

The last time when Congress enacted major special tax relief and reform legislation to meet the problems and needs of small business was back in 1958, and I feel that the time has come for all Members of Congress to join this growing present legislative effort to help small businesses retain a competitive posture.

Among the key objectives of this legislation are the following:

First, tax rates for small businesses—those earning less than $300,000 in net pre-tax profits annually—would be decreased. In addition, tax deferrals would be granted to small business enterprises in their formative years. No tax would be assessed to a small business during the first 3 years of its existence on the initial $25,000 profit annually providing that those profits were reinvested in the business.

Second, a permanent Intragovernmental Committee on Tax Simplification for Small Business would be created. This body would have the responsibility of simplifying the regulations, the laws, and the instructions relating to business taxation.

Third, an Office of Small Business Tax Analysis would be created in the Department of the Treasury, and it would have the obligation to examine tax problems and questions from the viewpoint of small business rather than from the position of the Government's interest in raising revenue.

Fourth, the continued independence of family firms would be encouraged by making it easier for heirs to pay estate taxes on inherited small business interests over a 10-year period.

This tax reform proposal would not result in a net loss of tax revenue to the Federal Government, for it would slightly increase the rate of taxation on corporate profits which exceed $300,000 annually while decreasing the tax burden of enterprises earning less than that yearly figure.

Mr. Speaker, passage of this legislation would be a positive step forward in guarding against the total domination of our economy by monolithic corporations which often ignore the needs of the individual consumer. It would help preserve the spirit of entrepreneurial independence which has characterized our Nation since colonial times, and I urge my congressional colleagues to take positive action on this bill at the earliest possible opportunity.

RETIREMENT OF COL. GEORGE L. J. DALFERES

(Mr. WAGGONNER asked and was given permsision to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, Col. George L. J. Dalferes—U.S. Air Force, distinguished military officer, fellow Louisianian, and for many years a close personal friend of mine—has retired after 25 years of service to his country. George is from Shreveport, La., in my congressional district.

Colonel Dalferes rose to the position of Deputy Assistant Secretary of Defense for Legislative Affairs in April of this year after an outstanding career in the Army and the Air Force. In this capacity, it was essential for him to understand the workings and decision processes of both Defense and the Congress. Understand them he did, and well.

Success in a job such as this demands an extraordinary personal touch, and George supplied it admirably. Many others have written or spoken of his abilities. I need only add that I do not envy his successor, as he certainly has a hard act to follow.

George has been a tremendous influence for good Defense-Hill relations. His departure causes me mixed feelings, as such outstanding men as Colonel Dalferes are in need today. He will be sorely missed not only by me personally, but by many others who have counted on his advice and counsel.

I congratulate George on a fine career, thank him for the limitless assistance he has given to my colleagues and me, and wish a great friend nothing but the very best in his future endeavors. I know that he will be successful.

THE 100TH ANNIVERSARY OF VENICE, ILL.

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record.)

Mr. PRICE of Illinois. Mr. Speaker, it was 100 years ago today that the village of Venice, Ill., was established along the eastern bank of the Mississippi River near St. Louis. Venice, which has since been incorporated as a city, has played an important role in the history and development of the Metro-East area.

The site which eventually became Venice was first settled by one John Atkins, who arrived from Kentucky in 1812. During the 19th century Venice became a terminus of the old wagon route, "The National Way," or "The Old Rock Road." In 1815 John Anthony began renting flat-bottomed skiffs to persons wishing to cross the Mississippi. Later, the ferry boat *Brooklyn* operated on the river from the Venice site. Today Venice, which owns the William McKinley Bridge, is still involved in getting people and products across the river.

In 1842 a young Army engineer, Lt. Robert E. Lee, directed the building of a dike extending from Venice to Kerr Island in the Mississippi. However, an 1844 flood destroyed it, and a rebuilt dike was similarly carried away in 1851. These early floods caused Dr. Cornelius Campbell to suggest the name "Venice" when the villlage was organized in 1873. Fortunately, the floods were ended in the early 1900's and this American Venice no longer shares with its Italian namesake the characteristics of watery roadways.

Almost immediately after it began operating officially, Venice experienced a period of prosperity, with commerce in grain predominating. Railroad lines converged in the city, giving rise to rail yards and railroad rights-of-way. Today railroading remains a significant factor in the economic life of Venice and together with powerplants and retail business makes Venice an important community in the area.

There have been 10 mayors of the city of Venice, including Dr. John E. Lee, who has served as mayor since 1957. Dr. Lee's father, Dr. John E. Lee, Sr., saw long service at city hall as mayor from 1911 to 1915 and again from 1917 to 1944. Citizens of Venice can be proud of and grateful for this fine tradition of municipal leadership.

Mr. Speaker, as Venice celebrates her centennial, let us congratulate its citizens, saluting not only the city's past role in the development of early river commerce, but also its present participation in the great industrial and commercial activity of the metropolitan area.

NO AID FOR IDLED WORKERS IN PRESIDENT'S TRADE BILL

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the Record.)

Mr. RONCALIO of Wyoming. Mr. Speaker, the late Tallulah Bankhead, daughter of a former Speaker of this body, is credited with coining the comment, in judgment of a new broadway play, that "there is less here than meets the eye."

This phrase accurately describes the so-called reform of the adjustment assistance program for workers displaced by imports proposed in the administration's trade bill now before the House Ways and Means Committee.

The present adjustment assistance program has been small comfort and little help to those workers thrown out of jobs by foreign imports. In its 10 years of existence since 1962, the program was all but inoperative up to 1969. Of all the petitions for adjustment assistance by workers, companies, and industries presented to the Tariff Commission, every one was denied—because, it was said, the language of the law was considered an "insurmountable barrier."

Since 1969, the barrier seems to have been overcome. But of the 189 worker adjustment assistance cases processed since then, only 44—as of May—received a positive finding by the Tariff Commission; 33 more were determined by the President. Of the 77 groups approved for assistance, about 34,000 persons should have received help; about 22,000 of these were estimated by the Secretary to have received it.

That is not much of a record.

The benefits of this program are not great; the cash readjustment allowance for certified workers is equal to 65 percent of the worker's former weekly average weekly wage, not to exceed 65 percent of the national average weekly wage in manufacturing. The maximum weekly benefit for this year is $101. Duration of payments usually is limited to 52 weeks.

When the President sent his proposed trade legislation to Congress in April, there were high-sounding words in his message about the need to meet the needs of the worker thrown out of jobs by imports.

He proposed that the old adjustment assistance be thrown out because it was "ineffective," and that a new one be put in its place.

And some new program it is. What it amounts to, in effect, is that those workers which are determined to have been displaced by imports would be drawing less in benefits than they are now. Instead of drawing 65 percent of their former earnings, these workers would now get only 50 percent.

Mr. Speaker, this sort of program is a cruel hoax on the American worker which is not worthy of the Congress' serious consideration. This is not any answer to the plight of those hundreds of thousands of workers who continue to be thrown out of jobs by the deluge of imports coming into this country; it is an insult.

OPPOSITION TO AUTHORITY FOR THE PRESIDENT TO IMPOSE EXPORT CONTROLS ON AGRICULTURAL COMMODITIES

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, this morning the Rules Committee held hearings on a bill to enlarge upon the existing authority to impose export controls. The Rules Committee heard the proponents and me and then decided to delay the hearing until a later date. I think this is a very important matter upon which the Members should become fully informed. My remarks before the Rules Committee explain the reasons for this opinion. It is as follows:

Statement by Neal Smith, Democrat of Iowa, Before the Rules Committee of the House of Representatives in Opposition to Authority for the President to Impose Export Controls on Agricultural Commodities, June 28, 1973.

Mr. Chairman and Members of the Committee: I appeal to you to prevent the Banking and Currency Committee from taking another bill to the House floor which would result in further shortages of food in the grocery stores. By bringing a bill before you to authorize the imposition of export controls, the Committee is living up to its perfect record of the past several months of proposing exactly the wrong medicine for the problems which exist. Shortages of some kinds of food are almost certain to occur in the next several weeks. The meat boycott in April, the attempt by the Banking and Currency Committee to pass a bill to roll back prices of food products and the ceiling which has been imposed at the retail level, have all contributed heavily toward these shortages. Obviously, the need was for a greater supply but all of these actions had the opposite effect. Many producers were so puzzled by the combination of events that they decided it was not worth the risk to increase production and many of them have taken steps to reduce their risk and also the production involved. Now instead of learning a lesson from those activities and taking steps to encourage more production, some people are proposing to impose export controls and thereby further discourage production.

Seventeen percent less beef was marketed in April than in the same month a year ago. Twelve percent less was marketed in May than a year ago. Beef marketed in April was at lighter weights than a year ago. Many producers puzzled by this whole thing decided to feed their animals a lower nutrient ration and stretch out the period of time required to finish the product hoping that after a few months the situation would be more stable and they could better predict what to do. Less pigs are being produced and this will have an effect next winter. The effect of price ceilings on beef not only reduces total supply but it also prohibits seasonal adjustments from one kind of meat to another.

The whole broiler chicken industry has been thrown into a situation where they cannot recover costs on normal production, let alone having any incentive to produce more. The cost of transportation, gas, labor and almost everything that goes into poultry production has increased but the price freeze prohibits normal adjustments. In addition to destroying eggs that were in incubators and not setting as many eggs, producers have been selling broilers at lighter weights. One producer I know of found that by selling his broilers which he had in the pens at the time at 2½ pounds instead of the normal 3½ pounds, he would reduce his losses to $30,000 instead of $50,000 so naturally he sold them at a lighter weight. This means that not only a lesser number of broilers will be available but also a far lesser tonnage of poultry meat will be available.

In the case of vegetables, the cost of harvesting and transporting has increased so much that under price freezes, some of them have simply chosen to leave them in the field or fail to plant any more. In some cases, using one week the first of June as the period for determining prices ignores the importance of normal adjustments in price from week to week and month to month and also ignores the fact that sometimes vegetables of a different quality come to market during one week compared to another. Those who were selling lower quality vegetables the first week of June at a lower price have now been eliminated from the market.

When there are less vegetables, retailers who can pay the most will get them and the retailers who can pay the most will be the ones who raised prices the most. Thus, the penalty is upon the wrong merchants. It is the kind of government action that convinces more merchants that they should raise prices as soon as it is legally possible so as to be ready if there is another freeze. Talk of boycotts, roll backs and ceiling prices has already resulted in substantial price increases and the new ceiling based on one week in June rewards those who raised their prices.

As if they had not already made enough mistakes, the same people who promoted the price ceilings and causes of the food shortage are now promoting this bill for export controls on food products. They may say it will be on a selective basis but the provisions of the bill are somewhat unimportant because the psychological damage will be tremendous regardless of how the bill is written. It convinces producers that if they do increase supplies, the government may prevent recovering increased costs for chemicals, fuel, taxes and other inputs. This is just another wrong move and the sooner it is abandoned, the better for those who want to see the food supply situation improved.

As far as beef is concerned, export controls would be of no benefit to consumers in the United States even on a short-term basis. We import 30 times as much beef as we export and any reduction in exports would obviously mean that those countries receiving those exports from the United States would simply buy some of the supply which we would normally be importing. So as far as beef is concerned, it not only has an adverse psychological impact which results in less increase in production in the United States on a long-term basis, but it also provides no supply advantage on a short-term basis.

Export controls are not only stupid economically but they are also downright un-American. It seems strange that as we are preparing for the Bicentennial of the American Revolution, people in high places in this country would actually be advocating the same kind of action which the mother country took against the colonies in order to force them to sell their products at less than their world market value. To force some Americans who produce food to sell their product at less than it is worth in other countries would be a form of economic slavery. American processors already have a tremendous advantage because the product is here and they do not have to pay transportation costs for overseas shipments. If a product is selling so cheaply that foreign purchasers can buy it in the United States and also pay the extra transportation costs cheaper than they can produce it, then that is the very product which we should be selling and the producers of that product are the very ones who must be the least responsible for inflation. To try to hold producers of these kinds of products to prices lower than their world market value, while most other things in the United States are protected by tariffs and selling at more than world market value, is bound to create the same feeling of desperation in the American farmers of the 1970's that it created in the colonial farmers in the 1770's. It is exactly the wrong thing to do and not only penalizes the wrong people but also will not obtain the results which its proponents desire.

It is time to realize that price ceilings, talk of price rollbacks, export control proposals and boycotts and other activities which discourage greater production are exactly the opposite to what is needed and those who promote these very things are the ones who must take most of the blame for the shortages which will occur in the near future. Although the situation is already so far out of kilter, it will be difficult to get it back to where some food supplies are available in sufficient quantities, any further delay will make it worse. It is time to start thinking of terms of encouraging adequate supplies instead of paying so much attention to those who propose easy solutions such as price freezes and threats of export controls which have the opposite effect on production and distribution of food products.

In the name of common sense, I ask Members of this Committee to put the brakes on the Export Control bill.

TRIBUTE TO HON. DANIEL J. FLOOD AND APPROPRIATIONS SUBCOMMITTEE ON THE LABOR-HEW APPROPRIATIONS BILL

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, 2 days ago I spoke on this floor of my high regard for the fine work done by Chairman Daniel J. Flood and his Appropriations Subcommittee on the Labor-HEW appropriations bill.

That brief mention scarcely did justice to the enormous dedication and the legislative skill of Dan Flood.

When I speak of education in this country, I am talking about more than institutions and establishments. I am talking about people—specifically youngsters. And it is youngsters I mean when I say that education in the United States owes an enormous debt to the gentleman from Pennsylvania.

Dan Flood asks the hard questions about educational finance, and he demands hard answers. This House knows that, and that is why it relies so much on his judgment and on the legislation he brings to this floor.

The appropriation for education contained in the Labor-HEW bill is a very complicated thing. Few Members of this House have time to familiarize themselves with it in its entirety. Dan Flood is not satisfied with superficial knowledge, and has made himself the master of this complicated subject.

I take to the floor today merely to expand the compliment I tried to pay to Chairman Flood and his subcommittee at the time the Labor-HEW bill was before the House a few days ago.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Hansen of Washington, for part of June 28, June 29, 30, 1973, on account of official business.

Mr. Wyatt (at the request of Mr. Gerald R. Ford), for the remainder of this week, on account of official business.

Mr. Danielson (at the request of Mr. O'Neill), for today, on account of illness in family.

Mr. Reid, for Thursday afternoon and evening, June 28, 1973, in order to attend the funeral of Mrs. Carol Bishop, the wife of the Reverend Joseph Bishop, the minister of the Rye Presbyterian Church, of which I am an elder.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Lott) to revise and extend their remarks and include extraneous material:)

Mr. Veysey, for 15 minutes, today.

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Steelman, for 5 minutes, today.

Mr. Don H. Clausen, for 10 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Shriver, for 10 minutes, today.

Mr. Michel, for 10 minutes, today.

Mr. Hogan, for 15 minutes, today.

Mr. Kemp, for 10 minutes, today.

Mr. Williams, for 5 minutes, today.

Mr. Camp, for 1 hour, Wednesday, July 11, 1973.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Burke of Massachusetts, for 5 minutes today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Lehman, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. William D. Ford, for 5 minutes, today.

Mr. Alexander, for 15 minutes, today.

Mr. Brademas, for 5 minutes, today.

Miss Holtzman, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes, to include tables and other extraneous material with his remarks in the debate on the Public Works Appropriation Bill.

Mr. Young of Florida, to revise and extend his remarks immediately following the remarks of Mr. Pike before the vote on the Dependents Assistance Act.

Mr. Young of Texas to revise and extend remarks in connection with statement made today by Mr. Pickle.

Mr. Dellums following debate on the amendment offered by Mr. McCloskey on H.R. 8947.

(The following Members (at the request of Mr. Lott) and to include extraneous material:)

Mr. Minshall of Ohio.

Mr. Steelman.

Mr. Pritchard in 10 instances.

Mr. Hosmer in three instances.

Mr. Wyman in two instances.

Mr. Huber.

Mr. Conte in two instances.

Mr. Collier in five instances.

Mr. Steele.

Mr. Steiger of Wisconsin in three instances.

Mr. Bob Wilson in two instances.

Mr. Kemp in four instances.

Mr. Railsback in four instances.

Mr. Hogan.

Mr. Shriver in two instances.

Mr. Michel in two instances.

Mr. Keating in two instances.

Mr. du Pont in two instances.

Mr. Veysey in two instances.

Mr. Landgrebe.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. O'Neill.

Mr. William D. Ford.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Bolling in two instances.

Mr. Mathis of Georgia.

Mr. Roe in two instances.

Mr. Harrington.

Mr. Rees in three instances.

Mr. Waldie.

Mr. Gaydos.

Mr. Brademas.

Mr. Gibbons.

Mr. Litton.

Mr. Burke of Massachusetts.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1352. An act to require loadlines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 1410. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for one year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

S. 1615. An act for the relief of August F. Walz; to the Committee on the Judiciary.

S. 1618. An act to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building"; to the Committee on Public Works.

S. 1901. An act to amend the act of August 20, 1963, as amended, relating to the construction of mint buildings; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6330. An act to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia; and

H.R. 7200. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 6330. An act to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 29, 1973, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1087. A letter from the Chairman, Emergency Loan Guarantee Board, transmitting the special report with respect to the need to continue the guarantee program beyond December 31, 1973, pursuant to section 12 of Public Law 92-70; to the Committee on Banking and Currency.

1088. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements with the Union of Soviet Socialist Republics, entered into during the period June 19-23, 1973, pursuant to section 112(b), Public Law 92-403; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADEMAS: Committee on House Administration. House Resolution 462. Resolution providing for the printing of additional copies of the House report entitled "Reform of Our Correctional Systems"; (Rept. No. 93-338). Ordered to be printed.

Mr. BRADEMAS. Committee on House Administration. House Concurrent Resolution 185. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon; with amendment (Rept. No. 93-339). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 219. Concurrent resolution providing for additional copies of "The Federal Civilian Employee Loyalty Program", House Report No. 92-1637, 92d Congress, second session; (Rept. No. 93-340). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 233. Concurrent resolution providing for the printing of committee hearings establishing a National Institute of Education; (Rept. No. 93-341). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 256. Concurrent resolution to provide for the printing as a House document, a revised edition of the House document "Our American Government. What Is It? How Does It Work?"; (Rept. No. 93-342). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 257. Concurrent resolution providing for the printing of additional copies of the House report entitled "Street Crime: Reduction Through Positive Criminal Justice Responses"; (Rept. No. 93-343). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 258. Concurrent resolution providing for the printing of additional copies of the House report entitled "Drugs in Our Schools"; with amendment; (Rept. No. 93-344). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 29. Concurrent resolution authorizing the printing of additional copies of Senate hearings on illegal, improper, or unethical activities during the Presidential election of 1972; (Rept. No. 93-345). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 457. Resolution to provide for the printing as a House document the booklet entitled "The History and Operation of the House Majority Whip Organization"; (Rept. No. 93-346). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 463. Resolution providing for the printing of additional copies of the House report entitled "Organized Criminal Influence in Horse Racing";

with amendment; (Rept. No. 93-347). Ordered to be printed.

Mr. DORN: Committee on Veterans' Administration. H.R. 8949. A bill to amend title 38 of the United States Code relating to basic provisions of the loan guaranty program for veterans; (Rept. No. 93-348). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8219. A bill to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; (Rept. No. 93-349). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 9055. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 93-350). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 477. Resolution providing for the consideration of H.R. 8480. A bill to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding, and to establish for the fiscal year 1974 a ceiling on total Federal expenditures (Rept. No. 93-351). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 478. Resolution providing for the consideration of H.R. 8860. A bill to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices (Rept. No. 93-352). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 479. Resolution waving points of order against the bill H.R. 9055. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 93-354). Referred to the House Calendar.

Mr. TEAGUE of Texas: Committee on conference. Conference report on H.R. 7528 (Rept. No. 93-353). Ordered to be printed.

Mr. MILLS of Arkansas: Committee of conference. Conference report on H.R. 8410 (Rept. No. 93-355). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois (for himself, Mr. Bell, Mr. Fish, Mr. McCloskey, and Mr. Mitchell of New York):

H.R. 9028. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself and Mr. McCloskey):

H.R. 9029. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ESCH:

H.R. 9030. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

H.R. 9031. A bill to amend the Communications Act of 1934 to require that radio and television receivers meet certain technical standards for filtering out interference; to the Committee on Interstate and Foreign Commerce.

H.R. 9032. A bill relating to the income tax treatment of charitable contributions of inventory and certain other ordinary income property; to the Committee on Ways and Means.

H.R. 9033. A bill to amend title II of the Social Security Act to increase from 22 to 24 the age until which child's insurance benefits may be paid on the basis of full-time student status, and the age before which a child must have become disabled in order to qualify for such benefits on the basis of disability; to the Committee on Ways and Means.

By Mr. BENITEZ (for himself, Mr. de Lugo, and Mr. Won Pat):

H.R. 9034. A bill to extend to residents of Puerto Rico, the Virgin Islands, and Guam, the social security benefits normally provided for aged, blind, and disabled persons, under the Supplemental Security Income program; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Collins of Texas, Mr. Brown of California, Mr. Brasco, Mr. Nedzi, Mr. Pike, Mr. Duncan, Mr. Gaydos, Mr. de Lugo, Mr. Moakley, Mr. O'Brien, Mr. Burgener, Mr. Huber, Mrs. Green of Oregon, Mrs. Hansen of Washington, Mr. Conlan, Mr. Murphy of New York, Mr. Charles Wilson of Texas, Mr. Lujan, Mr. Giaimo, and Mr. Towell of Nevada):

H.R. 9035. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 9036. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 9037. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. DULSKI:

H.R. 9038. A bill to authorize a program for the improvement and restoration of the Buffalo metropolitan area, New York; to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 9039. A bill to limit certain legal remedies involving the involuntary busing of schoolchildren; to the Committee on the Judiciary.

H.R. 9040. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 9041. A bill to amend section 505 of title 10, United States Code, to establish uniform original enlistment qualifications for male and female persons; to the Committee on Armed Services.

By Mr. WILLIAM D. FORD (for himself, Mr. Hawkins, Mr. Meeds, Mr. O'Hara, Mr. Clay, Mrs. Chisholm, Mr. Harrington, Mr. Thompson of New Jersey, and Mr. Fraser):

H.R. 9042. A bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 to meet the needs of runaway youths and facilitate their return to their families without resort to the law enforcement structure; to the Committee on Education and Labor.

By Mr. FRASER (for himself, Mr. Diggs, Mr. Van Deerlin, Mr. Minish, and Mr. Macdonald):

H.R. 9043. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. GUNTER:

H.R. 9044. A bill to limit Federal court jurisdiction to order busing; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 9045. A bill to require the President to include in the budget transmitted to Congress additional information showing the regional impact of budget proposals by State and congressional districts, and for other purposes; to the Committee on Government Operations.

By Mr. PODELL:

H.R. 9046. A bill to create a National Historic Records Commission, to establish a program for preserving and making accessible documentary resources throughout the Nation, and for other purposes; to the Committee on Government Operations.

By Mr. ROYBAL:

H.R. 9047. A bill to prohibit use of the mails to effect the sale or other delivery of mailing lists for purposes of commercial or other solicitation, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SATTERFIELD (for himself, Mr. Dorn, Mr. Teague of Texas, Mr. Haley, Mr. Dulski, Mr. Roberts, Mr Helstoski, Mr. Edwards of California, Mr. Montgomery, Mr. Carney of Ohio, Mr. Danielson, Mrs. Grasso, Mr. Wolff, Mr. Brinkley, Mr Charles Wilson of Texas, Mr. Hammerschmidt, Mr. Saylor, Mr. Teague of California, Mrs. Heckler of Massachusetts, Mr. Zwach, Mr. Wylie, Mr. Hillis, Mr. Maraziti, Mr. Abdnor, and Mr. Walsh):

H.R. 9048. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

By Mr. SKUBITZ (for himself, Mr. Shriver, Mr. Winn, Mr. Sebelius, and Mr. Roy):

H.R. 9049. A bill to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 9050. A bill to amend section 14 of the Airport and Airway Development Act of 1970 to prohibit certain expenditures from the Airport and Airway Trust Funds in connection with certain projects involving the location of an airport unless the legislature of each State in or near which such project is located has approved such project; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELMAN:

H.R. 9051. A bill to establish the Big Thicket National Biological Reserve in Texas; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 9052. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 9053. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. YOUNG of South Carolina:

H.R. 9054. A bill to amend the act entitled "An Act to authorize the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C.; to the Committee on Agriculture.

By Mr. MAHON:

H.R. 9055. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. ADAMS (for himself, Mr. Diggs, Mr. Fraser, Mr. Fauntroy, and Mr. Howard):

H.R. 9056. A bill to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FAUNTROY:

H.R. 9057. A bill to assure the availability of certain public records in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HEINZ (for himself, Ms. Abzug, Mr. Conte, Mr. Conyers, Mr. Coughlin, Mr. Dulski, Mr. Eilberg, Mr. Hawkins, Mr. Hunt, Mr. Johnson of California, Mr. Kemp, Mr. Railsback, Mr. Rangel, Mr. Riegle, Mr. Stokes, Mr. Talcott, Mr. Widnall, and Mr. Charles H. Wilson of California):

H.R. 9058. A bill to amend the Vocational Rehabilitation Act to provide a more equitable method of alloting funds for vocational rehabilitation services among the States; to the Committee on Education and Labor.

By Mr. HOLIFIELD (for himself and Mr. Horton):

H.R. 9059. A bill to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes; to the Committee on Government Operations.

H.R. 9060. A bill to distinguish Federal procurement and grant-type assistance transactions, standardize use of legal instruments for procurement and grant-type assistance transactions, and authorize use of a procurement or grant-type instrument, as appropriate, under existing authorizations to enter into contracts, grants or similar transactions; to the Committee on Government Operations.

H.R. 9061. A bill to provide policies and procedures for the procurement of property and services by Federal agencies; to the Committee on the Judiciary.

H.R. 9062. A bill to provide for the resolution of claims and disputes relating to Government contracts awarded by executive agencies; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 9063. A bill to designate certain lands in the Mendocino National Forest, Calif., as the "Snow Mountain Wilderness" for inclusion in the national wilderness preservation system; to the Committee on Interior and Insular Affairs.

By Mrs. MINK:

H.R. 9064. A bill to provide for Federal grants and loans to small business concerns which are adversely affected by transportation disputes; to the Committee on Banking and Currency.

By Mrs. SULLIVAN:

H.R. 9065. A bill to amend the act of October 12, 1968, to increase from $5 million to $7.5 million the amount authorized for grants to Eisenhower College, Seneca Falls, N.Y., and to provide authorization for grants to the Samuel Rayburn Library, Bonham, Tex., for establishment and maintenance of a Dwight D. Eisenhower Study Center; to the Committee on Education and Labor.

By Mr. HARVEY:

H.J. Res. 647. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 648. Joint resolution to extend the authority for the flexible regulation of interest rates on deposits and share accounts by financial institutions for 60 days; to the Committee on Banking and Currency.

By Mr. MADDEN:

H. Res. 475. Resolution amending clause 5 of rule I of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. MONTGOMERY:

H. Res. 476. Resolution providing that clause 5 of rule I of the Rules of the House of Representatives be amended; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

267. The SPEAKER presented a memorial of the Legislature of the State of California, relative to providing adequate protection for the coastal fisheries against excessive foreign fishing; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 9066. A bill for the relief of Robert Dona; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 9067. A bill for the relief of James A. Horkan; to the Committee on the Judiciary.

H.R. 9068. A bill for the relief of Morris and Lenke Gelb; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

248. The SPEAKER presented a petition of Thomas J. Garvey, Philadelphia, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

JUNE DAIRY MONTH

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, the rise of prices for needed commodities has been a concern of American consumers since our country was born. In recent years, we have seen prices make especially large increases, and consumers have grown more vocal in expressing their grievances.

Earlier this year, there was a meat boycott, as thousands of Americans gave up meat for a time in an effort to drive prices down. In addition, the President imposed a ceiling on meat prices.

All of this has made it appear that farmers are key figures in creating the price spiral. In fact, they are victims of that spiral.

Few people realize that farm prices are up only 6 percent over 20 years ago. The House Agriculture Committee reported recently that farmers have just now raised themselves to the economic level of 20 years ago.

Too many have forgotten that when it comes to food commodities, particularly meat, the law of supply and demand is of critical importance. No governmental policy can increase beef production faster than cows can produce calves and farmers can feed them so they can be marketed.

America's farmers have done a remarkable job of supplying sufficient food not only for our country, but for others throughout the world. Even while meeting these fantastic demands, they have enabled U.S. families to spend far less of their family budget for food than families in any other country in the world.

We, in Wisconsin, pride ourselves as being residents of "America's Dairyland." Each year we celebrate June Dairy Month in recognition of the dairy industry which means so much to our State.

An editorial which appeared in the June 7 Chilton Times-Journal presents an excellent discussion of some of the thoughts we need to consider during dairy month. I now insert that editorial in the Record:

June "Dairy Month"

June Dairy Month 1973 can, and should, take on a double meaning for Wisconsin residents.

Traditionally, the month-long dairy industry and dairy product promotional celebration will renew interest in consumer purchases of nature's most nearly perfect food. Most of us, although living in America's Dairyland and close to this great industry, need the annual reminder that milk and dairy foods are at the top of the list of enjoyable and nutritious foods.

At least 50 Wisconsin county June Dairy Month committees have taken this responsibility every year and are prepared for the 1973 edition.

This year, however, JDM promotional committees, have a second opportunity to advance the cause for their dairy food economy in Wisconsin. It has to do with inflation, the rising costs of all foods and the lack of information reaching consumers as to the position of dairy products as well as all foods in the price increases during the recent years.

For instance, how many of the people realize that, in the past five years, 1968 through 1972, the cost of living rose by 38 per cent, yet retail costs of all foods increased by only 23.5 per cent. In the same period dairy product prices advanced by 17.1 per cent.

Since the first of the year, retail meat costs have gained the most attention, bringing a "boycott" movement. The problem there is that homemakers admit that if the price of meat goes down, they will buy more. But the sad fact is that there is not "more meat" to be had at the immediate time.

While meat prices were escalating in 1972, the cost of milk and dairy products rose only by 1½ per cent, as all foods went up 5.1 per cent. Personal income, according to the

Bureau of Labor Statistics, continued its advance by 8 per cent.

The hue and cry over rising food expenditures can easily be understood since everyone buys food on almost a daily basis and thus is most conscious of food price inflations.

June Dairy Month committees can remind people that over the past 20 years rents increased by 57 per cent, medical care costs are up 128 per cent and furniture and household equipment are 2.7 times higher. The committees can ask consumers to do their own arithmetic, comparing their own income increases with the family expenditures over the past five or 10 years. Their records will show that their food now takes about 16 per cent of their disposable income today—reduced from more than 20 per cent of a decade ago.

A review of what has happened in the food industry the past 30 to 40 years also should add to the understanding of rising food prices. Since World War II, this country has switched to an "industrial" food supply. Today ingredients are grown, wherever soil, weather, taxes, labor costs and investment climates make it most expedient.

Foods are then separated into a variety of useful components, later reassembled, with a variety of flavors, dyes, texturizing and improving agents. The results are convenience foods, snacks and other complex creations.

Such manufactured foods do need a great deal of industrial-labor, vastily more expensive than farm labor, making them more expensive to produce every year.

These highly processed foods now account for more than 59 per cent of the present food supply.

June Dairy Month promotional people like challenges—here is a tremendous opportunity to serve their communities by adding to their traditional dairy programs.

NATIONAL SCIENCE FOUNDATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. RAILSBACK. Mr. Speaker, the National Science Foundation today commands a position of eminence. While it retains the support of basic scientific research at the core of its mission, it has also stepped into the forefront of supporting efforts to find answers to many of our most pressing scientific problems. Among these are problems related to energy research and technology, problems related to specific regional environments, and problems related to municipal and human services needs.

I have watched with great interest the progress of the Foundation's new experimental research and development incentives program, initiated in fiscal year 1973, whose objective is to learn how research and development results can be converted more efficiently and rapidly into new or improved products, processes, and services which will contribute to improvements in the quality of life by improving employment opportunities, economic growth, productivity, and the foreign trade balance. This program has a potential pay-off far in excess of the modest allocations it has received.

As it nears the end of its first quarter-century, the National Science Foundation should be provided with adequate resources to achieve its important goals and fulfill its vital mission. H.R. 8510 provides a realistic funding level, and will enable the Foundation to first, increase the base of scientific knowledge; second, find ways to deal with scientific problems through the civilian sector; third, promote international cooperation through science; and fourth, improve the quality and effectiveness of U.S. science education. I urge immediate and favorable action on this important legislation.

CLASSIFIED RUBBERSTAMPING ON DECLINE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. NELSEN. Mr. Speaker, according to Kenneth Berg, editor of the Mankato, Minn., Free Press, President Nixon has received far too little appreciation from the press for his commendable effort to reduce the number of classified government documents that have created excessive secrecy in government.

In a recent editorial, Mr. Berg pointed out that as a result of President Nixon's Executive order of March 8, 1972.

The number of officials authorized to classify secret documents has been reduced by 63 percent, from 48,814 to 17,883. Likewise, 71 percent of the number of officials authorized to stamp material have lost that authority; the number now stands at 1056 as compared to a previous high of 3643. Elsewhere, in the CIA, there has been an 81 percent reduction of top secret classifiers.

Certainly, all this is welcome, and I include Mr. Berg's editorial in full at this point in the CONGRESSIONAL RECORD.

DECLASSIFYING HISTORY

Whatever else may offer up Richard Nixon as sacrificial grist for the mill of criticism, he has accomplished one noteworthy thing that has received far too little attention in the press.

By executive order on March 8, 1972, the President established the Interagency Classification Review Committee, after the Pentagon papers dispute brought charges of excessive secrecy in the government.

As a direct result of that executive order, the number of officials authorized to classify secret documents has been reduced by 63 per cent, from 48,814 to 17,883. Likewise, 71 per cent of the number of officials authorized to stamp material have lost that authority; the number now stands at 1056 as compared to a previous high of 3643. Elsewhere, in the CIA, there has been an 81 per cent reduction of top secret classifiers.

By December of 1972 the National Archives and Record Service had declassified about 29 million of the 160 million pages from the period of World War II alone, and this project is expected to be completed by 1975.

The rubber stamp of "Top Secret" has been used since the beginning of World War II with indiscriminate profligacy, resulting not only in absurdly high costs for the maintenance of files and filers (not to mention rubber-stamp users), but also resulting in a specific attitudinal framework in Washington that has too frequently granted both administrators and vital information the diplomatic immunity of a spurious security label.

For all the good that has been done in cutting away some of the governmental underbrush, however, things are not altogether straightened out and satisfactorily de-red-taped yet.

This was pointed out quite recently by newspaper critic Ben Bagdikian, the roving correspondent for the Columbia Journalism Review,when he was here for Mankato State College Media Days. "We still have a very long way to go with declassification," Bagdikian said.

A case in point is the recent experience of the New York Times, which requested 50 old and presumably "safe" documents, but received only five of them, none of which had any value to the Times.

Others were denied on the ground that the request "did not contain enough particulars to find the document." "Still others were denied on the ground that secrecy was, in their case, yet an imperative.

Some of those denied on the basis of not enough being known about them were well-known but hitherto only partially alluded-to documents dealing with the Bay of Pigs invasion of 1961. Certainly, it would seem about time—as long as the country knows it blundered and that the CIA gave poor advice to JFK which caused him to act with poor judgment—to release something as old-hat and raked over the coals as the Bay of Pigs papers.

But apparently, what power government classifiers may have lost through the past year's reduction of their numbers has more than been compensated for by the enduring zeal of the remaining core.

And that is just as ominous a prospect as overclassification.

For, in centralizing and trimming classification personnel, a random stamp-pad-mad philosophy may have been diluted; but another may take its place—a philosophy born out of the survival of an elite few who will take it upon themselves to be more reserved and therefore less arbitrary but no less equivocating and secretive about things which should be made general knowledge, not buried in dusty archives.

History, after all, is the record of nations' mistakes as well as of their successes. A nation which impedes the full recording of history will only enhance in its citizenry a naievete about history that is at the very least threatening to its good political judgment, at worst a mocking contradication of the sounder principles upon it which it was founded.

YOUTH CRIME

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. HOGAN. Mr. Speaker, when I first came to Congress, I introduced legislation to give 18-year-olds the right to vote. I was convinced then, and I am even more convinced now, that 18-year-olds have the knowledge, education, intelligence, and maturity to vote wisely.

I heartily believe in the concept of full majority status at 18 and I feel a young man or woman should take on full responsibilities at 18. But, in addition to urging full rights, I also advocate reducing to 18 the age within which an individual may be tried as a youth for a criminal offense.

It seems ludicrous to me that an individual up to 21 years of age can be tried under the Youth Corrections Act and receive a very lenient sentence, and then, on the other side, should have full adult rights.

The following case of a young man, who has pleaded guilty to the robbery and shooting of Senator JOHN C. STENNIS, is a case in point:

GUILTY PLEA

A District man who pleaded guilty in the Jan. 30 robbery and shooting of Sen. John C. Stennis (D-Miss.), was ordered yesterday to a federal youth facility for a study to see if he should be sentenced as an adult.

John S. Marshall, 22, was one of three suspects charged in the shooting. The other two suspects, Derrick Holloway, 18, and Marshall's brother Tyrone, 19, have entered innocent pleas and are awaiting trial.

Marshall pleaded guilty in April, five days before his 22d birthday. Persons who enter guilty pleas before they reach 22 are eligible for a sentence under the more lenient Youth Corrections Act, instead of an adult sentence.

Marshall was ordered to the Petersburg, Va., federal youth facility by U.S. District Judge Joseph C. Waddy. At the end of 60 days, corrections officials are to report to the court whether they feel Marshall will benefit from treatment under the Youth Corrections Act.

SUBSTITUTE PROTOTYPE PROGRAM FOR F-14

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. RONCALLO of New York. Mr. Speaker, I read with interest the following article by Orr Kelly in today's Washington Evening Star and Daily News concerning the high cost of a prototype program to find a substitute for the Navy's F-14 fighter plane and I wish to share this information with my colleagues.

CLEMENTS CHALLENGED

(By Orr Kelly)

The cost of a prototype program to find a "cheap" substitute for the Navy's F-14 fighter plane will run to more than a half billion dollars—at least twice as much as estimates given to Congress by top Pentagon officials last week, the Senate subcommittee has been told.

The testimony—frequently couched in caustic and irreverent terms—came yesterday from George S. Spangenberg, who retired last week after 38 years as a Navy civilian expert on fighter plane development.

Chief target of Spangenberg's testimony was Deputy Defense Secretary William P. Clements Jr., who told the Senate tactical air warfare subcommittee last week that he wanted to continue limited production of the F-14 while searching for cheaper alternative to the $19.2 million plane.

Although Clements said cost studies were still underway, he stimated that the prototype program, in which modified versions of the F-14 and the Air Force F-15 would be built and tested against each other, would cost in the neighborhood of $250 million.

But Spangenberg showed the committee Navy estimates that the cost of developing an alternative to the F-14 will run to at least $582 million.

Instead of spending money on a prototype program, Spangenberg said, the country could save more than $1 billion simply by building the F-14 planes at the most economical rate of 72 a year.

When asked what he would do to lower the price of the F-14, Spangenberg replied without hesitation:

"The first step is to buy more and buy faster. That is the only sure bet to get the price down."

Spangenberg, who was described by Sen. Howard Cannon, D-Nev., the subcommittee chairman, as "one of the foremost and knowledgable aeronautical engineers in the country," also sharply questioned the technical information supplied by Clements.

Both in testimony before the committee last week and in a press statement on June 13, Clements said the biggest problem finding a cheaper alternative to the F-14 will be the redesign of the plane when it's heavy electronic equipment is moved, changing the center of gravity.

"The truth of the matter is that is the most difficult job of everything we are getting ready to do. So that is the toughest one," Clements said in his press conference.

"I certainly wouldn't expect any significant problem," Spangenberg said when asked about the shift in the plane's center of gravity. "That never entered my mind. It is a relatively small weight. It is inconceivable that that could be a problem." But redesigning the F-15 to operate off a carrier, he said, would require "a new structure from nose to tail."

At another point, Spangenberg termed "absurd" a statement by Clements that the electronic equipment amounted to half the costs of the plane.

If the Pentagon followed Clements' prototype approach, adopted the modified F-15 and bought a total of 696 planes—part F-14 and part modified F-15—the total cost would come to $10.6 billion or $15.2 million apiece, Spangenberg said.

THE SINS OF THE FATHERS—VIETNAM'S DYING ORPHANS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mrs. MINK. Mr. Speaker, in a recent National Broadcasting Co. television program, the American people saw a shocking indictment of their Government's inaction in the tragedy of American-fathered Vietnamese orphans.

The program depicted the orphan's plight in pictures, in a way that words could not accomplish. I hope the public learned the extent of their great need, for many of the orphans are dying of malnutrition, disease, or simply the lack of a loving parent.

As the author of legislation, cosponsored by 60 of my colleagues, which will help remove immigration obstacles to American adoption of these orphans, I commend NBC's attention to this problem.

While the written narrative conveys only a partial concept of the visual presentation, I am inserting it at this point in the RECORD so that my colleagues can have the benefit of this information:

THE SINS OF THE FATHERS

TEASE

NORTHSHIELD. This place, Viet Nam, is like most of the world. It is more involved in surviving than in living, more committed to mere existence than to enjoyment. Like most of the people of the world, those who live here have black hair, black eyes and terrible hungers. But Viet Nam is special too. It's a scar on the conscience of all men. It's a junk pile where old weapons rust and new little people rot. Among all the debris the very worst thing to be is one of these.

Over black toddler

NORTHSHIELD. She is a citizen of Viet Nam because she was born here, in the place her mother lives. Her father has gone home . . . to the United States. She is healthy and altogether normal. She is in very big trouble.

Over meat market

NORTHSHIELD. The mothers and potential mothers have been here for centuries. From time to time, armies of fathers and potential fathers have invaded or visited. Those here most recently were Americans. They were friendly to the friendly natives. The friends could get together at this gate to the world's largest Army base, a place called Long Binh. It had an American name, too. It was called The Meat Market.

Over Long Binh

NORTHSHIELD. Now the Americans are gone. They have felt the world's largest Army base and tons of debris. There are no friends here now, just relics and remembrances of past triumphs, of mistakes and expenditures.

Over wreckage

NORTHSHIELD. There were billions of dollars worth of goods, hundreds of thousands of people sent here. What is left behind is wrecked and used and dead.

Baby in crib

NORTHSHIELD. Except for this—also left behind—but doomed to live.

ACT I

Over freeze of birth

NORTHSHIELD. All babies are born naked, soiled, protesting, shocked.

Action begins

NORTHSHIELD. Most of them get over it.

Before dissolve to Quang Tri

NORTHSHIELD. But to be born in Viet Nam is to begin where the apocalypse had just ended. This is what remains of Quang Tri city, the way it was when we filmed there in February, 1973. This is the place where the four horsemen rode. They were called Plague, War, Famine and Death.

Over cemetery

NORTHSHIELD. To live in the presence of death is common and even necessary here. This place, in the heart of Saigon, is a cemetery. But refugees began living among the tombstones 20 years ago. Now the grave markers are houseposts and lamposts and playground toys. Few in Viet Nam can remember a time when there was no war.

Just before incubator

NORTHSHIELD. It is not a promising place to begin living.

On incubator

NORTHSHIELD. For those who survive the apocalypse, who get to breathe of the cleansed air . . . *more* trouble may lay ahead.

It has been written that "the sins of the fathers shall be laid upon the sons." It matters very much who the fathers are. It is important to know that the Vietnamese are racists. They have always been.

NORTHSHIELD. All these people are refugees from the war in Viet Nam but they are segregated by an old Vietnamese concept. Over in the solid buildings are Vietnamese refugees. On this side of the road are people of a different color. They live in hot filthy tents far from home.

They are a very subjugated minority.

On Montangards, after SOF

NORTHSHIELD. These people are called Montangards. That's a French word that supposedly pertains to people from the mountains. But it doesn't. As part of the language of the Vietnamese majority, it is applied to any of the 33 aboriginal tribes, those who look different and live differently. A Montangard is as Vietnamese as a Navaho is American. In Vietnamese—Montangard is a very dirty word. About like "nigger."

Montangard camp, just before dissolve to mixed children

Northshield. So Viet Nam had a special feeling for different-looking people before they ever were born. And if your mother is Vietnamese and your father American . . . any color American . . . you are aware of that feeling. It is almost certain that you have no father around. It is likely that you will be segregated from the rest of the community, possibly in an orphanage.

In orphanage

Northshield. In the whole population of Viet Nam, there aren't very many of them.

U.S. aid mission

Gardner Munro. The Ministry of Social Welfare has reached, a, determined a figure of ten to fifteen thousand racially-mixed children, most of them living in the extended community or with their families with a few hundred living in orphanages. We certainly support this figure.

Northshield. And when you speak of ten to fifteen thousand racially-mixed, are most of those by American fathers?

Munro. Well, there's no way of knowing, of course, how many are by American fathers or fathered by any other foreign nationals, but we would assume that the large increase in the number over the last six or seven years has been as a result of American troops being here. But I have to make the point that there have been many other troops here also, and many civilians.

Ministry of social welfare

Phan Ngoc Quoi. Up to this time we consider the mixed blood children in Viet Nam Vietnamese children. I do realize their needs might be different sometimes but a, as a whole, the majority of the Vietnamese people think they belong to this country.

Northshield. What problems will a mixed blood child, particularly a half-black child, face in later years?

Phan Ngoc Quoi. Well, if their families are needy families, if their mothers and relatives cannot take care of them—by taking care of them I mean providing a good education for them—loving them and so on—they might have problems, a, in the neighborhood, in school, because they don't have the necessary help they need at home.

Volunteer social worker

Michelle Wentzell. The mothers who have these children are discriminated against. They cannot get jobs in the normal Vietnamese society. Now when there were large concentration of foreigners here, especially American troops, they were employing thousands of these women.

You didn't ask a woman when you employed her if she had any mixed kids. You employed her. The Vietnamese will not hire a woman who has mixed children to work for them in any capacity except the very, the most menial imaginable: part-time fill-in for their maid when she goes on vacation—that sort of thing. If the mother has not stashed away some money, she's in trouble. She can't even feed the child, let alone give it the extras that she would like to.

Quoi. If the families love them enough I think they have a chance to grow up in this country like other children. Probably sometimes people might see that they are different.

Over black child walking

Quoi. They might have difficulties like other people who have some kind of a handicap of those who are underprivileged.

Wentzell. Now picture a child, all right, going to school. A little boy, a little girl, and everybody saying to him "you're an American child, you're an American child, you're this or that," and, and from the time he can understand his language, he's being told that he isn't what his mother is and what his friends are and there's something wrong with him and he doesn't know why.

Northshield. What's wrong with him is that he's just a small statistic.

Munro. The position that the United States government has taken, and particularly my office, is that the best way to help the racially-mixed child is to strengthen the services across the board in Viet Nam for all children because after all, the Vietnamese government sees these children as Vietnamese children and there are many other children besides racially-mixed kids that have special needs.

Over babies in cribs

Munro. So we have focused more on what is it we can do to help children in Viet Nam, and within this, the racially-mixed children may be one group of kids with special problems.

Northshield. Viet Nam has many problems. Those of the racially-mixed children are far down the list of priorities. That's understandable. Unless you are one of them.

ACT II

Northshield. A zoo that's well-stocked offers a spectator a wide array of representative species. This is the Go Vap orphanage in Saigon. It's a zoo. A visitor can see starving children, maimed and crippled children, dying children, far too many children.

Go Vap Portraits

Northshield. They got here the hard way. Most of their fathers were killed in the war that has destroyed nearly a generation of Viet Nam's young men. Many of their mothers were killed, too. But an appalling number of them got here by being lost from their mothers, abandoned by them. It was the easiest way for the mothers to handle the shame of their motherhood. There are 700,000 orphans or half-orphans in the Republic of Viet Nam. If the United States had the same percentage of its population in that condition, there would be 10 million American children without parents, without homes, without hope. Go Vap is the largest orphanage of more than 130 here. It's neither the best nor the worst. There are about 12 hundred little people here and only 12 nuns to take care of them. Taking care has come to mean keeping alive. Success is limited. If they survive, most of these people will remain penned here until they are adults. They are symbols of the apocalypse, especially of an awful famine. They are starving for love.

Eating

Northshield. Much of the stuff of life comes from the United States aid program, through the Ministry of Social Welfare of the government of Viet Nam. It amounts to five cents worth a day for each child.

Dying area

Northshield. Every day, new babies are born and abandoned to places like this. Many of them die here. . . . 70 per cent of those who come here, usually in the first few weeks, sometimes more slowly. Most of them die of malnutrition. They are undernourished in every way. The opposite of love is not hate; it's indifference. Indifference, even unavoidable indifference, is a cause of death.

Quoi. I understand and I realize that our abandoned and orphaned children don't have a family or a home of their own. That is why voluntary agencies as well as the government try to do our best to provide them a home. It can be an orphanage but we try to help them.

Wentzell. An orphanage in Viet Nam is not physically equipped to handle all of the orphans that exist here. It isn't financially equipped, it isn't equipped with sufficient personnel and it isn't equipped with the emotional stability that the average family has, not even an exceptional family. The average family can give a child so much more than the most fantastic institution.

Slums

Northshield. Maybe. The average family here is not only hungry but large. There are about 15 million people in the country and half of them have been refugees at one time or another. One of seven still is. That's nearly a million.

Northshield. The city is where most Vietnamese people huddle now, trying to hide from a war that hasn't ended, trying to find work and food and some spirit of survival.

Quoi. Our country has borne the greatest responsibility and damage and we have allies who come here and help us. If we consider the orphans and the abandoned children are victims of the war and if we say this war is not our war alone, I feel our allies would have some responsibility to help us in helping these children.

Doctor Wertz

Northshield. They used to help a lot. Doctor Wertz used to come to an orphanage on his time off from patching up helicopter pilots. Now he's home and so are most of his patients. But the litle ones he helped are still in DaNang, still needing him and not getting him.

GIs

Northshield. A couple of million Americans came here on a military mission. 46 thousand of them were killed here. It changed American history, and spread tragedy through American society. It changed this society, too. There were other things these giants brought along with their guns and tanks and bombs. Now all the Americans are gone. They took with them much of the compassion and caring these children ever knew. They took with them a show of charity and wealth the children never will know again. They cared but they had to leave. There is a generosity gap that cannot be filled.

Quoi. We would be grateful to any help given to us to help these children. But I do not want them to be singled out because we never know who is their father and we don't want to feel that they are different or they are better or they are worse than other children.

Blind

Northshield. To be blind, black and orphaned in this place is to be very special. A disproportionate number of the children here are half-black. That's because they are the ones most apt to be abandoned, to be left in orphanages. The Vietnamese feel that it's not as bad to be half-white so children of white fathers often are kept by their mothers. There aren't more black children, just more of them in orphanages. That's where they wait, grateful for tiny favors, hopeful and doomed.

ACT III

Hudson at Sacred Heart

Northshield. Captain Hudson used to be a helicopter pilot based at DaNang. At Sacred Heart Orphanage he met a little girl and chose her to be his daughter. From among the many, he selected this one and she is part of an American family. Captain Hudson is home in the state of Washington now and so is she.

Over orphanage scenes

Northshield. When you sit in an American living room and watch a television program, it is likely that you feel that adoption of these abandoned children is the clear solution to a simple problem. It seems apparent that almost any American home is better than an orphanage or an alley or a jungle. But while the problem is simple, the solution is not. Antiquated, complicated laws govern adoptions in Viet Nam. The American laws are not much more helpful. The orphanages are generally reluctant to put themselves out of business by giving up their children. And many of the orphanages are operated by religious groups that insist on very sectarian placements.

Vigorous attempts within the Congress of the United States to make adoptions more simple and American responsibility more obvious haven't worked. In large numbers, the children wait and grow. In much smaller numbers, people work to make adoption the answer.

Wentzell. I don't think the orphanage should be the last stop, I think it should go beyond that. I think it should go to a family. I think every child has a right to a family and there are families, there are families in the United States and Europe who want these children and I think that's where they should be going.

Over N.Y. adoption

Northshield. A few get out. Now there are international organizations beginning their work with the government of South Viet Nam to make successful adoptions more likely. But the laws and ideas are old and cumbersome. For each baby brought happily to a waiting American family, there are dozens unhappily growing up in orphanages far away.

Over black baby cu

Northshield. And there is another question: where does each child belong?

Quoi. Adoption is a very good solution for abandoned and homeless children, but overseas adoption is a very difficult process. I think a few of our children need overseas adoption and among these I think many of the mixed blood children might benefit from overseas adoption but I don't think that if a child is mixed he necessarily needs overseas adoption.

I feel people who want to adopt children should be people who feel that they are able to provide a loving home, a good home for the child. At the present time many people feel compelled to adopt Vietnamese children because they feel that they have some responsibility for that. So you might consider, call it a guilty complex, and I feel that in adopting children these things should be ruled out.

On trucking shot of cribs

Northshield. Miss Quoi must question motivations because she has a single-minded motivation herself. She must be concerned with *nothing* but the welfare of each child.

On walk

Northshield. Most of the adoptions come from orphanages but sometimes Miss Wentzell must search further.

Over walking shot

Wentzell. I've found that there are many different types of orphanges and many different types of mothers, of children with problems in this country. There are many different situations, and each one has to be looked at for what it is.

Wentzell. It's too big a problem for the country to handle alone. It's our responsibility, too, and we want to help them. I want to help them, there are a lot of people who want to help them. The people who are trying to adopt want to help them. They want to take a life and bring it into their home and make something beautiful out of a child's life that would have been very sad here despite the most desperate efforts of orphanages and mothers and even the government. They just can't handle the problem. One has to help them.

On weeping woman

Northshield. This woman has had four children by American fathers. One has been adopted. She is pregnant with a fifth.

French children

Northsfield. France used to own this place. In its last years here, the French Army fathered a great many children, lost a war and got out. Those remaining children, under French law, were afforded French citizenship and a free education in France, if their mothers chose to send them. There is no precedent for this in the American experience. Indo-China never was a colony of the United States, the Vietnamese never were connected to America through citizenship or occupation. The mothers of these children of French fathers still send their children off to France to school and a different life. They gather at Tan Son Nhut airport to say "adieu." Literally. Of nearly 7 thousand children sent to Europe, only 10 ever have returned to Viet Nam.

Pullback to victor

Northshield. The United States, through aid programs, with much food and money and effort, supports all the social welfare programs of the Republic fo Viet Nam. The Pearl Buck Foundation specifically helps the racially-mixed children. And so does a tiny, new organization called the Vietnamese-American Children's Fund. It aids in adoptions and orphan care from an apartment in Saigon.

Vietnamese-American Children's Fund

Victor Srinivasan. I have more or less about sixteen kids under my personal care at the moment. Three of them are totally abandoned. One a, a the parentage could not be established, but I think one of my little girls is half-Cambodian and a another girl is fathered by a black American and, a, the boy also, I believe, a boy, the features I'm talking about, was fathered by a black American. These three children are staying with me right under my, under our roof, and we are taking care of them, me and my wife. Apart from them, I have a few more children who stay with the mothers but I help these children go to school, to a boarding school, and I pay the school fees. They stay in the school where they have their education, food and everything, and on weekends, every Saturday, the mothers go to the school, take the child to her home and bring the child back to the school on Sunday evening.

Mother and children in market

Northshield. However many half-American children there are in Viet Nam, most are with their mothers. Each lives the same fatherless difficult life as any other half-orphan. But they are young and so is the incipient feeling here of anti-Americanism. Both the children and the feeling of hostility can be expected to mature. Misfortune takes many forms, more here than in most places. This woman, for instance, was married to an American soldier. Their three children have U.S. passports. But they can't use them because they don't know where to go to join their father. He left a year and a half ago and sent money to his family here for nine months. For the last nine months, he has sent none. He's a black man in America and no doubt has problems of his own.

Srinivasan. I do definitely recognize a special problem with these mixed-blood children because, a, because of their parentage. When they grow, they're definitely going to encounter some kind of embarrassing situations in the society, a, especially the black ones. I'm quite sure they're not going to sort of, a, they'll be the odd-balls in the society and, a, the white ones . . . they're liked by most of the Vietnamese people. But even then, sometimes or other a crude remark can be passed about how the child was born, you know, somebody can call them a bastard or something like that.

Regional Director, Care

Robert G. Trott. In terms of a, the, a, the black child in particular, I think that patrimony might be one way of assisting these children. In other words, these children have been fostered by American soldiers so therefore they should be given the opportunity at some point in life to opt for American citizenship. Now this is a, a, it would give them the opportunity to either stay in Viet Nam or at some point in their life opt to leave for, for the United States where there's a possibility the conditions would be much better for their acceptance in the society. Because I believe in Viet Nam this, it's going to be a, a very, very difficult thing for them to become fully integrated in the society.

Srinivasan. I was separated from my father when I was about two years old, I believe, I didn't know that, and, a, I lost my mother when I was ten years old. That means I became a totally abandoned child when I was ten years old. And I know what I missed, and I know what these children are missing: the love, the care and the personal attention. So it's a sort of personal thing for me that I want to give to these children what I missed when I was young.

Trott. I know myself in terms of my life, a, you, you find yourself ostracized. You find yourselves being referred to as, say, as "nigger." But here it probably would be a much stronger term. Your mother would be called a prostitute, a, and you'd be referred to, a, in various derogatory terms and these are the sorts of things that really get home to you.

Over orphanage scenes

Trott. One must always think in terms "where do I fit, where do you belong and how I fit into any particular setting or situation?" So the individual must be able to, a, in his own terms, evaluate his own situation and be able to figure out how he fits in what particular setting and, but the conditions, a, are such that, a, we're not always able to be free.

Orphans CUs

Northshield. Freedom's just another word for nothing' left to lose, according to a song still popular. Freedom also has been denied as the possession of choices. There are very few choices if you're the wrong color in a place where color matters. It's critically important for everyone to determine where he belongs. It's somewhat more simple to know where he doesn't belong. It's even more difficult to know where you belong if you're not sure what you are: half-black, half-brown; or half-brown, half-white: if you've brutally been told and shown how different you are. To know where you don't belong is difficult. To know where you do belong is essential. Not to know is not to live.

ACT V

China Beach family

Northshield. One day, a year ago, the man went home. The woman thought he had promised to arrange for her to follow and become his wife. She still waits near the empty Marine Corps base where she worked and lived. She waits and the three children wait and the community shuns them. It's beautiful here. And lonely. For the children, there are few friends. But they do have a mother. And love.

In hamlets

Northshield. This is another fortunate child. She has a mother. Her father is an unknown soldier, somewhere else. Her mother used to have eight children and a husband. The husband has been dead for seven years and so are three sons who were killed in the war. This daughter was born after the woman worked at a U.S. Army Base. This one is lucky, too. She has a mother and a grandfather. Her father probably doesn't know she exists. Surely she doesn't know that he ever did. These people are in hamlets in the scarred countryside of South Viet Nam. In years past, many of the young girls went to the cities, where the Americans were, where the jobs were. They worked as maids or bargirls or prostitutes. Now they are back. Most of them with babies have kept them and kept hope and trust.

Birth

NORTHSHIELD. From now on, almost every new person born in Viet Nam can enter his country, sure of his race. He, like each of us, will begin naked, soiled, protesting and shocked. But he will not be racially-mixed in a place where that's important.

Orphanages

NORTHSHIELD. Soon there will be no more half-American children born here. But there still will be at least 25,000 of them resting unwanted, waiting. The governments of the United States and of the Republic of Viet Nam agree that there are fewer than 25,000. Responsible social workers know there are more. Whatever the number, each small person is unique and each is in trouble. The two governments also agree that the racially mixed children must not be separated, must not be helped in special ways that accentuate their differences. The two governments agree that something must be done about speeding up the adoption process. They agree but there has been no acceleration. The war is over—for everybody else.

Singer

NORTHSHIELD. The most popular songwriter in South Viet Nam writes only about war. He's against it. So the government and the Viet Cong—equally—consider him dangerous. Only the people love him. This is what Trinh Cong Son has written:

I pass to you a mother's gift
  A sad Viet Nam, a mother's gift
A thousand years of Chinese reign
  A hundred years of French domain
Full twenty years of civil war,
  A mother's gift: a heap of bones
A mother's gift: a hill of tombs
  A full 20 years of civil war,
A mother's gift is barren land
  A mother's gift is burning hands
A mother's gift is half-breed men,
  A mother's gift is two-faced men.

Over black child freeze frame

NORTHSHIELD. An Ernest Hemingway short story begins with this sentence: "In the fall, the war was always here, but we did not go to it any more." The title of the story is "In Another Country."

FRANK E. BATTAGLIA RETIRES

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. COLLIER. Mr. Speaker, the retirement of Frank E. Battaglia on June 30 will mark the end of an era. Only 10 of the present Members were here 30 years ago when Frank began his labors in the House of Representatives.

During the three decades in which he has served the people's Representatives, he has been faithful, loyal, and conscientious. I have been amazed at his ability to take down the torrent of words that flows from our lips day after day, without losing his equanimity. No matter how often the words are mispronounced, the infinitives split, and the metaphors mixed, somehow Frank and his associates straighten them out and we read them in all their purity the following morning in the RECORD.

Mr. Speaker, when we return to this historic Chamber after the Independence Day recess, Frank will be gone. We will miss him, but it will be some comfort to know that he will be enjoying the beginning of what we hope will be many happy years of a well-deserved retirement.

PRIVATE INSTITUTIONS OF HIGHER EDUCATION SHOULD RETAIN TAX INCENTIVES

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. HANRAHAN. Mr. Speaker, there is much talk these days of great reforms in our Federal tax structure. Most assuredly, movement in this direction is a healthy and progressive indication. The dedicated Members who serve on the Committee on Ways and Means have heard long and careful studies on the many facets of this complex issue. They are to be highly commended for their continuing perserverence to the many noble goals that fall under the banner of "tax reform."

There is one aspect of tax reform that I hope the Members consider particularly carefully, though. While they strive to achieve more equitable schedules for Federal income, gift, and estate taxes, I hope the financial dependence of private institutions of higher learning on such incentives will not be overlooked. Such institutions function to a large degree on pirvate donations. To discourage this support by unfavorable altering the tax structure would be to critically jeopardize the quality of education in this country.

Let me repeat that I have every confidence in my colleagues who are involved in writing a tax reform package in which this Congress will be able to take great pride. I simply take this opportunity to urge that this important consideration not be slighted. Accordingly, I submit herewith a resolution adopted at the 200th annual meeting of the board of trustees of Dickinson College. This resolution was brought to my attention by Samule W. Witwer, President of the Board of Trustees at Dickinson. I am very grateful to President Witwer, who is a long time friend, for his genuine interest and concern over this matter:

TAX LAW ON CHARITABLE CONTRIBUTIONS RESOLUTION

Whereas, the charitable contribution and long-standing governmental policy of providing incentives in the Tax Law for Charitable Giving comprise a basic tenet of the American way of life; and,

Whereas, in the best tradition of citizenship, the charitable contribution is seen as a voluntary, discretionary act in the interest of others; and,

Whereas, the quality and diversity of college and university education rely substantially on private giving; and,

Whereas, voluntary financial support has been a hallmark of American higher education since colonial days;

Now therefore be it resolved, that the Trustees of Dickinson College, by this resolution, do hereby assert and record their unanimous support for the retention of present tax incentives which, to a large extent, have enabled the College to perform its socially valuable educational services for two hundred years.

WHAT IS COMMUNISM—CHAPTER V

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. PRICE of Texas. Mr. Speaker, as part of my continuing series of statements analyzing communism as a system and idealogy, today we shall examine an aspect which strikes close to home, that is, the role of a Communist in the parliament—or when a legislator is actually not a legislator.

V

It is held as an axiom in communism that the economic forces of production—base—determine the type and nature of social, political, and cultural institutions—superstructure. In effect, the State is a part of the superstructure, and in a capitalistic society, the State is a tool of oppression of the bourgeoisie—owner—class.

As Marxism-Leninism holds that communism can only come into existence when the proletariat—worker class—seizes control of the state, an essential commitment to revolution must follow. Violent revolution is a tactic which Communists do not hesitate to employ when expedient, but the use of violence has its limitations and Communists are Machiavellian enough to believe that the end justifies the means. Hence, at times nonviolence is a more practical form of revolution, and Communists have learned to make skillful use of nonviolent revolution in its various forms. One special target of nonviolent revolution is the seat of power in all capitalist "bourgeoisie democracies"—the parliament.

When necessary, Communists seek to influence the parliament by the use of devices such as strikes, demonstrations, petitions, front organizations, et cetera. But even more effectively, where possible the Communist Party seeks to elect one or more of its members directly to the parliament.

Somewhat surprisingly, the role of a Communist in the parliament is not to enact laws as much as it is to frustrate the will of the non-Communist parliamentary majority and to exploit the advantages inherent to an elective office for the purpose of promoting party propaganda and programs. A Communist in the parliament does not view himself as a legislator nor does he regard himself to be obligated to the rules, decorum, or general purposes of the parliamentary system.

Although the Marxist-Leninist notion of revolutionary parliamentarism has through the years undergone certain cosmetic changes and refinements, the essential ingredients have remained constant. As defined in the authoritative Thesis of Statutes of the Third Communist International, the revolution is to be advanced within the walls of the parliament in the following manner:

REVOLUTIONARY PARLIAMENTARISM

1. The Communist Party in general and its Central Committee should, during the

preparatory stage, before the parliamentary elections, inspect very carefully the quality of the personnel for the parliamentary fractions. The Central Committee should be responsible for the parliamentary Communist fraction. The Central Committee shall have the undeniable right to reject any candidate of any organizations, if it is not perfectly convinced that such candidate will carry on a real Communist policy while in parliament.

2. When the elections are over, the organization of the parliamentary fractions must be wholly in the hands of the Central Committee of the Communist Party—whether the party in general is a lawful or unlawful one at the given moment. The chairman and the bureau of the parliamentary fraction of Communist must be confirmed in their functions by the Central Committee of the Party.

3. The Central Committee of the Party must have its permanent representative in the parliamentary fraction with the right of veto. On all important political questions the parliamentary fraction shall get preliminary instructions from the Central Committee of the Party.

4. A Communist delegate, by decision of the Central Committee, is bound to combine lawful work with unlawful work. In countries where the Communist delegate enjoys a certain inviolability, this must be utilized by way of rendering assistance to illegal organizations and for the propaganda of the party.

5. The Communist members shall take all their parliamentary work dependent on the work of the Party outside the parliament. The regular proposing of demonstrative measures, not for the purpose of having them passed by the bourgeois majority, but for the purpose of propaganda, agitation, and organization, must be carried on under the direction of the party and its Central Committee.

7. The Communist deputies must try to get in touch (under the control of the party) with the revolutionary workingmen, peasants, and other workers either by correspondence or otherwise. They must in no way act like the Docial Democratic deputies, who carry on mere business relations with the constituents. They must always be at the disposal of the Communist Organizations for propaganda work in the country.

8. Each Communist member must remember that he is not a "legislator" who is bound to seek agreements with the other legislators, but an agitator of the Party, detailed into the enemy's camp in order to carry out the orders of the Party there. The Communist member is answerable not to the wide mass of his constituents, but to his own Communist Party—whether lawful or unlawful.

9. The Communist member must speak in parliament in such a way as to be understood by every workman, peasant, washerwoman, shepherd; so that the Party may publish his speeches and spread them to the most remote villages of the country .

The next chapter shall deal with the vanguard—the Communist Party.

AMENDMENT TO H.R. 8916

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. RAILSBACK. Mr. Speaker, I will introduce the following amendment to State, Justice, Commerce, and Judiciary appropriation bill on Friday, June 29, for the review of my colleagues. I insert the following:

Amendment to H.R. 8916 offered by Mr. RAILSBACK:

On page 35, at lines 13 and 14, strike "$181,278,000" and insert in lieu thereof $83,372,000".

On page 36, line 23, strike "$12,200,000" and insert in lieu thereof "$12,909,000".

FEDERAL ELECTIONS REFORM ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. ANDERSON of California. Mr. Speaker, the tragedy of the Watergate scandal is not so much its indictment of those who abuse the power with which they were entrusted, but the implication that all in Government operate in a shady atmosphere where corruption, bribes, and dirty tricks are rampant.

Granted, the current method of financing political campaigns can lead to corruption.

Granted, some who participate in the electoral process do so solely for financial favors bestowed by the winner.

Granted, big-moneyed interests can buy willing politicians.

Granted, the special interests play for high stakes in elections.

But, Mr. Speaker, simply because a few abuse the system, this does not mean that all—or even most—of those who seek elective office are tools of big-moneyed power brokers.

Simply because a few individuals are willing to sell their souls to the highest bidder does not mean that all are for sale.

The broad brush of the Watergate, however, has touched everyone in public life, and the public is, indeed, cynical regarding the meaningfulness and integrity of our electoral process.

Certainly, the time is ripe for a drastic reform of the campaign financing system that has tempted too many, with too much, with too little accountability.

The slush funds, the suitcases stuffed with cash, the laundered money flowing from Mexico, and the backdoor big money deals must be halted, and faith in the integrity of the electoral process must be restored.

As a first step toward preventing future "Watergates," I am today introducing legislation which would: First, establish a bipartisan Federal Elections Commission with complete investigative and prosecuting authority; second, impose a flat $1,000 limitation on contributions to candidates for the House of Representatives or the Senate, and a $2,500 limitation for Presidential candidates; third, encourages small contributions and permits partial public financing; and fourth, allows a reasonable amount of free TV time for candidates for Federal office.

FEDERAL ELECTIONS COMMISSION

Rather than permit officials to, in effect, police their own campaign activities, the bill I am offering today would establish an independent bipartisan Federal Elections Commission charged with the authority to investigate and prosecute financial misconduct in Federal campaigns. This new Agency would take the responsibility for monitoring campaigns and enforcing the law out of the hands of political appointees who may be tempted to overlook infractions by their benefactors.

CONTRIBUTIONS LIMITATIONS

Second, to rid the electoral process of the corrupting influence of the special interests and the big money fatcats, this proposal would limit contributions from any one source to $1,000 for congressional and senatorial campaigns and $2,500 in Presidential campaigns.

While present law prohibits contributions exceeding $5,000, it is so fraught with loopholes that it has become almost meaningless. My proposal, however, would insure effectiveness by requiring candidates to provide written authorization before any political committee could receive contributions, or make expenditures in their behalf.

FINANCING CAMPAIGNS

But, rather than rely on the wealthy few to finance a campaign, I believe that public financing should supplement the small, private contributions.

Thus, this bill provides for a system whereby tax credits, small contributions, and matching payments from the Federal Treasury would be combined to pay the costs of congressional, senatorial, and Presidential campaigns.

First, the current tax credit for political contributions would increased from $12.50 per taxpayer to $50.

Second, each contribution of up to $50 from an individual would be matched by an equal sum by the Federal Treasury.

ACCESS TO RADIO AND TELEVISION

Due to the great expense involved in getting the candidate's name and message to the voters, campaigns are costly, but are not necessarily educational. When 30 seconds of television time is sold for $5,000, very few candidates can afford to use this medium, and, when they do, it is usually for the shortest time possible.

Yet, the critical decisions which face our country are not simple—they cannot be explained in 30 seconds—they are not analogous to the benefits of spray deodorant or a certain type of soup.

Issues are complex and positions must be explained, often at considerable length.

Thus, my proposal would provide candidates for Federal office with 30-minute blocks of publicly subsidized air time. Presidential candidates would receive five half-hour blocks; senatorial candidates, three; and House candidates, two.

CONCLUSION

Mr. Speaker, I firmly believe that the public demands a reform of our current system of elections, and I believe that affirmative congressional action is desperately needed to restore confidence in our system of government.

The Watergate scandal is certainly a blot on our history, and it has scarred and ripped our political fabric. But, if nothing else, it points to the need for reform, and it issues a very real challenge to those of us in public office—a challenge that we must accept and revive the public's faith in our political institutions and the persons who populate those institutions.

FEDERAL GRAND JURY REFORM

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. ECKHARDT. Mr. Speaker, today Congressman CHARLES RANGEL and I have introduced legislation entitled "The Federal Grand Jury Reform Act of 1973." Because of the extreme importance of the grand jury's role in our criminal justice system, I wish to take this opportunity to call my colleagues' attention to the bill.

During the last few years there has been growing concern among those involved in the judicial process that the grand jury has ceased to serve its traditional role as a guardian of individual rights and an instrument of truth, and instead has become an instrument used to harass political dissidents and quash opposition to governmental activity. As a result, there have been calls for both the reform of the grand jury and for its complete abolition.

The Grand Jury Reform Act of 1973 answers these calls. Both Congressman RANGEL and I believe that the grand jury can serve a vitally important role as an arbiter of governmental prosecution, and as such it should be preserved. But changes must be made in the current grand jury system, and our legislation would make the necessary changes.

The fifth amendment to the Constitution states:

> No person shall be held to answer for a capital or otherwise infamous crime, unless a presentment or indictment of a Grand Jury. . . .

At the time the Constitution was adopted, the grand jury had become accepted as a screening device to allow prosecution of only those persons whom it had probable cause to believe were guilty of a crime. Given the Founding Fathers' fears of an oppressive Federal Government, it is not surprising that they would include the grand jury requirement in the document designed specifically to protect individual rights.

Unfortunately, the grand jury of today bears little resemblence to the grand jury of 1789. Then, the grand jury was a truly independent body initiating prosecutions through presentments based on the personal observation and knowledge of its members. The royal prosecutor was not only allowed into the grand jury room. Today, the prosecutor is not only allowed into the grand jury room, he totally dominates the proceedings. Rather than an independent body conducting inquests and preferring charges on its own initiative, today we have a grand jury that is used as an investigatory tool for the prosecutor. The grand jury hears the witnesses asked questions the prosecutor wants to ask.

The grand jury witness, denied benefit of having legal counsel present and not schooled in the five points of constitutional and criminal law, may answer questions which could constitute implied waivers of fundamental constitutional rights or lead to incarceration. Not only must the witness appear without benefit of counsel, but grand jury witnesses may be subpenaed to distant cities, sometimes by several grand juries, without any requirement of a showing of probable cause or reasonableness on the part of the Government. And as a culminating blow to individual rights, a witness may be indicted on evidence illegally obtained and inadmissible at trial. Even though the evidence may be suppressed when offered at trial, the defendant must suffer the unnecessary rigor of a public trial.

The grand jury as we know it today is the result of an evolutionary process of the common law. Congress has never systematically defined the substantive powers and purposes of the Federal grand jury. Instead, tradition and precedent have resulted in a system in which the cardinal principles have been formulated on a case-by-case basis for judges. It is time now for legislators to replace the judges, to take an overview of the system, and effect the changes necessary to restore the grand jury to its dual role as protector of individual rights and investigatory body.

Following is a summary of the major provisions of the Federal grand jury reform bill of 1973:

SUMMARY OF ECKHARDT/RANGEL GRAND JURY REFORM BILL

1. It reduces the maximum permissible period of imprisonment from 18 months to six months for civil contempt for refusal to testify before a grand jury after immunity has been granted. It prevents so-called "reiterated contempt" proceedings by making the six month limit cumulative, applying it to successive periods of incarceration for refusing to testify before prior, subsequent or other grand juries engaged in related investigations.

2. It requires a ten-day interval between the notice of a contempt hearing given to a witness for refusing to testify and the date of the hearing, in order to give the witness adequate opportunity to prepare for a hearing that may result in his confinement for contempt, and thereby end the current grand jury railroad by which witnesses may find themselves subpoenaed in the morning, immunized by noon, and jailed for contempt by evening.

3. It requires bail on appeal of contempt orders, unless the Court finds that the appeal is frivolous or is taken for delay. For persons not admitted to bail, it requires appeals to be disposed of as soon as practicable, pursuant to an expedited court schedule, in order to alleviate the burden imposed on appellate courts by present law, which requires such appeals to be decided in 30 days.

4. It provides a right to quash grand jury subpoena or vacate a contempt order if the court finds that the choice of venue of the grand jury would impose a substantial and unnecessary hardship on the witness or his family. In making this determination, the court may consider the distance involved, the significance of the overt acts taking place in the jurisdiction, the existence of related investigations in more convenient jurisdictions, and changed circumstances since the witness was originally subpoenaed. The witness may move to quash the subpoena in any of three districts—the district where he resides, the district where he is served, or the district where he is ordered to appear.

5. It provides a right to quash a grand jury subpoena or vacate a contempt order if the court finds that a primary purpose of the appearance is to obtain evidence regarding the activities of a person who is already under indictment for such activities.

6. It provides a right to quash a grand jury subpoena or vacate a contempt order if compliance would be unreasonable or oppressive in other respects, such as cases involving repetitive appearances before a grand jury or where merely cumulative testimony is sought.

7. It provides a right to quash to grand jury subpoena or vacate a contempt order if a primary purpose in imposing or continuing incarceration is to punish a witness for his refusal to testify.

8. It provides for a stay of the appearance of the witness before a grand jury until a motion to quash his subpoena is decided.

9. It provides a right to appointed counsel in contempt proceedings if the witness is unable to afford his own counsel.

10. It provides a right for a witness to have counsel present in the grand jury room during his testimony, but for legal advice only. Counsel may not disclose grand jury proceedings except when acting in his capacity as counsel for the witness, who is permitted to disclose grand jury proceedings under present law.

11. It provides a right for a witness to inspect and copy a transcript of his grand jury testimony. Free transcripts are made available to indigent witnesses.

12. It requires the attorney for the government, when he starts seeking the indictment of a certain individual, to inform the grand jury of his intentions, and also inform the grand jury of its right to subpoena such individual to appear if it so desires.

13. It requires seven days notice after the service of a subpoena before a witness must appear before the grand jury, except upon a showing of special need by the prosecutor.

14. It requires a subpoena to notify a witness of his right against self-incrimination and his right to counsel, including his right to appointed counsel, if he is indigent.

15. It prohibits the introduction before a grand jury of evidence obtained in violation of an individual's constitutional rights. Current Federal law prohibits the introduction of evidence obtained by illegal electronic surveillance before a grand jury. This provision of the bill extends the prohibition to other illegally obtained evidence.

16. It restricts "use" immunity by prohibiting compelled testimony from being used against a witness in all cases except perjury before the grand jury or giving false statements to the grand jury. Present law being read to allow such testimony to be used in other unrelated perjury or false statement prosecutions.

17. It provides a right to counsel or appointed counsel in immunity hearings.

18. It prohibits immunity from being granted unless adequate safeguards are taken to minimize the danger that a foreign prosecution may be brought against a witness, based on compelled testimony under an immunity order.

19. It requires the court to find, before an immunity order is granted, that the testimony sought is relevant to a legitimate law enforcement investigation.

20. To insure that the compelled testimony of a witness granted "use" immunity is not later used against him, the bill requires the government to submit a summary of evidence relating to criminal activity by the witness.

21. It limits "use" immunity to the investigation of serious offenses (those for which electronic surveilance under court order is currently available). The bill requires the "transactional" form of immunity to be

granted if immunity is desired in the investigation of other offenses.

22. If a witness who is compelled to testify under an immunity order is later charged with an offense, the bill requires his indictment to be handed down by a grand jury other than the one before which he testified.

23. It requires detailed annual grand jury reports by the Attorney General for each Federal judicial district, describing grand jury investigations and immunity grants, including the number of requests for immunity, the number approved, the number of contempt orders, the duration of confinements for contempt, and the number of convictions obtained through immunity orders. The bill also requires the reports to describe data banks and other procedures by which grand jury information is processed, stored, and used by the Department of Justice.

MEXICO GAINS IN WAR ON DOPE TRAFFIC—PART I

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. BOB WILSON. Mr. Speaker, in recent years our neighbor to the south has made remarkable strides in dealing with the illegal drug traffic. In communities like San Diego in close proximity to the border, we face a particular problem with smuggled narcotics. Many Americans are not aware of the major drug cleanup effort being undertaken by Mexican officials and I would like to call the following special report from the June 17 San Diego Union to the attention of my House colleagues:

ABOUT 100 LAWMEN SLAIN—MEXICO GAINS IN WAR ON DOPE TRAFFIC

(By Vi Murphy)

Although more than 100 law enforcement personnel and Army troops have been slain in a running battle against narcotics smuggling, Mexico is continuing an intensive internal war to staunch the flow of contraband drugs.

Across the sprawling deserts and through the lush plantation areas, combat rages against the tightly organized smuggling racket which markets billions of dollars of illegal drugs annually in the United States.

It has been a desparate battle with a fearful loss of life and equipment sustained on both sides.

But officials in the United States and Mexico feel progress is being made. Informants report the price of drugs is going up on the street and the quality is going down.

Also, recently, Mexican law enforcement units were reinforced by American agents and equipment to create an international strike force that has scored several dramatic victories against the racketeers.

The vast international drug traffic has been squeezed the last five months in a giant pincer movement as Mexican and American federal agents moved in from both sides of the border.

More than a half dozen of Mexico's most powerful drug operations have been caught in a 2,000 mile border dragnet but the victories have been costly in lives of Mexican law enforcement and public funds.

Mexico has lost more than 100 policemen, federal judicial officers, undercover men and army troops in the past two years in the fight against drug smugglers.

An entire squad of Mexican soldiers was wiped out by machine gun fire from ambush as they marched through a dense jungle to destroy a marijuana plantation.

TOP UNDERCOVER MEN SLAIN

Seven of Mexico's top Federal Judicial Police undercover men have been murdered by the drug underworld.

Two Mexican agents were shot to death as law enforcement forces converged on a large-scale drug operation run by the Cantu family near the village of China, 80 miles south of Laredo, Tex.

More than 36 police officers have been assassinated in Nuevo Laredo, 150 miles south of San Antonio, Tex.

Federal Judicial Police Commander Everardo Perales Rios was machine-gunned last July on the street.

A young American ex-Marine working undercover with Mexican agents was found dead in the northern desert where he had been bound to stakes and his tongue cut out—a warning to informers.

Federal District Attorney Salvador del Toro Rosales has been warned by the underworld he is marked for assassination.

POLICE COMMANDER THREATENED

Federal Judicial Police Commander Alberto Francisco Peral Orea has also been threatened. But the two officials continue to investigate, raid and prosecute in Nuevo Laredo.

As Mexican officials and army troops fight the drug traffic and die, the stream of drugs continues to flow steadily northward from the rich agricultural states of Sinaloa, Jalisco, Guerrero, northern Michoacan and from Latin American countries that traffic through Mexico as an international crossroads.

Five months ago, Mexican and American law enforcement officials joined forces in a newly-organized, tough task force that has turned the 2,000 mile border into a sweeping chess game.

Cutting off the flow of marijuana is one main goal of the strike force. Heroin is another. Cocaine is another.

A multitude of other drugs have also been scooped up in Mexico including amphetamines, barbiturates, peyote, hashish, and mushrooms that produce a psychedelic effect.

ALONG BORDER, INTO INTERIOR

The smuggling war ranges along the border and into the interior of Mexico.

The border town of Nuevo Laredo, 150 miles south of San Antonio, Tex., has been a notorious battleground for more than a year.

San Luis, 20 miles south of Yuma, Ariz., has been one of the most bizarre combat areas in Mexico, the hub of a five-month running battle that isn't over yet.

Federal troops keep a watchful eye on the rugged mountain country east of Culiacan where one of Mexico's most powerful drug barons, Pedro Aviles, is reportedly hiding out.

"The Mexicans are doing the best they can with what they have in a tough situation," said Joseph Arpaio, regional U.S. Bureau of Narcotics and Dangerous Drugs director for Latin America, who has been headquartered in Mexico City for 3½ years.

He explained, "The Mexican authorities have seized a tremendous tonnage of marijuana and an impressive amount of other drugs.

"They are doing a tremendous job that they are not being fairly recognized for doing."

Gov. Milton Castellanos Everardo of Baja California unleashed a strong offensive at the border drug traffic after he took office in December, 1971.

Within seven months, more than $80 million worth of marijuana, heroin, cocaine and pills had been seized and destroyed by the State Judicial Police headed by Commander Salvador Hirales Barrera.

"We thought we could hit them hard and let them know we meant business and run them out, but the smugglers just kept on coming," said Francisco Santana, equivalent of lieutenant governor of Baja.

He added, "It is like trying to hold back a strong river. Until you dynamite its source you can't stem the flow."

Castellanos Everardo has ordered a continuing search and seizure campaign by the State Judicial Police.

Federal Judicial Police units and army troops have also waged a strong campaign in Baja California.

Federal District Attorneys Carlos Roncaglia in Ensenada and Alfonso Lopez Quiroga in Tijuana have spearheaded intensive investigations and maintained a tough prosecution line on arrested drug violators.

WIDE VARIETY OF DRUG RUNNERS

Contraband drug runners include American college students and other young adventurers, professional persons and businessmen.

Recently a middle-aged woman in an advanced stage of pregnancy was caught at the border with a station wagon load of marijuana.

Drugs are transported across the border in light aircraft, cars, campers, vans, cabin cruisers and ocean-going freighters.

Recently the famous Mexican ship, Don Miguel, was raided in Los Angeles harbor after arriving from Mazatlan with a large cache of marijuana aboard.

Even more recently a young American clutched a pillow in his arms at a Hermosillo police station, and giggled as he stared at a tall Mexican detective while his two companions watched nervously.

Federal District Attorney Francisco Sahagun Baca quietly studied the plastic bag containing 15 ounces of high quality heroin, worth $125,000 on the street in the U.S., that the detective had just fished out of the pillow held by the giggling youth.

"He's high," the detective remarked as he looked at the wide, dilated pupils of the American's eyes. "They didn't used to let the users run this stuff but we are seeing everything now."

THREE ARRESTED AT ROADBLOCK

The three had been picked up in a roadblock on a Sonoran highway as they drove back to the United States from Mazatlan.

Sahagun Baca relaxes on his rare days away from the office flying around the state in a light plane spotting new roadblock locations and scrutinizing the cars moving below.

The Mexican drug traffic is organized into more than a half dozen underworld organizations, each headed by a leader known to authorities on both sides of the border.

The Mexican drug families once moved about Mexico with ease. Some enjoyed social prominence. But now they are hunted, members are being arrested and some have been forced into hiding.

In a 13-month period ending in February this year, 5,500 plantations and farms growing cannabis sativa, the hemp plant producing marijuana and hashish, were destroyed by Mexican authorities along with 6,949 opium poppy farms.

A spokesman for the Mexican Justice Department, headed by cabinet minister Pedro Ojeda Paullarda, said that in the same 13-month period, 310 pounds of heroin was seized, 438 tons of marijuana, 41 pounds of morphine, 270 pounds of cocaine and 15,025,000 barbiturate capsules and pills.

The past four months, 2,300 marijuana and 8,215 opium poppy farms and plantations have been raided, according to officials in the Mexican Justice Department, agency supervising the drug war.

DRUG CONFISCATIONS SINCE FEBRUARY

Drugs confiscated in Mexico since February include 155 tons of marijuana, a half ton of cannabis seeds, 1,400 pounds of hashish, 90 pounds of opium, 55 pounds of heroin, 152 pounds of cocaine and 1,200,257 barbiturate capsules and pills.

More than 11,736,000 amphetamine capsules and pills were captured in the 13-month period ending in February and another 805,000 have been seized since then.

Mexican drug arrests for the 13-month period included 2,356 Mexican nationals, 54 of whom were farmers and plantation owners, and 394 foreigners, many of whom were Americans.

Since February, 765 Mexican nationals have been arrested, including 136 farmers, and 132 foreigners, including Americans.

Arpaio said Americans are in prisons on narcotics convictions or charges in Baja California, Nogales, Hermosillo, Acapulco and Mexico City.

Confiscated equipment used for running drugs included 743 ground vehicles, 15 airplanes and two ships during the 13-month period.

Since February, the Mexicans have confiscated 197 ground vehicles, 31 airplanes and three ships, the Justice Department official said.

In addition, sizable supplies of contraband drugs slipping through the Mexican net are caught at the international border by American authorities.

U.S. CUSTOMS LISTS SEIZURES

U.S. Customs officials reported seizures in 1972 included 68.6 pounds of heroin in 352 seizures; 22 grams of opium in five seizures; 39.9 pounds of cocaine in 135 seizures.

Customs agents also captured 302,806 pounds of marijuana in 2,994 seizures; 172 pounds of hashish in 154 seizures and 11.3 million pills in 680 seizures.

U.S. narcotics officials consider use of heroin the major American drug problem. Cocaine ranks second.

MINNESOTA VET DISCUSSES AMNESTY

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. NELSEN. Mr. Speaker, I recently received a very good letter from one of my constituents, Mr. Ronald J. Svihel of Madelia, Minn., regarding the subject of amnesty. Mr. Svihel, a veteran of the Vietnam conflict and a survivor of the bloody Tet offensive of 1968, expresses a viewpoint which I believe is shared by a very large number of our fellow Americans.

In view of the bills on this subject pending in Congress, I request unanimous consent to introduce Mr. Svihel's letter in the CONGRESSIONAL RECORD at this point for the benefit of my colleagues.

DEAR CONGRESSMAN NELSEN: It has come to my attention through the V.F.W. organization that there have been Congressional hearings on the matter of amnesty. I wish to make my feelings known to you as I am a veteran of the Vietnam conflict and served during the 1968 Tet Offensive. It is my opinion and that of the V.F.W. that amnesty is not a matter for the Congress to decide.

Laws govern cases of draft-dodging, desertion and leaving the country illegally. These men must face the courts. I am opposed to the granting of any general amnesty. No American should expect more than justice—no American need settle for anything less. Amnesty means forgiveness. We cannot provide forgiveness for them. Close friends of mine and I served and paid the price, some with their very lives. Those who deserted must now pay their price.

I do not believe I could stomach being called an American if my country would grant amnesty for those who didn't have the stomach to live up to their obligations to their country. Men died obeying the law and men have been badly crippled because they served their country. Now please don't make their sacrifices worthless by granting amnesty.

I firmly believe that those who served should not be dishonored by those who did not.

Very truly yours,

RONALD J. SVIHEL.

RT. REV. ARCHPRIEST FEODOR KOVALCHUK

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. CARNEY of Ohio. Mr. Speaker, last week marked the 25th anniversary of the ordination of the Right Reverend Mitred Archpriest Feodor Kovalchuk, pastor of Nativity of Christ Orthodox Catholic Parish. It was my privilege to participate in the silver jubilee banquet held in his honor on Sunday, June 24, 1973, at the Tippecanoe Country Club in Youngstown, Ohio.

I am fortunate to be considered a personal friend of Father Kovalchuk. He is a man who has enriched the lives of the countless number of people who have known him over the years.

Mr. Speaker, I insert into the RECORD an account of the testimonial held in honor of Rt. Rev. Archpriest Feodor Kovalchuk:

TWENTY-FIFTH ANNIVERSARY IN HOLY PRIESTHOOD OF ARCHPRIEST FEODOR KOVALCHUK, YOUNGSTOWN, OHIO, JUNE 24, 1973

Father Feodor was born 5 March 1924 to the family of Priest Sawa and Matushka Rose in Wakaw, Saskatchewan, Canada. Soon his parents were assigned to a small country parish in Holdingford, Minnesota, where he received his elementary education and graduated as valedictorian from the Upsala High School, Upsala, Minnesota. Father Feodor studied at Concord State College in Athens, West Virginia before transferring to Columbia University and St. Vladimir's Orthodox Theological Seminary in New York City. In 1945 he graduated with the A.B. degree from Columbia and the following year, since both disciplines were carried simultaneously after successfully completing 90 semester hours of work, he was graduated from the seminary. He was ordinated Deacon by the Most Reverend Macarius (Illinsky), Metropolitan of the Aleutian Islands and North America, Patriarchal Exarch for North and South America, on 13 June 1948 at St. Nicholas Cathedral in New York City; and, Priest on 20 June 1948 by His Eminence, Metropolitan Macarius.

the Dean, Archpriest Joseph Dzvonchik, at Pastor" of the Cathedral while the Metropolitan and the Dean were at the Church

Father Feodor was assigned assistant to St. Nicholas Cathedral, and was the "acting celebrations in Moscow. He was placed in charge of the "English speaking parish" of the Cathedral and the Paraecclesia of the Nativity of the Holy Theotokos. A large group of young people were organized into a society known as "Club Druzya" which became the nucleus of the "youth" parish. As a young priest and assistant to the dean, he was to appear on New York City radio (WEVD) on the program "Adventure in Jobs" and gave widespread publicity to the work which was being carried on at St. Nicholas Cathedral.

In December 1948 Father Feodor was assigned to St. George Serbian church in Pittsburgh which had been organized before the turn of the century and was in the jurisdiction of St. Nicholas Cathedral. In early 1949 he was temporarily assigned to care for the St. Seraphim of Sarov mission parish in Cambridge, Massachusetts to which belonged noted scholars from Harvard, and, which was organized by the late Princess Poutiatin, subsequently Mother Seraphima.

A couple of summer months in 1949 were spent in the Mid-west, at the "home parish" where Father Feodor had grown up. He took care of the Holdingford, Minnesota parish and was able to get a priest assigned to the church by our bishop. He was then sent to Holy Trinity parish in Baltimore, Maryland which was to experience much activity: Among the many-sided activity of Father Feodor there was the parish cemetery which had to be transfered to a new location, the temple and the rectory were completely renovated, religious education classes for everyone were instituted, etc. Two young men of the parish began to study for the Priesthood and are presently serving the Holy Church as priests. Since his assignment to Nativity of Christ in Youngstown, another young man, encouraged by Father Feodor, was ordained to the Priesthood.

On 1 February 1952 Father Feodor assumed his duties as Pastor of Nativity of Christ Church in Youngstown. Father Feodor led the parishioners in the development of a building program which in 1955/56 saw the completion of one of the most beautiful temples in the area and a new rectory according to his plans. After the mortgage was paid the Holy Altar was consecrated by His Excellency, Bishop Dositheus (Ivanchenko) on 16 May 1965. The blessing of the temple and the "Rite of Placing the Antimension" was conducted by Archimandrite Dositheus Ivanchenko in April 1956. Several years ago Father was instrumental in purchasing the adjacent property for future expansion.

In additional to his parochial duties, Father Feodor enrolled at Loyola of the East College in Baltimore and did post-graduate work in Education. His studies were interrupted by the transfer to Youngstown. However, in 1967 he won his M.A. degree from Western Reserve University in Slavic and East European studies and, by 1970 completed 12 hours of the Doctoral Program at Case-Western Reserve in Cleveland.

In 1963, the Chairman of the History Department of Youngstown University Dr. David Behen invited Fr. Feodor to fill in for the Russian history instructor who was on a sabbatical. However, Father remained for several more years in the History Department teaching courses in Russian history, Soviet history, Medieval history, and was asked to join the Language Department of the University where he taught Russian, Russian literature and Russian Culture until spring of 1970. During the 1970–71 Academic Year, he has taught courses in Russian history, Soviet history, Medieval history and Contemporary Civilization at Mount Union College in Alliance, Ohio. Since 1970 he has taught Russian language at Woodrow Wilson High School in Youngstown, and currently teaches there. He also has taught Russian at Chaney High School in Youngstown during the 1971–72 school year. In January of this year he was visiting instructor at Westminster College in New Wilmington, Pennsylvania where he taught a four week intensified course entitled "Orthodox Catholic Christianity." He has also participated in academic symposiums on Russia, the Orthodox Church, and related topics. He has lectured to various groups, institutions and schools.

Father Feodor has been involved for about twelve years in the Church Catechetical Program as instructor. He has served as President of the Eastern Orthodox Catechetical Association and Conference Chairman. This conference is held annually each summer at Michigan State University as part of its Continuing Education Program.

Father Feodor is a member of the National Slavic Honor Society "Dobro Slovo," and the American Association of Teachers of Slavic and East European Languages. He also holds membership in the Ohio Academy of History, and in the Alumni Association of St. Vladimir Orthodox Theological Seminary. He actively participates in the local Committee of Community Concern of which he is amember. He was the first Orthodox priest to be invited to give the benediction at the Youngstown University graduation exercises in August 1967; he also gave the invocation and benediction at the Woodrow Wilson High School commencement in June 1968.

Among other honors and distinctions conferred upon him was the election as Vice-President of *the Eastern* Orthodox Catechetical Association; he has served as Executive Secretary for the Patriarchal Parishes of the Russian Orthodox Church in the United States for the past three years and was appointed to this post by Metropolitan Nikodim; and he is a member of the Bishop's Council. He has written for Diocesan publications and has served as circulation manager and translator of most of the material from Russian into English for the last five years of the Church's journal; he serves presently as the Publishing Editor for One Church, although he has been associated with the journal in various capacities, including that of Editor, since the early fifties. He was appointed Liturgist of the Central States Deanery. He has translated most of the material and compiled the "Abridged Typican," now being enlarged by additional translations; in addition, he has compiled and prepared the Fiftieth Anniversary Parish book, subsequently published as "The Holy Liturgy and Other Prayers;" he has recently compiled and had printed "The Prosthesis" and "The Vesting" as part of the activity *of the Central* States Deanery.

For "zealous Church work" in 1952 Father Feodor was awarded the Hypogonation and the Skouphos. On 5 August 1952, by special Ukaz of His Holiness, Patriarch Alexis, he was appointed a member of the Exarchal Council, subsequently elected at each Convocation of the Russian Orthodox Church. In 1954 Father Feodor was awarded the Kamilavkion and the right to wear the gold pectoral Cross. As member of the Exarchal Council he worked day and night with Metropolitan Hermogenes and his secretary Professor Alexander F. Shishkin in preparing all the materials for the Convocation and adopting the Constitution which set a new course for the Church in America. In November and December 1955 he made his first visit to Russia as part of a six priest delegation from the United States. After this trip, in cooperation with Fathers Joseph Dzvonchik and David Abramtsev, he published a lengthy account of the trip. He was elevated to the rank of Archpriest at the hands of the late Metropolitan Boris (Vyk) on 27 February 1955. In December of that year he was awarded the "Patriarchal Grammata" by Patriarch Alexis. and another one last year (1972) by Patriarch Poemen. Father Feodor was received in audience by His Holiness Patriarch Alexis several times, and by Patriarch Poemen.

In 1958 he was awarded the jeweled pectoral Cross and the right to wear the Palitza. By Ukaz of the Holy Father Patriarch Alexis he was awarded the Order of St. Vladimir First Class, conferred upon him by Metropolitan Boris on 1 May 1960 at the Nativity Church.

In August-September 1960 Father Feodor spent about six weeks in the Soviet Union and was elevated to the rank of Mitred Archpriest by His Holiness, Patriarch Alexis. The solemn investiture took place in the Holy Theophany Patriarchal Cathedral in Moscow by his Excellency, Bishop Nikodim (now Metropolitan), where Father had the distinct honor and privilege to wear the precious silver mitre of the late Patriarch Sergius, of blessed memory, at the liturgy. In 1963 he was invited to participate in the Golden Jubilee celebrations marking 50 years of the episcopal consecration of His Holiness, Patriarch Alexis, and the Annual St. Sergius Day celebrations of the Russian Church. He was also invited to visit the Church institutions, her clergy and temples in Russia by the Patriarch and spent over two weeks there. In February 1964 he was the secretary and translator to Metropolitan John (Wendland) while participating in the Central Committee meetings of the World Council of Churches at Odessa. The previous year he took part in similar meetings of the WCC in Rochester, New York as a simultaneous translator.

In May 1968 Father was an official delegate to the solemnities marking the 50th Anniversary of the Restoration of the Moscow Patriarchate and was able to visit Yaroslavl' and other Russian cities for about two weeks. During the month of July, 1968, he was an official delegate of the Church to the Fourth Assembly of the World Council of Churches in Uppsala, Sweden. Upon returning from Sweden, he visited Moscow for the week-end. On still another occasion, in 1969, he was part of a three-man delegation from the American Exarchate to a Church meeting in Tokyo, Japan and via Moscow spent two days there. He was an official delegate from the clergy to the Local (Regional) Council of the Russian Orthodox Church which elected His Holiness Peomen, Patriarch of Moscow and All Rus, in 1971 at the ancient monastery of the Holy Trinity-St. Sergius at Zagorsk, U.S.S.R. where the Council met. Finally, Father led a Pilgrimage to the holy shrines of the Church in Russia during the summer of 1971.

Father Feodor married Anna Ivanovna Korewik in May 1948 and they are the parents of three children: Sergius, a graduate of Youngstown State University, and presently doing graduate work in art; Basilissa, a sophomore language major at Youngstown State; and, Natalia who is in the seventh grade.

Fr. Vladimir Demshuk: "This brief biographical sketch cannot hope to portray the years of study and scholarship which have marked Archpriest Feodor's life, nor the long hard years of service which he has given to Christ's Church. These few pages have failed to mention the faithful and unfaltering nature of his pastoral ministrations to the orthodox faithful who have been delivered into his care by our Lord. We—your parishioners—lift our hearts in prayer to Almighty God that on this day, your silver jubilee, He will send down upon you His grace and His blessings granting you His great mercies. We pray that He will grant you many, many years."

A PARENT'S REMINISCENCES

Mitred Archpriest Sawa and Matushka Kovalchuk: "While in a parish in Minnesota, I traveled occasionally to North Dakota and Wisconsin in caring for a number of smaller Orthodox communities. Back home, however, in the Holdingford, Minnesota parish I often left behind my nine-year old son Feodor and provided him with an outline for a "liturgical worship" and later on with a short sermon which he was to deliver to the congregation that gathered to pray and to listen to the sermon.

"I recall Feodor becoming involved in trying his skills at being publisher and printer for he would print a small newspaper entitled The Arrow. Even to this day this interest and the skills he had begun to learn as a boy have not deserted him.

"It was apparent, even while he was yet a boy, that he had a 'calling' to Holy Orders and I remember that he sometimes 'played Church' outside the sanctuary while he also was deeply interested in assisting me in the liturgical services. I recall that he always had a dream of building an 'Orthodox-style' temple one day, and despite many problems and obstacles, this dream became a reality here in Youngstown. His firm determination, his vocational goals, formed in childhood were held by him with an unrelenting determination and though some may have tried to divert him from his goals, no one was able to do so. Motivated by what was certainly a divinely-given vocation, my son persisted and today I have the joy of seeing his dreams a reality."

IN GIVING HONOR TO OUR FATHER FEODOR, WE DEDICATE THIS POEM TO MOTHER MARY COSSACK

(By Leda and John Hartwell Taras)

They are not gone who pass beyond the clasp of hand—out from the strong embrace;
They are but come so close, we need not grope with hands, nor look to see, nor try to catch the sound of feet—
They have put off their shoes softly to walk by day, within our thoughts, to tread at night—our dream led paths of sleep.
They are not lost who find the sunset gate—the goal of all their faithful years.
Not lost are they who reach the summit of their climb—the peak above the clouds and storms.
They are not lost who find the light of sun and stars and God.
They are not dead who live in hearts they leave behind.
In those whom they have blessed, they live a life again and shall live through the years eternal life, and grow each day more beautiful as time declares their good forgets the rest and proves their immortality.

THE PROGRAM, SUNDAY, JUNE 24, 1973

10:00 A.M.: Pontifical Divine Liturgy of Thanksgiving Nativity of Christ Church.

Chief celebrant: His Excellency, The Patriarchal Vicar, Bishop Makary. His Excellency Theodosius, Bishop of Pittsburgh and West Virginia; Mitred Archpriest Photius Donahue, Dean of Central States; Mitred Archpriest Sawa Kovalchuk, father of the Jubilarian; Archpriest Dennis Havriliak, Dean of Eastern States; Priest John Psinka, Pastor St. John's, Campbell, Ohio; Priest Vladimir Demshuk, Pastor St. Nicholas, Reading, Pennsylvania; and Jubilarian Archpriest Feodor Kovalchuk.

The Choir under the direction of Reader Vladimir Maksimoff.

The ushers: John Holowach, Jr., Stephen Holowach, Theodore Liszka, John Krzanowsky.

Special guest: His Excellency, James W. Malone, Bishop of Youngstown.

2:00 P.M.: The Silver Jubilee Banquet and Ball, Tippicanoe Country Club on Tippicanoe Road.

Prayer by the Assembly and the blessings by His Excellency Bishop Makary.

Introduction of the Toastmaster, Father Vladimir Demshuk, Chairman.

The Toastmaster, Dr. Matthew Siman.

Presentation of Guests and Remarks.

Address, Rt. Rev. Archpriest Photius Donahue, Ph. D., Dean, Pastor St. Andrew's of E. Lansing, Mich. Prof., Dept. of Religion, Mich. State University.

Hierarchical Address, His Excellency, The Most Reverend Bishop Makary.

Response, Rt. Rev. Archpriest Feodor Kovalchuk.

Closing Prayer by the Assembly and Blessings by the Bishop.

Music: The Versatones.

Honorary Chairmen: Judge John Leskovyansky, Dr. Alex Rosenblum, Dr. Alvin W.

Skardon, Dr. James W. Kiriazis, Dr. David M. Behen, Dr. Matthew Siman, Mr. Sergei (George) Markovsky.

Co-Chairman: Fr. and Matushka Vladimir Demshuk, Mr. & Mrs. Michael Karuschak, Mr. & Mrs. John Holowach, Sr., Mr. & Mrs. Michael Evankovich, Mrs. Helen Krzanowsky, Mr. & Mrs. John Budrevich, Mrs. Anna Calesh, Mrs. Alexandria Faust, Mrs. Mary Furin, Mr. & Mrs. John Holowach, Jr., Mr. & Mrs. Walter Demshuk, Miss Martha Demshuk.

THE AUTHORITY AND DIGNITY OF THE PRIESTHOOD

For great is the dignity of the priesthood. Whose sins you shall forgive Christ says, they are forgiven; and because of this the Apostle Paul says: Obey your superiors and be subject to them (Heb. 13:17), and hold them in great respect and reverence. . . .

But the priest, even should he order his own life in a fitting manner, yet does not scrupulously have due care for both your life, and the lives of those about him, shall go with the wicked in everlasting fire; and so he oftentimes while not failing in his own conduct will perish because of yours, if he has not done all that belonged to him to do.

Knowing then the greatness of their danger, treat them with much consideration. For as the Apostle Paul goes on to say: They watch for your souls; and not simply this, but as having to render an account of them. Because of this you must treat them with honor. . . .

The priest. If he is held in honor of you, he will be able to take care of what relates to yourselves. . . . Because of this, Paul the Apostle says: On behalf of Christ, therefore, we are ambassadors, God, as it were, appealing through us. (2 Cor. 5:20)

For the gifts of the Spirit are many. And so Christ goes on: Whose sins you shall forgive they are forgiven them; and whose sins you shall retain, they are retained, indicating what kind of power He was giving. Later however after fifty days, they received the power of miracles. And accordingly He says: You shall receive the power of the Holy Spirit coming upon you, and you shall be witnesses unto Me in Jerusalem, and in all Judea.

But why do I say priests? For neither an angel, nor an archangel can do anything in regard to what is given us by God. It is the Father and the Son and the Holy Spirit Who disposes of all things; the priest lends his tongue and puts forth his hand. . . . Keeping all these things before our mind, let us both fear God and hold His priests in reverence; showing them every respect, that through our own worthy manner of living, and because of obedience to them, we may receive from God a great reward, by the grace and love of our Lord Jesus Christ to Whom there is honor, glory and praise, now and ever, unto ages of ages. Amen.—St. John Chrysostom.

THE PROPOSED CONSTITUTIONAL AMENDMENT TO END FORCED BUSING OF CHILDREN TO ACHIEVE RACIAL BALANCE IN OUR PUBLIC SCHOOLS

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. HUDNUT. Mr. Speaker, on June 25, I signed "discharge petition No. 1" that had been filed with the Clerk of the House by my freshman Republican colleague, the distinguished gentleman from Tennessee (Mr. BEARD), the purpose of which petition is to gain consideration by the House of Representatives for a proposed constitutional amendment to end the forced busing of America's schoolchildren for the purpose of achieving racial balance in our public schools.

In so doing, I hold no brief for the particular wording of this proposed amendment—House Joint Resolution 286—because there are other similar ones in the hopper. But my purpose in signing the petition is to stimulate action on this matter. It is my understanding that no hearings on this subject are being held by the House Judiciary Committee, that none are contemplated, and that as a consequence, all congressional action concerning busing has come to a standstill. I would hope this information is erroneous and that some action will be forthcoming soon. If the effort to secure 218 signatures on the discharge petition helps achieve this end, then so much the better.

The American people have a right to hear this issue debated. With all due respect to House procedures, I do not think they should ever be used to stifle discussion of important issues, or block legislation that reflects the will of the people. Our democracy is neither open nor free if that is the case. This issue of forced busing is one of the most vexing, controversial and crucial issues facing the American people today. Many citizens feel very strongly that it is wrong, others that it is desirable. We believe in majority rule. So let us debate—and decide.

AMEDEO PETER GIANNINI

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. DENT. Mr. Speaker, as a proud member of the Italo-American delegation in the House, I would like to call the attention of my colleagues to another gentleman who shares this fine heritage and who is being honored today by the U.S. Postal Service in San Mateo, Calif. A 21-cent postage stamp is being issued today in honor of Amedeo Peter Giannini who was the founder of regional branch banking in America.

Mr. Giannini, like myself, was the American born son of Italian immigrant parents. He retired from active participation in his family produce business to establish a branch of the Bank of Italy in San Francisco, Calif., in 1904. He actively solicited the business of small depositors and offered liberal terms for loans to farmers and small businessmen. He was able to salvage sufficient gold and securities after the earthquake in 1906 to make a significant contribution toward the rebuilding of the city.

In 1909 he established his first regional branch bank in San Jose, Calif., and within 1 year, he had doubled the size of his bank through mergers and purchases.

In 1928, he organized the Transamerica Corp., as a holding company for the stock of all Giannini banks, and this corporation went on to become the Bank of America National Trust and Savings Association. By 1948 this had become the largest bank in the United States with 517 branches and assets of more than $6,000,000,000.

It is only fitting that the stamp bearing a portrait of Amedeo Giannini will be printed in banknote green. It will create a living memorial to a man who made such an important contribution to our American economic system.

TRADE TALKS IN QUESTION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. VANIK. Mr. Speaker, on Tuesday, foreign ministers of the European Common Market agreed on a tough and rigid European bargaining position for the Nixon round of world trade talks.

Under present circumstances, there may be no Nixon round of trade talks. A heavily vetoed Congress is hardly in a mood for unilateral concessions to the President. The Congress has adjusted to vetoes related to the budget, impoundments, and expenditure limitations. However, the Congress was moved into angry controversy over the veto of legislative restraints to the U.S. bombing of Cambodia and other portions of Southeast Asia.

A heavily vetoed Congress is very likely to torpedo the trade bill for a combination of any number of reasons:

First. Excessive and uncontrolled grants of arbitrary authority to the President, whose exercise of discretion is currently under congressional scrutiny;

Second. Objections to the extension of taxpayer subsidized credits to the Soviet Union and other developed nations;

Third. Fear of concessions and job losses through industrial imports as a tradeoff with the Europeans for increased American agricultural exports;

Fourth. Rising domestic food prices because of excessive, agricultural exports.

The President is seeking a trade bill which will give him excessive, uncontrolled grants of authority. He is asking for the power to arbitrarily raise import quotas and tariffs—or lower or even eliminate remaining tariffs and quotas. He is asking for a trade bill which is the equivalent of a Gulf of Tonkin resolution in international trade and monetary management. He is asking for a bill which would permit him to reward his friends and harm his enemies through arbitrary and discretionary adjustments in tariff and trade policy.

The Congress and the American taxpayer are becoming increasingly angered over the grant of taxpayer-subsidized loans, credits, and guarantees to finance purchases and investments of foreign nations. The Soviet Union has been extended hundreds of millions in credits at subsidized interest rates. Japan, whose banks and investment houses are choked with U.S. dollars, has repeatedly received subsidized loans from the Export-Import

Bank. On June 21, Scandinavian Airlines System—SAS—bought 12 McDonnell-Douglas DC–9–40 jetliners for $72.7 million. The U.S. taxpayer-backed Export-Import Bank approved $29 million in direct loans to SAS, a State-owned airline, to finance 40 percent of the purchases. These airplanes will undoubtedly be used on routes on which American carriers compete. Yet the loan to SAS was made at a 6-percent annual rate of interest—while domestic airlines competing on the same routes will probably have to pay interest rates of 8 to 12 percent for the purchase of similar equipment. How can we complain of foreign competition, increasing foreign productivity, and lost American jobs at home, when we subsidize the modernization of foreign companies.

At the European Common Market Foreign Ministers meeting in Luxembourg this Tuesday, it was reported that the Europeans want a "substantial reduction" in industrial tariffs. In other words, they want to ship more of their industrial goods into the United States—more shoes, more textiles, more steel, more automobiles, more capital machinery—thus driving more American companies out of business and creating more unemployment in the industrial sector.

Throughout the trade hearings conducted by the Ways and Means Committee during the past 7 weeks, the administration has stressed, time and time again, that it believes that increased agricultural exports are America's best chance of increasing sales abroad and improving the country's balance-of-payments position. Yet week after week it has become clearer and clearer that we have exported ourselves into high food prices and food shortages. It appears that the adminsitration wants to give the Europeans trade concessions in the industrial goods categories so that the Europeans will buy more of our food goods. Last year, agriculture accounted for approximately $11 billion of our exports—and gained us $11 billion in our balance-of-payments accounts. But then, with the aid of the big Soviet wheat deal, these exports—particularly the big surge in wheat and feed grain exports—will cost the American consumer at least an extra $20 billion in higher food costs—more than double the gain to our "balance of payments."

This is a policy of trade madness—we lose jobs in our cities while our people will have to pay unprecedented, record high prices for the foods they buy.

Mr. Speaker, perhaps there is another reason to delay trade negotiations. It appears that the meeting of the Common Market officials has resolved on more than a "tough and rigid" position. It has resolved on a high-handed and dictatorial line. If this is the position of our trading "partners and friends." Then perhaps we should wait until the situation cools off. We must not negotiate in the hysteria of weakness—we must wait for better times.

Because of the importance of the Common Market ministerial meeting and the "tone" being conveyed by that meeting, I would like to enter in the Record at this point an article on the Luxembourg talks which appeared in the Washington Post on June 27, 1973:

EEC Sets Tough Trade Talk Stance

Luxembourg, June 26.—Foreign ministers of the European Common Market, after a 20-hour meeting stretching through the night, agreed at dawn today on a tough and rigid European bargaining position for the "Nixon Round" of world trade talks.

Barely seven hours later, the ministers were back at work—this time on proposals for a free trade area with the Mediterranean nations. The United States has charged such an area could undercut America's markets in the Mediterranean region.

Both the free trade area and the bargaining position made it clear that the nine-nation Common Market is in a mood to challenge U.S. interests and wishes in world trade.

American diplomats said they feared this would only make it tougher for President Nixon to get his controversial trade bill—his own mandate for the "Nixon Round"—through a suspicious Congress.

The "Nixon Round" will open at the ministerial level in Tokyo in September. The actual work will begin when experts meet in Geneva in the new year, and the ministers did little more today than set the atmosphere for Tokyo. More detailed bargaining points will be produced during the two years of the "Nixon Round."

The mandate, taken point by point, presented an unyielding picture:

At French insistence, progress in the trade talks will be "Assessed . . . in the light of progress" in the reform of the world monetary system. This linkage reflected European fears that Washington is losing interest in monetary reform and the belief that another monetary crisis could destroy any work done in the trade talks.

The Common Market is not willing to lower the high levies that keep most American farm exports—especially wheat—out of Europe. Instead, it wants to negotiate "commodity agreements" or "voluntary restraints" that would help U.S. farm exports on the world market outside Europe.

The Nixon administration has said that increased exports to Europe constitute a main aim of the "Nixon Round," and European intransigence on this point was a bad omen.

Europe wants a "substantial reduction" in industrial tariffs, but not "zero tariffs." The mandate was vague on the more important issue of non-traffic barriers, such as quotas or exports rebates, and said that present arrangements for "safeguards" for threatened industries need reforming.

GOODBY TO FRANK E. BATTAGLIA

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. BARRETT. Mr. Speaker, it is always with mixed emotions that one says goodbye to a friend, and it is for this purpose that I rise: To say goodbye and many, many thanks for a job well-done to Mr. Frank Battaglia, dean of the Officials Reporters of the House.

Frank has a record of 30 years of dedicated service to the House, having been appointed in 1943 by the Honorable Sam Rayburn, one of the greatest speakers of the House. He is a man of dedication, knowledgeable and attentive. One who has displayed understanding and congeniality. His work was perfection in itself.

He has said that he will miss the House and I know we will miss him.

I wish him peace and happiness in his retirement and many years to enjoy it.

SPACE RESEARCH AND SEA EXPLORATION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 1973

Mr. ROGERS. Mr. Speaker, we were all relieved Friday by the safe return of our Skylab astronauts from their orbiting space station. It seemed that hardly a day went by without some problems occurring which were disposed of by our resourceful spacemen as though they were routine assignments. Their 28-day mission's successful completion in the face of such adversity is a tribute to the entire space program.

However, I was saddened to learn of the death of two ocean explorers last week despite the massive efforts made to rescue them from their submarine only 350 feet below the surface. Clayton Link and Al Stover died during an exploration of an area which in many respects we know less about than the environment in which our Skylab astronauts spent the last 28 days.

Because of my longstanding interest in ocean research and particularly safety, I recently joined with a number of my colleagues in introducing the Submersible Vessel Safety Act. I certainly hope that we will continue to undertake bolder explorations of the oceans and the seabed, but without repeating the tragedy of last week.

Because of the great interest of my colleagues in this area, I would like to include in the Record at this point an article which appeared in the June 22, 1973, edition of the Fort Lauderdale News above the signature of news editor Jack Gore:

It Is Our Opinion: Space Achievement Great But Sea Exploration Is as Important as Skylab

Today this Nation's first three Skylab astronauts returned to earth after spending 28 days in the weightless atmosphere of space and conquering all kinds of problems in converting what appeared at the start to be a doomed mission into an outstanding success.

Some four weeks hence three more astronauts will rocket from earth to join up with the Skylab to spend a full eight weeks in the house-sized space laboratory to further confirm the theory that man can live in space for extended periods without suffering any material after-effects.

From all reports, Charles "Pete" Conrad, Joseph P. Kerwin and Paul J. Weitz went through their 28 days in the Skylab in excellent shape and had little trouble adjusting to the kind of existence they had to contend with aboard the largest vehicle ever launched into a space orbit.

More importantly, perhaps, they demonstrated a rather fantastic ability to perform repair operations on their home in space that a few years ago would have appeared absolutely impossible.

Thanks to their unparalleled performance, the $2 billion Skylab experiment was saved from becoming a crucial failure, and they apparently left the orbiting laboratory in such good shape that officials of the space program feel that the rest of the extended Skylab program can now go off as scheduled and with far greater prospects of complete success than they had any cause to hope for a few weeks ago when structural and power problems made it appear that the original plans for the Skylab experiment would have to be drastically curtailed.

But carrying out their pledge that they could fix anything, Conrad, Kerwin and Weitz became the first astronauts in history to take a walk in space and make critical repairs to their damaged vehicle.

Using hastily-contrived tools they were not only able to erect a sunshade over the Skylab to protect the interior from the blazing heat of the sun, but a bit later on they were able to free a frozen power-generating panel and swing it into position to restore a full complement of electricity to their spacecraft.

The astronauts then took another space walk near the end of their journey to recover packets of film that contained over 30,000 pictures they had shot during the flight, including some dramatic and heretofore unavailable photographs of a huge solar flare.

This was an unexpected bonus as from these particular pictures scientists will be certain to gain new and very valuable information as to the origin of these mysterious solar flares which on certain occasions have a tendency to virtually black out communication facilities here on earth.

In reviewing all that these Skylab astronauts accomplished while soaring 250 miles above the earth where any significant failure in their spacecraft or their equipment could expose them to instant death, one has to realize the extent of the fantastic progress we have made in conquering space compared to the very little progress we seem to have made in overcoming the problems of exploring the sea.

This fact was driven home rather sharply this week when all the resources the U.S. Navy and others could muster failed to save the lives of two men trapped in a submarine just 350 feet below the surface of the ocean.

This doesn't seem to be an extreme depth considering it in comparison to the length of a football field, yet the difficulties of conducting rescue operations in this depth of water appear to be far more complicated and dangerous than skyrocketing astronauts 250 miles up into space and keeping them there safely and soundly for a full four weeks.

Obviously, the comparisons may be unjust as we are dealing with two very different elements, and particularly with the vast pressure problem that has to be surmounted when man seeks to explore the sea bottoms.

We are prone to wonder, however, if we chose to devote the same amount of time, money and energy we have devoted to our space exploration program to the exploration of the ocean depths, there wouldn't have been just as many fantastic developments as there have been in our space program.

We happen to think that exploration and development of our sea bottom resources pose just as much benefit to future generations as our space program.

There are untold resources that can be of vast benefit to all of mankind lying beneath the depths of our oceans and seas, and while we would be the last to decry the great progress we have made in recent years in regard to unraveling the mysteries of space, we still believe that there are far greater benefits to be derived for present and future generations from an equal amount of effort expended on the discovery and development of our ocean bed assets.

SUPPORT FOR THE ARTS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. REID. Mr. Speaker, just recently the House voted to authorize full funding for Federal programs for the arts and humanities, despite opposition from some of our colleagues. Today the House is to debate appropriations for these programs. During debate on the authorization bill, I made reference to a recent study which was conducted by the National Research Center of the Arts, Inc., an affiliate of Louis Harris and Associates, a nationally recognized polling group.

I am inserting in the Record a summary, in the form of a press release, of this report, which indicates among other things that appreciation of and support for the arts is shared by virtually all income groups, including the "blue collar," by people of all levels of education and by residents of all areas of New York State, from the most rural to the most urban. I commend this summary to the attention of my colleagues, and especially to those who supported the Kemp amendment to slash Federal funds for the arts. The study follows:

New Louis Harris Study Shows New York State Public Values Arts and Wants More of Them

The myth that the general public has little use or respect for the arts has been statistically shattered by a new survey, the first of its kind in the nation, exploring the cultural attitudes of the man and woman on the street in New York State.

The pioneering in-depth survey, was conducted by the National Research Center of the Arts, Inc., an affiliate of Louis Harris and Associates, Inc. It was commissioned by the American Council for the Arts in Education, Inc., with funds from the New York State Council on the Arts.

"Not only the rich or the highly educated value and esteem the arts," noted Joseph Farrell, president of the National Research Center of the Arts. "The survey shows that these feelings are shared by many among the butchers and bakers, the plumbers and policemen, by many people up and down the economic scale and in every region of the state. What this means is the existence of a 'culturally inclined coalition' far broader and different than the traditionally conceived audience for the arts."

Contrary to widely held beliefs, particularly within the arts community itself, the projectable sample of 1,531 New Yorkers over 16 years of age from all walks of life who were interviewed showed a "real thirst for more access to a wide variety of cultural activities."

According to the preferences expressed in the survey:

The public wants more cultural facilities in their neighborhoods and find their lack a major problem, outranking such highly publicized issues as inadequate housing, poor schools, and insufficient parks. By a 52 to 42 per cent margin, the public said there simply were not enough places available for entertainment and cultural activities in their home communities, with the strongest dissatisfaction expressed by nonwhite interviewees, a full 72 per cent of whom criticized this deficiency. More than two thirds—68 per cent—thought it either very or somewhat important there be more activities of a cultural nature in their community to participate in—activities like local art shows or music, drama, and arts and crafts groups. According to the survey, more people preferred a first-rate theatre (26 per cent) and arts and crafts workshops (21 per cent) to a good sports stadium (17 percent). In fact, as many wanted a good concert hall (17 per cent) as wanted as a good stadium in their community.

The public respects the artistic professions, with musicians ranking fourth in public esteem, running expectedly behind the three most highly regarded professions of scientist, doctor, and lawyer, but running ahead of such good grey callings as banker and businessman, which came out fifth and sixth on the list. Interestingly, the poet and the businessman both enjoyed "a great deal of respect" from 43 per cent of the public, while painters received the same estimate from 42 per cent.

The public strongly favors children developing skills and participating in the arts on all levels. The survey states: "One notable theme . . . is the great importance most people place on making culture readily accessible to children." Asked whether they would like to see their children pursue careers in the arts, a majority of 52 per cent said "yes," although a combined total of 21 per cent shrewdly cited their reservations about success and stability in the arts. Nonwhites were even more positive than whites—57 per cent compared to 51 per cent—in wanting arts careers for their youngsters.

The public wants more arts courses offered as part of the core curriculum and taught for credit "just like math or science or English," not merely given on an after-school basis. Majorities ranging from 54 to 78 per cent called for giving credit to such courses as creative writing, painting and sculpture, playing a musical instrument, voice and singing, and photography and filmmaking.

Eric Larrabee, executive director of the New York State Council on the Arts, commented:

"This survey should at least destroy any lingering belief that public money should not be spent on the arts because the public doesn't need or want them. It should also bring about long-needed changes in the strategy of the arts community for building and tapping greater support from the public, as obviously a large potential audience is waiting and wanting to be reached."

Because of its broad base and sweep of questioning beyond the formal arts, the survey uncovered a culturally inclined bloc which might ordinarily be overlooked. Nonwhites, lower middle class and middle class urban groups, blue collar workers, those within the $5,000 to $15,000 income bracket, women, teenagers, high school graduates, all these segments of the population tended to be most concerned at the lack of "cultural dimension" in their lives and feel the greatest "cultural frustration." It was these less-noticed groups—beyond the wealthy and highly schooled—which the survey found would be more responsive to cultural/artistic activities if they felt they were more accessible in their terms, rather than "so near and yet so far."

Ironically, feelings of inaccessibility were keener among New York City residents than among upstaters, despite the seeming abundance of cultural activtities in the metropolis. What the survey learned was that people defined access in terms of their own neighborhood or convenience which was determined by their socio-economic conditions. For example, a resident of a relatively poor ethnic section of Queens might feel culturally deprived even though he or she were only a short subway ride away from all kinds of cultural facilities. Concepts of what constitutes a person's "neighborhood" became broader in going up the socio-economic ladder.

Commenting on the need for diversification and decentralization to allay this "cultural frustration," the report states: ". . . the great opportunity for extending cultural opportunities to New Yorkers exists at the neighborhood level, and . . . a widespread desire to participate in such activities exists throughout the state. . ."

Put another way, the survey said the culturally inclined coalition can be thought of as a pyramid with an apex of 22 per cent of the New York public—nearly 2.9 million individuals—who attend arts activities fairly regularly. Just below the apex lies another group of 25 per cent of the population—or 3.2 million New Yorkers—who either participate in one art or another (e.g. play an instrument) or attend some cultural facilities, such as galleries, college-university functions, civic-social organization offerings, special events and community commemorations, historic villages and sites, etc. Together these two groups equal 47 per cent of the New York population—or 6.1 million people—who have some form of direct involvement with the arts.

"What must be considered by the cultural community is the ways and means to reach that larger potential constitutency, for the advancement of the field and to the benefit of the citizens themselves," the report said. "What seems to be present is a strong demand from a very substantial body of New Yorkers for the artistic and cultural fields to provide them more and more diversified services."

The public's keen appetite for the arts, both as participants and spectators, came out in various ways:

One-quarter—or 3.25 million New Yorkers—expressed a frustrated desire to play a musical instrument, another 18 per cent wished they could paint, draw, or sculpt, and another 11 per cent wanted to be in a theatrical group or take photographs or make films.

A majority—56 per cent—said they prefer live music to records, radio, or television. Even more emphatic preferences for live music were voiced by nonwhites.

The public showed a strong liking for live theatre, with 56 per cent willing to pay $3 for a theatrical presentation, while another one-quarter would pay $3 to see an exhibit of famous paintings and 23 per cent to see ballet or modern dance performances.

Far from being anti-arts, the public gave resoundingly positive answers to all kinds of questions:

72 per cent disagreed with the statement: "symphony concerts are just for highbrows."

68 per cent agreed with the statement, "to see something acted on stage is much more exciting and meaningful than watching it on TV or in the movies."

63 per cent disagreed with the statement, "I wouldn't mind going to hear a concert in the park, but going to a concert hall makes me feel uncomfortable."

Among the myths that are laid to rest by the survey is the notion that people who like the arts are not "well rounded" individuals. In the words of the report: "Far from being stoop shouldered aesthetes, the active culture buff appears to be more active generally and something of a Renaissance man, engaging in outdoor activities, attending or participating in sports and social events somewhat more frequently than the average man."

Looking briefly at government support of the arts, the survey found the majority believed museums, libraries, zoos, and botanical gardens should receive their funding from some branch of government. In contrast, a plurality believed the performing arts—theatres, opera companies, dance troupes—should be mostly self-supporting. These findings indicate the public backs government funding where the tradition is firmly established, as for museums, but backs away from areas where the tradition is still in the making, as in the performing arts.

The survey is officially entitled Arts and the People—a Survey of Public Attitudes and Participation in the Arts and Culture in New York State. Using the survey techniques developed by the Harris firm, the study employed the same size sample which is considered a statistically sound base for a national survey, not merely a single state, and which provides a margin of error that comes to plus or minus three or four percentage points, 95 times out of 100.

In contrast to previous studies, the new report is the first to probe viewpoints of the public at large, not merely the traditional non-profit professional art organizations purveying "high culture" (museums, orchestras, etc.) or the traditional audience for the arts—the college educated, highly skilled, professional, more affluent population. Its representative cross section of the public at large covers people of all levels of education and income, from all parts of New York State, the most rural to the most urbanized.

The survey defines artistic/cultural activities broadly—as people experience them, not by preconceived notions. Not merely "high culture" options such as attending a concert or an exhibit were surveyed, but also what "you enjoy doing most in leisure time . . . [from which] you get the most artistic satisfaction. . ." This open-ended approach showed people derived aesthetic satisfactions from a wide range of activities, including gardening, home decorating, appreciation of nature, dining out, and needlework.

The current study is the second one undertaken by the National Research Center of the Arts exploring the arts in New York State. The first study, released last fall, examined the state's non-profit arts organizations as a major industry with significant economic repercussions. Among its major findings for the period 1970–71: while the non-profit arts employed more than 31,000 people and generated a payroll of $103 million as well as operating costs of $177 million, they suffered an industry wide gross income gap of $86.5 million.

Copies of Arts and the People can be obtained for $5 from Cranford-Wood, Inc., 310 East 75th Street, New York, New York 10021.

PERSPECTIVE ON LIVING COSTS NEEDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. NELSEN. Mr. Speaker, the News-Herald in Le Sueur, Minn., recently took editorial note of consumer dismay about food prices, and then went on to place U.S. living costs in some perspective in relation to the rest of the world. Such a perspective is certainly needed, and I request unanimous consent to insert the full text of the editorial at this point in my remarks.

Living Costs in Perspective

Hard-pressed consumers resent statistics that remind them of the comparatively small percentage of total consumer spending that goes for food. But those statistics hold a story that no fair-minded person can ignore.

Currently about 17.6 percent of consumer dollars in the U.S. are spent for food. This compares with 20 percent in Canada, 22 to 30 percent in Western Europe, 40 to 54 percent in Eastern Europe, including Russia, and up to 60 percent "In emerging nations."

The expression "emerging nations" is an euphemism for nations that have yet to lift themselves above the age-old struggle to produce the bare necessities of life—shelter, food and clothing. Money that in most other lands goes for basic necessities the American family spends on the accessories of a good life—the boats, the cars, the television sets and household appliances by the millions that do menial chores for the family at the press of a button.

Naturally, we resent any threat to this state of affairs. The fact that inflation has put a higher price tag on necessities means, at worst, the trimming of a few luxuries. We are so far above the level of the less fortunate nations that there is no question of getting enough to eat. The only concern is the price. And, measured by any reasonable standard, that price still remains amazingly low.

CONGRESS VERSUS THE EXECUTIVE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mrs. GRIFFITHS. Mr. Speaker, each day the administration figures out new ways to thwart the will of Congress. I would like to place in the Record an exchange of letters between HEW Secretary Weinberger and myself, which illustrates this point. The letters follow:

June 6, 1973.

Hon. Caspar W. Weinberger,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Secretary Weinberger: It was shocking to me to hear that you have ordered the cancellation of the Social Security Administration's plan to provide information about the Supplemental Security Income program to potentially eligible aged, blind and disabled persons. Your reasons and those of Mr. Carleson, as stated on a TV news program Saturday, June 2, appear to me to be inadequate justification for putting a stop to an information dissemination plan that is badly needed if this program is to reach the persons for whom it is intended.

Surely someone in your well-staffed department can compose an announcement that is understandable and will not unduly confuse present assistance recipients. Mr. Carleson's statement that the normal contacts of welfare agencies will suffice to inform potential recipients leaves the unfortunate impression of either a lack of understanding of this program or a desire to keep the number of new applicants as low as possible. The administration's own projection is that at least two million persons not now receiving public assistance will be eligible under the new program. Many of these people have no contact with welfare agencies now.

Spokesmen for your department have assured Congress that a program of public information will be used to assure that people who might be eligible know about the SSI program and have an opportunity to apply. This was thought to be one of the advantages of administration by the Social Security Administration which has an excellent public information program to advise people to their rights under Social Security.

It certainly was not the intent of Congress to perpetuate the philosophy of some welfare administrators and government officials that too much public knowledge about a program encourages too many applications. My committee's studies of the distribution of welfare benefits have found extreme inequities in the receipt of benefits. One of the reasons for this is that many people who are eligible do not know enough about the programs which are intended to help them.

Your action seems to be contrary to the intent of Congress that this new program be equitably administered, and also contrary to expressions of administrative intent by representatives of your department.

While I realize that the TV news gave only a brief review of this action, I would appreciate a more detailed explanation of reasons for curtailing the Social Security Administration's information program and a description of the type of information plan you propose to use.

Sincerely yours,
MARTHA W. GRIFFITHS,
Chairman, Subcommittee on Fiscal Policy.

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 2, 1973.

Hon. MARTHA W. GRIFFITHS,
Chairman, Subcommittee on Fiscal Policy, Joint Economic Committee, Washington, D.C.

DEAR MRS. GRIFFITHS: I very much appreciate having your letter of June 6 about the scope of the public information effort for the supplemental security income program.

We share your concern and are deeply interested in seeing that aged, blind, and disabled people in financial need receive all possible assistance from the new program. The size of the information effort was not intended to hurt the effectiveness of the new program, but rather to assure that the transfer from State to the Federal program for the aged, blind, and disabled people now receiving assistance is as smooth as possible. We want to be sure that their checks arrive on time in January 1974 without having caused them any worry or distress whatsoever.

We believe that a heavy, intensive public information program, no matter how well conducted, would tend to confuse and worry people receiving assistance, now. It should be pointed out that supplemental security income is not an entirely new program, as was Medicare. The SSI program is, basically, a replacement of existing State-run programs for the aged, blind and disabled. Most of the people about whom we are both concerned are already receiving State payments. These people will be automatically considered for benefits under the new program. As a matter of fact, this conversion process is already under way.

Putting explanations about complex Government programs into layman's language often results in oversimplification which can be easily misinterpreted by the reader and end in his disappointment and disillusionment because of unfulfilled expectations. Our experience has taught us, morever, that the elderly occasionally have difficulty understanding matters which affect their financial status. We know, for instance, that they are easily confused and deeply upset by official notices about their social security or assistance checks. Since, as I have said, most of these people are already on State rolls and need do nothing to become eligible for supplemental security income payments, we do not want to give them any cause for anxiety.

We recognize that there are needy people who are not now receiving assistance under a State program because they have income or resources which preclude their eligibility under present programs. Questions about their eligibility will depend on whether an individual State decides to enact payment programs to complement the Federal basic benefit. In many instances, such a State payment will be the only assistance amount for which these people will be eligible. Thus, we believe that conducting a public information effort aimed at these people is premature and would be a disservice as it would tend to raise questions for which there are, as yet, no answers.

I hope that you will not construe my remarks to mean that we intend to do nothing; this is certainly not the case. There are some States which will not be offering additional assistance payment programs. The Social Security Administration will begin very soon to take applications in these States and will progress to others as soon as State program decisions are made. As more information becomes available and where it appears that some public information program would be helpful, we will certainly be ready to act to assure that the people who are in need receive word of this program.

Thank you again for letting me know your thoughts on this matter. I appreciate having this opportunity to explain our decision to you.

With best regards,
Sincerely,
CASPAR W. WEINBERGER,
Secretary.

THE VETO OF THE PRESIDENT OF THE SECOND SUPPLEMENTAL APPROPRIATIONS BILL FOR FISCAL YEAR 1973

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mrs. COLLINS of Illinois. Mr. Speaker, the action that the President has taken in vetoing the second supplemental appropriations bill is nothing short of pure audacity. The theory by which this Government is supposed to operate is a tripartite government. The Executive, however, is proceeding under the gross, totally gross, assumption that it is far and away the controlling force in this society.

This body has been called the People's Branch, as well it should. Only this past Monday we spent many hours here arguing whether or not the amendments that the President based his veto on should be included. We, the representatives of the citizenry, after full and complete debate, ratified our earlier position that the President should discontinue the bombing of Cambodia and remove all types of U.S. military activity from "in, over, or off the shores of Indochina."

Now, in one quick motion, the President has voided the will of the people. We were all under the impression some months back that our intrusion in Southeast Asia was at an end. It seems apparent, though, that the President wants to continue our past folly in South Vietnam with additional foolishness in countries that we have not yet quite devastated. Attila the Hun was never so ruthless.

The will of the people must be supreme. I strongly urge my fellow colleagues to vote to override this veto: a gross example of the Executive voiding the will of the very people that make this country function.

LIGHT IN THE SHADOW: THE AUTISTIC CHILD

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. HARRINGTON. Mr. Speaker, most of the Americans who know about autism are either parents or relatives of autistic children or are engaged in the teaching of autistic children or research into the causes and possible treatments of autism. The story of autism is not only the story of a child, but that of the parents as well.

Parents of autistic children have been told that they are responsible for their child's problem—even if the condition has existed from birth. What many people do not realize—physicians included—is that autism is most probably a biochemical disorder. I have to say "most probably" because the cause or causes of autism are not known. However, most recent research indicates that autism is a physical defect, not an emotional disorder based on parental relations. Still, the myths and cruel statements persist.

An example of the treatment that parents of autistic children receive was recently published in the alumnae Journal of Trinity College, spring, 1973. The author of the article is Mrs. Mary Sweeny Akerley who is presently the first vice president of the National Society for Autistic Children and who is a parent of an autistic child, Eddie. Mrs. Akerley has been most helpful to me and is doing an excellent job educating others about autism.

Her story regarding the dearth of knowledge about the symptoms of autism, even among professional therapists, demonstrates quite well the need for the public to be educated on autism. As part of my daily inserts in the RECORD during National Autistic Children's Week, Mrs. Akerley's article follows:

LIGHT IN THE SHADOW: THE AUTISTIC CHILD

(By Mary Sweeny Akerley)

Several years ago, we received a Christmas card from one of my Trinity classmates which was, for us, especially meaningful. Inside was the lovely 16th Century greeting of Fra Giovanni which says, in part:

"The gloom of the world is but a shadow. Behind it, yet within reach, is joy.

"There is a radiance and a glory in the darkness, could we but see, and to see we have only to look. I beseech you to look.

"Life is so generous a giver, but we, judging its gifts by their covering, cast them away as ugly, or heavy or hard.

"Remove the covering, and you will find beneath it a loving splendor, woven of love, by wisdom, with power.

"Welcome it, grasp it, and you touch the angel's hand that brings it to you. Everything we call a trial, a sorrow, or a duty, believe me that angel's hand is there; the gift is there, and the wonder of an overshadowing presence."

These words touched us deeply because our youngest child is autistic. Autism seems an especially cruel handicap because it leaves so much intact, yet apparently useless. Bright eyes focus intently on a speck of dust in the sunlight but look away from a parent's face; sensitive ears hear every note of a symphony but not a word of human speech; the perfectly coordinated body spins and rocks but never throws or catches a ball. Speech, if it exists, is used solely for self-stimulation, the same words or phrases endlessly repeated in a flat monotone or in a lifeles imitation of the original speaker—sort of an oral rocking. Intelligence, normal or even superior, is certainly there; occasionally it flashes out with startling brightness, but eventually it dulls into retardation from lack of stimulation.

In short, these beautiful gifted children cannot communicate. Without communication, there can be no interpersonal relationships; without stimulation, no growth. They exist but lack the motivation to live. Nothing in their sharply defined worlds must change; even the simple, homey act of moving a piece of furniture from its familiar place can produce terror, expressed in agonized screaming or even greater withdrawal. Because they cannot bear to be touched, they cannot be reached by even the most primitive expressions of love.

What causes this aberration? Is it some particularly malignant psychosis, brought on by early trauma? Brain damage? Neurological dysfunction? Biochemical imbalance? No one knows. Early Infantile Autism is a "new" disease in the sense that it was isolated as a distinct syndrome by Dr. Leo Kanner of John Hopkins only thirty years ago. Because of the withdrawn, ritualistic behavior it produces, it was thought to be a mental illness, perhaps a form of childhood schizophrenia, and was treated accordingly. But intensive psychotherapy did little or nothing to alleviate the symptoms; some children improved, others did not, irrespective of treatment.

Early efforts to find a constitutional basis for autism were equally fruitless. All the traditional tests (EEG's, skull X-rays, blood and urine analyses) were negative. Testing procedures have become considerably more sophisticated since those early days and some very promising clues have been discovered, but there is still no medical test for autism and certainly no cure.

The one great hope for these children has been and still is special education. Ironically, few schools will accept autistic children—they are still thought to be "ineducable" when the ability to learn is their greatest strength. Once the barrier is breached and communication is established, real learning begins and behavior improves dramatically. Of course, the earlier the intervention, the greater the progress. A few autistic children have even earned graduate degrees.

We have been among the fortunate families; Eddie has been in school since he was three-and-a-half. He is now eight and nearly at grade level academically. Socially his progress has been much slower but still very encouraging. He has become a very outgoing child in many ways, yet he is still very fearful of anything not completely under his control (dogs and cats, for example). His ability to communicate is almost normal, yet he has clung to his "autistic" speech as well. He plays in a very limited way with his three siblings and his classmates at his special school but has no real spontaneously-generated friendships with neighborhood children. He can reason in syllogisms, but the rules of a simple game are beyond him.

This sort of progress has built-in pain. As our hopes are raised by Eddie's growth toward normalcy, our hearts are broken by the greater disparity between his apparent potential and his deficiencies in those areas so important to a fully human life.

Yet it is real progress and we accept it gratefully. He no longer merely exists; he lives because he has developed the will to grow. It is becoming harder and harder to remember his early years when, frightened and bewildered, we began our search for help. Those years have a nightmarish quality: the nature of our terror was amorphous but all the more threatening because it had no shape or name; no one could—or would—help us; and through it all, I, at least, had the feeling that we would soon "wake-up"; our fears were exaggerated—there was nothing really wrong with our child.

Rationally, of course, I knew and so did my husband that something is terribly wrong with a child who doesn't even try to speak, who won't play with toys, who doesn't want to be held. Yet he didn't seem retarded; possibly "emotionally disturbed", but we couldn't imagine what we had done to cause such massive damage. You see, we had read just enough to "know" that a behaviorally disordered child is "always" the result of poor parental handling.

By the time Eddie was three we felt we could no longer accept our pediatrician's reassurances that "he's your baby and just spoiled." When Eddie had this check-up I refused to leave the doctor's office until he recommended a specialist. He referred us to a pediatric neurologist, the first of a long line of specialists who would be needed to save our son. The results of the first professional evaluation (by the neurologist and a psychologist): "We can't give you a diagnosis; his symptoms don't fit any known syndrome." The parent doesn't know whether to weep or take a macabre pride in what he has produced. What was more discouraging was that our bubble of hope had been burst; we had thought that the professionals would know what to do for Eddie to make him whole. They didn't even know what was wrong!

What had actually made diagnosis so difficult was that our own blind efforts with Eddie had, in some small measure, paid off. Because we had some experience as parents, we knew what Eddie ought to be doing at various developmental stages and did all we could to lure him into normal behavior.

We did not let him shut us out entirely. If he would not tolerate close physical contact, we would find other ways to reach him. I carried him from room to room with me as I did my housework, keeping up a steady (and very boring) commentary on what I was doing. I sat near him and tried to interest him in toys, even using his hands to pile blocks or manipulate his stuffed dog. He liked music, so I often sang instead of speaking to him. He loved motion, so I combined his joys: holding him (loosely) on my lap, I sat in our garden swing and sang as we glided back and forth. He endured all this for months without any sign of real enjoyment. Oddly enough, he loved to be tickled; that, eating, sleeping, and rocking seemed to be his only real pleasures.

So I switched tactics and took the mountain to Mohammed. If he would not imitate the sounds I made, I would imitate his; not so easy as it may sound, as even the usual pre-talking lallation was completely absent—Eddie's noises were grunts, whines and moans. And all the time I wondered if I were making any headway at all. Sometimes desperation is what's needed.

Without ever studying behavior modification, I had sense enough not to reinforce his undesirable behavior by imitating it, even to communicate. But one day, utterly frustrated, I broke the rule. I had been trying to get him to do something with his blocks besides hold one and stare at it. He was having much more success in his efforts to shut me out; he had assumed his favorite rocking position (hands and knees) and was rhythmically going back and forth, accompanying himself with a sing-song grunting chant, similar in tempo and pitch to a non-stop fog horn. Feeling that things could not be any worse, half angry, half defeated, I assumed the same position and began to rock and chant along with him. He stopped, looked right at me with genuine surprise, then burst into healthy, normal-sounding laughter. We had communicated! And he had shown he had at least enough intelligence to perceive incongruity and thus enough humanity to enjoy humor.

After that, he seemed to respond more positively to my other efforts, so that by the time he encountered his first specialist, he and I had developed a real, if limited, relationship—real enough to rule out classic autism as a possible diagnosis and limited enough to suggest that therapy was indicated.

And thus began what has been one of the most difficult aspects of Eddie's handicap. Not immediately—our first therapist was a wise, practical woman who had seen children like Eddie before. She taught us how to deal with his difficult behavior, and within a few months we saw definite improvement. She also helped us get him enrolled in a special pre-school. I kept waiting for some advice on how to make more basic changes, how to remove the cause of his handicap. I wanted her to point out our errors so that we would not repeat them, and so we could begin to make up to this child for what we had done to him. I was afraid to hear those things, and yet I wanted to hear them because I wanted my child well.

Instead we received absolution: "I can find nothing wrong in Eddie's environment. His situation proves what I've been taught: that is, to look for something in the child which has made him vulnerable to damage from the ordinary stresses of life." To date, that "something" has not been found, but her words restored us and we began to read, to learn all we could about psychosis in children.

We learned as well that there were other sources of help, even an organization dedicated to the welfare of children like Eddie. We joined it and met other parents, many far more heavily burdened than we. We have learned more from them than from any other source.

And what we have learned has helped us because we have had to do battle—with school systems, with professionals, and with an uncaring society. Most departments of education refuse to accept any responsibility for our "impossible" children. Many professionals blame the parents for causing the disorder: "But he was different right from birth!" "Of course. He sensed in the womb that he was an unwanted child!" Yet Eddie's father held my hand and saw him born; I nursed him when he was less than an hour old; our joy in our much-desired second son was boundless.

Eddie's school requires the parents to see a staff psychiatrist for "parent counseling" which in our case soon turned into psychotherapy. Again we heard about Eddie's non-damaging environment, but the tone was different: "There doesn't seem to be anything to work on with Eddie, so I'm going to work on you. If you would only admit you hate and resent him, we could get to the root of the problem. You need to deal with your anger." ("I am dealing with it, friend; it's you I'm angry at!") And so it goes for an hour a week. We tried to use these sessions productively, even after our "enlightenment." We saw problems developing in our other children from time to time which we felt were related to having a handicapped brother. Each time we asked our therapist for help, never once did we get so much as a single concrete suggestion.

We have, I suppose, become defensive and bitter; not entirely fairly, as so many professional people have been really helpful: several teachers, a really gifted speech therapist who turned Eddie's echolalia into meaningful speech, and the original neurologist who has stayed with the case. After patient study and testing, she found a metabolic error which she wanted to treat experimentally. This possible help was delayed for a year since the psychiatrist threatened expulsion from school if we consented. What a cruel way to help a child—to force his parents to choose between two necessary sources of help when both should be utilized! (It became necessary to change schools for other reasons; this gave us the opportunity to begin the neurological treatment. While it is too soon to be definitive, it does seem to have made a considerable improvement in Eddie's social and intellectual development.)

What saved our sanity, I'm sure, was the National Society for Autistic Children. Through it we found concrete ways to help not just our own child but all the other Eddies as well. This has given me, especially, tremendous personal satisfaction (I'm the family activist, possible only because I have a very supportive spouse). I've edited a local newsletter, been president of a county chapter, started a state chapter, am currently on the national Board of Directors, and will assume the 1st Vice-presidency in June. I've helped form both state and national coalitions of organizations serving the handicapped, done T.V. and radio shows and newspaper articles, and spoken to university and community groups. I have learned that no category of handicapped persons is getting the help and support needed and have been appointed by my state's Department of Health to co-chair a Task Force to change that. The handicapped cannot be cured, so society must be made to care—once again the mountain must go to Mohammed.

So it has not been all bad. I've probably learned more and accomplished more in the last five years than in the previous thirty-two. I seem to have found "my cause," albeit rather late and not altogether altruistically motivated. And Eddie himself is far more blessing than burden. Through him we have had the unique and exciting experience of seeing human growth and development in slow motion. He has taught us who love him a lot about tolerance. Much of the behavior we too quickly label "abnormal" is not in itself deviant; it is just that, in Eddie, it is on the surface, where in a normal person it would be buried beneath social conventions. We *all* talk to ourselves; Eddie just does it out loud.

Much of our embarrassment and pain was and still is selfish. Eddie now seems a happy child, but we do not wish to appear imperfect, so we worry that in public his differences may reflect discredit on us, his parents. We, too, still have some growing to do. We don't know what Eddie's future is, but then neither do we know what life holds for our other three children or, for that matter, for ourselves.

Fra Giovanni ends "with the prayer that for you now and forever, the day breaks, and the shadows flee away." Beautiful as is that wish, it is unrealistic. The brightest sunshine makes the darkest shadows. Eddie has taught us that to live is to experience both.

GRAND JURY REFORM IS NEEDED NOW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. RANGEL. Mr. Speaker, today I have introduced, with my distinguished colleague from Texas (Mr. ECKHARDT) legislation that would substantially reform the Federal grand jury system.

This legislation, which is by far the most comprehensive effort made towards grand jury reform to date, is desperately needed. The grand jury no longer protects innocent citizens from unwarranted prosecution, as was its original purpose, but rather, it has become an abusive tool for overzealous prosecutors.

The grand jury is not new—it originated in England during the 12th century. A group of citizens would be called together to decide if the King was justified in bringing a certain person to trial. If a majority of the jurors felt that sufficient evidence had not been presented to prove probable cause, the person under suspicion could not be tried.

The Founding Fathers incorporated the grand jury into the fifth amendment of our Constitution in the hopes that this protective device would always be a part of our criminal justice system.

Over the years, however, the grand jury has lost its original function. Although it still may at times protect the innocent, recent practices have demonstrated that it can be a powerful vehicle for the harassment of political dissidents.

Under present law, a witness who is subpenaed to appear before a grand jury is not even accorded the basic rights that any individual receives at trial. Witnesses may receive a subpena to appear before a grand jury thousands of miles away from their homes and families, and have no other recourse than to make the trip or face going to jail for up to 18 months.

Even with just these two basic objections to the present grand jury structure in mind, it is not too difficult to see how Federal prosecutors can use the grand jury as a device to suppress differing political views.

The purpose of the Rangel-Eckhardt grand jury reform bill is to remove the possibility of abuse from the grand jury system, without damaging the ability of the grand jury to effectively investigate crimes and return indictments.

It is my firm belief that enactment of this legislation would return the "people's panel" to the role that was intended for it by the framers of our Constitution.

A summary of the bill follows:

SUMMARY OF RANGEL-ECKHARDT GRAND JURY REFORM BILL

1. It reduces the maximum permissible period of imprisonment from 18 months to six months for civil contempt for refusal to testify before a grand jury after immunity has been granted. It prevents so-called "reiterated contempt" proceedings by making the six month limit cumulative, applying it to successive periods of incarceration for refusing to testify before prior, subsequent or other grand juries engaged in related investigations.

2. It requires a ten-day interval between the notice of a contempt hearing given to a witness for refusing to testify and the date of the hearing, in order to give the witnesses adequate opportunity to prepare for a hearing that may result in his confinement for contempt, and thereby end the current grand jury railroad by which witnesses may find themselves subpoenaed in the morning, immunized by noon, and jailed for contempt by evening.

3. It requires bail on appeal of contempt orders, unless the Court finds that the appeal is frivolous or is taken for delay. For persons not admitted to bail, it requires appeals to be disposed of as soon as practicable, pursuant to an expedited court schedule, in order to alleviate the burden imposed on appellate courts by present law, which requires such appeals to be decided in 30 days.

4. It provides a right to quash a grand jury subpoena or vacate a contempt order if the court finds that the choice of venue of the grand jury would impose a substantial and unnecessary hardship on the witness or his family. In making this determination, the court may consider the distance involved, the significance of the overt acts taking place in the jurisdiction, the existence of related investigations in more convenient jurisdictions, and changed circumstances since the witness was originally subpoenaed. The witness may move to quash the subpoena in any of three districts—the district where he resides, the district where he is served, or the district where he is ordered to appear.

5. It provides a right to quash a grand jury subpoena or vacate a contempt order if the court finds that a primary purpose of the appearance is to obtain evidence regarding the activities of a person who is already under the indictment for such activities.

6. It provides a right to quash a grand jury subpoena or vacate a contempt order if compliance would be unreasonable or oppressive in other respects, such as cases involving repetitive appearances before a grand jury or where merely cumulative testimony is sought.

7. It provides a right to quash a grand jury subpoena or vacate a contempt order if a primary purpose in imposing or continuing incarceration is to punish a witness for his refusal to testify.

8. It provides for a stay of the appearance of the witness before a grand jury until a motion to quash his subpoena is decided.

9. It provides a right to appointed counsel in contempt proceedings if the witness is unable to afford his own counsel.

10. It provides a right for a witness to have counsel present in the grand jury room during his testimony, but for legal advice only. Counsel may not disclose grand jury proceedings except when acting in his capacity as counsel for the witness, who is permitted to disclose grand jury proceedings under present law.

11. It provides a right for a witness to inspect and copy a transcript of his grand jury testimony. Free transcripts are made available to indigent witnesses.

12. It requires the attorney for the government, when he starts seeking the indictment of a certain individual, to inform the grand jury of his intentions, and also inform the grand jury of its rights to subpoena such individual to appear if it so desires.

13. It requires seven days notice after the service of a subpoena before a witness must appear before the grand jury, except upon a showing of special need by the prosecutor.

14. It requires a subpoena to notify a witness of his right against self-incrimination and his right to counsel, including his right to appointed counsel, if he is indigent.

15. It prohibits the introduction before a grand jury of evidence obtained in violation of an individual's constitutional rights. Current Federal law prohibits the introduction of evidence obtained by illegal electronic surveillance before a grand jury. This provision of the bill extends the prohibition to other illegally obtained evidence.

16. It restricts "use" immunity by prohibiting compelled testimony from being used against a witness in all cases except perjury before the grand jury or giving false statements to the grand jury. Present law being read to allow such testimony to be used in other unrelated perjury or false statement prosecutions.

17. It provides a right to counsel or appointed counsel in immunity hearings.

18. It prohibits immunity from being granted unless adequate safeguards are taken to minimize the danger that a foreign prosecution may be brought against a witness, based on compelled testimony under an immunity order.

19. It requires the court to find, before an immunity order is granted, that the testimony sought is relevant to a legitimate law enforcement investigation.

20. To insure that the compelled testimony of a witness granted "use" immunity is not later used against him, the bill requires the government to submit a summary of evidence relating to criminal activity by the witness.

21. It limits "use" immunity to the investigation of serious offenses (those for which electronic surveillance under court order is currently available). The bill requires the "transactional" form of immunity to be granted if immunity is desired in the investigation of other offenses.

22. If a witness who is compelled to testify under an immunity order is later charged with an offense, the bill requires his indictment to be handed down by a grand jury other than the one before which he testified.

23. It requires detailed annual grand jury reports by the Attorney General for each Federal judicial district, describing grand jury investigations and immunity grants, including the number of requests for immunity, the number approved, the number of contempt orders, the duration of confinements for contempt, and the number of convictions obtained through immunity orders. The bill also requires the reports to describe data banks and other procedures by which grand jury information is processed, stored, and used by the Department of Justice.

SUPREME COURT DECISION—A STEP TOWARD CURTAILING PORNOGRAPHY AND OBSCENITY

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. HUDNUT. Mr. Speaker, those of us who have spoken out against the decade-long trend toward the permissiveness that pervades our society today can take heart at the decisions handed down by the Supreme Court on June 21, 1973. The smut peddlers have at last reached a point at which it becomes hazardous for them to pursue their aggressive exploitation of the Government's reluctance to repress free speech. It is encouraging to contemplate their fall from the secure shelter of the Constitution as well as the risks and complications which may now arise to hobble their skill at transforming pornography and obscenity into dollars.

I am terribly concerned about the erosion of our Nation's spiritual and moral fiber—an evidence of which is the profit that can be turned by those who trade on human weakness in the merchandising of material that explicitly depicts sexual activity. People argue that if pornographic literature were not purchased by the consumer, it would not be produced—which may be true. But it is also true that if it were not produced, it could not be purchased. In the kind of open society in which we live, we must recognize that a democracy thrives best when its avenues of free speech remain unfettered, and that it must rely on the taste of the marketplace to determine what material is disseminated; but nonetheless, there comes a point beyond which the protection and advocacy of this freedom becomes an invitation to blatant immorality—and in the name of decency we must cry, "Stop." There is a point beyond which most reasonable men would assert that hard-core pornography becomes dangerous to the Nation's health—a point beyond which the free and unfettered circulation of hard-core pornography does offer a clear and present danger to the emotional maturity of consenting adults and the moral welfare of the public. Judging by some of the movies currently being shown, and some of the books and magazines on any newsstand, we have reached that point in America and should turn back.

Now, with the Supreme Court new ruling, that corner may have been turned. Now, the people of this Nation will be afforded some legal protections against the barrage of filth produced for exploitative purposes. The States and communities have been given the go-ahead to crack down on pornographers without fear that their efforts will be overturned by a higher court on the basis of free speech.

In my judgment, the writers of our Constitution never meant the protection of free speech to go to this extent, but under the old standard of judgment—whether pornographic material was "utterly without redeeming social value"—we have seen our communities faced with an influx of these materials, and local prosecutors and judges have been helpless to act because of court decisions based on vague first amendment interpretations.

In the decisions handed down on June 21, 1973, Chief Justice Burger has observed that prior interpretations demeaned the first amendment by equating "the free and robust exchange of ideas and political debate" with commercial exploitations of obscene material. It certainly does seem inappropriate for this noble concept to serve as a screen for the basest kind of commercialism.

In place of the old broad guideline, almost impossible for a prosecutor to prove, the Court has established new standards. First, if a pornographic work "taken as a whole, does not have serious literary, artistic, political, or scientific value," and "taken as a whole, appeals to the prurient interest in sex" and is "patently offensive" in its content, it can be banned and purveyors prosecuted.

Second, and even more important, the point is made that local judgments should be determining factors as to the nature of pornographic materials. The Court has held that "community standards" of decency may be those of a local area, rather than a nationwide standard. The imposition of a national standard of obscenity—and morality—on every local community is not the true purpose or value of the first amendment; rather it is the protection of our basic freedom of speech, and the diversity of viewpoint assured thereby. To quote Chief Justice Burger again:

> It is neither realistic nor constitutionally sound to read the First Amendment as requiring that the people of Maine or Mississippi accept public depiction of conduct found tolerable in Las Vegas or New York City.

Furthermore, the Chief Justice noted that the questions of offensiveness and appeal to prurient interest are "essentially questions of fact" which judges and jurors can decide.

While the Court has not managed to give the Nation any final answer in these decisions to the great dilemma of fighting pornography, it will give some pause to the pornographers. For too long, the Constitution has been used to protect the rights of the few at the expense of the majority. Hopefully, the pendulum is now swinging back in the right direction with this decision to protect the public dignity against the assaults of bad taste.

Well over a century ago, the astute Frenchman Alexis de Tocqueville, came to our shores and when he returned to his home country, wrote a book on American democracy. To him has been attributed a statement that, whether he authored it or not, is both timeless and timely: "America is great because America is good, and if America ever ceases to be good, America will cease to be great." Without issuing a call for a return to the days of Puritanism or Victorianism, and without insisting that morality can be legislated, let it be said loud and clear that there is a connection between the greatness of our country and the goodness of our people, and that those who hope for the reality of the former must do all they can to establish the reality of the latter.

"SILENCE" AT WEST POINT CONDEMNED

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. HARRINGTON. Mr. Speaker, all of us are by now familiar with the case of West Point Cadet James Pelosi, the student who was forced to endure more than a year of "silence," a form of social ostracism that is one of the most cruel and unusual forms of punishment that we have seen in some time.

The silence is not only excessively harsh, but it is also extra-legal, and is a punishment invoked only after a cadet had been cleared through the legal procedure appropriate to his case. The silence violates two of the Military Academy's own regulations against hazing and against conspiracy. But more than that, the silence runs completely counter to the ethic which we would like to believe still prevails in this society—that a person is entitled to the protection of the laws, and that he is innocent until proven guilty.

I would like to call your attention to an editorial in the Washington Star-News which articulates the feelings many of us have regarding the silence. "Such a tradition is expendable," the editorial states, "and it does not serve the Nation to train an officer corps to pursue punitive remedies outside the law."

The silence is not the only example of the military academies' disregard for the law. The academies seem to have at their disposal a variety of highly questionable, often extra-legal methods which are used to punish students who do not conform to the military code.

A recent article in the New York Times has revealed that the Naval Academy has refused to grant an academic degree to a midshipman who completed his academic requirements. The Navy claims the midshipman, William J. Farley, Jr., was not entitled to graduate because he received a failing grade in aptitude, defined in part as "a positive state of mind toward the naval service." But Farley claims he was denied the degree because he had applied for conscientious objector status.

The right to seek conscientious objector status is protected by law. The Naval Academy clearly should not use coercive and punitive techniques—such as withholding an earned academic degree—when a student attempts to gain his rights under the law.

The military academies, which are supposed to set a standard of integrity and honor, should be particularly conscious of protecting their students' constitutional rights.

I insert the editorial from the Washington Star-News and the article from the New York Times into the RECORD:

[From the Washington Star-News, June 27, 1973]

SILENCE REBUKED

By persevering through 19 months of "the Silence" imposed by his fellow cadets to graduate as a second lieutenant from West Point, James Pelosi showed himself to be an unusual young man. He also may have jogged the Army into an examination of conscience about permitting such unusual and unofficial punishment.

Pelosi ran afoul of the Cadets' Honor Committee when he was accused of cheating by completing a quiz answer after the order to stop had been given. He protested innocence, but the committee ruled against him. The case then was dismissed by the superintendent on the ground of "command influence" over the committee.

That was the end of it, as far as the Military Academy's official process was concerned. But the Honor Committee, supported by a referendum of the cadet corps, persisted to impose the traditional punishment that almost any cadet would resign rather than face. This meant nearly complete social ostracism for Pelosi—no one to talk to, or room with, and a 10-man mess-hall table to himself. Even less officially, some of Pelosi's tormentors embellished tradition by ripping up his mail, raiding his locker and threatening to cut off his finger if he wore his class ring. All this plus "the Silence."

Pelosi bore it all through most of his junior and all of his senior years, as a way of proving his plea of innocence. It is an impressive proof, made more convincing by Pelosi's desire that publicity about his experience not be used to "wreck" the academy.

The questions raised by the case involve more than West Point's inadequate attention to the rights and welfare of one young man, or the taxpayers' stake in his education and future usefulness to the country. The Army should consider whether "the Silence" enhances the Honor Code that is supposed to instill a high sense of duty in future officers. Or is it a Draconian punishment that has no more place in a modern military establishment than flogging?

Most disturbing is the extra-legal nature of the penalty, invoked only after the accused has survived the due process applicable in his case. There is an echo here of lynch law, and it is chilling to know that "the Silence" was imposed for four years on Benjamin Davis, later an Air Force general, because he is black. Such a tradition is expendable. And it does not serve the nation to train an officer corps to pursue punitive remedies outside the law.

[From the New York Times, June 26, 1973]

OUSTED MIDSHIPMAN SUES FOR B.S. DEGREE

(By Linda Greenhouse)

A New Jersey man who was asked to resign from the United States Naval Academy a week before graduation when he applied to be a conscientious objector may be unable to accept a fellowship at New York University Law School because the Navy has refused for two years to grant him his undergraduate degree.

William J. Farley Jr., whose grades put him on the dean's list his senior year at the Naval Academy and who completed all the academic requirements for graduation, has brought a lawsuit in Federal court to force Annapolis to award him his Bachelor of Science degree.

The Navy contends that the 23-year-old Farley was not entitled to graduate because he received a failing grade in aptitude, defined in part as "a positive state of mind toward the naval service manifested by interest, motivation and cooperation."

A cadet or midshipman entering any of the nation's service academies signs an oath agreeing to serve on active duty for five years after graduation. In return, he receives a four-year Government-paid education with an estimated value of $53,000.

Mr. Farley signed such an agreement, but the court terminated it in granting him a conscientious objector discharge, and the Navy made no attempt to collect the $53,000. In other recent cases, the military has tried and failed to recover money spent in training officers who leave the service.

Last year, the Air Force Academy attempted to sue a graduate, John P. McCullough, for $53,575 when he resigned from the Air Force without completing his obligation. But a Federal court in Sacramento, Calif., threw out the case, as did the United States Court of Appeals in San Francisco, when the Navy attempted to recover the cost of officer-candidate-school training from an ensign who received a conscientious objector discharge.

TREASURER OF CLASS

Mr. Farley, a member of the honor committee and treasurer of his class for four years, had always received passing grades in aptitude until he announced a week before graduation in June, 1971, that he could not accept his commission in the Navy and intended to file for discharge as a conscientious objector.

Within 24 hours after he announced his intention, Mr. Farley appeared before three officer boards—the Battalion Aptitude Board, the Brigade Aptitude Board, and the Academic Board—which found him unsatisfactory in aptitude. He was not allowed to consult a lawyer and eventually, under what he charges in his legal papers as "circumstances of coercion and duress," signed a voluntary resignation from the Academy.

HEARING SET

Mr. Farley and his lawyers maintain that he is being denied his degree as a penalty for having asked to be recognized as a conscientious objector and having refused his commission. They say that the Navy is depriving him of his property rights to a degree after four years of satisfactory performance and that his treatment in the 24 hours before his resignation violated his constitutional rights to due process of law.

Furthermore, they say that Mr. Farley is being penalized by the Navy for asserting a right that is protected by law, the right to seek conscientious objector status.

The lawyers are Marvin M. Karpatkin, general counsel of the American Civil Liberties Union, and John E. LeMoult.

Federal Judge Frank A. Kaufman has set tomorrow for a hearing in United States District Court in Baltimore on the Navy's attempt to dismiss the case. The Naval Academy maintains that Mr. Farley did not exhaust all his remedies within the Navy before going into court.

Mr. Farley, who lives with his parents in Brielle, N.J., is worried that unless he receives his degree by September he will not be able to enter New York University Law School as a Root-Tilden Scholar.

He won the prestigious full-tuition scholarship—two are awarded from each of the 10 federal judicial circuits each year—this spring, but a letter from William T. Hutton, director of the Root-Tilden program, informed him that "the final determination of the scholarship is conditioned upon your receipt of a degree from the Naval Academy prior to your matriculation."

The law school has a faculty rule that all entering students must have an undergraduate degree.

NO DEGREE POLICY

A ruling in Mr. Farley's favor could force the service academies, for the first time, to observe a clear distinction between their functions as degree-granting academic institutions and commission-granting military institutions.

In the past, the academies have not maintained a consistent policy on whether cadets who fail for some reason to receive commissions are nonetheless entitled to their degrees.

After his resignation from the Naval Academy. Mr. Farley was activated as an enlisted man. He served in enlisted status at the Naval Station in the Anacostia section of Washington, with occasional special assignments at the White House and the House of Representatives.

Meanwhile, the Navy continued to deny his request for discharge as a conscientious objector, but he won his status as an objector in Federal court nearly a year after his resignation from the Academy.

Mr. Farley, a graduate of Essex Catholic High School in Newark, has worked most of the last year as an investigator in Newark public defender's office. He has wanted to go to law school for several years. The Root-Tilden scholarships are awarded on the basis of a student's potential for public service.

"It's a unique opportunity I'm afraid I won't be able to take advantage of," Mr. Farley said in a telephone interview the other day. "I'm sorry about the whole thing. I wish the Navy and I could have coincided, but I had no choice. What were we fighting for in Vietnam but the freedom to be yourself? That's exactly what I'm fighting for."

FRANK E. BATTAGLIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. CRANE. Mr. Speaker, I want to join today with my many colleagues here in the House in saluting Frank E. Battaglia, the dean of the corps of Official Reporters of Debates of the House, who is retiring at the end of this month.

Frank will be missed by all of us who depend on him and his fine staff. He has my most sincere wishes for many, many years of prosperity and happiness.

FREE MAIL FOR CITIZENS TO PETITION THEIR ELECTED FEDERAL OFFICIALS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. ROSENTHAL. Mr. Speaker, the average citizen's constitutional right of petition is one of the most fundamental rights he has. To facilitate the exercise of this right, a person should be able to send letter mail to the President, Vice President, Federal executive agencies and Members of Congress postage free. For many people in our country an 8 cents postage stamp—soon to be higher—is a somewhat burdensome cost, hindering their right to petition.

Though several bills were introduced during the 92d Congress and one during the 93d to accomplish this purpose, I feel compelled to introduce yet another. My bill differs from the others in several key ways:

First. It authorizes postage-free mail to the President and Vice President in addition to Members of Congress;

Second. It does not require that the person mailing a letter be a citizen;

Third. It requires that this privilege will be extended only to individuals acting on their own behalf and not as instruments of a profitmaking enterprise or supportive organization such as trade associations; and

Fourth. It limits the subject matter with which a free postage lettter can deal to official Government related purposes.

I view this bill as an important mechanism for encouraging individuals to employ their right of petition.

We are all painfully aware that the integrity of elected and appointed officials is on trial throughout the country as never before in our history. Making it easier for constituents to communicate with their Government will ease, somewhat, the estrangement that now exists between the people and the Government that serves them. Most important, it will make it easier for Government officials to understand the needs of the people.

Mr. Speaker, at this point I wish to include a text of the bill:

H.R. 9009

A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail to the President or Vice President of the United States, to Federal executive departments and agencies, and to Members of Congress, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 34 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3406. Mailing of letter mail to the President, the Vice President, Federal executive agencies, and Members of Congress

"(a) Letter mail not exceeding one and one-half ounces in weight shall be carried at no cost to the sender when mailed, under a cover bearing the name and address of the sender on the upper left hand corner of the side bearing the addressee's address, by an individual, acting solely in his own behalf and not in behalf of a profit-making enterprise, for redress of his grievances or to express his own opinion in a lawful manner, and—

"(1) mailed to the President or the Vice President, in his official capacity, if addressed to the White House, Washington, District of Columbia; or

"(2) mailed to a Member of Congress, in his legislative or representative capacity, if addressed to the Member of Congress at the United States Congress, Washington, District of Columbia; or

"(3) mailed to a department, agency, or establishment of the executive branch of the Federal Government, including any regional or field office thereof, if addressed to the headquarters of such department, agency, or establishment or to any regional or field office thereof, but only if such mailing concerns matters within the jurisdiction of such department, agency, or establishment.

As used in this subsection, 'Member of Congress' means a United States Senator, Representative in Congress, and Delegate to or Resident Commissioner in Congress.

"(b) The Secretary of the Treasury shall transfer to the Postal Service as postal revenue, out of any appropriations made to the Department of the Treasury for that purpose, the equivalent amount of postage due, as determined by the Postal Service, for letter mail sent in the mails under subsection (a) of this section.".

(b) The table of sections of chapter 34 of title 39, United States Code, immediately preceding section 3401 of such chapter, is amended by adding at the end thereof the following new item:

"3406. Mailing of letter mail to the President, the Vice President, Federal executive agencies, and Members of Congress.".

SEC. 2. The amendments made by this Act shall become effective at the beginning of the first fiscal year which commences later than the ninetieth day after the date of enactment of this Act.

HEALTH, EDUCATION, AND WELFARE CUT-OFF OF MEDICAL FUNDS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Ms. ABZUG. Mr. Speaker, I would like to make my colleagues aware of my distress over the proposed HEW regulations that would force many health care centers to become self-sufficient. To continue receiving any support from the HEW health facilities must prove that they are working to achieve self-sufficiency with regard to financial matters. As outlined in the Federal Register of May 21, 1973, the requirement will be carried out by the individual facilities by more intensive efforts to, first maximize the amount of project services paid for through third party reimbursement mechanisms; second, garner fully all other Federal, State, local, and private sources of funding; and third, charge beneficiaries according to their ability to pay for services provided. The type of institutions enumerated by the HEW basically serve the poor, and for them self sufficiency would prove impossible in many cases.

For the HEW to take such drastic steps toward the curtailment of medical programs amounts to little less than an impoundment of congressionally allocated funds by this agency. I join with Representative PAUL ROGERS in calling for a 120-day moratorium before the enactment of the regulations, during which time the Congress will review the measures.

I would like to share with you the text of the letter I have sent to Secretary of Health, Education and Welfare, Caspar Weinberger:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1973.

DEAR MR. SECRETARY: I am deeply disturbed by the proposed regulations, published May 21, 1973 in the Federal Register, which would withdraw federal funds from medical services supported by the Health Services and Mental Health Administration.

The regulations call for health delivery programs previously supported by the Federal government to become self sufficient. The types of programs enumerated in these regulations—Migrant Health, Health Services Development, Family Planning, Health Maintenance Organization, Community Mental Health Centers, Alcoholism and Alcohol Abuse Treatment, Narcotic Addiction, Drug Abuse and Drug Treatment, and Sickle Cell Anemia programs—basically serve the indigent. The regulations would have the effect of harming the services least able to sustain themselves.

The administrators of each individual clinic will have to assume the role of fund collectors and be forced to divert resources away from their first priority of healing the sick. Forcing these agencies to become self-sufficient would inevitably result in the curtailment of many clinical operations.

Therefore, I agree with my colleague, Representative Paul Rogers, that, before going into effect, the regulations should be reviewed and approved by Congress. Any regulations which would have as drastic an effect as those proposed by H.E.W. should, in my view, have the approval of the legislative branch of government. I join with Rep. Rogers in asking for a 120-day moratorium on the adoption of these regulations. The initiation of H.E.W. regulations forcing medical services to become self-sufficient is tantamount to the impoundment by an agency of Congressionally approved funds and a reversal of legislative intent.

Sincerely yours,

BELLA S. ABZUG,
Member of Congress.

WAR POWERS DEBATE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. LEHMAN. Mr. Speaker, the CONGRESSIONAL RECORD of Monday, June 25, 1973, lists me as absent for rollcall No. 280 which was held during the debate on the War Powers Act.

I would like to state for the record that I was present for this rollcall.

TRADE ADJUSTMENT ASSISTANCE ACT OF 1973: COMPARISON WITH 1962 ACT AND PRESENT ADMINISTRATION PROPOSAL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. VANIK. Mr. Speaker, on June 15, the gentleman from Minnesota (Mr. FRASER) and I introduced H.R. 8723, the Trade Adjustment Assistance Act of 1973. It is our hope that the comprehensive worker and company assistance provisions contained in this legislation will be incorporated into the Trade Reform Act of 1973, presently being considered by the Ways and Means Committee.

In light of numerous inquiries which have been received about this legislation and the ways in which it differs from previous proposals, I would like to enter in the RECORD at this point a comparison of the existing law, as provided by the Trade Expansion Act of 1962; the proposals in the administration's trade bill H.R. 6767; and the provisions of H.R. 8723.

I would like to add at this point that other bills have been introduced on this subject. For example, there is the very excellent Trade Adjustment Assistance Organization Act (H.R. 4918) introduced by Congressman CULVER and some 45 other Members of the House. There are other bills which also deal with worker assistance: H.R. 62 and S. 442—the Burke-Hartke bill—include such provisions, and S. 1156, introduced by Senators PERCY and TAFT, contain extensive assistance provisions.

It is my hope, Mr. Speaker, that the legislation being considered by the Ways and Means Committee will include the best of these various proposals, so that the workers, firms, and communities of America can be provided with the best possible assistance in meeting the changing patterns of technology and trade.

The comparison tables follow:

COMPARISON OF SELECTED FEATURES OF H.R. 8723, TRADE ADJUSTMENT ASSISTANCE ACT OF 1973, THE TRADE REFORM ACT OF 1973, AND THE TRADE EXPANSION ACT OF 1962

	Trade Adjustment Assistance Act of 1973 H.R. 8723 (Fraser and Vasik)	Trade Expansion Act of 1962	The Trade Reform Act fo 1973, H.R. 6767 (administration bill)
Coverage	Firms, workers, and communities	Firms and workers	Workers.
Injury test	A "trade-impacted industry" is a group of firms producing competitive articles for which (1) production in the United States has declined; (2) a significant number or proportion of workers employed in the industry or firms have or are threatened to become unemployed or underemployed due in substantial part to increased imports or decreased exports of competitive articles. (1) Firms: Eligible for trade adjustment assistance if a member of a trade-impacted industry or supplies a substantial part of its production to trade-impacted industries. (2) Workers: Eligible if in a trade-impacted industry or a significant number of workers of the firm have become unemployed or underemployed (or are so threatened) and that this condition has been caused in substantial part by the relocation (or proposed relocation) of the firm outside of the United States. (3) Communities: Eligible if firm is located in the community and its economic situation has been a substantial cause or threat of serious injury to the community's economic base or the firm's relocation will cause serious injury to the economic base of the community.	Firms—Increased quantities of imports of like or directly competitive articles (as a result in major part of trade agreement concessions) the major factor causing or threatening serious injury to the firm. Workers—Increased imports—in major part—the major factor causing or threatening unemployment or underemployment of a significant number or proportion of the workers of a firm or subdivision of a firm.	Workers: (1) Increased imports of articles like or directly competitive to those produced at the workers' firm or subdivision of a firm have or threaten to contribute substantially to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision; and (2) Sales or production, or both, of such firm or subdivision have decreased absolutely.
Administrative offices	Establishes within the Department of Labor a new trade adjustment assistance administration assisted by an Interagency Committee on Trade Adjustment.	Offices of Adjustment Assistance in Departments of Commerce and Labor.	Same as Trade Expansion Act.
Petition to	Secretary of Labor (with judicial review permitted)	U.S. Tariff Commission	Secretary of Labor.
Determining body	Secretary shall make determinations within 60 days after receipt of petition. May seek advice of Tariff Commission and may notify some severely impacted firms that they would be eligible even before they file a petition. All pertinent data will be made public.	The Tariff Commission, not later than 60 days after a petition is filed. Under the Tariff Act of 1930, the President may break a tie vote and has discretionary authority to reject affirmative findings.	The Secretary of Labor, not later than 60 days after a petition is filed. The Secretary may request Tariff Commission assistance in investigations.
Rules and procedures	Generally established by Secretary of Labor	Established by Tariff Commission and Secretaries of Commerce and Labor.	
Types of adjustment assistance.	Workers: (1) Readjustment allowances to workers who, in 52 weeks prior to total or partial separation, had 26 weeks of work at $15 per week or more. Weekly benefit amount shall equal but not exceed his average weekly wage up to a set annual maximum payment. If more favorable to the worker, he may elect to receive allowances available under job training programs. Readjustment assistance transition payments available as worker moves into new employment. Benefits limited to period equal to period of employment with eligible firm. All benefits contingent on acceptance of and progress in suitable job training program. (2) Training assistance is made available and is a requirement, with travel allowances and subsistence allowances provided. Opportunities provided in technical, professional, vocational and academic areas. (3) Relocation allowances to adversely affected workers are provided for moves to new job locations. (4) Health insurance: Average type of standard industrial worker's health coverage provided during period of adjustment assistance. (5) Early retirement: Adversely affected workers who have accrued social security credits or private pension rights may elect early retirement benefits. A worker who is 55 or over may elect retirement benefits equal to the benefits he would begin receiving at age 62. A worker 60 or over may elect to receive benefits equal to the benefits he would begin receiving at age 65.	1. Cash readjustment allowances equal to 65 percent of the worker's average weekly wage with a ceiling of 65 percent of the average weekly manufacturing wage. Total weekly benefits not to exceed 75 percent of worker's average weekly wage. 2. Testing, counseling, training and job placement. 3. Relocation allowances to totally separated heads of family. (Moving expenses plus 2½ times average weekly manufacturing wage.) Duration of readjustment allowances—Maximum of 52 weeks except: (1) Workers in training may receive payments up to 26 additional weeks to complete retraining. (2) Workers 60 years or older at separation may receive payments up to 13 additional weeks. Eligibility requirements for individual workers: (1) Employed 78 of 156 weeks immediately preceding separation at wages tof $15 or more. (2) Employed 26 of 52 weeks immediately preceding separation at wages of $15 or more in a firm or firms with respect to which a finding of injury has been made.	1. Supplemental unemployment insurance cash payments equal to the difference, if any, of a worker's unemployment insurance if less than the unemployment insurance payment he would have received if the paying State weekly benefit amount was at least ½ the worker's average weekly wage up to a maximum of ⅔ of the statewide average weekly wage. 2. Testing, counseling, training, and job placement. Training allowances provided on a priority basis under existing programs. 3. Relocation allowances to totally separated heads of family. (80 percent of moving expenses plus 3 times worker's average weekly wage, up to $500). 4. Job search grant (80 percent of job search costs up to $500). Duration of payments: As provided in applicable State law. Eligibility requirements for individual workers: Employed 26 of 52 weeks immediately preceding separation at wages of $30 or more in adversely affected employment with a single firm or subdivision of a firm.
Firms	Technical, financial (through loan guarantees, etc.), and tax credit (for worker retraining) assistance, using, to the greatest extent possible, established programs. Firms must give priority to placement and retraining of its displaced workers. Prime administrative responsibility for assistance to firms lies with Secretary of Commerce.	Technical: financial and tax assistance	
Communities	Must develop plan for readjustment and economic development. Secretary of Commerce shall provide technical assistance through use of existing programs.	None	None.

	Trade Adjustment Assistance Act of 1973, H.R. 8723 (Fraser and Vanik)	Trade Expansion Act of 1962	The Trade Reform Act of 1973, H.R. 6767 (administration gill)
Relocation of firms	Firms shall apply for all eligible economic adjustment assistance for its workers prior to relocating outside United States. Displaced workers must be offered first choice of employment with remaining domestic operations of relocating industry. Failure to comply shall make firm liable to United States for ½ of worker adjustment assistance.	do	None.
Early warning system	Advance notice of decisions to relocate outside United States is required—within 1 week of decision and not less than 90 days before any action is implemented.	do	do.

DEDICATED SALVATION ARMY WORKER DIES ON WAY TO ACCIDENT SCENE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the Salvation Army has a long proud tradition of helping the needy and responding to emergencies, great and small, with equal benevolence.

The strength of the Army has been its corps of dedicated workers, both paid and unpaid. These are the men and women in Salvation Army blue who work in the kitchens, work with children, collect used clothing, and seek your donations at Christmas time.

One of these people was a constituent of mine, Louis DeAngelis, a resident of Pittsburgh's north side.

Mr. DeAngelis drove the Salvation Army's mobile canteen which answered emergency calls right along with the police and firemen.

Lou DeAngelis and his cauldron of coffee, donuts, and sandwiches would be right on the scene of fires and other emergencies.

Recently, a bus accident on a major highway outside of Pittsburgh brought Lou on the double. He knew there were people who needed his help.

Lou DeAngelis died of a heart attack while answering that call.

Roy McHugh, writing in a recent issue of the Pittsburgh Press, interviewed those who knew him best and has written a moving story on Louis DeAngelis.

I would like to include that article in the Record at this time for the information of my colleagues:

Desire To Help Drove "Army" Soldier

(By Roy McHugh)

Its components kept changing, but there was always a line, firemen in white shirts and policemen in blue shirts. They were waiting to stand for a moment at the coffin of Lou DeAngelis, who drove the Salvation Army's mobile canteen.

"Let me tell you just one little thing about Lou," said Russell Wright, a fire chief's aide from District 4 in the South Hills.

INVENTORY WIDENS

"I chew tobacco, and one night at a fire I ran out. When I came up empty, Lou was right next to me. Kidding, I said to him, 'Look you've got coffee and hot dogs, why not tobacco?' Well, last week at a fire in Brookline—two big buildings on Brookline Boulevard—Lou walked up and handed me a pack.

"It was Beechnut, the kind I chew."

Lou DeAngelis lived on the North Side and he slept with a police radio at his bedside. "Lots of times in the middle of the night," said his wife, "he'd wake me up to say, 'Betty, there's a fire. If they call me, tell them I'm on my way'."

Lou was short, with a long face that belied his good nature. His brother Fred was a card dealer in Las Vegas for several years and on trips back to Pittsburgh he stayed at Lou's house. Fred told of a night when Lou had answered two alarms. "He was just back from the second one, with a foot in the tub, when a call came in on the squawk box. Another fire. Smiling at the way things happen, Lou jumped into his clothes.

MADE IT HERE, THERE

At noon the next day he had not been to bed. Sitting on a couch, he fell asleep with a bottle of pop in his hand.

Until the Salvation Army hired him eight years ago, Lou DeAngelis could never hang onto a job for very long. He had been a dishwasher, a short-order cook, a steelworker and a truck driver's helper, and that is an incomplete list. Lou made a living for his wife and eight children, but he made it here and there.

As kids, Lou and Fred had a business of their own. "We sold those little fried pies," Fred was saying. "The first day we took them down to the steel mill and we done real good, we sold out. The second day, Lou says, 'I wonder what they taste like.' We ate the whole basket, two dozen pies."

Somehow on the third day the partners had no stomach for selling pies.

At 39, Lou DeAngelis found his vocation. At 47, he was the best-know Salvation Army worker in town. "Fred," he would say to his brother, "at last I've got a job where I feel like I'm needed." He drove the red van, with a hotplate in back and a four-burner gas range, to fires and to floods and to mine disasters.

He brought sandwiches and soup, hot and cold drinks. His assistant, Helen Smith, made the coffee, in five-gallon urns. Whatever the hour, he would call George the Baker in Manchester and pick up George the Baker's doughnuts.

A newspaper photographer said, "The only thing Lou never had in that van was booze."

CHRISTMAS AT AIRPORT

Lou's brother remembered a year when the two of them spent Christmas day at the Allegheny County airport. A small plane was missing with a husband and wife and their daughter aboard and the Civil Air Patrol had started searching for them early in the morning. There were pilots and state police and friends of the lost family at the airport with no restaurants open for miles. It was long after dark that night when Lou and Fred ate their Christmas turkey.

Another year, on his first day back from a vacation, Lou drove to a fire and discovered there were no cups in the van. He borrowed cups, going from house to house and knocking on doors. In below-zero weather, he noticed some firemen wiping ice off their faces with paper towels. At the next fire Lou came with thick Turkish towels. There was a hunt for a kidnaper in the Allegheny Mountains and for three days and three nights Lou not only fed the police, he fed their K-9 dogs as well.

He never stopped working. Often in his sleep, said his brother, Lou would be offering coffee to somebody. "With or without cream?" Fred would her him say.

END RUN HIS LAST

Winter and summer, he drove with the van door open. Once as he backed over a fire hose, the spray from the nozzle coated him and instantly turned to ice. Last Tuesday, on his way to the crash of an airport bus on the Parkway West, he went up the ramp of the Duquesne Bridge, heading for Noblestown Road to make an end run around the Parkway traffic. His heart was bad. He collapsed at the wheel of the van. He fell through the open door.

The Salvation Army has lost a good soldier. The firemen and policemen have lost a devoted friend.

NUN ROBBED

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. HOGAN. Mr. Speaker, in the June 23 edition of the Washington Post, I read an article that gave me a deep sense of disappointment. A Catholic nun was assaulted and robbed in broad daylight in Baltimore as many bystanders stood idly by.

The American people are demanding more police protection and I certainly share their concern. However, it is a disgrace when some people exhibit such selfishness and apathy as to allow another person to be assaulted and robbed without rendering any assistance.

In addition to spending more money to fight crime and toughening our laws, each of us must live up to our responsibilities as a citizen. I can see no excuse for these people who witnessed this crime and did not offer their assistance or come forward as a witness when the police arrived. This type of reassurance would aid dramatically in reducing crime to a minimal level.

I include the article:

Nun Robbed; Bystanders Said To Provide No Help

A Catholic nun was knocked down and robbed of $72 yesterday as numerous bystanders failed to help her, police said.

Sister Cyrille Powell, 67, told police a teen-age youth grabbed her purse about 1 P.M. as she was walking north in the 500 block Gay street.

The nun struggled until she lost her balance, fell down and struck her face and right knee, Southeastern district police reported.

Onlookers at a nearby bus stop watched without attempting to aid the nun, clad in a traditional blue dress and veil, police said.

Sister Cyrille, a secretary at the Institute of Notre Dame, 901 Aisquith street, got up, and called police.

She was treated at Mercy Hospital for cuts and bruises on her face, forehead and right knee according to police.

Police were not able to find witnesses.

Sister Cyrille said yesterday she is

"amazed" no one assisted her despite her screams.

"I was hollering 'Oh, my God,' several times," she said. "They must have seen that little boy take it."

"No one said a word," she continued. "People and cars going up and down and nobody said a thing. No one wants to be involved. They're afraid they will get robbed too."

Police are looking for a youth 14 to 16 years of age about 5 feet tall and weighing 80 to 90 pounds.

MR. BREZHNEV, FREE THE BALTICS

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mrs. BURKE of California. Mr. Speaker, on June 15 I entered into the RECORD a statement remembering the takeover of Lithuania by the Red Army 33 years to that day.

Since the time of the Soviet takeover, The Lithuanian-American Commu- the Lithuanians have tried to maintain their own identity and cultural heritage. nity of the United States, Inc., West Los Angeles Division, and in particular Mr. B. Grauzins, president of the Los Angeles chapter has asked that an editorial printed in the Los Angeles Herald Examiner last week be included in the RECORD. The editorial expresses the position of the Lithuanians and all freedom-loving peoples:

MR. BREZHNEV, FREE THE BALTICS

Leonid I. Brezhnev, top boss of the Soviet Union, has arrived in the United States for a summit conference which reportedly will cover the breadth of Soviet-American relations from trade to disarmament.

This meeting with President Nixon coincides with the 33rd anniversary of the Russian armed forces invasion and occupation of Lithuania, Latvia and Estonia.

Only indistinct dotted lines denote the borders of these three Baltic countries on the red map of Communist Russia.

Americans of Lithuanian descent are observing the 55th anniversary of the Republic of Lithuania and the 721st year of the formation of their homeland.

The sweet dream of freedom lives on in the minds of these sons and daughters of the Baltic nations. Here in the United States, they know what freedom is, and they want it more than ever for the friends and relatives left behind.

All but the youngest remember the brief six weeks of independence wrested from the Russians in 1941—liberty that was smashed by Nazi Germany, and further suppressed by Russia after World War II.

Lithuanian Americans this week are honoring the brave but futile attempt by a Lithuanian seaman, Simas Kurdirka, to seek asylum aboard a U.S. Coast Guard vessel in 1970.

As Brezhnev and Nixon meet, Americans of all ethnic origins would do well to reflect upon their own freedom at this time, and to hope with their Lithuanian, Estonian and Latvian neighbors that one day their forefathers' countries will again be independent.

The last words of Kurdirka, spoken after he was sentenced to 15 years at hard labor for his leap to freedom, expresses that desire:

"I have nothing to add to what I have already said, only one wish, more specifically, a request to the supreme court and the government of the Soviet Union: I ask you grant my homeland, Lithuania, independence."

Congressional Resolution 416, unanimously adopted by the House and Senate, calls for freedom of the Baltic States.

We would like Nixon to implement this resolution during his visits with Brezhnev.

JEWS SEEKING TO EMIGRATE DESERVE OUR FULLEST ATTENTION

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Miss HOLTZMAN. Mr. Speaker, the oppression of Jews seeking to emigrate from the Soviet Union is a situation which deserves our fullest attention. I submit for the RECORD the following statement which I presented to the Committee on Ways and Means:

STATEMENT OF CONGRESSWOMAN ELIZABETH HOLTZMAN TO THE COMMITTEE ON WAYS AND MEANS CONCERNING H.R. 3910

I wholeheartedly support the Mills-Vanik bill (H.R. 3910) as part of a basic American commitment to the cause of fundamental human rights, and in particular to the cause of religious freedom for the Soviet Jews. I support this legislation which is designed to prohibit most-favored-nation status to any non-market-economy nation which denies to its citizens the right to emigrate or which imposes more than nominal exist fees upon its citizens.

The plight of Jews seeking to emigrate from the Soviet Union is one which has disturbed me enormously and caused concern throughout the world. In 1959 during a trip to the Soviet Union and last year during a stay in Israel, I had an opportunity to learn of this religious persecution and discrimination first-hand. Increasing numbers of Jews, at great personal risk to themselves and with heroic persistance, have sought to settle in Israel. What was once a small stream of emigrants has grown rapidly in recent years. Aided by the compelling pressure of world opinion, the number of Soviet Jews reaching Israel has risen from just over 1,000 in 1970 to 14,000 in 1971, to over 31,000 in 1972. It is vigorously expressed outside opinion which has led to this dramatic change, and it is clear that it must continue lest anti-semitic policies by pursued with impunity.

The difficulties faced by those seeking to emigrate have been formidable. In August, 1972 the Soviet Union began to impose high exit fees on educated Soviet citizens. This "diploma tax" meant that a prospective emigrant might be forced to pay as much as $30,000 before he would be allowed to leave. It is true that this education tax has been waived or suspended for some, but it is still on the books. Despite pronouncements to the contrary, curbs on emigration remain, and exit visas are still being granted only on a highly selective basis. A Soviet Jew applies for an exit visa knowing that he faces the loss of his job and the intimidation of his family, and not knowing if or when his visa will be forthcoming. Harrassment can take a variety of forms including military induction, trumped up criminal charges and imprisonment in concentration camps. Even as Mr. Brezhnev tries to reassure the Congress that emigration restrictions have been abandoned, Jews seeking to leave for Israel are being picked up in dragnets. If Mr. Brezhnev's claims that emigration is not being stifled are true, then he can have no legitimate objection to this legislation.

Increased East-West trade as part of an overall detente is long overdue. Properly handled it could strengthen peaceful ties between our two countries. We must not, however, pursue such a policy if it means turning our backs on the repression of the Soviet Jews. We have learned long ago that economic policy is not morally neutral. If we give special trade concessions to a country that is violating fundamental human rights, we condone those violations.

Soviet repression of the Jews cannot be dismissed as a mere internal matter. The world has learned through the bitter experience of Nazi Germany the cost of ignoring such persecution. We cannot, as a nation founded on the principle of religious liberty, fuel naked anti-semitism by a broad scale trade policy. The assault on Jews in the Soviet Union is widespread. It includes the closing of synagogues, the desecration of cemeteries, the prohibition of religious study and the imposition of religious quotas at educational institutions. While all of this has been going on this Administration has done little to protest. The Congress must be determined to do all that it can to aid the Soviet Jews in their efforts to seek freedom to practice their religious traditions and adhere to their cultural heritage. It is my hope that the passage of the Mills-Vanik bill will make this abundantly clear to the Soviet leaders.

DNR DOES ABOUT FACE ON POINTE MOUILLEE MARSH

HON. MARVIN L. ESCH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. ESCH. Mr. Speaker, for the past 3 years, I have joined with several members of the Michigan delegation in working hard to save the Pointe Mouillee Game Refuge, in Monroe, Mich., from being destroyed by a polluted dredge project proposed by the Army Corps of Engineers.

As early as March 1972 I wrote my first of a long series of letters to various concerned governmental agencies, including the Army Corps, the Bureau of Sport Fisheries and Wildlife, and the Environmental Protection Agency in our effort to put a halt to the corps' plans.

I was joined in this fight by a wide variety of deeply interested groups, such as the Pointe Mouillee Waterfowlers Association, the Huron River Watershed Council, and other State and local officials.

The fight has been long and hard and indeed, it is not yet over. But this last month, the Department of Natural Resources, which had agreed to the project along with the corps, had a change of heart, and have agreed to take a close look at their plans with a good intention of scrapping them. Although we cannot be sure whether in fact, Pointe Mouillee will be saved, the chances look better than ever.

Mr. Speaker, Tom Opro of the Detroit Free Press has written an article describing this change of heart. Because it is good news, so little of which we have heard in recent weeks, I wish to take this opportunity to insert this article in the RECORD.

DNR DOES ABOUT FACE ON POINTE MOUILLEE MARSH

ST. CLAIR.—In a surprise move this week, the Department of Natural Resources announced it was, in effect, scrapping plans to allow coverage of parts of Pte. Mouillee marsh for a large park. Instead, it wants to use the material dredged from shipping channels in the Detroit and Rouge Rivers to rehabilitate the famous marsh.

An added announcement related that the DNR is promoting funding for a $500,000 "wildfowling museum and interpretive center" at the Pointe. Complete with storage and special wet land areas, the museum would also feature a 125-seat auditorium.

Detroit's Tom Schroeder, 88, long the areas most famous decoy collector, carver and wildfowl artist, appeared at the Natural Resources Commission here to confirm that it was his intent to donate his extensive collection, should the museum become a reality.

Pete Petoskey, chief of the DNR's wildlife division, said he hoped to inventory the collection whenever it was presented to the state and place the pieces in fireproof storage until the museum itself was finished.

DNR director A. Gene Gazlay named a museum committee of DNR specialists and citizen waterfowlers to head the project. "Michigan has been the center for a unique art form expressed in the carving of waterfowl hunting decoys," he said, "as well as many unique types of hunting equipment and techniques."

Area carvers and collectors have warned in recent years that eastern buyers were removing many of the better collections from the state. A central museum might stop that flow.

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. MARTIN of North Carolina. Mr. Speaker, on the occasion of the consideration by the House of the bill, H.R. 8538, the Corporation for Public Broadcasting authorization, it is my intention to offer an amendment barring CPB and the publicly funded educational stations from entering into competition with private broadcast stations and their production facilities. The text of the amendment I will propose is as follows:

> No licensee of a broadcast station which receives assistance under this part shall contract for the creation or production of any advertising material whenever the purpose of such creation or production includes the broadcast of such material by any commercial broadcast station.
>
> No licensee of a broadcast station which receives assistance under this part shall bid to contract in competition with any commercial broadcast station for the broadcasting of any program or event.

The legislation establishing our system of educational television dates from 1962. The original legislation specifically limited public stations to the broadcasting of educational programing. The language is found in title 47 United States Code at section 392(b)(4):

> For each project for the construction of noncommercial educational . . . broadcasting facilities there shall be submitted . . . an application . . . providing assurance . . . that such broadcasting facilities will be used only for educational purposes. . . .

Let me take pains to note that public television constitutes a vital force in America. Its programing and content have sparked controversy, to be sure, and I am among those who have raised an eyebrow or two at times over this content and programing. That hardly puts me in a minority status, however. In spite of controversy and a few bones of contention, I support public broadcasting more than in principle only.

It is important, however, to keep public or educational television and broadcasting in its proper role. Keeping CPB and the public stations and their facilities apart and distinct from commercial stations serves to do more than defend free enterprise and prevent unfair competition in a highly competitive industry; it keeps noncommmercial broadcasting free to do just what it originally sought to do—to be innovative and, perhaps, somewhat controversial without having to depend for dollars on those who might want to buy the use of their time and facilities.

The report accompanying H.R. 8538 (House Report 93–324), at page 12, states:

> Your committee has noted with some dismay the allegation that public television stations are competing with privately financed commercial broadcasters for commercial business. Certainly, public broadcasting facilities grants should not be permitted to foster this practice.

There have been two cases in 1973 of a production facility owned by a commercial broadcaster in my district being underbid for work by educational broadcasters. Both incidents involved small contracts, small dollar amounts, small nibbles into the competitive arena. Nibbles can, however, mount up and become a major difficulty.

There comes to mind a quotation attributed to the late Judge John J. Parker who abhorred delving into some particular field of the law. Rather than get into the details of, I believe, the Internal Revenue Code, he said he "would prefer to be nibbled to death by ducks." The noncommercial stations are neither webfooted nor likely to devour their commercial colleagues. But, they are nibbling at the edge of their neighbors' lawns. It is neither appropriate nor fair for these nonprofit, educational-only facilities supported in part or wholly by tax dollars to bid against taxpaying commercial entities for essentially commercial, noneducational business. My amendment should put an end to this nibbling practice and make it plain that the noncommercial stations and facilities should be completely out of the business of competing with commercial broadcasters.

PETE ROZELLE AND THE NFL PLAYERS' ASSOCIATION FIGHT THE DRUG PROBLEM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Mr. KEMP. Mr. Speaker, for the benefit of my colleagues, at a time when so much has been made with regard to charges of drug abuse in professional football, I want to include this excerpt from an article in the Evening Star. It outlines the antidrug plan announced yesterday by Commissioner Pete Rozelle and endorsed by the Players' Association. It certainly reflects the mutual concern of players, owners, and the commissioner to protect the integrity of both professional football and the individual players of the National Football League:

> #### ROZELLE'S ANTIDRUG PLAN
>
> (By Steve Guback)
>
> Rozelle announced basically a four-point plan that will go into effect immediately.
>
> The program, which received the blessing of Players Association director Ed Garvey last night, sets up:
>
> 1. A medical consultant for the league to offer advice on drug matters. He will be named shortly.
> 2. Provisions for disciplinary action, including suspension. Up to now, Rozelle admitted, no penalties other than probation have been levied by the NFL in drug matters.
> 3. A drive to strengthen the old program, which was mainly educational.
> 4. A procedure whereby clubs will make periodical reports to the league office on drug inventory, prescription bills, and other drug-related matters. Players also will be urged to notify the team physician of any prescription medicine taken away from the team.
>
> "If there were an easy answer to the drug problem we wouldn't have it in our society today," Rozelle said after announcing his plan. "We had a program. We acknowledged it wasn't strong enough. We're now taking these additional steps.
>
> "Whether we can be successful as we'd like to be, I don't know," Rozelle added, with a sigh. "We're going to keep adding things until hopefully we can be successful."
>
> One thing Rozelle has going for him is the backing now of the Players Association, the coaches and the owners, all of whom okay the plan.
>
> "I think it's a responsible program," Garvey said. "He pretty much has adopted our resolution. We would encourage players to turn over prescriptions as long as their confidence is protected. As for the other steps, he pretty much has admitted that it's a club problem. I'll endorse the program as presented."
>
> However, Garvey was disappointed that Rozelle didn't set up a joint owners-players committee to study the entire area and determine if drug usage is a problem.
>
> "I think it was a series of coincidents—the Staggers' committee report and the story in the New York Times—that's blown this whole thing out of proportion," Garvey said. "We don't really know if it's a problem."
>
> For the time being, Rozelle has decided not to put in a plan for urinalysis, as suggested by the House Commerce Investigation Subcommittee. The Players Association bitterly opposed this measure as an invasion of privacy.
>
> "Urinalysis and several other things we've been thinking about are still under consideration," Rozelle said, "but we're going to wait until the appointment of our medical consultant because we'd like to hear from him on this matter."
>
> The major flaw in the new program, of course, is that the NFL has no way of preventing the players from obtaining drugs outside the team. Most players say this is the most widespread violation.
>
> "I don't think we can effectively police the use of drugs 24 hours a day," Rozelle conceded. "We're going to attempt to do all we can to curb this problem."
>
> The threat of disciplinary action seems to be the major league weapon, but Rozelle

hedged when asked if he would take a hardline on violations.

"There is no way you can say," Rozelle said. "Each case would have to be handled individually. It would depend on the violation."

The Players Association takes the stand that disciplinary action should be handled with caution. In most cases, players convicted of illegal drug usages would receive criminal penalties beforehand.

"I don't endorse the idea of suspension except under the most dramatic circumstances," Garvey said. "After a player has been subjected to criminal penalties it would be unjust in most cases to take his livelihood away, too."

Much of the recent drug-related furor has stemmed from the New York Times' story which said four NFL players are under surveilance for trafficking in illegal drugs. Rozelle said he wouldn't refute the story, but that he found no substance in it.

"We've checked that out very thoroughly," Rozelle said, "and I'm quite confident there is no such investigation currently underway."

ROCKAWAY BEACH EROSION CONTROL PROJECT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1973

Ms. ABZUG. Mr. Speaker, today Mr. GROVER, I, and 31 of our colleagues from New York State have introduced legislation, H.R. 9016 and H.R. 9017, which would allow a beach erosion control project to commence at the Rockaway beaches in New York City.

The need for beach nourishment at the Rockaway beaches is immediate. During low tide, at some locations, there is a drop of 10 feet from the last step of the boardwalk to the beach. At high tide, sewers, power lines, the boardwalk, and roadbeds are threatened. The city of New York has had to close to the public 25 blocks of beach at two locations.

The bills we have submitted would permit the Corps of Engineers to commence work on the beach erosion control project while awaiting further studies of the hurricane-flood protection aspect of the authorized East Rockaway Inlet to Rockaway Inlet and Jamaica Bay project.

The cosponsors of this legislation are: Mr. GROVER, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY of New York, Ms CHISHOLM, Mr. DELANEY, Mr. DULSKI, Mr. FISH, Mr. GILMAN, Mr. HANLEY, Mr. HASTINGS, Ms. HOLTZMAN, Mr. HORTON, Mr. KOCH, Mr. LENT.

Mr. MCEWEN, Mr. MITCHELL of New York, Mr. MURPHY of New York, Mr. PEYSER, Mr. PODELL, Mr. RANGEL, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. SMITH of New York, Mr. WALSH, Mr. WOLFF, and Mr. WYDLER.

The text of the bills follows:

H.R. 9016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authorized by the Flood Control Act of 1965, (79 Stat. 1073) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to commence work on the beach erosion control aspect of the project independently of the hurricane-flood protection aspect of the project. Construction of the beach erosion control aspect of the project may commence following the completion of environmental studies regarding that aspect, conducted pursuant to the National Environmental Policy Act of 1969. Nothing herein shall increase or reduce the percentage of total costs of the entire project to be contributed by the affected non-Federal interests.

H.R. 9017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authorized by the Flood Control Act of 1965, (79 Stat. 1073) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to commence work on the beach erosion control aspect of the project, independently of the hurricane-flood protection aspect of the project. Construction of the beach erosion control aspect of the project may commence following the completion of environmental studies regarding that aspect, conducted pursuant to the National Environmental Policy Act of 1969. Nothing herein shall increase or reduce the percentage of total costs of the entire project to be contributed by the affected non-Federal interests.

DELAWARE RESOLUTION

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. DU PONT. Mr. Speaker, on May 15, 1973, the 126th General Assembly of Delaware passed S.C.R. 20 concerning increased cooperation between the States and the Federal Government on fiscal matters. It particularly calls for increased dialogue upon the consideration of anticipated Special Revenue Sharing Acts. Mr. Speaker, in accordance with the body of the resolution, I ask that this very fine resolution be incorporated into the RECORD:

SENATE CONCURRENT RESOLUTION NO. 20—IN REFERENCE TO FEDERAL REVENUE SHARING

In harmony with the policy adopted by the Intergovernmental Relations Committee of the National Legislative Conference following its meeting with the President on March 30, 1973, the Senate of the State of Delaware, the House of Representatives concurring therein, hereby adopts the following resolution:

Whereas, each and every one of the fifty sovereign States has, through the years, by design and by tradition, adopted certain methods of funding programs; and

Whereas, the Congress of the United States and the National Administration should recognize and make allowance for the unique variations in funding programs existing within the States.

Now, therefore, be it resolved that the Congress of the United States and the National Administration be urged to continue administering grants-in-aid programs in their present form until such time as Special Revenue Sharing programs have been enacted. Since States are in the process of adopting their budgets—some for one year, others for two—an appropriate amount of time must be available to the States in order to plan for a transition from categorical grants-in-aid to a Special Revenue Sharing approach.

Be it further resolved that the Congress of the United States and the National Administration also be urged:

1. to provide for reasonable procedures such as hold-harmless clauses and flexible timetables,

2. to insure a greater degree of certainty in the amount of Federal funding which can be expected by the States by providing that appropriations be consonant with authorizations, and

3. to insure adequate and meaningful planning at the State level by making annual appropriations prior to the beginning of the fiscal year.

Be it further resolved that the Congress of the United States and the National Administration enter into a meaningful dialogue with the States so that Special Revenue Sharing legislation will be drawn in a fashion that will enable each State to benefit equitably under such laws.

Be it further resolved that copies of this resolution be sent to the President of the United States and to each member of Delaware's Congressional Delegation, and that they be hereby requested to jointly arrange for its insertion in the Congressional Record.

OPINION POLL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. EILBERG. Mr. Speaker, yesterday the President vetoed legislation which contained a complete ban on all U.S. military activity in Cambodia.

In doing so he did exactly the opposite of what the people of my district in Philadelphia wanted him to do.

I recently sent a questionnaire to every home in my district. The first 1,000 responses have been tabulated and on the question of bombing in Southeast Asia, 74 percent said they do not want it to continue, 14 percent were in favor of the bombing and 12 percent were undecided.

Additionally, in response to a second question, 73 percent said they would be opposed to sending ground troops back into Southeast Asia to rescue flyers captured while taking part in the bombing, 14 percent would support that action, and 13 percent were undecided.

Although these figures come from only 1,000 responses, Mr. Speaker, I believe the results are so overwhelming that the White House should reverse its stand on this matter and immediately end the bombing.

There are also other responses which I feel should be noted at this time:

Seventy-three percent of the people believe that the defense budget should be cut and the savings applied to solving the problems of cities;

Eighty percent of those responding want part of the Highway Trust Fund used to improve public transportation;

Seventy-seven percent want massive Federal aid for public school systems.

Finally, in response to a request to list the three most pressing problems facing the Nation, the people responded that inflation is overwhelmingly their number one concern. This was followed by crime and, despite White House claims that nobody outside of Washington is concerned, Watergate was third.

At this time, Mr. Speaker, I enter into the RECORD the tabulated results of the first 1,000 questionnaires I have received·

CONGRESSMAN JOSHUA EILBERG WANTS YOUR OPINION

(NOTE.—All answers in percent)

1. a. Do you believe the President's Phase III "voluntary control" economic policy is working?

Yes	1
No	93
Undecided	6

b. Would you favor a return to comprehensive wage and price controls?

Yes	84
No	8
Undecided	8

c. If price controls are put into effect again, should they include food prices?

Yes	96
No	3
Undecided	1

d. Have the increases in food prices caused a change in the kind or amounts of food you buy?

Yes	88
No	11
Undecided	1

e. Are you buying more or less:

Meat.

More	1
Less	85
Same Amount	14

Poultry.

More	38
Less	24
Same Amount	38

Fresh fruits and vegetables.

More	14
Less	54
Same Amount	32

Canned and frozen foods.

More	27
Less	25
Same Amount	48

2. Should grain sales to Russia and other countries be continued if these sales continue to cause sharp increases in meat prices?

Yes	9
No	84
Undecided	7

3. Do you favor a cutback in the Defense budget with the savings applied to solving the problems of the cities?

Yes	73
No	20
Undecided	7

4. Should a portion of the gasoline tax money collected and pledged for the Highway Trust Fund be directed to improve public transportation?

Yes	77
No	18
Undecided	5

5. I have introduced legislation to provide Federal funds for up to 35 percent of a public school district's annual budget. Do you support this idea?

Yes	80
No	12
Undecided	8

6. I am also sponsoring a proposal to provide tax benefits for the parents of students in private schools. Do you support this plan?

Yes	52
No	41
Undecided	7

7. Legislation has been proposed which would prevent the cancellation of Federal grants and other payments to hospitals which refuse to allow abortions to be performed. Do you approve of this proposal?

Yes	45
No	42
Undecided	13

8. Do you believe that possession of marijuana for personal use should be a criminal offense?

Yes	48
No	37
Undecided	15

9. Should pushers of hard drugs who are convicted a second time receive mandatory life sentences?

Yes	90
No	5
Undecided	5

10. a. Are you satisfied with the progress being made to clean up the environment?

Yes	20
No	68
Undecided	12

b. Are you prepared to bear some of the cost, in form of higher prices and increased taxes, of cleaning up the environment?

Yes	55
No	34
Undecided	11

11. Should U.S. funds be used to rebuild North Vietnam?

Yes	10
No	82
Undecided	8

12. a. Do you agree with the Administration's policy of continued bombing in Southeast Asia?

Yes	14
No	75
Undecided	11

b. If this bombing results in the capture of Americans, should ground troops be sent back into Southeast Asia as a means of forcing their release?

Yes	15
No	73
Undecided	12

13. Should the United States reduce the number of troops stationed in Europe?

Yes	69
No	17
Undecided	14

14. Now that we have formal diplomatic relations with the Chinese Peoples Republic, do you believe we should normalize relations with Cuba?

Yes	61
No	21
Undecided	18

15. What do you think are the three most pressing problems facing America today? Please list in order of urgency.

1. Inflation.
2. Crime.
3. Watergate?

16. What is the one local problem which troubles you the most? Crime, School Finances, Drugs.

RESTORING PUBLIC CONFIDENCE IN WELFARE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. HARRINGTON. Mr. Speaker, the media have been accused in the past of confusing facts and misrepresenting issues, but I think that a series of editorials broadcast over television station WCVB in Boston has greatly contributed to the public knowledge of welfare. The broadcasts to which I refer are entitled, "Restoring Public Confidence in Welfare," and were seen over WCVB at the end of May.

As the first editorial in the series states, few governmental policies are so mistrusted or so scorned as welfare. WCVB-TV realized that this attitude stemmed to a great extent from misinformation regarding the purpose and effect of welfare expenditures. The goal of the editorial series—to restore public confidence in a complex but vital social program—is one which we should encourage in these days of a failing public trust in government.

I am inserting the text of these editorials in the RECORD, with the hope that other broadcasters will follow the example of WCVB-TV in addressing current social issues:

RESTORING PUBLIC CONFIDENCE IN WELFARE—PART 1

(Presented by Richard S. Burdick, WCVB vice president and general manager, creative services)

Welfare! The word alone has become controversial. After the actual or assumed wrongdoings of politicians, nothing in state government is so mistrusted or so scorned as welfare.

But we believe this is unfair and unjustified.

First of all, welfare dollars go primarily to four major groups; the medically needy, the elderly, the disabled and children. Welfare is a one billion dollar-plus operation in Massachusetts, but nearly half of this sum comes from federal not state funds.

There is welfare fraud. But it is not pervasive—probably affecting less than one percent of total cases. We do hear about some shocking abuses. But the Welfare Department and other state agencies have stepped up fraud investigations, as they should.

Welfare doesn't permit lavish lifestyles. Life on welfare is generally one of privation. Yet thanks to payments more generous here than in most other states, those on welfare in Massachusetts can live decently.

We have seen a great deal wrong with welfare in this state. But we also see a great deal right with it. Overall, we feel a resurgence of public confidence in welfare is both justified and overdue. This editorial is the first in a series exploring our welfare programs. We intend to criticize where criticism is warranted and recommend when new approaches should be tried. But first we want to introduce you to the human reality behind welfare statistics. We hope you'll be watching.

Restoring Public Confidence in Welfare—Part 2

Welfare is not the gigantic porkbarrel of popular myth. It is vast and complex and expensive. And it is far from being a perfect system. But it serves the needs of poor, sick and aged people. We want to restore public confidence in welfare as a vital social program.

Take Old Age Assistance, one of the major welfare programs. It helps more than 60,000 Massachusetts elderly—people like 68-year-old Margaret Sullivan of Roxbury.

Restoring Public Confidence in Welfare—Part 3

Eighty-five percent of the patients in Massachusetts nursing homes like this one receive Medicaid. This staggering figure gives you a strong hint of why Medicaid is far and away the giant of state welfare programs.

From its inception in 1967, Medicaid has grown to become a $400 million operation serving a quarter of a million people. The explosion in the cost of Medicaid, however, is intimately linked to the tremendous inflation in the cost of medical care. Welfare recipients and the working poor—the two groups eligible for Medicaid—never see the money spent in their behalf. It goes directly to hospitals, druggists, doctors and nursing homes like this one in Brighton.

We wanted to give you a glimpse of this facility and some of its patients because all too often we forget the reality behind welfare statistics. Of the total Medicaid budget, 31 percent goes for nursing home care of the elderly, while another third goes for inpatient hospital care, again mostly for the elderly. All in all, about 70 percent of Medicaid dollars are spent on treatment of the aged, blind and disabled.

Admittedly there are many abuses of Medicaid. A number of the reforms we'll be recommending later in this editorial series center on the Medicaid program. Yet when all is said and done, it should be obvious that the services provided by Medicaid are immensely valuable to hundreds of thousands of people—especially elderly people like these for whom there is often no other recourse.

Restoring Public Confidence in Welfare—Part 4

Our study of welfare indicates the loss of public confidence in this mammoth state program is unjustified. People can be proud of what state government is doing to support the poor sick and aged.

Take Aid to Families with Dependent Children, one of the biggest and most controversial welfare programs. It helps nearly 300,000 persons—like Somerville's Jeanne Hudson and her three children.

Massachusetts Welfare: Increasing the Benefits

Imagine that you've been working for the same company for the last three years; yet in all that time you've never gotten a raise. Your paycheck today is the same as it was 36 months ago.

Now think of what's happened to the cost of living. Since 1970 prices have gone up for just about everything—rent, clothing, gasoline, and food, especially food. The cost of meat alone has made a frontal assault on the family budget.

So without that raise your paycheck has bought less and less—probably 20 percent less than it did three years ago.

Now what are we trying to prove? We're stating the obvious to make a very important point about how inflation affects not you, the majority who have jobs and do, in fact, get regular raises, but the minority who must live on welfare.

Welfare mothers and children as well as those on disability assistance haven't gotten a cost of living increase since 1970. And those on general relief haven't seen an increase since 1969—four years ago. This is cruel and inexcusable.

Senate Bill 1647 would correct this inequity by providing other welfare recipients with the automatic three percent cost of living increase the elderly now enjoy. Governor Sargent has budgeted for the $9 million this will cost the state. Decency and justice demand the passage of this legislation. We urge all of you to support Senate Bill 1647.

Massachusetts Welfare: A Better Life for the Elderly

Thousands of elderly persons in Massachusetts live on incomes at or below the poverty line. We know, for example, that 60,000 elderly receive Old Age Assistance from the Welfare Department. And many others subsist on tiny incomes from pensions, savings, and Social Security.

Some believe the elderly constitute the largest poverty group in the nation. Local figures bear this out. In the city of Lawrence, for example, one quarter of the 10,000 elderly residents must survive on poverty-level incomes.

The social cost of raising these aged people out of poverty is as staggering as it is desirable. We can afford to take only one step at a time. One first step we can endorse is incorporated in Senate Bill 1644. This bill, now before the state legislature, would make all elderly persons eligible for welfare assistance if their income was less than the low standard budget of the federal Bureau of Labor Statistics. Monthly welfare benefits would rise from the present $199 to $213 for a single person, and from $296 to $304 for a couple.

The cost of this program is estimated at $8½ million a year. We believe the state can absorb this expense. But we emphatically do not support a further provision of the bill which would greatly increase assistance payments over a five-year period. Without doubt, such increases would go a long way toward eliminating elderly poverty in this state. But the $35 million annual pricetag is beyond our current ability to pay.

So let us take our first, modest step for the elderly today, hoping that we can do much more in the years to come.

PRICE FREEZE CONTINUES DISASTER ROUTE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. KEATING. Mr. Speaker, the current price freeze is continuing to cause major disruptions in the U.S. economy. I am enclosing with my remarks today a copy of an article entitled "Bare Cupboards" appearing in today's Wall Street Journal.

This article gives further evidence of the deterioration of the food industry and the potential long-term harm the current price freeze will have on our economy. The food industry is not alone in crying, "foul," at the price freeze effects.

A constituent of mine contacted my office to inform me of the dilemma his company faces because of its inability to purchase brass and copper scrap at freeze base period prices. As a result, his company which produces brass and bronze ingots which are made from such scrap is approaching a crisis stage and some or all of the 40 employees working there may face unemployment when their raw materials are completely unavailable.

This constituent explained his problem very aptly:

> The price freeze creates an artificial price structure in the U.S. when you are dealing with a commodity which is a world commodity, one which can be exported. The artificial price structure cannot continue unless a wall is constructed around the U.S. by way of complete export control and trade limitations.

I would add that international markets that have been cultivated over many years will be destroyed by export prohibitions and greatly damaged by price export limitations.

In summary, I repeat my firm belief that the current price freeze is unworkable and should be terminated immediately.

The article follows:

Bare Cupboards: Food Shortages Loom as Firms, Farms Cut Output Under Phase 3½—Some Plants Close As Costs Exceed the Ceiling Prices; Rushing Plans for Phase 4—"Yes, We Have No Tomatoes"

(By John A. Prestbo)

Chicago.—The nation's food-production machinery is starting to grind to a halt under Phase 3½.

Across the country, flour millers, feed manufacturers, corn processors, salad-oil refiners and other food companies are either slowing down or closing their plants because their prices are frozen below the cost of their raw materials.

For the same reason, broiler-chicken and egg farmers have been cutting production sharply, even to the extent of killing baby chicks rather than going to the expense of feeding them. Hog farmers are barely keeping pace with last year's output and are marketing pregnant sows rather than allowing them to farrow. More dairy farmers are selling their cows for beef to cut feed expenses, and some dairymen predict that milk supplies could be scarce when school resumes in the fall.

Yesterday, the government took one step in easing high production costs by embargoing all exports of soybeans and cottonseed and the products made from them. Strong foreign demand for these products has been instrumental in ballooning domestic prices for many foods, including meat, milk and eggs. But the freeze itself remains in effect.

"If these price-freeze rules continue for the full 60 days, the nation's supplies of meat, milk and eggs are going to be scarce for a long time to come," warns Oakley Ray, president of the American Feed Manufacturers Association.

BAD NOW, WORSE LATER

"Things are bad enough now, but it's the long-range ripple effects that worry us most," says a spokesman for the National Association of Food Chains. "We can put up with short supplies of lettuce and other produce for a while, but what happens if the canners don't can and freeze as much as they might—what will we do for food six months from now?"

Indeed, Nixon administration officials have indicated that food rationing is a possibility. "For the first time in our history, there might be great, gaping blank spaces on our supermarket shelves," says C. J. Tempas, president of Green Giant Co.

Adds Dale D. Wolf, sales manager of Joan of Arc Food Co. in Peoria, Ill., which last week stopped selling its canned pork and beans; "If consumers were complaining before about high food prices, they're going to complain even more now because they won't be able to get things. Price becomes secondary when you can't get the product."

Not everyone is crying gloom and doom, of course, and the Cost of Living Council apparently plans to grant relief to a few especially hard-pressed companies. Because the distribution pipelines are filled, shortages of food items haven't yet been reported—though even the government acknowledges that the U.S. may run out of soybeans before the season ends Aug. 31.

A PANDORA'S BOX

Nonetheless, Phase 3½ is turning out to be a Pandora's box for the food industry. One rule is particularly nettlesome because many food products are sold at an agreed-upon price for delivery several weeks or months later. The freeze rules say that prices of goods delivered in the June 1–8 base period can't go any higher, even though those prices may be months old and raw-material costs may have skyrocketed in the meantime.

As a result, some food-processing and manufacturing companies say they find themselves forced to price their products at levels below the current cost of production. Evans Milling Co. in Indianapolis, for instance, closed its doors last Saturday because of freeze-imposed losses of 20 cents a bushel on the corn it milled. Flour millers, soybean processors and others are similarly affected.

"At least three soybean plants have closed, and more than a dozen others have cut back because they were locked into unprofitable prices," says a spokesman for the National Soybean Processors Association. "Some of our members have base prices of less than 16 cents a pound for oil and little more than $200 a ton for meal," he says, "and it's simply impossible to sell at those prices when soybeans bring nearly $12 a bushel." Based on current soybean prices, oil costs more than 19 cents a pound—when it can be bought at all—and meal brings $390 a ton.

"GREATEST CRISIS" EVER

"Ceiling prices for many feeds are $20 to $50 a ton below the cost of production," says Mr. Ray of the Feed Manufacturers Association. Ralston Purina, one of the biggest companies in the industry, has withdrawn more than 300 feed products from the market. "Others are simply closing," Mr. Ray adds. "It's the greatest crisis our industry has ever faced."

On Tuesday, the Cost of Living Council announced that it had decided not to revise its rule concerning the price freeze on transactions as of the delivery date. Changing the transaction rule, the council decided, would only move the price squeeze further up the production ladder.

But the squeeze is already climbing that ladder. Earlier this month, Anderson, Clayton & Co., Houston, cut production of salad oil, shortening and margarine that it sells in bulk to other food companies. Supermarket executives say they are being cut off by their suppliers of private-label salad oil and expect to be soon for margarine. The flow of products containing flour also is slowing down, supermarket-industry sources say.

Meat processors, which were saddled with price ceilings in April, also are slowing production. Missouri Beef Packers, for instance, has cut back by 20%, and Green Giant has stopped its slaughtering operations in Alabama and reduced operations at its Florida plant to two days a week from six. Iowa Beef Processors says it hasn't had to cut production yet, but a spokesman says that "it's getting more and more difficult to get enough cattle."

The freeze isn't slowing production of some food items, but it is distoring the marketing of them. Retail prices of some seasonal fruits and vegetables, for instance, are still pegged at last year's levels because no sales were made during the base period; wholesale prices, however, had climbed sharply higher to reflect smaller crops caused by bad weather.

Plums, for example, may not be stocked in many markets this summer because of the freeze. Last year's retail price, which is this year's ceiling, was $9 a box, but the wholesale price ceiling under Phase 3½ is $20 a box, the National Association of Food Chains says. Another example: Florida tomatoes were selling for 18 cents a pound in New York during the base period, but now those supplies are gone, and California tomatoes are coming into season—costing about 30 cents a pound. Stores that had been selling the Florida tomatoes may have to stop carrying any, while those in the West normally dependent on California supplies could be so glutted with them that they would feature them on special.

The anomalies aren't limited to fresh produce. General Foods Corp. says that it has stopped selling frozen red raspberries and that when present supplies of frozen strawberries are exhausted, it will stop selling those, too. Some canning-industry sources worry that smaller canners faced with the prospect of paying higher raw-material prices but not being able to sell the finished product at a profit will simply choose not to can. The packing season for many items is just getting under way, and inventories of canned fruits and vegetables are sharply lower than normal because of increased demand. No canner has announced such a move, however.

Earlier this week, the government said it may ease the ceiling on certain food products if it appears that shortages are developing. It was obvious that the publicity about farmers' killing baby chicks caused some consternation among price controllers, and hints began circulating that the freeze may be lifted on broiler chickens and selected other food items sooner than on other products.

Yesterday, for instance, a Paris, Ill., corn-processing plant, Illinois Cereal Mills Co., said it plans to reopen today after pleading its case to the government. The company said in a statement: "We have reviewed our situation with the Price Commission (and) we are optimistic that an early favorable reply will be forthcoming. So we are starting up our plant and will attempt to operate on a day-to-day basis until it is resolved."

The Cost of Living Council apparently is reviewing other pleas for exemptions to the freeze case by case. Illinois Cereal is an important supplier to major breakfast-cereal makers, including Kellogg Co., which said it would lay off workers if the processing plant had remained closed.

Technically, the price freeze doesn't apply to farmers but becomes effective after the farmer sells to a wholesaler or processor. But commercial firms, of course, resist paying any more for the raw product than they can recoup in the selling price, so the farmers have de facto ceilings, too. That's why poultry, dairy and livestock farmers are cutting production until either ceilings are removed or feed costs go down enough to make their operations profitable.

The Nixon administration is working toward both ends. The embargo on soybean and cottonseed exports will remove some of the upward price pressure on these commodities, though it isn't certain yet whether it will be enough to bring costs below Phase 3½ ceilings.

Meanwhile, the Cost of Living Council apparently is speeding its efforts to formulate Phase 4 and end the freeze. Presumably, Phase 4 would resemble Phase 2 in that some price increases would be permitted under stringent conditions—such as short supplies resulting from bad weather.

"If Phase 4 doesn't come soon, I don't see how we can avoid rationing and blackmarketeering," says one food executive; whose company makes sausage, among other things. "Any day now I expect a meat supplier to tell me that at the ceiling price he can give me only 500 pounds when I need 10,000. Then he'll let me know that maybe he could provide the other 9,500 pounds at an additional charge. If I don't take it, my competitors will. If we come to that, God help us all."

THE ANTIFILTH FIGHT IS NOT OVER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. GAYDOS. Mr. Speaker, the forces of decency which have waged a long, and at times discouraging, fight against the flood of pornographic filth in this country can take heart from the new and tough U.S. Supreme Court decision. But their work is not over by any means.

The court, in its historic 5 to 4 ruling, has opened the way for State and local authorities to smash "the crass commercial exploitation of sex" in movies and publications. However, the crackdown still must take place and on the resolve of these State and local officials.

Fortunately my State of Pennsylvania is in the process of acting. Antiobscenity legislation already is before the legislature in Harrisburg and favorable action upon it is expected soon. Also, Pennsylvania district attorneys have been waging legal battles on specific instances of alleged pornographic commercialism and I am sure they will continue this with new vigor now that they have the highest court's backing.

Public support—active and demanding—nevertheless is needed and it is this which concerns me today. I appeal to all State legislators and municipal officials to take full advantage of the authorizations given them by the Supreme Court to arrest the fifth peddlers and to rid our society once and for all of the smut and rot which, in the quibbling permissiveness prior to the Court's decisioin, threatened to engulf it. And I urge church and civic groups to join in a great public command that this be done.

The Supreme Court, in its wisdom, has sustained a most completely the stand of those who tried to counter the pornographic menace through the years. The majority Justices agreed, as Chief Justice Burger noted, for the "first time" in 16 years that "hard-core" pornography has no rights under the first amendment. They also supplied the much needed guidelines by which authorities and lower courts can define this type of filth and ordered that "community standards," and not some vaunted notion of sophisticated national "tolerance," prevail.

These are the clarifications which have been required for the cleanup and I hope that they will result in action being taken with all proper speed. My mail, and I am certain the mail of the vast majority of my colleagues, has shown an immense public concern over this matter—a concern of parents for the protection of their children, and a general concern over the fate of what always has been an American society of high moral principles.

The American people want the dirty movies banned and the bookstores and magazine counters changed back into places of interest and not of shock and shame. The Supreme Court now makes this possible with a decision which brands as patent nonsense the long discredited arguments that freedom carries with it the right of destructive license. I hail the Court's findings and look forward to their quick application as, I am convinced, do millions and millions of our citizens.

MEXICO GAINS IN WAR ON DOPE TRAFFIC (PART II)

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. BOB WILSON. Mr. Speaker, yesterday, I presented part I of a special report outlining the major effort being undertaken by the Mexican Government to halt the production and distribution of illegal narcotics within that nation. In addition to stiff penalties, Mexican authorities confiscate the means of transportation used to smuggle drugs. I have sponsored legislation to give U.S. drug officials this same authority and was disappointed when the House recently struck out a confiscation provision from the illegal alien employment bill. I urge congressional reconsideration of this confiscatory authority. Part II is as follows:

[From the San Diego Union, June 17, 1973]

MEXICO MAKES GAINS IN BITTER WAR ON DRUGS

Robert Feldkamp, federal director of DALE (Drug Abuse Law Enforcement) in Washington, said there are indications on the U.S. East Coast that the international battle is producing telling results.

The East Coast is considered the American drug abuse barometer because of the concentration of users there.

Of 560,000 known heroin addicts in the United States, about half are in the New York area, Feldkamp said.

The white heroin produced in the Orient and Europe is most prevalent in the eastern U.S. Mexico's known heroin goes mainly west of the Mississippi River and throughout the Southwest.

"We rarely find Mexican heroin east of the Mississippi," said Feldkamp.

PRICE OF HEROIN DOUBLES

Feldkamp reported the price of heroin has doubled from $5 for what addicts call "a nickel bag" to $10.

"Also, heroin sold on the street in the East used to be from 10 per cent pure on up," he said. "Now it is two to one per cent pure."

He added that more addicts are coming in voluntarily to treatment centers and more are relying on methadone maintenance.

"This is an indication the addict can't find a ready supply of heroin or cocaine," he said. "When they can't feed their habit with the real thing they turn to methadone."

John Vandiver, special agent in San Diego in charge of Customs Agency Service for District II, said heroin seizures by federal agents in the United States have almost tripled in 1973.

NIXON ESTABLISHES PROGRAM

The Mexican government has been thoroughly briefed on the new U.S. agency, Drug Enforcement Administration, which will go into effect on July 1.

The program, established by President Nixon, will coordinate the U.S. anti-drug campaign by combining all the combat forces into a single agency, the DEA, under the Justice Department.

The Bureau of Narcotics and Dangerous Drugs, U.S. Customs investigations and the DALE program will all operate under the DEA with a unified command.

"The DEA program will include the cooperative program with Mexican enforcement campaigns and agencies," said Feldkamp.

The agency will direct the total anti-drug program from search and seizures on the international smuggling and drug running front to the street trafficking by pushers in American communities.

American narcotics agents point out that heroin use is on the upswing and is reaching alarming proportions throughout the country.

RENTAL AIRPLANES ARE CHEAP

Methods of running drugs shift steadily, depending on current law enforcement tactics.

At first, drugs were smuggled in cars and trucks, then concealed in campers and trailers. Now boats and airplanes are popular modes of transportation.

In some areas along the Texas, California and Arizona borders, the smugglers wade across the shallow flow of the Rio Grande and Colorado Rivers.

But the most prevalent transportation for smugglers is the rented light airplane.

Vandiver explained that rental airplanes are cheap transportation, around $16 a flying hour, are easy to obtain, can easily negotiate isolated dirt landing strips and country roads and be changed constantly.

"A smuggler can fly a blue airplane one time, a red one of a different make the next and yet another color and make the next," Vandiver said.

"This way, Mexicans living in the vicinity of remote landing areas have difficulty in spotting a repeat visitor."

Federal officials in Mexico City reported that many of the confiscated aircraft have been rented airplanes.

Under Mexican policy, the confiscated aircraft and ground vehicles are sold at periodic auctions to the highest bidder.

Federal District Attorney Carlos Roncaglia noted recently in Ensenada, "Rental services that do not want to lose their planes had better be sure of the use of the plane when they rent it out."

Airborne smugglers usually make their pick-ups in Mexico just before sunrise or just after sundown at isolated dirt airstrips, federal agents explained.

RETURN TO UNITED STATES UNDER RADAR BEAM

Then they skim back into the United States at low altitude under the radar screen and at a time of day when it is difficult to spot them visually from the ground.

Three men were killed in Searchlight, Nev. when their plane, carrying 1,600 pounds of marijuana, crashed into a 140-foot high power pole as they tried to evade radar.

Each Mexican border crossing point feeds a different area of the United States.

Most drugs entering across the Texas border spread through the central United States into the Denver, Chicago, Detroit and St. Louis midwestern market.

Those coming in at San Luis, east of Mexicali, and Baja California feed the southwest and California markets.

The San Francisco and Los Angeles areas are also supplied by middle level drug distributors in Reno, Nev., one BNDD official noted.

San Luis has long been famous as a "stash area,", a Customs agent explained.

The community is isolated yet conveniently located near a rich American drug market. The Colorado River is shallow and easily waded. The area is also close to Tijuana.

When the U.S.-Mexican strike force moved into San Luis smuggling operations in the area, 20 miles south of Yuma, Ariz., were an amazing revelation.

Marijuana and hard drug processing operations were found hidden in the middle of haystacks.

FLEET OF STOLEN PLANES FOUND

A fleet of stolen airplanes were found around San Luis along with a parts depot at an isolated landing strip to service the smugglers air force.

In a raid on a smugglers summit meeting, police arrested an underworld representative of a drug combine in Hawaii setting up a direct supply route to the Pacific Islands from Mexico.

Along with other contraband, Federal District Attorney Pedro Mirelas Malpica found himself with a herd of cattle on hand that was used at a nearby ranch as camouflage for a largescale processing operation. The livestock were finally sold at auction.

Other confiscations in the San Luis area raids included 101 automobiles and other ground vehicles, five airplanes and a large supply of processing equipment.

Arrests included 287 persons, 85 of whom were foreigners, mostly U.S. citizens.

Several prominent political officials involved in the San Luis smuggling operation were arrested and prosecuted.

The major drug supply routes in Mexico go through Monterrey, the rich industrial city in eastern Mexico; Torreson and Chihuahua in the central part of the country; Hermosillo to the northern deserts of Sonora and into Baja California on the west.

Tijuana is considered the wholesale and retail drug capital of both Mexico and the United States.

A BNDD agent estimated that more than 70 per cent of all major U.S. drug-smuggling deals are consumated in Tijuana.

Customs agents report the border city is supplied by smuggling routes operating through San Felipe, a fishing resort on the east gulf coast of Baja; through the Ensenada area which abounds with isolated dirt airstrips, and by the San Luis stash.

A BNDD agent in Washington, D.C. said underworld drug agents from all over the United States travel to Tijuana to make connections and set up deals.

Drug merchants operate in the border city behind business fronts, through bars, a maze of individual contacts and within seemingly respectable professional offices, the official reported.

The February campaign at San Luis with the code name of Operation Cactus demonstrated the effectiveness of a combined U.S. and Mexican task force.

The combined force seized $19.2 million in illegal drugs, including 24 and one half tons of marijuana worth $16,737,000 and $2.5 million in heroin.

The force included Mexican Federal Judiciary Police, army troops, local police units in Sonora and special Mexican undercover agents.

The American complement included agents from U.S. Customs, the BNDD, a special drug task force from Yuma, Ariz. and other Arizona law enforcement units.

PROTOTYPE FOR OTHER EFFORTS

Operation Cactus is a prototype for other strike force efforts along the border.

The force used undercover investigators from both countries, aircraft surveillance, spot checks at border points other than conventional crossing gates, specially trained marijuana and drug detector dogs and sensors along riverbanks to detect traffickers wading across the shallow waterways.

Phillip Jordan, BNND director in Phoenix, Ariz., said federal agents are finding a close personal association between runners on the Mexican side of the border and those in the United States.

Also, the Mexican drug organization "families" reach into similar organizations in the United States, Jordan said.

Recently, the organized drug traffic has intensified use of young Americans, either adventurers or users, in smuggling heroin, cocaine and opium in small amounts that are harder to detect, he said.

Arpaio said an increasing number of young American girls are being arrested in Mexico City as they return from South American countries on the way back to the United States.

Jordan said, "With increased international cooperation, heroin seizures are going up and we are nailing down the direct routes."

Arpaio said the Mexican drug traffic includes not only its own domestic products but also cocaine from South America hashish from India, Pakistan and Afghanistan.

CRACKDOWN MAKING SIZABLE DENT

Charles Karadimos, BNND agent in Dallas, Tex., reported the Mexican crackdown "is making a sizable dent and from what we see from up here it is tremendously effective."

He reported, "If things are going better in the fight against drug smuggling along the border, much of it is because of the Mexican effort."

The U.S. government gave Mexico two helicopters in March for aerial surveillance and assigned American advisers to help develop undercover and detection strategy.

"We are giving the smuggling fight the best we have in time, equipment and the most highly trained and effective law enforcement officers in Mexico," said Federal Judicial Police Commander Alberto Francisco Peral Orea.

He said, "Each time one of our men is murdered it strikes at the heart of the law enforcement corps.

"But each death is also an inspiration to carry the battle that much further so that we can turn even those bitter defeats into victory."

FINALLY AN EXPORT EMBARGO

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. STEELE. Mr. Speaker, I wish to take this opportunity to commend the administration for placing an embargo on soybeans, cottonseeds, and their byproducts.

In recent weeks, we have been threatened with the possibility of major food shortages in the United States. The cause has been the scarcity of essential feed grains used in livestock and poultry production. Our increasing exports of these feed grains—a major cause of the grain shortage—has greatly contributed to the soaring prices of food.

In an effort to avert a crisis, and reduce food prices, I have been seeking administration action to limit exports of essential feed grains. On May 4, I sent letters to President Nixon, Secretary of Agriculture Earl L. Butz, and the Cost of Living Council urging a moratorium on exports of essential feed grains and the imposition of strict controls on the price of soybeans and other protein substitutes.

On June 8, faced with a domestic grain shortage that was nearing crisis proportions, I sent another letter to Secretary of Agriculture Butz again urging the imposition of a moratorium on grain exports for a period of 120 days, until the new crop could be harvested. This letter was cosigned by 52 of my colleagues.

On June 14, I introduced legislation that would require potential exporters of agricultural commodities to obtain a license from the Secretary of Commerce, with recommendations from the Secretary of Agriculture. This legislation would provide needed authority and a workable mechanism to curtail agricultural exports when such action is deemed to be in the national interest.

I am, therefore, very pleased that the administration has now recognized the severity of the problem and has ordered an immediate embargo on the exportation of soybeans and other feed grains. By taking this course of action, the administration has offered protection for our farmers against the skyrocketing costs of feed grains. By protecting our farmers, we will also help protect the American family from skyrocketing food prices. This action promises to have a direct impact on the availability and price of poultry, beef, eggs, and dairy products.

It is high time that our government recognized that a balanced diet at an affordable price is as important as our balance of trade. This embargo is a critical first step in assuring that major purchases by foreign governments do not disrupt our food supply again.

We must realize, however, that this is a temporary embargo. It will not necessarily prevent this situation from happening again. We need a mechanism that keeps a watchful eye on the domestic supply of essential agricultural commodities, as well as a system of control to implement when necessary. My legislation, H.R. 8696, provides both.

Mr. Speaker, at this time I would like to insert in the RECORD an article from this morning's Washington Post announcing the administration's action:

UNITED STATES HALTS EXPORTS OF TWO FEED CROPS

(By Jack Egan)

The Nixon administration yesterday slapped an immediate emergency embargo on exports of soybeans, cottonseeds and their by-products in what it called "drastic" action to control domestic food prices and maintain adequate supplies.

The action was taken under provisions of the Export Administration Act of 1969, which allows controls to be invoked in the case of "abnormal" foreign demand and scarce domestic supplies.

The soybean, with its 44 percent protein content, is at the base of the world's high quality food pyramid. Crushed into soybean meal it is the main component of animal feed used to produce red meat, poultry, eggs and dairy products. Lack of available feed alternatives such as fish meal has put a special premium on soybeans this last year.

Prices of soybeans and soybean meal have more than tripled in the last 12 months—much of it because of unprecedented foreign demand—sending other food prices spinning upward. Cottonseeds, a second-best alternative to soybeans, are also in short supply.

Commerce Secretary Frederick B. Dent told reporters at a hastily called press conference that the embargo was effective as of 5 p.m. yesterday, but that ships in the process of loading could continue.

He said his department would announce no later than next Monday what amounts of the two commodities would still be available for export this crop year and how these would then be allocated among countries.

These actions affect commitments made with the Soviet Union and other countries, as well as contracts signed before June 13. That fact makes a change from when President Nixon invoked the present price freeze two weeks ago and raised the possibility of export controls. He said then that commitments made "as a nation" by that date would be met.

The embargo and export controls are expected to dampen food production plans abroad, depending on how substantially shipments are eventually cut back. Japan and Western Europe are the biggest importers of soybeans.

Dent, flanked by Agriculture Secretary Earl L. Butz and Cost of Living director John T. Dunlop, said information his department recently received "showed higher than expected levels of exports were planned in the months ahead in soybean commodities."

The figures showed soybean exports running 6 per cent above previous estimates and soybean meal 27 per cent higher than expected.

The Agriculture Department last week predicted a precariously tight supply of soybeans in September before the next harvest—40 million bushels, or enough for two week's supply. The department has predicted a record 1.5 billion bushel harvest beginning in October, but a late harvest could lead to actual and potentially severe shortages of animal feed.

The new export figures presumably made the situation even more serious.

"This is drastic action," Butz said. "It was not taken lightly. The domestic meat supply is imperiled."

He explained that farmers were slaughtering livestock that would normally be used for breeding, and killing baby chicks because soaring feed prices had made it unprofitable to keep feeding animals with retail price ceilings in effect. He said this would imperil the 1974 meat supply if it kept up.

Asked if this emergency action to control exports would reverse the liquidation of breeding stocks, he said, "I hope it will," and added that it was "partly a matter of psychology."

Butz said farmers "look down the road, see prices getting higher and higher and say 'to heck with it,' " and that the present action and the prospect of lower feed prices might now dissuade them from lowering production.

Butz noted that there was a substantial drop in July, August and September soybean futures prices on the Chicago Board of Trade in the last two days in anticipation of some move to control exports.

He also said that any allocation formula for limited soybean exports would "be fair to all parties" and was being done "as much or more to protect our regular customers."

Dent said that if the present embargo and controls were to increase the demand for corn exports, this commodity would also be considered for controls.

The Commerce Secretary also pressed for broader presidential authority to control exports to curtail general price inflation. There is a bill containing such authority presently pending before the Senate Banking Committee. The House Banking Committee last week passed a more restrictive version of such a measure.

Cost of Living Council director Dunlop said yesterday's action was taken as "a necessary step to put first the dinner table of the American consumer."

In another action, the Cost of Living Council yesterday announced new rules for determining the delivery price of future commodities affected by the freeze.

The delivery price before July 4 of a processed commodity like soybean meal or pork bellies cannot be higher than the freeze price. After July 4, the Council said, the price ceiling will be determined as the highest price at which at least 10 per cent of that commodity was traded in the nearest month future.

The highly technical rules are meant to get around "market dislocations, windfall profits to speculators and substantial losses to those who use the futures market in a conservative manner to hedge against price risks," the council said.

CULTURAL PURGE OF GERMAN-POLISH HISTORY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. RARICK. Mr. Speaker, an ethnic and cultural purge is continuing in East and West Germany and Poland in an effort to bring about social change by rewriting history and geography to conform to currently fashionable ideas.

A joint West German-Polish commission for the past several years has collaborated toward expunging "objectionable textbook material in both countries." By laundering textbook information presented to students, the commission hopes to redraw the maps of Central Europe, "rewrite objectionable material and suppress superpatriot exaggeration" so future generations of schoolchildren will be given historical data based on committee decisions rather than facts.

The two governments are reported to be in accord in their rewriting of the history that took place before the Second World War, but the independent West German school systems pose a stumbling block to the historical-rewrite scheme. West Germany has no central ministry of education, and the individual German states exercise strong authority over the teaching of the children under their jurisdiction. Their system is similar to that of the United States before education in this country was taken over by the Federal bureaucracy supervised by Federal judges.

The historical purgers bemoan the fact that history teachers in Germany are "the country's most conservative element." As one Pole put it:

> All the decisions in the world are no good if history teachers lecture contrary to the spirit of the textbooks.

He is, of course, correct. Bureaucrats can fictionalize history, elevate or play down the importance of minority groups, or generally steal the cultural accomplishments of one ethnic group and transfer them to another by republishing history books that conform to the design they wish to promote.

But unless their efforts are backed up in the classroom by teachers of the same persuasion, their work will fail—and schoolchildren will get accurate historical accounts. Individual classroom teachers and independent school systems stand in the way of cultural thievery by demanding that the children they instruct be told the truth.

Perhaps it was during the joint commission's rewriting of the period of history around 1473 that the great German astronomer Nicolaus Copernicus suddently became a Polish national and the fact of Copernicus' Germanic heritage expurgated from the pages of history.

A similar fate befell the great Polish-American national hero Tadeusz Kosciuszko a few years ago when the Red regime outlawed him as a "nonperson" and removed his accomplishments from the history books.

I insert the related newsclipping as an example of "cultural genocide" in operation:

TEXTBOOKS A START IN CAMPAIGN TO END POLISH-GERMAN HATRED

(By Raymond H. Anderson)

WARSAW, June 11.—"For a thousand years, ever since King Mieszko, we have lived in conflict with the Germans to our west. But we must think now of the next thousand years."

The remark, by a middle-aged Pole, reflected a campaign under way among Germans and Poles to purge a legacy of ethnocentric strife and hostility from textbooks.

The comment was made on a train rolling through the town of Kutno, after conversation was prompted by sight of a large sign proclaiming from the side of a building, "The Oder-Neisse border is a border for peace."

8.5 MILLION GERMANS IN AREA

Since 1945, the Oder and Neisse Rivers have formed Poland's western border as a result of accord among the wartime Allies, the Soviet Union, Britain and the United States. East of the Oder and Neisse are 39,597 square miles of former German territory where 8.5 million Germans lived at the end of World War II.

Both the East German and, more recently, West German Governments have acknowledged the new border, but Poles feel uneasy about the situation. They will continue to feel uneasy, many believe, until generations have passed and a new consciousness emerges among the Germans.

The place to start, the Poles and Germans have concluded, is in the schools, particularly in history and geography textbooks. Polish and German experts agree that books tend to reflect old concepts, distortions and bitterness that have passed on from generation to generation.

COMMISSION SET UP

For the last few years, a West German-Polish commission has been meeting to review, debate and amend objectionable textbook material in both countries.

One Polish official involved in the project is Zbigniew Sabillo, head of the Ministry of Education's school curriculum section. In an interview, he recalled an incident during a recent visit to West Germany that to him underlined the scope of the problem.

"I was traveling by train and came across a map displayed in a coach showing Germany with the 1937 borders," he said with emotion. "There wasn't even a dotted line to show the new Oder-Neisse border."

The prime purpose of the textbook commission is to eliminate such maps, rewrite questionable material and suppress superpatriot exaggerations of exploits or grievances of past centuries between Poland and Germany.

"We have reached agreement on interpretations of Polish and German history up to the year 1945," Mr. Sabillo said. "But agreement is one thing and implementation of the agreement is another. In West Germany there is no central ministry of education. So each state can implement the interpretations as it sees fit, and some see the interpretations as less fit than others."

"Also," Mr. Sabillo continued, "there are many publishing houses in West Germany They are profit-making private companies and dislike the expense of amending texts. The schoolbook program will last for many, many years."

HITLER PERIOD NO PROBLEM

In the view of another Pole who is an expert on German affairs, West Germany's history teachers are a hurdle to presenting new views on Poland.

"All the decisions in the world are no good if the history teachers lecture contrary to the spirit of the textbooks," he said. "And the German history teachers are the country's most conservative element."

Although it is the most bitter and most recent memory, the Hitler period presents no problems for common Polish-German interpretation, the Pole stressed.

"The crimes of the Nazis were so enormous that few historians try to present them in a manner favorable to Germany. A more difficult time for textbook writers is that of the Teutonic Knights 600 years ago. The Germans see the Teutonic incursions eastward as a civilizing mission. The poles consider them aggression under the guise of missionary work."

Surveys in Poland on man-in-the-street reactions to words like "Germany" show that these reactions are still strong and mostly negative.

THE 1973 MILTON WALK FOR DEVELOPMENT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to bring to the attention of my colleagues the commendable efforts of many of my young constituents from Milton, Mass., who joined in the recent Milton Walk for Development.

The goal of the Milton Walk for Development, which is a part of the Massachusetts Young World Development of the American Freedom from Hunger Foundation is:

> To create an awareness and find meaningful ways to involve the American people in the private sector in the cause of human hunger at home and abroad.

This goal was translated into action by the dedication and determination of all those involved, as they enthusiastically hiked for 21 miles to draw support for the hungry throughout the world. Sponsors of the participants, including teachers, parents, businessmen and church groups, agreed to pledge a certain amount of money for every mile walked to support the programs of the American Freedom from Hunger Foundation.

The Walk for Development has become an annual event in the 11th District of Massachusetts over the past few years. Many young people who cannot accept the complacency and unawareness of the hunger in the world have joined together in their efforts to combat this grave problem of hunger facing our world today.

The participants of the Walk for Development are united in their belief that a bright new future can be achieved for mankind when we all work together to feed the world's population, when we reduce military expenditures, and when we can come to live at ease with one another, and become enriched by our own and the world's diversity of people and culture. These young people are committed to working toward deeper involvement and more public recognition of these issues, as well as raising funds to support development programs in this country and around the world.

Congratulations are certainly in order for the exceptional contributions of all those involved in the 1973 Milton Walk for Development.

ADOPTION OF A SPENDING CEILING

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. MATHIS of Georgia. Mr. Speaker, I rise to again briefly address myself to one of the most critical issues facing this House and the Nation today, in my judgment, and that is the need for an immediate adoption of a spending ceiling.

A few days ago my dear friend and colleague, the distinguished majority leader, Mr. O'NEILL, issued a call for action on this proposal. Yet, we continue in this House to adopt appropriations bill after appropriations bill and will apparently continue to do so with total disregard for the drastic need for such a spending limitation as has been proposed by many Members of this House, including myself and the majority leader.

In all honesty, Mr. Speaker, the effort placed behind this proposal on the part of the leadership of the House has been less than I had hoped for. When my dear friend Mr. O'NEILL issued his call for action on a spending limitation, I had visions of fiscal responsibility on the part of the House. Yet we continue to pass bill after bill with no end in sight.

Mr. Speaker, for the benefit of those whom I am privileged to serve in the Congress, I want the RECORD to show that I have no plans to vote for another appropriations bill until such time as we bite the bullet and set for ourselves a ceiling on our spending. I am sure that my one vote against the bills will not alter the outcome, nor will my actions bring adoption of a spending ceiling any earlier, but I feel that my constituents and the American people are entitled to a small dose of fiscal responsibility on the part of this Congress.

SENATE—*Friday, June 29, 1973*

(Legislative day of Monday, June 25, 1973)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. LLOYD BENTSEN, a Senator from the State of Texas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Father, who alone dost guide and govern the minds and hearts of men, make us deeply conscious of Thy presence as the Senate renews its consultations for the well-being of the Nation.

May Thy special blessing rest upon the Members of this body, that as the times demand strong minds, great hearts, true faith, and willing hands, so they may rise above all that is mediocre or common to stand as leaders in the higher levels of a divine vocation. As they serve the people so may they serve Thee. Let their souls be quiet places of prayer from which the cares of life are ordered according to Thy will. And grant that they may ever walk in the steps of Him, who with limited time, finished the divinest work.

We pray in His holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 29, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LLOYD BENTSEN, a Senator from the State of Texas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BENTSEN thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Under authority of the order of the Senate of June 28, 1973, Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, reported favorably, with an amendment, on June 28, 1973, the bill (S. 356) to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes, and submitted a report (No. 93–280) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, June 28, 1973, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 128) to provide for an extension of certain laws relating to the payment of interest on time and savings deposits, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 8947) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 185. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon;

H. Con. Res. 219. Concurrent resolution providing for additional copies of "The Federal Civilian Employee Loyalty Program", House Report No. 92–1637, 92d Congress, second session;

H. Con. Res. 223. Concurrent resolution requesting the President to proclaim the 7-day period of July 16 through 22, 1973, as "United States Space Week";

H. Con. Res. 233. Concurrent resolution providing for the printing of committtee hearings establishing a National Institute of Education;

H. Con. Res. 256. Concurrent resolution to provide for the printing as a House document, a revised edition of the House document "Our American Government. What Is It? How Does It Work?";

H. Con. Res. 257. Concurrent resolution providing for the printing of additional copies of the House report entitled "Street Crime: Reduction Through Positive Criminal Justice Responses"; and

H. Con. Res. 258. Concurrent resolution providing for the printing of additional copies of the House report entitled "Drugs in Our Schools".

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. BENTSEN).

HOUSE BILL REFERRED

The bill (H.R. 8947) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 185. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon;

H. Con. Res. 219. Concurrent resolution providing for additional copies of "The Federal Civilian Employee Loyalty Program," House Report No. 92-1637, 92d Congress, 2d session;

H. Con. Res. 233. Concurrent resolution providing for the printing of committee hearings establishing a National Institute of Education;

H. Con. Res. 256. Concurrent resolution to provide for the printing as a House document, a revised edition of the House document "Our American Government. What Is it? How Does It Work?";

H. Con. Res. 257. Concurrent resolution providing for the printing of additional copies of the House report entitled "Street Crime: Reduction Through Positive Criminal Justice Responses"; and

H. Con. Res. 258. Concurrent resolution providing for the printing of additional copies of the House report entitled "Drugs in Our School."

H. Con. Res. 223. Concurrent resolution requesting the President to proclaim the 7-day period of July 16 through 22, 1973, as "United States Space Week;" referred to the Committee on the Judiciary.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INDEFINITE POSTPONEMENT OF S. 1930

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 176, S. 1930, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, be postponed indefinitely because of the action taken by the Senate on yesterday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 67 PLACED ON THE TABLE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 202, Senate Resolution 67, be placed on that portion of the calendar entitled "Subjects on the Table."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 244 and 264.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATIONS FOR CERTAIN MARITIME PROGRAMS APPROPRIATIONS

The Senate proceeded to consider the bill (H.R. 7670) to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

Mr. MAGNUSON. Mr. President, I urge passage of H.R. 7670, the Maritime Administration authorization for fiscal 1974.

The funds requested are necessary to continue the progress we have made since passage of the Merchant Marine Act of 1970, to restore this Nation as a leader in ocean commerce.

The new ocean vessels now being built in U.S. shipyards are vital to our energy and raw material needs. As has been said earlier, the primary emphasis on our ship construction program is on bulk carriers. Tankers, liquified natural gas—LNG—carriers, and combination ore, bulk, and oil carriers, known as OBO's.

In the 1970 act, the Congress proposed a 10-year shipbuilding program to produce 30 ships a year. Since that time the size, speed, and efficiency of ocean ships has changed dramatically. The ships we are now building under the 1970 act program are measured in terms of modern ship equivalents. Using those standards, the 17 new ships contemplated to be built with this authorization are equivalent to 34 ships. If those standards are applied back to 1970, we have built or contracted to build 124 modern ship equivalents. This is 4 ships above the 30 ships a year goal set out in the 1970 act.

Our shipyards have under construction or on order 80 commercial vessels comprising a deadweight capacity of 4 million tons and valued at $2.5 billion. This puts commercial shipbuilding at its highest level in U.S. peacetime history. U.S. yards have committed over $100 million since 1969 to improve their plant facilities, and it is estimated that nearly $300 million more has been planned for spending by three existing yards.

All this construction activity has also been performed within the declining construction-differential subsidy rate guidelines of the 1970 act. For liquified natural gas—LNG—carriers, the CDS rates are below 25 percent, the lowest in the history of the construction subsidy program.

With the operation of these modern and efficient ships, reliance on operating-differential subsidy—ODS—is being reduced. We have been able to reduce manning requirements on 86 vessels. This is especially important because wages and wage-related costs account for 86 percent of the aggregate annual operating subsidies. The new maritime program which I am proud to have helped enact in 1970 is based on the premise that efficient, high technology U.S.-flag ships can effectively compete with lower cost foreign competition without subsidy on many trade routes. The payment of operating subsidy has been eliminated on containerized service between U.S. east coast and the Far East and on transatlantic containerized service.

If we are to participate in our own foreign trade, and we surely must do that, we must continue to produce these new, more efficient ships. Such a program must maintain a continuity, thus we need to authorize the funds requested.

In addition the title XI loan guarantee ceiling is about to be reached with guarantee commitments. The Congress raised the limits of this authority in 1970 from $1 billion to $3 billion. Last year the Commerce Committee reported and the Senate approved a bill, which became law, to eliminate the massive paperwork involved in this program. The simplification of the title XI program was badly needed. Now we need to increase the ceiling on the outstanding balance on loans which may be guaranteed. This program is a very sound one. It has never cost the U.S. Treasury a cent. Vessel operators who receive Government guarantees pay a modest fee to the Government. The program has assisted vessel operators to obtain funds to build vessels which operate in our foreign trades, in the coastwise trades, and on our inland waterways and rivers. Vessels financed range from very large crude carriers or supertankers to tugboats, and barges, passenger ferries, to hydrofoils. This guarantee program is essential for operators to help them raise the capital necessary to build these vessels.

I urge the Senate to continue its strong and vital support for these programs to strengthen our merchant fleet.

Mr. LONG. Mr. President, this bill, H.R. 7670, authorizes appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

Section 1 of the bill authorizes $531.3 million for the construction and operation of U.S.-flag merchant ships, research and development programs, expenses of the National Defense Reserve Fleet, and maritime training at the U.S. Merchant Marine Academy and the State marine schools.

Section 2 authorizes additional supplemental amounts for fiscal year 1974 for the activities specified in section 1 of the bill to the extent necessary for increases in salaries, pay, retirement, or other employee benefits authorized by law.

This section is included in the bill in order to avoid the necessity of amending the fiscal 1974 authorization bill if supplemental appropriations for fiscal year 1974 are sought for this purpose.

Section 3 of H.R. 7670 would increase the title XI construction loan guarantee authority from the present $3 billion level to $5 billion.

This program has been very successful and increasing this ceiling on the aggregate outstanding balances which may be guaranteed by the Federal Government should not result in any additional cost to the Government.

The Committee on Commerce made no amendment to the bill which came over from the House. The House committee's only amendment to the measure which was sent up by the Secretary of Commerce was the addition of section 3.

The total amount of $531,315,000 which section 1 authorizes is broken down as follows:

Construction subsidy	$275,000,000
Operating subsidy	221,515,000
Research and development	20,000,000
National defense reserve fleet	3,773,000
Federal Maritime Academy	8,600,000
State marine schools	2,427,000

This amount is $24,729,000 less than was authorized for these programs for fiscal year 1973. I was in favor of increasing the authorization in order to avoid any slowdown in the momentum which we have in rebuilding this Nation's merchant ship strength and capability. However, officials of the Maritime Administration assured the Commerce Committee during the public hearings held on S. 1230, the Senate version of this bill, that the amount requested plus the unobligated 1973 funds carried forward will enable us to maintain the shipbuilding program which was the goal of the Merchant Marine Act of 1970.

In shipbuilding these funds will allow the Maritime Administration to contract for the construction of 17 new vessels in fiscal 1974. The vessel mix is contemplated to be as follows:

Three very large crude carriers—VLCC—either 265,000 tonners or 380,000 tonners; six liquid natural gas—LNG—carriers, as large as 125,000 cubic meters; two oil/bulk/ore—OBO—vessels, approximately 85,000 deadweight tons each; three tankers, up to 100,000 deadweight tons each; and three dry bulk carriers, in the area of 51,000 deadweight tons per vessel.

The emphasis of our ship construction program is directed toward providing ships to transport our ever-growing trade in bulk commodities—oil, petroleum products, liquified natural gas, grain, and raw materials. Approximately 90 percent of our foreign trade is in bulk commodities and it is in that category of shipping capacity that our fleet is weakest. As you can see the vessel mix for the fiscal 1974 ship construction program is addressing that need. Right now we have as modern and efficient a containership fleet as any nation in the world. Our barge-carrying fleet of *Lash* and *Seabee* ships is the largest in the world. Thus our dollars are now going where we need them most—to carry our ever-growing volume of oil and bulk commodity trade.

The Merchant Marine Act of 1970 envisioned that the construction-differential subsidy—CDS—rate should decrease by 2 percent each year till it reached 35 percent by fiscal year 1976. I am pleased to report that the declining CDS rates are being met. In 1969 CDS rates averaged 53.6 percent. The 41 percent for the current fiscal year is being achieved and Assistant Secretary for Maritime Affairs Robert J. Blackwell, who is doing a very fine job at the Maritime Administration, expressed confidence in his testimony before the Merchant Marine Subcommittee that all of the ships contracted for in fiscal 1974 will be below the 39 percent guideline of the 1970 act for fiscal year 1974. In addition the subsidy rate for construction of liquified natural gas—LNG—carriers is expected to be at least as low as the 23.7 percent achieved in contracts awarded in September 1972.

The amount in the bill for operating subsidy is almost $10.5 less than appropriated for fiscal 1973, but it is to be augmented by the carry forward balance estimated to be $25 million, thus providing for a total of $247 million.

In the area of ship operating efficiency, I am happy to say that we are making progress. American-flag operators engaged in transatlantic services are now operating without subsidy. Two years ago the lines operating on that route received Government assistance. In addition, United States Lines is operating a container service from the U.S. east coast to the Far East without subsidy. Two years ago it required subsidy on that route. Maritime Administration officials calculate the savings on these items to be over $25.5 million a year.

In the same area, the manning scales on our ships are being reduced. On 86 ships, an average of 4.2 men per ship reduction has been achieved. This will save the Government over $110 million over the period of the economic lives of the vessels.

As our new capital intensive ships come into service, we will see much greater efficiencies in vessel operations. For example, a T-2 tanker which has a 16,000 deadweight ton capacity operates with a crew of 40 to 50 men. A new 385,000 deadweight ton tanker can operate with a crew of 26 men. The six very large crude carriers—VLCC—and six liquefied natural gas—LNG—carriers that have been contracted for to date will be operated under the U.S. flag without any operating subsidy from the Government.

The research and development program of the Maritime Administration is operating on a basis of achieving near-term goals with high benefit-cost ratios and is doing so with a substantial share of the costs being borne by industry. Industry's share of the research and development costs for fiscal year 1973 is 28 percent. It is this program which is helping U.S. shipyards to achieve the productivity and efficiency to meet the declining construction subsidy rates.

The funds requested for the National Defense Reserve Fleet are for the expenses of preserving and maintaining ships at the three fleet sites, James River, Va.; Beaumont, Tex.; and Suisun Bay, Calif. Three hundred and twenty-three ships are maintained to supplement our active fleet in times of national emergency.

The final items in the authorization are for funds to operate the Federal Maritime Academy and the six State academies which train cadets for service as officers of the U.S. merchant marine.

Section 3 of the bill which increases the title XI loan guarantee program ceiling from $3 billion to $5 billion is essential to the continuation of our commercial shipbuilding program. This program under which the Federal Government guarantees the obligations with respect to construction loans and mortgages on U.S.-flag vessels built in the United States enables ship operators to obtain needed investment capital from private lenders at competitive rates. Based on outstanding commitments and the applications pending before the Maritime Administration, it has been estimated that the $3 billion authority will be exhausted some time in the first quarter of the coming fiscal year. The impact of this program on subsidized as well as unsubsidized shipbuilding is substantial. The operation of this program since 1938 has never cost the Government a cent. The title XI program is operated through the Federal ship financing fund in which the current assets total $48.5 million. Since the inception of the title XI program in 1938, defaulted loans totaled $35.9 million. However, proceeds from the defaults have reduced the loss to $11.8 million. The current assets of the Fund could more than pay the gross amount of all the defaults.

H.R. 7670 was reported unanimously by the Committee on Commerce and I urge its passage so that we may continue the progress made under the new program of the Merchant Marine Act of 1970.

Mr. STEVENSON. Mr. President, the merchant marine authorization, H.R. 7670, authorizes $221,515,000 in operating subsidies for the U.S. merchant marine. Those subsidies are intended to equalize the cost of operating our merchant marine with the operating costs of its foreign competitors, and thus maintain the competitive position of our merchant marine in world commerce.

Since August 1971, the dollar has twice been devalued and now appears to be going through something of a third devaluation. In some degree, devaluation of the dollar achieves the same purpose as the operating subsidies. It reduces the cost of U.S. shipping relative to foreign shipping, enhancing the competitive position of the U.S. merchant marine. Indeed, the dollar has declined about 35 percent in relation to the yen since August 1971. The beneficial effects of devaluation for the maritime industry will be substantial in Europe and other parts of the world, as well as in Japan.

The Maritime Administration recognizes that devaluation of the dollar does improve the competitive position of the U.S. maritime industry and that devaluation consequently should diminish the operating subsidies authorized by this bill. However, its system of calculating subsidies will not fully reflect the devaluations until 1977. And even then the lowered subsidies will not reflect the full devaluation of the dollar.

The present system was devised during an era—the 1930's—of fixed exchange rates, and the 1970 amendments took into account neither the monetary turmoil of the last 2 years nor the more flexible exchange rate system toward which the world is moving.

The timelag to which I refer stems from the inability to gather foreign cost data instantaneously. Because of this delay, the subsidy for fiscal year 1975, for example, is based on cost relationships in 1972–73 and the exchange rates of that period.

One avenue of relief is the application of more current exchange rates to available cost data. These exchange rates are available instantaneously, so there is no "gathering" problem with such a scheme. There are some technical difficulties, but these are surmountable. I understand the Secretary of Commerce has directed the Maritime Administration to look into this matter, and I urge quick action from the administration. Many millions of dollars could be saved by a changeover to such a system.

If these devaluation-derived benefits are needlessly delayed, the subsidy becomes a windfall and no longer a justifiable means of maintaining a merchant marine. In these times of budgetary stringency and waning public confidence in both the integrity and the competence of the Federal Government, such windfalls for a favored, though vital, industry confirm the suspicions of the public.

I will reluctantly withhold my objection to the bill because I recognize that the calculation of subsidies is a complicated matter and that the Maritime Administration apparently has the authority to correct this discrepancy. I urge the Maritime Administration to use that authority promptly. If it fails to do so, this will be a subject deserving of prompt attention in the Congress.

The bill was ordered to a third reading, read the third time, and passed.

AMENDMENT OF MERCHANT MARINE ACT, 1936

The bill (H.R. 6187) to amend section 502(a) of the Merchant Marine Act, 1936 was considered, ordered to a third reading, read the third time, and passed.

NATIONAL SCIENCE FOUNDATION AUTHORIZATIONS, 1974

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8510.

The ACTING PRESIDENT pro tempore laid before the Senate H.R. 8510, an act to authorize appropriations for activities of the National Science Foundation, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I move that all after the enacting clause be stricken and that the language of S. 1977, as reported by the Committee on Labor and Public Welfare with an amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. DOMINICK. Mr. President, recent reorganization in the executive branch has thrust the National Science Foundation into the role of the cutting edge for science and technology in the Federal Government. Pressing and complex national problems have placed an even greater emphasis on the work being done by NSF. For example, in NSF's research applied to national needs program—RANN—I attach much importance to the solar and geothermal energy research efforts and to earthquake engineering.

I am pleased to be a cosponsor of this legislation and point with pride to the many and impressive accomplishments of the National Science Foundation to date. I feel strongly that our support for basic and applied research should be increasing but I also recognize the need for fiscal responsibility. We have in this bill struck a delicate balance by authorizing an amount equal to last year's appropriation, and I would hope that NSF's appropriation would come very close to that amount. This is a very frugal approach to science and technology.

Mr. President, in a nonpartisan recognition of the importance of the work being done by the Foundation, this bill was cosponsored by the entire membership of the NSF subcommittee. I am confident that Congress is similarly persuaded, and I urge favorable action on S. 1977.

Mr. KENNEDY. Mr. President, I wish to speak in support of S. 1977, the National Science Foundation Authorization Act of 1974. This bill would provide the Foundation with an authorization of $646 million in fiscal year 1974. This is the same amount which was appropriated for the Foundation's programs in fiscal year 1973, although it is $58 million less than the amount which was authorized for NSF's programs in the current fiscal year.

The administration has requested only $583 million for NSF for fiscal year 1974; so S. 1977 calls for $63 million more than the administration request.

In the current fiscal year, the NSF had new appropriations of $646 million and a carryover from previous years of $31 million for a total of $677 million in available funds. However, the administration impounded $62 million, so that NSF was able to utilize only $615 million in fiscal year 1973.

The continuing inflation in research costs and the growing need for scientific contributions to the resolution of the Nation's problems justify an even higher amount than the $646 million in S. 1977; but the committee recommends this amount to the Senate as the maximum which can be realistically hoped for at this point in time.

Since its creation as an independent agency in 1950, the National Science Foundation has carried out the extremely important mission of maintaining the Nation's scientific strength. The Foundation operates no laboratories or scientific facilities of its own, but through grants and contracts supports programs of scientific research and education in thousands of universities, research institutes, and other organizations. These programs cover all fields of science and engineering, encompassing the mathematical and physical sciences, engineering, social sciences, biological and medical sciences, materials research, and the environmental sciences. They cover all levels of science education from elementary school through postdoctoral fellowships. And these programs are carried out in all of the 50 States to assure a strong, broadly based national scientific enterprise.

The impact of the Foundation's programs is both pervasive and profound on the Nation and on the future of mankind. For we live in an age of science—from the computers that increasingly manage our transactions to the transistors that power our electronic devices to the advanced medical technology which promises profoundly to affect the maintenance of man's health. Science has become essential to the Nation's military security, to the strength of its domestic economy and international economic position, and, indeed, to the resolution of the widespread social problems which beset our Nation.

But scientific research is not a spigot which can be turned on and off at will. Before scientific know-how can be effectively applied to particular problems in areas such as transportation, health care, housing, communication, energy resources, nutrition, and pollution control, the underlying foundation of basic research must be patiently and continuously built over the years, and the Nation's scientific and technical talent must be carefully nurtured and trained.

This is the key task to which the Foundation has directed its principal efforts over the years; but in recent years the Foundation has also expanded its programs with respect to applied research which is relevant to the Nation's social problems. Although the various Federal agencies sponsor some applied research relevant to their particular missions, there remains a considerable amount of extremely important applied research which is too broad in scope or too fundamental in substance to fall within the mandate or resources of the mission agencies. The National Science Foundation is the only agency which can tackle these problems. So the role of the National Science Foundation is to keep the Nation strong in basic science, sponsor the applied research which cannot be effectively handled by other agencies, and assure the Nation an adequate supply of scientific talent.

The $646 million which my bill calls for is $63 million higher than the $583 million requested by the Administration. The principal differences in the bills stem from increased funding in my bill for research applied to national needs and for science education.

The bill calls for the establishment of an Energy Research Division within the National Science Foundation and the authorization of $50 million in fiscal year 1974 for energy research programs, with emphasis on solar, geothermal, and other nonconventional energy sources. While the $50 million for nonconventional energy research programs represents a $36 million increase over the $14 million called for in the administration request, it is still small by comparison with the $323 million requested for the liquid metal fast breeder reactor or the $120 million requested for coal research.

The energy needs of the Nation are too critical to be overly dependent on any particular form of energy. We need to explore all promising alternatives. Solar, geothermal, and the other nonconventional energy sources being explored by the National Science Foundation are extremely promising alternatives for the future.

Thus the recent report of the Solar Energy Panel—a joint effort by the National Science Foundation and the National Aeronautics and Space Administration—calls for $1.5 billion in solar energy R. & D. over the next 15 years. And the recent report on geothermal energy by former Secretary of Interior Hickel, calls for $680 million in geothermal research. The $50 million for such research in my bill represents the minimum level of funding which the Nation must devote to those areas.

The proposed bill increases the RANN budget—Research Applied to National Needs—by a total of $41 million. In addition to the $36 million more for energy research, this includes $4 million more for earthquake engineering.

In addition to authorizing $50 million for energy research programs, the bill stipulates that not less than $25 million must be spent for energy research in fiscal year 1974. And in addition to authorizing $10 million for earthquake engineering, the bill stipulates that not less than $8 million must be spent for earthquake engineering in fiscal year 1974.

The earthquake engineering program is of great importance to the lives and property of thousands of American citizens in all parts of the country. Contrary to the prevalent view, earthquakes in America are not limited to California and Alaska. There is no State in the Union which has not experienced earthquake damage at one time or another. Twenty States have been subjected to serious damage, and are likely to experience serious damage again. These include South Carolina, Nevada, Kentucky, Washington, Illinois, New York, Idaho, Massachusetts, New Hampshire, Tennessee, Mississippi, Montana, Wyoming, Utah, Maine, Indiana, Missouri, and Arkansas, as well as California and Alaska. Through the earthquake engineering program, the Nation can take steps to prepare for future earthquakes and to minimize their adverse consequences.

Another area of vital importance to the Nation's continuing efforts to improve environmental quality is the provision of modern research vessels needed for the conduct of advanced research in oceanography. Of the 32 research vessels supported by the National Science Foundation, 13, or more than 40 percent, were built 25 years or more years ago. Close examination of the ship replacement requirements makes it clear that the Foundation should accelerate fleet modernization programs in fiscal year 1974. The bill authorizes $6 million for the oceanographic ship construction/conversion program; and stipulates that not less than $3 million must be spent for this program in fiscal year 1974.

The bill also calls for a total of $42 million for science education programs, which is $9 million more than the administration request for science education. This includes an increase $2 million for institutional improvement for science; $4.3 million for graduate student support; and $2.5 million for science education improvement. The totals for these areas under the bill are: $2 million for institutional improvement for science; $11 million for graduate student support; and $28.7 million for science education improvement. The latter category includes $7.5 million for the Ethnic Minority Colleges program to held such colleges upgrade their science education capabilities. This is a 50 percent or $2.5-million increase over the $5 million requested by the administration for this vitally important program.

The following is a brief summary of the programs, included in the National Science Foundation Authorization Act.

First. Scientific research project support, $275,000,000. The objective of this program is to provide support for individual scientists or groups of scientists in finding answers to unresolved scientific questions. Support is provided in the following areas: Atmospheric, earth, biological, and social sciences, oceanography, physics, chemistry, astronomy, mathematics, engineering, and materials research.

Second. National and special research programs, $108,600,000. These are a variety of major programs which require special coordination and include the: International biological program; global atmospheric research program, experimental R. & D. assessment program, international decade of ocean exploration, ocean sediment coring program, Arctic research program, U.S. Antarctic research program, oceanographic facilities and support, and solar eclipse.

Third. National research centers, $46,000,000. These include the National Astronomy and Ionosphere Center at Arecibo, Kitt Peak National Observatory, Cerro Tololo Inter-American Observatory, National Center for Atmospheric Research, and National Radio Astronomy Observatory.

Fourth. Computing activities, $10,000,000. This program is designed to develop new knowledge in the computer sciences for application in the design of improved computer hardware, software, and integrated computer systems, and to seek new ways to couple the capabilities of computers to the conduct of research in all areas of science.

Fifth. Science information activities, $8,300,000. This program is designed to facilitate the flow of scientific and technical information and reduce unnecessary redundancy and overlap in the generation and dissemination of scientific information.

Sixth. International cooperative scientific activities, $6,200,000. This program is designed to promote U.S. access to, and appropriate participation in, international scientific activities.

Seventh. Research applied to national needs, $111,700,000. This program includes: Advanced technology applications, energy research and technology programs, environmental systems and resources, social systems and human resources, and exploratory research and problem assessment.

Eighth. Intergovernmental science program, $1 million, to aid State, regional, and local governmental agencies in making the benefits of science and technology more widely available within their regions.

Ninth. Institutional improvement for science $2,000,000. These funds will go to colleges and universities to improve their academic science programs and to increase the effectiveness of their research programs, through improved management.

Tenth. Graduate student support, $11,000,000. This includes graduate fellowships to assure an adequate flow of highly talented individuals into science careers; and postdoctoral fellowships to assist scientists and engineers in upgrading their professional skills and in making a transition into other technical areas.

Eleventh. Science education improvement, $28,700,000. This program is designed to help improve the effectiveness of science education at all academic levels. It focuses on such problems as: increasing the cost effectiveness of science education through improved programs, technology, and instructional strategies and methodologies; assuring the Nation of a large enough and flexible enough scientific and technical workforce; improving science education for the nonscientist; and providing adequate science educational opportunities outside the formal structure of the educational system.

Twelfth. Planning and policy studies, $4,600,000. This program is designed to provide the factual data and analytical basis for sound national science policy decisions.

Thirteenth. Program development and management, $30,000,000. These funds are used to provide for the operation and management costs of carrying out the preceding 12 programs.

In addition to the above program, the bill authorizes the appropriation to the National Science Foundation of $3,000,000 to be paid in excess foreign currencies, for expenses which the Foundation incurs in its activities abroad.

As can be readily seen from this summary, the programs of the National Science Foundation are extremely diverse, cut across innumerable fields, and are far reaching in their implications. In many cases their effects may not be felt for years, or even decades. But if the history of the 20th century can serve as a guide, then sooner or later these effects will surely be felt and will have a major impact on the shape of our civilization and the quality of our lives.

There is no doubt that science is the key to progress in our time. The vitality of our economy and the viability of our society depend on further scientific advance. This authorization for the National Science Foundation represents an essential investment in the future of the Nation. If we are unwilling to make the necessary investment today, we will reap a bitter harvest in polluted water and air, in congested roads and cities, in contaminated food and drugs, in inadequate energy supplies, and stagnant or even declining quality of life. And as we would suffer for our shortsightedness, so would our children, and our children's children for many years to come.

Mr. President, this bill is cosponsored by all members of the Subcommittee on the National Science Foundation, and was unanimously reported to the Senate by the Committee on Labor and Public Welfare. I urge the Senate to approve this important measure.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 1977 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESIGNATION OF KENNETH E. BELIEU AS UNDER SECRETARY OF THE ARMY

Mr. MANSFIELD. Mr. President, I note with regret the resignation today of a distinguished public servant in the person of Kenneth E. BeLieu as Under Secretary of the Army, where he has served with great credit.

Ken BeLieu has provided a courageous and wise leadership during a period of considerable turbulence within the Army. His genuine concern for the soldier and his deep respect for the Army as an institution are his hallmark.

I first knew Ken BeLieu as a staff member of the Senate Armed Services Committee, where he came after a distinguished military career. His abilities were recognized by all Senators, and especially by the then majority leader, Lyndon Johnson, who later designated him to organize the new Aeronautical and Space Sciences Committee staff and become its first director.

Following this, he worked with the Democratic Policy Committee until 1961, when President Kennedy was inaugurated. He subsequently was appointed Assistant Secretary and Under Secretary of the Navy until his return to the private sector in July 1965.

His abilities were again recognized when President Nixon assumed office and asked him to serve as his liaison between the White House and the Senate, a position Ken served in with great distinction.

I had a close working relationship with Ken BeLieu and always found him to be forthright, loyal, and responsive on every occasion. I greatly valued his advice and counsel during this period and shall continue to value it in the years ahead.

In my opinion, Ken BeLieu would have made an excellent Secretary of the Army. I think he would have made an excellent Secretary of Defense.

Ken BeLieu has been an effective, dedicated public official and friend. I wish him well in his new endeavors.

Mr. SCOTT of Pennsylvania. Mr. President, I have known Ken BeLieu on a personal as well as an official basis for some years. As the distinguished majority leader has said, he is the type of citizen who performs great services for the State. He has done extremely well in giving of his own talents to the Government in several administrations. He was excellent in the performance of his responsibilities as head of Senate liaison.

Ken BeLieu is a man to be trusted, as a man who can give advice. I have had many long conversations with him. He was most helpful to me in the positions he held in the Senate. I value his advice and his friendship.

There is one aspect of Ken BeLieu that is not generally well known to the public. I think it ought to be mentioned here. He served in World War II and the Korean war. He was disabled and lost a leg. He might well have rested upon his laurels and felt that no obligation existed upon him to do anything but this.

On the contrary, he is imbued with a compassionate sense of what such an amputation might do to someone else. So, quietly, and without fanfare, since his own amputation, he has visited veterans hospitals and talked to these shocked young amputees for whom the world seems to have come to an end. He has cheered them up, shored their defenses against their own insecurities, and then, at the proper time, simply revealed to them, dramatically and physically, that he, too, was an amputee. He has helped many a young soldier or sailor in that way.

This is a kind act. This is the act of a true gentleman, a fully compassionate man. We are sorry that he has left the Federal service.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE IMPOUNDMENT OF FUNDS

Mr. JAVITS. Mr. President, I invite the attention of the Senate to the order of District Court Judge Leonard I. Garth in Newark, N.J., yesterday, finding that the Department of Labor is required to spend $239 million budgeted nationwide for the Neighborhood Youth Corps summer program, in the case of Community Action Programs Executive Directors Association of New Jersey, Inc.; the New Jersey Neighborhood Youth Corps Directors Association; Mary Ann Weston, Yvette Young, et al., against Roy L. Ash, Director of the Office of Management and Budget; Peter J. Brennan, Secretary of the Department of Labor; and Howard Phillips, former Acting Director of the Office of Economic Opportunity.

The court ordered that the defendants make available by 10 a.m. Saturday, June 30, 1973, $239.2 million for the Neighborhood Youth Corps job program for this summer.

The court also ordered the defendant Ash to insure that the funds do not revert to the Treasury after June 30.

This is an assertion of the authority of Congress on the part of the third branch of the Government, the judiciary, of the utmost importance to all of us; because it is a way of resolving what has begun to appear to be an absolute deadlock between the coequal branches of Government—Congress and the President: the President's assertion that he could do this, notwithstanding the appropriation for the Neighborhood Youth Corps, and the determination shown by Congress by refusing a request of the President to rescind the appropriation, as absolutely certifying that Congress wanted the money to be spent and not be impounded and not to be held by the Executive, except pursuant to law.

We believe that the Anti-Deficiency Act, which is the only act on the subject, does not entitle the President to withhold these funds from the Neighborhood Youth Corps.

The courts are beginning to act in these matters, and I think the courts should know that we in Congress support the enforcement mechanism which the courts afford at the suit of individual parties. In this case, they were two youngsters who were going to get Neighborhood Youth Corps jobs.

The point is that it is high time that we had a way in which to enforce the mandated expenditure by Congress; that it was our understanding that the administration would not resist that; that where we had directed that it be spent, they would spend it. But, apparently, they have even tried to get out from under that.

Mr. President, the laugh of the day is the assertion by a Government representative reported in the New York Times that the decision of the Newark judge, Judge Garth—to whom I pay all honor—will be appealed; and the Government representative reportedly said that the money ". . . wasn't spent yet because we just haven't had time to spend the money."

I ask unanimous consent that the Times article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Judge Orders U.S. Funds Released for Youth Corps

(By Martin Gansberg)

A Federal judge in Newark ordered the United States Department of Labor yesterday to release $239-million budgeted nationwide for the Neighborhood Youth Corps summer program.

Judge Leonard I. Garth of the District Court said that the funds must be released no later than 10 A.M. tomorrow and ordered the Office of Management and Budget to refrain from taking any steps that would allow the funds to revert to the United States Treasury. Funds not spent before the end of the fiscal year—midnight of June 30—revert to the treasury.

"There is no doubt it was the unequivocal intention of Congress that the amount be appropriated," Judge Garth said in an oral decision after a five-hour hearing. "This is no raid on the public treasury. It is just action required to release appropriated funds."

President Nixon requested Congress last year to allocate $256.5-million for summer youth jobs, with the funds to be disbured through the Neighborhood Youth Corps. Congress made the appropriation, and it reaffirmed the allocation last June 19 by rejecting a Government rescission request.

Since the original request, however, the President imposed his spending ceiling, $250-billion for the current fiscal year, in order to control inflation without a tax increase. One of the allocations held up, but not impounded, was the money for the Neighborhood Youth Corps.

The suit leading to Judge Garth's ruling was filed by 22 Community Action Program directors in New Jersey and two girls who had been promised jobs this summer, Mary Ann Weston, 16 years old, and Yvette Young, 19, both of Neptune, N.J.

The New Jersey agencies provided jobs for 11,591 youths last year after an allocation of $3.3-million.

Earlier in the day, before the ruling by Judge Garth, Mayor Lindsay sent a telegram to Administration leaders in Washington urging that the Youth Corps funds be distributed.

"Those funds are urgently needed," the Mayor said. "In New York City alone we could use 77,500 summer job slots for our young people, many of whom face neighborhood unemployment levels of up to 40 per cent."

Last year, funds from the Neighborhood Youth Corps provided jobs for 50,000 youngsters in New York on an allocation of almost $20-million. Across the nation, the money was expected to provide jobs for 609,300 youths this summer, through 930 organizations.

The Youth Corps is a nine-year-old program that provides summer employment for disadvantaged youths. The jobs usually are in public agencies or nonprofit organizations and are service-oriented. Many of the youths work in parks, recreational activities or with hospitals.

GOVERNMENT TO APPEAL

The money is allocated by the Department of Labor to agencies in municipalities throughout the nation. A spokesman for the department in Washington said yesterday that the $239-million "wasn't spent yet because we just haven't had time to spend the money." He said that the Government would appeal Judge Garth's decision.

In issuing his order, Judge Garth declared that the refusal to release the funds "has been activity outside the statutory limits."

The attorney for the plaintiffs, David H. Ben-Asher of East Orange, said the New Jersey Community Action Program Directors Association had decided to file suit last week at the urging of Senator Harrison A. Williams Jr., Democrat of New Jersey.

THE $380 MILLION IS FROZEN

WASHINGTON, June 28.—A United States District Court judge today ordered frozen $380.4-million in Federal education funds previously impounded by the Nixon Administration.

Today's action by Judge Joseph C. Waddy prevents the money, more than 14 per cent of the education funds appropriated by Congress, from reverting to the Treasury on Saturday, the end of the fiscal year.

The order comes as a result of a suit filed June 8 by Pennsylvania. In the suit, which has since been joined by eight other states, the court was asked to allow the allocation of the funds for eight different education programs.

While the decision does not release any funds, the judge ordered the freeze because the states "have demonstrated a substantial likelihood of success on the merits" of the case.

Edmund Kitch, a lawyer for the Justice Department, said that today's decision would allow the impoundment issue to be argued in the courts.

Mr. JAVITS. The reason they have not spent the money is that they have sat on the money for months—in fact since last October—and refused to recognize the congressional direction to spend; and they have even defied the reiteration of that direction when the President vetoed the second supplemental, in connection with which we had refused to rescind that appropriation.

Mr. President, I thoroughly agree with the courts. I hope this marks the begining of a precedent in which the determinations of Congress incorporated in law will be carried out and enforced by the courts. We may not have batallions of our own, but there is a judicial system and we have a right to rely on it. I am glad to see that in the interest of our Nation it has come through.

I thank the Senator from Michigan for yielding additional time to me.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how many minutes remain for morning business?

The ACTING PRESIDENT pro tempore. Six more minutes remain for morning business.

Mr. ROBERT C. BYRD. I thank the Chair.

(The remarks that Senator ROBERT C. BYRD made at this point on the introduction of S. 2106, providing for a 10-year tenure for the Director of the FBI, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended to not beyond the hour of 11 o'clock a.m. today.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BENTSEN), laid before the Senate the following letters, which were referred to as indicated:

Proposed Legislation From Canal Zone Government

A letter from the Governor, Canal Zone Government, transmitting a draft of proposed legislation to amend section 271 of title 2, Canal Zone Code (with an accompanying paper). Referred to the Committee on Armed Services.

Report of Emergency Loan Guarantee Board

A letter from the Chairman, Emergency Loan Guarantee Board, transmitting, pursuant to law, a report of the Board (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

Report on Marine Mammal Species

A letter from the Secretary of Commerce, informing the Senate that his report on the current status of all marine mammal species and population stock will be transmitted to the Senate on or about July 31, 1973. Referred to the Committee on Commerce.

International Agreements Other Than Treaties

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of international agreements other than treaties entered into by the United States (with accompanying papers). Referred to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office for May 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Progress in Meeting Important Objectives of the Great Plains Conservation Program Could Be Improved," Soil Conservation Service, Department of Agriculture, dated June 28, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

Report of Civil Air Patrol

A letter from the Chairman, National Board, Civil Air Patrol, transmitting, pursuant to law, the report of the Civil Air Patrol for 1973 (with an accompanying report). Referred to the Committee on the Judiciary.

Suspension of Deportation of Aliens—Withdrawal of Name

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Mr. Lew Sek Lum, also known as Lai Hoy Frank Wong from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on February 1, 1973. Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BENTSEN):

A joint resolution of the State Legislature of California. Referred to the Committee on Commerce.

"S.J. RES. 15

"Senate joint resolution relative to fishing industry

"Whereas, The position of the United States in world fisheries has declined from first to seventh place among the major fishing nations; and

"Whereas, There has been a continuing decline in domestic production of food fish and shellfish for the last five years; and

"Whereas, The fishing boats in many communities in the State of California and the nation have become obsolete and inefficient; and

"Whereas, Intensive foreign fishing along the coast of the State of California has brought about declines in stocks in a number of species with resulting economic hardship to local fishermen dependent upon such stocks; and

"Whereas, Rising costs and extremely high insurance rates have made fishing uneconomic in some areas of the state; and

"Whereas, Assistance to fishermen is very limited as contrasted to federal aid to industrial, commercial, or agricultural interests; and

"Whereas, The fishermen cannot successfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent; and

"Whereas, Approximately 60 percent of the seafood requirements of the United States is being supplied by imports; and

"Whereas, The fisheries and fishing industry in this state is a valuable natural resource supplying employment and income to thousands of people in all of our coastal communities; and

"Whereas, Our fisheries are beset with almost insurmountable production and economic problems; and

"Whereas, Certain of our coastal stocks of fish are being decimated by foreign fishing fleets; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the State of California respectfully memorializes the President and Congress of the United States and the Secretary of the Interior to take all the necessary and possible steps to provide all the necessary support to strengthen the fishing industry, and to provide adequate protection for the coastal fisheries against excessive foreign fishing; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Council of the City of Brook Park, Ohio, relating to the current fuel shortage. Referred to the Committee on Finance.

A resolution adopted by the Council of the City of Brook Park, Ohio, petitioning the Congress to investigate and determine if a fuel shortage exists in the United States. Referred to the Committee on Interior and Insular Affairs.

A resolution adopted by the Buckeye Boys State 36th General Assembly, Uniontown, Ohio, petitioning the Congress to initiate a Constitutional Amendment dealing with the rights of the unborn child. Referred to the Committee on the Judiciary.

PRESERVATION OF SANDWICH NOTCH

Mr. McINTYRE. Mr. President, in April, my distinguished senior colleague (Mr. COTTON) and I introduced a bill to preserve Sandwich Notch, the last major notch in New Hampshire without public protection.

The Sandwich Notch area is of particular esthetic and historical interest to the citizens of New Hampshire. As an answer to the people's concern over this natural area, the New Hampshire General Court has approved the inclusion of the Sandwich Notch area in the White Mountain National Forest.

I am very pleased that the State legislature has taken such positive action, reflecting my own interest in preserving Sandwich Notch. I ask unanimous consent that New Hampshire House Concurrent Resolution No. 20, a major step toward preserving this area of natural beauty, be printed in the RECORD and be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution was referred to the Committee on Agriculture and Forestry, and reads as follows:

HOUSE CONCURRENT RESOLUTION NO. 20

Concurrent resolution relative to including Sandwich Natch in the White Mountain National Forest

Whereas Sandwich Natch is one of the most scenic places of natural places of natural beauty in New Hampshire; and

Whereas Sandwich Natch is in danger of being acquired and irreparably damaged by commercial interests; and

Whereas positive steps must now be taken for the preservation of Sandwich Natch for the enjoyment of future generations of our citizens; Now therefore be it

Resolved, By the Senate and House of Representatives in General Court convened:

That the General Court of New Hampshire be recorded as approving the inclusion of the Sandwich Natch Tract in the White Mountain National Forest, that said Sandwich Natch be best preserved in its present unspoiled state; and be it further

Resolved, That the secretary of state be instructed to furnish a copy of this resolution to each member of the congressional delegation from New Hampshire, that they be apprised of the concern of the General Court that one of New Hampshire's last scenic resources might be lost; and be it further

Resolved, That the New Hampshire congressional delegation be urged to secure the necessary federal approval and funding that Sandwich Natch shall be soon made a part of the White Mountain National Forest.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 245. A bill for the relief of Kamal Antoine Chalaby (Rept. No. 93–284); and

S. Con. Res. 38. Concurrent resolution favoring the suspension of deportation of certain aliens (Rept. No. 93–283).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 298. A bill for the relief of Sung Wan Kim (Rept. No. 93–285);

S. 507. A bill for the relief of Wilhelm J. R. Maly (Rept. No. 93–286); and

S. 748. A bill for the relief of Dr. Tanios (Tony) J. Ma'luf (Rept. No. 93–287).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 428. A bill for the relief of Ernesto Espino (Rept. No. 93–288);

S. 489. A bill for the relief of Janet Lee Davis Brace and her son, Scott William Brace (Rept. No. 93–289); and

S. 816. A bill for the relief of Jozefa Sokolowski Domanski (Rept. No. 93–290).

By Mr. MAGNUSON, from the Committee on Commerce:

S.J. Res. 131. An original joint resolution to express a national policy with respect to the expansion of commerce in goods and services between the United States and nonmarket economy countries (Rept. No. 93–282). Placed on the calendar.

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. 1989. A bill to amend section 225 of the Federal Salary Act of 1967 with respect to certain executive, legislative, and judicial salaries (Rept. No. 93–292).

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

S. 1272. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution (Rept. No. 93–293), together with separate views.

REPORT ENTITLED "SUMMARY OF PROCEEDINGS AND DEBATE, A PILOT STUDY"—REPORT OF THE JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS (S. REPT. NO. 93–294)

Mr. METCALF, from the Joint Committee on Congressional Operations, submitted a report entitled "Summary of Proceedings and Debate, a Pilot Study," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Vincent R. Barabba, of California, to be Director of the Census.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Sheldon B. Lubar, of Wisconsin, to be an Assistant Secretary of Housing and Urban Development;

Mitchell Kobelinski, of Illinois, to be a member of the Board of Directors of the Export-Import Bank of the United States;

Alberto Faustino Trevino, Jr., of California, to be a member of the Board of Directors of the Community Development Corporation; and

George A. LeMaistre, of Alabama, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions are introduced or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as indicated:

By Mr. ROBERT C. BYRD (for himself, Mr. Mansfield, Mr. Griffin, Mr. Bentsen, Mr. Burdick, Mr. Tunney, Mr. Williams, Mr. Cook, Mr. Ervin, Mr. Schweiker, and Mr. Hathaway):

S. 2106. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. Fannin, Mr. Tower, Mr. Bennett, and Mr. Hansen):

S. 2107. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas. Referred to the Committee on Labor and Public Welfare.

S. 2108. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to discriminate on account of race, color, religion, or national origin. Referred to the Committee on Labor and Public Welfare.

S. 2109. A bill to make it an unfair labor practice to require a person who conscientiously objects to membership in a labor organization to be a member of such an organization as a condition of employment. Referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself and Mr. Moss):

S. 2110. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods; and

S. 2111. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes. Referred to the Committee on Commerce.

By Mr. DOLE:

S. 2112. A bill for the relief of Vo Thi Suong (Nini Ann Hoyt). Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2113. A bill to amend the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENS:

S. 2114. A bill to amend title V of the Social Security Act to provide that, in making certain allotments to States thereunder, there shall be taken into account the higher cost-of-living prevailing in Alaska and Hawaii. Referred to the Committee on Finance.

S. 2115. A bill to facilitate the recruitment of health personnel for remote and isolated hospitals of the Public Health Service through the provision of adequate housing for personnel by establishing a rental guarantee program as an incentive for builders and other sponsors to construct needed housing for Public Health Service personnel. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENS:

S. 2116. A bill to amend section 208 of the Public Health Service Act to provide pay incentives for personnel serving in remote and isolated areas. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS (for himself and Mr. Randolph, Mr. Church, Mr. Jackson, Mr. Metcalf, Mr. Javits, Mr. Schweiker, Mr. Cook, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Cranston, Mr. Case, Mr. Abourezk, Mr. Hughes, Mr. Hathaway, Mr. Hart, Mr. Humphrey, Mr. McGee, Mr. McGovern, Mr. Magnuson, Mr. Moss, Mr. Mansfield, Mr. Tunney, Mr. Mondale, Mr. Eagleton, Mr. Stevenson and Mr. Muskie):

S. 2117. A bill to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BUCKLEY (for himself and Mr. Javits):

S. 2118. A bill to modify the project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, N.Y., and for other purposes. Referred to the Committee on Public Works.

By Mr. HELMS:

S.J. Res. 130. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn, the ill, the aged, or the incapacitated. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON, from the Committee on Commerce:

S.J. Res. 131. An original joint resolution to express a national policy with respect to the expansion of commerce in goods and services between the United States and nonmarket economy countries. Placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERT C. BYRD (for himself, Mr. Mansfield, Mr. Griffin, Mr. Bentsen, Mr. Burdick, Mr. Tunney, Mr. Williams, Mr. Cook, Mr. Ervin, Mr. Schweiker, and Mr. Hathaway):

S. 2106. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

TEN-YEAR TENURE FOR DIRECTOR OF FBI

Mr. ROBERT C. BYRD. Mr. President, I am today introducing legislation which will provide for a 10-year term for the Director of the Federal Bureau of Investigation with reappointment possible for another 10-year term. Both an appointment and a reappointment would be subject to the advice and consent by the Senate.

In 1968, the Congress passed Public Law 90–351, title VI, section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 which amended title 28 United States Code, section 532, making the Director of the Federal Bureau of Investigation a Presidential appointment subject to advice and consent by the Senate rather than an appointment by the Attorney General. There was no provision in the 1968 statute as to the duration of the appointment of the Director.

The two confirmation hearings that have been held by the Senate Judiciary Committee over the past 4 months to consider two nominees for the post of FBI Director have indicated that the Congress must take steps to insulate the Director of the FBI from possible political pressures—especially from the White House and conceivably even from the Congress. I had previously introduced legislation concerning the FBI—S. 516 which provided a 4-year term for the Director and S. 1500 which provided a 7-year term for the Director. In the meantime, I believe that the recent confirmation hearings of Mr. L. Patrick Gray and Mr. Clarence M. Kelley have served to indicate that a 4-year term for the Director could perhaps encourage rather than discourage political responsiveness on the part of any Director who wished to be reappointed to such a sensitive post. After all, the position of Director of the Federal Bureau of Investigation is not an ordinary Cabinet appointment which is usually considered a politically oriented member of the President's "team." A 10-year term would overlap the tenure of a 2-term President and would eliminate many of the pressures that could be brought to bear on the Director if he were to be reappointed every 4 years, and even if he were to be reappointed every 7 years, since that could fall within the term of the same President who first appointed the Director.

The possibility of reappointment for a second 10-year term would provide incentive for the Director to conclude 20 years of Government service if the appointee was not from within the Government service.

While the Director would be nominated and confirmed for a 10-year term he would be subject to dismissal by the President if he abused his position, as is any Presidential appointee. However, the setting of a 10-year tenure by the Congress would preclude a President from arbitrarily naming a new FBI Director for political reasons without showing good cause for dismissal of his predecessor since the chances for confirmation by the Senate of a new nominee would be remote.

While this term would apply to Mr. Kelley, he could serve only 8 years of such a term since he would then reach the mandatory Federal retirement age of 70.

I am hopeful that the Senate Judiciary Committee, many members of which join me in introducing this legislation, will act expeditiously to hold hearings on the bill and that this post which is so vital to the protection of the rights and liberties of all of our citizens will then have a better guarantee of being insulated from partisan political pressures and will more surely be a post of true professionalism and dedication to the service of our Nation. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, atfer June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may be reappointed in accordance with subsection (a) of this section for only one additional term."

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, and Mr. HANSEN):

S. 2107. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I introduce for myself, Mr. BENNETT, Mr. FANNIN, Mr. TOWER, and Mr. HANSEN, for appropriate reference a bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas.

Our economic system rests firmly on the principle that a person shall be compensated proportionately to the labor that he expends. Under our system no one should be compensated for the labor of others and conversely no one should be thwarted or retarded by the accomplishments of his coworkers. Our free enterprise system encourages and rewards individual accomplishments.

Many of the leading citizens of this country rose from humble beginnings. Where would these people be today without the incentive and impetus of the competitive free enterprise system? More importantly, where would this country be?

However, decisions of the National Labor Relations Board indicate that the above principles no longer apply in today's labor markets. The Board upheld the right of unions to set production quotas for their members and enforce such quotas by appropriate sanctions. Thus, an efficient employee who produces more than a set quota can be fined or otherwise punished.

This discourages and frustrates the initiative of employees. My bill would help to restify this by denying the unions the power to set and enforce production quotas.

The intent of this bill is to restore the individual initiative of employees by removing arbitrary union restrictions on productivity, leaving them free to be compensated according to their efforts. I would think both workers and management would benefit from this—workers through increased earnings and opportunities for advancement, and management through increased productivity.

Mr. President, I know that the industrious working men and women of this country will support my bill. I hope that my colleagues in the Senate will do likewise.

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, and Mr. HANSEN):

S. 2108. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to discriminate on account of race, color, religious or national origin. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I introduce, for myself, Mr. FANNIN and Mr. TOWER, Mr. BENNETT, and Mr. HANSEN for appropriate reference, a bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to discriminate on account of race, color, religion, sex, or national origin.

The past decade has seen an awakening of the American conscience to the realization that discrimination still exists in America and that American minority groups have not had an equal opportunity in our society.

Following that realization came a flurry of activity in American courts and legislatures seeking to undo almost 200 years of discrimination. The result of all this activity has been significant and beneficial steps toward equal opportunity for all Americans in such areas as voting, housing, and education. But before the flurry subsides and before the American conscience can rest there is much to be done.

The area of equal employment opportunity is one area of civil rights which must be improved. It is particularly offensive to see the backbone of our free enterprise system wracked with employment discrimination. Employment discrimination becomes more offensive as it grows in scale and practice. For this reason, my bill is aimed at the largest and strongest factor in the labor field today, the labor unions. Labor unions, through their power as certified exclusive bargaining agents of the employees, are in a perfect position to control hirings, firings, advancements, seniority, and other employment practices which easily lend themselves to abuse.

Certainly my bill is not the first to realize and attempt to attack the problem. Hopefully, mine will prevail where others failed. My bill would treat union employment discrimination as an unfair labor practice under the National Relations Act. This would place such acts under the jurisdiction of the National Labor Relations Board; the net result being faster and cheaper enforcement of a national policy by the organization which is most conversant with unions and their hiring practices.

Mr. President, I am sure that all Americans of conscience will support this act. I ask my colleagues to do the same.

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, and Mr. HANSEN):

S. 2109. A bill to make it an unfair labor practice to require a person who conscientiously objects to membership in a labor organization to be a member of such an organization as a condition of employment. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I introduce for myself, Mr. BENNETT, Mr. FANNIN, Mr. TOWER and Mr. HANSEN for appropriate reference, a bill to amend the National Labor Relations Act [illegible] as to make it an unfair labor practice to require a person to join a labor organization as a condition of employment where such a person's religious beliefs are contrary to labor organization membership.

The first amendment of the Constitution recognizes and protects the free exercise of religious belief in the United States. Just as important as the written first amendment is the unwritten fundamental tradition of religious freedom in America. This tradition was born with our Founding Fathers who colonized America to avoid religious persecution in Europe.

There are people in the United States today who are inadvertently being denied their freedom of religion. These are the people who belong to religious denominations which believe that membership in or support of a labor organization is wrong. Members of these denominations are forced to violate their religious conscience and join labor unions or suffer the economic consequences.

My bill would protect the religious freedom of these people by allowing them to work for an employer without being required to join or financially support a union organization. It protects the religious beliefs of union members without allowing them to avoid dues paying responsibilities, by providing that in lieu of paying dues, the individual contribute a like amount to any nonreligous charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code. The particular charity would be designated by mutual consent of the individual and the union.

Admittedly the number of persons affected by my bill would be relatively small, although more than many people would suppose. The number affected is not relevant because religious freedom should never be predicated on practical political factors of majorities or votes.

Mr. President, my bill perhaps seems inconsequential, but who are we to deny a very important and fundamental right to those who have different religious views than our own. We must correct this situation as rapidly as possible so that our practices are consistent with our fundamental principles.

By Mr. MAGNUSON (for himself and Mr. MOSS):

S. 2110. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods; and

S. 2111. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by certain distributors of retail unit prices of consumer commodities, and for other purposes. Referred to the Committee on Commerce.

FOOD LABELING ACT AND PRICE DISCLOSURE ACT

Mr. MAGNUSON. Mr. President, I introduce for appropirate reference two bills to amend the Fair Packaging and Labeling Act. These bills are Unit Price

Disclosure Act and the Food Labeling Act. Each bill would use the authority granted by the Congress under the Fair Packaging and Labeling Act to extend the scope of FPLA to include additional labeling necessary for consumers to make intelligent purchasing decisions. The Food Labeling Act is designed to end the mystery which surrounds the foods we eat. It would require that basic information about our packaged foods be printed on package labels in plain and concise language. Similarly the Price Disclosure Act would require that packaged consumer goods display the total selling price and the retail unit price.

These bills are designed to lessen the difficulties which consumers face in the marketplace. In a time of inflationary costs it is critical that the consumer put his dollar to good use. Through the provision of the kinds of information proposed in these bills we will have better informed consumers.

FOOD LABELING ACT

The Food Labeling Act provides for a uniformed system of quality grades for food products, the labeling of food products to disclose the ingredients, a program of nutritional labeling for food products, and the labeling of expiration dates for perishable and semiperishable foods. Under the quality of food products, a program of food quality grade designation expressed uniform language would be prescribed for all food products. The Secretary of Commerce is called upon to establish quality designations arranging from grades A through E and substandard to designate the differences in food products. Authority exists from the Secretary of Commerce to enumerate fewer than six standards if appropriate. Our meat labeling system would be exempt from the provisions of this title.

Packaged food products would bear a statement specifying all the ingredients contained in a food product in the order of predominance. There is no reason to ask the consumer to buy a product whose contents are not known in full.

The legislation provides for a national nutritional labeling program. Under the terms of the program, the Secretary of Commerce is directed to prescribe regulations requiring food products to bear labels containing a statement specifying the nutritional value of the product. The Secretary of Health, Education, and Welfare is called upon to provide the Secretary of Commerce appropriate scientific information concerning nutritional values and nutrients. In this manner the branch of Government which is responsible for health would enter into the development of the regulations.

The legislation also provided that food products which are perishable or semiperishable contain an expiration date, that is the last date on which a perishable or semiperishable food can be consumed without a high risk of spoilage or significant loss of nutritional value or palatability. The bill also requires that there be appropriate instructions on the label to guide the consumer in the storage of the food products. The provision also provides latitude for the requirement of freeze-thaw indicators if the technology is sufficiently developed to aid the consumer. Oftentimes a shopper may purchase a food product which should be frozen, but has thawed and been refrozen in transit or in the retail establishment. A freeze-thaw indicator would demonstrate to the purchasing consumer that the product has already thawed and thus should be used immediately or alternatively should not be used at all if the free-thaw-refreeze process has taken place prior to the consumer's purchase.

The Food Labeling Act would lessen substantially the difficulties which consumers face in purchasing food. It will assist in making the consumer informed and knowledgeable about what he buys. Many voluntary efforts have been made by retailers to provide the kinds of information called for in the Food Labeling Act. Although retailers have made great strides, the progress by the manufacturers in providing this information has been relatively slow and inconsistent. Most of the information required by this act can best be done at the manufacturing level rather than at the retail level.

The Price Disclosure Act requires that the price per unit of retail goods be posted in close proximity to the display of commodities subject to the Fair Packaging and Labeling Act. Because some small stores might be burdened by the implementation of unit pricing, the legislation has an exemption which excludes stores having gross sales of less than $250,000 per annum. The legislation also provides that pictorial labels or other representations on the label accurately reflect the identity or the quality of the product contained in the package.

In spite of the intention of Congress in the Fair Packaging and Labeling Act to remove deceptively packaged products from supermarkets and stores, consumers must oftentimes reckon with impossible comparisons in the marketplace. Although there has been substantial improvement since enactment of the Fair Packaging and Labeling Act the goal of that act, "informed consumers are essential to the fair and efficient functioning of the free market economy," has not been completely achieved.

Together the Food Labeling Act and Price Disclosure Act are designed to provide appropriate and adequate information to the consumer about crucial factors which the consumer is often ignorant. A variety of different methods has been tried to provide this information to the public. But real success will only be found when the information is uniform and universal. Therefore, it is our belief that these bills will provide much of what the consumer needs in order to make intelligent decisions, in order to make better use of his shopping dollar.

Senator Moss, who has labored over this issue as chairman of our consumer subcommittee recently offered part of this legislation as an amendment to the fair packaging and labeling bill. Even though the Chair ruled that the amendment was not germane, we were pleased to see so many supporters. I intend to have the consumer subcommittee hold hearings on these bills. These are priority matters and must be explored thoroughly before too much more time passes.

Mr. President, I ask unanimous consent that the text of the Food Labeling Act and the Price Disclosure Act be printed in the Record immediately following the remarks of Senator Moss.

The **PRESIDING OFFICER.** Without objection it is so ordered.

(See exhibit 1.)

Mr. MOSS. Mr. President, it is indeed a pleasure to join with the distinguished chairman of the Senate Commerce Committee, Senator Magnuson in jointly sponsoring the Food Labeling Act and the Price Disclosure Act.

Through the years, my studies of consumer activities have demonstrated that a major concern of the consumer is his inability to obtain adequate information concerning the products he buys. This missing information ranges from durability or product quality through price. The Food Labeling Act and the Price Disclosure Act are designed to remedy to a substantial degree the information which is not made available to the consumer in his purchasing decisions.

Our consideration of this legislation will be somewhat unique in that considerable experience has already been gained through the excellent voluntary efforts of retail food chains in providing much of the information which would be required under the legislation. Different methods of unit pricing, nutritional labeling, and open dating have been tested by a variety of chains. The experience which the public has had with these different methods of presenting information will prove invaluable to the rulemaking proceedings which would precede the implementation of the proposed bills.

Several weeks ago my colleagues will recall that I offered an amendment to the farm bill which would provide much of the information which would be required under the Food Labeling Act. It was my hope that we would be able to expedite consideration of the legislation in this manner, and couple with our extension of various farm programs, this program to provide important information to the consumer. Although the amendment was ruled not germane to the farm bill, I was heartened to see that 30 other Members of this body joined with me in their support of my amendment. Hopefully, through more complete consideration by the Commerce Committee, we will be able to see enacted into law legislation which will provide the kinds of information which the consumer needs.

Since President John Kennedy enunciated the Consumer's Bill of Rights some 11 years ago, the right to be informed has been one of the most basic objectives of the consumer movement. The Food Labeling Act and the Price Disclosure Act would fulfill that right.

Mr. President, the Chairman and I have agreed that this legislation deserves priority consideration. Many Senators have introduced bills either to amend the Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act to accomplish the same objectives. It is imperative that we take the steps necessary in order to provide adequate labeling for the American people. I can assure my colleagues that we will consider this legislation as priorities permit, and I can assure them that this legislation has a high priority in the agenda of the Consumer Subcommittee.

EXHIBIT 1

S. 2110

A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Labeling Act".

SEC. 2. (a) The Fair Packaging and Labeling Act (15 U.S.C. 1451-1461) is amended as follows—

(1) by inserting "TITLE I—FAIR PACKAGING AND LABELING" immediately above the heading of section 2;

(2) by redesignating sections 2 through 5 as sections 101 through 104, respectively;

(3) by striking out "section 3" in section 103(a) (as designated by clause (2) of this section) and inserting in lieu thereof "section 102";

(4) by striking out "section 3" in section 103(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103";

(5) by striking out "section 4" and "section 2" in section 104(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 104(c) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103"; and

(7) by adding immediately after section 104 (as redesignated by clause (2) of this section) the following new titles:

"TITLE II—QUALITY GRADING OF FOOD PRODUCTS

"UNLAWFUL ACTIVITIES

"SEC. 201. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distibution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"FOOD QUALITY LABELING PROGRAM

"SEC. 202. (a) The Secretary of Commerce shall formulate and prescribe a system of food quality grade designations, expressed in a uniform nomenclature, for all food products.

"(b) No person subject to the prohibition contained in section 201 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Commerce pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a food quality designation of the food product contained therein, that the label on such product appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package.

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"(c) The food quality designations for food products adopted by the Secretary shall provide for the following designations in descending order of quality of the food product:

"(1) United States grade A
"(2) United States grade B
"(3) United States grade C
"(4) United States grade D
"(5) United States grade E
"(6) Substandard.

The Secretary of Commerce may authorize the use of less than six different designations in the case of any food product if he determines that it is not in the public interest or is impracticable to require such food product to be broken down into six quality designations.

"(d) The Secretary of Commerce shall immediately initiate and carry out a program of consumer education in conjunction with the promulgation of food quality designations prescribed by him under this title.

"(e) The provisions of this title shall not apply in the case of any meat with respect to which there is in effect an inspection and grading program administered by the Secretary of Agriculture.

"TITLE III—LABELING OF FOOD PRODUCTS TO DISCLOSE INGREDIENTS

"UNLAWFUL ACTIVITIES

"SEC. 301. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"INGREDIENT LABELING PROGRAM

"SEC. 302. No person subject to the prohibition contained in section 301 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Commerce pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying all the ingredients contained in such food products in the order of their predominance, that the label on such product appear in a uniform location on the package and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"TITLE IV—NUTRITIONAL LABELING OF FOOD PRODUCTS

"DEFINITIONS

"SEC. 401. For the purpose of this title—

"(1) The term 'nutritional value' means the amount of nutrients contained in the food expressed in terms of the relationship of the amount of each nutrient contained in such food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet as determined by the Secretary of Health, Education, and Welfare.

"(2) The term 'nutrient' includes protein, vitamin A, B vitamins (thiamin, riboflavin, nacin), vitamin C, vitamin D, carbohydrate, fat, calories, calcium, iron, and such other nutrients as may be prescribed by regulation.

"UNLAWFUL ACTIVITIES

"SEC. 402. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business, as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"NUTRITIONAL LABELING PROGRAM

"SEC. 403. (a) No person subject to the prohibition contained in section 402 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Commerce pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying the nutritional value of the food product contained therein, that the label on such commodity appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain lettters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size;

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed, and

"(4) bear a statement of the nutritional value of each serving if the label appears on a packaged food product which bears a representation as to the number of servings of the food product contained in the package.

"(b) The Secretary may by regulations require additional or supplementary words or phrases to be used in conjunction with the statement of nutritional value appearing on the label whenever he determines that such regulations are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food product. Nothing in this subsection shall prohibit supplemental statements, which are not misleading or deceptive, at other places on the package, describing the nutritional value of the food product contained in such package.

"TITLE V—LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) The term 'food' has the meaning prescribed for that term by section 201 of the Federal Food Drug, and Cosmetic Act, except that such term does not include any fresh fruit or vegetable.

"(2) The term 'perishable or semiperishable food' means any food which the Secretary determines has a high risk of any of the following as it ages:

"(A) spoilage;

"(B) significant loss of nutritional value; or

"(C) significant loss of palatability.

"(3) The term 'expiration date' means the last date on which a perishable or semiperishable food can be consumed without a high risk of spoilage or significant loss of nutritional value or palatability.

"LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

"SEC. 502. (a) No person who manufactures or packages a perishable or semiperishable food in the form in which it is sold by retail distributors to consumers may distribute (or cause to be distributed) in commerce for purposes of sale a perishable or semiperishable food packaged by him in such form unless he has, in accordance with the requirements of subsection (f), labeled such packages to show (1) the expiration date of such food, and (2) the optimum temperature and humidity conditions for its storage by the ultimate consumer, and (3) such other information as the Secretary determines necessary to protect consumers from the purchase of foods which may have spoiled, suffered a loss of nutritional value, or suffered a loss of palatability.

"(b) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food subject to the provisions of subsection (a) may sell, offer to sell, or display for sale such food unless the food's package is labeled in accordance with this title.

"(c) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food may sell, offer to sell, or display for sale any such food whose expiration date, as specified on its package's label, has expired.

"(d) No person engaged in the business of manufacturing, processing, packing, or distributing perishable or semiperishable foods may place packages of such foods, labeled in accordance with subsection (a), in shipping containers or wrappings unless such containers or wrappings are labeled by him, in accordance with regulations of the Secretary, to show the expiration date on the labels of such packages.

"(e) No person may change, alter, or remove, before the sale of a packaged perishable or semiperishable food to the ultimate consumer, any expiration date required by this section to be placed on the label of such food's package or shipping container or wrapping.

"(f)(1) The expiration date and the storage instructions required to be on the label of a packaged perishable or semiperishable food under subsection (a) shall be determined in the manner prescribed by regulations of the Secretary.

"(2) An expiration date shall, in accordance with regulations of the Secretary—

"(A) be (i) in the case of the month contained in the expiration date, expressed in the commonly used letter abbreviations for such month, and (ii) otherwise expressed in such combination of letters and numbers as will enable the consumer to readily identify (without reference to special decoding information) the day, month, or year, as the case may be, comprising the expiration date; and

"(B) be separately and conspicuously stated in a uniform location upon the principal display panel of the label required under subsection (a).

"(3)(A) Any regulation under paragraph (1) prescribing the manner in which expiration dates for a packaged perishable or semiperishable food shall be determined may include provisions—

"(i) prescribing the time periods to be used in determining the expiration dates for such food,

"(ii) prescribing the data concerning such food (and the conditions affecting it before and after its sale to the consumer) to be used in determining its expiration dates, or

"(iii) permitting a person engaged in the business of manufacturing, processing, packaging, or distributing such food to determine its expiration dates using such time periods and data as such person considers appropriate.

"(B) If such regulation includes provisions described in subparagraph (A)(iii) of this paragraph, such regulation shall also contain—

"(i) such provisions as may be necessary to provide uniformity, where appropriate, in the time periods used in expiration date determinations; and

"(ii) provisions for regular review by the Secretary of the expiration date determinations and the time periods and data upon which they are based.

"PENALTIES AND INJUNCTIONS

"SEC. 503. (a) Any person who knowingly or willfully violates any provision of section 502, or any regulation made thereunder, shall be imprisoned for not more than one year or fined not more than $5,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $25,000, or both.

"(b) Any packaged perishable or semiperishable food that is distributed in violation of section 502 or any regulation made thereunder shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which such packaged food is found. Section 504 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) (relating to seizures) shall apply with respect to proceedings brought under this subsection and to the disposition of packaged foods subject to such proceedings.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown, to restrain violations of section 502 and regulations made thereunder.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of section 502 or a regulation made thereunder, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceeding subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d)(1) Actions under subsection (a) or (c) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(2) In any actions brought under subsection (a) or (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district."

SEC. 3. (a) The Fair Packaging and Labeling Act is further amended by inserting "TITLE VI—GENERAL PROVISIONS" above the heading for section 6, and by redesignating sections 6 through 13 as sections 601 through 608, respectively.

(b) Section 601(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 4 or section 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, 201, 302, 403, or 502 of this Act".

(c) Section 602(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 3 of this Act." and inserting in lieu thereof "section 102, 201, 301, or 402 of this Act. The provisions of this subsection shall not apply with respect to title V."

(d) Section 602(c) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "sections 4 and 5" and inserting in lieu thereof "sections 103, 104, 201, 302, 403, and 502".

(e) Section 603 of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 5(d)" and inserting in lieu thereof "section 104(d)".

(f) Section 605 of such Act (as redesignated by subsection (a) of this section) is amended by adding at the end thereof the following:

"(g) The terms 'food' and 'food product' mean any article used for food or drink for man or other animals, and any article used as a component of such article."

(g) Section 607 of such Act (as redesignated by subsection (a) of this section) is amended to read as follows:

"SEC. 607. It is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may provide for (1) the labeling of the net quantity of contents of the package of any consumer commodity as provided in title I of this Act; (2) the quality grading of food products as provided in title II of this Act; (3) the labeling of the ingredients contained in food products as provided in title III of this Act; (4) the labeling of the nutritional value of food products as provided in title IV of this Act; (5) the labeling of perishable and semiperishable foods as provided in title V of this Act, which are less stringent than or require information different from the requirements of the appropriate title or regulations promulgated pursuant to such title."

(h) Section 608 of such Act (as redesignated by subsection (a) of this section) is amended by striking "This" and inserting in lieu thereof "(a) Except as provided in subsection (b), this"; and by adding at the end thereof a new subsection as follows:

"(b) The provisions of title II, III, IV, and V shall become effective twelve months after the date of enactment of such title.

S. 2111

A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Price Disclosure Act".

SEC. 2. Paragraph (1) of subsection 4(a) of the Fair Packaging and Labeling Act (15 U.S.C. 1453(a)(a)) is amended by inserting "(A)" immediately after "(1)" and by adding at the end thereof the following: "and (B) The commodity shall not bear any label, depiction, vignete, or other representation which purports to identify the product or its quality in a manner that does not accurately disclose the identity or quality of the product;"

SEC. 3. Section 4 of the Fair Packaging and Labeling Act (15 U.S.C. 1453) is amended by adding at the end thereof the following new subsection:

"(c) No person engaged in business in the sale at retail of any packaged consumer commodity which has been distributed in commerce, or the distribution of which affects commerce, shall sell, offer for sale, or display for sale any such commodity unless—

"(1) the total selling price of such commodity is plainly marked by a stamp, tag, or label affixed to a principal display panel of the package or by a label or sign at the point of display of such package; and

"(2) the retail unit price of such commodity is plainly marked by—

"(A) a stamp, tag, or label affixed to a principal display panel of the package, or

"(B) a label or sign in close proximity to the point of display of such package, which label or sign shall also contain the name and quantity of contents of such commodity."

SEC. 4. Sections 5(b) of such Act (15 U.S.C. 1454 (b)) is amended by inserting "(1)" after "(b)", and by adding at the end thereof the following new paragraph:

"(2) The following entities shall be exempt from the operation of section 4(c)(2):

"(A) Any individual retail outlet which sells or offers for sale packaged consumer commodities and whose total gross sales do not exceed $250,000 per annum, unless such an outlet is one of a number of outlets owned substantially or whose inventory is supplied substantially, by a single person, partnership, or corporation whose total gross sales exceed $500,000 per annum.

"(B) Any retail outlet in any State or any political subdivision thereof which has enacted mandatory unit pricing laws and whose laws, in the judgment of the Federal promulgating authority, are in full force and effect and are comparable in scope and comprehensiveness to the requirements of this section; except that retailers (including chainstores and affiliated stores) who operate outlets in any such geographical area shall be subject to the provisions of section 4(c)(2) if they also operate outlets in one or more other States or political subdivisions."

SEC. 5. Section 5(c)(2) of the Fair Packaging and Labeling Act (15 U.S.C. 1454(c)(2)) is amended by striking out "regulate the placement upon any package containing any commodity, or upon any label affixed to such commodity, of any printed matter stating or representing by implication that such commodity" and inserting in lieu thereof "regulate the stating or representing by implication on the package, label, coupon, or other promotional device that such commodity".

SEC. 6. Section 7(a) of the Fair Packaging and Labeling Act (15 U.S.C. 1456(a)) is amended by striking out the words "or delivered for introduction in commerce", and inserting in lieu thereof a comma and the following: "delivered for introduction in commerce, or sold at retail, offered for sale at retail or displayed for sale at retail,".

SEC. 7. (a) The first sentence of section 10 (a) of the Fair Packaging and Labeling Act (15 U.S.C. 1459(a)) is amended by—

(1) striking out the word "consumption" the first time it appears in such sentence and inserting in lieu thereof the word "use"; and

(2) striking ", or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use", and inserting in lieu thereof the following: "in or around the household, but shall not include durable goods which are customarily not expended or consumed during the first year of use".

(b) Section 10 of that Act (15 U.S.C. 1459) is amended by adding at the end thereof the following new subsection:

"(g) The term 'retail unit price', when used in relation to the contents of a package of any consumer commodity, means the retail prices of the contents of that package expressed in terms of the retail price of such contents per single whole unit of weight, volume, or measure."

SEC. 9. The amendments made by this Act shall take effect on the first day of the seventh month after its date of enactment.

By Mr. TOWER:

S. 2113. A bill to amend the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. TOWER. Mr. President, the number of reports of possible severe food shortages continues to grow. There are reports of many thousands of baby chicks being slaughtered, reports of substantially reduced numbers of cattle being placed on feed, and reports of much lower production of several agricultural commodities.

Within a few weeks when this production would have normally been processed for consumer use, there will be a marked shortage of some of these most important items.

As I have continually stated, the problem of insufficient food supplies, which has been the focus of so many conversations, has been responsible for the higher food costs. Only by increasing this supply can market relief be expected. The present controls on prices are definitely not aiding in increasing this supply. When custom cattle feeding operations must continue to charge the same rate for feed items while the price of feed ingredients is increasing daily, it becomes a business decision whether or not to continue to feed cattle. The same decision must be made by those producing dairy products, poultry, and eggs. The decision is too obvious, and the result is evident in the decreased number of animals producing meat, eggs, and dairy products.

There are long-range proposals which should help in resolving some of these inequities. Nevertheless, it is necessary first to address the immediate problems in order to assure that in the future there will be the same number of agricultural operations in existence.

I have requested that some changes be made in an effort to provide immediate relief; however, to date, these requests have received no action. Consequently, today, I am proposing legislation to remove controls on the prices of meat, poultry, eggs, dairy products, and feed grain ingredients of the commercial livestock feeding industry.

I shall not suggest that removal of the controls on these items will have no effect on the price of food. However, we cannot expect operations which are losing money to continue production, and many food production operations are now losing money. I am interested primarily in assuring that those on whom we all depend for a needed increase in food supplies can operate without losses. A substantial drop in present production will have a devastating effect on the supply of food in the near future. This cannot be allowed to happen.

We are only a few weeks away from possibly the largest grain harvest on record. As this grain comes in for domestic feed consumption and export requirements, the strain of short feed stuff supplies will be greatly relieved, and should result in reduced feed prices, even though some varieties of grain are only now reaching reasonable price levels. We must allow market fluctuations on the basis of supply and demand, for it is patently inequitable and, as we are witnessing, counterproductive, to regulate prices on some products which are produced subject to market variations of other commodities.

It takes several weeks or months after a substantial reduction in production before reduced supply and accompanying higher prices are evident in the marketplace, for several months are necessary to fatten an animal for slaughter.

Today, not only is the number of animals in the feed lot decreasing, but also the number of animals kept for additional production is decreasing. Consequently, efforts to lower food prices through increased supply are being severely restricted by the controls now in effect.

Our free market economic principles rely on incentives as the best means of increasing the supply of any commodity which is in great demand. These incentives must be real and evident, and, in the case of beef and other foodstuffs, must remain consistent for extended periods of time due to the time required to increase food supply. These incentives are certainly not now evident.

Texas is the largest cattle feeding State in the Nation. I have had numerous contacts from many of my constituents who are caught in the squeeze which is currently operative due to the inequitable controls on this segment of the economy. These individuals who are forced to take losses or discontinue further operations are the ones responsible for feeding many millions of Americans. Obviously, it will be the entire food-consuming public which will eventually suffer from the problems now facing those producing meat, poultry, eggs, and dairy products.

This country should never be faced with food shortages. Nevertheless, the problems today are real. We must take the facts in hand and move decisively to resolve the situation, for every day that passes further compounds the problems which demand our immediate attention.

I urge my colleagues to give careful consideration and speedy approval to the measure I am proposing today, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2113

A bill to amend the Economic Stabilization Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Economic Stabilization Act of 1970 is amended by adding the following new subsection (k) to Section 203:

"(k) The authority conferred by this section shall not be exercised to limit the level of prices of meat, poultry, eggs, dairy products and feed ingredient costs of the commercial livestock feeding industry."

By Mr. STEVENS:

S. 2114. A bill to amend title V of the Social Security Act to provide that, in making certain allotments to States thereunder, there shall be taken into account the higher cost-of-living prevailing in Alaska and Hawaii. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, title V of the Social Security Act sets forth the formula to be used in determining the allocation of Federal maternal child health service funds to the States. One of the criteria used in the formula is per capita income. This figure is used inversely, thus the higher the per capita income, the lower the State's allocation.

The bill I am introducing today will modify the formula to take into account the higher cost of living in Alaska and Hawaii, which is recognized by the Civil Service Commission and many other Federal programs. The formula in my bill reduces the per capita income by an amount equal to the cost-of-living allowance established by the Civil Service Commission for Alaska and Hawaii. The bill provides that the so-called adjusted per capita income in these two States shall be the remainder of a computation which is the per capita income minus a figure which shall be the product of the cost-of-living allowance percentages times the adjusted per capita income.

In other words: if

A=Adjusted per capita income;
COL=Cost-of-living allowance percentage; and
Y=per capita income;

then

$$A=Y-(COL\times Y)$$

This legislation was introduced at the suggestion of the Alaska State Commissioner of Health and Social Services.

I request unanimous consent to print in the CONGRESSIONAL RECORD at this point the bill itself and a copy of the Commissioner's letter to me of April 26.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 503 of the Social Security Act is amended by adding after paragraph (2) the following new sentence: "If the adjusted per capita income of a State is taken into account in determining (for purposes of paragraph (2)) the financial need of such State, then, in the case of Alaska and Hawaii, the adjusted per capita income of such State shall be the remainder of the per capita income of such State (as determined without regard to this sentence) minus a number which shall be the product of the adjusted per capita income of such State (as so determined) and a per centum thereof equal to the per centum applicable, for the period in which any determination under the preceding sentence is being made, in determining the amount of the allowance payable under section 5941 of title 5, United States Code, to Federal employees serving in such State."

(b) Section 504 of such Act is amended by adding after paragraph (2) the following new sentence: "If the adjusted per capita income of a State is taken into account in determining (for purposes of paragraph (2)) the financial need of such State, then, in the case of Alaska and Hawaii, the adjusted per capita income of such State shall be the remainder of the per capita income of such State (as determined without regard to this sentence) minus a number which shall be the product of the adjusted per capita income of such State (as so determined) and a per centum thereof equal to the per centum applicable, for the period in which any determination under the preceding sentence is being made, in determining the amount of the allowance payable under section 5941 of title 5, United States Code, to Federal employees serving in such State."

(c) The amendments made by this Act shall be applicable to allotments made under sections 503 and 504 of the Social Security Act after the date of enactment of this Act.

STATE OF ALASKA, DEPARTMENT OF
HEALTH AND SOCIAL SERVICES,
April 26, 1973.

Hon. TED STEVENS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: We recently had an opportunity to review and comment on regulations in the Social Security Act regarding allocation of federal funds to Alaska for Maternal and Child Health programs. The enclosed letter to Dr. David Johnson, the Regional Health Director for Region X office of the federal government, proposing changes in these regulations brought the enclosed reply from him. He is pointing out that the regulations are based specifically on the law in this case and could not be changed without a change in the federal law.

The particular federal law in question here is the Social Security Act Title V, Sections 503 and 504. It describes the method for allocating federal Maternal Child Health Service funds to various states. One of the criteria used to determine the amount of funds to a particular state is per capita income. This figure is used inversely and thus the higher a state's per capita income, the lower the relative allotment that state receives. This is patently unfair to those states which have a high per capita income but also have a high cost of living. The cost of living is not taken into account in the formula for distribution of funds. Since Alaska's cost of living is particularly high, we are penalized by the appearance of high per capita income which remains uncorrected for the high cost of living.

We are, therefore, recommending that you consider submitting a bill amending the Title V legislation to provide a more equitable form of the distribution of the funds depending not directly on per capita income, but rather on per capita income modified by some formula to take into account the cost of living.

There are several other federal funding mechanisms that utilize similar formulas which also penalize Alaska. Anything that could be accomplished to change the basis upon which funds are allocated from per capita income or population would be a real service to Alaska.

Sincerely,

FREDERICK MCGINNIS,
Commissioner.

By Mr. STEVENS:

S. 2115. A bill to facilitate the recruitment of health personnel for remote and isolated hospitals of the Public Health Service through the provision of adequate housing for personnel by establishing a rental guarantee program as an incentive for builders and other sponsors to construct needed housing for Public Health Service personnel. Referred to the Committee on Labor and Public Welfare.

Mr. STEVENS. Mr. President, it is becoming increasingly difficult to recruit personnel for the isolated facilities of the Public Health Service because other organizations compete for the same health professionals and have facilities located in major urban areas where modern homes and apartments are available. In some cases, because of constraints on Federal construction of quarters and the absence of sufficient financial incentives for construction, housing is simply nonexistant and has made the recruitment of badly needed professional health service staff extremely difficult. It is essential for the recruitment of professional and allied health personnel to provide adequate housing at isolated facilities in communities across the United States.

Some incentive is badly needed to stimulate the construction of personnel housing. With assurances that there will be a reasonable return upon the investment, local communities including Alaska Native villages and tribal organizations as well as other communities in other regions of the country, will be encouraged to enter into the construction of homes and apartments for personnel stationed at remote health facilities. Such incentives will also encourage private builders and the States to construct such facilities.

Such construction would, of course, be advantageous to the Federal Government. Long-term leasing and direct rental agreements would mimimize the need for the Federal Government itself to construct or to purchase housing facilities for the Public Health Service. These incentives would also stimulate the construction of private housing in the same area.

Because of the remoteness of many of the locations at which the Public Health Service personnel are located, there are many difficulties in providing adequate housing both in terms of construction and financing. For example, a principal factor to qualify for a loan is the length of one's stay in a given location. Most professional and semiprofessional Public Health Service employees are on a limited tour of duty.

Many remote areas do not have the necessary utilities available to support adequate housing. Therefore, considerable expense and time are required to obtain the utilities.

The resale of property is difficult in many isolated areas. In many regions serviced by the Public Health Service, the real estate market is extremely limited—hence the collateral is of limited value.

On Indian reservations where most of the Indian Health Service facilities are located, Federal and State laws are not conducive to loaning money for the construction of homes on leased property or undeeded land. This is particularly Indian reservations is held in trust or in a restrictive status.

Long-term leasing or direct rental arrangements could include maintenance aid repair provisions by the tenant. These would minimize the possibilities of overpriced rentals.

The availability of adequate housing would materially improve the morale of employees. It would also enhance the services that are provided to people in remote areas of the United States. The housing would be located in proximity to the health facilities. Such housing would enable key medical and support personnel to be available on a 24-hour basis. It would also encourage and stimulate the economy of many depressed areas across the country.

I request unanimous consent that the bill I am introducing be printed in the RECORD in its entirety, followed by a table listing the projected costs for proposed personnel quarters constructed by Indian tribes as opposed to those constructed by the Federal Government. My colleagues should be aware that facilities on Indian reservations are but one of the several types of communities serviced by the Public Health Service.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 208 of the Public Health Service Act (42 U.S.C. 210) is amended by adding at the end thereof the following new subsection:

"(h) for the purpose of providing family housing in remote areas for commissioned officers, noncommissioned officers, and other employees of the Public Health Service and their families, the Secretary is authorized to enter into agreements guaranteeing the builder or other sponsor of such housing a rental return which he determines to be equivalent to a specified portion of the annual rental income which the builder or sponsor would receive from the tenants if the housing were fully occupied, except that (1) such agreement may not guarantee the payment of more than 97 per centum of the rentals which would be received if the housing were fully occupied, (2) no such guarantee shall extend for a period in excess of 20 years with the provision that the guarantee be for 10 years with the option to renew for 10 years, and (3) the average guaranteed rental on any project may not exceed an amount determined by the Secretary per unit per month which includes the cost of maintenance and operation. In carrying out his functions under this subsection, the Secretary shall give a priority to builders or other sponsors who are Indian tribes or Alaskan native villages."

CURRENT IHS PERSONNEL HOUSING REQUIREMENTS AND PROJECTED COST PROJECTIONS UNDER PROPOSED RENTAL GUARANTEE PROGRAM

	Cost projects for proposed personnel quarters to be constructed by Indian tribes						Comparable cost projections based on construction by Federal Government					
(A)	(B)	(C)	(D)	(E)	(F)	(G)[1]	(H)[2]		(I)		(J)[4]	
Year	Proposed units	Cumulative total	Total rent[5]	Rental cost of projected 25-percent vacancy	Percent of total rental (3 percent) not covered by guarantee	Projected contingent liability based on 25-percent vacancy rate	Alaska quarters		Contiguous U.S. quarters		Total quarters	
							Units	Cost	Units	Cost	Units	Cost
1st	100	100	$210,000	$52,500	$6,300	$46,200	20	$2,000,000	80	$2,320,000	100	$4,390,000
2d	130	250	525,000	131,250	15,750	115,500	20	2,000,000	130	3,770,000	150	5,770,000
3d	150	400	840,000	210,000	25,200	184,800	20	2,000,000	130	3,770,000	150	5,770,000
4th	150	550	1,155,000	288,750	34,650	254,100	20	2,000,000	130	3,770,000	150	5,770,000
5th	150	700	1,470,000	367,500	44,100	323,400	20	2,000,000	130	3,770,000	150	5,770,000
6th	150	850	1,785,000	446,250	53,550	392,700	15	1,500,000	135	3,915,000	150	5,415,000
7th to 10th	7	857	1,799,700	449,900	54,000	395,900	4	400,000	3	87,000	7	487,000

[1] Cost as shown in footnote (4) will be absorbed by the developer; the amount shown is the estimated maximum liability.

[2] Construction cost for quarters in Alaska estimated at an average of $100,000 per unit.

[3] Construction cost for quarters in contiguous United States estimated at an average of $29,000 per unit.

[4] In addition to construction cost shown, there will be additional cost for furnishing, administration, and maintenance repair. Total construction cost for the 857 units estimated at $33,302,000.

[5] Average is $175 per unit per month rent, including utilities.

By Mr. STEVENS:

S. 2116. A bill to amend section 208 of the Public Health Service Act to provide pay incentives for personnel serving in remote and isolated areas. Referred to the Committee on Labor and Public Welfare.

Mr. STEVENS. Mr. President, today I am introducing legislation to authorize the Secretary of Health, Education, and Welfare to pay to public health personnel in remote and isolated health facilities additional compensation up to 15 percent of the basic pay or compensation.

The growing nationwide disparity between available and needed health manpower is adversely effecting the Public Health Service's recruitment program. For example, the Indian Health Service, with facilities located in remote areas, competes with all major users of similar professional health personnel. Other governmental agencies, universities, and the general public provides facilities located in urban areas with much greater attraction for most people in the health field. As a result, it is quite difficult for the Public Health Service to obtain skilled personnel to service Americans living in remote communities.

My bill should facilitate the recruitment of physicians and other health personnel for the Indian Health Service as well as the National Health Service Corps (Public Law 91–623) assigned to underserved rural areas by providing a pay incentive.

I ask unanimous consent that the bill itself be printed in the RECORD followed by a table of estimated costs for fiscal years 1973–1978 for a 15-percent pay incentive for Indian Health Service personnel stationed at remote facilities. I remind my colleagues that Indian Health Service personnel are but one type of employee covered by my bill.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 2116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 208 of the Public Health Service Act (42 U.S.C. 210), as amended, is further amended by adding at the end thereof the following new subsection:

"(h) Subject to regulations of the Secretary, any commissioned officer or employee of the Service assigned to a remote medical facility shall be entitled to receive in addition to any pay or compensation to which he may otherwise be entitled, additional compensation not in excess of 15 per centum of such individual's basic pay."

ESTIMATED COST FISCAL YEAR 1973–78 FOR 15 PERCENT PAY INCENTIVE FOR INDIAN HEALTH PERSONNEL STATIONED AT REMOTE FACILITIES

	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975	Fiscal year 1976	Fiscal year 1977	Fiscal year 1978
Estimated number eligible for incentive pay	1,635	1,826	1,960	2,062	2,161	2,258
Estimated cost for 15 percent incentive pay	$2,711,000	$3,210,000	$3,652,000	$4,072,000	$4,524,000	$5,010,000

By Mr. WILLIAMS (for himself and Mr. RANDOLPH, Mr. CHURCH, Mr. JACKSON, Mr. METCALF, Mr. JAVITS, Mr. SCHWEIKER, Mr. COOK, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. CRANSTON, Mr. CASE, Mr. ABOUREZK, Mr. HUGHES, Mr. HATHAWAY, Mr. HART, Mr. HUMPHREY, Mr. MCGEE, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MOSS, Mr. MANSFIELD, Mr. TUNNEY, Mr. MONDALE, Mr. EAGLETON, Mr. STEVENSON, and Mr. MUSKIE):

S. 2117. A bill to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1973

Mr. WILLIAMS. Mr. President, I am introducing for myself and Senators RANDOLPH, CHURCH, JACKSON, METCALF, JAVITS, SCHWEIKER, COOK, PELL, KENNEDY, NELSON, MONDALE, CRANSTON, EAGLETON, ABOUREZK, HATHAWAY, HART, HUMPHREY, MANSFIELD, MCGEE, MCGOVERN, MOSS, TUNNEY, MAGNUSON, CASE, HUGHES, and STEVENSON, legislation that will hopefully improve the health and safety of the Nation's miners.

The cosponsors of this bill represent a broad cross section of congressional concern. The sponsors serve on the committees concerned with our Nation's most pressing human and economic problems—Labor and Public Welfare—Public Works and Interior. We represent coal and metal mining States, nonmining States, a nationwide and bipartisan representation. Our concern is singular however, the need to protect the safety and health of our working miners. It is well known that mining is one of the most hazardous occupations in this country and though we in the Congress tried over the years to reduce these hazards through safety legislation, our efforts have been largely frustrated by the administration of those laws. Until now the trustee of the miner's well-being has been the Department of the Interior. It is the premise of this bill that such trust has been misplaced, and that miners can achieve the benefit of effective administration only by a transfer of responsibility to the Department of Labor. The reasons for such a change are clear and are rooted in the very nature of those two departments. I say this with recognition that the Bureau of Mines has many people dedicated to mine safety and a corps of well-qualified inspectors. In fact, one provision of this bill will transfer their personnel resource to the Labor Department.

Historically the Interior Department has been a production oriented agency. Its primary function, its first priority has always been the development of this Nation's natural resources. Such an orientation is not of itself objectionable but it becomes so when it detracts from what has been erroneously perceived as one of the Department's secondary functions—the protection of persons who must produce those resources. Ironically, the Bureau of Mines Organic Act specifies the safety interest but when mine safety and mine production are set against one another as opposing goals, as they often are, it has been the fate of safety in the Department of the Interior to consistently emerge the loser. In a recent article in the National Journal, an official of the Bureau of Mines admitted the problem when he was quoted as saying:

> We do have a kind of built-in conflict of interest. In order to do our job we have to work closely with the mining industry and sometimes it's difficult to do that and to enforce the safety and health laws at the same time.

Such a conflict is obvious when one examines the Department's record but is no less intolerable for its being so apparent.

The lamentable result of this conflict has been the appalling record of deaths and disabling injuries that have characterized the Interior Department's stewardship of the American miners' safety and health. Let me take a moment to outline that all too familiar and tragic record of recent years. On March 5, 1968, a shaft fire in a salt mine in Louisiana killed 21 men; on August 7, 1968, a coal dust explosion in a Kentucky mine killed 9 men, and on November 20 of that year, an explosion in the Consol No. 9 mine at Farmington, W. Va. killed 78 men. The latter tragedy prompted the Congress to pass the Federal Coal Mine Health and Safety Act of 1969 which has been accurately described as "by far the strongest Federal mine safety act ever enacted." During the Senate debate on this measure I indicated that this act—

> Provides the tools for better health and safety [but it] will never achieve adequate health and safety for the miner unless the Department of the Interior acquires new perspective and focus concerning the importance of the miner and unless there is strong and vigorous administration by the Department.

Such a new perspective and vigorous administration have not been forthcoming and the unfortunate consequences are almost predictable. One year after the passage of that strong mine safety law an explosion killed 38 miners in Hyden, Ky., on December 30, 1970. Earlier in the year, in April, hydrogen sulfide gas killed seven men in a fluorspar mine near Rosiclair, Ill.

Even more recently, on July 22, 1972, nine miners died as a fire swept through a mine at Blacksville, W. Va., and again on December 9, 1972, five men were killed in a methane explosion in a coal mine near Itman, W. Va., and on May 2, 1972 in one of the worst disasters in modern mining history, 91 men were killed in a mine fire at the Sunshine silver mine near Kellogg, Idaho. The collapse of a coal mine refuse dam at Buffalo Creek, W. Va. took the lives of 125 inhabitants of the valley, including 14 coal miners. There were more miners killed in 1972 than in any other year since 1965, except for the year 1968 when the Farmington disaster occurred.

The rate on nonfatal injuries is equally alarming. The injury rate for underground coal miners in 1968 was 46.99 injuries per million man-hours, and climbed to 52.82 in 1971; a total increase of 5.83 disabling injuries per million man-hours. For the underground metal and nonmetallic mines, the statistics are even worse, rising from a rate of 40.93 in 1968 to a rate of 47.99 in 1971, or an increase of 7.06 disabling injuries per million man-hours. The actual number of lost time injuries to the Nation's miners rose from 16,466 in 1968 to 18,710 in 1971. These figures need no further elaboration.

Of course beyond these and other major disasters of the past few years, hundreds of miners are killed and injured each year in mine accidents that are far less dramatic but no less real and devastating to the miners involved and their families. And speaking of families, it is not only the miner who is in jeopardy, but in some cases his spouse and children who live in the coal producing areas. The terrible tragedy of Buffalo Creek, W. Va. where the coal mine refuse dam burst and killed 125 inhabitants of the valley, most of them families of the coal miners, is sufficient testimony to the results of lax enforcement and inadequate regulations.

Although the unacceptable rate of death and injury has not been abated by the Interior Department, these people are not lost or injured in some uncontrollable natural catastrophe. They do not perish in tornadoes, earthquakes, or hurricanes. Quite simply and deplorably, these people are victims of manmade disasters and those disasters are certainly preventable. They are preventable before they happen by conscientiously adhering to safe procedures in the mining industry and by vigorously administering and enforcing the safety laws that Congress has provided to create safe and healthy conditions in the mines.

Moreover, the impact of these tragedies can be lessened after the initial events simply by using more modern rescue methods rather than the antiquated techniques and equipment now utilized by the Department of the Interior. Mr. President, we are far beyond the point where we in the Congress can accept dead and broken miners as the inevitable cost of producing this Nation's mineral resources, and we must at long last find an agency to administer our mine safety laws that recognizes that important fact.

We have tried in the last 3½ years to provide guidance to the Secretary of Interior and to the Director of the Bureau of Mines. We have had at least three major series of oversight hearings on the operation of the Bureau of Mines. We have directed at least three separate investigations of the General Accounting Office and I must say that we have devoted the full time and energy of a number of staff investigators to a continuing investigation of mine disasters and oversight of the operation of the Bureau of Mines in connection with those disasters.

Mr. President, it has been a totally frustrating experience and frankly it is our view that the Bureau of Mines in its present location is not capable of responding to the needs of the working miners.

In sum, it seems only a matter of elementary human decency that when it comes to the health and the very lives of America's miners, they deserve no less than a governmental agency whose first priority is protecting them from disabling injuries and debilitating diseases encountered on the job. None other than the Secretary of the Interior has recognized this in principle when he recently reorganized his Department to separate responsibility for mine safety and health from other Mine Bureau functions. This move, however, is a classic case of far too little, far too late. Although the result represents an improvement over the previous situation, the fact remains that the responsibility for the miners' health and safety continues to reside in a Department whose first concern is production and the maintenance of such a situation is therefore entirely unacceptable. The fatality rate of 400 miners per year and the disabling injury rate of 19,000 per year, is also unacceptable.

On the other side of the issue, the Department of Labor has historically been the advocate of the American worker within the Government. The Congress clearly recognized this fact and its importance to the subject before us today when it entrusted the health and safety of almost 60 million workers to that Department with the passage of the Occupational Safety and Health Act of 1970—OSHA. I am proud to have played an instrumental role in the passage of that landmark legislation and I believe that S. 2117 does today for miners what OSHA did more than 2 years ago for most other industrial workers. It creates within a Department that has the interest and well-being of workers at the top of its priority list, a separate agency whose sole purpose is to insure the work-related health and safety of the thousands of mine workers in America. I want to assure the Members of the Congress that in making this transfer miners will not suffer due to a lack of mining expertise in the Labor Department. Under this bill not only will the operating responsibility be transferred to the Department of Labor who now administer mine health and safety will be transferred as well. Changing the administering agency is neither a panacea nor an end to the problem of mine safety. It does, however, represent a necessary first step toward obtaining vigorous enforcement of the law and thereby reducing a continually unacceptable rate of death and disabling injuries that afflict this vitally important industry.

One further effect of this bill will be to take the long overdue action of combining all mine workers under a single, strong piece of legislation. Presently, mine safety and health is regulated under both the Federal Coal Mine Health and Safety Act and the Metal and Nonmetallic Mine Safety Act.

This latter act was progressive legislation when it passed the Congress and a vast improvement over previous efforts at writing mine safety legislation. Since its enactment in 1966, however, we have had much additional experience not only with that act but with the Federal Coal Mine Health and Safety Act of 1969 and OSHA as well. This experience has placed the limitations of the Federal Metal and Nonmetallic Mine Safety Act in sharp relief and enabled us to deal more effectively with the problems of health and safety in the mines now covered by that act.

Some of these shortcomings that will be corrected by S. 2117 include first, the lack of a general duty provision to cover unique but dangerous circumstances concerning which no standards have been promulgated, second, the requirement for only one full inspection each year for underground mines, third, the lack of a prohibition against providing advance notice of an inspection, fourth, the lack of provision for emergency temporary standards, fifth, the limitation on prescribing mandatory standards and sixth, the lack of any mandatory penalties. These and other weaknesses of the act and particularly the inadequate administration of the act by the Department of the Interior tragically culminated on May 2, 1972, at the Sunshine Silver Mine in Kellogg, Idaho. The 91 men who perished in that disaster bear silent but eloquent witness to the deficiencies of that Department, the law under its charge, and the urgent need to rectify this intolerable situation. The Interior official who investigated the accident underscores the necessity for congressional action when he writes in his interim report:

> It is evident that a large number of deaths and the magnitude of the disaster are a direct result of inadequate safety standards, industrywide poor safety practices, the lack of training of the miners in the event of a disaster, and the fact that no one expected a disaster of this magnitude to occur. Further, not only are some standards inadequate, but they have been diluted and rendered ineffective by interpretation.

Such a tragedy cannot be allowed to happen again and we as legislators have a responsibility to make certain that no inadequacy in the legislation we enact or in those to whom we entrust the administration of such legislation contributes to the death or injury of the innocent. No matter how good the Federal Metal and Nonmetallic Mine Safety Act was for its time, we now know that we can and must write a better law to protect those miners now subject to that act and to remove their welfare from the jurisdiction of the Department of the Interior.

Like the Federal Metal and Nonmetallic Mine Safety Act, the Federal Coal Mine Health and Safety Act of 1969 was tremendous improvement over previous coal mine safety measures, and I feel privileged to have played a part in its development. The fact is that the proposed Federal Mine Safety Act retains most of that act's provisions and applies them to all mines. For example, it retains the requirement that all underground mines be inspected at least 4 times each year and that particularly hazardous mines be given a spot inspection at least once every 5 working days. In addition, the close order sanction whereby the Secretary may close a mine for certain violations is also retained and strengthened.

The Coal Act is improved, most importantly, by the adoption of a number of streamlined enforcement and review procedures which should reduce the excessive delays encountered in assessing fines and thereby reduce the disturbing gap the Bureau of Mines has developed between penalties proposed and fines collected. In a sample taken by the General Accounting Office, the average time between the citation for a violation by the mine inspector and the issuance of a proposed assessment order was 129 days and the delays ranged upward to 279 days. The resulting collection system is such that in the same report the GAO found that of some $12.5 million in proposed penalties only $1.4 million had actually been collected.

Furthermore, a Federal judge in March ruled that the Interior Department's regulations and procedures for assessing fines were illegal thus complicating the collection of the full amount of penalties from coal companies who have violated the law. Such a record of incompetent administration cannot be allowed to continue.

My concern is certainly not to fill the treasury with collected fines but rather to maintain a fast and efficient, yet fair and equitable, system of proposing and gathering fines that respects both the rights of the mine operators to due process and the rights of the miners to work in an atmosphere free from danger. Only then will the enforcement system merit respect and serve its intended purpose of being an added incentive for voluntary compliance. Just as a guaranteed speedy trial is one of the best known deterrents against crime so too will the assurance of rapid processing of penalties assessed for violations of the act serve as a formidable deterrent against those very violations. As I have said on previous occasions, the interests of the workers and the business community are both well served by a system that is based on fairness and due process and which is properly administered and enforced.

Thus, S. 2117 combines the best features of three occupational safety and health acts and transfers the responsibility for administering the new act to a department that has demonstrated in the past its ability to forcefully and successfully administer occupational safety and health laws.

Mr. President, the result, I believe, is a very strong, fair, and eminently workable mine safety and health bill that will at long last provide the safe working conditions that other occupations take for granted but which have been denied to the miners of this country for far too long.

Mr. President, I ask unanimous consent that a summary analysis, and a section-by-section analysis of S. 2117 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1973

The legislation has three principal features. First, the bill would merge the safety and health protection for metallic and nonmetallic miners with the protection for coal miners under the Coal Mine Health and Safety Act of 1969 into a Federal Mine Safety and Health Act.

Second, the functions of the Secretary of the Interior under the present Coal Mine and Metal Mine Acts be transferred to the Secretary of Labor in a separate mine safety and health administration with an administrator subject to Senate confirmation.

Third, the bill provides for standard setting and enforcement procedures under the new Federal Mine Safety and Health Act of 1973 which would conform to the Administrative Procedure Act and provide for appellate court review.

MERGER OF METALLIC AND NON-METALLIC AND COAL MINE SAFETY AND HEALTH

The merger provision is accomplished by eliminating all references to coal under Titles I, II, IV, and V of the 1969 Coal Mine Health and Safety Act and by repealing the 1966 Metallic and Non-Metallic Act. The definitions of the Coal Mine Health and Safety Act are revised to make clear their application to all forms of underground mining but specifically exclude sand and gravel operations. This approach is predicated on an assumption that the essentials of safety in underground mining are similar and that a unified statutory approach would make for a much more efficient operation. Moreover, existing metal mine statutes are seriously deficient with respect to administrative and enforcement procedures (see below).

TRANSFER OF MINE SAFETY FUNCTIONS TO THE SECRETARY OF LABOR

The transfer of mine safety enforcement to the Secretary of Labor is accomplished by substituting Secretary of Labor for Interior or Bureau of Mines in the Amendments to the 1969 Act. Additional provisions are made for a separate mine safety and health administration in order to provide a continuity and maintenance of effort. The bill has legislative language requiring a maintenance of the separate inspection forces and separate *budget submissions* designed to make sure that existing cases and decisions are maintained in force regardless of the transfer. The rationale for this transfer function is that the Bureau of Mines has failed as the governmental agency responsible for mine safety. The Subcommittee's oversight activities coupled with the disaster investigations reflects an inability of the Bureau of Mines to develop the strong enforcement program needed in this area.

The over-riding need for the transfer is that the Secretary of the Interior with his primary charge of responsibility to ensure adequate energy sources for our country is presented with an irreconcilable conflict in also being chaged to ensure maximum safety of workers in the mines. A transfer of this function to the Secretary of Labor will allow him to concentrate his efforts on workers protection and avoid the Interior Department's continuing schizophrenic conflict on energy v. safety.

Health research matters are transferred to the Secretary of Health, Education and Welfare under the National Institute of Occupational Safety and Health.

The elimination of the jurisdiction of sand and gravel pits is done because that coverage closely relates to construction work rather than mining operations and accordingly a more efficient operation can be accomplished by letting that be handled by the Occupational Safety and Health Act of 1970. Moreover, the ability of the Bureau of Mines to focus on the more dangerous underground mining operation is diminished by having the jurisdictional responsibility of the vastly large sand and gravel operations.

REVISION OF ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

The bill revises the standard making procedures, enforcement and inspection procedure, and penalty provisions of the 1969 Coal Mine Act under a basic framework of operation within the Administrative Procedure Act while retaining some of the more viable features of the 1969 Coal Mine Act. This is accomplished legislatively by rewriting the entire Title I of the 1969 Act. The Secretary of Labor is given stronger independence on promulgating standards, advisory committes are strengthened in their operation and given a definite time frame within which to deliver. However, Advisory Committees are left optional with respect to the Secretary's decision to appoint them. Existing coal mine and metallic mine safety and health standards are retained in place until better substitutes are promulgated. One feature will be to make all of the metallic mine safety standards mandatory and eliminate the present situation where some of the metal mine standards are mandatory and some advisory. There seems to be no rational basis for devising a standard which is necessary to life and safety as being advisory. The Secretary is given authority to issue future temporary noncompliance orders and variances.

The procedures for inspection enforcement are likewise based on making clear the strong inspection requirements of the Coal Mine Act but eliminating certain of the bureaucratic problems that the Bureau of Mines has had in conducting inspections. The closure for imminent danger situations are stronger under the 1969 Coal Mine Act and therefore have been retained.

The penalties of the 1969 Coal Act are retained. The Occupational Safety and Health Review Commission is given jurisdiction for appeals from the Secretary under the new Act. The review commission is expanded for this purpose.

SECTION-BY-SECTION ANALYSIS OF S. 2117

TITLE I—AMENDMENTS TO THE GENERAL PROVISIONS OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Section 101—This section amends section 1 of the Federal Coal Mine Health and Safety Act of 1969 such that it is now cited as the "Federal Mine Safety and Health Act of 1973."

Section 102—Definitions and applicability.

Section 102(a)(1)—provides that Section 2 of the Federal Mine Safety and Health Act of 1973 is amended by striking out "coal" wherever it appears.

Section 102(a)(1)—provides that the functions of the Secretary of the Interior in developing and promulgating improved mandatory health and safety standards under Section 2(g)(1) are transferred to the Secretary of Labor.

Section 102(b)(1)—changes the definition of "Secretary" in section 3(a) from Secretary of the Interior to Secretary of Labor.

Section 102(b)(2)—enlarges the definition of "mine" in section 3(h) to include those mines previously covered by the Federal Metal and Non-Metallic Mine Safety Act (except sand and gravel mines).

Section 102(b)(3)—expands the definitions of "operator," "agent," "miner," and "imminent danger" in sections 3(d), (g), and (j), respectively, to apply to all mines now covered by the Act.

Section 102(b)(4)—amends section 3 to add a new section 3(n) defining "Administration" which means the Mine Safety and Health Administration established under section 402 of this Act and a new section 3(o) defining "Commission" which means the Occupational Safety and Health Review Commission established under section 12 of the Occupational Safety and Health Act of 1970.

Section 102(c)—amends section 4, "Mines Subject to Act," to include in addition to coal mines, mines newly covered by this Act.

Section 102(d)(1)—amends Section 5(c) to conform the wording thereof to the new definition of "Secretary," but the meaning is unchanged.

Section 102(d)(2)—includes operators and miners' representatives of mines newly covered by this Act among those that may ask the Interim Compliance Panel for a public hearing under Section 5(f), and changes the wording of that section to conform to the new section number for "Judicial Review."

TITLE II—MINE SAFETY AND HEALTH STANDARD AMENDMENTS

Amendment to title I

Section 202—This section amends Title I of the Federal Coal Mine Health and Safety Act of 1969 so that it includes:

Section 101—Duties.

Section 101(a)—establishes the duty of each mine operator to comply with the health and safety standards, all rules, regulations, and orders promulgated under this Act and to furnish a place of employment free from recognized hazards causing or likely to cause death or physical harm.

Section 101(b)—establishes the duty of each miner to comply with the health and safety standards, all rules, regulations, and orders promulgated under this Act which are applicable to his own conduct.

Section 102.—Safety and Health Standards.

Section 102(a)—establishes that the Secretary may by rule promulgate, modify, or revoke any health and safety standard.

Section 102(a)(1)—provides that the Secretary may request the recommendations of an advisory committee appointed under section 103 whenever he determines from information submitted to him in writing or on the basis of his own information that a rule should be promulgated. Where an advisory committee is appointed, the Secretary must provide such committee with any proposal of his own or of the Secretary of Health, Education, and Welfare as well as any factual information that has been developed. The advisory committee must submit to the Secretary its recommendations within 90 days from the date of its appointment or a longer or shorter period of time prescribed by the Secretary, but no longer than 270 days.

Section 102(a)(2)—requires the Secretary to publish a proposed rule in the Federal Register and afford interested persons a period of 30 days after publication to submit written comments. Where an advisory committee is appointed and the Secretary decides to issue a rule, he must publish the proposed rule within 60 days after submission of the committee's recommendations or the expiration of the period prescribed by the Secretary for those recommendations.

Section 102(a)(3)—permits any interested person to file with the Secretary written objections to the proposed rule and request a public hearing before the expiration of the comment period provided for in section 102(a)(2). Within 30 days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the standard objected to and the time and place for a hearing.

Section 102(a)(4)—provides that within 60 days after expiration of the comment period under section 102(a)(2) or within 60 days after completion of a hearing under section 102(a)(3), the Secretary shall issue a rule or determine that a rule should not be issued. In order to insure that affected employers and their employees are informed of the existence of the standard and its requirements, an issued rule may contain a provision delaying its effective date for a period determined by the Secretary, but not longer than 90 days.

Section 102(a)(5)—requires the Secretary, in promulgating standards, to set the standard which assures that miners will not suffer impairment of health, functional capacity, or diminished life expectancy even if regularly exposed to the hazards throughout their working lives. Development of standards is to be based on research, demonstration, experiment, and other appropriate information. In addition to the attainment of the highest degree of safety and health protection for the miner, other considerations shall be the latest available scientific data in the field, the feasibility of the standards and experience gained under this and other health and safety statutes. Wherever practicable, the standard should be expressed in terms of objective criteria and performance desired.

Section 102(a)(6)—provides that any standard promulgated under section 102(a) must prescribe the use of labels or other warnings necessary to ensure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment and proper conditions and precautions of safe use or exposure. A standard, when appropriate, shall prescribe protective equipment, control or technological procedures to be used, and shall provide for monitoring or measuring miners exposure as may be necessary for the protection of the miners. Where appropriate, such standard shall prescribe the type and frequency of medical examination or tests which the miners shall provide, at his cost, in order to determine whether the miner exposed to such hazards is adversely affected by such exposure.

The medical examination may be furnished at the expense of the Secretary of Health, Education, and Welfare if he determines them to be in the nature of research. The results of such examinations or tests shall be furnished only to the Secretary, the Secretary of Health, Education, and Welfare, and at the miners request, to his designated physician. The Secretary, in consultation with the Secretary of Health, Education and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, modify the foregoing requirements relating to labels, warning, monitoring and medical examination as subsequently acquired experience, information or medical and technical developments warrant.

Section 102(a)(7)—requires that no safety or health standard promulgated under Title I shall reduce the protection afforded miners below that provided by any safety or health standard previously in effect.

Section 102(b)(1)—provides that where the Secretary determines that miners are potentially subjected to physical or mental impairment from exposure to substances or agents determined to be toxic or physically harmful or from new hazards and that an emergency standard is necessary to protect the miners, he may promulgate an emergency standard effective upon publication in the Federal Register without regard to the rule making procedures of the Administrative Procedure Act.

Section 102(b)(2)—provides that an emergency temporary standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in section 102(b)(3).

Section 102(b)(3)—requires the Secretary to begin a proceeding for promulgating a standard in accordance with section 102(a) upon publication of the eemergency temporary standard. The emergency temporary standard shall serve as the proposed rule in such a proceeding and the Secretary shall promulgate the permanent standard no later than six months after publication of the emergency temporary standard.

Section 101(c)—authorizes the Secretary to grant a variance if he determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary for the operator to participate in an experiment approved by one of the Secretaries designed to improve techniques of safeguarding the health or safety of the workers.

Section 102(d)—provides that any operator may apply to the Secretary for a temporary order permitting limited non-compliance with a standard or any of its provisions promulgated under section 102. Such a temporary order shall be granted only if the operator's application meets the requirements of paragraph (2) and establishes that (a) he is truly unable to come into compliance with the standard by its effective date, (b) he is taking all available steps to safeguard his miners against the hazards covered by the standard, and (c) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under the above parargaph must prescribe the practices the operator must use while the order is in effect and describe his program for coming into compliance with the standard. A temporary order may be granted only after notice to miners and an opportunity for a public hearing but the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. A temporary order may be in effect only long enough for an employer to achieve compliance with the standard or 6 months, whichever is shorter, except that such an order may be renewed not more than twice if (i) the requirements of this subsection are met and (ii) an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect longer than 180 days.

Section 102(d)(2)—requires that an application for a temporary order contain:

(A) a specification of the standard or portion thereof from which the employer seeks a non-compliance.

(B) a representation by the employer, supported by qualified persons, that he is unable to comply with the standard or portion thereof and the detailed reasons for such inability to comply.

(C) a statement of steps he has taken and will take to protect employees against the hazard covered by the standard.

(D) a statement of when he expects to be able to comply with the standards, and what steps he has taken and will take to comply with the standard, and

(E) a certification that he has informed his employees of the application and their right to petition the Secretary for a hearing; a description of how miners have been informed shall be contained in the certification.

Section 102(e)—allows operators to apply to the Secretary for a variance from a standard promulgated under Section 102. Affected miners and their representatives must be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue a variance if he determines on the record, after opportunity for an inspection where appropriate and a public hearing, that the operator will provide conditions as safe and healthful as those which would prevail if he complied with the standard. The order of variance shall prescribe the conditions the operator must maintain and the practices he must use to the extent they differ from the standard. Such an order may be modified or revoked upon application by an operator, miners, miners' representative, or by the Secretary in the manner prescribed for its issuance.

Section 102(f)—provides that subsections (d) and (e) shall not apply with respect to any standard in effect on the effective date of the Federal Mine Safety and Health Amendments of 1973 other than the standards in sections 202(b) and (c) and 305(a) of this act.

Section 102(g)—provides that hearings held under this section shall be of record and subject to 5 U.S.C. 554.

Section 102(h)—allows persons adversely affected by a standard to challenge its validity, within 60 days of its promulgation, in the appropriate U.S. court of appeals. Unless ordered by the court, such challenge shall not operate as a stay of the standard. The Secretary's determination shall be conclusive if supported by substantial evidence in the record, as a whole.

Section 103—Advisory Committees.

Section 103(a)—allows the Secretary to appoint advisory committees to assist him in his standard setting functions under section 102(a) and advise him on other health and safety matters. Each committee shall include one or more designees of the Secretary of Health, Education, and Welfare. The National Bureau of Standards, Department of Commerce, and the National Science Foundation, operator and miner representatives in equal numbers, one or more representatives of State mine inspection or safety agencies, and may include other members qualified by knowledge and experience. Committee members from private organizations shall not exceed in number the members from Federal and State agencies. Committee meetings must be open to the public and the record thereof must be made available to the public. No committee member, except representatives of the operators and miners, shall have an economic interest in any proposed rule.

Section 103(b)—provides for the compensation for committee members from private life according to the provisions for section 3109 of title 5, United States Code for consultants or experts. The Secretary shall pay to the States the actual costs to them of their representative's membership on the Committee.

Section 104—Inspections, Investigations, and Recordkeeping.

Section 104(a)—authorizes the Secretary or the Secretary of HEW or their authorized representative upon presenting appropriate credentials to the owner, operator, or agent in charge. (1) to enter without delay and at reasonable times any mine subject to the Act and (2) to make reasonable inspections and investigations and to question privately employers, owners, operators, agents, or employees. With respect to underground mines, the Secretary is required to make inspections of the entire mine at least four times a year. No advance notice of inspections shall be given.

Section 104(b)—allows the Secretary to require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses will be paid the same as witnesses in U.S. courts. The appropriate district courts, upon application by the Secretary shall have jurisdiction over witnesses failing to appear and may issue orders requiring such appearance. Failure to obey such an order may be punished as contempt.

Section 104(c)(1)—requires each operator to maintain such records regarding his activities under the Act that the Secretary in cooperation with the Secretary of Health, Education, and Welfare prescribes as appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational accidents and illnesses in the mines, and shall make such information available to the Secretaries. Regulations issued pursuant to this paragraph may include provisions requiring operators to conduct periodic inspections.

Section 104(c)(2)—provides that the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall require operators to maintain records of and make periodic reports on work-related deaths, injuries, and illnesses except for minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness restriction of work or motion, or transfer to another job in the mines.

Section 104(c)(3)—requires the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, to issue regulations requiring operators to maintain records of miner exposures to potentially toxic or harmful physical agents that must be monitored or measured under the Act's health and safety standards. The regulations are to give miners or their representatives an opportunity to observe the monitoring or measuring and to give miners and former miners access to such records of individual exposure. Operators are to notify miners of overexposure and shall inform overexposed miners of the corrective action being taken. Any miner transferred due to such exposure shall receive compensation at not less than the rate he received immediately prior to his transfer.

Section 104(c)(4)—provides that all accidents, except some unintentional roof falls, shall be investigated by the operator or his agent to determine the cause and means of preventing recurrence. Records of accidents and investigations shall be maintained and made available to the Secretary and the appropriate State agency. Such records shall be open for inspection by interested persons.

Section 104(d)—requires that information obtained under the Act must be obtained with a minimum burden upon operators, especially those operating small businesses. Unnecessary duplication of effort in obtaining information is to be reduced as much as possible.

Section 104(e)—provides that subject to regulations issued by the Secretary a representative of the operators and a representative of the miners shall be given an opportunity to accompany the inspecting official during the inspection of a mine under section 104(a). Where there is no authorized miner representative the inspector shall consult with a reasonable number of miners. If he determines more than one representative from each party would aid the inspection, the inspector may permit each party equal number of additional representatives. A miner representative who is also employed by the operator shall not lose pay for his participation in the inspection. Compliance with this subsection shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

Section 104(f)(1)—provides that if any miner or their representative believe that a standard violation exists that threatens physical harm or that an imminent danger exists, he may request an inspection by giving written notice with his signature to the Secretary or his authorized representative of such violation or danger. A copy of such notice shall be provided to the employer or his agent no later than at the time of inspection but upon request, the name of the person giving such notice and miners referred to therein shall be deleted.

If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, he shall make a special inspection as soon as practicable. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, he shall so notify in writing the miners or their representative.

Section 104(f)(2)—provides that prior to or during any inspection any miners or their representative may notify the federal inspector, in writing, of any violation of this Act or imminent danger they believe exists. The Secretary shall, by regulation, establish informal review procedures for any refusal by an inspector to issue a citation with respect to such alleged violation or order with respect to such danger and shall furnish the miners or their representative requesting such review a written statement of the reasons for his final disposition of the case.

Section 104(g)(1)—authorizes the Secretary and the Secretary of Health, Education and Welfare to publish information obtained under this section.

Section 104(g)(2)—provides that the Secretary and the Secretary of Health, Education, and Welfare shall each prescribe regulations necessary to carry out their responsibilities under this Act.

Section 104(h)—requires the Secretary to provide a minimum of one spot inspection of all or part of a mine during every 5 working days at irregular intervals, if the mine contains some especially hazardous conditions.

Section 104(i)—provides that if there is a mine accident, the operator shall notify the Secretary and preserve any evidence that would aid an investigation of the cause. The Secretary may supervise rescue and recovery activity in such mine, if such activity is necessary, and take other appropriate action to preserve life.

Section 104(j)—provides that if there is a mine accident, and the Secretary's representative is present, he may issue appropriate orders to insure the safety of persons in the mine, and the operator must obtain his approval, in consultation with appropriate State representatives, when feasible, of any recovery plan or plan to return affected areas to normal operation.

Section 105—Citations and Orders.

Section 105(a)(1)—provides that if, upon inspection or investigation, the Secretary or his representative believes an operator has violated any standard, rule, order or regulation pursuant to this Act, he shall with reasonable promptness issue a citation to the operator. The citation shall be written, describe with particularity the nature of the violation, and fix a reasonable time for the violation's abatement.

Section 105(a)(2)—provides that if a citation is issued under paragraph (1) for a violation the Secretary believes was committed willfully or with gross negligence and which subjected miners to an imminent danger, the citation shall include such charge with a specific description of the danger involved.

Section 105(b)—provides that if upon any follow-up inspection, the Secretary's representative finds (1) the cited violations have not been totally abated within the original or subsequently extended abatement period, and (2) the abatement period should not be further extended, he shall find the area affected by the violation and promptly issue an order requiring the operator to withdraw from the affected area all persons (until the Secretary's representative determines the violation has been abated), except the following:

(1) Any person whose presence is necessary to eliminate the danger, in the judgment of the operator or the Secretary's representative,

(2) Any public official whose official duties require his presence, or

(3) Any legal or technical consultant or representative, qualified to make mine examinations or accompanied by such a person, and whose presence is necessary for the proper investigation of the conditions described in the order, in the judgment of the operator or the Secretary's representative.

Section 105(c)(1)—provides that if an inspector finds a standard violation that could significantly contribute to the cause and effect of a mine health or safety hazard and which is caused by an unwarranted failure of the operation, he shall issue an order withdrawing all persons, except those referred to in section 105(b) from the affected area until the Secretary's representative determines that the violation has been abated.

Section 105(c)(2)—provides that if a withdrawal order has been issued pursuant to section 105(c)(1), a withdrawal order shall be issued by the Secretary's representative who finds other unwarranted violations. The order shall be effective until an inspection discloses no similar violations. Following such an inspection the provisions of section 105(c)(1) shall again be applicable to the affected mine.

Section 105(d) requires that during the abatement period for a violation of the respiratory dust concentration limit, the operator must take samples described in section 202(a) during each production shift. The section also provides that after a withdrawal order has been issued for failure to abate a violation of the respirable dust concentration limit, the Secretary, upon request of the operator, shall provide technical assistance to aid in reducing such dust concentrations. Those persons sent by the Secretary may require the operator to take actions they deem appropriate to insure the health of persons in the mine.

Section 105(e) requires that each citation or order or copy thereof issued under this section must be posted in accordance with section 110 and as prescribed by the Secretary's regulations.

Section 105(f) provides that no citation may be issued under this section after 6 months following any violation.

Section 105(g) provides that any order issued under sections 105(b) or (c) is effective until revoked by the Secretary or modified or vacated by the Commission or the courts pursuant to sections 106(c) or 107(a).

Section 105(d)—requires that during the abatement period for a violation of the respiratory dust concentration limit, the operator must take samples described in section 202(a) during each production shift. The section also provides that after a withdrawal order has been issued for failure to abate a violation of the respirable dust concentration limit, the Secretary, upon request of the operator, shall provide technical assistance to aid in reducing such dust concentrations. Those persons sent by the Secretary may require the operator to take actions they deem appropriate to insure the health of persons in the mine.

Section 105(e)—requires that each citation or order or copy thereof issued under section 110 and as prescribed by the Secretary's regulations.

Section 105(f) provides that no citation may be issued under this section after 6 months following any violation.

Section 105(g) provides that any order issued under sections 105(b) or (c) is effective until revoked by the Secretary or modified or vacated by the Commission or the courts pursuant to sections 106(c) or 107(a).

Section 106. Procedures for Enforcement.

Section 106(a)—requires the Secretary to notify within a reasonable time an operator issued a citation under section 105(a)(1) of any penalty to be assessed under section 111(a) and that the operator has 15 working days to notify the Secretary that he wishes to contest the citation or proposed penalty. If the citation contains a charge under section 105(a)(2), the Secretary's notification shall include a proposed civil penalty closure order under section 111(c) in addition to the proposed civil monetary penalty.

If the operator fails to notify the Secretary within the 15 workings days that he intends to contest the citation or proposed penalty or penalties and if no notice is filed by any miner or miner representative under subsection (c) within such time, the citing penalty or penalties as proposed shall be deemed a final order of the Commission and not subject to review by any court or agency.

Section 106(b)—provides that if the Secretary believes an employer has failed to correct a cited violation within the abatement period (which period begins on the entry of the Commission's final order in the case of any review proceedings under this section initiated in good faith and not solely for delay) the Secretary shall notify the operator of such failure, of the proposed penalty under section 111 for that failure, and that the operator has 15 working days to contest the notification or proposed penalty. If the operator does not so notify the Secretary within the 15 working days, the notification and proposed assessment shall be deemed a final order of the Commission and not subject to review by any court or agency.

Section 106(c)(1) prohibits discharging, discriminating against, or interfering with the exercise of statutory rights by any mine employee or applicant for employment because he filed a complaint or instituted or caused to be instituted any proceeding under or related to this Act or testified or is about to testify in any such proceeding or exercised for himself or others any statutory right afforded by this Act.

Section 106(c)(2) authorizes any mine employee or applicant who believes that he has been discharged or otherwise discriminated against or interfered with by any person in violation of this subsection to, within 30 days after such violation, file a complaint with the Secretary, who shall then make any appropriate investigation. If upon such investigation, the Secretary determines there has been such violation, he shall immediately file a complaint with the Commission. The Commission shall afford an opportunity for a hearing and based on findings of fact issue an order affirming, modifying, or vacating the Secretary's proposed order or directing other appropriate relief. Such order is final 30 days after its issuance. The Commission shall have the authority to order all appropriate relief including rehiring or reinstatement of the miner to his former position with back pay and interest.

Section 106(c)(3) requires the Secretary within 90 days of the receipt of a complaint filed under this subsection, to notify the complaintant of his determination whether a violation has occurred. If the Secretary determines there is no violation the complaintant may file, within 30 days of such notice, before the Commission charging discrimination under paragraph (1). The Commission shall afford an opportunity for a hearing and thereafter shall issue an order dismissing or sustaining the complaintant's charges and if sustained, granting appropriate relief. Such an order becomes final 30 days after its issuance. When such order sustains the miner's charges, all reasonable expenses (as determined by the Commission) incurred by the miner related to such proceedings shall be assessed against the violator. Proceedings under this section shall be expedited by the Secretary and the Commisison. A Commission order under this paragraph shall be subject to judicial review under section 107. Violations by any person of paragraph (1) shall be subject to the provisions of sections 109 and 111(a).

Section 106(d)—provides that if an operator notifies the Secretary that he intends to contest a citation, or order under section 105 an employee or employee representative alleges that the abatement period for a cited violation is unreasonable, the Secretary shall immediately so advise the Commission. The Commission must then provide an opportunity for a hearing and thereafter issue an order affirming, modifying, or vacating the Secretary's citation, order, or proposed penalty or directing other appropriate relief. Such an order becomes final 30 days after its issuance.

The rules of procedure prescribed by the Commission shall provide affected miners or their representatives an opportunity to participate as parties to Commission hearings under this subsection. The Commission shall take whatever action is necessary to expedite proceedings for hearings appeals of orders issued under section 105.

Section 107. Judicial Review.

Section 107(a)—permits any person adversely affected or aggrieved by an order of the Commission issued under this Act to obtain review of such order or decision in any appropriate U. S. Court of Appeals by filing a written petition within 60 days of the issuance of the order. The subsection specifies that procedures to be followed after a petition for review is filed, including:

(1) The clerk of the court transmits a copy of the petition to the Commission and other parties.

(2) The Commission files in court the proceeding record pursuant to 28 United States Code 2112 and the court shall then have exclusive jurisdiction.

(3) The court is authorized to grant appropriate temporary relief or restraining orders and may enter and enforce a decree affirming, modifying, or setting aside in whole or in part the Commission's order.

(4) Unless ordered by the court, the commencement of proceedings shall not stay the Commission's order.

(5) Objections not urged before the Commission will not be considered by the court unless the failure to urge such objection is excused because of extraordinary circumstances. The Commission's findings of fact shall be conclusive when supported by substantial evidence on the record as a whole.

(6) Any party may apply for leave to adduce additional evidence and if such evidence is material and there were reasonable grounds for not adducing such evidence before the Commission, the court may order the evidence taken before the Commission and made part of the record. The Commission may then modify its findings of fact or make new findings and shall file such findings, which shall be conclusive if supported by substantial evidence on the record as a whole. The Commission may modify or set aside its original order due to such modified or new findings of fact.

(7) The judgment and decree of the court shall be final except subject to review by the Supreme Court of the United States, pursuant to 28 United States Code 1254.

(8) Petitions filed under this subsection shall be heard expeditiously.

Section 107(b)—permits the Secretary to petition an appropriate United States Court of Appeals for review or enforcement of the Commission's final order and to the extent applicable, the provisions of section 107(a) shall govern such proceedings. If no review petition, pursuant to section 107(a) is filed within 60 days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any enforcement petition filed by the Secretary after such 60 day period. In any such case or final order of the Commission under section 106(a) or (b), the clerk of the court, unless otherwise ordered by the court, shall enter a decree enforcing the order and transmit copies to the Secretary and operator. In any contempt proceeding to enforce a court of appeal's decree pursuant to section 107(a) and (b), the court of appeals may assess penalties provided in section 11 and other available remedies.

Section 108. Procedures to Counteract Dangerous Conditions.

Section 108(a)—provides that if upon any inspection or investigation, the Secretary's representative finds an imminent danger exists, he shall determine the affected area and issue a withdrawal order barring all persons except those referred to in section 105(b) from such area. The issuance of an order under this subsection shall not preclude the issuance of a citation under section 105 or the proposing of a penalty under section 111.

Section 108(b)(1)—provides that if upon any inspection, the Secretary's representative finds (A) conditions exist which have not resulted in an imminent danger, (B) such conditions cannot be effectively abated with existing technology, and (C) reasonable assurance cannot be provided that continued mining will not result in an imminent danger, he shall determine the affected area, and issue a notice to the operator or his agent of such conditions, and file a copy with the Secretary and miners' representative. Upon receipt of such copy, the Secretary shall make appropriate investigations, including an opportunity for the operator or miners' representative to present information relating to such notice.

Section 108(b)(2)—provides that upon conclusion of such investigation and an opportunity for a public hearing (when requested by an interested party), the Secretary shall make findings of fact, and by decision either cancel the notice or issue a withdrawal order barring all persons from the affected area except those referred to in section 105(b), until the Secretary, after a public hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated. Hearings under this paragraph shall be of record and subject to 5 United States Code 554 but without regard to Subsection (a)(3).

Section 108(c) requires findings and orders issued under section 108(a) to contain a detailed description of the conditions which constitute an imminent danger, and all orders issued under this section to contain a description of the area of the mine throughout which persons must be withdrawn.

Section 108(d)—requires that each finding made and order issued under this section be in writing, signed by the person making them, and given promptly to the affected operator. Any order issued pursuant to sections 108 (a) or (b) may be annulled, canceled, or revised by the Secretary's representative. Any order issued under sections 108 (a) or (b) shall remain in effect until annulled by the Secretary or revised or canceled by the Commission or the courts pursuant to sections 108(e) or 107(a).

Section 108(e)—provides that any operator notified of an order under this section may apply to the Commission within ten days for its annulment or revision. The Commission shall afford an opportunity for a hearing (in accordance with 5 United States Code 554, but without regard to subsection (a)(3) of such section) and thereafter issue an order, based on findings of fact, vacating, affirming, modifying, or terminating the Secretary's order.

Section 108(e)(2)—provides that the Commission shall take appropriate action to expedite proceedings under this subsection.

Section 109. Injunctions.

Section 109(a)—authorizes the Secretary to institute civil action for relief, including a permanent or temporary injunction or any appropriate order, in any appropriate United States district court whenever an operator or his agent (a) violates or does not comply with any order or decision issued under this Act, (b) hinders the Secretary or the Secretary of Health, Education, and Welfare or their representatives in carrying out the provisions of the Act, (c) refuses to admit such representatives to the mine, (d) refuses to permit the inspection of the mine, or the investigation of an accident or occupational disease related to such mine, (e) refuses to furnish any information or report requested by the Secretary or the Secretary of Health, Education, and Welfare in furtherance of the Act's provisions, or (f) refuses to permit access to and copying of such records as the Secretary or the Secretary of Health, Education, and Welfare determine necessary in carrying out provisions of the Act. Each court shall have jurisdiction to provide appropriate relief. Temporary restraining orders must be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended, but seven days from the date of entry shall be the time limit when issued without notice. Except as otherwise provided, relief granted by the court to enforce an order under clause (a) of this section is effective until completion of all review proceedings for the order under this title, unless prior thereto, the district court granting such relief sets it aside or modifies it. In any action instituted under this section to enforce an order or decision by the Commission or the Secretary after a public hearing in accordance with 5 United States Code 554, the Commission's or Secretary's findings, if supported by substantial evidence on the record as a whole, shall be conclusive.

Section 110. Posting of Notices, Orders, and Decisions.

Section 110(a)—requires that at each mine there be a mine office and a bulletin board at such office or at or near a conspicuous place near the mine entrance so that notices, order, citation, or decision required to be posted thereon and easily seen, and protected against damage by the weather and unauthorized removal. A copy of any notice, order, citation, or decision required to be given to the operator must be delivered to the mine office and immediately posted on the bulletin board. for not less than 30 days.

Section 110(b)—requires the Secretary to mail a copy of any notice, order, citation or decision required to be given to an operator to the affected miners' representatives, the States official or agency that administers State laws relating to health or safety in the affected mine. Such notice, order, citation, or decision shall be available for public inspection.

Section 110(c)—provides that in order to insure prompt compliance, the Secretary's representative may deliver any notice, order, citation, or decision to the operator's agent who shall immediately take appropriate measures to comply.

Section 110(d)—requires the name and address of each mine and each person who controls or operates such mine to be filed with the Secretary. Each operator must designate an official responsible for health and safety at the mine and that official shall receive copies of any notice, order, citation, or decision affecting that mine. The designation of a health and saftey official does not make him subject to any penalty under this Act.

Section 111. Penalties.

Section 111(a)—provides that a civil penalty of up to $10,000 shall be assessed for each violation of any standard, rule, order or regulation promulgated pursuant to this Act.

Section 111(b) provides that an operator who fails to correct a violation cited under section 105(a) within the abatement period (which period shall not begin until the date of the Commission's final order in any review proceeding under section 106 initiated by the operator in good faith and not soley for delay or avoidance of penalties) may be assessed a maximum civil penalty of $1,000 for each day the violation continues.

Section 111(c) provides that whenever a corporate operator violates any standard, rule, order, or regulation promulgated pursuant to this Act, any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation shall be subject to the same civil penalties, fines, and imprisonment, that may be imposed upon a person under subsections (a), (b), (e), (f), or (g).

Section 111(d) provides that any operator who willfully, or with gross negligence violates any standard under this Act and thereby subjects miners to imminent danger, shall be subject to a civil penalty close order by the Commission which shall:

(i) order the mine closed for minimum specified period not to exceed 30 working days,

(ii) provide that the mine not be reopened except upon a subsequent order and finding by the Commission that no unabated safety or health violations exist at such mine (except those for which the abatement period has not expired), and

(iii) provide that during the period of closure the operator shall pay the miners at their regular hourly rates, except miners found by the Commission to have willfully or with gross negligence contributed to the violation which gave rise to the closure order.

Section 111(e) provides that any operator who willfully violates any standard, rule, order, or regulation promulgated pursuant to this Act shall upon conviction be punished by a fine of not more than $25,000 or imprisonment for not more than 1 year, or both. For any subsequent conviction, punishment shall be a fine of not more than $50,000 or imprisonment for not more than 5 years, or both.

Section 111(f) requires that, upon conviction, any person giving advance notice of any inspection be punished by a fine of not more than $1,000 or imprisonment for not more than 6 months, or both.

Section 111(g) provides that whoever knowingly makes false statements, representations, or certifications in any document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $1,000 or imprisonment for not more than 6 months, or both.

Section 111(h) provides that any operator who violates any of the posting requirements under the Act shall be assessed a civil penalty of up to $1,000 for each violation.

Section 111(i) provides that any miner who willfully violates smoking related safety standards shall be subject to a civil penalty of not more than $250 for each violation assessed by the Commission.

Section 111(j) provides that whoever knowingly distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use in a mine, which is represented as complying with the provisions of this Act, or with any specification or regulation of the Secretary and which does not so comply, shall upon conviction be punished by a fine of not more than $25,000 or by imprisonment for not more than one year, or by both.

Section 111(k) authorizes the Commission to assess all civil penalties and to issue all civil penalty closure orders provided in this Act, giving consideration in assessing civil monetary penalties to (a) the gravity of the violation, (b) the good faith of the person charged, (c) the history of previous violations, and (d) the appropriateness of the penalty with respect to the size of business of any operator being charged.

Section 111(l) provides that civil penalties owed under this Act shall be paid to the Secretary for deposit into the U.S. Treasury, shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the appropriate United States district court.

Section 112. Entitlement of Miners.

Section 112(a)—provides that if a mine or an area of a mine is closed by an order issued under sections 105 or 108, all miners working during the shift when the order was issued who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but not more than the balance of the shift. If the order is not terminated before the next working shift, all miners on that shift shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but not more than four hours. If the closure results from an order for failure of the operator to comply with a health or safety standard, all miners idled by the order shall be fully compensated by the operator at their regular rates of pay for such time as they remain idled by the closing or for one week, whichever is lesser. When an operator fails to comply with an order issued under section 105 or 108, all miners employed at the affected mine who would, by such order, be barred from such mine or area thereof shall be entitled to full compensation at their regular rates of pay, in addition to pay received for work performed after the order was issued, for the period beginning when the order was issued and ending when the order is complied with, vacated, or terminated. The Commission shall have authority to order such compensation under this section when a miner or his representative files a complaint and after an opportunity for a hearing subject to 5 USC 554.

Section 113. Administrative Provisions.

Section 113(a) authorizes and directs the Secretary to administer this Act through the Administration. Acting through the Administration, the Secretary shall have authority to appoint, subject to civil service laws, such officers and employees as he deems necessary for the administration of this Act, and to prescribe powers, duties, and responsibilities of all officers and employees engaged in administering this Act.

Section 113(b) authorizes the Solicitor of Labor to appear for and represent the Secretary in any civil litigation brought under this Act, except as provided in 28 U.S. Code 518(a) relating to litigation before the Supreme Court.

Section 114. Authorization of Appropriations.

Section 114—authorizes appropriations of any moneys in the Treasury not otherwise appropriated that may be necessary to carry out the provisions of this title.

Section 201. Amendments with respect to Interim Mandatory Health Standards.

Section 201(a)(1)—makes all mines covered by this Act subject to the interim mandatory health standards of section 201 (a).

Section 201(a)(2)—applies to all mines subject to this Act the purpose of Title II, established in section 201(b).

Section 201(b) applies the dust standard and respiratory equipment requirements of section 202 to all mines subject to the Act.

Section 201(c)—applies the medical examination requirements of section 203 to all mines covered by this Act.

Section 201(d)—applies the dust standard when quartz is present of section 205 to all mines covered by the Act.

Section 201(e)—applies the noise standard of section 206 to all mines subject to this Act.

TITLE III—RELATIONSHIP TO OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Section 301. Applicability of the Occupational Safety and Health Act of 1970. This section provides that nothing in this Act applies the provisions of the Occupational Safety and Health Act of 1972 to the working conditions in the mines.

Section 302. The Occupational Safety and Health Review Commission.

Section 302(a)—increases the Commission from 3 to 5 members appointed by the President with the Senate's consent, one of whom shall be designated by the President as Chairman. The two additional members shall be qualified by reason of training, education, or experience in mine safety and health. Not more than 3 commissioners, including the Chairman, shall be of the same political party.

Section 302(b)—provides that the terms of the 2 additional members shall be 6 years except—

(1) the first 2 additional members taking office after this Act's enactment shall serve, as redesignated by the President at the time of appointment, one for 2 years and one for 6 years; and

(2) a vacancy prior to the expiration of the term for which such member was appointed shall be filled only for the remainder of such unexpired term.

Any such member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(3) the Chairman shall be responsible for the Commission's administrative operations.

The Commission shall appoint such employees as it deems necessary including a chief administrative law judge and other necessary administrative law judges. Employee compensation shall be in accordance with chapter 51 and subchapter III of chapter 53 of title 5, U.S.C. and assignment, removal, and compensation of administrative law judges shall be in accordance with sections 3105, 3344, 5362, and 7521 of the same title and section 12(k) of this Act.

Section 302(c)—provides that 3 members of the Commission constitute a quorum and official action can be taken only on the affirmative vote of at least three members, except pursuant to rules the Commission may establish for proceedings arising under this Act, the Commission may fix a quorum at 2 members. In any review by the Commission or upon any petition for review before it, an equally divided vote shall be an affirmative of the order or decision being reviewed or for which review is asked.

Section 302(d) (1)—provides that pursuant to rules the Commission may establish proceedings held under this Act may be held before a special mine safety panel established in the Commission, composed of both members especially qualified in mine safety and health and one additional member.

Section 302(d) (2)—authorizes the Commission to expedite the proceedings held pursuant to this Act in ways consistent with the rights of the parties to an opportunity for a hearing.

Section 302(e) (1) provides that the Commission shall appoint an administrative law judge to hear matters under this Act and the Occupational Safety and Health Act of 1970 assigned to him by the Commission or its chief administrative law judge. The decisions of the administrative law judge become the final Commission order 30 days after its issuance unless within such period the Commission directs the decision to be reviewed by the Commission pursuant to paragraph (2) of this subsection. An administrative law judge shall not be assigned to prepare a recommended decision under this Act or under the Occupational Safety and Health Act of 1970.

Section 302(e) (2) directs the Commission to prescribe rules of procedures for its review of the administrative law judges' decisions in cases under this Act and the Occupational Safety and Health Act of 1970 which shall meet the following standards for review:

(i) (a) Petitions for Discretionary Review—Within 30 days of its issuance, any party may file a petition for discretionary review by the Commission of an administrative judge's decision. Such review is not a matter of right but of the Commission's sound discretion.

(i) (b) Such petitions shall be filed only upon one or more of the following grounds:

(1) A finding or conclusion of material fact is not supported by substantial evidence.

(2) A necessary legal conclusion is erroneous.

(3) The decision is contrary to law, or to the Commission's promulgated rules and decisions.

(4) A substantial question of law, policy, or discretion is involved.

(5) A prejudicial error was committed in the proceedings.

(i) (c) Indicates some technical requirements of such petitions. Also, except for good cause shows no assignment of error shall rely on questions of fact or law upon which the administrative law judge has not had opportunity to pass. The Commission's review shall be granted by majority vote of those present and voting. If granted review shall be limited to questions raised by the petitioner.

(ii) Review by the Commission at its own Initiative—Within 30 days after the issuance of a decision of an administrative law judge, the Commission, by majority vote of those present and voting, may review such case but only on the grounds that the decision may be contrary to law or Commission policy or that a novel question of policy has been presented. Such grounds shall be specifically in the order to review. If a party's petition for discretionary review has been granted, the Commission shall not raise or consider additional issues in such review proceedings except in compliance with this paragraph.

(iii) Scope of Review—For purposes of Commission review under paragraphs (i) or (ii) of this subsection, the record shall include (1) all matters constituting the record upon which the decision of the administrative law judge was based, (2) rulings upon proposed findings and conclusions, (3) the decision of the administrative law judges, (4) any petition for discretionary review, responses thereto, and the Commission's order for review, and (5) briefs filed on review. No other material shall be considered by the Commission upon review. The administrative law judge's findings and conclusions of fact shall be set aside only if unsupported by substantial evidence of record. The commission may remand the case to the administrative law judge or affirm, set aside, or modify his decision or order.

Section 302(f) provides that in hearings before them, the Commission or its administrative law judge may compel the appearance and testimony of witnesses and the production of physical evidence. They may order depositions. In case of failure to obey such subpena or order of the Commission or an administrative law judge, any appropriate U.S. district court, upon application by the Commission or the Administrative law judge, may order such person to appear, testify, or produce evidence and failure to obey such an order may be punished as contempt.

Section 302(g) provides that except as specifically provided in this section, the provisions of section 12 of the Occupational Safety and Health Act of 1970 with respect to the Commission shall continue in effect.

Section 303. National Institute for Occupational Safety and Health. This section authorizes the National Institute for Occupational Safety and Health established under section 22 of the Occupational Safety and Health Act of 1970 to conduct research related to the development of safety and health standards under this Act and to perform all functions with respect to mines that it performs with respect to employments subject to the Occupational Safety and Health Act of 1970.

Section 304. Statistics. This section provides that the Secretary in carrying out his functions under section 24 of the Occupational Safety and Health Act of 1970 shall include accurate statistics on the work injuries and illness occurring in the mines.

Section 305. Sand and Gravel Mines. This section provides that nothing in this Act prohibits the application of the Occupational Safety and Health Act of 1970 to sand and gravel mines.

Section 306. Terms of Present Members of the Review Commission. This section provides that nothing in this title shall effect the terms of the members of the Commission serving on the date of enactment of this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

Section 401. Transfer Matters.

Section 401(a)—transfers the functions of the Secretary of the Interior under the Federal Coal Mine Health and Safety Act of 1969, and the Federal Metallic and Nonmetallic Mine Safety Act of 1966 to the Secretary of Labor, except those expressly transferred to the Commission by this Act.

Section 401(b) (1)—provides that the mandatory and advisory standards relating to mines, issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act of 1966 and standards under the Federal Coal Mine Health and Safety Act of 1969 which are in effect on the date of enactment of this Act shall remain in effect as mandatory standards under Title I of this Act until the Secretary issues news or revised standards under that Title, or with respect to sand and gravel standards, are issued by the Secretary under Section 6 of the Occupational Safety and Health Act of 1970.

Section 401(b) (2) provides that all interpretations, regulations, and instructions of the Secretary of the Interior or the Director of the Bureau of Mines, in effect on the date of enactment of this Act and not inconsistent with any provision of this Act or any amendment made by this Act, shall be published in the Federal Register and shall continue in effect until modified or superseded in accordance with the provisions of this Act.

Section 401(c) (1)—transfers to the Department of Labor all personnel, property, records, obligations, unexpended balances of appropriations, and commitments which are used primarily with respect to any transferred function under section 401(a). The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Secretary shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to him under this Act.

Section 401(c) (2)—provides that all orders, decisions, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section and (B) which are in effect when this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, the Commission, any court of competent jurisdiction, or operation of law.

Section 401(c) (3)—provides that the provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department or agency, functions of which are transferred by this section; except that such proceedings as they relate to transferred functions, shall be continued before the Secretary or the Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, the Commission, a court of competent jurisdiction, or operation of law.

Section 401(c) (4)—provides that the provisions of this section shall not affect suits commenced prior to this section's effective date and in all such suits proceedings shall be had, appeals taken, and judgments rendered, as if this section had not been enacted; except that if before this section's effective date, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Secretary, then such suit shall be continued by the Secretary. No cause of action, and no suit action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of this section's enactment. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States or the

Secretary as appropriate and in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

Section 401(d)—provides that for purposes of this section, the term "function" includes power and duty, and the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any office or officer of such agency or department.

Section 402. Mine Administration for Safety and Health.

Section 402(a)—establishes in the Labor Department, a Mine Administration for Safety and Health to be headed by an Administrator appointed by the President, with the Senate's advice and consent. The Secretary is authorized and directed to carry out his functions under this Act through the Administration.

Section 402(b) amends 5 United States Code 5315 by adding "(98) Administrator of the Mine Administration for Safety and Health" to Level IV of the Executive Schedule.

Section 403. Amendments with Respect to Mine Administration for Safety and Health.

Section 403(a)(1) applies the research provisions of section 501(a) to all mines covered by this Act.

Section 403(a)(2) amends section 501(b) such that research activities relating to mine health will be carried out by the Secretary of Health, Education, and Welfare through the National Institute for Occupational Safety and Health, and the Secretary's research activities relating to safety are extended to all mines now covered by this act.

Section 403(a)(3) extends to all mines covered by this Act, the Secretary of Health, Education and Welfare's authorization under section 501(d) to conduct studies and research involving the protection of life and prevention of diseases relating to certain non-miners who work with or around mine products.

Section 403(b) extends the training and education provisions of section 502 to all mines now covered by the Act.

Section 403(c)(1) amends section 503(a) to authorize the Secretary in coordination with the Secretary of Health, Education, and Welfare to make grants to any State in which mining takes place.

Section 403(c)(2) applies the criteria for approval of State grant applications to all mines now covered by this Act.

Section 403(d)(1) expands the exchange of State and Federal inspection reports provided for in section 503(i) to include inspection reports of all mines covered by this Act.

Section 403(d)(2) extends to any mining State the 80 percent limit on State grants in any fiscal year provided for in section 503(g).

Section 403(e) revises the qualifications for mine inspectors under section 505 to include practical experience in mining in lieu of "practical experience in the mining of coal."

Section 403(f) amends section 506(b) such that any State law or regulation providing for health and safety standards applicable to any mine now covered by this Act and that (1) are more stringent than Federal law, or (2) apply to any area not covered by Federal law, shall not be held to be in conflict with this Act.

Section 403(g)(1) amends section 511(a) such that the Secretary's annual report shall cover health and safety relating to all mines now covered by this Act.

Section 403(g)(2) amends section 511(b) such that the annual report of the Secretary of Health, Education, and Welfare shall cover health matters relating to all mines covered by this Act.

Section 403(h) amends section 7(b)(5) of the Small Business Act such that appropriate loans are available to small business concerns that operate any mine subject to this Act.

Section 404. Savings Provision.

This section provides that nothing in this Act or the amendments made by this Act shall be construed to reduce the number of inspectors enforcing the provisions of the Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act of 1966 as in effect prior to the effective date of this Act or to reduce the number of inspectors enforcing the Occupational Safety and Health Act of 1970.

Section 405. Budget Provision.

This section provides that in the preparation of the Budget message required under section 201 of the Budget and Accounting Act of 1927, the President shall set forth as separate appropriation accounts amounts required for appropriation for mine health and safety pursuant to this Act and for occupational safety and health pursuant to the Occupational Safety and Health Act of 1970.

Section 406. Repealer.

This section repeals the Federal Metal and Nonmetallic Mine Safety Act of 1966.

Section 407. Effective Date.

This section establishes the effective date of this Act and the amendments made by this Act as the first day of the second month after the date of enactment of this Act, except that the Secretary is authorized to establish rules and regulations necessary for the efficient transfer of functions provided under this Act.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1973

Mr. JACKSON. Mr. President, I wish to commend the distinguished Senator from New Jersey for authoring and for introducing the Federal Mine Safety and Health Amendments Act of 1973. It is a real pleasure to join with the Senator from New Jersey in sponsoring this measure. The transfer of all mine health and safety enforcement functions from the Bureau of Mines to the Department of Labor is a welcome measure, for it separates the regulatory mine inspection responsibilities from the production oriented missions of the Bureau.

After the Fourth of July recess I will be introducing the administration's proposal to reorganize the Department of the Interior and the Atomic Energy Commission, among others, into a Department of Energy and Natural Resources. I intend to amend this bill when it is considered by the Government Operations Committee to provide for the transfer of the mine health and safety regulatory functions of the Bureau of Mines to a newly created Mine Safety and Health Administration in the Labor Department.

The creation of the Department of Energy and Natural Resources provides a perfect opportunity for the long overdue separation of the regulatory and promotional functions of both the Bureau of Mines and the Atomic Energy Commission.

By Mr. BUCKLEY (for himself and Mr. JAVITS):

S. 2118. A bill to modify the project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, N.Y., and for other purposes. Referred to the Committee on Public Works.

Mr. BUCKLEY. Mr. President, the purpose of the bill which my colleague, Senator JAVITS, and I are introducing today is quite modest. We merely intend to clarify the authority of the Chief of Engineers of the Department of the Army with respect to a project for the protection of Rockaway Beach, N.Y., which was originally approved by the Congress under the Flood Control Act of 1965. The project, as originally contemplated, combined two distinct purposes—beach erosion control and protection from hurricane flooding. However, as the planning proceeded it became evident that, in order to assure that the project would not threaten the water quality of Jamaica Bay, which is protected from the Atlantic Ocean by the beach itself, further studies of the hurricane—flood protection aspect must be undertaken.

This would effectively delay what is agreed by most observers as the more urgent aspect of the project—the prevention of further erosion of Rockaway Beach through the constant tidal and wave action of the Atlantic Ocean. The bill we have introduced today makes legally clear the authority of the Army Corps of Engineers to commence with the beach erosion control aspect of the authorized project whenever the environmental impact analysis for that aspect has been completed; the work on the hurricane-flood protection aspect would follow when the applicable environmental analyses and redesign were finalized.

It is my understanding that the two aspects of the project are physically separable and that their respective environmental impacts are also separable. Thus there would be no harm in proceeding with the one while continuing study of the other.

I believe the early completion of the project for the control of erosion of Rockaway Beach is an important contribution to the welfare of the many thousands of New Yorkers who utilize the beach for summertime recreation. The opportunities for this kind of recreation are very limited in relation to the millons of people who potentially benefit from its use. We cannot afford, year after year, to watch the disappearance of this small, but exceptionally valuable recreation resource.

As a member of the Water Resources Subcommittee of the Public Works Committee, I shall seek the cooperation of my colleagues for the inclusion of the authority provided in this bill into the river basins authorization bill now under consideration in our committee. In this way, we may assure its early approval by the Congress.

Mr. JAVITS. Mr. President, the Rockaway Beach area of New York City has suffered such extreme erosion in the past few years that a 14-block area of the city-owned beach is now unusable. In 1965 Congress authorized a combined beach erosion and hurricane-flood protection project for the Rockaways and Jamaica Bay. Unfortunately, ongoing studies for the multiple purpose project will not be completed until May, 1975, by which time the continuing erosion may well have eliminated even more extensive stretches of beaches and have caused serious and irreparable damage to the seawall, roadbeds, sewer systems and the boardwalk itself. The fact that these beaches accommodate over 2 million beach users per season and are reachable by subway from all of New York City is evidence of the impact which this problem presents on a purely human level.

In order to deal with this increasingly serious problem, the State of New York and city of New York have submitted a request to the Corps of Engineers to phase the two aspects of the project, that is, beach erosion and hurricane-flood protection, and to proceed immediately with the beach erosion aspect. The corps has indicated that it is feasible to phase the two aspects and merely requires a change in the authorization to permit them to go ahead.

Senator BUCKLEY and I are therefore joining with the 29 members of the New York House delegation in introducing a bill to provide for a modification in the authorization to authorize the corps to commence work on the beach erosion control aspect of the project, independently of the hurricane-flood protection aspect.

This bill further provides that construction of the beach erosion control aspect may be commenced following the completion of environmental studies regarding that aspect—conducted pursuant to the National Environmental Policy Act—and that nothing contained in this bill shall increase or reduce the percentage of total costs of the entire project to be contributed by the affected non-Federal interests.

Mr. President, the need for this legislation is in human terms as well as urgent need to protect the immediate environs from the threatening seas. I hope that early consideration of this measure in the Public Works Committee will enable a construction start on this beach erosion project promptly.

By Mr. HELMS:

S.J. Res. 130. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn, the ill, the aged, or the incapacitated. Referred to the Committee on the Judiciary.

Mr. HELMS. Mr. President, I introduce today a proposed amendment to the U.S. Constitution which would guarantee to every human being that he not be deprived of life without due process of law, nor be denied the equal protection of the laws.

An amendment to the Constitution is not something to be undertaken lightly, or to be interposed every time one is dissatisfied with a decision of the U.S. Supreme Court. But we are dealing here with an issue so basic and so essential to our rights that it cannot be sidestepped without drastic impairment to the whole range of our freedoms and responsibilities as embodied in the U.S. Constitution. The right to life is the very precondition of all our other rights. If the right to life is diminished or restricted, every other right is open to attack. If we wish to preserve our fundamental American freedoms, then the right to life must be inviolable.

In the 14th amendment, the Constitution guarantees that:

> No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In February of this year, the U.S. Supreme Court in Roe against Wade decided that some human beings were not "persons" within the meaning of the 14th amendment. Those human beings who were denied the protection of being a legal person included those who had been conceived and had not yet attained 3 months in the mother's body; those who had lived for 3 months, but were not yet viable outside the womb; and those who had reached the stage of viability, but could be killed if, in some doctor's judgment, their continued existence threatened the mental and physical health of the mother.

Implicit in these decisions is the principle that an innocent human being can be defined as a nonperson and subjected to death at the convenience of others or because those others consider him unfit to live.

I submit that this is a principle of awesome proportions, the entering wedge which can be used to destroy the integrity of our safeguards on personal freedoms. If the pretext of a person's stage of development can be used as an excuse to take some lives, then age, illness, or mental capacity can be used—no doubt under expert medical supervision—as guidelines for the destruction of any other individuals whose existence inconveniences others.

The Court's holdings in Wade can be summarized as follows:

During the first trimester, the State may neither prohibit nor even regulate abortion, which is "left to the medical judgment of the pregnant woman's attending physician."

From the end of the first 3 months to the time when the child becomes viable, the State may not prohibit abortion but may "regulate the abortion procedure in ways that are reasonably related to maternal health." According to the Court, "viability is usually placed at about 7 months—28 weeks—but may occur earlier, even at 24 weeks."

"For the stage subsequent to viability," the State may regulate and even forbid abortion "except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." The health of the mother includes "psychological as well as physical well-being" and "the medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being" of the mother.

To justify abortion on the ground that it is good for the mental health of the mother is so vague as to be practically equivalent to abortion on request. The Supreme Court has thus given a license for elective abortion at any stage of the pregnancy, right up to the moment of normal delivery.

A constitutional amendment is necessary, not only to protect the innocent child in the womb, but also the elderly, sick and retarded who also are now in peril of being defined as nonpersons by the Court. For in an innocent human being can be defined as a nonperson because he is too young, that is, that he has not lived 9 months from the moment of his conception, there is no reason in principle why he cannot be defined as a nonperson because he is too old, or too retarded, or too disabled.

It is essential to reverse the Supreme Court on its basic proposition and to restore the fundamental principle of our Constitution, that the right to live and the equal protection of the laws must be guaranteed to all human beings at every moment of their existence. The constitutional amendment I introduce today will meet that need. It is identical to the amendment (H.J. Res. 261) introduced in the House of Representatives by Representative LAWRENCE J. HOGAN of Maryland. It provides:

> 1. Neither the United States nor any State shall deprive any human being, from the moment of conception, of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws.
>
> 2. Neither the United States nor any State shall deprive any human being of life on account of illness, age, or incapacity.
>
> 3. Congress and the several States shall have power to enforce this article by appropriate legisltaion.

This human life amendment would protect the right to life from the very beginning. The Supreme Court has defined the unborn child as a nonperson, and deprived him of his most basic right. All this amendment would do is to give the unborn child the same right to continue living as his older brother. Both of them would be governed by the same even-handed application of the principles of due process and equal protection.

I believe that the State has the right to take the life of the person adjudged guilty of a capital crime. But that is, of course, a completely different issue, and is hedged round in our culture, our common law, and our constitutional practice with the principles of due process and equal protection. The guilty must be punished, but the innocent must not be punished. No one has yet judged an unborn child to be guilty.

I also believe that a soldier, fighting in defense of his country and in defense of freedom, has the right—nay, the obligation—to take the life of the enemy in battle. But no one has yet defined the unborn child as "the enemy."

We cannot, however, exempt any stage of the development of the human being from the writ of freedom. From the moment of conception to the ultimate of death, the human being is in a continous process of change. There is no stage when we can say, "This is not a human being yet," or "Now it has become a human being." The science of biology has aided the basic wisdom of the ages in understanding the precise facts of development.

Life begins in fact at the moment of conception, that is, when the male sperm and the female ovum are joined. In his basic text, "Human Embryology," Dr. Bradley M. Patten, of the University of Michigan Medical School, wrote that the union of the male sperm and the female ovum "initiates the life of a new individual." It begins "a new individual life history." Thereafter, he wrote, the process is one of growth and development and "birth is but a convenient landmark in a continuous process." [Patten, "Human Embryology" (1964), 35, 79, 82; see also, Patten, "Human Embryology" (1953), 54]. In a New York Times magazine study of the new medical specialty of fetology, the noted medical writer James C. A. Conniff, described the moment of conception as follows:

> At last, one—and only one—sperm penetrates the tough *zona pellucida,* the glass-clear membrane shell of the ovum, and joins its pronucleus with that of the egg. At that moment conception takes place and, scientists generally agree, a new life begins—silent, secret, unknown. [Conniff, "The World of the Unborn," New York Times Magazine, January 8, 1967, p. 41]

Twenty years ago, a New York court described the humanity of the child from conception:

> The mother's biological contribution from conception on is nourishment and protection; but the foetus has become a separate organism and remains so throughout its life. That it may not live if its protection and nourishment are cut off earlier than the viable stage of its development is not to destroy its separability; it is rather to describe the conditions under which life will not continue. Succeeding conditions exist, of course, that have that result at every stage of its life, postnatal as well as prenatal. [*Kelly* v *Gregory,* 282 App. Div. 542, 544, 125 N.Y.S. 2nd 696, 697 (1953)]

The amendment I introduce today recognizes this simple scientific fact, that human life begins at the moment of conception, that is, at the moment of the fertilization of the ovum by the sperm. This point is nonnegotiable, for it would be indefensible to withhold constitutional protection from any human beings, however young. Even if one somehow entertained doubts about the scientific facts, the clear obligation is to give the benefit of the doubt to innocent life rather than death and to protect the right to live from the moment of conception. In fact, there is no doubt. Life begins at the moment of conception, and it must be protected from that point.

But it would be a mistake, I believe, to argue the wording of a constitutional amendment solely from the biology of today. A constitutional amendment must be above the state of science at a given time. Everything that the biology of today teaches us merely confirms us in what we know already, namely, that abortion at any stage is the killing of a human being. I am confident that whatever refinements of knowledge are discovered by science in the future will merely reinforce this basic understanding.

Accordingly, this amendment would protect the unborn child "from the moment of conception." This language offers clear guidelines for any future Court interpretations. It affirms that life has a beginning at a point in time, and that it has constitutional protections from that point. It leaves no lingering ambiguity. Whatever the biological explanation of conception, the Court cannot go behind the requirement that life must be protected from the very start.

Nor is this an academic or emotional question. Modern science has already produced very efficient modern versions of the hellish concoctions of legend that would produce abortions at any stage of pregnancy, from conception right up to the end of the 9-month term. If the State is allowed to license such preparations, there will be no effective way to restrain their use, particularly during the initial period in which science presently has no method of determining pregnancy. When a human being has in fact come into existence, his right to life should not depend upon the crudity or incapacity of science to acknowledge his existence.

Finally, I would note that the enforcement of this amendment would depend upon the due process of law, and particularly, of the particular laws which are made pursuant to the enforcement clause in section 3. This keeps the amendment within the context of our legal traditions, and, by inference, enables future scientific understandings to be incorporated into our constitutional system. I do not believe it is wise to elevate exceptions or hypothetical situations, which may be based upon the transitory state of medical science or opinion, to the rigid status of constitutional language.

Mr. President, I want to address myself to one related point concerning this issue. The question has been raised in the House by Mr. WHITEHURST of Virginia as to whether or not there should be an amendment permitting the States to allow or forbid abortion. He has introduced such an amendment (H.J. Res. 427) which provides, "Nothing in this Constitution shall bar any State or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion."

On the surface, it would appear to be an attractive and easy solution to turn this problem back to the States. Yet, it is simply wrong in principle to subject the right to life of innocent human beings to the variant determinations of different legislatures. The right of innocent life is inviolable. And it is indivisible. The right to exterminate innocent life surely is not one of the reserved powers of the States.

Moreover, the situation today is not the same situation as before the Supreme Court acted. It is not so easy to restore Humpty Dumpty back to his accustomed place. Despite the due process and equal protection clauses of the 14th amendment—which would seem on their face to protect the lives of all persons—the Court attacked the rights of the unborn by narrowly defining "person." The Whitehurst amendment does not disturb the Supreme Court's decree that the unborn child is a nonperson. Nor does it prevent the State courts from applying that Supreme Court definition of nonpersonhood to the due process clauses in State constitutions. If a State law forbidding abortions were attacked as a violation of the mother's so-called right of privacy as that right is embodied in the due process clause of the State constitution, the State court would be justified under the Whitehurst amendment in looking to the Supreme Court for an interpretation of what that right of privacy means.

Due process in the State constitutions has essentially the same meaning as in the 14th amendment—a meaning for which precedent has been set in the abortion cases. Since the Whitehurst amendment does not overrule the Supreme Court rationale that the child in the womb is a nonperson, it is likely that a State court under the Whitehurst amendment would consider itself at least implicitly bound by that Supreme Court interpretation of what due process means. The State court, therefore, would conclude that the child in the womb is a nonperson under the due process clause of the State constitution, just as he is now a nonperson under the 14th amendment. Since the unborn child is a nonperson, the State court might very well conclude that a State law restricting abortion would infringe the mother's right of privacy and would therefore be invalid as a violation of the due process clause of the State constitution.

Those who favor abortion would have every reason to support the Whitehurst amendment. Those who believe that the killing of the unborn is incompatible with our constitutional freedoms would be bitterly disappointed if the amendment became law. By failing to overturn the truncated definition of person set up in Wade, such an amendment would leave the Supreme Court's poisonous doctrine permanently engrafted in our constitutional law, with its implications against the lives of the unborn, the aged, and the incapacitated.

Mr. President, it is time now for action, and not sophistry. Even before the Supreme Court acted, the partial relaxation of our abortion laws legally had brought about the deaths in 1972 of over 700,000 innocent children whose only misfortune was that they had not yet been born. In all the wars which this Nation has fought, from the beginnings of the War for Independence all the way through to the Vietnam war, American battle deaths totaled 668,276. In 1 year more died through abortion than on all those gallant battlefields. Indeed, in New York State alone, the State health department reported that there were more abortions in 1972 than live births, 278,000 abortions and 252,278 live births. We are developing a cult of death, attaching to death the higher value. If the human being is not to become a mere item, manipulated by the State, and destroyed for the convenience of others, we must act to reassert the traditional values of our culture.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 275

At the request of Mr. HARTKE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 275, to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 367

At the request of Mr. GOLDWATER, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 367, to provide for the reimbursement of taxpayers of all costs, including legal and accounting fees, incurred by them in contesting unwarranted second audits of their income tax liability.

S. 1218

At the request of Mr. Gravel, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of S. 1218, to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

S. 1408

At the request of Mr. Hartke, the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 1408, to provide social security coverage for Federal employees.

S. 1812

At the request of Mr. McIntyre, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 1812, to improve the coordination of Federal reporting services.

S. 1880

At the request of Mr. Hartke, the Senator from Maine (Mr. Hathaway) was added as a cosponsor of S. 1880, the Hobby Protection Act.

S. 1983

At the request of Mr. Williams, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 1983, the Endangered Species Conservation Act of 1973.

S. 1988

At the request of Mr. Magnuson, the Senator from Louisiana (Mr. Long), the Senator from Hawaii (Mr. Inouye), the Senator from Oregon (Mr. Packwood), and the Senator from Alaska (Mr. Gravel) were added as cosponsors of S. 1988, the Interim Fisheries Zone Extension and Management Act of 1973.

S. 2026

At the request of Mr. Humphrey, the Senator from Maine (Mr. Muskie) was added as a cosponsor to S. 2026, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 2029

At the request of Mr. Williams, the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 2029, to provide assistance for Vietnamese children.

S. 2069

At the request of Mr. Eagleton, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 2069, to improve national reading skills.

SENATE RESOLUTION 134—ORIGINAL RESOLUTION REPORTED INCREASING EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS (S. REPT. NO. 93–281)

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported an original resolution which was placed on the calendar, and reads as follows:

S. Res. 134

Resolved, That section 5 of Senate Resolution 46, Ninety-third Congress, agreed to February 26, 1973, is amended by striking out "$10,000" and inserting in lieu thereof "$25,000".

SENATE RESOLUTION 135—ORIGINAL RESOLUTION REPORTED RELATING TO EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS (S. REPT. NO. 93–291)

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH, from the Committee on Public Works, reported an original resolution, which reads as follows:

S. Res. 135

Resolved, That section 2 of the Senate Resolution 21, 93d Congress, agreed to February 22, 1973, is amended by striking out "$625,000" and "$9,000" and inserting in lieu thereof "$940,000" and "$309,000", respectively.

REFORM OF CONGRESSIONAL PROCEDURES—AMENDMENTS

AMENDMENT NO. 295

(Ordered to be printed, and referred to the Committee on Government Operations.)

Mr. MAGNUSON submitted amendments, intended to be proposed by him, to the bill (S. 1541) to provide for the reform of congressional procedures with respect to the enactment of fiscal measures; to provide ceiling on Federal expenditures and the national debt; to create a budget committee in each House; to create a congressional office of the budget; and for other purposes.

AMENDMENT OF EXPORT ADMINISTRATION ACT OF 1969—AMENDMENTS

AMENDMENT NO. 286

(Ordered to be printed, and to lie on the table.)

AMENDMENTS TO THE TIMBER EXPORT ADMINISTRATION ACT OF 1973

Mr. PACKWOOD. Mr. President, I am submitting on behalf of myself, Mr. Cranston and Mr. Stevenson, several amendments to S. 1033, the Timber Export Administration Act of 1973.

These amendments are designed to correct several provisions in the pending legislation. These provisions are either incorrect, confusing or absent from the version of the bill before the Senate today.

Examples of the sort of thing these amendments will provide are:

Throughout the present bill, the words "logs," "lumber," "unprocessed timber," and "timber" are used interchangeably. This is inaccurate so several of the amendments proposed here will serve to modify these references to two common points of "unprocessed timber" and "processed timber."

The current bill does not provide for reporting of activity under the provisions of the export limitation; the amendments will remedy that oversight.

The amendments will modify the language relating to the promulgation of antisubstitution regulations to be more in keeping with the committee's intent as reflected in the report to the Senate on this bill.

In section 203 of the bill, there is provision for the adjustment of export ceilings by the Secretary of Commerce subject to disapproval by either House of the Congress; the amendments will provide that any such resolution of disapproval will enjoy the same expeditious treatment procedures as are currently accorded to reorganization plan resolutions.

These are some of the matters that will be resolved by approval of these amend ments. I urge the Senate to consider very carefully this package of amendments and pass favorably on them when S. 1033 is brought before the Senate.

I ask unanimous consent that the text of the amendments be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 296

On page 8, beginning on line 20, strike the phrase: "of species and grades generally used for domestic manufacture of construction lumber or plywood".

Beginning on page 8, line 25, strike all through page 9, line 2, and insert in lieu thereof the following:

"(b) The restriction set forth in subsection (a) does not apply to timber cut from Federal lands that has been exempted from domestic processing under the provisions of any Federal timber sale contract awarded prior to May 10, 1973: *Provided*, That any unprocessed timber exported pursuant to this subsection shall be subject to the provisions of section 203.".

On page 9, strike lines 15 through 18, and redesignate subsections (e) and (f) following as subsections (d) and (e), respectively.

Beginning in page 9, line 19, strike all through page 10, line 2, and insert in lieu thereof:

"(d) The Secretaries of the departments administering Federal lands referred to in subsection (a) shall issue rules and regulations to carry out the purposes of this section, including the adoption of public hearings procedures to determine if the purchase of Federal timber by an exporter of non-Federal timber adversely affects the customary supply for domestic users and processors dependent on Federal lands for a substantial portion of their timber supply, and to prevent such purchases if customary supplies for domestic use are adversely affected.".

On page 10, line 8, strike the phrase "softwood logs" and insert in lieu thereof: "unprocessed timber".

On page 10, line 9, strike the phrase "softwood lumber". and insert in lieu thereof: "processed timber".

On page 10, line 21, strike out the semicolon and insert in lieu thereof: ": *Provided*, That in determining his estimates of supplies from all sources for the succeeding fiscal year, the Secretary shall consider softwood log, lumber, and plywood imports as being of a volume not in excess of that volume which was imported during the preceding calendar year;".

On page 11, between lines 7 and 8, insert the following: "For the purposes of clause (3), in the computation of the 90-day period there shall be excluded the days on which either the Senate or the House of Representatives is not in session because of an adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The provision of sections 910–913 of title 5, United States Code, shall apply to the procedure to be followed in the Senate or the House of Representatives in the exercise of their respective responsibilities under clause (3) in the same manner and to the same extent as such provisions apply to the procedure followed in the case of reorganization plans; except that references in such provisions to a "resolution with respect to a reorganization plan' shall be deemed for the purposes of this subsection to refer to a resolution of disapproval under clause (3).".

On page 11, line 10, strike "softwood" and insert in lieu thereof: "unprocessed".

On page 12, beginning on line 4, strike section 204 and insert in lieu thereof:

"(e) Within thirty days after enactment of this section, whoever exported unprocessed or processed timber during the calendar year 1972 shall file with the Secretary of Commerce a report, in such form as he may require, stating the quantities of unprocessed and processed timber exported during the calendar year 1972, the customs district through which it was exported, and the country to which it was shipped. The Secretary shall use reported quantities in determining the allocation of quotas for each exporter for each customs district under this section.

"SEC. 204. Sixty days after the end of each calendar year whoever exported unprocessed or processed timber during the calendar year shall file with the Secretary of Commerce a report, in such form as he may require, stating the quantities exported under this title, the customs district through which it was exported, the country to which it was shipped, and the sources thereof.

"SEC. 205. Whoever exports unprocessed or processed timber after July 1, 1973, shall permit access to related books, records, and accounts, and their log and lumber storage areas by the Secretary of Commerce.

"SEC. 206. Whoever knowingly and willfully exports any unprocessed or processed timber in violation of this title, or knowingly and fraudulently files a false report, or fails to permit the Secretary of Commerce access to his books, records, and accounts and his log and lumber storage areas, or in any other manner violates the provisions of this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each such violation and may thereafter be prohibited from exporting unprocessed and processed timber for a period of not more than five years.

"SEC. 207. As used in this title—

"(a) The term 'unprocessed timber' includes

"(1) any logs such as sawlogs, peeler logs, and pulplogs;

"(2) cants and squares to be subsequently remanufactured exceeding eight and one-half inches in thickness; and

"(3) split or round bolts, or other roundwood not processed to standards and specifications suitable for end-product use.

"(b) The term 'processed timber' includes

"(1) lumber and construction timbers, regardless of size, manufactured to standards and specifications suitable for end-product uses;

"(2) poles and piling cut or treated for use as such; and

"(3) cants, squares, and lumber cut for remanufacture, not exceeding eight and one half inches in thickness.

"(c) The term 'timber' means coniferous timber.".

AMENDMENT NO. 297

(Ordered to be printed, and to lie on the table.)

AMENDMENT TO AMENDMENT NO. 229 TO THE TIMBER EXPORT ADMINISTRATION ACT OF 1973

Mr. PACKWOOD. Mr. President, I am introducing on behalf of myself, Mr. CRANSTON and Mr. STEVENSON, an amendment relating to the volume of logs that will be allowed to be exported from the United States under the provisions of S. 1033.

The Stevens amendment, No. 229, to which this amendment is proposed will provide for the exclusion of the State of Alaska from coverage under section 203 of the proposed bill. This will have the effect of removing the 340.2 million board feet of lumber that was exported last year from Alaska from the ceiling of 1.2 billion board feet of lumber which will be imposed under the terms of S. 1033.

Rather than subtract the volume shipped out of Alaska from the lumber ceiling, we propose to proportionately reduce the log export ceiling from 2.25 billion to 2 billion board feet. This is done for two reasons: First, we have received representations to the effect that elements in the timber industry would be placed in an extremely tight situation if they are allowed no latitude in the volume of processed lumber to be exported; and second, the overall volume of logs and lumber that will be allowed to be exported—after the exclusion of the Alaska volume—will remain roughly the same for the lower 48 as it is in the present bill.

I ask unanimous consent to have the text of the amendment printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 297

On page 1, at the end of the amendment insert the following:

On page 10, line 7, strike the words "and twenty-five one-hundredths".

RIGHTS-OF-WAY ACROSS FEDERAL LANDS—AMENDMENTS

AMENDMENTS NOS. 298 AND 299

(Ordered to be printed, and to lie on the table.)

Mr. MAGNUSON. Mr. President, I submit two amendments to S. 1081, the Federal Lands Rights-of-Way Act of 1973, and ask that they be printed.

Mr. President, the Senate will soon take up S. 1081, which provides the Department of Interior with authority to grant broad rights-of-way across Federal lands. Lack of such authority has prevented a decision on the proposed Alyeska trans-Alaska pipeline. It is likely that the entire delivery system for Alaskan oil will be at issue in the consideration of this bill.

As you know, the trans-Alaska delivery system will utilize a marine leg to move the estimated 2 million barrels of oil produced per day by the Alaskan North Slope fields. One of the continental unloading points will be in my own State of Washington. Puget Sound is projected to receive 190,000 barrels per day, or approximately 10 percent of the North Slope production. The Atlantic Richfield Co. has built a large refinery at Cherry Point to accommodate this flow of Alaskan crude.

One of the criticisms of the trans-Alaska delivery system has been the need to utilize a marine leg. The oil will be carried in supertankers of 70,000 to 120,000 deadweight tons with approximate drafts of 43 feet to 52 feet, respectively. Seven of these tankers have already been built and 32 more are on the way.

Just this week, Atlantic Richfield took delivery of the first of three tankers intended for the Alaska route—the 120,000 deadweight ton S.S. *Arco Anchorage*. It is the second longest ship in the American merchant marine at 833 feet. It has a 138-foot beam, and draws 52 feet of water. The cargo capacity of this vessel is an astounding 942,565 barrels of oil.

These tremendous vessels will be moving through narrow straits in Alaska and in Puget Sound where the margin for error is small. The southern terminus of the pipeline will be on the southern shore of Port Valdez, located in the northeastern part of Prince William Sound in the Gulf of Alaska. Tankers must negotiate a narrow 3,000-foot channel at Middle Rock before reaching the terminal.

In Puget Sound, the tanker route begins in the Strait of Juan de Fuca and continues through the narrower Rosario Strait for 50 miles to Cherry Point. The width of Rosario Strait varies from 1.5 to 5 miles and is spotted with isolated pinnacle rocks, some of which are bare at low water. The potential for an incident here is difficult to predict, but it nonetheless exists.

Mr. President, I firmly believe that, if the trans-Alaska delivery system is approved, the marine leg of the system must be designed to be both safe and pollution-free. This is the purpose of the two amendments I am introducing today. The first would make construction standards for tank vessels now being considered by the Coast Guard pursuant to the Ports and Waterways Safety Act applicable to vessels in the Alaska trade by June 30, 1974.

The Coast Guard presently has authority under title II of the Ports and Waterways Safety Act of 1972, Public Law 92-340, to require that tankers be constructed in conformance with certain specifications designed to prevent or mitigate pollution of the marine environment. These construction standards would serve to reduce or eliminate both accidental and intentional discharges of oil into the sea from ships.

However, since the Coast Guard is awaiting the outcome of the 1973 IMCO Conference on Marine Pollution From Ships before promulgating rules and regulations pursuant to the mandates of the Ports and Waterways Safety Act, vessels now being constructed for the Alaska trade will not be equipped with the latest in safety features.

The delayed applicability of rules and regulations drawn up pursuant to the Ports and Waterways Safety Act was a conscious decision made by the Congress so that maritime nations could first attempt to work out international standards applicable to tanker construction.

Accordingly although the Coast Guard published an advance notice of proposed rulemaking for tank ship construction requirements on January 26, 1973, finalized rules are not anticipated until after

IMCO's Conference on Marine Pollution From Ships in October of this year.

But international considerations do not raise the same difficulties when considering whether to apply the Ports and Waterways Safety Act to domestic coastal trade. The Senate Commerce Committee's report on H.R. 8140 stated this clearly:

> As was stated by the Assistant Secretary of Commerce for Maritime Affairs, and with respect to which the Committee is in agreement, regulations for the design, construction, alteration, and repair of vessels for the protection of the marine environment must not competitively disadvantage United States-flag vessels vis-a-vis their foreign competition. Since any group of standards will inevitably involve cost, they must apply equally to United States-flag vessels operating in the foreign trade and to foreign vessels entering our navigable waters. Of course, the same rationale does not apply to United States-flag vessels operating in domestic trades in which competition from foreign-flag vessels is precluded by law. (Report No. 92-724.)

Therefore, Mr. President, this amendment is in strict accord with existing law and does not distort or disrupt the considered intent of the Ports and Waterways Safety Act. This amendment would simply require the Coast Guard to implement the mandate of Public Law 92-340 at an earlier date for vessels in the domestic trade, and of course, for vessels in the Alaska trade.

My second amendment directs the Coast Guard to install a vessel traffic control system in the Prince William Sound and Valdez, Alaska. Such a system is needed and would serve to prevent tanker movement incidents.

I feel these amendments are basic to the safety of the marine leg of the Alaska system. I urge my colleagues to support them.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1974—AMENDMENT

AMENDMENT NO. 300

(Ordered to be printed, and to lie on the table.)

Mr. HANSEN. Mr. President, I submit an amendment to H.R. 8825, fiscal year 1974 appropriations for the Department of Housing and Urban Development; Space, Science, Veterans, and certain other independent agencies.

My amendment would increase the amount in this bill appropriated for general operating expenses of the Veterans' Administration from $300 million to $315 million.

During the past several months, the Senate Veterans' Affairs Committee, on which I serve, had conducted hearings where the level of service and care provided to veterans was outlined. Although a great deal of the committee discussion centered on the quality and quantity of medical care available to veterans, we also discussed other services of the Veterans' Administration, including administration of pension and benefit programs, the loan program, and other services.

When the House Appropriations Committee considered H.R. 8825, they reduced the Veterans' Administration request for general operating expense funds from $315,000,000 to $300,000,000. I believe this $15 million should be restored to the fiscal year 1974 budget to insure the availability of adequate and efficient services to veterans.

Following an incident earlier this year when it was learned a change in veteran disability benefit qualifications was discussed, a number of bills were introduced in the Senate and House requiring maintenance of service to veterans and requiring that the agency seek permission from Congress before curtailing any functions or services.

It is possible the agency would be forced to curtail services if Congress insists on the $15 million reduction in operating funds for the coming fiscal year. My amendment would restore this $15 million, bringing the total appropriated for general operating expenses for fiscal year 1974 for the Veterans' Administration to $315 million.

I urge my colleagues to support this amendment as a means of insuring the availability of adequate funding to provide the many services to veterans which are the responsibility of the Veterans' Administration.

FEDERAL ELECTIONS CAMPAIGN ACT—AMENDMENTS

AMENDMENT NO. 301

(Ordered to be printed, and referred to the Committee on Rules and Administration.)

Mr. BELLMON submitted amendments, intended to be proposed by him, to the bill (S. 372) the Federal Elections Campaign Act.

NOTICE OF HEARINGS ON S. 2058

Mr. WILLIAMS. Mr. President, I should like to announce that the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs will hold 2 days of hearings on S. 2058. This bill, which I introduced with Senators BENNETT, BROOKE, STEVENSON, and TOWER, amends the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, to give the Securities and Exchange Commission authority to prescribe the form and format of securities certificates and to eliminate the use of such certificates in the settlement of broker to broker transactions, and to deal with related matters.

The hearings will be held July 11 and 12, 1973, at 9:30 a.m. in room 5302, Dirksen Office Building.

NOTICE OF JOINT HEARINGS ON S. 1010

Mr. JACKSON. Mr. President, I wish to inform the Members of the Senate and the general public that the hearing on S. 1010 before the Subcommittee on Minerals, Materials and Fuels of the Senate Committee on Interior and Insular Affairs will be, in fact, a joint hearing before the Subcommittees on Public Lands and on Minerals, Materials and Fuels of the Senate Committee on Interior and Insular Affairs.

The hearing is still scheduled for July 18, 1973, at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS ON BILLS TO AMEND THE WILD AND SCENIC RIVERS ACT

Mr. JACKSON. Mr. President, I wish to inform the Members of the Senate and the general public that the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs will hold an open hearing on S. 921, S. 1101, and S. 1391, bills to amend the Wild and Scenic Rivers Act.

The hearing will be held on July 16, 1973, at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS ON PROPOSED REALINEMENT OF THE BUREAU OF INDIAN AFFAIRS CENTRAL OFFICE

Mr. JACKSON. Mr. President, I wish to announce that the Subcommittee on Indian Affairs will resume its hearings on July 10 at 2 p.m., on the proposed realinement of the Bureau of Indian Affairs Central Office.

Departmental witnesses will continue their testimony at that time. It will be an open public hearing and will be held in room 3110, Dirksen Office Building.

NOTICE OF RECONVENED HEARINGS ON ENERGY RESEARCH AND DEVELOPMENT

Mr. JACKSON. Mr. President, the Senate Interior Committee will reconvene hearings on legislation to establish a comprehensive national energy research and development program on Wednesday, July 11, and Thursday, July 12, 1973. The hearings will focus on the provisions of S. 1283, the National Energy Research and Development Policy Act of 1973, introduced on March 19, 1973, by Senator JACKSON for himself and 27 other Senators.

National energy research and development activities by both Government and industry, have failed to provide the United States with the technological options and capabilities necessary to achieve energy self-sufficiency.

As long as cheap energy sources are available, no effort was made to improve efficiency or to develop the capability to utilize alternative domestic energy sources. Instead, we choose to resolve our currently critical shortages of oil and gas by an ever increasing dependence upon imported petroleum. This was the easy way and right now, it is the only way. Over the longer term, however, it is not a responsible way to deal with our future energy requirements.

We must move forward aggressively in a national research and development effort, such that, by 1985, we can have the technological capability and the choice of continuing to use imported energy resources or of using our abundant domestic coal, oil shale, and geothermal energy resources.

The invited witnesses are:

WEDNESDAY, JULY 11, 1973

9:30 A.M.

The Honorable Morris K. Udall, Congressman from Arizona;

Prof. Hendrick S. Houtakker, Harvard University;

Dean James W. McKie, University of Texas;

Prof. Edward Mitchell, Cornell University; and

Alex Radin, general manager, American Public Power Association.

2 P.M.

Edison Electric Institute panel.

THURSDAY, JULY 12, 1973

9:30 A.M.

Panel of environmental organizations;

Frank N. Ikard, president, American Petroleum Institute;

George H. Lawrence, senior vice president, American Gas Association; and

Carl E. Bagge, president, National Coal Association.

These hearings, which are being held as part of the National Fuels and Energy Policy Study—Senate Resolution 45, 92d Congress—will begin at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building. Individuals desiring to file statements for this hearing record are requested to transmit them, in 10 copies, to the committee by July 20, 1973.

ADDITIONAL STATEMENTS

COAL DEVELOPMENT IN EASTERN MONTANA

Mr. MANSFIELD. Mr. President, in my continuing effort to keep my colleagues informed on the controversy that is developing over the vast coal deposits in eastern Montana, I wish to direct your attention to an article appearing in the July 1, 1973, issue of Forbes magazine. This is yet another analysis of the attitudes of Montanans—the ranchers, Indians, and business interests. I ask unanimous consent that the Forbes article be printed at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

On the Warpath Again

He was a full-blooded Crow Indian, and as he rode in the back of the car rolling across the Montana countryside, he pointed to the earth heaps where the Burlington Northern had once strip-mined engine coal and where shovels of Montana Power Co. were now scooping away a seam of the low-sulphur black stuff. "Never," he said, his eyes narrowing, "never will we let mounds like that rest on *our* reservation."

His reaction is typical these days among residents of Montana, Wyoming and North Dakota. The three states hold around 40% of the nation's coal resources, most of it low-sulphur coal, the kind big-city utilities must burn to avoid polluting the air. Utility men like Donald Cook, chairman of American Electric Power, think it may be the answer to the energy crisis. The residents of the new coal states aren't at all happy about the prospects.

Montana's Lieutenant Governor William Christiansen speaks proudly about his state's efforts to keep the coal miners under tight control: "I've compared our coal laws against all the rest, and when the dust settled, Montana had the muscle." It is not only the landscape the Westerners are thinking about. Deepest of all perhaps is the problem of people pollution. The reservation Indians and most Westerners like their wide-open spaces. The idea of hordes of newcomers does not appeal to them in spite of the spending money the newcomers would bring.

Louis W. Menk, chairman of the Burlington Northern railroad, has promised to observe good sound ecological practices and to be a good neighbor in mining his company's lands for coal. But he also chided Montanans for attempting to turn their state into a museum.

Caught square in the middle are two big railroads, Menk's Burlington Northern and the Union Pacific. Each controls mineral rights to over 8 million western acres. Each claims minable reserves of more than 10 billion tons. And for the BN, the potential figure may be six times as much.

Federal land grants in the 19th century gave the roads and their predecessors a lock on western coal. But until recently they did little with it except to mine some engine coal. Influential shareholders think the railroads ought to do more with it. "My Lord," says Norton Simon, the Los Angeles industrialist (*see* Forbes, *June 15*) who is a BN director and the road's largest individual shareholder, "BN has all these resources, including the greatest coal reserves of any company in the nation, but it employs only 180 people, including clerks, to develop it." Of the 590 million tons of coal mined last year, only an estimated 43 million tons came from western states. Even so, that's the only growth area remaining in an industry whose total output continues to decline (Forbes, *Nov. 15, 1972*).

On the other hand, the railroads face the fire of Westerners who don't want their land cut up by strip mines or filled up by newcomers. A Billings, Mont. area rancher told Forbes, "I like it here just the way it is." His view is mirrored by the Montana legislature, which, with only one dissenting vote, passed in March the nation's toughest strip-mining control bill. Reservation Indians who control 50 billion tons of western coal agree, as do federal land leasing officers and environmental protectionists.

But the cities need the coal. And the railroads need the traffic.

Says Lou Menk, "One day we hope coal will be as important to us as grain-hauling." In spite of environmentalist protests, that traffic is growing. The BN had $75 million in coal-hauling income last year, up from $43 million in 1970. This year the BN may do $95 million and the Union Pacific perhaps $35 million.

The Interstate Commerce Commission Act forbids a railroad to haul commodities it mines, and a provision in the 1920 Mineral Leasing Act blocks a road from mining or leasing federal coal lands. Still, the railroad lawyers think they can get the coal out of the ground through joint ventures, earning both royalties and traffic in the process.

The BN earned $5.8 million on its coal land leases last year, the first time coal income topped that from oil and gas. But a major part of the BN's income now comes not from long-term royalties but from one-shot bonuses and guaranteed minimum payments paid by coal prospectors in hot pursuit of an answer to the energy crisis. "Eventually, as more and more mines come on stream, we think our coal income will come from royalties and there will be fewer and fewer bonuses," says C. Robert Binger, Burlington Northern's president for the newly created resources division.

The Union Pacific is stepping more slowly into coal. Unlike the BN, the UP operates as a holding company, and in 1969 it formed the Rocky Mountain Energy Co. just to develop its coal. Rocky Mountain employs fewer than 50 persons and places what chips it has on coal research, leasing and in joint ventures. The first venture, a mining effort at Rock Springs, Wyo. with Boston's Eastern Gas & Fuel Associates, was halted when dust from the strip mine began to blow over the town. "The cost of control was exorbitant in relation to the reserves that were there," says James H. Evans, president of the UP. "It was simply uneconomic." Other sources say that Eastern Gas' marketing men were upset by the railroad's go-slow attitude on coal. Evans responds that if he is cautious on coal, it's because of the nature of UP's coal reserves and the distance of western coal from its markets.

Western strip coal is the cheapest in the nation to mine, costing a coal company only about $1.10 a ton. But transportation charges drive the delivered price at Chicago's Commonwealth Edison, for instance, up to $13.40 a ton. The railroads promise rate savings as the volume rises, but some present contracts also provide for rate escalations as the price of coal goes up. "Right now," says Evans, "most of our coal is just not competitive in the Midwest."

The UP seems to be waiting mainly for gasification of coal. It is allowing its land to be used for gasification experiments by the U.S. Bureau of Mines and has a stake in other laboratory tests. UP also has taken a small position in Lurgi process research being directed in Scotland by the Continental Oil Co. "It may cost $250 million to $400 million to get a coal gasification plant on the line, and it may be five to ten years away, but I think this is the best solution we have as a company in the energy crisis," says Evans.

The BN recently has begun to look on its vast lignite reserves as an answer in gasification. An average plant site would require a half-billion tons in reserve, and the BN has mapped 12 such areas in Montana and North Dakota. Options on leases would provide for a BN equity in the project. "But we're taking a slow valve on leasing," says Binger. "We're not moving until the pattern of gasification deals is clearer."

Which, of course, gives the railroads and other landowners time to deal with the problems of ecology and with the greenhorn-keep-out syndrome. But in the end, the massive development of western coal probably depends on two factors: the pace of coal gasification technology and the cantankerousness of the Arabs. Once gasification becomes economically feasible, the coal will become too valuable to leave in the ground. And how soon it will become that valuable depends in part on how fast the Arabs push up the price of oil.

CONSTRUCTION OF TRANSIT LINE TO SAVE DULLES AND FRIENDSHIP AIRPORTS

Mr. MATHIAS. Mr. President, I commend my distinguished colleague from New Hampshire, Senator Norris Cotton, for his leadership in the Committee on Commerce which has favorably reported S. 2047. This bill will authorize a Federal payment of $10 million for the planning of a transit line in the median of the Dulles Airport road and for a feasibility study of rapid transit to Friendship International Airport. My distinguished colleague from Maryland, Senator J. Glenn Beall, Jr., also deserves great credit for his special effort to insure that Friendship Airport was included in this bill. In the Baltimore-Washington metropolitan area, there are only three major airports to serve the needs of the many citizens who require air transportation.

Friendship Airport, because of its proximity to the Washington area, is an important link in this transportation chain. As the Committee on Commerce has noted:

> A feasibility study should be made of constructing a rapid transit line between the Adopted Regional System and Friendship Airport. This extension would further enable the Washington Metro system to be connected with the Baltimore Metro system now in the planning stage, inasmuch as a spur to Friendship Airport has already been planned from the Baltimore Metro system.
>
> At the present time a line of the Washington Metro system is planned to extend to the Greenbelt Road area, which is immediately adjacent to the Baltimore-Washington Expressway. A further extension of this line toward Baltimore into the city of Laurel has also been proposed. The Baltimore-Washington Expressway runs between the Greenbelt Road area and Friendship Airport, and the median strip of this expressway might be utilized as the right-of-way for a rapid rail transit line to Friendship Airport.

The Senate has already expressed its support for this measure as evidenced by the fact that a similar bill passed the Senate last October 4, 1972, by a voice vote. Unfortunately, the House did not have the opportunity to act before the 92d Congress adjourned in October. We again have the chance to move this vitally important measure forward for action by the House, and I urgently ask that my colleagues support this bill today.

SENATOR McGOVERN: A MAN WORTHY OF HIMSELF

Mr. CHURCH. Mr. President, our able and distinguished colleague from South Dakota (Mr. McGovern) made an honorable run for the highest office of the land last year. He was unsuccessful but Senator McGovern's now famous characteristics of decency, integrity, endurance, and courage have left a lasting, constructive impression on the crooked landscape of Presidential politics in 1972.

Abraham Lincoln once said:

> It is difficult to make a man miserable while he feels he is worthy of himself . . .

This applies to Senator McGovern.

Mr. Godfrey Sperling Jr., national correspondent of the Christian Science Monitor notes these factors in his June 23 column entitled "If McGovern Had Made It to the Presidency"

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

If McGovern Had Made It to the Presidency

(By Godfrey Sperling, Jr.)

Washington.—Never mind that George McGovern may have had some impractical schemes along the way. Never mind that his campaign organization very early fell apart, due, in large part, to the candidate's failure to run the store properly. Never mind that he looked less than "presidential" at times, particularly in his handling of the Eagleton affair.

The important thing that should be said about Senator McGovern is that, after saying the worst one can think about him, he had decided strengths in the very areas where the Nixon administration is showing its greatest weakness—its lack of sensitivity to what is basically right and what is wrong.

One does not have to build the South Dakota Senator up to be a paragon of virtue to make the point here. You merely have to note that during the campaign George McGovern (a) was the first of all the Democratic candidates to disclose the sources of all his campaign money—and he did this well before the law came into effect and (b) he collected almost all of his campaign contributions from a vast group of small donors—where there could not be even the slightest hint of any quid pro quo being involved.

Further, the Senator worked untiringly to open up the democratic processes in order to let more people have their say as to who would be their next president. It was Senator McGovern, more than anyone else, who brought about the reforms that opened up the Democratic National Convention to more young people, women, and blacks. It was McGovern, again more than anyone else, who, in the primaries, successfully persuaded other candidates to join him in debates that gave the voters both enlightenment on the issues and a better idea of where each candidate stood on these issues. Later McGovern challenged Nixon to debate—but got nowhere with it.

The McGovern efforts to make the electoral machinery work better—and to involve more of the people in it—may not have always been roaring successes. But what he was doing in strengthening our democracy was just the opposite of what this administration has brought about. Sometimes this reporter is asked in the many letters he is receiving on Watergate what actually was "so wrong" about it. "Why was it so bad?" So many are wanting to know. Archibald MacLeish, a poet with experience in national government, has provided the best answer I have seen to such questioning when he writes:

"For months we have been preparing to celebrate the bicentennial of the reestablishment on this continent of the first, great self-governing people in history. And now, on the eve of that celebration we discover that a conspiracy, ripening among officials and functionaries of the republic over the same period of time, appears to have been a conspiracy to undermine precisely the institution and practices of self-government."

And just a little more of MacLeish as he narrows in: "To govern themselves a people need to know and this [the Watergate], as we see more and more clearly, confession by confession, explanation, has been a conspiracy to keep the people from knowing, to corrupt and distort and misrepresent what the people need to know if they are to vote for their representatives and administrators and to oversee the government conducted in their name."

To all appearances, officials in this administration were trying to steal our precious right to make a fair assessment of the candidates and thereby to make a fair and honest choice for the position we honor the most; the presidency. That was what was so terribly wrong about what happened in the Watergate affair.

Also, a former member of this administration, who was afforded a particularly good look at what happened in the Watergate episode (although he has not been implicated himself), recently told a reporter there was another rather "hidden evil about Watergate:

"What the public should really be concerned about is how close this administration came to getting away with Watergate. There were probably 25 people involved. Yet the 'cover-up' was so well-conceived and beautifully coordinated that it almost succeeded. If it had not been for Judge Sirica; if McCord had not talked; if one or two other things had not happened; all of this might have been bottled up forever. What people should be thinking about is this: If the executive was able to come this close this time on this major invasion of their rights—what might some other administration do? That's the real lesson of Watergate."

So now we come back to Senator McGovern. Were he in the White House today, he certainly would not be the historic President Mr. Nixon, with his great achievements in foreign relations, has become. But without knowing what kind of a president Mr. McGovern would be today, it is still possible and relevant to underscore the obvious: He and his administration would be untarnished by this frightful scandal.

And he would be a president whose stature would not have been Watergate-impaired at a most important time in our history—the week that Leonid I. Brezhnev, the Soviet Communist Party leader, came knocking on our door.

Also—and quite clearly—Mr. McGovern would not have Watergate hanging over his head, diverting him and keeping him from giving his full attention to the national urgencies, both at home and abroad.

BRITAIN FINALLY LEARNS—WHEN WILL WE?

Mr. HELMS. Mr. President, a friend of mine in Raleigh, N.C., Edwin S. Pou, sent me a copy of the publication, Virginia Road Builder, which in its June issue contained an editorial by the publisher, Mr. Frank A. Howard. Mr. Howard is also engineer-director of the Virginia Road Builders Association.

Mr. Pou suggested that I would be interested in Mr. Howard's editorial, headed "Britain Finally Learns—When Will We?" Mr. Pou was right, Mr. President. The editorial is indeed of interest, and I think Senators will also find it instructive.

Therefore, I ask unanimous consent that Mr. Howard's excellent editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Britain Finally Learns—When Will We?

The British have finally learned that a paternalistic government of the welfare state won't work. They went into full bloom with the welfare state at the close of World War II. It has forced them to "achieve" the lowest rate of growth among the industrial nations of Europe.

The conservatives, who won the last election in England have cut taxes, cut subsidies, cut back on big government, cut medicare, and cut welfare to those with the money to pay and the ability to work. They have tried both nationalization and socialism and found that they were economic poison which led them to the brink of disaster. They have taken the first step back toward the capitalistic incentive that sustained them as a great nation as long as they practiced it.

What I can't understand is that in the face of the dismal failure of the welfare state in Britain why our politicians and our government continue to use it as a model for our own welfare programs. By what line of reasoning do our own economic whiz bangs in Washington decide to sacrifice capitalism for the welfare state.

Since industrial capitalism is required to support the welfare state, I'm at a complete loss to understand why the welfare statists are trying so hard to kill the goose that's laying the golden eggs. They would be well advised to support the capitalistic principles of profit that makes their very existence possible. They'd better realize that there must be profits to sustain the confiscatory taxation that pays the welfare.

Everything of value in this world has been created by the motive for profit, either monetary or psychic. The very rise and maintenance of socialism and the welfare state has been made possible only by the profit motivated capitalism that supplied the wealth to pay the bills.

The one thing that capitalism absolutely requires, and that socialism and the welfare state completely ignores, is responsibility.

If it hadn't been for capitalism there wouldn't be any modern welfare state because there wouldn't be any funds to support it. I'm wondering just how much further the welfare state can be pushed in America without milking the capitalistic cow to death. The taxpaying sheep might rebel. You know you can sheer a sheep many times, but you can skin him only once!

I believe that people are finally waking up, and becoming aware and concerned about the wasteful squandering of their tax monies by our bumbling bureaucrats. Every day more people are becoming disillusioned with the direction in which our government is traveling.

Somehow, someway, someday, when inflation and the welfare state ends, as historically it always has, in economic and social disaster, we must stop and rebuild the heritage of pride of accomplishment that we have lost in our social and moral decline of the last 40 years. Let's hope and pray that we don't go so far overboard we can't get back in the boat.

SENATOR RANDOLPH SUPPORTS STRONG PROGRAM FOR TRAINING OF PERSONNEL IN GERONTOLOGY—COMMENDS SENATOR CHILES

Mr. RANDOLPH. Mr. President, last week the Senate Committee on Aging held hearings on "Training Needs in Gerontology."

These hearings were called at the direction of the committee's newest majority member—the able Senator from Florida (Mr. Chiles). I commend Senator Chiles for his leadership in conducting this timely inquiry on a very vital subject.

A major focus of these hearings was the administration's proposal to phase out funding for the title IVA training program under the Older Americans Act. This decision, it seems to me, should be reversed because the need for additional trained personnel in the field of aging is urgent and growing rapidly. Without an adequate number of suitably trained individuals to provide essential services for the aged, recent legislative victories for the elderly can be largely negated.

During its brief existence, the Administration on Aging training program has proved to be a prudent investment for our Nation, the aged, and service personnel in the field of aging. Instead of being abruptly terminated, the program should be continued—and quite possibly expanded—to respond to the increased demand.

Leading experts in the field of aging, who testified at these hearings, also shared this viewpoint. They were in near unanimous agreement that the administration's decision, if allowed to stand, could severely undermine training efforts in gerontology.

For these reasons, I am hopeful that the Senate Appropriations Committee will reject the administration's proposal and will vote to restore funding for the title IVA training program.

At the recent Committee on Aging hearings I had an opportunity to express my thoughts on this subject as well as other important issues concerning training needs in gerontology.

Mr. President, I ask unanimous consent that my testimony at the Committee on Aging hearings on "Training Needs in Gerontology" be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement by Senator Jennings Randolph at Hearing on "Training Needs in Gerontology," by the U.S. Senate Special Committee on Aging

Mr. Chairman, at the outset I wish to congratulate you for calling these timely hearings on "Training Needs in Gerontology."

Quite clearly, one of the most pressing problems in the field of aging today is the dearth of trained personnel to provide essential services which the elderly so desperately need.

This fundamental fact of life was documented very forcefully in a recent report—entitled "Research and Training in Gerontology"—prepared by the Gerontological Society. In fact, the Gerontological Society gave this candid assessment:

"The gap between the need for trained personnel and the capacities of present training programs is so great that there is no danger in overtraining for several decades."

Literally hundreds of thousands of individuals must be trained over the next five years to respond to the growing service requirements in the field of aging. By 1978 it is projected that there will be a need for an additional 50,000 licensed practical nurses; 16,000 registered nurses; 24,000 recreation leaders and specialists; 3,900 physical therapists; and 3,225 nutrition project directors.

Moreover, during the next 27 years the elderly population is expected to increase markedly. By the turn of the century it is estimated that anywhere from 40 to 45 million Americans will have had their 65th birthday. In terms of sheer numbers then, we, as a Nation, have a vital stake in training persons to provide services for this rapidly expanding age group.

In recognition of this clearcut need, the Congress—in the recently enacted Older Americans Comprehensive Services Amendments—called for an all out effort to meet the critical shortage of trained personnel for programs in gerontology. One such example is that the Commission on Aging was directed to develop a national plan to train persons in the field of aging.

However, the Administration still steadfastly insists on requesting no funds for the Title IVA Training program—the lifeline of our Nation's efforts to develop necessary manpower in gerontology.

If this decision is allowed to stand, it can have the effect of crippling the training program under the Older Americans Act.

This seems especially shortsighted and ill-advised, in my judgment, because the 1973 Amendments to the Older Americans Act significantly expanded service programs for the elderly. But without adequately trained personnel, these programs, which offer great promise for aged and aging Americans, will be seriously undermined—and quite possibly rendered useless or ineffective.

In my own State of West Virginia, I have had an opportunity to see firsthand some of the outstanding achievements of the AoA training program. These training efforts have already produced substantial dividends for elderly West Virginians. For example, students trained at West Virginia University have helped to organize an agency to administer a meals on wheels program in Morgantown. This program has not only had an immeasurable impact on the psychological outlook of the aged being served nutritious meals, but it has also enabled them to live independently in their own homes.

Mr. Chairman, Federal funding for training under the Older Americans Act has repeatedly proved to be a sound investment for our Nation, the elderly, and the participants in the program.

For these reasons, I wish to reaffirm my strong support for continuation and expansion of the Title IVA Training program.

ELIGIBILITY FOR FEDERALLY FUNDED WELFARE PROGRAMS

Mr. TOWER. Mr. President, I was pleased to note that on June 26, 1973, the Social and Rehabilitation Service of the Department of Health, Education, and Welfare proposed a revision of regulations first proposed on June 16, 1972, regarding citizenship and alienage eligibility for federally funded welfare programs.

These regulations were intended to implement the Supreme Court decision in *Graham* v. *Richardson,* 403 U.S. 365 (1971), and would have required as a condition for approval of State plans under title I, IV–A, X, XIV, XVI or XIX of the Social Security Act, that these State plans not exclude any individual otherwise eligible on the basis of his citizenship or alien status. The effect of these regulations, however, would have been to require the States to provide public assistance to aliens not lawfully admitted to this country.

The magnitude of the problems these regulations would have created for States such as my own State of Texas cannot easily be assessed. To begin with, neither the State of Texas nor the Immigration and Naturalization Service really knows how many illegal aliens are actually in Texas. Nevertheless, it has been reliably estimated by State officials that possibly as many as 500,000 illegal aliens might be in Texas at any given point in time. Certainly, if the State were forced to expand its eligibility roles to this extent, a grave crisis would threaten the very integrity of its fiscal structure. More importantly, however, would be the effect such action would have in penalizing those families and lawful residents of the State of Texas who are deserving of public assistance.

The regulations now proposed, as revised on July 26, 1973—

> Require that a State plan must include any otherwise eligible resident of the United States who is either a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under code of law; and must exclude any individual who is not lawfully in this country.

I applaud this decision on the part of the Social and Rehabilitation Service and urge that the regulations, as revised, be implemented with expediency.

THE SOIL CONSERVATION SERVICE

Mr. CHURCH. Mr. President, yesterday the Senate adopted the Agriculture appropriations bill for fiscal year 1974. I was pleased to support this legislation which included within its provisions appropriations for the Soil Conservation Service. As our Nation's principal conservation agency on private land, the Soil Conservation Service is a prime example of the success achieved in conservation through leadership provided by local soil conservation districts. The benefits of conservation expertise possessed by participants in the soil conservation programs are being brought to bear on the solution of a rapidly increasing variety of problems.

The Soil Conservation Service through the local districts has contributed over 90 water supply reservoirs serving almost 500,000 people; 112 reservoirs providing 6.2 million user-days of recreation; as well as many acres of improved wildlife habitat associated with these works. Conservation works are estimated to reduce erosion by an additional 30 million tons each of the last 2 years for a total reduction of 200 million tons below what might have been lost without this work. Drainage systems have been provided for over 1,000,000 acres and irrigation systems for over 250,000 acres.

Of equal significance, expanding suburbs, housing developments, industrial growth, airports, highways, parks, school facilities—the elements of rapid urbanization—are being built upon land that was only a few years ago agricultural land. Though Idaho is basically rural, urban centers such as Boise, Twin Falls, Pocatello, Idaho Falls, Lewiston, and Moscow are growing. Idaho is also experiencing a mushrooming of recreation and vacation-type developments. Basic natural resource data and careful planning are required to guide this growth and development in an orderly fashion.

The real need for SCS programs, however, revolves around the fact that Idaho is a State of small communities and individual farms. As an agriculture State—in fact, agriculture is still developing in many areas of my State—the need and demand for the help offered by soil conservation districts continues to grow.

However, during a time when there is increasing awareness of the need to protect the environment and when we already have an established and proven reservoir of conservationists from SCS projects, this administration advocates the cutting back of Soil Conservation Service funding for fiscal year 1974. The administration proposed in its fiscal year 1974 budget to cut overall Soil Conservation Service programs by $28 million over last year's budget. These proposed cuts are advocated in spite of the fact that soil surveys and other essential data are lagging far behind the need for such information.

Last year, the administration placed manpower ceilings upon the SCS so that personnel were not available to utilize the funds appropriated by the Congress nor was there sufficient manpower to carry out the programs of the SCS. This year, however, the situation is far more serious because of the proposed cutbacks.

In Idaho, the Soil Conservation Service had approximately 240 permanent full-time people in 1966. They have been reduced to approximately 190 people at this time and projected losses due to funding and personnel ceilings will take them down to less than 170 people by the end of fiscal 1974. This means fewer technical people to provide assistance to our soil conservation districts.

The people of Idaho, and I am sure throughout the Nation, are not happy about the prospects of a reduction in an agency so dedicated to helping our people, both rural and urban, make wise use of the land through proven conservation practices. I cannot emphasize enough that the SCS is a showcase of the best team efforts of Government and its people. Landowners themselves make the decisions under SCS programs and the Soil Conservation Service furnishes the technical information necessary to help landowners and operators evaluate their problems and arrive at practical economic solutions.

What the environment needs is not less emphasis on the programs conducted under the Soil Conservation Service—the apparent goal of the administration—but more.

During this past year I have received numerous letters from soil conservation districts throughout Idaho urging that SCS funding be maintained and increased. Bill Clark, legislative chairman of the Idaho Association of Soil Conservation Districts, visited with me earlier this year and brought with him several dozen letters from district chairmen throughout Idaho again urging that SCS receive adequate funding. I would like to read excerpts from some of those letters:

> We certainly agree that federal spending must be cut, but believe deep cuts in going conservation programs is the wrong place to start. We believe foreign aid and military expenditures are far better candidates for the budgetary axe. A re-evaluation of priorities certainly is in order. The importance of a continuing strong national conservation movement which our district organization has provided cannot be over-emphasized. Anything reducing the amount and quality of technical assistance available through USDA agencies certainly will have a detrimental effect on our future district programs. Please do everything you can.
>
> Soil conservation districts are constantly being given broader areas of responsibility and involvement. Special types of technical assistance are being requested by communities, units of government, state agencies, and groups. The district tries to place these requests on a realistic priority schedule. This is becoming increasingly difficult to achieve with the supply of technicians presently available. It seems we are asked to play the same old game year after year, and it becomes very discouraging and completely unrealistic. That is "Do more with less."
>
> We are completing our long range program with a new outlook of helping groups and units of government. This is a far reaching program and will require more technical assistance than we are presently able to furnish. We are the pioneers in innovating animal waste pollution control measures. . . .
>
> But at that we have just barely scratched the surface in what needs to be done. We must find some means of continuing to help the individual farmer or rancher with his pollution problems.
>
> In summary I will say that no matter which direction we look we see expanding demands for the services of both SCD and SCS personnel. Demands created by an increasing public awareness of the need for soil and water conservation, environmental improvement, and pollution abatement. Demands created by population growth and increased acreages of farmland.
>
> Couple this with a present shortage of technical personnel and a possible reduction of personnel in the future, and it becomes quite apparent that we cannot continue to meet the demands placed upon our time.

I commend Members of the House and the Senate for their foresight in refusing to accept the President's budget request and for increasing the funding of the SCS. I am hopeful that the funds appropriated will be of sufficient amount to carry forth the beneficial work of the SCS.

Mr. President, I support the efforts of Soil Conservation Districts and I commend the Senate for granting the Soil Conservation Service the funds so vitally needed by soil conservation districts in Idaho and throughout the Nation.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

Mr. TAFT. Mr. President, the law enforcement education program contained in the Omnibus Crime Control and Safe Streets Act, the Senate voted to extend yesterday, was established to help law enforcement personnel to upgrade their professional capabilities. Unfortunately, section 406 of the act was drafted in such a manner to penalize law enforcement officers who work for more than one law enforcement agency during the 2-year service period required following completion of training funded by this law. For example, under the present interpretation of this section, an individual who takes a course that is paid for under the act and begins work in one law enforcement agency cannot transfer to another law enforcement agency in the 2-year service period without being forced to repay the amount of assistance provided for training. This is an inequitable situation and I do not believe this to be the intent of the authors of this act. Therefore, earlier this year, I submitted a bill, S. 977, to correct this problem. S. 977 would change section 406 of the act (42 U.S.C. 3746) to read "a law enforcement agency" instead of "the law enforcement agency." This change would not restrict an individual from working for more than one law enforcement agency during the 2-year service period and would correct current inequities in the act with regard to section 406.

I am happy to see that the Senate Judiciary Committee, under the leadership of Chairman McCLELLAN and Senator HRUSKA, and the Senate incorporated S. 977 in the bill and would hope that this change will not be disturbed by the conference committee.

MULTINATIONAL CORPORATIONS

Mr. **HARTKE**. Mr. President, the future role of the United States in the important area of international trade is a major concern facing Congress. Many important questions must be asked and analyzed by all Members in order to obtain an accurate understanding of the situation. Not the least important aspect is the operation of the multinational corporation. Lately, there has been such a blizzard of articles and studies about the multinational firm that it is hard to isolate the relevant facts.

A series of articles recently appearing in the Wall Street Journal serves as a useful source of information. The second article in the series deals with the interrelationship of capital flows and the multinational corporation. It seems that as these international conglomerates invest overseas and acquire huge amounts of foreign currencies, they exaggerate the already declining position of the dollar. This article quotes one representative of a New York bank as saying, matter-of-factly, that "certainly" we speculate against the dollar.

Such unregulated activity should not be tolerated. The Hartke-Burke trade proposal meets this problem head on. The Hartke approach would regulate the exportation of capital abroad from U.S.-based multinational firms. The President would have the authority to regulate the outflow of funds to other countries for private investment by American citizens or corporations whenever he determines that employment in the United States would be decreased by such a capital transaction. Violations of the act or regulations issued under it would be punished by criminal penalties.

Mr. President, I urge all Members to sincerely consider the grave implications facing the U.S. economic system if the multinational corporation remains uncontrolled.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 19, 1973]

MANY CRITICS CHARGE MULTINATIONAL FIRMS CREATE MONEY CRISES—CORPORATE CURRENCY MOVES ARE CITED BUT COMPANIES CALL TACTICS "DEFENSIVE"—A WARNING TO THE PEASANTS

(By Charles N. Stabler)

LONDON.—They can, and they do, force unwanted changes in the various values of national currencies. They strongly influence interest rates throughout the world. Through a combination of sophistication and sheer size, they often manage to evade governmental economic policies. In fact, in the pantheon of demons plaguing financial markets around the globe, they now have displaced the legendary gnomes of Zurich, the ultrasecretive Swiss bankers, as the chief culprit blamed for recurrent instability and breakdowns.

They are the world's multinational corporations—the giant firms and banks that operate through subsidiaries scattered around the globe. The marketing of their goods and services, in fact, knows few boundaries. They deal in nearly all of the world's currencies.

The multinationals are currently the center of a storm of controversies. Devious political doings, irregular labor practices, unfair competitive strategies—all these and more have been alleged as standard practices of the multinational corporation. But of all the controversies, the most complex concerns the multinationals' highly mobile money. To wit: It is increasingly argued that no nation nor any international monetary system can withstand the multinationals' financial power.

"Much of the funds which flow internationally during (a monetary) crisis doubtlessly is a multinational corporation origin," says a recent, massive study by the U.S. Tariff Commission. The companies don't deny this assertion. But whether they indeed possess the enormous power attributed to them by some of the world's financiers is open to varying opinions.

Nowhere are there more opinions on the subject of multinationals than here in this English capital's financial district, the so-called City of London. Here has traditionally been located the nerve center of what is called the Eurodollar market—that is, dollars on deposit in Europe and therefore beyond the purview of U.S. government control. With the growth of multinationals, this market has vastly diversified to the point that it is more appropriately measured in "Eurocurrency," consisting, say, of Euroyen or Euromarks—a kind of world money that integrates, sometimes to their discomfort, the financial markets of the various nations.

The power to move these deposits among banks in different countries is wielded by a variety of sources, ranging from the central banks of nations to wealthy individuals. But these days, such assets are largely controlled by the multinational banks and corporations. And if the multinationals' power is regarded in some quarters as threatening the world's financial structure, the multinationals themselves, while by no means minimizing their role in world finance, frequently maintain that their monetary maneuvering is purely defensive—an effort, in fact, to play a legitimate business game without being at the mercy of changes in the value of their chips.

PLANNING AHEAD

"The international treasurer must try to avoid a serious economic book loss to the company in dollar terms on account of even small changes in foreign currency values against the dollar," says William F. Ryan, international finance director of one of the great multinationals, Allied Chemical Corp. "To do so, he plans ahead to keep a balanced position in his financial assets and liabilities overseas. For example, if the deutsche mark is a relatively stronger currency against the dollar and the Italian lira is a relatively weaker currency against the dollar and a change in the mark-lira rate is likely, he would prudently aim to increase his mark financial assets and decrease his mark liabilities, while decreasing his lira assets and increasing his lira liabilities."

But if the rationale is obvious—the multinational company offsets its losses in one currency (translated into dollars) with gains from another—so, too, is the result: The weakness of the currency that is dumped is aggravated and the strength of the sought-after currency is enhanced. And while international trade has always involved this process, the growth of multinational corporations in recent years—along with improvements in intercontinental communications—has sent the size and speed of capital flows soaring and, critics say, has consequently accelerated the pace of world monetary crises.

Here in London, Christopher Tugendhat, who represents the City in Parliament (much as if Wall Street had its own Congressman), remarks on a kind of "go-go" fever that has increasingly pervaded the control centers of multinational money management. In a recent book, he points out that when performance-oriented mutual fund managers all follow each other in and out of the same stocks, "upward and downward swings (in prices) are invariably exaggerated." He adds: "In certain circumstances, the same applies to currencies."

A FEW EXCUSES

True, few deny that sometimes the multinationals enter into monetary maneuvering because they simply can't do otherwise—that there is in actuality much to buttress their claims that their moves are defensive. A New York banker, for example, analyzing the genesis of the most recent currency crisis (which resulted in the second devaluation of the dollar) says, "Our big customers (multinational corporations) weren't in it at the start, and they held back quite a while; they thought it would blow over. But as it kept building up, they finally had to step in and protect themselves." (This particular protection involved short sales of borrowed dollars and purchases of Swiss francs, German marks and Japanese yen.)

But despite what they say is their avowed dedication to purely defensive money management, the temptation for multinations to use their financial prowess in speculative ventures is sometimes too great to be suppressed. "Certainly we take uncovered (speculative) positions in currencies," says the representative of a New York bank here in London, "and it can be very profitable."

Considering the size of the multinationals' assets, it isn't surprising that any moves on their part—speculative or otherwise—are greeted with concern, not only in the City and on Wall Street, but in Washington and Whitehall as well. According to the Tariff Commission study, for example, private institutions on the international financial scene controlled some $268 billion in short-term liquid assets at the end of 1971. By comparison, the reserves of the world's major central banks—the foreign exchange holdings that they use to buy or sell currencies to defend against unwanted price changes—come to less than $68 billion. Germany, for example, has about $22 billion in foreign exchange reserves, France has $5 billion, Great Britain $4 billion and Japan $17 billion.

(According to some major banks and corporations, the Tariff Commission figure is unrealistic and thereby distorts the comparison between the wealth of the multinationals and the central banks. Economists at New York's First National City Bank, for example, term the commission's estimate for the corporations "naughty numbers" and say it includes about $138 billion in nonliquid assets and double-counting. But even if this figure were to be subtracted, the multinational treasury would still be more than enough to precipitate a crisis in the event of even slight maneuvering. In the currency crisis that led up to the most recent dollar devaluation, well under $10 billion was sufficient to break down the alignment of exchange rates agreed on 14 months earlier at the Smithsonian Institution and, in fact, to sink the whole monetary system.)

Further enhancing the power of the multinationals is the fact that they can bring about major changes in a nation's balance of payments even without outright transfers of funds. The process is familiarly called "leads and lags," and its effect can be devastating. An example: Great Britain in one recent month had export-and-import payment flows totaling $4.3 billion and a trade deficit of $260 million. If, because of doubts about the pound, British importers hastened payments and exporters respectively delayed collections by 10%—which is well within the realm of possibility—the nation's trade deficit would have widened to $699 million.

A nation can, of course, almost entirely seal its borders against money flows and thereby prevent such swings. The Soviet Union, China and other countries with tight economic controls and currencies that aren't readily convertible are cases in point. But such preventive medicine has its side effects in that investments are blocked and trade is effectively strangled.

How then can national money managers curb speculative, and disruptive, flows of capital while not frightening off wanted investment and trade? In the wake of each recent currency crisis, nations have tried to deal with this dilemma in a variety of ways. France, for example, has a two-tier currency; the price of francs used in trade is supported against some other European currencies, while the price of francs used in internal financial transactions floats in response to market forces. Several other nations now have what might be called negative interest rates on deposits from nonresidents in their banks; the nonresident has to pay the bank to withdraw money.

SKINNING THE CAT

But such controls, money men say, really don't work very well in the long run. "There are too many ways to skin a cat," says a New York foreign exchange dealer. By way of example, he cites the case of a Latin American subsidiary of a large multinational company. The subsidiary was amassing large profits, the dollar value of which was threatened by an almost certain revaluation of the host country's currency. And the country's weak balance of payments, which had precipitated the idea of revaluation, had already caused it to block companies from exporting assets to a safer haven.

The solution: On orders from headquarters, employes throughout the company's worldwide network began to order all their airline tickets through the Latin American subsidiary. This ploy drained away the subsidiary's endangered profits to the tune of about $100,000 a year and served the dual purpose of trimming expenses for the company's other affiliates.

Indeed, multinationals have proved to be exceedingly versatile at outwitting national economic policies. Take the case of a devaluation stemming from a country's desire to curb inflation. Knowing that companies will often try to circumvent devaluation to maintain profit margins by simply raising prices, the move to devalue a currency is often accompanied by price controls. But a clever multinational management, anticipating devaluation, will prior to the devaluation announce an artificially high price for its products, which it then quietly sells at a discount; when devaluation occurs, the company simply eliminates the discount, thereby maintaining its profit margin.

"If necessity is the mother of invention, restrictions must certainly be the father in ingenuity," says Yves-Andre Istel of Kuhn, Loeb & Co. And other observers agree that such ingenuity will continue to triumph, since the benefits of trade and investment among nations are generally too desirable for governments to have them institute more restrictive controls.

"Bureaucrats and governments keep trying to control markets, but history proves they can't," asserts Vilo Vesel, managing director of the Paris-based international arm of Smith, Barney & Co. He adds: "Thomas Aquinas kept warning the peasants they would go to hell if they raised the price of potatoes. But people took the chance and raised the prices anyhow."

In terms of the Eurodollar market, this situation means that efforts to control the market by one nation or a group of nations would simply drive it elsewhere—to the Bahamas, say, or to Zurich or indeed anywhere it could operate free of control. This eventuality isn't lost on the British, whose authorities reject the idea of regulating the Eurodollar by controlling financial intermediaries in London—even though it was through the Eurodollar market that $3 billion flooded into England in a matter of days last year, knocking the pound sterling off its fixed peg and into a float that still continues. The British reasoning, of course, is that any effort to restrict Eurodollar operations would simply deprive London of the business.

(Many nations do control participation by their own residents in the Eurodollar market. But there is no supranational control and there is little confidence such control could ever come about.)

The British have perhaps learned a lesson from what some consider to be a U.S. mistake. A recent study by Rimmer de Vries, international economist of New York's Morgan Guaranty Trust Co., indicates U.S. efforts to shore up the nation's balance of payments by restricting financial outflows "are responsible for the export of the international banking business of U.S. banks.

"The U.S. is the largest industrial country and has the most advanced banking system and the best developed money and capital markets in the world and therefore should be a much more important international financial center than it has been," Mr. de Vries says. "The enormous expansion of international financial activity in the past decade or more has largely bypassed the U.S. because of restraints and regulations." (One major result in order to compete in international markets. U.S. banks have sharply expanded their overseas operations and created 353,000 jobs in the process, all outside the U.S.)

CONSTRUCTIVE FORCE?

In fact, most analysts say the Eurodollar market has more advantages than disadvantages for the world monetary structure. "On balance, most observers would agree that the Eurodollar market has been a major constructive force in the financing of economic growth and expanded international trade," John J. Balles, president of the Federal Reserve Bank of San Francisco, said in a recent analysis.

One advantage, Eurodollar proponents contend, is that the market is an increasingly important source of capital for companies and governments. For example, the investment banking firm of White, Weld & Co. says that last year's new issues of international bonds sold in the Eurodollar market totaled a record $5.66 billion, some $2 billion more than in 1971 and more than double the 1970 figure. The bonds were denominated in 10 different currencies and combinations of currencies, with Eurodollars accounting for $3.2 billion. (Affiliates of U.S. companies borrowed $1.5 billion of the total.)

"The record volume of new-issue activity again amply demonstrated the resilience and adaptability of the international bond market," White Weld says.

If the Eurodollar market is here to stay, is there any ready solution to the multinational corporations' potential for transmitting monetary strains from nation to nation? Apparently not. And the reason, some analysts argue, is that the disruptive problem of short-term capital flows brought on by multinational corporate activity is basically a symptom rather than a cause of world monetary malaise.

"Regulation of the Eurodollar market isn't simply a technical matter but is rather an aspect of the broader problem of international monetary cooperation," says an early study of the question by Donald R. Hodgman, a professor of economics at the University of Illinois. "This in turn merges into the still broader issues of international economic and political cooperation."

WORDS OF WISDOM FROM THE SENATE'S YOUNGEST MEMBER

Mr. GRIFFIN. Mr. President, much has been said and written about the Watergate scandal and how it relates to the Republican Party. Recently the Marquette Mining Journal commented editorially on a speech delivered by the youngest Member of this body, Senator JOSEPH BIDEN, Jr., of Delaware.

His words of wisdom are worthy of the attention of all Americans, and I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOT PARTY'S FAULT

Clipping one's opponent on the football field is bad enough. What the Watergate conspirators did was like slipping sleeping pills into the other team's water bucket.

In other words, it was an entirely different category of offense from the usual nasty tricks political rivals play on one another.

The homely image of the playing field was suggested by Sen. Joseph R. Biden Jr., Democrat from Delaware, speaking at a recent City Club Forum in Cleveland as a last-minute substitute for one of the many casualties of the Watergate explosion—resigned White House aide John D. Ehrlichman.

"The importance of Watergate is not the bugging of telephones, it is the massive assault on the system," said Biden, "—eliminating the field of contenders and subverting the system.

"If the allegations are true, then those who took part in it crippled the other team before it got on the playing field."

Yet the senator warned his fellow Democrats that it would be morally wrong to blame the Republican party for Watergate. As a party, the Republicans had nothing to do with it.

Not only that, he pointed out, but not one person involved so far is a politician. They are all administrative bureaucrats.

"We are a product of our political system," said Biden. "What holds us together as a nation are not cultural ties as in other countries but political ties. We are able to move forward because of politics. If we bring down a great political party, we bring down our political system."

At 30 years of age, Biden is the nation's youngest senator. He makes more sense than some of the solons who have been in office that long.

THE FUEL OIL SUPPLY PROBLEMS FACING NEW ENGLAND INDEPENDENT MARKETERS AND CONSUMERS

Mr. BROOKE. Mr. President, earlier this week, Mr. Duke R. Ligon, Director of the Office of Oil and Gas of the Department of the Interior, addressed the 12th annual convention of the New England Fuel Institute in Boston. The Institute is an association of 1,143 independent retail and wholesale home heating oil dealers and distributors in the six State region. Its members market nearly 80 percent of the No. 2 fuel oil in New England, as well as substantial quantities of gasoline and No. 6 fuel oil.

Mr. Ligon gave a very frank analysis of the fuel oil supply problems facing New England independent marketers and consumers. His presentation was a refreshing contrast to the bland, reassuring—and often misleading—statements provided by Federal oil officials in years past. Mr. Ligon made clear that we are facing a difficult period and that additional steps need be taken if we are to avoid a serious fuel oil supply crisis during the coming winter.

As one who has fought for recognition of New England's fuel supply problems for many years, I appreciate the honesty and candor of Mr. Ligon's remarks. I have always felt that the only way to solve New England's supply problem is to face it squarely and I believe Mr. Ligon has done just that.

Mr. President, I ask unanimous consent that Mr. Ligon's address to the New England Fuel Institute be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT OF DUKE R. LIGON

The Nation is faced with a classic supply/demand problem. The question is: How will we meet energy needs, when we are unable to produce enough fuel domestically?

Your interest centers on gasoline, distillates, and residual fuel in New England and means of meeting demand for these fuels during the coming weeks and months.

Therefore, I will concentrate on these topics, while attempting to place your concerns in perspective with national and international energy relationships.

As we enter the peak months for gasoline usage, a national spotlight has fallen on adequacy of supply.

Gasoline stock levels for pad I–IV (those areas east of the Rockies) measured 182.4 million barrels as of June 15, 1973.

This is down slightly from the previous week, but comparable to inventories last year at this time.

We are encouraged by the building of stocks, however, our concern about gasoline supplies has not diminished.

Demand for gasoline is expected to grow by some 6 percent over last year.

If we continue to run refineries at a high capacity utilization, as we have done in recent weeks, we should be able to meet most gasoline demand, though spot shortages may and are expected to occur.

Let's look more closely at estimates of supply and demand for distillates and residual fuel oil in New England for the coming winter.

In 1972 domestic demand for distillates grew 8.1 percent over demand during 1971.

This year, our forecasts indicate demand will grow by about 13 percent nationwide, with growth in pad I (the east coast) estimated at about 6 percent.

Though the percentage is considerably lower in the northeast, it is important to bear in mind that this area, your area, accounts for about 50 percent of domestic demand for distillates.

In other words, growth in the distillate market will affect you, whether it occurs in your region or not.

Domestic demand for residual fuels in pad I increased 14.6 percent in 1972 over over the 1971 figure.

However, this growth rate can be misleading.

In 1970 people bought resid and stored it.

Then the following year the northeast experienced a mild winter.

In 1972, when the weather was colder and storage not as great, the percentage increase of resid growth rose sharply.

When adjustments are made for these unusual circumstances, we come up with an estimate of a 10 percent growth rate in resid demand for the northeast in 1973.

The nationwide growth rate should be very similar percentagewise.

There are three major factors which will affect fuels supply this winter: inventories, production, and imports.

At present, inventories of number 2 fuel oil are running slightly above the average for the last 3 years at this time of year.

But with the greatly increasing demand, we of course need a broader inventory base from which to work.

During the winter of 1973–74, we expect refinery capacity to approximate 92 percent utilization.

This would mean that domestic production of No. 2 oil would average about 2.7 million barrels per day during the winter in districts I–IV or the area east of the Rockies.

The shortfall in supply between what we produce domestically and what we need; will be made up by imports.

At present, we estimate No. 2 imports of 500,000 b/d will be needed in districts I–IV for the winter season.

This daily average is much higher than in previous winter seasons.

The previous comments are the assumptions about supply and demand we have made.

However, there are many factors which can affect and will affect these estimates.

First, the factors which could have a positive effect.

The new oil import program which lifts volumetric restrictions should make more fuels available.

For all intents and purposes, the quantitative restrictions on No. 2 oil were abolished in January of this year, and those on resid brought into the East Coast, in 1966.

Now, 50,000 barrels per day of No. 2 will be allowed into District I, license fee exempt.

Resid imports amounting to almost 2.9 million barrels per day will be license fee exempt, whereas they were formerly subject to a 5¼¢ per barrel tariff if under 25 degrees API gravity and 10½¢ per barrel if over 25 degrees API gravity.

Quantities of number 2 or resid above these amounts can be imported if a license fee of 15¢ is paid.

This license fee will rise to 20¢ per barrel in November.

Quite frankly I realize that many of you fought for a higher level of license fee exempt No. 2 imports. And from your point of view I cannot blame you for your effort.

At the time the import program was revised, the oil policy committee was under tremendous pressures to recommend to the President specific actions which would benefit individual sectors of the energy industry.

Our goal was to develop an equitable program, and I believe when the program is viewed as a whole, we achieved this goal.

For years, New England has championed programs to lift quantitative restrictions on importation of fuels.

I believe that we accomplished a dual purpose with the new oil import program: we initiated a means of increasing fuels supplies to meet immediate needs, while providing incentive for domestic exploration, production, and refining.

Importantly, the differential between the license fees for crude and finished products should provide the needed incentive to get refining capacity in this country growing once more.

We have provided an atmosphere conducive to expansion of energy supplies.

We are waiting to see the results.

New regulations governing the Oil Import Appeals Board supply a mechanism for easing specific problems.

The Oil Import Appeals Board has been empowered to grant license fee exempt allocations to those experiencing exceptional hardship.

An independent refiner, marketer, or jobber can appeal to the Board with the knowledge that his request will be dealt with on the basis of its merits; the OIAB is no longer bound by quantitative limitations.

But, providing the atmosphere for increasing fuel supplies may not be enough.

I'm afraid we will have to wait until the winter to see if our efforts bear fruit.

However, I believe our actions concerning oil imports were necessary and positive.

They will either lead to adequate supplies or ameliorate shortages, depending on other factors affecting the Nation's energy supply.

Now, what possible contingencies could contribute to heating oil shortages in New England?

First, if natural gas supplies fail to meet levels of demand, oil will be called upon to make up the difference.

As you know, this is the problem we ran into in the midwest this past winter.

In testimony before the cost of living council, the Chairman of the Federal Power Commission said that of the 184 billion cubic feet of gas which was curtailed during November and December of 1972, an estimated 84 billion cubic feet was replaced by fuel oil and 50 billion cubic feet by distillate fuel oil.

Extrapolating these figures and translating these statistics into estimates for the full winter season reveals approximately 20 million barrels of distillate oil was needed to replace curtailed gas volumes during 1972.

Moreover, interruptible customers often turn to fuel oil when there is a shortage of natural gas.

About 18 percent of our natural gas is used by electric utilities and about half of this is "interruptible" service.

Electric utilities have not only had gas supplies curtailed and interrupted but have been virtually unable to obtain new natural gas service.

Thus the gas shortages, coupled with the disqualification of coal for environmental reasons, has increased electric utility demand for fuel oil dramatically.

In 1972, for example, the Bureau of Mines of the Department of the Interior, reported an increase of 26.5 percent in fuel oil used by electric utilities over 1971.

A recent report by the FPC cites that the use of natural gas by 267 electric companies declined from 861 billion cubic feet in the fourth quarter of 1971 to 771 billion cubic feet in the fourth quarter of 1972, whereas fuel oil usage increased from 106 million barrels to 128 million barrels for the same period.

This increase of 240,000 barrels per day occurred during the fourth quarter, the very time when heating oil demand is at its highest.

Additional strains on fuel oil supplies will be encountered if more coal and foreign oil are deemed unuseable due to high sulfur content.

I agree wholeheartedly that primary air quality standards, which relate to human health, must be met.

However, I believe that, in some cases, secondary standards can and must be eased so that more foreign fuel is available for use.

Opening the federal oil import gates will do little good if city and states gates are closed to foreign fuels.

We must seek a balance between environmental goals and societal needs.

The question is, Where are you burning high sulfur fuels and how does this affect the surrounding environment?

High sulfur must be used to supplement low sulfur fuels if we are to meet day-to-day needs.

However, work towards attaining secondary air quality standards must also continue.

While quantitative restrictions on petroleum imports have been lifted, there is still the problem of price.

At present, No. 2 oil delivered to the east coast from the gulf coast costs about 19.5¢ per gallon.

Caribbean No. 2 costs about 20¢; Persian Gulf, about 20.5¢ and Italian, about 23.1¢.

In other words, prices for finished foreign oils delivered to the east coast are higher than for domestic.

Unless the Cost of Living Council guidelines are modified or clarified concerning the pass through of the cost of foreign oils, these higher prices could be a real deterrent to increased importation.

Cost of Living Council action is vital to both the independent marketer and refiner.

Adding to economic problems of importing oil is the fact that tanker charter rates have increased dramatically during the past month.

This is seasonally atypical, as you well know.

I'm sure you're aware that spot charter rates in the world are at a level of worldscale 258, whereas only one month ago the average was worldscale 166.

This represents an increase of 55 percent in just one month.

At this same time last year, the worldscale rate for spot tanker charters was only 65.

At worldscale 258, it costs more than $3.50 per barrel to move crude oil from the Middle East to the United States.

The present export controls on Canadian finished petroleum products create uncertainty concerning the availability of fuel oil from that area.

In 1972, imports of No. 2 to the east coast were small.

However, a number of refineries in the maritime provinces were being built or expanded with an eye to the U.S. market.

At this time, we do not know whether the Canadian Government will find excess capacity available from these refineries to export to the United States.

The new Canadian ruling does not affect resid.

In sum, if and only if we're able to get rolled in prices for foreign oil and environmental variances, I feel supplies of fuels will probably be adequate for the winter heating season.

Without these measures, New England fuels will be in very tight, if not short supply.

Many people have suggested that more efficient use of energy can spell the difference between adequacy and shortage.

I believe in the value of energy conservation and the need to teach an "energy ethic," to use a term coined by Secretary of the Interior Morton.

I look forward to receiving the recommendations of the new Office of Energy Conservation.

I do not believe that we can realistically expect a large percentage of the population to install better home insulation this year, though that would cut down on heating needs as well as fuel bills.

This goal can be achieved, but it will not be attained overnight.

However, other conservation measures can be accomplished quickly by increasing public awareness of wasteful practices.

Certainly this is a worthy goal.

Some people have asked me what role I foresee for the voluntary petroleum allocation plan.

At present, we are reviewing the program in light of comments received during four days of public hearings.

Undoubtedly the program will be strengthened, however, since we are still analyzing hearing information, it would be premature for me to suggest what specific changes will occur.

Up to this point, I have talked about fuel needs for the coming season.

However, I believe that these must be placed in proper perspective, indicating hopes and problems for the future.

As indicated in the President's second energy message to Congress, this nation needs to be moving out and exploring many energy fronts.

Most immediately, we need to develop those resources which we can use in the near future and that means oil and gas.

United States production of oil and natural gas has been on the decline at a time when the demand for clean, efficient fuels is accelerating.

The lag in production of our natural gas resources is partially due to artificially low prices of interstate sales of gas set by the Federal Power Commission; low prices have discouraged new exploration and development required to provide new reserves and supplies.

To resolve this, the President has proposed legislation which would remove constraints on wellhead prices of new gas supplies for interstate markets.

This course of action would provide incentive for the development of gas production.

At the same time, consumers would be protected against precipitous cost increases because prices on the new gas supplies would be averaged in with the prices of gas that are still regulated.

Also, the Secretary of the Interior Department would be authorized to impose ceilings on new gas prices, if warranted.

In addition to promoting exploration and development in the lower 48, we *must* begin construction of the Alaska pipeline.

The Department of the Interior is confident that oil can be piped from the north slope in a manner that will protect environmental and social values and enhance the Alaskan economy.

The President has urged the Congress to remove present statutory restrictions to construction on the pipeline so that this domestic oil may be brought to American markets at the earliest possible date, if all goes well, sometime in 1977.

The United States geological survey estimated there were 52 billion barrels of identified recoverable resources as of December 31, 1970, and 450 billion additional barrels were classified as undiscovered, but recoverable resources.

At present, offshore areas of the United States alone are estimated to contain 186 billion barrels of crude oil and over 844 trillion cubic feet of natural gas resources, which are recoverable with existing technology.

These amounts represent approximately 40 percent of the Nation's total undiscovered oil and gas reserves and offer promising opportunities since most onshore areas have been explored and developed.

To accelerate exploration and drilling, the President has directed the Interior Department to triple its leasing program, beginning with expanded sales in the Gulf of Mexico, starting in 1974.

By 1985, this accelerated leasing rate could increase annual production by an estimated 1.5 billion barrels of oil or approximately 16 percent of our projected oil requirements for that year and 5 trillion cubic feet of natural gas or approximately 20 percent of expected demand for that year.

One fact remains apparent: if we are to meet near term demands, oil imports will have to grow since efforts to increase domestic exploration, production and refining capacity will not bear fruit for a few years, even under the most propitious circumstances.

Nonetheless the administration hopes that today's actions to increase energy supply will provide the margin of security needed to tide us over until the fast breeder reactor, geothermal steam, solar energy, coal gasification, oil shale, and other new fuel sources come on the scene.

Today, you and I are concerned about the summer, fall, and winter of 1973–74.

But, we as a nation cannot allow our current concerns to blind us to the fact that long-term fuel problems must be resolved concurrently with short-term.

Your alertness and creativeness in dealing with fuel problems can help us live comfortably through the near future.

As always, I welcome your ideas concerning fuels development, allocation, and conservation.

SUPPORT FOR MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973

Mr. McGEE. Mr. President, our Nation is at a critical pivotal point in its history. There is a growing weariness in the Congress and across the land with our active, but brief, involvement in international affairs. Few will argue that the experience of Indochina has been the major contributing factor to our present sense of frustration and mood of retreat from the affairs of the world.

Our experience as a nation, which was called upon to play a major role in the world some 27 years ago, has cut across a wide spectrum of our national consciousness. The aftermath of World War II presented us with a challenge we accepted with considerable reluctance. Yet, the entire international community realized that mankind could never again be swept into the holocaust of a massive, worldwide, conflagration and ever hope to survive. Thus, the termination of World War II and the establishment of the United Nations brought a euphoria of high hopes that, somehow, we had found that magical formula for peace; that those perplexing pieces to the puzzle of man's relationships with his fellow man would now fit.

We soon discovered, to our dismay, that the world was not tied up in one neat package. Nevertheless, we were determined to find those pieces to the puzzle we suddently discovered were missing. Now, we stand at the precipice of almost total disillusionment. The traumatic realization that even the United States was capable of making mistakes has called into question our own adequacies as a Nation in dealing with the complexities of the international community. Yet, even as the frustration grew, more pieces to the puzzle were fitting into place. We have seen detente with Soviet Russia and the People's Republic of China—events which we believed to be completely outside the realm of possibility 27 years ago. We have seen a devastated Western Europe and Japan evolve into economic giants, bringing prosperity to millions of people. We have seen the United Nations grow from 50 to 132 nations—nearly to the point of universality. We have seen nearly a billion of the world's population move from colonial to independent status with very little violence. We have made the age-old problems of poverty, disease, hunger, and illiteracy the concerns of the international community. We have seen the respect for the sovereignty of nations strengthened despite our disappointment that this principle has not been applied universally.

We have seen man evolve to a level where, in spite of his mutual differences, there is an overriding consideration for his common interests. This, perhaps, holds the key to those missing pieces of the puzzle which we have slowly and almost subtlely laid into place. We have traversed the maze of war, hostility, distrust, fear, and other plagues of mankind to the realization we all have much in common; that we must live together because we can never survive in isolation from one another.

Yet, in spite of the distance we have traveled in this brief period of history, we are threatening to retreat. Yes, we have made mistakes along the way. But we have also learned so much. Just as the individual from infancy to death is a product of his experience, so are nations. The United States, as a major element in the international community, was born just 27 years ago. Just as the individual is subject to erring through his infancy, so are we. Just as the individual learns from his mistakes, so must we. Just as the individual should never retreat from responsibility or challenge, neither should we. No matter how tired or frustrated we have become, and no matter how disillusioned we may be, we must rise to the challenges with which all mankind is now confronted. Just as the individual can never return to the protection of the womb, neither can we. We are inextricably tied to the entire world. We will never again find solace in isolation.

Soon, the Senate will be considering the economic development portion of foreign assistance. Hopefully, the focus of our deliberations will be the Mutual Development and Cooperation Act of 1973 introduced by the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished senior Senator from Vermont (Mr. AIKEN)—a measure which I have joined in sponsoring. This meassure promises to be an innovative change in the direction of our economic assistance programs. It is a recognition that we have made mistakes in the past, but are willing to rise to the challenge of overcoming our mistakes. There will be attempts to drastically reduce the funding authorizations for economic assistance. The old myth that this is nothing more than a giveaway program will be revived again. We will be confronted with the argument that we cannot afford to contribute to the development of nations less fortunate than our own. The measure will be the object of worn-out rhetoric and simplistic shortsightedness.

Foreign aid has come to be a distortion in our national psyche. Our perceptions, in too many instances, are not relevant to realities. We are not indiscriminately doling out aid. We, as a nation, are making an investment in the present and the future. Our decisions concerning this bill will determine what the world will be like for our children and our children's children. Thus, we must shape with utmost care our contribution to what kind of world we want and what our role in that world will be.

Nearly three-quarters of the world's total population lives in the less developed nations of this planet. These people occupy two-thirds of our land surface, covering vast, untapped natural resources. We cannot achieve our national aspirations for peace and economic prosperity in isolation from these people. The welfare of the United States and all industrialized nations is tied to the welfare of the less developed nations. The future stability and prosperity of the world rests with the ability of the international community to make this planet a better place in which to live for all its inhabitants. Social, economic, and political problems are no longer endemic to nation-states, no matter how rich or how poor.

The economic welfare of this Nation depends upon a increasing flow of goods and services. The less developed nations provide a market of enormous potential for U.S. goods. Last year, these nations accounted for 30 percent of our exports and were the only areas of the world where we enjoyed favorable trade balances. More than $30 billion of United States private capital is invested in these countries. Thus, the development, economic expansion, and welfare of these nations is vital to our own national interests.

The problems of environmental degradation, an unstable international monetary system, trade deficits, natural resource depletion, the population explosion, disease, poverty, hunger, and illiteracy are increasingly dominant factors as to the type of world we live in and will leave to our children. These factors are the root causes of instability. Unless there is broad international cooperation on all these fronts, we will continue to be plagued by war, famine, poverty—all those aspects of our existence which breed waste and carnage and which threaten the very viability of both our species and our planet.

These are the stakes with which we are confronted as we consider whether this Nation will continue a responsible engagement in the world. If we believe we can live in isolation from the problems of the less developed countries, we are making a serious and potentially fatal mistake.

We hold one of the key pieces to the puzzle. Let us not let the opportunity slip from our grasp. We must exercise wisdom and courage in making our decisions as they affect the international community. This is not the time to fall victim to the ploys of ignorance, empty rhetoric, or short-term selfishness. We have the capacity to assault the problems which plague all mankind—problems we ourselves cannot escape by withdrawal from the world community. Let us not fall to our worst and basest instincts.

KROGER CO. RESPONSE TO SURVEY OF SENATE COMMITTEES

Mr. TAFT. Mr. President, the issue of consumerism and corporate responsibility has recently received a great deal of attention in the Congress. This year Senator MAGNUSON, chairman of the Senate Commerce Committee, and Senator Moss, chairman of the Commerce Subcommittee for Consumers, undertook a study of consumer protection activities implemented by various segments of the business community to meet the needs of consumers. Senators MAGNUSON and Moss are to be congratulated for conducting such a project as it is important to obtain a balanced public record on this issue. One of the firms asked to respond to this survey was the Kroger Co., whose executive offices are located in Cincinnati, Ohio. The Kroger Co., and many other fine firms in Ohio, have been quite active in responding to consumer needs and such efforts are to be commended.

I ask unanimous consent that a letter dated May 11, 1973, from the Kroger Co. to Senators MAGNUSON and MOSS answering this survey, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE KROGER CO.,
Cincinnati, Ohio., May 11, 1973.

Hon. WARREN G. MAGNUSON,
Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATORS: We are pleased to respond to your invitation to participate in your report, "Initiatives in Corporate Responsibility." We commend you for reaching out in this way to insure that the efforts of business are aired adequately. With the private sector attempting to meet the challenges of greater social responsibility, it is imperative that we communicate and understand together the implications and limits of corporate involvements in solving many of today's problems. Retailers represent the transactions closest to consumers; therefore, our response to consumer and social needs is not only important but critical in demonstrating how business is responding to the greater demands and expectations of the public we serve.

The Kroger Co. is responding to the increased level of expectation from our ever-changing society, and we believe our actions represent sound business practices as well as serving the best interest of promoting and protecting our free market system.

Let us now cite for you some of the actions taken by our company to respond positively to consumerism and other areas of corporate responsibility.

A. CONSUMERISM

1. After testing open dating with the United States Department of Agriculture and the Consumer Research Institute, open dating was implemented on 1,300 perishable and semi-perishable Kroger items. The Kroger open dating utilizes a readable pull date—i.e., June 17—indicating the last day the product should be sold.

2. We first tested unit pricing in Toledo in 1970. In 1972 and 1973, expanded unit pricing experimentation has taken place in two Kroger divisions, Houston and Columbus, covering 155 stores.

3. Ingredient labeling has begun on standardized food items.

4. Ground beef fat disclosure is a new program we are implementing. It insures the content of ground round and ground chuck and includes the posting of signs in the store indicating the fat level in various ground beef products.

5. The National Business Council for Consumer Affairs was created by President Nixon in August of 1971. Kroger Chairman Robert O. Aders was appointed by President Nixon

to serve on the Council and was Vice-Chairman of the Council's Packaging and Labeling Sub-Council. The Sub-Council subsequently adopted "Guiding Principles for Responsible Packaging and Labeling" to be recommended to American industry. The Principles call for open dating, ingredient labeling, and greater disclosure of significant items in processed foods.

6. The consumer's right to know received a boost as a result of Kroger's new bacon package designed to let shoppers see at a glance how much lean there is in bacon. Kroger had its package voluntarily on the market prior to the U.S.D.A. regulations on this subject.

7. Kroger has begun a program of primal meat cut labeling. By the end of this year, Kroger will have this new, more informative meat labeling in all Kroger food stores. With this new label, consumers will be informed of the primal cut as well as the special name of the cut—i.e., Boston roast/beef chuck. This program will enable consumers to know exactly what they are buying.

8. To insure corporate attention to consumer issues, a Consumer Issues Coordinating Committee has been created within the company to assist in the development and implementation of policies designed to aid consumers. The functions of merchandising, buying, quality assurance, manufacturing and public affairs are represented on this internal group. We are using this mechanism to examine policies that should be changed and new policies that should be adopted with the aim of assisting today's shopper to make better, more informed decisions in the marketplace.

B. NUTRITION

1. Kroger initiated and developed a cooperative program with the U.S.D.A. to help train U.S.D.A. nutritional aides. The aides are inner-city residents trained to service approximately 40 families helping those families toward a more nutritional diet through wiser food purchase practices. Eight Kroger divisions have participated in a planned training program where the nutritional aides use Kroger facilities as a laboratory and Kroger personnel participate in the instruction explaining cuts of beef, food care and handling procedures, etc.

2. In January of 1972 Kroger conducted a test of nutritional labeling with the Food and Drug Administration. The test ran for three months in Cincinnati with nutritional labeling information provided on the labels of five items—pork and beans, milk, eggs, peanut butter and bread. We now plan voluntarily to begin nutritional labeling this year.

3. The Kroger Basic Four Cookbook, a book designed to encourage homemakers to plan meals according to good nutritional standards, was published and distributed. To date, 85,000 copies have been distributed.

4. In 1970 Kroger became the first grocer and baker to use white flour enriched with vitamins and minerals in its baked goods. This action followed a recommendation by the White House Conference on Foods, Nutrition and Health.

5. Vitamins such as vitamin C have been added to certain Kroger products such as gelatin.

C. COMMUNITY INVOLVEMENT

Kroger is cooperating with the Hunger Coalition of Cincinnati, an arm of the Southern Christian Leadership Conference. The Coalition operates five breakfast centers in the inner city which feed 600 children a day. Kroger helped with a needed financial contribution and has provided office space, warehousing facilities, a delivery truck and office equipment. Kroger merchandisers are providing help in planning bulk purchases of food products. As a result of the Kroger support, the Coalition is now able to feed up to 2,000 children daily.

D. ENVIRONMENT

1. In 1971 Professor Schuyler Otteson of the University of Indiana was commissioned to undertake an ecology audit of the Kroger Co. Three students were employed full time for the summer to carry out the field work and engage in a general study of environmental problems of Kroger operations or affecting Kroger operations.

2. A program on in-store balers has been adopted. The balers enable Kroger food stores to compact and recycle corrugated paper. In the past, this material was burned in an incinerator. Since 60% of store waste is in corrugated paper materials, the recycling is significant both as a productive use of materials and in minimizing air pollution that results from the incineration.

3. Kroger has joined with others from industry and labor in forming and funding the National Center for Resource Recovery, Inc., in Washington. Kroger President James P. Herring is a member of the Board of Directors of the Center. The objective of the organization is to develop the technology and systems needed for effective and economical disposal and reuse of solid waste materials, thereby helping to solve some of the problems associated with solid waste disposal.

4. We supported the efforts to aid in recycling by identifying recycling collection points in our advertising and actually providing collection points, such as in Memphis, for can and bottle returns and by supporting a student group in Cincinnati known as the Cincinnati Experience whose primary purpose is recycling solid waste materials.

E. MINORITY INTERESTS

1. The Kroger Co. has participated in the National Alliance of Businessmen since 1968. There have been two JOBS contracts—MA-3 and MA-5. In these contracts, we pledged to hire and train a total of 107 minority people.

2. Kroger has cooperated with the National Minority Bank Deposit Program (Capital Formation, Inc.) by expanding our deposits with minority banks. In 1972 new deposits were placed with minority banks in Atlanta, Fort Worth, Dallas, Houston, Detroit and Memphis.

3. In Louisville we have developed a joint program with the Urban League designed to train minority personnel for food store employment. Through this program, we have been able to increase our minority employment.

4. Through organizations such as Cincinnati's Business Resource Center, Kroger employees have given their expertise in the areas of accounting, merchandising, etc., to assist beginning minority enterprises.

F. CHARITABLE CONTRIBUTIONS

The Kroger Company Charitable Trust distributes financial support each year to civic, cultural, welfare and social organizations to assist the communities where we operate in improving the quality of life. Some examples of the 600 yearly contributions are:

Contribution to the Seven Hills Neighborhood House;

Helped underwrite the expense of a theatrical production by the Robert F. Kennedy Theater for Children for 5,000 disadvantaged children in Cincinnati;

Grants to the United Negro College Fund for the past ten years;

Contribution to a Boy Scouts of America Camp Development Plan to build a camp in Arkansas.

The foregoing represents some of the actions we have taken and are taking in recognizing our responsibility to improve both the marketplace and the world in which we live. We are committed to continue fulfilling our corporate responsibility. Toward that end, we have established a Committee on Corporate Responsibility made up of five members of the company's Board of Directors. This Committee serves to insure that matters relating to corporate responsibility receive the highest level of management attention.

We see new standards and seek new directions. We are listening so that our response will contribute to a better company and a better society.

Sincerely,

JAMES P. HERRING,
President.
ROBERT O. ADERS,
Chairman of the Board.

NCIC ADVISORY POLICY BOARD MEMBERS

Mr. MATHIAS. Mr. President, I ask unanimous consent to place in the RECORD the names of the NCIC Advisory Policy Board Members which were provided to me by Clarence Kelley, Director of the FBI, in response to written questions I directed to Director Kelley during his confirmation hearings.

This information supplements the answers that appeared in the RECORD for June 27, 1973.

There being no objection, the list of names was ordered to be printed in the RECORD, as follows:

NCIC ADVISORY POLICY BOARD MEMBERS

NORTHEASTERN REGION

Colonel D. B. Kelly, Department of Law and Public Safety, Division of State Police, Box 68, West Trenton, New Jersey 08625.

Mr. William E. Kirwan, Superintendent, New York State Police, Public Security Building 22, State Campus, Albany, New York 12226.

Major Albert F. Kwiatek, Director, Bureau of Technical Services, Pennsylvania State Police, Post Office Box 2771, Harrisburg, Pennsylvania 17120.

Colonel Walter E. Stone, Superintendent, Rhode Island State Police Headquarters, Post Office Box 185, North Scituate, Rhode Island 02857.

Mr. John R. West, Deputy Superintendent, Police Department, 154 Berkley Street, Boston, Massachusetts 02116.

NORTH CENTRAL REGION

Colonel Robert M. Chiaramonte, Superintendent, Ohio State Highway Patrol, Columbus, Ohio 43205.

Mr. Clarence M. Kelley, Chief of Police, Kansas City, Missouri 64106.

Mr. Robert K. Konkle, Superintendent, Indiana State Police, Indiana State Office Building, 100 North Senate Avenue, Indianapolis, Indiana 46204.

Colonel John R. Plants, Director, Department of State Police, 714 South Harrison Road, East Lansing, Michigan 48823.

SOUTHERN REGION

Colonel R. L. Bonar, Superintendent, West Virginia State Police, 725 Jefferson Road, South Charleston, West Virginia 25309.

Captain J. H. Dowling, Communications Bureau, Police Department, 128 Adams Avenue, Memphis, Tennessee 38103.

Dr. Howard M. Livingston, Director, Police Information Network, Department of Justice, 111 East North Street, Raleigh, North Carolina 27602.

Colonel Ray Pope, Director, Department of Public Safety, Post Office Box 1456, Atlanta, Georgia 30301.

Honorable William L. Reed, Commissioner, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302.

WESTERN REGION

Mr. L. Clark Hand, Superintendent, Idaho State Police, Post Office Box 34, Boise, Idaho 83707.

Mr. O. J. Hawkins, Assistant Director, Identification and Information Branch California Department of Justice, Post Office Box 608, Sacramento, California 95803.

Colonel James J. Hegarty, Director, Arizona Department of Public Safety, Post Office Box 6638, Phoenix, Arizona 85005.

Mr. George P. Tielsch, Chief of Police, Seattle, Washington 98104.

THE HONORABLE DILEMMA

Mr. CRANSTON. Mr. President, I would like to share with my colleagues an article which appeared on May 23, 1973, in the San Diego Evening Tribune. The reporter, Benjamin Shore, discusses cogently the ethical questions involved when members of Congress accept fees and honoraria for speeches and articles. Since all of us face the honorarium dilemma, I believe Mr. Shore's article can be an important contribution to our thinking.

Even though the article is somewhat critical of me, I think it is a good piece. I, for one, have no objection to such criticism; I welcome them. Close press scrutiny of Members of Congress—indeed of everyone in government—is absolutely essential to the health of a free society.

That is not to say that I agree with everything Mr. Shore says. I specifically disagree with Mr. Shore's inference that it is improper for a staff member to help prepare a speech or article for which a fee is paid.

I myself do much of my own work—both writing, editing and rewriting. I also often extemporize substantial portions—sometimes all—of my speeches. But I do not hesitate to use my staff to assist me. I believe this is fully justified from a taxpayer's point of view. After all, it is a basic part of a Senator's job to communicate with the public. And making speeches and writing articles are part of that job.

The speeches I give and the articles I publish are intended to fulfill my responsibility to make my views known to the public. If there is an honorarium—and usually there is none—it is incidental to the purpose for which I give the speech or prepare the article.

I never give a speech simply to get an honorarium.

I never ask for an honorarium.

I have instructed my administrative assistant to discuss speaking fees only if they are voluntarily offered.

I accept an honorarium only if it is a conventional courtesy which the sponsoring organization offers to all its speakers—regardless of who they are.

And the amount of honorarium I accept is only that which the sponsoring organization customarily pays.

In addition, I utilize most of my speeches in more than one way. For example, they often serve as position papers on various subjects—and are thus valuable for responding to constituent inquiries.

In my case, honoraria do not "go into the Member's pocket," to use Mr. Shore's phrase. They go into a special office account I have set up, and they are used to pay expenses—deductible and otherwise—which arise from my being a U.S. Senator. I believe some other Members of the Senate and House follow this practice.

Last year, for example, income from my speeches and articles was used by my office to meet telephone, photocopy, and stationery supply expenses for which Senate allowances are inadequate; for travel to California; for subscriptions, telegrams and other communications which were not official but which are part of my responsibility as a Senator.

Mr. Shore is right on target, however, when he talks about the appearance of a conflict of interest when a Congressman accepts fees from organizations whose members may be affected by legislation passed on by committees on which the Congressman serves.

I know that honoraria do not influence my voting record, one way or the other. But I recognize that it is not easy for everyone else to know that is the case, or to accept my statement to that effect—particularly at a time when the whole fabric of governmental integrity is under such intense public scrutiny.

Personally, I would be delighted to be able to refuse all honoraria and fees, and thus eliminate every shadow of doubt about the effect of honoraria. But to do so under present circumstances would badly cripple my ability to do my job. Existing limitations on office and staff funding force me to choose from among only three alternatives:

First. To handicap severely my efforts to be as effective as I possibly can as a Senator, by cutting off a source of funds I presently depend upon to pay for important parts of my work.

Second. To go deeply into personal debt by meeting these expenses out of pocket.

Third. To accept under rigidly controlled conditions these fees and honoraria.

None of these three is by any means wholly desirable. Of the three, however, I feel that accepting honoraria is the least undesirable, since it will best enable me to serve my constituents.

I agree with half of Mr. Shore's solution that Senators should "have the courage to raise their salaries and allowances, thus eliminating the need to accept speaking and writing fees."

I do not favor an increase in congressional salaries at a time when Congress should be setting a frugal example in the fight against inflation.

But I do agree that we need increases in Senatorial allowances—most of which I find are inadequate to meet the legitimate demands and expectations of my California constituencies.

Fortunately, the funding of Senate offices has improved significantly in recent years, thanks largely to the suggestions of a number of Senators still in their first 6 year term, who have been operating under the leadership of our distinguished colleague from Texas (Senator BENTSEN).

An extremely helpful change last year was to consolidate into a single account allowances for items such as travel, telephone and telegraph, stationery, and home offices. This consolidation enabled Senators to establish individual priorities in their office budgeting, and to transfer money from one account where they may have a surplus into another where they may have a deficit.

This year, we first term Senators have proposed increasing the clerk-hire allowance. We have also requested that we be allowed to carry forward unused clerk-hire funds from 1 month to the next, on a yearly basis.

These are but two of a number of improvements still sorely needed to correct an unbusinesslike patchwork of antiquated procedures for operating a Senator's office.

I'm confident that the current momentum for congressional reform will get us to the point—in the near future—where a Senator's activities will be adequately financed. At that point, honoraria can and should become an unmourned relic of our political history.

Mr. President, I ask unanimous consent that those portions of Mr. Shore's column relevant to my discussion be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LITTLE QUESTION OF ETHICS—THE MOONLIGHTING, SPEECH-MAKING SOLONS

(By Benjamin Shore)

WASHINGTON.—Each year around this time, senators are required to file reports with the Senate indicating how much money they received during the previous year for giving speeches and writing articles outside the Congress.

Representatives file reports on their sources of outside income also, but amounts of money received need not be disclosed under House rules.

The common practice of members of Congress taking money for speeches and articles raises serious questions of ethics.

First of all, the work almost always is done not by the senator or representative himself but by a staff assistant who is on the public payroll and who often draws on research performed by a congressional committee staff or the Library of Congress, also paid for by the public.

Second, the fees, which commonly run in the $500 to $1,500 range, but which have been reported as high as $5,000 for one speech, go into the members' pockets and are taxed as personal income.

For example, Sen. Alan Cranston, D-Calif., sold an article to the Los Angeles Times last year for $750. It was written by his California-based assistant who relied on research performed earlier in the year by the senator's Washington staff as it drafted legislation on the same subject.

Another question of ethics arises from the fact that many of the lucrative speaking engagements are offered by business and industry interests to senators and representative who, through their congressional committee assignments, have jurisdiction over legislation affecting those segments of the business world.

Since corporations are prohibited by the Corrupt Practices Act from making direct contributions to the campaigns of candidates for federal office, many find the payment of speaking fees to incumbents seeking reelection to be a slick way around the law.

Some corporations and business associations clearly are looking for experts to address their executives and members, and this is one of the defenses raised by members of Congress. But why do the legislative experts from the Congress feel it necessary to flout ethics by accepting money beyond expenses?

Cranston, for example, sits on the Senate Banking Committee which handles legislation dealing with banking and credit laws. Among his 1972 speaking engagements were Bank of America executives ($500), the Mortgage Bankers Association ($1,000), and the California and America Retailers Associations together ($2,000).

Senators more than representatives, and especially senators from large states, find they need extra money for the extra expenses of operating their Washington and state offices. There are Senate allowances for staff, equipment and travel to their home states, but many senators find they need more money to meet constituent demands for service.

But the nagging question is why don't the senators have the courage to raise their salaries and allowances, thus eliminating the need to accept speaking and writing fees?

White House and other executive branch employes are not allowed to accept anything more than expenses to give a speech or to write an article. And the judicial branch, which saw Supreme Court Justice Abe Fortas resign over a $15,000 fee for a series of college lectures, operates under a canon of ethics which permits the acceptance of lecture and writing fees only as long as they do not "interfere with the due performance of judicial duties . . ." This is intended to rule out any hint of conflict of interest, a concern not shared by many members of Congress.

ADDRESS BY SENATOR TAFT BEFORE METROPOLITAN HOSPITAL ASSOCIATION EXECUTIVES

Mr. TAFT. Mr. President, I recently had the pleasure of addressing a group of hospital administrators and executives from various sections of the country on the issue of extension of the National Labor Relations Act to nonprofit hospitals. I found this issue of great interest to the hospital administrators in attendance at the meeting as a genuine concern was expressed with regard to the ability of hospitals to provide uninterrupted patient care if the NRRA is extended to nonprofit hospitals.

Hearings have been completed in the other body and are scheduled to be held later this year in the Senate Labor Subcommittee. I am quite hopeful that as a result of these deliberations a thorough and extensive review of this matter can be obtained and would urge my colleagues to carefully follow any developments in this area.

Members of Congress must be aware that this is not a labor management relations issue per se, as hospitals are not factories or retail establishments, and patients are not material or merchandise. Hospitals are for human beings and any legislation enacted by the Congress must take this fact into account.

I ask unanimous consent that the text of my remarks before the Metropolitan Hospital Association Executives in Washington, D.C., on June 19, 1973, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR ROBERT TAFT, JR., BEFORE THE METROPOLITAN HOSPITAL ASSOCIATION EXECUTIVES, WASHINGTON, D.C., JUNE 19, 1973

Last year, as many of you may recall, the House passed a bill, H.R. 11357, introduced by Congressman Thompson of New Jersey, and supported by Congressman Ashbrook of Ohio, which would have extended coverage of the National Labor Relations Act to nonprofit hospitals. There was little discussion in the House on this issue, and the bill passed by a three-to-one vote of 285–95.

The bill then was forwarded to the Senate for consideration by the Labor and Public Welfare Committee, of which I am a member. The Senate Labor Subcommittee, under the Chairmanship of Senator Williams of New Jersey, had scheduled only a half day of hearings on this issue, and intended to report the bill to the Senate and obtain prompt floor action.

After listening to the brief testimony presented that first day, I asked for another day of hearings, as it became very apparent to me that there were many unanswered questions regarding the possible effects of such a proposal.

Many of the questions I raised at the second day of hearings were not answered, and due to the late date in the session, the committee took no further action on the House-passed bill.

This year, Congressmen Thompson and Ashbrook have co-sponsored an identical bill in the House, H.R. 1236, providing for a straight extension of the NLRA to nonprofit hospitals. Hearings were held earlier this year on their proposal and it currently is awaiting action in the special labor subcommittee of the House Education and Labor Committee.

Legislation that would provide a similar extension of the Act to non-profit hospitals, S. 794, has also been introduced in the Senate this session by Senators Cranston of California and Javits of New York. Hearings are scheduled to be held on July 17th and 18th in the Senate Labor Subcommittee, with Senator Cranston chairing the hearings.

Supporters of legislation extending the National Labor Relations Act to non-profit hospitals argue that certainly there is no harm in extending the Act. In fact, many advocates of this proposal wonder how I can question the wisdom of extending an Act that my father helped author.

In examining the legislative history of the NLRA, however, it is apparent that the Senate Labor Committee in 1947 did not believe that hospitals would be considered a part of interstate commerce and, therefore, were not subject to coverage under the Act.

Further, to insure that eleemosynary institutions were not covered by the Act, specific language was adopted on the Senate floor and accepted by the House to exclude such institutions.

Today, however, the pressures for extending coverage of the Act are great, as hospital labor organizations, their supporters in Congress, and state hospital organizations having inadequate laws, are intensifying their efforts for extension of this coverage.

The basic thrust of their argument is that a reasonable procedure should be established whereby labor disputes in hospitals can be rationally settled, especially with respect to recognition requests.

These groups suggest that the National Labor Relations Act provides this rational framework, and they point to the experience of the profit-oriented hospitals which are currently covered by the Act. The argument runs that no major catastrophes have occurred in these institutions with regard to labor management problems and, therefore, an extension of the Act to eleemosynary institutions is desirable.

I would disagree with such reasoning, as profit-oriented hospitals have not been without their problems in the labor field. Moreover, such hospitals are a very small percentage of the total hospital care picture in this country and do not represent an accurate sampling.

Additionally, I would suggest that many states have recognized the need for providing specific protections for hospitals and their patients by enacting laws restricting work stoppages.

The practical and moral obligation of providing continued health care and services, which I believe both management and labor must assume, is but one of the issues, however, that must be considered with regard to this question. One must also examine the legal and economic questions involved.

If a hospital is suddenly faced with a work stoppage and forced to function with limited personnel, numerous malpractice suits may result. As administrators of hospitals, you are certainly aware of the legal problems that face hospitals, even when they are fully staffed. One solution with respect to this matter was recently conveyed to me from the West Coast.

A work stoppage had occurred and the union involved was required under their contract to furnish limited numbers of employees to provide essential services during the strike. The hospital administration gladly accepted such employees, with the proviso that each sign forms, stating that he or she would assume legal liability if any malpractice action was brought against the hospital for services performed during their tenure of service. The employees refused to sign, and the union was faced with the position of breaking the contract. The hospital administrator received a phone call within hours from the union's attorney stating that negotiations would resume immediately. Surprisingly enough, the work stoppage was resolved very shortly thereafter.

The issue of increased medical costs as a result of extension of the Act must also be focused upon. I am sure that all of you are aware of the ever increasing expense involved in providing hospital care and treatment. If reasonable efforts are to be made in controlling such expense, cooperation must be obtained by all parties as economic controls alone are not the answer. Organized labor must be prepared to fully cooperate in this effort, if they are to become an integral part of the nation's health care system.

I believe those people advocating extension of the National Labor Relations Act to non-profit hospitals must be prepared to respond to these issues and propose or support amendments to the Act that would give hospitals and their patients adequate protection.

Various proposals have been advanced and I am not yet convinced which approach is most acceptable.

At the minimum, however, I believe a solution should insure that safeguards be established whereby hospitals would be given adequate notice of work stoppages so patients can be properly provided for.

Further, such a solution must contain provisions for emergency injunctive relief, and procedures for requiring parties to bargain over their differences.

I am encouraged that the Administration is reconsidering their position of last year of supporting a straight extension of the Act. My staff has held extensive meetings with the Department of Labor and, hopefully, their proposal will be sounder this year.

Regardless of the Administration's position, however, it is important that your association and others affiliated with you, such as the American Hospital Association, take a strong stand on this issue.

It is important to convey to the Members of Congress that hospitals are not factories or retail establishments, and patients are not raw material or merchandise.

Hospitals are for human beings and any legislation enacted by Congress should take this fact into account.

In summary, I think opponents of legislation to include non-profit hospitals under the NLRA must be realistic, and understand that prospects for passage of a bill along these lines during the 93rd Congress are much greater than they were last year.

My suggestion, therefore, would be to concentrate on informing your Senators and Representatives in Congress of the urgent need to include in any such legislation, adequate safeguards for the public—to protect the continuity of hospital care against the very real dangers of interruptions in patient services resulting from strikes, picketing, and bargaining impasses.

By taking a positive approach to this issue—offering constructive proposals to help assure continuity of patient care, require sufficient notice of work stoppages, put reasonable limits on the number of bargaining units, develop expedited means of obtaining emergency injunctive relief, and provide effective impasse resolution procedures—you will be recognizing the realities of the situation on Capitol Hill this year, and at the same time, be making a genuine and valuable contribution to whatever legislation may ultimately be adopted by the Congress.

THE GENOCIDE CONVENTION AND THE SETTLEMENT OF DISPUTES

Mr. PROXMIRE. Mr. President, article IX of the Genocide Convention deals with the manner in which disputes between two or more signatories are handled:

> Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Provisions comparable to this passage are included in many treaties of which the United States is a party; for example, the Japanese Peace Treaty and the Antarctic Treaty.

There are several countries, most prominently Communist nations, that have ratified the Genocide Convention with the stipulation that they do not consider themselves obligated to abide by article IX. The United States is expected to follow suit:

Thus it is difficult to understand the fear that a "dying" court would suddenly play a major role in genocide affairs. So far, no disputes have been brought to the International Court of Justice at The Hague dealing with violations of the Genocide Convention. Actually, few cases at all have been taken there. This should not imply, of course, that the United States could never be involved in such a case; but if a charge should be brought before the Court, it would be dealt with there and be carried no further. Moreover, it should be pointed out that the Court has no enforcement powers, nor can individuals or groups bring a case before the World Court. Only states that are party to the Court's statute may do so.

Therefore, article IX should present no barrier to the ratification of the Genocide Convention. The time for positive action on the part of the United States is now.

THE AMATEUR ATHLETIC ACT

Mr. PEARSON. Mr. President, the Commerce Committee has ordered legislation to be reported to the Senate which will lead to a constructive and timely resolution of the major problems confronting amateur sports in the United States. The bill, which I have cosponsored, is the result of an arduous committee investigation of the amateur sports establishment in this country as well as independent studies conducted by myself, and Senators TUNNEY, COOK, GRAVEL, and THURMOND.

I would like at this point to commend my colleagues who have devoted much time and attention to the problems confronting the administration of amateur sports. We have worked in a bipartisan spirit to bring to the Senate legislation designed to resolve these problems and meet the needs of today's athletes.

Mr. President, those of us who participated in the hearings on amateur sports held last May agreed from the start that the never-ending feuding between the major sports governing bodies has not been in the best interests of the Nation's athletes who have, in spite of such feuds, achieved phenomenal success both domestically and internationally. Nor were such confrontations in the best interests of the sports public, which has supported the development of amateur sports over the years. It has long been evident that the major sports governing bodies have failed to recognize their obligations to athletes, sports, and the American people. In a world which has become increasingly aware of the interdependence of societies and individuals, the hierarchy of amateur sports has remained aloof, isolated, and unresponsive to the desires of those they are meant to serve.

It is possible that we may never have realized the import of these failures had we not been subjected to the series of blunders which occurred during last year's Olympic games. As millions watched in Munich and around the world, our basketball team lost in the finals of its competition, because U.S. officials failed to follow through in attempts to correct a patently unjustifiable decision by a referee in the contest; an American swimmer was stripped of his gold medal, because U.S. officials failed to inform the proper authorities that the drug he was taking was prescribed by a doctor to correct an asthmatic condition; and two of our best sprinters missed their races, because the coach failed to notify them of the proper starting time.

Mr. President, I have no doubt that most Americans will accept graciously the defeat of their favorite in athletic competition, provided the event was conducted according to the rules and provided the promoter afforded every opportunity for each competitor to produce his or her best effort. However, no fair minded individual can tolerate a defeat which results from mismanagement or other administrative failure. Unfortunately, it is becoming increasingly clear that U.S. athletes are being penalized by the sports bureaucracies who fail to understand their needs and who fail to act in their best interests.

Accordingly we have acted to bring about a basic restructuring of the present sports establishment, one which we feel will bring needed reforms to amateur sports both on the domsetic and international levels. Additionally, we have done so without injecting the Federal Government in the day-to-day activities of the governing organizations and without destroying any of what is good in the administration of domestic competition.

Mr. President, our bill provides reform in three basic areas. First, it will fundamentally reorganize the U.S. Olympic Committee and improve the methods by which athletes are chosen to represent the Nation in the Olympic games. Second, it provides a premanent solution to the longstanding feud between the AAU and the NCAA. Finally, it provides seed money for the development of amateur sports at the grassroots level.

To implement these reforms, we have agreed to the creation of a U.S. Amateur Sports Board, composed of five members and including one amateur athlete. Each board member will sit for a term of 4 years. This board will award charters to groups designated as U.S. sports associations. Each association will then become the domestic governing body for as many as three sports in which there is international competition. However, it is intended in this legislation that domestic control will be limited to competition in which athletes affiliated with more than one sports organization—such as the NCAA or AAU—are involved.

An additional responsibility of a chartered sports association will be to represent the United States internationally and to represent its sport or sports on the U.S. Olympic Committee. However, the charter will be awarded only if the applicant organization is capable of gaining the recognition of the appropriate international sports federation.

In order to insure that the best qualified applicants attain the status of charter holder, this bill provides that each charter will expire after a 4-year term, following the conclusion of the Olympic games for those sports in which there is Olympic competition. For those sports in which there is no Olympic competition, the charter shall expire on the year following the conclusion of the summer and winter Olympic games.

In order to receive a charter, a prospective sports association must comply with the following requirements:

It must be able to show that no less than 20 percent of its voting membership is composed of athletes competing in its sport or sports;

It must demonstrate that its membership is not dominated by one particular group and that its officers are not holding similar positions in another sports association;

It must be willing to develop its sport or sports on a national basis;

It must be prepared to sanction any event in which athletes affiliated with more than one sports organization are competing, provided the promoter has met certain conditions outlined in the legislation.

It is of paramount importance that the sports associations be responsive to the athletes they represent and the public they serve, because international rules require that those organizations which are the recognized national governing bodies must control the majority of the voting power on national Olympic committees. If these organizations are held accountable for their actions, it stands to reason that the U.S. Olympic Committee will also become more responsive to public pressures and demands for change.

But in recognition of the fact that other problems exist in the administration of the U.S. Olympic Committee, our bill mandates the creation of a commission appointed by the board to conduct an investigation of the USOC and to determine whether further changes in the selection and management of Olympic teams are necessary. This proposal is similar to legislation offered by Senator TUNNEY in the last Congress, which was approved by the Senate but which failed to receive full congressional approval. I applaud his initiative in this regard, and I believe a thorough review of the USOC is necessary to eliminate the threat of U.S. mismanagement in future Olympic games.

Mr. President, the bill reported from the committee contains other worthy provisions which I fully support. Senator COOK, who has contributed much to the development of this legislation, proposed language which was adopted by the committee authorizing the board to act as a clearinghouse for the collection and dissemination of information related to athletic facilities and sports safety and health. Additionally, the legislation provides for mediation in the event a dispute between a U.S. sports association, another sports body, or an individual athlete develops. Language is also in the bill designed to encourage participation of all athletes in any competition sanctioned by a U.S. sports association, regardless of their affiliation to any sports organization.

Finally, Mr. President, we have included in the bill a proposal initially offered by Senators GRAVEL and THURMOND, creating a quasi-public foundation to foster the development of athletics at the grassroots level. This foundation, financed equally by the private sector and by a one-time, Federal payment of $50 million, can be utilized in a number of worthwhile ways, including the encouragement of participation in sports, the construction or modernization of athletic facilities, and the advancement of knowledge in all aspects of sports and physical recreation.

Mr. President, I have been involved with attempts by Congress to resolve the major obstacles confronting the administration of amateur athletics for a number of years. In spite of the best efforts of Members of Congress, the late Gen. Douglas MacArthur, President Kennedy, and numerous other distinguished Americans, the problems still remain. In all that time, I have seen no substantive change in the attitude of the major sport bureaucracies. Although I regret the Federal Government must take these steps, I have no confidence that there will be a voluntary solution to the problems we have attempted to resolve in our bill.

In spite of my reservations, I am hopeful that enactment of our legislation will inaugurate a new era in the history of U.S. amateur sports. I believe it will bring all factions of the U.S. amateur sports world together in a manner which cannot help, but foster better programs of development for the Nation's athletes. The influx of new moneys into currently existing or proposed development programs will help enrich the lives of our youth regardless of their educational, social, or economic background. Finally, the legislation we propose will guarantee that only those associations supported by athletes, administrators, and the Government can control their respective sports and represent the United States in the Olympics and other worldwide events. I am hopeful, Mr. President, that the Congress will approve this bill at an early date.

THE URGENT NEED FOR A U.S. PASSPORT SERVICE

Mr. HUMPHREY. Mr. President, on March 26, 1973, I introduced a bill, S. 1363, to provide for the establishment of a U.S. Passport Service within the Department of State and to provide for a passport service fund to finance its operations.

To those who are familiar with the passport operation, the need for legislation of this nature is obvious. Indeed, the need has been obvious since I first introduced a similar bill in 1956.

The demand for passports by Americans has grown rapidly and consistently over the last 20 years. 373,729 passports were issued and renewed in 1952. In 1972 the Passport Office issued 2,605,321 passports, an increase of almost 600 percent.

The Passport Office has grown into a big business operation requiring business type methods and financing to provide a service to the American public. The American people pay for this service.

New methods and new systems involving automation and requiring more technically oriented employees must be planned, studied and implemented. As I mentioned when I introduced S. 1363, I was involved as a member of the Government Operations Committee in modernizing and updating the then antiquated system for issuing passports.

Today through lack of foresight and proper support from the Department of State, the system which evolved in 1956 has itself become inadequate to meet the ever-growing demand of the American public for passports.

As I mentioned previously, the State Department has attempted to meet the needs of the public with Post Office acceptance facilities and shift operations, but these are temporary stopgap measures jury rigged to meet a situation already out of hand. They have not and obviously can not solve the long-range problems of the Passport Office.

The Passport Office has initiated a comprehensive study performed by a private contractor to improve its operations. Hopefully, this study will produce some long-range solutions, but it is a fact that no matter how sound these solutions may be, they cannot be brought to maturity unless they are spawned in a favorable administrative and financial climate. History records that the State Department has not been inclined to provide this favorable climate. On the contrary it has demonstrated unusual speed in objecting to every piece of legislation designed to upgrade the Passport Office and to give recognition to its important and ever-increasing role in servicing U.S. citizen travelers.

The service fund provided in my bill would permit the U.S. Passport Service to use a portion of the fees it collects and returns each year to the Treasury to finance an efficient and modern public service and provide for continuous updating and improvement of its operations. The service fund provides for a controlled business-type budget, a business-type accounting system, audits by GAO with periodic reports to the President and Congress.

In short my bill both organizationally and financially provides for a business-type organization to run a big business operation. The need for this kind of measure is long overdue and therefore urgent.

My bill, S. 1363, was referred to the Committee on Foreign Relations. I urge members on that committee not only to act on my bill, but to report it favorably to the floor of the Senate, where I am sure it will receive widespread support. Such constructive action would preclude the yearly crises which have developed in the Passport Office as a result of lack of administrative support within the Department of State.

Time passes with the winged feet of Mercury. I have never urged hasty or ill-considered action, but the basic proposals of my bill were germinated back in 1956. Year after year similar bills have been thwarted by unsubstantiated objections from the Department of State.

Mr. President, I would like to add that the Passport Office, under the very able leadership of Miss Frances G. Knight, has developed an excellent reputation for outstanding and efficient service to the public. It is time now to recognize that if this quality of service is to be maintained, we must establish a new U.S. Passport Service.

RELEASE OF FUNDS FOR SUMMER JOBS PROGRAM OF NEIGHBORHOOD YOUTH CORPS

Mr. JAVITS. Mr. President, this past Wednesday, June 27, 13 other Senators joined with me in a statement calling upon the administration to release funds for the Neighborhood Youth Corps summer job program in time for use this summer. Joining in were Senators ABOUREZK, BEALL, BURDICK, CRANSTON, HATHAWAY, HART, HUGHES, HUMPHREY, KENNEDY, MONDALE, NELSON, PELL, TUNNEY, and WILLIAMS.

Our request related to $256.5 million

previously appropriated by the Congress for the Neighborhood Youth Corps summer job program and as to which the Congress had referred the administration's requests for rescission and amendment. Of that sum $239.2 million was appropriated under the authority of the Economic Opportunity Act in the Supplemental Appropriations Act, 1973, Public Law 92–607, signed by the President on October 31, 1972, and the remainder, $17.3 million was appropriated under the authority of the Manpower Development and Training Act of 1962 in the Continuing Appropriations Act, Public Law 93–9, signed into law on March 9, 1972.

We indicated that these funds would provide 607,827 9-week opportunities for poor youth in our inner-cities and other areas—even then somewhat below last year's level—411,164 short of the number the U.S. Conference of Mayors-National League of Cities documented earlier this year as the minimum necessary which they could effectively place—and 1,193,173 short of the number needed for the 1.7 million poor youth which the Department of Labor itself estimates may be out of school and out of work this summer.

In our statement, we said that the denial by both Houses of the administration's requests for rescission—not to spend these funds—is equivalent to a direction to spend them and the administration should do so now so that poor youth will have constructive alternatives to a summer of sheer restlessness.

Mr. President, yesterday our position was essentially sustained by Judge Leonard I. Garth for the District Court for New Jersey, Newark in the case of Community Action Programs Executive Directors Association of New Jersey, Inc., the New Jersey Neighborhood Youth Corps Directors Association, Mary Ann Weston, Yvette Youth, et al. against Roy L. Ash, Director of the Office of Management and Budget, Peter J. Brennan, Secretary of the Department of Labor, William Kolberg, Assistant Secretary of Manpower of the Department of Labor, and Howard Phillips, former Acting Director of the Office of Economic Opportunity.

The court ordered that the defendants make available by 10 a.m., Saturday, June 30, 1973, $239.2 million for the Neighborhood Youth Corps job program for this summer. Questions were raised with respect to the $17.3 million where that element was not clearly identified under the original authorizing and appropriating legislation and the court decided not to provide relief with respect to that element.

The court also ordered the defendant Ash to insure that the funds do not revert to the Treasury after June 30. It is my understanding that the defendants may seek to obtain a "stay," pending an appeal to the circuit court, of the district court's order that funds be obligated by Saturday; in that event, the order against the defendant Ash, preventing reversion of funds to the Treasury, would remain in force.

Mr. President, the district court's decision constitutes a victory for the cities in their struggle for recognition by the Federal Government of their needs. It has been a lengthy fight beginning on February 20, when 26 Senators and I wrote the President and continuing to date. I am most gratified to report at this time a success in this area—a victory for the will of the Congress and for poor youth in our inner cities, as well as the State and local governments which are attempting to meet their needs.

I ask unanimous consent that there be printed in the Record the following: A copy of a letter to the President dated June 21 signed by myself and a bipartisan group of Senators urging release of funds; the statement made on June 28 by 13 Senators and me calling on the administration to release funds, and an article from the New York Times dated June 29, 1973.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, June 29, 1973]

JUDGE ORDERS U.S. FUNDS RELEASED FOR YOUTH CORPS

(By Martin Gansberg)

A Federal judge in Newark ordered the United States Department of Labor yesterday to release $239-million budgeted nationwide for the Neighborhood Youth Corps summer program.

Judge Leonard I. Garth of the District Court said that the funds must be released no later than 10 A.M. tomorrow and ordered the Office of Management and Budget to refrain from taking any steps that would allow the funds to revert to the United States Treasury. Funds not spent before the end of the fiscal year—midnight of June 30—revert to the treasury.

"There is no doubt it was the unequivocal intention of Congress that the amount be appropriated," Judge Garth said in an oral decision after a five-hour hearing. "This is no raid on the public treasury. It is just action required to release appropriated funds."

President Nixon requested Congress last year to allocate $256.5-million for summer youth jobs, with the funds to be disbursed through the Neighborhood Youth Corps. Congress made the appropriation, and it reaffirmed the allocation last June 19 by rejecting a Government rescission request.

Since the original request, however, the President imposed his spending ceiling, $250-billion for the current fiscal year, in order to control inflation without a tax increase. One of the allocations held up, but not impounded, was the money for the Neighborhood Youth Corps.

The suit leading to Judge Garth's ruling was filed by 22 Community Action Program directors in New Jersey and two girls who had been promised jobs this summer, Mary Ann Weston, 16 years old, and Yvette Young, 19, both of Neptune, N.J.

The New Jersey agencies provided jobs for 11,591 youths last year after an allocation of $3.3-million.

Earlier in the day, before the ruling by Judge Garth, Mayor Lindsay sent a telegram to Administration leaders in Washington urging that the Youth Corps funds be distributed.

"Those funds are urgently needed," the Mayor said. "In New York City alone we could use 77,500 summer job slots for our young people, many of whom face neighborhood unemployment levels of up to 40 per cent."

Last year, funds from the Neighborhood Youth Corps provided jobs for 50,000 youngsters in New York on an allocation of almost $20-million. Across the nation, the money was expected to provide jobs for 609,300 youths this summer, through 930 organizations.

The Youth Corps is a nine-year-old program that provides summer employment for disadvantaged youths. The jobs usually are in public agencies or nonprofit organizations and are service-oriented. Many of the youths work in parks, recreational activities or with hospitals.

GOVERNMENT TO APPEAL

The money is allocated by the Department of Labor to agencies in municipalities throughout the nation. A spokesman for the department in Washington said yesterday that the $239-million "wasn't spent yet because we just haven't had time to spend the money." He said that the Government would appeal Judge Garth's decision.

In issuing his order, Judge Garth declared that the refusal to release the funds "has been activity outside the statutory limits."

The attorney for the plaintiffs, David H. Ben-Asher of East Orange, said the New Jersey Community Action Program Directors Association had decided to file suit last week at the urging of Senator Harrison A. Williams Jr., Democrat of New Jersey.

$380-MILLION IS FROZEN

WASHINGTON, June 28.—A United States District Court judge today ordered frozen $380.4-million in Federal education funds previously impounded by the Nixon Administration.

Today's action by Judge Joseph C. Waddy prevents the money, more than 14 per cent of the education funds appropriated by Congress, from reverting to the Treasury on Saturday, the end of the fiscal year.

The order comes as a result of a suit filed June 8 by Pennsylvania. In the suit, which has since been joined by eight other states, the court was asked to allow the allocation of the funds for eight different education programs.

While the decision does not release any funds, the judge ordered the freeze because the states "have demonstrated a substantial likelihood of success on the merits" of the case.

Edmund Kitch, a lawyer for the Justice Department, said that today's decision would allow the impoundment issue to be argued in the courts.

U.S. SENATE,
Washington, D.C., June 20, 1973.

DEAR MR. PRESIDENT: We urge that the Administartion begin immediately, in accordance with Congressional intent, to release and obligate in time for use this summer at least the $256,503,000 previously appropriated by the Congress for the Neighborhood Youth Corps summer job program to provide 607,827 work experience opportunities for poor youth fourteen to twenty-one years of age.

This aggregate amount was originally requested by the Administration for fiscal year 1973 and appropriated by the Congress in the Supplemental Appropriations Act (P.L. 92–607), which you signed on October 31, 1972, and the Continuing Appropriations Act (P.L. 93–9), which became law on March 9, 1973.

As you know, in conjunction with its fiscal year 1974 budget submission, the Administration requested rescission and amendment of its fiscal 1973 budget, requesting permission not to expend any funds for the Neighborhood Youth Corps summer job program for this summer. Instead, it proposed that States and cities use for summer jobs for youth as much as $333.0 million (including $112,260,000 in discretionary and reallocated funds specifically made available for that purpose) of the $1.25 billion originally appropriated for fiscal year 1973 for the specific purpose of the public employment program under the Emergency Employment Act of 1971.

Both Houses of the Congress have now denied rescission in connection with their consideration of H.R. 7447, the Second Supplemental Appropriations bill, rejecting the idea of using Emergency Employment Act funds and directing that at least the $256.5 million already appropriated for the Neighborhood Youth Corps be released and obligated before the close of this fiscal year. The Statement of the Committee on Conference on H.R. 7447 reaffirms these actions stating the intent of the Conferees that generally appropriated (but unobligated) funds for manpower services (even beyond the $256.5 million if necessary) should be made available to maintain the Neighborhood Youth Corps program.

As the public schools are recessing right now throughout the Nation for the summer, poor youth will face unemployment levels ranging from 30 to 40 percent in poverty neighborhoods and States and cities will not be able to meet their needs for youth jobs without cutting back substantially on employment opportunities for returning veterans and those on welfare who would otherwise be provided for under the public employment program; in fact the Department of Labor statistics document clearly that if $333.0 million in Emergency Employment Act funds are diverted to summer jobs for youth, at least 53,000 opportunities will have to be cut from the public employment program. The Department of Labor estimates that already as much as $150 million in Emergency Employment Act funds have been diverted for the summer job program.

We submit that this situation creates an impossible choice for States and cities which can be ameliorated by making available at least the funds heretofore appropriated by the Congress for the specific purposes of the Neighborhood Youth Corps summer program.

We note that the National League of Cities-U.S. Conference of Mayors documented earlier this year that it can effectively use a total of 1,018,991 opportunities in the Neighborhood Youth Corps summer job program for this summer (compared with a target group of 1.7 million).

Accordingly, the 607,827 opportunities that could be made available with the $256.5 million will not be adequate to meet minimum needs. Even if States and cities have already made available, as the Department estimates, $150.0 million in Emergency Employment Act funds, these funds together with the $256.5 million, could fund an aggregate of only 963,277 slots—still 55,714 slots below the 1,018,991 opportunities documented by the National League of Cities-U.S. Conference of Mayors.

Accordingly, we urge you to act immediately in accordance with the clear Congressional intent while there is still a chance to provide a program with respect to the $256,503,000 already appropriated so that poor youth will have constructive alternatives to a summer of restlessness and possibly worse.

Very truly yours,

JACOB K. JAVITS.

LIST OF SIGNATURES

Jennings Randolph, Thomas F. Eagleton, James Abourezk, Joseph R. Biden, Jr., Harold E. Hughes, John V. Tunney, Edward M. Kennedy, and Quentin N. Burdick.

Edward W. Brooks, Claiborne Pell, J. Glenn Beall, Jr., Lowell P. Weicker, Jr., Philip A. Hart, Frank Church, Gale McGee, William D. Hathaway, Hubert H. Humphrey, Gaylord Nelson, Howard W. Cannon, Dick Clark, George McGovern, Alan Cranston, Birch Bayh, Harrison A. Williams, Jr., Walter F. Mondale, Charles McC. Mathias, Jr., Robert T. Stafford, Mark O. Hatfield, and Robert Taft, Jr.

JAVITS AND 13 OTHER SENATORS CALL ON ADMINISTRATION TO RELEASE FUND FOR SUMMER JOBS PROGRAM OF NEIGHBORHOOD YOUTH CORPS IN TIME FOR THIS SUMMER WITH END OF FISCAL YEAR ONLY 2 DAYS AWAY

The Administration apparently continues in its refusal to release $256.5 million already appropriated by the Congress for the Neighborhood Youth Corps summer job program for this very summer—already upon us. The refusal represents a most unwise challenge to the will of the Congress, a gross disregard of the pleas of state and local governments which have documented the need for the jobs, and an insensitive affront to the needs and hopes of poor youth, 14-21 years of age, who are the intended beneficiaries of the program.

These funds would provide 607,827 nine-week job opportunities for poor youth in our inner cities and other areas—even then somewhat below last year's level—411,164 short of the number the U.S. Conference of Mayors-National League of Cities documented earlier this year as the minimum necessary which they could effectively place—and 1,193,173 short of the number needed for the 1.7 million poor youth which the Department of Labor itself estimates may be out of school and out of work this summer.

No less than three times both Houses of the Congress have taken action indicating a clear obligation under law that at least the $256.5 million be made available before the appropriation expires at the end of this fiscal year, 1973—now only two days away.

First, by appropriating $256.5 million for the program *as originally requested* by the Administration under the Supplemental Appropriations Act (P.L. 92-607) *signed into law* by the President on October 31, 1972 and under the Continuing Appropriations Act (P.L. 93-9), which became law on March 9, 1973.

Second, by the action of each House last month in refusing the request of the Administration to "rescind" these amounts—in effect requesting permission not to spend them—and in rejecting the Administration's proposed alternative of diverting for summer jobs for youth up to $333.0 million of public employment funds under the Emergency Employment Act of 1971—funds intended for the distinct purpose of providing jobs for those on welfare and other adults.

Third, by the action of the Senate Tuesday, following House action Monday, in approving and sending to the President the Conference Report on H.R. 7447, the Second Supplemental Appropriations bill, which report (while refusing to accept our amendment adopted in the Senate to add $44.5 million to the $256.5 million already appropriated) said:

"The conferees reached the conclusion that additional appropriations for the summer jobs program are not needed at this time since a total of $1,595,297,000 is available for obligation in fiscal year 1973 under the appropriation for "Manpower training services", of which the Department of Labor currently plans to obligate only $1,220,000,000. It is clear that ample funds are currently available within this appropriation to fully support the Neighborhood Youth Corps summer jobs program for the coming summer. It is the intent of the conferees that at least as many Neighborhood Youth Corps summer job opportunities should be provided from this source as were provided in last summer's program."

Thus, the Administration is "hoarding" for some unknown future purpose, a total of $375,297,000 in manpower services funds—an amount exclusive of funds for Emergency Employment Act—and shows no intention to make available in time even $256.5 million of that sum for the Neighborhood Youth Corps summer programs in accordance with law.

It is clear that the Administration's policy is one of "bankrupting" the funds. It is evident that the cities—despite the Administration's wishful thinking—cannot meet two separate needs from one "pot" of money—summer jobs for youth and public service jobs for others. This is shown by the fact that the Labor Department documents that to date only $150.0 million in EEA funds have been applied to meet summer jobs of youth, and what they have been able to "squeeze out" from that source has come only by denying the jobs under the Emergency Employment Act to others equally in need. The choice is one of firing the father to hire the son. The Administration defends this on the ground that unemployment is reduced, but it still remains at a highly unacceptable figure and, therefore, the argument is unsound.

We call upon the President, as we did last February, and again only last week, to release these funds *now* before they revert to the Treasury at the end of this week. Such an action would be one of "domestic statesmanship" and an indication that the Administration is "at its word" with respect to its desire to work closely with the Congress.

The denial by both Houses of the Administration's requests for rescission—not to spend these funds—is equivalent to a direction to spend them and the Administration should do so now so that poor youth will have constructive alternatives to a summer of sheer restlessness.

The clear fact is that even with the Presidential veto of the Supplemental Appropriations bill the funds for the summer job program have been made available by the Congress under previously enacted appropriations bills and should be spent for that purpose.

Joining Senator Javits in making this statement are Senators Abourezk (D-S. Dakota), Beall (R-Maryland), Burdick (D- N. Dakota), Cranston (D-Calif.), Hathaway (D-Maine), Hart (D-Mich.), Hughes (D-Iowa), Humphrey (D-Minn.), Kennedy (D-Mass.), Mondale (D-Minn.), Nelson (D-Wisc.), Pell (D-R.I.), Tunney (D-Calif.), and Williams (D-N.J.).

FLORIDA CITRUS MUTUAL'S 25 YEARS OF SERVICE

Mr. CHILES. Mr. President, 25 years ago a handful of citrus growers got together at Winter Haven, Fla., to discuss severe difficulties which were threatening the State citrus industry in the post-World War II period. From that meeting came Florida Citrus Mutual, a citrus growers' organization that was instrumental in stabilizing the industry.

On June 19 Florida Citrus Mutual commemorated its 25th anniversary, an event that I was unfortunately unable to attend because of Senate business in Washington. However, Florida Citrus Mutual's history of accomplishments are worthy of exposure through the CONGRESSIONAL RECORD, to serve as an example to agriculturists and others throughout the Nation of what can be done when people work together. Briefly, I would like to outline that history of accomplishment, and thereby commend all those who worked so hard and are deserving of credit for the great success.

A review of Florida Citrus Mutual's activities over the past quarter century would be incomplete without a brief preamble outlining the reasons behind its organization.

The year was 1948—the economy of the industry was staggering. Growers were receiving what amounted to bankrupt prices for their fruit following great prosperity which had been fashioned by high prices during World War II brought on by large government purchases of citrus for troops and lend-lease programs.

Case in point: During the war years, orange production averaged 40 million boxes annually and on-tree returns hit $77 million. Two years after the armistice, 55 million box crops were bringing on-tree returns of only $40 million.

To the credit of industry leaders at that time—and there were many—the organization of Mutual as an organization which could serve as a rallying point for growers was a must if a depression and possible collapse of the industry was to be avoided.

Mutual did serve as a rallying vehicle for growers. Initially, Mutual instituted programs designed to control supply and demand, set minimum FOB prices of fruit sold on the fresh market.

Fresh fruit shippers were given weekly allotments and shipments to various marketing areas were controlled, in an attempt to alleviate market gluts which had prevailed previously.

The fact that growers were on the road to recovery was evidenced during the 5-year period after Mutual actually began operating. Orange production averaged 65 million boxes annually and on-tree value climbed to $94 million, averaging out to about $1.50 per box. Needless to say, a virtual grower utopia compared to prices received shortly after World War II when production costs were hard to recover.

An investigation into Mutual's activities by the Federal Trade Commission in the early 1950's brought a change of direction for the grower organization.

Instead of attempting to establish floor prices and allotments, Mutual turned to the role of providing growers with market information and price forecasting.

Compilation and dissemination of accurate and reliable marketing data became the order of the day and the very fact such material was readily available to growers brought about price stability and sensible marketing procedures which had not been practiced previously.

As time progressed, Mutual sought other areas of service for growers. There was increased emphasis on legislation at the State and Federal levels; taxation and assessments on grove properties throughout the citrus belt; citrus research and development of new products; and the importance of advertising and promoting various products with effective programs.

Mutual was also developing the flexibility to clearly identify problem areas of concern to growers and the ability to move in any given direction when an emergency existed which threatened the general welfare of growers.

An example was the freeze of 1962 which was almost a disaster for many growers. Mutual moved in to secure financial assistance allowing groves to be rehabilitated and took many other measures which enable the industry to again bounce back from adversity.

Mutual was a leader in the development of higher quality concentrate which resulted in the 45° Brix product, an improvement over the 42° Brix, which brought sales increases and insured consumer confidence.

It was through Mutual's instigation that State legislation was passed requiring juice content of new crop grapefruit to meet certain standards which would bring the approval of consumers.

And there was the development of the grapefruit spoon idea, which has been a tremendous merchandising tool still in use by the industry.

Mutual's flexibility was apparent in 1956 when the industry was threatened by a Mediterranean fruit fly infestation. Field personnel were assigned to serve with the Division of Plant Industry in a successful effort to combat infestation and Mutual headquarters acted as an information center for growers on procedures to be employed which allowed the industry to continue in operation and still protect growers and consumers.

One of the most renowned actions of Mutual over the years was its intervention into a deal between an agency of the U.S. Government and Virgin Island interests to grow citrus and bring it into the States duty free.

Only after Mutual had bared the ruse, did President Johnson intervene and put an end to the project which would have threatened the entire Florida citrus industry.

In 1963 trade and tariff negotiations at Geneva were scheduled to include revisions of tariffs on imported citrus. With Mutual the Citrus Commission, Canners Association, Indian River Citrus League and virtually every industry agency mounted stiff opposition to kill the proposal which would have allowed foreign citrus into the United States at reduced duty rates.

The Virgin Island situation, like the Geneva trade talks, are only two examples which illustrate what Mutual has done for growers which they could not have done for themselves individually.

Throughout the years, illustrations of Mutual acting on behalf of growers are common place, almost to the point where they are virtually overlooked by growers.

In yet another area, Mutual was in the forefront of fighting spreading decline which posed a threat to growers in the mid-fifties. Mutual secured funds to combat the disease, set up buffers and generally bring it under control.

Accurate citrus forecasts are becoming more and more important to growers as they tend to set the stage for marketing decisions and practices. It was chiefly through Mutual's leadership that funds were provided for a detailed tree census which is now a regular activity of the Crop and Livestock Reporting Service and a vital ingredient in making monthly citrus estimates.

Development of hybrids, root stocks resistant to temperature and drought, plus the upbreeding of existing root stocks are extremely important to growers. Mutual officials recognized this need, then they spearheaded the effort to secure funds and property for the Citrus Research Foundation near Leesburg.

Desirability of involving the Nation's school lunch program as a source of increasing frozen concentrated orange juice sales was apparent to Mutual several years ago.

Another project was Mutual's role in passage of the Haley bill in 1969 which virtually put an end to speculative planting of citrus as a tax write-off.

Perhaps one of the best testimonials to the integrity and credibility of Mutual came about in the recent legislative sesion when lawmakers in the waning days passed a mechanical harvesting bill which, if approved by growers, could become one of the most important achievements in many seasons.

Long an advocate of research and development of mechanical harvesting systems to circumvent labor shortages such as those experienced this season, Mutual officials are confident growers will sanction underwriting costs of the system which will also serve as a safeguard in harvesting larger crops expected in the future.

True to its character as an organization representative of the growers, the bill passed by the legislature provides that growers decide in a referendum if they favor development of a system.

Mutual officials are extremely cognizant of the need for continued monitoring of governmental actions at every level, particularly as they relate to assessment of citrus properties. A good example of this occurred recently when the State Department of Revenue attempted to institute new assessment guidelines for citrus.

Unfortunately, the guidelines did not take into consideration many of the factors which relate only to citrus production and if unchallenged would have placed many growers at the brink of disaster.

Mutual was instrumental in convincing the agency that amendments to the guidelines should be made and in so doing enabled the department to arrive at proposals much more practical than those originally offered, and still permitting growers to accept a more equitable share of the tax burden.

The Agricultural Tax Council, an organization which Mutual has supported since its origin, bears much of the brunt for attacking such controversies.

Also with an eye on the future, Mutual has provided the impetus for establishment of a National Citrus Council which is a coalition of citrus producers from Florida, California, Arizona, and Texas.

The object: to identify and seek solutions to problems cropping up on the national and international level which may affect growers in each of their respective areas.

THE CURRENT LUMBER PROBLEM

Mr. NELSON. Mr. President, 24 years ago Congress established a national policy and goal that every American should have a decent home and a suitable living environment. In 1968, Congress reconfirmed this goal by enacting a 10-year housing construction program. To meet this goal, it was estimated that 26 million housing units must be built by 1978. Since 1968, however, average housing production has fallen far short of the goal.

Housing fell woefully short of the national goal in these years largely because of the administration induced recession of 1970 and its intensive impoundment of housing funds. In the last year and a half, housing has staged a vigorous revival.

Now, however, the administration's inept handling of inflation and of the economy threatens to further slow our progress of fulfilling our national housing goal. The increases in the cost of lumber have kept pace with, and in some cases surpassed, the shocking increase in food prices.

Lumber is the largest single cost paid by the builder of a new home. Fifteen percent of the cost of a new single family home in 1972 consisted of the cost of lumber. An additional 13 percent of that cost represented other related wood products and millwork. Increased cost to home builders means inevitably higher purchase price to the family desiring to buy a home. The increased purchase price results in higher down payment, and increased interest, property taxes, and insurance costs for the home buyer. The National Association of Home Builders estimates that for every dollar increase in the monthly mortgage payment, the home buyer has to earn $4 more to qualify for a loan.

As the price of lumber increases, fewer houses will be built and bought. The Nation falls farther and farther behind its national housing goal.

This unfortunately, is what is happening today. Housing starts fell in April for the third straight month to the lowest level since October 1971. The need for housing remains unabated, and the demand for building materials remains high, but the high price of lumber is taking its toll. Early in 1973, the National Association of Home Builders estimated that the construction cost of an average house had increased during the preceeding 6 months by at least $1,200 because of increased lumber and plywood prices.

Between January 1971 and January 1973, the wholesale price index for softwood lumber increased 56 percent; the index for all other commodities increased by 11 percent. In the same period, the price of certain kinds of lumber and plywood, greatly exceeded the average. For example, between February 1971 and February 1973 the price of Green Douglas Fir 2x4's increased 104 percent while the price of ½-inch exterior plywood jumped 102 percent.

These dramatic price increases occurred during phase I and phase II of the Economic Stabilization Program but under the relaxed controls of phase III, lumber prices made a vertical take-off.

Between January 10 and April 13, 1973—just a 3-month period—the price of Green Douglas Fir 2x4's has skyrocketed 51 percent; the price of ⅜ inch AD interior sanded plywood—a prime building material—has almost doubled—it increased 98 percent in the first 3 months of phase III. The largest advance in the wholesale price index occurred in March with lumber being the largest single component of that increase. April brought little cessation of increasing lumber prices. Lumber and wood products increased by 5.5 percent over the previous month while the overall increase was 0.8 a 33.6-percent increase over April of last year. Although the prices of some soft wood lumber items have declined slightly in the last month, these new price levels are still considerably higher than the previously exorbitant rates prevailing at the outset of phase III.

The increases I have mentioned are national figures; lumber price increases in some regions of the country have been even more pronounced. An Oregon home manufacturer reported that the price of some lumber products has increased by as much as 200 percent since January. The manager of a lumber dealership in southern California was quoted as saying:

> I've been in this business 26 years, and I've never seen anything like it. It's going to price the average buyer out of the prospect of buying a new home.

The increases in lumber and plywood prices since January 11, 1973, are telling testimony to the complete failure of the phase III program to restrain inflation. It is to be hoped that the President's recently announced 60-day freeze and phase IV will be more successful. It should be noted, however, that the freeze means prices on lumber will tend to stay where they were frozen, namely at nearly the highest levels in history.

Furthermore the freeze will tend to drive more softwood into exports. It should be recognized, also, that President Nixon's speech was an announcement of intent to have a plan to control inflation sometime within the next 60 days, not such a plan itself. As a former member of Mr. Nixon's Council of Economic Advisers, Hendrik Houthakker stated:

> I don't regard the freeze by itself as solving anything.

Mr. Houthakker went on to say that President Nixon, "evidently wanted to take some visible action" but, "I would say that the President has not yet come to any firm view as to what is necessary." President Nixon's announcement offers no solution to the general economic problems or to the problem of high lumber prices.

To date the administration's major response to the intolerable situation of inflated lumber prices was to have Dr. Dunlop, of the Cost of Living Council instruct the Senate on March 26 on the laws of supply and demand. He observed that "pressures for higher prices stemmed mostly from a relative shortage of lumber and wood products with respect to a high demand for these products," and added that the high prices act as a "rationing mechanism" which allocates "limited supply among numerous potential purchasers." That meant that the supply of timber cannot meet the demand for the manufactured product. And then Dr. Dunlop stated that phase II price controls required the "artificial maintenance of a lower price" for lumber. Phase III, he indicated, has permitted those prices to rise to a natural, "free market" level—where the lumber supply could be "rationed" as economics textbooks describe. This kind of language hardly promises well for forceful enforcement of controls during phase IV.

Dr. Dunlop's reasoning is supposed to make us feel better about inflated lumber prices. But a higher price is a higher price, whether it is a so-called equilibrium free market price or not. The home buyer forced to sign a bigger mortgage is not better off knowing that he is paying a "free market" price according to textbook theorists. In this sense, every limited price under phase I and phase II was an artificial price. But this is hardly an argument for a tough price controller to make—if we were to shun all such "artificial" prices, there would not be a price control or stabilization program at all.

Mr. President, the causes of increased lumber prices should not be in dispute. It is repetition without remedy to say, in explaining increased prices, that supply is short and demand is high.

We all know that. What needs to be done is to identify and attack the specific causes of the short supply. The only alternative would be to sit by and watch the influences of supply and demand run their course. The demand for lumber stems from the demand for housing. Our housing needs are not going to diminish, however high lumber prices rise—nor should those needs go unfulfilled. Surely this is one demand that is nonnegotiable. The Nation needs lumber. It does not make sense for the administration to pay lip service to national housing goals, and then be content with inflated lumber prices cutting the demand for lumber. We should not be willing to cut the demand, and so we have to find other ways to cut the prices.

The principal reason why lumber prices have swollen during the last 2 years relates to the supply of timber. Total lumber consumption in the United States during 1972 has been estimated to be 41 billion board feet. Yet, during the same year, this country exported 3.05 billion board feet of softwood logs. Those logs that were shipped to foreign mills could have yielded, if manufactured domestically, over 4 billion board feet of additional softwood lumber for our home markets, which would have represented an increase in lumber supply during 1972 of over 11 percent. The impact on lumber prices of that added supply would have been dramatic.

The Forest Service reports that total log exports were only 266 million board feet in 1960. For the years 1968 through 1971 exports averaged 2.42 billion board feet. From 1971 and 1972 exports increased by 26 percent. In the first 3 months of 1973, log exports increased by 38.1 percent over the comparable period of 1972. At this rate, log exports will exceed 4 billion board feet this year. That is enough logs to manufacture lumber for 500,000 homes. Clearly, such a drain on our domestic log supply can only have a critical impact on lumber prices.

While the detrimental effect of massive log exports on domestic lumber prices has been clear for some time, the Administration has taken contradictory and ineffective action. On July 7, 1972, Secretary of the Treasury George Shultz announced that Japanese purchases of U.S. timber would be reduced by 200 million board feet during 1972.

Only 2 months later, however, in a meeting between President Nixon and Premier Tanaka it was reported that Japan as part of a trade agreement would increase its purchases this year of U.S. logs and lumber from $354 million to $452 million.

In his March 26 testimony, Dr. Dunlop announced that the administration would seek a "voluntary agreement" with the Japanese aimed at reducing their purchases of U.S. logs. He stated that the Japanese had "indicated that they are aware of the problem" and that they would try to see that the log acquisitions "do not inconvenience" the United States.

The arrangement between the Japanese and the U.S. Government announced on May 14, of this year is woefully inadequate response to the problem. The arrangement does not require the Japanese to purchase timber at a lower rate during the last half of 1973 than they did during the first half of this year.

The critical facts are that log exports to Japan account for 83 percent of all U.S. log exports, and in January of this year our log exports to that country were 46 percent above what they were a year earlier.

Log exports to Japan increase lumber prices in two ways. First, the general supply of logs for domestic manufacture has been reduced by shipments abroad, and second Japanese purchasing agents have been willing to bid up stumpage prices far above what domestic bidders would alone have been able to do. On February 16, Random Lengths reported that one stand of Washington State timber that had been appraised at $45 per thousand board feet was bid up by export agents to $270 per thousand board feet. Another stand appraised at $66 was bid to $263. There have been many other reports of export pressure on stumpage prices.

Although the Cost of Living Council has stated that "artificial" export controls, presumably in the form of an embargo, are "not the desired solution" since they would becloud our policy of free trade, not to mention the impact on our balance of payments deficit, it is by no means certain that shutting off log exports would have a net negative effect on our trade balance.

During 1972, the nation imported 8.9 billion board feet of lumber. If our log exports of 3.05 billion board feet during that year had been translated into 4 billion board feet of alternative domestic manufacture, our lumber imports could have been restricted accordingly. During 1972, the United States imported from Canada approximately 70 percent of that nation's entire production of softwood lumber. It is doubtful that such an import level would have to be sustained if we were to manufacture the logs we currently export. This point was made in a New York Times editorial, which in reversing its former position, called for restricting our log exports to Japan. As the editorial stated:

> The proposed reduction in exports of raw logs can only improve a trade balance that now operates on the nonsensical basis of selling cheap to Japan and buying dear from Canada.

Mr. President, I ask unanimous consent that the May 5 New York Times editorial I have referred to, be printed in the Record.

There being no objection the editorial was ordered to be printed in the Record as follows:

> ### TIMBER
>
> The skyrocketing price of lumber has induced the Nixon Administration to appoint a task force whose job will be to plan an increase in the timber cut of the national forests; and it is all too predictable that any increased timber cut will be at the expense of the forests themselves. Such a course would be indefensible and unnecessary.
>
> The United States is currently exporting some 5.5 billion board feet of softwood logs and lumber, 85 per cent of it to Japan. It need only curtail that practice sharply to ease the supply for Americans.
>
> Senator Packwood of Oregon is pressing for a measure that could at the same time increase the supply of wood for domestic needs and prevent the national forests from being raped. He wants a restriction not only on the export of all logs from the national forests but, in a phased program, from state and privately owned forests as well. His bill would allow for a controlled resumption of such exports whenever a drop in domestic demand warranted such action.
>
> This newspaper took the opposite stand, on liberal trade grounds, when a similar ban was proposed in 1968. But the situation now is far graver than it was then; prices are much higher; the need for housing more desperate and the danger to the forests now more acute and therefore less tolerable. The classic argument for free trade is persuasive, but we feel it has to be balanced against the fact that no country can for long afford to export raw materials in seriously short supply at home.
>
> Even less cogent is the case against an export ban that rests on the need to restore this country's balance of trade. Against the 5.5 billion board feet of logs which the United States now exports, 9 billion board feet of finished lumber from Canada are being imported. The proposed reduction in export of raw logs could only improve a trade balance that now operates on the nonsensical basis of selling cheap to Japan and buying dear from Canada.

Senator Packwood, of Oregon, has introduced legislation which as amended by Senator Stevenson would place a limit on log and lumber exports from the United States. As a means of stopping the steadily increasing drain on supply of logs, I support this legislation.

The administration, however, has the opportunity for taking action that would provide immediate relief. The Export Administration Act of 1969 authorized the United States to use export controls "to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand."

The administration has never acted to use that authority and thereby it shirks its responsibility to protect our domestic economy, combat inflation, and lower lumber prices.

On June 13, the President announced the need for new laws to control exports of scarce raw materials under the Economic Stabilization Act. Surprisingly, he did not mention lumber where the need for such legislation is greatest. We must take steps to protect and preserve a natural resource which takes up to 100 years to replenish.

No discussion of the present lumber crisis would be complete without some mention of our national forests. It is currently estimated that over 50 percent of all commercial softwood sawtimber still on the stump is located in our national forests, maintained by the U.S. Forest Service. Only 35 percent of our timber inventory is owned by private sources. The lumber industry is not a concentrated industry with a few large firms; there are over 80,000 separate business firms that harvest, manufacture, sell, and distribute lumber and wood products, and less than 800 of them do more than $5 million in business a year. Only the very largest firms can afford owning private timberland, most lumber manufacturers in the Western States—where softwood lumber, used in construction, largely originates—is furnished from sale by the U.S. Forest Service. The Forest Service each year specifies the amount of timber that can be cut from the national forest for commercial sales. For the last several years the actual sales were substantially below the allowable cut, further diminishing the supply of lumber.

While the Cost of Living Council has announced that it has asked the U.S. Forest Service to find ways to meet the allowable cut in 1973, the Nixon administration has cut the Forest Service budget. Cutting trees requires money for timber sales preparation, forest management support activities, as well as reforestation after the cut has been made. During fiscal year 1972, the Forest Service spent $293 million on forest land management. But for fiscal year 1973, the administration estimates that the forest land management budget will have been limited to $253 million, and only $247 million has been requested by the White House for fiscal year 1974. Although an additional $1.4 million has been allotted to the fiscal 1974 budget for timber sales preparation work, most experts agree that the increment will be just enough to cover wage increases, and higher operating costs, and not enough to finance the timber sales necessary to enhance the supply for commercial manufacture. While some limited increases in money and manpower were announced recently, it is futile for the administration to require the Forest Service to increase its sales this year with what still remains inadequate manpower and money necessary to do the job.

Increasing the cut is necessary to increase the supply of logs and to restrain the price of lumber in the long range. I do not advocate increasing the cut just to get more logs on the market quickly. We must obey the proper environmental restraints. Such measures will not affect the price of lumber today, or during the rest of the year. Timber sales are rarely translated into logged trees during the year of sale. Timber sales contracts usually require 3 or 4 years for completion. It has been estimated that for each major sale of timber from the National Forests, less than 10 percent of the trees are cut in the first year after sale. The administration will have to explain how it intends to alter this pattern if it expects achievement of allowable cut to make a difference in the price of lumber before 1975.

Furthermore, there are legitimate environmental questions that must be answered. As the National Resources Defense Council in its testimony before the Cost of Living Council last month indicated environmental impact statements must be prepared to explain significant changes in the Forest Service activities affecting the forest environment.

Mr. President, effective action to restrict our log exports and increasing the actual cut in the national forest are requisite if the price of lumber and the consequent cost of housing is not to continue to rise in the 1970's. But neither form of action can seriously restrain lumber prices this year.

The Economic Stabilization Act imposes the responsibility to prevent or to nullify price increases fueling the inflationary fires. Confronted with price increases in building material products that range between 25 and 100 percent since January 11, 1973, the administration has failed to act effectively, until the recently announced 60-day freeze. The regulations of phase III spell out a general price standard to which business firms were expected to observe.

By any standard of measurement or compliance, there is hardly a manufacturer of softwood lumber in the United States today that could expect to comply with the terms of that general price standard, in view of the price increases that have occurred since the end of phase II.

The lumber industry is an outstanding example of the administration's failure to enforce its own regulations; its unwillingness to do the "dirty jobs" to fight inflation.

In 1972, the lumber industry experienced the biggest year in its history. Average industry profits rose 16 percent over 1971. Industry Week magazine has predicted that the industry's profits will rise another 15 percent this year.

As the wholesale price index for softwood lumber rose 19.4 between November 1971—when Phase II began—and December 1972, the largest lumber company in the country, Weyerhauser, enjoyed a 38.3-percent increase in its net income. Georgia Pacific, the second largest lumber company, recorded a 48.9-percent increase in net income. Standard & Poor's predicts for 1973 that "a greater portion" of this year's earnings advances for building material producers will come from price boost, than came from increases in 1972.

The spectacular price increases for lumber and plywood occurring since January has been due in part to the desire of lumber manufacturers and timber owners to maximize profits. The Journal of Commerce recently quoted the president of Williamett Industries, a large lumber company, as saying that he was "embarrassed at the prices we are getting today," and a top lumber official in the South was quoted by a newspaper in Atlanta as saying that now the lumber companies "hold the upper hand" that they are "just going to get whatever the market will take." Continued high demand for lumber will allow the lumber industry to continue to charge whatever the market will bear.

The lumber industry would seem to be a prime target for the administration proposed "profit sweep." The profit of the lumber industry should be carefully reviewed to see if they are justified because of increased cost or efficiency.

If the Council expects to retain any shred of credibility in the face of dramatic price increases in this industry, I urge it to analyze carefully the lumber industry's compliance with the price standards of phase III. Furthermore, the administration should take the following actions:

First. Further substantial increases in the fiscal 1974 appropriation request for forest land management of the U.S. Forest Service.

Second. As an interim measure, immediately implement the Export Administration Act of 1969 to reduce by at least 15 percent, the export of logs to foreign countries within a period of 90 days.

Third. As a long-term solution, support and help to enact legislation similar to that offered by Senator Packwood which would place a total ban on the exports of timber harvest from Federal lands and which would place a ceiling on logs at 2.5 billion board feet and lumber at 1.2 billion board feet that can be exported from non-Federal sources. This legislation would take effect immediately under enactment and would remain in effect for 3 fiscal years. There are provisions in the bill for lowering and raising the ceiling if conditions warrant such changes.

Fourth. Appropriate research funds to develop new methods of logging now harmful to the environment.

Fifth. Rescind the exemption from controls on stumpage and logs. We must stop increasing lumber prices at their source.

Sixth. After the 60-day freeze, reassertion of mandatory price controls on the lumber industry.

To the extent that the administration succeeds in improving the Nation's supply of sawtimber in 1973, the application of mandatory controls can be withdrawn or ended. There is no special magic about mandatory price controls. All businesses, all bureaucrats, and all legislators would like to do without them. But at the present time the alternative is the meek acceptance of the enormous price increases that were phase III's special gift to the Nation.

The Federal Government should act now to give proof to its commitment to national housing needs by acting to restrain the price of lumber and wood products.

RETIREMENT OF JOHN KAMPS

Mr. JACKSON. Mr. President, I rise to honor a great reporter, Mr. John Kamps, who will retire today as a Washington correspondent of the Associated Press.

We do far too little to honor such men as John Kamps, who day in and day out record the activities of the Congress.

John was born in Litchville, N. Dak., on June 11, 1909. He earned his BA in journalism at Montana State. He joined the AP at Denver in 1942, and after military service rejoined the news gathering organization in 1946 at Helena, Mont. In April of 1951, he came to Washington with the AP as a correspondent.

He covered news concerning the Rocky Mountain States, and the Senate Interior and Insular Affairs Committee. As chairman of that committee, I have been well aware of the accuracy and fluency of John Kamp's dispatches.

I understand that John is heading out next week for Florida where he plans—at least for a while—to loaf and to fish. He has earned much happy loafing and good fishing, and I wish him endless hours of both.

THE PRESIDENT, CONGRESS, AND EXECUTIVE PRIVILEGE

Mr. ABOUREZK. Mr. President, I recently received a letter from a man whom I admire greatly, and whose views I deeply respect, Mr. Irving Brant. Mr. Brant was kind enough to enclose a copy of the commencement address he gave to this year's graduating class at the University of Oregon School of Law. Mr. Brant has had a long and distinguished career in journalism and government. He is regarded as one of America's foremost constitutional experts.

The thoughts Mr. Brant conveys in his address constitute an insightful commentary on the present state of our Government, and kindle a renewed awareness of very real and dangerous threats to our democracy. I would like to take this opportunity to commend Mr. Brant's remarks to my colleagues in the Senate and House of Representatives. Mr. President, I ask unanimous consent that Mr. Brant's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The President, Congress, and Executive Privilege

(By Irving Brant)

One of the most pleasant surprises of my life came to me when Dean Scoles wrote that the 1973 graduates of the University of Oregon School of Law had requested that I be invited to deliver this commencement address.

I thought of the speakers you might have invited:

Any one of the nine justices of the Supreme Court. Anybody else in high position not subpoenaed before a grand jury.

Instead, you picked a person with no legal standing whatever. That is especially pleasing because, for thirty-odd years, I have frequently been twitted about my lack of credentials.

In 1937 I testified before the Senate Judiciary Committee on the bill to enlarge the Supreme Court.

"Are you a lawyer?" I was asked.

"No, sir," I answered.

Several times, later, I testified on the constitutionality of bills pending in Congress. Always the same exchange:

"Are you a lawyer?"

"No, sir."

The tide turned in 1972, when the New York Times asked me to write an article on impeachment. Their identification note began: "Mr. Brant, an attorney . . ." Under the rule laid down in *New York Times* versus *Sullivan*, that might qualify as "reckless disregard of the truth." However, I offer it to you as my credentials.

The President, Congress, and Executive Privilege! How priorities have changed! Who would have dreamed in 1933 that forty years later an Attorney General, speaking for the Chief Magistrate, would soberly tell the Senate that the President has unrestrainable power to forbid any executive officer to testify before Congress. That applied, Mr. Kleindienst said in answer to a question, to every one of the two million five hundred thousand civil employees of the federal government.

Who would have dreamed, forty years ago, that two successive Presidents would conduct the longest war in American history without authorization by Congress, which alone has constitutional power to declare war?

Who would have foretold that a President would claim authority to impound billions of dollars, appropriated by Congress, in whom the spending power is solely vested?

What writer of wild "Who Dunnits?" would have conjured up the Watergate burglary and bugging, with its tentacles of corruption reaching into the nooks and crannies of the executive branch of government?

These are issues that cut far deeper than the personality of any President, far deeper than the control of government by any special political party. They strike at the fundamentals of our constitutional system. They jeopardize the liberties of the people. They pollute the soils of America and send a sickening miasma around the world.

A President obsessed with power confronts a Congress long too disorganized to assert its constitutional authority, but aroused at last as if by electric shock. Aroused to decisive action? It is too soon to say. Paralysis of Congress produced Nixonism.

Executive privilege! Putting dogma above historic truth, President Nixon treats that principle as if it were an absolute. His definition of privilege, invalid in every respect, particularly ignores the censorial field. In that vast and important area, the Constitution, by unmistakable words and implications, uplifts Congress above the executive branch. James Madison said in the House of Representatives in 1794:

"If we advert to the nature of Republican Government, we shall find that the censorial power is in the people over the Government, and not in the Government over the people."

That is one of the greatest political truths ever uttered, and yet Congress itself, when true to its functions, is the censorial agent of the people. With roots running far back in English history, the people through their elected parliaments have exercised a censorial power over the administrative branch of government.

In both England and the United States, this censorship has taken its sharpest form in the process of impeachment. In our Constitution, the power to impeach the President and all civil officers is amply established and carefully safeguarded against abuse. The House of Representatives impeaches, the Senate convicts or acquits, on charges of "treason, bribery, or other high crimes and misdemeanors."

I emphasize the power of impeachment, not from any prospect of employment against President Nixon, but because it leads to vitally important corollaries to which no attention has ever been paid. Following the impeachment provisions of the Constitution are these two clauses:

The President shall take an oath to "preserve, protect, and defend the Constitution of the United States."

"The President . . . shall take care that the laws be faithfully executed."

Unfaithful execution of the laws, by deliberate obstruction of justice, is a high crime calling for removal of the President from office. Possessing this ground of removal, Congress must also have the power and duty to determine HOW the laws are being executed, whether faithfully or unfaithfully. Finally, having such an investigative power over the presidency, Congress must likewise possess that same power at every lower level of executive office.

This leads to an inescapable conclusion. Possession by Congress, at all levels, of the investigative power over faithful execution of the laws totally wipes out any restriction of such an investigation through executive privilege.

What is executive privilege, rightly considered? It is the implied right of the President to withhold information to protect the security or vital interests of the nation. It is also the implied right of the President to preserve a confidential relationship with his staff in the conduct of presidential business. That does not include criminal misconduct.

What is executive privilege as claimed by President Nixon? It is an unscalable wall, built to protect himself and his aides from the legitimate censorial power of Congress. Incorrectly regarding the separation of powers as absolute, Nixon treats executive privilege as likewise absolute, to be exercised by him for any reason or for no reason at all.

Considering the storm now raging over executive privilege, it is amazing to discover that only twice before in the nation's history, in 1796 and 1813, has it ever produced a heated clash between President and Congress. Neither case supports the Nixon concept.

In 1796 Chief Justice John Jay negotiated an Anglo-American commercial treaty that made this country an economic vassal of England. Laws were needed to bring the treaty into effect and rebellion broke out in the House of Representatives. A resolution was adopted by the House requesting President Washington to transmit all papers relating to the treaty. In the debate there was talk of impeaching John Jay, but the purpose was to scuttle the treaty.

President Washington refused to transmit the papers, calling them irrelevant: "to any purpose under the cognizance of the House of Representatives, *except that of impeachment,* which the resolution has not expressed." So, Washington exerted executive privilege validly, to protect the treaty-making powers of the President and Senate. But observe the exception about impeachment. President Washington recognized that if the House had declared the purpose to be impeachment, he would have been compelled to transmit the papers. This supports completely my view that the impeachment power is the apex and determinant of the general censorial power of Congress.

During the debate on the resolution James Madison, leader of the anti-treaty forces, defined presidential privilege. He was "ready to admit that the executive had a right, under due responsibility . . . to withhold information, when of a nature that did not permit a disclosure of it at the time."

Not the words "under due responsibility." Madison was saying in effect that the President could not withhold information at will; there must be compelling reason in national policy for his refusal. Note also the words "at the time." The withholding could only be temporary.

In 1813 President Madison nominated a minister to replace an American agent in Sweden. The Senate, objecting to the expense, appointed a committee to "confer" with the President on the subject. Madison refused a conference. Under the Constitution, he wrote, the President and Congress were "independent of and coordinate with each other." Conference of a committee with the President himself appeared to lose sight of this coordinate relationship.

How then was information to be furnished? The practice, said Madison, had been either to request the President to furnish it, or for a Senate committee to confer with the head of the proper department. He would cheerfully furnish all suitable information "in any mode deemed consistent with the principles of the Constitution and the settled practice under it."

Compare Madison's restricted view with the sweeping claims of Richard Nixon. In 1796, *combating* executive privilege, Madison recognized the right of a President to withhold information, "for the time being," when national interests forbade disclosure. In 1813, as President, *defending* executive privilege, Madison recognized the right of Congress to question the heads of departments. The words he used, linking "settled practice" with "constitutional principles," make the furnishing of information compulsory unless it jeopardizes national security. However, the President cannot be subpoenaed.

Contrast that with the Nixon-Kleindienst assertion of unrestricted power to forbid interrogation of two and a half million federal employees, including all executive officers, when the purpose of Congress is to uncover criminal malfeasance in office. Madison's explication utterly wipes out the Nixon definition.

Besides being legally untenable, Nixon's resort to executive privilege has boomeranged against him to the point of disaster. Its political weakness lies in its plainly visible motivation—to prevent White House aides from linking their superiors with the Watergate scandal. That blundering presidential tactic, combined with the magnificent work of the American press, has turned the Watergate affair from a temporary flash flood into a continental inundation. And the President himself has magnified the disaster by a nine-month campaign of vilification of the newspapers, reporters and broadcasters who have served the nation so marvelously well.

As a result, the word "impeachment," once heard only in the congressional Black Caucus and among antiwar extremists, has now reached the "if" stage in the minds of hundreds of congressmen, Republicans and Democrats alike. That, however, is a long way from action.

The Cambodian bombing, in my opinion, is an impeachable crime, violating both the U.S. Constitution and the Charter of the Nuremberg Tribunal, which is a part of American law. However, there will be no impeachment because the whole nation is involved in the crime.

Watergate is a different matter. Grading downward, there are four ways of looking at Nixon's possible responsibility for that monstrosity.

1. The President may have planned or authorized it. If so, he can and ought to be impeached.

2. The President, uninvolved in the crime, may have worked to cover it up. Impeachability would depend on motive—impeachable if his purpose was to obstruct justice, non-impeachable if words and actions were limited to self-protection from criticism.

3. The burglary and bugging may have been ordered by high White House staffers without the President's knowledge.

4. The break-in could have been the unauthorized work of low rank staffers. That, however, is almost beyond belief.

Let us consider burglary planned by high

White House aides acting on their own. Two weeks ago Mr. Nixon revealed that on July 23, 1970, to cope with "a wave of bombings and explosions [on] college campuses," he authorized four espionage agencies to commit burglary. Five days later J. Edgar Hoover induced him to revoke the order. Why did the President tell this to the people? Because Judge Sirica delivered the 1970 burglary order to the Ervin investigating committee. Better have the news come from the President himself, rather than like a clap of thunder from the Senate Caucus Room.

After the 1970 directive was revoked, Nixon continued, he set up "a Special Investigations Unit within the White House," supervised by Ehrlichman. He named three members—Krogh, who conducted the Ellsberg burglary, and Liddy and Hunt, who burglarized Watergate.

The President said that because of his emphasis on national security, he could understand how "highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved." If Mr. Nixon would have disapproved burglary in 1972, why did he authorize it in 1970. With such a background, what need was there for a presidential directive to burglarize the Watergate?

In his statement of May 22, President Nixon referred over and over to national security as the justification for his burglary directive. Where national security was concerned, he seemed to be saying, executive privilege frees the President from criminal law. And who menaced national security? College students and McGovernites.

Paradoxically, the line of reasoning I am following diminishes the President's liability to impeachment. However, it doubles his moral liability for Watergate and opens him more widely to the judgment of the American people. Let the adverse reaction be severe enough and it will leave no alternative to resignation from office.

If Watergate proves to be Richard Nixon's Nemesis, he will have brought it on himself by the most malaprop course recorded in American history. As he told it in his April 30 television speech, he never heard of White House participation in the Watergate burglary until March 21, when he was told about it by his counsel John Dean. One week ago newspapers quoted Dean as saying that he talked with Nixon about Watergate thirty or forty times before March 21, and discussed the cover-up. Nixon's press secretary called this an attempt to destroy the President, "using innuendo, distortion of truth and straight falsehoods." Learning next day that the story about Dean came from the Senate investigators, the White House spokesman admitted the earlier Nixon-Dean talks about Watergate, denied that the cover-up was discussed, and invoked executive privilege. The President's logs of those meetings, the press secretary said, "are not subject to subpoena" and would not be made available to investigators.

This defiant utterance produced the immediate threat of a subpoena and the President backed off. His press secretary explained that he had given his own erroneous interpretation of the President's position. The logs, he repeated, were not subject to subpoena, but they might possibly be furnished on some other basis. A promise to that end followed. That avoided a showdown but left intact the Nixon definition of executive privilege, which, if successfully applied. would reduce "faithful execution of the laws" to a shambles.

Let us go back to that April 30 television address. As Mr. Nixon then described Watergate, several "well-intentioned" White House staffers fell into "shady tactics." America, the President declared, "must not again fall into the trap of letting the end, however great that end is, justify the means." Compare that moralistic sermon with Nixon's 1970 authorization of burglary.

The "great end" of the "well-intentioned" burglars was of course the re-election of the President. But their "shady tactics" were not confined to Watergate. Nixon's campaign treasurer testified that $900,000, collected in cash and held in cash, was disbursed for secret purposes and all records were destroyed. We know from the General Accounting Office, over which the President has no control, how some of this money was spent.

To achieve the "great end," the men who burglarized Watergate received $450,000 of Nixon campaign funds, $210,000 of it just before and just after they were convicted. Was this second payment made out of compassion, or to keep them silent?

Letters forged by Nixon aides destroyed the presidential candidacy of Senator Muskie.

A burglary of Senator McGovern's headquarters misfired.

Burglary was used by the White House against Daniel Ellsberg.

Spurious State Department cablegrams, designed to incriminate the Kennedy family, were forged in the White House, stored there, and destroyed to prevent discovery.

All this by a special espionage unit set up by President Nixon and supervised by domestic chief John Ehrlichman.

I do not charge that the President ordered these lawless activities. I simply marvel that he could associate for four years with such a band of political cutthroats and not discover their character. Listen to the rollcall of those caught in the Watergate dragnet: Mitchell, Stans, Haldeman, Ehrlichman, Dean, Colson, Liddy, Hunt, Krogh, Young, Shepherd, Kalmbach, Caulfield, LaRue, Segretti, Magruder, Mardian, Strachan, Chapin, Sloan. It is a veritable Who's Who of the pre-purgation White House and re-election committee. And these twenty men, by concert or by coincidence, kept the President in total ignorance, for nine months, of occurrences that furnished the daily reading and listening of a hundred million Americans.

For Mr. Nixon, there is one possible escape from the worst deduction. A great deal that looks like presidential entanglement may be presidential ineptitude. Blundering reached its climax, certainly, in the nine-month White House campaign of vituperation directed against the Washington Post, the New York Times, and other publications.

Underestimate of the press was the fatal flaw in the Nixon game plan of playing Watergate down instead of blasting it wide open below the presidential level. As the press brought out fact after incriminating fact, the White House countered with denials, scoffings, and daily outcries against the press. With this continuing month after month, "Who planned Watergate?" turned into "Who is covering Watergate up?" Public apathy gave way to outrage.

It was the press, not Congress, that upset executive privilege and forced President Nixon to order his subordinates to testify. The press, especially a small band of competent, vigorous, dedicated reporters, has made itself a living monument to the First Amendment in which its own freedom is enshrined.

The record of our government is not wholly bad. In Congress, after a slow start, Republicans and Democrats have joined forces to combat the cancerous blight that afflicts the Executive. Senators led by Sam Ervin have forced the appointment of an independent prosecutor of highest standing. The judiciary has been magnificent. Judge John J. Sirica broke open the Watergate by overriding a footdragging Department of Justice. Judge Matt Byrne chastised the lawlessness of government by dismissing a prosecution reeking with political malice. Had these two judges been amenable to White House influence, they would have had the inside track for future appointment to the nation's highest tribunal. They threw away that prospect by hewing to the line of truth and decency.

What does all this portend? There is reason, in my opinion, to look to the future with hope. I cherish a belief, amounting almost to certainty, that the United States is beginning to move from a critical national illness into a healing catharsis of the entire body politic.

One thing I am sure of. I am certain that among the 139 young men and women who receive their law degrees this day, there are exactly 139 who will be more devoted to their country, more committed to justice and fair dealing, more faithful to democratic selfgovernment, because of the turmoil and travail through which the nation is struggling. We are at a moment of destiny.

SOVIET JEWRY AND INTERNATIONAL TRADE POLICY

Mr. WILLIAMS. Mr. President, in the June 13, 1973, issue of the North Jersey Suburbanite, Morton Steinberg, in his column, presented a detailed examination of the question of Soviet Jewry and the relationship of international trade policy.

Mr. Steinberg makes many valid points in his article and in view of our continuing deliberations on this matter, I think his article should be made part of the permanent Record.

Therefore, I ask unanimous consent that his column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Free Trade and Free People

Leonid Brezhnev, leader of the communist party of the USSR will be here next week conferring with President Nixon. High on the agenda is the matter of granting "most-favored-nation" treatment in the Soviet Union. In simplistic terms MFN means that in our commerce with the USSR it will enjoy the same trade advantages granted to the "most-favored-nation" doing business with us.

Trade has been a boon and a bane in the history of mankind. It sparked the dumping of tea in Boston Harbor; the Opium War in China. In the age of Imperialism it made empires rich and kept colonies poor. In this age of "enlightenment" trade is slowly (very slowly) "developing" the underdeveloped countries. The use to which trade is put in international relations is a measure of each nation's spiritual qualities—illuminating the depth of degradation to which it may descend and the heights of the sublime to which it may ascend.

Today we want detente (in part a euphemism for more trade) with the Soviets. And we want more justice for Soviet Jews. Detente is a noble goal. So, obviously, is Justice. They are not incompatible. Detente means more than trade. It is only one of the many ways whereby differing societies approach greater understanding and respect for each other. In this sense justice for Soviet Jews would strengthen detente between the USSR and the USA.

The Soviet constitution requires the preservation and promotion of the cultural identity of the 108 nationalities composing the Soviet Union. The Jewish nation within that Union is expressly included, numerically number 11 among the 108. What is unique about the oppression of Soviet Jews? Other nationalities are allowed their own schools, languages, daily papers, libraries, books, museums, theatres, TV and radio programs. Jews are not. Other religious groups are allowed to organize and centralize their institutions, including schools for clergy and priests; to replace sacred but worn altar objects and bibles; even to go abroad for international religious conferences. Jews are not. Why? Because Soviet Jewry is the only one of the 108 nationalities that is (1) both a nation and a religion, creating in this duality greater resistance to atheism (2) identified with an international community, more subject to western influence, thereby less easily made to conform to the dominant communist ideology, and (3) by nature (born out of the paths of their history) skeptical of a society in which the State is all, the Individual nothing, making it difficult, if not impossible (after a half century of trying) to mold the Jew into a model "Soviet Man."

Condemned to cultural genocide, over a hundred thousand Soviet Jews have sought to escape to Israel. (The Universal Declaration of Human Rights, to which the USSR is a signatory, declares this to be their right. In 1963 when the UN was studying this question the Soviet government declared that such a right must be granted a Soviet citizen unless he (1) is then on trial for a prior offense, (2) is then serving a sentence for prior offense, or (3) has yet to serve his term in the Soviet armed forces.) Nonetheless, when a Soviet Jew, in none of these categories, seeks permission to emigrate, he is at once demoted or fired from his job, whether a laborer, clerk, machinist, professor, ballet dancer, artist, scientist, or conductor of the Moscow Symphony. His apartment may be taken from him. His children are treated like lepers in the classroom. The universities are closed to them. He is lucky to stay out of jail as an (unemployed) vagrant. Assuming permission is granted, he must get out in a hurry (10–25 days to settle his affairs) on pain of the permit being withdrawn. He must pay the equivalent of $1,000 for himself and each departing member of his family. If he or they are college graduates, each must pay an additional $5,000 to $30,000, depending on the degrees held; notwithstanding that each may have repaid several times over in public service for their state-financed education.

If Soviet Jews are so difficult to mold into ideal Soviet citizens, why this punishment for seeking to emigrate? One answer is that making it "easy" to leave would open the floodgates, not only for all Soviet Jews, but for millions of other oppressed minorities. Permitting their departure in such waves is tantamount to admitting that Lenin's "noble experiment" has failed.

American (and world) reaction has been, in one word: abhorrence. It has been expressed by church groups of all faiths, by labor unions, hundreds of various organizations, and by the press in editorial columns. At the state and local level there have been resolutions of protest adopted by mayors and city councils, and by state legislatures from New York to California, including our New Jersey. At the national level it has been expressed in bipartisan sponsorship of the Jackson-Mills-Vanik amendment to the Trade Reform Act. It would prohibit MFN to any nation denying its citizens the right to emigrate or to impose more than a nominal tax in order to emigrate. The amendment would NOT prohibit trade, only most-favored-nation treatment. The Senatorial sponsors at last count number at least 75 out of 100; the House sponsors at least 280 out of 435. These numbers reflect the overwhelming sentiment at the "grass roots". The White House has rejected the amendment, urging MFN treatment for the USSR, following which there would be "quiet diplomacy" in behalf of Soviet Jews. We are asked to rely on vague unofficial promises (easily denied later) that the unconscionable "ransoms" will be waived. The public, after Watergate, are not likely to "buy" such devious and circuitous methods.

Apart from the moral question, Americans are beginning to ask questions about what they are going to get out of increased (MFN) trade with the Soviet Union. Judging from past experience we sell grain to them at bargain prices (with shipping costs subsidized by us—the taxpayers) and raise the price of bread at home. Our corporate giants will sell the USSR sophisticated machinery on long term credits, repayment guaranteed by us—the taxpayers. Banks are urged to extend such credit at interest rates below those granted to the best domestic risks. Recently, the Board Chairman of the Manufacturers Hanover Trust Company called this "dubious banking" and "'most-favored-nation' treatment with a vengeance".

Of course increased trade with the USSR (with or without MFN treatment) is desirable, but not when it involves picking the pockets of average Americans and destroying the souls of Soviet citizens. We are not creating precedents by refusing to grant MFN to the USSR without demanding in return recognition of basic human rights. (The US in 1912 abrogated its 1832 trade treaty with Russia because the then government refused visas to Jews). Nor are we violating international law or international morality. The best answer to the charge that we are "interfering in the internal affairs" of the USSR comes from, of all places, Moscow. In the words of Alexander Solzhenitsyn, the Nobel Prize winner: "Mankind's sole salvation lies in everyone making everything his business . . . There are no internal affairs left on our crowded Earth."

MIDWEST CONFERENCE OF DEMOCRATIC SENATORS CALLS FOR MANDATORY FUEL ALLOCATIONS

Mr. HUGHES. Mr. President, several members of the Midwest Conference of Democratic Senators met for breakfast yesterday and resolved to request that the President act immediately to impose a system of mandatory allocations of petroleum products, under authority granted him two months ago by Congress.

A statement was prepared in the form of a news release and issued yesterday afternoon with the concurrence of such members of the Midwest Conference as we were able to contact and obtain approval from within the brief time that was available. Twelve members of the Conference participated in issuing the statement, and I ask unanimous consent that a copy of the news release be printed in the Record at the conclusion of my remarks.

Mr. President, the statement takes cognizance of several critical concerns which weigh heavily on all of the people of the Midwest region of the Nation. But the paramount concern is whether existing food shortages and vicious price inflation will be allowed to worsen as a result of inaction by the Federal Government with respect to making fuel available to harvest the crops, process them, and transport them to consumer markets.

Implicitly ingrained in these concerns is also the impossible plight of the independent marketers of petroleum products. In Iowa, my home State, more than half of these products were formerly distributed by independent jobbers and retail outlets. I strongly suspect that is no longer the case, given the many reports I have received from independents that they often can find no product to sell, and what product they can find is priced so high that they would have to sell at a loss under the 60-day price-freeze regulations proclaimed by the President earlier this month.

This is the essence of the "economic trap" to which the Midwest Conference referred in our statement yesterday. It is the situation which prompted the Conference to urge the President to revaluate the manner in which the price freeze has been applied to independent marketers, and it is the situation which prompted the Conference to urge the Committee on Banking, Housing and Urban Affairs to evaluate the combined effects of the price freeze and allocation programs on independent marketers.

For myself, Mr. President, I would say that the position of the independent marketers has steadily worsened with each hesitant and incomplete action taken by the President to deal with the fuel shortages. And with this deterioration in viability of independent operators, the posture of the major, branded oil companies has steadily strengthened.

While independent, unbranded marketers have founded it increasingly difficult to obtain supplies, the major oil companies have been able to continue in business with only incidental reductions in service.

While independent, unbranded marketers have had to dramatically increase their prices to break even, the major, branded outlets have become the "cut-rate outfits" in many areas and still remain profitable.

When State, municipal, and school units have sought bids for supplying them with fuel, they have often received only one bid, rather than the several of former years; and the price they have had to pay has been on the order of 50 percent or more higher than in the past.

In my view, Mr. President, these occurrences strongly suggest that the major oil companies have "gotten together" on the most lucrative method of sharing their "responsibilities" under the administration's voluntary allocation program.

If there are monopolistic forces at work in the petroleum industry, they must be identified, ferreted out, and laid to rest.

To that end, I am pleased that the Senator from Washington (Mr. Jackson), chairman of the Permanent Investigations Subcommittee of the Senate, and the Senator from Michigan (Mr. Hart) chairman of the Antitrust and Monopoly Subcommittee, are pursuing an investigation of these forces.

I am also pleased to note and commend the Senator from New Hampshire (Mr. McIntyre) for introducing legislation that would require large oil companies to divest themselves of their marketing systems, when they are also engaged in production and refining of crude oil. Vertical integration of the oil industry, as we have now come unhappily to recognize, is no more desirable for the consumer and our economy than vertical integration in the agriculture and food-processing industry.

For the immediate future, however, the problem is simply to make fuel available for agriculture and other essential public purposes, and to do it in such a way that the fuel flows through every existing outlet, independent as well as branded. In this way, maximum competition can be preserved, resulting in lower prices, and everyone who needs fuel will have it conveniently available.

I note that the President has sent to Congress today a message regarding the energy situation and announcng the appointment of Gov. John Love of Colorado to head up the coordination of energy policy in the administration. As a friend and former colleague of Governor Love, I applaud his selection for this vital position and wish him well in bringing to the adminstration a fresh perspective from a distance—from the area of the Nation hardest hit by the fuel shortages.

Of course, I have not yet had time to study the President's message in detail, but with the benefit of a quick review, I can find no indication of a willingness to implement a mandatory allocations program. I hope that this will be his decision, however, when he makes further announcements, as rumored, next week.

There being no objection, the release was ordered to be printed in the Record, as follows:

Midwest Democratic Senators Demand Mandatory Fuel Allocations To Prevent Food Production Catastrophe

The Midwest Conference of Democratic Senators today called on President Nixon to impose a mandatory fuel allocation program immediately to end petroleum product shortages that have hobbled agricultural operations and essential public services and to preserve competition in the petroleum industry.

We call on the President to implement a mandatory allocation program immediately, under authority given him by Congress on April 30 in the Eagleton Amendment to the Economic Stabilization Act, the Senators said in a joint statement issued by 12 members of the Conference.

Such action is urgently needed if the agricultural economy of the Midwest is to escape catastrophe next fall and winter.

The Senators also urged the President "to re-evaluate application of the price freeze to the marketing of petroleum products, in order to free independent marketers from an economic trap that prevents any allocation program, voluntary or mandatory, from assisting them and their customers."

At the heart of our concern is the very real prospect that farm crops may rot in the fields for lack of fuel to harvest them. Wheat harvests in the Southwest have already been stunted, and unless action is taken immediately, there will be a worsening of the already critical shortages and escalating prices of foodstuffs.

Propane production and stocks are unusually low, while prices are skyrocketing. Without a substantial improvement in the situation, there will not be adequate supplies for drying crops.

Current production of distillate fuels (home heating oil and diesel fuel) is about where it was at this time last year, and stocks are only marginally higher. Trucking companies have warned that, even if crops can be harvested and dried, they may not be able to reach the market.

The voluntary allocation program, so widely heralded by the Administration six weeks ago, has been a failure. Independent fuel oil and gasoline distributors have been dealt less than a fair share of available products—if they were lucky—or met with outright refusal of cooperation. When they have been able to get products, it has often been at wholesale prices which are at or above the retail prices of branded gasoline, diesel fuel, and propane.

With these price conditions frozen, the independents have been forced to choose between losing money while serving their customers or going out of business because they can get no product at even break-even prices.

STATISTICS

The price behavior of the industry has been little short of scandalous. According to the Bureau of Labor, the Wholesale Price Index for refined petroleum products rose by 25 per cent between May 1972 and May 1973, with most of these increases occurring since Phase II controls were lifted early in January. Prices again rose sharply in the last week in May and the first week in June, just in time to beat the June 8 price freeze.

We do not know how these increases were justified under Phase III controls. The Cost of Living Council has steadfastly refused to obey the will of Congress expressed in the Hathaway Amendment, which declares that cost justifications for price increases by the major oil companies are matters of public record. The Administration has the facts on the price increases, but refuses to release them.

The major oil companies appear to be cooperating with the voluntary program's guidelines for supplying essential public services, but at a high price. The traditional pattern of discounts for state, municipal and school district bids has disappeared, and public bodies are paying as much for gasoline and fuel oil as retail customers. Indeed, the prevailing pattern of single-firm bids, or no bids at all, to these public agencies, which formerly had as many as a dozen or more firms competing for their business, is fertile ground for exploration by Congressional Committees.

We also urge the Senate Committee on Banking, Housing and Urban Affairs, which originally recommended an allocation program to the Senate, to evaluate the Administration's allocation rules, as well as the impact of the price freeze on the operation of the allocation program.

Members of the Midwest Democratic Conference of Senators issuing the statement include Hughes (Chairman) and Clark of Iowa, Symington and Eagleton of Missouri, McGovern and Abourezk of South Dakota, Mondale and Humphrey of Minnesota, Stevenson of Illinois, Burdick of North Dakota, Hart of Michigan, Nelson of Wisconsin.

OUR VANISHING FISHERIES

Mr. MUSKIE. Mr. President, in the course of the last few years, I have been increasingly distressed by the depletion of various fishing stocks off our coasts and the seeming indifference of the U.S. Government to the plight of our fishing industry. We must all be aware of the fact that foreign fishing off our shores has increased several fold within the last decade and that the world's fishing effort is now of such a large magnitude that stocks can be decimated in a season or two. Witness the virtual depletion overnight of haddock stocks on Georges Bank in the Northwest Atlantic. And now, many experts are predicting similar fates for cod, sea scallops, yellow-tail flounder, and the lobster.

The 1974 Law of the Sea Conference at Santiago, Chile, will offer a unique opportunity for the international community to take a major step toward the creation of an international structure to manage 70 percent of the earth's surface. Such a structure could also serve as a model for subsequent efforts to avoid the conflicts and tensions arising out of unilateral efforts to appropriate a large measure of the world's remaining resources at the expense of those nations not able to compete for them on equal terms.

I am encouraged by these possibilities. I intend to support efforts to reach an international solution to the management of the globe's oceans. But we all should remember that the Santiago Conference is not scheduled to begin for almost another year and it may be several years after the conclusion of the conference before we have any international agreements governing the use of the seas.

In the short run, we must be aware of and deal with the very real problems presented by foreign fishermen to the U.S. fishing industry. These problems cannot be filed away while treaties are negotiated by diplomats. To the extent that fishing stocks continue to vanish, the pressures for unilateral action to extend our fishing limits to 200 miles or to the Continental Shelf will increase. Such pressures are only heightened by the unwillingness of other nations within the International Commission for Northwest Atlantic Fisheries—ICNAF—to work with us to conserve and rebuild offshore stocks.

International management of the seas is by far preferable to unilateral declarations of exclusive rights and jurisdictions. However, if other members of the ICNAF continue to be reluctant to keep their fishing effort within reasonable conservation limits, unilateral action may prove to be the most effective way for our Government to produce the long-run international approach to management of the oceans that we need.

Mr. President, I ask unanimous consent to have printed in the Record two recent pieces that touch upon this important problem: an editorial in today's New York Times, and an article in the June–July issue of Travel and Leisure on "The Vanishing Lobster."

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

Wider Fish War?

The "Cod War" that recently has precipitated dangerous encounters between Icelandic patrol vessels and British frigates in disputed fishing areas off Iceland is threatening to move west and escalate into a far more serious confrontation between the United States and foreign fishing fleets operating off this country's East Coast.

Like their counterparts in Iceland, America's fishermen have grown increasingly alarmed over the depletion of valuable stocks. A steadily growing fleet of large and sophisticated fishing vessels from the Soviet Union, Japan, Spain, the two Germanys and elsewhere already has cut the Northwest Atlantic haddock catch to zero and has reduced herring stocks by an estimated 90 per cent in less than a decade of intensive fishing.

Unlike the Government in Reykjavik, Washington has strongly resisted demands that the United States arbitrarily extend its 12-mile fisheries zone. The Administration fears that such unilateral action would undermine its efforts to promote a fisheries agreement at the forthcoming Law of the Sea Conference that will protect other American maritime interests, such as the right of the Navy to roam the high seas and the rights of American fishermen who have traditionally fished off foreign shores.

Rather than extend the fisheries limit, the United States Government has sought to protect American fishermen and their stocks through mutual agreement with other interested nations in the International Commission for Northwest Atlantic Fisheries. This effort, long viewed with skepticism by American fishermen, has now virtually collapsed. Attempts to persuade the Commission to set limits which American scientists regard as essential for conservation and rebuilding of stocks were rejected by the other members at a recent meeting in Copenhagen.

The failure of the International Commission compels the Administration and Congress to give serious consideration to a bill recently introduced by Senator Magnuson that would extend United States fisheries jurisdiction to 200 miles. Although drastic, the bill does take into consideration this country's wider, long-range maritime interests. Its provisions would remain in effect only until ratification of a new international fisheries agreement and it makes allowance for the traditional fishing rights of other nations within conservation limits, following closely United States proposals for a new international fisheries convention.

Conservation by mutual consent is still by far the preferable route, pending ratification of a new convention. But unless other members of the International Commission speedily revise their uncooperative attitudes, the United States may be forced to take the unilateral route in order to save its fisheries, with all the risks of conflict and anarchy at sea which that entails.

The Vanishing Lobster

(By Silas Spitzer)

One of the little things that seem to nudge a boy into manhood is when he first cracks open, cleans out and devours a whole lobster, all by himself, without missing a single edible scrap. It happened to me long ago on my sixteenth birthday. I had never eaten a lobster before except when it was forked out of a can or stingily scattered among the vegetables in a salad.

I can still remember the hot Sunday afternoon when my father took me by streetcar for dinner at a famous seafood emporium in Sheepshead Bay. The place is still standing, though sadly changed, almost within scent of the old Brooklyn fishing grounds. It was one vast dining room that boomed and clattered with happy noise, like an army barracks at the end of a hard day. The room was packed to its yellow wooden walls with hungry shirt-sleeved families shoveling in big helpings of food at long, untidily laden tables. A rich smell of fried fish and draft beer rode on a fresh sea breeze that blew fitfully in through the open windows.

The pound-and-a-half boiled lobster I consumed that day, with deep, lingering enjoyment, was an extra item on the "deluxe shore dinner." If memory serves, it cost my old man an additional two dollars. Today, the price of a healthy Maine lobster of about the same weight, if ordered at a fine fish restaurant would come to $13.50 or more.

Like all especially wonderful things to eat or drink, the price of fresh lobster has zoomed skyward. It is now in that remote heaven for the rich and overindulgent usually reserved for fresh foie gras, French and Italian truffles, prize Kansas beef, Iranian beluga caviar and château-bottled wines of the legendary years. Now lobsters cost so much that buying enough to satisfy a family is a serious project, like adding a new wing to your house.

Besides the basic pressures of inflation, there are a number of reasons why prices have soared. The demand for lobster taken off our northeastern coast has grown worldwide. The supply has been steadily sinking until it can no longer keep up. In 1957, the Maine lobster catch, which supplies 75 percent of the total national consumption, amounted to twenty-five million pounds. By 1972, it had dropped by eight million pounds. In other words, there are now fewer lobsters and more people who want them and can afford to buy them.

Rising prices and a seemingly insatiable demand lured more and more men to take up the hard calling of lobster trapping. Seven thousand of them are now lobstering in Maine. That is more than nature can handle. The inshore waters, once swarming with treasure, have become so overfished that the lobster population is seriously endangered. Scarcity has impelled lobstermen to voyage in their boats as far out as 200 miles, sowing their pots as they go, in the frigid ocean depths.

The situation contrasts dimsally with the lavish years of the 19th century. In those innocently permissive days, no statutory laws controlled the size or content of the Maine catch. Lobstermen could, and often did, haul as much as a thousand pounds in a twenty-four-hour day. Not a single creature was discarded because of age or size, not even females who were in an "interesting condition." The pools and grassy shallows among the tidewashed rocks were full of small fry, soft-shells and shedders. These were not acceptable to the wholesale buyers, but farmers harvested them by the cartload to fertilize their fields. Lobster was as common as clams or sweet corn at the day-long beach bakes of that happy period of plenty.

As time passed, wise heads in Maine decided that strict laws were needed to slow down the attack upon the State's most impressive source of natural wealth, worth as much as $60 million annually. This figure does not include the cash crop of summer tourists, who arrive panting for the salt-sea feasting ahead and dreaming of great hunks of sweet meat, with buckets of melted butter to dip them in.

Today the Maine lobsterman works under legal wraps which severely restrict his catch. By state law, he may not take a "keeper" less than 3 and 3/16th inches or longer than 5 inches from eye socket to the rear end of the body shell. To encourage accuracy, the state provides at cost an official measuring gauge. Other states along the eastern coast do not prohibit what Maine considers oversize lobsters, supposed to produce more eggs. This has caused grumbling among Maine men who would like to bring in the big fellows up to jumbo size, or at least increase size limits at either end of the scale.

Where I live, close to the long white ocean beaches of eastern Long Island, commercial fishing boats off Montauk and the Hamptons bring in monsters of ten to twenty-five pounds. They are frequently sold in the retail fish markets near Shinnecock Inlet. I once sat with three friends around a steaming ten-gallon metal container, making a fine meal out of a single nightmarish claw that actually weighed two-thirds of the big fellow's entire poundage. We smashed it open with a heavy hammer and dug out the flesh with our thumbs. There is an old wives' tale to the effect that the bigger the lobster, the tougher and more tasteless he will be, but we did not find it so.

Maine law further prohibits the taking of female lobsters that carry fertilized eggs under the tail, in batches up to fifty thousand at a time. Punishment for infractions brings a stiff fine and even imprisonment. The state has gone a long way to protect its most celebrated product. There is strong organized opposition to oil spill and all other forms of pollution. Scientists are studying the artificial breeding of lobsters, following the hatchery experiments in Brittany and some successful operations in this country with oysters and scallops. The latest campaign to bring back the lobster crop is directed against the big foreign fishing trawlers from a dozen different nations which patrol just outside the 12-mile limit and drag for everything that swims, crawls or just gets in the way. This indiscriminate sweeping, New England fishermen complain, gathers up not only fish but their lines and pods, whether empty or full. The big, efficient trawlers, with their enormous finely meshed nets that miss nothing bigger than a sardine, have already exhausted fishing grounds in other parts of the world. Our nearby ocean waters may be next to go.

Still, in spite of laws, admonitions and experiment, the supply drops as demand grows. Up to the time of cargo planes and refrigerated trucks, people living west of the Hudson never knew the taste of fresh lobster. But that changed as tons of live and kicking *Homarus americanus* were flown or trucked to all sections of the country. This year, restaurants that used to wallow in Lobster Thermidor or Newburg are feeling the pinch of high prices and scarcity. Today many have dropped lobster and are substituting frozen lobster tails from South Africa, New Zealand and Australia. The tails are fairly edible, but their flavor and texture cannot compare with the inimitable sea taste of Maine lobster, the eating of which is one of the most blissful taste experiences that life affords.

Highly rated restaurants in the bigger cities, where prices seem not to diminish the appetites of clients, still purchase live Maine lobster, undeterred by the costs of jet transportation on top of surging wholesale prices. As long as their clients have the money and are eager to spend it, lobster will be available in these plush places, which cater to the well-heeled hedonist trade. The rest of us will have to wait for some miracle to bring lobster down to our level. In a mood of pessimism, what I see ahead is the day when it will be eaten only on red-letter holidays, as roast goose and plum pudding are served at Christmas.

I have eaten *homard* in Brittany and Normandy, spiny lobster in seafood places Down Under, the much touted North Sea *Hummer* in Hamburg and Bremen, and various beasts which pass for lobster in other parts of the world. None can touch the true Maine lobster, its armored shell crammed solidly with crisp yet tender white meat with a flavor which is the sea's own uniquely subtle blend of sweet and salt. Every bit of a lobster but the shell is edible. One should not pass up a single succulent morsel. The green tomalley, which is the liver, is curiously delectable. If you are lucky, you may have on your plate a female "counter," full of roe. This dainty coral-red substance should be eaten with the tomalley, a sea-haunted blend of taste and texture found in no other delicacy.

Nearly everybody loves lobster, but how sad it is to see how few know how to eat it properly. Often, at home or in a restaurant, the precious meat is ripped carelessly from its shell and then served at table in a scramble of bits and pieces, all to save someone a little time and manual employment. Half the joy of eating a lobster is to do the job yourself, slowly, carefully and with loving patience. You will be amply rewarded by the luscious bits that come out of small, secret crevices.

It pains me to think about the evening when my wife and I had dinner in a New York restaurant known for its ponderous steaks and massive lobsters, usually broiled and thickly stuffed with crabmeat and crumbs. Across the narrow room from where we sat was a party of eight or nine ladies and gentlemen, who never stopped talking, hardly even to eat. A fat, perspiring waiter with sideburns and a spotted apron, stood at the serving table close by and worked on a huge crimson pile of everybody's favorite crustacean, which incidentally, went for $15 apiece at this highly sophisticated spot. With heavy nutcrackers and his hairy hands, he smashed the lobsters into fragments at high speed and tore out only the meat of the claws and tails. A busboy shoveled the discarded, half-empty shells into a big pail and carried it off, I suspect to a corner of the kitchen where the house cat was licking his whiskers in anticipation. Nobody at the table stopped talking long enough to oversee this operation. Nobody worried about waste or cared whether he would be served all the good lobster his host was paying for. It was a scene that helped explain why there is still so much demand for Maine, East Coast and Nova Scotia lobsters even at the highest prices in our history.

Lobster epicures believe that the ideal eating weight is just under two pounds, young enough for tenderness, adult enough to have reached full flavor. When you shop for a live lobster, be sure the tail curls up, never droops. If it has already been cooked, pull its tail. If it springs back, chances are good that it was alive and saucy before the cook grabbed it.

As for cooking methods, I can only give my own preference, which is for boiling or steaming, instead of broiling or using elaborate cooking recipes requiring rich, creamy sauces and alien spicing. The subject is controversial, especially in Maine. In a Rockport lobster restaurant, they boiled the creature for half an hour, far too long for my taste. For best results, use a big kettle well filled with boiling sea water if you can get it, about 1½ quarts to the lobster. Drop it in head first, cover the pot, wait for a rolling boil and cook seven minutes for two pounds and under, ten minutes for specimens over two pounds. The big sin is to overcook. Tender-hearted people often start with cold water, believing that the animal loses consciousness before he can feel scalding pain. In France, the kitchen procedure is to quickly kill by piercing the brain with the sharp point of a knife.

Some Maine residents speak dreamily of eating freshly trapped lobster out-of-doors, steamed over seaweed in a pit of red-hot rocks. This is about as close as one can get to nature and the sea, and, as far away as possible from overcivilized techniques. Broiling has it advocates, but too often the cook lets the meat toughen and turn dry. The pure, strong essence of lobster flavor is perhaps best tasted in a Down East stew or a lobster bisque in a fine restaurant in France. Long, slow cooking is what makes these preparations so divinely rich. In the case of lobster bisque a la Francais, the old-fashioned method is to cook not only the meat, the tomalley and the colar and white lobster fat, but to reduce the shells to a fine powder in a huge mortar with a giant pestle and add it to the rest. I have never tasted that kind of bisque in this country, even at the most expensive places.

As things stand today, we lobster fanatics are troubled by the gradual disappearance of live Maine lobster at a fair price—but glad to eat one that occasionally comes our way. We live in hope, or at least I do, that some day the scientists will bring back the big crop of the good old years, breeding them in hatcheries to a point where the finger-long young can venture out to sea with a minimum of danger. May that day come soon, while we are still in good appetite.

SENATE ADOPTS ARREST RECORDS AMENDMENT

Mr. ERVIN. Mr. President, yesterday the Senate adopted amendment No. 273 to H.R. 8152, the LEAA authorization bill. That amendment is a commendable first step by the Senate to place interim restrictions upon the practices of criminal justice information systems funded by LEAA.

This amendment grows out of the concern voiced by citizens, various criminal justice experts and the courts about the misuse of criminal history information by State and Federal criminal justice information systems. The American Civil Liberties Union, the Lawyers Committee for Civil Rights and other groups have presented a compelling case for the debilitating effect that incomplete criminal history records can have upon an innocent individual. For example, there are many instances where incomplete records of an arrest have been disseminated to prospective employers. Records of an arrest of a job applicant will fall into the hands of a prospective employer where the record indicates no subsequent disposition of the charge arising out of that arrest but the defendant was ultimately acquitted of the charge. Of course, such damaging information eliminates any chance of that applicant being hired.

I believe that the best approach to this problem is a complete ban on dissemination of criminal history information unless records of arrest indicate that the defendant has been convicted of the charge arising out of that arrest. Quite frankly, I can see no use whatsoever, by prospective employers or law enforcement officials, for an arrest record which does not indicate conviction. Therefore, last year I convinced the Senate to adopt a rider to the FBI appropriation which would prohibit the dissemination of criminal history records unless they indicated conviction. I only wish the Senate had gone that far in yesterday's action.

Amendment No. 273 only restricts dissemination of criminal history records to those which contain dispositions. However, the amendment also requires that State and local criminal justice systems adopt minimum operating procedures designed to protect privacy and confidentiality of criminal history information and those systems must also guarantee a right of access to subjects who have records in the data bank. According to Senator KENNEDY, sponsor of the amendment, this means that at the very least all criminal justice information systems which receive any LEAA funds will have to adopt immediately the privacy and security regulations recommended by the Privacy and Security Committee of Project Search in 1970.

I was initially concerned by the fact that Senator KENNEDY's amendment requires the State and local data banks to include dispositional information only "to the maximum extent feasible." However, Senator KENNEDY in response to an inquiry by Senator MATHIAS, explained that this means that the systems must adopt the search rules immediately and begin including disposition information on records it disseminates as soon as is humanly possible. Accordingly, this language cannot be used as an excuse by law enforcement agencies who simply do not cooperate with court personnel to get dispositional information. Bureaucratic complications will not be tolerated under this amendment and neither should complaints about cost. Of course, it will cost more for the courts and police to interface their information systems so that criminal history records are complete but that is what the search rules require and that is what this amendment requires.

Finally, it is clear from yesterday's RECORD that Senators KENNEDY, MCCLELLAN, and HRUSKA, who all have an interest in this field, agree that amendment 273 is only an interim, stop-gap measure and is not a final comprehensive solution to this problem. As Senator HRUSKA said yesterday—

> The language in this amendment is not dispositive of the entire problem, but additional legislation will be forthcoming soon on that subject, and it will supplement and complement this measure.

The Subcommittee on Constitutional Rights on which Senator HRUSKA sits and which I chair shares jurisdiction over this matter with the Subcommittee on Criminal Laws and Procedures. I have instructed my staff to prepare comprehensive legislation on this question and I understand that the administration is doing the same. Therefore, I hope we will have a bill introduced within the next few weeks and that the Subcommittee on Constitutional Rights can hold hearings in the near future on that legislation and on the progress of LEAA in enforcing the Kennedy amendment.

OEO FUNDS TO CONTINUE

Mr. WILLIAMS. Mr. President, I am pleased to announce to my colleagues that U.S. District Court Judge William B. Jones yesterday ordered that all OEO grants now pending before the agency be immediately processed, and that all grantees be notified of the agency's decision on or before midnight June 30, the expiration date for fiscal year 1973 funds.

The judge further ruled that the Director-designate, Alvin Arnett, be temporarily empowered to issue such grants during this emergency situation until the Senate considers the nominee's confirmation. Judge Jones' decision is a direct result of a lawsuit entered into by myself and three colleagues, the distinguished Senator from Rhode Island (Mr. PELL), the distinguished Senator from Minnesota (Mr. MONDALE), and the distinguished Senator from Maine (Mr. HATHAWAY). Earlier this month, Judge Jones ruled that the former Acting Director, Howard Phillips, was serving illegally in that office, and was so removed by court order. This action was affirmed by the appellate court last week.

It is clear that the administration's unilateral efforts to dismantle OEO are a clear violation of the law and will not be tolerated.

Yesterday's court decision by Judge

Jones is a tremendous victory not only for reestablishing the constitutional prerogatives of the Senate, but will go a long way toward giving hope to the poor and disadvantaged of this country.

There is no question that this lawsuit has already given, and will continue to give, new impetus to Congress efforts to reorder our Nation's priorities to programs aimed at fulfilling the basic human and social needs of our citizens.

Tuesday, the House of Representatives overwhelmingly passed the Labor-HEW appropriations bill, which includes funds for OEO for fiscal year 1974. It is interesting to note that two efforts to reduce OEO appropriations—as recommended by the House Appropriations Committee—were soundly defeated. In my opinion, such action would have been unlikely prior to the court intervention initiated by myself and Senators Pell, Mondale, and Hathaway.

Upon consideration by the Senate, I am confident that funds for OEO will be appropriated at a level which will enable the agency to continue its worthwhile activities. In the event that the Senate is unable to act on the OEO appropriations before June 30, Congress will undoubtedly assure the program's funding by enacting a continuing resolution. Such action has already been taken by the House.

With regard to the nomination of Mr. Arnett, I have directed the staff of the Senate Committee on Labor and Public Welfare to begin an immediate review of his background and qualifications. After proper notice is given to the public pursuant to statute and Senate rule, hearings on Mr. Arnett begin as soon as possible upon the return of the Senate after its July 4 recess.

Mr. President, because of the importance and the interest in this subject, I ask unanimous consent that the text of Judge Jones' memorandum and order of June 27, 1973, be printed in the Record.

There being no objection, the memorandum and order was ordered to be printed in the Record, as follows:

Memorandum and Order

(Senator Harrison A. Williams, Jr., et al., Plaintiffs; v. Howard J. Phillips, Defendant)

On June 22, 1973, the United States Court of Appeals for the District of Columbia Circuit entered an Order refusing to stay the June 11, 1973 Order of this Court declaring the defendant Howard J. Phillips to be serving illegally as Acting Director of the Office of Economic Opportunity [OEO] and enjoining him from taking any action as Acting Director. In addition the Court of Appeals remanded the case to this Court to consider certain objections to this Court's June 11, 1973 Order raised by the defendant and amici curiae in the Court of Appeals on the application for a stay. Some of those objections sought clarification rather than reversal of the Order. Other of the objections were based upon allegations of irreparable injury to OEO, its programs, and third parties dealing with it. The Court of Appeals determined that those allegations raised questions of fact concerning the actual effect of this Court's injunction, which required further development on the record.

In response to that remand, this Court held a hearing late on Monday, June 25, 1973. At that time the Court heard the views on remand from both counsel for the plaintiffs and counsel for the defendant. At the same time counsel for the plaintiffs in the several other actions pending before this Court involving OEO[1] were given the opportunity to express their views on the remand, although they did not participate in a formal sense as amici curiae.

In response to the suggestion of the Court of Appeals that motions might be filed for clarification or modification of this Court's injunction, the defendant filed a Motion for Relief From Judgment. That motion sought an order vacating the June 11, 1973 Order enjoining the defendant from taking any action as Acting Director of OEO. A modification of the declaration that the defendant was serving unlawfully and illegally was sought by holding that declaration to be effective as of July 1, 1973. In support of his motion the defendant attached his affidavit in which he stated that until the issuance of the June 11, 1973 Order, he intended to authorize, through subordinate officials, the making of additional grants and contracts totalling approximately $142 million before the end of fiscal year 1973. Recipients of those grants would have included, among others, Community Action Agencies, legal services organizations and migrant programs. The defendant further averred that to the best of his knowledge, information, and belief that no fiscal year 1973 funds have been legally obligated by OEO since the June 11, 1973 Order.

In connection with this motion and affidavit, the Court was advised by counsel that two or three grants have been made by OEO officials or employees since June 11, but that in each instance the grant was cancelled by other members of the OEO staff. In one or two of these instances, the Deputy General Council of OEO, who was present at the hearing, stated that he had ordered cancellation. The same Deputy General Counsel reported that a grant had been made by the OEO regional director for New York and that the grant had been cancelled by another OEO staff member. The regional director subsequently was placed on administrative leave. The Court inquired of the Deputy General Counsel whether the defendant's affidavit could be taken as an assurance that if the defendant were permitted to serve he would make grants and obligate the $142 million before the end of the fiscal year on June 30, 1973. The Deputy General Counsel stated that no such assurance could be given.

In this Court's view, whether the defendant would have made additional grants or contracts totalling $142 million before the end of fiscal year 1973 is totally beside the point. As has been made known in the June 11, 1973 Opinion and Order of this Court, this defendant has been illegally and unlawfully serving as Acting Director of OEO since the end of January, 1973. To reestablish him in that position would make a mockery of the law and would exceed even the liberal bounds of equity. The defendant's Motion for Relief From Judgment will be denied.

Also filed on the date of the remand hearing was a motion to intervene by the National Legal Aid & Defender Association, California Rural Legal Assistance, Inc., and the Michigan Migrant Legal Assistance project, Inc.,[2] accompanied by a motion to modify the June 11, 1973 Order. The proposed order submitted by the applicants for intervention would have reaffirmed the June 11, 1973 order that the defendant was serving illegally and unlawfully in office because he was not appointed Director of OEO by the President and confirmed by the Senate as is required by 42 U.S.C. § 2941(a) (1970). That order would have declared further that certain regulations promulgated by the defendant on May 25, May 30, and June 4, 1973, were not valid and of no force and effect. The proposed order finally provided that the June 11, 1973 Order would be modified to allow the defendant to take such actions as are reasonably required to administer OEO and all programs funded or regulated by it, and to otherwise preserve the status quo pending the appointment and confirmation of a valid Director of OEO. The proposed order would have further required him to issue or renew grants funded as of January 29, 1973, if an application for funds had been made. Lastly, the proposed order would have forbidden the defendant from terminating or reducing or permitting the expiration of funds of any such program, or from repealing, promulgating, or permitting to become effective any rule, regulation, or directive. The proposed order on its face is entirely illogical and because such relief was sought, the motion to intervene will be denied.

Counsel for the plaintiffs advised the Court that a continuing resolution was about to be enacted by the Congress which would continue OEO as a federal agency after July 1, 1973. Counsel further advised the Court the continuing resolution would continue OEO at the fiscal year 1973 appropriation level until an appropriation bill is passed. Thus it appears that OEO will continue as an agency and under the terms of its statute will be receiving appropriations for grants and contracts to be acted upon in due course.

Counsel in several of the other cases expressed concern because the current appropriation will revert to the general treasury if not fully obligated on or before June 30, 1973. To circumvent this possibility counsel in the recently filed case of *West Central Missouri Rural Development Corp.* v. *Shultz,* Civil Action No. 1237–73, would have this Court designate someone to serve as the trustee of unobligated funds of OEO. The trustee would be ordered to hold and control, although not expend, such funds on and after June 30, 1973, so that the current appropriation could be used in the next fiscal year. In essence the relief sought would have the judicial department establish a trusteeship over one branch of the executive department. The authorities cited in support of this proposition are unpersuasive and the proposition is without merit. In that case a pending application for a temporary restraining order will be denied.

Another suggestion by counsel for the various parties in the cases listed in note 1, *supra,* was that this Court should enter what in effect is a mandatory injunction obligating unspent fiscal year 1973 funds so that they would not revert to the treasury. But the Economic Opportunity Act of 1964, as amended, describes with considerable specificity the eligibility requirements for grantees. For this Court to enter a blanket injunction of the nature requested would in effect have this Court determine that such grantees were eligible for the funds for which they have applied. This is not a feasible solution.

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[1] The other cases are: Hayes v. Phillips, Civil Action No. 613–73; Migrant Legal Action Program v. Phillips, Civil Action No. 614–73; Goldman v. Phillips, Civil Action No. 956–73; Urban Planning Aid, Inc. v. Phillips, Civil Action No. 972–73; Rural Housing Alliance v. Phillips, Civil Action No. 976–73; United Migrants for Opportunity, Inc. v. Phillips, Civil Action No. 1141–73; West Central Missouri Rural Development Corp. v. Shultz, Civil Action No. 1237–73.

[2] The last named proposed intervenor is also a plaintiff in Civil Action No. 1141–73, note 1, *supra.*

The defendant has raised the question of who if anyone has current grant-making authority at OEO. The Court ordered the defendant at the remand hearing to present certain pertinent information which it has done. The Court requested that the defendant present two lists of currently serving OEO personnel with delegations of authority giving them grant-making authority. The first was a list of all personnel serving before January 31, 1973, and still employed at OEO, who had delegations of grant-making authority from prior validly serving Directors or their designees. The second category was those OEO employees issued grant-making authority between January 31, 1973, and March 1, 1973, by the defendant or his designees, and who are still employed at OEO. The later category was ordered for the purpose of making available to the Court of Appeals the state of OEO authority for the period of January 31 to March 1, 1973, in light of the remand considering but not holding that the defendant may have been legally in office for his first 30 days as Acting Director. This information is now in the record.

Since the remand hearing, counsel for the defendant has informed the Court that on June 26, 1973, the President appointed Alvin J. Arnett as Director of OEO, with Mr. Arnett's name to be sent to the Senate for its advice and consent. Under this Court's June 11, 1973, interpretation of 42 U.S.C. § 2941(a) and the Constitution, Mr. Arnett could not validly act as Director until he has been confirmed by the Senate pursuant to the President's nomination. As this Court recognized in that Opinion, however, emergency circumstances may create situations which require emergency action. The circumstances of this case do present such an emergency.

OEO, through its counsel at the remand hearing and through the defendant's affidavit, has informed the Court that approval of many of OEO grants is being held up because OEO officials are uncertain of who may act on those grants. In addition, $142 million of OEO funds will revert to the treasury after June 30, 1973, unless those funds are obligated on or before that date. This Court recognizes further that Congress has created OEO to carry out certain purposes and has appropriated funds for those programs. *See Local 2677, A.F.G.E.* v. *Phillips*, ------ F. Supp. -------- (D.D.C. 1973). Confusion and uncertainty at OEO over carrying out those programs are a matter of record. Therefore, this Court, in attempting to fashion an equitable remedy that will enable OEO to carry out its functions, finds that an emergency situation exists at OEO and that new director Arnett may perform those functions reserved to the director. It is to be emphasized that the circumstances surrounding this solution are unique and call for a unique fashioning of an equitable remedy. As the Court of Appeals recognized in its denial of stay, one possibility of modification of this Court's order would have been to allow time for compliance with the Constitution's requirements. *Brown* v. *Board of Education*, 349 U.S. 294 (1955); *Hecht Co.* v. *Bowles*, 321 U.S. 321, 329–30 (1944). In effect, the Court is attempting to allow such compliance and still do equity. In order to fashion a truly equitable remedy, however, the Court orders that the director act upon all pending OEO grant applications which were to be funded with fiscal year 1973 money before noon June 30, 1973. Those applications for grants are listed in the affidavit of Robert Treuer filed with this Court at its request after the remand hearing.

In case of the grant applications which have been denied since January 31, 1973, listed in the affidavit of the Deputy General Counsel, the new Director will be ordered to reconsider those denials deemed illegal and void because performed under Phillips' authority, before noon on June 30, 1973. If any details are sustained, full findings of fact and conclusions will be entered stating the reasons for those denials.

The emergency which has confronted this Court, OEO, and OEO beneficiaries is one that Congress could easily have prevented by providing for an orderly succession of power at OEO in the case of a vacancy such as it has done in the case of other independent establishments, e.g., Comptroller General, 41 U.S.C. §§ 42, 43a. It is hoped that Congress will recognize and rectify this situation which has placed all parties, but in particular the beneficiaries of OEO programs, in such a precarious position.

Appropriate orders will be entered in the individual grantee suits now pending before this Court.

Therefore, it is, this 27th day of June, 1973,

Ordered That the motion of the defendant for relief from judgment be and is hereby denied;

Further ordered That in the exercise of its equity powers, and with due consideration to the June 22, 1973 Order of remand from the United States Court of Appeals for possible modification of its decree Alvin J. Arnett, who has been nominated by the President as Director of the Office of Economic Opportunity and whose name has been submitted to the United States Senate for its advice and consent, is acknowledged by this Court to have authority in this emergency situation to act as Director of the Office of Economic Opportunity;

Further ordered That Alvin J. Arnett or persons acting under valid delegations of his grant-making power as Director of the Office of Economic Opportunity are ordered to considered all pending applications for grants or benefits of funds under the Economic Opportunity Act of 1964, as amended, to be made from fiscal year 1973 funds by 12:00 noon on June 30, 1973, and to notify all applicants for funds of the decisions rendered on their applications by telegram or other means to assure that the applicant knows of the decision by 12:00 noon on June 30, 1973; that all pending applications include those listed in the affidavit of Robert Treuer filed with this Court on June 26, 1973, as well as any applications for fiscal year 1973 funds which have been made but which are not enumerated in that affidavit; if any of those grants are denied, the Director shall inform the grant applicant of that decision, along with full findings and conclusions on which the denial is based as soon as practicable but in no event later than 12:00 noon on June 30, 1973;

Further ordered that Alvin J. Arnett or persons acting under valid delegations of his grant-making power as Director of the Office of Economic Opportunity consider all those applications for grants denied by the Office of Economic Opportunity after January 31, 1973, listed in the affidavit of the Deputy General Counsel filed with this Court, by 12:00 noon on June 30, 1973, and if those grants are denied, that he inform the grant applicant of that decision, along with full findings and conclusions by 12:00 noon on June 30, 1973;

Further ordered That service of this Order on the United States Attorney's Office shall constitute service upon Alvin J. Arnett and the Office of Economic Opportunity.

THE 200-MILE LIMIT: THE DANGER OF A NEW OLIGOPOLY

Mr. CRANSTON. Mr. President, on July 2 a United Nations committee of 92 nations will begin an 8-week working session in Geneva. This group is formally named the U.N. Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction but is commonly called the U.N. Seabed Committee. Subcommittee II of this committee deals with the breadth of the territorial sea, straits, and fisheries.

On August 3, 1971, the U.S. Representative, John Stevenson, introduced a document entitled "Draft Articles on the Breadth of the Territorial Sea, Straits, and Fisheries." This document put the U.S. delegation on record as opposing a 200-mile limit. As modified in 1972, the U.S. position favored a "species approach" to fisheries jurisdiction, whereby coastal and anadromous species—those swimming upstream to spawn—would be regulated by coastal states, and highly migratory species by international agreement. There is no fixed mileage boundary for fisheries as such.

Mr. President, anyone reading the CONGRESSIONAL RECORD these days would think that there was unanimous congressional support for the 200-mile limit. I think it is important to point out the drawbacks of unilateral claims on the ocean.

If a 200-mile limit were enacted worldwide, only 7 countries would control over 11-million square miles of the world's oceans. They are the U.S.A., the U.S.S.R., Australia, Indonesia, New Zealand, Canada, and Japan. Since this list includes the countries with the most sophisticated ocean technology, a universal 200-mile limit would establish an oligopoly over the oceans. The 19th-century scramble for Africa by the colonialist powers would seem superficial by comparison.

A 200-mile limit would do great damage to our long-distance fisheries, such as the tuna fishing industry. The problems that our tuna boats have encountered off the coast of Ecuador and Peru would be magnified many times over. Sports fishing off the coast of countries such as Mexico might be severely restricted. And once nations claimed 200 miles, they might want to claim more.

The United States has a long record of international agreements on fisheries. The oldest, the Convention Respecting Fisheries, Boundaries, and the Restoration of Slaves, pertained to Canada and was signed with Britain—in 1818. The latest is the treaty with Brazil under which the United States will assist in the conservation of shrimp resources off the Brazilian coast. This treaty is a fine example of creative ways of settling a fisheries dispute. I ask unanimous consent that a statement on this treaty by Ambassador Donald McKernan, Coordinator of Ocean Affairs, be printed in the RECORD.

In addition, I ask unanimous consent that several other documents appear in the RECORD. The first is a resolution endorsing the species approach and calling for bilateral and multilateral steps to protect our coastal resources. This resolution was adopted by the Pacific Marine Fisheries Commission in 1972. The other two documents are the U.S. revised draft fisheries article and a statement explaining its terms. Both were submitted to the U.N. Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction on August 4, 1972.

Mr. President, on February 7, 1973, I joined with Senator Eastland and 39 other Senators in a resolution designed to revitalize the U.S. fishing industry. The industry faces a long list of problems and deserves new forms of support. In my opinion, however, the 200-mile limit should not be one of them.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Ambassador Donald L. McKernan, Coordinator of Ocean Affairs

Mr. Chairman and Members of the Committee, my name is Donald L. McKernan. I am Coordinator of Ocean Affairs in the Department of State and Special Assistant for Fisheries and Wildlife to the Secretary of State. It is a pleasure to be here today and a privilege to have this opportunity of testifying concerning the shrimp agreement with Brazil, the more so as I had the honor of heading the United States delegation which negotiated the Agreement. That delegation included lawyers from the Departments of State and Defense, technical experts from the Department of Commerce, and advisers from the shrimp industry.

The past two or three decades have been a period of rapidly intensifying use of the living resources of the sea. Certain of the developed industrial countries, particularly Japan and the Soviet Union, have greatly expanded their distant-water fishing fleets and have extended the intensive operations of these fleets to waters off the coasts of many other nations. At the same time, many of the developing coastal countries have conceived the ambition to share in the harvest of the resources lying off their shores, and some of them have achieved the capability to do so. During this period, the world production of fish and other products of living marine resources has risen steadily at a high rate. Unfortunately during this same period a number of important fishery resources have been overexploited and their productivity has been seriously impaired, in some cases apparently permanently.

Against this background of increasing competition for the protein resources of the ocean, there have been related developments in the law and politics of ocean fisheries, developments which in some cases have given rise to serious problems in the relations between nations. Many coastal countries, including the United States, have attempted to defend their special interests in the conservation and utilization of the fishery resources off their coasts by unilaterally claiming jurisdiction over fisheries in adjacent waters beyond the traditional 3-mile territorial sea. The breadth of these claims varies widely, however. The trend toward extensive claims has been particularly pronounced in Latin America, where, beginning with Chile and Peru in 1947, there have been successive assertions of fishery jurisdiction and full territorial seas to a distance of 200 nautical miles from shore. At the present time in South America only the countries of the north coast (Colombia, Venezuela, and the Guianas) are still adhering to a more conservative limit. In addition, five West African countries have made territorial sea or fisheries jurisdiction claims beyond 12 miles in the past year and a half.

These broad extensions of claimed jurisdiction in Latin America and in other regions of the world have given rise to many conflicts between the coastal countries and the nations with distant-water fishing fleets. In general the maritime nations have not accepted the broad jurisdictional claims of the coastal countries, not only because of the economic interests that would be directly affected by the coastal state's jurisdiction over fishing but because of a fear that recognition of that type of jurisdiction would lead to assertions of coastal state control over other types of activities and eventually to drastic restrictions on the exercise of traditional high seas freedoms. By and large, the maritime countries have been willing to try to resolve these problems by the negotiation of agreements intended to meet the conservation concerns of the coastal countries. They have also been willing, though generally somewhat less so, to try to accommodate the real or anticipated problems of coastal states with developing fisheries in having to compete with organized modern distant-water fleets. The coastal states that have made extended jurisdictional claims have, for the most part, been reluctant to conclude negotiated solutions, which they fear may compromise their national sovereignty.

International fishery disputes of this kind, even when the economic interests involved are relatively minor, can have serious repercussions on other, more weighty interests, simply because the highly sensitive issue of sovereignty is in contest. An example which come to mind is the recently renewed "cod war" between the United Kingdom and Iceland, which places two NATO allies in postures of conflict. An even more notorious example is the perennial "tuna war" between the United States and Ecuador and Peru, which in the past twenty years has resulted in the seizure of more than one hundred United States tuna clippers, and the payment by United States fishermen of nearly $4 million in fines and fees (eventually repaid by the United States Treasury under the Fishermen's Protective Act). Attempts to deal with this problem by legislation have resulted in various constraints on our ability to cooperate in economic development and defense activities with Ecuador and Peru, have made us the target of accusations of political and economic coercion, and have from time to time cast shadows over the future of other American interests in those countries. Although our numerous attempts to negotiate a settlement of that problem, commencing in 1953, have so far been unsuccessful, we are still continuing to seek a basis for negotiation, because we see no other satisfactory way out of the impasse in the near future.

Meanwhile, in the Seabeds Committee of the United Nations, we are engaged with most of the other nations of the world in preparations for a general conference on the international law of the sea, presently scheduled to be held in 1973. It is our hope that the conference will result in general worldwide agreement on the extent of coastal state jurisdiction over fisheries and other important questions of the law of the sea which are unsettled and controversial at the present time. Until such agreement is achieved, we continue to face the necessity of finding interim bilateral solutions to our foreign relations problems in this area.

In 1970 this problem in our relations with Latin America suddenly acquired a new dimension, when Brazil, the largest country of South America, and a country with which the U.S. has long enjoyed close and friendly relations, joined the regional trend toward extended jurisdiction in its most extreme form by claiming a territorial sea of 200 miles. It happened that there had been for about ten years a thriving shrimp fishery carried on by a large fleet of United States flag vessels, based on United States-owned shrimp processing plants in the Guianas, Trinidad and for a time in Barbados, and operating on the high seas along the shoulder of northeastern South America as far as the mouth of the Amazon. The processing and exporting industry based on this fishery represents a considerable investment of United States capital and an important source of local employment in Guyana, Surinam and French Guiana, and the annual value of the catch to the United States vessel operators is in the neighborhood of $30 million. The part of the fishing grounds which lies off Brazil is entirely within 200 miles of the coast, and thus in the territorial sea by Brazilian reckoning, and entirely beyond 12 miles from shore, and therefore on the free high seas according to the United States view.

In 1971 the Government of Brazil issued a fishery decree to regulate fishing within the claimed 200-mile territorial sea. The decree is severely exclusive as regards operations of non-Brazilian vessels, and the penalty provided for violations appeared to be incarceration rather than the monetary penalties for which the Fishermen's Protective Act had provided a remedy in the Pacific tuna fishery situation. Active patrolling of the fishing grounds by the Brazilian Navy began in the summer of 1971, and the stage seemed set for a "shrimp war" potentially even more damaging to our foreign relations than our troubles in the tuna industry. Our Congress began to look with an eye to reprisal at legislation affecting Brazil's interests.

Fortunately both Governments had from the beginning of the problem shown a willingness to get together to discuss its effects and possible solutions, and the Brazilian fishery decree itself contained the saving clause that any of its provisions could be set aside by international agreement. When delegations of the two Governments met at Brasilia in October 1971 to begin their search for a way of avoiding a confrontation over the issue, we were faced with two general problems. We had to find a formula that would not harm the judicial positions of the Governments on jurisdiction, which were of great importance to each of them, and which likewise would not weaken the negotiating position of either Government in the preparations for the 1973 law of the sea conference. Within these constraints, practical answers had to be found to the very real and present concerns of both sides in the shrimp fishery situation. From the United States point of view, it was important to maintain access on reasonable terms for our fishermen to a resource which they had developed and to protect indirectly the right of Americans to engage in other high seas fisheries.

A failure to protect this American economic interest would inevitably have domestic political consequences detrimental to our relations with Brazil and with Latin America generally. From the Brazilian point of view, the problem seemed to be one of ensuring that a resource of interest to the Brazilian fishing industry, which the Government of Brazil was strongly committed to develop, would not be overexploited and destroyed, and that the competition for the harvest from that resource would not be so overwhelmingly competitive that the fledging Brazilian shrimp industry could never get firmly on its feet.

The Agreement signed at Brasilia on May 9 of this year and which we are considering is the result of the joint search by the two Governments for a formula which would meet the needs described above. I believe that it satisfactorily protects the fishery interests of both countries in the particular situation of the shrimp fishery off northeastern Brazil and that it also successfully avoids prejudice, both in form and in fact, to the juridical positions of both Parties.

Although the Agreement is rather complex in organization, consisting in addition to the body of the Agreement of two Annexes, an Agreed Minute, and two exchanges of diplomatic notes, its content can be summarized simply as follows: The preamble briefly sets forth the differing positions of the Parties on jurisdiction, notes their desire to find an interim solution without prejudice to those positions, and refers to their mutual interest in the conservation of the shrimp resources in the area of the Agreement. That interest is the basis for most of what follows, for this is essentially a conservation agreement. The reservation of juridical positions is made again specifically in Article 9 and at other appropriate points in the documents which make up the Agreement.

As a conservation agreement, the instrument identifies the species to be conserved, the area within which conservation measures are to apply, and, in the Annexes, the specific conservation measures which each country will apply to its fishermen. The area is defined so as to include all of the major grounds fished by United States vessels and in a way which does not coincide with jurisdictional limits as they would be drawn by either side. It will be noted that the conservation measures to be applied by the two Governments are of a different nature. The reason for this difference lies in the different state of development of the two countries' shrimp fisheries, the Brazilian shrimp fleet being in an incipient stage of development in which its foreseeable growth during the term of the agreement seems to pose no threat of overexploitation of the shrimp resource. The United States, which has the potential of introducing hundreds of additional trawlers to the fishery, undertakes to restrict the number of its vessels and to authorize only vessels of the traditional size and type to engage in the fishery. The United States also undertakes to authorize its vessels to fish in the area only during a specified open season.

As is appropriate in an agreement of this kind, the Parties agree to collect and exchange information on shrimp fishing and biological data on shrimp in the area, and specifically to have their fishermen keep operational logbooks according to an agreed form. The Agreement also provides for meetings between appropriate organizations of the two Governments to exchange scientific data and information on the shrimp fishery.

The provisions concerned with enforcement of the Agreement have received prominent treatment, for reasons which should be apparent. The enforcement function—including patrol, inspection, boarding and searching—is assigned to Brazil, for the reason that Brazil is the only Party which has suitable vessels and officials in the area at all times. In order to facilitate the execution of this function by Brazilian authorities, the United States undertakes to furnish pertinent information for the identification of United States vessels which have been authorized by the United States to fish in the area of the agreement and to have such vessels carry an agreed identification sign. If a duly authorized Brazilian enforcement officer finds a United States vessel in violation of the Agreement, he may seize and detain the vessel, in which case the vessel shall be delivered as soon as practicable to an authorized official of the United States at the nearest port or other mutually agreed place. The United States must inform the Government of Brazil of the disposition which it makes of any such case of a violation of the Agreement.

The Agreement provides that the United States shall pay Brazil the sum of $200,000 annually toward the costs of the enforcement functions which Brazil will perform with respect to United States vessels. In addition, in case of seizure and detention of a violator, there will be a special payment of $100 per day to defray the unusual expenses while the vessel is in Brazilian custody. It is expected that a major portion of this cost to the United States can be covered by license fees to be paid to the United States by the vessel operators, in the event that the Congress enacts legislation now being drafted to establish a licensing system for the United States high-seas shrimp fishery in the area of agreement.

In one of the diplomatic notes which form part of the Agreement, the United States undertakes to enlist the cooperation of the fishing industry in order to place certain provisions of the Agreement in operation on a voluntary basis pending ratification and the enactment of implementing legislation. This voluntary cooperation by the industry is already well under way. More than 170 shrimpboats have been issued provisional identification numbers for display, and their owners have furnished the identifying information called for by the Agreement for transmission to the Government of Brazil. An even more concrete indication of the industry's willingness to operate under the terms of the Agreement is seen in the fact that the operations of these vessels have posted substantial financial deposits in special accounts earmarked for payment of eventual United States license fees.

The Agreement is to enter into force on an agreed date after ratification by both Parties and is to remain in force until January 1, 1974, unless the Parties agree to extend it. This brief term bespeaks the interim nature of the Agreement that reflects the Parties' understanding of the fact, which is noted in the Preamble, the general international solutions to issues of maritime jurisdiction are being actively sought at the present time.

In the months since it was signed, with the voluntary cooperation of the shrimp fishing industry, the Agreement has already demonstrated beneficial effects. The fishermen are enjoying trouble-free access to their accustomed fishing grounds, and the jurisdictional issue has not disturbed relations between the United States and Brazil. Furthermore, in my estimation, the satisfactory resolution of this bilateral issue has contributed to an improved negotiating atmosphere in the preparations for the Law of the Sea Conference. I hope that the Committee will decide to recommend that the Senate advise and consent to the ratification of the Agreement, not only because of its demonstrated value for assisting our relations with Brazil without adversely affecting other important United States interests, but because I believe that this Agreement can serve as a model for similar international fishery problems between coastal and distant-water fishing nations elsewhere in the world.

I thank you for having given me the opportunity to testify on this Agreement. I will be glad to answer any questions.

TEXT OF RESOLUTION OF RATIFICATION

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the accession of the United States of America to the Agreement between the Government of the United States of America and the Government of the Federative Republic of Brazil concerning shrimp, together with an Agreed Minute and with a Related Exchange of Notes concerning compensation, signed at Brasilia on May 9, 1972; and a Related Exchange of Notes concerning interim undertakings (Executive P, 92d Cong., 2d sess).

Statement by the Honorable Donald L. Kennan

Mr. Chairman: You will recall that in our March 29 presentation to this Subcommittee, I indicated a willingness on the part of my Delegation to consider several modifications to our original draft fisheries article. We have today submitted a revised fishery article which incorporates these modifications as another step in seeking a widely agreeable solution to the fisheries problems confronting the Subcommittee.

Our views on this vital and perhaps pivotal element of the negotiations before us have changed since we introduced our original draft one year ago. This change occurred as we listened to the statements of other representatives in this forum, participated in many frank consultations with other delegations, and diligently tried to accommodate our fisheries interests and those of other interested States.

We remain committed to the concept that both sound conservation and rational utilization must be linked directly to the biology and distribution of the living marine resources involved. Hence, our revised proposal not only continues to recognize, but indeed reemphasizes, the "species approach."

Our draft article of August 1971 relied heavily on international and regional organizations to implement the fishery regime we proposed. We continue to believe that such organizations will have a vital role in the future and our new article recognizes this role in both the conservation and utilization aspects of fisheries.

We have, however, also been persuaded by the compelling arguments, expressed so often in this Subcommittee, that the coastal state should have the right to regulate the fish stocks inhabiting the coastal waters off its shores as well as its anadromous resources. We also believe that inherent in this right of the coastal state would be a strong preference to the utilization of such stocks. Those are the particular resources upon which its coastal fishermen must rely for their livelihood and upon which its people rely for a substantial part of their nutritional requirements. Accordingly, our revised article would grant to the coastal state the authority necessary to regulate such stocks, to the limits of their range, as well as a right to reserve to itself all of the available catch its vessels are capable of harvesting. To assure that such authority is not misused, we further propose that the coastal state should have the obligation to notify, and consult with, other affected states prior to implementing any new regulatory measures.

With an ever increasing reliance on the sea to satisfy the world-wide demand for protein, a basic objective of any regime agreed upon in this forum must be to assure that all fish stocks are available for man's use. Therefore, a fundamental principle of our article is that of maximum utilization in which that portion of any stock which is not being utilized by local fishermen must be available to others. This provision will in no way prejudice the fishing interests of the coastal state, for it may reserve to its own use all of that particular resource it can catch; it simply insures that the living riches of the oceans will not be wasted.

The coastal State preference, though of highest priority, should be applied in a manner that takes account of the traditional fisheries of other nations and tries to minimize the immediate economic effect on them. In this regard, we have suggested that the particular formula for allocating the allowable catch between coastal state and traditional distant water fisheries should be negotiated within this Subcommmittee.

When neighboring states, including those that are land-locked or otherwise limited in their access to living marine resources, find it to their mutual benefit to enter into reciprocal regional arrangements in order to more equitably share in the harvest of coastal resources inhabiting the waters near their shores, we believe that they should have the right to do so. We have, therefore, proposed that there could be an allocation from that portion of the allowable catch remaining after provision for the coastal state and traditional fisheries, pursuant to such regional arrangements.

We remain firmly convinced that the highly migratory and truly oceanic species can only be properly regulated through international organizations because of their ocean-wide distribution and vast migrations, the temporary nature of their presence in the waters off any single state, and the well demonstrated economic fact that a viable fishery for such species must also be far ranging.

Our draft also recognizes the concern of many states that any fishery regime adopted must provide realistic enforcement procedures to assure that regulatory measures are complied with. In this regard, we propose, for those fisheries under coastal state jurisdiction, not only coastal state inspection and arrest, but trial and punishment of the offending vessel as well, if the flag state has not established procedures of its own requiring compliance with legitimate coastal state regulations. Our draft also incorporates enforcement procedures and regulatory provisions that would strengthen the effectiveness of international organizations.

We remain firm in our belief that any fishery regime should contain provisions for the peaceful settlement of disputes. Our article contains such a standard. On the other hand, this provision should not present an obstacle to the timely application of conservation measures—hence, we have also suggested that the conservation regulations promulgated by a coastal state should remain in force pending the outcome of any dispute settlement procedure.

Finally, Mr. Chairman, we recognize that the rational management of fisheries requires money and technical expertise. We have provided for a reasonable fee, to be charged those States which harvest a resource under regulation by a coastal State, to help defray those costs, and for a register of experts who would be available to assist the coastal State in formulating effective conservation programs.

In closing, Mr. Chairman, I respectully urge all delegations to study our proposal carefully, for we believe that it is a reasonable approach which accommodates the desires and needs of most states. My delegation is anxious to discuss the content of this draft and to that end we propose once more that a working group on fisheries be established immediately by this Subcommittee.

Thank you, Mr. Chairman.

United States Revised Draft Fisheries Article

REGULATORY AUTHORITY

I. Authority to regulate the living resources of the high seas shall be determined by their biological characteristics and such authority shall be exercised so as to assure their conservation, maximum utilization and equitable allocation.

II. COASTAL AND ANADROMOUS LIVING RESOURCES

The coastal state shall regulate and have preferential rights to all coastal living resources off its coast beyond the territorial sea to the limits of their migratory range. The coastal state in whose fresh or estuarine waters anadromous resources (e.g., salmon) spawn shall have authority to regulate and have preferential rights to such resources beyond the territorial sea throughout their migratory range on the high seas (without regard to whether or not they are off the coast of said state).

A. The term "coastal resource" refers to all living resources off the coast of a coastal state except the highly migratory species listed in Annex A,[*] and anadromous resources.

B. The coastal state may annually reserve to its flag vessels, in accordance with this article, that portion of such coastal and anadromous resources as they can harvest.

C. Such coastal and anadromous resources which are located in or migrate through waters adjacent to more than one coastal state shall be regulated by agreement among such states.

III. HIGHLY MIGRATORY OCEANIC RESOURCES

The highly migratory oceanic resources listed in Annex A shall be regulated by appropriate international fishery organizations.

A. Any coastal state party, or other state party whose flag vessels harvest or intend to harvest a regulated resource, shall have an equal right to participate in such organizations.

B. No state party whose flag vessels harvest a regulated resource may refuse to cooperate with such organizations. Regulations of such organizations in accordance with this Article shall apply to all vessels fishing the regulated resources regardless of their nationality.

C. In the event the states concerned are unable or deem it unnecessary to establish an international organization the resources shall be regulated by agreement or consultation among such states.

CONSERVATION PRINCIPLES

IV. In order to assure the conservation of living marine resources, the coastal state or appropriate international organization shall apply the following principles:

A. Allowable catch and other conservation measures shall be established which are designed, on the basis of the best evidence available, to maintain or restore the maximum sustainable yield, taking into account relevant environmental and economic factors.

B. For this purpose scientific information, catch and effort statistics, and other relevant data shall be contributed and exchanged on a regular basis.

C. Conservation measures and their implementation shall not discriminate in form or fact against any fishermen. Conservation measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Article, of any disagreement as to their validity.

UTILIZATION AND ALLOCATION

V. In order to assure the maximum utilization and equitable allocation of coastal and anadromous resources, the coastal state shall apply the following principles:

A. The coastal state may reserve to its flag vessels that poriton of the allowable annual catch they can harvest;

B. The coastal state shall provide access by other States, under reasonable conditions, to that portion of the resources not fully utilized by its vessels on the basis of the following priorities:

(1) states that have traditionally fished for a resource, subject to the conditions of sub-paragraph C;

(2) other states in the region, particularly landlocked states and other states with limited access to the resources, with whom joint or reciprocal arrangements have been made; and

(3) all states, without discrimination among them.

C. Whenever necessary to accommodate the allocations to the coastal states traditional fishing may be reduced, without discrimination among those states that have traditionally fished for a resource, in the following manner:

(Formula to be negotiated within Subcommittee II which takes into account the interests of traditional fishing states.) States whose fishermen harvest a resource under regulation by a coastal state may be required, without discrimination, to pay reasonable fees to defray their share of the cost of such regulation.

NOTIFICATION CONSULTATION

VI. The coastal state shall give to all affected states timely notice of any conservation, utilization and allocation regulations, prior to their implementation, and shall consult with other States concerned.

TECHNICAL ASSISTANCE

VII. An international register of independent fisheries experts shall be established and maintained by the Food and Agriculture Organization of the United Nations.[*] Any developing state party to this convention requiring assistance may select an appropriate number of such experts to serve as a fishery management advisory group to that state.

ENFORCEMENT

VIII. Action under this paragraph shall be taken in such a manner as to minimize interference with fishing and other activities in the marine environment.

A. Coastal state—the coastal state may inspect and arrest vessels for fishing in violation of its regulations. The coastal state may try and punish vessels for fishing in violation of its regulations, provided that where the state of nationality of a vessel has established procedures for the trial and punishment of violations of coastal state fishing regulations adopted in accordance with this article, an arrested vessel shall be delivered promptly to duly authorized officials of the state of nationality for trial and punishment, who shall notify the coastal state of the disposition of the case within six months.

B. International fisheries organization—Each state party to an international organization shall make it an offense for its flag vessels to violate the regulations adopted by such organization in accordance with this article. Officials authorized by the appropriate international organization, or of any State so authorized by the organization, may inspect and arrest vessels for violating the fishery regulations adopted by such organizations. An arrested vessel shall be promptly delivered to the duly authorized officials of the flag State. Only the flag State of the offending vessel shall have jurisdiction to try the case or impose any penalties regarding the violation of fishery regulations adopted by international organizations pursuant to this article. Such State has the responsibility of notifying the enforcing organization within a period of six months of the disposition of the case.

DISPUTES SETTLEMENT

IX. Any dispute which may arise between states under this article shall, at the request of any of the parties to the dispute, be submitted to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations. The commission shall proceed in accordance with the following provisions.

A. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the states in dispute within two months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon request of any state party to the dispute, be named by the Secretary General of the United Nations, within a further two month period, in consultation with the states involved and with the President of the

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[*] Annex A not attached.

[*] The Subcommittee may wish, in accordance with paragraph 13 of General Assembly Resolution 2750 C (XXV), to invite the comments of the Director-General of the Food and Agriculture Organization of the United Nations on the ability of the Organization to assume such responsibilities.

International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of states not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

B. Any state party to proceedings under these articles shall have the right to name one of the nationals to sit with the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission but without the right to vote or to take part in the writing of the commission's decision.

C. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute failing agreement by the parties on this matter.

D. Pending the final award by the special commission, measures in dispute relating to conservation shall be applied; the commission may decide whether and to what extent other measures shall be applied pending its final award.

E. The special commission shall render its decision, which shall be binding upon the parties, within a period of five months from the time it is appointed unless it decides, in the case of necessity to extend the time for a period not exceeding two months.

F. The special commission shall, in reaching its decision, adhere to this article and to any agreements between the disputing parties implementing this article.

OTHER USES

X. The exploitation of the living resources shall be conducted with reasonable regard for other activities in the marine environment.

EXISTING CONVENTIONS

XI. The provisions of this article may be applied to fishery conventions and other international fishery agreements already in force.

RESOLUTION NO. 1—SUPPORT FOR THE UNITED STATES POSITION AT THE LAW OF THE SEA CONFERENCE FOR MANAGEMENT OF OCEAN FISHERIES, AND OTHER FISHERIES PROTECTION MEASURES

Whereas, the member States of the Pacific Marine Fisheries Commission have diverse fishery resources and accompanying management problems; and

Whereas, the fisheries include coastal, anadromous, and high seas fisheries; and

Whereas, use of these resources is important to the commercial, subsistence and recreational user groups; and

Whereas, the well-being of these fisheries stocks is important to the member States; and

Whereas, the Pacific Marine Fisheries Commission is aware of the total national and international problems in managing these fisheries; and

Whereas, the United States presented a proposal at the summer 1972 preparatory session of the Law of the Sea Conference in which a species approach to fisheries jurisdiction was advocated; and

Whereas, final action by the Law of the Sea Conference may be unduly delayed;

Now, therefore, be it resolved that the Pacific Marine Fisheries Commission endorse the species approach as proposed by the United States; and

Be it further resolved, that the Pacific Marine Fisheries Commission urges the United States government:

a. To continue its efforts to secure a successful conclusion to the Law of the Sea Conference;

b. To continue and increase its practice of coordination with industry in these proceedings;

c. To take on an urgency basis whatever steps are necessary, pending conclusion of the Law of the Sea Conference, to protect U.S. coastal fishery resources now being seriously damaged due to uncontrolled overfishing by foreign fleets, such steps should include, but not be limited to, full utilization of the 1958 Geneva Fisheries Convention, other conventions, bilateral agreements, and multilateral agreements.

Be it lastly resolved, that copies of this resolution be forwarded to the President of the United States, the Secretaries of State, Interior, Commerce, and Defense, to members of the House Merchant Marine and Fisheries Committee, to members of the Senate Committee on Commerce, to members of the Senate Committee on Foreign Affairs, and to the Governors of all coastal States of the United States.

THE PRESIDENCY—THE DANGER OF DEGENERATING INTO DICTATORSHIP

Mr. CRANSTON. Mr. President, those who tried to warn us back at the beginnings of the New Deal of the dangers of one-man rule that lay ahead on the path we were taking toward strong, centralized government may not have been so wrong.

It was perhaps unavoidable that we took that path. The economic disaster that had engulfed the Nation and the world 40 years ago was far beyond the poor powers of State and local governments to deal with. Only an awakened giant of a government, many felt, could take the giant steps that were called for. And all in good faith, and with only the very best and most altruistic of intentions, we proceeded to create the monster.

A Federal Government that had turned both muscular and activist almost overnight was a benevolent monster at first. With the help of a dedicated bureaucracy in Washington and with an outpouring of dollars from Washington, we wiped out breadlines, put people to work, put banks back in business, and business back on its feet.

But in addition to being proud of, or in some instances critical of, what our Government was doing, we see now that we should have been more mindful of what was happening to our Government itself.

Power—political and economic power—was becoming more and more concentrated in Washington. That was clear enough and it caused concern among some, who were promptly and scornfully labeled "States righters" or "rugged individualists."

But what counted far more for most of us was that "we were getting things done." And it was the very buildup of power in Washington that enabled us to put together the administrative and industrial machinery to fight hunger, poverty, disease and ignorance on a nationwide and worldwide scale. And we were pleased with our pragmatism.

Yet some of the very forces that were draining power from the peoples' representatives at State and community levels and pushing it toward Washington, were also draining power from the peoples' representatives in the congressional halls in Washington and pushing it into the hands of the President. Increased centralization of power in Washington seemed to lead inexorably to increased centralization of power in a single man in Washington.

This was not all planned. Innumerable acts of political omission as well as of commission at all levels of government helped create the situation.

The problems of mid-20th-century Americans soared in scope and complexity over the past 40 years. So did their aspirations. But State governments, dominated by rural interests and laissez faire ideologies, left unused—and sometimes misused—the powers they did have to at least partially solve those problems and help fulfill those aspirations.

Politics, like nature, abhors a vacuum. So power, neglected or abused at the local level, packed up and moved to Washington—where it found more congenial surroundings and was greeted with open arms.

In a parallel vein, a rural dominated Congress—made sluggish by seniority and disposed to act only on behalf of special interests when it acted at all—was also incapable of coping on its own with the economic crisis of the thirties and turned for action to the man of action: the President. And he, in the person of Franklin Delano Roosevelt, was a man of action, indeed. As were most of the men who followed him in office.

Action. That is the great promise—and the great peril—that the Presidency holds for a free society. The President alone can, when he wishes, act with speed and decisiveness, bringing both a respectful Congress and an admiring public along with him.

His is a single personality, a single ambition, and he is the only man—he likes to remind us—elected by all the people and thus possessed of an amorphous "mandate" which, he suggests, he alone is capable of interpreting.

He alone has at his disposal the vast resources of the Federal bureaucracy and the vast opportunities of the mass communications media. And, wearing the mantle of Washington, Jefferson, and Lincoln, he is armed with the mystique and the majesty of the Office of the Presidency.

He is, in a word, our leader.

Congress on the other hand is, like any democratically elected legislature in a large nation, an aggregate of several hundred distinct and often competing personalities, with distinct and often competing ambitions and constituencies. It thus must constantly seek consensus through compromise, concession and accommodation—our critics call it wheeling, dealing, arm-twisting and log rolling—if it is ever to get a majority of its members to vote for a controversial measure.

As a result Congress is characterized by discussion and debate, diversity and dissent, delay, and indecision.

An awe-inspiring Presidency becomes even more awesome when the incumbent dons the uniform of Commander in Chief of the Armed Forces.

There is nothing like a war to further the concentration of power in Washington, and in the President in particular. It does not have to be a hot war; a cold war will do as well.

Through hot wars and cold, our Presidential Commanders in Chief of the past 40 years have been on very active duty. And to the already heavy Presidential powerhouse they have added the magical concepts of "national emergency", "national defense" and "national security" to open up whole new areas of Presidential preeminence which for decades have gone virtually unchallenged.

Our latter-day Presidents have set up far-flung foreign and domestic intelligence networks to provide them with mountains of information, accurate and otherwise.

They have hidden that information—and a great deal more besides that they do not want to let out—behind a wall of secrecy to make sure that neither the public nor the Congress can get at it.

They have said to the public and the Congress: Without this information you can not make sound decisions, so you have simply got to trust us.

To one degree or another, each of our recent Presidents has tried to make this blind trust a point of patriotism, clouding the distinction between dissent and disloyalty.

And, with the possible exception of Dwight Eisenhower, each to one degree or another has sought supremacy over the Congress.

None more so than Richard Nixon—an aggressive practitioner of confrontation rather than conciliatory politics and a long-time believer that the people are somehow more secure when their Government keeps secrets from them.

Since Vietnam, secrecy seems to have become a way of life for people in the White House. First President Johnson and then President Nixon kept the truth about Indochina from the American people: The truth about "secret wars" in Laos financed by the CIA, of unauthorized bombings, of undercover and illegal political manipulations by American operatives.

Among the many bad habits our government picked up in Indochina is breaking the law, and lying about it.

Relations between the Congress and the President have been among the victims.

President Nixon does not accept Congress as an equal partner in the ordering of the Nation's priorities and in the conduct of the war—and the making of the peace—in Southeast Asia.

President Nixon has taken extraordinary steps to make funds available for the programs to which he seems to give highest priority: the war, the nuclear arms buildup, foreign aid—including aid to dictators—and foreign military bases—including many that are obsolete and provocative. To get funds for all this, President Nixon has impounded billions of dollars which Congress appropriated for various domestic programs—an act that the courts have ruled illegal in eight out of nine cases so far.

And he has dismantled without the consent of Congress agencies and programs created by Congress through the passage of laws which he is Constitutionally obligated to "faithfully execute."

Meanwhile, the inflation that his administration inherited and the high unemployment that his administration's policies did much to create have persisted and steadily worsened. And we now hear talk of a recession next year.

President Nixon's denigration of Congress has not been limited to the economic scene.

One of his recent Attorneys General claimed for the President the right to forbid any of the 2½ million Federal Government employees from testifying before Congress. Thus in one fell swoop, the administration sought to convert "executive privilege"—an old and fairly respectable concept when applied discriminately—into a new euphemism for "executive secrecy" and potential mass coverup.

The administration is currently trying to push through Congress an Official Secrets Act that would ring down an iron curtain of secrecy on a host of governmental activities that should not be kept from the public and whose disclosure would aid rather than endanger national security in a democratic society.

Through subpenas, court action, surveillance, wiretapping, veiled threats, and naked denunciations the Nixon administration has sought to intimidate the press and to suppress dissenters.

And, as the Senate Watergate investigation has already revealed, some men close to the President have consistently practiced deceit, duplicity, lawlessness, and the dirty tricks of the totalitarian state in a mindless lusting for power for its own sake and in utter contempt for and degradation of the American political process.

Watergate, though not inevitable as a consequence of the past 40 years, is nevertheless not an altogether surprising development.

It is true that some of the men around President Nixon introduced into the governmental equation an arrogant disrespect for law and constitutional procedure. And they deleted from the governmental equation the good faith and the good will toward the other coequal branches—comity, it is called—that lubricates the wheels of our particular system.

But the steady accretion of executive power over the years unquestionably invited abuse and corruption of the enormity of Watergate.

What can Congress do to reestablish a better balance?

The most obvious thing that Congress can do, it is already doing. Through the special committee headed by the incomparable SAM ERVIN, the Senate is conducting a fair, bipartisan investigation of the whole Watergate mess that promises to be thorough and exhaustive—some people are already using the word "exhausting."

The power of investigation and oversight is a not inconsequential weapon in the congressional arsenal. Public exposure may well be Congress secret weapon; the President cannot impound or veto a congressional investigation.

Congress also began—even before Watergate broke—to clean out some of its archaic procedural debris so as to more effectively and more credibly stand up to the President. Without any deliberate plan, Congress has, in fact, for the past year or so, begun to piece together what might be called a congressional bill of rights.

Congress has begun to streamline and modernize its operations and improve its professional staffing and technical information systems. The executive branch has 6,000 computers cranking out information; we have five.

Congress has reduced the effect of seniority on the committee system, especially in the House where it has been a particular problem. We still need to make committee membership more representative of the views of each House, especially conference committees where the details of so much legislation are finally hammered out.

Congress has already moved to curb Presidential refusal to provide a wide range of information to Congress on grounds of "Executive privilege" and to eliminate executive department misuse of the "classified" stamp to hide facts from the American people.

We have pending a number of proposals to stringently control campaign financing to remove the curse of "big money" from politics and to turn politics back to the people.

A number of committees—like the Banking Committee on which I serve—have opened up all their sessions to the press and the public. This practice, I am sure, will eventually be followed by all committees.

Congress is determined to do a better job of making sure that we get our money's worth for what is spent, that tax money goes for essential national needs, and that needs are met in the order of their real importance to the well-being of all our people. I have been among those in the vanguard of a move to establish a sounder, more careful congressional budgetary system under an annual spending ceiling.

Both Houses have already passed measures to make it absolutely clear that it is unlawful for the President, without congressional consent, to freeze or impound funds appropriated under our constitutional authority.

Proposals have also been made to prohibit the President from taking without our consent funds that we have appropriated for one purpose and using them for another purpose of his choosing.

Congress is searching for a better formula than the present revenue sharing program to reverse, where appropriate, the flow of money and power to Washington, and to return to cities and States those resources and responsibilities that they should more properly possess.

Finally, Congress will be considering legislation that forbids the President's stationing U.S. troops overseas or making military agreements with foreign nations, without our consent.

And each House has already passed its version of a War Powers Act that would limit the President's power to wage undeclared war to specified emergency situations of short duration.

Congress can, Congress must, reclaim the equal partnership that the Constitution envisioned and that the continuation of a free society demands.

Freedom is safe only where governmental power is diffused. No society will long remain free where governmental power remains overly concentrated in the hands of one man. Concentrated power tends to become the absolute power which, Lord Ashton warned us long ago, corrupts absolutely. Absolutely and inevitably.

That is why the Founding Fathers wisely separated governmental power, dividing it among three equal branches and designing each branch to be strong enough to thwart a ruthless abuse of power by either of the other. When one branch aggrandizes itself at the expense of another, it does so at the expense of the people's freedom, too.

The Presidency—by nature remote from the people, monolithic in structure and with a huge bureaucracy at its command—is the one branch most in danger of degenerating into dictatorship. Especially in these days of vast governmental controls over and interference in the lives of our citizens.

The Presidency must be a constant target of vigilance—by the Congress, the courts, the people, and by the occupant of the White House himself—lest it exceed Constitutional restraints.

There is far less danger of arbitrary use of power by the Congress which, in a very real sense, is the spiritual embodiment of representative democracy. The very pluralism and factionalism that are decried as weaknesses of Congress are also the sources of its strengths.

Congress, being far more accessible to the people than is the President, is capable of being more receptive to their demands, more understanding of their needs.

Congress is the mirror of a free people, reflecting the multitudinous divergencies and differences, the conflicting economic drives and social and political desires of 210 million individuals living in the most advanced, most complicated technological society the world has ever known.

And if, in the process of trying to distill and synthesize this political potpourri, the Congress sometimes seems overly argumentative or dilatory or indecisive or wishy-washy, it is—like it or not—a sign of democracy at work.

Congress is often accused of being too slow. It is. It should move faster than it does. But not too fast.

The democratic process—being a process, a way of doing things that is quite as important as what we are trying to get done—takes time. We must take time for deliberation and discussion if we are to limit the incidence of unnecessary or unwise or even harmful laws.

In any democracy deserving of the name, laws—even good laws—cannot be rammed down the people's throats.

Controversial laws, if they are to work, must be acceptable to, if not have the active support of, an overwhelming majority of the people. And consensus among 210 million people—and among the representatives of 210 million people—is sometimes painful to come by.

But consensus government—government of, by, and for the people—is well worth the effort.

WISCONSIN'S VOTERS SPEAK OUT ON PROXMIRE POLL

Mr. PROXMIRE. Mr. President, last month I sent a newsletter questionnaire to 100,000 of my constituents raising questions about Federal spending, campaign reform, and the administration's economic policies. The 5,000 answers I received represent a good cross section of Wisconsin and, thus, of the United States. The questionnaire was sent to farmers, workers, housewives, professionals, businessmen large and small. I'd like to share the results with my colleagues.

To summarize, the message came across loud and clear that Wisconsin's voters strongly support a cut in military spending, feel that the President's economic policies have been a failure, and want to see Congress dramatically reform our campaign spending laws.

The majority of those who answered the questionnaire said they would either cut back or hold the line on Federal spending.

However a near majority—47 percent of those answering—favored a boost in health care spending.

Seven out of every 10 Wisconsinites answering the poll opposed any increase in spending for the arts and humanities. Only 8 percent supported the Senate's recent decision to increase funding fivefold over the next 3 years.

Foreign aid continues at the bottom of the popularity list, with almost 80 percent of those answering favoring a cut.

Opposition to spending for national defense and space continues to rise. In January, when I sent out a similar questionnaire, 61.3 percent of those answering wanted to see defense spending cut. The latest returns show that 63.2 percent favor such a cut. For the first time a majority of those responding favor a cut in space spending, compared with 49.4 percent in January.

Almost three out of every four respondents rated the wage and price control program a failure. Over half would go further than the latest Nixon freeze by putting the lid on wages, rents and profits as well as prices. But the group was about equally divided on going back to phase two.

Nine of every 10 who answered supported campaign reform. Less than one in 20 opposed reform. A whopping majority—85 percent—felt that every dollar contributed to a campaign should be publicly reported. About the same percentage favored a ban on corporate contributions.

Roughly three-quarters of those who replied also backed a limitation on individual contributions, a prohibition on contributions by voluntary labor union organizations, and the outlawing of independent campaign committees. But the respondents turned thumbs down on public funding of campaigns by a 2 to 1 vote.

I ask unanimous consent that the exact questions and poll results be printed in the RECORD at this point.

There being no objection, the questions and poll results were ordered to be printed in the RECORD, as follows:

PROXMIRE POLL

CONTROLLING INFLATION

Should prices be frozen? 62.0 percent yes, 26.0 percent no, 12.0 percent undecided.

Should rents be frozen? 62.0 percent yes, 27.0 percent no, 11.0 undecided.

Should wages and salaries be frozen? 52.0 percent yes, 35.0 percent no, 13.0 undecided.

Should profits be frozen? 59.0 percent yes, 29.0 percent no, 12.0 percent undecided.

Should all controls be lifted so that the economy could be governed by the marketplace? 19.0 yes, 67.0 percent no, 14.0 percent undecided.

Should we return to Phase II with both wages and prices allowed to rise but within legally enforced guidelines? 44.0 yes, 43.0 percent no, 13.0 percent undecided.

Has the present Phase III price and wage control system been: 1.0 percent successful, 73.0 percent a failure, 22.0 percent partially successful, 4.0 percent undecided.

CAMPAIGN SPENDING REFORMS

Do you believe that national campaign financing laws should be reformed? 92.4 percent yes, 4.3 percent no, 3.3 percent undecided.

If your answer was Yes, how would you answer the following questions?

No person should be allowed to contribute more than $100 to any candidate. 69.0 percent yes, 16.0 percent no, 15.0 percent undecided.

Every dollar collected for a candidate should have to be reported publicly through a single campaign treasurer. 85.0 percent yes, 6.0 percent no, 9.0 percent undecided.

So-called independent campaign committees should be outlawed so that the candidate would be held responsible for his or her campaign financing. 79.0 percent yes, 11.5 percent no, 9.5 percent undecided.

Corporations, associations, and other profit-making organizations should be barred from making campaign contributions through the loopholes currently used. 86.0 percent yes, 6.0 percent no, 8.0 percent undecided.

Union members should be barred from contributing to candidates through voluntary organizations. 74.0 percent yes, 23.0 percent no, 3.0 percent undecided.

I would apply the previously mentioned restrictions to elections for: 88.0 percent President (and Vice President), 84.0 percent U.S. Representatives and U.S. Senate, 80.0 percent State Offices.

Would you favor prohibiting all campaign contributions and providing public funding of campaigns? 31.0 percent yes, 63.0 percent no, 6.0 percent undecided.

ARTS AND HUMANITIES

Recently, the Administration supported a very big increase in spending for the Arts and Humanities. The increase was passed by the Senate. I offered an amendment to reduce the amount of increase.

Which of these four alternatives for Arts and Humanities spending would you favor?

The increase in spending from $80 million a year in 1973 to $400 million a year in 1976 actually passed by the Senate and supported by the Administration. 8.0 percent yes.

A proposed increase from $80 million per year in 1973 to $200 million per year in 1976. 23.0 percent yes.

No increase in Arts and Humanities between 1973 and 1976. 34.0 percent yes.

A reduction in spending for Arts and Humanities between now and 1976. 35.0 percent yes.

SPENDING—INCREASE OR CUT?

The President's budget calls for $268.7 billion for the current fiscal year. How, as a U.S. Senator, would you vote on the following proposed (or already approved) major spending levels?

Program	Fiscal 1974 spending (billions) proposed Nixon budget	Percent			
		Cut below level	Hold at level	Increase level	Undecided
1. National Defense	$87.3	63.2	31.4	3.0	2.4
2. Foreign Aid	8.6	78.0	19.0	1.0	2.0
3. Space	3.0	51.7	37.5	7.9	2.9
4. Farm (including feeding programs)	10.4	36.2	44.9	15.9	3.0
5. Public Works	3.3	15.3	59.2	21.2	4.3
6. Highways	5.7	23.3	57.7	14.2	4.8
7. Housing and Urban Development	4.7	22.3	45.2	30.0	2.5
8. Education	$6.5	15.0	47.4	36.0	1.6
9. Health	6.1	7.8	44.0	47.0	1.2
10. Social Security	49.0	8.9	52.7	35.0	3.4
11. Welfare	5.5	50.8	35.7	11.1	2.4
12. Veterans	11.7	13.8	61.4	21.3	3.5
13. Unemployment benefits	6.4	29.5	56.9	10.9	2.7

RESIGNATION OF KENNETH E. BELIEU

Mr. **CURTIS**. Mr. President, it is with since regret that I note the resignation of Kenneth E. BeLieu as Under Secretary of the Army on June 29, 1973. His comprehensive knowledge and vast experience in Government and the military will be sorely missed not only in the Army but in the Nation which it represents.

Ken BeLieu served his Nation with singular distinction and integrity as Under Secretary of the Army. His deep and abiding love for the Army was manifest in the wisdom and foresight he brought to bear on the enormously complex problems of the post-Vietnam era. He stood tall among great men. Ken BeLieu understood the Army because his is a rare genius for managing at the highest levels while never losing sight of the human qualities of the soldier.

America was indeed fortunate to have had Ken BeLieu as Under Secretary of the Army. His integrity, his strong leadership, and his indefatigable efforts in working for an Army of which our citizens can be proud and which can defend our Nation brands him as a great American. This Nation and our Army need more Ken BeLieu's. I know my colleagues join me in thanking him for his selfless service at a time of great need and extend best wishes to him and his family in the future.

I ask unanimous consent that a biographical sketch of Mr. BeLieu be printed in the RECORD.

There being no objection the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF KENNETH E. BELIEU, UNDER SECRETARY OF THE ARMY

Kenneth E. BeLieu, Under Secretary of the Army, was born in Portland, Oregon, February 10, 1914. He attended Roosevelt High School in Portland ('33) and the University of Oregon ('37) at Eugene, Oregon and subsequently the Harvard Business School Advanced Management Program ('55).

Mr. BeLieu was sworn in as Under Secretary of the Army on 22 September 1971.

In 1940, after three years of business in Portland, he volunteered for active duty as a Second Lieutenant in the Infantry. By 1945, he had participated in the Normandy Landing and campaigns in France, the Battle of the Bulge, Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart and Croix de Guerre.

Following World War II, he served in various assignments with the Army in the War Department and Department of the Army General Staff. In 1950, during the Korean Conflict, he lost his left leg below the knee as a result of wounds received in combat. Upon his discharge from the hospital he was assigned to the office of the Secretary of the Army where he served as Executive Officer to two Secretaries of the Army before his retirement as a Colonel in 1955.

From 1955 to 1960, BeLieu was a professional staff member of the Senate Armed Services Committee, the first Staff Director of the Senate Aeronautical and Space Sciences Committee and at the same time was Staff Director of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

In February 1961, he was appointed Assistant Secretary of the Navy for Installations and Logistics. In February 1965, he was appointed Under Secretary of the Navy. While in the Navy Mr. BeLieu was awarded the Navy's Distinguished Public Service Award. He returned to private life in July of 1965.

During the period of July 1965 to January 1969, Mr. BeLieu held positions as Executive Vice President, President and Member of the Board of the Leisure World Foundation, Laguna Beach, California; Member, Defense Science Board; Member of the Board of Advisors, Ryan Aeronautical Corporation and Continental Motors; and Member, Technical Advisory Board, RCA.

On January 21, 1969 Mr. BeLieu was appointed by President Nixon as Deputy Assistant to the President for Congressional Relations, the position he held until he was appointed Under Secretary of the Army.

Mr. BeLieu and his family reside in Alexandria, Virginia.

* * *

EAMON DE VALERA: IRISH PATRIOT

Mr. **BUCKLEY**. Mr. President, the great Irish patriot, Eamon de Valera, retired this week as President of Ireland. At the time of his retirement he was, at age 90, the oldest head of state in the world. As he said his farewell to the political life of his country, which he has so obviously dominated and greatly enhanced for almost 60 years, he said:

> I was once afraid I would not live to see Ireland united. I now think I will see it. I have always been loyal to the country and to the Irish language.

Thus, one of the most controversial and dynamic political leaders in Ireland's history bade farewell to public life. It is fitting that he should mention, in his last words as a public official, the three facts that have inspired his remarkable career: the need for a united Ireland; his unquenchable patriotism; and his lifelong love affair with the Gaelic language. It has been said of his oratorical gifts:

> De Valera is marching . . . at the head of twenty thousand words.

He began his public career when the Irish people had little more than their gift for oratory to aid them in their long struggle for freedom. Now, at the time of his retirement, there is good if not overwhelming reason to hope that the country may be united. For the fact of Irish freedom and the promise of Irish unity, Eamon de Valera is to be praised.

I do not think it is necessary to emphasize that although "Dev," as he is popularly known, is an Irish patriot, he was born in New York City, at Lexington Avenue and Fifty-First Street on October 14, 1882.

In fact, during his arrest by the British after his courageous stand during the Easter Uprising in 1916, and after his release, when he was elected to the Parliament, he was still technically an American citizen.

De Valera came to Ireland as a small child, after the death of his father. The home rule bill had just been defeated by the British Parliament, so the young De Valera grew up in a land aflame with patriotic sentiment. After his graduation from Dublin Royal University he began to teach college mathematics—a subject which has proved to be as long beloved by De Valera as Gaelic. As one of the leaders in the Easter Week uprising, he held out longest against the superior force of the British. It was his American citizenship and the protest against the killings of the Irish leaders by the British that saved De Valera's life.

"On his first trip back to America," the Washington Post has noted, "Eamon De Valera came alone—smuggled aboard an ocean liner after escaping from jail. He came as a propagandist for Irish freedom." He remained an eloquent spokesman for Irish freedom all his life.

Mr. President, I would be the last to say that Eamon De Valera's life and works have been without controversy. Indeed, it might be said that wherever he went, controversy was either there before him or not far behind. There are persons, equally devoted to Irish freedom, who disagree with some of his historical decisions. Yet, throughout his life runs the same theme, the same unswerving devotion to his country. He is, as I have said, a controversial figure. But there has never been a difference of opinion concerning one fact of his life: his love of Ireland.

I think that De Valera's life has meaning for all of us, even those who, through no fault of their own, cannot claim Irish ancestry. The son of a Spanish father and an Irish mother, born in New York City, raised in County Limerick, he has demonstrated that the love of freedom is universal, knowing no bounds of ancestry, nationality or birthplace. At a time when Ireland is once again plunged into bloodshed, it is good to know that this man, who can take the long view of history, is still hopeful that his dream of a united Ireland will be realized. You do not have to agree with all of De Valera's actions taken in support of what he has believed to be the best interests of Ireland to agree with him on basic principle: Ireland should be one. The Irish people because of, not despite, their differences, are strong and vigorous, and that strength and vigor can best be realized in a free, peaceful, prosperous united Ireland.

Mr. President, Ireland has given many martyrs to the cause of freedom, in that island and all over the world. Whatever history may say about Eamon de Valera, whatever differences he might have had with others who love freedom just as passionately as he does, whatever fate may decree concerning his hope for Irish unity, one unassailable truth remains: he is yet another in the great tradition of Irish patriots who have enobled their cause and benefited all mankind by their unparalleled devotion to freedom.

What better gift could be given to this great fighter in his twilight years than the gift of united Ireland? What divides the Irish people is accidental, peripheral, and momentary in the long view of history; what should unite them is imperishable, central and eternal. It is my hope that while Eamon de Valera still walks his beloved Irish soil, a movement toward a free and united Ireland will be consummated. As for this patriot, we already know his epitaph when the time comes for him to go home to God. The epitaph will be in stark, simple words in the ancient tongue he so loved all his life: Bhi gra mor aige do Eireann, [he had a great love for Ireland].

TECHNOLOGY WITH A CONSCIENCE

Mr. McINTYRE. Mr. President, an unfortunate byproduct of accelerating public awareness and concern over environmental pollution, depleted natural resources, and an apparent energy crisis of undetermined dimensions is growing disillusion and disenchantment with science and technology.

Not long ago, a resident of my State Mr. W. Alec Jordan, of Gilford, N.H., examined this development in a paper prepared for the American Institute of Chemists.

Mr. Jordan, who is vice chairman of the board of Manning, Selvage & Lee, Inc., delivered the paper as the recipient of an honor scroll award from the New York chapter of the American Institute of Chemists.

In his paper, Mr. Jordan contends:

> We cannot hope to overcome the environmental problem by wishful thinking. Nor can we expect that people will revert to a worldwide life of peasantry.
>
> But disaster can be headed off by the thoughtful application of technology—more technology, not less. "Technology with a conscience," as my friend Benjamin Phillips of Union Carbide terms it.

The highlight of Mr. Jordan's presentation builds upon that thought, for he proposes the establishment of a Technological Information Center which would communicate the breadth and depth of our scientific knowledge to those in Government, business, science and the community who can implement solutions to the major physical problems confronting our society.

Mr. President, though I do not necessarily agree with every one of Mr. Jordan's observations or conclusions, I believe that his analysis and his proposal deserve respectful attention and serious consideration.

I ask unanimous consent that the text of Mr. Jordan's paper—titled "New Horizons in Chemistry"—be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

NEW HORIZONS IN CHEMISTRY

A lot of nonsense—arrant and dangerous nonsense—about "crises" is being bruited about these days. And a great deal of this misinformation is seeping into the public mind, being believed, and warping influential opinions and attitudes.

That, in itself, can be catastrophically harmful to real progress—human and humane progress.

In addition, and what concerns me as much as anything else, is the derivative pervasiveness of an anti-science, anti-technology sentiment. In substantial measure, technology and industry are being blamed for all the dissatisfactions that afflict us.

This attitude, inflamed or exploited by political expediency, can result in a rash of actions and legislation, that can be illogical, ineffective, or downright calamitous.

In my judgment, it is our responsibility—as people knowledgeable in the sciences and disciplined to think in an orderly manner—to assess the realities of the problems, to distinguish between the true and the specious crises and to do our best to counter misinformation.

Let's consider for a few minutes how our present, and somewhat unnerving, global situation came about. Let's analyze the causes, and the true dimensions of, the three dominant "crises"—environmental, resource depletion and energy. Then I should like to propose some courses of action which, in my judgment, would defer or avert any overwhelming catastrophies.

Shakespeare said it succinctly and rather elegantly: the past is prologue. Somewhat less elegantly, we might say that the present grew out of the past and the future has its makings in the present.

If we study history, it is evident, as John Maynard Keynes said, that from earliest times to the eighteenth century, "there was no very great change in the standard of life of the average man living in the civilized center of the world." The Industrial Revolution, as we all know, changed that. Mankind, progressively—or perhaps I should say sequentially—learned how to fulfill more and more of its material needs. Thus began the dream of the abolition of scarcity. Subsistence was no longer the overwhelming problem; it was replaced by strivings to attain a "standard of living." Biology was replaced by sociology.

To skim over a couple of hundred years we might recall the technological euphoria that reached its vertex in 1964 with the formation of an AD Hoc Committee on the Triple Revolution. Then the Committee asserted, rather cheerily, that "Cybernation results in a system of almost unlimited productive capacity that requires progressively less labor." (Cybernetics and automation were the popularized glory words of the 1960s.)

This was something that we could believe—or wanted to believe. For, as an example, our nation had prospered for a long time under the Puritan ethic. We were ebulliently chauvinistic, believed in work and monotheistically in God.

We had come to revere technology—the vaunted American know-how. Some of that reverence was epitomized in the 1928 dictum of President Hoover: "A chicken in every pot, two cars in every garage." From technology, it was implied, were going to come new bounties—and happiness. (People feel constitutionally entitled to happiness; they ignore the fact that the phrasing our more realistic forefathers used was "the *pursuit* of happiness."

Well, by 1973 it hasn't worked out quite that way. Technology, in the public mind, has yielded some pretty unpleasant things—and not all that "promised" happiness.

Those two cars are often shoddily made and they pollute the air; nor are we sure of the wholesomeness of the chicken in the pot, or, indeed, the soup in the can.

Cybernation failed to fulfill its promise of abolishing drudgery, too. It turned out to be the social science fiction of the 1960s.

Consequently, from a period of hope, promise, and euphoria, we were plunged into a time of crises. The vision of utopia was suddenly displaced by the spectre of doomsday. The theme of endless plenty was replaced by sordid statistics of a fragile planet with its resources being rapidly depleted and the threat of mankind engulfed in soaring pollution.

The god of technology did not die—it was murdered by disillusionment and disenchantment. It's going to be hard to resuscitate—to rebuild confidence in technology.

(By the way, our studies, and others, reveal that many people do not understand and, therefore, distrust technology. However, they endorse "know-how"—which is essentially the same thing. Too, although people are negative toward science, they favor research. Their viewpoint is that research provides them with new things to make their lives more pleasant. Most often they mention fibres and fabrics, automobile polishes, fertilizers. So much for semantics and word imagery.)

The solution of any problem requires thoughtful analysis of its cause—or causes. The real cause of pollution is world population—people—the mass of people and the fulfillment of their needs. World population, now about 3.6 billion, is growing at a rate of 2 percent a year. At that rate, it would double in 35 years.

Of late, of course, some reduction in growth rate—to about 1.8 percent—has been elected. But due to a complex number of factors, we cannot count on zero growth for some time to come. Therefore, we can be relatively certain of increasing environmental stresses from population growth per se.

Let's consider the Gross World Product—the goods produced to fulfill human needs.

In 1950 the GWP was about $1.25 trillion. In 1970 it was about $3 tillion. What is clear to all of us is that, in 1950, we were not conscious of any great, or rather, widespread, pollution. The addition of the second and third trillion changed that dramatically.

Right now the GWP is increasing at a 4 percent to 5 percent annual rate. On that basis, GWP would *double* by 1986. The consequences, not only of the fourth trillion, but of the *doubling* are obvious and ominous.

Those are a few fundamental facts and trends.

We cannot hope to overcome the environmental problem by wishful thinking. Nor can we expect that people will revert to a worldwide life of peasantry.

But disaster can be headed off by the thoughtful application of technology—more technology, not less. "Technology with a conscience," as my friend Benjamin Phillips of Union Carbide terms it.

Another catastrophe that will overwhelm us, according to a widely publicized study from the so-called Club of Rome, is complete depletion of our planet's resources. Their argument is that if current growth rates continue, mankind will run into a blank wall in 50 to 100 years. The argument is really basically simple and hardly needed the computerology that was included—although perhaps it may enhance credibility. (If I were to conjure up an Index of Credibility, I'd place oral statements on the low end of the scale, assertions in print a notch above that, and computer print-outs at the pinnacle. All of which could be an intriguing thesis for a student of psychology.)

The Club of Rome argument adds, to throttle all aspects of optimism, that if by some miracle we were to triumph over the resources shortage, pollution will nonetheless engulf us.

This neo-Malthusian argument is deficient in many respects—not just in details and methodology—but in concept. It ignores the fact that an imminent shortage in a resource results in vigorous efforts to find new sources, to improve the technology of mining, processing, manufacturing and use, and to increase the price. The increased price itself encourages better technology, broader exploration and the development of previously uneconomic sources. (Quite often, the eventual outcome is a decrease in the cost of the resource. That has been the experience in the 19th and 20th Centuries in many basic raw materials and electric power—in real terms.)

Nor is it sensible to overlook how innovations can influence availabilities. Aluminum can be used instead of copper; plastics can replace metals; shifts can be made from electricity to gas, from petroleum to coal, from filament to fluorescent lighting, and so on.

By such transmutations—largely based on technology—a resource shortage can be averted or deferred for such a long period of time that any problems of transition are not disruptive.

In fact, my friend Herman Kahn of the Hudson Institute—who is conducting a comprehensive study of "The Prospects for Mankind"—says that: "In many cases the resource reservoirs can be expected to be increased by factors of ten to a hundred—or even a thousand. The possibilities for augmentation, substitution or other actions to alleviate resource or pollution problems are enormous. Too, the signals for needed adjustment are quite sensitive rather than insensitive, and the adjustment itself is easier to make than is imagined by most of the neo-Malthusians."

On the basis of my own studies, but more importantly, as a result of my first-hand experience in the chemical industries, I agree wholeheartedly with Herman Kahn.

What I will concede, however, is that despite the faulted logic that underlies some of the doomsday prophecies, the worldwide publicity they have generated has served as an alert. By dramatizing a possible future problem, they may have been useful. For, as one of my professors drilled into me, the best way to solve a problem is to anticipate it.

I shall not analyze all the propaganda that is being disseminated about the energy crisis. We are confronted, without a doubt, with a serious—very serious—energy crisis. Unfortunately, much of what is being said is not overburdened with factuality, nor is it objective, or always devoid of guile.

If we put the three dominant problems—environment, resources and energy—into one package they can properly be labeled as technical.

I am convinced, absolutely convinced, that they are all technically soluble. Many of the solutions will derive, I am equally convinced, from chemical technology.

Consider, for instance, what has been accomplished by chemistry in recent—very recent—years. Then let's extrapolate.

If the history of the earth (4½ billion years) were compressed into one year, the entire history of mankind (450,000 years) would represent less than one hour. If the history of mankind were compressed into one year, the history of synthetic chemistry would represent only about an hour and three-quarters.

Putting it another way, chemistry is still new—young, vigorous and very young. In fact, it is only in recent hours—let us say the past 100 years—that its influence has really been felt.

For example, it was not long ago—indeed, well within the recollection of many of us here this evening—that man, just like his primitive ancestors, had to shear sheep to clothe himself, or wait a full year for a blob of fluff to ripen on a cotton plant, or tediously unwind the cocoon of a silkworm. Now, at our will, we can produce fibers by the ton as well as, of course, plastics, aluminum, fertilizers and medicinals which Nature did not bestow upon us.

We seldom pause to appreciate how titanic material progress has been. In part because we have become used to accomplishment; in part because we become jaded so rapidly to the routinization of the spectacular.

(How many of us watched all the moon shots?)

Here's a calendar that highlights what chemistry has done in its young life.

Chardonnet invented rayon in 1885; Baekeland invented phenolformaldehyde resins in 1907; polyvinyl chloride was introduced in 1930; Carothers' research yielded nylon in 1931; polyethylene and polypropylene are of much more recent vintage—the late 1940s and mid-1950s.

By the way, to emphasize recency, it was only a few years ago that we held a reception, in behalf of a client, right here in the Chemists' Club for Natta. It was here that he outlined, for the first time, his development of isotactic polymers to a group of technical editors.

If you want to consider one dimension of future possibilities—the new horizons of chemistry, if you will—just look at the polyamide nylon. Professor H. K. Livingstone has tabulated 172 regular, 18-chain polyamides that could be made. Of these, only some 35 have been synthesized. Two are of great commercial importance and perhaps another six are manufactured on a small scale. If one were to include irregular chains, copolymers, structures with more than 18 atoms in the SRU, chains with aromatic groups, side chains and so on, the possibilities are virtually infinite. The same applies, of course, to polyesters and other polymers.

Or look at resource and energy augmentation and environmental protection. My colleagues and I, in the past year alone, have been involved with processes to produce substitute natural gas, methanol as a non-polluting fuel, elimination of sulfur dioxide from stack emissions, pollution-free (silica) production of zirconia, a lower-energy, and pollution-free method to make aluminum from clays, a process to extract nickel from low-grade ores, noise control (sometimes referred to somewhat coyly as "earpollution"), and the use of oxygen to treat municipal wastes. This, to be sure, is a small sampling of what's going on. But it does reflect the surging progress of corrective technology.

And Don Othmer, here at the head table, told me of a strikingly innovative energy and food-producing project he is developing in the Caribbean. In addition, The Chemurgic Council, in which I happen to have a special interest, is actively promoting the more effective utilization of energy from the sun—probably the most overlooked and wasted resources we have.

Consequently, I cannot help but be disdainful of the prophets of doomsday. It is evident to me that, with reasonable planning, we have the capabilities to realize, rather than squander, our future.

But the conditioning phrase is "with reasonable planning." We cannot count on muddling through. The crucial element is reasonable planning by informed men—and men with both perspective and judgment.

Suppose we draft a scenario of the future. As a society becomes more complex, complex organizations—corporations—grow within it. (Some of the larger ones have many of the characteristics of the ancient City States—including corporate flags.) Both to function and survive, complex organizations must plan.

Governments have to plan—as they have begun to—to deal with such questions as transportation, renewal of cities, medical care, and so forth.

Therefore, we can anticipate that we are heading into a "planning society." (A trend which will, significanlty, develop worldwide. It is already evident that the leaders of major countries are men of remarkably similar tastes, culture, characteristics. The jet plane and TV are making our world truly one world.)

If, as seems probable, we will soon have global planning capabilities, and we also have the technical capabilities to cope with environment, resource and energy problems, in theory all we have to do to succeed is to make sure the decision-makers are well informed. (The assumption is, of course, that man is a rational animal. That is a premise I would find it difficult to defend. However, threatened by a commonality of danger, even recalcitrant humans become notably cooperative.)

Summing it up, the facts about cause and effect, actions and reactions, the consequences of imbalance, the pros and cons of various technologies, must be communicated to the decision-makers and also to the public. (There are no forces more powerful than public understanding and public opinion. Without public approbation—be it of neighbors, customers or stockholders—corporations crumble and fail. And governments fall. Always. Public opinion forced President Johnson, then the most powerful man in the world, to renounce the Presidency. (The Washington term was "credibility gap", which is a euphemism for distrust.) Public opinion has also eroded President Nixon's power—perhaps irreparably.)

Technically we have much to be proud of—we have taken long, confident strides. In technology communications—public relations, if you will—we have much less to be proud of. We have shuffled along, haltingly.

Let me cite just a couple of examples:

I know nothing of the technical facts in the phosphates-in-detergent controversy. What I do know is that a year or two ago, 34 state, county and municipal legislatures banned phosphates. Of these, 24 have recently amended or repealed their legislation.

This suggests to me that not enough solid information was available to legislators initially, and perhaps still isn't. It is distressing to see, for instance, that the term "activist" is now applied almost exclusively within business and industry to those who are *against* something—negativists. We need—sorely need—more activists who are reasoned positivists.

A revision of the introspection and passivism that has characterized those who are trained in the sciences may well be in order. The times call for more extroversion and activism on our part. Flip-flopping in legislation, derived quite often from patchwork thinking—and there have been many, many such cases—just doesn't make any sense.

And consider this: Early this month, my colleagues and I decided we wanted to know what Washington leaders know about chemical technology and what opinions they have of technologists. So our research people interviewed a sampling of senators, congressmen and journalists.

What we found is that few had any real knowledge of, for instance, what a chemical engineer does. Nor could any recall being offered any informational help by any professional chemical organization. (This does *not* mean that no organizations have ever been helpful. There is, for instance, quite a turnover in Washington influentials. Moreover, ours was a spot sampling only—to obtain preliminary information.)

What was also impressively clear is that Federal legislators—and I'm sure this applies to states and communities—are eager to receive authoritative technical information from responsible people. In fact, our people reported that they "had a thirst" for such information.

We should undertake—with full sense of responsibility—to satisfy that thirst.

One of the best ways to do this at the Federal level is a plan suggested by Dr. Jesse Werner, Chairman and President, GAF Corporation. In his acceptance speech at the SCI Chemical Industry Medal Dinner last fall, Dr. Werner recommends the formation of a Technical Council to advise the President, Cabinet and Congress "on major matters with a scientific aspect and impact." The Council, composed of the chief executives of technology-based corporations, would be independent, politically and in all other ways, and could bring a sense of reality to the decision-making process. For, as Dr. Werner pointed out, it would make use of the talents of an experienced, pragmatic group who can also muster impressive corporate resources.

In my judgment, Dr. Werner's idea is a thoroughly constructive one. It merits the active support of the chemical/technical fraternity. I would sleep better at night if Dr. Werner's plan was launched here and then expanded—as rapidly as possible—on a global basis.

There are those, I'm sure, who will claim that adequate informational sources are now available in the form of the newly-formed Office of Technology Assessment, National Academy of Sciences, NSA, other government agencies and the various "think tanks." I would contend that one should neither hallow nor overrate the objectivity of the advice given to the government by organizations dependent on the government for sustenance.

I can hardly say it more politely. But if anyone in Washington is listening—and one does have that feeling these days that someone is—and wants to argue, I'm prepared.

Another development which impresses me is the enterprising and foresightful informational plan originated by the American Institute of Chemical Engineers. During the past year, the AICHE has assembled community leaders in a dozen cities to discuss the pros and cons of the energy crisis.

I am heartened, too, to hear that the American Chemical Society's Department of Chemistry and Public Affairs will publish two timely reports this summer—"Cleaning our Environment—The Chemical Basis for Action" and "Chemistry and the Economy." It is significant, too, that the American Institute of Chemists recently established its offices in Washington and, as Dr. Gilmont reported at the recent Houston meeting, is charting a public relations program.

What these chemical associations, among others, are doing is particularly laudable and can be fruitful.

But this still isn't enough—nearly enough—to do the total job that must be done.

Perhaps you will forgive me if I mention again an idea I proposed some three years ago. This is what I said then, at a CCDA meeting:

"This is what I would recommend: The establishment of a consortium—which we might call—just as a descriptive title—A World Chemical Industry Information Bureau.

"The Board of Directors—or Trustees—would be composed of representatives of each of the associations I have mentioned as well as others, such as CCDA, the AIC, and so forth. In addition, it would include representatives of groups such as the Society of Chemical Industry, Societe de Chimie Industrielle and Gesellschaft Deutscher Chemiken.

"It would not impinge upon the autonomy of the member associations; its sole function would be coordinative—through the concert of brains and manpower to develop well focused, effective, public information plans and procedures.

"I would propose, too, that the Board of Directors also include thoughtful people from the academic, financial and student communities, so that their important perspectives would be available and utilized.

"Do I expect such a consortium to bloom tomorrow? No. Projects of this nature take time to evolve. It's something to do with a law of physics—the law of inertia—which is a function of MR^2.

"I am convinced, however, absolutely convinced, that some day something of this sort will be done—will have to be done.

"At some time in the future a crisis will arise—or two or three crises in sequence—recognized crises. Then somebody will decide to jettison the antiquated bucket brigade approach and start a fire prevention organization.

"Inertia—and even parochialism—often yield in emergency situations . . . ."

"In the first phase—say six months—I would expect the consortium to generate an additional million positive chemical industry messages a week; thereafter, I would expect a message impact of at least—at least—a million a day.

"We would all benefit rather substantially by bringing the chemical industry message to the attention of many people—impressively, honestly, imaginatively . . . ."

Perhaps those crises—recognized crises—which I theorized might develop are now with us. Perhaps this is the time to get rolling.

That plan I had in mind then should now be updated. I'd like to see, for instance, a broader range of scientific-technical societies get together to establish the Technological Information Center, shall we say. A healthy start could be made by chemical organizations, then expanded to embrace other disciplines.

We would do well to recall the venerable Chinese ideograph for crisis. It's composed of two symbols. One is "Danger"; the other is "Opportunity."

Of course, we have an alternative. We can, if we choose, do nothing. That's what I call the "dawnism" philosophy—abounding faith that tomorrow there will be a golden dawn, all wrongs will be righted, happiness will prevail.

That's an approach I abhor. I hold that nothing ever happens—people make things happen. And we are the people who, by action or inaction, can do much to decide the shape of the future.

Ladies and gentlemen, I thank you.

HOWARD PHILLIPS

Mr. BUCKLEY. Mr. President, the Acting Director of OEO, Mr. Howard Phillips, will be leaving OEO at the end of this month. During his short and controversial tenure, Mr. Phillips presided over an historic shift in Government policy: the considered move away from a concentration of Federal bureaucratic authority in favor of a return of power and authority to the levels of Government, and to the elected officials most immediately accountable for the programs administered in the "war on poverty."

In a press release issued on June 26, Mr. Phillips revealed a profound understanding of the issues at hand—an understanding that made him uniquely suited for the task assigned him by the President. Mr. Phillips said in part:

> Believing that social progress can be measured by the condition of individual liberty and opportunity, it has been our constant objective to advance policies which enhance regard for the rights of the individual and which strengthen the power of the individual to direct the course of his own life—not by empowering others to speak in his name, or to act in his behalf—but by directly extending the opportunity for choice to the individuals concerned.

Mr. President, I ask unanimous consent that the entire text of Mr. Phillips statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Howard Phillips

In accordance with the intention which I announced at the time of my appointment in January, it is my plan to leave OEO when the current fiscal year ends this Saturday, June 30.

During the period immediately following July 1, I expect to witness the completion of the actions we set in motion following the President's budget message of January 29: the transfer of programs and personnel to other departments, the enactment of legislation which will lead to reform of the legal services program and will place OEO's economic development activities at the Department of Commerce, the completed reassignment of decision-making concerning community action to local elected officials, and the general discontinuation of OEO's operational activities.

Just as OEO itself came to symbolize the Great Society's unsuccessful and unwise reliance on centralized bureaucratic power, so shall our effort be recalled as an historic turning point toward the disaggregation of unaccountable bureaucratic authority, and its dispersal back to the people, from whom it derives.

According to law, OEO will be a statutory entity until the end of June, 1975. In order to carry out the residual requirements set forth under the statute, it was necessary that a name be sent to the Senate of a person to direct the agency's remaining phase-out activities.

In the wake of a recent court ruling restricting my authority, many cities are awaiting the release of special summer recreation funds which have been held up because of legal uncertainties.

It, therefore, is appropriate that there be no further delay in naming a Director-Designate, so as to reduce any possibility of harm to those cities whose financial conditions require an early release of funds.

I am pleased that Alvin Arnett, who has served with great ability as my first assistant, will assume responsibility for heading residual OEO. The former Executive Director of the Appalachian Regional Commission, and a past Executive Assistant to U.S. Senator J. Glenn Beall, Mr. Arnett is well qualified for his new role.

In preparing to leave, I wish to thank those employees of OEO, both temporary and career, who have acted with integrity to carry forward the President's reforms. Civil servants, whatever their personal ideological or political viewpoint, must be ever mindful of their duty to implement, rather than establish, Executive Branch policy.

Personally, I am most grateful for the opportunity which has been afforded me and proud of the skill and energy with which members of my staff have directed those matters over which they exercised control.

Believing that social progress can be measured by the condition of individual liberty and opportuntiy, it has been our contsant objective to advance policies which enhance regard for the rights of the individual and which strengthen the power of the individual to direct the course of his own life—not by empowering others to speak in his name, or to act in his behalf—but by directly extending the opportunity for choice to the individuals concerned.

It is for this reason that we have favored school tuition vouchers and it is why we have fought for client choice in legal services: to divest government of power and to return it to the people.

This is a revolutionary doctrine, wholly consistent with the vision of America's future which has been so brilliantly articulated by President Nixon. As he reminded us in 1971: ". . . No great movement goes in the same direction forever. Nations change, they adapt, or they slowly die. The time has now come in America to reverse the flow of power and resources from the states and communities to Washington, and start power and resources flowing back . . . to the people across America."

SMALL BUSINESS ADMINISTRATION TECHNOLOGY UTILIZATION PROGRAM

Mr. BIBLE. Mr. President, as chairman of the Senate Small Business Committee, I wish to report upon action taken by the committee of interest to Members of this body and others concerned with small business enterprise.

The committee by a committee resolution has requested Small Business Administrator Thomas S. Kleppe to continue his agency's technology utilization program and to discuss appropriate expansion of these activities with concerned executive and legislative authorities.

The committee resolution of June 28 has already been transmitted by letter, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks, together with related correspondence and informational material.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. A similar request has been made by the members of the Subcommittee on Government Procurement and International Trade of the House Small Business Committee, in the form of a letter of June 11, following a hearing on the subject conducted by Chairman JAMES C. CORMAN, of California.

We hope and expect that these expressions on the part of committees of both Houses of Congress will encourage the Small Business Administration to fully develop the outstanding potential of this program in the future. The record of Representative CORMAN's hearings and of hearings and studies by our own committee over the past decade clearly establish the great merits of transferring more widely technology developed in the research of Federal departments and agencies—such as the Defense Department, NASA, and the Atomic Energy Commission—and paid for by all of our citizens. Smaller firms which are not awarded Government contracts or do not have engineering staffs have little if any access to this wealth of knowledge.

Last year with only six persons at SBA working to distribute this technology, the program placed technical information in the hands of about 18,000 small firms, and actually solved technical problems of about 2,000 of them. Since the total cost of these activities, including publications, came to no more than $250,000 per year, the cost for each success story is thus very small.

The benefits far exceed the costs: Each SBA dollar generates some $8.30 in new net profits and $2 to $4 in Federal taxes.

America's small firms need this technology to survive competitive and governmental pressures of the present and future. The Small Business Administration itself recently emphasized the paramount value of technology to small enterprise in the years ahead:[1]

> We are entering again an era in which emphasis will be on entrepreneurship. However, it will not be the entrepreneurship of a century ago, the ability of a single man to organize a business he himself could run, control, and embrace. . . . The businessman will have to learn to understand the dynamics of technology . . . and the dynamics of the market . . .

The SBA appropriation for fiscal years 1972 and 1973 provided for 10 professional field personnel as well as positions in the Washington headquarters for giving policy direction to this work, preparing and issuing of publications, and clerical support. The appropriation for fiscal year 1974 for the management assistance category exceeds that of fiscal year 1973. We, therefore, believe it is appropriate to reemphasize the mandate of section 9 of the Small Business Act (15 U.S.C. 638) and the expressed request of cognizant committees that this program be operated at the levels which Congress has envisioned.

One consequence of denying this service to small businesses of this country was cited in the June 5, 1973, testimony of the Navy Department as follows:

> Termination of (SBAs) Technology Utilization Program will cause the (Navy) Data Exchange Program to reconsider . . . and most probably to exclude the small business of the country. This is very unfortunate since they are the basic sources of quality and reliability of government procured hardware . . .

The committee considered such consequences undesirable and unacceptable. We have acted to request continuation of the SBA technology utilization program, and we hope and expect that the agencies will cooperate with Congress in this regard. We assure this body that we shall ask the Small Business Administration to account for its stewardship of this program in future years, and we will continue our efforts to advance in this area of vital importance to small business and the Nation.

EXHIBIT 1

RESOLUTION OF U.S. SENATE SELECT COMMITTEE ON SMALL BUSINESS, JUNE 28, 1973

Whereas the Small Business Act, in mandatory language, states the duty of the Small Business Administration is ". . . to assist small business concerns to obtain the benefits of reesarch and development under performed government contracts or at government expense"; and

Whereas the Small Business Administration is the only agency equipped to search for such technology across the entire range of government laboratories and agencies and to deliver it to individual small businesses; and

Whereas SBA technology utilization activities have been highly profitable and beneficial for both the government and the small business community, generating $8.30 of net profits and $2 to $4 in Federal taxes for each SBA dollar spent; and

Whereas the termination of this program would result in the waste of human and financial resources by both the Federal Government and small business and weaken the national economy: Now, therefore, be it

Resolved, That the Select Committee on Small Business of the United States Senate strongly favors continuation of the technology utilization activities of the Small Business Administration and recommends that the SBA discuss with the Office of Management and Budget and the Appropriations Committees of the House and Senate the continued existence and expansion of this worthwhile and financially sound program.

ALAN BIBLE,
Chairman.
JACOB K. JAVITS,
Ranking Minority Member.

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[1] Annual Report of the Small Business Administration, 1971, p. iii.

LIST OF SIGNATURES

JAMES L. BUCKLEY,
PETER H. DOMINICK,
EDWARD J. GURNEY,
ROBERT J. DOLE,
JOHN SPARKMAN,
JAMES ABOUREZK,
J. BENNETT JOHNSTON,
THOMAS J. MCINTYRE,
WILLIAM D. HATHAWAY,
FLOYD K. HASKELL,
GAYLORD NELSON,
DICK CLARK,
J. GLENN BEALL, and
SAM NUNN.

U.S. SENATE
SMALL BUSINESS COMMITTEE,
June 21, 1973.

Hon. THOMAS S. KLEPPE,
Administrator, Small Business Administration, Washington, D.C.

DEAR MR. ADMINISTRATOR: May we respectfully urge your reconsideration of your decision to eliminate the Small Business Administration Technology Utilization Program for Fiscal Year 1974 and which was the subject of hearings before Rep. James Corman's Subcommittee of the House Small Business Committee on June 5, 1973.

To support this request, please be advised that this committee has been an active advocate of this program for a matter of some years. Our studies have shown that for every dollar spent in the SEA Technology Utilization Program recipient small businesses have generated $8.30 in net profits for small businesses and thus $2 to $4 in Federal taxes, to say nothing of state and local taxes, jobs, new and improved products.

The adoption of new technology may be a matter of life and death for many small businesses. For example, within the automobile and aerospace industries whole groups of subcontractors have been advised that they may be eliminated as suppliers unless they adopt the new technology of numerical control (computer operation of machinery). Requirements for cleaning up the environment, attempting to cope with crime, and competitive and cost pressures are among the factors compelling rapid technical change by smaller firms.

One source of the necessary technology is what has already been paid for by the taxpayers in connection with defense, space, atomic energy and other public research and development programs. Since World War II, perhaps $200 billion have been spent by the Federal Government for research and development in government laboratories and by private firms under government contract.

There is thus a considerable amount of knowledge "on the shelf" which small business has few, if any, opportunities of learning about, since the overwhelming majority do not participate in government contracts or have engineering staffs.

Therefore, the SBA Technology Utilization Program, in our opinion, fills an enormous need. It can go to any data bank for answers, and it can work with individual small firms on their particular problems. With only six men working in the program in Fiscal Year 1972, SBA nevertheless provided technical information to about 18,000 small businesses and actually solved pressing technology problems for about 2,000 of them. The estimated cost to SBA for the entire program was probably less than $250,000, or about $125 per success story.

In recognition of the merits of this activity, the Small Business Act states in mandatory language the duty of the Administrator: "to assist small business concerns to obtain the benefits of research and development performed under government contracts or at government expense."

It is thus our feeling that the law and the interests of small businesses and the nation call for the continuation of this program and its expansion in the future when appropriate.

We realize that government spending programs are being monitored closely, as they should be. But we also believe that to deprive the nation's small business community of an abbreviated Technology Utilization Program within your agency would not serve the nation's best interests.

For your further information, we enclose a copy of a statement submitted by the Committee Chairman before Rep. Corman's Subcommittee in support of this position.

We hope that you will give this matter every consideration and we would like to be advised about your conclusion.

Cordially,

ALAN BIBLE,
Chairman.
JACOB K. JAVITS,
Ranking Minority Member.

RETIREMENT OF CHARLES S. BREWTON

Mr. SPARKMAN, Mr. President, one of the great men who have assisted in developing and getting enacted into law much of the progressive legislation of the past 25 years, Charles S. Brewton, is retiring today. I cannot let this occasion pass without some brief comment on Charlie and his work, especially in the fields of health and education—particularly mental health.

Charlie was Senator Lister Hill's administrative assistant during the years when such legislation as the Hill-Burton Act and other landmark bills were enacted into law. Later he served on my staff for several years, leaving me to go down to the Executive Office of the President as Assistant Director of OEP, where he served during the Kennedy and Johnson administrations.

More recently, he has been general counsel for the Joint Committee on Defense Production.

Charlie is a fine public servant. I wanted to pay this tribute to him as he prepares to return to his native Alabama. I wish him and his wife, Jewell, all happiness in this new phase of their lives. I know that I am joined in this wish by all of you who have known him.

At this time, I send to the desk letters and telegrams, asking unanimous consent that they be printed as part of my remarks in the RECORD.

There being no objection, the letters and telegrams were ordered to be printed in the RECORD, as follows:

MONTGOMERY, ALA.,
June 26, 1973.

Mr. STEWART MCCLURE,
Public Welfare, Senate Committee on Labor and Public Welfare, New Senate Office Building, Capitol Hill, D.C.:

I regret to see Charlie Brewton leave his position but I fully understand the compelling reasons for his decision. He was closely associated with me as my administrative assistant for a number of years and he did so much to help me and with his fine mind and deep dedication rendered great service to our country. He is truly not only a great Alabamian but a great American. Please convey to him my congratulations for his historic services and my affectionate regards and all good wishes.

LISTER HILL.

U.S. SENATE,
Washington, D.C., June 29, 1973.

Hon. CHARLES S. BREWTON,
General Counsel, Joint Defense Production Committee, Washington, D.C.

DEAR CHARLIE: Congratulations to you on your retirement as General Counsel of the Joint Defense Production Committee.

You have been an outstanding public servant and I congratulate you on the many years of dedicated service you have rendered to our Nation.

I am happy to know that you will return to our home State of Alabama. I wish for you and your family many happy and rewarding years, and I know you will look back with a great deal of satisfaction to a job well done in service to your Country.

With every good wish, I am,

Sincerely yours,

JIM ALLEN.

U.S. SENATE,
Washington, D.C., June 28, 1973.

Mr. CHARLES S. BREWTON,
General Counsel, Joint Committee on Defense Production, Senate Office Annex, Washington, D.C.

DEAR CHARLIE: News regarding your forthcoming retirement has only just reached me, and I wish to add my warmest congratulations to the many other similar messages which I am sure you are receiving.

Having known you since you first came to the hill many years ago as one of Senator Hill's valued assistants, I feel that you are a personal friend. Your helpfulness to me and the members of my staff during that early period and also throughout the years following when you served as Director of the Office of Emergency planning, and more recently as General Counsel of the Joint Committee on Defense Production, has been greatly appreciated. I assure you.

Again, my warmest congratulations to you on a most successful and distinguished career, and my every good wish to you for full enjoyment of the productive years yet to come. May the future be enhanced with contentment and happiness for you and your family, and may you realize to the greatest extent the rewards of retirement which you so richly deserve by reason of your many years of dedicated service and outstanding achievement.

Sincerely,

JOHN L. MCCLELLAN.

U.S. SENATE,
Washington, D.C., June 29, 1973.

Mr. CHARLES BREWTON,
General Counsel, Joint Committee on Defense Production, Washington, D.C.

DEAR CHARLIE: Lola and I are sorry to hear you are joining the exodus from the Senate. I don't approve of it.

We will miss you—but wish for you and Jewell the best of everything.

Sincerely yours,

GEORGE D. AIKEN.

U.S. SENATE,
Washington, D.C., June 29, 1973.

DEAR CHARLIE: This is just a note to express to you my very best personal regards on this day. I know that many of your friends are gathered to say hello and I wish that I could be with them to help honor you. It has been a pleasure knowing you and enjoying your friendship and help over the years.

Best personal regards.

Sincerely,

WARREN G. MAGNUSON,
U.S. Senator.

U.S. SENATE,
Washington, D.C., June 28, 1973.
Mr. CHARLES S. BREWTON,
Office of Senator Sparkman,
U.S. Senate, Washington, D.C.

DEAR CHARLIE: For myself and my staff may I wish you the very best of success in the new directions you are taking.

John and his staff will miss you, I know, as will many of the Senators and their staff assistants who have had the pleasure of working with you over the years. You have performed an important service to a great Senator and to the Senate and your country. Congratulations, and again, best wishes.

Sincerely,

HUBERT H. HUMPHREY.

NEW YORK, N.Y.,
Washington, D.C., June 28, 1973.
CHARLES BREWTON,
Care of Stewart McClure, Senate Labor and Public Welfare Committee, New Senate Office Building, Capitol Hill, D.C.:

All my good wishes and gratitude for all the service you have given to our country.

MARY LASKER.

EQUAL CREDIT OPPORTUNITY ACT, S. 2101, TITLE III

Mr. BROCK. Mr. President, I want to take this opportunity to commend my colleagues in the Senate Banking Committee for having unanimously reported out of committee an amendment to S. 2101, the Truth in Lending Act Amendments of 1973. It incorporates the main features of legislation I proposed earlier this year as S. 1605, and has the following provisions:

First. Discrimination based on sex or marital status in connection with any consumer credit transaction is prohibited;

Second. Discrimination on account of sex or marital status in extensions of credit for commercial purposes is prohibited; and

Third. Civil liability provisions identical with those in the 1973 amendments are provided. The liability as reported out of committee has limits of not less than $100 or greater than $1,000 in any individual case, and in the case of a class action, the lesser of $100,000 or 1 percent of the reported worth of the creditor.

The hearings before the National Commission on Consumer Finance identified serious areas of discrimination against women, and the committee believes that this approach will provide sufficient deterrent against continuation of these discriminatory practices without imposing undue limitations on the credit industry. The amendment represents a well thought-out compromise.

We can no longer tolerate the continuation of the serious discrimination in granting of credit encountered by women in this country.

The committee expects S. 2101 will be considered by the full Senate shortly after it reconvenes July 10. I urge you to give serious consideration to this issue, and to support the amendment prohibiting discrimination when it comes up for a vote.

I request unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

S. 2101, TITLE III—EQUAL CREDIT OPPORTUNITY

§ 301. Short title

This title may be cited as the "Equal Credit Opportunity Act".

§ 302. Discrimination

(a) Title I of the Truth in Lending Act (15 U.S.C. 1601–1665) is amended by adding at the end thereof a new chapter as follows:

CHAPTER 5—PROHIBITION OF DISCRIMINATION BASED ON SEX OR MARITAL STATUS

"Sec.
"181. Prohibited discrimination.
"182. Civil liability.

"§ 181. Prohibited discrimination

"It shall be unlawful for any creditor or card issuer to discriminate on account of sex or marital status against any individual with respect to the approval or denial of any extension of consumer credit or with respect to the terms thereof or with respect to the approval, denial, renewal, continuation, or revocation of any open end consumer credit account or with respect to the terms thereof. Section 104 of this title does not apply with respect to any transactions subject to this section.

"§ 182. Civil liability

"The provisions of section 130 of this title shall be applicable to any creditor or card issuer who violates section 181."

(b) The table of chapters of such title is amended by adding at the end thereof the following new item:

"5. Prohibition of discrimination based on sex or marital status_____________________ 181".

§ 303. Effective date

This title takes effect upon the expiration of sixty days after the date of its enactment.

WHEAT TO BANGLADESH

Mr. McGOVERN. Mr. President, I am pleased to be able to inform my colleagues that the United States will make wheat available on an urgent basis to the Peoples Republic of Bangladesh. A number of my fellow Senators have expressed concern this week over the possibility that a famine would develop in Bangladesh unless the United States moved immediately to begin providing pledged assistance.

The Department of State has just informed me officially that 100,000 tons of wheat are to be made available to Bangladesh as soon as possible. The Government of the People's Republic of Bangladesh has been told of this decision and will be able to begin procuring the wheat next week under a special fiscal 1973 grant. Shipment can begin about the middle of July.

The United States is also pledged to supply an additional 400,000 tons under grant and concessional terms before the end of the year. I believe the dangers of famine in Bangladesh are such that the United States should act to provide the additional grain within the next several months. Fortunately, a number of people in the executive branch are working hard on this important humanitarian effort. The Subcommittee on South Asian Affairs, of which I am chairman, of the Committee on Foreign Relations will be following closely the food situation in Bangladesh and U.S. efforts to provide grain.

According to the letter from the State Department, the executive branch decision at this point was—

> Based on the exceptional urgency of the Bangladesh case and is in advance of decisions of the total commodity availability for USG concessional-financed programs in FY-1974. The United States will give urgent consideration to the shipment of additional wheat to Bangladesh.

The State Department believes, on the basis of the assessment of United Nations experts and their own officials in Dacca, that critical shortages can be avoided between now and the next major harvest, which begins in November, if grain pledged by the United States and other nations arrives on schedule. The Department notes "in that context, we are making every effort to meet our own pledge of assistance."

If we meet our own pledges this year, the United States will provide 700,000 tons of wheat under grant and concessional terms, including 200,000 tons provided earlier this year under grant terms. Other nations have pledged about 650,000 tons, and the Bangladesh Government, which has bought more than a million tons so far this year, will buy perhaps another 200,000 tons. Thus, Bangladesh will be getting 2,500,000 tons from outside to add to the approximately 9,500,000 tons of foodgrains available from internal production. All of this will provide only the bare necessities.

In the past few years, the people of Bangladesh have endured many privations. They are trying to move toward self-sufficiency.

At this point, however, they need our assistance, and I am glad we can provide that help.

Mr. President, I ask unanimous consent that the letter from the State Department be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C.
Hon. GEORGE MCGOVERN,
Chairman, Subcommittee on South Asian Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your inquiry of June 22, 1973, concerning commitments by the United States Government to provide foodgrain to Bangladesh in 1973.

As you indicated in your inquiry, the United States Government has joined with other nations in assisting Bangladesh through a period of extreme economic hardship after the natural disaster of cyclone in 1970 and the man-made disaster of war in 1971. Rehabilitation of the economy was set back once again in 1972 by a severe drought that curtailed rice production. The United Nations, operating through an emergency organization, the U.N. Relief Operations, Dacca (UNROD), coordinated the international response to Bangladesh's food needs in 1972, and it agreed to remain on a reduced scale through 1973. Record imports of some 2.5 million tons of foodgrains were obtained in 1972, virtually all on grant or concessional terms. This constituted about 20 percent of the total available in Bangladesh. At the end of the year a team of experts recruited by the U.N. forecast 1973 import needs at approximately the same level—2.5 million tons.

As 1973 began it was already clear that the worldwide grain situation was going to be much more difficult than in 1972. The Bangladesh Government was informed that there was no prospect of obtaining 2.5 million tons of foodgrains on grant or concessional sales terms, and it therefore undertook to procure more than a million tons on commercial terms. The United States Government pledged at a meeting of donor countries in Dacca on March 31-April 1 that it would try to provide 700,000 tons of wheat against the need, with the remaining deficit to be met by other donors. The United States Government had already shipped 200,000 tons of wheat in early 1973; thus the balance of our pledge was the 500,000 tons about which you have inquired.

Interagency agreement was obtained on June 28 to proceed immediately with procurement of 100,000 tons of wheat for Bangladesh. This decision is based on the exceptional urgency of the Bangladesh case and is in advance of decisions on total commodity availabilities for USG concessional-financed programs in FY–1974. The United States will give urgent consideration to the shipment of additional wheat to Bangladesh.

As you are well aware, demand for U.S. wheat is at unprecedented levels and U.S. domestic stocks have been substantially reduced. As a result, it has been necessary to set lower than anticipated limits on the amount of these commodities available under concessional USG financing.

It remains the assessment of the United Nations experts and our own officials on the spot in Dacca that critical shortages can be avoided between now and the next major harvest beginning in November if grain already pledged to Bangladesh by international suppliers arrives there on a timely basis. In that context we are making every effort to meet our own pledge of assistance.

Your interest in this matter is sincerely appreciated. As the preceding paragraphs should make clear, there are competing demands on a limited supply of foodgrain commodities. We continue to give high priority to our humanitarian interest in responding to the urgent needs of the Bengalee people during the period of scarcity before the next harvest.

If you wish additional information concerning this or any other matter, please do not hesitate to let me know.

Sincerely yours,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

PROPOSED PENSION REFORM LEGISLATION

Mr. PERCY. Mr. President, now that the Senate Finance Committee has completed substantive hearings on proposed pension reform legislation, I am hopeful that the committee will soon report its recommendations to the full Senate.

Although pension reform legislation was reported from Committee during the 92d Congress, the full Senate has not had an opportunity to express its will in this area to date.

As a cosponsor and strong advocate of the pension reform proposals contained in S. 4, the Williams-Javits bill, I have found this delay particularly distressing. Last August, Elgin Industries, which had earlier acquired the old Elgin Watch Co. of Elgin, Ill., announced its intention to terminate the employee pension fund. To this day, Elgin's pensioners do not know what portion of their pension trust fund they will receive. Had S. 4 been enacted last year, this situation would not exist. This case could not present a more clear example of the necessity of approaching pension regulation as a labor, rather than an internal revenue service problem.

Where a plan which qualifies under existing tax law has been established, the employer is allowed to make tax deductible contributions to it. In addition, employee tax liability on pension benefits is deferred until such time as the benefits are received when he retires—normally a time when his tax bracket is much lower. Finally, the income, dividends, and capital gains accrued by the plan's trust fund are taxed to neither the fund nor the employer.

I do not quarrel with the tax breaks provided by Federal tax law. In instituting these advantages, the Congress intended to assist employers and employees in establishing pension trust funds to provide financial retirement security for the employees. The Elgin case, however, demonstrates that without adequate regulation and policing of such funds, tax law can be perverted to provide for a tax bonanza to the employer.

The old Elgin Watch Co. pension fund was created in 1918. From that time through last year, the employees contributed $13 million and the employer contributed $12 million. The company ceased making contributions in 1958 because the plan was overfunded. Last year, Elgin Industries moved to terminate the pension trust, purchase annuities for the pensioners and recoup, as a taxpayer-financed windfall, the remaining $12 million.

The potential results of this move could not demonstrate more cogently the total inadequacy of regulating pension funds through the Internal Revenue Code.

First, during the time the old Elgin Co. was making contributions to the fund it received a tax deduction for its contributions. Where surplus funds are returned to the employer upon a plan's termination, the employer is required to pay taxes on the surplus. In this case, however, it appears that because of recent operating losses, if Elgin Industries receives the surplus, it will receive it tax free.

Second, there is evidence that this plan was overfunded well prior to 1957, but that the IRS did not disallow continued tax deductible contributions to it.

Third, although the company made no contributions after 1958 because of the surplus, the fund was still allowed to accrue, tax free, the earnings on its investments. The pensioners are required to pay ordinary income taxes on that portion of their pensions that reflects employer contributions and the growth of the invested trust funds. Elgin Industries, if it receives this $12 million surplus, will not even have to pay taxes on the investment income from this fund.

Fourth, nearly $94,000 was taken from this taxpayer aided trust fund in 1971 to pay for the expenses of administering it.

Had the provisions of S. 4 been in effect during this time, the result would be far different. S. 4 establishes a separate Office of Pensions and Welfare Plan Administration within the Department of Labor and gives it the authority and the means necessary to enforce strict pension fund regulations.

These regulations include new fiduciary standards to prohibit conflicts of interest and misuse of assets by those administering pension trust funds; a requirement that a plan's annual financial report to the Secretary of Labor include an analysis by an independent accountant; a requirement that plan funds be treated as a trust exclusively for the employees and reasonable administrative expenses; and provision for broad remedies for the Secretary of Labor and plan beneficiaries in enforcing both Federal pension fund standards and specific pension fund contracts through Federal and State courts with nationwide service of process.

Finally, and of particular importance in the Elgin case, the bill requires that any surplus left in a terminated fund be equitably distributed to participants in accordance with their rate of contribution.

Mr. President, I cannot stress too highly the importance of full Senate action on this legislation. Its passage is vital not only to the 1,000 Elgin Watch Co. pensioners, but to millions of other workers throughout the country.

The plight of the Elgin pensioners is admittedly an unusual one in an area where the majority of problems are caused by underfunding. In several ways, however, it has presented an even stronger case for the need for pension reform. Not only are the Elgin pensioners in danger of being left with meager pensions for the rest of their lives, but Federal tax laws, which were enacted to assist such pensioners, have been manipulated to produce a tax deducted, tax free bonanza for an employer.

In light of the foregoing I wish to particularly commend Attorney General William Scott of Illinois who has filed suit in the Kane County circuit court on behalf of the Elgin pensioners who are Illinois residents, asking that a constructive trust of Elgin's Illinois assets be set up for the benefit of the pensioners.

I also commend Mr. Gene Devitt who has filed a class action suit on behalf of the pensioners in the U.S. district court in Chicago against Elgin Industries asking the court to order an increase in pensions on the basis that the company has been unjustly enriched.

ALL THE NEWS THAT'S FIT TO BROADCAST—EXCEPT CONSUMER NEWS

Mr. PERCY. Mr. President, in connection with my deep concern for consumer protection, and my continuing desire for passage of legislation creating a Consumer Protection Agency, I point to a significant article in the publication, Media & Consumer.

This article is an excerpt taken from an excellent speech given by Mr. Arthur Rowse, a widely read and respected columnist, at Columbia University's second annual journalism conference. It clearly indicates that consumer oriented news has received an extremely low priority. Instead, news of crime, war, and disasters, and political pronouncements, dominate program time.

Consumer news of great magnitude—from a recall of 30,000 automobiles for collapsing wheels to the presence on the market of 3 million defective soda cans—receive little or no consideration.

Why does such a situation prevail? Mr. Rowse points to subtle pressures advertisers can use on the media to discourage stories concerning phosphate pollution, nutritional problems of snack food, tax loopholes for oil, auto safety problems, misleading advertising, and deceptive packaging. In addition, newscaster's conflicts of interest, fear of displeasing the administration in power, and simply entrenchment of the traditional form of programing has left the consumer at a distinct disadvantage.

I believe it is vital that fellow Senators be conscious of this lack of consumer news and the attendant lack of consumer awareness. Accordingly, I ask unanimous consent to have the excerpt entitled "Broadcasters and Consumer News: A Distressing Picture" printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BROADCASTERS AND CONSUMER NEWS: A DISTRESSING PICTURE

(By Arthur E. Rowse)

(The following is excerpted from a speech by Mr. Rowse at Columbia University's Second Annual Consumer Journalism Conference this past spring. Mr. Rowse syndicates a twice-weekly consumer column to newspapers and publishes *Consumer Newsweek*, a weekly consumer newsletter. He writes frequently on press performance.)

Consumer news has a long way to go before receiving the recognition it deserves on radio and television. Many important issues are ignored completely; others are treated in only a casual manner that fails to convey the true significance of events. Many consumer matters are so complex that they require extended treatment either on longer programs or on subsequent days of programming. Most radio and television news shows are essentially only glorified bulletin boards. They do not have the time to treat many subjects in a comprehensive fashion. There is also the need to make the news interesting through the use of devices and gimmicks. The documentary is an ideal format for reporting complex consumer issues. Yet it is rarely used for that purpose. A review of recent ones illustrates the point.

There was a documentary on Tricia Nixon and the White House but none on Peter Flanigan, the hidden operator downstairs. There was a series of programs about *The Search for the Nile* but none on the search for truth in life insurance sales presentations. Half-hour educational programs dwelled on the life of dolphins and sea otters but not on the unsinkable problems of health insurance and real estate closing costs. Presidential trips and space ventures are covered in boring detail, but there is no in-depth treatment of airport safety or the hazards of automobiles on earth. The networks have investigated the effects of earthquakes but not the effects of import quotas and business mergers on consumer prices and product quality. Other neglected topics of potentially great interest to consumers include pesticides, food additives, impure food, flammable clothing and numerous deceptive sales schemes.

On specific stories, television coverage is quite spotty. An examination of consumer coverage by the three network evening news shows during the past month of January confirms that view. Logs of the entire month, compiled by the Vanderbilt (University) Television News Archive, show that ABC offered only nine items of consumer interest. CBS presented only 10, and NBC aired 17. That is a total of 36 stories, an average of only 12 items a month per network during a time when each had available half-hour newscasts. Half of these 36 stories lasted only 20 seconds or less; only five consumed as many as three minutes or more. Six of the stories were carried by all three networks, totaling 18 of the 36 items. In terms of program time, all the stories amounted to only 2.7 percent of total non-commercial time on the news programs. NBC led with 18 minutes, followed by ABC and CBS with 10 minutes each. (These figures do not include items about drug abuse, pollution and the national economy.)

Stories carried by only one network included a government probe of power brakes in 40 million cars and a suit accusing Bayer, the American Medical Association and ABC television with falsely advertising aspirin. These stories were told in 10 seconds each on only one network, NBC. On the other hand, ABC devoted three minutes to a report by Jules Bergman about a National Heart-Lung Institute study of the cholesterol factor in heart disease and its relation to diet. No other network discussed this topic during the month.

Many other potentially strong news items of consumer interest were ignored completely by the TV networks. These included FTC Chairman Miles Kirkpatrick's suggestion to the Consumer Assembley that counter-ads for life insurance claims be required on prime-time television. No part of the two-day national consumer conference in Washington was mentioned by any network despite intensive grilling of Price Board chief C. Jackson Grayson and the appearance of other well-known figures at the affair.

Other developments ignored by all three networks during the month were the recall of 3 million cans of Coca Cola, Sprite and Fanta drinks; the recall of 30,000 General Motors cars for collapsing wheels; an FTC consent order requiring Procter & Gamble to stop claiming that foods cooked in Crisco are less greasy and lower in calories; a government report saying that 88,900 highway bridges were "critically deficient" in safety aspects: an estimate by Senator William Proxmire that credit life insurance overcharges amount to $454 million a year; FTC's naming of BP Oil Company as the first offender of a law banning unsolicited credit cards; a report by the Institute for Highway Safety alleging that rust, not sudden bumps, cause failure of Ford's steering control arms; a new series of crash tests by the Institute showing the flimsiness of six 1972 cars (available on movie film); and the recall of 200,000 soup bowls distributed by Campbell Soup Co. exceeding maximum levels for toxic lead and cadmium.

So much for consumer news in January. Consider the network handling, on the following month, of the largest recall in history. This involved nearly 7 million Chevrolets and Camaros with engine mounts so hazardous that they could cause the car to lurch forward without steering or braking control and without warning. A total of 6.7 million registered letters were sent out last Feb. 21 by General Motors. If you were in charge of network program production, how much time would you give to such a story? Both ABC and NBC devoted a full 20 seconds to the news. CBS used 30 seconds. And only one of the three, NBC, got the figures right. ABC said 1.3 million cars were involved; CBS said 6 million.

Why? Why do the rich, powerful television networks choose to ignore stories of such potentially great news interest, even when the pictorial possibilities are substantial? Why do the networks continue to fill large segments of program time with crime, tragedy and mayhem while passing over so much information of personal value to people? In view of how much the networks fail to report on both radio and television, how can they make such sweeping claims about their news coverage in promotional advertising? How can they leave out so much and say "that's the news" or "That's the way it is" on any day?

The reasons are many.

Perhaps the biggest is the power of commercial pressure, which manifests itself in two ways: The drive for constantly higher profits through stringent control of expenses and the fear of losing advertising because of unfavorable news stories. Despite fantastic profitability—exceeding 100 percent profit on depreciated investment in 1970—the networks treat the news as an unwelcome appendage. At every short-term dip in revenue, news budgets are slashed. Less than one-tenth of total revenue now goes to news operations, yet news is the networks' proudest product.

The networks hotly deny that commercial considerations have any influence on the way news is handled. Replying to a similar charge by FCC Commissioner Nicholas Johnson in 1969, CBS News President Richard Salant said: "In the 11 years I was a CBS corporate officer and in the six years that I have been president of CBS News, to my knowledge, there is no issue, no topic, no story which CBS News has ever been forbidden, or instructed, directly or indirectly, to cover or not to cover, by corporate management." What Salant said may be technically true, for no ambitious television executive could afford to be so crass as to issue such instructions. Pressure from advertisers works more subtly; it is understood so well that no one has to say a thing in order for it to effect coverage. It pervades many news organizations like osmosis.

To glimpse how network radio and television shape the news to please commercial interests, one need only compare the above mentioned list of neglected consumer stories to the list of top advertisers.

Procter & Gamble was the biggest television advertiser in 1970; General Motors was 13th in TV advertising and first in spot radio; Coca Cola was 18th in TV advertising; Ford was 14th in TV and third in spot radio; Campbell Soup was 33rd in TV ads and 41st in spot radio. From a distance, it is difficult to prove any direct link between the play given to any particular story and the amount of advertising revenue which might be affected by the story. But the pattern is quite consistent over the years: stories unfavorable to large advertisers tend to receive less visibility than their news value would indicate they deserve. Merely naming the principal products of the largest network advertisers suggests some of the most neglected news stories: phosphate pollution, nutritional problems of snack food, tax loopholes for oil, auto safety problems, misleading advertising and deceptive packaging. Adding insult to injury are the frequent disruptions of newscasts by commercials extolling the virtues of products deeply enmeshed in public controversies.

Adding still further to the problems of presenting consumer news are conflicts of interest invoking newscasters such as Chet Huntley's blast against the meat inspection bill when, unknown to his audience, he had sizable holdings in the cattle industry. Then there are some newscasters and commentators who read commercials, such as Paul Harvey and his pitches for money-back life and health insurance. Not many newscasters have shown the courage—or innocence—of Jim Lange at WQWK-FM in State College, Pa., when he reported the names of local merchants, including some advertisers, who were in apparent violation of price control regulations. For his trouble, ads were dropped and Lange was fired. But, thanks to the public attention attracted to the case by Consumers Union, Lange was reinstated, and the station agreed to a code of ethics protecting him and other news employees.

At the network level, advertisers also swung their weight around, leaving unmistakable lessons for news employees. CBS lost the Bumble Bee tuna fish account allegedly because it reported the existence of a fish inspection bill on Capitol Hill. NBC lost some $1 million in Coca Cola advertising because of the company's displeasure about the documentary, Migrants. Even Public Television has yielded to pressures from commercial interests. Ralph Nader's first half-hour documentary on advertising was censored before it was shown. And the network "red-flagged" Banks and the Poor in order to allow affiliated stations to veto showing it because of complaints from banking interests raised even before the show was pre-screened. The broadcast medium least affected by commercial interests is National Public Radio, but even with more than 100 affiliates, its total audience remains less than 2 million, hardly a squeak in the cacophony of radio news.

Another impediment to presenting consumer news is the outmoded concept of news that prevails to a surprising degree in the mass media. Despite sweeping changes in social conditions and human attitudes, broadcasters continue to cling to news values that heavily emphasize crime, accidents, storms, tragedies, war, and political pronouncements. Like their colleagues in the print media, broadcasters have been slow to realize the increasingly utilitarian nature of news—its ability to help people with the daily problems of surviving and enjoying life. As these problems increase in size and complexity, people turn to the news media for helpful information. Despite hopeful signs that the news media are responding to these demands and interests, the old values continue to dominate the scene. Undoubtedly, much of the hostility that has built up against the news media stems from their failure to provide more relevant news.

Hampering consumer coverage further is the relatively small size of network news staffs. Despite grandiose claims of worldwide facilities, the networks average only six bureaus each to cover the entire United States (11 outside the U.S.) in addition to occasional help from owned and affiliated stations. Their total news personnel amount to less than one-tenth of those available to the two major wire services. The networks are so limited in camera crews that they can barely cover a half-dozen news stories a day because so many are assigned to non-news topics to provide features and filler material. The networks depend on the wire services to cover most of the daily events for them.

It is rare to see a network cover any story not already reported by a wire service. So if the wires miss a good story, the networks are also likely to miss it.

Another reason why the networks have not done more to cover consumer subjects has been their fear of displeasing the administration in power in Washington, regardless of political party. This fear reached a peak after Vice President Agnew fired his first fusillade for alleged bias. As a result, the networks have never really examined the important regulatory process which is supposed to protect consumers from economic cheats and unreasonable hazards. If the networks ever looked into the way Congress and the executive agencies operate, they would find gross incompetence, partisan manipulation, and widespread coddling of industries in exchange for political contributions and personal favors. The networks know about these potential stories, and they have the ability to do the job. They just don't have the courage or the commitment necessary.

Radio has done far better than television, though hampered by many of the same fears and pressures. It has far surpassed television with in-depth discussions and reports on consumer matters, but the average five-hourly newscast still offers little more than a mishmash of murder and mayhem between commercial distractions.

So what is the answer? Is there any way to free broadcast journalists from these inhibitions that prevent full coverage of vital public news? Beyond the obvious answers, such as applying more effort and increasing staffs, there are at least two voluntary steps the network could take.

One is to follow the advice of Fred Friendly, the former CBS News executive, who suggested that the networks pool coverage of routine events in order to free other crews for more important assignments, including consumer issues. Although this idea was met with immediate criticism, the fact is that the networks already pool coverage of Presidential trips and some other formal events. Unfortunately, the networks have used pooling mostly as an economic measure rather than as a means of expanding journalistic coverage. If the networks could somehow be encouraged to pool without cutting personnel, coverage of vital issues could be increased greatly.

A second suggestion is to get the three networks to agree openly not to allow any outside pressures to enter into their news judgments. Then no network could gain a competitive advantage by submitting to such pressures, and the public interest would be the winner. Such an agreement would not violate antitrust laws, for it would not be a conspiracy in restraint of trade but an open agreement to encourage the exchange of information essential to the public welfare. In the present atmosphere, the broadcaster who does the least to report controversial consumer news is likely to gain an edge in advertising revenue.

If the networks do not take such steps voluntarily, the alternative may be government action to force them to present a wider array of issues. The threat of such action is clearly visible in a reading of FCC decrees and court rulings. A neglected section of the Fairness Doctrine requires licensees to "give adequate coverage to public issues." The better known section of the doctrine says "coverage must be fair in that it accurately reflects . . . opposing views." Now the courts have said that the failure to report controversial issues, such as consumer matters, constitutes censorship in violation of the First Amendment. In a decision involving the Business Executives Move for Vietnam Peace, the court ruled that failure to air controversial issues (in this case, an advertisement) "flies in face of the First Amendment, whose central purpose is to protect and promote controversy . . . on public issues."

It may not be very long before some enterprising lawyer or citizens group examines broadcast coverage of consumer news in general and petitions the FCC and the courts for equal time in wholesale quantities. It is frightening to think that news operations have become as vulnerable as they have to government edict. Ideally, public needs for information would be left up to the broadcasters' own good judgment. But unless their record improves markedly, and very soon, the prospect of even greater government interference in radio and television news operations will continue to grow. And so will the criticism.

DR. JEROME H. JAFFE: COMMITMENT TO TREAT DRUG ABUSE PROBLEMS, AND A SPECIAL THANKS

Mr. PERCY. Mr. President, on June 17, 1973, Dr. Jerome H. Jaffe resigned from Government service after 2 years as Director of the Special Action Office for Drug Abuse Prevention.

Dr. Jaffe was appointed to this post by President Nixon on June 17, 1971.

During the year preceding his designation as Director of the Special Action Office, Dr. Jaffee chaired a special White House task force created by the President to assess the drug abuse problem in the United States and to make recommendations for a national campaign to combat it. He attained national prominence while serving as director of the drug abuse program of the department of mental health of the State of Illinois. As director, he pioneered innovative techniques for the treatment of heroin addiction, including the use of new substances to reduce the use of heroin and comprehensive, multimodality programs combining methadone maintenance and therapeutic community treatment approaches.

Dr. Jaffe came to the Special Action Office at a time when the Nation faced a frightening epidemic of drug abuse. Treatment was either not available or not adequate for thousands of addicts who wanted to end their dependence on drugs. Servicemen in Vietnam were known to be using drugs in unprecedented numbers and in dangerous situations. Little reliable information was available regarding the nature of the drug abuse epidemic or the effectiveness of various forms of treatment.

The Special Action Office immediately set about to meet these needs. At the end of 2 years, the confrontation is far from over, but under Dr. Jaffe's direction, much progress has been made. There is now substantial evidence of a decline in the use of some narcotic drugs, to wit:

Studies completed in 1972 point to a downturn in the rate of increase in new heroin addiction.

At the same time, reported narcotics deaths declined about 6 percent, on a nationwide average, between 1971 and 1972.

The latest FBI statistics indicate a decrease in nationwide crime statistics.

Local reports have been supportive of the evidence accumulated on a nationwide scale; for example, the routine urinalysis conducted on all arrestees sent to the District of Columbia jail showed a decline in positive tests from 31 percent in January 1972 to 12 percent in February 1973.

There has been evidence of a decline in the number of servicemen using drugs, and what is more important there is encouraging evidence that most veterans have not continued their use of drugs upon returning to the United States.

On other fronts, there has been a vast expansion and improvement in our national capacity to treat drug users. In June of 1971, there were 54 metropolitan areas with treatment programs directly supported with Federal funds. By March of 1973, there were 214 communities with major Federal programs. Some cities which once had thousands of addicts on waiting lists seeking treatment now have the capacity to treat all those who seek help, with no delay.

The Special Action Office has devoted a great deal of attention to providing technical assistance to treatment programs, helping them to upgrade their management capabilities, and encouraging the creation of single State agencies to coordinatae all drug abuse prevention activities in their States.

A drug abuse warning network has been created by the Department of Justice, in collaboration with the Special Action Office, to systematically collect and analyze information on drug deaths and drug-related illness, in an effort to determine both the types of drugs involved and their source.

Progress is being made in the development of narcotic antagonists which, when given to a patient, will completely block all the effects of the narcotic, including the euphoria.

Mr. President, 2 years ago this month I sponsored the legislation creating the Special Action Office for Drug Abuse Prevention. The measure won bipartisan, unanimous support in both Houses and was enacted with dispatch. Looking back over that period, I believe that the wisdom of our action has already been demonstrated. We are a long way from where we were 2 years ago, both in our knowledge about drug abuse and in our capacity to respond to the critical need for treatment and prevention. Every American owes a debt of gratitude to Dr. Jerome H. Jaffe for his outstanding leadership and determination in the fight to save present and future generations from the scourge of addiction.

I want to take this opportunity to salute Dr. Jaffe for the great contribution he has made and, I am sure, will continue to make. And I want to wish him and his dedicated wife, Faith, every success and happiness as he resumes his academic career.

SECURITIES FRAUDS: FINANCIAL COMMUNITY MUST CLEAN HOUSE

Mr. PERCY. Mr. President, I would like to dwell for a few minutes this morning on the use and misuse of stolen, lost, and counterfeit securities in perpetrating worldwide frauds, and in so doing perverting the international financial system.

It is no hushed secret that where big money gains are to be had with relative ease, organized criminal activity is close at hand. But what is astonishing to me is that in view of what may be as much as $50 billion worth of Government, State, municipal, and corporate securities missing or stolen, the financial community of this country and the financial community of the world have been woefully remiss in not cleaning house. Instead, some of the most respectable institutions that line Wall Street, Zurich, Geneva, Brussels, and other financial capitals have permitted encrusted procedures to cover over and envelop elementary reforms. And in the covering over, there has been a covering up of a monumental theft, mysterious disappearance, and counterfeiting of securities, compounded by their conversion and fraudulent use in an assortment of illegitimate schemes.

In my view, the purpose of the investigation now underway by the Senate Permanent Subcommittee on Investigations is not simply to single out one or several of the most notorious perpetrators of securities frauds and pretend that we have solved the problem. For to do that would be to treat a symptom of the disease without really getting to the source of the malady.

Instead, I call upon the leaders of the financial community in this country to pay close heed to revelations that will be made in subcommittee hearings—of sloppy procedures, inadequate security, outmoded handling of certificates, inadequate checking and cross-checking of securities, botched-up communications amongst financial institutions, unwitting associations with criminal elements, and sometimes even conscious and deliberate departures from acceptable standards of conduct—which altogether constitute a grievous indictment of the ability and willingness of the financial community to regulate itself.

The snail-paced response of the financial community to our hearings of 2 years ago is especially unfortunate in view of the large number of persons victimized each year as a result of compounded frauds which pyramid upward from a weighty base of stolen and counterfeit securities. And it is equally unfortunate that in permitting this, we in effect tolerate a kind of subsidy for organized criminal activity which makes the profits from dope pushing, gambling, and prostitution pale by comparison.

It is not enough for the brokerage community, for the banks, for the corporations and transfer agents, for the banknote companies and insurance firms, for the exchanges, for the municipalities, and for Government agencies to say that because this is the way we have done it in the past, and therefore this is the way we will do it now. For if—so far as securities handling, storing, and trading are concerned—if the past is prolog, then I fear we are in for a period of prolonged international financial instability for which we have only ourselves to blame.

It is time to put an end to the secret bank accounts that permit huge sums to be laundered and returned to the United States for use in fraudulent transactions.

It is time to call a halt to the cooperation by legitimate financial enterprises with untoward and illicit financial schemes.

It is time to say "enough" to both the deliberate and the unwitting activity of otherwise respectable financial insitutions both in the United States and abroad which permits specious and worthless paper, and ill-gotten paper, to be the basis for letters of credit and certificates of deposit, for bills of exchange, cashier drafts and mortgage loans, which are as contaminated with fraud as the paper on which they are based.

If, as a result of the subcommittee's investigation, the financial community still refuses to take definitive action to clean house, then as a legislator I intend to seek every avenue of redress through the legislative and regulatory process to see to it that corrective steps are taken—and taken soon. The financial community has every good reason to act now, deliberately, decisively, and with dispatch. It will benefit and the American public will benefit.

RECORD VOTES IN THE U.S. SENATE

Mr. DOMINICK. Mr. President, the time has come to reevaluate our need to call for a record vote on every issue. This year alone, up to just yesterday, we have had 242 record votes. Now I ask if this is to continue, or are we going to get down to the real business of determining the most important goals of this Nation?

We were elected to represent the people of this country and it has now come to the point where we are running off to the Senate floor for votes on minor items. We have record votes on every motion to recess or adjourn. We vote on every question, even though some would pass 90 to 0.

Our constituents expect us to work on committee and subcommittees, where legislation is molded, but even this has become a chore because we are continually interrupted with calls for record votes. However impressive our dash to the Senate floor may be, delegations from our States here to discuss their problems still expect—and rightly so—equal time. Often we travel to our home States to assist constituents on matters of vital concern—hurricanes, floods, droughts and so on. But when we do that, our constituents take a look at our voting records and wonder what in the world we are doing back home. The impression they get then is that we are off gallivanting and not tending to their business here in Washington.

After averaging 100 to 115 record votes a session during the modern era, the U.S. Senate in the last 15 years began casting a sharply increasing number of record votes. Over 300 were cast in 1964 and over 400 in 1970. In 1972, the U.S. Senate cast 532 votes of record, the highest total for one session in Senate history.

Occasional 19th-century Congresses cast prodigious numbers of votes. Yet that was an era when land grants, pension awards, every tariff change and appointment to office could—and frequently did—require a vote of the full Senate.

Matters which, in the 19th century, involved votes by the entire Senate now are handled as private bills. Today's Senate votes concern larger, more complex issues. Beginning roughly in the post-World War I years, advances in technology and science, accompanied with an inextricable role in the international field, have caused the work of the Senate to increase both as to quantity and diversity.

The effect of all this is that today each U.S. Senator is burdened with a workload unknown to colleagues of earlier decades. And the purely physical problems presented by vastly increased numbers of votes would seem to do battle with the desirability of a yea or nay vote on each matter before the Senate.

During my years in the Senate we have had 3,248 record votes—not including those during the first 6 months of the present session. The Senate average for the past 10 Congresses is 489 record votes, but just during the Congresses I have been in the Senate—the 88th through the 92d—the average number is close to 650.

Since 1952, nearly 30 percent of the total votes had "near agreement" voting in which 80 percent or more of the Senators present were in agreement. Just looking over the second session of the 92d Congress I found that nearly 50 record votes were taken on amendments in which 90 percent or more of my colleagues were in agreement.

I can assure you, Mr. President, that I am not making all this noise about the number of record votes cast simply because my own voting record is in jeopardy. I might note that even with my travels back to the State—only missing three weekends this entire year so far—I still have a voting average which hovers somewhere around 80 percent. And my voting record at its lowest was 71 percent in 1970 when I was chairman of the Senate Republican campaign committee and understandably doing a great deal of traveling. During last year, when the heat was on all Republicans, I still maintained a voting average of 82 percent. That was 2 percent more than the approximate percentage of votes cast by the "average" Senator.

What I am suggesting is that a great number of votes could be voice votes, thus allowing more time in committee, with constituents and on business trips without embarrassing the absent Members by ruining their voting records.

THE ENERGY CRISIS—"THE DANGER OF DOING NOTHING"

Mr. RIBICOFF. Mr. President, yesterday's New York Times carries a most perceptive and timely article by my good friend and colleague, Senator JACKSON. Senator JACKSON, who has provided the Senate outstanding leadership in both the energy crisis and the Middle East, correctly points out that the stability of this vital region and the continued flow of oil to the West is dependent on the strength of Israel and Iran.

It has been erroneously alleged that more pro-Arab policies by our Government would help insure our access to Middle East oil. Nothing could be more simplistic or further from the truth. Those profiting directly from marketing Arab oil or with animus toward Israel, who make this argument, overlook the fact that any threats to oil-rich Saudi Arabia and Kuwait do not come from Israel, but from elsewhere.

Senator JACKSON's analysis of this situation along with his arguments for the rapid development of alternative sources of energy deserve the serious consideration of all those seeking solutions to the current gasoline shortage and to the longer range problems.

I commend the distinguished Senator from Washington for this fine presentation, and ask unanimous consent that the text of his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DANGER OF DOING NOTHING

(By Henry M. Jackson)

WASHINGTON.—With the deepening dependence of the United States on imported petroleum has come an increasing awareness of the risks to our national security and the stability of our national economy. The closing of gas stations around the country, the prospect of severe summer shortages, and the readying of plans to ration gasoline on a nationwide basis have brought home to the American people the sense of a problem without an easy solution.

Therefore, I suppose it was inevitable that we would soon hear the argument that the threat to the continued delivery of Middle Eastern oil arises from American support of Israel. Such an analysis, quite simplemindedly in my view, attributes the chronic instability in the Middle East to the Arab-Israeli dispute.

The real situation is quite different. Middle Eastern energy sources would be insecure even if Israel didn't exist. For it is inter-Arab rivalry, and the opportunistic exploitation of it by the Soviet Union, which threatens to disrupt the normal flow of oil. After all, it is not Israel which threatens Kuwait and its substantial oil reserves; rather, recent Iraqi military activity may have as its objective control of that oil-rich sheikdom. It is not Israel which threatens Saudi Arabia—but Yemen to the south, Soviet-supported Iraq and Syria to the north, and Egypt to the west.

Wherever stability exists in the Middle East today, it is, in my view, largely the result of the strength and Western orientation of Israel on the Mediterranean and Iran on the Persian Gulf. These two countries, reliable friends of the United States, together with Saudi Arabia, have helped inhibit those radical Arab elements which pose a grave threat indeed to petroleum sources in the Persian Gulf. It is ironic that Saudi Arabia and the sheikdoms (which, along with Iran, will provide most of our imported oil in the years ahead) depend for regional stability on Israel's capacity to encourage an environment where moderate regimes in Lebanon and Jordan can survive and where Syria can be contained. Iran plays a similar and even more direct role in the Gulf itself.

Last November I traveled to Israel, Iran and Saudi Arabia. I was impressed with the remarkable extent to which their three separate fates are associated—how they constitute a paradoxical bloc of nations whose security, so important to the United States, unites them in a set of common interests. Between Israel and Iran, for example, there exists a quiet tie that reflects a common concern about the forces of instability in the region.

The relationship between Israel and Saudi Arabia is more complex. While neither Israelis nor Saudis are in a position to acknowledge common interests, they do share a common perspective on many problems. For instance, the pipeline which carries great quantities of Saudi oil to Western users passes through the Israeli-held Golan Heights and, over that portion of its length, it has functioned without major disruption. Moreover, the Saudis, a tempting target for any number of forces, would not last long without a stable Jordan, a more or less calm Egypt and a contained Syria and Iraq. The Saudis understand this very well.

Important as the Middle East may be to the future of the international energy economy, it is not the whole story. Even if we had assurances that the flow of oil from the Middle East would continue without interruption, we would still have to undertake the development of new sources of energy on an urgent basis. Indeed, I am persuaded that we can no longer temporize and continue to sit idly by as our dependence upon imported oil—whatever its source—continues to grow.

The United States, with 6 per cent of the world's population, presently uses over one-third of the world's energy. Other developed nations also consume disproportionate amounts of energy on a per capita basis. The developing countries will require more energy as they industrialize, and they are certainly entitled to their share of this finite resource. But oil supplies are limited. We cannot downplay energy research and development while the world drains the depletable reserves of the Middle East.

Moreover, alternative energy sources will restrain the cost of Middle East oil. Without alternatives, crude oil prices will certainly rise and, in a short time, gasoline retail prices could reach a dollar per gallon. The dollar holdings of a few Arab states may reach proportions that could enable them to dominate international economic conditions. By failing to act now to develop alternative sources of energy we are prolonging the period during which the supply and price of imported oil can be dictated by whoever might happen to control a handful of Persian Gulf nations.

This is why I have proposed a ten-year, $20-billion program to translate several promising technological developments into commercially viable sources of energy. We have already waited far too long to increase our options. We must abandon myopic indecision and make a determined start on alleviating this increasingly critical situation.

A GIANT STEP FORWARD IN DRUG LAW ENFORCEMENT

Mr. RIBICOFF. Mr. President, in just 2 days, on July 1, the Nation will take a giant step forward in the war against major drug traffickers with the establishment of a new superagency in the Department of Justice—the Drug Enforcement Administration.

The new DEA brings together under a unified command the Federal Government's four primary drug enforcement agencies, thereby putting an end to bureaucratic infighting and bitter feuding which have undermined our best efforts against the purveyors of the drug menace.

As chairman of the Senate Subcommittee on Reorganization, Research and International Organizations, I was able to play a leading role in the drafting and

Senate consideration of Reorganization Plan No. 2 of 1973, which created the Drug Enforcement Administration.

In large measure, the new DEA is the result of an intensive subcommittee investigation which uncovered a tragic situation involving Federal narcotics agents from rival agencies, especially the Customs Bureau and the Bureau of Narcotics and Dangerous Drugs—BNDD—who were expending almost as much energy fighting among themselves as tracking down major drug pushers. Furthermore, our investigation discovered that there was no role for the FBI in drug law enforcement despite clear indications of organized crime participation in the international and domestic trafficking of heroin and other dangerous drugs.

As a result of the subcommittee findings, the plan submitted to Congress provided the first formal role for the FBI in drug law enforcement by requiring the Attorney General to "assure maximum cooperation" between the DEA and the FBI. The President, in his message to Congress accompanying the plan, said:

> I intend to see that the resources of the FBI are fully committed to assist in supporting the new Drug Enforcement Administration.

The plan also accepted the subcommittee recommendation for greater accountability by the DEA to Congress by requiring Senate confirmation of the Administrator and Deputy Administrator.

The transfer of the drug investigative functions of the Customs Bureau from the Treasury Department to the Justice Department, and their merger with the functions of BNDD, the Office of Drug Abuse Law Enforcement—ODALE—and the Office of National Narcotics Intelligence—ONNI—the reorganization plan will assure that the new DEA can develop an overall drug law enforcement strategy. Essential to this strategy will be the coordination of DEA functions with foreign police, as well as with State and local law enforcement authorities.

The subcommittee, in considering the plan and its impact on drug law enforcement, held nine hearings in as many cities and took testimony from 158 witnesses. A subcommittee report on the hearings—including recommendations on strengthening the operations, accountability, and responsiveness of the new DEA—will be submitted to the Senate in the next few weeks.

I can report now, however, that the plan won nearly unanimous endorsement of law enforcement officials at the Federal, State, and local levels. The testimony we heard from elected officials, drug treatment specialists, and the drug-abuse victims themselves stressed the need for the DEA to be alert to new, emerging patterns of drug abuse and to respond more swiftly to them than has been the case.

Our hearings detected a major trend toward "polydrug" use involving amphetamines, barbiturates, methadone, methaqualone, and cocaine in a variety of combinations—sometimes in combination with heroin. A major drug problem of today is emanating from legitimate pharmaceutical manufacturers in the form of billions of pills that get into the illicit traffic and often end up in our schools.

There is a strong need for the new superagency to combine the James Bondian work of tracking down international heroin smugglers with the less glamorous, but vital, pursuit of pill pushers and their suppliers.

Behind the cold statistics relating to drug use, arrests, and seizures, there are hundreds of thousands of personal tragedies relating to family disintegration and lives destroyed. In many cases these tragedies begin—and end—in our schools.

The subcommittee was particularly concerned with drug use and trafficking patterns in schools, and in the education and enforcement efforts being used to combat them. We have also explored how drug treatment programs, aimed largely at our young people, can be tied effectively into the criminal justice system. The key question here is how can law enforcement and the criminal justice system best be used, not only to curb supply of illicit drugs, but to make a permanent dent in the demand side of the equation as well.

In answering all of these questions, there must always be an effort to find the best ways to apply our vast Federal resources to our ever-changing, ever-growing local drug problems.

In this connection, I would like to draw the attention of the Senate to the statements of two witnesses from the Yale University School of Medicine who gave compelling and dramatic testimony on the depth of the drug crisis, especially among our young people. Dr. Herbert Kleber discussed the important relationship between drug law enforcement and drug treatment; Mrs. Rosalie Berberian, in a unique survey of drug-taking habits of high school and junior high school students, reported that illegal drugs were available to a large extent in the schools. Their testimony has national implications and covers many of the themes that the subcommittee was to hear during the course of the hearings.

Mr. President, I ask unanimous consent that the texts of the testimony of Dr. Kleber and Mrs. Berberian be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY DR. HERBERT D. KLEBER

Senators and Gentlemen: My name is Herbert D. Kleber and I am Director of the Drug Dependence Unit of the Connecticut Mental Health Center, a joint facility of the State of Connecticut Department of Mental Health and Yale University School of Medicine. I am also Associate Professor of Psychiatry at Yale University, Co-chairman of the Mayor's Task Force on Drugs in New Haven, and member of the Governor's Drug Advisory Council for the State of Connecticut. The Drug Dependence Unit has been in existence since 1968 under funding from the National Institute of Mental Health with matching funds from the State of Connecticut.

Our catchment area includes 18 towns with a population of over 500,000 and includes all economic strata. The unit operates as a multimodality comprehensive program to reach a variety of drug dependent individuals and offer them the treatment best suited to their particular needs. In addition, it is involved in a variety of educational and research activities.

Our treatment programs include Outreach, Screening and Evaluation, Methadone Maintenance, a long-term residential facility, short-term residential facilities for adolescents, day treatment programs, narcotic antagonists and outpatient treatment.

We are also involved in monitoring drug use in over 34 schools and in attempting to evaluate the relationship of such use to drug education programs. Our concern in all of our programs is not so much the drug the individual takes but the kind of person he is and what is necessary to make him a fully functioning and responsible member of society.

I have been asked to testify as to the relation of law enforcement to treatment in the drug dependence field. Let me start off by defining drug addiction as it was defined a number of years back by the Public Health Service. In that definition, it took three things to make a drug addict: an addicting drug, a susceptible individual and some mechanism for bringing the two of them together.

Law enforcement and treatment interrelate very closely on the latter two points. On the first point, the addicting drug, law enforcement agencies play the primary role in two areas. First, they are charged with cutting off supplies of drugs entering the country as well as intercepting it on a more local level. Second, they should work with health agencies on preventing or intercepting much earlier than is now the case the introduction of new drugs into our pharmacopoeia whose abuse potential is ill-defined and when discovered may outweigh any medicinal use for the drug.

I am particularly reminded in this latter context of the furor recently surrounding the drug, Methaqualone. This drug has become one of the most popular abused drugs among adolescents in both our city and suburban areas. Steps have recently been taken by the FDA and the BNDD to move it from a non-controlled status to that of a schedule 2 drug. I should simply like to point out that much of the problem that we are now experiencing with Methaqualone derived from the erroneous information given to physicians about its addictive qualities and the lack of control at the manufacturing and distributive levels which resulted from its not being in schedule 2 category. All this occurred in spite of the fact that foreign countries have had epidemics with Methaqualone before we even marketed it in this country.

As far as the current drug using scene is concerned, we are at this time seeing a confusing and mixed picture:

Our figures derived from individuals applying for treatment indicates a decline in the number of heroin addicts while at the same time there has been an increase in the use of sedatives and stimulant type drugs.

Use of so-called psychedelic drugs, such as LSD continues at a level lower than in preceding years but still markedly present.

We are observing an increasing number of so-called polydrug users who use a variety of drugs especially pills and who in addition to their multiple drug use appeared to have more in the way of psychological disturbances than many of the earlier drug addicts, who were characterized by characterological disturbances and a background of socioeconomic deprivation.

Cocaine has also become a very popular drug both in the inner cities and suburban areas.

Both alcohol and marijuana remain drugs that are used very frequently by inner city and suburban users.

This leads us into the second part of the definition, namely the susceptible individual. Stated another way, the question is raised, why do individuals use drugs?

Our experience indicates that there is no simple answer to that question. Some individuals get involved in drugs out of peer pressure, others simply out of curiosity, a third group out of an attempt to handle certain psychological problems, and a fourth as a way of deadening the impact of certain oppressive and environmental conditions which include both economic deprivation or affluence with marked familial disturbances. Still others find the excitement of the drug scene and some of the peer recognition that it often brings the primary attraction.

One has to remember that the outlaw as a folk hero goes back many centuries in western thought, and that the game of cops and robbers is popular not only among children but among adults who enjoy it vicariously via television. Regardless of why the individual got involved in drugs, the key point to remember in terms of treatment and rehabilitation is that drugs are pleasurable. Few individuals in any sphere of life give up pleasures on their own unless there is pain or fear of pain greater than the pleasure provided.

In the drug abuse area the pain is less often derived from the drugs themselves and most often from the fear of or actuality of the legal punishment involved. In our program, for example, approximately 65 percent of the individuals who seek treatment do so with some sort of legal pressure. This includes: individuals who have been arrested but not yet come to trial, individuals who have been found guilty but not yet sentenced and individuals who are on probation or parole as a result of sentencing. Of the approximately one-third of our clients who do not have overt legal pressure, there is an unknown proportion who have covert legal pressure that they do not discuss, that is, the individual may find out that one or more of his associates in the drug scene have been arrested and he fears that he will shortly be arrested and thus seeks treatment so as to have that on his record in case he is arrested.

The chart I have here demonstrates another interesting corollary of the point I've been making, namely that as arrests for drug offenses decline there are simultaneously fewer individuals applying for treatment. It can of course be argued that the two phenomena are occurring simultaneously but are unrelated and simply reflect a decreased number of drug users and sellers to be arrested. While we do not have the evidence to totally disprove this, the material we do have, such as the work by Mrs. Berberian and her associates, and reports from our street staff about the large number of drug users still in the community suggest to us that the tapering off of arrests has been greater than the tapering off in drug use.

There is another important observation I should like to make about the deterrent effect of law enforcement on drug use. This observation arises both from my experience in working with drug addicts and from the results of findings such as Mrs. Berberian's reports. My observation would be as follows: That within limits, the certainty of punishment is more important than the length of it. If, as I discussed earlier, the fear of the legal penalty is a significant deterrent factor in drug abuse then it is clearly important what the individual belief system is concerning the likelihood or certainty of such penalty. This occurs at all levels in the chain.

If prior to ever using, the individual feels that there is little likelihood of ever getting arrested, then laws on the book concerning penalties are from his point of view a nondeterrent factor. If an individual is already using and sees few of his friends being arrested for use and sees drugs being bought and sold with impunity the same feeling would prevail. Also, if an individual who is using sees that his friends who are arrested manage to avoid either going to jail or being compelled to seek treatment, then again the fear of the legal penalty is not a deterrent.

To explore further the links between law enforcement and treatment, one has to look at what happens once the individual is arrested, especially if he is a narcotic addict. In many localities he is able to make bond relatively quickly and is back on the street with the same narcotic habit that needs to be satisfied.

Chances of his both committing further crimes and of getting arrested again are good.

I therefore urge the increased use of programs that set as a condition for bail for narcotic offenses that the individual get into a mandatory detoxification program. Detoxification is but the first step in the treatment chain. In our program we consider it more pre-treatment than actual treatment in fact. Of more importance is what happens after detoxification, does the individual get into a longer term program that holds out some promise of rehabilitation? Chances of him doing this are greater if he knows that this will be taken into consideration at the time of his trial or his sentencing. This can also be a good test of the individual's motivation to seek change.

I therefore favor an individual arrested on a narcotic offense being permitted either bail or let out on his personal recognition with going into detoxification a necessary condition of this. This requires some monitoring unit and in many localities the facilities for this by the criminal justice system are extremely inadequate.

The TASC (Treatment Alternate to Street Crime) proposal advocated by the Special Action Office for Drug Abuse Prevention is one way of bringing about the coordination of the necessary resources that would make such diversion a reality instead of hope.

Diversion, of course, implied more than just the individual getting into treatment post-arrest. There are other aspects of it, such as the individual having prosecution of his case deferred or at times eliminated if he does well for a stipulated period of time in the treatment regime. While this idea seems eminently practical from the clinician's point of view, it has been opposed by some law enforcement officials on the grounds that if the trial is postponed while the individual is given a chance at treatment, then it is much harder later to get a conviction because of the difficulty with witnesses and evidence.

I personally feel that this difficulty has been exaggerated and feel that studies should be carried out to determine whether indeed such delayed prosecution is sufficiently more difficult to render the pre-trial diversion a poor idea. A diversion project could be a useful incentive for individuals to get into treatment and thus would accomplish a number of societal aims. Not only would the cycle of addiction hopefully be broken but there would be a marked decrease in costs to the criminal justice system.

Where the diversion project is not carried out for one reason or another and the individual goes to trial and is found guilty or pleads guilty then the next key step is the pre-sentencing one. It is important at this stage for the court to have available an objective evaluation of the individual's status vis-a-vis drug dependence and an evaluation as to the type of treatment most suitable for him.

In New Haven, we are fortunate in that the major drug treatment programs are all grouped administratively under the Drug Dependence Unit which makes it possible to have a central screening and evaluation. Thus an individual can be evaluated for drug dependence by the Screening Unit and simultaneously receive a recommendation as to the type of treatment most suitable. This information is then conveyed to the court and is available to the judge at the time of sentencing.

In cities with a multiplicity of unrelated programs such screening and evaluation is more difficult to carry out and it may be more important for such screening functions to be related to the court. From a treatment point of view it is of course important that if an individual be sent into treatment that the one most appropriate for his needs be selected to insure the best chance for success.

I get very annoyed when an individual is committed to a state hospital for 90 days as a treatment alternative when that particular hospital may have inadequate programs. When the individual gets out of that program and relapses back to drugs the judge then feels comfortable in sending him to jail because treatment has been a failure. Very adequate community programs are available today and it is essential that they be utilized.

At the time of sentencing one alternative to the current system that has been tried in some places is the so-called drug court. In cities such as New York with numerous drug cases special courts that just handle drug problems have been set up. In other cities such as New Haven setting aside one day a week to hear drug cases has been tried. From the point of view of the treatment agencies such a program is eminently desirable because it enables programs to have their representatives in court without tying up personnel in numerous courts or all week. However, it is not at all clear whether this system has been as useful as its theory would suggest. There have been problems with the judicial system in organizing the calendar and the manpower to make such a program possible. In the New Haven area after being tried for a short period of time it was suspensed by the judicial system for reasons similar to those mentioned. I am not familiar enough with the experience in New York to know how successful the program has been there. However, the idea does seem to have enough merit that it ought to be given an adequate trial.

At the time to sentencing if the evaluation process has been carried out properly, *it is important that the judge have the option to let the individual go into treatment as opposed to prison*. If the judge is unable to take into account the evaluation that has been made because of the requirements for a mandatory minimum sentence then we may simply be perpetuating the addiction cycle by sending an individual to jail from whence he will merge and go back to drugs thereafter.

Our experience over the past decades where sentences for drug addiction kept getting higher and higher without deterring the use of drugs, by now should have convinced us that although threat of prison is an important element in the total control system for drug addiction, it cannot be relied upon as the only element.

Another problem that occurs around the time to sentencing is the delay factor. Very often 3 to 6 months or more may elapse between the time an individual is arrested and the time to sentencing. If during this time he gets into treatment and is doing well, the judge should take this into account in the sentencing procedure and consider even more the possibility of treatment as an alternative to prison. If he does not, the message will be very clear to the users still on the street. Why bother to get into treatment when you're going to jail anyway? Better to spend that time on the street enjoying the drug life to make up for the period of future incarceration.

Assuming that the judge does have the freedom to make treatment an alternative to prison it is imperative that two conditions be present:

First, the judge should stipulate the individual to treatment as opposed to simply putting him on probation and leaving it up to the probation officer to make the decision of treatment. Second, there needs to be a very close working relationship between probation and the treatment programs to ensure that individuals who are stipulated to treatment and drop out are remanded to the criminal justice system as probation violators. We have seen too often in Connecticut what happens when these conditions are not carried out. According to the most recent report of the State Department of Probation there are over 800 individuals in the State who are on probation for narcotic offenses but not in any kind of treatment. Figures are harder to come by for the other class, that is, individuals who have started but dropped out, but if the experience in New Haven is any indication, there are a significant number of them. This is demoralizing to the treatment programs and to patients in the programs who are involved in the arduous task of rehabilitation while they see their fellow addicts remaining on the street using drugs with no penalty as well as to law enforcement officers who have apprehended addicted criminals.

Returning to the Public Health Service definition of drug addiction, the third part has to do with the mechanism for bringing the drug and the susceptible individual together. Many individuals in the drug field subscribe to the so-called contagion theory in which drug addiction is spread not by drug pushers getting individuals who have never used drugs to try them, but rather through contagion from the peer group. That is, the current user introduces friends, acquaintances, and at times siblings to drugs.

In my experience the contagion theory is an apt description of how drug use is spread to our area. If this is the case what then is the role of law enforcement in interrupting the cycle?

Clearly those police officials who feel the police should concentrate on sellers and not bother the street addict may be subscribing to human ideas, but will do little to interrupt the contagion network that spreads addiction. It is my firm conviction that unless the police continue their efforts to arrest the user as well as the seller there will be little change in the demand side of the drug equation. Even though this may violate our normal humanitarian and liberal instincts, it is a course of action that appears most consistent with our current knowledge about addiction.

Of course, such attention to the user must occur in a context in which treatment alternatives to incarceration are available; otherwise we will simply fill our jails with users who will be back on drugs when they get out. One important thing that the criminal justice system must keep in mind, although it seems to often forget it, is that jail is not going anywhere. When an individual who has been given treatment as an alternative to jail violates this condition he can always be sent then to jail.

In summary, let me emphasize some important points in this context of treatment and law enforcement. As long as society defines that there are classes of drugs that it does not want individuals to use on their own, it will need to have in existence a law enforcement network to enforce such prohibitions. We can assume that, just as in the past, there will always be some individuals who for either individual or social reasons will want to take such drugs. Our current treatment programs have the capability of working with many of these individuals to get them to cease taking illegal drugs and to live fruitful responsible lives.

The role of law enforcement in this context becomes then, how can it help those individuals get into treatment and remain in treatment? In the overall law enforcement picture, it is important from the standpoint of a humane, just society that the laws be consistent, that they reflect the degree of danger represented by the drug use, that they reflect the difference in danger between different drugs, and that they do not lose sight of the fact that in our need to protect society we must also help the individual already drug dependent.

Furthermore, we must also try and improve those individual and social situations that are most conducive to drug abuse. Otherwise, we are in the unenviable position of spending enormous sums of money to enforce our laws and treat the afflicted individual and little on preventing the occurrence of the disease in the first place.

In my presentation I have tried to highlight some of the areas in which the law enforcement and treatment situation affect each other and point out those areas that are in need of improvement. I appreciate the opportunity to bring this material to your attention.

STATEMENT PRESENTED TO THE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS BY ROSALIE M. BERBERIAN, M.P.H.

I shall be presenting some results from studies of junior and senior high school students which Yale's Center for Survey Research has been conducting over the past three years. In summarizing the results, two points can be made. First, *illegal drugs are available to school children to a large extent.* This is evidenced by the proportion of youngsters experimenting with them, as well as the even larger proportion indictaing that they know where to obtain them with reasonable safety. Knowledge of availability appears to be increasing.

Second, *there is an inverse relationship between extent of use and perceived harmfulness and expectations of legal penalties.* Thus, the more a person uses a drug, the less harmful he perceives it to be and the less likely he is to believe that its use is harmful or that he will be punished for such use. However, the kind of data presented today cannot answer the cause-and-effect aspects of that relationship since it is not possible to say which comes first; that is, does the perception that a substance is not harmful precede use and encourage use, or does use occur, followed by the perception that the substance is not harmful. These perceptions of harmfulness are *not* increasing over time as is drug experimentation, and for two substances (amphetamines and barbiturates) reports indidate that they are decreasing.

Before I present these findings in more detail, I should like to describe briefly the method used to gather the data.

We utilized random sample survey techniques to study students enrolled in the 7th through 12th grades of the public, private and religious schools in the Greater New Haven (Conn.) area which includes 12 cities and towns. The communities included are New Haven, North Haven, West Haven, East Haven, Woodbridge, Orange, Bethany, Hamden, Milford, Branford, Guilford and Madison. Four of these are cities, while the other 8 are suburban towns. Total population represented by this area is over 500,000 people. We studied virtually every senior high school in the area (20 in number), and a cross-section of junior high schools (18 in number) so that there is at least one public junior high school from each of the communities and a number of each type (public, private and religious). In each of the three survey years, about 4,500 students have taken part from school enrollments of approximately 32,500.

Based on our knowledge of youthful drug-taking behavior in general, we have every reason to believe that the findings from the New Haven area are fairly typical of other places, differing, if at all, in extent of use rather than in pattern of use, and especially typical of other areas within the state of Connecticut.

Our surveys were conducted in schools, in large group settings, utilizing self-administered questionnaires filled out anonymously. Our staff was present to supervise and administer surveys, with no school personnel present. We have promised individual schools and school districts that they would not be identified in any of our work or public reports, and so I shall be presenting findings from any one school or any one school district, but rather the results from the area as a whole.

More than 98% of the students who took part in the study fall within the age range 12 to 18 years (less than 1% are under 12 and less than 1% are over 18). Their average age is 15 years. They are about evenly divided between males and females. Approximately 10% are Blacks, 1% are Puerto Rican, 1% "Other" and 88% White.

Today, I would like to present to you some results of our studies which indicate the extent to which 8 illegal drugs have been tried by these students, as well as contrasts in some of their attitudes and perceptions regarding them. These data were gathered in academic year 1971–72 and will be compared to similar data gathered a year earlier during academic year 1970–71.

In addition, I have selected several questions from our survey questionnaire which have to do with issues generally regarded as deterrants to use or contributors to use. Deterrants, for example, include perceived harmfulness or punishment anticipated as a result of use. Contributors to use include issues related to ease of availability, such as having a substance offered or knowing where to get it with reasonable safety. I shall also be able to report to you whether or not any of the measures of use being reported appear to be increasing or decreasing with time, and whether or not the proportion of students perceiving the deterrants or contributors to use appear to be increasing or decreasing as use increases or decreases.

Table 1 shows the proportions of students who report use of eight substances—marijuana, hashish, amphetamines, barbiturates, LSD, mescaline, cocaine and heroin. We are presenting three different measures of use—ever used at least once, ever used more than 5 times, and current use. "Ever used" statistics are, of course, the most exaggerated statistics or rates that can be used. "Ever used more than 5 times" or "current use" tend to give a somewhat better picture of the extent to which use may be regarded as somewhat more than "experimentation."

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The plus or minus signs adjacent to various rates indicate a statistically significant increase or decrease, respectively, from one year prior. No plus or minus sign means no change. "Ever used" rates have increased for every substance except heroin, which did not change; "ever used more than 5 times" rates have increased for every substance except hashish and heroin, both of which remained the same, and "current use" rates have increased only for marijuana, while they have decreased for mescaline.

Now I should like to focus on issues of deterrents to use, as well as contributors to use. Most efforts toward drug abuse prevention have stressed the message that drugs are harmful. Additionally, our laws have been aimed at penalizing users, with severer penalties for sellers, and tightening up controls regarding the legal distribution of those substances which are regarded as having some legitimate use. If these approaches to prevention are valid, that is, if people will not use substances they know are harmful, or if people are deterred from engaging in activities defined as illegal, we can expect that they will not use these substances to the extent that harmfulness and negative legal sanctions are recognized.

Table 2 presents some statistics which help us examine such issues. Since marijuana is the drug most widely used one would expect that more students would perceive it as being less harmful or as resulting in less serious legal penalties as compared to other substances. We find that this is true.

Forty-one percent of all students, and 47% of those who have never tried the substance, report perceptions of serious legal consequences accompanying possession. In comparison, 85% of all students report expectations of serious legal consequences for possession of heroin. When we consider perceived harmfulness we find that 48% of students consider marijuana to be somewhat or very harmful, while among non-users of the substance, 68% perceive it to be somewhat or very harmful. Again, by way of contrast, we can note that 98% of all students consider heroin to be harmful.

These rates increase pretty much in the order expected in an inverse relationship to rates of use. This is, the higher the rate of use, the lower the rates of perceived harmfulness and legal penalties, and vice-versa. There are no statistically significant changes in the overall perception of legal penalties from one year to the next. However, perceptions of harmfulness do show changes in the direction of less harm for two substances: amphetamines and barbiturates. It is interesting to note that these two substances are one which have received greater official recognition recently as being very harmful, with tighter controls and restrictions being imposed on their use and distribution. This strikes us as a particularly important point, since we do know that these substances are quite dangerous. However, they are substances which adults and parents use extensively, and which are not viewed by the general public with as much concern, as other substances such as marijuana or heroin.

A crucial point I would like to make concerns the availability of these substances. This is related, although indirectly, to the legal deterrent issue in that one of the functions of law enforcement activities is to cut down on the availability of illegal and controlled drugs. One could view the issue of availability as indicative of the success or failure of such law enforcement activities. In the case of availability, we could again expect a relationship to extent of use, except that this time the relationship should be direct. That is, the higher the rate of use, the greater the availability. Turning to Table 3, we see that this relationship holds fairly true when we look at availability as demonstrated by responses to the question "has anyone ever offered to share (drug X) with you," and "do you know where to get (drug X) with reasonable safety." It is interesting to note that more students report that they know where to get a substance with reasonable safety than have actually had a substance offered to them to be shared. It is also interesting to note the large extent to which both questions are answered positively by non-users.

The large number of plusses present in this table indicate that availability, when measured this way, has increased from one year to the next.

I shall also present some data on alcohol and cigarette consumption to provide perspective. However, I am not going to present statistics on how many students have ever—in their lifetimes—tried these substances at least once, because most youngsters in our society sooner or later try them. In Table 4, we can see that for all students, keeping in mind that the age range is from 12 to 18 years and the average age is 15, 54% have used alcohol outside of their homes with their friends. The range of such use is from 25% in the seventh grade to 78% in the 12th. The plus symbol beside 54% indicates that this is a statistically significant increase over one year ago. Cigarette use on a regular basis is 31% for all students reporting, ranging from 16% to 46% from 7th to 12th grade, the minus symbol indicating a statistically significant drop in the rate from one year ago.

The drug of choice, by far, among junior and senior high school students is alcohol. These findings from our study agree with those from countless other studies conducted on similar age groups in all parts of the country and in other industrialized nations. The recent report of the National Commission on Marihuana and Drug Abuse also emphasized the widespread use of alcohol in this age group and the fact that alcohol rates lead all others. Considering the serious health and social consequences of alcohol abuse, its widespread use and popularity among this age group should give us cause for concern.

I shall not go into further detail on any of these or related issues. However, I shall be happy to answer any of your questions if I can.

TABLE 1.—PROPORTIONS OF STUDENTS REPORTING DRUG USE

[In percent]

	Ever used more than 5 times						
	All grades combined	Sign [1]	Range: 7th grade to 12th grade	Ever used at least 1 time	Sign [1]	Current users ("I now use * * *")	Sign [1]
Marihuana	21.6	+	3.8-37.5	34.4	+	18.3	+
Hashish	12.3		1.4-25.3	22.0	+	11.6	
Amphetamines	5.5	+	.1-13.3	12.3	+	3.6	
Barbiturates	4.7	+	.2-10.0	11.2	+	3.6	
Mescaline	4.0	+	.1- 9.2	9.1	+	2.7	—
LSD	3.5	+	0 -10.7	8.8	+	2.3	
Cocaine	.9	+	.3- 2.7	3.8	+	.8	
Heroin	.5		0 - 2.1	1.9		.5	

[1] A plus sign in this column indicates a statistically significant increase from the last year. A minus sign in this column indicates a statistically significant decrease from the last year.

TABLE 2.—DETERRENTS TO DRUG USE

[In percent]

	Proportions of students perceiving some legal restriction on behavior or freedom if caught possessing drug [1]				Proportions of students considering regular use of the drug to be harmful to the mind [2]			
	Non-user	User (at least once)	All students	Sign [3]	Non-user	User (at least once)	All students	Sign [3]
Marihuana	47	28	41		68	16	48	
Hashish	56	27	49		85	22	68	
Amphetamines	60	48	59		96	77	93	—
Barbiturates	56	41	54		95	73	92	—
Mescaline	60	48	59		96	66	92	
LSD	77	63	76		99	93	97	
Cocaine	61	61	61		96	76	95	+
Heroin	85	77	85		99	78	98	

[1] If caught by police with the substance on them (possession): Be put on probation and have to go into treatment, or, go to jail (versus be let go; arrest but no court appearance, or, suspended sentence).

[2] Regular use of the substance is: Harmful, or, somewhat harmful (versus not harmful, or, good for you).

[3] See footnote [1] on table 1.

TABLE 3.—AVAILABILITY OF DRUGS

[In percent]

Drug	Proportions of students reporting some one offered drug to them to be shared at least once				Proportions of students reporting they know where to get the drug with reasonable safety.			
	Non-user	User (at least once)	All students	Sign[1]	Non-user	User (at least once)	All students	Sign[1]
Marihuana	33	99	56	+	49	95	64	+
Hashish	15	99	33	+	26	95	41	
Amphetamines	14	94	24	+	31	92	38	+
Barbiturates	13	93	22	+	30	93	37	+
Mescaline	11	96	11	+	22	93	28	+
LSD	15	97	22		25	93	31	+
Cocaine	7	97	11	+	18	83	20	
Heroin	8	91	9		18	78	19	+

[1] See footnote[1] on table 1.

TABLE 4.—PROPORTIONS OF STUDENTS REPORTING ALCOHOL AND CIGARETTE USE

[In percent]

	All students	Sign[1]	Range: 7th grade to 12th grade
Alcohol consumption: Wine, beer or liquor outside of the home with friends	53.9	+	24.7–78.4
Cigarette smoking: On a regular basis, now or in the past	30.5	−	16.3–46.0

[1] See footnote 1, table 1.

Source: Center for Survey Research, New Haven, Conn.

LAIRD SAYS NATION CANNOT AFFORD TO BE DISTRACTED FROM ISSUES

Mr. SCOTT of Pennsylvania. Mr. President, Melvin Laird, President Nixon's new domestic adviser, in a speech before the National Institute of Dental Research, has said eloquently and succinctly what we should all be saying and working to accomplish:

> The American agenda of issues and problems and decisions and dreams and demands deserves our attention right now.

I ask unanimous consent that the Friday New York Times article reporting on Mr. Laird's speech be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAIRD SAYS NATION CANNOT AFFORD TO BE DISTRACTED FROM ISSUES

(By Nancy Hicks)

WASHINGTON, June 28.—The White House domestic adviser, Melvin R. Laird, said today that the country could not afford to let itself be distracted by Watergate and, in the process, neglect problems and challenges it faces.

Speaking at a luncheon meeting celebrating the 25th anniversary of the National Institute of Dental Research, and to newsmen afterward, Mr. Laird said, "The American agenda of issues and problems and decisions and dreams and demands deserves our attention right now."

The reference to Watergate was implied in and specified after the 25-minute speech which was devoted almost exclusively to summarizing the accomplishments of the Administration and urging support for it.

"When the American people gave President Nixon the most overwhelming vote of confidence in the history of this Republic, they were voting for the man's ideas as well as for the man himself," the former Secretary of Defense told the 150 dentists.

CITES "BREAKTHROUGHS"

"And I can say this afternoon that this Administration is as determined and dedicated as it ever has been to giving the American people the leadership they voted for last November and the leadership we believe they still want today," he said.

"It was the President's policy of keeping America strong and keeping American policy credible that led to the historic breakthroughs with China and Russia.

"We can hardly afford now to turn our backs on the policies that have brought us to this junction, if we are to prevent international turmoil from continuing to be a distraction from the pursuit of our domestic goals," he said.

Mr. Laird had accepted the luncheon engagement before he returned to the Administration as chief domestic adviser to the President on June 6. As a Representative from Wisconsin, Mr. Laird had sponsored legislation to expand the National Institutes of Health, of which the National Institute of Dental Research is a part.

"Gentlemen, I am delighted that you could all attend the 25th anniversary of the National Institute of Dental Research. I'm glad to see such a good turnout for the celebration," Mr. Laird said to reporters who waited to question him about Watergate after the speech at the Washington Hilton.

Asked when the President would answer reporters' questions generated from the Senate testimony of John W. Dean 3d, the former White House counsel, Mr. Laird replied:

"The idea that the President is not going to have a news conference to answer questions [arising from the Senate Watergate hearings] is in error.

"I would not think the President wants to be in a position in which he is responding to every single witness who appeared before the committee."

Mr. Laird said the President was waiting to see if the hearings would continue now or would be suspended for a short period. In any case, the White House "will go forward at our own time," he said.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

CONTINUING APPROPRIATIONS, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 261, House Joint Resolution 636.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations, with amendments.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, the Committee on Appropriations at its meeting on Thursday, June 28, 1973, approved the continuing resolution with amendments and ordered it reported to the Senate.

As Members are aware, the purpose of the continuing resolution is to enable the departments and agencies of the Federal Government to function, in the absence of new obligational authority for the upcoming fiscal year 1974 which commences on July 1.

This resolution contains an expiration date of September 30, 1973, to provide about 1 month after the return of the Senate from its August recess to finalize the remaining appropriation bills.

The resolution assumes passage by the House of 9 of the 13 regular annual appropriation bills for fiscal year 1974 by June 30.

It is expected that two bills will pass the Senate before July; that is, the Agriculture and the HUD, Space Science, Veterans bills.

Members are familiar with the terms of the resolution. They are explained in detail in the committee report.

On a rollcall vote of 9 to 8 in the committee, the Church-Case language, dealing not only with Cambodia and Laos but also with North and South Vietnam, was inserted into the continuing resolution.

The remaining amendments proposed by the committee are explained in the report.

Mr. President, this resolution is necessary to continue the functions of Government after June 30, 1973, and I urge its adoption.

Mr. YOUNG. Mr. President, this resolution is absolutely necessary in order to provide for funding the continuation of Government functions beyond June 1973, for programs for which appropriations for fiscal year ending June 30 have not been enacted.

The resolution follows the basic form and concept of similar resolutions of past years. Without this resolution, every function of Government would go unfunded. With the stalemate existing now between the President and Congress, I think it is highly important that we pass this bill as soon as we can and get it to the President, who I understand will veto it. He will veto it, I understand, because of provisions in it affecting the bombing of Cambodia.

If we can get this bill passed today, it is possible that we could get another bill, if he vetoes this one, and consider it tomorrow. If not, we undoubtedly will have to go over until next week.

I think Congress has to share the responsibility, in large part, for the departments of the Government being properly funded beyond the July 1 date, on which all their funds will cease.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment to House Joint Resolution 636.

Mr. MANSFIELD. Mr. President, will the chairman state what the amendment is?

Mr. McCLELLAN. Mr. President, this amendment was added by the Committee on Appropriations to the House resolution. The committee recommends this additional language, which appears on page 1, lines 5 to 7. The words added are "and shall be made available for expenditure except as specifically provided by law."

The intent of this amendment is to try to induce the President to spend money Congress has appropriated. This is the basic thrust of the amendment.

The report states that this language has been added to the bill "to insure that all funds appropriated herein shall be obligated except as specifically provided by law." In other words, the report says:

> It is the intent of the committee that all funds be available for obligation except those for which a specific reservation has been made in this bill or those which may legally be withheld under the Anti-Deficiency Act or other statutory authority.

Mr. MANSFIELD. That is the so-called Bayh anti-impoundment amendment?

Mr. McCLELLAN. It is. As I have previously pointed out, it is to require the President to spend all money that is appropriated, except those amounts which are by law specifically restricted.

Mr. YOUNG. Mr. President, language similar to this was placed in the agriculture appropriation bill.

Mr. McCLELLAN. That is correct. It was included in the agriculture appropriation bill yesterday.

The PRESIDING OFFICER. The clerk will read the anti-impoundment amendment.

The legislative clerk read as follows:

> On page 1, at the end of line 5, insert "and shall be made available for expenditure except as specifically provided by law.".

Mr. McCLELLAN. Mr. President, I move the adoption of the first committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The first committee amendment was agreed to.

The PRESIDING OFFICER. The clerk will please state the second committee amendment.

The legislative clerk read as follows:

> On page 4, line 11, strike the figure and insert in lieu thereof "334."

Mr. McCLELLAN. Mr. President, the purpose of this amendment is to correct a printing error. It is not a substantive amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The legislative clerk read as follows:

> On page 8, at the end of line 5, insert "and title III–B";

Mr. McCLELLAN. On page 8, line 5, after the words "title 1", the committee has added the following language: "and title III–B." This amendment would allow the Office of Economic Opportunity to continue its migrant programs under the continuing resolution. These programs are currently operating at the $40 million level.

The administration had previously proposed to transfer these programs to manpower revenue sharing. The House deferred action on this proposal, so the Office of Economic Opportunity must, if these programs are to exist, continue to operate the program. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The legislative clerk read as follows:

> On page 8, line 10, insert "and the Second Supplemental Appropriations Act, 1973:".

Mr. GRIFFIN. Mr. President, will the distinguished chairman explain the nature of the amendment?

Mr. McCLELLAN. Congress corrected this situation and activated the funds for vocational rehabilitation in the second supplemental bill.

If the above amendment is not agreed to, the resolution would allow only for basic grants to States totaling $560,000,000. With the amendment, States will receive $590 million, the amount set free by the second supplemental.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alaska will state it.

Mr. STEVENS. Is the next amendment, I ask the chairman of the Committee on Appropriations, that which appears on page 10, identified as section 109?

The PRESIDING OFFICER. Sections 109 and 110.

Mr. STEVENS. I have at the desk an amendment which would apply to section 108, which I should like to call up before the Church-Case amendment is called up, if that would be in order.

The PRESIDING OFFICER. It would not be in order. The order of business is to dispose of the committee amendments before any amendments from the floor will be received.

The Senator could, if he so desired, file an amendment to a committee amendment, but an independent amendment is not in order.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Mr. President, would it be possible through an agreement to get authority to take up the amendment pending to section 108 prior to section 109?

The PRESIDING OFFICER. By unanimous consent the order could be changed.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I ask unanimous consent that a staff member, Bryan Atwood, have the privileges of the floor both today and tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk will report the committee amendment.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is there a time limit on this joint resolution?

The PRESIDING OFFICER. There is no time limit, the Chair is advised.

Mr. STEVENS. Is there any way that the next committee amendment can be delayed or be taken up after the remarks of the Senator from New York?

The PRESIDING OFFICER. By unanimous consent, of course, that might be done.

Mr. STEVENS. It is my understanding that the Senator from New York has a colloquy or some matter he wishes to take up that does not involve either section 108 or 109. I ask unanimous consent that he be permitted to proceed and that we may delay discussion of section 108 or section 109, and the following section, 110, until the discussion of the Senator from New York and the Senator from Arkansas have occurred.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. Mr. President, may I state my purpose in asking that the quorum call be dispensed with? It was to give the distinguished Senator from New York an opportunity to pursue this colloquy while Senators who are interested in the other aspects of the bill, section 108, 109, and 110, could be carrying on their separate discussions and arrive at some agreement, if they can do so.

Mr. GRIFFIN. Mr. President, if the chairman will permit me, however, the Chair was about to lay before the Senate the committee amendment and make it the pending business.

Mr. McCLELLAN. The amendment is the pending business.

Mr. GRIFFIN. I do not think it has been presented to the Senate yet.

The PRESIDING OFFICER. The Clerk has not reported it.

Mr. GRIFFIN. Mr. President, it would be the view of the Senator from Alaska, as well as the Senator from Michigan, that if by unanimous consent we could withhold making that the pending business and go ahead and listen to the Senator from New York, that would be the parliamentary situation we would like to have.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that we proceed with this colloquy, under the rules, without interfering with any other rights or privileges of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, that is a marvelous way to resolve it.

Mr. President, I would like to refer to the statement in the committee report, on page 4, entitled "Anti-impoundment language." Though I recognize that the committee's anti-impoundment language has already been adopted, of course it is only part of the bill, and the bill has not yet been adopted. Therefore, I believe it is still open to colloquy and interpretation by the chairman of the committee.

Mr. President, I note the specific explanation of the committee of that so-called anti-impoundment language to be as follows:

> The committee has added this language to the bill to insure that all funds appropriated herein shall be obligated except as specifically provided by law.

So far so good. I quote again:

> It is the intent of the committee that all funds be available for obligation except those for which a specific reservation has been provided in this bill or those which may legally be withheld under the Anti-Deficiency Act or other specific statutory authority.

Mr. President, the words that trouble me are the words "other specific authority," and a case in point relates to an appropriation already made, which would be continued by this joint resolution, relating to the Neighborhood Youth Corps, about which we have had much debate, providing some $239 odd million, which the administration has refused to spend. Indeed, a court has now ordered it spent.

Be that as it may, this is the language which I want to be sure does not allow interpretation by the administration which would permit impoundment.

Let me make clear to my colleagues the provision of Anti-Deficiency Act which is referred to in the committee report, because the following relates to impoundment, or reserves, so-called:

> To provide for contingencies or effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available.

My specific question to the most distinguished chairman of the Appropriations Committee is this: Do we or do we not include in the phrase in the report, "other specific statutory authority," bills of a general import, for example a debt ceiling bill or the Economic Stabilization Act? The President has invoked the idea of impoundment as based upon general authority, for example, to stabilize the economy of the country under the Economic Stabilization Act, or to maintain a given debt limit. We have not passed the debt limit bill yet, but of course, we have one on the books today and we will undoubtedly pass the pending one. I believe the committee intends the words "specific statutory authority," as contained in this report, to mean a particular reference to the particular appropriation under consideration by the President for impoundment?

As I have no idea of the whole range of statutes of the United States, there may be statutes in which we give the President, specifically, pinpointing it to a particular kind of appropriation, the right to expend or withhold appropriations.

It is that point on which we should be clear, certainly as to the intention of the Appropriations Committee.

Mr. McCLELLAN. Mr. President, it is my belief, and I think it was the intent of the Member who offered this amendment, and also that it was the consensus and the intent of the Appropriations Committee, that all funds be available for obligation except those for which a specific reservation has been provided in this bill or those which may legally be withheld under the Anti-Deficiency Act or other specific statutory authority.

We point out specifically the Anti-Deficiency Act, and then we say "or other specific statutory authority." This section will apply to all funds, unless some appropriation comes under one of these specific exceptions, where the power is granted by these separate acts to the President to withhold or to impound.

The whole purpose of this is to undertake and to require the President to spend all moneys that are presently appropriated and which this continuing resolution would carry forward to September 30.

It is impossible for me to cite all of the applicable statutes. If there is a specific statute granting specific power to the President to withhold funds then he may do so.

Mr. JAVITS. Mr. President, I think that is excellent. However, may I again emphasize the meaning of the word "specific" which relates to a statute which has reference to the particular appropriation which the President seeks to impound.

Mr. McCLELLAN. That is the language here, and that is the way I would interpret it. I believe that this is the interpretation that the Appropriations Committee had in mind. I believe that this is the interpretation that the Senate had in mind on the agricultural bill which was passed on yesterday. Unless some specific statute would authorize the President to withhold the funds, it was the intent of the Senate that this procedure be followed.

Mr. JAVITS. I thank my colleague very much. I think that is essential.

There is another matter on which I would like to inquire.

This relates to the level of expenditure for Labor, HEW items, when the current rate is the operative provision which is referred to on page 2 of the committee report. The report states:

> In reference to continuing projects and activities covered by the Department of Labor and Health, Education, and Welfare and Related Agencies Appropriation Act, financed under continuing resolution during fiscal year 1973 (P.L. 93-334), the proposed resolution defines "current rate" as that established by the continuing resolution which, in general, appropriated the amounts at a rate for operations equal to the lower of the rate passed by the House or the Senate in H.R. 15417, the first vetoed appropriation bill for the Department of Labor-Health, Education, and Welfare and Related Agencies, for fiscal year 1973.

The words "current rate" appear in this particular bill that we are considering today as it relates to the Department of Labor, Health, Education, and Welfare, at page 4, lines 6 through 13.

When called upon to explain this very provision in the continuing resolution, the chairman of the Appropriations Committee of the other body said the following, and I want to be sure that here our Appropriations Committee is undertaking the exact same interpretation. The Senator from Indiana (Mr. BAYH), who has been very active in this matter, has been called to the Chamber so that he may also comment if he feels further clarification of this colloquy is needed.

Representative MAHON said:

> THE CURRENT RATE FOR PROGRAMS UNDER LABOR-HEW ACT
>
> Mr. Speaker, we are familiar with the special technical words—shall I say, "words of art"—contained in the continuing resolution. The only changes in the continuing resolution now before us, as compared with previous years, pertain to programs under the Department of Labor, Health, Education, and

Welfare and Related Agencies Appropriation Act. With the passage through the House of the fiscal year 1974 Labor-HEW bill expected today, the going rate for operations will be the more restrictive of the House-passed rate and the current rate. The current rate is not considered to be the actual current level of operations. That level would not be indicative of the fiscal 1973 rate intended by Congress for those programs, because over a billion dollars of those funds have been impounded.

Therefore, for the purposes of the programs under the Labor-HEW Act, the "current rate" is defined as that established by the continuing resolution for fiscal 1973—which is much higher than the actual ongoing rate—namely, a rate of operations equal to the lower of the rate passed by the Senate or the House in H.R. 15417, the first vetoed bill.

May I point out to the chairman of the committee the importance of this arises out of the fact that the President has impounded money and refrained from spending money, as for example, health and education items. The actual spending has been lower than the level called for by the Congress.

As I understand the explanation of Representative MAHON, and if our Appropriations Committee espouses the same position, the rate of expenditure provided for in the act when the "current rate" is used is to be the lower of amounts passed by the House or Senate, in H.R. 15417, the first vetoed 1973 Labor, HEW appropriations bill, rather than the actual rate the administration has been spending at, because the actual rate reflects impoundments and failures to spend which we have challenged.

Mr. McCLELLAN. Mr. President, my understanding is that there is no issue whatsoever between Representative MAHON's interpretation and that contained in the measure which the Senate has enacted. And it is so stated very specifically in the report. They defined it exactly as the Senator did in his interpretation of the report language. And the issue was not raised before the committee.

Mr. JAVITS. Mr. President, I thank the Senator very much.

Mr. FULBRIGHT. Mr. President, I wonder if I might comment on the situation we have in the matter in which the Senator from Alaska is interested.

I ask unanimous consent to take up out of order an amendment dealing with the continuing resolution on the foreign military and economic assistance.

I have presented it to the chairman, and I understand that there was considerable problem in the committee and it was overlooked in the committee. I understand that the chairman has no objection to presenting it for the consideration of the Senate. It would be very helpful if we could do it before we debate the Case-Church matter, which I anticipate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike out lines 7 through 16 and insert in lieu thereof the following:

activities (other than those authorized by the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended), for which provision was made in section 108 of Public Law 92-571, as amended, and such amounts shall be available notwithstanding section 10 of Public Law 91-672 and section 655(c) of such Foreign Assistance Act of 1961;

On page 8, between lines 15 and 16, insert the following:

(f) Such amounts as may be necessary to continue to pay the salaries of personnel carrying out the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended, on the date of enactment of this joint resolution and essential expenses related thereto, and such amounts shall be available notwithstanding section 10 of Public Law 91-672 and section 655(c) of such Foreign Assistance Act of 1961. The provision of this subsection or subsection (b) of this section shall not be construed to provide appropriations to commence or continue any program, project, or activity under either such Act.

Mr. FULBRIGHT. Mr. President, this is a very simple propositon. This arises out of the fact that during the past year we have had no authorization whatsoever. There has been a continuing resolution for the entire year. There has been no appropriation, either. There has been a continuing resolution. There has neither been an appropriation bill in the usual form nor an authorization on the military assistance.

The purpose of the amendment is simply to say that through the life of this continuing resolution these two programs will receive all salaries and necessary expenses, but not authority for additional program obligation.

There is about $4.2 billion in the pipeline for that purpose, or something approximating that.

The reason for this amendment is that if we do not give Congress an opportunity to pass an authorization or appropriations bill, it will continue under the continuing resolution as it did last year. The Senate has already passed a military authorization bill and we are in the process of passing the economic. This has not been concluded. However, I do not anticipate any particular difficulty.

I do not think there should be a great problem. I would hope that this could be adopted simply so as to enable us to resume the traditional authorization and appropriation bills.

Mr. President, I ask unanimous consent that a complete statement of my position on this amendment be placed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON CONTINUING RESOLUTION

I hope that the Senate will amend the continuing resolution to limit the funds for the foreign aid and military sales programs to salaries and necessary expenses.

The foreign aid program, economic and military, has been funded through a continuing resolution for the entire fiscal year. In the last year and a half the Senate has defeated two foreign aid authorization bills. A high controversial military aid authorization bill passed the Senate earlier this week by only a small margin. The Administration of course seeks to keep these programs going as usual, in spite of the fact that authorizing and appropriations bills were not passed for the 1973 fiscal year.

Traditionally, continuing resolutions have not been used to fund programs indefinitely when passage of regular authorizing legislation is so doubtful as has been the case with foreign aid for the last year. The use of continuing resolution authority to keep this controversial program alive when Congress would not fund it through the regular process has subverted normal legislative procedure and has undermined the role of both the Foreign Relations and the Appropriations Committees. The Executive Branch has gotten the money it wanted for a controversial program without being subjected to the restraints that Congress usually imposes through these bills. And the prospects for policy and funding-level disputes on foreign aid between Congress and the Executive Branch are even greater this year than in the past.

Once a new fiscal year is started and a continuing resolution is passed to keep the foreign aid programs going as usual, it will be very difficult to close the door to continued funding regardless of how much trouble the program encounters in the authorization and appropriations processes. The usual arguments will be made that "to cut the program off now will throw thousands of people out of their jobs," and so on.

The only way to make the Executive Branch bargain seriously on foreign aid bills is for Congress to refuse to allow any new program money in the continuing resolution for the Foreign Assistance Act and Military Sales Act programs, but allow only money for salaries and essential expenses. There is now $4.2 billion in the foreign aid pipeline and cutting off new program money will certainly not end the flow of foreign aid. And it would not effect military aid to South Vietnam or Laos, which is funded out of the Defense budget.

If the Executive Branch gets all of the money for foreign aid it wants through the continuing resolution, there will be no incentive for it to seek passage of authorizing and appropriations bills. It is quite possible that the end result of passing this continuing resolution as it is will be to extend the life of this costly program for another year by Congressional default. I hope the Senate will not open the door to that possibility.

Mr. YOUNG. Mr. President, what would be the expiration date of the amendment?

Mr. FULBRIGHT. It would simply mean that through the entire life of this continuing resolution, they would get salaries and necessary expenses.

Mr. YOUNG. Through the life of the continuing resolution?

Mr. FULBRIGHT. Through the life of this continuing resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. STEVENS. Mr. President, we are attempting to contact the Senator from Texas to determine his attitude concerning this amendment, and I would suggest the absence of a quorum while we are awaiting his arrival.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FULBRIGHT. Mr. President, I wonder if the Senator would allow the chairman to speak before we do that.

Mr. STEVENS. I withdraw my request for a quorum call.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas (Mr. Fulbright).

THE ANSWER MUST BE NO

Mr. HUGHES. Mr. President, to me it is unthinkable that the Senate would authorize the continuation of the bombing in Cambodia for another 6 weeks—or even another 6 days.

This is not simply a matter of the will of the Congress versus the will of the President.

It is a dangerous, reckless lunge in the direction of continuing war rather than peace.

It is a deliberate, unconscionable wasting of more human lives in a futile cause.

Have we learned nothing from the lessons of the past few years in the prolongation of this abominable war?

A majority of the American people have signified in the public opinion polls that they want this bombing stopped—now.

A majority of both Houses of Congress have voted that they want this bombing stopped—now.

A majority of other civilized countries of the world and decent people everywhere want to see this bombing stopped—now.

Now to compromise a position firmly established is to enact another Gulf of Tonkin.

In the eyes of the people, we will, if we accept such a compromise, appear to be ratifying the inhumane destruction, the illegal extension of warfare, the never-ending nursing of corrupt, inept dictatorships and all the other horrors that have preceded in Vietnam, Cambodia and Laos.

Until now, the President had no congressional authority whatsoever for his military adventures in Cambodia. The Congress even wrote into law a denial of any U.S. commitment to the defense of Cambodia in spite of our provision of military aid.

Now we are at the start of the road to the very commitment we have previously opposed.

The proposed amendment would cut off funds, but only after six weeks of heavy bombing. And from past experience, how can we believe that the bombing would really end on August 15?

Right now we are bombing Cambodia each month at a rate roughly equal to that in any previous year. And yet the military situation has not improved; in fact, it is probably worse than when the Senate first passed restrictive legislation.

There is no evidence that the various Cambodian factions are any closer to an agreement. There is no evidence that bombing by itself can hasten negotiations.

After all, Cambodia is caught up in a civil war. There is the Lon Nol faction, huddled in Phnom Penh and unable for the past 18 months to make any military headway. And there are the pro-Sihanouk opposition groups and the anti-Sihanouk opposition groups. The North Vietnamese provide some logistical support, but only a few thousand combat soldiers.

Cambodia today is like South Vietnam in 1964. We must not make the same mistake again.

For 7 years we were asked to give the President more time. More bombing was always offered as the best way to spur negotiations to peace.

I reject that notion now, as I have in the past. Now is the time to say no.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Ribicoff). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas (Mr. Fulbright).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke) and the Senator from Louisiana (Mr. Johnston) are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "Yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Idaho (Mr. McClure) is absent on official business.

The Senator from Vermont (Mr. Stafford) is necessarily absent.

The Senator from Connecticut (Mr. Weicker) is detained on official business.

The result was announced—yeas 48, nays 43, as follows:

[No. 258 Leg.]

YEAS—48

Abourezk
Allen
Bayh
Bible
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Eastland
Ervin
Fulbright
Gravel
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Hughes
Humphrey
Inouye
Kennedy
Long
Mansfield
McClellan
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Symington
Talmadge
Tunney
Williams

NAYS—43

Aiken
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Brooke
Buckley
Cook
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Javits
Magnuson
Mathias
McGee
McIntyre
Moss
Packwood
Pearson
Percy
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Taft
Thurmond
Tower
Young

NOT VOTING—9

Biden
Clark
Cotton
Hartke
Johnston
McClure
Stafford
Stennis
Weicker

So Mr. Fulbright's amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the next committee amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF KENNETH E. BELIEU, UNDER SECRETARY OF THE ARMY

Mr. McCLELLAN. Mr. President, I wish to address a few remarks concerning the retirement of Kenneth Belieu as Under Secretary of the Army. We truly owe a special tribute for the numerous contributions made by Secretary Belieu to the Nation.

Ken has had an outstanding record as a citizen-soldier. Through his untiring efforts, he has played a major role in the assistance of our Army's transition toward a peacetime posture. Throughout the many years I have known and worked with him, I can attest to his intense concern for the soldier, as well as his unceasing and dedicated devotion to the Army. He has, in my opinion, contributed as much as any man to enhance the relations between the Army, the Congress, and other governmental agencies. The greater the task—the graver the responsibility; Ken has always been capable of maintaining a personable and very human touch.

Mr. President, it was with regret that I learned of Secretary Belieu's retirement. His devoted service should not go unnoticed. I know that there are many here who share my feelings and for all of us here, I wish him every success in the years ahead.

Mr. President, I ask unanimous consent to have printed in the Record a brief biographical sketch of Kenneth E. BeLieu, Under Secretary of the Army.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHY—KENNETH E. BELIEU, UNDER SECRETARY OF THE ARMY

Kenneth E. BeLieu, Under Secretary of the Army, was born in Portland, Oregon, February 10, 1914. He attended Roosevelt High School in Portland ('33) and the University of Oregon ('37) at Eugene, Oregon and subsequently the Harvard Business School Advanced Management Program ('55).

Mr. BeLieu was sworn in as Under Secretary of the Army on 22 September 1971.

In 1940, after three years of business in Portland, he volunteered for active duty as a Second Lieutenant in the Infantry. By 1945, he had participated in the Normandy Landing and campaigns in France, the Battle of the Bulge, Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart and Croix de Guerre.

Following World War II, he served in various assignments with the Army in the War Department and Department of the Army General Staff. In 1950, during the Korean Conflict, he lost his left leg below the knee as a result of wounds received in combat. Upon his discharge from the hospital he was assigned to the office of the Secretary of the Army where he served as Executive Officer to two Secretaries of the Army before his retirement as a Colonel in 1955.

From 1955 to 1960, BeLieu was a professional staff member of the Senate Armed Services Committee, the first Staff Director of the Senate Aeronautical and Space Sciences Committee and at the same time was Staff Director of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

In February 1961, he was appointed Assistant Secretary of the Navy for Installations and Logistics. In February 1965, he was appointed Under Secretary of the Navy. While in the Navy Mr. BeLieu was awarded the Navy's Distinguished Public Service Award. He returned to private life in July of 1965.

During the period of July 1965 to January 1969, Mr. BeLieu held positions as Executive Vice President, President and Member of the Board of the Leisure World Foundation, Laguna Beach, California; Member, Defense Science Board; Member of the Board of Advisors, Ryan Aeronautical Corporation and Continental Motors; and Member, Technical Advisory Board, RCA.

On January 21, 1969 Mr. BeLieu was appointed by President Nixon as Deputy Assistant to the President for Congressional Relations, the position he held until he was appointed Under Secretary of the Army.

Mr. BeLieu and his family reside in Alexandria, Virginia.

Mr. BIBLE. Mr. President, will the Senator yield, with the permission of the Senator from Florida, for an observation?

Mr. McCLELLAN. I yield.

Mr. BIBLE. Mr. President, I associate myself with the remarks of the Senator from Arkansas. I have had many, many personal contacts with Kenneth BeLieu over the years. He is a close personal friend. I have come to think of him as one of the most able public servants in all of government.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ERVIN. I thank the Senator from Florida for permitting me to proceed.

Mr. President, I associate myself with the remarks of the distinguished Senator from Arkansas and the distinguished Senator from Nevada. Over the years I have had many contacts with Kenneth BeLieu and many opportunities to observe his work as a public official. He is truly a great American and truly a great public servant.

CONTINUING APPROPRIATIONS, 1974

The Senate continued with the consideration of the resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes.

CONTINUING RESOLUTIONS ERODE CONGRESSIONAL POWER

Mr. HATFIELD. Mr. President, the Congress continues its laudable efforts to regain its rightful constitutional prerogatives, efforts in which I have wholeheartedly joined, and which I will continue enthusiastically to support. The Congress has at last found the will to challenge the President's war in Southeast Asia, and we will continue to attach riders to any and all legislation that comes through the Senate until we succeed in stopping the illegal bombing.

In the Senate Watergate hearings, the committee is revealing to the public what the Congress has long known—that executive autocracy, far from fostering efficiency in Government, fosters instead a mentality that regards the Constitution itself as an annoying obstacle to the quest for greater power.

So there are signs that the Congress is no longer content to docilely bend to the wishes of the administration, and that is as it should be. But in one critical area the Congress is still failing itself and the American people. That critical area is appropriations and fiscal policy, perhaps the single most important power Congress holds.

Today we are considering a continuing resolution to fund Government programs until we get around to passing the necessary appropriations bills. The continuing resolution is necessary, and I shall vote for it, but it should be recognized for what it is—an emasculation of congressional power.

Continuing resolutions simply give Government agencies the same amount of money for the same programs authorized for the previous fiscal year. They do not reflect any new congressional review of programs, any new perception of national priorities. Foreign aid has been operating on a continuing resolution for 15 months. During that time there have been extensive hearings, and prolonged debate on foreign aid policy, which have contributed greatly to our understanding of the factors that should shape foreign aid programs in the post-Vietnam era. Yet all this discussion has been to no avail, for we have never been able to resolve the differences into an appropriations package, and have relied instead upon the lame answer of continuing resolutions.

In so doing, Congress abdicates its responsibility, and contributes to the erosion of its power over the Federal purse. If the Congress does not take the responsibility of setting national priorities, the Executive will, and its domination over the Congress will continue.

I do not mean to unduly criticize the Appropriations Committees for their failure to get appropriations bills before the Congress before the end of the fiscal year. As a member of the Senate Appropriations Committee, I well understand the frustrations of attempting to develop the Federal budget within a few short months. Nonetheless, we should all recognize that the appropriations process is in need of reform.

As an initial step, we need to change the fiscal year to conform with the calendar year. Senator MAGNUSON. has recommended this change in his Federal Appropriations Reform Act (S. 1648), and today I am joining him as a cosponsor of that legislation. This bill will give the Congress time to thoughtfully consider authorizing and appropriating legislation, rather than having to surrender to the last resort of continuing resolutions.

But we cannot argue that, since these reform efforts are proceeding, we can afford to remain content with flimsy "answers" to budgetary problems, such as continuing resolutions. Continuing resolutions are prime examples of the Congress' inadequacy to deal with tough political decisions, and lend credence to the claim that Congress is fiscally irresponsible. They are signs of weakness.

I do not contend that the answer lies in the formation of small, all-powerful budget committees to exercise total control of the budgetary process in the name of congressional responsibility and efficiency. That is not necessarily the alternative to our present situation.

But I do say that the Congress, no more than the Executive, can cover up its deficiencies with desperation measures. When we rely upon continuing resolutions to fund Government operations, we surrender our power of the purse. When we lose that power, we lose our credibility with the people, and our right to contest the present distortion of national priorities.

Mr. CHURCH. Mr. President, I ask unanimous consent that Thomas Dine, my committee staff assistant, be granted the privilege of the floor during the Senate consideration of the pending resolution in order to assist me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The committee amendment is next in order.

Does the Senator ask unanimous consent to have his amendment called up?

Mr. CHILES. Mr. President, I ask unanimous consent that my amendment may be called up out of order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment of the Senator from Florida will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 8, between lines 2 and 3, insert the following: Notwithstanding the fourth clause of subsection (b) of this section, activities of the Department of Health, Education, and Welfare for assistance to refugees in the United States (Cuban program);

Mr. CHILES. Mr. President, this amendment is a language amendment to the continuing resolution. Under the provisions of the continuing resolution we would have to take the low figure of any bill that previously was passed by either House, or the budget request. This has to do with the Cuban refugee program that is presently in being.

Under the budget request, the administration proposes to set a phaseout time for the Cuban refugee program. The Committee on Appropriations of the Senate is presently working on this request. The bill has not come forward yet from Congress but the action of Congress probably will be different from the request of the administration.

To go forward with this matter, with the way it is phased will cause considerable cutbacks in the program in the State of Florida and in other States prior to the time Congress has an opportunity to work its will.

This language states that it will continue at the same funding level presently under existing law until we have a chance to work our will.

I hope the distinguished chairman accepts the amendment.

Mr. McCLELLAN. Mr. President, will the distinguished Senator from Florida point out the amount of the money involved. The difference between the budget request and what the present appropriation would be?

Mr. CHILES. I think in the first quarter the phase-out cut would be approximately $10 million.

Mr. McCLELLAN. What is the budget amount?

Mr. CHILES. With respect to the particular amount, we are talking about a reduction from $145 million to $90 million, under the budget request. Congress is going to work its will and determine the kind of phase-out we will have, and the period of the phase-out. This would mean, if we pass a continuing resolution without such language, that we would go in with the administration request, which is a simple request and would cost approximately $10 million reduction in the first quarter.

Mr. McCLELLAN. How long would it take to phase out the program?

Mr. CHILES. We are talking, generally, about a 5-year phase-out of the program. But it is the formulation of how we are going to phase it out. There was legislation on the floor of the Senate last year. There was a proposal to cut out the program entirely. By the overwhelming vote of 77 to 13, the Senate would not consider the concept of cutting the program.

Now we are talking about a phase-out of the program. I think Congress is going to work out something with respect to a phase-out. But we should not take the budget figure until Congress works its will.

Mr. McCLELLAN. There is only a small difference between what the Senator proposes and what is in the budget as it now stands. Is that fatal in any way to this program, or does it do great harm?

Mr. CHILES. It does great harm to the plans of the State of Florida in trying to determine whether they are going to have to take up this burden or when they have to take up the burden.

I think that if Congress is talking about doing something, or when it would take effect, if Congress is going to do it, or the priority we have in action on a particular request, you are immediately going to cause a cutback of the program, and that would do great harm to the State of Florida in trying to budget their taxes, because they will have to take up the slack of this program.

Mr. McCLELLAN. The continuing resolution continues until September 30. Of course, we could possibly extend it by another continuing resolution.

Mr. CHILES. As the distinguished chairman knows, we will not apply any great big figures if we are talking about a reduction of $1 million a month that is to be picked up by Florida.

Mr. McCLELLAN. The Senator would like a continuation of this program at the present level, to give his State the opportunity to prepare itself to meet the situation that is imminent, or that will likely occur, and they will not have to pick up the burden they now carry?

Mr. CHILES. The Senator is correct.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. KENNEDY. I support the amendment of the Senator from Florida and hope that it will be accepted.

The Subcommittee on Refugees, which I serve as chairman, has had certain oversight responsibilities regarding Cuban refugees, and has this particular situation under continuing study.

I hope that the subcommittee as a whole will support the amendment of the Senator from Florida. I am also hopeful that this year and in the future we will be able to gain an insight from both the Senators from Florida as to how we can best handle this particular problem.

I think there is a general feeling within the Senate, and one which I have long felt, that there should be some kind of a phasing out of the program generally I understand this is also the administration's position. But I think the Senator from Florida is quite correct in recognizing that so far too little planning has gone into an equitable phasing out program.

I am hopeful that the Appropriations Committee will give it its consideration. I hope the Senator from Florida will assist us in trying to devise new directions that will not put an undue burden on the people of Florida, who have accepted so much responsibility, which is really a national responsibility, as President Johnson suggested in his statement welcoming additional refugees in 1965. Voluntary agencies have placed the Cuban refugees in other communities, and they have benefited from the program, as well. But the heaviest impact of the refugees has fallen on Florida.

Great issues have to be resolved in trying to insure that the people who have escaped in many instances, and who have been permitted to leave in others, are going to find new opportunities for new homes in this country.

I share the feeling of the Appropriations Committee that over a reasonable period of time we should be able to phase this program out, but for the immediate time, until the committee is able to give the problem the kind of consideration which it is so important to give to it, I would hope the amendment of the Senator from Florida would be accepted. I think, from the humanitarian standpoint, it is necessary. I hope the Senate will accept the amendment.

Mr. CHILES. I thank the Senator from Massachusetts for his remarks.

I yield to the Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG. Mr. President, I would like to get the floor in my own right.

Mr. CHILES. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, this has been a necessary and worthy program which has been going on for 10 years or more. There comes a time when it should be phased out. Under the continuing resolution $90 million is available for it. The effect of the amendment of the Senator from Florida is to increase that amount to $145 million, or the same amount we have been putting into it for a long time. There comes a time when we have to phase it out.

I would certainly oppose the amendment. It was not offered in the committee. No hearings were had on it.

Mr. McCLELLAN. Mr. President, if the Senator will yield, I understood the Senator from Florida to say the increase was $10 million. Am I correct in that?

Mr. CHILES. Mr. President, I did not understand what the Senator from North Dakota said.

Mr. YOUNG. The effect of the amendment would be to raise the amount in the continuing resolution from $90 million to $145 million. There has been no hearing on it at all. I think there should be a hearing when we increase the appropriation by this amount.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG. Mr. President, there is merit to the amendment proposed by the Senator from Florida. I do believe that we should have more time to study it.

However, I would be willing to ask unanimous consent that the order for the yeas and nays be vacated and that we have a voice vote.

Mr. McCLELLAN. Mr. President, if the Senator would yield, we could agree to take the amendment to conference. The amendment has to be worked out. If that is satisfactory, we would be willing to accept the amendment and take it to conference and see what we can do with the situation.

I am not enthusiastic for it. However, we do have problems that cannot be covered in the broad, general aspect of things. They have to be dealt with individually.

The Senator from Florida does have a problem in his State.

Mr. President, I would be perfectly willing to accept the amendment and take it to conference and see what we could do, if that is agreeable with the ranking minority member.

Mr. YOUNG. Mr. President, that is agreeable with me.

Mr. McCLELLAN. Mr. President, we would be willing to accept the amendment and take it to conference.

Mr. CHILES. Mr. President, I thank the distinguished Senator from Arkansas. I hope that by the time he gets to conference he has more enthusiasm for the amendment.

Mr. McCLELLAN. I hope that the Senator from Florida will furnish me some information that will arouse my enthusiasm.

The **PRESIDING OFFICER.** Is there objection to vacating the yeas and nays on the amendment? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Florida (putting the question).

The amendment was agreed to.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate consider an amendment I wish to offer on my own behalf and on behalf of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. CHURCH) offers on behalf of himself and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) the following amendment.

At the end of the bill insert a new section:

SEC.—. None of the funds herein or hereafter appropriated under this joint resolution or heretofore appropriated under any other Act may be expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

Mr. CHURCH. Mr. President, the purpose of the amendment is self-explanatory. It would affect any operation under this joint resolution or any previous appropriation; it would bar the use of such funds for the purpose of providing assistance of any kind to North Vietnam.

There may come a time when Congress will be asked to consider a program for economic aid in the reconstruction and rehabilitation of Indochina, including North Vietnam. As of now, however, that case has not been presented and no justification has been given. Congress at this point is groping for facts concerning either the nature of such program or what it would accomplish.

The elected representatives of the people should be sure that no program of this character is initiated in Indochina without a full and detailed presentation being made to Congress, and without a congressional decision as to whether such a program serves our national interests.

I oppose the United States becoming a kind of Santa Claus for Hanoi. It should not be the unilateral obligation of the American people either to rehabilitate or to reconstruct enemy territory. With this proposition I am certain that the overwhelming majority of the American people agree. As to my own State of Idaho, I have no doubt but that nearly all of the people agree.

This is not to say, Mr. President, that there are not a few of my own constituents who would disagree. I must count among them some who stood with me 6, 7, and 8 years ago in my opposition to the war and to the American part in it. I can understand how some of these people now feel, particularly those who believe very deeply not only that American intervention was a mistake, but that the widespread bombing of North Vietnam was morally indefensible. They see a kind of moral imperative now falling upon the American people to rebuild North Vietnam.

On the other hand, such an undertaking would only compound the error of our original intervention and glue us inescapably into the politics of the area for many, many years to come.

Mr. President, a constituent wrote to me earlier this year protesting my opposition to a unilateral American program designed to reconstruct and rehabilitate North Vietnam. Because her letter and my reply were pertinent to this issue, I should like to read into the RECORD the reply I wrote to her on February 15, 1973. The letter is addressed to Elaine Durbin, 801 East Boise Avenue, Boise, Idaho.

It reads as follows:

DEAR ELAINE: I can understand your confusion, if not your consternation, over the statement attributed to me in the *Statesman* to the effect that financing a reconstruction program in North Vietnam would "only compound the error" of our bombing.

You raise the question of our "moral imperative" to assist in the restoration of North Vietnam. I'm not so certain any more about the relationship between government policy and personal conscience. For the millions of Americans who deeply believed North Vietnam to have been the aggressor, the perpetrator of the war, and the reason for the loss of so many lives, and the destruction of so much property, is it morally right that they should be taxed, against their will, to pay for the reconstruction of the land of the enemy?

On the other hand, for those of us who believe that the United States mistakenly intervened in a Vietnamese civil war and brought great devastation upon all of Indochina in the process, are our consciences assuaged by tax money extracted from us to underwrite a reconstruction program? I should think that Americans who feel as you and I do about the war's tragedy could find our solace only through voluntary contributions to help rebuild hospitals and schools.

You see, I believe the American Government must get out of Indochina—lock, stock and barrel. But that is not the policy of the Nixon Administration. The policy is to stay in Indochina by other means. The policy is to bolster the Thieu regime, which Nixon recognizes as the sole, legitimate government in South Vietnam, with military, economic and financial assistance, which will keep us deeply involved in the politics of that country. The same thing is planned for Cambodia, Laos, and now—through the extension of government aid to Hanoi—for North Vietnam as well. Mr. Nixon hopes that the money we pay to the Hanoi government will keep it in line, thus holding the tenuous truce together for as long as he remains in the Presidency.

I can't be a party to this scheme. When the French secured a truce in 1954, they seized upon the occasion to withdraw from Indochina, and gave up any further effort to control the indigenous people over whom they had exercised colonial rule for more than eighty years. The French quit trying to run Indochina, either directly or indirectly, either with guns or with money. As a result, France enjoys greater good will in the region than any other Western power.

I am attaching two news releases. The first deals with my apprehensions over the "civilianization" of the same old, mistaken American policy in Indochina, together with the danger this entails of our renewed involvement in hostilities there, should fighting break out again. The second is a restatement of the reasons why I oppose a post-war foreign aid program borne primarily, if not solely, by the American Government.

That is my position, it was a mistake for us to go there to fight in the first place. And it will "compound the error" for us to stay there now that the fighting has been suspended.

Thank you for writing.

Sincerely,

FRANK CHURCH,
U.S. Senator.

Mr. President, together with the text of my letter, I ask unanimous consent that the enclosures to which I referred in the letter be printed at this point in the RECORD.

The **PRESIDING OFFICER** (Mr. HASKELL). Without objection, it is so ordered.

There being no objection, the press releases were ordered to be printed in the RECORD, as follows:

LET US HAVE NO ILLUSIONS ABOUT PEACE

(By Senator FRANK CHURCH)

We have fought the war with so many illusions; let us have no illusions about the peace.

The ceasefire, at long last, brings the second phase of the Vietnamese war to a close. It permits the withdrawal of our remaining armed forces and the welcome retrieval of American prisoners of war.

But it is no more than a truce, and it may last no longer than the earlier truce in 1954, when the French withdrew. A renewal of the fighting among the Vietnamese is probable, if not predictable, since none of the issues are resolved over which they fought for nearly a generation.

Nonetheless, by extricating our uniformed forces, we succeed in withdrawing the flag. Whatever happens in the future between contending Vietnamese, we will have left the battlefield. The eventual outcome need no longer be assessed in terms of an American "victory" or "defeat."

Presumably, we have now learned, as the French before us, that civil war in Asia is not susceptible any more to suppression by a Western army. As America's first winner of the Medal of Honor in Vietnam, a two-tour veteran said recently about that country, "Things haven't really changed much . . . there."

Unfortunately, despite the lesson of the war, American policy hasn't really changed much either. Unlike the French, we have not seized the opportunity offered by the truce to get out of Indochina. Instead, the Executive Branch of the government is busily engaged in designing new ways to keep us involved.

We are told that ten thousand American civilian technicians and advisers, many under U.S. Defense Department contracts, will be recruited to stay on in South Vietnam, to work with Saigon's armed forces. Four American consulate generals will replace existing U.S. headquarters. A thousand AID personnel will remain to administer continuing assistance programs to bolster the Thieu regime.

Thus does "Vietnamization" give way to "civilianization" of our continuing role in Indochina, the same technique, by the way, that American Presidents have used to prosecute the war in Laos for so many years. So we come around full circle to the reinstatement of the same kind of elaborate support program which led to our original entrapment in the Vietnamese war.

The big question is this: If the fighting breaks out again, once our forces have left, and the Thieu regime falters under renewed attack, will the threat to the American technicians and advisers remaining in Vietnam be used as an excuse for our re-entry into the war? American aircraft, after all, will still be poised on offshore carriers and at bases in Thailand, ready to respond to the President's command.

Such a fateful decision must not again be left to the President and his generals alone, Congress must reassert its right to decide on war or peace, as the Constitution provides. In order to fortify that perogative against any further Presidential usurpation, it should be enacted, as a matter of law, that no funds can be spent for the purpose of resuming the war without the prior consent of Congress.

This much assurance we must insist upon. Having done all that one country can do for another, the future of South Vietnam must now be left to the Vietnamese. Whether they stand or fall is now up to them.

News Release From: Frank Church, U.S. Senator, Idaho

Washington, February—Senator Frank Church said this week that he disagrees with President Nixon that foreign aid for the reconstruction of Indochina, including North Vietnam, should be borne primarily by the American Government.

"After all," Church said, "there are international agencies equipped to do this task: The World Bank, The Asian Development Bank, the United Nations and the many voluntary relief organizations. Individual Americans who wish to contribute to the rebuilding of schools and hospitals, or who wish to send food and clothing, are free to do so."

President Nixon has yet to send to Congress his request for money to finance a post-war reconstruction effort for Indochina, but he has mentioned, informally, a figure of around $7.5 billion over a five-year period, a substantial share of which would go to North Vietnam.

"If Congress makes the mistake of funding the assistance program that President Nixon requests," Church warned, "our government will remain directly and deeply involved in the political and economic affairs of Indochina, and thus much more likely to become ensnared in the war again should fighting be renewed."

"Whatever people who favored the war may think," Church continued, "I have no intention of saddling the American taxpayer with the reconstruction of North Vietnam. I would think that North Vietnam should look to China and Russia."

"As for the other countries," Church said, "we would do well to remember that their governments asked us to intervene in their behalf. We substituted an American army for that of the South Vietnamese when Saigon's forces were on the verge of collapse, and we fought a war for them at a heavy loss in American lives. Under these circumstances, I can see no reason why it should be our sole responsibility to assume the cost of reconstruction."

"Furthermore," said the Senator, "it strikes me that this is no time for us to be increasing foreign aid anywhere. This week the papers carried the news that President Nixon has again devalued the dollar—for the second time in 14 months. Erosion of international confidence in the dollar is the direct result of our extravagant spending abroad. It can only be rectified by the sharp curtailment of foreign spending."

Last year, said Church, the United States sent abroad $30 billion more than it took in.

"No country, however rich, can long sustain so great a financial hemorrhage.

"In view of the President's action in cutting back domestic spending," concluded Church, "one would think that Congress would resist his requests to increase foreign spending. It is apparent, however, that the Administration intends to press very hard to obtain its new foreign assistance package for Indochina, including North Vietnam. Only the strongest outcry from the public stands any chance of prevailing against it."

Mr. CHURCH. Mr. President, when it comes to the question of a program for reconstructing and rehabilitating the devastated countries of the Indochina region, there is a broader base on which to build a viable program than any suggestion that responsibility lies primarily with the American people. That base is worldwide, and it consists of all those countries which have an interest in the need for reconstruction. It lies with all those individual citizens, whatever their nationality, who voluntarily want to contribute to such an effort. And there are, Mr. President, many existing organizations capable of carrying out their part of this task—the World Bank, the Asian Development Bank, the United Nations and its dependent agencies, and the hundreds of voluntary private relief organizations throughout the world. Individual Americans who wish to contribute to the rebuilding of schools and hospitals in North Vietnam, individual Americans who, as a matter of conscience, wish to send food and clothing, are free to do so. The channels are available; many private and religious relief organizations are already at work.

President Nixon has yet to send Congress his request for moneys to finance postwar reconstruction efforts for Indochina—to be borne principally by the American Government.

He has made his intention known to do this. He has mentioned informally a figure of around $7.5 billion over a 5-year period, a substantial share of which would go to North Vietnam. He has also sent his chief aid diplomat, USAID's Maurice Williams, to Paris for various meetings with the North Vietnamese over the past several months.

If Congress makes the mistake of funding the assistance program, the assistance program that the President requests, our Government will inevitably remain enmeshed in the politics, the economics, and the internal affairs of all of these governments in Indochina for the indefinite future. That will mean the continued civil warfare of the area, too.

Mr. STEVENS. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. STEVENS. Is clearing mines from the Hanoi harbor assistance directly or indirectly given on behalf of North Vietnam, I would ask the Senator?

Mr. CHURCH. The legislative record should make clear—and for this reason I am very glad the Senator raises the question—that this amendment would not, as I see it, impede the removal of mines. It has to do with the appropriation of money for the purpose of reconstruction and rehabilitation of North Vietnam itself.

Mr. STEVENS. If the Senator would permit me—I asked for a copy of his amendment and it reads:

> None of the funds herein or hereafter appropriated under this joint resolution or heretofore appropriated under any other Act may be expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam.

I have some serious question about that, and have raised them in the past on previous amendments of this kind. Is assistance provided to the North Vietnamese to include helicopters, jeeps, gasoline, and so forth, for the use of our graves registration teams in North Vietnam? As I understand the agreement, the North Vietnamese must accompany the grave registration teams. We are providing the transportation, pursuant to the agreement, and the gasoline, and the vehicles. Is that assistance to North Vietnam or is it assistance for us? I would say that it is assistance to North Vietnam.

Mr. CHURCH. In answer to the able Senator from Alaska, it is our national purpose to discover the graves of those missing in action. It is to our advantage to see that that program is undertaken and fulfilled. It is of no aid and of no particular consequence to the Government of North Vietnam that these graves are identified and that the MIA's are accounted for. It is our goal and our interest. It is an American objective to see that this is done.

So I think that the statement I have already made, and would like to complete, will clearly delineate the purposes of this amendment, and should thus leave no confusion over the answers to such questions.

Mr. STEVENS. I did not mean to interrupt the Senator. If he wishes to finish his statement now, I will ask some questions later. Perhaps I should ask unanimous consent that these questions appear in the Record immediately following the completed statement of the Senator from Idaho, if he would like to do so.

I do have one other question, though.

Mr. CHURCH. I will be very glad to

oblige the Senator if he has another question.

Mr. STEVENS. I recall vividly seeing the North Vietnamese commanders being brought into a central place by American helicopters to pursue the problem of working out some of the difficulties under the peace agreement. We provided that transportation to them. That certainly was assistance to them, then. They could have walked. We wanted them there. I seriously question and I would ask the Senator if he does not question the reference in his amendment to "assistance of any kind"?

Mr. CHURCH. That language seems to present no difficulty. I cannot imagine any Member of Congress contending that this provision of law had been violated because we furnished a helicopter to bring the negotiators of North Vietnam to the table to discuss violations of the truce. That is part of the American objective, and not anything that relates to the reconstruction or the rehabilitation of North Vietnam.

Mr. STEVENS. I thank the distinguished and senior Senator from Idaho very much.

Mr. CHURCH. Therefore, I see no difficulty in the language here. The purpose and the intent are the same.

Mr. GRIFFIN. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. The Senator from Idaho indicated that the use of helicopters to bring in North Vietnamese negotiators would be carrying out the purposes of the United States.

I want to challenge that. Surely, the agreement reached at Paris was a mutual agreement, with obligations and purposes on both sides. Presumably such an agreement is in the interest of the North Vietnamese as well as it is in the interest of the United States. Surely there have been instances when the North Vietnamese have accused the other side of violations. To bring North Vietnamese to a meeting to negotiate concerning such complaints would surely be in the interest of the North Vietnamese. So, I do not think the answer of the Senator from Idaho is quite satisfactory in that regard.

Mr. CHURCH. Mr. President, I cannot help suggesting that the Senator is looking for a semantic trap that really does not exist here. The agreement reached in Paris is, indeed, a separate and neutral piece of parchment to which several nations have affixed their signatures and, presumably, it represents the common interests of those nations to see that its terms are carried out. But that agreement is not North Vietnamese. This amendment has to do with a unilateral extension of American money for the purpose of reconstructing or rehabilitating North Vietnam.

Mr. GRIFFIN. I will say to——

Mr. CHURCH. Now, any effort to implement the agreement relate to an objective quite different from the purpose and objective of this amendment. There really is no confusion on that score. If this amendment were enacted into law, there would not be any confusion.

Mr. GRIFFIN. I would say, with all due respect and deference, that I would be more assured if that kind of language were used in the pending amendment rather than the broad, sweeping language which purports to preclude assistance of any kind, directly or indirectly.

Mr. CHURCH. I appreciate the comments of the Senator from Michigan and especially his contribution in raising the question, along with that of the able Senator from Alaska. If there is any ambiguity here, or if there is any possible ground for confusion as to the scope and application of the proposed amendment, it has been cleared up by the colloquy that has taken place on the floor of the Senate today. That, as all Senators know, forms part of the legislative history of the amendment.

As I was saying, Mr. President, Congress would make a great mistake if it were to approve the funding of an assistance program, unilateral in character, that would glue us deeply and indefinitely in the politics and economics of these small countries. All of us know there is no assurance that the long civil conflict that has consumed the people of Vietnam for these many years, and now the people of Laos and Cambodia, is settled. There is no way for us to be certain that the war will not break out again in all its fury, next month or next year.

One thing is certain: If we stay there, with the large bureaucracy that is now planned, consisting of many thousands of American citizens, most of whom remain under contract with the Pentagon, to administer this kind of bilateral program in South Vietnam, in Cambodia, in Laos, and in North Vietnam, the likelihood is greatly enhanced that we will be ensnared in the war once more should the fighting be renewed.

Whatever the people who have favored this war may think, I have no intention of supporting an undertaking that would involve such a risk. I have no intention of saddling the taxpayers of this country with the price tag for reconstructing North Vietnam.

In more realistic terms, I would think that the North Vietnamese would look first to their wartime allies, Russia and China. It was these countries and the smaller Communist countries of Eastern Europe who for years supplied the North Vietnamese with the tools and the weapons of war. Is it so unreasonable now to expect the North Vietnamese to look to their wartime allies for the implements of peace? Or, is it not in the general interest, if a lasting peace is ever to be achieved in Indochina, to attempt to construct a rehabilitation program upon a base that is worldwide, that brings in all interested governments and individuals and private charitable organizations in a universal endeavor to rebuild these broken lands and to sustain them through the difficult transition period that lies ahead? I should think so. In that general endeavor, the United States, I am certain, would play its part. But the administration's planning and proposal that it is our primary responsibility to undertake to finance the reconstruction of enemy territory is one that I cannot support, I think Congress is unwilling to support, and the American people overwhelmingly oppose.

Whatever might be said on one side or the other in this issue, it must be clear to us all that this is no time for us to be increasing our foreign aid obligations anywhere. This week, as in every previous week these last few years, the newspapers carried the news that there is further erosion of international confidence in the American dollar. This decline is the direct result of our extravagant spending abroad. It can only be rectified by sharp curtailment of foreign spending, rather than adding still further to the cost of American foreign aid.

Last year alone, the United States sent abroad $30 billion more than it took in. I submit that no country, however rich, can long sustain a fiscal hemorrhage of such proportions.

So, whether one looks at this question from the standpoint of the narrower parameters of Indochina and the long and tragic war that has been fought there, or from the standpoint of the general economic situation confronting the United States today, the answer comes out the same: This amendment is in the public interest, and I hope it will find the favor of an overwhelming majority of the Senate and become a part of the continuing resolution that now is pending before the Senate. I urge my colleagues to adopt this amendment.

Mr. President, I yield at this time to the distinguished cosponsor of the amendment, the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Mr. President, the amendment offered today by the distinguished Senator from Idaho (Mr. CHURCH) and myself is similar to and virtually identical with the amendment offered by me and adopted by the Senate on April 5, 1973. The cosponsors of that amendment, amendment No. 76 to S. 929, were the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. BUCKLEY), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. CHURCH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. NUNN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from North Carolina (Mr. HELMS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Florida (Mr. CHILES).

I think it highly desirable that the pending amendment, offered by the Senator from Idaho (Mr. CHURCH) and the Senator from Virginia, be adopted by the Senate today.

Mr. President, I offer a little background: Meetings have been going on in Paris for a week or so between negotiators on the part of the United States and negotiators on the part of North Vietnam, looking toward an agreement as to the amount of money the United States will give to North Vietnam.

Those negotiations are being carried on

with the executive branch of Government, as is proper. The legislative branch has nothing to do with the negotiations, as is proper.

But once those negotiations are concluded, then the proper procedure is for the Congress of the United States to consider whether or not to appropriate the funds to carry out any agreements.

Mr. President, it is important that the record show that the question of economic aid for North Vietnam was not a part of the cease-fire agreement signed on January 27.

To substantiate that statement, I again, as I did on April 4 and on April 5, invite the Senate's attention to this fact: On January 26, in a discussion with a number of Senators at the Capitol, Dr. Henry Kissinger stated that the United States, in signing the cease-fire agreements made no commitments for economic assistance to either North or South Vietnam. He said that a commitment for economic aid is not a part of the cease-fire agreement.

The negotiators did agree, he said, to give consideration in the future to helping the two countries, but, and this is important—

> It was fully explained to both countries that any such proposal would have to go through the legislative procedures.

So no commitment was made in the name of Congress; no commitment could be made in the name of Congress.

Two very important points are involved in this question of taking tax funds, taking money out of the pockets of the wageearners of our Nation and turning that money over to North Vietnam. Two vitally important questions are involved: One, what obligations, if any, does the United States have to pour additional dollars into North Vietnam or Indochina; namely, Laos, Cambodia, North Vietnam, and South Vietnam; and, two, considering the deteriorating financial condition of the United States, where there is unabated deficit spending, a continuing rate of inflation, and the continued devaluation of the dollar, can the United States afford to embark upon a gigantic and costly new program such as the rebuilding of Indochina?

Although no price has yet been set, the cost over a period of years is bound to be tremendous. To get its foot in the door, the administration probably will move cautiously and not set the figure too high.

But once the principle is established for providing economic aid to Indochina, and specifically to North Vietnam, the cost will escalate, just as did the use of American troops, which started at a few thousand and ended with a total accumulative number of 2.5 million American soldiers.

We know through long years, long and suffering years, that Indochina is a quagmire for men and material. I submit if we begin to pour American dollars into that area, it will be a bottomless pit.

The amendment proposed by the Senator from Idaho (Mr. Church) and me states as follows:

> None of the funds herein or hereafter appropriated under this Act or heretofore appropriated under any other Act may be expended for the purpose of providing assistance of any kind, directly or indirectly to or on behalf of North Vietnam.

That is a clear-cut statement. It would prevent use of funds already appropriated; it would prevent the use of any funds appropriated under this act. Of course, what it does not do and what no law can do is to bind any future Congress. If any future Congress says the conditions have changed and a future Congress wants to change this legislation and appropriate, of course a future Congress can do so. But this would be a clear congressional statement that as of today Congress will not permit the spending of any tax funds for the economic aid of North Vietnam.

I submit, Mr. President, that it just is not logical for the United States to undertake a new foreign aid program on top of the $9 billion which the United States is now spending each year in foreign aid.

Those who favor economic aid to North Vietnam say that the case is similar to the end of World War II when the United States helped Germany, Japan, and Italy. Mr. President, there is no similarity whatsoever.

At the end of World War II the aggressive governments of Japan, Germany, and Italy were destroyed.

Those who brought on the war were eliminated from public office. Germany was crushed; she had no government. Japan was crushed; she had no government. Italy was crushed; she had no government.

Of course, the victors, the Allies, had an obligation to establish governments in those countries, and they did just that, and the United States helped tremendously to put those countries back on their feet.

But we do not have that situation in North Vietnam. North Vietnam today has the same aggressive, belligerent leadership it has had through the years. There is no difference in leadership in North Vietnam. As a matter of fact, North Vietnam proclaims that she has won the war. She does not regard herself as being vanquished. She said she won the war. So if we give foreign aid to North Vietnam we would, in effect, be paying reparations, reparations to a country at whose hands the United States has suffered 53,000 dead and more than 300,000 wounded. Would we not be trying to achieve peace by bribery?

What happens when the money runs out? As a matter of fact, the money, so far as the United States is concerned, has already run out.

In the fiscal year which will end tomorrow, the Federal funds deficit of our Government will be $30 billion. The interest on the national debt—just the interest—will cost the American taxpayers, in the fiscal year beginning Sunday, $27.5 billion. That is just the interest on the national debt. That is such a gigantic figure that it is difficult to comprehend.

But let me put it in perspective. Of every dollar of personal and corporate income tax paid into the Treasury by the hard-working men and women of our Nation, 17 cents goes for one purpose—to pay the interest on the national debt.

Yet at a time when we are running these huge Federal funds deficits—$30 billion this year, nearly $30 billion last year, nearly $30 billion the year before, with $19 billion projected for the next year—we are talking about going into a new giveaway program, a new foreign aid program for North Vietnam. To me, this is neither wise nor logical nor sound.

I think if the Senate approves this amendment today—and I hope it will—that will be another clear signal to the executive branch of our Government that the Congress is not going to approve taking money out of the pockets of the American wage earners and turning that money over to North Vietnam.

A clear message was sent to the executive branch on April 5, when the amendment which I presented to the gold revaluation bill was approved by a vote of 88 to 3.

I hope that this amendment today will be overwhelmingly approved. I know there are groups working in oppositon to it. I know the administration is opposed to it. But I think the people of the United States would favor this amendment.

I get about Virginia a good deal. Perhaps Virginia is not completely typical of the United States, but I get around Virginia a good deal. I make a speech in Virginia twice a week, and in every speech I have made since this bill first came up in January, I have brought this point out: Are the American people, through their Congress, going to take money out of the pockets of the hard-working people of our Nation and turn that money over to North Vietnam? And wherever I go through Virginia, I get a very strong reaction against doing that.

When I first presented an amendment similar to this on April 4, I thought it was very questionable whether we could win that fight. But the more one considers this matter, the more one considers the Government's financial situation, the more one considers what we would be doing if we tried to buy peace by bribery, the more apparent the logic of this amendment becomes. As I say, the vote on April 5 for an amendment similar to this was 88 to 3.

I yield to my distinguished colleague from Virginia.

Mr. SCOTT of Virginia. Mr. President, I appreciate the Senator's yielding. I wish to compliment him and associate myself with his remarks.

I, too, travel around Virginia, and I get the same response the senior Senator from Virginia has stated he receives. I believe that it is indicative of the feeling of the entire American people. They do not want us to reward an aggressor nation. To me, that is what we would be doing if we gave aid to North Vietnam.

There are nations of the world that are bandit or gangster nations which prey upon their neighbors. I agree with the distinguished senior Senator from Virginia that this situation is different from the conditions at the end of World War II, when we had complete submission and surrender by enemy nations with which we had been in conflict.

Without infringing further upon the Senator's time, I again compliment him upon the amendment and on the amendment that he previously offered and which the Senate overwhelmingly adopted. I will join him in the hope that the Senate will do the same thing again.

Mr. HARRY F. BYRD, JR. I thank my distinguished colleague from Virginia. I appreciate his strong support. I am grateful for his words.

I think he has branded accurately the Government of North Vietnam as an aggressor nation. What he says is so correct. If we go into a program of economic aid to North Vietnam, then we would be rewarding aggression. We would be inviting other countries to take aggressive steps, because when the United States ceases to be involved militarily, then we will go to their aid financially and provide billions of dollars. I think that would be a great mistake. I know of no logical reason why this country should further impose on the taxpayers by even considering a program of economic aid to North Vietnam.

I am pleased to associate myself with the distinguished Senator from Idaho (Mr. CHURCH) in presenting the amendment to the Senate. I hope it will be the pleasure of the Senate to adopt it.

Mr. President, I wish to ask for the yeas and nays; but before doing so, I will need to suggest the absence of a quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I have remarked about this subject before and am one of those who voted against the amendment the last time. I do not support aid to North Vietnam for reparations. On the other hand, I see no reason for us to tie the hands of the President and his representatives as they try to work out this very difficult situation that faces the country.

In my opinion, the concept involved is one of permitting the processes to work, permitting one of the items that can be discussed to be the amount of assistance, if any, even though it may not be aid, that could be given to the North Vietnamese.

I have serious questions about the amendment in the form now pending before the Senate today. I feel that there are a great many things we are interested in doing to assist North Vietnamese which are in our best interests. However, it is still assistance to North Vietnam. I refer to things such as cleaning the harbors of Hanoi. As a matter of fact, when they slowed down in one instance in their cooperation, we pulled off the mine sweepers and we stopped cleaning those harbors.

I think that proves categorically that it was of assistance to North Vietnam for us to clean those harbors.

I think it is of benefit to North Vietnam for us to provide helicopter transportation to the people who make up the North Vietnamese troop inspection force. I think it is of benefit to North Vietnam for us to provide helicopters to bring them down to Saigon for further talks in an effort to work out an agreement under the negotiations.

Certainly an amendment that says that we cannot use any funds under this act or heretofore provided under any other act for the purpose of providing any assistance directly or indirectly to or in behalf of North Vietnam is a very sweeping amendment that may bring about the destruction of the peace agreement we have already worked out.

People are worried about going further. I am worried about keeping the peace. And I do not see that we should be in a position of making this record at this time on foreign aid.

I probably voted against foreign aid of every kind more than the two sponsors of the pending amendment. However, that is not the point. The point really is, do we give the executive branch the ability to deal with a crisis or do we send them a message that no one can understand? I certainly could not understand this if I were a young colonel sitting over in Vietnam and saw this language. If someone said to me, "Get that man down here from south of the line in Vietnam, because I am told he is willing to work out arrangement so that they will not keep bombing South Vietnamese cities" and asked for a helicopter to go get him, I do not know what I would do.

I do not know what the Senator from Arizona would say. However, I would say, probably, "You cannot give any assistance to North Vietnam. You cannot have the helicopter."

Legislation of this type coming out of a body composed mostly of lawyers amazes me. Frankly, I intend to offer an amendment to make it the same as the amendment previously adopted by the Senator at the request of the Senator from Virginia. It was a very well written amendment. Even though I opposed it, it meant what it said. It said that no funds can be used for the purpose of providing assistance in the reconstruction of the Democratic Republic of North Vietnam.

I do not have that exact text before me. Perhaps the Senator from Virginia has.

Mr. HARRY F. BYRD, JR. Mr. President, perhaps I had better read the text into the RECORD. It says:

> No funds made available by the Congress to any department or agency of the government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam unless specifically authorized hereafter by the Congress.

Mr. STEVENS. I was referring to the other amendment that reads "No funds can be used for the purpose of providing assistance in the reconstruction of the Democratic Republic of North Vietnam."

Mr. President, that is in the new supplemental appropriations bill. I was mistaken when I referred to the Senator from Virginia's prior amendment. However, that amendment still had the language added to it that said, "unless expressly authorized by law."

Mr. HARRY F. BYRD, JR. That is implicit in the pending amendment.

Mr. STEVENS. I would have been much happier if it were explicit in the pending amendment, I say to the Senator from Virginia.

The problem is again that we do not want to supply reparations. And I do not know of anybody in this body, in the other body, or in the executive branch that suggests specifically any type of aid or reparations to North Vietnam.

We have funds under this continuing resolution that deal with the Export-Import Bank. We have funds dealing with the international banks. Perhaps I do not understand the extent of the feelings of the Senator from Virginia or the Senator from Idaho. However, are we to say that we should not have Export-Import Bank assistance worked out to start a viable trade pattern between our country and North Vietnam?

That is what this amendment does to this continuing resolution.

There is no authorized North Vietnam aid. There are authorized programs which would be of great assistance to the President and his people in trying to work out a new relationship with North Vietnam. Are we not to have the export-import assistance? Could we establish an agreement whereby we could sell Fords out of Detroit, Mich., to the people in North Vietnam under export-import assistance?

Could we work out an understanding where people could work out an agreement with the Bank to buy equipment or to buy wheat?

Should we be in a position of putting an amendment in the continuing resolution that covers the whole spectrum of what should be appropriated by the Congress, that says no funds can be used directly or indirectly, or that the Export-Import Bank is prohibited from dealing with North Vietnam? Maybe Japan is working out a deal to sell some Hondas to North Vietnam. They are all over South Vietnam, and maybe it would improve the situation in Vietnam if they could work out some new trade relations between South Vietnam and North Vietnam.

However, this says that we cannot use any funds from the Government to assist anyone dealing with North Vietnam.

I thought we were trying to work out peace. Why not put in a declaration of war? That is what this is. It says that we cannot directly use American funds to work out any new relationship with North Vietnam if the amendment carries.

To me, this is not the thing for us to do. If the Senators want to do this, let them put it in original bills, and say it in a supplemental appropriations bill, that we cannot use funds for the reconstruction of North Vietnam.

I can understand that. That sends the message that we do not want to use our money for that purpose.

However, I cannot understand our saying that no funds under any program cannot be used to help anyone dealing with North Vietnam. That is what this says.

I wonder if the Senator from Virginia really means that we cannot work out a deal whereby the Japanese can sell Hondas to North Vietnam.

Mr. HARRY F. BYRD, JR. The Japanese can sell Hondas to North Vietnam, providing they do not use the American taxpayers' money to pay for it.

Mr. AIKEN. Mr. President, the Senator is debating the amendment offered by the Senator from Idaho and the Senator from Virginia?

Mr. STEVENS. The Senator is correct.

Mr. AIKEN. Mr. President, I wonder how we can bind the Congress in perpetuity on appropriations. I do not believe that we can enact legislation now to bind future Congresses on future appropriations bills.

Mr. STEVENS. Mr. President, I am grateful to the Senator for his comments. I am not advocating this. I am pointing out to the Senator from Virginia that if this is agreed to, we could not help even in terms of trying to work out new relationships through trade patterns. We could not use any Federal funds.

We could not have anyone dealing, as I understand it, with anything that would bring about a resumption of any normal relationships with North Vietnam, if this amendment passes on the continuing resolution. It is not the same as putting it on the gold bill. It is not the same as putting it on a supplemental appropriation bill. This covers the whole spectrum of government. I just do not believe it is the place to do it.

The Senator from Vermont is absolutely correct. I cannot understand why we have the words "or hereafter appropriated under this Act" in this bill. I do not know that we could hereafter appropriate any funds under this act, but it surely seems strange to me.

The real problem is the penchant for this Congress and the Senate to so tie the hands of the executive branch that no meaningful relationship can be worked out; and it is amazing to me that some of the people who opposed our involvement in the war, who supported those people who went into Hanoi and made representations that we would assist in reconstruction, are in fact the ones who are now involved in sending a message like this, that we will not be involved in any way in any meaningful relationships that are involved in a peaceful situation.

I do not believe in reconstructing North Vietnam by the use of Federal funds. I certainly do not. But, on the other hand, I do not believe in telling the administration that it cannot use any Federal funds in any way to assist, directly or indirectly, the Republic of North Vietnam, when I thought our goal was to work out a peaceful relationship.

We are, in fact, using Federal funds to deal with Russia; we are using Federal funds to deal with China; we are using Federal funds to deal with the Republic of East Germany. We are using Federal funds throughout the world in trying to assist in establishing trade patterns.

I thought that was one of the premises of this Government, that if we could restore normal trade relationships, perhaps following those relationships would come peaceful coexistence throughout the world.

But to put it on this bill, of all bills, absolutely ties the hands of the Federal Government in any way to use any funds to work out this peaceful relationship. I really do not understand it, particularly in the light of the fact that we must give them assistance if we are going to have them even come down to see us in Saigon.

Does the Senator from Arizona seek the floor?

Mr. GOLDWATER. Mr. President, I just wanted to ask a question of either the Senator from Alaska or the Senator from Virginia.

The language used is "for the purpose of providing assistance of any kind to or on behalf of North Vietnam." I have left out "directly or indirectly." I can understand what the Senator from Alaska is getting at, but I think the words "for or on behalf of North Vietnam" are probably the key words, because if we have to bring people from their government or their military to Saigon or any other place to discuss additional peace terms or what we can do about continued attacks on the North, I think that would be on behalf of South Vietnam and ourselves, and I see nothing to preclude the U.S. Government from doing that, and in no way would that be in violation, in my opinion, of this amendment. I would ask either Senator, particularly the Senator from Virginia, if I am correct.

Mr. HARRY F. BYRD, JR. The Senator from Arizona is absolutely correct, and that point was made clear by the Senator from Idaho in his presentation, that the acts contemplated by the Senator from Arizona would not be covered by this proposal, because they would be for the benefit of South Vietnam or the United States, and therefore would not be affected by it.

Mr. STEVENS. If I may ask the Senator from Arizona, as far as clearing mines from Hanoi Harbor is concerned, I do not see how that is in our behalf.

Mr. GOLDWATER. That has already been accomplished.

Mr. STEVENS. We do not have any further obligation to remove mines?

Mr. GOLDWATER. That, as I understand, was completed either yesterday or the day before, and all the minesweepers have been removed.

Mr. STEVENS. I see. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> After the word "assistance" strike all that follows and insert "in the reconstruction of the Democratic Republic of Vietnam (North Vietnam)."

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the names of the Senator from Indiana (Mr. HARTKE) and the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. HARRY F. BYRD, JR. I yield.

Mr. TOWER. The Senator's amendment says "funds herein or hereafter appropriated." This is an appropriation bill, is it not?

Mr. HARRY F. BYRD, JR. "None of the funds herein or hereafter appropriated under this Act."

Mr. TOWER. Under this act, right. I do not see why the term "hereafter" is included, because this is an appropriation bill. This is an act of appropriation. There is no authorizing legislation in this bill, is there?

Mr. HARRY F. BYRD, JR. No. That is correct.

Mr. TOWER. It seems to me the term "hereafter" is redundant; or is it meant to include any other appropriation bill we might enact in the future?

Mr. HARRY F. BYRD, JR. We could not do that. There is no way in the world that this act can bind some subsequent Congress or any subsequent action by this Congress.

Mr. TOWER. Can bind a future Congress or even this Congress, for that matter.

Mr. HARRY F. BYRD, JR. Or even this Congress.

Mr. TOWER. In other words, the President might come to us next month and ask for authorization, and this would not bar us from authorizing the funds.

Mr. HARRY F. BYRD, JR. That is right. If he comes before Congress and makes a good case, that would not prevent Congress from passing another act.

Mr. President, I want to make clear that what this will do is prevent the use of any funds that have already been appropriated or any funds appropriated by this act, and that is as far as this act can go, or any other act, for that matter.

Mr. TOWER. That is the reason why I am curious about the word "hereafter."

Mr. HARRY F. BYRD, JR. Well, the amendment was drafted by the Senator from Idaho. That was the reason I put in the request for a quorum call, to get him here.

Mr. TOWER. In the meantime, let me ask another question. What would be the effect on this amendment, if adopted, if the political reunion of North Vietnam and South Vietnam were achieved? What would be the effect on it? Would that mean it would bar aid to South Vietnam because it had achieved political reunion with North Vietnam?

Mr. HARRY F. BYRD, JR. I do not foresee that coming about during the life of this appropriation bill.

Mr. TOWER. I do not foresee it, either, but nevertheless there is a provision in the Paris Accords for a political settlement.

Mr. HARRY F. BYRD, JR. The Paris Accords were signed on January 27, and they have been violated so many times that none of us can count them.

Mr. TOWER. I understand, and I would agree that it is not likely, but what if it were to occur? That is something we apparently desire, because that would mean there would be no more fighting.

Mr. HARRY F. BYRD, JR. If the two Vietnams were united under the leadership of South Vietnam. This amendment, I think, would not apply.

Mr. TOWER. In other words, this applies to the political entity which is now North Vietnam?

Mr. HARRY F. BYRD, JR. That is correct.

Mr. TOWER. I think that is important to the legislative history and I thank the Senator from Virginia very much.

Mr. HARRY F. BYRD, JR. If the reunification took place under the leadership and under the Government of North Vietnam, then it would apply.

Mr. TOWER. I understand.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HASKELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have a modification to my amendment to the Church-Byrd amendment which is now at the desk and I would ask that it be stated, so that everyone will know how it will read if the modification is agreed to.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read as follows:

> After the word "assistance," insert the following: "In the reconstruction or rehabilitation of the Democratic Republic of Vietnam (North Vietnam)".

Mr. STEVENS. It is my understanding that I do have the prerogative of modifying my amendment; is that not correct?

The PRESIDING OFFICER. Yes, the Senator has that right.

Mr. STEVENS. Then I modify my amendment accordingly.

The PRESIDING OFFICER. The amendment of the Senator from Alaska is so modified.

Mr. STEVENS. Mr. President, I would ask the Senator from Idaho (Mr. CHURCH) if it is agreeable to him to accept my amendment.

Mr. CHURCH. The amendment offered by the Senator from Alaska is acceptable. I think it clarifies and makes more definite the purpose we seek to achieve in the original language. I am joined in that by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Yes.

Mr. STEVENS. Mr. President, I am ready for the vote on the amendment. I am not going to ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Alaska (Mr. STEVENS.).

The amendment, as modified, was agreed to.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on my amendment, as modified by the amendment of the Senator from Alaska.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment to the amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end therefor, immediately before the period, insert, "unless approved by Congress."

Mr. GRIFFIN. Mr. President, I think there is general and genuine agreement in the Congress and, I might say, an agreement in which the administration has acceeded, that none of the funds heretofore appropriated are to be used for the reconstruction or rehabilitation of North Vietnam, at least without the approval of Congress.

The amendment offered by the Senator from Idaho reads that:

> None of the funds herein or hereafter appropriated.

I think it is unfortunate to attempt to indicate what the Congress will, or will not do hereafter.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Michigan yield at that point?

Mr. GRIFFIN. I yield.

Mr. HARRY F. BYRD, JR. The Senator from Michigan did not read it in context, if I may say so. It reads, "None of the funds herein or hereafter appropriated under this act." Under this act.

Mr. GRIFFIN. Perhaps the Senator from Virginia can enlighten me but I do not understand, since this is an appropriation bill, how it would be possible to appropriate funds hereafter "under this act."

Mr. HARRY F. BYRD, JR. This is a continuing resolution that we are dealing with.

Mr. GRIFFIN. Mr. President, unfortunately there seems to be some confusion, and I suggest that the language could be interpreted as a declaration of policy as to the future. I do not think such a policy declaration concerning funds appropriated in the future would be wise. What we should do, I believe, it to make clear that we do not intend that any of the funds that have been appropriated or are being appropriated by this legislation shall be used to reconstruct North Vietnam, unless hereafter approved by Congress.

Mr. HARRY F. BYRD, JR. That is correct.

Mr. CHURCH. Will the Senator from Michigan yield at that point?

Mr GRIFFIN. I yield.

Mr. CHURCH. The Senator's amendment simply seeks to make explicit what is already implicit. I have no objection to that. I would think it would be also acceptable to the senior Senator from Virginia.

Mr. HARRY F. BYRD, JR. I have no objection to it. As a matter of fact, that is the wording of an amendment which I presented on April 5.

Mr. GRIFFIN. Mr. President, I understand that by reason of adoption of the amendment offered by the Senator from Alaska, my amendment as offered is not in order, and that I shall have to present it in a slightly different form.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I modify my amendment as follows: Instead of adding language at the end of the section, I propose that at the beginning of the section, before the first word, which is "none," these words be inserted: "unless specifically authorized hereafter by Congress."

The PRESIDING OFFICER. The amendment is so modified.

Mr. GRIFFIN. Mr. President, I believe this modification will circumvent a technical parliamentary problem, and I understand that it also meets with the approval of the sponsors of the principal amendment.

Mr. HARRY F. BYRD, JR. Mr. President, will the clerk read the amendment of the Senator from Idaho as it now appears?

Mr. GRIFFIN. As it would be amended.

The PRESIDING OFFICER. The clerk will so read.

The assistant legislative clerk read as follows:

> Unless specifically hereafter authorized by Congress, none of the funds herein or hereafter appropriated under this act or hereafter appropriated under any other act may be expended for the purpose of providing assistance in the reconstruction or rehabilitation of the Democratic Republic of Vietnam, (North Vietnam).

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Michigan.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Idaho, as amended.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and

voting, the Senator from Iowa (Mr. Clark) and the Senator from Delaware (Mr. Biden) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Vermont (Mr. Stafford) is necessarily absent.

The Senator from Idaho (Mr. McClure) is absent on official business.

The Senator from Tennessee (Mr. Baker) is detained on official business.

The result was announced—yeas 93, nays 0, as follows:

[No. 259 Leg.]

YEAS—93

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—7

Baker
Biden
Clark
Cotton
McClure
Stafford
Stennis

So Mr. Church's amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question recurs on the last committee amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I made a statement on April 5, 1973, at which time the Byrd amendment covering the same subject matter as the amendment just passed was under consideration, and I ask unanimous consent that it be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Mansfield

Mr. President, I shall support the pending amendment, because it is in line with the statement made by Dr. Henry Kissinger when he met with a group of Senators in this building after his return in January, I believe, and it is in line with statements made by the President of the United States, to wit, that before any action was taken, the administration would present to Congress any proposal which had been tentatively agreed to or which was under the most serious consideration at that time.

But, Mr. President, in accepting or rejecting the amendment, we will not dispose of the question of aid to North Vietnam or, indeed, to all of Indochina. That question will arise and arise again in the Senate until it is faced on the merits of the issue. That is as it should be; and that is as it will be. So, I want to set forth my position at this time on the substance of the question.

I have already expressed my full support of the President's negotiating effort which has brought about a tentative cease-fire in Vietnam and Laos, a withdrawal of U.S. Forces from Vietnam, and the return of the prisoners of war. As an essential of the success of those negotiations, the President asked for an investment in peace. A part of that investment, as he made clear, is in the form of aid in the reconstruction of the war's havoc throughout Indochina.

There are those who are against that aid, who would find fault with the President's proposal. There is, in particular, a reluctance to go along with his proposal to provide postwar assistance to North Vietnam. It is an understandable reluctance. Feelings run strong now, as they did with regard to Germany and Japan at the end of World War II and as they do at the end of every war. Feelings aside, the fact remains, Mr. President, that we paid a terrible price, in a futile effort to fight this war to an end: 303,000 Americans wounded in combat, almost 46,000 Americans killed in combat, 10,300 Americans dead as a result of nonhostile action, overall 360,000 American casualties, including more than 25,000 paraplegics, quadriplegics, or disassembled men as they have been called. The monetary cost? We have spent between $130 and $140 billion to date; the eventual full cost may be expected to go to $450 billion and to saddle the people of this Nation with debts well into the next century. Moreover, what of the divisions produced by the war at home? The drug infestation? The inflation? The dwindling value of the dollar? The decline in respect for our political institutions?

Those are some of the costs attributable to the war, and if we can bear them, it seems to me, Mr. President, that we can and should bear part of the more nominal and constructive costs of healing the wounds of Indochina. There, too, in all parts of that war-torn area, the suffering has been real and overwhelming: Hundreds of thousands of men, women and children killed and maimed; vast areas of forest and croplands reduced to deserts; thousands of cities, towns and hamlets leveled; millions made homeless.

Peace is healing. Peace is the putting aside of anger. Peace is reconstructing and building. So on February 27, I expressed the hope and desire to cooperate with the President of the United States in his efforts to embark on a decade of peace, the first step of which would be the negotiated end of the war in Indochina. I indicated at that time that I would support his proposals for peace even though they involved postwar aid to all of Indochina. I offered that support, however, subject to various criteria which I was then trying to delineate in my own mind. One of those criteria, Mr. President, is now clear to me and it is best that it be set forth at this time.

I am inclined to support the President's position on Indochina, provided, in the first place, that a cease-fire is, in fact, reasonably operative throughout Indochina and we are militarily out of that situation lock, stock, and barrel. It is with regret, therefore, that I note that such is not the situation today. Where is the peace? Where is the disengagement? How can we speak of rebuilding when B–52 bombers, day after day, are still making some of the heaviest bombing runs of the war? When we continue to face the prospect of more casualties, more POW's and more MIA's?

Where is this transpiring, Mr. President? In Cambodia, of all places. Cambodia, never was more than vaguely peripheral to the conflict in Vietnam and only by a great stretch of reason could it be connected with the withdrawal of U.S. forces from Vietnam. The ill-fated excursion across the Cambodian borders 3 years ago had no discernible effect on the outcome of the conflict other than to add greatly to our costs and casualties and saddle us with still another dependent government. Cambodia's internal political situation never was and is not now remotely connected with any reasonable interest of the people of the United States.

Yet, here we are at this late date digging ourselves deeper into another tragic military involvement, inflicting one more vast compass of devastation on one more hapless land, in support of one more irrelevant government, in one more obscure region of Indochina. In my judgment, to continue to pursue this vein is to cast into doubt all that has been achieved by way of negotiation in Vietnam.

So, Mr. President, I reiterate my inclination to support the President's position, which is a valid one in my judgment, as a measure of decency, as a share of our responsibility for developing international peace, and as a contribution to the healing of the wounds of a terrible war. But I cannot and I will not vote for funds for reconstruction in North Vietnam or South Vietnam or wherever in Indochina if we continue to put out great sums to pay for continual bombing runs over Cambodia which risk the ruin of more American lives. Unless this last-gasp practice ends forthwith, the war in Indochina will not be ended. In the circumstances, I can see little point in supporting any aid program for any part of Indochina.

Mr. STEVENS. Mr. President, I would like to serve notice that unless the Republic of South Korea changes it current pattern of actions, I propose to seek enactment of legislation to cease providing any economic assistance whatsoever to the Korean Government and, as a second step, I intend to introduce an amendment to the Department of Defense appropriation bill which would require immediate withdrawal of all American military forces from the Republic of Korea.

In explaining my intention to introduce these amendments, I wish to submit that the Korean Government continues to resist accepting responsibility for and to assure the enforcement of the United States-Republic of Korea fisheries agreement of cooperation, and it does not recognize violations that have occurred repeatedly.

Again and again I have brought to the attention of this body, incident after incident of violation of our treaty agreements. On June 17, another violation was reported. According to the U.S. Coast Guard, the Korean Hae Yeon fleet, consisting of what appeared to be a freezer-carrier, the *Hae Yeon 27*, and four pair trawlers, the *Hae Yeon 61, 52, 62,* and *51* were fishing within the International North Pacific Fisheries Convention abstention line in an area north of Cape Sarichef in the Aleutians, which are a part of my State.

In a sworn statement by the master of the U.S. fishing vessel, *Nordic Fury*, he indicated that the *Hae Yeon 62* had run through the U.S. vessel's crab pot gear, resulting in the loss of 30 pots; and that moreover, the *Nordic Fury* had come upon the *Hae Yeon 62* fishing a salmon gillnet.

According to the National Oceanic and Atmospheric Administration—NOAA—the United States and Korea have an agreement similar to the Japanese treaty, and I am informed that American fishermen are prohibited from gillnetting on the high seas. Under these agreements, the North Koreans are also prohibited from gillnetting on the high seas.

Upon investigating the initial report, a U.S. Coast Guard cutter had come across and retrieved a 2,000-foot gillnet and a 6,000-foot gillnet, both of 5-inch mesh and of the same type of material as has been used by Korean vessels in past years.

I have pointed out that these are monofilament nets. They are small mesh. When they are cut loose from these foreign vessels, they are marauding death nets that will catch a school of salmon, hold them until all the salmon have died and have decayed, and then they move across that ocean and kill more salmon.

Subsequently, the Coast Guard cutter had sought and obtained permission to board the *Hae Yeon 27* and had observed no salmon or gillnet on board. They had obviously cut loose their nets.

Attempts to board in similar fashion the four trawlers were unsuccessful; the Korean trawlers had refused to answer various signals from the cutter and had taken evasive action.

Referring to the National Marine Fisheries Report on Foreign Fishing Off U.S. Coasts dated April 1973, I find that a total of 336 foreign vessels were operating in Alaskan waters at that time, which is more than one-half of the total of 645 foreign fishing boats reported off all of the coasts of the United States.

A recent article in the Christian Science Monitor dated June 26, 1973, points out once again that the U.S. fishing fleet is waging a losing battle against the greatest of odds. Lack of governmental financial backing, inadequate surveillance of gross violations of limited fishing agreements, indifference on the part of Congress to recognize the necessity for giving the industry proper attention, and a total lack of a national policy in dealing firmly with member nations has placed our country in the precarious position of a rapid depletion and foreseeable endangering of a food source that may take years to replenish. The question is not if, but when are we going to awaken to this national emergency.

Mr. President, I bring these facts to the Senate's attention to point out once again the need for immediate and positive action to safeguard our fishing industry and to provide the steps, whereby, we can rebuild the fishery and our fishing fleet for a productive, economic future.

Mr. President, once before this happened and once before I offered an amendment to cut off all aid to Korea. They removed their fishing fleets from Alaskan waters and said they would not do that again. As a matter of fact, they signed an agreement of cooperation. But this year they have done exactly the same thing; only this time the degree of violation is much more serious, and the evasion tactics of their foreign trawlers indicate to us that they knew they were violating their own agreements.

I feel there is no way we can possibly deal with the Koreans except by a show of force. I do not see any reason why we should be providing ground troops in Korea to protect them or to provide military assistance in order for them to protect themselves, and then have them send their fishing fleets into Alaskan waters and have them refuse to accept the signals of our Coast Guard and to violate the agreements they have entered into, which would give us some assurance of protecting our salmon runs and salmon industry.

I think the time has come to show that we are serious. I am hopeful we will receive support in the Senate for the proposition that if they are big enough to fail to heed the lights and signals of the Coast Guard when they are in our waters, then they are big enough to defend themselves. It is high time for Korea to get the message that we are not going to let them destroy the anadromous fish that find their home in Alaska and that spend a great portion of their adult lives on the high seas in the North Pacific.

I cannot think of anything that makes me more furious than the knowledge that there are fishermen who are willing to cut loose monofilament fish nets, 6,000 feet long, and leave them in the ocean where they continue to maraud and destroy the very food chain they seek to bring back to their own people, for the sole reason of escaping detection of the violation of the agreements they have entered into. Unless Korea takes the job of policing its own people, I think it is time for us to leave the job of being policemen for Korea, and I think it is time for us to stop giving them economic assistance.

Mr. President, I ask unanimous consent that the article I mentioned, from the Christian Science Monitor, written by Stewart Dill, be placed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MODERN FLEETS OVERWHELM U.S. EFFORTS: SOVIET POSE BIG FISHING THREAT

(By Stewart Dill)

BOSTON.—The smoked flounder fillet that Ivan's mother served last night for dinner in their Moscow apartment probably was caught only a few miles off the New England coast.

But it is only a minuscule portion of the millions of tons of seafood that the Soviet Union catches every year in fishing grounds which once were exclusively American.

More than half of the Atlantic foreign fishing fleet—which numbers nearly 800 ships and flies the flags of 17 nations—are Soviet vessels.

Perennial agricultural problems and repeated crop failures in Russia have forced that nation to turn from the pastures to the ocean in order to supply its 240 million consumers with protein.

(According to the National Marine Fisheries Service, the average Russian consumed 33 pounds of fish last year, while the average American ate only 12 pounds.)

Consequently, the Russian government has made no bones about building up its fishing fleet over the past decade. As a result today the Soviets have the largest and most technically advanced fleet in the world.

Like many of the European vessels fishing in the northwestern Atlantic, the Soviet trawlers are fully equipped with cleaning, filleting, and canning machinery. The fishing vessels are escorted by an entourage of support vessels including fuel tankers, seagoing tugs, inspection ship, and special ships used to shuttle fresh crews and supplies as well as the already processed fish meal, oil, and fillets between the vessels and their home states.

INDUSTRY SUPPORTED

The genesis of the Russian fishing fleet came after the passing of Stalin in 1953 when the government decided to actively support the industry in its next five-year plan. The Russians collected samples of the most advanced Western stern trawlers, copied the designs, and began to mass produce the models in their own factories.

Today the Soviets spend more than $900 million every year on their fishing industry and about 75 percent of that expenditure goes into the construction of their 5,000 vessel fishing fleet.

"In these days of high prices, the successful fisherman is not one with a line over the side of the boat whistling his day away. He has to be a small businessman if he wants to make it at all," says Capt. John Dykstra, who has fished for the last 25 years out of Pt. Judith, R.I.—one of the few prospering New England fishing ports.

But the American fisherman is being squeezed out by Europeans who are taking advantage of mass purchasing, lower labor costs, and, most importantly as U.S. fishermen see it, heavy government subsidies.

The American fishing fleet is considerably smaller. Foreign ships range up to 650 ft., carry over 100 crew members, and stay out three or four months while catching and processing on board up to 75 tons of fish a day.

U.S. fishermen say the large-scale method of "pulse fishing" used by the Russians and other Europeans is largely unadaptable to the traditions of the American fishing industry.

Every Russian vessel is manned by at least one technical gear master and a fishing master, who are responsible for locating—with the aid of highly sophisticated sonar devices—the substantial schools of fish.

SCHOOLS DEPLETED

When the school is discovered, dozens of trawlers descend upon it and fish until the supply is depleted, dumping their catch into the "mother ship" for immediate processing and packing.

The Soviet vessels which range as large as 10 times their American counterparts, are able to drag larger nets at much higher speeds and thus multiply their catch rates over their American competitors.

Before the Russians came down from Newfoundland in 1960, Boston fishermen were hauling in 50,000 tons of haddock annually. This year's domestic catch is expected to be less than 6,000 tons.

Though American fishermen operate on a daily and sometimes one-week basis, the Russians stay out for months at a time. And this is the primary reason why the U.S. would have a difficult time trying to mirror Russian fishing practices.

In fact, according to an official of the National Marine Fisheries Service, just such an attempt was made back in 1966. Congress authorized $10 million to purchase two high-seas stern trawlers in order to experiment with the European style of long-term fishing.

U.S CREW BALKED

The project failed when the American fishing crew on board discovered it was unable to withstand long periods of high-seas fishing and finally mutinied off the coast of Iceland. The crew was flown back to the U.S. and that was the last attempt made to copy the Europeans.

For the average Russian on the other hand, a long period of time on the high seas is not only lucrative but glamorous.

Soviet fishermen are paid more than twice the salary of the average Russian factory worker and if the fleet exceeds its state-regulated quota, the fisherman brings home even more rubles in his pocket.

On board the 650 ft. mother ships—often referred to as "floating hotels"—the crews live in luxury compared with their humble dwellings back in the Baltic fishing villages.

FINE ACCOMMODATIONS

The 100 crew members are housed in two-man state rooms. Hot meals are served every four hours in dining rooms complete with thick carpeting, flowing draperies, and the finest china place settings.

When the crew members are not hauling in their nets or filleting fish in the hold, they may be exercising on the ship's basketball or volleyball court. Or relaxing at a game of ping-pong or bumper pool. Or just simply watching a afterdinner movie.

The dozen women on board to prepare meals and keep the living quarters in shape also seem to make the life of a high-seas fisherman more palatable.

Furthermore, in a country where tourism is severely restricted, the 200,000 Russian high-seas fishermen, who return home with gifts from all parts of the world, become a sort of national hero.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond the hour of 3:45 p.m. today.

The motion was agreed to; and at 3:17 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 3:35 when called to order by the Presiding Officer (Mr. STEVENS).

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Maine (Mr. MUSKIE) and the Senator from West Virginia (Mr. RANDOLPH) may conduct a colloquy and yield to other Senators in connection with that colloquy, with the understanding that at such time as the manager of the continuing resolution or any Senator with an amendment thereto or the majority leader or the minority leader or their designees may have the right to the floor at any time they wish to continue action on the continuing resolution.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Maine (Mr. MUSKIE) may be allowed to speak for not to exceed 20 minutes, the time to be equally divided.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that Leon Billings and Barry Meyer, of the committee staff, may have the privilege of the floor during this colloquy.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE 1970 CLEAN AIR ACT

Mr. MUSKIE. Mr. President, for some months Members of Congress have been overwhelmed with communications regarding the implications of the 1970 Clean Air Act. Most of those communications have dealt with the specific issue of the standards which were established for 1975 and 1976 model automobiles.

More recently interest has been generated by the transportation control strategies proposed by the Environmental Protection Agency for a number of large urban areas to achieve health protective air quality standards by 1975–77.

The auto industry has conducted a national campaign in the Executive branch, in the Congress and at the local level, to change the requirements of the Clean Air Act. They have claimed that we ask too much—that they cannot deliver. The Clean Air Act has been attacked as the cause of the energy crisis. Questions have been raised as to whether the air quality plans required by that Act will disrupt the social and economic fabric of many urban communities. Other questions have been directed to the nondegradation requirements of the Clean Air Act. Will they prohibit the construction of any new coal-fired powerplants and stop the development of coal gasification facilities or the construction of new oil refineries, or block economic development and growth?

Last year the Subcommittee on Air and Water Pollution held 12 days of hearings on the implications of that act and this year the subcommittee has already completed 12 days of hearings on auto emission questions. We will hold more hearings exploring such questions as I have described.

Mr. President, the Clean Air Act was an important legislative achievement and it has been a significant success. Former Environmental Protection Agency Administrator, William D. Ruckelshaus, put it this way:

> . . . let me say a word in defense of the Clean Air Act of 1970. This Act has been much maligned by its early opponents and more lately by some of its supporters. The Act is not perfect—no act is—but it is working.
>
> On January 12, 1971, one month after the formation of the Environmental Protection Agency, standing in this same room and speaking to the Press Club about the 1967 Clean Air Amendments, I pointed out:
>
> "This means that now, in 1971, not one grain of dust, not one liter of gaseous pollution has yet been removed from the atmosphere of this nation as a direct result of the 1967 Air legislation."
>
> This is simply not true of the 1970 amendments. As a direct and positive result of the passage of these strengthening amendments, we have achieved dramatic reductions in automobile emissions. When this is coupled with stationary source control the air in the country will continue to improve at a remarkable pace.

We have begun to see positive results from this legislation. While air may not be getting visibly cleaner, patterns of action have been set in motion which will inevitably result in cleaner, more healthful air.

And what of the auto emission question? In 1970, when the Clean Air Act was enacted, the auto industry claimed that there was no way that it could develop the technology to meet the deadline set in that act. And yet, on June 8 of this year, Acting Administrator of the Environmental Protection Agency, Robert Fri, made the following statement in a letter to myself and Senator Buckley of New York:

> As regards technology assessment, I think it is now clear that it is technologically feasible to meet the statutory emission standards for carbon monoxide and hydrocarbons.

This is a significant success. Even though the auto industry has gained an extra year in which to perfect the technology to meet the 1975 standards—the Nation is 4 years ahead of the timetable the industry had agreed to in late 1969.

The issue of oxides of nitrogen is still an open question. The auto industry claims that the standards established in the law for that pollutant cannot be met in 1976 or in 1977. But, Mr. President, it made the same claim regarding hydrocarbons and carbon monoxide last year and again this year and yet the Administrator of the Environmental Protection Agency is satisfied that technology exists today. In any event, Mr. President, I am sure that we can achieve today, effectively, efficiently and economically, a much higher degree of control of oxides of nitrogen than we might have been able to achieve without the Clean Air Act.

Nevertheless, the Subcommittee on Air and Water Pollution is not satisfied with the achievements of that law, and the Congress cannot afford to be. The Clean

Air Act of 1970 was a novel approach to legislation. Scientific and technical judgments were the basis for enactment of the law. The law—not regulations—set the emission standards and the deadlines. The Congress utilized the best technical and scientific evidence available in order to make a set of judgments regarding clean air designed to protect the public health at the earliest possible date.

The data bearing upon those judgments is, of course, the product of ongoing research and study. As new information is developed the Congress has a responsibility to continue to evaluate the assumptions on which the Clean Air Act was based and to consider modifications reflecting in those assumptions.

In order to fulfill this obligation, the Subcommittee on Air and Water Pollution has initiated contact with the National Academy of Sciences to obtain an evaluation of the health standards for auto-related pollutants. Not only will the Academy be asked to determine the validity of the present standards, but also to comment on the degree to which the margin of safety associated with those standards is reasonable and to identify for the subcommittee those portions of the population which will be protected by achievement of those standards. The academy will be asked to identify areas of uncertainty and indicate research goals.

I ask unanimous consent to include in the RECORD at this point a joint letter from Senators BUCKLEY, RANDOLPH, BAKER, and myself in which we seek a short term National Academy of Sciences review of the air quality data, as well as a longer-term study of the health effects of auto-related pollutants.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., June 27, 1973.

DR. PHILIP HANDLER,
President, National Academy of Sciences, Washington, D.C.

DEAR DR. HANDLER: As you know, the Clean Air Act Amendments of 1970 mandated specific emission standards for automobiles which were based on the effect of hydrocarbons, carbon monoxide and nitrogen oxides on human health. Other air quality regulations (for stationary sources and other pollutants) were also to be derived from the cause/effect relationships of contaminants in the ambient atmosphere to human health and welfare.

The Subcommittee on Air and Water Pollution of the Senate Public Works Committee (which has jurisdiction over the Clean Air Act in the Senate) recognizes that there is a continuously developing body of evidence on health effects of these pollutants. We would appreciate the assistance of the National Academy of Sciences in obtaining an objective evaluation and review of current data on health effects of those pollutants which are related to emissions from automobiles.

Particularly, the Academy could be of assistance in identifying basic issues regarding health effects information; evaluating available information on these particular pollutants; and synthesizing a coherent systematic presentation of the air quality problem including such questions as:

1. What data base exists for present health-related ambient air quality standards? Is it adequate? What areas would be receiving study and analysis? To what extent are other than human health data a reasonable basis for extrapolating human health effects? Are present health standards supported by existing data—does new data support the existing standards? Please evaluate the relationship of new data to those standards. To what extent do the "margins of safety" built into existing standards represent a reasonable measure of protection against scientific unknowns?

2. Are the existing standards based on the health of normal, healthy adults or on the health of susceptible groups within the population? Which is a reasonable basis? Can population segments which are considered susceptible to the referred-to pollutants be identified within the population of any given area? What proportion of the population in major urban areas are within susceptible group categories?

3. Are the standards based on "threshold levels" plus a margin of safety or are they established at levels which will protect public health with a margin of safety? Are there assumed to be "threshold" effects levels for NO_x, CO and oxidants? What is the best information available as to any "threshold" levels of the referred-to pollutants? What is a reasonable margin of safety below those "threshold" levels?

4. What improvement in air quality has actually occurred as a result of auto emission controls to date? Is there conclusive monitoring data to quantify any change in ambient concentrations of these pollutants? What improvement in ambient air quality will result from meeting present and anticipated emission standards? Can we quantify this improvement in advance of application of controls?

5. What groups within the population will still be subjected to health hazards in 1985–86 (assuming statutory standards are met? Are changed?) How are these groups characterized (socio-economic level, unusual sensitivity to pollutants, old, young, ill, geographical location, seasonal exposure, etc.)? What is the most appropriate means of expressing ambient air quality standards to reflect human health effects (number of exposures, frequency, duration, pollutant concentration)? Can you identify the uncertainties in setting health effect standards for nitrogen oxides, carbon monoxide, and oxidants (confidence limits, standard deviation, errors in analyses, margin of safety concept)?

6. What information is available about synergism or antagonism in the set of air pollutants found in cities?

7. What proportion of total health hazard to the city dweller comes from air pollution? From automobile emissions? What is the proportion of total health hazard from urban air pollution which is due to these pollutants in the amounts which they are emitted from automobiles?

8. What are the limitations (to predictive judgments on alternative pollution control strategies) which are dictated by the probabilistic nature of science, the complexity of environmental health relationships, the variability among persons, and the vagaries of human nature?

We realize that these questions are complex and, in some cases, controversial. However, the Subcommittee needs a synthesis of the best information available prior to consideration of any amendments to the Clean Air Act.

Additionally, the Subcommittee would hope to arrange for a long term evaluation of these and other related issues concurrent with this initial review.

We would hope that you could meet with the Subcommittee on Air and Water Pollution on July 10 at 3:00 p.m., to discuss the role of the Academy in this important endeavor.

Sincerely,

EDMUND S. MUSKIE,
Subcommittee on Air and Water Pollution.
JENNINGS RANDOLPH,
Chairman, Committee on Public Works.
JAMES L. BUCKLEY,
HOWARD H. BAKER, Jr.,

Mr. MUSKIE. Mr. President, the Subcommittee on Air and Water Pollution also is reviewing in detail the information available on the technological ability of the auto industry, foreign and domestic, to meet the standards established in the law. We are in the process of identifying the areas in which more information is needed. An evaluation of the subcommittee's hearings this year, data developed in EPA's hearings and from other sources will be completed late in July.

Finally, Mr. President, the subcommittee has instructed the staff to investigate—in detail—the proposed urban transportation control strategies to implement health level air standards, to determine the extent to which legislation may be needed to achieve the goals set in the Clean Air Act with minimal, social, and economic disruption.

These studies are essential to a thorough evaluation of the implications of the Clean Air Act. And, during this period, the Clean Air Act has safety valves to provide assurance against any immediate disruption during this period of study and analysis. Most of the requirements of the act are not applicable until June 1, 1975. Controversial or potentially disruptive control requirements need not apply prior to June 1, 1977. Transportation controls, while proposed, will not be promulgated until mid-August and need not be fully implemented until 1975 or 1977.

The auto industry has already indicated its intention to meet the interim standards set by the Environmental Protection Agency for 1975 models. Therefore, there does not appear to be an immediate crisis facing that industry. And, the Acting Administrator of the Environmental Protection Agency has indicated that the technology is available to meet the hydrocarbon and carbon monoxide standard which now are required for 1976 models.

As to the oxides of nitrogen question, the law provides an administrative mechanism for immediate relief. The auto industry has applied for an extension deadline as the law permits, and hearings on the application began this week. A decision on the extension request for NO_x must be reached by the Administrator by the end of July.

If the technology is found not to be available as the industry contends, that grace period will provide more opportunity for research and development and also more opportunity for Congress to review the bases of the law.

Also, Mr. President, the Environmental Protection Agency has initiated a review of the ambient air quality basis for the statutory auto emission standards for oxides of nitrogen. That review, together with public comment and analysis will be submitted to the Congress around the first of September.

The National Academy of Sciences health effects review should be available to the Congress at the end of September.

The Subcommittee on Air and Water Pollution will hold extensive Washington field hearings on transportation controls in September and hearings will be held, as possible, on the question of nondegradation.

We should, Mr. President, be prepared to report details on our investigations to the Senate by mid-October, including an identification of any needed amendments to the law.

Mr. President, when the Congress passed the Clean Air Act of 1970, Senator John Sherman Cooper described it as "the most significant domestic legislation of the decade."

Mr. RANDOLPH. Mr. President, as chairman of the Senate Committee on Public Works, just a few moments ago I reported from the committee a resolution, accompanied by a report, which would provide funds for a vital study of health effects under the air pollution control legislation.

Mr. President, I ask unanimous consent that that resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 135

Resolution authorizing supplemental expenditures by the Committee on Public Works for inquiries and investigations.

Resolved, That section 2 of Senate Resolution 21, 93d Congress, agreed to February 22, 1973, is amended by striking out "$625,000" and "$9,000" and inserting in lieu thereof "$940,000" and "309,000", respectively.

Mr. RANDOLPH. Mr. President, I ask unanimous consent to have printed in the Record the report which accompanied the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the report was ordered to be printed in the Record, as follows:

Air Quality Standards Study Authorization

(Report to accompany S. Res. 135)

The Committee on Public Works reports an original resolution (S. Res. —) authorizing supplemental expenditures by the Committee on Public Works for inquiries and investigations, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution do pass.

PURPOSE

The purpose of the supplemental request reported from the Commitee on Public Works is to provide funds for a contract with the National Academy of Sciences—National Research Council, to provide the Senate and the Congress with an objective analysis and evaluation of health-related ambient air quality standards for those pollutants associated with auto emissions. The Academy would be asked to provide the Committee on Public Works with both a short term 90-day evaluation of existing data and a long term 12 to 15 months study and analysis of health effects data. These two reports would establish key issues relative to ambient air quality standards, present the latest and most authoritative information on health effects, and provide the Congress with a coherent systematic analysis of existing air quality standards. The Committee is particularly concerned that the Congress receives answers to the following kinds of questions:

1. What data base exists for present health-related ambient air quality standards? Is it adequate? To what extent are data on effects other than on human health a reasonable basis for extrapolating human health effects. Are present health standards supported by existing data and does new data support the existing standards? To what extent do the "margins of safety" built into existing standards represent a reasonable measure of protection against scientific unknowns?

2. Are the existing standards based on the health of normal, healthy adults or on the health of susceptible groups within the population and which is a more reasonable basis? Can population segments which are considered susceptible to such pollutants be identified within the population of any given area? What proportion of the population in major urban areas are within susceptible group categories?

3. Are the standards based on "threshold levels" plus a margin of safety or are they established at levels which will protect public health with a margin of safety? Are there assumed to be "threshold" effects levels for NO_x, CO and oxidants? What is the best information available as to any "threshold" levels of the referred-to-pollutants? What is a reasonable margin of safety below those "threshold" levels?

4. What improvement in air quality has actually occurred as a result of auto emission controls to date? Is there conclusive monitoring data to quantify any change in ambient concentrations of these pollutants? What improvement in ambient air quality will result from meeting present and anticipated emission standards? Can we quantify this improvement in advance of application of controls?

5. What groups within the population will still be subjected to health hazards in 1985–86 (assuming either that statutory standards are met or are changed?) How are these groups characterized (socio-economic level, unusual sensitivity to pollutants, age, illness, geographical location, seasonal exposure, etc)? What is the most appropriate means of expressing ambient air quality standards to reflect human health effects (number of exposures, frequency, duration, pollutant concentration)? Can the uncertainties in setting heatlh effect standards for nitrogen oxides, carbon monoxide and oxidants be identified?

6. What information is available about synergism or antagonism in the automotive-related air pollutants found in cities?

7. What proportion of total health hazard to the city dweller comes from air pollution? From automobile emissions? What is the proportion of total health hazard from urban air pollution which is due to these pollutants in the amounts which they are emitted from automobiles?

8. What are the limitations (to predictive judgments on alternative pollution control strategies) which are dictated by the probabilistic nature of science, the complexity of environmental health relationships, the variability among persons, and the vagaries of human nature?

EXPLANATION OF COMMITTEE REQUEST

On April 18, the Administrator of the Environmental Protection Agency announced his decision regarding the auto industry's request for a one year extension to meet the standards established in the Clean Air Act for emissions of carbon monoxide and hydrocarbons from automobiles. That decision and the controversy surrounding it led to an in-depth examination of the implications of auto emission requirements by the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works.

In testimony before the Subcommittee, then Environmental Protection Agency Administrator William D. Ruckelshaus, called into question ambient air quality standards, measurement techniques and automobile emission standards related to oxides of nitrogen. Significant public controversy has also been generated regarding the validity of ambient standards related to other auto-related pollutants. These issues and the associated controversy rose subsequent to the initial Committee request for funding under Senate Resolution 21. The Committee could not at that time anticipate the need for an independent analysis because the questions which must be answered have arisen subsequently. The Committee on Public Works has initiated a full scale evaluaton of the implications of the Clean Air Act in which the study which would be funded under this resolution is an essential element. The reports of the National Academy of Sciences investigation due in October of this year and late next year should provide the Congress with a useful basis for any necessary modifications in the Clean Air Act.

This supplemental funding resolution includes $300,000 for contracting this study with the National Academy of Sciences, in addition to $15,000 in supplemental investigations funding for the Committee for travel and agency personnel reimbursement in connection with this study.

The Committee recommends that the Committee on Rules and Administration give favorable consideration to this resolution as early as possible, so that it may be reported to the Senate for early action.

Mr. RANDOLPH. Mr. President, this examination, I am sure the able chairman of our Subcommittee on Air and Water Pollution would agree, is essential so that the committee can judge whether any modifications of the 1970 act may be necessary.

The resolution arises from a discussion within the committee and is subscribed to by all of its members.

It has the cosponsorship of Senators Muskie, Bentsen, Baker, Buckley, Stafford, and Domenici, as well as myself.

Mr. President, I have listened with intense interest to the comments of the able chairman of the Subcommittee on Air and Water Pollution, the Senator from Maine (Mr. Muskie). I have served with him on the Public Works Committee for over 14 years.

During that time we have participated in the development, under his leadership, of all of the control legislation for air, water, solid waste, and noise pollution which has been presented before the Senate and the Congress.

We have agreed, as the Senator knows, more than we have disagreed. But there have been times when disagreement has taken place.

On the subject of discussion today—and it is a very important discussion—the 1970 Clean Air Act and what it has done and can continue to do, we have some differences of opinion which I think should be raised. Then the colloquy here today would indicate some of the matters that are of concern, from different viewpoints.

I most heartily and actively seek the reevaluation of the technological and scientific base on which we legislated in 1970. I believe such a review is absolutely essential to our ability to recommend responsive legislation to the Senate. I also believe that we have made rather remarkable, well reasoned strides with the Clean Air Act of 1970.

But, Mr. President, I do not believe that it has proven an unequalified success. I doubt if that could be said for any piece of legislation that has been enacted. While there is no question in my mind, and I think very frankly no question in the mind of any person who has studied the problem, the technology, exists to control hydrocarbons and carbon monoxide to the requirements of the statute, I am not satisfied that the catalytic converter technology likely to be used is the kind that we should force into use without further consideration on the part of our committee members and on the part of the Senate.

The accomplishments of the 1970 act in accelerating the development of pollution control technology for automobiles is important, and very, very important. I am not sure that this technology is the most effective, efficient, and economical means by which we can achieve this result. The automobile companies—and they have been mentioned today by our subcommittee chairman—have raised questions as to whether we should require the installation of catalysts within the time specified by the 1970 act.

The act was based on an evaluation, Mr. President, of the scientific and technological information available to us at that time, but it is obvious that we need an impartial and professional evaluation of that information for more recent developments which have come with progress that is being made.

I think such an evaluation, Mr. President, is essential to a determination of whether the act as it presently exists should go forward. During this period we must consider whether we can accomplish the objectives in the legislation over a somewhat longer time frame, but accomplish them more effectively in the end, protecting the public health and conserving—of course a major item today—essential energy supplies.

The membership of the Committee on Public Works, Mr. President, has changed significantly since 1970. Of the 14 members of the committee, eight either were not in Congress or not in the Senate, and only five were members of the committee—five only, of the 14 now on the committee—when the legislation was developed.

One Senator was then serving on another committee.

An evaluation of the act must also take place through these new eyes, these new minds, these new approaches of those who are now active members of the committee.

I hope we will move expeditiously with our commitment and that the results of our evaluation will be to the benefit of the people of the United States.

The Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), and all the members of our committee are joined in that wish.

We need now to look at the problems of public health. I think we should also look at the problems of a strong economy, as strong as we can make it.

In all other respects, I subscribe—I underscore this—to the whole spirit of the statement of the Senator from Maine (Mr. Muskie). I think it is important for us to recognize, once again, as I am happy to do today, the leadership and the dedication which he has given to this subject matter. I think it is important, also, to use this further opportunity, which I now do, to express to him appreciation for the leadership that I know he is going to demonstrate in the tomorrows as we undertake this program.

We are going to have the very active cooperation of the Senator from Tennessee (Mr. Baker), the ranking minority member of the committee; and the Senator from New York (Mr. Buckley), the ranking minority member of the subcommittee who is in the Chamber today. These Senators have already provided valuable contributions as we considered matters of the protection of the public health.

I add to the list I have mentioned the services also of Senators Joseph Montoya, Mike Gravel, Lloyd Bentsen, Quentin Burdick, Dick Clark, Joseph Biden, Robert Stafford, William Scott, and James A. McClure, and also Senator Pete Domenici, who is in the Chamber at this time. They are the persons who undertook this job, hopefully under the adoption of the resolution and its probable approval by the Committee on Rules and Administration.

I think it is important for me to say, in closing, that the people of the United States will look to the Congress for a well-reasoned evaluation, in the year 1973, of the act passed in 1970.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am happy to yield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that each of the two Senators may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. I thank the distinguished majority whip.

I again express my appreciation to the distinguished chairman of the Committee on Rules and Administration for the consideration and leadership which he has given on the Committee on Public Works in this and in other areas of responsibility that are his. I think that the committee has developed, under his leadership, distinct progress in the creative approaches to this and other problems, and has developed a consensus across party lines. I take this opportunity to compliment him.

Mr. President, at this point I observe that my distingiushed counterpart on the subcommittee, the ranking minority member, the Senator from New York (Mr. Buckley) is in the Chamber. I now yield to him.

Mr. BUCKLEY. Mr. President, it was not very good fortune to be a Member of this body at the time the Clean Air Act was enacted. I would like to have been involved with it from its inception; and I want to take this occasion to express my profound admiration for the leadership of my friend from Maine, Mr. Muskie, in promulgating this really important legislation.

The distinguished chairman of the Subcommittee on Air and Water Pollution has outlined the very ambitious program adopted earlier today for review of the Clean Air Act Amendments of 1970. It reflects the commitment by every member of the subcommittee to undertake at once an orderly reexamination of the basic data on which the legislation was structured in the light of the new knowledge that has been developed over the course of the 2½ years; and to assess its future impact in the light of the experience we have gained in its implementation.

The Clean Air Act has proven its effectiveness. Its enactment just two and a half years ago has already resulted in substantial progress toward clean air. We have witnessed improvements in our institutional capacities, an expansion of our analytical and technical expertise, and to a significant degree, a revolution in public attitude.

But as is always the case with pioneering legislation on the ambitious scale of the Clean Air Act, it is impossible at the outset to anticipate with any precision exactly what its total impact will be. This has been paricularly true of this legislation because too little scientific data on the impact on human health of various air pollutants was available at the time of its enactment. Nor was it possible to predict the nature, or effectiveness, or the direct and indirect costs of the technology that would have to be developed in order to meet statutory air quality goals.

These problems were anticipated at the time the Clean Air Act was enacted. It was understood that as new information was developed, and as the impact of the act could be more clearly determined, a review of its provisions would be in order. This is what we now propose to do with all responsible speed.

I emphasize these points because some might try to read into the reexamination that is now being launched a retreat from the overall objectives of the Clean Air Act. This is emphatically not the case. The members of the subcommittee are simply discharging their continuing oversight responsibilities with full knowledge of the extraordinary importance of this legislation as it effects not only the quality of the air and the health of our people, but also as it impacts on the use of scarce energy resources and on the costs to be absorbed by the American economy in achieving our goals.

One of the things that struck me about much of the testimony presented during the course of our extensive hearings was its essentially adversary nature. This, of course, is inevitable in the light of the pervasive impact of the Clean Air Act and of the conflicting interests involved. It is also understandable because of the inherent value judgments that are necessarily focused on any appraisal of the standards that have been adopted.

One unfortunate aspect, however, is

that it gives rise to a danger that any recommendations for modifications which the subcommittee may ultimately make might be attacked on the one hand as environmentalist intransigence or, on the other, as a knuckling under to pressures exerted by the automobile or petroleum industries.

It is for this reason that I believe the independent, objective assessment of pertinent scientific data we will be receiving from the National Academy of Sciences is so very important. The Academy's announcement will not only enable members of the subcommittee and of the Congress to thread their way through often conflicting claims as to the exact health effects of various pollutants and as to the direct and indirect costs of their control; but most importantly, the judgment and recommendations of the Academy should go a long way toward satisfying the public at large that prudent judgment will in fact have been exercised by the Congress in its review of existing legislation affecting air quality. The American public is just now beginning to perceive that the achievement of long term goals of environmental quality inevitably involve substantial costs. It is vitally important that they be satisfied that those costs are fully justified.

As a result of the extensive information that the subcommittee has been accumulating in recent months, we are beginning to have a far better grasp of the possible extent of these costs; direct costs to the consumer that will be reflected in higher prices for new automobiles, and the costs to be incurred in implementing transportation control strategies. We are also very conscious of the actual and potential impact of the technology that has been developed to meet the goals as implemented by this act on our energy problems.

Mr. President, I want to assure Members of the Senate that these highly important aspects of the clean air legislation are clearly understood by members of the subcommittee. We fully understand the need to take into the most careful consideration the total effects of existing statutes and regulations on every aspect of American life, economic as well as environmental.

It is precisely because of our urgent concern for all these factors that we are undertaking so strenuous a schedule of hearings on transportation control strategies for urban areas and on the implications of the "nondegradation" decision recently upheld by the Supreme Court, in addition to requesting the National Academy of Sciences to review and analyze existing information supporting the present standards and identifying areas of possible weakness. This is why we have directed the staff to synthesize the considerable hearing record compiled to date on the technological feasibility of achieving statutory auto emission deadlines, and to indicate policy options reflecting possible adjustments in those standards and deadlines.

Most importantly, we have set a deadline for ourselves of mid-October at which time the subcommittee should be able to present to the Congress thoughtful recommendations for whatever statutory modifications may be indicated as necessary to further the objectives of the Clean Air Act in a manner consistent with the overall interests of our society.

Mr. President, the task that we have set for ourselves is as important as it is complex. We are confronted with competing interests as to which prudential judgments must be made. We must seek the best possible synthesis between the claims of man, the biological animal, whose physical health depends on the quality of his environment, and man, the economic animal, whose material well-being depends on his manufacturing activities and his utilization of natural resources. To this end, Mr. President, I believe the subcommittee must examine all the data already accrued and to be developed with an absolutely open mind. We must not only seek the most accurate scientific evaluation of the open emission and ambient air standards that have been set, but we need also to freely reexamine the rates at which we move toward our ultimate objectives. We must also determine whether we are now at a stage where we must consider providing greater flexibility in coming to grips with unique conditions such as those that exist in the Los Angeles Basin.

There are conflicting interests and conflicting claims of major importance, Mr. President, that must be reconciled. I am confident that they can and will be reconciled without turning back the clock either on our new understanding of environmental imperatives or on the economic progress required to meet the needs of our people.

Mr. President, I take pride in working with the distinguished Senator from Maine, and with other members of the subcommittee, on this most important matter.

Mr. President, it is incumbent on all of us to keep an open mind and seek that reconciliation among our health, environmental, and economic needs which will assure that we will continue to aproach or even achieve our goal in a manner in which the American people will remain confident of the prudence with which Congress has acted.

Mr. President, at this time I am happy to yield to the distinguished Senator from New Mexico (Mr. DOMENICI).

Mr. DOMENICI. Mr. President, I am one of the new members of the very important committee referred to by its distinguished chairman from West Virginia. As such, I want to associate myself with the remarks that have been made by the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. BUCKLEY). As a new member, let me make one or two points, if I may.

First, it is obvious to me that for years past, some competent, qualified, and concerned legislators put a very good law on the statute books of the United States to try to clean the air of this land, and to try to attack that aspect of the components of the automobile. I do agree that much has been done to take from the environment that which the automobile in its form of 10 or 15 years ago was contributing and was about to engulf us all and ruin this great land.

However, as I listened to the various witnesses tell us about the standards we now have and the time we imposed for them, one thing stuck in my mind.

It was this: What if we are wrong?

From what I have heard, there is sufficient conflict both as to the adequacy of the standards and the time that we have imposed for those to comply with. By adequacy, I mean whether we are imposing too much on the technology of America for that which we will get out of it.

I do not know the answer, but I want to say to those in the Senate and those in the country who are concerned, that I at least know that we must reevaluate, both the standards and the time for our great American technology to meet the standards. And, we must do so quickly.

For now, if we are wrong, it is the American people who will suffer in another way, not from the dirty air, because we are cleaning it up, but from the arbitrary imposition of time, which will result in tremendous costs, from the arbitrary imposition on America of the tremendous use of its energy, and from the arbitrary imposition of our technology to lock itself in to catalytic kinds of mechanisms.

I believe there is a chance that we will thwart further advancement of alternative sources of energy for the automobile unless the standards are realistic and we reevaluate them quickly.

So it is with enthusiasm that I support the position of the committee today, that it will seek the assistance and guidance of that very distinguished body of scientists, the National Academy of Sciences.

We will ask them to help us reevaluate quickly and objectively, and we will get back to the Senate and the people of this country with some findings that should permit us to determine the answer to the question: Are we wrong, or are we right?

I do not think we should hold any pride of authorship, and I do not think that anyone will. Clean air, the pocketbooks of the American people, its economy and energy needs, are all bundled into this. All of us are committed to doing what is best and what is right without conflicting with the needs of this great country.

As the testimony proceeded in the hearings, without question the National Academy of Sciences was said to be by all who testified the appropriate entity in this great land to look into this matter for us. Because of that, I was pleased to inquire the other day, at one of the meetings we had with them, whether they would be able to do it, justice or not. I am pleased to say that they will undertake this short-term study and give us some answers—not positive, but answers from which we may begin, in order to answer the question: What if we are wrong?

Mr. RANDOLPH. Mr. President, I think the comments of the Senator from Maine (Mr. MUSKIE), the Senator from New York (Mr. BUCKLEY), the Senator from New Mexico (Mr. DOMENICI) and myself are but the expression of the 14 members of the Committee on Public Works reflecting, I think, the commitment of all the Senators in this body.

We shall not approach this reevaluation in any cavalier manner. We shall commit ourselves to one of the most important reevaluations of a statute that has ever been placed on the books, a statute that has been stimulating in its effect but now, at this point, with the problems affecting America, we need to look more carefully into what has been done and to see if there need to be any changes in connection with the problems which have arisen. We do not look backward. We look to the immediate future with the job at hand.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Colorado (Mr. DOMINICK) may now be recognized for not to exceed 5 minutes. He spoke to me earlier today and I assured him that I would do my best to arrange some time for him to speak. After he completes his statement, I would ask unanimous consent that the distinguished Senator from Indiana (Mr. HARTKE) then be recognized, because he wishes to speak on the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNOR LOVE, OF COLORADO, APPOINTED DIRECTOR OF THE ENERGY POLICY OFFICE

Mr. DOMINICK. Mr. President, it is with a deep sense of pride and pleasure that I announced to the Senate that I have received word of President Nixon's appointment of Gov. John Love of Colorado as Director of the Energy Policy Office in the executive branch. I have known Governor Love for some 15 years, and have been closely associated with him during his 10 years as Governor of my State. I can think of no more capable man or a more appropriate choice for this very challenging assignment.

John Love was elected Governor in 1962 on a platform of fiscal responsibility and a pledge to reduce taxes and upgrade the quality of government at the State and local level—principles which I share, and I am sure most of us here do. He has been reelected twice, in 1966 and 1970; and in the course of his 10 years of service to Colorado, he has lived up to his campaign promises with unfailing courage and conviction. Taxes were reduced soon after he came into office; and over the course of his years in the Governor's Mansion, he substantially increased the State's contribution to local school districts to enhance the quality of education for Colorado's young people, while retaining a small surplus in the budget for emergency purposes.

I might interpolate that being able to do that in these days of ever greater demands for governmental services is really an extraordinary achievement.

In recent months, sensing the immediate difficulties associated with petroleum shortages, Governor Love established an energy task force and assigned his Lieutenant Governor to chair this important group. Their goal will be to identify and quickly deal with fuel shortages and related matters which could prove detrimental to harvest operations and tourism in the State this summer and to provide planning guidance to avoid gas and oil shortages this fall and winter which could result in school and industry shutdowns, such as those experienced last year. I have been working very closely with the Governor and his energy task force and has been able to obtain direct assistance from the Energy Policy Committee at the Federal level to insure that allocation formulas will not ignore certain circumstances of individual operations in our State which could cause serious problems in the months ahead.

Governor Love is most kneely aware of the delicate balance that must be achieved between developing new energy resources and protecting the quality of life and environment in States such as our own. He has been directly involved in seeking the compromises necessary to take advantage of the rich deposits of minerals which lie below the ground in Colorado while seeking to avoid the scourage of unreclaimed land.

I am also pleased, Mr. President, that the White House has given us an indication of the positive steps they are planning to come to grips with our national energy problems in a timely fashion. Governor Love will head the Energy Policy Office in the Executive Office of the President. It is my understanding that this office will replace the current Special Committee on Energy and will expand on the role of the National Energy Office which has heretofore helped guide administration energy policies. In his new capacity, Governor Love will serve as Assistant to the President for Energy and as such will be the President's principle energy adviser. He will be charged with identifying the major energy problems facing the country, seeking the various alternatives available to us and making specific recommendations to the President in a most important area of Federal policymaking. In addition, Governor Love will have the responsibility for monitoring the implimentation of all energy policies for the administration.

It is also my understanding that the President is proposing legislation which would establish a new cabinet-level department, the Department of Energy and Natural Resources, consisting of functions transferred from the Department of Interior and several other agencies. He is also proposing the establishment of a new independent agency, the Energy Research and Development Administration, to focus on all Federal research and development activities; and he is suggesting other changes involving the Atomic Energy Commission and other Federal energy regulatory agencies.

Mr. President, I am delighted that the Governor of Colorado, John Love, has been selected to play a major role in this positive program to deal with a problem which I consider perhaps the most crucial facing this Nation—and for what matter the world—over the next quarter century. Governor Love has served his State well and deserves a vote of thanks for all he has done there. Now he comes to Washington to take on an equally difficult assignment, and I am confident that he will demonstrate once again his vigor, administrative ability and zeal for challenging assignments which has characterized my good friend John Love for as long as I can remember. I welcome him and his charming wife, Ann, to Washington and wish him every success in his new assignment. I congratulate the President on this excellent selection and I urge each of my colleagues to extend to John Love their cooperation in areas where we can be of help in developing the long term and short range solutions necessary for a meaningful national energy policy.

Mr. President, I ask unanimous consent that the biographical sketch of Governor Love of Colorado from Who's Who in American Politics be printed at this point in the RECORD.

There being no objection, the biographical sketch ordered to be printed in the RECORD, as follows:

GOVERNOR JOHN A. LOVE

LOVE, JOHN ARTHUR, Gov., Colo. b. Gibson City, Ill., 11/29/16; s. Arthur C. Love and Mildred Shaver L.; m. 10/23/42 to Ann Daniels; c. Dan, Andy and Becky. Educ.: Univ. of Denver, B.A., 38 and Law Sch, LL.B, 41; Omicron Delta Kappa; Sigma Phi Epsilon. Hon. LL.D., Colo. Col, Colo. Sch. Mines and Univ. Denver. Polit. & Govt. Pos: Pres, El Paso Co. Young Rep, Colo, 47–48; former mem, Colo. Rep. Cent. Comt. and El Paso Co. Rep. Exec. Comt; chmn, Nat. Gov. Comt. State Planning; former mem. Rep. Coord. Coun; Gov, Colo, 62–; chmn, Rep. Gov. Conf, 66; chmn, Nat. Gov. Conf, 69–70. Bus. & Prof. Pos: Attorney, Love, Cole & Murphy, 42–62. Mil. Serv: Lt, Navy, 41–42, serv. with Black Cat Sq, S.Pac; Distinguished Flying Cross; Air Medal with clusters. Mem: Colo. and Am. Bar Asns; Rep. Gov. Asn; Coun. of State Govt. (exec. comt); Mason; pres, Colo. Springs C. of C, 54; Rotary; Am. Legion. Selected Colo. Man of the Year, United Press Int. for 3 years. Rel: Congregational. Mailing Add: 136 Capitol Bldg, Denver, Colo. 80203.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1636) to amend the International Economic Policy Act of 1972, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 9055) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

LEAVE OF ABSENCE

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be excused from presence in the Senate tonight and tomorrow because of official business in London.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF TITLES 10 AND 37 OF THE UNITED STATES CODE—CONFERENCE REPORT

Mr. HARRY F. BYRD, JR. Mr. President, I submit a report of the committee of conference on H.R. 8537, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Helms). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate ot the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

On page 6 of the Senate engrossed amendment, strike out titles III and IV, and insert in lieu thereof the following:

"SEC. 206. This Act shall become effective July 1. 1973."

And the Senate agree to the same.

Stuart Symington,
Harry F. Byrd, Jr.,
Harold E. Hughes,
John Tower,
William L. Scott,
Managers on the Part of the Senate.
Samuel S. Stratton,
F. Edward Hébert,
Bill Nichols,
William G. Bray,
John E. Hunt,
Managers on the Part of the House.

Mr. HARRY F. BYRD, JR. Mr. President, because the laws relating to this expired last night, I ask unanimous consent that the printing requirement under the rule be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I move that the Senate agree to the conference report.

The motion was agreed to.

CONTINUING APPROPRIATIONS, 1974

The Senate continued with the consideration of the resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes.

Mr. HARTKE. Mr. President, I am shocked and dismayed by the report that the Committee on Foreign Relations has voted to allow the bombing of Cambodia to continue until August 15.

The death rattle of America is being heard today in the Capitol of the United States. The committee amendment is coming to the floor of the Senate in a few minutes, and I will gladly yield the floor to permit it to be presented.

This is another Gulf of Tonkin resolution. There may be no deception this time, but the precipitate action is there.

I thought Congress had spoken clearly this session. I thought we said the President has to make up his mind whether he wants to stop the bombing or stop this country. Veto or no veto, Congress must redress the overwhelming power of the Executive.

Now the Congress seems to have capitulated. I am sad. The Congress of the United States is abandoning its mandate as an equal branch of the Government.

I hear people talking about the resurgence of Congress, restoring the balance of power, yet I have never seen such capitulation in my life. Elected officials who have had dedicated records of being on the side of humanity appear willing to surrender their principles with hardly a whimper.

The old adage of the Bible is true: The sins of the fathers and the mothers will be visited upon the children unto the fourth and fifth generation.

The young people of this country spoke out time and time again. Finally their message got through to the older people, and finally to the Congress.

We adopted a resolution the Eagleton amendment. We put it in every bill. We said we were going to meet the President head on. Now the Committee on Foreign Relations agrees to this tragic delay with only two dissents, that of the majority leader and the Senator from Maine. I compliment Senator Mansfield and Senator Muskie for their willingness and dedication to stand for peace. I wish I could say the same about the other members of the Foreign Relations Committee, each of whom I hold in the highest respect. Nevertheless, I cannot understand their action.

Mr. President, I am unwilling to have Congress commit suicide. I know that everyone in this body is aware of my long record against the war. My active opposition to the war dates from 1963. I disagreed with my own President about it. God bless his soul, he is no longer with us. I have said repeatedly that I would not criticize the Nixon administration if it brought the war to an end, and it did. But the President could have done it much sooner—some 20,000 lives sooner.

It is not just American lives that are involved; it is all of humanity. Those bombs are killing people every minute. It is not a matter of dollars and appropriations; it is a matter of killing people. It is outright murder. I repeat, it is outright murder. I do not want my finger to pull the trigger on those bombs. I do not want my children to bear the guilt of Vietnam. Other Senators may put their fingers on the trigger. I will not.

Yesterday we stood fast. We agreed that the Cambodian resolution offered by the distinguished Senator from Missouri would stay in the debt limit bill. My understanding was that the House would keep it in the bill. I understand the President threatened to veto it. I understood we were willing to accept that veto. I understood that we would have a confrontation and that we were not going to compromise with death. That is just the point. We must confront the President with the fact that this country has had enough of killing and suffering.

A long time ago, in late 1967, when I wrote about the American crisis in Vietnam, I stated:

> I believe that the people of the world will be better served by the virtues of the American example than by the employment of American military power. I believe that we cannot violate the pledges for the peaceful settlement of international disputes contained in the United Nations Charter and then demand that others live according to that international "rule by law."
>
> The gracious bounty of America deserves to be employed in building a better way of life for our people at home and for all of the peoples of the world. We will not be able to fulfill the promise of American life while America's precious human and material resources are being wasted in a land war in Vietnam. Other well-meaning American leaders have told us before that winning just this *one* war will make the world safe for freedom and democracy. We know that war and killing cannot help us to realize our constructive goals. We must work toward these ends slowly and painfully. We know that we will be able to achieve the lofty promise of America only in peace.

I said:

> You never can justify immorality, even if it is national or international policy—in the self-interest or the national interest.

I repeated at that time this statement:

> In a major foreign policy speech at The American University on June 10, 1963 President Kennedy returned to this theme. "I believe that we must reexamine our own attitude [toward world peace]—as individuals and as a nation—for our attitude is as essential as theirs. . . . Every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace."
>
> When President Kennedy asked us to look at ourselves, he did not deny the hostility and the malevolence of the other side.

Mr. President, I am talking about morality and credibility. These are subjects of discussion everywhere today. I said at that time, and this is the heart of my speech:

> To sum up: even more damaging than the credibility gap is what might be called America's "morality gap" in Vietnam. A nation cannot furnish moral leadership while performing immoral acts. This is at the heart of my objection to what we are doing in Vietnam—it is basically immoral. Supposed political expediency can never justify clear-cut immorality whether in national or international politics. It may appear to succeed in the short term, but it carries the seeds of self-destruction.

But it is even more immoral now in Cambodia. We bomb in the name of expediency and that is the only excuse for the August 15 delay from the Committee on Foreign Relations today.

Mr. President, the chairman of the Committee on Foreign Relations (Mr. Fulbright) has likewise been a dedicated foe of this war. I am waiting to see how he explains this sudden turn of events in the Committee on Foreign Relations. I never thought I would be at odds with him since the Gulf of Tonkin resolution was presented. This is the same precipitous type action as was taken when we surrendered complete authority to the President, with only vague assurances.

Senator FULBRIGHT said at that time:

> The measure of our falling short [of American ideals] is the measure of the patriot's duty of dissent. The massive nature of the suffering in Vietnam has called forth an equally massive outpouring of agony by those who care for America.
>
> If we are going to bring American practice up to American ideals, we must speak out.

But I would add to Senator FULBRIGHT'S statement that our speaking out is not so much an act of dissent as it is an act of affirmation. The truth is that we are consistently upholding certain commitments and policies.

Mr. President, the issue is not parliamentary procedure, it is not dollars, it is not getting along with the President. The issue is simply death, death in every aspect—death with the cold hand of America pulling the trigger on innocent people.

There is no question that others are guilty, but we should not measure ourselves by the guilt of others. That is like saying that you should murder someone because someone else has murdered. That is no excuse, especially for a country like America. I thought we had put that attitude aside.

With respect to those who really feel this country may now be sinking to its death, those who feel that we may have reached our peak and are on our way down, if we approve of the action taken today in the Committee on Foreign Relations and if the Cambodian bombing is continued for another 45 days; if that authority is continued, then the Watergate hearings and all the other hearings might as well be dismissed because there is not enough credibility left in this body to really support any continued confidence by the American people.

It took a long time for the American people to accept the fact that they had been mislead about the war. Basically the American people believe in peace. Basically the American people believe in life. They do not want to put their stamp of approval on war and death. It is our responsibility in the Senate to end the bombing. The Constitution is very clear. It says that only Congress can declare war. In the past we in Congress said that the war was underway—that we could not stop it once it was underway. We have been too quick with excuses, mostly excusing our own consciences when we did not reassert the right to have control over whether or not America should be engaged in military action.

The time for excuses has long since passed. We have determined in this body and in the other body that the Eagleton amendment should be law. We have made it very clear to the President that we want the bombing stopped. The identical resolution and amendment was passed by both bodies. Now, we must question whether or not this Congress has the courage to stand up by its own commitments or whether this Congress is going to be intimidated by political blackmail.

Mr. President, I do not know who is going home on July 4th for a holiday, but it is a sad state of affairs when the Declaration of Independence is going to be celebrated in a few days and we have a declaration of capitulation from Congress—a declaration, which really is a declaration of war. That is what it amounts to. Any Senator who votes for the Foreign Relations Committee proposal will be declaring war on Cambodia until August. Make no mistake. That is what it is. The proposal adopted by the Foreign Relations Committee is a declaration of war, and I am willing to stay here during all this holiday—I do not need a vacation—while we decide whether we have the courage to stop the bombing and the killing once and for all. I want to stay here until we make sure the President of the United States is the servant of the people, and not the new dictator of imperial America.

TO GIVE AND TO TAKE AWAY

Mr. JAVITS. Mr. President, I speak with particular reference to the third proviso in section 101(a)(4) of the continuing resolution now before us, House Joint Resolution 636. This proviso stipulates that no State will receive less under title I–A of the Elementary and Secondary Education Act than it received during fiscal year 1972. A total appropriation of some $1.5 billion is involved. The reason for this provision, which also appears in the Labor-HEW fiscal year 1974 appropriation bill, H.R. 8877, which passed the House on June 26, is to forestall a diminution in title I funds received by a State because of use of the 1970 census in counting eligible students instead of the 1960 census. The authorizing legislation, the Elementary and Secondary Education Act, requires use of the latest census figures.

This proviso was proposed to prevent, as the House report on H.R. 8877 states, "a drastic redistribution and possible reductions of as much as 50 percent in some State allotments." At this late date in the appropriation process, when school budgets are already in place for the new school year which begins in September, I do not believe anyone here would want seriously to dislocate local budgetary processes. But while this provision does not do that, it does an injustice to the concept of concentration of funds on the disadvantaged which has been a part of the enactment of ESEA since 1965. And, given the nature of the "grandfather" concept, it threatens to change the direction of ESEA, for grandfathering breeds more grandfathering, as all of us here know.

This past year, distribution of funds through the States to the local schools has been on the basis of the 1960 census. Thus, schools are receiving funds based on a count of children almost all of whom are no longer attending public school, for if a child were 5 years of age in 1960 he would be 18 today in 1973 and probably be out of school—as a matter of fact, title I, ESEA, provides only for the counting of children aged 5 to 17. As a matter of fact, it is a fair assumption that many of the youngsters counted in 1960—then aged 10 to 17, for example—have now married, moved out of the area of the school they attended, and even have children of their own. However, under this proviso, if their own children are eligible as disadvantaged, they could well not receive title I assistance because that money is going to another State based on the 1960 count of the parent. Thus, for example, if an individual counted as disadvantaged and living in South Carolina in 1960 had subsequently married, and moved with his wife and child to New York, California, Pennsylvania, or any one of some 25 other States, and his child was also eligible to be counted as disadvantaged, under this proviso funds would go to South Carolina where the parent resided in 1960, rather than to the State where the child resided in 1970 and still resides. This is visiting the nonsin of the parent upon the child.

But this hold-harmless provision, designed to protect school budgets from drastic reductions, will not even do that. Let us take, for example, a school district in one of the States where local educational agency boundaries and county boundaries are coterminus. Should such a district suffer a 50-percent loss of eligible students due to the change from 1960 to 1970 census—the type of loss referred to in the House report——then, despite the hold-harmless provision which refers only to States, that local school district would lose title I funds and the other school districts throughout the State would gain title I funds. This, according to the Office of Education, applies in States advantaged by the hold-harmless provision as well as in States disadvantaged by it. It also applies in States where local school districts are not coterminus with county lines, except inasmuch as computations would be affected by population changes in other parts of the county. Consequently, the hold-harmless provision, which applies only to States and not to local educational agencies—that is, local school boards—cannot avoid a heavy local budget impact.

Now, as to individual States. Some States, as the 1970 census reveals, have proportionately more eligible disadvantaged children than they had in 1960; some States have less. The States with more eligible children, logically require—and are entitled under the Elementary and Secondary Education Act—more funds to educate them; the States with less require less funds. Because of this hold-harmless provision in the Labor-HEW appropriation bill passed by the House, 28 States will have to give away allocated moneys to bring 22 States up to their fiscal year 1972 level. But for the hold-harmless provision in H.R. 8877, my own State of New York would, in fiscal year 1974, receives $54,680,111 more in fiscal year 1974—thus, the disadvantaged children of New York State would lose more than $54 million in title I funds to which the law otherwise entitles them. Other States also would lose—for example, Indiana, $3,866,327; Maine, $1,068,315; Michigan, $12,678,798; New Hampshire, $503,115; Rhode Island, $1,-

210,361; Utah, $1,001,394; and Washington, $3,631,496.

Do I here argue against inclusion of the hold-harmless provision in the fiscal year 1974 Labor-HEW Appropriation bill and in the continuing resolution now before us? No, I do not. I am sympathetic to the situation faced by some States confronted with a drastic reduction in title I funds because of population changes revealed by the 1970 census. They require some cushion. What I argue here is that some modification must be made in the hold-harmless provision so that States are cushioned against precipitous reductions in title I funds but also, so that States with increased numbers of disadvantaged children might receive additional title I funds reflecting to some degree that increase. This could be done by a phasing mechanism of 80 percent hold harmless, for example.

It is my intention to seek just such a change in the fiscal year 1974 Labor-HEW appropriation bill, a measure which provides $1.81 billion for title I, ESEA, and to which the figures to which I have alluded apply. I do not believe it appropriate to seek to amend the bill now before us, as the continuing resolution holds title I-A funding at a level of some $1.5 billion, the fiscal year 1973 level, and, hopefully, the continuing resolution will be applicable for only a brief interim before enactment of the fiscal year 1974 Labor-HEW appropriation bill.

This, it seems to me is a most reasonable approach. It is fair. The provision for hold harmless contained in the appropriation bill is neither reasonable nor fair.

Mr. President, I ask unanimous consent that there be included at this point in my remarks a chart utilizing data provided by the U.S. Office of Education indicating how the States are affected by the hold-harmless provision in the fiscal year 1974 Labor-HEW appropriations bill approved by the House and now pending before the Senate Committee on Appropriations.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

State	Fiscal year 1974 ESEA I, part A estimated allotments with 1972 floor	Fiscal year 1974 ESEA I, part A estimated allotments without 1972 floor	Loss or gain under hold harmless	Percent of formula allotment with fiscal year 1972 floor
Alabama	$42, 202, 992	$22, 685, 091	+19, 517, 901	186. 04
Alaska	4, 108, 676	4, 745, 528	−636, 852	86. 58
Arizona	11, 523, 805	13, 047, 637	−1, 523, 832	88. 32
Arkansas	26, 470, 169	13, 383, 963	+13, 086, 200	197. 78
California	151, 796, 957	183, 335, 748	−31, 538, 791	88. 80
Colorado	14, 061, 868	16, 598, 162	+2, 536, 294	84. 72
Connecticut	17, 099, 599	20, 457, 938	−3, 358, 339	83. 58
Delaware	3, 649, 464	4, 212, 224	−562, 760	86. 64
Florida	39, 837, 839	40, 721, 904	−884, 065	97. 83
Georgia	42, 188, 006	32, 050, 692	+10, 137, 314	139. 63
Hawaii	4, 636, 313	5, 594, 705	−958, 392	82. 87
Idaho	3, 977, 755	4, 307, 637	−329, 882	92. 34
Illinois	82, 549, 907	100, 027, 048	−17, 477, 141	82. 53
Indiana	20, 487, 387	24, 353, 714	−3, 866, 327	84. 12
Iowa	16, 645, 654	12, 594, 561	+4, 051, 093	132. 17
Kansas	12, 478, 897	11, 930, 161	+548, 736	104. 60
Kentucky	38, 302, 224	23, 014, 304	+15, 287, 920	166. 43
Louisiana	37, 989, 922	31, 943, 897	+6, 046, 025	118. 93
Maine	6, 549, 274	7, 617, 589	−1, 068, 315	85. 98
Maryland	24, 621, 223	29, 564, 565	−4, 943, 342	83. 28
Massachusetts	33, 505, 700	40, 254, 091	−6, 748, 391	83. 24
Michigan	65, 576, 522	78, 255, 320	−12, 678, 798	83. 80
Minnesota	23, 183, 881	22, 160, 878	+1, 023, 003	104. 66
Mississippi	44, 154, 990	22, 829, 237	+21, 325, 753	193. 41
Missouri	28, 547, 584	24, 025, 663	+4, 521, 921	118. 82
Montana	4, 379, 638	4, 425, 127	−45, 489	98. 97
Nebraska	$8, 461, 135	$7, 789, 028	+672, 107	108. 63
Nevada	1, 666, 084	1, 950, 597	−284, 513	85. 41
New Hampshire	2, 801, 095	3, 304, 210	−503, 115	84. 77
New Jersey	60, 773, 155	73, 044, 917	−12, 271, 762	83. 20
New Mexico	11, 203, 896	10, 614, 276	+589, 620	105. 56
New York	255, 282, 719	309, 962, 830	−54, 680, 111	82. 36
North Carolina	61, 621, 074	35, 255, 652	+26, 365, 422	174. 78
North Dakota	5, 447, 877	4, 140, 123	+1, 307, 754	131. 59
Ohio	51, 107, 359	61, 063, 079	−9, 955, 720	83. 70
Oklahoma	20, 300, 817	17, 010, 041	+3, 290, 776	119. 35
Oregon	12, 858, 310	15, 009, 650	−2, 151, 340	85. 67
Pennsylvania	74, 563, 599	88, 482, 429	−13, 918, 830	84. 27
Rhode Island	6, 041, 948	7, 252, 309	−1, 210, 361	83. 31
South Carolina	37, 107, 533	18, 991, 562	+18, 115, 971	195. 39
South Dakota	6, 870, 494	4, 632, 141	+2, 238, 353	148. 32
Tennessee	38, 712, 613	20, 021, 999	+18, 690, 611	193. 35
Texas	93, 439, 492	81, 923, 055	+11, 516, 437	114. 05
Utah	5, 302, 785	6, 304, 179	−1, 001, 374	84. 12
Vermont	3, 014, 806	3, 268, 002	−253, 196	92. 23
Virginia	37, 084, 416	29, 347, 081	+7, 737, 335	126. 36
Washington	19, 676, 262	23, 307, 758	−3, 631, 496	84. 42
West Virginia	21, 681, 593	12, 118, 337	+9, 563, 256	178. 92
Wisconsin	19, 931, 228	23, 752, 279	−3, 821, 051	83. 91
Wyoming	1, 821, 060	1, 891, 064	−7, 004	101. 59
District of Columbia	13, 478, 984	16, 197, 598	−2, 718, 614	83. 22

The PRESIDING OFFICER. What is the will of the Senate?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOMENICI). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES ON COMMERCE AND LABOR AND PUBLIC WELFARE TO FILE REPORTS ON FRIDAY, JULY 6, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committees on Commerce and Labor and Public Welfare may be authorized to file reports on Friday, July 6, between the hours of 10 a.m. and 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

EXTENSION OF LAWS RELATING TO PAYMENT OF INTEREST

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 128.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 128) to provide for an extension of certain laws relating to the payment of interest on time and savings deposits, which was in lines 5 and 6, strike out ""December 1, 1974" and insert "August 1, 1973"."

Mr. ROBERT C. BYRD. Mr. President, I have been asked by the distinguished Senator from Alabama (Mr. SPARKMAN) to move that the amendment of the House be agreed to. I have cleared this also with the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk will call the role.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The Senate will please be in order so the Senator can be heard.

Mr. FULBRIGHT. Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 10, strike Sec. 109 and insert in lieu thereof the following:
>
> "SEC. 109. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein, heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

Mr. FULBRIGHT. Mr. President, I hope we may have order.

The PRESIDING OFFICER. The Senate will be in order, please.

Mr. FULBRIGHT. Mr. President, this is a very important statement dealing with a subject which this body has been concerned with for more than 10 years now. I hope I may have the attention of the Senate.

Mr. President, the Committee on Foreign Relations has today agreed, by a vote of 15 to 2, to a committee amendment to be offered to the pending continuing resolution. This amendment would prohibit the continuation of hostilities by U.S. forces anywhere in Indochina—and I emphasize anywhere in Indochina—after August 15, 1973.

The amendment, which will be offered as a substitute to sections 108 and 109 of the continuing resolution reads as follows:

> Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein heretofore, or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

The present amendment is, in essence, the result of an accommodation of the views of the committee and the White House following a meeting this morning. The committee is gratified that this compromise was promptly agreed upon and as a result, it now appears that the executive and legislative branches will, at last, act in a coordinate manner to bring to a close this tragic episode in our Nation's history.

The committee's decision to submit this amendment to the Senate for its consideration followed extensive discussion in the course of which a number of understandings were reached with regard to the interpretation. Among these were the following:

The acceptance of an August 15 cutoff date should in no way be intepreted as recognition by the committee of the President's authority to engage U.S. forces in hostilities until that date. The view of most members of the committee has been and continues to be that the President does not have such authority in the absence of specific congressional approval.

While a majority of the committee strongly preferred an immediate cutoff of bombing in Cambodia it was recognized that an effort to insist upon an immediate cessation of hostilities in the face of strong objection from the President might precipitate a serious confrontation between the two branches of Government which would result in severe hardships for many. The committee felt that it had a solemn responsibility to do all within its power to avoid such a confrontation, provided a compromise could be found which would reaffirm the proper constitutional role of the Congress with regard to the warmaking power and which would specify a date certain for a total end to the involvement of the United States in the war in Indochina.

It was clearly understood by all those supporting the amendment that its effect would be to preclude after August 15 any resumption of hostilities by U.S. forces without the express approval of both Houses of Congress.

The committee offers this amendment assuming that the interval between now and August 15 will not be the occasion for an escalation of U.S. bombing in Cambodia or for its resumption anywhere else in Indochina unless provoked. As expressed by one member of the committee's view on this matter is that "under this authority all efforts should be made consistent with the limited military objectives involved, to minimize damage to civilian life and property."

The committee's expectation in this matter has been communicated to the White House and assurances have been received in return that these guidelines are acceptable. In reaching agreement upon the terms of this amendment, both the executive branch and the committee receded in part from positions which had been strongly held over a number of years. More important than any of these concessions, however, is the fact that the war will end, that a proper consistitutional balance will have been restored, and that a new era of national unity and positive accomplishment will now be possible.

Mr. SCOTT of Pennsylvania. Mr. President, will the distinguished Senator yield?

Mr. FULBRIGHT. I yield to the distinguished minority leader.

Mr. SCOTT of Pennsylvania. Mr. President, the distinguished chairman of the committee has correctly stated the agreement in committee, of course. His statement reflects the views of a majority of the committee, and in many respects reflects the views of nearly everyone on the committee. There are some statements made, of course, where there have been disagreements within the committee, but I agree with what the distinguished chairman has said, and it is essential that some concessions be made on the part of the executive and on the part of the legislative branch; and we have met sincerely in an effort to achieve an end to the hostilities in Indochina.

I have undertaken, as the distinguished chairman has noted, to secure assurances that there would be no escalation in the bombing during this intervening period, that great care would be taken to avoid damage to civilian persons and property. That point was raised by several Members. We have received that assurance from the White House. I have revealed to the committee the persons with whom I have discussed it.

I think we all approach this with a feeling of immense relief, a relief so great as not to be quantified even in ordinary language. The distinguished chairman knows I have already made statements regarding my view that we ought to find a way to end the bombing in Cambodia not later than tomorrow night, midnight. I have had this personal agony that we have all shared in the Senate.

It is my view that we have arrived at a solution which ought to be gladly accepted by the Congress and by the Executive because I think it is in the interest of the Nation, although I know there are those in the Executive who feel that the negotiation stance has been hampered—and I suppose it has. And there are those who feel—and I can understand their feeling—that this continues the right, at least, to continue the bombing until August 15.

However, had the constitutional crisis evolved and the vetoes continued, consequences would have flowed far beyond the contention here. Moreover, had the executive prevailed over that period of time, because of the understandable desire of Congress that the other functions of government continue, the right of the Executive to continue the bombing indefinitely would have been made possible, at least, through lack of effective action by the Congress.

Therefore, for those who would be tempted to say—and I can understand it—that this does continue the right to do things which are distasteful to them in the extreme until the 15th of August, they should be reminded that the right would have continued for a much longer time had the Executive prevailed.

So I think we made a good decision when we consider that there were many points of view. Some of the points of view the chairman read were not agreements that, under other circumstances, I would have been a party to. I think all of us together have really wrought as well as we could considering the complexity of the problems and the necessity for the finding of an immediate solution, if we possibly could, and I congratulate the chairman.

Mr. FULBRIGHT. Mr. President, I congratulate the distinguished minority leader for his words. I should like to raise one question. I do not recognize the constitutional right or power of the Executive to continue bombing. Many of us do not believe he has a constitutional right to do this in Cambodia. But that does not answer the question. What we are seeking is a practical end to the war in Vietnam.

I appreciate very much what the Senator from Pennsylvania said. All of us can express reservations. I would much prefer, as others do, that the bombing stop now. I wish it had been stopped 5 years ago. But we were involved in it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the distinguished Senator from New York, who has contributed a great deal to the reaching of this agreement.

Mr. JAVITS. Mr. President, I do not think any of us approach this settlement with anything but heavy hearts.

Mr. FULBRIGHT. Mr. President, may we have order? The noise it too great.

The PRESIDING OFFICER (Mr. Hughes). The Chair will withhold any further debate until there is order. Senators who wish to conduct discussions should go to the cloakroom.

The Senator from New York may proceed.

Mr. JAVITS. I do not think that any of us approach this agreement with anything but heavy hearts. The agreement was not reached lightly. But we felt, in the Committee on Foreign Relations, that whatever good could come from this opportunity would be good for the country.

The Senator from Pennsylvania (Mr. Scott) spoke of his personal agony. I feel it very keenly. Every single life in Cambodia is as precious to me as one in the U.S.A. That is as it should be. If I felt that one single life could be saved by extending the original Church-Case amendment, I would stand fast. But I feel that lives will be spent far beyond the date we have fixed if that is our position. In addition, we will engender a domestic unconstitutional confrontation.

Even the present atmosphere which we have in our country would only be made worse than it is today.

But I desire to ask the chairman with respect to the legislative purpose with which we approved this amendment. Is it our understanding that we have asked the executive to support us in the action which we now recommend for August 15, 1973, with no ifs, ands, or buts, or anything else, and that that will mark the end, after so many years, of any kind of military action in, over, or off the shores of Indochina, and that no action of this kind will come thereafter except if Congress so orders?

Mr. FULBRIGHT. That is my understanding. It is not only my understanding, but I have been informed by the Senator from Pennsylvania (Mr. Scott) that it is also the Executive's understanding.

Mr. JAVITS. I have another question. Perhaps the Senator from Pennsylania can be more helpul in this. If the amendment is agreed to and the President signs the bill, that is law. It is not an agreement which we have agreed to quietly with the President. It is not a private understanding or simply something that the White House has communicated to us. Is it not our construction of the law as it is on the books of the United States?

Mr. FULBRIGHT. It is; and there is no money available to take any of the actions the Senator has so well described.

Mr. JAVITS. I thank the Senator.

I should like to say, before I take my seat, that in the long fight that Senator Fulbright and Senator Case have made—and I know we will not forget the McGovern-Hatfield amendment, which touched this off, and which is behind it—we will nevertheless consider this as the successful culmination of the long struggle in which we have all engaged and to which we have given so much.

Mr. SCOTT of Pennsylvania. Mr. President, because my name was mentioned by both Senators, may I be recognized briefly?

Mr. FULBRIGHT. Mr. President, I promised to yield to several other Senators.

Mr. MANSFIELD. Mr. President, I have been seeking recognition, and I would like to be recognized.

Several Senators. Regular order.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. Hughes). Regular order had been called for. The Senator can only yield for a question.

Mr. FULBRIGHT. Mr. President, I yield for a question.

Mr. SCOTT of Pennsylvania. Mr. President, the question I have in mind, if I may phrase it correctly, is that the Senator from Arkansas recognizes, I am sure, that I have done my level best to represent the views of the White House as presented to me, and as I have evolved them as a lawyer with 50 years standing as to the meaning of words, I am sure the Senator would also agree that I do not undertake to say that I know what the future will hold. I do say that the law, if it is enacted in these words, seems to me to accomplish the purpose which he and the Senator from New York have expressed; namely, to bring an end to the war. And the Senator will agree that is a good question.

Mr. FULBRIGHT. The Senator is correct, and that is my understanding. The proposition was whether we were going to continue to bomb Cambodia. As much as we deplore the bombing there, when it was offered to stop it all completely and no legal possibility of resumption without further action by the Congress, this appealed to me as an all-encompassing end to the war.

Mr. SCOTT of Pennsylvania. Aside from my personal views, I acted as a conduit from the White House, reporting to the Senate what I was told.

Mr. FULBRIGHT. The Senator is correct. And the statement, as it would refer to the assurances, without it being cleared by the Senator from Pennsylvania with the White House, does not mean that these guidelines are acceptable to the White House. I do not know how much further one can go to get word from the executive branch.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, would the Senator yield?

The PRESIDING OFFICER. Regular order has been called for. The Senator can only ask a question.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I want to ask the chairman to make very clear one point. In the closing of his opening statement he said that one of the things the committee was concerned about is the hardship this would cause to certain Americans if this continuing resolution were vetoed. While that may be a secondary factor, is not the chairman's real purpose in offering this substitute amendment today that he believes it was the best and the surest way to bring an end of American military operations throughout Indochina?

Mr. FULBRIGHT. I say to the Senator that was my best judgment and that of the committee. It actually achieves what the Senator from South Dakota together with the Senator from Oregon tried to do with the McGovern-Hatfield resolution offered some time ago. This is the current version of that effort. With all the options and alternatives we had and in view of the assurances we received from the White House through the Senator from Pennsylvania, this seems to me to be the most effective thing we could do.

Mr. McGOVERN. Mr. President, in other words, it is a tactical effort to get the best possible veto-proof solution.

Mr. FULBRIGHT. The Senator is correct. It brings about the end sooner than any alternative we could think of. We have already seen what happened to the earlier effort, which involved only the bombing of Cambodia.

Mr. McGOVERN. Other Senators are of the view that the best approach to the problem is an immediate cutoff, even though it would hurt some deeply.

Is there anything in the substitute proposal the Senator now proposes, if it carries, that would prevent any Senator from offering an amendment immediately, on the next bill, to cut off all funds, and to offer it on every bill that comes up, to bring about an immediate cutting off of funds. Could we not use both approaches? Is it not possible for the Senate this afternoon to adopt the August 15 terminal date for all military operations, and on the very next bill on which it is appropriate to offer language calling for the immediate termination of military operations in Indochina?

Mr. FULBRIGHT. The Senator is quite right. We tested that approach and the House failed to override the veto.

Mr. McGOVERN. This does not preclude that approach.

Mr. FULBRIGHT. It does not preclude that approach, but one has to look at the change in the House.

Mr. McGOVERN. I just want the Senate to know that this is the approach I am going to take. I am going to support this compromise approach as being only one way.

The PRESIDING OFFICER. The Senator can only yield for a question. The Senator has made his point.

Mr. EAGLETON. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. EAGLETON. Mr. President, the word "preclude" has been used by three Senators so far. I want to inquire as to what this resolution includes. What does it prevent within the next 45 days? Does it permit continued bombing between now and August 15?

Mr. FULBRIGHT. As I have said, I do

not regard him as having the right to do this. He has the power to do it. And unless we have something like this, the only sanction we have here is to impeach him. And I do not think that is practical. I do not recommend it. I know of no other alternative.

Mr. EAGLETON. In the light of the legislative history, meaning the statement of former Secretary of Defense Richardson that we will continue the bombing unless the funds are cut off, will we with the adoption of this resolution permit the bombing of Cambodia for the next 45 days? That is the question I pose to the Senator from Arkansas.

Mr. FULBRIGHT. Until August 15.

Mr. EAGLETON. Would it permit the bombing of Laos?

Mr. FULBRIGHT. It would not prevent it.

Mr. EAGLETON. Would it permit the bombing of North and South Vietnam until August 15?

Mr. FULBRIGHT. I do not think it is legal or constitutional. But whether it is right to do it or not, he has done it. He has the power to do it because under our system there is not any easy way to stop him.

I do not want my statement to be taken to mean that I approve of it or think that it is constitutional or legal for him to do it. He can do it. He has done it. Do I make myself clear?

Mr. EAGLETON. In a way yes, and in a way no. If we adopt this resolution, the President will continue to bomb Cambodia. That means quite simply that we will sanction it, does it not?

Mr. FULBRIGHT. We do not sanction it. It does not mean that we approve of the bombing. This is the best way to stop it. I have never approved of it. And I do not wish my answer to indicate that I approve of the bombing, because I do not.

Mr. EAGLETON. But the President will exercise a power to bomb in Indochina within the next 45 days, is that correct? A power that will now be sanctioned by our action?

Mr. FULBRIGHT. The President has the power to do a lot of things of which I do not approve.

Mr. EAGLETON. He will exercise that power, and whether he exercises that power wisely, we know that within the next 45 days he will exercise a right to bomb Cambodia—a right given him by the Congress of the United States.

Mr. FULBRIGHT. I do not consider that he has the right to do it. But because we are unable to muster the votes, this is a compromise that would stop it. This is the time we have had a majority of both Houses take any action to prohibit bombing.

Mr. EAGLETON. But he would now have the power by our action. Would he also have the power to bomb Laos?

Mr. FULBRIGHT. As he viewed it, yes. And he would exercise the power.

Mr. EAGLETON. He would have the power as he viewed it to bomb North Vietnam and South Vietnam.

Mr. FULBRIGHT. The Senator is correct.

Mr. EAGLETON. Under this resolution then—and the conversations have been carried on between the President and the Senator from Pennsylvania and have been reported to us by the Senator from Pennsylvania—he would have the power for 45 days to bomb in Indochina.

Mr. FULBRIGHT. He already has that power. Let me emphasize what I have said.

Mr. EAGLETON. Did the Senator say that he has that power?

Mr. CHURCH. Not as to the ground forces.

Mr. FULBRIGHT. Well, he has the power. As long as the military forces will follow his orders, he can do these things. That does not mean he has this authority under the constitution and laws. But this is what I emphasize: The acceptance of an August 15 cutoff date should in no way be interpreted as recognition by the committee of the President's authority to engage United States forces in hostilities until that date.

After I prepared this statement the distinguished Senator from Pennsylvania went to a great deal of trouble to clear it in detail with the White House. I have received his assurance that this is a firm understanding with the President.

I was speaking, I thought, for the committee, in saying that we do not recognize the President's authority to continue the bombing. But that is different from the power to do it.

This has always been the trouble we have had in putting sanctions on the President. This has always been the trouble, and will continue to be, unless Presidents have respect for the views of Congress.

I believe we have assurance that this will not be vetoed, and it will be the law as a cutoff date.

Mr. EAGLETON. Recognizing the power as the President has used it, and as President Johnson used it back in August 1964 we give him 45 more days of power to continue the bombing in Laos, Cambodia, and North Vietnam, to use as he sees fit. I deem that delegation of power to be the second coming of the Gulf of Tonkin Resolution.

Mr. FULBRIGHT. It is already the law, and has been for some time, that he cannot take ground troops into Laos and Cambodia. That was the Church-Cooper amendment, I believe. That is already the law, and this does not disturb that.

I do not think this compromise will give him any right or authority he does not already have. I do not think he has the authority.

Mr. CASE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CASE. Is it not the Senator's understanding that the adoption of this resolution would add not one bit to the President's authority in regard to bombing in Southeast Asia between now and August 15?

Mr. FULBRIGHT. It is certainly my understanding that it does not give him any authority whatsoever. I do not believe he has any authority.

Mr. CASE. I agree.

Mr. FULBRIGHT. But he has the power, as long as the military forces will obey his commands.

Mr. CASE. And as long as we cannot get two-thirds of both Houses to override a veto; is that not correct?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE. Is that not correct?

Mr. FULBRIGHT. That is my understanding.

Mr. CASE. And is this not the best way, in the judgment of the chairman, to get the quickest ending we possibly can get through any action we can take on hostilities in South Vietnam?

Mr. FULBRIGHT. In the absence of the capacity to override the veto, it is my opinion it is the quickest way.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, the Senator from New Jersey has almost asked my question, which was this: If this amendment is not approved, under the authority which the President claims he has, can he not continue the bombing not only until August 15, but to September 1, October 1, December 1, even into next year? But under the agreement, under the understanding which the members of the Committee on Foreign Relations and others have had with the administration, there is virtual agreement to completely stop all military hostilities in Indochina not later than the 15th of August, or hopefully much earlier?

Mr. FULBRIGHT. I would hope very much it would be much earlier, that is correct.

The PRESIDING OFFICER. The Senate will be in order. If Senators wish to conduct conversations, they should carry them on in the cloakroom.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, it grieves me very much to differ with my colleagues in the Foreign Relations Committee and in the Senate. However, I must make my views known, and I must say that what we will be considering shortly is not an accommodation with the Chief Executive of this country, but a capitulation and an abdication of the constitutional powers of the Senate.

May I point out, Mr. President, that under the Constitution, the Congress shall have the power to lay taxes, to declare war, and to do certain other things.

The PRESIDING OFFICER. Will the Senator from Montana withhold for a moment? The Chair apologizes to the Senator, but other Senators are not extending him the courtesy of attention. The Chair has repeatedly asked that Senators remain at attention.

The Senator may proceed.

Mr. MANSFIELD. The warmaking power is that of Congress exclusively, and the war in Cambodia does not have a shred of validity attached to it. It is illegal, it is unconstitutional, it is immoral.

Why should we be afraid of a confrontation with the executive branch of this Government? Why do we have to cave in so as to avoid the possibility of being unable to override a veto? Why can we not face up to our responsibilities under the Constitution? Why can we not do what we can to see that the reasons why we remained in Vietnam—to bring about the withdrawal of all U.S. military personnel and the release of all U.S. prisoners of war—are not repeated in Cambodia?

There are American prisoners of war in Cambodia because of this bombing, now in its 113th day. There are men who have been killed in Cambodia, and there will be more in the weeks and the months ahead. We have dropped, in bomb tonnage in Cambodia in the past 5 months, over 200,000 tons of bombs, on a poor, hapless people living in a nation where the majority of the inhabitants desire nothing more than to be let alone.

In the preceding 3 years, we, the United States, dropped 175,000 tons of bombs on Cambodia—as I say, on a poor, hapless people who asked only to be left alone to determine their own destiny. We are upholding a puppet government, and we are doing it on a basis of the bombs we drop. We are not allowing the Cambodians to get together among themselves to determine their own future. What we are doing, if we approve this substitute, is agreeing to the policy of this administration past, now, and in the future, at least until August 15. I cannot in good conscience accede to the diminution of the constitutional power of Congress. That has been happening in this institution since the days of Franklin Delano Roosevelt. We have voluntarily allowed the administrations, since that time, to take over constitutional responsibilities which are ours and should be ours alone.

No wonder people wonder at what we are about. No wonder we do not enjoy the regard which we should accrue to Members of this, the most deliberative legislative body in the world.

I wonder when we are going to face up to our responsibilities—veto or not—and take our chances, stay in session if need be, and do what we can to express the will of the American people.

After all, we do have the responsibilities which I mention. We certainly should have learned since the first American casualty in Indochina was announced on January 1, 1961, what that terrible misadventure, that tragedy, has cost us.

Do we realize that in all of Indochina up to a few weeks ago, we have dropped a total of 6.6 million tons of bombs?

Do we recollect that, as of the end of World War II, in both the Pacific and European theaters, we dropped a total of 3.2 million tons of bombs?

In this insignificant part of the world, an area in which we have never had any vital interest, an area which would have been better left alone, we have dropped 3.3 million more tons of bombs than we dropped on all our enemies during all of World War II?

The cost has been high for us, and the cost has been high for the Indochinese people as well.

Where is this peace with honor which we have heard about time and time and time again over the past several months?

I guess it is still a will of the wisp. I would place no credence in a resolution or a substitute of this kind because, the Lord only knows what will happen in the meantime, and the Lord only knows what the Congress will do. Maybe, come August 15, there will be a request for another extension and other arguments will be advanced.

The time to act on this is now—veto or no veto.

Mr. President, section 108 of the continuing resolution—the Eagleton amendment—has already been approved by the House of Representatives. It has already been approved unanimously by the Committee on Appropriations. The language is not in dispute. It is not in doubt. It would end the bombing. It would make impossible the capture of additional American flyers. It would make impossible the collection again of American hostages—a lesson learned with the lives, the limbs, and the blood of Americans spilled throughout South Vietnam.

Three months ago we welcomed home those prisoners. Their captivity has ended and they are back with us.

The issue before the Senate, therefore, is whether we are to lock this Nation again inextricably into a conflict in Southeast Asia. The issue is whether, once more, we will have to risk the lives of Americans in order to bring back the POW's—the pawns used to guarantee this Nation's involvement.

The issue is whether we are to endorse this bombing, this war, this policy that again opens the door to the confinement of American hostages—either for a day, 15 days, 45 days, or whatever.

Be it for a day, 10 days, a month, 2 months, or 2 years, if the Senate approves the bombing and the war, no date printed on a piece of paper will serve to get us out. Most assuredly, as American POW's again emerge in Southeast Asia, this Nation undoubtedly will remain there. To preclude that event and prevent this ever-deepending enmeshment, section 108—the Eagleton amendment—of the continuing resolution should be adopted unaltered and intact.

Section 109 of the continuing resolution—the Case-Church amendment—should also be adopted as is and unaltered, if we are to assure that the cancer of today's bombing in Cambodia does not spread elsewhere in Indochina.

I hope and pray that the Senate does not alter or amend either provision.

The bombing must stop—not next month, not on August 15, but now.

In my judgment, the bombing will stop if we will live up to our responsibilities and continue to maintain our support of the Eagleton amendment and the Case-Church amendment.

The time to do it is not 45 days from now—the time to do it is now.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HUGHES). The Chair recognizes the Senator from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, I rise at this time, with great reluctance, to differ with the very distinguished chairman of the Committee on Foreign Relations and those other distinguished Members who have worked on this particular compromise.

I should like to point out that the code word going around the Halls of Congress today and yesterday has been the word "compromise." That is what we have heard in the Halls of Congress and on this floor, the word "compromise."

There are times and there are issues when one can never compromise.

One does not compromise about the constitutional responsibilities of this body.

One does not compromise about law.

One does not compromise about the slaughter of innocents. It may be only a procedural technicality whether our bombs stop falling now, or 45 days from now. But it is a matter of life and death for those on whom those bombs will fall.

I cannot understand what the administration expects to gain by communiciating to the world that we will bomb for 45 more days, and only 45 more days. If the bombing of Indochina since the peace agreement has been totally unconstitutional up until now, as many of my colleagues have expressed, and as I also believe, then Congress is now approving and affirming an action that totally emasculates the power and the constitutional role of Congress. In effect, Congress would be ratifying a past and future action that we have judged to be illegal, unconstitutional, and immoral.

We have no commitment to Cambodia. Congress has said specifically, in Public Law 91–652, passed on January 5, 1971, and amendments to the Foreign Assistance Act passed into law on February 7, 1972, that we have no commitment to the Government of Cambodia. Yet this administration, in violation of these words and this law of Congress, continues to bomb in Cambodia.

Why are we, then, to have any kind of credence that whatever we write into a compromise today that might be signed by the administration will be observed by this administration, any more than they have observed or failed to observe Public Law 91–652?

Mr. President, the administration's actions have constituted a commitment to Cambodia, any way we look at it, contrary to the will of Congress and an act signed into law by the President. By approving that bombing in any way, shape, or form, we become collaborators in an action that is contrary to the law and will of Congress, at least as we stated the will of Congress last week.

There are some issues over which compromise means a total contradiction of past beliefs and principles, and this is one such occasion. Therefore, I will not support it.

Mr. KENNEDY. Mr. President, I oppose any compromise to set any further date as a cutoff for America's bombing of Indochina. I urge the Senate to insist that the bill we pass must end the bombing now—not tomorrow, not next week, not next month, but now, on the very day this long-awaited end-the-bombing bill becomes a law.

Day after day, week after week, month after month, millions of innocent men and women and children of Cambodia have endured the brutal onslaught of death and destruction rained down on their homes and villages and countryside by America's B–52's and America's fighter bombers.

Now at last, this week in Congress, the

Members of the Senate and the House have closed ranks against the war. With a strong and clear majority voice, we have spoken our demand that the President must stop the killing. Surely, we cannot yield so soon in our common newfound resolve to end the war.

The compromise we are asked to ratify by the President will go down in infamy in American history. How can Congress possibly accept this cruel and calculated pact, a pact in which Members of the Senate and the House are asked to ratify the unconscionable and unconstitutional warmaking of the President in recent weeks. What he is asking us—neither more nor less—is amnesty for the slaughter of the past, and a license for 6 more weeks of slaughter in Cambodia.

Let us make no mistake about the principle now at stake. For years, going back beyond the beginning of this adminstration, many of us who vote today have sought to end the war. At first, the ranks were small—no more than one or two, a decade ago. And then, as the war went on and as thousands of young Americans kept on dying for a cause we could not understand, the numbers began to grow. And then at last, this year, after all our troops and all our prisoners had come home, our numbers finally reached a majority in both the Senate and the House to say the war must end.

How, today, so close to victory after we have stood so strong so firm so long, can we give our great goal away? How can we yield to the President, and give him our authority and blessing to bomb and kill for 6 more weeks?

If we accept this compromise, then we dishonor the cause for peace for which we have worked so long. If we yield now, then the Cambodian blood that is shed between now and August 15 will be on the hands of the Senate of the United States, and none of us should have to bear that stain.

And it is all so futile. The compromise has no justification in logic, let alone morality. If the President cannot achieve a cease-fire today in Cambodia, he will not be able to do so 45 days from now. If those who are fighting the Cambodian civil war have survived the 100 days of relentless American bombing since the Paris peace agreement was signed this year, they can survive another 45 days as well, but at a cost in life and blood that America has no right to ask.

In sum, the only purpose of the compromise proposed today is to save some shred of the President's tattered prestige. But think of the price we are asking the people of Cambodia to pay. The price is 6 more weeks of killing, 6 more weeks of bloodshed, 6 more weeks of our scorched earth policy in Cambodia, 6 more weeks of America's destruction of helpless peoples half a world away.

I say, the Senate must not yield. We must stand firm for an immediate end to the bombing, and reject this immoral pact. How can any of us vote today to approve 6 more weeks of ravaging a tiny lovely country named Cambodia?

One final word. A few days ago, I received a letter from an American Air Force captain in Guam. He had written me before, and he wrote again, praising Congress for our growing success against the war, and urging us to carry on our work. He writes:

> DEAR SENATOR KENNEDY: I have just received your letter of June 6 with copies of the May 31 Congressional Record. It was encouraging to read the Record and see that the majority of the Senate understands the problem we are faced with in Cambodia. I have allowed some of my fellow officers to read the excerpts you sent me and they too felt that finally the Senate was doing something.
>
> Our combined request is that the matter be carried out to execution and not left to die in Committee. We all realize that the processes of government take time, but every day of delay means tons more bombs dropped and more people dead or dying.
>
> You have our full support.
>
> Respectfully,
>
> ——— ———.

That is the view of our men in action. How can the Senate do less?

Mr. BAYH. Mr. President, I strongly oppose this so-called compromise on the cutoff date for bombing in Indochina. It is not a compromise—it is one more abdication by Congress of its constitutional responsibilities. It gives the President exactly what he has asked for as regards the date for the cutoff, and in doing so it puts Congress' seal of approval on any military action he may choose to take in Indochina till August 15.

Perhaps the sponsors of this "compromise" have in all good conscience persuaded themselves otherwise. I, personally, cannot ignore implications of this action that is being urged upon us. Mr. President, we know full well what interpretation the administration—and the world—will place upon Congress' retreat in the face of Executive pressure. Our retreat will be seen as a blank check to Mr. Nixon for pursuit of his war policies. And we know from long and bitter experience what use he is likely to make of that grant. I do not intend to vote for another Gulf of Tonkins.

There is another point to be made in this connection. By setting August 15 rather than June 30 as a cutoff date for U.S. military action in Cambodia and Laos, we do nothing more than prolong the killing. It provides no incentive to Cambodian and Laotian insurgents to stop fighting. It tells them only to hold on for another 6 weeks. Whatever dire consequences the administration sees as resulting from an immediate bombing halt will follow just as surely in late August as in early July. I repeat, Mr. President: It does nothing more than to prolong the killing—and to increase the likelihood of still more American casualties—American dead, wounded and POW's.

In adopting the Eagleton and the Case-Church amendments, the Congress was at long last expressing the clear will of an overwhelming majority of the people we represent. If we back down now we shall be guilty not only of abdicating our constitutional responsibilities but of turning our backs on those to whom we owe our deepest allegiance, our constituents.

I, for one, do not intend to assume that burden of guilt. And I urge my colleagues to consider that we cannot—as the designers of this false compromise urge—purchase a title to "responsibility" by repudiating the will of our constituents and the imperatives of our Constitution.

Mr. BAKER. Mr. President, I want to commend the distinguished chairman of the Foreign Relations Committee and the ranking minority Member for what I consider to be a fair and equitable solution to the question of further U.S. involvement in Indochina.

Although I supported the President's policy in that part of the world up through the signing of the cease-fire agreements in Paris last January, I am convinced that we gain little from our continued involvement and for that reason I am willing to support a funding cutoff. However, in view of the fact that its looks possible to negotiate a cease-fire in Cambodia, to add to those already in existence throughout the rest of Indochina, I am particularly pleased that the distinguished chairman has agreed to the date certain of August 15. If, by that time, no agreement has been reached, funds for continued involvement will run out and the U.S. presence in that part of the world will come to an end.

However, as that presence ends, let no one contend that we have failed to honor our commitments for the President will have done all in his power to bring peace to Southeast Asia and by-and-large, he has done an excellent job of it. What is required now, is a willingness on the part of the leaders in Hanoi to accept our peaceful intentions and to try for once to achieve politically what they have tried and failed for so long to achieve militarily. It would certainly be a welcome sign and it would truly initiate the global generation of peace for which the President has worked so hard.

Mr. STEVENSON. Mr. President, for 8 years I have opposed U.S. involvement in the Indochinese War. For 8 years, in and outside the Senate, I have supported every effort to cut off funds for the continuation of U.S. involvement in that war. Each such effort contained a deadline for funding U.S. military efforts in Indochina, and each failed. Now for the first time I have a chance to support a deadline which will not fail.

By approving this amendment to the Senate does not condone for 1 minute more the illegal and immoral bombing of Cambodia. What the Senate can say now, and at last with finality, is that U.S. involvement will end no later than August 15. The Congress would not sanction the war. It would end U.S. involvement in the war, and upon terms which preserve its constitutional authority. The President has finally relented.

And the Congress now has no alternative. There is no other way. The House will not override the President's veto. We can stay here until doomsday passing one bill after another to cut off the funds—and all to no avail. The Congress can defeat this amendment—and accommodate the President with a confrontation which will divert public attention from his difficulties. It can bring the functions of the Government to a halt—and prolong the war. Or upon principles many of us have supported for 8 long years we can now finally end U.S. involvement in this abominable conflict.

Mr. President, to conclude this comment on an ignoble, yet reassuring, note, if the Congress approves this amendment U.S. military activity cannot end later than August 15. It probably will end sooner. President Nixon is not likely to wait until August 15 and then ignominiously and abruptly terminate military activity. He will, having relented, now seek a way out and at the earliest possible date. I am for giving him this last chance to end this horror upon our land and theirs—no later than August 15.

Mr. McINTYRE. Mr. President, I will vote to support the pending amendment.

This is a terribly difficult vote for me to cast. I have stood firmly for ending the war in Southeast Asia and for ending the bombing in Cambodia.

There has been no constitutional basis for the bombing.

The people of this Nation want it stopped.

The mail from my constituents has been nearly unanimous in calling for an end to this bombing.

Yet our Nation faces many—so many crucial problems today.

We have the tragedy of Watergate.

Our prices have gone beyond the point where millions of Americans can balance their budget.

Our trade with the rest of the world is still a desperate problem.

We face an energy crisis which will tax our every capability to meet.

Can we add to that the possibility of further tearing our Nation apart by possibly bringing our Federal Government to a virtual standstill, delaying social security checks, halting grants to States and localities, and causing extreme uncertainty and heartache among our people.

By adopting this amendment we will have, for the first time and agreement by the administration that a day certain has been established for removing ourselves from the terrible war in Southeast Asia. This is not a minor accomplishment.

I must say, however, that I want it clearly known that my vote is not a vote putting the stamp of approval on the bombing—it is not a vote that in any way declares the constitutionality of what has been done in Cambodia or what may occur in the next 45 days.

I am supporting this amendment as the only possible way out of a nearly impossible situation.

Mr. CHURCH addressed the Chair.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HART). The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, it is most distressing to differ with a Senator I regard so highly as the distinguished Senator from Massachusetts (Mr. KENNEDY) or with our honored majority leader, Mr. MANSFIELD, who has fought against this war in Cambodia and in Vietnam for so long, with such determination and conviction, or with the distinguished senior Senator from Oregon (Mr. HATFIELD).

But, Mr. President, I also find it somewhat repugnant that there should be an inference in this debate that those of us who support the provision recommended by the Committee on Foreign Relations are somehow relegated to the ranks of the impure, while those who oppose it somehow stand on the side of conscience.

I have a conscience, too. I do not wish to belabor the fact, but Members of the Senate know that I have opposed this war as long as any other Member of this body, and I have worked as hard as I know how, through the Congress, to bring this war to an end.

So I do not have to be reminded that the war in Cambodia is an abomination. It does not have to be emphasized, insofar as I am concerned, that it is an unconstitutional exercise in Presidential power. I do not need reminding about the havoc our part has wrought to the societies of Indochina and of North America.

If there were any way tonight that I could, by opposing this resolution, bring the war to an immediate end, I would oppose it. If there were a way I could save the life of a single child, or of a young bride, or an old man in Cambodia tonight, by voting against this resolution, I would vote against it.

I say to the Senate, however, that I cannot follow the argument made by our distinguished majority leader or by the Senator from Massachusetts or by the Senator from Oregon. They have said that if this proposition is accepted, the Senate is somehow giving its blessing to an unconstitutional war, to an illegal war, to an immoral war, to an idiotic war.

Now, that is a novel argument. For this is not the first time that a deadline has been placed in an amendment to end the war. I cannot remember, over the past several years, any proposal to end the war that did not have a deadline. Certainly, the McGovern-Hatfield proposal contained a deadline, and it was said then that it was immoral to support it, since our involvement in Vietnam was unconstitutional in that it had not been ratified by Congress.

I was sponsor of two amendments directed toward limiting our involvement in this war, amendments that carried and became law historically known as the Cooper-Church amendments. They contained deadlines, but it was never said that we endorsed the war, because of the deadline.

I worked for the Mansfield amendments. But it was never suggested, at any time during those debates, that because there were deadlines contained in the Mansfield amendments, it was immoral to support them.

This is not a contest of conscience, in which the side of the pure stands arrayed against the impure. This is a stark and simple matter of how we bring this awful war to an end.

Those who argue against this resolution have no way to bring this tragic war to an end—not tonight, not next week, not by the end of the summer, or by the end of the year. The bombing will go on, and the young, the old, the sick, and the innocent will die—in larger numbers and for a longer period of time than if we adopt this proposal tonight.

In all 8 years I have opposed this war, there has been one thing that has always been plain, and that is that Congress would never write into law a provision terminating our part in the war, without the signature of the President. Is there a man here who can convincingly argue that we shall secure the President's signature on any proposal to cut off funds now? The President has already vetoed that proposition. And the House came nowhere near overriding the veto? Do Senators think that by sending the President the same proposition again he will suddenly cave in, that he will not veto the next bill, and the next and the next? In fact, he has said to Members he will veto more. How long do we wait for a two-thirds vote in each House to materialize? How long will the war go on?

We may dispute indefinitely the President's exercise of authority, but we cannot stop the war without his signature, unless we override his veto, for which there is no prospect in sight.

So I have no troubles of conscience in urging this proposition on the Senate. I do not think it will live in infamy. Indeed, it will be celebrated as a statutory action finally joining together the legislative and executive branches to end American participation in a war I have hated and opposed for nearly a decade. I wish to God there had been a way to end it sooner. But I am not going to slam shut the door on this, our first real opportunity.

Least of all would I regard this proposition as a "cave-in" by Congress. That does not coincide with the facts at all. We have already passed one amendment that I supported, sponsored by the Senator from Missouri (Mr. EAGLETON). Would that we could have enacted it into law with the President's signature, but Mr. Nixon vetoed that proposition, which called for an immediate cutoff of funds. Wishing for it cannot get it without the President's actual consent.

The Eagleton amendment, remember, called for a partial cutoff; only as to Cambodia and Laos. I do not criticize it, but that is all it related to. Now, we have had some experience with partial cutoffs, and it has been uniformly bad.

Congress cut off funds for sending combat troops into Laos, so the President sent them into Cambodia, instead. We then cut off funds for sending combat troops and military advisers into Cambodia, so we now have the bombs. Never have we seen a complete cutoff of funds for all military activity on the land, from the sea, and in the air that encompasses every part of Indochina.

It is no cave-in when Congress insists upon a complete cutoff covering every part of Indochina, covering every country involved in these protracted hostilities.

Do Senators think the President wanted that? He fought against it, and his representatives fought against it. They said it could not be, but we have secured it tonight, a complete cutoff, in exchange for the deadline date.

I would prefer an immediate cutoff, but the President's signature is needed if we are to achieve any cutoff at all. Do we choose, instead, a futile debate, flouting our impotence, and allowing this war in Cambodia to continue indefinitely? Do not think prestige comes to Congress because of its impotence. Do not think we will be remembered because of the purity of our principles.

We have a chance now, after all these years, to do what I thought the opponents of this war always wanted to do, namely to cut off funds and force an end to our part in the war. That was the principle of the McGovern-Hatfield amendment, the Mansfield amendments, the Cooper-Church and Case-Church amendments. Now comes the chance to do it for all of Indochina and bring peace at last.

There is not a man who opposes this measure who can offer us another way, let alone a better way, to do it. So I will, with good conscience, vote for the resolution.

Mr. HASKELL, Mr. MOSS, and Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. May the Chair first explain that I am advised we are operating under the rule, and the Chair is directed to recognize the Senator who first addressed the Chair. That is not always easy to determine. I hope there is understanding. The Senator from Colorado is recognized.

Mr. HASKELL. Mr. President, I would like to put this in a slightly different context than it has been put before.

I have for many, many years admired the Senator from Arkansas, and I admire him greatly for his courage over the years in doing what I thought was right and in following his conscience.

I think his conclusion at this time, his intellectual conclusion is wrong and I wish to give my reasons, at least in my opinion, why he has come to the wrong conclusion.

Let us examine what has happened. We have first the President going to war. One does not need to be a constitutional lawyer to know that violates the Constitution. We have, second, a President of the United States cutting off programs by the eupthemism of impoundment—failing, as the Constitution says he will, to carry out the laws of the United States. That is a second unconstitutional act, and the lower courts have so held.

We have the President seeking reorganization of the Government in certain aspects without the action of Congress. That has been held unconstitutional in the lower courts.

Next, we have the President at one time through one of its spokesman making a ridiculous claim of executive privilege which, again, obviously was unconstitutional.

We have had, in my opinion, I say to the Senate, a deliberate avoidance of and an attempt to subvert the Constitution of the United States. Where does that take us? In my own personal opinion, this is the time to draw the line. This is the time when the confrontation has got to come to a head. We have before us a bill which will bring that confrontation. I am not saying that on one side are all the angels or that on the other side are all the devils. I am saying that, as a matter of logic, this is the time to stand up for the Constitution. I am saying that the way to do it is to stick with the Eagleton amendment and the Case amendment, or to change the proposal of the Senator from Arkansas so as to strike August 30 and insert June 30.

I think we are fooling ourselves. To depend upon a law that we put on the books being carried out, if it suits the purpose of the man who is the man to carry it out, I submit will lead to a very intellectual argument about the date of August 15.

So just from a reasoned viewpoint in support of a document that has made our country a great country, although I think this is a hard decision. I think the thing to do is to vote against a man whom I greatly admire, the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr FULBRIGHT. I, of course, have the greatest respect for the Senator from Colorado. I think he has great understanding of this matter.

I should like to ask him to consider an alternative. First, I may say that a number of Senators who have spoken here have begun their disagreement with this kind of proposal very recently. A short time ago—a matter of months—they were willing to vote for a 6-month cutoff. This proposal is for 45 days, as the Senator knows.

This is the end of the fiscal year. It is true that we can precipitate clashes and cut off funds for the operation of the Government. But then which position will the country support? The position of Congress or the position of the Executive? From our point of view, of course, I have no doubt what I would do. It would be Congress.

It is true that in some areas we have not been doing well. But I think we have been doing well in many of the areas we have been speaking of. I am very anxious to avoid making a mistake which would turn us around as representatives of the country and in the interests of the people of the country.

I agree that in this area we can legitimately differ. I have the greatest respect for the majority leader's position, as I do for that of the Senator from Colorado. But what we are confronted with is a fact of life.

I disapprove of the war just as much as anyone else. If we had not had a veto, I would not support this proposal. But I have some reason to feel that the President will veto the bill again. From his point of view, he is in a very difficult political situation today on account of things the Senator has mentioned, especially the hearings in the Senate committee, such that he probably would welcome a confrontation. If the results should fall upon the employees of the Government, the disruption that would result from this would be a diversion from what is now going on in the committee under the able chairmanship of the distinguished Senator from North Carolina (Mr. ERVIN).

These are difficult accommodations to weigh when we come down to the question of what is the way to assure an early end to the war. I would have liked to have the 1st of August or, as the Senator said, June 30. For all practical purposes, June 30 is an immediate cutoff. But, after all, we are not theoreticians; we are talking about constitutional law. Does the Senator have any practical reason to think that if we followed his course, we could override a veto? No one has convinced me that that would succeed. What makes the Senator believe that we can bring this war to a close sooner than August 15?

Mr. HASKELL. First, I agree with the judgmental factor. As to whether the President will veto, probably the Senator is correct. Whether the House would fail to override, as I recall there was a 27-vote margin the last time. But I come back and say to the distinguished Senator from Arkansas that in view of this accumulation of violence, in view of what, at least in my opinion, could have led us to tighten this formula, there has to be a time when I think a line has to be drawn. I think, in my judgment, that this is the time to do it.

I am very much concerned as to whether—and this is judgment again—it would be interpreted by the President as weakness. I am concerned as to whether on August 10, if things have not gone the way the President would like them to go, some excuse will be manufactured. I think the chances are even. I think that if the President feels that things are not going the way he wants them to go, an excuse will be manufactured.

Mr. FULBRIGHT. An excuse to do what?

Mr. HASKELL. To continue the war and continue the bombing.

Mr. FULBRIGHT. No resolution would be effective if the President is determined to resume the bombing.

Mr. HASKELL. I am sure that a legalistic basis could be devised on which to circumvent this legislation, if they say what was desirable on August 10. I think we have at this time to impose the will of Congress in an area in which I think everyone agrees is within the area of Congress.

Mr. FULBRIGHT. If the President is going to violate the date we have in the resolution, why would he not violate the provisions of the Eagleton amendment, if he is going to disregard the law which he has accepted? That is what the Senator is saying.

I do not understand it any better. We all voted—not all of us, but I did—for the Eagleton amendment, which was vetoed. Suppose the President had accepted it. It would only have been an inhibition on Cambodia and Laos. He could continue to wage war in all of Vietnam, which is, after all, where all this trouble was precipitated.

Mr. HASKELL. I would agree with the Senator from Arkansas that the Senator from Arkansas' amendment would be far better. If the Senator from Arkansas had said June 30, I would certainly have supported it.

But in response to the Senator's question: If the President will find a way, and if he wants to find a way around it on August 10, why would he not find a way around it now? That is a very good question.

But this is a question I would like answered, and this is the question that it seems to me is for the long-run benefit of the country to have.

Mr. FULBRIGHT. Mr. President, I thought we answered it as far as immediately is concerned. If anyone could think of a good reason to change the date to June 30, I would change my mind. I do not think it would be effective, as demonstrated by what has already happened.

It is only 45 days as against 6 months. Several resolutions we have voted for in the past in an attempt to achieve the same result were not able to be passed in the House. I thank the Senator, and I appreciate his attitude.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I would like to address a brief commentary to the eloquent remarks espoused by the distinguished Senator from Idaho. He is a gifted articulate and persuasive orator, and indeed he has devoted much of his time and energy for the past 7 or 8 years in the Senate trying to bring the horrible Indochina war to an end.

I say to the Senator and to any other Senators sharing the same beliefs, that no one here considers the motives of those who sponsored this amendment to be sinister, corrupt, or immoral. The debate here is on a matter of philosophy. And no one has questioned the capabilities or the integrity of any of those who espouse the Fulbright proposal, erroneous as I deem it, personally, to be.

Some mention was made by the Senator from Idaho of previous resolutions that had deadlines—the McGovern-Hatfield and the Cooper-Church. Yes, there have been previous end-the-war resolutions and end-the-war bills and end-the-war amendments that had established deadlines for the cut-off.

However, there is a big difference between now and the time that some of those were offered several years ago. That was a time when there were half a million American combat troops on the ground in South Vietnam. And the alleged excuse for the troops being there at all, after the Gulf of Tonkin joint resolution was repealed, was that the President was protecting those troops—and that he needed time to draw down the troops—and that he wanted, as some have expressed it to avoid a Dunkirk-type situation.

Some of those measures had 90 days and some had 6 months. And most of them were contingent on the release of our POW's. Yes, there were time limitations based upon the circumstances and the conditions we found ourselves in in Southeast Asia in those years. However, this is the year 1973. Today the President cannot claim that he has an inherent power to protect American forces.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. EAGLETON. I will be glad to yield in a moment.

This is a year in which we no longer have American combat troops on the ground in Southeast Asia, thank God, and the last vestiges of our military involvement in that quadrant of the world is that relentless and senseless bombing of Cambodia.

So, the facts and the conditions are vastly different now than they were before. And our vote today should consider those changed circumstances.

Mr. CHURCH. Mr. President, I appreciate very much that times have changed. I have felt that our involvement, at least from the time of the repeal of the Gulf of Tonkin resolution was unconstitutional. Was it ever suggested before that by voting for a deadline, we were legitamizing the war or were somehow accepting its validity? I never remember that argument being used until tonight. It was never used in connection with any of the other amendments that had a deadline.

The issue of the validity and unconstitutionality of the war was the same then as now.

It is a new and novel argument now.

Mr. EAGLETON. It is not new or novel. The alleged premise by President Nixon, once the Gulf of Tonkin joint resolution was repealed, for the continued presence of American troops in Southeast Asia was to maintain the peace, and to protect the troops in preparation for withdrawal. That justification was terminated on March 28, 1973, when the last American left Indochina.

I say alleged because I disagree with that previous claim of power. Once the Gulf of Tonkin resolution was repealed, there was not one whit of constitutional or statutory authority for the President to keep American troops in Southeast Asia. Nonetheless, the President argued that he was protecting Americans, and a majority in both Houses saw fit to support him.

Over the years, as the Senator from Arkansas pointed out, he proved that he had the power to sustain his position.

The reason we put in a time-certain limitation during those periods was to work out an arrangement so that the troops would be safe and would not have to flee from the beaches.

But the situation we find ourselves in tonight is a much different matter. Tonight we are confronted with the prospect that it will all begin again—this time with our sanction.

The Senator from Idaho made a very articulate statement and said that the President would not be cowed—when he vetoed the previous bill. We passed a bill the other day that had a fund cutoff for Cambodia. He vetoed it. He said he did not like it, that it was nasty, or that Congress should not do that.

Instead of the Senator saying that the President will not be cowed, we must ask ourselves whether we will be cowed. Because the President shows guts, determination, doggedness, et cetera, are we then to shrink, or to shirk or to hide?

Because the President says that he will use the veto, do we become whiplashed into conforming to his desire?

Maybe the President will not be cowed. However, we are apparently not going to test him. To use one of L. B. J.'s phrases, we will cut and run first.

We are going home next week for the Fourth of July recess. We will have fireworks, either here or in our home State, and we will rain tons and tons of bombs on Indochina as our Independence Day gift to the Cambodians.

We are the ones being cowed. Make no mistake about that. We are caving in when we think of a veto. We run and give him his way.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. PASTORE. Mr. President, I fully subscribe wholeheartedly to everything the distinguished Senator from Missouri has said. Those of us who have supported his amendment time and time again, if we go along with this compromise, will go along with it tongue in cheek and with a very, very heavy heart.

The question has now become a rather realistic and pragmatic one. The question here now, in view of the fact that the House has refused to override the President's veto, is where do we go from here? Do we bring an end to this immoral conflict as of August 15, or do we go on having an indefinite period?

That is the question that we have to decide here tonight. To me, this is going to be a very hard choice to make. I know how the Senator from Missouri feels about this. And no one can question or challenge the arguments he is making, because if it is immoral to kill after August 15, surely it is immoral to kill now. But the question is if we can stop this immorality after August 15, rather than to have it go on for God knows how long, is it not better to go about it in a realistic and practical way and say, "For goodness gracious, let us bring this to an end."

That is the question that confronts us. It is not a question of who is cowed by whom or who is retreating from whom.

We have a very hard and delicate question to decide here.

I can see it both ways, to tell the Senator the truth. I think it was wrong for the President of the United States to veto the bill we sent to him. I think that the bill we sent to him was not a rebuke to the Presidency. It was really a partnership on the part of Congress and a willingness to share the responsibility of bringing this conflict to an end.

The President saw fit to veto that bill and he sent it back to the House where they would have the first chance to override the veto. They sustained the President's action.

Now, in view of that, what do we do? What do we do? Do we go along, just passing these amendments time and time again, having them vetoed by the President, and have this conflict and this immorality go on indefinitely, or do we say to ourselves, "God help us, and God forgive our sins, that we permit this conflict up to August 15?"

I say this is going to be an act of contrition for everyone in this Chamber who votes for this compromise, but, short of voting for the compromise, what is the alternative? The alternative is that the President will go on indefinitely unless we tie up the mechanism of government, and each alternative is really bad.

But that is the choice we have here this evening, and I am sorry to say that

I for once in my life have to abandon a strongly held conviction in order to bring about, in the best way I can, the choice between two evils.

This is no longer a question of right or wrong. The question here tonight is, Of the two evils, which is the lesser one? That is what we will vote on.

Mr. MOSS. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield briefly for a question.

Mr. MOSS. I wanted to ask the Senator, if we should pass the bill with the Eagleton amendment on it, and it passes both Houses—it has already passed the House of Representatives—and is sent to the President, and he vetoes it, is that the responsibility of the Senate or is it the responsibility of the President, that he stops the whole Government from operating?

Mr. EAGLETON. The President of the United States exercises the power of veto. He is the one who decides whether the Government is going to come to a screeching halt. We will send him a continuing resolution that permits every agency in the Government to be funded and to function. The President makes his decision. If he says, "I have got to keep bombing those people 45 days more and that is more precious to me than that the Government continue to function," the choice is his.

Mr. MOSS. We bomb with honor until August 15, and after that it becomes murder; is that right?

Mr. EAGLETON. Well, that is the contention of the Senator from Rhode Island. He says this is an act of contrition. I do not know what we are about to commit here tonight, whether it is a venial sin or a mortal sin.

What is 45 days worth to us? We will be on vacation part of that time, so maybe we will not care.

What is 45 days worth to the Cambodians? I have been there only once. It is a very pleasant place, or used to be.

We have rained down, in the last 6 months over Cambodia, more bombs in tonnage than in the previous 3 years over Vietnam. In 45 more days, we can create even more havoc, if that be our desire.

Mr. President, it has been said that the legislative process is the art of the possible—that in fashioning any piece of legislation compromises or accommodations must be made. For much of the legislative process this rule would apply.

But the continued bombing of Cambodia is not an issue that yields to compromise. Congress cannot sanction an unconstitutional and illegal endeavor for "just a little while." There is no way of being just a little bit unconstitutional, or just a little bit illegal.

The Secretary of State asked the Foreign Relations Committee the other day for continued power to conduct combat activities in Cambodia and Laos. We are not being asked to give new authority, we are being asked to sanction the President's claim that he does not require our authorization. In effect, Congress would be retroactively ratifying all the illegal bombing in Cambodia that has occurred to date, and would be giving its blessing, however reluctantly, to the continuation of the bombing for an additional period of time.

In referring to the gray area which separates the war powers of Congress and the President, Prof. Alexander Bickel stated that, in the absence of a war powers statute, our only legal benchmark is the "constitution of practice." And if we enshrine the current claim of broad powers under the Commander in Chief clause by authorizing continued combat activities in Indochina, we will present future Presidents with a legal carte blanche to wage unilateral and unauthorized war.

We have created a legend around the tough, lonely decisions that are made by the one man who occupies the oval office. But today each of us is faced with a decision that could mean life or death for American pilots or Cambodian citizens. Each of us must agonize over the burden of our own office—we must agonize over the great responsibility assigned to the legislative branch by the Constitution.

Earlier this week a dangerous new element was introduced into the Cambodian situation—an element which greatly increases the risk of our continued involvement. Russian surface-to-air missiles are now being used against American aircraft in Cambodia.

Our decisionmaking burden is therefore greater today. Will we vote to risk the lives of our pilots for a cause which even the administration has difficulty defining? And will we risk the possibility that one of those pilots flying over Cambodia will become the first POW of the Cambodian war?

If that happens, we can forget about terminating our involvement on August 15 or any other "compromise" date. If that happens, you can be sure that we will be asked to extend the administration's authority—we will be asked to give our negotiators the leverage they require to obtain the release of our POW's. And we will find ourselves locked in the deadly embrace of yet another war—this time in Cambodia.

Mr. President, it is our duty to appropriate funds so that the Government can operate. And by passing vital appropriations bills prior to the end of the fiscal year we are performing that duty. But it is also our solemn duty to decide how, when and where our Nation goes to war. And by attaching a cutoff amendment to these bills, we perform our duty according to our own sense of it.

But the President has a duty as well—a duty to carry out the laws as enacted by Congress. And he has a duty to assure that the Government of the United States continues to operate into the next fiscal year. If he chooses to reject the appropriations we provide him for that purpose, then he must accept the full responsibility for the consequences of that action.

We should not be bludgeoned into giving legitimacy to President Nixon's illegal Cambodian war. Under our Constitution, the decision to go to war belongs to Congress. By a series of record votes, Congress has expressed its will—that there be no more American involvement in a Cambodian war.

The President has never sought congressional authority to engage in a war in Cambodia. Yet he now seeks our backdoor sanction by a false compromise. Congress should not be intimidated into doing indirectly what it would never do directly.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield to the Senator from Minnesota.

Mr. MONDALE. As I have listened to this debate, it seems to revolve around the question of how Congress can effectively end the war. The Senator from Idaho makes a very strong argument that even though he would like to end the war tonight, and would have wished to have ended it 8 years ago, he sees no prospect of passing the Eagleton amendment over the veto of the President. His position is that overriding the President's veto is really the only remedy that Congress possesses.

But it is not the case that there is another important remedy that we do control, which does not require the vote of two-thirds of the Congress; namely, the withholding of the resources that the President needs to continue this war if he refuses to comply with the wishes of Congress. Is it not at this very moment that the request for an increase in the debt ceiling is pending before Congress?

If the President refuses to sign the Eagleton amendment, and if we cannot override his veto, we have another remedy that we can clearly succeed in; namely, we can refuse to increase the debt ceiling which will, regrettably, bring the American Government to a halt. But I think that is a small price to pay to end this tragic war immediately. It is a viable remedy, however regrettable, and it is one that we can succeed in if a majority of Congress wishes immediately to end that war.

Is my analysis correct to the Senator from Missouri?

Mr. EAGLETON. I would say that the analysis of the Senator from Minnesota is correct. But I would add one addendum, that the continuing resolution itself is an equally viable vehicle to achieve the same results which the Senator from Minnesota desires—to wit, the immediate termination of the bombing in Cambodia.

What it boils down to is this: The bill is on the President's desk as the continuing resolution. He must stare out his window and he must decide—one man alone—is 45 more days of bombing Cambodia more precious to him than continuing the functioning of the U.S. Government?

That is what is involved in the debt ceiling bill and the continuing resolution. That is what the President must face when the money runs out.

He has decided with respect to an earlier bill, the supplemental appropriation, that the bombing was worth more than the money in that bill. So he has made his decision there.

I should like to see him make his decision with regard to whether bringing the Government to a halt, is good, logical governmental wisdom, whether it was possible to bring the Government to a halt so that he could bomb in Cambodia for 45 more days.

I have disagreed with President Nixon on many things, but I believe that when he considers those two things on balance, he would sit there and say, "No, I will not bring the Government to a halt. It is better for the Government to function than to gain a few more days to bomb in Cambodia."

Mr. MONDALE. There is no doubt that Congress possesses a majority for the Eagleton amendment. We have already clearly demonstrated that. If the question is whether we possess the power to end the war immediately, the answer is "yes." It does not rest on our capacity to override a veto, as has been suggested here, but on the capacity, by mustering only a majority, to refuse to adopt the continuing resolution or to increase the debt ceiling, either or both. If we do either, the President must accede to our request because he will not have the resources to proceed with the war; is that not correct?

Mr. EAGLETON. That is correct.

Mr. MONDALE. I thank the Senator from Missouri very much.

Mr. PASTORE. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. PASTORE. Mr. President, I am afraid that what we are doing is simplifying the unsimplifiable.

We say we can bring the Government to a halt. May I remind all Senators that we have thousands and thousands of paraplegics and veterans of Vietnam who cannot even light their own cigarettes, and who have to be pushed by a nurse.

If we do not pay the nurse and the nurse does not report to work, what is that paraplegic going to do?

This is serious business. If anyone has agonized over this compromise, it has been the Senator from Rhode Island. Yes, if we could accomplish our purpose, I would say, "Let us stand pat." But if we do not accomplish the purpose, there are thousands and thousands of veterans in our hospitals lying in bed who cannot take care of themselves.

If we bring that to a halt, what have we done?

The best appeal I say is, "All right, Mr. President, we will give you August 15, but in the name of commonsense, in the name of God, do not bomb until August 15th." Let us make that admonition to him.

But let us not stop the mechanisms of government, because if we do, the injury and the irreparable harm will be untold, and it will remain on our souls. Because, what are we going to say to those boys in the hospital? How are the nurses and the other staff people going to be paid if we bring government to a halt?

Oh, yes, if we could stop the Defense Department, I would vote for it tomorrow. But what about sewers, water, education, and health—are we going to stop all of that?

Is that not the challenge here tonight? These are serious questions.

I repeat, Senator EAGLETON, you are absolutely right. I do not question you one bit. But they have forced us into a corner. We are into a corner. The decision we have to make tonight is not a decision on what is right or what is wrong, but a decision on what is the best course to follow as between two evils—and I am suggesting that the lesser of the two evils is to compromise.

Mr. EAGLETON. Mr. President, may I respond to the distinguished Senator from Rhode Island (Mr. PASTORE) by saying that we have let ourselves be forced into this corner. After one veto, we have taken a "powder." We have forfeited our role within our system.

No one is talking about bringing the Government to a screeching halt. In the colloquy between the Senator from Minnesota (Mr. MONDALE) and myself, I responded to him that I did not think that that would occur because, in all rationality, when the President is faced with a choice as between bombs in Cambodia and the functioning of the Government, he would choose the latter. I fully believe that.

We are the ones who are taking the premature "powder." We are the ones that have to pay the penalty for it in terms of our own judgment.

Mr. MOSS. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. MOSS. I was going to ask the Senator from Missouri what was he responding to. The Senator from Rhode Island, who many of us recognize is perhaps the most eloquent and persuasive of all Senators in this body, continually made reference to the fact that we were going to bring the Government to a screeching halt, that we would be hurting the paraplegics, that we would be stopping the functioning of the hospitals, and all the rest.

Well, Mr. President, we are not going to do any such thing.

We passed the provisions for money to go ahead, so if it goes out of the Congress, all of it goes ahead. If it is stopped, it will be stopped by one man down at the White House, and then we must decide how to add up to it. But I do not believe for 1 minute that the President of the United States would permit all of this Government to come to a halt simply because he wanted to drop some more bombs on Cambodia.

Mr. EAGLETON. I absolutely agree with the Senator from Utah. The President of the United States has a great deal more commonsense and a great deal more wisdom than to see the total stoppage of this Government because he wanted a few more days of bombing in Cambodia.

Several Senators addressed the Chair.

Mr. EAGLETON. Mr. President, I yield to the Senator from California (Mr. CRANSTON), and then I will yield to the Senator from Indiana (Mr. HARTKE).

Mr. CRANSTON. The Senator said, in response to the Senator from Minnesota (Mr. MONDALE), that we have the capacity to stop the war now if we pass the continuing resolution that was vetoed, and if we pass the debt limit bill that was vetoed because of the anti-Cambodia bombing provision on it, that that would stop it now. I question the Senator's response that that would stop the bombing and I would like him to explain how it would stop the bombing, because there is in the pipeline so much money that we have already appropriated for military matters, defense, this that and the other thing, that the bombing could go on and on and on for an indefinite period of time while we were passing any bills favoring stopping the war now, and necessary vetoes that would come along, and sending the bills back to us. That is why I have taken my stand with the Senator from Arkansas, unhappily, and reluctantly. But I do not believe that we have the capacity to stop it now. Together we have the capacity to stop that war on August 15.

Mr. EAGLETON. Mr. President, first of all it is my presumption—I will never be able to test it, because we have apparently decided to cave in early in the game here—but if we had stayed and persisted in our efforts, expressed twice on the floor of the Senate already, and also on the floor of the House—with this cutoff placed before the President on the final day when he must decide between cutting the nurses or closing the hospitals it is my position and belief that the President would sign that continuing resolution and the bombing would be terminated after that point, because the language in any of these amendments talks about money appropriated or heretofore appropriated. The pipeline would be covered by that all-inclusive language.

Mr. CRANSTON. However, if that judgment is wrong and the President vetoes, he will have the capacity to go on bombing while we hassle with him, because of the money already in the pipeline which is available for that purpose.

Mr. EAGLETON. We run to the point where the continuing resolution would affect him, so far as the bombing policy is concerned, as it would any other department of government, foreign or domestic, in the sense that he could not pay the pilots flying the bombing runs. The Secretary of Defense has already testified that the language of the Eagleton amendment would stop the bombing.

Mr. HARTKE. Mr. President, I would say in regard to the debt limit that it expires on June 30. The Secretary of the Treasury says that they will not have any more money at least until after July 10. That means that on July 11, if we stop paying the veterans' hospitals—and I am chairman of the Veterans' Affairs Committee and I believe that the veterans ofthis country are willing to go ahead and take their side on the side of people, Congress, to go ahead and bring this war to an end, if that is what is necessary. But the fact is that you cannot pay the bombers or the veterans, either one. You cannot pay anybody. If you stick to your guns, with the Eagleton amendment, there is no question that on July 11 the President will not have any money to pay anybody, including the bombers. That is the point. That is the point the Senator from Missouri is making so eloquently. He is doing a good job.

Mr. EAGLETON. I thank the Senator from Indiana.

Mr. HARTKE. I do not know where these assurances came from. I do not know whether the President talked to the chairman of the Committee on Foreign Relations. Has he talked to Senator ERVIN yet?

I should like the attention of the chairman of the Foreign Relations Committee, to ask him where he got the assurances that August 15 was going to be the termination date.

Mr. FULBRIGHT. I assume the Senator was not here. The assurances came from the White House, by way of the minority leader.

Mr. HARTKE. From the general counsel?

Mr. FULBRIGHT. From the President of the United States?

Mr. HARTKE. Did the President communicate it directly or through Mr. Laird?

Mr. FULBRIGHT. It is my information that he communicated directly with the minority leader, who was here a moment ago, and I assume it was before the Senator came in.

Mr. HARTKE. Perhaps when we come back on August 15, we will find out that somebody said that somebody said that somebody said the President said.

I should like to refer the Senator from Missouri to certain dates, and I read from a publication of the Foreign Relations Committee relating to Southeast Asia.

> May 5—President Nixon meets with congressional committees to explain U.S. involvement in Cambodia. He assures them that American troops would be withdrawn from Cambodia in 3 to 6 weeks.

That was May 5, 1970. Is that the same type of assurance we have for August 15?

> May 13—Secretary Rogers makes his first detailed public remarks on the operations in Cambodia. He says: "This is not an escalation. . . . It is not an attempt to win a military victory." . . . Mr. Rogers says that the bombing of Cambodian enemy bases and supply routes and the patrolling of international waters could be continued after the President's deadline. He states, "We don't intend to become involved militarily in support of any Cambodian Government. . . . I am talking about United States troops, or air support." . . . He emphasizes that the United States would not become "militarily involved" to defend the Cambodian Government.

On May 26, 1970, after the Cooper-Church amendment was adopted—and I am sorry the distinguished Senator from Idaho is not here:

> The Senate votes 82–11 to amend the preamble to the Cooper-Church amendment to prohibit assistance to Cambodia. In order to meet the objections of the White House, the sponsors revise the preamble to emphasize that the amendment is being offered "in concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1."

I have just one more quotation:

> May 28—In a statement before the Hammarskjold Forum of the Association of the Bar of the City of New York, John Stevenson, Legal Adviser to the Department of State, outlines the legal basis of the United States and South Vietnamese operations in Cambodia. He states that the "current actions in Cambodia should be viewed as part of the President's effort to withdraw United States forces from combat in Southeast Asia."

I know that there have been statements since that.

When we come back on August 15, we will have a statement from Secretary—I was going to say Secretary Kissinger—from Mr. Kissinger such as he made before the election: "Give me 5 more days and I'll have it cleared up." Right after the election, 30 more days.

Does the Senator from Missouri think that on August 15 we will be back here arguing the same matter?

Mr. EAGLETON. I am somewhat suspicious, as are the Senator from Indiana and the Senator from Colorado (Mr. HASKELL), that somewhere between now and August 15, unforeseen circumstances are going to develop that will require some kind of prolongation of American participation in Southeast Asia. Either it will be of a military type or perhaps the type where we are at a very delicate phase of negotiation. Secret negotiations will be going on somewhere, and we will be told that we are at a "delicate stage" where "if you can just give us a few more tons of bombs, we think we can move a little at the negotiating table." I would not be at all surprised if something like that came along.

The whole litany of Indochina, as the Senator pointed out in his quotations, has been replete with many pious assurances, all totally unfulfilled.

Mr. HARTKE. The Senator reminds me of a Biblical quotation:

> When Pilate saw that he could prevail nothing, but *that* rather a tumult was made, he took water, and washed *his* hands before the multitude, saying, I am innocent of the blood of this just person: see ye *to it*.

Mr. McGOVERN. Mr. President, first, let me say that I can appreciate, as I think all Members of the Senate can, both the moral and the political dilemma we are in with regard to the question now pending. It is my belief that every Member on this floor, at least those who have participated in the debate thus far, is struggling to find the most practical way to bring the war to an end at the earliest possible time.

It is not really a question of principle at all. It is a question of which strategy will achieve the result we seek, and that is to put an end to the bombing in Cambodia and Laos and to avoid the possibility of involvement in a military operation in North and South Vietnam.

So far as I am concerned, as one who has been involved in this effort for a number of years, it is the happiest day of my life that the administration has finally agreed to a terminal date on all American military operations everywhere in Indochina. Perhaps some Members of the Senate had expected more of the administration than that. Frankly, I had not. I had a rather pessimistic view of what we were confronted with in dealing with the present administration and their policy in Indochina.

I could only feel a note of great satisfaction that, at long last, the administration had finally capitulated on an issue that some of us have been pressing in the Senate for a great many years. They finally agreed that a date certain would be acceptable to them and would be signed into law, so that as of August 15—on or before August 15—no more American military involvement will take place anywhere in Indochina. Not only does that terminate the bombing in Cambodia and in Laos, but also, it forecloses the possibility of American military operations in North or South Vietnam.

It goes without saying that I have regretted every day of this war for as many years as I can remember, and I wish it were possible for us to make the Eagleton amendment stick tonight in terminating military operations in Cambodia and Laos. We tried that approach. It led to a veto. Now we have an opportunity to take an action that would become law, that would become the law of the land, that would terminate all military operations on or before August 15. That is a great victory. It is not a capitulation for the Senate at all. It is the culmination of years of effort on the part of Members of this body to achieve something that heretofore we could not get passed in Congress, to say nothing of approval by the President of the United States.

But there is one other point I want to make here this evening. The Senator from Rhode Island (Mr. PASTORE) spoke so eloquently about the dilemma he feels, and I think all of us feel, about making a choice between these two approaches: whether we go along with the suggestion of the Senator from Missouri (Mr. EAGLETON), which he made so well, but taking a chance on another veto, and I am almost certain it will draw a veto, or whether we take the approach recommended by the Senator from Arkansas (Mr. FULBRIGHT) and go for the date certain of August 15.

I would like to suggest to the Senate that we can do both. We can approve the compromise proposal suggested by the Committee on Foreign Relations and add it to this bill. It is pending before the Senate now as an amendment to the continuing resolution. We have assurance that that bill will then be signed into law by the President. There is nothing in that action that precludes the Senator from Missouri (Mr. EAGLETON), or the Senator from Idaho (Mr. CHURCH), or the Senator from New Jersey (Mr. CASE) on their amendments or any other Senator from offering an amendment to immediately terminate American military operations, and to attach that amendment to the debt ceiling bill or any other bill from here on out. This is the approach I personally intend to take. I am going to back the substitute amendment by the Senator from Arkansas (Mr. FULBRIGHT) as something I know we can pass through the Congress of the United States and that I know the President will sign. Once that is done, whether it is the debt ceiling bill coming out of conference or any other measure that comes before the Senate, I intend to support any move that is offered by the Senators especially interested in this proposal and if no one elects to offer it, I will offer it myself in the language of the so-called Case-Church amendment as an amendment on some other piece of legislation.

I understand the Eagleton amendment is already attached to the debt ceiling bill which is now in conference. Let us leave it there. If the conference removes that measure we can reject the conference report and still have the alternate route. In that way we have the best of both worlds. We have the Fulbright proposal calling for the end of all American military operations in Indochina on or before August 15, with the assurance the President will sign it, and we also have another vehicle on the debt ceiling or some other appropriation bill—the Church-Case amendment or the Eagleton amendment, or both—which will call for immediate termination of American military operations in Indochina.

Mr. President, that is the course I intend to follow.

Mr. HUMPHREY. Mr. President, the hour is late, yet, I must speak my mind on this critical situation. I am a member of the Committee on Foreign Relations and I voted for the amendment of the Senator from Arknasas. I did not do so because I thought it the best of all worlds; I did so because I thought it offered a way to end American military involvement in all areas of Indochina for once and for all. I want peace, not an argument with the President.

Ever since I returned to the Senate the cry from this body has been to end the war. Tonight we can do it, as the distinguished Senator from Idaho and others have said, we have time after time voted on or passed in the Senate resolution after resolution and amendment after amendment setting a time certain for American withdrawal from Vietnam; a time certain for the ending all hostilities by American forces.

I recognize the sincerity and legitimacy of the arguments that have been made by those who oppose the amendment. In terms of debate, this has been the Senate's finest hour. The speeches of my colleagues have been both eloquent and persuasive. Yet, we surely recall that most of our resolutions in the past related to a date of withdrawal of American forces. We never looked upon such dateline as approval of the war, but rather as a way to end it. To be sure, the time has come for us to face the facts. We know the President of the United States is a stubborn man. I did not vote to put him in the White House. Yet we all know that the President has unique powers under the Constitution, and one of them is the veto. In order to override that veto, we must have at least two-thirds of the Members of both Houses. This we know is not easy. No matter how much we bluster, orate, demand, or pontificate, the fact is we do not have the votes to end this war without some agreement with the man in the White House.

The Senator from South Dakota made the telling argument tonight. He said he is happy tonight because at long last an objective which he has worked for, and many others in this body have worked for, has come to fruition, namely, a time and date certain to end American involvement in any type military action in all of Indochina—North Vietnam, South Vietnam, Laos, and Cambodia—and that that date has been agreed upon and will be a fact of the law.

I compliment the distinguished Senator from South Dakota for his perseverance and willingness to stand and fight through the years. If any man in this body has the right to be happy, it is the Senator from South Dakota. He has reached an hour of victory for him and for this country. The victory of peace—the end of American involvement in this tragic war.

Let me say to my distinguished colleagues that I have been looking over the language of amendments we have passed here in other days. The first Eagleton amendment was passed on May 31 and it provided for the ending of all American military action in Cambodia and Laos "On the date of enactment." That does not mean that just because we pass it here it is enacted or if they pass the bill in the other body it is enacted. As Senators know, when we pass a bill here or an amendment that has within it a provision making its effectiveness, the date of enactment, it may be months before it is enacted. It has to go through the long legislative process. So let us pretend to be too pure of heart. We know that it takes time—and often a great deal of time to enact a law.

When we said "date of enactment" we did not mean this afternoon. When we pass something here it may be a week, 10 days, 10 months, 2 years before it becomes law. But we satisfy ourselves by saying we voted to end the hostilities on the date of enactment and yet tonight, some feel we have capitulated to the President when we have a definitive date.

What do we have in the Fulbright amendment? Not "date of enactment." We say, "August 15, 1973." We have a bill the President will sign and it will end the war on August 15. I wish we could end the war tonight, but I know it will not. I know we cannot and I know that the role of a compromiser is never one that people like or applaud. But, there are times that in order to serve the greater purpose you have to compromise. When that compromise can accomplish your goal—and in this instance—the end of American military action in Indochina, then the greater purpose has been and is being served.

The distinguished Senator from Rhode Island has said this was a night of contrition. It is almost a night of confession. Oh yes, I know we can be hard nosed. There can be a test of will. We can play Russian roulette, or whatever one may call it. But what we need is not a test of will in this body, but a test of judgment. That is what is needed, a test of judgment. We have had the test of will. We can have another and to no avail. It will make dramatic news. It might take Watergate off the front page. We can bring this country to a grinding halt and have everything happen that the Senator from Rhode Island said and more.

If Senators think that is going to make us popular or the President popular, I submit they are wrong. It will make us both look like we do not know what we are doing. It will demonstrate our obstinacy, not our sagacity. The task of government is to govern. The duty of the legislature is the art of the possible. A man as great as Abraham Lincoln thought that was all right.

I believe this agreement is what is possible. So I have no hesitation in supporting it. My strong feelings about the immorality of this bombing, its illegality, its unconstitutionality, its ineffectiveness, are only exceeded by my conviction that it is incredibly stupid.

But we are confronted by a fact of life in this amendment. This President is not resigning; he has not been impeached. He is there; he is the Commander in Chief. We are faced with the facts of life, the realities of politics; and we are politicians, not philosophers. We are here to help govern a country, not merely to prove a point, or confront a President.

We are not teaching school; we are trying to run a government. The time is at hand to face up to the realities and do our best.

Thank God we have Senators of great moral principle—but what greater morality is there than the achievement of peace. This is what this amendment will do.

This is not an easy decision. It is a difficult and tearful decision. But it has to be made. So I am going to vote for the amendment with a heavy heart, but also knowing with the Senator from South Dakota that there is happiness in this decision. The Senator who ran for President has achieved, tonight, a victory that he wanted to achieve had he been elected President. We have waited a long time. I compliment those who have had the courage and the astuteness to come to grips with the problem.

We are doing the right thing. We must not fail at this critical hour to seize the opportunity that is ours—the opportunity to declare for once and for all an end to U.S. military activities in all of Indochina.

Mr. HOLLINGS. Mr. President, we have reached an impasse. A clear majority of both Houses favor an immediate cessation of U.S. military forces' participation in Cambodia but the President insists with a veto and we do not have the votes in the House to override the veto. We can stand on the principle for which I believe very strongly or we can make an important compromise to get the President and the Congress together on Southeast Asia for the first time.

The principle, of course, is constitutional. There is no constitutional authority for the President to bomb in Cambodia. He has not come to the Congress and presented a request. He only pursues it as an element of Nixon strategy to get a better agreement out of the North Vietnamese. I rather believe in the Nixon doctrine which the President stated on November 15, 1971 as follows: "Cambodia is the Nixon Doctrine in its purest form." This means economic and military aid but no American personnel. I do not believe a better agreement is worth the life of a single American. We have done the best we can do. We have "Vietnamized" Vietnam. President Thieu says that he did not want America bombing in South Vietnam where the major and more serious violations of the agreement are occurring and there is no treaty for Cambodia. And Cambodia not being a part of the agreement, I do not think this country should engage in one-man military strategy. I would be willing to sit here until you-know-what freezes over. I am willing to hold up the Government salaries if this is what the President's action requires. But I am afraid what we would be asking is only 6 weeks of chaos whereby we can agree today and not only attain the principle but to me secure the most important attainment and that is to get the country, the Congress and the President all working together. I am hard-headed and I do not like to yield but I think this is in the best interests of the country so I will vote for the amendment.

Mr. MUSKIE. Mr. President, like other Senators who have spoken this afternoon, I have already had the opportunity to vote on this proposal—the amendment offered by Senators FULBRIGHT and AIKEN—in the Committee on Foreign Relations. I voted against it.

I think the nature of this debate is such that we ought not to presume to lecture one another. The nature of the decision on this vote is such that the best I can hope to do—that each of us can hope to do—is to make a judgment in conscience. And it is obvious from the debate that has taken place already that I will be in disagreement with some of my distinguished colleagues on this vote.

I take the floor primarily to explain why I voted "No" this afternoon.

First, I suppose that what concerns me most of all takes me back 9 years. For almost all of that time, I have had deep regrets about a vote I cast in the Senate, a vote that helped to launch a war. I have had no real chance to express these regrets. What we then set in motion—in passing the Tonkin Gulf resolution—became a calamity for our Nation, which we must all regret.

But what is now going on in Cambodia has never had any basis in the action taken by this body or by Congress. I have never cast a vote that could be interpreted as a vote for a war in Cambodia. All the justifications that have been made by Presidents previously for the war in Vietnam have been wiped off the books by the events and agreements that have been referred to as a cease-fire, reached last January. That ended all justification for any hostilities, even by the terms of this administration's policy, as we have been reminded by some of the quotations read into the record by the distinguished Senator from Indiana (Mr. HARTKE).

So I was faced with a vote this afternoon, in the Foreign Relations Committee, on a so-called compromise agreement. If I voted "aye," for the first time I would be giving my approval to what is going on in Cambodia, with consequences as unpredictable, in a sense, as the consequences which flowed from that vote 9 years ago.

It may well be that all of the assurances that have been given and received by members of the Foreign Relations Committee, and by other Members of the Senate, may indicate a change in heart and in policy in the White House which will mean that August 15 will, indeed, see the end of our involvement in all of Indochina. But having been burned once, I cannot bring myself to feel sure that there will be no events in Indochina that might not lead us again to continuing our involvement.

It has been the nature of our involvement in Indochina that when we have applied pressure to slow down the war or to stop it at one point, it has erupted in another. So, however remote the possibility of a continuation of the war might be, I could not bring myself to help to open up even a small door to the continuation by giving my approval to what is going on in Cambodia.

And it would be giving way, for the first time, to what is going on now in Cambodia, by permitting the war there to continue with our express authorization. For the Fulbright-Allen amendment would give legitimacy to whatever bombing will take place between now and August 15, however agonizing or destructive it may be, and regardless of whether it may trigger some unpredictable reaction from other powers.

This amendment gives our blessing to this war for the first time. But I could not give mine.

Second, we are told we are buying, by condoning the war for 45 more days, a commitment to end military involvement in the rest of Indochina. But what combat activities by American forces are going on in North Vietnam and South Vietnam at the present time? I am not aware of any. We have been told that was all ended in January. Since the cease-fire, the violence has taken place at the hands of the North Vietnamese, the South Vietnamese, and the Vietcong. But American military forces are not engaged at the present time in military activities in South Vietnam or North Vietnam.

So what would we buy? We would buy something we were sold in January. Unless the President has something in mind for North and South Vietnam which he has not disclosed, we are not buying anything more than we thought we were buying earlier this year.

My third consideration is a constitutional one. We have a system of government with three coequal departments. Whenever there is tension and conflict between two branches over their constitutional powers, the foundations of government are naturally going to shake.

When the President, and we in Congress, are at odds about our respective constitutional roles, should we timidly ask him to return what is ours and expect him to give it back without a fight?

It is in the nature of such tensions and such conflicts that we have to stand up and he has to stand up, until somehow something gives.

I agree with my distinguished friend, the Senator from Missouri, that we have not tried hard enough.

When we first voted for his amendment to cease hostilities in Cambodia immediately, we had no assurance what results it would produce. But we knew that it was an opportunity—for the first time in many, many years—for us to throw down the challenge at the feet of the President. And he vetoed it.

We lost the override by 35 votes. But he lost the vote; 240 House Members against only 175, voted against the President and voted to override the veto. We lacked only 35 votes, which could be gained by a change in the votes of only 18 House Members. The assumption that those votes would not change as the end of the fiscal year approached, I think, is a premature assumption. So I guess my reasons can be summed up in this way:

First, I could not bring myself to cast a vote legitimatizing our involvement in Cambodia.

Second, I do not think we are buying anything with this so-called compromise by agreeing to the August 15 date for ending the war in Cambodia, and in the rest of Indochina.

And third, I believe we should stand firm in our assertion of the constitutional responsibility of Congress.

It has been suggested this afternoon that we can vote for the Fulbright amendment, and then try to attach the Eagleton proposal to some other measure. But the vote on this amendment tonight is the end of the fight. If this proposal passes, there is no chance for the Eagleton amendment to get serious consideration on the floor of the House or the Senate.

Mr. President, I wish to conclude by referring to the proposition laid down by the distinguished Senator from Colorado (Mr. HASKELL).

We have been involved all year long in conflicts with the President on constitutional issues. I have been struggling with some of them in particular—executive privilege, impoundment—trying to find a handle that would force the conflict to a point of decision. And we have not really found the proper handle for resolving those conflicts.

Now he has an appropriate handle for resolving a critical constitutional conflict. If we agree to this false compromise, if I read the mind of the man in the White House correctly, he will interpret our action backing down. He will conclude that he won.

All one had to do was to see the joy on the faces of some of the President's supporters this afternoon, to know that they thought they had won something for the President.

I think they have. But not with my help.

Mr. MATHIAS. Mr. President, the dilemma that the Senate faces tonight has been described in various ways by different Senators. In a sense, it is a dilemma which is forced upon us, because most of us have said that we want to see a stop in the bombing. Some have said we should stop the bombing now; others have said we are willing to agree to tomorrow, the next day, or some other day or 6 weeks thereafter.

Mr. President, I think it is worth exploring for a moment or two why we are in this dilemma. It certainly is not the case that we do not have the power to say, "Stop the bombing tonight."

The situation really seems to be that we do not really think we have the power to stop the bombing tonight. Perhaps more important, we do not feel that we have the power to say, "Stop the bombing tonight."

We do not seem to be willing to bear the burden of the responsibility for exercising the power that is entrusted to us.

The congressional power of war and peace that has been entrusted to us by the Constitution, I think, is weakened by this failure on our part to act now to stop the bombing. It is weakened by our failure to recognize its strength, because that constitutional power is only as strong as our will to employ it. I think that we ought to examine for a minute the results of a delay to the end of the bombing that is suggested by the substitute proposal.

Mr. President, to ask for, to authorize, or to direct the endangering of human life in a noble cause is the destiny of even the most enlightened leaders in moments of national danger or national tragedy. But can this war in Cambodia be described as a noble cause? It is not even national policy in either the United States or in Cambodia.

The bombing has been condemned by a majority of the U.S. Senate. And yet, what we contemplate tonight is more death and more destruction until the 15th of August. Each day, that the bombing drags on, we are exposed to a danger to which we need not be exposed.

Who in this Senate can tell what accident of war might mire us down again in Indochina?

Certainly, when I voted for the Gulf of Tonkin joint resolution as a Member of the other body, I had no concept of the consequences that might flow from that action. And I do not forget that we went into Cambodia for just 2 months, more than 3 years ago, in order to shorten the war in Vietnam.

I submit, Mr. President, that that chronology speaks for itself. And whether we vote that we want to see the bombing stopped now or in August, the probable turn of events in Cambodia is going to be the restoration of Prince Sihanouk and the ouster of the government we helped to install to succeed him.

When we talk about the practicality of this compromise, I have to ask, is that result worth the continued exposure to risk that it involves?

The course of compromise is advocated on the ground of practicality, and very powerful arguments have been made by many respected and distinguished Members of the Senate. I know that the Senate wants to prevail by affirmative legislation in some way, and that there is a feeling that half a loaf may be better than none.

Mr. SYMINGTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MATHIAS. But, Mr. President, when that half a loaf is bought at the price of further denigration and weakening of the terms of the Constitution itself, then I believe the price for half a loaf is too high.

We can compromise and we remind ourselves that politics is the art of compromise. But, Mr. President, what we do tonight, the moral issue of the war will remain. The constitutional issue will remain. And I submit that neither of those concerns should be compromised in expediency; therefore, I intend to vote against the substitute.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. MATHIAS. I am happy to yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Is it not true, as has been represented on the Senate floor tonight, that after we obtain the date of August 15 as the stopping of all Indochina military action from air, sea, or land, on the next bill that comes before the Senate, an amendment can be introduced to stop the Cambodian bombing immediately?

Mr. MATHIAS. Anything can be introduced as long as the Clerk's desk is open.

Mr. SYMINGTON. Will the able Senator yield for another question?

Mr. MATHIAS. Certainly.

Mr. SYMINGTON. Does the Senator believe that if we reject this amendment, one approved by the chairman of the Foreign Relations Committee, the Senator who has led this fight for many years just about before anybody else in this body, who stands high on this issue, and whom I opposed when he first opposed this war, does the Senator believe that any other amendment will pass without a veto by the President of the United States?

Mr. MATHIAS. I have heard the Senator from Missouri speak very forcefully in the past that there is one way to bring this question of the war to decision—a way that does not involve the concurrence of the Executive or even the concurrence of the other body in Congress: That way is simply not to pass a money bill in the Senate.

We are at that point tonight. We are at the point where we can say, "We will only pass a money bill which contemplates a limitation of the exposure to the risks that are involved in a continuing active war in Cambodia by immediate cessation of bombing."

I think that is the decision we are making, whether we are going to undertake the course of action which is available to us in our own discretion.

I have the highest respect for the judgment of the distinguished chairman of the Committee on Foreign Relations as well as for the Senator from Missouri. I am not trying to be contentious, and I am not trying to give him anything other than my own view, and the grounds upon which I intend to act.

Mr. SYMINGTON. Mr. President, if the Senator will yield further, there is no one in this body for whom I have greater respect than the distinguished Senator from Maryland. What I cannot understand, however, is, if we obtain this August 15 date tonight, what is to prevent anyone from working for an earlier date to end this Cambodian tragic bombing, or any other military activity in Indochina, on the next bill that comes before the Senate? There was some question whether the administration would take this proposed amendment. Now we know they will. Frankly, I am at a loss to understand why we do not take the compromise, and then proceed immediately to propose anything with respect to Cambodia considered proper.

I have a problem, because of the position of my distinguished colleague, a great Senator who has led the fight to stop bombing in Cambodia. I would support any additional amendment to carry out his thinking, but cannot see why, if we can make this progress up to the point of August 15, at which time we stop all military action, not only in Cambodia, but also in Laos and North Vietnam and South Vietnam, we do not take this now and then immediately to any other amendment any Senator would like to make. Let us recognize that probably we can pass what those people who think it important to stop this war at a date certain sincerely desire. If we do not pass it, because of the necessity to have both Houses approve any additional amendment, we may have reached out so far to grab the last cherry that we find we have broken the branch.

I thank my able friend from Maryland for yielding to me.

Mr. MATHIAS. Mr. President, I can only say in response that there are many times when you would lige to have the best of both worlds. As the Senator envisions the possibilities, I think that is what he is speaking for.

Iam fearful that if we go down this road, as a practical political reality, the alternative that he speaks for will not be available. Since the Senator had the benefit of a Maryland upbringing, he has often heard the phrase, "You can't have your cake and eat it, too."

I think if we compromise tonight, we will have had the cake, and will look a long time before we see it replaced on the plate.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am a little late for the debate, and I have not heard all the speeches, but let me talk in favor of this particular amendment with somewhat mixed feelings that others have of regret and anxiety, or anxiousness, you might say, to jump at this opportunity, because in essence that is what it appears to me to be.

To begin with, I helped the distinguished Senator from Missouri write the Eagleton amendment. I sat right with him in the Appropriations Committee, and the Senator will remember we reworded it and made sure we could tie it down in every way, to make it certain that we meant business.

I sat on the conference committee, and we all sat there, with the House of Representatives, steadfast for the Eagleton amendment. And on yesterday, when the distinguished chairman of the Ways and Means Committee of the House of Representatives, George Mahon, came over to this side talking, we told him that we were not going to give. In fact, I kiddingly referred to the majority leader, and said, "Let us get Jim Allen and put that Eagleton amendment on the Senate menu, on everything we possibly can get it on, to make clear that we do not want to slip sidewise into another Gulf of Tonkin."

I had no idea at that particular time that the President of the United States would agree to end the war at any time. I could not agree with his strategy. I have been to Cambodia with a group of other Senators in January. I know just as surely as anyone that the bombing there is not only unconstitutional, it is unwise and it is not working. We have been bombing for 115 days in a row and we have not advanced 1 kilometer. We continue to lose. Yet when we come back and we try to exercise what power we have, we have got to realize that we are 1 in a group of 100 or, if we want to look at the Congress concurrently, then we are 1 in a group of 535. We do not have the votes on the House side. That is our dilemma.

When I come in here tonight and hear talk about who is cornered, who is right, who is going to stop the Government, who will be responisble, how we can do it, now is the time to stand up, and when the distinguished Senator from Maine says that he has had to live with this mistake, that he is living with this regret in his heart and he does not want to make the same mistake again, I do not think that is what the issue is.

I think that what is really the issue is, this is the first time, this year, 1973, and almost the first time since President Nixon came to office in 1969, that we have ever had the chance for Congress and the President to get together. I think we shall not let that opportunity pass.

This country is in one heck of a fix. Our ox is in the ditch. The Senator from Missouri was about to speak, which he can do most eloquently and most expertly, as to the dilemma the economy is in.

Well, I know that my tomato farmers are having to plow under part of their crop, and not pick the other part, so they are losing millions of dollars. The same is true with our poultry farmers.

The President, with respect to the Watergate affair, there is no confidence there. There is no confidence, really, in Congress, or in Government. The market is down.

I walked in today at the Policy Committee and was told that, yes, the President of the United States would agree to a cutoff date to end the war. I said, "You have got to be kidding." They said, no, that the minority leader, Mr. Scott, had talked with the President and he had agreed to end it, not just in Cambodia—the Eagleton amendment—but in all of Southeast Asia.

Heavens above, if we could go off here for the Fourth of July recess and all join on that one thing—yes, as a matter of principle—we would have lost 6 weeks, but I do not see anyone gaining that 6 weeks, I say to the Senator from Rhode Island (Mr. Pastore), because the other alternative is to stop the Government entirely through the middle of July, come back, and all the headlines will say, "The President will not give"—"Congress will not give."

Mr. President, I have been through one of these "principle" fights before. I never forgot the one immediately after the May 17, 1954, decision let me say to the distinguished Senator from Alabama (Mr. Allen). We lost. There was not going to be any more second-class citizenship. The Supreme Court had found the separate but equal system unconstitutional. So we got together, a few of the Governors down in the South, and we approached the NAACP. We said, "How are we going to implement this thing?" They said, "How do you suggest?" So the suggestion was made at that particular time that what we should do is to integrate the first grade the first year, the second year the first and the second grade, and the third year the first, second, and the third grades, and in 12 years, we would have voluntary integration, all implemented with deliberate speed, in an orderly and acceptable fashion.

Well, the NAACP got principled. They said, "You cannot give us our constitutional rights in installments. This is a matter of principle. The Supreme Court has ruled. You have got to do it immediately." So they had their way. So we in America burned everyone. We assassinated. We pitch-forked them. We buried them in the soil bank in Mississippi. We gigged them with electric sticks. We tried to force integration. Now after 20 years we have still less integration under that principle.

So the problem is, how do we best advance the principle we believe in? If we take the Senator from Missouri's and the Senator from Maine's way, we get nowhere. We rest on that principle. Government is the art of the possible. It is the art of compromise. They say, "We advance the principles that we believe in." No one doubts, for example, the sincerity of the distinguished Senator from Maine, but he is not going to be snookered. And, do not worry about President Nixon getting us into another war. He is not going to do anything unpopular. That fellow is a pretty good political animal and he has been trying to make sure that the South Vietnamese can last out the remainder of his 4-year term. That is what is on his mind [laughter]. That is why he has been bombing, playing for time. He will bomb as long as he can; but now he quit, with this particular language, and he has said that he agrees with us.

Over on the House side, with Mahon, he helped draw up this language. We will have leadership with the opposition over there, with our crowd that wants to end this unconstitutional process, so that if we put this in, we can get two-thirds of the House, perhaps. We have got the President's word. If he breeches his word, then we can get two-thirds.

We have got the 6 weeks. This way we can save billions of dollars. When we vote for this, brother, we have saved $2 billion to $4 billion. Wait till the appropriation bill comes back and we will clean out Thailand where that headquarters is, I say to the distinguished acting chairman of the Armed Services and we can save some dollars. This is the most saving economical measure I have seen here on the floor of the U.S. Senate this year to help balance the budget.

Everyone is running around with principle. If we really believe in principle, let us join in doing something. But no one seems to approach it that way. All of a sudden, we start talking of the Constitution. It has been unconstitutional from the word "go." But, all of a sudden, we have got a constitutional principle. I think that this is a glorious opportunity for hawk and dove, for Republican and Democrat, for House Member and Senate Member, for the President, the Congress, and the people to get together, to begin working together.

Lord knows, I say to Senator Fulbright, you used to irk me. When I came here as a freshman Senator, the Senator from Arkansas would stand in the well and declare that the war was immoral, illegal, and unnecessary. I would have to write some mother or widow about five or six times a week in South Carolina that the war was moral, was legal, and was necessary. It became tougher and tougher to write those letters.

Let me tell you, Mr. President, here and now, that this is a happy evening for me, because we can get the House together, the Senate together, and the President together, and face the issue that the President has cloaked himself in with that Commander in Chief wrap-around which he has put on himself. But we will divest him of that Commander in Chief role and get him in on our legislative and governmental level, as the Senator from Minnesota (Mr. Humphrey) says, and begin to govern. I have no doubt that we can then receive the favor of the public mind as to what our domestic policy really is. Only when this has been ascertained and we can get him from behind that Commander in Chief cloak and get out of the Southeast Asia war. In the 6 weeks period, we can get rid of it. This is a magnificent opportunity. It is absolutely necessary that we do it, because this country really needs it, and we should be jumping at it.

I have got to make a July 4 address next week, and I want to be able to tell them that we finally got the President, the Senate, and the House of Representatives together, something we have not done for 10 years. I would like to tell them that we have finally got the President, the Senate, and the House to come together on the main issue, to confront the war, and to end it. Then we can really have one of our freedom celebrations.

Mr. SYMINGTON. Mr. President, the able Senator from South Carolina (Mr. Hollings) has just eloquently expressed my thinking. I commend him for his talk.

What I have to say is brief. Now we have a chance, even if a few days later than many of us hoped for, to end this war, not only in Cambodia but in Laos and in South Vietnam; therefore, also in North Vietnam.

If there are some who might be characterized as superhawks and they join with Members of this body who do not think this is a proper solution because it is not soon enough, those who want an immediate decision now, if they defeat this amendment, passed in the Foreign Relations Committee with only two negative votes, and they later introduced, and then vetoed, and later the veto is sustained in the House, we are back where we started.

What I would present to my colleagues is the fact that, after this amendment is adopted, and in the interest of the young people of this country who actually do the fighting, I pray to the Almighty tonight that, if adopted, and my distinguished colleague submits an amendment to stop the bombing of Cambodia immediately, I will be glad to vote for it.

But when we have tonight a chance, after week after week, month after month, and year after year, to stop this war, not only the air war against Cambodia, but the land, sea, and air war against all Indochina, in the interest of those who actually fight it, and in the interest of the economy of the United States, as was so well presented by the Senator from South Carolina—we should take this first practical and definite step, the first ever presented to the Senate with an agreement from the administration to end this war.

Mr. DOLE and Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, when I came to the U.S. Senate, some 543,000 American troops were in Vietnam. I supported, on every occasion, the President of the United States as he sought to bring this war to a close. I never once voted for any measure to end the war on a certain date. I felt that as long as we had forces in South Vietnam, as long as we had prisoners of war in the hands of the North Vietnamese, no time limit should be set on ending the war.

The President did an outstanding job in bringing the war in Vietnam to a close and I am proud that I followed his leadership. But I felt that after all our troops had been withdrawn, after all our prisoners of war had been returned, that was the time to end our participation in the war in Southeast Asia. It was not the time to start bombing in Cambodia. So I have felt that the bombing in Cambodia should stop, and I feel that it very definitely should be brought to an end.

But I certainly endorse the position taken tonight by the distinguished Senator from Arkansas (Mr. FULBRIGHT), the distinguished Senator from Idaho (Mr. CHURCH), the distinguished Senator from South Dakota (Mr. MCGOVERN), the distinguished Senator from Missouri (Mr. SYMINGTON), and the distinguished Senator from Minnesota (Mr. HUMPHREY) on this amendment. I have not always agreed with these colleagues in matters coming before the Senate, certainly not as regards the war in South Vietnam. But the issue we are confronted with tonight is not whether the bombing or whether our participation in the Southeast Asian war will be brought to a close tonight or on August 15. If that were the issue, it would be quite simple. Almost everyone in the Senate would be in favor of seeing the bombing and our participation in the war in Southeast Asia brought to a close tonight. But that is not the issue.

The issue is whether the war will be brought to a close on August 15 or whether it will continue. There is no assurance whatever that by voting against this amendment, the position of ending the war now will win out. The amendment is not a grant of authority. It is a limitation on authority, and it will bring this war to a very definite halt. Certainly, I believe that is what 90 percent of the Members of the Senate want to see. We will have something definite in this amendment. As the distinguished Senator from South Carolina (Mr. HOLLINGS) said, we will have an agreement with the House and we will have an agreement with the President on this vital issue.

We say that we want the President to cooperate with Congress. It seems to me that this is mighty fine cooperation, and I think that this is a sure way to see a definite end brought to the war. It will be something that has a definite date set for the end of hostilities, something we can depend upon, something that is sure.

What is the other course? Vote against the amendment; the bombing continues; the Government is well nigh brought to a halt. If this were a bill dealing solely with this one issue, that might be one thing. Those who want to stand out for ending the war on the passage and approval of the bill, rather than a definite date, could go that route. But this is a rider than has been attached to a continuing appropriation resolution, providing for carrying on the Government of the United States.

The suggestion has been made to get this date and try for an earlier date on other legislation. I do not go along with that approach. This would seem to me to be something in the nature of a covenant with the President and the Congress—the President allowing Congress to participate in the decisionmaking, to have a part in the exercise of the Presidential power of waging war and bringing it to a close.

While I favor the amendment, I would not be in favor of tacking a later amendment on another piece of legislation seeking to halt the President's power to continue with the military activities in Southeast Asia at an earlier date. That would be a breach of trust on our part.

This is the first time that we will have had the opportunity, and it seems almost certain we will accept this amendment, to very definitely bring this war to a close, something for which all citizens throughout the country will applaud Congress and the President. I believe we have a wonderful opportunity here to cooperate with the President to see that this war is brought to a close.

I commend Members of the Senate who have taken the lead in the effort to bring the war in Vietnam to a close, and yet have had the statesmanship, the qualities of statesmanship that would cause them to stand on this floor and speak in behalf of this agreeing on this date, some 6 weeks distant, when they would much prefer to see an immediate end brought to the war. I commend these gentlemen with whom I have not always agreed for the lead they are taking in respect to this amendment.

Mr. DOLE. Mr. President, I shall take only a few minutes.

The distinguished Senator from Missouri has raised a point about which I have given some thought. I was complimenting the distinguished senior Senator from Missouri. I do not want to be classed as a super hawk. I have some difficulty with the amendment, but I understand the importance of it, and I rise simply to say a kind word for President Nixon. I hope that is not ruled out of order.

But it seems to me that over the past several years in this body, and the other body, and across the country, we have been engaged almost constantly in a debate about how to achieve peace in Southeast Asia. I believe that through the efforts, yes, of Congress and the President, President Nixon, that this has for the most part been achieved. We have had our differences in Congress, and we have had our differences in the Senate, but all during that time Americans were coming home, the casualty rates were going down, and it culminated in total withdrawal of American forces in Southeast Asia, the return of American prisoners of war, and for all practical purposes, except for that last link, the forging of peace in Southeast Asia.

Certainly, I believe that President Nixon deserves great credit, and I know that today in this forum or perhaps any forum, it might be popular to give the President a gig. It seems to me that without the leadership of President Nixon we would not be talking about any date in Southeast Asia and we would not be talking about any date in Cambodia. As I said 2 weeks ago, I still have my concern about America's missing in action. I have great respect for the distinguished senior Senator from Missouri and perhaps by accepting this compromise there will be some verification and accounting for America's missing in action, whether they are in Cambodia, Laos, North Vietnam, or South Vietnam.

It seems to me or at least it seemed to me that if we took that flexibility from the Commander in Chief, whoever it might be, we were, in effect, saying to the enemy that there is no need to account for those missing in action. But it appears again, in a spirit of compromise, that in the partnership, if you will, Mr. President, on behalf of the President of the United States and the Congress of the United States, the President said, in effect, that in an effort to satisfy Congress, in an effort to demonstrate the partnership we need in America at this time, he agrees and consents to the compromise hammered out by the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished minority leader, and others.

I guess it was 3 years ago in June the last time I agreed with the Senator from Arkansas. I may have since on other matters, but with respect to this I recall it was the Gulf of Tonkin resolution. The Senator from Kansas was new in this body and he did not realize that he should not be offering amendments that someone else wanted to offer.

I recall that I sprang to my feet, in a moment of—terror—and offered to repeal the Gulf of Tonkin Resolution. Lo and behold, it was repealed by a vote of 50 or 60 to 11. I remember the Senator from Arkansas voted "no."

He said that stealing a man's—not that word—but taking a man's amendment is like taking a man's cow. I know it was the month of June, because that was national dairy month. As I recall my response to the Senator from Arkansas it was that I would never take a man's cow during national dairy month, but in any event——

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. MATHIAS. Mr. President, I wish to compliment the Senator on his excellent memory. I also have a very clear recollection of that episode. I would say that he recounted it with absolute veracity.

Mr. DOLE. Well, I have been visiting with John Dean. [Laughter.]

In any event, as I recall the facts, it was a very great evening, because then I think we really demonstrated we did not need the Gulf of Tonkin resolution. We were not about to escalate more in Southeast Asia. We were on the way home.

I have great respect for the Senator from Arkansas, so when he offered to repeal the Gulf of Tonkin resolution, I voted for his proposal to show what kind of fellow I am—that was later.

Mr. STEVENS. At that point in time. [Laughter.]

Mr. DOLE. I cannot recall. I cannot tell one hotel—I mean one amendment from another. [Laughter.]

In any event, tonight we are on the threshold of something and I would guess a compromise, certainly. I think there will be some immediate credit to pass out if the amendment is adopted. But I would only caution, and I intend to vote for the compromise to demonstrate my good intention and good faith and that I concur in many of the arguments made, I think we must accept some responsibility when we vote for the compromise. If the time comes next week, next month, 6 months from now, when something happens in Southeast Asia, which might have been prevented by giving the Commander in Chief some flexibility, we must accept some responsibility and I am certain we will not all do that. We will find some way to fault the President, to fault the Commander in Chief.

I think since there has been this demonstration of cooperation and since I support the President of the United States in this effort and because I believe in his pursuit of peace, and I believe it was achieved, and I believe it very strongly, I am pleased to join with my distinguished colleagues, the Senator from Arkansas and the distinguished senior Senator from Vermont in supporting an amendment that does for the first time bring together the executive branch and the legislative branch in an expression and in a demonstration that we want it to end.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. FULBRIGHT. Mr. President, I would like to say that I appreciate what the Senator said. I think he kindly recalled the incident he did about the Gulf of Tonkin Resolution. I might say it was a purely procedural matter that caused that.

But I remember, and this is interesting, that it was just 9 years ago that the Gulf of Tonkin Resolution was first passed. It has taken 9 years, and in a sense, joining in the idea that this is not just the President's fault, because I felt very strongly, just as strongly about his predecessor; who was a Democrat, as this one—it was not partisan.

Mr. DOLE. I was not here earlier when the Senator was speaking.

Mr. FULBRIGHT. I wanted to say that for the RECORD. I was here and did speak for the Gulf of Tonkin Resolution passage, as well as its repeal, but I will not go into that. I appreciate very much the Senator from Kansas recalling some of that history.

I certainly join the Senator. I am happy that we are on this issue together with the executive branch and with the other body.

Mr. DOLE. I did not mean to suggest that the distinguished Senator had been critical.

Mr. FULBRIGHT. I know he did not. I merely wanted to say this for the RECORD.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. William Miller of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I shall be brief. I should like to get to a vote on this matter. I am sure that every Senator would.

When I started this proposal this morning, with the question concerning section 108 and how we could get to it—that is, the Eagleton amendment—I did so as a sponsor of the Eagleton amendment and as one who has voted for it before, and will probably vote for it again.

I just want to remind Senators that we are talking about a continuing resolution, and the reason we have been able now to work out a compromise on this section is that everyone realizes that there would be a complete hiatus in government if the Eagleton amendment stayed in the bill and the President vetoed it. I see no reason to have that clash between an immovable object and irresistable force when the people who are going to get hurt are those who vitally depend on it in every segment of the Government.

I expressed those views in the Appropriations Committee, and I expressed them here this morning. I congratulate the Senator from Arkansas and the other Senators who worked out this compromise.

I remember once before, when the Senator from Kentucky (Mr. COOK) and I tried to work out a compromise—the so-called Cook-Stevens amendment—we were unable to do so.

We have a compromise here. This is the first time since I came to the Senate that we have brought together opposing factions and have a basis for a spirit of cooperation with the President.

I happen to agree with what the Senator from Kansas (Mr. DOLE) has said. I think the President is due a great deal of credit for having brought about the withdrawal of our troops. We have relative peace in South Vietnam, and I think we should withdraw completely from Cambodia. I support the idea that we ought to get out of Cambodia. But the important thing is that we have had a long delay here. The majority leader and the majority assistant leader have been very patient with us as we have tried to solve this appropriations problem so that we could effect a compromise. I hope to support it, and I hope the rest of the Senate will do so. We have a historic opportunity to go down in history in a situation where the President has sent word that he would concur in this amendment, and we now have—all of us who have been on opposing sides—an opportunity for unanimous support for the amendment.

I am very much disturbed that there are Senators who are unwilling now to vote for an amendment that sets a 45-day period, when the amendment that the Senator from Kentucky (Mr. COOK) and I had an amendment that provided a 9-month time period and missed passage by this body by only one vote. It seems to me that the crisis is just as bad now, and the people of the country would like us to bind up our wounds. This is an effective way to solve the problem.

Mr. President, I rose primarily to make a parliamentary inquiry, to make certain that my understanding is correct. I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Do I correctly understand that the amendment before the Senate now is a substitute for section 109 as it appears, the so-called Case-Church amendment from the committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Do I also understand correctly that following the vote on this amendment, the Senate will proceed to consider the last committee amendment; that in order to effect this compromise, it will be necessary to consider the measure we had before us earlier this morning to strike section 108? Section 108 will remain in the bill if my amendment is not considered so as to take it out?

The PRESIDING OFFICER. Unless section 108 is stricken by the amendment, it would remain in the bill.

Mr. STEVENS. I wanted to make certain that this amendment to section 108 will not be in order after the vote on the last committee amendment.

The PRESIDING OFFICER. That is correct. The last committee amendment deals only with section 109.

Mr. ABOUREZK. Mr. President, the Senator from Alaska mentioned that the President "sent word." I am sorry I missed that part of the debate. Did the

President say he would voluntarily stop the bombing on August 15?

Mr. STEVENS. As the Senator from Alaska understands—and he has been here all day—the President has sent word that he would sign this measure if the amendment were modified as presented by the Committee on Foreign Relations. I would hope to be corrected if I am mistaken, but that is my understanding, and, as such, to me it means that as a result of subsequent negotiations with Dr. Kissinger and the President, and by agreement with the American people, there would be a delay. I am willing to accept that, and that is the basis of my blessing.

Mr. ABOUREZK. I have seen no public statement by the President as to whether or not he would sign the bill with the August 15 deadline, or whether or not he would voluntarily stop the bombing on his own on August 15.

What concerns me, in this new spirit of cooperation that everybody has been talking in the last few minutes, is that we might have a long time before another chance comes. The only other opportunity we will ever have to stop the bombing in Cambodia, it seems to me, if I might address myself to the question of this particular legislation—that is, the one piece that is vetoproof, immune from veto—there may not be another opportunity that will come around until July 1 of next year.

Mr. STEVENS. I do not believe anything is veto proof. I think the situation sets up a compromise between the President and Congress. If it failed, there would literally be chaos throughout the whole sector of the Federal Government and in all divisions of the Federal Government.

This resolution is not sought to be passed for the benefit of the Executive; we are seeking to pass it for our convenience.

We have a very dedicated chairman of the Committee on Appropriations. I have never before seen such close attention paid to details on an appropriation bill. We need this additional time.

The resolution is for our convenience.

I raised the question in committee, Why should we challenge the Executive for our convenience? It is for our convenience to live up to and review every single bill which involves the appropriations process.

So far as the question about the President is concerned, I cannot say. I am one of those who are willing to rely in good faith on the word that was brought to us by our leaders.

They are relying in good faith on the word brought to them by the President. I hope that the Senate will join me in relying on it. I think it is high time that we start trusting somebody.

Mr. ABOUREZK. Mr. President, I would agree with the Senator from Alaska except that I think we are dealing in a very important area. I think the Senator understands how important it is.

I wonder if in his concern for the slowdown or stopping of Government operations, the Senator has not overlooked the fact that we have a right to override the veto. If everything comes to a halt, certainly this body, as well as the House of Representatives, could vote to override the veto if the measure were to be vetoed.

Mr. STEVENS. Mr. President, we delayed here today to find out what the other body would do with a similar proposition. We were told that the other body had made its decision to accept this kind of compromise. On that basis I am prepared to assist those who want to accept this compromise here, in spite of the fact that I have voted for all of these amendments to end the war. And I join with other Senators in saying that this is the first time I can foresee an agreement that can be binding and that we can live with and have a meeting of the minds of the Executive and the Congress.

I congratulate my good friend, the Senator from Idaho (Mr. CHURCH) and the Senator from Arkansas (Mr. FULBRIGHT) for the remarks they have made. I think that they have laid a basis for trying to eliminate the trouble existing between many of us now for many months.

Mr. ABOUREZK. Mr. President, if I might say to the Senator from Alaska, it does not seem to me to be imperative that we vote on the amendment tonight. Would it be possible to delay the vote until tomorrow, until we have had public word from the President that he is willing to stop on August 15? I pose this question to the distinguished chairman of the Foreign Relations Committee, as to whether he would be willing to agree to that kind of a delay.

Mr. NELSON. Mr. President, I was very happy to yield to my distinguished friend, the Senator from South Dakota, but I did not realize that the dialog would be so prolonged.

I wonder if I might make my very brief remarks and then the Senators might carry out their dialog after I have retired to the cloakroom to read the newspaper.

Mr. ABOUREZK. Mr. President, I must say to the Senator from Wisconsin that if his remarks are as brief as mine, I do not think I ought to yield to him.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. ABOUREZK. I yield to the Senator from Wisconsin.

Mr. NELSON. No, I yield for a brief colloquy to the Senator.

Do I understand I have the floor?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. NELSON. Mr. President, I will be very brief. I cannot add anything to the arguments that have been made.

Mr. President, I have not talked very much about Vietnam for some time because I did not think there was anything new to say against the war.

However, first, I commend the distinguished Senator from Idaho (Mr. CHURCH) for the eloquence with which he articulated his arguments on behalf of the resolution.

Also I commend the Senator from Arkansas (Mr. FULBRIGHT) and those associated with him who drafted this resolution.

I have voted for every end-the-war resolution that has been introduced and brought to the Senate floor in the past 7 years. I have voted for every end-the-bombing resolution that has been brought to the floor in the past 7 years. And, Mr. President, 7 years and 53 days ago, on May 6, 1965, I voted against President Johnson's request for an appropriation to commence a ground war in Vietnam.

There were three votes against the President's request 7 years ago. One was by former Senator Wayne Morse of Oregon. One was by former Senator Gruening of Alaska. The other was mine.

At that time I commented on where we were going in a very brief speech. I said, among other things:

> Mr. President, thus, at a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world we are stumbling over each other to see who can say "yea" the quickest and the loudest. I regret it, and I think some day we shall all regret it.
>
> Thus, reluctantly, I express my opposition to our procedure here by voting "nay." The support in the Congress for this measure is clearly overwhelming. Obviously you need my vote less than I need my conscience.

Mr. President, on that day, 7 years and 53 days ago, this body and the other body, the day previously, voted the appropriations to start the ground war in Vietnam. It was the most disastrous catastrophe that this country has ever been involved in save possibly the Civil War.

My conscience does not trouble me in voting for this resolution. As I said previously I have voted for all of them, and after I had voted against that appropriation years ago along with Senator Morse and Senator Gruening, 1 year later I voted against a supplemental appropriation to support an illegal escalation of the war by President Johnson.

And on that vote there were two Senators voted against it—Senator Morse and myself. Senator Gruening was in Alaska at that time.

A year after that, I voted against the next supplemental appropriation when the President again illegally and deceitfully fooled the people of this country and escalated the war again by some $12 billion and came back to the Congress and asked for appropriations to support the expansion of the war. On rollcall, there were three votes against the supplemental appropriations bill—Senator Morse, Senator Gruening, and mine.

This is an historic event. I am happy that we have finally arrived here. It is time that we brought this horror to an end. This resolution is not a compromise resolution. This resolution represents a total, unequivocal collapse on the part of this administration from a position which they have stubbornly and foolishly adhered to for the past 4 years, as President Johnson did in previous years.

This is a face-saving resolution. There is no logic or rationale as to why we can quit bombing on August 15 but cannot quit bombing today. The only reason for that is to save this administration's face. Mr. President, they have so little face left that I think we ought to be charitable and let them save what little face they have left.

I am not going to quibble about it. Anything to end this horror, I am for. I am voting for this amendment. I am voting as I have for 7 years, against all appropriations to continue this war and all resolutions to end it.

Furthermore I intend to vote for the Eagleton amendment.

Mr. President, I conclude by remarking on what a terrible, tragic irony we have seen span through this whole tragedy. I remember the arguments 7 years ago when we were told that if we do not stop the Communists in Vietnam, we are going to have China in Hawaii and next we will have them in San Francisco.

Well, Mr. President, they were right. The Chinese arrived 35 days ago, and Brezhnev last week. So, we fought for 10 years to keep them from coming here. We lost 50,000 lives, 300,000 wounded, spent $120 billion and suffered the disillusionment and vision of this Nation along with the loss of confidence and disillusionment of a whole generation of youth and older folks, too. I hope this will be a lesson to Congress and that we will not again delegate by default or otherwise powers that belong by the Constitution to this body. And it does not only apply, as we are all well aware, to making war without our consent. It applies to the impoundment of funds that are appropriated after due deliberation for social programs; it applies to executive privilege; it applies to our default in permitting the executive branch to exercise police powers of surveillance, wiretaping, the bugging of people all over this country with the consent of the executive branch, by the military intelligence, the FBI, the CIA, and all the other agencies exercising such authority. That is another power that we had better bring back to Congress. And I would hope, if there is anything we have learned, it is that we had better keep our powers here, and we had better exercise them, if we are going to save this Republic.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FULBRIGHT. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. On this question——

Mr. HARTKE. Mr. President, I sought recognition before the rollcall began.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

STOP THE MASSACRE OF THE INNOCENTS

Mr. HARTKE. Mr. President, I would prefer that we not vote tonight. I would prefer to put this over. But I suppose the overwhelming sentiment is to go on home to the luxury of sleep, while the bombers keep on bombing, because I think the Senate of the United States is in danger. It is in danger of losing its credibility. It is in danger of losing its historic function. It is in danger of losing its rights under the Constitution.

More than that, Members of this body who have suffered so long to hold against the wars in Vietnam and Southeast Asia, are in danger. They are in danger of countenancing what they have opposed. I say we must oppose this war, now as never before. We have a very clear opportunity. We, the Senate of the United States, can for the first time in two decades vote on the question of war.

We can vote to stop it on June 30. Or we can vote to continue it to August 15. We are faced with a clear choice. We cannot move to wash our hands, this time.

We vote to make war, or we vote to mandate the peace.

This is a nation judged internally and externally by moral imperatives. We stand before the whole world today troubled by moral turpitude. Every man in this Chamber who has raised his voice against this war, can vote that choice tonight. He cannot place responsibility anywhere else, tonight.

Campaigns are now over. Tonight is the time, we stand on the record. History will recall how we voted; not what we said on the campaign trail.

I say, the machinery of this Government ought to be brought to a grinding halt before we vote for war in Southeast Asia. We have a clear choice: A bombing halt by June 30; or by August 15.

Therefore, I say, let us give to the world an example of the American system of government. We claim a balance of powers, let us demonstrate it, for once!

We hear of the will of the people. For God's sake, let us exercise and stand fast on the will of the Congress.

I think it is a mark of fate, traced over the last two decades, that the two great issues of our time are joined in two places over two dates; and there is no escape for us.

I am proud to array myself with the distinguished Senator from Montana, my great friend and colleague, my party's leader in this body; the Honorable MIKE MANSFIELD, and with my distinguished colleague from Maine, the Honorable EDMUND MUSKIE. I cannot for the life of me understand the capitulations throughout the rest of the Foreign Relations Committee, for whose members I have the greatest respect.

I urge my distinguished friends in this Chamber, refrain from our first declaration of war since Pearl Harbor. Vote peace. Stand fast.

Mr. ABOUREZK. Mr. President, will the Senator yield?

Mr. HARTKE. I am glad to yield to the Senator from South Dakota.

Mr. ABOUREZK. I just wonder if the distinguished minority leader is in the Chamber. I am given to understand, just to clarify this point, that the minority leader did not talk directly with the President. I am given to understand that he talked with Mr. Laird, one of his assistants, and that Mr. Laird confirmed that the President would not veto this bill.

If my understanding is wrong, I wish the minority leader or one of his spokesmen would clarify that for me.

Mr. HARTKE. Let me say to my distinguished friend from South Dakota, first, I asked this question of the chairman of the Committee on Foreign Relations earlier in the evening, and I had no clear answer to that question, either. I am satisfied that we ought to have an answer to that question. I think it is a good question.

Mr. GRIFFIN. Mr. President, if the Senator from South Dakota will yield to me, let me say that it is my understanding, and I report this on the basis of conversations with the minority leader, that the minority leader of the House, Representative FORD talked with the President and reported to the House of Representatives earlier in the day, when the House was considering this same provision, that he had talked to the President and the President would sign a resolution with this provision in it. Senator SCOTT subsequently talked with Mr. Laird at San Clemente, and confirmed that understanding.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. HARTKE. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. HARTKE. Does that satisfy the Senator from South Dakota?

Mr. ABOUREZK. I should like to inquire of the minority leader whether he did or did not talk with the President. We seem to be getting third-hand hearsay here.

Mr. STEVENSON. Mr. President, I think it should be made clear for the RECORD that the Senate, in adopting this amendment at this hour tonight, has done so on the assumption that the President of the United States approves and will sign the bill. There has been no opposition expressed to the amendment tonight, so far as I know, by any representative of the administration, so that we can act on the assumption that the President will approve and sign the bill. Then, afterward, if the President fails to do so, it would, in my judgment, be nothing less than a fraud on the United States and the Senate, and we would be justified in coming back at the earliest possible date to take most immediate and concrete action; and we would do so, I dare say, with resounding majorities on both sides of the Capitol.

Mr. HARTKE. Mr. President, let me ask the Chairman of the Committee on Foreign Relations, on what authority does he represent to the Senate that the assurances contained in his statement are true and correct?

Mr. FULBRIGHT. The Senator from Michigan has just given the Senator a factual statement. If the Senator is raising questions as to the veracity of the minority leaders, in the Senate or in the House, I simply cannot accept that. I believe that these gentlemen are men of honor and that they tell the truth.

This matter was not the first time today that it came up. We had a discussion about it yesterday, and I think we had one this morning. The minority leader undertook to clear the proposed language with the White House. The Senator heard what was said, so there is no use in my repeating it.

The minority leader has just given the Senator this information, which is adequate assurance that the President will sign it. I will go further along the line of the Senator from Illinois (Mr. STEVENSON), and say that if he does not sign it after the pronouncements from the House and the minority leader here, there would not be the slightest difficulty in overriding a veto. That, in itself, would be equally effective, in my opinion, if the President wished to take that kind of action, which I do not believe he will. If he does, then I do not think there would be any doubt that both Houses would easily override.

Mr. HARTKE. Mr. President, I do not believe the Senator from South Dakota or the Senator from Indiana in any way question the veracity of the statements made. I think we are determining definitely that the Foreign Relations Committee acted on representation of conversations which were made by the minority leader who, in turn, relied on statements made by the minority leader of the House, who in turn claimed that he had a conversation with the President. Is that correct?

Mr. FULBRIGHT. The Senator is insinuating—but that is correct—that in some way or other the President has not given his assurance. Let me say to the Senator from Indiana that we have been on this matter all day long, and if the Senator wishes to delay the Senate—as I have delayed it myself some times—I hope that he will——

Mr. HARTKE. Could we not put the vote over until tomorrow and have the President make a statement to the Nation?

Mr. FULBRIGHT. That would be unwise. We have so much to do. The Senator knows the problems of the leadership. Of course, that is not my responsibility.

Mr. HARTKE. I would be glad personally to see that we could vote at a time certain tomorrow. I do not know of any reason why this is a matter of such urgency that we have to rely on statements made by the Foreign Relations Committee on behalf of the minority leader or on representations made by the minority leader of the House.

Mr. MANSFIELD. If the Senator from Indiana would yield, may I say that in all my years in the Senate I have, without question, accepted the word of every Senator when that word was given. That word, of course, applies to the distinguished minority leader.

Mr. HARTKE. With all due deference to the distinguished majority leader, for whom I have the highest respect and have admired tonight, especially, more deeply than I probably ever will in my life, and I say that with great respect for what he has done and for his steadfastness on this question, but I know that I was here when the Gulf of Tonkin was passed and I also know that representations were made on the floor of the Senate about that. I do not claim that anyone at that time purposely misled the Senate, but I know that I was very much concerned; and if I had had the slightest idea that, as a result of my vote on that resolution, it would result in over 50,000 Americans dying in Vietnam, I would not have done so. I feel that in view of what is going on in this country at this moment, we have to rely on third-hand information, which is certainly indicative of the surrender we are about to participate in tonight, and I would——

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. HARTKE. I am not ready to vote.

Mr. ABOUREZK. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. ABOUREZK. Mr. President, I only wanted to say that I never meant to say I did not accept the word of the minority leader or of the assistant minority leader. What I am merely saying is this, and I want to make it very clear: That when the minority leader said he talked to Mr. Laird, I believe him. All I am asking for is that we hear from the President and not from Mr. Laird. I think that is not too much to ask. I know that earlier this week, some spokesman at the White House announced that as soon as John Dean was done testifying, the President would take to television and speak to the Watergate issue. But after that was over, the White House denied that was ever said.

All I am saying is, we should hear directly from the President. This is an important matter, much too important to rely on an aide in the White House—albeit a highly placed aide—it is much too important to rely on anyone but the President. That is not too much to ask for.

Mr. FULBRIGHT. Well, for whatever it is worth, this is on the ticker, it occurred on the floor of the House today, as follows:

> Minority Leader Ford—I have just talked to the President for 10 minutes and he assured me personally that everything I said on the floor was a commitment by him, Ford said. Ford had earlier told the House, based on the conversation with President Nixon, with domestic adviser Laird, that the President would accept the August 15 termination date.

Unless the Senator questions FORD's word, he said he personally had talked to him.

Mr. ABOUREZK. I wonder whether anyone might be able to answer—and I see the distinguished minority leader is present in the Chamber now—perhaps he can answer it—why it is that the President cannot make a very important statement directly for himself? Why is he not able to do that?

Mr. SCOTT of Pennsylvania. Mr. President, I would say to the Senator from South Dakota, whom I greatly respect and who has not been here as long as some of us, that we normally do not have on the Senate floor the presence of the President of the United States, nor do we, as a rule, require Senators to take an oath that they have talked to the President or with Members of the House.

I believe that the Senator has been assured the President telephoned the minority leader of the House of Representatives and that this agreement was satisfactory to him. I received a call from Mr. Melvin Laird and I made some reference to it, without calling his name earlier, and affirmed that the President had said it. Now, if the Senator from South Dakota wants any affidavits, I will be glad to make them, but barring affidavits, I must confess that I am a little bit at a loss to know why the Senator is making such a big thing out of whether the President has said it.

I said that the President said it. GERRY FORD told the House of Representatives that he said it. I am therefore content to rest on that and I leave it to the Senator from South Dakota to make his own decision as to the veracity of the Members of either body.

Mr. ABOUREZK. Mr. President, I wish to apologize to the distinguished minority leader for making such a big thing out of stopping the bombing in Cambodia. I sincerely wish to apologize for that.

Mr. SCOTT of Pennsylvania. The Senator from South Dakota misunderstood me. I did not say that, nor did the Senator say that prior to the talk——

Mr. ABOUREZK. I did not dispute the minority leader's word. Had he been in the Chamber, he would have heard me say that. As a matter of fact, I believe the minority leader when he said that he talked to Mr. Laird. However, my question is: Is there any reason why the President cannot make a statement to the Nation so that everyone can hear it?

Mr. HARTKE. Let me say to the Senator from South Dakota that I asked that question early this evening. At that time, there was some confusion—I say this to the chairman of the Foreign Relations Committee—and I then looked for someone on the floor to find out on what authority we could rely. I do not think there is any question that the minority leader speaks probably the truth, that he talked to Mr. Laird and Mr. Laird said what FORD said that the President said, that—What was it? Does the Senator know what he said? I do not know what he said on the floor. I was not on the floor of the House.

Mr. SCOTT of Pennsylvania. The President has indicated that he would sign that resolution if it is adopted by both House. I think that is sufficient. I did not talk to the President. I talked to Mr. Laird.

Mr. HARTKE. Is that what Mr. FORD said on the floor? Did he say that he indicated that he would or that he said he would? What is it that the President allegedly told Representative FORD?

SEVERAL SENATORS. Vote! Vote!

Mr. SCOTT of Pennsylvania. I do not think that warrants an answer.

Mr. HARTKE. Senators can yell "Vote!" all night. I am not going to sit down—and I have been chastised by this President and former Presidents—without understanding what we are going to vote on tonight.

Many Senators here have opposed this war for a long time; many of us have taken a long time to debate the Eagleton amendment; and tonight we have to hurry it through, as we did with the Gulf of Tonkin resolution, on representations.

The Senator from South Dakota has stated it accurately: What denies the Senate the right to hear exactly what the President has said that he would or would not do? Is there any reason why we cannot hear that? If there is any reason why we cannot hear it, we can go ahead and talk awhile, because I think we are going to be here awhile otherwise.

Mr. SCOTT of Pennsylvania. Mr. President——

Mr. HARTKE. I have said repeatedly that I do not intend to sit down. I have the floor, and if the Senator wants to answer that question, that is all right.

Mr. SCOTT of Pennsylvania. The Senator wants to answer.

Mr. HARTKE. I will be glad to listen.

Mr. SCOTT of Pennsylvania. The Senator has asked a question: What is it the President has agreed to do? The answer is that the President has agreed to sign the joint resolution.

Mr. HARTKE. Has he agreed to stop the bombing on August 15?

Mr. SCOTT of Pennsylvania. The President has agreed to sign the joint resolution which has been explained by the chairman of the Foreign Relations Committee and by Members of the House of Representatives.

Mr. HARTKE. Does he agree to stop the bombing by August 15?

Mr. SCOTT of Pennsylvania. I think that the answer to that is that the President has agreed to accept what Congress does in connection with the wording which has been agreed to. That has been thoroughly explained by the distinguished chairman of the Foreign Relations Committee as regarding an end to the bombing on the 15th of August.

I do not know how much more the Senator from Indiana can ask, unless the Senator is asking something which is beyond my ability to supply.

Mr. HARTKE. I think the Senator correctly stated the subject. I do not think the minority leader can give an answer on his own. I agree with that. I think the President can.

I ask the chairman of the Foreign Relations Committee—has the President assured him that he will stop the bombing on or before August 15?

Mr. FULBRIGHT. I have not communicated with the President.

Mr. HARTKE. In other words, we have no assurance whatsoever tonight that the bombing is going to be stopped on or before August 15. All we have is an assurance that he will sign a document which says something to the effect that we are not going to have any money. Is that right?

Mr. SCOTT of Pennsylvania. I believe the distinguished chairman of the Foreign Relations Committee has read the statement on the teletype from Representative Ford of Michigan. I have said it with all the sincerity and assurance I can command—and I have asked the Senators to accept it with full credibility, and I believe that, generally speaking, they have shown that desire.

I interpret this as stopping the bombing on the 15th of August. If the distinguished Senator from Indiana wants more than Members of the Senate can supply him, I know of no way to do it other than what we are doing. We are supposed to make our own decisions here, based on the information given us. That information is that the President accepts the resolution in that form. We have an agreement pending, if the Senate and the House of Representatives wish to adopt it. Under that agreement, the bombing will stop on August 15. The President understands that; the Senator from Indiana understands it, I hope; and the Senator from Pennsylvania understands it.

Now, what more the Senator wants is absolutely beyond me, and I am totally mystified by this line of questioning.

Mr. HARTKE. I want the killing stopped tonight.

Mr. SCOTT of Pennsylvania. Then, the Senator should vote according to his conscience.

Mr. GRIFFIN. Mr. President, as the Senate proceeds to a vote on this continuing resolution, I shall vote for it with a sense of deep concern.

Others in the course of this debate have expressed the concern that the amendment which cuts off funds for bombing and other military action in 45 days will not bring peace soon enough. They demand peace now.

My concern is that, instead of a step toward peace, this action on the part of the Senate tonight could be a step away from peace.

If this action should seriously weaken the position of our negotiators as they bargain with respect to Southeast Asia or with respect to Europe and the world, it could seriously damage the opportunity for a generation of peace that is before us as a result of President Nixon's diligent efforts.

The greatest danger, I suggest, is that the action we take here could result in miscalculation—that is, maybe misinterpreted in other parts of the world as a sign of weakness.

I believe it should be said, in the context of this debate, that the United States as a Government is not turning its back on its obligations or responsibilities as a world leader by adopting this amendment.

Like others who will vote for this measure tonight, I want this action to be a contribution toward peace—not a step toward hostility and more killing.

It can be a step toward peace if there is no miscalculation in other parts of the world as to the meaning of our action.

It can be a step toward peace if others in the world understand that the United States as a nation continues to expect and insist upon compliance with the treaties and other solemn obligations to which it is a party.

It should be clearly understood that adoption of this resolution; particularly the amendment relating to military activities in Southeast Asia, does not eliminate the ability of our Nation to meet its obligations under the Paris agreement of January 27; and does not terminate the ability of our Nation to carry out its responsibilities under that and other international agreements.

As a nation, despite this amendment, we continue to expect and insist upon good faith compliance with such agreements.

If that message is understood around the world, then this step tonight can truly be a step toward world peace.

Several Senators. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen) is necessarily absent.

I further announce that the Senator from Iowa (Mr. Clark), and the Senator from Delaware (Mr. Biden) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Vermont (Mr. Stafford) is necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from New York (Mr. Javits) are absent on official business.

Also the Senator from Arizona (Mr. Goldwater) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from New York (Mr. Javits), the Senator from Vermont (Mr. Stafford), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 64, nays 26, as follows:

[No. 260 Leg.]

YEAS—64

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bible
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Johnston
Long
Magnuson
McClellan
McGee
McGovern
McIntyre
Metcalf
Montoya
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Roth
Saxbe
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Williams
Young

NAYS—26

Abourezk
Bayh
Brock
Brooke
Buckley
Burdick
Eagleton
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hughes
Inouye
Kennedy
Mansfield
Mathias
Mondale
Moss
Muskie
Randolph
Ribicoff
Schweiker
Tunney
Weicker

NOT VOTING—10

Bentsen
Biden
Clark
Cotton
Goldwater
Javits
McClure
Stafford
Stennis
Thurmond

So Mr. Fulbright's amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. CHILES. Mr. President——

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. CHILES. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I move to strike from the bill section 108.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. EAGLETON. I ask for the yeas and nays.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, if I may have the attention of the Senate for 30 seconds, I wish to describe what this is. It is the Eagleton amendment, as adopted by the House, and it came over in the continuing resolution from the House. The motion is to strike the section and I vote "no."

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen) and the Senator from Wyoming (Mr. McGee), are necessarily absent.

I further announce that the Senator from Delaware (Mr. Biden) and the Senator from Iowa (Mr. Clark), are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis), is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark), would note "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Vermont (Mr. Stafford) is necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from New York (Mr. Javits) are absent on official business.

Also, the Senator from Arizona (Mr. Goldwater) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from New York (Mr. Javits), the Senator from Vermont (Mr. Stafford) and the Senator from South Carolina (Mr. Thurmond) would vote "yea."

The result was announced—yeas 58, nays 31, as follows:

[No. 261 Leg.]

YEAS—58

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Johnston
Long
Magnuson
McClellan
McIntyre
Metcalf
Nunn
Packwood
Pastore
Pearson
Percy
Roth
Saxbe
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Stevenson
Taft
Talmadge
Tower
Young

NAYS—31

Abourezk
Bayh
Brooke
Burdick
Eagleton
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hughes
Inouye
Kennedy
Mansfield
Mathias
McGovern
Mondale
Montoya
Moss
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Symington
Tunney
Weicker
Williams

NOT VOTING—11

Bentsen
Biden
Clark
Cotton
Goldwater
Javits
McClure
McGee
Stafford
Stennis
Thurmond

So Mr. McClellan's motion to delete section 108 was agreed to.

Mr. CHILES. Mr. President, I send to the desk two amendments and ask that they be considered en bloc.

I ask unanimous consent that the reading of the amendments be waived and that they be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 10, after line 22, insert the following: "Nothing contained in this Act appropriating sums of money shall be interpreted by any person or court as authority for ratification or approval of any impoundment budget authority by the President or any other federal employee, in the past or the future, unless done pursuant to statutory authority in effect at the time of such impoundment and shall not be held to effect the status of any lawsuit or right of action involving the right to those funds."

On page 10, after line 22, insert the following: "Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds."

Mr. CHILES. Mr. President, these two amendments would add language to the bill primarily to provide that nothing in the bill would hinder any lawsuit that is now in progress or any right of action that would now be available by virtue of impoundment in any fund in the bill.

The Office of General Counsel, Department of Education, of my State contacted me in regard to their fear that the language that would go into effect now under continuing resolution would hurt the provisions of a lawsuit because of the fact that funds could lapse. So this language merely provides that nothing in the bill can be construed to make illegal any act that is statutorily legal.

I have discussed the amendments with the distinguished chairman of the committee and with the ranking minority member of the commitee. I hope that the amendments can be accepted.

Mr. McCLELLAN. Mr. President, I have not had an opportunity to consider the full impact of these amendments. I am disposed to take them to conference. I do not know what will happen in conference. My concern is that we are loading the bill with amendments. However, I will take the amendments to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments, en bloc, were agreed to.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment. I ask unanimous consent that its reading be dispensed with and that the amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 8, line 6, after the word "amended" insert the following, "of which $183,400,000 shall be for carrying into effect title I, part A, of such Act".

Mr. HUMPHREY. Mr. President, very briefly, I have spoken to the chairman of the committee about this matter. The matter was brought to my attention by two very able and distinguished members of the other body. I hope that the chairman will take this amendment to conference and discuss it with the members of the conference committee from the other body.

This relates to the level of the Job Corps. It adds no money. It merely designates that the Job Corps itself will not be eliminated.

The PRESIDING OFFICER (Mr. Mondale). The question is on agreeing to the amendment of the Senator from Minnesota (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 636) was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen) and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Clark) and the Senator from Delaware (Mr. Biden), are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that if present and voting, the Senator from Iowa (Mr. Clark) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Vermont (Mr. Stafford) is necessarily absent.

The Senator from Idaho (Mr. McClure) and the Senator from New York

(Mr. Javits) are absent on official business.

Also, the Senator from Arizona (Mr. Goldwater) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from New York (Mr. Javits), the Senator from Vermont (Mr. Stafford), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 73, nays 16, as follows:

[No. 262 Leg.]

YEAS—73

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Haskell
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Johnston
Long
Magnuson
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Weicker
Williams
Young

NAYS—16

Brooke
Eagleton
Gravel
Hart
Hartke
Hatfield
Hathaway
Hughes
Kennedy
Mansfield
Mathias
Moss
Muskie
Ribicoff
Schweiker
Tunney

NOT VOTING—11

Bentsen
Biden
Clark
Cotton
Goldwater
Javits
McClure
McGee
Stafford
Stennis
Thurmond

So the resolution (H.J. Res. 636) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to appropriately renumber the sections in the joint resolution.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request the conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Mondale) appointed Mr. McClellan, Mr. Magnuson, Mr. Pastore, Mr. Bible, Mr. McGee, Mr. Eagleton, Mr. Chiles, Mr. Young, Mr. Hruska, Mr. Cotton, and Mr. Case conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MANSFIELD. Mr. President, I ask that a message at the desk from the House of Representatives on H.R. 9055 be laid before the Senate.

The PRESIDING OFFICER (Mr. Mondale) laid before the Senate a message from the House of Representatives on H.R. 9055, an act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the pending bill, which had passed the Senate once before, was vetoed, and was repassed by the House of Representatives with the Indochina amendment in it which the Senate agreed to on the bill just passed, the time to be equally divided between the distinguished Senator from Arkansas (Mr. McClellan), the manager of the bill, and the distinguished Senator from North Dakota (Mr. Young), the ranking Republican member.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 1 minute. I know of no amendments to be offered to the bill. No one has suggested to me that any amendments will be offered. As far as I know, the bill is ready for third reading and passage.

I yield 2 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I do not believe any further discussion is necessary. It is a clean bill that was vetoed, with the so-called Cambodian amendment added to it.

We have practically all the other appropriation bills pending, so if any Senators have amendments, they can attach them to the remaining bills.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. YOUNG. I yield back my time.

The PRESIDING OFFICER (Mr. Mondale). All remaining time having been yielded back, the question is, Shall the bill pass?

Mr. PASTORE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. Abourezk), the Senator from Texas (Mr. Bentsen), the Senator from Wyoming (Mr. McGee), and the Senator from New Hampshire (Mr. McIntyre) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Clark) and the Senator from Delaware (Mr. Biden) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Vermont (Mr. Stafford) is necessarily absent.

The Senator from Idaho (Mr. McClure), and the Senator from New York (Mr. Javits) are absent on official business.

Also, the Senator from Arizona (Mr. Goldwater), the Senator from South Carolina (Mr. Thurmond), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

If present and voting, the Senator from New York (Mr. Javits), the Senator from Vermont (Mr. Stafford), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 72, nays 14, as follows:

[No. 263 Leg.]

YEAS—72

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Brock
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Haskell
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Johnston
Long
Magnuson
McClellan
McGovern
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Weicker
Williams
Young

NAYS—14

Eagleton
Hart
Hartke
Hatfield
Hathaway
Hughes
Inouye
Kennedy
Mansfield
Mathias
Muskie
Ribicoff
Schweiker
Tunney

NOT VOTING—14

Abourezk
Bentsen
Biden
Clark
Cotton
Goldwater
Javits
McClure
McGee
McIntyre
Saxbe
Stafford
Stennis
Thurmond

So the bill (H.R. 9055) was passed.

Mr. McCLELLAN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1808. An Act to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes;

S. 1938. An Act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974; and

H.R. 5383. An act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1759. An act authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; and

S. 1972. An act to further amend the United States Information and Education Exchange Act of 1948.

The message also announced that the House insisted on its disagreement to the amendment of the Senate to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mills, Mr. Ullman, Mr. Burke of Massachusetts, Mrs. Griffiths, Mr. Schneebeli, Mr. Collier, and Mr. Broyhill of Virginia were appointed managers on the part of the House at the further conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes.

ADDITIONAL ROUTINE MORNING BUSINESS

The additional routine morning business transacted later in the day is printed at this point in the Record by unanimous consent.

ADDITIONAL REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 133. Resolution authorizing supplemental expenditures by the Committee on the Judiciary for an inquiry and investigation relating to patents, trademarks, and copyrights (Rept. No. 93-295).

Mr. CANNON. Mr. President, from the Committee on Rules and Administration, I report favorably Senate Resolution 133.

Senate Resolution 133 would authorize supplemental expenditures in the amount of $26,000 by the Committee on the Judiciary for its inquiry relating to patents, trademarks, and copyrights.

This resolution was submitted on June 27, 1973, and referred directly to the Committee on Rules and Administration. According to established procedure, such a resolution would be referred first to the committee seeking the supplemental funds—in this case the Committee on the Judiciary—and then be reported from that committee with an accompanying report stating why such funds had not been requested in the committee's annual expenditure-authorization resolution.

On the latter point, I can state that the Judiciary Committee's 1973 annual expenditure-authorization resolution did embrace a request for $185,000 for its Patents Subcommittee, which amount was reduced by $42,000 by Rules Committee amendment. Obviously, the $26,000 now requested could have been contained within that reduction.

Also, the Committee on Rules and Administration has received joint letters in support of Senate Resolution 133 from Senator Eastland, chairman, and Senator Hruska, ranking minority member, of the Committee on the Judiciary, and from Senator McClellan, chairman, and Senator Scott, ranking minority member, of its Subcommittee on Patents, Trademarks, and Copyrights.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment:

S. Res. 82. Resolution endorsing the objectives of the President's ocean policy statement (Rept. No. 93-296).

By Mr. MAGNUSON, from the Committee on Commerce:

S. 2120. An original bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes (Rept. 93-297). Placed on the calendar.

ADDITIONAL INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN (for himself and Mr. Stevenson) (by request):

S. 2119. A bill to amend the Export Administration Act of 1969 (Public Law 91-184), as amended, to control the export of iron and steel scrap during periods of shortage. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 2120. An original bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes. Placed on the calendar.

By Mr. GURNEY (for himself, Mr. Bennett, Mr. Bible, Mr. Buckley, Mr. Ervin, Mr. Goldwater, Mr. Javits, Mr. Pastore,, Mr. Pell, Mr. Randolph, Mr. Stevens, Mr. Thurmond, and Mr. Young):

S.J. Res. 132. Joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week" Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GURNEY (for himself, Mr. Bennett, Mr. Bible, Mr. Buckley, Mr. Ervin, Mr. Goldwater, Mr. Javits, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Stevens, Mr. Thurmond, and Mr. Young):

S.J. Res. 132. Joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week." Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, on behalf of myself and Senators Bennett, Bible, Buckley, Ervin, Goldwater, Javits, Pastore, Pell, Randolph, Stevens, Thurmond, and Young, I am introducing for appropriate reference legislation to provide for National Family Week. I have introduced this legislation in the past, and I am pleased to note that support for this measure has continued to increase. Last year, Family Week was celebrated in many States and areas across the Nation, and even greater response is anticipated for this year.

In order that my colleagues can be provided with more extensive information about this measure and its purpose, I ask unanimous consent that the joint resolution and the statement I made upon its introduction last Congress be printed in the Record at the conclusion of these remarks.

There being no objection, the joint resolution and statement was ordered to be printed in the Record, as follows:

S.J. Res. 132

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue is nually a proclamation designating the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such day with appropriate ceremonies and activities.

STATEMENT OF SENATOR GURNEY

Mr. President, I am today introducing a resolution which would designate the fourth week of November as "National Family Week." I am happy to include Senators

Pastore, Young, Dole, Thurmond, Buckley, Allott, Humphrey, Bible, Ervin, Bennett, Goldwater, Randolph, Stevens, Pell, and Javits as cosponsors of this legislation.

This legislation, which has also been introduced in the House of Representatives by John T. Myers, would authorize the President to designate the week beginning with the fourth Thursday in November of each year as "National Family Week." It also encourages the States and local communities to observe the week with appropriate ceremonies and activities.

Mr. President, the basic strength of our society is the family. William Makepeace Thackeray once stated:

"As are families, so is society. If well ordered, and well governed, they are the springs from which go forth the streams of national greatness and prosperity—of civil order and public happiness."

Today America's families are in trouble—trouble so deep and pervasive as to threaten the future of our Nation. An article, "The American Family: Future Uncertain," which appeared in Time magazine, December 28, 1970, supported this concern. It states:

"One in every four U.S. marriages eventually ends in divorce. The rate is rising dramatically for marriages made in the past several years, and in some densely-populated West Coast communities is running as high as 70%. The birth rate has declined from 30.1 births per thousand in 1910 to 17.7 in 1969 . . . each year an estimated half-million teen-agers run away from home.

"The crisis in the family has implications that extend far beyond the walls of the home. "No society has ever survived after its family life deteriorated," warned Dr. Paul Popenoe, founder of the American Institute of Family Relations, Harvard Professor Emeritus Carle Zimmerman has stated the most pessimistic view: 'The extinction of faith in the familistic system is identical with the movements in Greece during the century following the Peloponesian wars, and in Rome from A.D. 150. In each case the change in the faith and belief in familistic systems was associated with rapid adoption of negative reproduction rates and with enormous crisis in the very civilizations themselves.' "

The Time article continues:

"Throughout most of western history, until the 20th century, society as a whole strongly supported the family institution, it was the family's duty to instruct children in moral values, but it derived those values from church, from philosophers, from social traditions. Now most of these supports are weakened, or gone."

The observance of family week cannot promise to resolve the many problems that plague the family in America today. But we can focus attention on this institution, its strengths and virtues in this era of change. And we can enlist the millions of American parents to understand the wants and needs of their children, and we can properly encourage the children to understand the duties and obligation to their parents.

I also think it fitting to designate National Family Week to coincide with Thanksgiving Day, the traditional time when families throughout the Nation are rejoined for the purpose of giving thanks to God for the blessings which have come to them.

In the March 1969 issue of Science Digest, Mr. Arthur Mandelbaum spoke about the true image of the American family:

"Ogden Nash once defined a family as a unit, composed not only of children, but of men, women, and an occasional animal and a common cold. But this is an idealized, false, homogenized image of the American family. It does not exist except in some Hollywood or T.V. fantasy. Families do not have such a harmonious and boring architecture, they come in all sizes and shapes; fascinating, fantastic, wonderful and quite human, unpredictable and plausible, in different genetic combinations and qualities, covering a range of varied sensitivities."

We can appreciate this statement, Mr. President, since in the last few days we have had certain events occur in Washington. I know in some instances of young people who participated in these unpleasant and tragic events of the last few days that come from my home State of Florida. And I know that in some instances their parents had no idea that they were in Washington at all. They have communicated that fact with my office.

The parents are heartbroken. They deplore the fact that their children were engaged in these events that occurred in the last few days. I suspect that every Member of the Senate can relate similar circumstances.

I do not think there is any question in my mind that a lot of the trouble we have experienced in the last few days can be traced right back to the families and the lack of supervision by the parents of the children and the mark of inculcation of certain basic values that every society must have, which are necessary, even though they are very different, in order that society may stick together. Certainly the problem of discipline is involved there, also.

I think a good deal of what has happened in the last few days in Washington can be traced directly to family problems and the lack of family cohesiveness.

I am hopeful that the Senate will early consider and speedily and favorably act on this resolution and that various organizations within local communities will join together to make such an observance as meaningful as possible.

ADDITIONAL COSPONSORS OF BILLS

S. 1036

At the request of Mr. Muskie, the Senator from Oregon (Mr. Packwood) was added as a cosponsor of S. 1036, to amend the Internal Revenue Code of 1954 with respect to legislative activity by certain types of exempt organizations.

S. 1604

At the request of Mr. Brock, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 1604, a bill to prevent discrimination on the basis of sex in housing.

S. 1605

At the request of Mr. Brock, the Senator from Michigan (Mr. Hart) was added as cosponsor of S. 1605, a bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit.

S. 1610

At the request of Mr. Moss, the Senator from Connecticut (Mr. Weicker) was added as a cosponsor of S. 1610, a bill to require the installation of airborne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes.

AMENDMENT OF RENEGOTIATION ACT OF 1951—AMENDMENT

AMENDMENT NO. 302

(Ordered to be printed, and to lie on the table.)

Mr. McGOVERN (for himself, Mr. Mansfield, Mr. Dole, Mr. Curtis, Mr. Cranston, Mr. McClellan, Mr. Nelson, Mr. Talmadge, Mr. Abourezk, Mr. McGee, Mr. Hart, and Mr. Bentsen) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 7445) to amend the Renegotiation Act of 1951.

ANNOUNCEMENT OF FIELD HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION, INTERIOR AND INSULAR AFFAIRS COMMITTEE

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that field hearings have been scheduled by the Subcommittee on Parks and Recreation on Nantucket Island at the local high school, town of Nantucket, at 10 a.m., July 16, and at 2:30 at Martha's Vineyard, town of Vineyard Haven—high school, on the following bill:

S. 1929, to establish the Nantucket Sound Islands Trust in the Commonwealth of Massachusetts, to declare certain national policies essential to the preservation and conservation of the lands and waters in the trust area, and for other purposes.

Also, I wish to announce for the information of the Senate and the public that a field hearing has been scheduled by the Subcommittee on Parks and Recreation at Boston, Mass.—Faneuil Hall—on Tuesday, July 17, at 9:30 a.m., on the following bill:

S. 210, to authorize the establishment of the Boston National Historical Park in the Commonwealth of Massachusetts.

NOTICE OF HEARINGS ON HOUSING AND COMMUNITY DEVELOPMENT BILLS

Mr. SPARKMAN. Mr. President, I wish to announce that the Subcommittee on Housing and Urban Affairs will hold hearings on all bills pending before the Housing Subcommittee, including housing bills and S. 1743 and S. 1744, community development bills.

The hearings will commence July 16, 1973, and will continue daily for 2 weeks, beginning each day at 10 a.m. in room 5302 of the Dirksen Senate Office Building. All persons wishing to submit testimony for the record of the hearings should submit this material to the Subcommittee on Housing and Urban Affairs, care of Miss Dorrie Thomas, room 5226, Dirksen Senate Office Building.

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, July 10, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nominations:

Prentice H. Marshall, of Illinois, to be U.S. district judge for the northern district of Illinois, vice Alexander J. Napoli, deceased

Harlington Wood, Jr., of Illinois, to be U.S. district judge for the southern district of Illinois, vice Omer Poos, retiring

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan); the Senator from Nebraska (Mr. Hruska), and myself as chairman.

NOTICE OF HEARING ON H.R. 7446

Mr. HRUSKA. Mr. President, I wish to announce that the Standing Subcommittee on Federal Charters, Holidays and Celebrations of the Committee on the Judiciary has scheduled a public hearing on H.R. 7446, a bill to establish the American Revolution Bicentennial Administration and for other purposes.

The hearing will commence at 10 a.m., Wednesday, July 11, in room 2228, Dirksen Office Building.

Any person who desires to appear or submit a statement to the subcommittee should communicate with Thomas B. Collins, subcommittee counsel, 2226 Dirksen Office Building on or before Monday, July 9, 1973.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan) and myself, chairman.

PRESIDENT'S ENERGY MESSAGE SHOULD HAVE ANNOUNCED MANDATORY ALLOCATION PLAN

Mr. HUMPHREY. Mr. President, I noted the President's energy message today with great interest. It was a step, yes, a step in the right direction, but it did not go far enough, because it did not stress the enormity of the energy problem we are facing at this very moment.

Nowhere in the message was mention made of the need for a mandatory fuel allocation plan. It seems to me incredible that the President could issue a statement on energy without admitting that the voluntary oil allocation program has not been successful, without addressing himself to the shortages of petroleum supplies that this Nation is facing now.

From reports my office receives daily, I am very much aware of the seriousness of the situation. This past Tuesday the American Automobile Association reported that only 46 percent of the 3,417 gas stations across the Nation it monitors are operating normally, down from 53 percent last week, 64 percent the week before, and 75 percent the week before that.

According to the most recent reports from the Office of Oil and Gas, which is administering the voluntary allocation program, 1,543 gas stations across the Nation have been forced to close: The reason, inadequate supplies of gasoline.

Harder hit are the farmers. Combines in Texas, Oklahoma, and Minnesota are standing idle. The trucking industry is hurting. The public health, safety and welfare is becoming threatened. Counties across the country are experiencing great difficulties in getting competitive bids for gasoline, diesel fuel, and heating oils. Many counties are unable to get bids of any kind, as reported to me by Bernard Hillenbrand, the director of the National Association of Counties.

Mr. President, the present crisis situation is not likely to be alleviated by the steps announced in this energy message. I believe the facts still demand that the Congress enact S. 1570, the Emergency Petroleum Act. If the President is unwilling to establish a mandatory allocation system, the Congress must force him to do so.

Yesterday, the Midwest Conference of Democratic Senators called on President Nixon to impose a mandatory fuel allocation program immediately. The statement said:

> Such action is urgently needed if the agricultural economy of the Midwest is to escape catastrophe next fall or winter.

I was one of the 12 Midwestern Senators joining in that statement. The current fuel shortages effect my State, but they also affect the whole Nation.

The interests of the American consumer are crucially at stake in the growing fuel shortage which now reaches into the agricultural areas of our Nation. This shortage of fuel threatens to send the price of food skyrocketing even higher as the fall months approach.

Unless the Federal Government takes steps immediately to rectify this situation through a mandatory fuels distribution program, food will be in short supply, farmers will face financial ruin, and consumers will be paying exorbitant prices for the groceries to feed their families.

The situation is aggravated by the fact that agricultural production has been increased this year in order to meet domestic and export demands.

Farmers will plant an additional 45 million acres in 1973. Yet the voluntary fuels allocation program does not take this fact into account and is based upon the amount of fuel used in 1972.

These new acres that have gone into corn, soybeans, wheat, and cotton all take large amounts of fuel for the planting, plowing, harvesting, processing, drying, and the movement of crops to market. A delay at any one point in the food production process can jeopardize the entire crop.

For example, if there is an interruption in fuel supply when farmers are drying either corn or soybeans—that goes beyond 24 to 48 hours—the crop is destroyed. There is no crop. All you have is something for silage.

All that is needed is a drop of from 10 to 15 percent in the production of corn and soybeans and we will have an international food crisis.

The Sioux Line Railroad, which is one of the great railroad systems in the Midwest, indicates that unless it can get an adequate supply of diesel fuel it will not be able to move anywhere near the volume of crops that needs to be moved to keep market conditions reasonably well within the price structure.

And this is the breadbasket of the country.

The relationship between fuel and food has never been more evident than it is in this year of 1973.

Our urban dwellers will rapidly discover this as they find the price of beef, pork, poultry, eggs, and milk climbing and the supplies dwindling on the supermarket shelf.

I cannot overemphasize the importance of a mandatory fuels allocation program if we are going to get through this year without serious difficulty.

Everyone knows that mandatory allocation is not the total answer to the fuel crisis. But in the present emergency the only choice we have is between mandatory and voluntary controls. Only through a mandatory system can we assure that the agricultural segment of our economy and other vital areas are safeguarded. We cannot close our eyes to this situation.

Nor can we overlook the fact that this current emergency may be with us for at least a 3-year period. You cannot build a refinery in less than 3 years any more than you can hatch an egg in less than 21 days. It simply takes that long.

And at this time there are no new refineries under construction in the United States.

Yet there seems to be no sense of urgency on the part of the administration to deal with this problem.

Secretary of Agriculture Earl Butz has said:

> The early fall will be a critical period and an excellent test of our efforts to achieve an effective and equitable distribution of petroleum.

This is a fine wait-and-see game, but I do not want to play it at the expense of our people. We cannot have a test when the crops need to be harvested. We have to have fuel.

RENEGOTIATION AMENDMENTS OF 1973

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of calendar No. 228, H.R. 7445, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. Williams). The bill will be stated by title.

The assistant legislative clerk read as follows:

> H.R. 7445, to amend the Renegotiation Act of 1951 to extend the Act for 2 years.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. HARTKE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARTKE. This is a motion to take up the Renegotiation Act. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARTKE. That motion is debatable. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARTKE. I ask the majority leader and the chairman of the Finance Committee, with whom I have had some discussions about this measure, why it has to be brought up tonight, in view of the fact that it is contemplated to have a series of amendments which have been previously dealt with by the Senate and which have heretofore been passed by the Senate, last year, in the Veterans' Committee, of which I have the opportunity and honor of being chairman, and why that measure has to be brought up tonight and not tomorrow.

Mr. LONG. Mr. President, this bill should be disposed of, because the Renegotiation Act expires at the end of this month, which ends tomorrow night.

It is the intention of the Senator from Louisiana to offer as an amendment to the renegotiation bill the social security amendments which were voted by the Senate on the debt limit bill. The point was made, when this matter was discussed in the House of Representatives—and in the overall general confusion there, the House did not agree to the proposed conference report—that the veterans could have a reduction in their pensions when the social security benefits were increased. So a proposal has been suggested, which the Senator has supported several times, and which I believe he has had passed through the Senate, and sent to the House. The proposal is that a provision to protect veterans' pensions should be included in this social security amendment so that the increase in social security benefits should not be taken into account in determining the amount of the pensions that veterans would receive.

In addition, Mr. President, we well recognize that there is a very strong possibility that if the debt limit bill goes to the White House with the social security amendments on it, it will be vetoed by the President. In fact, that is an overwhelming possibility, because purely on fiscal grounds, this would have a major impact on the budget and this is not in the plans of the administration. It would increase the budget deficit on a consolidated basis.

Because that is the case, I am led to believe, on the basis of every reasonable evidence I can get, that if we remove the social security amendments from this bill and add them to the Renegotiation Act and send both bills down, the President will sign the debt limit bill, and the Government can continue to operate and pay its bills.

Further, Mr. President, it is my judgment that we stand a good chance to override a veto if the President sees fit to veto the social security increase, as he probably will. If they are on the renegotiation bill, a small package, but a package which has passed the Senate by a margin of almost 90 percent, in my opinion we will have a better chance to override a veto.

It seems to me that this provides an advantage for the administration, in that it will be able to continue to move the country ahead, because the President will be able to pay the country's bills, and the dollar will not decline disastrously in world markets, and Government employees will receive their pay. The President can then sign about half the bill we pass, which I am led to believe he is willing to sign.

I think it also has an advantage to those of us who want to pass the social security increases. If left to themselves, my guess is that we would have a better chance to pass them on their own merit than if we have them wrapped in a package which someone might vote against, because he does not like some of the other amendments to the debt limit bill.

So I think that both the administration would win, and also those of us who favor the social security increase would win by this approach I am suggesting. Above all, the country would win; because it is not good for this Nation if it is not able to pay its debts.

We are in an unfortunate situation in which we have an impasse over a major increase in the social security payments—well justified though it may be—an increase which the administration, for budgetary reasons, feels the President should veto.

In my judgment, this is about the best arrangement we could work out all ways around, and that is why I propose that these social security amendments be placed on the renegotiation bill. We would then proceed to go to conference with the House on the debt limit and propose to the House conferees that they offer the House the social security package in one bill, and the remainder of the Senate amendments to the debt limit package. That is the way I believe we have the best prospect to obtain something that the House would be willing to pass and that would be sent to the President.

In my judgment, I think it affords advantages to those of us who favor the social security increases as well as those who favor the other provisions in the bill. If we do this, the House will agree to the other amendments, the President will sign the debt limit bill, and that will become law. My clarifying the issue of what we will be voting on, the social security and the welfare amendments will have their best chance, by standing on their own rather than being confused with a number of other amendments.

This is my proposal. I discussed it with the Senator from Utah (Mr. BENNETT), and he was willing to recommend that this would be the wise thing for all concerned. We think this is the best answer to the problem: Rather than sending a bill to the White House which the President would be willing to sign in part, but which would be vetoed, because we had overloaded it, we would divide it in two, with the full anticipation that one part would be vetoed. The part that would be vetoed probably would be vetoed in any event, but it probably would stand its best chance on its own rather than encumbered by other items.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. HARTKE. I will yield in a moment.

Is there any reason why, if this bill needs to be passed tonight, we cannot avoid going through this complicated procedure? It has ramifications which are far greater than have been stated so far, and I would be prepared to discuss them at length.

I know that many people are tired this evening and would like to go home, but I assure them that we are not going to vote on this measure at least before 1 o'clock, if it is brought up tonight, and perhaps later.

Let me explain honestly when I asked that the Committee on Finance accept the veterans amendment being proposed on the social security amendments of last year, I was assured it would be passed at a later date and they would not accept it. We did pass it later in the Senate. We passed a veterans amendment. Every veteran since January 1 has been denied an increase. I want to give veterans a preference, but I do not want to use them as a tool.

What the Senator is asking us to do is to put this social security amendment and the veterans amendment on a bill which the chairman of the Committee on Finance has already announced is going to be vetoed. I am not in favor of that.

I have no question that he favors a vote on the veterans amendment.

There is another ramification. The House rejected the debt ceiling bill and I understand we are going to a conference at 10 o'clock tomorrow. Is that correct? Are we going to a conference tomorrow on a debt limit bill?

Mr. LONG. Mr. President, will the Senator yield to me for a brief statement?

Mr. HARTKE. Yes. I yield.

Mr. LONG. I hope we are going to have a conference tomorrow. Frankly, I do not feel like going to conference unless we can take this bill along with us because in my judgment we are not going to resolve this matter until we do.

I wish the Senator, if he has the veterans' amendment to offer, by all means would present it. I urged him to offer the same type amendment that he had in mind.

Mr. HARTKE. I did not ask to bring up the veterans' amendment tonight.

Mr. LONG. I urged him to.

Mr. HARTKE. I know the Senator did, but I do not want to. I do not want to put a veterans' amendment on a bill that is going to be vetoed. They have been treated in the most horrible way I know. The Senator said that it is a bill that is going to be vetoed.

Mr. LONG. I helped the Senator pass his measure before. I am willing to help him on anything he wants to put it on, whether it will be vetoed or not. I just hope the Senator will permit the Senate to vote on a measure that the Senate has already voted for, and a measure that I am sure the Senate would like to vote on and for.

We would like to include in our social security increase a one-line provision saying that the social security increase will not cause a veteran to have his veterans' pension reduced. I am sorry that the Senator opposes that, but at the same time my guess is that the Senate would agree to it and it would be sent to the President on any bill to which it is attached, whether the bill was threatened by veto or not.

Mr. HARTKE. I have no hidden motives. I am not in favor of continuing the bombing. I could not get the assurance of the minority leader tonight that they would stop bombing on August 15. The

Cambodian amendment is in the debt limit bill. I am going to do everything I can to keep it there. I know what I am doing.

I know what the chairman of the committee is trying to do. He is trying to strip it down so it would be out. If Senators want to go home early tonight, pass the bill without this amendment. I will vote for the renegotiation bill. I have no other place to go now. I am not sleepy, not a bit sleepy; with a few cups of coffee I will be ready to go.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. HARTKE. I yield for a question.

Mr. BENNETT. Does the Senator realize the House rejected everything in the renegotiation bill except the three provisions they sent to us?

Mr. HARTKE. I understand that.

Mr. BENNETT. So the question of Cambodia on renegotiation is moot. The House rejected it.

Mr. HARTKE. Let us have the truth. The Cambodian matter is in the debt limit bill, too.

Mr. BENNETT. The House rejected the debt limit bill.

Mr. HARTKE. It is in conference tomorrow. I do not want a conference tomorrow. I want the debt limit to expire tomorrow night. I want to stop the bombing or stop the country. I make no bones about the problem.

I understand how the Senator is trying to maneuver around it, and I do not want to maneuver.

Mr. LONG. The Senator is going to have to have some help. I have kept this Senate in session as long as anybody in the Chamber tonight—3 days running on one occasion. The Senator would have the Senate in session for 10 days. He would be a better Senator than I if he can keep the Senate in session for 10 days. It will take help if the Senator wants to wage that kind of filibuster. The Senator had better take inventory as to where he is going to stand when these people do not get their paychecks, because somebody is going to be held responsible for the fact that the Government employees are not paid, and that Government contractors are not paid, and that the dollar declines in all the world markets because this Nation officially declares itself bankrupt by an act of Congress and cannot pay its debts.

If those employees were not paid, everybody involved would want to blame the other fellow. I have been trying to avoid that because it may be as it is when Congress fails to pass a bill. Sometimes we can fault the President if he vetoes a bill and we can persuade the country it is his fault rather than ours. But one thing I know about those situations where you get involved in politics and where the Nation is hurt, or the State is hurt, or the public is hurt, and where they have a right to expect something better from their elected representatives. One might think it is the other guy who is going to be hurt, but if you are involved in the matter it might be you, too. When you go out to kick the other fellow you have to take your own body along with you and it may be the wrong body that is injured by the time you get home.

The Senator should carefully think about this matter if he is going to filibuster, especially if it puts the country in a position where it could not pay its debts. That is something I may have felt like doing on occasion, but I always thought better of it. If the Senator wants to engage in that kind of conduct he can take that responsibility but I hope he will be willing to let us vote on this measure. We are not going to dispose of any conference report. All we are trying to do is pass a bill that has a June 30 expiration date, and we would like to put amendments on it which already have been agreed to by the Senate so that we have a better possibility of serving the national interest.

I hope the Senator would recognize the fact that all wisdom does not reside in one Senator and that maybe 99 Senators have some intelligence to determine what is in the national interest.

I am sure that with the benefit of the wisdom that I am sure the Senator himself possesses, he will think that it will be for the good of the Nation's interest and will abide by the theory that the majority should rule. If he wants to be a one-man majority, he can go to it.

Mr. HARTKE. In the first place, on the debt limit itself, I am not responsible for the debt limit being there. I put an amendment on the Debt Limit to eliminate the debt limit. It has no relationship to reality. It is really a sine qua non in that it does not affect how much we spend or collect. It has always been an item which has been propaganda anyway, but since it is there, let us put the effects in perspective.

The Cambodian resolution is a part of the debt limit bill by virtue of the action of the Senator from Missouri (Mr. EAGLETON). There are a number of social security amendments on the Debt Limit bill, for one which I was responsible. The other was Senator RIBICOFF's amendment for a 5.6-percent increase in social securty benefits.

Senator RIBICOFF and I agreed that as far as the social security part of the increase was concerned, we would agree that there would be sufficient money to pay for them. That is not the cause of the veto part of the bill. The veto part of the bill is caused by a number of amendments offered by the chairman of the committee. I am for those amendments, but they do have a substantial impact on the budget. They are causing the trouble. They are the ones the chairman proposes we adopt in toto tonight. They were brought to the conference committee.

The House conferees tonight, under the chairmanship of Representative MILLS of Arkansas, took the measure to the House of Representatives, where they were rejected. I am not saying why they were rejected, but it means that if we are going to proceed again, they are not to be in the conference. That is the problem we have today. That is the problem we have had consistently. They are agreeable, as outlined by the chairman of the Committee on Finance, but the social security amendments are going to be vetoed.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. LONG. Is the Senator aware of the fact that the President objects to the social security amendments as well as to the welfare amendments?

Mr. HARTKE. I accept that.

Mr. LONG. On a consolidated budget basis, there is more of an impact on his budget due to the social security amendments than from the welfare part of it. This has to do with the problem that some of us complained about, that the administration is using the surplus that is flowing into the trust fund to offset a deficit in the Federal funds budget. But there is no doubt about it, when we spend from the surplus flowing into the social security fund, as these amendments do, it will increase expenditures on a consolidated budget basis.

Mr. RIBICOFF. Mr. President, I think a most regrettable situation is developing on the floor of the Senate tonight. The Senator from Indiana, I am sure, realizes that the Finance Committee invariably is on some side of every issue, many times in the minority. But the distinguished chairman, in my opinion, has conducted not only the management of the debt limit ceiling, but also the conference that was held following the passage of the bill. Frankly, it was the first conference I ever attended as a member of the Finance Committee. I have always had the highest respect for our chairman, and never more than when this conference was completed. Chairman MILLS and the rest of the House conferees yield on about 90 percent of the issues.

Our distinguished chairman invoked the social security approach to raise benefits for some 30 million beneficiaries by 5.6 percent to take care of the increase in the cost of living. He backed us 100 percent on the floor of the Senate.

It also has to be understood that what the Senator from Indiana calls the welfare amendments are not really welfare amendments. There are provisions in the bill that take care of about 5 million Americans who are aged, blind, and infirm. These are not AFDC cases.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. HARTKE. They are welfare cases, and are under the welfare budget.

Mr. RIBICOFF. They are under the aegis of the welfare cases, but are really SSC amendments, which was a brilliant concept of our chairman, to take the aged, blind, and infirm outside and from under welfare. Benefits will be raised generally across the country to try to take these 5 million aged, blind, and infirm out of poverty and out of welfare. The chairman of the Committee on Finance has tried to face up to the realities of the situation. I have the utmost faith and confidence in the chairman and that his objectives will be achieved.

The Senator from Indiana objects to the tax proposal, and he is absolutely correct, as chairman of the Committee on Veterans' Affairs. It is my understanding that our chairman intends that the social security approach take care of the problem of veterans, so that veterans will not be denied their compensatory position when they receive social security benefits.

I am convinced, just as the chairman is, by a vote of 86 to 7 on the social security amendments by this body. When we are dealing with Americans who will receive the benefit of a 5.6-percent increase, we are dealing with 5 million aged, infirmed, and blind, and 35 million other Americans. The rollcall vote in this body would be very close to the 86-to-7 vote.

I am convinced if there is one measure that is veto-proof, it is the proposal that the Senator from Louisiana is trying to bring before this body now. If the President vetoes this proposal, I am sure that in the House and in the Senate he will not be able to muster one-third to be able to sustain his veto, because right and justice and 35 million Americans in need are at stake.

I would hope that the Senator from Indiana, who is such a constructive, able, and valuable member of the Committee on Finance, would go along with our chairman. He is a member of the conference. I am one of the conferees. The distinguished Senator from Georgia is one of the conferees. The Senator from Louisiana is the chairman of the Senate conferees.

The Senator from Indiana and I did not divide on Cambodia. We went along with the majority leader. The Senator from Indiana himself was consistent on Cambodia. We have had a series of votes on the Cambodian resolution. The Senator from Indiana and I were in the minority every time on the Eagleton proposal. We have lost time and again.

I do not think, under the circumstances, we should keep 35 million Americans in hostage to a proposal that has lost on a series of continuous votes within the last hours. I would think that the Senator would think of the 35 million Americans in need. If we do not solve this problem now, we will go home at the recess at a time when 35 million people cannot pay their rent or pay for the high cost of food. We will be the ones responsible for frustrating that desire.

So I plead with the Senator from Indiana not to frustrate the will of the U.S. Senate but to allow us to proceed to go to a rollcall vote on the proposal of the Senator from Louisiana. And I am convinced that we will be able to prevail in conference and also prevail in the Senate and House in the event the President of the United States vetoes the measure we will vote on tonight.

Cries of "Vote, vote, vote!"

Mr. HARTKE. Mr. President, I am in no hurry to vote. Let me say that I agree with the magnificent job done by the chairman of the Finance Committee. He is very capable, very quick, very understanding, and very agreeable in every respect. He has been extremely competent in handling the conference.

The chairman has pushed for a measure even when he did not approve of it. I think that the Senator from Connecticut correctly states it.

I was trying to get the facts straight so that the Senate understands where we are. The fact is that what we are proposing here tonight is not to go ahead and help 35 million Americans. We are proposing to put on a bill which is going to expire on June 30, a provision which is not very controversial. It is a provision which the President of the United States evidently told somebody that he was going to veto. He has not told me. We are proposing to pull the social security beneficiary out from under a bill in which the President of the United States would be under great pressure not to veto the rights of 35 million Americans and put it in a bill on which we are certain of a veto. We cannot forget about Cambodia. Cambodia is in here.

Mr. President, I am not going to be deprived of the opportunity to express my opinion. I do not think that should be done. That is not why he will veto the bill. He is going to veto the debt limit bill because he is against 35 million Americans.

Let me say about the blind, the disabled, and the aged that I have been willing to take them out of the category of being welfare recipients. However, the fact is that they are part of the welfare rolls. And the blind, the disabled, and the aged are part of the welfare rolls. The distinguished Senator from Connecticut knows that we agreed to recede from the January 31 effective date for an increase and accept an April 1 date so that there would have to be only two payments made out of the social security fund before June 30, 1974. Now, that in and of itself was quite a concession of the budgeteers. They are willing to go ahead and deny the rights of 35 million Americans to have their money. They will then have the money to pay for the bombing.

If we go along with the Cambodian resolution, we are faced with a situation where the chairman of the Finance Committee comes to me and asks for an amendment on the social security provisions which was opposed at a time when it could have been adopted last year.

The PRESIDING OFFICER (Mr. WILLIAMS). Question.

Mr. HARTKE. Mr. President, does the Senator from Indiana not have the floor? I do not intend to vote on this at an early hour. This is a motion to take up the renegotiation bill. I have voted to take up this bill at this time with the understanding that the social security amendments will be added to it. Then I would be willing to permit the Senate to go ahead and do that. Otherwise, we will take this up tomorrow. We are going to be here tomorrow anyway. It will not take too long to pass this measure. We can stay this late tomorrow night, if we wish to. We can have a conference report.

We are just going to agree to go on vacation. We can come back. I think the original schedule was that we would be here through Tuesday of next week. And it was only the majority leader who said that we would.

I am for these veterans having these payments. I am for these aged to have their payments. But this is not the way to do business. We should not put this in a bill which will be vetoed. There are two provisions in the bill which are certainly less desirable for the Senate. One is the so-called check-off, and the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished Senator from Louisiana (Mr. LONG) offered the check-off bill. That vote was much closer. The other provision deals with the unemployment compensation which deals with about five States in the Union. It will provide for an extension of both of those measures. If the Senate wants to move them off, why does it not move those two amendments to this bill? We could have a situation where maybe part of the cost of the estimated unemployment benefits, which would affect the budget by some $300 million to $400 million, would also be affected. The fact is that a 5.6 percent increase and the increase in the earnings limitation are both going to be funded out of increases in the amount of base wages which is going to be increased in order to withdraw these payments so that the trust fund is not invaded.

There is no question that we have been overcharging the trust fund for quite some time. The trust fund in and of itself will continue, as the Senator from Connecticut well knows, to accumulate an additional surplus as we move on. The trust fund at the present time is paying for other expenses of the Government, and it has been doing so for quite some time.

The fact of the matter is that the estimates given by the actuarians on the increase that is going to be given to the social security beneficiaries on the 5.6-percent increase would require no increase even in the base wage except for the fact that the trust would be denied of having accumulated the excess to the funds. In other words, what we have here is a trust fund which is being utilized for the accumulation of interest to pay the expenses of the Goverment while at the same time the trust fund is not being used to pay the beneficiaries or those people who contributed to the social security fund.

This has continued for quite some time, and the Social Security Board of Supervisors who originally talked about this wanted to reduce the amount to 75 percent or make it on a current basis.

There is being added to the surplus roughly 89 percent of the necessary needs for 1 year. We are collecting money over and above what we need to pay the social security beneficiaries, so that people who complain in their younger years about paying the excess to the social security fund have a right to complain, because they are paying into the social security fund more money than it is necessary to pay out.

That is one of the reasons why Congressman BURKE is advocating that we charge one-third to the employee, one-third to the employer, and one-third to the general fund.

We all know that they have been paying the costs on the social security fund for quite some time. It is unfortunate, but this is true. And on the floor of the Senate and in the House they say they will increase the social security benefits. They ought to increase the tax to pay for the benefits. However, that has not always been true. It has been true that frequently we have underestimated the revenue and we have underestimated it again this year when we had an increase in the fiscal year 1973 of about $400 million in excess of that which is estimated by the actuarians.

Now I come back to the earnings limitation. This in and of itself is a matter which has been discussed for quite some time.

We did agree in conference to reduce the amount of the earnings limitation from the amount voted by the Senate of $3,000 down to $2,400. This means that a person on Social Security could earn $200 a month before he has to pay any money back from his social security payments.

Many individuals would like to go ahead and work. They like to have respect and dignity and be able to work. However, they are unable to do so, because on the one hand if they go to work, they find themselves working for nothing. And on the other hand, they find themselves in a position where they want to use their time effectively and they are in good health. But they find that they are being deprived of earnings.

The Senator from Connecticut has frequently stated that this is very difficult to explain to social security beneficiaries who feel that they have paid into the social security fund and they should have a right to expect that the Government would pay them their benefits at the time they reach their retirement age of 65.

The original concept of social security at that time and the reason that there was the earnings limitation was to force people to go into retirement and thereby reduce the work force. It was done in the thirties when we had a high unemployment rate. For those who advocate the work ethic today, of course, that theory no longer applies. The situation today is that many people, due to improvements in health, at the age of 65 feel they are capable not only of doing manual labor, but also a lot of other work while they are going along.

I quite agree with that, and I indicated on the floor of the Senate that if I had had my way I would have provided for increased retirement benefits which would be unlimited. But knowing full well that such a measure could not pass on the Senate floor, we asked for an increase from $2,100 to $3,000, and that was passed unanimously by voice vote on the floor of the Senate.

As to the amount of the costs of that, it is estimated that the benefits that we are going to give to these individuals would be given to a limited number of people by virtue of the fact that as you increase the earnings limitation, you decrease the number of people who ultimately will participate. I think the Senator from Connecticut is quite right, that one of the things we ought to do is direct ourselves first to the task of providing for an increase in social security payments to meet the cost of living across a broad spectrum. That is why I was very much in favor of the 5.6-percent increase in social security.

Mr. SPARKMAN. Mr. President, will the Senator yield so that I may ask that the Chair lay before the Senate a message from the House of Representatives on S. 1636?

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. HARTKE. I yield, without losing my right to the floor.

AMENDMENT OF INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1636.

The PRESIDING OFFICER (Mr. Eagleton) laid before the Senate the amendments of the House of Representatives to the bill (S. 1636) to amend the International Economic Policy Act of 1972, which were to strike out all after the enacting clause, and insert:

That section 205 of the International Economic Policy Act of 1972 (86 Stat. 647) is amended by—

(1) striking out "(1) The President.";

(2) striking out "be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place" and inserting in lieu thereof "designate the Chairman of the Council from among the members listed in paragraphs (1) through (9)"; and

(3) redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively.

Sec. 2. Section 209 of the International Economic Policy Act of 1972 (86 Stat. 649) is amended by striking out "1973" and inserting in lieu thereof "1975".

Sec. 3. Section 210 of the International Economic Policy Act of 1972 (86 Stat. 649) is amended by striking out "1973" and inserting in lieu thereof "1974".

Sec. 4. Section 207(a) of the International Economic Policy Act of 1972 (86 Stat. 648) is amended by redesignating paragraph (4) as paragraph (5), by striking out "and" at the end of paragraph (3), and by inserting immediately after pargaraph (3) the following new paragraph:

"(4) a comparative description and analysis of the following subject matter, with respect to the United States, the European Community and principal countries within the European Community, Japan, and whenever applicable, the Union of Soviet Socialist Republics—

"(A) research and development expenditures, and productivity and technological trends in major industrial and agricultural sectors;

"(B) investment patterns in new plant and equipment;

"(C) industrial manpower and training practices;

"(D) tax incentives and other governmental financial assistance;

"(E) export promotion practices;

"(F) share of the export market, by area and industrial and agricultural sectors;

"(G) environmental practices;

"(H) antitrust practices; and

"(I) long-range governmental economic planning programs, targets, and objectives;".

Sec. 5. Section 205 of Public Law 92-412 is amended by adding "The Secretary of Transportation."

Sec. 6. Section 207(a) of the International Economic Policy Act of 1972 is amended by redesignating paragraph (5), as redesignated by section 4 of this Act, as paragraph (6), and by inserting immediately after paragraph (4) the following new paragraph:

"(5) a review of the relationship between the United States Government and American private business with respect to the categories of subject matter listed in subparagraphs (A) through (I) of paragraph (4) and any other appropriate areas of information, together with recommendations for appropriate policies and programs in order to insure that American business is competitive in international commerce; and".

Sec. 7. Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, any future Executive Director of the Council on International Economic Policy appointed after the date of the enactment of this bill shall be appointed by the President, by and with the advice and consent of the Senate.

And amend the title so as to read: "An Act to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes."

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the House amendments and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Sparkman, Mr. Proxmire, Mr. Williams, Mr. Stevenson, Mr. Tower, Mr. Bennett, and Mr. Packwood the conferees on the part of the Senate.

RENEGOTIATION AMENDMENTS OF 1973

The Senate continued with the consideration of the bill (H.R. 7445) to amend the Renegotiation Act of 1951 to extend the act for 2 years.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a unanimous-consent request, without relinquishing his right to the floor?

Mr. HARTKE. Yes. I will be glad to yield to the distinguished assistant majority leader for that purpose.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield for a question.

Mr. DOLE. Do I have time to go to my office?

Mr. HARTKE. I beg your pardon?

Mr. DOLE. Will the Senator be discussing this matter long enough for me to have time to go to my office and return?

Mr. HARTKE. I think the Senator has plenty of time.

Mr. DOLE. My Kansas office?

Mr. HARTKE. If the Senator feels a compulsion to return to Kansas, that is all right with me.

Mr. PASTORE. Mr. President, will the Senator yield for a question? I mean this seriously.

Mr. HARTKE. I am glad to yield for a question.

Mr. PASTORE. The Senator seems to be discussing the merits of these amendments, and I do not think there is any question about the merits. What is the strategy that he wants us to accomplish?

Mr. HARTKE. I will be glad to explain it to the Senator from Rhode Island. No. 1, the chairman of the Finance Committee wants to bring up the renegotiation bill, which expires June 30.

Mr. PASTORE. I heard him. I would like to hear from you.

Mr. HARTKE. Yes; if the Senator will permit me, I will explain what I want to do.

I am in favor of the renegotiation bill being extended if we can have an agreement not to attach the social security amendments which he proposes to attach to that bill tonight. If they are not to be attached to that bill, we can proceed with that legislation.

Mr. PASTORE. Where would they be attached? I understand they were repudiated by the House of Representatives.

Mr. HARTKE. They were what?

Mr. PASTORE. The conference report was repudiated by the House, was it not?

Mr. HARTKE. If the Senator from Rhode Island is aware of why the House repudiated the conference report, I wish he would tell me.

Mr. PASTORE. I do not know.

Mr. HARTKE. I do not know, either. I have my ideas, but I do know that the chairman of the Ways and Means Committee is not in any hurry, either, and neither he nor I are in a hurry, if you want to know the truth.

Mr. PASTORE. I do not care who is in a hurry. I wonder exactly what the Senator is campaigning for here tonight. What does the Senator from Indiana want us to do?

Mr. HARTKE. I want to proceed with the business in an orderly fashion.

Mr. PASTORE. Well, what is that?

Mr. HARTKE. To go ahead with the renegotiation bill on its merits, with the understanding that there will not be this attempt to do an end run to get around and put the social security amendments for 35 million Americans on a bill which is certain to be vetoed. That is what the chairman of the Finance Committee is asking us to do, to take these amendments and put them on a bill he himself has told us the President will veto. Is that not a nice set of dishes?

Mr. PASTORE. The Senator's argument is that if it goes on the debt limit bill, it will not be vetoed?

Mr. HARTKE. I will guarantee the Senator that then the burden is on the President to go ahead and answer the 35 million people, is on him but not on us; but we know in advance tonight that if we put these amendments on this bill, we are asking for a veto, according to the word of the chairman of the Finance Committee that it will be vetoed, and then we take our chances on overriding that veto.

I say if we want to make sure that the President provides for those 35 million Americans the benefits of social security which we provided in the Senate, let us put it on a bill which puts the burden on him instead of on us.

Mr. PASTORE. But no matter who assumes the burden, as I understand the argument made by the Senator from Louisiana, the President has already indicated that he will veto these bills in any event, and his idea is that it would be easier to override the veto if we put them on the renegotiation bill rather than the debt limit bill, because there are so many people who are against raising the debt limit anyway, and for that reason they would vote to sustain the President's veto, whereas if we had a clear chance with the renegotiation bill, the meat of the nut would actually be these amendments we are talking about, and they would be more amicable toward overriding the President's veto.

Mr. GRIFFIN. Mr. President, will the Senator yield for a further observation?

Mr. HARTKE. I understand what the Senator from Rhode Island says. I suppose if you really believe you want to get these beneficiaries of social security and the aged, blind, and disabled the money we voted on the Senate floor, the best chance of doing it is to keep it on the debt limit bill.

Mr. PASTORE. That is the Senator's idea. The Senator from Louisiana disagrees with that, and that is the question we have to decide.

Mr. HARTKE. If you want to continue this tomorrow morning, it is all right with me.

Mr. PASTORE. What time tomorrow morning, 8:30?

Mr. HARTKE. I did not say we would vote tomorrow morning. I said take this measure up tomorrow that is what I meant to say.

Mr. PASTORE. I think it is rather unfair, at 11 o'clock at night, to insist, "I either get my way or nothing is going to happen." I think the Senator ought to have an opportunity to argue his point, and I think the Senator has argued his point. He is now arguing about the merits, and there is no question about the merits. The Senator ought to understand that it is 11 o'clock at night; let us see what the will of the Senate might be.

Mr. HARTKE. I would be glad, Mr. President, to adjourn and go home now. I will be glad to yield for that purpose, if I do not lose my right to the floor.

Mr. ROBERT C. BYRD. Mr. President, will my friend indicate how much longer he intends to talk, if he talks longer tonight?

Mr. HARTKE. As long as I can hold out.

Mr. ROBERT C. BYRD. Will the Senator yield to me to make a motion to adjourn?

Mr. HARTKE. I yield for that purpose.

ADJOURNMENT UNTIL 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move, in accordance with the pervious order, that the Senate stand in adjournment until 9 a.m.

The motion was agreed to; and (at 10:59 p.m.) the Senate adjourned until tomorrow, Saturday, June 30, 1973, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Friday, June 29, 1973*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Behold, God is Mighty, He is mighty in strength and wisdom.—Job 36: 5.

O Thou Supreme Architect of the universe and the Father of all persons, in whose circle of love we live and move and have our being, keep us close to Thee through the hours of this day that strengthened by Thy spirit, guided by Thy wisdom, and filled with Thy peace we may work the ways of Thy will doing justly, loving mercy, and living humbly with Thee.

As we face the Fourth of July when we commemorate our great day of independence, we call to mind the great men whose creative faith and courageous stand made liberty a grand and glorious reality. May we here highly resolve to keep this spirit alive in our world and work for the time when all nations shall be free and all people enjoy the fruits of a just, righteous, and honorable peace.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7670. An act to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 8152. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes;

H.R. 8510. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.R. 8619. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1808. An act to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8152) entitled "An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. ERVIN, Mr. HART, Mr. HRUSKA, and Mr. SCOTT of Pennsylvania to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8619) entitled "An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGEE, Mr. McCLELLAN, Mr. PROXMIRE, Mr. ROBERT C. BYRD, Mr. TALMADGE, Mr. FONG, Mr. HRUSKA, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma;

S. 1776. An act to amend the Federal Water Pollution Control Act, as amended;

S. 1794. An act to amend section 308 of title 44, United States Code, relating to the disbursing officer, deputy disbursing officer, and certifying officers and employees of the Government Printing Office;

S. 1795. An act to authorize the Public Printer to adopt an official Government Printing Office seal, and to designate employees to administer oaths;

S. 1802. An act relating to certain authority of the Joint Committee on Printing;

S. 1884. An act to permit national banks to invest in agricultural credit corporations;

S. 1904. An act to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress;

S. 1945. An act to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion;

S. 1972. An act to further amend the U.S. Information and Educational Exchange Act of 1948;

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes; and

S. 2079. An act to amend the Federal Property and Administrative Services Act of 1949, as amended.

CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 312]

Andrews, N.C.
Ashbrook
Ashley
Badillo
Bell
Biaggi
Blatnik
Breaux
Burke, Calif.
Clark
Danielson
Davis, Ga.
Dellums
Dent
Derwinski
Esch
Fisher
Frey
Fuqua
Gibbons
Gray
Griffiths
Gubser
Hansen, Wash.
Hébert
Holifield
Jarman
Jones, Ala.
McCormack
McKinney
Matsunaga
Mitchell, Md.
Murphy, N.Y.
Nedzi
Pepper
Rees
Reid
Robison, N.Y.
Rooney, N.Y.
Ryan
Sandman
Sisk
Staggers
Stratton
Symington
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Waggonner
Whitehurst
Wilson, Bob
Wright
Wyatt

The SPEAKER. On this rollcall 379 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 479 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 479

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6, rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9055) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clauses 2 and 5, rule XXI are hereby waived. It shall be in order to consider without the intervention of any point of order the following amendment in the nature of a substitute for section 307 of the bill H.R. 9055.

"SEC. 307. None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over, or from off the shores of Cambodia or in or over Laos by United States forces.".

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, I should like to explain this rule very clearly so that the Members will understand exactly what is in it and what will be possible after it has been adopted.

Mr. Speaker, I have tried to avoid any discussion on our side of anything except the rule. I have refused to yield time to a number of Members who would like to discuss the issue. The Committee on Rules tried extremely hard to provide a rule that was absolutely fair to all the Members of the House and all of the groups in the House who have expressed their position in this matter, and I should appreciate if it were possible for those who are interested to hear what I have to say.

First of all, we waived the provisions of clause 6. That is the 3-day rule, and unless that were waived, obviously this matter could not come up today.

We also waived the provisions of clauses 2 and 5. Clause 2 deals rather broadly with the question of authorizations. Clause 5 deals with the question of transfer and reappropriation, and before the waiver on clause 5 was included, it was determined that that had no effect on the issue which is really before the House.

The Committee on Appropriations added section 307 which is an effort to achieve a compromise over the issue which concerns the Members.

Those who have supported the amendments variously called Addabbo, Long, and Eagleton felt very strongly that they should have an opportunity since this compromise language, which was not germane to the bill under normal circumstances, was to be included. They have a straight opportunity to vote on that which they preferred. I will call it the Eagleton amendment. The Rules Committee provides that opportunity.

That is as accurate and precise a description of the rule as I can give you. If there are questions I would be glad to try to answer them. If there are no questions, I yield to the gentleman from Ohio.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I want to find out whether under the rule that is reported out by the Rules Committee, and I think it is a good rule, the language of the Eagleton amendment is open to an amendment to that amendment, or whether it poses a straight up and down vote on the substitute as authorized by the rule.

Mr. BOLLING. Mr. Speaker, will the gentleman from Ohio yield?

Mr. LATTA. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, will the gentleman repeat that so I can be sure of it?

Mr. LONG of Maryland. I wanted to find out whether in the authorization of the rule it is specifically provided, because it repeats the language of the Eagleton amendment, whether this allows someone to offer an amendment to that amendment as proposed by the gentleman from Georgia (Mr. FLYNT) or whether this keeps us to a straight up and down vote on the Flynt offer?

Mr. BOLLING. The substitute language could be amended. An amendment to the substitute language could be offered.

Mr. LONG of Maryland. One more question. Could any type of amendment be offered or would we be held to amendments which did not change the whole import of the language?

Mr. BOLLING. The gentleman from Missouri cannot foresee all possibilities. I can only answer that the normal rules of the House with respect to germaneness and so forth would prevail with respect to any amendments or the propriety of any amendments or to the ability of any Member to offer an amendment. That would be a ruling made by the officer in the chair. I cannot go beyond that.

Mr. LATTA. I would like to say I concur with the statement just made by the gentleman from Missouri about the rule. We spell the amendment out on page 2 of the rule and certainly the House could not change the amendment in such a form that it would not reflect what the Rules Committee has reported.

Mr. YATES. Mr. Speaker, will the gentleman yield for a question?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. YATES. After the rule is adopted by the House, will the bill itself be subject to any amendments?

Mr. LATTA. This is an open rule. If the Members want to change the bill the House passed previously they would have the opportunity to do so. I might point out, as the gentleman from Texas will mention in general debate, with one other exception dealing with the transfer of funds, this is the identical bill which was previously passed by the House. If I am not correct, I will yield to the gentleman from Texas (Mr. MAHON). But I see he is shaking his head affirmatively, so I must be correct.

Mr. LONG of Maryland. Mr. Speaker, if the gentleman will yield further, I do think this is important. Under the rule proposed here could an amendment be offered to the Flynt language which would reinstate the Whitten amendment with, say, a somewhat different date, maybe August 14 or August 1 or something of that sort?

Or, would this be so different from the intent of the rules committee in providing for a vote on the Eagleton amendment that it would be ruled out of order?

Mr. LATTA. Mr. Speaker, I would say that this is a parliamentary question which will be answered by the Chair when we get into general debate.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Texas (Mr. PICKLE).

(Mr. PICKLE asked and was given permission to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, is it my understanding that this is an open rule? Do I further understand that the gentleman from Georgia (Mr. FLYNT) intends to offer the Eagleton amendment as a substitute which we had voted on in the last few days?

I understand from conversations which I have had at the Chair that it would be in order then to offer amendments to the substitute which will be offered by the gentleman from Georgia, and if any of those amendments were passed, it would be an amendment to that substitute.

If that substitute passes, there can be no more amendments and the vote will be up or down on that issue. Thus, if I am correct, then, Mr. Speaker, if the substitute is passed, then there will be a vote on that up or down, and there can be no amendment beyond that point, is that correct?

The SPEAKER. The Chair will answer that this is a matter for the Chairman of the Committee of the Whole House on the State of the Union.

The Chair is not able at this time to take over the responsibility of making parliamentary rulings from the Chairman of the Committee of the Whole House.

Mr. LATTA. Mr. Speaker, the Speaker is absolutely correct. This is something that can be taken up in the Committee of the Whole House on the State of the Union.

The Rules Committee has provided an adequate rule to accommodate the different positions on this issue. We cannot in the Rules Committee set forth every possible amendment which could be offered to this legislation.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield further——

Mr. LATTA. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I intend to phrase that question in the committee and have the ruling on it.

I think I understand what will be the procedure, and I will also say to the House that if the substitute is not passed, I think a motion will be made then to amend the committee amendment.

Mr. LATTA. Mr. Speaker, I might say, as far as my own position in the Committee on Rules is concerned, I sought to save the House the task of plowing this same ground again and voted against this rule permitting the offering of the same amendment which caused the veto of this bill. This question has been before the House many, many times. We have stated our individual positions as a matter of record. The President has vetoed the language which is proposed to be again inserted by this amendment. We were 35 votes short of the number required to override the veto. The votes are not available to override another veto.

I do not think that we want to take this course again and send the same identical legislation downtown for a certain veto. I think we should realize it is time to compromise. We have a very serious situation on our hands. On Saturday night this Government will be without operating funds. Hundreds of thousands of people working for the Federal Government will deserve to be paid.

Mr. Speaker, I think this is too serious a matter to do something foolhardy, and I think it would be foolhardy on the part of the House to adopt the same language and send it to the White House for a certain veto. What would be accomplished by such an action?

Mr. HAYS. Mr. Speaker, will the gentleman yield

Mr. LATTA. I yield to my colleague from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I would like to say to the gentleman from Ohio that I respect his position. My position, I think, has been the same as his for a long time. I have never voted for any kind of amendment which would handcuff the President in his dealings with the situation in Southeast Asia.

On the other hand, however, the House has made certain plans for next week. Now, we are simply kowtowing to a veto, or being asked to, and I intend from here on out to vote for every amendment which will cut off the war in Asia which is offered on any bill.

Mr. Speaker, I just think it is absolutely absurd for us to be here dancing a jig while the President is vacationing out in San Clemente.

Mr. LATTA. Mr. Speaker, I might say that this is not a question of whether or not we are for or against continuing bombing in Cambodia. It is a matter of facing reality. I think we are reasonable individuals, and I think we all can count. When this issue was before us on the question of overriding the veto, the yeas were 241 and the noes were 173. The veto was sustained.

We were 35 votes short of the two-thirds necessary to pass it over the veto of the President.

My colleagues, we might as well face reality. The votes are not available to pass this bill over a veto, so compromise we must. The bill must become law and time is running out.

I yield back the remainder of my time.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that on the bill H.R. 9055, which the House will soon have before it, all Members may be permitted to revise and extend their remarks and include extraneous matter. I make that request, Mr. Speaker, in order that all Members may know they may insert their remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9055) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9055, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for one-half hour, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for one-half hour.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is refreshing to feel the atmosphere of serenity and calmness that pervades the House of Representatives today.

Not long ago, upon invitation, I went to the Kennedy Center and listened to a production by British actors of Shakespeare's "Midsummer Night's Dream." The actors spoke with such a British accent that I was not able to understand all they were saying. I did catch a line which was:

> What fools these mortals be.

Well, I am sure that William Shakespeare was not speaking of the House of Representatives, and certainly not of the other body. I have great respect for our institution, very great pride in the House of Representatives.

It is the genius of our system of government that we are always able to resolve our differences.

Yes, once we did have a war between the States, but otherwise we have been able to resolve our differences for almost 200 years.

So, Mr. Chairman, I would hope, and I earnestly believe, that today we will resolve the matters involved in this bill. Indeed, we must. We have no other alternative. And so I come to reason with you about this bill.

Mr. Chairman, the bill must be passed; it is our responsibility to pass it. It provides urgently needed funds for the current fiscal year which ends tomorrow night.

Mr. Chairman, maybe we could get along at this time without the $40 million in the bill for claims and judgments on which interest is running; maybe we could get along at this time without the $26 million for workmen's compensation benefits; maybe we could get along at this time without the $61 million for firefighting costs, and maybe even the $87 million for retired military pay could be postponed. Maybe we could put off appropriating the money for defaults on the student loan insurance fund and break faith with the lenders. But it would be bad indeed to decline to give the States the $614 million in the bill for grants to States for public assistance.

Failure of this bill would really bring vital programs to a grinding halt and bring condemnation and the contempt of the people upon the Congress.

Then there is $748 million for emergency flood relief for many areas of the Nation. This involves SBA disaster loans. The SBA has not been able to fund new loan applications since May 25. There are perhaps $175 million in loan applications pending at SBA and more will be coming in as accurate damage assessments can be made. There have been disasters in 29 States and the Government cannot respond with the assistance that is needed at this critical time.

There is also the matter of pay increases which we have promised by legislation for several million Federal workers. There is in this bill $891 million for pay costs for this final year.

So, of course, if we are to act responsibly, we must pass this bill, and we need to pass it before Saturday night.

Now, as has been stated, the amount of money appropriated in this bill is just the same as the conference agreement on H.R. 7447 when it was passed by the House earlier this week.

Yes, we did delete some transfer authority for defense because there was some controversy and we wanted to eliminate any controversy we could.

Mr. Chairman, I will urge that we not adopt any amendments to the bill and thereby bring on a lot of additional controversy. We have fought out these amendments heretofore. In five conference meetings with the Senate we finally settled on the bill, and what we have here is the conference version of the bill. So if we do not amend the bill with respect to the funds, then we come down to the question of what to do about the amendment involving combat activity in and over Cambodia and Laos.

Mr. Chairman, we have been up and down this hill before. We will have to compromise. There is nothing disgraceful about compromise. It is a necessary and honorable procedure, and without it we could not operate our system of government. We do not have a dictatorship, so we cannot permit any member of either branch to be a dictator.

Therefore, we must compromise our differences.

I have never, heretofore, supported a definite cutoff date applicable to Southeast Asia until this week.

But, along with others, I have to compromise, and so today in this bill, which bears my name, for the first time I am supporting a bill reported out of committee with an ironclad, ironfisted cutoff. After August 15, the President can use no funds in this bill or heretofore appropriated for combat activity in Cambodia or Laos.

Mr. YATES. Will the gentleman yield?

Mr. MAHON. I would like to proceed if I might.

So this measure seems to me to be something that I can reluctantly agree to, because we do have to have a compromise. The date of August 15 does not seem too unacceptable since compromise is required.

So here we are. There will be those who say "Well, the President has been a bit arrogant; the President has vetoed the bill." Well, the Constitution gives the President the right to veto a bill. And the Constitution also gives the Congress the right to override it. However, rightly or wrongly, the Congress did not override it. Now that the Congress did not override the veto, what do we do? Shall we just vote on the same bill that was vetoed before and go up that hill again? In my opinion, it would make us look childish, and in my view it would be unrealistic to undertake to do the same thing that we did before.

If we are going to make our system work, we have to provide a different arrangement. We have provided for a different arrangement here. In the final pages of the committee bill we have this language:

> None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia or Laos . . .

Of course, I must say there should not be any reference to Cambodia or the war in Southeast Asia in this bill. There are no funds in the bill for combat activities in Cambodia or Laos. But we have been forced to consider it. I regret that we have to consider it but this is necessary in view of previous actions. It says:

> None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by United States forces—

Funds in this bill will not be used that way, anyway. It is surplus language. But if that pleases people, that is good. We say then, and here is a definite, unequivocal cutoff——

> and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.

That language seems to be something that everyone could accept, some with great enthusiasm and others with reluctance, in order to solve this problem and take care of these emergency needs involving $3.3 billion and millions of U.S. citizens.

I just think regardless of how I or you voted previously we can say, "Well, I voted my feelings previously, but we now have come to an impasse and having come to that impasse and it being urgent that we provide funds to pay the Federal workers and make flood loans and all of the other needs, I felt I had to adjust to changed circumstances, even though reluctantly, and support a different approach."

As I understand it, now the White House and the administration are willing reluctantly to go along. The White House does not support any of this language, but as a matter of compromise they will.

So here we have compromise by the administration, and a compromise by those in the House who entertain different views. So we can reach a settlement, and that seems to be the way to approach this matter.

There will be those who will raise their voices and pound the table and say that this represents an abject surrender. How ridiculous, how indefensible such a statement. It is not an abject surrender to fix a definite cutoff date for the bombing and to try to work out a way to serve the best interests of the Nation and to provide this $3.3 billion which is urgently needed. It is not abject surrender to try to make our system of government work.

I hope we will not hear those words in the debate this afternoon.

So Mr. Chairman, I believe I have covered the case.

Let me suggest, if the Members wish to have a quick understanding of what this bill does, it is set forth in four pages in the report perhaps better than I have stated the matter in the remarks which I have made.

So, let us reason together and make our system work. Stiff-necked people have not been responsible for the progress this Nation has made in the past and stiff-necked people must not lead us into error today or for the future.

Mr. Chairman, the debate on the bill today will be centered around the Cambodian issue. The question of the amounts of money in the bill was settled by action of the conferees on H.R. 7447, the original second supplemental, and by adoption by the House and Senate of the conference report. But for the information of Members and others, I shall make brief reference to totals in the bill.

All the appropriated amounts are identical to what was provided in H.R. 7447 as sent to the President. The changes made in the bill before us today do not affect the appropriation totals. The bill totals $3,362,845,279, which is $244,260,225 below the budget estimates. The new bill is $336,394,000 under the Senate-passed version of H.R. 7447.

The bill before us today is $507 million above the total contained in the original bill when it passed the House. The Senate did consider additional budget estimates of more than $444 million which were not before the House. These new estimates were nearly all for expenses associated with recent flood disasters.

The RECORD of June 25, 1973, beginning on page 21164, contains a statement as to the principal features of the conference agreement on H.R. 7447. Since the appropriated amounts are identical to those contained in the pending measure, the statement accurately reflects the bill before us today.

Mr. Chairman, I have made reference to the report which accompanies this bill. It is relatively short and, under leave to revise and extend my remarks and insert extraneous material, I offer for printing in the RECORD the text of the report which includes a summary by chapter of the amounts in the bill compared to the budget estimates:

[H. Rept. No. 93-350]

SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1973

The Committee on Appropriations submits the following report in explanation of the accompanying bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

PURPOSE OF THE BILL

The President on June 27 vetoed the bill H.R. 7447, the Second Supplemental Appropriation Act, 1973. The bill provided additional funds for a large number of departments and agencies of Government. The great majority of the funds in the bill were for programs which were totally or virtually uncontrollable at this late date in the fiscal year. The President stated in his veto message that he was returning the bill because of his grave concern that the enactment into law of the so-called "Cambodia rider" contained in the bill would cripple or destroy the chances for an effective negotiated settlement in Cambodia.

The House of Representatives on June 27 voted 241 to 173 to override the veto, but this fell short of the necessary two-thirds voting in the affirmative required by the Constitution to override a Presidential veto. Accordingly, the message and the bill were referred to the Committee on Appropriations.

In his message the President emphasized that the provisions in the bill, other than the "Cambodia rider," contain a number of appropriations that are essential to continuity of governmental operations. He stated that it is critical that these appropriations be enacted immediately.

About 84 percent of the $3,362,845,279 in the Second Supplemental Appropriation Bill, 1973 as passed the Congress is for programs that are uncontrollable at this point in time. They are required for fiscal year 1973 accounts and include:

$391,604,000 for pay costs.

$747,748,000 for emergency flood and disaster relief programs.

$614,066,000 for grants to States for public assistance.

$190,900,000 for payment to the Civil Service Retirement fund.

$87,000,000 for retired military pay.

$60,963,000 for fire fighting costs.

$26,300,000 for Federal workmen's compensation benefits.

$39,308,029 for various claims and judgments against the government including Vietnam prisoner of war claims.

$32,700,000 for military mail privileges and postal costs.

Another 7 percent of the funds in the bill, the sum of $243,510,000, is for higher education items.

The Committee has considered the vetoed bill and recommends deletion of certain language originally contained therein relevant to Cambodia and Laos. However, it recommends new language prohibiting the use of any of the funds in this Act to support directly or indirectly combat activities by U.S. forces in, over or off the shores of Cambodia or Laos, and, after August 15, 1973, prohibiting the use of other funds heretofore appropriated under any other Act for such purpose.

Specifically, the Committee recommends that the language be stricken from Title I, Chapter II, Department of Defense—Military which read as follows:

GENERAL PROVISIONS

"None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

"Section 735 of the Department of Defense Appropriation Act, 1973, is amended by deleting '$750,000,000' and inserting in lieu thereof "$825,000,000': *Provided*, That on and after the date of enactment of H.R. 7447 of the 93rd Congress (a bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes), no funds may be transferred under the authority of section 735 of the Department of Defense Appropriation Act, 1973, to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces."

Similarly, the Committee recommends that the language be stricken as contained in Section 305 of Title III, General Provisions of the bill as passed by the Congress which read as follows:

"SEC. 305. None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces."

The Committee recommends a new section, Section 307, to Title III, General Provisions, to contain the following language:

"SEC. 307. None of the funds appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose."

The first part of this new section is identical to the language contained in the Continuing Resolution as passed by the House on June 26, 1973. For all practical purposes, this portion of the section is inoperative in the current version of the bill because the Committee is advised that none of the funds included in the Second Supplemental Appropriation Act, 1973, are applicable directly or indirectly to any combat activities by U.S. forces. Monies in the bill for the Department of Defense are solely for Military and civilian pay, military retired pay, mail and postal costs, and medical scholarships. As indicated above, the language providing an additional $75,000,000 in transfer authority to the Department of Defense has been stricken in its entirety from the bill.

The remaining portion of Section 307, ". . . and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose," is self explanatory. The Committee believes that this language, which prohibits after August 15, 1973, the expenditure of other funds heretofore appropriated under any other Act to support combat activities by U.S. forces in Cambodia or Laos, is a reasonable compromise under the circumstances, and can be supported by a majority of the House.

The new bill submitted by the Committee otherwise contains the identical sums and provisions for the various items of the several departments and agencies as the bill vetoed by the President. Recognizing that an acceptable solution must be found for the disposition of the many items of critical importance for the fiscal year which ends this Saturday night, the Committee determined this to be the most reasonable and responsible course to follow.

SUMMARY OF ESTIMATES AND APPROPRIATIONS

The following table compares, on a chapter summary basis, the budget requests considered and the amounts recommended in the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
SUMMARY

Chapter No.		Budget estimates	Recommended in bill	Bill compared with estimates
	TITLE I—GENERAL SUPPLEMENTALS			
I	Agriculture-Environmental and Consumer Protection	$47, 100, 000	$59, 387, 000	+$12, 287, 000
II	Defense	253, 848, 225	165, 026, 000	−88, 822, 225
III	District of Columbia	8, 500, 000		8, 500, 000
IV	Foreign Operations	738, 000	700, 000	−38, 000
V	Housing and Urban Development, Space, Science, and Veterans		20, 000, 000	+20, 000, 000
VI	Interior and related agencies	96, 498, 000	67, 281, 000	−29, 217, 000
VII	Labor, Health, Education, and Welfare	1, 163, 715, 000	1, 116, 784, 000	−46, 931, 000
VIII	Legislative branch	$20, 502, 250	$20, 597, 250	+$95, 000
IX	Public Works	85, 200, 000	103, 350, 000	+18, 150, 000
X	State, Justice, Commerce, and Judiciary	523, 594, 000	541, 598, 000	+18, 004, 000
XI	Transportation	49, 646, 000	43, 883, 000	−5, 763, 000
XII	Treasury, Postal Service, and General Government	315, 667, 000	309, 527, 000	−6, 140, 000
XIII	Claims and Judgments	23, 108, 029	23, 108, 029	
	Total, title I	2, 588, 116, 504	2, 471, 241, 279	−116, 875, 225
	Title II, pay costs	1, 018, 989, 000	891, 604, 000	−127, 385, 000
	Grand total, titles I and II	[1] 3, 607, 105, 504	3, 362, 845, 279	−244, 260, 225

[1] Includes $444,225,070 in budget estimates not considered by the House.

Mr. CEDERBERG. Mr. Chairman, I yield such time as he may consume to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I will try to state as the chairman of the great Committee on Appropriations has stated a view that I think is sound in this national emergency that we face.

Anyone familiar with my remarks and my voting record for the last 5 or 6 years on this issue would know very, very well that I would never write the language of this appropriation bill, section 307. That I would never support this language unless I was convinced that that language was the only solution out of a very serious dilemma that we face in this country. We face it in the House right now. The other body will face it shortly and the President will face it when this legislation gets to him.

My record is clear from the very beginning. I have time after time after time opposed any cutoff date, period. I have resisted many efforts by Members on the other side of the aisle and some on this side of the aisle who have repeatedly over a span of years sought to get the Congress to approve amendments that would limit the authority of the President to conduct military operations in Southeast Asia. I have never challenged the motives of anybody who felt differently than I. I have sought to vigorously set forth my own views and I have tried to convince individual Members on both sides of the aisle to adjust their views with mine.

But we have a different situation today. It seems to me that we should now, at this critical juncture, accept the language in this appropriation bill, section 307. This is not my language. This is not the language of the people who have felt totally different than myself. It is a compromise that in my judgment reasonable people can accept as we face a very critical problem in the United States.

With those introductory remarks, I should like to state as clearly and as unequivocally as I can information that may be of some help and assistance to those individuals who are undecided how they are going to vote.

I have communicated directly with the spokesman at the White House last night and again today, and I am authorized to say the following: No. 1, the President will definitely accept and sign a bill that contains the language in section 307. No. 2—If military action is required in Southeast Asia after August 15, the President will ask congressional authority and will abide by the decision that is made by the House and the Senate, the Congress of the United States.

Let me add a third point. The third point is just as clear as the other two. The President will definitely veto any legislation that contains any restriction sooner than August 15. It is August 15. No earlier date.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman is saying, then, that the President will, if more time is needed, ask Congress around August 15 for more time?

Mr. GERALD R. FORD. Let me phrase it this way.

Mr. LONG of Maryland. I got that impression from what the gentleman has said.

Mr. GERALD R. FORD. I think what the gentleman has said is a reiteration of what I have said.

Mr. LONG of Maryland. Yes.

Mr. GERALD R. FORD. If the President wants to take any military action in Southeast Asia after August 15, he will come back to the Congress and request that authority.

Mr. LONG of Maryland. He will ask for more time?

Mr. GERALD R. FORD. He will ask for authority to pursue any military operation.

Mr. LONG of Maryland. Right, which is to ask for more time; is that not what it is?

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I do not want to get into any disagreement here. I have the highest respect and regard for the gentleman from Michigan's word and have for many years, but I am very nervous about the question of assurances from spokesmen in the White House. Let me say this: I understand that just as of an hour or so ago in the other body there are meetings taking place between the chairman of the Committee on Foreign Affairs and the Secretary of State, wherein they have been discussing this question of trying to work out a compromise solution to the Southeast Asia problem, and my latest understanding is that although there is an indication on the part of the Secretary of State, and a willingness to work out some modus operandi in this matter, the fact of the matter is that as of the present time, I understand, we cannot and have not received any absolute assurances such as the gentleman just stated.

This does create a problem here, because we are being asked to compromise, and we are all compromisers in this Government, but there is no offer of compromise from the other side excepting an open-ended ticket.

Mr. GERALD R. FORD. Because I suspected, and properly so, that there would be a discussion on the floor of the House at this time. I went back this morning and got a reconfirmation of the information that I had last night late, after we finished yesterday's deliberations.

Mr. GIAIMO. Can the gentleman tell us from whom?

Mr. GERALD R. FORD. I will be frank with the gentleman; I did not talk with the President, but I am talking of people who have told me they have talked with the President.

Let me just reiterate what I said. I happen to believe the sources, and I will add, if it means anything to my friend, the gentleman from Connecticut—I know it will not mean anything to some people, but I trust that it will make some impact on the gentleman from Connecticut.

What I am saying on behalf of the President I will stick by, which means that I will not come in the well of the floor of this House and ask for any extension beyond August 15 if there is not a Presidential request for congressional authority. I will make that firm commitment here on the floor of the House.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I understand what the gentleman means by his statement. Of course I would take the gentleman's statement any time, any place, anywhere. The only thing that disturbs me, I say to the gentleman from Michigan, is that the information I have is that the Secretary of State has apparently indicated this morning that although they will try to work something out they have not committed themselves to any firm position as to time.

Mr. GERALD R. FORD. Let me just say that I believe my sources. I have reconfirmed them. I have given my personal word. And I might add a postscript. I hope this is not misunderstood. I do not think that any further extension could be achieved on the floor of the House if I and some others did not try to get it, so whether it is a sufficient word or not I think the White House has to understand that they are not going to get it unless they come back, ask for it and get congressional authority.

Mr. du PONT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Delaware.

Mr. du PONT. Mr. Chairman, I think the gentleman's second point of the three he made is a very important one. I would just like to clarify that and make sure we all have an understanding of it. As I understand what the gentleman said, if the President believes that military activity is necessary in Southeast Asia—and that would include Cambodia, Laos and North and South Vietnam—after August 15, that he will come back and request such authority from the Congress. That means to me he is affirming the constitutional principle that the authority is here in the Congress for such operations at least in that section of the world. Is that the gentleman's understanding?

Mr. GERALD R. FORD. I am not going to get into a constitutional discussion. We had some of that earlier this week. I suspect we will have that discussion after the recess when we consider again the war powers bill.

There is, I concede, some debate and difference on that issue. All I can say is that in this instance under these circumstances I have the word of the White House. I have gotten reconfirmation of it. As a practical matter I am sure that is what will happen if there is any need and necessity for such authority after August 15.

Mr. du PONT. If the gentleman will yield further I think that is a very important point to consider in our deliberations, the fact that we have that kind of agreement from the President of the United States.

I thank the gentleman for yielding.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, do I understand correctly that under this bill which would authorize bombing to be continued up to August 15 the White House is committed when this bill is enacted and signed into law that all bombing would cease on August 15, that all military activity in and over Laos, Cambodia, and North and South Vietnam would cease unless the President came back to the Congress and asked for and obtained authority to commence military activity?

Mr. GERALD R. FORD. That is my understanding.

Mr. McCLOSKEY. And we are going to be in recess from August 3 until September 5, so there is a period of some 3 weeks that we could be assured that there would be no combat activity in or over Indochina unless Congress is reconvened and gives its approval?

Mr. GERALD R. FORD. That would be my understanding.

Mr. McCLOSKEY. And the gentleman in the well, the minority leader, will lead us in the effort to obtain that commitment from the White House or do we have that?

Mr. GERALD R. FORD. Will the gentleman repeat that again? I want to be very frank.

Mr. McCLOSKEY. Does the distinguished minority leader have this commitment from the White House, from the President that the bombing ceases August 15?

Mr. GERALD R. FORD. I do not have the answer to his precise question as he phrases it but as I interpret what they have said it would include a "Yes" answer to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, from my own position, I do not know how I will vote on these matters, which to me can be perhaps the greatest constitutional question since the Civil War, but how I vote will depend on whether or not the White House is willing to make that commitment precisely. I think we have time to obtain that commitment between now and the time this vote will occur.

Mr. GERALD R. FORD. Mr. Chairman, I want to be very frank with the gentleman from California. I am not going back and ask the precise question the way the gentleman phrased it. I do not think we have to have it as the gentleman necessarily phrases it. I have it in a way that I think covers any and all contingencies, including the way the gentleman from California phrased it.

I have no feeling that there is any difference in the way he phrased it and the way I sought to explain it. Therefore, I think we have to have faith in the gentleman from California, myself and others, that the situation is covered.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I understand the reason for setting the time at August 15 was so that we can negotiate further. What leads the gentleman from Michigan to believe that there has been any change on the part of the parties involved in the negotiations which would enable us to get the idea that they will not wait until August 15, if we do set the date? That is the argument that has always been used against setting a date.

Mr. GERALD R. FORD. Mr. Chairman, I agree, and I understand it, but I am also told that there has been and there is now and there will continue to be active negotiations involving Cambodia at a very high level. The anticipation is that there is some reason for optimism. In my judgment, the White House apparently is willing or believes that between now and August 15 there is reason for a settlement at the negotiating table.

Mr. WOLFF. Mr. Chairman, is this not the same thing that was told to us in early May, which is some 50 days ago, as to the fact that we were going to be able to conclude negotiations with these high sources or high authorities? I support the Flynt amendment to cease the bombing upon the enactment of this bill.

Mr. GERALD R. FORD. Mr. Chairman, I think the gentleman is right, but we started negotiations with the North Vietnamese back in 1968. We did not make much progress, but the effort has been continuous. We finally solved the problem by getting a peace agreement in January of this year. I have to rely on the people who have been involved in those negotiations. I am informed that they have some reason for optimism, and I am going to believe it.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, we are talking about how successful the negotiations may be. Successful or unsuccessful, we provide and make provision in this bill for a cutoff of combat activity in Cambodia and Laos. It is not dependent upon any successful negotiations concerning the Cambodia question.

This is the first time that the members of the Appropriations Committee have joined together, in submitting a bill to fix a cutoff date. If the combat activity continues beyond that date, it will be in defiance of the express statutes of the land.

Therefore, it seems to me a pretty clear situation. I, for one, propose to stand by the provision which we have before us, and I believe that the Members of the House would feel likewise, that there are no escape hatches. It is just a matter that it is over so far as combat activity by U.S. forces in or over Cambodia or Laos is concerned after August 15. That is the answer. Of course, with respect to North and South Vietnam, we have specific obligations under the January cease-fire agreement and they must be adhered to.

I certainly have received assurances from people such as Mel Laird, although I have not talked to the President, but these assurances have been unequivocal. However, it does not make any difference whether we have assurances or not in taking this action.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I want to be sure I heard the gentleman's answer to the gentleman from Delaware (Mr. du PONT). This includes, this agreement, South Vietnam.

Mr. GERALD R. FORD. It includes Southeast Asia, and South Vietnam is in Southeast Asia.

Mr. ROUSSELOT. So in fact it is more total in its all inclusiveness than previous statements.

Mr. GERALD R. FORD. Yes. Southeast Asia has a broader context than just North and South Vietnam, Laos, and Cambodia.

Mr. ROUSSELOT. So it is really more inclusive than the coverage in previous times.

Mr. GERALD R. FORD. That is my understanding.

Mr. ROUSSELOT. If the mechanics work out, and we recess on August 6, and something does occur, so that the President feels he must use additional military force beyond that date, will it be, in all likelihood—I know there can be no guarantee—submitted prior to our recess?

Mr. GERALD R. FORD. No. 1: I hope the negotiations will have resolved the problem, the one remaining problem, a government in Cambodia, before that date. If that has not been resolved by August 6 I believe the President will have to go to August 15 and stop military operations in Southeast Asia. If something comes up which justified, in his opinion, the consideration by the Congress of further military activity in that area, I believe he would have to ask the Congress to reconvene and consider his proposal.

I do not look down the road and anticipate that, but as I understand the commitment that is what it means.

Mr. ROUSSELOT. I appreciate the gentleman's answer.

Mr. HEINZ. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. I thank the minority leader.

I believe the minority leader made a very good point on the statement he made earlier about the inclusion of North and South Vietnam in the prohibition we are talking about with respect to Southeast Asia after August 15. Would the gentleman in the well support an amendment to the bill reported by the Committee on Appropriations that would make explicit in the bill the inclusion of North and South Vietnam?

Mr. GERALD R. FORD. I do not believe it is necessary. I do not believe it is essential.

Mr. HEINZ. Why would the gentleman contend it would not be necessary?

Mr. GERALD R. FORD. In the first place, I have the word of the White House. I have made my own commitment that it includes Southeast Asia. If we start enumerating North and South Vietnam then we have to define Southeast Asia, and may have to redefine our obligations under the January cease-fire agreement.

Mr. HEINZ. The gentleman would not oppose such an amendment?

Mr. GERALD R. FORD. I am going to stick by the language in the bill, with the assurances that have been made.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. ARENDS. In regard to the statement made just a few moments ago by the gentleman from Connecticut (Mr. GIAIMO) based on information he believed to be correct, let me inform the House that the Secretary of State has not been over to the Senate today. No such conversation took place.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for a question?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. LEGGETT. I believe we have made considerable progress in our conflict of will with the White House with respect to the termination of the war in Southeast Asia. We can all take heart today that at least we know the war is going to be ended come the middle of August.

What we are still concerned about, of course, is the fact that between now and August 15 we are going to be dropping, with 100-plane raids, per day, on the order of 180,000 250-pound bombs in an effort to kill about 100 to 150 alleged Communists, 90 percent of whom are indigenous Cambodians.

What I cannot quite understand is why it is necessary for the President to pledge to grind the operations to a halt in the domestic affairs of the United States in order to accomplish that particular Cambodian objective and to risk the loss of further additional dead American flyers, who undoubtedly will die over the next month and a half, and further missing in action, all for a nebulous agreement which may be forthcoming, when we have just had additional protocols executed and put in effect.

Mr. GERALD R. FORD. Mr. Chairman, let me respond in two respects. Unless we get a settlement in Cambodia, a government, and a cease-fire, we are in effect abandoning any verification of MIA's. This is the only way we are going to get any verification of MIA's.

No. 2, as was indicated earlier, I have always voted against any cutoff. The gentleman from time to time, if I recall his record accurately, has voted consistently to impose a prospective cutoff. So by voting for August 15 on this occasion and authorizing certain military activity between June 29 and August 15, he is not doing anything differently than he has done in the past by voting for a prospective cutoff date of 60 or 90 days.

Mr. BUCHANAN. Mr. Chairman, will the distinguished minority leader yield?

Mr. GIAIMO. Mr. Chairman, will the minority leader yield?

Mr. GERALD R. FORD. Mr. Chairman, let me get the comment from the gentleman from Alabama (Mr. BUCHANAN), first, because what the gentleman from Alabama says may relate to what the gentleman from Connecticut wishes to discuss.

Mr. BUCHANAN. Mr. Chairman, one of the top assistants of the Secretary of State has just indicated to me that the Secretary did testify yesterday before the Senate Foreign Relations Committee and did make some remarks concerning there being no agreement at that time, at 2 p.m. yesterday afternoon, to the chairman of the Foreign Relations Committee. However, he has not had further conversation today on this subject with anyone, and the State Department says that what the minority leader said in the well of the House at this hour is the way it is, that there is agreement which is firm and there is no question about it, and they by no means wish to confuse or challenge that. What was quoted earlier concerning there being no agreement is what the Secretary said prior to the word the minority leader received from the White House last night or this morning.

Mr. GIAIMO. Mr. Chairman, will the minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I thank the gentleman for yielding.

The gentleman knows that I do not want to misstate or deceive anyone in this Chamber, and certainly not the gentleman from Michigan. What I said or what I should have said is that Senators JAVITS and FULBRIGHT had a meeting this morning, but the meeting with the Secretary of State took place last night, as the gentleman said. But as of this morning, when they did have a meeting, there was an announcement made by Senators JAVITS and FULBRIGHT that as of the present time, about 11 a.m., there had still been no meeting with the Secretary of State.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. HANNA. Mr. Chairman, will the gentleman from Michigan yield?

Mr. GERALD R. FORD. Mr. Chairman, I will yield to the gentleman from Alabama (Mr. BUCHANAN). Then I will yield to the gentleman from California (Mr. HANNA).

Mr. BUCHANAN. Mr. Chairman, I will simply underline that what the minority leader has promised in the name of the President is the same as the State Department's understanding of the President's position and that the agreement is firm and clear.

Mr. GERALD R. FORD. Mr. Chairman, I will now yield to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I thank the gentleman for yielding.

I am one Member who thinks that a considerable amount of progress has been made and that we should give full and intelligent consideration to the fact this is in effect a real compromise. I bring this suggestion to the committee: That in striking the language that previously existed, and in particular looking at the general provisions in section 735, I notice that the language previously was to the effect that no money shall be transferred after a particular date; that was in the other language. But in the language now being recommended by the committee, it puts in, both as to the money in this bill and as to the money heretofore appropriated, the language that after the date of August 15 no money shall be expended.

Now, I trust I am correct in this, and I wish that the chairman of the committee would correct me if I am wrong, because to me this is a very important point. I am particularly concerned that there be a tandem relationship between the money to be expended and the activities that are going on.

Mr. Chairman, am I right now in my understanding that by putting this language in, in relation to expenditures, we can be assured that the flow of money and the stoppage of activity are coincidental as of August 15?

Mr. MAHON. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. MAHON. I would say you are precisely correct.

Mr. HANNA. To me this is a very important aspect of this compromise, and I believe, precisely as the gentleman in the well does, that it does not make any difference what the President assures. If this Congress makes the law clear, then the President is bound by it. The only way he could change this is to veto this law. I would take it from the statement of the gentleman in the well that if he vetoes this one, we will override his veto by a very substantial margin.

Mr. GERALD R. FORD. I yield to the gentleman from California (Mr. McCloskey).

Mr. McCLOSKEY. As I understand the gentleman in the well, it is that the language of section 307 in the committee bill is intended to include Southeast Asia, North and South Vietnam as well as Cambodia and Laos.

I would like to ask this question of the distinguished chairman of the Committee on Appropriations, who will head our conferees, if we may have the understanding that if we vote for section 307 as it is included here, out of the conference will come the language that includes Cambodia, Laos, and North and South Vietnam, if the leader of our conferees will commit himself to that position.

Mr. GERALD R. FORD. While the chairman is discussing a matter with a colleague, let me make a suggestion. I have clearly indicated my interpretation of what the White House understands to be the situation. I do not think we ought to amend this bill today, because I have concern about our peace agreement obligations, but if the other body adds North and South Vietnam in this context, I would have no hesitancy about having the House accept that.

The CHAIRMAN. The gentleman has consumed 30 minutes, and the time of the gentleman (Mr. Cederberg) has expired. The gentleman from Texas has 17 minutes remaining.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield me 2 minutes?

Mr. MAHON. As I have committed all of my time on this side, I can yield only 1 minute to the gentleman from Michigan, Mr. Chairman.

Mr. GERALD R. FORD. I have yielded an awful lot of time to an awful lot of people, and I would like to have 1 minute.

I yield to the gentleman from California (Mr. McCloskey).

Mr. McCLOSKEY. I would just like to make this statement: We have tried and failed to get the two-thirds majority necessary to write into the law of the United States that this conflict will be ended on a date certain. If the President will sign existing 307 in this law, for the first time we will have reestablished the constitutional power of the Congress to prevent any further conflict. Since we cannot get the two-thirds majority to write it into the law today, I am prepared to vote for 307 if it comes out of the committee in order to reestablish the Constitution.

Mr. GERALD R. FORD. I hope that the bill is approved as it is being presented.

Mr. CEDERBERG. Will the gentleman yield to me?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. CEDERBERG. I did have some time and it is gone, but I think it was for a very worthy purpose. I think that the compromise spirit is here, and I only hope it will prevail, because it is essential for the best interests of keeping this Government operative.

Mr. McKINNEY. Mr. Chairman, this past Monday, the House of Representatives by a vote of 235 to 172 prohibited the use of any funds contained in the second supplemental appropriations bill, or any previous appropriations bill, for combat operations in, over, or off the shores of Cambodia and Laos.

Our vote on Monday was a logical extension of the position which this body assumed on May 10 when by a vote of 224 to 172 we prohibited the use of any funds contained in the second supplemental appropriations bill for combat activities in Laos and Cambodia.

The majority of the Members of this House have on two occasions in the past month explicitly voted to end America's combat role in Indochina.

And yet, Mr. Speaker, the will of the majority of this Congress has been thwarted by a Presidential veto, sustained by one-third of the Members of this body. The issue before us today is twofold: Is it the will of this Congress to end the bombing of Indochina? And shall the will of Congress be determined by a simple majority of our Members, or shall we be dictated to by a minority of one-third?

As I have continually stated in the past, I am hard pressed to find any justification for the continued bombing of Cambodia either on strategic or legal grounds. If nothing else, the last 10 years have proven that peace in Asia will not be achieved by massive American bombing. The authority which a past Congress vested in the Presidency through the Gulf of Tonkin resolution is not the policy of the 93d Congress. We have clearly broken with the past.

For the first time since the Congress surrendered its constitutional powers to the executive branch almost a decade ago, we have the opportunity to reassert the right of Congress to decide when American men will go to war. If we accept section 307 of this bill, American combat involvement in Indochina will cease once and for all on August 15. If the President should wish to continue the war in Indochina he will have to petition the Congress to do so. Under the provisions of section 307, the decision to maintain American combat involvement in Cambodia and Laos will be decided by a simple majority of the House, not one-third.

Therefore, today I will join with those who have voted against this war since their very arrival in Congress in voting for section 307 of the supplemental appropriations bill. In so doing, I do not for one moment condone our bombing Cambodia. To me, the overriding issue is that in the acceptance of section 307 and in the President's signing that section, we are receiving from the executive branch of the Government the first agreement in over 10 years and the first acknowledgment since World War II that the President of the United States may not put American military men, forces, or money into action without the approval of Congress.

With the addition of the Case-Church amendment this morning, the provisions of section 307 now include not only Cambodia and Laos but South Vietnam, North Vietnam, and Thailand as well. The President's signature on this bill is, in fact, his endorsement of a Southeast Asia War Powers Act. He is very clearly stating that it will be the law of the United States that there be no activities in Southeast Asia without the approval of both Houses. And that approval he will not get.

So, we find ourselves pledged to an end of the bombing in Southeast Asia, yet put in the incredible moral dilemma of having to authorize this bombing until August 15. If the Addabbo amendment, which I had voted for, had passed, bombing still would have continued for 15 or 20 days. It is very small consolation that we have achieved what we have by having to authorize bombing for another 20 days. But I think the overriding issue was, and still is, the fact that we recognize the constitutional power of the legislative branch to control the military adventures of the United States. For that reason, with reluctance but with a firm conviction that the issue is far bigger than 20 more days of bombing, I will join my colleagues in our decision to close the war off on the 15th. We do this with the strong feeling that the constitutional and legislative strength of this bill will give us the renewal of the power this House threw away almost a decade ago.

Mr. WHITTEN. Mr. Chairman, for many years I have served on the Subcommittee on Defense of the Committee on Appropriations, and certainly since 1967, when I spoke to the annual convention of the National Reserve Officers Association—and 200,000 copies of the speech went out all over the country—calling for an end to the war in Southeast Asia, I have done everything that I knew to bring the war to a conclusion.

We are at a place where at long last we can have the end in sight. I say that so that you may know there has not been anyone on this floor more active in trying to bring the fighting and combat to a satisfactory conclusion.

We have a nation with three equal and coordinate branches of government. As I have said many times, there must be a comity of understanding between those three branches of the Government or else our Government fails.

Despite the efforts of everyone here, despite the deep feelings of all of us who are in this House, if we do not accept section 307 as follows, there will be no time limit, nor other limit on the bombing in Cambodia and Laos, and there will be no end to this fighting. Unless we are able to pass this bill and get it signed, our efforts have been futile.

The Flynt amendment would simply be repetition of the provisions we had when the bill passed before. It was vetoed then, and if the amendment is adopted today, it will once again be vetoed. We did not have the votes to override the veto before, and we do not have the votes to override a veto this time. Therefore a vote for the Flynt amendment is a vote for another Presidential veto, when on the other hand, we are presenting you with an opportunity to enact into law a provision which will once and for all place a time limitation on the duration of the bombing in Cambodia and Laos.

Mr. Chairman, the language of the bill which I wrote in the committee is an attempt to be practical and bring to a halt the war in Indochina at the earliest possible date. The section is as follows:

> None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by the United States forces, and after August 15, 1973, no other funds heretofore appropriated under any Act may be expended for such purpose.

Now if we accept this language with the assurance given here to the effect that the President will sign this bill, then we will have a limit on the bombing. We have none now.

I would have liked to have had the bombing stopped last month, even back in 1967 and before, but we found we could not. As long as the present stalemate exists we will have no limit.

I am saying, Mr. Chairman, that there is only one vote to be cast. I trust that vote will support the committee section 307.

I believe that I have tried everything that any one person could, long before 1967 and up to date, to bring this unfortunate war to an end, and now, finally, we have in front of us a chance to bring this fighting to halt.

If we turn down this opportunity to end the existing stalemate, then we will not have accomplished a thing. We cannot afford such a course.

I, therefore, ask the Members to stand by the committee and by this statement, where we know we will have solved the problem.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I thank the gentleman for yielding me this time. I did not have time to speak on my own time, but I just wish to say that I believe that everyone in this House knows what my position has been in this matter, and that I have supported President Kennedy, President Johnson, and President Nixon in these matters. But now I think that we have arrived at this point where we now are, and I will accept this language.

As the ranking member of the Committee on Appropriations, I will abide by this language.

I wish to thank the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) for his assurances in this matter because my actions will be guided by those assurances.

Mr. WHITTEN. Mr. Chairman, in conclusion, let me say to all of the Members, let us vote for the one opportunity we have to set a deadline, which is in the committee bill as we bring it to the Members. Again, I urge you not to vote for the Flynt amendment which is exactly the same language that resulted in a veto before, for it will cause a veto again; and the stalemate over the bombing will continue without limit. For what it is worth I believe the Senate will follow us.

The points I make here even outweigh the urgent needs for the financing in this bill which our report lists as follows:

$891,604,000 for pay costs.

$747,748,000 for emergency flood and disaster relief programs.

$614,066,000 for grants to States for public assistance.

$190,900,000 for payment to the Civil Service Retirement fund.

$87,000,000 for retired military pay.

$60,963,000 for fire fighting costs.

$26,300,000 for Federal workmen's compensation benefits.

$39,308,029 for various claims and judgments against the Government including Vietnam prisoner of war claims.

$32,700,000 for military mail privileges and postal costs.

Another 7 percent of the funds in the bill, the sum of $243,510,000, is for higher education items.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, on May 10 I offered an amendment to this bill when it came before us originally to strike $450 million of transfer authority. The Members supported that amendment. When I offered that amendment to the Members I offered it to them on this basis. It seemed like a very simple request by the Department of Defense to transfer from one account to another funds, and they admitted in their hearings that the funds would be used for bombing.

I told the Members at that time that the Air Force, the Department of Defense, did not need the money. They needed the stamp of approval of this House to conduct an illegal operation in Cambodia and Laos. We told the President and the Department of Defense that we want no part of that war; it is a new war. The Department of Defense trying to get that transfer authority compromised all the way down to $75 million; from $450 million to $75 million.

Today in the bill before us there is not one dollar request for transfer authority, which only proved the fact that they did not need the dollars; they wanted the stamp of approval, a new Gulf of Tonkin resolution to continue a new war in Cambodia and Laos.

Today we have a new bill before us, and all those who spoke vehemently against my amendment on the transfer authority question stated what would happen—our armies, our navies would stand down if we did not give them this transfer authority—suddenly say, we are going along. They do not need this transfer authority, but we are going to give you a different compromise. Even if we do not like it, we are going to step all the way back. We are going to give you some nebulous assurance of August 15.

If the President wanted to give us that message, he could have teletyped a message to this House telling us "August 15." We do not have that message before this House. We have commitments, and I believe the gentlemen who have given us those commitments, but we do not have a Presidential commitment. What we do have before us this afternoon is a request to continue bombing until August 15, to give the support, the stamp of approval, of this Congress. What they could not get through transfer authority, they are now trying to get through a subterfuge of August 15, a stamp of approval for an illegal war in Cambodia and in Laos.

They say to the Members, "If you want to enjoy a week's vacation back home, let the Department of Defense continue to bomb, to expend millions of dollars, and expend American lives until August 15."

Mr. Chairman, we are legislating on an appropriation bill. The rule granted today says this House this afternoon has the right to legislate on an appropriation bill. The Members are being asked to legislate a war until August 15.

If the continuing resolution is signed, the bill that we passed, cutting off immediate funds for any bombing, and this bill passes with the August 15 date, the Members will have legislated that the Defense Department can continue to bomb beyond July 1. If the Members give August 15 in this bill as the cutoff date, they will have legislated continued bombing to August 15. If the Members are against the war, if they do not believe in this illegal action, then they must support the amendment that we have this afternoon offered by the gentleman from Georgia (Mr. FLYNT).

If the Members are for the war and they want to justify the war, then vote for this bill as it appears before us.

Mr. Chairman, all of us here know the issue in front of us. It is, in part, whether or not the Congress will concur in the bombing activities now underway in Cambodia. It is also partly a matter of whether the Congress will stand up for the position it has already taken several times in the last few days, or whether it will submit to the will of the Executive. I remain convinced the House will again vote to ban any further bombing. For my part, I am willing to remain here as long as it takes to convince the President the Congress means what it says.

I think that our actions on previous issues are responsible for our being here today. We in the Congress have for years always submitted to the President, no matter who sat in the President's chair. That, I believe, is no longer the case. It is doubtful that few people fully realize the change that has come over the House of Representatives. Perhaps those who realize it least serve here in this Chamber. There are a determined number of people in the House who will not back down, who will not cave in to the President and who are willing to go eyeball to eyeball with him.

To that point let it be clearly understood that we are willing to remain here as long as is necessary, to undergo countless vetoes to get the message across to the Executive. On this issue, we will not be bowed. We do not do this to haggle. We do not do this to simply spar with the President of the United States. The issue, once more, is quite clear. Our intention is to stop the bombing. We seek nothing more. We will accept nothing less. The Congress in exercising its constitutional rights must do as it sees fit; the President may respond as he desires.

By voting to end the bombing, the Congress is saying that dropping bombs is not a good way to negotiate. The lives of American airmen are not to be used as fodder for negotiated settlements. Disputes within the boundaries of other nations must be resolved, and the United States may be a party to the negotiations if it so desires, but the Congress will not allow U.S. military intervention without its express approval. We are saying to the President that he has his rights and the Congress has its rights, and that the dispatching of U.S. military men to battle is a constitutional right of the Congress and not an extension of the President's right to negotiate.

We in this Chamber have all listened to the conventional wisdom of some of our leaders who urge that we drop this subject for now and take it up again at a more convenient time. There is nothing convenient about war. There is nothing convenient about the dropping of bombs. Under any rule of reason the dropping of bombs is an act of aggression and it is our Nation, our bombers and our countrymen who are doing this by direction of the President of the United States.

These acts are done in the name of negotiating: How or why I do not pretend to understand. How in the name of everything sacred can we Members of Congress go blithely off on a summer holiday without putting and end to this? Our national security is not threatened by the Cambodian belligerents. Our nationals in that nation ought to be neutrals and free from involvement in the fighting. If they are not, they certainly ought to be removed. So what we are left with is bombing as a ploy for international negotiations. I find it hard to comprehend how the bomb that explodes in a Cambodian village strikes a blow for peace in the world.

I do not see how we can fail to adopt an amendment to end this military activity in Cambodia. I think it is time that our Nation turn off the motors of war. I would hope an end to the fighting in Cambodia could be found. I would like peace in that nation as much as the President of the United States. But the way to help others seek peace is not to declare war on them. We serve no surge for peace by bombing in Cambodia. More likely, we in our continued bombing serve as a catalyst for continued violence and death.

I urge those who have voted to end the bombing before to do so again. And again, if necessary. We can end this bombing if we stand firm. We can, and I believe that we shall.

Mr. MAHON. I yield 3 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, as the gentleman from New York said, we are legislating here today by the authority of the Rules Committee, and we are legislating, make no mistake about it, because whether the date is August 15 or June 30 or July 15, we are in effect by this legislation sanctioning bombing and sanctioning a war.

Here we are at this moment where the entire economic and domestic affairs of the United States could well be tied up tomorrow night in order that the United States, the most powerful Nation in the world with the most powerful Air Force can continue to bomb helpless peasants running around in Cambodia from one hideout to the other. Is there no morality left in our hearts in this Nation? Doesn't anyone worry about this at all?

Now we are told that we have assurances. I will take the assurance of the gentleman from Michigan, the minority leader, as I have said, at any time. He is a most trustworthy man and one of the most able legislators and public servants I have ever had the privilege to serve with, and I believe him when he says he would come in after August 15 and insist on the commitment he has made today against further bombing and combat activities.

But think of our problem today. Think of where we are. The whole country is coming to a halt. There is one person who by a simple press statement today could clarify this matter, and yet we hear nothing but silence from the one man who could clear it: The President of the United States.

He has spokesmen, but he himself remains silent.

The other body has met this morning. They finished at 11 o'clock. They are goback into session at 2 o'clock in the Foreign Relations Committee. The announcement from the Senators from both parties is to the effect that as of 11 o'clock there is no agreement. There is no agreement.

So we are asked to violate our constitutional duties to see to it that the President acts with the consent and will of Congress in matters of war and we are expected to concede—my chairman does not like the words "abject surrender" but, Mr. Chairman, this is abject surrender on the part of the House of Representatives.

Let us hear a word from the President of the United States. With one statement, once and for all, he can settle this controversy which has been raging for 10 long years.

Mr. MAHON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I do not know why the President of the United States does not speak to the minority leader of the House of Representatives. I would have thought that on a matter as important as this the minority leader would have been able to speak directly to the President of the United States rather than to some unnamed spokesman. Perhaps I am being unduly suspicious but I am not willing to accept the word of some unnamed spokesman that certain things will happen on August 15.

The President of the United States has already indicated that he is allergic to agreeing upon any kind of a fixed date, to end the war. He has stated his opposition to that kind of approach. In 1971 when the so-called Mansfield amendment was passed by both Houses of the Congress and came before the President for signature, the President imperiously stated he would pay no attention to the declaration by Congress that the President should fix a date for ending the war in Vietnam.

This is what the President of the United States wrote in his message vetoing the bill:

> Section 601 expresses a judgment about the manner in which the American involvement in the war should be ended. However, it is without binding force or effect, and it does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill that contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end.

Mr. Chairman, shall we now accept the word of some unnamed spokesman which is directly contrary to the statement of the President of the United States in writing? I would not be willing to accept the word of some member of the White House hierarchy as to the views of the President. Much too frequently such statements have later been repudiated as not correctly expressing the President's ideas.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I do not think the distinguished minority leader is asking us to accept the word, necessarily, of an unnamed White House spokesman as much as he is asking us to recognize his word as a man of honor and integrity, who is praised on both sides of the aisle. I ask that we accept his word that the President would have to come back to the Congress for authority to continue combat activity after August 15.

Mr. YATES. Mr. Chairman, the gentleman overlooks the fact that the minority leader does not have the power to stop the war. That is the point that is involved, not the honor or the word of the minority leader. The question is still where does the President stand?

Let the President state his views to the Congress. He has paid little attention to the legislative branch on this question heretofore. I cannot accept this so-called compromise at this time because it grants authority—congressional authority—to the President to continue his combat actions in Cambodia. I will not vote to give him that authority.

Mr. MAHON. Mr. Chairman, this is not a contest over whose word will be accepted. The committee bill would write into the law of the land that all bombing in and over Cambodia, and all combat activities, will cease by August 15. That will be the law of the land if the committee position is upheld.

We do not ask for the assurances of anyone with respect to our actions here. We are writing into law for the first time an unequivocal cutoff date. Therefore, I am constrained to believe that the Members of the House realize the bill must be passed, and that a compromise is necessary. I hope no amendments will be offered or adopted.

Mr. Chairman, I ask the Clerk to read.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I just finished talking with the President himself for approximately 10 minutes, and he assured me personally that everything I said on the floor of the House is a commitment by him.

Mr. WIGGINS. Mr. Chairman, it is my intention to support H.R. 9055, the supplemental appropriations bill, although I do not believe the limitation upon military activity in Southeast Asia to be in the national interest.

I have previously been recorded on this issue many times. On each such occasion, I have resisted such limiting language. No new facts have been presented which cause me to reverse my position.

It is true, of course, that special circumstances exist with respect to this bill. It appropriates funds which are urgently needed. The war issue is largely extraneous to the bulk of the funds appropriated. The bill—because of its "must" character—has been selected as a vehicle to raise once again the war issue. These special circumstances have given the Congress and the President an opportunity to play pressure politics on an issue of far reaching international significance.

I shall not repeat arguments which I have made heretofore and which I believe remain valid. My view remains that the United States, in the name of peace has an important role to play in Southeast Asia.

Given the necessity of the bill's passage however, some compromise is required to move both the Congress and the President from their inflexible and contrary positions. The bill represents a compromise. I do not like its limiting language, but I shall support the bill as a matter of legislative necessity.

My vote should not be understood, however, as reflecting a change in my view that our policy of resistance to aggression is and has been correct.

Mr. YOUNG of Florida. Mr. Chairman, many in this Chamber have consistently opposed setting any date for cutoffs or withdrawals of military action. We believe that to be a poor tactic when dealing with an adversary of any kind and especially a military adversary.

However, Mr. Chairman, I sense a feeling of understanding and willingness to cooperate and compromise here in the U.S. Congress today. I sense a strong desire on the part of many in the Congress who have strong differences to reach an agreement in the best interest of our country. I sense a strong feeling on the part of the President to reach an accord with the Congress.

Mr. Chairman, as one Member of Congress who has consistently opposed the tactic of announcing military intentions in advance, I am willing to modify that position here today and join in the effort for accord and vote for this bill which sets August 15, 1973, as a final cutoff for U.S. military activities in or over Southeast Asia.

I join with the President and my colleagues in the prayer that real peace will finally settle upon the people of Southeast Asia.

Mr. WALDIE. Mr. Chairman, I am pleased that the President has been finally forced by Congress to set a date to end the war in Indochina. But his argument that we permit him to continue his 100-plane-a-day bombing assaults on Cambodia and Laos until August 15 in order "to assure the success of peace negotiations" is a strange departure from the ritual arguments against a date certain in the past.

Always before the President has argued that setting a date certain would hamper negotiations. Now, he maintains such an action would assist negotiations. It is true that arguments supporting this ugly war over the years have had an "Alice in Wonderland" tone to them but this latest reversal seems beyond comprehension.

The issue is simple. The people want this war over. They want it over today—not August 15.

The President does not understand that. He never has. Does the Congress understand it? It never has to date.

Mr. BROTZMAN. Mr. Chairman, I voted for the antibombing program included in the supplemental appropriations bill because it will assure continued operation of the Government and end the bombing in Southeast Asia.

The new language enlarges upon that passed earlier in the week by the House in that its prohibition on bombing extends beyond Cambodia and Laos to all of Southeast Asia. A date certain for the end of all military operations is included. Even more significantly, the President and the Congress have established a working relationship whereby he will have to seek specific congressional authorization to undertake any military operations in Southeast Asia after August 15. Finally, the establishment of this agreement between the President and the Congress will assure the availability of funding which is needed to honor Federal commitments for a wide variety of important Government programs.

Mr. EDWARDS of California. Mr. Chairman, the minority leader (Mr. GERALD R. FORD) asks us to set a date for the ending of the bombing of Cambodia, August 15, 1973. He tells us that President Nixon wants this date set. That the President has agreed to stop the bombing on that date if Congress will agree and will go ahead and pass these appropriation bills.

Mr. Chairman, I submit that the setting of this date of August 15, 1973, as the date to stop bombing would be an immoral act by Congress. It would be the licensing by Congress of a 6-week bombing holocaust on a small, defenseless country. It would be Congress saying to the President, "Bomb them into dust for 45 days. Use up all the bombs you have. Send every airplane you have."

No, Mr. Chairman, that is not the route to take. We want the bombing stopped—and now—not next week, not August 15. Please, no new blood on our hands.

Mr. MADDEN. Mr. Chairman, the Rules Committee, by a vote 10 to 5 on yesterday reported out the rule we had under consideration. The chairman and other members of the Appropriation Committee and other colleagues testified, pro and con, concerning the proper rule to submit for your consideration under the unfortunate circumstances now existing in our almost 10-year war headache in Southeast Asia.

I wish to repeat rather briefly comments I made to the Rules Committee yesterday regarding what I believe is the sworn duty of every Member of Congress. That admonition was to support the Constitution of the United States and the desires of the vast majority of the American people and the Congress—to immediately terminate this unfortunate war 10,000 miles away, which has already cost the American people over $150 billion, over 45,000 American boys dead, and over 350,000 casualties. As the years pass, generations in the future will be pointing to this epoch of our Government's international "blupper" in Southeast Asia as the most startling mistake that has been committed by our Nation in history—either domestic or international.

When you are voting this afternoon, your mind should reflect back and give some very strong consideration to what the people back home are thinking about. The deplorable veto which the President made last week in his effort to continue bombing and killing the people in this unfortunate and defenseless nation of Cambodia without any consultation with the Congress. The decision was no doubt made by the President through the advice of the military brass hats who have been urging the continuance of this Southeast Asia debacle over the last 4 or 5 years.

I do hope that the minds of our colleagues today will reflect back to the fall of 1968 when our President was campaigning over the Nation assuring the people that he had a plan—and in some speeches he called it a secret plan—to terminate and end the war in Vietnam. Millions throughout the Nation believed him. In his closing speech, immediately previous to the election of 1968, he devoted most of the message that if they wanted this war terminated without delay they should vote for him in that election approximately 4½ years ago.

After the 1969 Inauguration, many months passed before there was even a remote effort to carry out the main plank in his platform in that close election he won in 1968. His assurances which he gave to the people of his plan for peace—and immediate peace—was the No. 1 reason that he was elected in 1968 for a 4-year period as President and Commander in Chief of the Armed Forces. The people listened to promises and waited in vain for about 3 years and 7 months when the President sensed that he must again resort to the Vietnam issue for victory. Last October 1972 the newspapers, TV, and radio were almost daily filled with the great peace propaganda that Mr. Kissinger was making with conferences in Southeast Asia, Europe, and Washington. The American people today have not forgotten that on the shadow of election eve, Mr. Kissinger and the President, on the news media, television, radio, announced the great event of peace with honor in our time that had taken place—sealed, signed and delivered in Paris.

Millions throughout the Nation today are now convinced that they witnessed a replay last October of the same assurances of world peace—an issue on which President Nixon won the election in 1968. On election day 1972 the people went to the polls and in their enthusiasm and happiness of a signed and finally-won international peace. The President won "4 more years" by a handsome majority.

The American people have been aroused by the President's continued neglect to terminate the war in Cambodia and the great majority of the Congress and the Senate have voted this week to immediately terminate that unfortunate epoch in world history today. Now—not August 1 or August 15—but now. Many lives will be sacrificed, both civilian and military, between now and August 15. This Congress today should not reject the authority and power given to it by the Constitution of the United States when it said that "only the Congress can declare war." We are now in approximately the tenth year of an undeclared war. Let us follow the majority of the thoughts of the majority of the 206 million Americans instead of one individual, President Nixon.

If on this day the Congress follows the Constitutional law of this country and votes to uphold and stand by the bill we enacted to terminate this war, which was veoted by the President, you will realize that the people of your district, with but few exceptions, will congratulate you and ratify your statesmanship and your decision to stop the criminal and unlawful bombing in Cambodia.

Mr. SYMINGTON. Mr. Chairman, I support the amendment that will be offered by the gentleman from Georgia, (Mr. FLYNT). My reasons are the same as those I advanced on May 10—H.R. 3570.

Just for practice I will restate them. Twenty-four hours after we cease to apply military pressure on any part of Indochina, the oceanic tide of its ancient culture will close over our presence; it will obliterate any arrangements we might be pleased to call permanent. It will dissolve pledges and relationships as soon as the ink dries on the documents which purpose to guarantee them. That being so, what is to be gained by providing further leverage in the form of bombing authority to bring today's North Vietnamese and Cambodian leaders to the conference table? Who among us can even name the leaders of South Vietnam whose signatures would have been essential to similar arrangements since 1963? Yet we dare not assume the leadership of a totalitarian state is more dependable because it is more durable.

They will sign what it pleases them to sign, and history will release them from that pledge when it suits them. In that light any massive series of raids at great cost merely to secure a diplomatic gesture has to be viewed as foolish. It is foolish because it secures the form, not the substance of accommodation. If America truly insisted on the substance, which is to say "a generation of peace" as we understand the term, America might back the bombing indefinitely. But America does not insist upon it. America knows better.

We know we lack both the wisdom and the power to effect tranquility in a part of the world we understand so little. We know also that 45 more days of raids can cost more POW's and MIA's. Experience tells us we will consider their plight a justification for extending the deadline. So we see no advantages stemming from the bombing which outweigh the disadvantages. And if the President sees them, he has yet to explain them. Only 2 weeks ago Dr. Kissinger appeared at a briefing before some 200 Members of this body. He said that the latest agreements with the North Vietnamese were facilitated by the realization on the part of Hanoi that, "no military solution was possible." I then asked him a most natural question, "in that event what factors justify the continued bombing of Cambodia"? "Cambodia," he replied, "is different." We did not get to pursue the distinction, but up to that moment every initiative in Cambodia was defended with respect to its impact on the struggle in Vietnam. Now, suddenly, it is different. Yet if it is unrelated to the military solution which Hanoi no longer wants in Vietnam, to what situation is it related?

Former Defense Secretary Richardson once justified the bombing as essential to preserve an independent regime in Phnom Penh. Cold is the spine that does not get chills from that rationale. After 10 years, 50,000 lives, and $150 billion have slipped away maintaining independent regimes in Cambodia's neighboring territories, we have learned that no regime we have guaranteed either independent or durable.

No, it is clear, the only safe thing to do, the only rational thing to do, the only right thing to do is simply to agree that no military solution is possible and act accordingly—at once.

Mr. FINDLEY. Mr. Chairman, the atmosphere on the House floor today reminds me in some respects of the atmosphere that prevailed when the Tonkin Gulf resolution was passed in August 1964.

Emotions were high. The prestige of the Presidency and therefore of the United States were thought to be at stake. Little attention was given to the precise effect of the language under consideration. The resolution at that time was interpreted to the personal satisfaction of each Member. Certainly, in voting for it, I did not believe it constituted a conveyance of extensive war powers to the President. I have regretted that vote ever since.

Today the situation is similar, with some new added factors. Almost all Members have holiday plans and are eager to effect a compromise to avoid staying in Washington for the July 4 week.

This was probably the most persuasive factor in causing the House to change positions overnight.

The prestige of the Presidency is at stake for reasons that did not exist in 1964.

Many Members were gratified to learn that the President would accept an August 15 cutoff and, further, that he would ask for congressional authority if military measures in Southeast Asia are deemed necessary after August 15.

These assurances are cited as concessions sufficient to justify approval of the compromise. To me, while gratifying and helpful, they do not justify the compromise.

Many Members see the compromise as a way to end the war in Cambodia. It can also be argued that it is a 45-day Tonkin Gulf resolution, because clearly it establishes congressional sanction for acts of war in Cambodia, Laos and both Vietnams for that period of time.

In saying that, I do not wish to leave the impression that I think the President will use this sanction to undertake military measures beyond those he would otherwise press. I am proud of the President's exceptional record of foreign policy, and in particular his success in extricating our ground forces and POW's from Vietnam.

Nevertheless the war powers ascribed to the Congress by the Constitution are very precious and precise. They should not be exercised to approve acts of war, except on the basis of thorough justification. The Congress should guard these powers very jealously.

In my view, the President has not made a sufficient case for acts of war in Cambodia. For that reason, I will not support this resolution, because, to me, it contains a conveyance of warmaking authority for a 45-day period.

Mr. CRONIN. Mr. Chairman, I rise in support of H.R. 9055, the second supplemental appropriations bill, which absolutely limits the amount of time funds may be spent in support of military activities in Cambodia and Laos until August 15, 1973.

I am pleased to see that the President has reacted to the votes this past week which sought to curtail the hostilities in Cambodia and Laos. He has recognized the important role that Congress must have in determining how and where military activity may take place. When the President signs this bill he will show that he is willing to write into the laws of the country a new definition of war powers. No President has ever signed a similar piece of legislation. Moreover, the President has promised to bring any action concerning any military activity in Cambodia and Laos before August 15 to the attention of Congress for approval, thus confirming his commitment to the concept of war powers.

The inclusion of this language in the appropriations legislation at this time is heartening to those of us who, like myself, have sponsored war power bills. We are seeking to reaffirm the doctrine of separation of powers and to give the legislative branch a voice in determining the nature and extent of future hostilities anywhere in the world. The importance of this critical decision on the part of the President should not be overlooked, nor should the opportunity to incorporate it into our public laws be bypassed. I believe that a vote in favor of the delegation of power to Congress to control declarations of war far outweighs any purist views which would deal only with our immediate military entanglements.

Mr. HOSMER. Mr. Chairman, I intend to vote "present" on the passage of this bill. I voted against the Flynt amendment and the proposed amendment to it would have widened the prohibitions on actions by the U.S. Government via the device of bans on particular kinds of spending of appropriated moneys. I feel very strongly that these excursions by this body into areas of power and jurisdiction allocated to another branch of the Government are dangerous and unwise.

This is particularly true as, in this instance, they would seek to terminate hostilities of long standing by legislative fiat, irrespective of the consequences. Sometimes I wonder when this body will, by a rider, seek to repeal the law of gravity.

In the Far East President Nixon finally has brought a measure of peace. All that remains is to end the hostilities in Cambodia on a basis that is stable. The President has done a magnificent job to quiet the other areas involved. He has gained the return of the war prisoners and otherwise headed the entire episode, now over a decade old, to conclusion.

Congressional incursion into this area in the past has been of absolutely no benefit. We are told by returned POW's that they only served to lengthen the war and its miseries. But here, once more, Congress wants to dabble into the matter. In this case, by means of the August 15 expenditure deadline, it appears to me to be no more than slow poison which will paralyze and by that date kill off any reasonable chance the President has garnered to stop the hostilities on a stable basis. All the opposition has to do to render us powerless to impose a fair and permanent settlement is to wait it out a few weeks.

In short, I view the exercise as one which possibly shuts off one war at the certain price of a wide-open ticket to another one. To me, that is an extremely bad bargain.

Therefore, I cannot vote for this measure which contains the August 15 cutoff. Nor can I vote against the necessary appropriations rightfully included in the second supplemental. Those are my reasons for the vote of "present" which I will shortly be casting.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the conference report and the August 15 cessation of U.S. military activity in Indochina.

Earlier this week, I voted in support of an immediate termination of the Cambodian bombing and when that bill was vetoed, I voted to override the veto. The effort to override fell short by 35 votes. In this second attempt to create an immediate cutoff, it is clear that we are engaged in a futile effort.

The President has announced that anything less than an August 15 cut-off will be vetoed. There is no evidence that we have the 35 votes that we lacked before.

What we do know is that we need this bill and the many others that must pass between now and the end of the fiscal year if we want to keep this Government and country operating. If we continue to play this game of political brinkmanship with the executive branch we are going to put this country in an economic and administrative straitjacket of terrible consequences.

College students will go without loans which we, the Congress, have promised. Federal employees, public safety officers, and veterans will go without pay or retirement benefits. Many necessary and important programs in the field of human services will evaporate.

Make no mistake about it, Mr. Chairman, I accept this compromise cutoff date with reluctance. If I could have my way we would be out of Cambodia today. I went on the record to that effect earlier.

However, I am realistic enough to realize that we cannot achieve that. Furthermore, I realize that the very success of our democratic form of government is founded upon the principle of compromise. We have a compromise that is workable and honorable. It will end the war.

This conference report, for the first time ever, sets a date certain for the end of our military engagement in Indochina. We have the commitment of the President that he will accept this cutoff. We have the word of the White House that no military activity will be ordered by the President after that date without the express approval of Congress.

Knowing this, Mr. Chairman, and realizing further that since the 10th of May this House has consistently opposed any efforts to prolong our engagement in Cambodia, there can be no doubt that we stand today on the verge of ending this war once and for all.

We should not let this opportunity slip through our fingers by stubbornly insisting upon an immediate terminaton. We do not have the votes to do that. We do have the votes to end the war by August 15 and I urge that the House do just that.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. MAHON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, and that the remainder of the bill be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MOSS. Mr. Speaker, reserving the right to object, is it the intention of the distinguished chairman of the Committee on Appropriations to permit debate on amendments relating to the Cambodian situation to continue for a reasonable period of time without an effort to cut off such debate?

Mr. MAHON. Well, of course, we have had some debate in connection with the so-called Southeast Asia amendment, and we will have further debate. There will be no disposition to be arbitrary or unreasonable in restricting debate.

Of course, we could debate it until midnight. I am sure the gentleman has in mind some reasonable accommodation.

Mr. MOSS. Well, I use the term, "reasonable," advisedly.

Mr. MAHON. Mr. Chairman, I withdraw my request.

The Clerk resumed the reading of the bill.

Mr. MAHON (during the reading). Mr. Chairman, I renew my unanimous-consent request. I ask unanimous consent that the remainder of the bill be considered as read and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MOSS. Mr. Chairman, reserving the right to object, I address the same question to the gentleman from Texas.

If there is assurance that there will be a reasonable opportunity for debate—and I underline the word "reasonable"—then I certainly will not object.

Mr. MAHON. Mr. Chairman, may I ask the gentleman, have I served in the U.S. Congress for 39 years and established a reputation for being otherwise than fair?

Mr. Chairman, I withdraw the request.

The Clerk resumed the reading of the bill.

Mr. ROSENTHAL (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill may be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MAHON. Mr. Chairman, I object.

The Clerk resumed the reading of the bill.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and be open to amendment, from this point on.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. EVANS OF COLORADO

Mr. EVANS of Colorado. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 307. None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Colorado: On page 57 of the bill, line 23, strike the word "or" between the words "Cambodia" and "Laos", and insert a comma in lieu thereof; and after the word "Laos" on line 23 insert a comma and add the following: "North Vietnam and South Vietnam".

And on line 24, strike the word "or" between the words "Cambodia" and "Laos" and insert a comma in lieu thereof and after the word "Laos" on said line 23 insert a comma and add the following: "North Vietnam and South Vietnam".

Mr. MAHON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. EVANS of Colorado. Mr. Chairman, I do not mind saying that both in the Appropriations Committee yesterday and since, when we considered the bill that was to be brought to the House today, I had a great deal of difficulty in making up my mind what I was going to do.

In the committee, it seemed to me that we had no other choice, that a veto had not been overridden and therefore it was up to the House to offer something different to the President. Then I began to think, "Well, we have other issues at stake here; we have a continuing resolution with tougher limitations on it; we have a debt ceiling bill which has different limitations on it." I began to feel, in the absence of any indication from the White House or the President himself as to what the position of the President would be, that probably the best course of action would be to send back to the White House exactly the same bill he vetoed with the message hopefully being that a strong majority of the House and Senate believe we should cut off all our military activities in Southeast Asia.

I have listened with great interest to these proceedings in the House this afternoon. I have been most impressed, I must say, with the assurances that have been brought to us by the distinguished minority leader, first of all on his personal word, which I was inclined to take, and then, after the challenge of the distinguished gentleman from Connecticut and Illinois regarding, not the word of the distinguished minority leader, but the word of the people upon whom the minority leader in the White House was relying, I was then considerably impressed with the fact that the minority leader came back to the Committee of the Whole a few minutes ago with the assurances that he had just spoken personally with the President, and that the President had personally assured the minority leader that the remarks he had just made on the floor of the House were correct, and reflected the commitment of the President, and that if for any reason the President wanted to become involved in military activities in Southeast Asia after August 15, that before doing so he would come back to the Congress and ask for authority from the Congress to take such action.

On the strength of those assurances the amendment which I offer would merely add North Vietnam and South Vietnam to the provisions of section 307.

For these reasons, Mr. Chairman, I hope that the committee will support my amendment.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, although the point of order has been reserved, I would not want to reserve a point of order because I think we are operating here in a spirit of compromise. I can understand the position of the gentleman from Colorado, and in that spirit of compromise I did not raise a point of order, but of course that is the prerogative of the chairman of the Appropriations Committee.

But, Mr. Chairman, I would hope that the gentleman from Texas would join in this overwhelming spirit of compromise. For my part, I would be willing to accept the amendment offered by the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I appreciate very deeply the statement made by the gentleman from Michigan.

The CHAIRMAN. The Chair would ask the gentleman from Texas (Mr. MAHON) whether the gentleman desires to press his point of order?

POINT OF ORDER

Mr. MAHON. I do, Mr. Chairman; I make a point of order against the amendment offered by the gentleman from Colorado (Mr. EVANS).

The language of the amendment goes to funds beyond the scope of the bill, and is therefore legislation on an appropriation bill. The language of the amendment prohibits the use of funds heretofore appropriated under any other act for activities in or over North or South Vietnam.

The rule protects a proposed legislative provision which would prohibit the use of funds heretofore appropriated for activities in or over Cambodia or Laos. The rule does not protect additional legislation such as that proposed in the amendment.

As chairman of the Committee on Appropriations, I feel it is my responsibility to try to protect the bill. I have no strong feeling about the matter, I just feel that the language is subject to a point of order, and it is incumbent upon me to make the point of order.

The CHAIRMAN. Does the gentleman from Colorado (Mr. EVANS) desire to be heard on the point of order?

Mr. EVANS of Colorado. I do, Mr. Chairman.

Mr. Chairman, it would seem to me that in considering a bill which extends limitations in Laos and Cambodia that it would certainly be in order to extend those limitations to other portions of Southeast Asia, which is the sole purpose of my amendment.

Mr. CEDERBERG. Mr. Chairman, would the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I can understand very clearly, and I think, as a member of the committee, the gentleman from Colorado (Mr. EVANS) can understand the position of the chairman, the gentleman from Texas (Mr. MAHON) in raising his point of order.

I want to make my own position clear because it might be helpful in this area, and that is that we are operating, as I said before, in a spirit of compromise.

Mr. HANNA. Mr. Chairman, would the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I think I understand the feelings of the Chairman of the great Committee on Appropriations, the gentleman from Texas (Mr. MAHON) the feelings of the gentleman for responsibility for this bill as he has expressed himself. However, it does seem to me that it ought to be tempered with the consideration of the importance of this legislation as the gentleman has so eloquently described it in his opening remarks, and to approach, as the gentleman did, the Committee on Rules when the gentleman knew that there were problems of the type that should be met on a temperate basis.

I am sure that were he aware early on that this was before the Committee on Rules, that he would probably have been constrained to ask for a waiver of the point of order, and it is now within his power to use that same kind of discretion. I believe that what the gentleman is suggesting is going to increase the assurances and the confidence of this House in precisely what we are doing on a measure that is a little larger than the bill that we are considering, and I should hope that we could find some way in which to accommodate ourselves to the amendment of the gentleman and not be hung up on the technicality of a point of order.

Mr. MAHON. Mr. Chairman, in view of the statements and assurances that have been made on both sides of the aisle, I withdraw my point of order.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not use the 5 minutes. I am neither for nor against the amendment. Whatever provision is made, whatever action is taken, the result of it is that we will be for the first time authorizing hostilities in Southeast Asia if we pass any provision of this type permitting hostilities for any period of time.

The point is not whether we do it with respect to Cambodia or Laos or Vietnam. We have not, since the Gulf of Tonkin resolution, authorized the President to engage in hostilities beyond his constitutional authority since that time—unless we do it today.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New Hampshire.

Mr. WYMAN. What does the gentleman think we have been voting for when we have voted for appropriations that have financed our military effort over there for each of the last 10 years?

Mr. ECKHARDT. Simply to pass an appropriation or authorization generally for some money for the military is not to declare war. We are asked today to authorize for a period of time the exercise of the war power by the President of the United States. Only Congress can do it, and this will demonstrate the first time we have done it.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, it would seem to me that the gentleman's amendment has much wisdom if one wants to compromise here today. For example, there is a possibility of a compromise going to August 15 and including North and South Vietnam. That seems to me a more realistic approach to compromise than merely extending the date to August 15. That is why I commend the gentleman for his amendment.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Texas.

Mr. MAHON. I think it is incorrect to say that the House, by adopting the committee recommendation today, is placing its approval upon bombing in Cambodia or Laos. People can still have their views. The bill language does not say whether there is any authority or not. We do not say there is any. We just say there shall be no bombing in Cambodia and Laos after August 15. It does not say, "we favor or recommend bombing prior to August 15."

Mr. ECKHARDT. If the gentleman will yield back to me, I think it is the simplest logic to say that if we say we will not bomb after a particular date, it will mean that we are authorizing bombing until that date.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. WOLFF. I support the amendment to include North and South Vietnam in the restriction placed upon the President. The gentleman in his statement said something to the effect that this amendment would be a question of war powers of the President. I recall, however, that just recently the gentleman issued a statement to all the Members, opposing the war powers bill, which I support.

Mr. ECKHARDT. For the same reason: I do not think we should authorize any power on the part of the President to engage in hostilities except by congressional action.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I think the gentleman is absolutely correct. I think we ought to understand something else. The bill that the President said to the minority leader he would accept is not the bill we would have if the gentleman from Colorado's amendment is in there, and it would take the President, as well as the minority leader, completely off the hook, if it were adopted.

Mr. ECKHARDT. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the argument has been raised repeatedly that we are by some method or some means either authorizing or condoning the bombing of Cambodia and Southeast Asia. May I say nothing could be further from the fact.

The Congress passed a prohibition. The action was vetoed. We did not have the votes to override the veto. We do not have them now. Thus we offer you the earliest date for a cutoff in an attempt to get the bill signed into law by the President.

Further, if we read this bill from top to bottom and forward and backward, we will not find any place where it authorizes the President to bomb. Personally, I hope there will not be a single bomb dropped anywhere. I would like to see it stop tomorrow. But we tried that, and lost. We offer you the best course possible but nowhere authorize bombing. We are not approving anything. We are just being realistic and saying, right or wrong, combat must stop on or before August 15. The bill has to be passed and signed to do us any good. Again we are not authorizing approval or condoning any bombing. We are being realistic and putting in a date that we can sell. Wishful thinking will not help.

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. There is no bombing going on to my knowledge at the present time in North and South Vietnam. I think this confuses the issue. We just heard from the distinguished minority leader that he had been on the telephone with the President of the United States. I assume that I am correct when I say that the conversation referred to bombing in Cambodia, and I would ask the gentleman from Michigan if that was not what the tenor of the discussion was.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman rephrase his question, please?

Mr. GIAIMO. Is it not so that the gentleman's discussion with the President of the United States referred to bombing in Cambodia and Laos? We now have a new factor in here, a commitment from the gentleman and from the President that there will be no bombing in North and South Vietnam.

Mr. GERALD R. FORD. If I recall accurately what I said, which I got reaffirmation upon as far as the U.S. President is concerned, it is that after August 15 there would be no combat activity which I take to include bombing in Cambodia or otherwise in Southeast Asia. That is what I think I said and that is my understanding from the President.

Mr. GIAIMO. My understanding was that we were talking at the time about Cambodia and Laos. We are now introducing North and South Vietnam which is a subject of great controversy in the other body at the present time between the administration and those who are trying to work out a solution to this, and I understand that there is administration opposition to the inclusion of North and South Vietnam.

Mr. GERALD R. FORD. I am not commenting on any such opposition. I am simply stating what I believe, that the commitment I have made is broad in that the bombing in Cambodia is a part of that overall.

Mr. YATES. Mr. Chairman, will the gentleman yield so I may ask a question of the minority leader?

Mr. GIAIMO. I yield to the gentleman from Illinois.

Mr. YATES. May I ask the minority leader to tell the House what the subject of his conversation was and what the commitment of the President was?

Mr. GERALD R. FORD. Mr. Chairman, I came back and said in a few sentences, which I will try to repeat as accurately as I can remember them, that I told the President of the statement I had made on the floor of the House, summarizing it as best I could in approximately 10 minutes, where I had taken 30 minutes on the floor on the same subject. I asked him if I had his authority to reaffirm those commitments, and the President said "Yes."

Mr. YATES. Mr. Chairman, I take it the statement the gentleman made on the floor of the House, and which will appear in the CONGRESSIONAL RECORD, is a commitment of the President of the United States, is that right?

Mr. GERALD R. FORD. To the best of my knowledge and personal contact with him.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

Mr. SEIBERLING. Mr. Chairman, I object.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous consent request was made will be recognized for three-quarters of a minute each.

The Chair recognizes the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, as far as I personally am concerned, I have no strong feelings about this amendment. If the gentleman from Connecticut (Mr. GIAIMO) is opposed to this amendment and those over on the other side of the aisle are opposed to it, in the spirit of compromise, I shall be glad to be against the amendment. It is all right with me.

This is the first time I have ever had a chance to compromise with the gentleman from Connecticut and the gentleman from Illinois, so let us vote the amendment down. That is fine.

Mr. YATES. Mr. Chairman, I just heard my name mentioned.

Mr. CEDERBERG. Mr. Chairman, I understood the gentleman was opposed to this amendment.

Mr. BINGHAM. Mr. Chairman, I am prepared to vote for the amendment to be offered by Mr. FLYNT for the immediate cutoff, but I cannot understand why anybody, who favors stopping the war in Indochina, should be opposed to the amendment offered by Mr. EVANS of Colorado.

This amendment represents a broadening of the language offered by the committee. The committee compromise, I think, is likely to carry even though a number of Members will continue to support the Flynt position. If the committee position does prevail, then surely it is much better if the language includes North and South Vietnam as well as

Cambodia and Laos. This will also bring it into conformity with the assurance we received today from the minority leader.

Therefore, I urge the Members to support the amendment of the gentleman from Colorado, and then, if they will, to vote for the Flynt amendment.

Mr. Chairman, I support the amendment of the gentleman from Colorado and I hope the House will do likewise.

He has expanded the language to make clear that it is the intent of Congress and the law of the land, should this bill pass, that no further military action shall take place in any of Southeast Asia without the President getting prior approval of the Congress. There are purists in the House who see this bill as violative of a principle of both morality and constitutionality.

Whereas I do not quarrel with those determined to see in this bill an accommodation and a compromise, which at this point in time is important to the country and to this House, let me remind the Members that I, with them, know what has gone on in terms of military activity in Southeast Asia and I have consistently opposed it for a considerable period of time. I know what is going on in terms of military activities and I do not approve of it.

I see in this bill before us a real opportunity to express my support for a law which will terminate what is going on. In no way do I intend a negative pregnant by this action which would cancel out all of my previously expressed opposition.

By having made the best of attempts in terms of precisely what now is the alternative and having seen that vetoed and having faced the inability to override the veto, I am anxious to get on the books a law which clearly establishes the requirement for the President to come to the Congress for any substantial extension of the activities which are currently underway and which I so vehemently oppose, just as strongly morally as any in the House and strongly legalistically as any in the House.

Finally, with this bill passed and behind us I believe we can get on with very important substantive bills yet to be faced some of which will continue to address themselves to the constitutional and moral issues. Others which are absolutely necessitated in terms of the continuing ability of our country to operate effectively both as to domestic and international questions. It is, I believe, at this time important to demonstrate to our people and to the world that this democracy can still function.

Mr. Chairman, I hope we will pass this amendment and this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, we have the word of the President, as I understand it, and that of the minority leader that the date of August 15 applies all over Southeast Asia. I have always understood that North and South Vietnam were included in Southeast Asia. I cannot quite see what this amendment is all about.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I just want to say as clearly as I can that so far as I am concerned, in going along with section 307, there is no express or implied approval of any bombing prior to that date. I find any argument on the other side by anybody who has been at any stage of the game talking about an early pullout from Vietnam surprisingly inconsistent. By saying this is the outer cutoff date we certainly do not approve anything before that date. Anybody who ever before said we ought to be out of Vietnam by a certain time cannot be said to have approved being in Vietnam until that time. They did not mean that. Equally so by setting here a cutoff date for bombing we do not mean that we approve bombing until that date.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Chairman, I see no problem in accepting the amendment of the gentleman from Colorado (Mr. EVANS). To me, it is clearly within the spirit of compromise on both sides. It is implementation of the offer of the President, extended to us this morning in the House by the distinguished minority leader Mr. FORD. The extension of the August 15 cutoff date to include all of Southeast Asia, and that adds North and South Vietnam to Laos and Cambodia, strengthens the bill, and spells out the agreement. The President will, understand, sign the bill.

Mr. Chairman, I see no validity in the argument which has been raised that this amendment on the bill specifically authorizes any military activity in Southeast Asia. Nor do I see that this touches on the issue of the constitutional powers of the President or of the Congress. It is simply a negotiated compromise of a thorny issue, and I congratulate all parties for their thoughtful consideration.

I urge acceptance of the amendment provided a point of order is not passed.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, may I speak to my friends on this side for just a moment. Two things worried me for many years on Vietnam. No. 1 was, would any President, not just President Nixon, agree to cut it off? No. 2 was, when?

It seems to me we have the personal assurances of the minority leader that the President has personally spoken to him in agreement that he shall cease military activities in Southeast Asia by August 15.

That satisfies me. I have been wondering if we ever could get such an assurance. Having that assurance, I do not see how any of us who in the past have voted to cut off military action in 60 days, or 120 days, can now be concerned and sensitive about 45 days.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. HEINZ)

Mr. HEINZ. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to strongly support the amendment offered by the gentleman from Colorado (Mr. EVANS). The amendment would include North and South Vietnam in the committee prohibition against American involvement in hostile military activity in Cambodia or Laos after August 15, 1973, without the advance and express approval of the Congress.

In adding North and South Vietnam to the prohibition, we are materially and substantively reducing the likelihood that this Nation will ever again reinvolve itself any further in the type of tragic conflict that we have seen in Indochina for over a decade.

As I think is clear from my colloquy a few moments ago with the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), adoption of this amendment would be consistent with the expressed intent of the President—as stated by the minority leader—that the United States will not engage in hostilities, directly or indirectly, in any part of Indochina. As I understand the President's position, this means he will sign into law a complete prohibition on this Nation's military role in Indochina, with the prohibition becoming effective in just over 45 days.

If the Evans amendment is accepted, we will then have an even more important vote. We will vote on whether to substitute instead an immediate prohibition of the support of military activities, including bombing, in or over Laos and Cambodia. A vote against this amendment to be offered by Mr. FLYNT, is identical to voting against the better-known "Eagleton Amendment."

I have given this vote a great deal of serious thought.

Five times this week I have voted for an immediate halt to the bombing in Laos and Cambodia. On Monday I twice supported the so-called "Eagleton Amendment" to H.R. 7447, the original supplemental appropriation bill. This includes my voting against the substitute amendment offered by the gentleman from Texas (Mr. MAHON). As is now history, the "Mahon Amendment," which postponed the bombing prohibition until September 1, 1973, was defeated on a tie vote, 204 for to 204 against and 1 present. Each of the 204 of us who voted against the Mahon amendment may truthfully consider each of our votes the "deciding vote".

Again on Tuesday, during consideration of the continuing appropriations bill, House Joint Resolution 636, I voted three times to maintain the principle of an immediate bombing halt in Laos and Cambodia. Had I been present for the vote on Wednesday, I would have voted to override the President's veto of H.R. 7447, the supplemental appropriations bill we first considered on Monday.

But at this moment, we are confronted with a different and more difficult question.

It is clear that it is the will of the Congress, as evidenced by the five House votes I referred to earlier, that U.S. military activities in Laos and Cambodia cease forthwith. On the other hand, the constitutionally required two-thirds majority of both the House and Senate to override a presidential veto does not exist, as signified by Wednesday's vote. In effect, we are at a legislative impass that might be broken in one of two ways.

The first is for the House to seek a way of resolving the impasse by taking a different road to achieve its objective.

The second possibility the permutations and outcome of which are unclear, is confrontation. This would be achieved by continued congressional insistence on an immediate halt to military action in Laos and Cambodia, followed by Presidential vetoes. I can imagine the continuation of this scenario at least through July 15, at which point it is possible, although not certain, that a Government financial crisis would force capitulation of the President.

It is argued that any change in the House position is a compromise, and that any compromise implies congressional sanction of an unauthorized and unconstitutional activity, namely, the continued bombing of Cambodia.

Certainly, the bombing of Cambodia is unauthorized; it is based on no treaty commitment to Cambodia, and therefore is not a constitutional exercise of the power of the President, even in the role of Commander in Chief of the Armed Forces. But it is not true that any action this House may take today necessarily sanctions or implies even remotely the sanction of any bombing of Cambodia at any time. In fact, the legislative history established this week in both the House and Senate establishes beyond any doubt whatsoever that the Congress does not, I repeat not, sanction any such actions.

I prefer to believe instead that there exists the opportunity for the House to determine at this moment in time, a comprehensive policy for not only ending our military actions in Cambodia, but also for preventing any future unwanted reinvolvement of any kind in any part of South or North Vietnam, as well as Cambodia or Laos. Not only can we establish such a policy, but based on the previous discussion here with the minority leader, we can expect the policy to be signed by the President, giving it the full force of the law of the land.

It is particularly important to recognize that this establishes, with certainty, a precedent of incalculable value. It would establish the principle that the President—this President or any President—must come to the Congress for advance authorization before committing this Nation to a conflict that is occasioned by anything except an act of war against the United States.

In the longer view, this may well be a precedent that we should establish here today without further delay.

It troubles me, however, that in establishing this precedent, that the unauthorized bombing of Cambodia might continue even one extra day. And it is possible by taking this action that the costly and deadly air attacks in Cambodia and Laos could result in being prolonged.

I have thought about this possibility over and over during the course of today's debate, and I believe that the actual effect of rejecting the amendment to be offered by Mr. FLYNT in favor of the alternative I have spoken to would in fact be otherwise. I say this for these reasons.

Regardless of what date certain we set today, whether immediate or 45 days from now, the inescapable fact is that we will have set a definite, certain date for the termination of our military involvement. This immediately removes, in every case, that incentive or "pressure" that the administration contends it needs to negotiate an agreement with the parties in Cambodia. This being the case, the effect of bombing on the negotiations is negligible, if any, as months and months of previous bombing have not accomplished an agreement to date. It follows necessarily that the current secret Cambodian negotiations will be concluded independently of whether the bombing continues any longer. It is my belief that those negotiations will be concluded within the next 10 days, and in any event before July 15, which is the earliest the Congress, by brute force, could terminate the bombing. It is therefore inconceiveable to me that there is any logic to the bombing continuing beyond the next few days. I do concede that logic has rarely appeared to prevail in our seemingly endless involvement in Indochina. But for once, I think the logic of the situation is absolutely clear to all, including the Pentagon and others, that more bombing can only be a wasteful, unsupportable and possibly counter-productive act.

Therefore, Mr. Chairman, I have concluded after considerable soul searching that the benefits to our Nation and posterity by establishing in law today the principle of congressional prerogative in determining so fundamental a question as that of war or peace outweigh the risks associated with the other course.

Accordingly, should the Evans amendment prevail, which I believe it should and will, I will vote to oppose the amendment offered by Mr. FLYNT.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, in this brief time I should just like to take note of the fact that the Congress has indeed already expressed itself that it would like the bombing and war actions to stop now, not 45 days from now.

I believe we ought to at least have a fraction of a second to speak for those people who are bound to be killed in the next 45 days. I do not mean just Cambodians and Laotians, but Americans as well.

We should point out that no grant of war power now exists. Our bombing policy is illegal and inhuman. What we are being asked to create today is a grant of war power for 45 days.

We are being told that we must give belated congressional approval to the bombing and killing. The President is saying in effect "if you will withdraw your objection to my bombing—and help me bomb for 45 more days—then I will stop." We are told that we must join the lawbreaking and killing in order to finally stop it. It is a shameful suggestion—Executive blackmail.

I would hope we would not surrender. I believe we ought to stand firm and insist that the bombing stop now. We have no right to take the lives of those that will be killed by American military efforts during the next 45 days. I implore my colleagues—let us stop the killing now.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

(By unanimous consent, Ms. ABZUG yielded her time to Mr. GIAIMO).

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, in the spirit of compromise I also will change my mind and support the amendment, but I should like to read a press release clipping that just came off the wire, that says:

> Other war critics, including Sens. Clifford P. Case, R-N.J., and Frank Church, D-Idaho, were said to be agreeable to the Aug. 15 date—but only if it applies to all of Indochina, the two Vietnams as well as Laos and Cambodia.
>
> The White House reportedly was willing to accept Aug. 15—but only for Laos and Cambodia—leaving its hands free for any possible future U.S. military action in North and South Vietnam.

So I am not quite sure where the House and the other body stand at the moment, vis-a-vis each other.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON) to close debate on the amendment.

Mr. MAHON. Mr. Chairman, in view of the report of the conversations between the minority side and the President and the assurances of the minority leader, I will not oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLYNT

Mr. FLYNT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FLYNT: Page 57, line 21, Strike out all of section 307 and insert a new section 307, as follows:
>
> SEC. 307. None of the funds herein appropriated under this Act or heretofore appropriated under any other act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by the U.S. forces.

Mr. FLYNT. Mr. Chairman, I offer this amendment pursuant to the rule which brings this second supplemental appropriation to the floor of the House today. I offer it in continuing good faith because the Members of the House of Representatives have the right to decide by their vote whether they want this war to stop now or to continue for 45 more days.

Mr. Chairman, to adopt section 307 as it appears in the bill will amount to ratifying everything that has gone on in Southeast Asia during the past 9 years and would amount to an unlimited declaration of war from now until August 15, 1973. A declaration of war against whom? Against whom are we continuing to fight in Cambodia and Laos and for what purpose?

Mr. Chairman, the bombing that is going on in Southeast Asia today is undoubtedly as intensive as it has ever been at any time during the entire period of this tragic military involvement by U.S. forces on the peninsula of Southeast Asia.

Mr. Chairman, if it is wrong to continue this war after August 15, it is wrong to continue it 1 hour beyond today.

I recognize that certain statements have been made by the distinguished minority leader here today, whose word, of course, I always respect and accept without hesitation or reluctance. If we are to accept this so-called compromise, make no mistake about it, the language of section 307 in the bill is no compromise at all. It is an admission that previous efforts to stop this tragic war have been a mistake.

Mr. Chairman, I hope that my amendment will be adopted. If the other body sees fit to put in the language of section 307, then we could come back to conference perhaps within a matter of hours and resolve this thing once and for all. I hope that the House will stand by the position which it has consistently taken since May 10. This bill passed the House on May 10 of this year, and it was stalled in conference for 2 to 3 weeks before it was ever brought back to the House of Representatives for vote on a conference report. When the conference report was brought back in disagreement, the House rejected a motion which was almost identical to the one which is contained in section 307 today.

The House spoke very clearly then and subsequently spoke even more clearly, when the veto message came back, by a vote of 241 to 173, and the House position was again affirmed.

The language of my amendment would have been offered on May 10, 1973, when we first had this bill before us, but it was clearly legislation on an appropriation bill and therefore would have been ruled out of order. Today we have this language before us made specifically in order by the rule which brings this appropriation bill to the floor of the House.

Mr. Chairman, it is my hope that the House will recognize section 307 as what it is; it is by no means a compromise in the true sense of the word but, rather, it is a surrender by the legislative branch to the executive branch of the Government at a time when the people of the United States would stand behind the legislative branch of the Government if it adopts my amendment here today.

Mr. Chairman, I urge the adoption of the amendment which I have offered.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Georgia.

He is correct; to adopt this amendment is to give sanction to a war for an interim period of six long and bloody and costly weeks. We have not previously given that approval. We have done many foolish things in this body. The Gulf of Tonkin resolution is a monument to the foolishness of the House of Representatives and of the other body making up the Congress of the United States. But at this moment we ought to, if it calls for giving up the break for the 4th of July, if it calls for a Saturday session or a Monday session or a Tuesday session, still we ought to say to the President on this point, "Mr. President, we will not surrender to you."

Mr. Chairman, we are the House of Representatives. We here speak for the people and we here have accountability to the people. The people by every device have shown how very repugnant to them is the continuation of this war even for 1 additional day. We should not permit it.

It is not the first time that the President and the Congress have disagreed. I recall one time where we took a bill back to President Eisenhower in almost identical form three times. Twice it was vetoed and the third time it was signed into law.

This is a time when we should consider carefully the veto message and then send back our strong and our loud voice, "Mr. President, we do not concur."

The mere fact of the inability to override and in effect the unwillingness of the overwhelming majority to subscribe to a doctrine of minority government whereby the support of one-third only of one House is given and the President himself overrides the will of the vast majority of the American people continues to contribute to the instability of the dollar around the globe and continues to destroy the credibility of this Nation and continues to drain its resources at a time when the great Committee on Appropriations is grappling with some of the most monumental fiscal problems ever confronted. During these 6 weeks we can drop another $36 million.

How tiny an amount that seems in context with the military program. How large it seems in context with human-oriented programs.

I think this House ought to examine its conscience. It ought to be firm in its convictions. It ought to be willing to stay here until hell freezes over to prevent a continuation of all senseless slaughter of people. We will accomplish not one thing by their destruction.

I recall vividly in October of last year when the word leaked out that we had peace. I recall the days that went on and on and on, until December, waiting for the signing of an agreement by Dr. Kissinger. And I recall now, on the third protocol, how elusive that peace has become, that absolute peace.

But I do know that we here today have the power to terminate this senseless war, this war we are not committed to win, nor have we been committed to win for many years. Let us stop it now.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think we are victims today of a draw play. The gentleman from Michigan (Mr. GERALD R. FORD) says the President says that the war will end on August 15. I was always told by my daddy never to trust verbal agreements, because there are so many different ways of fudging on them, you know, no matter how honest and decent the people are.

Remember, furthermore, that men are going to die between now and August 15, and Congress is going to be asked today to authorize that, however implicitly.

You say it is not an authorization, but supposing you, as a father, said to your daughter, "Your allowance will be cut off if you have improper relations with that young man after August 15." Would not she be able to interpret this as some kind of sanction of her misbehavior between now and then?

The gentleman from Mississippi says that if this bill does not pass the war will go on. But, remember, the House has passed a continuing resolution, which the Senate is almost certain to take, and under the terms of which, whether it passes or not, no money can be spent.

We have been told a lot about the need for the funds in the second supplemental. We were told we absolutely had to have the money. My office just this morning contacted Miss O'Hanian, Deputy Chief Disbursing Officer of the Treasury, who has told me that not a single agency has called to say that it has no funds to pay operating expenses as a result of the veto of the second supplemental. So we were told one thing 6 weeks ago and it has never come to pass.

Mr. Brazier, the Deputy Assistant Secretary to the Comptroller, had said in early May that if the Department of Defense did not receive transfer authority in the second supplemental the DOD would have to "Stand down forces, make major reductions in scheduled training, freeze personnel enlistments and promotions." However, today when my office called Mr. Brazier's office, the Special Assistant was unable to say that a single one of these "drastic actions" had been taken.

What kind of credibility is this? We are being asked to authorize a war to continue for 45 days when we do not even know what the war is all about. We are fighting the little Communist with our left arm; we are helping the big Communist with our right arm, feeding them, giving them grain and technical help, and we are embracing—or at least the President is—the top Communist with both arms. For this kind of a war we are asking young men to risk giving up the only lives they are ever going to live. I support this move of the gentleman from Georgia to end this bombing now.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Flynt amendment. I should like to tell the Members a little story about another alleged understanding with the White House back in 1964. In 1964 when the Gulf of Tonkin resolution was before the Senate, Senator NELSON of Wisconsin, was going to offer an amendment to make clear that no language in that Tonkin resolution would imply that we could send large numbers of men and arms to Vietnam. Later he withdrew that amendment and voted for the Gulf of Tonkin resolution, because of good faith assurances which he received from Senator FULBRIGHT, who was the spokesman for the administration on the floor at that time that the amendment was not needed, and that it was the position of the administration that the language of the Gulf of Tonkin resolution in no way implied that the Congress would be endorsing the use of large numbers of troops in Vietnam. Those assurances were given in good faith by Senator FULBRIGHT.

What we are being asked to do here today is to buy a second so-called understanding with the White House, which is not in writing. There is no way that I would accept any agreement with the White House on this issue, be that man a Democrat or Republican, unless that message was in writing in a message which was sent directly to this House and signed by the President.

It has been suggested by the chairman of this committee that there is a time for compromise and that the true statesmen are the people who know when to compromise. I would suggest to the Members that true statesmen also know when to stand, and this is a time to stand. This is not a time to state for the first time that we will give the President authority to bomb in Cambodia.

I urge the Members' support of the amendment of the gentleman from Georgia.

Mr. RHODES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think it is time to let my friends on the other side of the Chamber in on a secret. They won. They have won. This is not a measure which extends the war. There is a war going on right now. This is a measure which says that the war is going to be over. You won. Would you rather keep fighting than win? Why in the world would anybody not accept this amendment? Look at what you won. Not only are we not going to take any military action over Laos and Cambodia after August 15, but not over North or South Vietnam either.

In my opinion, the President has gone the whole way to agree with the Congress of the United States after August 15. Actually, of course, we are being asked to take the word of the President of the United States on two things. One is that he actually means this—and I have every reason to believe that he does—and also that there is a good reason why we should not end the bombing today, which would end on August 15.

Mr. Chairman, the track record of the President is pretty good insofar as negotiations on wars are concerned.

I would like to point out to the Members again that we had 548,000 people fighting in Southeast Asia not too long ago. I would like to point out to the Members again that there is no war that involves Americans in North or South Vietnam today. I would like to point out to the Members again also that there are negotiations to end the war in Cambodia and hopefully to establish a government in that country which is capable of maintaining the peace. You gentlemen have won, so there is not any reason why we should not proceed to a vote on the amendment and a vote on the bill, send it to the other body and get on with it.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I assure the gentleman I intend to oppose the present amendment and support the bill as brought to the floor with section 307, to end the bombing.

Mr. Chairman, in this hour of constitutional crisis, and of a very real confrontation between the legislative and executive branches of our Federal Government, there is presented in the second supplemental appropriation bill (H.R. 9055) an opportunity to resolve the differences between the President and the Congress.

Mr. Chairman, I am committed to a position to end the bombing and other combat activities by American forces in Southeast Asia. This measure—as now presented—contains a firm and unequivocal assurance that all of such American combat activities will be ended on or before August 15. In addition, we have a commitment from the President of the United States that no combat activities will be undertaken in Laos or Cambodia after that date without express authority of the Congress.

Mr. Chairman, in my opinion section 307 of the pending bill, coupled with the assurances given by the President, provide a constructive and rational resolution of the dilemma in which we find ourselves today.

Mr. Chairman, it is my further position that enactment of this legislation will enable us to meet our obligations—as set forth in the numerous categories covered in this crucial approriations bill. Accordingly, enactment of this measure as well as the continuing resolution which provides the funds for other Federal activities and obligations—is essential to the orderly conduct of our Government.

Mr. Chairman, by voting today on H.R. 9055 in the form as presented to the House, we can meet our constitutional responsibilities with respect to the fiscal management of our Government—and also to prohibit the use of American combat forces—at an early date in a continuing military conflict to which the people of our Nation are strongly opposed.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, just in a spirit of levity, we have been discussing this for several weeks. I see many Members here standing for recognition. I was going to ask unanimous consent that all debate on this amendment and other amendments should end by August 15, but I will withhold that.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, my colleague has said we have won, but all we have won is "no other funds heretofore appropriated." We have not gone as far as "any funds which will be in a continuing resolution which goes beyond the end of July."

Mr. RHODES. I think my friend, the gentleman from New York, knows full well when this formula is established that the same formula will be used in the continuing resolution and on the debt limit, too.

Mr. ADDABBO. I would ask the gentleman, if he is a conferee will he support this language in the continuing resolution?

Mr. RHODES. I give the gentleman my word, if I am a conferee I will.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, do we understand the commitment of the President of the United States is to August 15 no matter what the legislation says?

Mr. RHODES. I was not asked to say anything about what the President of the United States said.

Mr. YATES. That is what the gentleman just answered.

Mr. RHODES. No. The gentleman asked me what I would do as a conferee and I told him.

Mr. ROBISON of New York. Mr. Chairman, I join the gentleman from Arizona and others in opposition to the Flynt amendment, as now pending.

I suspect it will be said, in some quarters, that my present position on the Flynt amendment—when taken together with my present intention to vote for the expanded antibombing language as now contained in section 307 of the bill, represents a shift in my previously expressed opposition to further combat operations by U.S. forces in Southeast Asia, as evidenced by both my past votes and statements.

There are some who will see my decisions, today, in that light—but I would urge them to first carefully consider the drastically and, indeed, dramatically changed situation that pertains here in this Chamber this afternoon.

Before addressing myself further to that situation, I would like to make mention of the fact that—until an hour or so ago—it had been my firm intention to attempt to help us arrive at a viable and reasonable compromise of the differences that divide President and Congress on this issue by offering an amendment to section 307 of the committee bill which would have changed the effective date of the bombing prohibition from August 15, 1973, to August 1, 1973. Although the remarks I had prepared in support of such an amendment do not now pertain, since I do not now intend to offer such an amendment, those remarks do help explain my reasoning on this whole, complex problem facing us as of this morning and, thus, further help explain my subsequent decisions this afternoon.

I would have begun those remarks by attempting to describe the situation facing us—as I saw it—in these words:

> Mr. Chairman—my colleagues—from nearly every vantage point these are dark days for

> this Nation; and it is fair to state we stand at this moment on the brink of its worst serious Constitutional crisis since the days immediately preceding the outbreak of our Civil War.

Those words still certainly apply—although it is now my hope that, in light of the action we prepare to take here in a few moments, that constitutional crisis may now be averted. In any event—since, for the moment, whether or not such proves to be the case still depends on action to follow in the other body—after saying I was primarily directing my intended remarks at those of you who voted, as I did, against Chairman MAHON's motion on Monday to defer until September 1 the effect of the antibombing language inserted in the first version of this supplemental appropriation bill, I intended to make these further observations:

> Although I agree with those others who have argued that the pending Continuing Resolution is probably the best vehicle on which to fight out this issue, this is still the issue that divides us—and further divides the Congress from the President—and there can be no doubt that whatever action we take on this issue, now, will set the pattern for its disposition on both that Continuing Resolution, when it comes back to us, and on such other vehicles as may be affected.
>
> Mr. Chairman, we are rapidly painting ourselves into separate corners on this issue—with few brush strokes remaining on either side. On one hand, we have the Majority Leader in the other body vowing to attach an immediate bombing ban to every bill coming before him until, as he puts it, '. . . the will of the people prevails.' On the other hand, we have a beleaguered but determined President clinging to his position that any bombing ban could 'cripple or destroy' his diplomatic efforts to achieve a cease-fire between contending forces in Cambodia. The final element in the equation that spells out 'deadlock,' is the existence in this body of a dedicated one-third-plus-one—or more—bloc of votes sufficient to sustain any and all Presidential vetoes of measures containing bombing bans unacceptable to the President.

Finally, after having thus attempting to describe the seriousness of the stalemate we were walking into, I intended to use these words to detail our options and our attitude toward them:

> Our options have dwindled down to two. We—President and Congress, that is—can continue on our present courses until we bring, and not many days off now, the whole structure of our Federal government crashing down upon us. Or, we can work together—and I stress together—to fashion a viable and reasonable compromise of our differences on this issue in order to avoid such a national disaster.
>
> This Republic has withstood a good deal of battering in the past but one has to wonder—given our present situation—if it could withstand the additional kind of burden some of us seem prepared to load upon it.
>
> It is all well and good to thunder our challenges down Pennsylvania Avenue about the "will of the people" or to declare that we are standing on "principle" in that, to provide the President with any additional time, would be to "condone the bombing," and I suspect those kinds of speeches are far more fun to deliver than this, which I trust will be accepted as a plea for reason.

Mr. Chairman, I then intended to end that "plea for reason"—and argument in support of my intended amendment—by saying further that I was heartened by the new willingness on the part of the President to compromise with us, as evidenced by his spokesmen's advance of a 45-day deferral date as opposed to the earlier 60-day one, and I was prepared to urge that Congress must now be equally willing to compromise.

Then, it would have been my argument that, on any issue as deeply divisive as this one—and on which competing points of view were so badly polarized—I felt it necessary that the contestants meet each other half way. In support of that point of view, I would have said:

> The President wants—and, by his lights, needs—time. He has now indicated that some forty-five days will suffice. It is unclear what is so magical about forty-five days, so I think it has to be asked—particularly in view of the more-difficult situation in the other body—if thirty days would not equally suffice.
>
> Hence, I offer this amendment to defer the effect of the anti-bombing language now presented to us until after August 1, 1973, in lieu of August 15, 1973. I urge its careful consideration, for I believe it is the best way out of our dilemma one can possbly hope for from whatever point of view. And, if it is adopted in this body, I would further urge that we here and now commit ourselves to hold to such date in whatever negotiations may subsequently ensue regarding the same with the other body.

My final intended remarks would have closed with a plea to "let us have done with arguments over who is 'right' and who is 'wrong' on this issue," and with the further argument that "the paramount need—the overriding issue—is now that of insuring the continuity of the Government in and for this Nation."

In any event, Mr. Chairman, the revelations by the minority leader earlier this afternoon of the new disposition on the part of the President to consider what clearly appears to be "the will of the people" on the question of further U.S. combat operations in Southeast Asia; of his disposition to accept that will, even if only after a further period of not to exceed 45 days of such operations; and—most importantly—of his disposition to move us back closer to constitutional government in that he has agreed, through the minority leader, not to renew military operations of any kind in Southeast Asia after August 15 without first consulting with Congress, all represent substantial concessions on the part of the President of a nature sufficient to encourage me to accept that as a "tradeoff" against the additional 15 days of possible bombing raids in Cambodia that I am prepared to give him.

I have already been asked by the news media: "Does that now mean that I 'condone' such bombing?" To that question, my answer has been, "No"—in further explanation of which I have sought to point out that such bombing is now going on; that, despite my past and, especially, my recent votes designed to end it, those votes—given the situation I earlier described—have not been, and apparently will not be, enough.

I long ago learned, here, that as wiser heads than mine have noted, "Politics is the art of the possible." Put another way, the older I get the more clearly I understand the fact that life, itself, is a succession of "tradeoffs"—of compromise, in one fashion of another, not with one's basic principles but of a sort designed to achieve one's basic purposes. Nowhere does that lesson become clearer than here, in the Halls of Congress.

In any event, Mr. Chairman, I tend to believe that today is, after its own fashion, destined to be a historic day. We have here reached, I believe, at long last, our final, and determinative, votes on the issue of the war in Southeast Asia—an issue that has for so long divided and polarized public attitudes in this Nation, and for so long exacerbated relations as between President and Congress, and equally for so long restricted our common and collective ability to concentrate on other, more important issues upon the wise resolution of which more clearly rests the future of this Nation and its citizens.

I further think—and am most happy to express the thought—that today marks the specific end of the war in Southeast Asia for the people of the United States; and, in reflection, it seems to matter less that its actual ending has been possibly put off for some 45 days, yet, than that the necessity to end it has finally been accepted by all concerned.

So, Mr. Chairman, let us now put behind us—finally—the scars and traumas of this long and difficult decade and set our faces, hopefully, toward a new and better day.

Mr. REUSS. Mr. Chairman, I move to strike the last word and I rise in support of the Flynt amendment.

Mr. Chairman, I would not buy an automobile or a radio without seeing a written warranty. I do not propose to buy a war in that way.

What is going to happen if the Flynt amendment fails? We shall then have ratified 45 more days of bombing. What are the consequences of that?

Consequence No. 1. I would expect that the President would continue, renew, and perhaps even intensify the bombing, in its full destruction and violence.

Consequence No. 2. The people against whom this bombing is ostensibly directed, the Communists of one sort or another, are in the tradition of soldiers who know that if they can only hold out for 45 days they have got it made, and they are going to make a retrograde movement to the rear, to Laos or North Vietnam or wherever they can find a hole, so they do not get hurt.

Consequence No. 3. The old men and the women and the children of Cambodia who cannot make that retrograde movement to the rear are going to find themselves killed and maimed and wounded as in the past.

I am perfectly willing to be here on the Fourth of July if that is the price of not continuing the bombing.

I usually make a Fourth of July speech at home which has a great deal of talk about "We hold these truths to be self-evident" and about "a decent respect for the opinions of mankind." I think both can be perfectly relevant here on the floor next Wednesday, if that is the way it is going to be. We can link them up with the principle of stopping the bombing now.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I realize that the Members of this body are anxious to proceed to a vote on the issue. However, I feel it incumbent upon myself to announce my position, because I assured the gentleman from Georgia (Mr. FLYNT) when we came into the Chamber earlier this afternoon, that I was prepared to support his amendment, as indeed I did on yesterday in the Rules Committee when I was among those who voted for a rule that would make it in order to give him an opportunity to offer that amendment.

However, I feel that after listening to the assurances of the distinguished minority leader in which, after personally consulting with the President of the United States, that he has given us what I think is a very fundamental and historic shift in the attitude of the President on the question of the role of Congress in ending hostilities in Southeast Asia. The assurance that the President will come back to this body—to this Congress on or after that date set forth in section 307 to seek any further authorization that might be needed to carry out hostilities, impels me to the judgment that I am warranted this afternoon in doing what I said I would not earlier do. That is, to support this compromise as contained in section 307 of the bill before us and as worked out by the Committee on Appropriations.

Mr. Chairman, it is not an easy decision for me to make, believe me. It is a matter over which I have agonized in recent days for many hours, because of the conviction to which I have come that on constitutional grounds, once the agreement of January 27 was reached, once the prisoners were sent home and our troops were withdrawn, that there was in fact no constitutional basis for the President to continue hostilities in Southeast Asia.

However, I feel that in the longer view of history that I must take in this Chamber this afternoon, we have now succeeded in convincing the President of the United States, the administration, that it will be necessary for them, 45 days hence, to come before the Congress and get that advance authorization before any hostilities are continued. I think that is a concession. I think that is the kind of substantive change in policy that can convince me that I ought to compromise in this matter. I do not sanction the bombing of Cambodia. However, I know of no quicker and more effective way of finally terminating those hostilities than to establish this cutoff date.

I would also agree with the gentleman from Arizona (Mr. RHODES) that more is involved than simply the funds that are carried in this particular bill. If the principle for which the distinguished chairman of the committee (Mr. MAHON) has argued is adopted, that the August 15 compromise be accepted, then I understand that the conferees on the debt ceiling bill are willing to go back to conference and try to import that same principle of compromise into that bill. That is a bill we do need. We may be able to get along without the funds in this supplemental appropriations bill. However, on the 30th of June the present temporary debt ceiling expires. I understand every week the Treasury has to issue at least $4.2 billion worth of 90- and 180-day bills to refinance the debt of this Government. We simply then, I think, would be faced with an intolerable situation. After June 30, 1973 if we cannot separate this controversy over the war in Cambodia from the clear necessity of getting a bill passed that will extend the debt ceiling.

Mr. Chairman, much as I am opposed to the war in Cambodia and Southeast Asia, I believe that for all of these reasons and because I think those of us who voted to override the Presidential veto of this bill the other day were successful in some measure in bringing about a change in attitude and proclaiming a willingness to compromise and a willingness by the administration to concede that this Congress must affirmatively act, before further hostilities in Southeast Asia are undertaken, I am going to be willing this afternoon to vote for section 307 and support the committee on the bill.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, there is no way that this amendment can get through the other body. The other body is not going to capitulate on a debt ceiling or anything else.

Mr. ANDERSON of Illinois. Mr. Chairman, in reply to the gentleman from Massachusetts, I was told a few minutes ago that the distinguished junior Senator from Minnesota, Mr. HUMPHREY, was among those who were leading an effort in that body to try to secure acceptance of the August 15 compromise.

Mr. BURKE of Massachusetts. Mr. Chairman, we have the word from the majority leader of the other body that there is no way they will capitulate for even 1 hour.

Mr. ANDERSON of Illinois. Mr. Chairman, I think we have to make the effort. I would simply repeat in closing that I think the effort has to be made. Those of us who have with great difficulty taken a position in opposition to our own President now have some assurance that we can look forward to the situation with greater hope that the powers and prerogatives of this Congress with respect to the warmaking power will be supported.

AMENDMENT OFFERED BY MR. GROSS TO THE AMENDMENT OFFERED BY MR. FLYNT

Mr. GROSS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Georgia (Mr. FLYNT).

The Clerk read as follows:

Amendment Offered By Mr. GROSS To The Amendment Offered By Mr. FLYNT: Strike out "in, over or from off the shores of Cambodia or in or over Laos", and insert "in, over or from any other sovereign state".

Mr. GROSS. Mr. Chairman, my amendment would make the amendment offered by the gentleman from Georgia read as follows:

None of the funds herein appropriated under this Act or heretofore appropriated under any other act may be expended to support directly or indirectly combat activities in, over or from any other sovereign state by United States Forces.

I offer this amendment to give the Members of the House the opportunity to go all the way and not just piecemeal. There is a dangerous situation in the Middle East that could erupt at any time. I simply think that any legislation here today in the nature of that offered by the gentleman from Georgia should be made to cover possible contingencies in addition to Laos and Cambodia.

Mr. Chairman, I urge adoption of my amendment and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS) to the amendment offered by the gentleman from Georgia (Mr. FLYNT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SEIBERLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 57, noes 346, not voting 30, as follows:

[Roll No. 313]

AYES—57

Baker
Bennett
Clawson, Del
Cleveland
Collins, Tex.
Conlan
Davis, Wis.
Dickinson
Fascell
Findley
Forsythe
Froehlich
Gibbons
Ginn
Gonzalez
Gross
Gubser
Guyer
Hanrahan
Hays
Hechler, W. Va.
Helstoski
Hungate
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Kastenmeier
Kazen
Ketchum
Leggett
Long, Md.
McClory
Mathis, Ga.
Matsunaga
Mazzoli
Miller
Montgomery
Mosher
Moss
Parris
Poage
Rarick
Riegle
Rousselot
St Germain
Saylor
Skubitz
Snyder
Steed
Sullivan
Symms
Taylor, Mo.
Towell, Nev.
Wampler
Young, Fla.
Zablocki
Zwach

NOES—346

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Aspin
Bafalis
Barrett
Beard
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski

du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gaydos
Gettys
Giaimo
Gilman
Goldwater
Goodling
Grasso
Green, Pa.
Grover
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Heckler, Mass.
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lehman
Lent
Litton
Long, La.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zion

NOT VOTING—30

Ashbrook
Ashley
Badillo
Bell
Blatnik
Breaux
Clark
Danielson
Dent
Derwinski
Duncan
Fisher
Fuqua
Gray
Green, Oreg.
Griffiths
Hansen, Wash.
Hébert
Hunt
Jones, Ala.
Patman
Rooney, N.Y.
Ryan
Sandman
Staggers
Teague, Tex.
Thompson, N.J.
Tiernan
Wilson, Bob
Wyatt

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Georgia (Mr. FLYNT).

Mr. Chairman, the gentleman from Arizona (Mr. RHODES) raised a question which I think is entitled to an answer.

In 1968 one of the worst of many horrors of this war took place at a time when the Congress and most of the people in the country did not even know of its occurrence.

I am referring to the terrible happenings at a place called Mylai. When I read about it in the magazines and newspapers, I tried to recall what I was doing in March of 1968 at the time that terrible tragedy occurred. I realized that I spent that week skiing with my family, out at Vail, Colo. It has haunted me ever since that at a time when death and destruction were being rained down on a small country and on innocent people, and even though I had publicly protested the war, I was out enjoying myself and not doing everything in my power to stop it.

Today we know what is happening in Cambodia. Not one American has ever been subjected to a raid by strategic bombers dropping bombs from 50,000 feet. If they had, and if Members of this House had been subjected to that, they might have a different feeling about civilians being subjected to unseen terror from the skies.

I cannot go home and enjoy the Fourth of July recess having voted to continue the rain of death and destruction, the immoral rain, since there is no meaningful justification for it, for 1 more hour. That is the reason why I cannot vote for this so-called compromise, which is, in fact, no compromise at all.

Mr. Chairman, I yield back the balance of my time.

Mr. DRINAN. Mr. Chairman, I rise in support of the Flynt amendment.

Mr. Chairman, 2 days ago I became a certified "enemy" of the White House.

Messages and telegrams of congratulations have poured into my office.

Friends and foes have told me that my re-election on November 5, 1974—16 months from next Tuesday—is now assured.

Only 18 members of the House of Representatives have been certified as "enemies" of the White House. Consistent with its racist policies in other areas of its activities the White House has two lists of Members of the House—one white and one black.

I was pleased to note that the White House regularly updates this list of its "enemies."

Although I cannot guarantee any of my colleagues that they will be placed on the enemy list if they vote to terminate the bombing in Cambodia today I can guarantee them that if they vote for the President's policy, they run the risk of being placed on another list, as yet unrevealed of "friends" of the White House.

Woe to the Member of Congress who is unlucky enough to turn up on the list of the "friends" of the White House!

I feel fairly certain that if any Member of the House changed his position today and voted to allow the President 6 more weeks of bombing in Cambodia he would have a very good chance indeed of having his name added to the list of "friends" of the White House.

I am opposed to 6 more weeks of bombing. I am opposed to 6 more days of bombing. I am opposed to 6 more hours of bombing. I am opposed to 6 more minutes or 6 more seconds of bombing.

The monstrous proposition offered to us by the Appropriations Committee is not a "compromise." It is a request for a license to bomb for 45 more days in exchange for some promise that the White House will not veto this bill.

I hope that all friends and enemies of the White House will reject this sordid and gross proposition.

If you are interested in being reelected 14 months from next Tuesday I urge you to aspire by your vote today to get your name on the list of the "enemies" of the White House!

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the Flynt amendment and all amendments thereto close at 2:45 o'clock.

Mr. DENNIS. Mr. Chairman, reserving the right to object, I was recognized before the chairman got to his feet. Will this limitation come out of my time?

The CHAIRMAN. The Chairman of the Committee of the Whole always protects the right of the chairman of the committee which brings in the bill being considered on the floor. The Chair did not see the chairman when he looked at the gentleman prior to recognizing the chairman. The Chair was protecting the chairman's right to be helpful to the Committee of the Whole in discussing this bill.

Mr. DENNIS. Mr. Chairman, further reserving the right to object, I am not complaining but I am just wondering whether the limitation is going to affect my 5 minutes or not.

The CHAIRMAN. The Chair recognized the gentleman from Texas.

Is there objection to the unanimous-consent request?

Mr. MAHON. Mr. Chairman, I withdraw the unanimous-consent request.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, a moment ago I voted here against an amendment offered by my good friend, the gentleman from Iowa, in spite of the fact that in many respects I sympathized with the gentleman and sympathized with his amendment. If I had been free in my thinking to merely follow my inclinations, I might well have gone along with the gentleman, but I voted "no" because it seemed to me that, regardless of how I might feel in my heart, it was really not responsible to determine long-range, worldwide policy for this Government on an amendment offered on the spur of the moment to an appropriation measure. I do not really think it is responsible to do that on even such a provision as section 307 to this appropriation bill, and yet I am supporting section 307 in the committee's bill today.

On a number of occasions I have taken the well and expressed the point of view that we should not determine national policy that way, and a great many times I have said we should not have a cutoff date because it did not make sense, because we are just telling the other side they should keep going until then, and then they are home free.

Yet today I am supporting that position. Why? Because I think I can see reality. The American people are tired of bombing in Cambodia. I am tired of bombing in Cambodia. Everybody is tired of bombing in Cambodia. It goes against our grain; it lies heavy on our conscience. And we have reached that point in this situation; but there are some folks over here, apparently, who cannot see reality yet.

As the gentleman from Arizona (Mr. RHODES) said, they have won, and they do not seem to care. Why, the same people who are supporting the Flynt amendment talked here for years about setting a cutoff date, and now we are setting a cutoff date and they are voting against it. That is exactly what is happening here this afternoon, these Members are willing to jeopardize everything accomplished to date in Vietnam. They will not let the President have 6 weeks to perfect the peace. The Members here probably remember the old story about the farmer and his mule. The farmer used to take a 2 by 4 and hit the mule over the head right between the eyes. When they asked him why, he said the only reason he did it was to get the mule's attention.

I recognize reality in this situation and I am for the committee bill and I am against this Flynt amendment; and I just hope my friends over here, some of them, will recognize it too and not act like the mule.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at 2:50 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent agreement was entered will be recognized for approximately 1 minute each.

The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

(By unanimous consent, Mr. ADDABBO yielded his time to Ms. ABZUG.)

Ms. ABZUG. Mr. Chairman, this is the only body which has the power to use the appropriation process to determine whether there should be war. This is, if we accede to this "compromise," the first time we are approving the war in Cambodia. Instead of just using the appropriation power totally and cleanly to stop the war, we are ceding a larger power, the power to declare war, which belongs only to the House of Representatives and not to the President.

By giving this August 15 date, we are giving power for war to the President. This is a power he does not have under the Constitution. It is a power that the people do not want him to have. It is a power that he will use to kill many innocent people.

I believe that all of the discussion which has taken place here on the floor is really quite irrelevant. Representations have been made about what the President may have said, about what some officials of the State Department may have said, and yet we in the House have had only one message from the President, and that was the veto message earlier this week on the Eagleton amendment which is the only written, direct word that the President has given us on the question of how he feels about this war. He has suggested that he believes that it would be "tragic" if congressional action were to undo the efforts that he has made to continue this war in Cambodia.

This compromise has a very interesting aspect, and that is that it would run out on August 15, right in the middle of our summer recess. You will all recall that congressional recesses are Mr. Nixon's favorite time for precipitous action, as any possible counteraction of a unified nature is impossible until we reconvene. For example, the illegal and inhuman bombing of North Vietnam last fall took place during the hiatus between the 2d session of the 92d Congress and the 1st session of the 93d.

A look back into history provides some interesting suggestions as to Mr. Nixon's next move. In 1964, we had the Gulf of Tonkin incident, in which two U.S. warships were allegedly attacked off the coast of North Vietnam. This allegation later turned out to be false, but it provided the pretext for the longest, most costly war in our history, a war utterly without justification.

In 1939, Polish troops allegedly crossed the German-Polish border to attack a German radio station. This allegation also turned out to be false, but it provided the pretext for Adolf Hitler's invasion of Poland and the beginning of World War II.

I am not an alarmist by nature, but I am alarmed by what I see proposed here today. I fully expect to hear, at some point between now and August 15, some claim of provocation reminiscent of the Gulf of Tonkin incident or the Polish border incident.

I urge you not to fall into this trap. I urge you to stand firm against this trickery and to agree to the Flynt amendment, for those who do not heed the past are condemned to repeat it.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the Flynt amendment and ask the Members to think with me about what section 307 of the Appropriation bill does. Whether or not a Member is for the war, they understand the argument against setting a date certain, because by doing so we lose our bargaining power. The other side knows we have to withdraw. Therefore, I think if we are continuing the war to better our bargaining position, section 307 with its August 15, 1973 cutoff makes no sense.

What reason could we have to bomb Cambodia for 6 more weeks? The only reason I see is to strengthen the Lon Nol regime.

Remember him? He is the Cambodian leader who wanted to bomb rabbits because he thought they had explosives strapped to their stomachs. He is the Cambodian leader whose wizards suggested we sprinkle magic poofle dust to protect Phnom Penh.

Do we think we can strengthen this regime by spending more money and lives?

If we wish to strengthen the Lon Nol regime we should send him psychiatrists, not bombs. There are no positive facts whatsoever for extending this conflict any further. The war is illegal, immoral, and any further expenditures fruitless and senseless.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. ROE).

Mr. ROE. Mr. Chairman and Members of the House, I have not spoken on this issue, not because I am not concerned about it but perhaps I am too deeply concerned about it.

I should like for the Members to listen to me for a moment, just for a moment. I know they have been listening for 4 or 5 days.

How many individual Members in this House have ever in their experience been in an air raid where their lives were involved? How many have been in that kind of a circumstance in their lives?

How glib it is for all of us, or many of us, to speak and say how terrible it is, or for those on the other side, in part, who would come back and dare to say, "We need more time to kill. I am neither hawk nor dove, but I am not a duck."

I say to the Members: Think a minute about letting those bombs rain on your heads.

I stand in this well with a 3½-year combat infantry record, when I was so scared, and I am not ashamed to say it on the floor of the House, until my teeth chattered.

Just one more half second, if I may. As we waited to cross the Rhine we had to shovel away the dung of those people who fought, who were so afraid.

Think about what it means to individual life.

The CHAIRMAN. The Chair recognizes, the gentleman from Indiana (Mr. HUDNUT).

(By unanimous consent, Messrs. HUDNUT, COLLIER, RUTH, and SARASIN yielded their time to Mr. ARENDS.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I simply want to appeal to the Members of the House this afternoon, now that we have almost reached the end of debate as to what we are going to do. Let us do it emphatically, with an overwhelming vote on the compromise.

I say this for one simple reason. What this House now does will have great impact on the gentleman on the other side of the Capitol, and will be important as to whether or not we are going to finish the legislative program scheduled for this week.

Let me repeat, I would hope that all of us would do our best to give support to this agreed-upon compromise, not to make me happy or to make many others happy, but being responsible we all have to compromise on occasion. The longer one serves here, the more this becomes a fact of life.

The CHAIRMAN. The Chair recognizes the gentleman for Maryland, Mr. Gude).

Mr. GUDE. Mr. Chairman, I rise in support of the Flynt amendment to the second supplemental appropriations bill.

The House of Representatives has only recently gone on record in support of an immediate cutoff of funds for the ongoing Indochina war. It would be most unfortunate for the House to step back from this position today and accept an extension until August 15, 1973, an additional 45 days of bombing.

Many of us were not in Congress when the United States first began its slide into the Vietnam quagmire. Others who were here did not understand that by their cooperation they were leading this Nation into the most wasteful, futile, self-destructive war in its history. Today, however, we do not wear blinders. Today, the wool cannot be pulled over our eyes as it was when the Gulf of Tonkin resolution was passed.

Mr. Chairman, the debates over the Indochina war that have been conducted in this Chamber over the past decade have nearly exhausted the topic, just as our people are exhausted and fed up with the war itself. Today, in this Nation we have a multitude of domestic reasons to deter us from further military adventures. We have long since honored whatever commitment we had in Indochina. Let us not pretend that a 45-day extension of the bombing will accomplish what a major U.S. effort over the last decade did not.

To postpone the ending of the bombing and other military activities in Southeast Asia is simply going to mean the loss of more innocent lives in that ravaged land as well as the lives of more American pilots.

Make no mistake, the achievement of a final and true peace is ultimately dependent on the leaders and citizens of the nations of Indochina not on whether American bombers rain death and destruction for an additional 30, 45, 60, or any other number of days.

We have come a long way since those naive Gulf of Tonkin days. Let us not take a step backward. I urge my colleagues to support the Flynt amendment and all other similar amendments which might come before the House in the next days and weeks.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, I have an amendment at the desk. It cannot be read at this moment because we have limited time.

This amendment to the Flynt amendment would provide that upon the enactment of this bill it shall be illegal to be in combat operations in these areas.

The reason why I have brought this amendment up is because we are doing this thing very inartfully. We have the power in the Congress to end these hostilities by clearly enacting a piece of legislation saying it shall be illegal to continue them. We have not seen fit to do that. We should do that. We can do that on this piece of legislation, if allowed.

There are two issues involved in this matter. One is the conflict of decision between the President and the Congress. The Constitution is very clear on that. The Constitution clearly says it is the Congress which is to determine whether we are to fight a war or not, not the President.

Mr. Chairman, that is one of the issues involved. The other issue is whether we, in fact, should be in this war. Personally, as I stand before the Members at this moment, I favor the Flynt amendment, being of the option that we should opt in favor of ending this war right now, the sooner the better.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Froehlich).

Mr. FROEHLICH. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, this week we have been snarled in a real constitutional crisis. Congress, by majority vote, has determined to end bombing in Cambodia. The President, by veto sustained in this body, has determined to continue the bombing. The legislative-executive confrontation has deadlocked. Checks and balances have created the ultimate governmental impasse.

In this crisis, the alternative to compromise is chaos. Unless the two branches each give up something our governmental processes will cease. Payrolls will not be met; social security checks will not be mailed; interest will not be paid.

My position in this matter is one of complete dedication to ending the bombing, which I believe has no legal or constitutional basis anymore. In addition, I have voted since I first entered this body for the withdrawal of our forces, the cutting off of funds for Vietnamese military actions and for ending the bombing. It is most difficult for me to alter my position in any way that might prolong the bombing.

Nevertheless, however strong my feelings against the bombing, I believe that some reasonable compromise must be made. The President, through the minority leader, has offered an attractive compromise. In effect he offers a Southeast Asia War Powers Act including a passive congressional veto on any military activity there. That surely gives us something we could not get ourselves legislatively.

In addition, we are offering a time certain for termination of the bombing.

If we do not accept this compromise and our position prevails, we can only anticipate continued bombing with pipeline funds, and a chaos in, and breakdown of, our Government. In this crisis situation I believe the compromise is the only alternative which offers anything but chaos. I therefore intend to vote for the committee bill on the basis of the compromise presented for the President by the gentleman from Michigan (Mr. Gerald R. Ford).

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Zion).

Mr. ZION. Mr. Chairman, I rise in opposition to the amendment. I cannot help but notice the compassion being felt for the lives of the Communists in Southeast Asia. I would like to say something about the free people of the countries of Southeast Asia.

Mr. Chairman, it is possible that as a result of our action today, millions of people may be slaughtered because they do not want to live under godless communism. The people of Cambodia, Thailand, and perhaps all of Southeast Asia could fall under the cancer of communism.

By depriving the free people of those lands, the assistance we have traditionally given to those about to be enslaved, we could well be responsible for that result.

Mr. Chairman, a true demagogue, recognizing that possibility, would vote "no" on this measure today. Then he could later take the floor, beat his breast in righteous indignation, and loudly proclaim innocence of this infamous activity.

I do not intend to take that action. Those of us who are concerned about the growth of communism are making a much greater compromise by our vote today, even without this amendment, than the ultraliberal leftwing extremists who have done so much to discourage our fighting men and have brought so much aid, comfort, and encouragement to the Communists.

Mr. Chairman, I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Goodling).

(By unanimous consent, Mr. Goodling yielded his time to Mr. Williams.)

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Chairman, back in the time of the 1930's I watched legislative groups like this over most of the world do their best to appease the Axis countries. That appeasement resulted in my spending over 3 years in the service, and it resulted in the deaths of over 22 million people.

When I came here in January of 1967, the Gulf of Tonkin resolution had already been passed. The Members of this House were condoning the sending into South Vietnam of over 540,000 troops. Our casualties were high; our deaths of American young men were running between 200 and 300 per week.

Mr. Chairman, now we have accomplished 95 percent of what we have to accomplish. We have gotten our troops home, we have gotten most of our POW's and our MIA's home, and when we are about 5 percent away from a true type of peace settlement, it is just wrong to yank the rug out from under this country and cave in so that we can have more of the same in the future.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Moorhead).

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in reluctant opposition to the amendment of the gentleman from Georgia (Mr. Flynt).

I say reluctant opposition because I have supported every amendment and every bill to bring about the termination of our military involvement in Southeast Asia including the identical amendment to this bill when it was before the House originally and in support of the motion to override the veto.

Although a majority of the House favored overriding the veto by a vote of 241 to 173, we failed by some 35 votes to achieve the two-thirds majority necessary to override the veto.

If we adopt this amendment the Congress will march up the same hill and after a veto march down the same hill again and we will be no nearer an end to our military involvement in Southeast Asia.

I recognize that on technical grounds section 307 might be construed to give some legitimacy to our military operations in Cambodia. This I do not like, but I am more concerned that, for the first time, the Congress can take effective action which will reassert the congressional constitutional power to terminate military actions by the executive.

At times the unattainable ideal must give way to the practical solution.

Today we face such an alternative.

Based on the assurances by the minority leader that the President would not veto the bill containing the present section 307 and that the President would feel compelled to seek congressional approval before engaging in any military operations in Southeast Asia after August 15, 1973, I support the committee compromise.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I had not really intended to speak on this issue which has been discussed so many, many hours in this Chamber in the last several years. However, after listening to the reasons as given by many this afternoon for voting against the committee bill and voting for this amendment or some other restricting amendment, I am led to ask a few questions. This is not the time nor the way to attack the President.

The decision here should not be a political one. It is not a way to vent your feelings against the President, whom you blame for many things. Surely this issue of ending this war in the right way rises above your political motives this afternoon.

I think it is a tragedy when you read the RECORD tomorrow and you see the reason some have put as to why they are going to vote for this amendment. An attack on the President once again. It will not sound very good.

We want to end this war, but we want to do it in the right way. Just today Cambodia announced that if they did not have this assistance they would surely go Communist and many thousands of people will lose their lives.

Yes, as the gentleman from New Jersey said, war is bad, but war goes both ways, and we have an opportunity here to end it in the right way. I believe most will want to cast their vote, not politically, but for what is best for a lasting world peace.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I stand here today in unmitigated euphoria over the argument as to whether or not we will finally terminate the Vietnam war eiher this month or next month. I revel in this posture and hope that we can get this war over with however this vote goes in the quickest possible manner.

It was said some years ago that this war would just slide away, and that is apparently how it will happen. The folks who have supported this war all along will claim their little victory for the next 30 days, but I want to tell the President this: We will keep book on him if we work out any kind of a compromise and for every man lost in the next month, for every man missing in action, for every bomb dropped, for every peasant killed, and for every agreement not executed, we will hold him personally responsible and accountable.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. PASSMAN).

(By unanimous consent, Mr. PASSMAN yielded his time to Mr. SIKES.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, before we allow ourselves to be carried away by the spirit of confrontation, let us just remember that the Flynt amendment is the same as the language which was vetoed. The House does not have the votes to override.

The administration has yielded to a very great degree in an attempt to achieve accord with the Congress on the issue of Southeast Asia. The Senate will probably accept the committee language. If the House does not accept the committee language, there will be another veto, and we will be back here tomorrow and next week. The fact that we may not adjourn tonight is not of importance. But it is important that civilian and military personnel cannot legally be paid after tomorrow if this bill is not enacted. You will get yours; can you explain to the people back home why they cannot get theirs. This bill affects a great many people. It provides needed funds for almost every department and agency of Government. That includes a lot of people who need their money. It includes the very important college student aid program, retired military pay, funds for payment to the civil service retirement fund, and claims and judgments against the Government which have not been paid. There are many such claims. Typical are the moving companies which move household goods of military personnel and dependents. These claims and accounts are for your constituents. The money to pay them is in this bill.

The President has yielded a great deal. We can afford to yield a little, and that is all the House is being asked to do. The Nation's financial house is in disorder. We can take an important step today toward restoring a degree of order to this situation. I am not happy about the solution which is offered to the problem of Indochina, but I recognize the necessity of resolving the impasse which has developed and I shall support the committee proposal.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

(By unanimous consent, Mr. OBEY yielded his time to Mr. GIAIMO.)

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I rise in support of the Flynt amendment.

If your people back home ask you why they are not getting the moneys that were appropriated by the Congress of the United States, the answer is very simple.

Ask them to call President Nixon and ask him because he is the one who vetoed the bill. Congress provided the funds for all of the needs that were in the supplemental bill.

It is very important, in view of the commitments that were made here today by the President of the United States, that we remind the President that the House and the Senate overwhelmingly voted to stop the bombing in Cambodia. It is only because of those actions, those heroic actions by the Congress in the past weeks that we now are able to get word finally from the President that he only wants another 45 days. You will recall we passed this bill originally on May 10, and they said then that they only needed a couple more weeks. They have had 50 days, and absolutely nothing has happened so far to end the bombing.

So, Mr. Chairman, let us demonstrate a resounding will on the part of the Congress to stop the bombing and, more important than that, regardless of all the verbiage and all of the arguments, the fact remains that if we go along with the language of the committee bill this Congress is authorizing hostilities and combat activities, something which the Congress has gone on record as saying it does not want to do.

I ask a resounding vote in favor of the amendment offered by the gentleman from Georgia (Mr. FLYNT).

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman. I rise in support of the Flynt amendment which would strike the "August 15, 1973" date from the Appropriation Committee's antibombing proviso and call an immediate halt to the war.

The basis for the opposition to the Flynt amendment is the assurance from the distinguished minority leader that after the August 15 cutoff date the President will come to the Congress to seek authorization for continued bombing in Indochina. With all due respect to the minority leader, I think such an assurance is wholly illusory.

For we have received no assurance about what the President will do if Congress refuses to give the President further bombing authority after August 15. If he is consistent with his past actions, he will not abide by the will of the Congress, but merely continue the bombing in the same illegal way he is now carrying it out—without prior congressional approval.

Secondly, we are not told what the President's actions will be if Congress passes another rider after August 15 preventing the President from carrying out his ruthless activities in Cambodia. Will he be bound by the will of a majority of the Congress or will he insist that Congressional sentiment be manifested in a two-thirds vote. If he vetoes any further cutoff legislation and insists on a two-thirds vote, then we will be in the same situation after August 15 that we are in today.

On the other hand, if the President's reassurances indicate that after August 15 he will in fact abide by a majority decision to end the war in Cambodia, then why can not he abide by our will today? I cannot believe that another 6 weeks of this senseless bombing is going to achieve any positive results or that the congressional majority will be wiser after August 15 than it was today.

We were told in May that the administration only needed a few more weeks to straighten out the Cambodia situation. Yet, we are bombing that country more intensely today than ever before.

It is clear that the President does not need 6 additional weeks for this war anymore than he needed the "transfer" authority he sought back in May. And if we vote to allow him to continue the bombing, we are doing nothing more than putting our imprimatur on the blood which he is spilling in Cambodia.

Let us remember what continued bombing for another 6-week period will mean. Think about the American servicemen who are flying continuous and grueling nonstop missions from Guam and Thailand. Do you think that they want to risk their lives for this useless war? I have personally heard stories from flyers who have joined in my lawsuit and their relatives outlining their frustration over participating in this futile effort. Think also what this continued bombing will mean to the American public.

They are being asked to make a sacrifice of $4,000,000 a day for another 45 days—which means a wasted expense of $180,000,000. How can we deplete our resources so foolishly when our domestic programs are so desperately underfunded? How can we continue to tell our constituents that we have no money for better housing or social security increases or health care because we are destroying villages and people in Cambodia?

Finally, we must remember what this brutal bombing policy is doing to the people of Cambodia. Think about the terror we are forcing upon them merely to prop up a corrupt regime that could not survive for 2 hours on its own.

We are not asked by the President for a mere compromise on a simple piece of legislation. We are asked to compromise our ethical values, the lives of our fighting men, and our precious resources. We are being blackmailed on the one hand and offered meaningless promises on the other.

And at a time when the American public is looking to Congress for leadership we cannot capitulate to the President over a bankrupt and immoral policy.

(By unanimous consent, Miss HOLTZMAN yielded her remaining time to Mr. ADDABBO).

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, may I say to the Members who have asked for August 15 that I wonder how many of them on August 15 would not give the President further authority? By that time maybe 1,000 of our young men will have been taken prisoner or killed over Cambodia between now and August 15.

That is a possibility we are voting for when we do not support the amendment offered by the gentleman from Georgia (Mr. FLYNT).

PREFERENTIAL MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. HAYS moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

Mr. HAYS. Mr. Chairman, I offer this because I was standing, and several people can testify to that, and my name was not on the list, and that is a possibility that can happen when many people are standing and the Clerk can overlook them.

But, Mr. Chairman, I feel motivated to say something about this, because I had voted against the cutting off of bombing. I voted to keep from restricting the President. I voted with the President every single time that this has been before the House. As I said earlier, I have changed my position, and I would not be taking the well of the House now except that I have heard some very peculiar statements here that I thought somebody ought to talk about.

The gentleman from Pennsylvania talked about what the Congress did in World War II. I agree with the gentleman that the Congress did make it possible to appease Hitler. But then somebody else on that side got up and said this is not the time to oppose the President.

Well, in the name of God, when a list comes out that fills a whole sheet of a newspaper of people that they are going to get down at the White House—and I do not say the President knew about it—I say this is the time to oppose the President.

I was talking to a Hungarian doctor yesterday. He said:

> When I read this list in the paper a chill went up my back because, when the storm troopers marched into Hungary they had lists like that, and my name was one of them. And I got out just ahead of them with my life.

And I say to you on my left you can boo and you can do what you like, but when those two Nazis, Haldeman and Ehrlichman, have lists like the Nazis who supported Hitler did, then it is time somebody called a halt. And I am going to vote to cut the war off today, this afternoon, now.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. HAYS. If I have any time left I will yield to the gentleman.

Mr. CEDERBERG. I understand the gentleman from Ohio has his own list.

Mr. HAYS. Well, I have not got a list, but if I did have I might put you on it.

I voted for Mr. GROSS' amendment because it made a lot of sense. If we are going to cut off the war in Cambodia and Laos, why not cut it off everywhere? I do not know what the President promised Mr. FORD. I am willing to take Mr. FORD's word. He has never broken his word to me. But I can tell the gentleman from Michigan this: As late as this morning the White House was trying to get me—how do I know it was the White House; it was a voice on the telephone that said it was—to go to the conference on the State Department appropriation at 3 o'clock and get the Case-Church amendment revised, which I was trying to do for them, so that it did not include North and South Vietnam.

Do I understand that it is all right if we include them now? Is that what I understood the gentleman to say?

Mr. GERALD R. FORD. I can only repeat what I said earlier, that my interpretation is Southeast Asia, and that includes North and South Vietnam.

Mr. HAYS. Then I am going to conference and accept the Senate version on North, South Vietnam, Laos, Cambodia—what have-you—because I cannot follow the gyrations of the people downtown. I was trying to help. I really felt maybe we ought to keep our options open in North and South Vietnam. They talk about negotiating a peace in Cambodia. If it is as full of holes as the peace Dr. Kissinger negotiated in North and South Vietnam, maybe we ought to keep our options open. I just do not know, because that negotiated peace, on which there was a lot of propaganda, turned out to be no peace at all.

If the Members are going to say it was not our fault, I will agree with them ahead of time.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. It is my understanding that on yesterday there was the lowest level of any incidents in North or South Vietnam, three in number. That is a tremendous achievement, and I regret that the gentleman downgrades or degrades the settlement that has been achieved.

Mr. HAYS. I am not downgrading or degrading anything, but there have been several thousand people killed since that so-called peace was announced. It is just a little bit like the epitaph on the tombstone up in Vermont. It says this:

> Here lies the body of Jonathan Ray who died maintaining his right of way. He was right, dead right, as he rolled along, but he's just as dead as if he'd been wrong.

The people who have died in Vietnam since the "peace" are just as dead as if the war were still going on.

Mr. HUDNUT. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Georgia (Mr. FLYNT) which would immediately terminate funding of combat activities in, over or from off the shores of Laos or Cambodia, either directly or indirectly and in support of the committee's recommendation to give the President of the United States until August 15 to conduct negotiations with the strength and flexibility of response that he desires backing him up, after which date funding of such hostilities would cease.

These are hard decisions for us to make. They involve much soul-searching. And in making them, reasonable and sincere men will differ.

We have heard it asked here this afternoon, "How would you like it if American bombs were raining down on your head from 50,000 feet up in the sky?" As if to imply that the United States is deliberately and diabolically indulging in arson and murder of Cambodians. Might we not also ask: How do we suppose the Cambodians like having 40,000 incursionists inspired and supplied by Hanoi pouring across their borders from North Vietnam? How do we like the prospects of Cambodia and Laos falling under Communist sway? How do we like standing by while a weaker neighbor is ground under the boot of the tyrant?

I say we cannot sit by and let this happen. To bring a halt at this time to U.S. air operations over there would remove Communist incentive to negotiate, dim prospects of our diplomacy arranging a cease-fire, compromise the current tactical situation in Cambodia, undermine the chances of establishing a stable new broadened government in Phnom Penh, subject the civilian population of that city to extreme hardship with the potential closure of road and water routes by enemy actions, and ultimately probably clear the road for a Communist insurgent government in Cambodia that would be subservient to Hanoi, and thus jeopardize the entire Indochina peace.

The administration has asked that we give them a little time to work through the negotiation process, and we have the word of the distinguished minority leader that the administration has agreed to the August 15 date. It does not seem to me to be unreasonable to agree to wait that long, and considering the success that the President has had in dealing with the Communist world, in winding down the war in Vietnam, in achieving a détente with Russia and China, and in bringing some measure of stability to Indochina. I think we should vote this afternoon, not to tie his hands, but to give him the strength and flexibility he needs to conclude the efforts in which his administration is engaged to achieve a peaceful settlement in Southeast Asia by August 15, 1973.

Mr. MAHON. Mr. Chairman, I think the debate has been ample, and I think everyone is familiar with the issue before us. I rise in opposition to the preferential motion. I ask that the Flynt amendment be voted down and that we then have the opportunity to approve the amendment provided in the bill.

Mr. Chairman, I move the previous question on the preferential motion.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Ohio (Mr. HAYS).

The preferential motion was rejected.

AMENDMENT OFFERED BY MR. BENNETT TO THE AMENDMENT OFFERED BY MR. FLYNT

Mr. BENNETT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT to the amendment offered by Mr. FLYNT: At the end of the Flynt Amendment strike the period and insert a semicolon and the words "and from the date of the enactment of this law it shall be illegal for anyone to participate in, or order, any such activities."

The CHAIRMAN. All time under the limitation having expired, the question is on the amendment offered by the gentleman from Florida (Mr. BENNETT) to the amendment offered by the gentleman from Georgia (Mr. FLYNT).

POINT OF ORDER

Mr. CEDERBERG. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CEDERBERG. Legislation on an appropriation bill is subject to a point of order.

Mr. BENNETT. Mr. Chairman, the point of order comes too late.

The CHAIRMAN. The Chair does not think the point of order comes too late. Since all time for debate under the limitation had expired, the Chair had put the question. The Chair had recognized the chairman of the Appropriations Committee only for the purpose of ascertaining that fact.

Does the gentleman from Florida wish to be heard on the point of order?

Mr. BENNETT. Mr. Chairman, I have not thoroughly researched this point of order but I believe the amendment modifies the language which is before us today in a very realistic way. As has been pointed out by attorneys in the Department of Defense, the mere cutting off of funds does not end the war. This is just a frank statement of law which will be upheld by the President because it makes it illegal to continue the war, which we should have done a long time ago instead of approaching it by the funding method.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. MAHON. Mr. Chairman. I have a statement as to the point of order.

The amendment violates clause 2 of rule XXI of the rules of the House.

The CHAIRMAN (Mr. BROOKS). The Chair is ready to rule.

The Chair feels that the amendment offered by the gentleman from Georgia (Mr. FLYNT) was protected by the rule. An amendment to that amendment which would add language making an act illegal would be in effect legislation on an appropriation bill, in violation of clause 2, rule XXI, and the point of order is sustained.

The question is on the amendment offered by the gentleman from Georgia (Mr. FLYNT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GERALD R. FORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 236, not voting 28, as follows:

[Roll No. 314]

AYES—169

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Aspin
Barrett
Bennett
Bergland
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Dellums
Denholm
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Fascell
Findley
Flynt
Ford, William D.
Fountain
Fraser
Fulton
Gaydos
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Green, Pa.
Gude
Gunter
Hamilton
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCormack
Macdonald
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Moakley
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Stanton, James V.
Stark
Steele
Stokes
Studds
Sullivan
Symington
Thone
Udall
Ullman
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Yates
Yatron
Young, Ga.
Zwach

NOES—236

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bevill
Biaggi
Biester
Blackburn
Bowen
Bray
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gettys
Gilman
Goldwater
Goodling

Gross
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Heinz
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Huber
Hudnut
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Patman
Pettis
Peyser
Poage
Powell, Ohio
Price, Tex.
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Van Deerlin
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wright
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NOT VOTING—28

Ashbrook
Ashley
Badillo
Bell
Blatnik
Breaux
Burke, Fla.
Clark
Danielson
Dent
Derwinski
Fisher
Fuqua
Gray
Green, Oreg.
Griffiths
Hansen, Wash.
Hébert
Hunt
Jones, Ala.
Rooney, N.Y.
Ryan
Sandman
Teague, Tex.
Thompson, N.J.
Tiernan
Wilson, Bob
Wyatt

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the gentleman's understanding in withdrawing his motion.

I had said earlier in the debate that it was my intention at that time to consider offering an amendment at this point in the debate. I was going to submit the date of August 1 instead of August 15.

Mr. Chairman, to me that would have given us a common ground. One side would have given up 30 days; the other side, the President, would have given up 30 days. It has the added factor that the Congress would be in session on August 1 and not in recess. I think, with 15 days fewer, it would have the advantage of stopping the bombing more quickly and saving lives.

I do not think at this particular point it would serve any successful purpose to offer the amendment because we now can all see the handwriting on the wall. I still think it is something the conference might find a common ground on to help work out a final compromise. For that reason I will not offer the amendment. I think the House has worked its will and a clear and definite understanding has been reached between the House and the President. I will now join with others in final passage in voting for the committee bill.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 9055) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 278, nays 124, present 2, not voting 29, as follows:

[Roll No. 315]

YEAS—278

Abdnor
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Bafalis
Baker
Barrett
Beard
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Bolling
Bowen
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gaydos
Gettys
Gilman
Ginn
Goldwater
Goodling
Gray
Grover
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Huber
Hudnut
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Leggett
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Mazzoli
Michel
Milford
Miller
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Nelsen
Nichols
Nix
O'Brien
Parris
Passman
Patman
Patten
Perkins
Pettis
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Roy
Ruppe
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Van Deerlin
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Winn
Wright
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—124

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Aspin
Bennett
Boland
Brademas
Brasco
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Crane
Culver
Daniels, Dominick V.
Dellums
Denholm
Diggs
Dingell
Donohue
Drinan
Eckhardt
Edwards, Calif.
Fascell
Findley
Ford, William D.
Froehlich
Giaimo
Gibbons
Gonzalez
Grasso
Green, Pa.
Gross
Gude
Gunter
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Karth
Kastenmeier
Koch
Kyros
Lehman
Litton
Long, Md.
McCormack
Macdonald
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Moss
Natcher
Nedzi
Obey
O'Hara
O'Neill
Owens
Pepper
Pike
Podell
Pritchard
Randall
Rangel
Rarick
Rees
Reid
Reuss

Riegle
Rodino
Roe
Roncalio, Wyo.
Rose
Rosenthal
Rousselot
Roybal
Runnels
St Germain
Sarbanes
Schroeder
Seiberling
Shoup
Spence
Stanton, James V.
Stark
Steiger, Ariz.
Stokes
Studds
Sullivan
Symington
Symms
Ullman
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles, Tex.
Wolff
Yates

PRESENT—2

Hosmer
Young, Ga.

NOT VOTING—29

Ashbrook
Ashley
Badillo
Bell
Blatnik
Breaux
Burke, Fla.
Clark
Danielson
Dent
Derwinski
Fisher
Foley
Fuqua
Green, Oreg.
Griffiths
Hansen, Wash.
Hébert
Hunt
Jones, Ala.
Peyser
Rooney, N.Y.
Ryan
Sandman
Teague, Tex.
Thompson, N.J.
Tiernan
Wilson, Bob
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Thompson of New Jersey against.

Mr. Breaux for, with Mr. Badillo against.

Mr. Rooney of New York for, with Mr. Tiernan against.

Mr. Teague of Texas for, with Mr. Ashley against.

Mr. Hunt for, with Mr. Danielson against.

Mr. Fisher for, with Mr. Clark against.

Mr. Fuqua for, with Mr. Dent against.

Mr. Bob Wilson for, with Mr. Bell against.

Until further notice:

Mrs. Hansen of Washington with Mr. Derwinski.

Mr. Blatnik with Mr. Jones of Alabama.

Mrs. Griffiths with Mr. Ashbrook.

Mr. Foley with Mr. Burke of Florida.

Mrs. Green of Oregon with Mr. Peyser.

Mr. Ryan with Mr. Sandman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENT AND HOUSE BACK IN AGREEMENT

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD and so include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, now with the passage of the committee bill and the overwhelming defeat of the Flynt amendment, the House and the President are back in agreement. The tender of compromise by the President is gratefully accepted by me.

The confrontation, so-called confrontation, is no longer between the President and the Congress, but if there be a confrontation it is between this House and the other body.

I trust that both Houses of the Congress can now act in a responsible and rational manner and promptly effect a compromise in the spirit of deliberation for which the Congress is renowned and in the national interest which must be paramount to all personal, provincial, or party considerations.

When so many are absorbed in the confrontation, alleged confrontation, between the President and the Congress, I trust the Congress will not permit the Government of our Nation to be obstructed or ground to a halt by a confrontation between the two Houses of this Congress.

INTRODUCTION OF RESOURCE RECYCLING AND CONSERVATION ACT OF 1973

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, I introduced today the Resource Recycling and Conservation Act of 1973 and was joined by 13 of my colleagues. This bill is identical to S. 1593 introduced by my senior colleague in the other body, Senator FRANK E. MOSS on April 16, 1973.

At this time of serious concern over the energy crisis, it is important that we solve environmental problems in a way to avoid the supposedly collision course set by those who call for relaxing environmental controls in order to develop energy reserves and the equally dedicated environmentalists who claim that energy development can, and should, proceed in an environmentally sound way. This bill is an attempt to solve the short-term problem of rapidly increasing volumes of solid waste while recognizing the long-term problem of dwindling energy reserves. The bill I have submitted anticipates the energy demand that is represented by continued consumption of virgin materials for product manufacture and provides a combination of incentives and disincentives to convert the reliance on virgin materials to a greater use of recycled materials. By so doing, the savings in energy otherwise required to extract virgin materials, is made available for other purposes.

The legislation has the support of the National Association of Secondary Materials Industries and has drawn the interest of many responsible environmentalists across the country.

I hope that hearings by the appropriate committee of the House can be scheduled at an early date.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 469 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 469

Resolved, That during the consideration of the bill (H.R. 8916) making appropriations for the Departments of State, Justice and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, all points of order against said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, this rule is the rule waiving points of order on clause 2, rule XXI, which has to do with matters which are not authorized, and some other matters.

Mr. Speaker, I hope this is the last rule the Rules Committee will report out without a detailed listing of the points of order that would be involved, so that all members will be able to see them. It is one of three rules that the Rules Committee issued earlier this week under pressure of time involved in trying to secure action on a variety of appropriation bills this week.

Before that was done, after colloquy in the Chamber—in fact, several colloquies—it was made clear that the Rules Committee agreed to be specific in granting waivers hereafter.

Mr. Speaker, I know of no controversy on this particular rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, today we are considering House Resolution 469, which provides for the consideration of H.R. 8916, the Department of State, Justice, and Commerce, the judiciary, and related agencies appropriation bill for fiscal year 1974. The rule waives all points of order against the bill for failure to comply with clause 2 of rule XXI. Clause 2 prohibits both unauthorized appropriations and legislation on an appropriation bill. This waiver was requested because there are a number of items in the bill which have not as yet been enacted into law. These items are found:

On page 2–13, Department of State.

On page 20, lines 12–13, Law Enforcement Assistance Administration.

On page 25, lines 21–25 through page 26, lines 1–7, United States Travel Service.

On page 27, lines 21–26, under National Oceanic and Atmospheric Administration.

On page 28, lines 12–24, all of page 29, and page 30, lines 1–17, under Maritime Administration.

On page 42, lines 13–16, International Radio Broadcasting.

On page 46, lines 12–25, all of pages 47, 48, 49, and 50, lines 1 and 2, United States Information Agency.

The committee report notes several limitations and legislative provisions not heretofore carried in connection with any appropriation bill:

On page 11, in connection with American Sections, International Commissions.

On page 17, in connection with the FBI.

On pages 23 and 24, in connection with periodic censuses and programs.

On page 27, in connection with National Oceanic and Atmospheric Administration.

On page 28, in connection with science and technology.

On pages 28 and 29, in connection with Maritime Administration.

Mr. Speaker, the purpose of this bill is to appropriate a total of $4,150,143,000 of new obligational authority for the Department of State, Justice, Commerce, and the Federal Judiciary, and 14 related agencies.

I urge the adoption of this rule in order that the House may begin debate on H.R. 8916.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, the joy of that one open rule we had in the last, I believe, several weeks, on yesterday afternoon was short lived, was it not?

Mr. LATTA. Yes. As the gentleman from Missouri has mentioned, we hope that this is the last one.

Mr. GROSS. The gentleman hopes this is the last one?

Mr. LATTA. Yes, sir.

Mr. GROSS. The last one for how long?

Mr. LATTA. I cannot say.

Mr. GROSS. Until tomorrow?

Mr. LATTA. Hopefully.

Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SLACK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the distinguished gentleman from Michigan (Mr. Cederberg) and myself.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. Slack).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8916, with Mr. Vanik in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from West Virginia (Mr. Slack) will be recognized for 1 hour, and the gentleman from Michigan (Mr. Cederberg) will be recognized for 1 hour.

The Chair now recognizes the gentleman from West Virginia (Mr. Slack).

Mr. SLACK. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and members of the committee, this afternoon we submit for the consideration of the House the bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year 1974.

Mr. Chairman, we have sorely missed the able leadership of our distinguished chairman, John Rooney, who became chairman of this subcommittee some 25 years ago. I understand he is on the road to recovery, and we sincerely hope that he will be back with us in the near future.

Mr. Chairman, the hearings on this bill started March 5 and were completed on May 10.

They are contained in four volumes with more than 4,000 pages of printed material.

Since there are some 100 items, I shall summarize the committee's actions, after which I shall be pleased to respond to any questions.

Mr. Chairman, the total amount recommended in the accompanying bill in new obligational authority is $4,150,143,000, which is a reduction of $84,937,000 in the total amount of the budget estimates. The amount allowed is a decrease of $2,628,950,850 below the total appropriated for the current fiscal year—including funds contained in the second supplemental appropriaiton bill for 1973.

The decrease below the total appropriation for the current year is attributable in large part to the fact that a total of $1,855,000,000 was appropriated in fiscal year 1973 for the disaster loan fund of the Small Business Administration, for which no additional funds have been requested as yet for the fiscal year 1974.

In addition to the new obligational authority, there is also included in the bill a total of $221.515 million to liquidate contract authorizations. This amount is $10.5 million below the appropriation for this purpose for the current fiscal year.

The action of the committee as set forth in the bill will reduce expenditures projected for fiscal year 1974 by approximately $54 million.

The budget estimates for the Department of State for fiscal year 1974 total $609,050,000. The committee has included in the accompanying bill $595,571,000, which is a reduction of $13,479,000 in the total amount of the budget estimates and is an increase of $8,385,350 over the total appropriated for fiscal year 1973.

Under the general heading of "Administration of Foreign Affairs" a total of $314,908,000 is recommended.

For "International Organizations and Conferences" the sum of $213,812,000 is provided.

The recommendation for "International Commissions" is $12,551,000.

A total of $54,300,000 is provided for "Educational Exchange."

Moving along to the Department of Justice, the budget estimates for the Department of Justice for fiscal year 1974 totaled $1,836,349,000.

The committee recommends $1,808,112,000, which is an increase of $30,034,000 over the total appropriated for the current fiscal year for this Department and a decrease of $28,237,000 in the budget request.

The committee has again approved the full amount of the budget estimate; namely, $13,019,000 to provide for necessary expenses for the effective enforcement of antitrust laws.

The committee recommends the full amount of the budget estimate; namely, $366,506,000, for the Federal Bureau of Investigation. This will provide for a staff of 19,360 full-year employees, consisting of 8,496 agents and 11,134 clerks.

For the Immigration and Naturalization Service a total of $139,698,000, the full amount of the budget estimate, is recommended.

Mr. Chairman, the bill contains a total of $164,571,000 in three appropriations for our Federal prison system. The committee has included in the bill the sum of $866 million for the Law Enforcement Assistance Administration.

Under the Omnibus Crime Control and Safe Streets Act of 1968 as amended, the Law Enforcement Assistance Administration is charged with the responsibility for assisting State and local governments in reducing crime and improving the quality of the criminal justice system.

The committee once again, Mr. Chairman, recommends the full amount of the budget estimate, $77.4 million for the Bureau of Narcotics and Dangerous Drugs, which is an increase of $2,747,000 over the appropriation for the current fiscal year.

Moving along to the Department of Commerce, the budget estimates considered by the committee for the Department of Commerce for fiscal year 1974 total $973,546,000 in new budget authority, plus $221,515,000 for liquidation of contract authorization. The committee recommends the full amount requested for liquidation of contract authorization and $961,804,000 in new budget authority. This is a decrease of $650,270,500 from the total appropriated for the fiscal year 1973 and is $11,742,000 less than the total requests considered for fiscal year 1974.

Mr. Chairman, the budget as presented to the Congress included a request of $20 million in order to phaseout the economic development assistance programs. The committee has passed over this request without prejudice, pending the receipt of budget amendments to implement recently passed legislation which extends the economic development assistance programs for another year.

However, Mr. Chairman, the committee has provided for the EDA and the regional commissions in the continuing resolution which permits them to be continued at the current rate.

The budget requests of the judiciary are submitted to the Congress without revision by the Office of Management and Budget in accordance with the provisions of the Budget and Accounting Act of 1921.

The total amount of the estimates for the fiscal year 1974 as prepared and presented by the judicial branch is $205,529,000. The committee recommends a total of $199,561,000, which is a reduction of $5.968 million below the total request, or an increase of $5,918,400 over the total appropriated for the current fiscal year.

Mr. Chairman, we shall now concern ourselves briefly with the 14 related agencies carried in this bill. A total of

$585,095,000 is included in the accompanying bill for the 14 different agencies funded under this title.

The committee recommends $3,800,000 for the American Battle Monuments Commission. This is the full amount of the budget estimate.

The sum of $6,935,000, the amount of the budget estimate, is included in the bill for arms control and disarmament activities.

The bill includes $5,566,000 to cover the necessary expenses of the Commission on Civil Rights. The amount allowed is an increase of $618,000 over the appropriation for fiscal year 1973.

Mr. Chairman, the sum of $40 million is included in the bill for the necessary expenses of the Equal Employment Opportunity Commission. The amount allowed is an increase of $8 million over the appropriation for fiscal year 1973.

Mr. Chairman, a total of $248,123,000 is included in the bill in three separate appropriation items for the Small Business Administration.

A total of $219,422,000 is included in the bill in the five separate appropriation items for the U.S. Information Agency. This is an increase of $9,754,000 over the fiscal year 1973 appropriation and is a decrease of $12,432,000 in the total of the budget estimates for this agency.

The following table summarizes the amounts recommended in the bill in comparison with the budget estimates for fiscal year 1974 and the appropriations for fiscal year 1973.

Department or agency	New budget (obligational) authority, fiscal year 1973 (enacted to date)[1]	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in bill	Bill compared to— New budget (obligational) authority, fiscal year 1973	Bill compared to— Budget estimates of new (obligational) authority, fiscal year 1974
(1)	(2)	(3)	(4)	(5)	(6)
Department of State	$587, 185, 650	$609, 050, 000	$595, 571, 000	+$8, 385, 350	−$13, 479, 000
Department of Justice	1, 778, 078, 000	1, 836, 349, 000	1, 808, 112, 000	+30, 034, 000	−28, 237, 000
Department of Commerce	1, 612, 074, 500	973, 546, 000	961, 804, 000	−650, 270, 500	−11, 742, 000
The judiciary	193, 642, 600	205, 529, 000	199, 561, 000	+5, 918, 400	−5, 968, 000
Related agencies	2, 608, 113, 100	610, 606, 000	585, 095, 000	−2, 023, 018, 100	−25, 511, 000
Total	6, 779, 093, 850	4, 235, 080, 000	4, 150, 143, 000	−2, 628, 950, 850	−84, 937, 000

[1] Includes amounts in 2d supplemental appropriation bill, 1973, as agreed to in conference.

Mr. Chairman, let me say in closing that the members of this subcommittee, in the absence of our chairman, have shared equally in the work of this committee, and in my judgment they have taken a practical and realistic approach to the some 100 items contained in this bill. On this basis and for that reason, we submit our recommendations for the consideration of the Members.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can assure the Members that the time that will be taken on this bill is going to be quite short, because I do not believe that there is very much controversy in it. I recommend that all of the Members read the report, because I think they will find in the report that it is the consensus of this subcommittee that our job is to provide adequately for all of the agencies over which we have jurisdiction, and to do nothing more than to provide adequately.

Now, the Members will also find, as they look into this report, that in most areas there are reductions in the budget requests.

I can also say that we are in close liaison and have good working relations with the various agencies in this bill. We do not let them hoodwink us in any way, but our staff, I think, is as fine a staff as there is on the Hill. They know where all of the bodies are buried, and we do our very best to be sure we do provide adequately.

I understand when we do get under the 5-minute rule there will be a few amendments offered, which is perfectly proper and as it should be. From the amendments I have seen, I think the committee action has been justified, and we will, of course, at that time have plenty of opportunity to have discussions as to the reasons why we made these decisions.

We have had a busy afternoon, and I have nothing more to say on this bill.

Mr. SLACK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Chairman, this is a bill of widespread application involving three of the major departments of Government—State, Justice, and Commerce plus the judiciary and such varied and important activities as the U.S. Information Agency, the Small Business Administration, the Equal Employment Opportunity Commission, and many others.

I congratulate in particular the distinguished gentleman from West Virginia (Mr. Slack), who because of the illness of our distinguished and beloved colleague, John Rooney, has been serving as acting chairman. Mr. Rooney has the best wishes of this body for an early and complete recovery. It is difficult to be thrust suddenly into a post as varied and demanding as this one, but Mr. Slack has discharged his responsibilities with ability and distinction. The subcommittee is one which works well together and enjoys the benefit of an able staff and I feel that the result now before you is creditable.

It will be noted that under the Department of State are funds for international organizations and commissions. The cost of these activities which includes the United Nations is steadily increasing. Two years ago at the insistence of Congress and notably of this committee we finally were able to bring about a reduction in the U.S. share of U.N. and related costs. We were committed to pay 31 percent, a ridiculous figure, because the U.N. simply has not been worth that much to the United States and there have been serious doubts about its value to the rest of the world. To make the matter worse we did not stop at paying 31 percent. We picked up by loans and grants the deficiencies in U.N. funds which were caused when other nations refused to pay the much smaller amounts they were committed to. All in all our share has been running nearer 40 percent than the agreed 31 percent. Escalated costs which are carried in this bill are still calculated on the old basis. We do not get the benefit of the new lower 25-percent rate until the end of the calendar year. By that time the operating cost of the U.N. and related agencies will have increased to the point the taxpayer will not have realized any significant savings.

There is a point to this discussion. It is now time to begin new efforts to cut further our commitments to the U.N. I would hope we could have the leadership from the administration and that of the legislative committees of Congress to accomplish this but I am not optimistic. There seems to be an abysmal lack of interest in saving U.S. dollars where the U.N. and its subsidiaries are concerned. Again, I repeat, it makes no sense for the United States to be paying our share and that of a lot of other people simply to belong to a debating society which votes against our interests more than it votes with us.

I recognize and respect the leadership of Secretary Rogers in the Department of State. I feel that he has done a good job. I know that he has tried. He has worked under difficult circumstances both from within and from without. It seems difficult for the U.S. State Department to face up to the challenge of coexistence with other world powers. Their foreign offices constantly seek to promote the aims of their countries including business and industry objectives. The Russians are the most realistic of the lot, but other nations by pressing vigorously for their country's own interests, enjoy a high degree of success in these important objectives.

I hear more criticism directed at the U.S. State Department for failure to cooperate with and assist American businessmen and industrialists abroad than for any other cause. It almost seems that our representatives are afraid to do more than hand out little brochures which describe in general terms the country to which they are assigned. America is a big and powerful nation. It does not throw its weight around; it gives it away. Somewhere in between there should be a more effective way for the State Department to represent the United States in the escalating conflict for economic survival among the nations of the world.

Two of the better agencies of Government are the Small Business Administration and the Economic Development Agency. Both of these have served a useful purpose. They deserve the support of

Congress. Their work has been of great value in many areas.

There has been a conflict within the authorizing committee over U.S. Information Agency. I find it difficult to comprehend this. Where there are weaknesses there should be corrective steps but this should not be at the expense of the organization itself. It is very important that we tell the story of America to the rest of the world. We can be certain the Communists are doing so hour after hour, and they have no inhibitions about the way they tell their side of the story. We should do more, not less, in spreading the word about the United States of America to the rest of the world.

This brings me down to the Equal Employment Opportunity Commission. The facts will show that this agency has mushroomed. They cannot fill the vacancies they have but they constantly want more jobs assigned. Any businessman will tell you this is a nuisance agency which harrasses and hampers business more than it helps to bring about equal employment opportunity. I am convinced that it would be a better agency if it had half the personnel it now has rather than if it were increased as this bill proposes to do. If there should be a confrontation on the floor on this bill I intend to spell out the details about its deficiencies and there are many.

The Department of Justice, of course, includes the Federal Bureau of Investigation and the Law Enforcement Assistance Administration. Historically we have funded the FBI for approximately the amount of money requested because we had confidence in the Director, J. Edgar Hoover, and we knew the essentiality of the organization to our country. I call your attention to the fact we have reached nearly $1 billion in funding for LEAA. This may be too much money. Law enforcement and crime control are now magic words and they can be used to secure virtually any amount of money whether or not it accomplishes the purpose. Of course, we want crime control. The best way is to apprehend and convict criminals. Court rulings have made it almost impossible to convict those who are apprehended. I support funds for law enforcement but I caution that we may be getting close to the stage of boondoggling in this very important field just because there may be more money available than is required.

Mr. CEDERBERG. Mr. Chairman, I yield as much time as he desires to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, discussion of this bill is not going to be the same as it has been in years past when the distinguished gentleman from New York (Mr. ROONEY) was present.

I regret, as do other Members of the House, his illness and his inability to be here this afternoon.

It was always a pleasure to do business with the gentleman.

That leads me to the first question. How about the representation allowance for the State Department? Is that in good shape? Is there an increase or a decrease in what the gentleman from New York (Mr. ROONEY) was pleased to call the "tools of the trade"?

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be happy to yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I think the gentleman will find that there is a slight increase due to increased costs.

Mr. GROSS. A slight increase?

Mr. CEDERBERG. A slight increase.

Mr. GROSS. Due to increased costs?

Mr. CEDERBERG. The price of lemonade has gone up, and also there is a devaluation of the dollar cost that has to be taken into consideration.

But I think that the gentleman will find that over the years the total increase in the cost of representation has been substantially the same. So now it was felt, about time, we thought, that we increased it just a little bit.

Also, when you consider that the price of corn in Iowa has been going up consistently that has an effect also, because when the price of corn goes up there is an effect on the other product used in "the tools of the trade."

Mr. GROSS. The gentleman will have to talk to Kentucky about that. Iowa grows the corn. It does not convert it for the use of those who get Federal funds for representation allowances.

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, I would say to my distinguished friend, the gentleman from Iowa (Mr. GROSS) that we did allow them an increase of $132,000. But at the same time we reduced their request by $138,000 because we do believe in moderation in this item. However, food and labor costs have gone up, as the gentleman from Iowa well knows. Even the price of Coca-Cola has gone up. We held the line for 9 years, of course, without an increase. Some things just are not much good if they get watered down too much.

On the other hand, we do not object if they have to add just a bit of ice.

Mr. GROSS. Is the gentleman recommending a slight watering down of the State Department?

Mr. SLACK. I think some things can be watered down a bit.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, we find this curse of devaluation all over the place. This Government devalues the dollar by 10 percent, and as a consequence every dollar we spend overseas is increased, to take care of that short fall, but 10 percent. Yet we do not get any such help here at home. Our dollars are devaluated, too, but the citizens of this country get no such relief. Let us hope that there will not be another devaluation to cause a further outpouring of our dollars.

Mr. CEDERBERG. If the gentleman will yield further, I would say that that would not come under the Committee on Appropriations; that would come under another committee. The gentleman is on the Committee on Foreign Affairs.

Mr. GROSS. Of course, the chickens are coming home to roast in this appropriation bill just as it is in others regardless of what committee approved the devaluation.

Mr. CEDERBERG. That is right.

Mr. GROSS. I assume that part of the increase in the representation allowance is due to the devaluation of the dollar, and its failure to buy quite as much of the good things of life for the Pooh-Bahs who live or travel overseas, and the Members of Congress who visit them. I have never traveled that course, but I assume Members of Congress are provided the good things of life when they go overseas.

Mr. CEDERBERG. If the gentleman will yield further, I am quite sure that they do. However, having traveled as a member of the Subcommittee on the State Department, I must say that I think we have a responsibility to travel just as I think the gentleman from Iowa, being on the Committee on Foreign Affairs, should be traveling a little more than from Washington to Iowa. I believe it would be helpful to the gentleman. I would be glad some time to accompany the gentleman on one of these trips. I think it would be most helpful to both of us to see the tremendous job that is being done by our employees overseas. We have some of the finest people employed in the State Department in the embassies that I have visited. They are most dedicated.

Mr. GROSS. I thank my friend, the gentleman from Michigan, for being so solicitous of my welfare.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I want to say that I think we can expect a further devaluation. The day before yesterday they applied export controls and indicated they might apply them in the future. That is the most severe strain upon the dollar we have had. So I do not believe you can expect anything but a further devaluation as long as we have the policy of export controls.

Mr. GROSS. If my colleague from Iowa is correct, then I hope Congress will slash our contributions to take care of the shortfall in the dollar to various international organizations, some of which are of highly questionable value. And if we are going to do this with respect to everything we do overseas or become involved in, then I think we should make some provision for the people of this country to take care of the shortfall in their dollars. After all, they pay the bills.

This bill, as I understand it, calls for expenditures of approximately $4 billion in the next fiscal year. I also understand that is slightly below the budget request. But I wonder if this will stand up. Only a few minutes ago we passed a $3 billion deficiency appropriation bill, which some Members are pleased to call supplemental appropriations. Except in the case of a national emergency there is no acceptable reason for a deficiency or supplemental appropriation. It does not make any sense to cut this bill or any other below the budget request and then turn right around a few months later and lard it up again through a supplemental bill. I hope that will not be the case in any appropriation bills as we embark upon the 1974 fiscal year. I hope those who get this money will stay within the limits set forth here and I hope the committee will see to it that they do.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I share the gentleman's concern, and I agree with him. I am unhappy with supplementals. However, there are some facts of life we have to face. If there is a pay raise that takes place, the employees have to be paid, and Congress usually is involved in the action that makes this pay raise necessary.

Mr. GROSS. Supposing we just say that there will be no pay raises.

Mr. CEDERBERG. Then the gentleman will take a long step toward that. I might say in all respect to the agencies involved in this bill, we have required that they absorb a tremendous amount of the pay raise fund, and they have done a very, very respectable job in that regard, but usually the need for supplementals is the result of congressional action; it is not something that an agency does.

Mr. GROSS. I thoroughly agree with the gentleman. I see that a movement is under foot to raise the pay of Members of Congress and that a bill is to be initiated, according to the morning newspaper, by the Senate Committee on Post Office and Civil Service to engineer another increase for Members of Congress.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. COLLIER. The gentleman from Iowa will have an opportunity to become a bit more disturbed this evening when the debt ceiling bill is brought before the House with nearly a score of Senate amendments all nongermane that will cost about $1,800,000,000. At that time a good part, perhaps, of what he is saying here would be far more apropos when that bill comes before us for a vote.

Mr. GROSS. I do not know that we ought to accept this or any other appropriation measure because of the debt ceiling bill. I listened attentively to the gentleman, and I will have my feet braced when that bill comes tomorrow. I did not have a chance to read all of the hearings on this bill so let me ask if the committee doubled the salaries, as requested, of certain persons employed by the Justices of the Supreme Court? Does anyone know whether the salaries were more than doubled from $16,000 a year to $34,000 for law clerks employed by the Supreme Court?

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. SLACK. Will the gentleman please restate his question?

Mr. GROSS. In the hearings I note that the Supreme Court asked for an increase for three law clerks from the present $16,000 to $34,000 a year.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I think the bill may be somewhat misleading because what the Court proposed to do is to upgrade the positions and not employ the same kind of law clerks with the same qualifications they previously had. Instead of having someone just out of law college who will come on one year at a time, they want to secure some more seasoned lawyers who have had an opportunity to practice and who will be there on a more permanent basis.

Mr. GROSS. I am not trying to compare anything. I am trying to find out if in this bill we are being asked to approve the increase in pay of three law clerks from $16,000 a year to $34,000.

Mr. SMITH of Iowa. I understand. My point is we really did not do that. What we did was to go from three law clerks to a really different classification of personnel.

Mr. GROSS. With respect to the contributions to international organizations, including the United Nations, that is, I believe, $202 million a year. What percentage of that total are we contributing, including the United Nations?

Mr. SLACK. Mr. Chairman, if the gentleman will yield, as of January 1 next it will be 25 percent.

Mr. GROSS. And as of now?

Mr. SLACK. It is varying depending on which organization but I would say it is an average of about 30 percent.

Mr. GROSS. I am glad to hear the appropriation has been cut to 25 percent beginning as of January 1 of next year.

Mr. SLACK. That is correct, and since they are on a calendar year basis we anticipate there will be a reduction when this bill is brought up next year of some $26 million.

Mr. GROSS. Our total contribution to the U.N. Tower of Babel is $63.9 million, which I believe is the figure in the bill. That compares with the Russian debt to the United Nations of about $105 million; also Brazil owes the U.N. about $1.7 million; Czechoslovakia owes $5.6 million; France owes $22.2 million: Hungary owes $3 million; Poland owes $6.4 million; South Africa and Spain owe $2 million each; and Mexico is behind in its contribution by $1.4 million.

Yet we continue to pay right through the nose although we have a Federal debt of some $457 billion. We continue to pay right through the nose to these international organizations.

There is also the "cultural exchange" which gets a total of $47.8 million out of the till of the United States, or an increase of $2.55 million over last year. The total foreign country contributions to this international junketing society amounts to $2,816,782 as compared to our $47.8 million.

I hope, Mr. Chairman, that the reductions that have been made in this bill below the budget stand up, and that we will not get a supplemental appropriation bill later this year or early next year putting back all of the money and more of the alleged savings.

Mr. Chairman, this bill ought to have been reduced far more than it has been and I will vote against its passage.

Mr. SLACK. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. Flynt).

Mr. FLYNT. Mr. Chairman, first let me say, along with the other members of the committee, that I deeply regret the illness and absence of the distinguished chairman of this subcommittee, the gentleman from New York (Mr. Rooney). This is the first time during my service in the Congress that this bill has not been presented to the House by the gentleman from New York (Mr. Rooney).

At the same time, Mr. Chairman, I wish to join my colleague from Florida (Mr. Sikes) and others, in expressing in the very highest terms, the admiration which I have for the gentleman from West Virginia (Mr. Slack) who as acting chairman of this subcommittee, has conducted the hearings, the markup and the presentation of this bill to the House with dispatch and with thoroughness.

During the hearings which the gentleman from West Virginia has conducted in his capacity as acting chairman of this subcommittee, I believe that he has done as thorough and commendable a job as I have ever known to be done in any subcommittee of the Committee on Appropriations. I believe that I speak for every member of the subcommittee when I say that we express our gratitude and appreciation to him for the many, many long hours which he has put into the conduct of these hearings, the markup and the preparation for the presentation of this bill to the House today.

Mr. Chairman, let me say that as a general rule we, while not readily reaching an agreement, that the members of this subcommittee do reach agreement when this bill is presented to the floor of the House. Quite frankly, there are some major changes which I would have made if I had been allowed to write this bill by myself. On the other hand, I think that the bill would have been larger in dollar volume than it is if some of the suggestions which I made at the time of the markup had not been accepted by the other members of the subcommittee.

By and large, I think that the committee has done a good job. We have reduced the budget estimates substantially. The increases that we have made over the 1973 appropriations bill have been almost insignificant in the amounts and in the percentage of the increases in this bill as compared with the corresponding appropriations bill for fiscal 1973. I commend the reading of the bill and the report to all members of the House.

Mr. Chairman, while I do not claim that this final result of this bill is by any means perfect, we on the committee feel that we have done a very creditable job in bringing to the floor of the House the bill which we have today, H.R. 8916. Although, as I said earlier, there were some additional cuts from the budget estimates I would have made, and did suggest in subcommittee to be made. Although some of my suggestions for reductions and further reductions were accepted, others were not, and as often happens, this is a case of give and take.

Mr. Chairman, on the whole, I think that this is a sound bill, a bill which will reflect credit on the acting chairman of this subcommittee who reported it to the House. I urge its passage.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

Mr. SLACK. Mr. Chairman, I yield myself 1 additional minute.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. SLACK. I yield to the gentleman from Texas (Mr. de la Garza).

Mr. de la GARZA. Mr. Chairman, I should like to ask a question for clarification.

The report shows a reduction of $3 million due to the Tijuana River flood control project, the agreement not having been properly reached. There is some concern that this reduction will cut into the funds for the lower Rio Grande flood control. Is my understanding correct that that is not the intention of the committee?

Mr. SLACK. That is not the intention, I assure the gentleman.

Mr. de la GARZA. I thank the gentleman.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. SLACK. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of this measure.

Mr. SLACK. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENT TO THE REPUBLIC OF PANAMA

The Secretary of the Treasury shall cause to be paid annually (in lieu of the annual payment provided under this head in the Supplemental Appropriation Act, 1973), as a payment to the Republic of Panama in accordance with article I of the Treaty of 1955 (6 U.S.T. 2275), $2,328,200: *Provided,* That this appropriation shall be available only upon the enactment into law of S. 929 or similar legislation.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, would some member of the committee be kind enough to tell me the reason for this qualification in the following language:

> This appropriation shall be available only upon the enactment into law of S. 929 or similar legislation.

Mr. SLACK. This is a permanent appropriation which requires authorization in order to be raised.

Mr. GROSS. A permanent appropriation that cannot be raised. Is this the regular payment to the canal?

Mr. SLACK. That is correct.

Mr. GROSS. If that is true, then why the reference to S. 929? Or is this in the nature of an ex gratia payment due to devaluation of the dollar?

Mr. SLACK. According to the treaty, the dollar amount of the annuity must be changed whenever there is a change in the relationship of the U.S. dollar to gold.

Mr. GROSS. Then this is contingent on the passage of legislation dealing with the par value of the dollar. That must be the case.

I thank the gentleman.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year not to exceed one thousand and forty-three (for replacement only) and hire of passenger motor vehicles; hire of aircraft as temporarily needed in specific criminal investigations; firearms and ammunition; not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $366,506,000.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hechler of West Virginia: Page 17, line 14, after the word "employee" add a new paragraph as follows: "None of the funds appropriated for the Federal Bureau of Investigation may be used for investigating political activities not involving the commission of crimes under the laws of the United States."

Mr. HECHLER of West Virginia. Mr. Chairman, I would like to commend my colleague, the gentleman from West Virginia (Mr. Slack) who has ably presented this bill on the floor, and I wish to commend his colleagues on the committee as well.

I believe that this amendment which I have offered is self-explanatory, because of recent and highly publicized developments which have in many instances turned our free Nation toward what approaches a "police state." All too often we have seen the Federal Bureau of Investigation go far beyond the scope of investigating activities involving the commission of crimes under the laws of the United States. I believe that this limitation on the appropriation bill would prevent the investigation of purely political activities which are not in any way associated with the commission of Federal crimes. I deplore and condemn the politically inspired actions of the Federal Bureau of Investigation which have occurred under Mr. Gray, who in many instances made the FBI a political tool of the White House. It is high time we clean out and prohibit this type of un-American activity which subverts our American political system.

Mr. SIKES. Mr. Chairman, would the distinguished gentleman yield?

Mr. HECHLER of West Virginia. I yield to my good friend, the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I have the very highest regard for my distinguished friend, the gentleman from West Virginia, and I know that he means well in this amendment. I can see the value of such an amendment if it could be accepted on its face.

My concern, Mr. Chairman, is that this amendment could in effect negate much of the work of the entire Federal Bureau of Investigation. They are charged with the investigation of subversive activities, the activities of communism and other isms which seek to overthrow the Government of the United States.

Now, those could be interpreted as political activities; although their obvious intent is to subvert and overthrow the Government of the United States.

Mr. Chairman, I will ask the gentleman, how are we to exclude such investigations in the administration of this amendment?

Mr. HECHLER of West Virginia. Mr. Chairman, I would say to my good friend, the gentleman from Florida, that the portion of my amendment which clearly states, "not involving the commission of crimes under the laws of the United States," would certainly cover those activities which the gentleman mentioned, if indeed they involved the commission of crimes. I just want to stop the FBI from running all over the lot and subverting the American political system. We can do without that type of activity, and we ought to restore the FBI to its traditional role of investigating the commission of Federal crimes—which are plentiful enough to keep this organization busy on its central mission.

Certainly, the gentleman would concede that overthrow of the Government of the United States would be the commission of a crime under Federal law.

Mr. SIKES. If my distinguished friend from West Virginia will yield, it depends a great deal on how crime is interpreted in this country. Nowadays newspapers which publish secret papers get prizes for it and the people who steal the papers for the newspapers are called heroes. When I first came here they were called traitors. So it is a little hard to understand where the amendment would apply and how the definition of crime would come into the picture. Again I fear it could be broad enough to cripple the work of the FBI.

Mr. HECHLER of West Virginia. May I also add that the definition under lines 18 through the end of page 16 and on line 17 very clearly fund the Federal Bureau of Investigation to carry out those necessary activities for the detection and prosecution of crimes against the United States or the acquisition, collection, classification, and preservation of identification and other records, and so forth down through the detail included in those duties for which salaries and expenses are furnished in the section on pages 16 and 17. Certainly there is ample authority so the work of the Federal Bureau of Investigation would not be crippled or in any way diverted from its basic mission by my amendment.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. HECHLER of West Virginia. I am glad to yield to my good friend, the gentleman from Iowa.

Mr. SMITH of Iowa. I am sure the gentleman means well, but I think by the all-inclusive language that he precluded preemployment investigations which are required by several laws of the United States prior to the employment of Federal employees.

Mr. HECHLER of West Virginia. I would certainly hope, I advise my friend from Iowa, that preemployment investigations would not include political investigations of the individuals being employed.

Mr. SMITH of Iowa. Have you read the questions on the form? The questions on the form are reiterations of the requirements in the authorizing law. It requires them to ask questions which could include just that.

Mr. HECHLER of West Virginia. I would certainly hope that political activities which have no relationship to the commission of crimes would not be a prerequisite for employment. Also, I was once interviewed by an FBI agent engaged in a preemployment inquiry, and the FBI agent asked whether it was indeed true that the applicant had voted for Franklin Delano Roosevelt every time he ran. That is the type of investigation to which my amendment refers. For that reason my amendment does indeed, I would advise my good friend from Iowa, ban and proscribe a preemployment political investigation by the Federal Bureau of Investigation. I do not think it makes any difference whatsoever whether an applicant for any Federal civil service job should be a Republican or a Democrat. For the life of me I cannot understand what business the FBI has in looking into a person's political beliefs, when that does not involve the commission of a crime against the United States. It is for that reason I would hope my amendment would also proscribe that type of question, investigation or purely political inquiry.

Mr. SMITH of Iowa. I believe your amendment goes far beyond that.

Mr. CEDERBERG. Mr. Chairman, I rise in opposition to the amendment.

As we understand the gentleman's amendment, I think it goes far beyond what he intends.

Let me point out further this is not the place, in an appropriation bill, to handle a matter of this kind. This ought to be decided by the Committee on the Judiciary after adequate and clear hearings so that you can have a clear definition of what political activities mean, and the scope of these activities.

Further, the amendment says commission of crimes under the laws of the United States. Well, the FBI works in cooperation with States and they have State laws, and they work with local governments that have their own particular types of laws.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. SMITH of Iowa. My colleague from georgia reminds me that independent agencies are limited in the number of members from one political party; so they are required to ask these people what their political party affiliations are.

Mr. CEDERBERG. Mr. Chairman, I hope we will not consider this. If the gentleman wants to pursue it, he ought to take it up with the Committee on the Judiciary and have them hold proper hearings on the matter.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I think the gentleman has raised an extremely valid point.

Last year during the election campaign in the neighboring district to my congressional district, it was brought out that the Federal Bureau of Investigation was conducting investigations of every single candidate for Congress of the United States and had done so far years, as a matter of routine.

And when it was brought out and there was widespread public criticism for it, the Director of the Federal Bureau of Investigation announced the FBI would discontinue this practice. I hope they have discontinued it. But it seems to me that is just one example of overreaching and misuse of power to investigate for reasons that have nothing to do with the commission of crimes. I think that the gentleman from West Virginia (Mr. HECHLER) has performed a real service by raising this issue.

It does seem to me that perhaps this amendment could be tightened up a little bit by bringing out that it should cover investigations whose primary focus is on political activities and not those where an investigation is being conducted for another purpose that is legitimate and where, as a minor and incidental feature, they inquire as to whether the person being investigated has taken part in certain types of activities.

I wonder if the gentleman from West Virginia would consider that kind of an amendment to his amendment?

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I certainly concur with the gentleman from Ohio that the focus could be sharpened. Of course, this language is the language upon which the amendment will be voted unless the gentleman from Ohio has additional language that he is prepared to send to the desk prior to the vote. I believe that we should stick to the original language because it is very clear from the original language that it points to political activities which are related to the commission of Federal crimes. I thank the gentleman from Ohio (Mr. SIEBERLING) for his perceptive comments.

It is very obvious that the Federal Bureau of Investigation has been forced to go far afield from its central mission, in order to investigate the political enemies of the administration. I might add that the morale of the once-proud FBI sank to a new low because of the political activities its personnel have been forced to investigate. I do not wish to circumscribe the legitimate investigations necessary for the prosecution of crimes, but merely to stop these senseless invasions of our domestic political system in the false name of "national security."

I urge the adoption of my amendment.

Mr. SLACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

Mr. Chairman, in the last few days the new Director of the Federal Bureau of Investigation was confirmed by a vote of 96 to 0 in the other body.

The Federal Bureau of Investigation has done a good job, and I for one have explicit faith and confidence in the work that they have done. I am perfectly willing for them to continue doing the good work that they are authorized to do under present law. Mr. Chairman, I urge the defeat of the amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield briefly?

Mr. SLACK. Certainly, I will be glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I might say that under the new head of the FBI, Mr. Clarence Kelley, who spent the first 3 months of his professional career in my hometown of Huntington, W. Va., we can hopefully look forward to a better administration of the Federal Bureau of Investigation than we have had in recent years. I would certainly hope that the legislative history of this discussion would be forcefully called to the attention of the new administration in such a way that past evils may be corrected, and we can avoid some of the investigation of purely political domestic activities that have absolutely no connection with the commission of crime.

Mr. SLACK. Mr. Chairman, I urge a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOREIGN DIRECT INVESTMENT REGULATION

SALARIES AND EXPENSES

For necessary expenses for carrying out the provisions of Executive Order 11387, January 1, 1968, $2,600,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to ask a couple of questions, the first bearing on the item just read, "Foreign direct investment regulation," this being authorized by an Executive order in the amount of $2,600,000. What is this all about?

Mr. SLACK. Would the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SLACK. I would say to the gentleman from Iowa that the Executive order is based on authority contained in 12 U.S.C. 95(a).

Mr. GROSS. Yes; but what is the money being expended for?

Mr. SLACK. The primary purpose of the program is to regulate foreign direct investment of U.S. persons in order to strengthen the balance-of-payments position of the United States. This is the purpose of the program.

Mr. GROSS. We are relying here again on an Executive order as the authorization for this?

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I think I can add a little light on this subject, because as legal counsel for a large corporation with a lot of activities, I had to live with these Executive orders and regulations for years. The Executive order was issued by President Johnson and created a whole elaborate structure of regulations controlling the extent to which American corporations can invest American dollars abroad. It always struck me as incongruous that it was based on the state of emergency that was declared way back in the 1940's and, on the strength of that, the Executive order was issued in the late 1960's. As a result, we have had tremendous proliferation of controls over foreign investments.

I am not saying they are not needed, but it does seem to me a perfect example of why we ought to take another good look into this whole business of continuing to operate under a declaration of emergency that was issued back in the forties as a basis for all this kind of thing, without any sanction of Congress.

Mr. GROSS. I thank the gentleman for his explanation. I hope it will be authorized by law, if it is going to be continued, rather than by an Executive order. I am absolutely and utterly opposed to Executive orders being used as lawful authorizations.

Mr. SEIBERLING. There is a whole looseleaf service 2 feet thick of regulations and decisions all based on this little Executive order, which in turn is based on a declaration of emergency back in 1940.

Mr. GROSS. Now that I have the floor and a little time remaining, I should like to ask a question concerning an item that is upcoming. "U.S. Travel Service, Salaries and Expenses," to be given $9 million, and a $3,500 representation allowance. What is expected to be accomplished by this $9 million? What has been accomplished for the expenditures in the past with respect to U.S. Travel Service?

I assume this is tourism.

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. SLACK. The figure the gentleman stated is the same amount that was appropriated for the current fiscal year. I will go further and state that apparently the authorizing committee of the Senate believe it is a good program, because it has authorized $30 million.

Mr. GROSS. I am pleased that the committee has not approved $30 million. I note the Secretary of Commerce has a representation allowance of $1,500, but whoever directs this U.S. Travel Service has a representation allowance of $3,500. I cannot help but wonder who is getting the short end of the stick with respect to these entertainment and liquor funds.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. SLACK. Mr. Chairman, if the gentleman will yield I would say to the gentleman the $3,500 figure he mentioned a moment ago is for all the U.S. travel offices overseas, the entire operation abroad.

Mr. GROSS. How many of those do we have with a total expenditure of $9 million? I will not pursue the question. I thank the gentleman for his answers.

Mr. SLACK. We are in the process of closing some, I will say to the gentleman. I think six offices will remain in operation in fiscal year 1974.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words. I do this for the purpose of pursuing briefly the matter that my colleague, the gentleman from Iowa, has been discussing. Is it not true that since this service was established the disparity in dollar expenditures between the American tourist going abroad and the foreign tourist coming to this country has increased each year?

Mr. CEDERBERG. Mr. Chairman, if the gentleman will yield, if the question is disparity, the reason for the disparity is that the number of U.S. citizens going abroad is increasing at a far faster pace than for the foreigners coming here. We are having a larger number of foreign visitors come to the United States, and a good deal of it is the result of this promotion by the U.S. Travel Service, and they are having a great deal of success in getting some of the professional organizations in some of the foreign countries to hold some of their conventions here, as some of our professional organizations such as the doctors and the lawyers and the American Bar go over there for instance to London and other places. So we cannot blame the disparity on the U.S. Travel Service. As a matter of fact, if it were not for the travel service I would say the disparity would be greater.

Mr. COLLIER. Mr. Chairman, the sole purpose for the establishment of this Travel Service was to correct this disparity. It was because congressional concerns for our balance-of-payments problem prompted it. I recall distinctly, as I trust most of the Members do, that at that time President Eisenhower even sought to impose some restrictions on foreign travel. As a matter of fact, if there is a justification for the Federal Government to go into the travel and tourist business notwithstanding the fact that most commercial operators do a pretty good job of it, then we ought to determine whether or not it warrants continuing. If, in fact, in the period of time that it has been in operation we have had a growing outflow over income in tourism and consequently in our balance of payments problem, perhaps some reevaluation ought to be made.

Mr. CEDERBERG. The disparity would be worse if it were not for this Service.

Mr. COLLIER. What the gentleman is saying is that the patient is still sick but he would be even sicker if it were not for this Service.

Mr. CEDERBERG. If we can get the American people to stay home the disparity will be less. If the gentleman can arrange that, that would be fine.

Mr. COLLIER. That would require a new agency which I am not about to recommend. I am questioning the need for the one we already have.

Mr. RARICK. Mr. Chairman, the intent of this body when it passed Public Law 92-544 on October 25, 1972, was clearly to limit spending of taxpayers' money to finance the United Nations and its related agencies. The law, clamping a 25-percent ceiling on all our contributions to the U.N. except those specifically exempted, was a congressional response to a growing public resentment of the excessive, lopsided funding of the United Nations with American money.

Mr. Chairman, I request that appropriate portions of the law follow, so that our colleagues will have reference to the exact statute:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

U.N., restriction

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $176,190,750: *Provided*, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

(Pub. L. 92-544, Title I, Sec. 101, Oct. 25, 1972, 86 Stat. 1110)

Legislative History

House Reports: No. 92-1065 (Comm. on Appropriations) and No. 92-1567 (Comm. of Conference).

Senate Report No. 92-821 (Comm. on Appropriations).

Congressional Record, Vol. 118 (1972):

May 17, 18, Oct. 12, considered and passed House.

June 15, Oct. 13, considered and passed Senate.

Weekly Compilation of Presidential Documents, Vol. 8, No. 44: Oct. 28, Presidential statement.

No mention is made in the law of "voluntary" contribution. Yet, from the State Department bureaucrats we hear this term bantered about with reference to the Lodge Commission recommendation:

> Each reduction in the U.S. share of the regular budget must be clearly marked by at least a corresponding increase in U.S. contributions to one or more of the voluntary budgets or funds in the U.N. system.

It is apparent, Mr. Chairman, that the State Department holds the recommendations of an appointed commission in higher regard than the legal charge given them by this Congress. Rather than reducing their U.N. budget requests for next year, and winding down our participation in all U.N. related agencies, the Department has asked for an increase of $16,929,250 to be paid primarily to five specialized agencies of the United Nations. This is a clear violation of the intent and spirit of the legislation passed by this body.

In recent years the "commitment" to the United Nations has been elevated to a position of greater importance than the commitment owed to the people of the United States. Every attempt at reducing the total amount lavished on the U.N. is met with cries of "upholding our international commitments." What about the commitment we have to the people of this country? Must they be forgotten while we court international favor?

Our so-called commitments to the international banking community sent our dollar into a devaluation nosedive in February, and reduced the buying power of the American consumer.

Our so-called commitments to provide the Soviet Union with grain to feed their livestock reduced the amount of grain for cattle in this country, and drove prices to all-time highs. As a result, we face not only higher food prices, but a serious meat shortage. These so-called commitments have contributed to the inflation crisis.

Mr. Chairman, our commitments are first and foremost to the taxpayers of this country, and any bill that comes before this House should place Americans first in spending priority. This bill does not.

I shall maintain my commitment to the people I represent, and cast our vote against this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $81,278,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $43,453 and $33,377 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $56,228

AMENDMENTS OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I

and $42,897 per annum, respectively.

have amendments pertaining to pages 35 and 36 which are related. I ask unanimous consent that those amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

"Amendments offered by Mr. RAILSBACK: On page 35, at lines 13 and 14, strike "$81,278,000" and insert in lieu thereof "$83,372,000".

On page 36, line 23, strike "$12,200,000" and insert in lieu thereof "$12,909,000".

Mr. DENNIS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The chair will count.

Forty-five members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 316]

Abdnor
Ashbrook
Ashley
Badillo
Bell
Blackburn
Blatnik
Breaux
Burke, Calif.
Burke, Fla.
Chisholm
Clark
Danielson
Dent
Derwinski
Dickinson
Dingell
Evins, Tenn.
Fish
Fisher
Fraser
Fuqua
Green, Oreg.
Griffiths
Gunter
Hansen, Wash.
Harrington
Harsha
Hébert
Holifield
Horton
Hunt
Jarman
Jones, Ala.
Keating
King
Long, Md.
McSpadden
Mathis, Ga.
Melcher
Montgomery
Nichols
O'Hara
Patman
Powell, Ohio
Quie
Reid
Rooney, N.Y.
Roush
Ryan
Sandman
Satterfield
Steele
Sullivan
Teague, Tex.
Thompson, N.J.
Tiernan
Veysey
Vigorito
Wiggins
Wright
Wyatt

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. VANIK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8916, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 371 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes in support of his amendments.

Mr. RAILSBACK. Mr. Chairman and Members of the Committee, this is an amendment on page 35 and page 36 of the bill which deals with the Federal judiciary budget request. What happened, quite simply, is that the judiciary requested 340 new probation officers with the necessary clerk supporting personnel. That request was cut in half, so that as a result of action taken by the Committee on Appropriations they have provided for 170 new probation officers instead of 340.

Mr. Chairman, I offer this amendment reluctantly in the sense that I have only—and I mean this sincerely—the highest regard for the chairman of the subcommittee, the gentleman from West Virginia (Mr. SLACK) and also my good friend, the gentleman from Michigan (Mr. CEDERBERG) but I offer it with the utmost sincerity.

Mr. Chairman, members of Subcommittee No. 3 had an opportunity, particularly last year, to investigate many prisons. We had the opportunity to have come before us at numerous hearings people who were expert in the field of corrections, including people with the administration and people outside of the administration. They made many recommendations to us.

But, time after time, expert witness after expert witness made the point that something is wrong in this country when we have a recidivism rate that indicates that 72 percent of our first-time youthful offenders who have gone to prison one time are going to be back in prison within a 5-year period. We know that, frankly, our entire criminal justice system could and should be indicted for that particular statistic alone.

One thing that has been successful is the various probation systems, including the probation subsidy system that is being used more extensively in California than any place else, but I think that these experiments have prompted our Federal judiciary to request more probationary personnel so that, instead of having a caseload of 105 cases per caseworker, we can reduce it down to what we hope will be a manageable number.

Even if my amendment should pass, the total amount of money involved is $2.8 million, but even if that should pass, it would mean that we would still have a caseload per individual caseworker of about 81 cases per caseworker when we include their presentence report responsibility. We know that the probation caseload is expanding so that we can predict with a reasonable degree of accuracy that that caseload is even going to be higher than 81.

What the experts say is that a good figure per caseworker would be to have a caseload of about 35 cases per caseworker. I would only say that if we really want to do something about crime, if we want to do something about the rates of recidivism, this is the poorest place in the world to be cutting our budget.

With all due respect to my good friend, the gentleman from Michigan, this is the one item that I disagree with him on. I think that I have had some experience, and I think he is going to hear from some other people who have had some experience as far as the needs for rehabilitation are concerned.

Mr. Chairman, the Federal judiciary's budget estimate for salaries of supporting personnel was cut by the Appropriations Committee by $4,048,000. My amendment would only restore that which is related to the Probation Service, $2,803,000. The judiciary requested money for 340 new probation officers and 201 clerk stenographers. This request was cut in half and the bill before you would only provide for 170 probation officers and 100 clerk stenographers. I think we are making a serious mistake by such a cut.

The best information available clearly indicates that probation offers one of the most significant prospects for effective rehabilitation. It is also clear that the most important component of a successful probation system is trained manpower. The judiciary requested an additional 340 probation officers for the purpose of effectively supervising people that were placed on probation. The committee saw fit to cut that request by 50 percent. Needless to say, this is a very sizable cut.

I believe that the Members of Congress should give serious thought to what has been done here. For fiscal year 1973, taking into account the fact that the probation officers also have to do presentencing reports, their caseload amounted to 105 cases per probation officer. In 1967, the President's Commission on Law Enforcement and Administration of Justice stated that a meaningful caseload for real supervision should be 35 cases per probation officer. Six years have gone by since that recommendation and we are nowhere near that figure.

Ladies and gentlemen of Congress, whom are we kidding? With that kind of caseload there is little, if any, real supervision. If you support my amendment we would be able to cut the caseload down to perhaps 81 cases per officer, if the caseload would remain constant, but I am sure it, too, will increase.

Who are we talking about when we speak of people on probation? During the period June 30, 1968, to January 1973, the number of persons under supervision increased from 36,799 to 51,529, an increase of 40 percent. The projection for fiscal year 1974 is 59,400 persons under supervision in probation. In 1968, 27 percent of the probation population was 24 years of age or younger when received for supervision. By January 1973 this proportion had increased to nearly 40 percent. The total number of persons in this age category increased from 9,891 to 19,987, an increase of 102 percent.

This is a very significant figure because it is the younger offender who is more active and aggressive—it is the younger offender who has the greater need for counseling and education. The increased concentration of youth in a caseload means increased demands on the probation service in order to meet the unique challenge of dealing with youthful offenders, because it is well known that the younger the offender the greater the risk that he will violate the condition of his release.

So, who are we talking about when we speak of the type of person involved in our probation system? The bulk of the time and energy spent by a probation office is spent on the young. Therefore, the $2,803,000 which my amendment would restore to H.R. 8916 will further assist the probation service in concentrating its resources on the young offender, for he has the potential to become either tomorrow's law abiding citizen or tomorrow's costly liability caught in the revolving door of recidivism.

Mr. Chairman, I strongly believe that a dollar spent on the rehabilitation of the younger offender is the best investment we can make, and I urge the Members to vote favorably for my amendment.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I should like to ask the gentleman from Illinois a few questions. How many additional positions will the monetary figure that is in the gentleman's amendment provide?

Mr. RAILSBACK. This would provide for 170 probation officers and 101 additional supportive personnel. I think they are called clerk-stenographers.

Mr. WYMAN. So they are doubled, then?

Mr. RAILSBACK. Yes; but let me point out this is the judiciary's request.

Mr. WYMAN. I understood the gentleman to say that the caseload of each probation officer at the present time under the figure for personnel that has been put in by the committee would run something about 105, and if the gentleman's amendment is adopted, it would be in the vicinity of 81?

Mr. RAILSBACK. The gentleman is correct, and this would include presentence reports, which are part of a probation officer's job.

Mr. WYMAN. Is the gentleman familiar with what the testimony was with respect to what that caseload should be if they are to be really able to adequately handle the size of rehabilitation and proper sentencing?

Mr. RAILSBACK. If the gentleman will yield, in 1967 the President's Commission on Law Enforcement and Administration of Justice said that a meaningful caseload for real supervision should be 35 cases per probation officer. Six years have gone by since that recommendation, and it has gone up to 105 per caseworker.

Mr. WYMAN. Has the testimony been, I will ask the gentleman from Illinois, that with a caseload of 81 there will still be an inadequacy in terms of a review of the family situation and background and all the facts that are necessary to provide adequately researched and documented individual records before the judges before sentencing?

Mr. RAILSBACK. I do not think there is any question about that. In other words, I agree with the gentleman that this is not an adequate provision.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, just to correct the record, this is not the administration's request. There is no administration request. This is a Judiciary Department request. It is not even subject to review by OMB.

Mr. RAILSBACK. Mr. Chairman, if the gentleman will yield, I had my administrative assistant check this out because someone asked me that.

Mr. SMITH of Iowa. It is submitted by the Judiciary Department and it does not even go through the OMB.

Mr. RAILSBACK. That may be, and if I did characterize it incorrectly I am sorry.

Mr. WYMAN. Mr. Chairman, if we are to do anything about rehabilitation this is an important field in which there is increasing public interest and concern. I think the gentleman's amendment ought to be adopted. It is a good value for the money involved and will redound to the public benefit by emphasizing those individual and personal backgrounds of persons in difficulty with the law so that justice can be tempered with compassion and understanding where justified.

Mr. COHEN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

I compliment the gentleman from Illinois for the amendment he has offered and I associate myself with his remarks.

Mr. Chairman, there are approximately 50,000 individuals in this Nation currently under probationary supervision in the federal system. Through the efforts of varying correctional programs, the offender is reintegrated into his community, protected from the stultifying effects of confinement and hopefully insured against prejudicial treatment of their families. In addition, probationary efforts reduce the financial responsibility of the public to the correctional institution.

Approval of the gentleman's amendment to H.R. 8916 will help insure that valuable public services provided by probation agencies are not compromised by a lack of manpower. As the gentleman points out, recidivism is a revolving door. Each year, 60 percent of all adult felons are paroled, yet 35 to 40 percent of these individuals return to prison after a subsequent conviction.

Effective probation programs offer professionalism and expertise in the rehabilitation of offenders and help to decrease the rate of recidivism. Ineffective programs, however, plagued by inadequate staffing and disproportionate caseloads, do little to control recidivism. The President's Commission on Law Enforcement and Administration of Justice in 1967 reported as a desirable caseload average for juveniles and adult felons the level of 35. Yet, in 1965, fewer than 4 percent of the probation officers in the Nation were carrying caseloads of 40 or less. Today, the average caseload amounts to 105 cases per probation officer. The Commission concluded:

> Whenever probation programs are subject to criticism, the oversized case load is usually identified as the obstacle to successful operation.

Recidivism is a problem which affects all of us. Young people caught in its "revolving door" can be given the necessary rehabilitative services only if a reasonable probation officer-offender ratio is established and maintained. Mr. Chairman, I submit that if we are truly serious about dealing with the alarming recidivistic trend which has contributed to the growth in crimes which we are witnessing across the country, then we should give our wholehearted support to amendments of this nature.

Mr. Chairman, the Judiciary Subcommittee has had hearings on the entire subject of our probation and parole system and the testimony indicates that something is drastically wrong with our penal system as it stands. There is a problem of the "revolving door" and how we go about breaking that. I would like to ask the gentleman from Illinois about the economics involved, because certainly a question is going to be raised about whether this is another example of an increase in spending and there is a question about the parole and probation activities and resulting cost savings to the taxpayer.

Mr. RAILSBACK. Mr. Chairman, if the gentleman will yield, I have a letter from Donald L. Chamlee, assistant chief of probation, dated June 27, 1973, which indicates a daily per capita cost of Federal supervision in the community for the fiscal year 1972 was $1.05 a day or $384.83 a year. The average 1972 per capita cost for confinement in the Federal Bureau of Prisons institutions was $5,200 a year or $14.25 a day.

This figure was calculated on salaries and expenses and operation costs and remodeling and does not include the cost of new construction or confining Federal prisoners in non-Federal institutions.

Mr. COHEN. Mr. Chairman, I should like to say a system which allows or permits a ratio of 105 probationers to 1 probation officer or case worker is a system which is decidedly unfair and designed to fail.

Mr. Chairman, I urge passage of this amendment.

Mr. SMITH of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois. I just want to say, referring back to my own personal experience for 1 year before I came to the Congress when I had the privilege of being a county judge with criminal justice responsibilities and a family court judge, fortunately I had an outstanding probation department which had been built up by my predecessor. They were all underpaid and overworked, but I found out by experience that the judicial system depends to a tremendous degree upon these dedicated people who do the presentencing examinations and investigations and who do the counseling and the supervision of people when they are on probation—and most of those on probation are young people. I think if we are ever going to reform our penal system and cut down the recidivism we see today, the place to start is with a good, strong probation department.

I would enthusiastically support the amendment offered by the gentleman from Illinois even though I am usually on the side of cutting down expenditures.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I would like to ask the author of the amendment, the gentleman from Illinois, what portion of the additional $2,803,000 provided for in this amendment would go for the clerk-stenographers?

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield to me for the purposes of answering the question?

Mr. SMITH of New York. I am happy to yield to the gentleman from Illinois.

Mr. MAYNE. Mr. Chairman, as I understood it, there was already $2,803,000 additional money included by the committee. Now, the gentleman is putting in another $2,803,000 with his amendment.

Mr. RAILSBACK. Mr. Chairman, here is the answer I have: 101 clerks, $590,000. This figure is based on GS–5 salary rate at $7,319 per year plus related benefits. Then, under the second part of the amendment we break the increases down for such things as equipment, security, investigations, communications, printing, other supplies; 101 clerks, $106,000. Those two figures out of $2.8 million.

Mr. MAYNE. Then, that would be approximately how much for clerks and stenographers and how much for the probation officers themselves?

Mr. RAILSBACK. The officers themselves would be allocated $1,504,000. This is based on GS–9 salary, which is $11,614, plus related benefits for 9 months.

As far as the increase on the other page which is for travel, it would be for 170 probation officers, $603,000. There is a breakdown I could give the gentleman on how much travel, equipment, security investigations. The total figure is $603,000.

Mr. MAYNE. Mr. Chairman, I note that there would be 170 additional probation officers and 101 additional clerk-stenographers, or a ratio of about 10 stenographers to every 17 actual officers. Is this in line with ordinary experience in the Department of Justice for this kind of stenographic backup?

It seems a little high to me. Has the gentleman checked into this ratio at all?

Mr. RAILSBACK. Mr. Chairman, if the gentleman will let me check my records, I think I have an answer for him on that which I cannot put my finger on right now, where they do justify that figure. I do not have it right now.

Mr. MAYNE. Mr. Chairman, I want to thank the gentleman from New York for yielding to me and say that as far as the case for additional probation officers is concerned, I think the gentleman from Illinois has made a strong presentation, but it does seem to me that 101 additional clerk-stenographers have not been shown to be necessary. I nevertheless intend to support the amendment because of the demonstrated need for more probation officers to handle the rising caseload of youthful probationers. It is in the national interest to facilitate their rehabilitation through adequate probation personnel.

Mr. KASTENMEIER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will not take the 5 minutes, and despite the fact that I compliment the gentleman from West Virginia, the acting chairman of the subcommittee, on the work he and his committee have done, I must certainly side with the gentleman from Illinois in recommending the restoration of the full amount for probation officers.

As the subcommittee chairman from the Judiciary Committee on Corrections, nothing is plainer to us than the fact that it is much, much more effective; much less expensive to give young offenders the sort of supervision these officers would afford them, than to have them in an institution.

Indeed, if the future of these individuals involved were not at stake, certainly the safety and security of society is, because we cannot expect a probation officer to maintain supervision over 100 or 105 cases and expect that we are going to have very much success in terms of the future of those individuals supervised, or the security of society, from crime as a result.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I would like to take the opportunity to associate myself with the remarks of the gentleman from Wisconsin, and the other gentlemen who have risen here to address the Committee.

I think the members of the Committee know by this time that I am hardly one of the big spenders in the House.

One of the reasons why I am not is that oftentimes it seems to me we spend our money for the wrong things and in response to various types of public pressure where we rarely show much result for it. In other places, where a little money will do a lot of good, we do not get much public pressure and hence tend not to spend it. This is one of them.

I believe the significant thing about our short debate today is that those who have spoken in favor of the amendment are mostly people who know something about the subject. It is only simple truth that anybody whose lot has been cast in the courts to any extent, and particularly in the criminal courts to any extent, on either side of the table, if he has any feeling or any sense of the situation, knows that one place a little money might help would be in probation, particularly, and in parole, secondarily, rather than simply on building walls and that sort of thing.

The prison system is one place where we have a lot of room for reform, and I believe this is a modest step forward.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I want to associate myself with the remarks of the gentleman and support the amendment offered by the gentleman from Illinois, as a former member of the subcommittee.

Mr. KASTENMEIER. Mr. Chairman, I urge support of the amendment.

Mr. SLACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee has already included in this bill 270 additional employees for the probation office, of which 170 are probation officers and 100 are clerk-stenographers.

Last year they received 252 new positions, of which 168 were probation officers.

The bill as now before us contains funds for 978 officers, which compares with 640 in 1972. Mr. Chairman, this represents an increase of over 50 percent in 2 years.

In the hearings before the committee on March 5 they told us that they had 36,327 on probation as of the last available date. That figure compared with 35,999 for 1972, which figures out to an increase of only 328 cases, or less than 1 percent.

The charge has been made that this committee rubberstamps the FBI and that on the other hand we have neglected the court system. I want to state for the RECORD that the increase in supporting personnel for the U.S. courts has been higher percentagewise over the past 10 years than for the FBI, and a large number of other appropriations that are in this bill.

I should also like to point out to this committee that the judiciary budget is not touched at all by the Office of Management and Budget.

Mr. Chairman, there are more new jobs in this one appropriation alone for the judiciary than there are for the entire Department of State, or for that matter the Department of Justice. The same thing would hold true for the Department of Commerce.

In my opinion, Mr. Chairman, the committee has treated the judiciary fairly. There is no way we can completely satisfy some of these judges, regardless of how much we provide for them. In my opinion, if these same judges would put some of the criminals in jail instead of on probation the country would be a lot better off.

I therefore ask that the amendment be defeated.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. SLACK. I yield to the gentleman from Florida.

Mr. SIKES. The distinguished gentleman and the committee feel, if we think back for a moment as to what he has stated, that we have provided personnel just as fast as they can be absorbed into the system and properly used. It would be a waste of the Government's money to add any more at this point.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. SLACK. I am pleased to yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I have to take a little issue with the statement about putting some of these people in jail instead of on probation.

Mr. Chairman, it is not that there are not people who ought to go to jail. I am no bleeding heart on that subject. But I would like to point out to my friend that most of the people put on probation are young people who are first offenders. That is where most of the probation is.

Mr. Chairman, we would be a long ways ahead in 9 cases out of 10 if we did not send those young people to jail.

Mr. SLACK. Mr. Chairman, I will say to the gentleman that there are some people on the streets right here in the city of Washington on probation or parole who ought to be in jail. I think the record will show that there was one individual who raped five women, and that he is out walking the streets today.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I have listened to the debate. Now, I am just as interested in probation problems as the gentlemen who serve on the Committee on the Judiciary. The only difference is that we are charged with the responsibility of putting up the money, and we look into how it is being spent. We are giving them 170 new officers this year. When these hearings were held, looking on page 95, they had 67 vacancies out of the 160-some we gave them last year.

Mr. Chairman, I will admit that they are in the process of filling these vacancies, and we want them to fill them; we want them to fill them as wisely and with as competent people as they can. But I cannot see any reason to give them 340 when I am not confident that they can find 170 people who are competent to do the job.

This is what we want to have done, and we do not yield to anybody in our concern for adequate and proper probation. If the Members will look at the increases which have taken place year after year after year, they cannot help but come to the conclusion that we have been fair with these people and we have used the best kind of judgment possible in behalf of the people who are under probation, and taking into consideration the taxpayers as well.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. Yes, I will yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I want to thank my friend for yielding.

I want to point this out to him. It is something which I do not think any of us have pointed out before.

Mr. Chairman, based on the rate of growth of the last 4 years, we predict that by the end of fiscal year 1974, the officers will complete 33,400 presentence investigations and supervise 59,400 offenders.

Regardless of what we say about what we have done, the caseload is still 105 per caseworker, and it is going up. We know that that is grossly inadequate, according to every law enforcement officer in the country.

Mr. CEDERBERG. Mr. Chairman, the simple fact is that we are giving them the necessary personnel to do the job, and I do not think we should go any further.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. RAILSBACK).

The question was taken; and the Chairman announced that the Chair was in doubt.

RECORDED VOTE

Mr. RAILSBACK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 164, not voting 49, as follows:

[Roll No. 317]

AYES—220

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Arends
Aspin
Baker
Barrett
Beard
Bergland
Biaggi
Biester
Bingham
Boggs
Brademas
Bray
Breckinridge
Brinkley
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dickinson
Diggs
Donohue
Downing
Drinan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Findley
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton
Gilman
Gonzalez
Grasso
Gray
Green, Pa.
Grover
Gude
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hastings
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hicks
Hillis
Hogan
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hutchinson
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Lujan
McClory
McCloskey
McCollister
McCormack
McKinney
Macdonald
Madigan
Mailliard
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Minish
Mink
Mitchell, Md.
Mizell
Moakley
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Nedzi
O'Brien
Owens
Patman
Pepper
Peyser
Pike
Podell
Preyer
Price, Tex.
Pritchard
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Roy
Roybal
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Seiberling
Shuster
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Stokes
Stuckey
Studds
Symington
Thone
Thornton
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyman
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Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.

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Abdnor
Alexander
Andrews, N.C.
Annunzio
Archer
Armstrong
Bafalis
Bennett
Bevill
Boland
Bolling
Bowen
Brasco
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
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Cochran
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Collins, Tex.
Conable
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Cotter
Crane
Daniel, Dan
Davis, Ga.
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Davis, Wis.
Devine
Dorn
Dulski
Duncan
Evans, Colo.
Flood
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Froehlich
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Goldwater
Goodling
Gross
Guyer
Haley
Hammerschmidt
Harsha
Harvey
Hays
Heckler, Mass.
Henderson
Hinshaw
Holifield
Holt
Ichord
Jarman
Jones, Okla.
Jones, Tenn.
Ketchum
Kluczynski
Kuykendall
Landgrebe
Latta
Long, La.
Long, Md.
Lott
McDade
McEwen
McFall
McKay
Mahon
Mallary
Mann
Martin, Nebr.
Milford
Miller
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Mollohan
Moorhead, Calif.
Morgan
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Neill
Parris
Passman

Patten
Perkins
Pettis
Pickle
Poage
Powell, Ohio
Price, Ill.
Quillen
Rarick
Rhodes
Roberts
Robison, N.Y.
Rooney, Pa.
Rostenkowski
Runnels
Satterfield
Saylor
Scherle
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Treen
Veysey
Vigorito
Waggonner
Whitten
Williams
Wydler
Wylie
Yatron
Young, S.C.
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Zablocki
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Zwach

NOT VOTING—49

Andrews, N. Dak.
Ashbrook
Ashley
Badillo
Bell
Blackburn
Blatnik
Breaux
Burke, Fla.
Clark
Danielson
Delaney
Dent
Derwinski
Dingell
Evins, Tenn.
Fascell
Fish
Fisher
Fuqua
Green, Oreg.
Griffiths
Gubser
Gunter
Hansen, Wash.
Harrington
Hébert
Hungate
Hunt
Jones, Ala.
Keating
King
McSpadden
Madden
Montgomery
O'Hara
Quie
Rooney, N.Y.
Roush
Rousselot
Ryan
Sandman
Sullivan
Teague, Tex.
Thompson, N.J.
Tiernan
Wiggins
Wright
Wyatt

So the amendments were agreed to.

The result of the vote was announced as above recorded.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise for the purpose of directing some questions to any member of the subcommittee and particularly the chairman because these questions arise inasmuch as I find no explanation in the committee report.

On page 17—and I am not necessarily intending to offer any kind of amendment because I know we have passed that section and an amendment would not be in order, but nevertheless I think it is vital for us to have some explanation of some of the provisions under the Immigration and Naturalization Service, salaries and expenses. For example, in discussing the "payment of allowances—at a rate not in excess of $1 per day—to aliens, while held in custody under the immigration laws, for work performed," I wonder if we could have an explanation about the nature of the work performed and why the stipend of $1 has been set and how much of this work on an average is being performed and under what circumstances?

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, we have had this in the bill for some 20 years and there has been no request to change it.

Mr. GONZALEZ. This has been in the substantive law before?

Mr. SLACK. It has been in this bill for a number of years.

Mr. GONZALEZ. This same section?

Mr. SLACK. Yes, it has.

Mr. GONZALEZ. What about on page 18 where we provide on lines 13 and 14 for "acquisition of land as sites for enforcement fence and construction incident to such fence"? That is obviously for the holding of aliens but is this a new authorization for acquisition of land for a concentration camp type of detention?

Mr. SLACK. I would say to the gentleman this is not a new authorization. This fence was constructed along the border many years ago.

Mr. GONZALEZ. There is nothing in this budget contemplated for additional construction of detention centers?

Mr. SLACK. The gentleman is correct.

Mr. GONZALEZ. All right.

One more question. On lines 17 and 18 it says: "maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children."

Who could that refer to? We have a tremendous number here of illegal alien workers, but this says "alien enemies and their wives and dependent children." What alien enemies? We are wining them and dining them and toasting them nowadays, but this obviously has reference to some alien enemy. I just do not know why this is here at this time.

Mr. SLACK. This too, I would say to the gentleman from Texas, has been in the law, so far as I know, for a number of years.

Mr. GONZALEZ. It is so general.

Mr. SLACK. The authorization is contained in 8 U.S.C. 1185, which states:

> (a) When the United States is at war or during the existence of any national emergency proclaimed by the President, or, as to aliens, whenever there exists a state of war between or among two or more states, and the President shall find that the interest of the United States requires that restrictions and prohibitions in addition to those provided otherwise than by this section be imposed upon the departure of persons from and their entry into the United States.

This again has been in the bill for many years.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is very seldom that I take the well of the House in regard to bills from other committees. One of our subcommittees on Government operations, headed by the gentleman from Missouri (Mr. RANDALL), has been making a study of the immigration from other countries such as Canada in the north and Mexico in the south, of aliens coming into this country.

Mr. Chairman, we have studied the materials that Mr. RANDALL's committee has developed. In the last 10 years the number of these alien immigrants, who are committing a criminal act when they come into this country with either forged documents or no documents, has increased from 88,000 a year to over 560,000 in 1972.

In California alone, 200,000 illegally entering aliens, most of them from south of the border, were apprehended. Then, we are faced with a situation of taking care of these people, either feeding them, jailing them, hospitalizing them, or detaining them until they can be deported. If they agree voluntarily to be deported, then we put them in vans and take them down to Tiajuana or Encinitas, and send them across the border.

If they will not go voluntarily, then they have to be arrested and put in jail and detained until there can be an administrative hearing. In the case of illegal aliens who have committed felonies the Federal courts in Los Angeles will not take adidtional cases. They must be filed in San Diego.

When Members think of arresting 200,000 in 1 year, they can understand what I am talking about. Los Angeles County alone has incurred a cost of over a hundred million dollars annually to apprehend, take care of, feed, hospitalize and return these aliens to the border. We have cases where we have arrested the same alien six times within 1 year. We have just considered reorganization plan No. 2 which had to do with the immigration and naturalization service. This Presidential plan says we should reduce about 500 employees in the immigration service in the face of this flood of illegal aliens. We have reported from the House Government Operations Committee an amendment which will prevent the transfer of 900 employees from the Immigration and Naturalization Service to Customs. These aliens that come in across the border are taking the jobs of citizens, many of whom are out of work.

I see nothing wrong with building a fence down on the border. I hope they will put people on the border patrol who will walk up and down that fence, and fly over it with helicopters, to keep these people out of our country.

If they want to come in legitimately, I am all for that, but if they want to break the laws and come in illegally they should be apprehended and should be deported.

I say this to the shame of the Congress, that in the past 10 years there have been requests for close to 5,000 new people in the Immigration and Naturalization Service to do the job of guarding the borders and apprehending these people when they come in, and there have been only 992 allowed by congressional action. Less than 25 percent of the number requested by the Immigration and Naturalization Service have been allowed by the Appropriations Committee.

I believe it is time for us to look at this thing and look at it in reality. I do not blame the people who are trying to come across. The level of poverty in which they live south of the border is just terrible. There is no doubt about that. I cannot blame any one of these individuals for wanting to better his life.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that I may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. SIKES. Mr. Chairman, reserving the right to object—and I am not going to object—I should like to point out that we have passed that section of the bill. There is nothing we can do about it insofar as this legislation is concerned, and the hour is getting late.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, as I said, I very seldom come to the well of the House, far less than the gentleman from Florida goes into the well, I might say. These remarks of mine were inspired by the questions of my friend from Texas (Mr. GONZALEZ). I just wanted to express some of the facts that we have on this matter and say that I see nothing wrong in having border patrol forces adequate to take care of the exclusion of these illegally entering aliens who are coming in here at great expense to the taxpayers of the United States and are in many instances taking the jobs of American citizens who want to have those jobs.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 403. None of the funds contained in this title shall be available for the salaries or expenses of deputy clerks in any office that has discontinued the taking of applications for passports subsequent to October 31, 1968, and has not resumed such service on a permanent basis.

This title may be cited as the "Judiciary Appropriation Act, 1974".

Ms. HOLTZMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I seek clarification from the distinguished gentleman from West Virginia with respect to certain language in the bill.

On page 17, line 8 of the bill, there is language concerning the Federal Bureau of Investigation. There is an appropriation "not to exceed $70,000 to meet unforeseen emergencies of a confidential character."

I should like to ask the gentleman whether any of these funds are intended to be used for the investigation of persons who have differing political viewpoints from the executive branch, or what exactly are these funds intended to be used for?

Mr. SLACK. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I am happy to yield to the gentleman from West Virginia.

Mr. SLACK. The funds provided to meet unforeseen emergencies of a confidential nature are used to make unusual emergency and confidential expenditures in criminal and security investigations where the name of the informant or the nature of the expenditure must be kept secret so as not to jeopardize the investigative operations. The personal safety of the recipient of the funds is the paramount consideration in situations of this type.

Mr. Chairman, in direct answer to the question posed by the gentlewoman, I would say that the answer is "No."

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentlewoman from New York (Ms. HOLTZMAN) yield?

Ms. HOLTZMAN. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I appreciate the question which has been posed by the gentlewoman from New York. It ties in directly with the amendment which I submitted earlier stating that none of these funds could be utilized for investigation of political activities not involved in the commission of Federal crimes.

I certainly hope, although that amendment was defeated earlier, that we could receive support in this body for the adoption of similar or related language by the authorizing committee. The FBI as we all know, has been forced through political pressure and otherwise to engage in domestic political investigations which go far beyond the suppression of crime. This is why I believe it is a very, very important point which the gentlewoman from New York has raised, even though she has referred to a very narrow phase of the activities funded by this bill.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman.

It is my understanding from what the chairman of the subcommittee has stated that in essence this language in the appropriation is not intended to fund investigations not connected with the investigation of Federal crimes; is that correct?

Mr. SLACK. Yes, the gentlewoman is correct.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $6,935,000.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 40, line 11, strike the figure "$6,935,000" and insert in place thereof "$10,000,000".

Mr. SEIBERLING. Mr. Chairman, this is a very simple amendment, but I believe it is an important one. All it would do is bring the appropriation for the U.S. Arms Control and Disarmament Agency up to the very modest level of last year's appropriation, namely, $10 million.

That is "peanuts" compared to the amounts of money we have included in this bill and included in the proposed Defense Department budget.

Mr. Chairman, this would represent an increase of approximately $3.1 million from the approximately $6.9 million called for in the administration's budget for fiscal year 1974 and in the appropriation bill before us.

Mr. Chairman, it is incomprehensible that at the very moment when the administration was preparing to enter into the second round of strategic arms limitation talks with the Russians, it would choose to reduce the budget for the very agency that is charged by law with the preparation and management of the U.S. participation in all such international negotiations on arms control and disarmament.

It has been only a few days since the President and Mr. Brezhnev signed a joint statement declaring that both governments would move rapidly ahead to achieve significant new strategic arms limitation agreements. It is inconsistent, to say the least, to reduce the capabilities of the United States to negotiate on arms control at the very time that the administration is proclaiming its intention to reach effective new agreements.

It would seem that at this point in time, when arms limitation is as crucial as at any time in our Nation's history, that the prestige and capacity of the Arms Control and Disarmament Agency should be increased rather than decreased.

Mr. Chairman, the President himself has stated that this round of strategic arms limitation talks is of the utmost importance to continuing international detente, and yet, without the slightest hesitation, he has proposed a reduction so crippling that it will deny the Arms Control Agency the very tools necessary to accomplish its mission.

It is instructive in the context of spending priorities to note that an Arms Control and Disarmament Agency appropriation of $10 million for fiscal year 1974, which is what my amendment authorizes, would only pay one-half the cost of a single F-14 aircraft.

Mr. DRINAN. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Massachusetts.

Mr. DRINAN. I want to associate myself with the remarks of the distinguished gentleman from Ohio and commend him for his initiative. I do hope we will go forward and have a record vote on this. It is most appropriate on this day when we have failed to stop war immediately that we at least see that the Arms Control and Disarmament Agency has the funding that they had last year.

Mr. SEIBERLING. I thank the gentleman.

That is another interesting aspect of this. Savings from cutting the appropriation from $10 million to $6.9 million, which is what the bill without my amendment would do—the saving is less than the cost of 5 days of bombing in Cambodia at the current rate, which has been running $600,000 a day on the average.

Mr. CEDERBERG. Will the gentleman yield to me?

Mr. SEIBERLING. I will not yield at this time. I will in just a moment if you gentlemen will allow me to proceed.

It is almost ludicrous to compare the increase in the DOD proposed fiscal year 1974 budget just for research and development, an increase of $562.7 million to the $10 million that the Arms Control and Disarmament Agency was allocated last year and which I am asking us to appropriate again this year. Certainly we can agree that it is not only the right but it is the duty of the Congress to provide for a strong and effective Arms Control and Disarmament Agency. Therefore I urge the committee to restore the full $10 million funding for the Agency for 1974.

Mr. CEDERBERG. Will the gentleman yield?

Mr. SEIBERLING. I now yield to the gentleman from Michigan.

Mr. CEDERBERG. I would like to say this: I am all for the U.S. Arms Control and Disarmament Agency. If there was one crying need we have in the world, it is to have disarmament. If it took $100 million. I would be for it. But the simple facts are that the funds we have allocated to the Agency are sufficient. On page 582 of the RECORD you will find in my colloquy with Mr. Farley, the Acting Director, I asked him the question is there enough funds and personnel to carry out the mission, and he said that there were enough funds to carry it out. I asked him as follows:

> Mr. CEDERBERG. In your opinion, with the personnel you have and the funds available, you can carry out the mission assigned to you; is that correct?
>
> Mr. FARLEY. We believe we will carry out our basic job, Mr. Cederberg.

That is what we want. Giving them an extra $5 to $10 million may make us feel better, but it does not do the job any better.

Mr. SEIBERLING. May I suggest one other thing to the gentleman from Michigan, whose opinion, of course, I respect very much.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 1 additional minute.)

Mr. SIEBERLING. One of the troubles with this cut from last year's level is that it is part of an apparent effort to downgrade the role of the agency below that which has been designated by the Congress in the 1961 act, which says that it shall have the primary responsibility for negotiating a strategic arms limitation agreement.

The gentleman to whom you referred replaced the previous head of the agency, who conducted the first round of SALT talks. I doubt very much if he is free to express views contrary to the position of OMB on this budget.

I submit this amendment is a symbolic act which will back up the President in his declaration, with Chairman Brezhnev last week, that SALT II is the most important negotiation we have going in the international field. This is one way to back him up and give him moral support.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this committee consistently has supported the Arms Control and Disarmament Agency. Year after year we have given the agency all the money they said they needed to do their job, and that is exactly what we have done this year. We gave them the full amount of the budget request. If they had any additional money, there would be no plans to spend it and no need to spend it. This would not be sound legislative procedure.

Let me quote from the record on page 577, part IV of the hearings, from the testimony of the acting chairman of the agency, Mr. Farley.

He said:

> In order to carry out this desire for curtailing Federal expenditures and streamlining Federal programs, our Agency will sharply reduce external research, . . .

which probably is largely window dressing, anyway.

> . . . streamline the utilization of personnel, but we will, . . .

Now listen to this:

> . . . we are confident, be able to meet our negotiating and statutory responsibilities. Specifically, ACDA will generate budget savings by (1) cutting the external research program in the amount of $1.5 million (the largest area of reduction), (2) reducing some personnel, and (3) as mentioned above, through the consolidation of the two SALT sites into one.

Mr. Chairman, the agency is receiving the full amount of the budget request; every dime they asked for, every dime they showed a need for. We hope they do a good job. We will support them for whatever amount they really need. Our record is consistent. The amendment cannot be justified and should be defeated.

Ms. ABZUG. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentlewoman. Mr. Chairman, there are some things that the Congress ought to do to indicate what its judgment is as to matters of priority. It strikes me that when we have an appropriation request for the agency that is supposed to negotiate the cuts in arms around the world so as to be able to put our money into things that are needed at home, and which are more productive for human needs, and when that proposed appropriation is less than one-tenth of 1 percent of the proposed Defense Department research budget for next year, and less than one one-thousandth of 1 percent of the proposed military budget for next year, then something is wrong with our order of priorities. So this is one way to say to the world that we are giving some priority to arms control and arms limitation.

Mr. DRINAN. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, the thing I would like to ask the committee is whether they received any adverse testimony about this? All of the people who are seeking to reduce the military expenditures have severely criticized the arms control agency, and indications of this are everywhere. I am wondering if they made available a platform, or asked any witnesses from their home communities to come and tell what the arms control agency really should have if it is going to do its duty.

Ms. ABZUG. Mr. Chairman, I support the amendment offered by my colleague, the gentleman from Ohio (Mr. SEIBERLING).

The testimony that was read by the gentleman from Florida (Mr. SIKES) indicates that this agency has been under a lot of pressure to reduce its requests in the budget. The events of last week proposing agreements in strategic arms limitation that we all want to take place expeditiously, warrant a greater investment in the kind of work for arms control that this agency has done for many years. If their budget were increased, I believe agreements could come about more quickly. The expertise of this agency should be made more available to our negotiators in order to assist them in such agreements.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The question was taken; and on a division (demanded by Mr. SEIBERLING) there were—ayes 23, noes 103.

Mr. SEIBERLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For expenses necessary for the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $1,500,000: *Provided*, That none of the funds contained in this paragraph shall be made available for the collection and preparation of information which will not be available to Committees of Congress in the regular discharge of their duties.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the purpose of clarification on the legislative intent of this section, I should like to ask my good friend and distinguished colleague, the gentleman from West Virginia, to clarify the provisions in this section as to whether or not this provides for requiring the trade negotiators to answer the inquiries raised by Members of the U.S. Congress on the trade negotiations, and whether or not these answers will be forthcoming from these trade negotiators on the who, what, where, when, why, and how of what they are doing.

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from West Virginia.

Mr. SLACK. In response to the inquiry of the gentleman, I would say that it is the intent of this committee that they respond forthwith to the inquiries of Members of Congress.

Mr. BURKE of Massachusetts. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $1,552,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $5,500,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Eckhardt: Add after line 9 on page 51 the following:

"SEC. 706. Any expenditure which is permitted to be made solely on the certificate of the head of a department of government because of the confidential or other special nature of the expenditure shall be subject to the scrutiny of the Comptroller General to determine the nature of the purpose of the expenditure and whether or not it is of such confidential or other special nature."

And renumber the succeeding sections accordingly.

POINT OF ORDER

Mr. SLACK. Mr. Chairman, I make a point of order against the amendment on the basis that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. ECKHARDT. Mr. Chairman, I should like to be heard on the point of order.

The rule provides that all points of order against said bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived.

Furthermore the language of the amendment is pertinent to several provisions of the bill. For instance, on page 17, where the Attorney General is permitted to expend moneys accounted for solely on his certificate, on lines 10 and 11; on page 17, line 24 and page 18, lines 1 and 2, where the Attorney General is entitled to expend money for confidential purposes solely on his certificate; and on page 20 where there is an authorization of approval by the Attorney General to be accounted for solely on his certificate; and pages 20 and 21.

This provision simply restricts such sole accounting authority of the Attorney General, it is germane to the provisions in the bill, and it provides a general limitation with respect to these items.

The point of order with respect to legislation on an appropriation bill is specifically waived by the rule.

Mr. SLACK. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman may be heard.

Mr. SLACK. Mr. Chairman, the gentleman's amendment was not before the Rules Committee.

The CHAIRMAN (Mr. VANIK). The Chair is ready to rule.

In the opinion of the Chair the amendment offered by the gentleman from Texas imposes new duties, additional duties on Federal officials and is therefore legislation in violation of clause 2, Rule XXI. The rule which waives points of order applied only to the provisions of the bill and does not waive points of order against any amendments offered.

So the point of order is sustained.

Mr. ECKHARDT. Mr. Chairman, I thank the Chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 705. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RARICK: Page 52, after line 16, insert a new section:

SEC. 706. No funds appropriated by this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam). Renumber the succeeding lines accordingly.

Mr. RARICK. Mr. Chairman, the amendment is self-explanatory. It is a prohibition to make sure that the funds passed by this House under this act are not to be used in aid or assistance in the reconstruction of North Vietnam. It is a good amendment. I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The question was taken; and on a division (demanded by Mr. RARICK), there were—ayes 31; noes 52.

Mr. RARICK. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. SLACK. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. VANIK, Chairman of the Committee of the Whole House on the State of the Union, reported that Committee, having had under consideration the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SLACK. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 370, nays 11, not voting 52, as follows:

[Roll No. 318]

YEAS—370

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Archer
Arends
Armstrong
Aspin
Bafalis
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Flood
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Pa.
Grover
Gude
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe

Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Collins, Tex.
Crane
Gonzalez
Gross
Haley
Jones, Okla.
Landgrebe
Mathis, Ga.
Rarick
Shuster
Symms

NOT VOTING—52

Andrews, N. Dak.
Ashbrook
Ashley
Badillo
Bell
Blackburn
Blatnik
Breaux
Burke, Fla.
Clark
Danielson
Delaney
Dent
Derwinski
Evins, Tenn.
Fascell
Fish
Fisher
Flowers
Ford, William D.
Fuqua
Green, Oreg.
Griffiths
Gubser
Gunter
Hansen, Wash.
Harrington
Hébert
Hungate
Hunt
Jones, Ala.
Keating
King
McSpadden
Madden
O'Hara
Quie
Reuss
Rooney, N.Y.
Roush
Rousselot
Ryan
Sandman
Steiger, Ariz.
Steiger, Wis.
Sullivan
Teague, Tex.
Thompson, N.J.
Tiernan
Wiggins
Wright
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Clark.

Mr. Rooney of New York with Mr. Wiggins.

Mr. Delaney with Mr. Sandman.

Mr. Tiernan with Mr. Wyatt.

Mr. Blatnik with Mr. Steiger of Arizona.

Mr. Ashley with Mr. Quie.

Mr. Flowers with Mr. Blackburn.

Mr. Breaux with Mr. Keating.

Mrs. Griffiths with Mr. Andrews of North Dakota.

Mr. Hébert with Mr. Hunt.

Mr. Madden with Mr. Derwinski.

Mr. Reuss with Mr. Bell.

Mrs. Sullivan with Mr. Gubser.

Mr. Teague of Texas with Mr. King.

Mr. Wright with Mr. Ashbrook.

Mrs. Hansen of Washington with Mr. Fish.

Mr. Fuqua with Mr. Rousselot.

Mr. Fisher with Mr. Burke of Florida.

Mr. Dent with Mr. Steiger of Wisconsin.

Mr. Danielson with Mr. Badillo.

Mr. Evins of Tennessee with Mr. William D. Ford.

Mr. Fascell with Mr. Gunter.

Mrs. Green of Oregon with Mr. Hungate.

Mr. Jones of Alabama with Mr. O'Hara.

Mr. McSpadden with Mr. Roush.

Mr. Ryan with Mr. Harrington.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6187. An act to amend section 502(a) of the Merchant Marine Act, 1936.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 5452. An act to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended.

The message also announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 128. Joint resolution to provide for an extension of certain laws relating to the payment of interest on time and savings deposits.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8537) entitled "An act to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes."

GENERAL LEAVE

Mr. SLACK. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks on the bill just passed, and that I may include therein certain tables and extraneous material. Further, Mr. Speaker, I also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

RADIO FREE EUROPE AND RADIO LIBERTY AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1972) to further amend the United States Information and Educational Exchange Act of 1948, as amended.

The Clerk read as follows:

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948, as amended, is hereby amended to insert the following sentence between the first and second sentence thereof: "There are further authorized to be appropriated in fiscal year 1973 not to exceed $1,150,000 for nondiscretionary costs.".

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Speaker, the bill S. 1972 provides an authorization for a supplemental appropriation of $1.15 million for Radio Free Europe and Radio Liberty.

The executive branch requested $40 million for these two radio stations for the fiscal year 1973.

The Congress appropriated $38.5 million.

That amount did not take into account the possibility that the dollar would be devalued during this fiscal year.

As we know, the devaluation of the dollar which occurred in February of this year cut its purchasing power in terms of European currencies by nearly 20 percent.

This has had a very serious effect on the operations of Radio Free Europe and Radio Liberty since most of their costs occur in Europe and have to be paid with European currencies—mostly the German mark.

In order to cover urgent operating expenses, the two radio stations have had to dip into their pension funds.

This simply meant postponing expenditures which are legally binding and which have to be made at some point.

To help offset the deficits caused by devaluation, the executive branch has requested a supplemental appropriation of $1.8 million.

The appropriations committees have allowed $1.15 million. That amount was included in the supplemental appropriation bill, approved earlier today by the House.

The apppropriation, however, is subject to an authorization.

Yesterday, the Senate approved S. 1972 which would authorize this appropriation.

This morning, the Committee on Foreign Affairs considered the matter and unanimously instructed me to move that the House accept the Senate bill.

Mr. Speaker, the supplemental authorization is urgently needed. We believe it is justified by development over which Radio Free Europe and Radio Liberty had no control.

I urge the House to pass the bill, S. 1972.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from Pennsylvania if I am correct in assuming that the authorization for this money has not yet been signed by the President?

Mr. MORGAN. The supplemental appropriation?

Mr. GROSS. Yes.

Mr. MORGAN. I imagine that it has not been signed, I will say to the gentleman from Iowa (Mr. GROSS) I do not know whether it has passed the other body as yet.

Mr. GROSS. So that this provides for $1.15 million for nondiscretionary costs, is that correct?

Mr. MORGAN. That is correct.

Mr. GROSS. Mr. Speaker, would the gentleman please explain to the House what "nondiscretionary costs" may mean?

Mr. MORGAN. I would say that this is an old story to the gentleman from Iowa. The gentleman knows the full story about the devaluation of the dollar which occurred in February of this year, and as a result the purchasing power of the dollar in Europe has diminished by about 20 pecent. The RFE–RL people are mostly paid with German marks. Consequently, the devaluation has resulted in a deficiency which the administration is trying to cover at least partly in this authorization.

Mr. GROSS. Does the gentleman from Pennsylvania know how many billions of dollars we will have to spend to take care of the devaluation of those dollars that we send abroad, including the $1.15 million contained in this bill, and when, if ever, the taxpayers of this country are going to get a break of this kind?

Mr. MORGAN. No, I cannot answer that question of the gentleman from Iowa because it would be impossible for me to keep track of all of the agencies and programs affected by the devaluation of the dollar. I try to keep up with those agencies and programs pertaining to the Committee on Foreign Affairs.

Mr. GROSS. The devaluation of the dollar was supposed to be for the purpose of encouraging foreign trade; is that not correct? Exports from the United States?

Mr. MORGAN. For that first devaluation, I thought that was one of the reasons given.

Mr. GROSS. That was the main reason given, and yet we find that the administration has now put a ban on the export of soybeans and cottonseed oil; is that not correct?

Mr. MORGAN. I read that in the press this morning, but, of course, not being a member of the Committee of Agriculture, I do not know the reason why the ban was imposed.

Mr. GROSS. In other words, in the devaluation of the dollar the taxpayers of this country are getting clobbered going and coming; is that not correct?

Mr. MORGAN. The gentleman from Iowa, of course, knows my strong feelings about the trade negotiations. I have long thought we had to have trade agreements that had escape clauses intended to protect the American businessman, the American farmer, and the American worker.

Mr. GROSS. Will the gentleman from Pennsylvania indulge me one other observation? I will be brief. May the Lord help the taxpayers of this country.

Mr. MORGAN. I yield such time as he may consume to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, I support this supplemental authorization request for Radio Free Europe and Radio Liberty for fiscal year 1973. The amount is relatively small—only $1,150,000.

The House and Senate conferees earlier agreed to a $1.15 million supplemental appropriation for the two radios for fiscal year 1973. This amount was in the Suppplemental Appropriations Act of 1973 which was passed by both the House and the Senate.

We are advised by the executive branch that the additional funds are needed because of certain "nondiscretionary cost increases," including those resulting from the devaluation of the dollar. A significant increase in costs to the two radios has resulted from devaluation since 80 percent of the operating expenses of Radio Free Europe and Radio Liberty are paid in local currencies.

Mr. Speaker, I urge approval of this supplemental authorization request.

Mr. MORGAN. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN) that the House suspend the rules and pass the bill S. 1972, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS AUTHORIZATION

Mr. GRAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1759) authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman from Illinois give us at least a brief explanation of what he proposes?

Mr. GRAY. Mr. Speaker, I will be glad to explain to my friend, the gentleman from Iowa and my colleague the bill before us. This bill is identical to the bill that the House passed on a rollcall vote on May 30 of this year by a vote of 291 to 75 authorizing appropriations to continue the nonperforming arts functions of the John F. Kennedy Center. To obviate the necessity of going to conference we are prepared to accept one amendment that was added by the other body cutting it back to a 2-year authorization. The House bill carried a 3-year authorization, so we are merely substituting the Senate bill cutting back 1 year, which I am sure is in line with the gentleman's thinking of having the Congress review this project frequently.

Mr. GROSS. I would have been more pleased had they cut the money figure, I assure the gentleman from Illinois. I am, however, thankful always for small favors, especially when it comes to the cultural center and other boondoggles in the city of Washington.

Does the gentleman from Illinois think that by rushing this bill through without going to conference that this will save more of the gold faucets in the rest rooms at the cultural center from being stolen, or some of the draperies from being stolen?

Mr. GRAY. Yes. I would say to my friend, the gentleman from Iowa, that by agreeing to this bill now, we are cutting back $2.5 million in authorized expenditures by setting a 2-year authorization. If we had gone to conference we would merely have agreed on something higher, so I am sure the gentleman from Iowa will want to support the motion before us now.

Mr. GROSS. If this is a Senate bill, I am constrained to think that this is the result which would come out of a conference, but let me say to the gentleman if I thought there was any way in the world I could head this off and stop any Federal funds for this purpose, I certainly would do it, but I bow to the inevitable and I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There are hereby authorized to be appropriated for the purpose of carrying out this subsection, not to exceed $2,400,000 for the fiscal year ending June 30, 1974, and $2,500,000 for the fiscal year ending June 30, 1975."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 8410, PUBLIC DEBT LIMITATION

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report and the Senate amendment reported from the conference in disagreement on the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 1973, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Ms. ABZUG. Mr. Speaker, reserving the right to object. I wonder if the gentleman could tell us what is in the proposal that is coming before us on the debt limit?

Mr. MILLS of Arkansas. With respect to what particular issue?

Ms. ABZUG. With respect to the particular issue of Cambodia.

Mr. MILLS of Arkansas. There is nothing in the conference report nor in the proposed amendment that will be offered to the Senate amendment involving the subject matter of Cambodia.

Ms. ABZUG. And there is nothing in it concerning the question of bombing or with respect to Laos or Indochina?

Mr. MILLS of Arkansas. That is true. We had agreed in the conference to accept the so-called Eagleton amendment, and it became a little bit superfluous, we thought, to this conference report in view of the actions of the House today and in view of the amendment that is being discussed and probably will be accepted a little bit later this afternoon in the Senate.

Ms. ABZUG. In other words, we do not have a cutoff provision of any kind in this?

Mr. MILLS of Arkansas. Not in this, but the cutoff is in the supplemental that passed, and the Senate is expected to adopt in the continuing resolution a similar provision.

Ms. ABZUG. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. STEIGER of Wisconsin. Mr. Speaker, reserving the right to object, will the gentleman from Arkansas, the distinguished chairman of the Ways and Means Committee, indicate to the House the situation in which we find ourselves?

Mr. MILLS of Arkansas. Yes, I will be glad to, if the gentleman will yield.

Mr. STEIGER of Wisconsin. Of course I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, in the process of amending the debt limit bill in the Senate both on the Senate floor and in the Finance Committee the many subject matters that were appended to the bill were appended in the form of one amendment, which I must say to my friend is not the proper way, in my opinion, for amendments to be considered that are not germane to the subject matter of a bill, because it results when the matter comes to the House and the House is in disagreement and wants to make changes with respect to these various subject matters, that the House has to consider all these changes in one amendment to the Senate amendment. So we are in the position of suggesting to the House that the House recede and concur in the one Senate amendment with one suggested House amendment that will include changes in several areas of the Senate amendment.

Mr. STEIGER of Wisconsin. Further reserving the right to object, Mr. Speaker, and I appreciate very much the honest statement of the gentleman from Arkansas, may I inquire of the Chair as to whether or not it is possible to have a division or a separation of any of the matters to be considered in the one Senate amendment?

The SPEAKER. The Chair does not know what motion might be made. The Chair cannot rule on that sort of thing.

Mr. STEIGER of Wisconsin. Mr. Speaker, further reserving the right to object, what concerns me in this, may I say to the distinguished chairman of the Committee on Ways and Means, is that the conference report, as it is was brought to us is without benefit of any explanation other than that which the distinguished chairman always gives.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. Of course I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Actually there is not a conference report—in the usual sense—when we have a conference report in disagreement. This conference report therefore does not provide an explanation of amendments, because the amendments are all subject to a point of order if included in a conference report. So, we have no conference report in the usual sense. We have no statement of the managers on the part of the House which can be read, because there is no conference report, in effect, in the usual sense, I must say. Under the new rules we do have reference to conference reports in disagreement.

Mr. STEIGER of Wisconsin. Yes, except that the gentleman will remember that we amended the rule.

Mr. MILLS of Arkansas. Yes, I remember that.

Mr. STEIGER of Wisconsin. What we have done is to go back to the situation that developed in June 1972.

Mr. MILLS of Arkansas. The Rules Committee changed that. They were unaware of the fact, apparently, that a conference report in disagreement does not have to lay over for 3 days. It does have to now.

Mr. STEIGER of Wisconsin. All I am talking about is that rule which is found in rule XXVIII, subsection 4(a), the rule under which this is called up, which says:

> With respect to any report of a committee of conference called up before the House containing any matter which would be in violation of the provisions of clause 7 of Rule XVI if such matter had been offered as an amendment in the House.

We do have a chance under the new rule that was adopted in October and modified that old rule, to ask for a separate vote on a nongermane amendment.

Mr. MILLS of Arkansas. The gentleman is getting a separate vote on a nongermane amendment because there is only one nongermane amendment.

Mr. STEIGER of Wisconsin. That is the reason I made the parliamentary inquiry to the chair as to whether or not it would be possible under what the Senate has done, which I think is wrong. I think at some point we are going to have to reflect on what the Senate did to us, but given the fact that we are in this conference report dealing with what, unemployment compensation, social service, social security——

Mr. MILLS of Arkansas. Medicaid.

Mr. STEIGER of Wisconsin. All of these are nongermane amendments, no matter how one cuts that cake. All I am trying to figure out is whether or not it is possible to divide the question. When we move to recede and concur with an amendment, we are amending that one Senate amendment in a number of various areas.

Mr. MILLS of Arkansas. The gentleman is talking about dividing the question. I do not know what he has in mind, but in all fairness to the gentleman, let me suggest that it is possible always to divide the question between receding and concurring, but what would be the purpose of a separation of the two if we are to recede with an amendment and if we voted to recede separately, then I would move to concur with an amendment.

It is my understanding of the rules of the House that that motion will take precedence over any other motion that could be made.

Mr. STEIGER of Wisconsin. Mr. Speaker, the gentleman is correct. All I am saying, in a situation like this which the House is faced with, when we get to almost June 30 when the debt expires, it is really an incredibly difficult problem for the individual Member of the House. It has to be passed, but I think all of us might have different views about the variety of different provisions that are contained in that Senate amendment.

Thus, from my standpoint, the procedure under which we bring this conference report to the House tonight is unconscionable. It makes it exceedingly difficult for the Members of the House both to know what is in the conference report and to deal with it because of the way the Senate has handled it.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. I have told the gentleman I disapprove of the procedure that was followed in the Senate. The blame is not with respect to the Committee on Ways and Means.

Mr. STEIGER of Wisconsin. Of course not.

Mr. MILLS of Arkansas. Nor with respect to the House. This conference report in disagreement very materially reduces the costs that were to be incurred under the Senate amendment.

We have delayed, for example, the effectiveness of the social security increase itself. We have cut back on other areas of cost in the conference.

We have provided what the Senate did not do. We have provided for the financing of the increase in the retirement test, and the increase in social security cash benefits.

Bear this in mind, also. It is now estimated that at the end of June the Government will announce that there has been, since June of last year, an overall cost-of-living increase of some 5.5, 5.6, 5.7 percent, or somewhere in that neighborhood. We have taken 5.6. So these people on social security would be entitled to that under the automatic provisions of the Social Security Act, not now but January 1, 1975. Perhaps by that time there would be another 5 percent or so added to it.

We thought it would be advisable to move that effective date of January 1, 1975, forward. The Senate set January 1, 1974. The amendment that will be suggested to the Senate amendment says April 1, 1974. This is done out of deference of this situation, because there will be two payments made in fiscal year 1974. The April payment will be made about May 3. The May payment will be about June 3. The next payment will be on the 3d day of July, in the next fiscal year, 1975.

Many of these things we did in order to minimize the effect upon the budget. I cannot help but say to the gentleman that in all probability this gets down to a question of priority. We say that we are exceeding the budget, but we have not completed our work. I am perfectly willing to vote and will vote, as I have consistently, to take this amount of increase out of some other program of the Government. I believe we can do it with readiness and with ease.

Mr. STEIGER of Wisconsin. I appreciate very much the explanation and the view of the gentleman from Arkansas.

I will say, Mr. Speaker, what we are seeing tonight is, I suspect, but a further ramification of the problem which arose when we first passed that resolution this week which authorized the Speaker to recognize this process, and, further, it is but another example of where I believe the rules of the House are going to have to be more explicit in terms of dealing with the fact that the rule which provides an amendment versus an amendment in the nature of a substitute did not catch the rather clever way the other body dealt with this particular amendment tonight.

Mr. Speaker, I withdraw my reservation and hope that we will not find ourselves in this situation again.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. CONABLE. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman of the Committee on Ways and Means, who is well known for the fights he has made for the prerogatives of the House, if he is satisfied with this procedure? We went through this procedure last year as well as this year. No responsible committee of the Congress was seriously considered not just the social security measure and all its ramifications but alo very substantial ad hoc welfare reform measures which have been added by the other body following their rejection of our comprehensive welfare reform procedures during the last two Congresses.

Does the gentleman feel satisfied with this procedure and, if not, will he be able to tell us some time during the debate tonight as to how we can avoid this happening again 5 weeks from now without anybody seriously considering the implications of what we are doing or understanding what we are doing in the time allotted for debate?

Mr. MILLS of Arkansas. The one point, may I suggest to the gentleman now, if he will yield, is that perhaps the rules of the House should provide protection against so many subject matters nongermane to a bill being considered as one amendment: that is, the House is entitled to vote on each and every subject matter which is added to a House-passed bill that is not germane to that bill, rather than having to do it en bloc in the nature of one amendment.

Mr. CONABLE. Mr. Speaker, may I ask, is my distinguished chairman satisfied with the procedure for increasing the debt ceiling on a temporary basis, thus permitting the entire Government to be held hostage in this way?

Mr. MILLS of Arkansas. Mr. Speaker, that gets down to the question of the will of the committee. The committee has continually voted, perhaps rather facetiously, that $65 billion of our debt is temporary. Now, maybe I do not understand the meaning of the word "temporary," but we will have this back in the committee later in the year, and if the gentleman wants to decide upon a total permanent debt, I am perfectly willing to go along with him.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

However, I want to express my grave misgivings about the repetition of a process that has already happened too many times already.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. COLLIER. Mr. Speaker, reserving the right to object, may I say very briefly to the very distinguished chairman of our committee and certainly to every Member of this House, regardless of whatever subsequent disagreements or agreements we might have, can understand from the precedent we have set here what an actually dangerous legislative procedure this is. At some point we may all find outselves in a real bind if we allow it to continue.

Mr. Speaker, unless we correct it, from this time on every Member sitting in this House risks becoming the victim of this kind of procedure. It is the most disorderly manner I can think of in which to legislate.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas.

Mr. HEINZ. Mr. Speaker, reserving the right to object, first let me say to the distinguished chairman that I would like to associate myself with the colloquy that he has had with the gentleman from New York (Mr. CONABLE), with the gentleman from Wisconsin (Mr. STEIGER), and with the last gentleman who spoke, the gentleman from Illinois (Mr. COLLIER). I think it is quite expressive of the feelings of the House toward the way we are being forced to legislate in this fashion by the other body.

Mr. Speaker, I would like to address an inquiry to the gentleman from Arkansas (Mr. MILLS), the chairman, and ask him about one item that still is not clear to me.

I can well appreciate that it is possible, though not necessarily desirable, to divide the question between receding and concurring. If it is was, hypothetically speaking, decided to divide the question and the House agreed to recede, then there would be a vote on the amendment offered by the gentleman from Arkansas, and my question is whether the items in the amendment offered by the gentleman from Arkansas would be divisible under the rules of the House.

Mr. MILLS of Arkansas. Mr. Speaker, they would not be. There could be no division of the amendment. It is an amendment to a Senate amendment. An amendment is not divisible.

Mr. HEINZ. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. HANNA. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Arkansas (Mr. MILLS) this question?

Am I of a correct understanding in regard to this matter of the social security? As I listened to what the gentleman said, it seemed to me that he was indicating that since there has already been at least a 5.6 percent increase in the cost of living, the other body had determined in a portion of their conglomerate amendment that we should increase the social security by 5.6 percent, which under this device will come out of the general funds because at this point in time it is not tied with the tax.

Mr. MILLS of Arkansas. No, no.

Mr. HANNA. Because at this point in time it is not tied in with the tax.

Mr. MILLS of Arkansas. No. It comes out of the social security trust fund.

Mr. HANNA. Does the tax at the present time generate a sufficient amount of funds to absorb a 5.6-percent increase?

Mr. MILLS of Arkansas. Yes. Actually that is not what was involved. We were told we would have to increase the $12,000 which goes into effect the first of the year subject to the tax; $12,100.

Mr. HANNA. We are presently unable to do that?

Mr. MILLS of Arkansas. It is a one-shot proposition. If we did not do this now, we would be giving them a much bigger increase, which is about $8 million beyond that.

Mr. HANNA. I understand that, but I was trying to get the sense of it, because the gentleman said something that really bothered me. He said that they will receive both. You said some of these increases would have to come out of other programs.

Mr. MILLS of Arkansas. No.

Mr. HANNA. The social security does not?

Mr. MILLS of Arkansas. The gentleman must have misunderstood me or else I misspoke, because what I said was that the Senate does not provide for increases in income to compensate for the change in the retirement test and this change in cash benefits, but the proposed amendment I will offer to the Senate amendment does include the financing necessary to defray that cost.

Mr. HANNA. And neither of these costs comes out of the general fund?

Mr. MILLS of Arkansas. No, sir. They come out of the social security trust fund.

Mr. HANNA. Mr. Speaker, I withdraw my reservation of objection.

Mr. WOLFF. Mr. Speaker, reserving the right to object, I take this time to ask the distinguished gentleman from Arkansas, did the Senate or the conferees take off of the debt limit the so-called Eagleton amendment?

Mr. MILLS of Arkansas. Yes. The Senators agreed to allow us to change the position that had been taken earlier and to exclude the Eagleton amendment from the amendment we will offer to the Senate amendment.

Mr. WOLFF. Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the gentleman: Is this considered to be a conference report, or what is it?

Mr. MILLS of Arkansas. No. It has a new name. It is a conference report in disagreement. There is nothing in the House-passed bill that was changed. That is all that could have been in the usual conference report, were amendments by the Senate to the language of the House-passed bill. They refrained, at least, from changing the language of the House-passed bill.

Mr. GROSS. May I ask the gentleman how was it proposed to consider what is to be considered here this evening?

Mr. MILLS of Arkansas. There was an amendment offered by the Senate added to the language of the House-passed bill.

Mr. GROSS. No. I am not asking that, but under what procedure will this be handled now? Would it be in Committee of the Whole?

Mr. MILLS of Arkansas. No. It is handled in the House with the Speaker presiding. The conference group will have 1 hour to discuss the conference report in disagreement.

Mr. GROSS. And that will be divided between both sides for the usual length of time?

Mr. MILLS of Arkansas. Oh, yes. I am sure the gentleman from Pennsylvania will have 30 minutes to yield.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman one question. The chairman of the Veterans' Affairs Committee is not on the floor. The gentleman referred to taking this out of other Federal programs. Actually, he did not mean it, but it works exactly that way, because if he raises the social security 5.5 percent, they take exactly the same amount off the veterans' pension and off welfare. Has the gentleman made any provision at all for that?

Mr. MILLS of Arkansas. Yes. That is a veterans law which becomes effective for veterans. As you know, the gentleman you refer to, the gentleman from Texas (Mr. TEAGUE), while he was chairman and I am satisfied the distinguished gentleman from South Carolina (Mr. DORN), who succeeded him as chairman have always seen fit to provide for a degree of exception so that some part or all of the social security increase is not considered income for veterans pension purposes.

Mr. ROBERTS. But we were not able to do that with the 20 percent and now we have a 25.6 percent. We have not touched it, as the gentleman knows.

Mr. MILLS of Arkansas. Up to this time the committee as a rule has acted to not include that increase as income for the purpose of determining veterans' rights to a pension.

Mr. ROBERTS. Of course, the gentleman realizes the Committee on Veterans' Affairs cannot do this, because it is under the jurisdiction of the Committee on Ways and Means.

Mr. MILLS of Arkansas. No, the point that the gentleman from Texas raises is a provision of the veterans law which determines what is income for purposes of pension, and they include social security for that purpose.

Mr. ROBERTS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. STEIGER of Wisconsin. Mr. Speaker, reserving the right to object, may I propound a parliamentary inquiry?

The SPEAKER. The gentleman from Wisconsin may propound a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Speaker, my parliamentary inquiry is this: that if an objection is heard to the request made by the gentleman from Arkansas, is it in order for the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means, to move to suspend the rules to bring this to the floor of the House?

The SPEAKER. The Chair will state that the Chair has the authority to recognize the gentleman for such a motion.

Mr. STEIGER of Wisconsin. Mr. Speaker, further reserving the right to object, may I ask the Chair's indulgence in a question relating to rule XXVIII, clause 2(b), as to whether we have waived that part of the rule XXVIII governing conference reports, which says: Nor shall it be in order to consider any such amendment that is to the conference unless copies of the report and accompanying statement together with the text of the amendment are then available on the floor.

The SPEAKER. The Chair will state that copies of the Senate amendment and conference report are available, but that suspension of the rules will suspend all rules.

Mr. STEIGER of Wisconsin. Mr. Speaker, further reserving the right to object, is it possible for Members of the House to have copies available?

Mr. MILLS of Arkansas. Mr. Speaker, if the gentleman from Wisconsin will yield, we have copies of the proposed amendment, and there are copies of the Senate-passed bill that are available to every Member of the House.

Mr. STEIGER of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 28, 1973.)

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 3, after line 9, insert:

TITLE II—PROVISIONS RELATING TO THE SOCIAL SECURITY ACT

PART A—INCREASE IN SOCIAL SECURITY BENEFITS

COST-OF-LIVING INCREASE IN SOCIAL SECURITY BENEFITS

SEC. 201. (a) (1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with the provisions of this section, increase the monthly benefits and lump-sum death payments payable under title II of the Social Security Act by the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972.

(2) The provisions of this section (and the increase in benefits made hereunder) shall be effective, in the case of monthly benefits under title II of the Social Security Act, only for months after December 1973 and prior to January 1975, and, in the case of lump-sum death payments under such title, only with respect to deaths which occur after December 1973 and prior to January 1975.

(b) The increase in social security benefits authorized under this section shall be provided, and any determinations by the Secretary in connection with the provision of such increase in benefits shall be made, in the manner prescribed in section 215(i) of the Social Security Act for the implementation of cost-of-living increases authorized under title II of such Act, except that the amount of such increase shall be based on the increase in the Consumer Price Index described in subsection (a).

(c) The increase in social security benefits provided by this section shall—

(1) not be considered to be an increase in benefits made under or pursuant to section 215(i) of the Social Security Act, and

(2) not (except for purposes of section 203(a) (2) of such Act, as in effect after December 1973) be considered to be a "general benefit increase under this title" (as such term is defined in section 215(i) (3) of such Act);

and nothing in this section shall be construed as authorizing any increase in the "contribution and benefit base" (as that term is employed in section 230 of such Act), or any increase in the "exempt amount" (as such term is used in section 203(f) (8) of such act).

(d) Nothing in this section shall be construed to authorize (directly or indirectly) any increase in monthly benefits under title II of the Social Security Act for any month after December 1974, or any increase in lump-sum death payments payable under such title in the case of deaths occurring after December 1974. The recognition of the existence of the increase in benefits authorized by the preceding subsections of this section (during the period it was in effect) in the application, after December 1974, of the provisions of sections 202(q) and 203(a) of such Act shall not, for purposes of the preceding sentence, be considered to be an increase in a monthly benefit for a month after December 1974.

PART B—PROVISIONS RELATING TO FEDERAL PROGRAM OF SUPPLEMENTAL SECURITY INCOME

INCREASE IN SUPPLEMENTAL SECURITY INCOME BENEFITS

SEC. 210. (a) Section 1611(a)(1)(A) and section 1611(b)(1) of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972) are each amended by striking out "$1,560" and inserting in lieu thereof "$1,680".

(b) Section 1611(a)(2)(A) and section 1611(b)(2) of such Act (as so enacted) are each amended by striking out "$2,340" and inserting in lieu thereof "$2,520".

SUPPLEMENTAL SECURITY INCOME BENEFITS FOR ESSENTIAL PERSONS

SEC. 211. (a)(1) In determining (for purposes of title XVI of the Social Security Act, as in effect after December 1973) the eligibility for and the amount of the supplementary security income benefit payable to any qualified individual (as defined in subsection (b)), with respect to any period for which such individual has in his home an essential person (as defined in subsection (c))—

(A) the dollar amounts specified, in subsection (a)(1)(A) and (2)(A), and subsection (b)(1) and (2), of section 1611 of such Act, shall each be increased by $840 for each such essential person, and

(B) the income and resources of such individual shall (for purposes of such title XVI) be deemed to include the income and resources of such essential person;

except that the provisions of this subsection shall not, in the case of any individual, be applicable for any period which begins in or after the first month that such individual—

(C) does not but would (except for the provisions of subparagraph (B)) meet—

(i) the criteria established with respect to income in section 1611(a) of such Act, or

(ii) the criteria established with respect to resources by such section 1611(a) (or, if applicable, by section 1611(g) of such Act).

(2) The provisions of section 1611(g) of the Social Security Act (as in effect after December 1973) shall, in the case of any qualified individual (as defined in subsection (b)), be applied so as to include, in the resources of such individual, the resources of any person (described in subsection (b)(2)) whose needs were taken into account in determining the need of such individual for the aid or assistance referred to in subsection (b)(1).

(b) For purposes of this section, an individual shall be a "qualified individual" only if—

(1) for the month of December 1973 such individual was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act, and

(2) in determining the need of such individual for such aid or assistance for such month under such State plan, there were taken into account the needs of a person (other than such individual) who—

(A) was living in the home of such individual, and

(B) was not eligible (in his or her own right) for aid or assistance under such State plan for such month.

(c) The term "essential person", when used in connection with any qualified individual, means a person who—

(1) for the month of December 1973 was a person (described in subsection (b) (2)) whose needs were taken into account in determining the need of such individual for aid or assistance under a State plan referred to in subsection (b)(1) as such State plan was in effect for June 1973,

(2) lives in the home of such individual,

(3) is not eligible (in his or her own right) for supplemental security income benefits under title XVI of the Social Security Act (as in effect after December 1973), and

(4) is not the eligible spouse (as that term is used in such title XVI) of such individual or any other individual.

If for any month after December 1973 any person fails to meet the criteria specified in paragraph (2), (3), or (4) of the preceding sentence, such person shall not, for such month or any month thereafter be considered to be an essential person.

MANDATORY MINIMUM STATE SUPPLEMENTATION OF SSI BENEFITS PROGRAM

SEC. 212. (a)(1) In order for any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) to be eligible for payments pursuant to title XIX, with respect to expenditures for any quarter beginning after December 1973, and prior to January 1, 1975, such State must have in effect an agreement with the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") whereby the State will provide to individuals residing in the State supplementary payments as required under paragraph (2).

(2) Any agreement entered into by a State pursuant to paragraph (1) shall provide that each individual who—

(A) is an aged, blind, or disabled individual (within the meaning of section 1614(a) of the Social Security Act, as enacted by section 301 of the Social Security Amendments of 1972), and

(B) for the month of December 1973 was a recipient of (and was eligible to receive) aid or assistance (in the form of money payments) under a State plan of such State (approved under title I, X, XIV, or XVI, of the Social Security Act)

shall be entitled to receive, from the State, the supplementary payment described in paragraph (3) for each month, beginning with January 1974 and ending with the close of December 1974 (or, if later, the close of the month the State, at its option, may specify in the agreement or in a subsequent modification of the agreement), or, if earlier, whichever of the following first occurs:

(C) the month in which such individual dies, or

(D) the first month in which such individual ceases to meet the condition specified in subparagraph (A);

except that no individual shall be entitled to receive such supplementary payment for any month, if, for such month, such individual was ineligible to receive supplemental income benefits under title XVI of the Social Security Act by reason of the provisions of section 1611(e) (2) or (3) or section 1611(f) of such Act.

(3)(A) The supplementary payment referred to in paragraph (2) which shall be paid for any month to any individual who is entitled thereto under an agreement entered into pursuant to this subsection shall (except as provided in subparagraph (D)) be an amount equal to (i) the amount by which such individual's "December 1973 income" (as determined under subparagraph (B)) exceeds the amount of such individual's "title XVI benefit plus other income" (as determined under subparagraph (C)) for such month, or (ii) if greater, such amount as the State may specify.

(B) For purposes of subparagraph (A), an individual's "December 1973 income" means an amount equal to the aggregate of—

(i) the amount of the aid or assistance (in the form of money payments) which such individual would have received (including any part of such amount which is attributable to meeting the needs of any other person whose presence in such individual's home is essential to such individual's well-being) for the month of December 1973 under a plan (approved under title I, X, XIV, or XVI, of the Social Security Act) of the State entering into an agreement under this subsection, if the terms and conditions of such plan (relating to eligibility for and amount of such aid or assistance payable thereunder) were, for the month of December 1973, the same as those in effect, under such plan, for the month of June 1973, and

(ii) the amount of the income of such individual (other than the aid or assistance described in clause (i)) received by such individual in December 1973, minus any such income which did not result, but which if properly reported would have resulted in a reducton in the amount of such aid or assistance.

(C) For purposes of subparagraph (A), the amount of an individual's "title XVI benefit plus other income" for any month means an amount equal to the aggregate of—

(i) the amount (if any) of the supplemental security income payment to which such individual is entitled for such month under title XVI of the Social Security Act, and

(ii) the amount of any income of such individual for such month (other than income in the form of a payment described in clause (i)).

(D) If the amount determined under subparagraph (B)(i) includes, in the case of any individual, an amount which was payable to such individual solely because of—

(i) a special need of such individual (including any special allowance for housing, or the rental value of housing furnished in kind to such individual in lieu of a rental allowance) which existed in December 1973, or

(ii) any special circumstance (such as the recognition of the needs of a person whose presence in such individual's home, in December 1973, was essential to such individual's well-being),

and, if for any month after December 1973 there is a change with respect to such special need or circumstance which, if such change had existed in December 1973, the amount described in subparagraph (B)(i) with respect to such individual would have been reduced on account of such change, then, for such month and for each month thereafter the amount of the supplementary payment payable under the agreement entered into under this subsection to such individual shall (unless the State, as its option, otherwise specifies) be reduced by an amount equal to the amount by which the amount (described in subparagraph (B)(i)) would have been so reduced.

(b)(1) Any State having an agreement with the Secretary under subsection (a) may enter into an administration agreement with the Secretary whereby the Secretary will, on behalf of such State, make the supplementary payments required under the agreement entered into under subsection (a).

(2) Any such administration agreement between the Secretary and a State entered into under this subsection shall provide that the State will (A) certify to the Secretary the names of each individual who, for December 1973, was a recipient of aid or assistance (in the form of money payments) under a plan of such State approved under title I, X, XIV, or XVI of the Social Security Act, together with the amount of such assist-

ance payable to each such individual and the amount of such individual's December 1973 income (as defined in subsection (a) (3) (B)), and (B) provide the Secretary with such additional data at such times as the Secretary may reasonably require in order properly, economically, and efficiently to carry out such administration agreement.

(3) Any State which has entered into an administration agreement under this subsection shall, at such times and in such installments as may be agreed upon between the Secretary and the State, pay to the Secretary an amount equal to the expenditures made by the Secretary as supplementary payments to individuals entitled thereto under the agreement entered into with such State under subsection (a).

(c) (1) Supplementary payments made pursuant to an agreement entered into under subsection (a) shall be excluded under section 1612(b) (6) of the Social Security Act (as in effect after December 1973) in determining income of individuals for purposes of title XVI of such Act (as so in effect).

(2) Supplementary payments made by the Secretary (pursuant to an administration agreement entered into under subsection (b)) shall, for purposes of section 401 of the Social Security Amendments of 1972, be considered to be payments made under an agreement entered into under section 1616 of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972); except that nothing in this paragraph shall be construed to waive, with respect to the payments so made by the Secretary, the provisions of subsection (b) of such section 401.

(d) For purposes of subsection (a) (1), a State shall be deemed to have entered into an agreement under subsection (a) of this section if such State has entered into an agreement with the Secretary under section 1616 of the Social Security Act under which—

(1) individuals, other than individuals described in subsection (a) (2) (A) and (B), are entitled to receive supplementary payments, and

(2) supplementary benefits are payable, to individuals described in subsection **(a) (2)** (A) and (B) at a level and under terms and conditions which meet the minimum requirements specified in subsection (a).

(e) Except as the Secretary may by regulations otherwise provide, the provisions of title XVI of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972), including the provisions of part B of such title, relating to the terms and conditions under which the benefits authorized by such title are payable shall, where not inconsistent with the purposes of this section, be applicable to the payments made under an agreement under subsection (b) of this section; and the authority conferred upon the Secretary by such title may, where appropriate, be exercised by him in the administration of this section.

(f) The provisions of subsection (a) (1) shall not be applicable in the case of any State—

(1) the Constitution of which contains provisions which make it impossible for such State to enter into and commence carrying out (on January 1, 1974) an agreement referred to in subsection (a), and

(2) the Attorney General (or other appropriate State official) of which has, prior to July 1, 1973, made a finding that the State Constitution of such State contains limitations which prevent such State from making supplemental payments of the type described in section 1616 of the Social Security Act.

PREFERENCE FOR PRESENT STATE AND LOCAL EMPLOYEES

SEC. 213. The Secretary of Health, Education, and Welfare, in the recruitment and selection for employment of personnel whose services will be utilized in the administration of the Federal program of supplemental security income for the aged, blind, and disabled (established by title XVI of the Social Security Act), shall give a preference to qualified applicants for employment who are employed in the administration of any State program approved under title I, X, XIV, or XVI of such Act or who were so employed and were displaced from their employment as a result of the displacement of such State program by such Federal program.

DETERMINATION OF BLINDNESS UNDER SUPPLEMENTAL SECURITY INCOME PROGRAM

SEC. 214. Section 1633 of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972) is amended—

(1) by inserting "(a)" immediately after "SEC. 1633.".

(2) by striking out "The Secretary" and inserting in lieu thereof "Subject to subsection (b), the Secretary", and

(3) by adding at the end thereof the following new subsection.

"(b) In determining, for purposes of this title, whether an individual is blind, there shall be an examination of such individual by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select."

INCREASE IN EARNINGS LIMITATION

SEC. 215. (a) Paragraphs (1) and (4) (B) of section 203(f) of the Social Security Act are each amended by striking out "$175" and inserting in lieu thereof "$250".

(b) The first sentence of paragraph (3) of section 203(f) is amended to read as follows: For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $250 multiplied by the number of months in such year."

(c) Paragraph (1) (A) of section 203(h) of such Act is amended by striking out "$175" and inserting in lieu thereof "$250".

(d) The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1973.

PART C—PROVISIONS RELATING TO AID TO FAMILIES WITH DEPENDENT CHILDREN

PASS-ALONG OF SOCIAL SECURITY BENEFIT INCREASE TO RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 220. (a) Section 402(a) (8) (B) of the Social Security Act is amended by inserting ", and, effective February 1, 1974, shall, before disregarding the amounts referred to in subparagraph (A) and clauses (i) and (ii) of this subparagraph, disregard an amount equal to 5 per centum of any income received in the form of monthly insurance benefits paid under title II" immediately after "$5 per month of any income".

(b) Any State plan approved under part A of title IV of the Social Security Act shall effective February 1, 1974, be deemed to contain a provision (relating to the disregarding of income) which complies with the requirement imposed with respect to any such plan under the amendment made by subsection (a).

PART D—SOCIAL SERVICES REGULATIONS

SOCIAL SERVICES REGULATIONS POSTPONED

SEC. 230. (a) Subject to subsection (b), no regulation and no modification of any regulation, promulgated by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") after January 1, 1973, shall be effective for any period which begins prior to January 1, 1974, if (and insofar as) such regulation or modification of a regulation pertains (directly or indirectly) to the provisions of law contained in section 3(a) (4) (A), 402(a) (19) (G), 403(a) (3) (A), 603 **(a) (1) (A), 1003(a) (3) (A), 1403(a) (3) (A), or** 1603(a) (4) (A), of the Social Security Act.

(b) (1) The provisions of subsection (a) shall not be applicable to any regulation relating to "scope of programs", if such regulation is identical (except as provided in the succeeding sentence) to the provisions of section 221.0 of the regulations (relating to social services) proposed by the Secretary and published in the Federal Register on May 1, 1973. There shall be deleted from the first sentence of subsection (b) of such section 221.0 th phrase "meets all the applicable requirements of this part and".

(2) The provisions of subsection (a) shall not be applicable to any regulation relating to "limitations on total amount of Federal funds payable to States for services", if such regulation is identical (except as provided in the succeeding sentence) to the provisions of section 221.55 of the regulations so proposed and published on May 1, 1973. There shall be deleted from subsection (d) (1) of such section 221.55 the phrase "(as defined under day care services for children)"; and, in lieu of the sentence contained in subsection (d) (5) of such section 221.55, there shall be inserted the following: "Services provided to a child who is under foster care in a foster family home (as defined in section 408 of the Social Security Act) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed by such child because he is under foster care.".

(3) The provisions of subsections (a) shall not be applicable to any regulation relating to "rates and amounts of Federal financial participation for Puerto Rico, the Virgin Islands, and Guam", if such regulation is identified to the provisions of section 221.56 of the regulations so proposed and published on May 1, 1973.

(c) Notwithstanding the provisions of section 553(d) of title 5, United States Code, any regulation described in subsection (b) may become effective upon the date of its publication in the Federal Register.

PART E—PROVISIONS RELATING TO MEDICAID

COVERAGE OF ESSENTIAL PERSONS UNDER MEDICAID

SEC. 240. (a) In addition to the requirements imposed by other provisions of law as a condition of approval of a State plan under title XIX of the Social Security Act, there is hereby imposed the requirement (and each such plan shall be deemed to require) that assistance be provided under such plan to any individual who, as an "essential person" (as defined in subsection (b)), was eligible for assistance under such plan (as such plan was in effect for December 1973), for each month, after December 1973, that such individual continues to meet the criteria, as an essential person, for eligibility under such plan (as such plan was in effect for December 1973).

(b) As used in subsection (a), the term "essential person" means a person who—

(1) for the month of December 1973, was present in the home of an individual who was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI, of the Social Security Act, and

(2) was not a recipient of such aid or assistance (in his or her own right) for such month, but whose needs were taken into account in determining the need of such individual for and the amount of aid or assistance (referred to in paragraph (1)) provided to such individual.

PERSONS IN MEDICAL INSTITUTIONS

SEC. 241. For purposes of section 1902(a) (10) of the Social Security Act, any individual who—

(1) for all (or any part of) the month of December 1973 was an inpatient in an institution qualified for reimbursement under title XIX of the Social Security Act, and

(2) would (except for his being an inpatient in such institution) have been eligible to receive aid or assistance under a State

plan approved under title I, X, XIV, or XVI of such Act.

shall be deemed to be receiving such aid or assistance for such month and for each succeeding month in a continuous period of months if, for each month in such period—

(3) such individual to be (for all of such month) an inpatient in such an institution and would (except for his being an inpatient in such institution) continue to meet the conditions of eligibility to receive aid or assistance under such plan (as such plan was in effect for December 1973), and

(4) such individual is determined (under the utilization review and other professional audit procedures applicable to State plans approved under title XIX of the Social Security Act) to be in need of care in such an institution.

BLIND AND DISABLED MEDICALLY INDIGENT PERSONS

SEC. 242. For purposes of section 1902(a) (10) of the Social Security Act, any individual who, for the month of December 1973 was eligible (under the provisions of subparagraph (B) of such section) for medical assistance by reason of his having been determined to meet the criteria for blindness or disability (established by a State plan approved under title I, X, XIV, or XVI of such Act), shall be deemed to be a person described as being a person who "would, if needy, be eligible for aid or assistance under any such State plan" in suparagraph (B)(i) of such section for each month in a continuous period of months (beginning with the month of January 1974), if, for each month in such period, such individual continues to meet the criteria for blindness or disability so established by such a State plan (as it was in effect for December 1973).

EXTENSION OF SECTION 249E OF SOCIAL SECURITY AMENDMENTS OF 1972

SEC. 243. Section 249E of the Social Security Amendments of 1972 is amended by striking out "October 1974" and inserting in lieu thereof "July 1975".

REPEAL OF SECTION 225 OF SOCIAL SECURITY AMENDMENTS OF 1972

SEC. 244. (A) Section 1903 of the Social Security Act is amended by striking out subsection (j) thereof (as added by section 225 of Public Law 92-603).

(b) The amendment made by subsection (a) shall be applicable in the case of expenditures for skilled nursing services and for intermediate care facility services furnished in calendar quarters which begin after December 31, 1972.

PART F—PROVISIONS RELATING TO MATERNAL AND CHILD HEALTH

GRANTS TO STATES FOR MATERNAL AND CHILD HEALTH

SEC. 250. (a)(1) Paragraph (1) of section 502 of the Social Security Act is amended by striking out "each of the next 4 fiscal years" and inserting in lieu thereof "each of the next 5 fiscal years".

(2) Paragraph (2) of section 502 of such Act is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1975".

(3) Section 505(a)(8) of the Social Security Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(4) Section 505(a)(9) of such Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(5) Section 505(a)(10) of such Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(6) Section 508(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(7) Section 509(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(8) Section 510(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(b) Title V of the Social Security Act is amended by adding at the end thereof the following new section:

"SUPPLEMENTAL ALLOTMENTS

"SEC. 516. (a)(1) For each fiscal year (commencing with the fiscal year ending June 30, 1975), there shall (subject to paragraph (2)) be allotted to each State (from funds appropriated for such fiscal year pursuant to subsection (b)) an amount, which shall be in addition to and available for the same purposes as the allotments of such State (as determined under sections 503 and 504), equal to the excess (if any) of—

"(A) the amount of the allotment of such State (as determined under sections 503 and 504) for the fiscal year ending June 30, 1973, plus the amounts of any grants to such States under sections 508, 509, and 510, over

"(B) the amount of the allotment of such State (as determined under sections 503 and 504) for such fiscal year which commences after June 30, 1973.

"(2) No State shall receive an allotment under this section for any fiscal year, unless such State (in the administration of its State plan, approved under section 505) has in effect arrangements which the Secretary finds will provide for the continuation of appropriate services to population groups previously receiving services from funds made available (for the fiscal year ending June 30, 1974) to such State pursuant to section 508, 509, and 510.

"(b)(1)(A) There are (subject to subparagraph (B)) hereby authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1975) such amounts as may be necessary to enable the Secretary to make the allotments authorized under subsection (a).

"(B) Nothing contained in subparagraph (A) shall be construed to authorize, for any fiscal year, the appropriation under this subsection of any amount which is in excess of the amount by which—

"(i) the amount authorized to be appropriated under section 501 for such year exceeds

"(ii) the total amounts appropriated pursuant to section 501 for such year.

"(2) If, for any fiscal years, the total amount appropriated pursuant to paragraph (1) is less than the total amount allotted to all States under subsection (a), then the amount of the allotment of each State (as determined under subsection (a)) shall be reduced to an amount which bears the same ratio to the total amount appropriated pursuant to paragraph (1) for such fiscal year as the amount of the allotment of such State (as determined under subsection (a)) bears to the total amount allotted to all States under subsection (a) for such fiscal year."

(c)(1) In the case of any State, if for the fiscal year ending June 30, 1974, the sum of—

(A) the amount of the allotment which such State would have received under section 503 of the Social Security Act for such year (if subsection (a) of this section had not been enacted), plus

(B) the amount of the allotment which such State would have received under section 504 of such Act for such year (if subsection (a) of this section had not been enacted), is in excess of the sum of—

(C) the aggregate of the allotments which such State received (for the fiscal year ending June 30, 1973) under such sections 503 and 504, plus

(D) the aggregate of the grants received (for the fiscal year ending June 30, 1973) under sections 508, 509, and 510 of such Act, then, for the fiscal year ending June 30, 1974, there shall be added to the allotments of such State, under sections 503 and 504 of such Act, in such proportion to each such allotment as the State shall specify, an amount equal to such excess.

(2)(A) There are (subject to subparagraph (B)) hereby authorized to be appropriated, for the fiscal year ending June 30, 1974, such amounts as may be necessary to make the increase in allotments provided for in paragraph (1).

(B) Nothing contained in subparagraph (A) shall be construed to authorize, for the fiscal year ending June 30, 1974, the appropriation under this paragraph of any amount which is in excess of the amount by which—

(i) the amount authorized to be appropriated under section 501 of such year, exceeds

(ii) the total amounts appropriated pursuant to section 501 for such year.

(3) If, for the fiscal year ending June 30, 1974, the amount appropriated pursuant to the preceding provisions of this subsection is less than the total of the amounts authorized to be added to the allotments of States (as determined under paragraph (1)), then the amount to be added to the allotment of each State shall be reduced to an amount which bears the same ratio to the amount so appropriated for such year as the amount to be added to the allotment of such State (as determined under paragraph (1)) bears to the total of the amounts to be added to the allotments of all States (as determined under paragraph (1)).

PART G—PROVISIONS RELATING TO CHILD'S SOCIAL SECURITY INSURANCE BENEFITS

BENEFITS FOR ADOPTED CHILDREN

SEC. 260. (a) Section 202(d)(8)(D) of the Social Security Act is amended by striking out clause (ii) thereof.

(d) The amendment made by subsection (a) shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after the month in which this Act is enacted on the basis of application for such benefits filed in or after the month in which this Act is enacted on the basis of applications for such benefits filed in or after the month in which this Act is enacted.

PART H—SENSE OF CONGRESS RELATIVE TO THE SUPPLEMENTARY MEDICAL INSURANCE PROGRAM

COVERAGE OF ESSENTIAL OUT-OF-HOSPITAL PRESCRIPTION DRUGS

SEC. 270. It is the sense of Congress that—

(a) the President prepare and submit, not later than September 1, 1973, a proposal to provide for the coverage, under the supplementary medical insurance program established by part B of title XVIII of the Social Security Act, of essential out-of-hospital prescription drugs, and such other proposals as he deems appropriate for the extension of the benefits provided under parts A and B of such title,

(b) the recommendations of the President to increase out-of-pocket payments for the aged and disabled under the health programs established by such title XVIII should be withdrawn.

TITLE III—IMPOUNDMENT CONTROL PROCEDURES

SEC. 301. The Congress finds that—

(1) the Congress has the sole authority to enact legislation and appropriate moneys on behalf of the United States;

(2) the Congress has the authority to make all laws necessary and proper for carrying into execution its own powers;

(3) the Executive shall take care that the laws enacted by Congress shall be faithfully executed;

(4) under the Constitution of the United States, the Congress has the authority to require that funds appropriated and obligated by law shall be spent in accordance with such law;

(5) there is no authority expressed or implied under the Constitution of the United States for the Executive to impound budget authority and the only authority for such impoundments by the executive branch is that which Congress has expressly delegated by statute;

(6) by the Antideficiency Act (Rev. Stat. sec. 3679), the Congress delegated to the President authority, in a narrowly defined area, to establish reserves for contingencies or to effect savings through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which appropriations are made available;

(7) in spite of the lack of constitutional authority for impoundment of budget authority by the executive branch and the narrow area in which reserves by the executive branch have been expressly authorized in the Antideficiency Act, the executive branch has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Antideficiency Act or any other Act of Congress;

(8) impoundments by the executive branch have often been made without a legal basis;

(9) such impoundments have totally nullified the effect of appropriations and obligational authority enacted by the Congress and prevented the Congress from exercising its constitutional authority;

(10) the executive branch, through its presentation to the Congress of a proposed budget, the due respect of the Congress for the views of the executive branch, and the power of the veto, has ample authority to affect the appropriation and obligation process without the unilateral authority to impound budget authority; and

(11) enactment of this legislation is necessary to clarify the limits of the existing legal authority of the executive branch to impound budget authority, to reestablish a proper allocation of authority between the Congress and the executive branch, to confirm the constitutional proscription against the unilateral nullification by the executive branch of duly enacted authorization and appropriation Acts, and to establish efficient and orderly procedures for the reordering of budget authority through joint action by the Executive and the Congress, which shall apply to all impoundments of budget authority, regardless of the legal authority asserted for making such impoundments.

SEC. 302. (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds any budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a spending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the impoundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within fifteen days after the receipt of the message as to his determination thereon. If the Comptroller General determines that the impoundment was in accordance with section 3679 of the Revised Statutes (31 U.S.C. 665), commonly referred to as the "Antideficiency Act", the provisions of section 303 and section 305 shall not apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 303 and 305 shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 303. The President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 305: Provided, however, That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty-day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer of employee from reimpounding the specific budget authority set forth in the special message which the Congress by its action or failure to act has thereby rejected.

SEC. 304. For purposes of this title, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available.

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 305. The following subsections of this section are enacted by the Congress:

(a)(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President dated ______, Senate (House) Document No. ____."

(3) The matter after the resolving clause of a resolution disapproving, in whole or in part, the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated ______, Senate (House) Document No. ______ (in the amount of $______)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced, or received from the other House, with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, following the receipt of the report of the Comptroller General referred to in section 302(c). It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproval in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If, prior to the passage by one House of a resolution of that House with respect to a special message, such House receives from the other House a resolution with respect to the same message, then—

(1) If no resolution of the first House with respect to such message has been introduced, no motion to proceed to the consideration of any other resolution with respect to the same message may be made (despite the provisions of subsection (c)(1) of this section).

(2) If a resolution of the first House with respect to such message has been introduced—

(A) the procedure with respect to that or other resolutions of such House with respect to such message shall be the same as if no resolution from the other House with respect to such message had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such message the resolution from the other House with respect to such message shall be automatically substituted for the resolution of the first House.

(e) If a committee of conference is appointed on the disagreeing votes of the two Houses with respect to a resolution, the conference report submitted in each House shall be considered under the rules set forth in subsection (c) of this section for the consideration of a resolution, except that no amendment shall be in order.

(f) Notwithstanding any other provision of this section, it shall not be in order in either House to consider a resolution with respect to a special message after the two Houses have agreed to another resolution with respect to the same message.

(g) As used in this section, the term "special message" means a report of impounding action made by the President pursuant to section 302 or by the Comptroller General pursuant to section 306.

Sec. 306. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States takes or approves any impounding action within the purview of this title, and the President fails to report such impounding action to the Congress as required by this title, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this title shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however,* That the sixty-day period provided in section 303 shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impoundment action was taken.

Sec. 307. Nothing contained in this title shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

Sec. 308. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this title, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this title by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

Sec. 309. (a) Notwithstanding any other provision of law, all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government except as may be provided otherwise under this title.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this title or by the Antideficiency Act, he shall seek legislation utilizing the supplemental appropriations process to obtain selective rescission of such appropriation by the Congress.

Sec. 310. If any provision of this title, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the title and the application of such provision to other persons, impoundments, or circumstances, shall not be affected thereby.

Sec. 311. The provisions of this title shall take effect from and after the date of enactment.

TITLE IV—CEILING ON FISCAL YEAR 1974 EXPENDITURES

Sec. 401. (a) Except as provided in subsection (b) of this section, expenditures and net landing during the fiscal year ending June 30, 1974, under the budget of the United States Government, shall not exceed $268,700,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) of this section shall be reviewed by Congress for the purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

Sec. 402. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditure and net lending, from appropriations, or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 401.

(b) In carrying out the provisions of subsection (a) of this section, the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in table 3 of the United States Budget in Brief for fiscal year 1974), except that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants, and supplemental security income payments under the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

(c) Reservations made to carry out the provisions of subsection (a) of this section shall be subject to the provisions of title III of this Act, except that—

(1) if the Comptroller General determines under section 302(c), with respect to any such reservation, that the requirements of proportionate reservations of subsection (b) of this section have been complied with, then sections 303 and 305 shall not apply to such reservation, and

(2) the provisions of section 303 which preclude reimpoundment shall not apply with respect to any such reservation.

(d) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

Sec. 403. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

TITLE V—LIMITATION OF USE ON APPROPRIATED FUNDS

PROHIBITION AGAINST THE USE OF APPROPRIATED FUNDS FOR COMBAT ACTIVITIES IN CAMBODIA AND LAOS

Sec. 501. No funds heretofore or hereafter appropriated under any Act of Congress may be obligated or expended to support directly or indirectly combat activities in, over, or from off the shores of Cambodia or in or over Laos by United States forces.

TITLE VI—UNEMPLOYMENT COMPENSATION ACT AMENDMENT

Sec. 601. Section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of the enactment of this sentence (or, if later, the date established pursuant to State law), the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof and as if paragraph (1) of section 203(b) did not contain subparagraph (B) thereof.".

TITLE VII—MISCELLANEOUS

Sec. 701. (a) Section 6096(c) of the Internal Revenue Code of 1954 (relating to manner and time of designation) is amended—

(1) by striking out ", in such manner as the Secretary or his delegate may prescribe by regulations", and

(2) by adding at the end thereof the following new sentence: "Such designation shall be made in such manner as the Secretary or

his delegate prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made on the first page of the return."

(b) The amendments made by this section shall apply with respect to taxable years ending after the date of enactment of this Act.

Sec. 702. The Secretary of the Treasury shall cause the publishing and broadcasting of information concerning the Presidential Election Campaign Fund Act during each year, with particular emphasis upon the taxpayer's right to designate a portion of his tax payment for payment into the Presidential Election Campaign Fund for the use of the candidates of a political party without any increase in his tax liability. The Secretary shall report to the Congress not later than the first day of September of each year a detailed account of the means by which he intends to carry out his duty under this section, which shall include, but not be limited to, a description of facsimile copy of all public notices, the availability of such notices to broadcasting stations, and any other arrangements he may have made to publicize the fund and the taxpayers' right of designation under section 6096 of the Internal Revenue Code of 1954.

Sec. 703. (a) Section 6096 of the Internal Revenue Code of 1954 (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out the first sentence and inserting in lieu thereof "Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a)."

(b) Section 9006 of the Internal Revenue Code of 1954 (relating to payments to eligible candidates) is amended to read as follows:

"Sec. 9006. Payments to Eligible Candidates.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund.' The Secretary shall, from time to time, transfer to the fund an amount equal to the sum of the amounts designated (subsequent to the previous Presidential election) to the fund by individuals under section 6096.

"(b) Transfer to the General Fund.—If, after a Presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) Payments From the Fund.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) Insufficient Amounts in Fund.—

"(1) If at the time of a certification by the Comptroller General under section 9005 for payment to eligible candidates of a political party, the moneys in the fund are insufficient to pay to all eligible candidates the amounts to which they are then entitled (as determined by the Secretary after consultation with the Comptroller General), payments to each eligible candidate shall be reduced pro rata, and the amounts not paid at such time shall be paid when there are sufficient moneys in the fund.

"(2) If, at the close of the expenditure report period, the moneys in the fund are not sufficient to satisfy the unpaid entitlements of all eligible candidates, the balance in the fund shall be paid to eligible candidates in the following manner:

"(A) For the candidates of a major party, compute the percentage which the number of popular votes received by the candidates for President of the major parties is of the total number of popular votes cast for the office of President in the election, and divide such percentage by the number of major parties.

"(B) For the candidates of a minor or new party, compute the percentage which the popular votes received for President by the candidate of such party is of the total number of popular votes cast for the office of President in the election.

"(C) Pay to the eligible candidates of each party the same percentage of the amount of the money in the fund as the percentage obtained under subparagraph (A) or (B) for candidates of such party."

Sec. 704. Section 1130(a)(2) of the Social Security Act is amended—

(1) by striking out "of the amounts paid (under all of such sections)" and inserting in lieu thereof "of the amounts paid under such section 403(a)(3)"; and

(2) by striking out "under State plans approved under titles I, X, XIV XVI, or part A of title IV" and inserting in lieu thereof "under the State plan approved under part A of title IV".

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent, because this is a rather long amendment, as properly described by some as being a conglomerate, especially in view of the fact that it will be fully described, as will the amendment that we propose to offer in lieu of it, that we dispense with further reading of the Senate amendment, and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MOTION OFFERED BY MR. MILLS

Mr. MILLS of Arkansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mills of Arkansas moves that the House recede from its disagreement to the amendment of the Senate and concur therein with an amendment, as follows:

TITLE II—PROVISIONS RELATING TO THE SOCIAL SECURITY ACT

Part A—Increase in Social Security Benefits

COST-OF-LIVING INCREASE IN SOCIAL SECURITY BENEFITS

Sec. 201. (a)(1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with the provisions of this section, increase the monthly benefits and lump-sum death payments payable under title II of the Social Security Act by the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972.

(2) The provisions of this section (and the increase in benefits made hereunder) shall be effective, in the case of monthly benefits under title II of the Social Security Act, only for months after March 1974 and prior to January 1975, and, in the case of lump-sum death payments under such title, only with respect to deaths which occur after March 1974 and prior to January 1975.

(b) The increase in social security benefits authorized under this section shall be provided, and any determinations by the Secretary in connection with the provision of such increase in benefits shall be made, in the manner prescribed in section 215(i) of the Social Security Act for the implementation of cost-of-living increases authorized under title II of such Act, except that the amount of such increase shall be based on the increase in the Consumer Price Index described in subsection (a).

(c) The increase in social security benefits provided by this section shall—

(1) not be considered to be an increase in benefits made under or pursuant to section 215(i) of the Social Security Act, and

(2) not (except for purposes of section 203(a)(2) of such Act, as in effect after March 1974) be considered to be a "general benefit increase under this title" (as such term is defined in section 215(i)(3) of such Act);

and nothing in this section shall be construed as authorizing any increase in the "contribution and benefit base" (as that term is employed in section 230 of such Act), or any increase in the "exempt amount" (as such term is used in section 203(f)(8) of such Act).

(d) Nothing in this section shall be construed to authorize (directly or indirectly) any increase in monthly benefits under title II of the Social Security Act for any month after December 1974, or any increase in lump-sum death payments payable under such title in the case of deaths occurring after December 1974. The recognition of the existence of the increase in benefits authorized by the preceding subsections of this section (during the period it was in effect) in the application, after December 1974, of the provisions of sections 202(q) and 203(a) of such Act shall not, for purposes of the preceding sentence, be considered to be an increase in a monthly benefit for a month after December 1974.

Sec. 202. (a) Paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$175" and inserting in lieu thereof "$200".

(b) The first sentence of paragraph (3) of section 203(f) of such Act is amended by striking out "$175" and inserting in lieu thereof "$200".

(c) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$175" and inserting in lieu thereof "$200".

(d) The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1973.

Sec. 203. (a)(1) Section 209(a)(8) of the Social Security Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,600".

(2) Section 211(b)(1)(H) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,600".

(3) Sections 213(a)(2)(ii) and 213(a)(2)(iii) of such Act are each amended by striking out "$12,000" and inserting in lieu thereof "$12,600".

(4) Section 215(e)(1) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,600".

(b)(1) Section 1402(h)(1)(H) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by striking out "$12,000" and inserting in lieu thereof "$12,600".

(2) Effective with respect to remuneration paid after 1973, section 3121(a)(1) of such Code is amended by striking out the dollar amount each place it appears therein and inserting in lieu thereof "$12,600".

(3) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of such Code is amended by striking out the dollar amount and inserting in lieu thereof "$12,600".

(4) Effective with respect to remuneration paid after 1973, section 3125 of such Code is amended by striking out the dollar amount

each place it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$12,600".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended by striking out "$12,000" each place it appears and inserting in lieu thereof "$12,600".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "$12,000" and inserting in lieu thereof "$12,600".

(7) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out the dollar amount and inserting in lieu thereof "$12,600".

(c) Section 230(c) of the Social Security Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,600".

(d) Paragraphs (2)(C), (3)(C), (4)(C), and (7)(C) of section 203 (b) of Public Law 92-336 are each amended by striking out "$12,000" and inserting in lieu thereof "$12,600".

(e) The amendments made by this section, except subsection (a)(4), shall apply only with respect to remuneration paid after, and taxable years beginning after, 1973. The amendments made by subsection (a)(4) shall apply with respect to calendar years after 1973.

(f) Effective April 1, 1974, the Secretary of Health, Education, and Welfare shall prescribe and publish in the Federal Register such modifications and extensions in the table contained in section 215(a) of the Social Security Act (which shall be determined in the same manner as the revisions in such table provided for under section 215(i)(2)(D) of such Act) as may be necessary to reflect the amendments made by this section; and such modified and extended table shall be deemed to be the table appearing in such section 215(a).

PART B—PROVISIONS RELATING TO FEDERAL PROGRAM OF SUPPLEMENTAL SECURITY INCOME

INCREASE IN SUPPLEMENTAL SECURITY INCOME BENEFITS

SEC. 210. (a) Section 1611(a)(1)(A) and section 1611(b)(1) of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972) are each amended by striking out "$1,560" and inserting in lieu thereof "$1,680".

(b) Section 1611(a)(2)(A) and section 1611(b)(2) of such Act (as so enacted) are each amended by striking out "$2,340" and inserting in lieu thereof "$2,520".

SUPPLEMENTAL SECURITY INCOME BENEFITS FOR ESSENTIAL PERSONS

SEC. 211. (a)(1) In determining (for purposes of title XVI of the Social Security Act, as in effect after December 1973) the eligibility for and the amount of the supplemental security income benefit payable to any qualified individual (as defined in subsection (b)), with respect to any period for which such individual has in his home an essential person (as defined in subsection (c))—

(A) the dollar amounts specified in subsection (a)(1)(A) and (2)(A), and subsection (b)(1) and (2), of section 1611 of such Act, shall each be increased by $840 for each such essential person, and

(B) the income and resources of such individual shall (for purposes of such title XVI) be deemed to include the income and resources of such essential person;

except that the provisions of this subsection shall not, in the case of any individual, be applicable for any period which begins in or after the first month that such individual—

(C) does not but would (except for the provisions of subparagraph (B)) meet—

(i) the criteria established with respect to income in section 1611(a) of such Act, or

(ii) the criteria established with respect to resources by such section 1611(a) (or, if applicable, by section 1611(g) of such Act).

(2) The provisions of section 1611(g) of the Social Security Act (as in effect after December 1973) shall, in the case of any qualified individual (as defined in subsection (b)), be applied so as to include, in the resources of such individual, the resources of any person (described in subsection (b)(2)) whose needs were taken into account in determining the need of such individual for the aid or assistance referred to in subsection (b)(1).

(b) For purposes of this section, an individual shall be a "qualified individual" only if—

(1) for the month of December 1973 such individual was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act, and

(2) in determining the need of such individual for such aid or assistance for such month under such State plan, there were taken into account the needs of a person (other than such individual) who—

(A) was living in the home of such individual, and

(B) was not eligible (in his or her own right) for aid or assistance under such State plan for such month.

(c) The term "essential person", when used in connection with any qualified individual, means a person who—

(1) for the month of December 1973 was a person (described in subsection (b)(2)) whose needs were taken into account in determining the need of such individual for aid or assistance under a State plan referred to in subsection (b)(1) as such State plan was in effect for June 1973,

(2) lives in the home of such individual,

(3) is not eligible (in his or her own right) for supplemental security income benefits under title XVI of the Social Security Act (as in effect after December 1973), and

(4) is not the eligible spouse (as that term is used in such title XVI) of such individual or any other individual.

If for any month after December 1973 any person fails to meet the criteria specified in paragraph (2), (3), or (4) of the preceding sentence, such person shall not, for such month or any month thereafter be considered to be an essential person.

MANDATORY MINIMUM STATE SUPPLEMENTATION OF SSI BENEFITS PROGRAM

SEC. 212. (a)(1) In order for any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) to be eligible for payments pursuant to title XIX, with respect to expenditures for any quarter beginning after December 1973, and prior to January 1, 1975, such State must have in effect an agreement with the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") whereby the State will provide to individuals residing in the State supplementary payments as required under paragraph (2).

(2) Any agreement entered into by a State pursuant to paragraph (1) shall provide that each individual who—

(A) is an aged, blind, or disabled individual (within the meaning of section 1614(a) of the Social Security Act, as enacted by section 301 of the Social Security Amendments of 1972), and

(B) for the month of December 1973 was a recipient of (and was eligible to receive) aid or assistance (in the form of money payments) under a State plan of such State (approved under title I, X, XIV, or XVI, of the Social Security Act)

shall be entitled to receive, from the State, the supplementary payment described in paragraph (3) for each month, beginning with January 1974 and ending with the close of December 1974 (or, if later, the close of the month the State, at its option, may specify in the agreement or in a subsequent modification of the agreement), or, if earlier, whichever of the following first occurs:

(C) the month in which such individual dies, or

(D) the first month in which such individual ceases to meet the condition specified in subparagraph (A);

except that no individual shall be entitled to receive such supplementary payment for any month, if, for such month, such individual was ineligible to receive supplemental income benefits under title XVI of the Social Security Act by reason of the provisions of section 1611(e)(2) or (3) or section 1611(f) of such Act.

(3)(A) The supplementary payment referred to in paragraph (2) which shall be paid for any month to any individual who is entitled thereto under an agreement entered into pursuant to this subsection shall (except as provided in subparagraph (D)) be an amount equal to (i) the amount by which such individual's "December 1973 income" (as determined under subparagraph (B)) exceeds the amount of such individual's "title XVI benefit plus other income" (as determined under subparagraph (C)) for such month, or (ii) if greater, such amount as the State may specify.

(B) For purposes of subparagraph (A), an individual's "December 1973 income" means an amount equal to the aggregate of—

(i) the amount of the aid or assistance (in the form of money payments) which such individual would have received (including any part of such amount which is attributable to meeting the needs of any other person whose presence in such individual's home is essential to such individual's well-being) for the month of December 1973 under a plan (approved under title I, X, XIV, or XVI, of the Social Security Act) of the State entering into an agreement under this subsection, if the terms and conditions of such plan (relating to eligibility for and amount of such aid or assistance payable thereunder) were, for the month of December 1973, the same as those in effect, under such plan, for the month of June 1973, and

(ii) the amount of the income of such individual (other than the aid or assistance described in clause (i)) received by such individual in December 1973, minus any such income which did not result, but which if properly reported would have resulted in a reduction in the amount of such aid or assistance.

(C) For purposes of subparagraph (A), the amount of an individual's "title XVI benefit plus other income" for any month means an amount equal to the aggregate of—

(i) the amount (if any) of the supplemental security income benefit to which such individual is entitled for such month under title XVI of the Social Security Act, and

(ii) the amount of any income of such individual for such month (other than income in the form of a benefit described in clause (i)).

(D) If the amount determined under subparagraph (B)(i) includes, in the case of any individual, an amount which was payable to such individual solely because of—

(i) a special need of such individual (including any special allowance for housing, or the rental value of housing furnished in kind to such individual in lieu of a rental allowance) which existed in December 1973, or

(ii) any special circumstance (such as the recognition of the needs of a person whose presence in such individual's home, in December 1973, was essential to such individual's well-being), and, if for any month after December 1973 there is a change with respect to such special need or circumstance which, if such change had existed in December 1973, the amount described in subparagraph (B) (i) with respect to such individual would have been reduced on account of such change, then, for such month and for each month thereafter the amount of the supplementary payment payable under the agreement entered into under this subsection to such individual shall (unless the State, at its option, otherwise specifies) be reduced by an amount equal to the amount by which the amount (described in subparagraph (B) (i)) would have been so reduced.

(b) (1) Any State having an agreement with the Secretary under subsection (a) may enter into an administration agreement with the Secretary whereby the Secretary will, on behalf of such State, make the supplementary payments required under the agreement entered into under subsection (a).

(2) Any such administration agreement between the Secretary and a State entered into under this subsection shall provide that the State will (A) certify to the Secretary the names of each individual who, for December 1973, was a recipient of aid or assistance (in the form of money payments) under a plan of such State approved under title I, X, XIV, or XVI of the Social Security Act, together with the amount of such assistance payable to each such individual and the amount of such individual's December 1973 income (as defined in subsection (a) (3) (B)), and (B) provide the Secretary with such additional data at such times as the Secretary may reasonably require in order properly, economically, and efficiently to carry out such administration agreement.

(3) Any State which has entered into an administration agreement under this subsection shall, at such times and in such installments as may be agreed upon between the Secretary and the State, pay to the Secretary an amount equal to the expenditures made by the Secretary as supplementary payments to individuals entitled thereto under the agreement entered into with such State under subsection (a).

(c) (1) Supplementary payments made pursuant to an agreement entered into under subsection (a) shall be excluded under section 1612(b) (6) of the Social Security Act (as in effect after December 1973) in determining income of individuals for purposes of title XVI of such Act (as so in effect).

(2) Supplementary payments made by the Secretary (pursuant to an administration agreement entered into under subsection (b)) shall, for purposes of section 401 of the Social Security Amendments of 1972, be considered to be payments made under an agreement entered into under section 1616 of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972); except that nothing in this paragraph shall be construed to waive, with respect to the payments so made by the Secretary, the provisions of subsection (b) of such section 401.

(d) For purposes of subsection (a) (1), a State shall be deemed to have entered into an agreement under subsection (a) of this section of such State has entered into an agreement with the Secretary under section 1616 of the Social Security Act under which—

(1) individuals, other than individuals described in subsection (a) (2) (A) and (B), are entitled to receive supplementary payments, and

(2) supplementary benefits are payable, to individuals described in subsection (a) (2) (A) and (B) at a level and under terms and conditions which meet the minimum requirements specified in subsection (a).

(e) Except as the Secretary may by regulations otherwise provide, the provisions of title XVI of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972), including the provisions of part B of such title, relating to the terms and conditions under which the benefits authorized by such title are payable shall, where not inconsistent with the purposes of this section, be applicable to the payments made under an agreement under subsection (b) of this section; and the authority conferred upon the Secretary by such title may, where appropriate, be exercised by him in the administration of this section.

(f) The provisions of subsection (a) (1) shall not be applicable in the case of any State—

(1) the Constitution of which contains provisions which make it impossible for such State to enter into and commence carrying out (on January 1, 1974) an agreement referred to in subsection (a), and

(2) the Attorney General (or the other appropriate State official) of which has, prior to July 1, 1973, made a finding that the State Constitution of such State contains limitations which prevent such State from making supplemental payments of the type described in section 1616 of the Social Security Act.

PREFERENCE FOR PRESENT STATE AND LOCAL EMPLOYEES

SEC. 213. The Secretary of Health, Education, and Welfare, in the recruitment and selection for employment of personnel whose services will be utilized in the administration of the Federal program of supplemental security income for the aged, blind, and disabled (established by title XVI of the Social Security Act), shall give a preference, as among applicants whose qualifications are reasonably equal (subject to any preferences conferred by law or regulation on individuals who have been Federal employees and have been displaced from such employment), to applicants for employment who are or were employed in the administration of any State program approved under title I, X, XIV, or XVI of such Act and are or were involuntarily displaced from their employment as a result of the displacement of such State program by such Federal program.

DETERMINATION OF BLINDNESS UNDER SUPPLEMENTAL SECURITY PROGRAM

SEC. 214. Section 1633 of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972) is amended—

(1) by inserting "(a)" immediately after "SEC. 1633.",

(2) by striking out "The Security" and inserting in lieu thereof "Subject to subsection (b), the Secretary", and

(3) by adding at the end thereof the following new subsection:

"(b) In determining, for purposes of this title, whether an individual is blind, there shall be an examination of such individual by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select."

PART C—SOCIAL SERVICES

SOCIAL SERVICES REGULATIONS POSTPONED

SEC. 220. (a) Subject to subsection (b), no regulation and no modification of any regulation, promulgated by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") after January 1, 1973, shall be effective for any period which begins prior to January 1, 1974, if (and insofar as) such regulation or modification of a regulation pertains (directly or indirectly) to the provisions of law contained in section 3(a) (4) (A), 402(a) (19) (G), 403(a) (3) (A), 603(a) (1) (A), 1003(a) (3) (A), 1403(a) (3) (A), or 1603(a) (4) (A), of the Social Security Act.

(b) (1) The provisions of subsection (a) shall not be applicable to any regulation relating to "scope of programs", if such regulation is identical (except as provided in the succeeding sentence) to the provisions of section 221.0 of the regulations (relating to social services) proposed by the Secretary and published in the Federal Register on May 1, 1973. There shall be deleted from the first sentence of subsection (b) of such section 221.0 the phrase "meets all the applicable requirements of this part and".

(2) The provisions of subsection (a) shall not be applicable to any regulation relating to "limitations on total amount of Federal funds payable to States for services", if such regulation is identical (except as provided in the succeeding sentence) to the provisions of section 221.55 of the regulations so proposed and published on May 1, 1973. There shall be deleted from subsection (d) (1) of such section 221.55 the phrase "(as defined under day care services for children)"; and, in lieu of the sentence contained in subsection (d) (5) of such section 221.55, there shall be inserted the following: "Services provided to a child who is under foster care in a foster family home (as defined in section 408 of the Social Security Act) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed by such child because he is under foster care.".

(3) The provisions of subsection (a) shall not be applicable to any regulation relating to "rates and amounts of Federal financial participation for Puerto Rico, the Virgin Island, and Guam", if such regulation is identical to the provisions of section 221.56 of the regulations so proposed and published on May 1, 1973.

(c) Notwithstanding the provisions of section 553(d) of title 5, United States Code, any regulation described in subsection (b) may become effective upon the date of its publication in the Federal Register.

SEC. 221. Section 1130(a) (2) of the Social Security Act is amended—

(1) by striking out "of the amounts paid (under all of such sections)" and inserting in lieu thereof "of the amounts paid under such section 403(a) (3)"; and

(2) by striking out "under State plans approved under titles I, X, XIV, XVI, or part A of title IV" and inserting in lieu thereof "under the State plan approved under part A of title IV".

PART D—PROVISIONS RELATING TO MEDICAID

COVERAGE OF ESSENTIAL PERSONS UNDER MEDICAID

SEC. 230. In the case of any State plan (approved under title XIX of the Social Security Act) which for December 1973 provided medical assistance to persons described in section 1905(a) (vi) of such Act, there is hereby imposed the requirement (and such State plan shall be deemed to require) that medical assistance under such plan be provided to each such person (who for December 1973 was eligible for medical assistance under such plan) for each month (after December 1973) that—

(1) the individual (referred to in the last sentence of section 1905(a) of such Act) with whom such person is living continues to meet the criteria (as in effect for December 1973) for aid or assistance under a State plan (referred to in such sentence), and

(2) such person continues to have the relationship with such individual described in such sentence and meets the other criteria (referred to in such sentence) with respect to a State plan (so referred to) as such plan was in effect for December 1973.

Federal matching under title XIX of the Social Security Act shall be available for the medical assistance furnished to individuals eligible for such assistance under this section.

PERSONS IN MEDICAL INSTITUTIONS

SEC. 231. For purposes of section 1902(a) (10) of the Social Security Act, any individual who, for all (or any part of) the month of December 1973—

(1) was an inpatient in an institution

qualified for reimbursement under title XIX of the Social Security Act, and

(2) (A) would (except for his being an inpatient in such institution) have been eligible to receive aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act, or

(B) was, on the basis of his need for care in such institution, considered to be eligible for aid or assistance under a State plan (referred to in subparagraph (A)) for purposes of determining his eligiblity for medical assistance under a State plan approved under title XIX of such Act (whether or not such individual actually received aid or assistance under a State plan referred to in subparagraph (A)),

shall be deemed to be receiving such aid or assistance for such month and for each succeeding month in a continuous period of months if, for each month in such period—

(3) such individual continues to be (for all of such month) an inpatient in such an institution and would (except for his being an inpatient in such institution) continue to meet the conditions of eligibility to receive aid or assistance under such plan (as such plan was in effect for December 1973), and

(4) such individual is determined (under the utilization review and other professional audit procedures applicable to State plans approved under title XIX of the Social Security Act) to be in need of care in such an institution.

Federal matching under title XIX of the Social Security Act shall be available for the medical assistance furnished to individuals eligible for such assistance under this section.

BLIND AND DISABLED MEDICALLY INDIGENT PERSONS

SEC. 232. For purposes of section 1902(a) (10) of the Social Security Act, any individual who, for the month of December 1973 was eligible (under the provisions of subparagraph (B) of such section) for medical assistance by reason of his having been determined to meet the criteria for blindness or disability (established by a State plan approved under title I, X, XIV, or XVI of such Act), shall be deemed to be a person described as being a person who "would, if needy, be eligible for aid or assistance under any such State plan" in subparagraph (B) (i) of such section for each month in a continuous period of month (beginning with the month of January 1974), if, for each month in such period, such individual continues to meet the criteria for blindness or disability so established by such a State plan (as it was in effect for December 1973). Federal matching under title XIX of the Social Security Act shall be available for the medical assistance furnished to individuals eligible for such assistance under this section.

EXTENSION OF SECTION 249E OF SOCIAL SECURITY AMENDMENTS OF 1972

SEC. 233. Section 249E of the Social Security Amendments of 1972 is amended by striking out "October 1974" and inserting in lieu thereof "July 1975".

REPEAL OF SECTION 255 OF SOCIAL SECURITY AMENDMENTS OF 1972

SEC. 234. (a) Section 1903 of the Social Security Act is amended by striking out subsection (j) thereof (as added by section 225 of Public Law 92-603).

(b) The amendment made by subsection (a) shall be applicable in the case of expenditures for skilled nursing services and for intermediate care facility services furnished in calendar quarters which begin after December 31, 1972.

PART E—PROVISIONS RELATING TO MATERNAL AND CHILD CARE

GRANTS TO STATES FOR MATERNAL AND CHILD CARE

SEC. 240. (a) (1) Paragraph (1) of section 502 of the Social Security Act is amended by striking out "each of the next 4 fiscal years" and inserting in lieu thereof "each of the next 5 fiscal years".

(2) Paragraph (2) of section 502 of such Act is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1975".

(3) Section 505(a) (8) of the Social Security Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(4) Section 505(a) (9) of such Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(5) Section 505(a) (10) of such Act is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974".

(6) Section 508(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(7) Section 509(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(8) Section 510(b) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(b) Title V of the Social Security Act is amended by adding at the end thereof the following new section:

"SUPPLEMENTAL ALLOTMENTS

"SEC. 516. (a) (1) For each fiscal year (commencing with the fiscal year ending June 30, 1975), there shall (subject to paragraph (2)) be allotted to each State (from funds appropriated for such fiscal year pursuant to subsection (b)) an amount, which shall be in addition to and available for the same purposes as the allotments of such State (as determined under sections 503 and 504), equal to the excess (if any) of—

"(A) the amount of the allotment of such State (as determined under sections 503 and 504) for the fiscal year ending June 30, 1973, plus the amounts of any grants to such States under sections 508, 509, and 510, over

"(B) the amount of the allotment of such State (as determined under sections 503 and 504) for such fiscal year which commences after June 30, 1973.

"(2) No State shall receive an allotment under this section for any fiscal year, unless such State (in the administration of its State plan, approved under section 505) has in effect arrangements which the Secretary finds will provide for the continuation of appropriate services to population groups previously receiving services from funds made available (for the fiscal year ending June 30, 1974) to such State pursuant to sections 508, 509, and 510.

"(b) (1) (A) There are (subject to subparagraph (B)) hereby authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1975) such amounts as may be necessary to enable the Secretary to make the allotments authorized under subsection (a).

"(B) Nothing contained in subparagraph (A) shall be construed to authorize, for any fiscal year, the appropriation under this subsection of any amount which is in excess of the amount by which—

"(i) the amount authorized to be appropriated under section 501 for such year exceeds

"(ii) the total amounts appropriated pursuant to section 501 for such year.

"(2) If, for any fiscal years, the total amount appropriated pursuant to paragraph (1) is less than the total amount allotted to all States under subsection (a), then the amount of the allotment of each State (as determined under subsection (a)) shall be reduced to an amount which bears the same ratio to the total amount appropriated pursuant to paragraph (1) for such fiscal year as the amount of the allotment of such State (as determined under subsection (a)) bears to the total amount allotted to all States under subsection (a) for such fiscal year."

(c) (1) In the case of any State, if for the fiscal year ending June 30, 1974, the sum of—

(A) the amount of the allotment which such State would have received under section 503 of the Social Security Act for such year (if subsection (a) of this section had not been enacted), plus

(B) the amount of the allotment which such Act for such year (if subsection (a) of this section had not been enacted),

is in excess of the sum of—

(C) the aggregate of the allotments which such State received (for the fiscal year ending June 30, 1973) under such sections 503 and 504, plus

(D) the aggregate of the grants received (for the fiscal year ending June 30, 1973) under sections 508, 509, and 510 of such Act,

then, for the fiscal year ending June 30, 1974, there shall be added to the allotments of such State, under sections 503 and 504 of such Act, in such proportion to each such allotment as the State shall specify, an amount equal to such excess.

(2) (A) There are (subject to subparagraph (B)) hereby authorized to be appropriated, for the fiscal year ending June 30, 1974, such amounts as may be necessary to make the increase in allotments provided for in paragraph (1).

(B) Nothing contained in subparagraph (A) shall be construed to authorize, for the fiscal year ending June 30, 1974, the appropriations under this paragraph of any amount which is in excess of the amount by which—

(i) the amount authorized to be appropriated under section 501 of such year, exceeds

(ii) the total amounts appropriated pursuant to section 501 for such year.

(3) If, for the fiscal year ending June 30, 1974, the amount appropriated pursuant to the preceding provisions of this subsection is less than the total of the amounts authorized to be added to the allotments of States (as determined under paragraph (1)), then the amount to be added to the allotment of each State shall be reduced to an amount which bears the same ratio to the amount so appropriated for such year as the amount to be added to the allotment of such State (as determined under paragraph (1)) bears to the total of the amounts to be added to the allotments of all States (as determined under paragraph (1)).

PART F—PROVISIONS RELATING TO CHILD'S SOCIAL SECURITY INSURANCE BENEFITS

BENEFITS FOR ADOPTED CHILDREN

SEC. 250. (a) Section 202(d) (8) (D) (ii) of the Social Security Act is amended by striking out "and" at the end thereof and inserting in lieu thereof "or (III) if he is an individual referred to in either subparagraph (A) or subparagraph (B) and the child is the grandchild of such individual or his or her spouse, for the year immediately before the month in which such child files his or her application for child's insurance benefits, and".

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after the month in which this Act is enacted on the basis of applications for such benefits filed in or after the month in which this Act is enacted.

TITLE III—UNEMPLOYMENT COMPENSATION ACT AMENDMENT

SEC. 301. Section 203(e) (2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following: "Effective with respect to compensation for weeks of unemployment beginning before January 1, 1974 and beginning after the date of the enactment of this sentence (or, if later, the date established pursuant to State law), the State by law may provide that the determination of whether there has been a State 'off' indicator ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof and may provide that the determination of whether there has been a State 'on' indicator beginning any extended benefit period shall be made under this subsection as if (i) paragraph (1) did not contain subparagraph (A) thereof, (ii) the 4 per centum contained in subparagraph (B) thereof were 4.5 per centum, and (iii) paragraph (1) of subsection (b) did not contain subparagraph (B) thereof. In the case of any individual who has a week with respect to which extended compensation was payable pursuant to a State law referred to in the preceding sentence, if the extended benefit period under such law does not expire before January 1. 1974, the eligibility period of such individual for purposes of such law shall end with the thirteenth week which begins after December 31, 1973."

TITLE IV—MISCELLANEOUS

Sec. 401. (a) Section 6096 of the Internal Revenue Code of 1954 (relating to designation by individuals of income tax payments to Presidential Election Campaign Fund) is amended to read as follows:

"Sec. 6096. Designation by Individuals.

"(a) In General.—Every individual (other than a nonresident alien) whose income tax liability for the taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). In case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to the fund.

"(b) Income Tax Liability.—For purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of credits (as shown in his return) allowable under sections 33, 37, 38, 40, and 41.

"(c) Manner and Time of Designation.—A designation under subsection (a) may be made with respect to any taxable year—

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

"(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate.

Such designation shall be made in such manner as the Secretary or his delegate prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature."

(b) Section 9006 of the Internal Revenue Code of 1954 (relating to payments to eligible candidates) is amended to read as follows:

"Sec. 9006. Payments to Eligible Candidates.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous Presidential election) to the fund by individuals under section 6096.

"(b) Transfer to the General Fund.—If, after a Presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) Payments From the Fund.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) Insufficient Amounts in Fund.—If at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement."

(c) Sections 9003(b)(2), 9007(b)(3), and 9012(b)(1) of the Internal Revenue Code of 1954 are each amended by striking out "9006(c)" and inserting in lieu thereof "9006(d)".

(d) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972. Any designation made under section 6096 of the Internal Revenue Code of 1954 (as in effect for taxable years beginning before January 1, 1973) for the account of the candidates of any specified political party shall, for purposes of section 9006(a) of such Code (as amended by subsection (b)), be treated solely as a designation to the Presidential Election Campaign Fund.

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, in view of the fact that this amendment will be fully described, I ask unanimous consent that we dispense with further reading of the motion and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. STEIGER of Wisconsin. Mr. Speaker, reserving the right to object to the unanimous-consent request of the distinguished chairman of the Committee on Ways and Means, and I appreciate the patience and perseverance of the distinguished chairman.

Mr. Speaker, under my reservation, the question that I asked earlier I should now like to put as a parliamentary inquiry. Is it possible, pursuant to rule XXVIII, clause 4, to demand or to make a point of order that there is included within the conference report nongermane matter upon which a separate vote may be demanded?

The SPEAKER. The conference report was in disagreement. There is nothing in it but the statement of disagreement.

Mr. STEIGER of Wisconsin. Mr. Speaker, I further reserve the right to object.

The SPEAKER. The Chair will state that it might save time if the gentleman would let the amendment be read.

Mr. STEIGER of Wisconsin. May I say to the Chair that it seems to me that this is a highly unusual procedure in which we find ourselves in the position of having "no conference report," and, therefore, the inability to in any way follow even those limited rules that have been adopted by the House.

The chairman of the Committee on Ways and Means has used in effect a mechanism to bring a conference report here which is a conference report. The conferees met. They discussed it, according to the way the report reads, "free and full," and having reached a disagreement—when in fact they have not reached a disagreement; they have reached an agreement. That agreement that the gentleman intends to offer in his motion to recede and concur.

That kind of process, if it were used by the Committee on Education and Labor, would not be allowed.

I withdraw my reservation, objecting strenuously to this kind of process.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, as we have been discussing, the Senate added a number of nongermane provisions to the debt ceiling bill. These provisions relate to the Old-Age Survivors' Insurance program, certain other titles of the Social Security Act, including unemployment compensation; social services, as well as medicaid. It contains, in addition, a provision dealing with the cessation of bombing in Cambodia; a provision dealing with the presidential election campaign checkoff system; and a spending limit; and an impoundment procedure. We discussed these provisions in conference, but under the rules we bring the conference report back in disagreement, totally and completely within the new rules adopted by the House.

We do it because we cannot include nongermane Senate amendments under the rules of the House in a conference report. So we have abided by the rules of the House.

The motion which I have offered is to recede and concur in the Senate amendment with an amendment, which includes the matters on which we felt that the two Houses would agree.

The amendment which I have offered will give the House an opportunity to vote on what the House conferees believe is a good solution to the problem presented to us by the Senate. Let me first enumerate the principal items contained in the amendment which I have offered. I will then discuss the items in somewhat more detail.

The amendment includes the estimated 5.6 percent across-the-board increase in social security payments effective beginning with the month of April 1974, instead of the month of January 1974, as provided by the Senate amendment. We also increased the retirement test from $2,100 to $2,400 per year. The provision also raises the tax and benefit computation base by $600 beginning January 1974, which provides financing for the benefit increase and the increase in the retirement test.

Another principal provision of the amendment relates to the supplemental security income program which essentially increases the amounts for the aged, the blind, and the disabled persons from $130 for an individual to $140, and from $195 for a couple to $210 for a couple.

Another principal provision would postpone the effective date of the regulations issued by the Department of Health, Education, and Welfare on social service programs funded under the Social Security Act from July 1, 1973, to January 1, 1974.

All we do here is to suspend the effectiveness of announced regulations.

Still another principal provision of the amendment would extend the authorization for project grants under the maternal and child health care program until June 30, 1974.

I am sure all Members have heard from all their welfare directors and Governors about all of these points.

With respect to two amendments to the Internal Revenue Code, the principal provision included in the amendment relates to the campaign checkoff. I will describe this a little bit later.

In the area of unemployment compensation, we have included a provision which would permit the States that have an insured unemployment rate of 4.5 percent to pay rates under the Extended Unemployment Compensation Act through December 31, 1973, without regard to the requirement of present law that their insured unemployment rate must be 20 percent higher than it was in the prior 2 years.

Finally, Mr. Speaker, I want to make it clear that the amendment which I have offered does not include within it any provision relating to impoundment, nor any relating to Cambodia, nor does it include any ceiling on fiscal year 1974 expenditures. The latter two provisions were in the Senate amendment but they are not in the amendment which I have offered.

I want to take time to discuss certain of these amendments in a little bit more detail.

PROVISIONS AMENDING THE OASDI PROGRAM

The Senate amendment contained three changes in the social security cash benefits program. The first of these modifications is to provide a social security benefit increase payable for January 1974 geared to the cost-of-living increase between June 1972 and June 1973, which is estimated to be 5.6 percent. The second social security modification would increase the social security retirement test, or earnings limitation, from $2,100 to $3,000 a year effective January 1, 1974. The third of these modifications would eliminate the provision of present law that requires a child who is adopted by a social security beneficiary to have been living with and dependent upon the beneficiary for 12 months before the beneficiary became disabled in the case of a disability beneficiary or before he became entitled to a social security benefit in the case of a retired beneficiary. The Senate amendment contains no provision for increasing the financing of the social security program.

The conferees discussed these changes at great length and concluded that provisions along these lines with some modifications should be adopted and that provision should be made to provide financing to pay for their cost. These modifications are contained within the motion to recede and concur in the Senate amendment with an amendment.

With respect to the social security benefit increase, the motion would provide for an increase in social security benefits in the same amount as provided for in the Senate amendment—that is, 5.6 percent—but it would be effective for the month of April 1974, rather than January 1974. This would increase benefits to the estimated 30 million beneficiaries then on the rolls by an estimated $2.4 billion for calendar year 1974.

Under the automatic benefit increase provisions that were adopted last year, the first time that an automatic benefit increase can occur is in January 1975. This seemed reasonable at that time when phase II was holding down the rate of inflation fairly successfully. Since that time, however, we moved from phase II to phase III and as a result have witnessed the most rapid rate of price increase that we have seen for many years. Food prices in particular have skyrocketed.

I think it would be unconscionable to require those who are dependent on social security benefits to bear the brunt of inflation by not having their benefits increased for another year and a half.

This provision allows the social security beneficiaries to receive a portion of the first automatic benefit increase in their benefit checks for April of next year. Then when the automatic benefit provisions are applied to raise their benefits for January 1975, they will receive a complementary benefit increase which when added to this increase will result in raising their benefits by the same percentage as they would have been increased under the automatic benefit increase provisions.

The motion provides for raising the earnings limitation from the present $2,100 a year to $2,400 a year beginning January 1974. This increase in the retirement test would provide for additional benefits of $200 million for calendar year 1974 for approximately 1½ million beneficiaries.

It was the opinion of the conferees that to make the benefit increase effective for January 1974, and to raise the retirement test to $3,000 as provided in the Senate amendment would have required additional financing that is not available at this time without increasing the social security tax rates. The financing provisions which I will describe in just a minute provide additional financing for the system by adjustments to the taxable wage base only without making any change in the social security tax rates.

The third modification in the Senate amendment, relating to the eligibility of adopted children, would also have had a significant cost. The modification contained in the motion is in the nature of a substitute amendment which the conferees believe will make it possible for benefits to be paid to children who are adopted after a beneficiary is entitled to benefits in the most compelling cases without permitting children to be adopted for the sole purpose of increasing social security payments as the Senate amendment would have done. The proposed change would make it possible for social security beneficiaries to adopt grandchildren without the requirement that the child must have lived with them and been supported by them for a year before they became entitled to benefits but would require that the children have lived with and been supported by them for a year before the child becomes entitled to a social security benefit.

The financing for these changes in the law would be provided for under the motion by increasing the social security wage base which is used for taxation and benefit computation purposes to $12,600 beginning in 1974. Under present law, the wage base is scheduled to increase from $10,800 in 1973 to $12,000 in 1974 and to be automatically increased in the future as the average level of earnings covered under the social security system increases. Under the amendment provided for in the motion, $12,600 would be the new base figure which would be used to compute automatic increases in the taxable wage base in the future.

AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME AND SOCIAL SERVICES

The Senate amendment would make a number of warranted changes in the new program of supplemental security income which will replace the State welfare programs for needy aged, blind and disabled persons in January 1974. As enacted last year, basic Federal benefits at that time were to be $130 for an individual and $195 for a couple. With the rapid inflation which has occurred since last fall, an increase in these amounts is clearly justified. They would be raised to $140 for an individual and $210 for a couple.

A number of features of the program have caused widespread concern. To meet these concerns several provisions were adopted and the first and perhaps most important of these is an assurance that anyone receiving welfare payments under the existing programs for the aged, blind, and disabled in December 1973, will not receive a reduction in total income when the program becomes Federal in January 1974. The amount of the supplemental security income payment, together with a State supplementation, if one is necessary to achieve this result, will at least equal the amount of assistance which they receive in December 1973. This provision would be a requirement only for 1 calendar year in order to prevent need requirements in the States for supplementation. It has been suggested that if the pattern is required for a year, there would be some assurance that it would be continued to the States after that time. The requirement would not apply where there was a bona fide change in circumstances which reduced need and a specific exception is made for one State which cannot provide State supplementation under its constitution.

One of the major sources of concern in the supplemental security income program has been the lack of any provisions for the so-called essential persons. These are generally wives of eligible aged recipients who have not themselves reached age 65. In practically all States, some recognition is given to their needs. It accordingly is only fair that those individuals who are currently responsible for larger payments to the recipients be recognized and some provision made for them. The Federal payment in such a case would be increased to $210 a month, the same amount as for an individual living with an eligible spouse. This provision would not apply to persons becoming eligible for the supplemental security income program after December 1973. These provisions will do much to make the transition from the 50 different Federal-State assistance programs to the new Federal program smoother than it might otherwise be.

A provision of the Senate amendment would provide that in hiring Federal employees for the supplemental security income program a preference in employment would be given to State and local employees with comparable qualifications to other candidates and who would be involuntarily displaced when the new supplemental security income program goes into effect. Unlike the other provisions relating to supplemental security income, a modification to the Senate amendment is proposed in this case.

Another provision of the Senate amendment would establish for the supplemental security income program a requirement that blind applicants might have their blindness determined by either a physician skilled in diseases of the eye or an optometrist, whichever the individual might select. A similar provision has been in title X of the Social Security Act as a requirement for State aid to the blind programs since 1950 and has proved entirely workable.

Two provisions of the Senate amendment would greatly relieve the current concern regarding limitations on social services. One of these would postpone the regulations of the Department of Health, Education, and Welfare which are scheduled to become effective July 1, 1973, until January 1, 1974. This would not apply to those sections of the regulations which carry out explicit provisions of the last Congress putting fiscal limitations on social service limitations. They preserve this limitation.

A companion provision would repeal the so-called 90–10 rule with respect to services for aged, blind, and disabled persons. This provision of Public Law 92–512 provides that at least 90 percent of the services to aged, blind and disabled persons must be for actual applicants and recipients as compared to potential and former recipients.

While these steps do not solve the social service problems in its entirety, they will make it possible for States to continue existing activities and afford time for a permanent solution to be developed.

MEDICAID CHANGES

The Senate amendment included several provisions which would protect people from loss of eligibility to the medicaid program when the new Supplemental Security Income program becomes effective in January 1974. The House conferees believe that these amendments are meritorious and are ones which would have been made in the last Congress had the consequences of the changeover to a federalized adult assistance program been fully realized. Specifically, the Senate amendment would provide that individuals who were eligible for medicaid in December 1973, will not lose their eligiblity for medicaid when the new Supplemental Security Income program goes into effect. Three groups would be protected:

First, the disabled individual who does not meet the Federal definition of disability and who is eligible as a medically needy person,

Second, an individual who is an inpatient of a medical institution whose special needs as an inpatient make him eligible for assistance, and

Third, the eligible spouse of an eligible recipient of aid to the aged, blind, and disabled who is essential to the recipient's welfare.

In addition, the Senate amendment would extend from October 1974, through June 1975, the provision in present law which continues medicaid eligibility for those who would have lost their eligibility by reason of the 20 percent social security benefit increase effective last September. The House conferees believe that this amendment is also meritorious.

The final medicaid provision in the Senate amendment would delete a provision in present law which limits the average per diem costs for skilled nursing facilities and intermediate care facilities to no more than 5 percent a year. The wage-price guidelines which apply to such institutions already perform the type of function intended by this provision and will no doubt continue to do so for some time. The Department of Health, Education, and Welfare estimates that there will be no cost to this provision if the wage-price controls are kept in effect. For these reasons the conferees recommend adoption of this provision.

MATERNAL AND CHILD HEALTH

The Senate amendment also contained a provision amending the Maternal and Child Health program under title V of the Social Security Act. The Senate bill would extend the direct project grants for 1 year—from June 30, 1973, to June 30, 1974—and would make the following additional changes:

For fiscal year 1974 only, each State would receive [under authorization authority] the greater of first, the total of fiscal year 1973 project and formula grants or second, the sums such State would have received had the project grants not been extended for fiscal year 1974.

For fiscal year 1975 and later years, no State would be eligible for less funds than it received in fiscal year 1973 for both project grants and formula grants.

When the project grant authority lapses on June 30, 1974, the States would be required to make arrangements to provide for the continuation of appropriate services to groups previously receiving project grant funds.

The House conferees believe this would be a meritorious provision since it should assure the continuation of many existing worthwhile projects which are benefitting thousands of mothers and children in low-income ghetto and rural areas. The Senate amendment also provides assurance that States will not be disadvantaged by this change as compared with present law and that when the direct projects are phased out a year from now, the States will be ready to take over their support.

THE PRESIDENTIAL CAMPAIGN CHECKOFF PROVISION

The Senate amendment contained a provision providing for a modification in the presidential election campaign checkoff provision. This is the provision which provides for $1 per taxpayer being set aside for presidential campaign purposes. The amounts which were checked off for future presidential campaigns on the tax returns this year were relatively small. I understand that this year only 3.1 percent of the taxpayers used the provision. It is believed that the reason for this being so small was the fact that the Internal Revenue Service used a separate form to provide the checkoff.

To overcome this problem, the Senate amendment would have provided that the campaign checkoff designation is to be on the first page of the income tax return. It also would have required the Secretary of the Treasury to provide appropriate publicity with respect to the campaign checkoff each year, with emphasis on the taxpayers' rights to designate a portion of their tax payments for payment into the Presidential Election Campaign Fund. Finally, the Senate amendment would have converted the campaign fund checkoff to a nonpartisan checkoff.

At present, taxpayers can designate the party of their choice or can make a nonpartisan designation. The difficulty with the present procedure is that the partisan designation requires too much space to be placed on the front of the tax return form. In addition, it seems inappropriate for the person examining a tax return to know the taxpayer's political affiliation. Because of these problems, the Senate amendment modified existing law to provide for the nonpartisan designation.

The amendment which I bring to you retains the basic substance of the Senate provision. We found some modifications, however, to be desirable. We modified the Senate provision by providing that the checkoff provision can either be on the front of the return or on the side of the return where the taxpayer's signature is required. For the regular 1040 return, this is the front of the return, but for the short form, 1040A, the signature is on the second page of the return and in this case it may be desirable to have the checkoff here. We gave the Treasury some flexibility but have still required it to have the checkoff where it will readily come to the taxpayer's attention.

We have also omitted from the Internal Revenue Code the requirement that the Treasury Department give publicity to the checkoff. We have assurances from the Secretary of the Treasury, however, that the checkoff will get a great deal of publicity year after year. In view of this, we could not see that adding the provision to the Internal Revenue Code achieved anything more.

Finally, we retain without change the Senate provision which required that the checkoff be in a nonpartisan form. This is essential if we are to have a simple checkoff on the return itself and also if we are not to disclose to the IRS the political affiliation of the taxpayer.

UNEMPLOYMENT COMPENSATION PROVISION

The Senate amendment contains a provision to amend the Extended Unemployment Compensation Act by modifying the "on" and "off" indicators which trigger the extended benefits program on and off in individual States. Under the Senate amendment, the present requirement that unemployment in a State must be 120 percent higher than it was in the comparable period in the prior 2 years in order to trigger the program into operation would be eliminated and the requirement that there be a 13-week period between the end of one State extended benefit period and the start of another would also be eliminated. These would have been permanent changes in the law.

Under the motion, States would be permitted from the date of enactment until December 31, 1973, to disregard the 120-percent requirement of existing law but the rate of insured employment in such States would have to be 4.5 percent rather than the 4 percent insured unemployment rate required under the regular trigger provision. The amendment further provides that an extended benefit period could remain in operation in such a State during this time so long as the insured unemployment rate remained 4 percent or above. In those States which paid extended benefits under this modification, persons who qualify for extended benefits under this authority prior to December 31, 1973, could continue to receive the extended benefits to which they are entitled during an additional 31 weeks or until the end of March 1974.

The extended benefits paid under this provision, including those paid during the tail-out period after December 31, 1973, would be financed equally from State and local funds as extended benefits are regularly financed under existing law.

According to the best estimates which the Department of Labor could furnish us, if all of the States affected by the amendment took full advantage of it, this temporary modification of the State "on" and "off" indicators would allow extended benefits to be paid in 6 States. The estimated additional benefits payable would be $115.7 million, at a cost of $60.6 million in Federal funds and $55.1 million in State funds and an estimated 176,500 workers would be able to receive extended benefits.

State	Number of beneficiaries (thousands)	State share of cost (millions)	Federal share of cost (millions)
Alaska	2.9	$0.8	$0.9
Massachusetts	52.7	13.7	16.8
New Jersey	55.9	22.4	22.4
Puerto Rico	28.8	5.2	5.2
Rhode Island	7.8	2.8	2.8
Washington	28.4	10.2	12.5
Total	176.5	55.1	60.6

PROVISIONS WHICH ARE IN THE SENATE AMENDMENT BUT WHICH ARE NOT IN THE HOUSE AMENDMENT

ANTI-IMPOUNDMENT AND EXPENDITURE CEILING

The Senate amendments would have provided an expenditure ceiling and would also have provided an anti-impoundment procedure. The expenditure ceiling would have been $268.7 billion and would have provided that, with the exception of a series of uncontrollable items, any reduction made in order to bring expenditures down to the ceiling would have to be made on a pro rata basis.

The impoundment procedure would have required reports on impoundments from the President, the review of these reports by the Comptroller General and his report to the Congress of those impoundments which did not comply with the antideficiency law. These impoundments within 60 days thereafter would become null and void if the Congress did not approve of them. Congress could also provide for their nullification within the 60-day period by action in a concurrent resolution.

The conferees concluded that these provisions should not be in our agreement because we know that other committees of the House are working on different answers to this spending ceiling problem and also the problem of controlling impoundments. We thought that the House should have an opportunity to work its will on these matters.

PASS-ALONG OF BENEFITS TO AFDC RECIPIENTS

One of the provisions in the Senate amendment to which the House conferees could not agree and do not recommend, is a provision of the amendment which would have provided a disregard of 5 percent of social security income for recipients of aid to families with dependent children program. This would affect only about 6 percent of AFDC families and create an additional inequity between social security income and income from other sources. It would also be difficult to administer on a percentage basis.

MEDICARE PROVISIONS

The Senate bill included a provision which expressed the sense of Congress that first, the President prepare and submit by September 1, 1973, a proposal to cover drugs under medicare, and second, the President's recommendations for medicare legislation to increase the deductibles and coinsurance should be withdrawn. Since no legislation to carry out the President's recommendations on the medicare program has been introduced in either House, the House conferees recommend that this provision of the Senate bill not be agreed to.

These are people who need protection against what we have allowed to happen in the field of inflation, in my book, the most. These are the disabled and the others covered by social security. I could go on and on talking about this, Mr. Speaker, but I hear some reports—I want to refer to those—I hear some reports that there are those downtown in the administration who would have the President veto this bill because the total cost in it involving the matter of the social services, the increase in the amount we will pay to people in the adult categories of welfare coming into social security might add $1.4 billion to the amount of his budget.

However, that leaves us in a position of assuming that every penny he asks for in his budget, Congress is going to give him. We have the right, I think, to make the determinations here in the Congress as to what priorities will enjoy what moneys. That is a part of the constitutional responsibility of the Congress.

Let me say this to the President: I did not vote for it, but a majority of the House voted to authorize the President to bomb in Cambodia and Laos for 45 days between now and August 15. I would like to know how much that costs compared with the cost that is involved in this bill.

I would ask those Members who voted to authorize that bombing—the first time Congress has done it—I would ask them to make up their minds whether or not that expenditure, which is heavy, enjoys a higher priority than protecting these people from the ravages of inflation. That is all we are trying to do.

Mr. SCHNEEBELI. I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to H.R. 8410 as reported from conference.

My opposition is based on two areas: first, the adverse fiscal impact, and second, the disorderly process by which this bill came to the floor of the House.

The chairman referred to the fiscal impact in his closing remarks. In fiscal 1974, the increased outlays will be $1.5 billion and by increasing the base we will bring in $100 million, for a net loss of $1.4 billion. In fiscal 1975, by the act we are discussing in this legislation, the increase in 1975 will be $2.9 billion with a revenue increase of $0.8 billion or a net loss of $2.1 billion. This is a total loss by this one bill which was rammed down our throats in conference of $3.5 billion.

Now, lest anyone think we are hardhearted about social security increases, let me point out that since January 1, 1970, social security benefits have been increased more than 51 percent. In those 3 years the cost of living has gone up 17 percent, by less than one-third of the increase we provided. The 20-percent increase that we put into effect last year was to carry us to January 1, 1975, but this increase in effect moves that date forward by 9 months.

There was reference made to the fact that the President might veto this measure. Under the chaotic procedures employed in this bill, he is confronted with a Hobson's choice: veto the bill, with its unstabling impact on Federal finances, or sign an irresponsible increase in Federal spending into law. The President, after being presented by Congress with this irresponsible dilemma, may well decide it is the lesser of two congressionally imposed evils to veto the bill. In the event he does, what will the fiscal consequences be in the event we have no debt ceiling?

At the close of business June 30, the debt subject to statutory limit will be $460 billion, well above the $400 billion permanent debt limit, and the Treasury operating balance will be $11–12 billion.

If the temporary debt limit is not extended, the Treasury could not issue any new debt after June 30.

The Treasury would immediately have to stop the sale of U.S. savings bonds. About 20,000 financial institutions acting as issuing agents would have to be notified that no further savings bonds could be issued. Over 40,000 corporate payroll savings plans, 9½ million individual payroll savers, and sales of $600 million a month would be affected. The consequences would be extremely disruptive to the savings bond program.

Savings bond redemptions are about $500 million per month. If after June 30 savings bond sales were stopped, redemptions would continue with a resulting net cash drain of about $500 million per month or more if the interruption of sales impaired the credit of the Government as it might.

Treasury securities reaching maturity could not be refunded and would have to be redeemed with cash. Treasury bills, amounting to $4.3 billion weekly, mature on July 5 and each Thursday thereafter. Another $1.7 billion of the monthly series of Treasury bills matures on July 31. Also, $800 million of special nonmarketable securities issued to foreign official institutions, which normally would be rolled over by July 5, would mature and have to be paid off in cash with a threat to already weakened international confidence in the dollar.

Reductions in the Treasury's cash balance and other monetary assets and receipts from taxes would be the only practical resources available to redeem maturing debt securities and to pay the Government's other bills as they came due. The Secretary of the Treasury has no authority to set priorities as to which of the Government's obligations to pay. Such obligations would have to be paid on a first-come-first-served basis for as long as the money lasted, whether the obligations were for maturing securities, interest on the debt, social security benefits, payments on contractual obligations, revenue sharing or salaries of Federal employees. Once the Treasury ran out of money, none of the Government's bills could be paid. The Government's credit would be impaired and the confidence of the people in the Congress, the Executive, indeed in all elected officials, would be impaired.

This is a sad situation. I intend to vote against the motion that will be offered to recede and concur with an amendment for the reasons I have outlined. If these nongermane amendments can be considered by the Ways and Means Committee after appropriate hearings that are consistent with orderly procedures. I urge my colleagues to join me in this approach.

Mr. REID. Mr. Speaker, will the gentleman from Oregon yield for a question?

Mr. ULLMAN. I am happy to yield to the gentleman from New York.

Mr. REID. I should like to ask a question about part D, social services regulations, social services regulations postponed.

First, it is my understanding that this amendment contains a prohibition for 6 months. To put it another way, there is a postponement by the Secretary of Health, Education, and Welfare of those regulations permitted earlier this year for 6 months.

Mr. ULLMAN. The gentleman is correct.

Mr. REID. Second, am I correct that the amendment contains the provision that eliminates the 90–10 provision for the aged, blind, and disabled, but leaves it for AFDC, with the five exemptions, including family planning, day care, alcoholism, and drug addiction?

Mr. ULLMAN. The gentleman is absolutely correct.

Mr. REID. Lastly, might I ask whether this amendment has the effect of retaining in force the provisions of Public Law 92–512 with the exception of the 90–10 provision I mentioned, which has the effect of a limitation of $2.5 billion on social services, but the clear mandate, if we want to put it that way, is the spending of the $2.5 billion.

Mr. ULLMAN. The gentleman from New York is correct.

Mr. REID. In other words, if I may ask this question, this would permit the States to proceed on the basis in essence of the old regulations for a period of 6 months with the one amendment that I mentioned?

Mr. ULLMAN. The gentleman is correct.

Mr. REID. Mr. Speaker, I thank the gentleman.

Mr. HANNA. Mr. Speaker, will the gentleman from Oregon (Mr. ULLMAN) yield?

Mr. ULLMAN. Yes, I yield to the gentleman from California.

Mr. HANNA. Mr. Speaker, I trust that the gentleman will be a little patient with this Member.

I am sitting here looking at the Senate-proposed amendments covering 49 pages and then the alternative amendments proposed by the chairman of the committee covering 39 pages. It is somewhat difficult for me to assimilate all of this in the very short time we have here tonight.

I have had added to that the confusion, however, from the statement of the chairman of the committee, and from what I thought I heard from the gentleman in the well, the very qualified minority leader.

Mr. Speaker, I asked how we were going to pay for this increase in the social security, and I understood from what the gentleman from Arkansas said, that it was provided for in his amendment by increasing the base against which the present existing percentage, which, as I understand it, is 5.5 percent by the employer and 5.5 percent by the employee, and that base, as I read the bill, is changed from $12,000 to $12,600; is that correct?

Mr. ULLMAN. That is correct.

Mr. HANNA. Now, Mr. Speaker, what the gentleman in the well said was that that would raise $100 million, and the cost of this bill is $1.5 billion.

Now, that has me definitely confused, and I think, with that kind of a disparity, I should have a further explanation.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman from Oregon yield?

Mr. ULLMAN. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, the gentleman is correct about the $100 million, but what we are doing is financing the cost of the increase from $2,100 to $2,400 in the retirement test, and also the 5.6-percent increase in cash benefits, not over the 1-year period, but over the lifetime of the actuarial determination—75 years.

Mr. HANNA. Mr. Speaker, may I ask the gentleman, what does that do in terms of the impact of this bill upon this budget this year?

Mr. MILLS of Arkansas. There will be a greater outflow in the fiscal year 1974, and that is the figure we have described to the gentleman. I think it is $500 million, or $600 million for two of them—the benefit increase and the earnings test increase. It is that much more than we take in. There will be a greater amount of outflow in fiscal year 1974, it is true, but we do not have a budget for 1974 before us as yet.

Mr. HANNA. Mr. Speaker, what I was trying to determine—and I think now the crux of it is finally explained—is whether or not there is an amount of money which will not be covered by the present financing of this program, and the gentleman has now told me it will be between $500 and $600 million.

Mr. MILLS of Arkansas. For 1 year.

Mr. HANNA. The gentleman in the well described this along with the other program as having a projected impact of $1.5 billion.

Mr. MILLS of Arkansas. Mr. Speaker, if the gentleman from Oregon (Mr. ULLMAN) will yield further, the total cost of the bill over the budget, according to the administration's estimate—and I quarrel with two of those estimates—is $1.4 billion. But bear in mind that it is almost equally divided between the Federal fund and the social security trust fund.

I can assure the gentleman that the social security trust fund remains actuarially sound as a result of these two increases.

Mr. HANNA. But that we may have to have a coverage over the shortfall of other funds in order to meet the test?

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield further?

Mr. ULLMAN. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, if the gentleman wants to rely on this concept of unified budget, yes. What I am saying is this: In the past we never included the social security trust fund in consideration of whether we have a balance or not. If we look at the unified budget, we have always got a lesser deficit. The people in America have never been able to understand, if you have a $200 billion budget, why we have to increase it by bringing it up to $20 billion. It is because we have the $18, $19, or $20 billion deficit through Federal funds. We have always got a surplus in the trust fund.

Mr. HANNA. Mr. Speaker, I appreciate the gentleman's willingness to clarify these points.

May I suggest to the gentleman and to the House that I, as one Member, if I was cynical, would tend to look at this package as if it were something that was made up by a very outstanding leader of finance in the Senate and a very outstanding leader of finance in the House and their staffs and brought to us at a rather late time in the night with some very complicated matters.

Try as you will as a serious and dedicated representative, it is just very difficult for us to understand precisely what is in these two packages of 49 pages on the one hand and 38 pages on the other hand.

I appreciate the gentleman's willingness to be patient with a person with as small an understanding as that of the gentleman from California.

Mr. SCHNEEBELI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. COLLIER) a very valued member of the committee.

Mr. COLLIER. Mr. Speaker, the colloquy that you have just heard between the members of the committee and the distinguished gentleman from California I think bears out exactly the dilemma in which we find ourselves in trying to legislate at this late hour on this type of procedure.

On repeated occasions over the months I have heard deep concern expressed by Members of this House, and indeed justifiably so, over the usurpation of the powers of this body and in fact the erosion of the prerogatives and responsibilities of this House of Representatives.

Let me tell you, if you ever had an opportunity and a responsibility to preserve and maintain some of these prerogatives, it is in voting down this conference report this evening. Here you have a sickening example of the roughshod way in which the Senate because of its procedures which defy logical and orderly rules of germaneness seeks to legislate as it darned pleases without regard for the prerogatives of this house.

I think the gentleman pointed out, and very significantly so, that when you get these types of procedure which invades several existing statutes on a take-it-or-leave-it basis with absolutely no opportunity to be selective, you can expect exactly what you have here this evening.

There are many things in the proposal that are good and amendments upon which we can all agree on; but is this the way to legislate?

Let me tell you why you do not have to take this action right now and why it is absolutely unnecessary to do it in this way. Starting at the top, the social security increases will not become effective, as you know, until April 3, 1974. We have plenty of time to deal with this problem, and I am sure that the committee would do this. We would have an opportunity, also, to determine sensibly, in accordance with the actuaries of the social security fund, what the raise should be and not arbitrarily grab 12.6 as the taxable base. It should probably be 13.2, and I would vote for 13.2, as I am sure most Members of this House would, in order to maintain the soundness of the social security fund.

The retirement test does not become effective until January 1. Why in the name of commonsense are we here at this hour before a recess dealing with these things when their effective dates are down the road 9 months to a year? As I just pointed out, you have plenty of time to do this, and we would do it in a responsible way during the ensuing months and not in the manner in which we are doing it here.

The other amendments, if you look at them, are mostly very minor, but there is not a single one that should be attached to the debt ceiling bill that we are dealing with today.

In conclusion, Mr. Speaker, I would say to all of you that you should really stop to think about the procedure before us. I think it bears repeating, because I have substantially said this earlier this evening.

Look down the road a few months, and there is no one in this Chamber, not a Member of this House who would some time or other, if we accept this type of arrogant procedure—and that is exactly what it is—tonight, we will have established a precedent that every Member of this House will be foreclosed at some time in the future from the right to be selective as competent legislators, from the right to handle legislation in the orderly manner in which I think all of the Members believe. And if we do not do this we will be victimized by this type of procedure again and again and again in this House. And I implore all of the Members of the House to make certain that we are never faced with this kind of a situation again. And the best way to correct it is to vote down this proposition tonight.

Mr. ULLMAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, I wonder if the gentleman can tell me if there are provisions in this amendment which guarantee that the increases will not result in disadvantaging—in disadvantaging the aged, the blind, or those on welfare who may not become eligible for their benefits as a result of the increase?

Mr. ULLMAN. Mr. Speaker, this bill overall is a tremendous advantage to the disadvantaged people of this country, the aged, the blind, and the disabled. The supplemental benefits, the SSI benefits, are increased from $130 to $140.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, I think what the gentlewoman from New York is talking about is protection for these people against a reduction in payment by the State. The States, all of the States with the exception of Texas, are mandated to maintain those levels of benefits which are being paid on December of 1973. We have excluded Texas because of a provision in the constitution of that State that would make it impossible for that State to comply with the mandate.

Ms. ABZUG. In other words, as a result of the increases in their income this will not be a disadvantage to those who are presently receiving medicaid?

Mr. MILLS of Arkansas. We have protected everyone who is eligible for medicaid for a period to June 30, 1975. We also protected those people who are called essential persons in the household in their rights to medicaid.

Ms. ABZUG. What about those who are receiving assistance in public housing?

Mr. MILLS of Arkansas. No, we do not have jurisdiction over that, I will say to the gentlewoman from New York, if the gentlewoman will yield for one more second, that was not in the conference.

Ms. ABZUG. What about the other assistance programs?

Mr. MILLS of Arkansas. Other assistance programs? We did not do it with respect to food stamps because that too was not in the conference, and was not in the jurisdiction of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House. But we did take those provisions that were in the conference that tended to protect presently eligible people against any loss in their eligibility for the programs that are mentioned.

Ms. ABZUG. And on veterans benefits, I take it that is true also?

Mr. MILLS of Arkansas. No, the Committee on Veterans' Affairs of the House will have to make a decision of whether or not it wants the social security increase to be disregarded as income for purposes of determining a veteran's eligibility under the veterans laws to a pension.

Ms. ABZUG. What would happen then with respect to those who are receiving assistance in public housing, and those receiving food stamps?

Mr. MILLS of Arkansas. This has no effect whatsoever upon those programs.

Ms. ABZUG. So that that would have to be done by having the committees who have jurisdiction over those subject matters provide that the increase in social security will in no way affect the benefits which they would receive under present law?

Mr. MILLS of Arkansas. That is within their jurisdiction to do if they decide to do it, yes, but we did not do it.

Mr. SCHNEEBELI. Mr. Speaker, I yield 5 minutes to one of the conferees on our side, the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr.

Speaker, it has become obvious that we are confronted with an ironical, if not a ridiculous, situation. We have here a bill before us for reconsideration which, when it passed the House a few weeks ago, would not have cost the taxpayers one thin dime, not one red cent. Since that time the other body has added on a long list of nongermane amendments that will cost, when they have been implemented by the end of fiscal year 1975, over $3.5 billion.

Incidentally, Mr. Speaker, the cost of these amendments would have been even higher than that if the conferees had not provided some funding for the social security increases. The total first year cost of these Senate amendments would have been over $4.6 billion. We did provide for an increase in the wage base in conference, an increase in the total wage base up to $12,600 beginning on January 1, 1974, and up to $13,500 in 1975. But even the $1 billion a year addition to the social security fund we provided, will still not pay the cost of the social security benefit increase alone. So, these Senate amendments are still inflationary and all of us are aware of the complaints of our constituents about the constant increase in the cost of living. This type of legislation cannot but add to the existing inflationary pressures.

As all of us know, we are never going to stop inflation unless we do something about stopping spending or stopping the increase in spending.

Here is an interesting point, Mr. Speaker. When the other body added on this total of somewhere around $4.6 billion in increases, in order to show their fiscal responsibility, they added on an amendment restricting spending for fiscal year 1974 to $268.7 billion. Then, in addition to that, they added on an anti-impoundment provision which requires the President to send his intended impoundments to the Congress and obtain approval before funds can be impounded. They were the only two items of any consequence that we were able to have removed in conference. And then, it was for the most part because they were contradictory to the other increases in the Senate bill.

Nevertheless, as long as the spending items remain in the bill, other programs are going to have to be cut. Funds are going to have to be impounded by the President, or we are going to continue to have runaway inflation.

The main point I want to make, Mr. Speaker, and a point on which so many Members who have already spoken here have expressed their concern is that none of the items are added by the Senator or contained in this Senate amendment have been given any consideration in hearings. Had they originated in the House, as they should have, they would have received thorough consideration by the Committee on Ways and Means. They would have been the subject of several weeks of public hearings, many hours of discussion with the executive branch, and probably they would have been brought to the floor of the House under a closed rule which, in my view, would have been accepted because we could have reported to the Members and assured the Members of the House that they had received thorough consideration. It would have been and remains improper and unwise to write this type of bill on the floor of the House.

But what happened? Over in the other body they added all these provisions onto this debt ceiling bill without public hearings, without any real serious consideration, with absolutely no discussion whatsoever with any representative of the executive branch. In fact, many of these amendments were added on the floor of the Senate by a voice vote. None of the amendments was on the same subject matter of the original bill.

Yet, we are called upon in the closing hours of this particular day, to accept them en bloc with very limited debate. I say this is not a good way to legislate. In fact, it is an incredible way to legislate, and the chairman of our Committee on Ways and Means admitted that himself. It is not fair to the Members of this House, because we do not have the same opportunity to work our will as that afforded the Members of the other body.

I think it is most unfortunate, Mr. Speaker, that these amendments have been attached to a bill that must be enacted into law by tomorrow night. Unfortunately, we may not really have any other choice but to accept this amendment, approve the bill, and send it down to the White House for signature. However, even if that is the result, I think all of us have an obligation to protest this procedure to insure that it will not be used again.

Mr. ULLMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr. Speaker, I do not know what everybody is getting so aroused about. All we are talking about is raising social security 5.6 percent and raising the earning test from $2,100 to $2,400 per year, and there is no big increase in the social security tax. In fact everybody earning under $12,000 a year will not pay an additional penny to finance these adjustments. They will cost approximately $34.80 a year for all those people earning $12,000 or more. In other words, if a fellow is earning $100,000 in salary, he is going to contribute $34.80 a year more to help pay for this.

So, Mr. Speaker, I do not see what the great disturbance is about. I can understand my friends on the other side on some of the minute issues, but this is a very small increase. If I had my way I would increase social security by 50 percent. That would be more realistic. When we are talking about the increases which were granted since 1970, we are talking about an increase on a very low base. What is 50 percent of nothing? It is nothing.

So, Mr. Speaker, I hope the chairman is successful in his move here tonight and I hope the entire membership will vote for this 5.6 percent and not vote against it. Do not vote against the 25 million, already people in this Nation who are looking for this slight increase.

Mr. SCHNEEBELI. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Conable), a member of the committee.

Mr. CONABLE. Mr. Speaker, I am sad at heart to be back in the well under these circumstances again after having been through this procedure last year with respect to the 20-percent benefit increase. I personally think that a pretty good case can be made for the 5.6-percent social security increase that is being suggested here because the people who are dependent on these benefits probably spend a larger proportion of their income for food than most other economic groups in the country and the cost of food has gone up.

A great stress has been put on the 30 million people who receive benefits under the Social Security Act. There are 90 million people who are paying into the social security at this point, and if I were one or those—of course we in this body are not—I would be deeply concerned about where the Social Security Administration is headed. Twice now we have come before the House under this kind of subverted procedure and have made major changes in the Social Security Act. We have no idea what the fiscal impact of these changes is going to be, what the actuarial impact will be, and what long-term economic consequences will flow from this uncertain provision.

I tell my friends in this House that we have no business playing politics with something as important to the American people as their social security system. They deserve better.

I myself therefore can perhaps resolve in my own mind the issue of the 5.6-percent benefit increase which after all is going to come out of a cost-of-living increase to take effect the beginning of 1975 in any event, but do not let anyone tell you that is the only issue in this bill. That is only the bait. There are major revisions of the Welfare Act here.

The Members have heard a laundry list of changes relating to other provisions of the law. I do not think there is a person in this Chamber who does not feel some uneasiness at this point about legislating under these circumstances. I myself, who am proud to be a Member of this House and proud to be a member of the Ways and Means Committee, have a somewhat dirty feeling to be manipulated in this way, as we are being manipulated, cynically.

It seems to me, therefore, that there is an issue here which overrides the good that can be achieved if we accept this measure. We should know from studies of government that the end does not justify the means. We should know also that anything as important as the welfare of all under the social security law should be studied by Members of the House, as well as by those few people in the Senate who may have understood what their individual amendments were as they pressed them on the members of the conference.

Mr. Speaker, I myself am deeply concerned about this procedure. I would hope that my distinguished chairman is concerned about it also. I have the feeling that we are being manipulated, and it demeans us to permit ourselves so to be manipulated.

I would hope that we will have hearings somewhere, in some responsible committee of the House or the Senate, or a joint committee, to find out where we are headed in social security; where we are headed in welfare and what the full implications of these measures being rammed down our throats tonight are.

Mr. Speaker, I urge my colleagues to look into their hearts as they are asked to vote in this kind of a subverted procedure, and decide if they really want to legislate in this way.

Mr. du PONT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Delaware.

Mr. du PONT. Mr. Chairman, I rise this evening to object most strongly to the procedure adopted by the House and the Senate in considering this bill.

Several weeks ago the House passed the debt ceiling increase bill. This legislation must be passed by the Congress by June 30, or the credit of the U.S. Government will be called into question. We will not be able to meet our responsibilities, nor will the Government be able to function. So the bill must be passed.

What happened when the bill passed the House and reached the Senate? Some 20 nongermane amendments—amendments that have nothing to do with the debt ceiling increase—were attached by the Senate. We now have a bill before us—a $3 billion bill that contains social security benefit increases, welfare rules changes, old-age and disability pension rules changes, among other things.

With no debate on the merits of these issues, with no committee consideration of far-reaching changes in the law—in short, with nothing but irresponsible legislative procedure on the part of the U.S. Senate, we are asked to approve this bill.

The people of Delaware and the Nation deserve adequate, responsible, and careful consideration of any expenditure of $3 billion—let alone major revisions to more than half a dozen governmental programs.

Will the amendments be fiscally sound? We do not know. Will the social security system be able to afford a benefit increase without a tax increase? We do not know. What will the effect of the various regulation changes be on their programs? We do not know.

I do not believe that I, or any other Member of Congress, can responsibly vote for such a measure. I do not believe that I can support a procedure that forbids me from voting on these unrelated measures individually—but insists that I vote up or down on all the programs at once in a bloc.

In short, Mr. Speaker, the House—and, indeed the Senate—should be ashamed of the irresponsible procedure it is adopting this evening. The nongermane amendments should be stricken from the bill, and given adequate consideration by the committees of the Congress. Any other procedure is indefensible.

Mr. FRENZEL. Mr. Speaker, as Member after Member of this body has already stated, we have been forced into the ridiculous and embarrassing situation of giving final approval to a mixed bag of nongermane junk under a system of closed rule, gag rule, or no rule.

This sort of procedure does no credit to this body or any of its Members, but it reflects especially on the leadership of both Houses.

If the people of this country ever imagined that Congress wrote laws without consideration, and approved laws without ever seeing the language, their confidence would not be low, their confidence in their Government would absent completely.

If this procedure were used only once, it would merely be an outrage. This is the second time on this bill. The outrage has been compounded.

Thirty-nine pages or 48 pages of law—what does it matter? Since we haven't considered it, and have not even seen it, it may as well be 1,000 pages. I wish the leadership of this House and this committee would help me explain how we passed this law to the young people of my district when I visit them in their classrooms or in their homes.

I cannot vote for a bill under these circumstances. I have misgivings about voting for a bill that will add at least $1.4 billion of expense over the budget. That's a serious problem. But it's not nearly so serious as the disregard for order, reason, and rule.

It is obvious to me that a body which cannot follow its own rules cannot possibly regain, assert, or exercise its constitutional powers. Worse, it cannot hold, nor does it deserve, the confidence of the people it poorly represents.

I strongly urge that the motion to recede be defeated and that the conferees be sent back to conference, and instructed to bring a report on each element of which this House can at least express its opinion.

Mr. ULLMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Corman).

Mr. CORMAN. Mr. Speaker, I support the proposal of the committee, and I hope it is adopted.

It is my understanding that it will then be flown to San Clemente. I request that something else be flown to San Clemente with this bill: The speech of the gentleman from Pennsylvania (Mr. Schneebeli) because he portrayed for this Congress very clearly the impact on the Treasury, on the dollar, if we do not increase the debt ceiling.

I hope the President will read Mr. Schneebeli's speech before he decides whether to veto or to sign the bill. I sincerely hope he reads that speech and decides to sign the bill. If he does not, if he vetoes it, three possibilities then face the Nation.

First, we may have two-thirds to override the veto, and then there will be no great problem. If we do not, the President may have a majority of the House who will again give in to his pressure and give him the debt ceiling that pleases him. But there is a strong probability that neither of those two things will happen. We will not have the two-thirds to override, but the Congress may refuse to do precisely what the President asks.

I hope he reads Mr. Schneebeli's remarks and decides to sign the bill.

Mr. SCHNEEBELI. Mr. Speaker, I yield the balance of the time on this side to the distinguished minority leader (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I am disturbed about two aspects of the situation we face today, at this time, on this legislation. I am disturbed as to the procedure that we are utilizing in bringing this legislation before the House today. I have some grave concern about certain financial aspects of this legislation.

To some extent, the procedure and the financial aspects are intertwined. The facts are that no hearings were held in the House Committee on Ways and Means in 1973 on anything other than the problems involving the debt limitation.

I add, no hearings in 1973 were held in the Senate Committee on Finance on anything other than the debt limitation problems in this legislation.

I believe this is very bad procedure, when we consider the amount of money involved, the tax problems involved, and many other ramifications concerning this legislation.

As I said at the outset, there are some questions raised as to the financial aspects involved in this legislation. I have before me a chart or a sheet prepared by the executive branch. It points out the cost projection for the amendments to the debt ceiling bill. It shows that in fiscal year 1974 the total deficit because of this legislation would be $1,328 million, of which $500 million would come in the account of the social security. The same material furnished to me by the executive branch shows that in fiscal year 1975 there will be a net deficit of $2,414 million, of which $1.2 billion comes from a social security account.

I have talked with my friend the chairman of the Committee on Ways and Means and asked him his impression and his opinion as to these figures. I believe the chairman agrees with the figures so far as social security is concerned for fiscal year 1974 and fiscal year 1975, but he has grave doubts and misgivings about the accuracy of the figures as to the other amendments. Is that correct?

Mr. MILLS of Arkansas. The gentleman is correct.

Mr. GERALD R. FORD. I have great respect for the chairman of the committee, and I cannot challenge his figures, and I cannot challenge the figures given to me by Social Security. What these differences illustrate is that there were no hearings in the House and no hearings in the Senate, so we have no way of having a give and take as to the validity of their figures or of the gentleman's figures.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. The gentleman should take note that it is not a deficit being created in the social security fund. There will still be more money, in calendar year 1973, 1974, and 1975, taken in, far more than we will be spending. We merely reduce the surplus in each of those years.

I can assure my friend that the motion I have made maintains the actuarial soundness of the social security system.

Mr. GERALD R. FORD. Am I correct in understanding that the amendments included here for social security maintain the financial integrity over a period of 75 years?

Mr. MILLS of Arkansas. That is right.

Mr. GERALD R. FORD. So we have to run out 75 years before we come to the conclusion that we really are being honest with ourselves.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. Surely.

Mr. MILLS of Arkansas. Let me translate it another way. We were told in conference by the actuaries that this increase, moving forward this cost of living from the 1st of January, 1975 to the 1st of April of 1974 involved as a percent of payroll 0.01 percent. That is over a 75-year period, because they are really getting it about 9 months earlier.

Mr. GERALD R. FORD. I am glad there are some prospective amendments resulting from the conference, because this amendment before us is far superior to the bill passed by the other body.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. CONABLE. May I ask the chairman if it is not true that the trust fund now will go down below the standards we ourselves set for the cushion we should have in it at any given time.

Mr. MILLS of Arkansas. It will go down for a period of about 2 or 3 years. The gentleman is correct.

Mr. CONABLE. It will be below the total of the last 2 or 3 years?

Mr. MILLS of Arkansas. It will be above that figure but it will go down for 2 or 3 years.

Mr. CONABLE. Assuming that we do not do anything further. However, that is a rather interesting assumption.

Mr. GERALD R. FORD. Mr. Speaker, I would like to make two other points.

Number one, the other body has used a very skillful but, I think, a very unfair device to prevent the House from having a vote on each of the areas of disagreement. They have put a number of amendments in one amendment. They bundled them together, and we either accept all of them or we reject all of them. This is, I think, a very unfortunate parliamentary situation.

Number two, it appears to me that the fact that we do not have a permanent debt ceiling means that every 4, 6, or 12 months we are going to be faced with this problem. I think this is the best argument I know of for a permanent debt ceiling, because people who believe in the financial integrity of the Federal Government are getting, if I might be very blunt, "shafted" because you now have these questionable amendments on legislation that comes up every 4, 6, or 8 months, and we are caught in the bind of having to take this kind of nongermane provisions whether we like it or not.

Mr. Speaker, I think people who have financial integrity as a guidepost, legislatively speaking, ought to learn a lesson from not having a permanent debt ceiling.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding to me under the circumstances.

Given the parliamentary situation in which we find ourselves, it seems to me that the only alternative that we have got left is to attempt to divide the question. Let us vote on the motion offered by the gentleman from Arkansas to recede. If the House votes it down, as I would hope it would, then under the rules it would be permissible to recede in the conference. We have lost the option to send this back to the conference. We have lost the option because of the way in which the Senate defined the amendment to try to separate out the issues.

Mr. Speaker, as far as I am concerned, I shall seek at least to divide the question, and hopefully we can vote down the question to recede and try to send this back for conference and find out what the problem is between the conferees.

Mr. GERALD R. FORD. Mr. Speaker, in conclusion, I think the President and most of us could take the debt ceiling with the social security provisions, but I do not think the House in its wisdom ought to approve the amendment to be offered by my friend, the gentleman from Arkansas, because of certain other aspects. I think it is an amendment which contains points which in my opinion are fiscally irresponsible.

Mr. MILLS of Arkansas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississipi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I serve on the Pension and Compensation Committee of the Committee on Veterans' Affairs, and a number of the Members have asked me tonight how this will affect the veteran who draws a Government pension check and also a social security check.

Mr. Speaker, up until the 20-percent social security increase that we had, the Committee on Veterans' Affairs considered legislation that was passed by the House and the Senate that made up for the pension loss of the social security increase, but we have not yet brought out a bill that takes care of the 20-percent increase in social security. So many of the Members have been hearing from their constitutents that their veterans' checks were cut. It is left up to the Committee on Veterans' Affairs to bring out a bill. We are now having hearings at this time and hope to bring out a bill, particularly correcting this problem.

My point is, Mr. Speaker, that the veteran's check would be decreased again when you add on a 5-percent social security increase.

You say now why does not your committee bring this bill out. We are considering a bill for a cost-of-living increase to at least 8 percent. This will increase the veteran's check up some but not to what he lost before. I wish we could raise the veteran back to his original pension, but the cost would be almost impossible to the Treasury.

I only bring out this point to say that there will be another decrease in the veteran's pension check when you add on 5 percent more.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I wonder if the gentleman has any comments as to why the Senate could not take care of this problem and at the same time add on these other items in the bill.

Mr. MONTGOMERY. They should have taken care of it.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

Mr. STEIGER of Wisconsin. Mr. Speaker, on the motion of the gentleman from Arkansas I demand a division of the question.

The SPEAKER. A division is demanded. The question is, Shall the House recede from its disagreement to the amendment of the Senate?

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I have a motion.

PARLIAMENTARY INQUIRIES

Mr. MILLS of Arkansas. The gentleman's demand for a division vote failed, did it not?

The SPEAKER. There was a demand for a division of the question.

Mr. MILLS of Arkansas. That was the request, and that was defeated? I am sorry. I thought the gentleman asked for a division vote.

Mr. STEIGER of Wisconsin. Mr. Speaker, a demand for a division of the question is in order, is it not, at any time without reference to a rollcall on that question?

The SPEAKER. The gentleman is correct, until the question is put.

Mr. STEIGER of Wisconsin. And secondly, Mr. Speaker, as a further parliamentary inquiry, the motion is put by the Chair, Shall the House recede, and the Chair ruled, did he not, that the noes had it?

Mr. HAYS. Mr. Speaker, I was on my feet asking for a recorded vote.

The SPEAKER. The gentleman from

Ohio was on his feet, but the Chair did not hear him.

RECORDED VOTE

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 190, not voting 58, as follows:

[Roll No. 319]

AYES—185

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Brooks
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chisholm
Clay
Collins, Ill.
Conte
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Davis, S.C.
de la Garza
Dellums
Denholm
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Flood
Foley
Ford, William D.
Fraser
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Gude
Hamilton
Hammerschmidt
Hanley
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Holtzman
Howard
Ichord
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCormack
McDade
McFall
McKay
Macdonald
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Neill
Owens
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roy
Roybal
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Thornton
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOES—190

Abdnor
Anderson, Ill.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bennett
Bray
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Butler
Byron
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Ginn
Goldwater
Goodling
Gross
Guyer
Haley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Heinz
Henderson
Hinshaw
Hogan
Holt
Horton
Hosmer
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lent
Lott
McClory
McCloskey
McCollister
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Powell, Ohio
Price, Tex.
Pritchard
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Runnels
Ruppe
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whalen
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOT VOTING—58

Andrews, N. Dak.
Ashbrook
Ashley
Aspin
Badillo
Bell
Blackburn
Blatnik
Breaux
Burke, Calif.
Burke, Fla.
Clark
Conyers
Danielson
Delaney
Dent
Derwinski
Evins, Tenn.
Fascell
Fish
Fisher
Flowers
Fuqua
Green, Oreg.
Griffiths
Grover
Gubser
Gunter
Hansen, Wash.
Harrington
Hébert
Hillis
Huber
Hungate
Jones, Ala.
Keating
King
Landrum
Lujan
McSpadden
Madden
Minshall, Ohio
O'Hara
Patman
Quie
Rooney, N.Y.
Roush
Rousselot
Ryan
Sandman
Steiger, Ariz.
Sullivan
Teague, Tex.
Thompson, N.J.
Tiernan
Wiggins
Wright
Wyatt

So the motion to recede was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Hébert against.

Mrs. Burke of California for, with Mr. Fisher against.

Mr. Dent for, with Mr. Ashbrook against.

Mr. Rooney of New York for, with Mr. Derwinski against.

Mr. Madden for, with Mr. Blackburn against.

Mr. Breaux for, with Mr. Burke of Florida against.

Mr. Clark for, with Mr. Huber against.

Mr. Danielson for, with Mr. King against.

Mrs. Hansen of Washington for, with Mr. Rousselot against.

Mr. O'Hara for, with Mr. Steiger of Arizona against.

Mr. Roush for, with Mr. Wiggins against.

Mrs. Sullivan for, with Mr. Bell against.

Mr. Tiernan for, with Mr. Andrews of North Dakota against.

Mr. Blatnik for, with Mr. Gubser against.

Mr. Ashley for, with Mr. Lujan against.

Until further notice:

Mrs. Green of Oregon with Mr. Flowers.
Mr. Ryan with Mr. Fuqu
Mr. Badillo with Mr. Conyers.
Mr. Delaney with Mr. Fish.
Mr. Evins of Tennessee with Mr. Hillis.
Mr. Fascell with Mr. Keating.
Mr. Gunter with Mr. Minshall of Ohio.
Mr. Aspin with Mr. Quie.
Mr. Hungate with Mr. Sandman.
Mr. Jones of Alabama with Mr. Wyatt.
Mr. McSpadden with Mr. Patman.
Mrs. Griffiths with Mr. Wright.
Mr. Harrington with Mr. Teague of Texas.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House insist on its disagreement and request a further conference with the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, Messrs. SCHNEEBELI, COLLIER, and BROYHILL of Virginia.

FURTHER CONFERENCE

Mr. MILLS of Arkansas. Mr. Speaker, in view of the vote to not recede, it is necessary to return to conference. I am not certain when we can return, but I am convinced, in conversation with others, that it will not be possible for us to do it tonight.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the gentleman from Arkansas yielding to me.

Would it be possible for the gentleman from Arkansas to attempt to give the House some idea as to whether or not, when a new report comes from the conference, that we can find ourselves with a conference report rather than the system that was used tonight?

Mr. MILLS of Arkansas. Mr. Speaker, I cannot concede to the gentleman from Wisconsin, because we are still operating under the rules of the House, which provide that any amendment which is not germane to the subject matter of the bill under the rule of the House should not be included in a conference report, and therefore should be brought back for a separate vote.

The situation in that respect would not vary one iota. The subject matter within the amendment in disagreement could vary, but still we would have one amendment because we are dealing with one Senate amendment.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, I am sure the gentleman from Arkansas knows that we have a provision, rule XXVII, clause 4, in which in fact it is possible for the House to accept nongermane amendments.

Mr. MILLS of Arkansas. Yes, it is possible if there is no point of order made. We could include nongermane amendments within a conference report, but I have been trying to follow the spirit of the rules of the House.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, is there any

chance that when the gentleman goes back to conference, that they could clean this thing up so that when a social security recipient gets raised 5 percent, he does not get cut 10 percent by the Federal Government if he is a veteran, or by the State if he is getting welfare?

That is what lost the motion for the gentleman here this morning. I talked with 15 or 20 Members who do not want to raise the social security of a veteran and then have his veteran's pension cut. What good would that do him? If this is a cost-of-living increase, he would gain no ground whatsoever.

Mr. MILLS of Arkansas. If the gentleman will allow, that is not in the conference related or unrelated to the subject matter.

Mr. HAYS. It does not need to be related. If it is nongermane, just put it in and let the House vote.

Mr. MILLS of Arkansas. Then any one Member could object to its inclusion.

Mr. HAYS. If the gentleman does not do that, he can let it lay over the proper number of days. I had intended to make a trip to Ohio. I could make the objection and let it lay over.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from California.

Mr. CORMAN. Is a motion to instruct conferees in order at this time?

Mr. MILLS of Arkansas. It comes too late.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I appreciate the gentleman's yielding.

I have been voting on social security amendments for at least a couple of years now. I just wonder, when it comes to increasing social security benefits, if the chairman can tell us whether his committee ever intends to originate such a bill in this House.

Mr. MILLS of Arkansas. The Ways and Means Committee on many, many occasions, has originated social security benefit increase bills in the House.

Mr. BROWN of Michigan. Which ones, Mr. Speaker, have been passed in the last few years?

Mr. MILLS of Arkansas. The benefits since 1950 have been increased by about 356 percent.

Mr. BROWN of Michigan. Mr. Speaker, I would ask about the last 2 years?

Mr. MILLS of Arkansas. The 20 percent last year did originate in the Senate, but I would remind the gentleman that the House had acted earlier by including a benefit increase in H.R. 1. Furthermore, in February of 1972 I introduced a 20-percent increase which was cosponsored by many Members of the House and recommended that the Senate include such an increase in H.R. 1. The only reason why social security benefit increases have originated in the Senate during the past 2 or 3 years is that the Senate has been unable to complete action on the social security bills we have sent them.

Mr. BROWN of Michigan. I would suggest that the last one which originated in the House was in 1969, as I recall.

The point is that some of these days, once in awhile, they should originate here instead of constantly being riders from the Senate.

CONFERENCE REPORT ON H.R. 8537, AMENDING DEPENDENTS ASSISTANCE ACT OF 1950

Mr. STRATTON submitted the following conference report and statement on the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93-361)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

On page 6 of the Senate engrossed amendment, strike out titles III and IV, and insert in lieu thereof the following:

SEC. 206. This Act shall become effective July 1, 1973.

And the Senate agree to the same.

SAMUEL S. STRATTON,
F. EDWARD HÉBERT,
BILL NICHOLS,
WILLIAM G. BRAY,
JOHN E. HUNT,
Managers on the Part of the House.

STUART SYMINGTON,
HARRY F. BYRD,
HAROLD E. HUGHES,
JOHN TOWER,
WILLIAM L. SCOTT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate at the Conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 8537), an Act to amend Titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, submit the following joint statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House on June 19, 1973 passed and sent to the Senate H.R. 8537.

The Senate on June 22, 1973 amended H.R. 8537 by striking all after the enacting clause and substituting new language in the form of an amendment.

As a consequence of the Senate action, there existed three substantive differences in the House and Senate versions of H.R. 8537. The differences are identified below, together with an explanation of the action taken thereon in the conference report.

DEPENDENCY STATUS FOR ILLEGITIMATE CHILDREN

The Senate amendment contained language amending Section 401 of Title 37, United States Code, to add to the definition of a military dependent an unmarried, acknowledged, illegitimate child or an unmarried illegitimate child whose alleged service member father has been judicially decreed to be the father of such child or judicially ordered to contribute to the child's support, who is in fact dependent on the member and is over 21 years of age or is incapable of self-support. The provision would entitle the armed services member having such an illegitimate child as a dependent to certain allowances or increase in allowances because of the dependency status of the child. The language of the Senate amendment also repealed a provision in Section 401 of Title 37, United States Code, which states that "a person is not a dependent of a female member unless he is in fact dependent on her for over one-half of his support."

The House bill contained no comparable provision.

The conferees agreed to accept the Senate provision with the understanding that it would be implemented by the Department of Defense in such a manner as to prevent abuse and that the phrase "in fact dependent on the member" would normally be interpreted to mean dependent for over one-half of his support on the member. The conferees also agreed that the language of the provision was to be implemented in such a way as to not determine the payment of allowances on the basis of a decree by a foreign court.

The House recedes.

COMBAT ENLISTMENT BONUS

Section 204 of the House bill would extend for two years, until June 30, 1975, Section 308(a) of Title 37, United States Code, which authorizes payment of a bonus of up to $3,000 for an initial enlistment for at least three years, or extension of an initial period of active duty for at least three years, in "a combat element of an armed force." The Senate amendment contained language to limit the extension of authority for one year, until June 30, 1974, and further limited the career fields eligible for the bonus so as to insure that only individuals who enlist in skills in the infantry, armor, and artillery would be eligible for such a bonus.

The House conferees in accepting the limitation of the bonus authority in the Senate amendment do so with the understanding that such action does not preclude the possibility of considering bonus legislation further in this Session of Congress.

The House recedes.

FLIGHT PAY

Section 715 of the Department of Defense Appropriation Act for fiscal 1973 (Public Law 92-570) prohibited after May 31, 1973, the payment of flight pay to officers in the grade of O-6 and above who are not assigned to duties requiring active participation in operational flying. Title III of the Senate amendment would extend for 6 months, until December 31, 1973, the effective date for implementing the prohibition. Title III of the Senate amendment would be retroactive to June 1, 1973.

The House bill contained no such provision.

The House, on Thursday, June 28, by a vote of 238 to 175, instructed its conferees, "to insist on disagreement to title III of the Senate amendment." The House conferees were, therefore, adamant in their opposition to title III of the Senate amendment.

The Senate conferees, therefore, reluctantly recede with the understanding that the House Armed Services Committee will initiate hearings on the Department of Defense legislative recommendation as soon as committee business will permit.

SAMUEL S. STRATTON,
F. EDWARD HÉBERT,
BILL NICHOLS,
WILLIAM G. BRAY,
JOHN E. HUNT,
Managers on the Part of the House.

STUART SYMINGTON,
HARRY F. BYRD,
HAROLD E. HUGHES,
JOHN TOWER,
WILLIAM L. SCOTT,
Managers on the Part of the Senate.

Mr. STRATTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. PIKE. Mr. Speaker, reserving the right to object, is this the same legislation which we were told yesterday, if we instructed the House conferees, then 300,000 or 400,000 people would not be able to get their dependents' allowance upon schedule?

Mr. STRATTON. This is the same legislation that the House instructed the conferees on yesterday.

Mr. PIKE. Mr. Speaker, do I correctly understand that the Senate did yield on the subject of flight pay for the nonflying generals and admirals?

Mr. STRATTON. Mr. Speaker, the gentleman has already been advised of that point. That is my understanding. If the gentleman will not object to the unanimous consent request, I will report the result, I will report the result of the conference, which is completely in accord with the wishes of the House.

Mr. PIKE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

Mr. STRATTON (during the reading). Mr. Speaker, I ask unanmious consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, this is a very simple conference report, and as the gentleman from New York pointed out a moment ago, the House yesterday instructed the conferees to go to the conference and to insist on opposition to the Senate amendment with regard to flight pay.

There was considerable disagreement on the part of the Senate in going to a conference today. We succeeded in getting them to go to a conference. We succeeded in getting them to withdraw their position on flight pay.

Mr. Speaker, the balance of the conference report is exactly as it was originally reported from the Senate and accepted unanimously in the Committee on Armed Services.

I think that, although the chairman of the managers on the part of the House was not entirely sympathetic with the instruction of the House, he could read the voting tally loud and clear. We have strongly defended the position of the House and have come out of the conference completely successfully.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, I take this time to make an announcement.

Mr. Speaker, I would like to speak about the items that are left that we will be considering tomorrow.

There will be and not necessarily in this order: House Joint Resolution 636, the continuing appropriations resolution, which is being debated in the Senate at the present time. I presume there will be a conference report that will be reported back to this Chamber tomorrow.

There will be H.R. 9055, the supplemental appropriations bill which we acted upon today and which we anticipate the Senate will act upon later in the evening. There is a possibility that if there is a disagreement, that bill may be back here on the floor tomorrow as a conference report.

There is the conference report on H.R. 7445, the Renegotiations Act extension.

There is H.R. 5452, agreeing to Senate amendments on the National Sea Grant College Extension Act.

Then, Mr. Speaker, there is the public debt limitation bill on which conferees were just appointed.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman from Massachusetts yield to me?

Mr. O'NEILL. Yes, I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, let me advise my friend, the majority leader, that I will make every effort to complete the conference report on H.R. 8410 in time for the House to vote tomorrow. I do not want to be a party to keeping the House in session unduly next week.

Mr. O'NEILL. Mr. Speaker, I thank the gentleman.

With the accomplishment of all that I have announced, I can say that I hope a recess resolution would then be in order.

ADJOURNMENT TO 10 O'CLOCK TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 10 o'clock a.m.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GROSS. Mr. Speaker, reserving the right to object——

Mr. O'NEILL. I would have been disappointed if you had not.

Mr. GROSS. I am sure you would have been.

Will there be legislation at that time of any consequence?

Mr. O'NEILL. Well, I just read the list and you just heard the chairman of the Committee on Ways and Means who said he hoped the conference report would be ready at that time in the morning.

Mr. GROSS. Will it be ready at 10 o'clock in the morning with no conference tonight?

Mr. O'NEILL. Well, let me say that the chairman of the Committee on Appropriations believes he will have legislation ready at that time. This has been agreed to by the leadership on both sides of the aisle, and we would not be asking for it if we did not think we had legislation at that time.

Mr. GROSS. Will there be any assurance we will not have a session on Monday next?

Mr. O'NEILL. No assurance whatsoever.

Mr. GROSS. Or Tuesday?

Mr. O'NEILL. Or Tuesday or Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

PERSONAL EXPLANATION

Mr. RONCALIO of Wyoming. Mr. Speaker, on rollcall No. 307, a quorum call, I am recorded as absent. I was present and recorded my presence.

TRIBUTE TO HALE BOGGS

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 15 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, the passing of a close friend is not something that is easily put behind you. For moments shared together leave lasting impressions that cannot be so suddenly taken away. This has been especially true for me with the passing of my good friend from Louisiana, Hale Boggs. For, although Hale is no longer with us, memories of our relationship linger on.

I regret that I was not able to be here on the day that the distinguished chairman of the Armed Services Committee reserved time to pay tribute to the late majority leader, but I do hope that what I say today can be added to the remarks of so many of my colleagues who have paid their respects both to the man and to what he stood for in this Chamber.

Very early during my days in the Congress, I grew to know Hale Boggs. I saw him both in the Committee on Ways and Means and in his majority whip office. I saw him as a determined man, but as a man who carefully considered any problem confronting him before acting. But, also, I saw a man who, once he had acted—acted with conviction and with authority. He was an able and knowledgeable debator who was never reluctant to speak his mind. I can remember in the 1960's, sitting with him in his office as he struggled with the problems in our "Great Society" programs. The passage of these bills has often been attributed to the courageous stand that Hale took behind so many of them. I know that his efforts to temper these programs to make them acceptable to the great mass of middle Americans, while at the same time carefully protecting the principles embodied in them, will stand as one of the most difficult legislative achievements in many years. The pens that he received from both President Kennedy and President Johnson for his work on these matters were among his most cherished mementos.

His election as majority leader stood as a truly significant step in his tragically abbreviated career. The ability to work well with all the diverse groups that make up the democratic majority in the Congress is an ability that few men possess. Hale Boggs was one of these men. We can now only speculate as to what his full legacy might have been had he had the opportunity to work with us for only a while longer.

In this body where the divisive issues of the day often promote more disagreement than harmony and comraderie, it is impossible for us all to agree on every issue, and Hale and I were not immune from this. The differences that we had however, we never allowed to penetrate to the core of our relationship. We had the unique ability to disagree strongly yet remain strong friends.

To his dear wife LINDY, I would like to say that I will indeed miss him. I will miss the good times and the tough times. They are experiences that are a part of me and I shall cherish them forever.

INTERN PROGRAM FOR SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 5 minutes.

Mr. BIESTER. Mr. Speaker, as some of my colleagues may recall, in April of last year I experimented with an intern program designed specifically for senior citizens. The summer intern program for college students had become a valuable experience in my office, as it has with so many Members, and I felt a program with similar goals—but for the elderly—could be equally productive.

Last year a senior citizen couple from the Eighth District of Pennsylvania worked for 2 weeks in my Washington office. They studied pending legislation of concern to older Americans, discussed these matters with experts in the field, and made legislative recommendations to me based on what they had learned. After returning to the District, they reported on their experiences to senior citizen groups in the community and became a communications link between the elderly in the District and my congressional office.

The program proved a solid success. My personal awareness of the special problems confronting the elderly was sharpened through the exchanges and close working relationship developed with the senior interns, and the interns took back with them a greater understanding of the complexities of the legislative process and how the Federal Government is dealing with the situation of the elderly in our society.

I believe it is tremendously important for the elderly to understand how and why Congress and the Federal Government function as they do. My colleagues are all too aware that few groups in our country feel as alienated and forgotten as do the elderly. It is imperative that senior citizens feel they are a part of the system with inputs into that system. Through a better understanding of the process itself, they can learn how to maximize their impact in politics and government.

Based on what this test project had revealed to me last year and the potential it appeared to hold if it were enlarged and formalized, I introduced a resolution in the 92d Congress funding a senior citizen intern program and making it available to all Members of the House of Representatives. The resolution reflected broad bipartisan and geographic support among the entire House membership. It was reintroduced in the current session with over 40 cosponsors.

I had decided to repeat the program in my office this year regardless of the status of the resolution at the time. It was my hope that several of my colleagues would be willing to join with me in working together on a senior intern program. In this way, through a group effort albeit on a small scale, it could be possible to demonstrate the effectiveness and desirability of such an organized program. I was encouraged that my colleagues from Indiana (Mr. HILLIS and Mr. ZION) and the senior Senator from Delaware, Mr. ROTH, had expressed an interest in working out a joint intern program. May is traditionally designated senior citizen month, and it was agreed that May was the appropriate month during which to have the internship.

Following the procedure I instituted last year, my senior interns were selected at the recommendation of senior citizen groups in my congressional district. This year Russell and Pearl Struble of Cornwells Heights were chosen to represent the elderly residents of the district. Both Strubles are retired from the education profession. Russ had been a mathematics and science teacher before serving 15 years as a high school principal. Pearl formerly taught physical education and social studies. The Strubles are active members of a wide variety of community organizations in Bucks County in addition to their involvement in senior citizen affairs.

In accordance with the terms of the resolution I had introduced, the Strubles each received $100 per week for their internship. It was estimated that a stipend in this amount would almost cover the food, lodging, and transportation expenses involved in their stay. Accommodations were arranged for them at a comfortable, moderately priced hotel near the White House, convenient to reasonably priced restaurants and bus transportation to Capitol Hill. Their hotel room was equipped with a kitchenette which enabled them to prepare some of their meals.

The internship period for Mr. and Mrs. Struble ran for 2 workweeks from May 14 to 25 while those of Senator ROTH and Congressmen HILLIS and ZION were scheduled for the week of May 21. For this reason, since all the interns would be here for the second week, meetings and briefings which would benefit all the interns were arranged for the week of the 21st.

The Strubles stepped right into the office schedule and became regular members of the staff. When they first arrived, we spent a good portion of the morning discussing what we all hoped to derive from the internship experience. Russ and Pearl displayed a keen grasp of legislative matters, and I was confident that the senior citizens in the District had once again made an excellent choice in their selection of interns.

During the first week in my office, the Strubles analyzed some of the legislation directed toward meeting the needs of senior citizens. This included employment programs, housing, tax proposals, and transportation. From their study they accumulated questions to ask the experts in the field with whom they would be meeting the following week.

Russ was particularly concerned about the provisions of the Older Americans Act amendments which had just been signed into law by President Nixon, and he was especially interested in its applicability to the efforts of his local senior citizen group to construct a center for its activities. Russ also attended two sessions of the Subcommittee on Consumer Economics of the Joint Economic Committee which was holding hearings on medical costs and health care delivery.

In addition to studying legislation and some recent reports of the Senate Select Committee on Aging, Pearl familiarized herself with office procedure and filled in as receptionist by answering the telephone, greeting visitors, and opening the mail. She attended Senate Finance Committee hearings on revisions in social services regulations and arranged a special visit to Virginia Knauer's Office of Consumer Affairs.

The second week was filled with meetings and briefings with the interns from the other three offices. All the senior interns—a total of nine—stayed at the same hotel, and this helped contribute to a group spirit which was evident throughout the week. At this point I would like to insert a brief listing of the group's activities during the week:

Meetings with representatives of: Senate Special Committee on Aging, National Council of Senior Citizens, Administration on Aging of HEW, American Association of Retired Persons/National Retired Teachers Association, and Older Americans Volunteer programs of ACTION.

Tour of the White House and meeting

with Max Friedersdorf, Special Assistant to the President.

Tour of the Eisenhower Republican Center and meeting with George Bush, Chairman, and Bernard Van Rennselaer, Director of Senior Citizens Division, of the Republican National Committee.

Tour of the State Department and tours and meetings with officials of the Singapore and Australian Embassies.

Attendance at hearings of the Senate Finance Committee on proposed reform of private pension plans.

Their activities and contacts were extensive and varied, and their busy schedules were supplemented with additional projects planned by each office for its own interns. Overall, they learned about the congressional role in developing legislation, the implementation of legislation and interest group involvement in this process. The impact of "senior power" and citizen action on the governmental system was stressed. To draw some comparisons regarding the role of senior citizens in foreign nations, the interns were treated to a description of governmental and citizen attitudes toward the elderly in Singapore—with its heavy influence of Chinese culture—and Australia—with its mix of British and American culture—by officials of the Embassies of those two countries.

Each of the interns had specific points to raise and particular concerns to express during their many discussions with the experts. One of the most frequently and strongly voiced was that senior citizens want to be involved; they desperately want to remain active in their retirement years and have useful outlets for their interests and skills. While they have definite feelings that the government must adequately provide for the elderly who are unable to do so for themselves, the interns indicated their strong endorsement of a governmental attitude which both recognizes and seeks the contributions and productive capabilities of older Americans.

I am convinced, based on the program last year and again this year, that the senior citizen intern program is worthy of continuance on even a larger scale. It is my hope that this legislation will be considered by the House Administration's Subcommittee on Accounts during this session in order that the program can be made available to the entire House just as the college intern program. In the event it is not, I hope more of my colleagues will cooperate in another joint venture of the type we had this year. The participation of more colleagues will contribute to a richer and more varied experience for everyone involved. Senior citizens from vastly different backgrounds with divergent interests and views will help assure a program truly representative of senior citizens in all parts of the country and from all social strata. In this way, our senior interns will be able to share ideas and experiences in a manner which might not be possible through any other available mechanism.

The senior intern program is a learning adventure, not only for the interns but for the Congressmen as well. Mr. HILLIS and Mr. ZION can attest to the fact that these interns were sharp and alert. They had questions, and they wanted answers. If the answers were not satisfactory, they let you know that, too.

The intern group prompted a great deal of interest in the project both here and back in their home areas. At each of the briefings and meetings the interns attended, the speakers were impressed with the intern idea and the potential it offers for increased congressional responsiveness to the elderly. What is more, I am sure each of the speakers learned some new things about senior citizens from the interaction with our group. The media, as well, appreciated the human interest aspects of the program, and reporters from television, radio and newspapers gave the interns extensive coverage.

In closing, I do want to commend this program to the consideration of my colleagues. With the enthusiasm and commitment of Messrs. HILLIS, ROTH, and ZION, I believe we have shown that the senior citizen intern idea is more than just an idea. It is a workable program.

Mr. Speaker, I yield to my distinguished colleague from Indiana (Mr. HILLIS).

INTERN PROGRAM FOR SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HILLIS) is recognized for 5 minutes.

Mr. HILLIS. Mr. Speaker, I thank my colleague from Pennsylvania (Mr. BIESTER).

Mr. Speaker, I have recently introduced legislation which would institute a senior citizen intern program in the House of Representatives. Such action was brought about by a project designed for senior citizens in which I participated during May.

Each summer we have young college interns who come to Washington to engage in a work-study program. The same idea, applied to individuals over 65, proved to be an excellent means of communicating with the elderly in my congressional district.

With the help of a district committee, Mr. and Mrs. Paul Perdiue of Anderson, Ind., were chosen to spend 1 week in my Washington Office.

All too often we forget that older Americans are still alive. They have much to contribute to society. We must remember that while it is their hope to live comfortably in their last years, it is also their desire to remain active and, when able, render some service to their community. This was evidenced many times during my conversations with the Perdiues. And, after a week of close contact with the interns, I have concluded that I learned as much from the project as did the interns.

The Perdiues were enthusiastic and eager to see just how a Congressional office functioned as well as learn how the Federal Government operated and what was being done for the elderly. Now they are back in Indiana and attending many group meetings of senior citizen councils and reporting to me the thoughts of their fellow seniors. At this point I submit their report which follows:

SENIOR CITIZEN INTERN REPORT

On May 1, I was notified by Congressman Hillis that I had been chosen to serve as a Senior Citizen Intern in his Congressional Office in Washington for the week beginning May 20. My wife was also invited to accompany me. Earlier I had applied by letter giving the reasons I wanted to serve which I thought would be of interest to the Congressman and those who were to choose his interns. Needless to say, I was surprised and excited. I had never met Mr. Hillis prior to this.

We arrived in Washington late on Sunday afternoon, May 20. There was some bad weather between Anderson and Washington. However, the Congressman landed in Columbus, Ohio, for a short time and we waited for the sky to clear. From then on the weather was smooth and we landed in Washington to a lovely scattering of lights upon the monuments.

On Monday morning, we met with other Senior Citizen Interns in the lobby of our hotel and proceeded by bus to Capitol Hill for breakfast. At 9:00 a.m., we reported to 1721 Longworth House Office Building and our week of busy activities began. Awaiting us were photographers and newspaper reporters representing the news media back home. We felt like movie stars.

We were overwhelmed after looking at our schedule for the week but were relieved to learn that interns from three other offices would be accompanying us during the week. There were nine of us altogether—three other people from Indiana, two from Pennsylvania and two from Delaware.

Aside from the specially oriented briefings for the interns, we engaged in a work-study program in the Hillis office, along the lines of that for young college interns who serve each summer.

We sat in on a Senate Finance Committee hearing concerning private pension in which Treasury Secretary George Schultz testified on the Administration proposals on vesting and portability of pensions.

Briefings included sessions with representatives of the Senate Special Committee on Aging, National Council of Senior Citizens, American Association of Retired Persons and National Retired Teachers Association.

We were also privileged to talk with Victor Hruska, Director of the Older American Volunteer Programs at ACTION. He discussed Foster Grandparents and the RSVP programs which are community service programs involving senior citizens. We were encouraged to learn of senior citizens who were older than us participating in programs to help infants and the young.

Max Friedersdorf, Special Assistant to President Nixon and also a former Hoosier, was host for a coffee-conference at the White House. We discussed our needs as senior citizens and legislation which we thought would be needed. Mr. Friedersdorf presented us with pens used by President Nixon in signing legislation as a gift from the President who was unable to attend. All interns later toured the White House.

At the Administration on Aging headquarters in the Department of Health, Education and Welfare complex there was a two-hour session on what the federal government is doing in the area of senior citizen concerns. Officials representing various phases asked the interns about primary concerns and needs of older Americans.

Bernard Van Rensselaer, 87-year-old director of the Republican National Committee Senior Citizens Division, hosted a coffee-conference in the headquarters of the Republican National Committee. George Bush, Republican National Chairman, spoke during the discussion on senior citizen action in politcs.

At the end of our week we met for a long session with Congressman Hillis and his Legislative Assistant, Judy Watson, and Miss

Donna Norton to discuss what legislislation we felt was necessary. The Congressman has already sponsored a number of bills to benefit the senior citizen and intends to push others through Congress. We were impressed by his interest in us and the problems we as older Americans face.

We were honored at the Singapore Embassy and Australian Embassy one afternoon where we spoke with their representatives in Washington. After seeing a film at each embassy, we were given an opportunity to ask questions about the care of senior citizens in their country.

Congressman Hillis and Congressman Zion of Evansville who represents Indiana's 8th District, were co-hosts for a wind-up luncheon in the Joe Martin Dining Room of the Capitol to honor their Indiana interns. Invited guests were other Indiana Congressmen and Leaders of the House.

On Friday morning, May 25, we were up early along with a heavy rain for the flight back to Indiana on the Congressman's plane. Our week in Washington will be one to be remembered for a long time. We made many new friends whom we shall not forget.

We learned that much is being done for the senior citizen to make his life more comfortable. There are many bills pending in Congress. However, we realize that any real accomplishments will take time. We are encouraged that things are not at a stand-still. Action is on its way.

Numerous Congressmen, enthusiastic after seeing the initial Senior Citizen Intern Program in operation, plan to sponsor older interns next year during Senior Citizens Month. It is expected that the intern group will reach 100 in 1974.

We thank Congressman Hillis for his interest in senior citizens which prompted him to sponsor such a program. We are grateful to have had the opportunity to participate. We learned much which we hope to share with other senior citizen groups throughout the 5th Congressional District in the coming months.

Our thanks also go to the staff of Congressman Hillis for the kindness extended to us, and to Miss Norton, his assistant and coordinator of the program, who spent much of the week with us.

Paul Perdiue.

Anderson, Ind.

BENEFITS OF PHYSICAL EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, all too often sports are looked upon as either an extracurricular activity or a vicarious form of entertainment. Yet history and our current experience illustrates repeatedly the benefits of physical education and competitive sports.

I think it is vitally important that the amateur athlete in this country be given the greatest opportunities possible to develop and exhibit his or her talents. This means an end to all artificial and meaningless restraints on his freedom to participate.

For this reason, I am today introducing a bill which would establish a Federal Amateur Sports Commission. This Commission would promulgate rules and regulations which would improve the coordination of the various amateur athletic organizations and aid in the development of amateur athletic programs in the United States. This would enhance the competitive ability of American athletes in international competition.

This Commission would also have under its jurisdiction, a Division on the Olympic Games which would be authorized to review the participation of the United States in the Olympic games. This Division would be required to recommend the form of organization by means of which the United States should participate in the Olympic movement and present specific proposals for any legislation required to implement its recommendations.

Congress and the public at large need to become more informed about the purpose and objectives of the U.S. participation in the Olympics and about the methods by which that participation is accomplished.

This bill is concerned with improving the quality and personal values associated with international competition which is the highest level to which any of our athletes can aspire at the amateur level.

It must be recognized from the outset that the major problem confronting sports in the United States is not domestic in origin. Various organizations have in the past, and are presently, and will in the future, be able to conduct their own national programs for the benefit of the participant and to the advancement of the sport because of a free and unrestricted opportunity to do so. To a considerable degree, these programs conducted under high competitive standards, enable the United States to traditionally be well represented, and this includes at the Olympic level.

The present problem in the U.S. amateur athletics has an international origin. It emanates from membership in international sports governing bodies. From this membership comes authority and control which affects all of our country's participation. Some international sports governing bodies refused to take into consideration the development and growth of athletics in the country and the resulting change in the organizations which now sponsor the programs which make the most significant contributions to sports in the United States.

The governing body of a sport automatically carries with it the majority vote of its representatives on the all-important games committee of the U.S. Olympic Committee. What a farce it was when in the past Olympiad an organization such as the AAU, which contributes little to international amateur basketball, automatically had the majority of votes—23 of 45—while the NCAA had 8, junior colleges had 1, and the 21,000 high schools had 2. An organization that is practically dead in a sport determined who were to be the coaches, managers, and players for an Olympic team.

Is it not reasonable to expect that an organization which contributes the overwhelming majority in terms of players, coaches, facilities, finances, and leadership in a sport should be the country's international representative in that sport?

It seems apparent that the U.S. Olympic Committee has demonstrated that it will not voluntarily provide the reforms that are absolutely needed and, therefore, has not been efficient in striving for maximum production of our great potential in international competition.

Mr. Speaker, the field of sport has been a tradition in America since our beginning. It has been important in achieving international friendship with so many nations throughout the world. If we do not act in such a way as to give lasting meaning to our individual commitments, Congress will have lost a golden opportunity to accomplish something good for the people of this country, and especially for the many talented athletes who represent American excellence in sports.

TRUST FUND FLEXIBILITY: MORE IMPERATIVE THAN EVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Anderson) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, last spring 190 Members of the House voted to permit cities and States to use some of their urban road funds for mass transit. I still believe that this flexibility is essential for the development of balanced transportation systems in our cities. Events over the last 2 months have convinced me, however, that it is more important than ever that the option to use urban road funds for needed public transportation programs be incorporated in this year's highway act. In particular, the fuel shortages and the traffic control strategies required under the Clean Air Act make it abundently clear that we must begin now to shift our urban transportation spending priorities away from yet more highways and automobiles toward improved public transportation facilities and services.

At the same time many States are running out of highway dollars. This situation has been seriously aggravated by the fact that the House-Senate Conference on the Highway Act has been deadlocked for nearly 8 weeks over the issue of permitting the use of highway trust funds for public transportation. While recognizing the importance of producing a comprehensive highway bill as soon as possible, the Senate has consistently taken the position that the Federal-aid highway program ought not to suffer pending final passage of a comprehensive Highway Act. As early as last March the Senate-passed Senate Concurrent Resolution 6 which would have released $1 billion in fiscal year 1974 interstate funds in order to minimize any damage to the program caused by failure to pass a bill in 1972. The House Public Works Committee, however, refused even to consider, much less favorably report Senate Concurrent Resolution 6.

The Senate tried again in May, by which time seven States—Vermont, West Virginia, Washington, Georgia, Hawaii, Indiana, and Maine—had already run out of interstate funds. The Senate vehicle was S. 1808 which called for the release of $1 billion in fiscal year 1974 interstate funds and $500 million in fiscal year 1975 primary, secondary, and urban extension funds. The House conferees finally agreed to accept S. 1808 on

June 27 and the House passed S. 1808 on June 28.

It would have been most prudent for the House to have passed these interim authorizations much earlier. Passing the bill earlier would have allowed the States more highway dollars and more planning time for the summer construction season. As it is, the following 28 States had virtually exhausted their interstate or other highway program dollars: Alabama, Alaska, Arizona, Arkansas, California, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

Waiting to pass this interim measure until yesterday helped neither the "highway only" advocates nor the "transit option" advocates. It only hurts the highway program.

The House-Senate conference on the highway bill has been meeting for 2 months. It is essential that a long-term comprehensive highway bill be agreed upon as quickly as possible so that the States can plan ahead. Toward this end the Senate not only passed its version of the 1973 Federal-Aid Highway Act more than a month before the House did, but the Senate conferees have also put forward compromise proposal after compromise proposal aimed at resolving differences between the House and Senate bills. All of these compromise proposals have been rejected by the House conferees. The most recent Senate proposal ought to have been particularly attractive to the House conferees.

The Senate offer essentially called for substituting urban system flexibility, as under the Senate-passed Muskie-Baker amendment, for a "tax turnback" or revenue sharing. Under the Senate offer, 20 percent of the annual Federal gasoline tax revenues, or approximately $800 million per year, would be returned to the States in proportion to their gasoline tax contributions to the highway trust fund. Their returned tax dollars could be used on any surface transportation project excluding waterway or pipeline development.

Thus, in lieu of permitting cities and States to use their shares of the $850 million per year allocated to the urban system for bus or rail capital projects as well as urban highway programs as under the Senate-passed bill, this proposal would permit cities and States to use their shares of this new $800 million per year program—out of which approximately $588 million would be earmarked for expenditure in urban areas of 5,000 or more in population—for highway construction or highway maintenance, bus and rail mass transit operating costs, or intercity rail programs.

There were elements in the Senate proposal that ought to have had great appeal to the House conferees. For one thing, it could be argued that the proposal did not call for using highway trust fund revenues for nonhighway purposes, but rather that what was being proposed was, in effect, an $800 million a year reduction in the highway trust fund coupled with a tax turnback to the States according to their contributions to the trust fund:

Thus, Montana's highway user taxes could not, under any stretch of the imagination, be said to be paying for New York City's or Chicago's subways. Further, the proposed block grant or revenue-sharing approach would relieve the States of much of the Federal redtape that contributes to the long leadtime required for Federal-aid highway projects.

The proposal, however, was rejected. Instead, the House conferees worked up a counterproposal which was essentially similar to the House-passed bill, except that it would permit the use of up to $100 million per year out of the urban system authorization for the purchase of buses. The House conferees counterproposal, incidentally, included features of the House bill, such as the 10,000-mile priority primary highway system and several highway beautification provisions, which the Senate conferees had already rejected. And so, the Senate conferees unanimously rejected the House conferees' package. Consequently, the conference appears for the time being, at least, to be hopelessly deadlocked.

Meanwhile, from one end of the country to the other, the warning flags are flying: The fuel shortage will become increasingly serious in the months ahead. The manufacture and operation of automobiles accounts for more than a fifth of all the energy consumed in the United States. Worse still, automobiles effectively use only 5 percent of the potential energy they burn; the rest is wasted. The average car has about 120 horsepower per passenger—roughly the amount required by a subsonic aircraft for take-off. Per passenger mile, a car consumes five times as much fuel as a train, and six times as much as a bus.

In light of an increasingly serious shortage this waste is unacceptable. Gasoline stations are closing on Sundays; some travelers can only fill their tanks one half at a time. The American Automobile Association states that last week of 3,417 reporting gasoline stations, 1,592 or 47 percent were operating fewer hours on weekdays, were closed on Sundays, or has otherwise curtailed normal operations.

Ironically, the fuel shortage has already had a significant impact on highway construction in some instances. As the highway-building season began, in the words of the head of the Associated General Contractors of America:

> Hundreds of construction firms . . . can get no firm commitments on fuel for projects now slated to begin in 30 to 90 days, ranging from highways in Virginia to industrial plants in California.

City governments, too, are feeling the fuel crunch. Detroit, Birmingham, Ala., and Atlanta, Ga., are only a few of the cities which have had trouble finding bidders for city fuel supplies.

Last winter fuel shortages caused the closing of schools and industries in the Midwest. And at this time it appears that there will be shortages of fuel for farm machinery needed to plant and harvest the Nation's agricultural products. Can we really afford to feed our cars at the expense of closing our schools, factories, and farms?

I do not believe we can. Furthermore, I am convinced that improved urban mass transportation could provide significant relief. For example, if we could shift one-fourth of urban travel in major metropolitan areas from private automobiles to public transportation, we could expect to save nearly a million barrels of petroleum a day by 1980. It has been said that energy is the ultimate natural resource. It is also a limited resource. Unless we begin to conserve energy, by eliminating wasteful uses, and providing for more energy efficient uses of the limited resources we have, we may soon be paying a tremendously high price for our energy needs. While mass transit may not be the whole answer, it is a beginning. Interestingly enough, many major oil companies agree and have publicly endorsed highway trust fund flexibility. They include: Exxon, Mobil, Gulf, Texaco, and Atlantic Richfield.

The transportation control strategies required under the Clean Air Act further underscore the importance of providing cities with the option to use some of their highway funds for public transportation. The Environmental Protection Agency is currently planning transportation control strategies for at least 18 urban areas in the United States. The measures proposed by EPA just 2 weeks ago are indeed stringent. Plans include limitations on gasoline sales, outright bans on automobiles in certain areas, and increases in off street parking taxes. These measures are presently subject to review, after public comment, to determine whether or not such plans are implementable, and whether they are desirable.

However, regardless of the immediate impact of the transportation control strategies, the long term implications of the role of transportation in achieving ambient air quality standards is clear.

In spite of stringent emission controls being required for installation on vehicles, the automobile pollution problem will continue to be dictated by the total number of vehicle miles driven in any given urban area. It is not to complex a proposition to realize that gains in air quality attributable to a decrease in emissions per vehicle mile will be offset by any increase in the total number of vehicle miles driven. Thus a key element of any plan to achieve the ambient air quality standards of automobile use within the region.

It is equally obvious that reducing the overall use of autombiles in urban areas cannot be accomplished without providing alternative forms of transportation. Clearly we cannot accept the choice presently before us: Our air or our cars. Nor can the public be expected to voluntarily limit their use of automobiles if no alternative form of transportation is available. To do so would create little but chaos.

Thus it is imperative that our urban areas be allowed to develop their transportation systems to remedy such situations. In order to do this we must remove the financial constraints presently placed on our urban areas by the bias in Federal transportation funding; and because of the "lead time" required for effective transportation planning, the bias must be removed now. Only when alternative forms of transportation are available, be it exclusive buslanes, entirely new bus systems, or the construction and operation of rail systems in high density areas, can we begin to achieve the kind of ambient air quality that will not subject our populace to breathing air that is hazardous to their health.

THE ELDERLY AND HANDICAPPED AMERICANS TRANSPORTATION SERVICES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rosenthal) is recognized for 20 minutes.

Mr. ROSENTHAL. Mr. Speaker, I am today introducing, along with 39 of my colleagues, legislation to make travel around town or across country easier and cheaper for elderly and handicapped Americans.

The bill, "the Elderly and Handicapped Americans Transportation Services Act," would:

Make it possible for persons 65 and older to travel at free or reduced fares on airlines, railroads and buslines.

Permit similar discounts for the blind, the mentally and physically handicapped, and persons traveling in their attendance on airlines. Rail and bus lines already are covered under present law.

Provide for special services and facilities to eliminate travel barriers encountered by handicapped and elderly persons on mass transit facilities.

Beneficiaries of this bill are the Nation's more than 21 million handicapped Americans—including many Vietnam veterans—20 million elderly Americans who wish to remain active and keep in touch with society, the friends and relatives who these persons will be able to visit, and the transportation industry.

Getting out of their homes and traveling, whether for pleasure or for a job previously unavailable, is certain to give elderly and handicapped Americans a new sense of belonging and a feeling of independence.

This bill not only makes travel easier for those who would have trouble doing so, but it would also help to fill commercial transports that usually run well below capacity. Over 100 urban transport systems around the country have reduced fare programs, and most are finding that their business has been spurred. For example, since the New York City subway started its reduced-fare program, there has been a reported 30 percent increase in travelers.

The transportation industry would soon find that this virtually untapped segment of the American population would bring considerably more business to commercial transportation. The fare provisions of the bill are discretionary, allowing each carrier to decide for itself how much, if any, discount to offer.

The potential mobility of those who would benefit is severely limited by lack of income: 25 percent of the Nation's elderly are below the poverty level. Yet reducing fares is not enough. If the handicapped and the elderly are to take advantage of the reduced fares, special facilities will have to be made for them. Through this bill, special grants and loans will be allocated to State and local agencies to assist them in providing mass transportation services that are planned, designed, and carried out to meet the special needs of these people. These include ramps at subway stations, sheltered waiting areas with special areas for wheelchairs, and stanchions running from floor to ceiling in subway cars instead of overhead grips. The Secretary of Transportation would prescribe design standards to insure that the elderly and handicapped would have ready access to these services.

In addition, the bill provides for special consideration of applications for Federal transportation grants and loans to those agencies taking measures to aid the elderly and handicapped. It also authorizes $40 million over the next 2 years for special transportation planning, research and demonstration grants.

The public fails to realize that the greatest single obstacle of the handicapped is the physical design of buildings and facilities they must use. Alternatives will have to be found to such barriers as: bus and train steps, of which 30 percent of the handicapped cannot now use; escalators; long staircases, and a multitude of obstacles which do not even warrant a second thought by the able-bodied majority.

I believe that many measures can be taken to relieve the strain of urban and cross-country travel: special ticket lines; turnstiles that have been redesigned to accommodate not only the elderly and handicapped but also shoppers with packages, children or anything that restricts their movements; travel lanes set aside for those people unable to move quickly; wider doors on all vehicles, and shuttles or minibuses where a long walk is required, as in airline terminals.

Since handicapped people tend to suffer more from the confusion and panic experienced when they become disoriented, visual indicators, illuminated sign boards, audio signals, and floor texture pathways would greatly benefit these people and help to keep the masses of travelers flowing smoothly. These special adaptations for the handicapped need not be separate from the normal traffic patterns. It may prove to be even more convenient, and preferable to the general public.

More than anything else, this bill will aid our aged and disabled in achieving a dignified and meaningful life.

Sponsors of the bill are:

Joseph Addabbo, Herman Badillo, Jonathan Bingham, Charles Carney, Shirley Chisholm, William Clay, Cardiss Collins.

John Conyers, Dominick V. Daniels, Robert Drinan, Don Edwards, Donald Fraser, Richard Fulton.

Henry Gonzalez, Ella Grasso, William Green, Michael Harrington, Augustus Hawkins, Ken Hechler.

Henry Helstoski, Edward Koch, Robert Mollohan, William Moorhead, John Murphy, Morgan Murphy.

Robert Nix, Claude Pepper, Carl Perkins, Bertram Podell, Charles Rangel, Ogden Reid.

Peter Rodino, Robert Roe, Paul Sarbanes, Fortney Stark, Robert Tiernan, Charles H. Wilson, Antonio Won Pat, Gus Yatron.

The text follows:

H.R. 9096

A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicaped persons and persons who are sixty-five years of age or older, to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are sixty-five years of age or older, and to provide new and improved transportation programs for the handicapped and the elderly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Elderly and Handicapped Americans Transportation Services Act".

Sec. 2. Section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)) is amended—

(1) by inserting after "persons in connection with such accident;" the following: "person who are sixty-five years of age or older, handicapped persons when the handicapped person requires an attendant, and such attendant;", and

(2) by inserting at the end thereof the following: "For the purposes of this subsection the term 'handicapped persons' means persons who have severely impaired vision or hearing, and other physically or mentally handicapped persons as defined by the Board."

Sec. 3. Section 22(1) of the Interstate Commerce Act (49 U.S.C. 22(1)) is amended by inserting after "or commutation passenger tickets" the following: ", or the transportation of persons who are sixty-five years of age or older free or at reduced rates", and is amended by striking out "to the extent of requiring such attendant, at the usual and ordinary fare charged to one person" and inserting in lieu thereof the following: "to the extent of requiring such attendant, or from carrying such attendant free or at reduced rates".

Sec. 4. (a) Section 3 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602) is amended by adding at the end thereof the following:

"(f) In providing financial assistance under this Act the Secretary shall give preference to applications made by State and local public bodies and agencies thereof which agree to adopt and maintain (or require the adoption and maintenance of) specially reduced rates, not exceeding 50 per centum of regular rates, for persons who are handicapped (including the deaf and blind) or who are sixty-five of age or over, on all days of operation (by the applicant or any person covered by the application) of the facilities and equipment to be financed under the application."

(b) Section 16(b) of such Act of 1964 (49 U.S.C. 1612(b)) is amended to read as follows:

"(b) In addition to any grant or loan otherwise authorized by this Act, the Secretary may make grants and loans to States and local public bodies and agencies thereof for the specific purpose of assisting them to provide mass transportation services that are planned, designed, and carried out to meet the special needs of handicapped persons (including the deaf and blind) and persons sixty-five years of age and over.

Grants and loans made under the preceding sentence shall be subject to all of the terms, conditions, requirements, and other provisions applicable to grants and loans under section 3(a) of this Act, and shall be considered for the purpose of all other laws to have been made under such section. Of the total amount of obligations which the Secretary may incur on behalf of the United States under the first sentence of section 4(c), 2 per centum may be set aside and used to finance the programs and activities authorized by this subsection, including administrative costs."

Sec. 5. The Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151–4156), is amended—

(1) by striking out "or" at the end of paragraph (3) in the first section;

(2) by striking out the period at the end of paragraph (4) in the first section and inserting in lieu thereof "; or";

(3) by adding at the end of the first section the following:

"(5) to be constructed with financial assistance under the Urban Mass Transportation Act of 1964.";

(4) by redesignating sections 5 and 6 as sections 6 and 7; respectively;

(5) by inserting after section 4 the following:

"Sec. 5. The Secretary of Transportation, after consultation with the Secretary of Health, Education, and Welfare, may prescribe standards for the design of buildings, structures, and facilities which are provided with financial assistance under the Urban Mass Transportation Act of 1964 and are subject to this Act, to insure that persons sixty-five years of age and over, and physically and mentally handicapped persons (including the deaf and the blind) will have ready access to, and use of, those buildings, structures, and facilities."; and

(6) by inserting "and the Secretary of Transportation with respect to standards issued under section 5," immediately before the words "is authorized—" in section 7, as redesignated by this Act.

Sec. 6. Title IV of the Older Americans Act of 1965 (42 U.S.C. 3031 and 3032) is amended by adding at the end thereof the following:

"SPECIAL TRANSPORTATION PLANNING, RESEARCH, AND DEMONSTRATION PROJECTS

"Sec. 403. (a) The Secretary, after consulting with the Secretary of Transportation and the Secretary of Housing and Urban Development, may make grants to any public or nonprofit agency, organization, or institution, and may contract with any agency, organization, or institution, or any individual, to—

"(1) study the economic and service aspects of transportation for persons sixty-five years of age and over living in urban or rural areas;

"(2) conduct planning, research, and demonstration projects regarding the feasibility of special transportation subsystems for persons sixty-five years of age and over and for persons with mobility restrictions;

"(3) conduct planning, research, and demonstration projects on portal-to-portal service and demand actuated services for persons listed in paragraph (2);

"(4) conduct planning, research, and demonstration projects concerning the impact of transportation pricing structures on the comfort and morale of persons sixty-five years of age and over;

"(5) study transportation and social service delivery interfaces;

"(6) conduct planning, research, and demonstration projects to coordinate and develop better transportation services performed by health and social service agencies for persons sixty-five years of age and over;

"(7) conduct planning, research, and demonstration projects regarding off-hour use of schoolbuses for transportation services for persons sixty-five years of age and over;

"(8) conduct planning, research, and demonstration projects concerning other relevant problems affecting the mobility of persons sixty-five years of age and over;

"(9) conduct planning, research, and demonstration projects concerning the uses of transportation personnel to assist persons sixty-five years of age and over who use public transportation; and

"(10) conduct research on transportation vehicles which will best serve the needs of the handicapped, including persons with severely impaired vision or hearing, and those persons sixty-five years of age and over.

"(b) There are authorized to be appropriated to carry out this section $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975."

ONE-HUNDREDTH ANNIVERSARY OF THE BIRTH OF GUGLIELMO MARCONI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, 1974 is the centennial anniversary of the birth of Guglielmo Marconi, the scientific genius who invented and developed the wireless telegraph. Born in Bologna, Italy, on April 25, 1874, Marconi received most of his education from tutors at home and never studied at a university. He did, however, study physics privately and was acquainted with Prof. Augusto Righi of the University of Bologna, a pioneer in the study of electromagnetic waves.

While on vacation in the Italian Alps during the summer of 1894, Marconi picked up an electrical journal containing an article describing the electromagnetic wave experiments of Heinrich Hertz. From this he conceived the idea of using Hertzian waves for communications, and he returned to his home in Pontecchio eager to test the idea. Within several months he completed his apparatus and transmitted signals through the air from one end of the house to the other, then from the house to the garden. These experiments were in effect the dawn of practical wireless telegraphy.

Since communications at sea presented the greatest promise for development and use of the invention, Marconi decided to go to England in 1896, where there was greater shipping activity. British Army and Navy officials were invited to observe his historic experiments on Salisbury Plain. Modestly, Marconi declared that his discovery was not the result of long hours of labor and thought, but of experiments with devices invented by other men, to which he applied certain improvements. First, he increased the effectiveness of wireless by connecting both transmitter and receiver with the earth, that is, grounding them; second, he used the vertical wire, or antenna, insulated from the earth, which was the more important of the two innovations.

In 1897, Marconi rigged up a new station at The Needles on the Isle of Wight, and in 1898 the first paid Marconigrams were sent by Baron Kelvin to his friend George Stokes and to Sir William Preece, engineer in chief of the British Post Office, who was deeply interested in signaling without wires. Wireless messages could now be sent about 18 miles. Encouraged, Marconi built a new station at Bournemouth. Shipping interests began to show an interest in this new form of communication, and Queen Victoria invited Marconi to establish communication between Osborne House on the Isle of Wight and the royal yacht *Osborne*. In March 1899 he flashed the first signal across the English Channel from France to the cliffs of Dover. He was then invited to the United States by the New York Herald, which arranged for installation of his apparatus on the steamship *Ponce*, from which bulletins were flashed on the progress of the international yacht races off the New Jersey coast.

The dawn of the 20th century found Marconi possessed with the idea of sending messages across the Atlantic. At Poldhu, on the southwest tip of England, he built a transmitter 100 times more powerful than any previous station, and in November 1901 he went to America to install a receiving station at St. John's, Newfoundland. December 21, 1901, became a historic date in the annals of wireless when the 27-year-old Marconi received signals across the ocean from Poldhu. News of his achievement sped around the world, and he was acclaimed by outstanding scientists, including Thomas Edison, Michael Pupin, Charles Steinmetz, and Sir Oliver Lodge.

Marconi then turned his attention to the application of wireless to ships at sea, conducting historic tests from the steamer *Philadelphia*. Glace Bay, Nova Scotia, was selected as a site for a transmitter to demonstrate further the capabilities of the invention by transatlantic contacts with Poldhu. The scene then shifted to Cape Cod, Mass., and from a station built at South Wellfleet communication was established with England. An exchange of messages between President Theodore Roosevelt and King Edward VII, on January 19, 1903, heralded Marconi's "wonderful triumph of scientific research and ingenuity."

Marconi next selected Clifden, Ireland, as the location for a 300-kilowatt station, and there he incorporated many new ideals and improvements which resulted from the earlier tests. So strong were the signals that Glace Bay and Clifden seemed only a short distance apart as thousands of words crossed the sea. Press and commercial service were established in 1907.

Wireless met its first big test in time of disaster at sea on January 23, 1909, when the SS *Republic* was rammed by the SS *Florida*, 26 miles south of Nantucket Lightship. Rescue ships came from all directions, and only six lives were lost, although the *Republic* sank while the crippled *Florida* was towed to port. Three years later—on April 12, 1912—the SS *Titanic* bound for New York City on her maiden voyage, crashed into an iceberg in midocean, and its wireless frantically called for help as the SOS flashed from the masthead. From that day no one argued that wireless was just a dream or a toy, and honors were heaped upon Marconi as a benefactor of mankind. Previously, in 1909, his achievement had been recognized by the award of the Nobel Prize in physics.

During World War I, Marconi was in Italy aiding the Italian Navy in communications. Wireless emerged from the war with new records of accomplishment, and Marconi, entranced by the possibilities of shortwaves, directed his experiments toward this new field. He bought a yacht, which he named *Elettra*, equipped it as a floating laboratory, and established communication between the Mediterranean and Australia and other points around the world. From shortwaves he went to microwaves and, in 1922, demonstrated their possibilities, especially directional effects and their application to radiotelephony. He predicted that a revolution in wireless was coming with the harnessing of tiny waves that would vastly improve worldwide communication. Beyond that he foresaw the possibilities of sending radiophotos and eventually pictures in motion—in other words, television.

Marconi continued his research and development activities, especially in the area of microwaves, but by 1935 his health was failing, and doctors ordered him to take a complete rest. Two years later the wireless that he developed startled the world with the news that Marconi's "race of existence" had ended with tragic suddenness in a heart attack.

Mr. Speaker, Marconi was one of the giant figures in the history of modern science. He either developed or foresaw the development of most of the revolutionary innovations in 20th century communications, developments which literally transformed the conditions of modern life. The United States, and indeed the entire world, have benefited immeasurably from this great man's work.

For this reason, I am today introducing a bill for the issuance of a commemorative stamp by the U.S. Postal Service in honor of Marconi's birth. I feel that this is an appropriate tribute to the great "Son of Italy" who contributed so much to the quality of our society, and I urge my colleagues' support.

CONGRESSMAN DRINAN HOLDS DISTRICT HEARINGS ON HEALTH PROGRAMS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, on May 5, 1973, at a public hearing I held at Newton City Hall in Newton, Mass., I heard testimony from many expert witnesses representing various disciplines of the medical profession on the impact of the administration's proposed fiscal 1974 health budget.

Specifically, the witnesses focused on the effects of the proposed budgetary cutbacks upon medical education, biomedical research, nurse training, and other Federal health-care efforts, such as the regional medical programs. These doctors, nurses, medical educators, and health administrators, emphasized the need for continuing medical school capitation grants, biomedical research, and research training programs.

The testimony in these hearings, which I have shared with my colleagues in Congress, confirmed my belief that in seeking to terminate certain health programs and substantially reduce funding, the administration has made a decision which will be harmful not only to us, but also to our children, who will not have the benefits, which we now take for granted, that result from ongoing programs of medical research and education. Without this life-saving research, future generations will have only as much medical knowledge as we possess today. To pursue such a policy is, in fact, uneconomical. We have spent millions of dollars in research projects which would have to be halted, if the administration's proposals are accepted. Considerable previous research would go to waste.

At these hearings, no single issue received as much attention as did the biomedical research programs administered by the National Institutes of Health and the National Institute of Mental Health. Despite overwhelming evidence of the success and value of the NIH and NIMH research training programs, the administration has chosen to seek their termination. The administration has also sought to end the peer review mechanism of awarding NIH research grants in favor of a contractual method. I must question whether these approaches are the mark of responsible leadership.

The administration position on public health programs also represents an abdication of responsibility. Throughout the latter part of the 92d Congress, the administration requested the House interstate and Foreign Commerce Committee to delay extending authorizations for health programs until the administration completed its review of the programs and formulated a position. The position that finally resulted cannot be characterized as constructive. Five public health programs, including the Hill-Burton program, the regional medical program, and the community mental health centers program, were to be eliminated. Five other programs were to be left essentially unchanged and reauthorized, and two others were to be consolidated. No proposals were made to improve any of the programs on the administration's termination list, regardless of need or the value of the program's concept.

The administration proposed no substantive improvements in the public health programs or in the NIH biomedical research training programs; it only designated those programs that it would either "keep or throw." Fortunately, Congress has stepped in to fill the void of responsible leadership. The House Interstate and Foreign Commerce Committee, and particularly the Subcommittee on Public Health, chaired by my colleague PAUL ROGERS, has done a most commendable job in reporting to the whole House legislation to continue all 12 public health programs and to reauthorize and improve NIH and NIMH biomedical research training programs.

Happily, on May 31, 1973, the House passed both of these bills by overwhelming margins, and on June 18, 1973, the President signed one of these bills, H.R. 7806, the Health Programs Extension Act of 1973, into law. The other bill, H.R. 7724, the National Biomedical Research Fellowship, Traineeship, and Training Act of 1973, is presently being considered by the Health Subcommittee of the Senate Labor and Public Welfare Committee, where hearings are now in progress.

As passed by the House, H.R. 7724 authorizes $415.6 million for NIH and NIMH biomedical research training programs over the next 2 years. H.R. 7274 also establishes a procedure whereby those who receive Government support for their research training and who subsequently go into private practice or pursue a career in industry shall repay the Government for the costs of their advanced education. This repayment clause, which does not apply if the individual goes into public health, medical education, or public medical research, arose in part in response to administration criticisms of the NIH research training programs. I believe the repayment scheme is sufficiently flexible as to not interfere with the vast majority of those individuals who receive NIH financial assistance.

Just a few days ago, on June 26, the House passed legislation, H.R. 8877, making appropriations for the Departments of Labor and Health, Education, and Welfare for the 1974 fiscal year. This bill includes funding of $4.76 billion for health programs administered by the Health Services and Mental Health Administration and by the National Institutes of Health. This total budget for health is $33 million above the President's request.

The sum of $171 million is included in the bill for NIH and NIMH biomedical research training grants. The President had requested no funds for this purpose. Fifteen million is included for construction of community mental health centers. Again, the President's budget contained no funds for this program. Eighty-two million is contained for the regional medical program; the President had requested phaseout money only. The sum of $197.2 million is included for the Hill-Burton medical facilities construction programs. No money was requested for these programs.

The National Cancer Institute received $522.4 million in the House-passed budget, an increase of $22.4 million over the President's request, and the National Heart and Lung Institute received $281.4 million, an increase of $16.4 million.

Significantly, the bill contains $706.8 million for health manpower programs, $324.6 million more than was contained in the President's request. Included in the increase is $68.6 million for capitation grants for school of nursing, veterinary medicine, optometry, podiatry, and pharmacy; $100 million for construction grants for schools of medicine, dentistry, and other health professions; $20 million for construction of schools of nursing; and $60.9 million for public health and allied health support programs.

All in all, this appropriations bill signifies a firm resolve on the part of Congress to continue those health programs which had been endangered. In particular, Congress has acted to continue at workable funding levels programs in nursing education, biomedical research training, and other capitation and medical school construction programs that were to have been eliminated, to the great detriment of health in our country.

The testimony that I received during the May 5 hearings enabled me to be more effective in my efforts to continue health programs at adequate funding levels. I hope that my colleagues with whom I have shared this information found it as worthwhile as I.

I would like to include at this point a list of the witnesses who appeared at the hearings or submitted testimony to me, and a summary of their testimony:

LIST OF WITNESSES

Dr. Ephraim Friedman, Dean of the Boston University School of Medicine.

Dr. Lauro F. Cavazos, Associate Dean, Tufts University School of Medicine.

Dr. Lamar Soutter, Dean of the University of Massachusetts Medical School.

Dr. Irene S. Palmer, Dean of the Boston University School of Nursing.

Dr. Norman Levinsky, Chairman, Department of Medicine, Boston University School of Medicine.

Mr. Richard E. Sobota, Executive Director, Health Planning Council for Greater Boston, Inc.

Mr. William S. Oshima, Assistant Professor, Boston College Graduate School of Social Work.

Dr. Mitchell T. Rabkin, General Director, Beth Israel Hospital.

Dr. Roger Jeanloz, Chief of Unit, Laboratory for Carbohydrate Research, Massachusetts General Hospital.

Dr. Kurt Isselbacher, Chief of Gastrointestinal Unit, Massachusetts General Hospital.

Dr. Frederick J. Stohlman, Director of Medicine and Research, St. Elizabeth's Hospital.

Dr. Thomas Ryan, Chief of Clinical Cardiology, University Hospital, Boston, Massachusetts.

Dr. Leo Stolbach, Chief of Medicine, Pondville Hospital.

Dr. William Fishman, Director, Cancer Research Center, Tufts University.

(Drs. Stolbach and Fishman offered joint testimony).

Dr. Jerome Gross, Professor of Medicine, Harvard Medical School.

Dr. Elliot G. Mishler, Associate Professor, Department of Psychiatry, Harvard Medical.

Dr. Theodore B. Bayles, Director of Training Grants, Robert Breck Brigham Hospital.

Dr. Peter Shur, Immunologist and Rheumatologist, Robert Breck Brigham Hospital.

Mr. William S. Brines, Administrative Vice President, Newton Wellesley Hospital.

The following three people did not appear at the hearings; but submitted written statements:

Ms. Anne Quackenbos, President, Diabetes Research, Inc.

Dr. John Nelson, Director of Child Psychiatry Training, South Shore Mental Health Center, Dean of the Harvard Medical School.

Dr. Robert H. Ebert, President, Association of American Physicians (Dr. Ebert submitted as testimony his address to the annual convention of the Association of American Physicians.).

MEDICAL EDUCATION AND RESEARCH: MEDICAL SCHOOL DEANS SPEAK

Dr. Ephraim Friedman, dean of the Boston University School of Medicine, described in detail the reductions in medical education and research, as well as the decline in services offered by medical schools, that would result from administration cutbacks in health programs.

First, he said, the enrollment of students of minority groups and from lower socioeconomic levels in medical schools would sharply decline. These students are understandably reluctant to undertake indebtedness. Further, recruiting and support of students from the ghetto areas would, of necessity, be eliminated.

The reduction in NIH training and research grants, Dr. Friedman stated, would have several tragic effects. Junior faculty would be hardest hit. They have been lured into the field of medical research by the availability of financial support which would disappear if the administration's proposals take effect. Older researchers are far less likely to embark on new or innovative programs because of the possibility of the sudden disappearance of funds.

Dr. Friedman feels that the medical schools will survive but at a price. Allow me to quote his eloquently profound words:

> But survival for what? To return to the era when a medical education was the privilege of the progeny of the wealthy? To return to the era of "diploma mills," of largely voluntary faculty led by obsequious deans too timid to innovate or insist on high standards of education for fear of offending students who paid tuition, faculty who donated their time, or wealthy contributors whose price consisted of the admission of applicants who could not make it on their own? Are we returning to the era when pharmaceutical houses could "buy" research results from impoverished medical schools?

Finally, Dr. Friedman accused the administration of "anti-intellectualism" and "political cowardice." While the administration has attacked a "relatively small, impoverished, but vital part of the health care system, it has ignored the far more important health problem facing the country—the absence of universal entitlement or national health insurance." National health insurance, according to Dr. Friedman, is long overdue. It will require a comprehensive approach to health care as well as a reordering of budget priorities.

Dr. Lauro F. Cavazos, associate dean of the Tufts University School of Medicine, testified that the Tufts University School of Medicine would be severely affected by the administration's proposed budget cuts. He cited three factors upon which the quality and cost of health are dependent: First, the education of the physician; second, research or the acquisition of new knowledge or information; and third, the provision of clinical care itself.

Dr. Cavazos pointed out that, in response to the recently emerged critical shortage of medical manpower, the Nation's medical schools increased their enrollment by about 50 percent. According to Dr. Cavazos, this increase was made possible only by massive assistance from Federal funds. These Federal funds insure that all students will have an equal financial opportunity to enter medical school—that the criterion for entrance into medical school will be the student's academic qualifications, rather than the parents' financial qualifications. Without adequate Federal scholarship assistance, Dr. Cavazos said that the opportunity to study medicine at Tufts would be denied to all but those who are the children of wealthy parents.

In the area of research, Dr. Cavazos cited numerous diseases and afflictions which have been at least partially overcome through biomedical research. Continuing, he pointed out that if Federal biomedical research funds were cut, many research projects would come to a tragic halt. Even research on cancer and heart disease would be harmed, for this research depends on basic biomedical research efforts which would be sharply curtailed.

If Federal funds are withdrawn from medical education, Dr. Cavazos continued, the results for Tufts would be a reduction in student enrollment, a loss in teaching and research faculty, and a reduction in biomedical research carried out under the auspices of the Tufts Medical School.

Finally, Dr. Cavazos described the neighborhood health centers which had their origin at Tufts. These centers have been revolutionary in providing family health care. He noted an ever increasing interest on the part of prospective students in these centers, and expressed concern that funds for neighborhood health centers be continued.

Dr. Lamar Soutter, dean of the University of Massachusetts Medical School, has a different type of problem. The Federal Government had approved a grant of $16,500,000 for construction of the University of Massachusetts Medical School Hospital. Subsequently, the administration decided to withhold grants for teaching hospitals. This means that Massachusetts taxpayers will now have to bear the burden of this $16,500,000 alone, having contributed in the past to the construction of hospitals in other States.

Dr. Soutter also expressed great concern over propsoed curtailments of scholarship funds and reductions in research funds. According to Dr. Soutter, cutbacks in research programs would "cripple the research efforts of new schools" such as the University of Massachusetts Medical School.

NURSING EDUCATION

Dr. Irene S. Palmer, R.N., Ph. D., dean and professor of the Boston University School of Nursing, appeared with three other nursing educators to discuss funding of nurse training. Participating with Dr. Palmer were: Mary A. Dineen, R.N., Ed. D., dean of Boston College School of Nursing; Juanita O. Long, R.N., Ed. D., dean of the Northeastern University School of Nursing; and Elaine C. Hubbard, R.N., Ed. D., chairman of the Department of Nursing at Simmons College.

Dr. Palmer stated that exorbitant cutbacks in Federal nursing funds would drastically curtail the ability of nursing schools to provide competent, soundly educated nurses, who are vital to health care delivery in the United States. Nurses, she said, aid tremendously in providing health care by relieving the physician of many health-related activities.

Dr. Palmer pointed out that if the administration's proposed cutbacks in funds for nursing education take effect, nursing faculties across the country will have to be reduced by about 50 percent. These faculties have taken some schools up to 30 years to develop. In addition, she said, the cuts will make it extremely difficult for the average nursing student, being female and of a lower socioeconomic status, to obtain funding for her nursing education.

She objected specifically to the suggestion made by the administration that the general need for doctorally trained researchers in the health and biomedical fields had been met and that continued Federal support for training of Ph. D.'s would lead to an oversupply. Dr. Palmer felt that it is important for nurses to have a sound body of knowledge on which to base their judgments so as to be able to work out an organized scheme for patient care rather than merely perform certain fixed tasks and skills. Further, she said that there was no basis for the administration's voiced fears of an oversupply of trained nurses. In fact, Dr. Palmer suggested a need of 250,000 additional nurses by 1975.

Dr. Palmer also noted that the modest salary expectations of nurses—usually no more than $15,000—would in many cases make it impossible for them to bear the costs of their training, despite administration assertions to the contrary.

Dr. Norman Levinsky, chairman, Department of Medicine, Boston University School of Medicine, pointed out three of the many serious problems which would result from a reduction of the Federal commitment to biomedical research.

NIH BIOMEDICAL RESEARCH TRAINING

First, Dr. Levinsky pointed to the verbal commitment of Congress and the President to investigate the major causes of disability and death—particularly by expanding research efforts on cancer and heart disease. He noted that the amount of additional funds actually provided for this research is not nearly commensurate with the great publicity given the commitment. Further, he said, additional funds provided for cancer and heart disease research are not new funds, but have been taken from the National Institute of Arthritis and Metabolic Diseases. Dollars taken away from such ongoing research projects as those conducted by the NIAMD affect the budget adversely, because research on which funds have already been spent will not be completed, and hence the previously expended funds will have been wasted. "Precipitous shifts" in funds from one research effort to another, Dr. Levinsky stated, are "notoriously cost-ineffective."

The second problem Dr. Levinsky addressed is the proposed elimination of Federal support for NIH research training grant programs. During their training, medical researchers are directly responsible for the conduct of many research projects. NIH training programs have been a primary source of investigators now conducting major programs of research. If these training programs are eliminated, the result will be a grave reduction in existing biomedical research as well as a limitation on future health-related research.

Finally, he cited the cut in funds as having serious consequences for the Boston University School of Medicine in terms of faculty salary support. The faculty already teaches twice as many students as it did 5 years ago, but if the administration cutbacks go into effect, some faculty members will have to be released.

HEALTH PLANNING

Mr. Richard E. Sobota is the executive director of the Health Planning Council for Greater Boston, Inc. In his testimony, he noted that the comprehensive health planning program had for a long time been paralleling and occasionally duplicating the regional medical program, which the administration wants to end. This has occurred, Mr. Sobota said, because of the "vague," "inconsistent," and "meandering" Federal approach to health planning.

Mr. Sobota reemphasized the notion that health and health care should be viewed as rights rather than as privileges; but he noted that currently the impression is left by the actions of the Federal Government that "Health is a Fiscal Option." If health care is to be viewed as a right, he said, Congress must take definitive legislative action to create a national health care system that guarantees "universal entitlement" to health care.

Mr. William Oshima, assistant professor, Department of Community Organization—Social Organization, Boston College School of Social Work, and project director, NIMH community mental health training project, testified with Frederick L. Ahearn, Ph. D., chairman Department of Community Organization—Social Planning, Boston College Graduate School of Social Work, and project director, section 314(c) comprehensive health planner training program.

Mr. Oshima and Dr. Ahearn testified that recent Federal cutbacks in health education have seriously jeopardized the Boston College Graduate School of Social Work's program in comprehensive health planning. The school is being cut by about 50 percent this year for student and faculty support. Next year the program will not exist. Not only does this program provide health services which restore, rehabilitate, and revitalize, but it is equally concerned about the creation of services directed at the prevention of disabilities and at the promotion of positive social and health functioning.

EQUATION AND RESEARCH: A BARGAIN

Dr. Mitchell T. Rabkin, general director of the Beth Israel Hospital in Boston and associate professor of medicine at the Beth Israel Hospital, Harvard Medical School, holds the view that when the benefits of Federal support for medical education and research are taken into account, these programs are really a bargain for their price. By funding training and research in university hospitals, he said, we insure that there will be sufficient numbers of practicing physicians, teachers, and researchers for the future. Dr. Rabkin also took exception to the administration's arguments that medical researchers could afford the costs of their advanced training, and he also disagreed with the contention that there are already sufficient numbers of medical researchers and teachers. Summing up, he said that the decision to cut grants for training and research may save money now, but result in a lack of physicians for the future. In short, it may be a decision penny wise but pound foolish."

BIOMEDICAL RESEARCH: ADMINISTRATION PROPOSALS AND RESPONSES

Dr. Roger W. Jeanloz is the chief of unit, Laboratory for Carbohydrate Research, Massachusetts General Hospital, Boston, Mass. and professor of biological chemistry at the Harvard Medical School.

Like many of his colleagues in the health profession, Dr. Jeanloz was concerned about the impact of proposed reductions in Federal support of biomedical research, and noted that these cutbacks would take the following forms: first, reduction in the total amount of research money available; second, shifting distribution of medical research funds from a grant system, which is accessible to nonprofit institutions, to a contract system which gives an advantage to industrial laboratories; and third, a substantial decrease in scholarship and training fund grants.

If these administration proposals are allowed to take effect, he said, the result will be unfortunate not only for the medical institutions, faculties, researchers, and students who will be most directly affected. Rather the real losers will be the rest of us and future generations, who will be deprived of long term benefits in health care that stem directly from biomedical research.

Continuing, Dr. Jeanloz pointed out that as the wealthiest Nation in the world, other, smaller, nations look to us for leadership in this field. We can afford to fund research which will result in benefits to all mankind. Due to our position, other countries turn to us for aid and training of their own physicians and researchers. We must not let them down.

Dr. Kurt Isselbacher of the Harvard Medical School, commented on four areas of research. Dr. Isselbacher is the Mallinkrodt professor of medicine at the Harvard Medical School, chairman of the Executive Committee on the Department of Medicine at the Harvard Medical School, and chairman of the Harvard University Cancer Committee.

Dr. Isselbacher stressed the importance of the medical research training and fellowship programs. These training programs, he asserted, are the mechanisms for encouraging the best minds of our Nation to be brought into the field of medical research and medical school teaching. While such private organizations as the American Cancer Society do provide some financial support, only the Federal Government has funds of the necessary magnitude to adequately fund training and fellowship programs.

Dr. Isselbacher responded to the argument that there are already enough medical research by noting that less than 4 percent of medical school graduates go into full-time medical academic careers and even fewer into full-time research.

In addition, in response to the argument that an individual can bear the costs of research training by taking out loans, Dr. Isselbacher pointed out that—

> Over 36% of graduate students have a major indebtedness and over 56% of medical students are in debt by the time they graduate. More than 50% of the individuals who are in training and fellowship programs are in debt and 70–75% of this group have indicated that they would not be able to continue their research training if their training had to be achieved on the basis of loans because of their already significant indebtedness . . .

Continuing, Dr. Isselbacher pointed out the importance of basic or fundamental research. Dr. Isselbacher cited several examples where important discoveries have been made by accident, sometimes during the course of nonrelated research.

Specifically, he noted recent advances in understanding the role of viruses in the causation of cancer, the eradication of poliomyelitis, the breakthrough in the antibiotic treatment of tuberculosis, the control of viral hepatitis, and the treatment of Parkinson's disease.

Next, he noted that funding of applied research cannot be carried out at the expense of basic research. Every major scientific breakthrough has been based on a solid foundation of fundamental research which extended over a long period of years.

Finally, Dr. Isselbacher chided the administration for its desire to eliminate the peer review mechanism of determining the awarding of NIH research funds. The substitute would be a system which would spread research dollars across the country on a geographically equitable basis. While this may yield the best results politically, Dr. Isselbacher said, it leaves much to be desired scientifically. The peer review system awards grants solely on the basis of scientific merit.

Dr. Frederick J. Stohlman, Jr., director of medicine and research at St. Elizabeth's Hospital in Brighton, Mass., criticized the spending priorities of the administration. He was particularly irked by the retroactive nature of cuts in NIH biomedical research funding:

> In March (1973), Directors of existing Training Programs were advised that no new commitments made after the 29th of January would be honored.

These retroactive cuts posed numerous problems for the directors who had to make immediate and drastic cuts in areas for which funding had been anticipated.

Continuing, Dr. Stohlman refuted two arguments used by the administration in defense of the cutbacks. First, the administration contends that a significant number of researchers whose training had been financed by the Government have not proven to be successful investigators and hence have not gone into the academic field. Drawing an analogy to the President's favorite pastime, everyone who goes out for the football team does not necessarily make it. Why, Dr Stohlman asks, should not this be recognized in research also?

The second argument—and the most common—made by the administration is that if the financial rewards of medical research are great enough, people will make sacrifices and incur debts to achieve the necessary training. Dr. Stohlman pointed out that individuals considering advanced training already have a college degree and a degree in medicine and hence would be understandably reluctant to undertake further debts for advanced training, given the questionable financial rewards of biomedical research, especially with the lucrative option of private practice.

Dr. Stohlman also noted that current reduction in biomedical research training funds would sharply reduce the number of investigators a decade from now. In addition, Dr. Stohlman spoke of the need to continue basic medical research and not spend all funds on medical "development" projects.

NIH TRAINING GRANTS: CANCER AND HEART RESEARCH

Dr. Thomas Ryan, chief of clinical cardiology, University Hospital, Boston, Mass., and professor of medicine, Boston University School of Medicine, noted that the method of funding currently employed by the Massachusetts Heart Association will be useless if Federal funds are cut off.

The Massachusetts Heart Association will fund any single project or trainee at a level up to $10,000 annually. The idea behind this is that with this initial money, the research will be able to progress to the point where it would compete more successfully at the Federal level and receive realistic budgetary support.

Dr. Ryan also spoke of the "protected" time, for the teacher, that NIH biomedical research grants and fellowships pay for. Noting that this protected time, which benefits both the teacher and the trainee, would be reduced without NIH grants, Dr. Ryan commented that while there may be some inequities in the present NIH grant system, there are ways to deal with these inequities short of "precipitously shutting down the whole system."

Dr. Leo Stolbach is the chief of medicine, Pondville Hospital, Walpole, Mass., and associate professor of medicine, Tufts University School of Medicine. Dr. William Fishman is the director of the Cancer Research Center at Tufts University.

In their joint testimony, Dr. Stolbach and Dr. Fishman pointed out that despite the President's conquest of cancer pronouncements and other verbal attacks on this disease, he has consistently released substantially less money than has been appropriated for cancer research. This policy of saying one thing and doing another is both deceptive and destructive, according to Dr. Stolbach and Dr. Fishman.

Dr. Stolbach and Dr. Fishman also stated that as a result of the anticipated termination of NIH research fellowships, fully 50 percent of the medical staff positions at the Tufts Cancer Union would have to be eliminated. In addition, the operations of the Tufts Cancer Unit would also be adversely affected by the proposed elimination of the regional medical program, which has facilitated communication between cancer specialists. Finally, the two doctors criticized the proposal to shift to research contracts, stating that this approach would "stifle original thinking * * *."

NIH RESEARCH GRANTS: PEER REVIEW AND SCIENTIFIC MERIT

Dr. Jerome Gross, biologist at the Massachusetts General Hospital in Boston, Mass., and professor of medicine, Harvard Medical School, addressed himself to the proposed elimination of the NIH peer review method of awarding research grants.

According to Dr. Gross, it seems that there has been a concerted and thinly disguised effort which began over 7 years ago to abolish the peer review system. In 1966, the Massachusetts General Hospital was visited by three paid industrial consultants to the National Institutes of Health. These consultants suggested that the hospital should "get smart" and administer their research "more in line with industrial procedures. Suggesting that the proposal to do away with the peer review system were at least in part an industry effort to grab a larger part of the research funding pie, Dr. Gross echoed criticism of other witnesses by noting that in a contract system, the importance of the scientific merit of a research proposal would be diminished. Dr. Gross argued vigorously that Congress and the NIH should receive outside opinions on the relative merit of the peer review system before doing away with it.

NIMH TRAINING GRANTS

Dr. Elliot G. Mishler is the director of psychological research at the Massachusetts Mental Health Center in Boston, Mass., and an associate professor, department of psychiatry, Harvard Medical School.

Dr. Mishler's testimony was concerned with budget cuts as they apply to psychiatric research. He cited numerous ongoing research projects which would be suddenly terminated if NIMH training grants are ended. Since a great deal of research in the field of mental health and changes in mental health services have resulted directly from these research grants, he felt that actions of the Federal Government eliminating these programs would have a destructive impact on research in mental health and thus on our knowledge and understanding of the causes of and therapies for mental illness. If these cutbacks take place, the research training program in social psychiatry at Harvard University, which Dr. Mishler directs, would, within a year, cease to exist in all but name.

TRAINING GRANTS AND MEDICAL EDUCATION

Dr. Theodore B. Bayles is the director of training grants, Robert Breck Brigham Hospital, and clinical associate professor of medicine at the Harvard Medical School. He gave evidence to lay to rest claims of the administration that NIH training programs finance at Government expense doctors who go into private practice. Seventy-seven percent of the graduates of the training program at the Robert Breck Brigham Hospital with which Dr. Bayles is involved are currently involved in research, whereas only 16 percent are in private practice. The remaining 7 percent are mothers who are at home with their children. They indicated that they would be returning to research soon.

Dr. Peter Shur, immunologist and rheumatologist at the Robert Breck Brigham Hospital, and associate professor of medicine at Harvard Medical School, entered as testimony the address of Dr. Neal S. Bricker before the 65th annual meeting of the American Society for Clinical Investigation, Inc., in Atlantic City, N.J., April 30, 1973. He cited three major elements as composing the present threat to medical and biomedical research.

The first element is the termination of Federal support for the training of new biomedical scientists and teachers. He refuted three of the administration's arguments for cutting off all research training funds. First, the administration says that there is an excess of qualified manpower in many areas of biomedical research. He commented that this argument is totally in error. The administration's evidence for this argument is the number of requests for grants for research. This, Dr. Bricker contends, is not an accurate measure of the number of researchers or the need for more researchers.

Second, the administration contends that the Federal Government does not support graduate training in any other area. He notes here that the administration seems to be confusing graduate training with postdoctoral training. Further, in contrast to other areas of research, the Federal Government is the major investor in biomedical research in this country. To protect its investment, the Government must insure that the research is carried out by highly skilled and trained personnel.

Finally, the administration argues that students may take out low-cost loans to compensate for the removal of grants. Here, again, the argument in response was made that by the time a student reaches the postdoctoral level, he or she does not want to incur any further debt when the lucrative option of private practice is available.

Dr. Bricker's second major point was in opposition to the downgrading of basic research. He pointed out that basic research is essential inasmuch as it provides medical researchers with an unremitting flow of basic information upon which other discoveries can be made.

Finally, Dr. Bricker discussed contracts versus grants for medical research. The contract system is unworkable, Dr. Bricker states, because there is no way to tell beforehand which line of research will be fruitful and which will be useless. There is no one who knows what unpredicted benefits will result from the research in any particular field.

DIABETES RESEARCH

Anne Quackenbos is the president of Diabetes Research, Inc., of Wayland, Mass. In her submitted testimony, she conceded that there were, indeed, research programs which had outlived their usefulness. But, she said, the meat ax was not the right approach. All research programs should be studied in order to determine which ones should be terminated and which ones should continue to be funded.

Further, she chided the administration for its support of only programs which will yield quick results. One never knows, she stated, when a major breakthrough will be made in the cure for cancer or the treatment of heart diseases. Speaking specifically of diabetes research. Mrs. Quackenbos noted in behalf of Diabetes Research, Inc., that the $8.2 million spent by the NIH for diabetes research grants is uneconomical in view of the fact that diabetes costs this Nation $2 billion a year. Mrs. Quackenbos also expressed the support of her organization for the peer review mechanism of determining NLH research grants.

PSYCHIATRIC RESEARCH

Dr. John Nelson, director of child psychiatry training at the South Shore Mental Health Center, submitted a statement also on the effects of the budget cuts on psychiatric research. He pointed out that, despite the fact that psychiatry and child psychiatry have been supported since World War II by the Department of Health, Education, and Welfare, child psychiatrists are still scarce and poorly distributed. Removing training support at this time will, in all likelihood, choke off the supply of these necessary specialists.

Dr. Nelson also noted that, rather than terminating NIH and NIMH research training programs as a result of a few abuses, whereby individuals receiving Government-subsidized training went into private practice, a better answer would be to expect trainees receiving Government financial support to spend some time in service in public institutions. In fact, I might add parenthetically that H.R. 7724, passed by the House on May 31, 1973, established such a "required service or repayment" scheme.

A NATIONAL BIOMEDICAL RESEARCH POLICY

Dr. Robert H. Ebert, dean of the Harvard Medical School and president of the Association of American Physicians, submitted as testimony the address which he delivered to the 85th annual meeting of the association held on May 1, 1973, in Atlantic City, N.J. Dr. Ebert also discussed five proposals which should be considered in the reformulation of a national policy of biomedical research, and, at the same time, would protect universities and medical schools from the kind of distortion which has characterized medical research in the past several decades.

First, there should be as sharp a separation as possible between the funding of medical education and medical research.

Second, members of the university community must begin to think more as faculties and less as special interest groups. Such an approach is more likely to solve the fundamental problems of disease.

Third, training programs should be redefined as training of future faculty rather than solely for research.

Fourth, the usefulness of very large center grants should be questioned both from the vantage point of the university and the possible distortion of its mission as well as the research productivity of such grants.

Lastly, the university should use its influence to counterbalance the overemphasis on the categorical approach to research. Dr. Elbert would go even one step further and urge the complete dissolution of the categorical institutes.

HOSPITAL COSTS

On another area of health care under financial stress, William S. Brines, administrative vice president of the Newton Wellesley Hospital in Newton, Mass., and governor of district 1 of the American College of Hospital Administrators, addressed the increase in hospital costs. Refuting the administration's charges that increased hospital costs have resulted from inefficient, wasteful, or unreasonable practices, Mr. Brines cited several of the reasons for increases in costs, such as: the purchase of new and advanced equipment; changes in the hospitalization practices of physicians; and lack of concern by individuals about their own health. It is unreasonable, according to Mr. Brines, to expect that the employees of the hospital should bear the full burden of the cost increases, in the form of ceilings on wages. Hospitals must receive financial support from the Government.

ADMINISTRATION PROPOSALS: DAMAGE FOR YEARS TO COME

In conclusion, the testimony that I received from the distinguished individuals who appeared before my health hearings in Newton, Mass., as well as from those who were unable to attend but submitted testimony, constitutes a valuable compilation of expertise on the critical questions of Federal health care programs that are now under congressional scrutiny.

The evidence of these hearings is that the administration proposals to reduce funding for medical education, biomedical research, and other health programs would have a seriously damaging effect not only on the current quality and availability of health care, but also on health care and medical knowledge in the years to come.

Congress has taken commendable action in supporting health programs that benefit millions of Americans. This House in particular deserves praise for its farsighted approach to health research and program. There is still much to be done, however. I hope that the President will take to heart the great weight of evidence in support of the Federal health programs that he has previously opposed, and I hope that he will approve the pending legislation to continue the biomedical research training programs of the NIH and the reasonable appropriations bill for health programs in the 1974 fiscal year.

THE NORTHEAST RAIL TRANSPORTATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 10 minutes.

Mr. ADAMS. Mr. Speaker, I am introducing today legislation intended to bring about a long-range solution to the northeast rail crisis. The chronic ailment of the rail transportation system in the Northeast has now reached a crisis stage. On Monday, July 2, the trustees of the Penn Central must present to the judge in the Penn Central reorganization case either a plan for reorganization or liquidation of that huge transportation enterprise. The clock is beginning to run and we are at the eleventh hour.

Even if the judge does not order liquidation to begin on October 1 of this year, hard economics may bring an end to rail service on the Penn Central. The cash projections show that the Penn Central will run out of money during the winter quarter of 1974. Without cash to meet its payroll, the railroad will stop. There are five other railroads in bankruptcy in the Northeast whose fate also hangs in the balance. The Congress must act, and act before the end of this session, if necessary rail service to the Northeast and throughout the territory served by the bankrupt railroads is to be continued.

I think there is general agreement among my colleagues that rail service is too vital to the Northeast and to the economy of the Nation to be allowed to totally cease. This was demonstrated by the prompt action the Congress took to forestall a strike in the labor dispute in February. The question now is not whether rail service should be saved, but how best this should be done.

Over the past months I have worked to develop an orderly and fair solution which would recognize the many interests involved in this complex problem—the shippers, rail labor, cities and communities dependent on rail service, the rail industry and the creditors. The proposal I offer today represents an honest attempt at consensus, and I do not claim sole authorship of the ideas it contains. The proposal has elements of the DOT plan, the recommendations of the ICC and the helpful suggestions of the Union Pacific. It reflects input from the rail brotherhoods and their willingness to accept some basic changes in the Northeast, if the design of the new rail system were done by a public blue ribbon commission, the basic rights of the rail worker to just compensation were respected and the rail system in the Northeast remained in the private sector.

The bill I am introducing today seeks to meet not only the needs of the Northeast, but of the railroad system nationally. Title I provides financial assistance for all the surface transportation modes for needed capital investment through a program of guaranteed loans and help for the freight car shortage through insured loans for the purchase of rolling stock by railroads. The Title I insured loan program is similar to that contained in S. 1149, now pending in the Senate. Title III provides for speedier procedures for abandonment of railroad lines, but adds a 70-percent Federal, 30-percent State subsidy to cover the losses on a line proposed for abandonment, which a State wanted kept in operation. Both of these titles are similar to the provisions of the Surface Transportation Act (H.R. 5385) which I introduced earlier. They have been modified to include amendments agreed to by rail labor and the surface transportation carriers.

Title II of the bill is the Northeast Transportation Act, the suggested solution I am offering to the rail crisis in the Northeast.

In describing the provisions of title II, I would first identify its basic components.

First, the rail system for the Northeast must be defined. Second, there must be created a means of financing a viable, restructured system. Third, a new corporation, with a self-liquidating Government investment, must be established to operate the system.

My bill would create a blue ribbon Northeast Transportation Commission—NETC—on which would serve representatives of all the interests involved, to design the new system. A Federal corporation, the Federal National Railway Association—FNRA—would provide financial backing. A new rail carrier, the Northeast Rail Corp.—NERC—would operate the system.

At its outset, the Northeast Rail Corp. would be owned by FNRA, which would purchase $500 million of its class A preferred stock. The Northeast Rail Corp. would also issue a class B preferred stock and common stock, which could be used to purchase the transportation assets of the bankrupt railroads. It would also have available cash and Government guaranteed bonds issued by FNRA.

Thus the NERC would have cash from the sale of its class A preferred stock and from FNRA "soft loans," as well as its class B preferred stock and its common stock to exchange with the bankrupt railroads for the transportation assets needed to serve the northeastern part of the United States.

The most difficult problem is to determine what is the necessary public rail service for the Northeast, and who should make that decision. Frankly, there is not much support for allowing the Secretary of Transportation to design the system by himself, and then to allow Presidentially appointed incorporators of a new corporation to designate the points to be served and the lines to serve them. My bill would establish broadly representative Northeast Transportation Commission—NETC—to develop a comprehensive regional plan for rail service in the Northeast. The NETC would use as the basis of its work a basic point-to-point outline which the Secretary of the Department of Transportation would submit to it within 30 days of enactment of the statute. The NETC would be composed of 13 members, with an executive director who would serve ex officio. The composition would be:

One upon recommendation of the National Governor's Conference; one upon recommendation of the NARUC; one upon recommendation of the National League of Cities/Conference of Mayors; two upon recommendation of the AAR; one upon recommendation of the Consumer Federation of America; three upon recommendation of the National Industrial Traffic League; one upon recommendation of the National Association of Railroad Passengers; two upon recommendation of the AFL-CIO, one representing the operating employees and one who represents the nonoperating employees.

The regional plan would be a detailed plan for the reorganization and restructuring of the rail system in the Northeast. It would be the operating mandate of the Northeast Railroad Corp. It would designate those rail lines on which service shall be provided by the corporation; those lines and facilities which should be offered for sale to solvent railroads for inclusion in their systems; those rail lines which should be kept in operation only if a State or local subsidy is available; and those lines which should be "mothballed" so that the right of way would be available for future use if needed.

The regional plan would also set forth the estimated fair and equitable value of the rail lines and properties to be acquired and would describe the capital and debt structure of the new corporation.

In designating the plan, the NETC would be required to take in account, among other things:

First, the need for continued rail service by persons, communities, geographic zones, and cities presently served;

Second, existing patterns of service by railroads and alternative modes of transportation;

Third, present and projected future patterns of economic and population growth and the effect that continuation or cessation of rail service may have upon them;

Fourth, the requirements of commuter and intercity rail passenger service.

The bill directs that the members of the NETC incorporate and also be the first Board of Directors of the NERC. This provision will insure that the designers of the system use prudent judgment in designating the specific lines to be used, because they will be responsible for the corporation which would conduct business over such lines. This group—NETC—would be given a period of 10 months to complete a preliminary regional plan which would then be submitted to FNRA for comments as to financial feasibility, and to the ICC and the DOT. At the end of 12 months a final regional plan would be submitted to the Congress for ratification. The plan would become effective in 30 days unless rejected by a majority of either the House or the Senate.

If the regional plan was not rejected by Congress, it would be transmitted to NERC as its operating mandate. The corporation would then start operating on the designated lines as stated in the plan and proceed with the disposition of lines for which no subsidy was received either by selling them to other railroads or mothballing them for future use by beginning abandonment proceedings.

The plan would also provide that any State, local community, or shipper would have the right to have service continued so long as they paid a subsidy equal to 30 percent of the operating loss. The remaining 70 percent of the subsidy would be paid by the DOT to maintain that service.

Title II of my bill also creates a means of determining the value of transportation assets of the bankrupt railroads and a mechanism for the acquisition of these assets by NERC. It would also protect the creditors from continued erosion of the estates of the bankrupt railroads.

Within 60 days of enactment, the judge in each bankruptcy would be required to make a finding as to whether the railroad could or could not proceed with an income-based reorganization or would have to be liquidated. The ICC would be directed to conduct a study and to send to the NETC within a year a report as to the liquidation value of the transportation assets of the bankrupt railroads, those which a judge has ruled cannot be reorganized. The valuation would be as of September 30, 1973. The NETC would include this valuation in the regional plan.

If necessary during the planning period, the NERC would be authorized to lease the transportation assets of the bankrupts both to maintain the status quo in service and to stem the erosion of the debtors' estates. At any time after approval by Congress of the regional plan the transportation assets would be conveyed upon demand to NERC by the trustees of the bankrupt railroads. At the same time, the claims of creditors of the bankrupt railroads acquired by NERC would be transferred to a single Federal court. NERC would deposit with that court class B preferred and common stock equivalent to the fair and equitable value of the properties as determined by the Commission in its valuation study and included in the regional plan. The judge would be empowered to rule on both the valuation set on the transportation properties and the value of the securities offered in exchange for them.

NERC would have available to it its own common and preferred class B stock outstanding as well as bonds and loans from FNRA. It would also, once it had obtained the assets free and clear from the bankrupt railroads, have the ability to borrow on these assets from the private sector.

Thus, NERC would have available capital for rehabilitation and funds to pay for a labor settlement to obtain the employees it will need in order to operate. If this corporation proves to be profitable—and it should be if the designated group and DOT do their jobs properly—then its earnings would be used to first retire the FNRA-owned, class A preferred stock. When this is accomplished, the voting power would shift to the common stockholders who would then elect the directors. Thus, ultimately, the corporation would be privately owned and operated. Its only connection with the Federal Government would be the availability of FNRA loans and Federal involvement will soon cease if the corporation achieves the earnings which are anticipated for it.

Title II of the bill will thus create a new common carrier by rail, operating in the Northeast, regulated by the ICC in the public interest, and owned and supported by private investment.

In conclusion, Mr. Speaker, I would like to offer my bill not as a final flat on the Northeast rail crisis. Rather, it is a reasoned attempt at a solution. I know that the problem of rail service in the Northeast is of great concern to my colleagues who represent the States affected. I look forward to their comments and suggestions on this proposal. I hope it will have their support.

At the same time, I cannot state too strongly that this is a matter of national concern. My own city of Seattle, a continent away from the eastern seaboard, would very soon suffer the results of the collapse of rail service in the Northeast. The goods we export from Seattle to Asia and the East depend on a national system of rail transport. The grain and lumber we ship to the largest internal market in the world, the United States, depend on a unified and healthy transportation system, of which rail service is an essential part. Therefore, I offer my proposal today in the hope that it will be the basis for a solution to this transportation crisis which affects all our Nation. It deserves, and should have, the thought and attention of every Member of Congress.

THE FLEXIBLE HOURS EMPLOYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I am today introducing a bill that will, if enacted, be a breakthrough in meeting the employment needs of thousands of Americans. It would institutionalize the practice of flexible hours employment positions for workers in Federal civil service jobs and help to end discrimination generated by the standard pattern of working hours.

The bill which has been introduced in the other body by Senator TUNNEY, calls for a 5-year, phase-in period, at the end of which 10 percent of all Federal civil service jobs will be on the flexible hours arrangement. This 5-year period will allow for study and experimentation as to the various types of jobs which can be placed in this arrangement. We must expand the concept of what kind of work will be considered for flexible hours. This bill provides across-the-board permanent positions in which workers receive on a pro rata basis all benefits—including promotion—normally available to full-time employees in similar positions or grades.

This is not a new concept. Ventures of this sort have been successfully tried in the past with other governmental agencies, and flexible hours were found to be mutually beneficial to both employers and workers because the worker can experience an improved quality of work and family life.

The flexible hours employment option will be a step in providing job designs which further the advancement of women—especially working mothers—by offering them greater employment opportunities. Together with more comprehensive maternity benefits and greater availability of child care, the restructuring of job patterns such as this bill provides will help speed the implementation of the affirmative action programs to which we are all committed.

Many Americans cannot or do not desire to work on a full-time basis. For example, some working parents desire shorter workdays in order to return to childrearing responsibilities. Students need time to pursue their education. Older workers approaching retirement age may want to ease their workload. Handicapped individuals may prefer shorter workdays. There are countless reasons why a person would require or desire this option. But a person who desires full-time employment rather than flexible hours, should not be required to accept flexible hours as a condition for job hiring.

A current civil service employee who already has a satisfying full-time position must not be forced to accept flexible hours as a condition of continuing employment. A person who currently holds a full-time position and desires flexible hours, however, should have first priority in obtaining flexible hours for that position.

It is imperative that we create different job designs to meet different people's needs. A person who prefers to work flexible hours should be able to contribute to our society by so doing. And, while this bill will not by itself create fulfilling work, it will increase the satisfaction derived from a job making the conditions of employment more responsive to the individual worker's needs and desires.

I urge swift action on this bill. When enacted, it can serve as an example to many private and public employers, helping them to set up more flexible hour positions. Thousands of Americans will benefit from the increased flexibility in job options and the resulting enhancement in quality of work and family life.

A NATIONAL ENERGY POLICY IS VITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK), is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, Members of Congress are becoming increasingly aware of the need for a reassessment of energy consumption in this country. The fuel shortage of last winter and the gas shortage of this summer are but two indications that there is indeed an "energy crisis."

Dr. Paul E. Gray, chancellor of MIT and one of our most eminent scientists, delivered a statement on the energy problem several months ago that is particularly comprehensive and enlightening. I would like to paraphrase his remarks here, as they reflect my own view of the massive problems at hand.

Present energy consumption in this Nation is prodigious. Energy sales constitute approximately 10 percent of the GNP. The per capita rate of consumption is 10 kilowatts or 13 horsepower hourly. In other terms, each U.S. resident uses for personal needs in light, heat, and transportation and in the provisions of services we depend on, energy totalling 80 times the average daily caloric input.

This is markedly more than consumption in any other country. The United States, with 6 percent of the world population, consumes 35 percent of the energy used throughout the world.

This rate of consumption is not merely a reflection of our level of industrialization in all sectors of our economy. In addition, it is the most conclusive indication of the American habit of luxury items. We drive larger cars that consume more gas than any other people; we are accustomed to central heating and air conditioning; and we have a national love for TV, dishwashers, and washing machines. Every home that can afford such appliances possesses them.

In the last century the use of energy in the United States has doubled, on the average, every 22 years. The rate of energy use today grows at 4.3 percent annually, or, it doubles in 16 years. When further broken down, it appears that electricity consumption is growing nearly twice as fast—at a rate of 10 percent per year, or a doubling time of 7 years.

Certain "ecological" standards, such as those for automotive emissions, tend to increase the rate growth of consumption. For example, the cost of removal of lead from gasoline equals a 12 percent increase in gasoline use for the same power output. Reduction of carbon monoxide and other exhaust to meet the 1975 standards will also be accompanied by a 20- to 30-percent increase in gas consumption. The day of the 6-mile-per-gallon automobile is no longer in the distant future.

Similar growth rates can be cited for the use of air conditioning in private homes, in industry and in transportation.

It must be noted that energy consumption and growth of the economy are closely related factors. A book entitled "Energy in the World Economy," by Darmstadter, Teitelbaum and Polach, documents the interdependence. This universal relationship, found in countries as diverse as the United States and Thailand, leads to the conclusion that economic growth is inevitably dependent on energy supply.

However, data leads us to the inescapable conclusion that our reserves are dwindling. If the demand for energy continues to grow at its historic rate we will exhaust our fossil fuel reserves, proven and anticipated, in less than a century, and possibly in 50 years. Such an accomplishment will mean that we will have used up in less than 200 years a resource that was made over hundreds of millions of years.

We do have several alternatives. The first choice, and perhaps the least wise, will be to turn increasingly to foreign sources of energy—Mideast oil or Russian liquified gas. There are large reserves in these areas but such dependence would be a blow to our diplomatic integrity. And the strain on our balance of payments would have serious ramifications to the world economy.

A second course of action is the development of alternative non-fossil-fuel energy sources. Solar energy, geothermal energy, and nuclear energy are some possibilities.

Solar energy is in abundant supply, but the capital costs associated with conversion to a more useful form are prohibitive. The matter of energy storage also presents many problems.

Similar objections are raised about geothermal energy—that energy associated with the hot, radioactive core of the earth. We are still many years away from an accurate assessment of costs and impacts of its use on a large scale.

Nuclear energy is, of course, our primary non-fossil-fuel energy resource, for the relatively inexpensive isotope of uranium as a fuel can provide an unlimited supply of energy. However there are still problems associated with nuclear powerplants. For example, such plants emit small amounts of ionizing radiation into the environment. The risk associated with this emission is still undetermined. The possibility of an accident cannot be dismissed and memories of Hiroshima and Nagasaki still linger. And nuclear fission generates poisonous radioactive waste that is long-lived and potent. We have not yet adequately prepared for the management of this waste.

These problems can undoubtedly be solved, but it is difficult to predict how far in the future such resolution is. Thus, fusion power, while still a feasible long-range alternative, will not be a factor in meeting our energy appetite this century.

Clearly the most viable course of action involves reducing the rate of growth of energy demand. It would reduce future demand for energy and would buy us valuable time to develop non-fossil-fuel alternatives. This is not an impossible proposition. Full insulation of homes, and proper siting, could reduce home heating and air-conditioning energy demand by 30 percent. Smaller automobiles and efficient mass transit systems would result in tremendous gasoline savings. Home appliances could be manufactured with energy utilization as a prime consideration. Many industrial processes could be redesigned. For example, Alcoa has a new process for smelting aluminum that requires 40 percent less energy. Adoption of this process by the aluminum refining industry could have a significant effect in reducing energy consumption. Finally, office building designs could be altered so that the dependence on energy for comfortable air is not so great. Tremendous economies are feasible in all areas of our society.

For the present, it seems unavoidable that energy conservation will become imperative. Market forces will require it. As energy becomes a more precious resource, rapidly rising costs will cause all of us to be much more frugal with it.

Our response to this energy crisis must be multiple: We must consume energy more carefully. We must develop alternatives to fossil fuels. Most important, we must develop a national structure to deal with the complex problem of energy in an integrated fashion. We must learn to plan more than a century ahead. At present there is no clear level of responsibility for exploring energy alternatives, let alone for developing policy. Concern at the Federal level is fragmented and the power industry has shrugged off any responsibility.

We must be hopeful that the heat of the debate, growing more powerful each day between the factions concerned with energy, will yield fruitful plans for confronting the crisis headon. A rational, comprehensive, and viable energy policy, emanating from the national level, is imperative.

GAO INVESTIGATION OF PRIVATE RESIDENCE EXPENDITURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, recent press reports indicate that the General Services Administration has expended close to $2 million on permanent home improvements, furnishings, landscaping, and facilities for the private homes of the President in California and Florida and the private residence of the Vice President in Maryland. These expenditures, made in the name of "national security necessities," raise serious questions of propriety in light of the fact that these homes will remain in private ownership after the owners have left public office, and the permanent structural improvements will accrue to the benefit of the owners.

Accordingly, I have today written to the Honorable Elmer Staats, the Comptroller General of the Government Accounting Office, requesting that the GAO undertake a full investigation of this matter, in order to determine the specific purposes for which the funds were spent, whether there appears to be any violation of Federal law involved, and whether any claim may be made by the Federal Government upon the President and Vice President to reimburse the Treasury for these expenditures for permanent improvements upon private property.

The American taxpayer, faced with increasing rents, skyrocketing housing construction and repair costs, and impoundments of Federal funds for reconstruction of the inner cities and provision of new and rehabilitated housing, cannot be expected to condone the expenditure of millions of tax dollars on Government officials' private residences. This reverse Robin Hood philosophy of taking from the working person to house the rich and powerful must not go unchallenged. In the congressional district which I represent, homeowners who want to repair or renovate their residences do not receive any handouts from GSA to fix the roof over their heads or the floors under their feet, and the high rents paid by apartment dwellers more than reflect the costs of any improvements and upkeep made by the landlords. Obviously, the same is true in every congressional district across the country.

If the Government wishes to retain the confidence of the American people, it is imperative that the very highest standards of conduct be adhered to by the President and Vice President.

For the benefit of my colleagues, I am including the press reports to which I referred and a copy of my letter to the Comptroller General for printing in the CONGRESSIONAL RECORD at this point:

Congress of the United States,
House of Representatives,
Washington, D.C., June 29, 1973.
Hon. Elmer Staats,
Comptroller General of the United States,
General Accounting Office Building,
Washington, D.C.

Dear Mr. Staats: Recent press reports indicate that the General Services Administration has furnished the privately-owned homes of the President in Florida and California, as well as the private home of the Vice-President in Maryland, with permanent, nontransferable "home improvements," furnishings, landscaping, and facilities in the name of "national security." According to these press reports, total costs involved may run in the vicinity of $2 million.

In light of the fact that the law affords the President the more than adequate living accommodations of the White House and Camp David, Maryland, the propriety of expending large amounts of the taxpayers' money on home improvements for private residences which will remain in his ownership after he leaves public office is questionable. No provision is made by law for any federally-subsidized Vice-Presidential housing.

Therefore, I request that the GAO undertake a full investigation of this matter, in order to determine first, the specific purposes for which these funds were spent, second, whether these expenditures meet the standards of existing federal statutes, and third, whether any funds expended on these home improvement projects should be repaid to the Treasury by the President and Vice-President.

Thank you for your kind attention and consideration, and I shall look forward to hearing from you.

With best wishes,
Sincerely,
Jonathan B. Bingham.

[From the Washington Post, June 6, 1973]

United States Paid for Routine Nixon Home Repairs

(By Ronald Kessler)

A government breakdown of $1.3 million spent to improve President Nixon's properties in California and Florida shows that large sums of federal money have been used for what appear to be routine house repairs and for furniture for the President's den.

The official accounting lists $4,834 spent by the government for furnishings in Mr. Nixon's den in San Clemente, $3,200 for tiling a roof, $998 for replacement of a "hazardous" wrought iron railing, $1,600 for window alterations, $1,105 for cleaning the beach, $1,950 for pruning "hazardous" dead tree branches, and $1,950 for repairing a wall.

The White House yesterday referred all questions on the improvements to the GSA and Secret Service. The GSA said all but two of the improvements to the San Clemente house were requested by the Secret Service for security purposes. The Secret Service confirmed that it had asked for many of the improvements, but said more time would be required to confirm each one.

Among the government expenditures for furnishings to the President's den are $472 for a leather top desk, $171 for a chair, $504 for a sofa, $201 for a club chair, $141 for a swivel chair, $268 for two chairs, $544 for two more chairs, and $86 for decorative pillows.

Permanent improvements made to the properties include $1,853 for a flagpole in San Clemente, $476 to paint the flagpole, $388 for an exhaust fan in San Clemente, $314 for a sea wall ladder in Key Biscayne, $475 for a swimming pool cleaner in Key Biscayne, $621 for an icemaker for Secret Service agents in Key Biscayne, and $826 for storm shutters in Key Biscayne.

These items are in addition to such previously reported expenditures for the San Clemente house as $13,500 for new heaters in San Clemente, $3,800 for a connection to the city sewer system in San Clemente, $184,174 for interior and exterior electrical work, $2,400 for septic tank repairs, $42,500 for a wall, $10,612 for roadways and parking lots, $2,800 for a swimming pool heater, $11,561 for a redwood fence, and $22,000 for guard houses.

The breakdown showed that the taxpayers have a big investment in the plants, trees, lawns, and landscaping of the President's San Clemente property. In the past four years the government has spent more than $100,000 for landscaping at the California estate, nearly $10,000 for weed removal, more than $8,600 for plants, and $5,600 for moving trees.

Altogether, $703,367 has been spent on permanent improvements to the San Clemente home and $579,907 to the Key Biscayne complex, which includes two houses owned by the President.

The figures do not include $600,000 spent to operate and maintain the Key Biscayne compound or an as yet undetermined sum spent to operate the Western White House. The figures also do not include any expenditures made by government agencies other than the General Services Administration.

For example, some $340,000 was spent by the Army Corps of Engineers to install a helicopter landing pad at the Key Biscayne location.

The GSA breakdown shows that large sums have been spent on items normally considered to be related to the protection of the President and the prevention of communications breakdowns.

These payments include $42,293 for a "security" lighting system at Key Biscayne, $128,708 for bullet-resistant glass doors and windows at Key Biscayne, $4,786 for removing a low wall and planting high hedges at Key Biscayne and $7,631 for bullet-resistant glass at the San Clemente swimming pool.

Other items for repairs and improvements that home owners routinely make were defended by the Secret Service and GSA as being necessary for the protection of the President.

GSA's audit of expenditures labeled $1,950 for pruning trees as being for "eliminating safety hazards caused by dead branches." Some $8,800 for landscaping, including removal of dry weeds, was listed as being to "eliminate fire hazard." Replacement of a wrought iron railing for $998 was because the railing was "hazardous."

Arthur F. Sampson administrator of GSA, said $1,600 spent for window alterations was for "security" purposes.

Carl H. Davis, the San Clemente building inspector who approved the building permit for the windows, said the windows were replaced because "they just wouldn't close properly."

"The windows were of wood sash and they had dry rot in the sills and frames," he told The Washington Post. "They were just falling apart."

Davis said the windows were replaced with aluminum sashes.

John W. Warner, assistant to the director of the Secret Service, said the existing heaters in the San Clemente home were replaced for security reasons because they were unsafe.

Davis, the San Clemente building inspector who approved the permit for the new heaters, said the old equipment was corroded, antiquated, and "inoperative."

"If you had bought the house, you'd have done it too," he said.

Sampson, the GSA administrator, defended the connection to the city sewer system as being necessary for "guests like (Soviet Communist Party Leader Leonid I.) Brezhnev, for government guests, for functions."

He said the government paid for only $3,800 of the $9,000 cost of the new line because the remaining share of the pipe was for the personal use of the President and his family.

Warner, the Secret Service official, said the line was for the use of Secret Service agents as well as for the personal use of the President.

Davis, who also approved the permit for the sewer line, said the septic tank that came with the San Clemente house when the President bought it in 1969 represented a violation of the city building code. He said it was the last septic tank in the city and should have been eliminated long ago.

In addition, he said, it would have been illegal to build the swimming pool that was installed by the President on the property without a connection to the city sewer system.

Davis said the sewer line services the President's residence, the pool, and a guest house where the President's daughters and their husbands stay.

He said Secret Service agents have their own offices that are separate from the President's residence and generally live in apartments in the downtown section of the city.

The sewer connection "had to be done to comply with the law," he said.

One Secret Service official, who asked not to be quoted by name, laughed repeatedly when many of the expenditures said to be for national security were read off.

"Frankly, I have a feeling GSA is trying to squirm their way out by blaming these things on us," he said. However, Warner, the assistant to the director of the Secret Service, said he found authorizations by his agency for many of the expenditures. He said he hasn't yet had time to check them all.

Both the Secret Service and GSA agreed that the personal furniture and the flagpole at the San Clemente residence had not been requested by the Secret Service and were not for security purposes.

Sampson, the GSA chief, said GSA "has" to provide office furniture for government officials "anywhere, as long as it's reasonable."

He said the furniture is still owned by GSA, but since presidents are given government offices by law after they retire, President Nixon will "keep it until he dies." After that, Sampson said, the furniture will revert to the government.

Sampson acknowledged that there is no specific congressional act authorizing GSA to furnish the private residences of presidents while in office. But he said a government official such as a senator could take furniture to his home, so long as he does not receive more government furniture than is authorized.

William M. Cochrane, staff director of the Senate Rules Committee, which develops rules governing the Senate and its members, said, "The GSA never gives any furniture to senators (for their homes). It would take a formal resolution (by the Congress) to allow it. It would be illegal to keep it," he said.

GSA Lists Bills It Paid on Nixon Homes

The General Services Administration yesterday made available a breakdown of improvements made by the GSA at President Nixon's San Clemente home and at his Key Biscayne presidential complex. A partial list includes:

SAN CLEMENTE

$4,834 for furniture in President's den: includes $72 for brass lamp, $79 for table lamp, $146 for end table, $186 for coffee table, $419 for lounge chair and ottoman, $472 for leather top desk, $171 for chair, $504 to recover a sofa, $201 to recover a club chair, $141 for swivel chair, $131 for lamp, $268 for two chairs, $544 for two additional chairs, $237 for desk chair, $86 for decorative pillows, $523 for blinds, and $654 for a carpet and underpadding.

$312 for restraining entrance gates and doors.

$388 for installing exhaust fan.

$523 for repairing gazebo and removing beach debris and for anchoring planks in nearby railroad crossing.

$1,950 for pruning trees.

$3,200 for roof tile.

$6,642 for tiling the roof and floor of a gazebo.

$1,950 for repairing walls.

$8,810 for landscaping, including removal of dry weeds.

$2,496 for asphalt paving.

$2,630 for relocating a tree and replanting a fallen tree.

$130,530 for exterior electrical work.

$53,644 for interior electrical work.

$13,500 for heating system.

$3,800 for sewer line.

$2,916 for surveying to determine property lines.

$1,600 for window alterations.

$1,105 for cleaning the beach.

$1,853 for installation of flagpole and $476 for painting flagpole.

$1,525 for surveying residence.

$998 for replacement of hand rail.

$460 for fertilizer.

KEY BISCAYNE

$4,786 for security screening project.

$3,898 for demolishing trees and plants.

$122,714 for constructing Secret Service command post.

$128,708 for bullet-resistant glass doors and windows.

$587 for flagpole.

$3,030 for golf carts for Secret Service patrol.

$621 for ice-maker for Secret Service men.

$475 for swimming pool cleaner.

$119 for washing machine.

$2,000 for design to correct beach erosion.

$314 for sea wall ladder.

$995 for septic tank and lid.

[From the Washington Post, June 29, 1973]

UNITED STATES TO PAY $125,000 ON AGNEW HOME

(By Martha M. Hamilton)

The federal government has contracted to pay for $125,000 in "protective" improvements to Vice President Agnew's new home in suburban Kenwood, the General Services Administration reported yesterday.

The GSA released the list of improvements in respone to an inqiury from the House Appropriations Subcommittee, which is conducting a probe into the $1.3 million the government paid for alterations to President Nixon's private homes in San Clemente, Calif., and Key Biscayne, Fla. The improvements at Mr. Nixon's homes have been defended by the Secret Service as necessary to protect the President.

The improvements to Agnew's home, a 12-room colonial at 6514 Shadow Rd., include:

$39,500 for the construction of a brick and redwood fence, described as necessary for security by a Secret Service spokesman, around the back of the property.

$15,979 for the installation of bullet-proof glass throughout the home.

$6,000 for the widening of driveway to accommodate Secret Service limousines.

More than $9,000 in electrical work and on indoor and outdoor lighting.

Though many of the expenditures appeared to be for security devices related to the Vice President's position—$4,000 for smoke and radiation detectors for the 12-room fieldstone house, for instance—others appeared to be for normal repairs.

Taxpayers paid $800 to repair and strengthen a "loose main starway railing which is hazardous," according to the report, for instance.

Other items, such as $4,367 for air-conditioning, $503 for carpeting and $200 for a new exhaust fan and ceiling light for a basement toilet, were part of the expenditures for the construction of a Secret Service headquarters on the second floor of the Agnews' home.

The Secret Service initiated all requests for the items listed, spokesman Jack Warner said.

The Agnews, who still live in a rented apartment in the Sheraton Park Hotel, are expected to move into their new home in the affluent suburb soon, according to an aide to the Vice President. The improvements to provide security arrangements are "almost completed," a GSA spokesman said.

The improvements are permanent or nontransferable and will be of use to the taxpayers only as long as the Vice President occupies both the house and his office, GSA and Secret Service spokesmen indicated.

The permanent improvements include the $39,500 fence, replacement of a "hazardous walk" at the cost of $1,978, electrical and lighting work costing more than $9,000 and the construction of a wider driveway and parking area at the cost of $12,000.

The Secret Service provides equipment to protect presidential and vice presidential families and candidates, but that equipment is portable and can be used again.

Former Vice President Sen. Hubert H. Humphrey (D-Minn.) lived in a rented apartment during his term in office and was protected primarily with portable equipment requiring no major structural changes to the building, Secret Service spokesman Jack Warner said.

GSA, which paid for the permanent improvements, "would have been minimally involved," in providing security for then-Vice President Humphrey, Warner said. But he and a spokesman for the GSA both said that comparisons between the costs of providing security for this administration and previous ones are difficult to make.

The House Appropriations Subcommittee, which requested the expenditure information on the Agnews' house, had asked for similar figures from the Eisenhower and Johnson administrations, but later decided not to push the request, a Subcommittee spokesman said.

IMPROVED MEDICAL CARE FOR DISABLED VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 5 minutes.

Mr. LEGGETT. Mr. Speaker, today I have introduced a bill which will allow us to make a significant advance in the quality of medical care afforded our disabled veterans.

While VA hospitals are literally bursting at the seams, we are more and more frequently informed of yet another civilian hospital in financial difficulty due to a lack of patients. It is common knowledge that hospitals in some areas are now standing up to 30 percent empty, and this at a time when 45 percent of all veterans seeking admission to VA hospitals are being refused.

The plan I have proposed in my bill would help to alleviate both problems. It would provide medical and hospital care to veterans on a similar basis to the Champus program for military families. This would enable the disabled veteran to be treated by the private physician of his choice and admitted to the hospital of his choice for treatment of service-connected disabilities when area VA facilities are filled—at no cost to the veterans. I expect this program to provide the following benefits:

Substantially alleviate overcrowding in VA medical facilities, thereby upgrading the quality of medical care while making such care available to all deserving veterans;

Utilize idle hospital beds, some of which were provided through Federal assistance under the Hill-Burton program; and

Relieve veterans of the necessity to travel long distances, in some cases up to 200 miles to undergo treatment.

I would like to emphasize that this program would be completely voluntary on the part of veterans, physicians, and hospitals; no one would be compelled to participate.

Mr. Speaker, I strongly urge early consideration of this measure. Every day of delay sentences thousands of deserving veterans to forgo the quality medical treatment they have earned. When we asked these men to serve, they served without complaint; we must never allow ourselves to forget our obligation to them.

RETIREMENT OF FRANK E. BATTAGLIA, DEAN OF THE OFFICIAL REPORTERS OF DEBATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, it has come to my attention that one of the most dedicated public servants and a good friend of mine and of many other Members of this House will be retiring tomorrow.

Mr. Frank E. Battaglia, dean of the corps of Official Reporters of Debates of the House of Representatives, is leaving us after 30 years of service with the House.

Going on 65 years of age, Frank was born and raised in New York City, worked his way through several years of the City College of New York, and Fordham Law School, where he received his LL.B. degree.

Frank studied shorthand in DeWitt Clinton High School, New York City, and utilized his skill in several secretarial jobs while attending night school. He acquired an exceptional skill in verbatim shorthand reporting as a result of his continued studies and subsequently worked as a free-lance shorthand reporter in practically every court in New York City. He took depositions in several States in the Northeast section of the country.

More than 30 years ago Frank decided to come to Washington, D.C., after hearing of the need for shorthand reporters. After reporting for various Government agency hearings, he confined his work as a free-lance reporter to congressional committee hearings. In 1943, Frank was appointed an Official Reporter of Debates of the House of Representatives by the late Speaker of the House, the Honorable Sam Rayburn, who remarked that he had not hired anyone with such glowing recommendations as had Frank Battaglia.

I am sure Frank is retiring with many happy thoughts of the privilege and honor of serving the House of Representatives. While I deeply regret that he is terminating his service with the House, I know my colleagues all join me in congratulating Frank E. Battaglia on his retirement and in wishing him well in all his future endeavors.

RETIREMENT OF MISS SALLY MORGAN, MRS. MILDRED BASINGER, AND MRS. MILDRED HALL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 5 minutes.

Mrs. BOGGS. Mr. Speaker, three lovely ladies who have dedicated many years of hard and effective work in service to the Members of this House are retiring today.

Miss Sally Morgan of Frederickstown, Pa., the House Librarian since 1956, has been on the Hill for 23 years, all of them in the House Library where she has tutored many law students and others now working on the Hill in administrative capacities.

Mrs. Mildred Basinger is retiring after 32 years on Capitol Hill. For the past 8 years she has been the cordial, helpful, efficient secretary to the Doorkeeper. Prior to that time she was in the offices of a number of Tennessee Members including Senator McKellar and Congressman "Fats" Everett. A native of Bells, Tenn., she plans to return there later.

Mrs. Mildred Hall has 30 years of Government service; the last 18 as secretary to the Architect of the Capitol. She will be remembered for the warm manner in which she has conducted her numerous duties, especially in arranging the band concerts on the steps of the Capitol and receptions and parties, and in her service as secretary to the House Office Building Commission. She has been efficient and pleasant in her many contacts with Members.

I know they take into retirement our gratitude and commendation and our sincere wishes for many years of health and happiness.

THE PROBLEMS CONFRONTING THE AGED

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, there are 21 million citizens of this Nation who are known as senior citizens, a label which may be somewhat deceiving since many of these older Americans are accorded not the respect they rightfully deserve, but rather only neglect and scorn. While we may speak of "senior citizens," for many disturbing reasons these Americans might be classified as second-class or "junior" citizens.

The problems confronting the aged are myriad and manifest. Almost 15 percent of them live in poverty. In Illinois alone some 250,000 elderly live below the poverty line. For these and even for aged persons of moderate means, housing, taxes, transportation and medical care can be an unbearable strain on their limited, fixed incomes.

In the face of these problems, the administration has proposed reductions in medicare benefits. Under this plan, a patient's out-of-pocket hospitalization costs would be expanded from the present $72 for the first 60 days to include the entire first day's cost plus 10 percent of the remaining charge. This plan would also significantly increase the amount an elderly person must pay on a doctor bill.

Older Americans do not need a reduction in medicare benefits at a time when they are paying almost 20 percent more for out-of-pocket medical expenses than they did the year before medicare was passed. Instead of limitation, medicare should be expanded to include prescription drugs and care of eyes, ears, teeth, and feet. Legislation aimed at this end is being sponsored by myself and others in both House and Senate and deserves the strong support of anyone sensitive to the crisis in health care for the aged.

Mr. Speaker, competent medical care is not a luxury reserved only for the affluent. Every American should be guaranteed his physical integrity, a condition so essential to human happiness that it exceeds all others in practical importance. Freedom of speech, equal opportunity and other valued but abstract principles can have little meaning for one enduring physical pain. Since it is the aged who are naturally the most often afflicted, it is with them that the effort to guarantee health care should begin. Medicare was the first important step in effecting this guarantee and to limit it now would be unconscionable regression.

A problem related to health care in the substandard conduct of many nursing homes, where life for the aged becomes a degrading existence in a health-care limbo. Many persons are forced into these homes by the high cost of long-term institutional care. All nursing homes must be made responsible to the communities they serve. Rehabilitative services, including physical and speech therapy administered by trained therapists, must be afforded every nursing home patient who would benefit by them. Legislation aimed at improvement of nursing home care deserves unqualified support of the Congress.

Health care is only one of the major concerns of the elderly. Whenever a person lives on a fixed income, he is adversely affected by any increase in prices affecting the cost of living, such as food, housing, and taxes. Fortunately, the Social Security Amendments of 1972 included an automatic cost-of-living escalator. However, due to other legislation, these amendments will not wholly neutralize the effects of rising prices upon the elderly, nor will it aid those not receiving social security benefits.

For example, H.R. 1, which finally established a base income for the aged, also cut them off from the benefits of the food stamp program. These benefits must be restored to insure that no older Americans at the lower income levels are left undernourished.

Under the Revenue Sharing Act of 1972, a ceiling of $2.5 billion was placed on Federal funds for social services under programs of aid to the aged, blind, and disabled. Each State is limited, then, to its share of the $2.5 billion based on its proportion of the U.S. population. In Illinois, this means a 50-percent cut in the amount of funds received by the State office of social services, and a further cutback on aid to the elderly.

Escalating property taxes, which affect every American, are especially burdensome upon older Americans. The administration has proposed a reform program in this area, but under it the poorest of elderly persons would be treated the same as retired professional people who have adequate retirement finances and expensive homes. If all the elderly are to keep their homes and if property tax reform is to be equitable, it must be based on the need of the individual taxpayer.

It is a seldom noted fact that the high incidence of crime in urban areas has a disproportionate impact on the elderly. Low-income senior citizens often are forced to seek out cheaper housing in the cities, and crime therefore strikes them with greater frequency. Further, due to their low incomes, property loss due to crime is felt with much greater effect. Long range, cause-oriented solutions to the crime problem are of little consolation to those seeking to live peacefully for the remainder of their years. As an interim solution, security must be strengthened in areas of high concentration of the elderly. Many methods of deterrence, from formation of special security patrols to issuing of personal electronic distress devices, have been suggested and deserve serious consideration.

Mr. Speaker, it is evident that if relief is to come to our older citizens, it must be at the initiative of the Congress. Let us not shun this obligation to those who most deserve our attentions. The elderly, unlike most interest groups, are ill-disposed to organization for political purposes, and for this reason their problems all too often remain inconspicuous and remote. We must compensate for the softened voices of the aged by raising our own with greater force on their behalf.

THE PRESIDENT'S ENERGY MESSAGE OF JUNE 29, 1973

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I have just received a copy of the President's energy message. Based on a short briefing on the content prior to its release and a quick review today, it appears that the message reflects an increased responsiveness on the part of the administration to our energy supply problem. I plan to study the full message in depth in order to fully understand the basic plan that is proposed.

One aspect gives me special satisfaction. This is the emphasis given to the acceleration of research directed toward finding economic processes for gasification and liquefication of coal. The State of Illinois is blessed with large coal reserves. Unfortunately, the coal is high in sulfur content. The coal research program will include an increased effort to find ways to bring about a desulfurization of the coal so that is can be used in nearby electric powerplants, perhaps mine mouth plants, which must comply with the existing Federal and State standards for air quality. Gasification and/or liquefacation of coal will permit conversion to a form which is easily transportable, for example, by pipeline or railroad tank car.

There is hardly a thinking person in our Nation who does not now fully realize the significance of the short-term energy dilemma which we face. Fortunately, the reserves of coal throughout our Nation are plentiful and therein lies a partial solution to our short-term energy problems. If we can find better ways to utilize coal for energy production, we can ease our current and projected deficiencies in supplies of fuel oil and gasoline.

It is also encouraging to know that further work will be done on improving mining techniques which both increase productivity and improve the health and safety of the miner.

THE TRADE BALANCE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the House Ways and Means Committee now has before it a bill which would grant the administration the most extensive powers in the field of foreign trade and investment ever permitted.

Administration officials insist that the sweeping authority sought for the President in this bill to raise and lower tariffs and other trade barriers almost without restriction is necessary if we are to right our badly out-of-kilter trade balance.

The Congress should take a very careful look at this grant of authority to see whether in fact it is all needed.

What has the President done with the authority he now has? A look at the record will show that there are presently available to the President many powers in the foreign trade and investment field which he has not utilized—and shows no current signs of utilizing.

For example, the President is asking for new authority to take "safeguard" action against the erection of foreign barriers to U.S. goods. Yet, present trade law gives the President authority to withdraw tariff reductions if foreign nations erect barriers which affect U.S. exports. In the decade since this provision was enacted, thousands of barriers to U.S. goods have been erected—yet the authority to take away tariff concessions to these same nations has not been used.

Another provision of existing trade law allows the President to impose "safeguards" when any foreign nation maintains restrictions against U.S. agricultural products. This authority has been used only on very rare occasions.

Present trade law also provides for withdrawing tariff reductions where special preferential trade arrangements are made by one country with another at the expense of U.S. exports. These agreements are common in international trade, but the President has not used this authority.

The President also is seeking new authority to act in behalf of industries which are being injured by imports. Existing trade law says that whenever imports are increasing in major part as a result of tariff concessions at such a rate as to be the major cause of import injury, the President may put on tariffs, negotiate orderly marketing agreements, and take other steps. However, in January of 1971, the Tariff Commission took an action which gave the President the authority to use the law's powers to help the U.S. shoe industry. The shoe industry and its workers have been waiting for that action for more than 2 years.

There are other industries and workers that have faced similar problems, including the steel industry, which is important to the people of the 23d District of Illinois.

The consumer has a substantial stake in the administration's proposal also. If the administration's trade bill passes in the form now before the House Ways and Means Committee, it would give the President the absolute power to give away a very important consumer right.

This is the present right of the American consumer to know where the products he buys come from. Under current law, the country of origin must be stamped on every product made in another country and sold in this country. If it is made in Japan, Taiwan, Korea, or Hong Kong, it must say so. If the product bears an American brand name but is manufactured in a foreign nation, that nation must be identified.

This marking of origin requirement is termed a "nontariff barrier" to trade. Many people—among them foreign nations, U.S.-based multinationals, and U.S. importers—want this requirement removed so that they can flood the United States with cheaply-made goods.

And if the President's trade bill is passed in its present form they would get their way. One of the powers sought in that legislation is the absolute authority for the President to remove certain nontariff barriers, without being answerable to the Congress or to anyone else. One of the nontariff barriers included in this power is the marking of origin.

Both American businessmen and American consumers find this protection important. Businessmen are proud of the "made in U.S.A." label on their products; recently, an official of Magnavox Corp., one of the few electronics companies which has chosen to keep its plants, its production and its jobs at home rather than take them overseas, declared that an important reason for staying in the United States was "because we have pride in our product and we do not want the stigma of a foreign label." Not so long ago, pollster Louis Harris reported that:

> There is a distinct sense among the American people today to rally in support of our own economy here at home. The proposition that "if our people don't buy American more in the products we purchase, the U.S. economy will be in real trouble" met with 61 percent to 17 percent agreement.

The American buying public has long been confident that American-made goods are the best that can be had in the world, the product of skilled American labor, highly sophisticated production methods, and careful product quality control. "Made in the U.S.A." is a badge of honor.

But if the marking of origin requirement is removed, the American consumer would have no way to exercise the choice of buying American. All products made abroad come into this country without any identification. American brand name products could be produced abroad by 12-cent an hour labor, and brought into this country without anything to show the consumer where they were made, and sold to the unsuspecting public at American prices.

Not only would the removal of this consumer right to know deceive the public, but it would sell out to cheap foreign competition those American businesses such as Magnavox, who are proud enough of the U.S. label to keep their plants and production in this country.

Mr. Speaker, I know that every Member of Congress wants to help America solve its many problems in the field of foreign trade. But giving away the consumer's right to know the country of origin of the products he buys is not the way to do it.

INTERNATIONAL TRADE POLICY REVIEW

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the trade reform bill of 1973 is currently under consideration by the Ways and Means Committee. During the extensive hearings of the committee, one of the witnesses was Mr. O. R. Strackbein of the Nation-Wide Committee on Import-Export Policy. In his statement, Mr. Strackbein provided a brief review of our trade program and quoted from some of his previous testimony on the same subject, before the same committee, 10 and 12 years ago. It is interesting to note what he said on those previous occasions.

I shall quote only a few lines and leave the rest to his prepared statement which I offer with the sincere hope that all Members will read and reflect on the message therein. On May 5, 1960, Mr. Strackbein said:

> It took 25 years of doing, including much domestic economic legislation, a world war, a local war (Korea) and the cold war to stack up the international competitive situation as we see it today. . . .
>
> We are on the eve of an earthquake that will shiver us to our economic foundations if we do not soon take thought and reverse some of our romantic policies. If we do not do this the economic waters of the world will inundate us and the outflow will rend us and swirl us to the common level. We will no longer reside on a plateau, a beacon to other lands . . . Our leadership of the free world will dissolve into a sea of impotence and our ideals for building a peaceful world will be of little avail.

Mr. Strackbein issued many warnings including a 5-year tariff moratorium in 1963 while the Kennedy round was under negotiation. His warnings were not heeded. Had we paid more attention to his urgings, we would not be in the unenviable position in world trade today that we find so distressing. Mr. Strackbein's statement of May 15, 1973 follows:

STATEMENT OF O. R. STRACKBEIN

Mr. Chairman and members of the Committee, my name is O. R. Strackbein. I am president of the Nation-Wide Committee on Import-Export Policy. This organization was formed 20 years ago, but I have been appearing before your Committee for 25 years on the subject of trade legislation.

On this occasion, Mr. Chairman, I would like to go back a few years in the nature of background data so that perspective may be achieved.

The first trade bill was passed in 1934 and there have been about a dozen renewals and extensions, with modifications. The protective effect of our tariff has been reduced over 80%, from a level of over 50% to about 9% on dutiable items. However, during the first twenty years after 1934 the world was so upset by wars that no true measure of the effects of our freer-trade policies could be made. World War II was followed by the Korean conflict. It was really only in the late fifties and the early sixties that definite results began to appear.

Mr. Chairman, I would like to quote a few passages from speeches that I made in 1959 and 1960, i.e., some 12 or 13 years ago.

On September 2, 1959, speaking before the Plumbing Brass Institute, I said:

"We have saved a number of countries a generation of research and development by making available to them our latest technology. This is not said by way of complaint, but we should at least have sufficient insight to comprehend the probable consequences of our policies. The echoes are coming in from many directions."

At that time steel imports for the first time exceeded our steel exports. The rise in imports was generally attributed to the 1959 strike. The speech noting this said:

"Also, it may be questioned whether steel imports will fall substantially after the strike (1959). They began rising over a year ago before the strike was called and price comparisons with the foreign product would indicate a continuation of imports at a level considerably higher than in the past."

Indeed, imports of steel did continue to climb and reach some 14–15% of our market before the steel import restrictions put into effect in 1969.

"Yes, we will live on expansion and expansion—in all directions, across national borders into foreign lands. Optimism and expansion will conquer all! So say the present-day professional optimists.

"Of course no one wants a breakdown; but we can import one if we refuse to recognize the realities. Among these realities are:

1. An untenable international competitive position;

2. A heavy and stubborn deficit in our total foreign account;

3. An expansion of imports and a shrinkage in exports;

4. High domestic production costs compared with other countries;

5. A sharp uptrend in foreign productivity per man-hour;

6. A wage lag in relation to rising productivity abroad;

7. Loss of (U.S.) technological leadership among the nations;

8. Increasing trend toward mass production abroad;

9. Emigration of American capital to lower-wage countries;

10. Discouragement of expansion plans among domestic industries, especially suppliers, dedicated to the American market;

11. Increasing importation of parts and semi-manufactures as a means of competing with imports of finished manufacture;

12. Automation as a means of improving competitive position, resulting in unemployment and failure to absorb millions of additions to the labor force.

"What does all this mean?

"The Answer can be given by looking around us. Let me offer a few examples:

"Steel, automobiles, typewriters, sewing machines, and petroleum are products that we were long accustomed to export while we imported little of them. These were the output of our most advanced industries in point of mass production and technology.

"If imports were able to attack and take the very ramparts of our highly productive industries what can they do and what have they already done to others of our industries?" . . .

"The prospects are not bright for a pull away by this country. Not at all. The other countries now have all that it takes to catch up with us, including the creation of mass markets. The question is how their catching up is to be accomplished. Must we be torn down in the process, or can we hold our own while the other countries come up?

"We need a holding defense. This can best be contrived through a combination of tariffs and quotas, by the use of which suitable shares of our market can be opened to imports while reserving the remainder for ourselves!"

From another speech I made before the AFL–CIO Union Label and Service Trades Department, September 15, 1959, San Francisco, the following extracts are taken:

"Shall we recognize the fact that we are facing something we have not faced before and take some holding action with which to buy time? . . . To bring up wages abroad . . . will in any case be slow and we must do something in the meantime . . . or we will fall in order to meet them."

"We must not be deluded into thinking that our competitive discomfiture is a passing nightmare. In the nature of things, considering all the factors on the horizon, it is an ominous confrontation, not a mirage."

Mr. Chairman, I do not wish to bore you with irrelevant quotations. Yet the observations of twelve or thirteen years ago indicate that our situation of today was already visibly on the way at that time. On December 9, 1959, in a speech before the Washington Trade Association Executives in a reference to direct foreign investment abroad which at that time was about $38 billion and close to $100 billion now, appear the following passages:

"We have high wages, high employment, high profits; and these are needed to meet high national budget as reflected in high taxes. We cannot reduce the major elements of our national income without courting bankruptcy. We cannot go back to a lower price level for that very reason."

"Up to now we have managed to juggle sufficiently to avoid facing the facts. Recently it has become apparent that there must be an end to the success even of juggling."

The last speech from which I quote was delivered on May 5, 1960, before my own Committee. I said:

"It took 25 years of doing, including much domestic economic legislation, a world war, a local war (Korea) and the cold war to stack up the international competitive situation as we see it today: . . .

"We are on the eve of an earthquake that will shiver us to our economic foundations if we do not soon take thought and reverse some of our romantic policies. If we do not do this the economic waters of the world will inundate us and the outflow will rend us and swirl us to the common level. We will no longer reside on a plateau, a beacon to other lands. . . . Our leadership of the free world will dissolve into a sea of impotence and our ideals for building a peaceful world will be of little avail."

I confess that this latter might be characterized as purple prose. However, such a characterization might be regarded as being on a par with the one that was applied to my warnings by a former member of your Committee, that I was a prophet of doom and gloom.

Now, Mr. Chairman, I believe that the principal obstacle to bringing the facts before the public lay with the press which was overwhelmingly committed to freer trade. The press, which is firmly dedicated to the right of the people to know, did not wish the same public to know enough about the results of our trade policy to question its widely heralded blessings. There was a further effective silence by the press that concealed the facts when in 1966 the Senate Finance Committee held hearings on S. J. Res. 115 which called for a revision of our official trade statistics. The purpose was to make them a more faithful reflection of our balance of trade. Existing statistics under-valued our imports and over-valued our exports so far as private competitive trade is concerned. This they (1) did by reporting imports on their foreign value rather than the landed cost, including freight, insurance, etc., and (2) reporting as exports all the goods that we shipped under Foreign Aid, Food for Peace and those we moved because of high federal subsidies. The result was that defenders of the faith could point to our so-called favorable trade balance and say that we are indeed competitive in foreign markets and could stand further tariff reductions.

In 1972 instead of a deficit of $6.4 billion it was nearer $13–$14 billion if the transactions had been properly reported.

Now, after more than six years and after the deficit broke through even the concealing cover, we are about to have official statistics on the basis of c.i.f. import values rather than merely on their foreign value.

Mr. Chairman, in August, 1971, some steps were taken to meet what had by that time reached crisis proportions. We put on a 15% additional duty on most imports and then devalued the dollar. This action turned out to be inadequate and recently another devaluation was announced. The average devaluation of the dollar is now over 20% while the yen has been up-valued close to 35% and the German mark somewhat less.

With respect to currency realignment it should be said that the action was necessary but that it should not be relied on as a long-range solution. It treats all products alike, and they do not all stand on the same competitive level. Furthermore, other countries can take countervailing action at will, and unilaterally. It is therefore an unsatisfactory instrument because of the uncertainty attendant on recourse to it. Great secrecy and denials usually precede action in this field.

What is needed under the conditions we face in the world today is a restoration or near restoration of the market conditions that made possible and supported the growth of our industries and employment as we moved up the ladder to world industrial leadership.

The foundation of this highly successful system rested on recognition of the fact that consumer income must be sufficient to absorb the output of mass production. This called for higher rather than lower wages as a means of achieving lower production costs. The British had taken the opposite tack. To achieve low costs they sought low wages. Then they could export to the whole world. Henry Ford turned the formula around. Mass production would lower the costs and higher wages would assure a market for the rising output.

This system worked miracles in terms of industrial expansion. After World War II, however, we helped other countries adopt our system and, with the exception of the Communist bloc, they made amazing headway. In many instances they built new industries almost from the ground up, and by installing the most modern equipment gained astounding advances in productivity. We helped them financially and with technical assistance.

Their wages, however, were so low that even though they started upward more rapidly than we they have not yet caught up, and the competitive gap has not been closed. In dollars and cents it is wider today in many instances than it was ten or twenty years ago.

Our industry has been accused of inefficiency and there may be some of that, but we have no bill of particulars. When our industries go abroad, carrying their managerial forces with them, they do very well. Unless the sea-change brings on greater efficiency it would appear that they reflect no more than the going level of efficiency in this country.

With so much of our capital moving abroad, near $100 billion to date, and with other countries increasingly well equipped and using our technology plus their own, the domestic industries remaining behind, and particularly their workers, face a different world from pre-1955 or 1960.

We built our system by replacing workers with machinery that was more productive. In those instances in which demand for the product was elastic, mass production, by lowering costs, greatly increased consumption. Before long employment expanded beyond the level at which it stood when workers were laid off. The automobile industry after some years employed many more workers than the buggy and wagon makers.

However, if the demand for the product is not elastic consumption will not respond much to lower prices. Food products are of this class; and that is why the farm workers who were displaced by the millions because of the great rise in agricultural productivity, remained unemployed and flocked to the cities to give us our stubborn urban problem.

When coal mining made great strides in productivity 3 out of 4 miners lost their jobs; and they too remained unemployed. The price of coal remained very low but faced an inelastic demand. Recently the price has gone upward, thanks to exports and an expanded demand but the unemployed Appalachian workers are still with us.

Mr. Chairman, we come now to a very important point.

Imports that bear an appreciable price advantage confront the domestic producers with a situation such as they face if the demand for their product is inelastic. If they displace workers in order to become or remain competitive with imports these workers very likely will remain displaced. Imports, if unimpeded, will prevent the expected increase in consumption of the *domestic* product, even though total consumption of the product does increase. Even if the demand for the product is elastic the increased emploment that formerly took place here will occur abroad instead. With our population increase we will under such circumstances look in vain to the "growth industries" to come effectively to the rescue.

Agricultural exports will not fill the gap. Agricutural employment is down to a little over 3 million, half of what it was in 1955, and still declining. So we need not expect much help from the present agricultural exports so far as employment is concerned. These booming exports, incidentally, have lifted greatly the price of soybeans, wheat and corn. It is often said about import quotas that they raise prices. Of this there is proof to the contrary, but lively exports demonstrably raise prices. Import quotas usually have the purpose of preventing prices from falling to disastrously low levels. (I would like to offer for the record two short papers on this point.)

The question naturally arises what can be done to restore the domestic market conditions so that growth industries may again flourish.

Import quotas should be used judiciously for this purpose, being used to assure the domestic producer of a predetermined share of our market, so that he can be sure that it will be his or that of his domestic competitors when they have developed the product and created a market for it. If his product is patented the market should be his for the life of the patent while allowing imports to increase, let us say, to 15% or some other stated share. The domestic producer would then have restored to him the incentive the pursuit of which brought this country world industrial leadership in the first place.

With import quotas designed with the conscious purpose of accomplishing this end they will have performed their principal function. They may also be used in other instances as our agricultural quotas have been used, to prevent demoralization of the market by low-priced imports.

Such injury as may be done to domestic employment by the multinational corporations would be neutralized if total imports of a product were limited to a share of the market. Such economic benefits as these corporations bring to the developing countries could continue.

Turning now to the proposal to vest the President with carte blanche powers to modify the tariff and impose quotas, such authorization would be an abdication of powers conferred on Congress by the Constitution. We do not regard this as desirable. The likely effect would be an unequal application of the law. The larger and politically powerful groups would gain accommodation while the smaller ones would be left to shift for themselves.

Another important part of the bill is adjustment assistance. It is limited to the workers. We do not believe that such assistance should be relied on as a remedy but if it is, industries and companies should be equally eligible.

It has never been satisfactorily explained why imports should be vested with the right of eminent domain over domestic industries and their workers. Foreign competitive advantage usually is unearned in the sense that it is usually based on the simple fact of lower wages.

Our industries are legally bound to pay minimum wages that are usually higher than the average foreign wages. We should not force our industries by law into a competitive disadvantage and then sometimes come to their rescue through adjustment assistance. Rather we should prevent the injury in the first place. If we had a proper import quota system we would have no need of adjustment system.

Washington, D.C.

WINNERS ANNOUNCED IN "KEEP CHICAGO CLEAN" ESSAY CONTEST

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I want to call to the attention of my colleagues the winners in the essay contest sponsored by Mayor Daley's Citizens Committee For A Cleaner Chicago, myself, and Alderman Anthony Laurino.

The essay contest, in conjunction with a program called "Pitch In For Chicago," is part of a nationwide antilitter project which invites all Americans to join in the important task of ridding our country of litter, and I am delighted to contribute $25 Savings Bonds to the five winners.

The pupils in grades 5 through 8 from 5 schools in the 39th Ward area of the 11th Congressional District of Illinois, which I am proud to represent, were asked by their principals and teachers to write an essay entitled "How I Can Help Keep Our Community Clean and Beautiful." The teachers selected the best entry from their room and the best of those were then judged by the principals and their staff, who selected the top two entries for their schools.

In order for our democracy to remain strong and viable, it is necessary for all our citizens to participate. A program such as this helps to prepare our youngsters to assume their obligations and responsibilities in a democratic society such as ours for they are not only future citizens but future office holders.

Next week I shall present each first place winner with a $25 U.S. Savings Bond, and each runner-up with a special certificate of recognition, but I also wish to take this opportunity to extend to them my heartiest congratulations and warmest good wishes for their future.

Mr. Speaker, I proudly announce the winners in the "Keep Chicago Clean" essay contest: Regina Foran, 6156 N. Knox, of Queen of All Saints School, Camile Blachowicz, principal; Kathleen Hoppa, 4243 N. Keeler, of Hiram H. Belding School, Agenor E. Osuch, principal; Rita Kanaya, 5125 N. Central Park, of Alessandro Volta School, Norman Glick, principal; Maureen LaPorta, 4854 N. Kilpatrick, of John M. Palmer School, Theodore W. Wallschlaeger, principal; and Dana Parker, 3915 N. Lawndale, of John B. Murphy School, William G. Rankin, principal.

Mr. Speaker, I am also proud to announce the runners-up in the contest: Josephine Gariti; Carolyn Hinkle, 3841 N. Lawndale; Karen Johnson, 5121 N. Kildare; Leslie Schmidt, 4258 W. Montrose; and Jane Wetterling, 5625 N. Knox.

Mr. Speaker, I also wish to include in the Record the five winning Essays:

Regina Foran, Grade 6

Take a look down your street. All you have to do is Pitch In. Just pick up a piece of paper. Keep garbage bags in your cars. Think the next time you eat a candy bar. Throw that wrapper in the right place. Then take a look.

Kathleen Hoppa, Grade 6

The best help I, as an individual, can give is to avoid littering and to try and convince others to do the same. In that way my community will stay clean. With the parks, forests preserves, and surroundings uncluttered, their beauty can be enjoyed by everyone.

Rita Kanaya, Grade 7

A clean Chicago is a lot to do, but if we start littering, we can stop it. Don't say, "What's a little scrap of paper?" and throw away. Multiply it by 2 million and that adds up to a lot. It's not going to break your fingers. Pick it up!

Maureen LaPorta, Grade 6

I can help fight pollution by not littering, participating in "Project SOAR," and by bringing in glass and newspapers to recycling plants. We must keep our waters free from oil spills and deposit trash.

I can help keep my immediate area clean by preventing fire hazards, cleaning out basements and attics, and keeping lawns clean.

Dana Parker, Grade 6

Get your bags, rakes, shovels, and anything else needed ready. Come with me! We're all going to walk down the streets and pick up anything useless. Don't you wish this were possible? It is—if we all do our share in cleaning up. We can!

THE OUTSTANDING SERVICES OF THE HONORABLE KENNETH E. BELIEU

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, June 29, 1973, marks the departure of the Honorable Kenneth E. BeLieu from his position as Under Secretary of the Army. There are many of us who are proud of Ken and Markie BeLieu and who comprehend the outstanding work he has done for many years for the Government of the United States. Certainly as one who has been privileged to be a long-time friend. I am happy to join in recording and commending the achievements of this great American.

Ken BeLieu has a long record of service to the Nation. He had an outstanding combat record in Korea and was grievously wounded there while fighting our Nation's battles. Subsequently he served with distinction as a staff director of the Senate Aeronautical and Space Sciences Committee and the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

He was appointed as Assistant Secretary of the Navy for Installations and Logistics and later served as Under Secretary of the Navy. In these positions he added to the luster of his contributions.

Later he came back to serve the Army and, during a period of great challenge, Ken BeLieu brought to the Army vision, integrity, and a genuine concern for both the individual soldier and for the Army as an institution in our Nation. His vast experience of Defense requirements, management competence, and concern for the needs of soldiers and their families, have characterized his brilliant service. He exerted pride in the Army's past service to the Nation and confidence in its future.

Few Americans have given more to their country then Ken BeLieu. Fewer still have achieved such high regard as a citizen-soldier in the finest traditions of selfless service. The cause of freedom has benefited by his great contributions to our Nation. In all of this, his beloved wife Markie has stood proudly and helpfully by his side. They are a truly great American team.

I attach a biographical sketch for printing in the Congressional Record:

Biography—Kenneth E. BeLieu, Under Secretary of the Army

Kenneth E. BeLieu, Under Secretary of the Army, was born in Portland, Oregon, February 10, 1914. He attended Roosevelt High School in Portland ('33) and the University of Oregon ('37) at Eugene, Oregon and subsequently the Harvard Business School Advanced Management Program ('55).

Mr. BeLieu was sworn in as Under Secretary of the Army on September 22, 1971.

In 1940, after three years of business in Portland, he volunteered for active duty as a Second Lieutenant in the Infantry. By 1945, he had participated in the Normandy Landing and campaigns in France, the Battle of the Bulge, Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart and Croix de Guerre.

Following World War II, he served in various assignments with the Army in the War Department and Department of the Army General Staff. In 1950, during the Korean Conflict, he lost his left leg below the knee as a result of wounds received in combat. Upon his discharge from the hospital he was assigned to the office of the Secretary of the Army where he served as Executive Officer to two Secretaries of the Army before his retirement as a Colonel in 1955.

From 1955 to 1960, BeLieu was a professional staff member of the Senate Armed Services Committee, the first Staff Director of the Senate Aeronautical and Space Sciences Committee and at the same time was Staff Director of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

In February 1961, he was appointed Assistant Secretary of the Navy for Installations and Logistics. In February 1965, he was appointed Under Secretary of the Navy. While in the Navy Mr. BeLieu was awarded the Navy's Distinguished Public Service Award. He returned to private life in July of 1965.

During the period of July 1965 to January 1969, Mr. BeLieu held positions as Executive Vice President, President and Member of the Board of the Leisure World Foundation, Laguna Beach, California; Member, Defense Science Board; Member of the Board of Advisors, Ryan Aeronautical Corporation and Continental Motors; and Member, Technical Advisory Board, RCA.

On January 21, 1969 Mr. BeLieu was appointed by President Nixon as Deputy Assistant to the President for Congressional Relations, the position he held until he was appointed Under Secretary of the Army.

Mr. BeLieu and his family reside in Alexandria, Virginia.

MAYOR BETTY WILSON OF SANTA FE SPRINGS, CALIF., TO VISIT THE SOVIET UNION

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, an American delegation comprising Mayor Betty Wilson of Santa Fe Springs, Calif., and three other people has been invited by the Union of Soviet Societies for Friendship and Cultural Relations With Foreign Countries to be the guests of the Russian Government for the purpose of discussing guidelines for the development of sister city relationships between the United States and the U.S.S.R. This invitation represents a dramatic new step toward furthering direct relationships between the cities and citizens of the two countries.

The trip, scheduled for July 1 through July 14, will be the initial step of an exchange that will bring a four-member Soviet delegation to the United States, September 1 through September 15.

En route to Russia, Mrs. Wilson will attend the World Congress in Lausanne, Switzerland, which is sponsored by the International Union of Local Authorities. Mayor Wilson will be a delegate representing the United States. At this meeting representatives from over 70 countries will be meeting together to compare approaches to solving local government problems. The World Congress is in effect a clearinghouse for ideas and experiences.

Mayor Wilson is chairman of the National League of Cities Committee on International Municipal Cooperation and regional vice president of the Town Affiliation Association which has as its principal program, Sister Cities International.

Expenses for the trip will be paid by the Russian hosts, with the exception of air fares which will be paid by the Town Affiliation Association.

When Mrs. Wilson arrives in Russia she will be joined by the other members of the delegation who are: Louis Wozar, president of the Town Affiliation Association; Frederick W. Brittan, chairman of the board of the Town Affiliation Association; and Thomas W. Gittins, executive vice president of the Town Affiliation Association.

I have inserted an article from the Whittier Daily News, June 16, 1973, which further illustrates Mayor Wilson's Russian trip:

For Sister City Program—Springs Mayor Going to Russia

Santa Fe Springs.—The mayor is going to Russia.

On the heels of Soviet leader Leonid I. Brezhnev's conference with President Nixon next week, Santa Fe Springs Mayor Grace (Betty) Wilson and three other officials of the Town Affiliation Assn. will travel to Russia to begin negotiations to establish a Sister Cities program between the USSR and the United States.

A cable this week confirmed an invitation by the Union of Soviet Societies for Friendship and Cultural Relations with Foreign Countries to the association for a two-week, four-city tour of Russia July 1 through 15.

The trip will be the initial step of an exchange that will bring a four-member Soviet delegation to the Town Affiliation Assn. conference in Atlanta in September.

EXCHANGE PROGRAM

"You have to go slow on these things, but at least we'll get the door open for future talks. We will probably discuss what cities should be paired and what type of an exchange program we want to set up," she said.

"I'm really excited about the trip," she said. "Not about the trip as such, but about the meaning.

"We will be getting together to plan a program of cooperation between the people. I feel like a pioneer."

In his news conference Thursday, Brezhnev called for closer people-to-people ties between the two countries.

"I don't know whether it was deliberate or a coincidence," Mrs. Wilson said, "but it's certainly timely. That is exactly what the Sister Cities program does."

Mrs. Wilson was selected to make the trip, she said, "Mainly because I'm a woman and because I will be the only elected official going. Also, I serve on the National League of Cities Committee on International Municipal Cooperation."

The other Town Affiliation Assn. members in the delegation are Louis Wozar, of Dayton, Ohio, Frederick Brittan, of Dover, Del., and Thomas Gittins, of Washington, D.C.

Mrs. Wilson will be the only representative from the western states.

GROUNDWORK LAID

Some of the groundwork for the exchange is done, in the form of a similar program in the Soviet Union.

"They have a program similar to Sister Cities, but, of course, it's called something else," Mrs. Wilson said.

"They have a sister city in Japan, one in India, and some in Europe, but they've never had one in the United States, and that is why I'm so excited about going."

En route, Mrs. Wilson said, she will stop in Lausanne, Switzerland to act as an official delegate representing the United States at the International Union of Local Authorities Conference the last week in June.

"This has been in the works for some time," she said, "but I refused to let myself get excited about it until we had a definite answer."

Mrs. Wilson plans to leave June 22 and return July 16.

Expenses for the trip will be paid by the Russian hosts, with the exception of air fares which will be paid by the Town Affiliation Assn.

Chairing her second meeting as the city's newly selected mayor, Mrs. Wilson made the announcement at Thursday's City Council meeting to ask the council to excuse her from the next two sessions.

FIRST OF ITS KIND

"This is the first time an exchange like this has involved the people of the two countries," Mrs. Wilson said, "not the governments, not industry or science figures.

"In the past the overtures have been in the area of economics, sports, the arts and so forth, but this is the first time that the people have been directly involved."

The cable confirming the invitation, she said, was brief, only laying out the four-stop itinerary of Moscow, Leningrad, Kiev, and an option of either Tashkent or Bologrado.

"The cable didn't say much," she said, "but I'm sure that what we'll do is discuss and lay ground rules for a Sister Cities exchange. I do not know for sure, but it makes sense that that's what we'll do.

STATEMENT OF CONGRESSMAN DOMINICK V. DANIELS ON AMENDMENTS TO THE FEDERAL EMPLOYEES COMPENSATION ACT

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, since 1916 the Federal Employees Compensation Act has stood as the finest example of compensation for injury statutes in our country. It was the forerunner of many of the State laws on this subject. Federal employees view with pride the consideration extended to employees and their families who experienced disability or death from job-related causes.

The last revision of this excellent Federal law occurred in 1966. Those amendments represented an updating of the statute in terms of changes in the needs of Federal workers and the desire of the Federal Government to continue its preeminent position in the field of employee benefits.

Quite appropriately, the 93d Congress should consider further revisions of the statute to insure its continuance as the model employer. Since 1956 many State compensation laws have been liberalized. Benefits for Federal workers have been improved in many respects. Updating of the Civil Service Retirement Act was approved by the 91st Congress.

A comprehensive revision of the Longshoremen's and Harbor Workers Compensation Act was reported from the Select Subcommittee on Labor, which I chair, and was enacted by the 92d Congress.

The cost of living has soared since 1966. A keystone of compensation law is a guarantee to disabled workers that they and their families will have income related to their wages when they suffer on-the-job injuries.

For these reasons, I have introduced a bill designed to assure injured employees that the Federal Government will continue its enlightened policy in the field of compensation.

In summary, the bill proposes these revisions in the Federal Employees Compensation Act:

The present statute permits a widower of a deceased Federal worker to receive benefits only when he is wholly dependent on her, because of physical or mental disability. Similarly, a husband can be considered a dependent in determining the rate of compensation a disabled female employee will receive only if he is totally dependent on the injured worker, because of total disability. Our pattern of social thinking has changed dramatically in the United States in recent years. No longer can a husband be considered in all cases as the sole breadwinner of the family. In many instances, the family's standard of living and the education and well-being of children are based on the combined income of husband and wife.

My bill erases the artificial differences between the entitlement of husband and wife based upon a concept no longer considered valid. This bill allows a widower to receive benefits, because of the demise of his federally employed spouse, if he lived with her or was dependent upon her at the time of her death or if living apart for good reason or because of the desertion of the husband by the wife.

Also the bill allows an injured female worker to obtain the extra 8⅓-percent augmented compensation under section 8110 of the act for dependents if she has a husband who is a member of the same household, receiving regular contributions for his support, or if she has been ordered by a court to pay for his support.

Under existing law an injured worker may receive medical services in U.S. facilities such as the Public Health Service, the Veterans' Administration hospitals and by designated private physicians in hospitals, however the latter can be utilized only when Federal Government sources are not available or practicable.

The National Commission on State Workman's Compensation Laws recommended that injured employees be permitted to make their own choice of physicians either from all physicians in the State or from a designated panel. This amendment would bring the FECA into line with the recommendations of the Commission.

The present law requires a reduction in the compensation received by an injured employee if his disability changes from total to partial. If a partially disabled employee is unable to return to the job he held at the time of injury then the Secretary of Labor determines the earning capacity of the partially disabled employee and reduces his compensation—on the basis of 66⅔ or 75 percent compensation rate—to the difference between the employee's pay on the day of injury and his new earning capacity. While this is considered a reasonable practice in the field of compensation, it works a hardship on those who are getting or would like to enter an authorized rehabilitation program at the time of a change in disability from total to partial.

The bill would permit the Secretary of Labor to continue compensation at no less than 80 percent of the total rate as an inducement for partially disabled employees to remain or enter into an approved program designed to rehabilitate them vocationally.

Compensation for loss of an arm, leg, foot, hand, eye, and so forth are specified in the present law by the part of the anatomy and the number of weeks involved. Loss of an organ or the permanent loss or use of a worker's back cannot be compensated in this manner. If an employee suffers this kind of loss due to an on-the-job injury, justice, and logic require that he receive at least the same type of benefits as those who lose an external member.

Under the amendment the Secretary of Labor is authorized to provide compensation for such losses, not to exceed 350 weeks.

Some Federal employees become totally helpless, because of the injury they have experienced to the extent that they require the constant service of an attendant. Under the existing statute they are entitled to a monthly allowance not to exceed $300. The bill eliminates the $300 monthly allowance and sets no maximum allowance, but leaves the determinaton of this expense to the Secretary of Labor.

Injured workers who participate in vocational rehabilitation may be paid a maximum of $100 monthly for maintenance while participating in the program. Increases in the cost of these items since the $100 figure was established—in 1960—justify advancing this figure to $200, as recommended in the bill.

A requirement that the Bureau of Employees' Compensation review an individual's case when he reaches age 70 to determine whether his wage-earning capacity has declined is found in the present law. If a determination is made that his earning ability has deteriorated, his compensation may be reduced.

For a worker whose injury is job related to experience reduction in benefits due solely to age portrays the Government as a callous employer. Any step to curtail his benefits is unwarranted from both the economic and social standpoints. The bill proposes to repeal this provision of the law.

The existing statute generally prohibits compensation payments and veterans benefits or military retirement or retainer pay for military service simultaneous.

If a Federal worker incurs a job related injury, which is compensable, it is inequitable to deprive him these benefits solely because he is entitled to payments from other sources for different purposes. His ability to realize compensation payments should be based on the merits of his claim and its compliance with the law governing his injury as a civilian employee.

For this reason, the bill permits compensation payments, regardless of any Veterans' administration or military retirement or retainer pay which may have been authorized.

Unless an individual's injury results in a disability which continues for more than 21 days or the original disability becomes permanent he may not receive compensation for the first 3 days of disability under current law. As a matter of equity a worker should not have to forego any compensation benefits if his condition is work related.

My bill reduced this period of pay loss to the first day of the date of injury that follows the injury or to the date disability begins. The first day would be covered only if the disability continues for more than 3 days or becomes permanent. Of course, medical treatment would be available from the time the injury occurs. In actual practice, most Federal agencies provide full pay on the date of injury or the date disability begins, thus virtually no employee would be forced to underwrite the law.

One of the problems experienced by injured Federal employees is the lapse in time between the injury and the commencement of payments. To alleviate this problem the bill authorizes Federal agencies to continue payment of an injured worker's salary for not more than 90 days at the applicable rate. The interest of the agencies would be protected because they would be required to pay the worker only in instances where they do not disagree with the claim. The rationale of the 90-day period is that it would dispose of the majority of noncontroversial claims by the agencies subject to review by the Bureau of Employees Compensation.

Generally speaking, claims for compensation on account of injury or death must now be made within 1 year. Failure to file within 1 year may be waived by the Secretary of Labor if filed within 5 years and the Secretary finds, first, that the failure to comply was due to circumstances beyond the control of the individual claiming benefits or second, the individual claiming benefits has shown sufficient cause or reason in explanation of and material prejudice to the interest of the United States has not resulted by the failure.

A small number of meritorious claims are not paid because of the existing 1-year requirement. The amendment to section 8122 of the act provides that the Secretary may waive notice of the injury in filing claim and compensation for disability of the claim is filed within 5 years after injury or death.

The maximum funeral allowance for death attributable to job related injuries was fixed at $800 in 1966. Since that time the average cost of funeral services has risen astronomically. For this reason, I am proposing to raise the maximum allotment for funeral expenses to $1,250.

When the price index maintained by the Bureau of Statistics rises at least 3 percent and maintains or exceeds that rate for 3 consecutive months compensation beneficiaries are entitled to a corresponding adjustment in monthly benefits under the Federal Employees Compensation Act.

The bill adds 1 percent to that adjustment to account for the delay between the determination that the cost of living has advanced to or surpassed the 3-percent figure in reflection of this development in monthly checks. A similar provision was enacted in Congress in 1969 for Civil Service employees.

Agencies are now required to reimburse the employees compensation fund for expenditures for compensation received by their employees. The practice is known as "charge back."

Federal agencies have complained that this practice requires inclusion of compensation costs in their budget requests, thereby creating additional budgetary planning and execution problems. Further, many agencies maintain and compare their records with the charges levied by the Bureau of Employees Compensation thereby further creating administrative expenditures.

The amendments rectify this situation while eliminating the "charge back" procedure. (b) of this section would permit the Bureau to plan to spend for administrative matters when the ceiling of 6 percent of the annual authorized compensation benefits. The figure of 6 percent is considerably lower than the comparable expenditures in the private insurance field, yet it is believed to be sufficiently high to permit flexibility.

The present law limits the maximum level of benefits to surviving widows and widowers and children to 75 percent of the employee's earnings. We have maintained this principle in the proposed legislation. At the same time, the percentage of salary payable has been generally raised by 10 percent and the division of benefits between a child or children and the surviving parent has been changed to provide more for the parent as the party responsible for the welfare of the children.

With this background there follows a comparison of these benefits and those incorporated in the bill:

[In percent]

Survivors	Present total	Proposed total
1. Widow or widower no child	45	55
2. Widow or widower 1 child	55	65
3. Widow or widower 2 children	70	75
4. Child alone	35	55
5. 2 children	50	65
6. 3 children	65	75
7. 1 parent[1]	25	35
8. 2 parents[1]	40	60
9. Wholly dependent brother, sister, grandparent, or grandchild[1]	20	30
10. 2 or more wolly dependent brothers, sisters, grandparents, or grandchildren[1]	30	50
11. 1 or more partially dependent brother, sister, grandparent, or grandchild[1]	10	20

[1] Compensation may not exceed 75 percent after payments to widow or widower and children.

The bill proposes to "make whole" the Federal worker who is disabled by a job related injury and later recovers to the point where he can resume Federal employment. The philosophy of workman's compensation involves a commitment by the employers that an employee disabled, because of conditions beyond their control should receive financial and medical assistance to protect himself and his family.

The Federal Employees Compensation Act Amendments of 1966 unintentionally excluded disabled employees of the Federal Public Works Administration, the Civilian Conservation Corps, the Works Projects Administration, and other New Deal agencies from receiving the automatic cost of living increases in compensation as provided by 8146–a.

Consequently, neither these individuals nor their survivors have received an increase in their compensation programs since 1966. These neglected persons do not strictly qualify as "Federal employees" as defined under the Federal Employees Compensation Act. However, it seems to me that the Federal Government would in fact assume responsibility for their welfare and safety when they were given employment in the depression era programs.

The number of persons who would be affected by this provision may be no more than a few hundred. Nevertheless, I do believe that this minor adjustment to the law is needed and justified.

There is another provision in this bill which can be called the "court crew" provision. This provision appears relatively insignificant, but unless enacted a potentially valuable rehabilitative program cannot be expanded.

California has been operating a "court crew" program for some time. Under this program, a judge sentences misdemeanants to work out their fines and sentences in the Federal national forests. As a result, the Forest Service has had many dollars worth of cleanup, maintenance, and development done under the program. The major stumbling block is lack of coverage of the workers in the event of an injury while working on Federal lands. This provision would further the implementation of this very valuable correctional rehabilitative program.

Under current law widows lose their right to benefits upon remarriage. This provision works a hardship on the older widow who chooses to remarry, but may be inhibited from doing so because of the financial loss which would result from the remarriage. The civil service retirement law and the Social Security Act already have provisions which permit aged widows who remarry to continue drawing their widow's benefits. My amendment would permit widows who remarry after age 60 to continue drawing benefits.

Employees who contract occupational diseases often have great difficulty in proving the work-related connection of the disease. H.R. 8771, my bill to strengthen State workmen's compensation programs provides authorization for the Secretary of Health, Education, and Welfare to develop a list of occupational diseases and to prescribe standards of proof for determining whether such diseases are related to employment. As I believe the Federal Employees' Compensation Act should be a model law, I have incorporated a similar provision as an amendment to that act.

A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF THE FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS

Section 1: Redefines widower and amends Section 8101 to mean a husband living with or dependent for support on the decedents at the time of the spouses death or living apart for reasonable cause or because of the spouses desertion.

Section 2: Amends Section 8103(a)(3) of the Act to permit Federal workers to use physicians or medical facilities from a list approved by the Secretary of Labor.

Section 3: Amends Section 8104 to provide that partially disabled workers should, while undergoing vocational rehabilitation at the direction of the Secretary of Labor, be paid compensation at a rate of at least 80% of the compensation they would receive if totally disabled.

Section 4: Amends Section 8107 of the Act to provide compensation for the loss of an internal or external organ or the permanent loss of use of a worker's back for not to exceed 350 weeks of cempensation.

Section 5: Amends Section 8110(a)(2) of the Act to allow an injured female worker to obtain the extra 8⅓% augmented compensation for dependents if she has a husband who is a member of the same household, receiving regular contributions for his support, or if she has been ordered by a court to contribute to his support.

Section 6: Amends Section 8111 of the Act by eliminating the maximum that may be paid services of an attendent as the Secretary considers necessary.

(b) of this Section increases maximum compensation for maintenance from $100 to $200.

Section 7: Repeals Section 8113(b) which requires that the Secretary review an individuals case when he reaches age 70 to determine whether his wage-earning capacity has declined.

Section 8: Amends Section 8116 of the Act to permit compensation payments regardless of any veterans administration or military retirement or retainer pay which may have been authorized.

No payment shall be made by reason of such amendment for any period prior to the date of enactment.

Section 9: Amends section 8117 to provide that compensation shall not be paid for the first day of disability unless the disability exceeds 3 days.

Section 10: Amends Section 8118 of the Act to authorize continuation of payment to an injured worker's salary for no more than 90 days at the applicable compensation rate.

Section 11: Amends Section 8122 of the Act and provides that the Secretary may waive notice of injury and the time limit for filing a claim for compensation for disability if a claim is filed within 5 years after injury or death.

Section 12: Sets the maximum funeral allowance at $1,250.

Section 13a: Amends Section 8133. The present law limits the maximum level of benefits to surviving widows and widowers and children to 75% of the employee's earnings. This maximum has been retained. The percentage of salary payable in families where the maximum is not applicable has been generally raised by 10% and the division of benefits between a child or children of the surviving widow has been changed to provide more for the parent as the party responsible for the welfare of the children.

(b) provides that a widow or widower benefits shall not terminate if he remarries after age 60.

Section 14: Makes the Act applicable to certain prisoners while performing services in national forests.

Section 15: Adds 1% to the present cost of living adjustment.

Section 16: Repeals the "charge back" provision of Section 8147 under which agencies are required to reimburse the Employees' Compensation Fund for the amount of compensation paid to their employees.

Section 17: Provides for the Secretary of HEW to establish a list of employment related diseases and standards for determining whether the disability or death of an employee from a disease sustained in the performance of duty.

Section 18: This section preserves all civil service rights of workers who recover from disabling injuries.

Section 19: This section makes appropriate changes in the table of contents.

Section 20: Provides for cost-of-living increases for employees of certain New Deal agencies.

STOCKTON HOTZE

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, at the close of business tomorrow, June 30, Mr. Stockton Hotze will retire as an employee in the Sergeant at Arms Office of the House of Representatives.

I have known Mr. Hotze for over 20 years. For 15 years, Stockton has been a dedicated employee in the Sergeant at Arms Office. His experience has been a valuable asset to that Office.

Members of the House will recall his friendly response and assistance when they had contact with him. He was an effective, efficient employee who was always helpful to the Members.

As I previously mentioned, I have known Stockton for 20 years, having had the pleasure of meeting him and his wife, Gladys, 5 years before he began his service on the Hill. I will miss seeing Stockton almost every day here in the Capitol, but I hope Mrs. Price and I will have the opportunity of retaining our long acquaintanceship with him and Gladys.

CAMBODIA STULTIFIED BY COUNSEL OF ROCKS

(Mrs. SCHROEDER asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, I wish to share with my colleagues the following article from the front page of the Denver Post. I hope they think seriously about the regime we are supporting in Cambodia.

[From the Denver Post, Apr. 20, 1973]

CAMBODIA STULTIFIED BY COUNSEL OF KOOKS

(By Larry Green)

PHNOM PENH.—Trying to make sense out of Cambodia is like trying to unscramble eggs.

Lon Nol, the 59-year-old president, is a mystic advised by a staff of wizards, magicians, sorcerers, soothsayers, astrologers and his brother, Lon Non, a ruthless brigadier general who is believed to influence policy totally.

Two years ago, when Lon Nol suffered a cerebral hemorrhage, U.S. Ambassador Emory Swank reportedly described him as "a sick man, both physically and mentally."

The Cambodian president has turned more and more from conventional government administration toward the occult, carrying his beliefs in magic and fortune tellers to extremes even for Cambodians, who use such things in their daily lives.

Recently Lon Nol dispatched a wizard in a helicopter to sprinkle a ring of colored magic sand around the edge of Phnom Penh to protect it from Communist attacks. The United States was sending B–52 bombers to do the same job at the same time.

A few months ago he ordered a government committee formed to twist clumps of grass into miniature soldier-like shapes, part of the national mobilization effort to raise an army. The committee never met.

Only a few weeks ago he fired his chief fortune teller when the seer failed to predict that a disgruntled air force captain would try to kill Lon Nol by bombing the presidential residence.

Yet another time, Lon Nol warned his country of the "Red rabbit plot." He warned that Communist agents were buying up rabbits, paying 30 and 40 times their normal market price, and training them to hop into military compounds with explosives strapped to their bodies.

The president urged Cambodians to contact the police if strangers attempted to buy rabbits, offering exorbitant amounts for their purchase.

"Everybody on his staff—all his advisers, the entire cabinet—knew there could be no such plot," one Western diplomat said. "But nobody dared to tell him, so the warning went out on national television and radio and appeared in the government's daily press communique."

Confusion and instability reign in politics and on both sides of the battlefront.

Until the government and the Communist insurgents get their respective political houses in order, chances for what the United States and Cambodia want most—a negotiated cease-fire—appear remote.

The first sign of movement on the part of the government came when Lon Nol announced the resignation of his 15-member cabinet, something it is required by law to do every six months.

Instead of reappointing the cabinet, Lon Nol, under what diplomatic sources described as "extreme American pressure," said he would try to reorganize his government and attempt to broaden its base of support.

All of this, however, will be largely meaningless, if Lon Nol refuses to relinquish his virtually total hold on power and if he remains on the political scene, diplomatic observers here say.

Lon Nol, once a hero for his role in leading the happenstance coup that resulted in the ouster of the former ruler, Prince Norodom Sihanouk, has become increasingly isolated from the people since suffering a stroke two years ago.

He has driven political opponents loyal to the Cambodian republic out of the government.

Newspapers that angered him by criticizing his government and his brother and by disclosing rampant corruption have been closed. Universities also are closed.

Until now, at least, the presidential cabinet has had virtually no authority under a constitution Lon Nol drafted. The country's general assembly is nothing more than a rubberstamp body.

Sirik Matak, one of the founders of the three-year-old republic and a former prime minister and general, is under house arrest. His chief aide fled after surviving an assassination attempt and is in Paris with his family.

In Tam, former interior minister, a defeated presidential candidate and popular leader of the opposition Democratic party resigned as the president's special adviser on national reunification several weeks ago, charging he had been given no authority by Lon Nol.

The insurgents aren't in any better shape, from what is known of their internal affairs.

They are reported to be divided between those who support deposed ruler Prince Sihanouk and those who oppose both his return to power and the continuing rule of Lon Nol.

After discussing Cambodia's political scene for a couple of hours, one diplomat said. "If Cambodia didn't already exist, certainly there would be an author someday with an imagination fertile and bizarre enough to create such a place. And then nobody would believe it. That is this country's tragedy."

HON. KENNETH BELIEU

(Mr. DORN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DORN. Mr. Speaker, Hon. Kenneth E. BeLieu today resigns as Under Secretary of the Army and leaves Government service after a career of superb service to the Nation.

Ken's personal courage in war time service to the Nation was unsurpassed. He participated in the epic Normandy landing and the Battle of the Bulge. His courage was recognized by the award of the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart and Croix de Guerre.

Ken BeLieu has served the Nation with highest distinction and dedication within the Department of Defense and as professional counsel to many committees of the Congress. He possesses an unsurpassed understanding of the operation of the executive and legislative branches of government. As Under Secretary of the Navy, and as Under Secretary of the Army, the position from which he retires today, his devotion to the American service man was a trademark of his service.

Mr. Speaker, as a highly esteemed citizen-soldier, with a deep sense of integrity, Ken played a key role in charting the Army's course toward a peacetime posture. His genuine concern for the soldier and his abiding love for the Army as an institution were his hallmark. He rose to a high level in the Defense Establishment, yet never lost the human touch. His unusual appreciation for the role of all branches of government in the national security equation enabled Ken to labor successfully to enhance the atmosphere of understanding and confidence between the Army, other governmental agencies, the Congress, and the public. His contributions to improving the country's defense posture were truly significant.

Mr. Speaker, Ken BeLieu is much admired by the Honorable Carl Vinson, one of the great committee chairmen of all time. The late Mendel Rivers and the late Richard B. Russell were among his closest friends and admirers. During his outstanding career of national service, Ken was the confidant and adviser of four Presidents of the United States, members of the Cabinet, and our highest ranking defense and military leaders. Ken played a leading role in keeping America strong during these critical years. Ken has earned the admiration and respect of the great leaders of Congress for more than 20 years. Ken has been all-American in his devoted and dedicated service and has the highest esteem of my colleagues on both sides of the aisle. Mr. Speaker, I know my colleagues join me today in wishing for Ken Belieu and his wonderful wife every continued success, many thanks and the very best always.

Mr. Speaker, the following is a brief sketch of the career of this illustrious American and dear friend.

Kenneth E. BeLieu, Under Secretary of the Army, was born in Portland, Oregon, February 10, 1914. He attended Roosevelt High School in Portland ('33) and the University of Oregon ('37) at Eugene, Oregon and subsequently the Harvard Business School Advanced Management Program ('55).

Mr. BeLieu was sworn in as Under Secretary of the Army on 22 September 1971.

In 1940, after three years of business in Portland, he volunteered for active duty as a Second Lieutenant in the Infantry. By 1945, he had participated in the Normandy Landing and campaigns in France, the Battle of the Bulge, Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart and Croix de Guerre.

Following World War II, he served in various assignments with the Army in the War Department and Department of the Army General Staff. In 1950, during the Korean Conflict, he lost his left leg below the knee as a result of wounds received in combat. Upon his discharge from the hospital he was assigned to the office of the Secretary of the Army where he served as Executive Officer to two Secretaries of the Army before his retirement as a Colonel in 1955.

From 1955 to 1960, BeLieu was a professional staff member of the Senate Armed Services Committee, the first Staff Director of the Senate Aeronautical and Space Sciences Committee and at the same time was Staff Director of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

In February 1961, he was appointed Assistant Secretary of the Navy for Installations and Logistics. In February 1965, he was appointed Under Secretary of the Navy. While in the Navy Mr. BeLieu was awarded the Navy's Distinguished Public Service Award. He returned to private life in July of 1965.

During the period of July 1965 to January 1969, Mr. BeLieu held positions as Executive Vice President, President and Member of the Board of the Leisure World Foundation, Laguna Beach, California; Member, Defense Science Board; Member of the Board of Advisers, Ryan Aeronautical Corporation and Continental Motors; and Member, Technical Advisory Board, RCA.

On January 21, 1969 Mr. BeLieu was appointed by President Nixon as Deputy Assistant to the President for Congressional Relations, the position he held until he was appointed Under Secretary of the Army.

Mr. BeLieu and his family reside in Alexandria, Virginia.

LEAVE OF ABSENCE

By unanimous consent, leaves of absence was granted to:

Mr. Veysey, at the request of Mr. Gerald R. Ford), for tomorrow, on account of official business.

Mr. Bell (at the request of Mr. Gerald R. Ford), from 5 p.m. on June 28 and the balance of the week, on account of official business.

Mr. Danielson (at the request of Mr. O'Neill), for today, on account of illness in family.

Mr. Burgener (at the request of Mr. Gerald R. Ford), for the remainder of the week, on account of official business.

Mr. Hungate, for 4:30 p.m., June 29, through June 30, on account of official business.

Mr. Lehman, for June 30, on account of illness in family.

Mr. McFall, for June 30 to July 18, 1973, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Veysey) and to revise and extend their remarks and include extraneous matter:)

Mr. Biester for 5 minutes, today.

Mr. Hillis for 5 minutes, today.

Mr. Hogan for 15 minutes, today.

Mr. Anderson of Illinois for 30 minutes, today.

Mr. Kemp for 10 minutes, today.

Mr. McCloskey for 10 minutes, today.

(The following Members (at the request of Mr. Mezvinsky) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Rosenthal, for 20 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Drinan, for 5 minutes, today.

Mr. Diggs, for 5 minutes, today.

Mr. Adams, for 10 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Bingham, for 15 minutes, today.

Mr. Leggett, for 5 minutes, today.

Mr. Matsunaga, for 5 minutes, today.

Mrs. Boggs, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden and to include extraneous matter.

Mr. Robison of New York, to revise and extend his remarks at the conclusion of the remarks of Mr. Rhodes.

Mr. Gross immediately preceding vote on H.R. 9055.

Mr. Stratton and to revise and extend his remarks and include extraneous matter.

Mr. Holifield and to include a newspaper article.

Mr. Zablocki in two instances.

Mr. Frenzel immediately following the remarks of Mr. Conable today.

(The following Members (at the request of Mr. Veysey) and to include extraneous matter:)

Mr. Roncallo of New York.

Mr. Steele in two instances.

Mr. Wyman in two instances.

Mr. Bell.

Mr. Gilman.

Mr. Michel in five instances.

Mr. Hillis.

Mr. Keating in two instances.

Mr. Conte.

Mr. Robison of New York.

Mr. McCloskey.

Mr. Rousselot in four instances.

Mr. Anderson of Illinois in two instances.

Mr. ABDNOR.
Mr. MIZELL in five instances.
Mr. CARTER in five instances.
Mr. LATTA.
Mr. HOSMER in three instances.
Mr. BROTZMAN.
Mr. BURKE of Florida.
Mr. CRONIN in three instances.
Mr. KEMP in four instances.
Mr. BAFALIS.
Mr. MARTIN of North Carolina.

(The following Members (at the request of Mr. MEZVINSKY) and to include extraneous matter:)

Mr. MURPHY of New York.
Mr. ROSENTHAL in five instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. MCFALL.
Mr. EDWARDS of California in two instances.
Mr. NIX.
Mr. WALDIE in eight instances.
Mr. ECKHARDT.
Mr. DOWNING.
Mr. DAVIS of Georgia in five instances.
Mr. FASCELL in two instances.
Mr. EVINS of Tennessee.
Mr. REID in three instances.
Mr. STOKES.
Mr. DE LUGO.
Mr. CARNEY of Ohio in two instances.
Mr. GIBBONS.
Mr. DOMINICK V. DANIELS.
Mr. BYRON in 10 instances.
Mr. DORN in three instances.
Mr. MOSS.
Mr. EVANS of Colorado.
Mr. CAREY of New York.
Mr. HARRINGTON.
Mr. LITTON.
Mr. FOUNTAIN.
Mr. BRASCO in two instances.
Mr. ROONEY of New York.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma; to the Committee on Interior and Insular Affairs.

S. 343. An act relative to Federal primary elections and national conventions; to the Committee on House Administration.

S. 969. An act relating to the constitutional rights of Indians; to the Committee on the Judiciary.

S. 1443. An act to authorize the furnishing of defense articles and services to foreign countries and international organizations; to the Committee on Foreign Affairs.

S. 1776. An act to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

S. 1794. An act to amend section 308 of title 44, United States Code, relating to the disbursing officer, deputy disbursing officer, and certifying officers and employees of the Government Printing Office; to the Committee on Government Operations.

S. 1795. An act to authorize the Public Printer to adopt an official Government Printing Office seal, and to designate employees to administer oaths; to the Committee on House Administration.

S. 1802. An act relating to certain authority of the Joint Committee on Printing; to the Committee on Government Operations.

S. 1884. An act to permit national banks to invest in agricultural credit corporations; to the Committee on Banking, and Currency.

S. 1904. An act to amend the Act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; to the Committee on House Administration.

S. 1945. An act to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion; to the Committee on Agriculture.

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2079. An act to amend the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Public Works.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1808. An act to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes; and

S. 1938. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5383. An act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loans, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 7200. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the Act, and for other purposes.

ADJOURNMENT

Mr. MEZVINSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, June 30, 1973, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1089. A communication from the President of the United States, transmitting a draft of proposed legislation to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Energy and Natural Resources, by reorganizing and consolidating others in a new Energy Research and Development Administration, and for other purposes (H. Doc. No. 93–119); to the Committee on Government Operations and ordered to be printed.

1090. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated May 4, 1973, submitting a report, together with accompanying papers, on the National Shoreline Study authorized by section 106 of the River and Harbor Act approved August 13, 1968, in five volumes, volume I (H. Doc. No. 93–121); to the Committee on Public Works and ordered to be printed with illustrations.

RECEIVED FROM THE COMPTROLLER GENERAL

1091. A letter from the Comptroller General of the United States, transmitting a report of the audit of financial statements of Saint Lawrence Seaway Development Corporation (Department of Transportation) for the calendar year 1972, pursuant to 31 U.S.C. 841 and 74 Stat. 101 (H. Doc. No. 93–120); to the Committee on Government Operations and ordered to be printed.

1092. A letter from the Comptroller General of the United States, transmitting a report on the progress and problems in achieving the objectives of the school lunch program, Food and Nutrition Service, Department of Agriculture; to the Committee on Government Operations.

1093. A letter from the Comptroller General of the United States, transmitting a list of reports issued by the General Accounting Office in May 1973, pursuant to 31 U.S.C. 1174; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Joint Committee on Congressional Operations. A report on summary of proceedings and debate, a pilot study; (Rept. No. 93–356). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Select Committee on Crime. A report on drugs in our schools; (Rept. No. 93–357). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Select Committee on Crime. A report on street crime: Reduction through positive criminal justice responses; (Rept. No. 93–358). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 8449. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; (Rept. No. 93–359). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5356. A bill to regulate interstate commerce to protect health and the environment from hazardous chemical substances; with amendment (Rept.

No. 93-360). Referred to the Committee of the Whole House on the State of the Union.

Mr. STRATTON: Committee of conference. Conference report on H.R. 8537; (Rept. No. 93-361). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 9069. A bill to provide for the preservation, improvement, and reorganization of rail service in the Northeast; to establish the Northeast Transportation Commission, the Federal National Railway Association, and the Northeast Rail Corp., and for other purposes; to the Committee on Interstate and Foreign Commerce.

Mr. BENITEZ (for himself, Mr. Meeds, Mr. Rangel, Mr. Rosenthal, Mr. Hungate, Mr. Helstoski, Mr. Drinan, Mr. Green of Pennsylvania, Mr. Moakley, Mr. Burton, Mr. Hechler of West Virginia, Mr. Thompson of New Jersey, Mr. O'Hara, Mr. Mosher, Mr. McCloskey, Mr. Wolff, Mr. Lehman, Mrs. Chisholm, Ms. Abzug, and Ms. Jordan):

H.R. 9070. A bill to authorize the appropriation of such funds as may be necessary to effectuate the transfer of all naval weapons range activities from the island of Culebra to the islands of Desecheo and Monito not later than July 1, 1975; to the Committee on Armed Services.

By Mr. BROTZMAN:

H.R. 9071. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

H.R. 9072. A bill to amend the Clean Air Act to provide for more effective motor vehicle emission controls at high altitudes, and other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER (for himself, Mr. Lott, Mr. Parris, Mr. Huber, Mr. Walsh, Mr. Martin of North Carolina, Mr. Shuster, and Mr. Treen):

H.R. 9073. A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline; to the Committee on Interior and Insular Affairs.

By Mr. CULVER:

H.R. 9074. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 9075. A bill to authorize the disposition of office equipment and furnishings; to the Committee on House Administration.

By Mr. FRASER (for himself, Mr. Diggs, and Mr. Symington):

H.R. 9076. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Vanik, Mr. Badillo, Mr. Drinan, Mr. Eilberg, Mr. Gude, Mr. Podell, and Mr. Yatron):

H.R. 9077. A bill to establish a comprehensive program of trade adjustment assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. FROEHLICH (for himself, Mr. Erlenborn, Mrs. Green of Oregon, Mr. Mitchell of Maryland, Mr. Towell of Nevada, Mr. Young of Alaska, and Mr. Thomson of Wisconsin):

H.R. 9078. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GAYDOS:

H.R. 9079. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths; to the Committee on Education and Labor.

H.R. 9080. A bill to provide reduced retirement benefits for Members of Congress who remain in office after attaining 70 years of age; to the Committee on Post Office and Civil Service.

H.R. 9081. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 9082. A bill to amend the Accounting and Auditing Act of 1950 to provide for the audit of certain Federal agencies by the Comptroller General; to the Committee on Government Operations.

H.R. 9083. A bill to amend the Accounting and Auditing Act of 1950 to provide for the audit of the Federal Reserve System by the Comptroller General; to the Committee on Government Operations.

By Mrs. GRASSO (for herself, Mr. Bowen, and Mr. Wolff):

H.R. 9084. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 9085. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans: to the Committee on Veterans' Affairs.

H.R. 9086. A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. HILLIS:

H.R. 9087. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 9088. A bill to amend the Internal Revenue Code of 1954 to strengthen and improve the private retirement system, and for other purposes; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 9089. A bill to establish a Federal Amateur Sports Commission; to the Committee on Education and Labor.

By Mr. HOLIFIELD (for himself and Mr. Horton) (by request):

H.R. 9090. A bill to promote more effective managements of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Energy and Natural Resources, by reorganizing and consolidating others in a new Energy Research and Development Administration, and for other purposes; to the Committee on Government Operations.

H.R. 9091. A bill to revise and restate certain functions and duties of the Comptroller General of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. HUNT (for himself, Mr. Maraziti, and Mr. Dominick V. Daniels):

H.R. 9092. A bill to extend benefits under 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in line of duty; to the Committee on Education and Labor.

By Mr. LITTON:

H.R. 9093. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of income tax returns by Federal agencies; to the Committee on Ways and Means.

By Mr. O'HARA (for himself, Mr. William D. Ford, Mr. Del Clawson, Mr. Donohue, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Steele, Mr. Waldie, Mr. Charles H. Wilson of California, and Mr. Wolff):

H.R. 9094. A bill to amend the Federal Meat Inspection Act in order to provide that States may not have less strict standards with respect to marketing, labeling, packaging, and ingredient requirements than those made under the Federal Meat Inspection Act; to the Committee on Agriculture.

By Mr. OWENS (for himself, Mr. Podell, Mr. Rees, Mr. Vigorito, Mr. Dellums, Mr. Pepper, Mr. Long of Maryland, Mr. Burton, Mr. Gunter, Mr. Lehman, Mr. Brown of California, Mr. Moakley, Mr. Coughlin, and Mr. Railsback):

H.R. 9095. A bill to promote and enhance interstate and foreign commerce in recyclable and recycled materials; to encourage the utilization of reclaimable postconsumer waste materials; to encourage conservation of our precious energy reserves and natural resources through effective recycling; and for other purposes; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Carney of Ohio, Mrs. Chisholm, Mr. Clay, Mrs. Collins of Illinois, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Drinan, Mr. Edwards of California, Mr. Fraser, Mr. Fulton, Mr. Gonzalez, Mrs. Grasso, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Koch, Mr. Mollohan, Mr. Moorhead of Pennsylvania, and Mr. Murphy of New York):

H.R. 9096. A bill to amend the Federal Aviation Act of 1958 in order to authorize free- or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, to amend the Interstate Commerce Act to authorize free- or reduced-rate transportation for persons who are 65 years of age or older, and to provide new and improved transportation programs for the handicapped and the elderly; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Murphy of Illinois, Mr. Nix, Mr. Pepper, Mr. Perkins, Mr. Podell, Mr. Rangel, Mr. Reid, Mr. Rodino, Mr. Roe, Mr. Sarbanes, Mr. Stark, Mr. Tiernan, Mr. Charles H. Wilson of California, Mr. Won Pat, and Mr. Yatron):

H.R. 9097. A bill to amend the Federal Aviation Act of 1958 in order to authorize free- or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, to amend the Interstate Commerce Act to authorize free- or reduced-rate transportation for persons who are 65 years of age or older, and to provide new and improved transportation programs for the handicapped and the elderly; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 9098. A bill to authorize payments to Washington Metropolitan Area Transit Authority for the construction of certain facilities to make the subway and rapid rail transit system operated by such authority accessible to physically handicapped individuals; to the Committee on the District of Columbia.

H.R. 9099. A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program; to the Committee on Foreign Affairs.

H.R. 9100. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

H.R. 9101. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 9102. A bill to amend chapters 2 and 21 of the Internal Revenue Code of 1954 to provide that individuals 65 years of age or over who are eligible for or receiving social security benefits (and employers, with respect to such individuals) shall be exempt from payment of social security taxes; to the Committee on Ways and Means.

H.R. 9103. A bill to amend title II of the Social Security Act to provide that a widow's or widower's insurance benefit equal to 100 percent of the deceased worker's primary insurance amount shall be payable at age 62 rather than only at age 65; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 9104. A bill to amend section 101(1)(2) of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. SYMMS (for himself and Mr. Hansen of Idaho):

H.R. 9105. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 9106. A bill to authorize the establishment of a mainland headquarters for the Channel Island National Monument in the State of California and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE (for himself, Mr. Brasco, Mr. Dominick V. Daniels, Mr. Charles H. Wilson of California, Mr. Moakley, Mr. Hogan, and Mr. Hillis):

H.R. 9107. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 9108. A bill to provide for the conservation of fuel by prohibiting the introduction, or the manufacture, production, or importation for introduction, into interstate commerce of any new passenger automobile which weighs 3,500 pounds or more, and by amending the Internal Revenue Code of 1954 to impose on any such automobile with a weight under 3,500 pounds an excise tax at a rate proportionate to such weight; to the Committee on Ways and Means.

By Ms. ABZUG:

H.R. 9109. A bill to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes; to the Committee on Post Office and Civil Service.

By Ms. ABZUG (for herself, Mr. Addabbo, Mr. Badillo, Mr. Bell, Mrs. Boggs, Ms. Burke of California, Mr. Boland, Mr. Brademas, Mr. Brown of California, Mr. Cederberg, Ms. Chisholm, Ms. Collins of Illinois, Mr. Conte, Mr. Conyers, Mr. Corman, Mr. Dominick V. Daniels, Mr. Dent, Mr. Diggs, Mr. Eckhardt, Mr. Edwards of California, Mr. Fish, Mr. Flowers, Mr. William D. Ford, Mr. Fraser and Mr. Gaydos):

H.R. 9110. A bill to prohibit discrimination on the basis of sex or marital status in the granting of credit; to the Committee on Banking and Currency.

By Ms. ABZUG (for herself, Mr. Gibbons, Mr. Gonzalez, Ms. Grasso, Mr. Gude, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hastings, Mr. Hawkins, Mr. Helstoski, Ms. Holtzman, Mr. Hungate, Mr. Lehman, Mr. Lent, Mr. McCloskey, Mr. Meeds, Mr. Melcher, Ms. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moss, Mr. Murphy of New York, Mr. Nix, Mr. O'Hara and Mr. Owens):

H.R. 9111. A bill to prohibit discrimination on the basis of sex or marital status in the granting of credit; to the Committee on Banking and Currency.

By Ms. ABZUG (for herself, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Reid, Mr. Riegle, Mr. Roe, Mr. Rosenthal, Mr. Roush, Mr. Roybal, Mr. Schroeder, Mr. Seiberling, Mr. Stokes, Mr. Studds, Mr. Tiernan, Mr. Waldie, Mr. Wolff, and Mr. Won Pat):

H.R. 9112. A bill to prohibit discrimination on the basis of sex or marital status in the granting of credit; to the Committee on Banking and Currency.

By Mr. ADDABBO:

H.R. 9113. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. BAFALIS (for himself, Mr. Armstrong, Mr. Bingham, Mr. Blackburn, Mr. Burgener, Mr. Butler, Mr. Cohen, Mr. Collins of Texas, Mr. Conlan, Mr. Danielson, Mr. de Lugo, Mr. Derwinski, Mr. Esch, Mr. Frelinghuysen, Mr. Froehlich, Mr. Gilman, Mrs. Heckler of Massachusetts, Mr. Heinz, Mrs. Holt, Mr. Huber, Mr. Hudnut, Mr. Johnson of Colorado, Mr. Lott, Mr. Madigan, and Mr. Moakley):

H.R. 9114. A bill to deauthorize permanently the recently halted Cross-Florida Barge Canal; to the Committee on Public Works.

By Mr. BAFALIS (for himself, Mr. Mallary, Mr. Maraziti, Mr. Martin of North Carolina, Mr. Moorhead of California, Mr. Obey, Mr. O'Brien, Mr. Owens, Mr. Parris, Mr. Rees, Mr. Regula, Mr. Riegle, Mr. Roncallo of New York, Mr. Sarasin, Mr. Shoup, Mr. Smith of New York, Mr. Steelman, Mr. Symms, Mr. Taylor of Missouri, Mr. Towell of Nevada, Mr. Waldie, Mr. Charles H. Wilson of California, Mr. Young of Alaska, Mr. Young of Illinois, and Mr. Young of South Carolina):

H.R. 9115. A bill to deauthorize permanently the recently halted Cross-Florida Barg Canal; to the Committee on Public Works.

By Mrs. BURKE of California:

H.R. 9116. A bill to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COLLINS of Texas (for himself, Mr. Archer, Mr. Brotzman, Mr. Conlan, Mr. Harvey, Mr. Hinshaw, Mr. Lujan, Mr. McCollister, Mr. Moorhead of California, Mr. Rhodes, Mr. Steelman, Mr. Steiger of Arizona, Mr. Towell of Nevada, and Mr. Bob Wilson):

H.R. 9117. A bill to authorize financial assistance for service, employment, and redevelopment (SER) centers; to the Committee on Education and Labor.

By Mr. DOMINICK V. DANIELS:

H.R. 9118. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

By Mr. GROVER:

H.R. 9119. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. HARRINGTON:

H.R. 9120. A bill to regulate interstate commerce by providing for uniform and full disclosure of certain information with respect to the sale of dwellings for occupancy by not more than four families in order to promote sound and effective price competition and to prohiibt unfair and deceptive sales and other anticompetitive practices, and for other purposes; to the Committee on Banking and Currency.

By Mr. HOWARD (for himself, Mr. Badillo, Mr. Brown of California, Mr. Parris, Mr. Sarasin, Mr. Sarbanes, Mr. Stark, and Mr. Whitehurst):

H.R. 9121. A bill to amend title 18 of the United States Code to prohiibt the sale or purchase for slaughter of pregnant mares and mares with foals; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. Helstoski):

H.R. 9122. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era, and for other purposes; to the Committee on Armed Services.

H.R. 9123. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

By Mr. KOCH (for himself and Ms. Holtzman):

H.R. 9124. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Brown of California, Mr. Burton, Mr. Corman, Mr. Eilberg, Mr. Gilman, Mr. Gude, Mr. Moakley, Mr. Podell, Mr. Rosenthal, and Mr. Won Pat):

H.R. 9125. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Brown of California, Mr. Burton, Mr. Corman, Mr. Eilberg, Mr. Gilman, Mr. Gude, Mr. Moakley, Mr. Podell, Mr. Rosenthal, and Mr. Won Pat):

H.R. 9126. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. Burton):

H.R. 9127. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 9128. A bill to amend title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to contract for hospital care and medical services for veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. MARAZITI:

H.R. 9129. A bill to amend title 18 of the United States Code to provide penalties for the murder, manslaughter, or attempted murder or manslaughter of Federal law enforcement officers, members of federally assisted law enforcement agencies and Federal employees; to the Committee on the Judiciary.

By Mr MELCHER (for himself, Mr. Roncalio of Wyoming, Mr. Johnson of California, Mr. Taylor of North Carolina, Mr. Runnels, Mr. Young of Alaska, Mr. Steiger of Arizona, Mr. Kazen, Mr. Won Pat, Mr. Vigorito, Mr. Don H. Clausen, Mr. Hosmer, Mr. Stephens, Mr. Towell of Nevada, Mr. Camp, Mr. Jones of Oklahoma, Mr. de Lugo, Mr. Lujan, Mr. Martin of North Carolina, Mr. Ketchum, and Mr. Cronin):

H.R. 9130. A bill to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 9131. A bill to provide for the conservation protection and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEILL (for himself, Mr. Drinan, Mr. Boland, Mr. Cronin, Ms. Grasso, Mr. Cotter, Mr. Burke of Massachusetts, Mr. Kyros, Mr. Harrington, Mr. Moakley, Mr. Tiernan, Mr. Cohen, Mr. Cleveland, Mr. Conte, Mr. Sarasin, Mr. Donohue, Mr. McKinney, Mr. St Germain, Ms. Heckler of Massachusetts, Mr. Steele, Mr. Macdonald, and Mr. Studds):

H.R. 9132. A bill to create a Marine Resources Conservation and Development Fund, to provide for the distribution of revenues from outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. PICKLE (for himself, Mr. Bell, Mr. Brown of California, Mr. Cronin, Mr. Gunter, Mr. Martin of North Carolina, Mr. Roe, Mr. Thornton, and Mr. Winn):

H.R. 9133. A bill to authorize the National Science Foundation to designate certain institutions of higher education as national energy research centers; to the Committee on Science and Astronautics.

By Mr. PRICE of Texas:

H.R. 9134. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. SEIBERLING:

H.R. 9135. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by the coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STUDDS (for himself, Mr. O'Neill, Mr. Cohen, Mr. Forsythe, Mr. Kyros, Mr. Rooney of Pennsylvania, Mr. Sarbanes, Mr. Young of Alaska, Mr. Burke of Massachusetts, Mr. Boland, Mr. Conte, Mr. Cronin, Mr. de Lugo, Mr. Derwinski, Mr. Donohue, Mr. Drinan, Mr. Eilberg, Mrs. Grasso, Mrs. Hansen of Washington, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Heinz, Mr. Howard, Mr. Lehman, and Mr. Lent):

H.R. 9136. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. McCormack, Mr. McKinney, Mr. Macdonald, Mr. Moakley, Mr. Rees, Mr. Rinaldo, Mr. Rose, Mr. Stark, Mr. Tiernan, Mr. Whitehurst, and Mr. Won Pat):

H.R. 9137. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. YOUNG of South Carolina:

H.R. 9138. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to provide for emergency allotment lease and transfer of certain tobacco allotments or quotas in disaster areas; to the Committee on Agriculture.

By Mr. CLAY:

H.R. 9139. A bill to amend title 5, United States Code, to restore the survivor annuities of certain remarried spouses whose remarriages have terminated, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H.R. 9140. A bill to divorce the businesses of production, refining, and transporting of petroleum products from that of marketing petroleum products; to the Committee on the Judiciary.

By Mr. MACDONALD:

H.R. 9141. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP:

H.R. 9142. A bill to restore, support, and maintain modern, efficient, rail service in the Northeast region of the United States, to designate a system of essential rail lines in the Northeast region, to provide financial assistance to rail carriers in the Northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO.

H.J. Res. 649. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Guglielmo Marconi; to the Committee on Post Office and Civil Service.

By Mr. DRINAN (for himself, Mr. Anderson of California, Mr. Brown of California, Mr. Green of Pennsylvania, Mr. Moakley, Mr. Owens, Mr. Powell, Mr. Riegle, Mrs. Schroeder, Mr. Tiernan, Mr. Young of Georgia and Mr. Kastenmeier):

H.J. Res. 650. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

By Mr. FUQUA:

H.J. Res. 651. Joint resolution relating to the taking of the 1974 Census of Agriculture; to the Committee on Post Office and Civil Service.

By Mr. KEATING:

H.J. Res. 652. Joint resolution designating certain election days as legal public holidays, and for other purposes; to the Committee on the Judiciary.

By Mr. ASPIN:

H. Con. Res. 261. Concurrent resolution expressing the sense of the Congress that a moratorium be declared on any further abandonment of rail services or facilities within the rural nonmetropolitan regions of the United States until such time that appropriate investigations can be conducted to determine what might be done to continue such service where it is determined to be essential to the continued growth and development of communities and industries located within such regions. This moratorium shall remain in effect until at least June 30, 1974; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

FRANK KELLOGG RECEIVES AWARD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. EILBERG. Mr. Speaker, recently the Honorable Francis L. Kellogg, Special Assistant to the Secretary of State for Refugee and Migration Affairs, was awarded the medallion of the Hebrew University.

This presentation was made in recognition of his work in helping Russian Jews during their trip from the Soviet Union to Israel.

I also believe that Frank Kellogg deserves recognition for the help he gave me in getting the funds appropriated by Congress to help resettle Russian Jews in Israel released and turned over to the agencies which work with the emigrants.

At this time I enter into the Record Mr. Kellogg's acceptance speech:

Remarks Made by the Honorable Francis L. Kellogg

Excellencies, President Harman, Distinguished Faculty and Staff, Friends new and old: I am pleased and honored to accept this award, the Medallion of the Hebrew University.

But, Mr. President, in accepting it, I receive it not for myself but for the American people. Our nation, like yours, has a time-honored tradition of concern for immigrants and refugees. Since our earliest history refugees and migrants have been welcomed to our shores, as Thomas Jefferson said, "to enjoy the blessings of liberty."

The American people respond to humanitarian causes quickly and compassionately. Annually they give over $600,000,000 to the voluntary agencies of their choice for good works overseas—more than two dollars for every one dollar of additional help provided refugees by our Government.

Mr. President, I accept this award, too, on behalf of the United States Congress and in particular of Senator Javits and Muskie and Congressmen Bingham and Halpern, for they led the way in providing the material assistance that represents the will and the desire of the people of America to help in the task of giving Soviet refugees a new life in a new country.

And finally, Mr. President, I accept the Medallion on behalf of Secretary of State William P. Rogers, who so often has expressed his concern for the plight of refugees wherever they may be and his belief, the belief of free people throughout the world, that no man should be born without the right of freedom of movement.

May I also mention the members of my own staff at the Department of State, who labor long and diligently in the interest of refugees.

While we recognize the importance of feeding and clothing the hungry—providing medicine and shelter to the needy—these I might add are not the accomplishments of my office of which I am proud. Significant and measurable progress has been made during my years of tenure with regard to:

The principle of freedom of movement.

The inalienable rights of refugees as expressed in the Protocol and Convention on the Status of Refugees.

The right of asylum—what the French call nonrefoulment—assurance that a refugee will not be forced to return to his country at the risk of his life.

And the Travel Document which assures a refugee safe travel abroad and a safe return to his new country.

These are the milestones of which I personally am most proud.

And now I have a confession and a pledge to make to you. On the morning after my arrival in your country I was interviewed on your radio and under the pressure of time—as the hands of the studio clock moved inexorably onwards—and with so much to say, I spoke of your country as "small."

Size as measured by metes and bounds, by square meters, by acres or miles is but one measure of the scope of a country. In the days that followed by arrival here I have seen more significant dimensions:

The concern and compassion with which your people receive the many newcomers from overseas;

The warmth and welcome you offer them;

The respect they are given;

And many other things.

Last night still another dimension—your great Philharmonic Orchestra with its talent equal to any, and with musicians from Russia playing alongside their new countrymen.

And the breathtaking Weizmann Institute with its research laboratories and library.

And now this great and justly famed institution of learning, the Hebrew University, and its coveted Medallion.

And so I pledge I shall never again refer to your country as "small."

FRANK BATTAGLIA

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. SIKES. Mr. Speaker, it is a little hard to comprehend that within a few days the House of Representatives will find itself without the valuable services of Frank Battaglia who, for 30 years, has served the House so faithfully as an Official Reporter.

Frank now is dean of the Official Reporters corps. It is through his efforts and the efforts of his colleagues that the amazing job of preparing transcripts for the CONGRESSIONAL RECORD is carried out with such speed and accuracy. I question that any of us adequately appreciates the truly excellent work which this dedicated group accomplishes for the Congress. Over the years, I have marveled again and again at the manner in which they manage to record verbatim the words uttered in the often confusing atmosphere of this Chamber.

Frank Battaglia came to us well prepared for his work. He studied shorthand at DeWitt Clinton High School in his native New York City. He later used his skill in several positions while attending night school. Working his way through City College of New York and Fordham Law School, he then worked as a freelance shorthand reporter in almost every court in New York City.

Arriving in Washington where he had heard there was an acute shortage of shorthand reporters, he worked for various Federal agencies and later became a specialist at reporting committee hearings.

Named an Official Reporter of Debates in 1943, Frank came to us through recognition of his capabilities by Speaker Sam Rayburn and he has been here ever since.

Now he is retiring after 30 years and he will be missed. All of us who have known and admired him over the years wish him good luck and good health in his retirement and we take solace in the fact that those Official Reporters who remain with us have had Frank Battaglia as their mentor, teacher, and example.

LETTER TO BE READ ON CAPITOL STEPS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. STARK. Mr. Speaker, several weeks ago I received a letter from the Honorable D. B. Xuan Minh, first vice president of the House of Representatives in South Vietnam. I feel my response is self-explanatory.

Today I submitted this same letter to the Woman's International League for Peace and Freedom to be read at their rally held this noon on the steps of the Capitol. I wish to submit it to the RECORD now:

The Honorable D. B. Xuan Minh: I regret that I cannot accept the spirit or substance of your recent letter. You speak of "freedom" when your country has been a stage for the world showing kidnapping, imprisonment, and torture. The leaders of the opposition parties are nowhere visible. Your "democracy" seems to have no more credibility than its paper claims of civil rights and liberties for all.

Can you dispute that in January 1973, Deputy Ho Ngoc Nhuan of your National Assembly disclosed a new version of what we knew previously as Operation Phoenix? Is it not true that under this plan anyone with allegiances to the opposition is subject to arrest and indefinite imprisonment?

There is widespread belief in this country that our own civilian advisors are now serving as counsel to the National Police Special Branch in Saigon, or to the Provincial Interrogation Centers. Can you deny the truth of this rumor?

This prevailing philosophy which denies all civil liberties is only one aspect of your government that I distrust. Far more serious, I believe, is your utter disregard for the humane priorities of all other "free societies." War orphans in South Vietnam number in the hundreds of thousands, possibly millions, and adequate care is visibly lacking. Much of your population is now one of refugees and yet no viable planning has been developed for their support.

The vast amount of American foreign aid you receive does not go to the support of these people so critically in need of assistance. We subsidize, instead, your military needs and the social habits of your government officials. Such a blatant disregard for basic humanitarianism is totally unacceptable.

You may be certain that I will do all within my power to see that all future American aid to your country is suspended. I cannot, under any circumstances, see the justification for such misuse of desperately needed dollars. This money must be used for the support of those oppressed people in our own country and in Vietnam, who must depend on their fellow man for assistance. You do not provide this assistance.

Any American dollars spent abroad must be spent for the good of people most sorely in need. I believe that many thousands of the people of your country fit this category. Until all the world can witness that they are truly being rehabilitated you should not be permitted the luxury of misappropriating and abusing our aid.

REBORN TAVERN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. HOGAN. Mr. Speaker, the 20th century has been a period of advancement and progress in nearly all phases of life, however, we have sometimes neglected to preserve many of our historical structures, Mr. John Giannetti of Bladensburg, Md., is one person who has shown the insight in preserving our link to the past.

The following article gives a brief account of the Indian Queen Tavern, which Mr. Giannetti has bought and is planning to restore to its original state. This inn has had such famous people as George Washington, Thomas Jefferson, Patrick Henry, and many others, pass through its doors.

I am pleased to hear that the Indian Queen Tavern will once again stand in its old style and I recommend the following article to all of my colleagues and others interested in the preservation of the past:

REBORN TAVERN

(By Rosemary Donihi)

For a sad some of us girls, once the sleigh ride's started, it's downhill all the way! So it seemed for the "Indian Queen" until a tall, dark and adequately handsome young man stepped in to save her.

Now the ancient inn popularly called the George Washington House on old Route One in historic Bladensburg is being readied for a brilliant new future and John Giannetti, the architectural sculptor who snatched her from imminent demolition by a fast-beef franchiser, finds his off-time divided between boning up on the anatomy of an authentic restoration and trying to find the money to pay for it. He didn't offer as much as the franchiser, but Florence Morgan, whose family had owned the tavern for 27 years, accepted his bid anyway. Giannetti is instigator, author and now chairman of the Prince Georges Jaycees' Indian Queen Tavern Project to make it a county historical museum.

The Indian Queen was not just another hostelry and John Giannetti is not just another likely young man. He is the descendant of generations of Florentine craftsmen whose regard for tradition is bred in the bone.

"In our business, we use the same kinds of tools, the same materials, the same fixitives that my father's father and his forefathers used two, three or more hundreds of years ago." (A friend insists that the weathered legend "Giannetti" is etched just beneath the magic name of Michelangelo on a statue in Florence.)

As for the Indian Queen, she's what remains of the Favorite of the Famous; she was the finest tavern in town in what was then the second biggest, boomingest commercial center on the whole Eastern seaboard.

Annapolis was the political capital of the Maryland province and Upper Marlborough with its fine legitimate theater, race track and polite society was the social and cultural center but Bladensburg, at the time of the American Revolution, handled in its 40-foot harbor a larger ocean tonnage than any other port in the colonies with the sole exception of Yorktown, Va. Great English and Scotch factors maintained their own local representatives; shipyards and "rope walks" clustered dockside.

The Indian Queen, established c. 1760 (the 1732 on her chimney is suspect) by an immigrant Swiss hotelier, and set advantageously just up from the town's Publik Landing where a monumental Peace Cross now stands, was smack-dab on the main north-south post road from Alexandria to Baltimore and Philadelphia. The Inn, more spacious than most in the period, became as the stage lines flourished the Bladensburg coaching house and relay station of distinction.

In 1774 George Washington, Patrick Henry and other delegates found lodgings here en route to the first Continental Congress, and Washington stopped again in 1790 "breaking the journey that was to end in agreement on a National Capital." Thomas Jefferson, Henry Clay, Daniel Webster and John C. Calhoun were other ranking guests.

As the Anacostia River silted in, the great days of Bladensburg shipping ended but the important people kept coming to the now rather raffish town on the outskirts of the new Federal City. They utilized its slave market, its race track, its dueling ground and its foremost inn.

After the Battle of Yorktown, Rochambeau and his men, en route to Boston, had tarried two days to enjoy the pleasures of Bladensburg. In the War of 1812, British troops, caught in the Battle of Bladensburg, en route to fire the White House, found it comfortable to set up gun emplacements almost immediately behind the Indian Queen.

Naval hero, Stephen Decatur, came there to rest the night before he arose to be run through at the next day's dawning by Commodore James Barron on what the natives called "the dark and bloody ground."

In 1894, Jacob Coxey's dusty "army" of federal jobseekers, on being routed out of Washington, were tented in at the rear of the tavern. The "general" charged curiosity-seekers one dollar admittance.

The river rose, the army scattered, the stage lines were long halted and the town and the tavern went into a decline which lasted more than a century. In 1940, the Bladensburg population was less than 400 persons. The Indian Queen was growing older and apparently infirm.

Yet John Giannetti admired her from afar. "When I was a little boy and wanted to go bicycling, my mother told me to notice the tavern—that George Washington, the father of our country, had stopped there. So I'd go out of my way just to look at it. I'd think about how it used to be and that I'd do something about fixing it up if I ever got the chance."

When Giannetti was elected president of the Prince Georges Jaycees for 1971–72, he seized the opportunity. "I decided I would if I could, make the Indian Queen Tavern my project; developers wanted to demolish her to make way for a roast beef sandwich shop. I wanted us to buy it and fix it up and make it a kind of present to the county. I also wanted the people to know the accurate story about the Battle of Bladensburg which some people like to call the 'Bladensburg Races.' A lot of brave men died that day. I determined that while I was in office I would see what I could do."

The second generation American, who attributes his passion for American history to the dual influences of Verne E. Chatelain, history professor emeritus at the University of Maryland (from which Giannetti graduated on a football scholarship) and a former Marine Corps C.O. who required that his young officers read and report history, did very well.

After a year of ways and means meetings, his fellow Jaycees voted the night before Giannetti went out of office, to buy the tavern, make him chairman of the Indian Queen Tavern Project and also president of the greater Prince Georges County Council of Jaycees. It's working fine. Giannetti is widely attending preservation meetings, giving speeches, encouraging other groups to enter into the project which the Jaycees envisions as a museum to house memorabilia of history-rich Prince Georges County and also as a meeting place of their own.

Architects are drawing plans, archeologists from the University of Maryland are sifting through shard and volunteers, old and young are variously banding together to raise money for the restoration. Special benefactors have been the Southern Maryland Antique Arts Association and the Topping Castle Chapter, DAR.

Vandals last spring broke all remnants of the inn's old glass but the original plaster construction is so sturdy that a fire last spring was contained within the rooms where it was started. Architects report it is still structurally "sound."

Truth to tell, the Indian Queen looks every one of her checkered years. Her steps are sagging, some portions of her faithful plaster finally are falling; a shiny grass-green Victorian "mantle" masking the fireplace in her right public room is a horror and her front porch is plumb stove in. But the best chamber upstairs where Washington bedded, still boasts its own fireplace and at dusk, in the shadows, the ghosts of Washington and Patrick Henry and Thomas Jefferson are imaginable in her halls. She is expected to be restored to her blooming best by bi-centennial time.

As for the Giannettis—the next generation of cratfsmen is rallying 'round. For the last several Saturdays, John's two sons, John Jr., 8, and Gregory, 4, have come to the studio to work with their father, their uncle, and 76-year-old Gregory, their grandfather. "They're getting," says their father, "the feeling of the plaster and I can tell you that after you once get your hands into it, it's very hard to ever really get them out."

PEABODY, KANS., GAZETTE-HERALD OBSERVES 100TH ANNIVERSARY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. SHRIVER. Mr. Speaker, the weekly newspaper in America is a unique and important institution serving communities, large and small. One of the outstanding weekly newspapers in Kansas is the Peabody, Kans., Gazette-Herald which is published by Mr. and Mrs. W. V. Krause.

The Gazette-Herald has just observed its 100th birthday, and it is a privilege for me to take note of this anniversary and to congratulate the editors and the paper for their long record of community service.

Bill Krause is one of the outstanding editorial writers of Kansas. He provides his readers with a candid, humorous, and intelligent approach to local, State, and national issues. At the same time the news columns of the paper provide a wide range of information which is helpful to all who subscribe.

Under the leave to extend my remarks in the RECORD, I include the following editorial from the 100th anniversary issue of the Gazette-Herald:

HAPPY BIRTHDAY TO US

This week the Gazette-Herald is celebrating its 100th Anniversary. What can you say on such an important occasion.

People who live to be 100 are supposed to have some words of wisdom for the young folks on how to live a long life and enjoy it. Not too many newspapers care to get advice on how to grow old gracefully from other newspapers, however.

Actually, the Gazette-Herald has probably never been younger than it is today. As we begin our second century, the old Gazette-Herald is in fine fettle, thank you, and raring to keep right on going for at least another 100 years.

The Gazette-Herald has published about 5200 issues—actually quite a few more, since once there were two papers instead of only one. It has printed about one-hundred million words of news and information about Peabody and the surrounding area. We have recorded thousands of births and deaths, marriages and engagements, businesses starting and dying, people coming, going, colliding, helping each other, fighting with each other. The Gazette-Herald has recorded celebrations and disasters, floods and train wrecks. Put all of the information of that 100 years in book form and it would fill a very large library.

We sort of kept this anniversary a bit of a secret until this week. We were afraid that someone would get up a testimonial dinner for the publisher and embarrass him, or maybe folks would be hauling in cakes covered with rich frosting and candles, or maybe Jack Whisler would even organize a parade in our honor. Not feeling deserving of such notice, we just quietly got this edition ready and here it is.

Seriously, it has been something of a pleasure to serve the community in publishing this newspaper for nearly a fifth of the years of its existence. If the Lord wills it, and the federal government doesn't succeed in their efforts to run us out of business, we'll be here for a few more years.

Wonder what Messrs. Church and Morgan would think if they could see us today. Hope they would be proud.

AN OPEN LETTER TO PRESIDENT NIXON

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Ms. ABZUG. Mr. Speaker, I have just received a copy of a most moving open letter from the California Association of Retired Persons, to President Nixon. Although it was written in February, it has proved to be prophetic. At the White House it received as little attention as the needs of older people usually receive from this administration. But it is worth sharing, in the hope that senior groups everywhere will continue to speak out as as strongly as this concerned organization:

PALM SPRINGS, CALIF.

AN OPEN LETTER TO PRESIDENT NIXON

The membership of our California Association of Retired Persons feels that it is representative of the vast majority of Senior Citizens that helped put you in office and backed the policies of your Administration. We, unquestionably, gave you credit for having some inner knowledge or power that was always working to make everything right for the best interests of the general public. Now, since your election, we are beginning to have second thoughts and wonder about a lot of things.

We have weathered the shame of being a part of the awesome, inhumane Christmas bombing of Vietnam that only served to degrade our Nation further in the eyes of the world. We rejoiced in your visit to China and Russia and, particularly, in your peace treaty that now appears to be mostly meaningless. Why? On the one hand, we court the Communists, on the other hand, we say we are still fighting them. Give us both sides of the story, Mr. President. What real justification is there now in continuing to fight on and on? France suffered no humiliation in completely pulling out of Indo-China, and went on to greater heights in the eyes of the world than ever before. Surely we could do no less than follow their commendable example. Why stay on?

We ask you to stop being a "Phantom President" and hold formal or informal news conferences to answer pertinent questions and better justify issues of major concern. Surely you have nothing to hide! And isn't that a part of the job of being a good leader? Or don't you believe that the public has the intelligence to properly evaluate and interpret the news and issues involving its interests? Why not work more closely with the Congress and the public on major issues rather than act solely in consultation with a few of your close associates?

We wonder, Sir, why you are permitting the slow but obvious erosion of the rights of the news media to investigate and report the news of interest to the public. We like various interpretations of what is going on. Like all industry, the news media is far from perfect, but it is the best in the world—and it is subject to prosecution under the law. We think the news media is doing a good job. Let it report! Let us decide!

We wonder, also, about your past glowing promises to the elderly, in view of your reluctance to sign the recent Social Security legislation into law. And, why was much favorable legislation to help the needy elderly vetoed at the close of the 92nd Congress? Remember that it is the *needy elderly* we are concerned about. The elderly don't want charity but yearn to continue being a useful, viable part of every day life rather than being considered discards of society. Their talents and usefullness should be encouraged and exploited since most of this fast-growing segment of our population do not fall into the category of the senile, the handicapped or the sick.

We wonder, Mr. President, about how you will be remembered when your term of office is ended. Will you be remembered as a mediocre president that provided well for himself, his friends and certain special interest groups? Will you wind up being despised? Or, will you be remembered as being an understanding, beloved president that worked to overcome man's inhumanity to man; who helped to overcome the evils of greed that only sickens and frustrates the country? Please expand good, peaceful relationships with all countries of the world. Help enact meaningful, fair tax equalization laws, and push for laws that will put teeth in consumer protection. And, of course, there is the matter of national health, etc.

And wouldn't it be wonderful if you would work to eliminate the crushing agony and fear everyone faces worrying about security during their declining years? That is so very important to all but the wealthy. Help pass laws that would assure that all *needy elderly* over sixty-five years old could live out their lives *above*, repeat *above*, the ever-changing poverty level with some measure of dignity and honor regardless of the emergent situation they encounter. How great such legislation would be for the future elderly. What frustrations it would help dispel. Surely, after 65 years of contributing to society they deserve no less—if they need it!! After all, the cost would be negligible compared to fighting wars, defense costs or even special interest legislation enacted into law.

Finally, Mr. President, may God grant that our growing concern about the course of your leadership is groundless and that your future goals are in keeping with your position of trust. Your great powers can work wonders for your people. Use it well. You still have our trust—but we'll be watching with hope and concern. Keep us advised.

Presented as a unanimous expression of concern by the board of directors of the California Association of Retired Persons and by its membership at an open, regular meeting held in Palm Springs, California, February 1, 1973.

Attest:

MAYBELLE BIRCH,
Secretary.
CHARLES D. VINSON,
President.

APPROVING OMB DIRECTOR

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, Congress on May 1 showed overwhelmingly that it feels the positions of director and deputy director of the Office of Management and Budget—OMB—hold such powers that appointees to the posts should receive the scrutiny of the legislative branch.

The bill that was passed, however, included a provision that the two men presently holding those offices would also be required to be confirmed by the Senate. That legislation was retroactive and therefore invited a veto.

In the aftermath of this action, I joined a number of other Congressmen in introducing legislation requiring future appointees to those positions to be approved by the Senate. That bill, we felt, cured the defects many Members saw in the plan vetoed by the President while providing for approval by the legislative branch.

An editorial in the June 22, 1973 Sheboygan, Wis., Press offers an excellent discussion of why this legislation is needed. The editorial follows:

APPROVING OMB DIRECTOR

Apparently cooler heads are prevailing in Congress relative to the matter of senatorial confirmation of the director of the Office of Management and Budget (OMB).

A new bill to replace one President Nixon vetoed is under consideration. This bill would simply require that in the future the man appointed by a president to direct OMB be approved by the Senate.

The earlier measure was more of an attempt at skulduggery. It abolished the office and created a new, very similar post. The result would have been that the present director, Roy Ash, would have been required to appear before the Senate for questioning. The procedure would have been unprecedented. Mr. Ash was legally appointed and properly held his position. The attempt by Congress appeared to be more a show of muscle than profoundly considered legislation.

The new measure, though, is proper and desirable. It will not become effective until the end of Mr. Ash's tenure. Thereafter all directors of OMB will be required to earn Senate approval.

The position is of equal importance to many cabinet posts. The man who drafts the national budget has influence, for example, on decisions of the secretary of defense. He is in a position to intervene with the president if in his judgment the defense budget is out of line, as he is with other specified budgetary matters.

It was not proper for Congress to change the rules in midterm of a president nor during the tenure of an OMB director. It is desirable though that in the future men of such power and influence be approved by the Senate.

TRIBUTE TO MR. O. HENRY, JR.

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. REES. Mr. Speaker, July 10 marks the retirement dinner of one of the San Fernando Valley's most distinguished citizens and civic-minded business leaders, Mr. O. Henry, Jr.

For three decades, Mr. Henry, vice president and manager of Western Federal Savings & Loan, has demonstrated his dedication to his community through active participation in a number of organizations. These include the North Hollywood Realty Board, where Mr. Henry served as vice president, and the California Real Estate Board, with Mr. Henry serving as State director from 1946 to 1952. He has been a leader in the area chambers of commerce of Toluca Lake, North Hollywood, and Panorama City, with service as president or director of each.

For 62 years, Mr. Henry has been a vigorous member of the Boy Scouts of America, including a term from 1945 to 1970 as National Boy Scout Council representative. A Mason and a Shriner, he has also been deeply involved in the Toluca Lake Rotary Club, the North Hollywood Optimist Club, the YMCA, Red Cross, Cancer, and United Way drives.

Recently, Mr. Henry was elected president of Associated Brokers, and in 1968 received a Meritorious Service Award from the city of Los Angeles for outstanding citizenship and activities enhancing community betterment. It is an understatement to say that the citizens of the San Fernando Valley and all of Los Angeles have certainly benefited a great deal from the dedication of Mr. O. Henry.

THE ENERGY CRISIS: WHO'S IN CHARGE?

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. GIBBONS. Mr. Speaker, I would like to share with my colleagues this excellent article by Hobart Rowen in the Washington Post of June 28, 1973, which points out the great need for some kind of policymaker in the field of energy. His article deals with a problem to which I have addressed my bill, House Resolution 439, a resolution to establish a standing House Committee on Energy, which would be responsible for developing and maintaining a coordinated energy policy for the United States. The following is Mr. Rowen's article:

THE ENERGY CRISIS: WHO'S IN CHARGE?

(By Hobart Rowen)

Officials here keep talking about the energy crisis, but it's hard to find out who's making policy—if anybody—and what's being done about it.

So far as I can tell, no one in authority has yet faced, in a comprehensive way, any of at least three serious consequences of the crisis:

There will be some shortages of gasoline this summer and, perhaps, some pinch on the supply of home heating oil by next winter. But within a year or 18 months, we could be confronted with coupon-rationing.

The only possible way of coping with the short and medium-term shortage prospect (the next 5 to 10 years) is by some cooperative arrangement with the other big countries in Europe and Asia who are also dependent on the Mideast for oil.

The dependence of the United States and the other countries on Mideast oil will pile up enormous wealth in the hands of a few Arab sheikhs, even if they decide, as a matter of self-interest, to restrict their production. And as the United States is forced to shell out more dollars for off-shore oil, the balance of payments deficit will grow, possibly forcing one or more additional devaluations of U.S. currency.

The shortage problem will impose a discipline in the use of energy that will test the American character. As a people, we will need to pursue the kind of conservation of petroleum products and electrical energy that has been demanded of us heretofore only in wartime.

We will be forced to give up the "gas-guzzlers" that the automotive industry has produced for an all too eager public, relying instead on small cars of a more economical design. Detroit's half-hearted steps along these lines, prodded by imports, should be hastened by punitive tax penalties on the high-horsepower monsters that produce only 6 to 9 miles to the gallon.

In the last couple of days, both William J. Casey, under secretary of state for economic affairs, and Sen. Jacob Javits (R–N.Y.) have made speeches urging the Western consuming countries to coordinate their energy policies.

Casey told the Center for the Study of the Presidency that "we favor participation by all parties in some sort of emergency-sharing scheme based on oil imports carried over international waters."

It's easier said than done. Merely pooling imported supplies is hardly likely to appeal to other nations who depend almost wholly or entirely on imports. A true sharing of the problem would also throw into the pot American oil (which still accounts for most of what we use), assuming that we follow much stricter conservation rules.

The difficulty in getting any deal may be seen from a simple fact that is currently embarrassing the Common Market: because of a French veto opposing the other eight EEC nations, Commission Vice President Henri Simonet was not even allowed to discuss common energy problems on a recent official visit here. The excuse: the EEC has not yet worked out its own joint approach to energy.

Clearly, the nexus of the American problem is the relationship to the handful of Arab countries in the Mideast who own 70 per cent of the world's oil reserves. The President's International Economic Report in March 1973 observed that the oil-producing countries "are no longer content merely with rising revenues from petroleum resources developed and managed by foreigners."

The White House thus has correctly identified the problem, but so far has failed to evolve a policy, national and international, to deal with it.

Treasury Secretary George Shultz, for example, who keeps emphasizing to every possible audience the gravity of the energy problem, nonetheless in a recent speech debunked the "spectre" of "billions of short-term oil dollars sloshing about in the market" as the Arab nations rake in money for oil. He may be right for the wrong reason.

The Arab nations, Shultz assured the International Monetary Conference in Paris, would have an overriding interest in "stable, secure and profitable investment opportunities."

But that's a big assumption. Sheikh Zaki Yamani, petroleum minister of Saudi Arabia (which alone has 25 per cent of the world's oil reserves), recently told Washington Post reporters that his country might keep its oil in the ground, rather than expand production to meet U.S. needs, unless the United States modifies its stance in support of Israel in the Mideast.

The Arab countries, in any event knowing that their resources, while precious, are also finite, want Western help in building up their own economies rather than depreciated paper money, in exchange for the oil. The importance of what Sheikh Yamani says is that the Arabs want to develop their productive potential, rather than live off dividends from foreign investment.

Thus, the energy question, as Peter Peterson has just reported to the President, cuts across all other problems—security, the dollar, trade, everything. We need a sophisticated policy that will enforce conservation and deal with new Arab ambitions, without making Israel a scapegoat. There probably is no knottier dilemma on the horizon, but in Watergated Washington it's not getting the attention it needs.

THE PRESIDENT MUST MEET THE PRESS AND THE NATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. HARRINGTON. Mr. Speaker, it has become increasingly evident that the response of the White House to the series of charges being leveled against the President will continue to be silence. The President has not appeared to answer any questions, by either the press or the Congress, since the present round of Watergate disclosures began several months ago. The White House has argued that for the President to do so would be "constitutionally inappropriate." In light of the serious accusations made this week by Mr. John W. Dean, the President can no longer duck behind his constitutional interpretations, for his own good and the good of the Nation.

Two respected columnists, David Broder and James Reston, have written articles this week stressing the necessity for an immediate President news conference. I am inserting both articles in the RECORD, with the hope that their logic will be understood by White House spokesmen who find it "appropriate" to keep the American people in the dark.

The text of the articles follows:

[From the Boston Sunday Globe,
June 24, 1973]

NIXON HAS LOST EXCUSES TO SNUB PRESS

(By David S. Broder)

WASHINGTON.—There is no constitutional or legal requirement that a President of the United States ever hold a press conference, but there is now an overriding necessity for Mr. Nixon to meet with reporters. His ability to function as head of government and, in some senses his right to hold the office, depend directly on his willingness to accept this responsibility.

The President has not held a press conference since March 15. The enormity of the changes in his world and ours since then is indicated by the fact that the first question he was asked that day concerned his allowing John W. Dean 3d to testify in the hearings on L. Patrick Gray's nomination to be director of the FBI.

"Mr. Dean is counsel to the White House," Mr. Nixon replied. "I am not going to have the counsel to the President testify."

Well, neither of those statements is "operative" any longer, but they still constitute the President's last word on the subject. In the interim since his last press conference, Brezhnev and Connally have both come and gone, Phase 3 has been terminated and a price freeze reimposed, and a second Indochina cease-fire has been signed and violated. Mr. Nixon has not been asked about his feelings on the prospective return of baseball to the capital—a subject on which, one feels sure, he has strong views.

So long an interval between press conferences is, unfortunately, not unprecedented for Mr. Nixon, who has the habit of withdrawing when things are not going well. In 1970, when the economy went into a tailspin, he went almost six months without accepting questions.

"President Nixon has all but killed off the press conference," Courtney R. Sheldon, the respected Washington Bureau chief of the Christian Science Monitor, said the other day. "His record is abysmal compared to that of every modern-day President," said Shelton, the chairman of the Freedom of Information Committee of the professional journalism fraternity, Sigma Delta Chi.

What makes the present lapse far more damaging than the previous ones is that now the President's credibility has become an overriding national concern.

Mr. Nixon has gone to the country twice on television since his last press conference—once to explain his role in the Watergate case, on the night that four of his senior aides resigned, and once to explain his new economic policy. In neither case was he convincing. Rather than rallying public support for himself and his policies, the stock market averages and the polls show a picture of declining confidence.

We have now reached the point that the impairment of the President's credibility must be dealt with before any of the other serious issues facing the country can be addressed. Either he must answer the multitude of questions about what happened in his Administration and his re-election campaign or he ought, in respect for his office and the national interest, to acknowledge that he cannot answer them and step aside in favor of the Vice President.

The overriding national interest in his scheduling such a press conference now—without any further delay—is evident to every politician, including the staunchest Administration loyalists in the GOP. Senate minority whip Bob Griffin and Virginia Gov. Linwood Holton have said publicly what everyone knows: Only the President can clear the paralyzing national doubt, and the way for him to do it is not through artful 4000-word lawyers' briefs, but by answering questions until there are no more questions left to answer.

Mr. Nixon's stated doctrine has been that he would hold a news conference when it was "useful" to the country. Today it is not only useful but urgently required. He has run out of excuses to avoid his duty; for the moment, the big international policy decisions are behind him.

The only current White House alibi for delaying a press conference is the supposed fear that reporters' frustration with incessant Administration runarounds would be expressed in personal hostility to the President.

That is nonsense. The appropriate comment came from Dwight D. Eisenhower, who was asked at his last press conference in office if he felt that "the reporters had been fair to you in their questions" over the years.

"Well, when you come down to it," Eisenhower shot back, "I don't see that a reporter could do much to a President, do you?"

Eisenhower said that at the close of his 193d press conference. So far, Mr. Nixon has found time to meet with reporters 31 times.

To come close to matching Eisenhower's eight-year total, Mr. Nixon would have to schedule a press conference almost every week from now on. His willingness to do that ought to be accepted as a condition of his remaining in office. No. 32 should be this week, and No. 33 next week. The obligation is clear.

WHO AFTER MR. DEAN?

(By James Reston)

WASHINGTON, June 26.—How the Senate Watergate committee handles its investigation in the coming days—particularly who it calls to the witness stand immediately after it finishes with John Dean—can be of critical importance to the opinion of the nation and the reputation of the President.

Mr. Dean has made more serious charges against Mr. Nixon than any official has brought against any President in this century. Anticipating this, the White House has been urging that the Senate committee now call witnesses who are in a position to challenge Mr. Dean's testimony—and call them before the July Fourth recess—rather than summoning other witnesses who are likely to follow Dean with confirmation of his charges.

This is a reasonable request. Without passing judgment on Mr. Dean's recollection of the events, and without trying to discredit his testimony or impugn his character—as the White House has been doing for days and weeks—the fact is that the selection of witnesses and the timing of their appearance before the national television audience can make a great deal of difference.

For example, if the Ervin committee were to call another witness after Mr. Dean who also incriminated President Nixon in covering up the scandals and obstructing justice, or even if it didn't call any other witness before the long July Fourth holiday, Mr. Dean's testimony would tend to dominate public opinion well into July, by which time the vacation season would be on us and the rebuttals heard by a smaller audience.

Mr. Dean has been an effective witness. He makes one wonder how such an intelligent and composed young man could have been so stupid, timid or weak during the cover-up. But in the Senate box, he has had total control of his brief, he has put down a foundation for his case that is an explosive mine field for the President, and he has been responsive to the questions of the Senators.

By a torrent of details and almost total recall of meetings and dates—without keeping either a diary or even a calendar, he said—he led the doubts of the television audience right to the President's door, and was even bold enough to plead that the President should be "forgiven"—a startling word Mr. Nixon denied to those who had defied his policy on Vietnam.

No wonder then that the President's lawyers want his testimony to be followed by witnesses like John Ehrlichman or Bob Haldeman, whom Mr. Dean has incriminated, so that Dean's story can be challenged.

Still, there is a flaw in the White House argument, reasonable as it is. The White House, in order to get a fair hearing, does not have to rely on the good judgment of the Senate committee, and nobody has yet questioned the good faith of Senator Sam Ervin.

The President is not exactly an innocent bystander in this controversy, and he is not without power. He doesn't have to leave the important question of the next witness and the doubts of the American people to the Senate committee. He can command the stage and overwhelm the committee anytime he likes.

He knows all the options. The press is outside his gate at San Clemente, watching Mr. Dean on TV cutting him up and being told the President will have nothing to say. He can call a press conference and command the headlines before the next witness.

He has told several stories about the espionage and the sabotage and the cover-up, all of which have now been denied by John Dean and others who have questioned his control of his staff, his judgment and even, by inference, his integrity.

This is not the sort of thing that can go out over national television and be dealt with effectively by silence, or by picking the next witness before the Senate committee. Especially by an Administration that has paid so much attention to public relations and public opinion.

If the President is so sure that he is innocent, that he is being misrepresented by John Dean, and vilified by a hostile press and television, he has an obvious remedy. He can come forward himself and offer voluntarily to give a deposition to the Watergate special prosecutor. Or if he is really sure of his case and concerned about the reaction of the television audience, and wants to be bold and command public opinion, he can volunteer to be the next witness himself before the Ervin committee and the American people.

The chances are that he will do none of these things. But even so the calling of the next witness is important.

John Dean has not knocked the President out, but he has hurt him badly. He has talked for hundreds of pages, and incriminated the President and many of the President's closest associates before one of the largest audiences in the history of television.

Accordingly, whatever the President does or refuses to do, the fair thing is to maintain some kind of continuity in the search for the facts. And this surely means calling Ehrlichman and Haldeman as soon as possible to answer Dean's charges before the July Fourth recess, and before nobody remembers anything except what Dean had to say incriminating the President.

CONGRESSMAN HOSMER'S STATEMENT TO SENATE ARMED SERVICES COMMITTEE RELATING TO PLACING OF CERTAIN NAVAL NUCLEAR SURFACE VESSELS IN HARM'S WAY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. HOSMER. Mr. Speaker, there follows my testimony given this day to the Senate Committee on Armed Services, together with an imaginary scenario timed in the year 1978 conceived to dramatize the point made in the testimony:

LONG BEACH BASE CLOSURE

(Statement before the Subcommittee on Military Construction Authorization of the Senate Armed Services Committee by Congressman CRAIG HOSMER, June 28, 1973)

Mr. Chairman, I thank you for this opportunity to appear before you. I am here on behalf of the citizens of California I am honored to represent. I believe you may also agree that I appear on behalf of the national security interests of our country.

Now as to the base closures: obviously they had to follow the recent major reductions in fleet units. I am not here to argue about them.

Even though the closures struck with major impact in my own Congressional District, I am not making a plea to keep the Long Beach Naval Station open or to rescind the closure of the Long Beach Naval Base or change the planned reduction or elimination of shoreside facilities at Long Beach, elsewhere in California or wherever in the nation.

This is not because I believe each and every one of these plans constitutes the essence of infallibility. It is simply because, from what happened last week when the East Coast people were before this Committee, I know I would be beating my head against a wall.

The civilian heads of the Navy Department seem to have taken an oath in blood to keep their closure package intact for fear even the slightest change to correct even the most glaring defeat in it will cause the scheme to collapse like a house of cards.

So be it. Their strategy with the Congress is their business.

But the consequences of what they do with United States Naval Ships is the public's business. If, by their actions, they place any of those ships in harm's way, then these people ought to order those ships back to safe havens. If they do not, then this Committee should require them to do so.

With that in mind I will now speak specifically about the U.S.S. *Truxton*, U.S.S. *Long Beach* and U.S.S. *Bainbridge*. The total cost of these three ships exceeds half-a-billion dollars.

Since early in their careers these three nuclear powered surface ships have been homeported in Long Beach, California, where they have gotten along very well, indeed. From their base at Long Beach they have been able to conduct their crew training in excellent fashion. They have Naval housing for their sailors and uncrowded schools for dependents' children. They have the finest medical support. They have had and they can continue to have all of these things at Long Beach for the indefinite future—without change in Secretary Warner's and Under Secretary Sanders' base closure package, and without sacrificing any significant dollar savings they claim to be making.

Moreover, they can have all these things at Long Beach while at the same time having these incredibly valuable ships kept where they have almost instant access to the safety of the open seas in the event of surprise attack, attempted sabotage or earthquakes or tidal waves or fallen bridges or other hazards.

Logistics support available at Long Beach Naval Shipyard, which remains open and is being expanded by almost ⅓, will be more than adequate to support *Truxton, Long Beach* and *Bainbridge*. In fact, it will be inherently adequate to handle many more ships that could also be left homeported at Long Beach as a free bonus instead of being jammed into San Diego Bay.

It will cost next to nothing to leave these ships at Long Beach. The expense of shifting them to San Diego will be saved. The front end costs of moving these ships to San Diego have as yet not been disclosed for public scrutiny. They have to be phenomenal, and I doubt that the Navy or Federal Government for that matter has adequately taken that into account.

Although some argument is made that the ships cannot train at Long Beach, the fact is that they have trained there for years and trained there well. This cannot be denied and it is a situation unaffected by the base closures.

Insofar as command and control is concerned, that is not exercised in a harbor, but at sea and any time you help rather than hinder a ship equipped with the Navy Tactical Data System, as these are, to get quickly and safely to sea, you rack up a plus for command and control.

Despite all this the closure package needlessly sends *Long Beach, Truxton* and *Bainbridge*, whose replacement costs total at least $1 million, to homeport in San Diego. The situation would be laughable if it were not so deadly dangerous. At San Diego these ships would lie jam packed 4½ miles inside the Bay behind a bridge which cannot easily be navigated at higher tides and which would trap and immobilize them if it is dropped by earthquake, sabotage or enemy attack.

Must we learn the lessons of Pearl Harbor once again?

Will we so ineptly deploy our forces and so totally ignore the value of dispersal that we convinced our potential enemies we are no longer competent to defend ourselves?

Will we be so weakened by our own strategic and tactical blunders that we no longer pose a credible deterrent retaliatory threat?

Mr. Chairman, I hope you will and that Mr. Warner and Mr. Sanders will review the 4 July 1978 scenario or self-defeat that is attached. Its clear message is that moving these ships to San Diego is a major blunder. It is a needless defect ancillary to the closure package that should be eliminated right now, before it does irreparable damage.

Lest you believe my testimony today is based on parochial considerations let me describe my credentials. I wore the Naval uniform on December 1941. The lesson of Pearl Harbor I learned I shall never forget.

Since that time I have been a constant student of naval affairs. I won second honorable mention in this year's Naval Institute Prize Essay Contest which I entered anonymously. The essay is to be published in the Institute's August proceedings. Its ultimate point is that in periods of low international threat and uncertain Congressional support for defense expenditures, vast damage can be done to the nation's defenses.

That is exactly the situation here. That is why I warn so unequivocally that these splendid ships must not needlessly be placed in harm's way.

[Item from Pravda for July 4, 1978]

HOW WE DEFEATED THE AMERICANS—U.S. NAVY FORGOT PEARL HARBOR SAYS ADMIRAL PRIBILOFF

LENINGRAD (Tass).—Admiral Serge Pribiloff, Chief of Soviet Naval Operations, revealed today that "America's failure to remember the lessons of Pearl Harbor" set the stage for United States defeat and surrender in the recent war.

Pribiloff recalled that Kremlin strategists became convinced of "American naval incredulity" when U.S. Pacific Fleet forces were crowded into San Diego Bay and a few similar landlocked ports during defense cutbacks ordered in 1973.

"From that moment we could confidently plan victory, secure in the knowledge that even America's deadly nuclear surface ships were no longer immune from surprise attack and destruction.*

"Dropping the bay bridges at San Diego and San Francisco to immobilize the fleet became the key element of the war plan which forged our victory in the six-day war," he said.

Pribiloff spoke at the commencement of War Crime trials of the American aggressors.

"Obviously we are not bringing to trial the foolish American naval authorities whose penury and short memories made our glorious victory possible," Pribiloff laughed.

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* NOTE: This reference is to the former U.S.S. *Truxton, Long Beach* and *Bainbridge* which previously had been homeported at Long Beach where immediate escape to open seas was possible.

THE ENERGY CHALLENGE IS UPON US

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. VEYSEY. Mr. Speaker, this week I am sending to my congressional district, an accounting of the energy situation—the "energy challenge" as I prefer to refer to it. I rise at this time to bring to the attention of my colleagues, not only the newsletter which I am submitting, but the overall problem we face due to our historical lack of planning to prepare for this challenge.

During these past several days, we have approved substantial funding for development of new energy sources. I spoke about some of those efforts yesterday in support of our Interior appropriations legislation.

Following is the text of my energy message to my constituents. I believe it is imperative that the facts of the energy situation be brought to the attention of every legislative body and every opinion molding force in this country.

ENERGY—WHAT IS HAPPENING?

The "energy crisis", predicted for a decade, has suddenly stunned the nation:

Entire neighborhoods on the East Coast have been "blacked out" by electricity failures in summer and frozen by heating oil shortages in winter,

In California, farmers are urged to produce more food and fiber, while their supply of gasoline and diesel fuel is cut,

Gas rationing is discussed for Los Angeles, and prices soar as stations go on restricted schedules,

Natural gas is restricted for industrial uses to eke out the supplies for high priority domestic needs.

Is there an answer that we can live with? I think so, but it's going to be tough on some of our indulgent habits.

First, let's call the situation an "energy challenge" rather than a crisis. Our course of action must be directed toward marshalling our technology and our resources to meet the challenge rather than waiting and hoping for the "crisis" to pass. It's a challenge to us now; it will be a real crisis when the lights go off!

HOW DID IT HAPPEN?

We are doubling our national demand for energy every sixteen years. At the same time, we are discouraging the development of new supplies and new sources of energy.

Today everything we do is mechanized. We have electric hairbrushes and toothbrushes . . . electric shoe-shiners and carving knives. We have air conditioners in our homes and our cars. With more leisure time, we are using more energy to travel and to enjoy ourselves than ever before.

Put another way, we are suddenly consuming a far greater percentage of our energy supplies in non-productive, leisure and comfort-oriented uses. Since 1960 the trend to greater efficiency in energy used per dollar of gross national product has reversed sharply.

On the other hand, our monumental and highly justified concern over the environment has severely strapped our search for energy supplies.

Our environmental push has sharply curbed such sources of energy as off-shore oil deposits and surface coal supplies, while it has stymied efforts to develop new sources such as nuclear and geothermal energy.

Changes in life style have caused us to use more fuel for larger cars, automatic transmissions, smog control devices, and air conditioning.

In aggregate we have increased our use of energy, shifted the load to oil and gas, and have not developed other sources. This leaves us overly dependent on an uncertain foreign oil and gas supply and facing the likelihood of a trade deficit for some years to come.

WHAT CAN WE DO?

With today's technology, and today's consumption rate, science estimates that we have a 300-year supply of coal underground. We need an immediate federal effort to move us from oil and gas to coal in a way consistent with environmental concerns.

The North Slope oil supplies in Alaska alone offer many years of petroleum supplies. The Alaska pipeline should be completed without further delay to make this supply available.

At the same time, we must encourage new development of domestic oil and gas supplies, and remove some of the stringent barriers which we have placed on imported oil supplies. Tar sands and oil shale are two abundant but unused sources of oil.

Finally, we must set for ourselves, a sophisticated, well reasoned long-range course.

Nuclear energy has barely been touched. Yet, it has the long-term potential to supply our major needs.

And geothermal energy (steam or heat from within the ground) may be the most important of all to us in Southern California. Science estimates that our supplies of geothermal energy in the 43rd Congressional District alone could light and heat the entire Southwestern United States for generations. Being relatively pollution-free, geothermal has a distinct advantage over most other energy sources.

We must also move to increase the efficiency of our energy use and to avoid waste. Currently more than 80% of the energy burned in an automobile blows out of the tailpipe. Pilot lights on gas stoves burn continuously. Neon lights advertise all night long through city streets from coast to coast. And a million cars carry a million commuters to work every day in Los Angeles, when 20,000 buses could do the job. Poorly insulated buildings and excessive use of glass add 40% to heating and cooling loads.

On another front, recycling offers a real energy saving bonus to its environmental advantages. For example, it takes thirty times as much energy to produce aluminum cans from scratch, as it does to produce them from recycled aluminum.

We face difficult times in meeting the energy challenge. And the most important aspect is our national attitude. Government, industry, environmental groups, special interests, and the public in general must coordinate goals and priorities. Only then can we hope to meet this challenge in a way compatible with our way of life.

FINANCIAL DISCLOSURE STATEMENT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. OWENS. Mr. Speaker, last year at this time, as a candidate for election to the House of Representatives, I made public a statement of my personal and political finances. At that time I pledged that, if elected, I would continue to release such a statement each year. I support legislation to require this disclosure by Members of Congress, Federal judges, and public officials of the executive branch, and deeply regret that such a requirement is not already written into law.

My statement follows:

ASSETS

Item and current value	
1. Home at 485 H Street, Salt Lake City, Utah	$29, 025. 00
2. Home at 3243 Highland Lane, Fairfax, Va	66, 600. 00
3. One-eighth interest in old family home, Panguitch, Utah (owned with seven brothers and sisters)	1, 100. 00
4. Four shares stock—Canadian Homestead Oil	24. 00
5. 5,000 shares stock—Cameo Minerals	400. 00
6. 1973 Ford Capri	2, 700. 00
7. 1969 Oldsmobile Vista Cruiser	1, 700. 00
8. Home furnishings and personal belongings	4, 000. 00
9. Library	1, 000. 00
10. Whole life insurance, cash value	2, 900. 05
11. Unpaid insurance dividends	97. 80
12. Cash value of civil service retirement	1, 586. 58
13. Notes receivable (Owens Newsletter and office account committee)	5, 000. 00
14. Cash in savings and checking account	1, 242. 70
Total assets	117, 376. 13

All property is held in joint tenancy by my wife, Marlene Wessel Owens, and me. This year's statement attempts to show the increased value, since purchase, of our two homes, which last year's statement carried at acquisition cost. This accounts for virtually all of the increase in net worth since last year.

LIABILITIES

1. Mortgage on Home at 485 H Street, Salt Lake City, Utah (Prudential Federal Savings, Salt Lake City, Utah)	$16, 516. 75
2. Mortgage on Home at 3243 Highland Lane, Fairfax, Va. (Riggs National Bank, Washington, D.C.)	36, 063. 74
3. Unpaid real property tax (Virginia)	402. 00
4. Note payable (Tracy Collins Bank)	5, 000. 00
5. Note payable (New York Life Insurance Co.)	1, 450. 00
6. Note payable to purchase automobile (Riggs National Bank, Washington, D.C.)	2, 544. 10
Total liabilities	61, 976. 59
Net worth	55, 399. 54

INCOME

Our joint adjusted gross income for the calendar year 1972 was $9,499.57. Present income is totally derived from my salary as a Member of Congress which is $42,500 per year, plus $1,200 rent per year from a basement apartment in our Salt Lake City home.

POLITICAL FUNDS

The total political funds of all campaign contributions received during the year 1972 were reported and are on public record with the State Auditor, State Capitol, Salt Lake City, Utah and with the Clerk of the House of Representatives, Washington, D.C. All political funds have now been disbursed and all political bank accounts closed.

OFFICIAL EXPENSES

Costs required to carry out my official business as a Member of Congress exceed, by nearly $1,000 per month, the amount of expense reimbursement by the House of Representatives. These expenses primarily accrue for costs of paper and printing to send out newsletters and town meeting notices and for the costs of maintaining three state offices, including telephones. I have borrowed $5,000 to cover costs to date and have formed a committee of three, known as the Owens Newsletter and Office Account Committee, which will host a fund raising affair in September to pay back the $5,000 I have borrowed and to pay prospective costs for the following 12 months.

THE IRISH CRISIS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. O'NEILL. Mr. Speaker, Mr. Fred Burns O'Brien has compiled a group of materials proposing a solution to the present situation in Northern Ireland which merits consideration. As a frequent visitor to the North, and a student of the political and social developments which has created the crisis in Northern Ireland, Mr. O'Brien speaks with considerable knowledge of the subject. I am placing in the record a collection of pieces, edited with an introduction by Mr. O'Brien, which outline at least one approach to resolving the tragic crisis which has been plaguing Northern Ireland for many years:

REGIONALISM: A SOLUTION TO THE IRISH CRISIS

(Edited by Fred Burns O'Brien)

INTRODUCTION

The events in Northeast Ireland over the past four years have been particularly tragic in Ireland's incessant struggle to attain self-determination for her people. The present conflict could best be curtailed with the implementation of a system of government for the entire island that would be conducive to the interests of the various Irish communities that will be vying for power. A system must be created that would cater to the loyalists that predominate in the Six Counties known to the world as Northern Ireland as well as the aspirations of nationalists who are in the minority.

Such a system does exist and has been given scrutiny by politicians in the North who are diversely opposed on most issues. This system is based on a federal approach similar to that of the United States and it will provide for a gracious amount of autonomy for the four historic regions of Ireland. Loyalist John Taylor, a former minister in the Northern Government would accept a form of "regionalism", but would prefer it to be for an independent Ulster state with special relationships to the remainder of Ireland and Britain. On the other side of the political coin Frank McManus, M.P., who is one of the representatives for Northern Ireland in the British House of Commons, has done extensive research on "regionalism" in an all Ireland context that would include all of the island in one nation. Realizing the frugality of his logic, the utmost consideration must be given to Mr. McManus' efforts.

In his book "Ulster," Mr. McManus calls for a new consciousness for Ulster, retaining its regional identity in a federal Ireland. His proposals have been well received by the many U.S. legislators who have had the opportunity to discuss an Irish solution with

Mr. McManus. American concern over the North is essential to the Irish people as so many have been historically exiled to the United States. (Today there are approximately 25 million people of Irish extraction in the United States.) Also, the American social conscience and a basic belief in freedom is welcomed by the Irish nation. The American and Irish traditions have been parallel and they have fought the same enemy for the same principles as they both sought freedom and national self-determination according to the tenets of international law.

Mr. Harold Wilson, Opposition Leader of the British Government has alluded to the reunification of Ireland in a fifteen point peace plan; all he lacked was a means of implementation which is provided by regionalism, that guarantees the present Province of Northern Ireland a continued status within a united Ireland. It is certain that both the National Coalition now governing Ireland and the Fianna Fail Opposition in the Irish Republic would be amenable to a conducive plan for the reunification of their country. To date Regionalism is the only detailed plan of government that has been offered for the reunification of Ireland and is well worth careful deliberation as to its merits. It allows rival Northern politicians room for effective compromise and should be acceptable to both Ireland and Britain who have an interest.

In February, 1973, Mr. Frank McManus spoke before fifty members of Congress at which time he expressed his overwhelming desire for a just peace in Ireland. He stated "There is a future for Ulster. The future will be shaped and determined by Ulstermen themselves. The future depends on understanding, on co-operation, on co-existence, on the agreement to live and work together for the good of the whole community. Co-operation must be the new name for peace in Ulster. But only a new constitutional arrangement, a new political settlement, can provide the basis for co-operation. Only a change of heart can secure reconciliation." With this plea for reason in mind, the structure of "Regionalism" is presented for consideration.

THE FEDERAL SOLUTION

(By Emmett O'Connell)

In any proposed new structure of administration for Ireland a high priority must be given to breaking-out of the strait-jacket mentality of two-state planning that has existed since partition. The suggested creation of a new provincial parliament-Dial Uladh—taking in between seven (Donegal plus the Six), and ten-and-a-half counties (the Six plus Donegal, Cavan, Monaghan, Leitrim and the northern part of Louth) is certainly one such way to achieve this aim.

There is, however, one major problem to be faced if the area defined is too large, and that is the political problem of assuring the national minority of Unionists that what is being proposed is not a new version of gerrymander, whereby the localized majority the Unionists now enjoy is diluted by the inclusion of sufficient Nationalist areas.

POLITICAL CONTROL AND PARTICIPATION

In terms of population, the Unionists would still have control, albeit, at a slightly reduced margin than that which they had under Stormont. On a nine county basis the non-Nationalist population would total approximately 1,000,000 as against approximately 750,000 Nationalists. The Nationalists would, however, be within reach of power—something which they have always been denied. For an effective democracy to exist, a strong opposition capable of achieving power is necessary. Further, given the checks and balances of a Federal system with community administration at local level, provincial government at provincial level, and Federal government at national level, it would not be possible for the localised majority—the Unionists—to abuse the instruments of power as they have been accustomed to doing in the past.

It should be seen then that what is being offered to the northern Unionists, is not a role of second class citizenship, such as they now have in a U.K. context, but rather an enhanced stature of first class citizenship in a united, but federally administered, Ireland. In addition to their enhanced citizenship they would also have control of one of the provincial parliaments—Dial Uladh, which would contain some 40% of the island's population, guaranteeing them a large voice in the federal government. At a lower level, they would have community control of local services, and at a higher level they would have equal representation with other provincial parliaments in the Federal Government.

BRITISH INTERESTS

The extent of British financial subventions to the Six County area is a much discussed topic and estimates vary, largely in relationship to the political prejudices of the reviewer. Most of this transfer of wealth returns again to Britain, since a vast proportion of that area's trade is with the "mainland", as Unionists fondly refer to Britain. The financial arrangements are therefore, mutually beneficient. Purchasing power and a tied market are assured for British industry, and Unionists at least, are assured of a British standard of living.

Now, if the social services and similar benefits available in the North were extended to cover the new area of administration of a nine county Ulster the cost to Britain would only be increased by 20 million pounds a year. When it is considered that conservative estimates of current defence costs in the North are running at a rate of 50 million pounds a year and rising, then the extension of British subvention to Donegal, Cavan and Monaghan, in return for a true and lasting solution to the "Irish problem" can be seen to be a very good proposition for British interests.

The query is likely to be put, "Why should Britain continue to aid any part of Ulster once it is no longer an integral part of the United Kingdom?" The most immediate response which springs to mind is the fact that Britain created the problem, and the financial cost of solving it must remain in large part her responsibility. Further, there would, of course, be a large element of war reparations included in such British payments. Just as the war reparations of the defeated German aggressors played a large part in financing the new state of Israel, similar reparations should be extracted from Britain for her war crimes in Ireland. Finally, Britain could be expected to pay because it would be in British interests to do so. Some 85% of the Six County trade is done with Britain. The inclusion of the additional three counties would scarcely alter that to any meaningful degree. As Britain's home market will be coming under intense pressure from Common Market imports, and as the traditional Commonwealth markets will be disappearing, it will be essential for British industry to secure those markets which remain open. As the Twenty-Six County State is Britain's third best customer in the world, and the Thirty-two Counties her *best* customer, it is clearly in British interests to co-operate in securing a prosperous Ireland.

IRISH INTERESTS

The advantages accruing to the remaining Twenty-Three Counties from a Dial Uladh settlement of the Northern problem are obvious enough and no great detail is required. Suffice to say that the present bureaucratic and centralized Twenty-Six County State has little enough to offer Donegal, Cavan and Monaghan.

Since 1926 these three counties have lost fully one-third of their people, while County Leitrim has lost no less than fifty per cent of her people. Little as it is, the cessation of such aid by the Dublin government would mean that much more for, say, the development of Connacht. In addition, the combination of peace and prosperity in an area containing nearly 40% of the island's population, could not but be beneficial to the other areas of the country. In a federal type government administration, it would not be a necessity for social services in all provinces to be at the same level at the same time. Such is not the case with Federal administrations in countries like Canada and the United States, where the benefits and costs of social services vary from Province to Province and from State to State. There is no reason other than that of a blinkered mind to conclude as the Fine Gael paper does that the only alternative is British Standards for the whole island. But even when it comes to that, Fine Gael of all parties should be well aware that it is the expressed policy of the EEC to level up social services throughout the Community by 1980. So while that part of Ireland outside Dail Uladh would initially have a lower level of social welfare benefits—and costs—they could look forward to catching up within a relatively short period of time.

EEC INTERESTS

It would be reasonable to assume that if the North entered the EEC as part of a Federal Ireland, the special protocol negotiations on behalf of the Twenty-Six Counties would be extended to include the remaining Six. The exemptions from Common Market restrictions on industrial inducements, tax-free remission of profits and longer transitional periods for vulnerable industries, would be of considerable benefit to Six County industry, and would not be available to them within the United Kingdom.

In addition, with two full members, Britain and Ireland, pushing for development funds for the same area, Dail Uladh should be well placed to obtain sufficient funds for a massive building programme for the infrastructure.

Here again, British industry will have much to gain. The vast majority of EEC funds spent developing the Dail Uladh area will be spent on British imports. Without having a prime development region such as Uladh, lesser amounts of EEC funds would end up chasing British goods.

As it is, the EEC is certain to want the "Irish" problem solved before both Ireland and Britain become full members. Urban guerrilla warfare is very exportable, and it is one import the EEC will be most anxious to do without.

CONCLUSION

It should be seen therefore, that the concept of Dail Uladh within a Federal Structure of national government, is by far the most realistic and promising proposal yet put forward for a just and lasting settlement of the Northern problem. It contains real and *renumertaive* advantages for all parties concerned: The Nationalists, the non-Nationalists, the British government, the Dublin government, and the EEC. It penalizes no one, and it removes only one thing from Irish soil—the British Army, and the corruption and abuse of power that has gone with it always and everywhere.

THE REGIONAL STRUCTURE

(By Ruiari O'Bradaigh)

The object of the Republican movement is to establish a new society in Ireland—EIRE NUA. To achieve that aim, the existing system of undemocratic Partition rule must be abolished and replaced with an entirely new system based upon the unity and sovereignty of the Irish people.

A NEW CONSTITUTION

The New Constitution would provide:

(a) A charter of rights which would incorporate the principle of securing to the individual protective control of his conditions of living subject to the common good.

(b) A structure of government which would apply this principle by providing for the maximum distribution of authority at provincial and subsidiary level.

FEDERAL GOVERNMENT

1. The Federal Parliament, Dail Eireann, would be a single chamber of approximately 150 deputies elected as follows:

(a) fifty per cent by direct universal suffrange on the Proportional Representation system

(b) fifty per cent in equal numbers from each provincial parliament

2. The Federal Parliament would control all powers and functions essential to the good of the whole nation.

3. The Federal Parliament would elect a President who would be both Prime Minister and Head of State.

4. The President would nominate a Government consisting of a limited number of ministers for election by the Federal Parliament.

5. Members elected to the Government would relinquish their seats in the Federal Parliament. There would be a provision for electing a restricted proportion of the Government from outside Dail Eireann.

6. The independence of the Supreme Court and judicial system, as the guardian of the Constitution would be secured.

7. National legislation would be initiated by any of the following agencies:

(a) Federal Parliament deputies
(b) The Central Government
(c) A Provincial Parliament
(d) Referendum

8. National legislation would be adopted by:

(a) Federal Parliament
(b) Referendum in specified cases

PROVINCIAL GOVERNMENT

Four democratically elected Provincial Parliaments (Dail Uladh, Dail Laighean, Dail Chonnacht and Dail na Mumhan) based on the four historic provinces of Ireland—Ulster, Leinster, Connacht, and Munster—would deal with their respective areas.

The establishment of Dail Uladh would be the first step towards the creation of this new government structure for the whole island. By thus creating a Provincial Parliament for the nine counties of Ulster within a New Ireland, the partition system would be disestablished and the problem of the border removed. Dail Uladh would be representative of Catholic and Protestant, Orange and Green, Left and Right. It would be an Ulster Parliament for the Ulster people. The Unionist-oriented people of Ulster would have a working majority within the Province and would therefore have considerable control over their own affairs. That power would be the surest guarantee of their civil and religious liberties within a New Ireland.

REGIONAL GOVERNMENT (ADMINISTRATION)

Regional Development Councils would be established to promote and co-ordinate the economic, social and cultural affairs of clearly defined economic regions. For example, East Ulster and West Ulster, having different economic problems, would require separate Regional Development Councils.

The Regional Development Council would be a single chamber consisting of:

(a) Representatives of Community Councils within the region concerned

(b) A commission of experts appointed by the Provincial Government

COMMUNITY GOVERNMENT (LOCAL)

A system of Community Government would replace the existing local government authorities North and South. It would consist of Community Councils democratically elected by the people on a Proportional Representation basis. A Council would govern an area which has physical and social unity, and on the basis of justice and efficiency would take and implement decisions appropriate to its area, with the minimum control by Central Government, in accordance with the principle of subsidiarity of function. In brief, a Community Council would be a local people's assembly. Councils would vary in size and area of jurisdiction. In determining a Council area of jurisdiction, physical and social unity would be the principal factors along with the wishes of the local inhabitants.

The above proposals for a government structure are put forward as a realistic basis for discussion and are not to be deemed either definitive or exclusive of alternative proposals. Further details on Regionalism may be found in Ulster—The Future, by The Honorable Frank McManus, M.P., available in the United States from Mr. John McBride, 110 Bosley Avenue, Cockeysville, Maryland 21030.

"LUNG" ASSOCIATIONS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. GUDE. Mr. Speaker, the Christmas Seal Association, formerly known as the Tuberculosis-Respiratory Disease Association of the counties of Frederick-Howard and Montgomery in Maryland, has changed its name to "Lung Association of Mid-Maryland."

This change, which was voted May 24 at the association's annual meeting, is part of a nationwide name-changing program on the part of lung disease associations. The national Tuberculosis-Respiratory Disease organization is now American Lung Association; the Maryland State group is now American Lung Association of Maryland.

All local Tuberculosis-Respiratory Disease Associations are changing to names which incorporate the word "lung." It is believed that the new, shorter names using the word "lung" will more aptly reflect the central purpose of these independent health agencies, which is "to prevent and control lung disease." Moreover, it is thought that the new names will make it easier for the public to recognize, remember and seek help from these lung associations when they have problems from respiratory disease, air pollution or smoking.

Tuberculosis was once a terrifying and widespread disease. Today, better public health efforts and improved treatments have reduced its impact, but such weakening conditions as emphysema and other smoking and pollution-related ailments have risen in importance. The new name of the association reflects these changes.

DEBATING—A PATMAN TRADITION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. PICKLE. Mr. Speaker, Austin is proud of our girls' debate team from Stephen F. Austin High School which recently captured the Texas Interscholastic League debate championship, and I feel sure that my colleagues will be interested to know that one-half of that winning team, Miss Carrin Foreman Patman, is the granddaughter of the dean of the House, WRIGHT PATMAN. Carrin and her partner, Sarah Jeannette Goodfriend, not only won the State debate competition, but they won by a unanimous vote. It should come as no surprise that a Patman would have a knack for public speaking—Members know of Dean PATMAN's ability as an orator; WRIGHT's son, State Senator William N. "Bill" Patman, is a distinguished and highly respected member of the Texas Legislature; and Bill's wife, Mrs. Carrin Patman, is our former Texas Democratic national committeewoman. It seems only natural that 17-year-old Miss Carrin Patman should carry on the family tradition of eloquent and persuasive public speaking.

The Texas State Senate has adopted a resolution commending Carrin and Sarah for their victory, and I include the text of the resolution at the conclusion of these remarks. In addition, I want to extend my personal congratulations to the girls and to Mrs. Georgiana Sims who so successfully coached this talented debate team. Finally, I want to congratulate one of the proudest grandfathers in the Congress, Dean WRIGHT PATMAN.

The resolution follows:

SENATE RESOLUTION

Whereas, it is a special privilege for the Senate of Texas to pay tribute to young people of this state who have gained recognition for outstanding achievement; and

Whereas, two young ladies who qualify highly for this honor are Carrin Foreman Patman, the daughter of our distinguished colleague, Senator William N. Patman and Mrs. Patman; and Sarah Jeannette Goodfriend, the daughter of Mr. and Mrs. Irving Goodfriend; and

Whereas, on May 5, 1973, they won the final round in the 1973 University of Texas Interscholastic League State competition in Girls' Debate, by a 5 to 0 decision of the judges; this established them as first place winners and state champions in the AAAA division; they had previously won first place in the District 26 AAAA contest on April 5 in Austin and the Region 4 competition on April 14 in Corpus Christi, which qualified them for the state finals; and

Whereas these two 17-year-old students are juniors at Stephen F. Austin High School in Austin; they are members of the National Honor Society and both serve on the Student Council; Sarah serves as president and Carrin is vice-president of the Austin High School Debate Squad; now, therefore, be it

Resolved, That the Senate of the 63rd Legislature of the State of Texas congratulate Carrin Foreman Patman and Sarah

Jeannette Goodfriend on winning first place in the 1973 University of Texas Interscholastic League state competition in Girls' Debate in the AAAA division; and commend their debate coach, Mrs. Georgiana K. Sims, on her guidance and training which contributed greatly to the success of this debate team; and be it further

Resolved, That copies of this resolution be prepared for Carrin and Sarah and for Mrs. Sims, under the seal of the Senate of Texas, as a memento of this occasion, and as an expression of our deep sense of pride in the accomplishments of these two outstanding young Texans.

REACTION TO WATERGATE CORRUPT, TOO

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. LANDGREBE. Mr. Speaker, I offer the following article for inclusion in the CONGRESSIONAL RECORD and commend it to my colleagues.

The article entitled "Reaction to Watergate Corrupt, Too" appeared in a recent issue of the Lafayette, Ind. Journal-Courier. It was authored by Paul Miller, chairman, chief executive, Gannett Co., Inc.:

REACTION TO WATERGATE CORRUPT, TOO

(By Paul Miller)

Partisanship began to show in the Watergate hearings this past week. It will be surprising to many if it doesn't increase.

Readers and viewers are drawing sharper lines in their reactions.

Polarization is setting in.

For the first time—during questioning of former Secretary of Commerce Maurice Stans—Republican committee members spoke out against Chairman Sam J. Ervin Jr.

The North Carolina Democrat with the good-old-southern-country-boy manner had bored in on Stans. He repeated the same question insistently, or forcefully. He put words in the witness' mouth.

In the end, Republican Sen. Howard Baker Jr. of Tennessee suggested that with the Ervin questioning taking the turn it had, the committee might now go into Democrat party campaign details.

GOP Sen. Edward J. Gurney of Florida accused Senator Sam of "Harassment."

Eyebrows working up and down in mannerism long familiar to North Carolina constituents and to fellow senators, Ervin seemed to misunderstand.

So Gurney spelled it out—the word, he said, was "h-a-r-a-s-s-m-e-n-t."

Actually, although it has seldom shown in the hearings, there was sharp partisan conflict in the setting up of the Ervin committee at the start.

Republicans had asked that the Committee go into 1964 and 1968, as well as 1972. They also tried to get an even break on committee representation. They contended that otherwise the hearings would become a Democrat partisan witch hunt. The Democrat majority in the Senate rebuffed them on both counts.

Thus the Democrats got control they sought, and which Republicans undoubtedly would have assumed had Republicans enjoyed the Senate majority.

All this had disadvantages as well as advantages for the Democrats. The disadvantages are, among others, that no matter where the hearings now go, the minority may be able to contend that the hearings were not fairly conducted.

Newspaper readers and television viewers are, like the senators, split. Once more, it seems that it's in "the eye of the beholder."

A Gallup Poll reported that 44 per cent of Americans questioned said they're getting too much Watergate from the press and on the air, contrasted with 38 per cent who saw the coverage as "about right," and 11 per cent who wanted even more.

Chairman Ervin was a mite more conciliatory with witnesses after the protests from Baker and Gurney. But there was no apparent letup in his moralizing and tossing about of quotations long familiar to those who hear him regularly.

It could become boring. But meantime there are those who have been collecting Ervinisms. Some are horrible, some pointless or patronizing; some are good, for example the one used in an interview before the hearings began. Ervin said:

"As the mamma whale said to the little whale, 'It's only when you're blowing that you get harpooned.' "

The whole committee, looking sharp and being sharp in the national exposure, could well contemplate that. As could we all.

Newspapers which strive to "present both sides," and that includes most, missed a prime opportunity if they overlooked or did not have available a Commencement speech by Chancellor W. Allen Wallis of the University of Rochester.

Editors who know his credentials listen with interest even when they disagree.

He wasted no time in going to the heart of his subject. He said:

"All commencement speakers are discussing Watergate. Yours is no exception. What I have to say about it will, I venture to boast, not resemble what other commencement speakers are saying about it, except in one fundamental point: I agree, of course, that Watergate is deplorable, disgraceful, immoral, shocking, inexcusable, alarming, reprehensible, and quite a few other things besides, none of them nice."

"But," Chancellor Wallis went on, "the saddest thing about Watergate is that in important respects it is far from unique or even unusual."

"It is another of those many instances in which the end is regarded as justifying the means. One thing different about Watergate, however, is that the end is not acceptable to the academic-journalistic complex, as were the ends pursued by Daniel Ellsberg, the Berrigan brothers, the anti-war rioters, the Black Panthers, and innumerable others stretching back to the sit-in strikers of the 1930s . . .

"By 'Watergate,' I refer not just to the intrusions on the Democratic National Committee in 1972 and activities related to that. I refer also to the reaction by journalists and politicians to the Watergate break-in, which . . . has been morally even more corrupt than the Watergate activities themselves.

"I refer still more broadly to a pattern in American public affairs which has been growing since the Second World War—the McCarthy craze, income-tax corruption in the Bureau of Internal Revenue, the Department of Justice, and the White House staff during the Truman administration; eavesdropping by government prosecutors on conferences between defenders and their lawyers; military conscription in peacetime; the biased perspective of the press and television; the politics of expectation and the exploitation of subsequent disappointment; the litigation explosion; restrictions on freedom that are regarded erroneously as necessary or even desirable in a modern, complex, urban, technological society; the raise of self-selected, self-righteous groups contemporary counterparts of the Ku Klux Klan responsible to no one and successful in influencing public policy, sometimes through intimidation, obstruction, suppression, assault, arson, bombing, maiming and killing . . ."

After discussing the increasing American public reliance on government, Chancellor Wallis made mention of President Nixon. Wallis said:

"Until the Watergate affair shackled him at least temporarily, President Nixon appeared well launched on a movement of heroic proportions to reverse the trend towards over-government . . .

"The President attacked special privilege on a breathtakingly broad front . . .

"The President's own unparalleled abilities augmented by the superb and dedicated service of Messrs. Haldeman and Ehrlichman, were achieving amazing progress. Total ing, which is a good index of the degree to which a government is encompassing the totality of society, was coming under control. Obsolete programs, ranging from 40 years old down to five or six years and which—whatever may once have been the case—are at best sheer waste and often worse were being stopped . . .

"There is in fact no doubt in my mind that the persistence and ferocity with which the Watergate affair has been pursued is related to the President's domestic reforms."

So spoke Chancellor W. Allen Wallis this past week in what may be unique among commencement speaker comment in this or any other year.

PUBLIC EMPLOYEES' RIGHT TO STRIKE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. BROWN of California. Mr. Speaker, an issue which we have repeatedly faced in this body is the right of public employees to strike. Although the Congress has never recognized this right by passing appropriate legislation, there are many among us who feel strongly about this issue, and I am sure that it will come up again.

So that we will be better prepared to deal with this subject the next time that it does come up, I would like to share with you and our colleagues some remarks made by Mr. Gordon Bittle, president of the California Teachers Association. Mr. Bittle's comments, broadcast over Los Angeles television station KNBC on June 14 were in response to an editorial which that station had aired opposing the right of public employees to strike. The original editorial was stimulated by a measure currently before the California State Legislature which would affirm that right.

At this point I would like to read Mr. Bittle's remarks.

KNBC EDITORIAL

KNBC's editorial displayed a common misunderstanding of collective bargaining for public employees. Two basic assumptions were made. Neither was correct.

One was that the right to strike in collective bargaining for public employees is a license to strike. The other was that public employees don't need collective bargaining, because they have tenure and civil service protection.

Of the collective bargaining bills now before the legislature, only one, AB 1243, authorizes the strike or lockout, and in a limited way. The aim is to stimulate good faith negotiations on both sides due to the uncertainty the threat of strike or lockout creates. If the parties then come to loggerheads, the law sets up impasse procedures of mediation and fact-finding, plus a cooling-off period. Following that, if no agreement has been reached, the parties can announce they will then strike or lockout.

But any citizen can move to stop this by going into court. If the judge then finds either the strike or lockout to be detrimental to public health and safety, he must stop it.

This is much better than our present non-method, which did not prevent some 30 so-called illegal strikes of public employees last year in California.

KNBC's other idea, mixing tenure and civil service protection with collective bargaining, is like trying to mix oil and water. Collective bargaining is an employee-related protection. Tenure and civil service are public protections. They safeguard the children and the public from political pressures in the schools and in government jobs.

Freedom to teach the truth is essential to a free society. Without it, schools become propaganda agencies for those in power.

The California Teachers Association believes that it will not only be more fair if public employees are given the same collective rights as those in private industry, but it also will improve the quality of public service.

I would like to emphasize, Mr. Speaker, the generally unrecognized fact which Mr. Bittle referred to at the end of his brief statement. In the present atmosphere of Washington, with Senator ERVIN's committee bringing forth new information about illegal actions by political appointees every day, I believe we can all see the value in those measures which have been developed to prevent such abuses of power from being more widespread. Protections such as tenure and civil service procedures are important to the people of the United States if we are to avoid additional Watergates by Government employees loyal only to their superiors, instead of to the public interest. We must not confuse these important public safeguards with employee rights.

FISCAL YEAR 1974 CONTINUING APPROPRIATIONS

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. PRITCHARD. Mr. Speaker, on Tuesday, June 26, the House considered an amendment to the fiscal year 1974 continuing appropriations, House Joint Resolution 636, that prohibited the use of funds to support military activities by U.S. forces in, over, or off the shores of North Vietnam, South Vietnam, Cambodia, and Laos without the consent of Congress.

I opposed Mr. MAHON's substitute amendment to the previous amendment offered by Mr. ADDABBO that allowed a 60-day grace period after which no funds appropriated under the resolution could be used for combat activities in Cambodia or Laos, and voted against it. However, through some error I found that I was recorded as voting for Mr. MAHON's substitute amendment.

Whether the error was mechanical or human, Mr. Speaker, I would like the permanent RECORD to show that I opposed the amendment allowing a 60-day grace period.

RESPONSIBILITY TRANSFORMS FORMER TROUBLEMAKERS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. BOB WILSON. Mr. Speaker, Navy men in San Diego are volunteering their free time to help the young people of the community. I enjoyed reading an article which appeared in the June 17 issue of the San Diego Union regarding the Naval personnel who are devoting their off-hours as tutors, playground supervisors, and just good friends to the students at Kennedy Elementary School, located in southeast San Diego, and would like to share this report with my House colleagues:

HELP RUN SCHOOL—RESPONSIBILITY TRANSFORMS FORMER TROUBLEMAKERS

(By Diane Clark)

A Kennedy Elementary second grader named Larry goes to his principals' office daily to report how his class has improved.

"My class came in quieter today, Mr. Weintraub."

"There were no fights today, Mr. Weintraub."

"The grounds are cleaner today, Mr. Weintraub."

Only five months ago, Larry's visits to the principal's office were probably for disciplinary action but today he goes of his own volition.

ON "COMMITTEE"

That's because Larry was a member of the Committee."

The committee's formal name is "Student Committee to Improve Kennedy's School." It is comprised of 23 students (one from each class) who meet with the prinicpal each Thursday morning to tackle what the students decide is the biggest problem that week.

The committee members, selected each week, are not the highest achievers or goodie-goodies but those whom Jerome Weintraub says know what the problems are. Like Larry, all have been to the principal's office before for less desirable reasons.

"They develop a strong desire to see things improve," says Weintraub.

At least four teachers have asked Weintraub after committee meetings, "What did you do to them?"

"They come back smiling, anxious to work and anxious to help others improve," teachers have told him.

Before February when the committee was formed, students at the Southeast San Diego school were not allowed to walk unsupervised through the halls but marched as a class.

Now they are being sent to the library with passes, reports Weintraub.

SCORES IMPROVE

He says students are developing more positive attitudes toward their classmates and teachers. Weintraub attributes a marked increase in the school's math and reading scores to the improvement program.

"In the state testing program in reading, Kennedy jumped from sixth from the bottom last year to 47th from the bottom this year," said the principal.

Among problems the children concern themselves with is discipline. Committee members, instead of making trouble, are urged to watch for troublemakers and tell them to straighten up.

But there are other problems, such as the trampled grass and littered campus to be solved and assembly programs to be selected.

The committee reseeded a portion of lawn, but only after each class voted to replant grass.

It was the litter problem that prompted a third grader to say, "My daddy's in the Navy and the Navy doesn't have papers around." Thus, the students decided they could learn some lessons from the military and asked for its help.

What resulted is incorporation of the Navy into the Kennedy school program. About 68 military volunteers from various commands each week spend free time at Kennedy supervising on the playground, tutoring students, helping in the classroom, devising games, telling classes about their jobs or just rapping.

ADDED BENEFIT

Weintraub says many of the students have no father, thus a masculine figure is provided.

Besides the school activity, the men take students aboard their ships and to their duty stations. They have toured the Imperial Beach Naval Air Station, Miramar Naval Air Station, fleet tug Ute and the destroyer H. W. Tucker. The Tucker has about 20 men in the project.

"The men have been very pleased with the program," said the Navy project coordinator.

KILLING OF BABY CHICKS

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. LITTON. Mr. Speaker, recent developments including the killing of baby chicks, the closing of packing plants, the shortages of certain foods and feedgrains and the increasing food crisis are the result of too much interference from a Government more interested in political expediency than economic reality. For months I have been predicting the breakdown in our food production process if the Government did not leave it alone. I have been predicting food shortages if changes were not made.

An America which has seldom been without in recent times finds it hard to believe that we will be without anything whether it be gas or food. Some have said that my statements were designed only to aid the farmer, but I have often said that it was the consumer who was being used by a Democratically controlled Congress and a Republican administration, and it would be the consumer who would ultimately suffer the most, economically. The killing of baby chicks and the embargo on soybean exports make it very clear to the American people just exactly how serious the situation really is.

On March 15 of this year, President Nixon said rigid price controls on meat would not work. He said such a freeze would discourage supply and lead to black market and rationing. A few days later Secretary of Agriculture Butz said anyone who favored such a freeze on food would be a damn fool. On March 23 at the first meeting of my Sixth District Congressional Club in St. Joseph, I agreed with both President Nixon and Secretary Butz. On March 29 the President imposed a meat price freeze. What I had predicted and what the Agriculture Secretary, as well as what the President himself only 2 weeks earlier had predicted—came true. Increased production was discouragd. Farmers who had been holding back heifer and cow replacements in anticipation of higher meat prices started selling. Feedlot operators who found selling prices bumping against the ceiling and production costs increasing, soon found they were losing money for each pound put on each animal. When they realized this they started selling their cattle at 900 instead of 1,100 pounds. Each time they sold such an animal, it meant 200 pounds of beef that would never see the light of day.

The new freeze reached all food products. To say the freeze was only at the retail level and, therefore, did not affect the farmer is phoney. Retail prices set farm prices. If retail prices cannot go up to reflect increased demand or lowering supplies neither can farm prices. The freeze instead of lowering food prices will result eventually in higher food prices. If you do not believe me just look at the percentage of sows included in the weekly hog kill or the number of cows included in the weekly cattle kill. The unusually high percentage of pregnant sows going to market means tens of thousands of pigs that will never be produced. The hundreds of thousands of baby chicks being killed and the even larger number of eggs not being hatched will show up in greatly reduced broiler numbers in September. Reduced pork supplies will not show up for several months and reduced beef supplies will not hit the consumer for another 2 years when the calves, which would have gone to market from the cows being shipped, do not appear.

The bipartisan political game of words and deeds in Washington by people more interested in the short-range voting power than the long-range buying power of the consumer, is hurting the consumer more than the product. It is true many producers are being run out of business. But many are simply cutting back breeding numbers in their herds, refraining from making usual long-range production investments, selling livestock at lighter weights and taking other such steps which are designed to save them from anticipated financial losses. The big loser is the consumer who must have food and will pay almost anything to get it no matter how scarce the item, which means this slight decrease in food supply will be reflected in sharp increases in price. The voting consumer as well as the policymaking politician needs to better understand the way in which the inelastic demand for food works and the factors that go together to encourage or discourage food production.

The decision by the administration to place an export embargo on soybeans, cottonseeds, and their byproducts is a prime example of how one interference by the Government in the food production process must be followed by another to offset the first. Had a ceiling not being placed on meat, the increased cost of feed could have been passed on and there would have been no killing of baby chicks, heavy slaughter of pregnant sows or other such actions which will eventually lead to either food shortages or higher food prices.

When President Nixon threatened to stop exports of farm commodities, he, by this action alone, created more of a food shortage in this country. Farmers considering long-range investments in machinery and other inputs which would eventually lead to increased food supply backed off after the President's statement. Instead of looking ahead to higher farm prices, these farmers could see the Government was prepared to step in and shut off exports any time it appeared food prices were higher than it wanted. I am sure the President's statement obviously designed to soothe the consumer, only served to further aggravate the consumer's food budget problems. The most recent action to halt exports, while providing short term relief for the problems imposed by all the ill-advised meat freeze, will serve to further discourage producers of all farm commodities from making longrange investments by showing clearly that the Government will step in and halt the export of their product if prices get high enough to create undue public pressure. In the past farmers were able to study long-range crop forecasts both at home and abroad, and based on these forecasts, crop conditions, food supplies, and so forth, make production decisions and longrange investments. Now this most recent action by the administration adds an unknown as well as depressing factor. If the price outlook is too good, it might result in governmental action such as the recent export embargo. This then results in discouraging producers at the very time when they need to be encouraged the most—when shortages at home might be on their way. The recent embargo on soybeans will hurt farmers in my State who have soybeans planted, but it will help those who feed livestock. Soybeans represent the No. 1 cash crop in Missouri, but livestock represents the No. 1 industry in my State. It is unfortunate that one segment of agriculture must suffer in order to bail out the other, especially when the bailout was needed only because of an ill-advised economic move by the Government in the first place. This is especially the case when one realizes that the move made by the Government, was known to be a bad move at the time it was made. This is documented by the statements of both President Nixon and Secretary Butz. They both said it would not work only days before they imposed the ceilings.

I think it is time we stopped playing political games at the expense of both the consumer and the producer as well as our overall economy. We know we are going to import large quantities of oil, which will further aggravate our balance-of-trade deficit. We know that the last 3 years are the first since 1893 that this great productive America has bought more goods than it sold. We know that we must rely on farm products to offset this trade deficit if we are to stabilize the American dollar and reverse the balance-of-payments situation so weakening to our economy. Now we find that our economically unwise moves, designed to fool the consumer, are not only hurting both consumer and producer, but our economic position abroad as well. If we shut off exports of key cash crops to compensate for our unworkable ceilings on products that respond best to a supply and demand situation without governmental intervention, where are we going to go for products to sell abroad to reverse our balance-of-trade deficit? I would hope that both the Congress and the administration would carefully study the economic position our country finds itself in, and come up with solutions which are based on sound long-range economics instead of short-range self-serving politics and quit taking advantage of an unsuspecting consumer who does not understand that many Government actions which appear designed to lower her food costs are only driving them further by discouraging production.

ALASKAN OIL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, during the course of debate on the delivery of Alaskan oil, it has been consistently assumed that opinion within the State of Alaska was virtually unanimous in support of the proposed trans-Alaska pipeline/tanker system. However, in recent days it has been eloquently demonstrated to me that such is not the case.

There is substantial opposition to the Alyeska pipeline in Alaska. This opposition does not arise solely from a small band of environmentalists bent on preserving the fragile Alaskan ecology, but from all sectors of the Alaskan populace. The folllowing letters, received by my office, represent the unspoken for citizenry of Alaska:

ANCHORAGE, ALASKA,
June 18, 1973.

Representative JOHN B. ANDERSON,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I sincerely regret that I must write to you rather than to our Alaska representatives, but unfortunately our elected representatives have been caught up in such a pipeline mania that one wonders who they really do represent. They certainly do not represent a great number of us who make Alaska our home and plan to make it the home for our children.

It is for this reason that I write to you and urge you with utmost concern that every attempt be made to have Alaska's North Slope oil be transported from Alaska via Canada, either following the military pipeline from Fairbanks down the Alaska highway into the Yukon Territory, thence to Edmonton, Alberta or else over the Mackenize River route.

We have seen our forests, our salmon and our Cook Inlet Oil all disposed without great benefit to the vast majority of the people of Alaska. Now we are told that Alaska faces bankruptcy. It appears that it is the stick being used for keeping Alaskans in line. Still our per capita wealth and our growth in the last few years have reached new highs—though unfortunately this has all been in the Anchorage and Fairbanks areas and not in our bush villages.

I enclose a leafled that has been given to each and every state employee—and we paid for this so called committee from our taxes. "Government", as you probably know is the largest single employer in the state.

I particularly call your attention to the spills we have had already—almost every 6 months—on the North Slope and the spill this spring at Cold Bay which clearly showed that it is impossible to prevent or control such spills in our turbulent and and often fog bound waters.

We do not want more than one pipeline except where existing land transportation systems are utilzed. There is a great deal of support for your stand here in Alaska, particularly among the rural people. Thank you for your efforts in our behalf.

Sincerely yours,
LLEWELLYN R. JOHNSON.

ANCHORAGE, ALASKA, *June 15, 1973.*
Hon. JOHN B. ANDERSON,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ANDERSON: I am writing to you as a concerned citizen of Alaska and the United States on the matter of the construction of the trans-Alaska pipeline. At present there is a massive campaign of advertisement in favor of the pipeline being made by many Alaskan citizens, politicians, businessmen and others who stand to profit by the construction of this pipeline. I would like to go on record as one of many Alaskans who maintain the opposite point of view.

There are many of us who feel the trans-Alaska pipeline may *not* be the full/answer to the problem of transporting North Slope oil to market.

I, for one, have great concern over the environmental problem to be encountered, both in construction and possible pipeline spillage and oil tanker spillage. The matter of where the best market for the oil is is open to question. The midwest and points east seem to be in more critical need. More thought and study need to be given to the Canadian route of a pipeline. I don't believe the Canadian government's point of view on this matter has been fully discussed or aired. And lastly, is there really an energy crisis big enough to justify a rush job of the Alaska pipeline, or is it a myth being perpetrated by oil companies and some people in Washington?

In summation, there are many Alaskans who feel their voices in opposition to the present pipeline plan need to be heard. I know that you and others are interested in seeing more study done on the proposed Canadian pipeline route. Be it known that there are those of us in Alaska who support your efforts.

Thank you.
Sincerely,
LUCINDA NEWMAN.

JUNE 19, 1973.
Representative JOHN B. ANDERSON,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ANDERSON: You have our support for your Alaska pipeline proposals. The Alaska press and official state government attempts to make it appear that all Alaskans are behind the Valdez route is so much wishful thinking.

We have had enough oil spills in Cook Inlet as well as arrogance from the oil companies there to know what to expect. Prince William Sound is far move turbulent than Cook Inlet. It is also one of the few salmon fisheries left where the stock has not been greatly depleted. Most of us support the fishermen who are suing to prevent the Valdez route.

We want but one pipeline corridor for oil and gas, if we need any at all. It should follow the old military line from Fairbanks down to the Yukon Territory, or else go over to the MacKenzie where an existing transportation system exists from which to build a pipeline. The proposed "haul road" to build the pipeline is going to have a more adverse effect on our North country than the pipeline. Why must we be the victims for shortsighted, selfish businessmen and politicians? This is our home.

Sincerely yours,
CAROL T. JOHNSON.

JUNE 18, 1973.
Representative JOHN B. ANDERSON,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ANDERSON: I am writing to you about an issue that is of great concern to me and to many Alaskans, the Trans Alaska Pipeline System (TAPS). I am very skeptical about the barrage of propaganda that is being presented to Alaskans and the nation by state and federal officials about the virtues of TAPS. I feel, as do many Alaskans, that the pipeline as presently proposed would be an environmental disaster while having only a temporary effect on our "energy crisis". The present "railroad" atmosphere that pervades in Alaska government as well as in the U.S. Congress is most disheartening. If ever there was a time for careful deliberation and consideration of all the alternatives, now is the time.

I strongly urge you to make every effort to see that this issue is thoroughly and completely discussed in House chambers and that full consideration be given to the Trans Canadian route. I appeal to you because Alaska's elected officials' minds are closed to all rational alternatives to TAPS.

Thank you for your time and effort.
Sincerely,
DAVID T. STONINGTON, M.D.

FAIRBANKS, ALASKA,
June 12, 1973.
Representative JOHN B. ANDERSON,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ANDERSON: It is my impression that you are being misled into believing all Alaskans want the pipeline as now planned. I write to you to tell you that this isn't true, and that *many* Alaskans support your amendment to study a trans Canada alternative route.

My main concern is the marine tanker route and the great danger Alaskan oil sent in tankers poses on our fisheries resource. We have no way to deal with grounded tankers which spill oil in our turbulent waters. There is no technique available to stop such spills, and the trans Alaska pipelines tankers will go through tremendously treacherous and extremely high waters. I think you should make a better argument out of this great threat. Alaska's commercial fishermen oppose this route.

I also wish to tell you I believe the pipeline is poorly planned. An engineer from Anchorage who knows this has sued Alyeska Pipeline Service Company for $501 million. The great Caribou herds of the Arctic have been shown *NOT* to cross the test lines, contrary to the lies published to the contrary in *Popular Science* January 1973, and in other publications.

I believe Alaskan oil will be sold to Japan. Alaska's Cook Inlet oil is already sold to Japan at the rate of 19,000 barrels per day! Natural gas produced there is liquified and sold to Tokyo Power and Light Company.

I warn you of this Japanese market. The Valdez route is just an excuse to sell at great and quick profit.

Many Alaskans, demoralized and nearly hopeless, consider this pipeline a fiasco of the first order. Your efforts to redirect its course have our heartfelt support and thanks.

Sincerely,
SUZANNE M. MUNCHOFF.

COLLEGE, ALASKA,
June 14, 1973.
Representative JOHN B. ANDERSON,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ANDERSON: I am an Alaskan resident, taxpayer, homeowner with wife and three children. We have a lot at stake in Alaska, and are terribly concerned that our political leaders are taking upon themselves to speak for all Alaskans as supporting the Trans-Alaska Pipeline. As you know, there is a tremendous amount of pressure by the oil companies, the State of Alaska and business leaders to ram this project through.

Many of us in Alaska are particularly concerned about the changes which go with oil development. We have the highest cost of living in the nation already, which will certainly not be eased by a boom and bust economy. This is a historic fact in the Kenai Oil developments.

The road which will accompany the proposed Trans-Alaska Pipeline is not desirable. The problems of marine tanker trans-shipping is understudied and a mind-boggling concept. We were to understand that the Environmental Protection Act required that alternate proposals be made, such as a Canadian route. This has not been done.

The influx of the workers from the outside will place insurmountable burdens on our schools, services, housing (and zoning) and contribute to an air pollution problem in Fairbanks which is already seemingly unsolvable.

The changes in the lifestyles of our native and white population may not be worth a hasty and ill-conceived pipeline project.

I just wanted you to know that by no means *all* Alaskans support the Trans-Alaska Pipeline project as proposed.

Sincerely,
GORDON B. WRIGHT.

PS: I am particularly offended by our Governor authorizing $100,000.00 from taxpayers money to pay for a group of businessmen and politicians to travel around boosting this project.

ALASKA ADJUSTERS, INC.,
Fairbanks, Alaska, June 13, 1973.
Re Trans Alaska Pipeline.
Hon. JOHN B. ANDERSON,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I am a businessman in Alaska. I am president of Alaska Adjusters, Inc. The company has offices in Fairbanks and Kodiak. I first came to Alaska in 1955 and have owned and operated my own business since 1969.

The discovery at Prudhoe in 1968 ushered in a great deal of excitement in Alaska and reawakened old dreams of resource development here.

The trouble with such old dreams and the sudden awakening here is that Alaskans seem hell bent on doing it over again just as it was done in the "lower 48." I am not at all satisfied that such methods of development and the reasoning behind such desires for development (the need for more gadgets and more energy, etc.) are any longer valid.

Many of us who are Alaskans, and many

of us who moved to Alaska, had this realization early and came here to escape the mechanization and madness which exists in the "lower 48."

Therefore, there are many of us who believe the trans Alaska pipeline is an anachronism and a tragic error across the face of Alaska. No matter how thin Lt. Governor Red Boucher says the line will be in comparison to the width of the State of Alaska, it is still a dangerous seed and a desecration.

In addition it has engineering defects which have never been adequately answered and risks which can never be accurately measured. I believe, as an Alaskan businessman, that if Alaskan oil must be taken from the ground and if it must be transported that the Canadian route is preferable.

The trans Alaska pipeline route is not only inherently dangerous and environmentally destructive over its near 900 mile path, but also the marine transport section has been frighteningly underestimated as to dangers and seems to have been accepted as plausible without proper investigation.

Do not be misled by the State funded Alaska Pipeline Education Committee which is a group of Chamber of Commerce empty heads running around the lower 48 like little wind-up men shouting how much Alaska wants and needs the pipeline. This is horse manure. A large number of Alaskans, including professionals, working men, liberals, conservatives, outdoorsmen, salesmen, and many types abhor the thought of the development which the pipeline will bring to this country.

They may agree the oil needs to come out and that energy needs to be consumed. There are certainly varying degrees of thoughts on that matter, but they are universally agreed that the pipeline will change the "Alaskan way of life" and they do not like to see this happen.

I realize this seems to be a manner of burying one's head, but nonetheless it is true that not all Alaskans are for the pipeline.

An Alaskan against the pipeline

Yours truly,

J. A. "JIM" HUNTER,
President.

JUNEAU, ALASKA, *June 20, 1973.*

Hon. JOHN B. ANDERSON,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I wish to extend my support to you and your efforts in Congress to amend pending legislation to remove legal barriers to construction of the Trans Alaska Pipeline System. It is imperative that a careful thorough investigation of alternatives be made for the following reasons:

TAPS involves a short pipeline and a long oil tanker route; incoming tankers in ballast and outgoing under load will traverse treacherous waters among the most turbulent in the world, which also happens to be located in one of Alaska's richest fisheries.

Tanker spills in these turbulent waters would be impossible to prevent, and impossible to control—as evidenced by the 200,000 gallon spill in March, 1973, in Cold Bay of the grounded Hillyer Brown.

Alaska Cordova District Fisheries Union and the United Fishermen of Alaska oppose this plan.

All overland pipeline alternative routes avoid all marine tanker traffic and the threat TAPS poses, and deserve official, top level investigation before a decision is made to go on oil delivery.

Cordova District Fisheries Union is in court to prevent the tanker route.

An Anchorage arctic soils engineer has sued Alyeska Pipeline Service Company for $501,000,000 to force them to reveal how decisions were made to go on the current design he says is faulty due to soil mechanics mistakes.

The Secretary of the Interior has failed to give thorough study to existing alternatives from the very beginning.

Alyeska has failed to design its North Slope pipeline and feeder lines so migrating caribou will overcome these obstacles and cross them; refuses to make public its study; and refuses to fund proper crossing designs.

Alyeska and British Petroleum have already had chronic oil spills on the North Slope tundra at construction camps even before a construction permit is granted and they appear unable to control these accidents.

A Canadian gas consortium already plans to request a permit to construct and operate a 48-inch gas line from Prudhoe Bay to the midwest via Canada.

Interior admits savings would accrue from a single, joint gas and oil pipeline corridor.

Some evidence exists that Valdez is a short cut from Prudhoe Bay to Tokyo.

Cook Inlet oil is already sold at the rate of 19,000 barrels daily to Japanese interests.

Sincerely yours,

DONALD K. FREEDMAN, M.D.

CALL ME COUNSELOR

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Ms. ABZUG. Mr. Speaker, in a profession that purports to place justice high in its scheme of values, women have traditionally played an insignificant role. The 1973 Economic Report of the President states that the percentage of women lawyers and judges is only 4.9. In 1950, the ratio of practicing female and male attorneys was 1 to 28; today, the ratio is approximately 1 to 40.

I am pleased to note that this trend is reversing itself. This past winter, two new all-women law firms opened their doors in New York City, Bellamy, Goodman, Kelly, Ross & Stanley, and Lefcourt, Kraft & Libow.

At the conclusion of these remarks, I am reprinting an article from today's Daily News, which I hope will serve as an impetus to all women considering a career in the legal profession:

THEY MAKE A GOOD CASE FOR WOMEN LAWYERS

(By Beth Fallon)

Mudge, Gudge, Sludge and Curmudgeon can just move over, along with Wily, Sneakee and Drone. There are two new law firms in town, and all the partners are women—a first here, as far as they know.

Both firms are dedicated to the law not only as a tool for securing women's rights, but also as a business in which women can be self-employed, successful and self-sustaining.

Lefcourt, Kraft and Libow opened Feb. 1 with attorneys Carol Lefcourt, Veronika Kraft and Carol Libow.

On March 1, Bellamy, Goodman, Kelly, Ross and Stanley set up for business, with State Sen. Carol Bellamy (D-Brooklyn), Jan Goodman, Mary Kelly, Susan Ross and Nancy Stanley as senior partners.

While women have practiced law for the government, as seldom-seen Wall St. adjuncts and as loners until the last few years, the emergence of young, tough, capable female lawyers in the civil rights movement and women's movement—who have argued and won some revolutionary cases—led them to growing awareness of their own skill.

SPECIAL NEEDS FILLED

It also led to the conclusion that women increasingly need lawyers for marital problems, for business, for general civil cases, discrimination and criminal matters—needs that the male legal establishment seldom filled, they say.

"The legal profession," says Mary Kelly, "wasn't set up to look after the rights of women."

And the pressure on women lawyers to be twice as good in order to win, to move up in law firms, to even get a judge to call them "counselor" instead of "young lady"—"Well, you have to be very strong to overcome all that, and that's another reason for a women's firm," adds Nancy Stanley.

Both firms are set up for general civil practice, including wills, business law, mortgages, etc. They have interests in women's rights cases and in certain criminal matters which especially relate to women, such as prostitution. Both firms have been surprised a bit by the volume of work they've gotten, mostly from women clients.

"We expected to starve the first quarter," Jan Goodman grins, "an there are over 100 cases in the house. There certainly must be a need for our kind of service."

The two outfits have somewhat different styles. Bellamy, et al is in the Bar Building on 44th St. after a polite struggle with the management, who initially told them no space was available, when it was. The partners, some of whom came from Wall St. firms or from arguing women's rights cases for the Equal Employment Opportunity Commission in Washington, are all femininsts whose ideology does not prevent them from enjoying bright modern offices in the staid old building.

Down at Broadway and Bleeker, Lefcourt et al work in the brick-walled radical charm of the old New York law Commune offices. Two of the partners, Carol Lefcourt and Veronika Kraft, helped win acquittal for the Panther 21 in 1971, before the commune broke up. "We wanted to change the world," says Ms. Kraft, with a sigh. "Now, if we can at least get justice for some individuals, we'll be pleased.

"Also, we are making a statement, that as a group we can support each other and make a go of it," she continues.

As to the discrimination against women attorneys, all the new partners say it lessens as big cases are won.

"While it makes it tougher for the lawyer, I don't believe the client's interest suffers from it, since women lawyers argue harder and longer, as they had to all through school. The biggest problem for women lawyers is probably being overprepared, just to be SURE," Ms. Kraft says.

"We're discovering that we can do it, and we've all had experience," notes Carol Libow, who spent a total of four years with Legal Aid; Legal Services in Harlem; and at a private firm. "We don't need some senior male partner to lean on."

BIG MONEY NOT GOAL

At both offices, the attorneys noted that big money wasn't their goal, but a good living, and working for the cause of women's justice was. Their experience, in the downtown firm with the Panthers and suits against the FBI; in the uptown group with suits against WABC–TV, EEOC cases ("I wondered once how Susan knew so much about certain EEOC regulations," Carol Bellamy laughs. "It turned out she wrote them") gives them some clout with other lawyers.

"Men lawyers sometimes are nice, because they expect to push us around. When the iron fist comes out of our velvet glove, they get furious. It really helps of course," she chuckles, "if they lose their tempers. It's easier for us to win."

"When Mary gets finished with some lawyers," Mrs. Bellamy laughs, "we send in somebody with bandaids. It's doing a good job that counts. That's the bottom line."

DELAWARE AIR SERVICE

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. du PONT. Mr. Speaker, Delaware is faced with the possibility that our air service will be permanently discontinued. We are of course working as hard as we can to see that this does not happen. It is imperative to Delaware that we succeed.

Recently the Delaware General Assembly passed Senate Joint Resolution No. 19, voicing the opposition of the people of Delaware to the termination of this service. I ask that the resolution be included in the Record:

Senate Joint Resolution No. 19

(Voicing the opposition of the 127th General Assembly of the State of Delaware and the citizens of Delaware to the termination of certificated air service in the State of Delaware by the Civil Aeronautics Board)

Whereas, there is presently pending before the Civil Aeronautics Board in Washington a proceeding captioned "Wilmington Service Investigation", initiated by the Board which has as its stated purpose the elimination of all certificated air service into and out of the State of Delaware which will make Delaware the only state in the fifty states without such service; and

Whereas, for nearly thirty years the Civil Aeronautics Board affirmatively acknowledged Delaware's need for more and better commercial air service and repeatedly denied petitions by airlines to terminate services, the most recent denial of which was 1970; and

Whereas, the airlines presently obligated to service Delaware have unilaterally discontinued certain service in violation of orders of the Civil Aeronautics Board and purposefully downgraded and rendered inadequate service and now use those created conditions in the attempt to justify an economic need to terminate all service; and

Whereas, in the face of a gasoline energy crisis, with our highways already over-burgeoned with traffic, with the attempt of the bankrupt railroads to discontinue rail service in the entire Northeast, it is imperative to Delaware's economy, future development and the welfare of her people that she retain and upgrade commercial airline service; and

Whereas, the Governor of Delaware has ordered that the State of Delaware be added as a party to and join in the proceedings before the Civil Aeronautics Board.

Now, therefore, be it resolved by the Senate of the 127th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Delaware Congressional delegation be advised of the opposition of the members of the Delaware General Assembly and the citizens of Delaware to the proposed elimination of commercial air service in this State.

Be it further resolved, that the 127th General Assembly of the State of Delaware go on record as vigorously opposing the cessation of commercial air service and recommend and request that the Civil Aeronautics Board consider the public need and not merely acquiesce to the airline lobby.

Be it further resolved, that the text of this resolution be spread upon the Journals of the Delaware Senate and House of Representatives, and copies of this resolution be forwarded to all members of the Delaware Congressional delegation, U.S. Senator William V. Roth, Jr., U.S. Senator Joseph R. Biden, Jr., and U.S. Representative Pierre S. du Pont IV, with the request that it be incorporated into the Congressional Record.

ELINOR M. GLENN

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Ms. BURKE of California. Mr. Speaker, Elinor M. Glenn has been general manager of the Los Angeles County Employees Union, local 434 for the past 6 years, and has been affiliated with the Service Employees International Union, AFL–CIO, and the Los Angeles County Employees Union, local 434, for the past 20 years. She is one of the few women in labor to achieve such leadership. Elinor is one of the first two women elected to the international executive board of the SEIU in May 1972. Elinor was selected by her peers to preside as president of the Public Workers Committee of the Western Conference of SEIU.

The executive board of the California State Council of SEIU is another board on which she serves. Elinor is also a trustee of joint council No. 8 covering southern California SEIU.

During the past 20 years, Elinor Glenn has organized and fought for the low paid Los Angeles County hospital workers. Elinor was head of an independent unaffiliated union when she met George Hardy, the west coast director of SEIU to discuss affiliation. A merger resulted immediately.

It was largely through her leadership efforts that social security benefits were won for Los Angeles County employees.

Elinor's dedication to the working poor resulted in organizing the unorganized public hospital workers when most of the public sector was either hostile or pathetic to the need for unionization to solve their miserable working conditions and low pay. The dressing rooms and rest rooms, in the heat of the laundries, kitchens, on the wards and in the labs, was where Elinor signed up the workers to become active union members.

Elinor was physically removed from the premises of the county hospital 1 day and was right back the next day signing up the working poor. The wages in those days was $103 per month. Many of these people had to go on welfare to supplement their earnings. Under her leadership, these workers have made substantial gains in wages and working conditions, upgrading, promotions, and upward mobility.

She led the fight by thousands of the hospital workers against demotions and downgrading, and won.

Elinor's determination to build the union, to mobilize the public workers and to win dignity for themselves as first class citizens led to the first major collective bargaining ordinances in the State of California for public employees.

Under Elinor's leadership the union built close ties with the community, in the political, religious, human rights, civil rights, social and child welfare, and in the women's rights fields not only in Los Angeles, but up and down the State of California.

The Union broke through and won acceptance of the County of Los Angeles to seek funding for child care for children of hospital employees.

Elinor is a leader in the first against discrimination and for the right of minorities not only to be recruited, but to be in policymaking positions; for fair testing and equal opportunity.

Elinor has worked closely with trade union education programs and set up stewards classes. She has brought close ties between Local 434 and the Institute of Industrial Relations of UCLA. Local 434 has provided scholarships to their members to attend classes at UCLA in collective bargaining and negotiations in the public sector. Women's rights has become one of Elinor's contributions in seminars at universities and in the agencies of the Federal Government.

Elinor served on the Steering Committee at UCLA to find and select applicants, mainly women and minorities to train to become future mediators, arbitrators, and factfinders in the public sector. This training program was sponsored by the Federal Government Department of Labor.

Elinor's background in New York City is varied and rich. After he graduated from New York University she became a teacher of the underprivileged, an actress and worked as an economist here in Los Angeles. When she went on a job she either joined the existing union or organized one where none existed.

This marks her 20th year in the Service Employees International Union, Local 434, which she helped build from 700 to its present over 6,000 members. Her motto of "An injury to one is an injury to all" has stood her and the union in good stead over the years.

ELECTION DAY IMPROVEMENT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. KEATING. Mr. Speaker, the election of 1972 has demonstrated the need for serious reform of our electoral process. It was the most expensive campaign in our history, and resulted in a voter turnout of only 55 percent. There can be no doubt that changes are necessary.

The bill that I am introducing makes some basic changes that would give renewed voter interest and confidence in the electoral process.

My bill does four things. First it makes election day a national holiday. Second, it establishes a fixed period when House and Senate primaries can be held. Third, it fixes the month of September as the time when Presidential nominating conventions are held. Fourth, the bill provides for simultaneous voting hours across the continental United States in Presidential elections.

The first section, to designate election day as a national holiday is designed to increase voter participation. This will enable more people to vote and also make it possible for more people to work for the candidate of their choice on election day.

The second provision would establish a definite period for House and Senate primaries. At the present time the primaries start in March and go through September. If the actual time of the campaign can be reduced then these goals can be reached.

Shorter campaigns will obviously cost less. Now it is necessary to conduct campaigns for several months, under my proposals the primaries could not be held before August 1st and must be over by the end of September.

Long campaigns bore the general public. One election seems to flow into the next. By making the campaign period more compact citizens might well take a greater interest in the candidates and the issues. Our campaigns are too long. Many of the problems of 1972 would have been eliminated in a short campaign.

The third section of the bill stipulates that any party may nominate a candidate for President during the month of September. This would also have the same effect of cutting down on the length of the campaign.

In the past, before mass communications, perhaps there was a need for a longer campaign period to get a message to the American people. But now with television and radio advertising it is possible to run a national campaign in 5 or 6 weeks.

These proposals would make the incumbent Congressman or Senator a better representative of the people. He will be able to devote more time to the legislative process during the first 6 months of the session when the budgets are being prepared; knowing that the primary can be no earlier than the first of August.

Section 4 of the bill would establish simultaneous voting hours in Presidential elections. In this age of instant predictions of election outcomes, there is a very real problem of election results on the east coast affecting the voter attitude on the west coast. Some voters may feel that the outcome is obvious and stay at home. While their main interest may have been the Presidential election by staying home, they will not be voting for the other offices on the ballot.

While it is really impossible to gage the impact of this problem in a close election, California, with its large number of electoral votes, could have a real impact on the final winner.

If election day is a national holiday, the 12-hour period provided should allow everyone to vote.

The hours in the bill range from 9 a.m. to 9 p.m. on the east coast to 6 a.m. to 6 p.m. on the west coast. This would mean that all polls in the continental United States would open and close at the same time.

This bill, in and of itself, will not restore the confidence in our political system. It will not insure record voter turnout. However, these are significant steps that will modernize our electoral process and be a positive step in this direction.

RUNAWAY YOUTH ACT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. HARRINGTON. Mr. Speaker, ever since the days of Charles Dickens' "Oliver Twist," society has been aware that children who have no homes have been mistreated, abused, and neglected. We have surely come a long way in protecting children from the exploitive behavior of characters like Dickens' Fagin, with the enactment of legislation to protect orphans and other homeless children. But there is one group which has not been adequately cared for: those who have run away from home.

The phenomenon of the runaway has increased dramatically over the past several years. Some have linked it with a decline in American family life. Others have suggested that runaways are a product of a modern, and loosely structured society. Whatever the cause, youths are leaving home at an estimated rate of 1 million per year. A recent study by the Massachusetts committee on children and youth calculated that over 200,000 youths under age 18 run away from home every year in that State.

The Massachusetts study found that over 50 percent of the youths left home because of a family argument; in fact, there seems to be a direct correlation between the runaway's relationship with the adults with whom he or she lives and the circumstances that lead to the runaway act. The underlying causes are strikingly similar to the immediate reason for departure.

It is clearly beyond our power to reach into the family to help solve the emotional or familial problems that cause children to run away from home. But large numbers of runaways create a social problem with which we must deal. Runaways who flock to the central cities, with no shelter or means of support, cannot merely be abandoned to whatever Fagin might be lurking in the streets.

Fortunately, a wide variety of private, nonprofit agencies have acted to assist runaways in need of temporary shelter and support. Many of them, operating on miniscule budgets, have succeeded in providing professional medical, counseling, and legal advice to runaways. But the vast majority of these programs do not have the resources to give those youths more than a roof over their heads and the kind of personal understanding and attention that was lacking at home and precipitated the runaway.

The Senate has already passed legislation to provide Federal grants to these agencies, and today I have joined Representative WILLIAM D. FORD in introducing this legislation in the House. The bill would not deeply involve the Federal Government in the care of runaway children. Nor would it create a new bureaucracy to deal with the problem. It would simply direct the Government to pay 90 percent of the cost, for up to $10 million annually, of providing shelter, counseling, and medical services to runaway children in established community runaway houses.

This approach recognizes the ability and concern which many of those manning these houses have shown. Since runaways generally remain close to home, support of local agencies would facilitate the reestablishment of contact with their parents.

In addition, emphasizing treatment by such agencies removes the runaway from the pressures of the legal system's adversary proceedings. The personal problems of these children require professional attention and help that can best be provided in the cooperative atmosphere of the community runaway house, and not in the juvenile courtroom.

Specific safeguards against the unwarranted disclosure of records dealing with runaways are included in the bill, to protect these children from embarrassing disclosures that would only add to their difficulties.

Unless Congress acts to financially assist community shelters, runaway youths must depend on the beneficence and dedication of those few who have concerned themselves with their plight. Both they, and the runaways, deserve the financial support and recognition contained in the Runaway Youth Act, so that no youth who temporarily leaves home is deprived of shelter, medical attention, counseling, and a chance to return home safely.

CONGRESSMAN PATMAN'S GRANDDAUGHTER WINS TEXAS DEBATE CHAMPIONSHIP

HON. JOHN YOUNG

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. YOUNG of Texas. Mr. Speaker, I desire to associate myself with the remarks of my friend and colleague, Mr. PICKLE, relative to the forensic accomplishments of Miss Carrin Foreman Patman, who has participated on the debate team that has won the State debate championship. Miss Patman is a granddaughter of our dean of the House and a constituent of mine of whom I am very proud. She is the daughter of Senator and Mrs. William (Bill) Patman, who are distinguished friends and exceptionally respected constituents. Her forensic abilities come from a long heritage and she is truly to be commended and congratulated. Speaking for myself and all south Texas we are indeed proud of Miss Carrin Foreman Patman.

THE CACHE RIVER PROJECT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. FRASER. Mr. Speaker, the necessity of a number of stream channelization projects has been questioned by conservationists, farmers, and hunters alike. The feasibility and success of these proposed projects are in doubt.

One of these is the Cache River channelization project in Arkansas. On the Cache River and the Bayou Deview in eastern Arkansas, a total of 232 miles of scenic river would be straightened and dredged by Army Engineers. The purpose is to put more land into soybean production.

However, the area is the most important wintering area for mallard ducks on the North American continent. The transformation of the river, woodland and marshes into a series of water-filled ditches will be seriously detrimental to the preservation of the mallard's life cycle, not to mention the aesthetic beauty of the river.

Also, development of this $72 million drainage project would destroy some of the last hardwood forest and scenic bottomlands in Arkansas.

I would like to share with my colleagues the following friend of the court brief filed on behalf of Minnesota citizens in support of the Arkansas environmentalists' suit against the Army Corps of Engineers Cache River project:

[U.S. District Court for the Eastern District of Arkansas, Western Division, No. LR-71-C-199]

PETITION FOR LEAVE TO APPEAR AS AMICUS CURIAE

(Environmental Defense Fund, Inc., Arkansas Wildlife Federation, Arkansas Ecology Center, Ellis Throckmorton, Pratt Remmel, Jr., and Mrs. Gale Eddins, Plaintiffs, vs. Robert F. Froehlke, Secretary of the Army, General Frederick B. Clarke, Chief of Engineers, Corps of Engineers of the United States Army, Cache River-Bayou DeView Improvement District, Defendants).

(Arkansas Game and Fish Commission, Plaintiff, vs. John Getson, S. L. Simpson, Anderson Wells, F. D. Munger, Owen Burton, John Conner, Donald Cain and Raymond Carloch, Defendants).

Comes now the State of Minnesota by Warren Spannaus, its Attorney General, Petitioner herein, and respectfully prays leave of the Court to file a Brief as amicus curiae in the above-entitled causes and to otherwise appear in said causes, and as reasons therefor states:

1. The State of Minnesota annually spends in excess of $250,000 in producing mallard ducks and other forms of waterfowl for the benefit of the citizens of the State of Minnesota and of other states along the Mississippi Valley Flyway, which include parts of all of the States of Minnesota, Iowa, Missouri, Michigan, Wisconsin, Illinois, Ohio, Indiana, Kentucky, Tennessee, Arkansas, Mississippi, Louisiana and Alabama.

2. The citizens of the State of Minnesota annually spend in excess of three million dollars per year in harvesting mallard ducks in the State of Minnesota. Approximately 175,000 Minnesotans annually engage in waterfowl hunting.

3. A substantial portion of the ducks which are produced in the State of Minnesota depend for winter habitat on marsh areas of Arkansas. One of the major areas of winter habitat of the State of Arkansas is situated in the area of the Cache River-Bayou DeView project.

4. The construction of the Cache River-Bayou DeView project would materially and adversely affect the interests of the State of Minnesota in the population of waterfowl which the State of Minnesota produces and manages for the benefit of its citizens and of the citizens of the states comprising the Mississippi Valley Flyway.

Wherefore, Petitioner respectively prays this Court that it be allowed to file said Brief as amicus curiae in said causes and to otherwise appear relative to whether the construction of the proposed Cache River-Bayou DeView project is in conformity with federal law.

VETO OF THE SUPPLEMENTAL APPROPRIATIONS ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, today, in one of his most arrogant and irresponsible acts since taking office, Mr. Nixon vetoed the Supplemental Appropriations Act which contained funds necessary for the Federal Government to continue operating through the conclusion of the fiscal year which ends in just 3 more days.

As his reason for doing so, he cited the fact that the act contains language to prohibit the use of funds appropriated under this or any other act to support U.S. combat operations in, over, or off the shores of Cambodia or in or over Laos. Mr. Nixon says that this language would "cripple or destroy" the chances for an effective negotiated peace settlement in Cambodia.

Mr. Speaker, just what is Mr. Nixon doing negotiating a peace settlement in Cambodia now? What are his legal justifications for carrying on hostile activities in that area of the world in the first place? We are not at war. To the contrary, Mr. Nixon ran his 1972 campaign on the assurance that "peace is at hand." We have received continued assurances ever since then that everything was under control over in Southeast Asia. If this is the case, then why does the President of the United States insist on vetoing a vitally important bill simply because it includes language which prohibits him from doing something he has no legal authority to do to begin with?

The Supplemental Appropriations Act Mr. Nixon so arrogantly vetoed today was approved by an overwhelming majority of the elected representatives of the people in both Houses of Congress. It was approved by a vote of 240 to 172 in this body and by a vote of 81 to 11 in the other body, and I submit that it is time that Mr. Nixon started listening to the elected Representatives of the people and not his own little clique of White House advisers.

Mr. Speaker, it is time for the Congress of the United States to stand up to the President—to serve notice upon him that we intend to reassert ourselves in the decisionmaking process of this country—and to remind him that the executive branch, in spite of what he may wish, is only one of three coequal branches of our Government. War making, however carried on, must be at the will of the people, expressed through their elected representatives, not at the whim of the generals, the colonels or the President.

Mr. Speaker, you may recall that when this body passed the Long and Addabbo amendments last month which contained language similar to the language in the act now before us, then Secretary of Defense Elliot Richardson announced that the Nixon administration would simply use other funds to continue the bombing of Cambodia. This is just one example of what I mean when I refer to the Nixon administration's arrogant and contemptful attitude.

In voting to override the veto of the Supplemental Appropriations Act now before us, we can send Mr. Nixon a message. We can serve him notice that the Congress and the people of the United States are no longer willing to put up with his arrogance—and we can force him to discontinue once and for all the waste of the taxpayers' money and senseless bombing, destruction and killing which continues to take place in the name of our country over in Southeast Asia.

In refusing to accept the veto of this act, we may also assure that our Government will continue to function for the remainder of the week, that our Federal employees will receive their paychecks at the end of this month, and that the flow of social security benefits to some 25 million American people will not be disrupted.

Mr. Speaker, I urge my colleagues from both sides of the aisle to vote to override this veto so that the Supplemental Appropriations Act may become law.

JOHN D. MACARTHUR—FLORIDA'S ACCESSIBLE BILLIONAIRE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. ROGERS. Mr. Speaker, in a recent New York Times article, Jon Nordheimer writes of the life of one of the great builders of the State of Florida, John D. MacArthur. Since moving to Florida in the 1920's, John MacArthur has been instrumental in the State's tremendous growth, and has pursued the development of the area through many a battle and controversy. I insert in the RECORD at this point Mr. Nordheimers account of a fascinating interview with a fascinating man:

FLORIDA'S ACCESSIBLE BILLIONAIRE

(By Jon Nordheimer)

SINGER ISLAND, FLA.—Surrounded by the clatter of dishes and the cluck of conversation, John D. MacArthur, quite possibly the nation's most accessible billionaire, runs his real estate and insurance empire from a corner table in the coffee shop of the Colonnades Hotel here.

Women in straw hats and bathing suits trot by his table on the way to the beach, passing a steady stream of petitioners and hucksters who line up each day to curry favor from Mr. MacArthur, who sits stone-faced and skeptical between a Silex coffee pot and a telephone.

"This is the greatest racket," he later confided to a visitor, allowing a smile to crack his granite face.

"If I look these guys up to my office [in the hotel penthouse] I'd have to be courteous to them. Here I can just get up and walk off into the kitchen and hide."

Recently, Mr. MacArthur threatened to take a longer walk. He complained bitterly that conservationists and "other obstructionists" were forcing him out of Florida, where in the last 18 years he has built a real estate fortune almost equal to his immense holdings in the Bankers Life and Casualty Corporation, the Chicago-based insurance company he built from scratch during the Depression.

His ire had been aroused by a number of legal citations that halted work on his developments in Florida, where he is the single largest private landowner, holding thousands of acres of choice real estate.

Speaking like a character in "The Front Page," the play about Chicago journalism written by his brother, the late Chares MacArthur, and Ben Hecht, he bluntly lays his trouble at the door of "bearded jerks and little old ladies who call me a despoiler of the environment."

He snorts with derision during an interview and pours himself a fresh cup of black coffee from the handy Silex pot, one of the 20 cups or more he gulps in a day. Some people have been saying nasty things like that about John MacArthur for most of his 76 years and throughout his life he has savored the joy of besting his detractors.

Using language that is often unprintable, he attacks his collective foes, chuckling like a man who fought hard and well against the odds and emerged from the scraps with hard-boiled humor and a mountain of money.

This combativeness can be traced to his family background. He was the youngest of four sons born to a dirt farmer who had turned evangelist and settled in Chicago. The father instilled in his sons a Calvinist regard for money that was respected by all the sons except Charlie, a two-fisted drinker and bon vivant.

"My father said 'If you own a cow don't buy milk,'" Mr. MacArthur recalled. It was an adage he applied as a poor man starting in the insurance business in Chicago nearly a half century ago when he lived out of the office he worked in. It still is evident today in his decision to reside in a hotel he owns.

With the help of an older brother he acquired the small Marquette Life Insurance Company for $7,500 in 1928 and kept it afloat through the rock-bottom years of the Depression because he says he was too stubborn to let it go under.

"I had shot my mouth off to my brothers about making a big success, so I couldn't throw in the sponge when things got tough after '29. Insurance companies were going out all around me like lights on a Christmas tree, but I was afraid to admit failure," he said.

"I was in a somewhat better position than the bigger established firms because I had just made a fresh start and didn't have too many dead horses to bury. I didn't have any assets, but I didn't have any liabilities either, and the liabilities were destroying the big firms."

He also had flexibility. The big companies, which had expensive overhead, couldn't afford to collect premiums of less than $5. Mr. MacArthur, living off the sales commissions he earned himself, was hawking term policies on the streets of Chicago for almost any amount he could get, even a client's lunch money.

"If he had $2 in his pocket, I sold him a policy for that and told him to mail in a dollar or two each month," he said.

In 1935 he acquired Bankers Life, then a tiny bankrupt concern, for the $2,500 impairment against it. The new investment almost forced Mr. MacArthur out of business when he was hit by four death claims in the first month he owned the company. At one point his assets shrunk to less than $100.

But the Depression eventually proved a bonanza as Bankers Life began gobbling up a large share of the market relinquished by the faltering major companies.

"My competitors saw me as a little whippersnapper coming up that they had to stop," Mr. MacArthur recalled, relishing the memory across the decades from his Florida penthouse.

"They got together and tried to put the screws to me. They had the I.R.S. on my tail and the Post Office was crawling all over me looking for violations.

"And the insurance commissioners ganged up on me and tried to put me out of business in every state where we had an office, saying we weren't paying off on claims and I wasn't paying my agents properly. But I won all those fights because I wasn't guilty."

By the mid-fifties, Mr. MacArthur had reached the pantheon of success in America. Fortune magazine named him as one of the country's richest men.

"The big boys took me into the club then," he said with a laugh. "They say good morning to me now. They told me they tried to catch me with my foot off first base, but I was down to second by the time they threw the ball."

Then he laughed some more, a deep, gravelly roar that seemed to contain more mischief than merriment.

His Florida venture, like most of the things that have enriched him, grew out of someone else's calamity.

"I am not a builder," he likes to say, "I'm a savior. When someone gets caught in a wringer they call me to get out."

A mortgage failure "dropped a chunk of Florida property in my lap about 18 years ago." The "chunk" was more than 6,000 acres of valuable real estate in Palm Beach County.

Mr. MacArthur had the capital and the desire to wheel and deal in the Florida land boom, which started in the fifties, grew in the sixties and is still increasing today.

The linchpin of his fortune, which helped him profit from his real estate holdings, is Bankers Life. The insurance company, of which he is owner as well as chairman and president, has assets today of more than $838-million. Among his other important holdings are controlling interests in the Union Bankers Life Insurance Company of Dallas and the Certified Life Insurance Company of Sherman Oaks, Calif.

His Florida companies—Royal American Industries, Inc., and the Southern Realty and Utility Company—own huge tracts of land and power and sewerage plants on both the Atlantic and Gulf Coasts. He has more than 25,000 acres in Palm Beach County alone, including almost all of the undeveloped acreage adjoining the Florida Turnpike.

A decade ago, after developing Palm Beach Gardens, a residential community of 8,500 residents, Mr. MacArthur was angered when the state refused to build a turnpike exit to the town, so he paid the cost—$450,000—out of his own pocket, thereby enhancing the value of his other property in the vicinity by many millions.

At first he attracted attention in Florida for his efforts to protect the environment, spending thousands of dollars to replant trees and reroute roads around esthetic sites while other developers were bulldozing the land into subtropical ghettos.

"But now the pendulum has swung the other way and the obstructionists have gone overboard," he said, explaining why he has threatened to pull out of Florida if he can figure a way to do so without losing money on his investments. However, this position seems to imply that Mr. MacArthur is not going anywhere soon.

"The conservationists are well-meaning people who simply just don't know what the hell they are talking about," he said. "Right now they're on a wetlands binge. You can't drain your property, they tell you. It might hurt the alligators."

The gruff sarcasm colors his voice as he unwraps his third pack of cigarettes for the day.

"Has anyone ever justified the existence of an alligator?" he went on. "They eat cattle and dogs. When they start eating kids the public is going to feel different about them. Let's stuff a few and put them in a museum and get rid of the rest."

His critics have responded with the charge that a conservationist by 1960 standards could be a menace to the environment today.

"It's true that when Mr. MacArthur created some land developments he went to some expense to spare some trees," remarked Dr. Dwight Goforth, regional biologist for the Florida Game and Fresh Water Fish Commission.

"But he also owns utility and sewerage plants on these properties that pump waste into canals that kill fish and make the water unsafe for human contact. The habitat simply can't survive under such conditions."

Mr. MacArthur scoffs at the dictum that "puts the needs of fish before the needs of man." Furthermore, he is incensed at what he feels are arbitrary laws that have created a plethora of regulatory agencies that inhibit development without consideration of the rights of ownership.

"Hell, I was born in the last century when private property was respected," he said.

"Now we have a new philosophy that says a man can't fully use his investment. Unfortunately, the obstructionists have a very bad example in what's happened to Miami. Miami is New York with sunshine, and Fort Lauderdale is moving fast in the same direction.

"I'm for correcting every valid thing that we are presently doing wrong, but I want someone more than a schoolboy or a housewife to prove to me it's wrong."

Mr. MacArthur's paper assets have grown to the point where he can probably call himself a billionaire and go unchallenged.

"Some people say I'm worth umpteem jillions," he remarked, "but I feel like H. L. Hunt when he says that you're not very rich if you're able to count all your money."

Still, Mr. MacArthur leads a relatively frugal—some say parsimonious—existence with no retinue of servants, chauffeurs or public relations men.

He drives a dusty four-year-old Cadillac with more than 50,000 miles on it; flies tourist on commercial flights to his Chicago, Dallas and Los Angeles offices ("My tail fits very nicely in a tourist seat"), and spends a considerable amount of time running around his Florida hotel on errands for his guests.

Speaking of the hotel on this 2½-mile-long island about 10 miles north of Palm Beach, he said:

"I bought this hotel because domestic help was hard to get and I figured if I had my own hotel I'd just ring for room service when I needed something. Now I have to worry about everyone else's maid.

"Every once in a while some guest confuses me with the maintenance manager. I suppose I'm lucky they don't think I'm the janitor. I go ahead and do the repairs. I can fix everything but a politician. I never had any luck with them."

There have been times, though, when Mr. MacArthur played the role of a millionaire to the hilt. In the fifties he produced plays on Broadway and was editor and publisher of Theatre Arts magazine.

In 1965, he paid $25,000 to ransom the DeLong star ruby, which had been stolen from the American Museum of Natural History in New York.

He brushed this adventure off, however, by noting: "I've played hands of poker for more than that."

Three years ago he suffered a serious illness and said he underwent surgery for cancer of the stomach. But since then he has come back with a bounce and even resumed the presidency of Bankers Life when the man he had named to replace him 10 years ago retired

"This is my last year in that job, though. I'm going to find a new man for the job from inside the organization," he said.

Mr. MacArthur has one son and a number of grandchildren, but the bulk of his wealth has been earmarked for a foundation that is still without special plans or purpose in the dispersement of his fortune.

He says he does not want to administer the estate from the grave, but so far he has failed to find a lasting monument for a long career.

"I don't have many friends," he remarked the other day, and it was difficult to judge from his voice if it was said with regret. "They're either jealous or read something about me in the newspapers that's not quite true.".

His voice fell for a moment from the gleeful range of wisecracking that had preceded this fugitive comment.

"Money's the name of the game," he said. "If I played poker for matches I'd want all the matches. I want to win. I'm a stinkin' loser."

A GREAT AMERICAN SUCCESS STORY: HON. WILLIAM M. BATTAGLIESE—PATERSON PACKING CO., INC.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. ROE. Mr. Speaker, the pleasure of great personal dedication and always working to the peak of one's ability with sincerity of purpose and determination to fulfill a life's dream—that is the success of the opportunity of America—and the mark of distinction in our society of "the self-made man."

Do you and our colleagues remember the last time you heard that expression: "the self-made man." It was most refreshing to read, and I wanted to share with you and our colleagues here in the House my warm feelings, of good will in the substance of, a recent news article that appeared in one of New Jersey's most prestigious newspapers, The Paterson News, extolling the life's pursuits and expressing the vigorous efforts, and happiness derived therefrom, of a most distinguished citizen and his good family of my Eighth Congressional District, State of New Jersey, close friend and great American—the Honorable William M. Battagliese—whose aspirations and success in the mainstream of America's business enterprises does indeed portray a great American success story.

Mr. Speaker, with your permission I would like to insert here in our historic journal of Congress a copy of this news report which so eloquently enfolds the real heartbeat and pulse of America—the businessman and his family—and the dream and achievements of Bill Battagliese who climbed the ladder of success in the great American way in a tradition that serves as a shining, example to all of us—and particularly the youth of America—with the warmth of inspiration and hope that is ever present in our land of opportunity. It was indeed my great privilege to officiate at the dedication celebrating the opening of his latest, most modern food handling facility in Paterson, N.J., last year and as Bill Battagliese and his family celebrate the 20th anniversary of the founding of the Paterson Packing Co., Inc., their family business of great distinction in our community, I ask my colleagues here in the Congress to join with me in national recognition of his lifetime of devotion to serving the needs of our people with his outstanding business enterprises and many years of dedicated civic leadership throughout our district, State and Nation. A copy of the Paterson News feature story of a great American, Bill Battagliese, and the 20th anniversary celebration of the Paterson Packing Co., Inc. is as follows:

PATERSON PACKING CO. INC. CELEBRATES ITS 20TH ANNIVERSARY IN BUSINESS

Friends and business associates throughout the State are offering hearty congratulations today to a self-made man whose courage, faith and hard work make it possible for him to observe the 20th anniversary of the founding of a successful meat processing and packaging business. The man is William M. Battagliese, a native of Paterson and resident of Fair Lawn, and his company is the Paterson Packing Co., Inc. of 220 Sixth Ave., Hawthorne. Battagliese says that his first interest in the meat processing and packing business goes back as far as his days as a junior at Eastside High School in Paterson. One day, in the hope of making him sick, two of his friends took him to visit the Fair Lawn Slaughter House. It turned out that it was his friends who became ill. He was so fascinated by the meat processing he saw there that he decided he must somehow become involved in this business. He says, "It was then that I knew what I would like to do in the future, but at this stage it was just a dream.

"I still had a year and a half to finish in high school. Then I would need the money to venture into a business I knew almost nothing about." In 1935, he graduated from high school after which he worked at several jobs in an effort to save money so he might start his own business. "All the time," he says, "I kept dreaming of that day at the slaughter house."

In 1937, he met Elizabeth Tumminiello of Paterson, the daughter of a butcher and in 1939 they were married. He is quick to express his gratitude for his wife's encouragement and work in finally realizing his dream of starting his own business. Two years later, he took a job as a truck driver for Armour and Co. in Paterson, and after three and a half years was promoted to the receiving and shipping department. During one and a half years in charge of the department he made it his business to become acquainted with the procedures of all their other company departments. In particular, he says, this gave him a good opportunity to learn the fundamentals of salesmanship. In 1946, he was again promoted, this time to route salesman, a job which he held for the next two years.

Then in 1948, a totally unexpected offer of a loan from an aunt put Battagliese one step closer to his dream. He accepted the offer gratefully and quit his job with Armour, again grateful for the knowledge he had acquired while employed by the company. With the loan from his aunt, he bought a used ice-refrigerated truck, loaded it with a variety of meat products and began knocking on the doors of butchers, restaurants and diners. "It was not as easy as I thought, and there were many discouraging days and sleepless nights," he says. But he was optimistic and persistent and had the constant encouragement of his wife.

Battagliese worked diligently for the next five years as a wholesale jobber. In spite of the fact that there were many difficulties and obstacles, each year was marked by some progress and business began to improve.

Finally in 1953, Battagliese joined a partnership of three other men in the establishment of the Paterson Packing Co., Inc. The company began operations at 118 River St. in Paterson in a building which was originally occupied by Henry Muhs and Co., a meat packing business which has started in the city about forty years before this. The partnership, however, failed to work out and after several years was dissolved when Battagliese bought out the interests of his associates and became the sole owner of the company. He determined then to make the company a family owned and operated enterprise.

In June, 1966, his son, William J., a graduate of Fairleigh Dickinson University, joined the company as its manager. His college studies and training in business administration "brought new life to the company," says Battagliese.

Two years later, his son, Joseph, entered the company as production manager. According to his father, "he had filled this position splendidly."

Battagliese's daughter, Maryann, has also devoted her talents and energies to help in bringing the company to its current state of success. As a high school student attending St. Luke's High School in Ho-Ho-Kus, she served as an assistant bookkeeper for the company during vacations and her spare hours. Following her graduation, while studying at the Berkeley Secretarial School in East Orange she continued to serve the company during her spare hours.

With his wife, Elizabeth, serving as treasurer of the company, Battagliese remarks, "My firm has become a close knit family organization. This close knit unit could spell only success."

On March 6 of this year, the company observed the first anniversary of the move from Paterson, where it had done business for 19 years, to its new, larger headquarters building in Hawthorne.

The new building is a modern, single-story brick and cement block structure built according to specifications prepared by Battagliese himself. After years in the business he knew precisely what he wanted. The building contains 19,275 square feet and was designed to allow for the continued growth of the company. Battagliese is particularly proud of his private office which he refers to as "my home away from home." In addition to a large, attractively furnished and appointed working office, it also features a fully equipped kitchen and bath. Although Battagliese is now semi-retired, he still spends enough hours at his plant to warrant these private facilities. Outside his own office is another large office area for a clerical staff. Beyond that are special refrigerated rooms and areas designed for meat storage and processing.

The weekly business routine of the Paterson Packing Company, as described by Battagliese, is a relatively simple matter. Each week, seven trailer truck loads of beef, each weighing 35,000 pounds and coming mainly from the American Beef Packers in Omaha, Nebraska, are delivered to the company. A small part of this delivery, which comes as sides and hind quarters of beef, are "fabricated" or broken down into smaller cuts such as sirloin or poterhouse steaks. The company also makes up 100 per cent pure beef hamburger patties. These fabricated meats are for delivery to hotels, restaurants and diners. However, the bulk of the uncut beef is delivered to supermarket clents and retail butchers who fabricate it into the sizes and cuts they want. Battagliese also said that part of the company's business is to serve freezer supply houses which sell meats to consumers who purchase to stock their own freezers. The company currently operates a fleet of trucks which deliver meats to clients all over the state. The company also makes local purchases of lamb, veal, pork and poultry which it distributes to its customers.

Battagliese explained that all meat processing equipment and storage rooms must be scrubbed down daily for a rigid inspection by state inspectors for whom offices are maintained on the premises at 220 6th Avenue, Hawthorne which must be properly heated in winter and air conditoned in summer and be equipped with a bathroom according to state and federal regulations.

Quality meat, says Battagliese, refers to the overall palatability of the edible portion of the carcass. Among the quality grades established by the U.S. Department of Agriculture are prime, choice, good, standard and commercial. The grades are determined simply by evaluating visually certain carcass charcteristics such as maturity, marbling and also the texture, color and firmness of the lean part of the carcass. This evaluation process is something that Battagliese has been doing for years.

Many of Battagliese's friends tell him that after all these years spent in building up his business, he ought to relax by taking a trip around the world or engage in some other ambitious leisure-time project. But such activities have no appear to him. Having worked hard to establish and build his company, he still takes deep pleasure in being involved in it on a more or less daily basis. He also prefers to be close to his children and grandchildren. His two sons and daughter are married and he has four grandchildren. He also maintains an active interest in his memberships which include the Rotary Club of Hawthorne, Lodge 60 of the Paterson Elks, the Fidelians of America and the Holy Name Society of St. Catherine's Church in Glen Rock of which he and his wife are parishioners. In a minor concession to semiretirement activity, he revealed that he and his wife had joined a Fred Astaire Dancing Studio. This, he figures, will offer ample opportunity for fun and relaxing.

Mr. Speaker, I share the pride of the people of our congressional district and the State of New Jersey in the accomplishments of Bill Battagliese and ask you to join with me in a national salute to this all-American family: Bill, his good wife Elizabeth, and his sons William J. and Joseph, and his daughter Maryann and their families for their continued success and happiness—and in grateful appreciation for the contribution they have made to the image and stature of the American family way of life which has truly enriched our community, State, and Nation.

THE CHICKEN AND THE EGG

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. GAYDOS. Mr. Speaker, the administration finds itself with egg on its face because it has failed to put a lid on the sizzling increase in the price of farm feeds. It has concocted a new version of the fairy tale dealing with the goose and the golden egg. Today, the goose of old is the present day chicken and, if things continue as they are, our breakfast omlet will be the golden egg.

On June 6, I wrote the Department of Agriculture and urged it to press for an administration freeze on the price of farm feeds and a temporary halt to the exportation of vitally needed food grains. I knew if the situation which existed then continued unchecked, American poultry, dairy and livestock farmers would be forced to cut production because of soaring costs. Inevitably, this would mean the consumer would shell out more for meat and eggs because of the shortage of supply.

The administration did not meet the challenge. It only scrambled the problem. It froze retail prices on food but failed to put out the fire under the soaring costs of farm feeds. It did nothing about stopping the exportation of food grains abroad, which would have helped ease the shortage here at home.

Consequently, it should come as no surprise to learn that chicken farmers now are slaughtering hundreds of thousands of chicks because it is cheaper to kill them than to buy feed for them. Producers say the cutback will be felt at the retail level in 8 to 10 weeks. Furthermore, it is predicted that unless the administration trims the exportation of corn and soybeans, the supply of broilers by November will be down 10 percent from last year.

Mr. Speaker, I am inserting into the RECORD at this point an article from the June 25 issue of The Wall Street Journal. It may not answer the question which disappears first from the family table, the chicken or the egg, but it does give a bird's eye view of what is in store, but not in our stores, in weeks to come.

POULTRY RAISERS KILL CHICKS, DESTROY EGGS AS PRICE FREEZE AND COSTS INSURE LOSSES

Texas chicken producer Madison Clement bought 42,000 day-old chicks from hatcheries last Tuesday. On Saturday he drowned them all in large vats of water. This, he said sadly, was cheaper than feeding them for the two months or so it would take for them to grow into broilers and fryers.

Mr. Clement, managing partner in Clement Grain Co. in Waco, Texas, is among a growing number of chicken processors in the South and Southwest caught in the squeeze between soaring feed prices and retail prices held down by the government's 60-day price freeze.

"Don't feel sorry for me," said Mr. Clement. "I'm killing my chickens. Some other producers are going to try to feed theirs." He estimates he would lose 20 cents to 30 cents on each chicken when they were broilers.

Mr. Clement, who usually produces 60,000 to 90,000 broilers each week, said: "Unless the situation changes, I'll be out of the chicken business in 12 weeks, when the chicks I started last week are finally sold."

OTHER PRODUCERS

Meanwhile, other producers in Texas and in the South also have begun killing young chicks and destroying fertilized eggs. For the most part, however, chicken growers at this point are simply cutting back on broiler output and, to a man, damning the freeze on prices while costs rise unchecked.

Most producers forecast a shortage of chickens at the retail level in eight to 10 weeks. And any recovery from a shortage may take awhile because producers are selling off their breeder chickens. It takes about six months to grow a chick into a hatching breeder, they say.

If the chicken producers are irked at the freeze itself, they are doubly incensed over its timing. They say the retail price level for chickens was at its lowest level in 90 days in the week ended June 8, the base period for the freeze.

At the same time, according to Lonnie Pilgrim, president of Pilgrim Industries Inc., the second biggest Texas processor, the price of soybean meal feed shot up to about $450 a ton from about $150 a year earlier. The Pittsburg, Texas, company said it has cut back broiler production to 450,000 a week from 550,000 so that its supply of feed will last longer.

FREEZE BADLY TIMED

Gene Biddle, president of Rite-Care Corp., a subsidiary of Stratford of Texas Inc., said Rite-Care has cut back incubation of chickens about 10%. He said the freeze was badly timed because wholesalers usually are glutted with chickens at the end of a month and therefore sell at very low prices. As a result, retail prices are lower and during the base period of the freeze chicken price at retail were three cents a pound lower than during the prior week or the week after.

"I keep hoping for a miracle," said Mr. Biddle, "but last week we had to start diverting eggs from the hatchery."

Walter Sheffield owns as integrated poultry company in Smiley, Texas, with breeding, hatching, milling and farming operations. At capacity, his complex hatches about 40,000 to 45,000 baby chicks each week. But he's cutting that back to about 20,000 chicks weekly because of price conditions.

Last week, Mr. Sheffield destroyed about 8,000 chicks and 12,000 eggs, and he says he expects to dump more eggs this week. He's also selling 5,000 of his 18,000 breeder hens, and they'll be delivered for processing this week.

POTENTIAL IMPACT

Mr. Sheffield said the sale of his breeders is especially important because, in terms of the chicks they would have produced, he is keeping about one million pounds of broilers out of supermarkets.

Mr. Sheffield, who mills his own feed, said there isn't any question that rising grain and soybean costs are to blame.

"Our normal soybean cost is about $110 to $115 a ton. Now I'm paying more than $500 a ton," he said. His cost of grain is twice what it was a year ago, he added.

Mr. Sheffield says it costs 27 to 28 cents a pound to produce broilers at current prices. But he says he can receive only about 23 cents a pound for them.

One analyst estimates that, based on current feed costs, wholesale prices of 60 cents a dozen for large white eggs at New York and 44 cents a pound for broilers at Chicago would be needed for farmers to break even. But with the New York large eggs quoted as low as 55 cents a dozen and Chicago broilers as low as 39 cents a pound, farmers who have to buy feed ingredients at current market prices are losing as much as five cents a dozen on eggs and as much as five cents a pound on broilers.

FEED-GRAIN EXPORTS

In Chattanooga, George Allen, operational vice president of Loret Farms Inc., said the problem was simply that "our input cost wasn't frozen but our selling price was frozen."

He said, the only thing that will solve the problem of food shortage in this country is an immediate curtailment of food-grain exports for at least 45 days or until we have a new-crop production of protein."

This is the only answer, he added, "and I think I have a 12-year-old son who could have figured it out."

Mr. Allen, who expressed some concern over getting into trouble with the Humane Society in disposing of chickens, said he will be drowning some chicks this week, but didn't disclose how many.

Industry analysts agree on the export problem. One predicted that unless the government acts to trim exports of corn and soybeans sharply the supply of broilers by November could be down 10% from year-earlier levels.

EGG FARMERS

Meanwhile, egg farmers also are taking steps to cut operating costs, including culling their flocks and moving older, less productive hens to slaughtering plants much sooner than usual.

Don Turnbull, vice president of the Poultry and Egg Institute of America, said: "If farmers could see any hope that the price ceilings would be lifted and that a profit could be made when new-crop feed becomes available, then they would expand production. But nobody sees that happening at the moment."

In Washington, Agriculture Department officials hadn't any comment on the killing of chicks and destruction of eggs. However, the department's latest summary of the poultry and egg situation, released on Friday, said broiler, turkey and egg output this summer will lag behind year-earlier levels while prices will continue well above those of recent years." In addition it said, spiraling feed costs in recent weeks may keep output reduced next fall."

Without the June 13 price-freeze order, broiler, egg and turkey prices "would have advanced further during the summer," the summary said. It reported egg production for the year through May 31 at 6% below the like 1972 period. Broiler marketings were down 2% in the period.

HAPPY 300TH ANNIVERSARY TO DEERFIELD, MASS.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. CONTE. Mr. Speaker, as we approach our national bicentennial, there are certain places that give us insight into the past and refuge from the present. One of these is Deerfield, a town of 3,800 citizens, located in my First Congressional District of Massachusetts.

To me, Deerfield is the jewel of the remaining small New England communities. Nestled in the valley of the Connecticut River in the heart of Franklin County, it is both a typical and an atypical representative of the species known as the New England town.

It is steeped in the history of courage and independence that made this Nation great. In that, it is typical of many of our fine New England communities.

It may draw its atypical attributes from its soil—uncommonly rich for that area, an area whose foundation is best known for the rocks and boulders that make for fine walls, but not-so-fine farming. It is unique in its deep and long running interest in its own physical preservation.

As two of its many biographers, Samuel Chamberlain and Henry N. Flynt, wrote:

> Deerfield is a treasure that has come down through generations and which in our time is more priceless than ever.

This year marks the tricentennial of Deerfield. Beginning Sunday, and for 7 days thereafter, the town will officially mark its 300th birthday in earnest.

An ecumenical church service is planned for Sunday.

Monday has been dubbed "Homecoming Day" and to climax that day, the tricentennial play—an original work, "Today's Sun, Tomorrow's Moon," written for the occasion by James Percival—will open for a 4-day run.

On Tuesday, a promenade, fashion show and strawberry festival will keep the townspeople well occupied.

On Wednesday, the citizenry has been called to turn out for an all-day old-fashioned "beef barbecue" with the main course comprising beef raised expressly for the meal on Deerfield farms.

Two days of historic home tours are planned for Thursday and Friday.

Saturday will be known as 300-year day and a memorial plaque will be dedicated in official ceremonies.

The week-long festivities will build to a crescendo on Sunday, July 8 with a gala parade and anniversary finale.

Needless to say, Mr. Speaker, I intend to be on hand to join in the good times. I wish that many of my colleagues could join me in Deerfield next week to participate in the multitude of activities or merely to visit this lovely spot. If you did, I have no doubt you would quickly endorse my opinion that nowhere may be found more perfect testimony to the beauty and strength of New England.

The township of Deerfield is divided into distinct areas; one is the section known as south Deerfield, a growing commercial and residential area, the other is the Village of Old Deerfield, a national historic landmark. Every home in this section tempts the visitor to linger and imagine the life in the early days of New England. There is value to these musings, for they encourage one to keep the past, present, and future in perspective.

There is one house in Old Deerfield Village that particularly enchants me. I can look at this house and better understand the determination and independence of those early American settlers.

This home belonged to John Sheldon in the early 1700's. Today, a replica stands as a memorial to the noble defense many early settlers put up against the ordeals of frontier living.

Visitors today can see a hole in the original door of this large and impressive house. This hole is a dramatic reminder of an Indian raid that left nearly 50 villagers dead and over 100 captive.

At daybreak on February 29, 1704, a horde of Indians and Frenchmen crept into Deerfield, undetected by the watchman who had fallen alseep at his post. The interlopers encountered no difficulty entering the village and burst upon the sleeping villagers.

Since the Sheldon home had been heavily fortified against attacks, many villagers took refuge here. The house was so sturdy and the front door so massive, the Indians attempted to pierce the door with their hatchets to reach the villagers inside.

But the stout timber prevailed, and according to accounts of that fateful day, the attacking force gained entry by a back passage which had been left open by a fleeing citizen.

Today, the "Indian Door" stands as a mute relic of that raid, now known as the Deerfield Massacre.

Once before, on September 18, 1675, just 2 years after its incorporation by the general court, Deerfield bore the brunt of a "massacre."

On that day, a train of ox-carts, filled with needed supplies, fell prey to a large force of hostile Indians as the caravan attempted to ford a tributary of the Connecticut.

The toll that day, also, was a frightful one—64 men killed. The stream now bears the name "Bloody Brook" in commemoration of the battle and the blood that colored those waters that day.

More than 50 old buildings in Old Deerfield Village have been preserved in their original state, most on their original sites. Many are now provided with tender loving care by three organizations, Historic Deerfield, Inc., the Pocumtuck Valley Memorial Association, and Indian House Memorial, Inc.

Preservation, rather than restoration has been the hallmark of the efforts in Deerfield, home of the first attempt at historic preservation in the United States.

Within Old Deerfield Village is located one of the Nation's finest preparatory schools. The tradition of quality that is found in the houses of Old Deerfield endures also in the fine education offered at Deerfield Academy.

Many generations of school boys have been enriched by their stays at Deerfield since the founding of the academy in 1797.

I do not think that any alumnus would disagree with me that if the late Frank Boyden had not arrived at Deerfield Academy in 1902, education would not be the life of Deerfield as it is today.

In his more than 60 years as headmaster, he, along with the able help of his wife, Helen, made Deerfield Academy one of the most highly respected preparatory schools in the United States.

Frank Boyden came to Deerfield with many new and invigorating ideas and in carrying them out, gave the town of Deerfield its 20th-century fame.

But Deerfield is not the only fine school in the community. The superb Eaglebrook School for Boys from grades six through nine and the excellent coeducational Bement School for children ages 5 through 14 are also located within the ownship. This is in addition to a fine public school system with both grammar schools and a regional high school.

While the Village of Old Deerfield has

preserved the era of the 17th and 18th centuries, the history of south Deerfield typifies the activity in many parts of the East in the 19th and early 20th centuries. That period, of course, saw a great influx of imigrants to our shores. Attracted to Deerfield by its uncharacteristically rich, fertile farmland were many former residents of Europe, predominantly Eastern Europe.

These new citizens rejuvenated the town of Deerfield; infused it with new blood.

They came to farm, and still today many of their children, and grandchildren till the Deerfield soil, producing lush crops. In addition, the University of Massachusetts sows its experimental crops in south Deerfield soil.

South Deerfield is not without its own scenic beauty. Mount Sugarloaf, the highest peak in the Pocumtuck Range, offers a panoramic view of neighboring towns.

Progress has not passed Deerfield by—rather it has treated it more kindly than most communities.

Currently the town is experiencing a period of rapid population growth. Those who work at the nearby great educational institutions, the University of Massachusetts, Amherst College, Hampshire College, and Smith College, are in increasing numbers calling Deerfield "home."

All this tricentennial year a torch will burn in Deerfield. The flame was brought to Deerfield by Andrew T. Delisle, president of the Indians of Quebec. The torch was ignited on February 16 for a "common purpose, that of responsibility, understanding, reflecting the dignity and worth of all mankind."

A famous Massachusetts native son and our sixth President, John Quincy Adams, once wrote that Deerfield was "not excelled by anything I have seen." I am sure you could apply his words to that great demonstration of brotherhood, as symbolized by the torch of peace and friendship, in Deerfield today.

Mr. Speaker, I now enthusiastically ask my colleagues to join with me in wishing the town of Deerfield, Mass., a very happy 300th anniversary.

LETTERS FROM PARENTS OF AUTISTIC CHILDREN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. HARRINGTON. Mr. Speaker, previously, during my daily inserts during National Autistic Children's Week, I have spoken of the emotional burdens the parents of autistic children must face. An additional burden to which I have alluded very briefly is the cost of caring for an autistic child. This additional financial burden is a constant drain on the income of the family.

Two years ago when I testified before the House Ways and Means Committee on national health insurance, I included letters from parents of autistic children. Today, and for the further information of my colleagues, I would like to reprint some of those letters, particularly those which deal with the high costs of the autistic child remaining at home. The costs incurred by these parents, even for dental care for their children, are exorbitant. There is no way that a family can meet these costs and still have enough left over to provide adequately for the rest of the family.

The letters follow:

OCTOBER 22, 1971.

DEAR REPRESENTATIVE HARRINGTON: I am writing to you in regard to the great need of a National Health Insurance for mentally-ill children.

As the mother of an autistic boy, I am finding it very difficult to pay for his medical and dental care without aid. My son is non-verbal. Because of this handicap when he is ill, I have no way of knowing what or where he is having pain. I cannot afford to guess. This always results in a visit to the hospital.

With normal children an accident requiring stitches can be done quite quickly and simply. The mentally-ill child needs to be asleep; therefore, there is the added expense of operating room, anesthesia, and an overnight stay in the hospital.

Recently we had a dentist bill of eight hundred dollars ($800.00) due to hospitalization. We are struggling to hold on to our home and keep up with all the other financial obligations.

Your kind interests in this vital matter is greatly appreciated.

Sincerely yours,

——— ———.

OCTOBER 28, 1971.

Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

SIR: I am the parent of a severely emotionally disturbed fifteen year old daughter. Her conditions has also been described at various times as autistic, both terms being a form of mental illness. She has been so afflicted since birth.

The Association for Mentally Ill Children (AMIC) has informed me that you are sponsoring a national health insurance plan and that you would be interested in knowing of the needs of these children and their parents in connection therewith.

As you may know, these have been the "forgotten children" of America. Their parents have struggled almost alone in attempting to better their lot in life. Although not counting the cost, in an effort to aid them we have found that like most unfortunates, the attempted cure has been expensive, very often to the detriment of the remaining children. I believe that these expenses should be included in a bill such as yours. It would seem that such a bill is justified only if costs such as these are reimbursed.

The following are several examples of what I mean. She was unable to attend public school and our only choice was to keep her at home or send her to an institutional school out of state. We felt she was an integral part of our family and only we could offer her a chance at a normal life. We prevailed on a nursery school-kindergarten in Roxbury to accept her at age 6 and allow her to spend the day with normal children and develop as much as possible. This went on for only six years at a cost of approximately $1,000.00 per year. She was on expensive medication during this time (and since) which could be tallied, I suppose, into the thousand(s) dollars bracket. We have been able to find only one dentist who will treat her but this requires an anesthetist and other attendants leading to a bill of $200.00 or $300.00 each time she requires work. I could go on with other examples but I think enough is included to show that in addition to unmeasurable heartbreak, a great financial burden is imposed on the patients.

I appreciate this opportunity to communicate with you and thank you for your kind consideration.

Very truly yours,

——— ———.

OCTOBER 26, 1971.

MICHAEL HARRINGTON,
Representative, State House,
Boston, Mass.

DEAR MR. HARRINGTON: We are the parents of a four-year-old daughter, who has been diagnosed encephalographic, autistic, mentally retarded, and emotionally disturbed.

Our trips to the neurologist and pediatrician are quite frequent, and at one time she was taking four prescriptions a day.

We were also sent to the Putnam Childrens' Center for psychiatric evaluation, and our insurance company paid a grand total of $10.00 on a $350.00 bill.

We are also forced to send her for nursery and therapy at the Cerebral Palsy Center in Lawrence (they are also equipped to handle other handicapped children) because there isn't a state program for her at present. Without assistance, we are paying approximately $130.00 per month for this education. We feel this is necessary until another appropriate program is available. She had been refused at the state program at the Fernald School.

We are also having to send her to a special dentist dealing with children who do not communicate. I do not have facts regarding this expense whereas she is having her first appointment on Nov. 4. But, I know that our insurance company, which is Washington National, will not cover such dentistry.

As you can see, the expense of having a handicapped child is great, and the insurance program we have does not help us with this special type of coverage. We are beginning to feel the pressures of financial burden, and we wish you much success in obtaining insurance coverage for children with such special needs.

Sincerely,

——— ———.

OCTOBER 25, 1971.

GENTLEMAN: I am writing in regards for Health Insurance for Emotionally Disturbed Children. Children of this nature involve quite an extensive medical and dental expense. A regular dentist will not take him so I have to take him to the Children's Hospital Dental Clinic which charges more per visit. When he had to have fillings he had to go to the hospital and stay two days.

He has more white corpuscles than red so he has to get blood tests every year. He also has to have evaluation tests, E.E.G.'s and attend Seizure Clinic.

As you can see Health Insurance would alleviate this financial burden.

Yours truly,

——— ———.

OPEN STATEMENT TO THE SPONSORS OF FEDERAL LEGISLATION PROVIDING FOR NATIONAL HEALTH INSURANCE

SEPTEMBER 1971.

GENTLEMEN: It has come to my attention that the proposed federal legislation providing for a National Health Insurance Plan does not, at present, include full coverage for treatment of mental illness. This is, in my view, a serious flaw that will only serve to compound the most grievous failure in the present practice of American medicine. Anyone familiar with the National Health Programs of European countries (Sweden, Denmark, Germany, for instance), can surely attest to you from experience that financial coverage for mental illness is of critical social and medical importance.

The fact of mental illness alone has a destructive effect upon the family unit. The prognosis is usually uncertain and with it comes the kind of despair that drains confidence and hope and makes one fear the future. And it is at that time of distress, when one is least able to cope with it, that our system places on the family a huge and almost intolerable burden of expenses. The emotional shock, in other words, is compounded by a prolonged threat to the material resources of the family. I cannot imagine that this is medically defensible and the social destruction caused by this depressing burden is, as you must be aware, very severe.

You may perhaps have sensed that I am speaking here from personal and very painful experience. Because of unsuspected and undetected injuries at birth (we could not afford private medical care at that time), both of our boys are afflicted by severe emotional and speech impairments resulting from brain damage. They cannot live in a regular social setting and need special schooling. When they were less than three years old we began to seek treatment for them. The costs of private therapy, extending over a period of years, were so great that I could not even begin to defray them from my salary. My wife was thus compelled to work full-time, even at highly irregular hours, in order to pay the bills from clinics and psychiatrists. And she had to do this at a time when she herself was suffering from serious fits of depression and needed medical attention and therapy. We spent well over ten-thousand dollars on psychiatric therapy alone.

After waiting for many years, we were finally fortunate enough to find a residential children's clinic that would accept our boys and offer then treatment and schooling during the week. But with this the financial problems did not end, of course. The State of Massachusetts bills us for $80 a day for these services. Since my daily income is less than $40, I cannot possibly hope to meet these expenses. My debts to the state are rising steadily and must by now amount to $60,000. Fortunately, the Department of Mental Health has charity enough not to enforce payment. But the laws clearly state it could do so and could thus lay claim to whatever assets I have or may have in the future. This, gentlemen, is a miserable way to live, especially when one is used to paying one's bills and feels guilty when one cannot. And when and where will it end? I may still have to provide for these children twenty or thirty years from now unless they do recover.

I therefore urge you to include the coverage for treatment of mental illness—diagnosed as such by a certified medical board—in your projected health plan. What a relief it would be to pay a premium of let us say, $150 a month and then feel entitled to medical care without incurring a burden of financial guilt. And as far as potential abuse is concerned (upper-class couch psychiatry, for instance), I am sure that any competent physician can tell genuine mental malfunction apart from social or emotional affectation.

I beg you earnestly to consider my plea.

Sincerely yours,

——— ———.

This last letter is perhaps the most moving, especially in the fourth paragraph when the author—apparently of two autistic children—writes that he is now $60,000 in debt and can see no end in sight.

Mr. Speaker, it is time that this body act to help alleviate this situation, not only for this gentleman, but for all Americans who are parents of autistic children.

It is absurd to demand that these families continue to bear the costs at a risk of financial bankruptcy. Congress as a body can enact national health insurance legislation that will help absorb these costs and insure that the children receive adequate and proper care when they need it, not when they can afford it.

The Kennedy-Griffiths bill, of which I am a cosponsor, would go far in assisting these families and providing the autistic children with the treatment that they need. This Congress can go even farther and provide mental health coverage to all Americans so that this Nation will be both mentally and physically sound. My proposal, H.R. 6152, the Mental Health Act of 1973, would assure the quality of mental health in this country.

I urge my colleagues to support these proposals which create a rational system of health care.

LEE HAMILTON'S JUNE 27 WASHINGTON REPORT, ENTITLED "BREZHNEV'S VISIT"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: my June 27, 1973, Washington report, entitled "Brezhnev's Visit."

The report follows:

BREZHNEV'S VISIT

Few foreign visitors to Washington have captivated this city like Soviet Communist Party General Secretary Leonid I. Brezhnev, the son of a steelmaker, lifelong Communist Party official, and now at age 67, even though he holds no government office, the preeminent leader of 250 million Soviet citizens by virtue of his Communist Party office.

At an assemblage of Washington's elite, President Nixon admiringly called him "the best politician in the room." His burly, bushy-browed figure has dominated the newspapers and the TV screen. His four-hour performance before Congressional leaders drew high praise even from those seasoned public men, and in every public appearance he has shown himself confident, affable and cooperative. Meeting him in person or on the TV screen, Americans have had to remind themselves that he has been a ruthless and crafty practitioner of power politics in the Kremlin.

His visit symbolizes a change in the direction and mood of Soviet-American relations. Fourteen years ago, when Nikita Krushchev was here, tension and distrust characterized the visit, and despite lofty rhetoric and "the Spirit of Camp David," no agreement was reached on an arms limitation, trade was non-existent, and whatever progress was made in easing tensions evaporated the next year with the U–2 spy plane downing over the Soviet Union. Krushchev talked about burying the U.S., competition was fierce, and actual conflict never far from the surface.

Brezhnev comes preaching, not conflict, but cooperation and interdependence. Each country, knowing that it cannot destroy the other without being devastated itself, emphasizes cooperation over conflict. In 1972, more American-Soviet agreements were signed than in all the years since diplomatic negotiations began. Six or seven more will be signed while Brezhnev is here. More important than any one agreement is the developing relationship between the two nations, and the hope is that the momentum will continue, producing additional agreements and strengthening cooperation. Military confrontation is not ruled out, and the guard must be maintained, but with each new area of cooperation, confrontation becomes less likely.

Brezhnev speaks for a country remarkable for its mixture of strengths and weaknesses. The military power of the Soviet Union is comparable to that of the U.S. Its economy has been capable of great achievements, like Sputnik, the first manned space flight, and 1,500 mph jet aircraft. But development has been lopsided, with housing desperately short (the average Soviet citizen lives in about one-fourth the space of the average American), agricultural production faltering, consumer goods often shoddy and hard to get, and a top-heavy bureaucracy unable to generate enough good technology to propel the Soviet economy forward. Under Brezhnev there has been a steady erosion of personal and intellectual freedom, not like the days of Stalin, but stifling enough.

Brezhnev's Russia is powerful but insecure, proud of its accomplishments but wanting badly the technology of the West. Its leaders want to preserve the political system while importing and adopting the latest technology to encourage economic growth. They have decided that the best way to achieve this is by moving toward relaxation of tensions with the U.S., and they are willing to make concessions to get it, e.g. by allowing more Jews to emigrate and welcoming President Nixon to Moscow right after he ordered the mining of the Haiphong harbor.

I watched Brezhnev this week with strongly mixed emotions. He occupies Czechoslovakia, suppresses freedom of thought, undermines American political positions, and causes us enormous expenditures of resources. At the same time he is also reaching for some kind of accommodation, and his attitudes and the agreements he has approved are hard evidence that the times have changed from the Cold-War days of implacable hostility.

These contradictions cannot be fully resolved. The American-Soviet relationship will continue to be tense, competitive, and unstable. There will be some cooperation, some conflict. Our defense effort will have to continue even as we reach out for more dialogue and expanding cooperative ventures.

RECORD OF LIBERALISM

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. BOLLING. Mr. Speaker, John P. Roche has some interesting comments on the record of liberalism during the past 30 years in his column which appeared in the AFL–CIO News of June 23. It follows:

A WORD EDGEWISE: 30 YEARS OF LIBERAL EFFORTS PRODUCE SIGNIFICANT PROGRESS

(By John P. Roche)

In a weak moment five months ago, I agreed to give the commencement address at a nearby college. June seemed remote and the task manageable. However, at the moment I am neurotic and depressed: June is here, D-Day and H-Hour are almost upon me. I am contemplating fleeing the country.

You see, I have two major difficulties. First, for more than 20 years now I have sat with the faculty and listened to commencement speeches. By and large, they have been awful; the amount of drivel I have heard (or tuned out) defies description. For the students and their families it doesn't make much difference—they are just waiting to get those diplomas.

For them it is a one-shot affair, but the faculty is condemned to the cruel and unusual punishment of returning to the torture chamber year after year. As one who has taken this beating, I am already empathizing with the faculty that must listen to me.

My second problem is that my topic is so obvious. All over the nation commencement speakers have been exploring the moral meaning of Watergate and calling for a revival of civic virtue, a renaissance of American values, and similar high-minded objectives. But where I come from whenever anyone, except a man of the cloth, starts talking about "virtue," we lock up the silver. It's like talking about how "tough" you are—one of President Nixon's less attractive topics. The most virtuous people I have known were incapable of self-advertisement just as the toughest would have considered it demeaning to boast about the "blade tempered by the heat."

So Watergate and virtue are out. What then am I going to talk about? Well, at the risk of sneers from the intelligentsia, I am going to compare the United States of my childhood and adolescence with the country today. Thirty years ago this month I graduated from college—in absentia. I was marching through the dust and mud of Virginia with a rifle on my shoulder.

In the subsequent 30 years, I submit, the United States has undergone one of the most fantastic transformations in the history of any nation.

The world I grew up in was unashamedly racist. I didn't know the word Negro existed until I was about 15 (which may explain why I have some problems with "black," which is currently the chic designation). Negroes, however, were not alone: the polite words Jew, Italian, Pole were equally unfamiliar. (As I mentioned here a while ago, I don't think Archie Bunker is funny; he is a throwback to an America that is best forgotten.)

In 1940, Margaret Truman tells us, her father's opposition in Missouri started a story that his middle name was Solomon, that he was a quarter Jewish. And, of course, stories about Franklin D. "Rosenfeld" were legion.

I went to war in a Jim Crow army. With a few token exceptions, the Negroes were put in labor battalions, invariably in my experience officered by southern whites. They might as well have served on the chain gang.

The nation of my childhood rejected the principle of community, the view that Americans had obligations to their less fortunate neighbors. There was no unemployment compensation, no legitimation of trade unions, no social security, no minimum wage, no child labor law governing the whole country (a few states had adopted reforms). At the risk of sounding like a candidate for Congress, I would continue the list: no Medicare, Medicaid, federal aid to education, civil rights acts, voting rights acts.

In the view of the Uriah Heeps in the Nixon Administration all these measures represented a federal intrusion on the rights of state and local governments. (However, I doubt if we will hear much more of this: they are currently discussing other kinds of intrusions with the federal grand jury.)

The proposition, however, is historically preposterous: the national government assumed jurisdiction because in the view of the people it was the only level on which liberal principles of justice, equality, freedom, and simple decency could be implemented.

In short, I'm not ashamed of the liberal record, and I hope that the young people whom I am commencing can look back when they are 50 and see a comparable record of accomplishment.

PERSECUTION OF JEHOVAH'S WITNESSES IN MALAWI

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. HUBER. Mr. Speaker, a four part article printed in "Awake," March 8, 1973, should be noted by all who deplore violations of individual rights. The case in point involves the rights of members of a minority religious group, the Jehovah's Witnesses, who were living in the African country Malawi.

Members of the Jehovah's Witnesses believe that it is improper for them to participate in the political process. The Malawi Congress Party is the only political party in Malawi—if indeed it can be called a political party when one considers that there are no other parties. The party passed a resolution forcing the Witnesses to join the party or be driven from the villages. The choice the Witnesses made was to exercise their inalienable right to refuse to participate in politics. This brought about the outbreak of persecution against them—not the first; only the latest. Murder, beating, and looting characterized the process.

A comparison can be made between the Malawi incident and the case of the Amish in America. The Amish also wish to remain apart from the political process. In our relatively free country, they are generally allowed to abstain.

I hope the following article will be read by my colleagues:

WHAT IS HAPPENING

In recent months the world press has repeatedly called attention to the persecution of Christians in Malawi. These Christians, Jehovah's witnesses, have been the victims of what London's *Sunday Telegram* of January 14, 1973, called "one of the most vicious religious persecutions in Africa's turbulent history."

Regular readers of *Awake!* magazine are familiar with many of the details of this persecution, which broke out most recently in the latter half of 1972. The December 8 issue of *Awake!* carried a full report on this, entitled "Christians Flee Cruel Persecution in Malawi."

That report covered the events that had taken place up to a few months ago. But what has happened since then? Where does the situation now stand for these Malawian Christians?

Before we bring events up-to-date, a brief summary of what has taken place in Malawi may help readers who are not familiar with the situation.

WAVES OF INTENSE PERSECUTION

Intense persecution of Jehovah's witnesses on a national scale began in Malawi in 1967. Then many Witnesses were savagely beaten and some were murdered. Hundreds of their women were raped, some repeatedly. Thousands of their homes, stores and places of worship were looted and destroyed. Their christian activity, including their peaceful meeting to study the Bible, was banned, as was all their literature.

Last year, 1972, another wave of persecution broke out. This time it was even more severe than the one in 1967. The beatings, burnings, lootings, rapings and murders were on a much larger scale. The Witnesses were deprived of their livelihood and fired from their jobs. Indeed, a countrywide effort was made to destroy the some 23,000 of Jehovah's witnesses in Malawi. So they were forced to flee for their lives.

All of this came about as the direct result of official actions taken by Malawi's one-party government. Matthew White, a correspondent for the London *Financial Times*, was in Malawi at the time. Writing from Blantyre, he said the following, which was published in the *Financial Times* on October 31:

"The purge of Jehovah's witnesses . . . has unsettled the county more than any other post-independence event. Action against the Christian sectarians . . . followed a resolution passed at the annual convention of the Malawi Congress Party to deprive Witnesses of their livelihood and have them 'chased away' from their villages unless they joined the party."

Those resolutions were endorsed by the president of Malawi, Dr. H. Kamuzu Banda, in a rally at the city of Zomba on September 17. With what result? Correspondent White reports:

"Seeing this speech as the green light, squads from the party's League of Malawi Youth and the Young Pioneers started house-to-house searches, evicting and sometimes assaulting Africans who could not produce or refused to buy party membership cards. It is difficult, perhaps impossible, to gauge the full extent of this violence . . .

"What astonishes many people here—including some members of the M[alawi] C[ongress] P[arty]—is that President Banda should allow the hostility to get so completely out of hand."

The savagery of the attacks caused a wave of revulsion on the part of many people throughout the world. The press of many nations reacted similarly. Typical of many press reports was this comment by the London Times of December 15, 1972:

"Hitler put them in concentration camps, they have been persecuted behind the iron curtain, and they have been persecuted in African one-party states. Dr. Banda of Malawai banned the sect in 1967, and this year the savage attacks of his Young Pioneers—the Kamusu's party watchdogs—have driven thousands of them into neighbouring countries."

Appeals were made to stop the persecution. But these did not prevail. So, as the Times noted, Jehovah's witnesses were forced to flee Malawi for their lives.

THE ISSUE

In an editorial on October 17, the San Francisco Examiner said of Jehovah's witnesses: "You might regard them as model citizens. They pay taxes diligently, tend the sick, battle illiteracy. But they refuse, on religious principle, to buy membership cards in Malawi's single political party."

Thus, the immediate cause of this persecution is the refusal of these Christians to join the political party that controls Malawi, the Malawi Congress Party. They will not purchase the party cards, as is demanded of them. This is because of their Bible-based neutral stand on politics.

In this regard, they do just as Jesus Christ and the first-century Christians did. Ask yourself: What political faction, whether Roman or Jewish, did Jesus join? What political faction did the apostles join? The Bible is clear on this point. They did not join any of them. They remained neutral, peacefully carrying on their Christian activity as decent, law-abiding citizens.

To try to explain such matters to the authorities, every effort was made by Jehovah's witnesses. Cables, letters, phone calls and interviews were used. The Governing Body of Jehovah's witnesses in Brooklyn, New York, cabled a request to Dr. Banda asking him to have a meeting with representatives of the Governing Body of Jehovah's witnesses. But the Malawi government simply answered that any information should be sent through the Malawi delegate to the United Nations.

This was done. A thirteen-page memorandum was sent to this U.N. representative. It explained the position of Jehovah's witnesses, and why no government should fear them. In a section of this letter under the subheading "Why Jehovah's Witnesses Refuse to Buy Party Cards," the following was stated:

"The position of Jehovah's witnesses in this matter is based on Biblical teaching and their conscience. Jehovah's witnesses take a neutral position in all countries of the world, not taking sides or participating in any political activities, thus better to serve impartially as ministers of good news representing the heavenly kingdom of Jehovah God."

Commenting on the matter of political involvement that would result from buying party cards, this section also noted:

"Jehovah's witnesses respect and observe the laws of each country in which they reside as long as these laws are not contrary to the divine law. However, in the matter of political involvement, which includes the purchase of political party membership cards, they conscientiously feel that this would be contrary to the words of our Lord Jesus concerning his true followers: 'They are no part of the world, just as I am no part of the world.' (John 17: 16) Also, Christ said, as recorded at John 18: 36: 'My kingdom is no part of this world. If my kingdom were part of this world, my attendants would have fought.' "

In addition, the Governing Body's letter to the representative of Malawi in the United Nations said this:

"Jehovah's witnesses take the same position as early Christians. The book 'Christianity and the Roman Government' states: 'The Christians were strangers and pilgrims in the world around them; their citizenship was in heaven; the kingdom to which they looked was not of this world. The consequent want of interest in public affairs came thus from the outset to be a noticeable feature in Christianity.'

"Permit it to be said, however, that Jehovah's witnesses have no intention or desire to interfere with what others do about participation in politics. They are not working against the Government of Malawi or against the political party. They themselves decline to participate in political matters or to purchase political party cards, even though it has brought great suffering upon them, because to Jehovah's witnesses it is a matter of Bible-based belief and conscience."

However, to this time, no reply has been forthcoming from the government of Malawi. No delegation has been allowed to represent Jehovah's witnesses to the president or to other officials of that land.

Well over 20,000 of Jehovah's witnesses were forced to flee Malawi. Most of them fled to neighboring Zambia. Several thousand fled to Mozambique.

THE REFUGEE CAMP AT SINDA MISALE

Those of Jehovah's witnesses who fled from Malawi to Zambia were gathered into a refugee camp near the border of the two countries. This camp was called Sinda Misale. Several reports, including one by Zambia's Rural Development Minister, Mr. Reuben Kamanga, indicated that about 19,000 of Jehovah's witnesses were refugees there.

Since Zambia had not invited the Witnesses into their country, they were treated as unwanted visitors. The camp was isolated by security forces so that there would be no free access to it.

. . . officials from Malawi and Zambia determined that Jehovah's witnesses at Sinda Misale would be sent back to Malawi. Arrangements were made to do that, unknown to the Witnesses at the camp.

THE TRANSFER—A DECEPTION

In December, Jehovah's witnesses at the camp were told by officials that they were going to be moved, but to another place in Zambia. Such a move was not objectionable to them. But they were not told the truth. The actual destination was Malawi.

That the Witnesses were deceived as to the destination is clearly documented. Over one hundred interviews with Jehovah's witnesses who were actually involved have proved this conclusively. According to London's *Sunday Telegraph*, they had been told that their destination was another camp in Zambia:

"On December 20, 21 and 22, a fleet of 52 lorries and 13 buses driven by Zambians arrived at Sinda Misale. According to an African journalist who visited the camp . . . Jehovah's Witnesses were told to board transport for another camp in Zambia."

The United Nations representatives did nothing to thwart the deception. In fact, they became a party to it. The *Times* of Zambia stated on December 23:

"The 19,000 Watchtower refugees who have just been repatriated to Malawi 'were happy to return to their country.' This was stated yesterday by UN High Commissioner for Refugees, Dr. Hugo Idoyaga. . . .

"Dr. Idoyaga said he and a director of the UNHCR from Geneva, Mr. Skodjoe Dazie, had helped supervise the voluntary repatriation."

About two weeks later, the *Times* of January 6 said: "The United Nations high commissioner for refugees in Zambia, Dr. Hugo Idoyaga, said the refugees had been happy to go back."

But that was untrue. The Witnesses did not want to go back under the conditions that then prevailed in Malawi. Indeed, had they not been forced to flee for their very lives, they would not have gone to Zambia in the first place. That is why the *Times* of Zambia had correctly reported earlier, on December 18, that Jehovah's witnesses "prefer to remain in Zambia." Also, the London *Sunday Telegraph* said: "Despite the official assurances, the Jehovah's Witnesses did not go back willingly."

Scores of interviews with the Witnesses who were involved in the transfer verify this. Following is a summary of the situation told by these Witnesses:

"First of all, these brothers [that is, Jehovah's witnesses] explained that it is not true that the brothers who were at Sinda Misale happily agreed to return to Malawi. The police and other government officials who supervised the move cheated the brothers by telling them that they were moving them to a new site in the Petauke area.

"The officals waited until all the leading brothers and others boarded the buses which were guarded by police, and then they told the brothers that they were being taken to Malawi."

The Witnesses from Sinda Misale were to be taken to a camp in Malawi at Lilongwe. There, at an old airfield, Malawian officials and hundreds of Malawian security forces waited for them.

How many of Jehovah's witnesses actually arrived there? This cannot be determined accurately at the present time. Eyewitness reports are incomplete.

One report by the *Sunday Telegraph* of London does say this: "On the 60-mile journey from Sinda Misale to Lilongwe . . . thousands abandoned the buses and lorries and fled back into the bush." The newspaper also states that an "African journalist travelled all the way to Lilongwe on the last convoy, which had set off with 3,000 refugees from Sinda Misale. Eight buses arrived and only 29 Witnesses disembarked." However, such reports have not been confirmed as yet.

But what can be confirmed is what happened to those who did return.

BRUTAL PERSECUTION BREAKS OUT AGAIN

The reluctance of Jehovah's witnesses to return to Malawi was well founded. This became evident when we learn what happened to those who were taken back.

What awaited them was another reign of terror. Nothing had changed. The vicious attitude against them still prevailed. Malawi's government had taken no steps to alleviate the situation.

RETURN TO MALAWI

When the Witnesses arrived at Lilongwe Airport in Malawi, those who were known to be leading overseers were arrested and put in jail. Among these were John Chiwele, who had been supervisor of the camp at Sinda Misale, and Lazarus Chirwa, who was his assistant.

At the airport, the Witnesses were addressed by Malawi government officials. One of these was Mr. Kumbweza Banda, minister for the Central region. Another was Mr. Quaniso Chibambo, minister for the Northern region. The Witnesses were told that they had left Malawi of their own will, which was untrue; and that they had returned to Malawi of their own will, which was equally untrue.

The officials next said that the Witnesses would have to go back to their respective villages and buy party cards. When one of the Witnesses tried to say a word to the officials, he was told to shut up. Policemen and Young Pioneers, the militant youth group of the Malawi Congress party, were then instructed to search all the Witnesses. They confiscated Bibles, Bible literature, passports and all other documents. The Witnesses were then told to walk to their villages. Those who lived very far away were taken in lorries to a place near their area and then told to walk the rest of the way.

When the Witnesses reached their villages, a few who had relatives were provided with sleeping accommodations. But the majority stayed out in the open and slept there, some under trees, along with their children. But a worse fate awaited them, and it became evident very quickly. An example is noted in the London *Sunday Telegraph* of January 14, which reported on a speech that President Banda made over the radio at the beginning of the new year. The report states:

"Banda said the Jehovah's Witnesses . . . had been deceived by their own kind, he said, into believing that 'someone called Armageddon would destroy Malawi on November 15 and would build them a new city at Lilongwe.'

"Even as he was speaking, Mr. and Mrs. Gorson Kamanga, middle-aged members of the sect who had been repatriated to their home at Nkhata Bay on the Lake, were being stripped naked and paraded through the streets as, once again, they had refused to buy party cards.

"And, at a village near Lilongwe, another five 'repatriated' Witnesses had their arms and legs broken in a vicious beating at the hands of Young Pioneers. One man had nails driven through his hands. At Lilongwe Hospital they were refused treatment because they had no party cards."

Anyone familiar with the teachings of Jehovah's witnesses will, of course, know that never have they believed or taught that Armageddon is a person. Nor have they ever taught that Malawi would be destroyed on November 15, or that a new city would be built for them there.

But such hostility against them fanned the flames of persecution. And the issue of party cards was once again thrust at the Witnesses. When they refused to buy them because of their neutrality in political affairs, vicious attacks began on these Witnesses who had been 'repatriated.'

EYEWITNESS ACCOUNTS

The evidence of this comes not just from foreign newspapers. It comes from Jehovah's witnesses themselves who were the victims. Many interviews were held with those "repatriates" who had been again engulfed in a wave of terror.

These eyewitness reports show that when

the refugees went back to their respective villages, the chiefs, village headmen, party officials, as well as government officials, demanded that they buy the party cards. Typical are the following examples:

One of Jehovah's witnesses, Gilbert July of Chimongo village, reported: "On January 3, 1973, a meeting was convened for all village headmen in Mchinji district, presided over by Mr. Cheuche, M.P. for Mchinji region. At this meeting it was resolved that if the Witnesses from Sinda Misale would still refuse to buy party cards, then they should be dealt with ruthlessly. After this meeting the Witness brothers and sisters of Kandama congregation situated at Chimongo village (whose chief is Duwa) were all chased away from their village because they refused to buy the party cards. The brothers and sisters left for the bush."

Witness Rightwell Moses is from Kachijere village, the chief of which is Mbelwa. Moses reported that as soon as the Witnesses had returned to the village they were savagely beaten by the youths because they refused to buy party cards. Hastings Mzamo, the presiding overseer of the local congregation there, was so badly beaten he can no longer hear well.

Rightwell adds these details to his report: "Two days after we arrived home, Mr. Mahara Banda, M.P., came to the village and warned the people at a meeting that nobody without a party card should be allowed to stay in the village. Then on January 1, 1973, Mr. Mahara Banda brought two youths with him in his car. Their last names are Jere and Tembo. He parked his car outside the village and waited there while the youths entered the village. When the youths entered the village they approached my daughter Joicy and also Sister Oliva and demanded party cards from them. The sisters, of course, could not produce any, and so the youths began hitting them with fists. The young sisters were forcibly stripped of their clothes and then the youths began beating them with sticks in their naked state. They got hold of the brothers and began beating them up also. When they got tired they left for their car, shouting as they were going away that they would return to beat up the brothers and sisters again. As soon as they left, the brothers and sisters fled from the village into the bush and then left Malawi."

Another Witness woman, Likeness Kamanga, was sent back to her village of Vithando, whose chief is Chindi. She reports the following: "Upon arrival at our village we were invited to a meeting at Bulale. The meeting was addressed by Adamson Dindi, district chairman of the Malawi Congress Party. This was on January 4, 1973. Twelve Witnesses, including myself, were at this meeting. We were all ordered to buy party cards. But we explained that we would not buy any. Mr. Dindi and the others became so enraged that they ordered us to leave Malawi immediately, right then and there. We were not allowed to take anything with us. We all left for the bush in small groups. The next day, as I was in flight, I was told by my relatives that one of the Witnesses who was at the meeting with us the previous day had been killed."

Geleson Esaya, a Witness from Mwelekela village, relates: "On January 2, 1973, we were invited to a meeting to be held in Mwelekela village. Village headman Lombwa was to preside. We were twenty Witnesses all together. While at the meeting we were ordered to buy Malawi Congress Party cards or else face death. We explained that we would not buy a card. Then he ordered us to leave the village immediately. We kindly but firmly explained that we wanted a letter from him explaining the reasons for expelling us from the village. He refused. We then decided to go to the Mchinji police station. But instead of listening to us, the officer in charge there ordered us to return to the village. We therefore had no alternative but to leave Malawi."

Scores of other eyewitness accounts testify to the same brutal treatment. Every one of the more than one hundred Witnesses interviewed confirmed that absolutely nothing had been done by the government to stop the persecution. They all expressed fears that the situation would get worse. As a result, many of them have fled into the bush and out of Malawi once more.

JUNE OPINION POLL

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, herewith is my June opinion poll:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1973.

DEAR FRIENDS: As Congress heads into the second half of the First Session, we are faced with a heavy work load of critical issues. It is important that your voice be heard to enable me to give our 23rd Congressional District truly representative service in determining national policies.

The best way I have found to encourage a wide-spread, indicative response is through the Minshall Opinion Poll. Combined with first-hand information gained in committee hearings, official briefings and House debates, the consensus obtained from these questionnaires helps me to reach legislative decisions.

As in the past, a copy of this poll is being sent to every home in the District. If you wish additional copies, please call my Cleveland office, 2951 New Federal Office Building, telephone 522-4382.

Returns run into the tens of thousands so you can understand why it is not possible for me to answer each one individually. Should you have any specific question or problem requiring my help, I would appreciate your sending it separately from the poll to avoid delay in giving your request top-priority attention.

No envelope is needed for the attached self-mailer. Simply cut along the dotted line, fold with return address outside, stamp, and mail. *Please do not staple or tape together as this slows the tabulating process.* All polls will be carefully tabulated and results made known in a future "Washington Report" newsletter.

Thank you for working with me to make yours a strong voice in Washington.

With best wishes,

Sincerely yours,
WILLIAM E. MINSHALL,
Member of Congress.

MINSHALL OPINION POLL

(NOTE.—Each question has yes, no, undecided choices.)

1. Do you believe:

(a) The President had prior knowledge of the Watergate break-in?

(b) The President knew of or participated in the cover-up?

2. Do you think the President has done a good job in foreign affairs?

3. Has he done a good job handling domestic affairs?

4. Shoud Congress further curtail spending to slow inflation?

5. If Congress does not keep within the budget ceiling, should the President refuse to spend the funds?

6. Phase 4 economic controls, due in August, are under study by the Administration. Do you favor controls on:

(a) Food prices.
(b) Rent.
(c) Wearing apparel.
(d) Petroleum products.
(e) Home appliances.
(f) Interest rates.
(g) Corporate profits.
(h) Wages.

7. If both sides honor the peace agreement, do you approve of U.S. aid to Indochina, including North Vietnam, for reconstruction purposes?

8. What is the most important issue facing the Nation today?

Age:
Sex:
Occupation:

POWER MAN CAN LIVE WITH

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, June 29, 1973

Mr. METCALF. Mr. President, it is now evident in America that we must develop alternatives and supplements to fossil fuels and nuclear energy. One such source is the sun. A second basic energy source is the wind. A third potential energy source is solid waste. Another energy source which needs more emphasis and the one I wish to discuss today is water—hydropower.

Specifically, today I want to bring to the attention of my colleagues a French achievement in the use of tidal power on the Rance River near the channel Port of St. Malo in Brittany. The story appears in the June 11, 1973 issue of The Nation. As its author Karl Keyerleber writes:

> The basic idea is old. For centuries tidal mills have ground corn and done other chores, but as a source of energy they ranked somewhere behind windmills. Thoughtful planners in many countries have dreamed of putting oceans to work on a big scale. The French did it, developing a sophisticated generating plant that began operating in 1967 and last year added 560 million kilowatt-hours to the national grid.

The performance of this St. Malo plant has met all expectations. I hope that this achievement will encourage us to initiate similar projects on this side of the Atlantic, possibly at Passamaquoddy. We must also attempt greater efforts to make the most of other available hydropower sources, such as those of the Missouri Basin.

From the environmental standpoint, from the operations cost viewpoint, and from the standpoint of energy suppliers who need instantaneous peaking power, hydropower is attractive. In terms of economics it compares favorably also with costs of nuclear power, and does not present the problems of nuclear contamination. As Mr. Keyerleber points out at the end of his article on the St. Malo tidal power facility:

> The one clear conclusion we could reach was that the structure in which we stood is something man can live with.

Mr. President, so that my colleagues and others may see the full text of this article by Karl Keyerleber, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

Power Without Pollution: The Tidal Dam at St. Malo

(By Karl Keyerleber)

ST. MALO, FRANCE.—This ancient fortified town, fought over in wars from Caesar's time to Hitler's, has often seemed to have its eyes more on the past than the future. But today it can boast of one of the most forward-looking engineering feats of our time—the harnessing of the ocean tides to produce power without pollution.

I came to this underdeveloped region of Brittany for a first-hand look at the result of French pioneering because reports had indicated that it was an unusual example of man's wise use of natural resources while protecting his environment. I was drawn to the plant astride the River Rance, first of its kind, in part because of a strong belief that my own country has made a mistake by not acting on a similar plan which would have tamed the towering tides in the Bay of Fundy to furnish energy for the East Coast. (See "Passamaquoddy: A Good Idea Is Hard to Kill," *The Nation,* February 26, 1973 and "Reviving Passamaquoddy," *The Nation,* July 13, 1964.)

The basic idea is old. For centuries tidal mills have ground corn and done other chores, but as a source of energy they ranked somewhere behind windmills. Thoughtful planners in many countries have dreamed of putting the oceans to work on a big scale. The French did it, developing a sophisticated generating plant that began operating in 1967 and last year added 560 million kilowatt-hours to the national grid.

I reached St. Malo, about 200 miles west of Paris, after a five-hour ride through rain-washed country with a change at Rennes from the Paris Express. Although three-fourths of St. Malo's buildings were destroyed by a German bombing attack and subsequent week-long fire in 1944, the town retains much of its picturesque 13th-century appearance. The reason is interesting. Instead of replacing demolished buildings with gleaming, modern structures of glass and steel, the tradition-loving residents rebuilt many areas just as they had been, even using original plans of many of the buildings.

Conveniently across the street from the railroad station is the old Hotel des Voyageurs where, as in the custom of French innkeepers, they insisted that I eat all my meals in the hotel's dining room and charged me 6 francs for a bath. On Saturday morning a twelve-minute bus ride brought me to the Rance site, where I was met by Jacques Feuillebois, a former captain in the French merchant marine now doing public relations for Electricité de France, the government utility that built and operates the plant. Accompanying us on a tour of inspection were four engineers and a newspaperman from West Germany.

At first sight the dam appears surprisingly small. It doesn't soar skyward 600 or 700 feet like Western dams in the United States. Slowly one becomes aware of a more significant difference. There is no huge acreage under water—no Lake Mead or Lake Roosevelt reservoir. At its highest, the water in the basin behind the dam is only a few feet above its level before the dam was built. That increase, explained our guide, is the result of pumping at off-peak hours, which overfills the basin and adds to generating capacity on ebb tide.

Built into the concrete structure is a relatively small lock. Since the plant is upstream from St. Malo and its docks, it was not necessary to provide for ocean-going vessels. Fishing, pleasure and other small craft are locked through. Besides the lock, there are gates for controlling the flow of water, the power station itself, and a fixed dike that closes off the rest of the river's width. Most of the structure, like an iceberg, is under water.

Central feature of the power station is a concrete-walled chamber 43.5 feet from floor to ceiling and more than 1,000 feet long, like half a dozen great concert halls set end to end. The floor, we were told, is at the lowest water level when the tide is out, the ceiling at about the highest level when the basin is full. Twenty-four open bays in this long hall contain the turbines that make it all function. The turbines are of ingenious design, developed especially for this use. Whereas turbines with which we have been familiar operate when driven in only one direction, these are reversible, enabling the generation of electricity when the tide comes in as well as when it ebbs. Each turbine is encased in a bulb-shaped steel shell that looks not unlike a small two-man submarine. The generator is inside the shell and the whole unit remains under water, another departure from usual practice which places generators above the water level. Besides their two-way power production, these versatile turbines also act as pumps for the overfilling task. Each has four propeller-like blades, about 5 feet wide, of variable pitch design so that they can be set for varying conditions of tide and river current. In this first installation of its kind half the blades are of stainless steel and half of a copper-aluminum alloy. Both metals have proved highly resistant to corrosion, according to M. Feuillebois, with the stainless set standing up slightly better.

Operations are programmed daily by a computer, which takes into account variations in the tide and river flow at different hours each day and in different seasons. A small staff in a control room just off the large hall throws the switches and monitors the operation with the aid of a closed-circuit television camera. In the spring, the high tide may rise 47 feet, sending sea water surging at 10-knot speed through the rocky banks that pinch the rather broad Rance into a narrower channel as it approaches the gulf.

With the off-peak pumping and using the four tides each day, the French have been able to modify the lunar rhythm that ignores man's need for certain peak-power periods and approach the solar rhythm by which he customarily works. In other words, they can produce power when it is most needed.

Maintenance work is minor and the plant has required no repairs, said M. Feuillebois, which is remarkable in view of the innovative techniques and equipment used. "In more than six years we have had no repairs, not even a turbine blade," he commented. "Both types of blade are as good as new."

So pleased are the French with the new turbines that a program is under way to install siimlar ones for one-way operation in conventional hydroelectric stations on the Rhine and Rhone Rivers. Some officials have been quoted as saying that the bonus of the more efficient turbines would go far to justify the expenditure for the Rance plant even if it didn't perform as they had hoped. However, performance has met all expectations. Output is higher than the designed 540 million kilowatts per year and operating costs are less than for any other type of power plant in the French system. The Rance facility doesn't pollute the air, foul the water supply, or disfigure the landscape. Far from being an eyesore, it has become a tourist attraction that last year drew about 200,000 visitors, said M. Feuillebois. One small drawback is the fact that navigation is somewhat impeded because small vessels have to be locked through to reach the sea. What is lost in marine activity, however, is made up by improved land traffic, since a new highway using the dam as a roadway over the Rance has lopped 20 miles off the route between St. Malo and points west of the river.

A major negative factor remains and it leaves one pondering a paradox. Despite the unqualified success of the project, which is described with pride by M. Feuillebois and others at Electricité de France, there are no plans to build more tidal power plants. The reason is that nuclear plants can be built more cheaply, and the government has decided to take that route. Like the electric power industry in the United States, the French seem to be enamored of fission energy and, like the Americans, they shrug off the peril to the environment of its radioactive fuel. To some the performance of the Rance plant is rather an embarrassment.

M. Feuillebois talked about the economics of the situation, though we were handicapped by a language problem that sadly blurred nuances. As I understood him, investment cost for nuclear power in France is about half the 600 million francs, or more than $122 million in U.S. dollars, that was spent on the Rance project. But he drew attention to the difference in useful life and operating cost. The Rance facility should last fifty years, he indicated, adding that the dam could be amortized over seventy-five years and the turbines over thirty-five years. And there is no cost for fuel or disposal of waste products. A nuclear plant would have only a ten-year amortization in France, according to M. Feuillebois. This seems low and at variance with experience in the United States. In any case, such comparisons of useful life are inconclusive in any language, and only obscure the pervasive issue of safety to the environment and the extent to which expediency may govern the choices made. The one clear conclusion we could reach was that the structure in which we stood is something man can live with.

UNFAIR TO BE LEFT OFF LIST

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. WALDIE. Mr. Speaker, my good friend and colleague, TOM REES, has written a plaintive condemnation of the recently revealed list of "enemies of the White House." Mr. REES asks, quite properly, what will become of those of us who did not make that list? Obviously we have been jeopardized in our political careers by such omission. Obviously there will be those who will ask whether our opposition to the President has been sincere since it apparently has gone unnoticed by the White House. It is indeed embarrassing to many of us and TOM REES expresses our vexation and uneasiness quite well. I include his remarks to be included with my own:

White House Political Enemies List Unfair

(By Congressman THOMAS M. REES)

John Dean's presentation of the White House's "Opponents List and Political Enemies Project" at the Watergate hearings has hit congressional Democrats like a bombshell. Many of us who assumed that we would be certified "political enemies" of the White House, who had done everything possible to be considered as such, did not make the list.

Nothing more damaging to Democrats has yet been presented at the hearings—how can we run for re-election as Democrats when we're not official enemies of the White House? What will happen to us in our party primary elections if our opponents are certified political enemies who have been investigated and harassed by the FBI and the IRS?

Apparently the White House is trying to destroy the vast majority of the Democratic congressmen by not putting us on its political enemies list. And the list is grossly unfair. It is discriminatory and probably in violation of the Civil Rights Act of 1964. It certainly does not come near to following the delegate selection guidelines adopted by the Democratic Party for their 1972 convention. For example, the list only contains six white congressmen out of the over 400 white members of Congress—but *all* the black congressmen are listed. If this isn't reverse discrimination, what is?

Eleven senators and three other politicians are listed. But the political enemies list really goes overboard on media people, academics, and businessmen. Columns and columns of them are listed in the newspaper report.

So what's going to happen?

What's going to happen is that every certified "political enemy," especially those in the media and academia because there are more of them, will be running against the poor non-certified Democrat congressmen in the Democratic primaries. This is how President Nixon is going to get even with all of us Democratic congressmen who have been voting against him for the last four and a half years.

To make this whole process of designating political enemies fairer, the President should establish a bipartisan commission and at least have an informal set of ground rules listing the criteria for choosing political opponents. There should also be an appeal process so that those of us who were left off the list could come before the commission and make our case by clearly showing that we meet the criteria of a certified political enemy.

ADDRESS BY HON. SPRUILLE BRADEN

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, June 29, 1973

Mr. HELMS. Mr. President, there has recently come to my hand the text of an address to the New York State Society of the Cincinnati made by the Honorable Spruille Braden on February 20, 1973. The intervening months have not invalidated a single line or a single phrase. It is a speech full of permanent wisdom, and worthy of being taken to heart by every American. Ambassador Braden has been one of the outstanding diplomats in the history of the Foreign Service, and the rich reservoir of his experience has cast up truths which ought to guide our future actions as a nation. I commend it to my colleagues.

Mr. President, I ask unanimous consent that this speech by Spruille Braden be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS TO THE NEW YORK STATE SOCIETY OF THE CINCINNATI BY THE HONORABLE SPRUILLE BRADEN, FEBRUARY 20, 1973

To address this patriotic and aristocratic society for a second time makes me proud indeed. With such a well informed and intelligent audience, I shall speak frankly, hoping thus to win your individual and collective support for some of my ideas on the inter-dependent subjects of defense and foreign policy.

A fully adequate defense will support and strengthen a sound foreign policy; and an effective foreign policy will render our defense more potent.

An adequate defense must be genuinely and knowledgeably desired and supported by a substantial majority of the American people.

But how many of us know what an adequate defense really involves?

Let me catalogue a few of the apparently extraneous but nonetheless pertinent, although malevolent influences which presently are undermining our national defense:

How can the average citizen be informed accurately on defense by a media biased in favor of the left; an educational system largely controlled by radicals; by sex and vulgarity, both profane and filthy, permeating the theater, movies and much so-called literature; by "lib", racial and other movements and demonstrations propagating heretofore unmentionable and even unbelievable objectives of all varieties.

How can our citizenry concentrate their minds on defense or foreign policy when so much of our press and TV—sometimes reluctantly, too often clamorously—belch forth vivid pictures and accounts of each day's muggings and murders, kidnappings and skyjackings, as crime and narcotics each intimately related to the other have spread and become both a way of life and a reign of terror.

How can the honest citizen give thought to defense and foreign relations, when he is beleagured by wide-spread corruption and incompetence at all levels of government—just take a look at "fun city".

Simultaneously our people have become indifferent to the very real threat to this nation of communism. Witness, how that diabolical ideology has instigated and supported brush-fire wars all over the globe, as in Korea and Vietnam, where we spend our strength and the Soviets, at almost no cost in lives or wounded, have a testing laboratory for their arms while we suffer ghastly casualities and mortalities.

Finally, how can any one of us contribute to building an adequate defense in the face of an ever-expanding inflation, resulting from 40 years of governmental extravagance and welfare-statism?

One of the major and least productive extravagances, foreign aid, amounting to astronomical billions of dollars, has injured the recipient peoples as much or more than it has the American taxpayer.

On March 15, 1972, Secretary of the Treasury Connally said: "The United States is broke". The dollar, once the backbone and sturdiest of all currencies now is floundering in a slough not of despond but of devaluations, and is shunned by many countries.

In 1953, when addressing the foreign policy association I blasted the Bretton Woods conference sponsored by our Government, I said it was "A conglomerate of keynesians, communists, some fellow-travellers and other misguided or ignorant souls" who agreed "To put good U.S. dollars into a pot with a miscellany of other currencies. They flaunted a fundamental economic principle, that bad money always drives out good. All we humble citizens can do is to cry: "Look out!"

Most of you are too young to remember that a convertable gold standard, although not a cure-all, as crises approach sounds an alarm and acts as a safety value. Over several decades before 1929, when coupled with sound monetary and fiscal policies it brought us a fair degree of security.

Instead our citizens today are befuddled by our modernistic-art-nouveau-currencies, and chatter about "paper gold", a self-contradictory name for special drawing rights. We do know positively that the dollar we now earn will buy little more than one third of what it did in 1939. Inflation inevitably will continue until our politicians abandon the inebriating habit of unbalanced budgets and deficit financing.

Only with a reasonably sound and stable dollar can we buy essential materials for defense, such as copper, iron, petroleum and many other things. Already we are confronted with national energy shortages. Without copper from Chile and oil from Venezuela, the U.S.A. and its allies could not have won World War II. I submit our defense is threatened on this count alone.

Leaving aside such menaces as race riots, actual mutiny, on some of our carriers, the Chief of Naval Operations, Admiral Zumwalt recently declared that we have lost control of the Atlantic and Mediterranean, and only by some sort of legerdemain can we hope to control far eastern waters for as long as another five years.

Presently we are out-submarined and out-cruisered by the Soviets, who now also are building aircraft carriers.

Starting in 1959 we permitted the Soviets to gain control over Cuba, only 90 miles off our shores. King Philip II of Spain, President Jefferson, Admiral Mahan, the greatest strategist this country ever had, all have said the nation which controls the Caribbean and Cuba will dominate the Western Hemisphere. Such an enemy could land on our gulf coast and proceed up the Mississippi Valley with ease.

The Communists headed by the Soviets, with some Chinese and Ghanians, and their satrap Castro rule Cuba with over 12,000 Russian troops. They have built two-lane highways through the huge caves underlying the island. Over these roads they have conveyed and installed medium and long range missiles which can hit any city in the United States. Also on the north coast submarines can enter underground pens without surfacing at all outside.

These threats to the defense of our land result from President Kennedy's mishandling of the Bay of Pigs and the missile crises; plus his agreement with Khrushchev guaranteeing that neither would the U.S.A. invade Cuba nor permit it to be invaded by anyone else. This last-mentioned iniquitous deal tore in shreds the cornerstone of our foreign policy, the Monroe Doctrine—the most brilliant diplomatic and security measure ever taken by any nation, anywhere, at any time.

Due to our frequently pusilanimous defense and foreign policies during the sixteen years following President Truman's retirement we find Chile gone Communist and stealing billions of dollars of our fellow citizens' properties; Peru acting in the same fashion, and all Latin America excepting Brazil, Paraguay, the Dominican Republic and Nicaragua, gradually aligning themselves against us.

The U.N. Security Council is encouraging these animosities by planning from March 15 to 21 to convene in Panama. The Communist and so-called developing countries then will viciously attack our country as an imperialistic aggressor.

Already the Israeli foreign minister declared publicly just a few weeks ago that the United States had sunk to the status of a second or third rate power.

I have presented the foregoing in summary fashion, but must add that while President Nixon wants and is trying to build an adequate defense he is blocked by congressional, press and other doves in general along with an assortment of misguided idealists, leftists, fellow-travellers and communists. Your help is essential if he is to obtain the requisite finances and authority, wherewith to increase both manpower and all varieties of armament up to secure levels.

The armed forces must replace permissiveness with an espirit de corps, discipline, courage, and the same military bearing our POWs demonstrated when they landed at Clark Air Base.

The Department of State also must return to its old disciplines, authority and procedures, quickly stopping those who are attemping to destroy professional proficiency by converting the foreign service association into a labor union.

When these returns to sanity have been accomplished the United States again will occupy the unquestioned status of a first rate power, and so with eternal vigilance, be ready and able to repulse attacks of any kind from any source.

Defense and foreign policy must be based on a renewed popular morality, willingness to work and pride of craftsmanship by employers and employees alike—i.e., the work ethic as expounded by President Nixon. All of us must stop trying to get something for nothing, and put an end to repeated strikes, slowdowns and sit-ins so fundamentally injurious to our nation, and, therefore, our defense.

For many years I have emphasized at every opportunity that the gravest issue facing humanity—with all the other evils I have listed and which extend throughout the world—is not nuclear warfare. It is the breakdown in morality everywhere. I further hold that the worst of all immoralities is communism, which only respects physical force greater than its own.

Ladies and gentlemen, I have drawn a gloomy, even a pessimistic picture. Yet, in the words of the South Pacific song, I remain a "cockeyed optimist," provided the U.S.A. returns to and stands firmly on the principles of our christian faith. In this belief, implemented by a long diplomatic experience, I submit the following conclusions on what should be the conduct of our relations vis-a-vis other nations:

Foreign policy necessarily may be altered according to circumstances, time and place, but there are certain immutable principles which always must outweigh policy. These principles are:

I. Respect is the sine qua non of all foreign relations. Irrespective of every other consideration and under all conditions, the U.S.A. must demand and get respect. To do so we must first have self-respect and exact from our own and other governments respect for their obligations and the sanctity of agreements.

II. The sole reason for being of the state department and foreign service is to protect and advance the legitimate interests of the U.S.A. If ever they should become illegitimate, then they are unworthy of this great nation and should not be supported.

III. Every policy and action must be moral. Leaving ethics to one side, only in this way will we win and hold the confidence and respect from other countries which are so essential for a solid and enduring amity between peoples.

IV. While never attempting to impose on other nations our way of life or form of government, our ideas or even our moral standards, we should ourselves stand unswervingly for and practice the system of republican, constitutional, representative government laid down by the Founding Fathers in the Declaration of Independence, the Constitution, and the Bill of Rights.

We can adhere to these principles and help save our civilization by following the precepts set forth by this society's first president general, George Washington, still the greatest President this Nation has had. In his farewell address he laid down the most moral and cogent statement ever made on both domestic and foreign policy. If with moral fiber we will dedicate ourselves to doing these things then, with God's help, the U.S.A. will defeat communism along with many other malignant forces. We will preserve our freedoms and insure peace for our children and grandchildren in, if not the best of all worlds, at least in a much better one than the present.

My confidence in this Nation is further augmented because, as I said to begin with, I am convinced the society of the Cincinnati can and will play an important, constructive and patriotic role in bringing the U.S.A. back to adequate defense and effective foreign policies.

Finally my faith in our country is fortified by the words and spirit of Navy Captain Jeremiah Denton, Jr. Speaking for his fellow POW's as he led them aground at Clark Air Base. I conclude as he did: God bless America!

NUCLEAR SUB

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. DOWNING. Mr. Speaker, the newest in a long line of nuclear attack submarines is now under construction at the Newport News Shipbuilding & Dry Dock Co. in my home city of Newport News, Va. When christened it will bear the proud name, *Memphis* in honor of that great city in Tennessee.

We were honored last Saturday when the distinguished senior Senator from the great State of Tennessee, the Honorable Howard H. Baker was on hand to offer dedicatory remarks at a most impressive ceremony when his charming wife donned the gloves and mask of a shipyard welder to implant her initials on the keel of the submarine thus authenticating the keel laying.

In the great tradition which Tennesseans have carried so proudly since the days when the first migration westward began Senator Baker presented a message of great national pride. I am pleased to offer his remarks for inclusion in the Record so that they might receive proper recognition:

Excerpts of Remarks of Senator Howard H. Baker

Today we observe with symbolic ceremony the completion of another important step in the construction of the *Memphis*, America's newest nuclear attack submarine.

This is a proud occasion for all Tennesseans, and especially all Memphians. Mrs. Baker and I are deeply honored to have this opportunity to participate in the keel laying of this, the latest addition to our nation's nuclear Navy.

It is, I believe, altogether appropriate that SSN 691 will bear the name *Memphis*. On the bluffs rising above the Mississippi, Memphis stands out as the largest city in Tennessee and, indeed, in the entire Southeast. It is a dynamic and diverse city with a way of life which lives up to its ancient name, "the place of good abode."

When the *Memphis* is launched, she will be heir to the legacy of both the city for which she was named and her five proud predecessors of the Fleet.

The first *Memphis*, a wooden five-gun steamer, was built in 1849. Originally a merchant ship, she became the *Memphis* when chartered by the Navy for an expedition to Paraguay.

The second ship to bear the name *Memphis* was a Scottish ship captured with a cargo of cotton while running the blockade of Charleston, South Carolina, in 1862. Commandeered into service as a seven-gun steamer, she saw action as a Union blockade ship in the very waters in which she was captured.

The third *Memphis* was an armored cruiser originally named the *Tennessee*. She was commissioned in 1906 and renamed the *Memphis* only three months before she was lost in a tidal wave off Santo Domingo in 1916.

The fourth *Memphis*, a cruiser launched in 1924, served with distinction as the flagship of the Navy in Europe. She carried Col. Charles A. Lindbergh and his plane the "Spirit of St. Louis" back to the United States after his triumphant solo flight across the Atlantic. In World War II, she served as the flagship for President Franklin D. Roosevelt during the Casablanca Conference.

An oil company built the fifth *Memphis* in 1944 and she was acquired by the Navy twelve years later. This fleet tanker carried oil to help maintain American DEW Line bases in the Arctic in 1957. Converted into a floating powerplant, she served in the harbors of South Vietnam in 1968.

Though she is not the first ship to bear the name *Memphis*, perhaps SSN 691 is charged with the most important mission of all. The *Memphis*, with her high speed capability, great powers of endurance, and sophisticated navigation and weapons systems, will be a powerful guardian against enemy submarines and surface ships.

In the paradoxical world of the nuclear age, the *Memphis* is designed to be a fighting ship without peer, part of a deterrent force built with the hope that it is never called upon the perform those ultimate tasks of which it is capable.

From the earliest days of our republic, geography and our national interests have called for America to play a prominent role as a maritime power. Admiral Rickover deserves great credit for his foresight and persistence in championing the cause of nuclear propulsion, insuring that the Navy will continue as our far ranging front line of national defense.

This sound and flexible national defense system is essential to preserve the freedom of our citizens, to deter potential adversaries, to reassure our allies, and to provide the bargaining power necessary for crucial negotiations.

All of us, certainly, owe a debt of gratitude to President Nixon for his remarkable diplomatic achievements built on a sure foundation of national strength and mutual respect among the world's great powers. The agreements signed this week represent another significant step toward a more stable structure of peace.

While we must not be lulled into a false sense of security, I believe it is realistic to acknowledge the hopeful new forces at work in a world that can afford to spend less of its limited resources on war.

Because we have maintained sufficient strength to see us through a time of testing, we are now able to look forward to the benefits of an era of detente. Perhaps the most dramatic evidence can be seen in the allocation of the federal budget.

Four years ago, 44 cents of each federal dollar was spent on defense and 34.4 cents went to meet human needs. This year 30.2 cents is being spent on defense and 47 cents is going for human needs spending.

Another dramatic change is evidenced in the phasing out of the peacetime draft and the creation of our nation's all-volunteer armed forces. The Navy under Admiral Zumwalt has taken the lead in humanizing military life, encouraging more young men and women to freely choose military careers.

President Nixon has rightly said that we must remain as strong as we need to be for as long as we need to be. To do so demands a continuing evaluation of our defense needs.

We must never be so distracted by the supposed attractiveness of worthwhile objectives of any program, military or civilian, that we do not notice the actuality of its performance.

At the same time, we must not neglect the real need for maintaining our military defenses at a level needed to carry out our national policy of peace through strength.

A nineteenth century diplomat once remarked that his nation had no permanent allies, only permanent interests. I think it might well be said that America today seeks no permanent adversaries, rather only a permanent interest in world peace.

REMARKS OF THE HONORABLE JOHN BRADEMAS AT THE DEDICATION OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, FEBRUARY 14, 1973

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Friday, June 29, 1973

Mr. EAGLETON. Mr. President, I want to share with my colleagues an address delivered by the Honorable JOHN BRADEMAS, the distinguished chairman of the House Select Subcommittee on Education, at the dedication ceremonies of the Ethel Percy Andrus Gerontology Center on February 14.

Mr. Brademas' remarks, delivered during the time he was sponsoring the Comprehensive Older Americans Services amendments in the House, constitute a thoughtful analysis of the problems facing older Americans, as well as a comprehensive program for attacking those problems in the next several decades.

I think, Mr. President, that my colleagues will be interested in the call of the gentleman from Indiana for the development of a coordinated national policy for the elderly.

Says Mr. BRADEMAS:

> Surely, if we do not have a national policy on aging in 1973, it is imperative that by the Year 2000 we fashion a framework within which we can consider the questions of income, health, housing, transportation, nutrition, and the other needs of the 29 million Americans aged 65 and over who will be living at the turn of the century.

Mr. President, I ask unanimous consent to print Congressman BRADEMAS' remarks in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AGING IN THE YEAR 2000

(By Congressman JOHN BRADEMAS)

I am honored to have been invited to participate in these ceremonies marking the dedication of the Ethel Percy Andrus Gerontology Center at the University of Southern California.

As I rise to speak, I recall what George Bernard Shaw once said to his British publisher to indicate his displeasure with its printing of one of his plays. Shaw sent a copy of the American edition, which he liked, to the British firm with a note that read: "As the rooster said to the hen as he placed an ostrich egg before her, 'I am not disparaging, I am not criticizing. I merely want to bring to your attention what has been done by others.' "

I am pleased to add my own to the many tributes that are being paid to what has been done by the many others who have made this extraordinary Center possible.

I think of the thousands of members of the National Retired Teachers Association and the American Association of Retired Persons; of my good friend, Leonard Davis; of Dr. James Birren and his devoted staff; and of course of Dr. Andrus herself, to whose spirit this pioneering enterprise in human inquiry is a living memorial.

I am delighted to be with you for a number of reasons.

First, I count it a privilege to share the platform with two such distinguished thinkers as Buckminister Fuller and Bernice Neugarten. I have looked forward with enthusiasm, as I know you have, to hearing what they have to say.

Second, I rejoice at the opportunity to talk to you because of the concern that brings us all together—our common desire to lift the level of life of the twenty millions of our fellow citizens aged 65 and over.

And third, I am pleased at the chance to speak to you as a Member of Congress with a particular responsibility for legislation that affects older persons.

I want to argue that the time has come for us to develop a national policy for the aging, I want to speak to you of the response of the Executive Branch to Congressional initiatives in aging policy, and finally, I want to suggest that gerontologists and other experts on the problems of the aging can play a more effective role in developing legislation that affects older Americans.

AGE-CENTERED MORALITY

I have said that we need to develop a national policy for the aging.

A few days ago, I read some portions of an unpublished manuscript on aging written by Harvey Wheeler of the Center for the Study of Democratic Institutions at Santa Barbara, and it occurred to me that some of Mr. Wheeler's suggestions help explain why we need to think ahead about the situation of the elderly in the American society. Mr. Wheeler predicts, for example, that 25 years hence, largely as a result of a declining birthrate, over 50% of the people in the United States will be middle-aged or older, with perhaps 30% of them 65 or over.

Mr. Wheeler concludes that "although the United States is now a youth-centered society with youth-centered mores, the future promises . . . a reversal of these values. Maturity will assume the role youth has held previously with an age-centered morality beginning to appear before the end of the 20th century."

I shall not here enumerate some of the challenges this demographic development raises for national policy; others here are far more qualified than I to do that, but if there is any validity to the proposition that older persons will represent an increasingly large proportion of our population, we must, if we are to be both sensible and humane, reflect upon the kinds of policies we require for such an era.

And surely if we do not have a national policy on aging in 1973, it is imperative that by the Year 2000 we fashion a framework within which we can consider the questions of income, health, housing, transportation, nutrition, and the other needs of the 29 million Americans aged 65 and over who will be living at the turn of the century.

And by the way, I am not without support in my contention that we should take a more comprehensive look at problems of the elderly. Hear these words: "For too long we have lacked a national policy and commitment to provide adequate services and opportunities for older people."

Those of course are the words of President Richard Nixon, spoken in April 1970, in proclaiming Senior Citizens Month.

A NATIONAL POLICY FOR THE AGING

What are likely to be the dimensions of the national policy for the aging we must have by the Year 2000?

In commenting on this question, I remind you that I shall do so from the perspective of a legislator, and that I shall speak with particular reference to the efforts of the 92nd Congress on legislation affecting older Americans.

RETIREMENT INCOME

Such a policy should undoubtedly include provision for adequate retirement income.

That is why the 92nd Congress raised Social Security benefits by 30%, the largest increase ever voted by a single Congress, and why we also approved a cost-of-living escalator to help make Social Security benefits inflation-proof in the years ahead.

And that is why, in the Social Security Amendments of 1972, we provided widows with 100% of their spouses' benefits and strengthened state public assistance programs for the aged, blind, and disabled.

Despite these actions, nearly 5 million older Americans, according to a recent Senate report, remain today below the official level of poverty. So adequate income for the aging also remains a problem we cannot avoid.

HEALTH CARE

A national policy for older Americans must provide as well for the health care of the elderly.

The 92nd Congress included protection against retroactive denial of payments under Medicare, coverage of kidney transplantation and dialysis, as well as authorization for Medicare patients to enroll in prepaid group health plans.

But we have a long way to go before older persons—indeed, before Americans of every age—can feel able to obtain decent health care at prices they can afford.

USE OF LEISURE

Yet another requirement of a sound aging policy will be to help make possible leisure time activities for the millions of men and women who will be retiring at 60—and at earlier ages—over the next three decades.

A case can be made for readily accessible senior citizens centers where elderly people can receive services they need and enjoy the companionship of others who share their interests and experience.

I speak too of the need for special programs in the arts, of libraries, of special educational programs for older persons.

In Denver last week, meeting with the National Commission on the Financing of Postsecondary Education, of which I am a member, I sought to impress upon the other members of the Commission the implications of financing postsecondary education in an era when lifelong learning will be more than an educator's phrase but a reality.

For we hear a great deal today of open universities, computerized instruction, and cable television. Let us make sure that these new developments provide opportunities for learning and pleasure to the millions of older citizens who will be alive in the Year 2000.

SYNERGISTIC APPROACH

We must as well consider shaping new patterns of housing and transportation for older citizens and pre-retirement training and counseling for the men and women who will be retiring earlier than any generation in our history. And we should also look to ways of providing job training and employment opportunities for those who want them.

These are only some of the problems that concern those of us in Washington who believe we must think ahead about the problems of the elderly in American life.

And as we look down the road toward what we can expect in the Year 2000, we must surely be aware of the inadequacies of our current piecemeal approach policy for the aging.

I believe most of you will agree that a generation from now, if not today, we are going to require a synergistic approach to the problems of older Americans, a broader view of the challenges we are likely to encounter as well as of the resources we shall need effectively to cope with them.

Indeed, that is why Democrats and Republicans in Congress united last year to support a Comprehensive Older Americans Services Bill that would have been a milestone in establishing the type of national policy for the elderly I have been suggesting here today.

CONGRESSIONAL SUPPORT FOR THE ELDERLY

In speaking of the Older Americans Bill, I do so in the context of what, in my view, threatens to be a crisis in the constitutional relationship between the President and Congress.

The impounding of funds duly appropriated by Congress is perhaps the most dramatic evidence of that looming confrontation for, in asserting his right to impound, the President is arguing not solely that he is the only authority competent to combat inflation—a curious contention in view of his extraordinary record of huge budget deficits—but he goes a giant step down the road of destruction of the fabric of our separation of powers system.

NOVEL AND DANGEROUS DOCTRINE

For the President is now contending that he is free to pick and choose among those programs legislated by Congress, supporting those he approves and killing off those that do not suit his fancy.

In view of the fact that Article I of the Constitution states that "All legislative powers herein granted shall be vested in a Congress of the United States", President Nixon's present attempts to arrogate unto himself these powers represents, as the New York Times warned last Sunday, a novel and dangerous doctrine.

It is a doctrine, clearly, which reflects President Nixon's contempt for Congress and for the integrity of the legislative process.

And still further evidence of this President's disdain for the views of the other elected representatives of the people is that last fall President Nixon vetoed three major bills of great importance to older persons, all of which were unanimously passed by Congress.

COMPREHENSIVE OLDER AMERICANS SERVICE BILL

The Comprehensive Older Americans Service Bill, which I sponsored in the House and which Senator Thomas Eagleton managed in the Senate, is one of those bills, a measure that would have provided a variety of services directed to the special needs of the elderly, including low-cost transportation, senior citizens community centers, housing, preretirement training, employment, recreation and nutrition.

Our bill would also have authorized federal funding for new multidisciplinary centers of gerontology of a kind of which the Andrus Center is such an outstanding pioneer.

Not a single Senator or Congressman, Democrat or Republican, voted against this legislation, which had been fashioned in close cooperation with officials of the Department of Health, Education, and Welfare.

Yet in late October, after Congress had adjourned and therefore, could not vote to override, President Nixon shocked Democrats and Republicans alike by vetoing this truly landmark initiative for older Americans.

OTHER VETOES

On the same day, Mr. Nixon vetoed another bill that would have meant much to the development of a national policy for the elderly.

I refer to a bill sponsored by my distinguished colleague, Congressman Paul Rogers of Florida, to create a National Institute of Aging within the National Institutes of Health, to conduct research on the aging process and on the special health problems of the elderly.

And, finally, to complete this tragic list of missed opportunities, President Nixon also vetoed the Rehabilitation Act of 1972, which would have continued the 50-year-old vocational rehabilitation program for the handicapped, many of whom are elderly, and would have provided that, henceforth, priority in services for the handicapped be assigned to the most severely handicapped persons, including those suffering from spinal cord injury, serious kidney disease, and the deaf.

You should know that each of these measures, too, was passed unanimously by both the House and the Senate.

INADEQUATE BUDGET PROPOSALS

Still further indication of the President's determined opposition to the efforts of the men and women elected to Congress, Democrats and Republicans alike, who support adequate services for the elderly, is to be found in his 1974 budget.

He proposes, first, to add $516 million to the out-of-pocket expenses of the 23 million aged and disabled Medicare beneficiaries, by increasing their costs for both hospital stays and physicians' services, and he would eliminate Federal support for adult dental care under Medicaid.

Then the President asks that we in Congress acquiesce while he takes an axe to the Administration on Aging budget for training. In place of $8 million dollars this year, he suggests nothing for 1974.

He complements that request by proposing to slice $1 million from the budget for research and training on aging in the National Institute of Child Health and Human Development.

And finally, he asks us to phase out both the Mainstream older workers program in the Department of Labor and the Senior Opportunities and Services (SOS) program targeted on the elderly poor within the Office of Economic Opportunity.

Now the election of 1972 is over and I am not, therefore, interested in giving you a campaign speech.

PRESCRIPTION OF NEGLECT

I cite this record of vetoes of measures unanimously passed by Congress and the President's budget for next year only to enable you to understand the terribly important issues at stake when Mr. Nixon claims the sole right to decide the direction of public policy in the United States, and attempts to enforce his will against that of Congress by vetoing major legislative initiatives and impounding duly appropriated funds.

Those of us concerned with sensible and humane policies for the aging ignore this situation at our peril.

For the President's vetoes last year, combined with his recent budget proposals for older Americans, make very clear that Mr. Nixon is telling older Americans exactly what he told the rest of us last month in his inaugural address.

Listen to his words:

"In our own lives, let each of us ask—not just what will government do for me, but what can I do for myself."

This is a prescription, not of self-reliance, but of malign neglect—neglect of older persons, of children, of the handicapped, the poor, indeed, of all Americans whom we may in our modern society call vulnerable.

I am pleased to tell you that many members of Congress of both parties do not share the President's regressive attitude toward his fellow Americans. Over 100 of my colleagues in the House, both Democrats and Republicans, have joined me in co-sponsoring, once again in the 93rd Congress both the Comprehensive Older Americans Services Bill and the Rehabilitation Bill.

And Congressman Rogers, too, has introduced a modified version of his bill to create a National Institute on Aging.

In the Senate, Tom Eagleton is again leading the forces backing the Rogers Bill and the Older Americans measure—which last week was reported out of the full Labor and Public Welfare Committee—while my distinguished colleague, Senator Alan Cranston of California, is once more championing the Rehabilitation Bill.

I am confident that we will shortly see both measures passed by Congress and, if necessary, over the President's veto.

THE SCHOLAR AND SOCIAL POLICY

Before I take my seat, I want to speak to you briefly about one other concern of mine.

I have told you of the opposition, indeed, vigorous hostility, which has greeted our efforts for the elderly in the Executive Branch.

Now, beyond your support for our legislative initiatives, let me tell you one other way in which you can help us in our work.

I refer to what I believe is the need to develop and nurture better linkages between, on the one hand, the thinkers and researchers on aging problems, and on the other decision-makers in government.

More specifically, we in Congress who deal with issues that affect the aging must have more effective access to the best intelligence and information on the subject matter with which we deal.

I shall not bore you with a long list of the demands upon the time and energies of elected officials, but let me say simply that so many forces converge on a modern Congressman that he often finds it enormously difficult to get at the best thinking on the problems on which he must legislate.

I find this troubling, for it is clearly in the national interest to have public policy examined in the most searching way and with the most relevant and accurate data at hand.

I therefore make a plea to you of the gerontological community here today to give us in Congress your best counsel on the problems of the elderly.

I must stress that I am not suggesting another interest group pressing its own projects but rather that I am urging the intellectual community to help us in Washington think intelligently about the concerns of the elderly and to make informed policy judgements.

I invite your reaction to the possibility, for example that my own subcommittee set up an advisory council on the aging, composed of gerontologists and others knowledgeable about the elderly, to advise us, through memoranda and occasional get-togethers.

Such a group could be of significant help to us in Congress in anticipating important problems and developing reasoned alternatives for future action.

Let me summarize what I have tried to say.

I have suggested that the time has come for the richest nation in the world to begin to shape a national policy with respect to older persons.

I have told you of some of the initiatives in Congress on programs that affect the elderly.

And I have reported to you on the opposition of the Nixon Administration to these efforts.

Finally, I have suggested that we ought to find more effective ways to bring together those whose entire lives are given to concern with the elderly and us in Congress who write legislation that affects older persons.

So we have much to do, you, you, and I.

And perhaps some words by the distinguished lady in whose name we are gathered here this week, Ethel Percy Andrus, express for us all what our purpose must be as we till whatever part of the vineyard is ours.

Said Dr. Andrus:

"Second only to the desire to live is the natural yearning to be wanted and needed, to feel that one's contribution to life is essential. But this yearning challenges the oldster and impels him to give generously of himself, to circulate among his fellows, to participate actively in the little world about him, and to share whatever he may have of talents, strength, means, wisdom, or skills. This is the basis of his self-respect; in this way he earns his sense of dignity and worth."

Whether we are gerontologists, politicians or citizens of whatever vocation, to help older persons enjoy that sense of dignity and worth and self-respect must be our common calling.

HOUSE FOREIGN AID INITIATIVE WINS PLAUDITS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. ZABLOCKI. Mr. Speaker, today the Committee on Foreign Affairs finished the task of restructuring and revitalizing the U.S. bilateral foreign assistance program.

In a series of votes on amendments it incorporated into the administration's requested foreign aid proposal the provisions of H.R. 8258. That bill was introduced by me with 25 other members of the Committee on Foreign Affairs on May 30.

That measure, which has now been incorporated into the administration's proposal would:

Focus bilateral development assistance on acute problem areas and encourage the developing countries to allow the poorest people to participate more effectively in the development process.

Create a new export credit development fund to expand U.S. exports to the poorest countries with the further aim of providing additional resources to those countries on appropriate terms without increasing U.S. budgetary outlays.

Change the title of the Foreign Assistance Act to "The Mutual Development and Cooperation Act" and the name of the Agency for International Development to the "Mutual Development and Cooperation Agency."

Improve coordination of all U.S. activities that bear on development, including trade, financial policy, and developing aid.

This congressional initiative has been given wide attention in the press and by those interested in international development. At a recent meeting in Washington of former Presidential foreign aid advisers, the new proposal was unanimously endorsed and a press statement released.

Recently too, the Christian Science Monitor featured an article by Prof. Robert R. Bowie, a development specialist, who said that—

> If passed by Congress, this proposal would be a positive step in revising U.S. relations with the developing nations.

Because of their timeliness and relevance to today's action by the House Committee on Foreign Affairs, I insert the press release and Professor Bowie's article in the RECORD at this point:

MEMBERS OF FORMER PRESIDENTIAL ADVISORY GROUPS ENDORSE NEW CONGRESSIONAL INITIATIVE TOWARD DEVELOPING COUNTRIES

WASHINGTON, June 26.—A bipartisan group of former presidential foreign aid advisors meeting in Washington today unanimously endorsed an innovative bilateral development assistance program proposed in both Houses of Congress and endorsed by the Administration. The new program would focus American development assistance on the problems of the poorest majority in the developing countries, and would authorize funding aimed primarily at rural development, food production, population and health, and education and human resource development. The bipartisan bill also would provide for export credits both to provide American goods of a developmental character for the lowest income countries and to help create more jobs for American workers.

The group is composed of members of President Johnson's General Advisory Committee on Foreign Assistance Programs which was headed by James A. Perkins, Chairman of the International Council for Educational Development and formerly President of Cornell University, and President Nixon's Task Force on International Development chaired by Rudolph Peterson, presently Director of the United Nations Development Program and formerly President of the Bank of America. The two groups are the most recent presidential commissions on United States foreign aid programs.

The bipartisan and bicameral Congressional initiative endorsed by the group would restructure and expand United States bilateral policies and programs for working with the poor countries in a manner consistent with President Nixon's State of the World Message on May 3. It would redirect United States bilateral aid to focus on the problems of the poorest majority in the developing countries in areas such as disease control, food production and population planning. The proposed legislation would also establish a new export development credit fund to provide Americans goods and services of a developmental character on terms which the poorest countries could afford.

The group indicated that it would later issue a fuller statement on bilateral and multilateral assistance programs, as well as a trade and monetary policy affecting the developing countries.

In endorsing the Congressional initiative, members of the group pointed out: "While the United States has achieved great improvements in relations with East and West since 1970, no such progress has marked American relationships with Asia, Africa and Latin America. This is despite the fact that we Americans are discovering now that many of our most pressing and international problems no longer can be solved through isolation or solely in cooperation with other rich countries. Secretary Brezhnev's visit reminds us that a nation which is able to achieve imaginative breakthroughs in dealing with the Soviet Union and China should be able to lead the world in achieving similar advances in relationships with the poor countries of the world containing a majority of the earth's people."

In addition to Perkins and Peterson, other members of the group included:

Bell, David E., Vice President, Ford Foundation.

Case, Josephine Young.

Casey, William, Under Secretary of State for Economic Affairs.

Cooke, Terrence Cardinal (Represented by James Norris).

Curtis, Thomas B., Vice President & Gen. Counsel, Encyclopedia Brittanica.

Foster, Luther H., President, Tuskegee Institute.

Haas, Walter A., Chairman & Chief Exec. Officer, Levi Straus.

Hesburgh, Theodore, President, University of Notre Dame.

Linowitz, Sol, Coudert Brothers.

Mason, Edward S., Prof. Emeritus, Harvard University.

Perkins, James, Chief Exec. Officer & Chairman of the Board, International Council for Educational Development.

Peterson, Rudolph, Administrator, U.N. Development Program.

Wood, Robert J., General, U.S. Army (Retired).

FORGOTTEN [illegible] U.S. FOREIGN POLICY

(By [illegible]ert R. Bowie)

In recent years, the poorer nations of Asia, Africa, and Latin America, have become the "forgotten men" of United States foreign policy. They have little place in the power-balancing and summitry of the White House. And Congress has been no more interested, with some of its members venting their Vietnam frustrations by opposing foreign aid. In consequence the U.S. foreign assistance has dropped to only three-tenths of 1 percent of its GNP, ranking twelfth among the rich nations of this scale.

One reason for the neglect of the developing countries has been confusion about U.S. interests. In a sense, they have been the victims of detente and U.S. retraction. Formerly, relations with these areas were seen as an extension of the cold war, with foreign aid justified, especially to Congress, as a means for combating Soviet expansion. As that appeal has gradually waned, so has concern for the poorer nations. In reality, that disregard is extremely short-sighted. It is not feasible to develop a peaceful order for an interdependent world while ignoring one-half of it. The urgent necessity is to reappraise U.S. interests in the developing nations and its relations with them.

Recently, just such an effort has been launched in Congress. A majority of the House Foreign Affairs Committee have submitted proposals for reform of the bilateral aid program, which have now been endorsed by key senators. Implicitly, these proposals would clarify the bases for concern with the developing nations and reshape the approach to them.

First, they identify three strands of interests in the developing nations: (1) an enlightened interest in international order which must include the majority of mankind living in poverty; (2) a humanitarian concern for these poorer peoples as fellow human beings who more and more become neighbors; (3) a commercial interest in economic relations with the developing countries as markets and as suppliers now and in the future. These are solid reasons for continuing concern by the United States, quite aside from East-West competition.

Second, the proposals would revamp America's approach to the developing nations, with the aim of putting relations on a better footing of mutual respect and cooperation. They recognize that the poorer nations are the ones to define their own goals and their plans for reaching them. U.S. bilateral aid would concentrate on activities directly affecting people—agriculture and nutrition; health and population; education and training. For providing assistance, more use would be made of private agencies, universities, cooperatives, unions, and voluntary agencies, which may often be more acceptable than official missions. Large capital projects would be financed through international agencies like the World Bank. These changes should make possible substantial cuts in U.S. aid staff at home and abroad.

To expand available funds, the measure would create a new fund to finance exports to the poorest countries (primarily under $200 income per capita) on concessional terms. This fund would have several significant features. The financing would be tied to U.S. exports to these nations and would take the form of loans, at low interest for 30 years, with a 10-year grace period. Such tying, of course, has some drawbacks, but the dollar devaluation should make U.S. products cheaper than heretofore compared to other sources. Moreover, the funding would be derived from borrowing, and the subsidy for the low interest would be provided from current repayments on earlier loans. Thus the proposal would entail no budget costs or annual appropriation. With an initial capital of $5 billion the fund would make available about $1 billion a year, initially for five years, but renewable for similar periods.

If passed by Congress, this proposal would be a positive step in revising U.S. relations with the developing nations and in providing added assistance. It could help get straight the real and enduring U.S. interests in the developing nations. By directing American bilateral assistance to manifest and specific needs of other human beings, it may once more engage the idealism of the American people in providing assistance. At the same time, the measure would link the commercial interests of export firms and labor to a new source of credit for poor nations and focus their attention on the importance of trade with these nations for U.S. jobs and profits. Finally, the measure emphasizes the necessity of taking account of the interests of developing nations in devising and carrying out American policies and actions relating to trade, money, pollution, and other matters affecting the third world.

This proposal is, of course, not a panacea. Even as expanded, the amount of assistance will fall far short of what the U.S. should be doing. No doubt the U.S. has its domestic needs. But with a GNP well over a trillion dollars (over $5,000 per capita), it is indecent to be providing only about $3 billion to assist the 1.5 billion poor in Asia, Africa, and Latin America. Moreover it remains to be seen whether the U.S. really gives the developing nations a higher priority in the whole range of its policymaking. But if the proposal is only a beginning, it is a very important initiative in the right direction.

A BRIGHT KIND OF MISSIONARY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, June 29, 1973

Mr. METCALF. Mr. President, over the years there has been a great deal of derogatory talk about the younger generation and its lifestyle, and the unthinking inclination by many people to lump them all together as being "no good." But in Montana there is a young man who refutes such a description.

Garry South of Miles City, Mont., was recently elected student body president at the University of Montana, Missoula. Garry exemplifies the modern student activist, working for change from within the political system. His political knowhow and his articulate voice have already won the admiration of "the establishment," as this recent editorial from the Billings Gazette will testify. The piece was written by Duane "Doc" Bowler, editor of the Gazette.

I ask unanimous consent that the article be printed in the Extensions of Remarks. There being no objection, it was ordered to be printed as follows:

[From the Billings Gazette, May 20, 1973]

A BRIGHT KIND OF MISSIONARY

(By Duane W. Bowler)

A young man from Miles City who once attended Eastern Montana College may be the best thing that has hapepned to the University of Montana in quite some time.

You'd like to meet Garry D. South, the new president of the Associated Students of the University of Montana. And he'd like to meet you, too.

South is a clean shaven longhair by crewcut standards, dresses like a young stockbroker, at least when persuading his elders, and talks straight about the students at the University of Montana.

"I think it is unfair to say students are only here four years and have no stake in the University and the state of Montana," says South.

"It's not fair to take four years out of my life and say whatever I do is irrelevant and necessarily bad."

Those were the remarks South had for the University of Montana Council of 50 at its spring meeting a week ago. He was telling why the Associated Students had a full-time lobby and plenty of volunteers during the opening session of the 43rd Montana Legislature.

"We got into the real world," South says. And with success. The combined Montana University System student efforts got a voting student on the Board of Regents and 24-hour open dorms, the latter as part of the student's right to privacy.

When South tells you that almost every student on the campus is legally classified as an adult the light gets brighter at the end of the tunnel vision.

His idea is the best way to avert problems is to get students involved in the process, to face the problem head on.

One of them is what to do about the Montana Kaimin, the student newspaper.

"I do not justify everything the Kaimin has printed," says South, "and there is nothing (President Robert) Pantzer and I can do about it.

"It is a student newspaper, paid for by the students and the way the copies disappear each day they like it.

"I do not justify. If I had been editor there are many things I would not have done. But it cannot be a public relations tool for the University. If it tries to, it is not then a student newspaper.

"A newspaper's duty is not to be well liked but well read."

South admits that the Kaimin, with its sometimes offensive language and opinions, does have an effect on the state and there seems to be an attitude against it.

For its critics, in and out of the newspaper fraternity, South advises that the present editor is trying to escape the David Rorvick syndrome.

(Rorvik was Kaimin editor in the middle 1960's who is now a highly successful freelance writer.)

South has no excuses to make for the Kaimin. He asks only that it be accepted for what it is —a newspaper published for and by the students with their own money and reflecting their attitudes.

Were it closed by some cause or other, he feels the underground press would take over with up to five publications springing up which would make the Kaimin seem like nursery fare.

As we said, South doesn't mince his words. Nor does he defiantly antagonize his elders. He tells them, well, like it is.

Student government is no longer a glorified student council. His office administers $348,000 of student activity fees. He emphasizes that this is student, not state taxpayers', money.

Therefore students have a right to say how it is spent. If they want rock concerts instead of jocks, that's what they'll have.

His current budget allocates $95,000 to the athletic department. Athletic Director Jack Swarthout got $105,000 this year and wants $161,000.

South justifies his proposed budget as allocating money where it will do the most good, that athletics will get twice what any other activity gets. He feels athletics have much too long received a disproportionate share and the arts not enough. He doesn't want to kill varsity athletics. He doesn't want to give them $161,000.

South draws up the president's budget, there are hearings, it goes before Central Board and the final decisions are made. It sounds just like city council, which it is for the students.

His problem, as well as Central Board's, is how to satisfy the 43 student activity groups with their $483,000 in budget requests with only $348,000 available at the rate of $15 per quarter from each student.

"We do specify that none of our student funds can go for athletic scholarships," says South. "We don't give scholarships in other activities so why do it for athletics."

As South says, he plans to meet problems head on as student president. His constituency consists primarily of students from the small towns of Montana attending a Montana tax supported institution.

He thinks they both should understand each other better and has charted a course to bring it about.

South isn't a University administration spokesman. But the way this young history major from Miles City goes about his mission is all for the good of the institution and his home state.

TOWARD BETTER PRIVATE PENSION PLANS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. HILLIS. Mr. Speaker, today I am introducing legislation aimed at establishing certain minimum standards for employee pension plans and providing incentives for individuals not covered by a pension program to establish their own retirement savings programs.

My bill provides for mandatory vesting of employee pension benefits at a "Rule of 40"—when a person's age plus service equals 40, he becomes 10 percent vested and vests 10 percent more every year until all his accrued benefits are fully guaranteed.

I see this provision as a good compromise between those who would like to see automatic vesting in 10 years and those who push a 20-year service requirement or a "Rule of 50." This approach guarantees that a 40-year-old employee can vest within 10 years, if he starts a new job tomorrow, and that a 60-year-old employee could become vested at two or three places of employment by the time he retires.

Yet, this measure is not so expensive for an employer that he would choose not to establish any kind of pension program for his workers, rather than have to meet a costly Federal standard. Most of this Nation's big companies have very adequate pension programs—many of which vest within 10 years. But the large group of people unprotected by pensions in the work force today work for companies with 25 or fewer employees. These companies generally cannot afford as elaborate a pension program as their larger counterparts, but there is general agreement that their workers should be afforded some minimum protection and should fall under some minimum Federal standards of acceptability. Viewed as a minimum, I believe the Rule of 40 is a very workable requirement for vesting of pension plans which qualify for special tax treatment.

Along with the vesting requirement, my bill requires that a company fund its pension program properly, on a regular basis, so that even if the company should go out of business or merge with another company, the current and past employees will not lose the pension benefits due them.

As a protection against funds being mismanaged or poorly invested, or a program shut down before becoming properly funded, my bill also contains a requirement that a company reinsure the amount of vested benefits in excess of assets in the fund which could cover those vested benefits. With provisions like these, the Studebaker pension case in Indiana could never have had such disastrous consequences, leaving every one under 60 years of age a minute portion of the benefits they had been promised.

I have also included in my bill the administration's idea of a tax deduction for retirement savings made by an individual either to supplement a low-benefit pension plan or to provide some retirement income for an individual whose company does not offer a qualified pension program.

Under this proposal, individuals can deduct from their gross income, for tax purposes, up to 20 percent of the first $7,500 of earned income—up to $1,500. Since employers providing pension funds receive a similar tax deduction on money contributed to an employee pension fund, this measure is only equitable particularly for those people not involved in a pension program. This measure is also desirable in that it will encourage more individuals to plan toward their own retirement, rather than depending on social security benefits to carry them through their retirement years.

Mr. Speaker, a second bill I am introducing today provides for the adoption of detailed fiduciary standards in the administration of pension plans—to better insure against fraud or mismanagement, provide regular reporting regarding compliance with pension laws, and insure better communication between employers and workers as to what the pension program really means to each worker.

The overall goal of the legislation I am introducing today is to lay down some basic guidelines and rules to assure workers they are going to get the kind of pension benefits they had anticipated, without penalizing good employers or discouraging the private pension system.

THE LATE HALE BOGGS

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. ECKHARDT. Mr. Speaker, there is widespread agreement among the members of the House of Representatives that Hale Boggs was superbly skilled in the art of debate and oratory. On one important occasion, upon consideration of the Legislative Reorganization Act of 1970, Hale Boggs took the floor to support an amendment to provide for the recording of teller votes in the Committee of the Whole. The bill was passed, with the addition of the important teller vote provision.

Adoption of the recorded teller vote has had a significant impact on the House of Representatives. Because of the long range significance of the reform, it is fitting to remember Hale Boggs for, amongst his many other honorable positions and great achievements, his active and eloquent support of the amendment. Following is the speech which he made that day:

> Mr. BOGGS. Mr. Chairman, I might say to my good friend, the gentleman from Ohio, that the gentleman from California had already had 10 minutes, but I appreciate the gentleman's courtesy.
>
> Mr. Chairman, in my judgment this is indeed a historic day. This is a day which will make the House of Representatives truly relevant.
>
> As is the case with so many of the rules of this Chamber, the procedure known as teller voting is deeply rooted in the legislative process. Its origin can be traced centuries ago when the British Parliament devised it as a method of voting the will of the people while escaping the wrath of a powerful and vengeful monarch. One hundred and thirty-eight years ago, when Parliament no longer had reason to fear the Crown, the system was reformed to permit a public record of votes. Unfortunately, with never a King to fear and only the public to serve, this rule has been retained in the House of Representatives. We did so because we said it helped expedite the often slow legislative process. Unfortunately, it has also been used as a shelter from the public eye.
>
> I do not believe representative government can afford the luxury of a shelter from the public eye. The American people are entitled to know the recorded judgment of each Member on the great issues of our time. We cannot ask our people to respect our institutions unless the institutions themselves are self-critical and self-reforming.
>
> As majority whip, it is my responsibility to inform Members of legislation pending on the floor and to encourage their attendance whenever votes are taken. In my opinion, teller voting, as it is now conducted, is a hindrance rather than an assistance to the majority whip. Important amendments are often adopted or defeated in the Committee of the Whole House by a small fraction of the total membership of the House. The truth is, the system of teller voting is a major contributor to absenteeism. This proposal to record teller votes would be a major step toward encouraging the full participation by all parties in forging the law of the land. In this respect, this amendment would be a great assistance to the majority and minority whips, and I think to the fair and full operation of the legislative process.
>
> We hear a great deal of talk these days about the unresponsiveness of our institutions. The founders of this country never intended its institutions to be inflexible and set in their ways. The architects of our Government intended its three branches to be capable of growth and continuous self-renewal. This is the real import of this bill and the real significance of this amendment. For these reasons, I support this amendment and I urge all my colleagues to do so also.
>
> This is not a liberal amendment. It is not a conservative amendment. It is not a Republican amendment. It is not a Democratic amendment. It is an amendment for this House of Representatives.
>
> When the people and the media say that this House has ceased to be relevant, then, Mr. Chairman, if true, American democracy has ceased to be relevant.
>
> When the people assert that the House of Representatives is not representative, then the last best hope of mankind has been lost. Because if we are not representative, then no institution is.
>
> I have given my life to this Chamber. I love it and the Republic for which it stands. Come September 10, I will observe the 30th anniversary of my first election to the House. I came here when I was 26 years of age.
>
> Today I am proud of the fact that I have a son who wants to come here, too. He believes that service here is a high calling. With all due deference to my colleagues on the Republican side, I hope that he is elected. I am doing everything I can to help him. He thinks the House is relevant. I think it is relevant.
>
> But I know that this system of teller votes is not relevant. I have served for 15 years here as whip or as deputy whip, and there have been countless occasions when I have spent hours and days attempting to get members to come here and do their duty and walk through that teller line and vote.
>
> I know this so-called hanky-panky in the cloakrooms. I know how some conservatives say, "Well, we can make a deal with the liberals." And some liberals say, "we can make a deal with the conservatives." And the beat goes on.
>
> Well, we really do not govern that way. Those deals seldom have worked out. The pressures are too great on both sides on major issues.
>
> All we are saying by this amendment is that the archaic system adopted some centuries ago to protect the Members of Parliament from despotic kings should be abolished in the House of Representatives of the United States of America as it was in the House of Commons many years ago.
>
> We are saying, "Let a man stand up and be counted." What is wrong with that? Tell me what is wrong with being counted if one is a Representative. If you do not want to be counted, why did you come here in the first place, and why do most of us seek to return to this historic Chamber?
>
> Finally, one last thought. A story is told in history about one of the great men who helped found this country, Alexander Hamilton.
>
> Hamilton brought a visitor into the gallery of the old House Chamber, now Statuary Hall. The visitor sat with Hamilton and noting the pandemonium on the floor, which you frequently see in this body even as of this day, questioned Mr. Hamilton, "What goes on there? And Hamilton replied, "There, sir—there, sir, the people govern."
>
> Well, here, Mr. Chairman, almost two centuries later, the people must continue to govern. Let us support this amendment.

FARM PRICE ANALYSIS

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. ABDNOR. Mr. Speaker, the following analysis compiled by Prof. Robert E. Olson of South Dakota State University is particularly appropriate at this time in dispelling the myths concerning the economic situation of our largest industry, agriculture.

Professor Olson would hasten to point out that prices change rapidly and have changed somewhat from the time when the analysis was formulated. As this analysis demonstrates, however, it is the farmer who comes out on the short end of changes in prices.

I would ask that the Members of Congress, as well as all interested readers of the RECORD, pay particular attention to the column of Table 1 which relates consumer food expenditures as a percentage of income:

FARM PRICE ANALYSIS

THE DATA

All data are annual averages except 1973. The data for 1973 are estimates of annual rates during the first quarter. They are all drawn from official government sources.

BASE PERIOD

Price data expressed as index numbers were computed on a 1950 base, i.e. 1950 equals 100. A common base facilitates comparison of relative changes in the price of items with considerable different absolute prices. A 1950 base shows at a glance the price current levels and the patterns of change over a long period.

CONSUMERS' INCOME AND EXPENDITURES (TABLE 1)

Disposable personal income per capita (after taxes) reached a record high level during the first quarter of 1973. For the first time the annual rate was over $4,000 per person. Expenditures for food per capita in 1973 were *double* the 1950 rate while disposable personal income expanded *three fold* during the same period.

TABLE 1.—CONSUMERS' PER CAPITA INCOME, EXPENDITURES FOR GOODS AND SERVICES, AND FOOD EXPENDITURES AS A PERCENTAGE OF INCUME

Year	Disposable personal income (dollars)	Expenditures: For goods and services (dollars)	Expenditures: For food (dollars)	Food expenditures in relation to income (percent): All food	Food expenditures in relation to income (percent): Farm food
1947	1,178.0	1,153.0	303.0	25.7	24.7
1948	1,290.0	1,184.0	316.0	24.5	23.7
1949	1,264.0	1,185.0	300.0	23.8	23.0
1950	1,364.0	1,259.0	303.0	22.2	21.3
1951	1,468.0	1,337.0	338.0	23.0	21.7
1952	1,518.0	1,381.0	348.0	23.0	21.4
1953	1,582.0	1,441.0	347.0	22.0	20.2
1954	1,585.0	1,456.0	348.0	22.0	19.9
1955	1,666.0	1,539.0	351.0	21.1	19.3
1956	1,743.0	1,585.0	359.0	20.6	18.9
1957	1,801.0	1,643.0	373.0	20.7	18.9
1958	1,831.0	1,666.0	383.0	20.9	19.1
1959	1,905.0	1,758.0	386.0	20.3	18.9
1960	1,937.0	1,800.0	388.0	20.0	19.1
1961	1,984.0	1,825.0	392.0	19.8	18.8
1962	2,066.0	1,903.0	398.0	19.3	18.5
1963	2,138.0	1,981.0	404.0	18.9	18.3
1964	2,284.0	2,091.0	419.0	18.4	17.7
1965	2,437.0	2,228.0	442.0	18.1	17.1
1966	2,605.0	2,372.0	473.0	17.2	16.3
1967	2,751.0	2,476.0	473.0	17.2	16.3
1968	2,946.0	2,671.0	497.0	16.9	15.9
1969	3,130.0	2,859.0	524.0	16.7	15.6
1970	3,358.0	3,010.0	557.0	16.6	15.4
1971	3,595.0	3,211.0	567.0	15.8	14.9
1972	3,807.0	3,453.0	597.0	15.7	0
1973	4,064.0	0	632.0	15.6	0

Note: Compiled from Federal and State official data.
Source: Economics department, South Dakota State University.

FARMERS; WHOLESALE, AND CONSUMERS PRICES FOR FOOD (TABLE 2)

During the 1950–1973 period the changes in prices ranked as follows:

[In percent]

	Change 1950–73
Prices paid by farmers	81.6
Consumers' prices for all goods and services	78.5
Consumer prices for all foods (including imported, sea foods, and meals away from home)	76.0
Farm-Retail Spread (Marketing, transportation, and processing cost between farm and consumer)	72.8
Retail store prices for food produced on U.S. farms	61.0
Wholesale prices for all goods and services	53.7
Prices received by farmers	48.4
Price (farm value) of food at the farm	48.0

Prices paid by farmers, consumers' prices and the farm-retail spread advanced steadily during the 1950-73 period. Prices received by farmers for all products and for food were nearly stable from 1949 to 1969. Their increase for the entire period has occurred during the last five years.

TABLE 2.—FARMERS', WHOLESALE, AND CONSUMERS' PRICES, 1947–73

[1950=100]

Year	Received by farmers	Paid by farmers	Wholesale	Consumers'	All food	U.S. farm originated food	Farm value of food	Fare-retail spread
1947	107.0	93.8	93.9	92.8	54.4	98.9	108.0	90.7
1948	111.2	101.6	101.2	100.0	102.8	106.5	114.9	98.9
1949	96.9	98.0	96.2	99.0	98.7	89.6	100.7	100.6
1950	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1951	117.1	110.2	111.4	107.9	111.1	111.0	114.9	107.6
1952	111.6	112.1	108.3	110.3	113.2	112.2	111.6	112.7
1953	98.8	108.2	106.8	111.1	111.4	108.9	103.1	114.0
1954	95.3	108.6	107.1	111.7	111.1	106.9	97.6	115.3
1955	89.9	107.8	107.3	111.2	109.5	105.1	91.3	117.5
1956	89.1	108.6	110.9	112.3	110.3	105.5	90.4	119.0
1957	91.1	112.1	114.1	115.5	114.0	109.3	93.5	123.5
1958	96.9	114.8	115.6	117.1	118.8	115.6	100.7	128.9
1959	93.0	116.4	115.9	119.4	116.9	112.9	92.8	130.9
1960	92.6	117.2	116.0	121.8	118.1	113.4	94.7	130.2
1961	93.0	118.0	115.5	122.7	119.6	113.8	93.0	132.4
1962	94.6	119.9	115.9	123.6	120.7	114.9	95.2	132.6
1963	94.8	121.9	115.9	138.1	122.4	114.7	91.1	135.9
1964	91.9	122.3	115.8	127.6	124.0	114.9	90.8	136.5
1965	96.1	125.4	118.1	130.7	126.7	118.1	100.2	134.1
1966	103.1	130.5	122.0	134.8	133.0	124.4	107.2	139.7
1967	98.4	133.6	122.2	138.7	134.2	123.1	101.0	143.0
1968	101.2	138.7	125.3	144.5	139.1	127.6	106.3	146.4
1969	108.2	145.7	130.2	152.3	146.2	134.3	115.9	150.8
1970	108.5	152.3	135.0	161.3	154.2	139.9	115.2	162.0
1971	110.5	137.5	139.2	168.2	158.9	142.4	115.7	166.5
1972	123.6	169.1	145.6	173.8	165.8	149.3	125.5	170.4
1973	148.4	181.6	153.7	178.5	176.0	161.0	148.0	172.8

Note: Compiled from Federal and State official data.

Source: Economics Department, South Dakota State University.

CHOICE BEEF AND PORK PRICES (TABLES 3 AND 4)

The retail price of beef is a weighted average price of retail cuts from Choice beef carcass. The gross farm value is payment to farmer for quantity of Choice steer equivalent to 1 pound of retail cuts sold to consumers—2.12 pounds in 1949–51, gradually increased to 2.28 pounds from 1962 on. The byproduct allowance is the portion of gross farm value attributed to edible and inedible byproducts.

The retail price of pork is a weighted average price of loin cuts; ham (whole, center slices, butts, and shank ends); picnics (smoked); butts; spareribs; bacon squares; sausage; neckbones; forefeet; and pigtails. The gross farm value is payment to farmer for quantity of live hog equivalent to 1 pound of pork sold to consumers—2.13 pounds in January–June 1949, gradually decreased to 1.97 pounds in 1969. The byproduct allowance is the portion of gross farm value attributed to lard and other edible and inedible byproducts.

The net farm value is gross farm value minus byproduct allowance.

The rise of 54.6 cents per pound in the retail price of choice beef from 1950 to 1973 is a percentage increase of 73 per cent. This change compares with an increase of 78.5 per cent for all goods and services and an increase of 76 per cent for all food during the same period.

The retail price of pork increased 44.3 cents per pound from 1950 to 1973. This rise in retail pork prices was 82.5 per cent. The percentage change from 1950 to 1973 in the component of the retail price (net farm value) going to the farmer was 58 per cent for choice beef and 85 per cent for pork.

TABLE 3.—CHOICE BEEF: RETAIL PRICE, FARM-RETAIL SPREAD, NET FARM VALUE, BY-PRODUCT ALLOWANCE, GROSS FARM VALUE, AND PRICE RECEIVED BY FARMERS FOR BEEF CATTLE IN SOUTH DAKOTA

[Amounts in cents]

Year	Retail price per pound	Farm-retail spread	Choice beef net farm value	By-product allowance	Cross farm value	Prices received by South Dakota farmers for beef cattle
1949	67.8	18.7	49.1	5.8	54.9	20.0
1950	74.6	19.4	55.2	6.7	61.9	23.9
1951	87.3	20.3	67.0	8.6	75.6	29.7
1952	85.7	22.7	63.0	5.8	68.8	24.9
1953	68.4	23.1	45.3	4.6	49.9	17.0
1954	67.8	21.4	46.4	4.4	50.8	16.9
1955	66.8	22.4	44.4	4.1	48.5	16.1
1956	65.4	23.2	42.2	4.1	46.3	15.2
1957	69.9	24.5	45.4	4.4	49.8	17.4
1958	80.2	26.2	54.0	5.0	59.0	22.4
1959	82.0	27.6	54.4	5.5	59.9	23.0
1960	80.2	28.1	52.1	4.6	56.7	21.1
1961	78.4	29.6	48.8	4.8	53.6	20.9
1962	81.7	26.5	55.2	4.9	60.1	22.4
1963	78.5	30.1	48.4	4.2	52.6	20.8
1964	76.5	30.3	46.2	4.1	50.3	18.7
1965	88.1	28.3	51.8	4.7	56.5	20.5
1966	82.4	30.1	52.3	5.3	57.6	22.8
1967	82.6	29.6	53.0	4.0	57.0	22.7
1968	86.6	29.9	56.7	3.8	60.5	24.0
1969	96.2	34.0	62.2	4.7	66.9	26.5
1970	98.6	37.1	61.5	4.8	66.3	27.2
1971	104.3	36.4	67.9	4.5	72.4	29.3
1972	113.8	41.3	72.5	7.4	79.9	33.8
1973	129.2	41.8	87.4	9.4	96.8	43.2

Note: Compiled from Federal and State official data.
Source: Economics Department, South Dakota State University.

TABLE 4.—PORK: RETAIL PRICE, FARM-RETAIL SPREAD, NET FARM VALUE, BYPRODUCT ALLOWANCE, GROSS FARM VALUE, AND PRICE RECEIVED BY FARMERS FOR HOGS IN SOUTH DAKOTA

[Amounts in cents]

Year	Retail price per pound	Farm-retail spread	Net farm value	Byproduct allowance	Gross farm value	Prices received by South Dakota farmers for hogs
1949	54.5	19.7	34.8	4.3	39.1	17.2
1950	53.8	19.4	34.4	4.6	39.0	17.3
1951	57.8	21.3	36.5	5.8	42.3	19.2
1952	56.2	22.2	34.0	3.8	57.8	17.0
1953	62.1	20.6	41.5	4.5	46.0	20.6
1954	63.4	22.3	41.1	5.1	46.2	20.7
1955	53.6	24.9	28.7	3.1	31.8	14.4
1956	51.4	24.8	26.6	3.1	29.7	13.7
1957	59.4	26.6	32.8	3.7	36.5	17.4
1958	63.8	26.9	37.0	3.9	40.9	19.0
1959	56.3	30.4	25.9	2.4	28.3	13.5
1960	55.9	27.2	28.7	2.7	31.4	14.9
1961	58.4	27.9	30.5	3.0	33.5	16.1
1962	58.8	28.7	30.1	2.6	32.7	15.9
1963	56.6	29.2	27.4	2.5	29.9	14.6
1964	55.9	29.1	26.8	2.5	29.3	14.4
1965	65.8	27.7	38.1	3.5	41.6	20.3
1966	74.0	31.8	42.2	3.7	45.9	22.2
1967	67.2	32.4	34.8	2.5	37.3	18.4
1968	67.4	32.9	34.5	2.2	36.7	18.1
1969	74.3	32.0	42.3	3.2	45.5	21.9
1970	78.0	38.5	39.5	3.4	42.9	21.9
1971	70.3	38.0	32.3	2.7	65.0	17.4
1972	83.2	35.3	47.9	3.5	51.4	24.6
1973	98.1	34.4	63.7	4.9	68.6	38.2

Note: Compiled from Federal and State official data.
Source: Economics Department, South Dakota State University.

Mr. Speaker, the U.S. Agriculture industry has continued to provide an abundent supply of food products in the face of increasing expenses over which they have no control. At the same time farmers have had to accept the returns provided by a marketplace over which they also have no control—a market controlled by the most voracious consumers in the world.

American agriculture is a shining testimony to the merits of a relatively free market supplied by the boundless energy of private enterprise, and I have confidence that it will continue to be.

In these times of ever-increasing government involvment in everything, and of unjustified consumer unrest, however, I do not think that it can be too strongly stressed that any government action to control prices of raw agricultural products, directly or indirectly, will in all likelihood lead to the demise of consumer control of the marketplace.

The marketplace which will develop will be characterized by increasing control by those few producers who are able to survive and by shortages of those products which are in greatest demand.

We often fail to realize when we have a good thing until its gone. Let us not let it be so in the case of American agriculture and the cheap food it can supply in abundant quantity.

THE DANGER OF DOING NOTHING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. PICKLE. Mr. Speaker, regardless of how much petroleum the U.S. imports, regardless of the improvements we make in our own oil production, it is a fact that the world petroleum supply is inherently limited.

As developing nations begin to industrialize, they will need energy, and the most accessible energy source in today's technology is petroleum. It stands to reason that, in the future, oil supplies will not only diminish, but the demand for oil will increase on a worldwide basis.

These factors point to the fact that the United States must immediately embark upon a research program which will develop practical alternatives to petroleum energy. Our energy-intensive economy demands a constant, high-level energy source, and we cannot wait until oil supplies diminish further to develop a new primary energy technology.

Our distinguished colleague in the Senate, HENRY M. JACKSON, has penned a brief and succinct article in today's New York Times pointing up the need for energy research and development, and I am pleased to enter it into today's RECORD:

THE DANGER OF DOING NOTHING

(By HENRY M. JACKSON)

WASHINGTON.—With the deepening dependence of the United States on imported petroleum has come an increasing awareness of the risks to our national security and the stability of our national economy. The closing of gas stations around the country, the prospect of severe summer shortages, and the readying of plans to ration gasoline on a nationwide basis have brought home to the American people the sense of a problem without an easy solution.

Therefore, I suppose it was inevitable that we would soon hear the argument that the threat to the continued delivery of Middle Eastern oil arises from American support of Israel. Such an analysis, quite simple-mindedly in my view, attributes the chronic instability in the Middle East to the Arab-Israeli dispute.

The real situation is quite different. Middle Eastern energy sources would be insecure even if Israel didn't exist. For it is inter-Arab rivalry, and the opportunistic exploitation of it by the Soviet Union, which threatens to disrupt the normal flow of oil. After all, it is not Israel which threatens Kuwait and its substantial oil reserves; rather, recent Iraqui military activity may have as its objective control of that oil-rich sheikdom. It is not Israel which threatens Saudi Arabia—but Yemen to the south, Soviet-supported Iraq and Syria to the north, and Egypt to the west.

Wherever stability exists in the Middle East today, it is, in my view, largely the result of the strength and Western orientation of Israel on the Mediterannean and Iran on the Persian Gulf. These two countries, reliable friends of the United States, together with Saudi Arabia, have helped inhibit those radical Arab elements which pose a grave threat indeed to petroleum sources in the Persian Gulf. It is ironic that Saudi Arabia and the sheikdoms (which, along with Iran, will provide most of our imported oil in the years ahead) depend for regional stability on Israel's capacity to encourage an environment where moderate regimes in Lebanon and Jordan can survive and where Syria can be contained. Iran plays a similar and even more direct role in the Gulf itself.

Last November I traveled to Israel, Iran and Saudi Arabia. I was impressed with the remarkable extent to which their three separate fates are associated—how they constitute a paradoxical bloc of nations whose security, so important to the United States, unites them in a set of common interests. Between Israel and Iran, for example, there exists a quiet tie that reflects a common concern about the forces of instability in the region.

The relationship between Israel and Saudi Arabia is more complex. While neither Israelis nor Saudis are in a position to acknowledge common interests, they do share a common perspective on many problems. For instance, the pipeline which carries great quantities of Saudi oil to Western users passes through the Israeli-held Golan Heights and, over that portion of its length, it has functioned without major disruption. Moreover, the Saudis, a tempting target for any number of forces, would not last long without a stable Jordan, a more or less calm Egypt and a contained Syria and Iraq. The Saudis understand this very well.

Important as the Middle East may be to the future of the international energy economy, it is not the whole story. Even if we had assurances that the flow of oil from the Middle East would continue without interruption, we would still have to undertake the development of new sources of energy on an urgent basis. Indeed, I am persuaded that we can no longer temporize and continue to sit idly by as our dependence upon imported oil—whatever its source—continues to grow.

The United States, with 6 per cent of the world's population, presently uses over one-third of the world's energy. Other developed nations also consume disproportionate amounts of energy on a per capita basis. The developing countries will require more energy as they industrialize, and they are certainly entitled to their share of this finite resource. But oil supplies are limited. We cannot downplay energy research and development while the world drains the depletable reserves of the Middle East.

Moreover, alternative energy sources will restrain the cost of Middle East oil. Without alternatives, crude oil prices will certainly rise and, in a short time, gasoline retail prices could reach a dollar per gallon. The dollar holdings of a few Arab states may reach proportions that could enable them to dominate international economic conditions. By failing to act now to develop alternative sources of energy we are prolonging the period during which the supply and price of imported oil can be dictated by whoever might happen to control a handful of Persian Gulf nations.

This is why I have proposed a ten-year, $20-billion program to translate several promising technological developments into commercially viable sources of energy. We have already waited far too long to increase our options. We must abandon myopic indecision and make a determined start on alleviating this increasingly critical situation.

BILL TO STRENGTHEN GAO

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. GIBBONS. Mr. Speaker, today I am introducing a bill, H.R. 9002, which is designed to strengthen and revise the powers and functions of the General Accounting Office. It is the House companion bill of S. 2049 which was introduced on June 21, 1973, by Senators SAM J. ERVIN, JR., ABRAHAM A. RIBICOFF, and LEE METCALF on the request of the Comptroller General.

In the past several years we have witnessed a steady decline of the power of Congress in relation to that of the executive branch. One major reason for this decline can be found in the information-gathering process. In a time of ever-growing complexity of Federal programs, the executive branch has become more and more aloof, often frustrating congressional oversight. Far too often we are at the mercy of the executive branch which may choose not to provide Congress with certain facts. If we are going to operate on a par with the Executive, it is necessary to have the information which will allow us to legislate effectively.

In his recent testimony before the House Select Committee on Committees, the Comptroller General stated that—

> A primary objective of the GAO in all of our work is to strengthen, wherever it can, the processes through which reliable information can be obtained by Congress in its oversight as well as its authorization and appropriation responsibilities as well as the conclusions and recommendations of the GAO which flow from our audits. To attain this objective, the work of GAO must be relevant and responsive to the changing needs of Congress.

If the GAO, as an agent of Congress, is to attain its broad objective of assisting us in effective legislation, it is imperative that its statutory base now be revised. H.R. 9002 proposes several revisions which would result in a stronger and more efficient General Accounting Office that would be essentially independent of the Executive.

First of all, the bill would give the GAO important enforcement powers, which up to this point it has lacked. It provides that funds be cut off from any Federal agency which illegally withholds information requested by the GAO. In such a case the Comptroller General's right to such information would be reviewed by a three-judge Federal court, and the funds cut off would be subject to disapproval of either House of Congress.

In addition, the bill for the first time would authorize the GAO to sue in Federal court with lawyers of its own choosing. Up to now, when the GAO disagreed with an executive agency, when it believed that an agency was spending funds illegally or erroneously, the Justice Department would serve as counsel to both the GAO and the agency it was investigating. This part of the bill would help the GAO get the independence it needs to enforce the intentions of Congress.

The bill also gives the GAO the power to subpena records of contractors who are already legally subject to GAO audit. The Comptroller General could invoke the aid of any Federal district court in enforcing the subpenas. More than 40 U.S. departments and agencies have already been given this kind of authorization, and it is about time this agent of Congress also had it.

Furthermore, the bill would:

Direct the Comptroller General to obtain fiscal, budgetary, and program information to assist congressional control over the Federal budget;

Clarify the right, already existing under law, of the Comptroller General to have access to information from Federal departments and establishments needed for effective auditing of Federal and federally assisted programs; and

Authorize the Comptroller to make selective profit studies of Government contractors whose Government business aggregates $1 million or more annually.

Other parts of the bill authorize specific changes in GAO's auditing and review procedures, designed to help modernize its operations.

I urge my colleagues to seriously consider this proposal. We must take action to insure that we legislate responsibly and effectively from as informed a viewpoint as possible.

THE EFFECT OF BUREAUCRATIC GOVERNMENT ON SMALL BUSINESS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. ROUSSELOT. Mr. Speaker, the problem of Government meddling in private business has risen to an all time high. The Federal Government has resorted to the use of wage and price controls, Government installed marketing quotas, and other such methods, in order to try and regulate the business and economics of day to day operations. This action has had a drastic effect on the small businesses of America. Not only do our small business institutions find it hard to exist and operate under such conditions, they also find little incentive to increase production and improve on what they already have.

I want to bring to the attention of my colleagues a statement I have received from one of my constituents, Mr. Jerry Bigalk, who owns a Printing Service Center in Lancaster, Calif. I think it would do us all good to follow his advice:

> Federal spending must not be increased; there should be Price Controls on Federal Government spending also! The government should have to practice what laws they pass. It is getting to the point where a businessman doesn't have time to conduct business and devote his full-time to his customers, because he has to spend so much time with endless reports for the government!!! More and more paper work, which takes more and more time to complete and return to the proper bureau, department or office. We businessmen are the Government's bookkeepers. What used to be the "Government for the People" is becoming the "People for the Government".

CAREER MEN SKIPPED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. UDALL. Mr. Speaker, one of the most alarming things about the Nixon administration is the politicizing of formerly nonpolitical agencies. Highly specialized agencies like the Park Service, the Internal Revenue Service, the Bureau of Labor Statistics, and the FBI have been used to handle purely political assignments for the White House and skilled individuals are being phased out of sensitive positions in favor of unqualified political appointees.

Now it appears that the Bureau of Land Management will fall prey to this policy. Curtis J. Berklund, a former lumber corporation executive, is currently slated to head the BLM, replacing the present director, Burton W. Silcock. Berklund's appointment could result in anticonservation management of vital national resources.

Mr. Speaker, I include an article from the June 18 edition of the Salem, Oreg., Statesman dealing with Mr. Berklund in the Record:

Career Men Skipped in BLM Appointment

(By A. Robert Smith)

Washington.—The Nixon administration is planning to install a former lumber company executive and rancher in charge of the Bureau of Land Management, the Interior Department agency that has jurisdiction over the vast public lands of the West and the valuable commercial O&C forestlands of western Oregon.

Curtis J. Berklund, former president of Berklund International Lumber Co. of St. Maries, Idaho, is slated to replace Burton W. Silcock, who has been director of BLM about two years.

Silcock is scheduled to be transferred to Alaska as federal co-chairman of the Joint Land Use Planning Commission for Alaska. He will replace in that job Jack Horton who was appointed earlier this year assistant secretary of the Interior for land management.

The appointment of Berklund would deviate from past practices of appointing career government foresters or range management experts to run the BLM.

The only other political appointee in BLM history was Edward Woozley, but he had been Idaho's state lands director before taking over at BLM in 1953. Woozley served throughout the eight years of the Eisenhower terms and left as the Kennedy regime began to go to work for then Sen. Len Jordan, R-Ida.

Berklund came to the Interior Department midway through Nixon's first term after disposing of his lumber interests. He served in several minor staff positions until named deputy assistant secretary for land management a year ago.

Berklund, who was politically associated with former GOP Gov. Don Samuelson of Idaho, was vice president of the American River Lumber Co. at Elk City, Idaho, before running his own company from 1964 to 1967.

The only thing holding up the change of command at BLM is White House slowness in formalizing the president's designation of Silcock to the Alaskan post. It has been awaiting White House action for months.

Once that appointment has been announced, Interior Secretary Rogers C. B. Morton will announce his appointment of Berklund, informed sources report. The BLM appointment is automatic, since it does not require Senate confirmation. The director of BLM serves at the pleasure of the secretary.

Silcock's departure reportedly was by mutual agreement after the firing late last year of Interior's assistant secretary Harrison Loesch. Silcock had become director after serving as BLM's state director for Alaska. He hails from Burley, Idaho, and has been with BLM for over 20 years.

His predecessor was Boyd Rasmussen, who had been a career man with the Forest Service until tapped for BLM director by Stewart Udall.

The designation of Berklund would be the second political appointment to an old line Interior agency, previously headed by career men, since the presidential election of last November.

The first was the appointment of Ronald Walker, a former insurance executive, as head of the National Park Service.

STRIP MINING

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, June 29, 1973

Mr. METCALF. Mr. President, Ralph Nader has written a long and eloquent appeal to the head of a British-owned firm to pursue an enlightened policy with respect to strip mining in Appalachia. The letter serves as the vehicle for describing the historical impact of strip mining generally, as well as the business practices which preceded the mining. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 16, 1973.

Sir Denys Flowerdew Lowson,
Chairman, Board of Directors, American Association, Ltd., London, England.

Dear Sir Denys:

O, it is excellent
To have a giants' strength, but it is tyrannous to use it like a giant. (Measure for Measure Act II, Scene 1.)

As a Life Governor of the Royal Shakespeare Theatre, you are no doubt familiar with these lines. The thought has been applied widely—and rightfully—to America's involvement in Vietnam. Yet as that war winds down, another one continues, a quiet, sordid little war in the once-verdant mountains of the states of Kentucky and Tennessee. The victims of this war are the local residents and their land; the aggressors are "strip miners." And the responsibility falls in large part upon the American Associations, Ltd., a British-based landholding and development company of which you are Chairman of the Board.

The American Association, Ltd., control about 65,000 acres—over one hundred square miles—of coal-rich land, in the Appalachian Mountains of Kentucky and Tennessee. This region is famous for a sad paradox: human misery and abject poverty atop and amidst some of the world's most abundant mineral deposits. The explanation is regrettably simple. Appalachia is a colony. The people there do not own the wealth. Large, outside corporations like the American Association do. And the prime, almost exclusive, concern of these corporations has been to exploit the region at the lowest possible cost to themselves.

Most of your company's holdings—about 50,000 acres—lie in the isolated "Clear Fork Valley" in Claiborne, Campbell, and Bell Counties. Clear Fork is one of the most populated remaining valleys in the coal areas of Central Appalachia, with about 500–700 households in the communities of Fonde, Pruden, Hamblintown, Clairfield, Buffalo, and Straight Creek. Your company owns perhaps 85 percent of the valley there.

In this remote valley, the American Association has displayed corporate profitseeking at its worst. It has permitted wanton and destructive "strip mining"—mining by blasting and scraping away the surface instead of tunneling into a coal deposit. Once-beautiful mountains are now scarred and gouged; foliage is razed; streams are clogged and filled with acid and filth; the inhabitants are endangered by landslides, floods, and polluted water. The difference between what strip-mining is doing to the land in Appalachia, and what B–52 bombers have done to the land in Southeast Asia, is one of degree, not of kind.

And while carting away over 2.2 million tons of coal per year, leaving the region that much poorer, and in ruin, the American Association and the Companies to which it leases have virtually ignored the needs of the residents there. They have avoided their fair share of the local tax burdens. They have presided over the destruction of job opportunities. They have even blocked the efforts of the local citizens to better their own lot.

Idealism and good intentions—spiced, albeit, with a goodly dose of empire and profits—propelled your firm into Appalachia in the early 1890s. Backed by capital from Britain's Baring Brothers, the American Association founded a town called Middlesboro (after a British counterpart) in the State of Kentucky, and set out to make it the booming iron and coal capitol of the southern United States. The venture was to strike a bold new phase in British enterprise and in Anglo-American relations. "This is but a transfer of British business to American soil," proclaimed American Association founder Alexander Arthur on November 11, 1890, to visiting dignitaries in the newly-resplendent Middlesboro Hall. He went on:

"I would say that America needs this place and our Anglo-American money, experience and push. Our mines, ovens, furnaces and works you have seen; these comprise our plant. We have also the sinews of body and of money and stand ready, clean-cut and vigorous, for a generation of progress and success in manufacture, arts, and sciences. *Come and join hands with us in the great enterprise which is worthy of the noblest efforts of us all, native or foreign born though we may be.*" (emphasis supplied)

But misfortune, greed, and highly questionable dealings soon shipwrecked the hoped-for "noblest efforts." The financial panic of 1893 dried up the venture's British backing; Middlesboro was sold at auction, and 80,000 acres of mountain and valley land were mortgaged to the Central Trust Co. of New York, for $1,500,000.

Then a strange thing happened. The Central Trust filed to recover on the mortgage in 1894, and one J. H. Bartlett was appointed Special Commissioner to conduct the sale. Mr. Bartlett let the property go for but $25,000—about thirty cents per acre. The buyer was, of all people, an agent of the American Association, Ltd., a newly-formed corporation with essentially the same membership as the American Association, Inc. Shortly thereafter, Mr. J. H. Bartlett became General Manager of American Association, Inc.

The American Association, Inc. said later that the land had been worth well over one-half million dollars at the time of the sale.

This strange transaction did not go unnoticed. Creditors of the American Association, Ltd. sued the new American Association, Inc. in Claiborne County for "fraud," claiming it had "paid nothing for said property." But the records of this suit went up in flames with the Claiborne County Courthouse. And researchers could find no trace of the suit at the Bell County Courthouse.

The Association had acquired its Appalachian Coal empire through means its founder Mr. Arthur and yourself might not wish to label a "transfer of British business to American soil." Most records of the era are either missing, or else were burned with the County Courthouse. But the region is alive with tales of how American Association agents tricked, threatened, or forced uneducated mountain people into giving up their valuable coal-land for fifty cents to a dollar an acre. Said one mountaineer recently:

"The American Association said the land was worthless and that they would give my daddy a dollar an acre and we could live on the land and pay rent and they would pay the taxes. We didn't know it but we were standing barely 4' from a seam of coal when the American Association was talking to us."

Local residents say that when the property records burned with the Courthouse, the American Association used the chance to claim property that wasn't theirs.

At first, self interest bound the American Association, and the coal operators to which it leases, to a sort of uneasy truce with the people of the region. The companies needed men to dig the coal out of the large deep mines. So they had to provide these men and their families with a place to live and at least a minimal level of human services. Usually this level was indeed minimal. The miners and their families lived often in indecent conditions and worked in hazard-trap mines. And they were virtual serfs to the companies that employed them and owned everything around them—their home, their credit at the company store, health care and recreation in the company town, even "justice" at the company-controlled courthouse. In the 1930s your company, along with others, tried to keep these miners from joining a union that could stand up for their rights. Yet, despite all this, the need for able, willing bodies to mine the coal made the American Association and its cohorts show some concern for the region and its people.

But the chord that had kept this uneasy truce together has broken. Mining coal no longer requires people. In fact, people just get in the way. Your company has expressed the desire to rid the area of residents. It will no longer repair homes, and it plans to tear them down in the near future. Yet there is little other housing or even property on which to build housing. Depopulation has replaced paternalism as official corporate policy.

"The people would be better off, and we would be better off, if they would be off our land," said Mr. Alvaredo E. Funk, the American Association's General Manager in Middlesboro, Ky.

It began in the 1950s, when a coal market slump forced many coal operators to close down. Medium sized independent operators, like those that lease much American Association land, were especially affected. Employment in the region dropped sharply. In 1952 there were 1,230 coal mining jobs in Claiborne County; by 1958 there were but 282. Your company made no effort to provide other sources of employment for the men thrown out of work.

Since the 1950s, the market for coal has revived. More than revived. It is positively bullish. But bullish for the American Association and other coal owners and operators, not for the people of the region where you get the coal. Automation and strip mining have cut drastically the need for miners. At the single large deep mine left on your property, that of Consolidation Coal. 350 men with modern machinery turn out about as much coal as 1,500 men produced at nine mines in 1948. And men are even more dispensible in strip mining. In Claiborne County alone, 200 men can now blast and bulldoze out almost as much coal as 1,500 deep-miners could dig in 1948.

Today, the need for local labor gone, a sort of undeclared warfare has broken loose. The companies to whom you lease are making an unchecked assault upon the land, and in consequence, on its people.

Is it hyperbole to compare your company's presence in Appalachia to a war zone? Consider the evidence.

1. ENVIRONMENTAL DESTRUCTION

Irresponsible strip mining on your lands in Tennessee harkens dismally of the laying-waste-to-the-land strategies of bygone generals. As you know, a strip miner literally blasts away the sides or top of a mountain. He then bulldozes the debris over the side, and shovels out the coal. The process is fast, cheap, and destructive in the extreme. Landslides block roads and railways, destroy homes and farmlands, and imperil human beings. The blasting alone has cracked the frames and foundations of homes. Streams, choked with silt and debris, flood at the slightest rainfall, leaving harmful deposits on scarce fertile soils. Acid and mineral substances pollute the water and endanger the area's water supply.

"We are afraid to go to sleep when it rains. We just stay up all night," says one Tennessee resident whose property these floods have ruined. In the Clear Fork Valley, some people must boil their water and add chlorine to it to make it safe to drink. And the Campbell County Highway Department has had to spend thousands of dollars clearing a single road after continual landslides.

Is this the experience of people in peace or in war?

Your company, the American Association, currently hosts more strip mining operations than does any other landowner in Tennessee. On your Claiborne County property alone, strippers laid waste to about 3,000 acres before the State passed a law in 1967 requiring that the land be restored. Since then, 1,400 more acres on your land have been stripped, and the reclamation is questionable at best despite the new law.

2. TAX EVASION

While their mineral wealth is literally carted out from under them, the people of this region pay, in measurable and immeasurable ways, for this destruction. State and local governments have to clear the roads after landslides and both roads and bridges after illegally overweight coal trucks have beaten them apart. The people pay for this through taxes, and through their own efforts to undo the damage to their homes and property. Yet not only do they get little or nothing, not even jobs, in return. Your company even avoids its duty to pay taxes to meet the costs of local government.

In the United States, local governments depend mainly on property taxes. Especially in Appalachia, where coal is the major form of property wealth, owners like the American Association are expected to pay their share. But it hasn't worked out that way in Claiborne County. Your 44,000 coal laden acres there represent 17 percent of the County's land area and perhaps 90 percent of the County's coal reserves. Yet in 1970 your property taxes provided only 3 percent of the County's property tax revenue. That year your company claimed to the State Board of Equalization—the board of appeals—that 40,000 acres of its coal-rich land were worth but five dollars per acre. Yet in that one year alone you garnered more in royalty payments from the mining companies to which you lease.

Complaints by local citizens led the Tennessee Board of Equalization to require that coal properties be assessed more accurately. But the figures your General Manager Mr. Funk then supplied the State were dubious at best. Local citizens charged that Mr. Funk's suspicious figures gave your company an almost one million dollar underassessment. The State Board seems to have borne out these claims when it tripled values Mr. Fund reported for properties now leased to Consolidation Coal.

Still, the strip mines on your land are greatly underassessed and undertaxed. Two companies mining your land, under lease, appear to have escaped taxation altogether, while others seem to have kept all their mining equipment off of the tax rolls. As late as 1972 your coal-rich Claiborne County lands that were not being mined were still assessed at only $25/acre, less than the least expensive farm land in the county.

3. HOUSING

As the major employer in the Clear Fork Valley, and as owner of most of the land, the American Association once provided most of the housing as well, But now that it no longer needs the people, it seeks to get rid of them. Is it your company's declared policy to tear down its houses in the valley, and not to build new ones. The houses your company still rents, it won't repair. Nor will it compensate tenants who make their own repairs. And the leases it grants are usually but for thirty days, if it grants a lease at all. And they empower you to evict without cause or reason.

"I've seen barns in better shaps . . . Why, I've worked farms where people wouldn't keep their animals in barns the shape of these houses," one tenant said recently.

Meanwhile, strip mining destroys these homes and the land on which they rest. Residents count forty-two houses that have been stripped away in the small Rock Creek Hollow alone.

And your company has turned its back on both the immediate distress and the long-run needs of people whose homes are thus destroyed. In 1955 on American Association property, water broke through an old "slag" pile, surged down and destroyed the Community of Valley Creek. Two children were killed. Your company offered meager compensation. Just last year your company did not take preventive action when a landslide from a strip mine on your land threatened homes and lives in the Community of Buffalo Hollow until after local citizens hired an attorney and Granada Television filmed the slide for broadcast in Britain. Even the belated efforts you have taken—which have had little success—are of small comfort to people who have had to evacuate homes on your property before the invading army of bulldozing strip miners. Or to residents such as Lewis Lowe, who now faces perennial flooding long Clear Fork Creek. Or to the people endangered or blocked in by the landslides on such places as Duff Road.

Your manager, Mr. Funk, stated on the Granada television documentary, "The Stripping of Appalachia," "We're ploughing back our share into the development of Appalachia." Ploughing, indeed, there is aplenty. But apparently the only "development" is on a minor part of your holdings, in Cumberland Gap, across the giant Cumberland Mountain from Clear Fork Valley. Here one finds a new Holiday Inn for tourists, and here a marina and golf course are planned, as your May 19, 1971 Statement to Shareholders puts it, "to attract the wealthier citizens of Pineville and Middlesboro." What of the less wealthy residents of your 50,000 or more acres in the isolated Clear Fork Valley?

They could move elsewhere, one might reply. After all, your Statement to Shareholders the following year applauds your contribution to the local housing supply. "We have continued," it says, "our policy of building houses on plots of land owned by us. . . ." But these too are across the Cumberland Mountains. In the isolated valley, housing is scarce because your company owns most of the land and is tearing down its houses. There are very few "elsewheres" for people who wish to remain in the land where they and their parents were raised. And jobs and living conditions in the distant cities are very uncertain.

4. PREVENTING LOCAL SELF-HELP

To keep the area under tight control, the American Association has blocked the efforts of local citizens to help themselves, to provide for their own jobs and housing. These people have formed a community development organization, the Model Valley Development Council, to better the lot of the valley and its residents. Several years ago, when the Council approached your company to buy land for a small factory, your company would consent to sell or lease only a single small tract. It was covered with slag and refuse from an old mine, and the Association would let it go only if the local people themselves cleaned up the shameful mess. In 1972 the American Association refused to sell or lease land for the people to build homes. Last autumn, American Association General Manager Funk would not consider making just one-half acre available for the community to build a health clinic. Since then (and after wide showing of the Granada T.V. documentary) Mr. Funk has suggested you might lease—but not sell—some land.

But the people are still waiting. Meanwhile your company won't even let them cut trees for wood to repair their homes.

The mere control of so much of this area's land and wealth sets your company athwart any growth or local self help there. The County government is reluctant to provide services like sewers and roads because the population is sparse—sparse largely due to American Association policy. Lack of these services in turn keeps new builders away. And potential industries shun the almost total dependence on your company that setting-up in the region would involve.

Your company won't help these people. And it won't let them help themselves.

The American Association's seventy year occupation of this forgotten portion of Tennessee has resulted, then, in what? Surveys in the Valley have shown unemployment at about 30 percent. Around 20 percent of the households live on less than $1,000 per year; another 20 percent make less than $2,000. ($9,400 per year was the average family income in this country in 1969.) Homes are being destroyed and land and water are being ruined. Prospects for employment are grim. Prospects generally are grim, with your company looking ahead to 25–30 more years of strip mining, and then timber cutting after that.

Does this picture suggest the presence of a responsible citizen or of a greedy aggressor? And what will the picture be in twenty-five more years?—not in the small portion of your land north of Cumberland Mountain, where you are building playspots for the rich, but in the depressed Clear Creek Valley where most of your holdings lie?

The bloom indeed has faded from the hopes your countrymen held for the American Association venture in Kentucky and Tennessee. How different the response of two English people, viewing the enterprise at the outset and now. Visiting the area of 1891, Sir James Kitson, then-President of the British Iron and Steel Institute, could boast:

"I think we all, as Englishmen, rejoiced to see a town which was being developed with so much sagacity, so much judgment and energy; that was being developed under English auspices and with British capital."

Eighty years later your countrymen were holding their heads a bit lower. After watching the Granada television documentary on your holdings in Clear Fork Valley, a Middlesex, England woman felt impelled to write a small local Tennessee newspaper:

"I write to tell you how ashamed I am that an English-owned company can so indiscriminately cause so much havoc to a small community. . . . My feelings after watching a recent television programme on the subject were ones of total horror.

"You must realize that I am an English woman of absolutely no importance, but nevertheless, would like to use the good offices of your newspaper to apologise for the desecration caused by an English company, on land in a country that has always had very close ties with my own. . . ."

It is true that the American Association is just one small part of your nearly L220m ($500,000,000) secrecy-enshrouded corporate empire, of which *Investors Chonicle* magazine said, "What is quite unknown is how the empire is controlled, how the various companies relate to each other. This empire spans from Australia and Thailand to Canada and the West Indies, and includes pursuits so diverse as racetracks, rubber plantations, and equipment for hairdressing salons.

But the policies of the American Association spell the fate of the people and culture of the Clear Fork Valley. And they are now causing embarrassment to people of your own country.

You have shown charitable instincts in many ways. You have served as officer or director of six hospitals. In 1953 you were on the Executive Council of the Lord Mayor's National Flood and Tempest Distress Fund. Until 1948 you were Vice President of the League of Mercy.

Now you can apply this same sense of responsibility to the corporate realm.

What can you do? Such steps as the following, which you could set in motion at once, could begin to change your company from a hostile aggressor to a more responsible constructive citizen.

1. First, and most important, you should personally visit the region, for at least several days, to see first hand what your company's policies have done. You should meet with local residents to hear their views and to discuss your company's past actions and plans for the future.

2. Your company should inventory, and begin to correct, the damage strip mining on its land has done. Especially urgent is the need to correct damage to homes, farms, roads, and water supplies.

3. You should require all companies to whom the American Association leases, to restore carefully and completely the property on which they mine, and to repair any damage they do to the people or the region.

4. You should also require these companies to cooperate fully with tax officials, and to provide them with the information necessary to set fair and equitable property tax assessments. Such information should include lease agreements, royalty rates, and survey and estimates of coal reserves.

5. As a symbol of your desire to compensate the people of the region for the valuable land your agents tricked or threatened their forebears into selling, you should donate some of your 50,000-odd acres for community development.

6. You should keep in good repair the housing you rent to local people. And you should extend to them fair and adequate lease protection.

7. You should stop refusing to sell land to local groups seeking to build industry or housing.

8. You should instruct your General Manager, Mr. Alverado E Funk, to negotiate with local citizen groups a fair and equitable compensation for all the property taxes which the American Association has avoided in the past.

9. You should, in the future, consult with these citizen groups about changes in your company's policies in the area.

Such steps will help get your company out of its social red ink in Appalachia. But what of the many other companies you control? Are they too laying waste to forgotten corners of the world?

There is a larger lesson to be learned from your destructive Appalachian venture. It is simply to apply to social problems, on the corporate level, the old adage "To foresee is to forestall." It would be a signal act of corporate foresight and responsibility for you to set up now a special committee to monitor the social impact of all the businesses you control. This committee should comprise both people from within your enterprises, and representatives of outside groups speaking for important social concerns. It should have the full authority of your office, and should report directly to you.

"Come and join hands with us in the great enterprise which is worthy of the noblest efforts of us all . . ." proclaimed the sanguine founder of the American Association, Alexander Arthur. While the standard since then has fallen miserably, it is not too late to hoist it up again. In fact, the decline, like adversity, could be sweet. It could occasion an ascent to a truly higher standard of corporate action and accountability.

Will you exert your "noblest efforts" to that end? Or will your neglect be the occasion of a mobilized citizenry recovering their future through resurgent legal and political action?

Sincerely,

RALPH NADER.

AN ANCIENT RIVER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. MIZELL. Mr. Speaker, I have spoken many times in this Chamber about the proposed Blue Ridge power project on the New River at the North Carolina-Virginia border.

I have spoken in opposition to this project when mine was little more than a voice crying in the wilderness, and it has made me very happy in recent months to see more and more public officials and other concerned citizens take so active a role in the opposition as well.

One group of environmentalists, the Izaak Walton League of America, has taken a particular interest in this project, and in a recent publication, it outlines the basic facts of the case and explores the weaknesses inherent in the project proposal.

For my colleagues' consideration and information, I am inserting the text of that article in the RECORD at this point:

STRUGGLE FOR AN ANCIENT RIVER

Several reservoirs built in southwestern Virginia and West Virginia near the turn of the century had an original depth of 50–100 feet. Today they are several inches deep. Their waters gradually melted away the man-made banks filling the reservoirs with silt and other accumulated debris. When the surface elevaton of a reservoir is mechanically fluctuated, this process is accelerated.

The Appalachian Power Co. seeks to build two such reservoirs in western Virginia and North Carolina: reservoirs that would destroy the oldest river in the United States, much of its surrounding virgin woodland and the legacy of the people of the area—a legacy of life and land handed down from their forefathers who settled here generations ago.

The river is the New River, the second oldest river in the world—second only to the Nile. Geologists claim the New has been flowing over 100 million years.

From its source near Blowing Rock, N.C., the South Fork of the New River joins the North Fork (which tumbles down from the Tennessee line) near Sparta, N.C. The river flows north into Virginia where it twists and turns, crossing six southwestern counties, before heading northwest into West Virginia. Well inside that state, the New and the Gauley River merge to form the Kanawha. Continuing northwest, the river flows through the Charleston industrial complex, on to the Ohio and finally the Mississippi.

PREHISTORIC BEGINNINGS

The New is the only remaining segment of the much greater prehistoric Teays River which originated in the ancestral Appalachian mountains of North Carolina and travelled 1000 miles through Virginia, W. Virginia, Ohio, Indiana and Illinois. It then turned south to empty into an arm of the Gulf of Mexico which in ancient times extended as far north as Illinois.

During the last ice age, the glaciers moved south, covering the lower half of the Teays—from Ohio down river. The rest of the river was stopped short, backing up to form a long narrow lake in Ohio and W. Virginia. When the glaciers receded, the lake gradually drained, but the Teays never resumed its course. The glaciers had forever altered the flow of the Teays when its streaming meltwaters met with the overflow from other streams and forged a new path through the land. The downstream portion of the Kanawha was lowered to flow into a brand new river ssytem—the Ohio, and a previously minor tributary became the mighty Mississippi. Only the New River portion of the Teays survived intact.

For more than ten years the Appalachian Power Co. has sought to dam and destroy this river; for almost as long, the people of the area have fought to save it.

Appalachian seeks a license to construct a two-dam pumped storage and hydroelectric project whose two reservoirs would inundate 40,400 acres in N.C.'s Ashe and Alleghany Counties and Grayson County, Va.

"The Blue Ridge Project", as originally proposed (1962), called for two reservoirs flooding 19,500 acres. Licensing of this project by the Federal Power Commission (1965) was blocked by the intervention of the U.S. Interior Department. Interior insisted that the project should store water for periodic releases to improve the quality of the Kanawah River 250 miles downstream in Charleston, home of several major industries. The larger, "modified proposal", was conceived to accommodate this request.

The people of the project area objected to being a flushpot for pollution dilution downstream with its resulting penalty of a 12-foot drawdown in the Upper Reservoir and a 56-foot drawdown in the Lower. (With a 12-foot drawdown a 60-foot wide strip of mudflats would be exposed around the entire 425 mile shoreline of the Upper Reservoir). Charleston made their own mess, they contended, let them take care of it.

Fortunately, the dangerous precedent of the pollution dilution concept has been all but abolished in the January, 1973 FPC's Draft Environmental Statement on the project. But for the people in the area, the project will remain the same: Appalachian has said they need the entire modified project, including drawdowns, to meet increasing power demands.

The reservoirs would flood 40,400 acres of some of the least spoiled, most beautiful, wooded mountain land in the country. Thousands of acres of rich bottom lands and pastures—all the best agricultural land in the area, and 212 miles of tributary creeks—much of it exceptional trout waters, would be inundated. Approximately 5,000 people will be forced from their homes and livelihoods.

And for the first time in 100 million years, the course of the New River would be altered. The project will obliterate 44 miles of the river, changing forever its flow, temperature, aquatic inhabitants, recreation and simple majesty.

The Izaak Walton League (along with conservation agencies from Virginia and W. Virginia) submitted an extensive brief detailing the project's adverse effects on fish propagation and migration, the present species and quantity of fish and aquatic organisms and the entire recreational use of the river. Ignoring this reesarch, the FPC statement declares, simply: "The presence of reservoirs would restrict the movements of game and other animals to a greater extent than the river does at present."

The project will severely restrict the survival of the abundant game species in the area. Woods that once sheltered deer, quail, pheasant, grouse, wild turkey, fox, raccoon and rabbits will be destroyed. The reservoirs with their huge drawdowns and vast mudflats will replace the clear mountain streams they watered at and bathed in. Wild berries and fruit that nourished them will give way to dams and towering transmission lines. Because the reservoirs will destroy many existing homesites, additional land will be razed and cleared and homes for people will replace still more animal sanctuaries.

Even proponents of the dam have acknowledged the breath-taking beauty of the area. The same glaciers that changed the course of the Teays, but stopped before reaching the New, are also credited with the juxtaposition of northern and southern vegetation in the area. The theory is that the area was close enough to the glaciers to maintain the northern evergreens and pines, yet far enough away to retain the flowering bushes and trees of the south. Botanists have described the area as the most unique—in terms of variety—of any in the world.

THE AUTHOR'S IMPRESSIONS

The destruction of the river necessarily involves the disruption and destruction of a way of life. So much is written on the vanishing buffalo, alligator, leopard or seal, yet these people are truly the vanishing Americans. Their life will be gone when their land is gone as the two are inseparable. For generations they have lived on and from their land, working on it, hunting and fishing on it, enjoying its peace and beauty. A people at one with their land—they work it hard and love it well.

Just as rare as their way of life is their way of looking at life—their sense of priorities. One man told me: "I've earned more money before and I could now. But my job took too much time away from enjoying my life and my family. I don't need much to do that. I have everything I want."

Another resident was concerned about construction that would accompany the reservoirs: "They'll widen the roads and all sorts of fancy motels will move in. We don't have the money to go to them—and we don't want to. So all outsiders will come in and they'll take control because they'll have the money."

The 5,000 people who will have to relocate have no place to go. There is not enough land available in the counties to house them—unless they'd settle for a house on a small lot. No matter where they go, life as they have known it will be over.

Appalachian promises to move all Church cemeteries and small family graveyards that will be flooded. And so the ancestors, many of whom have rested here since the 18th Century, will be uprooted also. No longer will you be able to witness the deep roots in this area by driving down country roads and matching the mailbox names with those in the graveyards. They'll all be scattered. The legacy of these proud, independent people will disappear forever under the waters of these dams. How ironical that their old friend the river should be forced to use its waters to do so.

The FPC report states there are no buildings, structures or objects located within the project area that are significant to American history, architecture, archeology or culture. If these virgin lands with their pure sparkling stream and waters—these people who trace their ancestors back to the first settlers of their present homeland—this only remaining portion of a prehistoric river—are of no significance to American history and culture, then we truly have no history and this project signifies much more than the death of a river.

ALFORD, MASS., CELEBRATING ITS BICENTENNIAL THIS YEAR

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. CONTE. Mr. Speaker, the town of Alford, located in my First Congressional District of Massachusetts, is celebrating its bicentennial this year and I would like to call the attention of my colleagues to the many attributes of this lovely community.

Tucked away in the beautiful Berkshire hills, Alford is one of the smallest but most charming towns in the region.

By population, just over 300, and land area, 6,332 acres, Alford is not large. But using the measure by which a community should be judged—the quality of life and the spirit of its citizens—the town may certainly be called grand.

Farming once flourished in Alford and is still pursued by several residents.

In its early years, Alford was also a small but important industrial center. A full century before its incorporation as a town, Alford saw the construction of its first grist mill.

The discovery, in 1799, of a high grade of marble within the town's environs stimulated excavation. Marble from Alford's quarries was used in the construction of the Old City Hall in New York City and in Albany, N.Y., the State House, the Market, and the Law Building were built of Alford marble.

When the railroad spread its spider-like arms through the western part of the State, Alford was bypassed in favor of other quarry towns. Thus, it might be said that Alford was spared the ravages of further industrialization.

Alford is a member of the Southern Berkshire Regional School District and its one-room schoolhouse, housing only kindergarten now, is one of the three public buildings in the town.

Religion has always played a major role in the lives of the inhabitants of the town of Alford and its common house of worship, the Union Meeting House, built in 1817, still stands as a reminder of the strong faith of the early citizens of Alford. In fact, one theory of how the town got its name is that it was titled after Col. John Alford of Charlestown, known for his philanthropic work in the founding of a missionary society for Indians and the endowment of a chair of theology at Harvard in 1761. Another theory holds it was named after Alford, England.

On Saturday, July 7, the meeting house, now known as the Alford Union Church, will be the scene of an ecumenical worship service as the citizens of Alford gather to thank Divine Providence for the blessings bestowed on the first 200 years of their town. That evening, the townspeople will gather for a community sing-along.

On the Friday preceding that, Alford residents will turn the clocks back for an old fashioned block dance in celebration of the bicentennial. And on Sunday, official ceremonies, a band concert, and an arts and crafts show will be held.

Mr. Speaker, today Alford is a small town that delights in its situation. It attracts summer residents, eager to escape from the clamor of city life to the peace and beauty of town living. Its streams and range of hills, crowned by Tom Ball Mountain, are delights for those seeking a tranquil setting.

I invite my colleagues to visit Alford during this year, its bicentennial year, or at any time. And I further ask you to join with me in saluting Alford on the occasion of its bicentennial.

A DEMOCRAT ON WATERGATE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. MICHEL. Mr. Speaker, today marks the end of another week of the Senate Watergate hearings with the committee scheduled to recess after today's session until July 10.

According to press accounts and some opinion polls, the folks around the country have mixed feelings about the hearings—some are simply tired of them while still others feel they should continue for as long as necessary for all those involved to be questioned by the committee.

One noteworthy opinion was expressed by the Honorable Charles Sawyer, Secretary of the Commerce Department in the Truman administration in a letter to the editor of the Cincinnati Enquirer on June 13, 1973, and I include the text of the letter in the RECORD at this point.

A DEMOCRAT ON WATERGATE

TO THE EDITOR: I am a Democrat. I have participated in and observed politics for a long time. I am a realist, I hope, and perhaps even a cynic with reference to politics. As a Democrat I am happy and relieved that my party is not involved in the so-called Watergate matter. I am, moreover, quite willing to admit that Democrats at various times and places have been guilty of irregularities or even crimes—some of which have been made public.

I am moved to suggest that the persons in both parties who are, to the point of nausea, undertaking to display their self-righteous indignation, should be exposed for what they are—either completely dishonest in their proclamation of virtue, or so ignorant of what goes on in politics that they are not entitled to be heard. I believe many of my fellow Democrats, and probably many Republicans, despise the self-righteous politicians, who are trying to capitalize on the misfortunes of Richard Nixon.

In all the years that I have watched politics, I have never seen a campaign as mean and indefensible as the effort headed by the New York Times, the Washington Post and most of the television news media to crucify Richard Nixon.

I have said many times (not always in jest) that Republicans are stupid politically. In no case has my theory been more completely vindicated than in Watergate. The one thing properly chargeable to President Nixon is that, as a seasoned politician, he permitted his campaign for re-election to be run by men who were not politicians, who knew nothing about politics, and not one of whom had ever been elected to public office. One would have thought that such a mistake would not be made by Mr. Nixon. But we all make mistakes, and he is like the rest of us in that regard.

The publicity which this matter has received is completely out of hand. Rarely does anyone undertake to analyze the motives behind this episode. None of the men involved made this burglary attempt in order to benefit himself personally. They did not get in to steal money. They went in apparently impelled by some unexplained motive—at least so far unexplained adequately—which, however mistaken, did not involve any personal benefit. The whole episode is inexplicable. It was wholly unnecessary, and badly conceived.

One question which has occurred to me but has not, so far as I know, ever been answered, is: What part was played in this affair by the concern about Castro? Why did the men in the Committee to Re-elect the President think it was of any importance or would be helpful to involve the Cuban problem in Mr. Nixon's campaign?

This, of course, is merely one of many things which have not as yet been explained. My own feeling is that the episode has been overworked and the Senate committee has contributed to no result of any benefit to the American people. In fact, this monotonous piling up of second- and third-hand hearsay evidence has already dragged on far too long.

I do not agree with many things which President Nixon says and does, but I believe he is not stupid. That is why I believe he had nothing to do with the Watergate effort.

Personally, I am sick of the Watergate publicity. I believe the average American is sick of it, too. It is being exploited by publicity-seekers in both parties and, in particular, by the enemies of the President. In fairness to my own party, I believe that most of our leaders have been restrained and fair. I would include Sen. George McGovern (D-S.D.) in this group. I would not, however, include Sen. William Fulbright (D-Ark.), who suggested that the President and vice president should resign. He knows that this will not happen. President Nixon is not a quitter. He rather welcomes than avoids a fight.

Not only will President Nixon not resign, but why, in Heaven's name, should Mr. Agnew resign? It has never been charged or intimated that he had the slightest connection with Watergate. If Fulbright and others in both parties are so anxious to ditch Mr. Nixon, why don't they do what is called for by the U.S. Constitution—impeach him? That course is open to them. It is not a course which I, as a Democrat, recommend. Jim Farley recently pointed out the folly of any such action, but it can be tried.

I, of course, do not condone for one minute the things which were done by the Nixon committee. Those who have committed crimes should be punished. Let this be our sole objective.

I am moved to make one further comment. As I have watched the developing and mounting volume of attack on and criticism of President Nixon, I have tried to think of what other man there is in public life today, in either party, who could have taken the punishment which he has taken day after day, week after week and month after month, from the news media and television, and still retain, as he has done, his sanity, his ability to function (involving a constructive readjustment of his own staff), and his determination to ride out this storm. In my judgment, most prominent Washington officeholders would have caved in under the pressures to which he has been subjected.

When the lawyer for James McCord, who is trying desperately to save himself, says that his own client is a liar, and McCord's second lawyer states that their objective now is to "go after the President," should not the sensible and bored voters of this country tell them all to close the show, and let those who may have committed wrong be tried by the efforts of the man appointed by the President—a Democrat, Archibald Cox—to punish whatever wrongdoing has been perpetrated?

MOMENT OF TRUTH

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. BOLLING. Mr. Speaker, the column which follows should be read by every Member of the U.S. Congress and, in fact, by every person committed to the idea of constitutional government and orderly process in our country:

MOMENT OF TRUTH

(By Anthony Lewis)

LONDON, June 27.—The United States has had many Presidents who took a broad view of their power under the Constitution but never before has any President sought to amend the Constitution by himself—brazenly, defiantly, by fiat.

That is what President Nixon has just done in vetoing the appropriations bill that banned any further money for the bombing of Cambodia. Even after all that we have learned in these last months, after the Watergate and its associated crimes, the import of that veto is breathtaking.

What it amounts to is this. If Mr. Nixon has his way, the Constitution will effectively contain a new clause that says:

"The President shall have power to wage war unless the Congress, by a two-thirds vote of both houses, shall order him to desist."

It is crucial that as many Americans as possible understand what is involved. Our country has had so many crises of conscience and law in recent years that a certain weariness is understandable. But this one is of a different character—a genuine constitutional crisis, in the words of that moderate and gentle man, Senator Mike Mansfield.

An explanation in ABC terms is therefore required. It must begin with the original language of the Constitution, which vested in Congress alone the power "to declare war."

Over the years, Presidents have taken military action of various kinds without a previous formal declaration of war. That is part of modern history, a gloss on the Constitution.

But until now these Presidential military adventures have been of limited character or duration, or else have depended for their legal support on the effective consent of Congress. The recent example was the Tonkin Gulf Resolution, which the Johnson Administration used as the legal equivalent of a Congressional declaration in the Vietnam war.

The bombing of Cambodia since the Paris agreements on Vietnam has been something quite different. For here Congress had not implied its consent in any way, not by resolution and not by ratifying any treaty that covered Cambodia. Nor could the President cite his responsibility for the safety of any American troops.

Now President Nixon has gone one long step further. He claims independent authority to wage war, in the name of the United States, not only in the absence of Congressional approval but in the face of clear disapproval.

In short, he is attempting to reverse the constitutional assumption. Instead of the old idea that the United States should be at peace unless Congress declared otherwise, the new rule would be that a President may take his country into war—and keep it there indefinitely—unless Congress stops him.

And more than that, much more. For of course the veto provision of the Constitution requires two-third majorities to override. And by this veto Mr. Nixon would impose that same requirement on Congress—and on the American people who it represents—to stop a war.

The consequences of this veto, and of the House sustaining it, are therefore grave. The first is political, the crisis to which Senator Mansfield referred.

Unless events somehow dissipate the clash between the President and the Congressional majority, the talk of impeachment must now take a new and more immediate ground. For in the ultimate, if there is no other resolution, Congress is faced with an attempt at a Presidential coup d'état. It must consider its own ultimate weapon.

A second consequence is legal. The courts of the United States have been understandably wary of entertaining lawsuits that challenge the lawfulness of war-making. But that reluctance is likely to diminish when a President wages war in flagrant violation of law and the Constitution. On the legal merits, his attempt to impose a two-thirds rule on Congress' war power would certainly not protect any official sued by citizens seeking to enjoin unlawful military spending.

Finally, there is the consequence of conscience. Those of us who have opposed the war cannot be regarded as detached on this new question. And so it is fundamentally a problem for conservatives.

Will Barry Goldwater sit still for a unilateral Presidential amendment of the Constitution? Will Melvin Laird, who joined the White House staff as an avowed Congressional man? Will Elliot Richardson, who has begun to stake out his claim of independence as Attorney General? I hope and believe that the answer will be no.

TRIBUTE TO FRANK BATTAGLIA

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, I am proud to join in the special order of the majority leader in paying tribute to Frank E. Battaglia who has given this body 30 years of dedicated service as the dean of the corps of Official Reporters of Debates.

We are all deeply grateful to Frank for the years of conscientious and devoted service he has rendered in the House of Representatives. I think it is fair to say that we all look on Frank's retirement with feelings of sadness and happiness: We are sad that we will be losing Frank, but we are happy for his well-earned and richly deserved retirement. We are not only losing one of the most loyal and proficient servants this body has ever known, we are losing a good friend as well, and we will miss both his services and his warm and personable friendship. I am sure all Members join with me in expressing our heartfelt appreciation to Frank, and in wishing him well in the years ahead.

REPRESENTATIVE DINGELL CRITICIZES SCOPE OF ADMINISTRATION'S PROPOSED DEPARTMENT OF ENERGY AND NATURAL RESOURCES BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. DINGELL. Mr. Speaker, I have carefully reviewed the June 18, 1973, version of the administration's 53-page legislative proposal to create a Department of Energy and Natural Resources and find it to fall just short of repealing the Constitution. I have written to the Director of the Office of Management and Budget, Mr. Roy L. Ash, and urged that the administration scale down its bill. My letter is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE
AND FISHERIES,
Washington, D.C., June 29, 1973.

Mr. ROY L. ASH,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. ASH: I have read with great interest and skepticism the June 18, 1973, version (Part A and B) of the new Department of Energy and Natural Resources bill, together with its section-by-section analysis.

Leaving aside for the moment the provisions of the bill transferring various agencies or parts thereof to the new Department, I find that this bill, particularly Part A, provides unfettered power to the new agency, and in my judgment, falls just short of repealing the Constitution. It is so sweeping that I doubt that the new agency head will ever have to come to Congress for new legislative authority, except possibly to extend existing laws.

It quite properly includes the normal, administrative provisions, such as those relating to funds, personnel, and records of transferred agencies, required in any transfer bill of this nature. But then it goes well beyond this. For example, it—

1. gives the new agency head power to appoint up to 25 officials in the agency to any job, duty, function, or office he chooses at Level IV or V, without even the advice and consent of the Senate. These 25 officials, who will undoubtedly be political appointees, are apparently intended to be powerful officials, since their levels (IV and V) are now those of the Interior Department's present six Assistant Secretaries (Sec. 202(e));

2. weakens and amends the Fish and Wildlife Coordination Act, and takes away the present statutory authority set forth in the Coordination Act whereby the Bureau of Sport Fisheries and Wildlife expresses its professional opinions and comments, without political interference, on water resource projects and permits and licenses and places this responsibility in the new Secretary (Secs. 301(a) and 303);

3. allows him to prescribe such policies, standards, criteria, procedures, rules, and regulations as he deems necessary or appropriate, without any statutory guidelines or limitations (Sec. 402(a));

4. permits him to organize the new Department at any time or in any way "as he may deem to be necessary or appropriate," without Congressional approval, so long as he does not "abolish" any of the 5 "Administrations" created by the bill (Sec. 403(b));

5. authorizes him to establish, alter, maintain, or discontinue, at any time or in any way, State, regional, district, local, or other field offices of any Bureau, agency, or office under his ambit, including those of any function transferred to him (Sec. 404);

6. authorizes him to appoint an unlimited number of advsiory committees for whatever purpose he deems appropriate and apparently without regard to the requirements of the Advisory Committee Act of 1972 and, most importantly, with *no* requirements that such committees be balanced in view point, representation, and function (Sec. 407);

7. authorizes him to provide for "participation of military personnel" to help him carry out his functions; and such personnel shall not "be charged against any statutory limitation on strengths applicable to the Armed Forces". Thus, e.g., the Marine Corps could double its strength without Congressional approval. (Sec. 408(c));

8. authorizes contracts and agreements, "including grant agreements," with anyone without any dollar, percentage, or other limitation and then adds a catchall authorization to allow him to "generally take such steps as he may deem to be necessary or appropriate" to perform his functions (Sec. 410);

9. provides new authority for concession agreements of up to 30 years for the use of any real property or facility thereon under his jurisdiction, including areas of the National Wildlife Refuge System, National Forests, and Wilderness areas. In the case of the National Park System it makes no reference to the current statutory provisions (16 U.S.C. 20 *et seq.*) relative to concessions in the system (Sec. 413);

10. authorizes him to acquire, in carrying out his functions, copyrights, patents, licenses under copyright, patents, and applications for patents, and releases, before suit is brought, for past infringement of patents or copyright (Sec. 414);

11. authorizes unlimited power to conduct directly or by contract or grant R&D programs and to disseminate technological information (Sec. 415); and

12. authorizes him to accept gifts and bequests of property and provides that for Federal income, estate, gift taxes purposes such property "shall be considered as a gift or bequest". (Sec. 418).

It is interesting to note that, even in the case of the administrative powers that are normally included in a bill of this nature, the provisions differ, sometimes substantially, with similar provisions in other statutes creating new agencies, such as the Department of Transportation (Public Law 89–670).

After providing all these powers, section 422 of the bill states:

> "Except as may be otherwise expressly provided in this part, all functions expressly conferred by this part shall be in addition to and not in substitution for functions existing immediately before the effective date of this part and transferred by this part."

But this provision is so vague and general that it will require years of costly litigation and wrangling to find out to what extent it limits the Secretary authority, if at all.

The bill transfers to the new Department important regulatory functions of the Corps of Engineers, in addition to other functions of the Corps and those of the Soil Conservation Service, the Forest Service, and the Transportation Department. I view this provision with some alarm, because the bill provides no safeguards to insure that this function and related decisionmaking will be conducted openly and with full public participation. I think there is a distinct advantage to the public to have this regulatory function carried out by one agency and the review function by another.

Finally, I note the bill declares that "the Federal Government has a national responsibility to practice, with respect to the natural resources it administers, and to foster the practice of, with respect to natural resources administered by others, appropriate conservation, management and utilization policies. Such responsibility encompases energy sources and the Federal Government must exercise leadership in the timely development and efficient and balanced utilization of such sources consonant with preservation of environmental values."

In reality, this is the only congressional guideline in the 53 page bill. But it is too broad and vague. It will not limit the Secretary. It will be used I dare say to foster any scheme that the Secretary believes appropriate.

In my view, the powers in this bill, if it is submitted in this form, must be scaled down and greater controls established before it can or should be enacted.

In an apparent justification for such broad powers, the section-by-section analysis points out that some of these powers are similar or identical to those set forth in other laws concerning other agencies. That is quite true. But, if this bill was enacted in its present form, it would be the first time that *all* of these broad powers would be available to one agency. For example, the broad contract and grant authority in section 410 is derived from the NASA Act, but it is not found in the DOT Act. The need for such broad powers must be examined carefully and fully justified. The section-by-section analysis does not provide that justification or demonstrate the need. Such blank check legislation should not be approved. Congressional guidelines and greater safeguards to protect the public interest and insure adequate public participation must be included, at the very least.

I urge that the Administration reconsider this omnibus proposal and include only those powers necessary to carry out the reorganization effectively and seek these other broad powers, if they are needed, in separate legislation.

Sincerely,

JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment.

Mr. Speaker, I want also to call your attention to section 301(C) of the bill which on the one hand transfers to the new Department the functions of the Soil Conservation Service with regard to the "planning and carrying out" of small watershed projects—the Public Law 566 program—and on the other hand provides that "the carrying out" of such plans "shall be accomplished," not by the new Department, but "through and under the direction of the Secretary of Agriculture." Now you see, now you do not.

I fail to see how two agencies, with all their bureaucratic tendencies, can both carry out the same program efficiently, economically, and effectively. I think this schizophrenic provision needs careful study, as does a similar one involving the civil functions of the Corps of Engineers.

STERILIZATION IN ALABAMA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. KOCH. Mr. Speaker, the horrific case of pseudo-voluntary sterilization of two young black girls, aged 12 and 14, in Montgomery, Alabama as reported in the press and television news on June 27, 1973 goes far beyond ordinary bureaucratic bungling and ineptitude in its implication.

The ostensible reason for the sterilization cited by the Director of the OEO-sponsored birth control clinic was that "boys were hanging around the girls too much," and presumably the latter might get pregnant and raise children at public expense.

By what right does a bureaucratic functionary, one supposedly helping the poor, order such an irrevocable operation on innocent though ill-informed people? Because they are black? Because they are poor? Decent people may question whether anyone would have dared to recommend sterilization, let alone performed it, had the girls in question been either white or middle class. The mother of the girls was reported to be clearly mentally retarded and hence incompetent for her permission to be valid. No effort appears to have been made to locate the father. But it does not require a Justice of the Supreme Court to know that even fully competent parents may not authorize such a procedure except for overriding medical reasons, on girls of such a young age. It may also be fruitful to inquire into the ethics of physicians who performed this operation on the clinic's behalf.

This wrongful operation by the OEO makes it more difficult for supporters such as myself, to defend the agency against the determined onslaught of the Nixon Administration. That any agency of the Federal Government was instrumental in denying probably forever the right to motherhood for these girls because sterilization was a more "convenient" method of birth control, is an abomination. The action smacks all-too-strongly of the case recently brought to light, of the 1930's syphillis study which poor, black male volunteers were injected with syphillis and then "conveniently" ignored for treatment until their scandalous neglect was brought to the surface. There is a grim parallel in the callous disregard in the value and quality of life that some Federal agencies or their members have shown toward the less-privileged in our society.

I hope the suit brought on behalf of the children succeeds, and I have asked the Justice Department to initiate a full investigation of this case to ascertain whether a crime has been committed, and, if so, to prosecute the wrongdoers.

We must try to make certain that such a flagrant abuse of power and trust does not occur again.

A SALUTE TO FRANK DEL BALZO

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. NIX. Mr. Speaker, I rise today to congratulate a dedicated, conscientious, and effective public servant on the eve of his retirement. Many of us have observed the always willing and capable Frank Del Balzo in the pursuit of his duties here in the House for the past 12 years as Assistant Journal Clerk. For 22 years prior to that, he had a distinguished career in Government service and has served that Government admirably for a total of 34 years.

It is with a sense of sincere regret that I learn of Frank's intended retirement. His deportment and friendliness are a model which others on the House staff would do well to emulate.

I did not know him during the years of his career prior to his present vocation, but I am confident he did an equally able job as a Capitol Police officer, as a doorman in the House, and during his 3 years of service in the Armed Forces.

Mr. Speaker, I hope all my colleagues will take the time to personally thank Frank Del Balzo for being part of the team that so faithfully serves the Members of this House in the performance of their duties.

I personally wish to salute his dedicated efforts and to wish him complete happiness and continued health in his years of retirement.

I WOULD HAVE VOTED "AYE"

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1973

Mr. REID. Mr. Speaker, although I was granted an official leave of absence yesterday in order to attend the funeral of a close personal friend, the wife of the Rev. Joseph Bishop of the Rye Presbyterian Church, I did miss certain votes.

Most important of these, in my view, was roll No. 310, on the passage of H.R. 8947, making appropriations for Public Works and the Atomic Energy Commission for fiscal year 1974, and including some $200,000 for the city of Yonkers in Westchester County, along with some $20,000 for streams and rivers in Westchester and the Byram River in Connecticut.

Mr. Speaker, had I been present on this vote, I would have voted "aye."